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SENATE—*Tuesday, October 21, 1969*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God of all the earth, we thank Thee for the beauty of life about us, for the symphony of sound and color in the world of nature. And we thank Thee for the world within, deep and mysterious, which Thou hast made for Thy spirit. Keep our inner being so in harmony with the outward beauty, that the invisible and the visible world may be one in the kingdom of the spirit. With the passing of each day may we grow both in personal piety and in social righteousness. Give us wisdom to remove every discord between man and man, and all that blemishes the landscape of human existence. Make us strong to help others, banish poverty, eliminate injustice, and set up Thy kingdom of peace and good will among men. Be with those who serve in this place that America may lead in all that is beautiful and good and true.

In the Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous concent that the reading of the Journal of the proceedings of Monday, October 20, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on October 17, 1969, the President had approved and signed the following acts and joint resolution:

S. 265. An act for the relief of John (Giovanni) Denaro;

S. 620. An act for the relief of Richard Vigil;

S. 1110. An act for the relief of Nickolas George Polizos;

S. 1836. An act to amend the Federal Seed Act (53 Stat. 1275), as amended;

S. 2564. An act to amend the act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to authorize an additional amount for the acquisition of certain lands for such park; and

S.J. Res. 150. Joint resolution to authorize the President to designate the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week."

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 74. An act to place in trust status certain lands on the Standing Rock Sioux Indian Reservation in North and South Dakota;

S. 775. An act to declare that the United States shall hold certain land in trust for the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; and

S. 921. An act to declare that certain federally owned land is held by the United States in trust for the Cheyenne River Sioux Tribe of the Cheyenne River Indian Reservation.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 73. An act to amend the act entitled "An act to authorize the sale and exchange of isolated tracts of tribal land on the Rosebud Sioux Indian Reservation, South Dakota; and

S. 210. An act to declare that certain federally owned lands are held by the United States in trust for the Indians of the Pueblo of Laguna.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 4293. An act to provide for continuation of authority for regulation of exports;

H.R. 9163. An act to authorize the disposal of certain real property in the Chickamauga and Chattanooga National Military Park, Ga., under the Federal Property and Administrative Services Act of 1949;

H.R. 13767. An act to authorize the appropriation of funds for Fort Donelson National Battlefield in the State of Tennessee, and for other purposes; and

H.R. 14030. An act to amend section 358a (a) of the Agricultural Adjustment Act of 1938, as amended, to extend the authority to transfer peanut acreage allotments.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 11039) to amend further the Peace Corps Act (75 Stat. 612), as amended, and it was signed by the President pro tempore.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 4293. An act to provide for continuation of authority for regulation of exports; to the Committee on Banking and Currency.

H.R. 9163. An act to authorize the disposal of certain real property in the Chickamauga and Chattanooga National Military Park, Ga., under the Federal Property and Administrative Services Act of 1949; and

H.R. 13767. An act to authorize the appropriation of funds for Fort Donelson National Battlefield in the State of Tennessee, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 14030. An act to amend section 358a (a) of the Agricultural Adjustment Act of 1938, as amended, to extend the authority to transfer peanut acreage allotments; to the Committee on Agriculture and Forestry.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

NATIONAL LIBRARY OF MEDICINE

The bill clerk read the nomination of William O. Baker, of New Jersey, to be a member of the Board of Regents, National Library of Medicine, Public Health Service, for a term of 4 years from August 3, 1969;

And of Jack Malcolm Layton, of Arizona, to be a member of the Board of Regents, National Library of Medicine, Public Health Service, for a term expiring August 3, 1973.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, commencing with Calendar No. 478 and the succeeding measures in sequence.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE ON LABOR AND PUBLIC WELFARE URGES THE PASSAGE OF SIX BILLS TO IMPROVE HEALTH CARE FOR VETERANS—S. 1279, H.R. 693, H.R. 2768, H.R. 3130, H.R. 9334, AND H.R. 9634

Mr. YARBOROUGH. Mr. President, as chairman of the Labor and Public Welfare Committee, I am proud to recommend to the Senate six important veterans' bills which will greatly expand and improve the hospital, nursing home and outpatient care available to the men who have served our Nation in the military services. This is probably the largest package of veterans' medical care bills to be reported at any one time by the committee. I wish to commend all of my colleagues on the committee, both Democrats and Republicans, for their nonpartisan efforts with regard to these bills.

The committee urges the Senate to approve S. 1279, which would greatly ease the burden of those veterans who are former prisoners of war in establishing that the disabilities they suffer are service connected. More specifically, this bill would create a rebuttable presumption that any disability suffered by a former prisoner of war is service connected for purposes of that veteran's right to hospital and outpatient care. The committee recognizes that many veterans who are former prisoners of war have great difficulty in proving the origin of their disabilities because of incomplete or destroyed medical records. Unless there is a presumption in the veteran's favor, such as S. 1279 creates, a former prisoner of war in many cases would have an almost impossible task of qualifying for hospital and medical care.

At present there are approximately 115,000 former prisoners of war in the United States, not including those who are now imprisoned by North Vietnam. As a result of the harsh and often inhumane treatment these men have received, many of them suffer with physical and psychiatric disturbances which will be with them for the rest of their lives. The committee believes that because of the sacrifices these veterans have made for our country, they should not have the burden of proving the service connection for their disabilities.

The second bill which the committee urges the Senate to adopt is H.R. 693. This bill, as amended by the committee, would eliminate the requirement that a veteran who is in receipt of a Veterans' Administration pension sign a pauper's oath as a prerequisite to receiving hospital care for non-service-connected disabilities. This requirement that a veteran sign this onerous and degrading oath of poverty is a disgrace which has been allowed to exist for much too long a time. H.R. 693 is a positive step toward removing this stain from our veterans' laws. With the adoption of H.R. 693, approximately 194,869 veterans would be exempted from having to swear to this oath in order to obtain hospital and outpatient care.

A third bill which the committee recommends to the Senate is H.R. 2768. This bill would authorize community nursing home care for an unlimited period of time for those veterans hospitalized with service-connected disabilities. At present such veterans may stay in a community nursing home for only 6 months. Permission for a veteran to remain in a nursing home for longer than 6 months rests in the sole discretion of the Veterans' Administration. H.R. 2768 greatly expands the veterans community nursing home program which has proved to be so successful in the past.

The fourth bill favorably reported by the committee is H.R. 3130, which permits the Veterans' Administration to furnish medical service to a veteran having a service-connected disability whether or not the care is needed for that particular disability. This relieves the veteran of the burden of showing that he is seeking care for the disability known to be service connected, a medical question that is often disputable, and time consuming in determination. This present limitation on medical care to the precise disability that was incurred in service is unwarranted, and should be dropped, as this bill provides.

Fifth, the committee considered and favorably recommends H.R. 9334, to improve the care and treatment of veterans in State veterans homes. It raises the Federal payment per diem for each veteran from $3.50 to $7.50, and authorizes $5 million matching funds each year for 10 years, for remodeling or altering State home facilities. This bill will permit the renovation of many State veterans homes which desperately need it.

The final bill the committee recommends, H.R. 9634, authorizes the Veterans' Administration to enter into sharing arrangements with other hospitals so vital medical resources can be used where needed. More flexibility in the administration of personnel will permit the best use of interns, residents, and nurses within an area, rather than just for the particular Veterans' Administration hospital.

These bills are a great tribute to hard work and leadership the new chairman of the Veterans' Affairs Subcommittee, Senator CRANSTON. It is an honor for a new Senator to be chairman of any subcommittee in the Senate, and in the case of the Senator from California, we can thank him for the speed with which he mastered the subject matter of these bills and the complicated business of medical care and treatment for veterans.

The subcommittee and the full committee worked diligently and thoroughly. The reports attest to the detailed consideration given all six of these bills.

I urge their prompt enactment by the Senate. They will mean better, and more efficient health care for the Nation's veterans. I submit that these bills are a proper tribute to our veterans from a grateful nation.

Mr. CRANSTON. Mr. President, I rise in support of S. 1279, H.R. 693, H.R. 2768, H.R. 3130, H.R. 9334, and H.R. 9634. As chairman of the Veterans' Affairs Subcommittee of the Labor and Public Welfare Committee, I reported these bills from the Labor and Public Welfare Committee on October 17, 1969, under authority of the order of the Senate of October 16, 1969, with committee amendments in four of them. I commend all of these bills to the Senate.

One of these bills, H.R. 9634, contains minor administrative amendments to authorities governing the Veterans' Administration hospital and medical care program. This bill is explained in the committee report as follows:

EXPLANATION OF H.R. 9634

Sections 1, 2, and 3 incorporate the provisions of S. 2623 to amend 38 U.S.C. § 4114, to provide greater flexibility in the Veterans' Administration hospital and medical care program. The modifications these sections make would generally provide the Administrator of Veterans' Affairs with greater administrative discretion in the appointment of nurses, particularly in recruiting career nurses; in the Veterans' Administration internship and residency program by authorizing agreements for the central administration of the administrative and personnel aspects of the programs of those interns and residents serving part time in Veterans' Administration hospitals and part time in other non-Federal hospitals; and in the appointment of dentists of high academic and research standing on a temporary full-time or part-time basis.

More specific explanations of these three sections follow:

Section 1 of the bill provides for the amendment of section 4114(a)(3)(A) of title 38, United States Code, to authorize the temporary full-time appointment, for a period not to exceed 1 year, of persons who have completed a full course of nursing in a recognized school of nursing and are awaiting registration.

Nursing school graduates who are awaiting registration in a State are recruited for the purpose of ultimate career appointment as nurses in the Veterans' Administration following such registration. The ability of the Veterans' Administration to offer employment to them immediately upon graduation provides an invaluable source for recruiting career nurses. While most of these employees are registered and converted to career nurse appointments within 90 days of their employment, circumstances are such that this is not always possible. This can result from such reasons as State delay in processing registration applications, examination scheduling practices, and the inability of a candidate (e.g., illness) to be available on the scheduled date of an examination. In these situations, it is necessary that these employees be kept in an employment status if they are to be retained until they can become career nurses.

This legislative change would be of further assistance in meeting nursing needs of the medical program.

Section 2 of the bill would amend section 4114(b) of title 38, United States Code, to authorize the Administrator to enter into agreements for the central administration of interns and residency training and would allow him to expend appropriated funds for the purpose of paying to the central administrative body the costs involved for the periods during which the trainee serves with the Veterans' Administration.

Under present Veterans' Administration programs, there are three types of residents and interns: (1) those whose residency program is established and directed by a Veterans' Administration hospital and who although they may serve a portion of their residency in other hospitals, receive the entire amount of their stipends, fringe benefits, and leave privileges under Veterans' Administration regulations; (2) those whose residency program is established and directed by other than a Veterans' Administration hospital but who serve a portion of their residency in a Veterans' Administration hospital, receiving their stipends, fringe benefits, and leave privileges under Veterans' Administration regulations only for the periods they are serving in a Veterans' Administration hospital; and (3) those whose residency program is established and directed jointly by a Veterans' Administration hospital and one or more participating institutions and who serve on a rotating basis in the participating institutions, receiving their stipends, fringe benefits, and leave privileges under Veterans' Administration regulations only for the periods they are serving in a Veterans' Administration hospital. It is in the latter two types that administrative problems arise.

The movement of Veterans' Administration residency and internship programs toward professional unification with the programs of medical school hospitals continues to increase. The Advisory Subcommittee on Programs for Exchange of Medical Information, a subcommittee of the Special Medical Advisory Group, authorized by section 5055 of title 38, United States Code, recently passed the following resolution:

"The subcommittee is conscious of the fact that the geometric advances of medical science are moving beyond the capacity of the single hospital to provide all that is required to produce the best educated resident. Thus, with increasing frequency, the residency is becoming an educational endeavor shared by a group of hospitals. Each participating hospital must be convinced that the individual resident "belongs" to all and not just to the hospital in which he is physically present at the moment. For this reason, the Veterans' Administration is urged to do all in its power to create mechanisms which will provide the utmost flexibility in the scheduling and movement of residents between VA hospital and non-VA hospital. There should be no limitations of movement based upon distinctions of being on duty at the VA hospital or away from the VA hospital. Similarly every effort should be made to minimize differences in pay scales and in fringe benefits among hospitals grouped for residency training, to assure a total income to the resident commensurate with his education and provision of valuable service as a byproduct of his training as a resident. It is recommended, therefore, that in each VA-hospital-non-VA hospital(s) combination, local VA hospital management be permitted the utmost discretion and capability to establish pay rates and make scheduling arrangements appropriate for the local situation. This local adaptability will produce many individual variations in patterns of operation throughout the Nation, but this diversity will undoubtedly serve to "graduate" the type of residents which the Veterans' Administration and the Nation need critically."

To accomplish intern and residency training within the concept now growing more prevalent, the Veterans' Administration feels that it must more and more resort to the integrated type of training wherein the trainee will serve a portion of his time in a Veterans' Administration facility and may receive training in several other nongovernmental hospitals. This creates tremendous problems in that the pay, fringe benefits, and leave policies differ in the various institutions involved. Thus, when a trainee moves from one institution to another, it results in a great deal of confusion as to his entitlement to fringe benefits and leave. Moreover, it involves different rates of pay and there are routine delays, particularly while serving with the Veterans' Administration, as would be the case in any Federal agency, in receiving pay as a result of pay administration procedures. This situation can be remedied insofar as the nongovernmental hospitals are concerned and, in the past few years, the Veterans' Administration has been presented with more than 20 proposals for some type of accommodation which would permit it to participate in an intern or residency operation administered from a central point.

The Veterans' Administration feels, and the committee agrees, that participation in a centrally administered program would greatly enhance its ability to train medical personnel. Moreover, it would be less costly in that Veterans' Administration payments would be limited to those periods when the trainee is serving in the Veterans' Administration facility and the Veterans' Administration is receiving his service.

The five other bills are designed to expand and improve medical and hospital care benefits and facilities for the treatment of seriously disabled veterans.

Two of the House-passed bills, H.R. 2768 and H.R. 3130, were reported by the Labor and Public Welfare Committee without amendment. These bills are explained in the committee reports as follows:

Explanation of H.R. 2768

Section 620 of title 38, United States Code, authorizes the placement in a community nursing home at the Veterans' Administration's expense (generally for a period of 6 months), hospitalized veterans who are no longer in need of hospital care and whose primary requirements are for nursing care. This bill would authorize such community nursing home care of unlimited duration for veterans hospitalized for a service-connected disability. Service-connected veterans are admitted as a matter of right for their service-connected disabilities to all Veterans' Administration hospitals. Veterans with non-service-connected disabilities are admitted on a bed-available basis if unable to defray the necessary expenses.

Placement in community nursing homes under 38 U.S.C. § 620 has been a factor in bringing about the desired reduction of the workload of the Veterans' Administration hospital system. In the committee's view, the bill's provisions would further reduce that workload and also the cost for medical care for service-connected veterans in Veterans' Administration facilities. Cost of care for beneficiaries of this bill now ranges as high as $50 a day for hospital care in contrast to approximately $19.50 a day for community nursing care.

The committee is also of the view that the original intention of section 620, to aid the veteran and his family in making the transition from a hospital to his place in the community, should be expanded for veterans hospitalized with service-connected disabilities. Such a veteran should be entitled to all necessary nursing home care at Veterans' Administration expense as close as possible to his home community. Indeed, the longer the duration of his stay in a nursing home, the greater may be the veteran's need for location in his home community in order to permit visits by friends and relatives residing there. Unfortunately the location of Veterans' Administration operated nursing home beds does not in many cases permit a veteran to be near his home community.

The Veterans' Administration estimates that approval of this proposed legislation would increase the daily nursing care load in community nursing homes by approximately 350 at a cost of $1,500,000 annually.

As part of its consideration of H.R. 2768, the committee also considered H.R. 692, which the subcommittee had ordered reported to the full committee without recommendation. That bill, also amending section 620, would permit community nursing home confinements of 9, rather than the present 6, months. With the adoption of H.R. 2768 for service-connected veterans, the impact of H.R. 692 would be limited to veterans with non-service-connected disabilities. The full committee did not feel that favorable action on H.R. 692 was warranted in light of testimony from the Chief Medical Director, and the Director, Extended Care Service, of the Veterans' Administration that since establishment of the community nursing home program in 1965 only 302 requests for extensions beyond 6 months confinement were made from a patient population of over 25,000 and that 92 percent of them had been granted.

These officials also testified that the Veterans' Administration was "not reluctant" to grant these exceptions and did so "when there is medical and economic necessity" or "factors of humanity" (hearings, p. 64). However, VA regulation section 6051.1, which limits extensions to "circumstances of a most unusual nature such as when additional time is needed to complete imminent arrangements for other care," seems narrower than the testimony quoted above. In the committee's view, these regulations should be revised in accordance with the testimony. When that is done, the committee believes that extensions will be granted to those non-service-connected veterans for whom there is no other reasonable alternative to continuation of community nursing home care at Veterans' Administration expense beyond 6 months.

Finally, the committee was concerned that a blanket extension from 6 to 9 months of community nursing home care for non-service-connected veterans might, by virtue of budget limitations, significantly reduce the number of needy veterans who could receive any care in such facilities at Veterans' Administration expense.

Explanation of H.R. 3130

This measure would make available to any war veteran who has a permanent total disability resulting from a service-connected condition, complete medical services, which in effect means outpatient care for a non-service-connected disability.

Although outpatient treatment for veterans is generally restricted to service-connected disabilities under 38 U.S.C. § 612, the prehospital and posthospital care program now operative in the Veterans' Administration medical system applies in thousands of instances to non-service-connected cases. The "pre" system permits a workup prior to admission to a hospital; the "post" system authorizes a followup of the care and treatment prescribed in the hospital.

The committee supports this bill for several reasons. First, it recognizes the need to provide the fullest possible medical care to veterans with service-connected disabilities. A veteran totally disabled by a service-connected condition should not be troubled with the necessity of trying to prove in particular cases that certain other conditions may be considered related to the service-connected disability. It is felt that their service-connected total disability status should entitle them to full medical care from the Veterans' Administration without need for investigation as to the exact relationship between their service-connected disability and other conditions. Second, the elimination of the need for such investigation will save the Veterans' Administration the often complicated and time-consuming task of making medical judgments as to whether certain conditions are related to or separate from a totally disabling service-connected condition. Third, substantial evidence exists to indicate that the extension of outpatient services to veterans such as this group would cause a further decline in the inpatient care program of the Veterans' Administration hospital system and would have an overall effect in reducing cost.

The Veterans' Administration estimates, however, that the enactment of this legislation would cost approximately $8 million the first year.

One of the House-passed bills, H.R. 9334, was reported by the Labor and Public Welfare Committee with a very minor amendment which is explained in the committee report. This bill is explained in the committee report as follows:

EXPLANATION OF H.R. 9334

Following the Civil War, a tier of Northern States built and operated State soldiers' homes which were for the care and treatment of Federal veterans of the War Between the States. Each home, naturally, set up its own criteria for admission and some homes permitted the veteran to bring his wife with him at the time he was admitted. Originally they were conceived as old soldiers' homes and provided largely domiciliary care. Lately they have developed into more sophisticated facilities, providing the full spectrum of care—domiciliary, hospital, and nursing. The program has expanded, in recent years, to cover homes constructed in Georgia, West Virginia, and Oklahoma.

Historically, the Federal Government has made a contribution for the care of each such State home veteran who is eligible under the provisions of title 38 for care in a Veterans' Administration hospital. That level of payment today stands at $3.50 per day for medical care and the same amount for hospital care; but a $5 rate is provided for nursing home care, the higher rate being justified because nursing home care has only recently been added to the State home system.

One of the provisions of Public Law 88–450 was to create this special rate for nursing home care for State homes, and in addition it authorized a $5 million yearly appropriation for 10 fiscal years through fiscal year 1974 to be used on a matching fund basis for the construction of new nursing home facilities. * * *

Section 1 of the bill would amend pertinent provisions of title 38 to increase the Federal payment for hospital care in a State home from $3.50 to $7.50. As a companion to the present continuing authorization of appropriations for the construction of State veterans nursing home facilities, section 2 of the bill would authorize a $5 million appropriation on a matching fund basis for 10 years to assist the States in remodeling and modifying or altering existing hospital and domiciliary facilities at State homes.

It should be borne in mind that domiciliary costs in the Veterans' Administration facilities now average $6.63 per day in contrast to $3.50 which the Government pays to a State home for similar care; that nursing care in a State home averages $5 per day, while the Veterans' Administration figure on an average is $15.60 per day in its own facilities and for a community nursing home, $13.24. If the proposed hospital rate of $7.50 is enacted into law, this will contrast with a VA cost of $21.63 a day for psychiatric hospitals and $40.90 for care in a general hospital.

The committee received testimony indicating that many existing State home facilities had been constructed around the turn of the century and were in desperate need of renovation. Testimony also was provided that at least 16 States presently have plans for alterations, expansion, or modernization of present facilities. The matching Federal funds that could be made available under this bill should prove an accelerating factor in these plans. Thus, there would seem to be a clear need for matching Federal participation in raising the capital for making the necessary renovations.

The Veterans' Administration estimates that the first-year cost of the bill would be $2,803,000. This would be increased by $2,500,000 in 1971 because of the funds for remodeling and alteration and another $2,500,000 in 1972 for the same reason.

Two of the bills, S. 1279 and H.R. 693, were reported by the Labor and Public Welfare Committee with amendments of some significance. These amendments are fully explained in the reports on those bills. I wish to commend the Senator from New Mexico (Mr. MONTOYA) for his introduction of S. 1279 to assist former prisoners of war in claims for hospital and medical care from the Veterans' Administration. The committee amendment carries out the essential purpose of the bill as introduced by Senator MONTOYA.

S. 1279 and H.R. 693 are explained in the committee reports as follows:

EXPLANATION OF S. 1279

The bill, as amended by the committee, would establish, for the purposes of chapter 17 of title 38, United States Code, relating to hospital, domiciliary, and medical care for veterans, a rebuttable presumption that any disability from which a veteran of any war, or of service after January 31, 1955, is suffering is service connected where any one of the following three conditions is met:

(1) When the Veterans' Administration is not, within a reasonable period of time, able to locate and examine any medical records covering such a veteran's active duty service during any particular tour of duty—that is, where there has been an enlistment and a discharge, or a discharge and a new enlistment or tour of duty. It is important to note in connection with this category that the absence of records must be total and that it is not intended by the committee that the creation of this category should open the door to claims that records for particular alleged medical conditions are absent and that the presumption should thus obtain. Rather, there should be relatively little, if any, dispute as to which cases fit this category—namely, those in which the Veterans' Administration calls for the file of a veteran for a particular tour of duty and no medical records for that tour of active duty are forthcoming. Although the committee considered the possibility of extending the presumption to cover cases in which no medical records were available for any substantial portion of service, this was rejected as impracticable in light of military record-keeping practices. Since no regular (for example, monthly) positive entries are required on a serviceman's medical record, such a provision would inevitably lead to numerous claims of missing records for particular illnesses or injuries, and the Veterans' Administration would be required to spend significant time just determining whether the burden of proof should be shifted.

(2) When the Veterans' Administration is not able, within a reasonable period of time, to locate and examine the medical record of any separation physical examination which was required to be conducted by law or regulation in effect at the time of or shortly before separation of the veteran. Again, the absence of this key record should be readily ascertainable and should not serve to proliferate claims that the presumption be raised. It is the committee's understanding that separation physical examinations are generally required for servicemen who have served at least 30 days of active duty or active duty for training unless they are being separated for immediate enlistment.

(3) When the veteran in question was a prisoner of war or was forcibly detained or interned in line of duty by a foreign government or power. With respect to claims by former prisoners of war, it is the committee's understanding that the Veterans' Administration already awards to them the most expeditious treatment and medical examinations as well as the benefit of the doubt on medical interpretations. This provision of the bill would codify the benefit of the doubt as a rebuttable presumption. At the same time, this provision is not intended in any way to alter or replace the expeditious handling of such cases currently required in Veterans' Administration regulations.

In the case of those veterans who were not held during a "period of war" as defined in 38 U.S.C. 101(11) (such as during the post-Korean conflict (after January 31, 1955) and before the Vietnam era began (on August 5, 1964), the "line of duty" concept is intended to exclude the same category of cases which would generally be excluded for workmen's compensation purposes when an employee is clearly on "a frolic of his own." This would include misconduct or disobedience of orders such as being absent without leave (AWOL). Generally, servicemen on authorized leave would be entitled to the benefit of the presumption if captured during that period by a foreign government or power or a force purporting to act in the name of such government or power.

The committee is aware of the provision of 38 U.S.C. 354(b) that veterans of combat with the enemy shall have resolved in their favor all reasonable doubts with regard to claims of service connection of any disease or injury. However, the committee believes that in cases in which the unavailability of records, through no fault of his own, virtually precludes a veteran from successfully carrying the burden of proving service connection, the law should affirmatively relieve him of that burden. Thus, in the three enumerated circumstances, the burden would be shifted to the Veterans' Administration, and it would have to disprove service connection.

In introducing this bill, Senator Montoya, its principal sponsor, estimated that somewhat less than 115,000 former prisoners of war (not including those presently held by the North Vietnamese) are now living and that many already have disabilities which are rated as service connected. He also stressed at that time and later in testimony before the committee, the very serious nutritional deficiencies and psychiatric disturbances resulting from such imprisonment which may plague a former prisoner of war for the rest of his life and which may many years after discharge be manifested by new symptoms difficult to prove as having arisen out of service. The committee agrees that, in light of the extensive sacrifices many of these men have been called upon to make for their country, they should be relieved of the burden of proving service-connection for their disabilities.

This statutory recognition of the special medical problems of prisoners of war is recognized in present law in 38, U.S.C. 612(b)(3) which provides for furnishing of outpatient dental services and treatment and related dental appliances to former prisoners of war.

The presumption provided by the committee amendment has been made rebuttable rather than conclusive so as to preclude successful claims of service connection for disabilities resulting from conditions clearly arising before or after and independent of service. There are a number of precedents for raising such presumptions. For example, for purposes of disability compensation under 38 U.S.C. 311, there is a rebuttable presumption of sound medical condition upon enrollment in military service; and for the same purposes under sections 312 and 313 certain diseases—Chronic, tropical, tuberculosis, multiple sclerosis, and Hansen's disease—manifesting themselves after service under certain conditions are rebuttably presumed to have been service connected in their origins. By contrast, the section amended by the bill, section 602, presently raises a *conclusive* presumption of service connection for any active psychosis developed within 2 years of discharge.

The Veterans' Administration estimates the total first-year cost of this bill for the former prisoners of war (not including those presently held as prisoners of the North Vietnamese or listed as missing in action) as approximately $1,017,000 including approximately $215,000 in administrative costs. Because of the uncertainty of the number of veterans who would apply for the benefit of the presumption under the first two categories, it is impracticable to make a precise estimate of the annual cost for those categories. However, there is no reason to believe that these categories would entail substantial expenditures.

Explanation of H.R. 693

Section 1 of the bill would provide that a veteran who is in receipt of a Veterans' Administration pension would no longer be required to sign, under oath, a statement of inability to defray the necessary expenses of hospital or domiciliary care in order to gain admission to a Veterans' Administration hospital for a non-service-connected disability. Presently, veterans with service-connected disabilities are admitted to Veterans' Administration hospitals and domiciliaries as a matter of right; but non-service-connected veterans must complete an oath of inability to defray necessary expenses, which under 38 U.S.C. § 622 is required to be accepted by the Veterans' Administration as sufficient evidence of such inability. The oath form which non-service-connected veterans must complete also includes a number of questions regarding financial data.

Although under present Veterans' Administration practice veterans receiving non-service-connected pensions need not complete the financial data items, they are still required to swear or affirm to the oath. The committee believes that such an oath is entirely superfluous for such pensioners whose financial need has already been verified for pension purposes.

The House-passed bill premised the exemption on an age test (72 years or older), thereby eliminating a needs test for care for non-service-connected conditions of such veterans. The committee's amendment to substitute a pension test would apply to considerably more veterans than the age test. Based on the number of VA patients discharged from VA and non-VA hospitals in 1968, the age test would exempt from taking the oath 110,056 non-service-connected veterans who were 72 years or older. Based on these same figures, the amended section 1 using a pension test would cover 194,869 such non-service-connected veterans and would fail to cover only 17,232 non-service-connected veterans 72 years of age and over who were not in receipt of pensions.

Thus, the pension yardstick would apply to 84,813 individual veterans whose neediness had clearly been established and who would not be covered by the age test, and would extend coverage to approximately 67,581 more veterans than the House-passed provision. Whereas the House-passed measure would have an estimated first-year cost of $1,825,000—since it is expected that some veterans 72 years or older presently unwilling or unable to subscribe to the oath would receive Veterans' Administration hospital or domiciliary care—the pension test adopted by the committee would entail no additional expenditures.

The committee also gave considerable attention to the form of the oath and income questions . . . [on the] . . . present oath form (VA form 10–P–10 (November 1966)).

As a result of its review, the committee believes that items 36A through 40 on page 2 of the form (regarding valuation of residential property, mortgages or other indebtedness, all real and personal property, and estimates of average monthly net income and personal expenditure) needlessly invade the privacy of the non-service-connected veteran, especially at a time when the reason for his completing the form is that he is in need of medical assistance.

In addition, the committee believes that inquiry regarding these items is not fully consistent with the intent of the section 622 requirement that the oath of inability to defray necessary expenses be conclusive on that question for admission to VA facilities. These items would seem justifiable for one of three reasons or for a combination thereof: (1) to discourage the veteran from taking the oath; (2) to render him liable to Federal prosecution for false statement of a material fact (18 U.S.C. § 1001); or (3) to assist the veteran in determining ability or inability to pay. The committee finds only the third purpose to be appropriate in light of section 622. Moreover, recent studies of persons taking similar oaths (for welfare purposes) indicate that people are just as apt to be truthful when taking the oath without a requirement for full income disclosure as when taking the oath followed by full financial investigation.

Consequently, the committee is of the view that items 36A through 40 on the form should be deleted or prefaced by a statement in large print to the following effect:

"You need not complete any or all of the following items in order to receive Veterans' Administration hospital or domiciliary care. These items are set forth for whatever assistance they provide you in determining whether or not you wish to subscribe to the oath of inability to defray the necessary expenses of such care."

Finally, the committee is also of the view that the notarization requirement be eliminated under item 45. Section 622 does not require such a degree of formality, and the committee is not aware that any similar notarization is required on other Veterans' Administration forms, such as the income questionnaire for pension or dependency and indemnity compensation purposes. And no such notarization is required for subsequent criminal prosecution under 18 U.S.C. § 1001 or civil liability under the False Claims Act (31 U.S.C. § 231, *et seq.*). A standard certification of "true and correct to the best of my knowledge and belief" would be more in keeping with standard Government forms.

Section 2 of the bill authorizes the Administrator to furnish outpatient care and such other medical services as he finds to be reasonably necessary to any veteran who is in receipt of pension or compensation based on need of regular aid and attendance or who is permanently housebound. Inasmuch as care for service-connected veterans in this category is already administered on the most liberal basis, the only substantial change would occur in the pension field and is restricted to those individuals who are the most severely disabled and in demonstrated financial need. The aid and attendance group is so helpless or blind as to need the regular aid and attendance of another person. The housebound are so disabled as to require them to remain in their homes constantly.

Section 3 would authorize the furnishing of drugs and medicine at Veterans' Administration expense to those veterans who are receiving additional compensation or pension by reason of being permanently housebound. As with the amendment made by section 2, the basic change effected by section 3 would be in the pension field since, under present law, drugs and medicine prescribed by a physician are furnished to veterans for their service-connected disabilities. They are also furnished to the veteran during periods of hospitalization and during periods of prehospital and posthospital care regardless of whether his disability or disease is service-connected or nonservice-connected in character. In addition, under existing law, pensioners who are in need of regular aid and attendance are furnished drugs and medicine prescribed by a physician. By providing for the furnishing of drugs and medicine at Veterans' Administration expense to veterans receiving additional pension by reason of being permanently housebound, section 3 seems to the committee a logical extension of the above provisions to a demonstrably needy group of seriously disabled veterans.

Section 1 of the bill, providing for admission of veterans in receipt of pension to a Veterans' Administration hospital or domiciliary without subscribing to the oath of inability to pay is estimated not to entail any additional expenditures. Section 2, providing outpatient care for aid and attendance pensioners and the housebound group of pensioners would cost approximately $9,503,000 the first year; and section 3, authorizing the furnishing of drugs and medicine for the housebound pensioners would cost $3,400,000 the first year.

Testimony on these bills was heard by the Subcommittee on Veterans' Affairs on July 17, and the subcommittee considered the bills and reported them to the full committee on October 2 in the form in which the full committee, on October 9, ordered them reported to the Senate. I urge all of my colleagues to join in the bipartisan spirit which pervaded the subcommittee's and full committee's consideration and unanimous action on these bills.

Mr. SCHWEIKER. Mr. President, I rise in support of the pending bills H.R. 693, H.R. 2768, H.R. 3130, H.R. 9334, H.R 9634, and S. 1279. These bills represent an important contribution to the welfare of veterans who need medical care and domiciliary care. All of these bills were approved by the Subcommittee on Veterans' Affairs and by the full Committee on Labor and Public Welfare without a dissenting vote.

As ranking minority member of the subcommittee, I had the privilege to work in a most cordial and bipartisan manner on this legislation with the chairman of the subcommittee, the able and distiguished junior Senator from California.

H.R. 693 would eliminate the so-called pauper's oath for about 195,000 non-service-connected veterans on pensions who might seek hospital or domiciliary care at the expense of the Veterans' Administration. The bill as passed by the House would have exempted all non-service-connected veterans over 72 from the means test or pauper's oath. However, our subcommittee agreed that all non-service-connected veterans receiving pensions, regardless of their age, should be spared from the means test, since they have already had to meet this test to draw a pension. So we have amended the bill to accomplish that.

Other provisions of H.R. 693 would assist some 144,000 veterans who are on pensions or other compensation due to their regular need for regular aid and attendance, or who are permanently housebound. H.R. 693 would see that these veterans received outpatient care, drugs and medicines at VA expense.

H.R. 2768 eliminates the 6-month limitation on length of community nursing home care extended to veterans with service-connected disabilities.

H.R. 3130 would assist veterans with a total disability resulting from duty in the Armed Forces, by providing these veterans with outpatient medical care for their non-service-connected disabilities.

H.R. 9334 will increase the Federal payment for hospital care in a State veterans home from $3.50 a day per patient to $7.50 per day. It will also authorize an annual $5 million appropriation on a matching fund basis to help States improve the physical facilities at State veterans homes over the next 10 years.

In this regard, I am pleased that the State veterans home in my home State of Pennsylvania, the Pennsylvania Soldiers' and Sailors' Home located in Erie, would be one potential recipient of this construction aid, since it is considering adding 175 beds to its present capacity of 285 beds.

H.R. 9634 would provide for the Administrator of Veterans' Affairs greater flexibility in operating the hospital and medical care programs of the Veterans' Administration. It authorizes the use of shared specialized medical resources of other hospitals, and it allows more flexible personnel policies in the recruiting of nurses, interns, and dentists. This bill has been requested by the Veterans' Administration itself in the interest of furthering its medical programs.

Finally, S. 1279 will add to the law a presumption that a former prisoner of war's disability is service connected. This will put the disability of a former prisoner of war, or any other veteran whose medical records are not available, in the status of a service-connected disability unless the VA can rebut the presumption by its own evidence.

Mr. President, I am pleased to give my full support to this measure to give former prisoners of war an additional degree of access to the medical care programs of the VA. Unfortunately, America today still finds herself at war, and there are American prisoners of war being held by the enemy in Vietnam. The legislation today that I urge the Senate to pass, S. 1279, is one small measure of the obligation which our Nation owes to its returning prisoners of war, both those who have already returned and those who, we hope and pray, will return in the future.

Mr. President, all of these six pending bills merit the favorable attention of the Senate. They will strengthen the medical and hospital programs being carried on by the Veterans' Administration, so that veterans in need of help will have easier access to it. I urge that the Senate act promptly to pass H.R. 693, H.R. 2768, H.R. 3130, H.R. 9334, and S. 1279.

MEDICAL BENEFITS FOR OLDER VETERANS

The Senate proceeded to consider the bill (H.R. 693) to amend title 38 of the United States Code to provide that veterans who are 72 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes, which had been reported from the Committee on Labor and Public Welfare, with amendments, on page 1, line 7, after the word "the", strike out "Administrator may not require any statement under oath from an applicant referred to therein who is seventy-two years of age or older for the purpose of determining inability to defray necessary expenses, and such applicant shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care", and insert "receipt of pension under any law administered by the Veterans' Administration shall constitute sufficient evidence of inability to defray necessary expenses, and any veteran in receipt of such pension shall be exempt from making any statement under oath regarding his inability to defray necessary expenses."; and, on page 2, after line 23, strike out:

> SEC. 4. Subsection (a) of section 610 of title 38, United States Code, is amended (1) by striking out "and" at the end of clause (2); (2) by striking out the period at the end of clause (3) and inserting in lieu thereof "; and"; and (3) by adding at the end thereof the following:
>
> "(4) any veteran for a non-service-connected disability if such veteran served in the active military or naval service in Mexico, on the borders thereof, or in the waters adjacent thereto during the period beginning on May 9, 1916, and ending on April 6, 1917."
>
> SEC. 5. (a) The provisions of section 201 of the Revenue and Expenditure Control Act of 1968 shall not apply with respect to employees of the Veterans' Administration and such employees shall not be taken into account in applying the provisions of such section to the other departments and agencies of the executive branch.
>
> (b) Section 4 of the Act entitled "An Act to amend title 38 of the United States Code to provide nursing home care and contract hospitalization for certain veterans living in Alaska and Hawaii, and for other purposes", approved October 21, 1968 (Public Law 90-612, 82 Stat. 1202), is hereby repealed.
>
> (c) Subsections (a) and (b) of this section shall take effect on the date of the enactment of this Act.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An act to amend title 38, United States Code, to provide that veterans who are in receipt of pension shall be deemed unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes".

NURSING HOME CARE FOR SERVICE-CONNECTED VETERANS

The bill (H.R. 2768) to amend title 38 of the United States Code in order to eliminate the 6-month limitation on the furnishing of nursing home care in the case of veterans with service-connected disabilities was considered, ordered to a third reading, read the third time, and passed.

OUTPATIENT CARE FOR CERTAIN SERVICE-CONNECTED VETERANS

The bill (H.R. 3130) to amend title 38, United States Code, to provide that the Administrator of Veterans' Affairs may furnish medical services for non-service-connected disability to any war veteran who has total disability from a service-connected disability was considered, ordered to a third reading, read the third time, and passed.

CARE OF VETERANS IN STATE HOMES

The Senate proceeded to consider the bill (H.R. 9334) to amend title 38, United States Code, to promote the care and treatment of veterans in State veterans' homes which had been reported from the Committee on Labor and Public Welfare, with an amendment, on page 3, after line 15, strike out:

> SEC. 3. Section 5034(1) of title 38, United States Code, is amended by striking out "one and one-half" and inserting in lieu thereof "three".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SHARING PROGRAM OF AND EMPLOYMENT OF CERTAIN PROFESSIONAL PERSONNEL IN THE DEPARTMENT OF MEDICINE AND SURGERY, VETERANS' ADMINISTRATION

The Senate proceeded to consider the bill (H.R. 9634) to amend title 38 of the United States Code in order to improve and make more effective the Veterans' Administration program of sharing specialized medical resources which had been reported from the Committee on Labor and Public Welfare, with amendments. On page 1, after the enacting clause, insert:

> That section 4114 of title 38, United States Code, is amended by inserting in subsection (a) (3) (A) immediately after the first sentence thereof the following: "Temporary full-time appointments of persons who have successfully completed a full course of nursing in a recognized school of nursing, approved by the Administrator, and are pending registration as a graduate nurse in a State, shall not exceed one year."

On page 2, after line 2, insert a new section, as follows:

> SEC. 2. Section 4114 of title 38, United States Code, is amended by deleting "(b)" at the beginning of subsection (b) and inserting in lieu thereof "(b) (1)" and by adding the following new paragraph:
>
> "(2) In order to more efficiently carry out the provisions of paragraph (1) of this sub-

section, the Administrator may contract with one or more hospitals, medical schools, or medical installations having hospital facilities and participating with the Veterans' Administration in the training of interns or residents to provide for the central administration of stipend payments, provision of fringe benefits, and maintenance of records for such interns and residents by the designation of one such institution to serve as an agency for this purpose. The Administrator may pay to such designated central administrative agency, without regard to any other law or regulation governing the expenditure of Government moneys either in advance or in arrears, an amount to cover the cost for the period such intern or resident serves in a Veterans' Administration hospital of (A) such stipends as fixed by the Administrator pursuant to paragraph (1) of this subsection, (B) hospitalization, medical care, and life insurance, and any other employee benefits as are agreed upon by the participating institutions for the period that such intern or resident serves in a Veterans' Administration hospital, (C) tax on employers pursuant to chapter 21 of the Internal Revenue Code of 1954, where applicable, and in addition, (D) an amount to cover a pro rata share of the cost of expense of such central administrative agency. Any amounts paid by the Administrator to such fund to cover the cost of hospitalization, medical care, or life insurance or other employee benefits shall be in lieu of any benefits of like nature to which such intern or resident may be entitled under the provisions of title 5 of the United States Code, and the acceptance of stipends and employee benefits from the designated central administrative agency shall constitute a waiver by the recipient of any claim he might have to any payment of stipends or employee benefits to which he may be entitled under this title or title 5 of the United States Code. Notwithstanding the foregoing, any period of service of any such intern or resident in a Veterans' Administration hospital shall be deemed creditable service for the purposes of section 8332 of title 5 of the United States Code. The agreement may further provide that the designated central administrative agency shall make all appropriate deductions from the stipend of each intern and resident for local, State, and Federal taxes, maintain all records pertinent thereto and make proper deposits thereof, and shall maintain all records pertinent to the leave accrued by each intern and resident for the period during which he serves in a participating hospital, including a Veterans' Administration hospital. Such leave may be pooled, and the intern or resident may be afforded leave by the hospital in which he is serving at the time the leave is to be used to the extent of his total accumulated leave, whether or not earned at the hospital in which he is serving at the time the leave is to be afforded."

On page 4, line 7, insert a new section, as follows:

SEC. 3. Section 4114 of title 38, United States Code, is amended by inserting in subsection (d)(1) immediately after the word "physician" the following: "or dentist".

And, at the beginning of line 11, strike out "That section" and insert "SEC. 4. Section".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An act to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to appoint certain persons in the nursing service in the Department of Medicine and Surgery of the Veterans' Administration and to enter into agreements with hospitals, medical schools, or medical installations for the central administration of a program of training for interns or residents, to improve and make more effective the Veterans' Administration program of sharing specialized medical resources, and for other purposes."

REBUTTABLE PRESUMPTION OF SERVICE CONNECTION FOR DISABILITIES OF CERTAIN VETERANS UNDER CERTAIN CIRCUMSTANCES

The Senate proceeded to consider the bill (S. 1279) to provide that any disability of a veteran who is a former prisoner of war is presumed to be service-connected for purposes of hospitalization and outpatient care which had been reported from the Committee on Labor and Public Welfare, with an amendment, strike out all after the enacting clause and insert:

That (a) section 602 of title 38, United States Code, is amended by inserting "(a)" immediately before "For"; and by adding a new subsection as follows:

"(b) For the purposes of this chapter, the disability of any veteran of a war or of service after January 31, 1955, shall be deemed to be service-connected if—

"(1) there are no medical records available to the Veterans' Administration for the period of such veteran's active military, naval, or air service;

"(2) there is no medical record available to the Veterans' Administration for such veteran showing the results of any physical examination which was required by law or regulation, in effect at the time of such veteran's discharge or release from active duty, to be given members of the Armed Forces immediately prior to discharge or release from active duty; or

"(3) for any period of time during his active military, naval, or air service such veteran (A) was held as a prisoner of war, or (B) while in line of duty was forceably detained or interned by a foreign government or power;

unless the Administrator can show by clear and convincing evidence that such disability was not incurred in or aggravated in line of duty by such veteran while serving in the active military, naval, or air service."

(b) The catch line of section 602 of title 38, United States Code, is amended to read as follows:

"§ 602. Presumption relating to certain disabilities".

(c) The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by striking out

"602. Presumption relating to psychosis."

and inserting in lieu thereof

"602. Presumption relating to certain disabilities.".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to create a rebuttable presumption that a disability of a veteran of any war or certain other military service is service connected under certain circumstances".

AUTHORIZATION TO PRINT THREE HOUSE BILLS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the bills H.R. 693, H.R. 9334, and H.R. 9634 be printed in full as passed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXPRESSION OF APPRECIATION ON PASSAGE OF VETERANS BILLS

Mr. CRANSTON. Mr. President, it is a particular pleasure and privilege for a freshman Senator to see the Senate pass legislation originating in a subcommittee which he chairs. This was made possible only because of the outstanding cooperation and assistance of many Senators to whom I would now like to express my personal thanks.

First, I wish to think the distinguished majority and minority leaders for their cooperation in securing such speedy passage of the six bills—S. 1279, H.R. 693, H.R. 2768, H.R. 3130, H.R. 9334, and H.R. 9634—which were just passed by the Senate.

I wish also to express my appreciation to all of the members of the Veterans' Affairs Subcommittee and of the full Committee on Labor and Public Welfare for their bipartisan support of these measures.

Next, I wish especially to express my gratitude to the chairman of the Labor and Public Welfare Committee, Senator RALPH W. YARBOROUGH, who is also the ranking majority member of the Veterans' Affairs Subcommittee. Senator YARBOROUGH has labored vigorously to see this legislation through the subcommittee and the full committee and has in every respect been true to his reputation as the Senate's foremost champion of legislation to aid the veterans of this Nation.

Finally, and certainly not least in my gratitude, I wish to thank the Senator from Pennsylvania (Mr. SCHWEIKER) the ranking minority member of the Veterans' Affairs Subcommittee. Senator SCHWEIKER has exhibited a great bipartisan spirit in the consideration of these bills by the subcommittee and the full Labor and Public Welfare Committee.

THE VIETNAM MORATORIUM

Mr. AIKEN. Mr. President, after the so-called moratorium of October 15, I received approximately 300 letters from Vermont, largely from young people attending college. Ninety-nine out of 100 of these young people were very conscientious and well meaning, and of course they urged an immediate termination of the war in Southeast Asia.

I felt that they were entitled to know the facts as I saw them, and I prepared a letter to send to each of them. Then it occurred to me, instead of sending 300 letters to these young people, I might as well make a statement for the RECORD so that others, besides the students, could also know the facts of the situation as I see them to be today.

Just 3 years ago on October 19, 1966, I urged President Johnson to withdraw our military personnel from South Vietnam.

At that time our troops there numbered 313,000.

The military situation was relatively well in hand and it was virtually certain that no outside nation could take over the country.

The President did not see things as I did and continued to send additional troops to South Vietnam until by the time President Nixon assumed office on January 20, 1969, they numbered approximately 550,000.

Soon after taking office, the President decided to withdraw a substantial part of our troops from Vietnam.

As of October 16, there were 501,000 remaining there, with the speed of withdrawal accelerating.

Unless the unexpected happens, I expect that practically all of our ground troops will be withdrawn by a year from now.

Some of the unexpected things that might happen would be a step-up of military aid, intervention in the war by another country, or violent upsurge of war on the part of the North Vietnamese and the Vietcong.

While we all wish withdrawal could be done immediately, the movement of all our personnel and equipment poses a tremendous transportation problem.

Further than that, however, is the fact that the safety of minority groups must be assured, unless we are now willing to assume responsibility for wholesale massacre.

I have been kept well informed from my own sources as to the progress of the President's withdrawal policy and feel that it is progressing on schedule, except for the loss of possibly a month in late summer.

North Vietnam, the Vietcong, South Vietnam, and the United States now appear to realize the futility of continuing an American war which never should have been started.

The only people—in this country—who now oppose our withdrawal appear to be our own minority group who look upon war as the solution to all our problems and visualize the United States as the dominant nation.

As for the moratorium of October 15, I doubt that it will change the President's policy because of the physical and political difficulties involved.

However, the moratorium has not done any harm, and it might even strengthen the President's hand in dealing with the pressure groups who hold that the war should go on until complete military victory is achieved.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following communication and letters, which were referred as indicated:

Proposed Amendments to the Budget, Fiscal Year 1970, Legislative Branch (S. Doc. No. 91–37)

A communication from the President of the United States, transmitting proposed amendments to the budget for the fiscal year 1970, in the amount of $4,316,319, for the legislative branch (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

Report on Cancellation of Reimbursable Irrigation Charges

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report on cancellation of reimbursable charges against individual Indians or tribes of Indians, dated October 23, 1968 (with an accompanying report); to the Committee on Interior and Insular Affairs.

Report of the Foundation of the Federal Bar Association

A letter from the Secretary of the Foundation of the Federal Bar Association, transmitting, pursuant to law, its annual audit report, dated September 30, 1969 (with an accompanying report); to the Committee on the Judiciary.

Third Preference and Sixth Preference Classification for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classification for certain aliens (with accompanying papers); to the Committee on the Judiciary.

Formula Grants to Schools of Public Health

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend for an additional period the authority to make formula grants to schools of public health (with an accompanying paper); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the Natchitoches Parish Chamber of Commerce, Natchitoches, La., praying for a redress of grievances; to the Committee on Commerce.

A resolution adopted by the City Council of Livonia, Mich., praying for the rejection of any and all proposals relating to the taxing of sovereign states and their municipalities; to the Committee on Finance.

A memorial adopted by the King County Council, State of Washington, praying for the defeat of any attempt to increase costs of local governments such as imposing a tax on the interest paid to individual investors in local securities; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CRANSTON, from the Committee on Labor and Public Welfare, with amendments:

H.R. 11959. An act to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters (Rept. No. 91–487).

By Mr. MUSKIE, from the Committee on Government Operations, with amendments:

S. 1. A bill to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs (Rept. No. 91–488); and

S. 11. A bill to reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernment cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments, and for other purposes (Rept. No. 91–489).

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without reservation:

Executive D, 91st Congress, first session, a Convention on the Conduct of Fishing Operations in the North Atlantic (Executive Rept. No. 91–8); and

Executive E, 91st Congress, first session, Vienna Convention on Consular Relations and Optional Protocol relating to the settlement of disputes (Executive Rept. No. 91–9).

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. BYRD of West Virginia:

S. 3046. A bill to amend title II of the Social Security Act to increase the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Finance.

By Mr. RIBICOFF:

S. 3047. A bill to provide for the licensing of personnel on certain vessels and to require the inspection of certain vessels; to the Committee on Commerce.

(The remarks of Mr. Ribicoff when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. DODD:

S. 3048. A bill for the relief of Hamilton Joseph; and

S. 3049. A bill for the relief of Marianna Pegal; to the Committee on the Judiciary.

S. 3050. A bill to suspend for a 3-year period the import duty on certain raw silk and certain yarns of silk wholly of noncontinuous silk fibers; to the Committee on Finance.

(The remarks of Mr. Dodd when he introduced S. 3050 appear later in the Record under the appropriate heading.)

By Mr. FANNIN (for himself and Mr. Hart):

S. 3051. A bill to extend Letters Patent No. 2,322,210, and for other purposes; to the Committee on the Judiciary.

By Mr. HART:

S. 3052. A bill for the relief of Corazon H. Roche; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 3053. A bill for the relief of Mrs. Constancia M. Lozano; to the Committee on the Judiciary.

By Mr. TYDINGS (by request):

S. 3054. A bill to extend the protection of the mechanic's lien law of the District of Columbia to subcontractors beyond the first tier, and for other purposes; to the Committee on the District of Columbia.

By Mr. MURPHY (for himself, Mr. Boggs, Mr. Cranston, Mr. Fong, Mr. Inouye, and Mr. Muskie):

S.J. Res. 162. A joint resolution in recognition of the Fifth International Conference on Water Pollution Research; to the Committee on Foreign Relations.

(The remarks of Mr. Murphy when he introduced the bill appear later in the Record under the appropriate heading.)

S. 3047—INTRODUCTION OF A BILL RELATING TO LICENSING OF PERSONNEL ON CERTAIN VESSELS

Mr. RIBICOFF. Mr. President, today I introduce legislation designed to bring greater safety to inland water commerce.

Each year, towing vessels become more powerful and push larger numbers of barges carrying greater amounts of hazardous materials. In its 1968 report, "The Nation's Water Resources," the Water Resources Council forecasts a 350-percent increase in inland waterborne commerce in the next 50 years, a doubling of the horsepower of towing vessels, and a 25-percent increase in speed.

Each day, tons of oil and chemicals are barged up inland waters by unlicensed operators in uninspected vessels. Many run aground severely damaging inland beaches, marshes, and wildlife with their foul smelling, life killing contents. Others come loose, drift downstream to damage highway bridges and set afire moored vessels and port facilities.

The National Transportation Safety Board has in its "Study of Towing Vessel Safety and Accident Preventive Recommendations" set out a series of typical towing vessel accidents that clearly show the hazards of inland waters commerce. These documented accidents clearly evidence the need for Coast Guard inspection of the towing vessel and Coast Guard licensing of the towing vessel operator.

Following are some of the accidents set out in the Safety Board's study:

First. An uninspected tug pushing a barge collided with a major highway bridge knocking out one section of the bridge. No lives were lost, but the bridge was closed to traffic for some time, and damages estimated at $200,000. This collision occurred on a clear night with light winds, no current, and the bridge well lighted. The operator of the tug was unlicensed, and had only 4 months experience operating tugs of the type involved.

The report of the investigation stated that the proximate cause of the casualty was that the operator fell asleep while operating the tug. It further concluded that the operator on watch was probably quite fatigued, having worked for 7 days, on a 6-hour watch, 6-hour off-duty basis. There were three crewmembers on board the tug, two of whom alternated as operator, and a deckhand, none licensed by the Coast Guard.

Second. A towing vessel pushing a large tow of barges was bound downriver on a clear night in the Mississippi River above Baton Rouge, La. It was displaying proper navigation lights on the vessel and the barges in its tow. Another towing vessel, without tow, attempted to cross the river to the east bank. It was displaying masthead lights only. This latter vessel attempted to cross ahead of the downbound tow, and sounded no whistle signal. The downbound operator saw the other get underway and head towards his tow. He illuminated the tow with his searchlight and attempted unsuccessfully to raise the other vessel by voice radio. He sounded the danger signal, reversed engines in an attempt to clear the crossing vessel. The lead barge failed to clear the other vessel and capsized it. One of two in her crew drowned.

The unlicensed operator of the crossing vessel was at fault for reckless or negligent operation. In the absence of a crossing agreement and without sounding appropriate whistle signals, he attempted to cross the lead barge of the other vessel's tow when risk of collision was imminent and apparent to an experienced operator. He also was at fault in failing to keep clear of a privileged vessel or to sound the danger signal. Another violation was operating without lighting the red and green side lights. Radio communication could probably have avoided this collision.

Third. A towing vessel backed a double-up tow of barges into the river after they had been loaded with highly volatile "Southern" crude oil, and was in the process of securing them in tandem for pushing. During this process, the lead barge collided with an anchored tanker as the swift current set the barge down on the anchor chain and tanker's bow. Fire engulfed the tanker and two barges, injuring nine crewmembers of the tanker, and resulted in damages totaling $700,000.

The cause of this casualty was inadequate power on the towing vessel to control its tow under existing current conditions, resulting in her inability to back clear of the tanker. There was also negligence or reckless operation evident on the part of the unlicensed operator of the tug for failure to recognize the existing conditions and for attempting such a maneuver.

Fourth. A low-powered towing vessel attempted to tow a sulfuric acid barge alongside, on inland waters, despite small craft warnings in effect. The weather deteriorated, and high winds and seas forced the tug to abandon trying to push the barge alongside. The tug tried to rig a bridle for astern towing. Only one lead of the bridle was secured, and the tug lost control of the barge, which drifted down on a trestle of a bridge. Damages to the bridge and barge totaled over $300,000.

The tug was not adequately powered to control her tow in existing weather and sea conditions. The crew of the tug were inexperienced and seasick. Only two of the crew had Coast Guard documents, but no licenses. The operator failed to take prudent action when the weather forecast was heard, but continued on his voyage, losing control of his tow when the weather deteriorated.

The legislation I am introducing will require that towboats of more than 15 tons weight or 26 feet in length be inspected every 2 years and be operated by licensed pilots. This legislation will also require towing vessels of 750 horsepower and over to have on board an engineer licensed by the Coast Guard while under way, and limit the time a towboat operator can work to 12 hours a day.

I ask unanimous consent that the bill be printed in the Record at this point.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objecton, the bill will be printed in the Record.

The bill (S. 3047) to provide for the licensing of personnel on certain vessels and to require the inspection of certain vessels, introduced by Mr. Ribicoff, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

S. 3047

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4427 of the Revised Statutes (46 U.S.C. 405) is amended by inserting "(a)" immediately before the first word thereof, and by adding at the end thereof the following new subsection:

"(b) (1) As used in this subsection—

"(A) the term 'Secretary' means the Secretary of the Department in which the Coast Guard is operating;

"(B) the term 'towing' means pulling, pushing, or hauling alongside or any combination thereof;

"(C) the term 'towing vessel' means a vessel engaged in or intended to engage in the service of towing which is above fifteen gross tons or twenty-six feet or more in length;

"(D) the term 'uninspected' means not required by law to have a valid certificate of inspection issued by the Secretary.

"(2) A towing vessel in order to assure safe navigation shall while underway, be under the actual direction and control of a person licensed by the Secretary under regulations prescribed by him. A person so licensed may not work a vessel while underway or perform other duties in excess of a total of twelve hours in any consecutive twenty-four-hour period except in case of emergency.

"(3) A towing vessel of seven hundred and fifty horsepower and over shall, while underway, have on board as engineer, a person licensed by the Secretary under regulations prescribed by him.".

Sec. 2. All towing vessels regardless of manner of propulsion, and whether documented or not, shall be inspected under the provisions of this Act.

"(a) The Secretary shall, before a towing vessel is put into service, and at least once every two years thereafter, cause it to be inspected, and shall satisfy himself that it (1) is of a structure suitable for the service in which it is to be employed; (2) is equipped with the proper appliances for lifesaving and fire protection; (3) has suitable accommodations for the crew; and (4) is in a condition to warrant the belief that it may be used, operated, and navigated with safety to life and property in the proposed service.

"(b) The Secretary may, in order to secure effective provision against hazard to life and property created by vessels subject to this section, prescribe such regulations as may be necessary with respect to the following matters:

"(1) The design, construction, alteration, or repair of towing vessels.

"(2) Operation of towing vessels, including the waters in which they may be navigated.

"(3) Manning of towing vessels and the duties of the licensed officers and members of the crews of such vessels.

"(4) Licensing and certification of crews of towing vessels.

"(c) In prescribing regulations for towing vessels the Secretary shall give consideration to the age, size, service, route, and other factors affecting the operation of the vessel. If the Secretary determines that the application to any towing vessel of the regulations prescribed for towing vessels is not necessary in the public interest, he may exempt that vessel from the application of the regulations, or any part thereof, upon such terms and conditions and for such periods as he may specify.

"(d) The Secretary may prescribe reasonable fees or charges for (1) any inspection made and (2) any certificate, license, or permit issued under this section or the regulations prescribed hereunder.

"(e) A certificate of inspection issued to a towing vessel may at any time be voluntarily surrendered.".

SEC. 3. The amendments made by this Act shall become effective on January 1, 1970, or on the first day of the sixth month which begins after the month in which regulations are first issued under the amendments of section 4427 of the Revised Statutes (46 U.S.C. 405) made by this Act whichever date is later.

S. 3050—INTRODUCTION OF A BILL SUSPENDING FOR A 3-YEAR PERIOD THE IMPORT DUTY ON CERTAIN RAW SILK AND CERTAIN YARNS OF SILK

Mr. DODD. Mr. President, I introduce for appropriate reference a bill which would remove a serious impediment from an old and respected American industry.

For many years, the American silk industry has been burdened with increased operation costs because it must wind the duty-free silk it imports. A slow and tedious task, winding has attracted few new workers, and the expensive process has backed the silk industry into a corner.

Therefore, I am introducing a bill to suspend for 3 years the import duty on raw silk which is prewound on spools and cones.

By freeing its labor force from winding tasks and reducing the period of time needed to produce silk fabric, the silk industry will hopefully be able to regain its former competitive position with foreign silk fabric imports.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3050) to suspend for a 3-year period the import duty on certain raw silk and certain yarns of silk wholly of noncontinuous silk fibers, introduced by Mr. DODD, was received, read twice by its title, and referred to the Committee on Finance.

SENATE JOINT RESOLUTION 162—INTRODUCTION OF A JOINT RESOLUTION IN RECOGNITION OF THE FIFTH INTERNATIONAL CONFERENCE ON WATER POLLUTION RESEARCH

Mr. MURPHY. Mr. President, I have frequently labeled pollution, both air and water, as one of the most serious problems confronting our country. We know, however, that pollution is not only a problem of this Nation but also a worldwide one.

The pollution of our environment seems to increase along with industrialization, urbanization, and population growth. We know that we cannot continue past practices of polluting our environment. The growing concern in the Congress and in the country over water pollution can be seen with the passage by the Senate of S. 7, the Water Quality Improvement Act, and by the House action of almost tripling the budget for sewage treatment construction.

Mr. President, with world demands on our water resources likely to increase as populations grow and industrialization continues, we simply must stop or greatly reduce industrial waste and domestic sewage if we are going to have supplies sufficient to meet these growing demands.

The United States has been giving increasing attention to the water pollution problem. I have been pleased to have supported the various measures enacted to accelerate our country's battle against this water pollution. The search for a solution to the water pollution problem continues here and also in the other countries of the world.

Earlier this year, Mr. President, the Fourth International Conference of the International Association on Water Pollution—IAWPR—was held in Czechoslovakia. One thousand one hundred research workers and engineers in pollution prevention studies attended the conference to exchange and explain recent advances in the important water pollution field. This conference was similar to the first IAWPR conference held in London in 1962, the second held in Tokyo in 1964, and the third conference held in Munich in 1966.

Today I introduce Mr. President, a joint resolution recognizing the Fifth International Conference on Water Pollution Research, which is scheduled to be held in one of the favorite cites of the world, San Francisco, Calif., from July 26 through August 1 of next year, and a reconvened conference which will be held in another great city, Honolulu, Hawaii, from August 2–5, 1970. The joint resolution is cosponsored by Senators BOGGS, CRANSTON, FONG, INOUYE, and MUSKIE.

The growing worldwide concern over the pollution problem as well as the magnetic lore of San Francisco promise that a minimum of 3,500 individuals from at least 50 countries will be in attendance at the San Francisco meeting. The proceedings of this international conference will be presented in five languages. In addition, there have been submitted twice as many papers as have been submitted in any previous international conference.

President Nixon in his September 19 address to the United Nations stated that the task of "protecting man's environment is a matter of international concern," and further pledged the support of the United States for "international initiatives toward restoring the balance of nature, and maintaining our world as a healthy and hospitable place for man."

Mr. President, I certainly want to commend this Fifth International Conference on Water Pollution Research. Surely the pollution problem transcends both national and international boundaries, as well as ideologies, and is an area where nations can and must work together for the good and safety of all mankind.

Mr. President, I ask unanimous consent that the language of the joint resolution be printed at this point in the RECORD.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 162) in recognition of the Fifth International Conference on Water Pollution Research, introduced by Mr. MURPHY (for himself and other Senators), was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S.J. RES. 162

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress declares that—

(1) the International Association on Water Pollution Research was formed throughout the world together in the fight against water pollution;

(2) the objectives of the association are to contribute to a better understanding of water pollution problems, to encourage the exchange of scientific knowledge, to better enable the nations of the world to combat water pollution problems, to narrow the gap between actual and optimum use of water resources, and thus to contribute to continuing social and economic progress;

(3) a lack of maximum communication and coordination between research programs has retarded efforts to effectively utilize all funds available for water pollution research performed in various countries;

(4) efforts by the International Association on Water Pollution Research have materially assisted in alleviating duplication in pollution research, have fostered the exchange of scientific research data, and have significantly benefited all nations in their programs to control water pollution;

(5) the international association has sponsored biannual conferences on water pollution research which have provided scientists, engineers, and administrators a forum for formulating an international activities program to permit concerted and cooperative water pollution research;

(6) President Richard Nixon, in his address of September 19, 1969, to the United Nations, stated that "the task of protecting man's environment is a matter of international concern";

(7) in that address the President pledged the strong support of the United States for "international initiatives" toward restoring the balance of nature, and maintaining our world as a healthy and hospitable place for man"; and

(8) the Fifth International Conference on Water Pollution will be held in San Francisco, California, July 26, 1970, through August 1, 1970, and will be reconvened in Honolulu, Hawaii, from August 2, 1970, through August 5, 1970, to deal with water pollution, one of the most important problems of the United States and the world.

(b) Therefore, all Federal departments and agencies, the States, and all interested persons and organizations, both public and private, are urged to cooperate with, and assist fully, the Fifth International Conference on Water Pollution, the United States National Committee, and the California and Hawaii Host Committees in making the 1970 conference the most outstanding, productive, and successful yet held.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 232

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senior Senator from Alaska (Mr. Stevens) and the junior Senator from Oklahoma (Mr. Bellmon) be added as cosponsors of S. 232, to promote the economic development of the Trust Territory of the Pacific Islands.

The PRESIDENT pro tempore. Without objection, it is so ordered.

S. 1362

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Delaware (Mr. Boggs), I ask unanimous consent that, at the next printing, the name of the Senator from Oklahoma (Mr. Harris) be added as a cosponsor of S. 1362, to provide Federal financial assistance to Opportunities Industrialization Centers.

The PRESIDENT pro tempore. Without objection, it is so ordered.

S. 3035

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Indiana (Mr. Hartke), I ask unanimous consent that, at the next printing, the name of the Senator from New Hampshire (Mr. McIntyre) be added as a cosponsor of S. 3035, to amend title II of the Social Security Act.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 144

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the names of the Junior Senator from Alaska (Mr. Gravel), the junior Senator from South Dakota (Mr. McGovern), the junior Senator from North Dakota (Mr. Burdick), the senior Senator from Nevada (Mr. Bible), the junior Senator from Montana (Mr. Metcalf), the junior Senator from Utah (Mr. Moss), the senior Senator from Oregon (Mr. Hatfield), the senior Senator from Alaska (Mr. Stevens), and the senior Senator from Arizona (Mr. Fannin) be added as cosponsors of Senate Joint Resolution 144, to provide for the appropriation of funds to assist school districts adjoining or in the proximity of Indian reservations, to construct elementary and secondary schools and to provide proper housing and educational opportunities for Indian children attending these public schools.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 153

Mr. SCOTT. Mr. President, at the request of the Senator from Maryland (Mr. Mathias), I ask unanimous consent that, at the next printing, the name of the Senator from Ohio (Mr. Saxbe) be added as a cosponsor of Senate Joint Resolution 153, to establish a commission to report upon the condition and future of American policy respecting all aspects of international trade and tariffs.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 42—SUBMISSION OF A CONCURRENT RESOLUTION TO TERMINATE THE JOINT RESOLUTION COMMONLY KNOWN AS THE GULF OF TONKIN RESOLUTION

Mr. YOUNG of Ohio submitted a concurrent resolution (S. Con. Res. 42) to terminate the joint resolution commonly known as the Gulf of Tonkin resolution, which was referred to the Committee on Foreign Relations.

(The remarks of Mr. Young of Ohio when he submitted the concurrent resolution appear later in the Record under the appropriate heading.)

SENATE RESOLUTION 276—SUBMISSION OF A RESOLUTION RELATIVE TO SCHUYLKILL RIVER STUDY

Mr. SCHWEIKER (for himself and Mr. Scott) submitted the following resolution (S. Res. 276); which was referred to the Committee on Public Works:

S. Res. 276

Resolved, by the Committee on Public Works of the United States Senate that the Board of Engineers for Rivers and Harbors, created under section 3 of the Rivers and Harbors Act, approved June 13, 1902, is requested to review the reports on the Schuylkill River, Pennsylvania, contained in House Document Numbered 529, Seventy-ninth Congress, and other pertinent reports, with a view to determining whether any modifications of the recommendations contained therein are advisable, with particular reference to the needs for flood control, navigation, water supply, recreation, environmental and other allied water purposes in the Schuylkill River Basin.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 30

Mr. SCOTT. Mr. President, at the request of the Senator from Vermont (Mr. Prouty), I ask unanimous consent that, at the next printing, the name of the Senator from Minnesota (Mr. McCarthy) be added as a cosponsor of Senate Resolution 30, to amend the Standing Rules of the Senate relative to the Select Committee on Small Business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE RESOLUTION 271

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Kansas (Mr. Dole), I ask unanimous consent that, at the next printing, the name of the Senator from North Carolina (Mr. Jordan) be added as a cosponsor of Senate Resolution 271, for peace in Vietnam.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TAX REFORM ACT OF 1969—AMENDMENT

AMENDMENT NO. 252

Mr. MILLER submitted an amendment, intended to be proposed by him, to the bill (H.R. 13270) to reform the income tax laws, which was referred to the Committee on Finance and ordered to be printed.

(The remarks of Mr. Miller when he submitted the amendment appear later in the Record under the appropriate heading.)

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, if no other Senator is seeking the floor at this time I ask unanimous consent that I may be permitted to proceed for 15 minutes in the morning hour.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is permitted to proceed for 15 minutes.

NIXON PLANNING TO REORGANIZE THE FEDERAL BANKING AGENCIES

Mr. PROXMIRE. Mr. President, there have been recent press reports that the administration is planning to reorganize the Federal banking agencies. The central feature of the administration's proposal seems to be an effort to strip the Federal Reserve Board of its bank regulatory duties and divide them between the FDIC and the Comptroller of the Currency.

Additional details on the reorganization are cloaked in secrecy. A call to the Federal Reserve Board indicated that none of the governors of the Board have even seen the plan other than newspaper stories about it. Other officials were also in the dark. According to press reports, the most knowledgeable sources about the plan seem to be Under Secretary Charles E. Walker, former executive director of the American Bankers Association and a committee of the American Bankers Association which has been reviewing the plan. It seems a little strange that the American Bankers Association, a private trade association, seems to be better informed about the plan than the Federal Reserve itself.

Press reports do indicate that President Nixon might implement the reorganization by Executive order. Under this procedure, the reorganization plan goes into effect automatically in 60 days unless specifically disapproved by either House of Congress.

Mr. President, under the present regulatory framework, bank supervision is divided between three agencies. There are about 4,700 national banks with 60 percent of banking assets supervised by the Comptroller of the Currency. There are about 1,300 State member banks with 23 percent of banking assets which are supervised by the Federal Reserve. And there are about 7,500 State nonmember banks with 17 percent of banking assets supervised by the FDIC. The average sized bank supervised by the Comptroller is $63 million, for the Federal Reserve it is $93 million, and for the FDIC it is $11 million.

The issue of reorganizing the banking agencies has been around for many years. A number of proposals have been advanced, including the establishment of a single Banking Commission to assume all regulatory duties. Many of these proposals have been debated in congressional hearings and in other discussions. From these discussions, one thing seems clear: the reorganization of the banking agencies involves more than administrative efficiency. The structure of our bank regulatory agencies can have a profound impact upon the banking industry and the economy. The present threefold division of responsibility was deliberately created by Congress to maintain our dual banking system and to avoid excessive concentration of power in the hands of a single agency. A thorough review of this structure is long overdue, but I firmly believe that Congress should actively participate in any change.

I am, therefore, concerned over reports that the President might seek to implement a far reaching reorganization of the banking agencies through the Reorganization Act procedures. If this were done, Congress would be treated as voters in a Russian election. We could only disapprove the plan worked out by the administration. We could not participate in shaping the plan or in amending its details. We would not have adequate time to study the ramifications of the plan. We would not have time to hear the views of interested organizations and outside experts on banking. The House and Senate Banking Committees would not have an opportunity to consider the plan since reorganization plans are generally considered by the Government Operations Committees.

The purpose of the Reorganization Act is to promote economy and efficiency in Government. By making reorganization plans automatic unless specifically disapproved by Congress, the President is given a powerful tool for streamlining procedures and eliminating bureaucratic deadweight. I thoroughly support these objectives and the use of the Reorganization Act to achieve them.

However, I do not believe the Congress intended the Reorganization Act to be used when major policy matters are involved. In that connection, Congress amended the act to prohibit its procedures to be used to create or abolish any executive deportment. This prohibition properly reflects the view that a major organizational change should be through the positive affirmation of Congress rather than the negative veto procedures of the Reorganization Act. A major overhaul of the banking agencies should also require positive legislation since such a reorganization could have a significant impact on our economy. Any far-reaching reorganization of the Federal banking agencies should be thoroughly discussed in hearings before the House and Senate Banking Committees.

A dangerous precedent would be created should the administration transfer responsibilities from the Federal Reserve through the Reorganization Act. The primary job of the Federal Reserve is to execute monetary policy and in carrying out this assignment, Congress has intended that the Federal Reserve be independent of the President and the Treasury. If the President can relieve the Federal Reserve of its bank supervisory duties through the Reorganization Act, there is nothing to prevent him from using the same approach to transfer the Fed's monetary policy responsibilities to the Council of Economic Advisers. The power to reorganize is the power to control. How long could the Fed maintain its traditional independence if the President threatened to reorganize it out of its job?

I certainly think a good case can be made for closer coordination of economic policy between the Fed and the administration. Perhaps the President ought to have more control over the Fed. But only Congress can decide this question. We should not legislate the independence of the Fed and then turn around and give the President the power to undermine that independence through the Reorganization Act. Nor should we set a precedent for such action by approving a transfer of bank supervisory responsibilities under the Reorganization Act.

According to press reports, the underlying reasons for getting the Fed out of bank regulation are twofold: First there is a feeling by some Fed officials and others that its bank supervisory responsibilities detract from its main job of making monetary policy; second, there is a feeling by some bankers that the Fed is "too strict" in its regulatory approach and that regulations would be softer under another agency. The decision by the House Banking Committee to put one-bank holding companies under the Fed's supervision may have increased the sentiment to get the Fed out of bank regulation.

Without attempting to prejudge the answers, I would like to raise a number of questions concerning the proposed reorganization of the banking agencies. These questions should be thoroughly debated and aired in hearings before the Banking Committees of Congress.

First, what impact would the reorganization have upon the execution of monetary policy? If the Fed were stripped of its regulatory powers, would it be in a weaker position to induce commercial banks to restrain their lending activities during periods of tight money? We have seen commercial banks develop a variety of devices to avoid tight money including borrowing eurodollars and issuing commercial paper through holding company affiliates. Efforts to avoid monetary restriction could intensify if banks were no longer supervised by the Fed.

Second, who should exercise control over the rates of interest which banks can pay on time deposits? Such limitations were originally imposed as a regulatory tool to promote safety, but in recent years they have grown into a powerful supplement to general monetary policy.

Third, what will be the impact on bank mergers? Reorganizing the banking agencies can have a substantial effect on bank mergers. There are major differences in the importance which each agency attaches to the competitive and antitrust aspects of bank mergers. For example, the Bank Merger Act requires each banking agency and the Justice Department to prepare an advisory opinion on all merger applications. The advisory opinion must indicate if the proposed merger would have a substantially adverse effect upon competition. Whenever a merger case is before one of the three banking agencies the other two agencies and the Justice Department must issue an advisory opinion.

By comparing each agency's findings with those of Justice, we can see how each agency views threats to competition. From 1960 to 1969, the FDIC said there was some adverse competitive effect on 60 percent of the mergers on which they issued an advisory opinion. The comparable figure for Justice on the identical cases was 54 percent. Likewise, the Federal Reserve found some adverse competitive effect on 61 percent of its advisory opinions compared to 50 percent for Justice on the same cases. These two agencies were actually tougher than Justice.

However, when we look at the Comptroller of the Currency, the situation is dramatically reversed. The Comptroller could only see some adverse competitive effect on 22 percent of its advisory opinions compared to 45 percent for Justice on the same cases.

If we look at these same merger statistics in terms of the dollar value of the assets involved, the comparisons are even more striking. From 1960 to 1969, the FDIC issued advisory opinions on bank mergers involving assets of $316 billion. They found some adverse effect upon competition in mergers involving $168 billion in assets or 53 percent of the total. The Justice Department, looking at the same cases, found an adverse competitive effect on 67 percent of the total assets involved.

Likewise, the Fed found anticompetition effects on 67 percent of the dollar volume of merger cases it considered compared to 59 percent by Justice on the same cases. The Comptroller could only see an adverse competitive effect on 35 percent of the dollar volume of merger cases it considered compared to 75 percent by Justice on the same cases. Once again, the Comptroller appears to have myopia when competition is an issue.

It is interesting to compare each of the three agencies to Justice in terms of their propensity to see anticompetitive effects. The Fed is 8 percentage points ahead of Justice, while the FDIC is 14 percentage points behind and the Comptroller is a whopping 40 percentage points behind. These differences have occured despite the fact that each of the three agencies is interpreting the identical law.

The Comptroller seems to have a constitutional inability to perceive threats to competition. It has clearly demonstrated that it is substantially more lax in its regulatory philosophy than the other two banking agencies.

Since the proposed reorganization apparently assigns greater responsibility to the Comptroller, the effect on bank competition could be disastrous. We could have a wave of bank mergers under the benign sponsorship of the Comptroller resulting in the concentration of banking assets in the hands of a few large banks. This would be especially true if the Comptroller rather than the Fed, passed upon mergers and acquisitions involving bank holding companies.

A fourth question about the reorganization plan is what impact would it have upon the dual banking system? The proposed reorganization could undermine the dual banking system. If the State banks supervised by the Federal Reserve were shifted to the FDIC, many of them might convert to national charters since the FDIC has traditionally been oriented to the problems of smaller banks. Such a move could spell the end of State banking. As I pointed out earlier, the average size of a federally supervised bank is $93 million compared to $11 million for an FDIC supervised bank. In addition, many State banks might elect to convert to national charters if the Comptroller took over the responsibilities for approving mergers and acquisitions by bank holding companies.

On the other hand, if the larger State banks elected to stay under FDIC supervision, they could dominate the agency and small banks would lose their independent voice at the Washington level.

In summary, the proposed reorganization of the banking agencies could undermine our dual banking system and lead to a monopoly by a handful of the Nation's largest banks. We need to move with extreme care and caution. I have raised a number of questions about the proposal. These are difficult and complex questions which need to be carefully explored by the two banking committees, which have the expertise on banking matters. I would hope the administration would not try to ram such a proposal through Congress under the Reorganization Act in which Congress has only 60 days to say yes or no. We need to consider the reorganization of our banking agencies, and I am glad that the administration is developing a proposal. But I hope that the administration would recommend positive legislation to accomplish the reorganization instead of relying upon the Reorganization Act procedures which were never intended for such a far-reaching action.

Mr. President, I ask unanimous consent to have printed in the RECORD following my remarks a table showing the bank merger statistics I referred to in my speech, an article from the New York Times about the reorganization, and a paper presented by Gov. Andrew Brimmu of the Federal Reserve Board on bank mergers.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AGENCY ADVISORY OPINIONS UNDER THE BANK MERGER ACT, 1960 TO MAR. 31, 1969

	Number of cases	Percent of Total considered Percent of	Dollar volume of assets involved (in billions of dollars)	Percent of total considered	Difference in percentage points between banking agency and Justice
Cases considered jointly by Justice and FDIC	930	100	316.4	100	
Some adverse effect on competition found by:					
Justice	506	54	210.8	67	
FDIC	563	60	167.8	53	−14
Cases considered jointly by Justice and Federal Reserve	1,047	100	225.5	100	
Some adverse effect on competition found by:					
Justice	524	50	132.3	59	8
Federal Reserve	641	61	151.8	67	
Cases considered jointly by Justice and Comptroller of the Currency	525	100	147.7	100	
Some adverse effect on competition found by:					
Justice	237	45	111.3	75	
Comptroller	114	22	51.9	35	−40

BANKING REFORM PLAN STIRS INDUSTRY CONCERN

(By H. Erich Heinemann)

On Tuesday and Wednesday of this week, a select group of bankers are due to gather in Washington to consider the possibility of a fundamental overhaul in the Governmental machinery that regulates their industry.

The Nixon Administration, largely in the person of Under Secretary of the Treasury Charls E. Walker, has made little effort to conceal its desire to reshuffle the powers of the three Federal banking agencies, so that the Federal Reserve Board would be left free to concentrate on the management of the nation's money supply, while the Federal Deposit Insurance Corporation and the office of the Controller of the Currency would have responsibility for such things as examinations, merger and branching applications and holding company expansion.

Rumors that such a reorganization was brewing have been circulating in Washington for many weeks, but the banking industry did not become fully aware that it was imminent until The New York Times reported the broad outline of the Administration's plan on Sept. 15.

NOVEMBER DATE REPORTED

Now, according to the authoritative newsletter, Washington Financial Reports, there is a "very high probability" that the reorganization will be announced by Nov. 15.

Nat S. Rogers, president of the First City National Bank of Houston, and the newly elected president of the American Bankers Association, appointed a special committee on the Federal bank regulatory structure as his first significant action in office. It is this group that will meet in Washington this week, to try to get a line on the details of what the Administration has in mind.

The chairman of the group is Rex J. Morthland, president of the Peoples Bank and Trust Company, Selma, Ala., and its members include John J. Cummings, president of the Industrial National Bank, Providence, R.I., Paul Hanna, senior vice president of the Manufacturers Hanover Trust Company, New York and Leslie C. Peacock, executive vice president, the Crocker-Citizens National Bank, San Francisco.

According to one insider, there is likely to be a sense of urgency in the proceedings, because of clear indications that the Administration plans to push ahead quickly with its idea.

WALKER SEES AGREEMENT

At a news conference at the American Bankers Association convention in Honolulu two weeks ago, Mr. Walker left no doubt where he stood on the issue. Mr. Walker, who was formerly executive vice president of the American Bankers Association, said that there was "growing agreement" that the Federal Reserve should get out of bank regulation, although the details of the reorganization were still to be worked out.

In any event, Washington sources emphasize that the reform is likely to be carried out in an Executive Order by President Nixon, which the Congress would then have the authority to veto within 60 days. There is a suspicion among some bankers that the Administration may be attempting to press its plan quickly before opposition to it has a chance to organize.

According to Washington Financial Reports, plans call for the details to be settled in consultation between Federal Reserve Chairman William McChesney Martin Jr., Kenneth A. ("Kay") Randall, chairman of the F.D.I.C., and William B. Camp, the Controller of the Currency. Once an agreement had been reached, a formal recommendation would be made to the White House, which would then accept it in whole or in part, or reject it.

An added complication may well come, bankers say, from the fact that all three men could be leaving their present jobs soon. Mr. Martin and Mr. Randall are near the end of their terms and will retire, and there are persistent reports that the Republican Administration would like to replace Mr. Camp, a Democrat.

Whatever the outcome, it is likely to generate a lively political controversy. Many bankers, although certainly not all of them, have been chafing for years under what they regard as unnecessarily tight and rigid regulation by the Federal Reserve authorities. These men would like to see the Federal Reserve get out of the bank regulation business.

At the same time, many Congressmen—some of whom are normally hostile to the Federal Reserve authorities—like the strict job of regulation that the seven-man board is doing, and indeed have been insisting that regulation of one-bank holding companies, an issue which is now pending before the House of Representatives, be given to the Reserve, just for this reason.

REACTION AWAITED

How these men—who include Representative Wright Patman, the Texas Democrat who is chairman of the House Banking and Currency Committee—will react to a reorganization plan that takes the Federal Reserve out of bank regulation, remains to be seen.

Then, too, while the principle of the reorganization sounds simple enough, it turns out in practice to be a highly complex affair. Assuming the Federal Reserve is to be stripped of its regulatory powers, just how are these powers defined, and to which other agency are they to be assigned?

For example, is the Federal Reserve's authority to set interest rates on time and savings deposits a regulatory or monetary function? It was originally conceived as a regulatory power, but lately the Reserve has used it to restrict the ability of the banks to bid for lendable funds, and thus force them to hold back on loans that are considered to be inflationary.

Sources close to the A.B.A. committee say there are no easy answers to this and many other questions.

Furthermore, there are other, more fundamental issues. A number of influential officials—including New York Superintendent of Banks Frank Wille, Irvine H. Sprague, a director of the F.D.I.C., Representative Henry S. Reuss and Senator William Proxmire (the latter two both Wisconsin Democrats)—have called for a basic study of the nation's financial structure by a Presidential Commission, to sort out the conflicting and overlapping areas of regulation, as well as the competition between different types of financial institutions for broader areas of service.

Some bankers are concerned that the Administration's contemplated reorganization, should it be carried out, could foreclose the possibility of an analysis that would try to answer the basic question of what kind of financial structure the nation needs to meet the money needs of the next decade.

MARKET STRUCTURE, PUBLIC CONVENIENCE, AND THE REGULATION OF BANK MERGERS

(By Andrew F. Brimmer)

The debate over the changes required in our banking structure to meet the expanding credit needs of the American public is always a lively one, and the role of bank mergers is usually close to the center of the discussion. Today, despite the focus on the question as to whether banks should be allowed to conduct their businesses through operational subsidiaries, loan production offices or under the direction of a holding company, the policies followed by Federal bank supervisory agencies in the regulation of mergers and acquisitions continue to be of vital interest to the banking community. Thus, an annual convention of the American Bankers Association is an ideal setting for an examination and assessment of the way in which the bank supervisory agencies have carried out their statutory responsibilities in recent years.

The Bank Merger Act, originally enacted in 1960, and the Bank Holding Company Act, enacted in May 1966, were both amended in 1966. Principal among the amendments to each of the statutes was a change in the statement of circumstantial factors the Board is required to consider under the Bank Holding Company Act, and which the appropriate Federal supervisory authority (Board, Comptroller of the Currency, or Federal Deposit Insurance Corporation—depending on the charter status of the continuing institution), must consider under the Bank Merger Act. The amended "statutory factor" provisions were made virtually identical in the Bank Merger and Bank Holding Company Acts and, with respect to the competitive aspects of a merger or holding company proposal, the more precise guidelines found in the Sherman and Clayton Acts were made applicable.

Thus, with respect to either a proposed bank merger where the resulting bank is to be a State member bank, or a bank holding company acquisition, the Board may not approve any proposal that would result in a monopoly or that would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States. Nor may the Board approve any proposed merger or holding company acquisition the effect of which, in any section of the country, may be substantially to lessen competition *unless* the Board finds that the anticompetitive effects of the proposed transaction are *clearly outweighed* in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Pursuant to the amended provisions of both the Merger Act and the Bank Holding Company Act, a court before which an action is commenced under the antitrust laws, following agency approval of a Merger Act or Bank Holding Company Act proposal, is required to review *de novo* the issues presented, and the standards to be applied by the court are those required to be considered by the agencies under paragraph 5 of the Merger Act, and by the Board under section 3 of the Bank Holding Company Act.

It is in this legal framework that the assessment of bank mergers and bank holding company proposals must be made. In approaching this task, I have attempted to answer the following questions:

To what extent, if any, can one observe significant differences in the pattern of merger decisions by the Federal Reserve Board, the Comptroller of the Currency and the Federal Deposit Insurance Corporation?

In deciding proposed bank mergers or bank holding company acquisitions, what weight, if any, should be given to possibilities of future, or potential, competition.

Should the rate of economic growth in an area influence the policies of the regulatory agencies?

In answering these questions, I have reached the following conclusions:

The Comptroller of the Currency and the FDIC apparently approve a much higher proportion of merger applications than does the Federal Reserve Board. These divergencies in denial rates seem to reflect differences in policies among the agencies rather than differences in the seriousness of anticompetitive effects involved in the kinds of cases handled.

Potential competition should be assigned considerable weight in merger cases. However, the Federal Reserve Board seems to follow this practice to a far greater extent than does either of the other two agencies.

A more permissive approach toward mergers in growth areas is not warranted as a general proposition. However, there may be some cases in which the effect of mergers on competition in such areas is offset by the advantage to the community in convenience and needs.

Before proceeding further, let me stress that the present assessment of bank mergers is entirely my own. To anyone familiar with the record of Federal Reserve Board merger and holding company decisions, it should be obvious that in this area—as in others—each Board member speaks for himself.

THE PATTERN OF DECISIONS IN BANK MERGERS AND ACQUISITION, 1966–1968

From the beginning of 1966, through July of 1968, there were over 460 merger and holding company applications received by the three Federal banking agencies. (See Table I, attached.) The vast majority of these applications (391) have proposed mergers, while only 71 have been for holding company acquisitions and formations.[1] Applications to the Comptroller of the Currency account for a little less than half of those received, those to the FDIC about 30 per cent and those to the Board close to 25 per cent.[2]

As one would expect, in view of wide differences in State laws governing multiple-office banking, merger and holding company activity is not evenly distributed throughout the United States. (Table II). Over the period, more than 80 per cent of the applications received came from seven Federal Reserve Districts: New York, Philadelphia, Cleveland, Richmond, Chicago, and Minneapolis. The Richmond district alone accounted for close to 20 per cent of the applications. By and large, each of these Districts includes one or more states in which multiple-office banking is prevalent. On the other hand, there has been less activity in the St. Louis, Kansas City and Dallas Districts, principally because of State restrictions on multiple-office banking.

Over this period, there were 427 decisions by the three banking agencies. There were 409 approvals and 18 denials. (Table III.) While the Board accounted for about one-quarter of the decisions, it also accounted for two-thirds of the denials. The FDIC and the Comptroller each had three denials; the Board had 12. The denial rate at the Board has been close to 11 per cent (with about the same rate for mergers, holding company formations and acquisitions). The denial rate at the FDIC has been less than 3 per cent and at the Comptroller of the Currency, less than 2 per cent. These data strongly suggest that there are significant differences among the agencies with respect to the way each handles its cases, and these differences in approach may have a strong bearing on whether the cases are likely to be approved or denied.[3]

Either the policies of the Board differ from those of the other banking agencies, or the kinds of cases handled by the Board involve more serious anticompetitive effects. While the latter possibility may account in part for the difference between the denial rate at the Board and the FDIC, it hardly seems likely to account for the difference between the Board and the Comptroller.

If, in fact, the denial rates at the Board and at other agencies reflect a difference in policy, this might be reflected in the way the Board's advisory opinions on competitive effects or merger cases are received. Over the period covered, the Board issued 121 advisory opinions to the FDIC and 204 to the Comptroller of the Currency—325 in all. (Table IV.) In 94, or close to 30 per cent of these reports, the Board indicated that the competitive effects of the proposed merger would be serious. (As might be expected, given the small size of the typical insured nonmember bank, the proportion submitted to the FDIC deemed serious was lower—about 22 per cent—than the proportion submitted to the Comptroller—about 33 per cent.)

An indication to another agency that the anticompetitive effect of a merger is serious does not necessarily mean that the Board itself would have denied the application. Serious anticompetitive effects could be offset, or "clearly outweighed" by the convenience and needs of the community. This would, however, have had to be the situation in a little less than two-thirds of the 94 cases in which a serious effect was indicated in order to bring the denial rate down to the Board's own 11 per cent.

In fact, however, the other two banking agencies issued denials in only three of the 94 cases in which the Board found a serious anticompetitive effect. The three other denials issued by the FDIC and the Comptroller were in cases in which the Board did not find a serious anticompetitive effect. There does not appear to be a significant relationship between the finding of a serious anticompetitive effect by the Board and the decisions by the other banking agencies.[4]

In my opinion, the pattern of merger decisions examined here is strong documentation of differences in the approach taken by the three supervisory agencies in carrying out their responsibilities under the bank merger statute. Since each agency must determine for itself how well it is meeting the requirements of the Bank Merger Act, I clearly cannot—and would not want to—judge the performance of the other agencies. With respect to the Federal Reserve Board, I obviously believe that we are performing reasonably well.

THE ROLE OF POTENTIAL COMPETITION

While one can describe statistically the differences in the pattern of merger decisions by the Federal bank supervisory agencies, it is far more difficult to explain those differences. Whatever the basis for the differences among the supervisory agencies, it appears to be reflected in their attitudes toward potential competition—that is, the extent to which weight is given to possibilities of future competition in a proposed bank merger or holding company acquisition.

Although it is not clear just how much importance the Comptroller and the FDIC assign to potential competition in deciding cases before them, one does get the impression that the weight they accord this factor is quite small. In contrast, the Federal Reserve Board places considerable emphasis on potential competition in the determination of both bank merger and bank holding company applications.

I believe it to be clearly established that the effect of the 1966 amendments to the Bank Merger and Bank Holding Company Acts was to impose on the responsible supervisory agencies a scheme for appraising and determining competitive consequences that, in major respects, is utilized generally in the Government's enforcement of section 7 of the Clayton Act as amended in 1950. Most relevant to this discussion is the question: Does a determination of whether the effect of a proposed merger or holding company acquisition "may be substantially to lessen competition" encompass situations involving "potential competition"?

The concept of "potential competition", treated herein, does not automatically en-

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compass—nor absolutely exclude—the related concepts of "potential injury to competitors" and "ease of market entry." Both of these concepts are properly the subject of inquiry in competitive analysis, but are not necessarily related to a determination of the likelihood that parties to a merger or holding company proposal will become active competitors.

Effective, workable competition in a given market exists when buyers of products or services are offered purchasing alternatives sufficiently real to provide these buyers with the opportunity to change from one seller to another, with the possibility of such change influencing sellers to seek improvements in the quality and price of the products and services which they offer. However, particularly in a market in which actual competition is in some manner deficient, sellers may be influenced as much by the realization that a low level of quality or a high price level may attract more competent or efficient entrants from the periphery of the market as they are by the threat posed by existing competitors. Effective competition in such markets, therefore, requires the preservation of the threat of potential competition.[5] Admittedly, to deal with "the preservation of the threat of potential competition" is, on its face, conjectural. But Congressional concern over *probabilities,* not certainties, was the precise reason for the Celler-Kefauver Amendment (1950) to section 7 of the Clayton Act.[6]

It seems fair to say that "potential competition" as a determinative factor in merger and acquisition cases, bank and nonbank alike, while recognized for many years past, has become a crucial and, in some cases, a decisive factor only within the last five years or so. In 1964. the United States Supreme Court decided three cases under section 7 of the Clayton Act in which substantial weight was accorded potential competition.[7] Of these decisions, *Penn-Olin* provides the most direct statement of law and of criteria for applying the law—both of which the Board finds applicable, and has applied, to bank merger and bank holding company proposals. *Penn-Olin* involved a joint venture agreement to produce and sell sodium chlorate in the southeastern United States between Pennsalt Chemicals Corporation, a producer and nationwide distributor of chemicals and chemical products, and Olin Mathieson Chemical Corporation, a producer of chemicals and chemical products with division plants in 15 States. However, at the time of the joint agreement the two corporations did not compete. The relevant market was then dominated by two other corporations, together controlling over 90 per cent of the sodium chlorate market. Pennsalt, pursuant to a sales agreement with Olin, was a minor third competitor in the relevant market. The joint venture agreement was a successor to the above-mentioned sales agreement.

The Supreme Court rejected the finding of the District Court that potential competition between the two joint venturers could be found to have been foreclosed *only* if, as a matter of reasonable probability, it could be shown that both Pennsalt and Olin would separately have entered the southeast market by means of plant establishments. Sufficient for a finding of substantial lessening of competition through foreclosure of potential competition, the Supreme Court said, was a finding of a "reasonable probability that either one of the corporations would have entered the market by building a plant, while the other would have remained a significant potential competitor".

Quoting in part from the aforementioned TNEC Monograph No. 21, the Court concluded:

"Potential competition, insofar as the threat survives . . . may compensate in part for the imperfections characteristic of actual competition in the great majority of competitive markets. . . . The existence of an aggressive, well equipped and well financed corporation engaged in the same or related lines of commerce waiting anxiously to enter an ogligopolistic market would be a substantial incentive to competition which cannot be underestimated." 378 U.S. 174.

Nor is the absence of a proven intent or attempt to enter a market a bar to a finding that a given concern is a potential competitor. It is sufficient to establish that such concern is the most likely entrant.[8]

The doctrine of potential competition, while not relied upon by the courts as a decisive consideration in a court contest involving alleged anticompetitive consequences of a proposed bank merger or holding company acquisition, has been considered and rejected, not as being *per se* inapplicable, but as being inapplicable in view of the facts of record.[9] Preclusion of entry into a defined banking market by a substantial potential competitor through consummation of a merger involving the potential entrant, and the question of whether such result violates section 7 of the Clayton Act, and should have been denied under the Bank Merger Act, are issues recently (9/10/68) placed before a Federal District Court by the U.S. Department of Justice, following the Board's approval of merger proposals involving Girard Trust Bank and Doylestown National Bank (Doylestown, Pa.) and The Fidelity Bank & Doylestown Trust Co. (Doylestown, Pa.). The Board, in its 6–1 decision in those cases which were considered together, took into account the possible impact of potential competition. While five members of the majority ruled that the net effect of the proposed mergers on competition would not be adverse, I felt that the over-all competitive effect would be no more than slightly adverse. Nevertheless, I, too, felt the applications should be approved.

The complaints filed by the Department of Justice in each case assert numerous violations of section 7 of the Clayton Act, the majority of which relate to asserted elimination of *potential competition* in commercial banking between and among the banks involved in the two mergers, and a general allegation of violation premised on the contributory effect of the two mergers on the continuing trend toward reduction in potential bank competitors in the Philadelphia area. We can safely assume, I believe, that the Department of Justice currently takes the position that potential competition is a major factor for consideration in determining the legality of a proposed bank merger; and that proven miscalculation or disregard of a merger's effect on potential competition can require remand to an agency or reversal of agency action.

No less import is attributed by the Board to the factor of potential competition in its consideration of Bank Holding Company Act applications. In the Board's denial action (April 1967, Fed. Res. Bull. 763) on the application of Allied Bankshares Corp., Norfolk, Virginia, to form a bank holding company through ownership of the Virginia National Bank, Norfolk, and The Central National Bank of Richmond, existing competition between the banks was found to be insignificant, and the effect of its elimination of minimal consequence. However, the likelihood that substantial potential competition between the banks would be precluded by their affiliation was stated to weigh heavily in the Board's decision. In May 1967, one month following the Allied denial, the Board, by unanimous vote, denied a proposal by *BT New York Corporation* to acquire *Liberty National Bank and Trust Company, Buffalo* (50 Fed. Res. Bull. 769). As in the *Allied* case, the Board concluded that existing competition between and among the banks involved in the proposal was sufficiently negligible that it posed no bar to approval. However, the proposal's probable effect on *potential* competition was found to present a severely adverse consideration. Rejecting Applicant's assertion that consummation of the proposal would promote deconcentration in the heavily concentrated Buffalo area—through Liberty National's anticipated greater ability to compete with its two larger rivals—the Board concluded that Liberty Bank was presently capable of offering to customers in its market area, both large and small, an alternative source of essential banking services.

Noting that legal and economic barriers to new entry into the Buffalo market area were already high, the Board expressed its concern that there be preserved whatever incentive might exist for entry by potential competitors having the resources and capacity to surmount existing barriers. Based on the financial and management resources of BT New York Corporation, the Board found that the Applicant was a potential competitor in the Buffalo market, whose greater participation in that market was not dependent on consummation of the proposed acquisition, and that the entry of such a sizable organization by that means would simply raise the entry barriers for others without increasing the banking alternatives already available to the public. Further, it was concluded that Liberty Bank, through a less anticompetitive affiliation, could offer meaningful competition to Applicant and other banking organizations in the upstate banking markets.

Lest the impression be given that there is no limit to the Board's application of the potential competition concept, I can and do speak with knowledge of the Board's efforts to delineate those cases where, because of the facts presented, potential competition has no reasonable role in the Board's determination. Assessing the competitive potential of a given institution is oftentimes difficult. Such assessment requires a definition of the relevant product and geographic markets, and a finding of the ability of a party to a proposal to compete in the market in which the other party or parties are engaged. A determination as to the ability of a bank to compete in given product and geographic markets involves analysis of the cost factor related to such entry. An accurate measure of probable profit, or lack thereof, can often mandate a conclusion as to whether a given bank can reasonably be designated a potential competitor. Similarly, the size of the bank, history of innovation, management ability, and related operational motives all must be taken into consideration in a determination of the presence or not of a potential competitor.

Whatever may be the desirability of taking account of potential competition, the United States Supreme Court has now ruled that it must be done.[10] As reflected in a Statement in which I joined, dissenting from the 4–3 action of the Board approving the merger of two banks in North Carolina (The State Bank, Laurinburg-Wachovia Bank and Trust Company, 7/11/68), I believe that Federal bank supervisory authorities are required by law in acting upon merger and bank holding company applications to guard against the continuing trend toward concentration of banking resources, a trend that the Bank Merger Act, the Bank Holding Company Act, and the antitrust laws were designed to prevent. The job cannot be done by ignoring the potential competitor, and will be done only if barriers to market entry are removed or substantially reduced.

MERGER POLICY AND ECONOMIC GROWTH

Should the rate of economic growth in an area influence the policies of the regulatory agencies toward proposed acquisitions? It

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apparently has been argued that competition tends to be more intense in a rapidly growing area than in a non-growing area; therefore, the regulatory agencies can afford to pursue a more permissive approach toward acquisitions.

There is nothing in current law or in recent court decisions that would suggest that rapid economic growth is taken by the Supreme Court as a relevant competitive consideration offsetting, let us say, the effect of a merger on concentration in an area. Nor has the Court suggested that the growth of an area, past or prospective, constitutes a justification for a merger that would otherwise be illegal—as might be the case if it were found that mergers in growing areas contributed substantially to the convenience and needs of the community. However, the bank regulatory agencies deal with large numbers of proposals that merit a full scale economic review, many of which are, in all likelihood, not violations of the antitrust laws as currently interpreted. In such cases, there is no necessary reason to adopt exactly the same presumptions as have been applied in antitrust cases by the courts. Moreover, the substantive question would, in any event, remain and it does warrant consideration.

The view that the regulatory agencies need not be as restrictive in preventing mergers in a rapidly growing area as in a slow-growing or stagnant area is presumably based on the belief that economic growth would, in and of itself, intensify competition and would tend to offset high levels of concentration. There are several intuitively appealing reasons why this might be the case. If the economy of an area is growing, there may be a stimulus toward more intensive competition as the aggressive competitors in the area attempt to obtain new customers and also to secure the old ones whose accounts become more valuable. Moreover, marginal banks that might otherwise offer little in the way of effective competition, either because of their small size or limited management, would have an opportunity to grow with their area and to become more vigorous competitors. Finally, in a growing area, there is likely to be room for new entry, either by branching or new charter. Banks in other areas and other entrepreneurs will see an opportunity for profit. Bank supervisors should see a "need" for new facilities.

The above arguments may seem persuasive to many in the banking community. However, the regulatory agencies should not accept them easily. It is by no means obvious that the prospects of obtaining new business will stimulate banks to more effective competition. This would seem to depend on the extent to which banks find it profitable to compete. In a highly concentrated market, it may still be more profitable to follow customary rather than competitive patterns of behavior. Indeed, evidence from the experience of other industries suggest that competition frequently becomes intense, not when conditions are prosperous, but when they are depressed and there is pressure on earnings. I would suggest that we simply do not have enough evidence to state with assurance the effect of the rate of economic growth and changes in the rate of growth on the competitive behavior of banks.

On the other hand, there probably is enough evidence to state that economic growth can, at times, convert a marginal competitor to a larger and more effective competitor. Much would depend on the attitude of management. But, at the same time, such banks may also be very attractive merger partners for larger banks. If a permissive policy is adopted, it is difficult to see how this source of increased competition would be realized.

There should, nevertheless, be room for new banking facilities in a rapidly growing area whereas there might not be room in a slowly growing area. But whether or not the new growth is accommodated by "inside" banks on the one hand, or "outside" banks and new charters on the other, depends in part on the attitude of bank supervisors who regulate branching and new charters, and also in part on the aggressiveness of the larger banks already in the area. If the large and aggressive "inside" banks are permitted to acquire the most favorable office sites through *de novo* branching or merger, particularly with financial marginal institutions—and they have some real advantages in finding them—the entry of new organizations may be quite limited. The establishment of new branches, and mergers with marginal institutions may make it more difficult for new entrants to become established in the fringe areas. In the long-run, the effect would be to maintain the same or even higher levels of concentration.

There appears to be, however, an inverse relationship between concentration and growth. Slow growing areas often have higher concentration ratios than rapidly growing areas. This is understandable. Regulatory policy, which in part is aimed at protecting existing banks from excessive competition, tends to be restrictive toward new entry in stagnant areas and perhaps somewhat more permissive towards mergers. The observed inverse relationship between economic growth and banking concentration has, it should be noted, taken place within a framework of bank supervision that has not been permissive toward mergers in rapidly growing areas.

There is no way of knowing with certainty what kind of relationship between concentration and economic growth would be observed over the next decade if merger policy were to become less restrictive in growth areas. However, as indicated, it seems the competitive benefits deriving from the growth of marginal banks would disappear through acquisition. While there would still remain the possibility for new entry by branching and new charter, the extent to which competition would be benefited from these sources would depend on the extent to which existing banks would strengthen their positions in marginal areas and also on regulatory policies which differ from state to state and, sometimes, from one Comptroller of the Currency to his successor. In any event, it seems doubtful that the regulation of mergers, in the present institutional environment, should be based on assumptions about regulatory policies toward branching and new charters. Finally, as noted, the apparent stimulation of competition among existing competitors when new business is at stake seems dubious, depending, as it does, on hypotheses that have not, to my knowledge, been adequately tested.

If it is not reasonable, in evaluating the competitive effects of mergers, to rely on economic growth in banking as an offset to higher concentration, it does seem reasonable to conclude that merger policy should be viewed as a complement to economic growth in highly concentrated markets. In an unregulated industry, economic growth and the prospect of high return would tend to attract new capital; and if entry barriers are not too high, this should result in an intensification of competition. In a regulated industry like banking, where barriers to entry and concentration are high in part because of regulation, economic growth should be given the opportunity to produce the degree of competition more prosperous conditions make possible. This means, by and large, permitting new entry to meet rising demands for banking services and also permitting marginal banks to emerge as effective competitors. It is in the slow growth areas that marginal banks are not likely to emerge as effective competitors, and new entry may also be unlikely whatever regulatory policy.

While a more lenient policy toward mergers in growth areas on competitive grounds seems unwarranted as a general proposition, there may, nevertheless, be some justification for such a policy on grounds of convenience and needs. A growing area develops large demands for bank credit. Small local banks may not be able to meet such demands, because of the volume of their resources, their loan limit or simply their customary ways of doing business. It is quite conceivable that, in some cases, mergers in growing areas would involve benefits to the community that offset any anticompetitive impact. This would be particularly true in the absence of banks suitable in size and approach to meet the demands for banking services generated by growth. But just as in the analysis of competition, generalization is difficult, and a careful study of the likely benefits in each case would be required.

It may be concluded that an easier policy toward mergers in growth areas is not warranted as a general proposition. There may, however, be some cases in which the effect of mergers on competition in such areas is offset by the advantage to the community in convenience and needs.

CONCLUDING REMARKS

From the above discussion of several key issues relating to bank merger and bank holding company acquisitions, I am personally convinced that important differences exist among the supervisory agencies in the way they carry out their statutory responsibilities. However, I see no ready means of resolving these differences in the near future, although interagency consultations may be helpful. Beyond that, from the pattern of court decisions in the several cases challenged by the U.S. Department of Justice there may come a set of guidelines further sharpening the antitrust standards of the Bank Merger Act.

In the meantime, to meet the growing demand for banking services, the nation's banking structure must also grow and adapt. Innovations in banking services in particular markets must be allowed to come forth. However, although acquisitions under some circumstances may have a beneficial effect on competition—and often on the convenience and needs of the public—we must carefully guard against the anticompetitive possibilities implicit in widespread acquisitions among banks.

TABLE I.—MERGER AND HOLDING COMPANY APPLICATIONS RECEIVED BY BANKING AGENCIES, 1966–68[1]

	1966	1967	1968 (Jan. 1–July 31)	Total for period
AGENCY				
Federal Reserve:				
Mergers	22	15	5	42
Holding company formations	9	11	6	26
Holding company acquisitions	18	17	10	45
Total	49	43	21	113
Federal Deposit Insurance Corporation	42	47	45	134
Comptroller of the Currency	99	76	40	215
Total	141	123	85	349
Total	190	166	106	462

[1] Jan. 1, 1966, to July 31, 1968.

TABLE II.—DISTRICT DISTRIBUTION OF APPLICATIONS RECEIVED BY BANKING AGENCIES, 1966-68[1]

	Boston	New York	Philadelphia	Cleveland	Richmond	Atlanta	Chicago	St. Louis	Minneapolis	Kansas City	Dallas	San Francisco	Total
AGENCY													
Federal Reserve Board:													
Mergers	6	7	2	5	6		10		2			4	42
Holding company formations	1	5		2	2	6	4		1	4		1	26
Holding company acquisitions	2	3		2	14	10	9		3	1		1	45
Subtotal	9	15	2	9	22	16	23		6	5		6	113
Federal Deposit Insurance Corporation	11	19	17	16	21	1	10	8	4	3	4	20	134
Comptroller of the Currency	12	29	35	20	47	8	11	3	6		4	40	215
Total	32	63	54	45	90	25	44	11	16	8	8	66	462
Proportion of total	6.9	13.6	11.7	9.7	19.5	5.4	9.5	2.4	4.5	1.7	1.7	14.3	100.0

[1] Jan. 1, 1966 to July 31, 1968.

TABLE III.—MERGER AND HOLDING COMPANY APPROVALS AND DENIALS, 1966-68[1]

	1966	1967	1968 (Jan. 1-July3)
AGENCY			
Federal Reserve mergers:			
Approvals	21	13	4
Denials	2	2	1
Holding company formations:			
Approval	6	10	5
Denial	2	1	0
Holding company acquisitions:			
Approval	15	16	10
Denial	2	2	0
Federal Deposit Insurance Corporation:			
Approval	36	38	31
Denial	0	2	1
Comptroller of Currency:			
Approval	85	76	43
Denial	2	1	0
Total:			
Approval	163	153	93
Denial	8	8	2

[1] Jan. 1, 1966 to July 31, 1968.

TABLE IV.—ADVISORY OPINIONS OF BOARD OF GOVERNORS, FEDERAL RESERVE, TO OTHER BANKING AGENCIES, 1966-68[1]

	To Federal Deposit Insurance Corporation	To Comptroller of the Currency	Total
Anticompetitive effects:			
Serious	27	67	94
Not serious	94	137	231
Total	121	204	325

[1] January 1, 1966 to July 31, 1968.

Note.—Between May 29, 1967 and July 31, 1968, the Board's opinions have indicated one of 5 terms describing anticompetitive effects. These, in order of the seriousness of the effect are: (1) monopoly; (2) substantially adverse; (3) adverse; (4) slightly adverse and (5) no adverse. The first 3 categories are considered to involve serious anticompetitive effects. Prior to this period, the Board's opinions did not use standardized terminology; however, the reports themselves were reviewed and classified on the 2-way basis indicated in this table.

FOOTNOTES

[1] Nevertheless, since 1964, there appears to have been an upward trend in holding company activity. The following data are for Board decisions in holding company cases, rather than applications: 1964, 11; 1965, 17; 1966, 26; 1967, 31. There may be at least 33 decisions in 1968.

[2] A little more than ⅓ (37 per cent) of the Board applications have been for mergers; the remaining applications have involved holding companies.

[3] For the technicians who may be interested, the relationships appearing in the pattern of merger decisions were tested statistically. Cross classifying Board and "other agency" decisions by "approvals" and "denials" permitted a nonparametric contingency test which yielded a chi square value of 13.7. This value is significant at better than the 1 per cent level and supports the hypothesis indicated above.

[4] Cross classifying Board findings of serious and nonserious anticompetitive effects, in advisory opinions by "approvals" and "denials" by other agencies permitted a nonparametric contingency test which yielded a chi square value of .48, which cannot be taken as significant.

[5] Wilcox, *Competition and Monopoly in American Industry, Temporary National Economic Committee Monograph No. 21* (1940), p. 7.

[6] *United States* v. *Philadelphia National Bank*, 374 U.S. 321 (1963); *Brown Shoe Co.* v. *United States*, 370 U.S. 294 (1962).

[7] *United States* v. *Continental Can Co.*, 378 U.S. 441; *United States* v. *Penn-Olin Chemical Co.*, 378 U.S. 158; *United States* v. *El Paso Natural Gas Co.*, 376 U.S. 651.

[8] *Federal Trade Commission* v. *Procter & Gamble Co.*, 386 U.S. 568, 580 (1967).

[9] *United States* v. *Crocker-Anglo National Bank*, 223 F. Supp. 849, 856-7 (N.D. Cal. 1963).

[10] *The Supreme Court Review*, 1964, The Law School, The University of Chicago, p. 188.

RATIFICATION OF HUMAN RIGHTS TREATIES FULLY CONSISTENT WITH U.S. CONSTITUTION

Mr. PROXMIRE. Mr. President, one of the most persistent fears which has stood in the way of ratification of the three human rights conventions concerning genocide, the political rights of women, and forced labor has been that these treaties could negate certain provisions of the Constitution. Although this concern has been widespread and has frequently been used as an excuse for failure to ratify the treaties, it has no basis in fact.

Justice Story made it very clear that the treatymaking power must be subject to those provisions of the Constitution establishing the Government and imposing express limitations on its powers:

> A power given by the Constitution cannot be construed to authorize a destruction of other powers given in the same instrument. It must be construed, therefore, in subordination to it; and cannot supersede or interfere with any other of its fundamental provisions. Each is equally obligatory and of paramount authority within its scope; and no one embraces a right to annihilate any other.

Mikell in his article, "The Treaty Making Power," published in the University of Pennsylvania Law Review outlines those cases where a treaty would transcend the Constitution:

> A treaty or treaty provision would transcend the Constitution if the treaty: (1) Alters the form of government, (2) Alters the departmental structure of the Federal Government, (3) Alters the constitution of any of the branches of government, (4) Deprives the Federal Government of a delegated power, (5) Exercises a power confided to another branch of government, (6) Exercises a power prohibited to the Federal Government or reserved to the States.

None of the human rights treaties fall within these six cases where the provisions of the treaty would transcend certain provisions of the Constitution. Ratification of the treaties would not limit individual rights—on the contrary, it would expand them. Thus the argument that ratification of the treaties could violate constitutional provisions simply is not valid. We can no longer accept this argument as a basis for continued failure to ratify these important conventions. The Senate has the responsibility to act on these treaties now; there is no justification for further delay.

SUPPORT FOR AN END TO THE WAR IS BROADER AND DEEPER THAN EVER BEFORE—COSPONSORS OF SENATE RESOLUTION 270

Mr. CHURCH. Mr. President, support for an early and complete disengagement from Vietnam keeps growing.

A popular government cannot remain indifferent to the rising opposition of the people toward prolonging our participation in this war. In the past two national elections, the people voted for peace. Yet, all they got was more war. The reluctance of the Government to heed public opinion is the underlying cause for the massive outpouring of pentup feeling that occurred on October 15, moratorium day.

Now that the President has commenced to withdraw from Vietnam, the people would like to see the process speeded up. At the present rate of withdrawal, American troops will be engaged in Vietnam for the next 8 to 10 years. The present policy, dependent as it is on Saigon and Hanoi, waits upon the pleasure of foreign governments whose interests differ diametrically from ours. We should take back the timetable into our own hands, where it belongs.

Last week, the distinguished senior Senator from Oregon (Mr. HATFIELD) and I introduced a bipartisan resolution, Senate Resolution 270, expressing the sense of the Senate that the time has come for the South Vietnamese people to take charge of their own destinies, and calling for "a more rapid withdrawal of American troops, and a commitment by the United States to fully disengage from South Vietnam pending such reasonable interval as may be necessary to effect an orderly transition on the battlefield, and provide for the safety of American troops and those who may wish to leave with them."

Mr. President, the welcome response to our invitation to cosponsor this resolution is another indication of the growing sentiment for peace in the Senate. To this date, a total of 18 Senators have endorsed the resolution. This represents the high water mark of Senate support for any resolution calling for an end to the war in Vietnam.

Mr. President, I ask unanimous consent that the following Senators be listed as cosponsors on the next printing of Senate Resolution 270:

The Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from New Jersey (Mr. CASE), the Senator from California (Mr. CRANSTON), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. MCCARTHY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Wisconsin (Mr. NELSON), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Maryland (Mr. TYDINGS), and the Senator from Ohio (Mr. YOUNG).

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. DOLE. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I yield.

Mr. DOLE. The Senator indicates that the cosponsors of his resolution (S. Res. 270) represent the high water mark of Senate support for any resolution calling for an end to the war in Vietnam.

May I remind the Senator that Senate Resolution 271 is sponsored by 36 Members of this body, and calls upon the North Vietnamese—the enemy in this conflict—to do certain things.

For the RECORD, I wish to emphasize that there are 36 sponsors of that resolution.

Mr. CHURCH. I am familiar with the Senator's resolution. I think that if he reads carefully the text of my remarks, he will find that they do not need revision.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MR. PRESIDENT—NOT ENOUGH

Mr. YOUNG of Ohio. Mr. President, President Nixon last spring announced he favored increasing social security benefits by 7 percent. With a surplus in the social security and social security disability fund of nearly $30 billion—which is a tremendous surplus—certainly payments to men, women, and children should be increased to 15 percent. If they were increased to 15 percent, the social security fund would still continue to be an actuarially sound insurance system.

Social security is the greatest legislative achievement of President Franklin D. Roosevelt's administration. Conservatives of that period denounced it as state socialism and sneered that Americans would be wearing "dogtags." The Republican platform of 1936 pledged repeal. Its candidate, Gov. Alf Landon of Kansas, a good man, carried but two States. It has since been unthinkable for any political party to oppose the social security program.

A young worker today is building insurance for his family that could pay thousands of dollars in benefits should he become disabled or die before his children are grown. Today, 1,300,000 disabled workers under 65, and 1 million dependent children each month receive social security checks averaging $235. Many Americans are unaware that changes in the law now provide payments in early and middle years. For example, a young worker disabled before the age of 24 with 1½ years of covered employment during the preceding 3 years qualifies for social security payments as long as he lives. Also, children of a working mother covered by social security who dies or becomes disabled are immediately eligible for payments regardless of the father's income.

President Nixon proposed a 7-percent increase in social security benefits; recently he increased that proposal to 10 percent, effective not earlier than next April. Unfortunately, there is no delay in the ever-increasing cost of living and a long, cold winter is approaching, particularly for lower income families.

Social security is, and it will continue to be, and it must continue to be, an actuarially sound insurance system. Payments to the 25 million men, women, and children now receiving social security benefits could be and should be increased 15 percent, and without delay.

REPEAL THAT GULF OF TONKIN RESOLUTION

Mr. YOUNG of Ohio. Mr. President, in the final session of the 89th Congress on March 1, 1966, I report with pride that my vote was recorded in support of a resolution to repeal the Gulf of Tonkin resolution which was passed in the Senate following misrepresentation of facts from the White House and aided and abetted by officials of the National Security Council and Central Intelligence Agency falsely claiming small North Vietnamese gunships had fired upon our destroyers, including the destroyer *Maddox*.

Mr. President, hindsight is much better than foresight. Looking back on it, that assertion seems preposterous. The *Maddox* was accompanied by other destroyers of the U.S. Navy, but the *Maddox* alone could have destroyed every one of those small gunships that were falsely alleged to have attacked the *Maddox*.

President Johnson used this alleged incident to obtain authority to send hundreds of thousands of men of our Armed Forces overseas into Vietnam to wage an undeclared, immoral major war in that faraway country.

There were only five U.S. Senators at that time who voted to repeal the Gulf of Tonkin resolution. I am glad to report I was one of those five. The others were Senators FULBRIGHT, MCCARTHY, Morse, and Gruening.

Mr. President, I have prepared and am submitting a resolution to repeal the Gulf of Tonkin resolution.

The PRESIDING OFFICER. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 42), which reads as follows, was referred to the Committee on Foreign Relations:

S. CON. RES. 42

Resolved by the Senate (the House of Representatives concurring), That, under the authority of section 3 of the joint resolution, commonly known as the Gulf of Tonkin Resolution and entitled "Joint Resolution to promote the maintenance of international peace and security in southeast Asia", approved August 10, 1964 (78 Stat. 384), such joint resolution is terminated upon passage of this concurrent resolution.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that I may be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator is recognized for not to exceed 15 minutes.

THE NOMINATION OF HON. CLEMENT F. HAYNSWORTH, JR., TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. BAKER. Mr. President, at a special news conference convened in his office yesterday, President Nixon reaffirmed his support for Judge Clement Haynsworth and stated he had examined in detail the record made by the Senate Judiciary Committee, and that he had absolutely no doubt that Judge Haynsworth is a man of integrity and honesty.

I have read the transcript of the news conference, Mr. President, and also examined the charges that have been raised against Judge Haynsworth and their denial by Senator COOK and others before the Senate.

I share the judgment of the President as to the honesty and integrity of this distinguished nominee.

I believe that if any Senator examines in detail and depth the so-called appearances of impropriety that have been raised, rather than taking a rigid position based on superficial reasoning determined by philosophy or ideological persuasion, he will reach a similar judgment.

If that approach is used, then I am convinced that the nominee will be confirmed by this body by an overwhelming vote.

Some are now saying the President should withdraw this nomination because there are appearances of impropriety that have been created; but I ask, in all due deference, "Who created those appearances?" Clearly, in my view, not the distinguished nominee, for, as I have said, any objective analysis of the record will clearly indicate to the contrary. The so-called appearances of impropriety so often alluded to in debate on this floor have been created, in my judgment, not by the nominee but by the debate, the newspaper accounts, the reports, the innuendo, the rumor, the imcomplete analysis of the 700-page record compiled by the Senate Committee on the Judiciary.

But even if this be the fact, it is being contended that while the ethical questions that have been raised were not warranted, or were without foundation, since doubt has been raised the President should withdraw the nomination. However, as the President has said, and said only yesterday, to pursue that course of action would mean that anyone who wants to make a charge can thereby create the appearance of impropriety, raise a doubt, and then demand that the nomination be withdrawn. The President rejected that course of action, and I commend him for it.

To allow a man to be victimized in this manner would be contrary to our system, and would obviously mean that a nomination could be defeated for a good reason, for a bad reason, or, as in this case, for no reason at all.

Mr. President, I have great respect for this body, as I have deep and genuine respect for the underlying genius that created our tripartite system of central government, consisting of the executive department, the two branches of the legislative department, and the judiciary, each having a rather exquisite set of checks and balances, prerogatives, and overlapping jurisdiction with the others. This insures that there is a consensus expressed by the machinery of government that fairly and clearly represents the will of the people themselves.

The Senate is now engaged in one of its unique jurisdictional undertakings—the responsibility, under the Constitution, that it advise and consent with the President of the United States on the confirmation or the withholding of confirmation of a nominee for the highest tribunal the only constitutional tribunal, in this Republic.

I think it might be appropriate, for the moment, to examine in detail the responsibility of this body in that respect. Clearly, I believe, the President and the Senate have concurrent responsibility and concurrent jurisdiction in the matter of selecting the members of that constitutional tribunal, the Supreme Court of the United States, in this case specifically an Associate Justice of the Supreme Court.

I have no quarrel with those who say that the Senate must not act as a mere rubber stamp, giving automatic or pro forma approval to any nomination sent by any President to the Senate at any time. I do believe that our jurisdiction is as great as that of the executive department; otherwise, the phrase "advise and consent" would have no meaning. But there is one principal constitutional distinction between the responsibility of the President and the responsibility of the Senate. As it clearly appears from the Constitution, only the President can initiate a nomination. The Senate may consider only those nominations so initiated; and, in considering nominees for the highest tribunal, it is the responsibility of the Senate to examine every fact and every facet involved in such nominations.

It is my purpose now to urge my colleagues to do precisely that; and, with all due respect, even with my great reverence for this body, to suggest that they have not yet done it. The debate thus far has been altogether too detached from the record compiled by the Committee on the Judiciary. The debate thus far has dealt too much and too often with "the appearance of impropriety," and too little with the fact and substance of the nominee's record as adduced by the committee.

I believe it would be a tragic chapter in the relationship between the Senate and the judiciary if this nomination were not determined on the basis of the merits and facts of the controversy, rather than on the basis of innuendo. I believe, as I have stated before on this floor, that it is time we examined the facts and circumstances attendant upon this nomination, and stopped "shoveling smoke"—a phrase that was impressed upon me some years ago when I was in law school. It was then pointed out that too often law students and lawyers and, I am inclined to believe, legislators, even those in this august body, tend to become caught up in the emotions of the moment and to be attracted by the glitter of vocabulary instead of careful scrutiny of the record itself and the facts and circumstances on which a judgment should be based.

In response to that implication, either Justice Holmes or Judge Learned Hand—I have forgotten now which—made the charge that lawyers are prone to spend much of their adult lives "shoveling smoke"—that is, dealing in things other than the facts of the case at issue.

I admonish my fellow Senators, and I am confident that the Senate will not do so, not to engage in a smoke shoveling contest in connection with the confirmation of Clement Haynsworth to serve as an Associate Justice of the Supreme Court of the United States. I believe my colleagues, and the Senate as a body, will not engage in the luxury of innuendo as the basis for judgment, but rather will make their judgment on the basis of the facts. The facts have been clearly delineated in the hearing record, and on occasion in debate on this floor. I commend now, as I have previously, the magnificent statement made by the junior Senator from Kentucky (Mr. COOK), wherein he took, one by one, the charges, the inferences, the allegations, and the implications—not just those involved in the debate, but in the stories circulated in the press, from every source—and made a point by point, meticulous answer to all such charges. I said then and I say once again that it is the constitutional duty of every Member of this body to do what MARLOW COOK, the distinguished junior Senator from Kentucky, did, and that is to examine these matters and look the facts in the face.

The confirmation of the nomination of a man to serve on the highest court in this land must be so judged. It must not be judged on some inference of liberal philosophy or conservative philosophy, or some alleged bias of a prolabor or antilabor stand, because, Mr. President, if we do judge on that basis, we are setting up a constitutional principle that I believe none of us would consciously adhere to or approve of. If some say, as some have said, "I oppose Clement Haynsworth because his philosophy is too prolabor or too antilabor, or too liberal or too conservative," we are in fact saying by that allegation or that statement that we are going to choose the members of the Supreme Court of the United States based upon some artificial balance between liberal and conservative, prolabor and antilabor. Mr. President, for my part, I do not want a member of the Supreme Court of the United States, whether it be the Chief Justice or an Associate Justice, who is either pro or anti anyone in these United States. To say that Clement Haynsworth is antilabor implies that the maker of the statement would rather have someone who is prolabor; or to say that he is anti-civil rights, that he would rather have someone who is pro-civil rights.

Judge Haynsworth is neither, and no conscientious member of this Government, whether he be a Senator, a Justice of the Supreme Court, or the President of the United States himself can afford the luxury of being anything other than dispassionate, calm, and impartial in his judgment of what is best for this country and best for humanity.

So I reject out of hand the contention that we should judge on the basis of a philosophical bias of any sort, and say rather that we should examine this nominee as we should examine all nominees, on the basis of their competence, their qualification to serve and to serve well, to serve impartially and to serve judiciously the best interests of the people of this country, all of them, without breaking the population down into pro or anti anything.

Clement Haynsworth is uniquely suited for this difficult task. The President of the United States has chosen well. The Senate of the United States must examine the facts and not revel in innuendos or aspersions. We must come to terms with the judgment we must make, disregarding as we must so often disregard what its political impact will be at home with one group or another, and we must decide what is best for this country.

In my humble view, what is best for this country is a man who has the judicial impartiality to look facts in the face and call the judgments as he sees them, which is precisely what we must do also in judging this confirmation.

Mr. THURMOND. Mr. President, I commend the able and distinguished Senator from Tennessee for the fine presentation he has just made. It is my firm belief that when Senators read the record in the Haynsworth case, they will find that Judge Haynsworth is as well qualified as any man who has ever been nominated to be a Supreme Court Justice.

I am very proud that the Senator from Tennessee has seen fit to make the remarks he has made today.

Having known Judge Haynsworth, his father, his grandfather, and the distinguished family from which he comes, I am sure that the Members of the Senate and the people of this country will be very proud to have him serve as a Supreme Court Justice.

CLASSIFIED INFORMATION IN CONGRESSIONAL RECORD

Mr. THURMOND. Mr. President, looking back to the debate on the 1970 military authorization bill, I would like to bring to the attention of my colleagues two points which have caused me deep concern in the past 6 or 7 weeks.

The first point is the fact that this debate has revealed to our enemies vast amounts of classified information they could not have obtained otherwise. Second, it appears to me we are witnessing a direct challenge to the committee system as we have known it here in the Senate.

On point No. 1 regarding classified information, it is not my desire to bring into question the right of any Senator to challenge any item in any bill on the floor of the Senate. To do so would challenge the democratic process which has made our Government a powerful and influential one.

However, it must be recognized that in the 6 weeks the military procurement bill has been debated item by item, information on weapons systems vital to our defense has been spread across the public record for all to see.

During this debate the thought often occurred to me that our enemies would have been required to pay millions to espionage agents for the information revealed in a copy of the CONGRESSIONAL RECORD which sells for a few cents. It is not hard to imagine the excitement of Communist military leaders around the world as their interpreters pour over the CONGRESSIONAL RECORD and extract information vital to their development of an effective strategy against us. Can you imagine the copies of the CONGRESSIONAL RECORD which have been shipped to Russia, China, Cuba, and other unfriendly countries in the last month?

Mr. President, the opponents of these various weapons systems are not the only ones who have spilled our "military beans" so to speak, but those of us trying to defend these systems have also been forced to reveal classified data, knowingly and unknowingly, in an effort to preserve the strength of our Military Establishment.

Our entire military strategy and concepts have been enumerated in full. We have had to talk about the "2 and ½" concept and justify it. We have had to talk about our balance of deterrence, our commitments abroad, our strategy of attack, the strength of our Navy, the shortage of submarines, the approaching weakness of our manned bombers, the successes and failures of our antiballistic missiles, the characteristics of our new tank, the naval strategy involving our aircraft carrier forces, the approaching obsolescence of our Air Forces, the strategic concepts upon which the C–5A is based, and so on.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. THURMOND. Mr. President, I ask unanimous consent that I be permitted to continue for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, on two systems our debate has been particularly revealing, the ABM and the MBT–70.

In the lengthy debate on the ABM we precisely pinpointed the location of our planned defensive missiles, we discussed their capabilities and their weaknesses, we talked about the multiple independent reentry vehicle techniques, the size and power of our warheads, the number and range of our ABM's, the dispersion of our Sprints and Spartans, the expected points of interception, the problems with chaff and other countermeasures, and the strength and failures of the radars which control and guide these defensive missiles. This debate also laid bare the strength of our ICBM's, our Polaris and Poseidon forces, and the present makeup of our strategic bomber squadrons.

Furthermore, we revealed to a large degree exactly what we know and what we do not know about the military strength and plans of the Russians and the Chinese. Any schoolboy could plan the defense of his fort better if he knows how many slingshots, rubber guns, and dirt balls his opponents have prepared to use against him.

Regarding our revolutionary new tank, the MBT–70, we were forced to reveal its particular characteristics in an effort to justify its continued development. This being a joint project with West Germany, our allies must be in a state of shock over the fact we have unveiled to a potential enemy all the strengths and weaknesses of a vehicle in which they might some day have to place their young men and commit to a battlefield. It is likely the MBT–70 will be the last joint development project any nation will ever undertake with America, the land of open discussion.

Mr. President, I do not know what the answer is, but I hope it is something other than what we have just been through. All of these weapons systems have been reviewed and discussed at length in executive sessions of the Armed Services Committees of both the House and the Senate. In the past, certain classified hearings and reports of the committee have been available for Members of the Senate to examine if they wished.

It is not my suggestion that the Members of the Senate give unqualified support to the recommendations of the Senate Armed Services Committee. This committee has 18 members but we are not infallible, nor is the Defense Department, the President, the Bureau of the Budget, or any group involved in the defense of this Nation. Still, there must be a better way to get at these issues and deal with them in an effective way which will serve the best interest of all concerned. This must be accomplished with the recognition that more secret data vital to the survival of this country is heard by the Armed Services Committee than goes before all other congressional committees combined.

This problem is complicated by the fact that our enemies in this world operate in closed societies where the representatives of their people are more the servants of a powerful elite than the masters as in our country. Discussions of their military problems never reach the public ear or printed word and, therefore, they have an advantage because of the oppressive nature of the political systems under which they operate. While we cannot do anything about their system it does seem that some thought should be given to finding adequate methods to provide the necessary reviews and debates of our own military problems without the exposure which has just resulted in the Senate.

On the second point, we have witnessed in recent months a challenge to the committee system. We have seen members of other commitees use their committees to go into strictly military problems in an obvious challenge to the Senate Armed Services Committee. In addition, we have seen organized a bipartisan group of Senators and Congressmen working as members of an unofficial body called the Military Spending Committee of Members of Congress for Peace Through Law.

What would the members of this august body think if a similar nonofficial committee was organized to challenge the findings and reports of the Foreign Relations Committee, the Judiciary Committee, or the Finance Committee? If such a practice should become a custom we would have chaos, and each of us clearly recognizes the inherent dangers.

Now, Mr. President, I know some of the members of this military spending committee and they are good men who share a deep concern for the well-being of our people. But I wonder if they realize they are opening the door to the destruction of the committee system of Congress and embarking on broad vistas from which there may be no honorable retreat. They have assigned themselves to such groups and in so doing have demonstrated a lack of faith in the committee system as such.

Also, there are some other questions which should be raised. For example, what sort of impression would be created if 30 or 40 amendments were offered to the foreign aid authorization bill calling for reviews and studies of our foreign aid to each recipient in South America, in the Far East, in the Near East, and so on. Has the expenditures of these funds been analyzed in detail? Have cost effectiveness studies been made on each program in these various countries? Is it cheaper to feed an Indian or an Indonesian? Should not the General Accounting Office look into these programs? Have justification hearings been held on these expenditures? Where do these expenditures fit into our priorities?

In overcoming malnutrition, has the responsible committee determined what constitutes malnutrition and how many calories are needed to overcome it? What independent studies are available to support these requests? Is it cost effective to ship rice from Arkansas or Louisiana to Vietnam when Formosa could provide it cheaper? Should we not have studies on top of the hearings conducted by the responsible committees here in Congress on these subjects?

These unorthodox procedures of short-cutting committee work and organizing a parallel nonofficial committee has resulted in floor challenges poorly based in fact. But the result has been not victories for the opponents, but victories for our enemies who have learned classified information about our Military Establishment. Yes, we could go into daily executive sessions in these Senate debates, but would that serve the high purposes of democracy or enhance the image of the Senate in the eyes of the people? I think not.

Mr. President, these two subjects have been on my mind a great deal since the recent debate of the 1970 procurement bill began. There is no doubt that this bill has received the closest examination by the Senate in the history of this Nation. This examination has also served some useful purposes as well as bringing about the problem I have just discussed. For one thing, it is my opinion the Senate Armed Services Committee gave the 1970 military procurement the most careful study and review it has given a piece of legislation since I have been on that committee. This does not mean to imply that committee action in previous years has not been thorough, but today, more than ever, our military establishment is gigantic and its needs are consuming a large part of the budget dollar.

The debate on this year's military authorization bill amounts to a new phenomenon never before witnessed in the Senate. The requests of the military were about the same last year, during the Johnson administration, when no item was seriously questioned on the floor, even the expansive Sentinel ABM which involved a commitment much greater than the Safeguard ABM recently passed by a narrow vote. We have just witnessed here in the Senate during recent weeks an item by item challenge of many of the new hardware weapon systems vital to our national defense. It is an unprecedented situation, and I sometimes wonder if the "whiz kids of systems analysis" in the Department of Defense have not moved to the Hill.

Mr. President, secrecy is not bad when it involves the defense of our loved ones, our homes, our businesses, and our cities. There is a difficult area here, and we must find the right place to draw the line between the people's right to know and the point at which our security is being compromised. I believe that a fuller use of the committee system, working through the proper committees, is a part of the answer. Surely, we cannot continue to lay bare our military secrets as has been done during the debate on the 1970 military procurement bill.

NEED MORE HELP FOR RURAL WATER AND SEWER SYSTEMS

Mr. SYMINGTON. Mr. President, many nonmetropolitan Americans have every right to question our national priorities when we can put men on the moon, but are falling farther behind in the effort to provide modern conveniences for many of our smalltown and farm homes.

Out in the rural United States more than 30,000 smaller towns are still without water systems, and more than 40,000 without sewer systems. Despite scientific and engineering developments of recent years, Americans residing in these areas still must struggle against the hazards of bad water and scarce water; and communities without these advantages most of us take for granted are certain to lose out in their efforts to hold their people, attract newcomers and develop new industry. The lack of central water and sewer systems is much of the reason for rural decline and mounting numbers of distressed people moving in on our cities.

In recent years we launched an attack on this problem through the rural community water facilities program. The Farmers Home Administration of the Department of Agriculture has helped rural communities plan and finance 3,600 water and sewer systems in the first 8 years of the effort.

My State of Missouri is one of the three leading States in accomplishment under this program. However, we still need many more systems in rural Missouri than the 165 produced to date. Unfortunately, in the past 2 years, the program in our State has gone down from a pace of $14 million to $3 million a year. This results from lack of support in a war-heavy Federal budget for this kind of action in the interest of a stronger and better America.

Missourians and their statewide Farmers Home organization, so well administered in the past administration by State Director J. Everett Jose, put forth an outstanding effort to begin the task of overcoming the rural disadvantage in water and sewer services. We have been assured that Mendel Cline, succeeding Everett Jose as State director, also will make the most of every resource and opportunity to carry on the rural water facilities program; but more help is needed from the administration and the Congress.

The challenge of water and sewer development in rural areas is often compared to the challenge of rural electrification, which has been met so successfully that lights and power now flow to almost every farm home in the United States.

Rural electric cooperatives also have demonstrated in Missouri that they can render outstanding public service in helping the people of their communities provide long-awaited water and sewer systems, through the Farmers Home Administration program.

This civic effort by rural electrics is described in an editorial published in Rural Electric Missourian for September 1969. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WATER SYSTEMS ARE ESSENTIAL FOR RURAL PROGRESS

Rural leaders have long been aware of the important role that a good, quality water supply plays in the total rural development program. Industrial growth, recreation development and just plain wholesome rural living all are enhanced by the availability of a safe and sanitary water supply.

Good and adequate water is a serious problem in many areas of rural Missouri because ground water is very high in salt content. Drilling in these areas for individual water wells becomes a definite financial burden.

For all these reasons Missouri is one of the leading states in developing modern, central water systems covering small towns and countryside. Project financing through the Farmers Home Administration to date totals some $35-million in loans for Missouri rural water systems.

Our state ranks third, exceeded only by Texas and Mississippi, in the volume of its rural water program. Some 165 projects have been developed to date with 25 additional projects in advance stages of planning. Most of these systems are thriving. Some are having the expected difficulties that come with supplying a service to sparsely settled rural areas.

In addition, approximately 140 applications have been rejected because funds will not be available to finance them until after fiscal 1970.

Missouri's electric cooperatives have been instrumental in developing many of these projects. They have provided technical assistance and leadership in the development of these projects throughout the state.

With the knowledge gained from 35 years experience providing electric service in rural America, electric cooperatives in Missouri and other states can and should offer valuable leadership and advice during the difficult formative years of the rural water districts.

Water and electricity are two essential resources for the growth of any area. Electric cooperatives have provided the electricity—they can lend valuable assistance to the water districts.

THE CONDITIONS OF THE RURAL AGED

Mr. HARTKE. Mr. President, for the past 2 months it has been my privilege to conduct a series of field hearings into the problems of the rural aged on behalf of the Special Committee on Aging. During that time hearings were held in Iowa, Kentucky, Indiana, Arkansas, and Mississippi. In each of these States the problems of the rural aged were all too obvious: extreme isolation, inadequate diets, ramshackle housing, and infrequent medical treatment are but a few of the severe problems with which they must contend. In addition, they share with their urban contemporaries a common economic problem. Almost without exception their income is grossly inadequate to meet their needs. The minimum social security benefit of $55 which many of them receive is barely enough to maintain life from month to month. As well, many of the people whom I talked with have no income at all and must rely entirely on friends and relatives for the necessities of life.

If there is one conclusion that I came away with after the hearings, it is that this country has a positive obligation to make as comfortable as possible the twilight years of those who have served it so well. Let us not forget that these are the farmers and the miners and the laborers and the mothers who have time and time again shown their devotion to this country. Certainly, the true test of a nation's greatness is its treatment of those "who are about to leave the fair."

One man who feels very strongly that our country is wanting in this regard is the Reverend Nathaniel Machesky, O.F.M. Father Machesky has done much in the Greenwood, Miss., area to insure that the last years of the aged will be dignified and happy. The statement which he delivered before the Special Committee on Aging at the Mississippi hearing, I found to be most powerful and moving. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT ON AGING

A case for action, immediate and meaningful, for the aging was established here this afternoon just as in every hearing conducted by the distinguished Senator from Indiana and by other members of his Committee on Aging.

There is, however, one dimension of the overall consideration which must be mentioned. This is the profoundly human dimension. Something mysterious, almost magical, happens to a person in need when he or she knows that somebody cares. For far too long aged people in our community have known—not felt—that few if any cared about them. Can any of you here this afternoon know what it means to have lived a life of backbreaking toil in cotton fields or cotton warehouses only to be told in the twilight of one's years that "if you were not so lazy you would have saved for your old age"? Or to be told, "If you had been a better parent you would have trained your children to look after you"?

I have looked into tear-filled eyes of old people who heard such things from social and welfare workers who used such a cruel way of reminding old people that they were a burden to society and if they happened to be black, they were somehow less than a person. I have heard old people say that they lived in the hope of one more Christmas because the little party for old folks here at the Center was the biggest day of their lives because it proved that somebody cares.

Gentlemen of this special committee, please carry to every member of your committee the voice of all the aging members of our community. They can point to a life of loyalty to the American system, they can show you a record of many years of hard work, they can tell you in a voice mellow with age, enriched with sincerity, that they have survived by their faith in America and their confidence in the American dream. Before their life's candle flickers out, they hope—oh, how they hope!—that America will show it truly cares. America should show it cares quickly and meaningfully by using the resources these aged persons have helped develop, by using it now to make every minute of their waning lives rich in contentment so that their loyalty, their faith and their hope will not have been in vain.

KANSAS HONORED BY SECRETARY HICKEL

Mr. DOLE. Mr. President, the State of Kansas was honored this month with a 3-day visit by Secretary of the Interior Walter J. Hickel and his charming wife.

For the Secretary, his visit was in most respects a homecoming, for it was near the town of Claflin that he was born and reared. It was my privilege and pleasure to accompany the Hickel party on a tour of our State which took him into each of the five congressional districts. It was obvious that the Secretary enjoyed every minute of his stay, and there was little question about the warmth of his reception.

The full account of this visit is related in a most concise and picturesque manner by Mr. McDill Boyd, noted Kansas publisher and outstanding citizen, who also accompanied the Hickel party on much of its swing around the State. I ask unanimous consent that Mr. Boyd's article, entitled "A Most Remarkable Man," and published in the Phillips County Review of October 16, 1969, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A MOST REMARKABLE MAN

An engaging and dynamic man, the human side of Walter Hickel emerged at Claflin last Friday evening when his heart was on his sleeve as he visited with family and friends.

The Secretary of Interior, accompanied by his gracious wife, took time out from an extensive tour of Kansas last week to "go back home", and see his folks again. It was his first visit to Kansas since he was named to the Cabinet post by President Nixon, and after watching him relax at a family dinner, it was easy to see why he had said that if he came to Kansas, he was certainly going to visit Claflin.

Hickel reached down to tousel the hair of a nephew; and inquire of a little niece what had happened to one of her front teeth. Surrounded by 46 close relatives (he came from a large family) the group first went to dinner at the church basement; then to the high school football game; and wound up the evening with a reception when more than 100 relatives, down to second and third cousins, continued with the visit.

He and Mrs. Hickel have six sons of their own, and with two of them still at home, she cannot travel with him all the time, but was at his side constantly on the trip to Kansas. Commenting simply, he said; "When a man gets too big for his home town, he's too big to be useful to anyone else."

During half-time at the football game, he was at the microphone in the press box telling family and friends how good it was to be home again; and calling for teammates on the Claflin football team. The other three members of the backfield (Hickel was the quarterback at 135 pounds) all showed up as Hickel called for "42-right", a favorite play at that time.

Hickel is at his no inconsiderable best with questions and answers before audiences of any size. He fields questions promptly, directly, and intelligently. Audiences at Wichita, Salina and McPherson; the press corps at those cities as well as at Hays and Dodge City were captivated by his forthright approach. During his brief stay in Kansas, he had a capacity crowd at a Wichita luncheon; at a reception and dinner in Salina; at an airport reception in Hays enroute to Dodge City where he was the principal speaker at the Arkansas Basin Development Association before going on to tour Old Fort Larned, one of the Kansas installations under his supervision. He also visited the "Waiting Wives" at the Schilling Air Force base in Salina where families of veterans who are overseas await their return.

After a busy day and a half, he made the trip to Claflin to spend the night with relatives, and then took off for McPherson at 7 a.m. Saturday where another overflow crowd—this time a breakfast—greeted he and his wife.

The party then left for Lindsborg to participate in the Hyllningsfest parade before going on to Salina to fly to Lawrence where he visited the Haskell Institute, another Department of Interior installation, and attended the K-State-K.U. football game.

He didn't want to "just be a spectator"—and donned a Wildcat purple cap and rooted for the K-State team as vigorously as any other fan.

Following the game, there was a reception at the Ramada Inn, sponsored by Cong. Larry Winn of the Third district; and the Secretary and Mrs. Hickel then returned to Topeka for another reception, with Cong. Chester Mize of the Second district joining the party.

Cong. Keith Sebelius had been with the group on all stops in the First district; and Cong. Garner Shriver joined the group at Wichita and McPherson. Sen. Bob Dole, who was primarily responsible for scheduling the trip to Kansas, was at Hickel's side most of the way—but had a prior engagement at El Dorado Friday night, and missed the Secretary's visit with home folks.

Hickel has a remarkable record. He went to Alaska in 1940 (there were more children than needed at the old home place) arriving with 37¢ in his pocket. He went to work; later established his own business, and when Alaskan statehood was at issue, he became a driving force. He served on the Republican National committee for 10 years, and in 1966 was elected governor. When President Nixon invited him to become a member of his cabinet, he says quite simply:

"It was an honor, a challenge," he says, "but I didn't need a job. I accepted because there was a job to do, and I feel that most of the men around the President have the same feeling."

He points out in his public appearances that the Republican party is now "proposing, not opposing," and that many proposals now before Congress are held up because Congress is controlled by the opposition party.

"This is the first time a president has been elected in 100 years without control of the U.S. Senate," he says, "and every time I want to make an appointment to a high level post, I must get the approval of the Senate, controlled entirely by the Democrats. The same thing happens to legislation."

He feels that the best way to activate necessary reforms is to elect a Republican Senate in 1970 "that will work with the President."

But politics aside, his knowledge of his department; his dedication to the conservation of our natural resources, is astounding. He is a fighter, too—he won the Golden Gloves championship as a welterweight before going to Alaska—and it is not surprising that the large newspapers in the East who so vigorously opposed his nomination, have now made a complete turn-around, and hold Hickel in high esteem.

One example warmed my heart.

While governor of Alaska, (Russian fishing boats by the hundreds work off its coast) local fishermen were being consistently robbed of their traps, their gear, their fish by night-time marauders who would "sweep" inlets with large nets, stealing everything that could be netted.

Protests to Washington were of no avail, for the boats would be out beyond the three-mile limit before they were detected, and there was no way to tell one fishing boat from another.

So Hickel ordered a plane to fly over the area, and any time a Russian fishing boat was found in an inlet, to drop a can of paint on it. The coast guard cutters could then spot the offenders and get back the stolen goods.

A Russian emissary called to protest this summary action as a violation of the three-mile limit arrangement, and Hickel informed him in no uncertain words that he was not going to permit the Russian fishing thefts to continue. The matter was dropped; and the marauding fishermen stayed out of local waters.

It is Hickel's feeling that the Russians respect strength; and will take advantage of weakness. He has been invited to visit that country and will go if he can enter at Vladivostok, and spend two weeks "going anywhere I want to go".

He says that this is the right way to enter that country (not through Moscow). "We can get along with the Siberian area," he says, "for it is only 20 miles from Alaska and we have many things in common."

A man of common sense, of ideals and ideas—a man who will never get too big for his home town, or lay aside his love for family—Walter Hickel and his wife are the kind of people you would like to have as next door neighbors.

STUDENT PROTEST

Mr. McINTYRE. Mr. President, uppermost in the minds of many Americans these days is the subject of student protest and one of its corollaries, the generation gap.

One of the most eloquent and carefully reasoned statements I have head on this subject appears in the October issue of the UNH magazine, a publication about the University of New Hampshire for parents of students and alumni of the institution.

In the cover article, Judge Bernard I. Snierson writes about "Student Protest and Revolt." Judge Snierson is a judge of the Laconia, N.H., district court, where he has gained widespread recognition for his counseling of young offenders. He is serving his second term as a trustee of the University of New Hampshire; and when the board of trustees last year established its student affairs committee, Judge Snierson was appointed chairman.

Because I think that what Judge Snierson has to say about student protest warrants widespread dissemination, I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STUDENT PROTEST AND REVOLT

(By Bernard I. Snierson)

Let me be totally frank and honest. I confess to no superior knowledge to any of you in the area of student protest and revolt. These matters are being discussed on every forum and in every household. Very strong views are held by almost everyone and I expect no converts from among those who may disagree with me. If my thoughts have any value, however, they do have the benefit of some experience on the field of combat and a personal involvement on the scene. I recall (U.S. Senator) Norris Cotton once telling me that those who now consider him to be a real conservative should have known him when he was just a resident of Lebanon. He found a great deal more of the nation's and the world's problems to be considered from the Washington scene than could ever be apparent from any narrow, provincial approach without the benefit of actual dealing on a national scale with the great matters of worldwide significance.

Let's start with the high school graduate, particularly from a normal family background in a small or medium-sized community. At most liberal colleges and universities, he is suddenly confronted with an entirely new spectrum of ideas and concepts up to then unknown and unfamiliar to him by simple lack of exposure. He is for the first time called upon to meet new challenges and to venture into strange caverns of ideas and concepts heretofore unexplored by him. His first reaction may well be one of shock and considerable resistance, to hold onto his little world of comfort and security and freedom from unpleasantness. Very few of us who have graduated from small high schools have not found our secure little world of ideas shaken by the onslaught of the larger concepts we once thought outside the scope of our existence. If there is one characteristic common to most high school graduates, especially the bright ones, it is the sublime knowledge that they know everything, that any further education will merely solidify and extend presently held beliefs which they consider inviolable. The first shock comes when they meet and live with people of different backgrounds and with different ideas. Then suddenly comes the realization that the world is not static, that issues must be considered and met which they and their parents may even have failed to recognize as problems.

We have to accept the fact that today's youth is a different breed than he was 25 years ago. By reason of insight, knowledge and exposure, he is more psychologically and physically mature than we were a generation ago. Courses formerly reserved for colleges are now studied in high school. Instant television has, for example, brought into every home a graphic demonstration of tragic events heretofore read about only in cold print. One shot of police dogs snarling at defenseless blacks in Selma, Alabama, crystallized sympathy in one of our nation's most urgent problems of the day as nothing else could. So did the frightening sight of students in Willard Straight Hall on the Cornell campus armed to the teeth with rifles shock a public concerned with violence on our campuses. And I am convinced that at least some of our expression of opposition to the war in Viet Nam results from the fact that mothers and parents now can see the horrors of killing and maiming in the field in a far-off war which they find difficult to understand or identify with.

Further, we must recognize that today's youngsters are vitally concerned with the world around them and its massive problems, the vast inequalities of black and white, the inconsistency of poverty and starvation in the midst of unheard of affluence and ease of living, the problems of our urban ghettos and the cities, even the failure of our universities to assume an effective working membership in contemporary society, and particularly the spectacle of an unpopular far-off war from which we do not seem able to extricate ourselves, although I now have great hope that we are at last on our way to accomplishing this. This youth is concerned because it is his world and he wants to have a voice in determining its shape and content. He knows that the determination of these problems and their outcome vitally affects his life and he wants a part of the action. This is the world he is going to have to live in, and he knows that there is more to education than can be found in books and in the classroom. He wants to be given responsibility, and he insists on his right to express his viewpoint whether or not his elders agree with him.

And I see no objection to this. I do not expect the bright, concerned student of today to agree in all respects with me. But just as I am willing to listen to him, I think I have the right to ask him to consider what I have to say even though it might disagree with his concepts. I am willing to allow him to take part in those matters which will affect his life, but I must also insist that he act responsibly, reasonably, and in accordance with the fundamental rules of law which guarantee his right to be heard as well as mine. If he is going to be given responsibility in the making of decisions, then he must realize that he too must be accountable for the outcome of those decisions. He cannot claim the rights to freedom of expression, the right to dissent and to disagree, and at the same time deny me those same rights. If he objects to me acting in *loco parentis* toward him, then he cannot tell me that those words mean only "crazy like a parent".

He wants to talk to me about the generation gap, and I tell him there is no such gap except as he may create it by insistence that there is no other answer to his problems than his own solution. When I refused to accede to some request my children made to me when they were little, which I felt to be unwise, they always said, "But Dad, you don't understand!" And my answer was, "You really don't mean that I don't understand. You're simply saying, 'I don't agree'. Believe me, I do understand, and that's why I don't agree."

There really is not a vast generation gap between parents and the youth of today. We have taught them in the home those ideals and concepts common to us in our Judeo-Christian heritage: concern for others, for the downtrodden, the unfortunate, and the disadvantaged. When they act to rectify the inequities and injustices they find too prevalent in the world today, we should applaud them. We ask only that they express themselves within the framework of our democratic processes, to recognize that there are constitutional and legal processes available to right wrongs and to cure injustices. They cannot be allowed to take the law into their own hands, substituting their own consciences and personal concepts of what is right for the established procedures which alone protect both them and us. There is no place in our democratic society for the criminal, even the intellectual law violator who insists that he is acting from some higher law of personal conscience. We believe in the right, and are committed to the protection of all peaceful non-obstructive forms of protest. But protest that deprives others of the opportunity to speak or be heard, or that requires physical take-over of buildings to disrupt the educational process, or the eviction of administrators, the burning or confiscation of files and other property, is incompatible with the democratic process all of us depend upon for protection. It is also inconsistent with the nature and high purposes of an educational institution. The distinction is the difference between dissent and uncompromising resistance.

I cannot emphasize too strongly how unfair and dangerous it is to condemn the liberal student movement as a whole because of the violence and criminality of the few. Unlike the vast majority of the concerned liberal students, the militant has no interest in discussion or compromise. He really is an ideological criminal, breaking the laws we live by in favor of his concept of what he calls a higher law. He feels that his destructive action will force the establishment to listen and will somehow bring about a better world. He really has two targets: the establishment and the uncommitted onlookers who make up the vast majority of the students. And herein lies his power and the great danger which requires the most careful and delicate handling. He hopes to trigger a physical confrontation that will draw sympathy to his side by those who have no identity with his aims. In most cases of campus violence, to grant his initial demands does not bring peace. He simply escalates them beyond in order to make a political, as opposed to an academic, point. He hopes to draw bystanders into the melee, cause them to become physically injured or shaken up and so forced to take sides against the establishment which now has harmed them. This is exactly what happened recently on the Berkeley campus. Governor Reagan, in opposition to students' take-over of People's Park, saw fit to line the campus with helmeted, armed police standing with fixed bayonets while helicopters crisscrossed the campus spreading tear gas indiscriminately, a tactic heretofore by Americans reserved for the Viet Cong. As a result, thousands of students, up to that time completely unsympathetic with the student extremists, went to join them in People's Park for the first time as an expression of their disgust and resistance to this form of counter-violence.

We must separate the violent extremists from those who intelligently and lawfully express their dissent. We cannot meet arrogance, hatred, and violence with like emotions, or we drive to the militant those students of good will and reasonableness who make up the majority. Those who urge revolution and sanction violence remain a minority, but they become influential beyond their numbers on the campus if we do not recognize that they are a special breed to be handled and treated not in a vacuum but with a view to the entire university community and its responses.

More and more young Americans refuse to accept any disparity between American ideals and American realities. I say there is something great about a generation that questions a doubtful war, questions racial injustice, questions poverty amid plenty, and is concerned with the vast social and economic problems convulsing our society. Let's keep that generation on our side by bridging any generation gap, by keeping open the lines of communication between them and us, by dealing swiftly and harshly with those who flaunt the rule of law to effect their purposes, but always recognizing that these youngsters have something to say, that they are not all irresponsible, and that they are not altogether wrong when they tell us that they don't like everything about the world we have created for them and they want to have a part in changing that world for the better. And above all, we must avoid suppressing the symptom of their complaints without administering to the disease.

The university may well be destroyed by the onslaught from both sides of opposing factions, on the one hand by those flaunting legal procedures and constitutional guarantees of everyone except themselves, and from the other side, by the wave of backlash to these illegal acts by those who may be willing to burn down the barn to rid themselves of a few rats. If it is, it will be destroyed, as John Gardner in a commencement address at Cornell so well expressed it, by the "savage crossfire between uncritical lovers and unloving critics. On the one side those who loved their institutions tended to smother them in an embrace of death, loving their rigidities more than their promise, shielding them from life-giving criticism. On the other side, there arose a breed of critics without love, skilled in demolition but untutored in the arts by which human institutions are nurtured and strengthened and made to flourish. Between the two the institutions perished."

But the university as the home of reason, persuasion, and free discussion in the search for truth wherever that search may lead us, will not perish. It will be preserved from the onslaught of both those who would destroy it from within, and those who in their attempts to meet the challenge inside the university would tear down and weaken its mission and purpose from without. Both of these assaults on our free institutions are equally dangerous. In our desire to cope with one, we must be careful never to fall prey to the other.

EVOLUTION OF A VIABLE AMERICAN POLICY FOR EUROPE

Mr. CRANSTON. Mr. President, our preoccupation with the problems of Southeast Asia since the early part of this decade has worked to the detriment of the evolution of a viable American policy for Europe. Once we are able to turn our attention back to this vital part of the world, we must deal with allies of long standing which now will forcefully demand the same equality in their relationships with us that we insisted governed our alliances with smaller Asian states. The difficult issues of the European and American roles in NATO must be met head on with the realization that European nations have matured and gained a new economic and political self-confidence which militates against the traditional dominant position of the United States economically and militarily.

As difficult as we find it to understand these subtle changes in relationships between nations, David Calleo, a noted American scholar of Europe, has brilliantly examined the ramifications for our European policy of a change in American mood in reaction to our involvement in Vietnam. Vietnam will undoubtedly affect Europe and Mr. Calleo's article, published in the Times of London for July 29, 1969, frankly discusses the possibilities of a changed role for both the United States and Europe.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Changing U.S. Mood Could Force Defense Review

(By David Calleo, of the Washington Center of Foreign Policy Research)

European audiences these days are frequently warned of the dangers of reviving American isolationism. The term "isolationism" is misleading. Many supposed advocates are familiar names in Europe—like Fulbright, Mansfield, Galbraith or Kennedy—and are not easily classified as prewar American provincials. In a sense, neo-isolationism in the Government, universities and general population reflects not revulsion against foreigners, but an American revulsion against the United States.

It is not isolationism that is reviving in the United States, but humanism. Prodded by the prolonged agony of Vietnam, many Americans now perceive grotesque distortions in their Government's values. The United States, they believe, is sacrificing the quality of its national life to the demands of a military empire.

For those disposed to worry, it is not difficult to see ample evidence of America's militarization. The American regular armed forces, at 3,500,000, are larger than either Russia's or China's. In 1968, nearly 9 per cent of men of military age (between 18 and 45) in the United States were engaged full time by the military in contrast to 7 per cent in Russia and roughly 4 per cent in Britain and Germany.[1]

About 1,200,000 civilians in the Defense Department, several thousands in the diplomatic and intelligence bureaucracies, the scientists and professors on Government contracts, and much of industry's best managerial and technological talent have been drawn to the service of United States power. Increasingly, it seems, American elites are bemused by the stoic satisfactions of "world responsibility" and the Nietzcheen thrills of "crisis management".

All this is rather expensive. The American military budget is nearly $80,000m.—more than half again that of the Soviet Union by conservative estimate. Indeed, a Defence Department estimate in 1968 reckoned that, for $50,000m. each year, the United States could "buy" the entire military establishment of the Warsaw Pact, pay the men at American scales, and build their equipment in American factories.[2]

Given their country's domestic turmoil, it is not surprising that many Americans suspect an imbalance in the Government's priorities.

PRIORITIES CALL

These sentiments have clearly begun to affect the Congress. Last month, at the conclusion of a congressional conference on the military budget and national priorities, nine Senators and 35 Congressmen issued a sweeping statement attacking the military budget and demanding a drastic change in national priorities:

Since the end of the Second World War, we have spent more than one trillion dollars, or two-thirds of the total expenditures of our Federal Government, on armaments and armed forces. Today, 80 per cent of our federal expenditures go for defense and defense related costs—an amount greater than all federal, state and local outlays for social security, health, education, housing and agriculture.[3]

Moreover, the momentum of military spending is such, the report notes, that existing programmes will by 1973 or 1974 absorb any savings from ending the war in Vietnam. And anti-ballistic missiles (ABMs) could carry the military budget well beyond its present total. Therefore, the Congressmen conclude, nothing less than a radical re-evaluation of the defence budget can restore a sane balance to national priorities.

If opposition to military spending becomes widespread, as it may, what are the likely long-range consequences?

Tighter discipline over procurement and a general military reorganization might save considerable sums. But any serious reduction in the United States defence establishment may, in fact, be possible only if there is a corresponding cut-back in the military and diplomatic commitments which justify that establishment. Here, presumably, is the bridge between humanism and isolationism.

It is a bridge many people may not cross. Many oppose the war in Vietnam, for example, without dropping that view of America's world role which presumably justifies it. Others would have the United States withdraw from Asia, but are eager to support the American military hegemony institutionalized in Nato.

There is, nevertheless, a certain logic at work which may reach even to Nato. Indeed, Europe might seem an excellent place to begin seriously reducing America's excessive overseas involvements. The American public was talked into the present external commitments not to build a series of client regimes, but to buy time for others to regain their prewar strength or to build new nations. This strategy, if it is ever to be made to work, should logically start in western Europe.

COST PROBLEM

Once they think about it. Congressmen may find it increasingly hard to believe that countries with the populations, industrial resources and military experience of Britain, France and Germany could not organize some reasonably effective military coalition to counter-balance the Russians. Nothing would prevent the United States from attaching some troops to these arrangements. But 25 years after the Second World War, and 20 years after the founding of Nato, why should an American general continue to command Europe's armies, and why should the United States continue to take the principal role in running Europe's defence?

The argument that Europeans would prefer to be dominated by Russia rather than come to terms with each other is not likely to evoke much sympathy. It will be difficult to explain to a war-weary public why young Americans should be drafted for the defense of Europe, but not young Europeans. Moreover, Nato's net cost in foreign exchange—estimated in January, 1968, at $1,500m. annually—is one of the principal causes of America's recurring balance of payments difficulties.[4] In the long run, it may prove easier to cut back Nato than to sustain the present controls on foreign capital investment.

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[1] 6. Institute for Strategic Studies, *The Military Balance* 1968–1969.

[2] 5. Office of the Assistant Secretary of Defence (Systems Analysis) *Evaluation of Nato and Pact Conventional Forces in Central Europe*, October 22, 1968.

[3] Report of the Congressional Conference on the Military Budget and National Priorities, June 1, 1969. To be published by Viking Press.

Anyone interested in abdicating America's pre-eminent role in European defence will have little difficulty finding convenient military doctrines. The increasing capability for a rapid large-scale movement of troops has already inspired the Mansfield resolution advocating a substantial American troop reduction. It might also be noted that the majority of Warsaw Pact forces in central Europe consist of Czech, east German and Polish forces.

To some observers, counting these eastern forces as equivalent to their western counterparts seems disingenuous. There is also the widespread practice of comparing numbers of divisions without noting that the average Nato division in central Europe has nearly twice as many men as the pact division there, Indeed, American divisions are three times larger.

For several years, officials in the United States Defense Department have been arguing that an effective conventional defence of Western Europe is within Nato's grasp, and without any dramatic increase in European manpower or expense. An authoritative memorandum, released last October and widely circulated in Congress, while opposing American troop reductions, also concluded that when "real factors . . . rather than nominal formations" are counted, and when men and equipment, especially in air forces, are compared qualitatively, "we find a rough equality of numbers in central Europe and in the alliance as a whole". Any relative inadequacies spring from "readiness deficiencies that Nato has not thought worth fixing".

The main trouble with Nato, many agree, is the unwillingness of its principal European members to take its conventional defence seriously. Yet Britain, France and Germany alone have nearly 1,400,000 men under arms, alongside which the American European contingent of about 250,000 is relatively marginal. Perhaps placing the vastly greater European forces under an American commander has not been the best way to encourage Europeans to take the primary initiative in organizing their own defence.

There would probably be little question about an American devolution if conventional forces were the only consideration. But an essentially European defence of Europe would tend to suggest a serious nuclear deterrent for Europe—a force or forces which, however much coordinated with the American, would nevertheless be independent.

Americans, however, have always resisted this logic. Our formula has been "burden-sharing", which would leave nuclear deterrence exclusively to the United States—a formula which almost demands widespread American military presence abroad. Not only does credibility suggest stationing substantial American forces on the guaranteed territory, but it seems intolerable not to control the area's local military situation when America's own cities are, in effect, hostages for its defence.

The official conclusion is, therefore, not to reduce American forces abroad. But if strong pressure for troop reduction continues, another conclusion may be to abandon the concept of a single non-communist deterrent—at least in the Atlantic world.

The concept is anyways being undermined by another set of arguments arising in the ABM debate. If, in fact, Europeans will not organize a conventional deterrent against Russia, and have no credible nuclear forces of their own, then America's European commitment logically demands a first-strike capability against the Soviet Union. The implications for the arms race are not pleasing. Hence, it would not be surprising if there were a renewed interest in indigenous regional nuclear deterrents, especially where national nuclear forces already exist. Those who argue that such deterrents are redundant do, I believe, miss the main point.

COMMON INTEREST

It is not difficult to imagine ways to organize a European military coalition, coordinating conventional and nuclear forces. Such a coalition would doubtless only be "confederal" in form. Those powers with the principal resources would naturally have the principal say, even if the strong wishes of the others could not be ignored. But the common interest in military defence is relatively clear. Coalitions have functioned reasonably effectively before without requiring an artificial supergovernment.

All these schemes have been much discussed, but never taken seriously by governments. The status quo has been safe and comfortable and avoided the irksome tasks of coming to terms with ancient neighbours. But plans for the future of Europe which assume an indefinite continuation of America's pre-eminent military role may prove unrealistic.

Perhaps such developments can be described as an unfortunate resurgence of American isolationism. Perhaps they can also be seen as the gradual restoration of balance between Europe and America—to the profit of sanity in the latter and self-respect in the former.

DISAPPROVAL OF VIETNAM MORATORIUM

Mr. BENNETT. Mr. President, a movement such as the October 15 moratorium has a way of distorting actual public opinion. When the press and TV coverage was completed, one would think that all America stood with those people who intentionally or unintentionally are undermining the President of the United States in his quest for peace.

I still feel that the movement represents a small minority faction and that the publicity given to them far exceeded their strength.

I ask unanimous consent that a letter sent to me by a student editor in Utah, Norman Robinson, be printed in the RECORD. It reflects, I think, the view that on campuses and in cities throughout America a vast majority of our people ignored the moratorium movement and went about their activities in a normal way.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 12, 1969.

Senator WALLACE F. BENNETT,
Senator from Utah,
U.S. Senate,
Washington, D.C.

DEAR SIR: On Wednesday, October 15, many of my fellow students on this campus and many others throughout the Nation will demonstrate their disapproval of the present situation in South East Asia by not attending classes.

I for one will be in class that day.

My belief in the United States of America is great and my faith in Her leaders is great. While I do not plaudit or enjoy the situation which exists, I don't feel that my absence from classes will bring an end to the conflict, but rather hinder efforts for peace.

Because of my beliefs, I would like you and your associates to know that as a citizen of this beautiful and great land, I have desires for Peace and express my faith that you and other of this Nation's leaders will act wisely and with integrity in seeking peace.

Thank you.

NORMAN ROBINSON,
Editor, Student Newsppaer, Southern Utah State College, Cedar City, Utah.

TAX REFORM NO. 4: DEMOCRATIC STUDY GROUP TAX REFORM BOOK

Mr. METCALF. Mr. President, today I shall place in the RECORD another section of the tax reform book prepared by the Democratic Study Group in the House of Representatives. Today's section discusses many areas of interest including the repeal of the 7-percent investment credit, the tax treatment of cooperatives, the foreign tax credit, depreciation allowed regulated utilities, and the tax treatment of corporations.

The Committee on Finance has already announced decisions that it has reached in many of these areas. One important subject that should also be included in this area of discussion is the tax treatment of financial institutions.

The House bill took an important step forward by cutting back on the tax preferences presently afforded financial institutions. However, the Committee on Finance has already watered down the House provisions by accepting a proposal urged upon it by the American Bankers Association. The Wall Street Journal of October 17 contains a detailed and informative analysis of what the committee has agreed to do in this particular area.

Mr. President, I ask unanimous consent that the article, written by Fred L. Zimmerman, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATE UNIT REJECTS HOUSE PLAN TO BOOST BANK TAXES—MILDER ABA PROPOSAL VOTED

(By Fred L. Zimmerman)

WASHINGTON.—The Senate Finance Committee, continuing to water down the tax-reform bill, rejected a House plan for sharply increasing the taxes of commercial banks and substituted a much milder proposal from the American Bankers Association.

Committee Chairman Long (D., La.), announcing the decision, said nothing about the ABA, but explained that the committee had decided the bank-tax provision in the House bill was too "complicated."

Other sources said, however, that the committee's decision matched precisely the position the ABA had urged on committee members in private letters distributed to them the day before the vote. This was confirmed by John Holdton, an ABA lobbyist, who waited outside the room as the committee considered bank taxes.

The administrative assistant to one committee member said he had been given a three-paragraph letter from an ABA executive and told, "make sure your boss has this in his hand when the committee starts talking about bank taxes.

NAMES WEREN'T RECORDED

The names of members voting for and against the ABA proposal weren't recorded, but committee sources state that in recent closed drafting sessions the only members who seemed consistently to be pushing for major tax-reform legislation were Sen. John Williams (R., Del.) and Sen. Gore (D., Tenn.)

Several liberal Democrats on the committee are frequently absent from drafting sessions.

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[4] Press conference of Under-Secretary of State Katzenbach, January 7, 1968.

Republican members, who have a good attendance record, are said to be heavily opposed to most reform provisions of the House bill.

The decision on tax treatment of commercial banks was the major part of the committee's work in adopting a section of the bill regarding taxation of financial institutions.

The committee also lightened, but to a lesser degree, the House bill's provisions tightening the tax treatment of mutual savings banks and savings and loan associations.

This section on financial institutions is one of the biggest revenue-raising features of the House reform bill. The House version would increase Federal revenue by about $460 million annually, when fully effective. A staff official said yesterday's committee action probably reduced that projected revenue gain to about $150 million.

Because of this and earlier committee actions, the Treasury's expected revenue pickup from tax-reform legislation is dwindling considerably. The House measure eventually would raise nearly $6.9 billion a year through higher taxes on corporations and wealthy individuals. But this would be more than offset by sizable rate cuts and other tax breaks for low and middle-income persons.

REVENUE IMPACT UNKNOWN

The revenue impact of the Finance Committee's decisions so far isn't known. House sources are beginning to wonder if the committee will be able to vote much of a tax cut for individuals after it finishes diluting the House bill's reform provisions. Sen. Long, however, has suggested that the Finance Committee might vote for substantial tax cuts even if they would result in a big revenue shortfall. "After all," he remarked last week, "we're entitled to have some fun, too."

Next week the Finance Committee is due to vote on several other big revenue-raising items in the House bill, including elimination of the alternative capital-gains tax rate (annual revenue gain, $360 million) and reduction of mineral-depletion allowances (annual revenue gain, $400 million).

Based on earlier actions, it seems unlikely the committee will sustain the House decisions in those areas.

The committee's decision on commercial bank taxation centers on a feature of current law that allows commercial banks to maintain, for tax-deduction purposes, a bad-debt reserve of 2.4% of outstanding uninsured loans. If banks were treated as other taxpayers, they would be allowed a reserve totaling less than 0.2% of these loans.

HOUSE VOTED LOWERING RESERVE

The House voted to lower this reserve gradually to a level generally equaling the actual bad-debt experience of commercial banks, which is thought to be about 0.2%.

But the Finance Committee, as requested by the ABA, rejected the House plan and voted instead to trim the banks' bad-debt reserve to 1.8% from the current 2.4%.

Committee staff officials provided the following tentative assessment of the effect of the decisions on taxation of financial institutions:

According to staff estimates, commercial banks now are taxed at an effective rate of 23%. This would rise to 30% under the House bill, but only to about 25% under the Finance Committee version.

Mutual savings banks are taxed at an effective rate of 4% currently. The House bill would raise this to about 19%; the Finance Committee would raise it to about 13% or 14%.

Savings and loan associations currently are taxed at a rate of about 15%. The House bill would raise that to 29%, but the Finance Committe would raise it only to about 19%.

The committee adopted a House provision requiring financial institutions to treat gains from transactions in certain bonds as ordinary income rather than capital gains.

But the committee specified that through 1974 any gains on sales of bonds held currently will be treated as capital gains.

SAVINGS BANKS

The committee generally accepted the House provisions regarding mutual savings banks and savings and loan associations, but made two principal changes. Current law allows these institutions to compute bad-debt reserves by deducting 60% of taxable income. The House bill would reduce that figure to 30% over 10 years, but the Committee voted to reduce it only to 50%, over four years.

The committee added a new provision that would require these institutions to allocate evenly their 85% credit for corporate dividends received between income subject to tax and income that is untaxed because of bad-debt reserves.

A proposal, not contained in the House bill, to require the withholding of taxes on dividends and interest at their source was overwhelmingly defeated.

Mr. METCALF. Mr. President, I should also point out that on October 15 the Committee on Finance agreed to delete those provisions of the House bill, sections 431 and 432, which would have reduced the foreign tax credits available to taxpayers with income from foreign sources. According to published accounts the deleted sections would have gained about $65 million of annual revenue for the Treasury Department.

Mr. President, I ask unanimous consent to have printed in the RECORD the section of the "DSG Fact Book on Tax Reform" which discusses in detail many important areas of consideration contained in the House-passed bill. Tomorrow I shall place in the RECORD still another section of the book.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

DSG TAX REFORM FACT BOOK: SECTION THREE—CORPORATION TAXES

DISCONTINUE TAX-FREE EXCHANGES ON CORPORATE STOCK TRANSFERS FOR MERGERS AND ACQUISITIONS

The problem

The Federal Trade Commission estimates 90% of the 352 largest corporate acquisitions in 1967 and 1968 were tax-free transactions. Presumably most of them involved exchanges of common stock. Hence, under present law, the sale of one corporation to another involves widespread avoidance, or at least deferral, of capital gains.

Present law

Tax-free mergers under this provision include: (1) "statutory mergers" defined by the relevant state law; (2) exchanges of voting stock where the acquiring corporation has at least 80% of the acquired corporation after the transaction, and (3) exchanges of voting stock in the acquiring corporation for "substantially all of the properties" of the acquired corporation.

Pending proposals

H.R. 7489 (Mills) would change the law to deal with certain aspects of tax-free and tax-deferred mergers. H.R. 10180 also proposes changes designed to deal with the merger problem.

Revenue impact

Treasury has not provided estimates of savings that would result from provisions to end tax-free exchanges.

Proponents and opponents

Assistant Attorney General McLaren, head of the anti-trust division, was one of several government witnesses urging the Committee to work out remedial legislation. The AFL-CIO supports changes that would end tax-free transactions involved in the wave of mergers and acquisitions.

Administration action

Ways and Means was told that Treasury is undertaking a basic study of the general treatment of tax-free corporate reorganizations. This apparently is as far as the Nixon Administration is prepared to go now on the tax-free exchange problem. The Committee did not attempt to write legislation to deal with this problem.

House action

The House did not deal with the tax-free exchange problem in the tax reform bill.

Resource references

Ways and Means Hearings, Volume 7.

DISALLOW CORPORATION DEDUCTION OF INTEREST ON MONEY BORROWED TO FINANCE MERGERS

The problem

A recent study disclosed that one of every six companies that made *Fortune*'s 1962 top-500 list has completely disappeared in the industrial warfare that has marked the greatest merger wave in history. Another study shows the value of firms taken over since 1967 totals $11.4 billion. The disturbing thing is that this corporate piracy is fueled by tax provisions that allow corporations to deduct interest payments on money borrowed to finance takeovers.

Present law

The law permits an acquiring company in a merger situation to trade bonds for stock in the target company. The surviving merged firm, as a result, pays tax-deductible bond interest rather than taxable stock dividends and gains a substantial tax advantage.

Pending proposals

The main anti-merger proposal is H.R. 7489 (Mills), which would limit deductions of interest on bonds and debentures used in mergers and acquisitions. H.R. 10180 is a similar bill.

Revenue impact

An FTC spokesman testifying at Committee hearings said the tax loss resulting from transactions involved in corporate mergers could total "hundreds of millions of dollars."

Proponents and opponents

Hamer Budge, chairman of the Securities and Exchange Commission, was one of several regulatory agency spokesmen who testified on the corporate merger problem. All urged the Committee to try to work out ways to curb the rash of takeovers.

Administration action

The Nixon Administration advised the Committee that Treasury is seeking to develop a regulation to distinguish debt from equity for purposes of determining whether an interest deduction will be allowed.

House action

The House bill provides that a corporation can not deduct more than $5 million in interest on certain types of indebtedness (bond, debenture, note or certificate) issued as consideration for acquisition of stock in another corporation, or acquisition of assets of another corporation if at least two-thirds of the total value of all the assets of that corporation are acquired pursuant to a plan of acquisition.

Resource references

Ways and Means Hearings, Volume 7.

ESTABLISH EMERGENCY TAX ON EXCESS WAR PROFITS

The problem

Production of weapons and other war-related items is concentrated in aircraft and electronics firms and other segments of the so-called defense industry. These companies are in a position to make substantial profits over a sustained period at little risk, yet pay taxes at the same rates as other industries that do not engage in high-profit defense work.

An emergency tax on excess profits was imposed on corporations during both world wars and again during the Korean War. The most recent version gave corporations two options: (1) pay a tax on profits in excess of those in a previous peacetime base period, or (2) pay tax on profits in excess of certain return on capitalized value.

Present law

There is no present law. The excess profits tax was repealed shortly after the Korean War ended.

Pending proposals

Several bills calling for re-enactment of such a tax were introduced in the House this session. H.R. 11907 (Farbstein) would impose a new tax on corporations equal to 37% of excess profit taxable income. Similar or identical bills are H.R. 11754. 11974. 11991. and 12256.

Revenue impact

It is estimated that taxing excess profits along the lines proposed in the House bills would raise around $10 billion a year.

Proponents and opponents

The excess profits tax approach would draw vigorous opposition from such business-orientated organizations as the National Association of Manufacturers and U.S. Chamber of Commerce.

Administration action

The Administration has neither commented on nor taken a position on these proposals.

House action

The House took no action on these bills.

Resource reference

Congressional Record, June 30, 1969, pp. 17842–17852.

REPEAL 7-PERCENT INVESTMENT TAX CREDIT

The problem

The 7% investment tax credit was enacted in 1962 to stimulate business investment in new machinery and equipment. It was liberalized somewhat in a 1964 rule change and suspended for a five-month period late in 1966.

Present law

Present law allows businesses to deduct 7% of the cost of new machinery and equipment from their federal income taxes (not taxable income). The first $25,000 is fully deductible. If more than $25,000 is claimed, however, the deduction may not exceed one-fourth of the taxes due after the initial $25,000 is deducted. Unused credit is carried both forward and backward.

Pending proposals

Pressure for repeal began early this year as a large number of bills were introduced. The Joint Economic Committee, in its April 1 report, said the first priority in tax reform should be repeal of the investment tax credit. Following discussion in the Democratic Study Group, the issue was taken to the Democratic Caucus and repeal was endorsed as a party objective.

Other proposals calling for repeal (some with exceptions) are H.R. 5250, 6233, 6770, 6791, 7040, 7045, 7746, 7585, 8144, 9195, 9762, 9852, 9893, 10253, 10339, 11545, 11017, 10669, and 11174.

Revenue impact

The Treasury has estimated that repeal of this tax forgiveness law would boost revenue $2.5 BILLION in 1970 and $3 BILLION in 1971.

Proponents and opponents

Main opponents to repeal during House consideration were the National Association of Manufacturers and the U.S. Chamber of Commerce.

Administration action

The Administration backs repeal.

House action

Repeal was a major provision of H.R. 12290, the bill to extend the surtax that passed the House, 210–205, on June 30, 1969.

The House included the same general proposal in H.R. 13270, the tax reform bill. It included these special exceptions: (1) unordered and unbuilt barges built for use on ocean-going vessels, pipeline for use on projects pending wtih the Federal Power Commission and machinery and equipment needed to complete the C5A program. The House bill also would provide a rapid tax writeoff provision to enable industry to amortize the cost of air and water pollution equipment over a 5-year period instead of the normal 20 years.

Resource references

See Ways and Means Report (H. Rept. 91–321).

ELIMINATE OPTION OF ORGANIZING MULTIPLE CORPORATION TO GAIN SURTAX EXEMPTIONS

The problem

The multiple corporation loophole stems from a provision included in the Revenue Act of 1950 as a break for small business. It provided a two-rate structure for corporate income taxes with the lower rate, called the surtax exemption, applying to the first $25,000 of corporate income.

Many large corporate organizations now carry on business with a series of separate corporate entities, dividing the total income of what is in reality one large enterprise among numerous entities, each claiming a surtax exemption. In many cases, the corporate entities are arranged so most have less than $25,000 of income. As a result of this substantial and unintended tax break, almost all the organization's income is claimed to be taxable at the lower rate.

The 1964 Revenue Act attempted to narrow this loophole by adding a 6% penalty tax on the first $25,000 of income of each corporate unit actually controlled by a larger corporate complex. This merely reduced the value of each surtax exemption from $6,500 (48% less 22% times $25,000) to $5,000 (48% less 28% times $25,000).

Present law

The first $25,000 of a corporate unit's income is taxed at a 28% rate rather than the regular 48% corporate rate. There is no limit to the number of separate corporate entities within a large corporate organization that can qualify.

Pending proposals

A number of proposals have been made to repeal the multiple exemption option. H.R. 5250 (Reuss and others) would repeal the option provision and limit companies to a single $25,000 surtax exemption. Identical or similar proposals are H.R. 229, 1039, 1119, 1379, 2142, 3655, 5196, 6206, 6233, 6721, 6769, 6770, 6791, 7040, 7045, 7346, 7585, 7980, 8144, 9195, 9691, 9759, 9762, 9852, 10044, 10237, 10253, and 11353.

Revenue impact

Treasury estimates eliminating the option, when fully effective, would increase revenue $235 million a year.

Proponents and opponents

Testimony against the proposal was presented on behalf of Retail Jewelers of America, Inc.; Genesco, Inc.; Diana Stores, Inc.; Rockauer Bros., Inc.; National Consumer Finance Council, and Volume Footwear Retailers Association. Supporters include the AFL–CIO and UAW.

Administration action

The Administration has proposed phasing out the option over five years. It would do this by allowing a corporate organization to claim no more than 100 surtax exemptions the first year, 50 the second, 25 the third, 10 the fourth, five the fifth, and one in the sixth and subsequent years.

House action

The House bill would eliminate multiple surtax exemptions by controlled groups or corporations over an 8-year period. During this time the amount of each additional surtax exemption would be reduced by about $3,000 a year.

Resource references

See Ways and Means Hearings, Volume 10; Treasury Studies, Part 2.

REQUIRE COOPERATIVES TO PAY AT LEAST 50 PERCENT OF PATRONAGE DIVIDENDS IN CASH

The problem

Present tax treatment of cooperatives was set by Congress in the 1962 Revenue Act. It provides single tax treatment when certain patronage dividend provisions are met. Congress rejected the two-tier tax system, which would have imposed a corporation tax on cooperatives and made patronage dividends distributed to patrons taxable on the same basis as corporation dividends.

Present law

Under present law a cooperative (whether tax exempt or not) is allowed to deduct, in computing its taxable income, the qualified patronage, dividends allocated to its patrons. This deduction is allowed, however, only if at least 20% of the patronage dividend is paid to the patron in cash. Up to 80% of the remainder can be retained by the cooperative for expansion and other business purposes. Normally a certificate bearing a cash redemption date and covering the non-cash portion is provided to the patron. The patron, however, is taxed as if he received the entire patronage dividend in cash.

Pending proposals

H.R. 7318 (Gilbert), the only bill introduced to deal specifically with this issue, would tighten laws regarding tax exemptions for cooperatives.

Revenue impact

Revenue estimates are unavailable and the effect is considered negligible.

Proponents and opponents

Few witnesses touched on cooperative taxation during the hearings and the testimony received little notice. The National Tax Equality Association urged the Committee to recommend tighter restrictions on taxation of cooperatives. Former Rep. Joseph Resnick suggested a 5-year limitation on redemption of certificates (there is no limit now) and a cash payout requirement for patronage dividends of up to 80%.

Opponents of any revisions in cooperative tax law were not aware until the markup phase that Ways and Means was giving serious consideration to restrictive changes. However the National Council of Farmer Cooperatives and other spokesmen for cooperatives mounted a strong campaign against possible changes when it became clear they would be part of the House tax reform bill.

Administration action

No recommendations dealing with taxation of cooperatives were submitted by the Administration.

House action

The House bill provides that the patronage dividend deduction allowed cooperatives would be continued only if at least 50% of the dividend allocated is distributed in cash. The proposal includes a 10-year buildup to the 50% minimum mandatory requirement from the present 20%. It also would require cooperatives to redeem all retention certificates for cash within 15 years.

Resource references

Ways and Means Hearings, Volume 3.

ELIMINATE SPECIAL TREATMENT FOR STOCK OPTIONS

The problem

Stock options have had special tax treatment for many years. Any gain in value of stock issued to top executives and certain other employees now is taxed as capital gain rather than ordinary income when certain conditions are met. Further, when the option is a statutory stock option, special rules generally postpone the tax until the employee retires or the shares of stock are sold or exchanged. The stock option loophole was narrowed substantially, but not closed, in the 1964 Revenue Act.

Present law

Three types of stock options qualify for special tax treatment—qualified stock options, employee stock purchase plan options, and restricted stock options. In all three instances gain realized from sale or exchange qualifies for the lower capital gain treatment when the holding period and other requirements are met.

Pending proposals

Several stock option bills are before Ways and Means. H.R. 5250 (Reuss and others) would disallow capital gains treatment on the difference between the option price and the market value of the stock when the option is exercised. This gain would be taxed as ordinary income at the time the option is exercised. Identical or similar bills are H.R. 229, 1379, 2142, 3655, 5196, 6206, 6207, 6721, 6233, 7744, 6769, 7980, 6770, 10327, 7040, 7045, 7346, 7585, 8144, 9195, 9852, 10040, 10253, and 11174.

Revenue impact

It is estimated special provisions for tax treatment of stock options cost the Treasury about $150 million a year.

Proponents and opponents

Several witnesses, including a representative of the Association for Advanced Life Underwriting, testified against changes in taxation of stock options. The U.S. Chamber of Commerce also opposed all stock option changes in its general testimony. Most of the comments on this subject dealt with restricted stock option plans.

Administrative action

The Administration, noting that there has been rapid growth in restricted stock option plans, has asked that tax laws applying to these transactions be tightened. It would do this by providing that (1) where an employee receives stock or other property as a compensation, he should be subject to tax when his rights in the property become nonforfeitable, and (2) the amount subject to tax at that time should be the full current market value.

House action

The House bill generally adopts the Administration plan for tightening laws governing taxation of restricted stock plans.

Resource references

See Ways and Means Hearings, Volume 7.

ELIMINATE FOREIGN TAX CREDIT

The problem

The law since 1918 has permitted a tax credit (a credit is a direct writeoff of taxes rather than taxable income) for foreign income taxes paid by U.S. companies. It was designed to avoid double taxation of profits of U.S. businesses operating abroad.

The tax credit has been criticized a good deal in recent years, partly because of steady expansion of U.S. business activity abroad and partly because many feel foreign governments keep raising taxes on these companies at least as high as the level required to use up all the credit. The Treasury, as a result, gets little revenue from U.S. business activity abroad.

Present law

Under present law, the foreign tax credit can be taken (1) with respect to a first-tier foreign corporation only if at least 10% of the stock is owned by the domestic taxpayer, and (2) with respect to a subsidiary of such first-tier corporation only if at least 50% of its stock is owned by the first-tier corporation.

Pending proposals

None of the tax reform bills introduced in the House this session called for elimination of the foreign tax credit.

Revenue impact

Treasury reports that in 1966, the latest year for which tax return information is available for corporate firms, the foreign tax credit for all U.S. taxpayers totalled $2.9 billion. Firms classified as mineral and petroleum industries accounted for $1.3 billion of the total.

Proponents and opponents

Much of the criticism of the foreign tax credit has come from organizations that oppose preferential tax treatment of the petroleum industry. Changes to liberalize the credit were recommended to the committee by a long list of groups that included the U.S. Council of International Chambers of Commerce, Institute on U.S. Taxation of Foreign Income, and Manufacturing Chemists Association.

Administration action

Neither the Treasury nor the Nixon Administration recommended any changes in the foreign tax credit.

House action

The House bill provides that tax benefits claimed due to a loss in a foreign country could be recaptured to the extent of profits realized in subsequent years in that same country. Also, where the overall limitation is used, excess credit generated from foreign mineral income would not, under certain conditions, be used to reduce U.S. taxes on other foreign income.

Resource references

Ways and Means Hearings, Volume 7.

REQUIRE REGULATED UTILITIES TO DEPRECIATE WITH STRAIGHT LINE FORMULA ONLY

The problem

Many regulated utilities, especially the larger ones, gain a tax advantage from the option allowed for computing depreciation. They can use straight line, which results in higher taxes, and get higher rates. Or they can use accelerated depreciation, which results in lower taxes and accumulates larger reserves, and pay out so-called tax-free "dividends" to stockholders. It is estimated that in 1968 private power companies alone made tax-free dividend payments totaling $260 million.

Present law

Under existing law many of the regulated utilities are able to make tax-free distributions primarily as a result of the use of accelerated depreciation.

Pending proposals

H.R. 6659 (Fulton) deals with authority of a regulator agency to require the flow-through of accelerated depreciation reserves to consumers.

Revenue impact

Treasury estimates federal revenue will be reduced as much as $1.7 billion a year eventually if state regulatory agencies continue to allow utilities to adopt accelerated depreciation.

Proponents and opponents

Chairman Lee White of the Federal Power Commission was a leading proponent of a straight-line depreciation requirement.

Administration action

The Nixon Administration recommended that tax-free dividends, currently paid out of accelerated depreciation reserves, be made taxable after a three-year phase-in period.

House action

The House bill would "freeze" the current situation regarding methods of depreciation for most utility companies. It would require gas and oil pipeline, telephone, gas and electric utility, water and sewage disposal companies to depreciate most new properties by the straight line method. And it would end tax-free distribution to utility stockholders resulting from accelerated depreciation deductions.

Resource references

Ways and Means Hearings, Volumes 10, 11.

EMPLOYMENT OF DISADVANTAGED MEN AND WOMEN IN CHICAGO

Mr. SMITH of Illinois. Mr. President, I invite attention to an article on the JOBS program, published in a recent issue of Chicago Today. I feel that this piece does a fine job of describing their activities, and I consider it appropriate to be placed in the Record.

The Chicago Alliance of Businessmen has 610 member companies—200 more than in 1968. These companies have pledged nearly 33.000 jobs to be filled by hard-core unemployed by June 30, 1970. A total of 24,775 disadvantaged men and women have now been hired as a result of our program; and of those hired, 12,805 are successfully on their jobs today—a retention rate of 51.7 percent.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article ordered to be printed in the Record, as follows:

[From the Chicago Today, Sept. 9, 1969]

Job Training Programs—A Booming Business

(The demands of Negroes for more jobs in the high-paying construction industry has spotlighted the extent and adequacy of inner city employment training programs. The blacks claim they have been excluded from apprentice training programs which could fit them for more of the construction jobs which now total between 80,000 and 100,000 in the Chicago area alone. Outside the construction industry, however, job training programs are a booming business. Here's a report.)

(By Don Harris)

Job training programs of all descriptions—public and private—are a booming business.

From 1962 through June 30, 1968, the federal government spent 87 million dollars on manpower development and training projects in Illinois.

In addition, private industry invested millions more trying to get the so-called hard core unemployed into the economic mainstream.

During roughly the same period, the Illinois State Employment service, local administrator of manpower programs, placed nearly 1.5 million persons in jobs.

These programs figure to continue taking in "students" as long as business in general continues to boom.

At the first sign of an economic slowdown, however, the experts agree job training programs and the persons they are designed to help will suffer.

There is a program, funded by the manpower administration under the United States department of labor, for practically every segment of unemployed and underemployed.

To fill the gaps, if there are any, private firms have set up their own array of jobs programs. Some are geared to train people how to get and hold a job. They don't teach a skill, simply good work habits.

Probably the most heralded of all is the J. O. B. S. [Job Opportunities in the Business Sector] program, sponsored by the National Alliance of Businessmen.

It is considered the most successful of all job training efforts because private industry is directly involved in the operation.

Locally, the Chicago Alliance of Businessmen is headed by Donald M. Graham, chief executive officer of the Continental Illinois National Bank and Trust company. The J. O. B. S. director is Glenn W. Ramshaw, Continental bank vice president.

Ramshaw, who heads a task force of 100 executives on loan to the N.A.B., is convinced that companies participating in the program are likely to benefit as well as the disadvantaged they hire.

He noted that these so-called hard core unemployed often develop into stable, productive employes.

The N.A.B. was created in January, 1968, and began its first drive on April 2, of that year. It met its goal to place 11,000 hard core individuals on jobs by this July 1.

Latest figures show 17,251 were hired with 9,094 still on the job. That is a retention rate of 52.7 per cent.

The Alliance's second year goal is to find jobs for 22,000 more disadvantaged unemployed by July 1, 1970.

To keep the N.A.B. going, nine executives, including two from the state employment service, were loaned for all of 1968. It is estimated that Chicago area businesses contributed one quarter of a million dollars in wages, services, and materials to the local program during the year.

The federal government has contributed more than 13 million dollars toward offsetting the added costs to employers of special training and counseling.

These funds are available to any firm willing to enter into a contract with the government. However, the involved recordkeeping that goes with federal funds has caused many companies to skip government help and bear the cost alone.

The N.A.B. works closely with the state employment service, Jobs Now, Tri-Faith Employment project, Chicago Urban league, Chicago Youth centers, Opportunities Industrialization center, Youth Action project, and the Chicago Federation of Settlement Houses.

Briefly, here is how some of these private jobs efforts operate:

Tri-Faith—considered one of the most successful ghetto-run employment projects in the country. About 35,000 applicants are expected to seek jobs thru Tri-Faith's six neighborhood centers this year.

Jobs Now—sponsored by the Y.M.C.A., the Chicago Urban league, the Illinois state employment service, and several other agencies. It seeks out applicants for orientation job preparation.

Chicago Federation of Settlement Houses—14 centers thruout the city are recruiting hard-core job applicants. Officials expect to secure 2,000 to 3,000 such job-seekers.

Chicago Youth centers—maintain contact with hard-core jobless at the community level.

Youth Action project—workers go into the streets in search of the so-called hard-core to be recruited and referred to job training programs. They plan to work with nearly 10,000 youth, including 4,000 hard-core.

Opportunities Industrialization center—a job-preparation effort originated in Philadelphia. Officials expect to identify 500 hard-core applicants for job referral here.

A workhorse in the entire job-training field is the state employment service.

The ISES is the local arm of the federal manpower development and training program. Tho it is a state office under the Illinois department of labor, it is funded entirely by the federal government.

It compiles and maintains an extensive list of job openings, points out where the greatest shortages in manpower are, and goes about the important task of matching people with positions.

Virtually all job programs rely in some measure on the ISES resources and information.

Walter E. Parker, ISES superintendent, commented on some of the changes that have taken place in recent years in the employment field.

Parker noted that many employers have reduced hiring requirements so that high school drop-outs have a better chance to get a job.

"This has been a big help toward solving the problem of the so-called hard-core unemployed," Parker said.

The ISES has been successful in getting many employers to do away with written tests that stood as a barrier to the undereducated. Nonverbal picture tests are being used much more extensively than ever before, Parker said.

In setting up a training program, the ISES works thru the state education department. Public school buildings are generally used for the training site.

In addition to the major job programs funded and directed by the federal government, here is a capsule comment on some lesser known projects:

Work Experience training—gives work experience to poor adults and youth to prepare them for regular jobs.

Operation Mainstream—pays older workers in rural areas and small towns to improve their communities.

Work Incentive program—helps people move off welfare rolls into self-supporting jobs.

Job training also is active in penal institutions. At County jail, federal money is used to prepare convicts for a job on the outside.

A recent comment by Rober P. Mayo, federal budget director, could spell trouble ahead for job training programs. Mayo indicated that the unemployment rate today "is better than we can hope for in the long run."

INTERVIEW OF PRIME MINISTER GOLDA MEIR

Mr. CRANSTON. Mr. President, the popular Prime Minister of Israel, Mrs. Golda Meir, was recently interviewed in New York by Michel Salomon of the ADL Bulletin. The interview provides an excellent insight into the policies and broad vision of Israel's able leader. On the vital issue of peace and war, Mrs. Meir said:

> We are above all interested in having people live. Our ideal is neither to kill nor to die. But we will defend ourselves. At the same time, you will not find songs of war and glory in our streets. . . . Have you ever heard any Israeli proclaim that we must destroy Egypt or Jordan? We are happy that we can defend ourselves successfully, but there is no joy here in war. . . .

I ask unanimous consent, that this lively interview be printed in the Record.

There being no objection, the interview was ordered to be printed in the Record, as follows:

[From the ADL Bulletin, October 1969]

Interview With Golda Meir

(By Michel Salomon)

The last time I saw Golda Meir was several years ago in New York. She was a featured guest at an unusual fashion show—models showing *sheitels,* the wigs worn by ultra-Orthodox women. She showed great impassivity, looked tired and extremely aged. The woman I now interviewed in the office of the Prime Minister of Israel looked ten years younger—her face radiated energy and spirit.

"It is Egypt," Mrs. Meir said, "that has always drawn the whole Arab world into conflict with us. Since Nasser has been in power it is more than ever the country that makes the decisions. The other countries follow, not necessarily because they are in agreement, but because they know from past experience that they will be cooked otherwise."

I mentioned the idea of a separate peace agreement between Israel and, say, Hussein of Jordan.

"We are ready to sign a peace treaty with any Arab country," she replied. "Perhaps some day the Arab states will surmount their fears and their inhibitions and realize that they can tolerate no more suffering—you know that the Arab people suffer much more than we do from the continued belligerence. Perhaps some day one or two of these states will decide to make their own destinies and free themselves from Nasser's intervention in their affairs.

I asked the Prime Minister if she didn't think that Arab leaders might feel psychologically awkward meeting a woman as the head of a state that has defeated them. She smiled at the thought but said it would probably make little difference.

"What would you say to President Nasser if you met with him?" I asked.

"I would simply tell him," she replied, "that we want negotiations without any preliminaries or conditions." She paused as if to weigh the chances of such negotiations, and then she said sharply: "We will not make peace if each of us on his own side makes declarations on the radio. I do not know of any peace treaty which was signed in that way. But it seems that Nasser wants to regain what he lost in the war by issuing sweeping statements from his Cairo office or by ordering blind artillery fire at the Suez Canal. I'm afraid he will waste a lot of saliva and a lot of munitions. But he has had little success, and perhaps some day he will examine his conscience and will decide to let his own people live in peace and develop themselves."

The suggestion has often been made, I said, that Nasser sits on a fragile throne and cannot take the risk of peace. The Prime Minister bristled.

"He certainly took the risk of war," she said. "But if you are implying that the Arabs are governed by hopelessly irrational motivations, you are not entirely right. For if that were so, then this vital area of the world and its dozens of millions of inhabitants are destined forever to be led by people who can only take them from one war to another, from disaster to disaster, and who place on their shoulders an unbearable weight of suffering. Surely you know that the Egyptian standard of living is one of the lowest in the world, that their infant mortality is one of the highest. Must one accept with a kind of fatalism that this must be the destiny of thirty million human beings for all eternity?"

I saw a genuine compassion in Golda Meir's eyes. This momentarily fled, however, when I mentioned the obvious confidence the Egyptian people have shown in their leader.

"A man who brings his people a heavier burden of calamity with each passing day!" she exclaimed. "I don't know a people willing to be governed this way. But if it is the wish of the Egyptians, then why should Israel suffer for it? . . . Do we have to line up and drown in the Mediterranean to please Mr. Nasser? What actually disturbs me most is not Nasser, but those people who expect Israel to resign itself to this madness. Since Nasser has neither the ability to win wars nor the courage to make peace, Israel is therefore obliged to do something to help him remain in the saddle! That logic would be laughable were it not so odious. Is it our sin that we won the war?"

Mrs. Meir's apparent bitterness on this point extends to those who accuse Israel of having been the aggressor in 1967. She said: "Recall the words of Nasser just before the Six Day War began—his triumphant laugh when he visited the soldiers in the Sinai. This was going to be the ultimate war for Arab purposes. Read again the orders of the day from Hussein to his army. My God, how normal people can reread these appeals to murder and then say that no one should have taken them seriously!"

And on the question of negotiation: "We are ready to meet at any time with Nasser, Hussein, anyone. Do you know of any historical precedent of a people, having been attacked and then having been fortunate enough to win the war and bring it into the homeland of the enemy, then themselves—the victors—having to beg for peace?"

The Prime Minister paused, leaned back and took a wistful look at the sunlight streaming through the window. Her face became both softer and more solemn.

"I will tell you a simple thing," she said, now speaking more slowly than before, "something far beyond the splitting of hairs. We have decided to live, to live *here* and to live in peace. It is as simple as that. The entire theory of the return of the Jewish people to the land of their ancestors is a peaceful concept. But if we must fight for our life, we will do so. And if the Arabs are incapable of conquering us in a war, we are not going to throw ourselves at their mercy in peace."

In the remainder of my time with Golda Meir I ranged over a number of topics on which she expressed herself.

On peace and war: "We are above all interested in having people live. Our ideal is neither to kill nor to die. But we will defend ourselves. At the same time, you will not find songs of war and glory in our streets . . . Have you ever heard any Israeli proclaim that we must destroy Egypt or Jordan? We are happy that we can defend ourselves successfully, but there is no joy here in war."

On the annexation of territory: "We did not fight the Six-Day War in order to annex territories. One must not take the effects for the cause."

On the question of Jerusalem: "How did the old city fall into the hands of the Jordanians—by an act of God? In 1948 the Arab legion of Abdullah occupied it with the aid of the British. Everybody was satisfied and accepted the fact that for nineteen years Jews could not visit the holy places there, and all Jews living there were savagely expelled. Now there are some people who cannot sleep because we have unified the city. And what have we done wrong? Have we chased the Arabs out of the city? No. What we have done is to clean it up, to bring in running water and electricity. They bombed our synagogues and profaned our cemeteries—and who cared in the United Nations? I hate to sound bitter, but we have decided for once and for all we will determine for ourselves just what we ourselves will consider just—whether or not certain people find that an acceptable notion. We demand the same rights as any other people in the world to exist."

On the Palestinian Arab refugees: ". . . We won the war in 1948. That was our first sin. The Arabs fled; we did not chase them out. We declared, *urbi et orbi,* that we were prepared to compensate financially for goods abandoned by the fleeing Arabs. Is Iraq ready to do the same for the Jews they expelled? Or Egypt? Or Morocco? Or Syria? Israel respected the resolution on the partition of 1947, and the Arab countries did not . . . I do not say that the refugees do not suffer, or that they do not constitute a humanitarian problem. But who created this problem? And why have they done nothing to resolve it?

"We were 600,000 Jews here when we began to receive the immigration of 100,000 persons each year. There were not enough roofs, or food, and we rationed eggs, tomatoes, shoes, everything. Of course, we received generous aid from Jews in other places. But what does that represent in comparison with the gold mine of royalties from Arab oil? And what, then, was the contribution to their own refugee problem of Kuwait, or of the Sudan? We welcomed and housed and fed our refugees from all over, and we integrated them into our society . . . Why have the Arabs not done the same for theirs?"

On anti-Semitism: "Many who speak of 'Zionists' are really thinking 'Jews.' The Soviets have always done that . . . This is revealing of a latent anti-Semitism. Well, we have lived with anti-Semitism for two thousand years; we know it in all its guises and all its masks. It comes wrapped in packages labeled justice, or humanism, but inside it is the same merchandise. And there are other people who are not anti-Semites but for whom the Jews can only be unfortunates, can only be objects of pity. They had pity for us before June 5, 1967—but we survived. What kind of Jews are we that we do not get killed, that we do not become objects of pity? There are people who just find it impossible to accept us as equals, people who just cannot accept us as neither angels nor devils, but just as men and women like all others. . . ."

ADMINISTRATION'S MARINE RESEARCH PROGRAM

Mr. GRIFFIN. Mr. President, on Sunday, the Vice President announced the establishment of a five-point program to improve and expand marine research.

As one who has applauded our efforts in space, I feel that they need to be matched by intensive study of the potential of our oceans and large inland lakes. The balanced proposal of the administration, which focuses attention on both the destructive and productive effects of man's use of his water resources, is to be commended.

Coming from a State surrounded on three sides by the Great Lakes, I am particularly pleased by the administration's specific emphasis on the pollution problem in the Great Lakes. These unique bodies of fresh water are particularly vulnerable to harmful exploitation. Unless special efforts are made to control and prevent pollution of these lakes, irreversible contamination is possible.

The pilot study of lake pollution, proposed by the National Council on Marine Resources, and the anti-pollution demonstration program for the Great Lakes, established by S. 7, are two important steps forward in the battle to save the Great Lakes.

Mr. President, I ask unanimous consent that the text of the Vice President's release and the details of the program released by the National Council on Marine Resources and Engineering Development be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

A RELEASE FROM THE OFFICE OF THE VICE PRESIDENT, WASHINGTON, D.C.

A five-point program to strengthen the Nation's marine science activities was announced today by Vice President Spiro T. Agnew, as Chairman of the National Council on Marine Resources and Engineering Development.

The Vice President reported five areas that the Administration has selected for immediate special emphasis in the next fiscal year.

These areas are:

Coastal Zone Management: A new Federal policy will be established to promote the rational development of coastal areas and the Great Lakes, with a grant program to aid States to plan and manage activities along the coast.

Establishment of Coastal Laboratories: Coastal marine laboratories will be established to accelerate environmental research needed for effective management of coastal activities.

Lake Restoration: A pilot technology study of lake pollution will be initiated to guide restoration of the Great Lakes.

International Decade of Ocean Exploration: The United States will propose a range of specific programs as its initial contribution to the International Decade of Ocean Exploration during the 1970s.

Artic Environmental Research: Ocean-related research will be accelerated on the interaction of man with the Artic environment.

The Vice President said that details of the program have been worked out with the approval of the White House.

Additional funding above current levels will be provided for implementing these programs. Primary responsibility for development of each program will be assigned to an appropriate Federal agency while studies of the Government's organization of marine science activities continue.

Selection of the five priority programs followed an intensive Government-wide review of urgent needs of the nation in relation to marine affairs. These particular needs cannot await the result of longer range studies, the Vice President said.

The study was requested by President Nixon in February following submission of the Report of the Commission on Marine Science, Engineering and Resources, *Our Nation and the Sea.*

The President's Advisory Council on Executive Organization, headed by Roy Ash, is now evaluating the Commission's recommendation to create a new National Oceanic and Atmospheric Agency. The Administration will also continue to evaluate other Commission recommendations, strengthen on-going programs, and seek improvement of Federal management of ocean programs. The President's task force on oceanography, headed by James H. Wakelin, Jr., will be of particular assistance in formulating the longer term goals of the national program.

The National Council on Marine Resources and Engineering Development was established at Congressional initiative by Public Law 89-454 to assist the President in the development and coordination of national marine science policies and programs. The Council membership is as follows:

Chairman: Spiro T. Agnew, the Vice President.

Members: William P. Rogers, the Secretary of State; John H. Chafee, the Secretary of the Navy; Walter J. Hickel, the Secretary of the Interior; Maurice H. Stans, the Secretary of Commerce; Robert H. Finch, the Secretary of Health, Education, and Welfare; John A. Volpe, the Secretary of Transportation; Glenn T. Seaborg, Chairman, Atomic Energy Commission; William D. McElroy, Director, National Science Foundation.

Observers: Lee A. DuBridge, Director, Office of Science and Technology; Robert P. Mayo, Director, Bureau of the Budget; Paul W. McCracken, Chairman, Council of Economic Advisors; Thomas O. Paine, Administrator, National Aeronautics and Space Administration; John A. Hannah, Administrator, Agency for International Development; S. Dillon Ripley, Secretary, Smithsonian Institution.

Executive Secretary: Edward Wenk, Jr.

[From the National Council on Marine Resources and Engineering Development, Oct. 19, 1969]

DETAILS OF FIVE-POINT INTERIM MARINE SCIENCE PROGRAM

1. COASTAL ZONE MANAGEMENT

Legislative proposals will be submitted to the Congress to establish a national policy for the development of coastal areas and to authorize Federal grants, with matching State contributions, that will encourage and facilitate the establishment of State management authorities. Such legislation will assist to insure the rapid coastal development does not destroy limited coastal land and water resources and that all interests in the coastal regions would be assured consideration—for port development, navigation, commercial fishing, mineral exploitation, recreation, conservation, industrial development, housing, power generation and waste disposal.

Grants are anticipated for (1) initial development by States of planning and regulatory mechanisms; and (2) operation of the State management systems that are developed. The latter grants would be made contingent on a State demonstrating a capability to prepare plans that provide for:

Balanced use of the coastal margin, both land and water, that considers viewpoints of all potential users;

Access to management-oriented research, including coastal ecology studies;

Regulatory authority as needed—such as zoning, easement, license, or permit arrangements—to insure that development is consistent with State plans;

Consideration of the interests of adjacent States;

Land acquisition and power of eminent domain as necessary for implementation of the plan; and

Review of proposed Federal, Federal-assisted, State and local projects to insure consistency with plans.

States have responsibility for management of coastal resources but have often lacked regulatory and management capabilities. They have been faced with a diversity of coastal jurisdictions and the absence of ecological information. This program should thus strengthen the States' capabilities, lessen the need for Federal intervention, and facilitate integration of planning, conservation, and development programs among diverse public and private interests.

2. ESTABLISHMENT OF COASTAL LABORATORIES

Steps will be taken toward establishment of coastal laboratories, supported by the Federal Government, to provide information on resource development, water quality, and environmental factors to assist State authorities and others in coastal management. Existing facilities will be strengthened and consolidated as necessary to provide capabilities to:

Develop a basic understanding and description of the regionally differentiated ecology of our 13,000-mile coastline;

Anticipate and assess the impact on the ecology of alternative land uses, of pollution, and of alterations to the land-water interfaces;

Operate coastal monitoring networks; and

Perform analyses needed for coastal management.

Establishment of these capabilities will be phased with the development of coastal management plans to foster State access to environmental data and research capabilities.

3. PILOT TECHNOLOGICAL STUDY OF LAKE RESTORATION

The feasibility of restoring the Great Lakes with technological as well as regulatory mechanisms will be determined by a pilot study of a lake of manageable size. Existing environmental technology and techniques will be tested, including pollution measuring devices, methods of artificial destratification by aeration, mixing and thermal upwelling techniques, thermal pollution control and enrichment, artificial bottom coatng, filtering, harvesting of living plants and animals, and restocking of fishery resources. The program will reinforce current investigations, and bring together additional competence from industry, academic institutions, and Federal laboratories.

4. INTERNATIONAL DECADE OF OCEAN EXPLORATION

Funding will be provided for the U.S. contribution to the International Decade of Ocean Exploration during the 1970s, proposed by the United States and endorsed by the UN General Assembly in December 1968. The United States will propose international emphasis on the following goals:

Preserve the ocean environment by accelerating scientific observations of the natural state of the ocean and its interactions with the coastal margin—to provide a basis for (a) assessing and predicting man-induced and natural modifications of the character of the oceans; (b) identifying damaging or irreversible effects of waste disposal at sea; and (c) comprehending the interaction of various levels of marine life to prevent depletion or extinction of valuable species as a result of man's activities.

Improve environmental forecasting to reduce hazards to life and property and permit more efficient use of marine resources—by improving physical and mathematical models of the ocean and atmosphere which will provide the basis for increased accuracy, timeliness, and geographic precision of environmental forecasts.

Expand seabed assessment activities to permit better management—domestically and internationally—of ocean mineral exploration and exploitation by acquiring needed knowledge of seabed topography, structure, physical and dynamic properties, and resource potential;

Develop an ocean monitoring system to facilitate prediction of oceanographic and atmospheric conditions—through design and deployment of oceanographic data buoys and other remote sensing platforms;

Improve worldwide data exchange through modernizing and standardizing national and international marine data collection, processing, and distribution;

Accelerate Decade planning to increase opportunities for international sharing of responsibilities and costs for ocean exploration, and to assure better use of limited exploration resources.

This U.S. contribution to an expanded program of intergovernmental cooperation reflects four recent developments:

(1) Increased population concentration along the coasts of the United States and other countries, with attendant threats of harmful degradation of the ocean environment, and increasing demands on the coastal margins and marine resources.

(2) Evolution of technology that is rapidly opening new ocean frontiers.

(3) Recent scientific advances that can improve environmental forecasts if better ocean data is available.

(4) Sharply increasing interests by 100 coastal nations in extracting benefits from marine activities.

The Decade will accelerate needed understanding of the ocean—permitting nations individually to plan investments and collectively to develop arrangements for preserving the ocean environment and managing common ocean resources.

The global character of the oceans and the scope of work to be done make international cost-sharing and data exchange especially attractive. International cooperation in marine affairs is expected to facilitate communication with developing nations, with the Soviet Union, and with others.

The U.S. proposals are compatible with the framework of the expanded and long-term international program of ocean exploration recently developed by UNESCO's Intergovernmental Oceanographic Commission. The extent and nature of the U.S. contribution will depend on the contribution of other nations participating in this program.

5. ARCTIC ENVIRONMENTAL RESEARCH

Arctic research activities will be intensified, both to permit fuller utilization of this rapidly developing area and to insure that such activities do not inadvertently degrade the Arctic environment.

The program will be directed to (1) the polar icepack including its impact on transportation and global weather and climate; (2) the polar magnetic field and its effects on underlying the Arctic lands and polar seas both as potential mineral sites and as hazards to construction and resource development; (4) balance of the Arctic eco-system; (5) the presence of permafrost; and (6) slow degradation of liquid and solid wastes under Arctic conditions. Behavior and physiology of man in this environment also will receive increased attention. Initial emphasis will be on strengthening and broadening Arctic research capabilities. Consideration will also be directed to formulating an overall policy framework for Arctic-related activities.

FRENCH COMMEMORATE PRESIDENT EISENHOWER IN SILVER

Mr. BIBLE. Mr. President, just a week ago today, this body took deliberate and responsible action when it passed Senate Joint Resolution 158 by a large majority and sent the measure to the House for its consideration.

Senate Joint Resolution 158 provided for the minting of a 40-percent silver-clad dollar bearing the likeness of the late President of the United States, Dwight D. Eisenhower.

At the time of the debate, I stated it was my belief that a silver coin would be revered and cherished by our citizens. I also pointed out the continued weekly sales of Treasury silver by the General Services Administration was bringing an average price of $1.87 per ounce to the Treasury.

It was my belief, and still is, that the taxpayers should receive full value for the surplus silver held in our Treasury. A 40-percent silver commemorative dollar will see the U.S. Treasury receiving more than $3 per ounce for its remaining stocks of silver and at the same time will permit the Nation to commemorate properly one of its outstanding citizens.

As Senators are aware, the House substituted its own language in Senate Joint Resolution 158, which included the minting of a silverless dollar. The joint resolution has been sent back to the Senate for further consideration.

Since the passage of the Senate bill, my mail has reflected complete agreement with the Senate's position. In fact, just yesterday I received a thoughtful letter from a Nevada friend and constituent, Mrs. Victor Cottino, of Pioche, Nev., which reads as follows:

> I have read with interest and listened to over the radio and television the debate over whether to have a silver content in a dollar honoring former President Eisenhower. It seems a little odd to me that France could strike a coin honoring President Eisenhower, the Kennedy brothers and

Martin Luther King and offer it for sale in the United States when it is composed of 99.99% silver, and then our own government argues about putting a silver content of 40% in a dollar. Please find enclosed a page from the Sears Roebuck Christmas catalog which lists the commemorative medals for sale. I trust that you are not in favor of this copper clad dollar which is being proposed.

I agree wholeheartedly with my constituent. It makes little sense to me that another nation, such as France, can mint silver commemorative coins of 99.99 percent silver and sell these coins to our citizens through large private business outlets for $10 each, when our Nation is in fact making silver available to any nation at the ridiculously low price of $1.87 per ounce.

I have commented many times that our foreign friends would purchase Treasury silver stocks and sell the silver back to our citizens at an increased price when silver was in short supply.

As the distinguished Senator from Utah (Mr. Moss) stated in the debate last week, it is estimated that 200 million ounces of Treasury silver are stored in England and on the Continent.

This silver which we have sold at bargain prices will be coming back to the United States just as the silver commemorative coins now produced at the French Mint are now being offered at $10 each in this Nation.

I hope that Senators will not accede to the substitute language as agreed upon by the House Members when Senate Joint Resolution 158 is again before the Senate.

COLLEGE STUDENT AT 84

Mr. SYMINGTON. Mr. President, an interesting news article about a longtime friend, Perry W. Porter, was published in the Unionville, Mo., Republican of September 24. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ONE IS NEVER TOO "YOUNG" TO LEARN

Putnam county could have the distinction of having the oldest student enrolled at N.E. Missouri State at Kirksville in the person of Mr. Perry W. Porter, local insurance and income tax man.

Mr. Porter enrolled in a 9-week Income Tax course being offered at the college on Monday evenings of each week. He will receive one hour of college credit when completed. Perry may be the oldest person on the campus, but we will make a wee-wager that he has the sharpest pencil on the campus when it comes to figures.

Mr. SYMINGTON. Mr. President, Mr. Porter celebrated his 84th birthday last February 23, and his many activities in the insurance business, helping friends and neighbors and clients for many years in the preparation of their income tax returns, and in many civic good works, including responsibility for leading the singing every week for the Unionville Rotary Club, are all evidence that one is only as old as he feels. The fact that Mr. Porter, in addition to his other activities, has now gone back to college proves that he is feeling mighty young.

Mr. President, I would hope that our colleges throughout the country will continue to offer courses of interest to our "young adults"—whether they be 24 or 84.

LOS ANGELES URGES ENACTMENT OF S. 2625, THE URBAN AND RURAL EDUCATION ACT

Mr. MURPHY. Mr. President, from my city of Los Angeles, I have received an endorsement of the Urban and Rural Education Act, which I introduced on July 15, in the form of a letter from Superintendent of Schools Jack Crowther. He has worked with me on various legislative proposals, and I am very grateful for his help and support.

I ask unanimous consent that Superintendent Crowther's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LOS ANGELES CITY BOARD
OF EDUCATION,
Los Angeles, Calif., August 15, 1969.

Hon. GEORGE MURPHY,
Senator, State of California, U.S. Senate,
Senate Office Building, Washington, D.C.

DEAR GEORGE: Thank you for your letter of July 22, 1969 and the accompanying material on your Urban and Rural Education Act of 1969. You may count on our enthusiastic support of this measure.

If it should be your desire to have us appear to testify in support of the bill, we would appreciate it if your office could inform us as early as possible in advance so that we can be adequately prepared both in terms of available staff and supportive materials.

In light of the fact that the California Legislature apparently intends not only to limit additional state school aid to what approximates a cost-of-living adjustment and to restore the ceilings on local property taxes for school support, your bill offers the only hope we have at this time of obtaining additional funds to enable this school district to deal with the mounting educational problems that are so well described in your excellent statement.

Please accept my sincere thanks and appreciation for sponsoring this much needed legislation. We stand ready to assist you in any way we can to obtain congressional approval.

With best wishes, I am,
Sincerely,
JACK P. CROWTHER,
Superintendent of Schools.

THE IMBALANCE OF POWERS: CAN CONGRESS SURVIVE?—ADDRESS BY SENATOR HARTKE

Mr. CRANSTON. Mr. President, the distinguished senior Senator from Indiana (Mr. HARTKE) recently addressed the Commonwealth Club of San Francisco about "the vast agenda of unfinished business" our Nation faces in domestic and foreign affairs. With the same eloquence and insights we in the Senate are so frequently privileged to hear, Senator HARTKE told my fellow Californians that we must "meet head on the crises of our Nation, in all their difficult ramifications, and to do so with the courage to abandon wrong causes and obsolete policies."

Pointing out the imbalance of powers between the executive and legislative branches of Government, Senator HARTKE predicted:

> If the trend towards executive centralization continues, there is little doubt that the wellsprings of innovation will dry up in Congress just as they very nearly have in the States.

So that all of us may have the opportunity to read the speech, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE IMBALANCE OF POWERS: CAN CONGRESS SURVIVE?

(Remarks by Senator VANCE HARTKE before the Commonwealth Club of California, Sheraton Palace Hotel, San Francisco, Calif., October 17, 1969)

It was with a great deal of pleasure that I received the invitation to address the Commonwealth Club.

Aside from the fact that this is a forum renowned as a marketplace of ideas that sooner or later affect national policy. I greet any opportunity to revisit San Francisco with special joy.

Long before the Harris poll revealed that most people prefer it to other cities, I have had San Francisco high on my own list of preferences—although as a gentleman from Indiana, I can think of at least one place more to the taste of an unreconstructed Hoosier. Your bay area, it is true, stirs with a certain colorful vitality; but it is also true that in my State, along the banks of the Wabash, one may still enjoy the harvest of a quiet eye.

I first went to the Senate in 1958, a young man from Evansville, with an inherited vision of what our country might be. Those were the last of the Eisenhower years—those years when the lamp of illusion shed its benign light over the Nation.

In retrospect, it is clear to me that even before I went to the Senate, the forces that have brought us to our present crisis were already churning despite the rhetoric to the contrary. The races were in conflict; the cities were in deep trouble; there was violence in the streets; there was discontent among the young; and the seeds of the Vietnam war had already been planted. Indeed, all the harsh realities of the last third of the 20th century were assaulting the assumptions we lived by.

We needed then, as we do now, a declaration of a new political truth—some bold, new effort at social invention, through which the American people might adapt itself to the sweeping technological scientific, social, and political changes that now challenge us—and the world.

I know that no one can confront the problems of national policy without recognizing their enormous complexity; but I also know that to deny the complexity of our problems is an abdication of both political responsibility and power. There are no simple answers to big problems. But the big problems are here, and they are getting bigger, and more complex, and finally more dangerous. A President may deny them by seeing only what he believes, or like the old judge, render a decision on the premise that his conclusion proves the facts. The human condition, however, is real, and the facts speak for themselves.

When there is a broad divergence between national policy and the facts of life, the door is open to widespread discontent. Thus, there is now abroad in the land, a general notion, mostly articulated by the young, that what we do—and try to do—in and out of Washington is irrelevant to our needs; and in all truth there is very little evidence that our national policies reveal any fundamental awareness of the world around us.

The facts speak for themselves, and they define a totally new set of circumstances, without reference to anything in our past. And they demand a totally new set of policies.

The fact of nuclear arms has made obsolete the historic forms of diplomacy, and has created throughout the world a brooding sense of fear.

It is a fact that the population of the earth will double by the end of this century, and this has raised the alarming prospect of widespread death through mass starvation.

It is a fact that there are now over 160 sovereign nations on this planet, all eager for power and influence. And it is also a fact that the have nations are mostly white and the have-not nations mostly non-white. And the question is asked: Will this not lead to a global racial war?

It is a fact that the genius of America has produced a miraculous technology, capable of supplying an ever-increasing abundance of goods and services. But it is also a fact that this same technology despoils our environment, dirties our waters, and ploughs filth into the air. And the question is legitimately asked: At what point will the health of the entire nation be endangered.

Here we are, a nation of metropolitan man, concentrated in great urban areas, and year after year we watch the erosion of our cities—we watch them decal and become more unlivable and more unworkable. And it is a fact that we do not have a national policy and a national commitment to an overall urban renewal.

Instead of new policies, we have a vast agenda of unfinished business in international affairs and in domestic programs, all of which bear directly on the fate and future of our nation. But we are wasting ourselves in the Vietnam war, which we should have avoided in the first place, and which we should now leave entirely in the hands of the Vietnamese, to do with what they will, but not with our young men, and not with our treasure.

The time is now long overdue when we must get on with the larger business at hand, which is to meet head-on the crisis of our nation, in all its difficult ramifications, and to do so with the courage to abandon wrong causes and obsolete policies.

In an address to the Congress of the United States, in December 1862, Abraham Lincoln said:

"Fellow citizens, we cannot escape history. We will be remembered in spite of ourselves . . . the fiery trial through which we pass will light us down in honor or dishonor to the last generation . . .

"The dogmas of the quiet past are inadequate for the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion.

"We must think anew, we must act anew, we must disenthrall ourselves."

Lincoln's call in 1862 has a real and sudden applicability to our own time, for we too must shed the dogmas of another day, and act anew with a belief that our rational faculties can join in a common cause.

We have more affluence than was dreamed possible. Our technology in a sense, is miraculous. We opened the door to the age of Apollo, and brought the moon and the planets directly into the orbit of human experience. Fifty million of our children go to school and seven million of them go to college. Many Americans are poor, but most are not. There are many who are ill-housed, ill-clothed and ill-fed; but most are not.

Yet no recitation of these achievements now suffice to reassure Americans that they are safe and secure and on the way to a better life.

The Vietnam war certainly dominates the consciousness of the country, and raises grave doubts not only about the credibility of the Government, but also, and more importantly, about some widely assumed postures of the United States. We are not, for example, invincible as we once thought. We have the most powerful military establishment in the world, but we cannot win a war against a little people with only an ounce of our resources. We pretend to be the exporter of democracy, but we have no reluctance to support with arms and money corrupt and dictatorial governments. These moral contradictions finally take their toll, for when the gap between appearance and reality becomes very obvious, citizens everywhere find their faith torn. When they are young, they desert our institutions, and when they are middle-aged and old, they turn to despair.

But over and above the demoralizing effects of the war and our foreign policy, there is mounting discontent and now a considerable doubt as to whether or not successive administrations in Washington have had the wisdom and statesmanship to formulate policies and programs that really relate to our problems.

Consider the contradiction that our so-called longest period of sustained prosperity is in fact something of a delusion, since the vast majority of American people are now so overburdened with the high cost of living that the present administration is faced with the real prospect of a taxpayer's revolt.

Or consider our fidelity to the economic policies of the past, which we cling to in the face of the world's declining liquidity and the mounting pressures for radical changes that will unlock the channels of world trade.

Or assess the effect on our people when they hear that Lake Erie has become a swamp, or that air pollution may cause emphysema in epidemic proportions, or that nearly 60,000 people will be killed on our highways this year, or that in the richest nation in the world 12% of the population live in abject poverty, or that our wildlife is being made extinct. And while the people may not express their concerns in loud and angry rebuke to their Government, they are perplexed and anguished by all this. For we have been brought up to be a generous people, with a reverence for life, but all around us we see that life is held in some contempt.

And we can go on to recall all the failures and frailties of our national policies. We can talk about the lost opportunities for peace, and the fallacies of our programs for our racial minorities, and the insanity of escalating our nuclear capabilities, but finally we must consider the role of political leadership. For what that is and how it functions is the ultimate determinant of what we are and where we are going.

It seems to me that for too long now we have put our faith in the idea of a leader—the President of the United States. We have permitted ourselves to believe that leadership must necessarily reside in this one man and whatever palace guard of advisers he chooses to have around him.

Surely no notion runs more directly counter to the essential spirit of the American political system than this. As every civics student knows, the founding fathers dispersed power throughout the system both horizontally and vertically: Horizontally through separation of powers at the national level and vertically between the central government and the States. They did this not only because they wisely feared the concentration of powers at a single source, but also—and more subtly—because they recognized that this new nation's very survival would depend on its ability to innovate in the face of new challenges. And innovation, they realized, could never be safely left to a single locus of government.

So let me now offer a preliminary answer to the question posed in the title of my remarks, "Can Congress Survive?" The answer is, yes: It can because it must.

I think it is perfectly clear that no great and diverse society can hazard its existence on the judgment of any one man and his handpicked advisers. Confronted with life and death problems of such terrifying complexity as those we face today, the judgment of a solitary leader is simply not good enough. And let me make it clear that I am not talking only about Richard Nixon or Lyndon Johnson, but about John Kennedy and Harry Truman, and Franklin Roosevelt as well.

Complex problems demand complex judgments—the kind that can only come from the dialectical clash of divergent ideas.

That is why the Senate is such an admirable and necessary institution. Composed as it is of 100 generally able men and women of sharply different backgrounds and political perceptions, it offers the opportunity at least for subjecting every proposed policy to a truly rigorous examination. And because it never denies a Member the chance to be heard on questions of concern to him, it maximizes the likelihood that policy choices will be fully and carefully explored.

This, it seems to me, is the genius of the Senate as an institution. And it serves the Nation best when it is true to its genius—as in the great debate this year on national commitments and on military procurement. It serves the Nation far less well when it is false to itself—as in the Gulf of Tonkin Resolution of 1964 when we lost sight of our own constitutional responsibilities in our eagerness to allow the President to inflate his.

By the same token, if policy judgments on complex problems cannot safely be left to the exclusive province of the Executive, neither can policy initiatives. A homelier way to put the same point is to say that we can never have enough good ideas.

Yet that is precisely the point that we ignore when we surrender to the doctrine—so tirelessly put about these days, especially by liberals—that the Presidency should be the source and fount of policy initiatives in our system. So pervasive has this belief become within the past 30 years or so, that even a great many of my colleagues seem now to view bold new ideas originating in Congress as somehow suspect until they can win the administration's stamp of approval. And what is true of Members of Congress is thrice-true of the news media people, who do so much to shape the public consciousness.

But valuable policy initiatives do continue to originate in Congress. And it would take a very severe wrenching of facts to argue that these are somehow intrinsically less worthy of attention that those that originate in the executive, which, after all, is composed at its highest levels of a variety of former governors, businessmen, Wall Street lawyers, political organizers, and college professors—many of whom have had little or no practical experience in dealing with the affairs of their office or agency.

If you will forgive me a personal reference, I should like to give you an example from my own legislative record of the kind of new effort at social invention which I mentioned earlier.

On August 7th of this year I introduced Senate Joint Resolution 145 to establish a Joint Committee of Congress on National Goals. Its purpose would be to identify specific—I emphasize the "specific"—National Goals and the means to achieve them by the bicentennial year of 1976. The sort of goal I suggested in my speech of introduction included the elimination of poverty, the cleansing of our air and waters, making the streets of our cities safe to walk upon, and providing decent housing, education, and transportation for all Americans.

Are these goals too visionary, too impractical? I am convinced that they are not. I argued in my speech that the success of Apollo 11—the greatest technological feat in the history of mankind—demonstrated beyond challenge that we have both the technology and the resources to achieve any materially feasible goal. All we have so far lacked for a coordinated, successful attack on the domestic problems that blight our society is the will. And if you doubt that we really do have the resources for so massive an assault on our ills, let me point out that the military part alone of our Vietnam folly has since 1965 cost us over one hundred and six billion dollars.

In essence, then, my proposal would set in motion the institutional machinery to devise and launch the first coordinated, concentrated assault on the besetting ills of our society that we have ever attempted. That proposal has now been endorsed by such different but influential sources as Walter Cronkite, Parade Magazine, and President Nixon. Given this kind of support, I am hopeful that the resolution will now begin to make some proposals through the legislative mill.

The central point, however, is that this initiative, which I believe to be sound and I hope will prove fruitful, originated with a member of the Senate. If it is a more ambitious proposal than most, it is by no means more imaginative or creative than many others that have been put forward in Congress. But if the trend towards executive centralization continues, there is little doubt that the wellsprings of innovation will dry up in Congress just as they very nearly have in the States—which, let me remind you, only a few decades ago were often vital laboratories of social and political experimentation.

I said a few minutes ago that Congress will survive because it must. Let me confess that I have more confidence in the "must" than in the "will". An institution that has lost its constitutional vitality is all too likely to lose the caliber of men who alone can give it force and meaning in the total government context.

The challenges we face today are more terrifying than any we have known since the Civil War. We desperately need every ounce of judgment and creative initiative we can get. And Congress, I have argued, is a superb repository of both judgment and initiative.

There is one last point to be made in this connection. The American mission is unique in all history. It is, in James Madison's words, to prove the impossible: That a multi-racial, multi-ethnic society can make peace with itself, and rise finally to that level of life which is the vision of all mankind.

This proposition is now being tested throughout the land and in the deliberations of government. And in this struggle for a new life, it is the Congress of the United States that is the ultimate custodian of the loftiest American ideals.

Like all great efforts at creation, there is pain and anguish and sometimes violence; but these should be viewed as a prelude to success. For we will succeed, even if the price is high, so long as we preserve the sovereign right of the people to speak and act and create through their elected representatives.

THE STERLING HEIGHTS CLINTON RIVER CLEANUP

Mr. GRIFFIN. Mr. President, at a time of increasing need for initiative at local levels, it is especially heartening to see the successful results of a well-organized community project.

Recently, the town of Sterling Heights, Mich., received national attention, including a congratulatory telegram from President Nixon, for its efforts in cleaning up the nearby Clinton River.

In just 2 days, under the leadership of the Sterling Heights Clinton River Cleanup Committee and with the aid of some 2,000 residents, approximately 12,000 tons of debris were hauled from a 10-mile stretch of the river.

The benefits inuring from this project are not limited solely to environmental aspects. The cost savings achieved through the volunteer effort can be seen merely by examining the probable rental cost of the 200 pieces of heavy equipment which were donated. The intangible benefits in terms of community pride and individual participation are immeasurable.

This significant accomplishment should help to restore faith in the potential and resourcefulness of local government. The citizens of Sterling Heights are to be commended for setting an example to the Nation of responsible community action.

I ask unanimous consent that an article published in the October issue of the Rotarian describing the Clinton River cleanup, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CLEANUP ON THE CLINTON

(By Frank S. Fayssoux)

"Polluted—Unsafe for Swimming."

The sign, white lettering on dark stained wood, juts up from the weed-strewn banks of the Clinton River as it flows through Sterling Heights, Michigan, just 14 miles from downtown Detroit. A glance at the river and a sniff of its odor makes the sign unnecessary. In a word, the river stinks. In a phrase, it is an eyesore. This is because, to borrow a remark from the former U.S. President Lyndon B. Johnson, it has grown "heavier with the debris of our spectacular civilization": junked cars, old tires, oil drums, baby carriages, washing machines, beer cans, and hundreds of tons of other kinds of rubbish.

"A river is more than an amenity—it is a treasure," said former U.S. Justice Oliver Wendell Holmes. The Clinton, then, has become a badly tarnished treasure: The dark, dirty waters flow between refuse-strewn banks and in spots, obstructed by debris, slow into still pools streaked with heavy green slime. The odoriferous, cluttered Clinton River, to put it bluntly, is bankrupt.

This, at least, was the story until the weekend of August 16 when a project spearheaded by the Rotary Club of Sterling Heights launched a community-wide cleanup campaign. Under gunmetal gray skies and occasional blue, in driving rain and intermittent sunshine, some 2,000 people from Sterling Heights and the surrounding area worked for two days from dawn to dusk cleaning up their burdened river.

It didn't all happen overnight. These things never do. It happened because of good planning, strong leadership, and lots of cooperation among all involved. In fact, the logistics of the clean-up smacked of a well-planned military operation. Much of the planning and leadership was provided a big, ruddy-complexioned salesman of school supplies named Al Martin. A Rotarian and city councilman, Al is chairman-president of the Sterling Heights Clinton River Clean-up Committee.

"Why don't we do something about the river?" Al asked Ray Filipchuk, President of the Sterling Heights Rotary Club and director of public services for the city, soon after the Club was chartered on May 9, 1969.

"How are we going to do it?" Ray responded.

This question led to other consultations and conversations within the Club. Barely one week after its founding, the Club agreed to form a Spearhead Committee and embark on a community project to clean up the Clinton.

With headwaters in Michigan's Oakland County some 20 miles west of Pontiac, the Clinton River flows toward Lake St. Clair in three branches: the Main, Middle, and North. The entire river is not yet polluted and there is still good fishing along the North Branch. The Main Branch, which flows through Sterling Heights, was once an angler's dream which pollution and debris turned into a nightmare.

Although the river has been a problem for area residents for years, it has only been a *city* problem since July 1, 1968. An unincorporated township up until then, Sterling Heights on this date officially came into being and automatically became the second largest city in area (36 square miles) in Michigan. Population increased from 14,000 in 1960 to 47,000 in 1968, and planners now predict a population of 150,000 by 1980.

In the current tradition of a swing toward youth, the young city and even younger Rotary Club combined forces to combat the polluted river which too many citizens used as a garbage dump. With Club members serving as chairmen or co-chairmen on all of the 12 subcommittees, the Clinton River Clean-up Committee received pledges of support from other civic and service clubs, sportsmen's organizations, local and county government agencies, and individual citizens and businessmen.

"We believe this grass roots effort has great significance for the entire U.S.A., because citizen volunteers are doing something for the community instead of waiting to see what government is going to do about the Clinton River problem," Chairman Al Martin wrote in a letter the committee sent out seeking support.

The problem of waiting to get the job done "through regular channels," according to committee members, is the large number of overlapping governmental agencies which become involved. These include 14 to 20 different city governments, a number of county drain commissions, and the U.S. Army Corps of Engineers. A clean-up campaign was recently completed along eight miles of the Main Branch's downstream area near the mouth of the river. Another clean-up is scheduled "through channels" along another seven mile stretch of the river. This project will cost $17 million and take five years. Rather than wait the five or six years committee members think it would take the authorities to reach their stretch of the river, the Clinton River Clean-Up Committee took the plunge itself.

And so in the first gray dawn of Saturday morning, August 16, volunteers began arriving—men, women, and children ready to go down to the water (and into it) to seize and carry away with their own hands the floating flotsam which had collected through years of neglect. Soon after 6 A.M. the first full bus load of volunteers (a group of teenagers) were on their way to assigned work areas.

Along the ten miles of the Clinton to be cleaned were 24 work areas, 12 on each side of the river. The entire effort was directed from main headquarters, a trailer at Dodge Park No. 8 across the street from the Sterling Heights municipal building. Communications were maintained between all work sections by 30 mobile radio units and 30 walkie-talkies provided by the Sterling-Utica-Shelby REACT (Radio Emergency Associated Citizens Team).

In the early morning mist, heavy machinery (some 200 pieces of it) churned into operation. It was placed in position along the river Friday on roads and trails previously carved out for this purpose. Canoes, flat-bottom boats, and an amphibious vehicle plied the river's surface, while bulldozers, cranes, cherry pickers, and trucks worked in unison along the water's edge. Logs and other debris were dredged up and hauled away.

During the months of June and July, the Sterling Heights area was steadily pelted with rain. The forecast for this weekend of work was for good weather. Chairman Al and the committee had counted on it. But the gray skies at daybreak were a bad sign. Around 9 A.M., the first rain began to fall—slow but steady.

Soon it was a downpour. Wet clothes stuck to wetter skin and the roads became trails of mire. Some of the heavy equipment bogged down in the deepening mud. Instead of drenching the workers' spirits, however, the rain seemed to strike a spark and all the "river rats" redoubled their efforts—slogging about with gusto and good humor.

"These operators of mine are real prima donnas and usually pack up and go home at the first sign of rain on a regular job," said one of the contractors who donated heavy equipment for the clean-up. "But I'm real proud of them out here. They're donating their own time and all of them are working harder than ever right through the rain."

The Clinton River clean-up spirit seemed to infect everyone. Women ferried food from headquarters to the work sections in station wagons. Some hustled hot coffee on foot. Children of all ages were busy in the river or around headquarters. On Sunday, people who weren't involved with the clean-up held picnics around the headquarters area in Dodge Park. But this didn't slow down the clean-up crews for one minute. They knew if the river was to be cleaned up, someone had to do the work.

Saturday night, workers in many of the sections along the river begged for flood lights so they could continue. The lights weren't available so everyone trudged home, tired but contented. It rained during the night, and Sunday dawned gray as a battleship. However, except for some light misting, the rains never came and sometime during the afternoon the sun actually flashed a smile or two through clouds. Volunteers showed up in droves again and most of the bogged down equipment was freed from the mud.

"We're actually on schedule because of the dedication and determination of these people working out here," Al said at headquarters Sunday morning. "We lost very little time because of the rain."

Ingenuity was the order of the day. Some kids assigned to cleaning up small debris from the river used an Irish setter to haul the stuff from midstream to the bank where they could pick it up. The dog did a good job, but he did have trouble trying to pick up flat whisky bottles.

Safety was stressed at the outset and it paid off. The first aid tent treated mostly minor complaints, including scratches, bruises, a case of poison ivy, and a finger lacerated by a pop can.

By Sunday night, the hard-working crews completed 80 percent of the Clinton River clean-up project. Some 12,000 tons of debris and junk (more than 400 truck loads) was hauled off to proper dumping grounds. The fired-up volunteers, not contented with an *almost* finished project, voted to return the following Saturday and complete the remainder of the job.

Labor, equipment, food, fuel, and many other items were donated, but the two-day clean-up campaign cost some $10,000 in cold, hard cash—most of it contributed by local citizens, businessmen, and industry.

"This project would probably cost more than a million dollars if it had been undertaken by governmental agencies," Al says. "In figuring such costs, there are other intangible values involved. For instance, we plan to open the river as a fine canoe facility which should bring tourists into the area. We also hope to develop hiking and nature trails along the flood plain."

The Sterling Heights Clinton River Clean-up Committee has been incorporated for a three-year period so it may continue to encourage maintenance of the river and involve other adjoining communities in similar projects.

"We also hope to raise $5,000 so that we may donate it to the city for recreational facilities along the river," says Al.

With Lake Erie lying "dead" from pollution some miles beyond the city limits of Sterling Heights and the problem of water contamination continuing to proliferate around the world, the Clinton River clean-up takes on added significance. It shows that *something* can be done at the "grass roots" level—without waiting for governments (whether they be city, state, or national) to untangle their skein of red tape and finally act.

It shows, too, that a properly aroused Rotary Club can provide the impetus for community action. As the Sterling Heights Club "spearheaded" the Clinton River clean-up project, so have other Clubs provided the needed action for other conservation projects:

The Rotary Club of Lincoln, Nebraska, promoted organization of the Salt-Wahoo Watershed Association project. This involved some 5,200 individual farms in a complete program of water conservation, flood abatement, erosion control, and recreational development of the area.

The Chagrin Valley, Ohio, Club originated a similar watershed conservancy district embracing 11 communities and 260 square miles.

Other Rotary Clubs as far separated as Horse Cave, Kentucky; Howray, India; and Yokote, Japan, are interesting themselves in their water problems.

Along the Clinton River in Sterling Heights, most of the job the clean-up committee cut out for itself is completed. The river is still polluted (this is a problem that will have to be attacked at another source), but now most of the debris obstructing the river is gone. Perhaps canoeing will become commonplace on the Clinton once again, as it was some 30 years ago. Whatever work remains to be done, Al Martin and the Clinton River Clean-up Committee remain around to help do it.

If, as Justice Holmes said, "A river is more than an amenity—it is a treasure," then the people who labored long and hard along this particular river have helped restore the legacy of the Clinton's treasure. For this, the ultimate "thanks for a job well done" will come from their children.

J. A. TERRY, ROANOKE, ALA., BLACK BUSINESSMAN OF THE YEAR

Mr. ALLEN. Mr. President, I invite the Senate's attention to an event that will take place in Roanoke, Ala., on Wednesday, October 29. On that day the local chamber of commerce will hold a luncheon to honor J. A. Terry, a lifelong resident of the community, who in just 6 years has built a family sewing operation into a million-dollar-a-year industry that now employs more than 60 persons.

Mr. Terry typifies the Horatio Alger hero who makes boyhood dreams come true through the sweat of his own brow. His success is also a reminder that the American family unit is still a powerful force when it works together to meet a common dream.

Mr. Terry was educated in his local high school and trade school and then worked for a number of years for the Air Force where he became expert in sewing operations.

His dream was to enter the garment business. In 1963, with only small savings but great ambitions, he started the Terry Manufacturing Co. in his hometown. Because of his high character and good reputation, he gained financial assistance from local lending institutions and Small Business Administration.

He trained his own employees, drawing them from the ranks of the unemployed, those on welfare or from those working as domestics. He started with five sewing machines in a small wooden building.

Today, the Terry Manufacturing Co. operates in a modern 16,000 square foot plant where more than 60 employees produce clothing valued at more than $1 million wholesale per year.

Mr. President, this is truly a remarkable success story to tell in an age when so many left leaners are saying such success is not possible. I take a pardonable pride in this story because it is taking place in a small city in a rural area of a southern State, my home State of Alabama.

When he was asked why he decided to start his business in Roanoke, Ala., Mr. Terry, who is a Negro said:

> We wanted to show that black people can promote themselves; that they can be an asset to the town, to the country, to the economy; we wanted to do something to improve conditions rather than running away from those conditions.

Mr. Terry has been named "Black Businessman of the Year" by the National Association of Market Developers which is joining the chamber of commerce in sponsoring the luncheon on October 29.

Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the Birmingham News of October 15 and a fact sheet relating to the Terry Manufacturing Co.'s history and telling some of its plans for the future.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Birmingham (Ala.) News, Oct. 15, 1959]

ROANOKE WILL HONOR NEGRO BUSINESSMAN

ROANOKE, ALA.—J. A. Terry, a Negro who earned the respect of the whites in this eastern Alabama community by building a million-dollar garment-manufacturing business from a shoestring says he wanted to show that black people can be an asset.

"We wanted to show that black people can promote themselves; that they can be an asset to the town, to the county, to the economy," the 55-year-old Terry said. "We wanted to help build something for ourselves."

Recognition of Terry's efforts comes Oct. 29, when the Chamber of Commerce will honor him at a luncheon. It may be the first time in the rural South that an all-white Chamber of Commerce has paid such a tribute to a Negro.

Terry is proud of the honor. "We've worked hard to get where we are today," he said in an interview Tuesday. "We'll have to work even harder to show people that all the nice things they're saying about us are justified."

When Terry says "we," he means his employees, himself and his family, which includes his wife and three sons who have worked closely with him since the beginning. "Without the unity of this family, we could not possibly have come this far," he said.

Terry, a native of Roanoke, received his education in high school and trade schools. He then learned and supervised practically every type of sewing operation while working for the federal government at Wright-Patterson Air Base experimental station for seven years in the 1940s.

He decided to enter the garment business and saved every penny he could. Little help was available when he started Terry Manufacturing Co. in 1963, but he picked up the support of banks in Roanoke and nearby Wadley and the Small Business Administration along the way.

He started with five power sewing machines, housed in a small frame building and began manufacturing garments, training new employes as he expanded. Most of these employes were either unemployed, on welfare, or employed as domestic earning $10 to $15 per week.

Today he employs more than 60 persons, is housed in a new 16,000-square-foot plant and wholesales more than $1 million worth of clothing a year.

He said he thought about leaving his home to seek greener pastures but rejected the thought. "The idea was that we should do something with what we had, do something to improve conditions rather than running away from those conditions," he said.

Many Negroes were leaving this Randolph County town of 6,000 in 1963 in search of jobs.

Terry hopes to increase employment to about 100 persons.

Most of his sales are to wholesalers, but he is trying to develop retail outlets. He said this prospect "looks pretty good."

One of his products is Afro-style garments for men and women. Individuals and small shops are being recruited to sell the Afro garments on and near the nation's black college campuses.

"This is just in the beginning stage," he said. He added the white community has shown no adverse reaction to the garments' manufacture.

In fact, the white community thinks he's doing an outstanding job.

"He's doing something for his race, instead of inciting them to riot," said J. C. Washington, manager of the local Chamber of Commerce.

Terry, named "Black Businessman of the Year" by the National Association of Market Developers which is jointly sponsoring the luncheon to be held in the National Guard Armory, is looking forward to Oct. 29.

"It's rewarding to know that at least you've overcome many things," he said. "It's gratifying to find out that someone else is concerned with what we're trying to do."

Fact Sheet of Terry Manufactuing Co., Roanoke, Ala.

I. BACKGROUND

In early 1963 Jesse A. Terry began the long, hard struggle to implement the idea which he formulated in his mind many years earlier. He put together every penny that he had saved or that he could earn in his successful upholstery business in order to buy sewing machines and pay wages to the ladies who he began to train as power machine operators. While his upholstery shop was earning a good living for himself and his family, J. A. Terry had a deep belief that the skills which he had learned could be used to provide employment for a larger number of his people, and at the same time to build a potentially profitable business. Having learned and supervised practically every type of sewing operation while employed by the Federal Government at Wright-Patterson Air Base experimental station during the 1940's, the apparel industry was the obvious choice. Training began with about five machines, and a like number of ladies willing to learn. Since that time the small frame building has grown, with three expansions, to a thoroughly modern 16,000 sq. ft. plant employing more than 60 highly skilled persons. All of these persons were trained by, and at the expense of, Terry Mfg. Co. Most of these persons were either: (1) unemployed, (2) on welfare, or (3) employed as domestics earning $10.00 to $15.00 per week. While this training has been a tremendous expense for the company, Mr. Terry feels that the future will well justify the cost. Although little help was available at the beginning, Mr. Terry has picked up the support of local banks (Roanoke and nearby Wadley) and the Small Business Administration along the way. This help has been an absolute necessity in securing the present physical facilities, but has been inadequate to provide the working capital necessary to build what Mr. Terry terms "a truly first-rate manufacturing and sales organization.

II. STAFF

Working closely with Mr. Terry since the beginning have been the other members of his family, his wife and three sons. "Without the unity of this family," he says, "we would not possibly have come this far." Mrs. Velma Terry has provided invaluable assistance as floor supervisor since the first day. Roy Terry traveled the 80 miles from Atlanta to Roanoke as often as possible while attending Morehouse College and the Atlanta University School of Business and is now vice-president of the company. Rudolph Terry, a recent Phi Beta Kappa Morehouse College graduate, is now the Production Manager. William Terry, although still in school at Morehouse, spends quite a bit of time traveling and purchasing for the company.

In addition to the Terry Family, the management team includes other key individuals. Mrs. Ramonia Drake serves ably as Quality Control Supervisor. Miss Willo Strickland, who will graduate from Albany State College (Ga.) in June, is the Operator Efficiency Supervisor. In addition, Mr. Terry states that he is searching for persons who have skills and talents in all phases of the apparel industry, from sewing to selling, or persons who are willing to learn.

III. PRODUCTS AND SALES

The highly versatile plant has made numerous types of clothing, from blouses to bell-bottom slacks. However, the main area of concentration now centers around ladies' dresses and uniforms.

The present plant produces some 6,000 to 7,000 of these items per week with a wholesale value of more than $1,000,000 annually. While most of Terry Mfg. Co.'s sales contacts are with wholesalers rather than the retail outlets, their garments reach the ultimate consumer through most of the major chain stores. The direct sales made to the large retailers have so far been "less than overwhelming", according to Roy Terry. "However, some of them now *seem* to be expressing genuine interest, especially in our Afro style garments for men and ladies and our ladies' uniforms."

Plans are also now in the process of being implemented which will supply these items to other markets. Individuals and small shops are being recruited to sell the Afro Dashiki garments on and near the nation's black college campuses. Also, the uniforms are being catalogued for mail-order sales through persons in local communities (e.g. nurses, beauticians, etc.) who will take orders on a commission basis.

IV. THE FUTURE

The future for Terry Manufacturing Company looks bright. Plans are already being made to increase employment to about 100 persons so that expected increases in sales can be adequately provided for. There is a solid nucleus of management and production personnel who expect to build a much larger and better organization. Mr. J. A. Terry undeniably deserved the "Black Businessman of the year for 1969" award recently presented to him by the National Association of Market Developers. Further testimony to the contribution to "black capitalism" made by Mr. Terry and his company is the Awards Luncheon for him on October 29, 1969 sponsored by the local all-white Chamber of Commerce. It is believed that this is the first time that a black man has been so honored by a Chamber of Commerce in the rural South.

A high level federal government official will deliver the keynote address. Representatives of education, business, and government on the local, state, and national level are expected to attend. All major news media have been invited. On this same date, open house for the guests and the general public will be observed in order to exhibit the recently expanded plant facility. Local citizens look forward to this day as a history-making event for the community and the nation.

VIETNAM MORATORIUM—ADDRESS BY MAYOR SAM YORTY

Mr. MURPHY. Mr. President, on October 13, 1969, the distinguished mayor of Los Angeles, Sam Yorty, made what I consider to be a most forthright and perceptive speech to the National Institute of Municipal Law Officers at their annual convention.

Mayor Yorty very clearly pointed out what most of us understand "down in our consciousness" about the effect on Hanoi of the October 15 moratorium.

Mr. President, believing that Sam Yorty has articulated the majority view, I ask unanimous consent that the text of his remarks on this matter be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks by Los Angeles Mayor Sam Yorty

And so what's happening? We find again this great crescendo, this great building up of subversives, dupes, and people who don't understand, who think they are just marching against war—we are all against war—and they are trying to put the pressure on President Nixon to concede to the Communist demands.

They want the President to just pull out of there or agree to pull out on a certain timetable so that the Communists can know then that if they just hang on, they have a chance to victory and this is where they are planning to win the war now. They are not going to win it in South Viet Nam any more and they know it. We have paid horribly to get into this situation, more than we needed to, more than our allies needed to, but we have paid it already and they are in sad shape and they know they have to do something to try and force Nixon not to even give them the kind of a threat that would take them out of the war.

I want you to remember what President Eisenhower did, and I asked him in Palm Springs after he retired. I said, "General, I have heard so much about what happened in Korea, I'd like to just hear from you just what did you really do?" He said, "Mayor, it's simple." He said, "I got tired of waiting for them to negotiate and I sent word to them through diplomatic channels 'if you don't want to negotiate, I am going to take the restrictions off of American weapons and where we are to use them.'" And he said, "In ten days I had a note that they wanted to sit down and negotiate and have a ceasefire."

So we are reaching a point now where the Communists know that President Nixon has walked the last mile. He has given them about all the rope he intends to give them. They know there is going to be a decisive change and they want some assurance that the change will be that we will pull out and that the President won't have the backing of the American people to see that we are not going to turntail and be defeated with the consequences to the world, which I hope our people understand.

And so this great moratorium that they are talking about, this march, can only do one thing—it can encourage the Communists to stay in the war and increase American and allied casualties. So believe me, I don't think much of the politicians encouraging this moratorium and I hope that somewhere down in their consciousness, they have some conception of what they are doing with American kids out there on that line risking their lives. And I say again, as far as I am concerned, I have told President Johnson and I have told President Nixon, that I don't think any President has the right to send kids out there to risk their lives under these restrictions because when you send them out there and say "risk your lives" but at home we say "don't escalate", what are you really saying? You are saying "let the kids risk their lives but don't do anything to risk mine because if you escalate, I might get involved and we are afraid of the Russians." Well, I'll tell you I'd rather we'd risk our lives than those kids'. They have their whole lives ahead of them.

We have reached the point that what we need is for the President to hear from the rest of the people of the nation and not just from the loud dissenters and the marchers who are the same kind of people who insisted on the appeasement of Hitler which brought such catastrophe to the world.

North Viet Nam, with just the right kind of ultimatum and if they really think we mean it—will get out of South Viet Nam and get out pretty fast. We have the power to absolutely eradicate that country in a couple of days if we wanted to do it and it is about time we let them know that the great United States of America is not about to be defeated by the kind of Communist tactics, both there and subversion at home and around the world, that they are practicing against us.

COMMENTS ON NEW YORK TIMES ARTICLE OF OCTOBER 16, 1969, ON PACIFICATION

Mr. McGEE. Mr. President, the New York Times article of October 16 on pacification represents an independent assessment of the real progress which has been made in this area in Vietnam over the past year. It confirms what our own officials are reporting about the substantial improvements which have been made in reestablishing security in the rural areas in Vietnam.

This progress in pacification is attributable to three major factors:

First, the offensive tactics used constantly by American and Vietnamese military units in seeking out enemy forces and preventing them from massing in a manner which would enable them to disrupt pacification.

Second, the increase in numbers and improvements in training and armaments of the Vietnamese Regional Forces and Popular Forces who provide security to the Vietnamese people at the village and hamlet level.

Third, the increasing effectiveness of the Vietnamese Government in carrying out the pacification program, starting with the special 3 months "accelerated pacification campaign" of November–December 1968 and January 1969. Formerly pretty much an American program, the Vietnamese Government has now taken on this program as its own.

The most striking corroboration of progress in pacification, as the New York Times article indicates, is through the improvement of road security and the return of tens of thousands of refugees to their hamlets of origin. The article speaks of these people as "leaving the Communist-controlled areas and moving into those more or less under Government control." Actually, these people left Communist-controlled areas in most cases 4 or 5 years ago and are now moving back to their own hamlets in areas over which the Government has recently taken control from the Communists.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PACIFICATION IN RURAL VIETNAM MAKING BIG BUT FRAGILE GAINS

(By Terence Smith)

SAIGON, SOUTH VIETNAM, October 15.—The road that runs south from Saigon to Cantho is clogged these days with trucks and cars that rattle along with careless abandon.

Sixteen months ago, in the wake of the Lunar New Year offensive, a drive along the stretch between Mytho and Cantho was a perilous adventure. Vietcong guerrillas regularly planted mines under the pavement and floated explosives under the bridges. In the evening and early morning snipers fired at passing cars from the trees lining the road.

Today as an extensive auto trip has confirmed, the only danger along Route 4 is the traffic, which is dreadful, and the potholes, which can shatter an axle.

The improved security along the road is one of the more visible examples of the progress achieved over the last year by the allied pacification program. While the enemy has concentrated his attacks on military targets, the $600-million-a-year effort to secure and develop the South Vietnamese countryside has proceeded almost without opposition.

The gains during the period have been striking. Rural security has been greatly increased—although American officials concede that it is still fragile—and the Saigon Government's control now reaches deeper into the countryside than it has for at least two years.

The expanded security in the countryside is a result of a combination of the pacification program and the enemy's decision during the last 10 months to concentrate on military targets.

With an eye toward escalating American casualties, the North Vietnamese and Vietcong have directed their principal efforts this year against Allied military installations rather than civilian targets. As a result, the forces assigned to the pacification program have encountered little opposition as they have pushed deeper into the countryside.

They have been operating in a sort of military vacuum, and the American officials in charge of the program are quick to concede that the progress that has been made would not have been possible had the enemy been determined to frustrate it.

Nonetheless, the officials, capitalizing on the opportunity, have redoubled their efforts during the widespread lull that has descended over the battlefield since the middle of August. They are attempting to make the most of it because they realize that it cannot last indefinitely. They acknowledge that the major test lies ahead, when the enemy turns his attention to the fruits of the program.

The officials well remember the Tet offensive of 1968, which delivered a severe setback to the gains achieved by the pacification program in 1967 and shattered the boundless optimism that characterized the official American attitude at the time.

"WE REALIZE ITS LIMITS"

Varied and widespread though it is, American officials readily acknowledge, the security that prevails in much of Vietnam could easily be upset by a determined enemy effort.

"There has been a steady expansion of security and Government control throughout the year," William E. Colby, who directs the pacification effort, said in a recent interview.

"But I realize its limits. We know it is still thin in many areas. It is thin at night and in the rural areas away from the towns."

To test the security, this reporter set off with two others on a five-day, 400 mile drive through the heart of the Mekong Delta. Unarmed and in a Volkswagen sedan, we drove the length of Route 4 from Saigon to Cantho, then up the bank of the Mekong River to Chaudoc, a lovely province capital on the Cambodian border, and back through Sadec and Mytho to Saigon.

NO SOUND OF GUNFIRE

We passed through towns, villages and hamlets and through miles of lush, green paddy fields without hearing a shot. Men and women are working the fields without visible concern for their safety, and in the towns the restaurants were busy until the curfew forced them to close.

A handful of mining incidents were reported during the week on some of the roads we used, but we encountered none of them.

The areas toured seemed prosperous as well as secure.

Television antennas poked up from innumerable thatched roofs, and in the towns gleaming new Japanese motorcycles crowded the sidewalks.

As another example of the improved security, Jim Clare, a reporter for Stars and Stripes, the Army newspaper, recently hitchhiked the length of Route 1—the late Bernard Fall's "Street Without Joy"—from the demilitarized zone to Saigon. He made the trip in 13 days without incident, arriving here last week.

In January, 1967, Michele Ray, a French free-lance journalist was kidnapped by the Vietcong when she attempted the same trip. She was released after three weeks in captivity. No one else had tried it since.

Gerold Hickey, the anthropologist who first came to Vietnam in 1962, recently compared the present security to the conditions that prevailed in the summer of 1964, before the vast American buildup was under way.

STILL MANY RISKY AREAS

"We used to drive up and down the coast and all through the Delta in those days," he said. "Now people are doing it again. You can drive from Danang to Dongha now. A year or 18 months ago it would have been suicide."

None of this is to say that there are not areas that the Vietcong dominate either wholly or in part. There are still many districts in the Delta and in the north where an American driving in anything less substantial than a tank is risking his life.

And there are still many areas that the Vietcong can rely on for sanctuary, support and supplies. Even in many of the regions where the Government presence has recently been established, the Vietcong still conduct their business at night and collect taxes on a regular basis.

But the pendulum has swung in the direction of the Government during the last year, and the shift is reflected in the much-maligned computeriezd analyses prepared each month by the experts on pacification. In the past their findings have been sharply challenged, by members of Congress among others.

According to official American figures, 89 per cent of the South Vietnamese people were living under "relatively secure" control of the Saigon Government as of Aug. 31—15.3 million of a population of 17.3 million. In the rural areas the figures are lower but still high; 84 per cent of those outside the cities enjoy "relative security."

A DEFINITION BY THIEU

In some cases that security is very relative—particularly at night, when the Vietcong are most active. In a recent speech President Nguyen Van Thieu came up with a definition of a relatively secure area that most people agree with. It means, he said, an area that "Government representatives can visit without military escort in the daytime."

Even President Thieu would readily acknowledge that the situation can easily change at night or from one day to another.

The generally improved security is mainly a result of the enlarging and equipping of the regional and popular forces, nicknamed the Ruff Puffs, which along with the regular army, have taken over a large share of the military side of pacification. As a result of relentless American prodding, and in the absense of significant enemy opposition, they have spread out into the countryside and taken up the front-line defense of much of the rural population.

In addition a home-grown militia composed of men too young or old for the draft and of some women and girls has been developed over the last year and a half. There are about 1.5 million members of these people's self-defense force who guard their own villages or hamlets at night. About a million of them have received some rudimentary military training, and they have some 300,000 arms.

Although their contribution to defense may not be great in purely military terms, their presence has provided a major boost to morale.

SHIFT FROM VIETCONG AREAS

The relative security, despite its thinness, is attracting people into the newly pacified communities. Increasing numbers of refugees are leaving the Communist-controlled areas and moving into those more or less under Government control. Politics is not usually involved; people are simply in search of an opportunity to live and work in peace—a rare luxury in Vietnam.

Few officials doubt that the tide would be running in the opposition direction if the people believed they had a better prospect in the Vietcong areas.

There has also been a stirring of political life in the villages during the last year, and this too is a by-product of the pacification program. Elections have been held in about 1,900 of the 2,300 villages in South Vietnam, and though some difficulty was experienced in getting enough people who were both qualified and willing to run, the voting is said to have had a generally positive effect.

New village officials have been given substantial budgets to use for local development, and they now have administrative control over the rural development workers sent by the central Government as part of the pacification effort.

As a result the officials are operating with greater autonomy than they have had since President Ngo Dinh Diem suspended village elections 14 years ago. Returned to their traditional role, they have a vested interest in continued Government control.

Government troops and pacification workers recently pushed into an area in Sadec Province, in the Mekong Delta, long held by the Vietcong and known as the Triangle. They secured three villages that had been abandoned for more than a year, and within a month refugees poured back into the area. The fields surrounding the villages have been planted for the first time in several seasons, village elections have been held and the Government presence appears to be firmly established.

"The elections have produced the beginnings of community awareness and responsibility in the villages," Mr. Colby said. "But let's not overdo it—it's just a beginning, and we know it."

"The important thing is whether the structure we have set up is strong enough to resist the shock of an enemy attack," he said. "We have been working for the past year in a relative vacuum, but now we have documents that indicate that the enemy feels he must do something about the situation. So it's up to us to prepare for it."

The pacification program is a massive assistance and advisory effort that employs 14,500 people, including 7,300 Americans. Its goal is to extend the Government's presence in the countryside and rejuvenate economic and political life in the rural areas that have been disrupted by the Vietcong. But its primary task is security, and that is how its success is measured.

Officials of the pacification program have been expecting some enemy response since early this year, and they acknowledge that they have been mystified by the lack of it.

Now, as the result of the capture of a command-level enemy document, they expect it shortly. The document, which American analysts believe to be authentic, calls for a concerted military and political campaign to reverse the gains achieved.

In its ominous way the document is a compliment to the program—the first clear indication that the enemy is sufficiently concerned to attempt to counteract it.

DISABLED AMERICAN VETERANS SUPPORT SENATE RESOLUTION 271

Mr. DOLE. Mr. President, on October 13, I introduced, with 35 other Senators, Senate Resolution 271, calling on the North Vietnamese and the National Liberation Front to take certain steps toward bringing an end to the Vietnam war. I have received considerable response supporting the resolution, a response which is most encouraging, from a group whose devotion to this country and its ideals is unchallenged and unwavering.

Today I received a letter from Raymond P. Neal, national commander, Disabled American Veterans, endorsing Senate Resolution 271 and supporting it in principle.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DISABLED AMERICAN VETERANS,
Washington, D.C., October 20, 1969.

Hon. ROBERT DOLE,
New Senate Building,
Washington, D.C.

DEAR SENATOR DOLE: Thank you very much for sending us the copies of S. Res. 271 and remarks which you made upon introducing the resolution in the Senate.

The resolution calls upon the North Vietnamese Government and the National Liberation Front to take the following steps:

(1) acknowledge that a just and mutually agreed settlement is the best hope for lasting peace;

(2) show at the Paris peace talks the same flexibility and desire for compromise which the Allies have clearly demonstrated over the past year;

(3) agree to direct negotiations between representatives of the National Liberation Front and of the Government of the Republic of Vietnam as proposed by the latter;

(4) withdraw their insistence on Allied surrender through their demand for the overthrow of the Government of the Republic of Vietnam before genuinely free elections could be held; and

(5) provide information on the status of United States prisoners of war held in North Vietnam and by the National Liberation Front, and give evidence that these prisoners are being treated humanely in accordance with the provisions of the Geneva Convention;

The resolution resolves that it is the sense of the Senate that the United States must maintain its one fundamental goal in Vietnam of peace, with self-determination for the South Vietnamese people.

The five principles set forth in the resolution are, in our opinion most sensible, reasonable and practical and should appeal to all Americans who have a genuine concern for the security and welfare of our Country.

The DAV supports S. Res. 271, in principle; and, like you, we urge the North Vietnamese representatives to come forward with a positive and meaningful response.

Sincerely,

RAYMOND P. NEAL,
National Commander.

THE PESTICIDE PERIL—LXVIII

Mr. NELSON. Mr. President, a report on the relationship between DDT and hazards to human health was recently issued by the Environmental Defense Fund, Inc., an organization of scientists and attorneys with headquarters in Stony Brook, N.Y.

Evidence has definitely confirmed that DDT is causing the extinction of some species of fish and wildlife. Yet the effects of these same pesticides on human health have never been clearly understood, although evidence suggests links to liver and stomach ailments and to cancer. Now, recent studies on mice conducted by scientists supported by the National Cancer Institute confirm that DDT is a tumor-causing agent.

This is another aspect of the pesticide controversy about which we should be seriously concerned.

I ask unanimous consent that the Environmental Defense Fund press release be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

STUDIES SHOW DDT TO BE CARCINOGENIC—PETITION TO FDA REQUESTS ZERO TOLERANCE IN FOODS

Recent studies by a team of scientists supported by the National Cancer Institute have confirmed earlier evidence that the insecticide DDT is a carcinogenic or cancer-causing agent. The experiments were done with mice, but earlier work with rats and trout gave similar results. Another study showed that people dying of cancer contained higher than average amounts of DDT in their fat, a finding that could be interpreted as being consistent with the animal experiments.

This information formed the basis of a petition to the Food and Drug Administration (FDA) filed today by California Rural Legal Assistance on behalf of five pregnant or nursing women and the Environmental Defense Fund, Inc. (EDF), an organization of scientists and attorneys based in Stony Brook, New York. The petition requests FDA to lower the tolerance limits on DDT residues in human foods to zero, based on a law stating that carcinogenic materials cannot be tolerated in human food. Traces of DDT are widespread in foods, and all humans carry some DDT in their tissues.

As early as 1947 a study by FDA itself showed that when DDT was fed to rats there was an increased incidence of liver tumors [Fitzhugh & Nelson, J. Pharmacol. Exp. Therap. *89*, 18–30 (1947)]. Similar results were obtained recently using rainbow trout, where DDT in the food of the fish caused the formation of hepatomas [Halver, Bur. Sport Fish. Wildl. Res. Rept. 70, 78–101 (1967)].

Hungarian scientists examined more than

1,000 mice from five generations after adding 3 parts per million (ppm) of DDT to their diets. Leukemia appeared in 12.4% of the DDT mice, but only 2.5% of the non-DDT mice; 28.7% of the mice getting DDT developed tumors, while only 3.8% of the mice on clean food had tumors. Most of the malignancies in the DDT group were in the later generations [Tarjan & Kemeny, Ed. Cosmet. Toxicol. 7, 215–22 (1969)].

In a recent, definitive, and large scale study supported by the National Cancer Institute, DDT added to the diet of mice quadrupled the frequency of tumors of the liver, lungs, and lymphoid organs. The dosage level was many times higher than that normally found in human foods, a standard procedure used to increase the sensitivity of the experiment in testing for carcinogenic activity. DDT was clearly carcinogenic to the mice because it caused cancers of the same kind and at approximately the same frequency as did known cancer-causing agents [Innes et al., J. Natl. Cancer Inst. 42, 1101–14 (1969); Congressional Record, S. 4412, 1 May 1969].

In studies done at the University of Miami School of Medicine, human victims of terminal cancer were found to contain more than twice as much DDT in their fat as did victims of accidental death. The accident victims carried 9.7 ppm, which is about average for Americans, while the cancer victims contained 20–25 ppm in their fat [Radomski, Deichmann, and Clizer, Fd. Cosmet. Toxicol. 6 209–20 (1968).] In this study there was no way to tell whether the increased retention of pesticides caused the disease, whether the disease caused the increased pesticide retention, or whether there was no relationship between the two.

ADDITIONAL DEATHS OF CALIFORNIANS IN VIETNAM WAR

Mr. CRANSTON. Mr. President, since Thursday, October 9, 1969, the Pentagon has notified 14 more California families of the death of a loved one in Vietnam.

Those killed were:

Maj. Moses L. Alves, husband of Mrs. T. Mary Alves, of Highland.

Pfc. John T. Baker, son of Mr. and Mrs. Claude D. Baker, of Bakersfield.

Pfc. Domingo Y. Garcia, son of Mr. and Mrs. Jesus A. Garcia of Five Points.

S/4 James H. Graham, son of Mr. and Mrs. Clarence B. Graham, of Garden Grove.

Lance Cpl. Michael L. Holtz, husband of Mrs. Sandra L. Holtz, of Redding.

Sgt. William O. Jackson, husband of Mrs. Gwendelyn Jackson, of Compton.

Pfc. Gary L. McCloud, son of Mr. and Mrs. Louis L. McCloud, of Sacramento.

S. Sgt. David L. McCombs, husband of Mrs. Diane L. McCombs, of Chula Vista.

Pfc. Elvis E. Mullen, husband of Mrs. Debra S. Mullen, of Elk Grove.

Lt. James L. Rhodes, husband of Mrs. Linda L. Rhodes, of Fallbrook.

Sgt. Harry C. Shepard, Jr., husband of Mrs. Jeanette Shepard, of Cannino.

Pfc. Gary D. Taylor, son of Mr. Clark F. Taylor, of Menlo Park.

Pvt. John E. Duarte, Jr., husband of Mrs. Inez N. Duarte, of Los Angeles.

Sgt. Tommy R. Thomas, son of Mr. and Mrs. Roy G. Thomas, of South San Gabriel.

They bring to 3,840 the total number of Californians killed in the Vietnam war.

SENATOR YARBOROUGH URGES INCREASED EDUCATIONAL AID FOR THE HANDICAPPED

Mr. MONDALE. Mr. President, the distinguished Senator from Texas (Mr. YARBOROUGH), chairman of the Committee on Labor and Public Welfare, on which I am privileged to serve, has written an excellent article for the September issue of the Journal of Learning Disabilities. In the article, entitled "The Learning Disabilities Act of 1969, a Commentary," Senator YARBOROUGH discusses the tremendous unmet needs that exist, and our efforts to provide handicapped children with the education which they need and deserve.

In the following passage from the article, Senator YARBOROUGH illustrates the huge gap that exists between the plans Congress has made to assist in the education of the handicapped, and the unwillingness of Congress to provide the necessary funds for this effort. In addition, he relates this tremendous gap between our authorizations and appropriations for this vitally needed program to the need for our Nation to reorder its priorities. Senator YARBOROUGH writes:

> It can be said that we have taken the first step toward providing all children with the education they need and deserve, but there are many steps ahead. We can be justifiably proud of the increasing national commitment to education for the handicapped, and at the same time somewhat awed by what is before us. We should be humiliated by how little has been appropriated to do what the Congress has already authorized to be done. For the current year, only $29 million was appropriated for Title VI grants, when the authorization was $200 million. With over 5 million handicapped children, not counting children with specific learning disabilities, the basic support program is providing only $5–$6 per child.
>
> This is a time when funds are scarce, but we will spend our dollars on what our society demands. There will be money enough for whatever we feel is truly important. We must decide, individually and as a nation, just what it is that we believe to be important.

Senator YARBOROUGH has drawn upon his experiences as a member of the Subcommittee on Education for almost 12 years in introducing S. 1190, entitled the "Children With Learning Disabilities Act of 1969." The bill would provide the authority and the commitment which I believe is necessary to stimulate our Government into the kind of support which is needed in the field of education for the handicapped, and I am proud to support it and work for its passage.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE LEARNING DISABILITIES ACT OF 1969, A COMMENTARY

(By RALPH W. YARBOROUGH, U.S. Senator from Texas, chairman, Committee on Labor and Public Welfare)

Educational programs for 6 million handicapped children are needed. Only 2 million presently receive educational services. The lag between large Congressional authorizations and minimal appropriations limit funding to $5–$6 per handicapped child. Children with specific learning disabilities totaling between 500,000 and 1½ million are in especially bad plight with only 18% receiving assistance. The Federal government can and should play an influential role in the development of effective education for children with specific learning disabilities.

In the years that I have been privileged to serve in the United States Senate, 11½ years of that time on the Senate Education Subcommittee, I have had a chance to help develop and pass many major education bills which have enhanced the educational opportunities for countless numbers of the nation's citizens, tiny children just getting their start, primary youngsters, youth, and adults. Much of the effort has been directed to children in our elementary and secondary schools for strengthening the capability of the schools of our land to provide quality education for all children. Emphasis has been on better trained teachers, use of updated instructional materials and appropriate educational technology, relevance in curriculum practices, and the provision of special counseling, health and other services to meet individual needs so that youngsters may learn. Institutions of higher education have been assisted, not only in providing more opportunity for college students through financial assistance, strengthening of the graduate and undergraduate academics, but through the expansion and strengthening of those departments which concentrate on training of educational personnel.

In addition to providing the means to improve the educational systems, Congress has, as we so well know, given special attention to those unfortunate children whose special needs the education system must satisfy if they are to develop to their potential and participate as first class citizens in our society. I am referring to our children who suffer from extreme economic or environmental deprivation, or from physical or mental handicaps. Not only have we set a goal for excellence in education, but we have made a basic commitment in our nation to provide educational opportunity to every child.

However, there are areas where we are obviously falling short of our goals. We are only beginning to meet the needs of the handicapped and our gaps must be recognized and remedied if we are to move ahead. Called to my attention are recent figures from the state education agencies which point out that only 2.1 million of approximately 6 million handicapped children are receiving the educational services they need. Among these whose needs are not presently being met are those who have been found to have specific learning disabilities.

The National Advisory Committee on Handicapped Children has advised the Congress on the plight of these children and gave a conservative estimate indicating that between 500,000 and 1½ million, or 1 to 3 percent of the school age children are included in this category. Available data from federal reports indicate that less than 18 percent of children who may have been classified in this group are receiving services. This estimate is based on the annual reports received from the 50 states and the District of Columbia required by Title VI–A of the Elementary and Secondary Education Act, a program which assists handicapped children in elementary and secondary schools.

To meet the needs of these children, the Bureau of Education for the Handicapped has estimated that over 22,000 teachers and specialists need to be trained immediately, and put into the field. Although there has been much progress in the education of handicapped children in recent years, at the state and local levels as well as federally, the gains we *have* made merely emphasize the needs which still exist.

The child with a learning disability frequently has an invisible handicap; however, it *can* be recognized. Authorities in the field tell me that the symptoms are revealed through the child's persistent behavior deviations and learning difficulties. While it may frequently be an organic problem in its original cause, its major treatment rests within the educational program. The prognosis for improvement is dependent upon the recognition of the symptoms and proper diagnoses at the earliest possible age, with intensive remediation directed to the learning problems.

The progress which can be made by handicapped children when their educational needs are fulfilled is very, very impressive. We have seen many formerly handicapped youth join the ranks as productive members of society with the ability to take their places along with their fellow men without any hardship because of their handicaps. They received education and career preparation. They were given special educational services; they are as adjusted as the next man to the ways of life. I have seen many, unfortunately, whose handicaps have been multipled as they became older, who had personality problems, lacked educational skills and the ability to make personal adjustments and the ability to hold a job. While in school, no one recognized their special needs or knew how to deal with them, so they experienced persistent school failures, became discouraged, turned inward into themselves and withdrew or were excluded from school. This must not happen! It is my personal conviction that many handicapped children, with appropriate education can be helped to enter the main stream of society, and this society must not fail them!

In an effort to bring the needed assistance to learning disabled children, on February 28th of this year, I introduced a bill, S. 1190, in this 91st session of the Congress, entitled: the *Children with Learning Disabilities Act of 1969*. This bill would provide for the types of special services so necessary at this stage in the development of the field of learning disabilities. It would authorize programs of research and related activities, surveys and demonstrations related to the education of children with specific learning disabilities; professional or advanced training for educational personnel who are teaching or preparing to be teachers of children with specific learning disabilities, or to support the training for persons who are preparing to be supervisors of teachers for such personnel. It would also provide for model centers for improvement of education of children with specific learning disabilities. Model centers could provide testing and educational evaluation to identify children with specific learning disabilities; develop and conduct model programs designed to meet the special educational needs of such children; and assist the appropriate educational agencies or professional organizations and institutions in making such model programs available to other children with specific learning disabilities.

It is my belief that through expanded research efforts we can find more effective methods and materials that will improve the education of these children. Through supporting training we can provide that supply of trained personnel without which all educational programs are impossible, and by establishing model centers we can demonstrate the best of current practice and provide the means by which others can emulate these good practices.

Aside from financial assistance, the federal government can and should play an influential role in the development of effective education programs for children with specific learning disabilities. One of its most important functions is to recognize and publicize the most critical needs of the field as they arise. It would seem that the most immediate and significant need in the field of learning disabilities right now, aside from those needs of identification, diagnosis, and ultimate remediation of learning problems, is that of leadership and teacher training. The training of leaders and advanced graduate students subsequently results in the training of researchers, the setting up of supplemental services and research centers to improve diagnostic and remedial techniques, and the training of teachers. In addition, in-service programs could be facilitated for teachers who already work with children, thereby providing immediate and direct service to school districts as well as face-to-face contact with learning disabled children across the country.

For years, children whom we now recognize as having specific learning disabilities have slipped through the cracks of educational diagnosis. They have been called by a multitude of names, or lumped into larger heterogeneous groups. Despite old definitional difficulties, however, the fact remains that the problems of these children are finally *beginning* to be explored and understood. We have stopped giving definitions, and are now defining programs. What is needed now is a comprehensive program on the national level to serve these children, and to prevent future instances of misdiagnosis as has happened all too many times in the past.

In view of these needs, the members of the National Advisory Committee suggested in their recommendations to the Commissioner of Education, that the problems of children with specific learning disabilities are so important as to justify special attention and special consideration by the Congress. While it has been possible for children with specific learning disabilities to participate to some extent in the federal programs designed in the last few years to increase educational opportunity for handicapped children, these efforts are not comprehensive enough to provide a full-scale attack on the problem.

Personally, the kind of programs to help these youngsters which I support are those which will place the emphasis where it belongs: on an analysis of the learning task, on the development of special teaching techniques and materials, on meaningful use of these materials to find the learning abilities of the child, and to determine barriers to learning which must be circumvented. Coming to terms with these children in designing educational programs is going to help us to learn more about education for every child. It is going to help us to realize that children have individual learning styles and characteristics, and that we are going to have to do more than pay lip service to these individual differences. Educators should be able and will be able to design special, individualized, approaches to the learning tasks which face children.

In examining our recent efforts, we find that in 1966, Congress passed legislation creating Title VI of the Elementary and Secondary Education Act. This established a program of grants to the states, the National Advisory Committee on Handicapped Children, and the Bureau of Education for the Handicapped. Title VI, also called the *Education for the Handicapped Act*, was more than a collection of several new programs . . . it was a symbol of a national concern for handicapped children. It was a statement of policy. In effect, the Congress said . . . "We recognize that the handicapped child and his parents have not been getting the full benefit of our educational system, and we feel that it is a national priority to do something about it. We must aid the local schools and the states in meeting this challenge."

It can be said that we have taken the first step toward providing all children with the education they need and deserve, but there are many steps ahead. We can be justifiably proud of the increasing national commitment to education for the handicapped, and at the same time somewhat awed by what is before us. We should be humiliated by how little has been appropriated to do what the Congress has already authorized to be done. For the current year, only $29 million was appropriated for Title VI grants, when the authorization was $200 million. With over 5 million handicapped children, not counting children with specific learning disabilities, the basic support program is providing only $5–$6 per child.

This is a time when funds are scarce, but we will spend our dollars on what our society demands. There will be money enough for whatever we feel is truly important. We must decide, individually and as a nation, just what it is that we believe to be important.

People often ask how politicians think and what it is that we value in life. The true measure of our lives is what we have done in office to improve the lot of our fellow man, to improve the quality of our civilization. To me, steps such as we have taken in the past and will continue to take in the future to aid the handicapped are an important reason for our arduous exertions to assume and retain the offices we hold. Without progress in these and other areas of greatest need, governmental service would be a bleak and gloomy life. Only by aiding others can our work earn the title of "service."

CONTRACTS OF AGENCY FOR INTERNATIONAL DEVELOPMENT WITH NATIONAL LEAGUE OF INSURED SAVINGS AND LOAN ASSOCIATIONS

Mr. WILLIAMS of Delaware, Mr. President, under our AID program a series of contracts involving expenditures of $355,000 has been negotiated with the National League of Insured Savings Associations wherein this organization is supposed to furnish the services of construction inspectors and technical supervision for the inspection of housing and all other work requiring certification under the housing guarantee program in Latin America.

The National League of Insured Savings Associations, with Washington offices or Washington representatives, is a lobbyist for the U.S. savings and loan group.

Under our democratic system there is nothing wrong with American industry joining together and employing Washington representatives or lobbyists to keep them informed of legislation affecting their industry, but it is strange to find the Federal Government entering into contracts with these same Washington representatives or lobbyists and paying them to act as advisers to the Government on programs under which they as an industry could be affected.

As an example as to how this can raise questions of a potential conflict of interest, I call attention to a situation wherein one of the individuals assigned to carry out the duties under this contract was an officer and member of the board of directors of the association and also the president of a Federal savings and loan association operating in Hyattsville, Md. The Inter-American Development Bank, which was involved in financing the Latin American operations, arranged a loan for a savings and loan association in Peru, and one of the requirements of this U.S. Government loan to this Peruvian savings and loan association called for the dollar deposits in a U.S. institution. These dollar deposits by the Peruvian Savings and Loan Association, which received the loans from IDB and which were required to be deposited in American banks, were placed in the Hyattsville bank of which this official was the president. In fact, as recently as July 31, 1969, a call to this Hyattsville savings and loan association confirmed that he was still carried as an officer and active member of that bank.

This potential conflict of interest was called to the attention of AID, and presumably after what they described as a thorough review of the circumstances they concluded there was no conflict of interest and that the above circumstances were merely coincidental.

One of these task orders for services—contract No. 4—the largest, was entered into on March 29, 1968, with a cost limitation of $95,000. Less than 7 months later this task order cost limitation was increased to $355,000. As of April 30, 1969, $193,321 had been paid.

Subsequent amendments to their contract expanded the services of the contractor to provide program development services for international savings and loan conferences, seminars, exhibits, training programs, and related meetings designed to achieve the objectives of the Latin America housing investment guaranty program. Many of the stipulated services outlined under contract No. 4 appeared to be duplications of the first contract.

This contract with the National League of Insured Savings and Loan Associations provides that they can set up Washington offices and charge AID for executive and clerical salaries, office supplies, travel expenses, telephone and telegraph, publication subscriptions, and so forth, to which they can add 20 percent before they begin charging for task orders and contracts they are supposed to carry out in Latin America. In the period January 16, 1967, through April 1969, $200,391 was paid to the National League for administrative costs, plus $22,000.00 for overhead, making a total of $222,391 as administrative costs to support task orders amounting to only $177,855.

It appears that the National League of Insured Savings Associations may be using this contract with AID to defray a portion of the expenses for maintaining a Washington office for their organization whose primary duties are to keep their membership advised of the legislative processes at the national level and on occasions to testify before Congressional committees expressing the views of the organization which they as lobbyists represent.

I recommend that this contract not be renewed.

NURSING HOMES FOR THE AGED AND INFIRM

Mr. RIBICOFF. Mr. President, for thousands of our Nation's elderly the problem of finding a good nursing home involves a painful and anguishing search.

It is a sad commentary on our society that many of its nursing homes are cold, callous, and cash oriented and only a very few are warm, helpful, and caring.

The articles published in Parade magazine and the Trumbull Times describe the kind of love, care, and service that can be built into these homes.

St. Joseph's Manor, in Trumbull, Conn., run by the Carmelite Sisters for the Aged and Infirm, has often been the subject of study and praise. I have visited this home, and I know its administrator, Mother Bernadette. St. Joseph's and Mother Bernadette well deserve the kind remarks made by these authors, for St. Joseph's fully provides the warmth, love, and care that should be found in all our homes for the elderly.

I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Parade magazine]

NURSING HOMES FOR PEOPLE, NOT PROFIT

(By Sid Ross and Herbert Kupferberg)

Are there any good nursing homes in the U.S.? It's a question that is being asked more and more frequently by thousands of old people moldering in institutions which often provide inadequate, indifferent care, and by sons and daughters who pay large sums to keep them there.

The answer to the question is: "Yes, but far from enough." Many nursing homes fully deserve their notoriety as "elephants' graveyards" where old people come to die in hopelessness and despair. But there exists a handful of excellent establishments which disprove the theory that nursing homes have to be cold, callous and cash-oriented. These good nursing homes constitute maybe 5 percent of the 25,000 which exist today. But there's no reason why they couldn't total 95 percent, provided they regarded their residents basically as people to care for rather than "bodies" to make money from.

"We want our elderly residents to live out their lives as independently and happily as possible." That's the policy enunciated by Mother Bernadette, the administrator of St. Joseph's Manor in Trumbull, Conn., and it's the philosophy that motivates the better nursing homes throughout the land, most of which are affiliated with religious or philanthropic groups.

St. Joseph's, where 265 men and women are living out their years in comfort and contentment, is one of a number of old-age establishments run by the Carmelite Sisters for the Aged and Infirm. The Roman Catholic order regards old people as objects of love, not charity, and considers it just as important to have a first-rate pastry chef to serve them as a gleaming, up-to-date clinical laboratory. Although many of the residents at St. Joseph's are ill, they're never called "patients." They live in cheerful rooms with private baths, they have a broad range of social activities available, but they're not pushed into doing anything. They don't even have to eat in the pleasant dining room—if they prefer, they can take meals in their rooms or get a snack in the "Wedgewood Room," a comfortable lounge that has a cocktail bar tucked away in the corner.

NO PRESSURE

The average age of the dwellers in St. Joseph's is 82, and some of them have spent time in other institutions before coming there. "I've never seen another place like it," says one 84-year-old woman. "There's no pressure, everything is right where I want it, and the sisters are marvelous." Smiles St. Joseph's administrator, Mother Bernadette: "Our philosophy rests on respect for the human being—respect for his soul and spirit as well as his body."

The one problem with a place like St. Joseph's is the difficulty of getting in. Most of its residents come from Fairfield County, Conn., and the majority are Catholics, though other religions are represented. There's a long waiting list. Unlike some institutions, St. Joseph's and similar homes demand no life contracts, assignments of assets or other money-grabbing arrangements. The base rate paid by its occupants is $463 a month. It operates at a loss, of course, which is made up by donations from the Bridgeport Diocese and by the devoted services of the Carmelite Sisters.

Deficits—and services—also are the stories of such excellent institutions as the Isabella Geriatric Center of New York City, affiliated with the Federation of Protestant Welfare Agencies, and Golden Acres of Dallas, Tex., which has the support of the Dallas Jewish Welfare Federation.

The administrators of these institutions call them places "to live, not to die." The elderly residents themselves describe them even more eloquently.

IT HAS EVERYTHING

Says Miss Bessie Bishop, an 85-year-old retired New York City schoolteacher who pays $321.50 a month for one of the 231 cheerful apartments in Isabella House, a beautiful new 17-story edifice in upper Manhattan: "I get everything here. A beautiful apartment, good meals, and a wonderful feeling of security. I don't have to worry about getting sick at night. I just press the buzzer. I stay cheerful and enjoy myself. I go out every day, visit friends, go to the theater. I wouldn't be anywhere else."

Adds a 91-year-old woman who lives down the hall: "I love it here. They don't let you rot away. They make you feel that you not only have a brain but that you should use it as long as you're alive. They help give you the grit to keep on living. That's why I won't ever give up."

Director Herbert Shore of Dallas' Golden Acres agrees that a good home should have as its prime objective to preserve social and intellectual skills, as well as bodily well-being. "We want to treat the total person," he says, "not just a broken hip or cardiac condition."

Golden Acres, which gives its 164 residents keys to their rooms and to the front door, and lets them come and go as they please, will run risks to help foster a spirit of independence. It once sent a busload of its elderly residents 250 miles to the HemisFair in San Antonio. "We decided we'd take the risk of someone dying on the trip," explains Shore. "At that age, they could die suddenly in bed. On an enjoyable outing, at least it's with their boots on."

Shore also has an unexpected word of understanding for families who want to send aged parents or grandparents to a nursing home. Most families, he says, haven't got the know-how, to say nothing of the money, to care for the aged. "Children," he contends, "shouldn't give up their lives just for an old parent, especially when this care can almost never be as well as it should be."

A 76-year-old man living at Golden Acres agrees with him: "I have seven daughters and I could live with almost any one of them. But they have their own lives to lead, and so do I. With them, I'd feel left out and in the way. I'm better off here."

LONG WAITING LISTS

At Golden Acres and at Isabella, as at St. Joseph's, there are hundreds waiting to get in. For though homes such as these can and do operate throughout the country, there simply aren't enough of them. Instead the U.S. has seen a tremendous upsurge in recent years of private, proprietary, profit-making nursing homes—their growth abetted largely by Medicaid and Medicare payments from the government. It's estimated that federal expenditures for nursing home patients amount to $750 million a year. Concurrently, new nursing home issues have burgeoned on the stock market, with the magazine *Harvest Years* reporting that such securities "are hotter than they've been for years."

Officials of places like St. Joseph's, Isabella and Golden Acres acknowledge that the private nursing homes have a function to perform—they only wish that some of them would perform it better.

Parade visited one of the better private nursing homes, Hillhaven of Orange, Calif., one of a chain of such institutions. It's a pleasant, modern one-story building with a 112-bed capacity. Fees are $35 a day for a private room, $22 for two in a room, $17 for three. Anything above basic services costs extra.

Unlike St. Joseph's Isabella and Golden Acres, Hillhaven isn't a geriatric center operating at all levels of old age care, accommodating those in good health and bad alike. It's strictly for sick people, and since a great deal of medical care is often required, bills can soar. The average length of stay is seldom more than 90 days. Explains Hillhaven's administrator, Mrs. Florence Kirkland, a registered nurse: "A place like ours can't take all long-termers. We'd become a warehouse. Also, we couldn't afford it; we'd lose money."

GOOD EATING

To a visitor, a Hillhaven hasn't got the heart or the warmth of an Isabella, a St. Joseph's or a Golden Acres. But its staff is ample, its administrators patient, its upkeep meticulous, and its meals excellent. Most of the patients seem to be reasonably content as they sun themselves outdoors, watch TV in their rooms, or chat with visitors in lounges. To relatives of old people who might have guilt feelings about sending them "away," places like Hillhaven are a paradise compared to many nursing and old age homes.

But do they provide an adequate answer in a country whose over-65 population now is over 18 million, and is rising rapidly as new advances in medicine and science expand the average span of life? Many responsible authorities are of the opinion that while the private establishments should continue to play an important role in meeting the problems of our aging population, a much more comprehensive, systematic, and communally supported approach is needed. Sums up Isabella's Lawrence E. Larson: "Laws and regulations must be changed to recognize that this kind of care is not a function of charity, but a public responsibility."

[From the Trumbull Times]

Nursing Homes Do Not Replace the Family

(By Cip Ayalin)

Loneliness affects any person, but more so when one faces old age.

"This can happen to anyone, regardless of his financial situation or health condition," says Mother Bernadette, administrator of St. Joseph's Manor. The manor is nine years old today. It was dedicated Oct. 2, 1960, as one of the 32 old age establishments in the country run by the Carmelite Sisters for the Aged and Infirm.

Mother Bernadette continues: "And if they live in a fine hotel, their own home or an apartment but lack companionship, their lives can be empty. This is true of any man or woman who is left alone because of a spouse's death."

Another problem is suitable living accommodations. "In most of their lists of priorities, I have found that they want adequate housing that meets their particular needs. Those who are perfectly well at their age may want an independent living arrangement where they can do some of their own cooking or housekeeping, but may still need some form of service like meal services, medical, social and some specialized services offered in one place of a good residence for the aged."

At St. Joseph's, the aim is to provide the best possible care for the residents. Although many of the residents at St. Joseph's are ill, they are never called "patients." The Roman Catholic order regards old people as objects of love, not charity. They live in cheerful rooms with private bath. They have a broad range of social activities available, but they are not pushed into doing anything. They do not even have to eat in the pleasant dining room. If they want to, they can take meals in their room. "We want our elderly residents to live out their lives as independently and happily as possible," says Mother Bernadette. She had just arrived from a two weeks trip to Dublin, where she attended the Eleventh World Congress of the International Society for Rehabilitation of the Disabled.

Mother M. Bernadette de Lourdes was born in Dublin and entered the Carmelite Sisters in New York in 1932. Educated in Ireland as well as at Fordham, New York and Columbia Universities where she studied social work, public administration and public health, she has held many administrative posts relating to the Carmelite Sisters' function.

"My interests in the physical, social, emotional and spiritual welfare of the aging was the reason for my entering this particular congregation," she says.

She mentions several levels of care in talking about the elderly. "Each older person is in the position to obtain the kind of care he needs at this particular time. True, needs can be raised but in most states such as Connecticut, older people do not have a tremendous financial problem because they have resources of their own. Usually they are eligible for assistance they can purchase either in a rest home with good nursing supervision or in housing for the elderly. Many people do provide for their old age but I cannot support any statistics whether or not the majority of the aged have financial problems. They have Social Security benefits although these benefits are not adequate to meet some of their needs at the present time.

"Many have pension plans from former employments. Older people are really making more plans for their retirement. Those who are becoming old now have more resources in their old age than older people, say 10 years ago.

The Carmelite sisters operate 31 facilities for the aged in this country and one each in Scotland and Dublin, maintaining their position as leaders in the field of geriatrics. St. Joseph's is the largest of their establishments. Here, 265 men and women are living out their years in comfort and satisfaction. Supporting this group, whose average age is 82, are part and full time professional help including 23 nuns. Perhaps what makes the place more cheerful are the young faces of about 100 volunteer high school girls—the Carmelettes—who aid the residents of St. Joseph's. The program began about the same time St. Joseph's Manor was established.

"Any good residential care facility for older people should be a combination hotel and house care facility," says Mother Bernadette. "This is really what it amounts to here because we have four levels of care. First, it is their home. There is a hospital care for them with extended care services from skilled physicians and nurses as well as special care sections for those who are blind."

Mrs. Annie C. Powell just turned 82 two weeks ago. A quiet woman, she has a reserved sense of humor while she played her "talking book." The record player is next to her and she listens to her favorite mystery stories: "Ellery Queen."

Mrs. Powell is partially blind. She has been a resident of St. Joseph's for nine years and comments: "This is home away from home. The nuns are all wonderful," demonstrating with her hand a fingered "O" and grasping for the right word, says in her soft voice, "Excellent!"

Mrs. Powell, who shares the room with another woman, has had two operations. "The nuns visited me everyday when I was at St. Vincent and Bridgeport Hospitals," she says, turning to her newly finished pink and white crocheted pillow case. "I knit this for five days, all by feel," emphasizing the date of Dec. 1 when she will exhibit her work for the St. Joseph's fair. On her table are pictures of her two daughters and grandchildren; she proudly mentions their names.

Like Mrs. Powell, many of the residents came to St. Joseph's and in their stay, learned various art and craft work. Mother Bernadette says that proceeds from the exhibit will be used for various activities, like occasional bus trips.

Another resident is 79-year-old Mrs. Emily Sevick, a Trumbull resident for 15 years and five years at St. Joseph's. "I like it here, although it took me five months before I could get in," she said. She likes the entertainment provided by the Sisters and television makes Mrs. Sevick happy. "It's a godsend. Just like anybody, I guess, I spend hours watching the shows."

Mrs. Sevick has her own private room in the fourth floor of the building overlooking the antique wooden water tank and windmill located outside in the resident compound. "My son and his family visit me occasionaly and sometimes take me to their home in Huntington," she says.

It does take time to be accepted at St. Joseph's because of the long waiting list, but nobody is excluded from entering. Basic age requirement is 65 and its occupants pay the base rate of $463 a month. The home operates at a loss but is made up by donations from the Bridgeport Diocese and by the services of the Carmelite Sisters. Most of the residents at St. Joseph's come from Fairfield County and the majority are Catholics although other denominations are accepted.

Mother Bernadette explains: "Older people prefer to live close to their family and friends and to past associations.

Mother Bernadette, who has served on and is serving on numerous state and local committees concerned with services and program for the aging, has received a number of awards related to her work. Among them are the Distinguished Service award from the Courtland Gardens Convalescent Hospital at its second annual symposium on aging and the David C. King award for services to the elderly from the Connecticut Society of Gerontology of which she is a member. She is a fellow in the Gerontological Society, the organization concerned with the study of the aging process.

During her past term as vice president of the American Association of Homes for the Aging, she was honored for creative and distinguished services to non-profit homes. The AAHA is the national membership organization of non-profit voluntary and governmental institutions for senior citizens. It was founded in 1961 with the assistance of a Ford Foundation grant, and sponsored by the National Council on Aging of which Mother Bernadette is also an active board member. She is also a member on the Governor's Advisory Council on Aging.

In 1960, she served on the National Advisory Committee for the White House Conference on Aging and on the advisory committee of the Federal Housing Administration. At the invitation of former President Johnson, she witnessed the signing of the "Older American Act of 1965" at the White House.

Her published works include the book, "Where Somebody Cares" published by G. P. Putnam's and Sons. The book is used as textbooks on social welfare by some universities. She has served on the advisory committee for the publication of "Standards of Care for Older People in Institutions" and for the film, "A Place to Live."

Carmelite Sisters for the Aged and Infirmed celebrated their 40th anniversary early last month in Germantown, N.Y. The order was founded Sept. 3, 1929, by the present mother general, Rev. Mother M. Angeline Teresa. Mother Angeline began her work with six companions and seven elderly guests in a small house on upper Broadway in New York City. The congregation has now grown to about 500 sisters.

During the anniversary, Mother Angeline expressed the progress in the care for the elderly. "Throughout the past 40 years the objectives of the Carmelite Sisters has always been the same—to meet the needs of the elderly according to the times. But, these needs do change. As the Carmelties, other groups, and the public have in the last 40 years been able to adapt programs to meet these changing needs, they will continue to do so in the future, with more and more creative and innovative programs and more and better care for our growing elderly population.

"The families of these people have changed too. Where once a family spent generations in the same place, our more mobile society has given the elderly the dilemma of choosing whether or not to leave the old home town with the moving family, or leave the family and remain in town. Nursing homes provide a substitute which is the next best thing to one's own home in a familiar environment.

"Nursing homes do not replace the family, nor do they relieve relatives of their responsibility toward the aged person. Carmelites have always encouraged the family to be involved and to take responsibility in planning for the future," she concluded.

EDUCATIONAL REFORM IN MICHIGAN

Mr. GRIFFIN. Mr. President, recently Gov. William G. Milliken, of Michigan, proposed a bold and imaginatively conceived program of statewide educational reform. His recommendations, which include significant structural changes in school operations and financing, are designed to meet the educational demands of today and provide the flexibility so essential to educational excellence.

In my opinion, a review of his proposals for Michigan will benefit those throughout the Nation who are concerned with educational reform.

I ask unanimous consent that Governor Milliken's special message to the fall session of the legislature be printed in the RECORD.

There being no objection, the special message was ordered to be printed in the RECORD, as follows:

GOV. WILLIAM G. MILLIKEN'S SPECIAL MESSAGE TO THE FALL SESSION OF THE LEGISLATURE ON EDUCATIONAL REFORM, OCTOBER 9, 1969

Ladies and Gentlemen of the Legislature; I am grateful to all of you, as members of the Legislature, for extending me this opportunity to appear before you today in joint session to submit a detailed plan for improving the quality of education in Michigan.

My recommendations will be specific, and they will be followed by bills to implement these recommendations—bills which will be ready for introduction Monday night.

The Commission on Educational Reform, of which I served as chairman, spent hundreds of hours in assessing our educational problems and in recommending solutions to these problems. This Commission fulfilled its task in cooperation with a Citizens Advisory Council and functioned on a completely non-partisan basis. Legislative action, I believe, must be equally non-partisan. Of all the issues we face, none lends itself more logically or compellingly to cooperation than educational reform—cooperation between the Legislature and the Governor, between the two houses of this Legislature, and between the two parties. We owe it to the future, for our future is bound inseparably to the future of our children, and their future is bound inseparably to education.

The Commission report, which has been presented to you, points out that our state structure is lacking in accountability, and that our systems of school tax collection and distribution are inequitable.

I am absolutely convinced that the people of Michigan are willing to pay more for education if they can be convinced they are getting their money's worth. I believe this is true among Republicans, Democrats and independents. Your legislative questionnaires, many of which you have sent to me, bear this out.

I also believe the benefits of educational reform will far offset the costs.

Education is not an unrecoverable cost. It is a productive investment which has a lifetime rate of return, and pays dividends through an improved society and greater opportunity for individual members of that society. It is the Legislature, acting for the people, that will make the decisions which will determine whether we can make quality education not only our highest goal but also our best investment.

All indications are that parents are highly concerned not only about the costs of education, but also about the quality of education, including such matters as class size, classroom discipline, school facilities, vocational training, teaching performance and integration.

My proposals will relate to these matters and others.

They will require two constitutional amendments, substantive changes in organization, bold alterations in our tax collection and distribution systems, a decrease in property taxes, and increases in other taxes. The proposals will require three years to implement.

They are submitted to you now, in this special session, so that you can deal with them unhampered by the myriad bills which will require your attention in the regular session beginning in January.

An important part of the over-all reform, of course, is the legislative program for next year, which must be responsive to immediate needs and consistent with long-range goals.

THE 1970–71 YEAR

A. School aid bill

I am strongly recommending that you pass a school aid bill for 1970–71 during this fall session. The bill that I am proposing stresses increased program and financial equity and provides for the beginning of a smooth transition to the implementation of the classroom unit concept in 1972–73.

The bill includes increases of $183 million over the current fiscal year for the various state aid programs. Of the new monies, $70 million would be allocated for improving financial equity in the basic membership allowances. My bill would lessen significantly the financial inequities faced by districts with local property valuation per pupil at or near the statewide average.

The bill would provide a uniform basic membership grant per pupil based on $535 minus 14 mills times the SEV per pupil in the district. The minimum millage rate for participation would be set at 12 mills and the rate for maximum participation would be 16 mills. This formula will provide new monies to those districts presently having the most severe resource constraints, particularly the larger urban areas of the state.

Another significant aspect of the bill is a $30 million recommendation to reduce the pupil-teacher ratio in the districts presently having the highest pupil-teacher ratio. By appropriating $30 million for approximately 3,500 additional teachers, greater program equity is provided and the transition to the classroom unit outlined in the "Professors' Equal Quality Plan" will be eased considerably. To insure that these funds reach districts presently making substantial efforts to raise school revenues locally and which still have a high teacher-pupil ratio, I am recommending that this assistance be available only to districts currently levying 20 mills for operation and with a pupil-teacher ratio in excess of 26–1.

The school aid bill I am proposing will continue the existing special aid categories taking account of cost increases.

Our retirement system obligations mandated by the Constitution will require over $45 million in new money for 1970–71.

The bill will also include a section appropriating $25 million during the 1970–71 fiscal year to assist in paying salaries of an estimated 5,800 certified lay teachers of secular subjects in accredited non-public schools.

B. Quality, evaluation and improvement in basic skills

Education is a process embodied in a structure.

I am proposing basic structural changes designed to adapt the educational process to our complex and rapidly changing society. But the whole process, including the proven elements and the new elements, needs continuing evaluation and improvement.

I am preparing separate legislation establishing a unique and comprehensive program of evaluation and improvement in the basic skills—reading and mathematics—focusing upon the following objectives:

1. To establish meaningful achievement standards in these skills and to identify children with the greatest educational need in relation to the standards.

2. To provide the general public with periodic and readily interpretive data regarding progress of the educational system in this state.

3. To establish a climate for continued evaluation of child achievement by local districts so as to encourage program improvements likely to influence the educational attainment of needy students.

4. To provide every school system with strong incentives to introduce new and promising educational programs to improve the education of children in the essential skills—model programs to raise the level of achievement of those with the greatest need as well as model programs to raise the level of achievement of all students.

5. To provide the state with the information needed to allocate scarce dollars and professional services in a manner best calculated to equalize educational opportunity for all children in all districts in order that they might achieve competence in essential skills.

My proposal specifically requests a statewide testing program in the basic skills for all students in grades 1, 2, 4, 7, and 10. This assessment effort is expanded from the yet-to-be implemented Department of Education program in grades 4 and 7 in order to identify at the earliest possible time the individual students who are having the most difficulty in the basic skills.

Identification of educational deficiencies is not enough. We must vigorously pursue the development, implementation and evaluation of remedial programs aimed at improving educational performance and achievement. This process will take several years and generally follow the steps of testing for basic skill deficiencies, diagnosis of causes of deficiencies development of remedial programs, and evaluation of impact of these programs.

For 1970–71, I am recommending the appropriation of $1 million for costs of testing program development and implementation of the testing effort in the five grades cited above.

C. Neighborhood education centers

Special consideration must be given to the problems of urban schools, and the proposed reforms that I have outlined will focus the attention of the state more directly on this issue. But special problems require special steps. One such problem is the problem of school dropouts requires totally new approaches to education.

In order to help redirect dropouts toward positive educational and career goals, I am proposing the establishment of a public nonprofit corporation to be known as Neighborhood Education Centers of Michigan, Inc. This corporation will combine the expertise and resources of state government, the education community, and private enterprise to establish in selected cities education centers that will work with school dropouts. These centers would be similar to the street academies initiated by the Urban Leagues in Detroit and elsewhere.

During the next several months funds from the private sector will be sought for the corporation. Meanwhile, I urge you to appropriate $100,000 for planning and implementation of the neighborhood education centers.

D. Community schools

The community school concept, extending the use of school facilities and the impact of school programs, has been adopted successfully by urban school districts throughout the nation.

This program, developed by private initiative, merits increased support from public sources. The Legislature has appropriated $1 million to be coupled with local funds for community school programs. I recommend that an additional $1 million be appropriated for this program during 1970–71.

E. Teacher incentives

The state should take the lead in experimenting with incentive pay systems for teachers. In order to begin moving in this area, I am proposing that the State Department of Education, in cooperation with the teacher organizations in the state, develop a four-year experimental program of incentive pay for teachers in four school districts.

The first year of the program would be devoted to planning the effort and to creating the administrative machinery. I recommend a $50,000 appropriation for this purpose.

F. Vocational education

The traditional approach to vocational education prevailing today is not adequate for the needs of students or the society.

Clearly, the impetus for a more relevant approach to preparing young people for the world of work best resides with the proposed regional education centers. The regional center in conjunction with local school districts and community colleges can marshall the required expertise and resources for vocational education from both the public and private sector.

I am optimistic that the Senate Education Committee, currently studying vocational education, will concur with this view. Moreover, I am sure that this study will provide considerable information about improving vocational education programs in the state.

If the revitalized vocational education program in Michigan is to succeed, there must be a correlation between students' skills and occupational needs. To assist in achieving this goal, I am proposing a vocational assessment and computer counseling system.

This system will provide current information about students' skills and interests and will relate this data to projected occupational needs in the state. Equally as important, this system will provide information to educators about the relevance of their occupational training efforts and will indicate directions for reforms in obsolete programs.

This vocational assessment and computer counseling program can be effective prior to the adoption of the regional center concept. Therefore, I recommend the establishment of this system in one large school district in the state. An appropriation of $150,000 will be needed in 1970–71 to develop the program.

G. Research and development

Far too little effort is being made in educational research and development.

The State has the primary responsibility to spearhead innovation in education. We are beginning to move slightly in this area with the statewide assessment program administered by the Department of Education.

I believe that the regional education centers will have an important responsibility in this area. Moreover, the Senate Education Committee will undoubtedly be submitting some recommendations as a result of its current telecommunications study.

In the meantime, I am exploring a variety of ways in which state government can cooperate with local school districts, universities and the private sector to improve the research and development capacity in our state's educational system.

H. Education Commission of the States

I recommend that Michigan become a member of the Education Commission of the States, the interstate compact for education.

Formed in 1966 and with a current membership of more than 40 states, the Commission has been effective in developing a working relationship and an exchange of experiences among governors, legislators, and educators for the development of new approaches to education in the states.

Michigan cannot afford to be isolated from new developments in education in other parts of the country. The Education Commission of the States is the most effective way to bring new ideas to our attention and give us an opportunity to share our ideas with others. The annual membership fee for Michigan is $18,500. I believe this is a small price to pay for the benefits that would be opened by membership in the compact.

I. Migrant Programs

I will recommend programs to identify existing gaps in educational services to Spanish-speaking students, including migrants, and develop programs to meet these needs. My Migrant Labor Task Force is drafting recommendations.

STATE REORGANIZATION

The pursuit of excellence often requires a willingness to change. We need basic structural changes if we are to achieve not only excellence, but also adequacy, in education.

I believe strongly that the state must more adequately fulfill its constitutional responsibility for education in Michigan. I question seriously whether our existing cumbersome state structure is capable of effectively discharging increased responsibility, when it has proved inadequate for its existing tasks.

We must have substantially increased performance accountability to the people through their representatives—the Governor and the Legislature—than we have at present. Leadership must replace confusion and the public spectacle that has characterized our system in recent years and recent days.

The best means, in my judgment, to establish accountability and focus leadership is through a State Director of Education, in place of the existing board and superintendent mechanism. The Director should be appointed by the Governor with the advice and consent of the Senate and qualifications for the Director must be spelled out in law so there will be no chance of a purely political appointment. I propose a constitutional amendment to accomplish the change in structure, which should be voted upon by the people in November of 1970.

At the same time I believe that special mechanisms are needed in education to insure broad representation of many diverse elements in policy making. In no way am I proposing a monolithic structure for education, as will be clear from my specific proposals.

REGIONAL

Next, I believe that our existing system of 60 intermediate school districts must be replaced by 10 to 15 regions. These regions, instead of floating in semi-autonomous limbo between the state and local districts as do present intermediate districts, should be treated as administrative units of state government.

They should be assigned important operational duties in special and vocational-technical education. We cannot do the job we need to do for children with their special needs unless we are organized on a scale that will produce effective programs in these areas.

All we know about modern business techniques and technology teaches us that important improvements can be made in various educational service areas, if they are organized on a regional basis. Transportation, central purchasing, data processing, other business services, budget review, and educational media lend themselves to effective treatment on a regional basis.

The legislation I propose for regional organization will lay the groundwork for achievement of these objectives. It should be viewed in that light. It is the first necessary step to a sound regional approach, with the details of specific regional programs to be worked out in subsequent legislative sessions.

Specifically, the bill provides a method for establishing regional boundaries, assigns functions and duties to the regions, outlines for their organizational structure, and fixes the time schedule for implementation.

First, establishing regional boundaries is a delicate and important task, and one which requires a great deal of careful deliberation. I propose that a boundary commission be created, and that within legislative guidelines it be empowered to recommend the precise boundaries to the Legislature. The Commission should report on or before March 1, 1970 and the Legislature should then have 30 days to consider the report. If not rejected within that period, the report should stand as law.

Second, specific functions and duties should be assigned to the regions in the areas I have mentioned. Planning should begin immediately, so that detailed legislation in each of the functional areas can be passed and implemented in the next two legislative sessions, with the regions fully operational by July, 1972.

Third, great care must be exercised in the organizational structure of the regions to insure that they are truly responsive to local needs as well as to state responsibilities. I, therefore, propose that each region have a central regional board composed of representatives selected by the school boards of the constituent districts, and that these representatives each have voting power on the Board in proportion to the pupil population of the constituent district.

I propose the regional board have veto power over the selection of regional director, and power to create and establish procedures for Advisory Boards in functional program areas, and to advise the regional director on execution of regional program responsibilities. To insure accountability to statewide policies, I propose that the regional director be appointed by the state director, subject to veto by the regional board, that he be the chief executive of the region, that his qualifications be carefully spelled out in legislation, and that he and all other regional employees be members of the state classified service.

I propose that the regional structure be established as soon as possible after the election in 1970 and that in the interim period, planning for implementation move forward under the direction of an Educational Regional Planning Commission.

LOCAL REORGANIZATION

At the local level we have need for further reorganization and consolidation, if we are to have districts which can offer students the kind of comprehensive program necessary to prepare them for modern life. We now have over 300 districts which are either too small to operate comprehensive programs or which operate less than a K through 12 program. These should be merged into larger units.

The bill I propose in this area sets forth the criteria which should be used in achieving consolidation. Principally it would mandate a minimum size of 2,000 pupils, adjusted for population trends and distances students must travel.

In addition, the bill makes clear that every effort should be made to achieve consolidation within the framework of state criteria, through voluntary local initiative. My proposals concerning a statewide property tax for school operations should make the voluntary process more fruitful, as a chief obstacle in the past to consolidation has been the differing financial burden of neighboring school districts. In those few cases where voluntary approaches fall, I propose there be a hearing process which could result in orders mandating the essential consolidation.

STATEWIDE PROPERTY TAX

One of the keys to a fundamental reform is an adequate and equitable revenue base. We now raise our money in a most inequitable manner, with the amounts people pay in support of education varying tremendously in various parts of the state. The reason for this is that half of our money for operation of our education system is raised locally from local taxes on property.

Most persons who have studied this system condemn its gross unfairness. Districts with low state equalized values must make tremendous tax rate efforts to raise small sums while other districts, sometimes because of the presence of industrial-commercial property, can raise larger sums with considerably less of an effort.

Dr. James B. Conant, in his monumental study of education has said, in effect, that the only way to improve local decision-making on issues of educational strategies is to divorce such strategies from consideration of local taxes. Dr. Conant also has pointed out that when the local district is impoverished, or has exhausted most of its financing responsibilities, its local options, though considerable in theory, are extremely limited in practice.

We must reduce the reliance of the education system on the property tax and we must devise a statewide property tax system to create a fair and equitable system of taxation.

I propose a constitutional amendment which all enable the Legislature to impose a statewide property tax, in lieu of local property taxes, for the operation of schools. The initial maximum permitted statewide rate would be 16 mills (8 mills below the present state average) and present maximums in the Constitution on local taxes would be reduced correspondingly. In subsequent years, the tax imposed would not be permitted to exceed that necessary to produce the same percentage contribution to state expenditures for schools as that contributed by the 16-mill levy in the first year. This would permit property tax relief in the amount of $300 million to $400 million and would reduce the reliance on the property tax for operations from the present average of 24 mills to a maximum of 16 mills. This would mean relief for 92.6 per cent of the property taxpayers.

Such a statewide tax can be administered through the existing tax structure with a minimum of effort.

Fairness in property taxes must also be insured by greater uniformity of assessment practices statewide. I will prepare detailed legislation in January to cope with this problem.

At the same time, however, I believe that local communities must have the opportunity to enrich their programs beyond the level provided by state support. We should not cut off local creativity and initiative. We must insure equity between school districts, so that local effort, not a district's wealth, is recognized and we must make certain that local money goes, in fact, for enrichment programs.

To do this, I propose that local districts have the authority to raise up to 3 mills over and above the statewide maximum, that the state allow each district a yield from such tax as though each district had a state equalized value of $30,000 per child, and that the types of enrichment programs—such as better utilization of school facilities, broadened curricula, programs for gifted or underachieving students—be carefully spelled out, so that the money thus raised can go only for such programs.

Such a program at the 3-mill level with state support would provide a statewide enrichment fund of over $200 million, if all local districts participated.

DEVELOPMENT OF EDUCATIONAL PROGRAMS AND PRIORITIES

The creation of a statewide property tax also gives us the opportunity to strengthen the local school districts in their responsibilities for operation of local education programs. Present preoccupation with finance and revenue raising has distracted many local boards from their primary duty of determining program needs and assuring implementation of quality educational programs.

Instead, the boards must devote their main energies to attempting to deal with a situation beyond their control. They have no control over revenue raising and the collective bargaining process has left them with little control over spending. We must help the local districts to do the job of education by removing the frustrations accompanying instability of income and inability to allocate available resources.

I believe deeply in effective local control over the quality of education. This control can only be achieved when the local districts are free to concentrate on educational attainment of their pupils, undistracted by impending financial crises beyond their power to control or impede.

I propose to replace the existing cumbersome and inequitable system of state aid formulas and local revenues with a management process which will require response to guidelines for development of budgets and programs directed to meet our pressing educational needs. Under this approach, the allocation of our available money can be made on a more rational and equitable basis, and programs can be more responsive to actual needs.

My proposed legislation in this area is enabling legislation, describing the planning mechanism and the types of budgetary guidelines that should be introduced. It is designed to outline a process which should begin now, be in full operation by March 1971, in order to have appropriations approved in time for the beginning of the 1972–73 fiscal year.

Obviously, the first thing needed is to agree on the process itself and the kinds of factors that must be taken into account in order for the system to be fair and to work.

I propose that spending responsibility remain largely a local district policy matter, but that all operational spending be divided into two broad categories—professional-related costs and overhead costs—with the state through the budget process determining the maximum amount that can be spent by the local district for these two categories.

In order to measure the amounts the state should appropriate for each district for these two ctaegories, guidelines should be developed reflecting the professional-pupil ratio which the state will support. This ratio should be adjusted upward for those districts with severe underachievement programs, a base level salary support, varied perhaps by region and by the training and experience of various professionals. Overhead should be determined as a percentage of professional costs.

The budgets would be prepared by the districts, within the guidelines, with ample provision for dissent, and with room to make special program requests. These budegts would be reviewed at the regional and state level, subject to procedural safeguards to protect local districts from arbitrary decisions. Ultimately, these budgets, along with regional and state budgets, would be submitted to the Legislature as part of the Governor's budget proposals. The guidelines would then be subject to legislative review and action.

An accompanying accounting system would enable program studies to be made to determine effectiveness of spending patterns statewide.

At the same time, the local district would be free within the gross amounts appropriated by category to develop the most effective education programs. The local district board would determine curricula, conduct teacher negotiations, supervise personnel, structure its teaching force, and make educational policy decisions.

TAXATION

To pay for the greater costs that will come with a higher quality education, and to spread the tax costs more equitably, I propose that during the fall session of the Legislature you take the following action:

(1) Increase the cigarette tax by 5¢, effective January 1, 1970. This will provide an estimated additional $18 million for the second half of the current fiscal year and an estimated $45 million in fiscal year 1970–71. It will bring Michigan cigarette taxes into line with those of neighboring states.

(2) Eliminate the property tax credits on the state income tax due in April 1971. This will yield about $116 million. Property tax credit reimbursements due or to be due property owners on their 1969 returns due in April 1970, will be paid by the State as provided under existing law.

If the people approve the Constitutional amendment providing property tax relief, property taxes would be reduced, effective December 1, 1971, for school operating purposes. Amount of the total reduction would vary from about $300 million to about $400 million, depending upon the state equalized valuation and average levy for operating purposes at that time. Taxpayers who would benefit most would be those who had been paying most. If the amendment does not pass, there would have to be a modest tax increase to pay for additional costs of further educational improvements.

Assuming that the property tax reduction amendment passes, there would have to be corresponding tax increases to make up the revenue loss and provide additional amounts needed.

Because the amendment will not be voted upon until November of 1970, it is not my intention to propose any new revenue measures other than already mentioned either this year or the next session beginning in January.

Assuming passage of the amendment, there would have to be substantial new revenue from the income tax, or a combination of revenue sources. By way of example, if income tax were the only source, budget projections indicate that in 1971, the personal income tax would increase by 1.5% (from 2.6% to 4.1%); the corporate income tax by 2.1% (from 5.6% to 7.7%); and the financial institutions tax by 4% (from 7% to 11%).

In financing better education, however, we must do much more than look for new sources of revenue. We must close tax loopholes that provide unfair advantages. We must constantly examine and re-examine all state spending to eliminate waste and duplication wherever it occurs. We must examine and re-examine our priorities.

TRENDS

Although state financing of local education may seem to some a radical departure from existing practices, the national trend is in that direction. In Hawaii, Alaska, Delaware and North Carolina, state support ranges from 70 to nearly 100 per cent. In 21 other states, it exceeds 50%. A trend is indicated by the fact that in 1940, only nine states were above the 50% support line.

Neither is the idea of a Governor-appointed Director of Education revolutionary in nature. This is now the case in four states, as compared to eight states which now operate on the present Michigan system. In 21 states, the Superintendent of Public Instruction is elected through the political system—a process that Michigan abandoned with the 1963 Constitution. In 15 states, the Superintendent is appointed by a State Board of Education, which is, itself, appointed by the Governor. In one state—New York—the Director of Education is appointed by the Legislature.

CONCLUSION

In my special message to the Legislature on Education, in April, I outlined the major problems facing Michigan because of the inadequate, inequitable and antiquated structure we have for operating and financing our schools. I said that collectively these problems add up to an educational crisis in Michigan, and that if we failed to move toward educational reform intelligently in the very near future, the crisis would become an educational disaster.

Evidence of this mounting crisis is upon us.

It is evident in the loss of public confidence in the State Board of Education.

It is evident in strike-torn school districts.

It is evident in the collective bargaining whipsaw effects that are forcing too many districts into deficit financing.

It is evident in the large number of unresolved contract disputes.

It is evident in student disorders.

It is evident, above all, in the growing public dissatisfaction with our educational processes.

We must move now, and we must move with boldness.

We will not achieve total educational reform with only token responses.

I believe that the plan I am submitting to you is a reasonable and responsible response to these problems.

The proposals are the result of several months of research, study, and debate. During these months we have consulted hundreds of persons, including members of the Legislature.

The recommendations are mine, and I intend to fight for them. If Legislative debate results in further improvements, I will welcome these improvements.

This plan is very much interrelated. As with any plan, it is subject to some refinement. But I must caution you that by adopting some parts, while omitting others, you could weaken overall effectiveness of the plan. I must also caution against adopting changes that would adversely affect other parts of the package, and thus the thrust of total educational reform.

I will welcome constructive criticism by any Legislator, but, in my judgment, it is incumbent upon any legislator who criticizes to offer a better solution. Blind criticism will not be productive. It will contribute only to confusion—not to conclusion. Compromises which detract from our overall objectives, to any extent, must be your responsibility.

If you have a better idea, I welcome it. But we need more than criticism; we need constructive alternatives. It is one thing to theorize, to analyze, and to criticize. Now we must act. We must move from theory to practice with specific programs.

How we move now is mainly up to you.

In your debate, and in your voting, I hope you will act as though Michigan's future depends on the outcome.

It does.

NOW IT IS THE POLAR BEAR

Mr. NELSON. Mr. President, an article published in Sunday's Washington Post reported that unexpectedly high concentrations of DDT residues have been found in polar bears in a remote Arctic region of Canada.

The polar bear is not the first species of wildlife living in remote areas with little or no direct contact to man that has accumulated high levels of DDT residues. Living creatures around the world have been reached by the drift of pesticide residues through the air, soil, and water. The reindeer of Alaska, the penguin of the Antarctic, and the petrel of Bermuda have each been found to be contaminated by the spread of pesticides through our environment.

High levels of pesticide residues in wildlife lower down on the food chain have proved disastrous. Many species of fish and birds, including the American bald eagle, are now on the endangered species list because pesticides have interfered with their reproductive systems and threatened their survival. Like man, the polar bear is at the top of the food pyramid. Yet the use of hard pesticides continues, largely uncontrolled with the exception of steps taken by progressive States, such as Arizona, Michigan, California, and Wisconsin.

I ask unanimous consent that the Post article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

High Concentrations of DDT Found in Northern Canada's Polar Bears

Edmonton, Alta.—Preliminary testing of Canada's polar bear population in the high Arctic has disclosed unexpectedly high concentrations of DDT residues in some animals, the Canadian Tundra Conference has been told.

Charles J. Jonkel of the Canadian Wildlife Service in Ottawa said the insecticide concentrations were found in fat samples taken from polar bears killed in a remote Arctic region.

"We are now selecting groups of samples for further analyses from five regions of the Canadian Arctic," Dr. Jonkel told delegates from all over the world, assembled here for the three-day conference on productivity and conservation in northern circumpolar lands.

"The surprising discovery of high insecticide levels in fat tissue of polar bears deserves special attention," he said. "We plan to determine these levels for . . . different areas of the Arctic by sampling every year.

"As polar bears are at the top of a food pyramid, insecticide residues may eventually reach even higher levels in this species.

"Polar bears are of economic importance to our Eskimos and Indian hunters; we seem to have most of the world's polar bears; and the range of the species includes a major portion of the Canadian Arctic."

TESTIMONY OF SENATOR GOODELL, SENATOR JAVITS, AND MAYOR LINDSAY BEFORE THE SPECIAL SUBCOMMITTEE ON ALCOHOL AND NARCOTICS

Mr. GOODELL. Mr. President, I recently testified before the Special Subcommittee on Alcohol and Narcotics when it held hearings in New York City. My distinguished colleague, the senior Senator from New York (Mr. Javits), and the distinguished mayor of the city of New York, the Honorable John V. Lindsay, also testified on the critical nature of the heroin problem now victimizing the people of New York.

I discussed with the subcommittee the need to commit the Federal Government to a major role in helping to reduce and control heroin addiction and drug abuse in that city and in the nation.

I also made other recommendations to the subcommittee, many of which are included as provisions of a bill which I recently introduced, S. 2921, the Drug Abuse Services and Marihuana Study Act of 1969. Senator Javits and eight others joined me in cosponsoring that measure, which addresses itself to many of the problems raised so effectively by the Senator from Iowa (Mr. Hughes) and his distinguished subcommittee.

Mr. President, I ask unanimous consent that the text of my statement to the subcommittee and the statements of Senator Javits and Mayor Lindsay be printed in the Record.

There being no objection, the statements were ordered to be printed in the Record, as follows:

Statement of Senator Charles E. Goodell Before the Special Subcommittee on Alcoholism and Narcotics, Senate Committee on Labor and Public Welfare, October 2, 1969

Mr. Chairman; Members of the Committee: it is a pleasure to appear before this Subcommittee today. In New York City, there is an area in Harlem called "the fix market." In that market hard drugs are bought and sold in large volume in broad daylight and throughout the night.

It could be in Bedford-Stuyvesant, or in the South Bronx or in Chicago, Los Angeles or Washington, D.C.

It could be in any one of a number of large American cities. That market is made up of people who form the nucleus of the culture of poverty in America, and who are imprisoned in the slavery of narcotics addiction.

Their desperate and hopeless lives revolve around the chemical of heroin and it is their crutch, their reason for living, and the catalyst of crime and fear, which victimizes their own communities and brutalizes their own families and neighbors.

Narcotic addiction and drug abuse pose a serious danger to the health and well being of millions of Americans. They pose a social and law enforcement problem of the highest magnitude for the City of New York.

Here narcotics addiction has reached the proportions of an epidemic.

Here live one half—perhaps 100,000 persons—of all the narcotic addicts in the nation.

Here one-half of all street crimes and burglaries are committed by addicts to support a habit.

Here the average age of the narcotic addict is 24—30 out of every 100 are under the age of 21.

Here 90% of all narcotic addicts have a prior arrest record.

Here the average addict spends approximately $30 a day for drugs.

Here during the month of June, 40 teenagers died from overdoses of heroin. There were 730 known heroin deaths in New York in 1968. In 1969, it is estimated that 900 will die from such overdoses.

The high schools and junior high schools in many sections of our city are becoming drug markets. Pushers sell habit forming drugs cheap or give them away in order to get young children hooked. In some schools, as many as one-third of the students are probably well on their way to becoming addicts.

Drugs are a major source of black resentment against whites. The black community knows that it is white racketeers who import and wholesale the stuff, making hundreds of millions of dollars a year. Black citizens see every day the failures of government to stop the traffic. They feel they are the victims of this enforcement failure.

Social programs to alleviate poverty in the ghettos have little chance to succeed in a drug-infested environment.

True, stopping the drug racket is by no means enough to solve the problems of New York's slums. Obviously, we must expand our efforts to create new jobs, improve the schools, rehabilitate the dilapidated housing and reform the outdated welfare system.

But how can even the best educational program work when heroin is being peddled openly in the schools? How can even the best job programs for the hard-core unemployed succeed, when many of the jobless are addicts unable to work? Trying to improve the social environment of the slums without stopping the drug traffic is, as one resident of Harlem told me, "like feeding a man with a tapeworm."

Mr. Chairman, drug addiction is a problem for which there is no clear solution; in fact, there may be as many solutions to drug dependency as there are drug users. The problem is compounded by the fact that it no longer touches only the inner city, but is spreading to youth from urban to suburban middle income families.

In public debate its parameters change depending upon the perspective brought to it by various segments of our society. Regardless of point of view, however, we must all recognize that there are bound up in the drug problem complex questions of psychology, sociology, and physiology.

We must recognize that it is clouded by misinformation and misconception. These persistent misconceptions range all the way from the idea that once a person becomes addicted to heroin he is beyond all hope of rehabilitation and productive reintegration into our society, to the ridiculous notion that one injection of heroin causes addiction.

We must recognize that there is virtually no public recognition that drug abuse may reflect serious and deep rooted personality disorders founded upon the inability of the addict to cope with his existence.

Therefore, we cannot define drug dependency in medical or social terms alone, but must approach the problem through the knowledge and insights of several disciplines.

We cannot fail to recognize that the ever-increasing incidence of drug abuse throughout our modern American society raises deep and disturbing questions about the kinds of environments people have created for themselves. It calls into question fundamental issues concerning the quality and purpose of life in America.

Mr. Chairman, the concern and the distress of the American people over this issue is well known. The long standing failure of the federal government to respond to that concern is unconscionable and must now be remedied. We must adopt new measures aimed at creating a more effective law enforcement capability to reduce the supply of hard narcotics. Simultaneously, we must support a serious, fully funded program of prevention and rehabilitation to reduce the demand.

Last year, the federal government spent $26 million to investigate and control illegal drug traffic. This is by far the smallest budget of any federal crime control effort. It is less than what the federal government spends on enforcing alcohol and tobacco regulations.

The amount sometimes seized in a single arrest—about 250 pounds of heroin—is worth as much as the $26 million the federal government spends on narcotics enforcement each year. Several hundred times this amount of heroin is brought into the country illegally each year.

The amount the federal government spends on narcotics enforcement is less than one-tenth of the amount that organized crime makes on this traffic. It is a tiny fraction of what society pays for crimes addicts commit.

The federal government has done virtually nothing to support the state and local prevention and treatment programs.

The Bureau of Narcotics and Dangerous Drugs in the Justice Department now has about 640 investigative agents. About 20% work in the New York area.

The Customs Bureau has about 320 customs agents who serve as top-echelon criminal investigators. About 20% are in the New York area. The Bureau also has about 490 Customs Port investigators and enforcement officers performing investigative functions (other than routine customs inspections) at airports, harbors, and border crossings. About 40% of these are in New York.

A major increase in the number of these investigative agents is essential.

I have long proposed that we double the number of investigative agents of the Bureau of Narcotics and Dangerous Drugs by July 1971. This would raise the number of these agents to over 1,200. The cost of this increase will be about $4 million a year.

I have long proposed that we triple the number of customs agents of the Customs Bureau by July 1971. This would raise the number of customs agents to over 900. The cost of this increase would be about $5 million a year.

I have also recommended that we provide an increase in the number of Customs Port investigators and enforcement officers needed to complement the proposed increase in customs agents. I estimate that this would require doubling the number of these officers. These improvements in the federal narcotics enforcement capability must be adopted if we are to reduce the supply of heroin in New York City.

I believe that the greatest challenge facing those who are concerned about the narcotic problems is in the area of prevention and rehabilitation of drug addicts and drug abusers.

In the past, public health programs have responded in the short run by providing temporary channels of escape from the destructive environments of addicts. They have failed to recognize that narcotic addiction most frequently occurs among individuals who present patterns of behavior which are inconsistent with successful living in our society.

Therefore, any effective rehabilitation program must provide services which seek to overcome the initial resistance and helplessness of the addict, to cure him of psysiological drug dependence and to prepare him for a stable and productive life in his own community.

It is crucial that such a program seek to establish positive attitudes in the addict and to help him to develop a capacity for responsible, independent functioning in our highly competitive and demanding society.

It is with these objectives in mind, that I recently introduced in the Senate the "Drug Abuse Services and Marihuana Study Act of 1969."

The bill would provide a five year $350 million program to assist states, units of local government and non-profit, private organizations in the prevention and treatment of drug abuse and the rehabilitation of drug addicts.

It would provide for a comprehensive program within each state designed to meet the costs of constructing, equipping, and operating treatment and rehabilitation facilities, including post-hospitalization and after care neighborhood rehabilitation centers for narcotic addicts.

Provision is made for the recruitment, training and utilization of "Community Narcotic Prevention and Rehabilitation Officers." They would serve with and under the direction of professional medical, psychiatric and social welfare personnel in narcotic addiction treatment and rehabilitation programs. I believe that it has been demonstrated beyond question that former addicts can and must play a major role in narcotic rehabilitation programs of all kinds.

The bill will also authorize the funding of programs for the prevention and treatment of drug abuse and the rehabilitation of narcotic addicts in correctional and penal institutions. In cooperation with schools, law enforcement agencies, courts and other public and private agencies special efforts should be made to assist such programs aimed at juveniles, youth offenders and young adults.

Any comprehensive program of this type must also provide services for outpatient counseling of former narcotic addicts to include employment, welfare, legal, education and referral assistance, in cooperation and coordination with the welfare and rehabilitation departments of local political subdivisions within the State.

It must, in addition, establish enlightened, comprehensive programs of public education about the prevention of drug abuse and narcotic addiction. My bill would commit the federal government to a major role in meeting these pressing needs.

The use and abuse of marihuana and the stringent criminal penalties applicable to violations of laws governing its possession and use present a special problem.

Some authorities say that 50 percent of college students have tried marihuana at least once. Dr. James L. Goddard, former head of the Food and Drug Administration, has stated that 400,000 Americans may be using it regularly. We must clear away the haze of misconception and establish, once and for all, the facts about the dangers inherent to marihuana use and abuse.

The Marihuana Study Commission created in Title II of my bill would be composed only of persons with experience in the medical, mental health and social problems attendant to marihuana use. It will be located in the Office of the Assistant Secretary of Health, Education and Welfare for Health and Scientific Affairs. It would report in eighteen months on most aspects of marihuana use and specifically on the physiological and psychological effects of infrequent, temporary and longterm marihauna use.

One of the most effective means of dealing with the problems of drug abuse and narcotic addiction is the Neighborhood Service Center. Two weeks ago I had the pleasure of visiting one such facility on New York's lower east side. The Center, operated under the direction of the New York City Addiction Services Agency is doing an outstanding job. It is a concrete example of dedicated and effective effort, and proof that rehabilitation of hard-core narcotic addicts is possible.

This program utilizes staffing by indigenous non-professionals, a mental health orientation, and the joining of service and community action in a carefully phased sequence.

Two years ago, New York State and its Narcotic Addiction Control Commission made an unprecedented groundbreaking commitment to the solutions of the narcotics problem in this State. It has made progress to achieve that goal. The encouraging and imaginative efforts of the Addiction Services Agency have resulted in new hope for addicts who heretofore were without hope. The resourcefulness demonstrated by many, non-profit, private organizations have also contributed much in our recent efforts to control drug abuse. All of these activities underscore the need for the federal government to take up the responsibilities it has long evaded. Organizations such as these cannot survive and go forward without our broad financial assistance. As I have previously indicated, they also desperately need our help on the law enforcement front.

Hopefully, Mr. Chairman, the battle is on. There is a growing national awareness of the need for a massive community education program directed toward the general public, the professional community and, most important, potential addicts among our youth. We at the federal level must also play a more significant role in this area.

But the most crucial need today is for adequate funding of rehabilitation and prevention programs, and the acquisition of large number of professional staff personnel. I believe that the use of former addicts in such programs is not only useful, but necessary. However, they cannot take the place of professional staff personnel at all levels of the rehabilitation process.

The salvation of the damned—the addict imprisoned in his own personality and environment—may not be possible in all or even most cases. But we have made a promising beginning. We have demonstrated that prevention and rehabilitation can work. We must continue to learn how to assist our people to regain their freedom, and to prevent others from going down a road fraught with agony and degradation.

STATEMENT OF SENATOR JACOB K. JAVITS BEFORE THE SPECIAL SUBCOMMITTEE ON ALCOHOLISM AND NARCOTICS, SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE, OCTOBER 2, 1969

The special subcommittee on Alcoholism and Narcotics of the Labor and Public Welfare Committee has recently concluded the first round of hearings on what has become a matter of much anxiety and yet, paradoxically, little action by our nation—the problem of narcotics and drug abuse. The Committee, of which I am ranking minority member, has heard much distressing testimony by researchers and physicians, former addicts and present drug users. An all too clear picture has emerged. I would like to share the details of that picture with you today and make some recommendations.

The National Institute of Mental Health estimates there are 100,000–125,000 active narcotics abusers in the United States. (New York City alone has records of some 42,000 heroin addicts but that does not include addicts not in prison nor in voluntary treatment.) The total number of non-narcotic drug abusers, including those addicted or habituated to marihuana, LSD, sedatives, stimulants, and related drugs, and certain tranquilizers is estimated at between 250,000 and 500,000 persons nationally. The number of juveniles and adults who have used marihuana at least once is conservatively estimated between 8,000,000 and 12,000,000.

These, then, are the statistics. Few of us, however, have attempted to get beyond the abstract figures so often cited to understand the problems of the individuals who comprise these numbers. We are aware that narcotics addiction and drug abuse is on the increase. We are aware that it now touches every sector of our society, from the dimly lit corridors of the urban slums to the shopping-center parking lots of suburban communities. We can define the costs, socially or economically, in terms of the maintenance of an elaborate apparatus of jails, courts and clinics, through which pass the identified drug users. We can identify the human toll in terms of the auto injuries, aggressive crimes, ruined lives (and families) and deaths brought on by drug experimentation and addiction. This toll has been set by the Director of the National Institute of Mental Health, Dr. Yolles, in the range of $2- to $3-billion yearly. But there has been a strangely fundamental and stubborn unwillingness by our society to investigate the measures we have taken to cure this problem and to offer real help to those involved in it. Instead we seem satisfied to continue quoting the figures and turning our backs on their implications.

Perhaps this is because we are basically a society of drug users—albeit legal drug users—and we do not intend to do anything that might alter our own "habit." Each year, we produce and consume more varied, more potent and great quantities of mind-altering chemicals, including such medical preparations as tranquilizers and sedatives; such over-the-counter remedies such as aspirin, mild stimulants, pseudo-tranquilizers; and such approved—yet deadly when taken intemperately—social substances such as alcohol and tobacco. Drug abuse today can be many things. It can be the narcotics addict injecting his daily "bag" of heroin, the methedrine-user high on "speed," the college student "taking a trip" on LSD, the teenager smoking "pot," the 12-year old sniffing airplane glue. Drug abuse can also be the adult starting the day with a pill for a "pick-me-up," having several drinks at lunch to "unwind" and using a barbituate at night to "knock him out." We are living in a nervous, confusing and restless age, and we increasingly turn to these drugs to ease discomfort, to combat insecurity, to escape, to achieve a transient euphoria.

In this respect, the impoverished ghetto-born dope addict who steals to buy his escape—heroin—is related to the affluent suburban executive who is functioning, achieving and outwardly successful but who also is a heavy drinker. Thus it is apparent that many people abusing drugs have many different reasons for initiating drug use and different patterns of drug use. The fact that the problem of drug abuse is spreading among the young and the affluent is, therefore, not surprising. But most adults stubbornly refuse to empathize with those drug addicts and young experimenters, hypocritically viewing their own practices as separate from the "drug scene." Yet, as Weldon H. Smith, Coordinator of California Narcotic Programs stated, "It is a matter of the degree of pain that determines what drug you use and how much. And the drug that offers the ultimate in surcease and escape from pain, for those probably hurting the most . . . is heroin."

This attitude of avoidance on the part of our citizenry is the key to the inadequacy of our Federal and local efforts to meet the growing problem of drug abuse. Our primary reaction has been to punish the easily-labeled drug "offender" with strict prison terms, offering too little distinction between the felonious drug pusher and the youthful experimenter, and little understanding of the psychological problem of the latter. It is no surprise that those dependent on drugs rarely are cured of their habit through punishment. More often, they return to outside life more cynical, more insecure, and—due to the traffic of narcotics within the penal system—often more knowledgeable in the sale and use of narcotics than before they began serving their terms.

The more important target of research, after-care treatment, and rehabilitation for these addicts has been grossly under-funded by the Government. The thrust of Federal activities takes the form of financial assistance to the National Institute of Mental Health to stimulate support for the development of community-based programs for treatment of addicts on a community level. The total expenditures for the NIMH narcotic and dangerous drug program, including Federal facilities at Fort Worth and Lexington, amounts to $35,000,000, a fantastically small pittance in comparison to the scope and gravity of the problem in a complex and myth-ridden field. To quote Dr. Richard Clum, author of *Drugs and Society*, "Drug problem prevention has not been able to compete successfully for priorities in a nation beset with social needs and international policy implementation costs."

There is a great deal we do not know about narcotics. But we do know that present Federal programs are inadequate to meet this problem. We recommend and enact new categorical programs and urge more rigid application of criminal sanctions against narcotics addicts. But, in fact, we devote pitifully small national resources to a problem which extracts enormous costs from our society in terms of broken lives, urban crime, community decay, and fear.

We do not need new categorical programs—we have them—nor are more stringent penalties against narcotics addicts the answer.

What is required is a Federal commitment—adequately funded—to state, local and private programs of research, experimentation, and demonstration in narcotics prevention; and for rehabilitation and after-care services.

Broad-ranging residential rehabilitation programs (half-way houses) at the state and local level are among those which should receive expanded Federal support.

Most addicts are unable to cope with the stresses of their environment, and increased and expanded residential facilities are needed for many of them. Richard Atkinson, Director of the Washington, D.C., Drug Addiction Treatment and Rehabilitation Center has told our committee: "Basically, real therapy must be a process wherein an addict can be confronted with his own elaborate and extensive system of defenses and help him to see himself. In the long tedious process of self-realization he must learn to cope with his own internal feelings and frustrations that none of us are immune from."

This Federal commitment should include expanded and more intelligent law enforcement.

Aggressive law enforcement by Federal authorities is essential. But, enforcement efforts should be particularly directed at disrupting the flow of dangerous drugs into and within the country and at destroying the powerful elements of organized crime which feed upon and profit from the drug traffic. But we will be deluding ourselves if we believe that aggressive law enforcement alone against the individual narcotics user can contend with a disruptive community problem which takes root in emotional instability, psychic disorder, and social breakdown.

Federal support for education into the attraction and danger of addiction must be increased. Young people must understand better than they do the dangerous potential of mind-altering substances and how so many of our young people use them to "act out" their particular fantasies, psychological defects and character disorders.

Further research, too, is needed to elucidate the effects of use of the drug which has probably generated the most popularity and concern in our society—marihuana.

In recent years, there has been a dramatic and continuing increase in the smoking of marihuana or "pot," particularly among urban and suburban youth. It is estimated that more than 50 percent of our college students and 20 to 40 percent of our high school students are using or have experimented with the drug. About $100,000,000 a year is spent illegally on marihuana. In the past year or two, use has spread to junior high and grade school students. The substance, currently classified as a dangerous narcotic by Federal law, is viewed as a non-addicting, relatively mild intoxicant by many young people who claim to use it as a recreational drug, much in the manner their parents enjoy alcohol. There is as yet no hard evidence that there is permanent, physical damage caused by this illegal drug, as there is for other currently legalized drugs. Nor is there as yet any proof that marihuana smoking leads inevitably to addiction to, experimentation with, or use of other drugs. Because of these conclusions, and because of the acknowledged failure of penal laws to suppress the incidence of drug use, there has been widespread student demand to legalize the sale and possession of marihuana.

Before any conclusion is reached as to whether marihuana is or is not a dangerous drug, we must focus on research to provide basic scientific data on acute and chronic effects. Only if we obtain from such research affirmative scientific evidence that it is an innocuous drug can it be legalized. In the meantime, however, there is enough evidence to rationally reduce the penalties for possession and use as distinguished from pushing and sale.

Marihuana is not an opiate or narcotic. We must therefore seek a more just handling of its use by our disillusioned youth, who rightly cannot understand our drug-ridden society's confused morality on this issue. The increased use of marihuana in the presence of stringent laws prohibiting it makes it imperative that marihuana should be reclassified under our laws dealing with hallucinogens. At most, it should be controlled by the Drug Abuse Control Act, which provides less severe penalties for violations. Our courts also must become more flexible. Our judges should not only have full discretion to suspend sentence, but a full range of services should be available to the courts for diagnosis, counseling and treatment for drug abuse and narcotics addiction.

A sampling of Federal and State statutes concerning the use and possession of marihuana reveals a pattern of stringent repressant penalties. Our Federal laws impose a 2 to 10 year sentence for first offense for marihuana possession and a 5 to 20 year penalty for the sale of marihuana. In our own State—New York—we have a more enlightened approach to possession with a variegated penalty structure depending upon the amount of marihuana in the possession of the offender, while in California the minimum sentence for an offender without a prior conviction is 1 year with a maximum sentence of 10 years. In Texas the penalty for possession can be 2 years to life imprisonment. In Massachusetts, to be in the presence of marihuana without knowing it carries a 5-year penalty while oddly enough, to knowingly possess marihuana carries a maximum penalty of 3½ years.

Above all, it is essential to make a clear distinction between those who employ the drug, potentially harming themselves, and those who grossly profit from its illegal sale. I will introduce appropriate legislation to achieve this. We must consider, too, what the effect of legalizing marihuana would have on the vicious, destructive drug scene present in the nation's poorer areas in the present state of uncertainty about the effects of marihuana. Here total escape mechanisms have been more frequently seized upon in the face of what seems to many to be insurmountable problems of discrimination, victimization, and abject poverty. Larry Bear, Commissioner of the Addiction Services Agency of New York City, testified to our committee: "We should have to consider the negative effect of inundating these same communities with legal marihuana whose cannabinol content would certainly eventually qualify it as a serious hallucinogenic drug. With importation unrestricted, cannabinol content undertermined, individual users' characterological deficiencies unknowable, and advertising techniques freely available, legalization could literally send the ghettos up in smoke."

It is indeed unfortunate that our society has legally and socially permitted and promoted the use of substances for "recreation" which have proved to be far more dangerous than marihuana—particularly alcohol and tobacco. Their use strikes a tragic toll of death and bodily harm each year. But we cannot, as a just and pragmatic society, condone yet another such substance, no matter how widespread its incidence comes to be, until we really know about its effects.

But again, I must reiterate that law enforcement per se is not going to end the tragic occurrence of drug abuse in this country. We must, as a nation, acknowledge the complexity of drug problems, understanding that some are linked to mental and physical ill health, others to lack of information, some to overexposure or undercontrol of drug-using situations. We must in the end, come to understand the need for a shift in our values on this issue, and our blindness in the past to our own responsibility for inaction.

If we can reexamine our conduct, and begin to help those who desperately need our help, we will have succeeded in the first and most difficult step. For if we can show the alienated, those who view the establishment to be hypocritical and base, that society does care, then the need for escape would be far less. The work of our subcommittee is not over. We are considering here not only a health problem, not only an educational problem, but the very success of our society. And in considering the drug problem, we are striving for a society dedicated to the useful participation of all its citizens, and to respect for each individual within it.

Testimony of Mayor John V. Lindsay Before the U.S. Senate Subcommittee on Addiction and Alcoholism, October 2, 1969

Thank you very much, Senator Hughes, Senator Goodell, and Senator Javits. I would like to thank you for bringing your hearings to our town. We are most appreciative of that. It shows almost for the first time an organized senatorial directive on the problem of narcotics and drug addiction, which we appreciate.

Our two senators from New York, Senator Goodell and Senator Javits in his long career, have shown in the Senate a constant concern and leadership on this whole subject.

Senator Javits was chiefly responsible for bringing VISTA aid and Teacher Corps staff into New York and it was Senator Javits who assisted in the development of the Bedford-Stuyvesant restoration effort. This project, in turn, led to the development of new methods in our program on methedone.

Senator Goodell has been energetic in his leadership in this area with the increasing interest and concern he has shown.

Senator Hughes, we would like to thank you for, even in your brief tenure in the Senate, demonstrating such a determination to get at the roots of narcotics addiction.

My testimony this morning will be chiefly on the subject of heroin. I do that for a very important reason. It is not to deemphasize the importance of other drugs or alcohol. This is of tremendous concern in every respect in our City of New York.

The reason I am concentrating on heroin is because our time is limited and I want to put first things first. Heroin is the drug which is responsible chiefly for the majority of crimes that strike terror into people's hearts and minds, street crime, muggings, breakings and enterings, burglaries. That's why I wish to concentrate on heroin today.

It is of immediate and prime concern, and indeed we don't have much time to deal with it.

My statement will be quite brief and then I shall ask Commissioner Larry Baehr, sitting on my right, who will make a very brief statement introducing our Addiction Services Agency program; he will describe it very briefly.

Then I will ask Mr. Irving Levine, who is sitting on my left, who is an ex-addict, to talk briefly of some of his experiences in the world of addiction and what it means in terms of crime and involvement.

And immediately after that, with the Chairman's permission and with the cooperation of the press, with no picture taking, I would like to bring up two police officers, one recently under cover and the other a sergeant who has worked for eighteen years in Harlem. They will speak on the subject of law enforcement and narcotics. They are not under cover at the present time, but for obvious reasons pictures and their names are to be avoided.

Well, the main thing I want to do today, Mr. Chairman, is to make a specific proposal, and that is a proposal for a partnership between New York City and the Federal Government that can bring heroin addiction under control within five years.

This is no slogan and it is no posture; that is a thing that can be done. We can bring heroin addiction under effective control within five years if we get the support we need from the Federal Government and what I ask you today is to make this five-year goal a specific deliberate national priority, as real as the landing of the men on the moon in this decade. It is in fact more basic than was the moon landing, for it is a priority not to demonstrate our power, our grandeur or our scientific capacity. It is a national priority aimed at the survival and renaissance of our cities and of New York City in particular.

If we can set a time limit to put a man on the moon, we ought to be able to set a time limit to put a man on his feet.

You will hear today about what narcotics addiction means in and to New York City. It can be put very simply.

Heroin addiction ravages New York; it fills our streets with terror, destroys thousands of families, totally degrades and brutalizes its victims, and those victims in turn, wreak fear on innocent citizens every hour of the day.

This poison feeds and bloats the masters of organized crime. It is a daily tangible system of systematic lawlessness and cruelty in our society. It is a sickening, humiliating scourge upon our country's greatest city and you will be told today something of what addiction costs New York City, of the one hundred thousand addicts who dwell here, of the fact that among those between 16 and 35, addiction is the largest single cause of accidental death.

But you will not hear the things this terror does to people. Not long ago a woman in a store in Harlem looked out onto the street and saw a girl, perhaps as old as twelve, being led down the street by an older man. Fearing a child molester, she rushed out into the street and protested.

The young girl looked at her coldly. "On your way, Mother," she said, "This is my customer." The girl was twelve; she was a prostitute so that her fourteen year old brother could support his heroin habit.

And there are too many such tragedies, too many who have given up on themselves because they have given up on us.

But we have not given up on these human beings. We have taken more steps than any other city in history, steps which I can detail for the record, but which I can sum up briefly.

We have more than doubled the Police Narcotics Bureau, so that it will have five hundred full-time officers working solely on breaking the back of the narcotic traffic. We have ordered every man on our 32,000-man police force to make narcotics offenses his highest priority.

We have launched borough commands in our narcotics rescue task forces to link local detective work with top police command personnel. We began our initiative on our federal-city task force with the cooperation of Attorney-General Mitchell and Police Commissioner Leary. That task force is now under way and we have begun the only municipal agency in America to deal exclusively with addiction and prevention.

That organization is the Addiction Services Agency headed by Commissioner Larry Allen Baehr.

Under the ASA, as it is called, which now operates fifty facilities in our city, more than 1,500 addicts are now receiving treatment linked to characterological self-improvement and more than two thousand youngsters, parents and concerned citizens are involved each week in our ASA prevention program.

Further, we have started the largest methedone maintenance experiment in America, with the help of the Central Brooklyn Model Cities area, under which five thousand addicts can get help within five years on the street level.

Well, this is a vital part. It is more than any other city is doing, but it should be twenty times a greater effort. That is why I am here today, for the fact is that the Federal Government has a direct tangible role it must play in controlling addiction. At present, the Federal Government simply is not doing its job.

It is not enforcing its responsibility which is total and absolute in controlling international traffic. Opium and its derivative, heroin, does not grow in Brooklyn. It flows into this country from abroad at a staggering rate.

A Federal Government research and treatment program for 1970 simply does not exist. There is no coherent policy in this vital field and clearly no commitment. There are national institutes to study arthritis, allergies, eye disease and neurological disorders. There is none for addiction research. There is for research into new weapons and anthropolitical inquiries in Asia; there is not one penny available for addiction research.

The source of narcotics addiction clearly lies in the field of mental health of prospective addicts. Yet the total federal grant money nationwide to fight alcoholism and addiction from the community mental health program is $12 million.

There are up to one hundred thousand addicts in my city alone. Yet the entire Federal Government's hospital resources comprise two hospitals in the entire country treating fewer than a thousand patients at any one time.

That kind of effort makes a mockery of pledges to act. President Nixon said last July 14, "A new urgency and concerted national effort are needed at the federal level to begin to cope with this growing menace to the general welfare," but the deeds do not match the words.

New York City, which has increased its spending in the fight against narcotics tenfold within the last five years, is asking the Federal Government to put its resources where its rhetoric is and to help bring this problem under effective control by 1974.

How? There are five specific steps the Federal Government can take now to make a difference.

First. The New York City area needs an immediate minimum level of one thousand full time federal narcotics agents towards the ultimate goal of three thousand. This base has been supported unanimously by the five district attorneys of New York City who have been meeting with me on this subject. The five of them and myself, based upon the best evidence we have available, concluded that this minimum level is immediately needed in New York City and we think we are being conservative in our figures.

These men would guard the Ports, work at investigative efforts in narcotic traffic and work at nothing other than smashing this deadly cycle.

We must multiply the pitifully small force of federal agents overseas.

Two. We need help in effecting new international agreements in blocking the importation of heroin, bilateral treaties and the full force of foreign governments put to work to cut this dead at its root.

Third. We must have a real attack on organized crime, the key economic profiteer from narcotics poison.

Here in New York the U.S. Attorney, Robert Morganthau, has led in fighting this, but he must have help from Washington.

It is time we had a war on organized crime. The generals of the enemy are putting more money, men and equipment into this than we are. On those terms we cannot win.

Fourth. We must have a federal commitment to real research such as work to produce non-addictive blood agents, chemical antidotes and vaccines.

The Federal Government's influence and medical research are now at a peak. It would require nothing more than an act of will and legislation to direct a small portion of our research empire into addiction research.

Fifth. Federal coordination is vital. Today the Federal Government is like the marshal who jumped on his horse and rode off in all directions at once. Drug Administration officials and high-ranking administrators tell us the drug laws are irrational, while legislation is proposed by the administration to harden those irrationalities even further.

We need a single concentrated, coordinated strategy for addiction control.

We need one more thing: money. We can put a dollar figure on a program to treat every addict in America nationwide. It would take $600 million a year for a nationwide treatment and prevention program. About half of that, $300 million a year, would reach every addict in New York City, which holds half of the national addict population.

In other words, if you choose to make the control of heroin addicts a real national priority, it will cost $3 billion over the next five years, $1.5 billion for New York City alone.

Now that last figure is high. It is also, however, $500 million less than the cost overrun on the C–5–A cargo plane. One year of that New York City effort is a little more than four days of the cost of the war in Vietnam.

So it is for you to judge whether this is too much to ask. We know the kinds of programs that will really work. We know what an enormous difference the control of addiction will mean to New York City, cutting half of the crime away from our streets, stopping the spread of suspicion and fear, providing hope for something better among all our people, and we know that without money all of the Washington rhetoric about law and order is just some disagreeable joke on the people of New York City.

So I leave it in your hands. Is the salvation of America's greatest city a worthy national priority? Does it match a trip to the moon or a new bomber in importance? Is the city's soul a proper national priority? I believe it is and I commend it to the President and the Congress as one worthy of their support.

THE WORLD FOOD CRISIS

Mr. NELSON. Mr. President, the destruction of the air, water, soil, plants, and animals of our planet home earth is accelerating at such a rapid rate that the continued existence of life is increasingly becoming questionable.

Man's general indifference and disregard for the natural resources in his drive for profit and comfort could someday be the end of him. If man is to save himself and the planet on which he lives, man must learn that he cannot conquer nature. He must learn that he can only live with nature and make certain that he does not continue to violate nature or nature will revolt and leave man without the necessary elements of existence.

Much of the world today faces a serious hunger problem and the arrogant disregard of this problem and the destruction of the natural resources portends the grave possibilities of future famine conditions of monumental consequences.

A valuable discussion of the the world food crisis appeared in a well documented and presented discussion in an edition of the Kaiser Aluminum News. The company publication, unlike the average limited, parochial house organs of industry, devotes the entire issue to the phenomenon of the time. All the articles, researched, written, and edited by the publication editor, Don Fabun, are worthy of reprinting.

I ask unanimous consent that the following articles from one issue of the publication—"The Biological Fire," "The Ecologic Storm," "The Protein Path," and a "Modest Proposal"—be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

The Biologic Fire—Soil's but Rock on Its Way to the Sea

Our everyday lives are so filled with miracles that we tend to discount them as commonplace. For one thing, we think of soil as dirt and express our contempt for it in the expression, "dirt cheap." Yet without the thin film of soil that covers all too few areas of the earth, there would be no life on land; no plants, no animals, no humans.

The soil on which earth's civilizations are based today is the end product of literally millions of years of evolution. Out of these millions of years, just like plants and animals, the soil has differentiated into clearly defined species and subspecies, as different, one from one, as the lion from the bear, as the sunflower from the tulip. Like other living things, the soil is born, grows, renews itself, and ultimately dies. Like other living things, it can be hurt, nurtured, killed.

The end result of the greater part of man's activities on earth has been to destroy the soil, just as man exterminated the buffalo and the passenger pigeon, the grasslands of the Great Plains, and the forests that once carpeted Greece and Italy.

For many thousands of years the agricultural practices of clearing and burning, harvesting a crop and then moving on to clear and burn again; of stripping forests down to barrens of stumps and rocks; of allowing vast herds of sheep, goats, and cattle to overgraze the land until the soil is dead—all of these destroyed huge areas where today nothing grows or can be made to grow. These practices have been going on since neolithic times; they still go on.

In more "sophisticated" areas, the killing takes a different form. Under the inroads of the bulldozer, beneath the concrete and asphalt of highways and roads, below the ever spreading urban and suburban buildings, the living soil, cut off from sun, air and water, dies. It is an irony that in many places of the world, the growth of cities destroys the very soil whose productivity created them. And finally, in other areas, intensive overfarming has resulted in ever larger harvests—with an ever falling food content—as witness the steadily declining protein content of wheat in Kansas since World War II, although the harvests themselves are of record size. The soil has not been killed, it has lost a part of its life-giving vitality.

Only in those places (and they are relatively few) where man has learned to treat the soil as a living thing; where he fitted his processes into the life cycle of the soil, replacing, at the end of each growth cycle, the nutrients he has taken out of it, has it been possible to reap harvests rich in food content and abundant in quantity from the same acreage, season after season. Even the most inexpert farmer would not expect to get milk from his cow if he did not feed it; but he often expects the soil to give and give without itself being fed. When urban sewage and garbage are dumped in the river or the sea, or otherwise treated so that they do not return to the soil, the land becomes impoverished. Inorganic fertilizers, where used, help in part to restore what is lost, but not entirely, because the organic nitrogenous compounds are not replaced in this way.

And so we arrive at this point in time

where the amount of new land area that can be put economically under cultivation is less and less and where the real productivity (i.e., the protein content) of the much of the land that already is being cultivated is being steadily reduced. The heart of the food crisis lies not only in the population "exposion" but in the misuse of the planet's soil, both historically and in modern times. The more pressure that is put upon the soil, the more marginal becomes the return for the effort expended. The vicious circle may, indeed, become a spiral to oblivion.

Someone has said, both poetically and scientifically, that "soil is but rock on its way to the sea." And this is as good a description as any. The journey is a long one, often taking millions of years. The staging areas on this long trek are the places where plants grow and where man can farm.

The journey begins with the alternate expansion and contraction of rock through changes in temperature. The cycle of freezing and thawing is repeated endlessly until—just as when we bend a piece of metal back and forth, it finally becomes fatigued and fractures—on the mountain peaks and stony ridges small particles of rock are broken off. Winds scour and sculpture them, rainwater lifts and carries them, gravity pulls them toward the sea. The particles jostle and grind each other, producing even smaller fragments.

Where the slope is gradual, the journey slows, and the rock particles accumulate, perhaps at the rate of an inch each thousand years. Fine dust from volcanoes, ashes from forest fires, microscopic dust carried down by rainfall, settle on the deposit. Because of their different weights and shapes, the particles tend to form well defined colonies, smaller ones sifting into the interstices between larger ones.

Rainwater, sometimes carrying nitrogen oxides formed by lighting discharges, seeps down through the open spaces between the rock particles. Mixing with the salts of the splintered rocks, it forms an electrolytic solution. Here the exposed, electrically charged faces of the rock splinters begin complex electrical interactions, carried as currents in the electrolytic of the salt-laden water. The soil has become, if not alive, something close to it.

Plants send down roots, fingering their way through the interstices between the tiny particles of rock. Down the tubes of the root stalk flows hydrogen and carbon dioxide, manufactured by the plant's leaves from the air above the ground, using the sun's radiation for power. Tiny root hairs spread out from the main root, each hair carrying on its surface a colloidal atmosphere enshrouded by hydrogen carbonate. Within this highly charged atmosphere, hydrogen is exchanged for the ions of nutrients surrounding the soil particles. Gaseous pockets form in the interstices between the tiny particles of rock, oxygen and carbon are present, and thus, the condition for life.

Into this pulsalting community come microscopic forms of life, billions and billions of them to every teaspoonful of rich earth seeking the nutrients freed by the electrolytic reactions in the salt-charged water. Following them come larger beings, feeding on the microorganisms and each other. Like monsters from outer space, earthworms burrow down, carving tunnels for the entry of water and air, leaving behind excretions rich in organic nitrogens. There also are beetles and ants and grubs and mites, their passage opening the pores, providing new tunnels for air and water. These tiny living things act as mobile factories, converting the inorganic nutrients of the soil into organic ones and leaving behind them when they die the legacy of their nitrogen-rich bodies. Leaves and other organic debris sift down, disintegrate, and the particles filter down into the gaseous pockets between soil particles where they are consumed by oxygen, constituting a slow fire—the biologic fire that smolders wherever the soil is living. Out of all this activity, nitrogen and other elements are released in a form that plants can use for the formation of those complex chemical compounds—among them proteins and amino acids—without which animal life could not survive.

This now interlocking system of the organic and inorganic is incredibly rich with life. (One count of the top eighteen inches of forest soil in Illinois indicated a frequency of 65 million insects per acre. Other studies have shown as many as 1,450,000 earthworms per acre in highly fertile soil.)

Immediately above this slowly smoldering biologic fire, drawing nutriment and warmth from it, is a layer of surface and air-borne life; a shimmering haze of insects that are themselves a part of the system. Surveys have shown that hovering above one acre of rich soil in the morning there may be as many as 3,000 insects in flight and in the evening as many as 11,000 or more. Here's where the birds and many small animals, including the reptiles and rodents, take over and forge another link in the precarious food chain that leads up to man.

In time, geologic changes steepen the gradient upon which the soil community has come to rest. Hard rains strip away the topsoil; accelerated by gravity, the tiny particles are carried by rivulets one step further to their ultimate destination, the sea. The layers of newly exposed subsoil rock, hammered by rain, bombarded by sun, alternately expanding and contracting with changes in temperature, receiving the constant sifting down of dust and windborne debris, begin again to build a new generation of soil.

The fractured part of the old community is carried by wind and stream and river finally to some new staging area, and ultimately to the sea, where its rich minerals form the base for the prodigious plant and animal life of the oceans, another source of man's food supply—one rich in proteins.

What we have described here, in often halting, certainly oversimplified terms, is a delicate, highly complex system that requires as much exacting and skillful attention as does any living creature, if it is to thrive and to produce food for man's needs. Agricultural technology, at its best, recognizes the system and fits itself into it: irrigation, tillage, the use of organic and inorganic fertilizers, liming, fallowing—all are means of hastening or preserving the complicated electrochemical transactions of the soil community.

Unfortunately, the scientific understanding of soil chemistry has only been known to us for about a century; it is still unknown to most of the farmers in the world today. Unless this understanding and these techniques can be made known to them, and understood by them, then their struggle to force more and more food out of the soil to feed an ever-expanding population may indeed destroy, perhaps for thousands of years, the very source of food itself.

At the base, then, of the world food crisis, is a problem in communication. It is perhaps of more than passing interest, in a world where more go hungry every day, that we seem to be able to sell soft drinks and petroleum products to even the most isolated village in the most benighted countries, but we are somehow unable to impart even the simplest agricultural techniques that would save their peoples' lives.

The Ecologic Storm: When Lilacs Last in the Dooryard Bloomed

Think of the earth as a living thing, swimming through space. The great rock mountains are its ribs, the seas are its blood, the soil is its flesh and plants are its fur. Men and animals crawl upon it like lice.

Of all the earths surface, some seven tenths is covered by water. Of the remaining three-tenths, soil can be found only in a few scattered parts; the rest is mountains, glaciers, arid deserts, volcanoes, barren islands and reefs. Of the whole land area, only seven per cent is currently being farmed.

Soil is, as we have described earlier, a rare and delicate electro-chemical and biochemical community that has taken millions of years to develop. It is the flesh of the earth, and as sensitive as flesh.

What happens when the steel plow slashes like a surgeon's knife through it; when the digging stick pokes it, the harrow rips away the skin, the bulldozer smashes great bruises on it? What happens when the delicate ground cover is eaten to the root tops by herds of grazing animals? What happens when man-made smog obscures the radiant energy that gives it life; when vast fires sweep over its surface? Just the same sort of thing that happens to an animal's skin and flesh when similar attacks occur. It develops scar tissue, changes in character, may even die.

In the wake of wherever man disturbs this age-old community of plants and soil, there is an ecologic storm; the pattern of things changes, new species arise. The heavy tread of the tractor compresses the soil, forces out the air, makes it more dense. The little particles no longer discharge their energies from clusters of ions on their surface, but now, compact, resemble the original rock from which they came; hard, impenetrable to water and root alike. All the little dwellers of the soil, crushed and torn, slowly disintegrate, but their latent fires are no longer kindled by the pockets of oxygen that once filled the interstices between the particles of rock. Water stands upon the impenetrable surface, collects into rivulets, then torrents, and runs seaward, destroying in its path whatever pockets of soil remain. Nearly everyone has seen once verdant farmland, now abandoned to the ravages of erosion.

The harrow and plow rip the surface, letting oxygen in. The biologic fire burns more briskly; the soil quite literally has a fever. Like the last days of one suffering from tuberculosis, here is a final flush, a burst of energy, and then no more; it is the difference between baking a cake, and burning it up in an over-hot oven. The plow increases productivity—for a short span. Unless reinforced by other techniques (like transfusions?) the soil dies in the end.

When a flock of sheep or herd of cattle denudes the land, nibbling the ground cover down to the root tops, the flood of carbon dioxide and hydrogen no longer is pumped down into the soil; the leaves that made them have disappeared. And the leaves no longer soften the rainfall nor filter the harsh radiation. The soil solidifies; scar tissue forms.

In the face of man's onslaughts, the soil community has developed its own defense. Now where the succulent foliage grew, move in the cactus, the thornbush, the thistle, all the spiny, bitter poisonous growth that the grazing animals will not eat. And wherever man walks a constant path, the plants that survive his footsteps will be hardier; more stem than leaf. Ecologists state that they can tell where once man lived by the wild profusion of weeds around the spot, though the remnants of the habitations have long since disappeared.

Similarly, the natural system reacts against the indiscriminate drenching with insecticides and herbicides; new species of resistant plants and insects arise. Meanwhile, the powerful chemicals have been introduced into the food chain—to what final consequence we do not know.

In the long run, man cannot conquer nature; he can only learn to live with it and to integrate his own needs into the system. As we enter an era where we contemplate crash agricultural programs to stave off a threatened famine, it is well to remember that an ecologic storm follows wherever we tamper with nature, and the scar tissue on the earth is the legacy of similarly motivated men in our ancient past.

The Protein Path: Hunger Begins With a Hungry Plant

“Whatever is necessary,” says W. H. Ferry in another context, “is possible.” It will be noted that he did not say “probable,” only possible. Here we will examine solutions that appear to be possible (because necessary) in the alleviation of the world food crisis. At the present time, their probability seems quite low.

Earlier we presented a list of sub-problems that, added together, constitute the world food crisis. They lead to some seemingly inescapable conclusions. One is that a piecemeal attack, though helpful, is not likely to solve the over-all problem—at least not within the next ten years. The sub-problems are too inter-related, too dependent on multiple and simultaneous solution for that.

Perhaps, then, we should examine other forms of solution that might, just possibly, “buy the time” necessary to find integrated solutions to the sub-problems.

Nearly all of the solutions proposed for the sub-problems are quantitative in nature—their aim is to produce more food for more people in more places. Yet it has been well said, “Hunger begins with a hungry plant.” The hungry plant is deficient in proteins for human use. Could we suggest that a qualitative approach might help reduce the magnitude of the quantitative problem, and that perhaps we do not need such vast quantities of new food, so much as to increase the nutritional quality of foods that already exist?

There are a number of currently feasible ways to raise the protein content of already existing foodstuffs, or at least the consumption of them, without planting another acre, without substituting the tractor for the bullock, without changing age-old food habits in any substantial way.

In most of the diet-deficient areas of the world, there are sufficient local sources of protein-rich foods that are not being used because the people who live there do not know about proteins. This is pretty excusable, because many people in the “developed” countries don't know, either. There are examples of how trained nutritionists, moving into back-country villages, have significantly raised the protein intake of local citizens, just by using whatever was growing nearby. But we will start with fish, because of all the world's existing sources of protein, this is, in most areas, one of the most neglected. As Gilbert and Sullivan said (in “Patience”) . . . “There's fish in the sea, no doubt of it, as good as ever came out of it.”

The plain truth is that out of the 25,000 known species of fish, only a few dozen are used directly or indirectly as food for man. In the protein-deficient countries—Asia, Africa, and Latin America—the consumption of fish products (marine and fresh water) is only about seven pounds per person each year. And yet the fish are there, and it is conservatively estimated that the annual catch of salt-water fish could be raised to far more than the 55 million tons projected as the annual catch in 1969, without the danger of destroying the oceanic food chain.

This would involve a tremendous effort; new ways of raising and harvesting fish instead of hunting them; new types of ships, new port and processing and storage facilities. No such effort is now underway, but this is not to say that it could not be made.

Probably the most efficient use of a greatly increased fish harvest would be in the form of Fish Protein Concentrate, which may be defined as “any inexpensive, stable, wholesome product of high nutritive quality, hygienically produced from fish.” The fish, in its entirety, is ground up, reduced to eliminate the water and fish oil, and the resulting product emerges as a powder-like concentrate that is about 80 per cent protein. One hundred metric tons of fish yields 15 metric tons of concentrate, equivalent to 12 tons of 100 per cent protein. The concentrate can be used as a food additive to traditional foods, although some problems of taste and consumer acceptance remain. About 25 grams of Fish Protein Concentrate, used as an additive to already available foods, provides sufficient protein intake per day for an adult.

Costs are high, but not prohibitive. A 90,000-ton capacity plant, capable of producing enough protein for one million people per year, would require a capital investment of about $2.5 million, plus two fishing vessels of 120 feet in length, costing about $3 million, plus dock, handling facilities and distribution. Some $7 million over-all would meet the protein supplement needs of a million persons per year, at a cost of less than two cents per person per day.

Another important source of both whole fish and Fish Protein Concentrate lies in the protein that can be yielded by inland fisheries—the growing of fish in ponds, rice paddies, lakes, reservoirs, rivers, and coastal estuaries. It should be pointed out that some species of fish, as protein producers, are as efficient as chickens, and considerably more so than pigs and other domesticated animals raised for food.

At the present time, inland fishery catches supply about 16 million tons—or 30 percent of the world's total fish yield. Unfertilized ponds yield from 50 to 500 pounds of fish per acre per year; fertilized ponds from 150 to 1,500 pounds; fed and fertilized ponds from 2,000 to 5,000 pounds per acre, when agricultural wastes are used. Where ponds are enriched with grains and seed meals, the yield is from 1,000 to 16,000 pounds per acre. These gains are important; the yield is not only high in protein content, but where ponds are fertilized, one pound of fertilizer yields from five to eight pounds of fish.

The point is, not only are there many already existing bodies of water not being used for fish raising and harvesting, but building new ponds is relatively inexpensive. If the average cost for pond construction is $500 per acre, then the cost of new ponds to meet recommended consumption of inland water fish as a protein supplement for the world's population by 1975 would average only about $80 million annually.

Another possibility is to raise fish along with rice, in those areas where rice is the main source of food. There are approximately 197 million acres planted in rice each year. About 30 per cent of these are covered with water long enough to raise fish along with the rice. In Indonesia alone, there are 150,000 acres of combined rice-fish cultures producing an average of 300 pounds per acre—a total of 45 million pounds of fish annually. In addition, it is estimated that about 150,000 tons of wild fish, not deliberately raised, are produced in rice paddies each year, intensive programs to increase the raising and harvesting of fish in rice cultures, where it is feasible, could do much to supplement protein intake in those large areas of the world where rice is the principle source of food.

To this could be added the deliberate use of salt water estuaries for the production of fish and shell-fish. Where these areas are used—as on the Asia mainland, and in Japan, Formosa and Indonesia—yields are from 400 to 2,000 pounds of fish product per acre each year. In many areas of the world, these rich potential sources of protein are not being exploited at the present time. Unfortunately, it doesn't appear that much is likely to be done about them, either, although the costs are minimal and the results significant.

Already growing, already being harvested each year, is a low-cost source of high quality protein that is equal to all the protein produced by all the livestock in the world. Most of it is fed to animals or used as fertilizer; large amounts are discarded as waste.

This rich, virtually untapped source is the protein that can be extracted from soy beans, cottonseed and peanuts. Had the 1965–66 protein content of these been processed into protein for human use, it would have been the equivalent of 33.3 million tons of protein, compared to a total of 22 million tons produced from meat, milk and eggs. Each additional one percent increase in production of the 1966 soy bean crop would have yielded enough to correct the lysine deficiency in one million metric tons of wheat.

Concentrate from soybeans ranges from 40 to 95 percent protein content, at a cost of from 14 to 40 cents per pound. This material is amazingly versatile; it can be used as an additive to cereal products, in high protein beverages, baked goods, desserts, and processed into a wide range of meat products that, when properly prepared, are virtually indistinguishable from the “real” thing. Moreover, these foods can be produced in factories at costs that range from one-half to one-fifth what it costs to produce similar animal products.

Since soy beans grow best in temperate areas, it would probably be most economical to produce them there and ship the concentrate to the diet-deficient tropical countries. However, in some places it could be produced economically on the spot. According to Agricultural Chemistry (April, 1967), the USDA had developed a simple hand process for making soybean flour in areas where there is neither skilled labor nor electrical power. Five men can produce 300 pounds of soya flour in an eight-hour day, enough to supply the daily protein requirements for 1,600 adults. The flour can be used in beverages, yeast bread, corn bread, noodles, unleavened bread, mush, gruels, soups and desserts.

While not as versatile as soy bean, cottonseed still represents a highly useful, virtually untapped source of protein. It has the great virtue that, unlike soy beans, cottonseed comes from a plant that is indigenous to protein-poor tropical areas of Asia, Africa and Latin America. Upon removal of oil and the seed coat from cottonseed, a concentrate with 50 to 55 percent protein can be obtained. This can be further concentrated—to 70 percent protein—by extracting the carbohydrates. Either concentrate can be used directly for feeding humans, or indirectly as cattle feed.

The great advantage here is that the cotton is already grown and harvested for its fibers and oils so that the cottonseed is a by-product; it can be produced economically by techniques already developed, and in the areas where additional protein is most urgently needed.

Peanuts, which are called groundnuts in most countries, offer a rich and economical source of protein. They grow well in both temperate and tropical areas and are indigenous to the Caribbean Islands, South America, and Africa. Although peanuts can be, and are, eaten directly by man, about 65 percent of the world's production is crushed for oil, which furnishes about 20 percent of the world's trade in edible oils. After the oil is removed, there remains a 50 percent protein concentrate that could be used for human food. Further processing, to remove the carbohydrates, raises the protein content to 70 percent. Although peanut protein is deficient in three amino acids, it can be fortified with synthetic materials.

Again, here is a widely produced crop, already growing, the by-products of which are rich in protein; and the crop grows in areas that are most in need of protein enrichment. Concentration of the protein itself is a relatively simple task, requiring neither high cost equipment nor technical skills. Certainly its use would provide a rich source of badly-needed protein at much less cost than extensive irrigation or new-land farming projects. However, little is currently being done about it.

LEAF PROTEIN

Another virtually unused source of protein is the leaves and grasses which are usually wasted, or at best fed to animals. Nearly all of the essential proteins consumed by man are derived from amino acids originally created in the leaves of green plants, and those that remain in the leafy parts are the same composition as other plant proteins.

Leaf proteins can be introduced into man's diet either by eating them directly (like spinach, turnip greens, lettuce, etc.) or by processing the leaves into high protein concentrates. In the latter, the leaves are pulped and pressed, and the resulting juice, when processed to a dry state, contains about 65 percent protein. The fiber from which the juice was pressed can be used as animal food.

The pressed cake of leaf protein concentrate is green in color and tastes like spinach or tea. Further processing, if desired, can remove most of the color and flavor, as is done in Israel; or in the green state, it can be used as a high-protein filler in native dishes such as ravioli. If a number of kinds of leaves are pressed together, the leaf protein produced appears to be better than cereal proteins and as good as animal proteins other than eggs and milk.

Leaf protein can be produced by hand methods, or with low power input, at low cost, since the raw material is usually considered a waste product anyway. On a village basis, using an input of two tons of feed and an output of 60 kilograms of protein an hour, protein would cost six to seven cents per kilogram (with labor figured at 15 cents an hour—which would be high in many agrarian areas). So far leaf protein has been produced in Jamaica, India, Uganda, New Guinea and Israel, but no large scale research, development or application projects are underway at present, nor, apparently, contemplated.

Whether oilseeds are used, or leaves, or both—there exists at the present time both the raw materials and the techniques for the large-scale production of high quality protein from products largely wasted, using production facilities well within the means of world industry. Precious little is being done about it.

SYNTHETIC AMINO ACIDS

As detailed earlier, the cereal foods that constitute the largest part of the world's diet, particularly in the diet-deficient countries, are deficient in several "essential" amino acids. These nitrogen compounds are "essential" because the body cannot manufacture them itself. Since the grains are already being raised, processed, distributed and consumed, it would appear that one of the most promising approaches to the problem of world malnutrition would be to "fortify" grain cereals with the missing, or deficient, amino acids, produced synthetically.

Fortunately, such a technology already exists. The three essential amino acids that are deficient in most cereal grains are called lysine, threonine and trytophan. Lysine can be produced by mass-production factory methods for as little as $1 per pound. The others presently can be synthesized for $2.50 to $4.50 per pound, but in mass production probably could be produced for prices close to that of lysine. These synthetic materials, different combinations or patterns of nitrogen, hydrogen and carbon, can be produced as colorless, odorless, tasteless crystals.

Their introduction into the already existing food production system would probably be most effective at a central processing point, such as a flour or corn meal mill, where the process would be no different than the current fortification by vitamins and minerals. Thus the people who purchase the flour (or the commercial products made from it) would not in any way have to change their regular food consumption habits. The difference is that they would be eating foods nearly as rich in essential proteins as milk or meat. To extend this system to those areas where the cereals do not pass through central processing, but are prepared on the farm or in the village itself, presents a different sort of problem. However, since what is required is not more difficult than the addition of salt, except that the flavor is not changed, there should be no taste, religious, or cultural obstacles.

Here, in the production, distribution and introduction of synthetic essential amino acids lies an approach that appears to be well within the means of modern industrial process. Projected figures show that such a program would be considerably less expensive than the use of Fish Protein Concentrate (although that approach should also be used in areas where fish products are plentiful). If all the wheat and flour shipped in the 1965 Food for Peace program had been fortified with lysine, the total cost for lysine fortification would have been about $32.5 million for lysine vs. about $84 million for Fish Protein Concentrate.

What is argued here is not that a crash program be directed toward the mass production of synthetic amino acids, but a three-pronged program that involves oil-seed protein, Fish Protein Concentrate and the synthetic aminos. All are technologically possible, all involve mass production and distribution methods well within the state of the art in advanced industrial systems. The combination of these could go a long way toward ameliorating the crucial protein shortage in the diet-deficient areas of the world while longer-term solutions are being worked out. Except for what are virtually pilot-plant sized operations, no large scale programs for the production of synthetic amino acids are currently underway in the technologically advanced nations today.

SINGLE CELL PROTEIN

The idea that crude petroleum and paper can be turned into food for humans is one that most people reject out of hand; not because it isn't true, but because they equate petroleum with fuel for automobiles and newspapers as something to be read and not eaten. Someplace along the line our educational system has failed to make it clear that both petroleum and paper are derived from living products and have in them chemical compounds that can be turned into foodstuffs whose protein composition does not differ materially from milk, beefsteak, or other common foods.

Most of the protein compounds in the world have been produced by the activities of microorganisms. When they are grown on substrates of once-living compounds they produce very nearly the same kinds of protein materials as do plants and animals higher on the evolutionary scale. These microorganisms—principally yeasts and bacteria—can grow on such various substrates as sucrose, molasses, soybean oil, kerosene, petroleum distillate No. 2, waste paper, surplus and spoiled fruits and vegetables, bagasse (wasted agricultural stalks), waste products of the lumber industry, and methane gas. In some cases it is obvious that the use of these materials would not only make important contributions to the production of protein, but would help in solving some of the world's waste product disposal problems.

Other advantages of what is called "single cell protein" production are that the microorganisms grow very rapidly, doubling their weight every five hours or less, which is several thousand times faster than farm animals can synthesize protein. The microorganisms can be grown in tanks requiring no soil or sunlight or rainfall, and they belong to the plant kingdom, so that when harvested and introduced into traditional food systems, they do not run up against religious or traditional obstacles.

The techniques for single cell protein production already are well known. Louis Champagnat, who has developed a sizable pilot scale operation in Lavera, France, has described the basic process (in Scientific American, October, 1965) thus:

"The medium is similar to that for the growing of yeasts on sugar, except that oil is substituted for the sugar. Nitrogen is added to the medium in the form of ammonia salts; phosphorus and potassium are supplied in the form of general fertilizers; trace elements and growth vitamins are added. The product is more than 50 percent protein.

"When the yeasts grown on petroleum have been dried and purified, the concentrate is in the form of a powder or whitish flakes with no pronounced odor or taste . . . Like concentrated protein from meat, fish, yeast or soybeans, the protein from petroleum can be transformed into many different foods."

Dr. Champagnat has calculated that with an outlay of some 40 million tons of petroleum (a small fraction of the total crude oil produced annually in the world), 20 million tons of pure protein could be produced per year. Other advantages are that the organisms feed on the wax in the crude oil, which makes the oil suitable for diesel engines and domestic heating, that petroleum is available in most of the diet-deficient areas, and that the processing equipment can be added relatively easily and economically to the existing 700 refinery complexes throughout the world, thus reducing distribution costs.

The cost of protein thus produced is from 20 cents to 40 cents per pound, still more expensive than oilseed meal containing 40 to 50 percent protein. However, the fact that waste products are used (which are expensive to dispose of, and in any event contribute to the growing air and water pollution program) should be taken into account.

A number of major petroleum firms have undertaken feasibility studies of the single cell protein process, and at least one American firm has been awarded a research project (by the U.S. Public Health Service) to study the production of protein from newspaper and agricultural waste products.

It has been estimated that a research program launched now and costing $10 to $30 million over a period of two to four years might launch a single cell protein industry whose contributions could be significant by the 1975–1980 period. No study of such proportions has so far been undertaken.

GENETIC MANIPULATION

The approaches we have been discussing all involve, at some point, the concentration of proteins in such a way that they can be added to the bulk protein deficient foods that make up most of the diet in the world today. Obviously, if the fortification step could be eliminated, raising the world protein availability could be greatly accelerated, and substantial cost savings might be achieved.

One way of doing this would be to increase the natural protein content of the world's principal cereal crops—wheat, corn, and rice. This can be done through deliberate "genetic manipulation," i.e., choosing and breeding strains of plants that have higher protein content.

This already has been done with corn, for instance, where a superior variety of corn (opaque-2) has been discovered and developed. It contains about 65 percent more lysine, more trytophan and a better amino acid balance than ordinary hybrid corn. Since corn is an important part of the human diet in much of Latin America, parts of Africa, southern and eastern Europe and parts of Asia, the importance of this discovery is of supreme importance. However, it takes considerable time to develop a sufficient amount of seed corn of a new variety to be able to make it available to farmers on a global basis, and even longer to break down established patterns in order to get it introduced. Thus, while holding enormous promise, the genetic approach involves a period of five or ten years of concentrated effort; an effort not being made at the present time.

Another genetic approach is to create new species of plants that have desirable growing and protein characteristics. In June, 1967, the University of Manitoba announced successful production of the world's first man-made grain, called triticale—a cross between durum wheat and rye. It is a new grain, not a hybrid of an old one. It grows well in very dry country and has a protein quality four percent higher than wheat. Work began on it in 1954—it may be on the market as seed grain by 1970.

The search for improved nutritional characteristics in other cereals has either been initiated or planned, including programs in Mexico for wheat and maize, in the Philippines for rice, and in India for sorghum and millet.

Like everything else mentioned in this section, the technology is there; the will to implement the technology is sadly lacking. We have the way, but not the will. And that is the crux of the world food crisis.

A MODEST PROPOSAL

When, in the 18th Century, the plight of the poverty stricken in Ireland became intolerable, Jonathan Swift published "A Modest Proposal," in which he suggested that if the rich would fatten and eat the children of the poor, both food and population problems would be solved. Though eminently logical, for some reason the plan was never carried out.

Something like "A Modest Proposal" appears to be needed now, on the eve of "The Time of Famines." Each sub-problem in the complex that makes up the world food crisis requires enormous commitments of capital for its solution. These commitments are at least equal in magnitude to those made by the U.S. for military purposes—tens of billions of dollars over decades. The commitment would be far larger than the over-all aerospace program and would persist over a longer period of time. Without such a commitment, it does not appear that the world food crisis can be met, short of the kinds of civil and military disruption that would, in the end, cost even more than the commitment.

An approach recently suggested by world business and political leaders would be the formation of a World Resources Corporation, with a divisional World Food Corporation. The general financing and structure of a World Resources Corporation could follow along somewhat the same lines as those established for the Communications Satellite Corporation, which was created under the authority of a law enacted by the U.S. Congress—the Communications Satellite Act of 1962. This formed the legalistic basis for what became an international joint venture—the International Telecommunications Satellite Consortium—in which 61 nations are participating. Shares of the original COMSAT stock were offered to two groups: common carriers in the communications field, who would be expected to use the satellite services, and the general public. The five million public shares were sold out, through underwriters, on the day of the offering.

There are several points to be emphasized here, because they are pertinent to the world food crisis. The first is that the approach was global. The second is that it involved both government authority and private enterprise, particularly that portion of private enterprise with a specific interest in the project. Third, public support and participation were invited. Fourth, there was nothing in the way of collateral except projections of future needs for global communication and a technology that, when further developed, could help meet those needs. No promise was made that the common stock would pay dividends, although it was implicit in the offering that, if the project worked out as expected, it would do so.

There are close similarities here to the world food situation. A World Resources Corporation, enlisting participation from worldwide "agri-business"—the manufacturers of agricultural chemicals, fertilizers, farm equipment, distribution systems, storage facilities, food processing, packaging and marketing—and the general public, on a common stock basis, could generate the magnitude of capital required. The collateral in this case would be the known but not yet exploited resources of the participating countries and the agricultural know-how already generated in the technologically advanced countries. The expectancy of a pay out, for the agri-business firms, would be participation in a rapidly expanding world market as the technology took hold. The expectancy on the part of the public subscribers would be that ultimately the venture would be profitable and would return dividends.

The management of the corporation could be made up of representatives of agri-business concerns and the appropriate heads of participating nations. Implementation could take place through such already established agencies as the Food and Agricultural Organization and the World Health Organization of the United Nations, or similar institutions could be created. The program could draw support from private foundations which already have made important contributions to agriculture in the diet-deficient countries, and from agricultural colleges, universities and research institutions throughout the world.

Vast man-power would be required. It could be drawn in part from organizations such as the International Executive Service Corps, in which retired executives volunteer their expert services in marketing, processing, distribution, etc., and from such rich sources of young and energetic power as the Peace Corps, Vista, or the proposed National Service Foundation. Properly directed, the program could create meaningful jobs for literally tens of thousands of young people whose ethnic and racial backgrounds would make their efforts particularly acceptable in the diet-deficient areas.

The World Resources Corporation's program could begin with something still sadly lacking—a world resources inventory, upon which could be based the selection of feasible targets for development. Since agriculture cannot develop without an industrial counterpart, the Corporation's projects would include mining, manufacturing, transportation, and the development of power sources, in order to create the urban and industrial purchasing power to provide a profitable market for an expanded agriculture. The World Food Corporation Division would concentrate on the agricultural part of the program on at least three levels: basic research to relate temperate zone agricultural technology to other climate and soil areas; development of already existing agricultural systems to a higher level of productivity; and stop-gap projects which can be implemented in a relatively short time—such as protein fortification programs, aimed at alleviating immediate malnutrition problems while the longer range solutions are being explored.

It may be—probably will be—objected that such a system cannot be made to work because of the difficulties of private enterprise and governments working together (although the aerospace program proves it can be done); because of extreme nationalistic policies on the part of participating countries (which hasn't stopped the World Health Organization from functioning) or because there simply isn't enough capital to do it (although it always seems possible to raise this magnitude of capital investment for military purposes, even in peacetime).

It does appear that whenever it has been necessary to overcome these obstacles, they have been overcome. There is no reason to believe this would not also be true in meeting the world food crisis. The alternatives are too awful to think about.

CRIME IN THE DISTRICT OF COLUMBIA

Mr. TYDINGS. Mr. President, the Committee on the District of Columbia has devoted a substantial part of its effort this year to the problem of combating crime in the National Capital area.

We have been working closely with the President and his administration to enact the new legislation necessary to help the law enforcement officers of the District of Columbia to substantially reduce the crime rate.

Our committee was the first to report any part of the President's crime program.

We will complete our action within weeks on all of the bills the President has sent to Congress to combat District of Columbia crime.

Recently, the President held a conference at the White House involving congressional leaders, officials of the Department of Justice, and Chief of Police Jerry Wilson to discuss the crime problem and the congressional action necessary to help meet it. At that time, I reported to the President on the progress we are making, and we had a very useful exchange of views on that subject. The White House has released the transcript of a portion of that meeting which will be of interest to Members of Congress and to the public as well.

I ask unanimous consent that that transcript, plus a summary to date of the activities of the District of Columbia Committee, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CRIME IN THE DISTRICT OF COLUMBIA

(Remarks of the President and other participants at a bipartisan congressional leadership meeting in the Cabinet Room at the White House, Oct. 9, 1969)

The PRESIDENT. Let me open the meeting by saying that in speaking of crime in the District of Columbia, everybody around this table knows that we speak of an issue that is certainly not partisan. What we are talking about here is a problem that is national and it is a problem in which the Congress traditionally has had a function which is very special in relation to the District and also special in relation to what the District can be in its example to the Nation.

I have noted in reading the statements that all of us have made in campaigns, and on the subject generally in nonpolitical speeches about crime in this country, that we have pointed to the fact that the Nation's Capital, the first city in the world, should really be an example to the Nation and to the world of a safe city, a city in which not only the citizens of this city but the ambassadors and others who visit this city can feel safe, within reason, at least, having in mind the problem that any city, any place, is going to have some crime.

We all know that the situation with regard to crime in the District in the past, going back over several years has not been one that we can be proud of. This is not said in any partisan sense. It has run through all administrations and today it has reached crisis proportions, as the presentation by the Chief (Jerry V. Wilson, Chief of Police of the District of Columbia) will indicate.

Now, what we do about this is something we will discuss after the presentation has been made. But I will simply summarize my opening remarks by saying what is done is certainly related to the actions of three different groups.

First, the Congress has a responsibility. We are, in a sense, the legislative body of the city. It is true that home rule is now being established, but the Congress has the primary responsibility in terms of legislation in this field.

Second, the city government has some responsibility. It can take some action that will be indicated in this briefing.

Third, in the administration of justice, the Department of Justice has some responsibility, and we will have the Department of Justice here to make a presentation with respect to how they are going to meet their responsibilities.

All I am saying here, I emphasize, is simply to present in a preliminary way the situation as I see it. This is not a partisan question, it is a national question. It is a question which I think we want the facts on. We want to know what to do and then it is time to get going and to do it because nobody feels comfortable about sitting on what I think is an explosive, and frankly, when we see these statistics, a disgraceful situation with regard to crime in the District of Columbia.

We cannot point our finger to the other cities or the national crime statistics unless we do something about crime here where we are and were we have the responsibility.

Chief, you tell us the facts.

Chief of Police Jerry V. Wilson. Mr. President, Members of Congress, members of the press:

I have a few statistics here, but this is not a statistical presentation, because I think all of you are generally familiar with the statistics, but it is merely to set a stage for the problems we have.

This is the data of criminal index offenses, January through June of 1969. As you can see, the District of Columbia is second in actual number of offenses and second in offenses per thousand population.

In the more problems areas, for example, robbery, we were first, but there are other cities that are close to us. It is a national problem, as the President said. Baltimore is close and San Francisco is close behind. The San Francisco area has a higher rate than we have in the Washington area, but we do have an extreme problem with robbery in this city at this time, and with crime across the board.

We have also presented data which has been published in the press of comparisons of crime in the District, January through June of 1968 and 1969, showing a 22 percent increase in crime in D.C. and suburbs, compared to a national urban increase of 9 percent, an increase in our own metropolitan area of some 9.6 percent.

I would point particularly to the problem in robbery. We have, again, a real problem area in this city at this time of robberies. In this we have nearly a 50 percent increase in robberies during this period.

To put it in perspective with the past, I have presented data for 1958, 1962, 1966, and 1969. I want to say at the outset that our data for the past years has some question to it. I am not sure how much, precisely. When we say that 1958 was our low year for crime in the city, I am willing to say to you that we were fudging on our statistics some then.

I will give you a 10 or 15 percent edge, and say that our crime may have been 10 or 15 percent more than it is now, but even if you wanted to say that robberies were double in 1958—which was 348, and I don't believe it would double—we have had a tenfold increase in robberies. These are not pickpockets and purse snatching, these are FBI robberies which include force and violence and armed robberies.

We have had an increase in burglary from 1,700 to 10,000 offenses in 11 years, and in auto theft, some 900 offenses to some 4,600 offenses.

This is a projection of trends based on our data for 1966 through 1969, showing a projection indicating that we will rise, unless something is done, from 55,000 annually as of 1969, to some 80,000 offenses annually as of 1972. Note that in our total offenses and in our offenses against persons, we are already going ahead of the trend. That would indicate we have may have even more.

These have been statistics, and again, I am not willing to make a statistical presentation. I want to talk a little bit about what crime is subjectively to people who live and come through the city. I want to talk about Safeway stores, and I don't mean to advertise them, but Safeway stores as a grocery chain, have a large number of intercity chain stores—42—and since July 1 they have had 53 holdups.

They have tried to combat this with armed guards. The consequence has been that they have had one armed guard killed and another shot. They have difficulties now hiring them. These holdups range from one individual who holds up a check-out clerk and the manager doesn't know she is held up until he is gone, to an incident 2 weeks ago in Northeast where five armed men go in and make 100 customers lie on the floor until they rob the store.

This does something to the stores. They can't get competent help to work in the store. It forces the residents of the downtown area to go to the suburbs to shop because they are afraid to go to the neighborhood store.

Safeway will have a quarter of a million dollars in holdups this year.

I will talk about High's stores, 156 holdups since July 1. It is a favorite of the holdup men. In this case, they tend to hire low-paid women who live in the neighborhood. These women often know who held them up, but they are afraid to tell the police because the man is often back on the street. So it is impossible to find out who held them up.

Liquor store holdups are generally down this year. The holdup man has learned that when he goes to the liquor store he is taking that man's money, and that man is going to shoot him. So they go to Safeways, High's, or the deliverymen on the route.

The President. What do you mean they know that the man is going to shoot them? Do you mean they are armed?

Police Chief Wilson. The liquor store people are armed. It is their money. In the High's store it is the clerk who is hired. The store has a good policy, I would suggest, of saying, give them the money, and the cleaning truck driver on the street is going to give it up, but when they go to the liquor store it is that man's money.

Let's talk about the downtown merchants. If you go downtown, you will see that the clerk is going to have a key on a chain around his neck, because the cash register is locked. They have groups of kids—10 or 15. They go into stores and take what they want and go.

Shoplifting is a problem, but it is not the old pilferage shoplifting, it is going in and grabbing and running. It is a real problem. We have worked hard with the downtown stores with this, because the city cannot afford to lose these stores to the suburbs, and this is what happens. The stores give up and move to the suburbs.

Talking about poor people, I had a call yesterday afternoon from a community leader of the Barry Farm Welfare Mothers. The woman was almost crying, saying that the mothers lose their money. The burglars go in and take furniture and appliances. She was telling me about the problem they have in public housing with the children on dope, the 12 and 13 year olds.

This is the problem throughout our city. Two weeks ago a court of general sessions judge called me and said, "My God, I don't know what is going to happen. These holdup men stand in front of me and smirk because they know I have to let them go."

I went to U Street 2 months ago, to one of the real estate offices. He had a sign, "All rent must be paid by check. No cash accepted." The door is locked and the clerk comes to see you before you go in.

I went to a Baptist Church service. They had signs throughout the church, "All officers and employees are prohibited from leaving money on the premises." That is so the burglar will know there are no valuables on the premises.

Even prostitution is rampant in this city, and we arrest prostitutes who tell us they are brought to town with the promise that they are not going to get jail terms on the first or second arrest; they will get fines that they can pay.

Let's talk about the factors that have led to problems of crime. I will not beat the dead horse of the Mallory Rule that happened a long time ago. Our crime has come up. We had a ban on investigative arrests in 1962. We have had some crime increase since then.

There are other factors at work in crime. We have had crime throughout the city where these factors didn't come to work. It is very pointed though, that following enactment of the Bail Reform Act of 1966, crime has shot skyward, beginning in June or July of 1966, and again last fall, as I will discuss later, but largely when the many thousand cases from the April, 1968, riots went to court.

These are the long-term trends. I think there has been in effect just a general tendency to look towards hard law enforcement or firm law enforcement as being a bad policy.

Another factor that has come about has been an explosion of the narcotics problem, and this occurred in 1966. Part of the narcotics problem, of course, is the fact that we have no facilities in this city for treating narcotics. We have no facilities that realistically treat the narcotic addict.

There is a statute on the book which permits the involuntary hospitalization of the addict, but it has never been fully implemented. It was dropped almost entirely in 1966.

Again, I suggest we have poor sentencing policies. We have a policy in this city where all persons get concurrent sentences. The word is, when a man is arrested for a holdup, he knows he is free and he is going to get out on bail reform, and while he is out he might as well live high because he will get concurrent sentences for anything he does after that.

The growth of the juvenile problems has to be mentioned. That amounts to 45 percent of our robberies, 13 percent of the burglaries and 60 percent of the auto theft. All of these problems were accentuated by the 1968 riots, which clogged the total criminal justice system.

I am one who believes that the total criminal justice system is one that has to be treated. I do not believe that treating the police department is going to solve the problem. But the problem is, we don't have swift justice. Chief Justice Burger said that many people will be deterred from serious crime if they believe the justice is swift and sure. Nobody believes that now, and they are right.

With robbery, we had our long-term trend of crime which literally exploded in our face last fall, especially in armed robberies. In November, December, and January our armed robberies went to unusual highs, from the level of about 300 a month to a level of almost 700 a month.

We had an abrupt drop in February, March, and April. What happened, of course, we think, is that the clogging of the courts from the riot cases probably made the holdup man know he was not going to get to trial.

The other thing was, of course, during Thanksgiving, in response to this, we beefed up police patrols, but in January before the drop came, Judge Hart gave a 15-year to life sentence to an armed holdup man and said he would give it to any armed holdup man who came before him.

At the same time, a general sessions judge, with a petty larceny case, gave the man 2 years.

I think no doubt most important, the court of general sessions in February obviously began disregarding the Bail Reform Act of 1966. This change is clearly reflected by the fact that in April, just before our robberies jumped up again, the Court of Appeals footnoted their letters and opinions by saying they had more repeals under the act than they had during the entire preceding 8 months.

Mayor Washington pointed out in August that something must be done. We need, as the President has said, movement on all fronts; legislative movement, appropriations movement. We need treating of the whole justice system.

I recommend, Mr. President, that the thing that we need most at this time is pretrial detention. I think the conclusion is inescapable that early action has to be taken on change of the Bail Reform Act of 1966. I think this action alone might abate our armed robberies.

We also need court reorganization, but we know that that will take a year or two before it takes effect. We need stronger sentences. We need more than anything else, other than the Bail Reform, to institute the involuntary hospitalization for narcotic users. We need to take them off the street. Our estimates at this time are that as many as 35 to 50 percent of our holdup men are narcotic users. If we can get them off the street, it will be a lot harder for the pusher.

In police manpower, in August the mayor authorized us to spend a quarter of a million dollars in overtime for policemen, but frankly, we have not seen that much effect from it. I don't think this is really an economical way of achieving change. The total justice system has to be treated and I can't emphasize that too much. My greatest fear is that Congress may go home without this being done.

Senator JOSEPH D. TYDINGS. Chief, I wonder if you would give the President an idea of how many—a conservative figure—narcotic addicts are released each month pending trial, without any facility whatever.

Police Chief WILSON. I have no count of the number.

Senator TYDINGS. Would 500 be a conservative figure?

Police Chief WILSON. There are at this point some 1,600 persons out on bail release at this time, and our data, which is not good data, indicates that about 50 percent of these serious offenders are probably narcotic addicts.

The PRESIDENT. Fifty percent?

Police Chief WILSON. Of all serious offenders, probably 50 percent.

Senator TYDINGS. Would it be fair to say that in the last 8 to 12 months that the narcotic addict has moved into the field of armed robbery, away from just burglary?

Police Chief WILSON. Positively, yes, sir. There is no question that the narcotic addict who formerly was involved strictly in crime against property has moved to armed robbery. There is no question.

Senator TYDINGS. As you pointed out, the average robber or holdup man is arrested; he figures he has about 1 year in which to commit as many more robberies as he wishes because of the concurrent sentencing and because he knows he will not be brought to trial for at least a year.

Police Chief WILSON. That is correct.

The PRESIDENT. In concurrent sentencing, as all the lawyers around here understand, the point is that it doesn't make any difference if he is on that kind of a kick, or how many crimes he commits. He is just going to get the same sentence and that is why you get the double impact, as I understand, the moment you let him out. He has no incentive not to commit a crime.

Police Chief WILSON. And no real fear of getting caught, Mr. President. I am satisfied that this is why we have not had more policemen shot apprehending armed robbers, because their best bet is to give themselves up.

Senator TYDINGS. One more question, if you took 200 or 300 of these people out of circulation, what would happen to these statistics?

Police Chief WILSON. If we could get the right 300 people off the street, I think it would probably almost cure the problem. I think that it would do two things: It would get those committing most of the crimes, and the thing that I am afraid has happened is that we have created an atmosphere that not only perpetuates the hard criminal, but also draws into it the youngster who sees it.

The PRESIDENT. Who are the right 300?

Police Chief WILSON. The narcotic addicts.

The PRESIDENT. Not the young ones?

Police Chief WILSON. No.

The PRESIDENT. These are the hard, tough ones who are completely hooked?

Police Chief WILSON. Yes, sir, but we also need to do something about the youngsters on narcotics, Mr. President.

The PRESIDENT. I agree, but you are talking about the hard 200 or 300, and treat the others?

Police Chief WILSON. It is relatively few. There are probably less than 100 professional holdup men who repeatedly get out on bail bond, and we could probably lick the problem.

Senator MIKE MANSFIELD. Chief, to get away from this concurrent sentencing, some of us have introduced legislation which would make the sentencing mandatory if you used a gun in the perpetration of the crime, and it would not run on a concurrent basis with the crime itself, but you would be sentenced separately and positively.

The first offense would be 1 to 10 years, the second would be 25 years. The judge would have no discretion, and in that way the man would be punished, one, for carrying a gun, and secondly, for the crime he committed, but they would not run concurrently, which is the case in so many places today.

Police Chief WILSON. There is legislation now for additional penalties for a crime of violence while armed, and I have never heard of it being enforced, although it is on the books.

The PRESIDENT. We can have more questions later.

At this time Deputy Attorney General Kleindienst and Mr. Santarelli will make the presentation of Justice.

Deputy Attorney General RICHARD G. KLEINDIENST. Mr. President, Members of the Congress, and gentlemen of the press:

I would like to divide this presentation into two parts, a brief thumbnail sketch of what the Justice Department has done, and then have Mr. Santarelli, the Associate Attorney General, who has been intimately involved in the details of the problem for the last several months, go more into depth.

In response to the President's message to the Congress on January 31 with respect to the District of Columbia and crime, the Attorney General brought about his first reorganization of the Justice Department to accommodate and meet this problem. That was done in the Office of Criminal Justice.

In the prior administrations, the Office of Criminal Justice had been a philosophical thing, with two or three people dealing conceptually with the whole problem of criminal justice in the United States.

On February 1, the administration converted this into an action team, addressing itself to the problem of crime in the District of Columbia. Instead of three persons thinking about the problem, we have a permanent staff of five persons, headed by Mr. Santarelli, together with a task force of ten lawyers who have been working continually on the problem, and together with the assistance of other persons and departments of the executive branch.

As a result of their efforts, working some 60 hours a week for some 5 months, within a 5-month period of time, they have put together nearly 500 pages of carefully thought-out legislation in response to the President's message on January 31 dealing in a comprehensive manner with the whole problem of crime in the District.

I would like to outline for you, just by name and description, the present status of this legislation which was presented to Congress on July 11, 1969.

The first bill was the Bail Reform Bill to which the Chief alluded. It is in the Congress as Senate bill 2600 and in the House as House of Representatives bill 18036. So far as we know, no action is planned on it in the Senate. In the House, there is a hearing set on it on October 16.

The second bill is the court reorganization bill and criminal law reform bill.

The PRESIDENT. The hearing is in the District Committee?

Mr. KLEINDIENST. It will be in the Judiciary Committee.

Senator TYDINGS. The Urban Subcommittee on Constitutional Rights.

The PRESIDENT. I would like to have you tell us the committees.

Mr. KLEINDIENST. That is the only bill that is not in the District Committee. It is in the Judiciary Committee. All the other bills I will be referring to are in the District Committee of both Houses.

The next bill is the court reorganization and criminal law reform bill. In the Senate that is divided by the Senate District Committee into two parts, the court reorganization part, which was passed on September 16, 1969, with slight modification, and the criminal law section of it remains in the Senate and is subject to scheduled hearings in the Senate.

Senator TYDINGS. The hearings are complete. It is subject to markup.

Mr. KLEINDIENST. In the House, the bill has remained intact in both of its parts, and is subject to hearings, and so far as we know, there are no immediate prospects or plans for hearings with respect to the entire bill in the House.

The public defender bill is pending in both Houses and Senate and we are pending markup on the public defender bill.

Mr. Kleindienst. The fourth is the bail agency bill. The Senate passed a similar version of the administration's bill on July 8. The administration's bill was introduced on July 11, and both bills are scheduled for hearings in the House.

Then on September 26, a juvenile court and law reform bill was submitted to the Congress. The delay in the juvenile court bill was necessitated by virtue of its comprehensive nature, and although significant and important just in terms of priorities for congressional action dealing with the crime problem in the District, it was felt it would take less priority position so far as crime.

I would also like to make a comment with respect to a request by this administration for increased appropriations from the Congress. We have requested on behalf of the Department of Justice a loan of $1½ million additional to permit the Department of Justice to address itself to the specifics of crime in the District of Columbia, and the District government itself has requested an additional $8 million to deal specifically in terms of increases in crime in the District of Columbia. That $8 million would be part of a total package of $20.6 million.

The Department of Justice requests have passed the House and are before the Senate and neither House has passed a request of the District of Columbia with respect to those increased appropriations.

At a later time, we might concern ourselves, Senator Tydings, with these requests for appropriations, particularly looking to the narcotics problem and the treatment of narcotic addicts in the District of Columbia.

That is a thumbnail sketch, Mr. President. I would like to have Mr. Santarelli briefly describe, in depth, the significance of each of these pieces of legislation.

Associate Deputy Attorney General Donald E. Santarelli. Mr. President and gentlemen:

We will start with the Bail Reform proposal. By way of understanding the context of this, I think it is important to recognize that since 1789 we have assured the right of bail in capital cases. Over the years capital cases eroded, and now almost no serious offense is capital except murder.

Now under the reform of the Bail Law, there was enacted a statute which made it mandatory to release persons in noncapital cases, pending trial. The problem with this is that for 176 years, the courts devised a method by which to detain dangerous people. By doing that, the court detained persons prior to trial.

Since 1966 this is no longer possible. Now all persons who are no longer charged with capital offenses are released prior to trial, and since we now have a delay factor of up to 10 months to a year in the District of Columbia for serious felonies, this means that all persons are released.

We have proposed comprehensive legislation to revise the bail law that was passed in 1966. This bill which Mr. Kleindienst mentioned, does a number of things. It specifically allows the court to take into consideration dangerousness to the community by the defendant's release when it sets those conditions of release, or in the alternative, it can detain persons prior to trial in the event that the court finds them to be dangerous.

We have also provided in that bill for extensive due process procedures to assure that no person will be detained improperly. The court has to go through a series of findings before it can order detention, and then only for 60 days, and the trial shall be expedited in those 60 days over and above other less dangerous persons.

We have provided in that bill additional conditions for bail jumping and we have provided that they are consecutive rather than concurrent in their application. That is in the Judiciary.

We have provided a comprehensive proposal for court reform. This applies to the District of Columbia. Presently, it is in the District Committee. The proposal would transfer all of the local, State-like felony crimes and civil jurisdiction from the present United States District Court to a newly created Superior Court of the District of Columbia.

The Superior Court would consist eventually, over a period of 3 years, of 50 judges. That is 23 more judges than presently sit on the court of general sessions.

The Superior Court would incorporate into it the court of general sessions, and we would have a very large court, hopefully able to keep very current with its calendar. We would also expand the present District of Columbia Court of Appeals and create a unified court system, trial court, appeal court, and the appeals going directly to the Supreme Court. We would no longer have a double appeal in the local appeals court and the U.S. Court of Appeals which we presently have.

The jurisdiction would be transferred in stages over a period of 2 to 3 years. In the first stage, 15 or more felony crimes, and finally all civil jurisdiction over the 3-year period.

The new court would have some unique aspects to it. We would give life tenure to the Judges of this Superior Court subject to mandatory retirement at age 70, and subject to good behavior removal. We would create a removal commission which would have the power to suspend, remove or retire for cause, judges who are convicted of crimes, who fail to perform their duty or conduct themselves in a manner prejudicial to the administration of justice and tend to bring disrepute to the office.

This panel would consist of seven members; one judge, three members of the bar and three residents of the District of Columbia, two of which could be members of the bar.

Another aspect that it would have would be a Chief Executive for administration. This Executive would have very broad powers to administer the court in the most technologically advanced and specific manner available.

We wrote into the bill that computers would be used to the greatest extent to calendar cases. We would have a comprehensive Director of Social Services in charge of all the social programs in the court, both probation and in the family court structure. Part of this new court would consist of a family court division, a rather novel situation in which juveniles and their families could be treated together in one comprehensive civil type procedure with a civil remedy of sanction and injunction rather than criminal penalties in a family situation.

A very significant part of the court reform bill is procedural change. We strongly believe that it was not enough to simply add more judges, but we have to have more efficient and fair procedures rather than to rock along with the obstacle-like procedures that we presently have.

We have changed the rules of evidence and changed the rules relating to mental health commitments. We have provided a local wire tap statute, a local conspiracy statute, which we do not have in the District of Columbia.

We have provided for recidivist statutes, including life status for three-time felons. We have rewritten the arrest power and made clear what the power of the police is to deal with crime. We have provided for citizen arrest provisions, a prohibition on resisting arrest, new notions on search and seizure and new powers for the prosecution, including prosecution appeal.

Another aspect of our court reorganization and juvenile bill which was submitted on the 26th of September is a totally new treatment of the juvenile problem. We have made waiver of juvenile persons accused of crime to adult courts a much easier practice. We have lowered the age to 15, so those few hard-core 15-year-olds could be waived to adult prosecution.

We have provided that 16 and 17 year olds charged with violent felony crimes shall be prosecuted as adults, and we have required the practice of requiring jury trials in juvenile cases.

We have elevated the standard of proof requiring new evidence, and we have safeguarded their rights, rights to lawyers, rights to medical examinations and recordkeeping confidentiality.

We have provided a bail agency bill. In this case we are very much concerned that persons who are released prior to trial on pretrial release, with or without a condition, have no effective sanctions against them for their conduct prior to trial. If they do not conform to the condition put on by the court, no one is to know the difference. If they commit crimes, no one is to know the difference.

Therefore, we propose to establish an agency for those people to insure that their conduct conforms to the order of the court.

Senator Tydings. That is the bill that passed the Senate in July.

Mr. Santarelli. That is correct. We submitted our July letter somewhat different than yours, Senator.

We would also provide for a public defenders office in the District of Columbia, a comprehensive office, capable of representing 60 percent of the indigent persons accused of crime. We have a small agency now which represents 10 percent.

The President. But no public defender. Is there any other city where there is not one?

Senator Tydings. Yes, Mr. President, but this is a good bill.

The President. I was thinking of San Francisco and New York, for instance.

Mr. Kleindienst. They are not adequate in any city, frankly.

The President. This goes further?

Mr. Kleindienst. Yes, sir.

The President. It also goes back to the point we made earlier, and some of these are highly technical matters which lawyers can argue on the committee and on the floor, but what appeals to me about the program that has been presented is that it moves into areas in which you are looking around the country and picking the most advanced kinds of approaches. Things that have been tried before and didn't work, you have thrown out, and things that have been tried and worked, you have incorporated. Also there are some new approaches which brings us to this fundamental point that the District of Columbia could well be a city where we set an example for the rest of the major cities, and particularly because you have here, let's face it, on the Judiciary Committees of the House and Senate, and on the House District Committee, people from all over this country, people who should have the capability and also the responsibility to lead rather than to simply follow.

I think that is really the point. That is the spirit in which I think this has been prepared. I know when we talked about the matter earlier, I urged the Department of Justice in its recommendations to come up with a program not to just patch up some of the old laws we have, so that this city could be an example.

Mr. Kleindienst. We think that is what this program is, Mr. President.

The President. Incidentally, I want to say to Senator Tydings, we don't consider it to be the end result. I think your suggestion in terms of the treatment of the juveniles in the narcotics field is an area where we ought to be in the leadership, also. I think that is an area we ought to discuss.

Mr. Santarelli. The bail agency bill would provide for new concepts in the representation by the Public Defender's office in all areas, parole, probation, juvenile representation which is not presently existing in the District of Columbia in all misdemeanors.

Turning to appropriations, I think it is significant in view of the interest expressed here this morning to note that presently pending in the District of Columbia, in the government's request for a narcotics treatment program, is a request for $400,000 in addition for their narcotic treatment programs, and also a request for a reprograming of $200,000 previously requested into a narcotics treatment program.

With respect to correction, which everyone is interested in and does not lend itself to substantive specific legislation, but far more to appropriation legislation, the District government has in its present budget $8 million in additional funds for an improved correctional system for almost 500 additional positions for persons in the system, for new administrative techniques, work release programs and a training academy for correctional officers.

In addition, the police budget for the District of Columbia has a $4 million request for 1,000 new police officers which the President called for back in his message.

The **President**. I have one fundamental question. In this field of crime, as all of us who are lawyers are quite aware, it is imperative to have a balance between an approach which emphasizes stiff penalties and an approach which gets at what is perhaps the heart of the problem, the repeater.

In other words, it is the treatment of the first-offender and the treatment of those who commit a crime and then go out and commit another one.

Do you consider this program to have that proper balance?

Mr. **Santarelli**. Yes, Mr. President.

Mr. **Kleindienst**. I think we have also addressed ourselves to the essential interest in the care of the innocent at the same time.

The **President**. Do you have a figure in the District of Columbia with regard to the percentage of crimes that are committed by people who have committed crimes before?

Mr. **Kleindienst**. The recidivism rate in the District is one of the highest in the country.

Senator **Tydings**. I think it is something like 67 per cent within 5 years and maybe a little less within 1 or 2 years.

The **President**. That gets to the heart of the problem. The Chief mentioned a moment ago that if he could get the 300 most wanted that you could break the back, you think, of this crime wave in the District. I think, also, would you not agree, Chief, that in addition to getting those 300, that if we could have a new approach to the person who commits a crime and then who is going to continue to commit crimes, a new approach to attempt to reduce that tendency that would also be helpful.

Do you agree with a need for that as well? I want this said while the press is here. Chief Wilson has impressed me with his presentation now and also because of his record, and also because he does not approach this simply in the routine way that sometimes very dedicated law enforcement officers do; saying, "more penalties will do it."

He recognizes the penalties and the modifications of the Bail Reform are needed. But you endorse this kind of an approach which gets at this, particularly these young people who commit a crime and then within a year commit another one.

Police Chief **Wilson**. Mr. President, I think one of the worst parts of our criminal justice system, not only in the District of Columbia, but in the nation as a whole, because the recidivism rate is 73 percent within 5 years, is really that we don't rehabilitate criminals. Criminals really just grow too old to get out and commit crime.

What happens is that they come into the system at 16 or 17 or 18 and go in and out of the institutions until 26 or 27 and perhaps get married and settle down because they are too old to get out on the street at night.

This is what rehabilitates crime in the streets now and it is a sad commentary on our system.

I think at this point in time stricter penalties would help. I don't see that as a long-term solution.

The **President**. But you need the penalties now?

Police Chief **Wilson**. Yes, sir.

Senator **Tydings**. Between swifter penalties and stiffer penalties, which, in your opinion, would be the most effective?

Police Chief **Wilson**. If I could get a man 1 year, 3 weeks after the crime was committed, I would take the 1 year, if I could get it.

Mr. **Kleindienst**. I think the Chief and the Senator have emphasized the due process as a preventive process to the arbitrary bail which is posed by judges on a very arbitrary basis. This gives us precise terms in which you can determine safety in a community with appropriate due process safeguards and I think it would be one of the most significant innovations with regard to this problem.

Police Chief **Wilson**. The 16-year-old sees the 18-year-old hold up a store and is arrested and he sees him on the street the next day. Two or three years later he has forgotten the fact when the holdup man goes to jail. If you could get them to jail sooner I think it would remove the idea that nobody goes to jail—and they are right.

The **President**. To what extent has the question been raised about the increase in robberies, due to the fact that narcotics enforcement has become more effective?

Police Chief **Wilson**. We don't see that a large factor, Mr. President. This doesn't seem to have affected it.

The **President**. I noted the speculation in the press to that effect. You don't see it?

Police Chief **Wilson**. Our observation was an immediate rise in narcotics prices which immediately dropped off and it was probably more in the area of profiteering than a real shortage in the market.

We have a feeling that some of the merchants were saying there was a shortage in order to jump the price, but this has dropped off and the price seems to be what it was before.

I think our real problem is almost obviously the problem with the Court of Appeals and the Leathers decision and the subsequent decisions in June.

Note.—The President spoke at 8:47 a.m., in the Cabinet Room at the White House. As printed above, this item follows the text of the White House press release.

(Also present for the bipartisan meeting were: Senators Winston L. Prouty and Roman L. Hruska; Representatives Gerald R. Ford, Ancher Nelsen, William M. McCulloch, Glenn R. Davis, and William H. Natcher.)

Partial Summary of Anti-Crime Activities of the Senate Committee on the District of Columbia

I. COURT REFORM TO CUT THE BACKLOG OF CRIMINAL CASES

February 18—Senator Bible introduces S. 1067 and S. 1068 on Court Reform.

February 28—Senator Tydings introduces S. 1214 and S. 1215 on Court Reform.

March 25–26—Hearings on court reform cancelled because Administration bill not ready. Committee begins own hearings on narcotics instead.

May 19–22—Hearings scheduled for May 19–22 on Administration bill cancelled. Administration bill still not ready. Hearings held on S. 1067, S. 1068, S. 1214. S. 1215 instead.

June—Court hearings postponed again because Administration not ready.

July 1—Chairman Tydings warns in speech to Board of Trade "I have made every effort possible to wait for the Administration. But I cannot postpone the final court hearings any longer. The Committee will conclude its court hearings the week of July 17 and will proceed in due course to report a bill. I hope the Administration can be ready by mid-July. But we can have no more delays."

July 11—President sends his "D.C. Crime" bill to Congress.

July 15–16–17. Hearings on President's bill (S. 2601).

September 4—Committee orders Court Reform portions (80%) of President's bill reported.

September 16—Report filed in Senate.

September 18—President's Court bill passes Senate.

II. AMENDMENTS OF CRIMINAL LAW AND PROCEDURE

July 11—President's bill received.

September 18, 25 and October 2—Hearings held and concluded. Scheduled to be reported to Senate by November.

III. STRENGTHENLNG THE BAIL AGENCY TO REDUCE PRE-TRIAL CRIME

January 22—Senator Tydings introduces legislation (S. 545).

February 1—Hearings held.

April 22—Department of Justice declines to comment on bill.

July 3—Committee reports S. 545.

July 8—Senate passes S. 545.

July 11—President submits his own bill as part of his "D.C. Crime" bill.

IV. JUVENILE CRIME

June 5—Senator Tydings introduces legislation (S. 2335) for extradition of juvenile delinquents.

August 8—Hearing on S. 2335.

August 11—S. 2335 ordered reported by full Committee.

September 18—Passed Senate.

September 26—President's Juvenile Court bill, promised last spring, is sent to Congress.

October 1—Senator Spong opens hearings on violence in Public Schools.

V. NARCOTICS

February 11—Senator Tydings asks courts and Bail Agency to institute narcotics addiction tests on criminal defendants.

March 2—Senator Tydings asks President to support creation of Metropolitan Washington Regional Narcotics Treatment facility.

March 25–26, April 9–10–11, June 17. Narcotics hearings.

March 26—Senator Tydings calls for Grand Jury to indict major narcotics traffickers.

April 21—Senator Tydings asks Metropolitan Washington Council of Governments to establish task force to coordinate area antinarcotics program.

July 29—Narcotics Crime Conference of Baltimore and Metropolitan Area Law Enforcement Officers, called by Senator Tydings, plans regional narcotics crack-down cooperation.

Committee Action on Other Parts of the President's District of Columbia Program

I. MASS TRANSIT DEVELOPMENT

May 16—President's bill introduced by Senator Tydings (S. 2185).

June 10–11—Hearing held.

July 1—S. 2185 ordered reported by Full Committee.

July 8—Passed Senate.

II. HOME RULE

April 25—Committee bills on Home Rule introduced.

April 30—Hearings on Committee Bills.

May 13—President sends his Home Rule bills to Congress.

September 25—President's bills reported to Senate.

October 1—Senate passes President's Home Rule Bills.

III. REVENUE

August 11—D.C. Revenue Bill passed by House (H.R. 12982) (As a tax measure, it had to originate in the House).

August 12-13—Hearings on H.R. 12982.

August 13—H.R. 12982 formally referred to Committee by Senate.

September 24—H.R. 12982 reported to Senate.

October 3—Senate passes H.R. 12982.

THE LEAGUE OF WOMEN VOTERS

Mr. CASE. Mr. President, since its beginning in 1919, the League of Women Voters has shown itself as an effective force for public good. Working on all three levels of Government, the league puts primary emphasis on an informed citizenry, the essential protection for a democratic society. I would like to add my congratulations to the League of Women Voters on its 50th anniversary and my best wishes for the future. I can only hope that the league will be as productive in the next 50 years as it has been over the past 50 years.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the New York Times editorial entitled "League of Women Voters at 50."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LEAGUE OF WOMEN VOTERS AT 50

For fifty years the League of Women Voters has done admirable work across the country in trying to encourage the participation of citizens in their Government. Now, in its semi-centennial year, the League is carrying on an $11-million national drive to enable it to expand its efforts. It deserves support.

As Election Day approaches 150,000 members of the League, located in all of the fifty states and organized into 1,270 local Leagues, are actively engaged in trying to provide accurate, unbiased information about candidates and issues to the voting public. Millions of copies of the League's "Facts for Voters" and "Voters Guides" will be distributed.

The League will arrange countless forums, radio and TV programs at which candidates will have an opportunity to discuss their stands. In this city one of the three confrontations to which the three mayoral candidates have agreed will take place on the League's Direct Line program.

But the League's activities go far beyond its participation in campaigns. Its members study major public problems and seek to develop effective policies for needed changes. In this state, for instance, it has been one of the leaders in the long fight for judicial reform, still not won. Its publications carry highly informative material.

President Nixon, former H.E.W. Secretary John Gardner, and other national leaders have urged support of the League's drive. Contributions may be sent to the League of Women Voters, 105 East 22d Street, New York, N.Y., 10010.

THE TV NETWORKS AND THE NEWS—THE SILENT MAJORITY COMES INTO FOCUS

Mr. DODD. Mr. President, those of us who have complained about biased news coverage by the television networks have until recently taken all kinds of abuse from network sources and from certain elements of the press.

According to some of the statements that were made, a man had to be some kind of right-wing extremist to accuse the television networks of anything less than 100-percent objectivity.

It is welcome news that most of the responsible TV executives today recognize the fact that much of their news coverage in the past has been slanted or biased, that there has been too heavy an emphasis on the negative aspects of our society, and that the networks now are making efforts to rectify the situation.

This change in attitude is the subject of a remarkable article entitled "The Silent Majority Comes Into Focus," published in TV Guide for September 27, 1969.

According to the article there is a general recognition among TV executives now that:

> There has been too much one-sided attacking of the United States, its institutions, and its citizens.

ABC's Lester Cooper is quoted as saying:

> I want to do a show on what's *right* with America. We've heard so much about what's wrong. I'm not a chauvinist, but I am a patriot. There's a *great* America out there to cover.

Bill Leonard of CBS and Eliot Frankel of NBC both describe new programs designed to show "what is right with America."

In addition to admitting that there has been far too much emphasis on what is wrong with America, the network executives interviewed were very frank in admitting that their coverage of the Chicago riots and of other crisis situations had been seriously biased.

NBC documentary producer Shad Northshield was quoted as saying about the public reaction to the network coverage of the Chicago convention:

> I was stunned by the public reaction to Chicago. We all were. I was stunned, astonished, *hurt*. It's the key thing that opened my eyes to the cleavage between newsmen and the majority. We didn't *know* 56 percent would have thought we were unfair. It raises enormous questions about journalism.

Desmond Smith of CBS was even blunter in discussing the question of bias. This is what he said:

> There's been a great deal of manipulation from the left. The left and SDS have been getting a great deal of play. Americans are getting to feel they're not getting the whole story.

And Bill Leonard of CBS, while defending their coverage of Chicago, nevertheless gave voice to a bitter attack on bad reporting. Here are his words:

> Most reporting is *lousy*. It's lousy because people are lazy, because people don't think ahead, because they approach things in rote ways. We have these kinds of reporters here, unfortunately. The worst problem of all is the reporter who doesn't ask the next question—the *cheap, lousy* reporter who'll quote an attack but doesn't go to the other side, because the answer might kill his story. . . . And these producers who develop and edit a broadcast from the point of view of the way *they* want it to turn out—with their own prejudices showing. That happens quite often. . . . If we could get rid of those people we'd be a lot closer to our goal of objectivity.

Mr. President, I welcome these numerous indications that the networks are rethinking their position and that they are openminded enough to admit their past failings. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE "SILENT MAJORITY" COMES INTO FOCUS

(By Edith Efron)

"The Riots."

"Chicago."

They stick like giant burrs in the newsmen's minds—symbols of the clash between them and the majority of the public.

That clash has not yet been resolved. It still flares up at the slightest provocation and is a chronic issue at the networks, where top executives wait tensely for the day's mail and look back nostalgically at the days when five critical letters were a crisis.

The nature of the public's simmering anger is well-understood. CBS's Bill Leonard says: "The right and the middle complain that we put on irresponsible people from the left." ABC documentary producer Steve Fleischman, too, says: "People feel we've given too much play to the radicals." And NBC News president Reuven Frank says: "The general view of the public is that we have too many radicals in the network news departments."

The newsmen's awareness of the seriousness of this situation was brought to a peak by the "conservative" electoral results—"conservative" being the odd "new politics" label for an amorphous antiradical coalition encompassing the spectrum from "Establishment Democrats" through the Nixon center to the far-right Wallace voters. This active antiradicalism of the majority has reoriented important aspects of the newsmen's professional thinking. As a result, something new is happening in programming. It is a development that will please many Americans and anger others.

What is happening results from a change in newsmen's thinking—so we'll start with that.

The most obvious change is the sudden emergence in strength of an attitude that has been commonplace among viewers for years. Namely, that there has been too much one-sided attacking of the United States, the institutions and its citizens, on the airwaves. This opinion, once viewed as "flag waving" by many newsmen, today is enunciated as follows:

ABC's Lester Cooper: "I want to do a show on what's right with America. We've heard so much about what's wrong. I'm not a chauvinist, but I am a patriot. There's a great America out there to cover."

CBS's Bill Leonard, on an upcoming documentary: "It will capture the spirit of America. We'll be showing strengths as well as weaknesses. It's a wonderful country and it's absurd. You'll be laughing and crying. That's what the U.S. is all about."

NBC's Eliot Frankel: "One of the themes in First Tuesday is to show what's right with America, as well as what's wrong. There's a lot that's right. Decent people, leading decent lives, knocking themselves out for others. . . ."

A good many men are also engaging in intensive soul-searching into the issue of biased reporting. NBC's documentary producer Shad Northshield says: "Bias is on everybody's mind. We've claimed we don't have it. And the viewers say, 'Yes, you do.' I was stunned by the public reaction to Chicago. We all were. I was stunned, astonished, hurt. It's the key thing that opened my eyes to the cleavage between newsmen and the majority. We didn't know 56 percent would have thought we were unfair. It raises enormous questions about journalism."

One of the issues it raises for Northshield and others is a pronounced bias in favor of minority coverage in past network operations. "In TV news departments," says Northshield, "we appear to know a lot about the black minority. It's the silent majority we must explore. We haven't done it. We didn't know it was there!" CBS's Phil Lewis says: "We're beginning to realize we've ignored the majority. America doesn't end at the Hudson!" CBS News star Joseph Benti says: "We spend so much time on angry blacks, angry youth. But what about the vast forgotten army out there? How many hard-working, law-abiding whites are mad as hell because their story isn't being told?"

Other men have taken their analyses further, in an attempt to get at the causes of this pro-minority emphasis. CBS's Desmond Smith is one of those who suspects that the newsmen have been politically used: "There's been a great deal of manipulation from the left. The left and SDS have been getting a great deal of play. Americans are getting to feel they're not getting the whole story."

Fred Freed of NBC goes further yet. He attributes the situation to the newsmen's own liberal ideology: "This generation of newsmen is a product of the New Deal. These beliefs that were sacred to the New Deal are the beliefs that news has grown on. This is true of the networks, of Newsweek, of The New York Times, of all media. Men of like mind are in the news. It's provincial. The blue- and while-collar people who are in revolt now do have cause for complaint against us. We've ignored their point of view. It's bad to pretend they don't exist. We did this because we tend to be uppermiddle-class liberals. We think the poor are "better" than the middle class. We romanticize them. The best thing that happened to me was a month I spent walking in Detroit slums after the riots. I stopped romanticizing the poor.

"I've come to understand that it's really the same with all classes. You've got to sit down with the cop, with the little storekeeper, and get their views. They're human beings like everyone else. Their attitudes emerge logically from their interests and their values. They should be covered that way."

There are those in top managerial positions who don't pour out such confessions. CBS's Bill Leonard, for example, claims objectivity for CBS News, and declares vehemently: "We have nothing to apologize for, nothing—and I personally include our coverage of Chicago." But, in the course of several hours of conversation, Leonard relaxes and launches into an attack on "bad reporting"—which turns out to be a powerful disquisition on bias: Most reporting is lousy. It's lousy because people are lazy, because people don't think ahead, because they approach things in rote ways. We have these kinds of reporters here, unfortunately. The worst problem of all is the reporter who doesn't ask the next question—the cheap, lousy reporter who'll quote an attack but doesn't go to the other side, because the answer might kill his story. . . . And these producers who develop and edit a broadcast from the point of view of the way they want it to turn out—with their own prejudices showing. That happens quite often. . . . If we could get rid of those people we'd be a lot closer to our goal of objectivity."

And finally . . . there are those who are not theorizing about bias because they're too busy traveling back and forth between New York and Washington, coping with Congressional investigations into their alleged practice of it. CBS News producer Jay McMullen says the following: "We're getting a lot of flak from Congress and the FCC—a lot of harassment. The Congressional focus is on the news area. It has to do with this whole business of our coverage of the riots, of Chicago. Producers are being called down to Washington and asked to explain their news decisions."

With all of this ferment going on behind the scenes, what, precisely is happening to news and public-affairs programming? The trends are exactly what you might guess: there is a shifting of covetage patterns at the polar ends of the usual spectrum covered by the network. The basic coverage, which has a moderate-liberal orientation, will remain the same. But in network news there is a distinct deflation of the coverage of radical left and of radical-left causes, particularly those of a militant type.

Prime-time news, for example, which operates in a restricted time slot, is upping its coverage of the middle and lower-middle classes. CBS has inaugurated a polling service to be used in key controversial stories to check on nation-wide opinion. Regular coverage of suburbia and lower-middle-class areas in the environs of New York City is being stepped up by CBS and NBC New York stations.

These trends are far more visible, however, in the documentary realm, where subjects are few and where the selective process is readily apparent.

Much of the vigorous planned activity for the season's opening lies in the area of "exploring middle- and lower-middle-class Americans." Various broad-gauge sketches of the Nation are ready to go. Some may already have appeared before you read this. At CBS: "A Day in the Life of the United States of America"; "The Making of the President: 1968"; two on "The Generation Gap." At NBC: a two-and-a-half-hour "From Here to the Seventies"; "Election '69: What We Learned," and, on *First Tuesday*, says producer Eliot Frankel, one of the themes will be "the malaise in middle-class life."

As for ABC, there is a veritable outbreak of Americana—with a list of shows up for sale to sponsors with names like: "The American Dream," "Hemingway's Idaho," "Small Town Judge," "A Country Preacher," "American Farmer," "Forest Ranger," "The Marines" and "Sousa Sound"—14 or 15 of such projected shows, as compared to eight last year. According to documentary vice president Tom Wolf, this reflects the thinking of sponsors, who themselves are responding to "the shift of climate in this country, the new attitudes of viewers."

By contrast to this ferment of activity on the majority front, "problem coverage"—the kind that increasingly requires the inclusion of radical opinion white and black—is in decline. The same number of documentary hours is scheduled as last year—a significant proportion of them, however, now packed into two "magazine" formats at CBS and NBC, which, of necessity, have acquired a lighter, "variety" approach to coverage. The number of straight, hour-length documentaries has shrunk and with it has come a diminution of "hard" problem coverage.

Why is this happening? Because of political pressure—defined in its broadest sense, from Congress down to the smallest grass-roots hamlet. The most visible pressure is coming from Congress. Says McMullen: "The tendency, when Congress harasses, is for individual producers to pull in their horns. I think this whole Congressional thing might be affecting the documentary operation." ABC's Steve Fleischman, too, says: "The medium is generally frightened of the documentary realm."

The three network presidents are on record with strong statements that, for the past year or so—ever since some of the public started to blast away at the networks' featuring of radicals and radical issues—Congressional pressures have been threatening the medium's First Amendment rights.

On the national grass-roots level, which underlies Congressional pressure, there is evidence that resistance is building up to coverage of the radicals and radical issues at local broadcasting stations—for whom network news and documentary production is destined. A nation-wide survey conducted by Television Age indicates that programs on these issues are declining. "It may indicate," says Television Age, "that the public has been satiated with studies of . . . urban crises . . . racial tensions . . . dope addiction and poverty."

There are many students of the broadcasting world who believe that the networks, always fear-ridden in the realm of politico-economic coverage, can scarcely afford to become more so. ("We never did have more than four or five tough documentaries a year," concedes CBS's Bill Leonard, "and at that we had more than the other networks put together.") Protests are now surfacing from the left side of the political spectrum—from liberals, radicals and militant blacks who are beginning to charge that the news departments are going "conservative."

One prominent TV journalist describes the trend as "the Nixonization of the airwaves." Variety, the industry's trade paper, accused the networks of cutting back on "hard" issues. And FCC Commissioner Nicholas Johnson charged broadcasters with squeezing out radical thought and of censoring news of capitalist-caused "death, disease, dismemberment and degradation."

Some TV newsmen, too, view the trends in the news departments as "conservative." Says Steve Fleischman, who describes himself as "ABC's kept radical": "Television is reflecting the national trend. There's a conservative, know-nothing stream in this country. And there's a liberal-progressive-radical stream. And there's a great body of people in the middle. The majority of newsmen are in that middle group. Today, that middle group is swinging back to conservatism. It's all part of the white backlash."

Needless to say, many other newsmen actively repudiate the Variety-Johnson-Fleischman criticism.

CBS's Salant has already hurled an answer to Johnson into print (TV Guide, Sept. 20) in which he presents a long list of anti-corporation stories aired by CBS; and, in answer to the charge that there is not enough "death, disease, dismemberment and degradation" on the air, says: "Let [the Commissioner] drop into my office some time and see the viewers' mail that comes across my desk complaining that that is *all* we ever talk about."

And others too grow angry at being described as creatures of a reactionary "establishment."

Snaps Lester Cooper of ABC: "Such criticisms are made by self-conscious, self-righteous, guilt-ridden people who feel the only way they can say something is by attacking." NBC's Shad Northshield raps out: "Doctrinaire, dogmatic opinion!" And NBC's Reuven Frank groans, "Oh, it's so tendentious. Those people want so to be 'in.' The next thing you know, Nick Johnson will be wearing Pucci pants!"

What really seems to be happening is this: "Public-interest" programming—and, most of all, documentary programming—is adjusting itself in a jerky, impulsive yet fear-ridden way to the massive pressure of middle-class opinion, while straining to attain a journalistic perspective. By virtue of this trend, coverage of militant-radical groups will not be eliminated but it is decreasing. As a corollary, the view of America as one vast abscess is now being corrected.

TAX REFORM ACT OF 1969—ACTION OF COMMITTEE ON FINANCE

Mr. LONG of Louisiana. Mr. President, yesterday, October 20, the Committee on Finance met in executive session and concluded its consideration of those portions of the House-passed tax reform bill which concern the use of accelerated depreciation. The committee agreed with most of the objectives of the House provisions, but it did amend the bill to continue the present recapture rules for low and moderate income rental housing.

So that Senators might follow the progress of these executive sessions, I ask unanimous consent that a press release be printed in the Record.

There being no objection, the press release was ordered to be printed in the Record, as follows:

[A press release from the Committee on Finance, U.S. Senate, Oct. 20, 1969]

Tax Reform Act of 1969—Accelerated Depreciation

COMMITTEE DECISIONS

The Honorable Russell B. Long (D., La.), Chairman of the Committee on Finance announced today that the Committee had concluded its executive consideration of the portions of the House-passed tax reform bill dealing with the use of accelerated depreciation. He reported that the Committee was generally in agreement with the objectives of the House provisions and had approved the provisions restricting the use of accelerated depreciation in the case of real property to new residential property. However, in recognition of the goals fixed by the Housing Act of 1968, it had amended the bill to continue the present recapture rules for *low and moderate* income rental housing.

The full details of the Committee's actions are described in the following paragraphs:

Recapture of Excess Depreciation.—The Committee adopted a suggestion by the Treasury Department that in the case of new residential housing the recapture rules of the House bill be relaxed. Under this suggestion gain, up to the entire amount of accelerated depreciation in excess of straight-line depreciation, would be recaptured at ordinary income tax rates if the property should be sold within 10 years. Thereafter, the amount recaptured at ordinary income tax rates would be reduced by one percentage point for each month the property is held beyond ten years. If the property is held for 18 years and 4 months all gain realized on its sale would be taxed as capital gains. (Under the House bill, the recapture rules would apply to the gain reflecting the full amount of the difference between accelerated depreciation and straight-line depreciation.)

Recapture on Sales of Low and Medium Income Housing.—The Committee agreed to another Treasury Department suggestion under which the recapture rules of existing law would be retained without change for certain federally assisted projects such as the so-called FHA 221 (d)(3) and FHA 236 programs and for other publicly assisted housing programs under which the return to the investor is tightly limited. Under present law the gain, up to the full amount of the difference between accelerated depreciation and straight-line depreciation, would be recaptured at ordinary income tax rates if the property is sold within 20 months; thereafter the amount subject to recapture would be reduced by one percentage point for each additional month the property is held beyond 20 months.)

Recapture on Certain Dispositions.—The Committee also agreed to an amendment which would retain the application of the existing recapture rules where the sale of the property was subject to a binding contract in existence prior to October 9, 1969, but where the transfer takes place after this date.

Foreign Real Estate.—The Committee agreed to another amendment also suggested by the Treasury Department (but modified by the Committee), under which accelerated depreciation would be available in the case of construction of residential housing in foreign countries only to the extent that the foreign country allows accelerated depreciation on that housing.

Rehabilitation Expenditures.—The Committee agreed to the provisions in the House bill which allow 5-year amortization of the costs of rehabilitating buildings for low-cost housing. However, it agreed to limit this amortization to expenditures made prior to January 1, 1975. This will provide time for the Congress to evaluate the effectiveness, and the cost, of this new incentive.

Depreciation Allowed Regulated Industries.—The Committee adopted the sections of the House-passed bill which would enact new provisions relating to the use of accelerated depreciation by regulated industries. These provisions generally provide that as to existing property, if straight-line depreciation is presently being taken, then no faster depreciation may be used. However, if the taxpayer is taking accelerated depreciation and is normalizing, then accelerated depreciation can continue to be taken but only if the taxpayer continues to normalize. (The utility retains the current tax reductions resulting from the use of accelerated depreciation and uses this money in lieu of capital that would otherwise have to be obtained from equity investments or borrowing.) No change in the method of depreciation would be required if the taxpayer is now on flow-through. (Where the utility is earning the maximum allowed by law or regulations, the utility "flows through" the tax reduction resulting from the use of accelerated depreciation to the utility's current customers in the form of lower rates.) As to new property, a taxpayer presently on straight-line or presently on accelerated depreciation with normalization will be permitted to take accelerated depreciation on the new property only if the tax benefits are normalized. However, the taxpayer may continue to use flow-through on new property, if the taxpayer is now on flow-through insofar as the same kind of property is involved. The bill does not change the power of a regulatory agency, in the case of normalization, to exclude the normalized tax reduction from the base upon which the agency computes the company's maximum permitted profits.

The Committee made certain changes in the House-passed bill. The more important of these changes follow.

The Committee adopted a provision which will permit regulated taxpayers to elect within 180 days after the date of enactment of the bill to shift from a flow-through to the straight-line method. The regulated taxpayer could also shift to a normalization method if he is so permitted by the appropriate regulatory agency.

The Committee also deleted oil pipelines from the category of companies covered by the bill. Oil pipeline companies compete with non-regulated forms of transportation and are not guaranteed any specific rate of return. However, regulated steam producers were included within the provisions of the bill as well as Comsat.

The Committee also adopted a definition of normalization which provides that a regulated utility must not only normalize on their regulated books of account, but that these books of account must also be used as the basic source of information in setting the current rates to be charged to their consumers. Further, the Committee adopted a provision which provides that a taxpayer would not be treated as normalizing unless the entire deferral of taxes resulting from the difference between the depreciation expenses reflected in the regulated books of account and the accelerated depreciation deducted on their return is normalized.

The Committee also changed the date for determining the status of a company under the bill from July 22, 1969, to August 1, 1969 (the date the bill was introduced in the House and its specific provisions were made public). Further, the Committee adopted a provision which provides that the status of a company will be determined in the first instance by what was done on its income tax return for its most recent taxable year. In addition, regulated companies which have accelerated depreciation (with flow-through) in computing their tax expenses on their regulated books of account for the latest monthly period ending on or before August 1, 1969, would be permitted to elect accelerated depreciation (with flow-through) for future acquisitions. Also, a utility which had filed a request before August 1, 1969, with the Internal Revenue Service, or with the appropriate utility commission, for permission to change from straight-line to accelerated depreciation would be permitted to make that change for such property and future acquisitions.

Earnings and Profits.—The Committee adopted the provision of the House-passed tax bill which provides that for purposes of computing its earnings and profits, a corporation must deduct depreciation on the straight-line method, or on a similar method which provides for a ratable deduction of depreciation over the useful life of an asset. The provision would not affect the amount of depreciation that could be deducted in determining the corporation's income tax. However, the Committee dopted a change which would make it clear that this new rule would not affect foreign tax credits. The amount of the foreign tax credit which would be allowed a company would be computed as under existing law and would not be affected by this provision of the House-passed tax bill.

POLLUTION REVOLT

Mr. NELSON. Mr. President, before the next 10 years have passed, the Nation will be facing a grave water crisis. Many sections of the country are already having serious water problems, and the accelerating rate of business, industry, municipality, and farm pollution of the Nation's water supply portends disaster for the future.

An editorial published in the Stevens Point, Wis., Daily Journal recognizes the leadership of the Wisconsin Seventh District Representative, David Obey, and his leadership in working for the appropriation. Mr. Obey is a young Congressman who has shown his concern for the environment and is pledged to work for clean air and water. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Pollution Revolt

A revolt of major proportions is building in the House of Representatives against the administration's attempts to keep the lid on new spending for water pollution control.

A bipartisan group of congressmen—208 so far—have attached their signatures to a pledge to vote for a $1 billion appropriation for water pollution control early this month. The 7th District congressman, David Obey, D-Wausau, is in the forefront of the group.

At issue is the promise explicit in the 1966 Clean Waters Restoration Act of federal matching funds to the states for construction of waste disposal plants. But for budgetary reasons appropriations have lagged far behind authorizations.

During fiscal 1968, only $203 million of $450 million authorized was appropriated. For fiscal 1969, a total of $214 million was appropriated of an authorization of $700 million. The administration would like to hold fiscal 1970 spending to $214 million, out of $1 billion authorized.

This is what the revolt is all about. The protesting lawmakers doubtless sense political gain in the process, but that is not the only motivation for the rebellious insistence that the full billion dollars be appropriated this year.

Obey related last week how the administration's failure to come up with money promised has affected projects in the 7th District. He outlined a program of 87 water treatment projects being developed throughout the region he represents, to cost an estimated $12,809,533. Of this total, $4,688,543 would be in federal aid.

These projects have been developed to a large extent in response to orders from state authorities to clean up pollution. The state issued the orders in the belief that the federal government would keep its pledge to help municipalities comply with such orders.

But only a fourth of the money promised has been provided. The result of failure to receive federal matching funds is that the project comes to a grinding halt, for municipalities have no resources of their own salted away for such contingencies. Thus, without the $4.6 million promised from Washington, nearly $13 million in sewage treatment improvement will not get done in the 7th District.

Only 10 more signatures are needed on the pledge to assure passage.

CONTROL OF DRUG ABUSE

Mr. TYDINGS. Mr. President, on September 17, Dr. Stanley Yolles, the director of the National Institute of Mental Health, presented extremely interesting testimony on drug abuse before the Senate Subcommittee To Investigate Juvenile Delinquency.

Dr. Yolles is director of the Government agency responsible for research on narcotic drugs.

With the current controversy raging about the relative danger of the various illegal drugs, I believe Dr. Yolles' comments are well worth our consideration.

I ask unanimous consent that Dr. Yolles' remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

CONTROL OF DRUG ABUSE

(Statement by Stanley F. Yolles, M.D., Director, National Institute of Mental Health, Associate Administrator for Mental Health, Health Services and Mental Health Administration, U.S. Department of Health, Education, and Welfare, September 17, 1969)

Mr. Chairman, Members of the Committee, I appreciate this opportunity to appear before you today as a professional involved and interested in the phenomenon of drug abuse in the United States. I would like to make clear that I am not representing the Department of Health, Education, and Welfare. The Department has not filed a report on the bills pending before you and therefore I cannot comment officially about them.

As a physician, my opinions, convictions and conclusions are based on almost twenty years of professional involvement in the development of research, treatment and rehabilitation as they relate to users of narcotics and other dangerous drugs. My professional experience at the Public Health Service Hospital in Lexington, Kentucky and through the succeeding years at the National Institute of Mental Health, has included consideration of all facets of the drug problem—from prevention to penalties. So I have some strong convictions on the subject, based on professional and scientific experience.

With your approval, Mr. Chairman, I would first like to summarize the drug situation and then talk about hard narcotics and marihuana as separate and distinct parts of the total problem.

Dr. Sidney Cohen, Director of the NIMH Division of Narcotic Addiction and Drug Abuse will speak to the hallucinogens, the amphetamines and the barbiturates.

THE DRUG PHENOMENON

The widespread social problem of drug abuse in the United States is no longer restricted to any one part of our population.

It is found at all social and economic levels: in the core city and in the suburbs. It is no longer restricted only to the young. It involves the junior executive and the housewife, the professional individual as well as the ne'er-do-well.

In this situation, there are things that need to be said on the basis of available fact and of professional and scientific experience.

There are unfortunately no totally reliable data on the prevalence of drug abuse, but it is a problem that is growing at an alarming rate.

In the case of narcotic drugs, statistics supplied by the Bureau of Narcotics and Dangerous Drugs for 1968 indicate that there are approximately 65 thousand active *hard narcotic* addicts in the United States. This is undoubtedly a minimal estimate, since it is solely based on reporting from law enforcement agencies.

A more plausible estimate is in the range of 100 thousand to 125 thousand active narcotic abusers in the United States.

The number of non-narcotic drug abusers, including those addicted or habituated to agents such as sedatives, stimulants, related drugs, and certain tranquilizers, can only be grossly estimated.

The range of persons directly affected by abuse of these drugs, based on available data on production and illicit distribution, lies somewhere between a quarter and a half million people.

The use of LSD has apparently declined during the past two years, but there is still evidence of active experimentation with LSD by some teen-agers. It remains a drug of abuse essentially for young middle-income persons.

Marihuana use has been rapidly increasing in the past five years.

A recent survey of certain high schools suggests that as many as 50 percent of students in selected urban and suburban areas surveyed have had some experience with marihuana.

A conservative estimate of persons in the United States, both juvenile and adult, who have used marihuana at least once is about 8 million and may be as high as 12 million people.

On a worldwide basis, marihuana is an intoxicant second only to alcohol in popularity and is used by some 200 to 250 million people.

These are facts to be reckoned with in a reasoned discussion of the problem and its possible control. But because drug use and abuse touches our deepest values, our hopes, our aspirations as well as our fears, it is an emotionally-charged area.

For every false prophet advocating drug use there is a viewer-with-alarm prone to sensationalism and the advocacy of simplistic solutions. As our sensitivity to the drug problem has increased over the years, our sense of proportion seems to have diminished.

However, in recent months, there have been significant indications that we, as a population, are ready to stop defending the mistakes of the past in our efforts to control the abuse of dangerous drugs and, rather, to explore new pathways through which our society can make its decisions.

Both President Nixon and President Johnson have strongly stated this need for a new approach toward understanding the problem.

President Johnson, recognizing that a recodification and unification of the laws on narcotics and dangerous drugs was long overdue, established the National Commission on Reform of Federal Criminal Laws. The report of this Commission has not as yet been published, but its findings will include recommendations on drug legislation.

President Nixon, in his message to Congress on combating drug abuse, stated that "it has been a common oversimplification to consider narcotics addiction or drug abuse to be a law enforcement problem alone."

Pointing out that effective control of illicit drugs requires the cooperation of many agencies of the Federal, State and local governments, the President said, "At the Federal level, the burden of the Federal effort must be carried by the Departments of Justice; Health, Education, and Welfare; and the Treasury."

As a health professional, I am strongly in favor of this kind of joint approach to the problem of control. I recognize and support the need for reasonable enforcement measures to control the problem. However, means to control drug abuse must include recommendations from the medical community, as well as from law enforcement officers. Too often, in the past, the medical point of view has been neglected.

Drug abuse is not a simple, unitary phenomenon. Drug use and abuse are health, legal, social, economic and moral problems.

It is necessary, in dealing with such complex phenomena, for the medical community at this time to accelerate the kind of research which will yield the basic knowledge for a more rational approach to the problem.

President Nixon has also emphasized that the solution to the problem has been hampered by lack of information.

"Proper evaluation and solution of the drug problem in this country," the President stated, "has been severely handicapped by a dearth of scientific information on the subject—and the prevalence of ignorance and misinformation."

It will take some exceedingly hard work to dispel the doubts and mistrust surrounding information on drugs, because from the beginnings of efforts to control drug use in this country there has been a long parade of what might best be called "error" and what has ranged from ignorance to misrepresentation.

Dr. Thomas Parran, while serving as Surgeon General, had this to say in 1938, during the dedication ceremonies of the PHS Hospital at Fort Worth, Texas:

"Errors were at first made in the treatment meted out to addicts. From doing nothing about the narcotic problem, we started in a sudden burst of enthusiasm to clean up the situation without proper regard for human values and without considering the suffering and distress entailed in a rigid enforcement of the law as it then stood.

"The law, in effect, made criminals out of persons who were guilty only of suffering from the effects of a weakness they could not control. . . .

"It soon became evident that we were in danger of losing by too harsh application of repressive measures what we were gaining by more intelligent attention to some phases of the addiction problem. We often completed the ruin of individuals whom it was our duty to save."

What we must realize in 1969 is that—although the drug abuse problem of today is acute—it has been with us for a long time and we have accomplished little in developing techniques that might have helped us in our current dilemma.

This situation is especially regrettable, because there is a large body of information available upon which improved methods of combatting the drug abuse problem can be based.

There are few fields in which there have been so many competent and thorough investigations by committees and commissions over the years as there have been in the area of narcotics and other dangerous drugs.

They include the 1938 Mayor's Committee of New York; the 1951 American Bar Association's Commission on Organized Crime; the 1963 President's Advisory Commission on Narcotic and Drug Abuse (the Prettyman Commission); the 1967 Commission on Law Enforcement and the Administration of Justice; as well as the Wootton Committee of Great Britain.

These professional groups have reported with a unanimity not often evident in such a controversial subject area and I will refer to some of their specific recommendations later on. At the moment, I merely want to point out that the Nation has not accepted or implemented their recommendations. But the findings are available for the using, so that I see no need to establish another committee or commission to study marihuana.

Instead of favoring another commission, I find myself asking, "How long, Oh, Lord, how long are we going to suggest new committees, new commissions and new task forces in lieu of doing something?"

Certainly, studies of drugs and drug users must and are continuing, many of them supported by the NIMH. I submit that these studies serve to develop new information more expeditiously than any additional review-by-commission—at least until we have made use of the opinions and recommendations already available.

In contrast to establishment of another commission, I would favor provisions to direct the NIMH to conduct research and make a basic determination on marihuana. Some relevant studies are already under way.

Such proposals call for an end to the approach that passes restrictive laws first and than gets scientific evidence afterward.

We must put a very strong spotlight on this issue, Mr. Chairman. It is basic to any improvement in the control of drug abuse.

We cannot continue to restrict use, and legislate against the use of dangerous substances without scientific basis for control.

Senator Hughes, speaking in August at hearings of the Subcommittee on Alcoholism and Narcotics, in pleading for "open-mindedness and a willingness to make a fresh start", said:

"We are working from a prosecution, rather than a public health approach.

"The onus of the criminal association with drugs is a severe obstacle to therapy in drug addiction; and we can't even communicate with our kids about smoking pot because, under our laws, smoking marihuana and shooting heroin are in the same league, and neither we nor our kids can forget it."

This Committee is primarily concerned today with proposed Federal legislation, but the current framework of State law also illustrates the need for a more sound basis for public policies concerning drug abuse.

In the last year, State legislatures within this country have passed diverse and sometimes contradictory laws in their efforts to control drug abuse. At least 20 States have this year either passed new laws or amended existing statutes; and another 20 are debating proposed changes.

It would be tragic if these changes continue to be based on old confusions and controversies. The disparities among laws in the States need to be lessened rather than increased and this can occur only after agreement about the degree of risk associated with the use of each drug and an appropriate proscription of use based on that risk, and the Federal Government should point the way.

One of the major difficutlies in efforts to arrive at effective control of drug abuse has come from the practice of grouping dangerous drugs arbitrarily, with little regard for their differing characteristics and their specific and distinct effects.

I hope that Dr. Cohen and I can clarify these differences, to help define the degree of danger in the abuse of each of the dangerous drugs.

NARCOTICS

There can be no doubt that control of narcotics is necessary, both to protect the user and to protect society. The major dangers of abuse of drugs such as heroin are known and have been repeatedly demonstrated.

The direct result of overuse may be death. Indirect results are often ill health, or death from hepatitis, pneumonia, malnutrition, or infection and disease induced by the use of dirty hypodermic syringes. And as a way of life for the individual, there is gross deterioration in a "junkie" culture.

Stronger and more effective controls on smuggling, sale and distribution of narcotics by the underworld are needed.

However, realizing that laws seeking to control personal consumption by individuals are notoriously hard to enforce, I would urge the further expansion of high quality treatment and rehabilitation programs.

The principle that treatment and rehabilitation of the addict is to be preferred over punishment has only recently become a Federal policy, with the passage of the Narcotic Addict Rehabilitation Act of 1966.

As I have mentioned, Dr. Parran's concern over the punitive bases of treatment was expressed in 1938. Other professionals had also spoken out for reforms. But civil commitment for narcotic addicts received its greatest impetus in 1962 when the Supreme Court, in the Robinson case, declared that statutes making addiction to narcotics a criminal offense were in violation of the Eighth Amendment.

The court maintained that drug addiction is an illness "comparable to leprosy, insanity, and the common cold" and that criminal punishment could not be inflicted for it.

Ironically, although the decision was a milestone for the principle of treatment and rehabilitation, it came too late to help the addict Robinson. Free while his appeal was pending, Robinson had already died in a Los Angeles alley before the Supreme Court made its ruling. According to police reports, the cause of death was an overdose of narcotics.

The passage of the Narcotic Addict Rehabilitation Act of 1966 opened a pathway to treatment of the sick addict.

The statute in no way limited enforcement of laws designed to control drug traffic, or to prosecute organized criminals. What the law recognized is the fact that the individual *addict* is sick and needs help.

The NARA legislation was adopted so that a community-based treatment and rehabilitation program could be developed in the United States. Research advances made it worthwhile to try some new approaches in solving the stubborn narcotics problem.

The NIMH is carrying out a comprehensive program in an attempt to develop the necessary understanding, manpower and improved techniques for dealing with the narcotic problem.

Through its administration of the NARA Act and the Narcotic Addict Rehabilitation Amendments to the Community Mental Health Centers Act, the NIMH is actively carrying out the Congressional mandate to treat and rehabilitate, rather than punish the addict.

The program has been in operation for a year-and-a-half. Six community treatment programs for narcotic addiction were funded in FY 1968 and are in operation. Ten more were funded in FY 1969.

I am in general agreement with legislative provisions to expand eligibility for treatment under NARA, to include those addicts charged with burglary, those who have failed after three or more civil commitments and those who have had two or more felony commitments.

However, I must point out that these patients would require more intensive individual treatment than it is now possible to provide, given the current rate of funding and the personnel ceilings imposed on the program.

Even for patients now eligible for treatment, the present capability of the two Federal Clinical Research Centers at Lexington and Fort Worth is overtaxed.

Since the inception of the NARA program, Fort Worth and Lexington have examined 2,236 patients civilly committed for treatment under Titles I and III of the Act.

Of that number, only 52 percent (1,071) were in treatment by June 30, 1969. The 48 percent (1,059) had not been accepted after the thirty-day examination and evaluation period.

The patients who were not accepted for treatment, Mr. Chairman, were patients with very difficult problems. If we were to try to treat them, it would require about twice as many staff members at Fort Worth and Lexington as we now have.

As a matter of actual fact—and one which is ignored every time we talk about the treatment program for narcotic addicts—given the funds and personnel currently available, any increase in the number of patients will result in a reduction of the ratio of treatment staff available to patients. The result will be less individual treatment and poorer care.

Almost since their establishment, Lexington and Fort Worth facilities have been financially undernourished and understaffed.

If there is to be proper treatment, the facilities must have trained people to provide it.

Our hope in the long run is that the States and communities will take a more active role in developing narcotics treatment programs—aided by Federal support for construction and staffing under the Community Mental Health Centers Act.

As of June 30, 1969, the six community treatment programs funded under the provisions of NARA had a total of 1,948 addicts in treatment. By next year, the ten community programs funded in FY 1969 expect to be treating an additional 5,400 addicts.

However, far too few of these centers have been funded so far, and until more of them can be organized, the States are unable to take on much of the task.

States and communities are having difficulty in financing operations of community mental health centers as Federal support of initial staffing costs decreases and terminates. The Act should be broadened to include support of the total cost of operation of these centers, as originally authorized, rather than only the cost of initial staffing.

Assistant Secretary Creed Black, of the Department of Health, Education, and Welfare, presented the Administration's recommendations in this regard in July, before the Subcommittee on Health of the Senate Committee on Labor and Public Welfare.

"Few communities," Mr. Black pointed out, "are able or willing initially to devote limited resources in these two problem areas. Americans have very ambivalent feelings about alcoholics and narcotic addicts. The patients are very difficult to treat. Professional interest needs to be stimulated.

"We believe, therefore, that preferential matching and a longer period of Federal support than 51 months will be necessary. The necessary matching ratio is yet to be determined; but it is clear that such preferential matching is essential."

It takes *people* to provide aftercare for addicts when they are trying to rehabilitate themselves once they have broken the habit. It takes *people* to manage these programs.

In most statements on this subject, Mr. Chairman, a need for more *enforcement* personnel is recognized but *nowhere* is there mention of the need for treatment personnel, on personnel to conduct research and training programs.

If we are to make any significant headway at all in control of drug abuse, then we must place far greater emphasis on the treatment and rehabilitation of narcotic addicts. The need for medical personnel for treatment must be recognized as of equal or greater importance than the need for people to enforce the law. I am pleased that legislative proposals include provisions to improve the narcotic rehabilitation program, because there has been significant progress in treatment programs for addicts, and these efforts should be expanded.

The development of experimental methadone maintenance programs and the use of narcotic antagonists, such as Cyclazocine and Naloxone, have been both exciting and controversial.

Since methadone maintenance involves the continued use of a narcotic substitute on a long-term basis, it has been the object of some criticism. Methadone does not appear to be a "universal treatment" for all addicts, nor does it result in an abstinence from drugs.

The goal of methadone maintenance is to achieve socially acceptable behavior on the part of the addict, rather than to require abstinence, per se. This treatment approach operates under the principle that if, in fact, *any* medication permits a narcotic user to become a law-abiding and productive member of society, it should be acceptable medication.

To understand all the implications of this treatment, we are supporting a wide variety of studies in this regard. And studies are also being supported to develop new and long-acting narcotic antagonists such as a depot (long acting) cyclazocine, to block the action of narcotics.

Given the proposed methods to strengthen support for community narcotic addiction treatment and rehabilitation programs, and with a wider implementation of NARA, we have *on paper* the capacity in this country to effect a significant reduction in the abuse of narcotics and begin effective education to prevent hard drug use.

How we transform the words of the statutes into practical results depends on men and money. Without these, present enforcement techniques in the narcotic field will only continue to spin the addict around in the revolving door from jail to inadequate treatment and back again.

MARIHUANA

Mr. Chairman: I would now like to spend the remainder of my time here in talking about marihuana.

Because of the increase in the use of marihuana and because of the confusion and controversy resulting from that use, it is of the greatest importance to present factual information about the drug itself, the effects of its use and the history of efforts to control its use.

For, unless we separate fact from fable in the public uproar over the use of this drug our efforts to achieve effective and acceptable controls over marihuana use will indeed be just "more of the same."

The marihuana story for 1969 in the United States goes back to the 1930's.

The "great experiment" was over. The prohibition of the use of alcoholic beverages, under the Eighteenth Amendment, had ended.

For better or worse, American voters had made it clear that they considered alcohol a social beverage, and chose to limit prohibition of its use through State laws which vary to this day, in terms of "wet" and "dry" jurisdictions and the age at which individuals can legally drink beer, wine and spirits.

The experiment, which we voted to terminate, had produced at least two major results: the social usage of alcohol by adult men and women had increased and the contempt for an unpopular law had spread, bringing other legal restrictions on manners and morals into question.

At approximately the same time, however, enough hue and cry over the *reported* evils of another intoxicant—marihuana—resulted in the adoption of the Marihuana Tax Act of 1937.

We know that marihuana is not, scientifically, a narcotic drug like heroin or morphine, but is a mild hallucinogen. It should not be associated with narcotics—either medically or legally.

However, "guilty by association" with narcotics occurred for marihuana for the first time in Federal law in 1929, with the passage of P.L. 672—70th Congress—authorizing the establishment of the Lexington and Fort Worth Hospitals.

In the statute, the term "habit-forming narcotic drug" or "narcotic" was specifically defined—drug by drug—and on the list was "Indian hemp (marihuana) and its various derivatives, compounds and preparations."

Nowhere in the Committee Hearings or in the Congressional Record was there any discussion of the rationale for this drug classification.

As States adopted the Uniform Narcotic Drug Act which included marihuana, it was more widely classified as a narcotic.

And so the stepping-stone concept got its start. Once labelled as a statutory narcotic, marihuana continued to be so labelled in succeeding years.

By 1937, the use of marihuana was reported to present so severe a health danger that Federal controls were represented as necessary. And so the Marihuana Tax Act of 1937 was enacted, even though many of the statements in testimony before Congress were substantially untrue.

The Report to the Senate on the Bill quotes the following testimony:

"Under the influence of this drug (marihuana) the will is destroyed and all power of directing and controlling thought is lost. Inhibitions are released. As a result of these effects, many violent crimes have been and are being committed by persons under the influence of this drug. Not only is marihuana used by hardened criminals to steel them to commit violent crimes, but it is also being placed in the hands of high-school children in the form of marihuana cigarettes by unscrupulous peddlers. Its continued use results many times in impotency and insanity."

Elsewhere in the testimony, a witness stated, "I beleve in some cases that one marihuana cigarette may develop a homicidal maniac probably to kill his brother." (sic)

At the time of the hearings on this proposal, one of the witnesses was Dr. William C. Woodward, appearing for the American Medical Association.

In speaking about newspaper accounts of abuse of marihuana, Dr. Woodward said:

"It has surprised me that the facts on which these (newspaper) statements have been made have not been brought before this Committee by competent primary evidence. We are referred to newspaper publications concerning the prevalence of marihuana addiction. We are told that the use of marihuana causes crime.

"But as yet no one has been produced from the Bureau of Prisons to show the number of prisoners who have been found addicted to the marihuana habit. An informal inquiry shows that the Bureau of Prisons has no evidence on that point. Dr. Woodward pointed to a series of agencies including the PHS who had not been consulted.

"You have been told that school children are great users of marihuana cigarettes. No one has been summoned from the Children's Bureau to show the nature and extent of the habit, among children.

"Inquiry of the Children's Bureau shows that they have had no occasion to investigate it and know nothing particularly of it.

"Inquiry of the Office of Education—and they certainly should know something of the prevalence of the habit among the school children of the country, if there is a prevalent habit—indicates that they have had no occasion to investigate and know nothing of it.

"Moreover, there is in the Treasury Department itself, the Public Health Service, with its Division of Mental Hygiene. The Division of Mental Hygiene was, in the first place, the Division of Narcotics. It was converted into the Division of Mental Hygiene, I think, about 1930. That particular Bureau has control at the present time of the narcotics farms that were created about 1929 or 1930 and came into operation a few years later. No one has been summoned from that Bureau to give evidence on that point.

"Informal inquiry by me indicates that they have had no record of any marihuana or Cannabis addicts who have ever been committed to those farms.

"The Bureau of the Public Health Service has also a division of pharmacology. If you desire evidence as to the pharmacology of Cannabis, that obviously is the place where you can get direct and primary evidence, rather than the indirect hearsay evidence."

The indictment by Dr. Woodward, who qualified both as a physician and an attorney, of the acceptance of "indirect hearsay evidence" by the Committee brought forth neither questions nor comment at that time.

The legal history of marihuana control measures is a matter of record and I will not pursue it here. The major point I wish to make is that in the case of marihuana, legal penalties were assigned to its use that are strict enough to ruin the life of a first-time offender, with total disregard for medical and scientific evidence of the properties of the drug or its effects. I know of no clearer instance in which the punishment for an infraction of the law is more harmful than the crime.

I would like to make my professional position very clear in this regard, Mr. Chairman.

I do not, at this time, advocate the removal of all restrictions on the use of marihuana. I believe that until we know more than we now do about the long-term effects of marihuana and other forms of *Cannabis* that use of the drug should continue to be controlled—medically speaking, I cannot give it a clean "bill of health." *But,* penalties for its use should be lowered, in proportion to the danger and risk to the individual and society of this drug.

Marihuana can be for some, potentially, a dangerous drug. Generally it is a mild drug, in comparison with other hallucinogenics such as LSD, or with certain amphetamines and barbiturates. To equate its risk—either to the individual or to society—with the risks inherent in the use of hard narcotics is—on the face of it—merely an effort to defend an indefensible, established position that has no scientific basis.

It is quite understandable that law enforcement officials are concerned with the misuse of marihuana. So are physicians, educators and scientists. But the *degree* of concern must now—at long last—be equated with the degree of mental and physical risk. For too long, the fantasies surrounding marihuana, whether fostered deliberately or through ignorance, have clouded the facts.

I would like to mention some of them here, because fallacy can only give way to fact if each is recognized for what it is.

MARIHUANA

Fable 1: Marihuana is a narcotic.

Fact 1: Marihuana is not a narcotic except by statute. Narcotics are opium or its derivatives (like heroin, and morphine) and some synthetic chemicals with opium-like activity.

Fable 2: Marihuana is addictive.

Fact 2: Marihuana does not cause physical addiction, since tolerance to its effects and symptoms on sudden withdrawal does not occur. It can produce habituation (psychological dependence).

Fable 3: Marihuana causes violence and crime.

Fact 3: Persons under the influence of marihuana tend to be passive. It is true that sometimes a crime may be committed by a person while under the influence of marihuana. However, any drug which loosens one's self-control is likely to do the same and relates primarily to the personality of the user.

Fable 4: Marihuana leads to increase in sexual activity.

Fact 4: Marihuana has no aphrodisiac property.

Fable 5: Marihuana is harmless.

Fact 5: Instances of acute panic, depression, and psychotic states are known, although they are infrequent. Certain kinds of individuals can also become overinvolved in marihuana use and can lose their drive. We do not know the effects of long-term use.

Fable 6: Occasional use of marihuana is less harmful than occasional use of alcohol.

Fact 6: We do not know. Research on the effects of various amounts of each drug for various periods is under way.

Fable 7: Marihuana leads to heroin.

Fact 7: We know of nothing in the nature of marihuana that predisposes to heroin abuse. It is estimated that less than 5% of chronic users of marihuana go on to heroin use.

Fable 8: Marihuana enhances creativity.

Fact 8: Marihuana might bring *fantasies* of enhanced creativity but they are illusory, as are "instant insights" reported by marihuana users.

Fable 9: More severe penalties will solve the marihuana problem.

Fact 9: Marihuana use has increased enormously in spite of the most severely punitive laws.

Fable 10: It is safe to drive while under the influence of marihuana.

Fact 10: Driving under the influence of any intoxicant is hazardous.

EFFECTS OF MARIHUANA

Of all those who have tried marihuana, about 65 percent are experimenting, trying the drug from one to ten times, and then discontinuing its use. Some 25 percent are social users, smoking marihuana on occasion when it is available, usually in a group context. *Ten percent* or less can be considered chronic users who devote significant portions of their time to obtaining and using the drug. The effects of marihuana vary with the potency of the agent, the psychological set of the user, and the setting in which use takes place. Thus, it has been estimated that half of those who use marihuana the first time experience no effects at all.

The *chronic* user of marihuana or "Pothead" may encounter a number of psychological problems. If he is using it to escape life stress, his mental growth is impaired by not learning how to deal with frustration and problems. He tends to withdraw from here-and-now reality, loses ambition and drive, and sustains a loss of motivation. He is present-oriented rather than future-oriented. He may drop out of active involvement in school or work.

Further research is needed to elucidate more clearly both the short and long-term effects of marihuana use. The absence of good scientific data should not lead to the assumption that long-term use is harmless. As in the case of tobacco, it is possible that there are serious consequences of chronic use which will only become apparent through careful longitudinal studies.

One needs to be particularly concerned about the potential effect of a reality-distorting agent on the future psychological development of the *adolescent* user. We know that normal adolescence is a time of great psychological turmoil. Patterns of coping with reality developed during the teen-age period are significant in determining adult behavior. Persistent use of an agent which serves to ward off reality during this critical developmental period is likely to compromise seriously the future ability of the individual to make an adequate adjustment to a complex society.

Despite our acknowledgedly scanty information on adverse effects, there is reason to believe that the marihuana user is exposed to an increased risk of either acute or chronic psychologic damage each time he lights a marihuana cigarette. Though the incidence of serious adverse reaction appears to be low, by definition as the number of users increase, the total number of those experiencing adverse reactions will also rise. The effects of the drug on judgment and perception might very well be a factor in automobile accidents. Those users who already have significant psychiatric problems might readily be led to avoid obtaining necessary psychiatric treatment by this form of self-medication, only to wind up as one of the group of users whose entire life becomes absorbed in the drug culture.

It is obvious, therefore, that there are some things we already know about marihuana, in spite of the fact that many people are unwilling to accept this knowledge.

A youngster who smokes one marihuana cigarette is not a dope fiend, even though misguided individuals in the past have made this association.

There is probably not a single youngster today who believes that smoking one marihuana cigarette will automatically lead him to perdition.

In this situation, it is extremely unfortunate that by the continued, exaggerated emphasis on the supposed dire evils of marihuana smoking, we make it extremely difficult to tell people what the real risks of use of specific kinds of drugs are. And there is no doubt that we have already built up in the new generation some of what people of our age absorbed in the days of the Volstead Act. The prohibition syndrome, as applied to marihuana, has already brought about defiance of these specific laws; additionally, it has created in the new generation a credibility gap concerning other laws and law enforcement.

This Committee, Mr. Chairman, is considering various legislative proposals. Other proposals designed to improve control of drug abuse are also before the Congress and have been assigned to other Committees.

I would like to discuss the elements in both the proposals under consideration by this Committee which I would hope to see enacted, and the elements in both that I think could be improved.

I would not favor adoption of either proposal in its present form, without further consideration of medical and scientific data, as well as further consideration of statements made by judges, probation officers, prison officials and others who oppose mandatory minimum penalties on drug offenders.

The principle and the effects of mandatory penalties defeats the whole purpose of treatment and rehabilitation of drug users; it unnecessarily limits the courts and negates the traditional American expectancy that each individual will be heard by a court of law in terms of his intent, the circumstances of his alleged offense, and his potential ability to be rehabilitated.

As a result of my professional experience with drug users sentenced by the courts, I am convinced that the social and psychological damage caused by incarceration is in many cases far greater to the individual and to society than was the offense itself. Each case of drug abuse must be decided separately, from the legal as well as the medical point of view.

From this standpoint, I would favor provisions which would make possible a definite scientifically based determination of the dangers of marihuana use and of the properties of the drug itself.

In regard to the procedures suggested for placing dangerous drugs in specific schedules or classes, I prefer flexible provisions which allow for changes in the class or schedule of a drug, as additional knowledge of that drug becomes available.

Proposals have been made that in establishing drug standards and schedules, the authority to designate rests with the Attorney General. He would be required to request the advice in writing from the Secretary of Health, Education, and Welfare and from a Scientific Advisory Committee.

Whether a substance should be added, deleted or rescheduled as a dangerous substance.

I have two main points to make here, Mr. Chairman. First, it would be preferable to specifically list the professional disciplines of the members of the Scientific Advisory Committee to be involved in decisions about scheduling dangerous substances.

There are nine criteria to be considered with respect to each substance of which the first seven are primarily within the professional competence of the medical, scientific and public health disciplines. The remaining two are primarily legal. Therefore, it would be wise to have the makeup of the committee such that its membership would have professional competence to gauge the criteria.

Changes in scheduling drugs in any piece of legislation can only have real meaning if they are based on research findings. My second point in this regard, therefore, is that social and psychological research on the use and abuse of drugs should remain a medical and health responsibility so that scientific credibility can be established.

As President Nixon has said, "In addition to gathering existing data, it is essential that we acquire new knowledge in the field. We must know more about both the short and long-range effects of the use of drugs being taken in such quantities by so many of our people. We need more study as well to find the key to releasing men from the bonds of dependency forged by any continued drug use.

"The National Institute of Mental Health has primary responsibility in this area, and I am further directing the Secretary of Health, Education, and Welfare to expand existing efforts to acquire new knowledge and a broader understanding in this entire area."

Similarly, drug abuse education in schools and for health professions should continue to be the responsibility of the health professions. We have long been involved in such education programs and public response to the expanded drug education pamphlets, TV and radio spots and other visual materials indicate that when youngsters get facts instead of hysteria, they pay attention to this information.

The Department of Justice should, of course, have responsibility for the training and education of enforcement personnel, but today's youth are unlikely to accept information on drugs presented by enforcement officials.

I am hopeful that relevant, factual educational programs will begin to become significantly effective in curbing the indiscriminate abuse of all drugs as it has been in reducing LSD use.

No matter what legal reforms are undertaken, this task will be difficult, because the whole problem has gotten out of hand, and the smoking of marihuana has become an accepted fashion among millions of our citizens.

In this situation, the first place in which legal reforms can be made is in the removal of mandatory minimum penalties, in all cases of drug abuse.

I agree with you, Mr. Chairman, as you stated at the White House Conference on Narcotics and Drug Abuse in 1962, that the time has come to correct the mistake that was made with the passage of the Narcotics Control Act of 1956. This Act radically departed from the existing trend in criminal legislation—a trend toward individual treatment of convicted offenders with a view to their eventual rehabilitation.

The Act has deprived Federal judges of discretion in sentencing and requires consideration of an individual defendant on a class basis, rather than in response to his specific circumstances.

If mandatory sentences really were deterrents to criminal conduct, then there would be little justification for limiting them only to narcotic and marihuana offenders.

Mandatory sentences bear little or no relationship to the public good, to public health or to mental health.

I think it important that the record of this Committee's current hearings include the results of the questionnaire that the *Chairman* of this Committee included in the proceedings of the White House Conference on Narcotics and Drug Abuse.

As a joint project of the Senate Subcommittee on Juvenile Delinquency and National Penitentiaries, the questionnaire was sent to Federal district judges, Federal chief probation officers, Federal prison authorities and U.S. attorneys, inquiring into the effects of the mandatory minimum sentence provisions, and the elimination of probation and parole in the handling of narcotics offenders.

The results of the survey showed that approximately 75 percent of all those who responded—people who lived with this law from day to day—opposed these two basic provisions of the Act.

James V. Bennett, former Director of the Federal Bureau of Prisons, has stated "there is a real danger that, in the effort to contain the problems which stem from the hopelessness characterizing the attitudes of men with mandatory sentences, much of what has been achieved in the development of constructive programs for all types of prisoners may be wiped out."

I am strongly in favor of the specific recommendations of the Prettyman Commission, made in 1963, in its report to the President. Any legislation designed to control drug abuse should include in its provisions the concepts and recommendations of that Commission.

Its report stated:

"The Commission makes a flat distinction between the two drugs (narcotics and marihuana) and believes that the unlawful sale or possession of marihuana is a less serious offense than the unlawful sale or possession of an opiate.

"The Commission believes that the sentencing of the petty marihuana offender should be left entirely to the discretion of the courts. There should be no mandatory minimum sentences for marihuana offenders and no prohibition of probation or parole.

"The courts should have the discretion to impose a fixed sentence (with eligibility for parole), to suspend sentence, or to impose an indeterminate sentence. The Commission is opposed to mandatory minimum sentences even in the case of multiple offenders."

If one considers the actual application of mandatory penalties when, for example, a twenty-one-year-old College Junior who gives a Freshman a marihuana cigarette and then is subject to a *mandatory* ten years in jail, the scene become *absurd* in relation to the size of the problem as well as tragic for the individual person.

A *conservative* estimate of persons in the United States, both juvenile and adult, who have used marihuana at least once is about 8 million and may go as high as 12 million people.

Can you imagine what would happen to the law enforcement and corrections system of this country if each of these 12 million people had been caught by a policeman when smoking his first marihuana cigarette?

It is no wonder that law enforcement officials reportedly stay away from rock festivals and other gatherings where the marihuana smoke hangs heavy in the air and proof of possession is very easily come by.

It is time to change from a prosecution to a public health approach in dealing with drug abuse and especially in cooling the marihuana problem, and I can only repeat what I said 18 months ago to this Committee. If we are to get to the root of this problem of drug abuse, we must be prepared to identify and investigate the underlying problems which lead people to distort or ward off reality with drugs.

Until this is done, nothing said here today will achieve much more than to begin to solve the problem on paper. And since the problem is far more than a "paper tiger", we are faced with the fact that Americans must make a conscious decision relating to their acceptance or rejection of the use of dangerous drugs.

Even if it is found that there are no dire physiological effects of marihuana-smoking, the problem still remains and a decision still has to be made by our society.

To protect the few who are oversensitive to the drug, will society restrict the use of this substance by the many?

Or, in the light of scientific information, our society may choose to remove restrictions and allow the individual to decide.

In my professional judgment, Mr. Chairman, even though marihuana is certainly not the horror it was alleged to be in 1937, it *is* a drug having a capacity to alter mood, judgment and functional ability. For these reasons, I believe that in the interests of public health, it is necessary—at least for the present—to maintain restrictions on the availability and use of this drug.

Although there are several pathways toward alternative, conscious decisions, any valid decision, I am convinced, must involve the scientific fact of the amount of public danger which exists, and the specific range of risk involved in the use of each drug.

If one-half-of-one percent of the population is at risk, the decision could certainly be different from a situation in which from 10 to 20 percent of the population is at risk.

The most obvious pathways to decisions which must be made very soon, if the uproar over drug abuse is to achieve any significant and acceptable results, are through legal reform and through education.

In considering both of these, however, the time has certainly come to substitute a broad and realistic look at our American society for the tunnel vision on which our legal and moral attitudes to drug use have been founded until now.

We all know, for example, that marihuana-smoking is more than a fad. It is linked with student contempt for the Establishment.

Marihuana-smoking has become a symbol of rejection of things as they are, as well as a sometimes pleasurable experience in itself.

The Chairman of the House Interstate and Foreign Commerce Committee, Mr. Staggers, in commenting on the need for new legislation, said, "Unfortunately, ours seems to be, for many of our citizens, a drug-oriented, drug-taking society. Hourly, television and radio commercials assault our ears extolling the virtues of various drugs. . . . Perhaps this overall orientation contributes to drug abuse among the young.

"Perhaps the problem lies deeper. Our national rate of suicide, alcoholism, violent crime and divorce indicates that a substantial number, and perhaps the majority, of Americans find their social and human environment something less than satisfactory.

"Whether we call it anomic, alienation, or excessive concentration on material values, this dissatisfaction may lie closer to the surface in many than they would be willing (or perhaps psychologically able) to admit. If so, it seems unlikely that laws alone can accomplish what is needed, although increased research on a very fundamental level may point the way."

Dr. Dana Farnsworth, Director of University Health Services at Harvard University and Chairman of the American Medical Association Council on Mental Health, speaking at a meeting of the American Medical Association, said, "Until now, the official attitude has been 'Stamp out drug use and you'll get rid of the problem.' But the use of drugs is not the central problem—it is only a symptom, an index of the confusions and uncertainties which affect increasing numbers of young people.

"Unenforceable laws and inappropriate penalties make a mockery of the whole principle of legal control and provide one more example of the adult world's misunderstanding of the problem."

A 22-year-old former drug addict, it seems to me, expressed a rare depth of perception when he said that the problem "is a problem neither of youth nor one of drugs, but a problem of a whole society and an entire life style shared by young and old alike."

Our life style, in the 1970's, will be characterized by our ability or inability to use the products of our technical ingenuity to help bring about our happiness and well-being.

The current patterns of drug abuse are illustrative of our inability to make the results of our technological skills work for us as servants, rather than as masters.

As science continues to offer an ever-widening choice of chemicals designed to modify emotions and behavior and to enable us to cope with our environment, ways are being found to use them detrimentally. Our ingenuity, to date, has outrun our wisdom; we have yet to find the restraint to limit ourselves to constructive uses of these products.

The first place in which legal reforms can be made is in the removal of mandatory minimum penalties in all cases of drug abuse.

If this were done, it is quite possible that this one, major step toward accommodating the law to the realities of drug use might also initiate a stepping-stone toward a greater respect for the law generally, if those laws were just and relevant.

Such a legal reform would eliminate one of the major causes of defiance brought on by the violent rejection by youth of what they see as our society's hypocrisies. And certainly, such a reform would capture the attention and, I am sure, a large amount of cooperation among the young people who smoke marihuana, as well as their parents, their teachers, and the courts.

If these millions of young people were convinced that efforts to reform the drug laws were sincere and based on scientific fact and evidence, I feel confident that they would be more receptive and less cynical about information about possible harmful effects of drugs.

There is no doubt about the scare techniques which have been used in the past have now been discredited. And the resultant disbelief in much of the information provided by any persons in authority on many subjects should teach us that the *abuse of known information* is worse than the lack of any information at all.

In our search for information about man's behavior, many of us at the National Institute of Mental Health are relating the problems of some types of drug abuse to a more general question. What is the best way of handling "crimes without victims"—those situations in which an individual at most, is harming himself?

Do these belong in the criminal code, or should they be handled in another way?

This is a philosophy, in considering man's conduct, that is worthy of serious research and discussion.

As an intial step toward fundamental changes which must be forthcoming in changing the rules of our way of life, the members of Congress and others who share the authority to do so have an immediate opportunity to revise the procedures for punishment. Society can then begin to devise procedures for protection, acceptable not only to tradition but also to our restless, rebellious, but *thoughtful* young people who have had enough of rhetoric and empty promises.

MEDICAL RESEARCH SACRIFICED FOR MILITARY RESEARCH

Mr. YARBOROUGH. Mr. President, yesterday the Washington Evening Star published an article entitled "Medical Research Loses to Missiles." The article deserves the attention of Members of Congress, and of everyone else who reads the CONGRESSIONAL RECORD.

The writer, Orr Kelly, is an experienced military correspondent. He has often written of the relationships and activities of the Pentagon as they relate to civilian interests and to the economic base which supports the $80 billion annual military expenditure.

In this story, Mr. Kelly pinpoints the increases in research for military hardware and so-called defense systems. One is the $5.7 million contract just awarded for, and I quote: "Pershing missile component and power station research and development."

This is not a search for a new system. According to the Department of Defense, it is "part of a program to continually improve the Pershing system." The Pershing system is the largest nuclear weapon of the U.S. Army, a portable ballistic missile with a 20-kiloton warhead.

What Mr. Kelly describes as "the other side of the trade off" is a cut in five other research programs on how to apply medical science to the illnesses of the American people. One project to be eliminated is the pap smear test that detects uterine cancer—one of the largest causes of death among American women.

Another is a heart study aimed at foretelling heart attacks. Another is the neurological and sensory disease program including widespread testing for glaucoma; and another deals with chronic respiratory diseases and diabetes and arthritis.

Mr. Kelly states:

> Cutting out the five programs is expected to save $9 million in the full 1971 fiscal year. Spending on Pershing is expected by industry sources to total some $16 million over the next four years, mostly for relatively minor improvements to equipment already deployed.

Mr. President, neither of these research programs is intended to accomplish some great breakthrough, either in military science or medical science. In each case, we are talking about application of something already known. In the case of medicine, however, treatment is of little value without detection and diagnosis.

This brief story aptly summarizes the tragic decisions that are taxing the American people for the support of weaponry and military science at the expense of the betterment of life, health, and environment of the American people. That conclusion is my own, not Mr. Kelly's. In support of it, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, Oct. 20, 1969]

MEDICAL RESEARCH LOSES TO MISSILES

(By Orr Kelly)

This is the story of a tradeoff—not a conscious one, but something that just happened in the Nixon administration's effort to cut its 1970 budget.

On one side is $5.7 million for improvements in an 11-year-old Army missile system.

On the other are cuts totaling $4 million in five health research projects—including one that was just about to pay off after 20 years of careful record keeping.

On the spending side, the Defense Department, in a routine, five-line announcement, said recently that the Army was awarding a $5.7 million contract to the Martin Marietta Corp. in Orlando, Fla., for "Pershing missile component and power station research and development."

The Pershing, first ordered in 1958, is the Army's biggest nuclear weapon. It is a portable ballistic missile with a range of 400 miles and a choice of nuclear warheads that start about the size of the 20 kiloton Hiroshima bomb and range upward in size.

"Pershing is capable of providing fire support for the theater, as well as general support for the field Army," according to a brochure handed out by company and Army men where the Pershing was displayed outside the Sheraton-Park Hotel during the meeting of the Association of the U.S. Army last week.

"Through maneuver of the batteries in a battalion, commanders possess a powerful means of influencing the course of combat and can deliver nuclear fire over a zone of great width and depth, shifting and concentrating fire according to the situation."

The Pershing, first deployed in Europe in 1964, is now in its second generation. The missiles are being switched over from tracked to rubber-tired vehicles for greater mobility.

The Defense Department, asked why additional research and development was required in a missile that has been in the hands of troops since 1962, replied:

"The contract award is a part of a program to continually improve the Pershing system. It amounts to product improvement, to improve the maintainability and reliability of missile components and power stations."

On the other side of the tradeoff is the decision of the Health Services and Mental Health Administration (formerly the U.S. Public Health Service) to cut out five programs designed to find ways of putting the findings of research scientists to work in practice.

The projects to be cut out—by the end of 1969 rather than by the end of the fiscal year—are the pap smear test program conducted in cooperation with the Academy of General Practice to detect uterine cancer in women; the Framingham, Mass., heart study which, after 20 years, was getting to the point where it might tell why some people suffer heart attacks and others don't; the neurological and sensory disease program which includes a widespread program of testing for glaucoma, a disease that can cause blindness if it is not detected in time; and programs dealing with chronic respiratory diseases and diabetes and arthritis.

Cutting out the five programs is expected to save $9 million in the full 1971 fiscal year. Spending on Pershing is expected by industry sources to total some $16 million over the next four years, mostly for relatively minor improvements to equipment already deployed.

AMERICAN POW'S IN KOREA AND AMERICAN POW'S IN VIETNAM

Mr. DODD. Mr. President, the fate of the American POW's in Korea makes it of the greatest importance that we accord top priority in the Paris negotiations to the question of the American POW's now in the hands of North Vietnam.

Of the 7,100 Americans taken prisoner in Korea, 3,354 died in captivity, while another 389 are still listed as missing.

A resolution adopted recently by the Lucas County Council, American Legion of Ohio, points out that there is reason to believe that some of these 389 American servicemen may still be alive, and urges Congress and the President to take appropriate action to bring about their repatriation.

I do not know whether it is humanly possible at this late date to do anything about the American POW's who may have survived almost 20 years in Communist captivity. However, I do believe that the experience in Korea is something that we should constantly keep in mind in our negotiations with the Vietnamese Communists.

In retrospect, it is obvious that we should have taken a harder line on the American POW issue in Korea from the first day of negotiations. At that time, the Communists desperately wanted a cease-fire. They wanted it so desperately indeed that, had we made an immediate exchange of all POW's a precondition for a cease-fire, there is reason to believe that they would have accepted the condition.

I do not like to be a pessimist, especially where the lives of men are involved. But in the light of the Korean experience, I think it should be obvious that if we leave the question of the American POW's until the end of the negotiations, many of those now in captivity will never return to America alive.

It is my conviction, therefore, that we should raise this matter at every single meeting with the Communist negotiators in Paris; that we should place the issue before the court of world public opinion, mobilizing all of our diplomatic resources and information facilities in the interest of arousing world opinion; and that we should not hesitate, if necessary, to warn of stronger measures if the Communists refuse to agree to the elementary, humanitarian request that they abide by the Geneva Convention on the treatment of POW's.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the resolution adopted by the Lucas County Council, the American Legion of Ohio, at a regular meeting on June 2, 1969, in Toledo, Ohio.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

KOREAN PRISONERS OF WAR

Whereas, Many of the 389 American servicemen unaccounted for since the Korean War were known to be alive and in prisoner of war camps of the Communists, and

Whereas, Recurring stories appear in magazines (Argosy, 1959—Saga, 1964) that America has abandoned these men into Communist slavery, and

Whereas, President Dwight Eisenhower stated at a news conference in 1959 that "we have had a long, serious, and even continuing discussion with the Chinese Communists trying to make them disclose where our prisoners were held" and "there are still some left there", and

Whereas, President John F. Kennedy stated at a news conference in 1961 that Chinese Communists were detaining Americans, "some of them way back since 1951", and

Whereas, there has been absolutely no evidence of the death of any of the 380 servicemen,

Now, therefore be it resolved, that Lucas County Council, The First District, the Department of Ohio, and the National American Legion call upon all Senators, Congressmen, and the President to take appropriate action to effect the repatriation of these servicemen.

CLEMENT P. DOMBROWSKI,
County Commander.
LOU L. STEPHENS,
Acting Adjutant.

EDUCATION AND LIBRARY PROGRAMS SUFFER UNDER CONTINUING RESOLUTION

Mr. HART. Mr. President, because of unusual circumstances, important on-going education and library programs are not currently receiving funds under the existing continuing resolution passed by the Senate on June 25 and signed by the President on June 30—Public Law 91-33.

The tradition has been that continuing resolutions provide funds for on-going programs at the level of the previous year's appropriation or at the current year's level in a bill approved by either House, whichever is lower. Only when neither House has passed the current year's appropriations bill does the President's budget recommendations apply, and then only if such recommendations are lower than the previous year's appropriation. To cite an official explanation, let me quote from the House Appropriations Committee Report No. 91-324 on the current continuing resolution which expires October 31, 1969:

> This is the customary type of resolution brought before the House on the eve of the new fiscal year to avoid interruption of continuing governmental functions. The authority conveyed by this resolution is necessary to provide for the interim between June 30 and final approval of the applicable annual appropriation acts for the fiscal year 1970, which begins on July 1, next.
>
> The resolution follows the basic form and concept of similar resolutions of past years. Last year's initial continuing resolution became Public Law 90-366, approved June 29, 1968.
>
> TIME PERIOD OF THE RESOLUTION
>
> The time period covered by the accompanying resolution is limited to the four-month period, July 1–October 31, 1969. Anything shorter than that is judged to be unrealistic, especially since the membership is proceeding under the announced plan of a mid-August recess extending beyond Labor Day, and the further fact that large segments of the budget have not been authorized by the Congress.
>
> SCOPE OF THE RESOLUTION
>
> Comporting with continuing resolutions over a period of many years, including last year, the emphasis in the resolution is on the *continuation of existing projects and activities* at the lowest of one of three rates, namely, the current (fiscal year 1969) rate; the budget request for 1970 where no action has been taken by either House; or the more restrictive amount adopted by either of the two Houses.

Thus in the normal course of events, after the House had passed the Labor-HEW appropriation bill—H.R. 13111—on July 31, there would have been, probably by the end of August or certainly by the end of September, another continuing resolution which would have placed all Labor-HEW programs on the basis of the lower fiscal 1969 or H.R. 13111 as it passed the House. However, because of the scheduled recess in August, the current continuing resolution was introduced in June to continue to October 31, and several important educational programs are being funded on an interim basis not at the lower of H.R. 13111 or 1969 funding, but at the level of the President's budget. There are, under the present continuing resolution, no interim program funds authorized for:

Category B, students under Public Law 874;

Title II ESEA, school library materials;

Title III NDEA, materials and equipment for elementary and secondary schools;

Title V-A NDEA, guidance and counseling;

Title II LSCA, public library construction.

In addition, interim, funds for other programs such as public library services and title I of ESEA are authorized on a level considerably lower than fiscal 1969 or H.R. 13111.

It is my understanding the several joint resolutions have been introduced in the House, proposing that this problem be corrected by amending the current continuing resolution to provide interim funding for Office of Education programs at the level of last year's appropriation on H.R. 13111, whichever is lower. An alternative would be for the appropriations committee to bring in a complete new continuing resolution in the traditional form in place of Public Law 91-33 without waiting for the end of October. This would provide that on-going programs in all appropriations bills, including H.R. 13111, which had passed ether house, be funded on the basis of the 1969 level or the current year's bill, whichever is lower. In this way important on-going education programs on which local school districts and other education and library institutions must depend can receive the funds whch they have had a right to expect when the House passed H.R. 13111 July 31.

Should the House take affirmative action to make this possible, I would assume the Senate Appropriations Committee will give immediate attention to this very urgent matter.

Mr. President, I ask unanimous consent to insert in the RECORD at this point a set of tables showing, by State, the amounts the education and library programs are receiving under the Nixon budget and how much these programs would receive under H.R. 13111 or last year's level of appropriations.

The figures were compiled by the Emergency Committee for Full Funding of Education Programs.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OBLIGATIONS IN THE STATE OF ALABAMA

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$37,773,357	$34,985,664	$38,198,857	$38,580,846	$44,504,965
State administrative expenses	377,734	349,908	381,989		
Grants to States for school library materials (ESEA II)	1,767,887	840,259	705,824	0	826,105
Supplementary educational centers and services (ESEA III)	3,343,000	2,927,740	3,072,424	2,040,343	2,904,233
Strengthening State departments of education (ESEA V):					
Grants to States	497,350	531,860	503,492	503,492	503,492
Grants for special projects					
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	1,918,412	1,888,098		0	34,770
Loans to nonprofit private schools		10,007			
State administration	36,897	35,243			
Guidance, counseling, and testing (NDEA V)	463,990	315,250	219,321	0	311,027
Subtotal, elementary and secondary education	46,178,627	41,884,029	43,081,907	41,124,681	49,084,592
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	9,155,000	9,530,000	6,177,000	2,362,000	11,075,000
Construction (Public Law 81-815)	617,391	681,900	328,000	328,000	328,000
Subtotal, school assistance in federally affected areas	9,772,391	10,211,900	6,505,000	2,690,000	11,403.000
Education professions development: Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		262,781	346,324	346,324	346,324
Training programs (EPDA, pts. C and D)	852,199			0	0
Subtotal, education professions development	852,199	262,781	346,324	346,324	346,324
Teacher Corps	5,116	71,204			
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	2,243,228			0	0
Colleges of agriculture and the meachanic arts (Bankhead-Jones)	227,647	224,435	227,680	227,680	227,680
Undergraduate instructional equipment and other resources (HEA VI-A)	238,807	240,381			
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	2,081,890	2,007,067	1,037,770		
Other undergraduate facilities (HEFA I, sec. 104)	3,525,974	2,092,086	1,367,691	0	510,083
Graduate facilities (HEFA II)	127,207				
State administration and planning (HEFA I, sec. 105)	119,484	97,938	97,938		
Student aid:					
Educational opportunity grants (HEA IV-A)	3,487,390	221,745	1,067,215		
Direct loans (NDEA II)	2,751,992	2,764,567	2,195,856	2,195,856	3,146,940
Insured loans:					
Advances for reserve funds	208,441	240,462			
Interest payments	(1)				
Work-study programs (HEA IV-C)	3,462,758	3,563,082	3,732,752	3,733,522	3,733,522
Special programs for disadvantaged students: Talent search					
Personnel development:					
College teacher fellowships (NDEA IV)	961,500			0	0
Training program (EPDA, pt. E)				0	0
Subtotal, higher education	19,436,318	11,451,763	9,726,902	6,157,058	7,618,225
Vocational education:					
Basic grants	5,730,515	5,755,151	5,493,553	5,493,553	8,442,754
Innovation			248,333	248,333	248,333
Work-study	197,787			0	197,686
Cooperative education			267,787	267,787	267,787
Consumer and homemaking education			346,640	346,640	346,640
Subtotal, vocational education	5,928,302	5,755,151	6,356,313	6,356,293	9,503,200
Libraries and community services:					
Grants for public library services (LSCA I)	633,492	633,492	633,492	319,145	633,492
Construction of public libraries (LSCA II)	600,801	397,777	168,825	0	168,825
Interlibrary cooperation (LSCA III)	42,443	42,892	42,892	42,892	42,892
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,251	25,251	25,251	25,251
College library resources (HEA II-A)	337,344			0	0
Librarian training (HEA II-B)				0	0
University community service programs (HEA I)	185,126	175,958	175,958	175,958	175,958
Adult basic education (Adult Education Act):					
Grants to States	901,330	1,072,101	1,199,378	1,199,378	1,199,378
Special projects and teacher education	185,000			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	2,947,286	2,386,980	2,285,305	1,802,133	2,285,305
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	263,547	571,029	571,028	571,028	571,028
Teacher education and recruitment	425,211			0	0
Research and innovation	27,111			0	0
Media services and captioned films for the deaf	7,151			0	0
Subtotal, education for the handicapped	723,020	571,028	571,028	571,028	571,028
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers	88,493			0	0
General education		49,600		0	0
Vocational education			17,866	17,866	17,866
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	88,493	49,600	17,866	17,866	17,866

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[1] Not available.

OBLIGATIONS IN THE STATE OF ALABAMA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education in foreign languages and world affairs				0	0
Civil rights education	$525,639			0	0
Colleges for agriculture and the mechanic arts (2d Morrill act)	50,000	$50,000	$50,000	$50,000	$50,000
Promotion of vocational education (Smith-Hughes act)	143,330	143,303			
Student loan insurance fund				0	0
Higher education facilities loan fund	2,820,000			0	0
Total, Office of Education	89,470,721	72,837,766	68,940,645	59,115,383	80,879,540

OBLIGATIONS IN THE STATE OF ALASKA

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$1,816,482	$1,725,848	$1,731,032	$1,731,032	$2,093,044
State administrative expenses	150,000	150,000	150,000		
Grants to States for school library materials (ESEA II)	124,897	66,568	55,918	0	70,860
Supplementary educational centers and services (ESEA III)	442,566	547,744	559,471	483,700	551,348
Strengthening State departments of education (ESEA V):					
Grants to States	171,800	242,131	239,911	0	0
Grants for special projects					
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	105,239	106,156		0	13,333
Loans to nonprofit private schools		818			
State administration	10,000	13,333			
Guidance, counseling, and testing (NDEA V)	49,999	50,000	50,000	0	50,000
Subtotal, elementary and secondary education	2,870,983	2,902,598	2,786,332	2,214,732	2,778,585
School Assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	12,849,000	13,379,000	7,793,000	13,935,000	15,917,000
Construction (Public Law 81-815)	14,977	2,616,200	1,293,000	1,293,000	1,293,000
Subtotal, SAFA	12,863,977	15,995,200	9,086,000	15,228,000	17,210,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		112,896	119,515	119,515	119,515
Training programs (EPDA, pts. C and D)	188,325			0	0
Subtotal, education professions development	188,325	112,896	119,515	119,515	119,515
Teachers Corps				0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	95,455			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	155,376	152,468	155,378	155,378	155,378
Undergraduate instructional equipment and other resources (HEA VI-A)	7,522	8,119		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)		74,015	50,000	0	0
Other undergraduate facilities (HEFA I, sec. 104)	250,972	116,613	76,235	0	50,000
Graduate facilities (HEFA II)	600,000			0	0
State administration and planning (HEFA I, sec. 105)	36,480	33,660	33,660	33,660	33,660
Student aid:					
Educational opportunity grants (HEA IV-A)	62,580	6,680	32,147	32,147	23,675
Direct loans (NDEA II)	76,880	83,276	66,145	66,145	94,794
Insured loans:					
Advances for reserve funds	50,000	25,000		0	0
Interest payments	(1)				
Work-study programs (HEA IV-C)	114,209	123,734	129,626	129,653	129,653
Special programs for disadvantaged students:					
Talent search				0	0
Personnel development:					
College teacher fellowships (NDEA IV)	43,800			0	0
Training programs (EPDA, pt. E)				0	0
Subtotal, higher education	1,493,274	623,565	543,191	416,983	487,160
Vocational education:					
Basic grants	502,616	508,238	293,155	293,155	450,531
Innovation			203,530	203,530	203,530
Work-study	15,881			0	15,873
Cooperative education			204,951	204,951	204,951
Consumer and homemaking education			18,498	18,498	18,498
Subtotal, vocational education	518,497	508,238	720,134	720,133	893,383
Libraries and community services:					
Grants for public library services (LSCA I)	136,935	136,935	136,935	115,172	136,935
Construction of public libraries (LSCA II)	115,670	124,125	86,150	0	86,150
Interlibrary cooperation (LSCA III)	40,169	40,200	40,200	40,200	40,200
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,017	25,017	25,017	25,017
College library resources (HEA II-A)	39,905			0	0
Librarian training (HEA II-B)	45,069			0	0
University community service programs (HEA I)	106,520	105,733	105,733	105,733	105,733
Adult basic education (Adult Education Act):				0	0
Grants to States	126,288	131,891	136,550	136,550	136,550
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	572,306	603,410	570,094	462,181	570,277
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	100,000	100,000	100,000	100,000	100,000
Teacher education and recruitment	49,391			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	487			0	0
Subtotal, education for the handicapped	149,878	100,000	100,000	100,000	100,000

[1] Not available.

OBLIGATIONS IN THE STATE OF ALASKA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	$10, 723			0	0
Vocational education	46, 835		$15, 000	$15, 000	$15, 000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	57, 558		15, 000	15, 000	15, 000
Education in foreign languages and world affairs				0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50, 000	$50, 000	50, 000	50, 000	50, 000
Promotion of vocational education (Smith-Hughes Act)	30, 000	30, 000			
Student loan insurance fund				0	0
Higher education facilities loan fund	950, 000			0	0
Total, office of education	19, 844, 798	20, 925, 907	13, 990, 266	19, 776, 544	22, 173, 000

OBLIGATIONS IN THE STATE OF ARIZONA

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$9, 976, 695	$9, 380, 743	$9, 528, 554	$9, 528, 554	$9, 882, 769
State administrative expenses	150, 000	150, 000	150, 000	150, 000	
Grants to States for school library materials (ESEA II)	816, 510	422, 604	354, 990	354, 990	425, 551
Supplementary educational centers and services (ESEA III)	1, 618, 000	1, 516, 112	1, 578, 993	1, 143, 854	1, 526, 861
Strengthening State departments of education (ESEA V):					
Grants to States	300, 954	368, 490	361, 205	361, 205	361, 205
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	774, 785	784, 359		0	800, 812
Loans to nonprofit private schools		11, 366		0	0
State administration	16, 782	16, 488		0	16, 610
Guidance, couseling, and testing (NDEA V)	211, 034	147, 487	102, 607	0	148, 584
Subtotal, elementary and secondary education	13, 864, 760	12, 797, 649	12, 076, 349	11, 538, 603	13, 162, 392
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	8, 700, 000	9, 059, 000	5, 139, 000	6, 526, 000	10, 825, 000
Construction (Public Law 81-815)	1, 832, 067	1, 417, 300	175, 000	175, 000	175, 000
Subtotal, SAFA	10, 532, 067	10, 476, 300	5, 314, 000	6, 701, 000	11, 000, 000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		181, 870	223, 887	223, 887	223, 887
Training programs (EPDA, pts. C and D)	1, 252, 709			0	0
Subtotal, education professions development	1, 252, 709	181, 870	223, 887	223, 887	223, 887
Teacher Corps	49, 981	140, 935		0	0
Higher Education:					
Program assistance:					
Strengthening developing institutions (HEA III)				0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	180, 951	177, 936	180, 964	180, 964	180, 964
Undergraduate instructional equipment and other resources (HEA VI-A)	166, 905	166, 461		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	640, 961	804, 224	415, 830	415, 830	415, 830
Other undergraduate facilities (HEFA I, sec. 104)	1, 877, 254	1, 228, 671	803, 238	0	323, 980
Graduate facilities (HEFA II)	452, 296			0	0
State administration and planning (HEFA I, sec. 105)	63, 780	69, 419	69, 419	0	0
Student aid:					
Educational opportunity grants (HEA IV-A)	1, 184, 950	176, 061	847, 346	847, 346	624, 032
Direct loans (NDEA II)	1, 834, 280	2, 195, 009	1, 743, 464	1, 743, 464	2, 498, 605
Insured loans:					
Advances for reserve funds	3, 759	95, 735		0	0
Interest payments	(1)				
Work-study programs (HEA IV-C)	1, 233, 700	1, 339, 632	1, 430, 424	1, 403, 713	1, 403, 713
Special programs for disadvantaged students:					
Talent search	130, 400			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1, 466, 500			0	0
Training programs (EPDA, pt. E)				0	0
Subtotal, higher education	9, 235, 736	6, 253, 148	5, 463, 685	4, 591, 317	5, 447, 124
Vocational education:					
Basic grants	2, 122, 115	2, 133, 895	2, 237, 119	2, 237, 119	3, 438, 112
Innovation			220, 501	220, 501	220, 501
Work-study	83, 735			0	83, 692
Cooperative education			228, 752	228, 752	228, 752
Consumer and homemaking education			141, 161	141, 161	141, 161
Subtotal, vocational education	2, 205, 850	2, 133, 895	2, 827, 533	2, 827, 533	4, 112, 218
Libraries and community services:					
Grants for public library services (LSCA I)	312, 656	312, 656	312, 656	187, 354	312, 656
Construction of public libraries (LSCA II)	144, 289	215, 407	115, 407	115, 407	115, 407
Interlibrary cooperation (LSCA III)	40, 974	41, 153	41, 153	41, 153	41, 153
State institutional library services (LSCA IV-A)	38, 000	39, 509	39, 509	39, 509	39, 509
Library services for physically handicapped (LSCA IV-B)	23, 750	25, 100	25, 100	25, 100	25, 100
College library resources (HEA II-A)	218, 555			0	0
Librarian training (HEA II-B)	44, 303			0	0
University community service programs (HEA I)	138, 461	134, 680	134, 680	0	0

[1] Not available.

OBLIGATIONS IN THE STATE OF ARIZONA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Libraries and community services—Continued					
Adult basic education (Adult Education Act):					
Grants to States	$302,940	$346,188	$379,898	0	0
Special projects and teacher education					
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1,263,928	1,114,693	1,048,403	$2,827,533	$4,112,218
Education for the Handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	103,733	224,757	224,757	224,757	224,757
Teacher education and recruitment	410,655			0	0
Research and innovation	10,525			0	0
Media services and captioned films for the deaf	2,591			0	0
Subtotal, education for the handicapped	527,504	224,757	224,757	224,757	224,757
Research and training					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	22,048			0	0
Vocational education		50,000	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	22,048	50,000	15,000	15,000	15,000
Education in foreign languages and world affairs	83,054			0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	51,789	51,789			
Student loan insurance fund	300			0	0
Higher education facilities loan fund				0	0
Total, Office of Education	39,139,726	33,475,036	27,243,614	28,999,630	38,347,596

OBLIGATIONS IN THE STATE OF ARKANSAS

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$23,491,781	$21,806,285	$23,525,257	$23,525,257	$27,408,955
State administrative expenses	234,918	218,117	235,253	235,253	
Grants to States for school library materials (ESEA II)	906,017	453,532	380,971	0	447,401
Supplementary educational centers and services (ESEA III)	1,896,000	1,713,497	1,786,306	1,266,286	1,707,779
Strengthening State departments of education (ESEA V):					
Grants to States	328,124	388,193	371,742	371,742	371,342
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	1,000,044	991,055		0	978,829
Loans to nonprofit private schools		4,368		0	0
State administration	19,234	18,499		0	18,376
Guidance, counseling, and testing (NDEA V)	241,869	165,473	115,120	0	164,377
Subtotal, elementary, and secondary education	28,117,987	25,759,019	26,415,149	25,398,538	31,097,059
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	2,650,723	2,696,000	1,530,000	958,000	3,071,000
Construction (Public Law 81-815)	100,191	571,300		0	0
Subtotal, SAFA	2,750,914	3,267,300	1,530,000	958,000	3,071,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		187,861	232,954	232,954	232,954
Training program (EPDA, pts. C and D)	538,632			0	0
Subtotal, education professions development	538,632	187,861	232,954	232,954	232,954
Teacher Corps	379,669	251,852		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	720,212			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	192,458	189,394	192,476	192,476	192,476
Undergraduate instructional equipment and other resources (HEA VI-A)	139,008	136,490		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	157,505	1,079,144	557,980	557,980	557,980
Other undergraduate facilities (HEFA I, sec. 104)	2,424,251	1,167,862	763,483	0	283,138
Graduate facilities (HEFA II)				0	0
State administration and planning (HEFA I, sec. 105)	80,915	74,344	74,344	74,344	74,344
Student aid:					
Educational opportunity grants (HEA IV-A)	1,660,440	148,326	713,863	713,863	525,728
Direct loans (NDEA II)	1,879,706	1,849,227	1,468,814	1,468,814	2,104,996
Insured loans:					
Advances for reserve funds	7,607	122,516		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	3,097,662	2,140,576	2,242,508	2,242,971	2,242,971
Special programs for disadvantaged students:					
Talent search	30,000			0	0
Personal development:					
College teacher fellowships (NDEA IV)	172,600			0	0
Training programs (EPDA, pt. E)				0	0
Subtotal, higher education	10,562,364	6,907,879	6,013,468	5,250,448	5,981,633

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[1] Not available.

OBLIGATIONS IN THE STATE OF ARKANSAS—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Vocational education:					
Basic grants	$3,273,753	$3,319,461	$2,963,572	$2,963,572	$4,554,559
Innovation			225,660	225,660	225,660
Work-study	105,390			0	105,337
Cooperative education			235,988	235,988	235,988
Consumer and homemaking education			187,000	187,000	187,000
Subtotal, vocational education	3,379,143	3,319,461	3,612,220	3,612,220	5,308,544
Libraries and community services:					
Grants for public library services (LSCA I)	319,716	391,716	391,716	219,830	391,716
Construction of public libraries (LSCA II)	398,255	346,970	128,570	0	128,570
Interlibrary cooperation (LSCA III)	41,336	41,581	41,581	41,581	41,581
State institutional library services (LSCA IV–A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV–B)	23,750	25,138	25,138	25,138	25,138
College library resources (HEA II–A)	211,575			0	0
Librarian training (HEA II–B)				0	0
University community service programs (HEA I)	147,398	142,316	142,316	142,316	142,316
Adult basic education (Adult Education Act):					
Grants to States	538,398	631,826	701,583	701,583	701,583
Special projects and teacher education	200,000			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1,990,428	1,619,056	1,470,413	1,169,957	1,470,413
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	137,460	297,836	297,836	297,836	297,836
Teacher education and recruitment	340,493			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	2,089			0	0
Subtotal, education for the handicapped	480,042	297,836	297,836	297,836	297,836
Research and training:					
Research and development:					
Educational laboratories	700,000			0	0
Research and development centers				0	0
General education	6,242			0	0
Vocational education	26,000	67,707	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Disssemination				0	0
Training				0	0
Statistical surveys				0	0
Construction	10,728			0	0
Subtotal research and training	742,970	67,707	15,000	15,000	15,000
Education in foreign languages and world affairs				0	0
Civil rights education	128,540	31,000		0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	85,107	85,107			
Student loan insurance fund				0	0
Higher education facilities loan fund	1,604,000			0	0
Total, Office of Education	50,809,796	41,844,078	39,637,040	36,984,953	47,524,439

OBLIGATIONS IN THE STATE OF CALIFORNIA

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$85,936,416	$80,215,617	$84,053,448	$84,053,448	$97,929,519
State administrative expenses	859,364	802,900	840,534	840,534	
Grants to States for school library materials (ESEA II)	9,337,909	4,786,011	4,020,285	0	4,801,557
Supplementary educational centers and services (ESEA III)	15,774,000	14,182,781	14,922,033	9,681,339	14,208,380
Strengthening State departments of education (ESEA V):					
Grants to States	1,895,749	1,908,448	1,847,729	1,847,729	1,847,729
Grants for special projects	41,491			0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	5,273,358	5,335,635		0	5,635,058
Loans to nonprofit private schools		148,476		0	0
State administration	177,666	174,462		0	175,073
Guidance, counseling, and testing (NDEA V)	2,234,188	1,560,552	1,085,684	0	1,566,092
Subtotal, elementary and secondary education	121,530,141	109,114,882	106,769,713	96,423,650	126,163,408
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81–874)	74,952,000	78,042,000	40,218,000	25,225,000	88,431,000
Construction (Public Law 81–815)		11,047,600	460,000	460,000	460,000
Subtotal, SAFA	74,952,000	89,089,600	40,678,000	25,685,000	88,891,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B–2)		1,027,178	1,503,032	1,503,032	1,503,032
Training programs (EPDA, pts. C and D)	6,493,971			0	0
Subtotal, education professions development	6,493,971	1,027,178	1,503,032	1,503,032	1,503,032
Teachers Corps	1,663,949	1,729,925		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	165,000			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	523,580	519,125	523,740	523,740	523,740
Undergraduate instructional equipment and other resources (HEA VI–A)	1,585,616	1,577,046		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	5,510,083	6,678,961	3,453,412	3,453,412	3,453,412
Other undergraduate facilities (HEFA I, sec. 104)	22,770,923	14,504,916	9,482,513	0	3,663,040
Graduate facilities (HEFA II)	2,598,126	600,000		0	0
State administration and planning (HEFA I, sec. 105)	303,385	377,971	377,971	0	0

OBLIGATIONS IN THE STATE OF CALIFORNIA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Higher education—Continued					
Student aid:					
Educational opportunity grants (HEA IV-A)	$8,581,990	$1,570,013	$7,556,158	$7,556,158	$5,564,771
Direct loans (NDEA II)	15,775,127	18,828,396	15,547,238	15,547,238	22,181,155
Insured loans:					
Advances for reserve funds	837,865	1,079,211		0	0
Interest payments	(1)			0	0
Work-study programs (HEFA IV-C)	13,991,767	11,874,064	12,439,497	12,442,061	12,442,061
Special programs for disadvantaged students:					
Talent search	304,399			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	7,583,700			0	0
Training programs (EPDA pt. E)	251,828			0	0
Subtotal, higher education	80,783,389	57,609,703	49,380,529	39,522,609	47,828,179
Vocational education:					
Basic grants	17,466,034	17,471,789	18,153,766	18,153,766	27,899,577
Innovation			422,522	422,522	422,522
Work-study	919,639			0	919,170
Cooperative education			512,086	512,086	512,086
Consumer and homemaking education			1,145,491	1,145,491	1,145,491
Subtotal, vocational education	18,385,673	17,471,789	20,233,865	20,233,865	30,898,846
Libraries and community services:					
Grants for public library services (LSCA I)	2,666,778	2,666,778	2,666,778	1,154,367	2,666,778
Construction of public libraries (LSCA II)	2,659,255	1,376,957	507,365	0	507,365
Interlibrary cooperation (LSCA III)	51,753	53,915	53,915	53,915	53,915
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	26,210	26,210	26,210	26,210
College library resources (HEA II-A)	2,129,062			0	0
Librarian training (HEA II-B)	724,486			0	0
University community service programs (HEA I)	549,363	506,766	506,765	506,765	506,765
Adult basic education (Adult Education Act):					
Grants to States	1,590,550	1,908,201	2,137,446	2,137,446	2,137,446
Special projects and teacher education	262,500				
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	10,695,497	6,578,336	5,937,988	3,918,212	5,937,988
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	1,106,581	2,397,629	2,397,629	2,397,629	2,397,629
Teacher education and recruitment	1,534,379			0	0
Research and innovation	900,600	288,883		0	0
Media services and captioned films for the deaf	216,828	151,339		0	0
Subtotal, education for the handicapped	3,758,388	2,837,851	2,397,629	2,397,629	2,397,629
Research and training:					
Research and development:					
Educational laboratories	3,485,000	4,171,896		0	0
Research and development centers	4,423,833			0	0
General education	2,737,359	455,000		0	0
Vocational education	1,137,169	241,078	59,037	59,037	59,037
Evaluations	16,046			0	0
National achievement study				0	0
Dissemination	631,725			0	0
Training	541,312			0	0
Statistical surveys	125,000			0	0
Construction	91,492			0	0
Subtotal, research and training	13,188,936	4,867,974	59,037	59,037	59,037
Education in foreign languages and world affairs	3,116,709			0	0
Civil rights education	414,306			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	534,067	534,067			
Student loan insurance fund				0	0
Higher education facilities loan fund	1,676,000			0	0
Total, Office of Education	337,243,026	290,911,305	227,009,793	189,793,034	334,627,965

OBLIGATIONS IN THE STATE OF COLORADO

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$9,606,262	$8,911,750	$9,087,016	$9,087,016	$10,655,367
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	1,064,689	541,044	454,481	454,481	543,947
Supplementary educational centers and services (ESEA III)	2,044,000	1,744,119	1,819,046	1,307,980	1,769,391
Strengthening State departments of education (ESEA V):					
Grants to States	347,190	410,474	401,556	401,556	401,556
Grants for special projects	519,924	258,547		0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	812,768	806,722		0	837,012
Loans to nonprofit private schools		14,921		0	0
State administration	20,077	19,340		0	19,673
Guidance, counseling, and testing (NDEA V)	252,472	172,995	120,354	0	175,980
Subtotal, elementary and secondary education	14,817,382	13,029,912	12,032,453	11,401,033	14,402,926
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	12,765,000	13,291,000	7,539,000	3,109,000	15,522,000
Construction (Public Law 81-815)	1,099,028	2,525,300		0	0
Subtotal, SAFA	13,864,028	15,816,300	7,539,000	3,109,000	15,522,000

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[1] Not available.

OBLIGATIONS IN THE STATE OF COLORADO—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education professions development: Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		$204,815	$258,608	$258,608	$258,608
Training programs (EPDA, pts. C and D)	$1,851,536			0	0
Subtotal, education professions development	1,851,536	204,815	258,608	258,608	258,608
Teachers Corps				0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	125,000			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	191,689	188,629	191,707	191,707	191,707
Undergraduate instructional equipment and other resources (HEA VI-A)	201,690	212,102		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	248,359	935,812	483,869	483,869	483,869
Other undergraduate facilities (HEFA I, sec. 104)	3,129,478	1,691,038	1,105,508	0	414,543
Graduate facilities (HEFA II)	317,181	200,000		0	0
State administration and planning (HEFA I, sec. 105)	91,749	80,092	80,092	80,092	80,092
Student aid:					
Educational opportunity grants (HEA IV-A)	1,982,840	228,321	1,098,863	1,098,863	809,263
Direct loans (NDEA II)	2,769,953	2,846,550	2,260,975	2,260,975	3,240,262
Insured loans:					
Advances for reserve funds		127,164		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	1,846,965	1,603,919	1,680,296	1,680,643	1,680,643
Special programs for disadvantaged students: Talent search	75,000			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,941,200			0	0
Training programs (EPDA, pt. E)	75,000			0	0
Subtotal, higher education	12,996,104	8,113,627	6,901,310	5,796,149	6,900,352
Vocational education:					
Basic grants	2,427,432	2,452,139	2,410,681	2,410,681	3,704,851
Innovation			224,710	224,710	224,710
Work-study	101,059			0	101,008
Cooperative education			234,655	234,655	234,655
Consumer and homemaking education			152,113	152,113	152,113
Subtotal, vocational education	2,528,491	2,452,139	3,022,159	3,022,159	1,087,337
Libraries and community services:					
Grants for public library services (LSCA I)	386,437	386,437	386,437	217,661	386,437
Construction of public libraries (LSCA II)	303,675	232,842	127,691	0	127,691
Interlibrary cooperation (LSCA III)	41,311	41,553	41,553	41,553	41,553
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,135	25,135	25,135	25,135
College library resources (HEA II-A)	441,349			0	0
Librarian training (HEA II-B)	127,425			0	0
University community service programs (HEA I)	147,594	142,295	142,295	142,495	142,495
Adult basic education (Adult Education Act):					
Grants to States	228,507	255,893	275,835	275,835	275,835
Special projects and teacher education	66,996			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1,805,044	1,123,664	1,038,455	742,188	1,038,655
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	131,656	285,258	285,258	285,258	285,258
Teacher education and recruitment	675,135			0	0
Research and innovation	1,135,525	240,113		0	0
Media services and captioned films for the deaf	30,589			0	0
Subtotal, education for the handicapped	1,972,905	525,371	285,528	285,258	285,258
Research and training:					
Research and development:					
Educational laboratories	514,039			0	0
Research and development centers				0	0
General education	291,383	30,002		0	0
Vocational education	48,230	49,982	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination	119,558			0	0
Training	98,475			0	0
Statistical surveys				0	0
Construction	71,250			0	0
Subtotal, research and training	1,142,935	79,984	15,000	15,000	15,000
Education in foreign languages and world affairs	103,826			0	0
Civil rights education	64,673			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	66,744	66,744			
Student loan insurance fund	3,000			0	0
Higher education facilities loan fund					
Total, Office of Education	51,266,668	41,462,556	31,142,243	24,679,395	9,560,136

OBLIGATIONS IN THE STATE OF CONNECTICUT

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$9,062,813	$8,698,660	$9,884,434	$9,884,434	$11,575,229
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	1,400,476	717,392	602,615	0	718,570
Supplementary educational centers and services (ESEA III)	2,775,726	2,333,909	2,447,224	1,687,122	2,343,122
Strengthening State departments of education (ESEA V):					
Grants to States	386,662	449,925	461,634	461,634	461,634
Grants for special projects				0	0

[1] Not available.

OBLIGATIONS IN THE STATE OF CONNECTICUT—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Elementary and secondary education—Continued					
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	$718,891	$724,973		0	$734,201
Loans to nonprofit private schools	9,100	41,129		0	0
State administration	26,820	26,250		0	26,375
Guidance, couseling, and testing (NDEA V)	337,272	234,802	$163,353	0	235,929
Subtotal, elementary and secondary education	14,867,760	13,377,040	13,709,260	$12,183,190	16,095,060
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	3,293,000	3,429,000	1,945,000	1,503,000	3,974,000
Construction (Public Law 81-815)				0	0
Subtotal, SAFA	3,293,000	3,429,000	1,945,000	1,503,000	3,974,000
Education professions development: Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		238,978	310,305	310,305	310,305
Training programs (EPDA, pts. C and D)	782,618			0	0
Subtotal, education professions development	782,618	238,978	310,305	310,305	310,305
Teachers Corps				0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)				0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	210,260	207,121	210,285	210,285	210,285
Undergraduate instructional equipment and other resources (HEA VI-A)	164,566	163,167		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	763,269	875,107	452,481	452,481	452,481
Other undergraduate facilities (HEFA I, sec. 104)	2,676,180	1,784,439	1,166,568	0	454,530
Graduate facilities (HEFA II)	1,352,204			0	0
State administration and planning (HEFA I, sec. 105)	113,326	91,548	91,548	91,548	91,548
Student aid:					
Educational opportunity grants (HEA IV-A)	1,531,380	194,680	936,956	936,956	936,956
Direct loans (NDEA II)	2,417,182	2,427,138	1,927,841	1,927,841	1,927,841
Insured loans:					
Advances for reserve funds		146,810		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	1,463,032	1,505,555	1,577,248	1,577,573	1,577,573
Special programs for disadvantaged students: Talent search	231,240			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,840,300			0	0
Training programs (EPDA, pt. E)	19,000			0	0
Subtotal, higher education	12,781,939	7,395,565	6,362,927	5,196,684	5,651,214
Vocational education:					
Basic grants	2,643,558	2,634,697	2,613,726	2,613,726	4,016,898
Innovation			232,448	232,448	232,448
Work-study	132,821			0	132,753
Cooperative education			245,509	245,509	245,509
Consumer and homemaking education			164,925	164,925	164,925
Subtotal, vocational education	2,776,379	2,634,697	3,256,608	3,256,608	4,792,533
Libraries and community services:					
Grants for public library services (LSCA I)	514,029	514,029	514,029	270,073	514,029
Construction of public libraries (LSCA II)	290,157	274,398	148,935	0	148,935
Interlibrary cooperation (LSCA III)	41,896	42,244	42,244	42,244	42,244
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,195	25,195	25,195	25,195
College library resources (HEA II-A)	422,952			0	0
Librarian training (HEA II-B)				0	0
University community service programs (HEA I)	169,107	162,263	162,263	162,263	162,263
Adult basic education (Adult Education Act):					
Grants to States	394,974	457,836	503,143	503,143	503,143
Special projectc and teacher education	25,000			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1,919,865	1,515,474	1,435,318	1,042,427	1,435,318
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	170,519	369,463	369,463	369,463	369,463
Teacher education and recruitment	426,270			0	0
Research and innovation	9,324	22,500		0	0
Media services and captioned films for the deaf	87,627	8,520		0	0
Subtotal, education for the handicapped	693,740	400,483	369,463	369,463	369,463
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	134,237	23,770		0	0
Vocational education	114,322	75,000	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training	148,100			0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	396,659	98,770	15,000	15,000	15,000
Education in foreign languages and world affairs	571,134			0	0
Civil rights education	79,000			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	92,547	92,547			
Student loan insurance fund				0	0
Higher education facilities loan fund	2,183,000			0	0
Total, Office of Education	40,487,641	29,232,554	27,453,881	23,926,677	32,692,893

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[1] Not available.

OBLIGATIONS IN THE STATE OF DELAWARE

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$2,535,238	$2,520,451	$2,571,260	$2,571,260	$3,124,538
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	260,120	134,057	112,609	0	133,044
Supplementary educational centers and services (ESEA III)	644,000	715,180	735,751	597,711	719,823
Strengthening State departments of education (ESEA V):					
Grants to States	192,381	261,718	262,904	262,904	262,904
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	163,493	165,504		0	180,310
Loans to nonprofit private schools		6,777		0	0
State administration	10,000	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	65,045	50,000	50,000	0	50,000
Subtotal, elementary and secondary education	4,020,277	4,017,020	3,882,524	3,581,875	4,483,952
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	1,741,640	1,922,000	1,756,000	1,388,000	2,212,000
Construction (Public Law 81-815)	16	898,900	801,000	801,000	801,000
Subtotal, SAFA	1,741,656	2,820,900	2,557,000	2,189,000	3,013,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		125,971	139,299	139,299	139,299
Training programs (EPDA, pts. C and D)	77,870			0	0
Subtotal, education professions development	77,870	125,971	139,299	139,299	139,299
Teachers Corps				0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	82,908			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	160,608	157,678	160,612	160,612	160,612
Undergraduate instructional equipment and other resources (HEA VI-A)	26,440	26,175		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	139,307	163,085	84,324	84,324	84,324
Other undergraduate facilities (HEFA I, sec. 104)	516,926	316,172	206,696	0	85,158
Graduate facilities (HEFA II)				0	0
State administration and planning (HEFA I, sec. 105)	94,966	47,476	47,476	47,476	47,476
Student aid:					
Educational opportunity grants (HEA IV-A)	322,720	29,757	143,214	143,214	105,471
Direct loans (NDEA II)	216,403	370,989	294,671	294,671	422,301
Insured loans:					
Advances for reserve funds	10,000	29,209		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	271,172	293,787	307,777	307,840	307,840
Special programs for disadvantaged students:					
Talent search				0	0
Personnel development:					
College teacher fellowships (NDEA IV)	177,000			0	0
Training programs (EDPA, pt. E)				0	0
Subtotal, higher education	2,018,450	1,434,328	1,244,770	1,038,137	1,213,182
Vocational education:					
Basic grants	632,629	623,244	478,774	478,774	735,802
Innovation			206,110	206,110	206,110
Work-study	25,024			0	25,011
Cooperative education			208,568	208,568	208,568
Consumer and homemaking education			30,210	30,210	30,210
Subtotal, vocational education	657,653	623,244	923,662	922,662	1,205,701
Libraries and community services:					
Grants for public library services (LSCA I)	172,884	172,884	172,884	129,939	172,884
Construction of public libraries (LSCA II)	170,250	225,947	92,135	0	92,135
Interlibrary cooperation (LSCA III)	40,334	40,395	40,395	40,395	40,395
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	30,509	30,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,034	25,043	25,034	25,034
College library resources (HEA II-A)	33,726			0	0
Librarian training (HEA II-B)				0	0
University community service programs (HEA I)	112,283	111,098	111,098	111,098	111,098
Adult basic education (Adult Education Act):					
Grants to States	146,034	155,845	162,892	162,892	162,892
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	737,261	770,712	643,947	499,867	637,947
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	100,000	100,000	100,000	100,000	100,000
Teacher education and recruitment	105,723			0	0
Research and innovation		26,378		0	0
Media services and captioned films for the deaf	2,523			0	0
Subtotal, education for the handicapped	208,246	126,378	100,000	100,000	100,000
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General educations	22,231			0	0
Vocational education	60,000	40,000	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	82,231	40,000	15,000	15,000	15,000

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[1] Not available.

OBLIGATIONS IN THE STATE OF DELAWARE—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education in foreign languages and world affairs				0	0
Civil rights education	$99,224			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	$50,000	$50,000	$50,000	$50,000
Promotion of vocational education (Smith-Hughes Act)	30,000	30,000			
Student loan insurance fund				0	0
Higher education facilities loan fund	491,000			0	0
Total, Office of Education	10,213,868	10,038,553	9,556,202	8,535,840	10,858,081

OBLIGATIONS IN THE DISTRICT OF COLUMBIA

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$5,933,620	$5,655,271	$5,710,453	$5,710,453	$6,204,418
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	336,897	167,514	140,713	0	163,966
Supplementary educational centers and services (ESEA III)	841,000	874,098	903,065	705,509	879,117
Strengthening State departments of education (ESEA V):					
Grants to States	206,022	273,711	274,302	274,302	274,302
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	172,293	177,226		0	182,138
Loans to nonprofit private shcools		7,660		0	0
State administration	10,000	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	83,354	59,191	50,000	0	60,916
Subtotal, elementary and secondary education	7,733,186	7,378,004	7,228,533	6,840,264	7,778,190
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	5,747,400	5,984,400	3,396,000	374,000	6,744,000
Construction (Public Law 81-815)		908,400		0	0
Subtotal, SAFA	5,747,400	6,892,800	3,396,000	374,000	6,774,000
Education professions development: Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		132,452	149,107	149,107	149,107
Training programs (EPDA, pts. C and D)	827,729			0	0
Subtotal, education professions development	827,729	132,452	149,107	149,107	149,107
Teachers Corps	425,423	155,267		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)				0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)		165,197	168,166	168,166	168,166
Undergraduate instructional equipment and other resources (HEA VI-A)	108,295	101,716		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)		143,332	74,111	74,111	74,111
Other undergraduate facilities (HEFA I, sec. 104)	1,469,313	746,653	488,120	0	181,288
Graduate facilities (HEFA II)	237,225			0	0
State administration and planning (HEFA I, sec. 105)	31,542	64,151	64,151	64,151	64,151
Student aid:					
Educational opportunity grants (HEA IV-A)	915,250	132,064	635,596	635,596	468,088
Direct loans (NDEA II)	1,715,440	1,646,480	1,307,776	1,307,776	1,874,208
Insured loans:					
Advances for reserve funds	49,818	63,305		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	810,839	707,424	741,110	741,263	741,263
Special programs for disadvantaged students: Talent search	105,840			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,131,800			0	0
Training programs (EPDA, pt. E)	160,000			0	0
Subtotal, higher education	6,735,362	3,770,322	3,479,030	2,991,063	3,571,275
Vocational education:					
Basic grants	769,427	774,982	650,227	650,227	999,302
Innovation			207,739	207,739	207,739
Work-study	31,280			0	31,264
Cooperative education			210,853	210,853	210,853
Consumer and homemaking education			41,029	41,029	41,029
Subtotal, vocational education	800,707	774,982	1,109,848	1,109,848	1,490,187
Libraries and community services:					
Grants for public library services (LSCA I)	224,762	224,762	224,762	151,249	224,762
Construction of public libraries (LSCA II)	368,797	138,580	100,773	0	100,773
Interlibrary cooperation (LSCA III)	40,571	40,676	40,676	40,676	40,676
State institutional library services (LSCA IV-A)		39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)		25,059	25,059	25,059	25,059
College library resources (HEA II-A)	308,721			0	0
Librarian training (HEA II-B)	103,418			0	0
University community service programs (HEA I)	119,584	117,437	117,437	117,437	117,437
Adult basic education (Adult Education Act):					
Grants to States	196,191	216,690	231,310	231,310	231,310
Special projects and teacher education	1,279,897			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	2,641,941	802,713	779,526	605,240	779,526
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	100,000	100,397	100,397	100,397	100,397
Teacher education and recruitment	454,447			0	0
Research and innovation	1,287,431	858,792		0	0
Media services and captioned films for the deaf	527,094	560,414		0	0
Subtotal, education for the handicapped	2,368,972	1,519,603	100,397	100,397	100,397

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[1] Not available.

OBLIGATIONS IN THE DISTRICT OF COLUMBIA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Research and training:					
Research and development:					
Educational laboratories	$780, 000	$390, 000		0	0
Research and development centers				0	0
General education	1, 836, 048	949, 292		0	0
Vocational education	618, 982	243, 293	$15, 000	$15, 000	$15, 000
Evaluations	332, 676			0	0
National achievement study				0	0
Dissemination	1, 174, 098	302, 220		0	0
Training	201, 919			0	0
Statistical surveys	53, 475			0	0
Construction	15, 948			0	0
Subtotal, research and training	5, 013, 146	1, 884, 805	15, 000	15, 000	15, 000
Education in foreign languages and world affairs	541, 059			0	0
Civil rights education	130, 560	152, 065		0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)		50, 000	50, 000	50, 000	50, 000
Promotion of vocational education (Smith-Hughes Act)					
Student loan insurance fund				0	0
Higher education facilities loan fund	814, 000			0	0
Total, Office of Education	33, 779, 485	23, 513, 013	16, 307, 441	12, 234, 919	20, 677, 682

OBLIGATIONS IN THE STATE OF FLORIDA

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$32, 933, 155	$32, 012, 107	$32, 717, 727	$32, 717, 727	$33, 044, 904
State administrative expenses	329, 332	320, 928	327, 177	327, 177	
Grants to States for school library materials (ESEA II)	2, 648, 847	1, 358, 173	1, 140, 875	0	1, 385, 908
Supplementary educational centers and services (ESEA III)	4, 898, 000	4, 530, 189	4, 759, 524	3, 182, 146	4, 603, 634
Strengthening State departments of education (ESEA V):					
Grants to States	652, 801	709, 479	679, 935	679, 935	679, 935
Grants for special projects	234, 000			0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	2, 266, 670	2, 281, 979		0	2, 313, 878
Loans to nonprofit private schools	6, 170	30, 966		0	0
State administration	54, 369	53, 121		0	54, 190
Guidance, counseling, and testing (NDEA V)	683, 699	475, 164	330, 574	0	484, 750
Subtotal, elementary and secondary education	44, 707, 043	41, 772, 106	39, 955, 812	36, 906, 985	42, 567, 199
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	16, 684, 000	17, 351, 000	10, 201, 000	5, 013, 000	20, 056, 000
Construction (Public Law 81-815)	554, 293	2, 615, 300	17, 000	17, 000	17, 000
Subtotal, SAFA	17, 238, 293	19, 966, 300	10, 218, 000	5, 030, 000	20, 073, 000
Education professions development: Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		363, 114	498, 152	498, 152	498, 152
Training programs (EPDA, pts. C and D)	2, 584, 068			0	0
Subtotal, education professions development	2, 584, 068	363, 114	498, 152	498, 152	498, 152
Teachers Corps	453, 772	537, 734		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	676, 663			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	267, 693	264, 313	267, 743	267, 743	267, 743
Undergraduate instructional equipment and other resources (HEA VI-A)	386, 333	398, 154		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	2, 329, 696	2, 308, 003	1, 193, 372	0	0
Other undergraduate facilities (HEFA I, sec. 104)	5, 526, 744	3, 533, 473	2, 309, 990	0	902, 586
Graduate facilities (HEFA II)	440, 164			0	0
State administration and planning (HEFA I, sec. 105)	135, 710	125, 891	125, 891	125, 891	125, 891
Student aid:					
Educational opportunity grants (HEA IV-A)	3, 133, 560	[1] 370, 462	1, 782, 958	1, 782, 958	1, 313, 069
Direct loans (NDEA II)	4, 594, 743	4, 618, 666	3, 668, 541	3, 668, 541	5, 257, 482
Insured loans:					
Advances for reserve funds	17, 279	325, 297		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	3, 601, 075	3, 910, 790	4, 097, 018	4, 097, 862	4, 097, 862
Special programs for disadvantaged students: Talent search	69, 495			0	0
Personnel development:					
College teacher fellowships (NDE IV)	2, 399, 200			0	0
Training programs (EPDA, pt. E)	191, 986			0	0
Subtotal, higher education	23, 770, 341	15, 855, 049	13, 445, 513	9, 942, 995	11, 964, 633
Vocational education:					
Basic grants	7, 163, 350	7, 143, 929	7, 393, 929	7, 393, 929	11, 363, 343
Innovation			266, 390	266, 390	266, 390
Work-study	272, 860			0	272, 721
Cooperative education			293, 111	293, 111	293, 111
Consumer and homemaking education			466, 553	466, 553	466, 553
Subtotal, vocational education	7, 436, 210	7, 143, 929	8, 419, 983	8, 419, 983	12, 662, 118
Libraries and community services:					
Grants for public library services (LSCA I)	908, 640	908, 640	908, 640	432, 168	908, 640
Construction of public libraries (LSCA II)	1, 300, 823	551, 144	214, 637	0	214, 637
Interlibrary cooperation (LSCA III)	43, 703	44, 384	44, 384	44, 384	44, 384
State institutional library services (LSCA IV-A)	38, 000	39, 509	39, 509	39, 509	39, 509
Library services for physically handicapped (LSCA IV-B)	23, 750	25, 381	25, 381	25, 381	25, 381
College library resources (HEA II-A)	566, 810			0	0
Librarian training (HEA II-E)	166, 482			0	0
University community service programs (HEA I)	241, 536	227, 490	227, 491	227, 491	227, 491

[1] Not available.

OBLIGATIONS IN THE STATE OF FLORIDA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Libraries and community services—Continued					
Adult basic education (Adult Education Act):					
Grants to States	$874,905	$1,040,045	$1,159,832	$1,159,832	$1,159,832
Special projects and teacher education	516,000			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	4,680,649	2,836,593	2,619,874	1,928,765	2,619,877
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	339,800	736,246	736,246	736,246	736,246
Teacher education and recruitment	678,392			0	0
Research and innovation	210,447	233,751		0	0
Media services and captioned films for the deaf	9,840			0	0
Subtotal, education for the handicapped	1,238,479	969,997	736,246	736,246	736,246
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	1,290,341	44,338		0	0
Vocational education	323,795	50,000	24,046	24,046	24,046
Evaluations	700			0	0
National achievement study				0	0
Dissemination	118,405			0	0
Training	344,079			0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	2,077,320	49,338	24,046	24,046	24,046
Education in foreign languages and world affairs	337,479			0	0
Civil rights education	707,719	129,380		0	0
Colleges for agriculture and the mechanic arts (Second Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	187,558	187,558			
Student loan insurance fund				0	0
Higher education facilities loan fund	2,291,000				0
Total, office of education	107,759,931	89,906,098	75,967,626	63,537,172	91,195,269

OBLIGATIONS IN THE STATE OF GEORGIA

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$37,681,381	$34,744,894	$37,800,275	$37,800,275	$44,040,582
State administrative expenses	376,814	347,488	378,003	378,003	
Grants to States for school library materials (ESEA II)	2,152,555	1,089,383	915,090	0	1,086,360
Supplementary educational centers and services (ESEA III)	4,235,273	3,625,930	3,807,496	2,519,142	3,623,910
Strengthening State departments of education (ESEA V):					
Grants to States	577,997	628,796	588,363	588,363	588,363
Grants for special projects	483,412			0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	2,252,999	2,239,316		0	2,182,778
Loans to nonprofit private schools		9,660		0	0
State administration	45,633	44,018		0	43,958
Guidance, counseling, and testing (NDEA V)	573,845	393,735	273,924	0	393,215
Subtotal, elementary and secondary education	48,379,909	43,123,220	43,763,151	41,285,783	51,959,166
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	15,440,556	16,421,000	11,575,000	5,749,000	18,978,000
Construction (Public Law 81-815)	1,224,508	3,172,400	1,598,000	1,598,000	1,598,000
Subtotal, SAFA	16,665,064	19,593,400	13,173,000	7,347,000	20,576,000
Education professions development: Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		311,043	419,355	419,355	419,355
Training programs (EPDA, pts. C and D)	2,372,079			0	0
Subtotal, education professions development	2,372,079	311,043	419,355	419,355	419,355
Teachers Corps	251,055	261,751		0	0
Highers education:					
Program assistance:					
Strengthening developing institutions (HEA III)	2,444,284			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	243,723	240,444	243,763	243,763	243,763
Undergraduate instructional equipment and other resources (HEA VI-A)	254,839	252,462		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	430,589	2,056,751	1,063,460	0	0
Other undergraduate facilities (HEFA I, sec. 104)	5,553,318	2,476,634	1,619,087	0	615,620
Graduate facilities (HEFA II)	958,549	200,000		0	0
State administration and planning (HEFA I, sec. 105)	114,696	113,760	113,760	0	0
Student aid:					
Educational opportunity grants (HEA IV-A)	2,348,100	263,868	1,269,944	1,260,944	935,257
Direct loans (NDEA II)	2,962,869	3,289,729	2,612,985	2,612,985	3,744,737
Insured loans:					
Advances for reserve funds	129,249	306,131		0	0
Interest payments	[1]			0	0
Work-study programs (HEA IV-C)	1,946,249	3,976,902	4,166,278	4,167,138	4,167,138
Special programs for disadvantaged students: Talent search	60,000			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,929,600			0	0
Training programs (EPDA, pt. E)	221,200			0	0
Subtotal, higher education	19,597,265	13,176,681	11,089,277	8,284,830	9,706,515

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[1] Not available.

OBLIGATIONS IN THE STATE OF GEORGIA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Vocational educational:					
Basic grants	$7,106,953	$7,105,908	$6,961,237	$6,961,237	$10,698,362
Innovation			260,009	260,009	260,009
Work-study	247,836			0	247,709
Cooperative education			284,162	284,162	284,162
Consumer and homemaking education			439,251	439,251	439,251
Subtotal, vocational education	7,354,789	7,105,908	7,944,659	7,944,659	11,929,493
Libraries and community services:					
Grants for public library services (LSCA I)	743,951	743,951	743,951	364,518	743,951
Construction of public libraries (LSCA II)	899,816	519,170	187,217	0	187,217
Interlibrary cooperation (LSCA III)	42,949	43,491	43,491	43,491	43,491
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,304	25,304	25,304	25,304
College library resources (HEA II-A)	473,915			0	0
Librarian training (HEA II-B)	286,062			0	0
University community service programs (HEA I)	207,226	196,164	196,164	196,164	196,164
Adult basic education (Adult Education Act):					
Grants to States	1,132,351	1,352,356	1,515,610	1,515,610	1,515,610
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	3,848,020	2,919,945	2,751,246	2,184,596	2,751,246
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	314,971	682,447	682,447	682,447	682,447
Teacher education and recruitment	501,825			0	0
Research and innovation	13,103	9,549		0	0
Media services and captioned films for the deaf	6,476			0	0
Subtotal, education for the handicapped	836,375	691,996	682,447	682,447	682,447
Research and training:					
Research and development:					
Educational laboratories	670,000	670,000		0	0
Research and development centers	1,237,326			0	0
General education	499,686			0	0
Vocational education	216,400		22,639	22,639	22,639
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training	157,700			0	0
Statistical surveys				0	0
Construction	92,143			0	0
Subtotal, research and training	2,873,255	670,000	22,639	22,639	22,639
Education in foreign languages and world affairs				0	0
Civil rights education	562,105	319,299		0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	172,456	172,456		0	0
Student loan insurance fund				0	0
Higher education facilities loan fund	922,000			0	0
Total, Office of Education	103,884,372	88,395,699	79,895,774	68,221,309	98,096,861
OBLIGATIONS IN THE STATE OF HAWAII					
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$2,430,762	$2,215,107	$2,633,771	$2,633,771	$3,211,221
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	386,217	193,833	162,821	0	192,394
Supplementary educational centers and services (ESEA III)	841,079	874,776	903,778	716,722	895,686
Strengthening State departments of education (ESEA V):					
Grants to States	213,704	281,390	283,268	283,268	283,268
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	298,618	301,047		0	325,337
Loans to nonprofit private schools	31,063	9,946		0	0
State administration	10,000	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	94,918	66,059	50,000	0	68,974
Subtotal, elementary and secondary education	4,456,361	4,105,491	4,183,638	3,783,761	4,990,213
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	8,756,000	9,117,000	5,172,000	5,741,000	10,735,000
Construction (Public Law 81-815)		1,785,000		0	0
Subtotal, SAFA	8,756,000	10,902,000	5,172,000	5,741,000	10,735,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		137,551	156,823	156,823	156,823
Training programs (EPDA, pts. C and D)	569,568			0	0
Subtotal, education professions development	569,568	137,551	156,823	156,823	156,823
Teachers Corps	161,025	211,201		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	139,266			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	165,040	162,092	165,047	165,047	156,047
Undergraduate instructional equipment and other resources (HEA VI-A)	51,362	58,366		0	0
Construction:					
Public community, colleges and technical institutes (HEFA I, sec. 103)	276,813	327,314	169,240	169,240	169,240
Other undergraduate facilities (HEFA I, sec. 104)	857,813	547,034	357,621	0	127,380
Graduate facilities (HEFA II)	841,520			0	0
State administration and planning (HEFA I, sec. 105)	20,269	51,522	51,522	51,522	51,522

OBLIGATIONS IN THE STATE OF HAWAII—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Higher education—Continued					
Student aid:					
Educational opportunity grants (HEA IV–A)	$196,000	$55,099	$265,182	$265,182	$195,295
Direct loans (NDEA II)	272,454	328,050	545,627	545,627	781,953
Insured loans:					
Advances for reserve funds	17,365	56,820		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV–C)	542,283	481,321	504,241	504,345	504,345
Special programs for disadvantaged students: Talent search	71,837			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	485,800			0	0
Training programs (EPDA, pt. E)				0	0
Subtotal, higher education	3,937,722	2,067,618	2,058,480	1,700,963	1,985,782
Vocational education:					
Basic grants	1,009,303	1,000,869	943,321	943,321	1,449,742
Innovation			210,047	210,047	210,047
Work-study	43,311			0	43,289
Cooperative education			214,090	214,090	214,090
Consumer and homemaking education			59,523	59,523	59,523
Subtotal, vocational education	1,052,614	1,000,869	1,426,981	1,426,981	1,976,691
Libraries and community services:					
Grants for public library services (LSCA I)	203,338	203,338	203,338	142,449	203,338
Construction of public libraries (LSCA II)	320,520	140,944	97,206	0	97,206
Interlibrary cooperation (LSCA III)	40,473	40,560	40,560	40,560	40,560
State institutional library services (LSCA IV–A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV–B)	23,750	25,049	25,049	25,049	25,049
College library resources (HEA II–A)	55,822			0	0
Librarian training (HEA II–B)	141,163			0	0
University community service programs (HEA I)	117,338	115,728	115,728	115,728	115,728
Adult basic education (Adult Education Act):					
Grants to States	211,515	235,281	251,540	251,540	251,540
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community centers	1,151,919	800,409	772,930	614,835	773,118
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	100,000	113,023	113,023	113,023	113,023
Teacher education and recruitment	115,744			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	3,225			0	0
Subtotal, education for the handicapped	218,969	113,023	113,023	113,023	113,023
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	237,965			0	0
Vocational education	41,872	25,334	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	279,837	25,334	15,000	15,000	15,000
Education in foreign languages and world affairs	203,182			0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	31,661				
Student loan insurance fund	1,000			0	0
Higher education facilities loan fund				0	0
Total, Office of Education	20,869,858	19,413,496	13,948,875	13,602,386	20,795,650

OBLIGATIONS IN THE STATE OF IDAHO

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$3,095,753	$2,945,733	$3,006,605	$3,006,605	$3,488,547
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	360,311	180,728	151,813	0	180,068
Supplementary educational centers and services (ESEA III)	831,000	858,909	887,072	569,438	855,370
Strengthening State departments of education (ESEA V):					
Grants to States	217,211	283,917	278,803	278,803	278,803
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	360,587	358,140		0	356,734
Loans to nonprofit private schools		3,048		0	0
State administration	10,000	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	94,436	64,750	50,000	0	64,139
Subtotal, elementary and secondary education	5,119,298	4,858,558	4,524,293	4,403,649	5,236,994
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	2,551,000	2,656,000	1,507,000	1,044,000	3,225,000
Construction (Public Law, 81-815)		138,100		0	0
Subtotal, SAFA	2,551,000	2,794,100	1,507,000	1,044,000	3,225,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		135,012	152,981	152,981	152,981
Training programs (EPDA, pts. C and D)	142,113			0	0
Subtotal, education professions development	142,113	135,012	152,981	152,981	152,981
Teachers Corps				0	0

[1] Not available.

OBLIGATIONS IN THE STATE OF IDAHO—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	$102, 500			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	165, 858	$162, 907	$165, 865	$165, 865	$165, 865
Undergraduate instructional equipment and other resources (HEA VI-A)	62, 099	65, 468		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	330, 390	400, 064	206, 857	206, 857	206, 857
Other undergraduate facilities (HEFA I, sec. 104)	854, 005	546, 443	357, 234	0	132, 503
Graduate facilities (HEFA II)		800, 000		0	0
State administration and planning (HEFA I, sec. 105)	72, 046	55, 294	55, 294	55, 294	55, 294
Student aid:					
Educational opportunity grants (HEA IV-A)	491, 250	64, 941	312, 549	312, 549	230, 178
Direct loans (NEDA II)	618, 496	809, 643	643, 087	643, 087	921, 626
Insured loans:					
Advances for reserve funds		46, 098		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	618, 851	549, 749	575, 928	576, 046	576, 046
Special programs for disadvantaged students: Talent search				0	0
Personnel development:					
College teacher fellowships (NDEA IV)	192, 700			0	0
Training programs (EPDA Pt. E)				0	0
Subtotal, higher education	3, 508, 195	3, 500, 607	2, 316, 814	1, 959, 698	2, 288, 369
Vocational education:					
Basic grants	1, 191, 853	1, 202, 766	1, 032, 903	10, 32, 903	1, 587, 417
Innovation			209, 639	209, 639	209, 639
Work-study	38, 980			0	38, 960
Cooperative education			213, 519	213, 519	213, 519
Consumer and homemaking education			65, 176	65, 176	65, 176
Subtotal, vocational education	1, 230, 833	1, 202, 766	1, 521, 237	1, 521, 237	2, 114, 711
Libraries and community services:					
Grants for public library services (LSCA I)	208, 959	208, 959	208, 959	144, 758	208, 959
Construction of public libraries (LSCA II)	247, 786	131, 159	98, 141	0	98, 141
Interlibrary cooperation (LSCA III)	40, 499	40, 591	40, 591	40, 591	40, 591
State institutional library services (LSCA IV-A)	38, 000	39, 509	39, 509	39, 509	39, 509
Library services for physically handicapped (LSCA IV-B)	23, 750	25, 051	25, 051	25, 051	25, 051
College library resources (HEA II-A)	88, 375			0	0
Librarian training (HEA II-B)	17, 392			0	0
University community service programs (HEA I)	116, 923	115, 079	115, 079	115, 079	115, 079
Adult basic education (Adult Education Act):					
Grants to States	138, 479	146, 680	153, 041	153, 041	153, 041
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	920, 163	707, 028	680, 371	518, 029	680, 371
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	100, 000	116, 982	116, 982	116, 982	116, 982
Teacher education and recruitment	133, 155			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	1, 673			0	0
Subtotal, education for the handicapped	234, 828	116, 982	116, 982	116, 982	116, 982
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	9, 233			0	0
Vocational education		50, 000	15, 000	15, 000	15, 000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	9, 233	50, 000	15, 000	15, 000	15, 000
Education in foreign languages and world affairs				0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50, 000	50, 000	50, 000	50, 000	50, 000
Promotion of vocational education (Smith-Hughes Act)	39, 430	39, 430			0
Student loan insurance fund				0	0
Higher education facilities loan fund	12, 000			0	0
Total, Office of Education	13, 817, 093	13, 454, 483	10, 884, 678	9, 781, 576	13, 880, 408

OBLIGATIONS IN THE STATE OF ILLINOIS

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$47, 565, 775	$44, 407, 826	$46, 788, 843	$46, 788, 843	$54, 513, 049
State administrative expenses	474, 998	444, 130	467, 888	467, 888	0
Grants to States for school library materials (ESEA II)	5, 337, 276	2, 681, 475	2, 252, 460	0	2, 672, 463
Supplementary educational centers and services (ESEA III)	9, 382, 000	8, 223, 590	8, 648, 036	5, 650, 541	8, 251, 199
Strengthening State departments of education (ESEA V):					
Grants to States	1, 013, 556	1, 056, 099	1, 130, 757	1, 130, 757	1, 130, 757
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	3, 056, 642	3, 085, 357		0	3, 157, 687
Loans to nonprofit private schools		181, 753		0	0
State administration	102, 071	99, 990		0	100, 742
Guidance, counseling, and testing (NDEA V)	1, 283, 562	894, 406	622, 243	0	901, 171
Subtotal, elementary and secondary education	68, 215, 880	61, 074, 626	59, 910, 227	54, 038, 029	68, 727, 068

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[1] Not available.

OBLIGATIONS IN THE STATE OF ILLINOIS—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	$12,220,000	$12,724,000	$7,217,000	$4,280,000	$14,805,000
Construction (Public Law 81-815)	97,094	934,000		0	0
Subtotal, SAFA	12,317,094	13,658,000	7,217,000	4,280,000	14,805,000
Education professions development:					
Preschool elementary, and secondary:					
Grants to States (EPDA B-2)		619,473	886,082	886,082	886,082
Training programs (EPDA, pts. C and D)	3,468,409			0	0
Subtotal, education professions development	3,468,409	619,473	886,082	886,082	836,082
Teachers Corps	1,109,679	1,067,674		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	1,068,000			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	389,618	385,726	389,721	389,721	389,721
Undergraduate instructional equipment and other resources (HEA VI-A)	641,295	627,907		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	2,776,977	3,299,943	1,706,263	1,706,263	1,706,263
Other undergraduate facilities (HEFA I, sec. 104)	10,439,144	6,640,145	4,340,960	0	1,688,339
Graduate facilities (HEFA II)	1,500,000			0	0
State administration and planning (HEFA I, sec. 105)	244,312	215,020	215,020	215,020	215,020
Student aid:					
Educational opportunity grants (HEA IV-A)	6,429,725	770,306	3,707,326	3,707,326	2,730,279
Direct loans (NDEA II)	9,192,661	9,603,647	7,628,040	7,628,040	10,931,945
Insured loans:					
Advances for reserve funds	92,355	642,626		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	5,129,105	6,321,681	6,622,714	6,624,079	6,624,079
Special programs for disadvantaged students: Talent search	255,380			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	4,692,300			0	0
Training programs (EPDA, pt. E)	148,000			0	0
Subtotal, higher education	42,998,872	28,507,001	24,010,044	20,270,449	24,285,646
Vocational education:					
Basic grants	10,397,146	10,300,874	9,830,472	9,380,472	15,169,414
Innovation			324,227	0	0
Work-study	503,371			0	503,114
Cooperative education			374,227	374,227	374,227
Consumer and homemaking education			622,822	622,866	622,822
Subtotal, vocational education	10,900,517	10,300,874	11,151,748	10,377,565	16,669,577
Libraries and community services:					
Grants for public library services (LSCA I)	1,746,355	1,746,355	1,746,355	776,280	1,746,355
Construction of public libraries (LSCA II)	656,395	1,653,747	354,115	0	354,115
Interlibrary cooperation (LSCA III)	47,539	48,925	48,925	48,925	48,925
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,776	25,776	25,776	25,776
College library resources (HEA II-A)	1,532,824			0	0
Librarian training (HEA II-B)	666,077			0	0
University community service programs (HEA I)	359,848	333,347	333,346	333,346	333,346
Adult basic education (Adult Education Act):					
Grants to States	1,221,492	1,460,494	1,633,780	1,633,780	1,633,780
Special projects and teacher education	483,000			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	6,775,280	5,308,153	4,181,806	2,857,616	4,181,806
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	687,167	1,488,885	1,488,885	1,488,885	1,488,885
Teacher education and recruitment	1,211,167			0	0
Research and innovation	796,468	446,411		0	0
Media services and captioned films for the deaf	77,590	49,465		0	0
Subtotal, education for the handicapped	2,772,392	1,984,761	1,488,885	1,488,885	1,488,885
Research and training:					
Research and development:					
Educational laboratories	600,000	270,000		0	0
Research and development centers	1,465,500			0	0
General education	1,554,377	137,690		0	0
Vocational education	1,022,991	363,581	32,100	32,100	32,100
Evaluations				0	0
National achievement study				0	0
Dissemination	64,312			0	0
Training	314,657			0	0
Statistical surveys	23,400			0	0
Construction	22,000			0	0
Subtotal, research and training	5,067,237	771,271	32,100	32,100	32,100
Education in foreign languages and world affairs	1,305,133			0	0
Civil rights education	264,413			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	5,0000	50,000
Promotion of vocational education (Smith-Hughes Act)	360,319	360,319			
Student loan insurance fund				0	0
Higher education facilities loan fund	6,875,000			0	0
Total, Office of Education	162,480,225	123,702,152	109,527,392	94,280,725	131,126,164

OBLIGATIONS IN THE STATE OF INDIANA

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$15,973,503	$15,013,815	$16,019,525	$16,019,525	$18,664,129
State administrative expenses	159,736	150,191	160,195	160,195	
Grants to States for school library materials (ESEA II)	2,534,729	1,286,642	1,080,789	0	1,282,958
Supplementary educational centers and services (ESEA III)	4,550,000	3,980,987	4,181,310	2,766,361	3,989,229

[1] Not available.

OBLIGATIONS IN THE STATE OF INDIANA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Elementary and secondary education—Continued					
Strengthening State departments of education (ESEA V):					
Grants to States	$540, 191	$664, 602	$655, 566	$655, 566	$655, 566
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	1, 946, 443	1, 950, 699		0	1, 941, 848
Loans to nonprofit private schools		46, 524		0	0
State administration	49, 541	48, 185		0	48, 281
Guidance, conseling, and testing (NDEA V)	622, 990	431, 016	299, 860	0	431, 892
Subtotal, elementary and secondary education	26, 377, 133	23, 572, 661	22, 397, 245	19, 601, 647	27, 013, 903
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	4, 217, 000	4, 391, 000	2, 491, 000	982, 000	4, 974, 000
Construction (Public Law 81-815)		157, 900		0	0
Subtotal, SAFA	4, 217, 000	4, 548, 900	2, 491, 000	982, 000	4, 974, 000
Education professions development: Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		349, 257	477, 138	477, 183	477, 183
Training programs (EPDA, pts. C and D)	3, 286, 966				0
Subtotal, education professions development	3, 286, 966	349, 257	477, 183	477, 183	477, 183
Teachers Corps	507, 039	244, 449		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	124, 715			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	260, 822	257, 471	260, 870	260, 870	260, 870
Undergraduate instructional equipment and other resources	363, 716	360, 578		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	2, 991, 611	2, 031, 939	1, 050, 631	1, 050, 631	1, 050, 631
Other undergraduate facilities (HEFA I, sec. 104)	4, 606, 774	3, 386, 105	2, 213, 649	0	844, 564
Graduate facilities (HEFA II)	714, 815			0	0
State administration and planning (HEFA I, sec. 105)	150, 847	123, 421	123, 421	123, 421	123, 421
Student aid:					
Educational opportunity grants (HEA IV-A)	4, 029, 100	433, 744	2, 087, 523	2, 087, 523	1, 537, 367
Direct loans (NDEA II)	5, 726, 806	5, 407, 627	4, 295, 200	4, 295, 000	6, 155, 565
Insured loans:					
Advances for reserve funds		324, 610		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	2, 041, 745	3, 352, 294	3, 511, 927	3, 512, 652	3, 512, 652
Special programs for disadvantaged students: Talent search	57, 000			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	3, 028, 800			0	0
Training programs (EPDA, pt. E)	64, 128			0	0
Subtotal, higher education	24, 160, 879	15, 677, 789	13, 543, 221	11, 330, 097	13, 485, 070
Vocational education:					
Basic grants	6, 221, 801	6, 170, 769	5, 660, 581	5, 660, 581	8, 699, 450
Innovation			261, 231	261, 231	261, 231
Work-study	246, 873			0	246, 747
Cooperative education			285, 876	285, 876	285, 876
Consumer and homemaking education			357, 180	357, 180	357, 180
Subtotal, vocational education	6, 468, 674	6, 170, 769	6, 564, 868	6, 564, 868	9, 850, 484
Libraries and community services:					
Grants for public library services (LSCA I)	861, 433	861, 433	861, 433	412, 777	861, 433
Construction of public libraries (LSCA II)	775, 944	206, 881	206, 777	0	206, 777
Interlibrary cooperation (LSCA III)	43, 487	44, 128	44, 128	44, 128	44, 128
State institutional library services (LSCA IV-A)	38, 000	39, 509	39, 509	39, 509	39, 509
Library services for physically handicapped (LSCA IV-B)	23, 750	25, 359	25, 359	25, 359	25, 359
College library resources (HEA II-A)	498, 929			0	0
Librarian training (HEA II-B)	630, 727			0	0
University community service programs (HEA I)		207, 111	207, 110	207, 110	207, 110
Adult basic education (Adult Education Act):					
Grants to States	486, 403	568, 749	630, 936	630, 936	630, 936
Special projects and teacher education	20, 858			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	3, 379, 531	1, 953, 170	2, 015, 252	1, 359, 819	2, 015, 252
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	343, 940	745, 215	745, 215	745, 215	645, 215
Teacher education and recruitment	463, 072			0	0
Research and innovation	114, 982	94, 169		0	0
Media services and captioned films for the deaf	42, 493			0	0
Subtotal, education for the handicapped	964, 487	839, 384	745, 215	745, 215	745, 215
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	523, 919	107, 602		0	0
Vocational education	51, 882	73, 102	18, 409	18, 409	18, 409
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training	146, 557			0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	722, 358	180, 704	18, 409	18, 409	18, 409
Education in foreign languages and world affairs	697, 910			0	0
Civil rights education	42, 140	55, 608		0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50, 000	50, 000	50, 000	50, 000	50, 000
Promotion of vocational education (Smith-Hughes Act)	193, 488	193, 488			
Student loan insurance fund				0	0
Higher education facilities loan fund	9, 474, 000			0	0
Total, office of education	80, 541, 605	53, 836, 179	48, 302, 393	41, 129, 238	58, 629, 516

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[1] Not available.

OBLIGATIONS IN THE STATE OF IOWA

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$15,674,581	$14,591,735	$14,644,700	$14,644,700	$16,671,027
State administrative expenses	156,746	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	1,448,999	722,942	607,277	0	720,857
Supplementary educational centers and services (ESEA III)	2,561,000	2,292,489	2,403,613	1,648,450	2,281,698
Strengthening State departments of education (ESEA V):					0
Grants to States	402,486	461,077	463,524	463,524	463,524
Grants for special projects	825,460			0	
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	1,130,606	1,119,359		0	1,062,113
Loans to nonprofit private schools		32,966		0	0
State administration	27,395	26,323		0	26,194
Guidance, counseling, and testing (NDEA V)	344,499	235,456	163,808	163,808	234,317
Subtotal, elementary and secondary education	22,571,772	19,632,347	18,432,922	17,070,482	21,459,750
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	3,258,294	2,605,000	1,478,000	310,000	3,033,000
Construction (Public Law 81-815)	113,030	240,500		0	0
Subtotal, SAFA	3,371,324	2,845,500	1,478,000	310,000	3,033,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		240,053	311,932	311,932	311,932
Training programs (EPDA, pts. C and D)	1,049,489			0	0
Subtotal, education professions development	1,049,489	240,053	311,932	311,932	311,932
Teachers Corps	26,584	339,668		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	723,345			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	215,543	212,383	215,572	215,572	215,572
Undergraduate instructional equipment and other resources (HEA VI-A)	257,081	244,835		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	1,185,139	1,378,575	712,803	712,803	712,803
Other undergraduate facilities (HEFA I, sec. 104)	3,445,771	2,136,021	1,396,413	0	515,496
Graduate facilities (HEFA II)	1,716,940			0	0
State administration and planning (HEFA I, sec. 105)	121,265	104,029	104,029	104,029	104,029
Student aid:					
Educational opportunity grants (HEA IV-A)	3,246,830	3,303,152	1,459,009	1,459,009	1,074,495
Direct loans (NDEA II)	3,799,627	3,779,492	3,001,996	3,001,996	3,402,240
Insured loans:					
Advances for reserve funds	25,899	180,209		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	1,742,555	2,425,315	2,540,806	2,541,330	2,541,330
Special programs for disadvantaged students:					
Talent search				0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,581,800			0	0
Training programs (EPDA, pt. E)				0	0
Subtotal, higher education	18,061,795	10,764,011	9,430,628	8,034,739	9,465,565
Vocational education:					
Basic grants	4,174,189	4,106,252	3,309,767	3,309,767	5,086,603
Innovation			234,892	0	0
Work-study	140,039			0	139,968
Cooperative education			248,936	248,936	248,936
Consumer and homemaking education			208,844	208,844	208,844
Subtotal, vocational education	4,314,228	4,106,252	4,002,439	3,767,547	5,684,356
Libraries and community services:					
Grants for public library services (LSCA I)	550,334	550,334	550,334	284,986	550,334
Construction of public libraries (LSCA II)	266,179	508,148	154,980	0	154,980
Interlibrary cooperation (LSCA III)	42,062	42,441	42,441	42,441	42,441
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,212	25,212	25,212	25,212
College library resources (HEA II-A)	491,770			0	0
Librarian training (HEA II-B)	24,960			0	0
University community service programs (HEA I)	167,349	159,710	159,710	159,710	159,710
Adult basic education (Adult Education Act):					
Grants to States	251,953	284,335	309,838	309,838	309,838
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1,856,357	1,609,689	1,282,024	864,696	1,282,024
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	199,790	432,885	432,885	432,885	432,885
Teacher education and recruitment	343,156			0	0
Research and innovation	176,203			0	0
Media services and captioned films for the deaf	3,869			0	0
Subtotal, education for the handicapped	723,018	432,885	432,885	432,885	432,885
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	162,277			0	0
Vocational education	196,286	50,000	15,000	15,000	15,000
Evaluations	79,034			0	0
National achievement study				0	0
Dissemination				0	0
Training	220,100			0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	657,697	50,000	15,000	15,000	15,000

[1] Not available.

OBLIGATIONS IN THE STATE OF IOWA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education in foreign languages and world affairs	$66, 990			0	0
Civil rights education	67, 182			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50, 000	$50, 000	$50, 000	$50, 000	$50, 000
Promotion of vocational education (Smith-Hughes Act)	122, 556	122, 556			
Student loan insurance fund				0	0
Higher education facilities loan fund	2, 285, 000			0	0
Total, Office of Education	55, 223, 992	40, 192, 961	35, 435, 830	30, 857, 281	41, 734, 892

OBLIGATIONS IN THE STATE OF KANSAS

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$10, 495, 541	$9, 783, 868	$9, 864, 608	$9, 864, 608	$10, 994, 247
State administrative expenses	150, 000	150, 000	150, 000	150, 000	
Grants to States for school library materials (ESEA II)	1, 115, 859	556, 782	467, 701	0	547, 184
Supplementary educational centers and services (ESEA III)	2, 169, 000	1, 942, 094	2, 027, 478	1, 422, 144	1, 938, 094
Strenghening State departments of education (ESEA V):					
Grants to States	354, 128	414, 425	406, 917	406, 917	406, 917
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	898, 884	898, 921		0	906, 782
Loans to nonprofit private schools		16, 870		0	0
State administration	22, 338	21, 680		0	21, 727
Guidance, counseling, and testing (NDEA V)	280, 900	193, 924	134, 914	0	194, 351
Subtotal, elementary and secondary education	15, 486, 650	13, 978, 564	13, 051, 618	11, 843, 669	15, 009, 302
School assistance on federally affected areas:					
Maintenance and operations (Public Law 81-874)	8, 195, 184	8, 534, 000	4, 849, 000	3, 302, 000	9, 836, 000
Construction (Public Law 81-815)		642, 400	63, 000	63, 000	63, 000
Subtotal, SAFA	8, 195, 184	9, 176, 400	4, 912, 000	3, 365, 000	9, 899, 000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		207, 864	263, 222	263, 222	263, 222
Training programs (EPDA, pts. C and D)	1, 391, 213			0	0
Subtotal, education professions development	1, 391, 213	207, 864	263, 222	263, 222	263, 222
Teachers Corps				0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	778, 032			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	201, 783	198, 680	201, 805	201, 805	201, 805
Undergraduate instructional equipment and other resources (HEA VI-A)	219, 145	211, 246		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	624, 135	1, 027, 111	531, 076	531, 076	531, 076
Other undergraduate facilities (HEFA I, sec. 104)	2, 908, 099	1, 725, 656	1, 128, 139	0	412, 235
Graduate facilities (HEFA II)				0	0
State administration and planning (HEFA I, sec. 105)	104, 673	94, 510	94, 510	94, 510	94, 510
Student aid:					
Educational opportunity grants (HEA IV-A)	2, 747, 810	265, 188	1, 276, 297	1, 276, 297	939, 935
Direct loans (NDEA II)	3, 561, 037	3, 306, 185	2, 626, 056	2, 626, 056	3, 763, 740
Insured loans:					
Advances for reserve funds	11, 157	147, 214		0	0
Interest payments	[1]			0	0
Work-study programs (HEA IV-C)	1, 726, 333	1, 840, 588	1, 928, 235	1, 928, 633	1, 928, 633
Special programs for disadvantaged students:					
Talent search	39, 488			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1, 296, 400			0	0
Training-programs (EPDA, pt. E)	63, 000			0	0
Subtotal, higher education	14, 281, 092	8, 816, 378	7, 786, 118	6, 648, 377	7, 880, 934
Vocational education:					
Basic grants	3, 110, 955	3, 089, 082	2, 789, 750	2, 789, 750	4, 287, 420
Innovation			228, 104	228, 104	228, 014
Work-study	114, 534			0	114, 475
Cooperative education			239, 415	239, 415	239, 415
Consumer and homemaking education			176, 032	176, 032	176, 032
Subtotal, vocational education	3, 225, 489	3, 089, 082	3, 433, 301	3, 433, 301	5, 045, 446
Libraries and community services:					
Grants for public library services (LSCA I)	455, 789	455, 789	455, 789	246, 149	455, 789
Construction of public libraries (LSCA II)	292, 693	211, 413	139, 238	0	139, 238
Interlibrary cooperation (LSCA III)		41, 929	41, 929	41, 929	41, 929
State institutional library services (LSCA IV-A)		39, 509	39, 509	39, 509	39, 509
Library services for physically handicapped (LSCA IV-B)		25, 168	25, 168	25, 168	25, 168
College library resources (HEA II-A)	467, 032			0	0
Librarian training (HEA II-B)	74, 880			0	0
University community service programs (HEA I)	154, 895	149, 218	149, 218	149, 128	149, 218
Adult basic education (Adult Education Act):					
Grants to States	232, 402	260, 619	292, 224	282, 224	282, 224
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1, 677, 691	1, 173, 645	1, 133, 075	784, 197	1, 133, 075
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	156, 308	338, 673	338, 673	338, 673	338, 673
Teacher education and recruitment	602, 658			0	0
Research and innovation	293, 077	248, 450		0	0
Media services and captioned films for the deaf	6, 302			0	0
Subtotal, education for the handicapped	1, 058, 345	587, 123	338, 673	338, 673	338, 673

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[1] Not available.

OBLIGATIONS IN THE STATE OF KANSAS—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	$55,988			0	0
Vocational education	14,640	$69,374	$15,000	$15,000	$15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	70,628	69,374	15,000	15,000	15,000
Education in foreign languages and world affairs	305,220			0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	91,385	91,385		0	0
Student loan insurance fund	500			0	0
Higher education facilities loan fund	574,000			0	0
Total, Office of Education	46,407,397	37,239,815	30,983,007	26,741,439	39,634,652

OBLIGATIONS IN THE STATE OF KENTUCKY

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$32,855,018	$30,191,775	$33,776,949	$33,776,949	$39,353,059
State administrative expenses	328,716	301,923	337,769	337,769	
Grants to States for school library materials (ESEA II)	1,505,814	759,127	637,672	0	754,260
Supplementary educational centers and services (ESEA III)	3,008,000	2,622,860	2,751,437	1,849,465	2,601,011
Strengthening State departments of education (ESEA V):					
Grants to States	417,806	477,508	475,852	475,852	475,852
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	1,610,633	1,581,651		0	1,524,396
Loans to nonprofit private schools		30,783		0	0
State administration	32,184	30,673		0	30,230
Guidance, counseling, and testing (NDEA V)	404,727	274,372	190,882	0	270,416
Subtotal, elementary and secondary education	40,162,898	36,270,672	38,170,561	36,440,035	45,009,224
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	7,737,474	8,731,000	7,277,000	5,604,000	9,801,000
Construction (Public Law 81-815)	1,147,281	328,800	127,000	127,000	127,000
Subtotal, SAFA	8,884,755	9,059,800	7,404,000	5,731,000	9,928,000
Education professions development: Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		247,063	322,540	322,540	322,540
Training programs (EPDA, pts. C and D)	733,071			0	0
Subtotal, education professions development	733,071	247,063	322,540	322,540	322,540
Teacher Corps	517,563	432,631		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	786,310			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	222,214	219,025	222,244	222,244	222,244
Undergraduate instructional equipment and other resources (HEA VI-A)	237,717	233,537		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 108)	2,258,584	1,794,599	927,912	927,912	927,912
Other undergraduate facilities (HEFA I, sec. 104)	3,189,651	1,968,929	1,287,177	0	474,383
Graduate facilities (HEFA II)				0	0
State administration and planning (HEFA I, sec. 105)	39,165	98,154	98,154	98,154	98,154
Student aid:					
Educational opportunity grants (HEA IV-A)	2,689,605	243,132	1,170,144	1,170,144	861,758
Direct loans (NDEA II)	3,046,428	3,031,200	2,407,639	2,307,639	3,450,451
Insured loans:					
Advances for reserve funds	32,727	227,722		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	2,370,942	3,130,019	3,279,067	3,279,743	3,279,743
Special programs for disadvantaged students: Talent search	128,472			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	683,400			0	0
Training programs (EPDA, pt. E)				0	0
Subtotal, higher education	15,685,215	10,946,317	9,392,337	8,005,836	9,314,645
Vocational education:					
Basic grants	5,414,324	5,459,534	4,984,998	4,984,998	7,522,868
Innovation			242,902	242,902	242,902
Work-study	175,651			0	175,561
Cooperative education			260,170	260,170	260,170
Consumer and homemaking education			308,872	308,872	308,872
Subtotal, vocational education	5,589,975	5,459,534	5,796,942	5,796,942	8,510,191
Libraries and community services:					
Grants for public library services (LSCA I)	596,161	596,161	596,161	303,810	596,161
Construction of public libraries (LSCA II)	463,314	162,610	162,610	0	162,610
Interlibrary cooperation (LSCA III)	42,272	42,690	42,690	42,690	42,690
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,234	25,234	25,234	25,234
College library resources (HEA II-A)	277,958			0	0
Librarian training (HEA II-B)	108,426			0	0
University community service programs (HEA I)	177,483	168,818	168,818	168,818	168,818

[1] Not available.

OBLIGATIONS IN THE STATE OF KENTUCKY—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Libraries and community services—Continued					
Adult basic education (Adult Education Act):					
Grants to States	$768, 082	$910, 457	$1, 019, 688	$1, 019, 688	$1, 019, 688
Special projects and teacher education	250, 000			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	2, 745, 446	1, 945, 479	2, 054, 710	1, 599, 749	2, 054, 710
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	235, 368	509, 972	509, 972	509, 972	509, 972
Teacher education and recruitment	248, 413			0	0
Research and innovation	797, 404	291, 530		0	0
Media services and captioned films for the deaf	5, 957			0	
Subtotal, education for the handicapped	1, 287, 142	801, 502	509, 972	509, 972	509, 972
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	38, 097			0	0
Vocational education	52, 047		15, 919	15, 919	15, 919
Evaluations				0	0
National achievement study				0	0
Dissemination	38, 400			0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	128, 544		15, 919	15, 919	15, 919
Education in foreign languages and world affairs				0	0
Civil rights education	372, 735			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50, 000	50, 000	50, 000	50, 000	50, 000
Promotion of vocational education (Smith-Hughes Act)	143, 135	143, 135		0	0
Student loan insurance fund				0	0
Higher education facilities loan fund	9, 632, 000			0	0
Total, Office of Education	85, 932, 479	65, 356, 133	63, 716, 981	58, 471, 993	75, 715, 201

OBLIGATIONS IN THE STATE OF LOUISIANA

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$32, 644, 294	$30, 427, 822	$32, 519, 870	$32, 519, 870	$37, 888, 454
State administrative expenses	326, 736	304, 314	325, 199	325, 199	
Grants to States for school library materials (ESEA II)	1, 902, 770	954, 621	801, 889	0	957, 137
Supplementary educational centers and services (ESEA III)	3, 472, 000	3, 074, 668	3, 227, 113	2, 150, 754	3, 079, 542
Strengthening State departments of education (ESEA V):					
Grants to States	473, 475	535, 430	542, 453	542, 453	542, 453
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	2, 009, 273	2, 016, 264		0	1, 992, 135
Loans to nonprofit private schools		46, 969		0	
State administration	38, 966	37, 949		0	37, 976
Guidance, counseling, and testing (NDEA V)	490, 008	339, 449	236, 156	0	399, 712
Subtotal, elementary and secondary education	41, 357, 522	37, 737, 486	37, 652, 680	35, 538, 276	44, 897, 409
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	3, 285, 016	3, 431, 000	2, 023, 000	770, 000	3, 960, 000
Construction (Public Law 81-815)	648, 108	1, 087, 700	666, 000	0	0
Subtotal, SAFA	3, 933, 114	4, 518, 700	2, 689, 000	770, 000	3, 960, 000
Education professions development: Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		284, 936	379, 850	379, 850	379, 850
Training programs (EPDA, pts. C and D)	686, 990			0	0
Subtotal, education professions development	686, 990	284, 936	379, 850	379, 850	379, 850
Teachers Corps	94, 458	148, 999		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	915, 864			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	227, 416	224, 205	227, 449	227, 449	227, 449
Undergraduate instructional equipment and other resources (HEA VI-A)	277, 165	272, 955		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	1, 478, 016	1, 817, 845	939, 932	939, 932	939, 932
Other undergraduate facilities (HEFA I, sec. 104)	3, 676, 876	2, 317, 459	1, 515, 027	0	564, 669
Graduate facilities (HEFA II)		250, 000		0	0
State administration and planning (HEFA I, sec. 105)	112, 404	96, 873	96, 873	96, 873	96, 873
Student aid:					
Educational opportunity grants (HEA IV-A)	2, 296, 670	292, 154	1, 406, 076	1, 406, 076	1, 035, 512
Direct loans (NDEA II)	3, 327, 824	3, 642, 372	2, 893, 084	2, 893, 084	4, 146, 155
Insured loans:					
Advances for reserve funds	257, [illegible]	238, 413		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	2, 685, 140	3, 569, 906	3, 739, 902	3, 740, 672	3, 740, 672
Special programs for disadvantaged students: Talent search	37, 825			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1, 497, 900			0	0
Training programs (EPDA, pt. E)	33, 800			0	0
Subtotal, higher education	16, 824, 798	12, 722, 182	10, 818, 343	9, 304, 086	10, 751, 262

[1] Not available.

OBLIGATIONS IN THE STATE OF LOUISIANA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Vocational education:					
Basic grants	$5,497,316	$5,453,039	$5,488,273	$5,488,273	$8,434,640
Innovation			248,605	248,605	248,605
Work-study	198,269			0	198,167
Cooperative education			268,167	268,167	268,167
Consumer and homemaking education			346,307	346,307	346,307
Subtotal, vocational education	5,695,585	5,453,039	6,351,352	6,351,352	9,495,886
Libraries and community services:					
Grants for public library services (LSCA I)	631,904	631,904	631,904	318,493	631,904
Construction of public libraries (LSCA II)	762,779	329,744	168,561	0	168,561
Interlibrary cooperation (LSCA III)	42,436	42,883	42,883	42,883	42,883
State institutional library services (LSCA IV–A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV–B)	23,750	25,251	25,251	25,251	25,251
College library resources (HEA II–A)	352,050			0	0
Librarian training (HEA II–B)	135,697			0	0
University community service programs (HEA I)	186,934	178,251	178,251	178,251	178,251
Adult basic education (Adult Education Act):					
Grants to States	1,061,473	1,266,373	1,414,980	1,414,980	1,414,980
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	3,235,023	2,513,915	2,501,339	2,019,367	2,501,339
Educational for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	263,543	570,824	570,824	570,824	570,824
Teacher education and recruitment	249,776			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	10,181			0	0
Subtotal, education for the handicapped	523,410	570,824	570,824	570,824	570,824
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	224,616	64,455		0	0
Vocational education	28,425	30,709	17,848	17,848	17,848
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	253,041	95,174	17,848	17,848	17,848
Education in foreign languages and world affairs	210,800			0	0
Civil rights education	229,904			0	0
Colleges for agriculture and the mechanic arts (Second Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	134,293	134,293			
Student loan insurance fund				0	0
Higher education facilities loan fund	13,473,000				
Total, Office of Education	86,701,948	64,229,538	61,031,236	55,001,612	72,624,418

OBLIGATIONS IN THE STATE OF MAINE

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$3,600,248	$3,351,971	$3,554,215	$3,554,215	$4,273,001
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	506,785	253,111	212,615	0	251,104
Supplementary educational centers and services (ESEA III)	1,057,000	1,031,142	1,068,404	804,617	3,079,542
Strengthening State departments of education (ESEA V):					
Grants to States	235,168	303,881	303,463	303,463	303,463
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	447,007	439,486		0	425,881
Loans to nonprofit private schools		10,385		0	0
State administration	10,000	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	121,900	82,737	57,561	0	81,866
Subtotal, elementary and secondary education	6,128,108	5,636,046	5,346,258	4,812,295	8,428,290
School assistance to federally affected areas:					
Maintenance and operations (Public Law 81-874)	2,928,000	3,049,000	1,730,000	2,213,000	3,593,000
Construction (Public Law 81-815)		25,500	22,000	22,000	22,000
Subtotal, SAFA	2,928,000	3,074,500	1,752,000	2,235,000	3,615,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		149,034	174,200	174,200	174,200
Training programs (EPDA, pts. C and D)	626,339			0	0
Subtotal, education professions development	626,339	149,034	174,200	174,200	174,200
Teachers Corps				0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)				0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	173,038	170,056	173,048	173,048	173,048
Undergraduate instructional equipment and other resources (HEA VI–A)	60,131	59,256		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)		548,214	283,459	283,459	283,459
Other undergraduate facilities (HEFA I, sec. 104)	1,353,033	595,828	389,519	0	152,426
Graduate facilities (HEFA II)				0	0
State administration and planning (HEFA I, sec. 105)	57,987	62,713	62,713	62,713	62,713

OBLIGATIONS IN THE STATE OF MAINE—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Higher education—Continued					
Student aid:					
Educational opportunity grants (HEA IV-A)	$579, 900	$62, 852	$302, 492	$302, 492	$222, 772
Direct loans (NDEA II)	808, 320	783, 591	622, 395	622, 395	891, 971
Insured loans:					
Advances for reserve funds	10, 000	67, 789		0	0
Interest payments	[1]				
Work-study programs (HEA IV-C)	628, 421	703, 264	736, 753	736, 905	736, 905
Special programs for disadvantaged students: Talent search				0	0
Personnel development:					
College teacher fellowships (NDEA IV)	126, 500			0	0
Training programs (EPDA, pt. E)				0	0
Subtotal, higher education	3, 897, 330	3, 053, 563	2, 570, 379	2, 181, 012	2, 523, 294
Vocational education:					
Basic grants	1, 484, 258	1, 490, 962	1, 387, 705	1, 387, 705	2, 132, 693
Innovation			212, 626	212, 626	212, 626
Work-study	51, 011			0	50, 985
Cooperative education			217, 708	217, 708	217, 708
Consumer and homemaking education			87, 564	87, 564	87, 564
Subtotal, vocational education	1, 535, 269	1, 490, 962	1, 905, 603	1, 905, 603	2, 701, 576
Libraries and community services:					
Grants for public library services (LSCA I)	258, 291	258, 291	258, 291	165, 022	285, 291
Construction of public libraries (LSCA II)	322, 961	106, 355	106, 355	0	106, 355
Interlibrary cooperation (LSCA III)	40, 725	40, 858	40, 858	40, 858	40, 858
State institutional library services (LSCA IV-A)	38, 000	39, 509	39, 509	39, 509	39, 509
Library services for physically handicapped (LSCA IV-B)	23, 750	25, 075	25, 075	25, 075	25, 075
College library resources (HEA II-A)	150, 755			0	0
Librarian training (HEA II-B)				0	0
University community service programs (HEA I)	124, 078	121, 158	121, 158	121, 158	121, 158
Adult basic education (Adult Education Act):					
Grants to States	175, 918	192, 097	204, 502	204, 502	204, 502
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1, 134, 478	783, 343	795, 748	596, 124	822, 752
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	100, 000	153, 967	153, 967	153, 967	153, 967
Teacher education and recruitment	123, 140			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	2, 027			0	0
Subtotal, education for the handicapped	225, 167	153, 967	153, 967	153, 967	153, 967
Research and Training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	6, 400			0	0
Vocational education			15, 000	15, 000	15, 000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	6, 400		15, 000	15, 000	15, 000
Education in foreign languages and world affairs				0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50, 000	50, 000	50, 000	50, 000	50, 000
Promotion of vocational education (Smith-Hughes Act)	48, 182	48, 182			
Student loan insurance fund				0	0
Higher education facilities loan fund	190, 000			0	0
Total, Office of Education	16, 769, 273	14, 439, 597	12, 763, 155	12, 123, 201	18, 619, 079

OBLIGATIONS IN THE STATE OF MARYLAND

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$15, 482, 969	$14, 445, 385	$17, 464, 570	$17, 464, 570	$20, 347, 731
State administrative expenses	154, 830	150, 000	174, 646	174, 646	
Grants to States for school library materials (ESEA II)	1, 830, 047	936, 620	786, 768	0	947, 722
Supplementary educational centers and services (ESEA III)	3, 177, 000	2, 955, 164	3, 101, 297	2, 088, 229	2, 980, 295
Strengthening State departments of education (ESEA V):					
Grants to States	462, 140	529, 969	536, 320	536, 320	536, 320
Grants for special projects	359, 217			0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	1, 304, 710	1, 312, 943		0	1, 326, 935
Loans to nonprofit private schools		45, 595		0	0
State administration	35, 824	34, 987		0	35, 310
Guidance, counseling, and testing (NDEA V)	450, 499	312, 960	217, 728	0	315, 861
Subtotal, elementary and secondary education	23, 257, 236	20, 723, 623	22, 281, 329	20, 263, 765	26, 490, 174
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	23, 862, 000	24, 846, 000	13, 893, 000	3, 387, 000	29, 362, 000
Construction (Public Law 81-815)	3, 247	520, 300	23, 000	23, 000	23, 000
Subtotal, SAFA	23, 865, 247	25, 366, 300	13, 916, 000	3, 410, 000	29, 385, 000

[1] Not available.

OBLIGATIONS IN THE STATE OF MARYLAND—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		$281,448	$374,573	$374,573	$374,573
Training programs (EPDA, pts. C and D)	$739,788			0	0
Subtotal, education professions development	739,788	281,448	374,573	374,573	374,573
Teachers Corps				0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	655,541			0	0
College of agriculture and the mechanic arts (Bankhead-Jones)	223,700	220,505	223,731	223,731	223,731
Undergraduate instructional equipment and other resources (HEA VI-A)	204,303	213,395		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	1,427,793	1,341,538	693,653	693,653	693,653
Other undergraduate facilities (HEFA I, sec. 104)	3,590,930	2,241,212	1,465,181	0	562,382
Graduate facilities (HEFA II)				0	0
State administration and planning (HEFA I, sec. 105)	85,371	101,785	101,785	101,785	101,785
Student aid:					
Educational opportunity grants (HEA IV-A)	1,319,350	230,937	1,111,453	1,111,453	818,535
Direct loans (NDEA II)	1,852,803	2,423,641	2,286,880	2,286,880	3,277,388
Insured loans:					
Advances for reserve funds	195,600	209,577		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	1,104,303	2,166,864	2,270,048	2,270,516	2,270,516
Special programs for disadvantage students: Talent search				0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,765,600			0	0
Training programs (EPDA, pt. E)				0	0
Subtotal, higher education	12,425,294	9,149,454	8.152,731	6,688,018	7,947,990
Vocational education:					
Basic grants	4,017,758	3,966,192	4,025,023	4,025,023	6,185,849
Innovation			244,939	0	0
Work-study	185,275			0	185,181
Cooperative education			263,026	263,026	263,026
Consumer and homemaking education			253,976	253,976	253,976
Subtotal, vocational education	4,203,033	3,966,192	4,786,964	4,542,025	6,888,032
Libraries and community services:					
Grants for public library services (LSCA I)	606,374	606,374	606,374	308,005	606,374
Construction of public libraries (LSCA II)	318,000	423,052	164,310	0	164,310
Interlibrary cooperation (LSCA III)	42,319	42,745	42,745	42,745	42,745
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,239	25,239	25,239	25,239
College library resources (HEA II-A)	371,245			0	0
Librarian training (HEA II-B)	120,581			0	0
University community service programs (HEA I)	186,299	178,121	178,121	178,121	178,121
Adult basic education (Adult Education Act):					
Grants to States	525,086	615,676	682,321	682,321	682,321
Special projects and teacher education				0	0
Educational broadcasting facilities					
Subtotal, libraries and community services	2,231,654	1,930,716	1,738,619	1,275,940	1,738,619
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	227,938	493,874	493,874	493,844	493,874
Teacher education and recruitment	356,610			0	0
Research and innovation	138,995			0	0
Media services and captioned films for the deaf	157,249	10,347		0	0
Subtotal, education for the handicapped	880,792	504,221	493,874	493,874	493,874
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers	741,618			0	0
General education	468,880	85,255		0	0
Vocational education	97,875	68,087	15,000	15,000	15,000
Evaluations	91,572			0	0
National achievement study				0	0
Dissemination	309,968	147,500		0	0
Training	99,000			0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	1,808,913	300,842	15,000	15,000	15,000
Education in foreign languages and world affairs	94,938			0	0
Civil rights education	36,000	131,508		0	00
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	118,672	118,672		0	0
Student loan insurance fund				0	0
Higher education facilities loan fund	680,000			0	0
Total, Office of Education	70,391,567	62,504,976	51,809,090	37,113,194	73,383,262

OBLIGATIONS IN THE STATE OF MASSACHUSETTS

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$17,913,388	$16,810,925	$18,838,375	$18,838,375	$21,948,332
State administrative expenses	179,143	168,132	188,384	188,384	0
Grants to States for school library materials (ESEA II)	2,658,619	1,296,227	1,088,840	0	1,297,768
Supplementary educational centers and services (ESEA III)	4,735,000	4,152,189	4,361,558	2,867,743	4,139,035
Strengthening State departments of education (ESEA V):					
Grants to States	566,428	626,114	658,831	658,831	658,831
Grants for special projects				0	0

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[1] Not available.

OBLIGATIONS IN THE STATE OF MASSACHUSETTS—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Elementary and secondary education—Continued					
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	$1,553,953	$1,557,326		0	$1,577,173
Loans to nonprofit private schools		84,801		0	0
State administration	49,579	48,222		0	48,101
Guidance, counseling, and testing (NDEA V)	623,472	431,343	$300,088	0	430,280
Subtotal, elementary and secondary education	28,279,582	25,175,279	25,436,076	$22,552,333	30,099,520
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81–874)	15,141,000	15,743,000	9,489,000	5,971,000	18,514,000
Construction (Public Law 81–815)	1,269	621,900	465,000	465,000	465,000
Subtotal, SAFA	15,142,269	16,364,900	9,954,000	6,436,000	18,979,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B–2)		351,113	479,993	479,993	479,993
Training programs (EPDA, pts. C and D)	2,472,083			0	0
Subtotal, education professions development	2,472,083	351,113	479,993	479,993	479,993
Teachers Corps	460,699	639,692		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)				0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	272,376	268,977	272,428	272,428	272,428
Undergraduate instructional equipment and other resources (HEA VI–A)	505,184	507,779		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	1,732,775	2,156,180	1,114,870	1,114,870	1,114,870
Other undergraduate facilities (HEFA I, sec. 104)	6,379,032	4,253,422	2,708,652	0	1,038,447
Graduate facilities (HEFA II)	2,500,000	1,500,000		0	0
State administration and planning (HEFA I, sec. 105)	166,066	163,315	163,315	163,315	163,315
Student aid:					
Educational opportunity grants (HEA IV–A)	4,945,790	575,618	2,770,332	2,770,332	2,040,225
Direct loans (NDEA II)	7,240,532	7,176,411	5,700,121	5,700,121	8,168,993
Insured loans:					
Advances for reserve funds	143,679	335,071		0	0
Interest payments	(1)				
Work-study programs (HEA IV–C)	6,289,340	3,731,151	3,908,825	3,909,631	3,909,631
Special programs for disadvantaged students: Talent search	131,234			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	4,500,500			0	0
Training programs (EPDA, pt. E)	26,799			0	0
Subtotal, higher education	34,833,307	20,667,924	16,638,543	13,930,697	16,707,909
Vocational education:					
Basic grants	5,325,643	5,383,109	5,409,065	5,409,065	8,312,908
Innovation			261,910	261,910	261,910
Work-study	251,686			0	251,557
Cooperative education			286,828	286,828	286,828
Consumer and homemaking education			341,308	341,308	341,308
Subtotal, vocational education	5,577,329	5,383,109	6,299,111	6,299,111	9,454,511
Libraries and community services:					
Grants for public library services (LSCA I)	940,815	940,815	940,815	445,385	940,815
Construction of public libraries (LSCA II)	227,848	825,850	219,994	0	219,994
Interlibrary cooperation (LSCA III)	40,100	44,558	44,558	44,558	44,558
State institutional library services (LSCA IV–A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV–B)	23,750	25,396	25,396	25,396	25,396
College library resources (HEA II–A)	839,866			0	0
Librarian training (HEA II–B)	282,954			0	0
University community service programs (HEA I)	230,913	216,889	216,889	216,889	216,889
Adult basic education (Adult Education Act):					
Grants to States	635,897	750,102	835,242	835,242	835,242
Special projects and teacher education	250,000			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	3,510,143	2,843,119	2,322,403	1,606,979	2,322,403
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	346,508	750,780	750,780	750,780	750,780
Teacher education and recruitment	936,824			0	0
Research and innovation	547,512	254,868		0	0
Media services and captioned films for the deaf	127,962	124,975		0	0
Subtotal, education for the handicapped	1,958,706	1,130,623	750,780	750,780	750,780
Research and training:					
Research and development:					
Educational laboratories	1,041,162	959,655		0	0
Research and development centers				0	0
General education	1,684,846	99,032		0	0
Vocational education	889,343	85,670	17,591	17,591	17,591
Evaluations				0	0
National achievement study				0	0
Dissemination	135,900			0	0
Training	488,048			0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	4,239,299	1,144,357	17,591	17,591	17,591
Education in foreign languages and world affairs	1,019,308			0	0
Civil rights education	77,104			0	0
Colleges for agriculture and mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	179,461	179,461			
Student loan insurance fund				0	0
Higher education facilities loan fund	716,000			0	0
Total, Office of Education	98,515,290	73,929,577	61,948,497	52,123,484	78,861,707

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[1] Not available.

OBLIGATIONS IN THE STATE OF MICHIGAN

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$34,269,334	$32,388,788	$36,415,621	$35,415,621	$42,427,340
State administrative expenses	342,693	324,175	364,156	364,156	0
Grants to States for school library materials (ESEA II)	4,634,860	2,326,201	1,954,026	0	2,353,365
Supplementary educational centers and services (ESEA III)	7,720,000	6,801,512	7,150,833	4,691,787	6,834,442
Strengthening State departments of education (ESEA V):					
Grants to States	955,682	990,466	1,009,723	1,009,723	1,009,723
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	3,390,106	3,421,788		0	3,392,504
Loans to nonprofit private schools	32,670	116,396		0	0
State administration	87,856	86,061		0	86,366
Guidance, counseling, and testing (NDEA V)	1,104,807	769,811	535,562	0	722,571
Subtotal, elementary and secondary education	52,538,008	47,225,198	47,429,921	40,572,287	56,826,311
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	4,393,000	4,574,000	2,594,000	2,852,000	5,211,000
Construction (Public Law 81-815)	8,734	183,300	3,000	3,000	3,000
Subtotal, SAFA	4,401,734	4,757,300	2,597,000	2,855,000	5,214,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		550,647	781,932	781,932	781,932
Training programs (EPDA, pts. C and D)	3,260,365			0	0
Subtotal, education professions development	3,260,365	550,647	781,932	781,932	781,932
Teacher Corps	646,968	886,855		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	222,367			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	335,949	332,282	336,028	336,028	336,028
Undergraduate instructional equipment and other resources (HEA VI-A)	642,527	629,980		0	0
Construction:					
Public community colleges and technical institutes (HEFA I—sec. 103)	6,981,435	3,291,573	1,701,935	1,701,935	1,701,935
Other undergraduate facilities (HEFA I, sec. 104)	5,678,517	6,116,396	3,998,561	0	1,469,623
Graduate facilities (HEFA II)				0	0
State administration and planning (HEFA I, sec. 105)	217,585	187,096	187,096	187,096	187,096
Student aid:					
Educational opportunity grants (HEA IV-A)	6,097,311	707,638	3,405,717	3,405,717	2,508,158
Direct loans (NDEA II)	8,851,398	8,822,344	7,007,462	7,007,462	10,042,578
Insured loans:					
Advances for reserve funds	75,000	502,588		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	3,901,908	5,595,807	5,862,274	5,863,483	5,863,483
Special programs for disadvantaged students: Talent search	82,000			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	2,817,200			0	0
Training programs (EPDA Part E)				0	0
Subtotal, higher education	35,903,197	26,185,704	22,499,073	18,501,821	22,108,901
Vocational education:					
Basic grants	9,577,289	9,284,246	9,105,044	9,105,044	13,993,069
Innovation			306,305	306,305	306,305
Work study	427,817			0	427,599
Cooperative education			349,093	349,093	349,093
Consumer and homemaking education			574,525	574,525	574,525
Subtotal, vocational education	10,005,106	9,284,246	10,334,967	10,334,967	15,650,591
Libraries and community services:					
Grants for public library services (LSCA I)	1,377,606	1,377,606	1,377,606	624,808	1,377,606
Construction of public libraries (LSCA II)	425,120	945,566	292,719	0	292,719
Interlibrary cooperation (LSCA III)	45,850	46,926	46,926	46,929	46,926
State institutional library services (LSCA IV-A)	38,000	39,505	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,602	25,602	25,602	25,602
College library resources (HEA II-A)	834,073			0	0
Librarian training (HEA II-B)	539,183			0	0
University community service programs (HEA I)	303,097	283,198	283,198	283,198	283,198
Adult basic education (Adult Education Act):					
Grants to States	835,165	991,837	1,106,931	1,106,931	1,106,931
Special projects and teacher education	510,000			0	0
Education broadcasting facilities				0	0
Subtotal libraries and community services	4,931,844	3,710,244	3,172,491	2,126,974	3,172,491
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	585,544	1,268,699	1,268,699	1,268,699	1,268,699
Teacher education and recruitment	1,374,884			0	0
Research and innovation	549,900	249,992		0	0
Media services and captioned films for the deaf	28,809			0	0
Subtotal, education for the handicapped	2,539,137	1,518,691	1,268,699	1,268,699	1,268,699
Research and training:					
Research and development:					
Educational laboratories	800,000			0	0
Research and development centers				0	0
General education	1,200,261	25,399		0	.0
Vocational education	730,421	114,979	29,611	29,611	29,611
Evaluations				0	0
National achievement study	269,073			0	0
Dissemination	6,980			0	0
Training	338,930	18,675		0	0
Statistical surveys				0	0
Construction	52,832			0	0
Subtotal, research and training	3,398,497	159,053	29,053	29,611	29,611

[1] Not available.

OBLIGATIONS IN THE STATE OF MICHIGAN—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education in foreign languages and world affairs	$1,789,401			0	0
Civil rights education	135,189			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	$50,000	$50,000	$50,000	$50,000
Promotion of vocational education (Smith-Hughes Act)	297,765	297,765			
Student loan insurance fund				0	0
Higher education facilities loan fund	2,473,000			0	0
Total, Office of Education	122,380,211	94,625,703	88,163,694	76,521,291	105,102,536

OBLIGATIONS IN THE STATE OF MINNESOTA

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$20,020,502	$18,633,330	$19,301,245	$19,301,245	$22,487,615
State administrative expenses	200,205	186,360	193,012	193,012	
Grants to States for school library materials (ESEA II)	1,979,521	996,022	836,666	0	1,004,025
Supplementary educational centers and services (ESEA III)	3,405,000	2,976,706	3,123,975	2,097,802	2,995,509
Strengthening State departments of education (ESEA V):					
Grants to States	482,274	544,185	406,917	406,917	406,917
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	1,570,349	1,563,031		0	1,571,167
Loans to nonprofit private schools	1,630	53,581		0	0
State administration	37,165	35,901		0	36,211
Guidance, counseling, and testing (NDEA V)	467,363	321,136	223,416	0	323,919
Subtotal, elementary and secondary education	28,164,009	25,310,252	24,085,231	21,998,976	29,185,363
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	2,807,000	2,923,000	1,658,000	846,000	3,367,000
Construction (Public Law 81-815)				0	0
Subtotal, SAFA	2,807,000	2,923,000	1,658,000	846,000	3,367,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		292,956	391,986	391,986	391,986
Training programs (EPDA parts C and D)	1,110,830			0	0
Subtotal, education professions development	1,110,830	292,956	391,986	391,986	391,986
Teacher Corps	54,889	270,762		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	285,177			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	231,144	227,918	231,178	231,178	231,178
Undergraduate instructional equipment and other resources (HEA VI-A)	317,884	320,963		0	0
Construction:					
Public community colleges and technical institutes (HEFA I—Sec. 103)	1,515,629	1,840,248	951,515	951,515	951,515
Other undergraduate facilities (HEFA I—Sec. 104)	4,251,238	2,847,115	1,861,287	0	699,726
Graduate facilities (HEFA II)	1,383,086			0	0
State administration and planning (HEFA I—Sec. 105)	110,883	115,978	115,978	115,978	115,978
Student aid:					
Educational opportunity grants (HEA IV-A)	4,181,610	370,398	1,782,651	1,782,651	1,312,842
Direct loans (NDEA II)	4,782,904	4,617,870	3,667,909	3,667,909	5,256,576
Insured loans:					
Advances for reserve funds	20,286	223,911		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	2,869,480	2,935,632	3,075,424	3,076,058	3,076,058
Special programs for disadvantaged students: Talent search	94,121			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,262,300			0	0
Training programs (EPDA, Pt. E)	220,000			0	0
Subtotal, higher education	21,525,742	13,500,033	11,685,942	9,825,289	11,643,873
Vocational Education:					
Basic grants	4,953,529	4,942,203	4,346,673	4,346,673	6,680,177
Innovation			245,075	245,075	245,075
Work-study	180,944			0	180,852
Cooperative education			263,217	263,217	263,217
Consumer and homemaking education			274,274	274,274	274,274
Subtotal, vocational education	5,134,473	4,942,203	5,129,239	5,129,239	7,643,595
Libraries and community services:					
Grants for public library services (LSCA I)	657,518	657,518	657,518	329,014	657,518
Construction of public libraries (LSCA II)	511,078	177,371	172,826	0	172,826
Interlibrary cooperation (LSCA III)		43,022	43,022	43,011	43,011
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,[illegible]	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,263	25,263	25,263	25,263
College library resources (HEA II-A)	520,029			0	0
Librarian training (HEA II-B)	110,450			0	0
University community service programs (HEA I)	186,982	177,277	177,277	177,277	177,277
Adult basic education (Adult Education Act):					
Grants to States	314,574	360,302	393,947	393,947	393,947
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	2,362,381	1,480,262	1,509,362	1,008,021	1,509,351
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	255,057	552,623	552,633	552,633	552,633
Teacher education and recruitment	572,900			0	0
Research and innovation	131,620	51,643		0	0
Media services and captioned films for the deaf	8,500			0	0
Subtotal, education for the handicapped	968,077	604,276	552,633	552,633	552,633

[1] Not available.

OBLIGATIONS IN THE STATE OF MINNESOTA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Research and training:					
Research and development:					
Educational laboratories	$678,000	$800,000		0	0
Research and development centers				0	0
General education	33,430			0	0
Vocational education	396,107	324,300	$15,000	$15,000	$15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training	132,359			0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	1,239,896	1,124,300	15,000	15,000	15,000
Education in foreign languages and world affairs	361,562			0	0
Civil rights education	185,054			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	141,929	141,929		0	0
Student loan insurance fund	4,000			0	0
Higher education facilities loan fund	3,322,000			0	0
Total, Office of Education	67,431,842	50,639,973	45,077,393	39,817,144	54,308,801

OBLIGATIONS IN THE STATE OF MISSISSIPPI

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$39,559,828	$36,593,942	$39,842,067	$39,842,067	$46,419,446
State administrative expenses	395,598	366,015	398,421	398,421	
Grants to States for school library materials (ESEA II)	1,173,309	589,397	495,098	0	578,180
Supplementary educational centers and services (ESEA III)	1,746,000	2,072,827	2,166,252	1,502,449	2,056,765
Strengthening State departments of education (ESEA V):					
Grants to States	380,091	437,838	418,029	418,029	418,029
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	1,330,738	1,320,102		0	1,303,096
Loans to nonprofit private schools		7,100		0	0
State administration	25,594	24,641		0	24,357
Guidance, counseling, and testing (NDEA V)	321,854	220,413	153,342	0	217,880
Subtotal, elementary and secondary education	44,933,012	41,632,275	43,473,209	42,160,966	51,017,753
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	2,511,000	2,615,000	1,483,000	1,115,000	3,048,000
Construction (Public Law 81-815)	23,806	120,300		0	0
Subtotal, SAFA	2,534,806	2,735,300	1,483,000	1,115,000	3,048,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA, B-2)		214,182	272,783	272,783	272,783
Training programs (EPDA, pts. C and D)	1,107,084			0	0
Subtotal, education professions development	1,107,084	214,182	272,783	272,783	272,783
Teacher Corps	332,649	308,409		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	2,231,381			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	201,772	198,669	201,794	201,794	201,794
Undergraduate instructional equipment and other resources (HEA VI-A)	185,828	180,578		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	1,156,088	1,239,700	640,997	640,997	640,997
Other undergraduate facilities (HEFA I, sec. 104)	2,530,296	1,464,096	957,145	0	358,037
Graduate facilities (HEFA II)	445,096			0	0
State administration and planning (HEFA I, sec. 105)	103,486	88,867	88,867	88,867	88,867
Student aid:					
Educational opportunity grants (HEA IV-A)	2,313,960	187,115	900,547	900,547	663,213
Direct loans (NDEA II)	2,226,527	2,332,825	1,852,929	1,852,929	2,655,482
Insured loans:					
Advances for reserve funds		167,857		0	0
Interest payments	[1]				
Work-study programs (HEA IV-C)	3,142,390	3,012,946	3,156,420	3,157,070	3,157,070
Special programs for disadvantaged students:					
Talent search	102,000			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	370,700			0	0
Training programs (EPDA, pt. E)				0	0
Subtotal, higher education	15,009,524	8,872,653	7,798,699	6,842,204	7,765,460
Vocational education:					
Basic grants	4,301,054	4,298,675	3,755,696	3,755,696	5,771,934
Innovation			233,534	233,534	233,534
Work-study	137,633			0	137,563
Cooperative education			247,032	247,032	247,032
Consumer and homemaking education			236,982	236,982	236,983
Subtotal, vocational education	4,438,687	4,298,675	4,473,244	4,473,244	6,627,045
Libraries and community services:					
Grants for public library services (LSCA I)	455,712	455,712	455,712	246,118	455,712
Construction of public libraries (LSCA II)	354,809	139,226	139,226	0	139,226
Interlibrary cooperation (LSCA III)	41,629	41,928	41,928	41,928	41,928
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA) IV-B)	23,750	25,168	25,168	25,168	25,168

[1] Not available.

OBLIGATIONS IN THE STATE OF MISSISSIPPI—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Libraries and community services—Continued					
College library resources (HEA II–A)	$298, 450			0	0
Librarian training (HEA II–B)	104, 265			0	0
University community service programs (HEA I)	156, 385	$150, 559	$150, 559	$150, 559	$150, 559
Adult basic education (Adult Education Act):					
Grants to States	702, 974	831, 474	936, 895	936, 895	936, 895
Special projects and teacher education	580, 000			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	2, 755, 974	1, 683, 576	1, 788, 997	1, 440, 177	1, 788, 997
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	184, 471	399, 693	399, 693	399, 693	399, 693
Teacher education and recruitment	250, 817			0	0
Research and innovation	9, 560			0	0
Media services and captioned films for the deaf	2, 696			0	0
Subtotal, education for the handicapped	447, 544	399, 693	399, 693	399, 693	399, 693
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	23, 547			0	0
Vocational education		50, 000	15, 000	15, 000	15, 000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	23, 547	50, 000	15, 000	15, 000	15, 000
Education in foreign languages and world affairs				0	0
Civil rights education	255, 574	79, 971		0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50, 000	50, 000	50, 000	50, 000	50, 000
Promotion of vocational education (Smith-Hughes Act)	107, 308	107, 308		0	0
Student loan insurance fund				0	0
Higher education facilities loan fund	584, 000			0	0
Total, Office of Education	72, 579, 709	60, 432, 042	59, 754, 625	56, 769, 067	70, 984, 731

OBLIGATIONS IN THE STATE OF MISSOURI

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$24, 417, 125	$22, 894, 858	$23, 416, 581	$43, 416, 518	$27, 282, 338
State administrative expenses	244, 171	228, 982	234, 166	234, 166	
Grants to States for school library materials (ESEA II)	2, 236, 998	1, 144, 401	961, 306	0	1, 170, 511
Supplementary educational centers and services (ESEA III)	4, 128, 000	3, 576, 532	3, 755, 489	2, 481, 771	3, 568, 682
Strengthening State departments of education (ESEA V):					
Grants to States	533, 910	596, 859	607, 107	607, 107	607, 107
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	1, 639, 964	1, 655, 991		0	1, 688, 243
Loans to nonprofit private schools		57, 965		0	0
State administration	42, 491	41, 641		0	41, 652
Guidance, counseling, and testing (NDEA V)	534, 336	372, 479	259, 136	0	372, 587
Subtotal, elementary and secondary education	33, 776, 995	30, 569, 708	29, 233, 785	26, 739, 562	34, 731, 120
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81–874)	8, 054, 000	8, 386, 000	4, 757, 000	2, 176, 000	9, 617, 000
Construction (Public Law 81–815)	711, 947	1, 701, 000		0	0
Subtotal, SAFA	8, 765, 947	10, 087, 000	4, 757, 000	2, 176, 000	9, 617, 000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B–2)		321, 701	435, 484	435, 484	435, 484
Training programs (EPDA, pts. C and D)	1, 674, 432			0	0
Subtotal, education professions development	1, 674, 432	321, 701	435, 484	435, 484	435, 484
Teacher Corps	6, 211	464, 581		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	1, 257, 646			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	252, 677	249, 360	252, 721	252, 721	252, 721
Undergraduate instructional equipment and other resources (HEA, VI–A)	347, 294	343, 879		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	1, 628, 650	1, 967, 078	1, 017, 094	1, 017, 094	1, 017, 094
Other undergraduate facilities (HEFA I, sec. 104)	5, 129, 496	2, 975, 596	1, 945, 280	0	728, 823
Graduate facilities (HEFA II)	418, 033	400, 000		0	0
State administration and planning (HEFA I, sec. 105)	148, 193	126, 859	126, 859	126, 859	126, 859
Student aid:					
Educational opportunity grants (HEA, IV–A)	3, 551, 200	399, 142	1, 920, 990	1, 920, 990	1, 414, 723
Direct loans (NDEA II)	5, 001, 432	4, 976, 231	3, 952, 550	3, 952, 550	5, 664, 502
Insured loans:					
Advances for reserve funds	25, 980	286, 755		0	0
Interest payments	(1)			0	0
Work-study programs (HFA, IV–O)	2, 303, 117	3, 526, 985	3, 694, 937	3, 695, 699	3, 695, 699
Special programs for disadvantaged students: Talent search	143, 280			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	2, 708, 600			0	0
Training programs (EPDA pt. E)				0	0
Subtotal, higher education	22, 969, 598	15, 251, 885	12, 910, 431	10, 965, 913	12, 900, 421

[1] Not available.

OBLIGATIONS IN THE STATE OF MISSOURI—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Vocational education:					
Basic grants	$5,926,270	$5,909,451	$5,453,944	$5,454,944	$8,381,883
Innovation			253,221	253,221	253,221
Work-study	216,555			0	216,445
Cooperative education			274,461	274,641	274,641
Consumer and homemaking education			344,142	344,142	344,142
Subtotal, vocational education	6,142,825	5,909,451	6,325,948	6,326,948	9,470,332
Libraries and community services:					
Grants for public library services (LSCA I)	805,469	805,469	805,469	389,789	805,469
Construction of public libraries (LSCA II)	962,828	512,392	197,459	0	197,459
Interlibrary cooperation (LSCA III)		43,824	43,824	43,824	43,824
State institutional library services (LSCA IV–A)		39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV–B)		25,333	25,333	25,333	25,333
College library resources (HEA II–A)	618,535			0	0
Librarian training (HEA II–B)	59,106			0	0
University community service programs (HEA I)	209,693	198,738	198,739	198,739	198,739
Adult basic education (Adult Education Act):					
Grants to States	629,682	752,562	824,641	824,641	824,641
Special projects and teacher education	331,771				
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	3,617,084	2,377,827	2,134,974	1,521,835	2,134,974
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	296,211	641,800	641,800	641,800	641,800
Teacher education and recruitment	570,107			0	0
Research and innovation	151,444			0	0
Media services and captioned films for the deaf	20,956			0	0
Subtotal, education for the handicapped	1,038,718	641,800	641,800	641,800	641,800
Research and training:					
Research and development:					
Educational laboratories	2,080,000	2,637,713		0	0
Research and development centers				0	0
General education	411,591	233,564		0	0
Vocational education			17,737	17,737	17,737
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training	88,500			0	0
Statistical surveys				0	0
Construction	20,143			0	0
Subtotal, research and training	2,600,234	2,871,277	17,737	17,737	17,737
Education in foreign languages and world affairs	218,302			0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	173,605	173,605			
Student loan insurance fund				0	0
Higher education facilities loan fund	2,892,000			0	0
Total, Office of Education	83,925,951	68,718,835	56,507,159	875,279	69,998,868

OBLIGATIONS IN THE STATE OF MONTANA

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$3,666,149	$3,459,155	$3,521,648	$3,521,648	$3,710,421
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	371,750	185,736	156,019	0	182,895
Supplementary educational centers and services (ESEA III)	811,500	857,962	886,077	86,277	850,697
Strengthening State departments of education (ESEA V):					
Grants to States	214,585	282,290	280,509	280,509	280,509
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	339,695	335,693		0	333,279
Loans to nonprofit private schools	13,500	6,285		0	0
State administration	10,000	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	93,954	64,096	50,000	0	63,172
Subtotal, elementary and secondary education	5,671,133	5,354,550	5,044,253	4,638,434	5,434,306
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	4,268,000	4,444,000	2,521,000	3,690,000	5,453,000
Construction (Public Law 81-815)		831,000		0	0
Subtotal, SAFA	4,268,000	5,275,000	2,521,000	3,690,000	5,453,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		135,982	154,449	154,449	154,449
Training programs (EPDA pts. C and D)	380,383			0	0
Subtotal, education professions development	380,383	135,982	154,449	154,449	154,449
Teacher Corps				0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)				0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	166,038	163,086	166,045	166,045	166,045
Undergraduate instructional equipment and other resources (HEA VI–A)	59,288	59,639		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	292,342	365,857	189,170	189,170	189,170
Other undergraduate facilities (HEFA I, sec. 104)	1,237,001	520,832	340,491	0	129,444
Graduate facilities (HEFA II)	229,794			0	0
State administration and planning (HEFA I, sec. 105)	66,089	55,353	55,353	55,353	55,353

OBLIGATIONS IN THE STATE OF MONTANA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Higher education—Continued					
Student aid:					
Educational opportunity grants (HEA IV-A)	$762,650	$70,373	$338,689	$338,689	$249,429
Direct loans (NDEA II)	858,217	877,358	696,872	696,872	998,706
Insured loans:					
Advances for reserve funds		44,594		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	2,576,281	564,130	590,993	591,115	591,115
Special programs for disadvantaged students:					
Talent search	49,303			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	284,800			0	0
Training programs (EPDA pt. E)	57,489			0	0
Subtotal, higher education	6,639,892	2,721,222	2,377,613	2,037,244	2,379,262
Vocational education:					
Basic grants	1,102,142	1,116,404	971,393	971,393	1,492,881
Innovation			209,368	209,368	209,368
Work-study	38,018			0	37,998
Cooperative education			213,138	213,138	213,138
Consumer and homemaking education			61,295	61,295	61,295
Subtotal, vocational education	1,140,160	1,116,404	1,455,194	1,455,194	2,014,680
Libraries and community services:					
Grants for public library services (LSCA I)	210,196	210,196	210,196	145,266	210,196
Construction of public libraries (LSCA II)	345,689	98,347	98,347	0	98,347
Interlibrary cooperation (LSCA III)	40,505	40,597	40,597	40,597	40,597
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped LSCA IV-B)	23,750	25,052	25,052	25,052	25,052
College library resources (HEA II-A)	102,979			0	0
Librarian training (HEA II-B)	45,690			0	0
University community service programs (HEA I)	117,167	115,187	115,187	115,187	115,187
Adult basic education (Adult Education Act):					
Grants to States	146,759	156,723	164,109	164,109	164,109
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1,070,735	685,611	692,997	529,720	692,997
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	100,000	112,296	112,296	112,296	112,296
Teacher education and recruitment	172,096			0	0
Research and innovation		7,710		0	0
Media services and captioned films for the deaf	1,000			0	0
Subtotal, education for the handicapped	273,096	120,006	112,296	112,296	112,296
Research and training:					
Research and development:					
Educational laboratories					0
Research and development centers				0	0
General education	1,000			0	0
Vocational education			15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	1,000		15,000	15,000	15,000
Education in foreign languages and world affairs				0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	38,665	38,665			
Student loan insurance fund				0	0
Higher education facilities loan fund	492,000				
Total, Office of Education	20,025,064	15,497,440	12,422,802	12,682,337	16,128,694

OBLIGATIONS IN THE STATE OF NEBRASKA

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$6,029,159	$5,668,814	$6,994,964	$6,994,964	$8,242,079
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	742,427	374,367	314,472	0	368,323
Supplementary educational centers and services (ESEA III)	1,471,000	1,355,131	1,409,507	1,350,932	1,024,798
Strengthening State departments of education (ESEA V):					
Grants to States	274,980	340,817	344,772	344,772	344,772
Grants for special projects	152,605			0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	591,630	580,126			564,126
Loans to nonprofit private schools		19,509		0	0
State administration	14,368	13,673		0	13,656
Guidance, counseling, and testing (NDEA V)	180,680	122,306	85,089	0	122,154
Subtotal, elementary and secondary education	9,606,849	8,624,743	9,289,804	8,840,668	10,679,908
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	4,329,717	4,429,000	2,513,000	2,286,000	5,298,000
Construction (Public Law 81-815)		543,000		0	0
Subtotal, SAFA	4,329,717	4,972,000	2,513,000	2,286,000	5,298,000

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[1] Not available.

OBLIGATIONS IN THE STATE OF NEBRASKA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education professions development: Preschool elementary, and secondary:					
Grants to States (EPDA B-2)		$172, 525	$209, 747	$209, 747	$209, 747
Training programs (EPDA pts., C and D)	$1, 104, 853			0	0
Subtotal, education professions development	1, 104, 853	172, 525	209, 747	209, 747	209, 747
Teacher Corps	371, 553	482, 517		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)				0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	183, 546	180, 520	183, 560	183, 560	183, 560
Undergraduate instructional equipment and other resources (HEA VI-A)	128, 821	125, 481		0	0
Construction:					
Public community colleges and technical institutes (HEFA I—Sec. 103)	270, 275	694, 437	359, 064	359, 064	359, 064
Other undergraduate facilities (HEFA I—sec. 104)	1, 966, 169	1, 082, 752	707, 844	0	273, 714
Graduate facilities (HEFA II)		300, 000		0	0
State administration and planning (HEFA I—sec. 105)	81, 500	71, 072	71, 072	71, 072	71, 072
Student aid:					
Educational opportunity grants (HEA IV-A)	1, 400, 800	150, 368	723, 689	723, 689	532, 965
Direct loans (NDEA II)	1, 837, 691	1, 874, 681	1, 489, 033	1, 489, 033	2, 133, 972
Insured loans:					
Advances for reserve funds		44, 594		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	998, 419	1, 237, 427	1, 296, 352	1, 296, 620	1, 296, 620
Special programs for disadvantaged students: Talent search	60, 442			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	538, 900			0	0
Training programs (EPDA, pt. E)				0	0
Subtotal, higher education	7, 466, 563	5, 761, 332	4, 830, 614	4, 123, 038	4, 850, 967
Vocational education:					
Basic grants	2, 117, 322	2, 135, 304	1, 742, 754	1, 742, 754	2, 678, 348
Innovation			217, 650	217, 650	217, 650
Work-study	71, 223			0	71, 186
Cooperative education			224, 754	224, 754	224, 754
Consumer and homemaking education			109, 967	109, 967	109, 967
Subtotal, vocational education	2, 188, 545	2, 135, 304	2, 295, 125	2, 295, 125	3, 301, 905
Libraries and community services:					
Grants for public libary services (LSCA I)	330, 484	330, 484	330, 484	194, 677	330, 484
Construction of public libraries (LSCA II)	239, 500	256, 938	118, 375	0	118, 375
Interlibrary cooperation (LSCA III)	41, 055	41, 249	41, 249	41, 249	41, 249
State institutional library services (LSCA IV-A)	38, 000	39, 509	39, 509	39, 509	39, 509
Library services for physically handicapped (LSCA IV-B)	23, 750	25, 109	25, 109	25, 109	25, 109
College library resources (HEA II-A)	199, 896			0	0
Librarian training (HEA II-B)				0	0
University community service programs (HEA I)	135, 628	131, 132	131, 132	131, 132	131, 132
Adult basic education (Adult Education Act):					
Grants to States	188, 955	207, 912	221, 891	221, 891	221, 891
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1, 197, 268	1, 032, 333	907, 749	653, 557	907, 749
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	100, 364	217, 458	217, 458	217, 458	217, 458
Teacher education and recruitment	183, 938			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	214, 214	250, 338		0	0
Subtotal, education for the handicapped	498, 516	467, 796	217, 458	217, 458	217, 458
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	26, 642			0	0
Vocational education	118, 212	50, 000	15, 000	15, 000	15, 000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	144, 854	50, 000	15, 000	15, 000	15, 000
Education in foreign languages and world affairs				0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50, 000	50, 000	50, 000	50, 000	50, 000
Promotion of vocational education (Smith-Hughes Act)	64, 271	64, 271			
Student loan insurance fund				0	0
Higher education facilities loan fund	829, 000			0	0
Total, Office of Education	27, 851, 989	23, 812, 821	20, 337, 497	8, 690, 593	25, 530, 734

OBLIGATIONS IN THE STATE OF NEVADA

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$960, 917	$887, 582	$893, 858	$893, 858	$1, 174, 544
State administrative expenses	150, 000	150, 000	150, 000	150, 000	
Grants to States for school library materials (ESEA II)	218, 847	113, 689	95, 499	0	117, 828
Supplementary educational centers and services (ESEA III)	568, 025	648, 828	665, 896	551, 066	650, 895
Strengthening State departments of education (ESEA V):					
Grants to States	186, 787	259, 550	255, 964	255, 964	255, 964
Grants for special projects				0	

[1] Not available.

OBLIGATIONS IN THE STATE OF NEVADA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Elementary and secondary education—Continued					
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	$115,302	$114,394		0	$134,580
Loans to nonprofit private schools	0	1,583		0	0
State administration	10,000	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	52,999	50,000	$50,000	0	50,000
Subtotal, elementary and secondary education	2,262,877	2,238,959	2,111,217	$1,850,888	2,397,414
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	3,320,000	3,457,000	1,961,000	1,426,000	4,130,000
Construction (Public Law 81-815)	1,520,744	233,700	14,000	14,000	14,000
Subtotal, SAFA	4,840,744	3,690,700	1,975,000	1,440,000	4,144,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		122,025	133,328	133,025	133,025
Training programs (EPDA pts. C and D)	86,885			0	0
Subtotal, education professions development	86,885	122,025	133,328	133,025	133,025
Teacher Corps				0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)				0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	156,781	153,867	156,784	156,784	156,784
Undergraduate instructional equipment and other resources (HEA VI-A)	14,966	14,561		0	0
Construction:					
Public community colleges and technical institutes (HEFA I—sec. 103)		118,399	61,219	61,219	61,219
Other undergraduate facilities (HEFA I—sec. 104)	421,948	216,563	141,577	0	60,539
Graduate facilities (HEFA II)				0	0
State administration and planning (HEFA I—sec. 105)	42,400	37,239	37,239	37,239	37,239
Student aid:					
Educational opportunity grants (HEA IV-A)	136,764	18,232	87,748	87,748	64,622
Direct loans (NDEA II)	217,624	227,307	180,546	180,546	258,746
Insured loans:					
Advances for reserve funds		25,000		0	0
Interest payments	[1]			0	0
Work-study programs (HEA IV-C)	230,375	182,457	191,145	191,185	191,185
Special programs for disadvantaged students: Talent search	22,971			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	123,400			0	0
Training programs (EPDA pt. E)	40,000			0	0
Subtotal, higher education	1,456,869	993,625	856,258	714,721	830,334
Vocational Education:					
Basic grants	554,165	566,052	390,324	390,324	599,871
Innovation			204,616	204,616	204,616
Work-study	19,249			0	19,240
Cooperative education			206,474	206,474	206,474
Consumer and homemaking education			24,630	24,630	24,630
Subtotal, vocational education	573,414	566,052	826,044	826,044	1,054,831
Libraries and community services:					
Grants for public library services (LSCA I)	146,589	146,589	146,589	119,137	146,589
Construction of public libraries (LSCA II)	127,559	129,580	87,757	0	87,757
Interlibrary cooperation (LSCA III)	40,213	40,253	40,253	40,253	40,253
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,022	25,022	25,022	25,044
College library resources (HEA II-A)	24,143			0	0
Library training (HEA II-B)				0	0
University community service programs (HEA I)	110,598	109,324	109,325	109,325	109,325
Adult basic education (Adult Education Act):					
Grants to States	117,374	121,076	123,829	123,829	123,829
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	648,226	611,353	572,284	457,075	572,284
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	100,000	100,000	100,000	100,000	100,000
Teacher education and recruitment	65,749			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	1,266			0	0
Subtotal, education for the handicapped	167,015	100,000	100,000	100,000	100,000
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	9,748			0	0
Vocational education	138,281		15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training	58,350			0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	206,379		15,000	15,000	15,000
Education in foreign languages and world affairs				0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	30,000	30,000			
Student loan insurance fund				0	0
Higher education facilities loan fund	318,000			0	0
Total, Office of Education	10,620,409	8,402,714	6,639,131	5,586,753	9,296,888

[1] Not available.

OBLIGATIONS IN THE STATE OF NEW HAMPSHIRE

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$1,432,268	$1,441,049	$1,478,145	$1,478,145	$1,878,148
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	334,087	168,878	141,859	0	171,826
Supplementary educational centers and services (ESEA III)	779,000	815,216	841,072	665,545	820,062
Strengthening State departments of education (ESEA V):					
Grants to States	198,849	269,677	274,766	274,766	274,766
Grants for special projects		24,600		0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	262,364	259,469		0	259,521
Loans to nonprofit private schools	6,790	11,798		0	0
State administration	10,000	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	81,695	55,921	50,000	0	56,404
Subtotal, elementary and secondary education	3,255,053	3,209,941	2,935,842	2,368,456	3,474,060
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	2,053,000	2,138,000	1,213,000	904,000	2,474,000
Construction (Public Law 81-815)	22,434	6,400	6,000	6,000	6,000
Subtotal, SAFA	2,075,434	2,144,400	1,219,000	910,000	2,480,000
Education professions development: Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		122,025	133,328	133,328	133,328
Training programs (EPDA pts. C and D)	456,959			0	0
Subtotal, education professions development	456,959	122,025	133,328	133,328	133,328
Teacher Corps				0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	281,257			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	164,426	161,480	164,432		
Undergraduate instructional equipment and other resources (HEA VI-A)	62,362	61,584		0	0
Construction:					
Public community colleges and technical institutes (HEFA I—Section 103)	247,537	326,110	168,618	168,618	168,618
Other undergraduate facilities (HEFA I—sec. 104)	856,176	509,125	332,838	0	124,716
Graduate facilities (HEFA II)	402,384			0	0
State administration and planning (HEFA I—sec. 105)	49,178	58,152	58,152	58,152	58,152
Student aid:					
Educational opportunity grants (HEA IV-A)	647,590	65,117	313,393	313,393	230,800
Direct loans (NDEA II)	781,493	811,830	644,825	644,825	924,115
Insured loans:					
Advances for reserve funds	10,000	41,218		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	601,991	457,694	479,489	479,588	479,588
Special programs for disadvantaged students: Talent search				0	0
Personnel development:					
College teacher fellowships (NDEA IV)	315,500			0	0
Training programs (EPDA, pt. E)				0	0
Subtotal, higher education	4,420,894	2,492,310	2,161,747	1,664,576	1,985,989
Vocational education:					
Basic grants	925,718	941,303	834,902	834,902	1,283,116
Innovation			208,146	208,146	208,146
Work-study	32,724			0	32,707
Cooperative education			211,425	211,425	211,425
Consumer and homemaking education			52,683	52,683	52,683
Subtotal, vocational education	958,442	941,303	1,307,156	1,307,156	1,788,077
Libraries and community services:					
Grants for public library services (LSCA I)	199,116	199,116	199,116	140,714	199,116
Construction of public libraries (LSCA II)	100,968	152,108	96,503	0	96,503
Interlibrary cooperation (LSCA III)	40,454	40,537	40,537	40,537	40,537
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,503
Library services for physically handicapped (LSCA IV-B)	27,750	25,047	25,047	25,047	25,047
College library resources (HEA II-A)	378,499			0	0
Librarian training (HEA II-B)				0	0
University community service programs (HEA I)	116,434	114,625	114,624	114,624	114,624
Adult basic education (Adult Education Act):					
Grants to States	143,716	153,033	160,283	160,283	160,283
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1,044,937	723,975	675,619	520,714	675,613
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	100,000	100,000	100,000	100,000	100,000
Teacher education and recruitment	61,023			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	2,845			0	0
Subtotal, education for the handicapped	163,868	100,000	100,000	100,000	100,000
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	20,113			0	0
Vocational education		44,575	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training	36,124			0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	56,237	44,575	15,000	15,000	15,000

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[1] Not available.

OBLIGATIONS IN THE STATE OF NEW HAMPSHIRE—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education in foreign languages and world affairs	$36,000			0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	$50,000	$50,000	$50,000	$50,000
Promotion of vocational education (Smith-Hughes Act)	34,050	34,050			
Student loan insurance fund				0	0
Higher education facilities loan fund				0	0
Total, Office of Education	12,551,874	9,862,579	8,597,692	7,069,230	10,702,067
OBLIGATIONS IN THE STATE OF NEW JERSEY					
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	25,471,868	24,484,252	27,555,556	27,555,556	32,104,600
State administrative expenses	254,719	245,001	275,556	275,556	
Grants to States for school library materials (ESEA II)	3,214,941	1,652,599	1,388,195	0	1,655,018
Supplementary educational centers and services (ESEA III)	5,899,000	5,248,181	5,515,448	2,626,822	5,260,743
Strengthening State departments of education (ESEA V):					
Grants to States	679,227	738,898	780,240	780,240	780,240
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	1,792,228	1,807,039		0	1,886,094
Loans to nonprofit private schools	19,500	107,779		0	0
State administration	63,066	61,712		0	61,901
Guidance, counseling, and testing (NDEA V)	793,071	552,014	384,039	0	533,724
Subtotal, elementary and secondary education	38,187,620	34,897,475	35,899,034	32,238,174	42,282,320
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	11,461,000	11,933,000	6,771,000	4,251,000	13,835,000
Construction (Public Law 81-815)	802,899	798,300	27,000	27,000	27,000
Subtotal, SAFA	12,263,899	12,731,300	6,798,000	4,278,000	13,862,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		420,152	584,464	584,464	584,464
Training programs (EPDA pts. C and D)	1,154,424			0	0
Subtotal, education professions development	1,154,424	420,152	584,464	584,464	584,464
Teacher Corps	49,576	110,139		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)				0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	294,201	290,710	294,262	294,262	294,262
Undergraduate instructional equipment and other resources (HEA VI-A)	249,784	255,201		0	0
Construction:					
Public community colleges and technical institutes (HEFA I-sec. 103)	1,829,837	2,248,021	1,162,358	1,162,358	1,162,358
Other undergraduate facilities (HEFA I—sec. 104)	5,281,400	3,425,890	2,239,658	0	854,466
Graduate facilities (HEFA II)	1,196,850	1,000,000		0	0
State administration and planning (HEFA I—sec. 105)	142,687	123,643	123,643	123,643	132,643
Student aid:					
Educational opportunity grants (HEA IV-A)	2,509,000	276,163	1,329,115	1,329,115	978,833
Direct loans (NDEA II)	3,284,545	3,443,007	2,734,731	2,734,731	3,919,215
Insured loans:					
Advances for reserve funds	49,664	345,575		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	2,847,534	3,091,504	3,238,718	3,239,386	3,239,386
Special programs for disadvantaged students: Talent search	135,370			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,982,600			0	0
Training programs (EPDA pt. E)				0	0
Subtotal, higher education	19,803,472	14,499,714	11,122,485	8,883,495	10,572,163
Vocational education:					
Basic grants	6,207,329	6,246,915	6,497,533	6,497,533	9,985,719
Innovation			278,202	278,202	278,202
Work-study	320,983			0	320,820
Cooperative education			309,677	309,677	309,677
Consumer and homemaking education			409,991	409,991	409,991
Subtotal, vocational education	6,528,312	6,246,915	7,495,403	7,495,717	11,304,409
Libraries and community services:					
Grants for public library services (LSCA I)	1,090,767	1,090,767	1,090,767	506,982	1,090,767
Construction of public libraries (LSCA II)	611,734	545,193	244,961	0	244,961
Interlibrary cooperation (LSCA III)	44,537	45,371	45,371	45,371	45,371
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,467	25,467	25,467	25,467
College library resources (HEA II-A)	398,075			0	0
Librarian training (HEA II-B)	165,240			0	0
University community service programs (HEA I)	256,589	249,254	249,254	249,254	249,254
Adult basic education (Adult Education Act):					
Grants to States	888,911	1,057,036	1,177,851	1,177,851	1,177,851
Special projects and teacher education	523,145			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	4,040,748	3,052,597	2,873,180	2,044,434	2,873,180
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	400,066	866,823	866,823	866,823	866,823
Teacher education and recruitment	492,546			0	0
Research and innovation	3,900			0	0
Media services and captioned films for the deaf	7,513			0	0
Subtotal, education for the handicapped	904,025	866,823	866,823	866,823	866,823

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[1] Not available.

OBLIGATIONS IN THE STATE OF NEW JERSEY—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	$80,399			0	0
Vocational education	379,015	$53,000	$21,131	$21,131	$21,131
Evaluations	265,323			0	0
National achievement study				0	0
Dissemination				0	0
Training	21,000			0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	745,737	53,000	21,131	21,131	21,131
Education in foreign languages and world affairs	356,924			0	0
Civil rights education	151,928			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	201,903	201,903			
Student loan insurance fund	900			0	0
Higher education facilities loan fund	3,355,000			0	0
Total, Office of Education	87,794,468	73,130,018	65,710,520	56,462,238	82,416,490

OBLIGATIONS IN THE STATE OF NEW MEXICO

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$10,494,933	$9,792,733	$9,875,844	$9,875,844	$10,025,844
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	585,437	288,109	242,013	0	283,617
Supplementary eduational centers and services (ESEA III)	1,176,000	1,112,240	1,153,785	860,486	1,108,128
Strengthening State departments of education (ESEA V):					
Grants to States	255,743	319,982	315,386	315,386	315,386
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	598,278	588,214		0	596,353
Loans to nonprofit private schools		8,085		0	0
State administration	11,763	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	147,918	100,396	69,846	0	100,238
Subtotal, elementary and secondary education	13,420,072	12,373,097	11,806,874	11,201,716	12,442,899
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	9,726,000	10,127,000	5,745,000	6,147,000	11,299,000
Construction (Public Law 81-815)	810,794	779,200		0	0
Subtotal, SAFA	10,536,794	10,906,200	5,745,000	6,147,000	11,299,000
Education professions development: Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		155,814	184,460	184,460	184,460
Training programs (EPDA pts. C and D)	231,260			0	0
Subtotal, education professions development	231,260	155,814	184,460	184,460	184,460
Teacher Corps	162,609	415,442		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	71,669			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	172,605	169,625	172,614	172,614	172,614
Undergraduate instructional equipment and other resources (HEA VI-A)	79,932	78,046		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	63,667	595,008	307,654	307,654	307,654
Other undergraduate facilities (HEFA I, sec. 104)	1,841,833	720,943	471,313	0	184,264
Graduate facilities (HEFA II)	380,666			0	0
State administration and planning (HEFA I, sec. 105)	67,280	59,379	59,379	59,379	59,379
Student aid:					
Educational opportunity grants (HEA IV-A)	1,045,970	83,504	401,890	401,890	295,974
Direct loans (NDEA II)	1,053,809	1,041,075	826,911	826,911	1,185,068
Insured loans:					
Advances for reserve funds		74,322		0	0
Interest payments	[1]			0	0
Work-study programs (HEA IV-C)	1,110,790	918,722	962,471	962,669	962,669
Special programs for disadvantaged students: Talent search	112,960			0	0
Personnel development:					
College teacher fellowships (NEDA IV)	574,500			0	0
Training programs (EPDA pt. E)	24,000			0	0
Subtotal, higher education	6,600,081	3,740,624	3,202,232	2,731,117	3,167,622
Vocational education:					
Basic grants	1,513,307	1,547,049	1,524,933	1,524,933	2,343,590
Innovation			214,256	214,256	214,256
Work-study	57,748			0	57,719
Cooperative education			219,993	219,993	219,993
Consumer and homemaking education			96,223	96,223	96,223
Subtotal, vocational education	1,571,055	1,547,049	2,055,405	2,055,405	2,930,781
Libraries and community services:					
Grants for public library services (LSCA I)	255,312	255,312	255,312	163,798	255,312
Construction of public libraries (LSCA II)	247,602	287,295	105,859	0	105,859
Interlibrary cooperation (LSCA III)	40,711	41,842	40,842	40,842	40,842
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,073	25,073	25,073	25,073
College library resources (HEA II-A)	129,463			0	0
Librarian training (HEA II-B)				0	0
University community service programs (HEA I)	124,761	121,677	121,677	121,677	121,677
Adult basic education (Adult Education Act):					
Grants to States	255,945	289,178	314,106	314,106	314,106
Special projects and teacher education	425,785			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1,541,329	1,059,886	902,373	705,005	902,378

[1] Not available.

OBLIGATIONS IN THE STATE OF NEW MEXICO—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	$100, 000	$175, 883	$175, 883	$175, 883	$175, 883
Teacher education and recruitment	278, 536			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	241, 741	343, 473		0	0
Subtotal, education for the handicapped	620, 277	519, 356	175, 883	175, 883	175, 883
Research and training:					
Research and development:					
Educational laboratories	751, 867	862, 244		0	0
Research and development centers				0	0
General education	206, 657			0	0
Vocational education		50, 000	15, 000	15, 000	15, 000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training	82, 300			0	0
Statistical surveys				0	0
Construction	38, 801			0	0
Subtotal, research and training	1, 079, 625	912, 244	15, 000	15, 000	15, 000
Education in foreign languages and world affairs	91, 720			0	0
Civil rights education	40, 450			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50, 000	50, 000	50, 000	50, 000	50, 000
Promotion of vocational education (Smith-Hughes Act)	43, 107	43, 107			
Student loan insurance fund				0	0
Higher education facilities loan fund	718, 000			0	0
Total, Office of Education	36, 706, 379	31, 722, 819	24, 137, 232	23, 265, 586	31, 168, 023

OBLIGATIONS IN THE STATE OF NEW YORK

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$121, 097, 330	$120, 384, 848	$150, 747, 783	$150, 747, 783	$175, 634, 174
State administrative expenses	1, 210, 973	1, 204, 063	1, 507, 478	1, 507, 478	
Grants to States for school library materials (ESEA II)	8, 122, 336	4, 090, 893	3, 436, 381	0	4, 076, 563
Supplementary educational centers and services (ESEA III)	15, 217, 000	13, 257, 957	13, 948, 354	8, 869, 461	13, 007, 779
Strengthening State departments of education (ESEA V):					
Grants to States	1, 450, 224	1, 474, 815	1, 610, 917	1, 610, 917	1, 610, 917
Grants for special projects	157, 882			0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	4, 203, 698	4, 198, 623		0	4, 211, 231
Loans to nonprofit private schools	105, 472	297, 422		0	0
State administration	161, 727	156, 767		0	153, 851
Guidance, counseling, and testing (NDEA V)	2, 033, 751	1, 402, 273	975, 568	0	1, 376, 253
Subtotal, elementary and secondary education	153, 760, 393	146, 467, 661	172, 226, 481	162, 735, 639	200, 070, 768
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	16, 900, 000	10, 127, 000	10, 605, 000	6, 027, 000	20, 504, 000
Construction (Public Law 81-815)	38, 200	1, 994, 400	1, 688, 000	1, 688, 000	1, 688, 000
Subtotal, SAFA	16, 938, 200	12, 121, 400	14, 293, 000	7, 715, 000	22, 192, 000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		892, 515	1, 299, 257	1, 299, 257	1, 299, 257
Training programs (EPDA pts. C and D)	6, 519, 139			0	0
Subtotal, education professions development	6, 519, 139	892, 515	1, 299, 257	1, 299, 257	1, 299, 257
Teachers Corps	930, 097	986, 175		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	157, 742			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	548, 897	544, 335	549, 067	549, 067	549, 067
Undergraduate instructional equipment and other resources (HEA VI-A)	1, 131, 523	1, 170, 283		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	1, 309, 379	5, 073, 163	2, 623, 120	2, 623, 120	2, 623, 120
Other undergraduate facilities (HEFA I, sec. 104)	17, 906, 116	11, 355, 730	7, 423, 750	0	2, 780, 466
Graduate facilities (HEFA II)	2, 314, 583			0	0
State administration and planning (HEFA I, sec. 105)	352, 753	327, 907	327, 907	327, 907	327, 907
Student aid:					
Educational opportunity grants (HEA IV-A)	11, 133, 286	1, 231, 458	5, 926, 758	5, 926, 758	4, 364, 792
Direct loans (NDEA II)	15, 013, 651	15, 352, 980	12, 194, 653	12, 194, 653	17, 476, 477
Insured loans:					
Advances for reserve funds	1, 530, 833	1, 010, 476		0	
Interest payments	(1)			0	
Work-study programs (HEA IV-C)	10, 634, 606	9, 750, 536	10, 214, 847	10, 216, 954	10, 216, 954
Special programs for disadvantaged students: Talent search	309, 701			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	9, 164, 800			0	0
Training programs (EPDA pt. E)				0	0
Subtotal, higher education	74, 507, 870	45, 816, 868	39, 260, 102	31, 838, 459	35, 558, 317
Vocational education:					
Basic grants	16, 240, 204	16, 447, 902	16, 331, 918	16, 331, 918	25, 099, 673
Innovation			401, 206	401, 206	401, 206
Work-study	819, 542			0	819, 125
Cooperative education			482, 191	482, 191	482, 191
Consumer and homemaking education			1, 030, 532	1, 030, 532	1, 030, 532
Subtotal, vocational education	17, 059, 746	16, 447, 902	18, 245, 847	18, 245, 847	27, 832, 727

[1] Not available.

OBLIGATIONS IN THE STATE OF NEW YORK—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Libraries and community services:					
Grants for public library services (LSCA I)	$2, 840, 719	$2, 840, 719	$2, 840, 719	$1, 225, 816	$2, 840, 719
Construction of public libraries (LSCA II)	560, 044	2, 521, 607	536, 326	0	536, 326
Interlibrary cooperation (LSCA III)	52, 549	54, 858	54, 858	54, 858	54, 858
State institutional library services (LSCA IV-A)	38, 000	39, 509	39, 509	39, 509	39, 509
Library services for physically handicapped (LSCA IV-B)	23, 750	26, 292	26, 292	26, 292	26, 292
College library resources (HEA II-A)	1, 862, 939			0	0
Librarian training (HEA II-B)	699, 272			0	0
University community service programs (HEA I)	542, 140	493, 850	493, 849	493, 849	493, 849
Adult basic education (Adult Education Act):					
Grants to States	2, 446, 242	2, 946, 251	3, 299, 893	3, 299, 898	3, 299, 893
Special projects and teacher education	279, 367			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	9, 345, 022	8, 923, 086	7, 291, 446	5, 140, 217	7, 291, 446
Education for the Handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	1, 075, 982	2, 331, 331	2, 331, 331	2, 331, 331	2, 331, 331
Teacher education and recruitment	2, 220, 227			0	0
Research and innovation	1, 424, 168	1, 107, 811		0	0
Media services and captioned films for the deaf	548, 630	162, 459		0	0
Subtotal, education for the handicapped	5, 269, 007	3, 601, 601	2, 331, 331	2, 331, 331	2, 331, 331
Research and training:					
Research and development:					
Educational laboratories	3, 618, 385	3, 632, 494		0	0
Research and development centers	595, 154			0	0
General education	3, 121, 648	286, 646		0	0
Vocational education	385, 645	315, 611	53, 113	53, 113	53, 113
Evaluations	156, 795			0	0
National achievement study				0	0
Dissemination	2, 073, 985	532, 184		0	0
Training	986, 522			0	0
Statistical surveys				0	0
Construction	3, 955			0	0
Subtotal, research and training	10, 942, 089	4, 766, 935	53, 113	53, 113	53, 113
Education in foreign languages and world affairs	2, 785, 841			0	0
Civil rights education	314, 094			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50, 000	50, 000	50, 000	50, 000	50, 000
Promotion of vocational education (Smith-Hughes Act)	575, 316	575, 316			
Student loan insurance funds				0	0
Higher education facilities loan fund	10, 782, 000			0	0
Total, Office of Education	309, 778, 814	240, 649, 459	253, 050, 577	229, 408, 863	296, 678, 959

OBLIGATIONS IN THE STATE OF NORTH CAROLINA

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$52, 715, 243	$49, 385, 824	$53, 482, 397	$53, 482, 397	$62, 311, 607
State administrative expenses	531, 238	493, 970	534, 824	524, 824	
Grants to States for school library materials (ESEA II)	2, 353, 748	1, 186, 993	997, 083	0	1, 168, 551
Supplementary educational centers and services (ESEA III)	4, 527, 000	4, 011, 337	4, 213, 264	2, 787, 844	4, 020, 973
Strengthening State departments of education (ESEA V):					
Grants to States	650, 943	669, 081	621, 617	621, 617	621, 617
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	2, 578, 787	2, 543, 076		0	2, 469, 235
Loans to nonprofit private schools	2, 632	7, 435		0	0
State administration	50, 920	48, 734		0	48, 642
Guidance, counseling, and testing (NDEA V)	640, 335	435, 921	303, 273	0	435, 115
Subtotal, elementary and secondary education	64, 050, 846	58, 782, 371	60, 152, 458	57, 416, 682	71, 075, 740
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	10, 654, 000	11, 198, 000	9, 413, 000	6, 864, 000	12, 691, 000
Construction (Public Law 81-815)	472, 875	1, 451, 100	60, 000	60, 000	60, 000
Subtotal, SAFA	11, 126, 875	12, 649, 000	9, 473, 000	6, 924, 000	12, 651, 000
Education professions development: Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		329, 952	447, 970	447, 970	447, 970
Training programs (EPDA pts. C and D)	1, 368, 284			0	0
Subtotal, education professions development	1, 368, 284	329, 952	447, 970	447, 970	447. 970
Teacher Corps	467, 730	551, 495		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	2, 246, 326			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	258, 295	254, 954	258, 341	258, 341	258, 341
Undergraduate instructional equipment and other resources (HEA VI-A)	364, 690	364, 447		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	2, 169, 511	2, 646, 459	1, 368, 374	1, 368, 374	1, 368, 374
Other undergraduate facilities (HEFA I, sec. 104)	4, 854, 262	3, 145, 253	2, 056, 193	0	765, 470
Graduate facilities (HEFA II)	1, 000, 000	400, 000		0	0
State administration and planning (HEFA I, sec. 105)	144, 075	132, 027	132, 027	132, 027	123, 027
Student aid:					
Educational opportunity grants (HEA IV-A)	4, 092, 130	370, 255	1, 781, 960	1, 781, 960	1, 312, 334
Direct loans (NDEA II)	4, 415, 338	4, 616, 081	3, 666, 487	3, 666, 487	5, 254, 540
Insured loans:					
Advances for reserve funds	345, 819	375, 909		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	3, 958, 954	5, 091, 502	5, 333, 954	5, 335, 054	5, 335, 054
Special programs for disadvantaged students: Talent search	17, 500			0	0

[1] Not available.

OBLIGATIONS IN THE STATE OF NORTH CAROLINA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Higher education—Continued					
Personnel development:					
College, teacher fellowships (NDEA IV)	$2,568,800			0	0
Training programs (EPDA, pt. E)	205,000			0	0
Subtotal, higher education	26,640,700	$17,396,887	$14,597,336	$12,542,243	$14,417,140
Vocational education:					
Basic grants	8,680,047	8,749,892	7,956,680	7,956,680	12,228,673
Innovation			268,562	268,562	268,562
Work study	283,447			0	283,302
Cooperative education			296,158	296,158	296,158
Consumer and homemaking education			502,062	502,062	502,062
Subtotal, vocational education	8,963,494	8,749,892	9,023,462	1,074,738	13,578,757
Libraries and community services:					
Grants for public library services (LSCA I)	844,066	844,066	844,066	405,643	844,066
Construction of public libraries (LSCA II)	1,057,319	414,534	203,886	0	203,886
Interlibrary cooperation (LSCA III)	43,407	44,033	44,033	44,033	44,033
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,351	25,351	25,351	25,351
College library resources (HEA II-A)	649,113			0	0
Librarian training (HEA II-B)	267,441			0	0
University community services programs (HEA I)	220,510	207,608	207,608	207,608	207,608
Adult basic education (Adult Education Act):					
Grants to States	1,250,671	1,495,891	1,677,851	1,677,851	1,677,851
Special projects and teacher education	379,996			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	4,774,273	3,070,992	3,042,304	2,389,995	3,032,304
Education for the Handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	371,623	805,195	805,195	805,195	805,195
Teacher education and recruitment	291,187			0	0
Research and innovation	37,348	135,136		0	0
Media services and captioned films for the deaf	6,966			0	0
Subtotal, education for the handicapped	707,124	940,331	805,195	805,195	805,195
Research and Training:					
Research and development:					
Educational laboratories	693,744	820,000		0	0
Research and development centers				0	0
General education	143,379			0	0
Vocational education	888,143		25,876	25,876	25,876
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction	4,134			0	0
Subtotal, research and training	1,729,400	820,000	25,876	25,876	25,876
Education in foreign languages and world affairs	123,048			0	0
Civil rights education	811,263	202,747		0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	221,793	221,793			
Student loan insurance fund				0	0
Higher education facilities loan fund	1,879,000			0	0
Total, Office of Education	122,913,830	103,765,560	97,617,601	81,676,699	116,083,982

OBLIGATIONS IN THE STATE OF NORTH DAKOTA

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$4,467,399	$4,033,581	$4,353,378	$4,353,378	$5,194,875
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	331,096	162,589	136,576	0	160,353
Supplementary educational centers and services (ESEA III)	790,000	815,806	841,693	653,528	802,305
Strengthening State departments of education (ESEA V):					
Grants to States	201,759	273,216	272,624	272,624	272,624
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	341,302	331,874		0	318,932
Loans to non-profit private schools		6,377		0	0
State administration	10,000	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	87,691	58,864	50,000	0	57,048
Subtotal, elementary and secondary education	6,379,247	5,845,640	5,804,271	5,429,530	6,819,470
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	2,402,000	2,501,000	1,419,000	2,664,000	2,886,000
Construction (Public Law 81-815)		600	1,000	1,000	1,000
Subtotal, school assistance in federally affected areas	2,402,000	2,501,600	1,420,000	2,665,000	2,887,000
Education Professions Development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		131,498	147,663	147,663	147,663
Training programs (EPDA pts. C and D)	996,248			0	0
Subtotal, education professions development	996,248	131,498	147,663	147,663	147,663
Teacher Corps				0	0
Higher Education:					
Program assistance:					
Strengthening developing institutions (HEA III)	511,740			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	165,032	162,084	165,039	165,039	165,039
Undergraduate instructional equipment and other resources (HEA VI-A)	67,127	71,130		0	0

OBLIGATIONS IN THE STATE OF NORTH DAKOTA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Higher education—Continued					
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	$402,759	$388,321	$200,784	$200,784	$200,784
Other undergraduate facilities (HEFA I, sec. 104)	525,545	538,486	352,032	0	129,049
Graduate facilities (HEFA II)				0	0
State administration and planning (HEFA I, sec. 105)	64,116	56,364	56,364	56,364	56,364
Student aid:					
Educational opportunity grants (HEA IV-A)	856,135	76,821	369,723	369,723	272,284
Direct loans (NBEA II)	973,480	957,750	760,727	760,727	1,090,218
Insured loans:					
Advances for reserve funds		43,942		0	0
Interest payments	[1]			0	0
Work-study programs (HEA IV-C)	792,307	661,478	692,977	693,120	693,120
Special programs for disadvantaged students:					
Talent search	37,000			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	333,000			0	0
Training programs (EPDA pt. E)	41,000			0	0
Subtotal, higher education	4,769,541	2,956,376	2,597,646	2,245,757	2,606,858
Vocational education:					
Basic grants	1,245,848	1,270,281	975,062	975,062	1,498,522
Innovation			208,689	208,689	208,689
Work study	35,611			0	35,593
Cooperative education			212,186	212,186	212,186
Consumer and homemaking education			61,526	61,526	61,526
Subtotal, vocational education	1,281,459	1,270,281	1,457,463	1,457,463	2,016,516
Libraries and community services:					
Grants for public library services (LSCA I)	203,285	203,285	203,285	142,427	203,285
Construction of public libraries (LASC II)	57,000	256,991	97,197	0	97,197
Interlibrary cooperation (LSCA III)	28,315	40,560	40,560	40,560	40,560
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,049	25,049	25,049	25,049
College library resources (HEA II-A)	126,024			0	0
Librarian training (HEA II-B)				0	0
University community service programs (HEA I)	115,922	113,911	113,911	113,911	113,911
Adult basic education (Adult Education Act):					
Grants to States	156,675	168,753	177,469	177,469	177,469
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	748,971	848,058	696,980	538,925	696,980
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	100,000	109,151	109,151	109,151	109,151
Teacher education and recruitment	170,326			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	1,178			0	0
Subtotal, education for the handicapped	271,504	109,151	109,151	109,151	109,151
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	98,983			0	0
Vocational education		50,000	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	98,983	50,000	15,000	15,000	15,000
Education in foreign languages and world affairs				0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	42,740	42,740		0	0
Student loan insurance fund	1,000			0	0
Higher education facilities loan fund	120,000			0	0
Total, Office of Education	17,161,693	13,805,344	12,298,174	12,658,489	15,348,638

OBLIGATIONS IN THE STATE OF OHIO

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$35,843,674	$33,370,827	$37,697,901	$37,697,901	$43,921,308
State administrative expenses	358,437	333,804	376,979	376,979	0
Grants to States for school library materials (ESEA II)	5,357,489	2,661,889	2,636,008	0	2,628,457
Supplementary education centers and services (ESEA III)	9,299,000	8,124,450	8,543,658	5,570,394	8,132,773
Strengthening State department of education (ESEA V):					
Grant to States	1,078,054	1,110,464	1,124,085	1,124,085	1,124,085
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	4,080,366	4,089,849		0	4,086,302
Loans to nonprofit private schools		125,561		0	0
State administration	104,331	101,489		0	101,499
Guidance, counseling, and testing (NDEA V)	1,311,989	907,814	631,571	0	907,940
Subtotal, elementary and secondary education	57,433,340	50,826,147	51,010,202	44,769,359	60,902,364
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	10,143,000	10,561,000	5,990,000	1,182,000	12,384,000
Construction (Public Law 81-815)		567,200		0	0
Subtotal, SAFA	10,143,000	11,128,200	5,990,000	1,182,000	12,384,000

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[1] Not available.

OBLIGATIONS IN THE STATE OF OHIO—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		$615,679	$880,340	$880,340	$880,340
Training programs (EPDA, pts. C and D)	$2,532,220			0	0
Subtotal, education professions development	2,532,220	615,679	880,340	880,340	880,340
Teacher Corps	610,589	537,214		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	844,660			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	380,710	376,856	380,809	380,809	380,809
Undergraduate instructional equipment and other resources (HEA VI-A)	665,912	655,184		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	4,077,474	4,271,348	2,208,535	2,208,535	2,208,535
Other undergraduate facilities (HEFA I, sec. 104)	11,149,073	6,588,302	4,307,068	0	1,642,921
Graduate facilities (HEFA II)		1,200,000		0	0
State administration and planning (HEFA I, sec. 105)	174,076	205,775	205,775	205,775	205,775
Student aid:					
Educational opportunity grants (HEA IV-A)	6,040,322	758,574	3,650,862	3,650,862	2,688,696
Direct loans (NDEA II)	9,231,770	9,457,380	7,511,862	7,511,862	10,765,447
Insured loans:					
Advances for reserve funds	896,259	639,023		0	0
Interest payments	[1]			0	0
Work-study programs (HEA IV-C)	4,051,356	6,464,602	6,772,440	6,773,836	6,773,836
Special programs for disadvantaged students: Talent search	221,664			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	3,300,500			0	0
Training programs (EPDA pt. E)				0	0
Subtotal, higher education	41,033,776	30,617,044	25,037,351	20,731,679	24,666,019
Vocational education:					
Basic grants	12,105,150	12,007,320	11,817,532	11,817,532	18,161,747
Innovation			328,571	328,571	328,571
Work-study	516,364			0	516,101
Cooperative education			380,320	380,320	380,320
Consumer and homemaking education			745,678	745,678	745,678
Subtotal, vocational education	12,621,514	12,007,320	13,272,101	13,272,191	20,132,507
Libraries and community services:					
Grants for public library services (LSCA I)	1,685,152	1,685,152	1,685,152	751,140	1,685,152
Construction of public libraries (LSCA II)	1,465,162	1,080,285	343,925	0	343,925
Interlibrary cooperation (LSCA III)	47,259	48,593	48,593	48,593	48,593
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicaped (LSCA IV-B)	23,750	25,747	25,747	25,747	25,747
College library resources (HEA II-A)	1,170,103			0	0
Librarian training (HEA II-B)	332,973			0	0
University community service programs (HEA I)	350,080	324,216	324,216	324,216	324,216
Adult basic education (Adult Education Act):					
Grants to States	1,013,522	1,208,203	1,351,381	1,351,381	1,351,381
Special projects and teacher education	200,000			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	6,326,001	4,411,705	3,818,523	2,540,586	3,818,523
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	701,492	1,519,923	1,519,923	1,519,923	1,519,923
Teacher education and recruitment	693,612			0	0
Research and innovation	84,821			0	0
Media services and captioned films for the deaf	37,261			0	0
Subtotal, education for the handicapped	1,517,186	1,519,923	1,519,923	1,519,923	1,519,923
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	604,576	350,000		0	0
Vocational education	2,366,013	1,491,513	38,432	38,432	38,342
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training	203,731	11,433		0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	3,174,320	1,852,936	38,432	38,432	38,432
Education in foreign languages and world affairs	269,925			0	0
Civil rights education	70,820			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	369,365	369,365			
Student loan insurance fund				0	0
Higher education facilities loan fund	4,758,000			0	0
Total, Office of Education	140,910,056	113,935,533	101,616,872	84,984,510	124,392,117

OBLIGATIONS IN THE STATE OF OKLAHOMA

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$18,106,545	$16,785,719	$18,182,598	$18,182,598	$21,184,295
State administrative expenses	181,065	167,913	181,826	181,826	0
Grants to States for school library materials (ESEA II)	1,211,458	596,823	501,336	0	596,784
Supplementary educational centers and services (ESEA III)	2,274,000	2,039,599	2,130,133	1,496,021	2,047,264
Strengthening State departments of education (ESEA V):					
Grants to States	387,284	441,825	420,559	420,559	420,559
Grants for special projects				0	0

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[1] Not available.

OBLIGATIONS IN THE STATE OF OKLAHOMA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Elementary and secondary education—Continued					
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	$1,038,377	$1,034,408		0	$1,019,010
Loans to nonprofit private schools		6,094		0	0
State administration	23,180	22,411		0	22,483
Guidance, counseling, and testing (NDEA V)	291,500	200,465	$139,465	0	201,120
Subtotal, elementary and secondary education	23,513,409	21,295,257	21,555,917	$20,281,004	25,290,395
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	11,663,443	12,140,000	6,886,000	3,695,000	13,952,000
Construction (Public Law 81-815)	945,730	230,400	11,000	11,000	11,000
Subtotal, SAFA	12,609,173	12,370,400	6,897,000	3,706,000	13,963,000
Education Professions Development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		215,621	274,960	274,960	274,960
Training programs (EPDA pts. C and D)	470,173			0	0
Subtotal, education professions development	470,173	215,621	274,960	274,960	274,960
Teacher Corps				0	0
Higher Education:					
Program assistance:					
Strengthening developing institutions (HEA III)	750,374			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	205,341	202,223	205,364	205,364	205,364
Undergraduate instructional equipment and other resources (HEA VI-A)	243,931	243,359		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	557,267	1,262,585	652,830	652,830	652,830
Other undergraduate facilities (HEFA I, sec. 104)	3,218,986	1,865,480	1,219,548	0	453,759
Graduate facilities (HEFA II)	553,153			0	0
State administration and planning (HEFA I, sec. 105)	106,602	92,405	92,405	92,405	92,405
Student aid:					
Educational opportunity grants (HEA IV-A)	2,170,375	266,727	1,283,705	1,288,727	945,391
Direct loans (MDEA II)	3,456,196	3,325,376	2,641,299	2,641,299	3,785,314
Insured loans:					
Advances for reserve funds	13,910	166,372		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	2,161,525	2,264,220	2,372,040	2,372,529	2,372,529
Special programs for disadvantaged students:					
Talent search	40,000			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	946,300			0	0
Training programs (EPDA pt. E)	25,000			0	0
Subtotal, higher education	14,448,960	9,688,747	8,467,191	7,253,154	8,507,592
Vocational Education:					
Basic grants	3,705,261	3,699,294	3,531,214	3,531,214	5,426,939
Innovation			230,683	230,683	0
Work-study	126,083			0	126,019
Cooperative education			243,033	243,033	243,033
Consumer and homemaking education			222,817	222,817	222,817
Subtotal, vocational education	3,831,344	3,699,294	4,227,747	4,027,747	6,018,808
Libraries and Community Services:					
Grants for public library services (LSCA I)	480,232	480,232	480,232	256,190	480,232
Construction of public libraries (LSCS II)	494,640	485,060	143,308	0	366,917
Interlibrary cooperation (LSCS III)	41,741	42,061	42,061	42,061	42,061
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,179	25,179	25,179	25,179
College library resources (HEA II-A)	346,633			0	0
Librarian training (HEA II-B)	117,100			0	0
University community service programs (HEA I)	159,779	153,588	153,588	153,588	153,588
Adult basic education (Adult Education Act):					
Grants to States	415,620	482,882	531,447	531,447	531,447
Special projects and teacher education	39,996			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	2,157,491	1,708,511	1,415,324	1,047,974	1,638,933
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	169,344	366,917	366,917	366,917	366,917
Teacher education and recruitment	339,429			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	1,989			0	0
Subtotal, education for the handicapped	510,762	366,917	366,917	366,917	366,917
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	132,210			0	0
Vocational education		50,000	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	132,210	50,000	15,000	15,000	15,000
Education in foreign languages and world affairs				0	0
Civil rights education	506,748			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	96,258	96,258			
Student loan insurance fund				0	0
Higher education facilities loan fund				0	0
Total, Office of Education	58,326,528	49,541,005	43,270,056	37,022,756	56,125,605

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[1] Not available.

OBLIGATIONS IN THE STATE OF OREGON

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$8,417,750	$8,094,552	$8,243,687	$8,243,687	$9,133,814
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	998,243	485,416	407,753	0	501,940
Supplementary educational centers and services (ESEA III)	1,911,000	1,723,476	1,797,312	1,267,496	1,709,568
Strengthening State departments of education (ESEA V):					
Grants to States	332,551	392,527	382,604	382,604	382,604
Grants for special projects	30,000			0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	745,215	745,867		0	739,672
Loans to non-profit private schools		11,645		0	0
State administration	19,157	18,609		0	18,340
Guidance, counseling, and testing (NDEA V)	240,909	166,454	115,803	0	164,054
Subtotal, elementary and secondary education	12,844,825	11,788,546	11,097,159	10,043,787	12,649,992
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	2,430,000	2,535,000	1,453,000	791,000	3,076,000
Construction (Public Law 81-815)				0	0
Subtotal, SAFA	2,430,000	2,535,000	1,453,000	791,000	3,076,000
Education professions development: Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		194,038	242,301	242,301	242,301
Training programs (EPDA, pts. C and D)	2,123,269			0	0
Subtotal, education professions development	2,123,269	193,038	242,301	242,301	242,301
Teachers Corps	359,678	276,091		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	142,845			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	192,040	188,978	192,058	192,058	192,058
Undergraduate instructional equipment and other resources (HEA VI-A)	189,903	198,461		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	1,020,884	972,067	502,615	502,615	502,615
Other undergraduate facilities (HEFA I, sec. 104)	2,571,233	1,641,185	1,072,916	0	403,333
Graduate facilities (HEFA II)	1,859,065			0	0
State administration and planning (HEFA I, sec. 105)	104,015	84,837	84,837	84,837	84,837
Student aid:					
Educational opportunity grants (HEA IV-A)	1,901,170	206,165	992,230	992,230	730,733
Direct loans (NDEA II)	2,529,398	2,570,323	2,041,571	2,031,571	2,925,829
Insured loans:					
Advances for reserve funds	16,034	111,571		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	3,420,605	1,451,453	1,520,570	1,520,884	1,520,884
Special programs for disadvantaged students: Talent search	70,000			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,745,800			0	0
Training programs (EPDA pt. E)	50,000			0	0
Subtotal, higher education	15,812,992	7,425,040	6,406,797	5,324,195	6,360,289
Vocational education:					
Basic grants	2,500,861	2,503,962	2,410,600	2,410,600	3,704,727
Innovation			224,845	224,845	224,845
Work-study	100,578			0	100,527
Cooperative education			234,845	234,845	234,845
Consumer and homemaking education			152,108	152,108	152,108
Subtotal, vocational education	2,601,439	2,503,962	3,022,398	3,022,398	4,417,052
Libraries and community services:					
Grants for public library services (LSCA I)	388,844	388,844	388,844	218,650	388,844
Construction of public libraries (LSCA II)	217,203	387,922	128,092	0	128,092
Interlibrary cooperation (LSCA III)	41,323	41,566	41,566	41,566	41,566
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	4,735	25,136	25,136	25,136	25,136
College library resources (HEA II-A)	313,195			0	0
Librarian training (HEA II-B)	75,044			0	0
University community service programs (HEA I)	147,325	142,684	142,684	142,684	142,684
Adult basic-education (Adult Education Act):					
Grants to States	203,568	225,639	241,935	241,935	241,935
Special projects and teacher education	151,391			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1,580,628	1,251,300	1,007,766	709,480	1,007,766
Education for the Handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	128,794	279,058	279,058	279,058	279,058
Teacher education and recruitment	694,331			0	0
Research and innovation	429,454	363,867		0	0
Media services and captioned films for the deaf	4,699			0	0
Subtotal, education for the handicapped	1,257,278	642,925	279,058	279,058	279,058
Research and training:					
Research and development:					
Educational laboratories	1,543,500	1,690,000		0	0
Research and development centers				0	0
General education	907,859	64,723		0	0
Vocational education	281,229	50,000	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination	143,921			0	0
Training	81,898			0	0
Statistical surveys				0	0
Construction	21,825			0	0
Subtotal, research, and training	2,980,232	1,804,723	15,000	15,000	15,000

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[1] Not available.

OBLIGATIONS IN THE STATE OF OREGON—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education in foreign languages and world affairs	$107,350			0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	$50,000	$50,000	$50,000	$50,000
Promotion of vocational education (Smith-Hughes Act)	73,613	73,613			
Student loan insurance fund				0	0
Higher education facilities loan fund	1,910,000			0	0
Total, Office of Education	44,131,304	28,545,238	23,573,479	20,477,219	28,097,458

OBLIGATIONS IN THE STATE OF PENNSYLVANIA

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$49,346,231	$46,084,616	$48,891,851	$48,891,851	$56,963,224
State administrative expenses	493,462	460,885	488,918	488,918	
Grants to States for school library materials (ESEA II)	5,590,970	2,767,349	2,324,594	0	2,751,699
Supplementary educational centers and services (ESEA III)	10,055,000	8,707,724	9,157,744	5,928,233	8,661,553
Strengthening State departments of education (ESEA V):					
Grants to States	1,034,524	1,071,500	1,160,013	1,160,013	1,160,013
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	4,036,478	3,992,360		0	3,923,184
Loans to nonprofit private schools		197,971		0	0
State administration	108,853	104,487		0	103,732
Guidance counseling and testing (NDEA V)	1,368,841	934,630	650,227	0	927,923
Subtotal elementary and secondary education	72,034,359	64,321,522	62,673,347	56,469,015	74,451,328
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	8,556,000	8,953,000	5,365,000	856,000	10,184,000
Construction (Public Law 81-815)				0	0
Subtotal SAFA	8,556,000	8,953,000	5,365,000	856,000	10,184,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		636,109	911,256	911,256	911,256
Training programs (EPDA pts. C and D)	1,806,545			0	0
Subtotal, education professions development	1,806,545	636,109	911,256	911,256	911,256
Teacher Corps	1,039,054	975,908		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	677,364			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	419,049	415,033	419,164	419,164	419,164
Undergraduate instructional equipment and other resources (HEA VI-A)	744,731	738,408		0	0
Construction:					
Public community colleges and technical institutes (HEFA I—Sec. 103)	4,325,660	5,326,884	2,754,310	2,754,310	2,754,310
Other undergraduate facilities (HEFA I—sec. 104)	11,036,512	7,301,223	4,773,136	0	1,787,686
Graduate facilities (HEFA II)	3,910,055	750,000		0	0
State administration and planning (HEFA I—sec. 105)	275,771	242,374	242,374	242,374	242,374
Student aid:					
Educational opportunity grants (HEA IV-A)	6,784,490	785,323	3,779,604	3,997,604	2,783,509
Direct loans (NDEA II)	9,331,205	9,790,882	7,776,759	7,776,759	11,145,077
Insured loans:					
Advances for reserve funds	644,308	700,372		0	0
Interest payments	[1]			0	0
Work-study programs (HEA IV-C)	5,882,082	7,462,074	7,817,411	7,819,022	7,819,022
Special programs for disadvantaged students: Talent search	92,192			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	4,590,600			0	0
Training programs (EPDA pt. E)	85,900			0	0
Subtotal, higher education	48,799,919	33,512,573	27,562,758	23,009,233	26,951,142
Vocational Education:					
Basic grants	13,502,873	13,607,721	13,347,672	13,347,672	20,513,341
Innovation			337,124	337,124	337,124
Work-study	552,457			0	522,175
Cooperative education			392,317	392,317	392,317
Consumer and homemaking education			842,231	842,231	842,231
Subtotal, vocational education	14,055,330	13,607,721	14,919,344	14,919,344	22,607,188
Libraries and community services:					
Grants for public library services (LSCA I)	1,948,566	1,948,566	1,948,566	859,344	1,948,566
Construction of public libraries (LSCA II)	1,085,622	1,257,143	387,784	0	387,784
Interlibrary cooperation (LSCA III)	48,465	50,021	50,021	50,021	50,021
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,872	25,872	25,872	25,872
College library resources (HEA II-A)	1,245,906			0	0
Librarian training (HEA II-B)	323,037			0	0
University community service programs (HEA I)	382,852	350,978	350,977	350,977	350,977
Adult basic education (Adult Education Act):					
Grants to States	1,467,036	1,758,365	1,967,553	1,967,553	1,967,553
Special projects and teacher education	425,000			0	0
Educational broadcasting facilities				0	0
Subtotal, Libraries and Community Services	6,988,234	5,530,454	4,770,282	3,293,276	4,770,282
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	771,722	1,672,090	1,672,090	1,672,090	1,672,090
Teacher education and recruitment	1,151,743			0	0
Research and innovation	198,350	74,956		0	0
Media services and captioned films for the deaf	24,762	32,000		0	0
Subtotal, education for the handicapped	2,146,577	1,779,046	1,672,090	1,672,090	1,672,090

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[1] Not available.

OBLIGATIONS IN THE STATE OF PENNSYLVANIA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Research and training:					
Research and development:					
Educational laboratories	$2,089,240	$2,700,000		0	0
Research and development centers	1,465,482			0	0
General education	492,481	43,934		0	0
Vocational education	897,690	319,539	$43,408	$43,408	$43,408
Evaluations	205,768			0	0
National achievement study	505,927			0	0
Dissemination	171,118			0	0
Training	534,541			0	0
Statistical surveys	19,633			0	0
Construction	5,095			0	0
Subtotal, research and training	6,386,975	3,063,473	43,408	43,408	43,408
Education in foreign languages and world affairs	952,446			0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	437,176	437,176			
Student loan insurance fund				0	0
Higher education facilities loan fund	11,862,000			0	0
Total, Office of Education	175,114,615	132,866,982	117,967,485	101,223,622	141,640,695

OBLIGATIONS IN THE STATE OF RHODE ISLAND

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$3,693,961	$3,427,736	$3,691,019	$3,691,019	$4,430,811
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	423,153	210,946	177,196	0	211,557
Supplementary educational centers and services (ESEA III)	948,000	950,675	983,688	751,529	947,120
Strengthening State departments of education (ESEA V):					
Grants to States	211,259	280,536	289,098	289,093	289,098
Grants for special projects	445,921	70,000		0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	286,848	283,347		0	1,438,032
Loans to nonprofit private schools		16,737		0	0
State administration	10,000	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	102,627	69,983	50,000	0	69,618
Subtotal, elementary and secondary education	6,271,769	5,473,293	5,341,001	4,881,646	7,399,569
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	3,436,000	3,578,000	2,030,000	1,585,000	4,048,000
Construction (Public Law 81-815)		125,400		0	0
Subtotal, SAFA	3,436,000	3,703,400	2,030,000	1,585,000	4,048,000
Education professions development: Preschoool, elementary, and secondary:					
Grants to States (EPDA B-2)		140,866	161,839	161,839	161,839
Training programs (EPDA pts. C and D)	430,339			0	0
Subtotal, education professions development	430,339	140,866	161,839	161,839	161,839
Teacher Corps	134,130			0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	124,410			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	170,429	167,458	170,438	170,438	170,438
Undergraduate instructional equipment and other resources (HEA VI-A)	77,739	75,611		0	0
Construction:					
Public community colleges and technical institutes (HEFA I—Sec. 103)	306,428	366,701	189,606	189,606	189,606
Other undergraduate facilities (HEFA I—sec. 104)	1,048,887	626,354	409,476	0	158,643
Graduate facilities (HEFA II)				0	0
State administration and planning (HEFA I—sec. 105)	48,306	58,413	58,413	58,413	58,413
Student aid:					
Educational opportunity grants (HEA IV-A)	782,260	88,597	426,398	426,398	314,023
Direct loans (NDEA II)	1,051,909	1,104,564	877,340	877,340	1,257,338
Insured loans:					
Advances for reserve funds	10,000	65,219		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	404,658	632,631	662,757	662,893	662,893
Special programs for disadvantaged students: Talent search				0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,242,500			0	0
Training programs (EPDA pt. E)	98,700			0	0
Subtotal, higher education	5,366,226	3,185,548	2,794,428	2,385,088	2,811,354
Vocational education:					
Basic grants	1,092,424	1,087,186	1,031,291	1,031,291	1,584,937
Innovation			210,590	210,590	210,590
Work-study	43,792			0	43,770
Cooperative education			214,852	214,852	214,852
Consumer and homemaking education			65,074	65,074	65,074
Subtotal, vocational education	1,136,216	1,087,186	1,521,807	1,521,807	2,119,223
Libraries and community services:					
Grants for public library services (LSCA I)	240,363	240,363	240,363	157,658	240,363
Construction of public libraries (LSCA II)	241,676	145,913	103,370	0	103,370
Interlibrary cooperation (LSCA III)	40,643	40,761	40,761	40,761	40,761
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,066	25,066	25,066	25,066
College library resources (HEA II-A)	210,264			0	0
Librarian training (HEA II-B)				0	0
University community service programs (HEA I)	121,758	119,427	119,427	119,427	119,427
Adult basic education (Adult Education Act):					
Grants to States	205,663	228,181	244,389	244,389	244,389
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1,122,117	839,220	812,885	626,830	812,885

[1] Not available.

OBLIGATIONS IN THE STATE OF RHODE ISLAND—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	$100,000	$127,696	$127,696	$127,696	$127,696
Teacher education and recruitment	134,799			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	2,853			0	0
Subtotal, education for the handicapped	237,652	127,696	127,696	127,696	127,696
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	279,569			0	0
Vocational education	20,000	133,069	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	299,569	133,069	15,000	15,000	15,000
Education in foreign languages and world affairs	49,975			0	0
Civil rights education	72,563			0	0
Colleges for agriculture and the mechanic arts (Second Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	37,901	37,901			
Student loan insurance fund				0	0
Higher education facilities loan fund	106,000			0	0
Total, Office of Education	18,750,457	14,778,179	12,854,656	11,354,906	17,545,566

OBLIGATIONS IN THE STATE OF SOUTH CAROLINA

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$32,279,410	$29,996,824	$32,555,993	$32,555,993	$37,930,541
State administrative expenses	324,107	300,015	325,560	325,560	
Grants to States for school library materials (ESEA II)	1,286,889	647,442	543,856	0	637,976
Supplementary educational centers and services (ESEA III)	2,367,000	2,247,084	2,355,812	1,634,142	2,258,692
Strengthening State departments of education (ESEA V):					
Grants to States	404,942	462,194	437,803	437,803	437,803
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	1,454,248	1,435,659		0	1,438,032
Loans to nonprofit private schools		5,414		0	0
State administration	27,970	26,798		0	26,879
Guidance, counseling, and testing (NDEA V)	351,727	239,707	166,765	0	240,441
Subtotal, elementary and secondary education	38,496,293	35,361,137	36,385,789	34,953,498	42,970,364
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	7,899,000	8,446,000	5,432,000	3,589,000	9,872,000
Construction (Public Law 81-815)	7,787	1,583,100	559,000	559,000	559,000
Subtotal, SAFA	7,906,787	10,029,100	5,991,000	4,148,000	10,441,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		225,427	289,799	289,799	289,799
Training programs (EPDA pts. C and D)	363,538			0	0
Subtotal, education professions development	363,538	225,427	289,799	289,799	289,799
Teacher corps	227,411	202,032		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	1,198,329			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	206,632	203,508	206,656	206,656	206,656
Undergraduate instructional equipment and other resources (HEA VI–A)	153,439	145,939		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	2,436,631	1,467,164	758,609	758,609	758,609
Other undergraduate facilities (HEFA I, sec. 104)	1,657,006	1,428,479	933,861	0	346,685
Graduate facilities (HEFA II)				0	0
State administration and planning (HEFA I, sec. 105)	50,300	84,457	84,457	84,457	84,457
Student aid:					
Educational opportunity grants (HEA IV–A)	1,340,940	148,015	712,366	712,336	524,625
Direct loans (NDEA II)	1,582,590	1,845,348	1,465,734	1,465,734	2,100,582
Insured loans:					
Advances for reserve funds	159,325	205,254		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV–C)	1,099,985	2,761,976	2,893,499	2,894,096	2,894,096
Special programs for disadvantaged students: Talent search	33,000			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	492,700			0	0
Training programs (EPDA, pt. E)				0	0
Subtotal, higher education	10,410,877	8,290,140	7,055,182	6,121,888	6,915,710
Vocational Education:					
Basic grants	4,613,057	4,590,788	4,356,478	4,356,478	6,695,242
Innovation			238,015	238,015	238,015
Work-study	158,326			0	158,245
Cooperative education			253,315	253,315	253,315
Consumer and homemaking education			274,891	274,891	274,891
Subtotal, vocational education	4,771,383	4,590,788	5,122,699	5,122,699	7,619,708

[1] Not available.

OBLIGATIONS IN THE STATE OF SOUTH CAROLINA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Libraries and community services:					
Grants for public library services (LSCA I)	$489,102	$489,102	$489,102	$259,833	$489,102
Construction of public libraries (LSCA II)	606,269	267,614	144,785	0	144,785
Interlibrary cooperation (LSCA III)	41,782	42,109	42,109	42,109	42,109
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,183	25,183	25,183	25,183
College library resources (HEA II-A)	376,277			0	0
Librarian training (HEA II-B)				0	0
University community service programs (HEA I)	166,270	156,011	156,011	156,011	156,011
Adult basic education (Adult Education Act):					
Grants to States	790,803	938,021	1,056,856	1,056,859	1,056,859
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	2,532,253	1,957,549	1,953,558	1,579,504	1,953,558
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	207,146	448,822	448,822	448,822	448,882
Teacher education and recruitment	140,119			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	8,828			0	0
Subtotal, education for the handicapped	356,093	448,822	448,822	448,822	448,822
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education				0	0
Vocational education	20,000	38,420	15,000	15,000	15,000
Evaluation				0	0
National achievement study				0	0
Dissemination				0	0
Training	80,200			0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	100,200	38,420	15,000	15,000	15,000
Education in foreign languages and world affairs				0	0
Civil rights education	424,613			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	114,757	114,757			
Student loan insurance fund				0	0
Higher education facilities loan fund	1,343,000			0	0
Total, Office of Education	67,097,205	61,308,172	57,311,849	52,729,210	70,703,961

OBLIGATIONS IN THE STATE OF SOUTH DAKOTA

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I)					$6,919,112
Basic grants	$5,815,575	$5,384,852	$5,848,099	$5,848,099	
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	366,853	181,001	152,042	0	177,119
Supplementary educational centers and services (ESEA III)	813,000	839,155	866,275	670,038	826,702
Strenghtening State departments of education (ESEA V):					
Grants to States	214,536	280,643	278,896	278,896	278,896
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	361,319	353,360		0	331,117
Loans to nonprofit private schools		6,114		0	0
State administration	10,000	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	91,063	61,480	50,000	0	59,949
Subtotal, elementary and secondary education	7,822,346	7,269,938	7,345,312	6,947,033	8,606,228
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	3,445,000	3,587,600	2,039,000	2,697,000	4,216,000
Construction (Public Law 81-815)	15,130	593,100	24,000	24,000	24,000
Subtotal, school assistance in federally affected areas	3,460,130	4,180,700	2,063,000	2,721,000	4,240,000
Education professions development: Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		135,065	153,061	153,061	153,061
Training programs (EPDA, pts. C, and D)	278,562			0	0
Subtotal, education professions development	278,562	135,065	153,061	153,061	153,061
Teacher Corps		33,037		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	274,375			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	166,175	163,222	166,182	166,182	166,182
Undergraduate instructional equipment and other resources (HEA VI-A)	71,127	70,545		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)		424,274	219,374	219,374	219,374
Other undergraduate facilities (HEFA I, sec. 104)	1,185,946	551,808	360,742	0	133,587
Graduate facilities (HEFA II)				0	0
State administration and planning (HEFA I, sec. 105)	68,989	58,633	58,633	58,633	58,633
Student aid:					
Educational opportunity grants (HEA IV-A)	923,890	75,090	361,394	361,394	266,150
Direct loans (NDEA II)	974,234	936,172	743,588	743,588	1,065,656
Insured loans:					
Advances for reserve funds		44,682		0	0
Interest payments	[1]			0	0
Work-study programs (HEA IV-C)	703,731	721,956	756,335	756,335	756,335
Special programs for disadvantaged students: Talent search	30,748			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	255,100			0	0
Training programs (EPDA pt. E)	44,406			0	0
Subtotal, higher education	4,698,721	3,046,382	2,666,248	2,305,506	2,665,917

[1] Not available.

OBLIGATIONS IN THE STATE OF SOUTH DAKOTA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Vocational education:					
Basic grants	$1,253,667	$1,271,620	$978,137	$978,137	$1,503,248
Innovation			208,961	208,961	208,961
Work-study	36,093			0	36,074
Cooperative education			212,567	212,567	212,567
Consumer and homemaking education			61,720	61,720	61,720
Subtotal, vocational education	1,289,760	1,271,620	1,461,385	1,461,385	2,022,570
Libraries and community services:					
Grants for public library services (LSCA I)	211,135	211,135	211,135	145,651	211,135
Construction of public libraries (LSCA II)	79,126	264,362	98,504	0	97,197
Interlibrary cooperation (LSCA III)	40,509	40,602	40,602	40,602	40,602
State institutional library services (LSCA IV–A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV–B)	23,750	25,052	25,052	25,052	25,052
College library resources (HEA II–A)	126,038			0	0
Librarian training (HEA II–B)				0	0
University community service programs (HEA I)	116,752	114,690	114,690	114,690	114,690
Adult basic education (Adult Education Act):					
Grants to States	147,591	157,733	165,279	165,279	165,179
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	782,901	853,083	694,771	530,683	693,364
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	100,000	113,577	113,577	113,577	113,577
Teacher education and recruitment	106,906			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	2,425			0	0
Subtotal, education for the handicapped	209,331	113,577	113,577	113,577	113,577
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education				0	0
Vocational education			15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training			15,000	15,000	15,000
Education in foreign languages and world affairs				0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	42,940	42,940		0	0
Student loan insurance fund				0	0
Higher education facilities loan fund	716,000			0	0
Total, Office of Education	19,350,691	16,996,342	14,562,354	14,297,245	18,559,717

OBLIGATIONS IN THE STATE OF TENNESSEE

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$34,417,670	$32,040,222	$34,822,669	$34,822,669	$40,571,414
State administrative expenses	344,177	320,413	348,227	348,227	
Grants to States for school library materials (ESEA II)	1,823,769	887,491	745,499	0	880,651
Supplementary educational centers and services (ESEA III)	3,501,000	3,110,281	3,264,611	2,179,882	3,122,578
Strengthening State departments of education (ESEA V):					
Grants to States	497,987	548,312	519,583	519,583	519,583
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	1,912,391	1,880,219		0	1,829,702
Loans to nonprofit private schools	14,200	11,688		0	0
State administration	38,238	36,486		0	36,499
Guidance, counseling, and testing (NDEA V)	480,854	326,368	227,056	0	326,497
Subtotal, elementary and secondary education	43,030,286	39,161,480	39,927,645	37,870,361	47,286,924
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81–874)	6,306,000	6,566,000	3,725,000	705,000	7,703,000
Construction (Public Law 81–815)		227,000		0	0
Subtotal, SAFA	6,306,000	6,793,000	3,725,000	705,000	7,703,000
Education professions development:					
Preschool, elementary and secondary:					
Grants to States (EPDA B–2)		271,931	360,170	360,170	360,170
Training programs (EPDA, pts. C and D)	1,677,094			0	0
Subtotal, education professions development	1,677,094	271,931	360,170	360,170	360,170
Teachers Corps	318,367	654,374		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	1,467,120			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	234,786	231,544	234,822	234,822	234,822
Undergraduate instructional equipment and other resources (HEA VI–A)	303,624	293,417		0	0
Construction:					
Public community colleges and technical institutes (HEFA I—Sec. 103)	1,536,015	1,917,695	991,560	991,560	991,560
Other undergraduate facilities (HEFA I, sec. 104)	3,800,692	2,381,394	1,556,824	0	580,969
Graduate facilities (HEFA II)	441,872			0	0
State administration and planning (HEFA I, sec. 105)	127,776	110,157	110,157	110,157	110,157

OBLIGATIONS IN THE STATE OF TENNESSEE—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Higher education—Continued					
Student aid:					
Educational opportunity grants (HEA IV-A)	$3, 325, 040	$319, 486	$1, 537, 621	$1, 537, 621	$1, 132, 389
Direct loans (NDEA II)	4, 016, 640	3, 983, 133	3, 163, 746	3, 163, 746	4, 534, 047
Insured loans:					
Advances for reserve funds	53, 969	270, 825		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	3, 510, 350	3, 757, 566	3, 936, 497	3, 937, 309	3, 937, 309
Special programs for disadvantaged students: Talent search	33, 589			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1, 631, 900			0	0
Training programs (EPA, pt. E)				0	0
Subtotal, higher education	20, 483, 373	13, 265, 217	11, 531, 227	9, 975, 215	11, 521, 253
Vocational education:					
Basic grants	6, 308, 224	6, 385, 581	5, 843, 004	5, 843, 004	8, 979, 808
Innovation			250, 098	250, 098	250, 098
Work study	204, 525			0	204, 420
Cooperative education			270, 262	270, 262	270, 262
Consumer and homemaking education			368, 691	368, 691	368, 691
Subtotal, vocational education	6, 512, 749	6, 385, 581	6, 732, 055	6, 732, 055	10, 073, 279
Libraries and community services:					
Grants for public library services (LSCA I)	682, 542	682, 542	682, 542	339, 392	682, 542
Construction of public libraries (LSCA II)	791, 750	226, 194	176, 992	0	176, 992
Interlibrary cooperation (LSCA III)	42, 668	43, 158	43, 158	43, 158	43, 158
State institutional library services (LSCA IV-A)	38, 000	39, 509	39, 509	39, 509	39, 509
Library services for physically handicapped (LSCA IV-B)	23, 750	25, 275	25, 275	25, 275	25, 275
College library resources (HEA II-A))	662, 815			0	0
Librarian training (HEA II-B)	255, 831			0	0
University community service programs (HEA I)	194, 015	183, 638	183, 638	183, 638	182, 638
Adult basic education (Adult Education Act):					
Grants to States	934, 037	1, 111, 779	1, 243, 389	1, 234, 389	1, 243, 389
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	3, 625, 408	2, 312, 095	2, 394, 503	1, 874, 262	2, 393, 503
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	273, 483	592, 555	592, 555	592, 555	592, 555
Teacher education and recruitment	708, 656			0	0
Research and innovation	440, 118	110, 494		0	0
Media services and captioned films for the deaf	138, 615	211, 303		0	0
Subtotal, education for the handicapped	1, 550, 872	914, 352	592, 555	592, 555	592, 555
Research and Training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	266, 633	43, 947		0	0
Vocational education	158, 530		19, 002	19, 002	19, 002
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training	171, 820			0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research, and training	596, 983	42, 947	19, 002	19, 002	19, 002
Education in foreign languages and world affairs	150, 955			0	0
Civil rights education	338, 653	64, 100		0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50, 000	50, 000	50, 000	50, 000	50, 000
Promotion of vocational education (Smith-Hughes Act)	159, 386	159, 386			
Student loan insurance fund				0	0
Higher education facilities loan fund	1, 715, 000			0	0
Total, Office of Education	86, 515, 126	70, 075, 463	65, 332, 157	58, 178, 620	79, 999, 623

OBLIGATIONS IN THE STATE OF TEXAS

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$73, 883, 619	$73, 314, 190	$74, 534, 785	$74, 534, 785	$81, 072, 087
State administrative expenses	771, 220	734, 549	745, 348	745, 348	
Grants to States for school library materials (ESEA II)	5, 322, 514	2, 723, 308	2, 287, 600	0	2, 739, 956
Supplementary educational centers and services (ESEA III)	9, 581, 000	8, 478, 187	8, 916, 081	5, 817, 974	8, 498, 616
Strengthening State departments of education (ESEA V):					
Grants to States	1, 175, 595	1, 214, 477	1, 145, 009	1, 145, 009	1, 145, 009
Grants for special projects	167, 801	88, 900		0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	5, 073, 092	5, 083, 507		0	5, 081, 022
Loans to nonprofit private schools		52, 814		0	0
State administration	109, 811	106, 791		0	107, 263
Guidance, counseling, and testing (NDEA V)	1, 380, 889	955, 233	664, 561	0	959, 509
Subtotal, elementary and secondary education	97, 463, 541	92, 751, 956	88, 293, 384	76, 335, 939	99, 603, 462
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	29, 911, 398	29, 659, 000	16, 878, 000	7, 709, 000	34, 617, 000
Construction (Public Law 81-815)	401, 579	5, 347, 300	309, 000	309, 000	309, 000
Subtotal, SAFA	30, 312, 977	35, 006, 300	17, 187, 000	8, 018, 000	34, 926, 000

[1] Not available.

OBLIGATIONS IN THE STATE OF TEXAS—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		$627, 577	$898, 345	$898, 345	$898, 345
Training programs (EPDA pts. C and D)	$2, 540, 739			0	0
Subtotal, education professions development	2, 540, 739	627, 577	898, 345	898, 345	898, 345
Teacher Corps	763, 028	826, 165		0	0
Higher Education:					
Program assistance:					
Strengthening developing institutions (HEA III)	1, 871, 346			0	0
College of agriculture and the mechanic arts (Bankhead-Jones)	377, 698	373, 856	377, 795	377, 795	377, 795
Undergraduate instructional equipment and other resources (HEA VI-A)	815, 281	818, 531		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	3, 827, 937	4, 418, 353	2, 284, 545	2, 284, 545	2, 284, 545
Other undergraduate facilities (HEFA I, sec. 104)	12, 209, 445	7, 073, 695	4, 624, 391	0	1, 792, 795
Graduate facilities (HEFA II)	2, 186, 862	2, 800, 000		0	0
State administration and planning (HEFA I, sec. 105)	269, 709	217, 421	217, 421	217, 421	217, 421
Student aid:					
Educational opportunity grants (HEA IV-A)	7, 057, 490	860, 039	4, 139, 194	4, 139, 194	1, 132, 389
Direct loans (NDEA II)	7, 327, 310	8, 541, 379	8, 516, 635	8, 516, 635	12, 205, 414
Insured loans:					
Advances for reserve funds	611, 754	705, 733		0	0
Interest payments	[1]			0	0
Work-study programs (HEA IV-C)	7, 518, 505	8, 655, 045	9, 067, 190	9, 069, 059	9, 069, 059
Special programs for disadvantaged students:					
Talent search	161, 375			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	3, 018, 200			0	0
Training programs (EPDA pt. E)				0	0
Subtotal, higher education	47, 252, 912	34, 464, 052	29, 227, 171	24, 564, 649	27, 079, 418
Vocational education:					
Basic grants	15, 034, 097	14, 936, 466	15, 170, 553	15, 170, 553	23, 314, 833
Innovation			337, 125	337, 125	337, 125
Work-study	563, 525			0	563, 239
Cooperative education			392, 317	392, 217	392, 217
Consumer and homemaking education			957, 253	957, 253	957, 253
Subtotal, vocational education	15, 597, 622	14, 936, 466	16, 857, 248	16, 857, 148	25, 564, 667
Libraries and community services:					
Grants for public library services (LSCA I)	1, 664, 458	1, 664, 458	1, 664, 458	742, 639	1, 664, 458
Construction of public libraries (LSCA II)	1, 389, 404	1, 622, 353	340, 480	0	340, 480
Interlibrary cooperation (LSCA III)	47, 164	48, 481	48, 481	48, 481	48, 481
State institutional library services (LSCA IV-A)	38, 000	39, 509	39, 509	39, 509	39, 509
Library services for physically handicapped (LSCA IV-B)	23, 750	25, 737	25, 737	25, 737	25, 737
College library resources (HEA II-A)	1, 474, 050			0	0
Librarian training (HEA II-B)	456, 118			0	0
University community service programs (HEA I)	358, 627	332, 502	332, 503	332, 503	332, 503
Adult basic education (Adult Education Act):					
Grants to States	2, 082, 928	2, 505, 509	2, 823, 537	2, 823, 537	2, 823, 537
Special projects and teacher education	179, 749			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	7, 714, 248	6, 238, 549	5, 274, 705	4, 012, 406	5, 274, 705
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	737, 950	1, 598, 917	1, 598, 917	1, 598, 917	1, 598, 917
Teacher education and recuritment	1, 154, 437			0	0
Research and innovation	300, 364	255, 644		0	0
Media services and captioned films for the deaf	32, 636	6, 299		0	0
Subtotal, education for the handicapped	2, 225, 387	1, 860, 860	1, 598, 917	1, 598, 917	1, 598, 917
Research and training:					
Research and development:					
Educational laboratories	1, 400, 000	1, 700, 000		0	0
Research and development centers	1, 190, 419			0	0
General education	212, 512	2, 430		0	0
Vocational education	539, 717		49, 336	49, 336	49, 336
Evaluations				0	0
National achievement study	225, 000			0	0
Dissemination				0	0
Training	284, 958	3, 000		0	0
Statistical surveys				0	0
Construction	116, 771			0	0
Subtotal, research and training	3, 969, 377	1, 705, 430	49, 336	49, 336	49, 336
Education in foreign languages and world affairs	498, 436			0	0
Civil rights education	798, 496			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50, 000	50, 000	50, 000	50, 000	50, 000
Promotion of vocational education (Smith-Hughes Act)	359, 602	359, 602			
Student loan insurance fund				0	0
Higher education facilities loan fund	11, 440, 000			0	0
Total, Office of Education	220, 986, 365	188, 826, 957	159, 436, 106	132, 384, 740	195, 044, 850

OBLIGATIONS IN THE STATE OF UTAH

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$3, 181, 878	$3, 013, 489	$3, 356, 077	$3, 356, 077	$4, 044, 438
State administrative expenses	150, 000	150, 000	150, 000	150, 000	
Grants to States for school library materials (ESEA II)	582, 833	296, 752	249, 274	0	294, 968
Supplementary educational centers and services (ESEA III)	1, 165, 174	1, 113, 987	1, 155, 623	866, 965	1, 117, 701
Strengthening State departments of education (ESEA V):					
Grants to States	264, 277	329, 967	318, 330	318, 330	318, 330
Grants for special projects	336, 500			0	0

[1] Not available.

OBLIGATIONS IN THE STATE OF UTAH—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Elementary and secondary education—Continued					
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	$560,955	$562,511		0	$581,548
Loans to nonprofit private schools		2,067		0	0
State administration	11,533	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	145,027	100,396	$69,846	0	100,882
Subtotal, elementary and secondary education	6,398,177	5,582,502	5,299,150	$4,691,372	6,471,200
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	6,628,000	6,901,000	3,915,000	1,055,000	8,067,000
Construction (Public Law 81-815)	1,438,025	2,093,700	773,000	773,000	773,000
Subtotal, SAFA	8,066,025	8,994,700	4,688,000	1,828,000	8,480,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		157,489	186,994	186,994	186,994
Training programs (EPDA, pts. C and D)	890,057			0	0
Subtotal, education professions development	890,057	157,489	186,994	186,994	186,994
Teacher Corps				0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	45,000			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	171,169	168,195	171,178	171,178	171,178
Undergraduate instructional equipment and other resources (HEA VI-A)	159,410	189,561		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	32,901	650,607	313,134	313,134	313,134
Other undergraduate facilities (HEFA I, sec. 104)	2,428,883	1,213,583	793,374	0	264,246
Graduate facilities (HEFA II)	445,563			0	0
State administration and planning (HEFA I, sec. 105)	57,435	64,949	64,949	64,949	64,949
Student aid:					
Educational opportunity grants (HEA IV-A)	1,228,410	188,084	905,211	905,211	666,647
Direct loans (NDEA II)	1,123,561	1,221,118	1,862,525	1,862,515	2,669,234
Insured loans:					
Advances for reserve funds		70,182		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	1,475,446	1,022,006	1,070,673	1,070,894	1,070,894
Special programs for disadvantaged students: Talent search	38,750			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,115,000			0	0
Training programs (EPDA pt. E)	142,000			0	0
Subtotal, higher education	8,463,528	4,743,285	5,181,044	4,387,981	5,220,282
Vocational education:					
Basic grants	1,411,118	1,439,960	1,445,921	1,445,921	2,222,161
Innovation			213,577	213,577	213,577
Work-study	54,861			0	54,833
Cooperative education			219,041	219,041	219,041
Consumer and homemaking education			91,238	1,238	91,238
Subtotal, vocational education	1,465,979	1,439,960	1,969,777	1,969,777	2,800,850
Libraries and community services:					
Grants for public library services (LSCA I)	245,448	245,448	245,448	159,746	245,448
Construction of public libraries (LSCA II)	307,796	243,914	104,217	0	104,217
Interlibrary cooperation (LSCA III)	40,666	40,788	40,788	40,788	40,788
State institutional library sevices LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,069	25,069	25,069	25,069
College library resources (HEA II-A)	132,181			0	0
Librarian training (HEA II-B)				0	0
University community service programs (HEA I)	124,273	121,786	121,786	121,786	121,786
Adult basic education (Adult Education Act):					
Grants to States	138,059	146,169	152,742	152,742	152,742
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1,050,173	862,683	729,559	539,640	729,559
Education for the Handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	100,000	165,614	165,614	165,614	165,614
Teacher education and recruitment	289,553			0	0
Research and innovation	9,291			0	0
Media services and captioned films for the deaf	4,751			0	0
Subtotal, education for the handicapped	403,595	165,614	165,614	165,614	165,614
Research and Training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	88,896	24,466		0	0
Vocational education	65,463	50,000	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research, and training	154,359	74,466	15,000	15,000	15,000
Education in foreign languages and world affairs	79,279			0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	38,478	38,478			
Student loan insurance fund	1,300			0	0
Higher education facilities loan fund				0	0
Total, Office of Education	27,060,950	22,109,177	18,285,138	13,834,378	24,749,299

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(1) Not available.

OBLIGATIONS IN THE STATE OF VERMONT

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and Secondary Education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$1,754,215	$1,654,401	$1,749,298	$1,749,298	$2,190,937
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	208,063	104,377	87,677	0	111,049
Supplementary educational centers and services (ESEA III)	550,756	637,800	654,286	543,738	640,054
Strengthening State departments of education (ESEA V):					
Grants to States	182,331	251,499	252,792	252,792	252,792
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	185,766	187,862		0	179,379
Loans to nonprofit private schools		5,611		0	0
State administration	10,000	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	50,591	50,000	50,000	0	50,000
Subtotal, elementary and secondary education	3,091,722	3,054,883	2,944,053	2,695,818	3,437,542
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	114,000	119,000	67,000	4,000	138,000
Construction (Public Law 81-815)				0	0
Subtotal, SAFA	114,000	119,000	67,000	4,000	138,000
Educational professions development:					
Preschool, elementary and secondary:					
Grants to States (EPDA B-2)		120,221	130,598	130,598	130,598
Training programs (EPDA, pts. C and D)	237,585			0	0
Subtotal, education professions development	237,585	120,221	130,598	130,598	130,598
Teacher Corps				0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)				0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	159,267	156,343	159,271	159,271	159,271
Undergraduate instructional equipment and other resources (HEA VI-A)	44,718	43,855		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	223,372	217,106	112,256	112,256	112,256
Other undergraduate facilities (HEFA I, sec. 104)	648,417	336,685	220,106	0	89,927
Graduate facilities (HEFA II)		800,000		0	0
State administration and planning (HEFA I, sec. 105)	61,298	54,115	54,115	54,115	54,115
Student aid:					
Educational opportunity grants (HEA IV-A)	526,980	49,560	238,524	238,524	175,662
Direct loans (NDEA II)	638,789	617,884	490,776	490,776	703,344
Insured loans:					
Advances for reserve funds	25,000	27,932		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	360,309	356,835	373,827	373,904	373,904
Special programs for disadvantaged students: Talent search	19,000			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	159,700			0	0
Training programs (EPDA pt. E)				0	0
Subtotal, higher education	2,866,850	2,660,315	1,648,875	1,428,846	1,668,479
Vocational education:					
Basic grants	708,154	704,708	563,453	563,453	865,942
Innovation			205,159	205,159	205,159
Work-study	20,693			0	20,683
Cooperative education			207,235	207,235	207,235
Consumer and homemaking education			35,554	35,554	35,554
Subtotal, vocational education	728,847	704,708	1,011,401	1,011,401	1,334,573
Libraries and community services:					
Grants for public library services (LSCA I)	163,671	163,671	163,671	126,155	163,671
Construction of public libraries (LSCA II)	148,391	90,601	90,601	0	90,601
Interlibrary cooperation (LSCA III)	40,292	40,345	40,345	40,345	40,345
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,030	25,030	25,030	25,030
College library resources (HEA II-A)	179,215			0	0
Librarian training (HEA II-B)				0	0
University community service programs (HEA I)	109,865	108,892	108,892	108,892	108,892
Adult basic education (Adult Education Act):					
Grants to States	125,774	131,267	135,709	135,709	135,709
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	828,958	599,315	603,757	475,010	603,757
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	100,000	100,000	100,000	100,000	100,000
Teacher education and recruitment	67,225			0	0
Research and innovation	36,556			0	0
Media services and captioned films for the deaf	1,506			0	0
Subtotal, education for the handicapped	205,287	100,000	100,000	100,000	100,000
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education				0	0
Vocational education			15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training			15,000	15,000	15,000

(1) Not available.

OBLIGATIONS IN THE STATE OF VERMONT—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education in foreign languages and world affairs	$30,645			0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	$50,000	$50,000	$50,000	$50,000
Promotion of vocational education (Smith-Hughes Act)	33,318	33,318			
Student loan insurance fund				0	0
Higher education facilities loan fund	615,000			0	0
Total, Office of Education	8,802,212	7,441,760	6,570,684	5,910,673	7,477,946

OBLIGATIONS IN THE STATE OF VIRGINIA

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$28,985,185	$27,068,572	$29,616,047	$29,616,047	$34,505,250
State administrative expenses	291,460	270,742	296,160	296,160	
Grants to States for school library materials (ESEA II)	2,076,258	1,057,993	888,722		1,070,540
Supplementary educational centers and services (ESEA III)	4,136,000	3,581,329	3,760,540	2,498,188	3,592,947
Strengthening State departments of education (ESEA V):					
Grants to States	518,142	604,339	577,670	577,670	577,670
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	1,974,056	1,960,992		0	1,927,258
Loans to nonprofit private schools		20,808		0	0
State administration	44,292	42,701		0	42,696
Guidance, counseling, and testing (NDEA V)	556,981	381,962	265,733	0	381,934
Subtotal, elementary and secondary education	38,582,374	34,989,438	35,404,872	32,988,065	42,098,295
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	32,880,000	34,531,000	21,328,000	7,442,000	39,352,000
Construction (Public Law 81-815)	32,753	4,709,700	635,000	635,000	635,000
Subtotal, SAFA	32,912,753	39,240,700	21,963,000	8,077,000	40,187,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		304,962	410,153	410,153	410,153
Training programs (EPDA, pts. C and D)	960,195			0	0
Subtotal, education professions development	960,195	304,962	410,153	410,153	410,153
Teacher Corps	106,134	295,747		0	0
Higher Education:					
Program assistance:					
Strengthening developing institutions (HEA III)	996,612			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	244,290	251,008	244,330	244,330	244,330
Undergraduate instructional equipment and other resources (HEA VI-A)	250,802	267,588		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	1,707,311	1,908,903	987,014	987,014	987,014
Other undergraduate facilities (HEFA I, sec. 104)	3,742,069	2,548,584	1,666,124	0	626,507
Graduate facilities (HEFA II)	350,000			0	0
State administration and planning (HEFA I, sec. 105)	120,886	109,974	109,974	109,974	109,974
Student aid:					
Educational opportunity grants (HEA IV-A)	2,012,260	253,931	1,222,117	1,222,117	900,034
Direct loans (NDEA II)	2,778,077	3,165,833	2,514,577	2,514,577	3,603,705
Insured loans:					
Advances for reserve funds	250,114	322,213		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	1,349,248	3,373,306	3,533,940	3,534,668	3,534,668
Special programs for disadvantaged students:					
Talent search				0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,447,700			0	0
Training programs (EPDA, pt. E)				0	0
Subtotal, higher education	15,249,369	12,191,340	10,278,076	8,612,680	10,006,233
Vocational education:					
Basic grants	6,724,762	6,700,866	6,456,132	6,456,132	9,922,095
Innovation			258,244	258,244	258,244
Work-study	243,023			0	242,899
Cooperative education			281,687	281,687	281,687
Consumer and homemaking education			407,378	407,378	407,378
Subtotal, vocational education	6,967,785	6,700,866	7,403,441	7,403,441	11,112,303
Libraries and community services:					
Grants for public library services (LSCA I)	747,843	747,843	747,843	366,117	747,843
Construction of public libraries (LSCA II)	956,718	294,128	187,865	0	187,865
Interlibrary cooperation (LSCA III)	42,966	43,512	43,512	43,512	43,512
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	49,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,305	25,305	25,305	25,305
College library resources (HEA II-A)	438,070			0	0
Librarian training (HEA II-B)				0	0
University community service programs (HEA I)	207,934	196,597	196,597	196,597	196,597
Adult basic education (Adult Education Act):					
Grants to States	951,508	1,132,973	1,272,206	1,272,206	1,272,206
Special projects and teacher education	456,550			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	3,863,339	2,479,867	2,512,837	1,930,246	2,512,837
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	304,744	660,289	660,289	660,289	660,289
Teacher education and recruitment	411,611			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	22,034	13,675		0	0
Subtotal, education for the handicapped	738,389	673,964	660,289	660,289	660,289

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[1] Not available.

OBLIGATIONS IN THE STATE OF VIRGINIA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	$90,824			0	0
Vocational education	18,862	$23,272	$20,996	$20,996	$20,996
Evaluations	50,250			0	0
National achievement study				0	0
Dissemination	177,872			0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	337,808	23,272	20,996	20,996	20,996
Education in foreign languages and world affairs	112,963			0	0
Civil rights education	366,131	20,795		0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	173,136	173,136			
Student loan insurance fund				0	0
Higher education facilities loan fund	3,198,000			0	0
Total, Office of Education	103,618,376	97,144,087	78,703,664	60,152,870	107,058,106

OBLIGATIONS IN THE STATE OF WASHINGTON

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$11,965,941	$11,514,239	$11,728,452	$11,728,452	$13,590,808
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	1,589,629	819,428	688,326	0	825,273
Supplementary educational centers and services (ESEA III)	2,806,000	2,506,213	2,628,629	1,854,696	2,609,323
Strengthening State departments of education (ESEA V):					
Grants to States	452,331	513,297	496,395	496,395	496,395
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	1,100,863	1,111,709		0	1,137,535
Loans to nonprofit private schools		19,520		0	0
State administration	29,656	29,065		0	30,374
Guidance, counseling, and testing (NDEA V)	372,927	259,983	180,872	0	271,705
Subtotal, elementary and secondary education	18,467,347	16,923,454	15,872,674	14,229,543	18,961,408
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	12,426,000	12,938,000	7,339,000	4,852,000	15,097,000
Construction (Public Law 81-815)		2,508,500	425,000	425,000	425,000
Subtotal, SAFA	12,426,000	15,446,500	7,764,000	5,277,000	15,522,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		258,745	340,217	340,217	340,217
Training programs (EPDA, pts. C and D)	1,456,175			0	0
Subtotal, education professions development	1,456,175	258,745	340,217	340,217	340,217
Teacher Corps	4,295	273,459		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	206,044			0	
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	217,818	214,648	217,847	217,847	217,847
Undergraduate instructional equipment and other resources (HEA VI-A)	303,774	312,641		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	1,358,537	1,372,312	709,565	709,565	709,565
Other undergraduate facilities (HEFA I, sec. 104)	3,916,035	2,618,385	1,711,756	0	618,724
Graduate facilities (HEFA II)				0	0
State administration and planning (HEFA I, sec. 305)	123,648	101,240	110,240	101,240	101,240
Student aid:					
Educational opportunity grants (HEA IV-A)	2,449,987	325,356	1,565,872	1,565,872	1,153,195
Direct loans (NDEA II)	3,983,053	4,056,316	3,221,874	3,221,874	4,617,352
Insured loans:					
Advances for reserve funds	17,321	191,187		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	2,684,129	2,244,596	2,351,481	2,351,966	2,351,966
Special programs for disadvantaged students:					
Talent search	35,000			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,692,500			0	0
Training programs (EPDA, pt. E)	35,000			0	0
Subtotal, higher education	17,022,846	11,436,681	9,879,635	8,168,364	9,769,889
Vocational education:					
Basic grants	3,679,098	3,610,797	3,519,602	3,519,602	5,409,092
Innovation			239,372	239,372	239,372
Work-study	161,213			0	161,131
Cooperative education			255,219	255,219	255,219
Consumer and homemaking education			222,085	222,085	222,085
Subtotal, vocational education	3,840,311	3,610,797	4,236,278	4,236,278	6,286,899
Libraries and community services:					
Grants for public library services (LSCA I)	565,959	565,959	565,959	291,404	565,959
Construction of public libraries (LSCA II)	867,052	323,350	157,581	0	157,581
Interlibrary cooperation (LSCA III)	42,134	42,526	42,526	42,526	42,526
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,220	25,220	25,220	25,220
College library resources (HEA II-A)	375,632			0	0
Librarian training (HEA II-B)	164,471			0	0
University community service programs (HEA I)	172,599	165,768	165,768	165,768	165,768

[1] Not available.

OBLIGATIONS IN THE STATE OF WASHINGTON—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Libraries and community services—Continued					
Adult basic education (Adult Education Act):					
Grants to States	$269, 799	$305, 985	$333, 131	$333, 131	$333, 131
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	2, 519, 396	1, 468, 317	1, 329, 694	897, 558	1, 329, 694
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	208, 605	451, 985	451, 985	451, 985	451, 985
Teacher education and recruitment	297, 990			0	0
Research and innovation	112, 516	128, 907		0	0
Media services and captioned films for the deaf	4, 990			0	0
Subtotal, education for the handicapped	624, 101	580, 892	451, 985	451, 985	451, 985
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	50, 744			0	0
Vocational education	214, 941		15, 000	15, 000	15, 000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	265, 685		15, 000	15, 000	15, 000
Education in foreign languages and world affairs	385, 911			0	0
Civil rights education	130, 509			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50, 000	50, 000	50, 000	50, 000	50, 000
Promotion of vocational education (Smith-Hughes Act)	113, 306	113, 306			
Student loan insurance fund	640			0	0
Higher education facilities loan fund	3, 769, 000			0	0
Total, Office of Education	61, 075, 522	50, 162, 151	39, 939, 483	33, 665, 945	52, 727, 092

OBLIGATIONS IN THE STATE OF WEST VIRGINIA

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$17, 457, 612	$16, 156, 273	$18, 819, 284	$18, 819, 284	$21, 926, 089
State administrative expenses	174, 644	161, 563	188, 193	188, 193	
Grants to States for school library materials (ESEA II)	858, 758	420, 151	352, 930	0	406, 702
Supplementary educational centers and services (ESEA III)	1, 759, 000	1, 615, 011	1, 683, 117	1, 186, 348	1, 589, 655
Strengthening State departments of education (ESEA V):					
Grants to States	316, 091	374, 730	360, 730	360, 370	360, 370
Grants for special projects	30, 000			0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	928, 179	897, 323		0	851, 102
Loans to nonprofit private schools		4, 845		0	0
State administration	18, 353	17, 219		0	16, 718
Guidance, counseling, and testing (NDEA V)	230, 719	154, 028	107, 158	0	149, 551
Subtotal, elementary and secondary education	21, 773, 428	19, 801, 143	21, 511, 052	20, 554, 195	25, 300, 187
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	397, 000	413, 000	234, 000	18, 000	490, 000
Construction (Public Law 81-815)	8, 575			0	0
Subtotal, SAFA	405, 575	413, 000	234, 000	18, 000	490, 000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		181, 395	223, 169	223, 169	223, 169
Training programs (EPDA pts. C and D)	464, 504			0	0
Subtotal, education professions development	464, 504	181, 395	223, 169	223, 169	223, 169
Teacher Corps	391, 132	191, 382		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	857, 592			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	194, 220	191, 149	194, 239	194, 239	194, 239
Undergraduate instructional equipment and other resources (HEA VI–A)	139, 545	135, 930		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	618, 228	1, 177, 790	608, 986	608, 986	608, 986
Other undergraduate facilities (HEFA I, sec. 104)	2, 271, 473	1, 177, 342	769, 681	0	288, 927
Graduate facilities (HEFA II)				0	0
State administration and planning (HEFA I, sec. 105)	85, 914	75, 790	75, 790	75, 790	75, 790
Student aid:					
Educational opportunity grants (HEA IV-A)	1, 417, 090	148, 226	713, 383	713, 383	525, 374
Direct loans (NDEA II)	1, 839, 474	1, 847, 984	1, 467, 827	1, 467, 827	2, 103, 582
Insured loans:					
Advances for reserve funds	8, 129	126, 142		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV–C)	1, 538, 526	1, 831, 616	1, 918, 836	1, 918, 836	1, 918, 836
Special programs for disadvantaged students: Talent search	63, 878			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	185, 300			0	0
Training programs (EPDA, pt. E)	90, 000			0	0
Subtotal, higher education	9, 309, 369	6, 711, 969	5, 748, 742	4, 979, 043	5, 715, 734

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[1] Not available.

OBLIGATIONS IN THE STATE OF WEST VIRGINIA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Vocational education:					
Basic grants	$2,974,705	$3,010,158	$2,836,702	$2,836,702	$4,359,578
Innovation			225,796	225,796	225,796
Work-study	103,465			0	103,413
Cooperative education			236,178	236,178	236,178
Consumer and homemaking education			178,995	178,995	178,995
Subtotal, vocational education	3,078,170	3,010,158	3,477,671	3,477,671	5,103,960
Libraries and community services:					
Grants for public library services (LSCA I)	403,825	403,825	403,825	224,804	403,825
Construction of public libraries (LSCA II)	302,540	314,186	130,586	0	130,586
Interlibrary cooperation (LSCA III)	41,391	41,647	41,647	41,647	41,647
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,143	25,143	25,143	25,143
College library resources (HEA II-A)	194,939			0	0
Librarian training (HEA II-B)				0	0
University community service programs (HEA I)	144,321	139,136	139,136	139,136	139,136
Adult basic education (Adult Education Act):					
Grants to States	427,880	497,755	550,582	550,582	550,582
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1,576,646	1,461,202	1,330,428	1,020,821	1,330,428
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	144,955	314,074	314,074	314,074	314,074
Teacher education and recruitment	183,643			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	2,314			0	0
Subtotal, education for the handicapped	330,912	314,074	314,074	314,074	314,074
Research and training:					
Research and development:					
Educational laboratories	993,795	895,478		0	0
Research and development centers				0	0
General education	9,127			0	0
Vocational education	10,000	55,277	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	1,012,922	950,755	15,000	15,000	15,000
Education in foreign languages and world affairs	13,920			0	0
Civil rights education	14,313			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	19,340	91,340			
Student loan insurance fund				0	0
Higher education facilities loan fund	2,347,000			0	0
Total, Office of Education	40,859,231	33,176,917	32,904,136	30,966,047	38,542,552

OBLIGATIONS IN THE STATE OF WISCONSIN

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$15,343,592	$14,387,918	$15,295,449	$15,295,449	$17,820,517
State administrative expenses	153,436	150,000	152,954	152,954	
Grants to States for school library materials (ESEA II)	2,277,841	1,513,770	969,176	0	1,144,828
Supplementary educational centers and services (ESEA III)	3,886,000	3,404,272	3,574,127	2,364,521	3,395,425
Strengthening State departments of education (ESEA V):					
Grants to States	504,462	565,995	610,299	610,299	610,299
Grants for special projects	467,687			0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	1,729,885	1,730,053		0	1,707,176
Loans to nonprofit private schools		89,251		0	0
State administration	42,300	41,056		0	40,967
Guidance, counseling, and testing (NDEA V)	351,987	297,500	255,495	0	366,463
Subtotal, elementary and secondary education	24,757,190	21,819,815	20,857,500	18,423,223	25,085,675
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	1,537,000	1,600,000	1,278,000	571,000	2,660,000
Construction (Public Law 81-815)	313,950	99,700		0	0
Subtotal, SAFA	1,850,950	1,699,700	1,278,000	571,000	2,660,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		323,516	438,231	438,231	438,231
Training programs (EPDA, pts. C and D)	1,169,147			0	0
Subtotal, education professions development	1,169,147	323,516	438,231	438,231	438,231
Teacher Corps	96,235	71,142		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	209,061			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	243,929	240,649	243,969	243,969	243,969
Undergraduate instructional equipment and other resources (HEA VI-A)	351,112	353,677		0	0
Construction:					
Public community colleges and technical institutes (HEFA I—sec. 103)	1,724,477	1,996,287	1,032,197	1,032,197	1,032,197
Other undergraduate facilities (HEFA I, sec. 104)	4,926,670	3,199,080	2,091,382	0	793,453
Graduate facilities (HEFA II)	2,308,427			0	0
State administration and planning (HEFA I, sec. 105)	158,763	127,798	127,798	127,798	127,798

OBLIGATIONS IN THE STATE OF WISCONSIN—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Higher education—Continued					
Student aid:					
Educational opportunity grants (HEA IV-A)	$4,128,840	$391,466	$1,884,045	$1,884,045	$1,387,514
Direct loans (NDEA II)	4,721,068	4,880,526	3,876,532	3,876,532	5,555,560
Insured loans:					
Advances for reserve funds	381,317	251,701		0	0
Interest payments	[1]			0	0
Work-study programs (HEA IV-C)	3,762,043	2,993,747	3,136,307	3,136,954	3,136,954
Special programs for disadvantated students:					
Talent search	82,926			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,655,600			0	0
Training programs (DPEA, pt. E)				0	0
Subtotal, higher education	24,654,233	14,434,931	12,392,230	10,301,495	12,277,445
Vocational education:					
Basic grants	5,501,195	5,447,743	4,890,133	4,890,133	7,515,390
Innovation			251,591	251,591	251,591
Work-study	207,893			0	207,787
Cooperative education			272,356	272,356	272,356
Consumer and homemaking education			308,566	308,566	308,566
Subtotal, vocational education	5,709,088	5,447,743	5,722,646	5,722,646	8,555,690
Libraries and community services:					
Grants for public library services (LSCA I)	745,365	745,365	745,365	365,099	745,365
Construction of public libraries (LSCA II)	414,459	732,551	187,452	0	187,452
Interlibrary cooperation (LSCA III)	42,955	43,498	43,498	43,498	43,498
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,304	25,304	25,304	25,304
College library resources (HEA II-A)	538,517			0	0
Librarian training (HEA II-B)	330,858			0	0
University community service programs (HEA I)	201,099	190,150	190,150	190,150	190,150
Adult basic education (Adult Education Act):					
Grants to States	465,302	543,151	600,765	600,765	600,765
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	2,800,303	2,319,528	1,832,043	1,264,325	1,832,043
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	288,659	625,438	625,438	625,438	526,433
Teacher education and recruitment	564,354			0	0
Research and innovation	360,371	276,372		0	0
Media services and captioned films for the deaf	15,484	290		0	0
Subtotal, education for the handicapped	1,228,868	902,100	625,438	625,438	625,438
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers	1,687,880			0	0
General education	637,920	19,994		0	0
Vocational education	224,845	50,000	15,903	15,903	15,903
Evaluations	40,650			0	0
National achievement study				0	0
Dissemination	276,916			0	0
Training	192,200	3,500		0	0
Statistical surveys				0	0
Construction	119,074			0	0
Subtotal, research and training	3,179,485	73,494	15,903	15,903	15,903
Education in foreign languages and world affairs	862,617			0	0
Civil rights education	53,840			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	162,247	162,247			
Student loan insurance fund				0	0
Higher education facilities loan fund	18,750,000			0	0
Total, Office of Education	85,324,203	47,304,216	43,211,991	37,412,261	51,540,425

OBLIGATIONS IN THE STATE OF WYOMING

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$1,601,175	$1,363,918	$1,383,315	$1,383,315	$1,597,595
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	174,290	87,394	73,412	0	86,211
Supplementary educational centers and services (ESEA III)	494,231	580,075	593,510	501,223	577,243
Strengthening State departments of education (ESEA V):					
Grants to States	181,253	249,634	247,006	247,006	247,006
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	150,938	145,138		0	145,029
Loans to nonprofit private schools		1,334		0	0
State administration	10,000	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	50,000	50,000	50,000	0	50,000
Subtotal, elementary and secondary education	2,811,887	2,640,824	2,497,243	2,231,544	2,716,417
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	1,537,000	1,600,000	908,000	1,275,000	1,910,000
Construction (Public Law 81-815)	39,780			0	0
Subtotal, SAFA	1,576,780	1,600,000	908,000	1,275,000	1,910,000

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[1] Not available.

OBLIGATIONS IN THE STATE OF WYOMING—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		$116, 931	$125, 620	$125, 620	$125, 620
Training programs (EPDA, pts. C and D)	$135, 082			0	0
Subtotal, education professions development	135, 082	116, 931	125, 620	125, 620	125, 620
Teacher Corps				0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	45, 000			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	157, 845	154, 927	157, 849	157, 849	157, 849
Undergraduate instructional equipment and other resources (HEA VI–A)	26, 936	28, 359		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	145, 951	169, 890	87, 843	87, 843	87, 843
Other undergraduate facilities (HEFA I, sec. 104)	465, 602	247, 470	161, 782	0	62, 265
Graduate facilities (HEFA II)				0	0
State administration and planning (HEFA I, sec. 105)	45, 412	45, 214	45, 214	45, 214	45, 214
Student aid:					
Educational opportunity grants (HEA IV–A)	382, 740	33, 374	160, 621	160, 621	118, 291
Direct loans (NDEA II)	420, 214	416, 082	330, 488	330, 488	473, 632
Insured loans:					
Advances for reserve funds		25, 000		0	0
Interest payments	[1]			0	0
Work-study programs (HEA IV–C)	415, 503	257, 934	270, 216	270, 272	270, 272
Special programs for disadvantaged students:					
Talent search				0	0
Personnel development:					
College teacher fellowships (NDEA IV)	233, 100			0	0
Training programs (EPDA, pt. E)	22, 500			0	0
Subtotal, higher education	2, 360, 803	1, 378, 250	1, 214, 013	1, 052, 287	1, 215, 366
Vocational education:					
Basic grants	569, 245	590, 814	416, 792	416, 792	640, 547
Innovation			204, 345	204, 345	240, 345
Work-study	17, 324			0	17, 316
Cooperative education			206, 093	206, 093	206, 093
Consumer and homemaking education			26, 299	26, 299	26, 299
Subtotal, vocational education	586, 569	590, 814	853, 529	853, 529	1, 130, 600
Libraries and community services:					
Grants for public library services (LSCA I)	153, 903	153, 903	153, 903	122, 142	153, 903
Construction of public libraries (LSCA II)	177, 906	105, 309	88, 975	0	88, 975
Interlibrary cooperation (LSCA III)	40, 247	40, 292	40, 292	40, 292	40, 292
State institutional library services (LSCA IV–A)	38, 000	39, 509	39, 509	39, 509	39, 509
Library services for physically handicapped (LSCA IV–B)	23, 750	25, 025	25, 025	25, 025	25, 025
College library resources (HEA II–A)	51, 567			0	0
Librarian training (HEA II–B)				0	0
University community service programs (HEA I)	108, 058	106, 901	106, 902	106, 902	106, 902
Adult basic education (Adult Education Act):					
Grants to States	120, 299	124, 625	127, 831	127, 831	127, 831
Special projects and teacher education	27, 999			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	741, 729	595, 564	582, 437	461, 701	582, 437
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	100, 000	100, 000	100, 000	100, 000	100, 000
Teacher education and recruitment	84, 580			0	0
Research and innovation	5, 625			0	0
Media services and captioned films for the deaf	1, 385			0	0
Subtotal, education for the handicapped	191, 590	100, 000	100, 000	100, 000	100, 000
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education				0	0
Vocational education	68, 865	34, 049	15, 000	15, 000	15, 000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	68, 865	34, 049	15, 000	15, 000	15, 000
Education in foreign languages and world affairs				0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50, 000	50, 000	50, 000	50, 000	50, 000
Promotion of vocational education (Smith-Hughes Act)	30, 000	30, 000			
Student loan insurance fund				0	0
Higher education facilities loan fund				0	0
Total, Office of Education	8, 553, 305	7, 136, 432	6, 345, 842	6, 214, 681	7, 845, 440

[1] Not available.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. CRANSTON in the chair). Is there further morning business?

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. PROXMIRE. Mr. President, I move that the Senate stand in recess until 1:30 this afternoon.

The motion was agreed to; and (at 1 o'clock and 7 minutes p.m.) the Senate took a recess until 1:30 p.m.

On the expiration of the recess, the Senate reassembled, and was called to order by the Presiding Officer (Mr. CRANSTON in the chair).

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair, with the understanding that the recess will not extend beyond 2 o'clock p.m. today.

(At 1 o'clock and 31 minutes p.m., the Senate took a recess subject to the call of the Chair.)

At 1 o'clock and 55 minutes p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. THURMOND in the chair).

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

LEGISLATIVE BRANCH APPROPRIATIONS, 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business, Calendar No. 476.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The BILL CLERK. A bill (H.R. 13763) making appropriations for the legislative branch for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. MONTOYA. Mr. President, the pending bill before the Senate, the legislative branch appropriations bill for fiscal year 1970, H.R. 13763, provides funding to support the activities and functions of the Senate, the House of Representatives, the Architect of the Capitol, Botanic Garden, Library of Congress, Government Printing Office, and the General Accounting Office. The total of the bill is $344,060,817. We will observe from the table on the first page of the report that this sum is $59,536,760 over the bill as it passed the House of Representatives in September. Of the total recommendations of the Senate committee, $59,631,260 represents Senate items, including the Senate Office Buildings, which were not considered by the House nor included in the House bill. In summary, exclusive of these Senate items, the bill is $94,500 under the House version of the bill. This reduction was effected due to the delay in processing this bill through Congress this year. The House had provided for funding of new positions on a 9-month basis, whereas the recommendations in this bill provide funding on an 8-month basis. A copy of the bill and report is before us. A comparative table showing, by line item, the appropriations for fiscal year 1969, the budget estimates for fiscal year 1970, the House allowances, and the amounts recommended by the Senate committee is printed at the conclusion of the report.

In my statement here today, it is my purpose to highlight the recommendations, calling attention to items of particular interest or of possible controversy following which I will attempt to answer questions any Senator may have as to details or other information elicited from the hearings or justifications.

Over a year ago, in July of 1968, the Committee on Appropriations directed that a study be made of senatorial allowances by the Subcommittee on Legislative Appropriations, the Committee on Rules and Administration, and the Select Committee on Standards and Conduct. It was the intent of the committee, in making such a recommendation, that senatorial allowances be adjusted so that it would not be necessary for Senators to rely upon contributions for their official office expenses. These three groups, as a special committee, conducted this study and unanimously recommended the increased allowances I am about to describe, with the exception of trips home for Senators, which I will discuss later.

These recommendations are explained in some detail commencing on page 4 of the report but, briefly, they are as follows:

The committee recommends an increase in the clerk-hire allowance for each Senator in the amount of $23,652. This will permit the employment of one additional person at a not-to-exceed rate of $23,652, or for several additional employees at lower rates within this sum.

With respect to Senators' transportation, the special committee had recommended that the number of round trips to home States for Senators be increased from six to 12 trips per annum. In addition, and in order to simplify accounting procedures, it recommended that the cost of a round trip be calculated at 12 cents per mile from Washington to the residence city of the Senator in the State, and that the total of this sum, multiplied by 12, should be the ceiling per year for the 12 trips. This dollar allowance, thus arrived at, would have permitted the Senator to schedule travel to his home State, and within the State, up to the limit of this ceiling and to have been reimbursed for such travel on the basis of actual vouchers submitted. Also, by use of the dollar ceiling, it would have, in fact, allowed more than 12 trips per year if economy accommodations were utilized. But it would have relieved administrative difficulties which are increasing each year in the processing of reimbursement vouchers. However, the full Committee on Appropriations did not approve this recommendation and, consequently, the bill before the Senate amends existing travel language to permit 12 round trips per year in lieu of the six authorized heretofore.

For employees' mileage, it is recommended that eight home State trips in offices of Senators from States with less than 10 million population, and 10 trips in offices of Senators from States with 10 million population or more, be allowed. The new authorization also permits the payment of mileage to Senators' employees traveling from the State to Washington and return—within this limitation, of course.

For office expenses in the home State, an increase of from $300 to $400 each quarter is recommended. Language has been inserted in the bill to provide reimbursement under this appropriation for newspaper, magazine, and periodical subscriptions, including the purchase of news clipping services. This provision applies to all Senators, whether offices are maintained in the home State or not. By way of further clarification, I should state that this permissive use to buy newspaper, magazine, and periodical subscriptions has to come out of the $400 quarterly allowance and is therefore raising this particular reimbursement limitation.

With respect to additional long-distance telephone service, the committee has authorized the installation of a WATS line for each Senator's office, if so desired by him, and provided such Senator surrenders 50 percent of his existing long-distance allowance presently computed in calls and minutes. Complete details concerning the advantages and limitations of this system are discussed in the Senate hearings commencing at page 428. In connection with this phase of its study, the special committee agreed that no change would be proposed in the telegram allowances until after the installation of the WATS service, when it might be appropriate for the Committee on Rules and Administration to reevaluate this allowance.

It is recommended that the stationery allowance for each Senator be increased by $600 per annum from the present $3,000. The committee's decision to provide this increase was based on the requests of many Senators that continuous letterheads, manifold sets of carbon and tissue, and other carbon paper be provided through the paper allotment rather than as a charge against the stationery account. However, as there is no authority in existing law to accomplish this, the committee recommended the additional $600 per annum for the purchase of any such authorized stationery supplies through this account. If any amount is unused in this account, of course, under the Williams amendment to a prior bill, the balance would revert to the Treasury.

As for increases in the paper allotments, the committee has been advised that the Joint Committee on Printing will review this matter in detail. Also, it is suggested in the report that the Committee on Rules and Administration study further the advisability of additional allowances for mechanical equipment, now charged against a Senator's clerk-hire allowance.

That concludes the summary of allowance recommendations provided in the bill, Mr. President; and I will now proceed to a general discussion of other Senate items as well as appropriations for the Library of Congress, Government Printing Office, and the General Accounting Office.

The committee has provided the sum of $106,930 for the offices of the majority and minority leaders, which will finance one legislative assistant position at not to exceed $28,908 per annum and one executive secretary at not to exceed $15,111 per annum. In addition, two other positions already authorized have their titles changed—one, to an administrative assistant at not to exceed $31,317 in place of a research assistant, and the other, a clerical assistant at not to exceed $12,921 per annum, instead of a clerk at $8,979 per annum, an increase in compensation.

For the offices of the majority and minority whips, language and funds have been included in the bill so as to fix the compensation of an administrative assistant at not to exceed $30,003 per annum and an executive secretary at not to exceed $15,111 per annum for each of the whips' offices. This proposal merely provides for a higher rate of pay for not to exceed two employees, already authorized.

At the request of a special bipartisan committee, appointed at the beginning of the 91st Congress, the committee has included language in the bill adjusting the compensation of the Chaplain of the Senate to approximately $10,000 per annum, and has provided funds and authority for him to employ and fix the compensation of a secretary at not to exceed approximately $8,500 per annum.

For the office of the Secretary, the committee has approved an appropriation of $1,675,448. Three positions which have been carried on the administrative roll for several years have been transferred and made regular positions under the office of the Secretary. This does not increase the number of positions, nor does it increase the amount of appropriations.

The committee has created a new position of Comptroller of the Senate, with a salary of $35,259 per annum. This action was taken by the committee in recognition of the superior service rendered to the Senate by Mr. Robert A. Brenkworth, who has held the position of financial clerk for many years. Mr. Brenkworth's duties have encompassed a great deal more than those of a financial clerk. As expenditures of the Senate have grown to in excess of $50 million annually, it was the opinion of the committee that a fiscal operation was required which would embrace all disbursing activities and related responsibilities. In the report on page 7, the committee has requested the Secretary of the Senate to examine into the operations of the Senate which are fiscal in nature, with a view toward transferring to the new comptroller position such functions as should properly fall under the jurisdiction of such an officer.

Under the appropriation head, office of Sergeant at Arms and Doorkeeper, a total of $4,915,909 is recommended. Included in this sum are funds for five additional personnel to operate the new computer equipment in the service department. In this connection, $275,000 is included under miscellaneous items for annual rental on the new computerized equipment which had earlier been authorized by the Committee on Rules and Administration. I understand this equipment already has been installed. Language and funds have also been included under the Sergeant at Arms to correct an inequity in the salaries of six plainclothesmen on the Capitol Police force assigned to the Senate, making available an additional $438 per annum for each such officer.

Under the postage allowance, the committee has provided an increase of $96 per annum in the allowance for Senators from States east of the Mississippi River and $120 in the allowance for Senators from States west of the Mississippi River. This is necessitated by the 15-cent increase in special delivery stamps which went into effect July 14, 1969.

For the Joint Economic Committee, $447,165 is recommended. This is $36,000 above the House allowance and will provide for two additional professional positions at a salary of $23,283 each, and certain personnel reclassifications which were effected during fiscal year 1969 and which were not reflected in the original budget estimate for fiscal year 1970. As stated in the report, these funds are provided for the 8 months remaining of the fiscal year.

The total appropriation for the responsibilities of the Architect of the Capitol, which also include the Senate Office Buildings maintenance and construction work, and Library maintenance, construction, and equipment purchases, is $24,360,900. This is $15,594,100 under the budget estimates, but $4,793,600 over the House allowance. Of this increase, $125,000 represents the amount required to permit the Architect to proceed with the installation of the speech reinforcement system in the Senate Chamber, which was authorized by the Senate in Senate Resolution 167, agreed to April 15, 1969. A description of this system is printed at page 282 of the Senate hearings. Subject to the availability of the Chamber for such work to be performed, it is estimated that the installation could be completed within 3 or 4 months after the components are delivered.

The next item in the report is the extension of the west central front of the Capitol. The committee recommends the sum of $2 million, allowed by the House to enable the Architect to prepare detailed plans and specifications for extension of the west front of the Capitol Building. However, by language inserted in the bill, the committee directs that $250,000 of this sum be transferred to the National Park Service for the purpose of making a feasibility study, including estimates of costs, with reference to restoration, only, of the existing west central front of the Capitol. The remainder of the funds, $1,750,000, would be available as stated above, but with the proviso that in any agreements entered into, provision would be made for a progress payments procedure so that if the National Park Service report shows that restoration is feasible the Architect will have retained authority to suspend the plans and specifications agreement.

Under Capitol Grounds, the committee recommends $874,100, which is $32,000 over the House allowance and which is to be used to improve the surfaces and lighting in the Senate parking lots. This latter estimate was not submitted to the House for consideration.

For the Senate Office Buildings, a total of $3,310,000 is recommended. Of special interest will be the $28,000 provided for installation of the legislative light signals in the Old and New Senate Office Buildings, and $38,600 to commence a desk-replacement program in the Old Senate Office Building. Many of the original desks furnished when the building was new in 1909 are still in use, but are badly in need of replacement. This renewal program will extend over a 17-year period.

Also included in the appropriation is $28,000 for the replacement of obsolete equipment in the New Senate Office Building cafeterias. The equipment in question has been in operation since January of 1959, and with a normal useful life of approximately 10 years, this particular equipment has reached the point where it is no longer economically feasible to maintain and operate. The larger items of replacement are a dishwashing system at $18,500, a patty maker at $1,600, six trucks for dish transportation at $449 each, a proof cabinet for the bakery at $1,600; and four coffee urns at $650 each.

In addition, funds on an 8-month basis have been included for the employment of a full-time bricklayer—at an annual rate of about $9,000—now employed on an hourly basis.

Another increase over the House allowance which the committee recommends is $1,250,000 for the acquisition of all real property in the east half of square 725—land adjacent to the New Senate Office Building—with the exception of property on which the Belmont House is located. The language in the bill provides also for demolition and removal of the buildings or other structures to be acquired and, pending demolition, for immediate use by the Government or lease in lieu thereof. In view of rapidly rising land costs and the need for the site for future construction of an extension to the New Senate Office Building, the committee believes the property should be obtained as quickly as possible. Authorizing legislation for the extension of the Senate Office Building site passed the Senate on October 8 of this year.

The committee has also included funds for initial funding for the Library of Congress James Madison Memorial Building. The Library has reached the maximum capacity of its present buildings. Rental costs in leased space elsewhere in the area are estimated to approximate $1.7 million for the fiscal year, and without a resolution of the space problem quickly, additional rental costs can be expected in future years.

The initial estimate for constructing the Madison Library Building was $75 million in 1967. Costs have now escalated to the point where this estimate has been revised upward to $90 million. A breakdown of these costs may be found on page 300 of the hearings, and on page 294 is a description of the building with space allocations designated. Legislation increasing the authorized cost of this building to $90 million passed the Senate just last week—on October 15. The committee, therefore, has concurred with the action of the House of Representatives and has recommended $2,800,000 of the amount requested for plans and specifications and related expenses.

For the operations and activities of the Library of Congress, the committee recommends a total appropriation of $43,856,300, which is $30,500 under the House allowance and $821,500 under the budget estimate. Included in this amount are funds to finance 73 new positions, discounted on an 8-month basis due to the late enactment of the bill. Details on the individual appropriation items under the Library commence at page 18 of the report.

For the Government Printing Office, a total of $39,950,000 is recommended. Of this, $30,300,000 is to finance the cost of printing and binding for the Congress, based on an estimation of the fiscal year's requirements.

The committee recommends an appropriation of $9,650,000 for the Office of Superintendent of Documents, which is $402,000 below the budget request, but $1,472,000 over the 1969 appropriation—thus permitting a much-needed and fully justified expansion of the work forces. Specifically, the committee has provided funds to finance 112 full-time positions and the part-time equivalent of another 101 full-time positions. The sum recommended is $100,000 below the House bill and represents 8-month funding of new positions rather than 9-month funding which was provided for in the House bill.

With respect to the revised request for $3.6 million for selection of site and general plans and designs of the proposed new Government Printing Office building, the committee recommends disallowance of the funds at this time. The cost of the building was originally estimated at $47 million some 5 years ago when the project was first authorized. More recently, the General Services Administration submitted revised estimates, projecting escalation of costs, as follows: $62.5 million as of October 1969; $68.2 million as of October 1970; and $73.9 million as of October 1971. The committee recognizes the deficiencies of the present location and concedes the economies in operation to be attained in a new, modern, well-located printing plant. But the committee feels that the uncertainties surrounding the availability and desirability of the proposed new location and the escalation in construction costs from $47 million to almost $75 million warrant a more current evaluation and authorization. Therefore, the committee recommends disallowance of the funds in this bill. The committee has provided authority, however, for urgently required improvements in the electrical and air-conditioning systems in the present printing plant through the use of the revolving fund.

To fund the activities of the General Accounting Office, the committee recommends the sum of $63 million, an increase of $3,386,000 over the fiscal year 1969 appropriation. These increased funds will provide the additional 161 average positions justified to the committee as being essential to maintain currency in the increasing workload, along with associated travel and other mandatory costs.

That concludes my summary presentation, Mr. President. I now ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this order.

The PRESIDING OFFICER (Mr. MONDALE in the chair). Without objection, it is so ordered; and the amendments are agreed to en bloc.

The amendments agreed to en bloc are as follows:

At the top of page 2, insert: "SENATE"

On page 2, after line 1, insert:

"COMPENSATION OF THE VICE PRESIDENT AND SENATORS, MILEAGE OF THE PRESIDENT OF THE SENATE AND SENATORS, AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT AND LEADERS OF THE SENATE"

On page 2, after line 6, insert:

"COMPENSATION OF THE VICE PRESIDENT AND SENATORS

"For compensation of the Vice President and Senators of the United States, $4,685,530."

On page 2, after line 10, insert:

"MILEAGE OF PRESIDENT OF THE SENATE AND OF SENATORS

"For mileage of the President of the Senate and of Senators, $58,370."

On page 2, after line 14, insert:

"EXPENSE ALLOWANCES OF THE VICE PRESIDENT, AND MAJORITY AND MINORITY LEADERS

"For expense allowance of the Vice President, $10,000; Majority Leader of the Senate, $3,000; and Minority Leader of the Senate, $3,000; in all, $16,000."

On page 2, after line 19, insert:

"SALARIES, OFFICERS, AND EMPLOYEES

"For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions and longevity compensation as authorized, which shall be paid from this appropriation without regard to the below limitations, as follows:"

At the top of page 3, insert:

"OFFICE OF THE VICE PRESIDENT

"For clerical assistance to the Vice President, $281,187."

On page 3, after line 2, insert:

"OFFICES OF THE MAJORITY AND MINORITY LEADERS

"For offices of the majority leader and the minority leader, $106,930: *Provided*, That effective November 1, 1969, the respective leaders may each appoint and fix the compensation of an administrative assistant at not to exceed $31,317 per annum, a legislative assistant at not to exceed $28,908 per annum, an executive secretary at not to exceed $15,111 per annum, and a clerical assistant at not to exceed $12,921 per annum in lieu of the positions heretofore authorized by Senate Resolution 158, agreed to December 9, 1941, Public Law 86–30, approved May 20, 1959, and Senate Resolution 240, agreed to January 24, 1952."

On page 3, after line 14, insert:

"OFFICES OF THE MAJORITY AND MINORITY WHIPS

"For offices of the majority and minority whips, $68,730: *Provided*, That effective November 1, 1969, the whips may each appoint and fix the compensation of an administrative assistant at not to exceed $30,003 per annum, and an executive secretary at not to exceed $15,111 per annum."

On page 3, after line 20, insert:

"OFFICE OF THE CHAPLAIN

"For office of the Chaplain, $17,185: *Provided*, That effective November 1, 1969, the compensation of the Chaplain shall be $10,074 per annum and he shall be subject to election at the beginning of each Congress: *Provided further*, That the Chaplain may appoint and fix the compensation of a secretary at not to exceed $8,541 per annum."

On page 4, after line 2, insert:

"OFFICE OF THE SECRETARY

"For Office of the Secretary, $1,675,448, including $144,673 required for the purpose specified and authorized by section 74b of Title 2, United States Code: *Provided*, That effective November 1, 1969, the Secretary may fix the compensation of the Assistant Secretary at not to exceed $11,826 per annum, employ and fix the compensation of a Special Assistant at not to exceed $10,293 per annum in lieu of an Assistant at $8,760 per annum, employ and fix the compensation of an Editor, Digest at not to exceed $21,024 per annum, an Assistant Editor, Digest at not to exceed $18,396 per annum, and a Clerk, Digest at not to exceed $8,541 per annum: *Provided further*, That, effective November 1, 1969, the Secretary is authorized to appoint a Comptroller of the Senate at a salary of $35,250 per annum, and a Secretary to the Comptroller at a salary of not to exceed $12,921 per annum, and the allowance for clerical assistance and readjustment of salaries in the disbursing office is hereby made available for personnel at such titles and per annum rates as may be necessary, at no time exceeding an aggregate of $249,660."

On page 4, after line 23, insert:

"COMMITTEE EMPLOYEES

"For professional and clerical assistance to standing committees and the Select Committee on Small Business, $4,017,014."

On page 5, after line 2, insert:

"CONFERENCE COMMITTEES

"For clerical assistance to the Conference of the Majority, at rates of compensation to be fixed by the chairman of said committee, $115,619."

On page 5, after line 6, insert:

"For clerical assistance to the Conference of the Minority, at rates of compensation to be fixed by the chairman of said committee, $115,619."

On page 5, after line 9, insert:

"ADMINISTRATIVE AND CLERICAL ASSISTANTS TO SENATORS

"For administrative and clerical assistants to Senators, $24,656,608: *Provided*, That the clerk hire allowance of each Senator from the State of Connecticut shall be increased to that allowed Senators from States having a population of three million, the population of said State having exceeded three million inhabitants: *Provided further*, That, effective November 1, 1969, paragraph (1) of section 105(d) of the Legislative Branch Appropriation Act, 1968, as amended (2 U.S.C. 61–1 (d)), is amended by increasing each of the amounts in the table therein relating to Senators' clerk hire allowances by $23,652, and paragraph (2)(i) of such section is amended to read as follows: '(i) the salary of two employees may be fixed at gross rates of not more than $23,652 per annum,'."

At the top of page 6, insert:

"OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

"For Office of Sergeant at Arms and Doorkeeper, $4,915,909: *Provided*, That effective November 1, 1969, the Sergeant at Arms is authorized to employ the following additional employees: A Systems Programer at $15,987 per annum, a Production Manager at $14,454 per annum, an Applications Programer at $13,797 per annum, an Operator at $10,074 per annum, an Operator at $9,417 per annum, and six plainclothesmen, Police Force, at $8,760 per annum each in lieu of six Privates at $8,322 per annum each."

On page 6, after line 11, insert:

"OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

"For the offices of the Secretary for the Majority and the Secretary for the Minority, $196,612."

On page 6, after line 15, insert:

"OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

"For salaries and expenses of the Office of the Legislative Counsel of the Senate, $374,100."

On page 6, after line 18, insert:

"PAYMENT TO WIDOW OF DECEASED SENATOR

"For payment to Louella Dirksen, widow of Everett McKinley Dirksen, late a Senator from the State of Illinois, $49,500."

At the top of page 7, insert:

"CONTINGENT EXPENSES OF THE SENATE

"SENATE POLICY COMMITTEES

"For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $236,720 for each such Committee; in all, $473,440."

On page 7, after line 5, insert:

"AUTOMOBILES AND MAINTENANCE

"For purchase, exchange, driving, maintenance, and operation of four automobiles, one for the Vice President, one for the President Pro Tempore, one for the Majority Leader, and one for the Minority Leader, $50,880."

On page 7, after line 10, insert:

"FURNITURE

"For service and materials in cleaning and repairing furniture, and for the purchase of furniture, $31,190: Provided, That the furniture purchased is not available from other agencies of the Government."

On page 7, after line 15, insert:

"INQUIRIES AND INVESTIGATIONS

"For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, including $431,775 for the Committee on Appropriations, to be available also for the purposes mentioned in Senate Resolution Numbered 193, agreed to October 14, 1943, $6,646,755, of which amount $6,000 is hereby made available for obligations incurred in fiscal year 1968."

At the top of page 8, insert:

"FOLDING DOCUMENTS

"For the employment of personnel for folding speeches and pamphlets at a gross rate of not exceeding $2.82 per hour per person, $46,355."

On page 8, after line 4, insert:

"MAIL TRANSPORTATION

"For maintaining, exchanging, and equipping motor vehicles for carrying the mails and for official use of the offices of the Secretary and Sergeant at Arms, $16,560."

On page 8, after line 8, insert:

"MISCELLANEOUS ITEMS

"For Miscellaneous Items, exclusive of labor, $5,708,986 including $497,000 for payment to the Architect of the Capitol in accordance with Section 4 of Public Law 87–82, approved July 6, 1961, and $15,000 for expenses of the Commission on Art and Antiquities of the Senate."

On page 8, after line 14, insert:

"For an additional amount for 'Miscellaneous Items, fiscal year 1969', $300,000, to be derived by transfer from the appropriation 'Salaries, officers and employees, Senate, fiscal year 1969'."

On page 8, after line 18, insert:

"POSTAGE STAMPS

"For postage stamps for the Offices of the Secretaries for the Majority and Minority, $240; and for air mail and special delivery stamps for the Office of the Secretary, $350; Office of the Sergeant at Arms, $215; Senators and the President of the Senate, as authorized by law, $119,328: Provided, That the maximum allowance per capita of $960 is increased to $1,056 for the fiscal year 1970 and thereafter: Provided further, That Senators from States partially or wholly west of the Mississippi River shall be allowed an additional $264 each fiscal year; in all, $120,133."

On page 9, after line 3, insert:

"STATIONERY (REVOLVING FUND)

"For stationery for Senators and the President of the Senate, $363,600; and for stationery for Committees and officers of the Senate, $14,250; in all, $377,850: Provided, That effective with the fiscal year 1970 and thereafter the allowance for stationery for each Senator and the President of the Senate shall be at the rate of $3,600 per annum: Provided further, That section 106 of the Legislative Branch Appropriation Act, 1969, (Public Law 90–417, approved July 23, 1968) is hereby made applicable to the President of the Senate."

On page 9, after line 14, insert:

"COMMUNICATIONS

"For an amount for communications which may be expended interchangeably, in accordance with such limitations and restrictions as may be prescribed by the Committee on Rules and Administration, for payment of charges on official telegrams and long-distance telephone calls made by or on behalf of Senators or the President of the Senate, in addition, to those otherwise authorized, $15,150."

On page 9, after line 22, insert:

"ADMINISTRATIVE PROVISIONS

"Effective October 1, 1969, the third paragraph under the heading 'Administrative Provisions' in the appropriations for the Senate in the Legislative Branch Appropriation Act, 1957, as amended (2 U.S.C. 53), is amended by striking out '$300' and inserting in lieu thereof '$400', and by inserting before the colon preceding the proviso therein a comma and the following: 'or incurred for subscriptions to newspapers, magazines, periodicals, or clipping or similar services'."

On page 10, after line 7, insert:

"Effective July 1, 1969, the third paragraph under the heading 'Administrative Provisions' in the appropriations for the Senate in the Legislative Branch Appropriation Act, 1959, as amended (2 U.S.C. 43b), is amended by striking out the portion thereof relating to payments from the Contingent Fund of the Senate and inserting in lieu thereof the following:

" 'The Contingent Fund of the Senate is hereafter made available for reimbursement of transportation expenses incurred by Senators in traveling, on official business, by the nearest usual route, between Washington, District of Columbia, and any point in their home States, for not to exceed twelve round trips (or the equivalent thereof in one-way trips) in each fiscal year'."

On page 10, after line 21, insert:

"Section 6(c) of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40–603(c)), is amended by inserting after 'Senate and House of Representatives' the words 'Comptroller of the Senate,'."

On page 11, after line 2, insert:

"Effective July 1, 1969, the first sentence in the second paragraph under the hearing 'Administrative Provisions' in the appropriations for the Senate in the Legislative Branch Appropriation Act, 1962, as amended (2 U.S.C. 127), is amended to read as follows: 'The contingent fund of the Senate shall be available for the payment of mileage, to be computed at 10 cents per mile by the nearest usual route, between Washington, District of Columbia, and a point in the home State of the Senator involved, for not to exceed eight round trips made by employees in each Senator's office in any fiscal year, such payment to be made only upon vouchers approved by the Senator containing a certification by such Senator that such travel was performed in line of official duty, but the mileage allowed for any such trip (1) shall not exceed the round trip mileage by the nearest usual route between Washington, District of Columbia, and the residence city of the Senator involved, or between Washington, District of Columbia, and any other place in such State at which the Senator maintains an office pursuant to the provisions of the second paragraph under the heading 'Administrative Provisions" in the appropriations for the Senate in the Legislative Branch Appropriation Act, 1957, as amended (2 U.S.C. 52), whichever is greater, and (2) shall not include travel by an employee to his initial place of employment.' "

On page 12, after line 3, insert:

"No part of any appropriation disbursed by the Secretary of the Senate shall be available for payment of compensation to any person for any period for which such person is carried in a leave without pay status from a position in or under any department or agency of the Government."

On page 21, line 14, after the word "Committee", strike out "$441,165" and insert "$477,165".

One page 28, line 10, after "$2,000,000", insert a comma and "of which $250,000 shall be transferred to the appropriation for "Preservation of Historic Properties", National Park Service, Department of the Interior for the conduct of studies to determine the feasibility and cost of restoring the West Central Front of the Capitol without regard to any other Act".

On page 28, line 24, after the word "amended", strike out "$842,100" and insert "$874,100".

On page 28, after line 24, insert:

"SENATE OFFICE BUILDINGS

"For maintenance, miscellaneous items and supplies, including furniture, furnishings, and equipment, and for labor and material incident thereto, and repairs thereof; for purchase of waterproof wearing apparel, and for personal and other services; including eight attendants at $1,800 each; for the care and operation of the Senate Office Buildings; including the subway and subway transportation systems connecting the Senate Office Buildings with the Capitol; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902), to be expended under the control and supervision of the Architect of the Capitol; in all, $3,310,000, of which not to exceed $35,000 shall be available for expenditure without regard to section 3709 of the Revised Statutes as amended."

On page 29, after line 12, insert:

"EXTENSION OF ADDITIONAL SENATE OFFICE BUILDING SITE

"To enable the Architect of the Capitol, under the direction of the Senate Office Building Commission, to acquire on behalf of the United States, in addition to the real property heretofore acquired as a site for an additional office building for the United

States Senate under the provisions of the Second Deficiency Appropriations Act, 1948, approved June 25, 1948 (62 Stat. 1028) and Public Law 85-591, approved August 6, 1958 (72 Stat. 495-496), by purchase, condemnation, transfer, or otherwise, for purposes of extension of such site, all publicly or privately owned property contained in lots 863, 864, 892, 893, 894, and 905 in Square 725 in the District of Columbia, and all alleys or parts of alleys and streets contained within the curblines surrounding said square, as such square appears on the records in the office of the surveyor of the District of Columbia as of the date of the approval of this Act: *Provided*, That any proceeding for condemnation brought under this Act shall be conducted in accordance with the Act of December 23, 1963 (16 D.C. Code, secs. 1351–1368): *Provided further*, That, notwithstanding any other provision of law, any real property owned by the United States and any alleys or parts of alleys and streets contained within the curblines surrounding Square 725 shall, upon request of the Architect of the Capitol, made with the approval of the Senate Office Building Commission, be transferred to the jurisdiction and control of the Architect of the Capitol, and any alleys or parts of alleys or streets contained within the curblines of said square shall be closed and vacated by the Commissioner of the District of Coumbia, appointed pursuant to Part III of Reorganization Plan Numbered 3 of 1967, in accordance with any request therefor made by the Architect of the Capitol with the approval of such Commission: *Provided further*, That, upon acquisition of any real property pursuant to this Act, the Architect of the Capitol, when directed by the Senate Office Building Commission to so act, is authorized to provide for the demolition and/or removal of any buildings or other structures on, or constituting a part of, such property and, pending demolition, to use the property for Government purposes or to lease any or all of such property for such periods and under such terms and conditions as he may deem most advantageous to the United States and to incur any necessary expenses in connection therewith: *Provided further*, That the jurisdiction of the Capitol Police shall extend over any real property acquired under this Act and such property shall become a part of the United States Capitol Grounds; and the Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized to enter into contracts and to make such expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of this appropriation; $1,250,000, to remain available until expended."

On page 31, after line 14, insert:

"SENATE GARAGE

"For maintenance, repairs, alterations, personal and other services, and all other necessary expenses, $76,600."

On page 35, at the beginning of line 15, strike out "$19,085,000" and insert "$19,061,500".

On page 35, line 24, after the word "copyrights", strike out "$3,128,000" and insert "$3,124,000".

On page 37, line 18, after the word "amended", strike out "$7,000,000" and insert "$6,997,000".

On page 41, line 12, after the word "libraries", strike out "$9,750,000" and insert "$9,650,000".

Mr. MONTOYA. Mr. President, I ask unanimous consent to have printed in the RECORD a structural history of the Capitol prepared by the Legislative Reference Service of the Library of Congress, which I think will put the whole matter in better perspective.

There being no objection, the history was ordered to be printed in the RECORD, as follows:

[From the Library of Congress, Government and General Research Division, Oct. 8, 1969]

STRUCTURAL AND/OR ARCHITECTURAL CHANGES MADE IN THE UNITED STATES CAPITOL, 1793 TO DATE

(Research by Helen Dalrymple)

The first cornerstone of the United States Capitol was laid by George Washington on September 18, 1793, but the building as we know it was not completed until 1890, when the Olmsted terraces were finished. During the 20th century, the roof over the original building was replaced, the House and Senate chambers were remodeled and provided with new roofs, and the east front of the Capitol was extended some 32 feet. Discussions of a proposed extension of the west central front of the Capitol began in 1964 and continue to the present time.

Construction of the Capitol, and proposed modifications of it, have engendered a good deal of discussion through the years, as might be expected with a building to which so much sentiment and tradition are attached. This memorandum will set out, in chronological order, the principal phases of construction of, or modifications to, the Capitol, along with a short description of any controversies that accompanied the proposed changes.

1792: George Washington and Thomas Jefferson decided to hold a competition for designs for the Capitol and the "President's House." James Hoban's design was accepted for the White House, but it was not until the following year that Dr. William Thornton's plans for the Capitol met with general approval.

1793: First cornerstone was laid September 18.

1793–1829: During this period the "old Capitol", consisting of the center section (but not the large dome which surmounts it today), and the north and south wings, or the old Supreme Court chamber and Statuary Hall, was constructed according to Dr. Thornton's basic design. James Hoban, Stephen Hallet, and George Hadfield, successively, were hired to supervise the execution of Thornton's plans for the Capitol, but disagreements with Thornton, who was made a Commissioner of the District of Columbia in 1794 and continued to exercise ultimate authority over the design of the building, led to the dismissal of Hallet and then Hadfield, after Hoban had been put in charge of construction of the White House.

In 1803 Benjamin Latrobe was given the job of superintending the construction of the Capitol. Like his predecessors, he too immediately wanted to modify Thornton's design but Thornton, with Jefferson's support, overruled him. Latrobe and Thornton continued to exchange charges and countercharges, even after 1805 when Thornton had ceased to defend officially the integrity of his design. During the 15 years that Latrobe was associated with the Capitol, however, he had a considerable effect on its ultimate design. He tore out some of the work of his predecessors, partially necessitated by the burning of the Capitol in 1814 by the British, changed wood floor and partition construction to masonry, and designed the wing west of the rotunda and the present East portico and steps. These steps changed the main entrance from the West, where Thornton had planned it, to the East. In addition Latrobe was responsible for the design of all the interiors of the central portion, and he completely changed Thornton's plan for the House and Senate chambers. Conflict between Latrobe and the new commissioner, appointed in 1816 to superintend the construction of the Capitol, led to Latrobe's resignation in 1817.

Charles Bulfinch, a prominent Boston architect, was appointed Architect of the Capitol in 1818 to fill the vacancy left by Latrobe's resignation. Realizing the difficulties of explaining architectural plans to members of Congress, one of the first tasks Bulfinch undertook was to have a wooden model of the Capitol prepared. It showed various alternative schemes designed by Thornton and Latrobe along with his suggestions for the central rotunda and dome, which had not yet been constructed. This apparently was a wise bit of strategy because appropriations allowing him to begin work on the central portion of the building were quickly approved. Although we could find no real controversy over the early construction of the building among members of Congress, there was a continuing concern over the cost of the building and the long period of time required for its completion. In addition, during these early years, some members felt that the Capital City would be removed from Washington at some point, and they were reluctant to see so much money being spent on the Capitol building in Washington.

Bulfinch completed the north and south wings, whose restoration after the 1814 fire had been begun by Latrobe, and designed and constructed the central portion of the Capitol with a wooden dome covered with copper. He stayed on as Architect of the Capitol until June of 1829, when he was officially notified that his office would be terminated that month (in accordance with a law passed by Congress the previous year abolishing the position of Architect of the Capitol).

Continuing acoustical problems with the restored House chamber were a matter of some concern to members of the House, as described by the following excerpt from I. T. Frary's "They Built the Capitol" (1940):

"The restored Hall of Representatives . . . was found to have perpetuated in it the echoes that had caused so much difficulty and criticism in the past. Committees were appointed to investigate the difficulty. Bulfinch was called upon for his opinion, as were William Strickland and Robert Mills, both of whom had formerly been assistants and associates of Latrobe.

"A variety of theories and suggestions were propounded and expounded, no two of which were in agreement, and none of which seemed to have much effect in remedying the poor acoustics. A canvas ceiling was stretched above the columns. This stopped the echoes, but also stopped the voice of the speaker, a consummation that would certainly not prove appealing to a legislative body all primed with pent up oratory. A wooden partition was built between the columns, but this came down ignominiously after a week's trial.

"Sunken panels were prescribed in place of the flat, painted ceiling. One expert wanted the floor raised; another contended that the ceiling should be lowered; a third proposed a rearrangement of the furnishings; and after all suggestions had been discussed or tried out, over a period of fifteen years or more, they apparently gave it up as a bad job. Today the room is used as a repository for statues of the great and near great, and the guides entertain visitors by demonstrating the freak echoes which enable them to hear whispers from certain remote positions on the floor."

Members continued to complain about the poor acoustics until 1857 when they moved into their new chamber in the just completed south wing. It is interesting to note that in 1902, when the roof of the old building was reconstructed, consideration was given to retention of the same old acoustical effects in Statuary Hall which had fascinated visitors for so many years.

Frary reports that the cost of the old building, including restoration after destruction by the British, was $2,432,851.

1851–65: By 1850 it had been determined that an enlargement of the Capitol was necessary to accommodate the two legislative bodies. Robert Mills, Architect and Engineer for the Government (but not officially designated Architect of the Capitol) submitted plans to the Congress for the extension of the Capitol by the addition of two wings, to the north and south of the original building. The Senate, however, insisted that a competition be held for the design of the extension, with the additional proviso that the plans would become the property of the government so that the best features of each could be combined. Although the Senate instructed Mills to draw up final plans upon the completion of the competition, President Fillmore decided to appoint Thomas U. Walter as architect of the extension of the Capitol. Under Walter's guidance, the north and south wings and the greatly enlarged Capitol dome were constructed between 1851 and 1865.

The first appropriation, $100,000, was approved by the Congress in 1850, and the cornerstone was laid on July 4, 1851 in the south wing. Construction began immediately, but was interrupted during the winter months of 1851–52 because the Congress couldn't agree on further appropriations. Allegations of fraud and poor construction methods were made (initiated apparently by the Commissioner of Public Buildings and Grounds because the construction of the extension had been placed under the Department of the Interior, and by unsuccessful bidders on construction contracts) and committees were appointed in both the Senate and House to look into the matter. The committees reported that the foundations were sound, that they would support the weight of the buildings, and in April, 1852, a further appropriation of $500,000 was approved.

In 1853, concern was expressed by some members of Congress that the Architect (Walter) had too much authority under the law, since he could draw funds from the Treasury on his own signature. President Franklin Pierce, newly elected, decided to give the War Department overall supervisory jurisdiction over the construction, and he appointed an Army Engineer, a Captain Meigs, to take charge of the work. Meigs and Walter got along fairly well, each respecting the other's ability, until 1857 when Meigs apparently tried to assert his authority over Walter. In 1859 Walter went directly to President Buchanan about Meigs, and Meigs was discharged.

It appears that the extension of the Capitol was a matter on which all members of Congress were agreed. Their old chambers were so unsatisfactory from the point of comfort, ventilation, and acoustics, that they felt that improved accommodations were mandatory. There was generally a discussion, however, each time additional appropriations were requested for the extension, because they were so far in excess of original estimates. Originally it was thought that the extension would cost between $1.5 and $2 million; in fact, the two wings came to a total cost of $8,075,299, and this figure did not even include the cost of the new dome ($1,047,291). After construction was well underway, though, it was acknowledged that the wisest course was to go ahead and complete the building. But this did not prevent certain members from taking the floor to complain about the excessive expense involved. In addition, the members seemed to occupy themselves with many of the details of the construction, ranging from the types of bricks to be used, the artistic decorations for the new wings, and of course, the seating arrangements for the new chambers. We quote below, from *Documentary History of the Construction and Development of the United States Capitol Building and Grounds,* to illustrate how some members of Congress felt about the Capitol extension.

[Senator Borland of Texas, April, 1852]: I am opposed to the extension of this Capitol, because I believe it is unnecessary. I do believe (and there are others who agree with me) that the room within the external walls of the present building is all-sufficient, if properly appropriated, for all our purposes, and will be for fifty years to come. . . .

But even if the extension were necessary, I am opposed to it on the plan proposed. It may be deemed presumption in one of my poor judgment, yet I do say, that, in my opinion, the proposed extension of the Capitol, with such wings as are spread out before us, and the proportion they sustain towards the rest of the building, will make a structure which I can call by no other name than *architectural monstrosity,* the like of which has never been seen in any civilized country on the face of the earth. . . . It will resemble, more nearly than anything which suggests a comparison, a mammoth brick-kiln, or some Mexican hacienda, which, as everyone knows, is the very burlesque of all architectural proportion. . . .

Consider also the inconvenience that will result from the proposed arrangement. The two Chambers of Congress will be about six hundred feet apart; and in conducting the intercourse of the two Houses, the distance to be traveled backwards and forwards will be something like a quarter of a mile!

Then, again, when these two wings are erected, and the two Chambers are established, one in each, what is to be done with the present building? It will be a series of great *lumber rooms,* making up an immense covered way from one Chamber to the other! Nothing more.

[Senator Houston of Texas, May, 1858]: . . . I have observed some of them [statues being prepared for placement in Capitol]; and the goddess of Liberty, I believe, is one. I am an admirer of statuary, but I cannot say that I am a critic, or even an amateur, in that department of art. It does seem to me that it is a figure which makes rather a queer display in the Capitol. In the first place, I object to its attitude. It appears to me to be in anguish—drawn back in the most ungraceful and ungainly attitude for a lady. [Laughter.] It appears to be in torment; and had it been physical, I should have imagined that it really had a boil under the arm. [Laughter.]

Although the original plans for the extension of the Capitol did not make provision for replacing the Bulfinch dome, it soon became apparent that the increased size of the Capitol completely dwarfed the old dome. Thomas Walter accordingly drew up plans for a new and much larger dome, to be constructed of cast iron, and in 1855 an appropriation of $100,000 to replace the dome was made. The vote in the Committee of the Whole in the House was tied, but it was approved when the chairman voted for it. Two days later the appropriation was passed by the House with no opposition. Since the original appropriation was made before any real estimate of the ultimate cost was made, appropriations for the dome, too, met some opposition in the Congress because of the expense involved.

Construction of the Capitol extension was, of course, complicated by the commencement of the Civil War, but President Lincoln insisted that the work be carried on as a symbol of the permanency of the Union. The Statue of Freedom was bolted in place on the new dome in December, 1863, but there were still a number of interior details to be completed when Thomas Walter submitted his resignation (again because of a conflict with other governmental authorities with jurisdiction over the Capitol) in May, 1865. However, during his tenure in office, he had greatly modified the Capitol building and had given it a new dome which today is regarded as a symbol of the United States.

1874–92: Supervision for landscaping the grounds of the Capitol was placed in the hands of Frederick Law Olmsted, the most prominent landscape architect of his time. The broad plaza on the east was planned by Olmsted, as well as the marble terraces and the grand stairway on the west as we know them today. The work on the grounds, including grading, boundary walls, and other features of the plan, was done between 1875 and 1881, at which time Olmsted requested an appropriation for the marble stairway and terraces on the west; these had not been authorized in the original bill. Construction of the terraces, which included space beneath them for committee rooms, was begun in 1883 and completed in 1892. Since this work was purely architectural in nature, the work was carried out under the supervision of the Architect of the Capitol, and Olmsted resigned in 1885.

As with some of the earlier improvements to the Capitol, there did not appear to be any real opposition to the landscaping of the grounds, except for the inconveniences it caused and the amount of money it cost. (Frary put the total cost of the terraces and landscaping at $3,626,579.) There was considerable discussion in the Senate in 1886 on an amendment proposed by Senator Hale of Maine to the appropriations bill for sundry civil expenses providing that the committee rooms constructed beneath the new terraces should have windows to the outside. The amendment was finally ruled out of order. Hale argued that the rooms should have natural light, while others insisted that to put windows in the terrace wall would completely destroy the intended architectural effect of a solid foundation supporting the Capitol.

The completion of the Olmsted terraces gave the West Front of the Capitol the aspect that is so familiar today.

1902: A gas explosion and fire occurred in the old Supreme Court Chamber in 1898, bringing the condition of the roof over the old Capitol building to the attention of the Congress. In 1902, therefore, the roofs of the central portion of the Capitol, including that over the old Supreme Court and Statuary Hall, were fireproofed and reconstructed. The outline of the new roof conformed generally to the old, but the two small domes were made somewhat lower. According to the report of Elliott Woods, Architect of the Capitol, this change was made "so that in case the Walter plan for the extension of the east front is carried out, the eastern front of the Capitol will conform to the perspective view as made by Mr. Walter." In Statuary Hall, as mentioned above, care was taken that the new ceiling conform largely to the contours of the old in order that the odd acoustics, or echoes, of the room be preserved. The total cost was approximately $170,000.

1949–50: During this period the roofs of the House and Senate wings were reconstructed and the two chambers were remodeled. The roof over the House Chamber had been supported by temporary steel supports since 1940, when it had been determined the roof was unsafe. Reconstruction of the roofs was delayed, however, because of the war. Some objections were raised in the House to the proposed remodeling of the House Chamber because of the history associated with it, and to the plan for removing the State seals from the old ceiling. The comments of Representative Huber of Ohio are typical of those made by opponents of the proposed remodeling:

"Mr. Chairman, we are only the temporary custodians of this Chamber. It belongs to posterity and should be preserved. We have over here on the other side the old Senate Chamber. It is regarded as such a holy of holies that they have a fence around it and we are not even permitted to go in and walk around. Yet we would change the architecture of this Chamber overnight.

"My amendment [to the deficiency appropriation bill] will not interfere with the letting of this contract. They can go ahead and make the necessary repairs and do the remodeling of the House Chamber, but it will not be necessary to take out the skylights and change the basic architecture. It is very little consolation to think that the State seals overhead will be taken out and deposited in a certain place in your home State. We are spending a lot of money on other projects and I do not see any reason in the world why we cannot safeguard this historic Chamber and keep it so that generations to come may visit and see it in its historic state. There is no reason, in my opinion, why it should not be preserved."

Mr. Huber's amendment to retain the existing architecture and skylights of the House Chamber was defeated, and the proposed remodeling of both chambers, incorporating design features from sources of Federal architecture used by Thornton and Latrobe in other sections of the Capitol, was begun. During the construction period, the House met in the caucus room of the Longworth Building, and the Senate met in the old Supreme Court Chamber. Both bodies were able to move into their newly refurbished quarters in January, 1951. The cost of the roof reconstruction and the remodeling of the two chambers amounted to $5,102,000.

1958–62: Extension of the East Front of the Capitol had first been proposed by Thomas Walter, the architect responsible for building the north and south wings and the enlarged dome on the Capitol in the 1850's. In 1904 Congress had established a joint commission to study the extension proposal, and they proposed two different schemes, A and B, for such an extension. Scheme A recommended an extension of 12 feet 10 inches, while Scheme B recommended an extension of 32½ feet. David Lynn, an assistant to the Architect of the Capitol and later Architect of the Capitol himself, made certain modifications in Scheme B, which were accepted by the commission.

In 1955 Congress approved appropriations for the extension of the East Front, with a provision that it be "in substantial accordance with Scheme B of the architectural plan submitted by a joint commission of Congress and reported to Congress on March 3, 1905." Opposition to the extension began to develop in 1957, and hearings were held in early 1958 on a bill which would have eliminated the requirement that the extension be carried out in accord with Scheme B. The bill was reported to the Senate, but it failed to pass by a vote of 32 to 47.

Opponents of the East Front extension argued that it would destroy the authenticity and integrity of the Capitol, that it would sacrifice historic values to the ever-growing need of legislators for more space, and that its execution was to be carried out in accordance with a plan prepared some fifty years earlier when the needs of the Nation were vastly different.

Proponents of the plan argued that the extension was a completion of Walter's original plan for the Capitol, which was not carried out because of the Civil War, that the existing overhang of the skirt of the dome over the East Portico was a serious architectural defect, and that the original sandstone wall of the East Front was in a serious state of deterioration.

Despite the objections of many members of Congress, the American Institute of Architects, and others, when S. 2883 failed to pass the Senate, the way for construction was, for all intents and purposes, cleared. Construction began in 1958 and was completed in 1962. The cost of the extension, including repairs to the dome, furnishings for the new areas, and improved lighting throughout the building, was $24 million.

1969: This brings us to the present time, when discussions of a proposed extension of the West Front are underway. We will not go into this dispute, since it is really beyond the intended scope of this memorandum, except to say that, as in 1958, there are strong feelings both for and against the proposal. There is no question that the sandstone West Front is deteriorating; supports have been put in place to insure safety. Opponents argue that the one remaining original wall of the Capitol should be restored instead of covered up, while proponents feel that the extension of the West Front would be a better solution. The issue has yet to be resolved.

In addition to this memorandum, we are enclosing copies of pictures of the Capitol at different stages of construction, which we thought would be helpful in illustrating the many different phases in the development of the Capitol. We hope you will find this information helpful, and that you will feel free to call on us again in the future if we can be of some further assistance.

Mr. MONTOYA. Mr. President, I shall be pleased to answer any questions any Member may have.

Mr. ELLENDER. I noticed in the report, as well as in the bill, that $800,000 is being added for the WATS system. I understood from the chairman of the committee that any Senator who desires to install this system in his office will have to contribute at least 50 percent of the money now allowed to him for telephone service. Is that correct?

Mr. MONTOYA. That is correct.

Mr. ELLENDER. What does that $800,000 cover?

Mr. MONTOYA. That covers the estimated expense, assuming that all Senators would subscribe to the WATS line.

Mr. ELLENDER. Assuming that each Senator does surrender 50 percent of his telephone allowance, will that cover the entire cost of the WATS system?

Mr. MONTOYA. The total telephone allowance used last year amounted to $720,000. Assuming that one-half is surrendered, that would amount to $360,000. I do not want to deceive the Senator from Louisiana, or the Senate. We have no accurate figures except this possible projection which might indicate a more definite figure. Thus, that is about all I can say.

I should like to relate to the Senator my own personal experience. I have an FTS line in New Mexico which I pay for out of my own personal resources. I feel that I need it to service the needs of my constituents and to promote the efficiency of my office. That is why I have it. I am not shedding any tears over the expense. The point I want to make is that since I have been using the FTS line, for which I pay close to $300, my telephone expense has gone down in actual use to 40 percent of my allowance. I have the figures here from the Sergeant of Arms, which I obtained a few minutes ago. This line can be used only from New Mexico to Washington. Thus, on the basis of my own experience, if I were to have a WATS line from Washington to New Mexico, I would probably use less than 40 percent. Therefore, from my own experience, I feel that this saving will exceed $360,000 and amortize the expense of the FTS line or the WATS line quicker than we can anticipate from available figures now.

Mr. ELLENDER. Does the Senator use the line that he has just described for personal business at all?

Mr. MONTOYA. No, I do not.

Mr. ELLENDER. It is strictly for business then?

Mr. MONTOYA. Yes.

Mr. ELLENDER. I go back to my earlier question: If each Senator were to install a WATS line as provided in the bill, the reimbursement from the telephone allowance would amount to what percentage of the cost of the WATS system?

Mr. MONTOYA. I would say perhaps between 30 and 40 percent.

Mr. ELLENDER. In other words, it would cost the Government from 40 to 50 percent more than the current telephone expense.

Mr. MONTOYA. I would say that, in round figures. May I also point out to the Senator from Louisiana that if a Senator has a WATS line in his office——

Mr. ELLENDER. I have an FTS.

Mr. MONTOYA. This is similar, except an FTS is a Government line and the WATS line is a leased line. But if a Senator has a WATS line in his office and he has processed a matter for a constituent of his, and it is an urgent matter—or perhaps it is not urgent—if one of the staff members uses that telephone to call the constituent, he saves the time consumed in writing a letter. My experience in the field has been that I have saved much on clerk hire by virtue of the FTS line which I have.

Mr. ELLENDER. Because the Senator can answer a constituent immediately.

Mr. MONTOYA. That is right. I cannot estimate what that means in efficiency and clerk hire. About a month ago I had the financial clerk get a compilation of what I had returned in salary hire since I have been in Congress. I do not have the exact figures before me, but I had turned back approximately $300,000.

Mr. ELLENDER. Was that partly due to the fact that the Senator has a WATS line?

Mr. MONTOYA. No; I was turning that money back before the use of the FTS, but I recognize that the use of the WATS line, which creates better efficiency, obviates the necessity of more correspondence in the office.

Mr. ELLENDER. As the Senator knows, the FTS line can be used by a Senator only from 5 p.m. to 9 a.m. next morning.

Mr. MONTOYA. The one that we have now, yes.

Mr. ELLENDER. And on holidays and Sundays.

Mr. MONTOYA. Yes.

Mr. ELLENDER. And the cost of that is only $30. Why should the WATS cost more? Is it because it can be used continuously, at any time of the day?

Mr. MONTOYA. Yes, obviously.

Mr. ELLENDER. That is the reason for it?

Mr. MONTOYA. Yes.

Mr. ELLENDER. I notice on page 4 of the bill the committee has suggested a Comptroller of the Senate be provided, at a certain salary, and that an assistant be appointed, and that the entire amount for clerical assistance shall not be more than $249,660. Is that sum in addition to what it costs for the present financial clerk and staff?

Mr. MONTOYA. The committee contemplates that in addition to the financial clerk, we would have a Comptroller. We are providing for additional funds only for that purpose.

Mr. ELLENDER. That is not an addition? I thought it was an addition to the force he now has.

Mr. MONTOYA. Two new positions are created—Comptroller and secretary to the Comptroller.

Mr. ELLENDER. Then, this is not in addition to what the Senate pays to the financial clerk and all of his employees?

Mr. MONTOYA. This is an additional allowance for two employees.

Mr. ELLENDER. What about the $249,660, which would be for additional clerk hire? Would he not be permitted to also add clerk hire in addition to the two positions the Senator mentioned?

Mr. MONTOYA. No; he will not be allowed any funds in addition to that previously authorized for the financial clerk and disbursing office staff.

Mr. ELLENDER. Let me put the question this way: How much more will it cost to operate the financial clerk's office with this provision in the bill than it now costs us? I am not opposing it; I want to clarify it.

Mr. MONTOYA. It will not cost any more except for the salary provided for the two new positions, Comptroller and a secretary for the Comptroller.

Mr. ELLENDER. What does the financial clerk spend now? Does the Senator mean to say it is included in the $249,660?

Mr. MONTOYA. The present disbursing office allowance is $249,660, excluding the salary of the financial clerk.

Mr. ELLENDER. In other words, all the committee has added to the present amount to be spent by the financial clerk is the salary of the Comptroller, which is fixed at $35,259, and then a secretary to the Comptroller? Is that all the committee has added?

Mr. MONTOYA. That is correct.

Mr. ELLENDER. With respect to the stationary allowance, the Senator has added $600 a year. What is the need for that?

Mr. MONTOYA. Many Senators have been facing additional paper requirements to pay for the new machinery they have installed in their offices. This is the only fund they can utilize for the purchase of the paper. We have not had an adjustment in this recently.

Mr. ELLENDER. I thought we increased it considerably in the last couple of years.

Mr. MONTOYA. As I stated before in my statement, I met with the chairman of the Committee on Rules and Administration and the chairman of the Ethics Committee, and we discussed recommendations made by the staffs of the three committees. We also sent out a questionnaire, under the name of Senator Hayden, before the first of the year, before his term expired, to each Senator asking specific questions about specific allowances Senators had had theretofore.

When I became chairman of the Legislative Subcommittee of the Committee on Appropriations, I followed up with an inquiry letter to each of the Senators who had not responded to the Hayden letter. We received the responses which we tabulated. Of the responses we received on specific categories, such as travel allowance and additional stationery allowance, every Senator was in accord that they should be increased.

Mr. ELLENDER. The Senator means every Senator who answered it, because I did not.

Mr. MONTOYA. That is what I said; every Senator who answered. It was the unanimous recommendation of the staffs of the three committees and the subcommittee, and was agreed to by the chairman of the Ethics Committee and by the chairman of the Rules Committee, that we should increase the allowance $600.

Mr. ELLENDER. So it would be $3,600 for Senators.

Mr. MONTOYA. That is right; from $3,000 to $3,600.

Mr. ELLENDER. How much does each Member of the House of Representatives receive, does the Senator know?

Mr. MONTOYA. $3,000. I wish to state also to the Senator from Louisiana—I know he is aware of it, but I should like for the Record to show it—that if any Senator does not use all his allowance, the remainder reverts, not to the Senator, but to the Treasury.

Mr. ELLENDER. That was an amendment originally adopted last year.

Mr. MONTOYA. Yes.

Mr. ELLENDER. And it applies only to the Senate, and not to the House of Representatives, as I understand.

Mr. MONTOYA. That is correct.

Mr. ELLENDER. The reason I did not answer the questionnaire the Senator sent to me was that, as I recall, last year I returned half of what was allotted to me, or about $1,500, and I am just wondering what the stationery account is being used for.

Mr. President, I have other questions that will come up when I offer certain amendments; and if there is anything I say that is not in accord with the record, I request that the Senator interrupt me.

Mr. MONTOYA. I shall be more than happy to answer the Senator's questions.

Mr. ELLENDER. Because, as the Senator knows, this was put on my desk only yesterday—as a matter of fact, I believe it was printed last night—and I did not have the opportunity to go through all of the record of the hearings, and for that reason I am not as well acquainted with the contents of the bill, the hearings record, and the report as I should be.

Mr. PROXMIRE. Mr. President, before I call up my amendment, I wish to say I am impressed by the way in which the distinguished Senator from New Mexico, the chairman of the subcommittee, has handled this bill. This is one of the most difficult appropriation bills to handle, because it hits Senators where they live—and I mean literally where they live: It affects our allowances, and it affects the amount of space we have. It is a complicated bill, and one that affects Senators' sensibilities. The Senator from New Mexico has handled it with great tact and sensitivity, and, while I may disagree with him on a few points, I think he has done an excellent job.

AMENDMENT NO. 251

Mr. PROXMIRE. Mr. President, I call up my amendment No. 251, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 28, strike out lines 8 through 15 and insert in lieu thereof:
>
> "WEST FRONT OF THE CAPITOL
>
> "For the conduct of studies to determine the feasibility and cost of restoring the west-central front of the capitol, without regard to any other act, $250,000, which shall be transferred to the appropriation for 'Preservation of Historic Properties', National Park Service, Department of the Interior."

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the distinguished Senator from Louisiana.

Mr. ELLENDER. As I understand, this amendment is the same amendment that I proposed to the committee when the bill was considered.

Mr. PROXMIRE. Yes, indeed; this is the amendment that the Senator from Louisiana proposed in the committee, where it lost by a tie vote.

Mr. ELLENDER. A tie vote, 6 to 6.

Mr. PROXMIRE. That is correct.

Mr. ELLENDER. I wish to join the Senator in sponsoring his amendment. I noticed this morning he was offering the amendment I offered in committee.

Mr. PROXMIRE. I thank the Senator from Louisiana, and I ask unanimous consent that his name be added as a cosponsor. Already the Senators from Massachusetts (Mr. Brooke and Mr. Kennedy) and the Senator from New Jersey (Mr. Case) are shown as cosponsoring the amendment; and, in addition, I ask unanimous consent that the names of the Senator from South Carolina (Mr. Hollings), the Senator from Maryland (Mr. Tydings), the Senator from Connecticut (Mr. Ribicoff), the Senator from New Jersey (Mr. Williams), the Senator from Wisconsin (Mr. Nelson), the Senator from Ohio (Mr. Young), the Senator from Minnesota (Mr. McCarthy), the Senator from California (Mr. Cranston), the junior Senator from Minnesota (Mr. Mondale), and the Senator from New Mexico (Mr. Anderson) be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, this amendment would strike $1,750,000 from the bill. These funds are currently earmarked for the preparation of detailed plans and specifications, and for associated expenses in connection with the extension of the west front of the Capitol.

The bill as it passed the House contained $2,000,000 for extension planning. However, I am happy to say that the Senate Appropriations Committee felt that a restoration study should be made and thus reduced funds for extension planning by $250,000, channeling this money into a restoration study.

But this action still leaves us in somewhat of a dilemma. We appear to be proceeding along two mutually exclusive courses. On the one hand we are giving the Architect of the Capitol the green light to proceed with detailed plans for extension of the west front. On the other hand we are commissioning a study which could well form the basis for a congressional decision to restore the west front—thus preserving the last exterior portion of the original Capitol and also preserving a great deal of money as well. If we decide to restore on the basis of the study a great deal of the $1,750,000, if not all of it, will have been spent to no good purpose.

Mr. President, this morning's New York Times commented on this issue directly and, I thought, with great persuasiveness. I should like to read the short editorial from the New York Times dealing with this subject matter. The title of the editorial is "Affront to the Capitol," and it reads as follows:

> The Senate, in an excess of diplomatic zeal, is doing its best to have it both ways on the West Front of the Capitol. According to the Appropriations bill due on the Senate floor, $1.75 million of the $2 million already appropriated by the House would be voted to start work on the extravagantly unnecessary expansion scheme favored by Mr. Stewart, the nonarchitect of the Capitol. At the same time $250,000 would be appropriated for a study by the National Park Service on the feasibility of restoring the West Front.
>
> That is certainly a glorious contradiction in terms and a superb double-headed political ploy—$250,000 for preservation and $1.75 million for destruction—take your choice. The $1.75 million would just be the push to get the ball rolling on a grotesque $45-million rebuilding scheme that could rise to $70 million without even trying. It is a proposal to which the professional world of architects, historians and environmentalists and a large number of thinking and feeling citizens are violently opposed. It enjoys favor with few except the architect of the Capitol and his architects who will do the job.
>
> The Senate could demonstrate a fine sense of economy and art by eliminating the $1.75 million and voting only the $250,000 to the Park Service for an immediate preservation study. This is one case where the issue is clear: Spare Mr. Stewart's feelings or spare the Capitol.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the distinguished Senator from Florida.

Mr. HOLLAND. I should like to say, in the first place, that I have received a communication from the architects of Florida, through their organization, the Florida Association of Architects, supporting the position taken by the Senator from Wisconsin and others, and stating that under no circumstances do they want to see destroyed this original west front of the Capitol, which has so much historic value, with which point I am sure the Senator from Wisconsin will be dealing in his speech.

In the second place, I wish to say that I took this same position in committee, and that I related there the fact that, as members of the Committee on Public Works at the time of the restoration of the White House, we were faced with much the same problem: Whether to destroy the outside appearance of the White House and reconstruct it, and perhaps destroy the whole White House as it had previously existed, or, instead, to preserve all the historic values there, outside and inside, most of them dating back to the restoration after the British fire, by reenforcement work within the walls and under the foundations of the White House.

We decided, after making a personal visit and after discussion of the matter with President Truman, who at the time was our President, that we should conserve those historic values by strengthening the interior of those walls, and strengthening the foundation.

That was done; and I may say that in spite of a little furor which was raised at the time, I have never heard since that time anything except compliments addressed to the fact that that course was followed, and that this historic value in connection with the retention of the appearance and the historically interesting things about the exterior of the White House, and many of the historic things within the White House, was well worth preserving, and that Congress preserved something of great historic interest and value to our country.

I believe that much the same thing applies in the instant case, perhaps to even a little greater degree, because now the west front is all that remains of the original sandstone structure of the Capitol, at least as I have been informed.

I think that, not only for its appearance, but for its historic interest, dating back as it does to the sandstone quarries of nearby Virginia and to the plans made by our Founding Fathers who participated at that time in planning the original Capitol, we should preserve those historic values, and I strongly support the position taken by the distinguished Senator from Wisconsin and his associates.

I think that I made this position perfectly clear in the committee. I should like to make it equally clear in the RECORD at this time. I think we shall be neglecting very important historic values if we move to extend the west front of the Capitol, and thus really exterminate all possible historic values still remaining in the ancient west front of the Capitol.

I hope that the amendment of the Senator will be agreed to.

Mr. PROXMIRE. Mr. President, I thank the Senator from Florida.

I think that the eloquent and persuasive argument the Senator has made with reference to the preservation of the last part of the original Capitol Building, the only part that has not already been altered, is even more important than the very large amount of money involved.

I think that the Senator's comparison of this matter with the action taken with respect to the White House is excellent and should serve as a guide.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. PEARSON. Mr. President, I point out to the distinguished Senator from Florida that the testimony in the committee did deal with the very point he developed so well. The difference was that in the restoration and the maintenance of the west wall, it was not possible to evacuate the Capitol and do all the inner structure work that is necessary and that was possible in the day when President Truman moved to the Blair House.

As I recall the testimony from the office of the Architect of the Capitol with respect to the consideration of restoration, the fact that this building would remain a working building was one of the considerations.

Mr. PROXMIRE. Mr. President, this is exactly why I think we need a study of feasibility as well as the cost of restoring the west front.

The American Institute of Architects has told us—and I have a letter to that effect—that there would be no more inconvenience and no greater area eliminated from use with restoration than with extension. They may be right, or they may be wrong. However, until we get a study from the Park Service, it is hard to determine whether the American Institute of Architects or the Capitol Architect is correct.

Mr. HOLLAND. Mr. President, with respect to the comments made by my distinguished friend, the Senator from Kansas, I am sure that he has correctly reported what happened in the committee. However, I lived through the extension of the other front of the Capitol. And anyone who could say that we were not greatly disturbed in a large part of the Capitol while that extension was taking place did not survive that particular effort.

I cannot see how any more disturbance could be accomplished with reference to the restoration of the west front of the Capitol than was accomplished at that time in extending the east front of the Capitol.

I remind the distinguished Senator from Kansas that the part of the Capitol in which we hold our sessions and the part of the Capitol in which the House of Representatives holds their sessions will not be disturbed in any way. This effort applies to the middle portion of the Capitol. And if some tourists are disturbed by either one of these programs, I do not think it would matter greatly. The essential business of our Government could continue. As a matter of fact, much of the business of the Government takes place in the committee rooms and in the offices of Senators and Representatives and in other portions of the establishment such as the Library of Congress.

As far as I am concerned, I do not believe there will be any material difference in the inconvenience that would be experienced.

I do think that in this country which is growing so rapidly we are forgetting many of our historic facts. It is well worthwhile to preserve this last historic vestige of the original Capitol planned by so many of our Founding Fathers.

I have never forgotten a time before I came to the Senate when I heard one of the guides talking to a group of youngsters at the corner of the House wing of the Capitol.

He explained how the site for the Capitol was chosen. He pictured it very graphically. He explained how the father of our country, President Washington, rode here on his horse with various other persons whose names I do not now recall. One was a French engineer, and there were others, including, as I recall, Mr. Jefferson who later was President.

There was some talk of a disturbance between Jefferson and Hamilton as to where the Capitol should be and where the District of Columbia should be.

The guide pictured this notable group of our great Founding Fathers and others riding up to the spot at the top of the hill, looking over the Potomac at the Virginia hills on the one side, looking at Virginia and at Maryland, and saying, "Here will be the Capital of the United States," and then pursuing that with the construction of the original Capitol, which was a tremendous venture for that young Government and for that young and poor Nation.

I think we should preserve this part of the Capitol. I think we need to preserve the historic values in this country. And I think one of the things we need above everything else at this time is to have our people, and particularly our young people, realize what has gone on before, during the founding of this great Nation and the Capitol which in many respects has become the Capital of the free world.

Here is the last vestige of that original Capitol which is proposed to be destroyed in this well-intentioned extension which we do not need. As a matter of fact, a great many of us have rooms in the other extension that are hardly used at all. I have told the committee that if anyone wants my extra room there, he is welcome to it.

We are not using all the rooms in the other extension of the Capitol. I do not think we should talk about this tremendous extension with three dining rooms and all the other things that are mentioned and at the same time forget the value of the historic west front and destroy it completely.

It is for that reason that I shall strongly support the effort now being made by my distinguished friend, the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, once again I thank the distinguished Senator from Florida for his very persuasive and eloquent appeal.

VISIT TO THE SENATE BY A MEMBER OF THE FRENCH SENATE

Mr. McGEE. Mr. President, I take this opportunity to introduce to the Senators a very distinguished visitor to our country, Senator Andre Monteil.

Senator Monteil is chairman of the Foreign Affairs and Armed Forces Committee of the French Senate. I could not help wondering if it would not be a solution to some of our problems if we were to combine the chairmanship of those two particular committees.

Senator Monteil is a former professor of literature, which likewise lends an aura of distinction to his role. He was first elected to the French Assembly in 1945. So, he has acquired a great deal of seniority. He has been State Secretary for the Navy twice, in 1950 and 1954. He was Minister of Public Health in 1954 in the government headed by Premier Mendes-France. He was first elected to the Senate in 1959 and was then reelected in 1962.

Senator Monteil was active in the French resistance movement. He holds the Medaille de la Resistance, the Croix de Guerre, and the Bronze Star Medal of the United States. He is a member of the Legion of Honour.

One of the Senator's five sons is married, I am happy to say, to an American.

I am sure I speak for all Members of the Senate in welcoming to the Senate our most distinguished French colleague. [Applause, Senators rising.]

Mr. President, I ask unanimous consent that the Senate stand in recess for 3 minutes so that Senators may have the privilege of meeting Senator Monteil.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Thereupon, at 2 o'clock and 59 minutes p.m., the Senate took a recess until 3:02 p.m.

During the recess, Senator Monteil was greeted by Members of the Senate.

On expiration of the recess, the Senate reassembled and was called to order by the Senator from Oklahoma (Mr. BELLMON).

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 2276) to extend for 1 year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. JARMAN, Mr. ROGERS of Florida, Mr. SATTERFIELD, Mr. SPRINGER, Mr. NELSEN, and Mr. CARTER were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 12982) to provide additional revenue for the District of Columbia, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. McMILLAN, Mr. ABERNETHY, Mr. DOWDY, Mr. CABELL, Mr. NELSEN, Mr. HARSHA, Mr. BROYHILL of Virginia, and Mr. HOGAN were appointed managers on the part of the House at the conference.

LEGISLATIVE BRANCH APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 13763) making appropriations for the legislative branch for the fiscal year ending June 30, 1970, and for other purposes.

Mr. PROXMIRE. Mr. President, before I yield to the Senator from Kansas, I should like to read into the RECORD a response I received from the American Institute of Architects. This is a response that came from Francis D. Lethbridge, of the AIA, who was asked by the president of the AIA to look into this matter and to answer our questions. I will read the question, which is brief, and the answer. The question is a follows:

> Question. Another point made by Mr. Campioli, the Assistant Architect of the Capitol, is that restoration would involve considerable inconvenience to visitors and occupants alike. He explained that the entire West Front, including Statuary Hall, would have to be vacated for 5 to 10 years. Furthermore, he stated that if the extension were approved the rooms and corridors along the West Front would remain in commission. Will you give your expert opinion of these assertions?

This is what the AIA replied:

> Answer. Restoration, like Extension, will involve some inconvenience. Inconvenience to visitors, however, should be negligible in either case. Campioli's statement that the entire West Front, including Statuary Hall, would have to be vacated for 5 to 10 years, is ridiculous. There is no reason to believe that Statuary Hall would have to be vacated at all, and no reason to believe that all of the rooms on the West Front would have to be vacated for any such period of time. If the work were to proceed slowly it would not be necessary to vacate more than that portion of the offices affected and if it were to be carried out more quickly, the spaces would have to be vacated for only a fraction of the time claimed.

I might say, once again, that however one would decide on this matter, whether he would accept the word of the Architect of the Capitol or of the AIA, the answer is going to be forthcoming, I would hope, in the study that we are requesting instead of by expending this large amount of money.

I yield to the Senator from Kansas.

Mr. PEARSON. Mr. President, I do not want to make a great point out of this particular discussion, but I think it would be helpful just to show the conflict, if nothing more, between the people who advise the committee. I have reference to page 610 of the hearings. Mr. Campioli made some reference to the complexity of the restoration work. He said and testified to the committee:

> It would not be a simple restoration. It would be a most complex restoration, probably the most complex which has ever been done or would be done in this country. It could only be done safely if we were permitted to do the work like the White House was done in relatively recent years. In other words, gut most of the entire interior of the old part of the Capitol by taking the floors and arches down so that they would no longer be exerting any lateral pressure against the outside wall and vacating the west central side of the Capitol for a long period.

I ask unanimous consent, Mr. President, so that I will not be quoting out of context that the paragraph entitled "Complexity of restoration work," found on pages 610 and 611 of the hearings, be printed at this point in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

COMPLEXITY OF RESTORATION WORK

Mr. CAMPIOLI. It would not be a simple restoration. It would be a most complex restoration, probably the most complex which has ever been done or would be done in the country. It could only be done safely if we were permitted to do the work like the White House was done in relatively recent years. In other words, gut most of the entire interior of the old part of the Capitol by taking the floors and arches down so that they would no longer be exerting any lateral pressure against the outside wall and vacating the west central side of the Capitol for a long period. If the procedure followed at the

White House were possible at the Capitol, then you could proceed to restore that wall.

You could then build in expansion joints, and you would reconstruct all the interiors under modern construction methods, using masonry-bearing walls, reinforced concrete floor slabs and the arches would be put back, by use of hung ceiling construction.

To do it any other way would be very risky. I have a drawing here that I think will explain our problem. This drawing is a typical section of an arch in the building. We have two types of arches. We have a barrel arch, whch is this type (see p. 663) and then we have groined arches (see p. 664), which cross each other and are much flatter in curvature. The exterior of the wall is built of sandstone, as you see here [pointing]. Some of these stones are quite large.

If any of the stones which have deteriorated, have to be removed, they would have to be removed by first removing some of the stones above and then putting them back into place after the deteriorated stone is replaced. The interior of the House side of this wall is of granite rubble stone, laid in lime mortar. The inner face of the Senate side wall is of brick, laid in lime mortar.

The core of the wall is a mass of loose material, stones dumped into place with some lime mortar and many, many voids. A hundred percent of the corings that were made of this wall in 1964 showed voids behind the sandstone.

Now the thickness of this west wall acts as a counteraction against the thrust of this arch. Any substantial removal of this sandstone would cause the interior core to fall out, and the remaining thin wall, this interior rubble, would not be sufficient to support the thrust of these arches. In addition to which these arches are superimposed with a sandfill which supports the finished floor material on the floor above.

These arches are set in lime. If this west wall were to be subjected to any substantial amount of restoration, such as the removal of any cracked stone, deteriorated stone or spalled stone, all of these arches on the west central front of the Capitol would have to be completely shored from the basement on up to the roof. By such shoring we would relieve these arches from the compression that they are now subjected to; in other words, they would become dormant arches carrying no loads, as the shoring and the centering would then carry the load.

In order to install the shoring, all of the plaster would have to be removed so that the centering could be placed against the bricks. The jarring that would follow in removing these stones might very well cause the lime mortar between the bricks, which are not set with full beds, to allow the sandfill to filter through the openings in the joints.

We had that experience in the channeling operation when we installed the new electric wiring in recent years. We cut about an inch square chase into the brick arches. The resultant pounding would cause the sand to come through. Mr. Stewart experienced some of that in his own office. These are some of the basic problems of restoration.

Senator Pearson. What would you do on the extension? How would your procedure differ there?

Mr. Campioli. On the extension we would add a structure that would act as a buttress, as shown in this dark area here [pointing].

Senator Pearson. You would build against it?

Mr. Campioli. We would build against it. That new work would act as a buttress to keep the west wall from moving farther downhill.

Senator Pearson. Thank you.

Mr. PROXMIRE. Mr. President, I do not think the Senator from Kansas and I disagree. Neither of us is an architect, and we are not pretending to make a judgment on this. The point is that there is a difference of opinion. How is that difference of opinion to be resolved? We resolve it by having the Park Service, which everybody agrees is competent to make the study, go ahead and make the study—a study which I will show, in a few minutes, has not been made in anything like an adequate way.

I yield to the Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, what the distinguished Senator from Wisconsin says, that none of us here is an architect, is true. That is also true, as the Senator knows, of J. George Stewart, the Architect of the Capitol. He is not an architect, but was appointed Architect of the Capitol by President Eisenhower. He continues to hold that position at the pleasure of the President.

Throughout the Johnson administration, the senior Senator from Ohio hoped, and now has been hoping throughout the short period that President Nixon has been in office, that it would be the pleasure of our President to remove J. George Stewart and appoint in his place a man who is really a qualified architect, instead of one who is a former Republican Congressman from the State of Delaware and who has done a good job for the Republican National Committee.

I thank the distinguished Senator from Wisconsin for yielding to me. As my colleague knows, I am very happy to be a cosponsor of his amendment to strike out $1,750,000 included in this bill for the purpose of implementing J. George Stewart's scheme to deface the west front of the Capitol.

Most of us assumed that this boondoggle, which was first unveiled in 1966, had been abandoned by Mr. Stewart and his backers. Now, at a time when the President of the United States has ordered a major cutback in Federal construction, when Congress is trying to hold down appropriations, when the budgetary and inflationary situations are even more critical than they were in 1966, when there are innumerable domestic crises for which adequate funds are not available, the bumbling non-Architect of the Capitol urges that taxpayers' money be spent for this unconscionable boondoggle.

I am glad that the Senator from Wisconsin has taken hold of this proposal and is so violently expressing his opposition to it.

Mr. Stewart says that it will cost $45 million to do what he proposes to do; but if his earlier pet projects are any guide, this would eventually wind up costing taxpayers at least $90 million.

It may be that something must be done to the west wall to keep it from crumbling away. However, it is incredible, but it is true, that to date no study has been made to determine how much it cost to repair it rather than to expand and alter it.

I commend my colleagues on Committee on Appropriations for recommending that $250,000 be appropriated for a study of the feasibility and of the cost of restoring the west front of the Capitol, a study which the so-called Architect of the Capitol has never undertaken.

Qualified engineers and architects have reported that the walls of the west front can be braced and strengthened without damage to the historical building. The Fine Arts Commission has charged that Stewart's proposal would be a national tragedy, and stated that the old walls can be repaired in their present location. It would be virtual sacrilege to destroy the noble west front of the Capitol with its classic walls and its cascading staircases without the most compelling reasons for doing so. Americans can be thankful to date this proposed senseless vandalism on a national monument has been rejected.

The fact is that the walls of the west front are not nearly in such a state of deterioration as J. George Stewart would lead us to believe. Every study made by a task force independent of the so-called Architect of the Capitol differs greatly with his conclusion that the Capitol has been in a state of near collapse since the 1950's.

In 1957 an engineering study was conducted by experts of the National Bureau of Standards. They made core samples and examined the west wall in detail. They found that much of the exterior sandstone of the Capitol was weathered but to depths no greater than one-half inch. Their report stated:

> If this depth is removed by means of suitable tooling, the sandstone should be serviceable for many more years. . . .

In addition to the report of the National Bureau of Standards, a report prepared for the Architect in 1964 by the firm of Thompson & Lichtner, engineering consultants, stated:

> The structure, except for the exterior walls, has not been subjected to weathering and is not in a hazardous condition.

Furthermore, the American Institute of Architects, which represents over two-thirds of the licensed architects in the country—and I mean certified architects and not political architects such as J. George Stewart—has continually maintained that the walls are architecturally sound.

Mr. President, if the statement attributed to Benjamin Franklin, "Experience keeps a dear school, but fools learn in no other," has any meaning, then it would be sheer folly to follow this most recent of J. George Stewart's recommendations. I have carefully watched the manner in which the so-called Architect of the Capitol has managed his office throughout the years I have been in the Senate. I have witnessed an unbroken series of boondoggles, of stumbling and fumbling and an unbelievable waste of taxpayers' money. Now, J. George Stewart proposes to deface the Capitol of our country.

Before any further funds are appropriated for actual work on the west front, Representatives and Senators should have available full and accurate information regarding the alternatives. A member of my staff recently asked the executive assistant in the Architect's Office for information as to the costs involved in restoration of the west front. Amazing as it may seem, he replied:

> We have no breakdown of the estimates of the cost of restoration, neither the Congress nor the Commission having ordered or provided funds for that purpose. Furthermore,

> our experts feel that such an estimate would be meaningless and would bear no resemblance to the final cost of restoration should that course be followed.

His latter statement is undoubtedly true if we consider how previous cost estimates of the Architect's Office usually represented half of the actual cost of completion. This is just another example of the disgraceful manner in which the Office of the Architect of the Capitol is conducted.

Over the years I have spoken out in the Senate on the shameful mismanagement of that Office. The Comptroller General has reported the lack of proper management procedures which makes it impossible for him to ascertain actual costs on various projects under the direction of the Architect.

Mr. President, if we accept the argument that more space is needed made by those favoring Stewart's proposal, why not extend the Capitol underground into the plaza on the east side. Knowledgeable architects report to me that this would be a relatively easy task. Also, that it would cost only one quarter of the proposed west front extension, requiring some 270,000 square feet of space at a cost of $40 per square foot, or $11 million, as opposed to $167 per square foot, or $45 million, for the proposed extension of the west front. There would be a savings of $34 million of taxpayers' money. Part of this could be used for restoring the west front.

Mr. President, I strongly urge the adoption of the pending amendment. I express earnest hope that we will not permit the Architect of the Capitol to proceed with his plans to deface the west front of the Capitol. The $1.75 million requested to prepare plans for the project would be not only an economic extravagance but senseless vandalism on a national monument.

I thank the Senator for yielding.

Mr. PROXMIRE. I thank the distinguished Senator from Ohio, who has been a very consistent and effective critic of the Architect of the Capitol, and he has fought long and hard against this proposal.

Mr. President, for make no mistake about it, once we have taken the first step down the extension path it will be harder to turn back. Regardless of what a restoration study shows, and I am convinced such a study will show that restoration is both feasible and far less expensive, next year the proponents of extension will point to the funds already spent on planning and talk of what a colossal waste it would be to change our course.

There are a number of reasons why we should not provide funding for planning an extension of the west front. But perhaps the most compelling is the fact that we have never had a study worthy of the name of the feasibility and cost of restoring rather than extending the west front. The Architect of the Capitol has been on record for a number of years in support of the extension of the west front. As far back as August of 1957 in a report to Speaker of the House Rayburn the Architect recommended "the adoption of scheme C, embracing all improvements proposed for both the east and west sides of the Capitol." On Wednesday, June 5, 1963—6 years ago—the Architect of the Capitol told the Legislative Subcommitee of the Senate Appropriations Committee:

> I am on record with the Commission as advocating extension and reconstruction of the west front at an early date.

In view of this predisposition on the part of the Capitol Architect, should it really surprise us that the only "study" on the issue of whether to extend or restore recommended extension? This so-called study was commissioned by the Architect himself. Its total cost was $33,500, according to a release from the Capitol Architect's Office dated March 21, 1967. It concerned itself principally with the existing condition of the Capitol—studying the stones and joints and buttresses in great detail. It gives no convincing reasons why extension is preferable to restoration. It devotes one paragraph to each of these alternatives. Yet, this is the study that the Capitol Architect, the man who commissioned the study, mind you, uses as his basis for declaring restoration infeasible. To accept this study as the completely unbiased, objective last word on the subject makes about as much sense as to let the catcher, not the umpire, call the balls and strikes.

In contract to this $33,500 study which the Capitol Architect points to as the last word on the subject of restoration versus extension, it is noteworthy that as of that March 21, 1967 date, $240,000 had been spent on the preparation of preliminary plans and estimates of the west front extension. In this bill we propose to spend an equivalent amount on a restoration study. In this way we can know exactly what we are talking about when we discuss restoration. We will not have to accept the estimate of Mr. Campioli, the Assistant Architect, that restoration costs will be between $10 million and $50 million—an estimate that no logical mind could accept as the best obtainable. The Congress will be armed with the information essential to a reasoned decision.

Let us look at the cost factor. The American Institute of Architects in a letter to me dated October 1 states:

> It is the considered opinion of those experts consulted by the A.I.A. that the cost of repair and restoration would probably not exceed $10 million and that it is inconceivable that it could exceed $20 million.

Now when the Architect of the Capitol first estimated the cost of extending the west front back in 1957 it compared favorably with this $20 million ceiling. The estimated cost in 1957 was $17 million. This went up to a modest, relatively, $20 million as late as June of 1963. The estimate had ballooned to $34 million by 1966 and we are now told that the cost will be $45 million. In other words, the cost went up by $3 million in the first 6 years following the extension proposal and by $25 million in the next 6 years. If we continued to see such cost escalation and it takes another 6 years to complete an extension, the total cost will be $70 million. The Capitol Architect's slide rule has never been so accurate as to inspire us with confidence that such a further increase will not take place.

How about cost per square foot? The Rayburn Building, hardly a fine example of cost conscious construction, cost $34.26 per square foot. The west front, assuming no cost escalation, will cost a whopping $166.95 per square foot. Even a topflight hospital, fully equipped with all the latest equipment only costs about $100 a square foot or two-thirds as much as the west front extension. Does it make sense to begin a project almost five times as expensive per square foot as the Rayburn Building at a time when inflationary pressures are draining the purses of most American families and when restoration would be cheaper by far? I hardly think so.

Unfortunately, when we start to get down to brass tacks and discover just how expensive a west front extension would be and how little we know about the costs and feasibility of restoration the alarmists cry, "But the Capitol will collapse if we don't start extension." This charge is just so much poppycock. The Architect himself has never seriously claimed that the Capitol dome will come crashing to the earth if we do not extend now. In fact, even were we to provide extension funds immediately, it would take 12 to 18 months for the planning work to be completed before a hand would be laid on the west wall to begin actual construction. Mr. Campioli, the Assistant Architect, told me during hearings on the legislative appropriations bill that he would not be in a position to request funds for early phases of the construction work until next year when we consider the legislative appropriations bill for fiscal 1971. Of course it would take additional time after the bill was signed into law to let the bids for this work.

Certainly we could follow the same timetable for restoration. If a 6-month study showed that restoration was both feasible and desirable we could proceed to fund the beginning steps in the shoring up process in next year's legislative appropriations bill. What we cannot afford to do is fail to start the restoration study now. By biding our time we are merely playing into the hands of those who would let the west front crumble, neglecting to fill up cracks which are worsened by winter ice accumulations, refusing to scrape off countless layers of paint, and assuming that things will eventually get so bad Congress will have no choice but to extend.

We are told that the proposed west front extension will add a great deal of much needed space for both Members of Congress and visitors. To be specific it will provide 115 offices, 38 bathrooms, two dining rooms, two cafeterias, two auditoriums, two escalators, and eight elevators to the Capitol. But these auditoriums and dining rooms will simply be duplicating similar visitors' facilities that are planned for Union Station, barely two blocks away. I submit that it would be highly irresponsible for Congress to commit itself to such wasteful duplication at a time when the race for the construction dollar has pushed interest rates to astronomical levels—so high that homeownership is becoming a privilege rather than an accepted norm of American life.

Mr. COOK. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. COOK. How many offices did the Senator say this would provide?

Mr. PROXMIRE. Ninety-eight.

Mr. COOK. Well, as a freshman Senator, I hope that I am not stepping on anyone's toes, but it seems to be happening more frequently that when I am invited to the Capitol I am invited to someone's—I hesitate to use the word "hideout"—to someone's office where he will have absolute privacy. I do not know how long one has to be here to get one of them, but I am wondering whether the 98 offices which will be built in that section will be an extension of that particular kind of privilege.

I can only say to the Senator that I very much support his amendment because the space, really, is not needed in this building. It is needed, so far as we are concerned, across the street. When we talk about the creation of 98 new offices and 38 bathroom facilities, I have a notion that these facilities are not going to be available to committees or subcommittees. Apparently, they will be available either to senior Members of the House or, conceivably, to senior Members of the Senate. I must confess that I think the sum of from $45 to $70 million could be better utilized, that we should utilize our money and our space a little more prudently.

Mr. PROXMIRE. I want to thank the Senator from Kentucky. I think he makes a point that cannot be rebutted.

As I am going to point out in a minute, the bill provides for more space adjacent to the New Senate Office Building. We have the money for that in this bill; thus we are duplicating it.

Mr. CASE. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I am happy to yield to the Senator from New Jersey, who is a cosponsor of the amendment and has been working hard in its direction.

Mr. CASE. As a cosponsor, I want to say how happy I am to find the Senator from Kentucky (Mr. COOK) back in the right area. He is a good man. I said earlier, at one time, that he was one of the bright stars in the new firmament around here and I am glad to have this reestablished to my own satisfaction in this good cause.

Mr. COOK. I must confess that I have had an offer from him that I might have his cubbyhole. Let me say, in all honesty, that I wish to thank him very much.

Mr. PROXMIRE. Mr. President, furthermore, there has been no survey of congressional space requirements worthy of the name in connection with this planned extension. There is no comprehensive plan for the future development of Capitol Hill to meet projected space requirements. We have no way of knowing what is needed and we have no comprehensive plan for meeting present and future needs. In the absence of this information, how can we say that space should be provided through an addition to the Capitol Building rather than through the extension of the New Senate Office Building, or some other expansion project? How can we even know how large a new building or an addition should be? The answers are very simple. We cannot know. We would be going into an extension project blindfolded.

Mr. President, the very bill we are considering today provides $1,250,000 for the acquisition of land destined for the extension of the New Senate Office Building. Those who cite space needs in urging extension of the Capitol overlook the fact, as stated in the committee report, that once this land is acquired—and it will be acquired quickly—by building an enclosed bridge between the new Senate Office Building and the Capitol Hill Apartments, at a cost of approximately $27,000, additional space would be made available immediately at very little expense.

Of course, once the New Senate Office Building has been extended, additional space will be available. A great deal of additional space. Has this added space been taken into account by those who advocate west front extension? I seriously doubt it.

I understand that it was developed during the House debate on this project that the interior division of the proposed extension was not immutable—that any number of changes could be made. Thus we are faced with the specter of a haphazard development of the interior of the proposed extension of the west front. We are confronted with the possibility that space will be divided up on the basis of political muscle rather than esthetic and utilitarian design considerations. A new kind of happening, with every man his own architect, may well be the result. The very uncertain nature of the extension planning as it now stands is simply one more reason not to proceed with extension.

I could dwell at some length on the historic significance of the west front of the Capitol, but I think the distinguished Senator from Florida has already done that. So I will conclude by saying we should remind ourselves that we owe it to the American people to spend their dollars as wisely as we know how at a time when inflation waters down the incomes of countless American families. Can we in good conscience embark on a multimillion dollar expansion project, largely for our own convenience, at a time when we are asking State and local governments to hold the line on construction spending—at a time when the President is cutting back on Federal public works spending by 75 percent—at a time when a tight money policy has made it next to impossible for countless numbers of American families to own their own homes? Who would go back to his constituents having voted for a $45 million extension of the Capitol on the basis of inadequate evidence and tell them that they must wait for more Federal aid for education—they must wait for adequate Federal assistance for sewage works construction—they must wait for tax relief, and they must not spend their own savings because it is inflationary? If we are to apply the same standard to ourselves that we seem to be applying to the American economy as a whole, then we should not approve the first step in a project to extend the west front of the Capitol which will cost a minimum of $45 million—particularly when we have no real knowledge of the cost and feasibility of restoration.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. ALLOTT. I have listened to the Senator's remarks with great interest, as well as those of the Senator from Florida, who feels so strongly about the historic attributes of this situation.

The Senator was present at the markup of the bill in committee, as was the senior Senator from Colorado. As I understand the situatioon, it is the contention of those who want the west front restored that it should be restored in the same stone of which it is now built. Is that correct? Perhaps the chairman of the committee could answer that question. I am not sure.

Mr. PROXMIRE. I think that is correct, but let me say to the Senator from Colorado that it is my understanding that that would be a part of the study of feasibility to be made by the Park Service. If that recommendation were to be that it should be built of granite or marble, and that it would be feasible and last much longer, that recommendation should be followed; but it is my understanding that we assume it would be replaced with sandstone.

Mr. ALLOTT. No one should be in the position of second guessing the Founding Fathers of our country, who did this, but the fact is that they constructed the Capitol using materials which were then available.

I do not know whether the Senator had occasion to go into the situation with respect to the restoration of east front. I believe it is a fact, and I do not think anyone can contradict it, that as long as we have a sandstone structure we are going to have deterioration of the sandstone underpinnings, and we are going to have deterioration of any sandstone that is exposed to the elements.

As I remember my physics, when water freezes, it exerts a pressure of approximately 1 ton per square inch. So if we have sandstone which is exposed to the elements, no matter how we try to seal it, water will get in it. When it freezes, there will be subsequent flaking off of that sandstone.

I think it becomes important, no matter how wedded we may be to the historic aspects of the situation, to be practical. To me it is not practical to carry our worship of history so far as to demand restoration with the same materials, when time itself will bring us to the same place we are now.

Mr. PROXMIRE. I agree wholeheartedly with the Senator from Colorado. I would not be wedded to the fact that, because our forefathers chose sandstone which came from a certain part of the country, we should do precisely the same. I agree that the material should be modern, up to date, on the best advice that the best architects can give us. Since the architects believe the Park Service is capable of doing it and having the appropriate architects make recommendations on the material, as well as the design, it seems to me this study should give us that kind of answer.

Mr. ALLOTT. I made my comments after hearing the remarks of the Senator from Florida, for whom I have great respect; but I think we can carry the worship of history a little too far. It would be foolish, in my opinion, to reconstruct and to restore the west front in that way.

Mr. PROXMIRE. Of course, the Senator is right. We would not have the same sandstone, anyway. It would have to be new. So whether it were new sandstone or granite or marble, the best way to proceed would be in terms of economy but also in terms of durability.

Mr. ALLOTT. I have another question to ask the Senator. I was told that 1 day last summer 30,000 or 35,000 visitors went through the Capitol. I heard the distinguished chairman of the subcommittee make a remark to that effect during the markup of the bill in committee. May I inquire of him how many visitors a year go through the Capitol?

Mr. MONTOYA. Between 5 and 7 million.

Mr. ALLOTT. Therefore, I would like to propound this question, if I may, to the distinguished Senator from Wisconsin. I know he has given this matter much thought; 30,000 or 35,000 people went through the Capitol in 1 day. Between 5 million and 7 million go through the Capitol in the course of a year. The prospects are that even more of our citizens will in the future be able to visit the capital of their country and look at its historic aspects.

Does the Senator think we can continue to accommodate those visitors with such facilities as restrooms and restaurants? They bring their children. We hear children in the hallways saying to their mothers and fathers, "I want to eat." We have seen and heard that a thousand times since we have been here. How does the Senator think we can hope to accommodate the visitors of the future, as well as present visitors, with a mere restoration?

Mr. PROXMIRE. The answer, of course, is that there is a plan, which we expect to be implemented, for a visitors center at Union Station.

The Union Station, as the Senator knows, is convenient. It is only two or three blocks away, and the Visitor Center there would provide the auditorium space, the restaurants, and all the facilities which would be duplicated here if we extended the west front, and at a far lower cost—perhaps not quite the same way, but at a lower cost.

Mr. ALLOTT. I do not wish to be facetious, but two or three blocks for a little boy who has to go is a long way to go.

I think there is some truth in what the Senator says. This is the thing that concerns me about the two proposals.

Mr. PROXMIRE. One weakness in American life is the failure of people to take enough exercise, walk enough, and develop the standard of health they should. One thing they could do which would help them, it seems to me, would be to show a willingness to walk a distance such as that from the Union Station and back.

Mr. ALLOTT. Let us not put that burden on everyone.

I am concerned about this aspect of the matter. I am also concerned about another aspect which the Senator mentioned, regarding the lack of any firm figures on the reconstruction of the present west front. This concern has been voiced by me as well as by the Senator from Wisconsin and other members of the committee; I thought it was particularly significant in the light of the apparent legislative history that it was planned to reconstruct the west front from the very soft stone of which it was originally constructed. The question of how we were going to provide for visitors in the future seemed to me to be another vital point.

I thank the Senator for yielding.

Mr. CASE. Mr. President, I rise in favor of our amendment, which would bar funds for planning the extension of the west front of the U.S. Capitol.

Under the amendment, offered by Senators PROXMIRE, KENNEDY, myself and others, the $1.7 million earmarked by the Appropriations Committee for prebid planning of the proposed extension would be stricken from legislative appropriation bill.

The amendment would, however, leave untouched $250,000 which the committee directed be used for carrying out a study of restoring the west front of the Capitol. Under the committee's language, the study will be performed by historic preservation experts in the Department of the Interior.

It is our conviction that the Congress should not embark upon the Architect's plans for extending the Capitol until the restoration study has been made and fully considered. If the study shows that restoration is not feasible, the Congress can then proceed with the extension.

There is no dispute that the west front is deteriorating. Emergency repairs have been made and I am confident the Congress will provide such funds as may be needed for further shoring of the west wall.

There is, however, a continuing dispute over the permanent work that should be undertaken. The controversy boils down to extension versus restoration of the deteriorated west wall of our Nation's most important shrine.

The Architect of the Capitol has recommended a large extension of the west front.

Under his plan, the middle section with the columns would come forward about 44 feet. The adjoining segments would be extended 88 feet; the sections connecting the central port of the Capitol to the House and Senate wings, 56 feet.

By comparison, the east front, whose extension I and others vigorously opposed, was extended 32½ feet.

The proposed extension of the west front is no small undertaking. Four and one-half acres of floor space will be added to the Capitol under the Architect's plan. This will include two dining rooms; two cafeterias, two auditoriums, 38 rest rooms, eight elevators, two escalators and a total of 98 offices.

Do we need all or any of this to keep the west wall of the Capitol from falling down?

The cost of this proposal has been calculated at about $45 million. But judging from the escalation of costs in building the Rayburn Building, the final price tag on the west front is likely to be far higher.

I do not know about the House, but the Senate certainly needs more working space. But is the only way to get it to dismember the west front and add some acres of unneeded facilities?

No detailed study has been made of restoring the west front as opposed to extending it.

The Architect does tell us that by his calculations, restoration would cost between $10 million and $50 million. To me this big spread in his estimate is an admission that he really has no idea as to what the cost will be.

On the other hand, the American Institute of Architects believes the spread would be no more than $10 to $20 million. The AIA further believes that a long-lasting restoration job can be accomplished, and should be undertaken.

Why restoration?

In testifying before the House Appropriations Subcommittee on Legislative Appropriations, Francis Lethbridge, vice president of the AIA, urged avoidance of west front extension:

"Which will erase the last externally visible work of the great pioneers of Federal architecture, William Thornton, Benjamin Latrobe, and Charles Bulfinch;

"Which will alter the noble terraces planned by Frederick Law Olmstead, the dean of American landscape architecture; and

"Which will obscure a significant chapter of this country's cultural history, burying forever the last remaining walls of the Capitol that date back to the founding of the republic."

Mr. President, today as never before, the public is rightly concerned about its environment. Around us air and water are fouled; noise proliferates; parks and open space are swallowed up.

The tangible evidence of our history is as much a part of our environment as all the rest. Our lives are enriched by visits to the places that recall for us the names, events, and ideas which shaped the growth of our Nation.

To alter or destroy an historical structure is as much a desecration of the environment as to fill in a marsh or run a freeway through an established neighborhood.

I predict that if the Congress grants the Architect the planning funds he has requested, this will be a downpayment on the extension of our Capitol. There will be no turning back.

Extending the west front of the Capitol must be held off until we know whether restoration is a possibility. I urge the adoption of our amendment for this purpose.

Mr. PROXMIRE. Mr. President, will the Senator yield, so that I may ask for the yeas and nays?

Mr. CASE. I am happy to yield to the Senator for that purpose.

Mr. PROXMIRE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MONTOYA. Mr. President, I believe it to be apropos and, indeed, essential for me to state here that the funding provided, and the conditions placed on the funding, do not necessarily place the Senate, or even Congress, on record as approving or giving the green light for extension of the Capitol. I want that clearly understood. The Appropriations Committee certainly wants to continue to look at this picture. That is why we have outlined the specific procedure to travel two roads. Some people may call that impractical. Others may call it impotent. But in view of the background and the exigencies of the situation, and the uncontroverted evidence that is in the record, I feel that the Appropriations Committee is traveling a very safe route in making this recommendation.

First of all, the restructuring or extension of the central part of the west front of the Capitol was authorized by Congress a number of years ago. Many studies have been made, and pursuant to a mandate from Congress and the proper funding to carry out that mandate, the Commission for the Extension of the Capitol entered into a contract with one of the fine engineering firms of this country, Thompson, Lichtner, & Co., of Massachusetts, and that company was instructed to look at the makeup of the west front and to make a determination as to whether or not we should proceed along the route of restoration, or proceed with extension.

The firm of Thompson, Lichtner & Co. proceeded to do what had to be done to make the determination. They filled five volumes with reports of scientific findings resulting from core borings of the walls, taking out samples of the sandstone and the material that was behind the sandstone, and then the rubble wall in the interior, and, based upon the findings, they came to the conclusion that restoration was not feasible, and extension was recommended.

I want it clearly understood, Mr. President, that I am not standing here defending extension, nor am I standing here saying that restoration is feasible. What I am saying is that we have expended thousands upon thousands of dollars. We have entrusted a very capable Commission with the task of informing us as to what we should do. That Commission has unanimously stated to us that extension is the proper route.

I should mention the members who approved it. I refer to Speaker McCORMACK, Vice President AGNEW, the late Senator Dirksen, Representative FORD, and the Architect of the Capitol. These are the members of the Capitol Extension Commission.

They have directed that the Commission ask for an initial appropriation of $2 million for the purpose of drawing up plans and specifications to proceed with the extension of this work. That is what we had pending in the subcommittee when we began the consideration of this problem.

We examined many witnesses along these lines. We went into the matter in depth. The witnesses who based their information and conclusions upon actual probing of the structure testified that restoration was not feasible. They recommended that we proceed with extension.

They also stated that we could not get the sandstone that is presently in the exterior of the west front since the quarries are extinct. They said, however, that we might possibly get some limestone. However, that was not conclusive, either.

It was pointed out that that would not cure the sagging of that west wall and would not prevent the necessity of propping up the west side of the Capitol. The only feasible way of propping up the west side of the Capitol was through an extension which would be strong enough to hold the Capitol in place and keep it from sagging any further.

It was testified that the Capitol was sagging at the rate of one-fourth of an inch a year based on last year's study, that it would prove dangerous to people eventually and that the present makeup of the wall had suffered from so much moisture and so much decadence that even shoring it up would not insure against further cracking and that this type of decadence would cause that side of the Capitol to collapse.

I am just relating what we had to contend with. So, in a spirit of trying to exact all the information and trying to give the so-called restorationists a chance, I ordered a hearing so that those who espoused restoration could come in and testify. We invited the different schools of thought who had been in touch with us. We asked the AIA to come in. And they came in with a committee of architects.

The sum and substance of their testimony was that they had looked at the findings as well as the report furnished and compiled by the Thompson, Lichtner & Co. On the basis of this report they felt that there should be a study with respect to the feasibility of restoration.

I then suggested during the course of my cross-examination that perhaps an independent agency could launch this separate study since they felt that Thompson, Lichtner & Co., being under the dominion or instruction or domination, as they said, of the architect, would not have findings that would conclusively prove that they were not prejudiced.

They suggested upon further questioning the National Park Service. It was pointed out that they had the capability to conduct this study.

It was then, in order to please the so-called restorationists and to bring justice to this situation and to provide for a complete study by both sides—those who wanted extension and those who now without foundation and study plead for restoration—that we evolved the idea of going on these two roads—namely, not to delay the plans and specifications route, but to take enough money out of that initial request to provide for a study to be conducted by the National Park Service or under its direction by someone else with respect to the feasibility of restoration. That is how we arrived at this solution.

We have not in our report or in our pronouncement stated that we endorse the extension of the west front. I personally want to reserve my judgment on further funding for extension pending the study on restoration.

I think that every Senator who supports the appropriation in its dual role or with its dual thrust feels the same way.

We are not endorsing extension of the Capitol. Surely I think all of us want the initial structure preserved if it can be done. I do, and I think I have voted in the past to preserve the west side of the Capitol. However, the decision we have to make is not whether we want to vent our patriotism for this sacred seat of government. The decision we have to make is whether we want to be practical in view of the exigencies of the occasion.

That is why I think it is apropos to say that throughout the history of the Capitol there has been controversy over every extension and the innovation of every structural change. From the beginning up to the present date, the Capitol has not been free from controversy.

The only remaining part of the initial structure or facade of the initial structure is the west front. It is in disharmony at the present time with the construction of the Senate and the House wings. It is out of scale. And certainly the pediment under the dome is out of harmony with the dome and with the rest of the structure.

These things have to be done. Whether they should be done now, I do not know. Whether extension versus restoration is now in order, I cannot say. All I can say is that we authorized extension and entrusted the Capitol Extension Commission with authority to make the initial steps in that direction. And we are now in effect saying, "You can plan on a suggested basis, but be sure to provide in your contract for plans and specifications that if restoration is found to be feasible and Congress decides that restoration is the route that we should take, then you, the Commission, be prepared to say, "We suspend the contract for plans and specifications at this point, and now we will take a look at restoration and go back to the committee, back to Congress, for a new determination."

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. MONTOYA. I yield.

Mr. PEARSON. Mr. President, I do not know anyone who has worked harder or has made a greater contribution to try to throw some light on a situation that is filled with confusion and conflict of testimony and doubt than the chairman of this subcommittee.

At the time of our conference, the subcommittee's conference, I think it was the chairman's proposal, to satisfy those who felt that the proper study for restoration had not been made, that there was a middle way, a center ground, and that was to proceed with, as it turned out, $1,750,000 for plans and specifications for the extension, pursuant to the authorization, but then to set aside $250,000 for a study and plans for the restoration.

At that time I raised some objection. It seemed to me that the two-road course was not the most feasible thing to do. To have $1,750,000 expended during the next fiscal year for plans and specifications in one direction and to go with

$250,000 in another direction seemed to cause great doubt and disturbance on my part. The subcommittee reported an authorization for extension and sent it to the full committee. Even greater responsibilities on my part at that time prevented me from remaining in the full committee that morning; and I found, by the report and by my conversations with the chairman, that the dual-road concept had been accepted. I still find it extremely difficult to accept—to go both ways at the same time.

If the $250,000 study turns out to be correct, the $1,750,000 is wasted. If the original authorization of $1,750,000 turns out to be the correct way to go, we have wasted $250,000. Frankly, I think there is still doubt in the subcommittee and in the Appropriations Committee to accept the dual-road concept and that we had better halt here and find some way to find the single road to joy and to find a route of more rationality.

I dislike to differ with my chairman on this. My respect is unlimited for his understanding and for the effort he has made. It just seems to me that this particular procedure is not in the best interests of proceeding on this project.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. MONTOYA. I yield.

Mr. YOUNG of North Dakota. Mr. President, I suppose the popular way would be to argue, for sentimental reasons, to restore the wall no matter what the cost. I listened to the testimony, and there was no indication whether it would cost $10 million or $50 million. If it would cost $5, $10, or $15 million, and that was all, I think I would prefer the restoration. But, so long as we are going into a large sum of money, we do need additional facilities, particularly restaurants and restrooms, for the millions of visitors who have a right to visit the Capitol.

We went through exactly the same arguments with respect to the east extension of the Capitol. There is nothing new about this. The Building Commission has been working on this for more than 5 years. As the chairman has pointed out, they selected Thompson, Lichtner & Co. to investigate this. Dr. Clair, one of their top architects, after studying and evaluating the condition of the west central front for the past 5 years, recommended extension, not restoration, as a proper remedial measure to be taken.

It is difficult to perceive how only a 6-month study by other consultants at this time, as proposed by the AIA, could yield results of comparable reliability, judgment, and dependability as those attained by Dr. Clair after 5 years study and vigilance.

Dr. Clair's findings and recommendations have been reviewed and concurred in by Speaker McCORMACK, Vice President AGNEW, the late Senator Dirksen, Representative FORD, and the Architect of the Capitol as members of the Capitol Extension Commission; by four architects retained at the direction of the Commission to prepare plans for the extension—two are Fellows and two members of the American Institute of Architects; by two architects—both Fellows of the AIA—and one landscape architect retained at the direction of the Commission to act as advisory architects for the project; by the Assistant Architect of the Capitol who is an authority on restoration and served for 8 years as director of architecture at Williamsburg, during which time he was responsible for all architectural and engineering work required for the Williamsburg restoration project and directed the work of 52 architects, engineers, and research staff. Dr. Clair's recommendations have also been endorsed by the American Society of Registered Architects.

Mr. President, this is really nothing new. It is something we have been studying for 5 years, and we have the recommendations of the leaders of both the House and the Senate and of responsible engineers, and I think the time has come when we should take some action.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. MONTOYA. I yield.

Mr. TYDINGS. Mr. President, I am pleased to cosponsor the amendment deleting the $1.75 million appropriation for plans to extend the west front of the Capitol. I find it rather shocking that such a project, leading eventually to an unnecessary expenditure of over $44 million, is even being considered by Congress.

To embark on this costly project at a time when inflation is ever increasing and when the President himself has ordered a 75-percent cutback in Federal construction new starts is both unnecessary and unwise.

I am completely opposed to it.

Across the country the effectiveness and, indeed, the very legitimacy of our institutions of government are being criticized and questioned by young and old alike. To appropriate these planning funds, to approve the first step of a massive boondoggle—and the expenditure of $44 million on the west front extension is nothing less—would only confirm their suspicions that Congress acts wholly irresponsibly.

Instead of going ahead with the extension plans, we should first thoroughly study the alternative of restoring the Capitol's west front. This is the course of action recommended by the American Institute of Architects. It would adequately cover the repair work that the front admittedly needs and is by far the commonsense approach.

Through neglect and age the west front is now in a state of disrepair. As the AIA report on conditions of the west front of the Capitol states:

> Numerous cracks are in evidence on the exterior of the building. Some window lintels and keystones have cracked and slipped. Several of the architrave stones have sagged. The foundations, at some points, are not far enough below the finish grade to escape frost damage. However, none of the defects appear to indicate that danger of collapse is imminent or that correction is impracticable.

The report clearly indicates that a massive rebuilding effort to extend the Capitol westward is, architecturally speaking, not required. What is required is to restore the condition of the west front so that its structural weaknesses are corrected and its facade preserved. Modern technology now permits us to do this, and at considerably less expense than the proposed extension.

The amendment we are now considering leaves in the $250,000 provided by the bill for a restoration study to be carried out by the National Park Service. This would give us an idea of exactly what needs to be done to restore the west front and at what cost. It is the only sensible way to proceed.

Should this study reveal that restoration is, in fact, not possible, we can then consider other approaches to repairing the west front. But to leap forward now on a massive extension effort without first even exploring the feasibility of restoration is, quite frankly, irresponsible.

As a matter of public policy, I am strongly opposed to extending the Capitol's west front without first attempting to restore it to its original condition. There are three basic reasons why I favor such restoration and oppose extending the west front.

First. The cost of this extension will be approximately $44 million. The AIA estimates that restoration will run about $10 million. The difference of $34 million would be better spent on housing, conservation, mass transit, or other more worthwhile projects.

Extending the west front will cost $166 per square foot of floor space. This is five times what the Rayburn Building cost and that is the most expensive public building ever. It is three times what a modern office building costs and almost twice the cost of a well-equipped modern hospital.

To spend $44 million on this project at the present time simply makes no sense.

It borders on sheer lunacy when you consider that the extension will probably cost more than $44 million. The Architect of the Capitol, who seeks the west front's extension and provided us with the $44 million estimate, underestimated the cost of the Rayburn Building by $35 million. It is not a good precedent.

Evidently the Defense Department is not the only Government body troubled by cost overruns.

Second. Extending the west front will remove from sight the last remaining wall of the original Capitol Building. It will destroy a wall built in the time of Adams and Madison. The Capitol is more than just a roof over the heads of Federal legislators. It is a symbol of our commitment to democracy and a reminder of our proud heritage. The west front has significant historical value and must not be tampered with, unless it is absolutely necessary. Such necessity has yet to be shown.

Third. The simple fact is that the extension is not required. Do we truly need the cafeterias, restrooms, auditoriums, and additional office space that extending the west front will bring? The answer is definitely "No," particularly in view of the Visitor's Center now being constructed at Union Station within walking distance of the Capitol. And even if the answer were "Yes," should such facilities be provided in the Capitol? Here again the answer is "No." The primary purpose of the Capitol is to provide space for floor consideration of legislation and directly related activities. It is not to provide for omnibus activities only indirectly concerned with this legislation. Again, even if the answer to this second question were "Yes," should such facilities be constructed now when the President has called for fiscal restraint to curb inflation? The answer is "No," and for obvious reasons.

The legislative branch of Government has directed the executive branch to restrain its spending. To be truly equal, it should practice such restraint itself, and I can think of no better project on which to curb spending than this one.

Mr. President, I urge my colleagues to support the amendment and oppose the appropriation of $1.75 million for planning the extension of the west front of the Capitol.

I ask unanimous consent that the following editorials be printed in the RECORD: "Affront to the Capitol," appearing in the New York Times on October 21; "Capitol Crime," appearing in the New York Times on October 6; and "Can the West Front Be Restored?" appearing in the Washington Post on September 17.

There being no objections, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 21, 1969]

AFFRONT TO THE CAPITOL

The Senate, in an excess of diplomatic zeal, is doing its best to have it both ways on the West Front of the Capitol. According to the Appropriations bill due on the Senate floor, $1.75 million of the $2 million already appropriated by the House would be voted to start work on the extravagantly unnecessary expansion scheme favored by Mr. Stewart, the nonarchitect of the Capitol. At the same time $250,000 would be appropriated for a study by the National Park Service on the feasibility of restoring the West Front.

That is certainly a glorious contradiction in terms and a superb double-headed political ploy—$250,000 for preservation and $1.75 million for destruction—take your choice. The $1.75 million would just be the push to get the ball rolling on a grotesque $45-million rebuilding scheme that could rise to $70 million without even trying. It is a proposal to which the professional world of architects, historians and environmentalists and a large number of thinking and feeling citizens are violently opposed. It enjoys favor with few except the architect of the Capitol and his architects who will do the job.

The Senate could demonstrate a fine sense of economy and art by eliminating the $1.75 million and voting only the $250,000 to the Park Service for an immediate preservation study. This is one case where the issue is clear: Spare Mr. Stewart's feelings or spare the Capitol.

[From the Washington (D.C.) Post
Sept. 17, 1969]

CAN THE WEST FRONT BE RESTORED?

It was hardly surprising that the House Appropriations Committee voted $2 million for the preparation of plans for an extension of the West Front of the Capitol. It is hard for members of the House to turn down an urgent plea from their Speaker. But is will be a sad day—for the House, for history, and for common sense—if the appropriation is approved as it now stands when it comes before the full House this week.

Speaker McCormack may well be right when he says that something must be done about the deterioration in the Capitol's west wall. Certainly the wooden braces and the evidence of surface decay indicates that some sort of action is needed. But that something is not necessarily an addition to the building that would cost at least $45 million, would alter the handsome terraces planned by Frederick Law Olmstead, and would wipe out the last remaining walls of a building that withstood the efforts of the British to destroy it a century and a half ago. Before taking such a step, Congress ought to be sure that no other solution to the problem of deterioriation is feasible. It would ask no less from a government agency that sought to expand any of the historically important buildings under its control.

The proper steps for Congress to take this year are to appropriate funds to have a study made of the possibilities for restoration and to establish a commission of prominent architects, historians and others to work out a long-range development program for the Capitol grounds. The American Institute of Architects, whose members know far more about the problems of restoration and construction than do any of the members of the existing Commission for Extension of the United States Capitol, is arguing that restoration can be done with sandstone from the same quarry from which the original walls were built. Although that group concedes it does not have the money to make a thorough study on its own, surely its recommendations are entitled to more weight than the *ipse dixit* of the Capitol's non-architect, J. George Stewart, that restoration is too difficult and too expensive to undertake. Only a careful study by experts—and these are not likely to be found on Capitol Hill—can settle the question of whether restoration is feasible. Without knowing the answer to that question, Congress can vote for an extension of the West Front only if it ignores both history and common sense.

[From the New York Times, Oct. 6, 1969]

CAPITOL CRIME

The so-called Architect of the Capitol, backed by an unthinking House, proposes to keep the nation's prime historic monument from falling down by erecting a $45-million extension for the most ludicrously expensive restaurant, cafeteria and hideaway office space in the world—and all of it behind a new and preposterous false front.

It must be made clear—since it is being deliberately muddled in Congressional minds—that there are other, more sensible, appropriate and less costly ways to hold up the walls, and more responsible ways to get that space. The dome will not come tumbling down around legislators' ears as the only alternative to the present plan. The West Front obviously needs strengthening and restoration immediately. But that is all it needs, and all it should have, in the interest of historical and esthetic integrity.

Professionals have shouted themselves hoarse in the face of the elaborate schemes and reports from the office of the non-Architect of the Capitol, whose ossified imperial style and dogged amateur taste must be giving his distinguished predecessors, Bulfinch and Latrobe, sepulchral fits. But the amateurs on Capitol Hill go right ahead.

The House has already voted $2 million to start the $45 million attack. That $2 million is exactly the sum of the first year's authorization of the Historic Preservation Act of 1966. The $32 million authorized by the Preservation Act for a three-year period is less for the whole country's heritage than the cost of the Capitol mutilation alone.

In the light of this Congressional delinquency toward historic preservation, Congressional generosity toward historic destruction is even more appalling. It is doubly appalling after the murder and embalming of the East Front, under the same auspices. The Senate can take corrective action now by backing the most direct kind of restoration. This would cost about $10 million, according to the American Institute of Architects, or less than one quarter the cost of the extension.

The Capitol is a public building, not a private club. It belongs to the nation. It will not be served by the profligate distortion of history and art.

Mr. TYDINGS. Is it not a fact that the cost of the extension could ultimately be many millions of dollars more than the restoration?

Mr. MONTOYA. On the cost of restoration the AIA estimated——

Mr. TYDINGS. For the RECORD, what is the AIA?

Mr. MONTOYA. The American Institute of Architects, who appeared before the committee. They testified that the cost of restoration could be between $10 and $20 million.

Mr. TYDINGS. $10 to $20 million?

Mr. MONTOYA. The people from the Capitol Architect's Office testified that the cost of restoration could range from $10 to $50 million. The other figure was $10 to $20 million.

Mr. TYDINGS. The Office of the Architect of the Capitol?

Mr. MONTOYA. Yes. Mr. Campioli testified to that.

Mr. TYDINGS. But the American Institute of Architects testified that it could cost as much as $10 million, but in no circumstances over $20 million. Is that not their testimony?

Mr. MONTOYA. I think that is correct.

May I say something else, too, along those lines. It was agreed by both sides that if we decided to go the route of restoration, no contractor would take it in a bid basis, that it would have to be on a cost-plus basis.

Mr. TYDINGS. Who decided that?

Mr. MONTOYA. The witnesses on both sides. I posed that question. And that restoration would have to go on a cost-plus basis.

Mr. TYDINGS. My first question to the Senator from New Mexico is this: Is it not a fact that the extension of the west front could cost the taxpayers of the United States many millions of dollars more than the restoration?

Mr. MONTOYA. Yes.

Mr. TYDINGS. It is a fact.

Mr. MONTOYA. Yes. I agree with the Senator from Maryland.

Mr. TYDINGS. Is it not a fact that every time the Architect of the Capitol has revised his figures on the cost of the extension, he has increased it by as much as $3 or $6 million, until today, although the original estimate was in the $17 million range, it is now up in the $40 million range?

Mr. MONTOYA. It is now $45 million.

Mr. TYDINGS. What was the Architect's original estimate of the cost of the Rayburn Building?

Mr. MONTOYA. We developed that in the hearings, too.

Mr. TYDINGS. Was that not the same——

Mr. MONTOYA. I might state in all fairness that the reason for the increase has been that the cost of construction has escalated at the compounded rate of 7 percent per year.

Mr. TYDINGS. Correct.

Mr. MONTOYA. The $45 million figure is an escalated compounded figure up to the time of concluding the construction.

Mr. TYDINGS. Correct. Yet how much is that $45 million going to escalate before the extension is finished? Is it going to escalate like the figure of the Architect of the Capitol on the Rayburn Building?

Mr. MONTOYA. Under today's inflated prices—and I do not mean to be partisan—the cost of public construction is escalating at the rate of 1 percent per month.

Mr. TYDINGS. So when the Senator asks the Senate today to embark upon a program of spending $44 million of the taxpayers' funds for an extension of the west front rather than on restoration, the Senator is saying that in addition to that $44 million the taxpayers are going to have to pay in addition an amount equivalent to 1 percent per month depending on how long it takes to build it.

Mr. MONTOYA. I do not think the Senator fully understands what I said. I said the $45 million as of today took into consideration a 7-percent annual increase during the course of construction and up to the time of concluding construction.

Mr. TYDINGS. So it is the Senator's feeling that this $44 million figure is a top figure.

Mr. MONTOYA. As of today.

Mr. TYDINGS. And the Senator is relying on the Architect of the Capitol. Is that right? Is that who the Senator is relying on?

Mr. MONTOYA. Yes, but I am relying on all the witnesses who testified to that figure.

Mr. TYDINGS. For the RECORD, what was the top figure of the Architect of the Capitol when the Congress passed the appropriation for the plans, the working plans, for the Rayburn Building?

Mr. MONTOYA. I do not have those figures offhand, but I want to say that the cost of the east front——

Mr. TYDINGS. I wish to refresh the Senator's recollection. Would the Senator agree it was $34 million under the final cost?

Mr. MONTOYA. But the cost of the east front of the Capitol was estimated at $10 million and the final cost came to $11.5 million or thereabouts.

Mr. TYDINGS. Now, let us discuss the so-called survey or study which the Architect of the Capitol had made which resulted in the testimony that we go ahead with extension rather than restoration. Is it not a fact that the Architect of the Capitol picked that firm himself without any consultation whatever with the American Institute of Architects?

Mr. MONTOYA. The Commission on Extension of the Capitol picked this firm.

Mr. TYDINGS. But as a practical matter, was it not the Architect of the Capitol himself who picked that firm?

Mr. MONTOYA. I could not answer that with any degree of authority.

Mr. TYDINGS. Is it not a fact that that firm knew what they were supposed to come back with the day they were picked? There was never any question in the mind of the Architect of the Capitol but that that firm would come back with a recommendation to go ahead with extension rather than restoration, was there?

Mr. MONTOYA. The Senator is asking me to become an expert witness.

Mr. TYDINGS. The Senator presided over the hearings. The Senator was there.

Mr. MONTOYA. The Senator is asking me to give an opinion which is not based on any facts that were before the committee.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. TYDINGS. Will the Senator take the word of one firm, which was paid $33,000 by the Architect of the Capitol, who had already stated publicly what he wanted, against the weight of authority of the AIA with respect to what was feasible?

Mr. MONTOYA. I am sorry the Senator missed my allusion to this point in my presentation a few minutes ago. I stated that because certain parties felt aggrieved that this report might have a taint of prejudice, we thought it proper to commission or direct the commissioning of a separate agency to conduct this survey, and that is the very thrust of our alternate plan here today.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. MONTOYA. I yield.

Mr. PEARSON. Mr. President, I wish to point out that although I am in sympathy with some of the positions developed by the distinguished Senator from Maryland, there might not be anything evil or deceptive in the hiring of a firm wherein the inference was that they were to go out and come back with some study relative to extension. The truth is that Congress authorized this extension in 1955.

Mr. TYDINGS. That is the point I was trying to make. They were ordered to do what they did.

Mr. PEARSON. I am not sure they were ordered to do what they did.

Mr. TYDINGS. That was the question I was trying to develop. The firm was given a job to do and they did it. I say they knew what they were supposed to do.

Mr. PEARSON. The matter I am directing attention to is that it might not be deception.

Mr. TYDINGS. Not deception.

Mr. PEARSON. It might be in relation to what Congress already authorized.

Mr. TYDINGS. I do not know about Congress, but it was directly in relationship to what the Commission told them to do, and that is what I was trying to develop.

Mr. MONTOYA. I want to say in fairness to the Commission that it is my belief the Commission did not tell this firm, "Go out and get us a report for extension of the Capitol." If that is what the Senator is trying to get me to admit, I will not admit it. I think this is a prestigious commission. I think the testimony will show that this firm went out to probe into the structure of the Capitol and it was to come back with a comprehensive report showing whether or not restoration was feasible; and they did come back with a comprehensive report on that point, which has not been rebutted except for opinion evidence on the part of the AIA.

Mr. TYDINGS. I wish to follow along the lines of the suggestion of the distinguished Senator from Kansas because I think he went to the heart of the matter. I did not want to give the impression that I felt the firm was doing anything devious.

I was asking the Senator if they were not given a job to do, namely, to come back in favor of extension rather than restoration.

Mr. MONTOYA. Before the Senator goes further, I wish to read from the report of Thompson & Lichtner.

Mr. TYDINGS. What page is that on?

Mr. MONTOYA. Page 558 of the hearing record.

In dispatching the five volumes entitled "Report on the Structural Condition of the West Central Portion of the United States Capitol" they stated:

> Upon completion of examinations, analyses, and studies, together with recommendations with respect to such remedial measures as may be deemed necessary, including recommendations as to (1) whether the existing wall, if found deficient, can be repaired in its present condition, (2) whether the existing wall can be refaced with marble in its present condition, (3) whether remedial action requires extension of the west central front and its reconstruction in marble, or (4) whether any other means of preservation are deemed feasible and advisable.

I think that should indicate that this firm had been instructed to probe into every facet of feasibility with regard to the west front.

Mr. TYDINGS. How does the Senator account for the fact that already, as of March 21, 1967, $240,000 had been spent on the preparation of preliminary plans and estimates for the west front extension?

Does the Senator mean to tell me that he thinks the Architect of the Capitol did not tell this firm he wanted to go ahead with the extension already having spent almost a quarter of a million dollars on preliminary plans for an extension? It does not make sense. Preliminary plans and specs imply construction and approval of a project.

One final question to the Senator from New Mexico. How can the Senator justify, in a period of time like this, with so much inflation, going ahead with an extension which admittedly, by the testimony in the Senator's own hearings, can cost as much as $20 million more than restoration? How does the Senator justify it?

Mr. MONTOYA. In the first place, I have stated here that neither I nor any member of the Appropriations Committee, in voting for the alternative procedure, went on record as favoring extension. I so state that to the Senator from Maryland. I so stated that in my preliminary remarks.

We are trying to find out what course we should take in the future.

Mr. BYRD of West Virginia. Mr. President, will the Senator from New Mexico yield at that point?

Mr. MONTOYA. I yield.

Mr. BYRD of West Virginia. The Senator from New Mexico so stated during the markup of the bill in the Appropriations Committee. He made that very clear.

Mr. MONTOYA. That is correct.

Mr. TYDINGS. How does it follow,

when in 1967 we first appropriated $240,000 for preliminary plans for the extension, that now we ask for $1.75 million for continuation of these plans? I just do not see how we can say we are still—we have not made a decision to go ahead with construction. I think we should study the feasibility of restoration rather than proceed with the second step, the $240,000 I mentioned being the first, of construction which this planning money represents.

Mr. MONTOYA. Let me answer the Senator from Maryland. The House provided for that appropriation in 1967.

Mr. TYDINGS. Yes.

Mr. MONTOYA. The Senate struck it out.

Mr. TYDINGS. The $240,000?

Mr. MONTOYA. Yes.

Mr. TYDINGS. That was $240,000 which they went ahead and spent, relating to preliminary plans for an extension.

Mr. MONTOYA. That was stricken out by the Senate. It then went back to conference.

Mr. TYDINGS. It was passed and spent.

Mr. MONTOYA. Right.

Mr. TYDINGS. Here we are again on the next step, spending almost $2 million on it. What difference does it make? We are nibbling away at it. It is difficult for me to justify the expenditure of such a tremendous amount of funds for extension of the west front in view of the present inflation and the heavy taxes the people of this country are already paying today.

Mr. MONTOYA. There is no money in here for construction, I want the Senator to know.

Mr. TYDINGS. I know, but we have already spent $240,000. Now we come back with $1.75 million, and each time we nibble away a little more, it is another victory for the Architect of the Capitol, and another step closer to the ultimate expenditure of what the Capitol Architect says will be $44 million. Planning is part and parcel of construction and by approving planning money we are, in effect, approving construction. I do not believe for 1 minute that the architect is right with his estimate. He is not going to be any more accurate on the extension of the west front than he was on the Rayburn Building.

I think the Senator will recall this, that if it goes through, it will cost substantially more than $45 million, even though this is more than $20 million over the cost of restoration. I do not see how we can keep going forward with it.

Mr. BYRD of West Virginia. Mr. President, will the Senator from New Mexico yield?

Mr. MONTOYA. I yield.

Mr. BYRD of West Virginia. I have not listened to all of the debate this afternoon, but I heard it during the markup in the Appropriation Committee, and it is my understanding that it is the Senator's position that he is not advocating extension of the west front.

Mr. MONTOYA. That is correct.

Mr. BYRD of West Virginia. He is not advocating restoration.

Mr. MONTOYA. That is correct.

Mr. BYRD of West Virginia. He is not advocating either in preference to the other. He is simply advocating that we appropriate some money for the survey, and then make our decision on the basis of the result of that survey. In the meantime, money for planning an extension would be in the bill in the event the survey so recommends.

Mr. MONTOYA. That is correct.

Mr. TYDINGS. I have the greatest respect for the distinguished Senator from West Virginia but when we appropriate money to go ahead and build, money which goes toward building the west front, whether we are for it or against it, when we vote "yea" for the appropriation, we are taking a step in that direction.

Mr. BYRD of West Virginia. He is not doing that. The bill does not appropriate money for the building of——

Mr. TYDINGS. We are appropriating money relating to the preparation of plans for the extension of the Capitol. Any way we cut it, we are spending money. It may not be for actual construction, but it is money that has to be spent to extend the west front of the Capitol. We can say we have not taken a position but when we vote "yea" to spend that money, but we are taking a position so far as the taxpayers are concerned.

Mr. BYRD of West Virginia. Mr. President, I intend to vote, as the Senator will, for the Proxmire amendment, but I do not want the position of the Senator from New Mexico to be misunderstood here.

Mr. TYDINGS. I asked the distinguished Senator from New Mexico before whether he was for or against the amendment, because I was not certain. It is difficult to determine. If we vote aye for the expenditure of money on a project that we are not in favor of——

Mr. MONTOYA. Let me say to the Senator from Maryland that while part of this money is to be used for plans and specificatons, it will be used for any restoration that is found to be in order also.

Mr. President, I yield the floor.

Mr. ELLENDER. Mr. President, many of the points I had intended to make already have been presented to the Senate during this debate.

I can well recall during the 80th Congress, when Congress provided for the construction of the New Senate Office Building, that I fought the program for about 9 years. I proposed at the time that we extend the east front of the Capitol and thereby provide enough space so that Senators who were really in need of space could obtain it. I felt we could more or less kill two birds with one stone, and effect a saving for the taxpayers. I also suggested that in order to take care of Senators who needed space, we should use every available spot in the Old Senate Office Building so as to provide it.

My idea was to use the old Senate Office Building and the extension of the east front to provide the needed space. But we ended up in doing all three of the actions that were proposed. We have used every available space in the Old Senate Office Building, we extended the eastern front of the Capitol where 50-some offices were provided, and we built a new Senate Office Building.

Today, 10 years later, we are being asked to extend the west front of the Capitol and provide not 98 offices, as my good friend from Wisconsin stated, but 115 offices, according to the committee hearings. It has been my observation here, since I came to Capitol Hill, that more space begets more employees. That can easily be demonstrated. As a matter of fact, I will do it through an amendment which I shall propose in a few minutes, after we vote.

Mr. President, there is no doubt in my mind that the $1.75 million the committee has provided in the bill is not only to study the feasibility of an extension, but to provide specifications for the construction of an addition to the west side of the Capitol. We are staring down the exhaust pipes of the bulldozers.

I think it would be a shame for us to provide for an extension of the Capitol because, as was said by my good friend from New Mexico, some of the architects believe that it is necessary for us to do so in order to hold the walls where they now are. That is the position taken by some of the architects. Others take a different position.

It seems to me that, with the knowledge we have already gathered from various reports made by famous engineers, the restoration of the Capitol is feasible, and that we should proceed in that direction. At least we should not rush hurriedly along the opposite path.

One of the arguments made for extending the Capitol is to provide more room to take care of the visitors at the Capitol and to provide them with more restaurants. When the extension of the eastern part of the Capitol was suggested, I tried to provide for restaurants to be built in the basement of the new extension, so that the cost to the taxpayers for operating the restaurants could be reduced. The idea I had in mind was for Representatives and Senators to use the same space.

There is no doubt in my own mind that if it were possible to have one restaurant for all Senators and all Representatives, and have it large enough to accommodate visitors, we could save a lot of money. Why do I say that? As Senators know, we have restaurants in the New Senate Office Building, in the Old Senate Office Building, and in the Capitol; It costs the taxpayers of this Nation an annual subsidy of $497,000 to operate those restaurants. Add another restaurant or two, and the subsidy might be increased to $700,000 or $800,000. There seems to be no end to it.

As far as I am concerned, I shall support the pending amendment. It is the same amendment I submitted to the committee before the bill was reported to the Senate. I joined my good friend from Wisconsin (Mr. PROXMIRE) as a cosponsor, and I hope the amendment passes.

Just as surely as the Senate votes to provide $1.75 million to prepare plans and specifications for the expansion of the west side of the Capitol, that is the course which will be taken. I would much prefer that we proceed to spend $250,000, or even more if necessary, to study plans, not to extend, but to restore the present structure. In that way we can save millions of dollars for the taxpayers.

I doubt that the cost of restoring the west side of the Capitol would be more than $20 million to $30 million, as compared with perhaps $75 million or $100 million for an extension.

I ask unanimous consent to place in the RECORD at this point a list of the offices and storerooms, and what have you, that will be provided for if the restoration is made. That data is included on pages 522 and 523 of the hearings. It will indicate the 115 offices I spoke about earlier.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Detail of rooms, areas, and facilities by floors

Subbasement:	
Visitors' auditorium (400 seats each)	2
Information and exhibition lobby	1
Storage areas	6
Service docks	2
Public lobby	1
Mechanical equipment rooms	2
Service elevators	4
Stairs	7
Escalator	1
Basement:	
Cafeterias (300 seats each)	2
Foyers	2
Dining rooms (270 seats each side)	2
Kitchens (with pantry)	2
Storage rooms	2
Offices	10
Mechanical equipment rooms	2
Women's toilets	2
Men's toilets	2
Passenger elevators	4
Service elevators	4
Stairs	2
Private dining rooms	2
First floor:	
Committee room	1
Conference room	1
Offices	25
Stairs	2
Storage rooms	6
Women's toilets	2
Men's toilets	2
Private toilets	7
Passenger elevators	4
Service elevators	2
Principal floor:	
Subcommitte room	1
Offices	27
Storage room	1
Women's toilets	2
Men's toilets	2
Private toilets	12
Passenger elevators	4
Service elevators	2
Stairs	2
Gallery floor:	
Subcommittee room	1
Joint conference room	1
Offices	27
Women's toilets	2
Men's toilets	2
Private toilets	2
Passenger elevators	4
Service elevators	2
Stairs	2
Document room	1
Attic floor:	
Document room	1
Offices	26
Mechanical equipment rooms	3
Women's toilets	2
Men's toilets	2
Storage rooms	2
Passenger elevators	2
Service elevators	2
Stairs	2
Electrical machine rooms	2

Mr. ELLENDER. As was stated during the debate, we are soon going to spend from $20 to $40 million to restore Union Station, just a few blocks from here. Many facilities will be provided that will be attractive to tourists who come to see the Capital. In that structure we will be able to provide for large restaurant space. I daresay that the restaurant space will be used in such manner that the Government will not have to subsidize any part of it.

Mr. President, I repeat, if we build this structure, as will be done if we provide money for the drawing of plans and specifications, the subsidy now being paid to operate restaurants in the New and Old Senate Office Buildings and the Capitol will be increased by $250,000 to $300,000, added to the $497,000 subsidy we are now providing to maintain those restaurants.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. WILLIAMS of Delaware. Does the Senator not agree that if we carry out the expansion program and create all the additional rooms and facilities it will be only a matter of time before we have a request for added personnel and staffs to fill the space?

Mr. ELLENDER. That is what I said before. More office space begets more people. There is no doubt about it.

As was pointed out awhile ago, if Senators will look at page 16 of the committees report, they will find we are providing money to purchase more land to construct a third new Senate office building.

This expansion has been going on for quite some time, without good reason. I propose to show that in a few minutes, after we take the vote on the pending amendment. It is my hope to offer an amendment to cut some of the funds that were provided by the committee for additional employees for each Senator.

Mr. WILLIAMS of Delaware. I thank the Senator. I agree with him fully. I know each year he has been waging quite a fight, and I have joined him in it, in trying to cut back the number of subcommittees. We add more and more of them over the years. It seems there is nothing more permanent here than a temporary subcommittee or committee of any kind.

In my 23 years' experience, I have never yet seen one of them disbanded, but instead we create new ones, over and over. I think if we could cut back on some of the subcommittees, we could have a more efficient operation. If we could reduce the size of the staffs, in addition to the cost that would be saved, the Government could operate more efficiently.

Mr. ELLENDER. The Senator has mentioned additional employees. When Congress passed the Reorganization Act of 1946, that act provided for 15 standing committees, and each standing committee was to have six clerical and four specialist employees, making a total of 150 employees for the committees.

But today the number of such employees has increased from the 150 to 685, and if we provide the additional $24,000 for each Senator, we will add to the total number in the Senate from 100 to as many as 150 new employees, employed by the Senators, which will make necessary the construction of a new Senate office building. I do not think that is necessary.

Mr. WILLIAMS of Delaware. I agree with the Senator.

Mr. JORDAN of North Carolina. Mr. President, I should like to make just one observation about the matter of extending the west front. In my opinion, it is unfair to stand on the floor of the Senate and state that the Architect of the Capitol does this, that, or the other thing just on his own initiative, because that is not a fact. We have a West Front Building Commission, which is composed of the Vice President of the United States, the Speaker of the House of Representatives, the minority leader of the House of Representatives, and the minority leader of the Senate—who was, of course, Mr. Dirksen at the time the Commission considered the latest proposal.

Those are people with some responsibility, and they are responsible citizens. I am certain they did not permit the Architect to go out and hire anybody without reason, and that there was no one hired without their knowing about it and concurring in it. I think that should be made clear, when it is said that George Stewart went out and did this or that, and spent so much money. Though I am not a member of the Commission, I know that is not the fact.

Within the last month or two, the Commission has been enlarged to include the majority leader of the Senate and the majority leader of the House of Representatives, making it a seven-member Commission. The two additional members did not have anything to do with the proposal for expansion now under consideration, as it came up before they were added; but that is now the Building Commission on the west front of the Capitol.

I felt that ought to be made plain.

Mr. HOLLINGS. Mr. President, I support the amendment offered by Senators CASE, PROXMIRE, and KENNEDY to strike out the $1.75 million included in the legislative appropriations bill for the extension of the west front of the Capitol. The amendment would not affect funds for a study regarding restoration. I sincerely feel this is the proper approach to this problem since we are all mindful of the present condition of the west front of the Capitol.

Only with adequate information can we intelligently act upon the alternatives. I believe it is encumbent upon this body to proceed on the expenditure of any public funds only when we have all the facts before us. The proposed amendment would permit us to consider the alternatives on a factual basis as opposed to a speculative basis.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 251) of the Senator from Wisconsin. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. McCarthy), and the Senator from Utah (Mr. Moss), are necessarily absent.

I also announce that the Senator from Nevada (Mr. Cannon), the Senator from Missouri (Mr. Eagleton), the Senator from Massachusetts (Mr. Kennedy), the Senator from Rhode Island (Mr. Pell), the Senator from Alabama (Mr. Sparkman), and the Senator from Virginia (Mr. Spong), are absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Cannon), the Senator from Virginia (Mr. Spong), the Senator from Massachusetts (Mr. Kennedy), and the Senator from Oklahoma (Mr. Harris), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. Brooke) and the Senator from South Dakota (Mr. Mundt) are necessarily absent.

The Senator from Kentucky (Mr. Cooper), the Senator from Florida (Mr. Gurney), the Senator from New York (Mr. Javits), the Senator from Illinois (Mr. Percy), the Senator from Alaska (Mr. Stevens) and the Senator from South Carolina (Mr. Thurmond) are absent on official business.

If present and voting, the Senator from Massachusetts (Mr. Brooke) and the Senator from Kentucky (Mr. Cooper) would each vote "yea."

On this vote, the Senator from Illinois (Mr. Percy) is paired with the Senator from South Carolina (Mr. Thurmond). If present and voting, the Senator from Illinois would vote "yea" and the Senator from South Carolina would vote "nay."

The result was announced—yeas 53, nays 24, as follows:

[No. 127 Leg.]

YEAS—53

Allen
Anderson
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Church
Cook
Cranston
Dodd
Dole
Dominick
Ellender
Fannin
Fulbright
Goldwater
Griffin
Hart
Hartke
Holland
Hollings
Inouye
Jackson
Jordan, Idaho
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Ill.
Symington
Talmadge
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

NAYS—24

Aiken
Allott
Baker
Bellmon
Bennett
Boggs
Cotton
Curtis
Fong
Goodell
Gore
Hansen
Hatfield
Hruska
Jordan, N.C.
Long
McClellan
Montoya
Prouty
Russell
Smith, Maine
Stennis
Tower
Young, N. Dak.

NOT VOTING—23

Bayh
Bible
Brooke
Cannon
Cooper
Eagleton
Eastland
Ervin
Gravel
Gurney
Harris
Hughes
Javits
Kennedy
McCarthy
Moss
Mundt
Pell
Sparkman
Spong
Stevens
Thurmond
Percy

So Mr. Proxmire's amendment (No. 251) was agreed to.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the amendment was adopted.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ELLENDER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 5, at the beginning of line 13, strike out "$24,656,608" and in lieu thereof insert "$23,266,792"; and, in line 17, after the word "inhabitants", strike out the colon and the following language:

"*Provided further*, That, effective November 1, 1969, paragraph (1) of section 105(d) of the Legislative Branch Appropriation Act, 1968, as amended (2 U.S.C. 61–1(d)), is amended by increasing each of the amounts in the table therein relating to Senators' clerk hire allowances by $23,652, and paragraph (2)(i) of such section is amended to read as follows: '(i) the salary of two employees may be fixed at gross rates of not more than $23,652 per annum,' ".

Mr. ELLENDER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ELLENDER. Mr. President, I wish to advise the Senate that it will not take very long to explain this amendment, and I hope we can get a vote within the next 10 minutes.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ELLENDER. Mr. President, there have been three recent increases in senatorial clerk hire allowances, which does not include the one we are now considering.

In fiscal year 1965, the Legislative Appropriations Act provided States with population in excess of 17 million an increase in the annual clerk-hire funds of $6,000 basic or $15,190 gross. These States were California and New York. States in excess of 10 million were given an annual increase of $3,000 basic or $7,595 gross.

In fiscal year 1967, the Legislative Appropriations Act provided States with population in excess of 10 million an additional annual clerk-hire allowance of $6,000 on the basic scale. This $6,000 basic amounted to $17,950 gross per annum by fiscal 1967. In the same act, States with more than 3 million but less than 10 million in population were given a $4,020 basic increase which amounted to $12,020 gross. States with a population of less than 3 million were provided an increase of $2,040 basic or $6,100 gross.

In fiscal year 1963, the Legislative Appropriations Act was amended on the Senate floor to grant each Senator an increase in annual clerk-hire funds of $23,400 gross. The so-called basic rate was done away with between fiscal 1967 and fiscal 1968. As a result of the Tydings amendment and the most recent pay raise, each Senator is currently authorized to employ the following employees in the category "top paid personnel": One at not to exceed $31,317; two at $30,003; one at $28,689; one at $23,652; and remainder at $17,520.

A Senator from a State with less than 3 million population, after the July 1, 1969, pay raise is currently authorized to spend $239,805 in personnel staff allowance. This amount increases with the population scale. States with more than 10 million but less than 11 million population, for instance, have an allowance of $324,120. At the top, those States with more than 17 million have a fund of $401,865.

The legislative appropriations bill now before the Senate contains a committee amendment increasing the clerk-hire allowance of each Senator by $23,652.

The argument is now being made that some of the larger States need more additional help. Under existing law, more help is given to Senators with large constituencies. In the pending bill we have provided Senators from a few States that have large populations with more assistance. As I indicated earlier, 52 Senators receive $239,805 if the population of their States is under 3 million. Sixteen Senators from States whose population is above 3 million receive $255,185 per year to operate their offices. I am not going to recite all the amounts that are given to Senators from larger States; but Senators from four States with a population in excess of 17 million obtain $401,863 per year to operate their offices.

I mentioned these figures previously, and I ask unanimous consent that a table showing the computation, be printed at this point in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

Section 2. The table contained in section 105(d)(1) of the Legislative Branch Appropriation Act of 1968, as amended, shall be deemed on and after July 1, 1969, to read as follows:

	Number of participating Senators
$239,805 if the population of his State is less than 3,000,000	52
$255,135 if such population of is 3,000,000 but less than 4,000,000	16
$268,275 if such population is 4,000,000 but less than 5,000,000	8
$280,320 if such population is 5,000,000 but less than 7,000,000	8
$293,460 if such population is 7,000,000 but less than 9,000,000	4
$308,790 if such population is 9,000,000 but less than 10,000,000	0
$324,120 if such population is 10,000,000 but less than 11,000,000	2
$339,450 if such population is 11,000,000 but less than 12,000,000	6
$354,780 if such population is 12,000,000 but less than 13,000,000	0
$370,110 if such population is 13,000,000 but less than 15,000,000	0
$385,440 if such population is 15,000,000 but less than 17,000,000	0
$401,865 if such population is 17,000,000 or more	4

Mr. ELLENDER. Mr. President, if the Senate votes in favor of the pending bill, it will mean that each Senator will be able to employ an additional employee whose salary will be $23,000 and some odd. He can also use the same fund, if he wishes, to provide two or three employees instead of one.

So that if this amendment is not adopted, I venture to say that the 100 more employees provided for may be multiplied by a factor of two or three.

There is a provision in the pending bill for the construction of a new Senate office building or an extension of one we now have. There is a provision to purchase more land in case we need more space for housing the additional clerks and assistants to each Senator.

Mr. President, I ask unanimous consent that an excerpt beginning on page 15 of the committee report be included in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXTENSION OF ADDITIONAL SENATE OFFICE BUILDING SITE

The estimate of $1,250,000, submitted at the direction of the Committee on Rules and Administration, provides funds for the acquisition of all real property in the east half of square 725, with the exception of property on which the Belmont House, now classified as a national historic building, is located. A total of 44,644 square feet is to be acquired, either by purchase, condemnation, or in the case of the alleys, totaling 13,000 square feet, by transfer without reimbursement from the jurisdiction of the District government to the jurisdiction of the Architect of the Capitol. The language also provides for demolition and removal of the buildings or other structures to be acquired and, pending demolition, for immediate use by the Government or lease in lieu thereof. In view of rapidly rising land costs in the area and the urgent need for the site for future construction of an extension to the New Senate Office Building, the committee believes the property should be obtained as expeditiously as possible.

There is a desperate need for additional workspace for senatorial offices and committee staffs. In a survey by the Public Works Subcommittee on Buildings and Grounds, 72 Senators and 24 committees and subcommittees attested to this need. Although construction plans for new quarters are not provided in this appropriation, it is estimated that by building an enclosed bridge between the New Senate Office Building and the Capitol Hill apartments, at a cost of approximately $27,000, additional space would be made available immediately at very little expense. Several subcommittees have indicated interest in the prospect.

It is the recommendation of the committee, therefore, that the sum of $1,250,000 be provided for the purpose of acquiring the land at this time.

Authorizing legislation for the extension of the Senate Office Building site passed the Senate October 8, 1969.

Mr. ELLENDER. Mr. President, in addition to the $23,652 provided for each Senator, we have additional assistants and clerks for the minority leader, the majority leader, and various other departments or offices, such as the Sergeant at Arms.

To give an idea of what we have been doing since 1961, the entire number of Senate employees in 1961 was 2,692. Seven years later, we have provided for the employment of 3,624 people. That means an addition of over 1,000 employees in the last 7 years.

Mr. President, I ask unanimous consent that the table I have prepared, showing the increase in the number of Senate employees since 1961 be included in the RECORD at this point. It should be borne in mind that these are all legislative employees, and do not include increases in the force of such offices as the Architect of the Capitol.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Average monthly employment by calendar year, U.S. Senate, 1961–68

Year:	*Number*
1961	2, 692
1962	2, 806
1963	2, 937
1964	3, 029
1965	3, 144
1966	3, 251
1967	3, 504
1968	3, 624

Mr. ELLENDER. Mr. President, it is my belief that if we continue to provide the money in order to get more assistants, to get more employees on Capitol Hill, we will obviously soon need additional space. I hope Senators will not provide for this additional number.

As I pointed out some time ago, I think that the largest States are amply provided for as to the other States, in the last 3 or 4 years we have provided for more and more assistance for Senators. It is my belief that the amount we are now providing is simply out of order, particularly when we are trying to save a few dollars for taxpayers.

If this provision in the bill is agreed to it will add in excess of $2.3 million to the payroll of the Senate. I am very hopeful that the Senate will agree to the pending amendment.

Mr. MONTOYA. Mr. President, I fully appreciate the remarks of my good friend from Louisiana on this particular point.

I must say to the entire Senate that perhaps the bill is a very difficult bill to present to this body. However, I have to discharge my responsibility as the chairman of the subcommittee and I gladly do so.

Every dollar in the bill has been placed in the bill after conscientious study, through exhaustive hearings, and after giving proper consideration to all the evidence that was adduced and all the justifications presented.

It is nice to make a speech about economy, but it is also realistic to face reality. By reality I mean to face what other Senators need in order to conduct their offices efficiently as Senators of the United States.

We came to the conclusion to add $23,652 for clerk hire for each Senator, not because of a perfunctory consideration but after considerable study and probing. Senator Hayden started this study before he left office. He wrote a letter to each Senator asking different pointed questions with respect to clerk hire, stationery allowances, air mail, employees' mileage, transportation of Senators, office rent in the State, office expense in the State, telephone calls outside of Washington, long-distance telephone calls, telegrams, communication reimbursement, mechanical equipment, rules and regulations pertaining thereto, and paper allotment.

When I became chairman of the subcommittee after Senator Hayden had left, I directed a letter to those Senators who had not responded to Senator Hayden's letter because I wanted a tabulation of what Senators felt in this regard. Then, after we tabulated the responses in the different categories I called a meeting with the chairman of the Select Committee on Standards and Conduct and the chairman of the Committee on Rules and Administration. After the meeting began we brought in the staff members of the three committees. The staff members of the three committees had collaborated in trying to evaluate the different requests by Senators and had conducted an independent study of what Senators actually needed. So the staff made certain recommendations to us when we met.

It was at that point that we disallowed some of the staff recommendations and allowed others. This was one. This request carried a unanimous recommendation of the chairman of the Committee on Standards and Conduct, the chairman of the Committee on Rules and Administration, and myself as chairman of the subcommittee.

In all fairness, I might add there were 40 responses and out of the 40 responses only two responded that they had a sufficient staff.

There is also one other thing I must bring up by way of sustaining my position. Many Senators do not use all of their clerk hire allowance and this money reverts to the Treasury. I stated before that I had had a compilation or computation of the dollars that I had turned back on clerk hire allowance since I have been in Congress and it approximated $300,000. I am sure other Senators do likewise.

The point at issue is that many Senators need this clerk allowance in order to conduct their offices efficiently.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. MONTOYA. I yield.

Mr. MURPHY. Mr. President, I would like to point out that in the State of California we now have 20 million people.

I think there are some States where, if one were to compute and prorate the amount of money spent for clerk hire for service to the States—and I can think of one State that shall remain nameless—we actually get one-tenth of what they get.

The State of California has grown tremendously in the few years that I have been a Member of this body. There are other States where the population has not expanded at the same rate.

I assure my distinguished colleagues that I not only could use one more employee but I could find a full day's work for five more. However, I could not accommodate them because the offices I occupy were allocated on the basis of perhaps 12 million people and the workload is tremendous. I am sure the same is true of my colleague from California.

I know it is difficult for the committee to say that every Senator should have more help or to find a formula under which those who need more employees get them, but I would like to say to Senators that as far as my State is concerned, this provision is badly needed. I am quite certain that the extra amount of money suggested by the committee will be put to excellent work not in lightening the load of those now on the staff but in making it possible for my colleague, Mr. Cranston, and me to provide more service, a fuller service, and actually to do the job that we would do. It is unbelievable. I heard that President Nixon said to ex-President Johnson, "No one can explain being President until you have been President." I should like to say that no one can really explain being a Senator from California until you have been a Senator from California and realize what happens, the demands, and the problems. Every problem that exists in the entire country exists in California. This will be most welcome. I think my distinguished colleague realizes that I am not one that is used to spending money unnecessarily. If there is anyone in this body that has a greater appreciation for the value of the taxpayer's dollar, I would tip my hat to him. It is my chief concern. But in this particular matter, with regard to my State, it will be of great help and is badly needed.

It pains me to disagree with my dear friend from Louisiana but in California we really need it and we can put it to good use.

Mr. ELLENDER. Mr. President, as I pointed out awhile ago, the smaller States, 26 of them, get better than $200,000 in order to operate each senatorial office, whereas the Senator from California gets $401,000. Those figures have been fixed by law. If the Senator from California needs more assistance, let the amount be based on population and not passed on to the smaller States or to other States that do not have a similar need. I think that the method devised by Congress has worked very well and, as will be shown by the table I introduced for the Record awhile ago. We start with the States with 3 million or under, and those Senators are provided an allowance of $240,000. Then we go on to the next population category, and they get more money, and so on down the line.

When it comes to California, with more than 17 million population, we have provided, as I have said, almost double what the smaller States obtain.

Since Congress has gone on record as providing more funds for larger States, I think that would be the best way to continue. Increases should not be passed on to every State. This will mean an expenditure, as I pointed out awhile ago, of $2.25 million per year, to satisfy a few large States.

It is argued that it is up to the Senator to use the money, if he wants it or not, but I think that is a bad way to proceed. There is temptation there from constituents who say, "You have got all that money. Why don't you put me on your payroll?" I have been approached that way in the past, and I have resisted the temptation.

In another area, I know that each summer here quite a few students are put on the payroll at Government expense. With all the money made available to each Senator, it is my belief that the method we now have of providing more funds for the larger States is the better one. There is no good reason to provide for the larger States the added sum of $23,400 and then make it apply to all States.

Mr. STENNIS. Mr. President, I understand that the Senator from Utah wants the floor. Does the Senator from New Mexico hold the floor?

Mr. MONTOYA. I relinquished the floor.

Mr. BENNETT. Mr. President, I appreciate the courtesy of my good friend from Mississippi. What I am about to say was prepared with the thought that this might have come up yesterday, in the absence of the Senator from Mississippi, who is the chairman of the Select Committee on Standards and Conduct, and I am its vice chairman.

I had time to prepare this statement. The Senator from Mississippi just got in this afternoon and did not have that time and, thus, I am speaking on his behalf and for the other members of the committee.

I am pleased to declare our support for the increases in senatorial allowances that are included in the bill.

As the report on the bill indicates, our committee participated in the study and review of the suggested allowances and of the various suggestions for changes. The final recommendations for adjustments in the allowances impressed us as quite reasonable and received our unanimous agreement.

Mr. President, a sizable number of Senators made a persuasive argument of their need for increased allowances for the effective operation of their offices. Although not all of us suffer because of insufficient office allowances, we are sympathetic to their plight. But our committee supports the recommendations of the Appropriations Committee for an additional reason. It has been our hope that the day would come, and soon, when the Senate will provide the funding for all of the functions which any Senator must carry out. Under those conditions, we believe that it then will not be necessary for a Senator to accept any contributions from outside sources for any purposes other than the financing of his own campaign for reelection to the Senate.

We hope that the proposed increases in allowances will go a long way to achieve this goal. It will be incumbent upon our committee, if these adjustments in allowances are approved, to reexamine the provisions of Senate Rule 42 which permit a Senator to accept a contribution to defray the excessive expenses of his office.

Mr. President, a system of funding a Senate office by outside contributions is obviously fraught with danger. The Committee on Standards and Conduct commends the Appropriations Committee for beginning to move to place such funding where it belongs—upon the Government of the United States.

Now, Mr. President, a number of our colleagues, even within the past year, have indicated that the allowances they receive as Senators are not adequate to enable them to carry out their responsibilities and have accepted contributions. Under pressure from news media and other sources, they have retreated from that position and are presumably back to the responsibility of carrying the costs out of their own pockets. In some cases this may be very difficult and may make service in the Senate very arduous.

Thus, the point of view of those of us on the Committee on Standards and Conduct is that we support a reasonable, effective arrangement, or proposal, to increase allowances to the point, if not immediately, then some time in the future, when every Member of this body can serve their constituents without having to dip into their own pockets or having to go to their friends and ask for help for that purpose.

Mr. CASE. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I yield.

Mr. CASE. I want to express appreciation to the committee, to the chairman, and to the ranking minority member for a very sound, wise, and courageous position that they have announced.

I opposed the fund—whatever it is called in the rules—when it was set up, although I recognized the need for some way of taking care of it. This is the right way to do it. I am so glad that the committee is lending its great prestige to the effort which the legislative subcommittee has made in this direction.

Mr. STENNIS. Mr. President, I shall not detain the Senate except for a very few minutes, but I want to reiterate what the Senator from Utah has said. I do not want to go over the debate again, and I am not alluding to any individual, but we brought in a proposed rule which, even though it permitted contributions, spelled out that a Senator may use the contributions only to influence his nomination for election or his election. It stated, further, that he shall not use, directly or indirectly, any part of any contribution for any other purpose.

That was thought to have been so severe that many exceptions were added on the floor. I do not complain about that; I just state it as a fact.

Nevertheless, it stated that:

> Nothing in this rule shall preclude the use of contributions—

That means money somebody else gave, not a direct campaign contribution, but put in his hands—

> to defray expenses for travel to and from each Senator's home State; for printing and other expenses in connection with the mailing of speeches, newsletters, and reports to a Senator's constituents; for expenses of radio, television, and news media methods of reporting to a Senator's constituents; for telephone, telegraph, postage, and stationery expenses in excess of allowance; and for newspaper subscriptions from his home State.

Our committee recommended these changes in a Senator's allowance as a prelude for asking the Senate to repeal this part of the rule that was put in on the floor. I am not complaining, but we still think it ought to be that anything that is put in the hands of a Senator in the way of money can be used only for those purposes, and that the cost of running an office ought to be something the Government pays for, and that no kind of reason can be given along that line as an excuse for taking money.

I hope the whole package can prevail.

I am not going to suffer as a result of

this clerk allowance. Most of the time I have less than my allowance. I state this as something that does happen to a Senator: Since I became chairman of the Armed Services Committee, I have been running short, frankly, because of the increased volume of work. I know other Senators have had the same experience. My State is in the lower classification of population. I will get along. There will not be any contributions, at least. I know I have had to add two telephone lines to my office already. Many times when the phone rings, they are all busy.

I am not talking about myself. I will get along. A Senator must have an office in his State now. If one Senator from a State has an office, the other Senator had better have one. That is expensive. I have two good employees, and they are busy all the time, in Jackson, Miss. Senator EASTLAND has the same.

No two States have the same kind of constituent demands. I am willing to take the word of the chairman.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. FULBRIGHT. I agree with the Senator in everything he has said about this whole problem. One thing that bothers me is that we are struggling with our overall obligations in the Government, and the budgetary situation, and the tax situation. This troubles me a great deal. I know there are other States which are larger than mine, and perhaps there are greater pressures from within those States than from within mine. However, I am very hesitant to vote for this increase at this time solely because of the feeling of pressure on me and the whole Congress to try to cut down on expenditures.

I read in the newspapers—and this is in the area of the armed services—that the Defense Department is making a very strenuous effort to cut down its budget, in an effort to help the President balance the budget, and in order to achieve a decrease in the inflationary pressures. It is the symbol of our attitude that bothers me more than the actual clerk hire. It bothers me very much.

The Senator from Louisiana (Mr. ELLENDER) has been a leader in this field. I feel that I would be remiss in not at least making this small gesture of foregoing this matter until we get over the inflationary pressures, and I hope the war, and reestablish a balance in our economy.

Mr. STENNIS. It is the people's business we are taking care of, not our own business.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. ELLENDER. Has not the work of the Senator from Mississippi increased because he is chairman of the Armed Services Committee, and has not the work of the Senator from Arkansas increased because he has been holding hearings? That generates publicity, and is bound to make more work. I do not question that. But the subcommittees are well provided with funds to take care of their official business. It strikes me that when a Senator is head of a committee or subcommittee, he hears more from the public because of the action taken by him or the subcommittee. That is one of the reasons why in the past I have opposed the creation of so many subcommittees. I know any time a Senator makes a speech on a certain proposal, his correspondence increases overnight, and then it will slack off.

From my own experience of almost 33 years, my mail increases depending on something that is brought out by some of the subcommittees on which I serve. I am sure that is true of others.

It strikes me that with all the subcommittees we have now, the 500 additional clerks who serve on the subcommittees could certainly be used by the Senator from Mississippi, as well as the Senator from Arkansas to provide help in answering such mail as may be sent to them because of the hearings held by the various committees.

Mr. STENNIS. I have done all I can to get the mail sent out. I do not use my staff members to do my work. My people in Mississippi will not be brushed off when they write me or call me and want things done. I am up against it, but I will get by.

Mr. ELLENDER. But many letters come from outside the State of Mississippi. I know that is the Senator's experience.

Mr. STENNIS. Constituents from the various States vary greatly about the things they want a Member of Congress to do. I have a pile of papers right now that were given to me as I left a speaking engagement at Jackson, Miss. They are going to get attention one way or another.

Mr. ELLENDER. Mr. President, will the Senator yield further?

Mr. STENNIS. I yield.

Mr. ELLENDER. I wanted to say that, as chairman of the Committee on Agriculture and Forestry, any mail from outside of Louisiana I get pertaining to agriculture I send to the committee.

I have a staff of only seven clerks, but they attend to all of that for me. I believe that Senators who have subcommittees could easily do the same thing, and do away with a lot of office work that arises because of the fact that they serve on the subcommittees.

Mr. STENNIS. We are all busy at my office until 6 or 7 o'clock. Four of the girls stay there.

Mr. JORDAN of North Carolina. Mr. President, I do not intend to take more than a minute of the Senate's time, because it is getting late. I simply wish to make this statement: I met with the Senator from Mississippi (Mr. STENNIS), who is chairman of the Ethics Committee, and the Senator from New Mexico (Mr. MONTOYA), the chairman of the Committee on Appropriations, and the staff, to go over the answers they received to letters and questions they sent out asking about the needs of Senators. The reason I came into the picture was because I am chairman of the Committee on Rules and Administration, and I receive a lot of calls asking for additional space, and so on.

I realize that some Senators do not use all their appropriations. I do not use mine, and I do not use any of the members of the Rules Committee staff on my staff, either. My own staff does the work I am supposed to do in my office.

However, I know there are a good many Senators whose staffs simply cannot turn out the work they have to do. For that reason, I support the bill in the form in which it was reported, because, as I think the Senator from Mississippi brought out very forcefully, the needs of the Ethics Committee in accomplishing the work they have in mind, illustrate needs we have right now, and therefore I support the bill as reported.

Mr. COTTON. Mr. President, I am a member of the subcommittee which reported this bill. I merely wish to make this observation: I am not using all of my allowance now. I think it very unlikely that I would use this additional allowance. But if Senators do not use the money, the people do not have to pay it.

Senators who represent populous States and need the additional help in order to do their work should have it. No Member of the Senate is compelled to spend one single cent on his staff that he does not feel is necessary. I happen to have enough confidence in the integrity of the Members of this body that I do not believe any Senator will use money that he does not need, simply because he has access to it.

Furthermore, if any Senator's conscience bothers him too much about the allowance that Senators have to do their work, I would suggest that he take a little journey downtown, and travel through the executive offices. I am not talking about the offices of the members of the Cabinet, but the Assistant Secretaries, the Deputy Assistant Secretaries, the Assistants to the Deputy Secretaries, and so on down the line. As you go through their offices, walking on carpets that come up to your ankles, you can see the staffs they have, which are almost unlimited in size. Perhaps they need them; I am not criticizing them.

But I have never been too patient with people on the Hill who are so alarmed about Senators having, if they need it, sufficient funds to do their work. Those who do not need it do not have to take it, and the people will not have to pay it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. McCARTHY), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I also announce that the Senator from Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from Massachusetts (Mr. Kennedy), the Senator from Rhode Island (Mr. Pell), the Senator from Alabama (Mr. Sparkman), and the Senator from Virginia (Mr. Spong) are absent on official business.

I further announce that, if present and voting the Senator from Nevada (Mr. Cannon) would vote "yea" and the Senator from Oklahoma (Mr. Harris) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. Brooke) and the Senator from South Dakota (Mr. Mundt) are necessarily absent.

The Senator from Kentucky (Mr. Cooper), the Senator from Florida (Mr. Gurney), the Senator from New York (Mr. Javits), the Senator from Illinois (Mr. Percy), the Senator from Alaska (Mr. Stevens), and the Senator from South Carolina (Mr. Thurmond) are absent on official business.

If present and voting, the Senator from Illinois (Mr. Percy) would vote "nay."

On this vote, the Senator from South Carolina (Mr. Thurmond) is paired with the Senator from Massachusetts (Mr. Brooke). If present and voting, the Senator from South Carolina would vote "yea," and the Senator from Massachusetts would vote "nay."

The result was announced—yeas 26, nays 49, as follows:

[No. 128 Leg.]

YEAS—26

Allen
Allott
Burdick
Byrd, Va.
Church
Cook
Curtis
Ellender
Fannin
Fulbright
Goldwater
Gore
Hartke
Holland
Hruska
McClellan
Miller
Pastore
Prouty
Proxmire
Smith, Maine
Smith, Ill.
Talmadge
Tower
Williams, Del.
Young, Ohio

NAYS—49

Aiken
Anderson
Baker
Bellmon
Bennett
Boggs
Byrd, W. Va.
Case
Cotton
Cranston
Dodd
Dole
Dominick
Fong
Goodell
Griffin
Hansen
Hart
Hatfield
Hollings
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Mondale
Montoya
Murphy
Nelson
Packwood
Pearson
Randolph
Ribicoff
Russell
Saxbe
Schweiker
Scott
Stennis
Symington
Tydings
Williams, N.J.
Yarborough
Young, N. Dak.

NOT VOTING—25

Bayh
Bible
Brooke
Cannon
Cooper
Eagleton
Eastland
Ervin
Gravel
Gurney
Harris
Hughes
Javits
Kennedy
McCarthy
Metcalf
Moss
Mundt
Muskie
Pell
Percy
Sparkman
Spong
Stevens
Thurmond

So Mr. Ellender's amendment was rejected.

Mr. WILLIAMS of Delaware. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 11 strike out lines 3 through 23 and on page 12 strike out lines 1 through 3 and insert in lieu thereof the following: "The first sentence of the second paragraph under the heading 'Administrative Provisions' in the Legislative Branch Appropriation Act, 1962, as amended (2 U.S.C. 127), is amended to read as follows:
>
> "'The contingent fund of the Senate is hereafter made available for reimbursement of transportation expenses incurred in traveling by the nearest usual route between Washington, District of Columbia and any point in the home State of the Senator involved, for not to exceed eight round trips made by employees in each Senator's office in any fiscal year, such payment to be made only upon vouchers approved by the Senator containing a certification by such Senator that such travel was performed in line of official duty.' This provision shall take effect with respect to round trips commencing on or after the date of enactment of this Act."

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MONTOYA. Mr. President, I join the Senator in the sponsorship of the amendment. The Senator and I have discussed the amendment. I have in turn discussed it with members of the committee, and we are agreeable to it.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator. I am glad to have the Senator's name added as a cosponsor.

I will take just a moment to explain the purpose of the amendment. The bill as drafted would provide reimbursement for a staff member going to the home State on eight trips at the rate of 10 cents a mile, regardless of what the cost of the trip might be.

The purpose of the amendment is merely to spell out that they could be reimbursed only for actual transportation expenditures incurred. This does not deal with the number of trips allowed but merely limits the payment to actual costs of transportation.

Without the amendment, it would be possible for a staff member going back home to actually make money on the trip over and beyond the actual expenditures incurred, because the transportation costs are less than the 10 cents per mile. This amendment would merely spell out that they must submit the voucher for the trip and be reimbursed in turn for the voucher covering the expenditures as made.

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MONTOYA. I might add, further, that the reason why the provision is in the bill is that the employee trips have been reimbursed on the basis of mileage heretofore. This would put their reimbursement equivalent to what applies to the individual Senators.

Mr. WILLIAMS of Delaware. That is correct.

With that explanation, Mr. President, I am ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware.

The amendment was agreed to.

Mr. ELLENDER. Mr. President, I am not going to detain the Senate very long.

The amendment I proposed a short time ago was defeated and I had other amendments prepared to reduce the amounts that have been provided by the committee for various other purposes in the bill. The amount for the offices of the minority leader and of the majority leader have been raised, although I understand there is no intention on the part of the majority leader to use the amount provided. We are doubling the amount for the minority whip of the Senate so as to be able to pay one of his assistants $30,003 and the other $15,000, although the amount provided now by law is a little less than half of that.

In January, when the Senate convened, I said that I felt that to pay our Chaplain as much as $17,500 was entirely too much, and I felt that the amount should be reduced. I am glad to say that the committee did see fit to reduce the figure from $17,500 to $10,000. But what the committee did was to turn around and add authority for the employment of a secretary at the rate of $8,000 annually. So that we end up providing the Chaplain more than he is now receiving.

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MONTOYA. The reason why the committee made the provision for a secretary is that the previous Chaplain had an allowance for a secretary, not through direct appropriation but out of the administrative roll of the Senate.

Mr. ELLENDER. That was Reverend Harris.

Mr. MONTOYA. Yes.

Mr. ELLENDER. Reverend Harris had a great deal of outside work. As I recall, he wrote articles for various newspapers, and Senator Hayden made that allowance for him.

As I have said, I am not going to press this amendment, but it strikes me that we are entirely too liberal with the taxpayers' money. We have added quite a few jobs. As I pointed out earlier, we have increased the jobs in the Senate by over a thousand between 1961 and 1968, and that trend seems to continue. I sometimes wonder how we ever got along.

I am not going to press it any further, but it strikes me that the Senate ought to consider the times in which we are living, and we ought to try to set an example. Earlier, the Senator from New Hampshire (Mr. Cotton) stated that the offices downtown are getting a lot of employees whom we are providing, and that we ought to do the same thing for ourselves. I disagree with that. It strikes me that Congress ought to lead the way toward economy in Government and this would be a good place to set an example.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MONTOYA. I ask for third reading, Mr. President.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 13763) was read the third time, and passed.

Mr. MONTOYA. Mr. President, I move

to reconsider the vote by which the bill was passed.

Mr. JORDAN of North Carolina. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MONTOYA. Mr. President, I move that the Senate insist upon its amendments, request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MONTOYA, Mr. PROXMIRE, Mr. YARBOROUGH, Mr. PEARSON, and Mr. COTTON conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, I wish to express my appreciation and the appreciation of the entire Senate to the distinguished Senator from New Mexico (Mr. MONTOYA) for the splendid manner in which this important funding measure was handled. His clear and convincing presentation, his strong advocacy, his careful preparation assured its overwhelming acceptance by the Senate. This was only characteristic. Senator MONTOYA has distinguished his entire public career with his outstanding legislative skill and ability.

The same may be said of the distinguished Senator from Kansas (Mr. PEARSON), the ranking minority member of the Legislative Appropriations Subcommittee. He cooperated to make certain that this measure received the full yet efficient consideration of the Senate. We are grateful.

We are grateful also for the views of others who joined the discussion adding their own sincere and helpful comments. Noteworthy was the outstanding contribution of the distinguished Senator from Wisconsin (Mr. PROXMIRE). The success of his amendment was based in large measure on his able and effective advocacy. The distinguished Senator from Louisiana (Mr. ELLENDER) also is to be commended. His views are always most welcome as are those of the distinguished Senator from Delaware (Mr. WILLIAMS).

Finally, the Senate may be pleased today with its action in disposing of another of the all important funding measures. There are others to be considered and I would hope that the entire appropriations process will be completed at the earliest possible time.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this evening, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPORT EXPANSION AND REGULATION ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 329, S. 2696. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2696) to provide for continuation of authority for the regulation and expansion of exports, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, will the Senator from Montana yield, so that I may inquire as to the future business for this week?

Mr. MANSFIELD. Mr. President, may I say that it is with a great deal of personal reluctance that I call up S. 2696 at this time. However, because of the bareness of the calendar, I really do not have much choice, and I never want this Congress to be accused of being a foot-dragging Congress.

After we dispose of this bill, which may well go into Thursday, it is the intention to take up the veterans education bill, which was reported by the Committee on Labor and Public Welfare today.

That is about as much as I can say at the moment.

Mr. SCOTT. If the Senator will yield further, aside from commenting—I do not know of any three words I have ever used that got so much action, and I am very pleased that the Senate is engaged in a considerable flurry of activity—the distinguished majority leader knows that I inquired of him as to whether or not some other bill could be substituted for this, simply because there are Senators on both sides who may not find it possible to be here tomorrow. But I understand that the reason for laying down this bill is that there does not appear to be another bill which could be substituted, and we had this discussion so that this might be brought out.

Mr. MANSFIELD. Mr. President, the distinguished minority leader almost broke my right arm, the distinguished assistant minority leader almost broke my left arm, various Senators from Utah, Texas, and other places almost broke my back, but I do not have much choice.

Mr. SCOTT. I think the junior Senator from Maine is also absent.

Mr. MANSFIELD. He had his arm around my neck, as well as the Senator from Minnesota and a few others.

OEO LEGAL SERVICES PROGRAM

Mr. MURPHY. Mr. President, on last Tuesday a situation occurred in the Senate that confused some of my colleagues, amazed others, startled me, may I say, and I rise at this point to try to put the RECORD straight and eliminate confusion as far as I am able to do so. I also wish to thank some of my colleagues for their defense of me and my position after I had left the Chamber.

Mr. President, you may recall that last Tuesday S. 3061 was suddenly and unexpectedly laid before the Senate as the order of business. I had suggested that the bill be put over to give me and other Senators on the minority side the time to properly prepare some amendments. However, for some reason the bill was laid before the Senate very quickly and at the moment I was not prepared. We did the best we could to accommodate the acting majority leader in his determination to bring the bill before the Senate.

I had pointed out that I had long standing commitments in California that I just could not break, and which made it impossible for me to remain in the Chamber through the full session on Tuesday. I explained that as well as I could, and I explained that I had tried to have prepared two amendments that I wanted to introduce that had not been completed because we had not had the warning time. I do not think the situation was healthy, proper, or sound.

One amendment had to do with the legal service program in the bill, S. 3061. I thought I had explained it carefully. I understood the legal service program to mean actually what the term implies, that is, to provide a lawyer and legal services for a poor man who could not afford them. I said that somewhere along the line the provision for legal services had become legal reform and that all sorts of things were going on not only in my State but also in many other States, and that my amendment would have permitted two things. It would have restored the Governors' veto over this particular function without the OEO Director's override. Also, it would have provided the Governors with permission to veto line items. In the past there has been a habit of jumping the entire OEO program together and although one may object to only one or two items, the entire program would have to be vetoed. This did not seem to be practical and did not seem to be producing the desired results. So my amendment was introduced to accomplish two things.

I would like the RECORD to show that in the beginning, when the OEO program was first started, the Governors of the separate States had an unencumbered right to veto; and, then, in the second year, 1965, the right of the Governors to veto was significantly weakened, because the Director was given the power to override the Governor's veto. This has caused problems.

During committee hearings I said on several occasions that I would attempt to introduce an amendment that would clarify the original intent of the legal service program, which was simply to provide a lawyer for some poor guy who did not have enough money to hire a lawyer, and that if it was the feeling of the committee that taxpayers' money should be used for the purpose of legal reform, we should hold hearings and come to a decision, and perhaps bring it before this body. Certainly, in my opinion and in my judgment it was not proper to substitute legal reform for what started out to be legal services.

Tuesday my amendment was brought up. There was a rollcall vote and my amendment was agreed to by a vote of 45 to 40. At that point I was forced to leave the Chamber to keep my appointments in my State of California.

After I left the Chamber there was a

discussion, and another amendment was brought up which would amend or emasculate it, really, by placing the power to override the Governor's veto in the hands of the President.

I was amazed that this amendment should be brought up at a time when I was out of the Chamber. Second, I thought it unusual that, having had a rollcall vote and the will and the desire of the Senate having been recorded, that this matter should be taken up again. Certainly, I would think that propriety would have made restraint applicable so that consideration might be at a time when it would be possible for me to be in the Chamber.

I notice from the RECORD that my distinguished colleague from New York (Mr. JAVITS) said on three or four occasions that he was embarrassed by the procedure. I do not want him to be embarrassed. I appreciate his thoughtfulness in my behalf, but I do not think he should have been embarrassed.

Then, one of my other colleagues said that 10 days had passed since we voted to report the bill to the Senate and that it was not as though the Senator from California was not a member of the committee.

My distinguished colleague knew I was not only a member of the committee, but that I was an active member. I worked quite conscientiously, as I have ever since I have been a Member of the Senate, on the legal services program, a program designed to help the poor.

I have never disagreed with its objectives but I have often disagreed with the manner and the implementation. I believe one of my first efforts in this body was to try to get the politics out of the program for the poor and to see that the taxpayers' money went directly to the poor people who needed help.

At that point, Mr. President, I particularly want to thank three of my colleagues. I wish to thank the Senator from Florida (Mr. HOLLAND), the Senator from Alabama (Mr. ALLEN), who is now presiding in the Senate, and the Senator from Colorado (Mr. ALLOTT) for speaking in my behalf when I was not here.

Later the statement was made that I had answered at one point that I was unclear with regard to the amendment in relation to the existing law. That was true. I was. At the time I was speaking, the amendment had just been written and submitted. I am not a lawyer. It had just been put in proper language, to be made part of the bill, and in form to be properly presented to the Senate for consideration. I say it was considered. It did pass. I thought that that would be the end of it. There is good reason for the amendment. We find that the legal services, in my State, and in several other States that I know about, set out on a program of legal reform and, in many cases, such reform in this manner is not popular with the majority of my constituents. But they have to pay. They have to pay the cost of bringing the action and then, if they want to object to it, they are asked to pay for the defense, too.

It seems to be, really, an unheard of situation. That was the purpose of my amendment. I said several times during the presentation of the amendment that I was perfectly willing to have hearings if we want to set up an institution and program of legal reform, hold the hearings, and then bring the matter before this body and let it stand or fall on its merits.

As I say, I am most thankful to my colleagues, the Senator from Alabama (Mr. ALLEN), the Senator from Florida (Mr. HOLLAND), and the Senator from Colorado (Mr. ALLOTT) for protecting my rights and being most helpful and thoughtful of my purpose and my desire along with the stated desire of the Senate which had passed the amendment by a vote of 45 to 40.

I should like to clear up whatever confusion there may be because, as I understand it, there was finally an agreement reached by the proponents of the amendment that would have completely emasculated my amendment. As I understand, the agreement was that I would be a member of the conference and if I objected to the amendment, it would be withdrawn and my amendment left in its original form.

Technically, from the standpoint of parliamentary procedure, I do not know exactly how one does this, but I will accept the offer and I should like the RECORD to show now that I will object. As a conferee I will ask that it be withdrawn, leaving my original amendment which was presented to the Senate and which was voted on by a rollcall vote.

There is another confusion in the hurry of all this. I read the printed copy of S. 3016 carefully today, particularly the second amendment which I am discussing.

On page 14, line 12, it says:

> Nothing in subsection (a) of this section shall be construed to deny the President the nondelegable authority to reconsider the plan disapproved by the governor if the President finds the plan to be fully consistent with the provisions and in furtherance of the purpose of this article.

Well now, Mr. President, I submit that again is a unique situation because, as I read section 242 of the existing law, there is no subsection (a). So I leave this question to the staff.

I would like to thank sincerely those Senators for the courtesy which they extended me by saying that if I objected to the second amendment, they would withdraw it at the time of conference by whatever proper parliamentary rules there are for such an action. I appreciate their thoughtfulness and I consider it very kindly of them. I want the RECORD to show now that as a conferee I will object.

THE RECENT VIETNAM MORATORIUM

Mr. MURPHY. Mr. President, there has been great discussion lately about the problems of the Vietnam war. Some confusion has evolved from it.

I am sure that many of the young people who marched in the so-called recent moratorium did so without a full understanding or knowledge of the conditions of the historic background of how we got into the war, what happened, and what were the circumstances that brought about this dilemma in which we find ourselves.

I was fortunate to have been given a letter by a man who served in high capacity in two administrations, both in the administration of President Eisenhower and in the administration of President Kennedy. I have his permission to read parts of the letter which are from a letter he wrote to the present President of the United States, Mr. Nixon.

I read from the second paragraph of the letter:

> Having lived at close range with the decisions of South Vietnam from 1961 onward—and disagreed with many of them—I naturally feel a deeper personal concern than most men in private life, and hence I feel compelled to express my concern to you on two points.
>
> First, I believe the public must always be made aware of the facts concerning our involvement in South Vietnam. On January 20, 1961, when President Eisenhower and you—

That was then Vice President Nixon—

> left the South Vietnam problem to others, we had 800 military advisors and an equal number of foreign aid personnel located in and about Saigon. Eight years later, when you picked the problem up again, we had 550,000 men and countless civilian personnel engaged in a major military effort and doing all sorts of other things as well.
>
> The first major decision came in the fall of 1961 when President Kennedy accepted the recommendations of General Taylor and Walter Rostow and, as a result, our military presence in South Vietnam was almost immediately increased to 15,000 "advisors". This was a step President Eisenhower refused to take as it was a contradiction of the 1954 Geneva Accord—defendable only because our intelligence told us (through means we could not disclose) that the North Vietnamese were violating the Accord by infiltration of cadres and material).
>
> As I said to you when you visited me in our home some two years ago, "President Kennedy put the prestige of the United States on the line and we have been trying to redeem it ever since."
>
> The successive steps in the escalation of our involvement in South Vietnam are all too familiar to you and I will not recount them now. However, I believe the public and the Congress must always be told just how the escalation took place and who was responsible. In short, Vietnam must never become "President Nixon's war". You are struggling to extricate the United States from a bad situation resulting from bad judgment and faulty decisions by President Kennedy and President Johnson and their principal advisors. Understandably, you say, "Let's not quible over how we got into Vietnam. Let's work to get out of it." This position is commendable but it seems to me, Mr. President, that too many on the Hill are trying to put Vietnam on your doorstep and hence, I believe you are justified in reminding the public both directly and indirectly just how the situation came about.
>
> I agree that we must withdraw and this should be done as rapidly as possible. I concur in your "hope" (not a commitment) that Clifford's timetable should be anticipated. However, I am very concerned over the concept of withdrawing combat forces and leaving our air and logistic resources behind to be protected by a revitalized South Vietnam army. We went through this once and the ARVN failed us. Air fields and depots were seriously damaged by enemy bombardment, infiltration and sabotage. Therefore, 50,000 Marines were put on "static defense" and when this failed, they and hundreds of

thousands more U.S. military personnel were put on the offensive.

Withdrawing combat forces might very possibly cause a repetition of late 1964. With this apprehension in mind and strong doubts concerning the effectiveness of a revitalized South Vietnam military establishment, I suggest as an alternative that units of all types be withdrawn concurrently in a phased withdrawal so that our own combat units will be available to protect our own air and logistic resources at all times. This is a suggestion I offer to you based on my experience and observations of the disappointments of the past.

Mr. President, I shall refrain from reading the rest of the letter, because it is personal. It does not bear on the subject.

I wanted to read the letter into the RECORD at this point so that the confusion that exists about this entire dismal, discouraging situation could be brought clearly to the attention of all citizens and many of our colleagues who may have forgotten the basis of the beginning, and many of those who marched, unfortunately, not being certain as to what they would accomplish.

As I have said many times, those who marched in the moratorium, who said they marched to stop the killing, have not the slightest idea of the amount of killings and atrocities and bloodshed they will turn loose if we ever accede to the demands of the moratorium committee and pull out of there immediately. There will be a slaughter the like of which has not been seen in the world since the Madman of Berlin tried to exterminate an entire people.

And so, Mr. President, I have put this particular piece of factual history into the RECORD at this point because the man who wrote this letter has served with great honor and great distinction in public service to his Nation for many years. He is a man of complete trust and honesty and dedication.

I asked his permission to put this letter into the RECORD in the hope that my colleagues may read it and may go back over the elements of this case carefully and cautiously, and make certain that we do not permit the fires of emotion to overcome the bright light of good wisdom and knowledge in trying to make the decisions which we are trying to make with regard to Vietnam.

I know, Mr. President—and I am sure that all my colleagues will agree—that no one has the complete knowledge that is available to the President of the United States. And there is no one, I am sure, even in this Chamber, or the entire Congress, who would question for one instant the design and desire of the President to bring this unfortunate episode in history to an honorable conclusion.

So I hope that possibly this addition to the RECORD printed by the Congress may in some way keep clear and in sharp focus the actual facts, conditions, and desires of the President to bring about peace. I hope that people will not be influenced by emotional behavior led by people whose names are not generally known, whose identities are obscure, whose background and characteristics are known only to some of us who have taken the trouble, perhaps, to research their backgrounds and their reasoning, in order to find the why and the wherefore of their particular interest at the present time. It is in the hope that we will not be carried away and suggest that the President of the United States turn over these all-important decisions to some mob of people who have marched, I am sure motivated by the finest impulses, in the hope of bringing about peace and stopping the killing. And I know of one one who disagrees with that desire.

But they may do it with understanding. They may do it with full regard for the fact that this is the obligation of the elected President of the United States, and ours is to advise him in performing these obligations. It is our duty to advise and consent as he goes along, and to please not impede the progress that he is attempting to make, and that he is making, so that, at the soonest possible moment, we will come, not to a makeshift withdrawal, not to what would amount to an absolute and abject surrender of the principles and the guarantees laid down by Presidents Kennedy and Johnson, and adhered to by President Nixon, but that we may bring this entire situation to a proper conclusion—one with honor, and one, I would hope, that would encompass the suggestion of my esteemed colleague the majority leader yesterday, when he said he would hope to see a convocation of all interested free nations to guarantee the freedom of peace and the freedom of being for the nations of all of Southeast Asia, not just the unfortunate South Vietnamese who have suffered so long.

I thank the Presiding Officer for his courteous attention, and I yield the floor.

TAX REFORM ACT OF 1969—AMENDMENT

AMENDMENT NO. 252

Mr. MILLER. Mr. President, I send to the desk an amendment to H.R. 13270, the House-passed tax reform bill and ask that the amendment be printed in the RECORD, printed, and appropriately referred.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, will be printed in the RECORD in accordance with the Senator's request.

The amendment is as follows:

AMENDMENT NO. 252

Beginning on page 273, strike line 7 and all thereafter down through line 17 on page 276, and insert in lieu thereof the following:

"(1) Plowback Requirement.—Section 613 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subsection:

"'(e) Plowback Requirement.—

"'(1) To the extent that percentage depletion (determined under subsection (b)) exceeds the sum of cost depletion for such minerals plus qualified plowback expenditures (as defined in paragraph 3) made by the taxpayer (or by members of an affiliated group filing a consolidated return) during the current taxable year and the two succeeding taxable years, such excess percentage depletion shall be restored to taxable income in the second succeeding taxable year to the extent of the difference between the amount of such excess percentage depletion (computed according to the rate in subsection (b)) and the amount that would have been computed by substituting the following rates for those provided in the designated subparagraphs of subsection (b):

"'(1)—20 percent
"'(2)—17 percent
"'(3)—11 percent
"'(4)— 7 percent
"'(5)— 5 percent
"'(6)— 4 percent
"'(7)—11 percent

To the extent that qualified plowback expenditures during the two succeeding taxable years are taken into account in computing (or eliminating) excess percentage depletion with respect to the current taxable year, they shall not be taken into account in computing (or eliminating) excess percentage depletion with respect to any other taxable year. Where qualified plowback expenditures, applied under the above rules, are greater than the amount needed to eliminate excess percentage depletion, such excess qualified plowback expenditures may be carried over for two years and applied in the same manner as the net operating loss deduction provided for under section 172.

"'(2) The amounts to be restored to income under paragraph (1) shall be determined for all mines, wells, and other mineral deposits located within the United States and its continental shelf separately from those located without the United States and its continental shelf. For mines, wells, and other mineral deposits located without the United States and its continental shelf, the amounts to be restored to income shall be determined for all such mines, wells, and other mineral deposits located within each separate foreign country or in all foreign countries, at the election of the taxpayer (or members of an affiliated group filing a consolidated return).

"'(3) For the purposes of this subsection, the term "qualified plowback expenditures" means all costs, including fees, wages, and salaries, incurred by the taxpayer (or members of an affiliated group filing a consolidated return) in connection with exploration, acquisition, and development of mineral properties of a like or geologically-related kind to that for which the percentage depletion has been allowed, including intangible drilling and development costs, plants and facilities for drilling, mining, and producing such minerals to a readily marketable state, and research and development on methods of discovery and recovery of such minerals.'

"(2) The amendments made by this subsection shall apply to taxable years beginning on or after January 1, 1970."

Mr. MILLER. Mr. President, this amendment has to do with percentage depletion in the extractive industries. For many years, the tax law has granted owners of mineral interests a deduction against income from those interests—the deduction being known as "percentage depletion." The percentages vary according to the mineral, varying from 27½ percent in the case of oil and gas wells to 5 percent for pipe clay and gravel.

The percentage depletion is different from "cost depletion." In the case of cost depletion, the taxpayer is allowed to take deductions, based upon the rate of production from his mineral property. But when the cost is used up, that is the end of the deductions. With percentage depletion, the deductions continue on as long as there is production from the property and notwithstanding that the taxpayer's cost has long since been recovered through these deductions.

Two major reasons are behind permitting percentage depletion to go on beyond the time when the taxpayer's cost has been recouped: The first is that it is in the nature of a "reward" to the taxpayer for risking his capital in trying to develop mineral resources. It is a high-risk type venture, and without the reward it is generally conceded that we would not have had resource development which has brought an abundance of minerals and their products to consumers at relatively low cost. The second reason is that percentage depletion is calculated to provide an incentive for the taxpayer to keep going in finding and developing resources for the ultimate benefit of the consumers and, in the case of overseas activities, our balance-of-payments position.

With this background, let me point to what the House-passed tax reform bill proposes to do. It would cut the percentage depletion rates by approximately 25 percent. I refer to this as a "meat ax" approach to the problem of abuses which have been occurring. Take two corporations, A and B. Each is in the oil business and each has $100,000 in percentage depletion deductions for a particular year. Corporation A "plows back" its $100,000 into continued exploration, drilling and development—all calculated to increase—or at least replace—oil resources for the ultimate benefit of consumers. Corporation B does not plow back anything, but takes the $100,000 and uses it for dividends to stockholders. Under the House-passed bill, both would be treated alike. I find this treatment both arbitrary and unfair, and it would certainly seem to be contrary to our national interest.

My amendment would center on the abuse and not treat both of these corporations the same way. In the case of corporation A, which plows back all of its percentage depletion, the present depletion rates would continue to apply. In the case of corporation B, which does not plow back anything, the new, reduced rates in the House-passed bill would apply. In the case of corporation A, the 27½ percent rate would continue. In the case of corporation B, the reduced rate of 20 percent would apply.

If corporation B plowed back only a portion of its percentage depletion, then it would be allowed a rate falling between the House rate of 20 percent and the present rate of 27½ percent, depending on the proportion that was plowed back.

My amendment also provides that if the plowback is less than the amount of the percentage depletion deduction for the current taxable year, the taxpayer will have the two succeeding years within which to make the plowback expenditures required to preserve the present higher percentage depletion rate. It also provides that if the plowback expenditures exceed the percentage depletion deduction, they may be carried over for the 2 succeeding years to be used in preserving the higher percentage depletion rate for those years.

Actually, my amendment represents a compromise between the two theories underlying the precentage depletion deduction. The reduced House rates would represent the reward theory. The additional amount, represented by the present rates, would represent the theory that percentage depletion is calculated to be an incentive for the taxpayer to continue to find and develop mineral resources. My amendment is directed at the area of abuse where the second theory is not being satisfied.

We have received testimony from representatives of the Treasury Department that the wholesale reduction in rates represented by the House-passed bill would result in increased costs to consumers. At a time when everyone is deeply affected by inflation, this would be a terribly inappropriate time to aggravate the situation. Let no one be lulled into thinking that the House-passed bill, if enacted, would not result in an increase in the cost of auto gas, home heating fuel, tractor fuel, construction materials, and the various products represented by the petrochemical industry. Such a result would not obtain if we center on abuses, as my amendment does, and leave those individuals and corporations, which are plowing back their percentage depletion, alone.

My amendment makes it clear that the plowback expenditures must relate to the mineral against which the percentage depletion has been allowed. The phrase "like or geologically related kind" would mean, for example, that percentage depletion on oil production could be plowed back in finding and developing natural gas, and vice versa. In the mining industry, some deposits contain several different kinds of minerals. These are geologically related, and percentage depletion as to any of them could be plowed back as to any or all of them.

My amendment provides that percentage depletion and plowback are to be separately considered for activities within the United States and its continental shelf and activities abroad. This is designed to continue the separate consideration of taxation of foreign income.

The definition of expenditures which will qualify as plowback expenditures for the purpose of enabling a taxpayer to retain the present rates of percentage depletion is, in my judgment, both liberal and realistic. The costs of exploration to find mineral properties, including typical geological and geophysical exploration expenditures, would qualify. So would the costs of acquisition of mineral properties—bonuses paid to owners, the purchase price paid for a mineral property, and commissions. Delay rentals are not intended to be covered, because by their very nature, they "delay" development of a mineral resource for the benefit of consumers. Also qualifying would be costs of development, which would include intangible drilling and development costs, the cost of plants, well pipe, and facilities required for drilling, mining, and producing minerals to a readily marketable state. Thus, defining facilities would not qualify in the petroleum industry, because crude oil is "readily marketable." Construction of a pipeline incidental to moving crude oil to a storage tank on the cost of the storage tank would qualify. So would the cost of transporting minerals from a mine to the point at which they must be processed to a readily marketable state. Finally, expenditures for research and development of methods of discovery and recovery would qualify, because these are calculated to enable minerals to more efficiently be found and produced for the benefit of consumers. Fees, wages, and salaries incurred in connection with any of these qualifying activities also qualify, and if an employee's services are partly in connection with a qualifying activity and partly in connection with a nonqualifying activity, his salary should be appropriately allocated.

I recognize that a taxpayer would be allowed to currently deduct many of these qualifying expenditures; and in other cases he would capitalize them and be permitted to deduct depreciation. That is not relevant to the plowback approach. What counts is that the taxpayer makes expenditures during the current taxable year and the 2 succeeding years which are equal in amounts to its percentage depletion deduction for the current taxable year, and that these expenditures are of a nature which can be reasonably expected to bring more and better quality minerals to the consuming public. In the case of overseas operations, such expenditures would have a twofold effect: First, in some cases at least they would bring more and better quality minerals to the consuming public in the United States; and second, they would enable our taxpayers having foreign operations to more effectively compete in overseas markets, thus improving our balance-of-payments position through long-established policies of repatriating substantial profits to the United States and also providing a growing market for our own export trade.

Mr. President, the time is past due to reform our tax law to see to it that the very technical provisions of the Internal Revenue Code affecting the extractive industries conform to national policy. The House-passed bill does not do this. My amendment does.

RAISE THE ANNUAL EARNINGS LIMITATION

Mr. BYRD of West Virginia. Mr. President, during the transaction of morning business today I introduced a bill to raise the annual earnings limitation of social security recipients from $1,680 to $2,400—an increase that I feel is necessary for many retired Americans to maintain an adequate standard of living.

I have already introduced legislation to grant across-the-board increases in social security benefits, which now average just $99.86 a month. It is a logical step, then, to also raise the limitation currently placed on the amount a social security recipient can earn without losing a portion of his benefits. Both the benefits and the earnings limitation should reflect the spiraling cost of living.

The President has proposed to increase the earnings limitation from $1,680 to $1,800 a year—undoubtedly a step in the right direction. However, there has been a precipitous rise in the cost of living since the last social security increase was enacted in the fall of 1967.

My proposal would not only offset the recent rise in the consumer price index; but it would also make up for past instances when cost of living increases were not matched by increases in the earnings limitation—and it would effectively cover some of the additional cost of living increases that will likely be visited upon these fixed-income Americans before the Social Security Act is again amended in the future.

Mr. President, we must realize that people now reaching age 65 have usually had the advantage of better health care than prior generations of social security recipients—a fact that is contributing to a longer life span and the ability of people to continue with some kind of work after retirement. This generation of social security recipients is also likely to have acquired more skills during their working years than did the last generation. We need to preserve those skills, and to encourage people to work, rather than to penalize them for working.

We must also realize that, since the minimum wage has risen, the social security recipient now reaches the earnings limitation in less time than ever before. Thus, at a time when he needs most to work to supplement inadequate benefits, he is severely penalized and limited in doing so.

Ideally, Mr. President, the earnings limitation—or retirement test, as it is sometimes called—should be repealed. But I am advised that this is not economically feasible, as it would cost several billions of dollars.

The ceiling of $2,400 which I propose would, I believe, exempt most of the earnings for those people who must work to supplement their social security benefits. At the same time, of course, it would be less expensive than abolishing the limitation. Under my proposal, the annual cost would be an estimated $1.3 billion.

I hope that Congress will decide to go beyond the President's recommendation and set the earnings limitation at $2,400 a year. It seems clear to me that such a change would more realistically meet the needs of so many Americans.

We cannot justify asking a great many of our social security recipients—people who played a large part in building America into the world's most affluent society—to subsist below the norm.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 56 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, October 22, 1969, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate October 21, 1969:

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

The following-named persons to be members of the U.S. Advisory Commission on International Educational and Cultural Affairs for terms expiring May 11, 1972:

David R. Derge, of Indiana, vice Dr. Joseph R. Smiley, term expired.

Jewel LaFontant, of Illinois, vice Dr. Pauline Tompkins, term expired.

William C. Turner, of Arizona, vice Dr. Walter Adams, term expired.

U.S. ATTORNEY

William C. Lee, of Indiana, to be U.S. attorney for the northern district of Indiana for the term of 4 years vice Alfred W. Moellering.

U.S. MARSHAL

Andrew J. F. Peeples, of Florida, to be U.S. marshal for the middle district of Florida for the term of 4 years vice John E. Maguire, Sr.

Anthony E. Rozman of Michigan to be U.S. marshal for the eastern district of Michigan for the term of 4 years vice Orville H. Trotter, term expired.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 21, 1969:

NATIONAL LIBRARY OF MEDICINE

William O. Baker, of New Jersey, to be a member of the Board of Regents, National Library of Medicine, Public Health Service, for a term of 4 years from August 3, 1969.

Jack Malcolm Layton, of Arizona, to be a member of the Board of Regents, National Library of Medicine, Public Health Service, for a term expiring August 3, 1973.

HOUSE OF REPRESENTATIVES—*Tuesday, October 21, 1969*

The House met at 12 o'clock noon.

Rev. Ronald W. Carter, Riverlawn Christian Church, Wichita, Kans., offered the following prayer:

Father, I come to You today to ask Your blessing upon this meeting. I know, Father, that You know each of these men, that You know their names, that You know their addresses, that You know their families, that You know all about them; so, Father, help each man, no matter what his duty here today, to remember that he is an American; an American with a heritage to be proud of; an American with a present to be concerned about, and an American with a future to prepare for. So bless each man, Father, and give him wisdom, courage, national pride, and perhaps, even tears, that he might do everything to keep America always a land of the free and the home of the brave. In Jesus' name I ask it. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 9946. An act to authorize and direct the Secretary of Agriculture to quitclaim retained rights in certain tracts of land to the Board of Education of Lee County, S.C.; and

H.R. 11702. An act to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1181. An act to provide for potato and tomato promotion programs;

S. 2264. An act to amend the Public Health Service Act to provide authorization for grants for communicable disease control and vaccination assistance; and

S. 2452. An act to amend section 211 of the Public Health Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services.

REV. RONALD W. CARTER

(Mr. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, it is my privilege and honor to associate myself with the invocation of Rev. Ronald W. Carter, the young man who offered the invocation in our Chambers this morning.

Reverend Carter is the son of Mr. and Mrs. Winston Carter of Carthage, Mo., whom it is my pleasure to represent in the Congress.

Reverend Carter is a graduate of the Ozark Bible College in Joplin, Mo., which is also located in the Seventh Congressional District of Missouri.

He was named third honor student, as well as class orator of his 1968 graduating class.

At the present time, Reverend Carter is minister of the Riverlawn Christian Church of Wichita, Kans. His equally young and most attractive lady is from Indiana.

I commend this young man on accepting the call to Christian service; I also commend his father and mother—seated in the gallery today—for obviously creating a Christian home which has helped prepare him for duty in the church.

In the words of Luke:

> A good man brings good out of the treasure of good things in his heart. For a man's mouth speaks what his heart is full of.

Mr. SHRIVER. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Kansas.

Mr. SHRIVER. Mr. Speaker, the opening prayer today was offered by Rev.

Ronald W. Carter, minister of the Riverlawn Christian Church in Wichita, Kans. I am proud that he now is a constituent of mine in the Kansas Fourth Congressional District, and serving as spiritual leader of a fine congregation.

This morning he has provided us with an inspirational prayer in keeping with the serious times in which we live. I commend Reverend Carter for his dedication and service to Christianity and to the needs of his congregation.

Ever since the Pilgrim Fathers knelt on the deck of the *Mayflower* 350 years ago, it has been the sacred and valued civil right of citizens in America to worship and give thanks to God.

I am proud that the House of Representatives opens each day's proceedings with a prayer, and it is reassuring indeed to have a young minister such as Reverend Carter lead us in prayer.

Mr. ROUDEBUSH. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to my distinguished colleague, the gentleman from Indiana (Mr. Roudebush).

Mr. ROUDEBUSH. Mr. Speaker, I wish to associate myself with the remarks by our distinguished colleague, the Honorable Durward G. Hall, of Missouri.

The opening prayer today was offered by the Reverend Ronald W. Carter, of Carthage, Mo.

Reverend Carter's wife is from Indiana, and she and her parents, Mr. and Mrs. Dale Storms, rural route 5, Kokomo, Ind., are in the gallery today for the session.

I commend Reverend Carter for his work in the ministry and the appropriate tenor and delivery of his prayer here today.

A graduate of Ozark Bible College, in Joplin, Mo., Reverend Carter presently serves as minister of the Riverlawn Christian Church of Wichita, Kans.

He also served for 3 years as minister of the Christian Church, at Liberal, Mo.

I believe my colleague, the gentleman from Missouri (Mr. Hall), will agree that in addition to his excellent education and experience, Reverend Carter showed an uncommon amount of intelligence and foresight by marrying a girl from the State of Indiana.

PROVIDING FOR CONSIDERATION OF JOINT RESOLUTION MAKING CONTINUING APPROPRIATIONS, 1970

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order any day next week for the House to consider a joint resolution making continuing appropriations for the fiscal year 1970.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Reserving the right to object, Mr. Speaker, can we be given something of a firmer date than "any time next week"? That, it seems to me, is a little flexible.

Mr. MAHON. I have been thinking in terms of bringing it up on Monday next so that the other body would have more time to consider the matter before the present continuing resolution expires on October 31. However, I did not want to tie ourselves to any one certain day. The request is that it be in order on any day next week to bring the matter before the House. If it is not Monday, then I would hope it would be Tuesday. We will confer with the leadership on the precise time.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

IN DEFENSE OF THE SPEAKER

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, the front page of today's Washington Post carries a headline entitled "Speaker's Friend Got Stock Option." In the body of the article in the third paragraph, the statement is made:

> There is no indication that McCormack was involved in the case.

The question naturally arises, why link the Speaker's name with the case? Undoubtedly, each of us has friends who have held stock options. This is a normal part of business practice. Apparently, the Post, which is an ultraliberal publication, is simply seeking to discredit the Speaker of the House of Representatives because of personal bias or through resentment at the fact that as a presiding officer he is scrupulously fair both to liberals and to conservatives. Unfortunately, the Supreme Court of the United States has ruled that public figures may be libeled at will with complete immunity from libel laws. This does not alter the considerations of decency, something completely lacking in the way this case is reported.

John McCormack is a kindly, courteous, and honest gentleman. He is one of the finest and fairest of presiding officers, and his personal life is an example of scrupulous integrity. I am proud of my friendship for John McCormack and I deplore the underhanded effort which is afoot in some quarters to reflect upon his great name.

COAL MINE HEALTH AND SAFETY

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, when the coal mine health and safety bill is considered, I shall offer the following amendments:

First, to abolish the Federal Coal Mine Health and Safety Board of Review, a special-interest board of private individuals who would have power to veto safety and penalty orders by responsible officials in the Department of the Interior;

Second, to measure coal dust during one shift, instead of averaging the measurement over several shifts as the bill now provides. If the averaging method is used, a "cleanup" shift can be rushed in to bring the average down;

Third, to require the Secretary of Health, Education, and Welfare to set medically acceptable coal dust standards which protect the health of the miner, instead of being forced to raise coal dust standards to meet pressure from considerations other than health;

Fourth, to require that electrical equipment in gassy mines be made safe and spark-proof in 15 months instead of the 28 months after enactment of the bill, which is now in the House bill; to eliminate the open ended, indefinite waiver which the bill now provides for all so-called nongassy mines, large and small, enabling such mines to keep dangerous electrical equipment for an indefinite period if spark-free equipment is not "available"; to require that even the smallest so-called nongassy mines get their electrical equipment house in order within 3 to 4 years;

Fifth, to protect miners against losing their jobs or being discriminated against for reporting health and safety violations;

Sixth, to provide criminal penalties for deliberate violations of closing orders in all cases;

Seventh, to provide for autopsies with consent of next of kin;

Eighth, to give miners the right to sue, accompanied by trial by jury, in the case of mine accidents;

Ninth, to control the noise level in coal mines; and

Tenth, to allow a miner who shows the incipient stages of pneumoconiosis to request to be reassigned to an area where the coal dust level is no more than 1.0 milligram per cubic meter of air.

APPOINTMENT OF CONFEREES ON H.R. 12982, DISTRICT OF COLUMBIA REVENUE ACT OF 1969

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12982) to provide additional revenue for the District of Columbia, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina? The Chair hears none, and appoints the following conferees: Messrs. McMillan, Abernethy, Dowdy, Cabell, Nelsen, Harsha, Broyhill of Virginia, and Hogan.

PERMISSION FOR SUBCOMMITTEE NO. 5, COMMITTEE ON THE JUDICIARY, TO SIT DURING GENERAL DEBATE OCTOBER 22, AND FOR SUBCOMMITTEE NO. 4, COMMITTEE ON THE JUDICIARY, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that Subcommittee No. 5 of the Committee on the Judiciary may sit during general debate on October 22, and that Subcommittee No. 4 of the Committee on the Judiciary may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

JOHN VINCENT AMIRAULT

The Clerk called the bill (H.R. 2552) for the relief of John Vincent Amirault.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REFERENCE OF CLAIM OF JESUS J. RODRIGUEZ

The Clerk called House Resolution 86, referring the bill (H.R. 1691) to the Chief Commissioner of the Court of Claims.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. BEATRICE JAFFE

The Clerk called the bill (H.R. 1865) for the relief of Mrs. Beatrice Jaffe.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AMALIA P. MONTERO

The Clerk called the bill (H.R. 6375) for the relief of Amalia P. Montero.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

VISITACION ENRIQUEZ MAYPA

The Clerk called the bill (H.R. 6389) for the relief of Visitacion Enriquez Maypa.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

YAU MING CHINN (GON MING LOO)

The Clerk called the bill (S. 1438) for the relief of Yau Ming Chinn (Gon Ming Loo).

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CAPT. MELVIN A. KAYE

The Clerk called the bill (H.R. 1453) for the relief of Capt. Melvin A. Kaye.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

ROBERT G. SMITH

The Clerk called the bill (H.R. 3723) for the relief of Robert G. Smith.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. RUTH BRUNNER

The Clerk called the bill (H.R. 9488) for the relief of Mrs. Ruth Brunner.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. IRENE G. QUEJA

The Clerk called the bill (S. 564) for the relief of Mrs. Irene G. Queja.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The Clerk called the concurrent resolution (S. Con. Res. 33) favoring the suspension of deportation of certain aliens.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that this concurrent resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

DELILAH AURORA GAMATERO

The Clerk called the bill (H.R. 2817) for the relief of Delilah Aurora Gamatero.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. SABINA RIGGI FARINA

The Clerk called the bill (H.R. 3629) for the relief of Mrs. Sabina Riggi Farina.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PLACIDO VITERBO

The Clerk called the bill (H.R. 3955) for the relief of Placido Viterbo.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the reqeust of the gentleman from Iowa?

There was no objection.

WILLIAM PATRICK MAGEE

The Clerk called the bill (H.R. 9001) for the relief of William Patrick Magee.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

WILLIAM D. PENDER

The Clerk called the bill (S. 901) for the relief of William D. Pender.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2302) for the relief of Mrs. Rose Thomas.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MILOYE M. SOKITCH

The Clerk called the bill (H.R. 3571) for the relief of Miloye M. Sokitch.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CONFERRING JURISDICTION ON CLAIM OF PHILIP J. FICHMAN

The Clerk called the bill (H.R. 10658) conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Philip J. Fichman.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

RAYMOND C. MELVIN

The Clerk called the bill (S. 632) for the relief of Raymond C. Melvin.

There being no objection, the Clerk read the bill, as follows:

S. 632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of clause (1) of section 2733 of title 10, United States Code, and any regulations promulgated pursuant to such clause, the Secretary of the Army is authorized to receive, consider, settle, and pay any claim filed under such section within six months after the date of enactment of this Act by Raymond C. Melvin, of Burlington, Vermont, for permanent physical injury suffered by him as a result of the accidental explosion of a blasting cap allegedly left by United States Army personnel in an area near a military housing development where children were known to play and which was found by said Raymond C. Melvin on July 4, 1964, while playing in such area.

With the following committee amendment:

Page 1, line 4, strike "2733" and insert "2733(b)".

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. DONOHUE

Mr. DONOHUE. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DONOHUE: On page 2, line 3, strike "July 4, 1964" and insert "or about July 6, 1964"

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CAPT. WILLIAM O. HANLE

The Clerk called the bill (S. 882) for the relief of Capt. William O. Hanle.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

REFERENCE OF CLAIMS OF BRANKA MARDESSICH AND SONIA S. SILVANI

The Clerk called House Resolution 498, to refer the bill (H.R. 4498) entitled "A bill for the relief of Branka Mardessich and Sonia S. Silvani" to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MRS. BARBARA K. DIAMOND

The Clerk called the bill (H.R. 2963) for the relief of Mrs. Barbara K. Diamond.

There being no objection, the Clerk read the bill, as follows:

H.R. 2963

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 15 to 20, inclusive, of the Federal Employees' Compensation Act are hereby waived in favor of Mrs. Barbara K. Diamond, San Francisco, California, and her claim for compensation for the death of her husband, Morris Diamond, a former employee of the Bureau of Land Management, Department of the Interior, who died in Denver, Colorado, on March 7, 1957, shall be acted upon under the remaining provisions of such Act if she files such claim with the Bureau of Employees' Compensation, Department of Labor, within six months after the date of enactment of this Act. No benefits shall accrue by reason of the enactment of this Act for any period prior to the date of enactment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BERT N. ADAMS AND EMMA ADAMS

The Clerk called the bill (H.R. 7567) for the relief of Bert N. Adams and Emma Adams.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 11500) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ROSE MINUTILLO

The Clerk called the bill (H.R. 12089) for the relief of Rose Minutillo.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

IRVING M. SOBIN CO., INC., AND/OR IRVING M. SOBIN CHEMICAL CO., INC.

The Clerk called the bill (H.R. 1782) for the relief of Irving M. Sobin Co., Inc., and/or Irving M. Sobin Chemical Co., Inc.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that this bill is passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MR. AND MRS. WONG YUI

The Clerk called the bill (S. 92) for the relief of Mr. and Mrs. Wong Yui.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

DUG FOO WONG

The Clerk called the bill (S. 2019) for the relief of Dug Foo Wong.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

KONG WAN NOR

The Clerk called the bill (H.R. 5936) for the relief of Kong Wan Nor.

There being no objection, the Clerk read the bill, as follows:

H.R. 5936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(2) and 204 of the Immigration and Nationality Act, Kong Wan Nor shall be held and considered to be the natural born alien child of Mr. and Mrs. Jo-Yum Kong, lawfully admitted resident aliens in the United States: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such parentage, relationship, be accorded any rights, privilege, or status under the Immigration and Nationality Act.

With the following committee amendments:

On page 1, line 8, after the words "natural parents" insert "or brothers or sisters".

On page 1, line 9, after the word "such" strike out the word "parentage" and insert in lieu thereof the word "relationship".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TIMOTHY L. ANCRUM (ALSO KNOWN AS TIMMIE ROGERS)

The Clerk called the bill (H.R. 3590) for the relief of Timothy L. Ancrum (also known as Timmie Rogers).

Mr. HUNT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

ELGIE L. TABOR

The Clerk called the bill (H.R. 9591) for the relief of Elgie L. Tabor.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Elgie L. Tabor (lieutenant colonel, United States Air Force, retired, FV 573 538) of San Antonio, Texas, is relieved of liability to the United States in the amount of $2,499.22, representing overpayments of active duty pay received by the said Elgie L. Tabor for the period ending November 25, 1966, as a result of an administrative error which, through no fault of his own, occurred to crediting him with certain service in the Texas National Guard.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Elgie L. Tabor an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, lines 7 and 8, strike "ending November 25, 1966," and insert "from January 20, 1943, through January 9, 1960, inclusive,".

Page 2, line 8, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REFERENCE OF CLAIM OF JOHN S. ATTINELLO

The Clerk called House Resolution 533, to refer the bill (H.R. 3722) entitled "A bill for the relief of John S. Attinello" to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code, as amended.

Mr. HUNT. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PROVIDING FOR THE CONVEYANCE OF CERTAIN MINERAL RIGHTS IN AND UNDER LANDS IN PIKE COUNTY, GA.

The Clerk called the bill (H.R. 1706) to provide for the conveyance of certain mineral rights in and under lands in Pike County, Ga.

There being no objection, the Clerk read the bill, as follows:

H.R. 1706

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all mineral interests which are now owned by the United States in the following described land are hereby quitclaimed to the owner or owners of the surface of the land:

All that tract or parcel of land situated, lying, and being in land lot 132 of the eighth land district of Pike County, Georgia, containing 1,642 acres of land, more of less, and being more particularly designated as "Tract B" on a plat of survey prepared by J. W. Oxford, Junior, registered land surveyor, dated April 27, 1965, and being recorded in Plat Book 2, Page 129, Clerk's Office, Superior Court, Pike County, Georgia, as follows:

Beginning at the point of intersection of the east boundary line of land lot 132 in the eighth land district of Pike County, Georgia, with the south right-of-way line of State Highway Numbered 18;

run thence in a northwesterly direction along the south right-of-way line of said Highway Numbered 18 a distance of 168.7 feet to a point marked by an iron stake and the real point of beginning;

run thence north 53 degrees 14 minutes west a distance of 194.5 feet to a point marked by an iron stake;

run thence south 1 degree 37 minutes west a distance of 881.4 feet to a point marked by an iron stake;

run thence north 88 degrees 31 minutes east a distance of 26.1 feet to a point marked by an iron stake;

run thence north 8 degrees 47 minutes east a distance of 469.9 feet to a point marked by an iron stake;

run thence north 15 degrees 25 minutes east a distance of 310.6 feet to a point marked by an iron stake, and the real point of beginning, all as shown on the aforesaid plat prepared by the said J. W. Oxford, Junior.

The within conveyed real estate is bounded now or formerly as follows: North by State Highway Numbered 18; west by lands of Tom Littleton; south by that public road known as the Campground Road, and east by lands of O. M. Littleton.

The grantee herein shall take by such conveyance the same estate in the minerals quitclaimed hereby, as he owns in the surface of the land described herein.

With the following committee amendments:

Page 3, strike out all of lines 4, 5, and 6.

Page 3, add a new section 2 reading as follows:

"SEC. 2. The provisions of section 1 of this Act shall become effective upon payment by the grantee of $200 to reimburse the United States for the administrative costs of the conveyance, plus payment of the estimated fair market value of the minerals in such lands, if any."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call on the Private Calendar.

CALL OF THE HOUSE

Mr. HUNT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 236]

Arends
Ashley
Bingham
Blackburn
Brooks
Burton, Utah
Cabell
Cahill
Carey
Clark
Clausen, Don H.
Clay
Corman
Culver
Dawson
Devine
Diggs
Dingell
Dorn
Downing
Eckhardt
Edwards, Ala.
Eshleman
Fascell
Findley
Ford, William D.
Gallagher
Garmatz
Goldwater
Gray
Hagan
Halpern
Hays
Holifield
Howard
Jones, N.C.
Jones, Tenn.
Karth
Kirwan
Landrum
Lipscomb
Long, La.
McCarthy
Macdonald, Mass.
Martin
Mills
Minshall
Morse
Morton
O'Konski
Ottinger
Passman
Powell
Quie
Reid, Ill.
Reid, N.Y.
Riegle
Rivers
Rodino
Rosenthal
Ruppe
Sandman
Scheuer
Steiger, Wis.
Teague, Calif.
Teague, Tex.
Ullman
Utt
Vanik
Watts
Whalley

The SPEAKER. On this rollcall 360 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

POLITICS CAST SHADOW OVER PRESIDENT'S NOVEMBER 3 ADDRESS

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FULTON of Tennessee. Mr. Speaker, recently spokesmen for the administration requested a 60-day moratorium on criticism of the administration's policies in and conduct of the Vietnam war.

When the announcement came, I agreed that any reasonable request which might lead Hanoi to negotiate seriously should be given careful consideration. It seemed to me that this was a reasonable request and I, for my part, agreed.

In the wake of the request comes news that President Nixon plans to make a major speech on his policies and conduct of the war November 3. The announcement of the speech was a shock and a disappointment. What inappropriate and partisan timing.

The President has scheduled his talk less than 24 hours before the polls open in at least five States where major general elections are to be held and where, in several cases, the war in Vietnam is an issue.

In New York, Vietnam is an issue in the mayor's election. Other elections include races for Governor in New Jersey and Virginia, a congressional seat in New Jersey and mayoralty elections in Detroit, Cleveland, and Pittsburgh.

The President is certainly not unmindful of the adverse political impact his policies have had in several special congressional elections this year in which opponents of his policies have emerged winners.

Is cooperation a two-way street in the administration's view?

Does the administration on the one hand feel that it is proper to ask for bipartisan support of a 60-day moratorium on policiy criticism and, on the other hand, go to the public for discussion of these policies on the eve of major political elections?

Perhaps the President's advisers were not as aware as they might be of the impropriety of the timing of his speech. It is not too late to delay it 24 or 48 hours and this should be done if the administration does not want to give rise to a new and decisive credibility gap.

CONFERENCE REPORT ON S. 1689, CHILD PROTECTION AND TOY SAFETY ACT OF 1969

Mr. STAGGERS submitted the following conference report and statement on the bill (S. 1689) to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91-581)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1689) to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"SECTION 1. This Act may be cited as the 'Child Protection and Toy Safety Act of 1969'.

"SEC. 2. (a) Section 2(f)1 of the Federal Hazardous Substances Act (15 U.S.C. 1261(f)(1)) is amended by adding at the end thereof the following:

" '(D) Any toy or other article intended for use by children which the Secretary by regulation determines, in accordance with section 3(e) of this Act, presents an electrical, mechanical, or thermal hazard.'

"(b) Section 3 of such Act (15 U.S.C. 1262) is amended by adding at the end thereof the following new subsection:

" '(e)(1) A determination by the Secretary that a toy or other article intended for use by children presents an electrical, mechanical, or thermal hazard shall be made by regulation in accordance with the procedures prescribed by section 553 (other than clause (B) of the last sentence of subsection (b) of such section) of title 5 of the United States Code unless the Secretary elects the procedures prescribed by subsection (e) of section 701 of the Federal Food, Drug, and Cosmetic Act, in which event such subsection and subsections (f) and (g) of such section 701 shall apply to the making of such determination. If the Secretary makes such election, he shall publish that fact with the proposal required to be published under paragraph (1) of such subsection (e).

" '(2) If, before or during a proceeding pursuant to paragraph (1) of this subsection, the Secretary finds that, because of an electrical, mechanical, or thermal hazard, distribution of the toy or other article involved presents an imminent hazard to the public health and he, by order published in the Federal Register, gives notice of such finding, such toy or other article shall be deemed to be a banned hazardous substance for purposes of this Act until the proceeding has been completed. If not yet initiated when such order is published, such a proceeding shall be initiated as promptly as possible.

" '(3)(A) In the case of any toy or other article intended for use by children which is determined by the Secretary, in accordance with section 553 of title 5 of the United States Code, to present an electrical, mechanical, or thermal hazard, any person who will be adversely affected by such a determination may, at any time prior to the 60th day after the regulation making such determination is issued by the Secretary, file a petition with the United States Court of Appeals for the circuit in which such person resides or has his principal place of business for a judicial review of such determination. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by him for that purpose. The Secretary shall file in the court the record of the proceedings on which the Secretary based his determination, as provided in section 2112 of title 28 of the United States Code.

" '(B) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there was no opportunity to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary in a hearing or in such other manner, and upon such terms and conditions, as to the court may seem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original determination, with the return of such additional evidence.

" '(C) Upon the filing of the petition under this paragraph, the court shall have jurisdiction to review the determination of the Secretary in accordance with subparagraphs (A), (B), (C), and (D) of paragraph (2) of the second sentence of section 706 of title 5 of the United States Code. If the court ordered additional evidence to be taken under subparagraph (B) of this paragraph, the court shall also review the Secretary's determination to determine if, on the basis of the entire record before the court pursuant to subparagraphs (A) and (B) of this paragraph, it is supported by substantial evidence. If the court finds the determination is not so supported, the court may set it aside. With respect to any determination reviewed under this paragraph, the court may grant appropriate relief pending conclusion of the review proceedings, as provided in section 705 of such title.

" '(D) The judgment of the court affirming or setting aside, in whole or in part, any such determination of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28 of the United States Code.'

"(c) The proviso in section 2(q)(1) of such Act is amended by inserting 'or necessarily present an electrical, mechanical, or thermal hazard' after 'hazardous substance involved'.

"(d) Section 2 of such Act is amended by adding at the end thereof the following:

" '(r) An article may be determined to present an electrical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture may cause personal injury or illness by electric shock.

" '(s) An article may be determined to present a mechanical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness (1) from fracture, fragmentation, or disassembly of the article, (2) from propulsion of the article (or any part or accessory thereof), (3) from points or other protrusions, surfaces, edges, openings, or closures, (4) from moving parts, (5) from lack or insufficiency of controls to reduce or stop motion, (6) as a result of self-adhering characteristics of the article, (7) because the article (or any part or accessory thereof) may be aspirated or ingested, (8) because of instability, or (9) because of any other aspect of the article's design or manufacture.

" '(t) An article may be determined to present a thermal hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness because of heat as from heated parts, substances, or surfaces.'

"SEC. 3. (a) Subparagraph 1(A) of section 2(f) of the Federal Hazardous Substances Act (15 U.S.C. 1261(f)(1)(A)) is amended by inserting 'or combustible' after 'flammable'.

"(b) Section 2(l) of such Act (15 U.S.C. 1261(l)) is amended—

"(1) by striking out 'and the term' and inserting in lieu thereof 'the term';

"(2) by inserting before the semicolon the following: ', and the term "combustible" shall apply to any substance which has a flash point above eighty degrees Fahrenheit to and including one hundred and fifty degrees as determined by the Tagliabue Open Cup Tester';

"(3) by inserting 'or combustibility' after 'flammability'; and

"(4) by inserting ', "combustible",' after 'the terms "flammable" '.

"(c) Section 2(p)(1)(E) of such Act (15 U.S.C. 1261(p)(1)(E)) is amended by inserting ' "Combustible," ' after ' "Flammable," '.

"SEC. 4. (a) The Federal Hazardous Substances Act is amended by redesignating sections 15, 16, 17, and 18 as sections 16, 17, 18, and 19, respectively, and by inserting after section 14 the following new section:

" 'REPURCHASE OF BANNED HAZARDOUS SUBSTANCES

" 'SEC. 15. (a) In the case of any article or substance sold by its manufacturer, distributor, or dealer which is a banned hazardous substance (whether or not it was such at the time of its sale), such article or substance shall, in accordance with regulations of the Secretary, be repurchased as follows:

" '(1) The manufacturer of any such article or substance shall repurchase it from the person to whom he sold it, and shall—

" '(A) refund that person the purchase price paid for such article or substance,

" '(B) if that person has repurchased such article or substance pursuant to paragraph (2) or (3), reimburse him for any amounts paid in accordance with that paragraph for the return of such article or substance in connection with its repurchase, and

" '(C) if the manufacturer requires the return of such article or substance in connection with his repurchase of it in accordance with this paragraph, reimburse that person for any reasonable and necessary expenses incurred in returning it to the manufacturer.

" '(2) The distributor of any such article or substance shall repurchase it from the person to whom he sold it, and shall—

" '(A) refund that person the purchase price paid for such article or substance,

" '(B) if that person has repurchased such article or substance pursuant to paragraph (3), reimburse him for any amounts paid in accordance with that paragraph for the return of such article or substance in connection with its repurchase, and

" '(C) if the distributor requires the return of such article or substance in connection with his repurchase of it in accordance with this paragraph, reimburse that person for any reasonable and necessary expenses incurred in returning it to the distributor.

" '(3) In the case of any such article or substance sold at retail by a dealer, if the person who purchased it from the dealer returns it to him, the dealer shall refund the purchaser the purchase price paid for it and reimburse him for any reasonable and necessary transportation charges incurred in its return.

" '(b) For the purposes of this section, (1) the term 'manufacturer' includes an importer for resale, and (2) a dealer who sells at wholesale an article or substance shall with respect to that sale be considered the distributor of that article or substance.'

"(b)(1) Subsection (a) of the section of such Act redesignated as section 18 is amended by striking out 'section 18' and inserting in lieu thereof 'section 19'.

"(2) The section of such Act redesignated as section 19 is amended by striking out 'section 16(b)' and inserting in lieu thereof 'section 17(b)'.

"Sec. 5. The amendments made by this Act shall take effect on the sixtieth day following the date of the enactment of this Act."

And the House agree to the same.

Harley O. Staggers,
John E. Moss,
John M. Murphy,
William L. Springer,
Hastings Keith,
Managers on the Part of the House.

Frank E. Moss,
Philip Hart,
John Pastore,
James B. Pearson,
Charles Goodell,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1689) to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute. The Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment. The conference substitute is in large part the same as the House amendment. The differences between the House amendment and the substitute agreed to in conference are noted below except for minor technical and clarifying changes made necessary by reason of the conference agreement.

In this statement of managers, the Secretary of Health, Education, and Welfare is referred to as the Secretary, the Federal Hazardous Substances Act is referred to as the Act, and toys or other articles intended for use by children are referred to as children's articles.

SHORT TITLE

The Senate bill's short title was "Toy Safety Act of 1969", and the short title in the House amendment was "Child Protection of 1969".

The short title of the conference substitute—"Child Protection and Toy Safety Act of 1969"—combines the short titles of the bill and amendment.

PROCEDURAL REQUIREMENTS FOR REGULATION OF CHILDREN'S ARTICLES THAT PRESENT ELECTRICAL, MECHANICAL OR THERMAL HAZARDS [SECS. 2(A) AND (B)]

The amendments to the Act made by subsections (a) and (b) of section 2 of the Senate bill provided a one-step regulation process to exclude from the market children's articles presenting electrical, mechanical, or thermal hazards. If the Secretary determined in accordance with the informal rulemaking requirements (notice and opportunity for submission of views) of section 553 of title 5 of the United States Code that a children's article presented an electrical, mechanical, or thermal hazard, then, under the amendment made by subsection (a), that article would be covered by the Act as a hazardous substance. Furthermore, that article would also be covered by the Act as a banned hazardous substance (and thus excluded from the market) because of the amendment made by subsection (b) of the Senate bill to the definition in the Act of banned hazardous substance and also because under that definition in existing law a children's article "which is a hazardous substance" is a banned hazardous substance.

Thus, under the Senate bill, a children's article determined to be a hazardous substance (and consequently a banned hazardous substance) because of an electrical, mechanical, or thermal hazard could be marketed only if it met the requirements of the exception provided for articles the functional purpose of which require the inclusion of such a hazard (e.g., wood burning sets).

Subsection (b) of the Senate bill also changed existing law with respect to children's articles which are hazardous substances under existing law to require that before such articles could be treated as banned hazardous substances, the Secretary would have to make a specific regulatory determination (under section 553 of title 5, United States Code) that the article was such a hazardous substance.

Under the provisions of the amendments made to the Act by subsections (a) and (b) of section 2 of the House amendment, control of the marketing of children's articles which present electrical, mechanical, or thermal hazards was a two-step process. First, if a children's article presented such a hazard, it would be a hazardous substance by operation of law and it could be marketed only if the labeling requirements of the Act were met. To classify such an article as a banned hazardous substance (and thus exclude it from commerce permanently) the Secretary was required to make a finding (in accordance with the formal rulemaking requirements of section 701 of the Federal Food, Drug, and Cosmetic Act) that the public could be adequately protected only by excluding the article from the market. However, pending completion of that formal rulemaking proceeding such an article could be excluded from commerce if the Secretary found that its distribution presented an imminent hazard to the public health and safety. No specific procedural requirements were provided for such finding other than giving notice of such finding by an order published in the Federal Register.

The conference substitute provides a one-step regulation process to control the marketing of children's articles which present electrical, mechanical, or thermal hazards. That is, only one proceeding (to determine if the article is a hazardous substance) is required to exclude the article from the market. However, the Secretary may exclude such an article from the market for a limited period either before or during the required proceeding if he finds that its distribution presents an imminent hazard to the public health and safety.

Subsection (a) of section 2 of the conference substitute amends the definition of hazardous substance in the Act to include children's articles which the Secretary by regulation determines present electrical, mechanical, or thermal hazards. As noted above, a determination that a children's article is a hazardous substance automatically makes it a banned hazardous substance since the definition of that term in section 2(q)(1)(A) of the Act includes any children's article "which is a hazardous substance."

A new subsection (e) added to section 3 of the Act by subsection (b) of section 2 of the substitute prescribes the procedure that the Secretary must follow in making a regulation determining that a children's article is a hazardous substance because of an electrical, mechanical, or thermal hazard. Under paragraph (1) of the new subsection, the determination is to be made in accordance with the informal rulemaking requirements of section 553 of title 5 of the United States Code unless the Secretary elects to follow the formal rulemaking requirements of subsection (e) of section 701 of the Federal Food, Drug, and Cosmetic Act. However, it is provided that if the Secretary proceeds under such section 553, he may not dispense with the sections initial procedural requirements as is authorized in the section in cases where notice and other procedures are found to be impracticable, unnecessary, or contrary to the public interest. If the Secretary determines that action must be taken quickly, he can issue a "stop order" under the provisions authorized by paragraph (2) of the new subsection.

Paragraph (2) of the new subsection provides that if the Secretary makes a finding that the distribution of such an article presents an imminent hazard to the public health and safety, such article shall be deemed to be a banned hazardous substance until a proceeding to determine if it is a hazardous substance is completed. A finding of "imminent hazard" may be made either before or during any such proceeding and does not have to be made in accordance with any specific procedural requirements (other than giving notice of such finding by publication of an order in the Federal Register). If it is made before such a proceeding, then such a proceeding must be started as promptly as possible. The "stop order" authorized by this paragraph applies, moreover, regardless of whether such proceeding is conducted under the informal rulemaking requirements of section 553 of title 5, United States Code, or the formal rulemaking requirements of section 701(e) of the Federal Food, Drug, and Cosmetic Act.

Paragraph (3) of the new subsection provides for judicial review of a determination of the Secretary that a children's article is a hazardous substance because of an electrical, mechanical, or thermal hazard if such determination is made by a regulation prescribed in accordance with section 553 of title 5, United States Code. (If the determination is made in accordance with subsection (e) of section 701 of the Federal Food, Drug, and Cosmetic Act, it would be reviewable under subsections (f) and (g) of such section 701 which are incorporated in the conference substitute by reference for application in such cases.)

The judicial review afforded by this paragraph where the section 553 procedure is followed is similar to the review authorized by section 105 of the National Traffic and Motor Vehicle Safety Act of 1966.

Under paragraph (3) of the new subsection, any person who will be adversely affected by a determination of the Secretary (made in accordance with the section 553 procedure) may, before the sixtieth day after the regulation making such determination is issued, seek review in the United States court of appeals for the circuit in which such person resides or has his principal place of business. The court is authorized, upon request, to require that additional evidence (and evidence in rebuttal thereof) be taken before the Secretary in a hearing or in such other manner, and upon such terms and conditions, as to the court may seem proper, if such person shows to the satisfaction of the court that the additional evidence is material and that there was no opportunity to produce it in the proceeding before the Secretary. The court may, in accordance with section 706(2) of title 5, United States Code, set aside the Secretary's determination if it finds that it (1) is arbitrary, capricious, or otherwise not in accordance with law, (2) is contrary to constitutional right, power, and privilege, or immunity, (3) is in excess of statutory jurisdiction, authority, or limitation, or short of statutory right, or (4) was made without observance of procedure required by law. In addition, if during the course of the review under this paragraph additional evidence was ordered to be taken, the court may set aside the Secretary's determination if it finds that on the basis of the entire record before the court, including the record initially filed with the court, the determination is unsupported by substantial evidence. Pending the conclusion of any review proceeding initiated under the new paragraph (3), the court may grant appropriate relief (such as a stay of the effect of the Secretary's determination) as provided in section 705 of title 5 of the United States Code.

Subsection (c) of the conference substitute amends the proviso in section 2(q)(1). That proviso provides that in the case of children's articles that are, contain, or bear a hazardous substance, the Secretary shall by regulation provide that they will not be covered by the Act as a banned hazardous substance if the article's functional purpose requires the inclusion of the hazardous substance involved and if they are adequately and effectively labeled. The amendment to the proviso makes it clear that children's articles the functional purpose of which requires the inclusion of an electrical hazard, mechanical hazard, or thermal hazard may be marketed under regulations of the Secretary if the article bears labeling giving adequate direction and warnings for safe use and if the article is intended for use by children who have attained sufficient maturity, and may reasonably be expected, to read and heed such direction and warning.

OTHER PROVISIONS

The provisions of the conference substitute which define the terms electrical hazard, mechanical hazard, and thermal hazard are identical to the provisions of the House amendment defining those terms. The definition of mechanical hazard in the House amendment and the conference substitute was designed to assure that, together with the definitions of electrical and thermal hazards, this definition would cover any type of hazard presented by a children's article that is not already covered by existing law. For example, children's articles which generate damagingly high noise levels could be covered under the Act by that definition.

The other provisions of the conference substitute are also identical to the House amendment. Those provisions (1) include within the coverage of the Act combustible articles, (2) provide for the repurchase of banned hazardous substances, and (3) provide an effective date.

HARLEY O. STAGGERS,
JOHN E. MOSS,
JOHN M. MURPHY,
WILLIAM L. SPRINGER,
HASTINGS KEITH,
Managers on the Part of the House.

APPOINTMENT OF CONFEREES ON S. 2276, EXTENDING CLEAN AIR ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2276) to extend for 1 year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, JARMAN, ROGERS of Florida, SATTERFIELD, SPRINGER, NELSEN, and CARTER.

HOUSING AND URBAN DEVELOPMENT ACT OF 1969

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 580 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 580

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13827) to amend and extend laws relating to housing and urban development, and for other purposes, and all points of order against lines 19 and 20 on page 20, lines 13 through 22 on page 21, and lines 11 through 16 of the committee amendment on page 40 are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule by title instead of by section. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 13827, the Committee on Banking and Currency shall be discharged from the further consideration of the bill S. 2864, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 13827 as passed by the House.

The SPEAKER. The gentleman from Indiana (Mr. MADDEN) is recognized for 1 hour.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 580 provides an open rule with 3 hours of general debate for consideration of H.R. 13827 to extend and amend laws relating to housing and urban development and for other purposes.

This bill is the omnibus housing bill for this year and is needed to provide authorizations to continue our housing programs into fiscal year 1971 and to extend FHA mortgage insuring authority. While the four titles in the bill affect nearly all of our programs in this field, it appears to be relatively noncontroversial and was reported from the Committee on Banking and Currency unanimously. It is important that it be acted on promptly so that the administration will know the authorizations available when it plans for its budget request for next year.

In its testimony before the Committee on Rules, the Committee on Banking and Currency stated that there are no new major programs provided for in this bill reflecting the fact that the extensive acts of 1968 and other recent years created programs which are still being put into effect and perfected. Here are the major provisions in H.R. 13827.

The first title deals with mortgage credit and FHA insurance. It extends to next October the basic insuring authority of the Federal Housing Administration which would otherwise expire on January 1. The bill would make an upward adjustment of 10 percent in maximum FHA mortgage amounts to reflect the rise in construction and land costs in recent years and would authorize a modest reduction in downpayments on homes priced between $20,000 and $25,000 to bring them more in line with the low downpayments required on lower priced homes. It would also authorize an additional $25 million for interest subsidy payments under the section 235 homeownership program and the section 236 rental housing program to reflect higher construction costs and higher interest rates over the past year.

Title II of the bill covers urban renewal and public housing. This title would authorize $2 billion in urban renewal grant authority for fiscal year 1971, which is a modest increase over the $1,750,000,000 authorized for this year. It also provides that 35 percent of this amount be reserved for neighborhood development programs. It includes a provision, which many Members have been concerned about, extending for 1 year the eligibility period for noncash grant-in-aid credit under urban renewal to take account of the delay in Federal funding of NDP and other urban renewal projects. Another section removes the controversial income ceiling on low interest rehabilitation loans in urban renewal areas imposed last year but retains a priority for lower income borrowers. This title also authorizes some flexibility in the public housing contribution formula which was requested by the Administration. This flexibility will make possible some further aid for those local authorities which are now threatened with bankruptcy because rental income is so low they cannot meet operating expenses. Finally, this title authorizes an additional $150 million for the program of 3-percent direct loans for housing for the elderly to help meet the backlog of applications which HUD now has on hand.

Title III of the bill covers model cities and metropolitan development programs. The principal provision is the authorization to appropriate $750 million next year for the model cities program.

It also extends existing unused appropriation authority for several other programs including urban planning grants, the open space program, and water and sewer grants. It also authorizes the appropriation of an additional $100 million for water and sewer grants.

The last title of the bill covers a number of miscellaneous provisions, the most important of which is a committee amendment which would make flood insurance promptly available to property owners threatened by floods and hurricanes. The basic program enacted last year has been slow to go into effect because of the time required to set local premium rates. This bill would make it possible for property owners to buy this coverage now with Federal assistance for a 2-year period while rate studies are going on. Title IV also includes a number of perfecting amendments to farm housing programs designed to make possible substantial increase in this financing.

Mr. Speaker, this bill is generally similar to the Senate housing bill which passed that body recently—S. 2864. The basic difference is that the Senate bill covers a 2-year period while H.R. 13827 is a 1-year bill. While it is relatively small, as housing bills go, it is needed to keep our housing and urban development programs going and to perfect those programs. I urge the adoption of the rule.

Mr. Speaker, I now yield to the gentleman from Ohio (Mr. Latta).

Mr. LATTA. Mr. Speaker, I agree with the remarks just made by my friend from Indiana.

I might say that the authorizations contained in the bill total $3,074,000,000 for fiscal 1971; $200,000,000 is authorized for fiscal 1970—the last is for increases in current programs covering housing for the elderly and those to improve and upgrade currently existing housing in low-income areas.

Of the $3,074,000,000 authorized for fiscal 1971, the major programs covered are: urban renewal, $2,000,000,000; and, model cities, $750,000,000.

The bill also makes changes in the organic law covering a number of housing-assistance programs, all aimed at making more and better housing facilities available. Among these are: First, a liberalization of FHA downpayment requirements to insure that low- and middle-income families will not be priced out of the housing market by rising prices; second, an increase in the mortgages which may be insured on mobile homes, and; third, an increase in contract authority for homeowner assistance payments to upgrade existing housing under section 235 of the Housing Act.

The committee report notes that with respect to the urban renewal programs, a backlog of requests from cities now equals nearly $2,000,000,000. The additional funding authorizations of $2,000,000,000 is necessary beginning with fiscal 1971 to continue this program. Thirty-five percent of the funds made available will be reserved for funding neighborhood development programs as opposed to downtown redevelopment.

The model cities program is authorized for fiscal 1971 at $750,000,000. At present 35 cities are receiving grant assistance and 150 more have received planning assistance. These 150 cities will soon begin to receive grant assistance under the program.

A number of programs which would otherwise expire at the end of fiscal 1970, and for which funds remain unexpended, are extended for 1 more year without any further authorizations. These include: Grants for open spaces, urban beautification and historic preservation, advanced land acquisition, grants for public facilities in new communities, and grants for the neighborhood facilities program.

The bill also extends through fiscal 1971 the existing program for grants for water and sewer facilities construction and authorizes an additional $100,000,000.

Mr. Speaker, it seems to me that this additional amount of $100 million is totally insufficient to meet the needs in this area. We debated an appropriation bill just recently where we tripled the request of $214 million for such construction to $600 million. I might observe that HUD seems to be doing a good job in allocating this fund to the areas of need and should be authorized to increase its efforts.

I think the committee should give some consideration during the consideration of this bill today and perhaps, if we go into tomorrow on this bill, to increasing this $100 million authorization substantially.

The bill adds a new provision to existing law with respect to flood insurance assistance. The Secretary of Housing and Urban Development is directed to implement the flood insurance program on an emergency basis during the 2-year period ending December 31, 1971. Insurance could be offered to flood-prone areas during this period while the long-term, permanent program is made operational. The existing flood insurance pool created by the Government and the insurance companies would be utilized. Rates would be set by the Secretary.

Finally, the bill authorizes the Federal Home Loan Bank Board to set maximum rates of interest for home mortgages on single-family dwellings in those few States which do not have statutory ceilings. This would eliminate the arbitrary 8-percent ceiling, an area that was touched upon while this bill was before the Rules Committee.

Also, there is a question of the crisis that this Nation faces in the housing industry or that part of the housing industry dependent upon conventional financing. Every Member knows that our banks and the savings and loan institutions back home do not have the money to loan to build homes with conventional financing.

Mr. Speaker, I certainly hope this great committee will give some consideration to this area of need. I have discussed this matter with the chairman of the subcommittee, the distinguished gentleman from Pennsylvania (Mr. Barrett), and he acknowledged the tremendous need which exists here. Therefore, I hope this great subcommittee of the Committee on Banking and Currency, will give some real attention to this matter before we are faced with a recession in the housing industry.

Mr. Speaker, I say in conclusion that this resolution waives points of order against lines 16 through 21 on page 20 of the bill for the reason that a revolving fund is created and on lines 16 through 21 on page 21 and to lines 11 through 16 on page 40 for the reason that we have a transfer of funds.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13827) to amend and extend laws relating to housing and urban development, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13827, with Mr. Flood in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. Patman) will be recognized for 1½ hours, and the gentleman from New Jersey (Mr. Widnall) will be recognized for 1½ hours.

Before the Chair recognizes the gentleman from Texas, we understand the ground rules when this Chairman presides. The Chair has requested the House employees to be withdrawn from the floor, with the exception of one man from each side of the aisle. The Chair has asked the chiefs of the whips to advise those in those quarters that we want them to be quiet. The Chair expects the Members to understand that this debate will be conducted as they want it conducted. As their Chairman, the Chair expects the aisles to the right and left, which as a rule represent the most trouble, to be cleared. The gentlemen who are at the rail will also understand that we expect no undue activity there.

The Chair recognizes the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill before us—H.R. 13827—is very important legislation and necessary to continue our programs in the field of housing and urban development through the next fiscal year. It also makes important improvements in existing law to help those programs function more effectively and help us meet our national housing goals.

Important as this bill is, it should be stated that it is not designed to be a cure-all. In particular, it is not aimed at the most critical problem in housing today; that of high interest rates and the shortage of mortgage credit. The Committee on Bank and Currency has bills pending before it and is now conducting hearings on this extremely difficult problem and is working hard to find solutions to tight money which has forced many home buyers out of the market, has reduced home building activities sharply, and is doing serious damage to our entire economy. We will not be able to make substantial progress toward meeting the goal of 26 million additional homes over the next 10 years as set forth in the 1968 Housing Act until this fundamental problem is overcome. However, we must continue our basic programs of housing assistance for low-income families and aid to towns and cities to improve living conditions and eliminate slums. This is the purpose of H.R. 13827.

Mr. Chairman, the Committee on Banking and Currency has worked hard on the bill before us and has produced legislation which was approved unanimously by our Committee on Banking and Currency. The Subcommittee on Housing held 3 weeks of hearings on administration proposals and related bills and then considered this legislation in 5 days of executive session. H.R. 13827 embodies the subcommittee recommendations. In its executive session the full Committee on Banking and Currency generally approved H.R. 13827 and added several additional amendments. The most important of these additional amendments is the emergency flood insurance program intended to activate immediately the basic flood insurance program authorized in last year's Housing Act.

FEDERAL HOUSING ADMINISTRATION PROGRAM

Mr. Chairman, this is an uncomplicated bill which contains four titles in contrast to the 17 titles in last year's Housing Act. The first title deals mainly with the Federal Housing Administration program of mortgage insurance. It would extend until next October FHA's basic mortgage insuring authority which, under existing law, would expire on January 1. This includes both the FHA programs for lower income families and its regular programs for those in the middle-income range. While the shortage of mortgage funds has held down the level of activity under FHA, this program is basic to our efforts to meet our national housing goals and hopefully will show a rising rate of activity over the next year. This title also clarifies the authority of the Government National Mortgage Association to buy mortgages on low-income housing under FHA programs at par and resell them at market prices. This provision is designed to meet the problem of nonprofit sponsors of rent supplement and interest subsidy projects who have no resources with which to pay discounts. It is only a very limited answer to the problems posed by the point system which can only be overcome for all home buyers and housing sponsors through a reduction in interest rates and an increase in the supply of credit. However, the committee felt that it was urgent that action be taken to make par financing available for FHA programs designed especially for lower income families.

Mr. Chairman, attention should also be called to the language in the report expressing the committee's dissatisfaction with the failure of the administration to put into effect the important provision of the 1968 act authorizing the sale of mortgage-backed securities to help tap new sources of mortgage money such as pension funds. These funds now do not generally invest in home mortgages because they prefer the convenience of bond investments which have a fixed schedule of retirement without handling costs. The assets of these funds exceed $200 billion but their present mortgage holdings account for only about one-tenth of that amount. Properly implemented these mortgage-backed securities, which under the law would carry a Government guarantee, could greatly expand the supply of mortgage credit. It is important that the Department of Housing and Urban Development use this authority to provide the kind of security which will be attractive to pension funds.

Another statement in the committee report points to the availability of prompt relief in the current mortgage credit crisis through the use of existing authority for FHA and VA mortgage purposes under the special assistance program. The Government National Mortgage Association—GNMA—created by the 1968 Housing Act has $2 billion authorized by the Congress to aid housing programs through mortgage purchases, particularly the highly successful program of 3-percent loans for rental and cooperative housing for moderate income families. The Secretary of Housing and Urban Development has stated his desire to stimulate housing construction and meet our housing needs. One step that he could take immediately to accomplish that would be to put these funds to use.

URBAN RENEWAL AND PUBLIC HOUSING

Title II of the bill covers the urban renewal program and public housing. The bill would authorize an additional $2 billion for urban renewal for fiscal year 1971. This is urgently needed in view of the fact that we already have a backlog of applications of approximately $2 billion; new applications of about $2 billion, and new applications are still coming in at a high rate. Your committee felt that this was the minimum amount needed to take care of both the pressing needs of larger cities and assure that adequate funds will be available for our smaller towns and cities. The bill does not provide for any additional units of public housing since existing authorization is sufficient to carry that program through next year. However, it does provide $20 million in annual contribution authority to be used for the rehabilitation of older projects. Some of these projects are now 30 years old and others were built shortly after World War II when shortages of material hampered construction. Improvement of this housing will give it a new lease on life so that it can continue to serve low-income families.

This title also includes an additional $150 million for the very successful and popular program of 3-percent loans for housing for the elderly. When the administration allowed this program to run out of funds this spring it had on hand $200 million in applications and additional sponsors were in the process of preparing further applications. HUD told these sponsors that in the future they would have to use section 236 interest subsidies. In enacting section 236 last year it was contemplated that it would eventually replace direct loan programs but only when it was put in full operation and adequately funded. This has not yet happened and in view of the shortage of assistance funds and the tremendous need for housing for the elderly and other low- and moderate-income families, it is important that we make full use of all of our programs in this field.

The committee heard many complaints that the complexity and higher costs of FHA section 236 housing would block efforts to provide these units for older people at rents which they could afford. The committee therefore added this additional authorization and in view of the present upward pressure on construction and land costs and the lack of alternative mortgage financing, it is important that the Department make them available promptly for senior citizen housing.

MODEL CITIES AND METROPOLITAN DEVELOPMENT

Mr. Chairman, title III of the bill covers model cities and metropolitan development. It would authorize the appropriation of $750 million for model cities grants in fiscal year 1971. This is the amount requested by the previous administration for the current fiscal year. That request was reduced 10 percent by the present administration and the House-passed bill has made a further reduction—to $500 million. The model cities program is intended to concentrate the full range of existing programs for housing, health, education, and job training in neighborhoods of greatest need. Already 150 cities have been approved for planning under this program and more towns and cities are making application. These funds will make it possible for them to carry out their programs.

The bill also has an amendment to the model cities program reflecting the experience gained so far in the planning phase. Many smaller communities have seriously blighted areas in need of the model cities program. However, many small towns cannot usefully employ the large number of Federal grant programs used in larger cities, and, since existing law limits model city grants to 80 percent of the local share of the cost of Federal programs being used, their communities do not have an adequate base for meaningful model cities grants. In order to enable them to receive the full benefit of the programs, the bill would provide that up to 10 percent of the funds made available for these grants could be used in smaller towns without being bound by this formula.

Other provisions of title III would extend for 1 year a number of programs for which additional funds are not needed. These include the comprehensive planning program, open space, urban beautification, and the historic preservation program and the supplement grants for public facilities and new communities.

This title would also extend for 1 year the present authorization for water and sewer grants and would add $100 million to the amount which could be appropriated for this program. It is highly regrettable that the water and sewer program has never been fully funded because this is one of the most urgent needs of communities throughout the country. Hopefully increased funds will be appropriated for these grants so that we can begin to make inroads on the tremendous backlog of need in this field.

FLOOD INSURANCE AND RURAL HOUSING

The fourth, and last, title of the bill includes two very important sections. The first is designed to make federally aided flood insurance promptly available to property owners. The 1968 Housing Act authorized a new program to make flood insurance available to homeowners under a partnership between Government and private industry. The private insurance companies have responded well to this permanent program which calls on them to pledge capital against the possibility of disaster losses. However, that program has a technical problem because this private participation depends on the establishment of precise actuarial premium rates for each community and for different parts of these communities depending on the risk involved.

The committee was deeply concerned to hear that now, 1 year later, this insurance so badly needed in areas exposed to flooding and hurricanes is available in only three places in the entire country. The committee therefore adopted an amendment authorizing the Department of Housing and Urban Development to make this insurance available promptly for a 2-year period with losses during that time to be borne by the premium payments paid by property owners and Federal payments as needed. Meanwhile the actuarial studies, for which Congress has already appropriated funds, will be carried out and at the end of that time the permanent program will take over.

Another very important section in this title is designed to expand and improve our existing programs in the field of rural housing. While the spotlight is usually on urban slums and blight, the fact is that more than half of the substandard housing in the country is in rural areas. There is an urgent need to increase our efforts to improve this part of our housing supply and the administration is to be complimented for its stated desire to nearly triple the volume of mortgage financing to be made available through our farm housing programs. Unfortunately, the problem of high interest rates and tight money is blocking that effort which is essential to the achievement of our national housing goals. The committee bill contains several provisions designed to help accelerate the construction and financing of farm housing.

Under the present program mortgage loans in rural areas are originated by the Farmers Home Administration through its housing insurance fund and these loans are then sold to private investors so that the funds can be used again for additional loan originations. The tight money problem has made it nearly impossible to sell this paper and the Farmers Home Administration has requested an increase in the limit on its housing insurance fund. The committee has done this by an amendment which combines the Farmers Home Administration direct loan fund with the housing insurance fund to permit further loan originations. It has also included an amendment to permit Farmers Home Administration to sell its loans in blocks attractive to large investors instead of the present system of selling them one by one. This provision should make these insured loans more readily marketable. The committee report also points out that its present authority in the law for the Government National Mortgage Association to purchase these insured loans under the special assistance fund, which already has ample authorization, the administration should act promptly to activate those funds to make them available to rural home buyers who always suffer greatest in periods of tight money. Finally, this section removes the 5,500 population ceiling on areas in which Farmers Home Administration can operate. This provision is designed to give flexibility to the program but the committee expects that the agency will continue to direct its efforts to farm housing and smaller communities which are rural in nature.

Mr. Chairman, H.R. 13827 has been carefully thought out by the committee with full participation of all of its members to meet immediately pressing needs in housing and urban development. Right now the agencies of the executive branch are working on their budget proposals for the next fiscal year and it is important that the House pass this bill so that they will know the authorizations and legislative law and intent under which they will be operating. It is not a controversial bill in view of the unanimous vote in the committee and I urge all of my colleagues to support it.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I will be glad to yield to the gentleman.

Mr. GROSS. I am intrigued by the training and fellowship program as set forth in this bill. What does a fellow do in contributing to the model cities program? And I assume that is what is referred to.

Mr. PATMAN. The information is available to all of the Members in the committee report. It has been furnished to all Members.

Mr. GROSS. Does the gentleman happen to know what kind of price tag there is on this fellowship program?

Mr. PATMAN. No, sir. I am afraid I cannot give you the information on that. Of course, the Committee on Appropriations goes into all of those details before the money is appropriated and after this authorization is made. I would ask the gentleman to wait until the debate is over and, if he does not get the answer, I will try to answer it.

Mr. CARTER. Mr. Chairman, will the distinguished gentleman yield?

Mr. PATMAN. I yield to the gentleman.

Mr. CARTER. I am intrigued by a recent statement in the Washington Post to the effect that priorities are set by Mr. George Creel, Director of Public Affairs of the Department of Housing and Urban Development, and Mr. Jack Wooley, whereby certain Members' mail received priority by the Department of Housing and Urban Development. I would like to ask the distinguished chairman if he agrees with the decision made by Mr. George Creel.

Mr. PATMAN. We have nothing to do with that, and since it is the gentleman's administration that is in power, I would suggest you make inquiry direct to them.

Mr. CARTER. Of course that is quite true, but there are many more Members of the distinguished gentleman's party on the list than there are mine.

Mr. PATMAN. That was a decision that was made without consultation with the chairman of this committee or any member thereof, to my knowledge, and by the gentleman's own party. I suggest he ask them directly.

Mr. CARTER. I should say, in that case, if such priorities are approved by him, I would think that the distinguished chairman would depend on those 70 Members so favored by the Department for their votes on this bill.

Thank you, sir.

Mr. PATMAN. I am not acquainted with it.

Mr. GONZALEZ. If the gentleman will yield, I will try to fill in a little bit for the gentleman's edification.

Mr. PATMAN. I yield to the gentleman.

Mr. GONZALEZ. I think that the newspaper article the gentleman refers to was published here in Washington, D.C.

Mr. CARTER. That is right.

Mr. GONZALEZ. And it talked about some priority Members in reference to HUD programs?

Mr. CARTER. That is quite right.

Mr. GONZALEZ. I think most of those listed were Members on both sides who were members of the Housing Subcommittee, Banking Committee, and Appropriations Committee.

Mr. CARTER. Not entirely.

Mr. GONZALEZ. Most of them were. I was one of the names mentioned, and I was very pleasantly surprised. As a good Democrat I do not like privileges, but I thought it was good, except that when I checked with the Secretary of Housing and Urban Development, he told me that my priority would be 72 hours on any announcement after the Senator from my State, who belongs to the gentleman's party, would get first notice. That is rather strange privileged priority, I think. I am willing to switch that priority if the junior Senator from Texas will agree to let me.

Mr. SLACK. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 237]

Arends
Ashley
Bingham
Blackburn
Brooks
Burton, Utah
Cahill
Carey
Chamberlain
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Corman
Culver
Dawson
Denney
Dent
Devine
Diggs
Dingell
Dorn
Downing
Edwards, Ala.
Eshleman
Fascell
Findley
Foley
Fraser
Frelinghuysen
Garmatz
Hansen, Wash.
Hays
Holifield
Howard
Jones, N.C.
Jones, Tenn.
Karth
Kirwan
Landrum
Lipscomb
Long, La.
McCarthy
Martin
Meskill
Mills
Monagan
Morse
Morton
Murphy, N.Y.
O'Konski
Passman
Powell
Purcell
Quie
Reid, Ill.
Reid, N.Y.
Riegle
Rivers
Rodino
Scheuer
Sikes
Sisk
Skubitz
Taft
Teague, Tex.
Ullman
Utt
Van Deerlin
Vanik
Watts
Whalley
Wilson, Bob
Wilson, Charles H.
Wolff

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FLOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 13827, and finding itself without a quorum, he had directed the roll to be called, when 355 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. At the time of the call of the quorum the gentleman from Texas (Mr. PATMAN) had consumed 23 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. WIDNALL).

Mr. WIDNALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am speaking here today in support of the Housing and Urban Development Act of 1969, H.R. 13827. While this bill has been characterized as noncontroversial and was referred to the Congress by a vote of 35 to 0, the committee report does include dissenting views.

The thrust of this bill goes toward extending the authority for essential programs such as that of FHA. It provides for a large increase in the authorization for the model cities program and that of the homeownership subsidy program.

In the past, the Department of Housing and Urban Development has received one new program after another from the Congress, with the end result that program competition and bureaucratic difficulties have become the rule rather than the exception.

There should be a full and adequate debate on the merits of the substantive amendments within this bill.

An open and full debate is the only way the Congress can provide the full understanding of the housing laws. This is much needed. It will be constructive and do much to aid executive interpretation of congressional intent.

In helping that portion of the Nation that is ill-housed, we must enact legislation that does not come back to haunt us. Presently, the tight monetary situation has so worked to our disadvantage that we have reached the point where our desire to aid has outstripped our ability to do so.

We have created since 1964 a myriad of programs. Some have worked, others have not. We are faced with such things as a choice between housing people and building units for the goals set in the preamble of the 1968 Housing Act. Successful programs are paradoxically being curtailed because they are successful. The money is needed elsewhere for a restricted group.

I cite these matters only because I think they should be fully explored.

The 1969 housing bill, made up of many technical changes in ongoing programs, comes at a landmark time in our efforts to adequately house the Nation. Yet the bill can hardly be called "landmark legislation."

There is a good reason for this. Never before in the history of our country have the traditional and fundamental doctrines and institutions been so severely challenged. Never before has the Nation felt so unsettled about the future, and yet seemingly certain that we will continue to grow faster and faster. The "inflation psychology" that persists in the land, that President Nixon so forcefully spoke about last week, is taking an especially heavy toll on housing, as we all know.

Root of the problem, of course, is that our housing and urban development policies have relied, all these years, on existing financial institutions and existing financial conceptions of security. The mortgage loan, secured by land, has always been properly regarded as the most secure of securities.

Recently, the Commission on Mortgage Interest Rates delved into these problems. I commend that report to those who want to know more about these problems. We shall have more discussion about them in the future. That Commission quite properly identified inflation as the chief cause of our housing problems.

I mention the inflation problem in the context of today's housing bill because we are not yet attempting to transform major policies and procedures into inflation-tailored legislation. It would be easy, for instance, to attempt to reshape some of the fundamental principles that lie beneath our national housing policies, to make them more responsive to inflationary situations.

There is one such example in this bill, a minor example and one that is highly experimental. I do not oppose it, because it will be very limited in scope if the administration follows the direction of Congress and limits its use to only certain subsidized programs. I refer to the special assistance mortgage purchasing provisions pertaining to "Ginnie Mae" and "Fannie Mae."

This provision, section 111 of the bill, would allow the Government National Mortgage Association—part of the Government—to buy a mortgage at par and then immediately sell it to the Federal National Mortgage Association—now no longer part of the Government for budgetary purposes—at a slightly different price, below par.

By buying the mortgage at less than par, Fannie Mae will make more money over the long run. Its credit facilities, unfettered by budgetary constraints, would be substituted today for Ginnie Mae's, except for the difference between par and the purchase price—the so-called points.

These "points" would be directly subsidized by the Federal Government, an outright subsidy to the mortgage bankers that can never be recovered. Originally, Ginnie Mae's special assistance program was designed to have the Government buy the mortgages and then hold onto them, figuring that in time, market rates would fluctuate so that the eventual cost to the Government might be washed out. This new concept of section 111 ends all hope of recovering the taxpayer's money paid out for "points."

The amount of money involved will not be vast, however, since this novel situation can be limited to its most desirable social uses—the 236 and 221(d)(3) rent supplement programs. If Ginnie Mae uses this authority beyond those social limitations, however, then grave questions of overall economic policy would arise. Federal subsidy for all "points" involves national policies that go beyond what's contemplated in this bill.

If, on the other hand, this system can be shown to work successfully for the 236 and 221(d)(3) rent suplement multifamily programs, where the need is greatest, then perhaps it could be expanded to other homeownership plans, in coming years.

Federal subsidy of points at this stage is no cure for the problems besetting our housing and urban renewal effort. These problems arise only because our economy is hampered by the "inflation psychology" that remains all too rampant. Subsidizing "points" will not alter that course; as a matter of fact, it could aggravate the inflation problem if this program was expanded to more than the partially subsidized multifamily programs.

Another section of this bill speaks to that overall mortgage finance problem, in todays' inflationary condition. I refer to section 414, extending the authority of the Secretary of Housing and Urban Development to set the maximum FHA-insured interest rate in such a way as to be responsible to market conditions. Even here, what with State usury laws crowding into the economic facts of life, the solution lies within the total economy rather than changing rates all the time.

Thus, while this bill is very worthwhile and strives toward laudable goals, it cannot and does not strike at the most important housing issue of all, the issue of inflation.

There are other matters that disturb me about this bill. The commitments, large though they be, to the public housing and urban renewal programs offer temporary, but not permanent solutions. The Congress must come to grips with these programs and, reaching the full understanding of the problems involved work toward solutions that produce something more than the increasing appropriations which in large part go to the bureaucracies rather than the people.

There are other imperfections of the bill that disturb me and to which I would like to give greater attention. For example:

Section 108 moves up the percent of existing housing that may be used for section 235 housing. It is not needed. HUD is already utilizing existing housing for 235 and 236 contracts at a 43 percent level, expects to level off sometime in the future. If it can do this now, it does not need the increase. The Department will also be more inclined to move toward the construction of new housing which was by far the main thrust of the program if it does not have the loose permissiveness of the amendment. To allow the Department to use a greater percentage of existing housing for its purposes will only defeat or slow the efforts to reach the 10-year goals and their promise of new construction. Placed in competition with other HUD programs such as the section 23 leased program, specifically designed to use existing housing, and which can do the job just as well and perhaps better, section 235 only duplicates a function already well performed.

Section 301: While we have no objection, and think consideration should be given to smaller cities, I would like to make this observation.

What is a smaller city? The bill gives no definition and we think there should be established, by legislative understanding, some rule in that connection. Otherwise, we are apt to find that cities of under a million population are considered smaller cities because they are smaller than New York, Chicago, Los Angeles, and Philadelphia.

Section 411: This section removes the 5,500 population limit on areas eligible for Farmers Home Administration programs. While we favor the general thinking behind this provision, it is a case of upping sail to the limit and cutting the anchor loose entirely. There are towns of as much as 25,000 in population that are largely rural in nature and serving nothing but rural areas. There are also as small or smaller than 500 which are nothing more than adjuncts to sizable metropolitan areas, or specially created urban municipalities of special purpose. The definition now on the books needs revision. But this provision would turn the Farmers Home Administration loose on the entire Nation, lend confusion to its operation and those of the FHA with whom it would immediately be in competition. The FHA has all it can do to handle its present operations. We should not burden it with such an expansion of its sphere of activity until we can give more attention to defining that sphere of activity.

Mr. ZWACH. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Minnesota.

Mr. ZWACH. I thank the gentleman for yielding. I refer the gentleman to the bottom of page 20 of the committee report, where the following statement appears:

> The Census Bureau projections for 1970 and other studies indicate that there are a total of 5.9 million substandard housing units in the nation and that 4.2 million of them—more than two-thirds—are in rural areas.

In the countryside areas of our country. Then I refer to page 24, the middle of the page, where it is stated that as of December 31, 1967, only 3.23 percent of the funds of HUD have gone into the rural area. It seems to me that this is an intolerable situation.

What does the committee recommend in relation to this matter? Will that situation be improved so that countryside housing will be receiving proper consideration?

Mr. WIDNALL. Within the bill there are sections that will prove very helpful in rural areas. What I would like to point out to the gentleman, however, is that the crying need for some priority, I believe, is in the central city areas, the hard-core areas, the ghetto areas of the country, where some extremely serious problems exist and where we have got to do better than we have been doing in the past. If we do not, the entire country is going to explode. We have had some taste of that.

Mr. ZWACH. Mr. Chairman, would the gentleman agree that part of the city problem is this problem in countryside America, and unless we have decent housing there ultimately the problem will come to the cities?

Mr. WIDNALL. I would say that is part of it. On the other hand, the failure of many States to adequately provide for the poor family with some assistance and some relief has caused the migration into the cities.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Georgia.

Mr. STEPHENS. I appreciate the gentleman yielding.

Mr. Chairman, I agree with the statement the gentleman is making. In a few minutes I am going to ask for time to have the opportunity to explain what we are trying to do in this field for the farmer in the Farmers Home Administration, because I am vitally interested in it, too.

Mr. ZWACH. Mr. Chairman, if the gentleman will yield further, I would like to say to the gentleman that as I go through the report, I believe the committee has made some very commendable suggestions and amendments that are going to help bring housing to rural areas. I commend the gentleman and the chairman of the committee and the committee for their efforts.

Mr. Chairman, the lack of decent housing and new housing available for the citizens in our rural areas has reached the threshold of a national crisis. Time is of the essence that housing of all types, single and multifamily, be made available. Today, the pressures on our metropolitan centers in the field of housing is catastrophic, and the end is not in sight. Are we now to have the same thing happen in rural America? Are we going to wait until it is too late before action is taken in solving the rural housing problem? It is my belief that we might be able to eliminate the pressures on our metropolitan cities if adequate housing was available in rural America. We must make available all the means we have to somehow eliminate the housing problems of our Nation. I am in favor of section 411, subsections (a) and (b). By extending for 1 year the various housing authorities which would otherwise expire, and by removing the $100 million ceiling applied to the amount of unsold insured mortgages that can be held at one time by the Secretary of Agriculture, I believe we are moving in the right direction. I implore my fellow colleagues to vote in favor of these amendments.

Mr. PATMAN. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania, the chairman of the subcommittee (Mr. BARRETT).

Mr. BARRETT. Mr. Chairman, this country has set an inspiring goal for itself: The complete elimination of substandard housing over the coming decade. The achievement of this will require the production of 26 million homes through new construction and rehabilitation, a substantially larger total than in any decade in our history. Moreover, our goal calls, not only for a decent home, but also for a suitable living environment for every American family. This will require the full use of not only housing programs but of the full array of community development programs including public works, public buildings, transportation, open space, health and educational facilities, and others.

Mr. Chairman, it is a bitter fact that today in the midst of the greatest prosperity ever known by any nation in history, 6 million American families still live in substandard housing. Millions more live in housing which is physically adequate but which is located in blighted neighborhoods or which lack the public facilities that most of us take for granted. This includes not only the intolerable conditions in big city slums but the blighted areas in smaller towns and millions of homes in rural areas. The disturbances in our cities have warned us that we must not let our housing programs be shouldered aside by other expenditures. We would not be keeping faith with our men in Vietnam if we failed to do our utmost to provide decent homes and neighborhoods for them to return to. Our own consciences cannot rest easy if these problems fail to get the priority which they deserve.

Mr. Chairman, this bill is vital to keep our housing programs going through next year and to make those programs more effective and more helpful to low- and moderate-income families and to our towns and cities. It is not a major bill on the scale of those in 1961, 1965, 1966, and 1968, and I believe it will not be controversial. After careful consideration it was agreed to unanimously both in the Subcommittee on Housing and in the full Committee on Banking and Currency. Members on both sides of the aisle have their names on this bill and I believe it is one in which we can all take pride.

The distinguished chairman of the Committee on Banking and Currency has already given an overall description of the major features of the bill. I would like to highlight some of the particular provisions of special importance.

One of the most important provisions in the bill is the authorization of an additional $2 billion for urban renewal grants. This represents a modest increase over the $1,750,000,000 authorized for the current fiscal year. These grant funds are needed to cover the whole range of renewal activities including the conventional urban renewal program, code enforcement, neighborhood development program, interim assistance, home rehabilitation grants, and the several kinds of relocation payments. Of particular importance at this time is the provision in the bill which reserves a minimum of $400 million in the current fiscal year and 35 percent of the funds in the next fiscal year for neighborhood development programs. This important provision in the 1968 act was designed to provide for flexible planning of large projects, improved relocation of displaced families and business firms, and avoidance of the problem of tying up large amounts of grant funds for long periods which often happened in large projects under the conventional system. It is highly regrettable that the administration has proposed regulations to nullify the NDP program by restricting it to projects which can be completed in 2 years and in which 80 percent of the Federal aid will be used in the first year. NDP was never designed for these relatively small short-term projects which do not have the planning, relocation, and funding problems of larger undertakings.

The committee bill would not only assure funding for NDP programs under the amounts set aside but also includes a very important amendment offered by our distinguished colleague, the gentleman from Ohio (Mr. ASHLEY), which would modify the NDP program to give cities more assurance of funds to carry out their programs and provide a more reasonable time period for carrying out operations.

Under existing law grant funds are available for only a 1-year action period of an NDP program and HUD can earmark the funds expected to be needed for a second year. Many cities have found that this is too short a period for carrying out these activities and the committee bill would amend NDP to provide for a 2-year action period for which actual grant funds would be made available and an additional 2-year period for which funds would be reserved to assure the city of continuity in its programs. In my opinion this amendment is highly desirable and in fact essential in view of recent statements from the Department.

Another provision in the bill which has been sought by many Members would extend for 1 year the eligibility of noncash grant-in-aid credits under the urban renewal program. The committee received many reports from communities which had chosen to convert urban renewal projects to the neighborhood development program at the urging of HUD only to find that NDP funds were not available this spring and they were faced with unexpected delays. Other communities are threatened with the loss of these credits simply because of the huge backlog of applications which is imposing a delay of more than a year on these projects. These credits are essential to the operation of the urban renewal program because they are needed by the cities to meet their share of urban renewal cost. Therefore, the committee bill would extend from 3 to 4 years the eligibility period for noncash credits for applications pending on date of enactment. This provision seemed particularly justified in view of the fact that in 1959 when the 3-year period was established, the backlog of urban renewal applications amounted to only $185 million, well within the level of annual authorizations. Now that backlog has grown to $2 billion and this amendment is needed to account for the unforeseen waiting period.

Mr. Chairman, the committee bill would also remove the controversial income ceiling on the section 312 rehabilitation loan program. This very valuable program of 3-percent loans, which was authored by the distinguished gentleman from New Jersey (Mr. WIDNALL), has made it possible for many homeowners and small business firms in urban renewal areas to improve their property which might otherwise have had to be torn down. While these loans are available only in slum and blighted areas and therefore involve mainly low-income families, the ceiling imposed by the 1968 act has caused difficulty in a number of places. In particular, it has virtually ruled out their use to improve rental housing. Since the loans can be used only to improve property which the city has ordered to be rehabilitated because it does not meet urban renewal or code enforcement standards, I feel that we have an obligation to these owners to provide some assistance in financing the improvement. In view of this the committee bill would repeal the income ceiling but retains a priority for applications for low- and moderate-income families.

The committee bill would also make a modest increase in the rehabilitation grants available to low-income families in urban renewal areas who must fix up their property. HUD reports that 60 percent of these grants have gone to elderly homeowners who might otherwise have been forced to move because their incomes are so low they simply could not afford the needed rehabilitation. The committee bill would increase the maximum amount of these grants from $3,000 to $3,500.

Mr. Chairman, the committee bill contains another very important provision to help our senior citizens. That is the authorization of an additional $150 million for the program of 3 percent loans to finance housing for the elderly and the handicapped. When this highly successful program exhausted its authorization earlier this year, the Department had applications in process totaling approximately $200 million. While some of these projects might be served by the section 236 interest subsidy program, there is not sufficient money in that program to meet all of the needs of low and moderate income families generally as well as housing for the elderly and it is important that we continue the section 202 loans to provide good housing at modest cost for the retired men and women who in their working years built up this great Nation of ours.

The bill also contains an urgently needed modification of the public housing annual contribution formula which was requested by the administration. This provision would restore the authority in the original 1937 Housing Act to make contributions up to an amount set by a formula reflecting the cost of money to the Treasury. By regulation these contributions have always been limited just to debt service on public housing projects but a growing number of local authorities find that they are not now able to meet operating costs out of rents. Over the years, management costs of public housing have risen along with other costs in our economy. In contrast, the average income and rent-paying ability of public housing occupants has remained virtually stationary as this program has come to serve a lower range of income groups, particularly a growing number of elderly families.

Secretary Romney testified that housing authorities in 15 cities are now running deficits and HUD should be permitted to make some use of this flexible authority. The result has been that some authorities have had to turn away very low-income applicants because the rents they could pay would be so low that they would threaten the solvency of the whole local program. This flexibility is needed to carry out the intent of the 1937 act which stated that contributions were to be made "to assure the low-income character of the project."

Mr. Chairman, one of the most difficult problems which confronted the committee was that of the pressure of rising land and construction costs on the per unit dollar ceilings on FHA programs and on public housing. In both subcommittee and full committee this received careful and thoughtful study and I realize that is a problem on which we could not satisfy all points of view. In the case of FHA the committee bill would increase maximum mortgage amounts per home and per apartment by 10 percent over existing dollar ceilings. For example, the maximum mortgage on a single family home under FHA's basic mutual mortgage insurance program would be increased from $30,000 to $33,000 and the maximum mortgage under the section 235 interest subsidy program for a large family in a high cost area would be increased from $20,000 to $22,000. Similar increases are provided for the per unit limits on rental housing programs.

The committee received evidence that construction cost increases, since the last adjustment in these ceilings, had been even larger than the 10 percent provided for in the bill, but we felt that in a time of a serious shortage of mortgage money that it was not desirable to go beyond this figure because of the tendency of builders and lenders to move up toward the maximum amounts. To carry out the purposes of our national housing goals it is desirable that funds available for FHA mortgages should be directed toward housing within the reach of low- and moderate-income families. In the case of public housing the committee provided a 10-percent increase in the basic per room limit of $2,400 and a 10-percent increase in the additional $750 provided for in existing law for high cost areas. This is approximately the increase sought by the administration. Undoubtedly, these increases will not meet all of the cost problems in some areas, but again the committee was concerned with the tendency for all projects to come in at, or close to, the ceiling amounts.

Finally, Mr. Chairman, I want to compliment our distinguished colleague, the gentleman from Rhode Island (Mr. St Germain), for his amendment to the flood insurance program which cuts through redtape and technicalities to make that important protection promptly available to those who need it while the detailed studies of the permanent program are being carried out. I also want to add my voice to that of the chairman of our committee in urging HUD to make use of the $2 billion available to them now in the GNMA special assistance program to help overcome the critical problem of tight money which is hitting hardest at the home building industry and the low- and moderate-income home buyer. The committee received testimony that we are faced with an increasingly serious housing shortage which is inflating home prices and rents. The administration has available to it funds to meet this kind of inflation and at the same time help meet the national housing goals set forth in the 1968 act.

Mr. Chairman, H.R. 13827 would make a number of important improvements in our existing programs and provides authorizations essential to the continuation of these programs through the next fiscal year. In view of its bipartisan authorship and its unanimous approval in the committee, it is not a controversial bill. It is regrettable that it is late in coming to the floor but, of course, we had to give the new administration time to shape up its proposals and our hearings began 2 days after the administration bill was received. It is important now that we work for its prompt enactment to meet the critical problems in housing and to enable the administration to make its plans for next year's budget and housing proposals. I urge all of my colleagues to support this bill.

Mr. ST GERMAIN. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. I yield to the gentleman from Rhode Island.

Mr. ST GERMAIN. I would like to commend the gentleman from Pennsylvania, the chairman of our subcommittee, not only for his splendid statement but also for the manner in which he stewards our committee and shows an understanding of the problems and an awareness of the fact that this is a changing piece of legislation; it has to be alive, and it has to change with the times.

I believe the gentleman from Pennsylvania will recall that during our hearings, and in executive session, there was a discussion of a problem of regulatory cost limits on housing for the elderly, particularly on units already authorized for which bids have come in too high. I wonder if the gentleman who is chairman of the Subcommittee on Housing would give us his comments on that problem.

Mr. BARRETT. The gentleman from Rhode Island is perfectly correct and I recall well that he raised this point with the subcommittee. Because cost ceilings for the section 202 housing for the elderly program are not set further in the statute, the law was not amended to provide any precise increase. However, the committee's action in increasing cost limits for FHA mortgage insurance and for the public housing program clearly indicate recognition of this problem and the committee's intent to take steps to meet it. The administration itself proposed a substantial increase in the cost limits on public housing which demonstrates their awareness of the problem and I would expect HUD to be consistent and take the necessary administrative action to recognize increased costs in the case of housing for the elderly. This is one of our most successful and popular programs and it would be shortsighted indeed to deny this housing to our senior citizens from administrative inertia. I fully support the viewpoint of the gentleman from Rhode Island.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Chairman, as the ranking member of the Subcommittee on Housing, I want to congratulate the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. Barrett), for the tremendous interest he has always demonstrated as a Member of Congress and as a member of this committee in the housing laws of this country and in the housing needs of the American people.

I was interested in learning the other day from a broadcast of Joseph McCaffrey over WMAL that the gentleman from Pennsylvania was responsible back in 1949 for the declaration in our housing laws that it is the obligation of the United States to assure a "decent, safe, and sanitary home for every American family"—a goal we reaffirmed in the 1968 act. And the gentleman from Pennsylvania (Mr. Barrett) continues to work diligently and sincerely for the achievement of this goal.

Mr. Chairman, Joseph McCaffrey in his broadcast over WMAL Friday, August 29, 1969, in his "Meet the Member" series spoke of our colleague, the gentleman from Pennsylvania (Mr. Barrett). Mr. McCaffrey in his customary fine way described the kind of person Mr. Barrett is and the kind of Member of Congress he is and the kind of chairman he has been of the Housing Subcommittee. Mr. McCaffrey said, and I am reading from the script:

Meet the Member

(By Joseph McCaffrey, as broadcast over WMAL Washington on Friday, August 29, 1969)

William A. Barrett of Pennsylvania is becoming known in the House of Representatives as "Mr. Housing." He is an expert on housing and is Chairman of the Banking and Currency's Housing Subcommittee.

Housing is the Philadelphia member's main legislative concern. He was responsible for the declaration in a 1949 floor action which declared for a "decent, safe and sanitary home for every American family," this later was re-affirmed as a goal in the 1968 housing legislation.

Six million Americans, the Philadelphia Democrat points out, live in substandard housing. As the Chairman of the Housing Subcommittee, Congressman Barrett has labored both in the Banking Committee, and on the floor of the House to correct this inequity. He points out that poor housing in a city is much like a cancer, the crime it encourages, the disease it breeds, the problems it causes, all infect the other areas of a city. Better housing, the Congressman feels, is a goal which the nation must strive for.

"If we can house our citizens adequately," he feels, "then we will do much to curtail our other social problems."

The Congressman has also worked actively in support of small business. He has long advocated loans to those with executive ability so as to create employment.

His main objective in the Congress has always been to protect working people and support labor legislation. He tells about his long fights to provide supplementary incomes for the underpaid and obtain better working conditions for federal employees. He is especially active in the fight to protect federal employees from having their installations moved out from under them. Congressman Barrett has long pushed for a computerized system to store data on defense allocations.

"In this way," he points out, "We will learn what is spent for what and where it is spent. And we can find this out at a moments glance."

The Congressman attended Brown Preparatory School and St. Joseph's College in Philadelphia. He is a real estate broker and has been long active in political life. He was first elected to Congress in 1944. But two years later he was one of those surprised by the Republican landslide of 1946, which gave the Republican Party control of the House and Senate for the first time since the days of Herbert Hoover. Two years later Congressman Barrett made a comeback, sweeping into office. He has never been seriously challenged since that time.

He commutes to Washington from Philadelphia, working a part of almost every day in his district office, interviewing as many as 750 people a week. His district office is open almost around the clock.

When there is a ten o'clock committee meeting here in Washington he leaves Philadelphia at seven o'clock in the morning.

All in all the Congressman averages about four to four and a half hours sleep a night, but he has been working at this pace for his full forty years of public life. Prior to having been elected to Congress he served as an official with the Public Works Administration, and it was there that he developed the wide following that later encouraged him to seek elective office.

That's the gentleman from Pennsylvania's first district, William A. Barrett.

(Mr. ANNUNZIO (at the request of Mr. Barrett) was granted permission to extend his remarks at this point in the Record.)

Mr. ANNUNZIO. Mr. Chairman, I rise in support of H.R. 13827, a bill to amend and extend the laws relating to housing and urban development. This bill was reported out of the Banking and Currency by a vote of 35 to 0. Needless to say, it is a very important piece of legislation and very necessary if we are to continue our programs in the field of housing and urban development through the next fiscal year. It makes a number of important changes in existing law to help these Federal programs function more effectively.

Briefly, the bill would extend the Federal Housing Administration's mortgage and loan insuring authority to October 1, 1970, and also extends the various programs aided by the Farmers Home Administration also to October 1, 1970.

H.R. 13827 authorizes $2 billion for the very important urban renewal program for fiscal year 1971, and earmarks approximately one-third of these funds for the neighborhood development programs which are very important for large cities, such as my hometown of Chicago, for carrying out their ambitious urban renewal plans. It also provides a set-aside of $400 million for the NDP program for this present fiscal year. Another important part of the urban renewal section of the bill would extend from 3 to 4 years the eligibility period for noncash grant and aid credits under the urban renewal program. It would also remove the existing income limitation on section 312 rehabilitation loans. Many of our cities have found this low-interest, direct loan program to be very beneficial in rehabilitating existing structure within the urban renewal and code enforcement areas.

Probably one of the most important provisions of this bill would authorize a higher level of annual contributions under the public housing program by permitting the Department of Housing and Urban Development to use the full formula originally provided in the 1937 act in place of the present limitation to debt service. This provision would give many of our large public housing authorities additional amounts of money to meet the increasing costs in running these projects.

H.R. 13827 would authorize the appropriation of $750 million in fiscal year 1971 for the model cities program and authorize the use of 10 percent of the funds in smaller cities without the limitation based on local share of costs of other programs. The bill would also extend for 1 year the present authorization for a number of vital programs including comprehensive planning, open spaces and water and sewer grants. There is an additional authorization of $100 million for the water and sewer grant program.

An emergency flood insurance program would be made available immediately under this bill for a 2-year period during which local actuary studies will be conducted to provide a basis for the permanent flood insurance program.

A number of changes have been made in the housing programs under the Farmers Home Administration to increase the volume of insured loans available in our rural areas.

I had hoped that when the housing bill was considered by this body that my bill, H.R. 13666, which would provide needed changes in the urban property protection and reinsurance legislation, would be a part of the bill before us today. I did not offer my legislation as an amendment to this bill because the distinguished chairman of the Housing Subcommittee, the gentleman from Pennsylvania (Mr. BARRETT), most graciously consented to hold hearings on my bill later this month or in early November. Since I did not want to hold up the housing bill while consideration was given to my legislation, Mr. BARRETT's solution to the problem was most acceptable.

Basically, H.R. 13666 would, first, allow the Federal Government to write direct insurance if the charge for such insurance in the private market exceeded 175 percent of the standard premium; second, provide insurance agents and brokers with a commission that is realistic in terms of other premium commission; third, provide for reinsurance of losses that occur during the construction or rehabilitation of habitational property; fourth, eliminates State sharing in riot loss payments; fifth, establish an Office of Review and Compliance in HUD to oversee the insurance program; and, sixth, provide for Federal guarantees for performance bonds for small business construction contractors and subcontractors.

I am hopeful that in the near future the Members of this body will be able to vote on my legislation so that a full and complete package of housing can be enacted by the 91st Congress.

Mrs. DWYER. Mr. Chairman, there are two facts about this bill, the Housing and Urban Development Act of 1969, which I believe deserve special mention:

First, the bill was approved unanimously, both in the Subcommittee on Housing and the full Committee on Banking and Currency. Not a single dissenting vote was cast.

Second, although it does not plow any new ground, the bill is, nevertheless, of the first importance.

This may be a paradox, for legislation of major importance ordinarily is controversial and ordinarily arouses at least some opposition in committee.

The absence of controversy, Mr. Chairman, is due, I suggest, to several other facts including these:

First, the existence in the housing and related construction fields of seriously depressed conditions which Government has an obligation to help remedy;

Second, the basic purpose of this bill, which is to extend, improve and bring up to date the authority for many of our most important housing and urban development programs, and to make certain desirable adjustments in the administrative mechanisms which keep these programs working; and

Third, the broad public acceptance of most housing and urban development programs as essential tools in the effort to maintain and rebuild American urban communities and to improve the lives of the people of those communities.

To repeat, Mr. Chairman, there are no revolutionary departures from previous directions in this legislation. There are no bright and shiny innovations to attract special attention to this bill. What there is, I suggest, is at this stage in our experience even more important. It is the money and the authority and the changes which are needed to keep alive and well the housing programs of demonstrated merit and great potential.

Very briefly, and among other things, the Housing and Urban Development Act of 1969 will do the following:

First, extend FHA mortgage insurance authority, including provisions for improving the operation of section 235, the homeownership assistance program, and section 236, or the rental housing interest subsidy program—two of the most promising newer efforts to bring decent housing within the reach of low- and moderate-income families.

Second, increase the authorization for the urban renewal and related programs, including the neighborhood development program, and to permit these programs to be funded on a 2-year basis, a simple but crucial reform which will greatly improve the capacity of the Department of Housing and Urban Development and the communities with which they contract to do a better job.

Third, modernize in several important ways the public housing and the rehabilitation loan and grant programs; preserve for an additional year the eligibility for local grant-in-aid credits which certain communities were in danger of losing through no fault of their own as a result of unusual delays in the transition from urban renewal to neighborhood development, and in the implementation of the latter.

Fourth, recognizes the great success and widespread popularity of the section 202 program of housing for the elderly and the handicapped by extending the life of the program and increasing its authority.

Fifth, provides additional funds for the model cities program which will enable all 150 cities which have so far received planning assistance to move fully into the area of program activities.

Sixth, extends for an additional year such familiar but extremely valuable programs as the section 701 comprehensive planning program, the open space, urban beautification and historic preservation programs, the program of supplemental grants for public facilities in new communities, the neighborhood facilities program, the advanced land acquisition program, and the water and sewer program—the last of which would be increased by 25 percent in view of its considerable importance in the orderly growth of suburban communities.

And seventh, facilitates participation by States and localities in both the flood insurance program and the urban property protection program.

In the case of the flood insurance program, the committee proposes to authorize the Secretary of Housing and Urban Development to implement the program on an emergency basis within the next 2 years. Because of delays in completing the required ratemaking studies, this program has been extremely slow in getting underway and, as a result, homeowners in flood-prone areas have been denied protection which Congress voted to give them last year. The emergency authority in the present bill will enable the Secretary to overcome these obstacles, expedite the actual writing of insurance agreements and policies and yet fit in with the long-range overall program.

These are only the highlights of the bill before us, Mr. Chairman. I have called attention to them in order to emphasize the point I made earlier: that this is a bill of major significance even though no radically new programs are involved.

In addition, however, I should like to call the attention of our colleagues to three or four specific matters of interest: First, I believe it is useful to emphasize the importance of housing for the elderly. This is a program in which I have had considerable interest from the very beginning. In my own area of New Jersey, I have personally inspected many housing projects for older persons, and I have been uniformly and favorably impressed with the quality of the housing, with the high level of upkeep and maintenance, and with the truly grateful attitudes of those older people who have become residents. By whatever standard we choose to measure this program—economic, social, humanitarian—housing for the elderly receives very high marks, and I hope our colleagues will manifest their confidence in this program by providing the continued authorization and support it requires.

Second, I believe it is also important to underline the committee's concern with three aspects of the Government's responsibility toward low-income families. As the committee report makes clear, the very basic requirement that at least 20 percent of the housing provided through new construction and rehabilitation in urban renewal programs must be for low-income families has not been properly implemented by the Department. At best, this is a very minimum requirement, and I can conceive of no justification of the failure to insist upon its accomplishment and implementation. By the same token, the relocation of persons displaced by virtue of the urban renewal program continues to be a source of considerable concern.

More effort, more imagination, more concern must be invested in the obligation to make certain that relocation programs are adequate to the needs of the people in every renewal area. Finally, the success of the urban renewal, relocation, and other efforts to assist low-income families depends on the effective management of the public housing projects. Too often, inadequate management has contributed to the decline in quality of public housing facilities with unfortunate results which harm the entire effort to house the disadvantaged. It is in the interest of the disadvantaged themselves and of the public image and acceptability of the public housing program that the Department take steps to improve project management practices wherever necessary.

Last year, Mr. Chairman, I offered an amendment during House consideration of the Housing and Urban Development Act of 1968, to require that the Department report annually to the Congress on the progress it was making to eliminate redtape, to expedite action on program applications, to simplify procedures and requirements, and in general to improve the management and administration of the many programs within its jurisdiction. The first such report has not been made and the Department has requested the Committee on Banking and Currency for an extension of time. In view of the fact that the Department is, in effect, under new management, the committee has approved this request. Speaking at least for myself, and I believe for most of my committee colleagues, I should like to stress that our agreement in no way indicates any lessening of our concern for improved management of housing programs. Our ability to provide decent housing for the American people—which is certainly one of the priority goals of our Government—depends as much on proper administration as it does on funds and authority. The way we do things is just as important as what we do. I urge adoption of the bill.

(Mr. ASHLEY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASHLEY. Mr. Chairman, last year the Congress overwhelmingly approved adoption of the neighborhood development program as an alternative means of financing and implementing urban renewal projects.

Although budgetary considerations have limited the number of NDP cities to 35, our committee has been impressed with the successful initial accomplishments of the neighborhood development program. Nearly all the cities now participating in NDP have managed in a responsible manner to increase the level of renewal activity in high priority areas in response to the most pressing and immediate needs of the community.

The initial renewal action of the NDP cities clearly demonstrates the general capability of our communities to utilize a substantially increased level of Federal funds for vitally needed renewal programs. Federal funding of urban renewal at an annual level of $1 billion, anticipated for the current year, is manifestly inadequate. This averages out to only $20 million per State or, if we include the local one-third contribution, $30 million per State. At this level, deterioration takes place far more rapidly than renewal and rehabilitation.

We simply must recognize this fact and be prepared for substantially greater commitments if we are to meet the renewal needs of our cities.

One of the major concerns of our committee has been that the NDP program be continued as originally conceived, that programs currently underway receive a reasonable level of funding, and that the integrity of the effort be sustained. Many of us are convinced that NDP is a far more direct and yet more flexible approach to urban renewal than the conventional financing with capital grant reservations. Conventional urban renewal projects have taken an average of more than 10 years to carry out and have cost nearly twice as much as originally conceived. Nearly half of Federal funds appropriated for urban renewal are now used to cover increased costs of approved projects. Under NDP, the need for amendatory financing is largely obviated by virtue of the annual review procedure which allocates funds for the immediate action year, together with a reservation for the following year.

In order to assure a fair distribution of funds between conventional projects and NDP projects, the committee unanimously voted to earmark $400 million for NDP during the current year and 35 percent of urban renewal funds made available in fiscal 1971.

The committee recognizes that cities cannot be expected to project all their renewal needs for each and every potential area of their city. Cities can be expected, however, to provide reasonable estimates of action and cost for areas for which they are seeking Federal assistance. In any event, there should be no constraints set by HUD to limit local priorities, including area size and number and the recent requirement of Secretary Romney that new NDP projects must be completed within a 2-year period and that 80 percent of the Federal funds for the project must be spent in the first year.

This requirement is clearly contrary to the intent of Congress and, if carried out, will result in a completely different program than was envisioned by the Congress when it acted last year. I trust, Mr. Chairman, that the legislative history of the bill before us will establish beyond any question that the Congress supports the neighborhood development program and expects the program to be administered in accordance with the provisions of the 1968 Housing Act.

Mr. BARRETT. Mr. Chairman, I yield 10 minutes to the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Chairman, the Subcommittee on Housing, under the chairmanship of the gentleman from Pennsylvania (Mr. BARRETT), has worked hard this year—as we have every year—in investigating the areas of greatest need in meeting our housing problems. We know what the problems are—and largely they are problems of financing. Money will not solve all of our housing difficulties and inadequacies, but adequate financing would certainly solve the housing problems of the moderate-income family and would go far toward solving most of the problems of housing the poor.

Much as I would like to say that the bill now before the House is a great forward step toward meeting our housing needs, this bill is not in the same category as the Housing Act of 1968 or the Housing Act of 1966, two of our great legislative accomplishments of recent years. This bill now before us to a large extent merely continues programs already in operation or already authorized. We have not blazed any new trails or pioneered any new approaches in this measure. The reason we did not is an understandable one: the many innovative programs we authorized in the last 3 years have not yet been funded and are not operating effectively.

How can we make any intelligent judgments as to the next steps in these programs if we have no clear evidence one way or another as to whether our previous proposals will work well? A combination of budget-cutting, foot-dragging, and tight money has put all of our imaginative new ideas of 1966 and 1968 into mothballs.

THE LINE IS MUCH LONGER—THE WAIT MORE DESPAIRING

The budget cutting and foot dragging have affected mostly the programs for low-income families—both the homeownership and the rental programs to rehouse those who now live in crowded, inadequate, substandard accommodations.

They are, unfortunately, used to waiting at the end of the line for the solution of their housing problems, but now the line is much longer than usual and the wait is a lot more despairing. President Nixon's expressions of reluctant resignation to the stagnation in housing construction as the only real result so far of his program to combat inflation brings little comfort indeed to the poor who desperately need better housing.

But a very important and very influential—politically very significant—factor has been brought into the crisis over housing financing, and it is the great middle class in this country. Families which, under normal circumstances, could build or buy their own housing without any governmental assistance of any kind now find themselves caught in the so-called credit crunch, which, for them is a stranglehold.

COSTS FAR MORE TO FINANCE THAN BUILD HOMES

They can get out of it only by signing up for mortgage terms which are unconscionably high—and with foreboding long-term consequences. It now costs far more to finance the purchase of the average home than to build it. And the only solution which has been put forward so far is to do without, or pay excessive interest and kickbacks in the form of points.

People can do without a lot of things, and will do without them when they have to. But the average American family, surrounded by prosperity on every side, and by evidence of ready access by other types of investment to all of the funds needed, cannot understand why its needs and desires for better housing seems to be the only type of investment for which funds are now unavailable.

While the Subcommittee on Housing was working on this legislation this year, the National Commission To Study Mortgage Interest Rates was engaged in a special study into the problem of assuring adequate mortgage funds for low- and moderate-income families at "reasonable" rates of interest. As a Member from the House of Representatives of that Commission, I was bitterly disappointed by its failure to grapple with the fundamental problem assigned to it. Instead, all of the thought and effort seemed to go into the single issue of whether the ceiling on FHA and VA interest rates should be removed entirely, or be suspended for a further period of time.

This was, indeed, one of our assignments, but it was not the major one. Consequently, when the Commission majority failed to come forward with effective solutions for the high-interest-rate problem for low- and moderate-income housing, two of us on that Commission—Chairman WRIGHT PATMAN, of the House Committee on Banking and Currency, and I—filed a minority report which did outline numerous steps we could and should take, on an urgent basis, to solve our mortgage crisis.

HOME MORTGAGES FOR MIDDLE-INCOME FAMILIES AT REASONABLE RATES

The report of the Commission came too late to influence the development of the housing bill now before us, other than in the provision which extends for another year the suspension of the 6-percent ceiling of FHA rates. The basic issues remain unsolved. These issues must be solved.

One solution put forward recently is H.R. 13694, which I introduced on September 9, 1969, with the cosponsorship of the chairman of the Subcommitee on Housing, the gentleman from Pennsylvania (Mr. BARRETT). This bill goes to the heart of our problem in financing homes for the average family—the availability of mortgage funds at reasonable rates of interest.

It is a solution we know can work, because it has worked in the past.

It is a bill to establish a new Federal direct loan program, for moderate-income families—those with incomes up to $12,000 a year—who cannot obtain mortgage financing at reasonable rates of interest from customary sources of mortgage credit. The bill creates the Home Owners Mortgage Loan Corporation, with an initial capitalization of $2 billion, and eventual capitalization after 5 years of at least $10 billion, for loans at 6½ percent or less, to credit-worthy families able to meet the expenses of homeownership but unable to obtain credit in the mortgage market except at excessive rates of interest.

This program will not cost the Government a single cent. It will use the borrowing power of the U.S. Government for the benefit of the rank and file of American families, until mortgage interest rates come down to a manageable and reasonable level.

THE HOME OWNERS MORTGAGE LOAN CORPORATION

The HOMLC created by H.R. 13694 would function only during those periods when its assistance was necessary. No new bureaucracy would be created. Loans would be extended through the regular FHA structure. The maximum loan extended under this program would be $24,000.

This is the only solution on the horizon for correcting the distortions of the investment market which have relegated middle-income housing to the bottom of the list of priorities for financing.

Every Member of this House is familiar with the plight of the middle-income, hard-working, tax-paying, self-reliant American family in trying to obtain mortgage financing in today's market. Unless the purchaser is willing to pay a fantastically high premium, which most families cannot afford to do, he cannot obtain a mortgage.

High interest rates are usually a temporary phenomenon in the business community. Most business loans are short term. But in the housing field it is the opposite. An 8-percent or higher interest rate is built into the mortgage for its life—often 30 years. If and when interest rates do go down to more acceptable levels—as they undoubtedly will do eventually—the homebuyer, saddled with a mortgage at today's rates, will still be trapped in his high rate. He will be able to get out of it only by paying a substantial penalty in addition to going through all of the mysterious and expensive closing costs of refinancing.

Mr. Chairman, I am deeply aware of the problems of our low-income families today in obtaining decent housing. These are the families which need one form or another of Federal assistance in obtaining better housing—either through subsidized rents or subsidized mortgage interest rates. We have in being many programs to help those families—if only the funds are appropriated by the Congress and used by the administration. We know those problems and have the solutions, if only they are applied.

A NO-COST, SELF-SUPPORTING PROGRAM TO HELP SELF-RELIANT FAMILIES

But, for the middle-income family, there is nothing available to help them except advice to be patient. And that is not good enough. We need programs to provide relief—not assistance, but relief from intolerable distortions in the private money market.

It is, therefore, my intention to do everything I can to bring about the creation of the Home Owners Mortgage Loan Corporation to serve as a last-resort source of mortgage financing for the average family when other sources of funds are closed to that family by conditions such as now exist in the investment market.

I hope other Members of the House who are fully aware of the problems of their moderate income constituents will join the gentleman from Pennsylvania (Mr. BARRETT) and me in the furtherance of this idea for a direct housing loan program when private funds are not available except at unconscionable rates of interest.

This program will not be any form of handout or giveaway. It will be fully self-supporting—paid for in full by the families participating in the program. No subsidy is involved—just a willingness to use some of the vast resources of this Government for the people whose taxes make government possible.

Mr. PATTEN. Mr. Chairman, will the gentlewoman yield?

Mrs. SULLIVAN. I yield to the gentleman.

Mr. PATTEN. I agree 100 percent with you, that our mailmen, our postal clerks, and people in the middle-income bracket cannot get a house for a number of reasons, on account of interest rates, zoning laws, and a lot of other reasons. Nobody is building anything in my area except for $35,000. All our people working in our factories who are doing good every day working, the vast majority are out altogether under this program.

I cannot find much hope, as I look at this bill, for our good people, the average middle-income people who go to work every day, and it is the worst problem I have facing me in my district.

One other thing, the last time we increased social security, the housing authorities of New Jersey took every dime away from these elderly people who only get $91 a month and they raised the rents. I hope this bill is so written that if we give something a little later on, a 10- or a 15-percent increase in social security that these housing authorities cannot grab it and take the full benefit of that from these old people. Our social security people only average $91 a month. I think this bill should do something about them.

Mrs. SULLIVAN. I would answer the

gentleman from New Jersey by saying this is what happens also every time there is an increase in Federal wages. Anyone who lives within the Washington, D.C., area knows that the minute Federal employees get an increase, then everything goes up.

Mr. PATTEN. How you can say that—I was raised $50 in May and $50 in November.

Mrs. SULLIVAN. May I say that the gentleman is going to have a chance, I think, under the 5-minute rule to hear more about this direct loan program for the middle-income family. I am planning to offer it as an amendment to this bill.

Mr. PATTEN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 238]

Abbitt
Arends
Ashley
Baring
Bingham
Blackburn
Brooks
Burton, Utah
Cahill
Carey
Clark
Clausen, Don H.
Clay
Corbett
Corman
Culver
Cunningham
Dawson
Devine
Diggs
Dingell
Dorn
Downing
Edwards, Ala.
Eshleman
Evins, Tenn.
Fallon
Fascell
Findley
Ford, Gerald R.
Garmatz
Gettys
Hays
Holifield
Howard
Jones, N.C.
Jones, Tenn.
Karth
Kirwan
Landrum
Lipscomb
Long, La.
McCarthy
Martin
Mills
Morse
O'Konski
O'Neill, Mass.
Ottinger
Passman
Powell
Price, Tex.
Quie
Reid, Ill.
Reid, N.Y.
Riegle
Rivers
Rodino
Rooney, Pa.
Rosenthal
Rostenkowski
Steiger, Ariz.
Ullman
Utt
Vanik
Whalley

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FLOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 13827, and finding itself without a quorum, he had directed the roll to be called, when 365 members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. WIDNALL).

Mr. WIDNALL. Mr. Chairman, I yield 12 minutes to the gentleman from New York (Mr. HALPERN).

Mr. HALPERN. Mr. Chairman, as a member of the Housing Subcommittee of the Banking and Currency Committee, I am cognizant of how difficult it is to find simple answers in this highly technical and widespread area of housing. One must understand not only the nature of the lumber, bricks, and mortar needed to erect a dwelling, but the involvement in that structure of the workers who build it, the community it becomes a part of, the banking institutions which must finance it, and, most important, the family who will live in it.

I want to extend my enthusiastic compliments to the distinguished chairman of the subcommittee, the gentleman from Pennsylvania (Mr. BARRETT) and to the able and hard-working minority member, the gentleman from New Jersey (Mr. WIDNALL) for their painstaking efforts and leadership in bringing before this House a bill that provides us with the basis to get housing moving in this country once again and give the necessary impetus to the historic Housing Act of 1968.

I have joined in reporting this bill, H.R. 13827 to the House, but commendable as the legislation may be, I acknowledge the need for improvement on some point. And, it is my hope that it can be perfected in the legislative process before us. Let me analyze the bill and voice my views on some of its provisions.

FHA DOWNPAYMENT REDUCTION

I enthusiastically support section 102 of H.R. 13827, which provides for a 10-percent—15-percent for veterans—reduction in downpayments of FHA-financed homes between $20,000 and $25,000. This will be extremely helpful to prospective home buyers whose decisions are primarily based in many cases on the lump sum they will have to put down. There is much talk about the high interest rates on mortgages discouraging people from buying houses, but the average person thinks first of how much it will cost him out of pocket at the closing and only thereafter about his interest payments over 30 years. A reduced downpayment will make it possible for many people with limited savings to take that first step. In the end, this incentive may lead to more home purchases and help reinvigorate the presently wavering home construction industry.

In the Senate bill an additional provision was made to increase mortgage limits by $2,500. I regret that a similar provision was not included in the House version. Especially in high cost areas such as New York City, it is becoming increasingly difficult for people to find homes priced within reach of Federal limits. The home buyer should be able to obtain Federal mortgage assistance for the housing prices available in his area, and not be cut off because of some standard which has little relevance to the cost of homes in his city.

However, interest rates are still discouraging many families from purchasing homes. The Federal Reserve Board raised interest rates to their highest level in a century this year, hurting prospective homeowners' buying power.

What this means to the average family in Queens is tough to swallow. In 1950, a Government-guaranteed FHA mortgage cost 4¾ percent with premium charges. On a $20,000 mortgage for 30 years, this meant total interest payments of $17,584 in addition to principal.

Under the new rates, FHA interest now totals 8 percent with a premium charge. Now a 30-year, $20,000 mortgage requires total interest payments of $33,387, in addition to principal. The interest has practically doubled in 20 years.

To make matters worse, in the outlying areas of Queen, and in nearby Nassau County, a recent State survey found that new homes are costing between $35,000 and $50,000—and that only 11 percent of today's house hunters can afford this sales price.

ADJUST COST LIMITATIONS

However, once again the complexities of the area seems to have beclouded several provisions which need to be improved if they are to provide satisfactory solutions to today's housing needs.

Let us not forget what the goal is, as Congress declared in 1949—"a decent home and suitable living environment for every American family." By this standard we are falling short.

In particular, I am concerned about the critical problem facing the low and moderate income housing production in the Nation. A major cause of this difficulty is the unrealistic statutory cost limitations contained in federally assisted housing programs. This matter is so urgent that if action is not taken to overhaul these limits—in section 235 homeownership and in section 236 rental assistance—publicly assisted housing production may well come to a standstill in many of our great cities.

In New York, Baltimore, Minneapolis, New Haven, Philadelphia, San Antonio, and Los Angeles construction, according to housing officials, is in jeopardy because of these statutory limitations.

I believe the best long-term solution is a flexible formula, as adopted in the Senate, which would permit adjustment in the cost limitations to reflect changes in actual construction cost indices.

In addition, limitations in high-cost areas would be a fixed percentage—45 percent—higher than those in normal areas.

The slight increase of 10 percent offered by this legislation is simply not enough in a high-cost area.

Mr. Chairman, one need spend only a short time in New York City or any of our great metropolises in order to determine that the cost of living is higher there.

Over the last 20 years construction costs have increased at least 125 percent nationally and 130 percent in high-cost areas. Projected increases are even more spectacular. Under these conditions, new housing units are facing seemingly insurmountable barriers.

Let me give you an example. I recently learned of a private enterprise in New York which successfully constructed and financed a 66-unit apartment building in East Harlem in half the normal time and at 10 percent less than normal cost.

The company recently purchased three additional land sites and drew up more plans. But now, it has reported to me, it feels it must scale down the number of three-, four-, and five-bedroom apartments in the projects and lower the average number of rooms per apartment. It cannot afford to build units under the present $3,150 per room cost limit, nor will a 10-percent increase make the difference. It is forced to increase the number of efficiencies and one bedroom units, which have a cost allowance per room of $4,250.

The builder has told me:

> Even with the 10% increase over the 1965 statutory cost limits . . . we cannot design and build apartment projects with the large units desperately needed in these highly dense poverty areas.

The New York City Housing Authority, moreover, tells me it has projects lined up which would produce nearly 5,700 units. The land is cleared, designs approved, everything is ready to go. Yet recent bids have averaged more than 30 percent over Federal statutory limits.

And if you are in the market for moderate-income housing under section 235 the slight increase in mortgage limits is not going to help much. The basic mortgage limit under section 235 is $15,000, with an increase to $17,500 in high-cost areas.

A 1968 census survey revealed that only 11 percent of new houses sold in the West and Northeast were priced at under $17,500. An FHA survey early this year in Washington, D.C., showed no new single-family houses on the market with sales prices under $17,500.

Mr. Chairman, it is clear to me that we are in grave danger of not only failing to meet our housing goals of 26 million units in 10 years, but of actually moving backward.

Housing starts have dropped from an annual rate of 1.9 million to less than 1.3 million since January. This is a 27 percent decline in less than 9 months.

Although the Federal home loan banks and the Federal National Mortgage Association are increasing funds for the mortgage market, the housing gap is not closing. Housing starts may be at less than a 1 million annual rate by the end of this year.

There are a number of things we should do to prevent this—and prominent on this list is a considerably large authorization of funds under all housing programs. But certainly the correction of this presently unworkable cost limitation formula would be a giant step in the right direction.

Reducing the opportunities for a decent living environment for our citizens is not the proper manner by which to curb inflation. Home construction is not the only, nor the primary, economic factor affecting our economy. Let us look elsewhere to cool the overheated American economy—not in the construction of the homes we live in.

KEEP INTEREST CEILINGS

Finally, let me mention another weakness in the present bill. I object, along with the gentleman from Texas (Mr. PATMAN) and the gentlewoman from Missouri (Mrs. SULLIVAN), to section 413 (a) of the bill which would eliminate the 8-percent mortgage interest rate ceiling that applied to savings and loan associations in all States without similar interest rate ceilings of their own. This would allow the Federal Home Loan Bank Board discretionary authority to set new and even higher maximum ceilings. It could only add to the squeeze presently being felt by low and moderate income families who are being priced out of the housing market by high interest rates.

Let us not justify the destruction of the hopes of so many prospective homeowners by bowing to the god of free enterprise and market demand. Blind approval of this provision is nothing less than endorsement of continually rising mortgage interest rates which have already increased monthly housing payments by 30 percent since January. This provision can only make matters worse and I trust we will succeed in correcting this section to avoid the results I fear it will bring.

Let me be clear—I do not favor holding the line on mortgage interest rates primarily as a means of curbing inflation—I am concerned more that American families can obtain new homes at financing rates they can afford. As in my prior statements, I feel the fight against inflation must not be confused with the need for housing. In our considerations of this complex bill let us hold uppermost in our minds the aim of providing suitable housing for every American family and not let this flowering hope wither to enforce the drought measures of the battle against inflation. Once the flower dies it may not grow again.

Mr. ST GERMAIN. Mr. Chairman, I rise in support of H.R. 13827, the Housing and Urban Devlopment Act of 1969. This bill was reported out of the Committee on Banking and Currency unanimously. It would extend for 1 year the basic insuring authority for Federal Housing Administration programs and Farmers Home Administration programs and provides for authorizations for urban renewal and model cities for fiscal year 1971. The bill would also provide needed additional assistance for our public housing programs and extends for 1 year the present authorization for a number of other HUD programs including comprehensive planning, open spaces, and water and sewer grants. There are three important provisions of this bill which I have been deeply involved with.

I was the author of the emergency flood insurance program which is section 406 of this bill.

Last year's housing act created an important new program to provide federally aided flood insurance to help protect property owners from the disasters of hurricanes and other flood damage. This proposal had the strongest kind of support in the Congress but unfortunately because of the complex and time-consuming mechanics is now available only in three communities in the entire country. In other programs, such as mass transit and water and sewer grants, we recognized the necessary startup time by providing an initial simplified procedure. It is obvious that this needs to be done for the flood insurance program as well.

Under this emergency program in the absence of the establishment of an actuarial rate—which can be established only by the studies which are eliminated in the emergency program—no Federal flood insurance at all will be available to new construction started after the identification of an area as a special flood hazard area nor will the second or actuarial layer coverage be available even to those who do qualify for the insurance. Under the flood insurance provision of the 1968 act all new construction has to pay the actuarial rate and all existing structures have to pay the actuarial rate for the second layer of coverage. Inasmuch as the studies authorized by the 1968 act will continue at the same rate the emergency act is being implemented, eventually Federal flood insurance at actuarial rates will be available even in the case of new structures and the second layer of coverage.

This provision is very simple. It will provide that for a 2-year period the Secretary can make flood insurance available without waiting for the detailed work necessary to set the actuarial rates contemplated by the long-term program. Under the flood insurance program, losses are funded initially by the income from the premiums paid by the property owners and the Federal equalization payment. In the case of exceptionally bad years, further losses would be paid by the capital committed by private insurance plus Federal reinsurance. In the long run it is expected that these unusual losses would average out so that there would be no net use of the private capital. This provision would provide that for an initial 2-year period the insurance coverage would be financed from the premium income and the Federal equalization payments. In the absence of actuarial rates, the contract equalization and reinsurance formulae in the existing agreement between the insurance companies and the Federal Insurance Administration will have to be restructured for insurance written under this emergency program. As in the basic program, the Secretary could provide this coverage only for communities which requested it and which agreed to meet the land use planning controls provided for in the permanent program. It would not be expected that private companies would participate in this emergency provision but as the actuarial rates are set, the machinery would be there for them to come in under the long-term program.

There will be no relaxation of the statutory requirements for the adoption of appropriate State and local land use and management controls by a community as a prerequisite to qualification for the Federal insurance.

Mr. Chairman, Hurricane Camille was a painful reminder that we have delayed too long for making flood insurance protection available. This provision will meet that need.

Section 207 of H.R. 13827 would remove the requirement in the section 312 rehabilitation loan program which limits its eligibility for residential rehabilitation loans to persons whose annual income is within locally applicable income limits for the section 221(d)(3) below market interest rate program. Earlier this year I introduced H.R. 11914 which was incorporated into this bill as section 207 during the Subcommittee on Housing's executive session. The committee has received considerable testimony of all groups that the existing income limitation makes ineligible many of the homeowners in selected project areas and a substantially higher percentage of the owners of rental properties. Rehabilitation goals of the urban renewal program were being seriously affected by this income limitation. Serious inequities were developed in denying assistance to a significant number of property owners in such areas who were being required to rehabilitate their property. In most of our cities, and, particularly in my district, the 312 rehabilitation loan program had ground to a halt because of this income limitation.

Many of the Members, I am sure, are hearing complaints about adequate public protection of residents in public housing projects. At the present there is no separate provision in the public housing law providing funds for the use of police or security forces in public housing projects. Local law enforcement agencies have not been able to deal adequately in providing safety for public housing residents. A number of public housing authorities are providing some sort of police or security forces but must pay for them out of their administrative expenses. Most housing authorities do not have the funds to do this. It was our understanding in section 204 of last year's Housing and Urban Development Act that funds under this section could be provided for the security of public housing residents, but the administration requested no funds for the implementation of this program. It is my understanding that the modification of the public housing annual contribution formula in this bill will provide additional funds by which local authorities may also finance public housing police or security forces along with the other administrative expenses. Since the Federal Government is assisting these people in obtaining suitable housing units then it should also provide for the safety as well as the housing of our citizens.

(Mr. MINISH and Mr. GONZALEZ (at the request of Mr. HANNA) were granted permission to extend their remarks at this point in the RECORD.)

Mr. MINISH. Mr. Chairman, I rise to strongly support H.R. 13827, the Housing and Urban Development Act of 1969. This bill would extend for 1 year the housing bill and urban development programs administered by HUD and by the Farmers Home Administration and make a number of amendments to those programs.

H.R. 13827 is the omnibus housing bill for this year and contains a number of very important authorizations to continue the Federal Housing programs into fiscal year 1971. The Committee on Banking and Currency reported this measure unanimously. Fiscal 1971 funding for urban renewal and model cities, improvements in rural housing programs and flood insurance protection, and strengthening of the neighborhood development program are among the major provisions of the legislation.

There are a number of sections in this bill of particular concern to me, one of which is a much needed emergency flood insurance program to make available immediately, for a 2-year period, flood insurance for homeowners and small businessmen during which time local actuarial studies will be conducted to provide a basis for a permanent flood insurance program. This provision will greatly assist citizens in high flood risk areas to obtain much needed insurance to protect their homes and businesses against catastrophic losses from flood damage.

Another important section of this legislation deals with the neighborhood development program. In response to the administration's failure to carry out congressional intent regarding the NDP, the committee has included a provision in the Housing Act of 1969 reserving 35 percent of the total urban renewal funds for neighborhood development. The committee also reserved $400 million of fiscal 1970 funds for the neighborhood development program and authorized HUD after July 1, 1970, to commit urban renewal money for a 2-year period under the NDP in place of the present 1 year and to reserve funds for an additional 2-year period.

Last year's landmark Housing and Urban Development Act established the neighborhood development program as an important element in the Federal Government's urban renewal effort. NDP was designed to accelerate urban renewal projects and to encourage efficient and flexible utilization of Federal and local resources to combat urban blight. After enactment of the 1968 housing law, the Department of Housing and Urban Development began a concerted campaign to encourage cities to convert their urban renewal projects to the neighborhood development approach. Neighborhood development, the communities were told, would provide for a smooth flow of Federal funds and flexibility of movement between one urban renewal project and another. It would allow for starting needed urban renewal activity by obtaining funds quickly without waiting for HUD to finance each individual project area. Communities, under the NDP, would not be required to prepare detailed plans for each project prior to acquisition—a general plan would be acceptable.

Hundreds of cities across the country recognized NDP's great promise for substantial coordinated progress in urban renewal and undertook the expensive, time-consuming, and difficult task of converting their conventional urban renewal projects to neighborhood development.

During the last month, HUD has taken upon itself the reevaluation of the neighborhood development program. The Department has indicated it intends to impose certain restrictions and eliminate much of the flexibility built into the neighborhood development program. These restrictions will severely hamper the operation of this valuable program and could mean that only 30 to 40 NDP projects will receive any funding at all this year.

Clearly HUD has failed to administer the NDP as Congress intended. Passage of the Housing Act of 1969 by an overwhelming margin is imperative if the Congress is to respond to HUD's violation of its will.

The city of Newark, N.J., provides an excellent example of the manner in which HUD has mismanaged the NDP. I insert an editorial from the Newark News on the subject of Newark's dealings with HUD:

RENEWAL RUNAROUND

Newark officials justifiably feel they are getting the runaround in Washington on requests for information on how much federal aid will be available for the city's urban renewal program.

A Housing and Urban Development executive denies plans to cut the program by 90 per cent to an overall 20 acres, but won't give any specifics on how much of a cut will be made. His department, he says, is awaiting guidelines from the Bureau of the Budget before making decisions.

With 1,300 cities applying, the HUD spokesman says, there just isn't enough money to go around. But, as New Jersey's Rep. Joseph G. Minish points out, Highland Park, Mich., with only one-tenth of Newark's population and a fraction of its problems, won approval several months ago for $4.9 million in urban renewal aid.

Newark's program, asking for $48 million to help ease a critical situation, was submitted last February and won approval at Philadelphia regional headquarters last May. Since then, inquiries to Washington have encountered only silence and evasion.

The administration's desire to hold down federal spending as part of the fight against inflation is understandable, in fact laudable. But somewhere a sense of proportion has been lost in carrying out that purpose.

If funds can be found in the Treasury for developing a supersonic passenger plane, for subsidies to merchant shipping, for building the antiballistic missile, and for more bombers, the budget experts ought to be able to dig up the amount required to help Newark continue its attack on housing and economic problems and thereby meet pressing needs.

Mr. GONZALEZ. Mr. Chairman, I intend to vote for the passage of the Housing Act amendments reported by the Committee on Banking and Currency. Yet at the same time I cannot say that this bill meets the urgent and vast needs of the country for new and rehabilitated housing, for it does not. This bill is designed, as some of my colleagues in the minority like to put it, to be "noncontroversial." In putting this bill together we have avoided controversy, but we have also failed to create the bold and brave action that is required to solve the housing crisis of this Nation. We are putting aside yet another time, as we have every year, action to deliver on the promise of a decent home for every American. It is a problem that is growing so rapidly that we cannot long afford to let the gap between housing needs and production grow, yet that is what we are doing. We are taking no action to solve the housing problem of this country today; we are simply hoping that it will wait yet another year.

But the fact is that for all too many average citizens, and I am not talking about just poor people—housing is priced completely out of reach today. We cannot ignore this problem.

Housing starts have declined at a rate that can be called nothing short of disastrous. This year alone starts of new housing have declined at an annual rate of 400,000 units, down from 1.9 million units to 1.5 million units. And this decline is continuing today. Not only is there less housing being built, but what we are getting costs more and more. The average FHA house last year cost $20,000. Between 1965 and 1968, production of homes costing less than $12,500 declined by 70 percent. At that same time, houses costing $30,000 and up increased by 53 percent so that now such high-cost homes represent 40 percent of all new housing starts. Indeed, in one suburban county in the Washington area, the average home sale last year was on the order of $41,000. This is not simply a function of growing affluence. We cannot say that Americans are enjoying such high incomes that they are not being priced out of the housing market. The fact is that today probably half the families in America make $8,000 a year or less. Less than half the families in

America could have afforded the price of an FHA-financed home last year.

This is a crisis. Housing has been priced at a level beyond the means of average families in this country today—a situation which has not obtained since the 1920's, and which the FHA was created to change. It is a horrible admission of failure to say that the average family cannot buy housing in this country today, even housing financed by FHA.

Part of the problem lies in interest rates. Like the 1920's we have today interest rates that are nothing short of fantastic. This means that long-run cost of housing is also exorbitant. It also means that congressional enactments to meet the housing shortage will not go as far as they could or should go. For example, $8 million of interest subsidy that could help finance a minimum of 1,500 units of housing at $15,000 apiece on today's market will in fact finance only about 1,100 units. Obviously we must deal with interest rates—not by raising them, but by cutting them to within reason. This is a most urgent matter.

The principal action that we have seen from HUD, however, is a campaign to change building techniques, to provide for what are assumed to be faster and more efficient methods of production. This is all rolled up into "Operation Breakthrough." But I have seen nothing that resembles breakthrough in the housing market this year; what I have witnessed is a breakdown of housing production. Gimmicks will not resolve this problem.

Neither will we solve the housing shortage by resorting to the unlimited production of mobile homes, as has been suggested. The problem is that while mobile homes assuredly have their place in the housing market, a mobile home is not suitable as a solution to the basic housing need of the country. A mobile home is exactly what its name implies—temporary housing. We are not going to solve our housing requirement by temporary housing. In fact, if we were to resort to this device, we would only be building rolling Hoovervilles. For the fact is that a mobile home may be expected to last only about 12 years as a usable unit. What happens then? Let us build mobile homes, but let us not be deluded into thinking that they are going to close the housing gap.

The fact is that we must face squarely the issue that has been avoided thus far by the administration: Gimmicks do not solve our problems in housing. We can produce the housing we need in this country, but only if we allocate the necessary resources to do that job. It is a sound estimate that our housing goals can be met if we redirect 1 percent of the gross national product into the housing industry. Presently what we are witnessing is a shifting of resources away from housing and the results are calamitous. Unless action is taken to change that trend, and to obtain a commitment of resources adequate to meet the real needs of the housing industry, all the breakthroughs, and all the gimmicks HUD produces will not end the dilemma. We must confront the issues, not next year, but this year. Too much time has already been wasted, too little real action taken, and too much gesturing done. The housing needs are here and now, and action ought to be taken here and now to meet that need. What we are doing today is too little and too timid. We are doing less than we can, and assuredly less than we should.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. HANNA).

Mr. HANNA. Mr. Chairman, in this bill we are, for the most part, extending what is already in the law, in certain restrained respects, improving certain sections of the law. But we are temporizing with the true problem of housing in the United States. We heard testimony from Mr. Martin, head of the Federal Reserve Board, yesterday, that for the foreseeable future there would be a substantial pressure of capital requirements in the United States and elsewhere in the world. That means we will be trying to solve the problem of housing in a crisis of capital. It would seem to me if we are going to avoid the constant pressure of high interest rates, we are going to have to apply some policies which direct the utilization of limited capital funds. A portion of this should be done with the true approach to fight inflation which is not now being followed; namely, to be sure what capital we have is being applied in this economy to where it produces something of value and where it is truly operating substantially to increase the velocity of this economy. This kind of policy we are not pursuing. I suggest to you at the present time, following what is happening in commercial banks, that the capital available in this country is being utilized to create mergers and to allow the growth of conglomerates. These people can pay the high costs of money. Are they contributing to the making of anything in this society which is of value and which is enhancing the total gross wealth of our country? I suggest that they are not. They are shuffling paper around changing equity and in the process inflating selected stock values and concentrating ownership.

Housing is one of the most dynamic areas in our economy. Money put into housing will have a multiple factor of 2½. That means for $1 billion put into housing, actually, with the velocity of turnover, there will be $2½ billion. With this there is an accompanying tax return to the Government. If one were to make an input-output economic analysis of housing dollars it would be amazingly informative as to how broadly the beneficial effects of housing dollars strike across the spectrum of industrial and commercial activity. For instance, $1 million of housing would read out to have tens of thousands in dollar impact on extractive industries such as cement, clay, gypsum, and iron ore. Tens of thousands of dollars would be found flowing to lumber and forestry products. The same for steel and aluminum subsidiary impacts can be traced in fabrics, furniture, furnishings, appliances, and so forth, and so forth. My conviction is that such a detailed study should be made and presented to the Members of this House.

My judgment is that our inflation problems demand more attention to productive use of capital and less emphasis on the blind restriction of capital. New money supplies based upon real value and real healthy growth of national wealth is not, I repeat, not, inflationary. Unjustified interest rates and unproductive use of capital are inflationary.

If we are going to meet inflation, we should put our capital where it will do the most good. One such proven place is in the housing industry.

These are some of the other aspects of housing if we are to solve this problem.

Let me suggest to you who own homes what should be considered when you buy a home. Do you realize that you are putting yourself in a position to pay a tax on a tax?

Most of you who have bought homes either in Virginia or Maryland have this situation. The on-site improvements such as the sewers, the utilities and streets and gutters, flood control channels, and many of these other improvements were put on your land cost which added to your house cost became your mortgage.

They were not put into a bond issue. Had they been you would have one improvement district bond to pay off by one district tax. But as part of your house price you now pay all your taxes on this added base and pay interest at the going rate for the life of the mortgage as well.

Mr. Chairman, the man building the project in which your home is located put those improvements in and added them to the cost of the lot which turns out to be a part of the cost of the house. So, over the life of your loan you are paying the interest rate on that particular improvement. Further than that, when the tax assessor comes to put the tax on your house, he taxes on that which ordinarily would have been taken care of by the bond issue but which was not.

You see, we have gotten ourselves into this kind of a position where we are tying into the price of a house a lot of things that should not be there.

For instance, when you buy insurance on your home you buy insurance based on whatever you pay for your home. I bought a home in Virginia for $38,000. I immediately arranged for $38,000 worth of insurance on that house. However, I find out, upon careful analysis, that the lot on which the house sits is valued at $7,000. The lot is not going to burn up. It is going to be there no matter what happens to the house. But when you buy a $38,000 insurance policy, you insure the lot as well as the house. This is adding to the burdens of the homeowners. We have packed so many things like that that come into the picture of homeownership to such an extent that we are in fact discouraging homeownership.

I will agree that homeowners need to increase their insurance as time goes by to be able to replace at today's prices the dwelling they now own. I will agree that it is possible that the economics of insurance risk and actuary studies may dictate increase premiums but I firmly believe that a clearer, more relevant approach would be healthier for both the insurer and the insured.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. PATMAN. Mr. Chairman, I yield the gentleman 2 additional minutes.

The CHAIRMAN. The gentleman from California is recognized for 2 additional minutes.

Mr. HANNA. Mr. Chairman, I would like to suggest to you gentlemen that if you analyze what goes into a house, there are four basic elements. There is the land. There is the lumber, there is the labor. There is the loan.

Now, in my analysis of this the thing that we have most, it seems to me, been unresponsive to is what happens to our policies with reference to land. We have the policies of the FHA, but through their failure to react appropriately, they have allowed land to go spiraling upward based upon speculation, among other reasons. We have allowed the land to escalate in value upon which the home is located. This has come about on the basis of the resale procedure. I know people who have sold land three times in order to build up the value of the land. Yet, the FHA approved an appraisal of land based on its latest sale.

Mr. Chairman, the cost of land has increased 138 percent in the last few years. That is where one of the great inflationary pressures lies in housing. Another place is with reference to the loan. If you increase the interest rate 1 percent, you increase the cost of the house 7 percent. That represents a greater increase than the increase in the cost of labor. Actually, labor has through its productivity kept up fairly well. The cost of labor in housing in relation to other costs has not shifted quite that much, but it has contributed to some extent, something like 22 percent; but certainly not to the extent that the cost of land has increased.

Then, Mr. Chairman, another place which should be considered in the field of housing is lumber, because here again it is our fault. We have followed the policy of selling our lumber and our logs abroad. By forcing our domestic users to bid against exporters we forced up prices and shortened the supply of timber. Because of a short-term policy as regards national forest output of logs we have adversly affected both the cost and the supply of lumber for our own housing industry. This conflicting policy cost homeowners over a 100-percent increase in this one building material alone early this year.

Now it really seems to me if we really are going to solve this problem, we have to give our attention to some of these specifics and we have to give the homeowner some protection so that it really is an intelligent thing to own a home in the United States. If we are going to pursue the policies that I have seen us pursuing here in the last ten years, we are going to discourage home buyers regardless of what we do in this legislation because it is discouraging home ownership.

My friends, if a home sells for $20,000 today, you have already priced 50 percent of the people out of the market. I ask you where can you buy a new home today for as litle as $20,000. Here lies the real dilemma.

Mr. WIDNALL. Mr. Chairman, I yield to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, the basic "goal of a decent home and a suitable living environment for every American family" has not changed since it was stated by Congress in the National Housing Act of 1949. But the need to meet this goal has become immeasurably more pressing and difficult of achievement in the intervening twenty years.

In 1968 Congress again reviewed our National Housing Goals. It reaffirmed the 1949 goal and determined "that it can be substantially achieved within the next decade by the construction or rehabilitation of 26 million housing units, 6 million of these for low- and moderate-income families."

That goal is not unrealistic or impossible to reach. We have demonstrated in the space program what this Nation can do if there is a total national commitment by all sectors of the economy, public and private, to meet a challenging objective.

In the case of housing a total cooperative effort will be required. First, on the part of the Federal Government, to define the commitment and lead the Nation; second, on the part of all Americans, to control ruinous inflation; third, on the part of State and local governments, to move on restrictive zoning practices and outdated building codes; fourth, on the part of private industry, to develop new techniques for volume production of housing; fifth, on the part of organized labor, to recognize the need to revise outdated working practices which stand as a barrier to the industrialization of housing production; and sixth, and perhaps most important, on the part of Congress, to provide the resources without which all the other efforts will be for naught.

If such a commitment is undertaken, we will be in the fortunate position of saying that, just as we have advanced the spiritual dimensions of mankind through our exploration of the heavens, we have immeasurably enhanced man's physical existence here on earth.

Mr. WIDNALL. Mr. Chairman, I yield to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, it is now evident that the greatest single barrier to meeting the goal of 26 million new or rehabilitated dwellings in this decade is continued spiraling inflation. There is no area in the productive sector of the economy that has been hit harder by continuous, gnawing inflation than private ownerships and housing. In 1968, alone, the average lot cost for an FHA-insured single-family dwelling rose nearly $400. Building construction costs in housing rose 10 percent over that 1-year period. Local discriminatory codes are bad, but add on inflation; and what builder needs enemies?

Two inflationary effects have a particular impact on housing. First is the cost of labor. Construction wages are rising at a faster rate than in any other sector of the economy. According to the Bureau of National Affairs, first-year wage settlements, exclusive of fringe benefits, provided hourly increases of 17.5 cents in 1965, 19.8 cents in 1966, 34.9 cents in 1967, and 49.6 cents in 1968. Hourly increases nearly tripled in 4 years and the end is not in sight. We are not unguilty in Congress with our insistence on sacred cows of prevailing wages, Davis-Bacon, and Walsh-Healy laws, in public housing, such as this.

The second aspect is the effect on the money market. For in the financing of housing, inflation does not mean easy money, it means hard money. Mortgages are long-term fixed investments and look increasingly unattractive to investors in an inflationary economy. Hence the supply of mortgage money begins to dry up, sending interest rates all the higher.

Curbing inflation and all its effects is the single most important domestic priority of the present administration. No progress can be made in dealing with any of our problems, whether in the cities or on the farm, whether in housing or in education or in transportation or in welfare, until an atmosphere of orderly, measured, stable economic growth is achieved.

Mr. WIDNALL. Mr. Chairman, I reserve the balance of my time, and I have no further requests for time.

Mr. PATMAN. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia (Mr. STEPHENS).

Mr. STEPHENS. Mr. Chairman, first I want to talk about section 411(a) and then to talk in general about the housing bill.

Section 411(a) of the act deals with the Farmers Home Administration and reflects an effort on the part of the House Banking and Currency Committee to give Farmers Home some of the tools it must have if that agency is to be permitted to meet the housing problems of rural America on a more realistic level.

The facts that should be held uppermost in our minds are these:

Rural America has about two-thirds of all the substandard housing in the Nation, 46 percent of all the poverty stricken, yet only 30 percent of the Nation's population. If the housing conditions that prevail in rural America applied on a proportionate basis to the entire country, we would long ago have been compelled by public sentiment to give housing the priority it should and must have.

A housing recession has existed for decades in many rural areas because mortgage credit, outside of what is provided by Farmers Home, simply does not exist. Small rural banks do not have the capacity to make long-term home loans and meet the other credit requirements of residents in the areas they serve. Consequently, Farmers Home has been, and is, the only vehicle which is consistently supplying funds to meet what no one can deny is a housing crisis.

During the last fiscal year Farmers Home made about 50,000 insured home loans, the maximum number that could be issued under existing legislative limitations. The gap between need and performance becomes painfully apparent when that 50,000 figure is compared with the 300,000 assisted housing loans that are required each year for the next 10 years to meet the national housing goals for rural America.

By law Farmers Home can make loans only to those credit worthy people who cannot obtain funds on reasonable terms from other sources. A fair translation of this situation means that Farmers Home is not just the last but the only hope of people striving to own their homes.

In recognition of this enormous, unmet housing need, subsection (b) of the act removes the present $100 million ceiling on the amount of unsold mortgages Farmers Home can hold at one time. Taken by itself, such a provision would not mean that Farmers Home could provide more rural housing than is now the case. But subsection (e) of the act calls for the consolidation of the agency's direct and insured home loan program accounts which, in effect, would create a single loan account of $350 million out of which both direct and insured loans can be made. The additional $250 million would come from uncommitted funds in the direct loan account. These funds are not being utilized because the insured loan program, created in 1965, has taken over virtually the entire job of supplying home loan funds. For the most part the direct loan account is utilized to make small home repair loans which constitute credit demands that are far less than the resources in the account.

In effect, these two changes make it possible to more than double the capacity of the Farmers Home insured home loan program without having to resort to additional appropriations and without in any way diminishing the direct loan program.

Concerning the remaining parts of the act, dealing with the attempt to streamline the effort to provide rural housing through Farmers Home:

Subsection (c) enables the agency to sell blocks of insured notes backed by the mortgages it originates. As it is now, Farmers Home in essence must sell individual mortgages on the money market. These obligations require a great deal of bookkeeping by purchasers and place Farmers Home at a decided competitive disadvantage in terms of selling its paper. Sale of the notes in blocks would merely give Farmers Home the same method of marketing its paper that is being used by other agencies selling similar obligations.

Under subsection (d) of the act, Farmers Home would be authorized to make advance commitments to builders so that several houses could be built at the same time for later purchase under its insured loan program. As it is now, Farmers Home is restricted to obligation of funds to a single borrower only after a loan is approved and construction can begin only after the loan is closed. The result is construction on a one-at-a-time basis. Being able to make advance commitments means that a number of houses can be built at the same time, thus providing substantially more housing at less cost through volume production.

Subsection (f) amounts to acknowledgment that limiting Farmers Home to serving rural communities of 5,500 or less deprives many needy families from benefiting from the agency. There are many rural communities in the Nation which have larger populations but which nevertheless are truly rural in terms of their economy. This new subsection leaves it to Farmers Home to decide, on the basis of 20 years' experience, what other rural communities, outside of built-up, urbanized areas, need and should receive its services.

In short, Mr. Chairman, these changes in title V of the Housing Act of 1949 are an effort by the House Banking and Currency Committee to somewhat expand the resources of Farmers Home and to streamline the methods by which that agency and that agency alone is confronting the Nation's rural housing problems—problems which I have indicated are proportionately far more severe than those of the cities.

I take a few minutes further today to emphasize the importance of the whole 1969 housing bill which we are debating. There is no legislation which Congress considers that is more important to the well-being of America. The serious plight of homebuilding is a major problem of the moment. I want to be able to say when we pass this legislation that we have tried to provide continued, vital homebuilding.

Public funding alone cannot solve the problem. We have realized that fact in Congress in the recent past and have taken wide and broad steps to encourage and assist private enterprise to expand in putting money into homebuilding. To name a few steps, we have created the insured housing loan program, the rent supplement program to insure private builders a profit and the interest supplement program for encouraging private lenders to build homes for low-income level people.

Since the markup of the housing bill, I have had evidence presented to me that the homebuilding industry has its back to the wall and the main reason is because there is very little mortgage money available. I did not realize how acute this was when we took up the bill. For that reason I did not offer the following amendment which at the proper time I will offer to the House as an effort to make more mortgage money available for homebuilding.

It will read as follows in regard to GNMA.

Amendment to H.R. 13827, to be offered: Page 1, after line 4, insert the following new section:

"SEC. 2. Section 305 (g) of the National Housing Act is amended—

"(1) by striking out '$1,000,000,000' and inserting in lieu thereof "$2,500,000,000';

"(2) by inserting 'at part' immediately after 'and to purchase'; and

"(3) by striking out '$15,000', '$17,500', and '$22,500' and inserting in lieu thereof '$17,500,' '$20,000' and '$25,000', respectively."

I outline this amendment now so that any one interested may not think I have tried to take them by surprise by waiting until the point of amendment arises when we commence the 5-minute rule for amendments.

If my amendment is adopted, I believe that GNMA action thereunder will act to loosen up tight money now in the private sector for home building. My amendment is not mandatory on GNMA.

Mr. PATMAN. Mr. Chairman, I yield to the gentleman from Louisiana (Mr. WAGGONNER) such time as he may consume.

Mr. WAGGONNER. Mr. Chairman, last year the Congress took an important forward step in recognizing the devastation wrought by hurricanes and other forms of flooding through the enactment of a federally assisted flood insurance program. In the past, private insurance companies have not been able to provide this important protection because of the danger of catastrophic losses concentrated in hard-hit areas. As a result, homeowners and other property owners could not obtain the insurance they needed. When a major disaster did strike, some relief was available through low-interest loans and through special acts of Congress. Important as these measures are, the assistance was not immediately available and did not cover all losses suffered.

The 1968 Flood Insurance Act provided for a partnership between the Government and the private insurance industry. It was planned that studies would be made in each area to determine a true premium rate which fully reflected the long-run risk. Because this full rate in flood prone areas and those exposed to hurricane loss would often be too high for property owners to afford, the law provided that the individual would pay a relatively low rate and the Government would pay the balance of the full premium. These payments would meet losses in years of average flood damage and in years of low damage would show a surplus. However, the law recognizes that there would be years of unusually high losses and to meet this cost it was provided that the additional payments would be met from capital pledged by participating companies and by further Federal payments. Over the years the surplus from periods of low losses would offset the additional payments of disaster years. This is a soundly conceived program which will assure prompt cash payments to flood and hurricane victims for their damages, which will cover all or a substantial part of individual damages, and which the property owner will receive as a right because he has helped to pay for it through his premiums.

However, and it is a very big however, experience has shown that there is a serious technical problem in the present law. This arises from the time required to make the actuarial studies in all of the individual areas which need insurance. These rates, which are the key to private participation in the program, require careful study of the history and flood hazards of each community and so far—a full year after the enactment of the basic program—only three small places are actually eligible. The Committee on Banking and Currency in reviewing this program recognized this problem and cut through it with a simple amendment included in the pending housing bill—H.R. 13827—which says that for a 2-year emergency period the Government can go ahead and make the insurance available with losses to be met by premium income paid by property owners and by Federal payments. This simple solution is a sound one since in the long run, after full risk premium rates are set, this is the way costs will be shared. The result will be to make flood insurance available in a great many areas right now when it is needed. Meanwhile the actuarial studies will proceed so that at the end of the emergency period the basic permanent program with private participation can take over.

The general rules of the permanent program will apply to this emergency provision. That is, a community must request that it be designated for eligibility. The community must agree to have adequate land use controls in effect by December 1971 to limit or prevent further construction in particularly hazardous areas and 1 year after the insurance has become available in the community, property owners will not be eligible for other disaster relief benefits to the extent that they are, or could be, covered under the insurance program.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. Pickle).

Mr. PICKLE. Mr. Chairman, I would like to direct the attention of the chairman of the committee to page 13 of the report, with reference to the item, "Relocation of displaced families." The report makes it plain that the relocation of displaced families is a serious matter, and goes to the very heart of the problem with respect to urban relocation programs. It is pointed out in the report that there is often quite a time which elapses between the time the plan is approved and the time the actual displacement of the individuals within an area would take place. There are several reasons for that.

As the committee points out, there are changes in the vacancy rates and the availability of fewer public and federally assisted public housing units, and, of course, another reason would be the constantly rising housing costs that are always a problem.

However, the report makes this significant statement:

> Currently there is no effective plan to assure that relocation programs are updated as conditions change.

The report goes on to say this:

> In the hope that corrective legislation will not be necessary, we direct the Department to review the adequacy of relocation plans in renewal projects at least every 2 years.

The point I want to make is that it seems to me that directing the Department to review the plans within the next 2 years is not often enough. It seems to me there ought to be at least once-a-year review. I would like to see the legislation provide or have an amendment to this bill provide that the Department will look at this problem and will give immediate attention to it.

Mr. PATMAN. Mr. Chairman, if the gentleman will yield, I think it would be well for the gentleman to prepare an amendment along that line. I have discussed this with the chairman of the subcomittee, the gentleman from Pennsylvania (Mr. Barrett), and he agrees also that 1 year should be sufficient, that at least it should be 1 year instead of every 2 years for the reason that it is a study, and it would be helpful.

Mr. PICKLE. Mr. Chairman, I thank the chairman of the committee. I hope that tomorrow I will have a chance to offer such an amendment.

I was visited in my city recently by a group which pointed out that under the Housing Act of 1949, I guess it was originally, but as amended in 1965, section 105, they have this very pointed section, which is section 105(4) which says:

> As a condition to further assistance after enactment of this bill with respect to each urban renewal project involving this placement of individual families, the Secretary shall require within a reasonable time prior to actual displacement certain assurance by the local public agency that decent, safe and sanitary dwellings as required by the first sentence of this subsection are available for the relocation of each such individual family.

This is the law, and this is the intent. Yet there is no provision in the act at this point that would require a definite plan. It is said that the Secretary shall demand a good plan on relocation. It seems to me if we are ever going to have a wider acceptance of urban renewal or neighborhood development programs, we must come to better grips with this relocation problem.

I think generally speaking most of the people displaced have found adequate housing, but in some cases there has been extreme unpleasantness or hardship involved. This is not the intent, but until we can solve relocation in a more satisfactory manner, we are going to have constant problems in either urban renewal or neighborhood development programs. And in fact, under NDP, the problem is even more critical because relocation must be planned and implemented within shorter time.

Therefore it seems to me that responsibility will lie with the Secretary to go into these areas and to visit with these people and to be certain that the program is working as we have directed it, and he should give us his report within each year—or at least within a year from enactment of this bill.

Mr. Chairman, I would like to make it clear that while we definitely need greater attention to the relocation problem, both in terms of updating existing plans, and in terms of making sure that those plans are adequate initially, we still should not stop our progress. Displacement of individuals and families is a critical problem, but one which should be solved as we progress. I am hopeful that the amendment I will introduce, as well as the report language present already will have a clear impact from the Washington level right down to the local authorities.

Mr. Chairman, I appreciate very much the gentleman saying he will favor an amendment along these lines. I would hope to offer such an amendment tomorrow.

Mr. PATMAN. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. Ryan).

Mr. RYAN. Mr. Chairman, the need for adequate housing for all of our citizens is certainly not new. There is really no more important item on our national agenda, for if we are really to lift the hopes and the aspirations of our people, then we must remove that daily reminder of all the ills of our society; that is, bad housing.

In 1949, Congress set a goal of the "realization as soon as feasible of a decent home and a suitable living environment for every American family."

In 1968, in the Housing Act which we passed last year, a goal of construction and rehabilitation of 6 million low- and moderate-income housing units in the next 10 years was set.

We have promised much to our low-income population in their attempts to obtain decent, safe, and sanitary standard housing. But we have delivered too little.

In 1969 there are some 7.8 million American families who cannot afford to pay for standard housing which would cost no more than 20 percent of their income.

By 1969 we should have met the needs of our population so that all income levels could live in adequate housing.

By 1969 we should have insured that no family, no person, no child would live in filth and squalor, without adequate ventilation, plumbing, and heating.

In 1969 a country as wealthy as ours should not allow 3 million families to live in substandard and unsanitary conditions.

I have introduced some 25 bills related to housing needs since the start of this session; and I testified before the Housing Subcommittee and I have pointed out a number of areas in which I believe we can make real breakthroughs in housing. I shall not reiterate those today.

However, I should like to call the attention of the Members of the House to the testimony I gave at that time. It starts at page 556 of the hearings. Particularly I should like to stress this afternoon several areas which are of deep concern to me.

PUBLIC HOUSING

Public housing should be a dynamic part of our housing program. Although Congress has been too restrictive, the Housing Assistance Administration of the Department of Housing and Urban Development has been fairly unreceptive to changing or increasing the program's operation.

The public housing program is operated on the basis of contract authorization provided by Congress. The contract authority available to HUD to enter into annual contributions contracts was $754.26 million through fiscal year 1969, and it will be $804.5 million in fiscal year 1970. However, the figures for actual payments made are much lower: $350 million, plus a supplemental request of $16 million for fiscal year 1969, and a budget request of $473.5 million for fiscal year 1970.

The House bill increases the annual contribution contracts authorization by $20 million on July 1, 1970. The Senate bill increases the annual contributions by the same amount on July 1, 1970, and by $175 million on July 1, 1971.

I introduced legislation, H.R. 602, which would remove the existing dollar limit on the amount of annual contributions which may be contracted for by the Public Housing Administration to assist low-rent public housing. Large waiting lists for public housing in cities such as New York, where there are 135,000 applications pending, indicate that existing production goals are insufficient to meet public needs. The bill would make HUD contributions for public housing more responsive to public demand.

The House bill increases by 10 percent the statutory room cost limits applicable to low-rent public housing projects. The Senate bill offers a more realistic approach to the problem. It provides for a 45-percent increase of statutory room costs in high-cost areas. It requires the Secretary of Housing and Urban Development to determine the change in the building cost index in the beginning of each year and to then make the appropriate changes in the dollar limitations on room costs in the projects consistent with the cost index changes.

In addition, the Senate adopted an amendment to base the adjustments on mortgage limits and dollar per room limitations in public housing on a comparison between price index for 1968 and 1965 rather than 1968 and 1967.

Two of my housing bills dealt with statutory limitations on per room costs. H.R. 603 would provide for a $1,000 per room increase in the statutory limit on the cost of low-rent housing projects. H.R. 10194 has a provision which would allow the Secretary of Housing and Urban Development to increase the cost limitations in order to reflect increases in construction costs for a particular geographic area. Construction costs are skyrocketing, and the limitations must be revised realistically.

A provision, which appears in the Senate bill and not in the House bill, is one affecting public housing which was introduced by Senator BROOKE. This provision, section 211 of the Senate bill, would limit a public housing tenant's rent to 25 percent of the tenant's income. The difference between the 25 percent of the tenant's income and the amount of money needed to operate the project—including better operating and maintenance services—would be made up by annual rental assistance payments made by the Secretary. The BROOKE amendment authorizes $75 million a year for this purpose.

I urge the House conferees to agree to the Senate's section 211 in order to provide public housing to tenants of very low income who would otherwise not be able to afford it.

Both the House and Senate bills amend section 10(G) of the Housing Act of 1937 to "clarify existing authority" to fix the amount of annual contributions to public housing projects at an amount in excess of the debt service requirements.

As the administration has admitted, this is only clarifying language, which tells the Department of Housing and Urban Development to implement existing authority.

Operating expenses of the federally aided public housing program in New York City have increased to such an extent that tenants are facing increased rentals beyond their means. Given the limited financial resources of most cities, this problem can only be alleviated by increasing the amount of Federal subsidies which the Department of Housing and Urban Development is authorized to allocate to local public housing agencies. The need for a new subsidy formula, and not just clarification of existing authority, is illustrated by the situation in relation to New York City.

According to the New York City Housing Authority, routine operating expenses of the federally aided public housing program in New York City have increased 125 percent since 1952. Rents paid by tenants, related to their incomes, have increased 72 percent. The deficits to the public housing program which have resulted have grown so acute during the past few years that it has been necessary for the housing authority to withdraw funds from its reserves. Under established procedures, the accumulated reserve funds for the New York City Housing Authority should currently amount to somewhat more than $30 million. But the present balance, as of March 1969, is only about $12 million. Chairman Albert Walsh, of the New York City Housing Authority, has indicated that he expects complete exhaustion of reserve funds before the close of 1970, unless rents of tenants are substantially increased without regard to their ability to pay.

The alternative for New York, then, is total exhaustion of reserve funds in 18 months or an increase in rents that most tenants simply will not be able to meet.

At the present time, the Department of Housing and Urban Development contracts to pay annually to the New York City Public Housing Authority only the sum actually required for debt service on bonds issued for the capital cost of each public housing project. Although it is my interpretation, and the interpretation of New York City Housing Authority Chairman Albert Walsh, that HUD presently has authority, under section 10 (c) and (d) of the U.S. Housing Act of 1937, to pay the debt service plus 2 percent of the operational cost of a public housing project, HUD has taken the position that the basic statute needs to be clarified. HUD seems to believe that in order to pay the 2 percent specified in section 10 (c) and (d) of the U.S. Housing Act of 1937, it is necessary to have language which specifies that the annual contribution under any contract is not limited to debt service requirements.

In other words, the bill merely states that HUD has the authority to do what I believe it already has authority to do under the existing statute. This is clear from the testimony of Secretary Romney on July 15 before the Senate subcommittee in which he said: "The amendment—section 204 of S. 2620—would not, however, permit the annual contributions to exceed the statutory maximum now established by the U.S. Housing Act of 1937."

I have previously called upon Secretary Romney to increase the subsidy for public housing in New York City to the statutory maximum through administrative action.

In light of the increasing operating costs which many public housing agencies are experiencing, I believe that mere clarifying language is an insufficient remedy for the problem. What is required is an increase in the present statutory limit.

In order to achieve that end, I have introduced H.R. 10194, which changes the present subsidy formula so that the formula would specifically include debt service plus 1 percent and an additional amount "to the extent required to permit low-rent housing to continue to fulfill its goal of providing housing at rents which families of low income can afford to pay, taking into account such routine operating costs of the projects involved (including the cost of providing adequate security for tenants) as may be necessary or appropriate for the purpose."

In effect, H.R. 10194 would make it possible for the Secretary to determine the subsidy formula required to maintain rents at a level which low-income families can afford, taking into account normal operating expenses and particularly the cost of police protection for tenants, which, in most large cities is urgently needed. Rising crime rates in public housing projects in New York City are alarming—so much so that tenants feel compelled to organize volunteer groups to protect themselves.

My bill makes it clear that the new subsidy formula set forth in the bill would apply to existing projects as well as projects completed after the enactment of this legislation.

In view of the escalating costs of public housing agencies, I believe it is imperative that this body adopt a formula such as the one embodied in H.R. 10194. To accept only a "clarification" in language which I believe already gives clear authority to the Department of Housing and Urban Development to pay debt service requirements plus 2 percent of operating costs falls far short of what is required.

MITCHELL-LAMA

Last year, the Housing and Urban Development Act of 1968 included an amendment, which I proposed, making the section 236 interest subsidy program applicable to State and locally financed middle-income housing approved for the interest subsidy program prior to completion of construction.

It did not apply to existing projects, and there are many existing projects which need assistance in order to keep rents, carrying charges and interest rates within reach of middle-income residents. Therefore, I introduced H.R. 49—H.R. 4308 with cosponsors—to extend the section 236 interest subsidy programs to existing projects.

The problem is illustrated by the Mitchell-Lama program in New York—a program intended to provide middle-income housing. However, high interest rates and high construction costs, have resulted in rents and carrying charges that middle-income people are unable to afford. Many of the original tenants of Mitchell-Lama housing find it impossible to remain in their homes, having invested most of their savings to make the equity payments on their apartments.

The Mitchell-Lama program is in severe financial difficulty. Approximately 58,000 units of Mitchell-Lama housing—which originally was supposed to be financed at interest rates of 3 percent to 3½ percent—are on temporary financing at 4½ percent. It is expected that permanent financing will be at a rate of at least 6 percent. This means that families living in Mitchell-Lama developments will have to pay a large increase in their monthly carrying charges—an increase of 20 percent or higher.

I have prepared an amendment, similar to H.R. 49, which would include projects built before 1968 under the section 236 interest subsidy program. It would affect Mitchell-Lama-type housing in seven States—New York, Connecticut, Illinois, Massachusetts, Michigan, New Jersey, and Pennsylvania.

It is essential to keep carrying charges and rents at a level commensurate with the income of middle-income tenants.

Interest subsidies for pre-1968 Mitchell-Lama-type projects would cost less than subsidies to privately financed projects because these projects have interest rates which are already lower than the regular market rate.

If middle-income citizens are to be able to live in housing which they can afford and still remain in the inner city, then they need assistance in coping with spiralling interest rates.

I certainly hope the committee will bear this problem in mind when we consider the bill under the 5-minute rule.

SECTION 236

The House bill increases by $25 million—from $75 to $100—as of July 1, 1969, the aggregate amount of contracts that the Secretary of Housing and Urban Development may enter into to provide interest subsidies.

The House bill similarly provides for an increase as of July 1, 1969, of $25 million for the section 235 homeownership program. However, the Senate bill does not increase the amount for these programs until July 1, 1971, and then to $170 million.

The House has recognized the need to increase the amount in order to meet current needs. Earlier this year I introduced supplemental appropriations bills to provide the full authorized amount for section 235 and 236.

Section 236 provides that a tenant pay a fair market rental determined by the owner's payments on the principal, interest, and mortgage insurance premiums. Rent is defined as the basic rental charge or more, equal to 25 percent of the tenant's income. However, the rent cannot exceed the fair market rental charge.

Because of the high costs facing owners of rental housing, rents reach the 25-percent mark, thus creating hardships for tenants, who cannot afford to pay 25 percent of their income.

Inasmuch as the section 235 homeownership program is based upon 20 percent of income, I believe it would be equitable to make 20 percent the figure for a tenant who pays rent or a cooperator who pays carrying charges.

RENT SUPPLEMENTS

The House bill does not increase the contract authority available for the rent supplement program. However, the Senate bill increased the contract authority by $62 million beginning with fiscal year 1972. The Senate bill also would allow the Secretary of Housing and Urban Development to increase from 20 to 40 percent, the maximum amount of rent supplement units in housing receiving section 236 interest subsidy.

I have expressed my concern to Secretary Romney with the fact that only 20 percent of the units in a section 236 project could be occupied by rent supplement tenants and have sponsored remedial legislation. I support the Senate change, and I urge the House conferees to accept it.

The problem of high rents also plagues the rent supplement program. Large families are forced to pay rents that they really cannot afford. There are two ways that this problem can be solved:

One, which is envisioned in my bill, H.R. 608, is to increase the rent supplement payments for tenants with larger families. The annual payments made by the tenants would be reduced by $200 for each member of his family, other than himself and his wife, who has no income.

The other way to cut rents is to reduce the requirement that a rent supplement tenant pay 25 percent of his income for rent to 20 percent, as I have proposed, under the section 236 interest subsidy program.

The rent supplement program must be relevant to the needs of the people it is supposed to serve. It is not relevant when in New York City, for example, the maximum income limit for eligibility is $6,100. There are many needy, low-income families that cannot participate in the program because their income is $6,100. In New York City the highest income of a rent supplement tenant is $5,450 with a family of seven.

In order to make the rent supplement program work more effectively, the formula should be changed by relating it to family size or by cutting the percent of income he must pay in rent to 20 percent.

LEAD POISONING

Lead poisoning is a silent epidemic affecting thousands of young children in the substandard housing of our urban slums.

This is not a disease whose cause and cure is unknown.

Its cause is lead-based paint which lines the interior surfaces of dilapidated housing. The paint peels and falls off within easy reach of young children, who often eat it.

I have introduced three bills to deal with this problem.

H.R. 9191—H.R. 13256, with cosponsors—establishes a fund in the Department of Health, Education, and Welfare from which the Secretary may make grants to local governments to develop a program to identify and treat individuals afflicted by lead poisoning—$7.5 million would be authorized for this purpose annually for 3 years.

H.R. 9192—H.R. 13254, with cosponsors—would authorize the Secretary of Housing and Urban Development to make grants to local governments to develop programs for the detection of the presence of lead-based paints and to require that owners and landlords remove it from interior surfaces; $13.5 million would be authorized for this bill annually for 3 years.

And H.R. 11699—H.R. 13255, with cosponsors—would require that local governments submit and have approved by the Secretary of Housing and Urban Development an effective plan for eliminating the causes of lead-based paint poisoning as a prerequisite to receiving Federal funds for housing rehabilitation or code enforcement.

The elimination of lead-based paint poisoning and the elimination of such paint from inner city housing is an urgent task which this legislation will help to accomplish.

Mr. Chairman, I should like to briefly mention a number of bills which I have introduced in the areas of public housing, urban renewal, relocation, and cooperative housing. All of these legislative proposals would increase the supply of low- and moderate-income housing and also make our housing policies more humane and equitable. I urge the Committee on Banking and Currency to give them prompt consideration.

PUBLIC HOUSING

My concern has constantly been that the public housing program is falling far short of its purpose: to provide standard housing to people at low cost. The program has been slow, unresponsive to large families, and unreflective of the needs and demands for the program. I have introduced a number of bills to make the program more responsive.

H.R. 601 would amend the 1937 Housing Act to remove the existing per centum limit on the amount of assistance which may be provided under low-rent housing in any one State.

Public housing should be built where the need is greatest and not on the basis of an artificial quota system.

H.R. 604 would amend the 1937 Housing Act to provide that a tenant in low-rent public housing not be evicted without a public hearing.

This is consistent with American ideals of justice. Present legislative and administrative regulations do not require that the tenant be afforded due process of law and the right to present his case.

H.R. 607 would broaden the opportunities under the 1937 Housing Act for occupants to purchase units they are living in.

This bill would make it possible for all or part of a public housing project to be converted to a nonprofit cooperative housing corporation or trust fund formed by occupants of the project.

URBAN RENEWAL

The urban renewal program has too often ignored the housing needs of the poor both in the planning and the administration of the program.

H.R. 597 amends the 1949 Housing Act to prohibit construction of luxury housing in the redevelopment of urban renewal areas.

It would also insure that all the housing built on renewal sites be low and moderate income in nature.

H.R. 606 amends the 1949 Housing Act by removing the 12.5-percent limit on the amount of grant assistance which may be provided under urban renewal for one State.

This is an artificial quota which is cutting back on urban renewal which is greatly needed in our metropolitan areas.

RELOCATION

I introduced seven bills, H.R. 597, 598, 599, 600, 609, 10266, and 10651, which would substantially improve the proce-

dures of relocation caused by urban renewal programs.

These bills aim at a fair, just, and humane method of relocation.

COOPERATIVE HOUSING

I have introduced two bills, H.R. 51 and H.R. 596, to deal with cooperative housing.

H.R. 596 would amend title II of the National Housing Act to provide Federal Housing Administration mortgage insurance for individuals purchasing dwelling units in cooperative housing projects in the same way that such insurance is provided for individuals purchasing other single-family residences.

H.R. 51, the Cooperative Rehabilitation Housing Act, which would provide Federal assistance to enable tenants of multifamily housing in low and moderate income urban areas, organized as cooperatives, to acquire and rehabilitate such housing.

It would further the opportunities for homeownership similar to the provision for section 235 homeownership for lower-income families programs authorized in the 1968 Housing and Urban Development Act.

Mr. Chairman, the issues which I have brought up today are essential to this country's goal of "the realization as soon as feasible of the goal of a decent home and suitable living environment for every American family" which was set in 1949.

I urge the House to remember how far from that goal we are and to act to fulfill the hopes which have been kindled for so long.

Mr. FEIGHAN. Mr. Chairman, I urge support of H.R. 13827, the Housing and Urban Development Act of 1969.

Last year, Congress enacted the most progressive piece of housing legislation in our history. The 1968 Housing and Urban Development Act was designed to be a 3-year start toward achieving the goal of building 26 million units within the next 10 years.

The primary purpose of the 1968 act was to depart from traditional concepts of Federal subsidization of housing in an effort to provide a decent home and a suitable living environment for every American family. It was the feeling of Congress that the necessary resources and capabilities existing in the public and private sectors of the economy had not been marshaled. Thus, Congress sought to utilize more fully private enterprise and individual self-help. Sections 235 and 236 of the 1968 act exemplified this philosophy. Those sections authorized new subsidy programs to reduce mortgage interest rates for lower income families to as low as 1 percent. These low interest rates would enable families to improve their living conditions.

Substantial progress has been made under previous housing legislation. Federal participation in housing has resulted in job creation, business development, economic growth, environmental improvement, and human development.

However, pressing problems remain which require our immediate attention. As a nation, we have failed to keep pace with our ever-increasing needs for more and better housing.

The 1969 Housing and Urban Development Act before us today represents an accelerated effort to accomplish the vast housing goals set forth in the 1968 act.

Among its provisions, H.R. 13827 would amend sections 235 and 236 by increasing the amount of contracts HUD may enter into under each program in the current fiscal year from $100 million to $125 million. This increased authorization is necessary in view of the spiralling land and construction costs and high interest rates.

H.R. 13827 would also increase the percentage of homeownership assistance payments which could be made for existing housing under section 235. The gradual reduction of the percentage, as provided by the 1968 act, must be delayed since the tight credit market has so significantly curtailed new housing starts.

Another section of H.R. 13827 would increase the per dwelling unit limitations on mortgages purchased by the Government National Mortgage Association from $17,500 to $22,000. The basic $17,500 limitation has been unchanged since 1959. In recent years, however, this limitation has proven unrealistically low. It has inhibited the use of section 221 (d) (3) below-market interest rate programs in many high cost areas, including Cleveland.

H.R. 13827 has a number of other provisions which would expand existing programs. The model cities program is authorized an additional $750 million for fiscal year 1971, while funds for the urban renewal program would be increased by $2 billion. These programs must be expanded.

Other important provisions of H.R. 13827 would expand the neighborhood development and flood insurance programs and remove the income limits for loans under the rehabilitation loan program.

Mr. Chairman, we appear to be in the first stage of a national housing recession. New housing starts have fallen off and, if the present rate continues, could drop below 1 million—about half of last year's rate—by this coming January. Increased costs due to inflation have placed homes beyond the financial means of millions of Americans. The inability of people to raise money for housing has consequently hurt the housing industry and, particularly, the smaller builders and contractors who support it. As a result of this vicious circle, thousands of employees are losing jobs.

Mr. Chairman, it is imperative that we enact the Housing and Urban Development Act of 1969, which would help to reverse these undersirable trends. We must move on toward our stated goal of decent housing for every resident in the United States.

Mr. EILBERG. Mr. Chairman, I rise today for the purpose of expressing my opposition to the amendment which I have been advised will be offered by the gentleman from Illinois (Mr. ANDERSON). This amendment has been called the breakthrough amendment and at first blush it appears that to oppose it would be like voting against motherhood and the flag. I encourage those of you who have not read the material which the Building Trades Department of the AFL–CIO sent to all our offices to do so to get an in-depth look at the highly objectionable results which adoption of this amendment could bring.

Mr. Chairman, I am confident that the Members will study the Anderson amendment carefully and not be caught up in the mumbo-jumbo of the governmentese and high sounding phraseology which no doubt will be used in this Chamber in an effort to gain support. I want to make it quite clear that I do not oppose the use of the best of the new building techniques in the attempt to meet the pressing housing needs of the Nation neither do the Building and Construction Trades Union. However, I do believe that adoption of this amendment will set up the Secretary of the Department of Housing and Urban Development as a housing czar with the authority to dictate terms of collective bargaining agreements and scuttle existing agreements which are lawful under the National Labor Relations Act. The effect of this amendment would be counterproductive in my opinion and would severely disrupt labor-management relations. I oppose letting the Secretary of Housing and Urban Development become a housing czar. The amendment provides no safeguards against arbitrary and discriminatory action. This amendment fails to take into account the complex issues and delicate problems which are involved. It should not be considered without public hearings and extensive legislative redrafting.

Mr. TUNNEY. Mr. Chairman, the lack of adequate housing in this country is a disgrace which is fast reaching the point of disaster. We move further and further from our goal of a decent home and a suitable living environment for every American family, announced in 1949. Increased building costs and a credit crunch have dimmed the hope of constructing 26 million new units in the next decade, include 6 million new publicly assisted units.

The destructive impact of poor housing is incalculable. The costs of the blight in housing skyrocket, while we squander billions in space, and feed the insatiable appetites of the Pentagon. Our priorities are tragically out of balance. We must rechannel some of our billions to defend our environment and to explore ways and improving our quality of life.

Early efforts to meet the housing needs of the poor only intensified the problems which wrack our cities. Public housing massed the poor in penitentiary-like monoliths which quickly became dilapidated and ridden with crime. The rent supplement program compounded the problem of concentrating the poor in ghettos.

I voted for the rent supplement program when it was proposed. The concept of rental assistance at its inception promised those most in need an opportunity to break out of the ghetto. This opportunity proved to be an illusion. Subsequent appropriations contained a proviso that certain local bodies could veto construction of rent supplement projects in their areas. Projects were therefore built in blighted areas. The program in practice served only to perpetuate the worst evils of public housing. I could not support the program in this form.

A new approach was charted in the Housing Act of 1968. Section 236 of that act authorizes direct interest rate subsidies on new projects for moderate as well as low-income persons. At the same time up to 20 percent of the unions in a 236 project can be supported by rent supplements.

Now for the first time we have the opportunity to support construction of housing projects outside the ghettos, in which not all the tenants will share the same level of degrading and demoralizing poverty. This is bound to enhance the pride and initiative of those who rely on rent supplements until their incomes rise.

No projects have yet been completed, but of the almost 500 which have been approved, a significant number—288—are located in the suburbs and in outlying urban areas.

The Housing Act of 1968 also charted a second significant course designed to enhance the dignity and independence of the poor by authorizing homeownership assistance payments. These payments can help those with low incomes purchase one or two family homes, condominium units, or enable them to become members of a cooperative association, which may have previously been a publically assisted rental project.

Together, the interest reduction and homeownership assistance programs offer a real possibility of achieving our goal of building 6 million new publically assisted units during the 1970's. Even at the start, however, it is critically uncertain whether we are going to carry these programs forward with enough momentum. H.R. 13827 raises the aggregate amount of contracts which the secretary can enter to make both homeownership assistance and interest reduction payments.

I seriously question, however, whether the amount of the increase—from $100 to $125 million, in addition to the $75 million already authorized prior to July 1969, is sufficient even if these authorizations were reflected in actual appropriations—which they decidedly are not—neither program would approach the $1 billion level for years to come. Is this too much to pay for a program which promises to relieve this dreary existence of those with low or moderate incomes who are forced to live in housing which is crowded and inadequate? I do not think it is too much to ask to devote a small fraction of our national budget to this important goal.

It is also essential to increase the limitations on construction of publicly assisted housing units to realistic levels, which reflect actual construction costs. I am pleased to see that the bill attempts to meet this problem, but it does not appear that the limits are made flexible enough to stimulate greater activity in high cost urban areas.

Considering the changes in the program that have been wrought by section 236, I am disturbed by the fact that the bill does not make provision for additional increases in the rent supplement contract authorization for the 1972 fiscal year. The bill as passed in the Senate provides $82 million for this purpose. The Senate bill also increases from 20 to 40 percent the percentage of units in a 236 project which may be occupied by tenants receiving rent supplements. With the passages of the Housing Act of 1968, rent supplements offer a true opportunity for low income persons to escape the confines of the ghetto, and to move closer to available jobs better schools and recreational facilities. I therefore urge those who have opposed this program in the past, as I have, to give it renewed consideration.

H.R. 13827 fails to make any provision for extending FHA mortgage insurance in the case of loans for the purchase of mobile homes. I believe that such a program should be available for persons who use a mobile home as a principal place of residence. There are now 6 million Americans who live in mobile homes. For substantially all low-income persons, mobile homes provide the only housing which can be purchased for $12,500 or less. The days are over when trailer parks constituted slums on the fringes of our cities. Mobile home courts today are well designed, landscaped, and provide necessary community facilities.

Availability of FHA loans on mobile homes would produce dramatic reductions in monthly financing costs. Interest rates on noninsured loans are now 12 percent and more.

We should put an end to a situation where high interest rates make it impossible or extremely burdensome for persons with low incomes to resort to the only form of low-cost, mass-produced housing on today's market. I do not believe that such a step would siphon money away from conventional home financing, and it would provide for a range of choices of low-income housing.

I support the application of technological breakthroughs in the construction of residential housing. I have cosponsored legislation which would assist in developing uniform building codes which are today a major obstacle to the construction of economical, high-volume housing. I do not believe, however, that it is necessary to grant the Secretary of Housing and Urban Development vague, but broad powers to intrude into matters involving union practices. It is clear that coordinated efforts on the part of labor, business, and Government are necessary to solve the problems of introducing new approaches into the building industry. I do not feel that the way to begin solving these problems is by granting bureaucratic power to interfere with the collective bargaining process. I therefore oppose any amendment which would have this effect.

In general, this bill serves effectively in implementing existing housing programs. It holds out the hope that our efforts to ease a severe housing shortage and to relieve urban blight may at last be picking up speed.

I am encouraged to see that new impetus is given urban renewal through further bolstering of the model cities and NDP programs.

Hundreds of communities have adopted NDP programs. However due to a limitation on funds imposed by the Bureau of the Budget, the projects have been delayed. Present law limits eligibility to 3 years. I cosponsored an amendment which extended the period of eligibility for an additional year. The committee adopted this amendment which prevents the loss of local noncash credits for hundreds of communities with NDP applications currently pending.

A similar situation exists with respect to Federal grants for water and sewer facilities. The Housing Act extends for an additional year the eligibility of application under the water and sewer program.

I am also pleased that the bill extends the national flood insurance program to cover losses from water-caused mudslides. I believe we should go even further and include damage from earthquakes and resulting earthslides. I have introduced legislation which would cover losses from such natural disasters, in the absence of a comprehensive insurance program to protect against a wide range of natural disasters, a provision to cover mudslides marks an important step forward.

Mr. FRASER. Mr. Chairman, I want to add my support to the Housing and Urban Development Act of 1969, H.R. 13827. I know that this legislation will significantly improve the effectiveness of our on-going housing and urban development programs.

I am particularly pleased that H.R. 13827 emphasizes the importance of the neighborhood development program—NDP—the new system of urban renewal authorized by the 1968 Housing Act. NDP was intended to streamline the cumbersome renewal process which often involves periods of up to 10 years between planning and completion of renewal projects.

The committee report for H.R. 13827 comments on the popularity of NDP as evidenced by the positive response of local communities to this new program. Since the inception of the program, 35 cities have received NDP grant contracts. More than 280 other communities, including my district—Minneapolis, Minn.—have NDP applications on file with HUD or are about to submit applications. The report states:

> This initial reaction to NDP confirms the committee's judgment that this was a desirable change and should serve to accelerate renewal efforts.

The report goes on to stipulate that administrative regulations affecting NDP should be no more restrictive than regulations affecting conventional renewal projects. It is fortunate that this language was included in the report because I am afraid that the Department of Housing and Urban Development may not share our enthusiasm for NDP. We have received indications that HUD intends to impose certain new restrictions which could make NDP even less flexible as a renewal tool than the conventional project system. Such restrictions would seem to be in clear violation of the intent of the 1968 act, as well as in violation of the intent of the legislation before us today.

A large number of us here in the House

have been distressed by the reports that HUD intends to downgrade NDP. In order to express our concern, 85 of us today joined in sending the following letter to Housing and Urban Development Secretary George Romney:

Hon. GEORGE ROMNEY,
Secretary, Department of Housing and Urban Development, Washington, D.C.

DEAR MR. SECRETARY: We want to indicate our deep concern about certain proposals under consideration by your Department to restrict the operation of the Neighborhood Development Program. The restrictions discussed in your October 3 press release would, in our opinion, destroy the long-term effectiveness of NDP as a tool to aid the redevelopment of communities in our districts.

We can appreciate the current financial restraints under which your Department must operate but we do not believe that this situation justifies restrictions which would alter the nature of the program. According to your October 3 release communities will only be able to use NDP to fund those limited kinds of renewal activities which can be completed in two years. This condition automatically eliminates all projects involving acquisition or relocation activities which involve even modest complications. Such a restriction is certainly not consistent with the HUD description of the program which prompted our cities to submit applications. Many of our communities had hoped to use NDP to fund major citywide renewal efforts but this option will effectively be foreclosed by your proposed restrictions.

We are also concerned about restrictions being placed on the conversion to NDP of projects currently approved under the conventional system. Conversion would permit the allocation during the current fiscal year of funds already appropriated by Congress and already reserved for renewal activities in many communities with pending NDP applications. Since the need for immediate redevelopment action is so great in so many of our communities, we can see no value in large amounts of renewal funds lying idle merely because administration restrictions do not permit their transfer.

As you know, the 1969 housing bill reported by the House Banking and Currency Committee, H.R. 13827, stipulates that $400 million in FY 1970 urban renewal funds be earmarked for NDP and that 35% of all urban renewal appropriations in succeeding years be earmarked for NDP. In addition, the report on H.R. 13827 stipulates that administrative regulations for NDP should be no more restrictive than regulations for conventional renewal. Although this bill has not yet been adopted by Congress, it would seem inappropriate for the Department to issue guidelines that would violate the intent of pending legislation which has been favorably reported.

We are convinced that the Neighborhood Development Program holds the key to a new and more effective system of urban renewal, and we want to conclude by urging you to reject any proposals which will weaken this important new tool.

Sincerely,

Brock Adams, Carl Albert, Bill Alexander, William Anderson, Thomas L. Ashley, Ray Blanton, John Blatnik, Edward Boland, John Brademas, William S. Broomfield, Daniel Button, Frank M. Clark, Don H. Clausen, William Clay.

Jeffrey Cohelan, John Conyers, Jr., Robert J. Corbett, John C. Culver, John W. Davis, John H. Dent, Charles C. Diggs, Jr., Florence P. Dwyer, Don Edwards, Edwin D. Eshleman, Frank E. Evans, Michael A. Feighan, Daniel J. Flood, William Ford.

Donald M. Fraser, Samuel N. Friedel, James G. Fulton, Cornelius Gallagher, Joseph M. Gaydos, Sam Gibbons, Henry B. Gonzalez, Kenneth J. Gray, Gilbert Gude, Lee H. Hamilton, James M. Hanley, William Hathaway, Ken Hechler, Henry Helstoski.

Chet Holifield, Frank Horton, James J. Howard, William L. Hungate, Andrew Jacobs, Jr., Peter N. Kyros, Robert L. Leggett, Manual Lujan, Jr., Paul N. McCloskey, Joseph M. McDade, Ray J. Madden, Spark M. Matsunaga, Patsy T. Mink, Joseph G. Minish, Robert Mollohan.

Thomas E. Morgan, John E. Moss, Lucien N. Nedzi, Arnold Olsen, Richard L. Ottinger, Jerry L. Pettis, J. J. Pickle, David Pryor, James H. Quillen, Henry Reuss, Howard W. Robison, Peter W. Rodino, Byron G. Rogers, Fred B. Rooney.

Fernand J. St Germain, William L. St. Onge, Herman T. Schneebeli, Robert L. Sikes, Louis Stokes, W. S. Stuckey, Jr., Al Ullman, Guy Vander Jagt, Joseph P. Vigorito, Frank Thompson, John V. Tunney, Charles A. Vanik, Charles Whalen, Gus Yatron.

Mr. DONOHUE. Mr. Chairman I urge and hope that the House will approve this bill before us, H.R. 13827, the Housing and Urban Development Act of 1969. This measure provides for a 1-year extension of the Federal Housing Administration's mortgage insuring authority, authorizes funding for fiscal 1971 urban renewal and model cities programs, expands, and improves related housing programs, and speeds up the procedure for temporary protection under the flood insurance program.

Under title II I would like to emphasize the importance of the two sections affecting the neighborhood development program that is so closely related to the model cities program. Section 202, under title II, would reserve at least $400 million of fiscal 1970 renewal funds and 35 percent of fiscal 1971 urban renewal authorization for neighborhood development programs.

Section 203 recommends an extension, from 3 to 4 years, of the period of eligibility for local grant-in-aid credit and urban renewal and neighborhood development projects for pending applications filed on or prior to enactment of the bill.

Mr. Chairman, decent housing in a decent environment for our American citizens and families is absolutely essential for the existence and progress of a stable and productive society. Obviously, from the testimony of experts, this foundation pillar of our society is in a tragically weak and decaying condition.

It must be renewed, shored up and strengthened by every reasonable means at our disposal if we intend to preserve this American society and encourage its progress in our original concept of making this country the best place on earth in which to live.

The voice and testimony of authority tells us that simply to house new families and to replace the normal demolition of old housing units will require the construction of 20 million new dwellings over the next 10 years.

In addition, 6 million new or rehabilitated units are needed for lower-income families now living in big-city slums slated for renewal.

Mr. Chairman this gigantic task is beyond the resources and capacities of our various communities by themselves; they urgently and desperately need the continuing financial assistance of the federal government to carry on and out the enormous job of rehabilitating themselves and providing decent housing for their elderly, their low- and middle-income families. Over these past several years the Congress has recognized and attempted to respond to the urgency of this nationwide housing problem and particularly so when we approved the original model cities program and the Omnibus Housing Act of 1968.

In these legislative actions we pledged the word of the Congress and the resources of the country to the wholesome objective of providing decent housing for American citizens, improving their environment, and rehabilitating the slum areas within most of our cities.

Mr. Chairman, relying upon this congressional pledge and trustful of the executive department's cooperation, many American cities, like my own home city of Worcester, Mass., and other communities within my district have invested substantial amounts of community money as well as much time and overtime of community officials and sacrificing citizen volunteers in applying for Federal assistance and looking forward to implementing the planning and preparations that they have made to bring new life and hope and health and opportunity to their fellow citizens, neighbors and friends.

Right now, my home city of Worcester, which has a nationally recognized reputation for community dedication, planning, and fulfillment of housing and other programs, is waiting upon approval of action funds to carry out our model cities and neighborhood development programs.

Of course, there are many other communities throughout the country that are also waiting for the good word from the Housing and Urban Development Department. We hope that this administration and the Department will not disappoint them and it is up to us, in the Congress, to try to insure that they will not be disappointed and that all their dedicated work and efforts will not have been in vain.

This bill before us, however imperfect and however much many of us would like to expand its range and effort, is still a further forward step towards providing our American citizens with the decent housing and environment they desperately need and it offers us a further opportunity to demonstrate that the Congress will now and hereafter keep its own word and fulfill its own commitment.

Without question, this measure represents a prudent investment for the cure of a critical problem in the national interest at a most challenging period of our domestic history and I hope it will be, therefore, resoundingly approved.

Mrs. MINK. Mr. Chairman, I rise in support of H.R. 13827, the Housing and Urban Development Act of 1969.

Housing is one of our most pressing national problems. In Hawaii it is probably the biggest challenge we face. Admittedly, the legislation before us today does not attempt to deal with the core of the housing problem, which is the lack of mortgage money compounded by high interest rates.

As the committee report says:

> The Home building industry and the home buying public are confronted with the highest interest rates in a century and an inadequate supply of mortgage credit. This has sharply curtailed new housing starts and added heavily to the cost of both home ownership and rental housing. While this bill is not directed to that problem, the committee is deeply concerned over the steady escalation in mortgage interest rates and the serious shortage of housing, particularly the shortage of low-cost housing.

Nevertheless this bill will give us a few modest steps forward in this mammoth task. It extends the Federal Housing Administration mortgage insuring authority, provides necessary funding authorizations for fiscal year 1971 for urban renewal and the model cities programs, adds a number of improvements to rural housing programs, and makes an important new provision in the existing flood insurance program to make this protection promptly available.

What the bill cannot do, however, is force the Department of Housing and Urban Development to take full advantage of the authority conferred by Congress to meet the housing crisis. Our experience so far this year is that hundreds of millions of dollars remain unspent while thousands of our families desperately seek the housing they need. Some programs have been terminated; others are placed in a freeze. New guidelines are issued which force out longstanding applications. Meanwhile the backlog of requests for housing assistance mounts.

The Department now assures us that Operation Breakthrough will save the day. Meanwhile, the Tandem plan which would give Government funds high leverage in stimulating housing sales has been delayed, and the guaranteed mortgage-backed securities plan has been on the shelf for more than a year. Now HUD says the plan will be limited initially at least to the pass-through type of security which is really just mortgage participation.

One would hope to see better effort from HUD than this, and the Nation's prospective home buyers and apartment renters are denied what could be highly effective assistance.

Just recently the Department issued new guidelines for the neighborhood development programs which again thwart congressional intent. Potentially, highly deserving projects in Honolulu and Hilo, Hawaii, could be affected by this, and I have asked the Secretary to approve these projects for funding notwithstanding any changes in the guidelines. So far only 35 of the 150 cities that applied have received grants because the administrative restrictions on conversion from conventional urban renewal have tied up large amounts of available funds. I suppose the answer is that retrenchment is the keynote of this administration which has cut back Federal construction by 75 percent.

I support the adoption of this legislation, but I also hope that we can do more than this to meet our housing problems. Prompt, far-reaching measures are needed to provide adequate housing for the many citizens of Hawaii and other States who are currently staying in inadequate or substandard facilities.

Mr. COHELAN. Mr. Chairman, I rise in support of H.R. 13827, the Housing and Urban Development Act of 1969. There are many good features in this bill, but I would like to focus on those programs that affect the core cities. It was only a few short months ago when I, together with many of my colleagues, attempted to restore needed funds to the 235 and 236 programs. We were unsuccessful in this fight. The 235 program provides homeownership assistance payments to our less fortunate citizens. The 236 program provided interest subsidy payments for rental housing.

In the prior appropriations bill, the funds available for this program were cut by $50 million. As I pointed out during that debate, there is the culminative effect of this cut of over $1.5 billion because every dollar in the 235 and 236 programs builds $12 worth of housing. I was happy to see that the Banking and Currency Committee shares the view of the necessity of these programs and increased the authorization by $25 million for both the 235 and the 236 programs. This represents an enlightened attitude toward partially meeting the problems of urban decay. I support this new $125 million authorization for new contract authority under the 235 and the 236 programs. This figure represents a minimum investment. If the economic situation were different I would support even greater increases in these programs. Coming from a district that has had experience with these programs, I am in a position to know what these programs mean to urban renewal efforts.

I am happy to note that the committee revised the percentage of contracts available for existing housing to 30 percent under the 235 program. This, I feel, provided needed flexibility in the 235 program since the new and rehabilitated housing has been hard hit by the continued inflation and remains out of reach for the underprivileged citizens that the 235 program was designed to help.

There are other sections that I feel must be commented on. I know from firsthand experience the problems that are besetting the neighborhood development program. Representatives of the Oakland and Berkeley redevelopment programs have worked with me in attempting to secure the needed funds for the already approved programs. The confusion and the delay is not unknown to many of my colleagues on both sides of the aisle. It was this experience that forced me to recently join in a letter signed by a bipartisan group of 85 House Members to Secretary George Romney decrying the handling of the NPD programs. My reason for supporting this action was my experience with the programs in Berkeley and Oakland and the October 3 press release from HUD stating that only projects that can be completed in 2 years can be funded by NPD. This is not consistent with the earlier HUD description of the program which prompted many of our cities to engage in needed and widespread renewal efforts using the NDP funding approach rather than conventional grants and loans.

While I realize the economic pressures that can make such cuts in spending look attractive and even necessary, I cannot escape the feeling that these inflationary cuts and bureaucratic readjustments are being taken out of the programs that serve to ameliorate festering social needs that cry for action. It is for these reasons that I was pleased to see that the Banking and Currency Committee increased urban renewal funds by $2 billion on July 1, 1970 and reserved $400 million of fiscal year 1970 renewal funds and earmark 35 percent of fiscal year 1971 urban renewal authorization for funding neighborhood development programs.

I was especially pleased to note in the committee report the recommendation that these cities which have undertaken urban renewal under the NDP be not more administratively restricted than those cities seeking assistance under regular renewal projects. This, I feel, is vital. Many cities were aggressively pressed into accepting the NDP method of urban renewal because it was billed as the ways of the future, and now their money is tied up in "agonizing reappraisals," "bureaucratic restructuring," and a host of other terms that mean the same thing—no money for approved projects. I commend the committee for underscoring this point and for specifying that Federal grant contracts shall be written for 2 years instead of the present 1 year for NDP. This will facilitate the planning process for urban redevelopment.

I support the $750 million increase for the model cities program for fiscal year 1970. The use of the model cities approach to planning and effecting changes in urban problems, by using a variety of programs, seems to work. The use of this additional money for planning and implementing programs designed for education, job training, health, and slum conditions is a vital effort. The experience in Oakland and Berkeley has convinced me that in spite of small setbacks and limited visible accomplishments, the efforts of the model cities program should be continued and expanded. The needs of this country cry out for assistance, and only by adequate funding and administrating programs such as those like the model cities, can we hope to contain, to say nothing of defeat, the pervasive problems of poverty that ensnare so many of our citizens.

Mr. Chairman, I am first to admit that the Federal urban renewal programs can and should be tightened and restructured, but so much of the activity of the administration is reminiscent of a doctor applying a tourniquet to a patient's neck when there is bleeding in the finger. I would like to work with the administration in attempting to solve the problems of poverty and poverty-related ills. But this will not be accomplished only through administrative changes, although they are necessary. What is needed is a basic commitment on the part of the administration to find a solution to our social ills. This will not be found simply through small demonstration projects, like Operation Breakthrough, although concepts like Breakthrough should be tested. What is needed is the allocation of money for strong and effective programs. I think that the NDP and the model cities program offered a hope that, pardon the expression, a breakthrough in these urban problems was possible. Even realizing the problems of inflated expectations and lack of available funds, these programs that I have discussed seem to hold some promise for halting the cancerous decay of our cities.

Mr. WHITEHURST. Mr. Chairman, the omnibus housing bill of 1969, H.R. 13827, is not as comprehensive as some of the housing legislation that has been considered in the past. It does, however, deal meaningfully with problems we are currently facing. For this reason it has my wholehearted support.

Currently we are faced with the problem of meeting the need for 2.6 million housing units per year for the next 10 years. These 26 million units must be supplied in spite of the current high rates of interest, the shortage of mortgage money, and the increase in the cost of housing construction.

To combat these problems this legislation not only extends the basic authority of our housing programs, but also liberalizes and expands these programs so that urban renewal and individual homeownership programs can be more effective, thereby reaching more people than is currently possible.

I am also pleased to see that the bill contains a liberalization and expansion of the flood insurance program extending this coverage to many thousands of people that might otherwise face financial ruin in the event of a physical disaster, such as Hurricane Camille. Mr. Chairman, I feel this is a good bill, and I certainly hope the House gives it favorable consideration.

Mr. PATMAN. Mr. Chairman, I am advised by the minority that they have no further requests for time, and I have the same situation.

The CHAIRMAN. Does the gentleman from Texas have any further requests for time?

Mr. PATMAN. I have no further requests for time, Mr. Chairman.

The CHAIRMAN. Does the gentleman from New Jersey have any further requests for time?

Mr. WIDNALL. I have none, Mr. Chairman.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the bill by title.

The Clerk read as follows:

H.R. 13827

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing and Urban Development Act of 1969".

PARLIAMENTARY INQUIRY

Mr. STEPHENS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STEPHENS. I have an amendment to offer. It is to page 1, after line 4. Is it appropriate to offer the amendment at this point?

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I ask unanimous consent that the Committee now rise, and then the gentleman's amendment will be the first order of business tomorrow.

The CHAIRMAN. If the gentleman from Texas will suspend, as the Chair understands it, the gentleman from Georgia would like to know whether or not his amendment would be in order on page 1, line 4, at the end of the period after "1969"; is that correct?

Mr. STEPHENS. That is correct.

The CHAIRMAN. The Chair will say that such amendment would be in order now. If the amendment is at the desk, the Chair would suggest that the amendment be read and then, if by chance at the conclusion of the reading of the amendment the Committee should rise, the Chair assures the gentleman from Georgia that the first order of business will be to recognize him for 5 minutes in support of his amendment.

Mr. STEPHENS. I thank the Chairman.

AMENDMENT OFFERED BY MR. STEPHENS

Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEPHENS: On page 1, after line 4, insert the following new section:

"SEC. 2. Section 305(g) of the National Housing Act is amended—

"(1) by striking out '$1,000,000,000' and inserting in lieu thereof '$2,500,000,000';

"(2) by inserting 'at par' immediately after 'and to purchase'; and

"(3) by striking out '$15,000', '$17,500', and '$22,500' and inserting in lieu thereof '$17,500', '$20,000', and '$25,000', respectively."

Mr. PATMAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FLOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 13827) to amend and extend laws relating to housing and urban development, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE TO EXTEND

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous relevant material on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPORT ON THE VIETNAM MORATORIUM

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of California. Mr. Speaker, those of us, who are in the words of our Vice President, "an effete corps of impudent snobs who characterize themselves as intellectuals," have, I believe a duty to report to this House and the Nation on the recent Vietnam moratorium.

I can claim no role in organizing this massive demonstration in favor of peace in Vietnam, but I have been a critic of the war in Vietnam for some time. If there are, to use again Mr. AGNEW's words "hard-core dissidents" among the protestors, I must be included in that group at least in the case of the Vietnam war.

However, I welcome the Vice President's remarks for I believe they put that recent demonstration of unity against the war in its proper perspective—a perspective of truth versus a false image. Those of us who took part in that demonstration know the truth, those who watched the demonstrations on television or read about them in the newspapers know the truth. Mr. AGNEW warned of "wilder, more violent" antiwar demonstrations, but I ask Mr. AGNEW what wildness and what violence? There was neither in the demonstrations in which I took part. Violence and wildness were absent across the Nation. Mr. AGNEW, or his speech writers, were looking through a flawed glass darkly and failed to see the truth shine through.

I would hope that the Vice President will not demean further his high office by name calling, or by half truths, or lack of truth in his statements. All of us have the right to question the views of others, to debate the issues, but we do not, I believe, have the right to turn debate into personal attacks, or into hair pulling political screaming matches. Let us speak our views, but respect the right of others to disagree.

In this respect I would like to report what I saw during the Vietnam moratorium, and I hope my vision is a little more clear than that of the Vice President.

I saw thousands of people, young, old, middle aged including the so-called forgotten American, making known through the right of assembly and of free speech his and her views in opposition to the Vietnam war. I saw them use these rights peacefully and effectively. I saw the students, much damned these days, put their hearts and souls into this effort to bring peace to Vietnam and to bring our soldiers home.

It was raining in California on moratorium day, a heavy rain of the kind the chamber of commerce likes to ignore. Even so, 4,000 Stanford University students sat in that downpour and listened to a parade of speakers. Earlier 1,300 students and 1,200 citizens rang 100,000 doorbells and handed out leaflets to residents of Palo Alto, Atherton, Menlo Park, Sunnyvale, Mountain View, and Los Altos. One hundred students rode Southern Pacific commuter trains passing out leaflets and talking to riders. In San Jose thousands of students participated in ceremonies at San Jose State College and Foothill and West Valley Colleges. Hundreds joined in at the University of Santa Clara.

I looked at those faces as they listened, and they were not all students. Businessmen, government workers, blue-collar employees, housewives, and senior citizens were all represented. One could not classify these men and women, except to say they represented all of America.

My speech was directed to the students and in addressing them I commented:

> John F. Kennedy told us the torch had been passed to a new generation. Today I join him in passing that torch to you. In a few short years those of you who are under 30 will make up the majority not the minority, in this nation. Some fear you. I am not one of them. You bring me hope, hope for a world far better than my generation has been able to create.

I repeat those words now, for they express my view not only of the students, but of all of those who joined in the Vietnam moratorium.

We should not fear citizen participation in the great debates of today's world. We should welcome them.

In this respect I welcome the Vice President's words and views, identical I presume with the views, if not the words of the President. They clearly define the lines of the debate and the intentions of the administration. As in the days of old the President will take the high road, the Vice President the low road, but both roads go in the same direction.

I would go in another direction.

And in the end I pray that we will be joined by the President and the Vice President, not because peace in Vietnam is the overriding will of the people, but because it is right.

But for those who are interested in response to the Vietnam moratorium, to the will of the people, I would like to share Monday's mail. We received 235 letters on the moratorium Monday morning. Of those letters, 232 were in favor of the moratorium. To be fair, I also should include one editorial against the moratorium in the San Jose Mercury. I believe, however, the letters indicate the feeling in my congressional district, perhaps weighted to the promoratorium side, but certainly in favor of our ending our involvement in the Vietnam war.

I believe the polls can be read in the same way. The division in this country today is not over peace in Vietnam, but on how to end American involvement in that war. It has to be ended.

Let us look again at the moratorium. It represents the brighter side of our Republic. It represents the people of this Nation asking for a redress of grievances. It represents our strivings for peace, and it announces our unity. There will be an end to the Vietnam war, and it will come in part because of the efforts of those of us who participated in the moratorium. We all pray for that day of peace.

CALIFORNIA COURT BACKS COMMUNIST: "TERRIFIED" THAT SHE IS OPPOSED

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, the Washington Post this morning carries the news that self-confessed Communist Angela Davis, assistant professor at the University of California, has been upheld by the Los Angeles Superior Court in her suit to retain her position in spite of the fact that she is a Communist and, as such, dedicated to the overthrow of our Government.

I call this to the attention of the House, not because I am at all surprised that a court has sided with a Communist, but to document for the record the background of this woman.

I am convinced that the time is going to come when the American people are going to rise up in unprecedented wrath and demand to know who slit the throat of this Nation and left it to bleed to death in the gutter. Perhaps it is self-preservation that prompts me to underline here in the RECORD that I was not part of the mob.

We have spent literally trillions in the past two decades fighting communism. Scores of thousands of American servicemen have been sent to their deaths fighting communism. And while all this agony was going on, communism has been condoned here at home by some, Communists have been and still are being paid salaries and subsidies with taxpayers' dollars and we have come to the point where a superior court judge can announce that he is "terrified" at the thought that a Communist can be fired by a university.

Historians are going to take hold of this era and shake it like a dog with a bone, to find out how this lunacy happened; why this Nation was so blind to the threat; so reluctant to take the first small step toward self-preservation.

The legacy which we as free Americans inherited from those who carved this Nation out of rock, trees and dirt is priceless. It cannot be squandered by one generation because this legacy carries with it the obligation to preserve it, add to it and pass it on to succeeding generations.

The story from this morning's Post is attached here with my remarks as well as a full report on Communist Angela Davis, taken from the Dan Smoot Report:

CALIFORNIA UNIVERSITY LOSES CASE ON RED

LOS ANGELES, OCTOBER 20.—The University of California Board of Regents' 29-year-old policy against employing communists was declared unconstitutional in Los Angeles Superior Court today.

Judge Jerry Pacht, in a strongly worded verbal opinion, specifically enjoined the regents from spending any more tax revenues in an effort to oust Angela Davis, an assistant philosophy professor at the University of California at Los Angeles, because she is a member of the Communist party.

Attorneys for the regents said they would have to study Pacht's ruling before deciding whether to appeal. However, it was considered virtually certain they would appeal.

In the two-hour hearing on a UCLA faculty-sponsored taxpayers' suit against the regents' actions in the Davis case, the judge repeatedly tore into the arguments of two regents' attorneys.

At one point, Pacht described as "terrifying" argument by regents' counsel Donald L. Reidhaar that the mere fact that Miss Davis was a Communist party member disqualified her from teaching at UCLA.

If this argument were carried to its logical extension, the judge said, it would mean that the regents would have the power to decide that membership in other organizations could—without reference to any unlawful acts committed—disqualify a person from employment.

In his verbal opinion, Pacht said he believed that if the courts failed to enjoin the regents in the Davis case it would be tantamount to determining that they had a right to make political tests in employing faculty members.

He cited the regents' own resolution of June 30 that "no political test shall ever be considered in the appointment and promotion of any faculty member or employee."

Pacht said the arguments of the regents and their attorneys that the Communist party was a special case that did not fall under this rule were not convincing.

IS COMMUNISM DANGEROUS?

In the spring of 1969, a 25-year-old Negro named Angela Davis received a two-year appointment as assistant professor of philosophy at the University of California in Los Angeles. She obtained the job (which pays $9684 a year—taxpayers' money) with the help of Professor Donald Kalish, chairman of the Philosophy department at UCLA. Concerning his own philosophy, Kalish has said:

"I am far to the left of the Communist Party." [1]

As a student, Angela Davis studied under marxist professor Herbert Marcuse. She says Marcuse strongly influenced her political thinking.[1] Marcuse, like Kalish, also considers himself left of the Communist Party. Marcuse says:

"The Marxian idea of socialism is not radical enough. . . . We must develop the moral-sexual rebellion of the youth." [2]

Marcuse has been indoctrinating students (and others) with communist dogma for more than a quarter of a century. Even before he became a naturalized citizen of the United States (1940), Marcuse was a research associate at Columbia University. During and immediately following World War II, he held important posts in the U.S. Office of War Information, in the Office of Strategic Services, and in the State Department's Office of Intelligence Research. Later, he was a professor of politics and philosophy in the Russian Research Center at Harvard. Since 1965, he has been a professor of philosophy at the University of California in San Diego. By 1968, he had become famous, on campuses from San Diego to Paris, as the philosopher of the new left and mentor of rioting anarchists. He was in Paris attending a UNESCO symposium on Karl Marx when communists instigated bloody riots at the Sorbonne.[3]

While studying under Herbert Marcuse at UCSD, Angela Davis was a revolutionary activist. She was a member of the Black Panther Party, and she participated in a demonstration of campus thugs who seized the university administration building.[1]

In July, 1969, it came to light that Angela Davis is a communist. She readily admitted that she is a member of the Che-Lumumba Club (an all-Negro cell of the Communist Party of southern California), and that she espouses Marxism. But she denied that she intended to "force her beliefs" on her students.[4]

On September 19, 1969, the Board of Regents of the University of California decided that the hiring of Angela Davis at UCLA violated the Regents' 20-year-old policy against employing communists as faculty members at any of the nine campuses in the University of California system. The Regents wrote her a letter saying she would "possibly be dismissed" because of her communist membership.[4]

Miss Davis announced that she had been fired. She accused the Regents of racism, saying they acted against her because she is a Negro, not because she is a communist. She retained a leftist lawyer (John T. McTernan [1]), and said she would appeal her case to the UCLA Academic Senate, and to the courts if necessary.[4]

Predictably, the Angela Davis case became

Footnotes at end of article.

a *cause celebre* for new-leftists and pampered adolescents (faculty members and students) of the academic world.

At San Francisco, the Academic Council (which is called the "faculty leadership" of the University of California) held an emergency meeting to resolve that it would no longer support the Regents' 20-year-old policy of prohibiting the hiring of Communist Party members. The Academic Council declared that "membership in the Communist Party cannot legitimately be made the basis for disqualification." [4]

The Board of Regents held another meeting on October 3, 1969, and resolved that Miss Davis "shall not be authorized to give instructions in any course under the jurisdiction of the school, department, or other academic agency approved by the Regents." [4]

Charles E. Young, UCLA Chancellor, denounced this Regents' action against Angela Davis as "a violation of the spirit if not the letter of justice and due process." [4] He did not cite any statute, constitutional provision, or legal precedent whose "spirit" requires American taxpayers to pay the enemies of our society for teaching youth how to destroy our society.

Chancellor Young said *he* considers Miss Davis "in every respect a full member of the faculty," despite the Regents' action. Young said *he* interprets the Regents' statement as meaning that Miss Davis can continue to teach at UCLA, and draw her salary, while appealing her case, though students will get no credit for taking her course.[4]

On October 6, classes opened for the fall session at UCLA. Unknown persons firebombed an information booth at a campus entrance, causing property damage estimated at $2250. A group of 20 Negro professors circulated pamphlets supporting Angela Davis, threatening to withhold credits from their own students as long as Miss Davis's students receive no credits.

John Parker, editor of *The Daily Bruin*, UCLA newspaper, said:

"She'd better teach or something's going to happen." [4]

She taught. Her first lecture was attended by an overflow crowd of 1900 students (with 100 turned away for lack of room), although only 160 students were registered for her course.

Described by reporters as "young, shapely, and miniskirted, her hair in African natural style," Miss Davis was, of course, lionized; and she obviously enjoyed it. Before ascending the podium, she made a brief statement for the benefit of the press and of her adoring audience, saying:

"I'd like to lecture. . . . I don't think we ought to allow the Regents to interfere." [4]

There was no indication that the Regents intended to interfere with the fired communist teacher who was flaunting their authority.

Angela Davis's course at UCLA is called "Recurring Philosophical Themes in Black Literature." Her opening lecture on October 6 dealt largely with Karl Marx (white), Herbert Marcuse (white), and Nat Turner (Negro).[4]

Nat Turner has become a towering hero-figure of Negro militants and their white toadies. He was a slave who tried to create an uprising of slaves in 1831, and was hanged after leading a mob of Negroes in a killing spree which is vividly described in a book called *Great Negroes Past and Present*.[5] With "righteous determination," and using "muskets, axes, and scythes," the book says, Nat Turner and his men "for forty-eight hours . . . roamed the plantations, leaving dead a total of fifty-five whites."

Angela Davis's contention that she was fired because she is a Negro is ludicrous. There are scores of Negro faculty members on the nine campuses under the Regents' supervision. None, besides Angela, has been fired.

It is obvious that Angela Davis was a Negro when she was hired at UCLA, and it is probable that she was hired *because* she is a Negro. In this regard, it is interesting to note that only eight of the 16 faculty members of UCLA philosophy department voted to hire Miss Davis, even though Donald Kalish, the head of the department, supported her strongly. Five members of the department voted against hiring her; three abstained from voting.[1]

There is intriguing irony in Angela Davis's contention that she was *not* fired because she is a communist. Robert Singleton (director of the UCLA Afro-American Studies Center) supported her contention, saying:

"It can be documented that there are white communists teaching at the university. Racism is the overriding issue in this case." [4]

Yet, Singleton refused to identify any of the white communist faculty members of the University of California, saying "We . . . know what would happen to them" if they were identified. While asserting that white communists are not fired because they are white, Singleton refused to name them for fear they would be fired if identified!

In another statement, Singleton said, "The regents' action has not only jeopardized Angela, but all faculty." University Chancellor Charles Young echoed the same sentiment, saying that feeling was high on the campus, because students and faculty members feared that the ouster of Miss Davis might be a prelude to the firing of other faculty members.[4]

Obviously, Singleton, Young, and other faculty members and students think Angela Davis was fired because she is a communist; and they fear that many others may be fired for the same reason.

The fact that one arrogant, miniskirted, hipswinging militant (communist or otherwise) could create such turmoil on an American campus, and get such broad support from faculty and student body, is a significant commentary on the condition of "higher education" in the United States.

Of even more significance is the question: How much damage can communist teachers do?

In *School of Darkness*, the late Dr. Bella Dodd (formerly a leading communist official, lawyer, and teacher at Hunter College in New York City) said:

"I . . . began to tear apart before my students many respected public groups . . . that were trying to better conditions. . . . This . . . had a destructive effect on . . . sensitive students. . . . I know I did much damage."

In *Witness*, Whittaker Chambers said:

"Every year the Communist National Students League was graduating its hundreds from the colleges. These were the first quotas of the great drift from Columbia, Harvard and elsewhere. These were the years that floated Alger Hiss into the party and made possible the . . . infiltrations of the Government, science, education, and all branches of communications, but especially radio, motion pictures, book, magazine and newspaper publishing. . . . A surprising number came of excellent American families. . . . From 1930 onward, a small intellectual army passed over to the Communist Party. . . . [carrying] the weak and stumbling American Communist Party directly into the highest councils of the nation."

The Angela Davis case brings into focus matters of grave importance.

Since 1946, our government has spent $182.6 billion on foreign aid.[6] This pillaging of taxpayers was necessary to combat communism, we were told.

Our government has spent about $75 billion maintaining U.S. troops in Europe since NATO was created in 1949—to defend the West against communism, we were told.

Grass had hardly covered the graves of our World War II dead, when thousands of American lives and billions of American dollars were squandered in Korea—ostensibly to stop the spread of communism.

In 1955, the U.S. Senate unanimously ratified the SEATO treaty (which later involved us in the Vietnam disaster), for the sole, alleged purpose of resisting communism.

If communism *is* a danger to the United States, why are such people as Angela Davis, Herbert Marcuse, Donald Kalish, Robert Singleton, Chancellor Charles Young (et al, ad infinitum) tolerated on the payrolls of tax-supported institutions? How long would such people have stayed on university faculties in the 1939–1945 period if they had extolled the glories of nazism?

If communism is *not* a danger, why has our government plundered us of trillions of dollars in the past 23 years to fight or resist communism?

If communism *is* a danger, why has every President since 1933 made a major policy of building bridges of friendship to communist countries?

Obviously, we have been betrayed and swindled by the liberal leadership which has dominated American life since 1933. Much of that leadership was produced in colleges infiltrated by communists.

With communists in our colleges, we are paying for the subversion of our youth and the ultimate destruction of our society. If we cannot remove the communists, we would be better off to close the colleges.

FOOTNOTES

[1] *Bulletin*, Oct. 1, 1969, Fire and Police Research Association of Los Angeles.

[2] "The Total Break With America," Alice Widner, *U.S.A.*, Sept. 12, 1969.

[3] *Biographical Dictionary of the Left*, Francis X. Gannon, Western Islands Publishers, 1969.

[4] *Chicago Tribune*, Oct. 1, 1969, sect. 2, p. 14, and Oct. 5, 1969, sect. 1, p. 26; *Dallas Times Herald*, Sept. 25, 1969, p. A 7, Oct 5, 1969, p. A 30, and Oct. 7, 1969, p. A 3; *Dallas Morning News*, Oct. 7, 1969, p. A 2.

[5] Published by AFRO-AM Publishing Company, Chicago, 1963.

[6] Open letter by U.S. Representative Otto E. Passman, Chairman of the Foreign Operations Subcommittee, July 1, 1969.

REVENUE SHARING—A PLUS

(Mr. NELSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NELSEN. Mr. Speaker, if the American people are interested in seeing that the money they pay in Federal taxes is spent in the most productive manner—as I believe they are—then they should support the President's proposed revenue-sharing plan.

Untold millions of dollars have gone down the drain in the past decade as Federal funds have been poured into the stream of spending through a maze of bureaucratic agencies in an effort to solve the social, economic, and environmental problems affecting this Nation. We know that increased appropriations will not cure such problems when the machinery for effecting their solution is inadequate, inefficient, and ineffectual. What is necessary is the proper expenditure of funds in the best conceivable manner by local people committed to solving their problems efficiently and economically.

By returning to States and local communities a portion of the Federal revenues each fiscal year, people within our States and communities will be given the financial means to plan and carry out effective courses of actions designed to meet individual community requirements. As State and local prestige and power are being built up through this method of working toward the resolution of our problems, the power and size of the Federal Government will diminish. This is a long-sought objective common to all political parties and to Americans everywhere.

INDIVIDUALLY TAILORED MANPOWER SERVICES

(Mr. HANSEN of Idaho asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANSEN of Idaho. Mr. Speaker, I welcome the opportunity to support the administration's new Manpower Training Act. I am convinced that it is the first piece of social legislation in many years which comes to grips with a total problem. The problem is the chronic and persistent one of providing decent jobs for everyone who wants to work at the same time that the job market is becoming increasingly selective in terms of the education, skills, and experience a worker must possess to obtain and hold a decent job.

The most impressive feature of the Manpower Training Act from my point of view is that it would be possible to provide each person with whatever kind of help he needs to become employable. For the first time we can give him not only a complete range of skill training but basic education, remedial medical care, work orientation, on the job support—any service which will help an individual to get a steady job. In short, the full range of our knowledge in the field of education and training can now be utilized to develop an individual's potential. This is an exciting prospect and one which could enrich the lives of every American. An individual's leap from unemployment to meaningful productive employment not only means a gain in his self-respect and independence, but an additional skilled pair of hands and another alert mind to provide the essential goods and services we need.

ADMINISTRATION'S MARINE SCIENCE ACTION

(Mr. MOSHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOSHER. Mr. Speaker, for the past decade and especially in recent years, many of us have viewed with pride our Nation's explorations in space. I am particularly pleased to see that the Nixon administration has directed its attention to another important area, the oceans.

In its announcement last Sunday, the administration has selected five areas for special emphasis in the next fiscal year. Thus, the Vice President, as Chairman of the National Council on Marine Resources and Engineering Development, has once again asserted the national and international significance our Nation attaches to the oceans.

I am particularly pleased to see that one area of emphasis is the International Decade of Ocean Exploration. I consider the decade to be an imaginative initiative by our Government in the international arena, an initiative which holds out high hope of bringing many nations together in a joint effort to unlock and share the secrets of the deep. I am glad to see we are maintaining our international leadership in the decade by coming forward with U.S. proposals. I hope that the Congress will support this program by acting on the concurrent resolutions on the decade now before both Houses.

GILBERT REVISED COMPREHENSIVE SOCIAL SECURITY AND MEDICAL CARE (OASDHI) BILL

(Mr. GILBERT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GILBERT. Mr. Speaker, the need to substantially raise the general level of social security payments becomes very clear to anyone who looks at the level of payments and considers the fact that most social security beneficiaries have very little in the way of continuing income other than what they get under social security. For almost all beneficiaries, social security payments are the main source of continuing income. For about half the beneficaries the social security payment is virtually the only source.

Furthermore, by Government definition, 20 percent of America's poor people are aged 65 and over.

BENEFIT INCREASES

The bill I am proposing today would help alleviate the income plight of the elderly by providing two 20-percent across-the-board increases in social security benefits. The first increase of 20 percent would be effective January 1970. The minimum benefit would be increased from $55 to $90. The second 20-percent across-the-board increase with a $120 minimum benefit would be effective January 1972.

Monthly benefits for retired workers now on the social security rolls who began to draw benefits at age 65 or later range from $55, based on average monthly earnings of $74 or less, to $179.70, based on average monthly earnings of $510. When both steps of the benefit increases provided by my bill are effective, the minimum benefit would be $120, and the benefit amount based on average monthly earnings of $510 would be increased to $258.90. The benefit amount payable to workers with average monthly earnings of $650, the highest possible under present law, would be increased from $218 to $314. For a survivor family consisting of a widow and two or more children getting benefits on the basis of $650 of average monthly earnings, total monthly benefits of $511.60 would be payable where $434.40 is now payable.

A retired worker now getting the average benefit of $100 a month would get $144 a month, and the average benefit for an elderly couple would be increased from $168 a month to about $242 a month. Thus the increases in benefits provided by my amendment would represent really significant steps forward in our efforts to alleviate the problem of poverty among our elderly retirees.

The two-step benefit increase would also apply to the special age-72 payments, from the present $40 a month to $48 in January 1970, to $57.60 in January 1972.

In addition to increasing regular monthly benefits and the special age-72 payments, we also need to increase the lump-sum death payment. This bill would nearly double the maximum lump-sum death by increasing it to $500, effective in January 1970. This increase is long overdue. The $255 ceiling on the maximum lump-sum death payment has been in effect since 1952.

Benefits under present law will eventually be based on average monthly earnings in covered work over the person's entire working lifetime, omitting only 5 years of low earnings. Since a person's earnings generally rise over his lifetime, earnings averaged over many years will be only remotely related to the level of earnings just before retirement.

This bill reduces, in two steps, the number of years used in computing benefits. First, beginning in December 1970, the number of years counted under present law would be reduced by one-third, but not to less than 10 years. Second, effective in December 1972, the bill would provide for basing benefits on an individual's highest 10 years of earnings out of any 15 consecutive years after 1950. Coupled with this provision is a regularity-of-service factor, which takes into account the length of time the person worked under the program. This insures that a person who worked in covered jobs over his full working lifetime would get a higher benefit than a short-term worker. These changes would realistically relate benefits to the standard of living which the worker achieved just prior to his retirement.

Widows' benefits would also be increased under my bill. Under present law, the amount of a widow's benefit, payable at age 62 or later, is 82½ percent of the benefit that her husband would have gotten if he started getting benefits at age 65 or later. The bill provides widows' and dependent widowers' benefits equal to 100 percent of the worker's benefit where the survivor's benefits begin at age 65, with reduction down to 82½ percent at age 62, effective January 1970.

A special problem of low benefits for early retirees is developing, due to a high percentage of early retirements, and this bill would provide meaningful retirement income for these people. This improvement, to become effective January 1970, would provide that the benefit for workers who come on the rolls at age 62 would be 14 percent less than what they would have gotten at age 65 rather than 20 percent less. The benefit for a wife who comes on the rolls at age 62 would be 17½ percent, rather than 25 percent, less than what she would have gotten at age 65.

RETIREMENT TEST

Increases in wages and prices have occurred since the last change was made in the retirement test. I believe the amount of earnings a person can have in a year and still get full social security benefits should be updated. This bill would increase this amount from the presently allowed $1,680 to $1,800, effective January 1970. The bill provides a corresponding increase, from $140 to $150, in the monthly exempt amount—the amount a person can earn in a month and still get benefits regardless of his earnings for the year.

I am also proposing that the test be changed to assure that a person will not suffer a reduction in disposable income as a result of his working. There would be no change in the $1-for-$2 withholding for the first $1,200 of earnings above the annual exempt amount, but above that only $3 in benefits would be withheld for each $4 of earnings. There would be no point at which $1 in benefits would be withheld for each $1 of earnings.

The bill would provide for automatic adjustment of annual exempt amount of earnings under the retirement test to increases in earning levels, effective beginning in January 1973. This provision would insure that beneficiaries dependent on earnings from work would be able to maintain their economic level to a significant degree.

DISABILITY PROVISION

Mr. Speaker, social security disability benefits are now payable only if the disability is expected to last at least 12 months and only after the worker has been totally disabled throughout 7 consecutive calendar months. Throughout this period, of course, the regular expenses of the family and the extraordinary medical and related expenses must be met, even though the worker's earnings have stopped. I believe that it is unreasonable to delay much-needed benefits until after 7 full months of disability. This bill would make disability benefits payable after the fourth month of disability by substituting a 3-month waiting period for the present 6-month period, effective July 1970. It would also eliminate the requirement that the disability must be expected to last for 12 months or end in death.

Another improvement the bill would make in the disability provisions is also urgently needed. To be considered disabled under present social security law, a worker must be unable to engage in any type of substantial gainful work. Many older handicapped workers do not qualify for disability benefits even though they are unable to do any of the types of work they performed before their handicap.

Effective in July 1970, the bill would fill the gap in the disability protection for older workers, by providing monthly disability benefits to handicapped workers age 55 and over, who can no longer do their regular work or any other work they have done in recent years. The 3-month, rather than 6-month, waiting period would also apply to these older handicapped workers.

The 1967 social security amendments provided benefits for the first time to totally disabled widows and widowers. But the benefits are not payable until the disabled widow or widower has reached age 50, and they are substantially reduced depending on the age at which the benefits begin.

The need of totally disabled widows below age 50 for benefit protection is at least as great as that of the disabled widow between age 50 and 62. This bill would eliminate the age 50 limitation effective January 1970.

Additionally, under present law, a disabled widow whose benefits start at age 50 gets only 50 percent of her deceased husband's benefit. The widow who has suffered the dual tragedy of the death of her lifelong partner and helpmate and of a severe impairment that destroys her working ability has a need for an adequate benefit.

Under this bill the benefit for a disabled widow or disabled dependent widowner would be payable at the rate of 82½ percent of the deceased spouse's benefit amount.

COST-OF-LIVING INCREASE

In addition to the improvements designed to bring the social security program up to date, we should write into the law a provision for keeping benefits automatically up to date with increases in the cost of living. This bill provides for automatic adjustment of benefit amounts annually to cost-of-living increases of at least 3 percent, beginning in January 1973. This would include both regular social security benefits and the special age 72 payments.

A provision in the law for automatically keeping the regular social security benefits and special age-72 payments in line with the cost of living would contribute greatly to the sense of security of the beneficiaries and the workers who are earning protection for themselves and their families.

INCREASE AND ADJUSTMENT OF WAGE BASE

Another automatic adjustment provision needed in the social security program involves the amount of annual earnings that is counted toward benefits and is subject to contributions. This bill would increase the contribution and benefit base from $7,800 to $15,000 in two steps: to $9,000 in 1970; and, to $15,000 in 1972. Beginning in January 1974, the base would be automatically adjusted to increases in wage levels.

MEDICARE

I turn now, Mr. Speaker, to improvements in the medicare program. It is clear that medicare has brought about a very great improvement in the welfare of older Americans. But soaring medical care costs continue to burden Americans of every age and they especially hit hard those who are retired and dependent upon income from social security. It is time now to expand the program to enhance its protection and promise.

The basic concept of social security is that a worker makes contributions during his working years to pay for benefits during his retired years. This bill gives high priority to the idea of financing the medical insurance part of medicare through contributions paid during the beneficiary's working years, just as hospital insurance and cash benefits are financed.

Under the plan provided in this bill, to become effective in July 1970, both the hospital insurance and the medical insurance parts of the program are financed with contributions paid by employees, employers, and the self-employed and with a matching contribution by the Federal Government from general revenues. By combining the two parts of the medicare program, the existing enrollment and coverage provision for the supplementary medical insurance program would be eliminated. Everyone, then, who qualified for hospital insurance would also qualify for supplementary medical insurance. However, the benefit provisions and the different methods of reimbursement under the two parts of the medicare program would remain unchanged.

Another improvement in medicare incorporated in this bill is the extension of health insurance protection to the disabled. The disabled person, like the retired person, incurs high health costs concurrent with decreased income. Hospital and medical costs per person for the disabled are two to three times higher than for the aged. In addition, the proportion of severely disabled people with any form of health insurance is lower than the proportion of the aged who had health insurance protection before medicare was enacted.

Therefore, this bill includes a provision that hospital insurance and supplementary medical insurance protection be extended, effective January 1972, to social security disability beneficiaries. This protection would be financed in the same manner proposed for health insurance for the aged: Payroll contributions by employees, employers, and the self-employed, along with a Federal matching contribution from general revenues.

The bill would also provide coverage of prescription drugs under medicare. Drug costs account for about 30 percent of private expenditures for health care by the aged person's health care dollar. Yet very few health insurance plans offer protection against the cost of drugs.

A provision contained herein extends medicare coverage, beginning January 1972, to legend drugs—drugs which are available only by a physician's prescription—plus some non-legend drugs, such as insulin, which are of a life sustaining nature or whose use is essential to maintenance of the beneficiary's health, and Secretary of Health, Education, and Welfare, with the advice of an expert committee established by this bill, would prescribe and annually review a list of legend drugs and certain non-legend drugs for which reimbursement could be made under the program. A $1 deductible for a prescription and refill would be required and payment would be based on the "reasonable drug charge," consisting of an acquisition allowance plus a dispensing allowance.

Mr. Speaker, I am concerned about unnecessary costs of drugs purchased by brand name, when much cheaper generic drugs of equal quality are available. At this time, the prescription drug provisions of my bill do not provide for reimbursement based on actual cost to the ultimate dispensers of the least expensive, available drug product of proper quality. However, it is my intention to have this complex subject explored thoroughly when the bill is considered by the House Ways and Means Committee. And I may devise an approach that will utilize savings from the use of low-cost generic equivalents.

FINANCING

The cost of the improvements this bill would make in the social security program would be met out of the $15,000 contribution and benefit base and automatic adjustment of the base; the current favorable actuarial surplus of 1.16 percent of taxable payroll; rounding out the contribution rate from 5.9 percent each to 6 percent each; and a gradually increasing Government contribution eventually equal to approximately one-third the total cost of the cash benefits program.

On the basis of 1969 wage assumptions now being used by the Social Security Administration in making cost estimates, this bill would not be in actuarial balance. If 1970 wage levels were used in making the actuarial assumptions, this bill would be in actuarial balance. For this reason, I am contemplating using a 1970 wage level assumption.

Certainly wage levels in 1970 will be higher than in 1969. Moreover, the last 20-percent benefit increase contained in my bill would not become effective until 1972. There is no doubt that wages will continue to rise as they have throughout the history of our country and by the time this benefit increase goes into effect, the program would be financed on an actuarially sound basis.

Mr. Speaker, social security has long been accepted as an important part of American life. About 92 million people will have earnings from work covered by social security this year and are building protection for themselves and their families. Currently, 25 million Americans are receiving benefits totalling over $2 billion each month.

Try to imagine America without social security. Mr. Speaker, only about 5 percent of our retirees would have continuing incomes above the amount needed to maintain what the Department of Labor has defined as a "moderate" living standard—$4,200 a year for an aged couple with social security. Ten million people are kept above the poverty line by their social security benefits. Another 3 million would exist only a notch above the poverty level were it not for social security.

We have not used the social security program to its full potential. It can do much more toward providing economic security and preventing poverty. The bill I am introducing today would go a long way toward maximizing the potential benefits of social security for the benefit of more people and for the benefit of the Nation as a whole. I look forward to its early consideration and adoption.

I include the following tables at this point:

MONTHLY CASH SOCIAL SECURITY BENEFITS UNDER PRESENT LAW AND UNDER THE GILBERT BILL FOR A RETIRED COUPLE (MAN AND WIFE) AT AGE 65

Average monthly earnings [1]	Benefit amounts		
	Present law	Gilbert bill	
		Effective January 1970	Effective January 1972
Minimum benefit	$82.50	$135.00	$180.00
$150	132.60	159.20	191.10
$250	172.50	207.00	248.40
$350	210.60	252.80	303.30
$450	247.50	297.00	356.40
$550	284.90	341.90	410.30
$650	323.00	392.40	471.00
$750		438.00	525.60
$850			583.50
$950			639.00
$1,000			666.00
$1,150			750.00
$1,250			805.50

[1] Although the highest average monthly earnings possible under the present $7,800 base is $650, retirement benefits based on this amount will generally not be payable for many years to come. For example, the highest average monthly earnings possible under the law for a man reaching age 65 and retiring in 1970 will be $446.

The bill provides for a 2-step increase in the base to $9,000 in 1970 and $15,000 in 1972, and also liberalizes the method of figuring average monthly earnings. These 2 changes will make higher average monthly earnings—and thus higher benefits—possible much sooner than under present law. For example, under the bill a man reaching age 65 and retiring in 1974 could have average monthly earnings of as much as $720, whereas under present law they could be no higher than $491. Benefits based on average monthly earnings higher than $720 will become payable gradually over the years after 1974.

MONTHLY CASH SOCIAL SECURITY BENEFITS UNDER PRESENT LAW AND UNDER THE GILBERT BILL FOR A WIDOW AT AGE 62

Average monthly earnings [1]	Benefit amounts		
	Present law	Gilbert bill	
		Effective January 1970	Effective January 1972
Minimum benefit	$55.00	$90.00	$120.00
$150	73.00	90.00	120.00
$250	94.90	113.90	136.70
$350	115.90	139.10	166.90
$450	136.20	163.40	196.10
$550	156.70	188.10	225.70
$650	179.90	215.90	259.10
$750		240.90	289.10
$850			321.00
$950			351.50
$1,000			366.30
$1,150			412.50
$1,250			443.10

[1] Although the highest average monthly earnings possible under the present $7,800 base is $650, aged widow's benefits based on this amount will generally not be payable for many years to come. For example, the highest average monthly earnings possible under the law for a man age 45 or older who dies in 1970 will be $446.

The bill provides for a 2-step increase in the base to $9,000 in 1970 and $15,000 in 1972, and also liberalizes the method of figuring average monthly earnings. These 2 changes will make higher average monthly earnings—and thus higher benefits—possible much sooner than under present law. For example, under the bill a man age 45 or older who dies in 1974 could have average monthly earnings of as much as $720, whereas under present law they could be no higher than $491. Benefits based on average monthly earnings higher than $720 will become payable gradually over the years after 1974.

MONTHLY CASH SOCIAL SECURITY BENEFITS UNDER PRESENT LAW AND UNDER THE GILBERT BILL FOR A RETIRED WORKER OR WIDOW AT AGE 65

Average Monthly earnings [1]	Benefit amounts		
	Present law	Gilbert bill	
		Effective January 1970	Effective January 1972
Minimum benefit	$55.00	$90.00	$120.00
$150	88.40	106.10	127.40
$250	115.00	138.00	165.60
$350	140.40	168.50	202.20
$450	165.00	198.00	237.60
$550	189.90	227.90	273.50
$650	218.00	261.60	314.00
$750		292.00	350.40
$850			389.00
$950			426.00
$1,000			444.00
$1,150			500.00
$1,250			537.00

[1] Although the highest average monthly earnings possible under the present $7,800 base is $650, retirement benefits based on this amount will generally not be payable for many years to come. For example, the highest average monthly earnings possible under the law for a man reaching age 65 and retiring in 1970 will be $446.

The bill provides for a 2-step increase in the base to $9,000 in 1970 and $15,000 in 1972, and also liberalizes the method of figuring average monthly earnings. These 2 changes will make higher average monthly earnings—and thus higher benefits—possible much sooner than under present law. For example, under the bill a man reaching age 65 and retiring in 1974 could have average monthly earnings of as much as $720, whereas under present law they could be no higher than $491. Benefits based on average monthly earnings higher than $720 will become payable gradually over the years after 1974.

ANALYSIS OF SOCIAL SECURITY (OASDHI) BILL INTRODUCED BY REPRESENTATIVE JACOB H. GILBERT

Item	Existing law	Bill
1. Benefit amounts:		
(a) Basic amounts	Benefits for a worker beginning at age 65, or when disabled before age 65, range from $55 to $218. Benefits for dependents and survivors are based on these amounts.	Benefit amounts for the worker would be increased in 2 steps: Beginning and range: January 1970; $90 to $293. January 1972, $120 to $537. Benefits for dependents and survivors would be increased proportionately.
(b) Automatic adjustment	No provision	Benefits amount would be automatically adjusted annually for at least a 3-percent increase in the cost of living.
(c) Actuarial reduction	Benefits for workers, and their wives or husbands, who start getting benefits before age 65 are payable at reduced rates. The benefits are reduced to an amount that will on the average give the same total lifetime benefits that would have been paid if the benefits had not begun until age 65. A worker's benefit at age 62 is 80 percent of the benefit he would have gotten at age 65; a wife's or dependent husband's benefit is 75 percent of the amount payable at age 65.	Smaller reductions would be made. A worker's benefit at age 62 would be 85 percent of the unreduced amount; a wife's or husband's, 82½ percent.

ANALYSIS OF SOCIAL SECURITY (OASDHI) BILL INTRODUCED BY REPRESENTATIVE JACOB H. GILBERT—Continued

Item	Existing law	Bill
2. Benefit computations	All social security benefit amounts are based on the insured worker's average monthly earnings. Nearly all benefits are now based on average monthly earnings after 1950—figured over 5 less than the number of years after 1950 and up to the year the worker reaches age 65 (62 for women), becomes disabled, or dies.	The number of years used in figuring the worker's average monthly earnings would be reduced by ⅕ beginning in December 1970, and to his best 10 years out of any 15 consecutive years beginning in December 1972. The average monthly earnings figured over the shortened periods would be adjusted to take account of the length of time the person worked under social security. The ending point of the period that is used to determine insured status for a man and the number of years over which a man's average monthly earnings are calculated, will be the beginning of the year in which he reaches age 62 instead of age 65. The ending point for men will be the same as it is for women under present law.
3. Earnings test	No benefits are withheld on annual earnings of $1,680 or less. For earnings up to $1,200 above $1,680 (i.e. $2,880), $1 is withheld for each $2 of earnings, and for additional earnings $1 is withheld for each $1 of earnings, except that no benefits are withhold any month in which a person does not earn more than $140 in wages nor render substantial services in self-employment.	No benefits will be withheld on earnings of $1,800 or less. For earnings up to $1,200 above $1,800 (i.e. $3,000), $1 would be withheld for each $2 of earnings, and for additional earnings $3 would be withheld for each $4 of earnings, except that no benefits would be withheld for any month in which a person does not earn more than $150 in wages nor render substantial services in self-employment.
	No provision for automatic increases	Beginning in 1973, the $1,800 and $150 amounts specified above would be automatically increased as average earnings levels rise.
4. Parent's benefits	Benefits for aged dependent parents of deceased workers only are equal to 82½ percent of the worker's primary insurance amount (or 75 percent of that amount if more than one parent is entitled to benefits).	Benefits would be provided for aged dependent parents of retired and disabled workers. The benefit amounts for the parent of a living worker would be equal to 50 percent of the worker's primary insurance amount; actuarially reduced if taken at age 62–65. The benefit amount for parents of deceased workers would continue to be 82½ percent.
5. Noncontributory wage credits for military service.	Noncontributory wage credits of $100 are provided for each month of military service after 1967.	Would extend noncontributory wage credits of $100 a month retroactively to 1957.
6. Disability provisions:		
(a) Definition of disability	Benefits cannot be paid until after a 6-month waiting period, and are payable only if the disability is expected to last for at least 12 months or to result in death.	The waiting period would be reduced from 6 to 3 months, and the requirement that the disability must be expected to last 12 months or to result in death would be eliminated.
(b) Alternative definition for older workers	Workers must be unable to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment.	Workers aged 55–64 could qualify if unable to engage in substantial gainful activity (by reason of a medically determinable physical or mental impairment), in their regular work or in any other work in which they have engaged with some regularity in the recent past.
(c) Childhood disability benefits	Benefits are payable (if the insured parent dies, becomes disabled, or retires) to an adult son or daughter who becomes totally disabled before he reaches age 18.	Benefits would be payable if such adult son or daughter becomes totally disabled before he reaches age 22.
7. Medicare:		
(a) Financing both hospital insurance and supplementary medical insurance on the basis of payroll contributions and general revenues.	Hospital insurance is financed by contributions from employers, employees, and the self-employed. Supplementary medical insurance is financed by monthly premiums paid by enrollees and matched by the Federal Government. Moneys are deposited in, and benefits and administrative expenses are paid from, 2 separate trust funds. Eligibility for hospital insurance is based on eligibility for cash benefits (except for a special transitional provision) while medical insurance is available to virtually all those over 65.	Would eliminate supplementary medical insurance premiums and provide for financing both hospital and medical insurance programs through contributions of employers, employees, and the self-employed, and a matching contribution by the Federal Government. All moneys would go into a combined trust fund, which would pay the benefits and administrative expenses of both programs. Eligibility requirements for both hospital and medical insurance would be identical to that required under existing law for hospital insurance.
7. (b) Medicare for the disabled	Medicare is available only to people age 65 and over (without regard to disability).	Would extend medicare, under the combined financing approach described above, to people under age 65 entitled to monthly cash disability benefits. Benefits would begin with the 1st month for which the individual is eligible for cash benefits and end 12 months after cash benefits cease.
Coverage of drugs	Generally, drugs are covered only if they are provided in a hospital or an extended care facility. Drugs are covered on an outpatient basis only if the drug is one which cannot be self-administered	Would extend coverage of out-of-hospital prescription drugs under hospital insurance program. Drugs covered would be selected by the Secretary with the advice of an expert committee provided for by the bill. Reimbursement would be made to providers of drugs (pharmacies, etc.) on the basis of aquisition and dispensing allowances. The beneficiary would be required to make a $1 copayment per prescription or per refill.
8. Contribution and benefit base	The amount of annual earnings on which social security contributions are payable and that can be counted toward benefits is $7,800. No provision for automatic increases.	The amount of annual earnings to be counted for contribution and benefit purposes would be increased as follows: To $9,000 for 1970 and 1971; To $15,000 for 1972; and for years after 1972, the annual earnings amount would be automatically increased (in even-numbered years) as average earnings levels rise.
9. Contribution rate schedule		

Existing law — Employer-employee, each (percent)

Year	OASDI	HI	Total
1970	4.20	0.60	4.80
1971–72	4.60	.60	5.20
1973–75	5.00	.65	5.65
1976–79	5.00	.70	5.70
1980–86	5.00	.80	5.80
1987 and after	5.00	.90	5.90

Existing law — Self-employed (percent)

Year	OASDI	HI	Total
1970	6.30	0.60	6.90
1971–72	6.90	.60	7.50
1973–75	7.00	.65	7.65
1976–79	7.00	.70	7.70
1980–86	7.00	.80	7.80
1987 and after	7.00	.90	7.90

Bill — Employer-employee, each (percent)

Year	OASDI	HI	Total
1970	4.20	0.60	4.80
1971–72	4.80	.65	5.45
1973 and after	5.10	.90	6.00

Bill — Self-employed (percent)

Year	OASDI	HI	Total
1970	6.30	0.60	6.90
1971–72	6.90	.65	7.55
1973 and after	7.10	.90	8.00

Item	Existing law	Bill
10. Federal contributions	No provision	General revenue contributions gradually increasing over a 10-year period to an amount equal to approximately ⅓ the total cost of the program.

MORATORIUM POST MORTEM

(Mr. WYMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYMAN. Mr. Speaker, one of the puzzling aspects of last week's so-called moratorium on Vietnam is exactly what those who demonstrated were trying to prove? If it was that they do not like the war—none of us do. If it was that they want it ended—all of us do, but the enemy does not. If it was that we are not getting out of Vietnam fast enough—even if every American fighting man was ordered to leave tomorrow it could not be done without slaughter on the roads, slaughter on the beaches, and slaughter from the air as American troops assembled on the docks to depart. One would think that those disenchanted with Vietnam policies would realize no American President of either political party can afford to set the stage for an American Dunkirk. They must be aware of the fact that it is a basic obligation of the American Government to protect the lives of Americans forced to remain in Vietnam in ever dwindling numbers as U.S. withdrawal continues.

Not a little of the frustration over Vietnam results from the fact that the war there has never been fought to win under any American political administration. The American military has never been allowed to destroy aerially the truly significant enemy targets. Even the offloading of known war supplies at Haiphong has never even been interrupted although it has been established fact for years that these supplies included guns and bullets and oil and material of war that was transported to kill American boys. Of course, if you are not going to fight a war to win you cannot win it. And no American citizen ought to be ordered to fight abroad under such insane policies. Of course, there is frustration and confusion from such things.

But the point is that today President Nixon is acting to get us out of Vietnam. He is withdrawing. He is not continuing to increase American forces there. His policy is a radically changed one from that which prevailed under Lyndon Johnson. Yet, the President cannot accelerate the withdrawal to a level that would pull the rug out from under the hundreds of thousands of Americans who are stuck there. He seeks a commitment from the enemy forces to cease their attacks so we can withdraw. One would think that even those marching in the moratorium demonstration would realize such policies deserve their support and not their protest. Actually the demonstration should be against the Communist embassies and not our own Government, for it is the Communists who steadfastly refuse to make any commitment that would end this war. It is the Communists who tell American wives who plead for their husbands' release to go home and demonstrate against their Government. It is the Communists who clearly are determined that the Americans shall be driven into the sea and eventually destroyed so that communism can prevail in the world. The demonstrators should realize this, too. There is no quarter in this struggle which is worldwide and on the outcome of which depends the ability of this same younger generation to continue to live in freedom in an open society such as ours.

There are no free Senators and Congressmen in the Soviet Union, just as there is no right of free speech or private ownership and inheritance of property, nor almost any of the precious bill of rights that we have in America. Do the protesters really want a world or life under such conditions? Would they honestly rather be "Red than dead?" I cannot believe they do. If they actually do, then the good Lord help our way of life should they ever become a majority in this country.

PROBLEM OF HORSE SORING

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Tennessee (Mr. KUYKENDALL) is recognized for 30 minutes.

(Mr. KUYKENDALL asked and was given permission to revise and extend his remarks.)

Mr. KUYKENDALL. Mr. Speaker, I appreciate the courtesy of a special order set today to allow me to express myself on the problem of horse soring.

Since the time that this practice became a nationally known scandal, Mr. Speaker, I have not yet heard one voice rise up in its defense. There have been some mutterings and mumblings on the edge of the picture, something to the effect that it is a State problem and none of the Federal Government's business, but not that first word has been spoken in defense of the trainers, the owners, and judges who have winked at the practice each time they watched a magnificent animal walk by, with its ears back in pain.

If there is someone here who does not know what we are talking about, let me explain it:

The Tennessee walking horse is almost unique in its gait, which is a high-stepping, easy-to-ride movement, most easily described as "poetry in motion." Watch it done by a champion, trained by people who know what they are doing, and you can almost hear Strauss waltzes.

And over the years, the prizes for the best Tennessee walking horses have gone consistently to the horses who stepped the highest and fanciest.

There are more ways than one to make a horse step high. One way is by careful training, which requires long hours of work and patience. Another way is to hurt the horse—to give him a pain in his foot, which makes him raise his foot higher off the ground to avoid the pain.

The ways of doing this bespeak an ingenuity that rivals Torquemada in the days of the Spanish Inquisition. Certain ointments—caustic enough to burn through the skin, are applied to the coronet—which corresponds to the instep on your foot, Mr. Speaker—and then heavy chains, or other weights, are placed on top of the sore area.

Think for a moment, of the last blister you had. Now think again, and visualize a chain bracelet around your ankle bumping the blister every time you take a step.

That, Mr. Speaker, is soring. That is what some otherwise decent religious men, who are good to their families, generous to charities, and zealous in their religion, do to dumb animals in the name of gentlemanly sport. It is an abomination that must be stopped.

I am happy to say to you that many of the owners and breeders of fine horses in my State do not condone this practice, and want to see it stopped every bit as much as I do. But their efforts so far have been unsuccessful, and it is time they had help.

When I first introduced H.R. 14052, there came a faint cry of protest from Tennessee—to the effect that this was strictly a State matter, and one in which the Federal Government had no part. I replied that the States so far have done nothing to curb it, and I heard no voices assuring me they intended to.

Then I received a call from the Governor of our State, and he was such a voice. He minced no words in suggesting what should be done; the appointment of a special Governor's commission to license participants and oversee the welfare of show animals; the establishment of heavy penalties for repeating violators.

In turn, I assured Governor Ellington that the minute he signed such a bill into law, I would return to the floor of the House and ask my colleagues to amend our bill to exempt from its provisions any State with adequate laws on their statute books to control the practice.

Last week, it was my pleasure to meet with a delegation from Tennessee who journeyed to Washington for the specific purpose of discussing this matter with me—the State veterinarian of Tennessee; the president of the Tennessee Walking Horse National Celebration at Shelbyville; and the assistant attorney general of Tennessee who wrote the proposed State law. We determined that our goals were the same, and we differed only in a few details of how to pursue them.

Following this conference, I presented to Governor Ellington my suggestions for the makeup of the Tennessee Horse Protection Commission. He readily agreed to my suggestions, and authorized me to tell you what he intends to recommend as a watchdog agency to protect the Tennessee walking horse:

The Tennessee Commissioner of Agriculture, serving as ex officio chairman.

Three members who are either owners, trainers, or riders of horses shown in professional show classes.

One practicing veterinarian, who is not connected with professional horse shows, or retained by individuals or clubs who exhibit horses in these shows.

One member representing the National Celebration, who shall not be an owner, trainer, or rider.

One member who is associated with an organization primarily involved in the humane treatment of animals.

This seven-member commission would be empowered to prescribe rules and standards for the licensing of trainers, riders, judges, and stewards before they can be allowed to conduct, or participate in any horse show in the State.

The act would prohibit unlicensed persons from participation in any professional show, and would further prohibit the practice of soring, exhibition of a sored horse, allowing a sored horse or unlicensed person to participate in a show, or offering a sored horse for sale.

In addition to the power to revoke licenses, the act also arms the commission with a specific misdemeanor statute: violators of its provisions would be subject to maximum fines of $500 and 6-month jail terms for a first offense; and $1,000 and 11 months and 29 days in jail for subsequent convictions.

This, Mr. Speaker, is action long overdue at the local level. I commend the leadership of my State for taking it, however belatedly, and I renew my pledge that the day it is signed into law, I will ask that our bill be amended to exempt from its provisions any State that has put its own house in order.

And to those citizens who ask me how I, as a Member of the U.S. Congress, can find time to be concerned over animals amid the pressing problems of war, disease and human suffering that face us, I can only ask them to consider:

Would you want to be represented by one who cannot?

WHY THE BOARD OF REVIEW MUST BE ABOLISHED

The SPEAKER pro tempore (Mr. Price of Illinois). Under previous order of the House, the gentleman from West Virginia (Mr. Hechler) is recognized for 60 minutes.

Mr. HECHLER of West Virginia. Mr. Speaker, on page 29368 of the October 9, 1969, Record, I set forth the reasons why the present Federal Coal Mine Safety Review Board should be abolished, and also how outrageous it would be to expand the powers of the Board of Review in the pending coal mine health and safety bill. There is ample provision for judicial review in the legislation we will consider, and it violates every canon of sound administrative procedure to empower five private individuals to come in and review the decisions of the public official responsible.

Copies of the pending bill have been reviewed by a number of experts in administrative law, and their responses are very revealing:

Law School of Harvard University,
Cambridge, Mass., October 16, 1969.

Re Federal Coal Mine Health and Safety Act.

Hon. Ken Hechler,
House of Representatives,
Washington, D.C.

Dear Mr. Hechler: I have looked over the proposed federal Coal Mine Health and Safety Act of 1969 with a view to the question raised in your letter of October 7.

I know very little about the mining industry although I have some familiarity with the history of the United Mine Workers and collective bargaining in the industry. On general principle, it seems to me that the proposed administrative structure is thoroughly unsound. The determinations of a senior public official ought not to be subject to review by a board constituted so as to represent special interest groups. The Secretary of the Interior is charged with considering the multitude of diverse interests involved in the light of legislative policies. He acts with at least a measure of detachment from special interest groups. Four members of the Board will almost certainly be designees of particular groups, including operators' associations and the United Mine Workers of America. While the repersentatives of the special interest groups may seek to achieve detachment, it is inevitable that they will be subject to all kinds of pressures such as loyalty, past and present affilation, duties of representation, etc. The concurrent votes of the special interest representatives, speaking perforce for their constituencies, should not be enough to overturn the considered determination of an independent public official in a matter so important as health and safety. The special interest representatives are all too likely to have special interests that may sometimes lead them into accommodations that are not in the interest of the health and safety of miners.

The incongruity of the proposed arrangement is underscored by the fact that, with the bill in its present form, an order of the Secretary which the neutral public member of the board thinks to be proper can nevertheless be overturned by the representatives of special interests. It seems most extraordinary to give special interests the power to veto the uniform determination of all the impartial public officials who study an issue.

I have never encountered any similar administrative arrangement. Perhaps one exists; but if it does, neither I nor the colleagues whom I have consulted have encountered it.

The proper place for interest representation is prior to the order of the Secretary of the Interior. Such representation insures that the views of people intimately connected with the industry will be taken into account but the ultimate decision would be made upon consideration of all the interests concerned without disproportionate weight being given to represented groups.

Sincerely,

Archibald Cox.

University of Minnesota,
Minneapolis, Minn., October 16, 1969.

Congressman Ken Hechler,
House of Representatives,
Washington, D.C.

Dear Congressman Hechler: This will reply to your letter of October 7. Unfortunately, I have not had the time to give your letter the careful consideration it deserves. Universities these days do not seem to allow time for quiet thought.

I do not know of any other review board similar to the proposed Federal Coal Mine Health and Safety Board. However, I have not been able to make a careful check to warrant a certain statement to that effect.

An evaluation of the proposed Board would require intimate knowledge, which I do not have, about how the existing Federal Coal Mine Safety Board has been working.

Nevertheless I will state my views for whatever they may be worth. I am generally opposed to the creation of such administrative boards of review, and especially if only one side to a controversy is given access to them. My reason for opposition is that effective administration of any federal statute depends upon combining authority and responsibility. Under the proposed bill, the secretaries of the Interior and of HEW, and ultimately the President, will be held responsible for the health and safety standards promulgated. They should therefore, be given all the authority necessary to discharge this responsibility. They should not be held responsible, for example, for health and safety standards that the proposed review board may impose. At the same time, the proposed review board, which seems to be given ultimate administrative authority, is not the kind of agency that can be held publicly responsible for its actions. I agree with you that the interests of the mine operator are adequately protected by the judicial review provisions of the bill. I am sorry that I can only give you these general impressions and not conclusions based upon a study of the work of the existing review board.

Good luck.

Sincerely yours,

Carl A. Auerbach,
Professor of Law.

The University of Texas,
School of Law,
Austin, Tex., October 13, 1969.

Hon. Ken Hechler,
Cannon Office Building,
Washington, D.C.

Dear Congressman Hechler: This is in reply to your request for comments on H.R. 13950 relating to the health and safety of coal miners.

Section 105 of the Bill authorizes operators of coal mines *and representatives of miners* to apply to the Secretary of the Interior for a review of an order issued by him under Section 104. Section 107(a) gives to operators the option either to apply to the Health and Safety Board of Review for revision of an order of the Secretary issued under § 104 or under § 105. In other words, an operator need not ask the Secretary for a review of his order under § 105, but may directly appeal to the Review Board from an initial order of the Secretary. *No similar right is granted to representatives of miners.*

It is true that § 107(b) requires that a copy of the operator's application to the Board must be sent to representatives of the miners and that the Board shall permit intervention by "any interested person." This would, undoubtedly, include miners affected by the challenged order of the Secretary. But this intervention does not give to representatives of the miners the right to initiate proceedings before the Board, and this is all the more startling because, as stated above, the miners may ask the Secretary for a review of his order.

The provisions of Judicial Review of the Board's decisions (§ 108) are even more one-sided. Only the Secretary and "the operator aggrieved by the decision" may file a petition for judicial review. The miners are not mentioned, and under familiar principles of statutory interpretation would not be entitled to judicial review.

Now it is possible that in some cases the miners would not be aggrieved. This would most likely be the case with respect to an order under Section 104(a) in which the Secretary finds imminent danger and orders all personnel removed from the mine. A decision of the Board upholding such an order would be in the interest of the miners, who would have no reason and no standing to ask for judicial review. On the other hand, orders of the Secretary issued under Section 104 (b), (c), (h) or (i), which require certain corrective measures in the absence of a finding of imminent danger may aggrieve the miners: They may contend that there is imminent danger which calls for an order pursuant to paragraph (a) of Section 104. There may be other reasons for protest by the miners against such orders.

Perhaps the authors of the Bill had in mind an analogy to the unfair labor practice provisions of the National Labor Relations Act, where a union complaining of unfair labor practices allegedly committed by an employer is not formally a party to the proceeding. If that was the reason for denying to the miners the right to initiate proceedings before the Board and to ask for judicial review, it is entirely unconvincing: The issues under this Bill are infinitely more serious than the question of whether an unfair labor practice has been committed. Hence, unless there is some other justification for this which escapes me, the denial of the right of review to the persons vitally affected appears to be arbitrary and unreasonably discriminatory.

This discriminatory method is also reflected in the "temporary relief" provisions of the Bill. Such relief may be granted by the Secretary (Section 105d), the Board (Section 107f), and the Court (Section 108c). The Board may grant temporary relief only *at the request of an "applicant", that is an operator,* and the Court may grant it to the parties, which means the Secretary and the operator, *but not the miners.* The Board could thus suspend an order under Section 104(a), and the Court, at the request of the Secretary, could later reinstate it, but that correction may come too late.

Moreover, even if the review provisions were to be made available to both sides on equal terms, there would still remain a serious question as to the effectiveness of this procedure. The definition of "imminent danger" (Section 3j) is the heart of this legislation. Suppose the Secretary issues an order under Section 104(a), and the operator, in good faith, but, as it turns out later, mistakenly, protests; He may ask the Secretary to reconsider, and the Secretary is required to make his decision "as promptly as practicable." (Section 105c). If the Secretary turns down the protest, the operator may go to the Board which also must decide the case "as promptly as practicable." (Section 107g). This hortatory phrase is incapable of precise definition and may cover a relatively substantial period of time. If the operator is turned down by the Board, he may appeal to the Court which is not bound by any time limit. In short, this elaborate review procedure satisfies the most meticulous requirement of due process. But the miners may not survive it, unless an order finding "imminent danger" were to remain in effect until a final decision as to its validity.

The operators may feel that this would not protect them against arbitrary findings of "imminent danger." The answer is not the long drawn out procedure presently provided by the Bill, but a special one-step procedure permitting direct review by a Court of the finding of "imminent danger", or "no imminent danger" and requiring a decision within a specified short period of time on a high priority basis ahead of all other cases on the Court's docket. I respectfully suggest that nothing less would suffice where human life is at stake.

Best wishes.

Sincerely yours,

CARL H. FULDA,
Professor of Law.

UNIVERSITY OF MISSOURI-COLUMBIA,
Columbia, Mo., October 17, 1969.

Re H.R. 13950.
Hon. KEN HECHLER,
Cannon Office Building,
Washington, D.C.

DEAR REPRESENTATIVE HECHLER: Any request in the name of President Truman requires the best response I can manage, even though I am not at all confident about my competence.

With respect to the specific questions put in your letter of October 7, 1969, permit me to respond as follows:

(1) the Board of Review contemplated by §§ 106–107 of HR 13950, 91st Congress, is an anomaly and would only serve to hinder the attainment of the goals which the bill is nominally designed to achieve. Where the Congressional purpose is the physical safety or health of our citizens it has long been recognized that elaborate review devices are inconsistent with such a goal and that summary action, with judicial review *following* such action is both constitutionally permissible and, indeed, desirable. See, e.g., *Gellhorn & Byse, Administrative Law* 769–84 (4th ed. 1960). The interposition of a review board between the order of the Secretary and the courts is a crude device and, to this writer, a transparent attempt to encumber and weaken the enforcement of the policies of the bill. In my judgment, in order to insure effective implementation of the policies of this legislation while at the same time affording protection against overzealous enforcement the Board should be totally eliminated and Section 407 cut out so that the action of the Secretary would be reviewable in accordance with the procedures of the Federal Administrative Procedure Act. In this day and age, to seek exemption from the Federal Administrative Procedure Act and to substitute, for the time-tested procedures thereof, a "Review Board" with what must inevitably become a "private sector bias" and with jurisdiction limited solely to operator appeals, is, to my mind, ludicrous;

(2) although it seems to me that during the early stages of the New Deal (E.g., the National Recovery Administration) techniques of this sort were, from time to time employed (how about the Bituminous Coal Commission?) I know of no present federal analogy, except, perhaps the notorious Railroad Adjustment Board whose deadlocks seem to require the intervention of a referee. See *K. C. Davis, Administrative Law: Cases-Text-Problems* 243 (1965 ed.) But even this agency is composed of representatives drawn from both sides, which is not quite the same as the proposed Federal Coal Mine Health and Safety Board of Review. Unfortunately, in our state governments, there is some precedent for this type of body in that many regulatory bodies (E.g., State Banking Commissions) are composed of persons drawn from the very same professions or callings whose activities have been designated as requiring regulation and control. This practice has been the subject of increasing dissatisfaction and criticism, and, for this reason, would not seem to be a desirable model for federal legislation.

Some years ago, while doing some research into the problem of "standing," I came across the case of *Director of USB of M v. Princess Elkhorn Coal Co.,* 226 F. 2d 570 (6th Cir. 1955). The case (which was decided in favor of the operator despite vigorous departmental objection) seems to confirm your appraisal of the loophole shooting process of 1952.

I am taking the liberty of forwarding a copy of this letter and the copy of the bill which you furnished to me to Professor Walter Gellhorn who may wish to make some comments. He is considerably more experienced in this area than I and may have some more valuable observations to make.

Yours faithfully,

FRED DAVIS,
Professor of Law.

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., October 16, 1969.

Hon. KEN HECHLER,
Cannon Office Building,
Washington, D.C.

DEAR CONGRESSMAN HECHLER: I believe that as a general proposition it is bad administrative theory and bad administrative practice to set up over a public officer a board based on interest representation. It is appropriate to require a public officer to consult the interests and to allow them to participate in the process leading up to decision. But except in the most unusual circumstances, it is unsound to give such a board the ultimate power. The reason for this is that the representation of interests can never be complete, can never be truly representative of all of the legitimate interests. Though I do not know enough about the organization of the coal industry to have an informed judgment, I wonder whether there would not be a conflict of interests within the class of mines in which more than fourteen individuals are regularly employed. The very purpose of vesting power in the public officer is to secure a more inclusive, a more balanced evaluation.

The actual intention of the bill with respect to the power of the Board is not clear to me. Is there possibly an ambiguity in Sec. 106(h) to the effect that, "official action can be taken only on the affirmative vote"? In the absence of an affirmative vote does the ruling of the Secretary against the company stand or does the whole proceeding against the mine fail? Strictly, it should be the former since the proceeding is an appeal. If, however, the proceeding is treated as a proceeding de novo, the failure of an affirmative vote would mean that no action against the mine could be taken. Perhaps this is clear to those familiar with the bill. If I can be of any further help please call on me.

Sincerely,

LOUIS L. JAFFE,
Byrne Professor of Administrative Law.

DECISIONS OF THE BOARD

A review of the 22 decisions of the Board makes one wonder whether this Board understands that the purpose of the 1952 act is safety. For this reason, the act should not be construed restrictively. Yet, many of the cases have, in fact, been construed in this manner. One in particular clearly demonstrates this point. It is a case in which the Bureau was reversed in 1961—docket No. 61–02.

In the case, a fatality occurred in the Midvale Mine No. 7 in Ohio, a union mine. Since the Bureau of Mines' advisory code was part of the union contract, the operator, under that code, was required to "freeze" the condition surrounding the accident until a Bureau inspector completed his investigation.

When the inspector came, he took an air sample and found 0.49 percent methane. Under the act, if 0.25 percent methane or more is found, the mine must be classed gassy. The inspector issued a gassy classification order based on the sample. The operator appealed.

The operator contended that by voluntarily complying with the code provisions relating to accident notification and investigation, thereby exposes his entire mine to a gassy classification based on the air sample taken at the very site, and under the program conditions, of that accident, obviously no informed and vulnerable operator would ever comply with the code.

The Board said:

> Confronted with the problem of such conflicts in the operation of a statute, the courts have frequently indicated that the act must be read in its entirety and the conflicting provisions must be reconciled and harmonized to accomplish the overriding purposes of the legislature.

I certainly would concur with this statement, but the Board went further, as you will see, and attempted to harmonize an act of Congress with an advisory code that has no basis in law. It was only enforceable under the union contract.

The Board unanimously went on to conclude:

> Applying these principles to the instant case, we are of the opinion that, under the particular circumstances here involved, the applicant's mine was improperly classified as gassy under ection 203(d) of the act. More precisely, we hold that where, as here, the operator fully complied with Title I and the Code by promptly notifying the Bureau and freezing the conditions of a fatal accident, section 203(d) was not intended to empower the Bureau to classify the mine as gassy based on an air sample collected at the very site, and under the frozen conditions, of that accident.
>
> This determination in our view reconciles the conflicts apparent in this case and renders Title I, the Code, and Title II workable and in harmony for the effective operation of the entire act. Furthermore, in our considered judgment, this decision more fully

> effectuates the overriding and controlling safety purposes sought to be accomplished by Congress in its mine safety program. In the latter connection, the intended safety purposes of Title I as implemented by the Code obviously can be effectuated only by encouraging, rather than penalizing, full compliance with the applicable Code provisions in the present case. Moreover, as already mentioned, a contrary decision would in substantial effect excise these Code provisions designed to enhance the safety of the workers in the mines. At the same time, the safety purposes underlying the air analysis provisions of section 203(d) are in no way impaired since, but for the applicant's voluntary compliance with the Code provisions, methane would not have been found at all in the critical sample.
>
> We also must emphasize again the above regard, that our decision is strictly confined to the circumstances in this case, where the operator fully complied with the applicable provisions of the Code, and, as a result of this compliance, methane was found by air analysis at the immediate site and under the frozen conditions of the fatal accident. Absent such circumstances, the gassy classification order would properly issue.

I am sure that most would be shocked to read such an outrageous ruling from an administrative agency established to enforce a "safety act" of Congress not an advisory code of an executive agency. The Board, too, had qualms of conscience about this "bad" decision when they added this admonition:

> Finally, we must caution, that, although in our opinion the gassy classification order was not justified upon the record of the instant case, *this determination does not mean that the finding of methane should be disregarded either by the applicant or by the respondent. On the contrary, the applicant must now be increasingly vigilant and alert in its conformity with the Code and its compliance with the provisions of Title II of the act. And the respondent, by reason of the circumstances here disclosed, must now increase both the number and the intensity of its inspections, in order to minimize any potential danger to the workers employed underground at this mine.* (Italic supplied)

Here is a board, recognizing the "potential danger to the workers" of this mine from the sudden onrush of methane in a mine where open flames, smoking, and nonpermissible equipment is permitted under the act because it was a nongassy mine, yet they choose to ignore the danger. How indifferent can such a board be. Why did not the workers' representative object? Why did not the union object? Why did not the Bureau of Mines appeal? I have no answer to these questions. I can only surmise that their interests in economics far exceeded their interest in the miner's safety.

When I read this decision, I was sick with the thought of what could have happened at that mine. Fortunately, the mine was finally classed gassy in 1967 by the Bureau and, this time, the Board upheld the Bureau, despite the objections of the operator to an "excessive" number of inspections. The Board noted that it had urged such inspections. But think, 6 years lapsed in which these miners were in constant danger.

SECRETARY OF THE INTERIOR'S POSITION

By letter dated May 23, 1969, Secretary Hickel advised the Congress that the present Board of Review and the one found in H.R. 13690 should be "abandoned." He recommended two alternative approaches. The pertinent part of the Secretary's letter follows:

> To date the Board has done a creditable job. It is experienced in mining technology and knows the problems of the miners and the operators. But the Board has had few cases over the last 17 years. It is reasonable to expect that this workload will increase under this legislation, particularly when we consider that the Board will be reviewing civil penalties also. We now believe that a part-time Board would not be satisfactory. In addition, it has come to our attention that, since the bill also covers surface mines, the operators and workers of that part of the industry would have a legitimate claim of discrimination unless the operators and workers of that segment of the industry are represented on the Board.
>
> Upon reflection of all of these factors, we believe that it would be better to abandon the present type of a Board and establish a new review procedure.
>
> One alternative would be to establish a hearing procedure within the Department of the Interior, placing the decision-making authority in the Secretary along the lines of the Administrative Procedures Act or establish a Board subordinate to the Secretary with final decision in the Secretary. This approach, however, raises the age-old criticism leveled against many agencies of fusion of the responsibilities in the Secretary of enforcement, prosecutor, judge, and jury.
>
> The second alternative which we believe to be far superior, and which is followed in the enclosed amendments, would be to establish a 5-member full-time Board as an independent agency not subordinate to the Secretary. We note that the Department of Transportation Act (80 Stat. 931, 935), in establishing the National Transportation Safety Board, transferred many functions of the Secretary of Transportation to the Board and gave it final authority. The Board's membership would include 2 people having a background either by training, education, or experience in mining technology, one having a public health background, and the last 2 being drawn from the general public. Board members under this approach would not have any interest in—financial or otherwise—or hold any office in, the coal mine industry for at least one year prior to their appointment and during the entire term of their appointment. Like the present Board, membership would be for a term of 5 years. The President would designate one of the members as chairman. In order to avoid hiatus between the time of the passage of the bill and the appointment of Board members, the present Board would continue in office in accordance with the conditions under which they were appointed until they are replaced or reappointed under the bill.

The second alternative was defeated in the other body 53 to 24.

The approach taken by the other body and by my amendments is the same as the Secretary's first alternative. I include my amendment to strike the Board at this point in the RECORD:

AMENDMENT TO H.R. 13950 OFFERED BY MR. HECHLER OF WEST VIRGINIA

On page 4, line 24, after the semi-colon insert "and".

On page 5, line 4, change the semi-colon to a period and strike "and".

On page 5, strike lines 5 and 6.

On page 6, line 4, strike "the Board, other".

On page 8, line 3, strike "by the Board".

On page 8, line 7, change the comma to a period and strike out all thereafter through the period on line 9.

On page 8, line 10, strike all through page 9, line 6, and substitute the following:

(f) Promptly after any such notice is published in the Federal Register by the Secretary under subsection (e) of this section, the Secretary shall issue notice of, and hold a public hearing for, the purpose of receiving relevant evidence. Within sixty days after completion of the hearings, the Secretary shall make findings of fact which shall be public. In the case of mandatory safety standards, the Secretary may promulgate such standards with such modifications as he deems appropriate. In the case of mandatory health standards, the Secretary shall transmit his findings to the Secretary of Health, Education, and Welfare who may, upon consideration of the Secretary's findings of fact, direct the Secretary to promulgate the mandatory health standards with such modifications as the Secretary of Health, Education, and Welfare deems appropriate and the Secretary shall thereafter promulgate the mandatory health standards.

On page 20, line 1, strike after the period through page 21, line 14, and substitute the following:

The applicant shall send a copy of such application to the representative of miners in the affected mine, or the operator, as appropriate. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate and shall promptly hold a public hearing for the purpose of receiving relevant evidence relating to the issuance and continuance of such order. The operator and the representative of the miners shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code.

(b) Upon completion of the hearing, the Secretary shall make findings of fact, and he shall issue a written decision vacating, affirming, modifying, or terminating the order complained of, or the modification or termination of such order, and incorporate his findings therein.

(c) In view of the urgent need for prompt decision of matters submitted to the Secretary under this section, all actions which the Secretary takes under this section shall be taken as promptly as practicable, consistent with the adequate consideration of the issues involved.

(d) Pending completion of the proceedings required by this section, the applicant may file with the Secretary a written request that the Secretary grant temporary relief from any order issued under section 104 of this Act, except section 104(a) of this Act, or from any modification or termination of any order issued under section 104(g) of this Act, together with a detailed statement giving reasons for granting such relief. The Secretary may grant such relief, under such conditions as he may prescribe, if—

(1) a hearing has been held in which all parties were given an opportunity to be heard;

(2) the applicant shows that there is substantial likelihood that the findings of the Secretary will be favorable to the applicant; and

(3) such relief will not adversely affect the health and safety of miners in the affected coal mine.

On page 21, line 15, strike all through page 30, line 19.

On page 30, line 21, strike all through page 31, line 20, and substitute the following:

SEC. 108. (a) Any decision issued by the Secretary under section 105 of this Act shall be subject to judicial review by the United States court of appeals for the circuit in which the affected mine is located, or the United States Court of Appeals for the District of Columbia Circuit, upon the filing in such court within thirty days from the date of such decision of a petition by the operator or a representative of the miners in any such mine aggrieved by the decision praying that the decision be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the other party and to the Secretary and thereupon the Secretary shall certify and file in such court the record upon which the decision complained of was issued, as provided in section 2112 of title 28, United States Code.

(b) The Court shall hear such petition on the record made before the Secretary. The findings of the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or modify any such decision or may remand the proceedings to the Secretary for such further action as it may direct.

(c) Pending review of an decision issued by the Secretary under section 105 of this Act, except a decision pertaining to an order issued under section 104(a) of this Act, the court upon request, may, under such conditions as it may prescribe, grant such temporary relief as it deems appropriate pending final determination of the proceeding if—

(1) all parties to the proceeding have been notified and given an opportunity to be heard on a request for temporary relief;

(2) the person requesting such relief shows that there is a substantial likelihood that he will prevail on the merits of the final determination of the proceedings; and

(3) such relief will not affect the health and safety of miners in the coal mine.

On page 32, line 2, strike "Board's" and insert "Secretary's".

On page 32, line 4, strike "Sec. 109" and insert "Section 107".

On page 34, line 2, strike "Sec. 110" and insert "Sec. 108".

On page 35, line 9, strike "Sec. 111" and insert "Sec. 109".

On page 36, line 3, strike "Board" and insert "Secretary".

On page 37, line 22, strike "Sec. 112" and insert "Sec. 110".

On page 43, line 11, strike "Sec. 113" and insert "Sec. 111".

On page 48, lines 10 and 14, strike "the Board" and insert "the Secretary of Health, Education and Welfare".

On page 49, line 9, strike the comma after "Secretary" and strike "the Board".

On page 106, line 5, strike all through line 7, and substitute the following:

Sec. 401. (a) The Secretary and the Secretary of Health, Education and Welfare, as appropriate, shall conduct such studies, research, experiments, and demonstrations as may be appropriate.

On page 108, line 1, strike all after "(b)" through the period on line 5.

On page 108, line 13, strike all after the period through the period on line 15.

On page 108, line 24 strike "the Board" and insert "the Secretary".

On page 109, lines 1, 7, 11, 16, 20 and 22, strike "Board" and insert "Secretary".

On page 109, lines 1, 4, and 5, strike "it" and insert "the Secretary".

On page 109, lines 7, 18, and 20, strike "it" and insert "the Secretary and the Secretary of Health, Education and Welfare".

On page 115, line 2, strike the period and insert a comma and the following "except as provided in section 105 of this Act".

On page 117, lines 8 and 15, strike "Board" and insert "Secretary".

FORMER VICE PRESIDENT HUBERT H. HUMPHREY AND NAPCO INDUSTRIES OF MINNEAPOLIS

The SPEAKER pro tempore (Mr. Price of Illinois). Under previous order of the House, the gentleman from Iowa (Mr. Gross) is recognized for 30 minutes.

Mr. GROSS. Mr. Speaker, new evidence has been filed in the U.S. district court in Detroit which shows for the first time the key role played by former Vice President Hubert H. Humphrey in the fraud perpetrated against the Government by Napco Industries of Minneapolis, Minn.

It will be remembered that Napco, with its powerful ties to Humphrey, was able to hoodwink the Agency for International Development into paying a tremendously inflated price for its virtually obsolete, worn-out gear manufacturing plant, which was then dumped on a group of unsuspecting investors in India.

It will also be remembered that one of the chief architects of this $4 million swindle was Max M. Kampelman, Humphrey's former legislative assistant and one of his closest and most trusted advisers.

The papers filed in court spell out a sorry and sordid connivance and they show that Humphrey was, at best, an unwitting tool of a group of fixers, led by Kampelman, and included one of his most stalwart financial supporters. That is the most charitable role in which Humphrey can be placed, for if he was not an unwitting tool, he had to be a knowing accomplice.

Humphrey, when he was finally forced to say something publicly about his role in this deal, piously dismissed it as a "routine" service to a constitutent.

In order to understand his true involvement in this case, one has only to read the documents on file in the court.

As early as December 22, 1960, the Washington promoter hired by Kampelman to help obtain the loan for Napco—one Paul R. Gibson—was writing to Napco president, the late Max E. Rappaport, that:

> We have everything we need except (a) the political pressure to be applied after January 20, 1961, and (b) a few more nice letters from NAPCO and/or Detroit Bevel Gear customers.

Then, on January 31, 1961, the promoter wrote Rappaport again:

> Max Kampelman and I further agreed that the assistance of Senator Humphrey, Orville Freeman, and perhaps a Minnesota Congressman, would be utilized to telephone the various members of the Development Loan Fund Board of Directors prior to this project being presented before that group for a final decision.

Mr. Humphrey subsequently conducted an international letter writing campaign in behalf of Napco but claimed he had disassociated himself from the case before the loan was approved by the AID agency in June of 1962.

According to the New York Times, Mr. Humphrey pulled out because he was warned by friends at the State Department that the project "was beginning to look smelly."

Mr. Speaker, according to the documents filed in the Detroit Court, this simply was not true. Humphrey did not cease his efforts on behalf of Napco.

In a letter to Kampelman on November 1, 1962, the loan promoter, Gibson, states the following:

> Dear Max: At lunch today John Ulinski (the Government official who handled most of the work in connection with the loan) advised me that it was perfectly proper for Senator Humphrey to send C. Tyler Wood, Economic Minister, American Embassy, New Delhi, a cable similar to the one the Senator sent to Desai.

It is obvious that there was some doubt in somebody's mind whether this was a proper thing for Humphrey to do, but it is interesting to note that the advice that it was "perfectly proper" came from a man who had won a promotion with the active help of Max Kampelman.

Kampelman and his crowd apparently left no stone unturned in pushing this deal. On November 28, 1961, eleven months before Mr. Ulinski's advice concerning the Humphrey cable, the loan promoter, Gibson, wrote Kampelman a letter labeled "confidential" in which he thanked him for his aid to Ulinski:

> Dear Max: Please accept my sincere appreciation for your efforts in the case of John Ulinski. John has been promoted to GS–16 and has been given the India-Ceylon-Nepal Desk, South Asia Region, of A.I.D.
>
> I have told John that you intervened in his behalf and I know that he is most grateful.

This letter, of course, raises the interesting question as to how, and from whom, Kampelman sought favor for the AID official who was considering the Napco loan.

Let us return, however, to Humphrey's continuing role in the loan itself.

Several days after Ulinski's advice on the cable to C. Tyler Wood, Kampelman wrote to Max Rappaport on November 9, 1962 as follows:

> Dear Max: Senator Humphrey received the following cable from Ambassador Galbraith in India:
>
> "Wood attempting expedite government clearance. Will report further developments."

Then, on November 13, 1962, Kampelman again wrote to Rappaport, enclosing copies of two identical cables from Humphrey to two members of the Indian Government's Planning Commission in New Delhi. The cables said this:

> Respectfully request your personal examination US AID approved project establishing Napco Bevel Gear India. Important India defense and economy. Personally familiar with project. Informed collaboration agreement delayed by your commission. Trust matter can be expedited.

As I have said, Mr. Speaker, when some of Humphrey's role in this fraud against the United States became known, his office claimed he gave Napco only routine constituent service.

According to the New York Times, Humphrey's office stated that:

> Our senatorial office referred all inquiries from Minnesota business constituents to the appropriate agencies without discussing the merits.

Of course, the Times was also told that Humphrey had pulled out of the case before the loan was ever made.

It is obvious from the documents filed in court that neither statement was true.

The loan, as I have pointed out, was approved in June of 1962. These three cables—one to C. Tyler Wood and two to the Indian Commissioners—were sent in November 1962.

Yet Humhprey was still active in the case 2 years later.

For example, the court file contains a copy of a letter of May 12, 1964—from Humphrey to U.S. Ambassador to India Chester Bowles, in which Humphrey expresses his concern over learning from a Napco official that the project was in serious trouble.

Humphrey then goes on to "strongly urge your cooperation in expediting" consideration of a Cooley loan to help bail out the project.

He states to Ambassador Bowles that if the project failed—

> The inevitable damage to the climate for American investment in India, the blow to the prestige of a United States-based company, and the loss of enormous amounts of time and effort which have already been expended to bring this project to its present very nearly operable state would be highly unfortunate.

Humphrey concludes by urging that Ambassador Bowles meet with the Napco official, "and to take whatever steps seem to be helpful and effective." He said:

> Anything you can do to solve this immediate crisis and give the company an opportunity to get into operation will be greatly appreciated.

And on June 30, 1964, we find Humphrey writing an even longer letter to William S. Gaud, then Deputy Administrator of AID, urging approval of "an additional Cooley loan" because the project was in such trouble that $1,000,000 was needed quickly. Humphrey wrote:

> I think it is important that we recognize that to solve the problem adequate funds will be required and on reasonable terms.

What Humphrey meant by "reasonable terms" is this:

Prior to the time that Kampelman persuaded Humphrey to go to bat again for a project that Humphrey had been told in 1962 "was beginning to look fishy," AID officials had been adamant that any Cooley loans made to Napco would have to carry a 50-percent guarantee by the company.

After Humphrey wrote his June 30, 1962, letter to Mr. Gaud, and apparently followed that with telephone calls to AID, the loan guarantee was reduced to 25 percent.

I think everyone will agree, Mr. Speaker, that a 25-percent obligation to repay a loan is certainly "reasonable" as far as the recipient of the loan is concerned. But it is completely unreasonable from the standpoint of those who put up the money—in this case the helpless taxpayers of this Nation.

Nowhere, in the documents I have seen, do I find even the most remote, the most casual regard on the part of the former Vice President for the interests of the taxpayers of this Nation.

Whether his continued and ardent support of this smelly loan application, and the subsequent loan requests, was a demonstration of sheer naivete on Humphrey's part, I cannot say. Certainly that is the most charitable view to be taken of his role.

His repeated intercessions on behalf of Napco may have been mere cronyism.

They may have been prompted by the pointed reminder from Rappaport that he, Rappaport, had served as a fund raiser in many of Humphrey's campaigns.

At any rate, it is obvious that Humphrey was persuaded by Kampelman and Rappapart to misuse his prestigious public office, and thereby grievously abuse a public trust, in influencing decisions of Government agencies and officials, both here and abroad.

Humphrey is plainly guilty of highly improper conduct for his role in this most shoddy affair and it is a sad commentary on a former public official to recall the evasive and misleading statements concerning his role in it that were issued to the press by his office in the past.

LARGE NUMBER OF BANK HOLDING COMPANIES AIDED BY GRANDFATHER CLAUSE IN H.R. 6778 AS REPORTED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman Texas (Mr. PATMAN) is recognized for 60 minutes.

Mr. PATMAN. Mr. Speaker, in the committee report—No. 91-387—of the House Banking and Currency Committee on H.R. 6778, a bill to amend the Bank Holding Company Act of 1956, I stated in individual views my strong opposition to any grandfather clause in this legislation, especially the very recent date of February 17, 1969, found in the bill as reported.

In my individual views it was stated that I was having compiled a list of all one-bank holding companies benefiting by any grandfather clause exempting nonbank acquisitions consummated in recent years. The data have now been collected. They reveal the following:

A total of 239 one-bank holding companies formed on or after January 1, 1965, and carrying on one or more nonbanking activities has been identified—table 1.

These 239 one-bank holding companies operate 575 nonbank subsidiaries—table 2—engaged in no less than 124 different nonbank activities—table 3.

These 239 one-bank holding companies are located in 33 States and the District of Columbia—table 2. They operate banks in 31 States, having total deposits of over $15 billion—table 1.

Among the one bank holding companies whose nonbank activities are exempted from divestiture under the proposed grandfather clause are the largest independent finance company in the United States—assets $3.7 billion—the largest trading stamp company in the United States—assets $422 million; the 114th and 293d largest industrial companies in the United States—assets $605 million and $667 million, respectively; the sixth largest retailing company in the United States—assets $2.6 billion; and a holding company controlling the 29th largest commercial bank in the United States—deposits $1.5 billion—table 5.

The nonbank activities of these recently created one bank holding companies are likewise spread through the United States and are carried on in 33 States and the District of Columbia—table 4. The total assets of these companies run into the many billions of dollars.

The nonbank activities of these bank holding companies range over the entire spectrum of business activity, but are heavily concentrated in the following areas: insurance agencies, insurance companies, real estate, various types of credit and finance companies, department stores and retail outlets, and many types of manufacturing concerns.

A few of the most significant one bank holding companies receiving substantial benefits from the February 17, 1969, grandfather clause are the following:

Sperry & Hutchinson Corp., New York, N.Y. This one-bank holding company controls the $318 million State National Bank of Bridgeport, Conn., along with several department stores, the largest trading stamp operation in the United States, a travel agency, the Bigelow-Sanford Carpet Manufacturing Co., a company manufacturing office and industrial furniture, a real estate company, and textile manufacturing concerns.

National Lead Co., New York, N.Y. In addition to controlling the $295 million Lake View First Savings Bank of Chicago, Ill., this one-bank holding company controls a large number of subsidiaries engaged in a wide variety of nonbanking activities. These include the manufacture of plastic sheeting, aluminum, bronze and brass castings, wood veneers, clay and glass sand, drilling and logging equipment, and electronics products; a lumber company; a real estate company; a die castings company; a smelting company; and a company processing and refining castor oil.

CIT Financial Corp., New York, N.Y. This giant conglomerate controls the $1.4 billion National Bank of North America in New York City. It is the largest independent finance company in the country with $3.7 billion in assets. In addition to these activities, CIT Financial Corp. has subsidiaries engaged in the underwriting of fire and casualty insurance; the construction business; the manufacture of office furniture and accessories; the leasing of cars and trucks; the manufacturing and sale of greeting cards, party goods and gift wrappings; the manufacture and sale of desk top computers; and the manufacture and sale of scientific and research instruments, photographic chemicals and hospital communications systems.

General American Transportation Corp., Chicago, Ill. This one-bank holding company controls the $401 million LaSalle National Bank of Chicago, Ill., and in addition has subsidiaries engaged in manufacture of industrial equipment. It is also one of the largest companies in the country engaged in the leasing of aircraft and railroad equipment.

Montgomery Ward & Co., Inc., Chicago, Ill. In addition to controlling the $203 million Pioneer Trust & Savings Bank, Chicago, Ill., this one-bank holding company is one of the largest retail merchandisers in the country. It also has subsidiaries manufacturing concrete pipe and blocks; TV receivers and phonographics; and industrial paints and finishes.

Gamble-Skogmo, Inc., Minneapolis, Minn. This large conglomerate, in addition to controlling the Gamble's Continental State Bank of St. Paul, Minn., operates a mail-order house; department stores, and other retail chains; a life insurance company; controls a developer and lessor of real estate; a travel agency; a food store chain; a drugstore chain; a company doing outdoor advertising; a communications company; a finance company; and radio stations.

Union Bancorporation of Los Angeles. In addition to controlling the $1.5 billion Union Bank of Los Angeles, this one-bank holding company controls subsidiaries engaged in data processing services, originating and servicing loans for sales to insurance companies, acting as independent insurance agents and brokers, and real estate development.

Baldwin-Central, Inc., Cincinnati, Ohio. In addition to controlling the $216 million Central Bank & Trust Co. of Denver, Colo., this one-bank holding company also controls the $148 million Empire Savings Building & Loan Association of Denver, as well as companies engaged in the manufacture of transistors and integrated circuits, the sale of credit life insurance, the manufacture of pianos and other musical instruments, and the publishing of printed material.

NLT Corp., Nashville, Tenn. This one-bank holding company controls the $428 million Third National Bank of Nashville, and, in addition, controls the $1.5 billion National Life & Accident Insurance Co. It also operates leading radio and TV stations in Nashville, WSM–TV and WLWM–FM, as well as a large mortgage banking company.

Bankers Life & Casualty Co., Chicago, Ill. This bank holding company controls the Citizens Bank & Trust Co. of Park Ridge, Ill. It also holds 24 percent of the stock of Royal National Bank of New York, N.Y. The president of Bankers Life & Casualty Co. holds an additional 11 percent of Royal National Bank stock, and other officers and directors of the holding company hold 60 percent of Royal National Bank stock. Therefore, in all, Bankers Life & Casualty Co. along with its officers and directors control 95 percent of two banks. The parent company also controls subsidiaries involved in the following activities: real estate holdings; engineering research and manufacturing; real estate development; and life, health and accident insurance underwriting.

American General Insurance Co., Houston, Tex. This one-bank holding company controls the $925 million Texas National Bank of Commerce, Houston, Tex., and also controls two insurance companies with total assets of approximately $590 million in the life, fire and casualty insurance fields. In addition, one of these insurance companies has a subsidiary which operates a television channel, an AM radio station and an FM radio station.

American Financial Corp. of Cincinnati, Ohio. This one-bank holding company controls the $245 million Provident Bank of Cincinnati, Ohio, and is also engaged through its subsidiaries in the construction and development of offices and homes; computer leasing; sale of insurance; the ownership of real estate; the ownership of savings and loan associations; and the underwriting of life insurance.

International Bank of Washington, D.C. This one-bank holding company controls the $190 million Central National Bank & Trust Co. of Des Moines, Iowa, and, in addition, controls subsidiaries engaged in such activities as the manufacture and sale of sound, acoustical and building materials; finance business; real estate business; communications business; fire and casualty insurance underwriting; manufacture of roofing products; operation of a mortgage company and merchant banking.

Budget Holding Co. of Los Angeles, Calif., controlled by Budget Industries, Inc. of Los Angeles. This holding company complex controls, in addition to the Century Bank of Los Angeles, large casualty, life, accident and health insurance companies, a finance company and a savings and loan association.

United States Finance Co. of Jacksonville, Fla., now known as the Unicapital Corp. In addition to controlling the First National Bank of Cape Canaveral, Fla., this one-bank holding company has subsidiaries engaged in such activities as real estate, finance companies, a furniture retailing chain, gas compression service for oil companies, mortgage originating and servicing activities, and insurance agency activities.

The Charter Co. of Jacksonville, Fla. This one-bank holding company controls the Jacksonville National Bank of Jacksonville, Fla., and also controls subsidiary companies engaged in such activities as title insurance, mortgage banking, insurance agency activities, real estate agent operations, housing construction, owning and operating motels and other real estate, operator of service stations, tire stores and convenience food markets.

TeleAccounting Bureau, Inc., of Cincinnati, Ohio, a subsidiary of Realty Equities Corp. of New York. This one-bank holding company controls the First National Bank of Harrison, Ohio. In addition, it controls subsidiaries in the following fields: real estate brokerage; savings and loan association operations; industrial and business development; general insurance agency; racetrack owner and operator; motion picture producers; and ownership of hotel and health resorts.

Citizens Finance Corp., Cleveland, Ohio. This one-bank holding company controls the Newark Trust Co. of Newark, Ohio, and, in addition, controls companies which finance home improvements; operate cable television services; manage real estate; furnish data processing services; originate and broker real estate loans; offers mortgage banking, loan servicing and mortgage closing escrow services.

Sterling Precision Corp. of New York. This one-bank holding company controls the Milwaukee Western Bank of Milwaukee, Wis., and in addition controls subsidiaries engaged in land development; manufacture of cutlery blades; operator of finance company; real estate investor; sheet metal fabricators; producer of office supplies; financer of residential home mortgages; and manufacture of office furniture and truck trailers.

The above list of one-bank holding companies indicating their banking, as well as their diverse nonbanking, interests are but 19 of the 239 one-bank, holding companies receiving substantial favoritism from the present grandfather clause in H.R. 6778. The special privileges ganted by such an amendment are real and very valuable. The one-bank holding company beneficiaries of these special privileges could, unlike all other regulated bank holding companies, continue to operate and expand to an unlimited degree their present nonbanking, as well as their banking, activities. This is precisely what the Bank Holding Company Act is intended to prevent.

The largest single activity in which recently formed one-bank holding companies are engaged is the insurance agency business. A summary of all identifiable one-bank holding companies engaged in the insurance agency business is found in table 7, which shows a total of 229. Of these 229 one-bank holding companies engaged in the insurance agency business, more than half, or 125, were formed in 19 States in the little more than 4 years between January 1, 1965, and February 17, 1969. The survey was able to identify only 104 one-bank holding companies engaged in the insurance agency business that were created in the 50 years between 1914 and 1964—tables 8 and 9. Therefore, there is a clear and substantial movement of unregulated bank holding companies into the insurance agency business since 1964 as compared to previous periods.

The data collected and presented here clearly show the extent to which any grandfather clause, and particularly one of recent date, favors a special group of one-hank holding companies engaged in a broad range of nonbank activities. This mixing of banking and nonbanking activities would otherwise be illegal under the Bank Holding Company Act as amended by H.R. 6778. Despite claims to the contrary, the special advantage given by the grandfather clause is not merely theoretical or minor. It has serious practical consequences.

To allow this special interest legislation to pass would create a major breach in the whole concept of banking legislation in this country—that of separating banking from nonbanking activities. It would also create an extremely unfair competitive advantage whereby a few hundred companies could continue to mix and expand their banking and nonbanking activities while both their banking and nonbanking competitors, who are not exempted under the act, would fail to enjoy the same advantage. This is clearly neither in the public interest nor in the best interest of a vast majority of the banking industry or their nonbank competitors.

I would also like to include at this point in the Record the tables cited in this statement, along with my statement before the Rules Committee this morning on the holding company issue:

STATEMENT OF CHAIRMAN WRIGHT PATMAN BEFORE HOUSE RULES COMMITTEE ON H.R. 6778, OCTOBER 21, 1969

As Chairman of the House Banking and Currency Committee, I am appearing before the Rules Committee today to request a rule for H.R. 6778, a bill to amend the Bank Holding Company Act of 1956 and for other purposes.

This bill was considered at length by our Committee in the spring of this year. Seventeen days of public hearings were held between April 15 and May 9, 1969, and the Committee ordered this legislation reported on June 27, 1969. The bill was reported from the Banking Committee on July 23, 1969.

Briefly, this legislation (1) for the first time brings holding companies controlling 25 percent or more of the stock of *one* bank under the regulation of the Bank Holding Company Act; (2) it changes slightly the definition of activities which bank holding companies may engage from that set forth in the 1956 Act; (3) it prohibits nonbank subsidiaries of bank holding companies from engaging in the insurance agency business, and the underwriting, public sale or distribution of mutual funds; and (4) it permits bank holding companies being brought under regulation for the first time by this legislation to continue to carry on all nonbank activities operated by them prior to February 17, 1969.

This is an extremely important piece of legislation. Its original intention was to plug a serious loophole in the Bank Holding Company Act as passed by Congress in 1956. Congress has for many years gone on record supporting a clear separation of bank and bank-related activities from other business activities. Because of the so-called one bank loophole, corporations which control only one bank can, at the same time, enter any nonbanking activity they wish. In the last three or four years the impetus to subvert the separation of banking from nonbanking through this device has been tremendous.

In terms of bank deposits, most of the growth of unregulated bank holding companies has taken place from 1965 to date. In the 1965 to 1968 period, the number of these unregulated bank holding companies rose by over 200, while the amount of bank deposits in these companies rose by over 600 percent, from $15.1 billion in 1965 to $108.2 billion at the end of 1968. This latter figure has been considerably added to during 1969. Hardly a day goes by when there is not another announcement of the formation of a new one bank holding company. Possibly as much as 40 percent of all commercial bank deposits is now held by one bank holding companies. Among those that have converted to one bank holding company status are 9 of the 12 largest commercial banks in the United States.

While H.R. 6778, as amended and reported by the Banking and Currency Committee, does for the first time bring one bank holding companies under Federal regulation, the bill, as reported, also contains, in the opinion of several members of the Committee, including myself, certain grave deficiencies and omissions which must be corrected by amendment if Congress is to deal with this most serious economic problem in an effective and thorough way. Therefore, a number of amendments will be offered on the Floor concerning these deficiencies. Some of these amendments, I am led to believe, will receive support both from Democratic and Republican members of the Committee.

Perhaps the most glaring deficiency in the bill is the so-called grandfather or forgiveness clause. The basic principle embodied in the Bank Holding Company Act is to completely divorce bank and bank-related activities from all other business activities. The February 17, 1969, grandfather clause in the bill as reported, would reward certain one bank holding companies by permitting them to engage in a large number of nonbank-related activities simply because those who control these companies anticipated that Congress would plug the one bank loophole. Such a grandfather clause is bad for a number of reasons:

It rewards those, for no particular reason, who entered nonbank related businesses prior to the cut-off date in order to avoid regulation.

It creates unfair competition for banks and bank holding companies which would have to compete on unequal terms with those gaining an advantage from the grandfather clause.

It permits a large number of important banking institutions to engage through the holding company device in a substantial number of nonbank-related activities and would, therefore allow them to compete unfairly with nonbank competitors.

Personally, I am opposed to any grandfather clause. The present Act provides for up to a five year period within which the newly regulated holding companies could divest themselves of nonqualifying nonbank activities. In addition, Congress has traditionally permitted such divesture to take place on a tax free basis, since it is required by change in the law.

However, the Congress did recognize in 1956, when the original Bank Holding Company Act was passed, that there were a substantial number of one bank holding companies operating very small banks in smaller communities which could only be profitable if they were allowed to engage in nonbank activities. Therefore, some contend that a reasonable exemption from the Bank Holding Company Act should be provided for these small, traditional one bank holding companies. It is clear that neither the grandfather date in H.R. 6778, as reported, of February 17, 1969, nor the grandfather date supported by the Administration of June 30, 1968, is necessary to protect these small, traditional one bank holding companies. The principal advantage of these dates is to allow a few large holding companies created between 1965 and 1968 or early 1969 to continue to mix banking and nonbanking activities.

If there must be a grandfather clause, it seems to me that there are two reasonable alternative approaches. One would be to set the grandfather clause date at January 1, 1965. The reason for this is that the movement of large corporations, both banking and nonbanking, into the one bank holding company field began in 1965. Almost all of the one bank holding companies existing before 1965 were the small, traditional one bank holding companies.

Because of my concern for the special privileges that would be obtained by certain corporations due to such a late grandfather clause as February 17, 1969 or June 30, 1968, I stated in my individual views printed along with the report on H.R. 6778 that I would provide all members of Congress with data concerning the corporations benefitting from that date. The basic findings of this survey are as follows:

A total of 239 one bank holding companies formed on or after January 1, 1965, and carrying on one or more nonbanking activities has been identified.

These 239 one bank holding companies operate 575 nonbank subsidiaries engaged in no less than 124 different nonbank activities.

These 239 one bank holding companies are located in 33 States and the District of Columbia. They operate banks in 31 States, having total deposits of over $15 billion.

Among the one bank holding companies whose nonbank activities are exempted from divestiture under the proposed grandfather clause are the largest independent finance company in the United States (assets $3.7 billion); the largest trading stamp company in the United States (assets $422 million); the 114th and 293d largest industrial companies in the United States (assets $605 million and $667 million, respectively); the 6th largest retailing company in the United States (assets $2.6 billion) and a holding company controlling the 29th largest commercial bank in the United States (deposits $1.5 billion).

The nonbank activities of these recently created one bank holding companies are likewise spread throughout the United States and are carried on in 33 States and the District of Columbia. The total assets of these companies run into the many billions of dollars.

The nonbank activities of these bank holding companies range over the entire spectrum of business activity, but are heavily concentrated in the following areas: insurance agencies, insurance companies, real estate, various types of credit and finance companies, department stores and retail outlets, and many types of manufacturing concerns.

It is clear from the examination of these detailed data that the basic purpose of this legislation would be substantially defeated by a grandfather clause with a date as late as 1968 or 1969. If we use a date it should be before any major movement toward the use of the one bank holding company loophole by large corporate entities whether centered around bank or nonbank activities.

A second alternative to the problem of the small, traditional one bank holding company would be the use of a so-called asset test. This would exempt from regulation of the Bank Holding Company Act all bank holding companies whose banks had total assets of less than a certain figure and whose nonbank assets were less than a designated amount. One proposal that has received wide comment was made during our hearings on H.R. 6778 by Vice Chairman J. L. Robertson of the Federal Reserve Board. His proposal was to exempt all bank holding companies with banking assets of less than $30 million and nonbank asset of less than $10 million.

In some ways this proposal is a better approach to the problem than the use of any cut-off date. Under the asset test, there would be no blanket exemption from the Act as there would by using a date. As soon as a holding company's bank assets or nonbank assets exceeded the limit prescribed, they would be required to register with the Federal Reserve Board and be subjected to regulation under the Act.

As stated earlier, I am opposed personally to any grandfather clause. However, if it is found necessary to accept a grandfather clause, the best alternatives are either an early date, such as January 1, 1965, or the asset test as proposed by Governor Robertson of the Federal Reserve Board.

It is my understanding that Congressmen Moorhead, Blackburn and Chappell, who are distinguished members of the Banking and Currency Committee, yesterday introduced a bill to amend the Bank Holding Company Act. This bill incorporates many of the amendments suggested in the additional views signed by 12 members of the Committee, including myself. These views appeared along with the report on H.R. 6778. I believe this is a constructive proposal and should be given serious consideration.

TABLE 1.—NUMBER OF 1 BANK HOLDING COMPANIES FORMED ON OR AFTER JAN. 1, 1965, OPERATING NONBANKING SUBSIDIARIES—LISTED BY STATE IN WHICH BANK IS LOCATED

	Number of holding companies	Bank deposits (millions)
Alabama	5	93. 9
Arkansas	2	26. 1
California	6	2, 447. 9
Colorado	13	253. 9
Connecticut	1	318. 5
Florida	6	256. 4
Georgia	1	13. 3
Illinois	16	1, 212. 3
Indiana	3	79. 3
Iowa	20	394. 4
Kansas	21	140. 1
Kentucky	1	14. 1
Louisiana	1	4. 5
Massachusetts	3	154. 1
Minnesota	26	201. 0
Missouri	11	154. 4
Montana	9	52. 1
Nebraska	33	140. 6
New Jersey	2	29. 2
New York	2	1, 740. 7
North Carolina	5	3, 412. 9
North Dakota	2	7. 1
Ohio	10	510. 7
Oklahoma	3	5. 9
Rhode Island	4	832. 4
South Carolina	2	5. 5
South Dakota	7	25. 1
Tennessee	2	1, 075. 9
Texas	13	1, 403. 0
Wisconsin	7	169. 2
Wyoming	2	4. 9
Total (31)	239	15, 179. 4

TABLE 2.—NUMBER OF 1 BANK HOLDING COMPANIES FORMED ON OR AFTER JAN. 1, 1965—LISTED BY HOME STATE OF BANK HOLDING COMPANY

	Holding companies	Subsidiaries
Alabama	5	1
Arkansas	2	3
California	6	37
Colorado	11	1
Delaware	1	2
Florida	4	92
Georgia	1	13
Illinois	13	32
Indiana	3	21
Iowa	19	6
Kansas	22	4
Kentucky	1	0
Louisianna	1	0
Massachusetts	3	31
Minnesota	27	42
Missouri	11	12
Montana	8	0
Nebraska	34	6
Nevada	1	0
New Jersey	2	0
New York	7	132
North Carolina	6	18
North Dakota	2	0
Ohio	10	77
Oklahoma	3	0
Pennsylvania	1	1
Rhode Island	4	2
South Carolina	1	0
South Dakota	8	0
Tennessee	2	4
Texas	13	9
Wisconsin	4	3
Wyoming	2	1
Washington, D.C	1	25
Total (34)	239	575

TABLE 3.—*Nonbank activities engaged in by 1-bank holding companies formed on or after Jan. 1, 1965*

Business credit institutions	8
Insurance companies	41
Insurance agents	120
Holds stock in other banks	7
Personal credit institutions	17
Construction	5
Loans to insurance companies	1
Electrical supplies	6
Real estate	54
Computer services	9
Advertising	3
Commercial loans	1
Savings and loan associations	10
Title insurance	4
Real estate financing	2
Deed trustees	1
Factoring	6
Specialized courier services	3
Agricultural lending	2
Finance companies	10
Retail, variety, and department stores	8
Gas compression service	1
Vacuum machine manufacturer	1
Mortgage company	12
Hotel and motel business	2
Service stations	1
Labor unions	1
Food markets	3
Small business investments	2
Real estate holding company	3
Food preparations	2
Computer software	1
Exterminating	1
Office building maintenance	1
Inventory service	1
Warehousing and cold storage	3
Manufacturer of industrial equipment	1
Leasing	6
Distributor (industrial)	3
Concrete products	3
Television, radio service, broadcasting, etc.	7
Property management	2
Manufacturer of industrial paint	1
Sand and gravel	1
Metalworking machinery	1
General farms and products	5
Investment institutions	7
Mobile home sales	2
Airlines	1
Travel agency	3
Miscellaneous business services	5
Trucking	1
Livestock and cattle	9
Restaurant	2
Laundries	1
Drug stores	2
Miscellaneous investing	2
Pizza parlor	1
Private holding company	1
Investment counseling	2
Mutual fund	3
Management consulting service	3
Management of college endowment funds	1
Monuments	1
Steel mills foundaries (aluminum also)	4
Designer of packing equipment	1
Urban and suburban transportation (buslines)	2
Import buying service	1
Manufacture of industrial pipe	1
Quarry	1
Consumer finance	1
Purchasing service	1
Communications	4
Miscellaneous wholesalers	1
Trust company	1
Fiduciary accounts	1
Office furniture	3
Manufacturer of X-ray tubes	1
Manufacturer of special cameras and projection equipment	1
Manufacturer and sale of office machinery	1
Scientific equipment and services	2
Greeting cards and gift wrapping	1
Spinning mill (woolens)	3
Clothing manufacturer	1
Heating equipment	1
Lawnmower manufacturer	1
Fur auction	1
Shoe manufacturer	1
Auto engine testing equipment	1
Optical scanning electrical service	1
Billing service	1
Business school	1
Mortgage holding company	1
Racetrack	1
Motion pictures	1
Health resorts	1
Home improvement loans	1
Escrow services	1
Mutual savings banks	3
Parking garage	1
Ranching	1
Pension fund trustees	1
Manufacturer of cutlery blades	1
Office supplies	1
Manufacturer of truck trailers	1
Musical instruments	1
Book publisher	1
Carpet manufacturer	1
Manufacturer of aircraft and parts	2
Manufacturer of brass bushings and iron parts	1
Producer of special refractories for stainless alloy and carbon steel	1
Oil well	1
Chemicals	1
Export sales	2
Elevator floors and site environment manufacturers	1
Secondary metal smelting	1
Manufacurer of bearings	1
Manufacturer of screws	1
Contract operator of Atomic Energy Commission	1
Processes and refines castor oil	1
Manufacture and sale of building materials	1
Manufacturing and sale of sound equipment	1
Manufacturer of molded plastics	1
Manufacturer of fabricated structural metal products	1
Total (124)	506

TABLE 4.—NONBANKING ACTIVITIES ENGAGED IN BY 1-BANK HOLDING COMPANIES FORMED ON OR AFTER JAN. 1, 1965—LISTED ALPHABETICALLY BY STATE

Name of State	State totals	Business credit institutions	Insurance companies	Insurance agents	Holds stock in other banks	Personal credit institutions	Construction	Loans to insurance companies	Electrical supplies	Real estate	Computer services	Advertising	Commercial loan	Saving and loan association	Title insurance	Real estate financing	Deed trustees	Factoring	Specialized courier service	Agricultural lending	Finance company	Retail, variety, and department stores	Gas compression service
Alabama	8	1	1	1	1	2	1			1													
Arkansas	6	1	1	0					1	1	1	1											
California	18		3	1				1		1	2		1	2	1	1	1	1	1		1		
Colorado	13		0	10		1														1			
Delaware	2		1	0					1														
Florida	20		3	0			1			2					2						1	2	1
Georgia	6		0	0								1									1		
Illinois	27		5	3						3				1				1	1				
Indiana	9		1	1						1								1					
Iowa	32		0	14	2	2				4						1							
Kansas	27		2	15		1				1				1				1				1	
Kentucky	1		0	0						1													
Louisiana	1		1	0																			
Massachusetts	12	1	1	0		1				1											1		
Minnesota	48		1	20		2				3		1						1		1	1	3	
Missouri	17		3	3						2													
Montana	10		1	5						3													
Nebraska	49		3	26	1					7													
Nevada	1		0	0																			
New Jersey	3		1	0	1	1																	
New York	59		1	0		1	1		2	3								1			3	1	
North Carolina	16		0	4						2	2				1				1		1	1	
North Dakota	4		0	2						1													
Ohio	46		6	2		1	1		2	7	3			5									
Oklahoma	3		0	3																			
Pennsylvania	1		0	0		1																	
Rhode Island	5		0	0						1	1												
South Carolina	3	1	0	0		1				1													
South Dakota	14	1	0	7						3													
Tennessee	4		1	0																			
Texas	19	2	2	0	2	2				3				1									
Wisconsin	6		2	2																			
Wyoming	6		0	1		1				1													
Washington, D.C	10	1	1	0			1			1											1		
Total	506	8	41	120	7	17	5	1	6	54	9	3	1	10	4	2	1	6	3	2	10	8	1

Name of State	Vacuum machine manufacturing	Mortgage company	Hotel and motel business	Service stations	Labor unions	Food markets	Small business investment	Real estate holding company	Food preparation	Computer software	Exterminating	Office building maintenance	Inventory service	Warehousing and cold storage	Manufacturing industrial equipment	Leasing	Distributor (industrial)	Concrete products	TV and radio service, broadcasting, etc.	Property management	Manufacturing industrial paint	Sand and gravel
Alabama																						
Arkansas																						
California														1								
Colorado					1																	
Delaware																						
Florida		2	1	1		1	1	1	1													
Georgia										1	1	1	1									
Illinois	1	1							1						1	1		1	1	1	1	1
Indiana		1						1								1						
Iowa		1				1		1														
Kansas																						
Kentucky																						
Louisiana																						
Massachusetts																						
Minnesota						1	1										1		2			
Missouri																1		2				
Montana																						
Nebraska																						
Nevada																						
New Jersey																						
New York		2														1	2					
North Carolina		2												2								
North Dakota																						
Ohio			1													1			1	1		
Oklahoma																						
Pennsylvania																						
Rhode Island																						
South Carolina																						
South Dakota		1																				
Tennessee		1																	1			
Texas																			2			
Wisconsin																1						
Wyoming																						
Washington, D.C		1																				
Total	1	12	2	1	1	3	2	3	2	1	1	1	1	3	1	6	3	3	7	2	1	1

TABLE 4.—NONBANKING ACTIVITIES ENGAGED IN BY 1-BANK HOLDING COMPANIES FORMED ON OR AFTER JAN. 1, 1965—LISTED ALPHABETICALLY BY STATE—Continued

	Metalworking machinery	General farms and products	Investment institution	Mobile home sales	Airlines	Travel agency	Miscellaneous business service	Trucking	Livestock and cattle	Restaurant	Laundries	Drugstores	Miscellaneous investing	Pizza parlor	Private holding company	Investment counseling	Mutual fund	Management consultant service	Management of college endowment funds	Monuments	Steel mills and foundries (aluminum also)	Designer of packing equipment
Alabama																						
Arkansas																						
California																						
Colorado																						
Delaware																						
Florida																						
Georgia																						
Illinois	1	1	1																			
Indiana				1	1																	
Iowa						1	1	1	1	1	1											
Kansas							1		1			1	1	1								
Kentucky																						
Louisiana																						
Massachusetts															1	2	1	1	1			
Minnesota						1	1					1								1	1	1
Missouri			1										1									
Montana									1													
Nebraska		4							5													
Nevada																						
New Jersey																						
New York			1			1																
North Carolina																					3	
North Dakota							1															
Ohio				1																		
Oklahoma																		2				
Pennsylvania																						
Rhode Island																						
South Carolina																						
South Dakota			2																			
Tennessee																						
Texas			1							1							1					
Wisconsin																	1					
Wyoming			1				1		1													
Washington, D.C.																						
Total	1	5	7	2	1	3	5	1	9	2	1	2	2	1	1	2	3	3	1	1	4	1

	Bus lines—urban and suburban transportation	Import buying service	Manufacture of industrial pipe	Quarry	Consumer finance	Purchasing service	Communications	Miscellaneous wholesalers	Trust company	Fiduciary accounts	Office furniture	Manufacturing X-ray tubes	Manufacturing specialized camera and projection equipment	Manufacture and sale of office machines	Scientific equipment	Greeting cards and gift wrapping	Spinning mill (woolens also)	Clothing manufacturers	Heating equipment	Lawnmower manufacturers	Fur auction
Alabama																					
Arkansas																					
California																					
Colorado																					
Delaware																					
Florida																					
Georgia																					
Illinois																					
Indiana																					
Iowa																					
Kansas																					
Kentucky																					
Louisiana																					
Massachusetts					1																
Minnesota	1	1				1	1														
Missouri			1	1			1														
Montana																					
Nebraska								1	1	1											
Nevada																					
New Jersey																					
New York	1						1				3	1	1	1	1	1	3	1	1	1	1
North Carolina																					
North Dakota																					
Ohio																					
Oklahoma																					
Pennsylvania																					
Rhode Island																					
South Carolina																					
South Dakota																					
Tennessee																					
Texas																					
Wisconsin																					
Wyoming																					
Washington, D.C.							1								1						
Total	2	1	1	1	1	1	4	1	1	1	3	1	1	1	2	1	3	1	1	1	1

TABLE 4.—NONBANKING ACTIVITIES ENGAGED IN BY 1-BANK HOLDING COMPANIES FORMED ON OR AFTER JAN. 1, 1965—LISTED ALPHABETICALLY BY STATE—Continued

	Shoe manufacturers	Auto engine testing equipment	Optical scanning electrical service	Billing service	Business school	Mortgage holding company	Racetrack	Motion pictures	Health resort	Lumber industry	Escrow services	Mutual savings banks	Parking garage	Ranching	Pension fund trustees	Manufacturing of cutlery blades	Office supplies	Manufacturing of truck trailers	Musical instruments	Book publisher	Carpet manufacturers	Manufacturing of aircraft and parts
Alabama																						
Arkansas																						
California																						
Colorado																						
Delaware																						
Florida																						
Georgia																						
Illinois																						
Indiana																						
Iowa																						
Kansas																						
Kentucky																						
Louisiana																						
Massachusetts																						
Minnesota																						
Missouri																						
Montana																						
Nebraska																						
Nevada																						1
New Jersey																						
New York	1									1						1	1	1			1	1
North Carolina																						
North Dakota																						
Ohio		1	1	1	1	1	1	1	1		1								1	1		
Oklahoma																						
Pennsylvania																						
Rhode Island												3										
South Carolina																						
South Dakota																						
Tennessee																						
Texas													1	1	1							
Wisconsin																						
Wyoming																						
Washington, D.C.																						
Total	1	1	1	1	1	1	1	1	1	1	1	3	1	1	1	1	1	1	1	1	1	2

	Manufacturers of brass bushings and iron parts	Producers of spec. refractories for stainless alloy and carbon steel	Oil well	Chemicals	Export sales	Elevator floors and site environment manufacturers	Secondary metals smelting	Manufacturers of bearings	Manufacturers of [illegible]	Contract operator of Atomic Energy Commission	Process and refines castor oil	Manufacture and sale of building materials	Manufacture and sale of sound equipment	Manufacture of molded plastics	Manufacture of fabricated structural metal products
Alabama															
Arkansas															
California															
Colorado															
Delaware															
Florida															
Georgia															
Illinois															
Indiana															
Iowa															
Kansas															
Kentucky															
Louisiana															
Massachusetts															
Minnesota															
Missouri															1
Montana															
Nebraska															
Nevada															
New Jersey															
New York	1	1	1	1	1	1	1	1	1	1	1			1	
North Carolina															
North Dakota															
Ohio					1										
Oklahoma															
Pennsylvania															
Rhode Island															
South Carolina															
South Dakota															
Tennessee															
Texas															
Wisconsin															
Wyoming															
Washington, D.C.												1	1		
Total	1	1	1	1	2	1	1	1	1	1	1	1	1	1	1

TABLE 5.—1 BANK HOLDING COMPANIES FORMED ON OR AFTER JAN. 1, 1965, WITH INFORMATION ON BANK AND NONBANKING SUBSIDIARIES CONTROLLED BY 1 BANK HOLDING COMPANY (LISTED IN ALPHABETICAL ORDER BY STATE)

Name of 1 bank holding company and location (1)	Name of bank controlled and location (2)	Deposits of bank controlled (millions) (3)	Date holding company formed or bank acquired (4)	Name of subsidiary and location (5)	Total assets of subsidiary (millions) (6)	Date subsidiary acquired (7)	Nature of business (8)	Value of assets of holding company (millions) (9)
The Gadsden Corp., Gadsden, Ala.	First State Bank, Altoona, Ala.	$6.0	1965				Business credit institution.	>$1.0
							Real estate developers	
Baldwin Insurance Co., Inc., Bay Minnette, Ala.	First National Bank of Bay Minnette, Ala. (Federal Reserve reports Baldwin owns only 23 percent of First National stock.)	10.5	1965				Insurance agents, brokers, and agents.	
North Alabama Investors, Inc., Huntsville, Ala.	Farmers & Merchants Bank, Madison, Ala., merged with and became—		1965				Holds stock in other banks	
							Personal credit institutions	
	First National Bank of Huntsville, Ala., on Sept. 30, 1968.	62.2						
Federated Investments, Inc., Opp, Ala.	Capital National Bank, Montgomery, Ala.	8.9	1965				Personal credit institutions	
							Life insurance	
Associated Industries of Mobile, Inc., Alabama.	Deposit National Bank of Mobile County, Prichard, Ala.	6.8	Jan. 14, 1969	B. H. Naphis Contractor, Inc.	$0.5	May 1, 1968	Building contractor	
Ouachita Valley, Inc., Camden, Ark.	Merchants & Planters Bank, Camden, Ark.	10.8	Sept. 12, 1968				Business credit institutions	1.2
Frank Lyon Co., Inc., Little Rock, Ark.	Twin City Bank, North Little Rock, Ark.	15.3	1968	Twin City Corp., North Little Rock, Ark.		1968	Wholesale electrical goods	
							Real estate operators and lessors.	
							Insurance agency operated in Twin City Bank.	12.2
				Datamatic Services, Inc			Computerized accounting service.	
				Martin Advertising, Inc			Advertising	
Budget Holding Co., Los Angeles, Calif., controlled by Budget Finance Plan, Los Angeles, Calif., controlled by Budget Industries, Inc., Los Angeles, Calif.	Century Bank, Los Angeles, Calif.	21.9	Sept. 30, 1965	Transnational Insurance Co., Los Angeles, Calif.			Casualty insurance	250.1
				Transnational Life Insurance Co.			Life and accident and health insurance.	
				Budget Financial Corp.			Commercial loans	
				State Savings & Loan Association, Stockton, and Los Angeles, Calif.	126.3	October 1965	Savings and loans	
First Lincoln Financial Corp., Los Angeles, Calif.	Lincoln Bank, Los Angeles, Calif.	12.0	Jan. 11, 1965	Diversified Insurance Agency.			Reinsuring mortgage protection life insurance.	480.6
				Lincoln Title Co.		February 1967	Title insurance business as an underwriter title company.	
				Lincoln Savings & Loan Association.			Savings and loan	
				Provident Investment Co., Nevada.		April 1968		
				Lincoln Mortgage Corp		1968		
				Reliable Title Co.				
				Golden State Investment				
				Allied Escrow Co.				
				Oxford Financial Corp				
				Trust Deed Sales Co.				
				Provident Mortgage Co., Los Angeles, Calif.	6.9	October 1968	Real estate financing	
				Computer Sharing, Inc.			Computer services	
Union Bancorporation, Los Angeles, Calif.	Union Bank, Los Angeles, Calif.	1,485.7	Oct. 30, 1967	Unionamerica Computer Corp., Los Angeles, Calif.	.7	Oct. 1, 1968	Financial data processing services for bank and other subsidiaries.	1,454.0
				Western Mortgage Corp., Los Angeles, Calif.		Oct. 31, 1967	Originating and servicing loans for sale to Metropolitan Life Insurance Co. and others.	
				Rampart Investment Co., Los Angeles, Calif.		Apr. 22, 1968	Acts as trustee under deeds of trust.	
				Bond Insurance Agency, Los Angeles, Calif.		Apr. 26, 1968	Independent insurance agency handling diversified insurance portfolios.	
				Irvine Tower Corp			Investor in real estate development.	
				Swett & Crawford, Los Angeles, Calif.	13.0		Insurance brokers	
				Harbor Insurance Co., Los Angeles, Calif.			Insurance broker	
World America Investors Corp. of Calif. subsidiary of World Airways Inc., Oakland, Calif.	1st Western Bank & Trust Co., Los Angeles, Calif.	801.1	June 7, 1968	World Air Center, Inc			Air courier service	67.6
National Marine Terminal, Inc.	County National Bank, Orange, Calif., merged with and became—		1968				Warehousing	
	United States National Bank, San Diego, Calif., Aug. 31, 1968.	70.6						

TABLE 5.—1 BANK HOLDING COMPANIES FORMED ON OR AFTER JAN 1, 1965, WITH INFORMATION ON BANK AND NONBANKING SUBSIDIARIES CONTROLLED BY 1 BANK HOLDING COMPANY (LISTED IN ALPHABETICAL ORDER BY STATE)—Continued

Name of 1 bank holding company and location (1)	Name of bank controlled and location (2)	Deposits of bank controlled (millions) (3)	Date holding company formed or bank acquired (4)	Name of subsidiary and location (5)	Total assets of subsidiary (millions) (6)	Date subsidiary acquired (7)	Nature of business (8)	Value of assets of holding company (millions) (9)
Morris Plan Co., San Francisco, Calif., name changed to Morlan-Pacific, San Francisco, Calif., April 1969.	Commonwealth National Bank of San Francisco, Calif.	$56.6	Sept. 30, 1967 (FRS Oct. 6, 1967).	Yosemite Insurance Co., San Francisco, Calif.			Fire and casualty insurance.	$204.1
				Great Falls Insurance Co.		February 1968	Casualty insurance	
				Alpine Insurance Service, San Francisco, Calif.			Insurance management and claims adjustment company.	
				Yosemite Life Insurance Co., Arizona.			Reinsures credit life and disability insurance.	
				Parker Wood Co., San Francisco, Calif.				
				Morris Plan Co. of California.				
				San Francisco Remedial Loan Association.		Oct. 15, 1951		
				City Trust Co., Los Angeles, Calif.		1958		
				Peoples Thrift of California		Sept. 1, 1959	Finance company	
				1st Thrift of California		Mar. 31, 1960	do	
				Mutual Thrift & Loan, Santa Cruz, Calif.		Sept. 1, 1960	do	
				Harbor Thrift & Loan, Newport Beach, Calif.		June 1, 1962	do	
				Business Factors, Inc., San Jose, Calif.		November 1968	Factoring	
Baldwin-Central, Inc., Cincinnati, Ohio (D. H. Baldwin Co., Cincinnati, Ohio).	Central Bank & Trust Co., Denver, Colo.	216.6	July 1, 1968	Empire Savings Building & Loan Association, Denver, Colo.	$148.7	December 1968	Savings and loan	
				Siliconix, Inc., Sunnyvale, Calif.	1.1	July and December 1968.	Manufactures field effect transistors and integrated circuits.	
				Central Insurance Agency		Apr. 1, 1969	Sells credit life insurance to bank customers.	
				Baldwin Piano & Organ Co.			Musical instrument business.	
				Fred Gretsch Co., Inc			do	
				Canyon Press, Inc			Publishing business	
				Baldwin Export Corp			Export business	
Colorado Financial Services, Inc., Eagle, Colo.	First National Bank of Eagle County, Eagle, Colo.	3.1	Jan. 18, 1965 (Mar. 2, 1965 FRS).				Insurance	.7
First Estes Plaza Co., Lincoln, Nebr.	First National Bank, Estes Park, Colo.	3.1	Jan. 18, 1965				do	.4
		8.0	1967					
Earle Brumbaugh Agency, Inc., Fruita, Colo.	Fruita State Bank, Fruita, Colo.	3.9	Nov. 16, 1966				Insurance	
Middle Park Agency, Inc., Granby, Colo.	Middle Park Bank, Granby, Colo.	3.1	Jan. 23, 1967				do	.5
Hereford Insurance-Investment Co., Hereford, Colo.	Hereford State Bank, Hereford, Colo.	1.3	Apr. 9, 1968				do	.1
							Personal credit institution	
Holyoke Agency, Inc., Holyoke, Colo.	Holyoke Bank & Trust Co., Holyoke, Colo.	1.3	May 12, 1967				Insurance	.2
Central States SE & SW Area Pension Fund.	Villa National Bank, Jefferson City, Colo., only listing Villa National Bank, Denver, Colo.	6.0	Mar. 7, 1967				Labor unions	
Liberty Agency, Inc., Holyoke, Colo.	Kirk State Bank, Kirk, Colo.	1.4	1967				Insurance	
Greeley-LaSalle Investment Corp., Greeley Colo.	South Platte National Bank, LaSalle, Colo.	2.9	Apr. 5, 1968	South P.atte Agricultural Credit Corp., LaSalle, Colo.		Oct. 9, 1968 (not yet in operation).	Insurance agents, brokers and service.	.6
							Agricultural lending	
Washington Investment Co., Otis, Colo.	First National Bank of Otis, Colo.	3.4	Jan. 26, 1966				Insurance agents, brokers, and service.	.2
Harry A. Lowe Agency, Inc., Ouray, Colo.	Citizens State Bank, Ouray, Colo.	3.5	Oct. 11, 1967				do	.3
Clark Insurance Agency, Inc., Stratton, Colo.	First National Bank, Stratton, Colo.	4.3	Jan. 12, 1967				do	.3
Sperry & Hutchinson Corp., New York, N.Y.	State National Bank of Bridgeport, Conn.	318.5	Oct. 30, 1968	Hens & Kelly, Buffalo		Before 1967	Department store	422.0
				F. N. Arbaugh Co., Lansing, Mich.		do	do	
				Wurzburg Co., Grand Rapids.		do	do	
				S & H Travel Awards, Inc.		March 1964	Travel agency	
				Bigelow, Sanford	81.0	1967	Carpet manufacturer	
				Gunlocke Co., Inc.	14.0	January 1969	Office and industrial furniture manufacturer.	
				Legal Stamp Co., Boston, Mass.		June 1929		
				United States Stamp Co., Toledo, Ohio.		January 1929		
				Stephens Sanford & Sons, Inc., Amsterdam, N.Y.		Nov. 30, 1929		
				Norwood Woolen Mill, Bristol, Va.		February 1947		
				Hartford Rayon Corp.		Nov. 1, 1951		
				Installment Sales Corp. (inactive).				
				Oconee Realty Co., Delaware.				

TABLE 5.—1 BANK HOLDING COMPANIES FORMED ON OR AFTER JAN 1, 1965, WITH INFORMATION ON BANK AND NONBANKING SUBSIDIARIES CONTROLLED BY 1 BANK HOLDING COMPANY (LISTED IN ALPHABETICAL ORDER BY STATE)—Continued

Name of 1 bank holding company and location (1)	Name of bank controlled and location (2)	Deposits of bank controlled (millions) (3)	Date holding company formed or bank acquired (4)	Name of subsidiary and location (5)	Total assets of subsidiary (millions) (6)	Date subsidiary acquired (7)	Nature of business (8)	Value of assets of holding company (millions) (9)
United States Finance Co., Inc., Jacksonville, Fla., now Unicapital Corp., Jacksonville, Fla.	First National Bank of Cape Canaveral, Fla.	$15.1	Mar. 21, 1967	Acceptance Realty Corp., Florida.				$102.0
				Dixie Acceptance Corp., Florida.				
				State Financial Corp. (and subsidiaries), Jacksonville, Fla.	$2.8	February 1968		
				Consumers Finance Plan, Inc. (and subsidiaries), Florida.			Finance company	
				Sterling Discount Corp. (and subsidiaries), Atlanta, Ga.				
				Acceptance Corp. of Florida (and subsidiaries), Orlando, Fla.	3.7	February 1965		
				Community Finance Co. (and subsidiaries), Jacksonville, Fla.	1.5	May 1966	Finance company	
				Great American Management Corp., Delaware.				
				Effingham Finance Co., Claxton, Ga.	.1	May 1966	Finance company	
				Rhodes, Inc. (and subsidiaries), Atlanta, Ga.	34.9	June 30, 1968	Furniture retailing chain	
				Production Operators, Inc., Houston, Tex.	3.0	July 2, 1968	Gas compression service for oil companies.	
				Security Financial Corp., (and subsidiaries), Jacksonville, Fla.	1.7	August 1967		
				Unicapital Corp., Delaware				
				Park Finance Co., Inc. (inactive).			Inactive	
				All South Mortgage of Montgomery, Inc.		1968		
				Security Acceptance Corp. of Baton Rouge, Inc.		1968		
				Security Acceptance Corp. of Lake Charles, Inc.		1968		
				Security Acceptance Corp. of Lafayette, Inc.		1968		
				Security Acceptance Corp. of Monroe, Inc.		1968		
				Security Mortgage Corp., Jacksonville, Fla.	.1	August 1967	Mortgage originating	
				Consumer Credit Corp., Jacksonville, Fla.	4.8	August 1967	Mortgage servicing	
				American-Standard Insurance Agency, Inc.			Insurance	
				Motor Life Insurance Co., Delaware.			do	
				Rhodes Properties, Inc		August 1965	Acquires land for parent use	
				All South Mortgage Acceptance Corp., Florida.				
				All South Mortgage Acceptance Corp., Alabama.				
				All South Acceptance Corp. of Greensboro, N.C.		1968		
				All South Mortgage, Inc., Florida.				
				All South Mortgage of Macon, Inc., Georgia.				
				All South Mortgage Brokers, Inc., Florida.				
				All South Mortgage of Georgia, Inc.				
				All South Mortgage of Oklahoma, Inc., Oklahoma.				
				Consumer Credit Corp., Georgia.				
				Consumer Credit Corp. of Albany, Ga.		1968		
				Consumer Credit Corp. of Columbus, Ga.		1968		
				Consumer Credit Corp. of Forest Park, Ga.		1968		
				Consumer Credit Corp. of Marietta, Ga.		1968		
				Consumer Credit Corp. of Savannah, Ga.		1968		
				Security Mortgage Corp., Georgia.				
				Security Mortgage Corp. of Albany, Ga.		1968		
				Security Mortgage Corporation of Columbus, Ga.		1968		
				Security Mortgage Corporation of Forest Park, Ga.		1968		
				Security Mortgage Corporation of Marietta, Ga.		1968		
				Security Mortgage Corporation of Savannah, Ga.		1968		
				Consumers Finance Budget, Inc., Florida.				
				Sun State Acceptance Co., Florida.				
				Consumers, Inc., Florida				
				Consumers Finance Service, Inc., Florida.				
				Consumers Finance Credit, Inc., Florida.				

TABLE 5.—1 BANK HOLDING COMPANIES FORMED ON OR AFTER JAN 1, 1965, WITH INFORMATION ON BANK AND NONBANKING SUBSIDIARIES CONTROLLED BY 1 BANK HOLDING COMPANY (LISTED IN ALPHABETICAL ORDER BY STATE)—Continued

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				Sterling Acceptance Corp., Georgia.		July 1964		
				National Discount Corp. of Florida.		July 1964		
				Discount Loans, Inc., Florida.		July 1964		
				Acceptance Corp. of America (inactive), Florida.				
				Florida Acceptance Corp. (inactive), Florida.				
				Community Finance Co., Georgia.				
				Community Finance Co. of Alma, Ga.				
				Community Finance Co. of Baxley, Ga.				
				Community Finance Co. of Blackshear, Ga.				
				Community Finance Co. of Glennville, Ga.				
				First Confederate Loan Corp., Georgia.				
				Folkston Loan Co., Georgia				
				Security Financial Corp., Georgia.				
				All South Mortgage of Jackson, Inc., Mississippi.				
The Charter Co., Jacksonville, Fla.	Jacksonville National Bank, Jacksonville, Fla.	$24.3	Dec. 23, 1965	Title Insurance Co. of the South, Inc., Jacksonville, Fla.	$1.5	April 1966	Title insurance	$31.6
				Charter Mortgage Co.			Mortgage company	
				Charter Insurance Agency, Inc.			Insurance	
				Charter Investment Co.				
				Charter Real Estate Co.			Real estate	
				International Charter Development Corp.				
				Forsyth Properties, Inc.				
				Pinecrest Development Co.				
				Gaba, Inc.				
				American Florida Homes, Inc.				
				American Shell Homes, Inc.			Construction	
				Charter Commercial & Investment Loan Co., Jacksonville, Fla.	.7	Apr. 1, 1966	Mortgage brokerage	
				Harbor View Apartments, Inc.				
				555 Real Estate Co., Jacksonville, Fla.	3.4	1966	Owns a Holiday Inn and other real estate.	
				Sostex, Inc.	2.4	October 1968	Operates service stations, tire stores, and convenience food markets.	
				Realty Mortgage Co., Birmingham, Ala.	6.0	December 1968	Mortgage banking and service.	
				Kirbo, Mills, & McAlpin, Inc.		May 1962		
				W. M. Meson & Co.		February 1962		
Corporate Trustees, Inc., Huntsville, Ala., merged with Astro-Space Corp., Nev., on Mar. 18, 1969.	Boulevard National Bank of Miami, Fla.	23.5	Aug. 2, 1965				Manufacturing aircraft and parts.	24.7
Atico Financial Corp., Miami, Fla.	Pan American Bank of Miami, Fla.	76.2	Dec. 3, 1965	Commonwealth Land & Title Co., Los Angeles, Calif.	<1.0	Dec. 3, 1965	Title abstracting and insurance.	37.0
				Atico Insurance Agency, Inc., Miami, Fla.	.2	do	Insurance agency	
				Atlantic Investment Funds, Inc., Miami, Fla.	.3	May 18, 1966	Small business investment company.	
				A.T.F. Realty Co., Miami, Fla.	.4	Nov. 12, 1968	Real estate holding company.	
				A.T.F. Investment Corp., Miami, Fla.	1.1	do	Holding residual assets of Commercial Assurance Co. of America.	
				Kentucky Bar Title Insurance Co.		March 1966	Title insurance	
				Title Insurance Co. of Pennsylvania.		July 1966	do	
				Washington Security Co., Miami, Fla.		August 1963		
				Continental Insurance Co., of New York, N.Y.				
Lykes Financial Corp., Dover, Del.	First National Bank in Palm Beach, Fla.	89.9	Oct. 28, 1965	Electric Products Corp., New Orleans, La.	0.5	Aug. 1, 1967	Life insurance, wholesale electrical goods.	28.8
				Lykes Insurance Management Co., New Orleans, La.	.2	August 1965	Insurance	
Paradise Fruit Co., Inc., Plant City, Fla.	Capital National Bank of Tampa, Fla.	27.4	October 1965	R. C. McAtew Co., Inc., Ripley, N.Y.	.4	July 31, 1966	Producing candied fruits, and mixes.	6.7
				Sun-Ripe Fruit Products, Inc., Winter Haven, Fla.	Nominal	Sept. 1, 1967	Producing candied fruits, and mixes (inactive).	

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Gulf Finance Corp., Atlanta, Ga.	Roswell Bank, Roswell, Ga.	13.3	October 1966	Wilkes Finance Corp., Georgia.	$0.4	Mar. 3, 1966	Finance company	
				Vann Finance Corp., Georgia.	.3	Apr. 28, 1967	do	
				Tindol Service, Inc., Georgia.	.2	Jan. 8, 1968	Exterminating and office building maintenance.	
				Gulf Finance Corp. of Columbia, Miss.	.01	Oct. 25, 1967	Finance company	
				Mann Finance Co., Georgia	.2	Sept. 20, 1967	do	
				Tapley Finance Co., Georgia.	.2	Feb. 8, 1968	do	
				Town Finance Co., Hattiesburg, Miss.	.02	Feb. 7, 1969	do	
				Gulf Finance Co. of Thomson, Ga.	.1	June 5, 1968	do	
				Delta Computer Systems, Inc., Georgia.	.03	Aug. 13, 1968	Computer software	
				Count Down Inventories Services, Inc., Florida.	.03	February 1969	Inventory service	
				Tri-State Systems, Inc., Georgia.	.4	Sept. 27, 1968	Advertising, billboards	
				Sun Finance Corp., Mississippi.	.03	Nov. 18, 1968	Finance company	
				State Finance, Inc., Mississippi.	.01	February 1966	do	
Chicago City Bancorporation, Chicago, Ill.	Chicago City Bank & Trust Co., Chicago, Ill.	121.8	Dec. 20, 1967				Insurance	$9.0
Bankers Utilities Corp., Chicago, Ill.	District National Bank of Chicago, Ill.	26.7	Aug. 20 1968	Bankers Dispatch Corp. of Indiana.			Specialize courier service	6.8
				Bankers Dispatch Corp. of Colorado.		1965	do	
				Bankers Dispatch Corp. of Massachusetts.		1967–68	do	
				Apollo Unicorp Inc.,		1967–68	do	
				Three-L Corp		1965		
				Mid-American Air Transportation.		1965	Specialize courier services	
				Air Carrier, Inc		1967–68	do	
				International Air Carrier Service, Inc.		1967–68	do	
				Thomas H. Enright Co		1965		
Gray Line Corp., New York, N.Y.	Gateway National Bank of Chicago, Ill.	12.3	1966	Fifth Ave. Coach Lines Inc., New York, N.Y.			Miscellaneous investing institutions.	2.0
				Surface Transit, Inc			Bus transportation	
				Westchester St. Transit Corp.			do	
				V.I.P. Metered Transportation Corp.			do	
National Lead Co., New York, N.Y.	Lake View First Savings Bank, Chicago, Ill.	295.9	Jan. 15 1969	Borne-Chemical, Co. Landover Md.	1.5	Mar. 22 1965	Manufactures cast acrylic sheeting.	605.9
				Aluminum Match Plate Corp., Kenmore, N.Y.	.4	Dec. 10 1965	Manufactures aluminum castings.	
				Amos Thompson Corp. Edinbourg, Ind.	11.6	Aug. 23 1967	Manufactures molded plastics, wood veneer, and lumber.	
				Cockpaine Foundry, Inc. York, Pa.	.4	Feb. 26, 1968	Manufactures aluminum, bronze, and brass sand castings.	
				Edgar, Plastics Kaolin Co., Edgar, Fla.	2.0	Sept. 16, 1968	Manufactures kaolin clay and glass sand.	
				Bunting Brass & Bronze Co., Toledo Ohio.	7.9	July 26, 1968	Manufactures bronze bushings and bars, special sintered bronze, and iron parts.	
				Synrox, Inc., Cincinnati, Ohio.	.1	Sept. 13 1968	Produces specialty refractorates for manufacture of stainless alloy and carbon steel.	
				McCullough Tool Co., Houston, Tex.	7.0	July 1969	Oil well drilling and logging.	
				American Bearing Corp., Indianapolis, Ind.				
				Amos Molded Plastics of Illinois, Inc.				
				Frank Percell Walnut Lumber Co.			Lumber company	
				Excel-Mold, Inc				
				Amos-Thomson of North Carolina, Inc.				
				Edinburg Development Co., Inc.			Real estate	
				Ancor Screw Products Co., Los Angeles, Calif.		1955		
				Baroid Sales Export Corp., Houston, Tex.				
				Baroid Chemicals, Inc				
				Cobalt Nickel Production Co. (inactive).				
				Doehler-Jarvis Corp., Toledo, Ohio.		Feb. 28, 1953	Die castings	
				Enenco, Inc., Missouri				
				Evans Lead Corp. (inactive), Charleston, W. Va.				
				Floating Floors, Inc., New York.		1962	Elevated floors and site environment systems.	
				Goldsmith Bros. Dental Co., Chicago, Ill.		Apr. 6, 1959		
				Master Metals, Inc., Cleveland, Ohio.			Smelts secondary metals	

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				Metallurgical & Chemical Corp. (inactive).				
				Sayre & Fisher Land Co., New Jersey.				
				Magnus Metal Corp., New York, N.Y.			Railway car journals and diesel locomotive bearings.	
				National Lead Co., Inc., Delaware (inactive).				
				Southern Screw Co., Statesville, N.C.		1955	Wooden metal screws	
				National Lead Co. of Ohio			Contract operator, Atomic Energy Commission.	
				Radio Baroid, Inc				
				Ridge Machine Co				
				Titanium Pigment Corp., New York, N.Y.			Distributes titanium pigments and oxide pigments.	
				Titanium Pigment Export Corp.				
				Titanium Metal Corp. of America, Henderson, Nev.			Titanium metal sponge ingot and mill products.	
				United Lead Co. (inactive)				
				Charles Taylor's Sons Co., Cincinnati, Ohio.		1951	Manufactures refractories	
				National Lead Co. of Hawaii, Ltd.				
				Nickel Processing Co. of New York.				
				Baker Castor Oil Co		1949	Processes and refines Castor oil.	
				Baker Castor Oil Co. of California.			do	
				Baker Castor Oil Co. of Texas.			do	
				Morris P. Kirk & Son, Inc., Los Angeles, Calif.			Manufactures lead alloys and oxides and Kirksite "A" die metal.	
				Pioneer Aluminum of California.			Aluminum aircraft extrusions and aluminum tooling plate.	
				R-N Corp., New York, N.Y.			Direct reduction and beneficiation of iron ore.	
				Edna Brass Manufacturing Co.		1943	Manufacturers of locomotive specialties.	
				Plastomatic Corp., Malvern, Pa.		1959	By-product company	
				Sayre Electronics Corp			Electronics manufacturing	
				Aglite Corp of America				
General American Transportation Corp., Chicago, Ill.	**LaSalle National Bank, Chicago, Ill.**	$401.5	Nov. 19, 1968	Fuller Co	$40.8	1954	Manufacturers industrial equipment.	$667.9
				GATX Booth Corp	95.0	January 1968	Equipment leasing (jets, railroad cars, etc.).	
				General American Pfaudler Corp.				
Montgomery Ward & Co., Inc., Chicago, Ill.	**Pioneer Trust & Savings Bank, Chicago, Ill.**	203.0	Mar. 1, 1966	Montgomery Ward Life Insurance Co., Chicago, Ill.	7.1	May 11, 1966	Group insurance policy for employees.	2,618.0
				Hydro Conduit Corp., Orange, Calif.	33.4	Aug. 1, 1967	Producer of large diameter concrete pipe.	
				Rocky Mountain Prestressed, Inc., Englewood, Colo.	2.2	Jan. 1, 1968	do	
				Craftsman Construction Co., Inc., Englewood, Colo.	.6	do	do	
				Vulcan Materials Co., Birmingham, Ala.		Jan. 15, 1968	Concrete pipe and block plant.	
				Hoffman Products Corp		1968	TV receivers and phonographics.	
				Monwar Property Corp., Dover, Del.	1,000.00	Dec. 16, 1968	Property management	
				Montgomery Ward, Chicago, Inc., Chicago, Ill.		1904	Operate catalog store in Chicago.	
				Standard T Chemical Co., Inc.			Manufacturers industrial paints and finishes.	
				Associated Sand & Gravel Co., Everett, Wash.	6.6	May 29, 1968	Sand and gravel and concrete block, etc.	
				J. W. Peters & Sons, Inc., Burlington, Wis.	1.4	Jan. 31, 1969		
				The Fair, Inc	1,000.00	Jun. 21, 1967	Name holding company	
				Montgomery Ward Credit Corp.		Feb. 15, 1960	Finance deferred payment accounts of Company. (factoring).	
				M. W. Properties Corp				
				Montgomery Ward Realty Corp.		1960	To acquire land to lease to parent.	

TABLE 5.—1 BANK HOLDING COMPANIES FORMED ON OR AFTER JAN. 1, 1965, WITH INFORMATION ON BANK AND NONBANKING SUBSIDIARIES CONTROLLED BY 1 BANK HOLDING COMPANY (LISTED IN ALPHABETICAL ORDER BY STATE)—Continued

Name of 1 bank holding company and location (1)	Name of bank controlled and location (2)	Deposits of bank controlled (millions) (3)	Date holding company formed or bank acquired (4)	Name of subsidiary and location (5)	Total assets of subsidiary (millions) (6)	Date subsidiary acquired (7)	Nature of business (8)	Value of assets of holding company (millions) (9)
American Steel & Pump Co., New York, N.Y., subsidiary of BSF Co., Delaware, subsidiary of Defiance Industries, Inc., Ohio.	University National Bank, Chicago, Ill.	$25.3	1966 Moody's Industrial (Mar. 1, 1967, FRS).	Summit Steel Corp., Worcester, Mass.			Steel manufacturers	$17.3
				Huron Steel Co., Inc., Detroit, Mich.			do	
				East Texas Steel Castings Co., Inc., Longview, Tex.			do	
				Southwest Precision Casting Co., Inc., Claremore, Okla.			do	
				Webb Metal Products Co., Tulsa, Okla.			do	
				Bright Steel Corp., Jersey City, N.J.			do	
				Fitzsimons Steel Co., Inc., Youngstown, Ohio.				
Backlund-White, Inc., Dunlap, Ill.	Glasford State Bank, Glasford, Ill.	2.9	1965				Insurance	<1.0
St. Clair Investment Co., Inc., Ottawa, Kans.	Bank of Mascoutah, Mascoutah, Ill.	6.1	Jan. 1, 1967				Life insurance	<1.0
Nathan Hale Investment Corp	Plaza Drive-In Bank, Norridge, Ill.	18.0	Aug. 23, 1968				do	3.0
Backlund Investments, Inc., Dunlap, Ill.	State Street Bank & Trust Co., Quincy, Ill.	16.7	Nov. 19, 1966				Insurance agents, brokers, and services.	<1.0
Marissa Management Corp., Marissa, Ill.	Gallatin County State Bank, Ridgeway, Ill.	3.9	July 1, 1968				Real estate operators and lessors.	
Diversified Discount & Acceptance Corp., Minneapolis, Minn., merged with Acceptance Corp. on June 30, 1969.	River Forest State Bank & Trust, River Forest, Ill.	23.3	Aug. 26, 1966				Personal credit institutions	6.7
Atwood Vacuum Machine Co., Rockford, Ill.	Central National Bank & Trust Co., Rockford, Ill.	39.1	June 5, 1967	Home Savings & Loan Association, Wautem, Ill.	$18.8	June 5, 1967	Savings and loan association.	25.4
				Central National Realty Co., Rockford, Ill.	5	Apr. 29, 1968	Real estate	
				Central National Insurance Agency, Inc., Rockford, Ill.	<1.0	do	Insurance	
				Central National Mortgage Co., Rockford, Ill.	1	do	Buys and sells mortgages	
Snow Manufacturing Co., Bellwood, Ill.	Hawthorne Bank, Wheaton, Ill.	13.1	1968				Metalworking machinery and equipment.	
First Wyanet Investment Corp	First National Bank of Wyanet, Ill.	2.7	Mar. 31, 1969	E. E. Williams Ins. Agency	.05	Feb. 1, 1969	General insurance group	
Owner's Discount Corp., Elkhart, Ind.	Valley Bank & Trust Co., Mishawaka, Ind.	19.4	Jan. 4, 1966	Owners Discount Corp. of Goshen, Ind.			Discounting installment and notes received, collateralizing by conditional sales contracts, and making direct installment small loans in amounts up to $7,500.	8.1
				Owners Discount Corp. of Nappanee, Ind.				
				Owners Discount Corp. of South Bend, Inc.				
				Owners Discount Corp. of Warsaw, Ind.				
				Owners Discount Corp. of Rochester, Ind.				
				Michiana Life Insurance Co		September 1956	Life insurance	
Vernon Financial Corp	First National Bank of North Vernon, Ind.	6.7	Jan. 30, 1969	Capital Indemnity Co	1.5	Dec. 31, 1962	Underwriter casualty insurance.	
				Insurance Investments, Inc.	.3	do	Real estate investments	
				Vernon Fire & Casualty Insurance Co.	3.4	Oct. 31, 1968	Fire and casualty insurance.	
American Investment Co. of South Bend, Inc., South Bend, Ind.	American National Bank & Trust, South Bend, Ind.	53.2	Dec. 9, 1965	American Affiliates of South Bend, Inc., South Bend, Ind.	2.2	Dec. 27, 1965	Supervision of mobile home sales and purchase of contracts of such sales.	6.8
				Alpha Airlines, Inc., South Bend, Ind.		Feb. 25, 1969	Commuter air service for area.	
				American Leasing Co. of South Bend, Inc., South Bend, Ind.		Apr. 17, 1969	Leasing company	
				American Realty of South Bend, Inc., South Bend, Ind.		Aug. 23, 1966	Real estate holding company.	
				Main & Washington, Inc., South Bend, Ind.	.5	May 1, 1968	Real estate holding company for joint ventures.	
				Price Mobile Homes of Elkhart, Inc., Elkhart, Ind.	.4	Dec. 28, 1965	Mobile home sales	
				Price Mobile Homes of Gary, Ind.	.4	Feb. 7, 1969	do	
				Price Mobile Homes of South Bend, Ind.	.4	Mar. 18, 1969	do	
				Riley Mobile Homes of Fort Wayne, Ind.	1.0	Oct. 18, 1966	do	
				Riley Mobile Homes of Kokomo, Ind.	1.0	do	do	
				Riley Mobile Homes of Newark, Ohio.	1.0	Oct. 13, 1966	do	
				American Affiliated Life Insurance Co., Phoenix, Ind.			Life insurance	
United America Investment Co., Mason City, Iowa.	First State Bank, Britt, Iowa.	7.7	Apr. 1, 1966				Holds stock in other banks	1.1
							Insurance agents, brokers, and services.	
							Arrangement of transportation.	
							Real estate operators and lessors.	

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Name of 1 bank holding company and location (1)	Name of bank controlled and location (2)	Deposits of bank controlled (millions) (3)	Date holding company formed or bank acquired (4)	Name of subsidiary and location (5)	Total assets of subsidiary (millions) (6)	Date subsidiary acquired (7)	Nature of business (8)	Value of assets of holding company (millions) (9)
Lodwick Danbury Co., Des Moines, Iowa.	Farmers Savings Bank, Danbury, Iowa.	$2.1	Jan. 3, 1966				Insurance agents, brokers and services.	$1.0
Ruan Financial Corp., Des Moines, Iowa.	Bankers Trust Co., Des Moines, Iowa.	130.9	Feb. 15, 1965				Miscellaneous business services.	
							Trucking	
International Bank, Washington, D.C.	Central National Bank & Trust, Des Moines, Iowa.	189.7	Jan. 16, 1967	Globe Industries, Inc., Chicago, Ill.	$8.2	January 1967	Manufacture and sale of sound and acoustical materials and sale of building material.	50.4
				Tico Associates, Inc., Decatur, Ala.		Sept. 11, 1968	Scientific and technical contract services.	
				J. B. McCrory Co., Inc., Atlanta, Ga.		1968	do	
				First National Bank Building, Washington, D.C.				
				Beacon Building Products Co., Inc.			Building products	
				Seaway Building Products Co., Inc.			do	
				Associated Management, Inc., District of Columbia.	1,000.00	July 1968	Management business	
				Financial Distributors, Inc				
				Tico Associates, Inc., Atlanta, Ga.	2.2	September 1968	Holding company construction and engineering.	
				J. B. McCrory Engineering Corp., Atlanta, Ga.		1968		
				Trans American Communications, Inc.			Communications	
				Mid-West Communications, Inc.			do	
				Officers Finance Plan, Inc., Silver Spring, Md.			Finance company	
				International Agency, Inc., Silver Spring, Md.				
				First Insurance Finance Co., Des Moines, Iowa.			Insurance	
				International Land Corp., Washington, D.C.			Real estate	
				Financial Security Corp		June 20, 1969	Holding company for fire and casualty insurance companies.	
				International of Washington, Inc.				
				Aeon International Corp., New York, N.Y.				
				Globe Roofing Products Co., Inc., Chicago, Ill.	6.6	Oct. 2, 1967	Roofing products	
				Financial Mortgage Corp			Mortgage company	
				American Installment Credit Corp.				
				National Insurers & Credit Corp., Des Moines, Iowa.	21.8	June 1969	Holding company and insurance and finance.	
				Associated Life Companies, District of Columbia.	7.1	do	Holding company and insurance.	
				Intermediate Credit Corp., District of Columbia.	23.7	do	Merchant banking	
Wisco, Inc., Maquoketa, Iowa	First State Bank, Diagonal, Iowa.	2.5	July 5, 1968				Insurance, agents, brokers and services.	<1.0
First Building Corp. of Eldora, Eldora, Iowa.	First National Bank, Eldora, Iowa.	4.5	June 21, 1967				do	<1.0
							Real estate, operative builders.	
Iowa National Investment Co., Dubuque, Iowa.	Epworth Savings Bank, Epworth, Iowa, changed title and location: Key City Bank & Trust Co., Dubuque, Iowa.	3.0	Mar. 1, 1966	Iowa National Industrial Loan Co.		1966	Personal credit institution	1.0
				Iowa National Livestock Corp.		1966	Buying and selling of cattle.	
				Fast Foods, Inc., Dubuque, Iowa.	.04	June 23, 1969	Franchise restaurant	
							Insurance	
Fayette Investment Co., Mason City, Iowa.	State Bank, Fayette, Iowa	2.4	Oct. 1967				Insurance agents, brokers and services.	<1.0
Goose Lake Investment, Inc., Goose Lake, Iowa.	Goose Lake Savings Bank, Goose Lake, Iowa.	2.5	Sept. 6, 1967				do	<1.0
Humboldt Realty and Insurance Co., Inc., Humboldt, Iowa.	First National Bank, Humboldt, Iowa.	10.5	do				do	<1.0
							Real estate agents, brokers and managers.	
Zabel Enterprises, Inc., Lenox, Iowa.	First National Bank, Lenox, Iowa.	6.8	June 28, 1968				Insurance agents, brokers, and services.	<1.0
Nora Springs Investment Co., Inc., Charles City, Iowa.	First State Bank, Nora Springs, Iowa.	3.6	Oct. 6, 1967				do	<1.0
Bankers Equity Corp., Des Moines, Iowa, subsidiary of Investors Equity of Iowa, Inc., Des Moines, Iowa.	Palo Savings Bank, Palo, Iowa.	1.5	Mar. 11, 1968	Real Estate Investments, Inc., Des Moines, Iowa.	.7	May 1965	Purchasers real estate collateral papers (mortgage business).	2.6
				Investors Mortgage & Finance Co., Des Moines, Iowa.	.1	April 1969	Real estate financing for parent firm.	
				Interstate Equity, Inc., Des Moines, Iowa.	.01	November 1968	Lease holding company	
Riceville Investment Co., Charles City, Iowa.	First National Bank, Riceville, Iowa.	2.7	Dec. 6, 1967				Insurance agents, brokers, and services.	<1.0
Pioneer Development Co., Sioux City, Iowa.	Pioneer Valley Savings Bank, Sergeant Bluff, Iowa.	1.4	May 10, 1965				do	<1.0
Easters, Inc., Des Moines, Iowa	Farmers Trust & Savings Bank, Spencer, Iowa.	10.2	January 1966				Grocery stores	2.1
							Laundries, cleaning, and dyeing.	
Miller Co., Tipton, Iowa	First National Bank of Tipton, Iowa.	4.6	Sept. 1, 1965				Personal credit institutions	<1.0
							Real estate operators and lessors.	
Ventura Investment Co., Mason City, Iowa.	Ventura State Bank, Ventura, Iowa.	2.3	Jan. 9, 1968				Holds stock in other banks	<1.0

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Williams Security Insurance Agency, Inc., Williams, Iowa.	Williams Savings Bank, Williams, Iowa.	$2.8	Jan. 3, 1966				Insurance agents, brokers, and services.	<$1.0
Tri-County Insurance Agency, Inc., Zearing, Iowa.	Tri-County Bank, Zearing, Iowa.	2.7	Dec. 7, 1967				do	<1.0
Bedene Insurance Agency, Inc., Arma, Kans.	First State Bank, Arma, Kans.	1.8	Mar. 20, 1968				do	.1
Exchange Bankshares Corp., Atchison, Kans.	Exchange National Bank, Atchison, Kans.	20.7	May 3, 1968				Insurance	.7
Berco, Inc., Salina, Kans	Bennington State Bank, Bennington, Kans.	4.6	Dec. 1, 1967				Insurance agents, brokers, and services.	.3
Morrow and Keeling, Inc., Chanute, Kans.	Bank of Commerce, Chanute, Kans.	15.7	Mar. 17, 1965				Drugstores	1.3
Danehower Realty Corp., Chanute, Kans.	First National Bank of Chanute, Kans.	14.5	Mar. 3, 1966				Insurance agents, brokers, and services.	.6
Educators Investment Co. of Kansas, Inc., Wichita, Kans. (Emporia, Kans., FRS).	Citizens National Bank of Emporia, Kans., now: Citizens National Bank & Trust Co., Emporia, Kans.	30.4	July 14, 1965	Educators Finance, Inc., Emporia, Kans.	$0.2	July 14, 1965	Loans to schoolteachers	2.0
				Citizens Agriculture Credit Corp., Inc., Empria, Kans.	.2	Mar. 15, 1968	Endorses and sells discounted notes (factoring).	
The Glen Elder Agency, Inc., Glen Elder, Kans.	Traders State Bank, Glen Elder, Kans.	2.0	Aug. 9, 1967				Insurance agents, brokers, and services.	.2
							Miscellaneous investing institutions.	
Nemaha Investing Co., Inc., Goff, Kans.	First National Bank of Goff, Kans.	1.2	Jan. 1, 1966				Insurance agents, brokers, and services.	.09
Colt Investment, Inc., Prairie Village, Kans.	Hartford State Bank, Hartford, Kans.	.9	June 1, 1967				do	.07
Consolidated Insurance, Inc	Consolidated State Bank, Hill City, Kans.	4.8	1967				Insurance	
L. H. Co., Inc., Leoti, Kans	Farmers State Bank, Ingalls, Kans.	1.6	Aug. 23, 1967				Department stores	.5
							Livestock	
Citizens Insurance Agency, Inc., Jewell, Kans.	Citizens State Bank, Jewell, Kans.	2.5	Nov. 1, 1966				Insurance agents, brokers, and services.	.1
							Miscellaneous business services.	
Full Service Insurance, Inc., Harston-La Crosse, Kans.	Home State Bank, La Crosse, Kans.	2.5	Jan. 11, 1966				Insurance agents, brokers, and services.	.1
Texas Land & Equities, Inc	First National Bank of Olathe, Kans.	13.1	Nov. 9, 1968	T.L.E. & W., Inc	.7	Jan. 26, 1968	Shakey's Pizza Parlor	
People Savings, Inc., Ottawa, Kans.	Peoples National Bank of Ottawa, Kans.	11.7	Dec. 30, 1968	Ottawa Savings & Loan	19.3	Dec. 30, 1968	Stock savings and loan association.	
John Herbin, Inc., Jamestown, Kans.	Randall National Bank, Randall, Kans.	1.2	May 20, 1968				Insurance agents, brokers, and services.	.3
Dunmire Insurance Agency, Inc., Spring Hill, Kans.	State Bank of Spring Hill, Spring Hill, Kans.	3.4	1965				do	.07
Boyce Insurance, Inc., Strawn, Kans.	Strawn State Bank, Strawn, Kans.	2.1	Jan. 2, 1968				Insurance agents, brokers, and services.	.2
Sylvia Insurance Agency, Inc., Sylvia, Kans.	Sylvia State Bank, Sylvia, Kans.	1.1	Apr. 22, 1968				do	.1
First WaKeeney Agency, Inc., WaKeeney, Kans.	First National Bank, WaKeeney, Kans.	3.1	Nov. 3, 1967				do	.3
Wakefield Agency, Inc., Wakefield, Kans.	Farmers & Merchants State Bank, Wakefield, Kans.	1.2	May 10, 1965				do	
							Real estate agents, brokers, and managers.	
Turson, Inc., Scottsville, Ky	Farmers National Bank of Scottsville, Ky.	14.1	1967 (Bank acquired before 1965).				Real estate operators and lessors.	1.0
Expressway Insurance Agency, Inc., New Orleans, La.	Fidelity Bank & Trust Co., Slidell, La.	4.5	Sept. 29, 1965				Insurance agents, brokers, and services.	<1.0
Barclay Ltd., Inc., Boston, Mass	Barclay Bank & Trust Co., Boston, Mass.	8.2	1967	JSA Financial Corp., Boston, Mass.	3.6	1967	Business credit institution	2.4
The Boston Co., Inc., Boston, Mass.	Boston Safe Deposit & Trust, Boston, Mass.	122.4	May 1965	Mortimer & Walling Securities Corp.		Mar. 2, 1959	Private holding company	20.7
				Loomis & Kennedy, Inc., Seattle, Wash.	.1	1965	Investment counseling	
				Bailey & Rhodes, Los Angeles, Calif.	.2	1965	do	
				Boston Co. of Texas, Houston, Tex.	<1.0	1966	do	
				Henderson-Boston Co., Inc., San Francisco, Calif.	.6	May 1967	do	
				Forrester Associates, Inc		September 1967	do	
				Douglas T. Johnston & Co., New York, N.Y.	.5	May 1967	do	
				Johnston Mutual Fund, Inc., New York, N.Y.	125.5	1967	No load, diversified, open-end fund.	
				Todd-Boston Company, Inc., Louisville, Ky.	<50,000.00	November 1967	Investment counseling	
				John W. Bristol & Co., Inc., New York, N.Y.	.3	1968	Management of college endowment funds and charitable foundations.	
				Boston Company Investment Counsel, Inc., Boston, Mass.	<50,000.00	September 1968	Investment counseling	
				Rienfort-Boston Associate, Inc., New York, N.Y.	.4	1967	do	
				Boston Counseling Group, Inc., Boston, Mass.			Management consulting service.	
				Boston Co. Real Estate Counsel, Inc., Boston, Mass.	<50,000.00	August 1968	Investment counseling	
Kane Financial Corp., Boston, Mass.	Garden City Trust Co., Newton, Mass.	23.5	1968					

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(Subsidiary of CNA Finance Corp., Chicago, Ill.)				CNA Financial, assets $3,204,600,000 (Dec. 31, 1968).			Insurance, etc	
				General Finance Corp., Evanston, Ill.		July 31, 1968		
				Tsai Management & Research Co.		Aug. 16, 1968		
				Continental Casualty Co				
				Continental Assurance Co				
				CNA Realty Corp				
				CNA Investor Services, Inc				
				National Fire Insurance Co. of Hartford.				
				Wacker Corp., Illinois				
				Great Lakes Discount Corp., Buffalo, N.Y.		September 1958		
				General Finance or GFC, Loan Offices.				
				Mid-State Insurance Co., Illinois.		1941		
				Mid-States Life Insurance Co. of America, Orlando, Fla.				
				American Casualty Co., Reading, Pa.		Oct. 28, 1962		
				Valley Forge Insurance Co				
				Valley Forge Life Insurance Co.				
				Aces, Inc				
Medelco, Inc., Rochester, Minn	Sterling State Bank, Austin, Minn.	$8.1	1965				Insurance agents, brokers and services.	<$1.0
							Radio and TV broadcasting	
First National Agency of Bagley, Inc., Bagley, Minn.	First National Bank of Bagley, Bagley, Minn.	5.7	1965				Insurance agents, brokers, and services.	<1.0
Balaton Agency, Inc., Balaton, Minn.	Farmers and Merchants State Bank, Balaton, Minn.	4.0	1967				do	<1.0
First National Agency of Baudette, Inc., Baudette, Minn.	First National Bank of Baudette, Baudette, Minn.	5.5	1965				Insurance agents, brokers, and services.	<1.0
The Bellingham Corp., Minneapolis, Minn.	State Bank of Minnesota, Bellingham, Minn.	1.1	1966				do	<1.0
Dassel Investment Co., Minneapolis, Minn.	Dassel State Bank, Dassel, Minn.	4.7	1965				do	
Delano Granite Inc., Delano, Minn.	State Bank of Delano, Delano, Minn.	4.3	1967				Miscellaneous retail stores	2.0
							Monuments	
Elgin Investment Co., Inc., Elgin, Minn.	Elgin State Bank, Elgin, Minn.	1.9	1965				Insurance agents, brokers, and services.	<1.0
Farmers Investment Corp., Eyota, Minn.	Farmers State Bank of Eyota, Minn.	2.0	1965				do	
Citizens State Agency of Fulda, Inc., Fulda, Minn.	Citizens State Bank of Fulda, Minn.	7.4	1966				do	<1.0
CS, Inc., Harmony, Minn	Harmony State Bank, Harmony, Minn.	4.1	1956				do	
Himle Agency, Inc., Hayfield, Minn.	Citizens State Bank, Hayfield, Minn.	4.2	1968				do	<1.0
							Miscellaneous business services.	
Oppegard Agency, Inc., Hinckley, Minn.	Farmers & Merchants State Bank, Hinckley, Minn.	3.1	1968				Insurance agents, brokers, and services.	<1.0
Hitchcock Industries, Inc., Minneapolis, Minn.	First National Bank of Lakeville, Minn.	3.5	1966	Caca, Inc., Lakeville, Minn	$0.01	1967	Nonferrous foundries	5.0
							Real estate developers	
							Distributor of industrial supplies.	
				Kenetic Engineering, Inc., Lakeville, Minn.	Inactive	1967	Designer of packing equipment.	
Mankato Stone Co., Inc., Mankato, Minn.	National Bank of Commerce, Mankato, Minn.	21.4	1967				Miscellaneous retail stores	2.0
Klorsel Corp., Minneapolis, Minn., subsidiary of Minnesota Equities Corp. (assets —$5,000,000).	Franklin National Bank, Minneapolis, Minn.	13.4	1968				Insurance agents, brokers, and services.	5.0
Kanabec Credit Co., Inc., Mora, Minn.	Kanabec State Bank, Mora, Minn.	12.0	1968				Agricultural credit institutions.	1.0
							Insurance agents, brokers, and service.	
							Real estate agents, brokers and managers.	
Minnesota Enterprises, Inc., Minneapolis, Minn.	Olmstead County Bank & Trust, Rochester, Minn.	35.1	1966				Urban and suburban transportation and investments.	28.5
Kimberly Leasing Corp., Inc., Rush City, Minn.	State Bank of Rush City, Rush City, Minn.	4.5	1966				Insurance agents, brokers and service.	<1.0
Poe Investment Co., Inc., Minneapolis, Minn.	Farmers & Merchants State Bank, Sacred Heart, Minn.	3.3	1965 (1967 FRS).				do	
Gamble-Skogmo, Inc., Minneapolis, Minn.	Gambles Continental State Bank, St. Paul, Minn.	12.5	1968	Alden's, Inc., Chicago, Ill		December 1964	Operates mail-order catalog sales units.	613.5
				Gregg's Department Stores, Lima, Ohio.		January 1965	Department stores	
				Founders, Inc		Jan. 5, 1966	Holding company and variety stores and women's apparel chains.	
				Gamble-Skogmo Securities, Inc.		August 1966		
				Al Paley Buying Service of New York.		September 1966	Purchasing service	
				J. M. McDonald Co., Hastings, Nebr.		Apr. 14, 1968	Operator retail department stores.	

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				Gamble Aldens Finance Co., Chicago, Ill.			Purchases mail-order receivables from Alden's, Inc.	
				Gamble Alden Life Insurance Co., Minneapolis, Minn.			Offers life isurance and insures customer credit accounts.	
				Gamble Alden Securities, Inc., Minneapolis, Minn.			Markets Gamble Alden Life Insurance and subordinated income notes of the parent company.	
				Gamble Development Co., Minneapolis, Minn.		1967	Develops and leases real estate.	
				Gamble Skogmo Acceptance Corp., Minneapolis, Minn.			Purchases installment receivables from the parent company and its franchised dealers.	
				Gamble Holiday Travel Services, Minneapolis, Minn.		1968	Provides business and vacation travel services to general public.	
				Gambles Import Corp., Burbank, Calif.			Performs corporate import buying service.	
				Red Owl Stores, Inc., Hopkins, Minn.		July 1, 1967	Operates foodstores and services franchised foodstores.	
				Snyder's Drug Stores, Inc., Hopkins, Minn.		do	Operates Snyder's drug stores.	
				General Outdoor Advertising, Inc.			Advertising	
				Cussins & Fearn Co., Inc				
				Clark's Gamble Corp				
				Retailer's Growth Fund, Inc				
				Small Business Investment Co.		1962	Small business investment company.	
				Gamco Departments, Inc		July 1962	Department stores	
				Crownco Dept., Inc		do	do	
				Adams St. Realty Co., Inc			Real estate	
				Apex Distributing Co				
				Area Wide Communication, Inc.			Communication	
				F. M. Stamp Co				
				Farmdale Co. in Colorado, Illinois, and Minnesota.				
				Food Town Stores, Inc				
				Hopkins Realty Co			Real estate	
				Lakeland Grocery Co. (inactive).			Grocery company	
				Radio Suburbia, Inc				
				Rodgers & Clarke Realty Co.			Real estate	
				Signal Co		Nov. 1, 1962		
				Three Star Stamp Co				
				Intercorporate Finance Co., Inc.			Finance company	
				Eisen Mercantile, Inc., Kansas City, Mo.				
				KRSI Radio Station, Minneapolis, Minn.		Mar. 10, 1961	Radio broadcasting	
				WNAX Radio Station, Yankton, S. Dak.		1965	do	
				Food Town Supermarkets, Inc., Pittsburg, Kans.		Mar. 1, 1966	Foodstores	
				WEBC Radio Station, Duluth and Superior Area.		1966	Radio broadcasting	
				Gamble Department Stores, Inc., Chicago, Ill.		1962	Department stores	
Plaza Agency, Inc., St. Cloud, Minn.	Plaza Park State Bank of St. Cloud, Minn. Changed to Plaza Park State Bank, Waite Park, Minn., on May 21, 1969.	$7.1	December 1968				General insurance agency	
Sheet Metal Workers Local 76 Credit Union, St. Paul, Minn. (credit union owns 18 percent of bank) FRS.	Phalen Park State Bank, St. Paul, Minn.	2.0	1968				Personal credit institutions	
Malcar Holding Co., Inc., Chicago, Ill.	First National Bank, Sleepy Eye, Minn.	9.3	1967				Insurance agents, brokers, and service.	
First National Agency of Wadena, Inc., Wadena, Minn.	First National Bank, Wadena, Minn.	7.5	1968				do	<$1.0
Clear Lake Agency of Waseca, Inc., Waseca, Minn.	First National Bank of Wascea, Minn.	13.3	1966				do	<1.0
Labahr Sloan, Inc., Blackwater, Mo. (sold entire bank holdings to Silfey Corp., Columbia, Mo., Jan. 7, 1969.)	Farmers State Bank, Blackwater, Mo.	1.6	1967	Tri-State Insurance Co., Tulsa, Okla.	$11.7		Real estate operators and lessors.	
							Fire and casualty insurance	
				Midwestern Insurance Co., Tulsa, Okla.	2.1	1956–68	do	
				New America Life Insurance Co.	1.3	1965	Life, accident, and health insurance.	
				Kim Management & Insurance Co., Inc.		1965		
Consumers Money Order Corp., St. Louis, Mo.	Farmers Bank of Emden, Emden, Mo.	.5	1967				Telephone communications	
Coronado Financial Corp., Kansas City, Mo.	Mid-Continent National Bank, Kansas City, Mo.	14.0	May 6, 1966	Mid-Continent Bank Building Co., Kansas City, Mo.	1.9	May 6, 1966	Real estate operators and lessors.	1.7
							Holds title to bank building	
Feeney Insurance Agency, Inc	Peoples Bank of Kansas City, Kansas City, Mo.	16.7	Feb. 1, 1968				Insurance agents, brokers, and service.	.7
							Miscellaneous investing institutions.	

TABLE 5.—1 BANK HOLDING COMPANIES FORMED ON OR AFTER JAN 1, 1965, WITH INFORMATION ON BANK AND NONBANKING SUBSIDIARIES CONTROLLED BY 1 BANK HOLDING COMPANY (LISTED IN ALPHABETICAL ORDER BY STATE)—Continued

Name of 1 bank holding company and location (1)	Name of bank controlled and location (2)	Deposits of bank controlled (millions) (3)	Date holding company formed or bank acquired (4)	Name of subsidiary and location (5)	Total assets of subsidiary (millions) (6)	Date subsidiary acquired (7)	Nature of business (8)	Value of assets of holding company (millions) (9)
Stupp Brothers Bridge & Iron Co., St. Louis, Mo.	LeMay Bank & Trust Co., LeMay, Mo.	$48.9	Oct. 28, 1966	Stupp Corp., Baton Rouge, La.		Oct. 28, 1966	Manufacture industrial pipe etc.	
							Miscellaneous investing institution.	
							Manufacturing fabricated structural metal products.	
Marshfield Investment Co., Inc., Marshfield, Mo.	Citizens State Bank, Marshfield, Mo.	10.0	1967				Insurance agents, brokers, and service.	<$1.0
Continental Bancshares Corp., St. Louis, Mo.	Peoples State Bank, Richmond Heights, Mo.	9.5	July 12, 1966	Mid-Continent Concrete Co., Springfield, Mo.		Dec. 13, 1968	Ready mix concrete	
				Tri-Continental Leasing Co., Clayton, Mo.	$0.2	Nov. 25, 1968	General equipment leasing	
State Bank & Trust Co. of Wellston, Wellston, Mo.	First Northwest Bank, St. Ann, Mo.	21.1	1965	State Insurance Consultant, Inc., St. Louis, Mo.	.06	Sept. 12, 1967	Insurance—sales and consultants.	120.0
				Paramount National Life Insurance Co., Phoenix, Ariz.		Prior 1965	Life insurance	
Thor Realty Co., Inc., Cleveland, Ohio.	Smithton Bank, Smithton, Mo.	1.7	1965				Insurance agents, brokers, and service.	<1.0
Mid-American Bancorp., Inc., Smithville, Mo.	Citizens Bank of Smithville, Smithville, Mo. (new name Citizens Bank & Trust Co.).	4.5	May 10, 1968				do	.5
A.B.C.O. Management Corp., Springfield, Mo.	Southern Missouri Trust Co., Springfield, Mo.	25.9	Dec. 9, 1968	Concrete Co. of Springfield, Mo.	1.4	Dec. 13, 1968	Ready mix concrete	
				Conco Quarries, Inc., Springfield, Mo.	.5	do	Quarry	
				Mid-Continent Concrete Co., Springfield, Mo.	.3	do	Ready mix concrete	
Bozeman Holding Co., Inc., Bozeman, Mont.	Security Bank & Trust Co., Bozeman, Mont.	22.7	1967				Insurance agents, brokers and service.	2.0
Security, Inc., Butte, Mont., subsidiary of Dargmek Realty Co., Butte, Mont.	Security Bank, Butte, Mont.	5.7	1968				do	
Jackass Creek Land & Livestock Co., Ennis, Mont.	First Madison Valley Bank, Ennis, Mont.	1.5	1966				Livestock	
							Real estate	
Antler Land Co., Billings, Mont.	Little Horn State Bank, Hardin, Mont.	4.2	1966				do	
Lincoln Corp., Rapid City, S.D.	Lincoln Security Bank, Libby, Mont.	2.7	1966				Insurance agents, brokers, and service.	<1.0
Robert Agency, Inc., Roundup, Mont., wholly-owned subsidiary of Woodbury Investment Corp., Roundup, Mont.	Miners and Merchants Bank, Roundup, Mont.	6.6	1968				do	
Con-West, Inc., Stevensville, Mont.	First State Bank, Stevensville, Mont.	3.5	November 1967.				Insurance	
							Real estate	
Mineral County Investment Agency, Inc., Superior, Mont.	First State Bank of Mineral County, Superior, Mont.	2.6	1968				Insurance agents, brokers and service.	<1.0
Hansen Lawrence Agency, Inc., Worden, Mont.	Farmers State Bank, Worden, Mont.	2.6	June 1965				do	
Commercial Investment Co., Ainsworth, Nebr.	Commercial National Bank, Ainsworth, Nebr.	6.7	Aug. 4, 1967				do	.6
Wells Enterprises, Inc., Bartley, Nebr.	State Bank of Bartley, Bartley, Nebr.	1.6	Sept. 1, 1967				do	.2
1st Group, Inc., Beatrice, Nebr.	Blue Springs State Bank, Blue Springs, Nebr.	2.1	July 1, 1966				do	.3
Tri-State Ins. Agency, Inc., Kimball, Nebr.	Kimball County Bank, Bushnell, Nebr.	1.6	1965				Insurance	
Central Grain, Inc., Central City, Nebr.	Farmers National Bank, Central City, Nebr.	3.6	Jan. 5, 1968				Wholesale farm products, raw materials.	.3
							Livestock	
Clearwater Enterprises, Inc., Clearwater, Nebr.	Citizens State Bank, Clearwater, Nebr.	1.8	Apr. 1, 1966				Insurance agents, brokers, and service.	.3
Cozad Elevaiors, Inc., Cozad, Nebr.	First National Bank in Cozad, Nebr. (holds bank building title).	7.2	Aug. 12, 1968	Midwest Banco Corp., Cozad, Nebr.	.04	Aug. 12, 1968	Wholesale farm products, raw materials.	1.2
							Miscellaneous wholesalers	
Hoff Investment Corp., Lisco, Nebr.	Dalton State Bank, Dalton, Nebr.	2.0	June 29, 1968				Insurance agents, brokers, and services.	.3
Decatur Agency Co., Decatur, Nebr.	Citizens State Bank, Decatur, Nebr.	1.9	June 1, 1968 (June 1, 1967 F.R.S).				do	.2
Midstate Insurance Agency & Management, Inc., Elm Creek, Nebr.	Elm Creek State Bank, Elm Creek, Nebr.	1.9	Sept. 29, 1967				do	.2
							Real estate	
Nebraska Bankshares, Inc., Farnam, Nebr.	Farnam Bank, Farnam, Nebr.	1.5	Jan. 2, 1968				Insurance agents, brokers, and service.	.2
							Livestock	
Woodstock Land & Cattle Co., Fullerton, Nebr.	Fullerton National Bank, Fullerton, Nebr.	3.1	July 2, 1966				Insurance agents, brokers, and service.	.2
							Livestock	
Byla Company, Inc., Gibbon, Nebr.	Exchange Bank, Gibbon, Nebr.	3.7	Jan. 1, 1965 (Jan. 1, 1961, F.R.S.).				Insurance agents, brokers, and service.	.3
Gresham Company, Inc., Gresham, Nebr.	Gresham State Bank, Gresham, Nedr.	1.7	1968 (Dec. 27 1967 F.R.S.).				do	.2
Hardy Insurance Agency, Inc.	Hardy State Bank, Hardy, Nebr.	.9	Apr. 20, 1967				Insurance agents, brokers, and service.	.1
Indianola Agency, Inc., Indianola, Nebr.	Bank of Indianola, Indianola, Nebr.	1.5	Apr. 15, 1968				do	.2
Circle Management Co., Inc., Kearney, Nebr.	Platte Valley State Bank & Trust, Kearney, Nebr.	14.3	Jan. 9, 1965	Guarantee Trust Co., Kearney, Nebr.	.3	July 3, 1968	Trust companies, nondeposit.	.9
							Life insurance	
							Fiduciary accounts	

TABLE 5.—1 BANK HOLDING COMPANIES FORMED ON OR AFTER JAN 1, 1965, WITH INFORMATION ON BANK AND NONBANKING SUBSIDIARIES CONTROLLED BY 1 BANK HOLDING COMPANY (LISTED IN ALPHABETICAL ORDER BY STATE)—Continued

Name of 1 bank holding company and location (1)	Name of bank controlled and location (2)	Deposits of bank controlled (millions) (3)	Date holding company formed or bank acquired (4)	Name of subsidiary and location (5)	Total assets of subsidiary (millions) (6)	Date subsidiary acquired (7)	Nature of business (8)	Value of assets of holding company (millions) (9)
Farmers & Merchants Investment Co., Lincoln, Nebr.	Union Bank & Trust Co., Lincoln, Nebr.	$13.6	1966	Dorchester Insurance Agency, Lincoln, Nebr.	$0.01		Insurance agents, brokers, and service.	$0.9
							Real estate operators and lessors.	
				Southeast Lincoln Insurance Agency, Lincoln, Nebr.	.1		Insurance agents, brokers, and service.	
							Real estate operators and lessors.	
Packers Management Co., Omaha, Nebr.	Packers National Bank, Omaha, Nebr.	17.6	Feb. 25, 1969	Packers Management Insurance Agency, Inc.	.02	Sept. 1, 1968	General insurance agency	
O'Neill Properties, Inc., O'Neill, Nebr.	First National Bank of O'Neill, Nebr.	5.1	June 1, 1965				Insurance agents, brokers, and service.	1.0
							Real estate operators and lessors.	
Howard Huff, Inc., Ord, Nebr.	Security State Bank, Oxford, Nebr.	1.9	Oct. 25, 1965				Insurance agents, brokers, and service.	.3
Farmers Insurance Agency	Bank of Panama, Panama, Nebr.	.8	Jan. 31, 1968				do	.1
Clarke, Inc	Clarke Bank, Papillion, Nebr.	5.8	Dec. 1, 1966				Insurance agents, brokers, and services.	1.0
Pawnee County Bancshares, Milford, Nebr.	Pawnee County Bank, Pawnee City, Nebr.	2.7	Apr. 21, 1967	Pawnee County Insurance Agency, Pawnee City, Nebr.	.01	Dec. 31, 1968	do	.4
Pickrell, Inc., Beatrice, Nebr.	Pickrell State Bank, Pickrell, Nebr.	1.7	Feb. 3, 1965				do	.1
Platt Valley Cattle Co.	Ravenna Bank, Ravenna, Nebr.	5.9	1968				Livestock	
Howard County Land & Cattle Co., Inc., Grand Island, Nebr.	Citizens National Bank, St. Paul, Nebr.	3.7	1968				do	
							Real estate	
Tereco, Inc., Silver Creek, Nebr.	Farmers State Bank, Silver Creek, Nebr.	1.3	Dec. 31, 1968				Insurance agents, brokers, and service.	.2
							Real estate operators and lessors.	
Stamford Banco, Inc., Stamford, Nebr.	Stamford Bank, Stamford, Nebr.	2.0	July 13, 1968				Insurance agents, brokers, and service.	.2
Security Insurance Agency, Inc., Superior, Nebr.	Security National Bank, Superior, Nebr.	6.4	1968 (12-30-55 FRS)				do	.3
							Real estate agents, brokers, and managers.	
Tekamah Agency Co., Inc., Tekamah, Nebr.	First National Bank, Tekamah, Nebr.	9.5	Jan. 9, 1968				Insurance agents, brokers, and service.	.6
Dinsdale Bros., Inc., Palmer, Nebr.	First National Bank of Wisner, Nebr.	4.3	Feb. 15, 1965				Field crops	.2
							Wholesale farm products, raw materials.	
Wolbach Insurance Agency, Inc., Wolbach, Nebr.	Peoples State Bank, Wolbach, Nebr.	1.2	Jan. 1, 1965				Insurance agents, brokers, and service.	.2
							Holds stock in other banks	
Motor Finance Corp., Westfield, N.J.	First National Bank of Dunellen, N.J.	13.8	Oct. 4, 1965				do	6.8
							Fire, marine, and casualty insurance.	
Peoples Federal Corp., Edgewater, N.J.	Edgewater National Bank, Edgewater, N.J.	15.4	Apr. 7, 1966				Personal credit institutions	
CIT Financial Corp., New York, N.Y.	National Bank of North America, New York, N.Y.	1,460.0	1965	CIT Corp			Financing, factoring, and leasing.	3,734.2
				William Iselin & Co., Inc., New York.				
				Service Fire Insurance Co., New York.			Insurance	
				Service Casualty Co., New York.			do	
				CIT Educational Buildings, Inc.			Constructs and leases permanent dormitories and dining halls for educational institutions.	
				All-Steel Equipment, Inc., Aurora, Ill.	36.7	Jan. 18, 1966	Office furniture and electrical equipment.	
				Quality Adjustment Services, Inc.			Servicing automobile insurance companies.	
				Dunlee Corp., Bellwood, Ill.		April 1968	Manufacturing X-ray tubes	
				Commercial Investment Trust, Inc., New York.		Apr. 26, 1945		
				Merchantile Acceptance Co., Chicago, Ill.		Apr. 26, 1945		
				Insurers Exchange Corp., New York.		do		
				Tuition Plan, Inc		June 1955		
				Picker X-Ray Corp. (new Picker Corp.) Cleveland, Ohio.		August 1948	Manufacture and sale of radiological equipment and accessories.	
				North American Co. for Life & Health Insurance.				
				CIT Service Leasing Corp		September 1958	Fleet leasing of business cars and trucks.	
				Home Finance Service, Inc., Alabama, Louisiana, Mississippi, and Georgia.		June 6, 1969	Personal loan company	
				CIT Leasing Corp		1969	Leasing machine tools and other industrial equpment.	
				Family Finance, Indianapolis, Ind.		July 11, 1962		
				Time Finance Co., Kentucky, Illinois, Indiana, Ohio, Tennessee, Virginia, and West Virginia.		June 5, 1963	Consumer finance company	

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Name of 1 bank holding company and location (1)	Name of bank controlled and location (2)	Deposits of bank controlled (millions) (3)	Date holding company formed or bank acquired (4)	Name of subsidiary and location (5)	Total assets of subsidiary (millions) (6)	Date subsidiary acquired (7)	Nature of business (8)	Value of assets of holding company (millions) (9)
				Meinhard Commercial Corp., New York.		January 1, 1964		
				Gibson Greeting Cards, Inc., Cincinnati, Ohio.		March 1964	Greeting cards, party goods, gift wrappings.	
				Cleo-Wrap Corp., Memphis, Tenn.		1964	Manufacturing gift wrapping.	
				North American Accident Insurance Co. of New York.			Insurance	
				Universal CIT Credit Corp				
				Time Finance Co. of Chattanooga No. 1, Chattanooga, Tenn.	<$1.0	Feb. 11, 1966	Personal loans	
				Time Finance Co. of Chattanooga No. 2, Chattanooga, Tenn.	2.0	do	do	
				Vertex Development Corp., Huntington Station, N.Y.	<1.0	Oct. 7, 1966	Manufacture of specialized camera and projection equipment for medical and industrial application.	
				Data Acquisition Corp., North Haven, Conn.	<1.0	Dec. 1, 1966	Manufacture and sale of desktop computers.	
				Laurentide Finance Corporation of California and Subsidiaries San Francisco, California.	64.9	Mar. 16, 1967	Personal loans	
				Picker Chromatography Corporation North Haven, Conn.	<1.0	Apr. 14, 1967	Manufacture and sale of scientific equipment and research instruments.[1]	
				Picker Electronics, Inc., Longmont, Colo.	<1.0	July 31, 1967	Manufacture and sale of medical ultrasonic. equipment for diagnostic purposes.	
				Picker Industrial Western, Inc., San Francisco, Calif.	<1.0	Nov. 28, 1967	Distribution of X-ray equipment.[2]	
				Sicular X-Ray Company, Inc., San Francisco, Calif.	1.5	do	Distribution of X-ray equipment.[2]	
				Home Finance Service Co., Inc., Bremen, Ga.	<1.0	Feb. 16, 1968		
				Home Finance Service Co., Inc., Cornelia, Ga.	<1.0	do	Personal loans	
				Home Finance Service Co., Inc., Milledgeville, Ga.	<1.0	do	do	
				Home Finance Service Co., Inc., Sandersville, Ga.	<1.0	do	do	
				Home Finance Service Co., Inc., Statesboro, Ga.	<1.0	do	do	
				Home Finance Service Co., Inc., Swainsboro, Ga.	<1.0	do	do	
				Picker Chemicals, Inc., Cherry Hill, N.J.	<1.0	May 1, 1968	Manufacture of photographic chemicals.	
				Picker Briggs Corp., Cleveland, Ohio.	<1.0	Oct. 15, 1968	Manufacture and sale of hospital communications systems.	
Standard Prudential Corp., New York, N.Y.	Sterling National Bank & Trust, New York, N.Y.	$280.7	Nov. 8, 1968	Standard Financial Corp	.02	August 1960	Commercial and mortgage financing.	
				Templon Spinning Mills, Inc.		September 1965	Spinner and dyer of yarns	
				Fabrics by Joyce, Inc		December 1964	Printing and finishing unfinished fabrics.	
				Yuba Industries, Inc		Oct. 1, 1967	Designing and manufacturing of heaters, valves, and heating equipment.	
				Southland Mowers Co., Inc.	5.0	August 1967	Lawnmower manufacturer	
				New York Auction Co. Division.		July 1968	Fur auctions for account of clients.	
				Eastland Shoe Corp	5.0	July 1968	Shoe manufacturer	
				United Communications, Inc.	1.4	June 1967	Installation of communication systems.	
Wake Insurance Agency, Inc., Fuquay Varina, N.C.	Southern Bank & Trust Co., Mount Olive, N.C.	13.1	1965				Insurance agents, brokers and service, Miscellaneous investing institutions.	<$1.0
NCNB Corp., North Carolina	North Carolina National Bank, Charlotte, N.C.	1,112.1	Nov. 4, 1968	NCNB Properties Inc	26.5	November 1968	Hold bank premises	
				NCNB Mortgage Corp	23.2	December 1968	Mortgage banking	
				American Commercial Agency.	1.1	Jan. 12, 1969	General insurance	
The Southern National Corp Lumberton, N.C.	Southern National Bank of North Carolina, Lumberton, N.C.	132.5	Dec. 31, 1968	Williams & McLean Insurance Services.	.02	Jan. 19, 1969	Owns 4 general insurance agencies.	
				Farm Products Development Corp.	.01	do	Experimental and demonstration farms.	
				Southern National Farm Product Development Corp.				
First Union National Bank Corp. Charlotte, N.C.	First Union National Bank of North Carolina,	827.2	May 8, 1968	First Courier Corp		July 29, 1968	General courier services, data processing.	
				House of Rothchild's Cheques, Inc.		Aug. 8, 1968	Specially check sales college towns.	
				Guardian Credit Corp		Dec. 9, 1968	Finance company	
				First Computer Services, Inc.		Nov. 19, 1968	Computer services, sales and rentals (not activated).	
				Scotland Insurance Agency		September 1968	General insurance agency	
				First Commercial Finance Corp.	5.0	Nov. 6, 1968	Heavy equipment financing	
				Charlotte Cold Storage, Inc.	1.4	Jan. 15, 1968	Cold storage warehouse	
				Real Estate Consultants of the South, Inc.		November 1968	Real estate consultant	

Footnotes at end of table.

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The Wachovia Corp., Winston-Salem, N.C.	Wachovia Bank & Trust Co., Winston-Salem, N.C.	$1,328.0	Dec. 31, 1968	Wachovia Services, Inc.	$0.01	Dec. 31, 1968	Computer services	
				Wachovia Mortgage Co.	.03	do.	Mortgage banking	
				Wachovia Insurance Agency	1.0	do.	General Insurance	
				North Carolina Title Co	.01	do.	Sells title insurance	
Columbus Corp., Columbus, N. Dak. (purchased by DPS Corp., Columbus, N. Dak., in 1968).	Columbus State Bank, Columbus, N. Dak.	1.1	1966 (1968 FRS).				Insurance agents, brokers, and service.	<$1.0
H.O.M.E., Inc., Steele, N. Dak	Bank of Steele, Steele, N. Dak.	6.0	1968				do.	<1.0
							Real estate	
							Miscellaneous business services.	
American Financial Corp., Cincinnati, Ohio.	Provident Bank, Cincinnati, Ohio.	245.7	Aug. 18, 1966	American Insurance Agency, Erlinger, Ky.		1967	General insurance agency.	[3] 280.6
				Rubenstein Construction Co., Phoenix, Ariz.		Jan. 6, 1969	Construction and development of offices and homes.	
				R.P.R. Construction Co., Phoenix, Ariz.		do.	Construction and development.	
				American Computer Leasing Corp., Cincinnati, Ohio.		January 1968	Computer leasing—nationwide.	
				One East Fourth, Inc., Cincinnati, Ohio.		1968	Owns building used by bank.	
				Three East Fourth, Inc., Cincinnati, Ohio.		1968	Owns real estate—not used for banking.	
				Finance Leasing Co., Cincinnati, Ohio.		1967	To finance 1 leasing operation.	
				R.P.R. Enterprises Co., Phoenix, Ariz.		Jan. 6, 1969	Construction and development.	
				American Computer Services Corp., Cincinnati, Ohio.		1968	Writes programs for computer users and leasers.	
				Hunter Savings Association, Cincinnati, Ohio.			Savings institution	
				American Home Savings Association, Cincinnati, Ohio.			do.	
				Dempsey & Siders Agency, Inc., Cincinnati, Ohio.				
				United Liberty Life Ins. Co., Cincinnati, Ohio.			Insurance	
				American Financial Leasing Co., Cincinnati, Ohio.			Leasing	
				Finaco, Inc., Ohio				
				Dixie Terminal Building Complex, Cincinnati, Ohio.				
Western Southern Life Insurance Co., Cincinnati, Ohio.	Southern Ohio Bank, Cincinnati, Ohio.	78.0	Apr. 8, 1968	Southern Ohio Investment Co.			Owns bank building Insurance	1,685.3
Capital Bancorporation, Cleveland, Ohio (subsidiary of Electronics Capital Corp., as of January 1969).	Capital National Bank, Cleveland, Ohio.	97.8	Jan. 3, 1967	St. Clair Savings Association, Cleveland, Ohio.	94.3	Jan. 3, 1967	Savings and loan association.	201.4
				Bates & Springer, Inc. Cleveland, Ohio.	.7	Sept. 1, 1967	Property management company.	
				City Maintenance Co., Cleveland, Ohio.				
				Winston Mobile Homes, Inc., Double Springs, Ala.		March 1969	Manufacturing mobile homes.	
				Cypress Communications Corp., Pacific Palisades, Calif.	14.5		Auto engine testing equipment.	
				Darcy Industries, Inc., Santa Monica, Calif.	2.1		D.C. power supplies: digital voltmeters.	
				Ultronix, Inc., Grand Junction, Colo.			Electrical components	
Mahoning Associates, Inc., Youngstown, Ohio.	Continental Bank, Continental, Ohio.	5.9	Apr. 1, 1968				Real estate lessors and operators.	1.1
Community National Corp., Columbus, Ohio (now Computadata, Inc., Columbus, Ohio, May 16, 1969).	Community National Bank of Flushing, Ohio.	4.0	Feb. 27, 1968	CompuScan Input Services, Dayton, Ohio.	.2	Dec. 24, 1968	Optical scanning electronic service.	1.1
				CompuDATA, Inc., Akron, Ohio.	32,000.00	Jan. 3, 1969	Doctor's billing service	
				CompuTech, Inc., Columbus, Ohio.		Oct. 21, 1968	Business school	
				Lecto-Data, Inc., Akron, Ohio.	86,000.00	Jan. 4, 1969	Electronic service	
				Banassurance Agency, Columbus, Ohio.	.1	June 1969	Mortgage holding company for following subsidiary.	
				Ohio Indemnity Co., Columbus, Ohio.	1.3	June 1969	Insurance	
TeleAccounting Bureau, Inc., Cincinnati, Ohio (subsidiary of Ohio Valley Financial Corp., Cincinnati, Ohio, subsidiary of Realty Equities Corp. of New York, New York, N.Y.).	First National Bank of Harrison, Ohio.	5.5	Nov. 15, 1966	Mal-Realty Co., Cincinnati, Ohio.	.2	Nov. 15, 1968	Real estate brokerage	8.0
				Buckeye Savings & Loan, Cincinnati, Ohio.	38.6		Savings and loan association.	
				First Ohio Savings and Loan Association, Cincinnati, Ohio.	16.3		do.	
				Sanbury Savings and Loan Association, Sanbury, Ohio.	21.4		Savings and loan association.	
				Trans Ohio Development Corp., Cincinnati, Ohio.			Industrial and business development.	
				Eves-Fischer Ins. Agency, Inc., Cincinnati, Ohio.			General insurance	
				Eastern Racing Association, Inc.	5.4	Jan. 6, 1969	Suffolk Downs Racetrack, Boston, Mass.	
				Highland Films, Inc.		January 1968	Motion picture producer	
				White House Inns, Inc.			Owners and operators of hotel properties.	

TABLE 5.—1 BANK HOLDING COMPANIES FORMED ON OR AFTER JAN. 1, 1965, WITH INFORMATION ON BANK AND NONBANKING SUBSIDIARIES CONTROLLED BY 1 BANK HOLDING COMPANY (LISTED IN ALPHABETICAL ORDER BY STATE)—Continued

Name of 1 bank holding company and location (1)	Name of bank controlled and location (2)	Deposits of bank controlled (millions) (3)	Date holding company formed or bank acquired (4)	Name of subsidiary and location (5)	Total assets of subsidiary (millions) (6)	Date subsidiary acquired (7)	Nature of business (8)	Value of assets of holding company (millions) (9)
				Larry Paskon's Harbor Island Spa, West End, N.J.		November 1968	Health resort	
				Essex House, New York, N.Y.		December 1968	Hotel (45-story)	
				Brokerage Coverage Corp				
				Realty Equities Management Corp.				
				Avionice Investing Co				
Fidelity Loan & Investment Corp., Pittsburgh, Pa.	Morristown Bank, Morristown, Ohio.	$1.2	June 1, 1965	Coin Loan Corp., Pittsburgh, Pa.	$8,245.00	Jan. 4, 1965	Personal credit institutions.	$0.5
The Greater Ohio Corp	First National Bank in Mount Gilead, Ohio	8.2	July 2, 1968	Greater Ohio Management & Research Corp.	10.2	Oct. 25, 1968	Management consultants and research.	
				Greater Ohio Life Ins. Co.	1.0	Apr. 13, 1967	Life insurance company	
				Greater Ohio Realty Co	18.8	Sept. 7, 1967	Real estate broker	
				Greater Ohio Casualty Agencies.	5.0	Sept. 9, 1968	Underwriter-casualty insurance.	
Citizens Financial Corp., Cleveland, Ohio.	Newark Trust Co., Newark, Ohio.	43.3	June 29, 1967	Central States Financial Corp., Cleveland, Ohio.		December 1966	Modernization loans and improvement loans.	111.0
				Towers Antenna, Inc., Coshockton, Ohio.		December 1968	Cable television services	
				Certified Management Consultants, Inc., Cleveland, Ohio.		January 1968	Real estate management to investors and investor group.	
				Champion Service Corp., Cleveland, Ohio.		December 1965	EDP services	
				NFM, Inc., Cleveland, Ohio	10,000.00	November 1968	Investment management company for mortgage trustees.	
				First Advisory Corp., Columbus, Ohio.		January 1966	Advisory company on mortgages.	
				Mid-States Mortgage Co., Columbus, Ohio.		June 1965	Originates and brokers real estate loans.	
				Ohio Western Financial Corp., Cleveland, Ohio.		March 1966	Inactive at present	
				Citizens Savings & Loan Co., Painesville, Ohio.			Real estate loans and federally insured savings.	
				Almour Securities, Inc., Cleveland, Ohio.			Mortgage banking and loan servicing.	
				Ohio Escrow Services, Inc., Painesville, Ohio.			Loan closing and escrow services.	
				Financial Properties, Inc			Nonoperating	
				Towers Communications, Inc., Coshocton, Ohio.				
				TV Cable Systems, Inc			Cable television services	
				Community Cable Services, Inc.			do	
				Television Cable Services, Inc.			do	
				Lisbon Cable TV, Inc			do	
				Tower Communications Systems Corp.				
Celina Financial Corp., Celina, Ohio.	Home Banking Co., St. Marys, Ohio.	21.1	Mar. 23, 1965	Midwest Service Center, Inc., Celina, Ohio.		December 1966	Computer center	1.8
				Celina National Life Insurance Co., Celina, Ohio.		May 1965	Life insurance company	
				Celina Mutual Insurance Co			Insurance	
				National Mutual Insurance Co.			do	
Cement Insurance Agency, Inc., Cement, Okla.	First State Bank, Cement Okla.	1.4	Apr. 15, 1968				Insurance agents, brokers, and service.	.2
Evans Insurance Agency, Inc., Billings, Okla.	First State Bank, Billings, Okla.	2.0	Aug. 1, 1967				do	.2
Carroll Agency, Inc., Weleetka, Okla.	State National Bank of Weleetka, Okla.	2.5	Aug. 26, 1966				Insurance	.2
Savings Bank of Newport, Newport, R.I.	Newport County Trust Co., Newport, Rhode Island.	1.6	1967				Mutual savings banks	75.5
Industrial Bancorp, Inc	Industrial National Bank of Rhode Island, Providence, R.I.	824.6	Sept. 18, 1968	Information Sciences, Inc	<1.0	Nov. 30, 1968	Computer services and systems.	
				Westminster Development Co.		do	Real estate investment	
People Savings Bank in Providence, Providence, R.I.	Peoples Trust Co., Providence, R.I.	4.1	1967				Mutual savings banks	143.7
Woonsocket Institution for Savings, Woonsocket, R.I.	Woonsocket Institution Trust co., Woonsocket, R.I.	2.1	1966				do	117.9
Farmers Cotton Warehouse, Smithfield, N.C.	Peoples Bank, Cheraw, S.C.	4.1	1968				Agricultural service (warehouse).	<1.0
							Real estate operators and lessors.	
Guardian Fidelity Corp., Rock Hill, S.C.	Exchange Bank, Hollywood, S.C.	1.4	1966				Personal credit institutions	4.2
							Business credit institutions	
							Real estate agents, brokers, and managers.	
							Real estate operator and lessors.	
Investment Corp. of America, Canton, S. Dak.	Peoples Bank, Conde, S. Dak.	1.3	1966				Insurance agents, brokers, and service.	<1.0
First South Dakota Bankshares, Inc., Sioux Falls, S. Dak.	Farmers State Bank, Dupree, S. Dak.	2.7	1966 (1967 FRS).				Insurance agents, brokers, and service.	<1.0
							Miscellaneous investing institutions.	
Able Diversified Co., Rapid City, S. Dak.	Southern Hill Bank, Edgemont, S. Dak.	3.1	1966				Business credit institutions	<1.0
							Real estate operators and lessors.	
Haugo Investment Co., Sioux Falls, S. Dak.	Bank of Union County, Elk Point, S. Dak.	5.1	1965				Insurance agents, brokers, and service.	<1.0
Johnson Investment Co., Inc., Estelline, S. Dak.	Farmers State Bank, Estelline, S. Dak.	2.8	1967				do	<1.0

TABLE 5.—1 BANK HOLDING COMPANIES FORMED ON OR AFTER JAN. 1, 1965, WITH INFORMATION ON BANK AND NONBANKING SUBSIDIARIES CONTROLLED BY 1 BANK HOLDING COMPANY (LISTED IN ALPHABETICAL ORDER BY STATE)—Continued

Name of 1 bank holding company and location (1)	Name of bank controlled and location (2)	Deposits of bank controlled (millions) (3)	Date holding company formed or bank acquired (4)	Name of subsidiary and location (5)	Total assets of subsidiary (millions) (6)	Date subsidiary acquired (7)	Nature of business (8)	Value of assets of holding company (millions) (9)
Newport Corp., Sioux Falls, S. Dak.	Farmers State Bank, Lyons, S. Dak.	$.4	1967				Insurance agents, brokers, and service.	<$1.0
							Real estate	
United Corp., Rapid City, S. Dak	Rushmore State Bank, Rapid City, S. Dak.	9.7	1967 (1965 FRS).				Insurance agents, brokers, and service.	3.0
							Miscellaneous investing institutions.	
							Real estate operators and lessors.	
First National Holding Corp., Memphis, Tenn.	First National Bank of Memphis, Tenn.	647.5	Jan. 17, 1969	Investors Mortgage	$5.2	Feb. 6, 1969	Mortgage banking and services.	
NLT Corp., Nashville, Tenn.	Third National Bank. Nashville, Tenn.	428.4	Dec. 31, 1968	National Life & Accident Insurance Co.	1,580.9	Dec. 23, 1968	Life and health insurance	
				WSM, Inc	2.2	Dec. 24, 1968	Radio and TV broadcasting.	
				Third National Co	6.5	Jan. 1, 1969	Mortgage banking	
Silco, Inc., Dallas, Tex	Exchange Bank & Trust Co., Dallas, Tex.	94.8	1968	Southwest Indemnity & Life Insurance Co., Dallas, Tex.	4.0	1968	Life insurance	130.0
				Sherman Savings & Loan Association, Sherman, Tex.	15.0	1968	Savings and loan association.	
SNB Corp., Fort Worth, Tex	Southwest National Bank of El Paso, Tex.	43.0	1966				Personal credit institutions.	3.0
Fort Worth National Co., Fort Worth, Tex.	West Side State Bank, Fort Worth, Tex.	31.8	1967				Holds stock in other banks	3.0
							Business credit institutions.	
American General Insurance Co., Houston, Tex.	Texas National Bank of Commerce, Houston, Tex.	925.4	1968	Life & Casualty Insurance Co. of Nashville, Tenn.	491.0	1968	Life insurance	324.0
				WLAC, Inc		1968	Radio and TV broadcasting	
				Fidelity & Deposit Insurance Co., Baltimore, Md.	[4] 100.0	1969	Fire and casualty insurance.	
				Channing Financial Corp., Houston, Tex.	[4] 2.0	1969	Owns mutual fund management firms.	
Houston National Co., Houston, Tex.	Houston National Bank, Houston, Tex.	253.5	Mar. 27, 1969	Ten Ten Travis Corp	24.0	July 1, 1969	Owns parking garage in Houston, Tex.	23.0
				Tennessee Gas Building Corp., Houston, Tex.	33.0	do	Owns Tennessee Gas Building in Houston, Tex.	
The 1st National Bank of Jacksonville, Tex. & Associates, Jacksonville, Tex., employees profit-sharing trust.	Farmers & Merchants State Bank, Grapeland, Tex., now First State Bank, Grapeland, Tex.	1.5	1966				Personal credit institutions.	<1.0
							Miscellaneous investing institutions.	
Trustees of Shannon West Texas Memorial Hospital, San Angelo, Tex.	First National Bank of Kerrville, Tex.	17.0	Aug. 16, 1968	Timbermountain Ranch Co.	.3	Nov. 16, 1966	Ranching	
Wilcrof, Inc., Lewisville, Tex	Lewisville National Bank, Lewisville, Tex.	5.1	1966				Real estate operators and Lessors.	<1.0
KRIG, Inc., Odessa, Tex	Olton State Bank, Olton, Tex.	8.2	1967				TV and radio broadcasting	<1.0
Firstbank (nominee for Employees Pension Fund of First National Bank of Mount Pleasant, Tex., N/B is trustee for its own pension fund).	First State Bank, Pittsburg, Tex.	3.1	Dec. 10, 1968–Jan. 15, 1969.				Pension Fund Trustees	
Kickerillo Development Co., Raymondville, Tex., changed name to Kickerille Co., Houston, Tex.	Raymondville State Bank, Raymondville, Tex.	10.6	1965				Hold stock in other banks	5.0
							Real estate developers	
							Real estate operators and lessors.	
Dynamerica Corp	First National Bank of Richardson, Tex.	6.8	Oct. 1, 1968	Mount Dobbs Enterprises, Inc.	.04	Dec. 3, 1968	Restaurant	
Wolforth Investment Corp., Wolforth, Tex.	Wolforth State Bank, Wolforth, Tex.	2.2	1965				Business credit institutions.	<1.0
BD Inc. of Barron, Barron, Wis., (sold to Barron Investment Co., Inc., Barron, Wis., in 1968).	First National Bank of Barron, Barron, Wis.	6.8	1965				Insurance agents, brokers, and service.	<1.0
B&F Corp., Fort Atkinson, Wis	Bank of Fort Atkinson, Fort Atkinson, Wis.	4.5	Dec. 19, 1966				do	<1.0
Waycrosse, Inc., Minneapolis, Minn.	Bank of Ellsworth, Ellsworth, Wis.	13.1	1967				do	10.0
Jensen Sundquist Agency, Inc., Grantsburg, Wis.	First Bank of Grantsburg, Wis.	15.9	1966				do	
Norris Bankshares, Inc., Chicago, Ill.	Home Bank, Milwaukee, Wis.	28.1	1968				Miscellaneous investing institutions.	3.4
							General farms	
							Manufacturing miscellaneous food preparations.	
Sterling Precision Corp., New York, N.Y.	Milwaukee Western Bank, Milwaukee, Wis.	63.0	June 1967–March 1968.	Greater Arizona Ranches, Phoenix, Ariz.		October 1967	Land development	36.2
				R. Herschel Manufacturing Co., Peoria, Ill.	3.5	May 1968	Manufacturer cutlery blades.	
				Bayou Acceptance Corp., Mansfield, La.			Finance company	
				Selected Resources Corp			Real estate holdings	
				Wm. J. Meyer Co., Inc., Rochester, N.Y.		February 1968	Sheet metal fabricator	
				Elbe Fale & Bender Co., Inc., Fall River, Mass.	2.5	October 1968	Office supplies	
				People's Building and Loan Co., Barnsville, Ohio.		June 1965	Finances residential home mortgages.	
				Yawman & Erbe Manufacturing Co., Inc., New York.		Jan. 3, 1956	Manufacture office furniture.	
				A.L.F.-Herman Corp., St. Louis, Mo.		1958		
				Nabors Trailers, Mansfield, La.		1959	Manufacture truck trailers	
				Holga Metal Production Co., Van Nuys, Calif.		November 1964	Manufacture of steel office furniture and files.	

TABLE 5.—1 BANK HOLDING COMPANIES FORMED ON OR AFTER JAN. 1, 1965, WITH INFORMATION ON BANK AND NONBANKING SUBSIDIARIES CONTROLLED BY 1 BANK HOLDING COMPANY (LISTED IN ALPHABETICAL ORDER BY STATE)—Continued

Name of 1 bank holding company and location (1)	Name of bank controlled and location (2)	Deposits of bank controlled (millions) (3)	Date holding company formed or bank acquired (4)	Name of subsidiary and location (5)	Total assets of subsidiary (millions) (6)	Date subsidiary acquired (7)	Nature of business (8)	Value of assets of holding company (millions) (9)
Inland Financial Corp., Milwaukee, Wis.	Whitefish Bay Bank & Trust Co., Whitefish Bay, Wis.	$37.8	1966	Newton Securities, Inc. Milwaukee, Wis.	$0.1	Dec. 19, 1967	Mutual fund	$2.8
				Inland Leasing, Inc., Milwaukee, Wis.		March 1969	Leasing equipment	
				Inland Insurance, Inc., Milwaukee, Wis.		do	Insurance broker	
Financial Investments, Lusk, Wyo., now Ranch-Way, Inc., Lusk, Wyo.	Lusk State Bank, Lusk, Wyo.	3.7	Mar. 18, 1966	Rocky Mountain Livestock Co., Inc., Fort Collins, Colo.	.1	Aug. 22, 1967	Miscellaneous investing institutions.	1.5
							Real estate developers	
							Real estate operators and lessors and cattle.	
First State Corp., Cody, Wyo.	First National Bank, Meeteetse, Wyo.	1.2	June 29, 1968				Insurance agents, brokers & service.	.3
							Personal credit institutions	
							Miscellaneous business services.	

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[1] Merged into Picker Corp., its parent company, as of Dec. 31, 1968.

[2] These companies were for many years distributors for Picker Corp., and were acquired upon the death of the principal, Mr. Sicular. They were merged into Picker Corp. as of Dec. 31, 1968.

[3] Excluding assets of Provident National Bank and United Liberty Life Insurance Co.

[4] Estimate.

TABLE 6.—1-BANK HOLDING COMPANIES FORMED PRIOR TO JAN. 1, 1965, WHICH HAVE ACQUIRED NONBANKING SUBSIDIARIES ON OR AFTER JAN. 1, 1965

Name of 1-bank holding company and location (1)	Name of bank controlled and location (2)	Deposits of bank controlled (millions) (3)	Date holding company formed or bank acquired (4)	Name of subsidiary and location (5)	Total assets of subsidiary (millions) (6)	Date subsidiary acquired (7)	Nature of business (8)	Value of assets of holding company (millions) (9)
Medlin Insurance Agency, Inc., Oakley, Kans.	Farmers State Bank, Oakley, Kans.		Oct. 1, 1959	Oakley Development Co., Oakley, Kans.		1966	Owns land (not bank-related) and government bonds.	
Bankers Life & Casulaty Co., Chicago, Ill.	Citizens Bank & Trust Co., Park Ridge, Ill.	$134	Jan. 11, 1955	City Development Corp., Lake Park, Fla.		June 30, 1967	Real estate holding company.	$402
	Royal National Bank, New York, N.Y.[1]	214	February 1969.	Molecular Research, Inc., West Palm Beach, Fla.		July 1, 1966	Engineering, research and manufacturing.	
				National Corp., Chicago, Ill.		Dec. 14, 1967	Real estate holding company.	
				The Shaker Corp., Lake Park, Fla.		Dec. 28, 1967	Real estate developer	
				Union Bankers Insurance Co., Dallas, Tex.		Aug. 1, 1967	Life, accident, and health insurance.	
				Western American Life Insurance Co., Austin, Tex.		Oct. 13, 1967	Life, accident, and health Insurance.	
				Constitution Life Insurance Co.				
				Bankers Multiple Life Insurance Co.				
				Fab Industries, Inc.				
				Western Life Assurance Co.		February 1967		
Fidelity Securities & Investment Co., Inc., Minneapolis, Minn.	Fidelity Bank & Trust Co., Minneapolis, Minn.	48	November 1954.	Minnesota Investment & Securities Co., Minneapolis, Minn.		January 1965	Arizona real estate	
Industrial Finance Co., Fayetteville, Ark.	McIlroy Bank, Fayetteville, Ark.		Oct. 17, 1960	Northwest Mills, Inc., Fayetteville, Ark.		Jan. 31, 1966	Warehouse and refinancing (inactive).	

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[1] Bankers Life & Casualty Co., holds 24 percent of Royal National Bank stock, and the Bankers Life & Casualty Co. president personally holds 11 percent of Royal National Bank stock. An additional 60 percent of Royal National Bank stock is held by officers and directors of Bankers Life & Casualty Co.

TABLE 7.—SUMMARY OF 1-BANK HOLDING COMPANIES OPERATING INSURANCE AGENCIES

1-bank holding companies operating insurance agencies in same State—formed before Jan. 1, 1965	99
1-bank holding companies operating insurance agencies in a different State—formed before Jan. 1, 1965	8
1-bank holding companies operating insurance agencies in same State—formed on or after Jan. 1, 1965	121
1-bank holding companies operating insurance agencies in a different State—formed on or after Jan. 1, 1965	4
Total	229

TABLE 8.—1 BANK HOLDING COMPANIES OPERATING INSURANCE AGENCIES IN SAME STATE—FORMED BEFORE JAN. 1, 1965 (TOTAL 96)

Name of holding company	Location	Name of bank	Bank deposits	Location	Date acquired
Gulf Area Insurance Agency, Inc.	Bay Minette, Ala.	Baldwin National Bank	6.5	Robertsdale, Ala.	1964
Navajo Bancorporation, Inc.	Phoenix, Ariz.	First Navajo National Bank	48.3	Holbrook, Ariz.	1963
Commercial Investment Co.	Texarkana, Ark.	First National Bank in Ashdown	5.9	Ashdown, Ark.	1948
American Pioneer Life Insurance Co.	Little Rock, Ark.	First National Bank of Poinsett County	3.6	Trumann, Ark.	1959
Trans World Financial Corp.	Beverly Hills, Calif.	Trans World Bank		Los Angeles, Calif.	1963
Loren Investment Co., Inc.	Brighton, Colo.	The First Bank of Brighton	12.7	Brighton, Colo.	1961
Cortez Investment Co.	Cortez, Colo.	Citizens State Bank of Cortez	7.0	Cortez, Colo.	1961
Yampa Valley Corp.	Craig, Colo.	Moffat County State Bank	10.1	Craig, Colo.	1964
Colorado Funding Co.	Denver, Colo.	Colorado State Bank of Denver	42.4	Denver, Colo.	1964
Flatirons Investment Co.	Boulder, Colo.	First National Bank	2.6	Lafayette, Colo.	Unknown
The Central Insurance Agency, Inc.	Denver, Colo.	First State of Idaho Springs	3.3	Idaho Springs, Colo.	1962
First Western Slope, Corp.	Grand Junction, Colo.	First National Bank in Grand Junction	31.5	Grand Junction, Colo.	1964
First McKinley Corp.	Glenwood Springs, Colo.	First National Bank of Glenwood Springs	23.2	Glenwood Springs, Colo.	1961
San Miguel Investment Co.	Norwood, Colo.	San Miguel Basin State Bank	3.7	Norwood, Colo.	1964
Solar Investment Co., Inc.	Pueblo, Colo.	Park National Bank	3.5	Pueblo, Colo.	1964
Rocky Ford Investment, Corp.	Rocky Ford, Colo.	Rocky Ford National Bank	4.6	Rocky Ford, Colo.	1963
Brown Corp.	Sterling, Colo.	Farmers State Bank of Yuma	6.2	Yuma, Colo.	1963

TABLE 8.—I BANK HOLDING COMPANIES OPERATING INSURANCE AGENCIES IN SAME STATE—FORMED BEFORE JAN. 1, 1965 (TOTAL 96)—Continued

Name of holding company	Location	Name of bank	Bank deposits	Location	Date acquired
Conlon Moore Corp	Chicago, Ill	Commerical National Bank of Berwyn	22.1	Berwyn, Ill	1962
Clearing Industrial District, Inc	do	State Bank of Clearing	39.0	Chicago, Ill	1914
Farmer City Agency, Inc	Farmer City, Ill	Farmer City State Bank	10.1	Farmer City, Ill	1964
First National Holding Corp. of O'Fallon	O'Fallon, Ill	First National Bank of O'Fallon	13.3	O'Fallon, Ill	1962
Northland Insurance Agency, Inc	Chicago, Ill	American Savings Bank	14.3	South Chicago Heights, Ill	1960
Howard McKee Corp	do	Wheeling Trust & Savings Bank	27.1	Wheeling, Ill	1961
The Riley Co., Inc	East Chicago, Ind	First National Bank of East Chicago	94.9	East Chicago, Ind	1941
Indiana Industries, Inc	Indiana	Bank of Indiana	74.2	Gary, Ind	1963
Nichols Investment Corp	Terre Haute, Ind	First National Bank	6.4	Monticello, Ind	1962
Nashville Securities & Investment Co., Inc	Nashville, Ind	Nashville State Bank	5.7	Nashville, Ind	Unknown
Associates Investment Co	South Bend, Ind	First Bank & Trust Co. of South Bend	141.9	South Bend, Ind	1964
First Charter Financial Corp	Syracuse, Ind	State Bank of Syracuse	10.4	Syracuse, Ind	By 1964
A. M. Saylor, Inc	Clarion, Iowa	State Savings Bank	3.5	Aplington, Iowa	1962
MSB Corp	Monticello, Iowa	City State Bank	3.4	Central City, Iowa	1963
Whitmore Co., Inc	Corning, Iowa	Okey Vernon National Bank of Corning	8.9	Corning, Iowa	1963
D. W. Heineking, Inc	Hubbard, Iowa	Security State Bank	3.2	Hubbard, Iowa	1964
The Security Agency, Inc	Decorah, Iowa	Security Bank & Trust Co	9.3	Decorah, Iowa	1962
Stege Insurance Agency, Inc	Fonda, Iowa	First National Bank of Fonda	4.1	Fonda, Iowa	1963
Iowa Barber College	Des Moines, Iowa	The Decatur County State Bank	7.6	Leon, Iowa	1962
Midwest Agriculture Credit Corp	Rock Rapids, Iowa	Lester State Bank	1.6	Lester, Iowa	1963
The Lodwick Manning Co	Des Moines, Iowa	Manning Trust & Savings Bank	2.0	Manning, Iowa	1964
M. V. Co., Inc	Marion, Iowa	First National Bank of Marion	16.5	Marion, Iowa	1963
Humeston Corp	Humeston, Iowa	Citizens State Bank	2.2	Humeston, Iowa	1962
Lodwick Kiron Co	Denison, Iowa	Kiron State Bank	2.4	Kiron, Iowa	1963
Community Holding Co	Knoxville, Iowa	Community National Bank & Trust Co	11.8	Knoxville, Iowa	1961
Asco, Inc	Rock Rapids, Iowa	Rock Rapids State Bank	7.5	Rock Rapids, Iowa	1961
Iowa Business Investment Corp	Storm Lake, Iowa	Sibley State Bank	5.9	Sibley, Iowa	1962
Morningside Development Co., Inc	Sioux City, Iowa	Morningside State Bank	9.0	Sioux City, Iowa	1963
Cedar Investment Co	Waverly, Iowa	American Savings Bank	3.8	Tripoli, Iowa	1962
I & B, Inc	Cherryvale, Kans	Peoples State Bank	5.5	Cherryvale, Kans	1964
Hi Plains Insurance Agency	Colby, Kans	Thomas County National Bank	9.2	Colby, Kans	1963
Key Insurance, Inc	Edna, Kans	First State Bank	2.4	Edna, Kans	1961
Percival Insurance Agency, Inc	Garden City, Kans	Garden National Bank of Garden City	15.6	Garden City, Kans	1961
First Insurance Agency, Inc	Goodland, Kans	First National Bank in Goodland	10.4	Goodland, Kans	1958
Shanlie, Inc	Herndon, Kans	First State Bank	2.3	Jennings, Kans	1964
Medlin Insurance Agency, Inc	Oakley, Kans	Farmers State Bank of Oakley	7.5	Oakley, Kans	1959
Miami Agency, Inc	Shawnee Mission, Kans	Miami County National Bank of Paola	17.1	Paola, Kans	1962
Quinter Insurance Service, Inc	Quinter, Kans	First National Bank of Quinter	5.2	Quinter, Kans	1964
Peoples Investment, Inc	Richmond, Kans	Peoples State Bank	2.8	Richmond, Kans	Unknown
Roeland Park Agency, Inc	Mission, Kans	Roeland Park State Bank	18.2	Roland Park, Kans	Unknown
Peoples Insurance Agency, Inc	Sharon Springs, Kans	Peoples State Bank of Sharon Springs	4.0	Sharon Springs, Kans	1962
The Sylvan Agency, Inc	Sylvan Grove, Kans	Sylvan State Bank	3.0	Sylvan Grove, Kans	1962
Expressway Insurance Agency, Inc	New Orleans, La	Fidelity Bank & Trust Co		Winnfield, La	1964
Winn Development Corp	Winnfield, La	Winn State Bank & Trust Co	3.1	do	1964
Howard W. Reiter Investment Co	Canby, Minn	National Citizens Bank of Canby	6.6	Canby, Minn	1960
Crystal State Agency, Inc	Crystal, Minn	Crystal State Bank	14.5	Crystal, Minn	1963
North Shore Co	Duluth, Minn	Airport State Bank of Duluth	1.4	Duluth, Minn	1963
Babbscha, Inc	Fridley, Minn	Fridley State Bank	6.8	Fridley, Minn	1962
Equity Capitol Co	Minneapolis, Minn	Citizens State Bank of Green Isle	8.6	Green Isle, Minn	1963
Financial Underwriters, Inc	do	Lake City State Bank	9.5	Lake City, Minn	1963
Fidelity Securities & Investment Co., Inc	do	Fidelity Bank and Trust Co	48.4	Minneapolis, Minn	By 1964
Richfield State Agency, Inc	Richfield, Minn	Richfield Bank & Trust Co	35.9	Richfield, Minn	1964
Park Plaza State Agency, Inc	St. Louis Park, Minn	Park Plaza State Bank of St. Louis Park	11.9	St. Louis Park, Minn	1963
Behrens, Inc	New London, Mo	Ralls County State Bank	3.8	New London, Mo	1958
Centralia Insurance Agency, Inc	Centralia, Mo	First National Bank of Centralia	7.8	Centralia, Mo	1964
Hardin, Inc	Edison, Nebr	Farmers and Merchants Bank	1.6	Edison, Nebr	1963
American National Agency, Inc	Kimball, Nebr	American National Bank of Kimball	6.8	Kimball, Nebr	1961
Bank Management, Inc	Omaha, Nebr	Bank of Arzgue	1.5	Prague, Nebr	1964
Shelby Insurance, Inc	Shelby, Nebr	First National Bank of Shelby	2.8	Shelby, Nebr	1961
Osceola Insurance, Inc	Osceola, Nebr	First National Bank of Osceola	4.0	Osceola, Nebr	1961
Thuman Corp	Trenton, Nebr	Farmers State Bank	2.1	Maywood, Nebr	1962
Guaranty Development Co	Livingston, Mont	First Security Bank of Livingston	10.7	Livingston, Mont	1964
Binger Agency, Inc	Binger, Okla	Binger Community Bank	2.5	Binger, Okla	1964
Tuttle Insurance Agency, Inc	Tuttle, Okla	Bank of Tuttle	2.9	Tuttle, Okla	1964
Watson Insurance Agency, Inc	New Rockford, N. Dak	First State Bank of New Rockford	6.6	New Rockford, N. Dak	1964
Lincoln Investment Co	Lennox, S. Dak	Exchange Bank of Lennox	4.7	Lennox, S. Dak	1960
Union Credit Corp	Huron, S. Dak	First Security Bank	2.5	Morristown, S. Dak	1962
Sully County Insurance Agency	Onida, S. Dak	Sully County Bank	1.1	Onida, S. Dak	1963
Citizens Bancorporation	Rapid City, S. Dak	United National Bank of Vermillion	14.1	Vermillion, S. Dak	1964
XYZ Corp	Pierre, S. Dak	First Western Bank	5.5	Wall, S. Dak	1964
The Farmers & Merchants Investment Co	Watertown, S. Dak	Farmers & Merchants Bank & Rrust	17.1	Watertown, S. Dak	Unknown
Ranchers Security Corp	Winner, S. Dak	Ranchers National Bank	5.9	Winner, S. Dak	1963
Lincoln Liberty Life Insurance Co	Houston, Tex	First National Bank of Raymondville	9.8	Raymondville, Tex	1958
Mortgage Investment Corp	San Antonio, Tex	Mercantile Bank & Trust	13.3	San Antonio, Tex	Unknown
Murray State Investment, Inc	Murray, Utah	Murray State Bank	13.3	Murray, Utah	1964
Bonneville Capital Corp	Salt Lake City, Utah	Bank of Salt Lake	5.5	Salt Lake City, Utah	1963
Genera. Investment Co., Inc	Wisconsin	Monona Grove State Bank		Monona, Wis	1958
New Shares, Inc	New Franken, Wis	New Franken State Bank	4.4	New Franken, Wis	1963
First Capital Corp	Lander, Wyo	First National Bank of Lander	11.1	Lander, Wyo	1964

TABLE 9.—INSURANCE AGENCIES AS I-BANK HOLDING COMPANIES OPERATING INSURANCE AGENCIES IN DIFFERENT STATE THAN THE HOLDING COMPANY—FORMED BEFORE JAN. 1, 1965 (TOTAL 8)

Name of holding company and location	Name of bank and location	Bank deposits	Date acquired
Bankers Financial Corp., Fergus Falls, Minn	First National Bank in Drake, N. Dak	4.4	1960
Exchange Investors, Inc., Glendive, Mont	El Dorado National Bank, El Dorado, Kans	11.4	1959
First Plaza Co., Lincoln, Nebr	First National Bank of Westminster, Colo	13.2	1964
Harlem Corp., Rapid City, S. Dak	Security State Bank, Harlem, Mont	3.6	1964
Independence Financial Corp., Lincoln, Nebr	Standard State Bank, Independence, Mo	12.8	1964
Iowa Banco Corp., Omaha, Nebr	Onawa State Bank, Onawa, Iowa	8.0	1964
Mid Continent Financial Corp., Omaha, Nebr	Commercial Bank of Leadville, Colo	5.8	1964
Thompson Insurance, Inc., Towner, N. Dak	Basin State Bank, Stanford, Mont	5.3	1963

TABLE 10.—1 BANK HOLDING COMPANIES OPERATING INSURANCE AGENCIES IN SAME STATE—FORMED ON OR AFTER JAN. 1, 1965 (TOTAL 121)

Name of Holding Company	Location	Name of Bank	Location	Date acquired
Baldwin Insurance Co., Inc	Bay Minette, Ala	First National Bank of Bay Minette	Bay Minette, Ala	1965
First Lincoln Financial Corp	Los Angeles, Calif	Lincoln Bank	Los Angeles, Calif	1965
D. Earle Brumbaugh Agency, Inc	Fruita, Colo	Fruita State Bank	Fruita, Colo	1966
Colorado Financial Services, Inc	Eagle, Colo	First National Bank of Eagle County	Eagle, Colo	1965
Middle Park Agency, Inc	Granby, Colo	Middle Park Bank	Granby, Colo	1965
Hereford Insurance & Investment Co	Hereford, Colo	Hereford State Bank	Hereford, Colo	1968
Holyoke Agency, Inc	Holyoke, Colo	Holyoke Bank and Trust Co	Holyoke, Colo	1967
Liberty Agency, Inc	do	Kirk State Bank	Kirk, Colo	1967
Greeley-LaSalle Investment Corp	Greeley, Colo	South Platte National Bank	LaSalle, Colo	1968
Washington Investment Co	Otis, Colo	First National Bank of Otis	Otis, Colo	1966
Harry A. Lowe Agency, Inc	Ouray, Colo	Citizens State Bank	Ouray, Colo	1967
Clark Insurance Agency, Inc	Stratton, Colo	First National Bank	Stratton, Colo	1967
Chicago City Bancorporation	Chicago, Ill	Chicago City Bank & Trust Co	Chicago, Ill	1968
Backlund White, Inc	Dunlap, Ill	Glasford State Bank	Glasford, Ill	1965
First Wyanet Investment Corp	Wyanet, Ill	First National Bank of Wyanet	Wyanet, Ill	Feb. 1, 1969
American Investment Co. of South Bend	South Bend, Ind	American National Bank & Trust Co	South Bend, Ind	1966
The Lodwick Danbury Co	Des Moines, Iowa	Farmers Savings Bank	Danbury, Iowa	1966
Goose Lake Investment, Inc	Iowa	Goose Lake Savings Bank	Goose Lake, Iowa	1967
Humboldt Realty Insurance Co., Inc	Humboldt, Iowa	First National Bank	Humboldt, Iowa	1967
Zabel Enterprises, Inc	Lenox, Iowa	do	Lenox, Iowa	1968
Wisco, Inc	Maquoketa, Iowa	First State Bank	Diagonal, Iowa	1968
First Building Corp. of Eldora	Eldora, Iowa	First National Bank	Eldora, Iowa	1967
Iowa National Investment Co	Dubuque, Iowa	Epworth Savings Bank	Epworth, Iowa	1966
Fayette Investment Co	Mason City, Iowa	State Bank	Fayette, Iowa	1967
United American Investment Co	do	First State Bank	Britt, Iowa	1966
Iowa Banshares, Inc	Red Oak, Iowa	Pella National Bank	Pella, Iowa	1966
Riceville Investment Co	Charles City, Iowa	First National Bank	Riceville, Iowa	1968
Pioneer Development Co	Sioux City, Iowa	Pioneer Valley Savings Bank	Sergeant Bluff, Iowa	1965
Nora Springs Investment Co., Inc	Iowa	First State Bank	Nora Springs, Iowa	1967
Williams Security Insurance Agency, Inc	Williams, Iowa	Williams Savings Bank	Williams, Iowa	1966
Tri-County Insurance Agency, Inc	Zearing, Iowa	Tri-County Bank	Zearing, Iowa	1967
Bedene Insurance Agency, Inc	Arma, Kans	First State Bank	Arma, Kans	1968
Exchange Bankshares Corp	Atchison, Kans	Exchange National Bank of Atchison	Atchison, Kans	1968
Berco, Inc	Salina, Kans	Bennington State Bank	Bennington, Kans	1967
Danehower Realty Corp	Chanute, Kans	First National Bank of Chanute	Chanute, Kans	1966
The Glen Elder Agency, Inc	Glen Elder, Kans	Traders State Bank	Glen Elder, Kans	1967
Nemaha Investment Co., Inc	Goff, Kans	First National Bank of Goff	Goff, Kans	1966
Citizens Insurance Agency, Inc	Jewell, Kans	Citizens State Bank	Jewell, Kans	1967
Full Service Insurance, Inc	Harston-LaCrosse, Kans	Home State Bank	LaCrosse, Kans	1966
Colt Investment, Inc	Prairie Village, Kans	Hartford State Bank	Hartford, Kans	1967
John Herbin, Inc	Jamestown, Kans	Randall National Bank	Randall, Kans	1968
Dunmire Insurance Agency, Inc	Spring Hill, Kans	State Bank of Spring Hill	Spring Hill, Kans	1965
Boyce Insurance, Inc	Strawn, Kans	Strawn State Bank	Strawn, Kans	1968
Sylvia Insurance Agency, Inc	Sylvia, Kans	Sylvia State Bank	Sylvia, Kans	1968
First Wa Keeney Agency, Inc	Wa Keeney, Kans	First National Bank	Wa Keeney, Kans	1967
Wakefield Agency, Inc	Wakefield, Kans	Farmers & Merchants State Bank	Wakefield, Kans	1965
Medelco, Inc	Rochester, Minn	Sterling State Bank	Austin, Minn	1965
First National Agency of Bagley, Inc	Bagley, Minn	First National Bank of Bagley	Bagley, Minn	1965
Balaton Agency, Inc	Balaton, Minn	Farmers & Merchants State Bank	Balaton, Minn	1967
First National Agency of Baudette, Inc	Baudette, Minn	First National Bank of Baudette	Baudette, Minn	1965
The Bellingham Corp	Minneapolis, Minn	State Bank of Bellingham	Bellingham, Minn	1969
Dassel Investment Co	do	Dassel State Bank	Dassel, Minn	1965
Elgin Investment Co., Inc	Elgin, Minn	Elgin State Bank	Elgin, Minn	1965
Farmers Investment Corp	Eyota, Minn	Farmers State Bank of Eyota	Eyota, Minn	1965
Citizens State Agency of Fulda, Inc	Fulda, Minn	Citizens State Bank of Fulda	Fulda, Minn	1966
C.S. Inc	Harmony, Minn	Harmony State Bank	Harmony, Minn	1966
Himle Agency, Inc	Hayfield, Minn	Citizens State Bank	Hayfield, Minn	1968
Oppegard Agency, Inc	Hinckley, Minn	Farmer & Merchants State Bank	Hinckley, Minn	1968
Klorsel Corp	Minneapolis, Minn	Franklin National Bank	Minneapolis, Minn	1968
Kanabec Credit Co., Inc	Mora, Minn	Kanabec State Bank	Mora, Minn	1968
Kimberly Leasing Corp., Inc	Rush City, Minn	State Bank of Rush City	Rush City, Minn	1966
Poe Investment Co., Inc	Minneapolis, Minn	Farmers & Merchants Bank	Sacred Heart, Minn	1965
Plaza Agency, Inc	St. Cloud, Minn	Plaza Park Bank	St. Cloud, Minn	Dec. 12, 1968
First National Agency of Wadena, Inc	Wadena, Minn	First National Bank	Wadena, Minn	1968
Clear Lake Agency of Waseca, Inc	Waseca, Minn	First National Bank of Waseca	Waseca, Minn	1966
Feeney Insurance Agency, Inc	Missouri	Peoples Bank of Kansas City	Kansas City, Mo	1968
Marshfield Investment Co., Inc	Marshfield, Mo	Citizens State Bank	Marshfield, Mo	1967
Mid-America Bancorporation, Inc	Smithville, Mo	Citizens Bank of Smithville	Smithville, Mo	1968
Security, Inc	Butte, Mont	Security Bank	Butte, Mont	1968
Robert Agency, Inc	Roundup, Mont	Miners & Merchants Bank	Roundup, Mont	1968
Con-West, Inc	Stevensville, Mont	First State Bank	Stevensville, Mont	1967
Mineral County Insurance Agency, Inc	Superior, Mont	First State Bank of Mineral County	Superior, Mont	1968
Hansen Lawrence Agency, Inc	Worden, Mont	Farmers State Bank of Worden	Worden, Mont	1965
Commercial Investment Co	Ainsworth, Nebr	Commercial National Bank	Ainsworth, Nebr	1967
Wells Enterprises, Inc	Bartley, Nebr	State Bank of Bartley	Bartley, Nebr	1967
1st Group, Inc	Beatrice, Nebr	Blue Springs State Bank	Blue Springs, Nebr	1966
Clearwater Enterprises, Inc	Clearwater, Nebr	Citizens State Bank	Clearwater, Nebr	1966
Hoff Investment Corp	Lisco, Nebr	Dalton State Bank	Dalton, Nebr	1968
Decatur Agency Co	Decatur, Nebr	Citizens State Bank	Decatur, Nebr	1968
Midstate Insurance Agency & Management, Inc	Elm Creek, Nebr	Elm Creek State Bank	Elm Creek, Nebr	1967
Nebraska Bankshares, Inc	Farnam, Nebr	Farnam Bank	Farnam, Nebr	1968
The Woodstock Land & Cattle Co	Fullerton, Nebr	Fullerton National Bank	Fullerton, Nebr	1966
Byla Co., Inc	Gibbson, Nebr	Exchange Bank	Gibbson, Nebr	1965
Gresham Co., Inc	Gresham, Nebr	Gresham State Bank	Gresham, Nebr	1968
Hardy Insurance Agency, Inc	Nebraska	Hardy State Bank	Hardy, Nebr	1967
Indianola Agency, Inc	Indianola, Nebr	Bank of Indianola	Indianola, Nebr	1968
Farmers & Merchants Investment Co	Lincoln, Nebr	Union Bank & Trust Co	Lincoln, Nebr	1966
Packers Management Co	Omaha, Nebr	Packers National Bank	Omaha, Nebr	Sept. 1, 1968
O'Neill Properties, Inc	O'Neill, Nebr	First National Bank of O'Neill	O'Neill, Nebr	1965
Howard Huff, Inc	Ord, Nebr	Security State Bank	Oxford, Nebr	1965
Farmers Insurance Agency, Inc	Nebraska	Bank of Panama	Panama, Nebr	1966
Clarke, Inc	Nebraska	Clarke Bank	Papillion, Nebr	1967
Pawnee County Banshares	Milford, Nebr	Pawnee County Bank	Pawnee City, Nebr	1967
Pickrell, Inc	Beatrice, Nebr	Pickrell State Bank	Pickrell, Nebr	1965
Stamford Banco, Inc	Nebraska	Stamford Bank	Stamford, Nebr	1968
Security Insurance Agency, Inc	Superior, Nebr	Security National Bank	Superior, Nebr	1968
Tekamah Agency Co., Inc	Tekamah, Nebr	First National Bank	Takamah, Nebr	1968
Wolback Insurance Agency, Inc	Wolback, Nebr	Peoples State Bank	Wolback, Nebr	1965
Wake Insurance Agency, Inc	Fuquay Varina, N.C	Southern Bank & Trust Co	Mount Olive, N.C	1965
First Union National Corp	Charlotte, N.C	First Union National Bank of North Carolina	Charlotte, N.C	Sept. 1968
NCNB Corp	do	North Carolina National Bank	do	Jan. 12, 1969
The Wachovia Corp	Winston-Salem, N.C	Wachovia Bank & Trust Co	Winston-Salem, N.C	Dec. 31, 1968
The Southern National Corp	Lumberton, N.C	Southern National Bank of North Carolina	Lumberton, N.C	Jan. 19, 1969
Columbus Corp	Columbus, N. Dak	Columbus State Bank	Columbus, N. Dak	1966
Home, Inc	Steele, N. Dak	Bank of Steele	Steele, N. Dak	1968
The Greater Ohio Corp	Mt. Gilead, Ohio	First National Bank of Mt. Gilead, Ohio	Mt. Gilead, Ohio	Sept. 1968

TABLE 10.—1 BANK HOLDING COMPANIES OPERATING INSURANCE AGENCIES IN SAME STATE—FORMED ON OR AFTER JAN. 1, 1965 (TOTAL 121)—Continued

Name of holding company	Location	Name of bank	Location	Date acquired
Cement Insurance Agency, Inc	Oklahoma	First State Bank	Cement, Okla	1968
Evans Insurance Agency, Inc	Billings, Okla	do	Billings, Okla	1967
Carroll Agency, Inc	Weleetka, Okla	State National Bank of Weleetka	Weleetka, Okla	1966
Bankers Investment Co	Rapid City, S. Dak	United National Bank of Brandon	Brandon, S. Dak	1965
Citizens Insurance Agency, Inc	Clark, S. Dak	Citizens State Bank	Clark, S. Dak	1967
Investment Corp. of America	Canton, S. Dak	Peoples Bank	Conde, S. Dak	1966
First South Dakota Bankshares, Inc	Sioux Falls, S. Dak	Farmers State Bank	Dupree, S. Dak	1966
Haugo Investment Co	Sioux Falls, S. Dak	Bank of Union County	Elk Point, S. Dak	1965
Johnson Investment Co., Inc	Estelline, S. Dak	Farmers State Bank	Estelline, S. Dak	1967
Midwestern Banks, Inc	Rapid City, S. Dak	Lyman County Bank	Kennebec, S. Dak	1967
Decotah Bank Holding Co	Aberdeen, S. Dak	Security Bank	Webster, S. Dak	1965
United Corp	Rapid City, S. Dak	Rushmore State Bank	Rapid City, S. Dak	1967
B D Inc. of Barron	Barron, Wis	First National Bank of Barron	Barron, Wis	1965
Jensen Sundquist Agency, Inc	Grantsburg, Wis	First Bank of Grantsburg	Grantsburg, Wis	1966
First State Corp	Cody, Wyo	First National Bank	Mesteetse, Wyo	1968

TABLE 11.—1 BANK HOLDING COMPANIES OPERATING INSURANCE AGENCIES IN A DIFFERENT STATE THAN THE HOLDING COMPANY—FORMED ON OR AFTER JAN. 1, 1965 (TOTAL 4)

Name of holding company and location	Name of bank and location	Date acquired
First Estes Plaza Co., Lincoln, Nebr	First National Bank of Estes Park, Colo	1965
Thor Realty Co., Inc., Cleveland, Ohio	Smithton Bank, Smithton, Mo	1965
Lincoln Corp., Rapid City S. Dak	Lincoln Security Bank, Libby, Mont	1966
Waycrosse, Inc., Minneapolis, Minn	Bank of Ellsworth, Ellsworth, Wis	1967

OIL IMPORT QUOTA PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. CONTE) is recognized for 20 minutes.

Mr. CONTE. Mr. Speaker, recent developments concerning the President's Cabinet Task Force on Oil Import Control present both a hope and a challenge to those of us who have long been opposed to the restrictive oil quota system.

The hope I speak of is based on several administration submissions to the task force recommending substantial alterations in, if not the total abolition of, the mandatory oil import program.

The challenge is that a massive effort is now underway to discredit the task force staff in the eyes of both the White House and task force members.

Mr. Speaker, I am sure I speak for all 53 cosponsors of my bill to end the quota system, and many more Members as well, in urging both the task force and the President to resist these pressures.

Already, Mr. Speaker, there have been several encouraging signals coming from administration sources.

First, and perhaps most important, Assistant Attorney General Richard W. McLaren, Chief of the Justice Department's Antitrust Division, has recommended abolition of the quotas, saying they have no relation to "any reasonable national security goal."

Second, the task force staff itself has released a study predicting that Alaskan north slope oil can be sold competitively with foreign oil—even without import restrictions.

Third, the Department of Defense has reported to the task force that, at a minimum, all Western Hemisphere cil sources are secure, and that the best way to assure they remain secure sources is to allow imports freely from those areas.

Finally, the Department of Interior has submitted studies to the task force backing up our contention that the cost of the program to consumers is considerable, and that the stockpiling of oil would be a far cheaper method of providing for emergency needs.

These and other studies, Mr. Speaker, have, according to some press accounts, led the task force staff to recommend substantial changes in our present inequitable and indefensible Government oil policy. The staff is now circulating several of these so-called "fact papers" among task force members. I include at the close of my remarks several copies of recent stories in the oil press on this subject.

It is no surprise, then, that the major oil lobbyists are now hard at work seeking to discredit the task force effort.

But it is a supreme irony, Mr. Speaker, that the same oil barons who called for this task force study in the first place are now disappointed with the very creature they brought into being.

Only last February, the American Petroleum Institute and its chairman, Mr. Michael L. Haider, who also happens to be chairman of the board of Standard Oil of New Jersey, urged the President to set up the task force. I include a copy of that letter at the close of my remarks.

Despite this irrefutable documentary evidence, some major oil propagandists, in their zeal to disown their unruly child, are already claiming that it was the "politicians" who caused the creation of the task force. Mr. Gene Kinney attempts this in a recent article in the Oil & Gas Journal for October 13, 1969. I also include this article at the close of my remarks.

But, Mr. Speaker, the oil barons cannot escape the facts. It was the oil lobby, and not the "politicians" seeking to end the quotas, who pushed for the creation of the task force.

I think the evidence is clear, Mr. Speaker, that the main purposes of the task force proposal were to delay a decision about to be made on the application for a free port and refinery at Machiasport, Maine, and, in general, to stall any further action in the direction of reforming our oil policies.

Although I was convinced that the subject had been studied to death, I have cooperated with the task force, submitting my own proposal in which I explained the purposes of my bill and urged the task force to support it.

And, as I have pointed out, a number of excellent studies submitted to the task force have also recommended either abolition of the quotas or greatly increased imports.

It is, of course, too early to predict what the task force will finally recommend and what the President will decide.

Mr. Speaker, I certainly do not suggest that the concerted effort now underway to discredit the task force staff will easily sway the distinguished membership of the task force, or the President himself.

I believe this administration is committed to giving this question the most objective look possible, and that it fully intends to decide these questions of oil policy on their merits.

But I am also convinced that those of us who favor serious reform must renew our efforts. We cannot permit this cynical lobbying effort to scuttle the work of the task force.

If the facts are made clear to the public, particularly by my colleagues from the Northeast in this and in the other body, I believe we can meet this latest challenge.

Surely all of us here know that the oil lobby can be a most powerful foe. But the truth is far more powerful.

The public has a right to know that truth. And, when they do, I am convinced that the effort of the oil industry to discredit the work of the task force staff will fail.

The material referred to follows:

FEBRUARY 5, 1969.

Dr. ARTHUR F. BURNS,
Counselor to the President,
The White House.

DEAR MR. BURNS: Mr. Michael L. Haider, Chairman of the Board of Directors of the American Petroleum Institute, and I would like to submit to you for your consideration the attached memorandum. This memorandum urges the creation of a Cabinet level Committee for the purpose of studying and re-evaluating the Mandatory Oil Import Program.

Mr. Haider and I would welcome an opportunity to discuss this matter with you personally.

Yours very truly,
FRANK N. IKARD,
President, American Petroleum Institute.

[From Oil & Gas Journal, Sept. 29, 1969]

INTERIOR STAFF EXPLODES IMPORTS BOMB

THE SEARCH for cheaper alternatives to oil-import controls drew support last week from a Department of Interior staff report.

The report concludes that emergency stor-

age in Gulf Coast salt domes would cost far less than spare productive capacity or other hedges against loss of foreign supplies.

The draft analysis, which does not represent a departmental position, nevertheless is expected to have major influence on policy.

The series of nine "technical" papers submitted to the Cabinet Task Force on Oil-Import Controls estimates the cost of a strategic reserve in salt-dome storage at only 39¢/bbl (Table 1).

This is based on availability of 5,000,000 b/d of supply in 1975 and 6,000,000 b/d in 1980 under liberalized import controls.

Next in line among the nine alternatives calculated is the present control program, exclusive of the costs assigned to prorationing. This is computed at 67¢/bbl. Department economists estimated the cost of the present controls, including additional costs assigned to prorationing, at $1.04/bbl.

Impact of studies. The Interior papers were presented to the task force staff at a time when it is reaching conclusions on factual issues in the policy review ordered by President Nixon in February.

The papers, coming from a respected source, are expected to greatly influence task-force conclusions.

And these factual determinations, in turn, will inevitably tip policy decisions in one direction or another.

The Interior papers point strongly toward a combination of increased imports with controls, together with provisions for emergency supplies in salt-dome storage.

Unless these figures are refuted, they will carry great weight in policy discussions by the cabinet group. The task force staff is at the point of winding up the factual portion of its review.

The next step, task force officials say, will be to obtain comments from oil experts at the staff level of interested government agencies. After running this gauntlet, the "fact" papers, along with the various policy alternatives suggested by them, will be considered with the cabinet members.

From these exchanges will come the report to the president, due by Thanksgiving, outlining possible revisions in import controls.

The cabinet members and their top aides are due to gather at some hideaway outside the capital in the next several weeks to hammer out basic decisions to go into the report.

Cost of alternatives. The Interior studies show the cost of a strategic reserve would be relatively small over the next decade using salt-dome storage (see table 2).

TABLE 1.—THE ESTIMATED COST OF KEEPING STRATEGIC OIL RESERVE

Type reserve	Amount per barrel per year	
	1975	1980
Salt-dome storage	$[1]0.39	$[1]0.39
Oil-shale Case II	[2]1.45	[2].51
Present program (exclusive of proration)	.67	.68
Oil-shale Case I	[2]1.45	[2].68
Subsidized oil-exploration Case I	[3].80	[3].95
Steel-tank storage	.98	.98
Present program (including proration)	1.04	1.04
Oil from coal	[4]1.35	[4]1.35
Subsidized oil-exploration Case II	[3]1.56	[3]1.64

[1] Assumes availability of 5,000,000 b/d for 12 months or 1.825 billion bbl for the year in 1975. Assumes 6,000,000 b/d for 12 months or 2.190 billion bbl for the year 1980.

[2] 105,000 b/d available in 1975; 1,000,000 b/d available in 1980.

[3] 3,500,000 b/d available in 1978; 5,000,000 b/d available in 1981; 6,000,000 b/d available in 1983 at $1.02/bbl for Case I; $1.69/bbl for Case II.

[4] 100,000 b/d available in 1975; 1,000,000 b/d available in 1980.

Source: Department of Interior staff paper filed with Cabinet Task Force on Oil Import Controls.

TABLE 2.—COST OF VARIOUS STRATEGIC-RESERVE PLANS, 1971-80

[In millions of dollars]

Type reserve	Cost
Salt-dome storage of 6 months supply (5,000,000 b/d in 1975; 6,000,000 in 1980)	3,492
Salt-dome storage of 12-months supply (8,000,000 b/d in 1975; 6,000,000 b/d in 1980)	6,983
Steel-tank storage of 6-months supply (5,000,000 b/d in 1975; 6,000,000 b/d in 1980)	6,035
Steel-tank storage of 12-months supply (8,000,000 b/d in 1975; 6,000,000 b/d in 1980)	12,070
Shale Case I (improved technology in 1979) (105,000 b/d in 1975; 1,000,000 b/d in 1980)	1,112
Oil-shale Case II (improved technology 1978) (105,000 b/d in 1975; 1,000,000 b/d in 1980)	924
Exploration subsidy Case I (5,500 000 b/d in 1982)	19,844
Exploration subsidy Case II (5,500,000 b/d in 1982)	33,398
Oil from coal (100,000 b/d in 1974 working up to 1,000,000 b/d in 1980)	1,084

Source: Department of Interior staff report.

A 6-month backup supply for 1971–1980 is calculated to cost only $3,492 billion. This is based on a steadily rising volume of oil, reaching a rate of 5,600,000 b/d in 1975 and 6,000,000 b/d in 1980. The storage would be increased in accordance with rising imports in order to provide the 6-month strategic reserve for use in case of supply disruptions.

To provide even stronger supply insurance, the cost would be about double, according to Interior estimates—$6.983 billion. But that would be relatively cheap when spread out over 10 years for a 12-month emergency backup and with delivery rates at 8,000,000 b/d in 1975 and 6,000,000 b/d in 1980.

This is just slightly over half the cost for comparable steel storage.

And it compares very favorably with the other extreme computed by Interior economists—a reserve created by exploration subsidies. To provide a supply of 5,500,000 b/d in 1982, they say the Government would have to give wildcatters an estimated $33.398 billion in subsidies over next 10 years.

The papers studied the program mix to equate the marginal cost of import controls and alternative programs.

The per-barrel cost for the present program is figured as the average cost in excess of $2/bbl for the amount of domestic production attributed to import controls. Analysts assumed $2/bbl as the delivered cost of foreign oil in the U.S.

The marginal cost of extra production varies from zero at U.S. points distant from tidewater to $1.30/bbl on the East Coast.

Assuming inefficiencies due to proration no longer exist by 1975, Interior places the total cost of controls to the nation in 1975 at $1.02 billion. This is for 1.51 billion bbl of additional domestic production brought forth under the umbrella of controls.

The cost to the nation is the "resource" cost—67¢/bbl in resources consumed to attain the added quantity of domestic oil. By 1980, the resource cost would be $1.4 billion, or 68¢/bbl for 2.07 billion bbl of added domestic oil produced.

This estimated cost to the nation excludes the transfer payments from domestic consumers to producers and refiners.

Salt-dome storage. Most of the cost of the salt-dome storage alternative is imported crude oil—25¢ or two thirds of the 39¢/bbl cost.

This reflects the cost of $2/bbl foreign crude amortized over 25 years at a 12% return.

Cost of reaching storage capacity and maintenance of an oil-recovery system, each with capacity of 5.25 million bbl, is 13¢/bbl. This assumes 5% of the stored oil could not be recovered.

Cost of operation, with facilities on standby, is set at only 1¢/bbl/year.

Salt-dome storage is held to be feasible, based on development of unused sites on the Gulf Coast. A survey by the Bureau of Mines in 1966 listed 130 salt domes, of which 24 had been developed for LP-gas storage. Most of the undeveloped domes are said to be large enough to accommodate two 5.25-million-bbl units.

They are located near existing transportation facilities and so are not considered to require major changes in the supply distribution system. Under this concept, Colonial Pipeline's products system, for instance, would be used for crude shipments from Houston to the New York area.

Oil from shale. Interior believes by 1980 the nation could have a shale-oil industry capable of producing 1,000,000-b/d.

The Government would have to build three prototype plants to demonstrate to private industry the viability of present technology, according to this study. These units would cost $415,200,000, and create 105,000 b/d of productive capacity.

By 1974, Interior assumes private industry would start investing its own money in plants, reaching capacity of 900,000 b/d by 1980.

A government subsidy of 98¢/bbl would be needed for plants using present technology, according to the study, compared with a 12¢ subsidy for improved technology.

If improved technology is incorporated in plants coming on stream in 1978 (Case II in the study), the cost to the Government in 1980 would be 51¢/bbl. If improved technology is not introduced until 1979 (Case I), the cost to Government in 1980 is figured at 68¢/bbl.

Steel tank storage. Two-thirds of the cost of emergency oil in steel tanks is steel—66¢/bbl.

The carrying costs on 1.1 billion bbl of crude for strategic storage accounts for one-fourth of the unit cost, or 24¢/bbl/year for the $2/bbl foreign crude assumed in the study.

Unit cost of operating the units is 8¢/bbl, or 8% of the total.

Oil from coal. Synthetic oil from this source can be produced for sale, fob plant, with existing technology and credit for by-products, at $3.35/bbl, Interior estimates.

Capital expenditures for a 100,000-b/d plant, the optimum size, is estimated at $400 million, exclusive of mines and refinery facilities. Delivered coal at $3.50/ton is estimated to be 35% of total cost.

Ten plants, providing 1,000,000 b/d of capacity, together with 30 large coal mines to supply them, would take $4½ billion to $5 billion in capital outlays, the study says.

Exploration subsidies. In computing this alternative, Interior used a finding-cost estimate of 93.4¢/bbl.

This was developed by Foster Associates, Inc., Washington, D.C., research firm, in a study for the Bureau of Land Management in 1967.

The figure includes all preliminary costs (scouting, geological and geophysical expenses, rental fees, and drilling), but not lease acquisition.

To develop 1,000,000 b/d of capacity for at least 1 year, Interior estimated that 3.650 billion bbl of reserves must be found (10 bbl of producible reserves for each bbl of first-year capacity, for a reserves-production ratio of 10:1. For 500,000 b/d of capacity, therefore, 1.825 billion bbl of reserves would have to be discovered.

Case I was calculated on the basis of fully supporting an existing industry one-half the size of the industry in recent years which found reserves at the rate of 3.3 billion bbl/year for the past 9 years.

Interior assumed that 2 years after the start of exploration (the lag between discovery and full development), and each year thereafter, the industry could add 500,000 b/d of reserves to excess capacity.

Costs are computed at 80¢/bbl for 3,500,000 b/d, and 95¢/bbl subsidy for 5,000,000 b/d in Case I. In Case II, the costs are placed at $1.56/bbl at 3,500,000 b/d and $1.64/bbl at 5,000,000 b/d, with a uniform finding rate of 1.825 billion bbl/year of producible reserves.

Other alternatives. Interior studied the costs of a strategic reserve through shut-in production, elimination of leasing charges, and elimination of tax advantages for foreign exploration and production.

The results showed none of these was a feasible alternative, Interior said. For instance, if federal leases were given away, the savings (from 12 to 27¢/bbl, or 10 to 23% of finding costs) wouldn't be enough to sitmulate significant new reserves.

Consumer costs issue. The staff papers, developed by the Bureau of Mines Division of Mineral Economics, estimate the costs to consumers of import controls to be much greater than earlier figures given by the department.

The bureau economists projected costs to consumers of more than $7 billion by the year 1975 and more than $8 billion in 1980. Interior earlier placed the figures at $2.2 billion to $3.5 billion.

Interior's original filing assumed integrated companies would set the pricing pace under unrestricted oil imports. The latest analysis is based on the premise that product prices would be determined by independent refiners, who presumably would pass on full cost savings in raw material to the consumer.

John Ricca, deputy director of the Office of Oil and Gas, wrote the imports task force that the department has been unable to decide which analysis is correct. The second was passed along for the information of the task force.

But, Ricca added, consumer costs may not be the right basis for determining oil import revisions.

"The crucial measure," he said, "is the alternative resource costs to the U.S." This approach suggests a combination of liberalized controls with a strategic reserve in salt domes, according to the Bureau of Mines studies.

JERSEY SETS $1.50/BBL COST ON VENEZUELAN CRUDE

Average industry costs for Venezuelan crude, fob deepwater, are $1.50/bbl, excluding rate of return on investment.

This estimate was given to the Cabinet Task Force on Oil Import Controls by Standard Oil Co. (N.J.) officials in a conference held at the request of the task force staff.

Jersey officials, headed by Executive Vice-President E. G. Collado, listed Canadian oil costs at $1.27/bbl, including lease and bonus payments and royalty but excluding tax payments to the Canadian Government.

The Venezuelan figure included operating costs of 34¢, depreciation 20¢, and taxes 96¢. They excluded return, currently estimated at 20% of fixed assets on a revalued basis. The return would approach 30% without revaluation, according to a memorandum on the discussion filed by the task force staff.

The Canadian average reflects a wide spectrum of costs, according to Jersey Standard. They range from perhaps 75¢/bbl to well over $2/bbl.

Lease and bonus payments are estimated at about 15¢/bbl and royalty 27¢/bbl.

The company doesn't believe that elimination or reduction of lease and bonus payments for future acreage and any benefits from ending prorationing would offset losses to producers if U.S. import controls were removed. These figures are behind Jersey's forecast of reduced Canadian crude producibility if U.S. import controls are lifted as a result of the present review being undertaken by the White House.

Existing reserves in Venezuela do not permit any dramatic increase in producing capacity, according to the memorandum. South Lake Maracaibo and Gulf of Venezuela areas might add new production of 400,000 to 800,000 b/d, Jersey believes.

But any sustained growth of Venezuelan production will depend on exploration of new acreage and development of new reserves, the company states.

[From the Oil & Gas Journal, Oct. 6, 1969]

OILMEN SHOULD GET READY FOR BIG BATTLE ON IMPORTS

All signs in Washington indicate that import controls on foreign crude are in deep trouble.

The cabinet task force now surveying the issue seems bent on proposing radical changes—or perhaps even outright abolition of all controls.

The report of the task force probably will reach the President by late autumn. So oil industry leaders thus have at least the next 2 months to do their homework for a possible showdown.

The turn of events is really not surprising.

In the first place, the staff and leadership in the task force can hardly be called friendly to oil. The flavor of theoretical economics permeates the organization. Some of the academicians, judged by their writings, can be termed prejudiced against petroleum. Lack of expertise on oil matters is a striking shortcoming.

But even worse, the task force has approached its work from a perverse point of view. It has hunted out ways to relax controls. It has railed at high domestic oil prices and heavy costs to the nation.

It thus will be a miracle if the President is handed an accurate, balanced report with equitable and workable recommendations on which to base the nation's oil policy.

This is little short of tragic because a firm—but fair—policy is badly needed on imports. During the last administration, a series of special exceptions made a political football out of the control program. Many oilmen welcomed the move by President Nixon to take over import policy from Interior and to order a sweeping study of the entire issue.

These still believe a review of import controls is needed prior to making administrative changes. Their mistake was failure to insist that knowledgeable oil experts be included on the study group.

WHAT to do now?

The industry has no choice. It must fight all out at the presidential level if necessary to save the basic concept of controlling foreign imports. The mechanics of control may be altered or the level of control may be changed. But all controls can't be swept away; for if the gate is thrown open wide to foreign oil, the domestic industry will be turned into a shambles.

In the event of an unfavorable task force report, oil leaders must ask for the right to file answers. This will call for instant facts which should be collected starting right away on all possible situations.

Radical changes also should be anticipated and countered with prepared proposals favored by oilmen. Changes are coming—make no mistake. The oil industry must be certain that the changes do not wreck controls but do produce a policy that is fair to all elements of the public and industry.

This is certainly no time to throw this nation on the mercy of foreign oil. The fields of the Middle East, Africa or even some parts of South America were never more insecure from threats of war, revolution, guerrilla strikes, or political coups springing from religious, racial, and nationalistic hatreds.

The clinching argument for retaining import controls actually may be the news from Libya and elsewhere at the time the task force reports.

It might be noted that those with "lack of expertise" who have participated and filed formal statements with the Oil Task Force are—

The Department of Defense (according to this column, it evidently has no knowledge of national security) which stated that all Western Hemisphere sources of oil were secure and oil imports should be allowed freely from those areas; and also stated "our national security dictates that we have in existence dependable, capable and willing overseas sources to satisfy petroleum needs on a global basis." Defense also pointed out that more than 90% of the oil supplies for Vietnam have come from the Middle East, which the major oil companies claim is an insecure source.

The Department of Justice (apparently they have no knowledge of competitive forces in our economy) which stated "The present import control system imposes serious costs on the economy. . . . These costs would not appear to be necessary to the attainment of any reasonable national security goal—The import controls themselves do nothing to preserve this country's domestic oil reserves. . . Improvement in competitive conditions by changes in present systems of control, by their elimination would be, in our view, of significant benefit to the nation's interest in low-cost energy supplies, effectively produced and distributed both in normal and emergency periods."

The Department of Interior (which used to be a captive of the oil industry program, but much to the suprise of oil men, has been producing a good deal of factual information lately), estimated that the oil industry program will cost the American people more than $7 billion by 1975 and more, than $8 billion by 1980 (see attached article from Oil and Gas Journal, 9–29–69).

[From the Oil Daily, Oct. 6, 1969]

THREE DEVELOPMENTS ACT AS CATALYSTS—OIL EXECS' MESSAGE ON IMPORTS SEEPS INTO WHITE HOUSE

(By Jim Collins)

WASHINGTON.—The deep and growing concern by oil executives that the Nixon administration has appeared to be heading for significant changes in oil import controls—perhaps even abandonment of those controls as now designed—has started to have some effect at the White House, the Oil Daily has learned.

Just what brought the situation to a head is not known for sure, but three developments in recent weeks may have acted as the trigger at the White House.

First, the task force staff came up with a wild estimate that North Slope reserves could be developed at a cost of 36 cents a barrel (not counting lease bonuses) and could be laid down on the East Coast of the U.S. for 96 cents a barrel.

Both figures are outside the realm of reality—far outside.

Evidence has continued to mount that costs will be much higher than 36 cents a barrel and that full development and transportation of the Prudhoe Bay oil will call for massive doses of capital investment.

The second major development which originated within the task force staff was to make the Charles River Associates study—done for the Office of Science and Technology in the White House—a "key" document of challenge to the industry.

The CRA study, in effect, found that oil import controls are too costly, unnecessary, and that national security supplies of oil could be stockpiled at lower costs, with a resultant sharp drop in domestic crude and product prices.

Oil companies faithfully commented, in detail, on the CRA report, as requested by the task force staff, and their estimates, unanimously, were that oil stockpiling would be extremely expensive, not in accordance with the need to maintain a viable domestic industry, with spare capacity, from well head to consumer, and would play havoc with the industry's economics, and the result would be less security for the nation that import restraints now provide.

Another recent development has been the clear conflict in estimates of oil import control costs, developed separately within the Interior Department by the Office of Oil and Gas and the Bureau of Mines.

The OOG figures, for 1975 and 1980, came to between $2 and $3.5 billion, respectively, while the Bureau's estimates added up to $7 to $8 billion, for those two years.

The Bureau's studies, contained in nine "monographs," found much lower costs for stockpiling oil in salt dome caverns along the Gulf Coast, to meet national security needs, and examined other possibly attractive developments of synthetic fuels, from coal and oil share, as safeguards against oil shortages.

All of these studies lent credence to the attacks made on oil import controls and state production controls before the Senate Anti-Trust Subcommittee earlier this year, and estimates by the subcommittee staff that import controls were "too costly" and that other approaches to national oil security were called for, including possible subsidies for drilling, synthetic fuel development and stockpiling.

Thus, faced with the clear probability that Congress will this year, or early next year, significantly trim current oil and gas tax incentives, oil men have reacted with disbelief, at first, then with the growing realization that oil import restraints might be junked.

It is known that in recent days, Phillip Areeda, staff director for the task force, has been at the White House for consultations on the oil import study.

Meanwhile, a meeting of the cabinet committee, scheduled for this week, has now been postponed for about two weeks.

A member of the staff insists that the meeting will be held "in the near future," and that a report will still reach the President about Thanksgiving but there was not the same note of confidence in the tone of his voice that there was earlier.

The man who will make the final decision is President Nixon. Will he be led down the primrose path by the cabinet members, relying on the Areeda staff, and believe that adequate supplies of oil and gas can really be developed to meet not only soaring peacetime requirements but emergency requirements—if both tax incentives and import curbs are drastically shaped?

The President, it is noted, has agreed to accept a cut to 20 percent in the depletion provision, and Treasury has made other suggestions for revisions in oil-gas tax rules, domestic and foreign, that would hit the industry with $600 million more a year in U.S. income taxes.

The key question now has become: Will the President accept drastic changes in present national security oil policies—notably import controls—under the pressure of consuming-area Congressmen and Senators, particularly those in New England?

There is every indication now that the President has been made fully aware of the potential disaster facing the U.S. oil industry, if both tax incentives and import curbs are drastically revised at this time.

President Nixon has shown the ability to analyze differing points of view within his cadre of advisors on many issues, and has reached incisive decisions of a "moderate" political bent.

But, there are some doubts about his understanding of what makes the oil industry tick—in view of his capitulation to the Congressional drive to reduce the depletion allowance for oil and gas, without even mild resistance, despite his pledges on this issue last fall and earlier this year.

Thus, until the final die is cast on the issue, no one can be sure whether President Nixon will recognize the imperative need to maintain curbs on the inflow of cheaper foreign oil. But, he apparently has become more interested in the issue, in recent days.

[From the Oil & Gas Journal, Oct. 13, 1969]

OIL IMPORTS REVIEW ENTERS DECISIVE PERIOD THIS MONTH

(By Gene Kinney)

This is a big week in the policy review being conducted by the Cabinet Task Force on Oil Import Controls.

The President's designated cabinet officers are scheduled to get together at a hideaway for 2 days to begin grappling with issues raised in the review. Unless the study takes a new turn, the nation is in danger of abandoning the national-security concept it has embraced for 10 years. That is, it may get away from import controls as the means of avoiding the risk inherent in undue dependence on foreign supplies.

This is the clear direction of the review to date. It is reflected in "fact papers" developed by the academic economists on the task force staff. The one-dimensional review appears to be focused narrowly on the calculated cost to consumers of limiting imports from cheaper foreign sources, and ways of cutting that cost.

The staff, as evidence in the 30-odd papers circulated privately among federal agencies for comment last week, is leaning toward an alternative that will theoretically save consumers money—and will lift the lid on controls. The inclination is not yet ceased in the form of a recommendation. But it is foreordained in "factual conclusions" reached in the staff papers.

The staff still talks of preserving national security, which is the legal basis for limiting imports. But its arithmetic leads to a solution other than import controls—a huge and expensive stockpile of foreign oil stored here. It is made to appear cheap by amortizing the investment over 25 years. In calculating the savings, it ignores the loss that would come from devastation of the economies of key oil states and the damage to natural-gas consumers.

And storage offers a supply supplement only for a limited period—up to a year—the assumed maximum for any supply disruption. But where would the security be after that? Domestic capacity, greatly reduced by a break in prices sought by the task force staff, will not be there to take up the slack. There is a great difference between a stopgap supplement from storage and productive capacity for the future developed under controls.

Petroleum specialists in Defense, Interior, and State departments shudder at the thought of becoming dependent on insecure Middle East oil for a significant portion of U.S. supply. Whether their concern will be reflected at the cabinet level and translated into the report to the President is something else again.

. The fear is that the task-force recommendation to the President will focus on alleged consumer savings rather than the more-relevant and much-lower figure of cost to the nation. Unless the White House itself prevents this, the President's options will be greatly limited. He will find himself trapped by the very politicans whose pressure helped to bring about the review in the first place.

[From the Oil Daily, Oct. 14, 1969]

IMPORTS STAFF PAPERS WILL REMAIN UNDER WRAPS

WASHINGTON.—Roland Homet, counsel for the presidential oil imports task force, declined at weekend to make public any of the three dozen, or more, staff papers drawn up and distributed to federal agencies for their comment.

Homet said that in some cases, the language in the "preliminary" papers distributed might have been overdrawn deliberately in order to stimulate comments from the agencies.

In other cases, he said, the subjects dealt with were still in a "grey area," and that additional clarifications would be required.

He thought it would be "unfortunate" if the papers should leak out, that it would only further complicate the work of the Cabinet committee.

Homet also declined to say when the next meeting of the Cabinet members is scheduled or where they will meet. He did say some reaction comments to the staff papers had been received, but he declined to say which agencies have filed, or on what subjects.

There was some indication that the work of the Cabinet committee may have slowed down, and that the original deadline for a report to the President might not be met.

Homet said that the Cabinet members expect to file their report with President Nixon "by the end of the year." The target date always mentioned, up until now, has been Thanksgiving, late in November. Homet said that every effort will still be made to file the report by that time.

"We are under some constraints," he commented, "to file a report with the President by the target date that was set last spring—about the "end of November."

SUPPORT FOR LINKING RESERVE CREATION AND DEVELOPMENT ASSISTANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, in August the Subcommittee on International Exchange and Payments of the Joint Economic Committee issued a report urging serious study of the possibilities for using international reserve creation, in the form of SDR's, to finance increased economic development assistance.

The idea of linking reserve creation and development assistance was discussed extensively at the recently concluded IMF-World Bank annual meetings. Governors representing a number of developing countries voiced approval of a "link" and urged that study or other action toward its implementation be pursued immediately.

Representatives of only three industrial nations expressed an opinion toward linking reserve creation and development assistance. Italy favored such a mechanism, the Netherlands was opposed, and the United Kingdom's spokesman expressed hope that the distribution of SDR's would help create conditions permitting an increase in development aid. Both Mr. Schweitzer, Managing Director of the Fund, and Mr. McNamara, President of the World Bank, voiced concluding sentiments similar to the United Kingdom's position.

An international group of monetary experts convened last month by UNCTAD agreed that a linkage mechanism should be implemented and favored whatever variant would accomplish this objective most promptly. The Pearson Commission recently submitted its comprehensive review of aid policies, entitled "Partners in Development to the World Bank." This report also referred approvingly to the use of SDR creation as a means for increasing financial assistance to poor nations.

I submit for the RECORD relevant excerpts from the speeches of officials and Governors given at the Fund-Bank meetings; from the UNCTAD monetary experts' summary of their conclusions; from the Pearson report; and from my October 16, 1969, talk before the Lague of Women Voters Conference at Wingspread, Racine, Wis.

SPECIAL DRAWING RIGHTS AND DEVELOPMENT ASSISTANCE, 1969

EXTRACTS FROM ANNUAL MEETING SPEECHES

IMF: Mr. Schweitzer

For a number of years past, progress in the liberalization of trade and payments and in the area of development assistance, which began so promisingly in the earlier postwar years, has been checked, in part by balance of payments constraints. With the resumption of reserve growth on a controlled basis, any such collective payments constraint should disappear. I believe that it would be appropriate if this were to be recognized in the actions of the leading trading countries. I should like to see a decisive check to recent tendencies toward backsliding in trade and payments liberalization. I should like to see a new forward thrust in the volume and quality of development assistance.

The Fund will continue to keep these matters under close review in its consultations with members. We will also be prepared to reinforce our collaboration with the international institutions which have special responsibilities in the field of trade and aid. The removal of remaining impediments in both these areas will be a major task of the early 1970's.

We must therefore insure that the new facilities which we have constructed are used for their underlying purpose. While the process of renovation and adaptation in the world monetary mechanism is not complete—or is ever likely to be—the framework now exists in which the pursuit of sound policies for internal and external balance can bring a period of calm and stability to financial markets.

Afghanistan: Mohammed Enwer Ziyaie, Minister of Finance and Governor of the Bank

The close relationship between problems of economic development and monetary problems has been demonstrated again during the past year. As noted earlier, the growing cost of borrowing on the world's capital markets, where interest charges have reached unprecedented levels, is a major concern of developing nations. At the same time, world monetary developments have given increased cause for concern. The need for strengthening the present monetary system is apparent. Therefore, Afghanistan welcomes the approval of the special drawing rights scheme. We feel that until now, however, the opportunities to use the provisions of the scheme to generate development assistance have not been fully exploited and urge efforts to assure that the twin goals of liquidity and development be maximized. We are equally concerned about the decision to adhere rigidly to the Fund quotas in establishing the formula for drawing rights.

Algeria: Cherif Belkacem; Minister of State in charge of Finance and Planning and Governor of the Bank

I did not, of course, request last year that these special drawing rights should be used for development financing, since it might then be alleged that they had been diverted from their purpose.

But the proposal I made, which I reiterate, is that the national currency counterpart of the allocation of special drawing rights be placed by the receiving countries at the disposal of the Bank and IDA, instead of returning to their national Treasuries. These institutions would thus have some $9,500 million in additional resources at very low cost.

This solution, which accords perfectly with the Fund's statutory provisions on the instruments of international liquidity, calls for no sacrifice on the part of the industrial countries. It affects only their access to their share in the special drawing rights. Furthermore, since the equivalents in their national currency would in principle be utilizable only with their agreement, to finance purchases of goods and services from them, they would automatically receive the equivalent value in additional economic activity which, I think I have demonstrated briefly but clearly today, exerts a vigorous expansion effect and, in the view of one Minister of Finance, engenders additional tax receipts and new savings.

These considerations seem to me to be decisive and to override objections that the industrial countries would be able to make to my proposal.

Ceylon: U. B. Wanninayake, Minister of Finance and Governor of the Bank and Fund

I have, at each of these Annual Meetings, which I have attended since 1965, persisted in referring to the desirability of establishing a link between the creation of new reserve assets and the flow of resources for development. I am glad, indeed, that there now appears to be growing support for this proposal. It was clear to me that the volume and timing of new reserve creations should be determined strictly by global liquidity needs. The SDR scheme insures that this is so, but, once additional liquidity has been created, it is appropriate to ask whether the relief this would provide to the advanced countries should not be made an occasion for augmenting the much-needed flow of resources for development. The arguments in favor of this have been made elsewhere and I will not go over them again. I am aware that the present SDR scheme rules out the possibility of an "organic" link between liquidity creation and resources for development, but numerous methods could be devised by which the recipients of SDR's among the advanced countries could make a fair proportion of the additional resources accruing to them available for development financing. I am aware that this question has recently been studied in detail in other forums, notably by UNCTAD. I would wish to commend these ideas for further consideration and make the specific proposal that the Fund, possibly in collaboration with the Bank, make a complete study of this issue, and I do hope that concrete and practicable proposals would emerge out of this.

Chile: Carlos Massad, President of the Banco Central de Chile, and Governor of the Bank and Fund

Speaking also for Argentina, Bolivia, Brazil, Colombia, Costa Rica, and Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, the Philippines, Uruguay, and Venezuela.

The decision to activiate the mechanism with effect from January 1, 1970 should help to brighten the future for the developing countries, which, because of insufficient international liquidity, have recently had to put up with trade requisitions and with the twin disadvantages of scarcity and high cost of capital to finance their development. It was a group of industrialized countries that originally decided on the amount and distribution over time of the new liquidity, and its scarcity can henceforth no longer be an argument for limiting transfers of real resources to the developing countries and for imposing trade restrictions.

In view of the prospective first distribution of special drawing rights, which are assets received on a nonrepayment basis, it is timely to recall once again the need to increase contributions on concessionary terms, to the international financing agencies. Voices have raised in certain countries, and in agencies such as UNCTAD and CECLA, in favor of the idea of linking the creation of new liquidity, directly or indirectly, with the transfer of real resources for development. We support this idea, inasmuch as it implies an increase in untied loans and transfers and a long-term decision as to their amounts.

China: Kuo-Hwa Yu, Governor of the Central Bank of China and Governor of the Fund

If the institution of the SDR's helps in making more liquidity available to world trade as a whole, which we feel sure it would, and if it helps the key currency countries refrain from resorting to the measures destructive to world trade in a time of temporary balance of payment deficits, which we hope it would, it would seem logical to conclude that the creation of the new facility will prove to be beneficial to developing and developed countries alike.

Colombia: Abdon Espinosa Valderrama, Minister of Finance and Public Credit, Governor of the Bank

When the special drawing rights come into effect it will no longer be possible to point to a scarcity of international liquidity as the motive for decreasing the amount of loans or for failing to increase them. This applies even more to advocating interest rates so high that they undoubtedly prejudice development efforts.

Ethiopia: Menasse Lemma, Governor of the National Bank of Ethiopia and Governor of the Fund

I believe that the creation of special drawing rights is a step in the right direction and we are to approve it at this Meeting. There is no need to repeat the arguments for or against SDR's or to consider whether this scheme is a bonus for deficit countries. However, even at this late hour I would like to mention that a more equitable basis for the allocation of SDR's, taking into account the needs of the development countries, should be found. Should this not prove feasible at this stage, I would support the idea that an adequate percentage of the created SDR's be channeled in some way, perhaps through IDA, for development endeavors. If we fail in this objective, serious dangers and real perils that may hamper the efforts of the second Development Decade lie ahead. Economic historians may judge this Meeting severely should SDR's become identified in the mind of the people as a scheme devised for the benefit of the rich countries.

The Gambia: S. M. Dibba, Minister of Finance, Trade and Development, and Governor of the Bank and Fund

It is our hope that the increase in international liquidity through special drawing rights, while strengthening the international monetary system, will at the same time insure a greater transfer of resources to the developing countries.

Gabon: Augustin Boumah, Minister of Finance and Budget, and Governor of the Fund

(Speaking also for Cameroon, CAR, Congo (B) and Chad)

I have referred already to the question of special drawing rights. Permit me to return to it for a few moments, by way of transition, to affirm that our countries will participate in this system, and to suggest that it would now be desirable to define the practical means by which a link could be established between the new reserve units and the expansion of aid to the developing countries. In this, we know that we can count on the enlightened assistance of the Managing Director of the Fund.

Ghana: Jones Ofori-Atta, Parliamentary Secretary, Ministry of Finance and Economic Planning, and Governor of the Bank

May I now turn to the question of the special drawing rights. By the decision of both the developed and developing countries to activate the special drawing rights, the members of the Fund have agreed to create a special line of credit which is an addition to international liquidity. But the main beneficiaries of this new reserve asset are the developed countries—the members of the big league. We had hoped that this would offer an opportunity to step up the volume of aid to the developing countries. What we find, however, is that the developed countries are refusing to consider linking SDR's with aid transfers to the developing world.

In spite of the legal limitations on the Fund as an institution, we would urge the Management to keep an open mind on the issue because we are convinced that some linkage arrangement is both justified and possible.

Greece: Emmanuel Fthenakis, Alternate Minister of Economic Coordination and Governor of the Bank

The question arises, however, as to whether in allocating the SDR's, special provision should be made for the developing countries, whose shortages of liquidity become acute in the conditions prevailing now in the international capital and money markets. The allocation of SDR's solely on the basis of the member's quotas in the Fund places the developing countries at a disadvantage. One wonders whether some method of allocation should not be devised in order to offset, to a certain degree, this disadvantage. At any rate, Greece wholeheartedly supported the decision to allocate special drawing rights and we now support the Managing Director's proposal for activation.

Guyana: P. A. Reid, Minister of Finance and Governor of the Bank

Guyana cannot possibly find, in its own resources alone, all the capital that is required to sustain a satisfactory rate of economic growth. It must therefore look abroad for a large part of the capital it needs for economic growth.

But my country is only one example. By far the greater number of the countries represented at this Meeting are in the same situation.

For these reasons Guyana supports the scheme of special drawing rights. The world economy must not be frustrated (by what is, after all, a mere liquidity problem) in its efforts to expand international trade and the flow of capital from developed to the underdeveloped countries. We must realize the world's full productive potential to the mutual advantage of all—both the developed and underdeveloped countries. But I confess to great disappointment that the scheme has not been weighted more toward its development potential.

India: L. K. Jha, Governor of the Reserve Bank of India and Governor of the Fund

Acceptance of the SDR scheme marks the beginning of a new era in internationally managed money. We, in India, have consistently lent our support to deliberate reserve creation as a major step forward in the direction of evolving a more progressive and more rational international monetary system.

Having said this, I cannot but share with my fellow Governors the concern we have felt over some aspects of the matter. All too often there has been a tendency to look at the SDR question as if it was exclusively an affair of the more developed and more advanced nations. A good deal of the discussion and the more crucial negotiations have taken place outside the forum of the Fund where no one from the developing world was present. As a result, the question of a formal link between the creation of international liquidity and development finance has been shelved, even though developing countries which account for over 80 per cent of our membership and at least some of the developed countries support it. We propose that this matter should be considered afresh. Some kind of a link should be forged between the creation of international reserves and the transfer of resources from the rich to the poor, particularly since inadequacy of reserves has in recent years been an important cause of the deterioration of the quality and quantity of aid.

Indonesia: Ali Wardhana, Minister of Finance and Governor of the Bank for Indonesia

We of the developing countries will not directly gain much from the activation of SDR's, tied as they are to our meager quotas. The Board of Governors of the Fund has, by adoption of the Amendment of the Articles of Agreement, rejected the idea of a linkage between SDR's and development needs. For the time being, this matter has to be considered closed. However, some basic inconsistencies will continue to attract the attention of economists and financial people. One may wonder if the distinction between liquidity needed for balance of payments and that needed for development purposes is not rather artificial, at least as far as developing countries are concerned. The balance of payments position of these countries does not as yet reflect the actual needs of their economy so that, in their case, balance of payments and development needs are more indistinguishable than in the case of the developed countries.

Another rather striking feature is that developed countries not in need of extra liquidity are receiving SDR's as well. It is true that their use is dependent on balance of payments needs, but, in ordinary life, an enterprise neither seeks nor obtains extra credit facilities from a bank if it has already ample means at its disposal. Instead of the present system of distribution, conceptually at least, it seems feasible to allocate SDR's only to countries in need of additional liquidity. We have taken a bold step unprecedented in monetary history; let us be open-minded in seeking to perfect it. In this respect, I would like to comment briefly on the idea of a transfer by developed countries of part of their SDR's, either directly or indirectly, to developing countries. Under the present Articles of Agreement this is hardly possible, but, if at any future date such action would be practicable, I hope that the amount transferred will be added to, and not included in, the 1 per cent of GNP urged by the United Nations. After all, the spirit of that recommendation is a transfer of national resources, not of resources created ex nihil.

Israel: David Horowitz, Governor of the Bank of Israel and Governor of the Bank

A blend of my Proposal for access by developing countries to capital markets, with the use of new liquidity reserves for development, the special drawing rights and at least a maintenance of the current volume of grants-in-aid, could revolutionize the present state of affairs.

Israel: Zeev Sharef, Minister of Finance, and Governor of the Fund

I feel that one more reservation should be mentioned. In the contemplated SDR system, no attempt is made to alleviate some of the special difficulties that the developing countries encounter in their foreign exchange reserves position.

We regret that suggestions to link the creation of the new "unearned" purchasing power with the general problems of developing countries have not been followed up. We assert that, after a decision on the creation of additional reserves has been taken—a decision which is based on the needs of international trade—the emphasis in allocation should be less on the existing wealth of individual countries and more on the needs of countries which are beginning their take-off.

Notwithstanding these reservations, however, it is our feeling that the actual implementation of the SDR system is the most important task ahead of us. Therefore we have voted in favor of the resolution as presented by the Managing Director of the Fund. We further hope that, in a few years, when the SDR's have become a permanent and accepted feature of international liquidity arrangements, it will be possible to reconsider the allocation system, and to attempt to achieve a solution that will also take into consideration the special needs of the developing countries.

Italy: Emilio Colombo, Minister of the Treasury and the Budget, and Governor of the Fund

On the subject of the relationship between the industrial and emerging countries, I suggested last year that, following each allocation of SDR's, the major industrial countries should agree to make, in a manner to be agreed upon, a contribution to the IBRD or IDA equivalent to a portion of each country's SDR allocation. This suggestion, which has also been discussed within the Group of Ten, appears to have received a very favorable response from the UNCTAD and has aroused interest in the Bank and its Affiliates. We continue to believe that it is worthwhile to examine the possibility of implementing this proposal. One of its advantages is that without the need to amend the Articles, some mitigation would be introduced of the rigidity of the parameter—the Fund quotas—which has been chosen as the basis for the allocation of SDR's. Balance of payments permitting, we do not exclude a unilateral implementation of this proposal.

Ivory Coast: Konan Bedie, Minister of Economic and Fiscal Affairs and Governor of the Fund

It has been said that the voluntary creation of additional liquidity within the framework of the Fund opens up a new era in the field of monetary cooperation and that it marks the accession of the international community to monetary civilization. There can be no doubt that this assertion would be even more true if the industrialized countries were to agree that a part of their SDR's be earmarked for the development of the third world countries, as have been proposed by Ministers Valery Giscard d'Estaing and Emilio Colombo.

Kenya: Bruce McKenzie, Minister of Agriculture, and Governor of the Bank and Fund

We welcome the creation of the special drawing rights and look forward to their activation, but we regret that it was not found possible to link the SDR's with development finance.

Luxembourg: Pierre Werner, Prime Minister, Minister of Finance, and Governor of the Bank and Fund

The SDR's cannot only act as a lubricant in a soundly developing international trade, but they might indirectly contribute to an improvement in the acutely shrinking capital markets.

Malaysia: Ali Bin Haji Ahmad, Assistant Minister of Finance, and Governor of the Bank

While we hope and expect this inequitable basis of allocating special drawing rights to be changed in the near future, we feel that the effects of this system should also be mitigated in the meantime. One approach that has considerable merit is for the major industrial countries to set aside for purposes of development aid the equivalent of a portion of what they will receive in special drawing rights. This is not a new proposal but one on which Governor Colombo of Italy has called for serious consideration at the last annual meetings.

Nepal: Yadav Prasad Pant, Governor of Nepal Rastra Bank, and Governor of the Fund

I strongly share the views expressed by the Governor of Indonesia to the effect that the balance of payments problems and development needs of developing countries are more indistinguishable than is the case with the developed countries.

I would therefore like to suggest that a part of the SDR's be passed on to the International Development Association to be used exclusively to finance development activities in the developing countries according to their resource needs, or that a separate arrangement be made in order to facilitate the use of an adequate portion of the SDR's to finance the development needs of the developing countries. Since all such countries will use the SDR's for paying for imports from the developed countries, the SDR's would ultimately be available to the developed countries. This increase in international liquidity as a result of the issue of the SDR's can make the maximum contribution to the expansion of international trade, while at the same time making possible an enlargement of aid to the developing countries.

Netherlands: H. J. Whitteveen, Minister of Finance, and Governor of the Bank

Various suggestions have been made to establish a link between reserve creation and development finance, either by way of allocating special drawing rights to the Bank or IDA, or by way of joint action by industrialized nations to pass on part of their share in the special drawing rights to the developing countries, via intermediaries or directly. I see great objections to such suggestions. The function of international reserves is to be available in case of need for the financing of temporary maladjustments in the balances of payments of their holders and recipients, not to increase the flow of capital for development assistance which involves a long-term transfer of real economic resources that should be financed out of genuine savings. Otherwise it could become a source of inflation. Therefore, it might bring the whole action of reserve creation into jeopardy if part of the newly created reserves were to be used for whatever good purposes one might choose, but which are alien to their true function. Using special drawing rights to create the illusion of avoiding the burden of the real sacrifice involved in development assistance may be an alluring proposition but I have little doubt that this would mean rendering a very poor service indeed to the whole monetary system generally and the position of special drawing rights in that system in particular. I am afraid that the introduction of this device would degrade the new reserve asset, which—in my conception—should be as good as gold and reserve currency holdings.

Pakistan: Nawab Mozaflar Ali Khan Qizilbash, Minister of Finance and Governor of the Bank

The developing countries had in the past urged for a specific link between SDR's and development finance. However, even though the developed countries have not agreed to a formal link, they can help enlarge the availability of development finance on better terms by making available to the developing countries a certain percentage of SDR's allocated to them.

Paraguay: Cesar Barrientos, Minister of Finance, and Governor of the Fund

Unquestionably, the special drawing rights, by supplementing existing reserve assets in gold and foreign currencies, will constantly guarantee an adequate level of internatioal monetary reserves and, on being transformed into backing for international liquidity, will undoubtedly constitute, directly or indirectly, a most important aid for developing countries.

Peru: Francisco Morales Bermudez C., Minister of Economy and Finance, and Governor of the Bank

It would also be desirable to proceed without more ado to the activation of the credit system based on the special drawing rights (SDR's), which has been ratified by the majority of the member countries, including Peru. Rapid activation of this new mechanism is sure to be of particular importance for the developing countries, which are always the most seriously affected by the ups and downs of the international cycle and the lack of liquidity of the system.

Somalia: Sufi Omar Mohamed, Minister of Finance and Governor of the Bank

Finally, I am pleased to note that Governor Colombo of Italy has this year again raised the important subject of the interdependence of industrial and developing countries. His suggestion that, when SDR's are allocated, each of the industrial countries should agree in a concerted formula, contribute to the Bank or IDA a portion of its SDR allocation, is of significant importance to the financing of these development institutions. I hope that other industrial countries will endorse this proposal of Italy's; and that those countries whose balance of payments position permit may take the lead in implementing this suggestion by the first allocation period of the SDR's.

Sudan: Mohammed El Mekkawi Mustafa, Minister of Planning, and Governor of the Bank

Yet it is disheartening to note that the share of the developing countries is going to be as meager as their rate of growth, which will aggravate the social and economic disparity between the rich and poor in the world community.

It is therefore earnestly hoped that some more equitable distribution will be found to favor the less-developed countries. It is further hoped that the developed countries, who will receive the major share of the new facility, will agree to establish a link between the creation of the SDR's and development financing. It is not asking too much to say that part of the additional resources created by the SDR facility should be directed toward development financing in the underdeveloped countries in order to offset the disappointing results of the United Nations Development Decade.

Syrian Arab Republic: Adnan Farra, Governor of the Central Bank of Syria, and Governor of the Fund

We regret, however, that the Amendment precluded the establishment of an organic link between the creation of SDR's and the provision of development finance to developing countries. It clearly implies that institutions that provide development assistance are debarred from engaging in operations and transactions involving SDR's. We feel, however, that the present Articles of Agreement of the Fund do not rule out two alternative versions of a link. The first version which was mentioned in a slightly different way by Minister Colombo of Italy during last year's Annual Meeting is that acts creating SDR's should be accompanied by voluntary contributions to multilateral institutions engaged in development finance. These contributions should be made by the developed countries from their reserves and their size would be a uniform proportion of the share of each in the creation of special drawing rights. The second version, which is mentioned in a just-published report by an UNCTAD Expert Group on International Monetary Issues, is that developed countries should make contributions in their national currencies to IDA in a uniform proportion to their annual allocations of SDR's.

My delegation, therefore, urges the developed countries who are members of the Fund and who are the main beneficiaries from the creation of SDR's to consider the introduction of such a link at an early date after the activation of this new reserve asset. This would render the distribution of benefits from the activation of SDR's fairly equitable.

We hope, however, that the imminent allocation of SDR's and therefore the expected increase in international reserves would lessen the balance of payments constraint and bring about a genuine move toward achieving the 1 per cent target and improving the overall terms of development assistance.

Tanzania: A. H. Jamal, Minister for Finance, and Governor of the Fund

I regret that the opportunity has been missed to create a link between SDR's and the development needs of the world. Contrary to the belief expressed by the distinguished Governors of an advanced country, I believe that such a decision would have been less inflationary in its effect than the possible effects of the present decision.

Trinidad and Tobago: Francis C. Prevatt, Minister of State (Finance), and Governor of the Bank and Fund

The reason given by developed countries for their restrictive measures is their balance of payments position. We understand that the special drawing rights facility is primarily intended to relieve balance of payments pressures. Now that we have agreed to activate this facility, we look forward to the expeditious removal of these restrictive policies, especially as such measures, one adopted, tend to perpetuate themselves.

There is one feature of the special drawing rights facility to which I must refer. It has been very disappointing to developing countries that the developed countries could not establish a link between the creation of special drawing rights and development finance. It is unfortunate that while the developed countries were able to agree on the creation of a facility which will benefit them most, they could not establish a link to development finance which would be to the benefit of developing countries. However, we have not lost hope, as we acknowledge with gratitude the initiative of Italy in their proposal to allocate unilaterally the foreign exchange equivalent of a portion of their special drawing rights to the International Development Association or for investment in World Bank bonds. We hope that the consciences of the developed countries will be so moved by this example that the question of a link will obtain immediate study, and that a satisfactory solution will be found in the very near future.

United Kingdom: Roy Jenkins, Chancellor of the Exchequer and Governor of the Fund

Third, a word about the relationship of special drawing rights with development assistance. There has been disappointment in many developing countries that the SDR scheme as it has emerged does not provide for any formal link with aid. I do not wish to reopen this matter today, but although no formal link has been established, I am hopeful that the contribution of the SDR scheme to the world's liquid resources may help to create more favorable conditions for the growth of development aid.

Upper Volta: Tiemoko Marc Garango, Minister of Finance and Commerce, and Governor of the Fund

Speaking also for Ivory Coast, Dahomey, Mauritania, Niger, Senegal and Togo.

The member countries of the West African Monetary Union feel that this new addition to international liquidity, most of which will be allocated to industrialized countries, should facilitate the growth of world trade from which all developing countries would benefit. We hope that, through the special drawing rights, a supplementary solution will be found for financing balance of payments deficits, thus permitting the developed countries to contribute more to the financing of development aid.

We hope that it will be possible for the industrialized countries to consider opportunely the creation of an organic or other link between special drawing rights and aid to the third world. In this connection, we compliment and thank the Italian Government for its generous initiative, and we also welcome the interest shown in this problem by the Subcommittee on International Exchange and Payments of the Joint Economic Committee of the U.S. Congress. It is with the prospect of thus seeing a rise in the standard of living of all member countries, a fundamental objective of the International Monetary Fund, that the member countries of the West African Monetary Union are counting on taking the measures necessary to participate in the first allocation of special drawing rights.

Vietnam: Vu Quoc Thuc, Minister of State in Charge of Reconstruction and Development, and Governor of the Fund

Because of the availability of the new liquidity resulting from the implementation of SDR's, we also hope that more international resources will be available for development assistance. In this context, it may be desirable for the World Bank to undertake new measures to increase equity aid to developing nations, in order to compensate for the relative gain by the advanced countries as a result of the execution of the SDR's.

Yugoslavia: Janko Smole, Federal Secretary for Finances, and Governor of the Bank

Secondly, serious proposals have been received from various quarters to relate the special drawing rights to the financing of development. Whether this is done through a formal institutional link or through more informal arrangements is probably not decisive: what is decisive is that the world community cannot afford to miss this opportunity to increase the flow of resources for development, which we all agree is badly needed.

Zambia: E. H. K. Mudena, Minister for Development and Finance, and Governor of the Bank and Fund

Even at this stage, however, shades of differences of opinion might persist, as regards, say, the amount of special drawings rights to be created, or the length of the basic period, or the linking of special drawing rights with aid to developing countries. But I do not regard these as important. What is important is that a new instrument to meet the shortage of international liquidity has at last been forged and this instrument could, if considered desirable and in the light of experience, be reshaped according to the needs of the situation.

Looking at the special drawing rights from the point of view of the developing countries, to the extent that the special drawing rights promote international trade, developing countries could benefit. However, I would urge that special consideration needs to be given continuously to the problem of how the creation of new liquidity in the form of special drawing rights could be linked with the needs of the developing countries.

IMF: Mr. Schweitzer—Concluding remarks

Many Governors have expressed the hope that the increased reserve ease resulting from the allocation of special drawing rights should lead to an expansion of development aid. I share this view. I believe, as I said on Monday, that conditions should now be favorable for a major improvement in the volume and quality of development aid and for a decisive check to regressive tendencies in trade and payments liberalization.

IBRD: Mr. McNamara—Concluding remarks

I recognize there is a division of opinion among the Governors as to whether there should be a formal link between the new special drawing rights and development assistance. However, I have taken particular note of the view of the Chancellor of the Exchequer of the United Kingdom, when he said: "Although no formal link has been established, I am hopeful that the contribution of the SDR scheme to the world's liquid resources may help to create more favorable conditions for the growth of development aid." A similar view was expressed by Governor Colombo of Italy. This thought was echoed by a number of other Governors and it is a view I share.

[Excerpt from United Nations press release issued Sept. 25, 1969]

UNCTAD Expert Group on International Monetary Issues Concludes Session—Recommends Link Between New Reserves and Development Assistance

A group of experts appointed by the Secretary-General of the United Nations Conference on Trade and Development (UNCTAD) has recommended that a link should be established between the creation of new international liquidity in the form of special drawing rights (SDRs) and the provision of additional development assistance.

The group, which concluded its nine-day session today, emphasized that, while purely monetary considerations should determine the amount, the timing and the allocation of special drawing rights to be created, it was both feasible and desirable to introduce a link between international liquidity and provision of development finance.

The group considered two main approaches to the implementation of the link proposal. The first would involve a direct contribution by the developed countries to the International Development Association (IDA) of a uniform proportion of their annual allocations of SDRs, while the second would require contributions of national currencies to the IDA by the same set of countries in a uniform proportion to their annual allocations of SDRs.

Both approaches were considered technically feasible by the group. In view of the urgency of increasing the flow of aid, the group favoured whichever approach to the link would secure the requisite agreement of governments most readily

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[Excerpt from "Partners in Development," report of the Pearson Commission, p. 225]

Turning to other possible means of funding IDA, it has been suggested that contributions to IDA should increasingly be made in the form of interest-free fifty-year loans rather than grants. This has already been done by Switzerland. Although we believe that the traditional method of replenishing IDA by subscriptions of grants is preferable, it is possible that a more general recourse to such loans would make it easier for some governments with budgetary problems to meet their share in an expanded IDA.

Another way of increasing the resources available to the Association might be for the governments of developed countries to make available to IDA part of the Special Drawing Rights which they are allotted in the International Monetary Fund. The activation of the SDR scheme is an important step in the evolution of the international monetary system. However, it amounts to creation of several billion dollars of additional purchasing power which, as the system evolves cannot fail to raise the suggestion that a larger fraction of such purchasing power should be steered to developing countries. (Under present arrangements, developing countries would receive only about one-third of the SDR's.) This is not to say that the magnitude of the desirable increase in world liquidity should be determined by IDA's requirements. But when the scale of the issue of SDR's has been decided on appropriate grounds, there are strong reasons of simplicity and equity for the developed countries to relinquish a part of their quota of the new reserve medium in favor of the less developed countries. IDA may be a channel by which the contribution of the resources to development could be assured, and proposals for making use of this channel in this way are worthy of further study.

Development Aid and International Monetary Creation: A Marriage of Convenience

(Address by Representative Henry R. Reuss, of Wisconsin, to League of Women Voters conference, Racine, Wis., October 16, 1969)

This is the U.N. development decade. This is the decade in which the developed world was supposed to contribute 1 percent of its gross national product to the developing world. The decade is ending, unfortunately, not with a bang but with a whimper.

Public outflows to the developing world from the 16 richest non-Communist nations are today .39 percent of the donors' GNP. Including private flows brings the total to barely .75 percent. And the United States is contributing a smaller proportion of its GNP —.35 percent—than countries like the United Kingdom, France, Belgium, West Germany, and the Netherlands. The foreign aid request now before the U.S. Congress is the lowest in 20 years.

The Pearson Commission recommends that official aid, as a percentage of GNP, increase from its present .39 percent to at least .70 percent by 1975.

The current shortfall of development assistance comes at a time when populations are increasing; at a time when the burden on the developing countries to repay their loans is getting heavier every year; and at a time when their capacity to absorb development aid is at an all-time high.

The great hope for multi-lateral, capably administered, long-term concessional foreign aid is the International Development Association, now in its tenth year. But IDA is now substantially broke. The actual rate of the IDA reimbursement now undergoing approval is only $400 million a year for three years, of which the United States' share is $160 million a year. World Bank Presidents George Woods and Robert McNamara have urged that IDA have at least $1 billion yearly of aid-giving funds. The Pearson Commission recommends that IDA lending be expanded to $1.5 billion yearly by 1975.

While the developing nations in general, and IDA in particular, have been defaulting, a hopeful development has been going on in another branch of world economics—international monetary reserves. Confronted by the prospect that foreseeable world reserves of gold and dollars will be inadequate to finance world trade and investment, the International Monetary Fund in Rio in September, 1968, agreed on an amendment to supplement gold and dollars—sterling as reserves by distributing special drawing rights to its members. On July 28, 1969, the Rio agreement was ratified. The September, 1969, IMF meeting approved a three-year allocation of SDR's of $9.5 billion. Paper gold will thus be distributed next January.

These SDR's will not be "earned" by their recipients, but will be distributed among them in proportion to their IMF quotas. Inevitably, this means that the rich will get richer, and the poor will get the crumbs. The industrial nations of Europe, United States, Canada, and Japan will get 64 percent of the new reserves. The United States and the United Kingdom alone will receive 36 percent. The remaining roughly one-third of the new manna from heaven will be distributed among the non-industrialized 90-odd members of the IMF.

Such an unequal distribution of SDR's cannot help but rub salt in the wounds of developing countries already disappointed by the outcome of the decade of development. But perhaps we can pluck from the nettle of frustration the flower of opportunity.

The Congressional Joint Economic Committee, through its Subcommittee on International Exchange and Payments, last August recommended a marriage of convenience between development aid and the new SDR's. Briefly, we recommended that the 18 wealthy members of the IMF (the United States, Canada, the countries of Western Europe, Japan, Kuwait, South Africa, Finland and Australia) direct that 25 percent of their special drawing rights allocations be retained by the IMF to finance expanded IDA development aid. The Pearson Commission felt that the proposal was "worthy of further study". More than a score of world bank governors, mostly from the less developed countries, endorsed the proposal at the September, 1969, annual meeting. The Brookings Institution is setting up a study group to work out in practical detail how the proposal might be carried out.

Here are some advantages of the proposal:

1. *It Would Double IDA's Lending Capacity, Approximating the Recommended $1 billion Annually.*

As I have said, the present IDA replenishment of $400 million annually is far less than the $1 billion annual replenishment the World Bank feels is the minimum needed.

The SDR linkage proposal, assuming all 18 donor countries agreed, would result in 25 percent of their annual allocations' being assigned to IMF/IDA. The prospective SDR allocations to these 18 wealthy countries would be $2.15 billion annually. 25 percent of this would be nearly $540 million annually. This is more than double the present IDA-lending capacity, and would bring IDA's total lending capacity close to the recommended figure of $1 billion annually.

2. *It would Obviate the Balance-of-Payments Problem Which Inhibits Present Aid-Giving.*

A donor nation's weak payments position today frequently furnishes an excuse for curtailing its economic development assistance. Linking SDR's to development aid would effectively remove the balance-of-payments problem from the IDA sector of development aid.

In the first place, the participating donor countries would be cutting themselves off at the source from only 25 percent of SDR's. To this element, they would be in a position similar to that of a donor in the United States who immobilizes a portion of his anticipated income by participating in the United States Savings Bond payroll-deduction plan. The donor nations would, of course, receive 75 percent of their tentatively allocated SDR's, and would thus be in that much better reserve position than they are now. Thus the linkage proposal substantially eliminates the balance-of-payments problem—although, of course, one can always say that even wealthy countries would always like to get that extra 25 percent of new reserves without earning them, as well as the 75 percent they would get anyway.

In the second place, even the 25 percent of reserved SDR's will shortly come back to the developed donor countries overall, although whether each such country gets back its 25 percent share depends on its competitive ability to sell the goods the developing countries need.

3. *It Would Obviate the Present Practice of Tying Aid Purchases to the Donor Country, thus permitting Recipients to Buy in the Cheapest Markets, and Donors to Obtain the Benefits of International Competitiveness.* The linkage proposal, in addition to substantially removing the risk of adverse balance-of-payments consequences, would thereby also avoid the need for present aid-tying practices in so many developed countries. These practices not only increase the cost of development aid to the developing countries, but diminish the incentive in the donor nations to fight inflation by remaining competitive.

The quantity of SDR-financed purchases made in a particular nation will be governed by that company's competitiveness as a supplier of goods and services demanded by developing countries. Price, the speed of delivery, and the availability of service are all important elements of a supplier's competitive position. Thus, there is no reason to expect that SDRs donated to IDA through IMF by a particular industrial country will in fact be spent for exports from the same country. If an industrial supplier is highly competitive, SDRs donated by other nations may be used to purchase its exports. Conversely, if a donor is not competitive, the donor would be unlikely to earn SDRs that it or any other nation had given to IDA.

The spur to competitiveness inherent in the untied-aid SDR linkage proposal should produce an anti-inflationary effect on the developed countries to counteract any inflationary effect inherent in the extra $540 million overall demand by the developing countries on the industrial capacities of the 18 donor countries. Of course, fulfillment of the one-percent-of-GNP commitment implies that industrial countries must pursue sufficiently sound fiscal and monetary policies so as to retain some reserve of unemployed resources after satisfying domestic consumption and investment demand and after any commercial export surplus. Otherwise, they would have no reserve capacity to produce gifts of goods and services for developing nations. But an additional development aid demand of one-half a billion dollars a year is not likely to be the inflationary straw that breaks the camel's back in the developed countries, with a total annual GNP amounting to two thousand billion dollars!

4. *It Would Eliminate the Present Need for Domestic Budgeting and Taxation in Order to Provide Development Aid.*

Present foreign aid practices, whether bilateral or through contributions to an international lending agency like IDA, require that Congress, and other national legislatures, include foreign aid in the regular budget, and levy taxes to pay for it. Under the linkage proposal, international monetary expansion—already agreed to by the SDR amendment—would provide the financial wherewithal for this foreign aid. Domestic budgeting and taxation would not be needed. This assumes, of course, that the donor country will take adequate expenditure, taxing, and monetary measures to assure that its economy does not overheat beyond a full-employment-without-inflation level. But the taxes so levied would be not for foreign aid, but to reduce private spending to non-inflationary proportions.

5. *It Would Eliminate the Need for Annual Legislation Inherent in Bilateral Aid-Giving.*

The United States Congress, and many other legislatures, now funds its bilateral aid on an annual basis. Contributions to IDA and other international development banks are usually funded on a three-year basis.

Annual funding, with its on-again-off-again uncertainties, impedes the rhythm of economic development, and thus wastefully adds to its cost.

While the consent of Congress, and of some other national legislatures, would be required for ratification of the proposed linkage amendment, this would be on a once-and-for-all basis, rather than an annual basis. Precedents for such an open-ended Congressional authorization are contained in the legislation setting up the United States Stabilization Fund of 1933; in the Federal Reserve legislation which permits the Federal Reserve System to engage in a continuing series of multibillion dollar "loans" and "swaps" for international monetary stabilization; and in the Special Drawing Rights amendment itself, which Congress approved, permitting the executive to agree to annual allocations of SDR's without further reference to Congress. Congress could at any time, of course, vote to rescind United States participation, from that time on, in the linkage amendment.

6. *It Would Meet the Demands of Developing Countries for More Assistance in a Constructive Way, and Would Alleviate the Rich Man's Club Aspect of the President SDR Allocation.*

The proposed link would help offset the tendency of the SDR amendment to distribute the preponderance of these new claims to wealthy countries, and at no real cost to them. While logical arguments can be advanced to support distribution of SDR's strictly according to IMF quotas, this arrangement appears discriminatory. It will intensify antagonisms on the part of developing nations towards wealthy members of the IMF. The distribution mechanism can be modified to permit industrial nations to earn some of their * * * of services and capital goods to developing countries, rather than receive all of them as manna from heaven, without altering the fundamentals of the Special Drawing Rights agreement.

Possible objections to the proposal seem to me answerable:

1. *"It Will Cut Down the SDR's the Wealthy Will Receive"*. Yet each wealthy country will receive 75 percent of its anticipated SDR allocation, and the wealthy countries together will very shortly receive the remaining 25 percent through development aid orders. Thus the wealthy together will receive all their expected windfall.

2. *"It Will Cause Inflation in the Donor Countries by Expanding Demand from the Developing Countries"*. In fact, the modest additions to worldwide demand created by the linkage agreement are tiny in relation to the combined industrial capacity of the donor countries.

Moreover, there are adequate defenses for each individual donor country against the inflation-producing demand engendered by the linkage agreement.

In the first place, each donor country, in this modern age, has the fiscal and monetary weapons to combat demand inflation.

It is true that if the level of national output is continuously maintained at the full-employment level, any expansion in the quantity of goods and services given to developing countries entails an equivalent sacrifice of domestic consumption or investment. But no industrial country is able to maintain full employment continuously, and during periods when domestic resources would otherwise be unemployed, development assistance cannot be considered a real cost.

The entire industrialized world has never, except perhaps during World War II, produced at a level such that no further increase in real output was possible. At any given time, a reserve of unemployed resources will amost certainly be available in Japan, North America, or Western Europe.

When the industrial resources producing goods as aid would otherwise have been unemployed, everybody gains. Economic growth in developing countries accelerates, and the industrial country producing the exports will also benefit. The exports are produced at no real cost to the suppliers. Moreover, export orders that bring unemployed labor and plant facilities into use create beneficial domestic multiplier effects, which in turn create still more jobs. Thus, even after making a gift of exports, the industrialized country extending aid may well benefit in terms of increased domestic consumption or investment.

In the second place, an industrial nation suffering from persistent export surpluses and inflation can resort to a number of techniques to discourage additional export orders from developing countries. The government can informally urge domestic manufacturers to refuse additional orders or state very long waiting periods for filling them. It can impose export taxes or statutory export embargoes, or it can revalue its currency upwards. If the world moves toward somewhat greater exchange rate flexibility, such revaluations would become less painful than at present.

3. *"It Will Create Pressures for Issuing Excessive Amounts of SDR's, Thus Compromising Their Acceptability."*

While there is no undisputed criterion that can be used to determine what would be the exactly appropriate quantity of SDR's to distribute, small differences in the quantity supplied will probably not have a noticeable impact of their acceptability. As is widely recognized now, the acceptability of SDR's does not depend upon any assets used to back them. In fact, there is no backing as such, and the acceptability of SDR's depends upon the commitment of the IMF members to honor these instruments in the settlement of international payments surpluses and deficits.

The quantity of SDR's distributed, under both the SDR amendment and the linkage proposal, should be determined *solely* according to the needs of the international monetary system, as determined collectively by the members of the IMF. Under no circumstances should the future usefulness of the SDR facility be impaired by excessive distributions, especially at the outset. The long-range benefits that the less-developed countries could derive from a linkage mechanism would be seriously impaired if the acceptability of SDR's were undermined. One can therefore sympathize with those who favor a cautious approach until Special Drawing Rights have been accepted as a permanent feature of the international monetary system.

While the needs of the international monetary system should exclusively determine the amount of SDR's distributed, the 85 percent majority required by the SDR amendment for determining the quantity assures that the linkage proposal would have no significant impact on the size of SDR distributions. Since countries with only 15 percent of the voting power in the IMF can veto an SDR distribution that these nations consider excessive, the more likely danger is that not enough, rather than too many, SDR's will be created. Given this stringent veto provision, the danger that the developing countries could control or substantially influence the size of SDR distributions seems far-fetched.

If the developing countries desired to expand the quantity of SDR-financed real resource transfers in their behalf, they would enjoy a much greater likelihood of success if instead of lobbying for an increase in the total quantity of SDR's distributed, they urged individual industrial states to increase the 25 percent proportion of SDR allocations donated to IDA, or to put up a fixed amount, like $1 billion a year. In the absence of any fixed relationship between total SDR distributions and IDA donations, any attempt to increase development assistance through pressure for larger total distributions could be counterproductive.

4. *"It Will Cause Legislatures in the Donor Countries to Lose Control Over Foreign Aid,"* while the assent of Congress, and of other national legislatures where required, would be necessary only in order to inaugurate the linkage amendment, Congress and the other legislatures could at any time vote to withdraw from, or to alter, the linkage proposal.

Thus a marriage between development aid and monetary reform is an idea whose time will surely come. All that is needed is a statesman or two willing to try his hand at marriage broker.

THE FCC—REGULATOR OR REGULATED?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, the Federal Communications Commission is celebrated as an agency that has become the captive of the industry it is supposed to be regulating—it not so much regulates as it gets regulated, so to speak. Its constituents are not the people who own the airwaves, but the broadcasters who use those airwaves. There seems always to be one Commissioner—somehow the number never exceeds one—who demands that the FCC get bold, that it be activist, that the quality of programing should rise, that indeed the FCC should demand better programs, and who in general makes pointed speeches and writes eloquent and sometimes even moving dissents. But somehow the FCC remains the same, and nothing ever really happens.

A question that interests me very much is whether or not broadcasters have the responsibility to tell the truth in their news and documentary programs. The actions of the FCC to date seem to indicate that the Commission feels that broadcasters can say what they want to, true, false, or in between. The Commission will grant that a particular story is false, or a particular film slanted or distorted, but is unwilling to demand that any corrective action be taken. It is unwilling to guarantee that the public be told the truth.

I could understand the Commission saying that a live news report can carry omissions of fact or even errors of fact, because there are situations where a reporter could not be reasonably expected to be able to ascertain all the facts of an event. It is hard to get a clear picture in the midst of a riot. However, there are also situations where the broadcaster can be expected to know the truth, and should be responsible for sticking to it. Unlike a live event, a documentary film is produced more or less at leisure, and there is ample time to establish the facts and obtain a balanced, reasonably objective view of events. Yet the FCC says that a documentary program can contain blatant errors of fact, be grossly distorted, and still be a good news production. The logic of this escapes me. Yet this is precisely what the Commission seems to have said in its refusal last week to undertake so much as a hearing into the CBS "Hunger in America" show, which opened with a shocking but patently false scene purporting to show an infant dying of hunger.

The simple fact is that the FCC either does not know its responsibility or is powerless to act. It looks as if the Commission is powerless to act, since I am unwilling to concede that it does not know its responsibility. I think that the evidence over the years is overwhelming that the FCC is paralyzed, powerless to regulate the industry of broadcasting. The Commission is simply a captive; it has no effect beyond its ability to allocate broadcast bands in various areas, and I think that it would not even be able to exercise this power if the industry did not know that regulation is essential to keep the air from being overwhelmed with conflicting signals, which would ruin their product. So they suffer that much regulation. Beyond that, I cannot understand what net effect the FCC has on the quality of broadcasting, on the public service required of broadcasters, or in the protection of the public interest in broadcasting. I think that it has none, or so little that it is not noticeable. Mr. Speaker, I take the liberty of calling the attention of the House to a letter I have just sent the Chairman of the FCC:

October 21, 1969.

Hon. Rosel H. Hyde,
Chairman, Federal Communications Commission, Washington, D.C.

Dear Mr. Hyde: I understand from press reports that the Commission has decided, by a 7–0 vote, not to take any further action with respect to untrue and distorted statements in the CBS production "Hunger in America." I have not yet received a copy of the decision, and am disappointed that the Commission has not yet furnished me a copy, despite my well known interest in this case.

I believe that the Commission action in this matter is erroneous.

In cases where television news is covering live events, it is probably inevitable that occasional errors of fact are reported, and it is understandable if in the heat and pressure of events a reporter distorts his story. However, in the case of a documentary, where there are no such pressures of time and events, there is ample time for the reporter to check his facts and to obtain a clear viewpoint. The "Hunger" show was no live report of a riot, but an investigative report supposedly put together after careful study. Yet "Hunger in America" opened with a scene which all agree was a wild error, selected for shock value more than for any information that it could have conveyed. Aside from this, the show contained numerous other falsifications and distortions. Yet the Commission is unwilling to take any kind of stand or any kind of action on such shows. The public is left at the mercy of the networks, whose sense of rectitude is well known to be controlled more by ratings and sales than by any desire to inform or enlighten the public.

The Commission has erred in this case, and I am deeply disappointed, not because my point of view has been ignored by you, but because the Commission has chosen to ignore the rights of the public to be informed rather than misinformed, and the responsibility of the networks to convey the truth rather than convenient distortions of it.

I firmly believe that the "Hunger in America" show might have been even more devastating than it was, had the producers elected to stick to the facts. Unfortunately, their sense of showmanship intruded into their judgment more than it should have, and now the Commission has blessed ledgerdemain in the name of social concern.

Sincerely yours,

Henry B. Gonzalez,
Member of Congress.

THAILAND HAS BEEN A VERY GOOD FRIEND TO THE CAUSE OF FREEDOM

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SIKES. Mr. Speaker, the current discussions about Thailand and the United States on the partial withdrawal of U.S. forces stationed there may leave a confused picture of the role the Thai have played in the Vietnam war. Actually, Thailand has made outstanding contributions to the allied cause, both in South Vietnam and in the Republic of Korea, and, in addition, Thailand has taken a leading role in the area of Asian regionalism.

In plain English, the Thai have taken a calculated risk which would have exposed them to harsh repercussions from Communist nations had the war gone sour for the allied cause. More than any countries other than South Vietnam and South Korea, Thailand has directly assisted the allied military effort. The United States has had the use of Thailand bases and staging areas which have made possible great savings in time, manpower, and equipment. Even more significantly, the Thai have permitted the involvement of important military forces of their own in the fight against Communism.

A very real debt of gratitude is owed to the Thai Government and the Thai people for their support of our objectives. It is important that the American people realize that they have put much more on the line in our behalf than was required and that this support should be considered in our future dealings with Thailand. This strong little country is on the Communist blacklist because of its friendship for us.

I mentioned Thailand's role in the area of Asian regionalism.

East Asian nations generally are divided by differences in language, culture, and often history. Though often thought of collectively, there are, in fact, few inherent bonds tending to tie these nations together. The security of this part of the world depends on positive efforts toward promoting regional cooperation to overcome the Balkanized situation in the area, which weakens each individual nation, makes them easy targets for external domination, and militates against U.S. interests in this part of the world.

Encouraging Asian nations to look at each other for mutual assistance has long been a policy of the United States. It is thus in the national interest of the United States to support the concept of regionalism in this area so as to strengthen the self-reliance of the area nations as well as the area as a whole and reduce their dependability on external assistance.

Thailand, more than any other country in Southeast Asia, has recognized the immediate need for and potential benefits to be derived from regional cooperation. It was one of the original signatories of the Southeast Asia Collective Defense Treaty and has provided SEATO the treaty's organization, with, among other things, two secretaries-general and the organization's headquarters. The Thai have continued to take an active role within SEATO and have worked to assure the viability of the organization.

Thailand has been a motive force in the formation of several strictly regional groupings such as the Association of Southeast Asian Nations—ASEAN—and the Southeast Asia Ministers of Education Council—SEAMEC. Bangkok serves as the headquarters for a number of regional organizations, including the United Nations Economic Commission for Asia and the Far East—ECAFE—the Asian and Pacific Council—ASPAC—Economic Center, and SEAMEC. A number of United Nations specialized agencies—FAO, UNESCO, UNICEF, ILO, and so forth, have their Far East area headquarters in Bangkok.

In addition to its membership and participation in regional organizations, Thailand has made significant contributions on an ad hoc basis to the restoration and maintenance of peaceful relations among the nations of the area. In the period from 1963 to 1966, when Indonesia was involved in its "confrontation" with Malaysia, and relations between the Philippines and Malaysia had been suspended over the Sabah question, Thailand actively sought to mediate these differences Their efforts were rewarded in 1966, when the Philippines and Malaysia reestablished normal diplomatic relations, and when, following a conference held in Bangkok, hostilities between Indonesia and Malaysia were brought to an end.

Thus, I think it obvious from every standpoint that America needs a clearer understanding and appreciation of the role Thailand plays in Southeast Asia. Thailand has indeed been a good friend to the cause of world freedom.

PANAMA CANAL MODERNIZATION GEARED TO WORLD TRADE NEEDS

(Mr. FLOOD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FLOOD. Mr. Speaker, in a statement before this body in the CONGRESSIONAL RECORD of February 19, 1969, entitled "Panama Canal Modernization: Time for Action Has Come," I summarized the principal elements in the canal problem and emphasized the Terminal Lake-Third Locks modernization plan as providing the best solution from all significant points of view. The remarks made on that occasion were not "off the cuff" words but the considered conclusions of qualified experts, including experienced officials and other employees of our Government concerned with the maintenance, operation, sanitation, protection, and defense of the canal.

Appropriate bills for the needed major increase of transit capacity and operational improvement of the Panama Canal have been introduced in the present Congress, both House and Senate. The solution contemplated in them provides not only the best solution but also protects the best interests of Panama and the United States as well as Interoceanic Commerce and Hemispheric Defense.

It was, therefore, with the greatest interest that I read in a 1968 issue of the Christian Science Monitor a most illuminating historical article by William B. Collier of Santa Barbara, Calif., in which he summarizes the key features of the Terminal Lake-Third Locks plan, which he advocates as being geared to world trade needs.

In this connection, I would emphasize that a total of $76,357,405 was expended on the suspended Third Locks project before construction on it was suspended, with completion of lock site excavations at Gatun and Miraflores for a set of larger locks. With the completion of the current enlargement of Gaillard Cut scheduled in 1970 at an estimated cost of $81,257,097, the total expenditures for the major modernization of the existing Panama Canal will total more than $157,000,000, which is too great a sum to be ignored.

Mr. Speaker, as the indicated article by Mr. Collier will be of great interest to all Members of the Congress concerned with canal problems and navigation interests that have to pay tolls, I quote it as part of my remarks, as follows:

[From the Christian Science Monitor, Oct. 7, 1968]

PANAMA CANAL MODERNIZATION GEARED TO WORLD TRADE NEEDS

(By William B. Collier)

Ever since Ferdinand de Lesseps embarked upon his unsuccessful undertaking to dig a sea-level canal connecting the Atlantic and Pacific oceans, visions of a Straits of Panama with oceangoing vessels steaming majestically through the Isthmus of Panama have captured the imaginations of many people.

Unfortunately, those who favor such a dream fail to accommodate to the facts of the situation, First, the tides at the Atlantic and Pacific ends of the canal differ greatly in magnitude. At Cristobal on the Atlantic side the extreme range is seldom more than three feet; at Balboa on the Pacific side the extreme range is well over 22 feet. Also, they lack respect for the forces of nature, so often exhibited at Panama in the move of massive landslides.

The basic principle for the best and most economically feasible method of transiting ships across the Panamanian mountains was the first proposed to Ferdinand de Lesseps and the International Congress for Consideration of an Interoceanic Canal at Paris by Adolphe Godin de Lepinay in 1879.

He alone, among all the French engineers, knew the topography, the nature of the torrential floodwaters of the Chagres River, and the necessity of controlling it. With the vision and simpliicty of true genius he proposed: "Build a dam at Gatun and another at Miraflores or as close to the seas as the configuration of the land permits. Let the waters rise to form two lakes about 80 feet high, join the lakes thus formed with a channel cut through the continental divide, and connect the lakes with the oceans by locks. This is not only the best plan for engineering but also best for navigation."

FUNDAMENTAL PLAN NOTED

Adolphe Godin de Lepinay's concept is the fundamental plan for constructing the interoceanic canal adopted by John F. Stevens, chief engineer of the Isthmian Canal Commission, who is recorded in history as "the basic architect of the Panama Canal."

Although the high-level lake and lock canal approved by Congress provided for twin flights of three lock chambers raising ships to summit level at Gatun, it provided for separated locks at Pedro Miguel and Miraflores with Miraflores Lake at intermediate level of 54 feet.

Chief engineer Stevens recognized the operational problem which would arise from separation of the Pacific locks and approved a plan developed by William Gerig placing all Pacific locks in single structures with three lifts south of Miraflores, with the dams and locks between two hills, Cerro Aguadulce on the west, and Cerro Puente on the east.

This plan would have made possible summit-level navigation from the Atlantic locks to the Pacific with a high-level anchorage in Miraflores Lake similar to the arrangement at Gatun.

Mr. Stevens was succeeded as chief engineer of the Isthmian Canal Commission by Col. George Washington Goethals, United States Army Engineers. He carried the work through to a successful conclusion. His assistant, Col. William L. Sibert, U.S.A., in charge of locks and dams, appreciated the superiority of the Stevens plan from the point of view of marine operations but was unable to persuade his chief to adopt it.

LOCATION IN ERROR?

Years of marine operating experience both in peace and in war have demonstrated conclusively that the location of Pedro Miguel locks at the south end of Culebra Cut was the basic error in operational design of the Panama Canal.

Every ship which passes through the Panama Canal is raised to summit level and lowered to sea level at the other end of its transit by gravity flow of water from Gatun Lake. Also, power for operating the lock gates and the towing locomotives which tow ships through the locks is generated by gravity flow of water.

During the dry season of 1919 the heavy flow of traffic demonstrated the need for additional storage of the head waters of the Chagres River to provide additional water for the navigating channels during the dry season and for the generation of additional electric power. Congress authorized the construction of Madden Dam and Reservoir. This project was completed in 1935.

The Third Locks Project set forth in the "Report of the Governor of the Panama Canal," Feb. 24, 1939 (House Document 210, 76th Congress, first session), was authorized by Act of Congress, Aug. 11, 1939. Over $76 million was spent, mostly on excavating for a third flight of larger locks at Gatun and at Miraflores from 1940 to 1942, when work was suspended because of wartime shortages. No excavating was done for a third lock at Pedro Miguel. This wartime interruption of building a third set of larger locks made it possible to develop a better plan in accordance with the original concept of Messrs. de Lepinay, Stevens, and Sibert. It is called the Terminal Lake-Third Locks plan.

Capt. Miles P. DuVal, USN (Ret.) historian of the Panama Canal and from March 5, 1941, to June 30, 1944, captain of the Port of Balboa, has written a most interesting account of the long struggle over four centuries for a convenient sea route from the Atlantic to the Pacific oceans in "Cadiz to Cathay."

A quote from the epilogue of his second volume, "And the Mountains Will Move," reads:

"Based upon his studies and repeated operating experience, the author developed and submitted a plan for the fundamental simplification and improvement of the Panama Canal. He presented his plan publicly on May 20, 1943, before the Panama section of the American Society of Civil Engineers, in a paper entitled 'The Marine Operating Problem of the Panama Canal and the Solution.' The plan consists of the removal of the bottleneck lock at Pedro Miguel, the construction of all Pacific locks in single structures near Miraflores, and the creation of a large summit-level terminal lake for an anchorage on the Pacific end of the canal to match the arrangement at Gatun."

APPROVAL RECEIVED

The Terminal Lake-Third Locks project received the approval of engineers experienced in the problems of the Panama Canal; of shipping interests using the international waterway, who must pay for the improvement in the form of the canal-supporting tolls; of the governor of the Panama Canal, and who were then Secretary of War and the Secretary of the Navy. It was approved as a postwar project by the President of the United States.

Meanwhile, the need for increasing the capacity of the existing canal to meet the increasing needs of world shipping must be satisfied. Since 1960 the project of widening the ship channel through Culebra Pass from 300 feet to 500 feet is proceeding on schedule. Five miles of the ship channel have been widened, and the remaining three miles will be completed by 1971.

All that is needed to accommodate more and larger ships is completion of a third flight of larger locks at Gatun, the consolidation of all Pacific locks at Miraflores, the raising of Miraflores Lake to summit level, and the removal of the dam and locks at Pedro Miguel. The summit level can then be raised to the optimum of 92 feet to provide increased water-storage capacity and to deepen the navigating channels.

The cost of modernizing the present canal in accordance with the Terminal Lake-Third Locks plan is relatively modest and can be paid for out of revenue from tolls. No new treaty with Panama is required, since no new territory to encompass the proposed improvement will have to be added to that purchased from Panama in 1903.

When the Panama Canal has been modernized in accordance with the legislation now before Congress, transit time will be reduced by eliminating the double handling of vessels at Pedro Miguel and Miraflores locks. The capacity of the canal will be increased by approximately 50 percent, and the size of the additional locks will be 1,200 feet long by 140 feet wide with 45 feet of water over the sill.

This additional lockage capacity is vital if the Panama Canal is to meet the need of world trade for the balance of the present century.

PANAMA CANAL ISSUES: CONFUSIONS CLARIFIED

(Mr. FLOOD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FLOOD. Mr. Speaker, as a student of Panama Canal history and interoceanic canal problems over many years, I long ago noted that whenever the Isthmian Canal question comes up for serious consideration, the subsequent discussion follows a predictable pattern. First, there are rivalries between advocates of various sites historically known as battles of the routes and next there are contentions over the type of canal to be constructed that may be described as "battles of the levels." A third idea regularly promoted has been that of a ship-railway across the Isthmus of Tehuantepec.

The latest proposal for interoceanic transit facilities, which is only a variation of the third issue just mentioned, is a ship-rail-ship project from the Gulf of Mexico to the Pacific Ocean across the Southwestern part of the United States in an article in the April 1969 issue of the U.S. Naval Institute Proceedings by Rear Adm. H. H. Gibbs, U.S. Navy, retired, entitled "A Southwest Passage?"

In line with its regular practice, the Naval Institute Proceedings, in its Comment and Discussion section has published some commentaries on the Gibbs article in its September and October 1969 issues. The first by me in September attempts to bring the principal issues of the interoceanic canal problem into realistic perspective and supplies indispensable facts and figures for proper understanding. Three other commentaries in October by Prof. Richard B. O'Keeffe of the George Mason College of the University of Virginia, Capt. E. B. Perry, U.S. Navy, retired, and Lt. Albert H. Robbins, U.S. Navy, develops other interesting angles with appropriate classifications.

In order that the indicated discussions may be more widely known, I quote them as parts of my remarks as follows:

[From U.S. Naval Institute Proceedings, September 1969]

"A Southwest Passage?"—Comment and Discussion

(By Hon. Daniel J. Flood of Pennsylvania)

(See H. H. Gibbs, pages 64–73, April 1969 Proceedings.)

As a member of the Congress with assignment for many years to the Subcommittee on National Defense of the House Committee on Appropriations, and as a long-time student of interoceanic canal problems, I have read the article by Rear Admiral Gibbs with considerable interest. Though it introduces some new angles into current canal discussions, it does not present the real issues involved, which must be understood and not ignored if our canal policies are to be wise.

The gross investment of the United States, from 1904 through 30 June 1968, including defense, in the Panama Canal enterprise was $6,368,009,000. Total recoveries during the same period were $1,359,931,421.66, making a net investment of over $5,000,000,000.

The Isthmian Canal policy of the United States as developed over many years and which is embodied in treaty and law, has these objectives: the best type of canal, at the best site for the transit of vessels of all nations, on terms of equality, with tolls that are just and equitable. It was pursuant to this policy that the United States acquired by treaty with Panama the grant in perpetuity of sovereign rights, power, and authority over the Canal Zone territory and constructed the high-level-lake and lock type canal, all to the entire exclusion of the exercise by Panama of any such sovereign rights, power, or authority. The United States also obtained ownership of all land and property in the Zone by purchase from individual owners.

In these connections, it is important to realize that Panama has been, and still is, an area of endemic revolution and endless political instability; and that at the time of acquisition, it was one of the worst pest holes in the world.

The construction of the Panama Canal was one of the truly great achievements of man. Its subsequent maintenance, operation, sanitation, and protection have measured up to our solemn treaty obligations. The transit since opening to traffic on 15 August 1914 through 30 June 1968, of 403,230 vessels of various types and descriptions during both peace and war (World Wars I and II, Korean, and Vietnam, as well as the 1962 Cuban missile crisis) completely establishes the wisdom of the original construction.

As to current discussions over the type of canal, the idea of constructing a canal at sea level is a "hardy perennial." It appeals strongly to the manufacturers of heavy earthmoving machinery, dredging combines, a limited number of professional engineers, and various theorists. Many independent experienced engineers, navigators, and scientists oppose it. Thus, Rear Admiral Gibbs' emphasis that certain large vessels now constructed or planned were designed to avoid transit of either the Panama or Suez Canals for the reason that it is more economical for them to go around Cape Horn or the Cape of Good Hope rather than pay tolls is most pertinent. Also, as he points out the closure of the sea-level Suez Canal in 1967 by means of "primitive weapons" is highly significant. It dramatizes the irrelevance of the ancient argument of "vulnerability" to enemy attack in the design of navigation projects. The true criteria, the only basis, for such planning are ease and safety of navigation.

Many years of experience in the operation of the Panama Canal have shown that what is needed there is a two-way ship channel in the summit level, with ample and logically arranged locks at both ends.

The two-way ship channel will be supplied on completion in 1970 of the enlargement of Gaillard Cut from 300 feet minimum bottom width to 500 feet. The required lock capacity and arrangement will be provided under the Terminal Lake-Third Locks Plan.

This proposal, which would eliminate the bottleneck locks at Pedro Miguel, consolidate all Pacific Locks at one location south of Miraflores, create a summit-level lake anchorage at the Pacific end of the Canal, and solve other important marine operating problems, was developed by the Panama Canal organization as the result of World War II experience. It was recommended by the Governor of the Panama Canal to the Secretary of War for comprehensive investigation. It won the support of the Secretary of the Navy, and was approved by President Franklin D. Roosevelt as a postwar project.

The original Third Locks Project, authorized in 1939 at a cost not to exceed $277,000,000 was suspended in May 1942 because of more urgent war needs, after a total expenditure of $76,357,405, largely for huge lock site excavations at Gatun and Miraflores which are still usable. The estimated cost for enlarging Gaillard Cut is $81,257,097. These two projects together, representing an expenditure of more than $157 million are a substantial commitment by our government for the major modernization of the existing Panama Canal. Moreover, such modernization of the existing Panama Canal enables the maximum use of all work so far accomplished in the construction of the Canal and its subsequent maintenance, and it does not require a new treaty with Panama with the inevitable huge indemnity and increased annuity that would be involved. Thus, the United States would continue its full control and ownership of the Canal Zone and Canal.

The principal issues in the present canal situation are:

The safeguarding of our indispensable sovereignty over the Canal Zone, now jeopardized by ill-advised proposed new treaties.

The necessity for increase of capacity and operational improvement of the existing canal through the major modification of the authorized Third Locks Project under the Terminal Lake-Third Locks Plan.

The subject of a second canal.

As to these points, extensive clarifications in the Congress over a period of years have removed the confusion surrounding them and cleared the way for proper action by our government. This action is the major increase of capacity and operational improvements of the existing canal, and bills for the "Panama Canal Modernization Act" have been introduced.

The enactment of such legislation not only will protect the vital interests of the United States, benefit Panama, serve world commerce, and safeguard our indispensable sovereign rights, power, and authority over the Canal Zone and Canal, but will also clear up the entire canal situation.

[From U.S. Naval Institute Proceedings, October 1969]

A SOUTHWEST PASSAGE

(See H. H. Gibbs, pages 64–73, April; and D. J. Flood, pages 118–119, September 1969 Proceedings.)

Richard B. O'Keefe, George Mason College—Admiral Gibbs appears to have decided a question that is very much alive and undecided, i.e., lock *vs.* sea level canal. He should be assured that this argument is neither concluded nor arcane. A considerable body, made up of engineers, canal experts, members of Congress, and academicians continues to argue quite cogently that a lake-lock canal at Panama is navigationally, operationally and politically superior to a sea level canal.

Referring to the disaster of oil spillage, Admiral Gibbs almost makes, but misses an important point in "Only recently, a bulk carrier sank in Gaillard Cut under circumstances that could have existed at sea level. Such disasters can be prevented, but the remedial action is necessarily extremely expensive." The fact is the Japanese bulk carrier that sank in the Canal was raised and put on its way within 18 hours because of the efficiency and skill of the technically trained U.S. personnel present in the Canal Zone, a part of the much-abused "14,000" staff figure the Anderson Commission is fond of blackguarding, (*viz.* the American colony whose life-style exacerbates the envy of a relatively poor Panamanian populace). The Commission is fond of the citation of a staff force of 600 to support and operate all services to a sea level canal. In the context of Admiral Gibbs' point, such a work force is absurdly small.

I feel that the statement "There is no indication that the Commission has considered it important to study the possibility of satisfying the requirements of interocean transportation by improving overland modes and routes . . ." stimulated the Honorable Daniel J. Flood to write you about his five-year struggle to prevent the Anderson Commission from exceeding its legislative authority in investigating anything but a sea level canal. Indeed, as long as the rather vaporously-titled Commission appears to have played somewhat loose with its constructing statute (with impunity), there would appear to be no reason why the Commission could not investigate the air transport mode.

There is another point which I wish to clarify. If in diplomatic or administrative retreat, the United States abandons its basic 1903 treaty, there is no reason why Admiral Gibbs' "Southwest Passage" should not be jeopardized, when Mexico, acting analogously and in her own interests, demands renegotiation of the Treaty of Guadalupe Hidalgo. If treaties become "obsolete" by the mere passage of time, the Treaty by which the United States acquired the territory for a "Southwest Passage," being unquestionably the settlement of a colonial conquest, can hardly bear examination.

Finally, the true benefits in both direct income and development increment to the Republic of Panama, of the American-constructed and operated Canal must never be forgotten. This remembrance can be made effective first by improving and building upon the present lake-lock Canal, and secondly, by a firmness both just and politically sound on the part of American representatives.

Captain E. B. Perry, U.S. Navy (Retired)—article is highly imaginative but lacks necessary details. It discusses, in very general terms, a proposed complex traffic problem of moving great weight and bulk overseas on selected routes by ship-rail-ship from the North Atlantic port of New York to one or more ports in the Far East. So long as one sticks to generalities, the sailing is smooth. When it is necessary to get down to troublesome details, however, the going may then become tough. In discussing the proposed "Southwest Passage," an intricate sea-land-sea method of moving many thousands of tons of freight, it is well to consult your abacus.

When considering the Southwest Passage, there are several economic details which must be given some thought. What would be the total time of transit between the loading of a shipper's goods in New York and their receipt by the foreign purchaser? What will be the number of unproductive days required in ports; also the costs to the shippers and the ships? What will be the cost in days and dollars for the land movement of the cargo in its transfer from one seaport to another? This should include the costs of the shore facilities, railway equipment, right-of-way, and the constantly increasing labor costs. All probable costs must be considered if we are to contrast canal transit versus sea-land-sea movement of our cargo. And finally, would the protection of the two ports be less of a problem than the canal protection?

It is axiomatical that the ship is fundamentally the most realistic and economical method of long distance transportation of great weight and bulk on a ton-mile basis. If we are to take advantage of the merits of shipboard transportation from a port on the Atlantic to ports in the Far East, there can be no question as to the need for a canal. The present costs of the operation of our ships is high, but it is reported that our railroads are experiencing similar difficulties.

Considering only the New York to Yokohama suggestion, the article contrasts a sea voyage of some 9,700 miles via the Canal with a composite 7,910 miles via Corpus Christi and San Diego. The distance via sea-land-sea could, very realistically, go up to at least 8,225 miles. The canal voyage, with a 20-knot ship, might be made in about 22 days. The composite voyage could amount to 29 days. A great percentage of operation expenses comes from cargo handling. It is certain that the Southwest Passage would result in increased costs of cargo movement, and that is a step in the wrong direction. Since much of the cargo would be generated in locations to the west of New York, why were Corpus Christi and San Diego selected as transfer points for the cargo? There are existing railroads across the continent and many of them hungry for business. If we must resort to transcontinental rail transportation, why not make the cargo transfer in San Francisco, using existing facilities and saving some 2,400 sea miles? The article may have provided food for thought, but we need a more balanced diet.

Lieutenant Albert H. Robbins, U.S. Navy—The article performs an essential service; it questions our Isthmian fixation. Arthur C. Clarke identifies two classes of planning failures: failures of imagination and failures of nerve. We fear to dream large dreams. Even worse, our dreams are limited by the word images we use. The canal people think in terms of a deep water path; the author visualizes a super-train.

By skillful selection of terms—passage vice the more familiar landbridge—the author obscures the fact that his proposal will not transport ships. In the days of our one-ocean Navy this was one of the more pressing justifications for a canal; it would still be desirable for the *Forrestal*-class carriers.

While emphasizing that trade patterns might shift during canal construction (and presumably while inventing and building the Southwest Passage railroad and deepwater ports) he ignores the distinct possibility that existing ships might be made obsolete during the same period.

Historically, we have been able to assume convenient life spans, economic life cycles, for ships as well as the facilities which serve them: canals, port facilities, shipyards, dry docks; 50 years for a Great Lakes "boat," 20 years for a freighter, 25 for a cruiser, etc. Last year, we suddenly discovered that the "Big Box," the container and containership, would drive conventional break-bulk ships from the North Atlantic trade, possibly by the mid-1970's. This year, despite a punitive longshoreman's contract, it appears that break-bulk ships are virtually dead, technologically obsolescent. This is a common problem in the aircraft, electronics, and missile industries. It has come as a shock to shipbuilders and operators.

Senator Strom Thurmond recently referred to the air cushion vehicle (ACV) as the magic carpet of the future. He quoted Dr. D. C. MacPhail, of the Canadian National Reserach Council, "The British have concentrated on higher and higher speeds over the water and the U.S. has emphasized military requirements . . . But we [Canadians] have areas where speed isn't so important, where the mere ability to move goods at all is an achievement. Not much work has been done in this field and it might be the answer for Canada."

Actually, most of our development dollars are in the Joint Surface Effect Ship Program Office (JSESPO) basket. Presently, two study contracts ($1.5-million apiece) aim at building testcraft by 1972. These two 100-ton, 80-knot, rigid sidewall testcraft, while interesting, will not revolutionize world trade.

By contrast, the primitive SR.N4s which began commercial operations last year, operate at speeds up to 80 knots, weigh 160-tons fully loaded, and fly above the surface on an 8-foot thick cushion of air. As the author points out, the further north we build our passage, the better.

The Northwest Passage becomes a broad freeway for the pure ACV. The ACV travels as easily, in fact more easily, over ice than water. ACVs have not yet been designed for cold weather, or long range operations. Several (SR.N5, SR.N6, SK–3, and SK–5) have been tested and operated in the far north. An SR.N6 was tested at Churchill, Manitoba. Operating over open water, ice, and snow at temperatures to —41° F., the chief problems noted were in navigation and control.

Our aging Great Lakes fleets constitute one economic market for the ACV. According to Lloyd's, the United States has 286 Great Lakes "boats"—1,892,427 gross tons. Canada has 288 more—1,479,518 gross tons. This seasonal fleet is limited to "navigable" waters and developed ports. Northern ACVs will be able to range far beyond the Lakes—going directly to the mines, the forests, and the wheat fields for cargo, regardless of season. Man-made barriers, buildings, and laws will define the ACV routes.

The existence of vehicles capable of sustained high speeds in the polar and subpolar regions necessitates a critical review of past economic and military decisions. An unescorted ACV, at 59 knots, could shuttle supplies between Little America and New Zealand in two days.

Great circle navigation, over the polar surface will as drastically alter world military posture, as did the Zeppelin raids in world War I, Resupply to Thule, or to our polar research stations will no longer require an icebreaker and supply ship task force. The frozen expanse north of the tree line ceases to be a defense in the same manner that the English Channel ceased to serve as England's moat earlier in the century.

The author acknowledges the supertankers which cannot enter most of the world's harbors, or any of the canals. He mentions the containerships which have made most of the world's ports obsolescent. He ignores the ACV, which will have a far more drastic effect on world trade routes in the next ten years than earlier. In making any long range plans, or investments, we must clear our visions, and we must consider technology.

A SOLDIER SPEAKS FROM VIETNAM

(Mr. McKNEALLY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McKNEALLY. Mr. Speaker, we have just been besieged with pleas from many citizens of this Nation to withdraw immediately from Vietnam, no matter what the consequences of such action might be.

I, for one, cannot agree that this is the proper action for this Nation to take, and I support our President's efforts in this regard.

As I observed the demonstrations and listened to the cacophony of voices on October 15 last, I wondered what the soldiers in the field thought of all this activity.

What one soldier thinks has just come to my attention, and I would like to commend his thoughts to the Members of this body for their sober consideration.

The article, which follows, was written by Cpl. Joseph M. Carroll, son of Mr. and Mrs. Joseph R. Carroll of New City, N.Y., in the 27th Congressional District which I have the honor to serve. Corporal Carroll, who has been awarded the Army Commendation Medal and Purple Heart, wrote the article in a hospital in Vietnam while recovering from wounds received in action at an advanced firebase along the Cambodian border some 40 miles northwest of Saigon. It appeared in the Rockland County Journal-News, published in Nyack, N.Y.

LOOK HOMEWARD, SOLDIER, FROM VIETNAM FIREBASE

(By Cpl. Joseph M. Carroll)

There is a war being waged, and it is a war of annihilation. And for the first time in the history of this nation, it is a war intended to annihilate the American soldiers fighting it. Somewhere in the course of the war a new philosophy emerged, and this philosophy has broadened in its scope, deepened in its implications until now, in this eighth year of battle, we must realize the philosophy as patent national policy. It has three basic tenets:

The soldier is an enemy.

The war is an atrocity.

The military is an ignominy.

The military establishment has come under fire not only from minority dissidents, as has been the trend in wars past, but by the rank and file of the nation. It is harangued in the press and in the media, in the homes of its citizens and in the very chambers of its Senate. Its recruiters are attacked on campuses, its records, along with the flag of this nation, are burned in the streets; all by citizen-vigilantes who manifest no shame in the open act.

The power of rational thought has been lost in the shuffle, discarded in the emotional upsweep of black and red banners. The ends are not considered, the means have become ends in themselves. The iconoclasts have accepted a doctrine that demands no thought to consequences; a mass hysteria has developed to obviate the necessity of logical thought. Review the expedients and consider the possible end.

1. Abolish ROTC: Lower the quality of the military leader. Make the Army grovel for officers.

2. Hate the military man: Remove the dignity and the respect from the service of one's country. Leave the man an enemy to his own people.

3. Skeletonize appropriations: Inform the generals that the nation is no longer concerned with what they consider absolutely essential to the support of the man in the field. Inform them that they'll have to cut corners, regardless of the consequences.

4. Discredit The Generals: Allow the Senators to criticize the Generals on their own ground, to dictate to the Generals how to run the war.

5. Undermine the spirit of the Soldier: Let him know that the nation for which he is fighting considers him dirt, considers his leaders inept, considers his cause futile.

The situation that has arisen is so absolutely ludicrous that a rational man would question the very foundations of a nation that could permit it. We have accepted the situation for so long that we have taken it in stride, and no longer consider its deathly irreversible implications. The situation, basically stated, is this: We are waging a war to lose.

We have no intention of winning this war, we have no intention of moving forward or backward. The present policy is simply to sit tight in a combat area and hope that the casualty rate of 300 Americans a week will not fluctuate appreciably up or down. This situation can be no more apparent than in the recent testimony of the General who replied in testimony before the Senate Armed Services Committee, "We haven't escalated the war. We've had less battalion-size actions this year than last year. It's them, they're the guys trying to win the war."

A general on the defensive. Nothing does the heart more good. And how, indeed, could he stand under the bombastic accusation that he is actually trying to win the war? This nation has reached the point where it no longer attempts to disguise the enmity it holds for its own military forces. A general, accused of trying to win, and consequently end a war, is forced to cry out in his defense that it is not true, that he wouldn't think of such a betrayal of the nation.

An army is hobbled, its soldiers are disgraced, its appropriations are cut, its officer corps is undermined. Is the enemy capable of inflicting more damage from without than are the American people from within? This nation has left an army in the field, and has given them express instructions to sit and die; its greatest shame being the desire to win the war.

What of the fighting man in Vietnam? What of the man in the rice paddies who realizes that he is the sacrificial lamb of a nation that suddenly "changed its mind?" What of the man who realizes that his purpose is simply to wait until the politicians can find an excuse for withdrawing him, while his numbers drop off in the hundreds each week? And for what purpose? Is there a greater horror than dying without a purpose? This nation has no intention of supporting them. Then why do they continue to do battle? Either they are disbelieving that their people could actually betray them in this manner or are too dedicated to the ideals which the nation has since abandoned to be concerned with the betrayal of that nation. Why has no one informed them that the political situation has taken a turn, and that death is now in vain?

And to be completely consistent in the absurdity, the nation sits at the conference table and attempts to win an "honorable" peace, while the enemy knows full well that they are hobbled and are no longer a serious threat. What bargaining tool can be effective when an enemy knows that you are totally resigned to defeat and withdrawal.

On the conduct of the war itself, Senator Teddy Kennedy has accused the military of mismanaging the war. Hamburger Hill, for example, was not "handled well." And Senator Kennedy is, of course, an authority on military matters. Who could cast shame upon a man who has the guts and courage to speak out against war-mongering generals? Votes? What have votes to do with truth and justice and good old righteous indignation at ogre generals!

And, of course, it's always good sport to attack a man you have officially bound and gagged. General William Westmoreland, queried as to the validity of Senator Kennedy's statement replied in typically aggressive fashion: "I do not think it proper for me to comment on the opinions of a Senator." And when asked if it were at all proper for the Senator to comment on the tactical situation in the first place, replied, "I do not think it proper for me to comment on what is proper for a Senator to comment on."

We have lived with the irrationality so long that we have accepted it, let it go unchallenged, and it has reached a point where our minds now refuse to question, refuse to sift through the facts and reach a logical conclusion. What better witness to this than the proclaimed end of the agitators? That end, of course, is the total abolition of the Military.

But this, too, can be accepted with the same non-thinking ambiance. For who would be foolish enough, in this day of idealism and love, to suggest that we actually need an Army to protect the nation? Who would be unpatriotic enough to suggest that force is a legitimate instrument of national policy? Who would be naive enough, in this frenzy of peace and charity and good-will, to suggest that we cannot trust our brothers and Russians and the Chinese?

When did we first start to obviate the practical in lieu of the idealistic? When did we first begin to believe that a nation can survive without an Army? When did we first begin to believe that the Communists are brother-lovers? When did this once mighty nation succumb to the belief that a defense can be managed without strength, that a nation can be preserved without might, that ideals which we consider precious can survive in a world where they are attacked on all fronts, and we are left with only our slogans and love beads to protect us?

And then there is the voiceless man in the field. The one who cannot defend himself, for, like General Westmoreland, he is too bound by honor and duty to speak against the will of the people. The military tradition is one of compliance with national demands, not arguments. The soldier is an unwanted cause, a burden, and a drain. He is the man in the field who reads of his own malevolence and ignominy in the papers of his country. He is the man who sits in the rice paddies of the murky Delta and wonders why the B52 strikes have been cut when they are sorely needed. He wonders why his country has forsaken him.

NATIONAL BUSINESS WOMEN'S WEEK

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, this is National Business Women's Week, a time set aside to pay well-deserved tribute to the business and professional women of America. I therefore join the National Federation of Business and Professional Women's Clubs today in saluting the achievements of business and professional women in the communities in the Fifth Congressional District of Michigan and throughout the Nation.

As stated by Mrs. Myra Ruth Harmon, president of the NFBPW, federation members fully recognize the importance of an informed, active electorate and are dedicated to civic responsibility and service. I wish to commend the federation and all those associated with it for their efforts in building a better America. In that connection, I call attention to the federation's national legislative platform and urge careful consideration of it by every Member of this House.

Mr. Speaker, American women have made tremendous strides in the last half century. It is less than 50 years ago that women in this country won the right to vote. Now the potential voter turnout among women exceeds that of the men in this country by 7½ million.

American women also have achieved great economic power and can point to startling accomplishments in a variety of fields of endeavor.

There are many reasons for the men of America to look to their laurels. Women outlive men, and that gives them greater staying power. Official Government figures show that women outnumber men in America, so they have the edge there too.

American women are getting married younger now, which means they start running their men sooner than they used to.

American women have taken an increasingly prominent place in the world of work. Today nearly four out of 10 American women are employed outside the home. In 1920 it was only two out of 10. And today the average working woman is married and 41 years old. In 1920 she was single and 28.

A revolution has taken place among American women, and we men would do well to recognize it.

One of the developments in that revolution is that women today tend to have their last child by the age of 30. This means that by the time the youngest child is in school, a mother may look forward to 30 or 35 more active years. Much of that time can be spent in the business and professional world, in politics, and in civic endeavor.

I am very happy to find women getting the place they deserve in the world of work, in the Government, and in the political sphere.

Our whole society today calls for women to play a significant role in nearly every way—not just as wives and mothers but intellectually and politically. And so I am pleased that President Nixon has named 118 women to positions in the Federal Government and related posts.

These appointees are examples of the new American woman, the kind of woman who has made the National Federation of Business and Professional Women an organization of which all its members can be terribly proud.

So it is that today I toss a bouquet to the National Federation of Business and Professional Women and express the wish that the federation will grow ever stronger and will continue its fine efforts on behalf of community and national betterment.

VIETNAM

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, it is my firm conviction that a substantial majority of the American people support President Nixon's policies aimed at ending the war in Vietnam. I therefore found it disturbing that the Nation's press sweepingly spoke of "millions" of Americans as taking part in the recent Vietnam moratorium. Since the October 15 moratorium I have seen more sober estimates of the number of Americans participating in "M-Day," figures like 500,000, for instance. Whatever the actual number, I repeat my earlier assertion that a sizable majority of Americans support their President's efforts to achieve peace with honor in Vietnam.

Not all of the writers and commentators speaking of M-Day were swept up in the emotional tide of the moment. Some editorially voiced grave misgivings about this exercise in crowd diplomacy. One of these was Philip Clarke of the Mutual Broadcasting System, who delivered a commentary entitled, "Vietnam: A Case for the Silent Majority." While I do not necessarily agree with every point made by Mr. Clarke, I feel that his viewpoint adds balance to the current Vietnam debate. I therefore invite my colleagues' attention to the Clarke commentary and place it in the RECORD at this point.

VIETNAM: A CASE FOR THE SILENT MAJORITY

(By Philip Clarke)

In coming weeks, the world will be witness to one of history's strangest and most disturbing phenomena: thousands of U.S. citizens participating in anti-Vietnam war demonstrations directed against a U.S. Administration that is doing everything within reason to end that war.

Planned for October 15th are protests on campuses, in the streets and from door-to-door. A number of Congressmen even plan an all-night anti-Vietnam filibuster. Organizers are calling it "M-Day"—for moratorium against war.

With supreme irony, the demonstrations ignore the Communist aggressors who started the war and now shun peace. They are aimed instead at bringing irresistible pressure on President Nixon to order the precipitate withdrawal of all U.S. forces from Vietnam—unilaterally.

The consequence would be not the peace, for which all men of reason aspire, but surrender—the surrender of free South Vietnam to the Communists.

As might be expected, the October 15th demonstrations—and similar "peace" marches and rallies in November and December—are in large part organized and led by a noisy minority. Included are the flag-burners, the draft-board bombers, the White House picketers, the "better-Red-than-dead" claque. Their names and their tactics are familiar. The tragedy is that thousands of idealistic but susceptible young Americans have been persuaded to join with these professional dissenters in the name of peace.

More alarming yet, many members of Congress, educators and civic leaders— who should know better—have pledged their active support to the demonstrations. Some simply have been taken in. Others believe it is "good politics" or the "in-thing."

In this they are wrong—dead wrong.

As naive or well-meaning as most of them are, the anti-Vietnam demonstrators are playing fast and loose with the interests of our nation. And they are parading directly into the hands of an enemy who strives by whatever means to weaken our security and destroy our position of leadership in the Free World.

For the past eight years, this correspondent regularly has monitored broadcasts from Moscow, Peking, Hanoi and other Communist capitals as part of a weekly analysis of alien propaganda. Almost every anti-Vietnam demonstration, rally, teach-in, war crimes "trial" or whathaveyou is played to the hilt, whether in Tokyo, Toronto or Timbuctu. Protests in the U.S. get special treatment.

After one recent anti-Vietnam rally in the U.S., Radio Moscow broadcast a message of congratulations from the National Liberation Front, the political arm of the Vietcong. It said, and I quote: "we thank our progressive-minded compatriots in America for rallying support to our side and against the dirty imperialist aggressors in Washington. Your activities for peace have given great encouragement to our struggle for the liberation of Vietnam. Together we shall win." Unquote.

Communists around the world are now cheering even more loudly over the forthcoming demonstrations in the U.S. Why? Because they couldn't come at a better time—for the Communists. Having claimed credit for speeding the exit of President Johnson, they now sense an opportunity to pull the rug from under President Nixon—before he can achieve peace without surrender in Vietnam.

Thwarted in their attempt to take over South Vietnam by military force, the Communists are counting on a massive psychological offensive to confuse, weaken and divide U.S. public opinion. Just as they once boasted of defeating the French not at Dienbienphu but in Paris, the Communists now predict victory in Washington.

Cunningly, the Communist propagandists play on America's revulsion against war and impatience for peace. Large numbers of young Americans are led to believe that the struggle in South Vietnam is unjust and immoral, that a majority of the 17 million South Vietnamese really favor the Vietcong, and that only the corrupt, repressive regime in Saigon—propped up by Washington—prevents peace and happiness for all.

How cynically distorted is this picture. By every objective account, the vast majority of South Vietnamese abhor the Vietcong and want only to be left alone to live in peace. What territory has come under Communist control has been subjugated through systematic terror and brutality, including the kidnaping and slaughter of hundreds of village leaders and others who failed to "cooperate."

In the ancient capital, Hue, alone, more than 1,000 men, women and children were summarily executed and buried—some still alive—during the treacherous Tet offensive of February, 1968. Their only "crime:" preferring freedom to Communism.

One can only imagine the bloodbath that would result if all South Vietnam suddenly were abandoned to the tender mercies of the Vietcong and the North Vietnamese Communists.

Against the argument that the present Saigon government is corrupt and undemocratic, it must be asked: would the Communist alternative be better? Would a Communist regime risk holding elections in the midst of a war for survival, as the Saigon government did two years ago? The Communists boycotted those elections, and they have ignored proposals for new elections under strict international supervision. They know that in any fair contest of popular will, they would lose and lose badly.

For all its shortcomings, the Saigon government, by impartial account, is making slow but steady progress toward valid democracy. And this in a country where scarcely fifteen years ago few had even heard the word democracy.

Yet, some critics argue that if the Communists won't accept free elections, why doesn't the U.S. force the Saigon government to accept a coalition with the Communists? The answer is simple: the Communists don't want a coalition with the Saigon government. They're holding out for the whole piece of cake. Further, by what possible right can the U.S. arbitrarily dictate to any other government, friend or foe, that it open its doors to an enemy that avows not to co-exist but to conquer? This would be tantamount to asking Saigon to seal its own doom. For never in history has freedom survived in coalition with tyranny.

For some Americans in high places, the entire Vietnam dilemma is simply too much. Several members of Congress have gone so far as to call for total U.S. troop withdrawal right away, no matter what happens. At least two Senators are demanding that Saigon undertake a long list of political "reforms" within 60 days on pain of losing all U.S. aid, both military and economic.

While such ill-considered and irresponsible proposals are being voiced, is it any wonder that Hanoi sits tight in Paris and prolongs the war in South Vietnam?

Still, some Americans argue: what business is it of ours? Why should the U.S. spend 40,000 lives and billions of dollars to save a few million peasants in a country barely larger than Missouri?

A glance at the map will furnish one answer. South Vietnam is at the heart of Southeast Asia. If the U.S. should abandon it, how long could South Vietnam's neighbors resist Communist conquest? Laos already is under siege. Communist insurrectionists are nibbling away at the fringes of Thailand. Cambodia is a conduit for North Vietnamese troops and supplies. And farther South lies the tempting prize of populous, resources-rich Indonesia which only recently shook off a Communist attempt at take-over.

There are other potential targets: Malaysia, South Korea, the Philippines. Could they hold out if the U.S. should withdraw from Southeast Asia? In time, Japan would feel obliged to make a deal with Peking. And the fate of Formosa—Free China—would be in immediate jeopardy.

The U.S. could withdraw, yes—but to where? In this age of long-range nuclear missiles, can any one corner of the world be considered secure if aggression is rewarded in another? Haven't we learned from two disastrous world wars that isolation is a snare, appeasement a delusion?

And what of our commitments to freedom elsewhere in the world? If we should decide that South Vietnam is not worth defending, then why bother about South Korea, or West Berlin, or anywhere else in the world coveted by the Communists? In today's precarious balance of terror, would the peace of the world really be served if the U.S. should desert South Vietnam?

The answers are obvious.

It can be said that South Vietnam is but a small part of the picture. Yet it is a vital part. The Communist rulers in Moscow and Peking are watching and waiting for the outcome in Vietnam. If we give in and get out, the Soviet and Red Chinese positions surely would harden. President Nixon's efforts to move from an era of confrontation to an era of negotiation would be set back, perhaps irreversibly. At the conference table, the U.S. would be at a definite disadvantage, strategically and pyschologically.

Not least of all is the question of America's spiritual and moral purpose. If history has taught one lesson, it is that when a nation loses faith in itself, it forfeits the future.

Will this nation of ours, which saved Western Europe, preserved freedom in much of the rest of the world, and which has carried mankind to the moon, now in frustration give way to a handful of despots in Hanoi? Can we not summon the human and natural resources to meet the challenge?

In the agonizing trial of Vietnam, America's faith in itself and its leaders is being tested as never before. This test must be met. The sacrifice of forty thousand American lives cannot be written off in despair and defeat.

In President Nixon, the U.S. and the Free World has a leader who has pledged not to buckle, not to yield on the lone principle for which we fight in South Vietnam: the right of the people there freely to decide their own future. And the President has served resolute notice that he will not be swayed from this principle by the clamor of the noisy minority.

With good reason, President Nixon has appealed for united support in his ceaseless effort to bring peace in Vietnam. Not a peace of appeasement, as at Munich, but an enduring peace that is in the interest of all parties.

There are hopeful signs. As U.S. troops gradually withdraw, more and more South Vietnamese soldiers are being trained, equipped and assigned to the defense of their own country. (It took the British ten long years to enable the Malaysians to take over their own defense). And, although it is yet too early to assess the full meaning, there has been a marked drop in the level of fighting and in U.S. casualties. The way of reason may at last be opening.

In view of these possibly crucial developments, the Republican leader in the Senate—Hugh Scott—has asked, appropriately, for a two-month moratorium in domestic attacks on President Nixon's Vietnam policy. The President deserves no less; the national interest demands no less. In a democracy such as ours, while honest dissent can be constructive, thoughtless dissent can divide and destroy.

Genuine peace may yet be some distance away. But the greater our unity, the sooner it will be reached. Only when the enemy knows he cannot wait us out will he then agree to terms—and only then.

That is why October 15th is so important.

That is why the voice of the quiet majority must be heard over the noisy minority's cry for peace at an price.

That is why every concerned citizen must speak out now in support of the President's efforts for peace with freedom.

DEMONSTRATIONS IN CHICAGO

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, Old St. Mary's Church, 900 South Wabash Avenue, Chicago, Ill., is located in the Seventh Congressional District which I have the honor to represent. The Paulist Fathers at this fine church have been serving my community with dedication and devotion for over 100 years.

On Sunday, October 19, an article in their church bulletin condemned irresponsible and irrational wreckers who demonstrated in Chicago last week. The church bulletin calls them "sickeys," vandals, creeps, and weirdos, and their demonstration in Chicago last week again proved that this armed invasion of our city was preconceived and planned by outsiders. These were the same people who invaded our city during the Democratic Convention last year. During the convention, the distinguished mayor of my city, Hon. Richard J. Daley, condemned these outsiders for infiltrating our city, and the renewed efforts of the demonstrators during the last couple of weeks have proven beyond any reasonable doubt that our television and radio reporters and commentators were wrong. The mayor was right then, and he is right now.

I commend and congratulate the pastor of St. Mary's Church, the Reverend James Cunningham, and all of the priests at Old St. Mary's Church, the Paulist Fathers, for forthrightly identifying in their church bulletin the vicious disease that is infecting America today.

More of our so-called respectable citizens ought to stand up and be counted in the fight against this disease. We can no longer tolerate the "sickeys" who are bent on destroying our cities with their hoodlum tactics, their violence and their willful breaking of the law.

Mr. Speaker, I ask my colleagues to read carefully the article from the church bulletin, which I am including at this point in the CONGRESSIONAL RECORD. I would also like to call to the attention of my colleagues a letter I received from Roger G. Seaman, commander of Admiral Benson Post 83, and national judge advocate of the Catholic War Veterans of the United States of America, which follows.

I want to point out to my colleagues that Commander Seaman reiterates and supports the thoughts expressed in Old St. Mary's Church Bulletin when he states that the demonstrations in Chicago are tantamount to treason, and that Americans must awaken from their lethargy if our cities and our country are to be saved from these outsiders who are bent on destroying the fundamental rights and liberties guaranteed by our Founding Fathers in the Bill of Rights and the Constitution of the United States.

The article from Old St. Mary's Church Bulletin, and Commander Seaman's letter follow:

A COUNTERPUNCHER SELDOM WINS

In the boxing profession we have had a few good counter punchers, but never any champions of which I have knowledge. The champions were usually aggressive, they did not wait for the opponent to come to them, they went after him. Counter punching is necessary but no champion ever made a career of it. This past week, with the invasion of the "sickeys" we became counter punchers. These were not only vandals, irresponsible and irrational wreckers, creeps and weirdos, they were "sickeys." We could see in our hesitating reaction to them the influence of two national broadcasting chains and their bright old announcers who reported on the Democratic Convention with not a few staged activities. At that time when the danger was imminent the police moved in to contain those causing the peril to life and property. They acted. The reaction across the nation was unjust and normal, probably, to what people saw without any knowledge of the situation, or of what was taking place.

This time the vandals moved in with fanfare and publicity. They had announced their intention—to destroy. They gathered in various places, every move of the hard core radicals was known. Yet for some reason shackles were put on the police. They did not act—they reacted.

They tried by peaceful means to contain wreckers armed with clubs, pipes, steelbars . . . who came prepared to fight with their helmets on, ambulances on call, bail-bond people waiting at the police headquarters. The police did not move when the danger to life and property was mounting. They reacted only after the goon squads had "gone ape," the invaders were loose on the street and injured policemen and at least one public official, near death, we are told, as they bore the brunt of the vicious attack. Then police were fighting to defend their lives as well as to keep order. But the move was too late—it was a reaction, a counter punch. Why? These invaders were hardy, rugged revolutionaries—possibly a few of them students yet this was an armed invasion of a peaceful city. Why were the police restrained. We are getting a little tired of being pushed around by "sickeys" who can disrupt a whole city for a week. Is this to be the picture of American law enforcement in the future? Wait—wait until it is too late and property and lives destroyed, How much did this little caper cost the city and state—possibly close to half a million dollars? Are the "sickeys" paying the bill?

We counter punched in Korea and in Vietnam. We reacted. We are in the position of a commander who knows where his enemy is, what he is doing and saying, what he is going to do and in the dilemma of being unable to use preventive action when the situation can be contained. He must wait until the enemy attacks. That is irrational warfare. Yet it seems to be our mood. We must now put the pieces of Chicago back together because we could not prevent less than 500 hoodlums from tearing the city apart. We have reached a new national low when we so shackle law enforcement officials so that they are unable to do their job, to defend us. The Supreme Court and its many laws favoring the criminal has seriously hampered sound police work and law enforcement. Why is it that we give the arsonist, the neo-revolutionary the edge in this fight for a peaceful city? What is the answer?

One certain answer is the need all of us have to support the law enforcement bodies. If there was ever a time that we need a sound police department it is now. Look at what happened in Montreal when the police went on strike. Banks robbed, people assaulted, anarchy loosed. The sight of one police cruiser could have stopped much of it. So if we say a few unhappy words when we read Vatican Two statement "a sense of the dignity of the human person has been impressing itself more and more deeply on the consciousness of contemporary man. And the demand is increasingly made that men should act on their own judgment, enjoying and making use of responsible freedom, not driven by coercion but motivated by a sense of duty." So if I say Pardon me while I laugh as I look over the pictures I have seen of the "responsible" citizenry rampaging down the street with chains and iron bars. Or I feel strangely out of it listening to a young girl speaking to the crowd of radicals telling them that now was the time to put themselves on the line—for destruction. Men react to two stimuli—fear of punishment, hope of reward. They need coercion as many are irresponsible . . . they need fear of punishment.

We see the folly of waiting for the attack. Businessmen, guests, residents beaten, business places wrecked, property destroyed, cars overturned and lives in danger. Surely there is sufficient skill, knowledge and ability in our law enforcement officers to handle the problems. Let them do it. Take the handcuffs off them and put them on the criminals where they belong. Let us not put the lives of good police officers in jeopardy as they must wait for a vicious assailant to whom, up to now, we have given every advantage, if we end up as counter punchers we will be destroyed.

Perhaps it is true that our democracy cannot last. At a time when the President needs every bit of support to negotiate a peace of some kind in Vietnam the rug is pulled out from under him and the Paris negotiators by voices all over the country demanding a pullout immediately. He, better than anyone understands the need of getting out, he, better than anyone knows the devious quality of our opposite numbers at the peace table and the malice which pervades all communist countries so far as the United States is concerned. To get out with honor is necessary—to save at least a shred of our national integrity seems important, to save our commitment to a nation of people who have needed us is worthy of our every effort. Yet, when the President is trying to accomplish these ends he goes into the category of law enforcement officers—no support.

It is imperative in a city like Chicago that the police department and all law enforcement agencies have our support. If there is imminent danger let them contain it regardless of what Walter or Chet may say. They have the intelligence, the knowledge, the ability to do their job of crime prevention. Let them prevent it. Give them your support. Otherwise we will end up as counter punchers and like all nice guys who come in last, we may come in dead.

ADMIRAL BENSON POST, CATHOLIC
WAR VETERANS OF THE UNITED
STATES OF AMERICA,
Chicago, Ill., October 14, 1969.

DEAR MEMBERS AND FRIENDS OF CWV: On October 11, 1969 in Washington D.C., your National Board of Directors held their regular meeting. National Chaplain, Reverend Floyd J. Marleau of New York City, displayed in his report a copy of the literature which was passed out on the street corners of his city. As each person was solicited to come to Chicago, he was promised free transportation and expenses. A copy is enclosed. I suggest you turn to it and read it now.

Is this the kind of demonstration which is guaranteed by our Constitution? I think not! This is an act of *treason.* They are highly organized and financed, despite their disheveled appearance. The solution of the problems of the Blacks and the war in Viet Nam are only red herrings to justify their true purpose. Their purpose is clearly spelled out in the last paragraph of their "Call to Arms."

"*We* are living in the guts of the monster. Let's destroy it from the inside as the third world destroys it from the outside. S.D.S. and other people are going to Chicago, October 8–11 to bring the war home. And to start building our Red Army. Join us."

Unlike the past Benedict Arnolds of the United States, these traitors announce their treason, promise violence and then proceed to travel from all over the country to fulfill their threats. Some commentators call them idiots. I am not sure who is what!

Returning to Chicago late Saturday, I was shocked and saddened by the criminal attack on my dear friend Dick Elrod, and, upon reflection, I wondered if the pain and suffering of Dick and his fine family would wake up us Americans from our lethargy, and recognize this serious threat to our nation.

The attack on Dick Elrod and our police was just as much an attack on each one of us and on our families.

What are we going to do about this? Are we perhaps considering the political consequences of a public statement, and the security of silence? We have the constitutional authority to stop them. Let's use it.

Treason is the virus that leads to the death of a nation.

Think about it!

Yours in CWV,
ROGER G. SEAMAN,
Commander, National Judge Advocate.

YOU ARE LIVING INSIDE THE MONSTER

That monster is this racist, imperialist country. Everyday more and more black, brown, and third world people are murdered as the fat cats who run America fill their pockets and bank accounts on the blood and sweat of oppressed people. But dig it, oppressed people throughout the world are moving on U.S. pig power. And they are winning!

As the blacks and Vietnamese succeed in destroying this racist and imperialist monster we whites who get crumbs from the system are put up against the wall. We face higher taxes, inflation, speed-up, and the sure knowledge that our brothers, or boyfriends may be shipped off to Vietnam and shipped home in a box. We are forced to go to prison called schools, to train for———jobs and to learn to accept boredom and put-down we will face for the rest of our lives.

White people have got to make a choice. There's a war going on. Right now. All over. Either we side with the bosses, their pigs, and their teachers, and go down with their crumbling system, or we fight along with the Viet Cong and black people and be part of the solution. The hundreds of G.I. rebels, the white kids in Columbus, Ohio who fought side-by-side with the blacks this summer, the S.D.S. women who tore up Pittsburgh earlier this month . . . they have already made that choice. They and the rest of us must build an effective white fighting force that joins with the Viet Cong and blacks in their war of liberation.

We are living in the guts of the monster. Let's destroy it from inside as the third world destroys it from outside.

S.D.S. and other people are going to Chicago, October 8–11 to bring the war home. And to start building our Red Army. Join us. Chicago, October 8–11.

NEW YORK CITY, S.D.S.

TRIBUTE TO THE NATIONAL FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN'S CLUBS, INC.

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, for the past 40 years one week in each year has been set aside to pay tribute to the National Federation of Business and Professional Women's Clubs, Inc., emphasizing the responsibilities and achievements of women in business and professions.

This year the week of October 19 to 25 has been set aside to afford the local clubs and State federations of the Business and Professional Women's Clubs, Inc., the opportunity to focus the attention of their communities on the great contributions made by women in the world today and to honor the outstanding achievements of women in all phases of economic, social, cultural, business, and professional life.

Of the more than 3,800 business and professional women's clubs in our country, 170 clubs, with a membership of over 11,000 women are in the State of Illinois. Through my association with some of the members of the business and professional women's clubs in my State and district, I have become familiar with the outstanding record of legislative proposals the National Federation of Business and Professional Women's Clubs, Inc., have sponsored or supported in the last 50 years.

I am pleased to see that action item No. 1 in their 1969 national legislative platform is a resolution to support legislation that I introduced on May 13, 1969—House Joint Resolution 715—to amend the Constitution of the United States to provide that equality of rights under the law shall not be denied or abridged on account of sex.

The following is an outline of legislative proposals supported by the National Federation of Business and Professional Women's Clubs, Inc., for the period of 1919 to 1969, and its national legislative platform adopted by the national convention July 20 to 24, St. Louis, Mo.:

THE NATIONAL FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN'S CLUBS, INC. OUTLINE HITORY OF LEGISLATIVE PROPOSALS FOR 50 YEARS, 1919–69

1919–20—Successfully endorsed permanent establishment of Women's Bureau; continuation Children's Bureau; creation Federal Employment Service.

1921—Successfully supported the Sheppard-Towner Act giving funds for maternal and child welfare and the Cable Act (and amendments till 1934) granting married women citizenship status independent of their husbands.

1923—Supported the amendment to the Smith-Hughes Act placing Home Economics in vocational training which passed as well as the Bell Act creating the National Federal Department of Social Hygiene. Also sponsored the first legislative tax bill ever introduced in Congress by women—to increase personal exemption for single persons—still on the agenda today. Began long and dedicated support for federal aid to education without federal control (goal more than achieved in legislation aiding education since 1958). Endorsed Child Labor Amendment to protect children—failed to pass in the states but gradually enacted by most states and the federal government in other laws.

1937—Secured repeal of a section of the National Economy Act which provided in labor reductions for dismissal of an employed wife (govt.) of a government employee. Sponsored Equal Rights Amendment. Urged states to work for equal jury rights for men and women.

1940—Urged amendment (later achieved) of social security laws to provide for dependent widowers and children under 18.

1942—Began urging legislation to permit women jurors to serve on federal courts (fully achieved 26 years later—Federal Jury Selection Act).

1944—Successfully supported legislation to establish the Women's Armed Services on a permanent basis with the same rank and pay as men. (The final step was achieved in 1967 when President Johnson signed bill giving women in the armed services equal opportunity promotion.)

1950—Allowance of an income tax reduction to an employed person for costs of care of dependent because of said employment (now part of the Internal Revenue Code).

1956—Successfully supported the double income tax exemption for taxpayers over 65 and blind. Opposed lower retirement age for women. This passed, but in 1961 men were enabled to take the lower age of 62 also.

1963—Support for equal pay for equal work goes back to 1920. Since the 1940's it had been a special legislative effort. Passed in 1963.

1963–67—Originated the idea for and helped organize State Status of Women Commissions. All 50 states plus the District of Columbia, the Virgin Islands, Puerto Rico and two municipalities had created these special groups to study problems of women by late 1967.

1964—The Civil Rights Act of that year contained a Title VII which prohibits employment discrimination of all kinds, including sex. The Equal Employment Opportunity Commission was set up to enforce this provision.

1965—Section 165 of the Revised Statutes, allowing discrimination against women in government positions, was repealed after strenuous efforts by BPW.

1967—Women in Armed Services bill (See 1944). BPW urged and succeeded in getting the word "sex" added to the discriminations prohibited by the federal government when President Johnson issued Executive Order 11375 prohibiting discrimination against women in government or by government contractors. The Office of Federal Contract Compliance overseas compliance with this order by all the agencies of the government. Civil Service Commission required each agency to establish "a positive, continuing program to develop and promote equal opportunity without regard to sex."

1968—BPW's much desired legislative goal was achieved with passage of the Federal Jury Selection and Service Act of 1968, requiring selection of federal jurors without consideration to race, color, religion, sex, etc.

NATIONAL LEGISLATIVE PLATFORM ADOPTED BY THE NATIONAL CONVENTION JULY 20–24, 1969, ST. LOUIS, MO.

ACTION ITEMS

Item 1. Constitutional Amendment: Support legislation to amend the Constitution of the United States to provide that equality of rights under the law shall not be denied or abridged on account of sex.

Item 2. Actively work for pending legislation providing for: (a) a broadened head-of-household benefit under the Internal Revenue Code: (b) increased personal exemption and credit for dependents under the Internal Revenue Code; and (c) a more equitable distribution of the tax burden.

Item 3. Propose and support legislation to provide: (a) uniform laws and regulations for men and women as to working hours, working conditions, rates of pay, equal employment, including retirement for age; (b) equal treatment for working men and women in the area of survivor and retirement benefits; and (c) increased child care deduction under the Internal Revenue Code.

Item 4. Propose and support state legislation to provide for uniform jury service and uniform qualifications in the selection of men and women to serve on grand or petit juries in any court.

Item 5. Propose and support legislation to bring about more effective crime control and law enforcement.

POLICY ITEM

Support measures within the framework of the Constitution of the United States that promote peace and strengthen national security and make more effective the United Nations and such other international organizations of which the United States is a participant, without relinquishment of our basic freedoms.

Special note is called to the United Nations Convention pending before the United States Senate on the political rights of women and to the longstanding support for ratification of this convention by the Federation.

This legislation the National Federation of Business and Professional Women's Clubs, Inc. supported was not only beneficial to the members of the Business and Professional Women's Clubs, but to all of the citizens of America, and has helped to make our Nation a better place in which to live and raise our families.

The Business and Professional Women's Clubs, Inc. are also to be commended for initiating various programs of instruction, example and encouragement for girls and young women, such as the Young Career Women program, Nike Clubs, for high school juniors and seniors, and the Samothrace Clubs for college undergraduates. In this day when one reads of all the strife and turmoil among some of our young people, it is gratifying to see a group like the Business and Professional Women's Clubs, Inc. giving their time and efforts to provide good leadership and guidance to the young people of America.

I wish to join the Members and the many friends in recognizing and commending the Business and Professional Women's Clubs, Inc. of the United States of America for their outstanding achievements, and express my sincere best wishes for many more years of successful achievement.

HURRICANE SERVICE TYPIFIES CREDIT UNION SPIRIT

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, each month the number of credit unions in this country increases. In fact, there are about 500 more credit unions in operation at this time than there were at the same date last year.

One of the major reasons why the number of credit unions is expanding so rapidly is that these fine institutions are devoted to service and to helping people rather than chasing a fast buck. The lengths to which credit unions will go to help their members is clearly shown in the hurricane damaged area of Biloxi-Gulfport, Miss.

A press release issued by CUNA International, the worldwide credit union association, describes what credit unions in the Biloxi-Gulfport area are doing to help storm victims:

WHO EVER HEARD OF WET MONEY?

GULFPORT, MISS.—You may have heard of "hot" money or "sound" money, but "wet" money? Yet many of the Biloxi-Gulfport residents were mighty glad they did!

The "wet" money, more than $20,000 of it, got soggy when six feet of water ravaged through the Pascagoula office of the Ingalls Employees Credit Union during Camille's rampages.

Two days later the money was being used to take up where Red Cross, the Salvation Army, and other relief services left off . . . in helping the 10,000 members of the credit union with their emergency needs. The credit union would have been open quicker except for the jumbled furniture which had to be picked up, the water-swollen drawers which had to be crowbarred open, and the several feet of mud in the office which had to be hosed out. As it was, the $7 million Ingalls Credit Union—which normally handles all its transactions via electronic data processing—operated by hand for 10 days without power, lights or water in the building! Eventually, the credit union managed to get one adding machine going by running a makeshift wire from a company guard station down the road.

Credit Union Manager W. T. Avara, Jr., recalls that many dazed members were overjoyed to receive the soggy cash loans in a time when personal checks were worthless.

One of the most grateful was a Biloxi man who had lost everything . . . his house, his car and all the furnishings. With a wife and 10 children, he couldn't find a house anywhere to move into . . . until the Ingalls company offered him the use of a house they owned. Then the credit union lent him $200 to buy groceries and to set up housekeeping.

Despite their overwhelming losses, many of the Ingalls members are showing unquenchable spirit, according to Avara. One young man whose house has been pulverized came in to borrow $250 to buy a gas-powered saw. He figured he could clean the debris off his own property and then maybe earn back some of what he'd lost by helping other victims clear their property.

Other credit union members are still borrowing for such necessities as cars, roof repairs, jacking up walls, and buying clothing—in short, anything that insurance wouldn't cover at all or in full.

"We aren't questioning these members very much at all about their financial status," says Avara. "It isn't really necessary since we know most of them anyway. Besides, we want to help them as much as we can without overburdening them with debt," Avara cautioned.

In the days immediately following the storm, the Ingalls Credit Union also opened up an emergency office in a fire station in Biloxi to take care of members who needed to draw on their savings or make loans but had no means of transportation.

Although Ingalls is one of the largest credit unions in the area, there are 20 more of these member-owned financial cooperatives which are trying equally to help their members.

One of them is the Gulfport VA Federal Credit Union serving almost 700 employees of the beach shore hospital. Before the storm, Manager Julia D. Reed figured the credit union office was in no danger, basing her estimates on the 1947 hurricane as did almost everybody else on the Gulf Coast. After the storm, it took her several hours to work her way through the debris-choked streets. Luckily, the credit union was located in the back of the building, although three feet of water had taken its toll. If the credit union had moved across the hall into the front of the building, as had been considered, all the records would have been swept away. As it was, water gushed out of the safe when it was opened and cash sheets had floated all over the office.

Mrs. Reed loaded the water-logged records into her car and turned the vehicle into a mobile credit union office for the next two days. She dried the records out as best she could on what was left of her patio using 200 bricks as weights.

To take care of members' needs, Mrs. Reed and her staff sometimes toiled 14–16 hours a day, seven days a week, doing bookwork as well as staying open long after normal hours. In three weeks, the credit union occupied four emergency offices.

Other credit unions, unscarred themselves, are also pitching in to get people back on their feet. Keesler (Air Force Base) Credit Union, the largest in the stricken area with 20,000 members and $8 million in assets, is doing its part by making special hurricane loans, and liberal car loans.

The hurricane loans are small emergency loans made with only a signature as security. If a member needs it, he gets it regardless of whether he has other signature loans, according to Manager Bob Wilson.

On the car loans, Wilson reports that sometimes Keesler Credit Union is lending more than 100% just so the member can get some badly needed transportation. This could easily be necessary when a depreciated insurance check doesn't completely pay off a car loan. Then the credit union would lend the member enough money to pay off his old debt to the credit union as well as to buy a new car. In one day alone, Keesler had $91,000 in car loans paid off by insurance checks although, of course, much of the money immediately went out again in new loans.

Not all of the Gulf area credit unions are in a position to give their members a lot of help, though. Notable, is the Pass Christian Federal Credit Union which serves the poorer residents in storm-lashed Pass Christian. Virtually, all of its funds are out in loans to members, and what with the disaster, the volunteers who operate the credit union have had little time to devote to promoting more savings. Currently, the credit union is seeking administrative funding from the Office of Economic Opportunity. If this funding goes through, the credit union can afford to hire a fulltime manager to speed up the growth of the self-help funds so needed to cope with the disaster.

The president of this credit union is well known to Pass Christian people as the man who plucked many of the old and infirm from Camille's foaming jaws on the night of the hurricane. He is Father Phillip J. McLoone, S.S.J., pastor of Our Mother of Mercy Catholic Church. According to Rev. McLoone, faith in God and several shots of whiskey helped him get through that harrowing night. Rev. McLoone and Doyle Moffett, chairman of the credit union's supervisory committee, searched through the howling, pitch-black night and using the priest's car, drove many stranded people to safer shelter.

But despite the efforts of hardworking credit unions and others, there is no doubt that the people of the Mississippi Gulf Coast are going to need all the help they can get! Some people believe that many of the hurricane victims are just beginning to come out of deep shock, and that loan needs will increase for some time. Although Uncle Sam has already advanced $3 million to help clean up the mess and the SBA reports $5.5 million in loan applications, this is only a small beginning.

One member at Keesler expresses the plight of many Mississippians. His home was swept away by rising water, which isn't insured under most policies. He was making $140 a month payments to pay off his original mortgage and a Title I FHA Home Improvement Loan at the credit union. "I can't afford to make any higher payments than that," he said shaking his head. "How can I take on any more loans, no matter how reasonable?"

Mr. Speaker, the actions of these credit unions show why the credit unions have adopted the motto; "Not for profit, not for charity—but for service."

ADMINISTRATION'S MARINE SCIENCE INITIATIVES

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, I wish to commend the administration on the five bold initiatives it is proposing in connection with our Nation's marine science policy. Most of these recommendations are taken from the report of the Commission on Marine Science, Engineering, and Resources, "Our Nation and the Sea," which was released in January of this year.

The Marine Science Commission gave a great deal of attention in its report to the problems of our coastal areas. Quoting from their report:

> The coastal zone, where the rivers and shores join the sea and the Great Lakes, presents some of the most urgent environmental problems and the most immediate and tangible opportunities for improvement.

I was therefore pleased to note that three of the administration's five points relate directly to problems of the coastal zone and the Great Lakes:

First. Coastal zone management: A new Federal policy is being proposed to promote the rational development of coastal areas and the Great Lakes which will include a grant program to aid the States in planning and managing activities along the coast.

Second. Establishment of coastal laboratories: To assist in coastal environmental research, coastal marine laboratories will be established.

Third. Lake restoration: In order to guide the restoration of the Great Lakes, a pilot technological study will be made of lake pollution.

In addition to these, the administration is proposing active American involvement in the International Decade of Ocean Exploration, and Arctic Environmental Research.

Mr. Speaker, while these proposals are far reaching and significant, I think it is important to point out that this is not the extent of the administration's marine science program; it is just a first step. In the release issued from the Office of the Vice President it is noted that—

> The Vice President reported five areas that the Administration has selected for immediate special emphasis in the next fiscal year pending development of a long-term program by the Administration and the Congress.

The release goes on to state that—

> The President's Advisory Council on Executive Organization, headed by Roy Ash, is now evaluating the Commission's recommendation to create a new National Oceanic and Atmospheric Agency.

I feel it is necessary to emphasize that the immediate five-point program being proposed is in no way meant as a substitute for a long-range national program for the oceans, nor has the possibility of reorganization along the lines of a National Oceanic and Atmospheric Agency been ruled out by the administration. As one who has testified in favor of NOAA I am hopeful that the administration will include this in its executive reorganization plans. I feel quite strongly that such an agency is vital to the success of an overall national ocean policy.

At this point in the RECORD I include certain extraneous material relating to the administration's five-point marine science program and the ocean potential. The articles follow:

[From the Washington Post, Oct. 19, 1969]

WHITE HOUSE ASKS $200 MILLION TO INCREASE MARINE RESEARCH

(By Thomas O'Toole)

In a major science policy move, the Nixon administration yesterday proposed to strengthen the Nation's marine research by increasing sea study spending by more than $200 million in the next five years.

The increases cover five areas of research and break fresh ground in two places, by proposing a grant-in-aid program to help states manage their coastlines and a huge pilot study of lake water pollution to guide restoration of the Great Lakes.

The funding step-up also calls for an increase in the number of oceanographic laboratories on the Atlantic, Pacific and Gulf coasts, an acceleration of research in the Arctic and a high degree of cooperation in the International Decade of Ocean Exploration, which begins in 1970.

If Congress authorizes the program, Federal agencies will kick it all off by spending up to $30 million on the five projects in fiscal 1971. With normal growth, total spending on the five-point proposal would run upwards of $200 million by fiscal 1975.

Congress would also have to enact legislation to establish a national coastal development policy and to authorize a Federal grant-in-aid program to help states run their coastlines.

"The states are pivotal to solving our coastal problem," said Dr. Edward Wenk Jr., the National Marine council's executive secretary, who outlined a part of the five-point marine program to the press. "We need the states to help us manage our ports, our fisheries, our waste disposal, conservation—you name it, they're all part of the same thing."

To help the 21 coastal states manage their coastlines, the administration also called for the construction of new coastal laboratories "to develop a basic understanding of our 13,000-mile coastline."

"We want to know what's there," explained Dr. Wenk, "and then we want to find out what's happening to it."

The third proposal is to set up a pilot study of lake pollution, by deliberately polluting a large lake (of several hundred square miles) and then attempting to clean it up by chemical, thermal, mechanical and biological means. This is the program designed to study the feasibility of restoring the badly polluted Great Lakes.

"This will be difficult," Dr. Wenk conceded, "but we have to start somewhere. These things can't wait."

The administration would also seek funds to support the International Decade of Ocean Exploration, a 10-year project of the 1970's that was actually put forth by the U.S. more than a year ago.

Some funds have already been authorized on this project, Dr. Wenk said, but still more would be sought to step up research of the oceans to find how man is polluting them and how he can cut down that pollution.

The fifth of the five projects is one to intensify marine research in the Arctic, where oil, gas and mining exploration are on the increase and where pollution will present a special problem because of the intense cold.

"Initial emphasis will be on strengthening and broadening Arctic research," Dr. Wenk said. "Consideration will also be directed to formulating an overall policy framework for Arctic-related activities."

[From the New York Times, Oct. 19, 1969]

COASTAL AREA AID IS URGED BY NIXON—FIVE-POINT PLAN PROPOSED FOR EMPHASIS IN FIRST YEAR

(By Harold M. Schmeck, Jr.)

WASHINGTON, October 18.—The Nixon Administration proposed today a major program to cope with the most urgent national problems that stem from use and abuse of the lakes, coasts and seas.

The proposal listed five areas that have been selected for "immediate special emphasis in the next fiscal year." The emphasis would be expected to cost the Government $25-million to $30-million during the first year and larger sums thereafter.

The areas given top priority involve proper management and protection of the coastal zones and Great Lakes; contributions to long-range oceanic research, and special study of the Arctic region, where major oil and gas developments are expected.

The new plan was described as the first tangible by-product of a report made last January by the National Commission on Marine Science, Engineering and Resources after two years of study.

MAJOR EFFECTS SEEN

That commission, led by Dr. Julius A. Stratton, chairman of the Ford Foundation, said that the nation's use of the sea in the decades ahead would profoundly affect American security, prosperity and influence in the world.

The commission made over 100 specific proposals, some of which are reflected in the plan announced today by the National Council on Marine Resources and Engineering Development.

Today's announcement was made under the name of Vice President Agnew, chairman of the council. During a briefing earlier, Dr. Edward Wenk Jr., the council's executive secretary, said that only items of clear and present urgency had been chosen for special emphasis now.

THE FIVE-POINT PLAN

Dr. Wenk said the proposed five-point program had been submitted to the President and approved. The announcement listed the five points of the proposal as follows:

1. A new Federal policy would be established to promote the rational development of coastal areas and the Great Lakes, with a grant program to aid states to plan and manage activities along the coast. The Federal grants would be linked to matching state contributions.

The program would be designed to insure that rapid development did not destroy limited coastal land and water resources. All competing interest in the coastal regions would have to be considered.

2. Coastal marine laboratories would be established to accelerate environmental research needed for effective management of coastal activities. These laboratories, to be supported by the Federal Government, would develop basic understanding of the coastal zone and would try to assess and predict the impact of pollution and man's use and alteration of the coastal land on coastal ecology.

3. A pilot technological study of lake pollution would be undertaken to guide restoration of the Great Lakes. A lake of manageable size would be chosen; perhaps one with an area of a few hundred square miles. Existing technology for halting pollution and undoing past damage would be tested.

4. Funding would be provided for a major United States contribution to the International Decade of Ocean Exploration scheduled for the 1970's. This international effort was proposed by the United States and endorsed by the United Nations General Assembly in December, 1968.

5. Arctic research activities would be intensified, both to permit fuller use of this rapidly developing area and to insure that such activities did not inadvertently degrade the Arctic environment. The proposal calls for the program to be directed to such things as the influence of the polar icecap on global weather and climate, the balance of life in the Arctic and the effect of Arctic conditions on human behavior and physiology. Scientists believe the Arctic is an important key to world climate.

President Nixon requested the study in February after the Commission on Marine Science submitted its report. Among its recommendations, that commission suggested the establishment of a huge new Federal unit to be called the national oceanic and atmospheric agency.

It was suggested that this organization would be the focus and marshaling force for a national effort and that it would absorb several major government units such as the Environmental Sciences Service Administration, the Coast Guard and the Bureau of Commercial Fisheries. The proposal to set up the agency is being evaluated by the President's Advisory Council on Executive Organization.

[From the Washington Post, Oct. 19, 1969]

OCEANS' GREAT AGE

(By Roger Revelle)

(NOTE.—Now Richard Saltonstall professor of population policy in the faculty of public health at Harvard University and director of the Harvard Center for Population Studies, Revelle was for many years director of the Scripps Institution of Oceanography. His article is excerpted by permission from Scientific American.)

I grew up not far from the ocean and have lived most of my adult life near the seashore. The ocean holds me in an enduring spell. Part of the spell comes from mystery—

the fourfold mystery of the shoreline, the surface, the horizon and the timeless motion of the sea.

The thin, moving line between land and water on an open coast presents a nearly impenetrable wall. The ships and fishing boats I watch from my living room window exist in a separate world, as remote as another planet.

Below the surface there is a multitude of living things, darting and watching, living and dying; theirs is an alien world I cannot see and can hardly imagine.

At the horizon, where my line of sight touches the edge of the great globe itself, I watch ships slowly disappear, first the hulls and then the tall masts, bound on voyages to unknown ports 10,000 miles away. From beyond the horizon come the waves that break rhythmically on the beach, sounding now loud, now soft, as they did long before I was born and as they will in the far future. The restless, ever changing ocean is timeless on the scale of my life, and this also is a mystery.

Part of the ocean spell comes from the interplay of light and reflection between the sea and the sky, the track of sunlight on the water and the pale or rosy colors of clouds. It was these that fascinated the greatest of all English painters, J. M. W. Turner, and inspired part of Debussy's tone poem "La Mer."

The ocean has an impact on all our senses: the unique sea smell, the crashing sound of breakers, the glitter of waves dancing under the sun and the moon, the feel of spindrift blowing across one's face, the salty, bitter taste of the water. Yet the spell of the ocean is more than mystery and sensory delight. Part of it must come from outside the senses, from half-forgotten memories and images beyond imagining, deep below the surface of consciousness.

Being an oceanographer is not quite the same as being a professional sailor. Oceanographers have the best of two worlds—both the sea and the land. Yet many of them, like many sailors, find it extraordinarily satisfying to be far from the nearest coast on one of the small, oily and uncomfortable ships of their trade, even in the midst of a vicious storm, let alone on one of those wonderful days in the tropics when the sea and the air are smiling and calm.

I think the chief reason is that on shipboard both the past and the future disappear. Little can be done to remedy the mistakes of yesterday; no planning for tomorrow can reckon with the unpredictability of ships and the sea. To live in the present is the essence of being a seaman.

The work of an oceanographer, however, is inextricably related to time. To understand the present ocean he must reconstruct its history, and to test and use his understanding he needs to be able to predict—both what he will find by new observations and future events in the sea.

Over the past two decades, there has been a marvelous increase in our understanding of the geological history of the ocean. This has come about chiefly through wide-ranging exploration of the earth under the sea by investigators of many countries, using a variety of new instruments and powerful new methods. I believe that in times to come these 20 years when men gained a new level of understanding of their planetary home will be thought of as one of the great ages of exploration.

In the wealth of new knowledge, there is no discovery more paradoxical than this: the ocean floor is younger than the ocean. Below the ancient waters, the sediments and the underlying rocks are constantly renewed. An almost continuous ridge 40,000 miles long and several hundred miles wide, rifted along much of its length by deep valleys and broken by numerous fractures, lies in the central part of the oceans—a structure on the same planetary scale as the oceans and continents themselves. Magnetic, thermal and seismic observations show that near the summit of the ridge, new rock wells up from the mantle below and slowly moves outward across the ocean basins. Along some margins of the ocean, the spreading ocean floor moves the adjacent continents; elsewhere the floor plunges downward in deep trenches and disappears into the earth's interior.

The simplicity and grandeur of this hypothesis of sea-floor spreading has caught the imagination of earth scientists throughout the world. As a result, as Sir Edward Bullard says: "We are in the middle of a rejuvenating process in geology comparable to the one that physics experienced in the 1890s and to the one that is now in progress in molecular biology."

A NEW FREEDOM

In this same brief period, in pursuit of both scientific and economic or military objectives, man has acquired a new freedom of operation in the third dimension of the ocean.

Below the forbidding mystery of the surface, developing technology gives access to greater and greater depths and to the resources awaiting discovery and exploitation there. Offshore wells now supply a fifth of the world's oil and gas. The value of their output is already equal to half the product of the fisheries and to a fourth of the value of the services rendered by the freighters and tankers that ply the sea lanes.

Anticipation of still greater yields has brought an ominous extension of claims of national sovereignty. Beyond the narrow limits of the territorial seas, established by the range of cannon in earlier days, the 1958 Geneva Convention on the Continental Shelf gives a coastal state the exclusive right to exploit the seabed out to a depth of 200 meters or "beyond that limit, to where the depth of the superjacent waters admits of the exploration of the natural resources of the said area."

Some international lawyers have interpreted this provision to mean that as deep-water technology advances, the coastal states will be able to extend their jurisdiction out to the midpoint of the ocean basins. The long-run consequences of such a division of the ocean into national territories are appalling to contemplate. They would constitute a *reductio ad absurdum* of the concept of nation-states.

Even today, the ocean both divides and links the nations of mankind. In the past, the fate of many peoples was shaped by the sea.

The list of these peoples includes the Phoenicians, who are said to have been the first seamen to dare to sail at night, guided by the North Star; the sea kings of Crete; the Athenians; the Norsemen of the Middle Ages and their nearly antipodal contemporaries the Polynesians; the Genoans and Venetians of the late Middle Ages; the Portuguese, the Spaniards and the Dutch during the Renaissance, and the English from the 16th to the 20th centuries.

All the sea peoples shared several characteristics. In the beginning, their populations were small and their lands were poor. If they were to prosper, it had to be by commerce trade, or by finding new lands to conquer and colonize. All were courageous, ingenious, rapacious and ruthless. All were filled with a spirit of curiosity and a drive for discovery, and this was probably their unique quality.

Although some of them built great empires, none lasted in any real sense for more than a few hundred years. Their home resources were inadequate to maintain the burdens they had assumed, and the overseas outposts were without roots and unstable.

Although ships are always feminine and many of them have been named after women, the ocean world is preeminently a masculine one. Sailors talk a good deal about the lovely, pliant girls they are going to visit in the next port, and mermaids, sea nymphs and sirens have filled their fantasies, but they usually take a dim view of women on shipboard. Because the ocean is a cruel mistress, she demands the masculine virtues of courage and strength rather than the feminine ones of compassion and sensitivity. From a human standpoint, therefore, the ocean is only a half-world and this fact has profoundly affected men's relationships to the sea.

THE SEA AND HISTORY

The relationship between nations and the sea has often been described in terms of national sea power.

The American naval theorist Alfred Thayer Mahan, in his classic work "The Influence of Sea Power Upon History, 1660–1783," held that the sea power of a state rested on three things: the production of manufactured goods in the home country for overseas trade; commerce across the seas in its own ships, and colonies or dependent states on the farther shore to provide safe ports and goods for exchange, usually raw materials to be brought back to the home country for fabrication into finished products.

The function of a navy was to advance all three elements of sea power. By dominating the sea, the navy protected the homeland from invasion and ensured that wars would be fought on other people's territory while production proceeded unimpeded at home. The navy guarded the nation's merchant ships and drove the ships of other nations off the ocean. It helped in the acquisition of colonies and ensured their subsequent docility by transporting and supplying troops and administrators and by preventing other states from interfering in these activities.

In the long periods of maritime peace imposed by the supremacy of Roman and English sea power, the sea became a medium for unifying civilization. As Sir Kenneth Clark has observed, if you had visited the public square of any Mediterranean town in the first century A.D.—in Greece, Italy, France, Asia Minor or North Africa—you would hardly have known where you were, any more than you would in a modern airport. Thus in the 18th and 19th centuries did English sea power protect the development of a new civilization around a larger ocean—the Atlanta civilization, which we are still building today.

What meaning does sea power hold for the modern world? Mahan's concepts seem outmoded in an age when superpowers can destroy each other by pushing the right buttons, when colonies have disappeared and when the North Vietnamese can laugh in the teeth of the most expensive navy the world has ever seen.

A new kind of sea power, which Mahan would scarcely recognize, now holds the center of the stage. The growing vulnerability of land-based intercontinental ballistic missiles under the impact of new weapons developments makes mutual deterrence in the balance of nuclear terror hinge increasingly on the atomic-powered submarines, armed with ballistic missiles, with which the U.S.S.R. and the United States confront each other under the seas. In part because of the effectiveness of this deterrent, the traditional uses of sea power appear to have become obsolete.

For the foreseeable future, a general war in Europe, which would require the U.S. Navy to protect vast ocean shipments of men and materials, seems the unlikeliest of possibilities. Navies, if they are to be for other purposes, will be employed only in small wars, of which unhappily there seems to be an abundance in this bitter second half of the 20th century, and to maintain the peace, wherever possible, along the coastlines of the world.

THE ULTIMATE RECEPTACLE

From a scientific point of view, there are many properties of the oceans and of sea water that combine to determine the relationships between man and the sea. The most obvious are the oceans' vast area, great depth and huge volume.

Sea water is the most abundant substance accessible to man, and all the continents are islands in the midst of the world-girdling sea. The periphery, or shoreline, of the oceans is several times longer than it would need to be if the waters were contained in a simple circular basin. This long shoreline gives many peoples access to the sea and enables them to enjoy its benefits. More important, the shoreline allows relatively easy access to vast areas of the land. In the words of Mahan, "the powers ruling the sea are always near any country whose ports are open to their ships."

The fluid character of water on our planet is the miracle that makes life possible, but it also means that the oceans fill all the low places of the earth. Because of this geographical fact, the oceans are the ultimate receptacle of the wastes of the land, including the wastes that are produced in ever increasing amounts by human beings and their industries.

The relatively high density and low viscosity of sea water are the essential qualities that make the sea surface a broad and easily traveled highway. In technical terms, the water provides a high lift-drag ratio to the ships that float on it; consequently large ships and heavy cargoes can be moved fairly rapidly across the ocean with comparatively little motive power. Maritime commerce would be impossible if sea water were as viscous as molasses, and the fuel required to carry the huge cargoes of modern ships would be prohibitively expensive if the water were as light as air.

At the same time, the combination of low viscosity and high density gives rise to the principal hazard of the sea, the giant wind-waves caused by storms that crush small ships and fiercely attack coastal structures. If the water were much more viscous, the wind could not build up high, steep waves, and if it were much lighter, the wave force would be insignificant.

The high density and fluidity of the water create a serious difficulty when men attempt to lower themselves or their equipment deep below the surface: the enormous hydrostatic pressure at great depths, which crushes all but the strongest vessels, forms air pockets in submarine cables and produces high stresses in equipment made of materials with different compressibilities.

From the human standpoint, the saltiness of sea water is its most undesirable quality. Because of its high salt content, men can neither drink it nor use it to water their crops. The ionized salts make the water a good conductor of electricity, with the result that the ocean can be penetrated for only a short distance by radio waves and electrolytic reactions between dissimilar metals or compounds proceed very rapidly.

Sea water is much less transparent to visible light than air is, but it is more transparent than most other substances. This intermediate transparency, combined with a high heat capacity and a high rate of vaporization, makes the ocean the regulator in the great thermal engine of the ocean and the atmosphere. Most of the energy of sunlight passes virtually unimpeded throughout the atmosphere into the ocean, where it is absorbed and transformed. Nearly a third of all solar energy reaching the earth's surface goes to evaporate sea water.

The thermal inertia of the sea, the circulation of the water and the geographic distribution of ocean and land profoundly influence our planet's weather and climate.

LIFE IN THE SEA

The moderate transparency and high density of sea water, and the great depth of the ocean, give life in the sea a very different character from that on land.

Photosynthesis can take place only in the waters near the surface where bright sunlight penetrates, and consequently marine plants in the open ocean cannot support themselves on solid ground. Most marine plants have solved this problem by being extremely small, so that they have a large surface-to-volume ratio and sink or rise slowly through the water. To maintain their small size they have a short life-span, measured in hours or days rather than in the seasons or centuries that characterize land plants. Consequently, although the total production of organic matter in the most fertile regions of the ocean is higher than that in fertile land areas, the biomass of marine plants at any one time is small.

The animals of the sea have been forced to adjust themselves to this regime of the plants, with the result that the food web in the sea is much more complex than on land and the animals that can be utilized by man make up only a small part of the organic production of the ocean. The plants themselves are present in such low concentration that they cannot be economically harvested.

The potential harvest of human food from the sea is still far from being realized by human beings. Yet it will never be possible for men to obtain more than a fraction of their food requirements from the ocean.

From the biologist's point of view, one of the most important characteristics of the ocean is its great age, even on a geologic time scale. Time has been available for the evolution of many different forms of life. As a result, living things in the sea present an incredible diversity. Some 200,000 species have already been identified and new ones are found on every oceanographic expedition. Some of these are "living fossils" from the ancient past and others have evolved recently.

In former times, men were chiefly concerned with the surface of the sea, together with the near-surface waters and shallow seabed that were accessible to fishermen. As our technology advances, however, our ability to penetrate and use the entire huge volume of the ocean and to explore and exploit the seabed, even to the greatest depths, is rapidly increasing. The shape of the sea floor, the properties of the deep waters and the distribution of deep-sea resources have thus become of much greater interest than previously.

The margins of the oceans surrounding the continents, containing the continental shelves and slopes and the deeper continental rise, are probably the principal location for the most important mineral resources underneath the sea: petroleum and natural gas. The living resources seem to exist almost entirely in the upper 1,500 meters, and like the fossil fuels they are most concentrated over the continental shelves and slopes.

Submarine vehicles for both military and peaceful purposes are a spectacular element of the new marine technology. From a military point of view, the great advantage of submarines rests on the low transparency of sea water for visible light and radio waves. A deeply submerged submarine can neither be seen visually nor be detected by radar. The submarine itself would be equally blind were it not for one of the most remarkable qualities of the ocean: its capacity to transmit low-frequency sounds over great distances.

The explosion of a one-pound block of dynamite in the air can be heard for about half a mile. Such an explosion at the mid-depths in the ocean can be heard for many thousands of miles.

The ocean is far from being a perfect acoustical transmitter, however. It is full of background noises made by animals and volcanoes; the surface and the bottom scatter and absorb sound; variations in temperature and density bend and distort sound waves in complicated ways, and the ocean rings with echoes like a badly designed auditorium. To elucidate and overcome these imperfections in sound propagation is one of the major problems of marine technology.

AN INTERNATIONAL REGIME

We may confidently expect that the ocean will be far more important to mankind in the future than it has ever been in the past.

Recognition of the new opportunities in the ocean has brought a widening realization that the organization of human society into national states, which works, however imperfectly, on the land, is not well suited to the optimum utilization of the sea. A new kind of regime is needed in which the interests of all states are protected but those of humanity as a whole are paramount.

The possible nature of such a regime is now being widely discussed in the United Nations and other international forums. It is too early to forecast what may emerge. Nevertheless, it can be hoped that agreement will be reached on a set of principles somewhat as follows:

1. The resources of the high seas and the underlying seabed, outside those areas adjacent to the coasts in which the coastal states exercise certain exclusive rights, are the common heritage of mankind and shall be used and conserved in the common interest of all men. All countries shall participate in an equitable manner in the benefits gained from these resources. Individual states shall not appropriate any part of the high seas or of the underlying seabed.

2. The areas adjacent to the coasts in which coastal states exercise certain exclusive rights shall be as small as feasible, and the outer limits of these areas shall be fixed by a definite depth or distance from shore or by a formula involving both depth and distance. This outer boundary, together with the nature of the exclusive rights to be exercised, should be determined by international agreement as soon as possible.

3. Internationally coordinated action must be taken to prevent pollution of the ocean, including control of pollutants coming from the land or the air, such as pesticides, radioactive substances, poisonous chemicals and sewage; from ships, submarine or other equipment used at sea, and from exploitation of marine resources, for example, exploration, production, storage and transportation of oil and gas.

4. The freedom of scientific research in the ocean shall be kept inviolate. The exclusive rights granted to the coastal states shall not include the right to interfere with scientific research provided that the coastal state is given prior notification of the plan to conduct the research, has full opportunity to participate in it and has access to all the data obtained and samples collected, and provided that the research does not deleteriously affect marine resources or other uses of the sea.

5. Greatly intensified international cooperation and coordination in all peaceful uses of the ocean is needed to encourage and advance beneficial exploitation of marine resources and technological developments for this purpose, to ensure the conservation and rational use of resources and to minimize interference among uses of different resources and among different uses of the same resource.

6. The military uses of the ocean floor shall be as limited as practicable; in particular, no nuclear weapons shall be planted on it.

Agreement on these principles and on creation of an international regime to secure them depends largely, although by no means entirely, on the U.S. It is to be hoped that our government and people will be far-sighted enough to see that their own long-range interests lie in a generous approach to the new age of the oceans.

SERIES ON "LAW AND ENVIRONMENT"—PART IV

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the fourth article in the Christian Science Monitor series on law and environment approaches the subject from yet another perspective. Having pointed out some of the legal problems, tactics, and strategies, and some of the deep constitutional issues involved, the focus in the current article is on legal manpower. Legal solutions to environmental problems will not come without trained lawyers. The article underscores the poignant fact that too few of the Nation's legal minds are concerned with conservation. Potential short-term remedies to this situation were suggested at the recent Arlie House conference sponsored by the Conservation Foundation and the Conservation and Research Foundation, but the long-range problem is one of training and that probably means a significant shifting of focus in law school curriculums.

Perhaps this is the first time in legal history where the opportunity to develop a new law speciality was known prior to the time of the full development of what can be called the body of law in the subject. As the previous series articles have clearly shown, there is no legal corpus on environmental problems. With pressure from the law schools combined with pressure from the public, the drive for such a collection would be increased, thereby advancing the time when the public can be assured of full legal protection of the Nation's natural heritage.

The article follows:

CONSERVATIONISTS HAMPERED BY LACK OF LAWYERS

(By Robert Cahn)

WASHINGTON.—The public interest is rarely as ably represented legally in environmental issues as are the private interests, Dr. Charles H. W. Foster told the first Conference on Law and the Environment.

Dr. Foster was reporting the results of a survey he had conducted among leaders of conservation groups and public officials. The causes were not hard to pinpoint: Lack of financial resources by citizens or conservation groups to hire experienced lawyers; a scarcity of lawyers with experience in environmental cases, even when funds are available.

Thus, while the conservation movement has never been healthier, and is loaded with citizen volunteers, it is at a decided disadvantage in the often protracted, time-consuming legal battles the conservationists seek to initiate against encroachments from private and public developers and polluters.

NEW FRONTIER IN LAW

This situation and what to do about it was one of the principal topics of the recent two-day conference at Warrenton, Va., sponsored by the Conservation Foundation of Washington, D.C., and the Conservation and Research Foundation of New London, Conn.

It is difficult for an individual lawyer to specialize exclusively in the comparatively new field of environmental law, and still make a living, conference participants agreed.

Yet unless the lawyer does specialize, he is severely handicapped in this complicated area in which most of the precedents are on the side of the development interests. And the large law firms, financially capable of subsidizing experts in environmental law, are often unwilling to do so because they depend upon the fees of clients whose interests may conflict with defenders of the environment.

PUBLIC-DEFENDER PLAN EYED

One answer to this situation, lawyers at the conference suggested, would be to establish a system of environmental public defenders organized along the lines of groups operating in the civil-rights field such as the American Civil Liberties Union and the Legal Defense Fund of the National Association for the Advancement of Colored People.

Such a system might be coordinated by a national nonprofit legal environmental institute capable of conducting research and carrying out litigation.

No prospect of such a system is in sight.

Comments Mrs. Gladys Kessler, member of a small, new law firm in Washington: "We cannot even get adequate public defenders in the field of criminal law. In environmental law, it is a million years away."

In the meantime, however, there is encouraging evidence that some environmental legal service needs are being provided to the public.

Most of the lawyers and law professors at the conference are donating a good share of their time to public-interest cases, or working for far less than usual fees.

FIRM DONATES TIME

The firm of which Mrs. Kessler is a member—Berlin, Roisman & Kessler—is dedicated primarily to environmental and consumer interests, and all three of the young partners took part in the conference. So did Ralph Nader, who devotes almost all of his time to the public interest in fighting for consumer and environmental issues.

A conference observer was Bruce Montgomery of the prestigious Washington firm of Arnold & Porter. The firm is allowing Mr. Montgomery to spend all of his time for a year in an experimental effort to organize, institute, and stimulate larger involvement in pro bono publico (for the public good) work in the fields of poverty law, civil rights, and the environment.

CLIENT IMMUNITY REQUIRED

Mr. Montgomery says he has the right to draw on up to 15 percent of the time of any or all of the 65 members of Arnold & Porter for pro bono work, which is essentially without charge to the clients.

Mr. Montgomery admitted that environment related pro bono work would necessarily have to exclude the firm's clients. And it also might be difficult or impossible to bring an environmental case against a company involved in the same business as an Arnold & Porter client, because it might establish a precedent which could later affect that client.

Mrs. Ann Louise Strong, director of the Institute for Environmental Studies at the University of Pennsylvania in Philadelphia, said she had run into the same problem when trying to get Philadelphia firms involved in pro bono environmental litigation.

"A major firm agreed to release time of their people for environmental cases," Mrs. Strong said. "The first two situations we brought them were in airport location and stream pollution. They said that clients were involved in both. Then they said: 'Find something that won't be controversial.' "

Another pioneer in the field is the Environmental Defense Fund, a nonprofit group of scientists and attorneys based in Stony Brook, N.Y. The group hires counsel to pursue scientific objectives. It has been a leader in the fight to ban DDT.

STUDY PROGRAM PROPOSED

James Moorman left his legal work with the Department of Justice this year to become the environmental attorney for the Center for Law and Social Policy, a nonprofit educational organization established in Washington. The center seeks to handle cases in which clients cannot afford counsel.

A large new area of opportunity lies in development of environmental programs in more of the nation's law schools, the conference was told by Daniel Tarlock, professor of law at Indiana University. Student interest in the environmental area is on the rise, he said. But law schools have been slow to establish necessary curriculum reform.

"In most law schools, the compulsory courses are those required to pass the bar exam: tax law, corporation law, accounting, modern real estate, contracts," says Malcolm Baldwin of the Conservation Foundation. "They are not as illustrative of social conflicts and relevant community needs as courses on environmental law."

AMERICA'S WORKING WOMEN

(Mr. GETTYS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GETTYS. Mr. Speaker, the Business and Professional Women's Clubs which are active in my district and in every congressional district in this country have been a potent force in improving opportunities available for working women and in bringing additional dignity and prestige to the roles which women play in business and industry and government.

These fine organizations have, along with many other worthwhile activities, supported with vigor and effectiveness responsible and significant legislative programs. And they have done much to provide stimulating associations and incentives for advancement for individual working women and to instill in them renewed pride in the usefulness of their occupations and professions.

During this National Business Women's Week, I think it fitting that we pay tribute to those women of America who now staff counters and desks and offices and laboratories and clinics and operating rooms in almost all possible careers. They are doing well and creditably a lot of hard, demanding, responsible jobs. And in the course of earning a livelihood and making their contribution of efficiency and resourcefulness to their callings, they add a measure of feminine grace to the work-a-day world in which we men strive to keep up with them.

OCCUPATIONAL SAFETY AND HEALTH ACT

(Mr. SANDMAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SANDMAN. Mr. Speaker, it is ironic that while we work and pray for peace in Vietnam, more Americans have been killed on the job in the past 4 years than on those battlefields. Few know that occupational injuries kill more than 14,000 persons every year, disable another 2 million, and cost 250 million man-days of production.

Unless a catastrophe occurs, like the West Virginia coal mine disaster, no newsmen or TV cameras alert the Nation as its workers die, or are maimed, singly and alone. These industrial casualty lists go on year after year despite a half century of organized safety activity in industry, by unions, and in State and Federal Governments.

Pioneers in industry and elsewhere have taught us how to control most work hazards; how to prevent most accidents and injuries; yet the Nation's injury rate still rises. This can only mean that we have failed to apply universally the safety know-how we have.

Now the time has come for a comprehensive occupational safety and health act which will build on the experience and expertise we have so painfully acquired; which will utilize the resources of State and Federal agencies to research job health and safety problems; to develop and enforce National standards. President Nixon has presented such a bill to Congress. I earnestly urge its passage.

CONFERENCE REPORT ON H.R. 10595, GREAT PLAINS CONSERVATION PROGRAM

Mr. POAGE submitted the following conference report and statement on the bill (H.R. 10595) to amend the act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program:

CONFERENCE REPORT (H. REPT. No. 91–584)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10595) to amend the act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That section 16(b)(1) of the Soil Conservation and Domestic Allotment Act, as amended, is amended to read as follows:

"'(1) the Secretary is authorized, within the amounts of such appropriations as may be provided therefor, to enter into contracts of not to exceed ten years with owners and operators of land in the Great Plains area having such control as the Secretary determines to be needed of the farms, ranches, or other lands covered thereby; but such contracts shall be entered into with respect to lands, other than farms or ranches, only where erosion is so serious as to make such contracts necessary for the protection of farm or ranch lands. Such contracts shall be designed to assist farm, ranch, or other land owners or operators to make, in orderly progression over a period of years, changes in their cropping systems or land uses which are needed to conserve, develop, protect, and utilize the soil and water resources of their farms, ranches, and other lands, and to install the soil and water conservation measures and carry out the practices needed under such changed systems and uses. Such contracts may be entered into during the period ending not later than December 31, 1981, with respect to farms, ranches, and other lands in counties in the Great Plains area of the States of Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, designated by the Secretary as susceptible to serious wind erosion by reason of their soil types, terrain, and climatic and other factors. The land owner or operator shall furnish to the Secretary a plan of farming operations or land use which incorporates such soil and water conservation practices and principles as may be determined by him to be practicable for maximum mitigation of climatic hazards of the area in which such land is located, and which outlines a schedule of proposed changes in cropping systems or land use and of the conservation measures which are to be carried out on the farm, ranch, or other land during the contract period to protect the farm, ranch, or other land from erosion and deterioration by natural causes. Such plan may also include practices and measures for (a) enhancing fish and wildlife and recreation resources, (b) promoting the economic use of land, and (c) reducing or controlling agricultural related pollution. Inclusion in the farm plan of these practices shall be the exclusive decision of the land owner or operator. Approved conservation plans of land owners and operators developed in cooperation with the soil and water conservation district in which their lands are situated shall form a basis for contracts. Under the contract the land owner or operator shall agree—

"'(i) to effectuate the plan for his farm, ranch, or other land substantially in accordance with the schedule outlined therein unless any requirement thereof is waived or modified by the Secretary pursuant to paragraph (3) of this subsection;

"'(ii) to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or grants received thereunder upon his violation of the contract at any stage during the time he has control of the land if the Secretary, after considering the recommendations of the soil and water conservation district board, determines that such violation is of such a nature as to warrant termination of the contract, or to make refunds or accept such payment adjustments as the Secretary may deem appropriate if he determines that the violation by the owner or operator does not warrant temination of the contract;

"'(iii) upon transfer of his right and interest in the farm, ranch, or other land during the contract period to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or grants received thereunder unless the transferee of any such land agrees with the Secretary to assume all obligations of the contract;

"'(iv) not to adopt any practice specified by the Secretary in the contract as a practice which would tend to defeat the purposes of the contract;

"'(v) to such additional provisions as the Secretary determines are desirable and includes in the contract to effectuate the purposes of the program or to facilitate the practical administration of the program.

"'In return for such agreement by the landowner or operator the Secretary shall agree to share the cost of carrying out those conservation practices and measures set forth in the contract for which he determines that cost sharing is appropriate and in the public interest. The portion of such cost (including labor) to be shared shall be that part which the Secretary determines is necessary and appropriate to effectuate the physical installation of the conservation practices and measures under the contract;'

"SEC. 2. Section 16(b)(2) of said Act is amended to read:

"'(2) the Secretary may terminate any contract with a land owner or operator by mutual agreement with the owner or operator if the Secretary determines that such termination would be in the public interest, and may agree to such modification of contracts previously entered into as he may determine to be desirable to carry out the purposes of the program or facilitate the practical administration thereof or to accomplish equitable treatment with respect to other similar conservation, land use, or commodity programs administered by the Secretary;'

"SEC. 3. Section 16(b)(7) of said Act is amended, to read:

"'(7) there is hereby authorized to be appropriated, without fiscal year limitations, such sums as may be necessary to carry out this subsection: *Provided*, That the total cost of the program (excluding administrative costs) shall not exceed $300,000,000, and for any program year payments shall not exceed $25,000,000. The funds made available for the program under this subsection may be expended without regard to the maximum payment limitation and small payment increases required under section 8(e) of this Act, and may be distributed among States without regard to distribution of funds formulas of section 15 of this Act. The program authorized under this subsection shall be in addition to, and not in substitution of, other programs in such area authorized by this or any other Act.'" and the Senate agree to the same.

That the House recede from its amendment to the title of the bill and agree to the same.

W. R. POAGE,
FRANK A. STUBBLEFIELD,
GRAHAM PURCELL,
PAGE BELCHER,
CHARLES M. TEAGUE,
Managers on the Part of the House.

JAMES O. EASTLAND,
SPESSARD L. HOLLAND,
B. EVERETT JORDAN,
GEORGE D. AIKEN,
HENRY BELLMON,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two houses to the amendment of the Senate to the bill (H.R. 10595) to amend the Act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report.

The differences between the House bill and the Senate amendment and how those differences were reconciled in the conference are as follows:

(1) The Senate amendment included specific language to give the Secretary more flexibility in entering into contracts where customary control is through annual leasing. Both the reports from the U.S. Department of Agriculture and the House Committee on Agriculture and stated this as a purpose of the legislation. The House conferees accepted this Senate amendment.

(2) The Senate amendment also included specific language to limit the Secretary's contract authority on land units that are not generally considered as farms or ranches to instances where erosion control is necessary. Both the reports from the U.S. Department of Agriculture and the House Committee on Agriculture had stated this as a purpose of the legislation. The House conferees accepted this Senate amendment also.

(3) The Senate amendment retained the $150 million authorization in present law which *excludes* administrative costs and runs through December 31, 1971. The Senate amendment also authorized an additional $250 million for the 10-year period ending December 31, 1981, but *included* administrative costs within this authorization. The House bill carried a total authorization of $300 million for the Great Plains program through calendar year 1981 and *excluded* all administrative costs from this authorization.

The net effect of the Senate amendment was to authorize some $25 million to $37.5 million more for cost-sharing than the House version. Since the authorized expenditures under the present law must be subtracted from the $300 million authorization provided in the House bill, the House version, even though *excluding* administrative costs, provided a smaller authorization during the next 12 years than the Senate amendment. The Conference Committee accepted the House language in regard to both the authorization and the exclusion of administrative costs.

(4) There were several typographical and clerical changes in the Senate amendment

which were accepted by the House conferees.

(5) The Senate amendment changed the title of the bill so as to amend Section 16(b) of the Soil Conservation and Domestic Allotment Act. The title of the House bill provided for the amendment of the Act of August 7, 1956 (70 Stat. 1115), the original statute enacting the Great Plains program. The House conferees accepted this Senate amendment.

W. R. Poage,
Frank A. Stubblefield,
Graham Purcell,
Page Belcher,
Charles M. Teague,
Managers on the Part of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Mailliard, for the remainder of the week, on account of official business.

Mr. Corman, for Tuesday, October 21, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Brown of California, for 60 minutes, on October 23.

Mr. Patman, for 60 minutes, on October 21, and on October 22, for 60 minutes.

Mr. Hechler of West Virginia, for 1 hour, today.

Mr. Gross, for 30 minutes, today.

Mr. Conte (at the request of Mr. Landgrebe), for 20 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Preyer of North Carolina), to revise and extend their remarks and include extraneous matter:)

Mr. Reuss, for 30 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Ryan, for 60 minutes, on November 14.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Saylor.

Mr. Annunzio (at the request of Mr. Barrett) to extend his remarks in Committee of the Whole following Mr. Barrett.

(The following Members (at the request of Mr. Landgrebe) and to include extraneous matter:)

Mr. Roudebush.

Mr. Button.

Mr. McKneally in two instances.

Mr. Wyman in two instances.

Mr. Broomfield.

Mr. Chamberlain.

Mr. Nelsen.

Mr. Bray in three instances.

Mr. Ashbrook in two instances.

Mr. Conte in two instances.

Mr. Rhodes in five instances.

Mr. Schwengel in two instances.

Mr. Wold.

Mr. Landgrebe.

Mr. Kuykendall.

Mr. Cramer.

Mr. Duncan.

Mr. Wydler.

Mr. Andrews of North Dakota.

Mrs. May.

Mr. Hogan.

Mrs. Dwyer.

Mr. Scott.

Mr. Widnall.

Mr. Wyatt.

Mr. Derwinski in two instances.

(The following Members (at the request of Mr. Preyer of North Carolina) and to include extraneous matter:)

Mr. Boland.

Mr. Gaydos in three instances.

Mrs. Griffiths.

Mr. Pepper.

Mr. Dingell in three instances.

Mr. Purcell.

Mr. Mikva in six instances.

Mr. Gonzalez in two instances.

Mr. Murphy of New York.

Mr. Tunney.

Mr. Leggett.

Mrs. Sullivan in four instances.

Mr. Rarick in two instances.

Mr. Nichols in two instances.

Mr. Thompson of New Jersey in four instances.

Mr. Kyros.

Mr. Eilberg.

Mr. William D. Ford in two instances.

Mr. Kastenmeier in two instances.

Mr. Ottinger.

Mr. Hagan in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule referred as follows:

S. 2264. An act to amend the Public Health Service Act to provide authorization for grants for communicable disease control and vaccination assistance; to the Committee on Interstate and Foreign Commerce.

S. 2452. An act to amend section 211 of the Public Health Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services; to the Committee on Interstate and Foreign Commerce.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 74. An act to place in trust status certain lands on the Standing Rock Sioux Indian Reservation in North and South Dakota;

S. 775. An act to declare that the United States shall hold certain land in trust for the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; and

S. 921. An act to declare that certain federally owned land is held by the United States in trust for the Cheyenne River Sioux Tribe of the Cheyenne River Indian Reservation.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills of the House of the following titles:

On October 20, 1969:

H.R. 12781. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1970, and for other purposes; and

H.R. 13194. An act to authorize special allowances for lenders with respect to insured student loans under title IV–B of the Higher Education Act of 1965 when necessary in the light of economic conditions in order to assure that students will have reasonable access to such loans for financing their education, and to increase the authorizations for certain other student assistance programs.

On October 21, 1969:

H.R. 11039. An act to amend further the Peace Corps Act (75 Stat. 612), as amended.

ADJOURNMENT

Mr. PREYER of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 57 minutes p.m.) the House adjourned until tomorrow, Wednesday, October 22, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1268. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize and foster joint rates for international transportation of property, to facilitate the transporation of such property, and for other purposes; to the Committee on Interstate and Foreign Commerce.

1269. A letter from the Executive Director, National Conference on Citizenship, transmitting the annual audit of the Conference for the fiscal year ended June 30, 1969, pursuant to the provisions of section 2, Public Law 88–504; to the Committee on the Judiciary.

1270. A letter from the Comptroller General of the United States, transmitting a report of a special review of the administration of aid to families with dependent children in New York City, conducted jointly by the Department of Health, Education, and Welfare and the New York State Department of Social Services; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee of conference. Conference report on S. 1689 (Rept. No. 91–581). Ordered to be printed.

Mr. WAGGONNER: Committee on House Administration. H.R. 13949. A bill to provide certain equipment for use in the offices of Members, officers, and committees of the House of Representatives, and for other purposes (Rept. No. 91–582). Referred to the Committee of the Whole House on the State of the Union.

Mr. GALLAGHER: Committee on Foreign Affairs. House Concurrent Resolution 178. Concurrent resolution to express the sense of Congress on participation in the Ninth International Congress on High Speed Photography, to be held in Denver, Colo., in August 1970 (Rept. No. 91–583). Referred to the House Calendar.

Mr. POAGE: Committee of conference. Conference report on H.R. 10595 (Rept. No. 91–584). Ordered to be printed.

Mr. YOUNG: Committee on Rules. House Resolution 586. Resolution providing for the consideration of H.R. 14001, a bill to amend the Military Selective Service Act of 1967 to authorize modifications of the system of selecting persons for induction into the Armed

Forces under this act (Rept. No. 91-585). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 587. Resolution providing for the consideration of H.R. 6778, a bill to amend the Bank Holding Company Act of 1956, and for other purposes (Rept. No. 91-586). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DERWINSKI:

H.R. 14425. A bill to provide for the issuance of a commemorative postage stamp in honor of the 1,000th anniversary of the birth of St. Stephen of Hungary; to the Committee on Post Office and Civil Service.

By Mr. SAYLOR:

H.R. 14426. A bill to provide additional penalties for the use of firearms in the commission of certain crimes of violence; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.R. 14427. A bill to provide for the more efficient development and improved management of national forest commercial forest land, to establish a high timber yield fund, and for other purposes; to the Committee on Agriculture.

H.R. 14428. A bill to authorize the Federal National Mortgage Association to purchase conventional mortgages, and for other purposes; to the Committee on Banking and Currency.

H.R. 14429. A bill to increase the availability of guaranteed home loan financing for veterans and to increase the income of the national service life insurance fund; to the Committee on Veterans' Affairs.

By Mr. GILBERT:

H.R. 14430. A bill to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled, and for other purposes; to the Committee on Ways and Means.

By Mr. GILBERT (for himself, Mr. Adams, Mr. Addabbo, Mr. Annunzio, Mr. Biaggi, Mr. Brasco, Mr. Burton of California, Mr. Button, Mr. Byrne of Pennsylvania, Mr. Carey, Mrs. Chisholm, Mr. Clark, Mr. Conyers, Mr. Dent, Mr. Edwards of California, Mr. Farbstein, Mr. Feighan, Mr. Flood, Mr. Gray, and Mrs. Green of Oregon):

H.R. 14431. A bill to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled, and for other purposes; to the Committee on Ways and Means.

By Mr. GILBERT (for himself, Mr. Halpern, Mr. Hechler of West Virginia, Mr. Hicks, Mr. Howard, Mr. Kluczynski, Mr. Koch, Mr. Leggett, Mr. Madden, Mr. Matsunaga, Mr. Mikva, Mr. O'Konski, Mr. Olsen, Mr. O'Neill of Massachusetts, Mr. Podell, Mr. Powell, Mr. Price of Illinois, Mr. Pucinski, Mr. Rees, Mr. Rooney of Pennsylvania, Mr. Scheuer, Mr. Tiernan, and Mr. Tunney):

H.R. 14432. A bill to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled, and for other purposes; to the Committee on Ways and Means.

By Mr. KOCH:

H.R. 14433. A bill to provide long-term financing for expanded urban mass transportation programs, and for other purposes; to the Committee on Banking and Currency.

By Mr. NICHOLS:

H.R. 14434. A bill to provide a pension for veterans of World War I and their widows; to the Committee on Veterans' Affairs.

By Mr. RYAN:

H.R. 14435. A bill to amend section 236 of the National Housing Act and section 101 of the Housing and Urban Development Act of 1965 to reduce from 25 to 20 percent of the tenant's income the maximum rent which may be charged for a dwelling unit in a section 236 project or a dwelling unit qualifying for assistance under the rent supplement program; to the Committee on Banking and Currency.

By Mr. TEAGUE of Texas (by request):

H.R. 14436. A bill to amend title 38, United States Code, to provide special rates of dependency and indemnity compensation for widows of veterans who had certain service-connected disabilities, to provide a death gratuity for such widows, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. YATRON:

H.R. 14437. A bill to amend title II of the Social Security Act to provide a 50-percent, across-the-board increase in monthly benefits thereunder, with the resulting benefit costs being borne equally by employers, employees, and the Federal Government; to the Committee on Ways and Means.

By Mr. BOLAND:

H.R. 14438. A bill to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAMER:

H.R. 14439. A bill to amend the Internal Revenue Code of 1954 to increase the penalties for the unlawful transportation of narcotic drugs and to make it unlawful to solicit the assistance of or use a person under the age of 18 in the unlawful trafficking of any such drug; to the Committee on Ways and Means.

By Mr. HASTINGS:

H.R. 14440. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. JOHNSON of California (for himself, Mr. Don H. Clausen, Mr. Wyatt, Mr. Dellenback, and Mr. Sisk):

H.R. 14441. A bill to provide a method for paying costs of fires caused without negligence in connection with national forest timber sales operations; to the Committee on Agriculture.

By Mrs. MAY:

H.R. 14442. A bill to provide for payments on certain outstanding bonds or other obligations secured by lands acquired for Federal reclamation projects, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MELCHER:

H.R. 14443. A bill to amend the Tariff Act of 1930 so as to exempt certain private aircraft entering or departing from the United States and Canada at night or on Sunday or a holiday from provisions requiring payment to the United States for overtime services of customs officers and employees; to the Committee on Ways and Means.

By Mr. MILLER of Ohio:

H.R. 14444. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. NELSEN:

H.R. 14445. A bill to amend the Internal Revenue Code of 1954 with respect to the additions to the reserves for bad debts of certain agricultural and livestock credit corporations; to the Committee on Ways and Means.

By Mr. WHITE:

H.R. 14446. A bill to provide for the construction and maintenance of a fence near the international boundary between the United States and Mexico in the city of El Paso, Tex.; to the Committee on Ways and Means.

By Mr. CHARLES H. WILSON:

H.R. 14447. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. ABERNETHY (for himself, Mr. Waggonner, Mr. Dowdy, Mr. Henderson, Mr. Montgomery, Mr. Blanton, Mr. Gettys, Mr. Griffin, Mr. Andrews of Alabama, Mr. McMillan, and Mr. Hagan):

H. Con. Res. 420. Concurrent resolution expressing the sense of the Congress with respect to the revocation of the United Nations economic sanctions against Southern Rhodesia; to the Committee on Foreign Affairs.

By Mr. de la GARZA:

H. Con. Res. 421. Concurrent resolution urging the adoption of policies to offset the adverse effects of governmental restrictions upon the housing industry; to the Committee on Ways and Means.

By Mr. NICHOLS:

H. Con. Res. 422. Concurrent resolution urging the adoption of policies to offset the adverse effects of governmental monetary restrictions upon the housing industry; to the Committee on Ways and Means.

By Mr. WAGGONNER:

H. Con. Res. 423. Concurrent resolution expressing the sense of the Congress to the revocation of the U.N. sanctions against Southern Rhodesia; to the Committee on Foreign Affairs.

By Mr. WILLIAM D. FORD:

H. Res. 585. Resolution establishing a Select Committee on Congressional Mailing Standards; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FRELINGHUYSEN:

H.R. 14448. A bill for the relief of Catrina Nappo; to the Committee on the Judiciary.

By Mr. SHRIVER:

H.R. 14449. A bill for the relief of Eugene M. Sims, Sr.; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

300. By Mr. COUGHLIN: Petition of resolution of Upper Gwynedd Township, Montgomery County, Pa., regarding tax status of muncipal bonds; to the Committee on Ways and Means.

301. By the SPEAKER: Petition of the City Council, Marysville, Calif., relative to the Army Corps of Engineers flood control project fund for the fiscal year 1970-71; to the Committee on Appropriations.

302. Also, petition of Board of Levee Commissioners, Marysville, Calif., relative to the Army Corps of Engineers flood control project fund for the fiscal year 1970-71; to the Committee on Appropriations.

303. Also, petition of Lake City Council No. 26, Junior Order United American Mechanics, Lake City, Tenn., relative to placing the flag in public school classrooms; to the Committee on Education and Labor.

304. Also, petition of the Board of Commissioners, Livingston County, Mich., relative to achieving peace in Vietnam; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

THE PROSPECTS FOR WYOMING—"WE SHOULD NOT FEEL LONESOME"

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. WOLD. Mr. Speaker, last week Senator CLIFFORD HANSEN of Wyoming and I responded to a story in the Wall Street Journal which gave a gloomy forecast for the future of my district, the great State of Wyoming. We pointed out the article had missed many developments in our State and, more than that, had made an erroneous appraisal of our State's economic and demographic potential. Indeed, many of what the author called liabilities seemed to us to be assets.

It is heartening to know that there are observers whose assessments of Wyoming's future are optimistic. Therefore, I would like to insert at this point an editorial from the Casper Star-Tribune of October 14, 1969, which incorporates an editorial from the Denver-Post concerning the article on Wyoming:

We Shouldn't Feel Lonesome

The Denver Post had an editorial comment Sunday on the Wyoming population and economic picture. We believe it is a very fair appraisal of the situation. As an out-of-state newspaper, the Post can look at it with a somewhat more unbiased view than those of us who are in the midst of these problems.

The Post's editorial is quoted in full:

"Wyoming has lost population since the 1960 census which showed 330,000 residents and that's a disgrace in the usual up-and-at-em frame of mind prevalent since the pioneers decided the West had to be won.

"We think differently.

"Obviously, it is painful to lose population. A town that needs all the taxes it can possibly get to run its school system, or town hall, is hurt every time a house or business building turns up vacant.

"But thinking of Wyoming as a whole there's a lot to be said for having a small, manageable population—at least at this point in history.

"The entire country is just waking up to the fact that environment is a lot easier to protect from air and water pollution and urban decay before they start than to try to salvage affairs after the damage has been done.

"In that regard Wyoming has a wonderful opportunity to guide its development—to set standards for industry, to watch where the Atomic Energy Commission buries its bombs and, above all, to be selective in the type of industry it seeks out.

"Elsewhere in today's Denver Post there is a story detailing plans for a new uranium mining town to be built near Medicine Bow. Within a year there will be more than 1,000 residents, with more to come.

"If stories like that do not reassure develop-or-bust Wyomingites, we feel confident in assuring Wyoming that growth will come. The mathematics of U.S. population growth underwrite the inevitability of growth. Just as is the case with Colorado, the chance of locating new industry in a clean, recreation-rich Western state will prove an overpowering lure to more industrialists than we need.

"So to those Wyomingites who read disaster into last week's article in the Wall Street Journal entitled, 'The Lonesome Land,' we'd say, 'Cheer up.' You'll soon have more industrial suitors than a school marm in an oldtime Wyoming cowtown on Saturday night. It'll be a case of picking out the good-looking ones."

A MEMOIR BY FORMER SENATOR CARL HAYDEN

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 21, 1969

Mr. METCALF. Mr. President, I invite the attention of Senators to an article published in the September 1969 issue of Highway User. It was written by the former sheriff of Maricopa County, our beloved Senator Carl Hayden, who retired last year but who, it is refreshing to note, has maintained his interest in the national scene, in the Senate, and in Congress and its many problems—in this instance, highways.

I ask unanimous consent that Senator Hayden's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

In Retrospect: "I Feel Fully Repaid"

(By former U.S. Senator Carl Hayden)

As chairman of the Senate Committee on Appropriations, it was my job to see that the Interstate Highway System received a fair share of the money collected from the American taxpayers.

Since my final return from Washington, I have not failed to observe the thousands of automobiles that move with speed over an abundance of paved highways. This reminds me that when I was the sheriff of Maricopa County over a half century ago I pleaded with the Board of Supervisors to buy an automobile for official use by me and my four deputies. The supervisors turned me down cold. To serve a warrant or a summons we had to ride horseback and be compensated at a rate of 30 cents a mile.

My recollection is that in 1916 Congressman Dorsey W. Shackleford, of Missouri, sponsored a good roads bill, that passed the House of Representatives, which authorized Congress to appropriate funds to assist in the building of State roads. When the bill came over to the Senate, Senator John Bankhead of Alabama took charge of it. It became known as the Bankhead Act of 1916.

TO THE WHITE HOUSE

One day, Senator Bankhead said to Senator Kenneth McKellar of Tennessee: "President Wilson doesn't like me, but he likes you. I want you to go with me to the White House to see if he will agree to the appropriation of money in accordance with my road bill." Senator Bankhead told Senator McKellar that he would be glad to obtain $5 million for that purpose.

When they brought up the subject with President Wilson, he said that he had grave doubts about whether he should have signed that bill—that it was a State, and not a Federal, function to build roads.

The First World War was then going on in Europe. Senator McKellar said that in the event of war, good roads would expedite the movement of troops. The President said he had not thought of that, and asked how much money they wanted. McKellar replied that they would leave that to his judgment. They were delighted when President Wilson suggested $15 million, and that was the beginning of Federal aid to highway construction in the United States.

After I became a member of the Senate in 1927, I was made chairman of the Committee on Roads, and in that way, became acquainted with officials of the State highway departments, who appeared each year to ask for Federal aid for the construction of roads.

When Franklin Roosevelt became President, the nation was in what was called the Great Depression, and he was anxious to provide work for the unemployed.

I went to the White House and told him that there was no better way to accomplish that purpose than by the construction of highways.

He asked me how much it would cost, and I said $400 million. The President wanted to know how I arrived at that figure. I told him that I had asked each State highway department how much it could usefully spend and $400 million was the amount recommended. He said to go tell Bob Wagner to put it in the Work Relief Bill, which became a law on June 14, 1933.

NATIONAL SYSTEM

In 1934, Congressman Cartwright of Oklahoma sponsored the customary Federal aid to roads bill. When the State highway officials appeared before my Senate committee, I told them to go home and come back within a month with a draft of a bill providing for a national highway system. They did that, and the bill became a law on March 26, 1934.

Indian reservations make up so much of the area of Arizona and New Mexico, that I inserted a provision in the Federal Highway Act, which provides that the States do not have to match Federal funds expended on Indian reservations. One year, the Arizona State Highway Commission was "hard up," so a highway was constructed within the San Carlos Indian Reservation which passed over the top of the Coolidge Dam. A more direct and much better highway connecting Gila and Graham Counties has since been constructed.

I have been asked a number of times why Arizona needed Interstate highways. My answer was that in northern Arizona we have the Petrified Forest and the Grand Canyon, which we want the American people to see, and in southern Arizona we have one of the finest winter climates anywhere in the United States, to which we want all of those who ride in automobiles to have access.

When on a hot summer day I get seated in an automobile and can be up into a pine forest in less than two hours, I feel fully repaid for all the time I devoted to Federal aid to the construction of highways.

MR. AGNEW DOES NOT UNDERSTAND

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. THOMPSON of New Jersey. Mr. Speaker, last Sunday at a Republican fundraising dinner in New Orleans, the Vice President—although he did not use my name—said I was an effete, impudent, and masochistic snob. He also managed to include in that invective countless Americans, perhaps even a majority of Americans.

My crime, and theirs, was to support, and in many cases, take part in the October 15 moratorium to protest our involvement in Vietnam.

As one who has often found humor in the Vice President's antics, I find this latest bit of sounding off both outrageous and incredibly stupid.

It is not the name calling that I mind so much as Mr. AGNEW's implication that I and many other Americans are disloyal to our country. I consider myself a loyal American, and I consider most of those in this country who supported the moratorium to be loyal Americans.

Mr. AGNEW is terribly confused; he equates policies to principles.

Mr. AGNEW does not understand that the test of loyalty is adherence to principles, not to policies. Whenever I believe our principles are not being reflected in our policies, I will protest—as every good American should and as many did on October 15.

I agree with the headline on an editorial in today's Washington Post that Mr. AGNEW is "no longer a laughing matter." I include it and an editorial from the New York Times entitled "Mr. AGNEW Doesn't Understand" into the RECORD:

[From the Washington Post, Oct. 21, 1969]

MR. AGNEW: NO LONGER A LAUGHING MATTER

By writ and by tradition the vice-presidency is an office in which there is practically nothing to do. The trick of course lies in doing it well—in standing back and learning, in readying oneself for any emergency, in supporting the President backstairs where one can and in doing nothing that goes against his interest. Clearly, then, in the case of Vice President Agnew we are faced with one of two possibilities. One is that Mr. Agnew with his ten-month roadshow of gaffes, goofs, and raw demagoguery hasn't caught on to his job. The other is that he has—that Mr. Nixon is authorizing and/or approving the Vice President's public dicta as part of some elaborate (and foredoomed) political game. Neither is particularly reassuring, but if the latter is the case, we should be told.

In New Orleans on Sunday the Vice President made this necessary with his comments on the war and on the motivations of those involved in last week's Vietnam moratorium:

"If the moratorium had any use whatever, it served as an emotional purgative for those who feel the need to cleanse themselves of their lack of ability to offer a constructive solution to the problem."

And again:

"A spirit of national masochism prevails, encouraged by an effete corps of impudent snobs who characterize themselves as intellectuals. It is in this setting of dangerous oversimplification that the war in Vietnam achieves its greatest distortion."

And again:

"Great patriots of past generations would find it difficult to believe that Americans would ever doubt the validity of America's resolve to protect free men from totalitarian attack. Yet today we see those among us who prefer to side with an enemy aggressor rather than stand by this free nation."

Mr. Agnew also let it be known that those who participated in the moratorium were guilty of the crime of supporting "a massive public outpouring of sentiment against the foreign policy of the President of the United States" and of not caring to "disassociate themselves from the objective enunciated by the enemy in Hanoi."

Now what is interesting in all this is certainly not the Vice President's line of thought or his ham-handed effort to discredit the motivation and question the loyalty of a large and respectable part of the political community: we have seen and heard all that before. It is not even to the main point to observe that Mr. Agnew has outdone himself in assuring the hostility of a part of the electorate Mr. Nixon has some interest in calming down. Nor does the subject upon which Mr. Agnew chose to discourse with such vehemence permit his remarks to be received with the national giggle they so frequently inspire. This time around the only question worth asking is what the President thought of what Mr. Agnew said.

Mr. Nixon is engaged in a highly chancy and complicated maneuver to end the war in Vietnam in a way which will not do utter violence to this country's interests abroad and which will not result in a terrible rending of the social fabric at home—in a right-to-middle uprising based on charges of betrayal and sell-out. At least that is what you can hear any day of the week from those behind the scenes in his administration who argue the case for his method of disengagement and who beg understanding of it. Simultaneously we witness Vice President Agnew out fomenting precisely the kinds of emotions others in the White House profess to fear and claim their strategy is designed in large measure to avoid. It really will not do for Mr. Ziegler, the White House spokesman, merely to indicate that vice presidential speeches for party gatherings are not cleared in advance by the White House. If Mr. Nixon wishes to be in any way convincing in this matter or to preserve the notion that he is acting in good faith, then he must repudiate the excesses of his Vice President or silence him or—ideally—do both.

[From the New York Times, Oct. 21, 1969]

MR. AGNEW DOES NOT UNDERSTAND

Vice President Agnew demonstrated a truly monumental insensitivity to the most profound concern of millions of Americans—and particularly the nation's youth—when he described last week's Vietnam Moratorium as the creation of "an effete corps of impudent snobs who characterize themselves as intellectuals." He has learned nothing from the remarkable demonstration in which idealistic young men and women from the nation's campuses were joined by Americans of every generation and from all walks of life in an urgent appeal that the United States Government follow a more effective path to peace.

The purpose of the Moratorium was to underscore the need for active pursuit of peace in Vietnam. Far from undermining the President's position of leadership, it presented him with a strengthened mandate to carry out with more vigor and more determination the basic policy he says he is pursuing. Neither he nor Mr. Agnew gives evidence of understanding what the Moratorium was all about.

Mr. Agnew darkly hinted at some treasonable duplicity because the planners of the Moratorium had failed to renounce support from Hanoi—a support they had never asked.

He sought easy applause from a Republican fund-raising audience in New Orleans by ascribing the success of the Moratorium to "a spirit of national masochism."

In the same speech, he lambasted the nation's youth in sweeping and ignorant generalizations, when it is clear to all perceptive observers that American youth today is far more imbued with idealism, a sense of service and a deep-humanitarianism than any generation in recent history, including particularly Mr. Agnew's.

The ominous strains in Mr. Agnew's words are that they equate support of the war with manliness, while describing as effete those who call for a redoubling of the nation's dedication to peace. It is the mark of insecure nations and politicians to mistake unquestioning support of military ventures as the test of patriotism. This is exactly the approach to the American destiny which the most articulate and politically alert sector of the nation's young intellectuals have questioned and rejected. Mr. Agnew's incredible obtuseness can only add to the frustration of millions of Americans—young and old alike—who believe that rational dissent must be given a fair hearing. His insensitivity to this principle of American democracy will give comfort to those who preach the gospel of disruption and violence.

AWARDS PRESENTED FOR HANDICAPPED EMPLOYMENT EFFORTS IN WEST VIRGINIA—EUGENE T. TURNEY DELIVERS THOUGHTFUL ADDRESS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 21, 1969

Mr. RANDOLPH. Mr. President, recently the first annual awards dinner of the Monongalia County Advisory Committee on Rehabilitation and Employment of the Handicapped was held in Morgantown, W. Va.

This event was truly an outstanding event, calling attention to the strides made in overcoming misconceptions about the ability of handicapped persons to be useful and productive members of the community. It also was the occasion for citing farsighted employers who have been willing to include handicapped people on their staffs.

More than 300 people attended the dinner, which itself was a tribute to the Monongalia County committee for its diligent work in advancing the cause of the handicapped in the area. Members have devoted considerable time and energy to the very worthwhile goal of opening new doors of opportunity.

I was privileged to have assisted J. Richard Downes, chairman of the advisory committee, and an untiring leader in its work in the presentation of awards.

For making special efforts to employ handicapped persons, awards were presented to Dr. James G. Harlow, president of West Virginia University; J. Wesley Ruby, president of Sterling Faucet Co.; James Berry, owner of Berry's Office Service; and Glenn W. Thorne, president of Kelly Cab Co.

Individual awards were made to Stanley Lee Dixon, who was injured in a coal mine accident and now works for the J. P. Hanger Limb Co., and Viola Elizabeth Smith, a medical secretary at West Virginia University who has been blind since birth.

Honors also were presented to two Fairmont, W. Va., men, Jack Martin, a victim of cerebral palsy and a barber, and Robert J. Helmick of the Helmick Corp.

Michael A. Oliverio, Morgantown supervisor of the West Virginia Division of Vocational Rehabilitation, was toastmaster for the dinner. Morgantown Mayor Terry T. Jones made the welcoming address.

Robert C. Goodpasture of New York,

executive vice president of National Industries for the Blind, spoke on the development of his organization as a result of the 1938 Wagner-O'Day Act under which the Federal Government purchases goods manufactured in sheltered workshops. He reported that a feasibility study is being made concerning establishment of such a workshop in West Virginia.

I commended Mr. Goodpasture for his cooperation in this evaluation in West Virginia.

Mr. President, the principal address was delivered by Eugene T. Turney, president of Anodyne Inc. of North Miami Beach, Fla. Mr. Turney has long been an advocate of hiring handicapped workers in business and industry. Sixty percent of his firm's workers could be classified as handicapped, and he has earned many awards for his leadership in this field. Mr. Turney is a member of the President's Committee on Employment of the Handicapped and vice chairman of the Miami-Dade County Chamber of Commerce Committee on Total Employment.

Mr. Turney's remarks were truly thought-provoking and inspiring. I ask unanimous consent that his address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address of Eugene T. Turney, Jr.

I certainly appreciate the opportunity of addressing this most distinguished gathering, for in this audience are the epitome of this Nation, people who have come to realize that they will only get out of life what they put into it.

This last week, as it has been so for many years, people all across the Nation were prompted and urged to think of those who were handicapped, and what they and we might do for them.

But for each of you, the problems of the handicapped are not problems which you pause to recognize once each year. On the contrary, we must and we will fight for the handicapped each and every day.

In fact, in the hands of this audience rests much of the hope of the handicapped, and because this is so, you and I have a grave and very serious responsibility to do much more than to merely meet here and then adjourn.

As you leave here today, you must be fully charged with new ideas, for no matter how hard you have worked in the past, no matter how imaginative you have been in the past, the old ideas and the old energy have been, in reality, only sufficient to barely keep pace with—but not overcome—a mighty rising tide.

This tide is rising, of course, because the people of the Nation, and particularly the people of this area, continue to rise.

Now, in addition to the natural population growth, we are in the middle of a savage war which each hour, each day, each month, each year returns to us hundreds upon hundreds of men who must join the ranks of the handicapped.

Many of these men left home as boys, boys full of the promise of the future, who viewed Vietnam as a dangerously unpleasant interruption in the pursuit of their lifetime dreams and ambitions.

But somewhere along the way a land mine, a booby trap, a rifle slug, or sharpnel from a mortar destroyed those dreams and ambitions, and if he was not killed outright, he then returned to us as a handicapped American veteran, his boyish looks and eagerness replaced by the hardened facts of war.

It is our job to make absolutely certain that when these boys who are now men come home, we are prepared to offer them hope—hope for effective readjustment; hope for jobs, so that they can look to a meaningful and productive future.

We can and we must reassure these young men who have given so much that, after all, what really matters is ability, and we must show them that we have the capability to help develop specific abilities irrespective of their handicaps.

Now, by the very virtue of your being here, this is the job that you have been doing, but isn't this meeting the right place and right time to ask yourself how well you are doing that job? And if the answer to that question is something less than 100%, then you should easily be able to identify where you have failed, where your weaknesses have been, and that you will leave here tonight committed to do a better job in every conceivable way and in any conceivable manner.

The biggest obstacle you face today is not the handicapped person, not rehabilitation, not preparing the handicapped for employment, but the public; specifically, the employing public—the employers.

There is, throughout America, a gap, a wide gap which separate handicapped men and women from full participation in our world of work. It is a gap, a chasm, based on years of old prejudice, on ancient myths, and in many areas stupid bigotry.

And for just as many years as these prejudices and myths have prevailed, men and women just like you and me have been trying to bridge that gap, trying but never quite fully succeeding. Unemployment and underemployment among the handicapped continue to run unnecessarily high.

Bridging the gap—educating the employing people and convincing them—is at least one-half, and possibly more of a mammoth battle. Until misconceptions can be penetrated, until the prejudices can be overcome, until the bigot can be out-bigotted, and until all the phony myths can be completely destroyed; you will never be successful in winning the other half of the most important part of the battle.

We have to prove to employers everywhere and, believe me, this is one area where there is tremendous room for improvement in our efforts, we have to prove to would-be employers all of the facts about the handicapped which you and I know to be true. We have to be better salesmen and display our industrial diamonds, our handicapped person who tolerates no lateness, no absenteeism, no tardiness, and produces 21% more production, for here indeed are untapped reserves of profit.

We have to sell the proven virtues of the handicapped worker, facts and figures have for many years clearly pointed out that the handicapped worker is tops in reliability, diligence, punctuality and, taken collectively as a group, there are just no handicapped people, only people. For every type of job there is someone within the ranks of the handicapped who can handle it. Consequently, for the handicapped person, there is always a job that fits his or her disability.

In this space age when nothing seems impossible, there really are one-armed paper hangers, blind persons with their acute sense of smell testing chemicals, deaf school teachers, handicapped potato peddlers, and telephone operators with no hands, but with two good feet and ten good toes.

There is, then, absolutely no reason why there should be unemployment—or even underemployment based solely on an alleged handicap.

And equally true, there is no earthly reason why you and I should not be able to sell these facts to the employing public.

Think of yourselves, then—if you will—as salesmen. This is the message I would leave with you. Be merchandisers; not merchandisers of pity or sorrow, but merchandisers of ability, and sell the outstanding abilities of the handicapped. Use the telephone—go door to door—never take no for an answer—and by all means, never be discouraged should someone slam the door in your face. Keep going back and back until you have made a sale, for truly, the more calls you make, the more the odds are in your favor.

I hope to again visit with you next year, and I know without a shadow of doubt, that if you will pursue this hard sell, and I repeat hard sell, for that is just what it is, that you will find great encouragement, not only among those for whom you are performing this service, but also in your own soul, and that as you rise in the morning and you look at yourself in the mirror, you will not only feel a better person but you will actually be one, for bread cast upon the waters returns its rewards in many intangible areas.

I thank you.

Mr. RANDOLPH. Mr. President, in introducing Mr. Turney, I pointed out that some of the attitudes of the public toward the handicapped were indicated by a recent poll. It showed that 50 percent believe that the only way to take care of blind people is in an institution; only 45 percent approved of sheltered workshops; 44 percent think blind people cannot hold regular employment; and 50 percent believe industry should not give regular jobs to the blind.

Handicapped people not only possess the proper attitude toward employment, but they also have the aptitudes necessary for work. They have been shown to be superior employees in many instances. They are regular in their habits, work safely, are punctual, change jobs infrequently, and give an employer a full hour of work for every hour of pay.

I commend Turney and other employers like him for their hard-nosed good business sense in employing the handicapped without any feeling of paternalism.

YOUNG LIVES OUTWEIGH OLD MEN'S PRIDE

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. LEGGETT. Mr. Speaker, I stated last week during the national student moratorium that I did not support any spirited effort to stampede the President to a decision in Southeast Asia. However, I did think it appropriate to take an inventory of our position in relation to time, our economy, and the enemy order of battle.

I stated that the alternative to being pushed into the Tonkin Gulf in 1965 was not exclusively a $40 billion per year war in 1969 and through the 1970's. I noted Mel Laird's criticism of administration policy in 1966 as chairman of the Republican policy committee when he stated in "The War and Vietnam" publication that no SEATO treaty required our massive Vietnam involvement in men and dollar expenditure.

My colleague, the gentleman from California, John Tunney, gave a short inspirational address also on moratorium day at the Occidental College campus in California. He emphasized that old men's pride in the war should not be balanced with the lives of our young men. His statement follows:

Statement by Congressman John V. Tunney

I am deeply honored to participate in this peaceful assembly of free men. It is eloquent rebuttal to those who say that the outcry sweeping our land today is un-American.

This responsible, nonviolent exercise of our basic freedoms will go far in winning back friends around the world who have been repulsed by our persistent, blind arrogance.

But we must make clear that today's moratorium on the war is not—as some have suggested—an attempt to bring down a President, but rather an attempt to encourage the adoption of policies that will end a war.

President Nixon has written of his "six crises." And now, many Americans—including possibly Mr. Nixon himself—have come to think of the war which he inherited as his "seventh crisis."

But this is not his crisis—it is ours. It is shared by all of us who feel its adverse impact on our society, not just by young men being sent into South Vietnam or by the families of the men who have died there.

This crisis manifests itself in a deep division that threatens our national fiber. It has shaken our economic foundation and has prevented us from attending to serious social problems at home.

And it poses a significant crisis for our representative, congressional form of Government. Those who today support this expression of national discontent, must also recognize that the war is a symptom of a serious national illness which must be checked.

In this era of push-button undeclared warfare, our governing processes have lost contact with reality and with humanity.

To prevent other catastrophic mistakes—be they in Laos, Thailand, or in Latin America where we today are bankrolling military dictatorships which ignore the will of their people—we must reform our Government so that priorities for national commitments truly reflect the will of our people.

I recognize that because of the inherent split-second decisions necessary, the power to retaliate must rest in the hands of the President in the event of a nuclear attack on our country. But in the case of the movement of troops overseas in advisory or combat roles, Congress must have the power to approve or disapprove. There must be thoughtful debate and dialogue, not merely a rubber-stamped fiat accompli.

Congress must regain the constitutional power—and accompanying responsibility—which has slipped by default into the hands of the President. He has the power to listen to the Pentagon or to the people; he must listen to the people.

Americans, through their elected Representatives, should be able to tell the Pentagon that saving a corrupt foreign regime from its own people is not worth the investment of 39,000 American lives and $30 billion a year.

The tragedy of Mr. Nixon's apparent war policy is that the goal he seeks is unattainable.

In September, he said America's principal goal was to assure "the right of the people of South Vietnam to choose their own leaders without outside imposition—either by us or by anybody else."

However, the Thieu-Ky government wants to maintain its own power by means of a U.S. military victory. So long as we support their efforts with American lives and dollars, there is no incentive for them to make the accommodations necessary to achieve the goal set by the Nixon administration.

In short, the goals of the Saigon regime are inconsistent with the avowed policy of Mr. Nixon.

The time has come to call an end to this travesty. The Saigon regime must be convinced that we will no longer protect them from their people through our military and financial assistance.

For that reason, I propose that we withdraw all our military and civilian force on a systematic calendar basis over the next 18 months.

This is more than enough time for a willing regime to reach accommodations with all political and religious factions necessary to its survival.

A frightening aspect of the war is the disunity it has caused among the American people.

Mr. Nixon's administration, like that of his predecessor, has tried to make support of its war policy synonymous with patriotism. As a result, those who dissent are accused of giving aid to the enemy.

Americans thought they were expressing dissent one year ago at the ballot box when they voted for Mr. Nixon because he said he had a plan to end the war. But now, after being in office 10 months—during which time, 9,500 American men have been withdrawn from the war in coffins—Mr. Nixon should not be surprised by the public's desire to be heard once again, to ask where is the plan, to demand action—not rhetoric—to end the biggest mistake this country ever made.

In addition to the spectre of a congress unable—perhaps unwilling—to represent the will of the people, we have a president who says he will not listen to the people.

During his campaign, Mr. Nixon stated that the office of the President should be "a place of moral leadership." He also said, "a President cannot stand aside from crisis; he cannot ignore division; he cannot simply paper over disunity."

Yet, now that an issue has reached the point of obvious crisis—now that public disaffection with the endless war builds higher and higher—his reaction is to do just what he said a president should not do.

He has stood aside; he has ignored division; he has glossed over disunity. He has remained passive, plugged his ears and retreated into himself. He has shrugged off the burden of action. He has given the warning that he will under no circumstances be affected by today's outcry.

He has closed his mind to the rising concern of millions of Americans who want to speed the vietnamization of the war, and who want to stop the senseless slaughter of our young men.

Our soldiers fight today—not to gain a military victory—but only to underscore a point at the conference table, only to give bloody substance to the statement that we are tough, that we mean business.

The list of the dead and maimed grows longer as the President asks us to table the whole issue and to avoid public discussion for 60 days. Is this when the next White House meeting will take place, when the issue of Vietnam will again be taken up?

Unfortunately, the war now has become a case of old men's pride and young men's lives.

THE VISIT BY DR. FRANZ JOSEF STRAUSS TO SOUTH CAROLINA

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 21, 1969

Mr. THURMOND. Mr. President, last week Dr. Franz Josef Strauss, who was then Finance Minister of West Germany, appeared in the capital of my State of South Carolina and delivered an extremely interesting address concerning American-European partnership. The morning newspaper of Columbia, the State, took time to reflect upon the message that Dr. Strauss brought to South Carolina and to the United States. The State's opinion is particularly timely in light of yesterday's change in the West German Government in which Willy Brandt was elected as the new Chancellor. The State says "Americans should heed the Strauss evaluation."

Although the new Chancellor has indicated that he does not intend any drastic change in German foreign policy, it is well known that he is at odds with Dr. Strauss on many issues, including that of NATO defense. Brandt has long emphasized a policy of closer relations with the Soviet Union, characterized by a warm feeling of détente.

Dr. Strauss has also favored dealing with the Soviets, but on a realistic, eyes-open policy which would take note of the fact that the Soviets have not given up their desire to dominate the world.

In its editorial, the State says that Strauss reads the common interest of the United States and West Germany clearly.

> He sees the continued threat of Soviet aggression—by whatever means available—in Western Europe. He appreciates the necessity of maintaining NATO as a cohesive and powerful force-in-being to counter the Soviet threat. And he knows that a firm collective will must undergird that force if NATO is to be an effective and credible deterrent.

Americans must keep the Strauss evaluation in mind as they observe developments in Germany. The State has produced a very fine and thought-provoking editorial on this topic. I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From The State, Oct. 14, 1969]

Americans Should Heed the Strauss Evaluation

Eight years ago, as West Germany's defense minister under the late Konrad Adenauer, Franz Josef Strauss stood before a group of American newsmen visiting Bonn and warned that the long-range goal of Soviet Russia was to split the unity of Western Europe and thereby split West Europe away from the United States.

Sunday, speaking here in Columbia as the finance minister of Kurt Kiesinger's outgoing government, Strauss brought the same message in person to the people of America.

Now, as then, the burly head of the Christian Social Union sees the North Atlantic Treaty Organization as the prime and irreplaceable force to thwart the Soviet aim of dominating Europe. But today he feels that Western Europe should be playing a larger role within NATO—militarily, politically, and financially—than it has done in years.

It is understandable that an individual with strong feelings of German nationalism and Western European regionalism should advance that idea. But Strauss is prompt to spell out his conviction that United States participation must continue to be a major, if perhaps diminishing, ingredient in Western Europe's defense posture,

Strauss plainly recognizes, that the United States, as he puts it, is not now "inexhaustible paradise" capable of financing the security or the development of the rest of the Free World.

The United States, he says, can well ask why Europeans do not assume a greater share of the burden. He goes on to provide his own answer, attributing Europe's failure to its "anachronistic political organization." Not yet, or at least not here, is he specifying just what sort of a regional reorganization he has in mind, but he does give this much of an indication of his thinking:

"Europeans must cooperate more closely in the field of defense, and must step up their military effort, gradually integrating their armed forces. On this basis, a new shape of the Alliance will have to be worked out with the United States within the framework of NATO reform."

Such talk occasionally has brought charges of his being anti-American, charges which he labels, with characteristic bluntness, "stupid." From what we know of the man, we agree with his assessment. Franz Josef Strauss impresses us as being a friend of the United States, but not just for the sake of friendship.

"Friendship," he says, "is the superstructure on the infrastructure of common interests."

Strauss, we are persuaded, reads those common interests correctly. He sees the continued threat of Soviet aggression—by whatever means available—in Western Europe. He appreciates the necessity of maintaining NATO as a cohesive and powerful force-in-being to counter the Soviet threat. And he knows that a firm collective will must undergird that force if NATO is to be an effective and credible deterrent.

He is a man of strong will himself, this Franz Josef Strauss, and Americans can watch—indeed, they can hope—for his further involvement in the affairs of West German, Western Europe, and the North Atlantic Alliance.

RESULTS OF POLL CONDUCTED ON VIETNAM WAR POLICY BY CHICOPEE, MASS., HIGH SCHOOL

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. BOLAND. Mr. Speaker, Chicopee High School in Chicopee, Mass., a community within my congressional district, has conducted a poll among its students on this Nation's war policy in Vietnam. The poll—part of Chicopee High School's observance of moratorium day—showed most students oppose further military escalation in Vietnam and feel the administration should strive harder for a negotiated settlement to the war.

The results of the poll:

CHICOPEE HIGH SCHOOL VIETNAM POLL, OCTOBER 16, 1969

We ask you to complete the following poll as part of the schools Peace Day program. The results of the poll will be published in all area newspapers and will be entered in the United States Congressional Record.

[All answers in percent]

(1) Do you favor an immediate withdrawal of all U.S. troops in Vietnam?

Yes	50.5
No	43
No opinion	6.5

(2) Do you favor an escalation of our war effort in Vietnam?

Yes	25
No	54
No opinion	21

(3) Do you favor President Nixon's Vietnam policy?

Yes	23
No	55
No opinion	19

(4) Do you think President Nixon is pushing hard enough for peace in Vietnam?

Yes	22
No	70
No opinion	8

(5) Do you feel that matters of war and defense should be handled solely by the military chiefs?

Yes	28
No	58
No opinion	14

(6) Do you feel that the Paris peace talks will lead to a negotiated settlement of the Vietnam War?

Yes	15
No	71
No opinion	14

(7) Do you feel our government should concentrate on domestic rather than foreign problems?

Yes	68
No	15
No opinion	17

(8) Do you believe the presence of the U.S. in Vietnam is morally justifiable?

Yes	33
No	49
No opinion	18

(9) Do you think the national moratorium will: (a) bring about a quicker settlement to the war in Vietnam?

Yes	23
No	61
No opinion	16

(b) hinder our efforts for a settlement?

Yes	31
No	50
No opinion	19

(10) Are you as an individual *really* concerned with the problems facing the world today?

Yes	86
No	7
No opinion	8

PRESIDENT NIXON'S APPROACH TO EDUCATION

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 21, 1969

Mr. METCALF. Mr. President, not too long ago, Attorney General Mitchell, speaking on desegregation, said he wished we would pay less attention to what the administration says than to what it does. I believe that perhaps the Attorney General should not have confined his statement to one issue, for it aptly describes President Nixon's approach to education.

Recently brought to my attention was an October 1968 solicitation by the National Committee of Teachers for Nixon-Agnew, asking for help in the closing days of the presidential campaign. The main body of the solicitation consisted of a letter, over Mr. Nixon's signature, and addressed: "To My Fellow Americans." Of one of the goals to which he and Mr. AGNEW were dedicated, Mr. Nixon said:

> When we talk about cutting the expense of government—whether Federal, State, or local—the one area we can't short-change is education.

I have not forgotten that, as Vice President, Mr. Nixon voted on February 3, 1960, to break a tie in the Senate to block the reconsideration of a proposal to authorize increased aid for school construction and teachers' salaries. But I had hoped that since casting this vote against a major Federal education bill, Mr. Nixon would have learned a little. I am afraid my hope has been dashed.

In that October solicitation, Mr. Nixon said that we cannot talk about cutting the expense of government when it comes to education. Yet that is exactly what the Nixon administration proposes to do. In fiscal year 1969, the Office of Education received $3,669,358,967 in Federal funds. The Nixon budget for fiscal year 1970 proposed that the Office of Education receive $3,221,745,455 in Federal funds. This was a proposed reduction of $448,613,512.

Mr. President, if the area of education was not being shortchanged by the Nixon administration, I would like someone from the administration to explain how this is so. We can, of course, be sure that the administration will forbear to point with pride to the fact that House liberals, by restoring more than $1.2 billion for the Office of Education, have held Mr. Nixon to his campaign promise in spite of himself.

Interestingly enough, the headquarters for Teachers for Nixon-Agnew was located in the now defunct Willard Hotel. Mr. President, I am afraid the Willard is not the only thing that is now defunct.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

I ASK YOUR HELP

(By Richard M. Nixon)

WASHINGTON, D.C.,
October 1, 1968.

TO MY FELLOW AMERICANS: As we wind up the 1968 campaign, I ask your help in achieving the goals to which Governor Agnew and I are dedicated:

American opportunity begins in the classrooms of this nation for young and old alike;

When we talk about cutting the expense of government—either federal, state, or local—the one area we can't short-change is education;

Education is the area in which we must keep doing everything that is necessary to help achieve the American Dream;

We call upon every citizen to join with us in an Action Program for Education.

In the final weeks ahead, the campaign will be an exciting adventure. I ask you to participate in that adventure by volunteering to help me and Governor Agnew. People who are committed to our goals of a better America can reach out to their friends and neighbors and enlist them in our campaign.

Only through people-to-people contact can we hope to restore decency and stability to our national life and create a better society for all. Your influence in our behalf is our most powerful campaign tool.

Will you volunteer to help? Write me in Washington.

Sincerely yours,

RICHARD M. NIXON.

THE MEANING OF MORATORIUM DAY

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. KYROS. Mr. Speaker, as the events of October 15 pass into memory and perhaps into a page of our Nation's history, many differing opinions have been voiced as to the meaning and effect of these observances. I was particularly impressed by the views set forth in the October 19 Maine Sunday Telegram, the most widely read newspaper in my State. The editorials of this newspaper have achieved a reputation for integrity and independent thinking, as well as for their rich journalistic style. It was especially encouraging to read that the "message and meaning of moratorium day should not be negatively interpreted by President Nixon as hostile criticism to be ignored," for this is a view fully in accordance with my own objectives in joining several moratorium observances. This editorial stated further that moratorium day was "a finely motivated display, for the most part, to urge the President to show more convincingly the overriding priority he is giving to finding a peace." These opinions are also in full agreement with my own, as I stated recently in my own position paper on Vietnam, in which I pointed out that the President has inherited a war not of his own making, but that he still has the opportunity to avoid the divisiveness which has surrounded our Vietnam involvement in recent years.

There are of course many other interpretations as to the meaning of this day, but I am very proud to bring this example of Maine thinking and writing to the attention of my colleagues, as follows:

MEANING OF MORATORIUM DAY

Four days after the rallies and the marchers have dispersed, after the tolling of church bells and the reading of lists of war dead have ended—what, is the lasting meaning, if any, of Moratorium Day?

We think these points have lasting meaning.

1. Protest about Vietnam is not, as Agnew and Reagan, for example, stupidly and scroffulously imply, the work of disloyal, maladjusted, young malcontents. The demand for swifter political and military action to get America out of the war is coming from all elements of the nation. The Administration, elected to achieve peace, should welcome, rather than rebuff, this.

This fact was clearly, and bitterly, seen by President Johnson. Because he realized the feeling was strong enough to swamp him at the polls, Lyndon Johnson was smart enough not to run against it. This lesson should be pasted on every White House wall.

The victory of Richard Nixon last November, by a nose, was less his personal triumph, but the defeat rather of Johnson's Vietnam policy.

2. The phenomenal number and diversity of the participants in last Wednesday's protests signaled that the policies of Nixon, as seen by the public, do not yet add up to the degree of change they wanted when they changed Presidents. We doubt that Nixon will indeed turn a deaf ear to the Moratorium, as it was executed, though he implied such a course at his news conference before the event.

Our view is that Nixon, rightly, will not be stampeded to risky action merely by the size or fervor of the Moratorium Day demonstrations. However we think, having witnessed the unparalleled number and diversity of its participants, Nixon is likely to hurry faster along the course he has already set to end the war.

Politically, this would be wise. For ending the war, at best, will be a perilous and humiliating business for the President of the United States. Any President doing it, especially one elected in a hair-breadth victory, will surely need the full support and confidence of the nation behind him. Nixon can now gain this support by hurrying his pace toward the goal of peace, for which he was elected.

3. It is bad enough that the North Vietnamese so grossly misunderstand the meaning of Moratorium Day, as being support for their side, as claimed in their gross letter to the American public last Tuesday.

But it is infinitely worse that our own Vice President Agnew should commit the same error as the leaders of North Vietnam.

Agnew unjustly and harshly implied that those supporting the Moratorium would be aiding the enemy and prolonging the war. This mistake in his reading of the motives of millions of Americans harmed the Administration, by further alienating much of the nation which he should be seeking to unite.

4. Finally we ask—why the Moratorium, why the dissent?

One part of the answer is that no Administration yet has been able to justify the size of U.S. participation in this war as a necessity to U.S. security.

This war has never been accepted as an "American" war by the American people, though it is labeled as such by friend and foes alike overseas.

Second part of the answer is that this war has lasted far too long, without achieving any worthwhile goal. Whatever the rights and wrongs of the American part in the conflict, the root of widespread opposition to the war today is less a moral one than a pragmatic one.

The war has cost too much in lives, in money, in lost opportunities to better America at home; and, despite all this, America has not come close to winning. The thousand billion dollars spent on the military establishment since World War II has not given us a military machine able to extinguish this kind of guerrilla conflict. The American people are growingly opposed to more lives, more money, being spent in a war which the President himself has said we can never win. There is no moral fervor in support of this war among the American people. Indeed, there is mounting doubt in America whether American lives and money are being spent to support a South Vietnamese government which merits neither.

The people who protested on Moratorium Day are criticized because they do not have a practical new plan for ending the war. It is not fair to demand that the man in the street should develop such a plan. This is the job which he pays the President, and the millions of workers under his jurisdiction, to perform.

On the other hand, it is not fair for protesters to ask the President to show his negotiating cards out for all to see.

Moratorium Day did not demand any "bug-out", as some say, It was, we think, a finely motivated display, for the most part, to urge the President to show more convincingly the overriding priority he is giving to finding a peace; to encourage him to demand more effort toward peace by the leaders in South Vietnam.

Obstacle toward peace may line in some areas around the White House and in the Pentagon. But a bigger obstacle lies in Saigon. Probably the biggest lies in Hanoi.

Over this last obstacle, we have no direct influence. But over the first obstacles, in Washington and Saigon, American opinion most certainly does have influence.

The message and meaning of Moratorium Day should not be negatively interpreted by President Nixon as hostile criticism to be ignored. Rather, he might better harness this display as support for him to move more swiftly than he has hitherto moved, toward achieving the goal of peace for which he was elected.

Here is a tool for him to prod himself, prod his advisors, and above all prod South Vietnam to end the fighting and arrive at the best settlement feasible. We doubt that a settlement everlastingly postponed while fighting goes on, will be as good as one that might be negotiated before next November rolls around.

TOOTHLESS TIGER OR DEFENDER OF THE WEAK?

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. WYATT. Mr. Speaker, the Capital Journal of Salem, Oreg., one of our leading Oregon newspapers published an editorial concerning Vietnam and moratorium day which I commend to my colleagues:

TOOTHLESS TIGER OR DEFENDER OF THE WEAK?

It's mighty difficult for a democratic government to wage any but a self-defense sort of war, as Vietnam Moratorium Day illustrates.

The right, even the duty, to debate public issues is at the heart of democratic government.

Yet the sort of debate that has raged over Vietnam almost assures the failure of our government's objectives there. For, given continuing dissent in this country, the Communists know the Americans won't have the political strength to stick it out. So why should they negotiate seriously, much less concede South Vietnam the right to determine its fate by free election?

We don't suggest our democracy wouldn't prove cohesive if the United States itself were under attack. When the Japanese attacked Pearl Harbor, for example, few disagreed with our declaration of war. (Would the same have been true if the only aggression involved Hitler's Nazis in Europe? Would it be true today if the Soviet Union moved against West Germany?) But given significant internal dissent—which seems almost inevitable in a long and costly struggle to defend anyone but ourselves—our government can hardly fight effectively.

Many Americans will say that's a good thing, that the U.S. has no business fightin other than self-defense wars. And we would agree, if there were somebody else to protect weak nations from aggressors.

But there isn't.

If U.S. will to defend South Vietnam continues to wither, American defense commitments to dozens of foreign nations won't have much value. The leaders of these countries will quit counting upon significant U.S. help. More importantly, potential aggressors will recognize they have a hunting license to prey upon weakly defended peoples and territories. They won't continue to be held in check by fear of or respect for American might. They will recognize the world as a jungle and the U.S. as a toothless tiger.

The critics will continue to argue that South Vietnam isn't worth all the lives and dollars we have invested there. Viewed by itself, few would argue the point. But if

South Vietnam isn't, then what foreign land is? India? Israel? West Germany?

The United States has been a powerful force for stability and order for more than two decades. Those who cry today for a rapid and irresponsible withdrawal from South Vietnam are threatening far more than a few million South Vietnamese.

FIFTY YEARS OF PROGRESS FOR THE AMERICAN WORKING WOMAN

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. WYDLER. Mr. Speaker, National Business Women's Week is being observed this year from October 19 to 25 and, as this is the 50th anniversary year of the founding of the National Federation of Business and Professional Women's Clubs, it is fitting that we should mark the progress of America's working women in the past half-century.

In 1919, there were about 8 million women workers over age 14, and women made up 20 percent of the American work force. Today, 37 percent of our workers are women age 16 and, as of 1967, there were 26.6 million female workers in America.

Women began to gain opportunities in the labor market during the First World War, when the Armed Forces claimed the service of many of our young men, and workers were needed to fill vacant jobs and to contribute to the war effort in munitions factories and related fields. By 1919, 50 years ago, women had proved that they were capable of filling many positions believed earlier to be solely within the male domain. Thus, in the 1920's, it was no longer shocking for young girls to finish high school and go to the city to become secretaries or file clerks, as well as staying home to become teachers, or work in the local factory, on the assembly line, or in dressmaking shops.

During the depression, jobs were unavailable to much of our population, but the first to be fired and last to be hired were women, along with other minorities. Upon America's entry into World War II, women were again called upon to fill the jobs vacated by our soldiers, and they were also allowed to fill places left in our colleges and universities. By the end of the Second World War, women had again broken into professions once barred to them, as well as gaining education that would ordinarily have been denied them. While many of our veterans returned to school to complete an interrupted education, their wives continued to work to support the family.

Thus, women gradually gained access to many fields of employment. However, the expanding participation of women in the labor force has not been accompanied by improved utilization of their abilities, as evidenced by women's disproportionate and increased concentration in the lesser skilled, less rewarding, and less rewarded occupations. In 1940, women held 45 percent of all professional and technical positions. In 1936, they held only 36 percent of such jobs. On the other hand, the proportion of women among all service workers has increased by 14 percent since 1940.

The problem is not a legal one. During this decade much progress has been made in implementing the needs of working women. Legislation to assure women equality of pay and nondiscrimination in employuent has been passed at the Federal and State levels. The Federal Equal Pay Act of 1963 assures women equal pay for equal work. Title VII of the Federal Civil Rights Act of 1964 prohibits discrimination in employment on the basis of sex.

Yet, all of us are aware that, in reality, women are not afforded the same occupational opportunities afforded men. The reasons for this cannot be changed by acts of Congress, for they consist of the traditions and folkways of our people. We are used to the idea that woman's place is in the home; that her role is that of homemaker and mother, and not career woman and breadwinner. But in these changing times, a combination of conditions, such as the move from rural to urban living for the average American, the growth of industry, improved working conditions and shorter working hours, labor-saving devices in the home, and the emphasis on education in our society, are all working to press our women toward the working world. They have gained, in the past 50 years, some opportunity, the desire to work, and legal equality with men. The obstacle that remains is one of attitude, and it is the most difficult to overcome.

I should like to take this opportunity to salute the working women of America and to wish them the best of success in the years to follow. We need the talent and dedication of all our citizens if we are to meet and overcome the grave challenges that face this Nation today.

FUEL SHORTAGE

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. CONTE. Mr. Speaker, those of us who have warned of a possible fuel shortage in New England this winter have received soothing words from the Department of the Interior and the oil industry denying there is any real danger. Unfortunately, these words and assurances are not supported by the most recent figures on distillate—heating oil—stocks. October 10, 1969, compared to October 11, 1968, according to American Petroleum Institute:

In districts I–IV, the area east of the Rockies, total distillate stocks are 14.1 million barrels, or 7.1 percent below last year.

Along the east coast, total distillate stocks are 10.3 million barrels, or 11.3 percent below last year.

On the gulf coast—Texas and Louisiana—the area from which New England is also supplied—total stocks are 8.3 million barrels, or 20.6 percent below last year.

RECENT MORATORIUM EDITORIAL COMMENTS

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. ROUDEBUSH. Mr. Speaker, the recent Vietnam moratorium activities resulted in some interesting editorial comment in Indiana.

The editorials should provide reassurance that mid-America has not lost its perspective of the principles that made the United States the hope of the free world.

Newspapers in Indiana called the Communist-inspired general strike for what it was, "a toy in the hands of unbelievably inept, the criminally treasonous, the incredibly naive."

I believe a careful reading of these editorials will provide an insight into what Americans really believe in this critical period of American history.

The editorials are from the Kokomo Tribune, Hartford City News-Times, the Lebanon Reporter, Marion Chronicle, and the Hammond Times as reprinted in the Logansport Pharos-Tribune. The editorials follow:

[From the Kokomo (Ind.) Tribune, Oct. 15, 1969]

BLAMING AMERICA

One of the national figures who spoke up in support of the Vietnam day of protest was W. Averill Harriman, former chief U.S. negotiator at the Paris peace talks. He endorsed Wednesday's anti-war demonstrations as a "move toward peace."

This presents an odd spectacle. The protests against the war were anti-Nixon expressions because they represented disagreement with the President's policy of trying to end the war. So, in effect, Harriman was joining in criticism of Nixon.

What made this such a strange spectacle was the fact that Harriman himself wasn't able to make any headway toward getting the war stopped when he was talking with the Communists at Paris. Here is a man who failed to achieve anything like a "move toward peace" now criticizing a President who has moved much farther in trying to end the war than Harriman did.

We suspect that Harriman, who has been in the national and international limelight so long, is loath to be out of it. We wouldn't want to say that he was not motivated by sincerity, but some national figures like to get on a bandwagon when they think they see one, and the peace drive could have looked like a bandwagon to Harriman.

It seems significant to us that the Wednesday protesters directed their reproaches to their own government and not to the real barrier to peace—Hanoi. Most Americans know that it takes two to make peace, and they know that up to now the North Vietnamese have shown no interest in it.

The tendency to blame the United States for failure to end the war follows the odd posture of those critics who have always set up a clamor over U.S. bombings and U.S. "war brutality," but remained silent whenever a shocking Communist atrocity like the mass murders of civilians at Hue came to light. Maybe there's some sort of rationale to this strange attitude, but if so a lot of Americans can't perceive what it is.

There never was a time in American history when so much fault was found with the United States and so little with the enemies of the United States. Is the U.S. the giant villain so many liberals are painting it? We can't believe a majority of the American people think so.

Usefully, Columnist David Lawrence brings up a point worth considering at this juncture in history. It is that the American people as a whole have not been given an opportunity to say whether they want peace at any price. No public opinion poll has directly asked the question whether the people favor surrender.

The customary queries have been whether the war is being handled properly or if it should be brought to an end, without reference to how this could be achieved. The issue has not been clearly put to the people. If it were, in Lawrence's view, Americans would reject any humiliating policy amounting to "peace at any price."

None of the resolutions offered in Congress or proposed by various organizations which planned demonstrations Wednesday, insisting that the U.S. make peace at once, required as a condition any reciprocal action to be taken by North Vietnam. Yet 17 senators and 47 House members supported the demonstrations.

Little wonder that Hanoi rejoiced over Wednesday, Oct. 15, which marked a show of disunity in America.

[From the Hartford City News-Times, Oct. 15, 1969]

MORATORIUM'S FOLLY

It is with great sorrow that we see so many Americans turning their backs on our great country. Many are sincere in their belief that withdrawal of United States troops from Vietnam would solve our problems. Many others know this is not true, but because of political expediency or outright communistic leanings support the idea.

We feel that politicians, who should know better, yet still try to further their own political ambitions by advocating immediate withdrawal are coming perilously close to treason.

All of us would like to see an end to all wars. We would like to see a world where all men could live in peace with their neighbors. A world free of hunger, disease, discrimination and crime. The United States can lead the way to such a world, but we cannot be a leader if we are weak and divided in our aims. We must be strong. We must be able to say to all nations, "America stands for freedom and justice for all men," and we must be able to prove it.

To those who would have us retreat each time there is a confrontation with communism we can only say, "God help you," for you are aiding and abetting the greatest enemy to freedom the world has ever known.

The danger of communistic aggression should be plain to every citizen. They have shown in their treatment of Czechoslovakia, Hungary, Poland, East Germany, Cuba and many other countries that when communism wins all freedom is lost.

Communism knows but one creed, force, and we must be strong enough to say, "you will go this far and no farther," and be able to make it stick.

The very fact that the communistic leader of North Vietnam would send an open letter to those Americans who are pressing for immediate withdrawal of our troops, encouraging them in their efforts, should make all of us realize the folly of such a decision.

America, to survive, must be strong and must be united in her aim of Freedom for All Men.

[From the Lebanon (Ind.) Reporter, Oct. 15, 1969]

FLYING FLAGS PLENTIFUL IN LEBANON MORATORIUM—BOONETTES SHOW SUPPORT FOR UNITED STATES

Boone County flags flew in place of moratorium marches and defense of the president superseded any pray-ins or protests.

No demonstrations marred the cool, autumn day in Lebanon in connection with the nation-wide planned marches, seminars and demonstrations against the Vietnam war. Business went on as usual. Few people showed concern with what had been hoped to be a nation-wide move.

In on-the-street-interviews various Lebanonites expressed views opposing the demonstrations. Said Mrs. Tom West, housewife, "I think the president should run the country. I'm not in favor of the war but he knows more about it than I do."

A retiree, who said he had several grandchildren in the war also commented, "It's nutty! I don't believe in walking out with a job only half done. This is just helping the enemy."

Mrs. Donald Sloan, housewife and mother, said, "I agree with the demonstrators in principle, but not in their actions. Certainly I'm against the war but these people are jumping to the wrong conclusions."

Schools throughout the county conducted a normal class day.

Lebanon American Legion commander, Bob Laflin commented, "I don't agree with a lot of people today. I am in favor of peace, but not this way. It plays right into the North Vietnam's hands. I definitely am opposed to the demonstrations."

Adjutant of Disabled American Veterans, Ernie Cross said, "This is a great defeat for the sacrifices made by our men in Vietnam. It can only help Hanoi. We're all opposed to war but sometimes it is necessary to maintain freedom. President Nixon is moving in the right direction and will get it settled if we give him enough time."

Many said that they made a special point to fly the flag today.

It was also noted that those interviewed under the age of 30 preferred not to be quoted or expressed "no comment" or "no opinion." Several, who expressed opinions against the demonstrations, said they preferred not to become involved because of possible reprisals.

Indiana colleges and universities peacefully observed the nationwide Vietnam war moratorium today, highlighted by a candlelight march on the Indiana University campus at Bloomington with 3,000 participating shortly after midnight.

But despite the quiet tenor of the observances, State Police Supt. Robert K. Konkle had his trooper forces on the alert for possible disturbances, saying "this sort of thing is totally unpredictable—you never know when someone not directly associated with the observances could inject trouble."

Konkle said he had observers on duty "in college towns and the major metropolitan centers which is where the greatest activity is."

Indiana's candlelight march preceded a "peace fair" on Dunn Meadow, featuring talks, entertainment and distribution of literature. Most of the activities were scheduled for later in the day, including an address by Bishop James Armstrong of the North and South Dakota United Methodist Church.

[From the Marion (Ind.) Chronicle Tribune, Oct. 17, 1969]

HELP FOR HANOI

Now that the Hanoi sympathizers, left-wing liberals and political opportunists have had their Vietnam War moratorium and while the promoters of surrender are crowing about the "success" of demonstration, two points are quite clear: The national government does not intend to allow the protesters to force it to accept less than an honorable peace in Vietnam and the vast majority of America's citizens did not support the demonstrators.

The total turnout for the protest movement over the country can be numbered in the thousands. The population of the United States, is over 200 million.

While many of those involved in the demonstrations no doubt are sincere in their beliefs and their efforts to end the war, the fact remains that they have been duped. The leaders of the moratorium claim they are peacefully dissenting, but they did not reject—did, in fact, welcome—the support of North Vietnam, domestic Communists and the infamous Chicago Eight, now on trial for conspiracy in the Chicago riots last summer.

Some of the events were disturbing, such as former Supreme Court Justice Arthur Goldberg, addressing a crowd of moratorium demonstrators and refusing to renounce the support of Hanoi.

Some were ludicrous—Sen. Ted Kennedy, whose brother started the Vietnam escalation, demanding that President Nixon bring home the troops within a year.

Some of it was insulting—Radical David Dellinger reading the names of honorable men killed in the service of their country.

Around the country, others read the names of the 40,000 Americans killed fighting for freedom to advance their own ends, a shameful maneuver. The father of a serviceman killed tried to get a court order to prevent the protesters from reading his son's name.

Here in Indiana, the Viet Cong flag was run up a flag pole at Indiana University after the American flag had been removed. How's that for "loyal citizens honorably dissenting"?

And the whole thing played into the hands of the Communists, just as President Nixon said it would. Within hours, Hanoi was demanding that President Nixon give the Reds a timetable for withdrawal of all American troops.

A great many of those involved were lending support simply to try to gain political gains and discredit the President if possible, including Indiana's two senators.

The fact is that President Nixon is moving to get the Americans out of Vietnam as rapidly as possible without leaving the South Vietnamese at the mercy of the murdering Communists. On the day of the moratorium, hundreds of more bodies of murdered Hue residents were uncovered. They were executed when the Reds briefly held the city last spring.

If all U.S. troops pull out immediately, this is what will happen to thousands of Vietnamese who have fought to remain free. Is this what the "humanitarians" taking part in the moratorium seek?

President Nixon appears to be doing more to get American combat forces out of the war than his two immediate predecessors, which makes the true motive of the moratorium sponsors all the more suspect.

The Nixon Administration should continue on its course to bring home American troops, but at the same time training and equipping the South Vietnamese to bear the burden of the war. This program meets with the approval of the vast majority of Americans, but those who support a constructive proposal are not so outspoken or demonstrative as those bent on destruction.

[From the Logansport (Ind.) Pharos-Tribune Press, Oct. 17, 1969]

THERE'S A PRICE WE PAY FOR LIVING

For each of us, there is a price for living. Getting up at crack at dawn . . .

Smiling through the boredom of 40 years at one job . . .

Growing old . . .

Suffering sickness, pain and death . . .

For all of us, in the community we call a nation, there is a price for living.

Selflessness, sometimes at great personal cost, for the common good. . .

Postponement of dreams . . .

Smiling through the frustrations of collective bargaining and group decision-making . . .

Abridgment of individual rights . . .

That's part of the cost of living together. It's called "responsibility."

We do not escape, no matter our twisting, our wailing, our Niagaras of tears. The toll is as old as the planet, on the one hand; as old as civilization, on the other.

Because we are "aware" and able, we try to escape.

We "improve" our environment; pollute the air and the waters, eviscerate the watersheds.

We introduce the rabbit to Australia, LSD to the dormitory, the SDS to Chicago.

We replace the horse and lose our horsesense; our vaunted "awareness."

Now we would fight a war from the streets; let poets map strategy; coeds protect our flank; pivot the fate of the nation on the temper of the mob.

Wednesday's so-called "Moratorium Against the War" is a fancy name for a general strike. Indeed, it was originally conceived as a general strike; an arbitrary paralyzing of America. It evolved by scheme to the less incendiary term because "Moratorium" is more palatable to Americans who have not yet forgotten who or what or why they are.

This "Moratorium," no matter its fancy decor, aids and abets an enemy.

In high glee the Viet Cong and the North Vietnamese in Paris have ignored our negotiators and appealed directly to the American people for further discord.

The very hope of Paris has died in the heat of Hanoi's belief that the anti-war mob here will win the war for the Communists.

American democracy has—and has had for almost 200 years—effective machinery for dissent. It is the world's most responsive government to the opinion of its electorate. The machinery has maintained itself admirably; still responds with alacrity when there is bona fide stimuli.

This "Moratorium" is not part of that machinery. This "Moratorium" is a toy in the hands of the unbelievably inept, the criminally treasonous, the incredibly naive.

This "Moratorium" is part of the machinery of delay.

The delay spills American blood; spells more war.

We are tired of war, as all the American people and most people in the world are tired of war. But war will not go away just by virtue of our sticking our heads in the sand. A murderer will not desist just because we say "please," because we throw our guns away and say "we're not playing any more."

Please God someday we or our children can live in a world without war.

But today is not that some day.

Today we have to face the reality of a treacherous and desperate foe whose philosophies and mores and motives are totally alien to our historical experience.

He does not subscribe to the Sermon on the Mount.

And he views Wednesday's so-called "Moratorium" as a sign of ultimate weakness; the people partaking thereof as addle-pated idiots.

We're inclined to agree.

HAMMOND TIMES.

STUDENT FAST FOR FREEDOM

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. LANDGREBE. Mr. Speaker, on Friday, October 10, I had the privilege of speaking to a most extraordinary group of student peace demonstrators, known as the "Student Fast for Freedom." Unlike those who participated in the October 15 moratorium, these young men and women recognized that Hanoi, not Washington or Saigon, is the true villain in this tragic war we are fighting. Their call was for "Peace With Freedom" in Vietnam, realizing that the peace with slavery which would be imposed by an immediate American betrayal-by-surrender would be more frightful for the Vietnamese people than continuation of the war.

Their gathering on Friday night was small, but I daresay the first meeting of the SDS was at least as tiny. It grew from about 30 people on Friday to a more respectable 200 by Sunday night, so there is some hope that the so-called "silent majority" on our Nation's campuses has at last begun to break its silence.

At Friday's rally, the students distributed a handbill, which is perhaps the most lucid presentation of the anti-Communist position on Vietnam that I have ever seen. At this point, I am inserting the text of this handbill into the RECORD:

STUDENT FAST FOR FREEDOM

The participants in the Student Fast for Freedom include Democrats, Republicans, independents, conservatives, and liberals. Despite differences of viewpoints, we are bound together by a common belief in both the morality and the political wisdom of our commitment to the freedom of Southeast Asia.

Our commitment is morally right because there can be no morality without freedom, and because there has been no political system in history so mercilessly antithetical to freedom and human dignity as the communist systems.

Our commitment is politically right because the fate of freedom everywhere is bound up with the defense of freedom in Southeast Asia. Communist aggression must be halted in Southeast Asia in order to protect the security of the entire free world. It is as simple as this.

We do appeal to the American people at large on the basis of the values to which we know they adhere. And we also appeal to the many thousands of students who have joined the opposition to the war in Vietnam, not because they are nihilists but because they feel that the war is an affront to humanity and that it violates the values to which they are personally committed.

We share the belief of these students that human life and human dignity are sacred things, and that they are important factors—indeed, essential factors—in any equation of the Vietnam war.

Accepting this belief, we deplore the cost in human life and human suffering of the Vietnam war. But accepting this belief, we must also ask ourselves what the consequences of a Viet Cong victory would be.

If the expert estimates are true that communism in Russia has exacted a toll of 75 million human lives and that communism in Red China, during its much briefer career, has taken a toll of some 35 million lives; if it is true that tens of millions in both major communist countries have been executed or incarcerated without any cause—then those who posit their opposition to the Vietnam war on humanitarian grounds have the moral duty to explain to us, and to explain to themselves, why they believe that communism in South Vietnam will be less bloody and less destructive of human life than it has been in other countries that have passed under the yoke of communist totalitarianism.

And those who invoke the sacred name of freedom to justify their opposition to the Vietnam war have the further duty to explain to us how this justification can be reconciled with the total tyranny of the North Vietnamese regime.

We know that the South Vietnamese government is not a perfect democracy. But democracy is essentially a matter of degree. Our own country, for that matter, is not a perfect democracy, although we probably come almost as close to this goal as any other country in the world. By American standards Vietnamese democracy still leaves much to be desired. But in terms of the freedom it grants to its citizens, we would have to rank it substantially ahead of most of the member nations of the United Nations—and this achievement is all the more remarkable in an infant nation which has since its inception been fighting a bitter war against communist subversion.

But while there is an imperfect freedom in South Vietnam, in North Vietnam there is not a scintilla of freedom. There is no free press. There is no freedom of expression, even of the most limited kind. There is no right of dissent for students or any other sector of the population. There are no free political parties and no free elections.

And those students who, in their thoughtless opposition to the war, have sometimes chanted "Ho-Ho-Ho Chi Minh," have in effect been endorsing a political and intellectual tyranny as total and as merciless as the Nazi tyranny at its worst.

American and European students who oppose the Vietnam war from a distance would do well to ponder the fact that, virtually without exception, the governments that are geographically close to the conflict support our commitment to the freedom of Southeast Asia.

The opposition to the Vietnam war on the campuses has been exceedingly vocal and well financed. Because of this, it has been able to create the impression that it represents the great majority of the student body. We are convinced from many things that this is not so.

In the period before the Tet offensive, this was demonstrated in numerous polls on campuses across the nation—which, for one reason or another, received virtually no publicity.

In the period since Tet, there has unquestionably been a weakening of support for the war, but this loss of support has been based not on any increase of affection for Ho Chi Minh's communism, but on an understandable weariness with a long and costly war that has had a particularly disturbing effect on the lives of American students.

We take the stand that, in determining our attitude toward the Vietnam war, we must above all be guided by principle, by moral values, and by an enlightened concern for the security of free nations throughout the world. In particular we believe that the epithets and violence which have characterized the opposition to the war must give way to a reasoned dialogue on our campuses between those who oppose and those who support our commitment to the security of Southeast Asia.

All that is necessary for the forces of evil to triumph in the world, is for enough good men to do nothing.—Edmund Burke.

DRAFT BOARD LEGISLATION

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. NICHOLS. Mr. Speaker, later this week the House will be asked to consider the draft board legislation which was approved by our Armed Services Committee earlier this week. During hearings on this legislation, many individuals and organizations made their views on the draft known. One statement which I found to be particularly impressive was made by Mr. James R. Wilson, Jr., a representative of the American Legion. So that our colleagues who will be called upon to act on the draft reform legislation can have the advantage of the thinking of the American Legion on this subject, I include Mr. Wilson's statement in the RECORD at this point:

STATEMENT OF JAMES R. WILSON, JR., DIRECTOR, NATIONAL SECURITY DIVISION, THE AMERICAN LEGION, TO THE SUBCOMMITTEE ON THE DRAFT, HOUSE COMMITTEE ON ARMED SERVICES, OCTOBER 3, 1969

Mr. Chairman: The American Legion welcomes this opportunity to express its views on draft reform proposals.

Last March 15, our National Executive Committee created a Select Committee on Manpower to update its position on manpower and to prepare its views to present to the President's Commission on an All-Volunteer Armed Force, to the public at large and to the appropriate committees of Congress. The responsibilities of the select committee were:

(1) to investigate alleged inequities in the Selective Service System and to make recommendations for their correction:

(2) to study all proposals for an All-Volunteer Armed Force and make a report on the feasibility of instituting such plans for the defense of this Nation: and

(3) to study and make recommendations on all manpower needs of this Nation as they may relate to national security and defense.

Appended to this brief statement is the final report of the select committee which was submitted to our National Executive Committee at its meeting in Atlanta, Ga., August 24, 1969.

A brief summary of the select committee's recommendations, which also covered the six-points President Nixon requested Congress to approve, are:

I. ALLEGED INEQUITIES OF SELECTIVE SERVICE

Selective service throughout its history has proved to be an essential implement in the enforcement of the obligation of every male citizen of the United States to serve his country in its military forces whenever required by our national security. It is vital to the needs of the Nation that the selective service laws be continued in operation subject to minor variations by law or Executive order.

(a) Youngest first: The order of induction should be revised so that the youngest men, beginning at age 19, are taken first. Military service at this age causes less disruption in the life of the youth. From the military viewpoint, younger men are generally preferred for combat service.

(b) The lottery: The most extensive publicity of alleged inequities in the Selective Service System has been given to the uncertainties as to the time of induction. A lottery for class 1–A's (after deferments have been determined) should eliminate this uncertainty. Such a lottery is recommended. If it develops greater inequities in operation, it should be abandoned.

(c) Undergraduate deferments: Undergraduate deferments should continue as under the present act so long as the student is making normal progress toward a degree. The need of the military service for commissioned officers is largely met by college students obtained through ROTC and the officer training camps.

(d) Graduate deferments: Graduate deferments should be granted only in critical areas essential to national security as provided in the present act by standards adopted by the National Security Council.

(e) Occupational deferments: Occupational deferments should be continued in employment, apprenticeship, and training which are essential to national security, by standards adopted by the National Security Council.

(f) Conscientious objectors: The amendments to the 1967 Selective Service Act governing conscientious objectors have caused a multitude of controversies. Many of them could be eliminated by returning to the standards provided in section 5(g) of the 1940 act.

II. ALL-VOLUNTEER ARMED FORCES

(a) Feasibility: The history of this country from colonial days to the present date has shown that an all-volunteer Armed Force is not feasible. In no war has a volunteer army met the country's needs. Only two nations in the world do not have some form of conscription. Great Britain has failed to achieve the greatly lowered authorized strength of its military forces by volunteers and the army of Canada is too small relative to its population for comparative purposes. It is obvious that Canada relies upon the aid of the United States in time of international danger.

(b) Desirability: A volunteer Armed Force tends to become a mercenary one. If the rate of pay and other incentives are equal to that of private industry, then an enlistment becomes a job instead of performance of service to one's country. The quality of the personnel is lowered as demonstrated in the 1947–48 period when the Selective Service Act was permitted to expire. There was a distinct lowering in the average mental and educational level.

(c) Effect on Reserve components: The facts stated in this report are conclusive of the disastrous effect of the elimination of selective service upon the National Guard and Reserve forces. The external and internal security of the country would be imperiled by reducing them to skeleton forces which would inevitably result by the elimination of selective service and the establishment of an all-volunteer armed force.

(d) Economics: The cost of attaining and maintaining a volunteer armed force from 1½ to 2½ million men has been estimated by the Defense Department at from 4 to 17 billion dollars in additional annual expenditures. This would be a serious drain upon the economy of the country. Multiply these figures by 2, 3, or 4—the cost of an armed force which would be necessary in the event of conflict with a major power and the cost could be disastrous.

The committee concludes that an all-volunteer armed force is detrimental to the security of the United States and should not be established.

III. MANPOWER NEEDS OF COUNTRY

It is not wise to discard a system of military manpower that has served this country so well and had sufficient flexibility to enable the Armed Forces to expand and meet the emergencies of international warfare.

Since its infancy, this Nation has relied upon the "citizen soldier" to back-up a comparatively small Armed Force. This concept of reenforcement of combat troops has been accomplished by the National Guard and the Reserve forces. To continue this concept, the Reserve components must be manned with the aid of selective service and must be well trained and fully equipped.

ROTC must be continued in our universities and colleges to meet the demand for well-educated commissioned officers.

No one has the right to enjoy all of the freedoms and rights guaranteed to him by the Constitution of the United States unless he is willing to discharge his duties of citizenship. Paramount among these obligations of citizenship is to serve his country in time of war as well as in peace.

Because only a comparatively few are ever called upon to serve in the military forces, a host of others tend to forget and belittle their obligations.

A system of universal military training would make performance of military obligations uniform and all-inclusive. It is realized that universal military training cannot be established overnight. Recognition must be given to the demands now placed upon the manpower, equipment, and facilities required for our Armed Forces stationed in this country and throughout the world.

A different situation will confront us when peace is restored in Vietnam and hundreds of thousands of servicemen are returned to civilian life.

Requirements, standards, times, and duration of training under universal military service may well be drawn to meet the needs of the Nation.

Universal military training will inculcate into the individual a realization of his obligations to his country and will, it is believed, develop into a most equitable and desirable long-range military manpower program.

I respectfully request that the printed record of the hearings of this subcommittee carry the full text of the report of the American Legion's Select Committee on Manpower.

LIVESTOCK PROCESSING COST HIKES ADVERSELY AFFECT BOTH CONSUMERS AND FARMERS

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. ANDREWS of North Dakota. Mr. Speaker, as a farmer I have read with more than passing interest the testimony given last week before the Special Studies Subcommittee of the House Government Operations Committee on retail beef prices.

The testimony given before the subcommittee shows that there is real need for the livestock and meat industry to achieve better public understanding of the economics behind price changes and why they frequently appear to be too high to consumers. One area to which I would like to address my remarks, as a contribution to bringing about a better understanding, concerns the problems of the beef packing industry, particularly in the Upper Midwest, in maintaining a satisfactory level of earnings and how these problems may well cause higher prices to consumers or lower prices to farmers or both.

Since the end of World War II the beef packing industry has undergone major adjustments which have resulted in the demise of the traditional terminal-market operations in Chicago, and the beginning of a trend toward locating slaughtering plants in small towns and cities in what has come to be known as the "Beef Belt" of Mid-America.

Accompanying this trend has been the modernization of beef packing plants and the introduction of automated, assembly line techniques. One plant recently opened has the capacity to process 10,000 head of cattle per week. Although this has resulted in greater efficiency and reduced operating costs, profits in the beef packing industry have continued to dwindle despite rising beef prices. A major contributing factor, apart from rising labor costs, has been the substantial increase in slaughter capacity without a corresponding rise in the number of cattle available for slaughter.

In the five-State area of North and South Dakota, Nebraska, Iowa, and Minnesota, for example, slaughter capacity today exceeds available cattle supplies by over 2 million head. The effects of this excess capacity on the earnings of three major independent beef packers in the area is clearly demonstrated in the following table:

SLAUGHTER CAPACITY AND AVAILABILITY OF FED CATTLE IN IOWA, NEBRASKA, NORTH AND SOUTH DAKOTA, AND MINNESOTA VERSUS NET EARNINGS OF 3 BEEF PACKERS

Year	Slaughter capacity [1] [2]	Cattle availability [2] [3]	Capacity overage	Average earnings of the 3 largest regional packers in the upper Midwest, dollars per share [4]
1964	8.8	8.8		$2.10
1965	9.8	8.9	0.9	1.74
1966	10.3	9.8	.5	1.38
1969 [5]	12.7	10.5	2.2	.82

[1] Federally inspected plants on a 40-hour basis, varying dates, Apr. 1, 1964, Oct. 1, 1965, Nov. 1, 1966, Apr. 1, 1969. Based on Government reports.

[2] Source: U.S. Department of Agriculture.

[3] Cattle on feed Apr. 1 multiplied by 2.3 to equal availability of cattle on an annual rate basis.

[4] Based on published reports of 3 Midwest companies primarily engaged in beef slaughtering.

[5] Slaughter capacity figures not available for 1967 and 1968.

As the table indicates, the ability of the packer to turn a profit is contingent upon the ratio of slaughter capacity to available cattle supplies. In 1964, for example, when capacity and supply were about equalized, the average earnings of the three packers, as shown in the table, peaked to $2.10 per share. Since then, as the imbalance between capacity and supply has expanded, there has been a proportionate decrease in the earnings of these and other beef packers in the Upper Midwest.

This situation has created serious and far reaching economic problems for an industry which is vital to the prosperity of an important segment of the American economy. Instability in the industry has resulted in the closing of several major plants in the Upper Midwest region in the past 5 years. Recently a major packer canceled plans to complete the construction and opening of a new plant at Tama, Iowa. Consequently, the investment community has shown a lessening of confidence in the viability of the industry.

In addition, there have been at least two beef packing plant bankruptcies in the past 3 years. Since investors in these plants are characteristically residents of the community where the plant is located, failure can mean regional economic disaster. In one instance, total losses amounted to $1,800,000. Of this amount, some $650,000 was lost by stockholders, and, just as significantly, livestock producers who were creditors of the plant lost in excess of half a million dollars.

But despite the closing of plants and a continued, but moderate increase in the growth rate of beef cattle throughout the Upper Midwest, the problem of excess of slaughter capacity over supply still remains a critical one to the beef packers in the area.

This can be better understood by looking at the relatively simple economics of the beef packing business. The packer buys the steer, slaughters it and sells the carcass and offal. The difference between the price paid for the live animal and the price received for the end products is gross margin. Gross margin, however, is largely a market function not entirely controllable by management of any one company. In periods when cattle supplies are reduced, prices normally and naturally trend up. Added to this price hike on the farm is the fact that since the plants are slaughtering at less than optimum level, the fixed cost per head for plant facilities also rises creating a double impact that has to be taken out of the farmer or the consumer.

To determine the profit a company makes per head in its slaughter operation, killing costs—which include direct and indirect labor costs, overhead, and so forth—are deducted from the gross margin. If gross margin shrinks, the profit has a tendency to be reduced even more percentagewise, as killing costs generally rise in periods of reduced supply since overhead costs are being spread over fewer units.

Some progress has been made by the industry in coping with the problem of excess capacity. However, in construction of new plants the further expansion of slaughter capacity will only serve to further aggravate the situation. If other capacity results in a higher cost per animal slaughtered this higher cost can only be passed on to the housewives—already marching in revolt against increasing beef prices—or far more likely to the farmer who is the one individual who cannot set his own prices and has to take what the market will give him. No one, thereby, benefits from this overconstruction of new plants.

Part of the blame for the growth in slaughter capacity must be laid at the door of newly formed management groups. With the great success of a few publicly owned regional slaughterers being widely publicized they have found it relatively easy to convince the investing public and financial institutions of the ease of profitability by exploiting theories of ability of producing cheaper and more efficiently than existing facilities through construction of high-volume, highly automated slaughtering plants. The construction of these plants has led to some of the problems now faced by packers as well as unfortunate experiences for investors and communities which have aggressively competed for the construction of new plants within their areas.

The time has, therefore, come for both the industry and the investing community to more closely scrutinize their plans for increasing slaughter capacity beyond that which given areas can supply or are willing to supply in fed livestock, such as has happened in recent years in the upper Midwest.

IMPOSSIBLE DREAM

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. KUYKENDALL. Mr. Speaker, I would like to include an editorial in the RECORD telecast by one of the leading TV newscasters and editors in Memphis, Tenn., Mr. Norman Brewer, news editor of WMC–TV.

I am extremely proud of the efforts of the Memphis Police Department in working for the total elimination of all crime, and would like to share this idea for a maximum effort for a one crime-free day with the hope that it could grow into 365 crime-free days.

Mr. Brewer's comments follow:

> Each of us, I suppose, has his own "impossible dream." For me it's one round of golf under par. For Spook Murphy it's one season without fair-weather fans. And for Frank Holloman it's one day without crime.
>
> Mr. Holloman is about to test his particular dream but he will need a lot of help. Tomorrow, October 10th, is the day the Memphis Police Department has chosen to work for the total elimination of all crime. For a couple of weeks now, the citizens have been urged to "light, lock and look" tomorrow. That means, light the houses and businesses, lock all doors, and look for suspicious people and suspicious circumstances. The police will have every available man and machine on the streets. The message has been carried to the people of Memphis in the newspapers, and on the radio and television stations. In addition, volunteers from the Memphis Real Estate Board and from several of the charitable agencies have taken the word in door-to-door marches through the neighborhoods. In short, Memphis has been informed. We hope Memphis is ready.
>
> The idea for a maximum effort at one crime-free day is a good one. It is also unrealistic, but that does not mean that the police and the citizens of this city shouldn't try. There is no doubt that the level of crime can and will be sharply reduced. An alert city and an overwhelming force of police manpower can prove an effective, if not irresistible, combination. Together they can make a dramatic demonstration of how to fight crime, and not only for one day. The real hope and worth of this effort is that citizen alertness—lighted homes, locked doors, and watchful eyes—will continue after October 10th. If it does, Mr. Holloman will enjoy a measure of his impossible dream. For me, and probably for Spook, there's much less hope.

JUDGE JOHN L. NIBLACK, OF MARION COUNTY, IND., CIRCUIT COURT, WRITES ON VALUE OF NEIGHBORHOOD SCHOOLS

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. BRAY. Mr. Speaker, one of the major, burning questions in education today is, shall we retain the neighborhood school concept, or shall we bus schoolchildren all over.

Hon. John L. Niblack, judge of the Marion County, Ind., Circuit Court, wrote an eloquent defense of the neighborhood school in a letter to the editor of the Indianapolis News, on October 16, 1969. The letter follows:

NEIGHBORHOOD SCHOOLS

TO THE EDITOR OF THE NEWS: While the debate continues unabated as to the virtues of the neighborhood school as opposed to the virtues of busing children hither and yon, I would like to add one more note to the general discussion.

In the first place, it is apparent that most children and their parents are opposed to busing. People have pride in the neighborhood schools. It is convenient to attend and it is more convenient for the PTA Association, and to have the parents visit open house. Likewise, most people will object to the time consumed in having their children hauled from one end of the county to the other. Finally, there is the expense involved of buying buses and what not, when the schools do not have enough money to pay the teachers the salary they deserve.

In the second place, our reformers and liberal pundits who believe all ills of the nation can be cured by busing school children around blithely ignore the provisions of the 1964 Civil Rights Act, which reads as follows: "Desegregation shall not mean the assignment of the students to public schools in order to overcome racial imbalance." To start drawing the school district lines in the face of this congressional act will invite more litigation.

As to the logic of the situation, these Northern "liberals" who would bus children all over the county away from their neighborhood schools are rowing in the same boat with the Southern gentleman of the Democratic party, who, for a hundred years, insisted that children of one color must go to certain schools while children of other colors must go to another school. They say, in effect: "You shall be assigned to a special school because your color is green, or your color is yellow." They refuse to recognize that all children as well as all adults stand equal before the law and that no child should be discriminated against because of his color or race.

One of the intense advocates of busing children, a while back, expressed a view that the neighborhood school was a "sacred cow" in the eyes of people who do not believe in progress and that it was not such an American tradition at all. The neighborhood school has been an American tradition ever since the schools have been instituted. Everybody went to the nearest school and took intense pride in their own local school. There has been too much destruction of American tradition in destroying the home and the church, and now the folks want to scramble the school system so no child would have his loyalty to his own neighborhood school.

Under the United States law and under the law of common sense, the neighborhood school should be our ideal.

JOHN L. NIBLACK,
Judge, Marion County Circuit Court.
INDIANAPOLIS.

J. P. STEVENS & CO. AND JUDGE HAYNSWORTH

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. THOMPSON of New Jersey. Mr. Speaker, last year the Special Subcommittee on Labor of the Committee on Education and Labor conducted hearings and rendered a report on the sufficiency of existing remedies under the National Labor Relations Act. The subcommittee concluded that these remedies are wholly inadequate to protect the rights the National Labor Relations Act purportedly confers upon workers to form unions and bargain collectively, if they so choose. Through wide areas of the country these supposed guarantees of the statute have become a mockery.

Some of the testimony before the subcommittee dealt with J. P. Stevens & Co. J. P. Stevens is the Nation's second largest textile manufacturer.

And it is the Nation's most flagrant and persistent violator of the National Labor Relations Act.

In 1963 Textile Workers Union of America, AFL–CIO, began a drive to organize Stevens' employees in over 20 of its North and South Carolina mills. Stevens responded with widespread violations of the National Labor Relations Act, including firing 71 workers for joining the union. (See J. P. Stevens & Co., 157 NLRB 869, enforced 380 F. 2d 292, cert. denied, 389 U.S. 292.)

While the legal proceedings stemming from Stevens' first wave of violations were underway, Stevens engaged in a new series of blatant violations, including discharging employees who had testified against it. (See J. P. Stevens & Co., 163 NLRB No. 24, enforced 388 F. 2d 896, cert. denied, 393 U.S. 836.) In this second proceeding the NLRB trial examiner stated:

> The record of the 1965 hearing reflects the continued, systematic determination of this employer as revealed by the record of the 1964 hearing, to destroy the union root and branch by discharging its most active members on any pretext which might come to hand, or could be intended, by threatening to discharge others unless they came to management and renounced the Union, and by provoking the resignation of still others from Respondent's employment. No other conclusion can be drawn than that Respondent has largely succeeded in its purpose.

While the second round of hearings was in progress Stevens engaged in yet further flagrant violations of law. In this third round of legal proceedings the trial examiner was Boyd Leedom, Chairman of the NLRB during President Eisenhower's administration and former judge of the South Dakota Supreme Court. Judge Leedom found that 13 more workers had been discharged either because of their union activity or because they had given testimony in the prior board proceeding, and he declared that company witnesses were almost uniformly untruthful on the witness stand. And he pinpointed the true nature of Stevens' plot to deny its workers the right to have a union:

> It is clear to me that substantially all the law violation of the Respondent, as I have found it to exist from the record of the evidence here and my best interpretation of it, must stem from the decision of one man or a very few men at the top would not only correct the offenses committed against the employees, but would relieve personnel in the lower levels of management of the obviously distasteful duty of participating in an active program of perversion of justice.

And so it has gone. Incredible as it may seem, the NLRB is now issuing a complaint on the ninth series of unfair labor practices committed by Stevens in this one organizing campaign. In addition contempt proceedings have been brought by the Board in Stevens I, and the court of appeals in New York has designated a special master to hear these proceedings.

In Stevens I the company has, under court order, paid out $654,673.56 in backpay, and has offered reinstatement to 70 illegally discharged employees. However, at last report only 16 of these workers were working in Stevens plants. Most had declined to come back. Thus Stevens has effectively destroyed the union cadre in the plants, and presumably it regards that as worth the cost.

A few days ago the Court of Appeals for the Fifth Circuit decided what is called Stevens V—it deals with the fifth successive round of unfair labor practices by that company. The court's decision substantiates everything that the special subcommittee found.

Here is what the court said:

> Brown, Chief Judge: Only three things distinguish this case from the run-of-the-mill §§ 8(a)(1), 8(a)(3) labor cases. The first is the tenacity with which the Employer persists in the exercise of deep seated anti-union convictions. The second is the succession of formal cases culminating in the present one bearing five service strips in which, except for minor variations, the Board's findings of spectacular Employer violations of §§ 8(a)(1), 8(a)(3) and 8(a)(5) of the Act have been upheld by three Courts of Appeals. The third is the Board's efforts to devise some character of remedy which has at least some prospects of keeping the recalcitrant Employer's intransigence within the bounds of vigorous but lawful opposition to Union attempts to organize units in a multistate industrial complex.
>
> As Stevens V, this case, joining the list of predecessors, has a like outcome. We enforce.
>
> Stevens has been engaged in a massive multistate campaign to prevent unionization of its Southern plants. This campaign has involved numerous flagrant unfair labor practices including coercive interrogation, surveillance, threat of plant closings, and economic reprisals for Union activity. Moreover, the threats have been made good by extensive discriminatory discharges.

I have asked permission that the entire

opinion be inserted in the Record at the conclusion of my remarks.

This latest revelation about the lawless, union-busting activities of J. P. Stevens is of particular interest in connection with the nomination of Judge Haynsworth to the Supreme Court.

For Judge Haynsworth has held stock, and a substantial block of it, in J. P. Stevens ever since he has been on the Federal bench. It was a principal client of his, and he continued to feel so close to it, even after he went on the bench, that he would not have sat on its cases, he said, even if he had not held stock.

Judge Haynsworth does not feel that degree of intimacy with any other company, for he has sat on lots of cases involving former clients and lots of cases where he held stock in one of the litigants.

I think it is nice that Judge Haynsworth does not seem to have sat on any cases involving Stevens itself, but he has sat on cases of vital importance to the whole textile industry, such as the famous Darlington case. And I find it disturbing that a Federal judge has chosen throughout his judicial career to hold stock in a company which habitually and flagrantly violates the National Labor Relations Act as a deliberate corporate policy.

That sort of association raises the gravest doubts in my mind whether Judge Haynsworth is capable of enforcing the Nation's labor relations laws fairly and impartially.

The opinion referred to follows:

[In the U.S. Court of Appeals for the Fifth Circuit]

J. P. Stevens & Co., Inc., Petitioner-Respondent, v. National Labor Relations Board, Respondent-Petitioner—No. 26246

(And reverse title)

(Petition for review and cross-application for enforcement of an order of the National Labor Relations Board (Georgia case) (October 3, 1969))

Before Brown, Chief Judge, Ainsworth, Circuit Judge and Comiskey, District Judge.

Brown, Chief Judge. Only three things distinguish this case from the run-of-the-mill §§ 8(a)(1), 8(a)(3) labor cases. The first is the tenacity with which the Employer persists in the exercise of deep seated antiunion convictions. The second is the succession of formal cases culminating in the present one bearing five service stripes in which, except for minor variations, the Board's findings of spectacular Employer violations of §§ 8(a)(1), 8(a)(3) and 8(a)(5) of the Act have been upheld by three Courts of Appeals. The third is the Board's efforts to devise some character of remedy which has at least some prospects of keeping the recalcitrant Employer's intransigence within the bounds of vigorous but lawful opposition to Union attempts to organize units in a multistate industrial complex.

As *Stevens V* this case, joining the list of predecessors,[1] has a like outcome. We enforce.

The Board concluded that Stevens had violated [2] §§ 8(a)(1) and (3) by discriminatorily discharging four employees, engaging in surveillance of Union activity, interrogating employees about Union activity, and making threats of discharging employees for Union activity and threats of closing plants if the Union [3] was recognized.

To the usual, traditional requirement of reinstatement and back pay for the § 8(a)(3) dischargees and cease and desist order of § 8(a)(1) violations with posting for a specified period, the Board's order additionally required that (1) the notice to employees be read to the assembled employees on shifttime, (2) it be mailed to the employees homes, (3) the Union, upon request, be given access for one year to the company bulletin boards and (4) the Union be furnished a list of the names and addresses of all Stevens employees working in the plants where the violations occurred.[4]

We focus on requirements of the order (d), (e), (f), and (g) since the §§ 8(a)(1) and (3) violations warrant no detailed treatment. In the first place, with no real concession at all, Stevens has apparently abandoned its attack on the record support for the findings of coercive surveillance of Union activity, interrogation and threats, which are classic, albeit crude, unlawful labor practices.[5]

Although Stevens does claim that there is not substantial evidence to support the finding that the four employees were discriminatorily discharged,[6] our examination of the record convinces us that in these run-of-the-mill incidents on which the Board, not the Court, has to pass upon the credibility of the witnesses, we cannot say the findings are unsupported by substantial evidence on the record as a whole. *Great Atlantic & Pacific Tea Co.* v. *NLRB*, 5 Cir., 1966, 354 F.2d 707, 709. Nor can we say the record reflects bias or unfairness on the Trial Examiner's part as Stevens seems to contend. See *NLRB* v. *Bush Hog, Inc.*, 5 Cir., 1968, 405 F.2d 755; *NLRB* v. *Dixie Gas Inc.*, 5 Cir., 1963, 323 F.2d 433, 437.

But to the special requirements of the Board's [7] order (see note 4 *supra*) it once again levels its full but unsuccessful broadside.

Stevens has been engaged in a massive multistate campaign to prevent unionization of its Southern plants. This campaign has involved numerous flagrant unfair labor practices including coercive interrogation, surveillance, threat of plant closings, and economic reprisals for Union activity. Moreover, the threats have been made good by extensive discriminatory discharges. As a result of these practices, several unfair charges have been brought before the Labor Board (see note 7 *supra*) and, except for slight variations, the orders of the Board have been enforced by two other Circuit Courts of Appeals in *Stevens I, II, and III and IV* (see note 1 *supra*). As the Fourth Circuit said in assessing the company's conduct in *Stevens III and IV*, "the Board properly took into consideration the unfair labor practices that *Stevens I* and *II* disclosed, and we, in turn, cannot ignore this evidence. Maphis Chapman Corp. v. NLRB, 386 F.2d 298, 303 (4th Cir. 1966)". *Stevens III and IV* at 1019. Nor can we, in our subsequent turn, ignore the unfair labor practices disclosed in *Stevens III and IV*. To these we add the incidents and violations found by the Board to have occurred in the Georgia plants. Thus we assay the order in this atmosphere of persistent, long continued, flagrant violations occurring after and in spite of repeated declarations of illegality by Board and reviewing Courts.

In determining whether a particular affirmative action ordered by the Board pursuant to its powers under § 10(c), 28 U.S.C.A. 160(c), is appropriate, the reviewing Court must pay an unusually high degree of respect to the Board's conclusion—these remedies are "peculiarly a matter of administrative competence." *Fibreboard Paper Products Corp. v. NLRB*, 1964, 379 U.S. 203, 216, 85 S.Ct. 378, 406, 13 L.Ed.2d 233, ———. In *Virginia Electric & Power Co. v. NLRB*, 1943, 319, U.S. 533, ——— S.Ct. ———, 87 L.Ed. 1568, the Supreme Court stated it in stringent terms: "[The order] should stand unless it can be shown that the order is a patent attempt to achieve ends other than those which can fairly be said to effectuate the policies of the Act." at 319 U.S. 540, ——— S.Ct. ———, 87 L.Ed. 1574. Fresh emphasis on the peculiar respect due Board determination of remedies has been given by the Supreme Court in *NLRB v. Gissel Packing Co., Inc.*, ——— U.S. ———, ——— S.Ct. ———, 23 L.Ed.2d 547:

> "It is for the Board and not the Courts * * * to make [the] determination [of remedies], based on its estimates as to the effects on the election process of unfair labor practices of varying intensity. In fashioning its remedies under the broad provisions of § 10(c) of the Act * * * the Board draws on a fund of knowledge and expertise all its own, and its choice of remedy must therefore be given *special* respect by reviewing Courts." at ——— U.S. ———, 89 S.Ct. ———, 23 L.Ed.2d 577, n.32 (emphasis added).

And, in upholding a Board's order compelling the payment of fringe benefits as a part of the remedy for a §8(a)(5), violation the Court said of § 10(c) this "Grant of remedial power is a broad one." *NLRB v. Strong*, 1969, ——— U.S. ———, 89 S.Ct. ———, 21 L.Ed. 546.

The policy behind *Virginia Electric, supra, Gissel Packing Co., Inc., supra*, and the many others, see, e.g., *Phelps Dodge Corp. v. NLRB*, 313 U.S. 177, 194, 61 S.Ct. 845, ———, 85 L.Ed. 1271, ———; *J. H. Rutter-Rex Mfg. Co. v. NLRB*, 5 Cir., 1968, 399 F.2d 356, as § 10(c) expresses, is to require the recalcitrant offender "to take such affirmative action * * * as will effectuate the policies of this [Act]." That sweeping permissive command brings into play the equally broad declarations of the basic rights of employees under § 7, 29 U.S.C.A. § 157.[8] In order to enable employees to enjoy these rights, especially in lawful efforts to organize for collective representation, there are many instances in which the inescapably negative cease and desist order will not suffice. Nor is the reinstatement with backpay order universally and fully effective. In the first place, this merely assuages the direct economic injury suffered by the victims of unlawful discrimination, except to hold out some hope that the incidents will not recur because each will be met by this mild sanction, the backpay order's impact on the efforts of the remaining employees to organize is at best uncertain.[9]

In many instances the combination of a cease and desist order with reinstatement and backpay and a traditional posting of the notice will be adequate. But where the employer demonstrates not once or twice, or three or four times, but five times that it will not abide by the demands of the law, to limit the Board to these remedies would leave both the Board and the Court of Appeals in frustrating helplessness. This would be to deny the obvious Congressional purpose behind § 10(c)—to have available remedies necessary "as will effectuate" the Act.

The Courts not only may, they must, permit a good deal of flexibility and adaptation in the remedies prescribed. The obligation to respond to contemporary demands for resourceful and imaginative judicial ingenuity, *Bros. Inc. v. W. E. Grace Mfg. Co.*, 5 Cir., 1965, 351 F.2d 208, 209, n.1, *cert. denied*, 1966, 383 U.S. 936, 86 S.Ct. 1065, 15 L.Ed.2d 852, ought not to be left to Judges alone. The responsibility must rest on all adjudicators.[10] Certainly, as this Court recognizes, meeting this obligation involves being hospitable to the distinctions born of differences.[11]

In light of these general principles, how fares the objections urged by a four time loser to the specific elements of the order? First, and easily dealt with, is the requirement that a notice of the Board's order (see subparagraph (d) and "Notice to employees" note 4 *supra*) be sent to each employee's home.[12] This requirement does not place any real financial strain on Stevens and imposes no serious technical problems. Moreover, it surely aids in dispelling the chilling effect of

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Footnotes at end of article.

Stevens' practices by giving the employee an opportunity in the privacy of his home to see that someone stronger than J. P. Stevens & Co. has a voice in protecting those who wish to support the Union. *Stevens I* at 305, *Stevens II* at 906, and *Stevens III and IV* at 1022; *Standard Oil Co. v. NLRB*, 9 Cir., 1968, 399 F.2d 639; *NLRB v. H. W. Elson Bottling Co.*, 6 Cir., 1967, 379 F.2d 223.

The second element of the order requiring the Company to read the notice to the employees (see subparagraph (g) note 4 *supra*) would perhaps present a more difficult question if, as Stevens urges, we have to read *NLRB v. Laney & Duke Storage Warehouse Co., Inc.*, 5 Cir., 1966, 369 F.2d 859 as the law of the Medes and Persians which altered not. But we think Judge Feinberg in *Stevens I*, at 304–5 characterized our action correctly as "albeit without much discussion * * * [and] although it had enforced such a provision in the past. *Jackson Tile Mfg. Co. v. NLRB*, 272 F.2d 181 (5th Cir., 1959)." While on that record, for the needs of that case, we declined to enforce a Board order requiring the employer to read a notice "to each employee, singly or collectively", because it was unnecessarily embarrassing and humiliating to management, *NLRB v. Laney & Duke Storage Co., Inc., supra* at 869, embarrassment takes on a minor value when outweighed by the necessity of effectuating the policies of the National Labor Relations Act. The necessities which become exigencies are as variable as industrial life itself. Thus, in *NLRB v. Texas Electric Cooperative, Inc.*, 5 Cir., 1968, 398 F.2d 722, we enforced a Board order requiring the employer to read the notice because it was shown that a large number of the employees were illiterate. Moreover, in *NLRB v. Bush Hog, Inc.*, 5 Cir., 1968, 405 F.2d 755, against a similar *Laney & Duke* assault, this Court also enforced a Board order requiring the employer to read the notice. There we said:

> "Where . . . the Board has found numerous infringements of protected rights and a low literacy level among the company employees, we cannot hold that the Board abused its discretion in the notice reading requirement of the present order."

405 F.2d at 759.

But it misreads the categorical imperative of § 10(c) and the elasticity woven into it by *Gissel*, and others, to think that illiteracy or low intelligence levels are the only justifications for this remedy. After all, the traditional posting of the notice has a therapy beyond mere communication. In a world of widespread publicty, aided by vigilant or militant organizers, it is unlikely that a Board order or the Court enforcement of it would be unknown to the affected workers. A part of the medicine is the traditional acknowledgement that the employer has, but will not again, deny employees' rights. For repeated violations persisted in despite intervening declarations of illegality, the Board is warranted in impliedly concluding that such conduct has created a chill atmosphere of fear and, further, in recognizing that the reading requirement is an effective but moderate way to let in a warming wind of information and, more important, reassurance.[13] Certainly it is not "a patent attempt to achieve ends other than those which can fairly be said to effectuate the policies of the Act." *Virginia Electric & Power Co. v. NLRB*, 1943, 319 U.S. 533, 540,——— S.Ct. ———, ———, 87 L.Ed. 1568, 1574.

We likewise enforce that part of the Board's order requiring the company to give the Union reasonable[14] access for a year to the company bulletin boards (see subparagraph (e) note 4 *supra*). We do this even though there was no specific showing that the Union was unable to disseminate its lawful propaganda.[15]

Here the employees who were active in the Union effort and who distributed Union literature were discriminatorily discharged. More than that, the Employer's opposition leading to illegal excesses was not localized to the Georgia plants. Employees, too, may get the word. And that word was the story revealed by *Stevens I, II, III and IV*. The warning was there for all to heed. And yet communication of a desire to try—if not to succeed—in organizing for collective action in dealing with this huge and powerful business, is one of the basic aims of the Act. But how to communicate when history proves that identifiable activity imperils the job of the actor? In light of the fear and reluctance on the part of the employees to engage in lawful solicitation that Stevens' conduct must have engendered—a likelihood which §§ 8(a) (1) and (3) show was within congressional contemplation—providing the Union with access to a bulletin board was clearly not a "patent attempt to achieve ends other than those which can be fairly said to effectuate the policies of the Act." *Virginia Electric, supra*. Surely, the Board could conclude that this rather impersonal outlet for Union views was necessary to eliminate the employees' apprehension of incurring the risk of discharge or other retaliation if they engaged in personal solicitation either in or out of the plant.[16] See *NLRB v. H. W. Elson Bottling Co.*, 6 Cir., 1967, 379 F.2d 273.

For like reasons we enforce the portion of the Board's order requiring Stevens to make available to the Union a list of the names and addresses of the plants' employees. (See subparagraph (f) note 4 *supra*.) Stevens argues that the Board's remedy is not appropriate because the "obvious and unabashed objective behind this 'remedy' is to aid the Union in organizing Stevens' employees * * *."

That it may be. But so is a publicized cease and desist order or wild-fire awareness of a reinstatement and backpay order for four employees. See *Stevens II* at 905–06. On the surface, this may appear to be making the lot of the Union easier. But, it is being made easier solely because the employer has made that lot *harder* than the law tolerates.

It bears emphasis that the protected collective activity—and conversely the object of formidable employer opposition—was attempting to organize. A remedy "to effectuate the policies of * * * this [Act]", § 10(c), must dispel, compensate for, or at least neutralize, the frustrating effects of persistent illegal activity. One way, of course, is to assure accurate, effective communication by methods or means which can be demonstrably free from employer retaliation.[17] A list of names and addresses affords two ready ways insulated from discriminatory reprisal—(1) personal visitation and (2) direct mail.

And, while invoked and enforced here to meet the exigencies of unregenerate employer illegality, this remedy gives a certain symmetry in the administration of the Act. Quite apart from, and even in the absence of, employer unfair labor practice opposition, the Board has the power to compel the employer to furnish the names and addresses of employees prior to, and as a part of, a board conducted election. The Board's *Excelsior* rule, earlier upheld by this and the Fourth Circuit[18] was expressly approved in *NLRB v. Wyman-Gordon Co.*, 1969, —— U.S. ——, 89 S.Ct. ——, 22 L. Ed. 2d 709.[19]

This nominally puts us in opposition to the Second Circuit's holding in *Stevens II*, at 905, in which that Court relied on *NLRB v. Babcock & Wilcox Co.*, 1956, 351 U.S. 105, 76 S.Ct. 679, 100 L. Ed. 975, which denied non-employees access to the company's property for distribution of Union literature. But not really, for that Court, virtually confessing its own mistake in, having denied a transfer of *Stevens I*, at 306 n. 16, from the Second to the Fourth Circuit where geographically "the action is", would undoubtedly now enforce this provision because, first, the Fourth Circuit has done so in *Stevens III and IV* at 1022–25, and second, *Stevens III, IV* and *V* prove that the remedy of *Stevens II* was not stringent enough.[20]

As the leitmotif in this opus in a major or minor key is the necessity that, within permissible limits, the remedy be tuned to the exigencies of the case, we would emphasize as do all the cases approving adaptaability that this opinion does not stand as a precedent for the use of any one or more or all of subparagraphs (d) (e) (f) (g) (see note 4 *supra*) in any particular case. It all depends.

We deny the petition for review and grant the crosspetition to enforce.

Order enforced.

FOOTNOTES

[1] For ease of reference we continue the numerical identification employed by the Fourth Circuit in Stevens *III and IV:*

Stevens I: J. P. Stevens & Co. v. NLRB, 2 Cir., 1967, 380 F.2d 292, *cert. denied*, 389 U.S. 1005, ——— S.Ct. ———, ——— L.Ed. (2d) ———.

Stevens II: Textile Workers Union of America v. NLRB, 2 Cir. 1967, 388 F.2d 896.

Stevens III and IV: J. P. Stevens & Co. v. NLRB, 4 Cir., 1968, 406 F.2d 1017.

The present case, which reviews the Board's June 12, 1968 order, will be referred to as *Stevens V*.

[2] The violations in this case ocurred in Stevens' Dublin, Georgia plants, which are two of approximately 70 plants operated by the company throughout North and South Carolina and Georgia, in which the company is engaged in the manufacture and sale of cloth goods and other products.

[3] The union involved in this case is the Textile Workers Union of America.

[4] The order provided:

"(d) Inform the employees of their rights under the Act and assure them that Respondent will not engage in the conduct from which it is ordered herein to cease and desist, and that Respondent will comply with the affirmative requirements of this order by mailing a copy of the attached notice marked "Appendix A" to each employee of its Dublin and Nathaniel plants, Dublin, Georgia, and posting copies thereof at the said plants for 60 consecutive days thereafter, in conspicuous places, including all places where notices to employees are customarily posted. Reasonable steps shall be taken by the Respondent to insure that said notices are not altered, defaced, or covered by any other material."

"(e) Upon request of the Union, immediately grant the Union and its representatives reasonable access at the Dublin and Nathaniel plants, for a 1-year period, to its bulletin boards and all places where notices to employees are customarily posted."

"(f) Upon request of the Union, made within 1 year of the issuance date of this Decision, immediately give to the Union a list of the names and addresses of all employees in its Dublin and Nathaniel plants."

"(g) Convene during working time, by departments and by shifts, all its employes in the said plants, and a responsible official of the Respondent, at department supervisor level or above, or a Board agent shall read to department employees the contents of the attached Appendix A."

"(h) Notify the Regional Director for Region 10, in writing, within 10 days from the date of the Order, what steps have been taken to comply herewith."

The notice to be read and mailed to employees reads:

"Notice to all employees pursuant to the recommended order of a trial examiner of the National Labor Relations Board and in order to effectuate the policies of the National Labor Relations Act we hereby notify our employees that:

We will not discharge any employee because of union activities or for antiunion reasons or for filing charges with the Labor Board.

We will not spy on union meetings or on employees attending them or on any union activities.

We will not threaten employees with loss of jobs or the closing or moving of the plant or with any kind of different treatment because they attended union meetings or engaged in union activities or chose a union to represent them.

We will give back to Robert Brown, Rollin Dewitt Loyd, Larry Kelley, and Larry Greenway their jobs and seniority, and we will make up the pay they lost and also pay them 6 percent interest.

The National Labor Relations Act gives all employees these rights:

To organize themselves.

To form, join, or help unions.

To bargain as a group through a representative they choose.

To act together for collective bargaining or other mutual aid or protection.

To refuse to do any or all of these things we will not interfere with any of these rights including your rights to join or assist Textile Workers Union of America, AFL–CIO, or any other union of your choice.—J. P. Stevens & Co., Inc. (Employer)".

[5] See [surveillance] NLRB v. Southland Paint Co., 5 Cir., 1968, 394 F.2d 717, 719–20; NLRB v. Bouden Co., 5 Cir., 1968 392 F.2d 412, 414, n.3; NLRB v. Citizens Hotel Co., 5 Cir., 1963, 313 F.2d 708; [interrogation] NLRB v. Camco Inc., 5 Cir., 1965 340 F.2d 803, 807 *cert.* denied, 382 U.S. 926, ——— S.Ct. ———, ——— L. Ed. 2d ———; NLRB v. Griggs Equipment Co., 5 Cir., 1962, 307 F.2d 275, 278; [threats] Textile Workers v. Darlington Mfg. Co., 1965, 380 U.S. 263, 274, n.20, ——— S.Ct. ——, ——, —— L.Ed.2d ——, ——; NLRB v. Neuhoff Bros. Packers, Inc., 5 Cir., 1967, 375 F.2d 372, 374.

[6] Stevens was charged with discriminatorily discharging six employees. The Trial Examiner found that two of the discharges were for cause. The Board approved this finding and it is not challenged here.

[7] The portions of the order to which the company vigorously objects were not part of the Trial Examiner's recommended order, but were added by the Board. The Board stated its reasons as follow:

"In its exceptions, the Charging Party requested the Board to grant an order similar to that granted in *J. P. Stevens & Co., Inc.*, 167 NLRB No. 38, with some extension of its scope. Upon review of all the relevant factors herein, including the Respondent's company-wide history of extensive unfair labor practices as reflected by our decisions in *J. P. Stevens & Co., Inc. (I)*, 157 NLRB 869, *J. P. Stevens & Co., Inc. (II)*, 163 NLRB No. 24; *J. P. Stevens & Co., Inc. (III)*, 167 NLRB No. 37, and *J. P. Stevens & Co., Inc. (IV)*, 167 NLRB No. 38, we are persuaded that 'the conventional remedies would not be adequate to disabuse the employees of the effects of the Respondent's flagrant conduct. . . .' Accordingly, we shall conform our order herein to that adopted by the Board in *J. P. Stevens (IV)*. We shall, however, modify the scope of the *J. P. Stevens (IV)* Order, by requiring Respondent herein to mail copies of the notice to employees of the Dublin and Nathaniel plants, to post copies at the Dublin and Nathaniel plants, and to furnish the Union a list of employees at these plants."

The Board, however, refused to accede to the Union's demand that Stevens also be ordered to give to the Union access to the company parking lots to distribute literature and give the Union an opportunity to reply to any anti-union speech made by company personnel.

[8] "Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in section 153(a)(3) of this title." 29 U.S.C.A. § 157.

[9] There is a substantial danger that the backpay award has degenerated into "a license fee for union busting." Staff of Subcommittee on NLRB, House Committee on Education and Labor, 87th Cong., 1st Sess., Administration of the Labor-Management Relations Act by the NLRB 2 (Comm. Print 1961). See also *Stevens I*, at 303–04.

[10] Resourceful and imaginative NLRB orders are essential. The labor-management relations of industry are varied and complex. Courts of Appeals cannot require the Board to use only round pegs when the holes may be square, triangular, rectangular, or even pentagonal. See Bok, The Regulation of Campaign Tactics, in Representation Elections under the National Labor Relations Act, 78 Harv. L. Rev. 38, 124–41 (1964); Note, The Need for Creative Orders under Section 10(c) of the National Labor Relations Act, 112 U. Pa. L. Rev. 69, 90–94 (1963); Note, A Survey of Labor Remedies, 54 Va. L. Rev. 38, 94–95 (1968).

[11] Thus, this Court has held that when an employer has shown a "proclivity" to violate the Act, the Board can frame its order to cease and desist in broad terms—cease and desist from "in any manner" interfering with employee rights—while if no "proclivity" to violate the act is shown, the Board must limit the scope of the order more nearly to the conduct of the particular case. Southwire Co. v. NLRB, 5 Cir. 1967, 383 F. 2d 235; NLRB v. Bama Co., 6 Cir., 1965, 353 F. 2d 230.

[12] Although the Board usually requires only that the notice be posted on the Company bulletin board, the Board has often used alternative means to insure the notice is communicated to the employees. See NLRB v. Bush Hog, Inc., 5 Cir., 1968, 405 F. 2d 755, 758 n. 5.

[13] The Second and Fourth Circuits have approved the requirement that the notice be read to the employees in all the previous Stevens cases. *Stevens I*, at 304–05; *Stevens II*, at 904; *Stevens III and IV*, at 1022. See also Judge Wright's dissent in International Union of Electrical, R & M Workers v. NLRB, D.C. Cir., 1967, 383 F. 2d 230, 234.

[14] There are ample resources to assure that the Union will abide by the Board's limitation to "reasonable access." This limitation should prevent the Union, as Stevens fears, from taking over control of the Company's plant.

[15] The portion of the order giving the Union reasonable access to Company was not enforced by the Second Circuit in *Stevens I*, at 305, but in *Stevens II*, at 905, on a record the Company says was identical with *Stevens I*, that Court enforced the order. Of course, by this time the Board and Court had seen the ineffectiveness of the order in *Stevens I*.

[16] When an employer has engaged in massive unfair practices, there can be a resulting fear of reprisals that must be dispelled before the situation is restored. See Bok, The Regulation of Campaign Tactics in Representation Election under the National Labor Relations Act, 78 Harv. L. Rev. 38. 140–41 (1964); Note, The Need for Creative Orders under Section 10(c) of the National Labor Relations Act, 112 U. Pa. L. Rev. 69, 90–94 (1963).

[17] The list of employees serves to complement the bulletin board requirement. See subparagraph (e) note 4 *supra*.

[18] Howell Refining Co. v. NLRB, 5 Cir., 1968, 400 F.2d 213; NLRB v. Hanes Hosiery Div., 4 Cir., 1967, 384 F.2d 188.

[19] Even after grant of certiorari in *Wyman-Gordon*, we adhered to *Howell*, note 18 *supra* and granted summary reversal in Groendyke Transport, Inc. v. Davis, 5 Cir., 1969, 406 F.2d 1158, which was one of the early cases in the Fifth Circuit's precalendaring judicial screening procedure. See Murphy v. Houma Well Service, 5 Cir., 1969, 409 F.2d 804.

[20] As do we, the Fourth Circuit in *Stevens III* and *IV*, at 1024, found support in the *Excelsior* analogy. See note 18 *supra* and related text.

CATTLEMEN, RANCHERS, AND MEAT PACKERS MAINTAINED LOW PRICES

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. COLLINS. Mr. Speaker, one of the greatest achievements in productive efficiency has been accomplished by the cattlemen, ranchers, and the meat packers. The other day I was discussing inflation with my friend Roscoe Haynie, who has had many years of experience with Wilson Meat Packers. In discussing the housewives interest in food prices, we made some comparisons on meat.

An interesting base period was September 17, 1951, when the Federal Government had OPS price regulations.

Eighteen years have passed since these ceiling prices were established. Most every other segment of our economy, such as automobiles, appliances, homes, real estate, clothing, and plant wages have all had prices go up tremendously.

We realized that the accomplishments of the meat packing industry cannot be maintained indefinitely. But, here is a special salute to America's great ranchers, cattlemen, and meat packers whose efficiency has brought economy and savings to the American housewife.

Below, we have listed the September 17, 1951, ceiling prices compared to present prices taken out of the daily newspaper:

	Sept. 17, 1951, ceilings	Now
Chicago base, wholesale carcass beef:		
Choice beef	56.00	45.00
Good beef	54.00	43.00
Standard beef	49.00	42.50
Utility beef	47.00	41.50
Cutter and canner	42.50	42.00
Chicago base, beef cuts, wholesale:		
Rounds	61.00	57.00
Chucks	55.00	41.50
Ribs	68.00	60.00
Loins	82.50	81.00
Live cattle prices:		
Choice	34.20	31.50
Good	31.50	29.00
Standard	27.30	27.00
Utility	21.80	21.00
Cutter and canner	19.50	20.00

PFC. DOUGLAS S. WINN

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. HOGAN. Mr. Speaker, I am delighted to advise my colleagues of an honor which has been bestowed on the son of our distinguished friend, the gentleman from Kansas, Mr. LARRY WINN.

His son, Pfc. Douglas S. Winn, who is stationed with the U.S. Army in Korea, was named "Soldier of the Month" of his battalion.

While I was in Korea last August, I had the pleasure of meeting this fine young man who is a credit to his family and his country.

Private First Class Winn, who has been assigned to the First Battalion, 31st Artillery at Camp Casey in Korea since last April, received the award from his comanding officer along with a 3-day pass.

I know our colleagues will want to join me in extending congratulations to the son of the gentleman from Kansas.

MR. AGNEW WIDENS THE GAP

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. OTTINGER. Mr. Speaker, continuing a tradition he established during last year's campaign, Vice President Agnew has stooped to name-calling of the most base and vile nature in carrying out his apparent responsibilities as the hatchet man of the administration's southern strategy.

By calling supporters of last week's Vietnam moratorium "an effete corps of impudent snobs who characterize themselves as intellectuals," Mr. Agnew not only impaired the dignity of the high office he holds, but senselessly lowered the level of Vietnam debate and widened the gap between Americans who, as a matter of conscience and conviction, differ on this issue.

It is curious that in adopting so much of the Vietnam policy of its predecessor, the Nixon administration has also adopted its rhetoric. Last year's "Nervous Nellies" are "effete snobs" in 1969. And in the meantime, more Americans die, national priorities are distorted further, and the divisions in our society grow deeper.

With the hope that someone in the administration will take the time and trouble to counsel the Vice President against giving vent to his baser emotions, I present for the Record today's New York Times editorial on Mr. Agnew's remarks:

Mr. Agnew Does Not Understand

Vice President Agnew demonstrated a truly monumental insensitivity to the most profound concern of millions of Americans—and particularly the nation's youth—when he described last week's Vietnam Moratorium as the creation of "an effete corps of impudent snobs who characterize themselves as intellectuals." He has learned nothing from the remarkable demonstration in which idealistic young men and women from the nation's campuses were joined by Americans of every generation and from all walks of life in an urgent appeal that the United States Government follow a more effective path to peace.

The purpose of the Moratorium was to underscore the need for active pursuit of peace in Vietnam. Far from undermining the President's position of leadership, it presented him with a strengthened mandate to carry out with more vigor and more determination the basic policy he says he is pursuing. Neither he nor Mr. Agnew gives evidence of understanding what the Moratorium was all about.

Mr. Agnew darkly hinted at some treasonable duplicity because the planners of the Moratorium had failed to renounce support from Hanoi—a support they had never asked.

He sought easy applause from a Republican fund-raising audience in New Orleans by ascribing the success of the Moratorium to "a spirit of national masochism."

In the same speech, he lambasted the nation's youth in sweeping and ignorant generalizations, when it is clear to all perceptive observers that American youth today is far more imbued with idealism, a sense of service and a deep humanitarianism than any generation in recent history, including particularly Mr. Agnew's.

The ominous strains in Mr. Agnew's words are that they equate support of the war with manliness, while describing as effete those who call for a redoubling of the nation's dedication to peace. It is the mark of insecure nations and politicians to mistake unquestioning support of military ventures as the test of patriotism. This is exactly the approach to the American destiny which the most articulate and politically alert sector of the nation's young intellectuals have questioned and rejected. Mr. Agnew's incredible obtuseness can only add to the frustration of millions of Americans—young and old alike—who believe that rational dissent must be given a fair hearing. His insensitivity to this principle of American democracy will give comfort to those who preach the gospel of disruption and violence.

PITTSBURGH WOMAN—BETSY ROSS BROUGHT TO LIFE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. MOORHEAD. Mr. Speaker, last spring Sophie Wolanin of Pittsburgh appeared as Betsy Ross at the annual fund-raising event for social welfare projects sponsored by the Association of Pittsburgh Business Women's Clubs.

News of the sophisticated lady reached "the mother country" and the story was carried in the August 1969, Dictionary of International Biography, circulated in 112 countries around the world. I believe it is the first time a Pennsylvanian and a Pittsburgher has been so honored.

During this 50th anniversary of the National Federation of Business and Professional Women's Clubs, this week of October 19 to 25 has been set aside to spotlight woman's role in today's world.

It is certainly fitting that we call attention this week to this organization which has done so much toward seeing that women are an informed and active electorate, and to honor them for their civic and social responsibility.

I would like to pay particular tribute to Miss Sophie Wolanin and to the Business and Professional Women's Club of Pittsburgh for presenting this unique and accurate portrayal of a very important woman in our Nation's history, and I take this occasion to include the article at this point in the Record for the attention of my colleagues:

Betsy Ross Brought to Life

Betsy Ross the famous Philadelphia seamstress and American patriot, was recently brought to life when Sophie Wolanin, a member of the Pittsburgh Business and Professional Women's Club, was a model in the "Fashion Trip—America" featured at the annual fund-raising benefit of the Association of Pittsburgh Business Women's Clubs held at the University Club.

The Association, comprising 12 professional and service organizations, represents some 1,100 women. Its purpose is not only active participation in community and public affairs, but benevolent and social welfare projects as well. Much of the Association's effort is channeled towards the social welfare of children—in particular, the handicapped child, and the under-privileged child, who needs extra attention—frequently providing for them in various ways and making financial contributions.

Such benevolence necessitates fund raising and this event usually takes place early in May.

Each of the 12 organizations participating in the historical pageant had one of its members portray some important woman in American history. Miss Wolanin, representing the Business and Professional Women's Club of Pittsburgh, portrayed Betsy Ross, who made the first American flag. More than 325 women attended the benefit.

The beautiful Colonial dress, which Miss Wolanin wore at the pageant was symbolical of the year 1777, when Betsy, then 25, was commissioned by a three-man committee to make the flag. This committee consisted of General George Washington, Robert Morris and George Ross, who was her uncle.

PAINSTAKING RESEARCH

The dress was made by Sophie's sister, Mrs. Stanley J. Brenick of Sharon, Pennsylvania, after careful and painstaking research into the costume history of the period.

Lending a dramatic touch to the Betsy Ross portrayal were Eagle Scout John Flower, Junior, aged 14, and Second Class Scout Jeffrey Craig, 11, both of Troop 228, Bethel, Park, Pennsylvania, who demonstrated the proper way to fold the flag.

The purpose of this demonstration was to pay honour to the flag and to instill patriotism in the citizenry viewing the pageant. The authentic flag used was loaned to Miss Wolanin by the Flag Plaza Foundation through the efforts of Mr. David J. Buerklin, director of relationships, Allegheny Trails Council of the Boy Scouts of America.

Miss Wolanin likewise demonstrated to the audience how to cut a five-pointed star. According to legend Betsy Ross made a suggestion to General Washington that five-pointed stars should be used in the flag when she was commissioned to make it.

As a souvenir of the evening, a colourful commemorative Betsy Ross envelope in which was enclosed a brief history of the first stars and stripes, as well as instructions on making those stars, was given to each woman attending the benefit.

In addition, through the efforts of a fellow co-worker, Mr. Stanley W. Litts, director of sales, Westinghouse Credit Corporation, Miss Wolanin was able to obtain on behalf of the Pittsburgh B.P.W. Club, a small supply of Ross commemorative stamps, which the United States Post Office Department issued in 1952 on the 200th anniversary of Betsy's birth. These 17-year-old stamps, considered as prized collectors items, were purchased by the women in honor of the occasion. This gesture helped increase the net proceeds of the benefit by an unexpected, but welcome, amount.

THE NARRATOR

Narrating the historical portrayal of the Ross story was a fellow B.P.W. member, Miss Grace E. Underwood. According to reports, the entire Betsy Ross Act received the popular acclaim as "best in the show."

Reviewing briefly the early history of the United States, a year after the signing of the Declaration of Independence, on June 14, 1777, the Continental Congress in Philadelphia adopted this resolution:

"That the flag of the United States be 13 stripes, alternate red and white; that the union be 13 stars, white in a blue field, representing a new constellation."

Since Congress did not specify the arrangement of the 13 stars on the blue background, Betsy had them arranged in a circle, based on the idea that no colony should take precedence.

General Washington described the symbolism of the flag as follows:

"We take the stars from heaven, the red from our mother country, separating it by white stripes, thus showing that we have separated from her, and the white stripes shall go down to posterity representing liberty."

In 1916, President Woodrow Wilson proclaimed June 14 as the anniversary of the creation of the first stars and stripes and as Flag Day, which is annually observed throughout America.

Our flag is a proud symbol of the history of our people and our country. Its 13 stripes for the original 13 colonies and its stars for every state will always serve to remind us of our struggle from a small, young country to the greatest nation on earth.

NATIONAL BUSINESS WOMEN'S WEEK

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. PEPPER. Mr. Speaker, the week of October 19 marks the 41st anniversary of the National Business Women's Week, a time specifically devoted to dramatizing the contributions of women to the professional and business world.

The first observance took place in 1928. In the years since then, women have made tremendous advances in our society. From an early effort of business and professional women to achieve acceptance and status based on their ability and accomplishments, NBWW has grown to be a nationwide observance of the contributions of women in every segment of our society.

The objectives of National Business Women's Week are noteworthy: to publicize achievements of business and professional women everywhere, on the local, State, and National levels; and to publicize the objectives and program of the national federation.

The National Federation of Business and Professional Women itself has an impressive membership of more than 180,000 women active in all the 50 States, the District of Columbia, Puerto Rico, and the Virgin Islands. Founded in 1919, its growth is exemplified by its emblem, the Nike—Winged Victory of Samothrace, which symbolizes progress. And the Federation of Business and Professional Women can indeed take pride in the progress it has made toward attaining its objectives, which are fourfold:

First, to elevate the standards for women in business and in the professions;

Second, to promote the interests of business and professional women;

Third, to bring about a spirit of cooperation among business and professional women of the United States; and

Fourth, to extend opportunities to business and professional women through education for industrial, scientific, and vocational activities.

The membership of this federation represents a force which is being effectively molded for the promotion of excellence in business and government. Its voice is the voice of conscience and concern. A leader since its founding in 1919 in the effort to advance women's rights and upgrade the status of women in this Nation, its members are to be commended, encouraged, and supported in their good efforts.

I would like to call the attention of my colleagues to the action items of this year's legislative platform adopted by the Federation of Business and Professional Women at its national convention last summer. These are proposals that would benefit men as well as women, and deserve our careful consideration. They include:

First, continued support for legislation to amend the Constitution of the United States to provide that equality of rights under the law shall not be denied or abridged on account of sex.

Second, active support for pending legislation providing for a broadened head-of-household benefit under the Internal Revenue Code; increased personal exemptions for dependents under the Internal Revenue Code; and a more equitable distribution of the tax burden.

Third, the proposal and support of legislation providing for uniform laws and regulations for men and women as to working hours, working conditions, rates of pay, equal employment opportunity, including retirement for age; equal treatment for working men and women in the area of survivor and retirement benefits; and increased child care deductions under the Internal Revenue Code.

Fourth, the proposal and support of State legislation to provide for uniform jury service and uniform qualifications in the selection of men and women to serve on grand or petit juries in any court.

Fifth, support of legislation that will bring about more effective crime control and law enforcement.

Mr. Speaker, these are legislative matters which have waited long and in vain for congressional attention. For nearly 25 years in both the Senate and the House I have been sponsoring and supporting the equal rights amendment to the Constitution and legislation which would guarantee equal conditions of employment to all American citizens, regardless of age or sex. This session, I have once again introduced such legislation, and once again I hope that it will be passed.

This Nation has only gradually awoken to the energy, creativity, and potential which our womanpower possesses. I think the contributions of women to American life were possibly best summed up by President Kennedy when he said, in 1961, that:

As was foreseen by the early leaders, women have brought into public affairs great sensitivity to human need and opposition to selfish and corrupt purposes. These political contributions and the manifold activities of women in American communities are the outgrowth of a long tradition by pioneering by American women. They stand as an encouraging example to countries in which women are only now achieving equal political and social status.

During this week which is dedicated to publicizing the achievements of business and professional women everywhere, it is with admiration for these able women that I extend my best wishes to them. I congratulate President Harmon and the more than 3,800 local organizations which make up the National Federation of Business and Professional Women's Clubs on their progressive and essential work.

A SELECT COMMITTEE ON CONGRESSIONAL MAILING STANDARDS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, to say that the proper use of the franking privilege often raises complex, technical, and difficult questions for Members of Congress is to state the obvious. The franking problem is a continuing one. Every year we are faced with new questions of frankability and past answers do not always fit the new questions that arise. In our fast-paced world there is a constant changing of ideas, events, modes, and methods of communication. The result is often honest confusion for the Member confronted with a totally new franking question.

In the past Members could submit congressional material to the Post Office Department for approval and for rulings on the frankability of the matter. However, last December's decision by the Post Office that it could no longer make such rulings has left a void in this area.

Mr. UDALL of Arizona has proposed a resolution to establish a Select Committee on Congressional Mailing Standards which would fill up this gap. I join with him and with others in supporting this measure as an effective way to meet a continuing and often thorny problem. This proposal would direct the bipartisan select committee "to provide guidance, assistance, advice, and counsel, through advisory opinions or consultations or both, to any Member of the House of Representatives, upon his request in connection with the mailing or contemplated mailing by the Member of franked mail."

Such an advisory body could do much to protect both Members of Congress who had honest doubts on a question of frankability and the public who has the right to make sure that the franking privilege is used in an ethical manner. It would allow any doubts to be resolved in advance and would assure that the franking privilege was not abused.

KOREA TODAY

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. HANNA. Mr. Speaker, this month's Army Digest carried an interesting and informative article on our military presence in Korea. I include it in the RECORD at this point:

KOREA TODAY: THE VIGIL CONTINUES

Along 17½ miles of tense and troubled frontier, you hear the accents of Iowa farm boys, Georgia mill workers, Harvard Law grads. Some are regulars, long-term professionals; others are perfoming an obligation of citizenship. All have a hard and endless job—watching the line along the American sector of the Demilitarized Zone, which straddles Korea's 38th Parallel.

An entirely new generation has grown up since a gray Sunday in June 1950 when North Korea dispatched 117,000 tough, Soviet-equipped regulars south to strangle the infant Republic of Korea.

From 16 nations came a swift response. American troops spearheaded an international army, the first of its kind and purpose—the United Nations Command. It met the crisis to force the North Koreans, and the Chinese Communists who intervened to rescue them, to the conference table at Panmunjom—where recriminations still fly like shots.

Today, actual shots still fly as Communists continue to break the unquiet peace.

Soldiers of the United Nations Command are involved almost daily in some Communist-initiated act of violence along the 151-mile DMZ. Their vigilance continues against hostile raiders and infiltrators trying to move south. Throughout Korea, UNC forces react swiftly to eliminate enemy agent teams and infiltrators who strike hard and often at their positions.

In January 1968, a 31-man North Korean commando team crept into Seoul on a deadly mission—to assassinate ROK President Chung Hee Park. Intercepted a short distance from the Presidential Mansion, they were hunted down and killed or captured.

Since 1967, there have been about 1,600 incidents involving Communist violations of the Armistice, some 40 percent of which were small firefights. More than 550 enemy infiltrators and agents have been killed and nearly 50 captured.

As General C. H. Bonesteel III, commanding general, UNC/USFK/Eighth U.S. Army, observed: "With the exception of the conflict in Vietnam, nowhere else in the world today is there so direct and inflammable a confrontation between Free World forces and vicious, strong and aggressive Communists as there is along Korea's DMZ."

Despite Communist orations at the Panmunjom truce table, there is nothing to indicate that the situation has changed appreciably since the signing of the Armistice, July 27, 1953, when General Maxwell D. Taylor, then Eighth Army commanding general, told his troops: "There is no occasion for celebration or boisterous conduct. We are faced with the same enemy, only a short distance away, and must be ready for any moves he makes."

Some of the United Nations countries who made Korea a proving ground of Free World resistance to Communist aggression have left token forces. The ROKs themselves man most of the 151-mile armed frontier. And the presence of the U.S. 2d and 7th Infantry Divisions, and 314th Air Division tells the Reds: "We're still here— and still ready."

Across the American sector of the line stretches a security system that includes modern observation devices and a newly completed barrier fence. But the real barrier is in the hearts of the South Koreans, backed by their American and United Nations allies. Behind that protective line, this ruggedly anti-Communist country has achieved political stability and impressive economic progress, making it one of the success stories of the United States assistance program.

STRONG TRADITION

Korea is a proud nation. Its people have kept their national and cultural integrity for thousands of years, despite invasions by the Chinese, Mongols and Japanese.

Korea's location is of strategic importance. Geographically, it occupies a position athwart Communist approaches to the North Pacific. The Korean peninsula lies at the apex of three great power triangles—Russia, Red China and Japan. The capital, Seoul, is less than 500 air miles from Peking, the Chinese Communist capital, and from Harbin and Mukden, China's great industrial centers. It is even closer to Russia's ice-free port of Vladivostok.

Red China and the Soviet Union maintain substantial forces nearby. Just north of the Demilitarized Zone stands the North Korean army, third largest in the Communist world. But the ROKs remain undaunted.

Since the 1953 armistice, the Republic of Korea has built a well-led well-organized and thoroughly capable military force, which numbers among the largest in the non-Communist World. Its force of more than 500,000 is organized into two armies, five corps, 17 divisions. In addition, it has two divisions serving in Vietnam. A newly organized Home Defense militia, composed mainly of ex-servicemen, but including some 15,000 women volunteers, numbers about 1.9 million.

For the past three years, ROK soldiers have served with allied units in Vietnam. Their 48,000-man force there is noted for its toughness in combat and rugged effectiveness in civic action and psychological operations.

PROGRESS

Behind the protective shield of its determined soldiers, Korea has achieved an economic miracle. New roads, highways, factories, the stepped-up tempo of manufacturing and construction mark its long strides toward modern development. Exports, which amounted to only $32 million in 1960, exceeded $500 million in 1968. The Gross National Product has been climbing between 8 and 12 percent a year for the past five years.

Not only new industries but cultural and educational institutions as well are springing up all over the republic. Its literacy rate is among the highest in the world.

Korea's growth as a peaceful, prospering nation provides an inspiring example to other developing countries. In less than two decades, it has shown the world how a society can modernize and prosper under free institutions.

To developing nations around the world, Korea's visible progress toward growth and stability presents an attractive alternative to the repressive methods of totalitarian rule.

Amid the heightened tensions brought about by infiltrations and forays from the north, Korea, the Land of the Morning Calm, maintains its vigil—and its serenity. Today, ROK forces make up the bulk of the United Nations Command. Shoulder to shoulder with other members of the United Nations Command, U.S. Forces Korea and the Eighth U.S. Army, they share a common determination to stand their ground on cold and barren ridgelines to show aggressors that freedom is not an empty catchphrase—that it will be defended whenever and as often as necessary. This is Korea today.

WICHITA FALLS PUBLISHER THE FRIEND OF THREE PRESIDENTS

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. PURCELL. Mr. Speaker, Mr. Rhea Howard of Wichita Falls, Tex., was recently singled out by the Dallas Times Herald as a "Friend of Three Presidents." Not only has Mr. Howard been a friend of three Presidents, but he has also been instrumental in the growth and development of his community, his State, and his Nation through his active work in the newspaper business and the Democratic Party.

The Governor of Texas, Gov. Preston Smith, once described Mr. Howard as a man who "had the nerve to walk out front, with his back to the crowd." This rare quality of leadership, Mr. Speaker, has stood for a number of years as an inspiring standard of public service to his fellow Texans. His courage and conviction have championed many causes, and it is with a great deal of pride that I would like to share the accomplishments of this Texan with my colleagues, to whom I commend Rhea Howard as an exemplary statesman:

[From the Dallas Times Herald, Oct. 8, 1969]

HELPS BUILD CITY: WICHITA FALLS PUBLISHER FRIEND OF THREE PRESIDENTS

(By Lois Luecke)

WICHITA FALLS.—A Texas publisher who earned the friendship of three U.S. presidents and whose counsel was sought by the White House says a newspaperman has to be a champion for both the community and the area in which he lives.

"I don't see how any man who runs a newspaper can dig a hole and crawl in, leaving the battleground of civic life. He must be a part of his city. He must take sides in issues. He must help solve the problems," he says.

At 77, Rhea Howard, editor and publisher of the Wichita Falls Times and Record News, a newspaper veteran of 62 years and a longtime Democratic party leader in Texas, daily practices his philosophy of journalism.

"There is no such thing as a city standing still," he will tell you. "Wichita Falls has gone forward and the newspaper has had something to do with it. A man who puts out a newspaper has to keep abreast of the times—maybe ahead of the times—to provide leadership."

Howard followed in his illustrious father's footsteps when he became head of the Times Publishing Co. upon Ed Howard's death in 1948. He was 55 when he took the helm of the newspaper his father founded in 1907. In his 21 years as publisher, associates have seen not only a continuity in the fulfillment of the Times' founding principles but a new era of involvement based on personal commitment and leadership.

He was tapped, and answered the call, for help in nearly every civic endeavor; he threw himself wholeheartedly into his political party's campaigns and has been a delegate to the last five national Democratic conventions.

Howard was one of 22 Texas publishers invited by President John F. Kennedy in October 1961 for a briefing and consultation on national and international affairs—an occasion which Howard deems "the highlight of my newspaper career."

A close friend of former President Lyndon

Johnson from the time Johnson was a freshman Texas congressman, Howard frequently corresponded with the president and talked to him by telephone, or, personally, on his numerous trips to the capital. Recently, Johnson made a special trip to Wichita Falls to have dinner with the Howard family.

Howard worked hard and successfully for the candidacies of both Kennedy and Johnson.

His newspaper was one of the few which supported President Harry Truman in 1948. Associates recall that at the dedication of the Sam Rayburn Library in Bonham, Truman singled out the publisher to shake his hand and comment, "Here's my good friend, Rhea Howard of Wichita Falls."

Howard is a member of the President's Club, a group of professional and business men in the United States. He is committeeman from the 30th Senatorial District of Texas, and a member of the Texas State Democratic Executive Committee.

His involvement in politics—which he says is the "lifeblood of the nation"—reflected an earlier day when his father became one of the "Famous 40" of the Texas Democratic delegation who voted for the hard-fought nomination of Woodrow Wilson in 1912.

But here at home in the Red River Valley, Howard is best known as a protagonist for his city, which was built, some say, on faith, oil, cattle and agriculture—in that order.

He is given much of the credit for the reactivation and growth of Sheppard Air Force Base, the largest technical training center of the Air Force. Military expenditures in the area total some $200 million annually, bolstering the area's economic stability.

Howard served on any number of committees whose efforts culminated in building a $57 million network of highways—the Red River Expressway system.

He has consistently reserved Page One newspaper space to promote the city's foundation fund to attract industries, and has served as a director of Industrial Development, Inc.

The same priority newspaper space is given each year to the United Fund. Popular or not, if the Times believes a bond issue for civic improvements should pass, Howard says so, editorially.

A recent front page Times editorial favoring a tax on alcoholic beverages rather than food and drugs was widely published throughout the state and a high government official said the editorial's influence spelled the difference in the new tax bill in the legislature.

His newspaper was one of the first in Texas to inaugurate a farm news department. Howard himself served some 32 years as a member of the irrigation district board.

The Times has sponsored the luncheon for 4-H Club and FFA members at the annual Junior Beef Show held in Wichita Falls since 1931.

The Times for years campaigned to have Midwestern declared a state-supported college—a dream realized in 1961. Howard now is a member of the board of directors of the Midwestern University Foundation.

Following the principle that you don't spend what you haven't got, Howard is proud "that the last brick was laid" on the Times' new $1 million plant, and employes moved in February 1969, "it was all paid for."

The new plant is a far cry from the original. The Times was started, he recalled, in the late 1890s when his father bought the old Weekly Times," "A shirttail full of type and a George Washington hand press" for $100. On May 14, 1907, daily publication was inaugurated.

Rhea Howard, then a "skinny newsboy," sold the first bundle. He later wrote news stories, sold ads, set type, melted lead, fed the presses and swept out.

After attending Trinity University, then at Waxahachie, and Eastman School of Business in Poughkeepsie, N.Y., Howard returned home to become an officer in the Times Publishing Co.

Howard, like his father, had seen slimmer days. He remembers too well the Depression and the soup lines. A member of the school board, Howard recalls, "We couldn't pay the teachers without discount—only script—and we couldn't feed the children. No one was paying taxes except the utility companies."

It was perhaps this experience that led Howard later to say: "My temperament has always led me to dwell on the virtues of men and institutions rather than upon their limitations; my disposition has always been to build rather than tear down or join the wrecking crew."

It perhaps also was this experience that set afire his community spirit.

Throughout the years, Howard has kept in effect an early-day policy of the Times—no liquor advertisement. The abusive use of alcohol, the Times had concluded, broke up too many families. This policy cost the newspaper some lucrative contracts and at one time the ill will of a company stockholder. "But I think it has paid off," said Howard.

In 1960, the Headliners Club in Texas named him "Publisher of the Year." In May 1966, he was chosen to represent Texas at the Air War College at Maxwell Air Force Base, Ala., where leading Americans were briefed by Pentagon officials on the awesome military power of the nation.

A member of The Associated Press, his father was one of the early-day Associated Press members, and the National Press Club in Washington; he also is active in the American Newspaper Publishers Association; the Southern Newspaper Publishers Association, the American Society of Newspaper Editors and the Texas Daily Newspaper Association. He is a member of Sigma Delta Chi, honorary journalism fraternity.

A 32nd Degree Scottish Rite mason, Howard was honored as a life member several years ago upon completion of a 50-year membership.

On July 25, 1967, an appreciative hometown observed "Rhea Howard Day," by official municipal proclamation. At a luncheon celebration, the then Lt. Gov. Preston Smith described Howard as a man who "had the nerve to walk out front, with his back to the crowd," adding, "You simply can't lead a parade from the rear."

Howard and his wife, the former Kathleen Benson of Wichita Falls, will celebrate their 56th wedding anniversary on Oct. 22, 1969. They have one daughter, Mrs. (Anna Katherine) James B. Barnett of Wichita Falls, four grandchildren and two great grandchildren.

THE NATIONAL GENERAL SERVICES PUBLIC ADVISORY COUNCIL

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. NELSEN. Mr. Speaker, the newly created National General Services Public Advisory Council has just completed its first series of meetings. I am happy to report that much progress was made in General Services Administrator Kunzig's desire to make his giant agency more responsive to the public.

The council is ably chaired by my friend and fellow Minnesotan, Mr. Robert A. Forsythe, a Minneapolis attorney and former Assistant Secretary of the Department of Health, Education, and Welfare. He is a partner in the law firm of Cant, Haverstock, Gray, Plant, and Mooty of Minneapolis.

Mr. Forsythe was chief counsel of the U.S. Senate Select Committee on Small Business from 1953 to 1955, was administrative assistant to the late Senator Edward J. Thye, has served on the President's Commission on Voter Registration and Participation, was a Republican candidate for the U.S. Senate in 1966, and was the State chairman of the Minnesota Republican Party from 1961 to 1965. Incidentally, he is an announced candidate for the U.S. House of Representatives in 1970.

Forsythe has a long career in public service, and I am happy that he agreed to assume the chairmanship of the National General Services Public Advisory Council. His contribution will be great, and he is to be commended for giving of his valuable time, without pay, in the interest of better government.

THE MORATORIUM

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. MINISH. Mr. Speaker, so much has been said of the moratorium this evening, by supporters and detractors alike, that I shall endeavor to be brief. I believe it is unworthy—and foolhardy—of a democratic society to try to stifle criticism or dissent in the name of patriotism and so I fully support this untrammeled debate in the House. To all I would commend the admonition of Benjamin Franklin to the members of the Convention of 1787, another crucial period of our history, "doubt a little of your own infallibility."

Vietnam is a tortuous and complicated problem to which there are no quick and painless solutions. We may differ as to the wisest method to pursue, but on one point all Americans are united, the attainment of peace is our most immediate and important national goal. The continuing cost of the war in men, money, and national unity makes imperative the liquidation of our commitment in Vietnam with all possible dispatch. The people are anxious that our Government proceed to do so without temporarizing, without attempting to buy still more time in reaching the hard decision on withdrawal and setting it in motion in a phased, orderly plan.

Of course, the military and diplomatic affairs of a nation cannot be conducted by a head count or a show of hands, but the understanding and support of the people are essential in a democracy. To those who are fretful about the image presented to other nations by the moratorium, I would say that our concern must not be with what others say or think of us but how we judge ourselves. Too much concentration on the image imperils the substance. In my opinion, the moratorium reflects the strength and vitality of our democratic processes and puts to rout those critics, domestic and foreign, who label us an imperialistic, warmongering nation. The people have the right, indeed the duty, to express in lawful assembly their deeply felt convictions on the overriding issue of war and peace. As I have stated to the colleges in my area that are observing the moratorium, let the day be marked as a prayerful affirmation of our commitment to securing an end to bloodshed and a reordering of our priorities.

I have been heartened that many of the measures proposed by me to the previous and present administrations to deescalate the violence and hasten a settlement have been put into effect, but clearly the pace of our extrication must be quickened. I again urge that the President propose a standstill cease-fire without further delay. As I wrote the President some time ago, urging new initiatives for peace, the lives of young men and innocent people cannot be used as pawns in a chess game played at leisurely pace by their elders. A mother of a 24-year-old lieutenant in Vietnam recently wrote me:

> Can you in some way urge and keep after President Nixon to cease the war in Vietnam; yes, our 24 year old son is over there and as his mother I am beside myself. But as I said, we don't want riots, burning of draft cards, college unrest. Just some of the ordinary, middle class people that just want this war over with and all our boys home.

Can I or anyone else say with certainty to this anguished mother that her suffering and her son's sacrifice for an indefinite period longer while negotiations drag on interminably in Paris are worth the price?

It is difficult for elders to grant wisdom to the young, with their confidence and righteousness untempered by the vicissitudes of the years, but it may be the better part of wisdom in this agonizing period to heed the voices of the young. After all, they have the greatest stake in the future; they and their children will experience the shape of the world to come. For some 3,500 years man has been at war 9 hours out of every 10. For more than a decade out of the last 3 we ourselves have been engaged in large-scale warfare and for the rest of that period, in the cold war and in evermore costly preparations for war. Let us hope that, out of all these tragedies, culminating in Vietnam, good ultimately will emerge as the generation born in the nuclear age commits itself unequivocally to building a better society at home and an international community living in peace under law.

A BEAUTIFUL MILESTONE: 77TH WEDDING ANNIVERSARY

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. SAYLOR. Mr. Speaker, Mr. and Mrs. George C. Martz, of Mayport, Pa., which is part of the area I represent, celebrated their 77th wedding anniversary on October 5. There is no other way to describe such an event than to say they have achieved a beautiful milestone in life and perhaps in history.

Believing this anniversary to be unique, I made certain inquiries and found that this is the longest recorded marriage in the State of Pennsylvania. To add to further attainment this year, Mrs. Martz celebrated her 100th birthday on June 5 and Mr. Martz celebrated his 98th on June 25.

Since their marriage, George and Arnie Martz have lived and worked on the same farm in Mayport—a farm purchased by Mr. Martz from his father in 1892. Six of the seven children born to the Martz couple, and their families, still reside close to the family farm.

I know my colleagues join with me in extending hearty congratulations to Mr. and Mrs. Martz, and in wishing them many more years of happiness.

CHROME-PLATED RACISM

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. ROSENTHAL. Mr. Speaker, the African Affairs Subcommittee, to which I belong, recently held hearings on American policy in Rhodesia, under the guidance of its distinguished chairman, CHARLES C. DIGGS, JR., of Michigan. These hearings mark the continuation of the subcommittee's important efforts to examine our country policies in Africa's crucial southern tier.

Rhodesia has become a touchstone of American policy in Africa. Under the rule of a renegade white minority, the Rhodesian Government is looking for signs of encouragement from Washington whether based on arguments of economics or politics. The Nixon administration has yet to give a clear answer to these arguments but the recent decision to return our consul general to Rhodesia is being interpreted as a sign of American acceptance of the Ian Smith regime. Whether that interpretation is correct will not be known until other, more crucial decisions are made in Washington.

One of the most critical of these is the administration's attitude on chromium imports from Rhodesia which are now under categorical sanctions imposed—with American support—by the United Nations Security Council.

Carl T. Rowan discussed the administration's hesitancy on Rhodesia in a recent column which follows. I also include a discussion on the chrome situation of Rhodesia prepared by the American Committee on Africa:

NIXON SILENCE ON RHODESIA COSTLY

(By Carl T. Rowan)

President Nixon went to the United Nations with a forlorn plea to the 126 nations represented there to pressure Hanoi into peaceful settlement of the Vietnam war.

Nixon will get no help, no sympathy, no consolation from most of these 126 nations. The reason is that, in the eyes of much of the world, whatever moral justification we once had in Vietnam is rapidly disappearing.

If the President wonders why, all he need do is look at White House policy—or lack of policy—where the racist, outlaw regime in Rhodesia is concerned.

There has been a not-so-subtle shift of attitude in the White House from the Johnson administration to the Nixon administration, with the latter showing a lot more sympathy for the tiny white minority that has seized Rhodesia under conditions where, barring ultimate violent overthrow, that minority will forever rule and suppress the black majority.

For two months, the white House has sat on a State Department recommendation that the United States pull its consulate out of Rhodesia, but the White House has declined to do so. Thus, the U.S. consul general, Paul O'Neill, recently returned to Salisbury, an act that the ruling regime called the best possible boost to the morale of the white minority.

A U.S. that pursues this kind of policy cannot possibly have good relations with black Africa. So whatever little help the African countries might give in extricating the U.S. from a grevious dilemma in Asia is not going to be forthcoming.

A country that ignores basic principles of human worth and decency, that overlooks a brazen trampling of the rights of self-determination in Rhodesia, will never be convincing when it says it is in Vietnam only to guarantee to the South Vietnamese the right to decide their own destiny.

White Rhodesians are in the process of approving a new "constitution that will make that land an even more pernicious police state than it has been these last several years.

That constitution will make it impossible for Rhodesia's 4,800,000 Africans ever to wrest power legally from the 228,000 whites.

In theory, Africans might someday achieve "parity"—that is, an equal number of seats in parliament. But there is a neat little stipulation that this can occur only after Africans pay an equal share of income taxes.

The hooker here is that Africans now pay only about one percent of the taxes. One reason is that while the average wage for a European is about $4,000, it is only $400 for an African.

Not in a millenium will Africans reach the economic level where they can meet the tax qualification. Nevertheless, the Ian Smith regime has raised other qualifications for voters, an act designed to exclude thousands of blacks from elections.

Finally, the whites have put in another hooker providing that even after "parity," half the black seats in parliament would be named by the chiefs, who are mostly Uncle Tom servants of the whites, and thus under effective control of the minority regime.

Another outrage is the way the Smith regime has divided up the land. It has set aside 45 million acres for 4,800,000 Africans and 45 million acres for 228,000 whites.

The regime is now in the process of chasing Africans out of "islands" within the areas reserved for whites. The courts ruled that the Africans had the right to remain, but parliament got around this simply by passing a new law.

The new constitution extends to the government the right to censor the press and other publications, a right already exercised on radio and TV. Enshrined in the new constitution is the right of "preventive detention," without bail or speedy trial, of anyone arrested on charges of trying to overthrow the white dictatorship.

This is the kind of regime the White House can't make up its mind about—despite the existence of a United Nations resolution calling upon member states to withdraw their consulates.

The rationale coming out of the White House is that there are 1,100 Americans in Rhodesia, about 850 of whom are missionaries, and that we need a consulate to look after their interests.

We didn't even have a consulate in Southern Rhodesia until 1949 and the American missionaries there prior to that time managed to get along fairly well.

The other argument is that we need eyes and ears in Rhodesia to send back reports on what is going on in the southern end of Africa. We could post observers 10,000 miles away and the odor wafting out of Rhodesia would make it clear what is going on.

Someone in the White House apparently scoffs at the notion that morality—racial, social, or otherwise—ought to be a big ingredient in foreign policy. They assume that you go with power, and obviously the whites in Rhodesia have the power. They say you go with strength, and obviously the economic interests who want U.S. relations with Rhodesia to continue have more strength in Washington than do the weak, divided African countries that look with so much anger and disquiet on what is happening in the southern end of their continent.

But it was precisely this disdain for the moral elements in foreign policy, it was this notion that might ultimately makes right, that got the United States in the Vietnam dilemma that becomes a tighter, stronger web around Nixon every week.

A Fact Sheet on Rhodesia and the Chrome Situation Prepared by the American Committee on Africa

Recent news reports indicate that certain interest groups are seeking a reversal in American policy against racism in southern Africa. They tend to focus on the fact that sanctions against Rhodesians have forced us to buy chrome from Russia at higher prices.

On the basis of material available from the Department of State, the Department of Commerce and the Department of the Interior, let us note several conditions about chrome imports.

"Chrome" (chromite or chromium ore, and ferrochrome) is one of the 12 Rhodesian products covered by the United Nations Security Council's decision of December 16, 1966, to impose selective mandatory economic sanctions against the British colony of Southern Rhodesia. U.S. restrictions on the importation of Rhodesian chromite, promulgated by a Presidential Executive Order on January 5, 1967, are but one important aspect of our compliance with the Security Council's decision. As the world's leading importer of chromite, the U.S. could not violate the sanctions on that material without damaging the Security Council's program. Such actions would be inconsistent with American obligations under the UN charter.

The major world suppliers of metallurgical grade chromite are the Soviet Union, Southern Rhodesia, Turkey, South Africa, the Philippines, Iran and Pakistan. The United States in recent years obtained the bulk of its supplies from Rhodesia, the Soviet Union, Turkey and South Africa. Although Rhodesia traditionally has been a major source of chromite, so has the Soviet Union, because of the high quality of its ore. During the last four years immediately prior to the UN sanctions against Rhodesia, we imported approximately 30% of our chromite from the Soviet Union. Our consumption of this ore is increasing and for the last two years we have been importing somewhat more than 50% from the Soviet Union.

Concerning the relative prices of Soviet and Rhodesian ore, price quotations on chromite vary according to quality. Soviet ore has traditionally brought premium prices because it is superior to ores from other sources. It has an average cromic oxide content of 54–56% and a 4–1 chrome/iron ratio, whereas Rhodesian chromite averages 48–50% chromitoxide and has only a 3–1 chrome iron ratio. Furthermore, current prices for Soviet ore—about $48 a ton— should not be compared with those prevailing for Rhodesian ore several years ago—about $31.35 a ton. Prices for both metallurgical chromite and ferrochrome have increased since the UN sanctions were imposed. It is impossible to measure the impact of sanctions on prices, and it should be noted that there has been an increased world demand for chromite and ferrochrome and a general price rise for many raw materials, especially minerals. This is due to industrial growth in many countries.

There is no evidence to substantiate the allegation that the United States is purchasing Rhodesian chromite from the Soviet Union. Chromite imported from the Soviet Union, Mozambique, or South Africa is analysed by U.S. customs officials to prevent the importation of Rhodesian chrome into the United States which may have been falsely documented. These tests have not uncovered and disguised Rhodesian chromite.

It is recognized that there would be certain benefits if the 207,000 tons of chromite currently stockpiled in Rhodesia and owned by American companies were licensed for import into the U.S. The companies contend that because this ore has been paid for, no additional benefits would accrue to Rhodesia. However, the granting of an import license for this chromite would be a visible violation of United Nations mandatory resolutions with which the U.S. is in agreement. The political benefits to the Rhodesian authorities of such an open violation of the sanctions program by the United States would be considerable. It would also have drastic repercussions in majority-ruled Africa.

U.S. Government agencies have carefully studied the U.S. chromite supply situation. These studies, which are under continuing review, indicate that while metallurgical chromite supplies to the U.S. are not abundant, there are adequate supplies available to us for several years. It is not possible to predict beyond that point because of many variables, the chief of which is that contracts for the purchase of foreign chrome generally are not made for more than a year in advance.

The criticism is sometimes made that although the United States cooperates with Britain in applying sanctions against Rhodesian products, Britain does not reciprocate by applying sanctions against Cuba and North Viet-Nam. It must be remembered that sanctions against Rhodesia are not unilaterally imposed by Britain, but are the result of actions taken by the Security Council. The trade embargo against Cuba was imposed by the Organization of American States. As a member of that organization, the United States complies with its embargo against all Cuban goods, including those manufactured or reprocessed elsewhere, such as in Britain. The British have an embargo on the export of strategic materials to both North Viet-Nam and Communist China.

Traditionally we have bought considerable quantities of chromite from Turkey and we are buying over half of their current production. If U.S. firms were willing to make long-term purchase contracts with the Turkish producers, it might be possible to obtain more chromite from that country. We understand, however, that at the present time there is insufficient incentive for Turkish producers to risk their limited capital in expanding their mining facilities. Nevertheless, Turkey provides a strategic resource for the future.

Officials of the American Iron and Steel Institute (AISI) published a paper predicting a shortage in U.S. supplies of chromite. Their prediction did not take account of the General Services Administration sales of surplus stocks of chromite (925,000 tons since 1965) and 525,000 tons of additional imports scheduled for delivery in 1969. AISI consumption figures were also understated because they did not reflect the U.S. metallurgical industry's use of South African and chemical grade chromite. Because data on the movements of chromite stocks are not complete, it is difficult to obtain a precise picture of the supply-demand situation at any given time. Nonetheless, when the above factors are considered, the supply situation is considerably better than would appear from AISI figures.

It is often alleged that rising chrome ore prices plus U.S. adherence to sanctions have rendered the U.S. production of ferrochrome uncompetitive with foreign imports. In fact, American producers of ferrochrome were facing severe problems even before sanctions were imposed on Rhodesia. Before UDI, American ferrochrome producers were lobbying hard for import quotas.

CRAMER SUPPORTS AND SPONSORS LEGISLATION TO FURTHER STRENGTHEN FEDERAL LAWS AGAINST NARCOTIC DRUGS TRANSPORTATION AND TRAFFICKING

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. CRAMER. Mr. Speaker, I am introducing today legislation which proposes to increase the penalties for the unlawful transportation of narcotic drugs by imposing a maximum sentence of life imprisonment on the nonaddicted person who transports narcotic drugs across State lines. This legislation further proposes to make it unlawful to solicit the assistance of or to use a person under the age of 18 in the unlawful trafficking of such drugs. The bill would make it a Federal offense, punishable by life imprisonment, for any adult person to solicit the assistance of, or to actually use a juvenile in an unlawful drug transaction.

Mr. Speaker, we cannot enact laws that are too stringent when dealing with the hideously unscrupulous dope peddler. There are not words derogatory enough to adequately picture this subhuman creature who coldly and calculatingly corrupt and exploits his victims, the majority of whom are caught in his life-robbing web of destruction when they are still in their youth. Assistance for the victim who becomes the helpless captive of the narcotics junkie, while humane and necessary, can only go as far as helping that one individual. Of even greater need is a direct offense against the root of the narcotic world—the pusher—for as long as he is permitted to flourish and to continue to peddle his deadly wares among the unwary, and in most instances, the young, drug addiction will remain unchecked.

For this reason, the toughest offense proposed in this legislation is aimed at the nonaddicted junkie—the mercenary leech who preys upon the innocent for his personal monetary gain, willfully corrupting and exploiting the victimized addict. The bill would prescribe a minimum of 10 years—at hard labor—and a maximum of life imprisonment in a Federal penitentiary for the nonaddicted junkie who transports hard narcotic drugs across State lines.

The bill provides that the addicted narcotics transporter be committed to a Federal hospital for therapy and cure. Such commitment would be a mandatory sentence for the addict who is convicted under this section of the bill. A distinction is made between the two types of pushers, the addicted and the nonaddicted, in an effort to deal most harshly with the professional suppliers who, while not hooked themselves, willfully initiate and perpetuate the addiction of others.

The provision to make it a Federal offense, punishable by life imprisonment, for any adult person to solicit the assistance of, or to actually use a juvenile in an unlawful drug transaction, is most desperately needed to help protect our young people against the venemous attack of the dope peddlers. Our youth of today are being constantly exposed to drugs through channels promoted and controlled by the adult pusher, and the most effective means of removing this threat would be to remove the adult found guilty of using or attempting to use juveniles in his narcotics trade.

There is no way to speculate the exact number of drug addicts, nor is there any way to estimate the number of crimes committed by these people. But we know for certain the rate is extremely high, and it is obvious that our present laws are inadequate in meeting or conquering the problem. Our President has recommended a broad program to effectively deal with the narcotic drugs situation with cooperation between the several levels of community, State, and Federal Governments. It is my hope that the legislation I join in sponsoring today will lend assistance to the enactment of laws to further strengthen our efforts to combat the transportation and trafficking of narcotic drugs, and to protect all our decent citizens against this evil.

MORATORIUM DAY AND A YOUNG AMERICAN

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. WIDNALL. Mr. Speaker, people throughout the Nation spent October 15, moratorium day, in many different ways: by writing letters to public officials, by taking part in demonstrations, by making speeches, by taking part in marches, and by participating in many other manifestations of concern over the war in Vietnam. I thought my colleagues in the Congress would be interested in learning how an 11-year-old boy from New Jersey spent that day.

Paul Kiernan, of 62 Spring Street, Harrington Park, N.J., conducted his own private poll on Vietnam. He asked 45 people, six questions, recorded their replies and sent them to me in an effort to keep me informed of my constituents view on this vital subject.

For the benefit and information of my colleagues, I am pleased to include the questions Paul asked, and the replies he received at this point in the RECORD:

OPINION POLL CONDUCTED BY PAUL KIERNAN

1. Do you think Ho Chi Minh's death will have a substantial outcome on the war? 11 people said "yes"; 32 people said "no"; 2 people said not sure."

2. Do you think we should withdraw from Vietnam all at once or on a gradual basis? 33 said "gradual basis"; 7 said "all at once"; 5 said "not sure."

3. Do you think President Nixon is handling the war very well? 25 said "yes"; 15 said "no"; 5 said "not sure."

4. Do you think we should try continuous bombing to bring a speedy end to the war? 18 said "yes"; 25 said "no"; 2 said "not sure."

5. Are you in favor of today's Moratorium? 30 said "yes"; 15 said "no"; 0 said "not sure."

6. Are you in favor of further Moratoriums? 20 said "yes;" 19 said "no"; 6 said "not sure."

OIL IMPORT CONTROLS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. TEAGUE of Texas. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include an article which appeared on the subject of oil import controls:

OIL IMPORT CONTROLS: WHO NEEDS THEM?—A FRANK DISCUSSION

(NOTE.—In the past decade, federal government studies made under three Presidential administrations have stated that limiting the import into the U.S. of foreign oil is essential to national security. A recent study by the Interior Department again confirms the national security need for controls. Nevertheless, the mandatory oil import control program, established in 1959, is once again under study . . . and under attack.

(The following interview with George V. Myers, executive vice president, presents our views on oil imports and the control program as applied to the Eastern two-thirds of the United States, which comprises Districts I–IV. Oil import controls for District V—the West Coast, Alaska, and Hawaii—are applied on a somewhat different basis.)

Question. Why is an oil import control program necessary?

Answer. For national security, both economic and military. An assured supply of domestic petroleum energy in times of emergency is essential. This has been proven dramatically by two Middle East conflicts in the last 12 years. The need is fully supported also by federal government studies.

As to the broader economic aspects of national security, oil and natural gas supply 75 per cent of our nation's energy needs. Oil alone provides 44 per cent. Petroleum will be the major energy source for years to come.

There is no ready substitute for petroleum. Synthetic liquid fuels from coal or oil shale do not exist in commercial quantities, and will not for years.

The only way to assure firm supplies of vitally needed oil is to provide adequate incentives to producers to find and develop new U.S. reserves continuously. Import controls help achieve this, by insuring a market for U.S. production at reasonable prices.

Question. What proof is there that a strong domestic producing industry is essential to national security?

Answer. Following the 1967 Arab-Israeli war, oil shipments from parts of the Middle East to certain countries of Western Europe and to the U.S. were suspended. Domestic reserve producing capacity was available due in large part to the import control program. Domestic producers were able to meet resulting needs of the U.S. and much of Western Europe. Without a strong U.S. oil industry, we would have faced much graver problems.

Question. What would happen if import restrictions were removed?

Answer. Imports would grow rapidly in volume, because overseas oil costs at least $1.25 a barrel less than domestic crude, delivered on the U.S. East Coast. Domestic production tnerefore would decline, and domestic exploration would eventually cease. It is very doubtful that exploratory programs in remote areas such as the North Slope of Alaska would be undertaken without import controls. An accelerated reduction in the nation's reserves would follow.

Question. How would increasing imports affect domestic natural gas supplies?

Answer. Natural gas associated with oil production accounts for about 25 per cent of the total in this country. Increases in natural gas reserves and natural gas deliverability are not now keeping up with increases in demand. Increasing imports would result in cuts in exploratory efforts and would make this bad situation worse.

Question. Why can't we shut in much of our U.S. production, import cheap foreign oil, and then produce the domestic shut-in production in times of emergency?

Answer. You can't shut off oil production and then suddenly turn it on to meet emergencies. Wells, pumps, treating and measuring facilities, pipelines, and a host of other supporting activities must continue full time to keep oil production going. Shutting in these facilities for any prolonged period would mean permanent loss of many of them. Others would require months of time and very substantial expense to start up after prolonged shutdown. There is also the obvious problem of widespread loss of employment for thousands of highly-skilled personnel in any prolonged shut-down of production, and the nearly impossible task of recalling such men and women if an emergency required it. In short, a dynamic oil industry is essential to national security, and such an industry needs continuing adequate economic incentives.

Question. What general philosophy does Standard favor for allowing foreign oil to come into the United States?

Answer. We should accept limited overseas oil imports because dispersal of petroleum reserves is worldwide, with strategic value for us and friendly nations. However, overseas oil should only supplement, and should not supplant domestic production. Canadian oil offers a high degree of security, and must be given priority.

Question. Import controls have been attacked because the program forces American consumers to pay more for their oil. Can you comment on this?

Answer. The assumed cost savings from heavy foreign imports would be more than offset by the losses. Unrestricted imports would cause a cut of U.S. oil prices, resulting in an estimated overall gross reduction in cost to consumers of about $3 billion a year. But offsetting this would be a loss of federal, state, and local tax and other revenues from the domestic industry of about $2.3 billion a year. It is quite probable that this government revenue loss would be made up through substantial increases in federal, state, and local excise taxes on products such as gasoline.

Furthermore, if domestic production were substantially displaced by overseas production, a severe economic setback could be predicted for U.S. oil-producing regions, because U.S. exploration and production activity would ultimately virtually stop. Further, refining and chemical operations would shift out of the U.S., at the insistence of foreign producing nations. Overall the loss of at least 100,000 jobs could be expected. Heavy dependence on foreign oil would eventually lead foreign producing nations to raise their prices, a move our country would be relatively helpless to resist.

Overall, it is quite probable that in the long run the removal of crude oil import restrictions would result in a net increase in cost of petroleum products to consumers.

There would also be a substantial flow of money out of the U.S. to foreign oil-producing nations, resulting in damage to the U.S. balance of payments.

The most important loss would be national military and economic security. It is impossible to put a price tag on that.

Question. Do you think the present import control program should be changed?

Answer. Yes. The original Presidential proclamation called for a "fair and equitable" distribution of the low-cost imported oil among domestic refiners. However, this requirement has been ignored since the very outset of the program, in several ways.

One is the historical guarantee. It gives unfairly large import quotas to a select few refiners. These special quotas were based on imports by these refiners prior to the establishment of the import control program and presumably were in recognition of early investments in overseas producing properties. It is most doubtful that this special treatment was ever warranted; assuming that it was, the refiners in the historical group have been more than adequately compensated for their early investments by having received special benefits for over ten years. This feature should be abolished.

Question. What other changes do you recommend?

Answer. The sliding-scale formula should be eliminated. This formula is used to divide imported oil, remaining after the historical and other special allocations have been deducted, among refiners. The sliding-scale feature was designed as government aid to small refining companies, but it creates inequities by penalizing refiners as they increase in size. During the current period, in the part of the country east of the Rocky Mountains, the smallest refiners receive foreign crude allocations equal to 19.5 per cent of their refinery throughput while the largest refiners are limited to allocations of less than 4 per cent.

Also, the sliding scale gives unfair competitive advantages not only to small, independent oil refiners, but to refineries owned by the largest chemical companies. If economic aid to "small" refiners is required, it should be accomplished by some means other than the oil import program.

Question. What about special allocations to certain companies to import products from their refineries in Puerto Rico and the Virgin Islands into the U.S.?

Answer. These are unfair exceptions granted to a few companies. There are four grants of at least 10 years duration that total 80,000 barrels a day. An additional 38,000 barrels a day is provided as a special historical grant that comes in completely free of allocation control. No other refiners receive such special guarantees, and low-cost oil that otherwise would be shared by all is unfairly diverted to these few.

Question. Chemical companies have special privileges, too, don't they?

Answer. Yes. Chemical companies complained that they faced a shortage of low-cost domestic feedstocks for their plants. They claimed this would impair their ability to compete for both foreign and domestic markets, thus reducing their favorable contribution to the nation's balance of trade.

But the facts are that chemical companies already receive the benefit of lower-cost feedstocks, since a portion of their raw materials is made with foreign oil. Further, they already have access to a wide range of domestic feedstocks at prices competitive with, or lower than, foreign raw materials.

Import licenses awarded to chemical companies since 1966 have rarely been used by them to import foreign feedstocks, which was the avowed purpose of granting them in the first place. Instead, they are traded for domestic raw materials such as refinery and natural gas liquids. The chemical companies realize a substantial and unwarranted monetary gain as a result of their exchanges.

Chemical companies now receive almost 90,000 barrels a day of quota, or more than 11 per cent of their input, compared with an average of about 5 per cent for all refiners under the sliding-scale formula, and only 3.8 per cent for our company. Chemical companies continue to press for a 100 per cent port quota. This would mean that their imports would be 770,000 barrels a day—or about 67 per cent of total controlled imports into the Eastern U.S. This would destroy the program.

Question. The Machiasport, Me., foreign trade zone proposal has received much debate. Could you explain it?

Answer. Foreign trade zones were designed to stimulate foreign trade by setting aside certain U.S. locations where foreign materials could be processed in U.S. plants and the resulting products exported from the U.S. They were not meant to be the means of avoiding oil import control. So long as petroleum products from a foreign trade zone are used in the foreign export market, the trade zone concept is acceptable to Standard Oil. We are only opposed to its misuse.

In the Machiasport scheme, a proposed foreign trade zone refinery would be allowed to ship products into the U.S customs territory in volumes far in excess of permissible imports for other refiners. Apart from the inequity of special treatment for one refiner, the greatest danger is that this is bringing a proliferation of similar proposals. This scheme typifies the continual pressure of preferred treatment under the import program.

Question. Are there inequities associated with Canadian crude-oil imports?

Answer. Imports of Canadian oil are being managed today in a most irregular manner.

According to the 1967 control arrangement of the Canadian and U.S. governments, only recently made public, refiners in Chicago are not allowed to import any Canadian crude oil this year, even though Chicago and the upper Midwest are ideally located and have demand for Canadian crude oil.

A North American energy policy, for the benefit of both Canada and the U.S., should be developed under such a policy until the time that U.S. demand exceeds domestic producing capacity, allowing for appropriate reserve producing capacity, imports of Canadian and overseas oil should grow at rates equal to U.S. demand growth. After U.S. demand exceeds producing capacity, less the reserve capacity, overseas oil imports should continue to grow at the demand rate. Canadian oil will supply the difference between U.S. demand, and supply to the U.S. from domestic and overseas production.

Question. How should this rising volume of Canadian oil be allocated?

Answer. We believe Canadian oil should be allocated to refiners who wish to process this oil in direct proportion to their refining input.

Question. What solutions does Standard Oil propose, to make the import control program effective and fair?

Answer. The following points should be the criteria of any revised plan:

1. It must enhance national security.
2. It must be equitable for all.
3. It must be simple to administer.

The current over-all volume of controlled imports into the Eastern two-thirds of the U.S. seems about right—namely, 12.2 per cent of domestic production.

Inequities in the present program should be corrected. Allowable imports should be allocated to refiners of crude oil in direct proportion to refinery input. This would place the benefits of low-cost foreign crude in the hands of those organizations which are the customers and supporters of the domestic producing industry.

Specifically, we urge elimination of the historical allocation, the sliding-scale formula, and special allocations for chemical companies and island refiners. Trade-zone refineries should not be used to circumvent the program.

An equitable program will insure our national security and be fair to all concerned, whether producers, refiners, marketers, or consumers.

NATIONAL BUSINESS WOMEN'S WEEK

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mrs. **GRIFFITHS**. Mr. Speaker, during this week of October 19 to 25, it gives me great pleasure to salute the achievements of all business and professional women, during this the observance of National Business Women's Week.

This annual observance sponsored by the members of the National Federation of Business and Professional Women's Clubs, Inc., affords us opportunity to take special notice of the tremendous advances of American working women over the last 50 years. During these years, the working women of America have made tremendous strides in almost every field of human endeavor, education, science, communications, human relations, and government. In their effort, they have helped by their example to cast aside ancient prejudices while endeavoring to lay a foundation for even greater achievements in the years ahead. The challenges met and the changes made by working women in the past several decades are just a beginning to the advances that must be made. Certainly, the women of America have a unique responsibility to guide our country through these perilous times. We must direct new found horizons and advances to the cause of peace, justice, and equality in our world.

The individual talents of the many women of the National Federation of Business and Professional Women's Clubs can be used most effectively in their communities to make a better America and a better world. Never before have women been confronted with so great a challenge to which they must respond. Certainly, if we are to fill the needs of a nation dedicated to individual freedom and fulfillment of its people, we must be leaders in our own business and professions as we pursue the causes of peace and justice.

As a Member of Congress, a lawyer, and a member of the Business and Professional Women's Clubs, I have for many years attempted to further the rights of all women. In particular, I have tried to correct some of the inequities now existent in law which discriminate against the working woman and it is my hope that this legislation will obtain necessary support for early passage and a better place in our society for all women.

CAN SST'S COOK THE EARTH?

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. PUCINSKI. Mr. Speaker, Chicago Today recently carried an editorial which deserves the highest consideration and widest dissemination possible.

For many years I have stated that we should not proceed with the development of a supersonic transport system until it could be determined what the effects would be on our citizens and the flora and fauna of the United States. Now the prestigious National Academy of Sciences has estimated that a fleet of 400 SST's flying an average of four flights a day would inundate the stratosphere with 150,000 tons of water vapor daily, which would be trapped and remain for years. Atmospheric scientists say this would wrap the earth in a "semipermanent" cloud cover that would turn it into one big, hot greenhouse.

We will not only have to contend with deafening noise, but also the possibility of being slowly cooked by ultraviolet rays.

At a time when we are stagnating in our own pollution from many sources, it is my hope that this Government will thoroughly investigate the effects of the SST before engaging on a costly program that could produce inestimable damage throughout this country and the world.

I strongly commend the Chicago Today editorial to my colleagues:

[From Chicago Today, Oct. 3, 1969]

CAN SST'S COOK THE EARTH?

In addition to its more obvious dangers—such as the capacity to deafen people below—the supersonic jet air liner may work destruction on nature itself. This grim possibility has been raised by scientists who believe the SST's vapor trails could wrap the earth in a "semi-permanent" cloud cover that would turn it into one big, hot greenhouse.

The scientists, working in atmospheric research centers at Albany, N.Y., and Boulder, Colo., say it could happen the same way a car's interior heats up in the sun with the windows rolled up. Ultra-violet rays from the sun penetrate the roof and are absorbed by the seats, which bounce back the heat as infra-red rays which cannot penetrate the roof to get back out. The same goes for a cloud-shrouded earth—ultra-violet rays would be admitted and heat would bounce off earth as infra-red rays that can't get back out.

The National Academy of Sciences has estimated that 400 SSTs making an average of 4 flights a day would load up the stratosphere with 150,000 tons of water vapor daily. Once trapped where there are no vertical drafts to move it, the vapor will remain for years, just as the volcanic dust from Krakatoa stayed around and colored sunsets for 25 years.

So it's conceivable that the SST could not only make us deaf but medium rare as well. It's appalling to think about, and we wish the SST planners would begin thinking about it too. But the atmospheric scientists say they haven't even been consulted by engineers working on the SST. They aren't getting any government money for their research, either, altho the SST will be amply funded from that source.

The cloud-cover hypothesis has not been proved, the researchers point out. But Alfred Hulstrunk of the Atmospheric Research center in Albany sums it up: "Technology is just going ahead, assuming nothing will happen. But we really can't afford a wait-and-see attitude on this kind of a problem."

We certainly can't. This subject should be explored thoroughly before another move is made in the SST development. The public should set up a loud and insistent clamor on the subject, and should do it soon—before the sonic boom drowns out any sound of sanity.

OMAHA COUPLE CELEBRATES 70TH WEDDING ANNIVERSARY

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. CUNNINGHAM. Mr. Speaker, in these days of moratoriums and the like, it is certainly refreshing to read of a couple like Herman and Myrtle Wulff of Omaha.

The Wulffs last week celebrated their 70th wedding anniversary. She is 94 and her husband 95. They have had a wonderful life together.

Mr. Speaker, I would like to share with my colleagues the following story on this couple which appeared in the Omaha World-Herald:

THEY SAID "I DO" AND THEY HAVE FOR 70 YEARS

(By Elizabeth Flynn)

On Oct. 18, 1899, Herman Wulff and Myrtle Blaco were married in the house in Blair, Neb., where they were to live as newlyweds for two years before moving to Omaha in 1901.

On Friday, a day ahead of their 70th anniversary, Mr. and Mrs. Wulff will be feted at a reception from 1:30 p.m. to 3:30 p.m. for family, friends and fellow residents of the Eppley Care Complex, the couple's home since last July.

There'll be a three-tiered cake and coffee and entertainer Jack Evans will be on hand to sing at the party.

Earlier in the week, presents already were arriving, including a package from Mrs. Wulff's circle at Benson Presbyterian Church and two perfect roses from a friend's garden.

Looking almost as fresh and certainly as pretty as the posies was their recipient.

Mrs. Wulff, who'll be 94 in November, was wearing a red wool suit with blush-pink blouse, pearl necklace and earrings—and a bright gleam in her eyes.

She talked with animation of her seven decades of married life.

Mr. Wulff, 95, who is hard of hearing, interjected a comment from time to time prompted by Kenneth Chapman, the couple's son-in-law and devoted admirer.

The late Mrs. Chapman was the Wulffs' daughter, Dorothy.

After her death in 1949, the Wulffs combined households with Mr. Chapman and the little granddaughters and sent them through Benson High School and the University of Omaha.

One is now Mrs. Thomas Morrow of Kalamazoo, Mich. The other is Mrs. Dennis Huffman of Claremont, Calif.

And the Wulffs have five great-grandchildren.

PLOUGHED WITH OXEN

Both Mr. and Mrs. Wulff are natives of Nebraska's Washington County, where Mr. Wulff's parents, German immigrants, homesteaded and ploughed the land with oxen.

Mrs. Wulff's English-born father, Richard Blaco, was a farmer and stock raiser and a member of the first Nebraska Legislature.

Appropriately, the couple met in a grocery store at Kennard, Neb., where young Herman Wulff was working.

He's been in the grocery business ever since, owning a store for many years at Sixty-first Street and Military Avenue and later working as grocery manager for the Farmers' Union.

When the Wulffs moved to Benson, the village consisted of a post office, a barber shop and a hotel where they lived until they could build their own home—the first of four they eventually owned on Linn Avenue (now Sixtieth Avenue).

"There weren't any electric lights or any telephones," Mrs. Wulff reminisces ruefully.

"In our store, we sold everything from kegs of nails to toothpicks. I kept the books. Mornings, we'd go around to pick up grocery orders; in the afternoons we'd deliver 'em. My, was I glad when we finally got a phone!

"For the farmers, we'd stay open Saturdays till midnight. Sundays we were open till afternoon, when we went to the baseball game."

Both Wulffs are ardent baseball fans. Mr. Wulff never enjoyed dancing; his wife did—and still does.

Mr. Wulff is a Mason and Shriner and belongs to the Scottish Rite and Knights Templar.

Mrs. Wulff proudly wears a 50-year pin from Narcissus Chapter, Order of the Eastern Star.

"YOU JUST DID"

Inevitably, the couple was questioned: "How have you managed to keep your marriage going for 70 years—nearly three-quarters of a century?"

Mrs. Wulff's warm, gentle voice became firm.

"In those days, when you said 'I do,' you just did!"

Mr. Wulff's reply was enigmatic when the question was put to him in a note written by his son-in-law. He read it, leaned back and laughed loudly.

"Seventy years!" he chortled. "That's a long time!"

THE HONORABLE AND RESPECTED JOHN W. McCORMACK, SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. ROONEY of New York. Mr. Speaker, I would not have the temerity to stand here to defend the honor of our beloved Speaker, the Honorable JOHN W. MCCORMACK, for it unquestionably needs no defending nor can it ever be challenged—even by the artists of insinuation. But I can, indeed must, join with my distinguished colleagues in saluting the distinguished gentleman from Massachusetts. I can honestly say that I have never met a finer man. Integrity, loyalty, devotion to God, family, and country are words that today fall harshly on ears attuned to a different drum, but they are words expressing the ideals upon which this country was built and upon which it shall continue to prosper. And they are words, too, that describe our Speaker. I feel that the country, the House of Representatives, and the Democratic Party have been singularly blessed to have a leader such as JOHN MCCORMACK. He is that rare and oftsought man—a strong leader with conscience, a man of power with great compassion. He has been an inspiration to us all and I know that I speak for every Member of the House of Representatives when I say that we have complete and utter confidence and faith in his judgments. The House of Representatives and the Nation are grateful to JOHN MCCORMACK, a truly devoted man.

AID-TO-THE-ENEMY DAY

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. McKNEALLY. Mr. Speaker, under leave to extend my remarks in the RECORD I am pleased to insert the following editorial which appeared in the New York Daily News of Wednesday, October 15, 1969, in support of President Nixon's efforts to bring the war in Vietnam to an honorable conclusion:

AID-TO-THE-ENEMY DAY

Organizers of the manifold demonstrations set for today against further U.S. participation in the Vietnam war lump them under the title Vietnam Moratorium Day.

We have a better name for it. We call it Aid-to-the-Enemy Day.

Our name for it derives from the fact that the enemy is loudly applauding these demonstrations.

Mrs. Nguyen Thi Binh, head of Red North Vietnam's delegation at the Paris peace talks, says it's all too, too wonderful, and sends her "most friendly salutations" to the demonstrators.

Hanoi Hannah, an English-speaking witch, and we don't mean witch, who broadcasts Red propaganda to U.S. troops in South Vietnam, opines that President Richard M. Nixon "is going to get his first taste of the kind of massive anti-Vietnam war demonstration that drove his predecessor into political oblivion."

We hope the prominent Americans who have expressed sympathy for Moratorium Day are happy about the company they are keeping. Some of these Americans are Mayor Lindsay, Sens. Javits and Goodell, W. Averell Harriman, and more than a few "liberal" columnists and TV-radio commentators.

The treacherous nationwide jamboree got its start in the brain of a Harvard Divinity School dropout.

It has been snapped up, amplified and financed by Kooks, Reds, Dupes and a few idealists, and overpublicized by various news media, so that today may witness a lot of U.S. mob convulsions which will greatly encourage the enemy.

THEY HOPE TO WRECK NIXON

The situation is complicated by the fact that many of President Nixon's political enemies see in the anti-Viet war agitation a hope of ruining him as an effective chief executive now and as a possible candidate for reelection in 1972.

Such opportunists are to be found in both parties.

Up to now, the President has declined to be swayed by this mounting mob hysteria against him and the war. We hope most earnestly that he will stand pat on that, come what may.

If he does not—if this movement succeeds in losing the war for the United States and its South Vietnamese and other allies, the consequences can only be disastrous.

For one, South Vietnam will be overrun by bloodthirsty Communists bent on slaughtering every South Vietnamese who fought for or sympathized with our side.

For another, world communism will have won a smashing victory over Americanism and liberty.

And this victory will have been achieved by mobs, in a contest against the elected government of the U.S.A.

What should patriotic Americans do today, and in the later antiwar demonstrations plotted by these same helpers of our Red enemies?

The Committee for Responsible Patriotism has one suggestion which we think is excellent; namely, run your car with its lights on today if you have a car, and fly the American flag if you can—to register sympathy for the U.S. war effort and contempt for those who would sabotage it.

MESSAGES TO THE PRESIDENT

Or why not send a postcard to Hon. Richard M. Nixon, the White House, Washington, D.C. 20006, and tell him in your own words that you deplore these efforts to bring defeat on the United States and support his persistent work for an honorable peace?

Or you might just send the President an immortal saying by a great American named Stephen Decatur: "Our country! In her intercourse with foreign nations may she always be in the right; but our country, right or wrong."

We feel sure the President will be glad to hear from you—the more of you the better.

CHICAGO DEMONSTRATION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. DERWINSKI. Mr. Speaker, approximately 10 days ago, elements of the SDS ran amok in Chicago in a performance that was truly shocking.

A very sound and necessarily spirited commentary on the radical left rampage in Chicago was carried in the Thursday, October 16 Suburban Life of La Grange, Ill., which I insert into the RECORD at this point:

A PIG'S A PIG FOR A' THAT

They came, they saw, they disrupted and they blew the whole bit. Instead of furthering their cause, whatever that is, the Weatherman faction of the Students for a Democratic Society wreaked damages in the thousands and gave more thousands of innocent college students a black image by their rampage in Chicago.

This "intelligentsia" was nothing more than a mob of hoodlums who smashed windows in apartment buildings and stores and damaged hundreds of cars. They came looking for trouble, carrying clubs and chains and wearing helmets. Make no mistake about it; this was planned anarchy.

Yes, they came looking for trouble and were prepared to start trouble. "Let's get the pigs," was the cry. "Let's show this world that it's about to be taken over by us. You people can't do the job. We're your salvation."

Those were the rallying cries, in effect, that the leaders of these punks put forth. They had no intention of peaceful protests against the Vietnam war or whatever else they had in mind, real or imagined.

Is the way to salvation of the world's problems to be found in smashing windows, hurling rocks, wrecking parked cars, taunting policemen, all in the so-called name of freedom and brotherhood? Is love of man tattooed on the end of a club?

And then when they get busted by the police they cry "police brutality." How ridiculous can they be? They come to town prepared to do battle, start the trouble themselves and then bawl like little kids when they're stopped from doing what they shouldn't have been doing in the first place. They claim to be adults, but they're nothing but spoiled children. Their infancy is appalling.

While their childishness somehow can be forgiven the cost of the vandalism cannot. Who gives these wet behind the ears punks the right to roam up and down the streets busting up the works?

If they're going to use the word "pig" they had best look to themselves. If they're so familiar with the species they should recognize it in themselves.

If anything good came out of the SDS rampage it is that decent students throughout the nation will recognize the organization for what it is and will avoid it like a plague.

The Weathermen put forth their bellwether; they are a bunch of clowns.

A MIND-SPINNING TRIP CHANGED OUR DESTINY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. TEAGUE of Texas. Mr. Speaker, as we begin to assess the needs in our national space program in the next decade it is well to examine in retrospect contributions of our national space program to date. Perhaps the most outstanding achievement in the last decade in space has been the Apollo 11 lunar landing. A Washington Post staff writer, Thomas O'Toole, in a Sunday, July 27, article, did much to capture the importance of this great first in history. As his words recapture this great moment of the lunar landing, it is important to look to the future and make decisions as to our will and desire not only to be first in space but first in the application of space to our needs here on earth. I commend the reading of this article to my colleagues and the public.

The article follows:

A MIND-SPINNING TRIP CHANGED OUR DESTINY

HOUSTON.—There it lay, barren, beautiful and untouched for more than 4 billion years, while man worked his way out of the caves—all the time looking up at his neighbor 250,000 miles across empty spaces, wondering what it was and dreaming how he might get there to find out.

When the time came for man to fulfill his dream, his own planet was in a turmoil that came close at times to a living nightmare. But the irony was forgotten when the moment came for man to change his destiny, the moment when two men out of all the world's millions descended in a four-legged machine named Eagle to a bleak plain in the moon's Sea of Tranquillity.

With the whole world holding its breath, Neil Armstrong and Buzz Aldren came down out of the black and airless void, the orange flame of their machine's braking engine bathing the lunar surface in an eerie glow. "Kicking up some dust," said Armstrong. "See some faint shadows . . . Drifting to the right a little . . . Contact light . . . O.K., engine stop."

There was a pause, a brief stoppage of hearts that seemed forever. "We copy you down, Eagle," said a young North Carolinian named Charlie Duke from Houston's Manned Spacecraft Center.

"Houston, Tranquillity Base here," replied Neil Armstrong at 4:17 p.m. EDT July 20, 1969. "The Eagle has landed."

WHERE WERE YOU?

It immediately reminded people of remarks made in the past when something happened to change our lives: "Well, I made it . . ." "Watson, come here, I want you . . ." "What hath God wrought?"

What had been wrought this time? When men began to ponder it, they found they couldn't. Now that it had happened, it was something that made minds spin. Man on the moon . . . It sounded at once so simple and so absurd that it became a useless exercise to relate the event to anything on earth.

It was a little bit like the day Pearl Harbor was attacked or the day the war ended in Europe or the day darkness came to the Northeastern United States in the middle of rush-hour traffic.

Where were you when the lights went out? Where were you when two men landed on the moon? Almost no answer would ever make sense. "I was brushing my teeth." "Drinking." "Kissing my girl." "Having dinner with friends." "Fighting with my wife."

If the landing put people in shock, what took place almost seven hours later was even more boggling to the mind.

Wearing a cumbersome white pressure suit and a bulky backpack that rose over his shoulders, Neil Armstrong backed out of the Eagle's open hatch and down a 10½-foot ladder. He reached out to pull a lanyard and a television camera came out, aimed squarely at the ladder and at Armstrong coming down.

"Man," said Duke, a quarter of a million miles away. "We're getting a picture on the TV."

Suddenly, there Armstrong was, on television screens the world over, backing down the ladder like some surrealistic image to the moon's surface. The first man on the moon was about to take his first steps on the moon and the whole world was watching him do it.

Clear and stark in sharp blacks and whites, the picture of a craggy moon, a landing machine and a man in the foreground was eerie in its beauty, incredible in what it all meant.

"It looks like a Kline painting," said Norman Mailer, who came to Houston to write about what he felt it meant for Life magazine. It *did* look like a painting by the late abstract expressionist Franz Kline, who worked with broad and bold sweeps of black and white, until you suddenly realized that the man in the picture was moving.

Armstrong reached out his left foot. "I'm going to step off the Lem now," he said—and did it.

"That's one small step for man," Armstrong declared. "One giant step for mankind."

A QUICK ADJUSTMENT

Just how big a step only time will tell, but one thing was certain even as Armstrong moved out of range of the television camera, looking like some apocalyptic vision in his white space suit and fishbowl helmet: man had forever changed his destiny. In some small respects, Armstrong's first steps on the moon were like the first steps man took on his own planet after he'd crawled up out of the sea 2 million years ago.

Just 15 minutes after Armstrong had come down the ladder, Aldrin joined him. Moving rapidly about in the airless, one-sixth gravity, both men quickly adjusted to their surroundings and at times behaved like small boys at a summer picnic.

"Notice how you can pick up the rocks," Armstrong said. "Yeah, they bounce and then . . . Boy, you can really throw things far out here, can't you? And Neil, didn't I say we might see some purple rocks? They're small and sparkly."

Growing more serious, as if they remembered why they were there, Armstrong and Aldrin unveiled the plaque they had carried with them from earth, the plaque that said: "We came in peace for all mankind."

With that, the two men planted an American flag.

While you knew it was happening, you couldn't quite believe it. A woman watching Armstrong's first steps around the landing craft, listening to his first words, said later she had no idea of time or even where she was. "I didn't know whether the children were up," she said, "in bed or racing around in the back yard."

Both men climbed back into their landing craft at about 1 a.m. "Adios amigos," said Aldrin as he climbed the ladder.

History had been made, though not easily.

THE OTHER SIDE OF THE MORATORIUM DAY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. TEAGUE of Texas. Mr. Speaker, on Sunday, October 19, 1969, there appeared an editorial in the Dallas Times Herald written by my good friend Felix McKnight which should be read by every Member of this body. It is food for thought and perhaps some people in this country should partake of it:

MEMO TO HANOI: DON'T BE MISLED

(By Felix R. McKnight)

Lest Hanoi get the twisted idea that this entire country took its eye off the ball on Wednesday and danced in the streets, 200 million strong, there should be another message sent its way.

It is the inalienable right, the privilege, of free people to go their unfettered way, to voice opinions on "Moratorium Day"—something not even the McCarthys, the McGoverns, the Kennedys or the Yarboroughs could imagine on the streets of Hanoi.

It is also cricket, in American streets and on campus, to disagree with the president of the United States. No heads are chopped for such license.

But it should be signaled to North Vietnam and its sickening foot draggers in Paris that a few other things also were happening in the United States on Wednesday.

Ninety-nine per cent of the citizenry—which also loathes war but prefers to get out of Vietnam the valid, thoughtful way proposed by the President—very normally went about their daily chores and responsibilities.

Babies were born in ten thousand places—hopefully into a better world.

Ten million students did not drop out of classes and go barefoot and unshaven to "peace meetings" marked with upsidedown American flags.

The magical Mets pounced on Baltimore—after 55,000 tyranny-free fans thundered out "The Star Spangled Banner" in their beloved Shea Stadium.

Fifty thousand automobiles—and washing machines, refrigerators, food, medical remedies, clothing—came off assembly lines and started to the people.

People thronged clothing, food and drug stores to buy their necessities—with money they earned in a land with its lowest unemployment level of history.

Men who learned their skills in the open universities of this land transplanted hearts and kidneys.

The sensitive hands of surgeons saved human lives on a thousand operating tables.

Men and women did not glance up from microscopes and lab work as the quest for cures to cancer and other killers went on and on. Not cures for Americans—but for all mankind, including the Viet Cong.

Men and women of government, from village to Washington level, stayed with their jobs to assure equal job opportunities, housing and justice for all citizens.

On corner lots, in city parks and playgrounds, a half-million kids—black and white—played PeeWee football, tackled hard and wound up shaking hands.

In ten thousand places men built airports, hospitals, schools, homes and industries—and stayed on the job.

In cathedral, church and synagogue men and women who seek the true peace gave silent prayer for the safe return of battlefield warriors—and the end of war's evils.

In the Congress men dissented—but all held to the indestructible thread of freedom, of dedication to the purpose of this country. Some drifted into the valleys of partisanship, others to the peaks of statesmanship. But none, Hanoi, would sell out on your terms.

No, Hanoi didn't get confused about the status of the United States of America.

Wednesday wasn't "a day off" in the national life. It might have seemed so to you from reading and hearing the chant of a few self-appointed "saviours" among the New Left politicians and commentators.

A fractional few protested in our streets against a President who worked for peace even as they jeered. No one was shot.

Recall, Hanoi—and the restless sideline coaches of this nation—that on another day, a year ago, an enlightened Communist took his people to the streets in protest. Protest blunted by tanks and guns.

Dubcek of Czechoslovakia today is stripped of his right to do anything. The protest of his people has been muted.

In this free, enlightened land there can be protest. There was on Wednesday.

But it will not derail the orderly, honorable withdrawal—and eventual peace we all seek.

SENATE—*Wednesday, October 22, 1969*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, Lord of men and nations, on this national day of prayer, teach us how to pray, when to pray, what to pray, and to whom to pray that the life of prayer may be the way of life in this good land. Make us mindful of our godly heritage. Restore in us the faith of our fathers that we may trust not in our own strength but in the wisdom and light which comes from Thee.

O Lord, chasten and correct us wherein we are wrong. Confirm and strengthen us wherein we are right. Save us from violence and discord, from distrust of one another and from disobedience of divine law. Unite us in heart and mind and action that we may be one people whose might is in the right and whose strength is in Thee.

We pray now for the President and his

Cabinet, for the Congress, for all in the executive, legislative, judicial, diplomatic, and military services that they may know and do Thy will. Be especially near the youth of this land in pursuit of knowledge, on missions of mercy and in the military services, guarding them in temptation and strengthening them in times of peril. Be with the prisoner of war in his loneliness and separation, assuring him that nothing can separate him from Thy tender care. Be near the poor and the disadvantaged and help us to bear one another's burdens.

O Lord, guide by the mind of the Prince of Peace the longing peoples of the world that all mankind may be drawn together in a firm spiritual alliance so that Thy kingdom may come and Thy will be done on earth. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, October 21, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on October 20, 1969, the President had approved and signed the joint resolution (S.J. Res. 112) to amend section 19(e) of the Securities Exchange Act of 1934.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing the nomination of Charles A. Bane, of Illinois, to be U.S. circuit judge for the Seventh Circuit, which nominating messages were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 632) for the relief of Raymond C. Melvin, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1706. An act to provide for the conveyance of certain mineral rights in and under lands in Pike County, Ga.;

H.R. 2963. An act for the relief of Mrs. Barbara K. Diamond;

H.R. 5936. An act for the relief of Kong Wan Nor;

H.R. 9591. An act for the relief of Elgie L. Tabor; and

H.R. 14195. An act to revise the law governing contests of elections of Members of the House of Representatives, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 74. An act to place in trust status certain lands on the Standing Rock Sioux Indian Reservation in North and South Dakota;

S. 775. An act to declare that the United States shall hold certain land in trust for the Three Affiliated Tribes of the Fort Berthold Reservation, N. Dak.;

S. 921. An act to declare that certain federally owned land is held by the United States in trust for the Cheyenne River Sioux Tribe of the Cheyenne River Indian Reservation;

H.R. 2768. An act to amend title 38 of the United States Code in order to eliminate the 6-month limitation on the furnishing of nursing home care in the case of veterans with service-connected disabilities; and

H.R. 3130. An act to amend title 38, United States Code, to provide that the Administrator of Veterans' Affairs may furnish medical services for non-service-connected disability to any war veteran who has total disability from a service-connected disability.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 1706. An act to provide for the conveyance of certain mineral rights in and under lands in Pike County, Ga.; to the Committee on Interior and Insular Affairs.

H.R. 2963. An act for the relief of Mrs. Barbara K. Diamond;

H.R. 5936. An act for the relief of Kong Wan Nor; and

H.R. 9591. An act for the relief of Elgie L. Tabor; to the Committee on the Judiciary.

H.R. 14195. An act to revise the law governing contests of elections of Members of the House of Representatives, and for other purposes; to the Committee on Rules and Administration.

EXPORT EXPANSION AND REGULATION ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Bankruptcy be discharged from H.R. 4293, the House companion bill of S. 2696, which is now the unfinished business of the Senate, and that H.R. 4293 be ordered placed on the calendar.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE RECORD OF THE SELECT COMMITTEE ON SMALL BUSINESS

Mr. MANSFIELD. Mr. President, I am in receipt of a communication from the distinguished chairman of the Select Committee on Small Business, the senior Senator from Nevada (Mr. BIBLE), in which he has compiled the record of the Select Committee on Small Business to date. I ask unanimous consent that this very meritorious report and the attachments be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SELECT COMMITTEE ON
SMALL BUSINESS,
Washington, D.C., October 9, 1969.

Memorandum to: Senator MIKE MANSFIELD.
From: ALAN BIBLE, chairman, Select Committee on Small Business.
Subject: Small Business record.

You may wish to have the following preliminary list of bills introduced and other actions taken by the Senate during the 91st Congress on behalf of the Nation's 5½ million small businessmen. I believe this establishes a record of the concern by the Congress for the more than 90% of American business firms who are small businessmen and who provide employment for 40 million people and contribute approximately 40% of the country's gross national product of some $808 billion annually.

LEGISLATION PASSED

S. 2815.—A clean bill reported by the Banking and Currency Committee, passed the Senate on August 13. It provides for (1) raising the authorization ceiling on local development company loans, (2) authorizing banks to purchase SBIC debentures. and (3) permitting SBIC's to invest in unincorporated businesses.

S. 2610.—Called for maximum feasible participation of minority businesses in areas involved in all federally-assisted urban renewal projects. It became section 404 of S. 2864, a clean bill reported on September 5 (S. Rept. 392) and passed by the Senate on September 23.

LEGISLATION REPORTED

S. 2540.—To explicitly authorize SBA guarantees of private loans to small business investment companies. Reported August 11 by Senate Report 91–369.

OTHER BILLS INTRODUCED

S. 336.—To raise the permissible amount of a Regulation A stock offering from $300,000 to $500,000.

S. Res. 176.—To have SBA study the capital requirements of small meat processors faced with compliance with the Wholesome Meat Act.

S. 1750.—To provide disaster loans to meat packers and other firms faced with Federal deadlines who cannot obtain the requisite credit on reasonable commercial terms.

S. 2638.—Would add a guaranty authorization to the Small Business Act of 1953 parallel to that proposed by S. 2540 for the 1958 Small Business Investment Act.

S. 1212 and 1213.—Would strengthen the SBIC program by the creation of a Capital Bank and other measures. Section 7 of S. 1212 was carried over into S. 2815.

Amendment No. 88 to H.R. 12290.—Exempting small business from repeal of the investment tax credit up to $25,000 of investment, with a cutoff of eligibility at $1 million of income. Amendment No. 92 by Senator McGovern is to the same effect.

Amendment No. 72 to H.R. 12290 by Senator Sparkman.—Would continue the 7% investment tax credit on investment up to $150,000 per year.

S. 2079.—Would establish an Annual Cattle Industry Trade Conference to survey import problems and export possibilities.

S. 2190.—Would require the Department of Agriculture to submit a businesslike annual report on the net balance of payments effects of all trade in agricultural commodities.

S. 2787.—Would upgrade security for air cargo shipped by small and other businessmen by requiring principal contractors to submit quarterly reports on cargo damaged, lost, or presumed stolen.

OTHER ACTIONS IN BEHALF OF SMALL BUSINESS

I. Members of Small Business Committee submit resolution in favor of continued independence of SBA, March 18, 1969. Ten Senators support this measure with floor statements, March 20, 1969.

II. Small Business Committee Chairman Bible requests restoration of $170.2 million Congressionally approved loan authority for SBA business loan programs frozen by the Executive Branch (a 58.5% cut). Letter and floor statements, June 25, 1969.

III. Subcommittee Chairmen Randolph, Harris, and McIntyre challenge SBA and Department of Commerce cutbacks in programs of transferring technology to small business. Letters, September 22, 1969. No public statement as yet.

SMALL BUSINESS PROGRAMS AT THE CROSSROADS

Mr. BIBLE. Mr. President, as chairman of the Select Committee on Small Business, I feel it incumbent to advise the Senate that I have today transmitted by letter to President Nixon a resolution adopted by our committee expressing serious concern about the future independence of the American small businessman's spokesman on the national level—the Small Business Administration.

I ask unanimous consent that the text of the resolution and the transmittal letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BIBLE. There are persistent and recurring reports, published and otherwise, that an Executive reorganization is under consideration that would merge or, shall we say, "submerge" the Small Business Administration into the Department of Commerce. Secretary of Commerce Maurice Stans has been qnoted as saying at the National Press Club, in Washington, D.C., on March 5, that the Small Business Administration "by definition belongs in the Department of Commerce."

Of course, I must disagree completely and unequivocally with Secretary Stans because that statement flies in the face of the language of the Small Business Act of 1953 itself which established the agency. The law reads that the SBA "shall not be affiliated with or be within any other agency or department of the Federal Government."

Mr. President, it is my judgment that this country's almost 5½ million small businessmen view the Small Business Act of 1953 and the Small Business Investment Act of 1958 as two of the oustanding legislative achievements of the Eisenhower-Nixon administration. Certainly, Congress and the administration must have felt at that time that the specific language setting forth that SBA was not to be affiliated within any other agency or department represented a strong mandate. It represented a conviction that the small businessman was entitled to a strong, clear, independent voice in his Government—a voice free from the pressure and influence of big business special interest groups whose competitive purposes would not be dedicated to serving the small business community.

It was important for SBA to speak independently for the small businessman during the Eisenhower-Nixon years of the 1950's. It was equally important for SBA to remain independent during the succeeding Democratic Kennedy-Johnson administration, during which at least one abortive merger effort was shot down before it became airborne. Today, it is even more urgent that SBA remain an independent agency during a difficult economic cycle for small businesses marked by high interest rates, shortage of capital, fiscal uncertainties, and the march of corporate giantism, mergers of small businesses into big business, and the advent of the conglomerate umbrella. These have and do provide real threats to the small businessman as a viable force in protecting himself in the world of competition.

The Nation's 5½ million small businessmen must retain their spokesman—SBA—at the national level if they are to continue to provide employment for 40 million people and contribute approximately 40 percent of the country's gross national product of $808 billion annually.

It is my deep hope that these published and increasingly recurrent reports about a proposed SBA merger or submerger with the Commerce Department continue to be only from the rumor mill.

In my letter to the White House transmitting the Small Business Committee's resolution, I have urged upon the President, as the son of a small businessman himself, to keep the executive agency voice of the small businessman alive and let the Small Business Administration continue to do a commendable, outstanding job.

Certainly, this subject would not be complete without an in-depth examination of the background of congressional attentiveness to the small businessman and the great force he represents in our daily economic life.

Over the past three decades, Congress has taken many initiatives in order to build a series of small business institutions in this country. This movement began with the creation of the Smaller War Plants Administration, and the Small Defense Plants Administration during World War II, and the Korean war. In 1950 the Senate and House Committees on Small Business were established. Then, in 1953, the Small Business Act was enacted by the Congress and signed by President Eisenhower. This established the Small Business Administration as a permanent independent Federal agency, with its Administrator reporting directly to the President. For the first time there existed a national policy in favor of smaller business in this country, as follows:

"It is the declared policy of the Congress that the Government should aid, counsel, assist, and protect, insofar as is possible, the interests of small-business concerns in order to preserve free competitive enterprise . . . and strengthen the overall economy of the Nation." ●

This was followed by the passage of the Small Business Investment Act of 1958, which also gained the approval of the Eisenhower administration, of which President Nixon was a part. The 1958 act chartered small business investment companies through which Government and private capital were imaginatively united in the task of building a true "venture capital" industry in this country.

Associated with this small business program have been some of the most distinguished names in American political life: Leaders in the Senate have included the distinguished chairman of the Banking and Currency Committee, the Senator from Alabama (Mr. SPARKMAN); the former majority leader, President Johnson; the former assistant majority leader, Vice President Humphrey; the chairman on the Finance Committee, the Senator from Louisiana (Mr. LONG); the chairman of the Joint Economic Committee, the Senator from Wisconsin (Mr. PROXMIRE); the present chairman of the Small Business Subcommittee of the Banking and Currency Committee, the Senator from New Hampshire (Mr. MCINTYRE); the distinguished Senators from New York, Illinois, and Texas (Mr. JAVITS, Mr. PERCY, and Mr. TOWER), and many distinguished former Members of this body, such as Senators Saltonstall, Smathers, Bartlett, and Morse. Senators John F. Kennedy and BARRY GOLDWATER distinguished themselves as members of the Senate Small Business Committee.

Thus, the advocacy and support for small business has transcended parties, regions, and political philosophy. The impulses for this work are deep rooted. They arise and are nourished by the concern for the little man, the independent, and the entrepreneur who dares to risk his money and his career in the founding and building of his own business.

As we come increasingly into the age of giant national and international corporations, expanding Government action on all levels, the recurrence of international crises, and the rapid advance of technology, the problems of small and independent business have proliferated. That is a fancy word, but I believe it expresses the feelings of small businessmen who must contend with seemingly ever-mounting demands of bookkeeping, reports, taxation, and regulation, in addition to more rigorous competition in domestic and foreign markets.

As I have said on a number of occasions, the lawmakers whom I have mentioned were among the first to perceive changes in our economy which required a special focus for attention to the problems and potentials of small business. They then pioneered in writing a response to these changes into the law of the land.

These labors have benefited the entire economy, in which 5½ million small businessmen provide 40 percent of the national product and one-half of all the jobs. But most of all, this work has benefited the less affluent, and more remote areas of the Nation, the places where capital and management expertise are most scarce, the areas visited by natural and economic disasters, and those of individuals in this country who put their beliefs in the free enterprise system to the daily test of establishing and maintaining their own small businesses.

During my years in the Senate, I have been proud to be associated with these efforts. I should point out that during much of this time, small business advocates have been fighting an uphill battle against several of the most formidable enemies in the world—special economic interests, bureaucracy, and indifference. For example, it was only in 1966 that a piece of small business legislation received the formal sponsorship of the executive branch for the first time. Programs of the Small Business Administration have been beset with periods of financial stringency stemming from natural disasters, tight money, and budget cutting of various kinds.

However, the record of accomplishment on the statute books and in the annual reports of the Small Business Administration, in spite of these obstacles, deserves the highest praise which the Nation can bestow on dedicated public servants who made it possible.

Central to this story is the Small Business Administration: a little, and in the past often little-noticed agency, which in 15 years has turned in one of the most remarkable performances of any governmental agency.

Since 1953 it has made over 85,000 business loans totaling nearly $4 billion; it has been on hand to make about 75,000 disaster loans totaling nearly $750 million; small communities have received almost 2,000 local development company loans approaching $500 million; and the small business investment companies have in addition made about 30,000 loans aggregating about $1.4 billion.

Each of those loans represents more than a statistic—it is a vital factor in the life and fulfillment of men and families. The establishment and growth of these firms has made the promise of the free enterprise system and the American dream into reality, not only for the 200,000 businesses directly involved, but for the Nation as a whole.

Now would be the time to build upon this record and to extend it in areas of need and opportunity so that the momentum of success can be maintained.

It is unfortunate, instead, that the picture has become clouded in recent days. Reference can be made to reports in newspapers that the Secretary of Commerce feels that the Small Business Administration "by definition" ought to be part of the Commerce Department.[1] Additional credence is lent to these reports by the action of President Nixon on March 5 in signing an Executive order which transfers the coordination of programs on minority busines enterprises from the Small Business Administration where it had previously been, to the Department of Commerce. For the information of all concerned, I ask that articles on this subject published in the Washington Post, the Washington Evening Star, the Wall Street Journal, and the New York Times, together with the Executive order of March 5, 1969, be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BIBLE. Although it does not appear in the press reports, it appears from the Executive order that the function of coordinating Advisory Councils on minority enterprise are to be transferred from the Small Business Administration to the Department of Commerce. The order also states that the Department of Commerce shall "provide the managerial and organizational framework through which joint or collaborative undertakings with Federal departments or agencies or private organizations can be planned and implemented" and that "the head of each Federal department and agency shall keep the Secretary informed of all proposed budgets, plans, and programs of his department or agency affecting minority business enterprise."

Further, Mr. Stans informed a reporter of the Wall Street Journal that his department could "conceivably" end up absorbing many functions now placed elsewhere.

These statements raise substantial questions about the role of the Small Business Administration. What is clear, however, is that instead of continuing on the highroad of SBA's success, the Nixon-Agnew administration is placing SBA and Small Business programs at a cross roads. No one can be sure at this point whether we are going ahead, going off at right angles, or doubling back the way we came.

Mr. President, the position of the Select Committee on this matter is clear. Our committee resolution strongly supports the existence of an independent Small Business Administration. The language of the Small Business Act of 1953 should be before us. Section 4(a) states:

"In order to carry out the policies of this Act there is hereby created an agency under the name 'Small Business Administration' . . . which Administration shall be under the general direction and supervision of the President and shall not be affiliated with or be within any other agency or department of the Federal Government."

This language was deliberately conceived by the Congress to safeguard an independent voice in Washington for the small businessman. This independence was required because experience had demonstrated that small business matters would not be given appropriate attention within the Department of Commerce, the Department of the Treasury, or the other departments, agencies, or offices of the Federal Government which had long been in positions of influence over the destiny of small business. The historical record is clear on that point. It was the subject of extended debate in the Senate, which was summarized by the distinguished senior Senator from Alabama (Mr. SPARKMAN) as recently as February of 1966.[2] This legislative history, which is certainly no reflection upon the current Secretary of Commerce, establishes that the lack-luster record of the Department of Commerce in the field of small business prior to 1953, was a major reason for the grant of independent status to the SBA.

Accordingly, any reversion to the Department of Commerce of small business functions will almost surely represent a stride backward into a past where the distinctions between small business and giant business become increasingly blurred. It would be a retreat to an era when the Congress and the Nation were asked to believe that the problems of small, local, independent, and family enterprises were no different from those of multibillion-dollar, multi-national, conglomerate corporations. It would be a throwback to a time when Government spokesmen for small business were required to have their policies, statements, and budgets cleared by several layers of officials in the Department of Commerce who might have very little interest in the small businessman.

There has been considerable splendid comment by the new administration about the participation of the private sector in necessary programs. The record of the SBA on private participation is clear and positive. There have been intensive efforts to involve the private banking industry and the trade and other private associations in the loan participation and guaranty programs, especially in the creation of minority entrepreneurship in order to maximize the private role in these areas. There has been considerable achievement in these endeavors. This does not mean that more could not be done. And in doing more, the assistance of the Department of Commerce or any other department or agency could be helpful and would certainly be welcome. But, assistance is not the same as control.

Mr. President, I believe that I can assure all who are concerned with the small businessman that Congress will not stand by and allow this kind of retrogression. To the extent that the administration undermines, in law or in fact, the authority and programs of the Small Business Administration, not only will they incur the opposition of our committee, but also, I believe the great majority of Congress will make its voice be heard loudly and clearly.

EXHIBIT 1

U.S. SENATE, SELECT COMMITTEE ON
SMALL BUSINESS,
Washington, D.C., March 18, 1969.

RESOLUTION

Whereas in 1953 the Congress established the Small Business Administration as an independent agency "under the general direction and supervision of the President," and provided specifically that the Small Business Administration "shall not be affiliated with or be within any other agency or department of the Federal Government"; and

Whereas a new Administration has assumed control of the Executive Branch of the Federal Government, and a new Administrator of the Small Business Administration has been appointed; and

Whereas printed and other reports persist that the future of the Small Business Administration as an independent agency may be in doubt; and

Whereas any departure from absolute independence for the Small Business Administration as a government agency would be contrary to the stated intent of Congress, and would patently abrogate the legislation creating the Small Business Administration as an independent agency of the Federal Government, and would lessen considerably the effective voice at the Federal level of the Nation's five and one-half million small businessmen: Now, therefore, be it

Resolved, That the Select Committee on Small Business of the United States Senate strongly favors the continuation of the Small Business Administration as an independent agency and strongly recommends that its function not be transferred to, or assumed by, any other department or agency of the Federal Government.

ALAN BIBLE, Nevada, chairman; JOHN SPARKMAN, Alabama; RUSSELL B. LONG, Louisiana; JENNINGS RANDOLPH, West Virginia; HARRISON A. WILLIAMS, Jr., New Jersey; GAYLORD NELSON, Wisconsin; JOSEPH M. MONTOYA, New Mexico; FRED R. HARRIS, Oklahoma; THOMAS J. MCINTYRE, New Hampshire; MIKE GRAVEL, Alaska; JACOB K. JAVITS, New York; MARK O. HATFIELD, Oregon; ROBERT DOLE, Kansas, MARLOW W. COOK, Kentucky.

U.S. SENATE SELECT COMMITTEE ON
SMALL BUSINESS,
Washington, D.C., March 18, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: May I call your attention to the enclosed resolution adopted this week by the U.S. Senate Select Committee on Small Business strongly favoring continuation of the Small Business Administration as an independent agency and opposing any proposal to merge it with or subordinate it to any other department or agency of the Federal Government.

The Committee's affirmative action stems from persistent and recurring reports, published and otherwise, that such an Executive reorganization proposal is under consideration. Secretary of Commerce Maurice Stans has been quoted as stating at the National Press Club on March 5 that the Small Business Administration "by definition . . . belongs in the Department of Commerce".

It is my judgment that this country's almost 5½ million small businessemen view the Small Business Act of 1953 and the Small Business Investment Act of 1958 as two of the outstanding legislative achievements of the Eisenhower-Nixon Administration. The former specifically provided that SBA "shall not be affiliated with or be within any other agency or department of the Federal Government."

Certainly, Congress and the Administration must have felt at that time that such language clearly represented a strong mandate that the small businessman was entitled to a strong clear, independent voice in his Government—a voice free from the pressure and influences of big business special interest groups not dedicated to serving the small business community.

It was important for SBA to speak independently for the small businessman during the Eisenhower-Nixon years of the 1950's. It was equally important for SBA to remain independent during both succeeding Democratic Administrations during which at least one merger effort was discouraged. Today, it is even more urgent that SBA remain an independent agency during a difficult economic cycle marked by high interest rates, shortage of capital, fiscal uncertainties and the march of corporate giantism, mergers of small businesses into big business and the advent of conglomerates. These have provided real threats to the small businessman as a viable force in protecting himself.

The Nation's nearly 5½ million small businessmen must retain their spokesman—SBA—at the national level if they are to continue to provide employment for 40 million

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Footnotes at end of article.

people contributing approximately 40 percent of the country's gross national product of $808 billion annually.

As the son of a small businessman yourself, you must be appreciative of the concern of the country's small business community about any proposed merger of the Small Business Administration with the Executive Department charged primarily with assisting and supervising big business—the Department of Commerce.

I sincerely hope you share this Committee's concern, and as Chairman of the Senate Small Business Committee, I respectfully urge your support for the continued independence of the Small Business Administration.

Cordially,

Alan Bible,
Chairman.

Exhibit 2

[From the Washington (D.C.) Post, Mar. 6, 1969]

Minority-Business Office Set Up—Nixon Signs Order To Aid Enterprises

(By Carroll Kilpatrick)

President Nixon yesterday signed an executive order establishing an Office of Minority Business Enterprise to promote and expand business ownership by minority groups.

The new office, which will be established in the Commerce Department, will help fulfill Mr. Nixon's promise to promote "black capitalism" and also enterprises by Mexican-Americans and other minority groups.

Secretary of Commerce Maurice H. Stans, who will supervise the operation of the new office, said that "we are trying to abandon the term 'black capitalism' in favor of the minority business enterprise because there are other minorities entitled to the benefits of this program."

[From the Washington (D.C.) Evening Star, Mar. 5, 1969]

Nixon To Create a "Minority" Business Post

(By Philip Shandler and Richard Critchfield)

President Nixon reportedly will centralize in the Commerce Department the administration's effort to help "minority business enterprise."

The President soon will create a new Commerce post of special assistant to the secretary of minority enterprise, with a staff of about 10 borrowed specialists, and will establish a citizen advisory council, sources said.

The steps would be the first major administrative action to implement Nixon's pledge to help Negroes and other minority-group citizens get a bigger "piece of the action" in business.

The action is expected to stir negative reaction from some Negroes and government officials outside Commerce, however.

NO STATEMENT

The President is not expected to accompany his announcement with a statement of what kinds of help and how much of it he intends to give, leaving much of this for Commerce Secretary Maurice H. Stans to recommend. And some officials in other agencies do not see Stans as properly oriented to the need.

The President was to meet today with Stans, other Cabinet members, several Negro leaders and Hilary J. Sandoval, the Mexican-American head of the Small Business Administration.

The White House described today's session as "two-way discussion on minority business enterprise."

The Negro leaders planning to attend are Roy Innis, director of the Congress of Racial Equality, and Roy Wilkins, executive secretary of the National Association for the Advancement of Colored People.

The Cabinet members were to include George W. Romney, John A. Volpe, Clifford M. Hardin, Robert H. Finch, and George P. Shultz, the secretaries, respectfully, for Housing and Urban Development; Transportation; Agriculture, Health, Education and Welfare, and Labor.

MOYNIHAN, FARMER

Also to be present were Nixon's urban affairs adviser, Daniel P. Moynihan, and Assistant HEW Secretary James Farmer, founder of CORE.

Nixon pledged during the presidential campaign to help develop "black capitalism." Last week, however, Stans said the administration's new slogan is "minority enterprise."

The shift from "black" to "minority" reflects a sensitivity to the feelings of Puerto Ricans, Indians and Mexican-Americans, as did the naming of Sandoval to head SBA.

But liberals within the administration are not convinced that the switch from "capitalism" to "enterprise" reflects a commitment to the kind of economic-development help they think is needed.

Nixon has not yet taken a position, for example, on legislation embodying a $1 billion CORE plan for the creation of community-development corporation, in which residents of target areas would be able to buy stock and share in the enterprise.

And the first minority-enterprise effort by the administration, announced last week by Stans, is to implement a program of tax assistance to a Watts corporation—a project launched by the Johnson administration.

These liberals believe Stans is too bound to the traditional "capitalism" approach—that is, help to individual entrepreneurs or partnerships, rather than to community-based enterprise.

They would prefer, therefore, that direction of the program be vested in what they regard as a more socially-conscious agency, such as HEW or the Office of Economic Opportunity.

A prospectus prepared for the President by Commerce, however, calls for that department to have the power to coordinate 116 separate programs conducted by "21 Cabinet departments and executive agencies."

"SPEAK EFFECTIVELY"

The "focal point" would be Stans and the new assistant, "to speak effectively and convincingly to government agencies, the business community, minority business, labor, foundations and other economic and social groups."

"Efforts should be made to get many of the staff on long-term loan from industry, foundations and financial institutions," the paper says.

The National Advisory Council on Minority Business Enterprise would serve as "a communications link with all relevant non-federal groups, a coordinating link in the evolution of strategy, a vehicle for generating new ideas, and an external sounding board for new program proposals."

A key question not expected to be answered immediately is what will happen under the anticipated reorganization to agencies such as SBA.

Stans reportedly wants to absorb SBA into Commerce; several congressmen want to keep it independent, although some, troubled by the Negro oriented activities of former SBA head Howard Samuels, may prefer to put it under what they regard as Stans' suitably conservative wing.

[From the Wall Street Journal, Mar. 6, 1969]

Nixon Sets Up Office To Further Minorities Entry Into Business—Commerce Chief Heads New Unit That Will Seek To Coordinate Efforts of 116 U.S. Programs

Washington.—President Nixon established an office of Minority Enterprise, headed by Commerce Secretary Stans, to help disadvantaged groups become part of the mainstream of American business.

The new office, equipped with a staff of 10 professionals, will perform a coordinating function—attempting to sharpen the focus of some 116 programs, operated by 21 different Federal agencies, that currently support the development of new business enterprises either by loans, grants, guarantees or contracts.

In addition, the new office will attempt to draw upon the resources of private industry, voluntary organizations and foundations to help minority-group members become businessmen. The Presidential order also created an Advisory Council for Minority Business Enterprise, to comprise experts from the banking, business, foundation and other fields, that will give advice. And the order established an information center to collect examples of successful minority-business ventures.

"I have often made the point that to foster the economic status and the pride of members of our minority groups we must seek to involve them more fully in our private enterprise system." Mr. Nixon declared in a statement. "Black, Mexican-American, Puerto Ricans, Indians and others must be increasingly encouraged to enter the field of business, both in the areas where they now live and in the larger commercial community, and not only as workers, but also as managers and owners," he said.

Mr. Nixon's Executive Order was significant for several other reasons:

It laid to rest the term "black capitalism" that the President had used so extensively during his election campaign. The Nixon Administration wants to appeal to a broader spectrum of minority groups, not just the black population. So "black capitalism" has become "minority enterprise" and Mr. Nixon addressed his statement to "blacks, Mexican-Americans, Puerto Ricans, Indians, and others."

It costs the inflation-conscious Administration no budgetary expense, except for staff salaries; nor does it call upon Congress for new legislative programs. Mr. Stans, at a news conference, said that if new funds or legislative authority is deemed necessary, that will be decided later on. He added that the use of new tax incentives to stimulate new business and jobs in the slums, as advocated by Mr. Nixon during his campaign, was a matter still "under study." He said it was "premature" to discuss whether such incentives would be proposed to Congress.

It doesn't propose any transfer of Federal programs or agencies. Mr. Stans said that the new office wouldn't operate any programs of its own, but would seek to persuade those agencies that do operate programs affecting minority business to make extra efforts in that direction. The Commerce Secretary won't have formal, direct power over other Federal agencies, but will have the force of Mr. Nixon's policy order behind him.

[From the Wall Street Journal, Mar. 6, 1969]

Foreign Investment Rules To Be Waived for "Hundreds" of Small Firms, Stans Says

Washington.—The Nixon Administration is moving toward exempting "many hundreds" of relatively small companies from controls over foreign direct investment, Commerce Secretary Stans said.

At a National Press Club luncheon, Mr. Stans added that some form of relief also is in the works for large corporations, reiterating an earlier comment that he hopes for action in about 30 to 60 days.

While Mr. Stans dodn't go into detail, the relief for small companies presumably would be in the form of raising the current $300,000 ceiling on dollars that may be dispatched in 1969 to foreign subsidiaries without regard to the mandatory regulations on investment abroad.

This cutoff point was originally set at $100,000 when the controls were imposed by President Johnson on Jan. 1 1968, and was raised to $200,000 last August. Under consideration now, it's understood, is an increase in this "minimum investment quota" to a level that might well exceed $500,000.

To help larger corporations, the department is believed to be weighing an increase in the "incremental earnings" quota. Instead of the standard formulas limiting the investment outflow according to past activity in a base period, a company this year can instead have investment quotas equal to 20% of the 1968 earnings of its foreign affiliates in each of the three specified geographic areas. The simplest form of liberalization, analysts say, would be for the department to raise the percentage to, for instance, 25% or 30%.

President Nixon appears willing, Mr. Stans said, to take the "calculated risk" that the projected easing of controls—which currently apply to about 3,200 companies—will to a "slight degree" worsen this year's expected overall balance-of-payments deficit. Such a deficit, which occurs when foreigners acquire more dollars than they return in all dealings, could be "very substantial" this year anyway, he warned.

Thus, Mr. Stans emphasized, the controls that Mr. Nixon criticized sharply in his campaign can't be removed altogether without risking "a crisis for the dollar" internationally. But Mr. Stans said he agrees with businessmen who are pressing him "to get rid of those damn controls" on the ground that they would be "self-defeating" if retained indefinitely. He said the controls are "destructive" of opportunities for U.S. companies to build plants in foreign markets that would result in gains in exports and earnings.

The major weak spot in the payments situation, Mr. Stans said, is the shriveling in 1968 of the U.S. surplus on exports over imports to the lowest level since the late 1930s. In this context, Mr. Stans expressed sympathy for U.S. textile companies faced with an "unbelievable" increase in imports of synthetic fibers and textile products. If this continues, he said, it could do "great harm" to the industry.

While emphasizing that "at heart, we are free traders," Mr. Stans expressed hope that the Administration will be able to persuade foreign synthetic fiber companies to accept "voluntary" limits on their sales to the U.S., akin to the steel-import limits which, he said were "pretty well resolved" on a voluntary basis late in the Johnson Administration.

Whether textile quotas will be discussed on his trip to Europe in April hasn't yet been decided, Mr. Stans said. He suggested that a separate negotiating team might tackle this later so as not to "interfere with free and open discussion" on broader trade matters. Also undecided is whether Agriculture Secretary Hardin may accompany him or go later, Mr. Stans said as he expressed hope that textiles wouldn't get tangled with a Common Market move toward a special tax that could severely hurt U.S. soybean exports. The U.S. hopes for textile pacts with Japan, Hong Kong, Korea, Taiwan, and other non-European nations as well, Mr. Stans added.

PROTECTIONIST MOVES

Discounting suggestions that his trip could trigger greater professional moves by Europeans, Mr. Stans said nontariff barriers are already spreading in Europe to an extent that "all of the supposed benefits of the Kennedy Round" of tariff-cutting could be lost before the rate reductions are fully implemented. He complained that the proliferation of "taxes on value added" in Europe pose a "very serious" danger to the U.S., which is "defenseless" because international rules permit such levies to be applied against imports and rebated on exports.

The question of whether the U.S. should institute such a tax—which basically applies to the difference between what a company pays for materials and the price it gets for its finished products—is one that will shortly be studied, Mr. Stans said. But he cautioned that it will be "several years" before a position could be taken. Asked about Japan's limits on operations by U.S. auto makers, Mr. Stans said it would be "better to ask Japan to impose barriers" on its own exports of autos to the U.S. But, he quickly withdrew the remark as "facetious."

Disavowing any intent to be an "empire builder," Mr. Stans said that Federal reorganization efforts conceivably could end up with a transfer from the White House to his department of the functions of special ambassador for trade negotiations and special assistants for consumer protection and telecommunications. Certain oceanographic functions might also be logically added to his department, he said, adding that "by definition" the Small Business Administration ought to be part of the Commerce Department.

Stressing that he hasn't taken any position on such possible transfers, Mr. Stans said he is aware that there has been "some decline in the prestige" of the Commerce Department since the time Herbert Hoover was secretary. The department shouldn't try to be the "voice of business" in Washington nor should it have the role of communicating the Administration's wishes to the business community, Mr. Stans said. Its goal, he said, should be sponsoring "growth and strength" in the economy, a role that would be implied if its name were the "Department of Economic Development."

[From the New York Times, Mar. 6, 1969]

STANS TO PROMOTE A MINORITY BUSINESS ENTERPRISE—COMMERCE CHIEF TO SET UP NEW DEPARTMENT TO DIRECT PROGRAMS FOR THE POOR

(By Walter Rugaber)

WASHINGTON, March 5.—Secretary of Commerce Maurice H. Stans was named today as the Nixon Administration's main promoter of capitalism for the nation's Negroes and other minority group members.

President Nixon assigned the job to Mr. Stans and the Commerce Department when he signed an Executive order at a White House ceremony attended by 37 Negro, Mexican-American, Puerto Rican, and Indian leaders.

The Secretary, who said he would establish an office of minority business enterprise within the department, indicated later at a news conference that the new operation would work largely on coordinating Government and private efforts.

Mr. Stans declared that his office would not conduct programs of its own, would not take funds from other agencies, and would not direct other Federal offices on how to spend their money.

Mr. Stans said the new office would have a "limited group of perhaps 10 experts in various fields," such as banking, business, philanthropy and agriculture.

CONCERN IN LIBERAL CIRCLES

There was some concern in liberal antipoverty circles that Mr. Stans, who has a reputation as a conservative, might interfere with minority business development efforts to other agencies.

The Secretary's move to portray his new unit as an administrative and coordinating group appeared to mollify several of these sources only partly.

"It still means that if O.E.O. [the Office of Economic Opportunity] wants to make grants to black business in Watts or Bedford-Stuyvesant it's got to check with Stans," one observer said. "It's just another layer of clearance."

"They will still run their own programs," Mr. Stans insisted at his news conference. "The money in O.E.O. will stay there and the money in the S.B.A. [Small Business Administration] will stay in the S.B.A."

There are 116 Federal programs that might help minority group members go into business for themselves, Mr. Stans said, administered by 20 different departments and agencies.

"Some have done a poor job and one or two may have done a pretty good job," Mr. Stans said. "The point is, we want to focus their attention and stimulate their activity in the field of minority enterprise to a degree that has not been possible before."

None of the appointees to the new office were named. Mr. Stans disclosed that the director would not be a minority group member but that some Negroes and Mexican-Americans would work on the staff.

Roy Wilkins, executive director of the National Association for the Advancement of Colored People, and the Rev. Ralph David Abernathy, president of the Southern Christian Leadership Conference, were invited to the White House but did not appear.

Mr. Wilkins and other civil rights leaders have criticized the "black capitalism" concept that President Nixon put forth during the campaign on grounds that building "Negro" business would tend to perpetuate ghettos.

The White House identified the persons attending today's meeting as follows:

T. M. Alexander, Courts & Co.

Richard Allen, Economic Resources Corporation.

Mrs. Margaret L. Belcher, National Association of Negro Business and Professional Women's Clubs.

John Belindo, executive director, National Congress on Indian Opportunities.

Senator Edward W. Brooke, Republican of Massachusetts.

Berkeley Burrell, president, National Business League.

Sammie Chess Jr., president, Friendly-Leader Manufacturing Company.

John Clay, Business Development Corporation.

Clifford Coles, director of urban affairs, American Management Association.

Wardell Croft, president, National Insurance Association and Wright Mutual Insurance Company.

John Davis, Commerce, Labor, Industry Corporation of Kings.

The Reverend Walter Fauntroy, Micco, Inc.

Charles B. Fisher.

Joe Gomez, United Steel Workers of America.

William Hamilton, president, National Association of Real Estate Brokers.

Mrs. Dorothy Height, president, National Council of Negro Women.

Judge Alfred J. Hernandez.

Norman Hodges, president, Green Power Foundation.

Roy Innis, national director, Congress of Racial Equality.

Dr. Edward Irons, executive director, National Bankers Association.

John H. Johnson, president, Johnson Publications.

Napoleon Johnson, National Urban League.

Joe Kirven, president, Abco Building Maintenance Company.

Representative Manuel Lujan, Republican of New Mexico.

Luis Nunez, executive director, Aspira, Inc.

Mrs. Myrtle Ollison, National Association of Colored Women's Club.

Robson B. Reynolds, the Philadelphian Apartments.

Eliu Rumero, Taos, N.M.

George E. Sandoval, Tucson, Ariz.

Dr. John Torres, Bronx Terminal Market.

Clarence Townes Sr., Richmond, Va.

Mayor Walter E. Washington of Washington, D.C.

Johns Wheeler, president, Mechanic and Farmers Bank.

Charles William, National Business League.

John Wooten, executive director, Black Economic Industrial Union.

Dr. Harding Young, dean, School of Business Administration.

[From the office of the White House Press Secretary, Mar. 5, 1969]

The White House Executive Order Prescribing Arrangements for Developing and Coordinating a National Program for Minority Business Enterprise

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

Section 1. *Functions of the Secretary of Commerce.* (a) The Secretary of Commerce (hereinafter referred to as "the Secretary") shall—

(1) Coordinate as consistent with law the plans, programs, and operations of the Federal Government which affect or may contribute to the establishment, preservation and strengthening of minority business enterprise.

(2) Promote the mobilization of activities and resources of State and local governments, businesses and trade associations, universities, foundations, professional organizations and volunteer and other groups towards the growth of minority business enterprises and facilitate the coordination of the efforts of these groups with those of Federal departments and agencies.

(3) Establish a center for the development, collection, summarization and dissemination of information that will be helpful to persons and organizations throughout the nation in undertaking or promoting the establishment and successful operation of minority business enterprises.

(b) The Secretary, as he deems necessary or appropriate to enable him to better fulfill the responsibilities vested in him by subsection (a), may—

(1) Develop, with the participation of other Federal departments and agencies as appropriate, comprehensive plans of Federal action and propose such changes in Federal programs as may be required.

(2) Require the submission of information from such departments and agencies necessary for him to carry out the purposes of this order.

(3) Convene for purposes of coordination meetings of the heads of such departments and agencies, or their designees, whose programs and activities may affect or contribute to the purposes of this order.

(4) Convene business leaders, educators, and other representatives of the private sector engaged in assisting the development of minority business enterprise or who could contribute to its development to propose, evaluate, and coordinate governmental and private activities in furtherance of the objectives of this order.

(5) Confer with and advise officials of State and local governments.

(6) Provide the managerial and organizational framework through which joint or collaborative undertakings with Federal departments or agencies or private organizations can be planned and implemented.

(7) Recommend appropriate legislative or executive actions.

Sec. 2. *Establishment of the Advisory Council for Minority Enterprise.* (a) There is hereby established the Advisory Council for Minority Enterprise (hereinafter referred to as "the Council").

(b) The Council shall be composed of members appointed by the President from among persons, including members of minority groups and representatives from minority business enterprises, knowledgeable and dedicated to the purposes of this order. The members shall serve for a term of two years and may be reappointed.

(c) The President shall designate one of the members of the Council as the Chairman of the Council.

(d) The Council shall meet at the call of the Secretary.

(e) The Council shall be advisory to the Secretary in which capacity it shall—

(1) Serve as a source of knowledge and information on developments in different fields and segments of our economic and social life which affect minority business enterprise.

(2) Keep abreast of plans, programs and activities in the public and private sectors which relate to minority business enterprise, and advise the Secretary on any measures to better achieve the objectives of this order.

(3) Consider, and advise the Secretary and such officials as he may designate on, problems and matters referred to the Council.

(f) For the purposes of Executive Order No. 11007 of February 26, 1962, the Council shall be deemed to have been formed by the Secretary.

(g) Members of the Council shall be entitled to receive travel and expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5701–5708) for persons in the Government service employed intermittently.

(h) The Secretary shall arrange for administrative support of the Council to the extent necessary including use of any gifts or bequests accepted by the Department of Commerce pursuant to law.

Sec. 3. *Responsibilities of other Federal departments and agencies.* (a) The head of each Federal department and agency, or a representative designated by him, when so requested by the Secretary, shall, to the extent permitted by law and funds available, furnish information and assistance, and participate in all ways appropriate to carry out the objectives of this order.

(b) The head of each Federal department or agency shall, when so requested by the Secretary, designate a senior official to have primary and continuing responsibility for the participation and cooperation of that department or agency in matters concerning minority business enterprise and activities as required by this order.

(c) The head of each Federal department or agency, or his designated representative, shall keep the Secretary informed of all proposed budgets, plans, and programs of his department or agency affecting minority business enterprise.

Sec. 4. *Construction*. Nothing in this order shall be construed as subjecting any function vested by law in, or assigned pursuant to law to, any Federal department or agency or head thereof to the authority of any other agency or officer, or as abrogating or restricting any such function in any manner.

RICHARD NIXON.

THE WHITE HOUSE, *March 5, 1969*.

INDEPENDENCE OF SEA

Mr. KENNEDY. Mr. President, recent articles in the press have raised some doubts about the continued independence of the Small Business Administration.

The concern which these reports have caused, in the Senate, is reflected by Senator BIBLE dispatching to the White House today a resolution in behalf of the Senate Select Committee on Small Business which strongly restates the position that the agency should remain independent.

I support the committee's position. I hope the status of the Small Business Administration does not become a partisan matter or a controversy.

A Democratic Congress and a Republican administration united in 1953 to make the SBA a permanent and independent Federal agency, as a voice for the 5½ million small business owners throughout the country. Its importance to New England has been demonstrated by the strongly bipartisan support received from the former Senator from Massachusetts and longtime ranking minority member of the Senate Select Committee on Small Business, Mr. Saltonstall, the present chairman of the Legislative Small Business Subcommittee (Mr. McINTYRE) and another consistent and vigorous advocate of small business, the Senator from Vermont (Mr. PROUTY). The Smaller Business Association of New England, probably the leading regional association of small firms in the Nation, has strongly and consistently defended SBA independence.

Mr. President, the large national and multinational corporations, backed by blue-ribbon law firms, public relations firms, and often representation in national and State capitals, have little difficulty in obtaining a hearing within the Government. To balance the scale somewhat has required that all of the friends of small business work and stand together. It has been this spirit of cooperation which has made possible the accomplishments in the past 15 years in the small business field.

What differences in judgment existed about the independent status of SBA were fully debated in 1953. At that time, President Kennedy, then the junior Senator from Massachusetts and later a member of the Senate Select Committee on Small Business, said:

"If such an agency is to be of real help to small business in providing technical assistance, long-term capital, and procurement opportunities, all of which are of primary importance in expanding the economies of New England and the United States, the following defects must be corrected:

"First, such an agency must be truly independent and not subject to the veto power of the Commerce and Treasury Departments. Experience has shown that such independence is necessary to give small business an effective voice in the Government."

It was, thus, after mature deliberation and positive action by the Congress that SBA independence was established. The factors that were weighed in that decision have been summarized on several occasions, and the Senator from Alabama (Mr. SPARKMAN) did so on February 4, 1966, in the CONGRESSIONAL RECORD, volume 112, part 2, page 2124. Senator SPARKMAN's presentation has convinced me that nothing has changed to alter the validity of the congressional judgment of 1953 that the Small Business Administration must be truly independent to be an effective voice and helping hand for the small business community.

I feel it would thus be unnecessary and regrettable to reopen the question at this time.

EXPERIENCE FAVORS RETENTION OF INDEPENDENT SMALL BUSINESS ADMINISTRATION

Mr. NELSON. Mr. President, there has been increasing concern in recent days about the independence of the Small Business Administration. From what I have read in the newspapers recently, I share this concern with my colleagues in the Senate and the business community in my State.

For instance, an article on page 3 of the Wall Street Journal of March 6 quoted the Secretary of Commerce, Mr. Stans, as saying:

"Federal reorganization efforts conceivably could end up with a transfer . . . to his Department of the functions of the special ambassador for trade negotiations, and special assistants for consumer protection and telecommunications . . . adding that by definition 'the Small Business Administration ought to be part of the Department'."

An article on the following page informed us further that the Office of Business Minority Entrepreneurship had been set up to "coordinate" minority business programs and that it was to have a staff of about 10 experts. Then on March 9, the Washington Post carried a statement:

"The new office in the Commerce Department will begin operations with a small staff, probably not more than twenty or thirty people."

This reported growth of 100 to 200 percent in 4 days must surely be one of the fastest growth rates ever seen in this country and raises serious doubts about what the Department of Commerce and the Administration intend to do in this field. If these activities continue to expand with the same speed, it can safely be predicted that the Department of Commerce could absorb SBA completely, leaving few traces other than a dispossessed and demoralized community of 5½ million small firms in this country.

Before this happens, I think it would be well for the Senate to closely analyze the logical basis which has been stated for the proposition that important functions such as protection of the consumer and the small businessman be made the responsibility of the Department of Commerce.

It is gratifying to me that the Senate Committee on Government Operations will shortly begin hearings on my bill for the creation of a Department of Consumer Affairs. It has been my experience as developed over several years in both Madison, Wis., and Washington, D.C., in holding hearings on many subjects such as drug prices, automobile tires, and other practices of car manufacturers, that there is a significant divergence of interest between the consumer and the businessman and that no man or department can adequately serve both of these masters. In the field of small business, I have been privileged to serve as the Chairman of the Monopoly Subcommittee of the Senate Select Committee on Small Business. On March 15, 1967, we heard the following testimony about business trends from Dr. Willard F. Mueller, then Chief of the Bureau of Economics of the Federal Trade Commission:

"Another disquieting development is the growing aggregate *concentration* and *conglomeration* of American industry. The current merger movement has created vast industrial complexes which operate across numerous industries. . . . By 1963, the 100 largest manufacturing corporations accounted for as large a share of business activity as did the top 200 in 1947. . . . Growing conglomeration raises some rather fundamental questions . . . concerning the future character of the competitive process in our market economy. Because a conglomerate enterprise operates across many different markets, it is not subject to the competitive discipline of any one market. This may pose serious competitive problems for the business enterprise, especially the small company, whose fortunes depend entirely on its success in a particular market." [3]

Mr. Mueller also pointed out:

"The high degree of concentration of financial resources in American manufacturing . . . (where) the 10 largest companies held 18 percent of all manufacturing assets (and) the approximately 400,000 smallest companies with assets below $5 million accounted for only 15 percent of the total." [4]

It was because of these and other such trends in the economy that the Congress determined in 1953 that the Small Business Administration should be an independent agency as a spokesman for the Nation's smaller business firms. Beyond the facts and figures, however, Congress also considered the intangibles such as the sympathy, sensitivity, and depth of commitment which an independent agency dedicated to the small businessmen would have in carrying out the declared congressional policy that—

"The Government should aid, counsel, assist, and protect insofar as it is possible, the interests of small business concerns in order to preserve free competitive enterprise . . . and to maintain and strengthen the overall economy of the Nation." [5]

It is my judgment that another intangible which has a direct influence on keeping our economy dynamic and competitive is the incentive to invent and innovate and to create a business which will bring these new products and services to the public. It has been pointed out to the Senate on several occasions that small business makes a disproportionately high contribution in this area. For instance:

"An intensive study by the U.S. Department of Commerce published in 1967 indicated that, despite the approximately $100 billion spent on research and development in this country in the past two decades, much of it by big business with advanced facilities and organized teams of professions, more than half of the technical and business innovations in our country are still coming from individual inventors and very small companies." [6]

It seems to me that both the tangible information and the intangible factors which are part of my experience confirm the points which have been ably made by Senator Bible and Senator Sparkman. If anything, they add additional weight to the judgments of 1953 based upon the developments which we have seen in our economy since then.

Accordingly, I would like to express my strong support for the Small Business Committee Resolution recommending continued independence of the SBA. I intend to do all that I can to have this position sustained by the Congress and the executive branch and to advance the cause of the small businessman throughout the country.

ASSURING A FUTURE FOR THE SMALL BUSINESS ADMINISTRATION AND THE SMALL BUSINESSMAN OF THIS COUNTRY

Mr. HARRIS. Mr. President, recent statements and actions give rise to the disturbing possibility that the Nixon administration intends to downgrade or perhaps even dismantle the traditional program and independence of SBA.

I feel that those of us in the Senate who are familiar with small business matters should make our views known for the information and whatever guidance the executive branch may wish to derive from them.

Mr. President, small business is not some kind of ornament on the corporate society, like a piece of fancy operational equipment on one of the big-three model automobiles. The small business community accounts for 40 percent of our gross national product and one-half of the 80 million jobs that support our population. Small business is thus central to U.S. economy.

There is a further myth that most small businesses are a kind of historical anachronism, like the buggy-whip. The truth is that the corner grocery store and the neighborhood restaurant have been transformed somewhat and have now emerged as the "7–11 store," the carryout, the franchised hamburger, roast beef, chicken or hotdog drive-in. These businesses which provide a varying but considerable measure of small business ownership and control are among the fastest growing enterprises in the country.

The classic neighborhood small businesses have also been receiving increased attention because of their value to the inner city in improving the availability of goods and services, reducing prices, providing jobs and offering realistic opportunities for ownership by minority businessmen.

Beyond these fields, we have seen breakthroughs in the technology of space and the ocean, transportation and communications, electronics and data processing. These have come in the wake of the $100 million in research and development funds spent in the United States since World War II, much of it coming directly from the taxpayer. These areas offer spectacular opportunities for small business, especially when it is recalled that even though over 90 percent of the research and development has been done by big business, 50 percent of the inventions and innovations continue to come from small business and individual inventors. Examples cited last year, by the Senator from Oregon, Mr. Morse, includes jet engines, the automatic transmission, the helicopter, the catalytic cracking of petroleum, penicillin, polio vaccine, air conditioning, the polaroid camera, FM radio, and the Xerox process.[7] Not only are these discoveries of great value to society as a whole, but they are significant to small business. This is because the large amount of brainpower and relatively low amounts of capital needed to make a start in many of these fields make them ideally suited for the small and new business enterprise.

I know that my colleagues on the Senate Small Business Committee, particularly the chairman (Mr. BIBLE) and subcommittee chairmen, Senator RANDOLPH and Senator NELSON, are as interested as I am in seeing that as many of these technical and management benefits as possible become and remain available to small business.

So if our economy is properly understood there is a great potential profit for small business as well as for the economy if the Federal Government is careful to see that the avenues to enterprise remain open.

However, even more important than the material benefits that can result, are the social, psychological, and political benefits of expanding the small business area to all elements of society, especially those who have been disadvantaged in the past.

A recent nationwide study by the Bank of America indicates that one of every 10 families in this country is involved in a small business. The survey revealed that more than one-half of the small business owners rated job satisfaction as the prime factor in their vocation, with money being mentioned first by 27 percent. The small business community has always been the vehicle for self-reliant, venturesome, and independent Americans. The few examples which I have cited above of their accomplishments, as well as the general affluence of this country, are eloquent evidence that it is worthwhile to labor to keep the advantages of the free enterprise system open to all of our citizens.

We have recently become aware of the extent of the "ownership gap" that occurs because minorities which constitute 12 percent of our population own only 3 percent of our business.[8]

In the course of trying to close the ownership gap, we have uncovered other shortcomings in institutions which are in a position to furnish financial assistance to minority business. Of the Nation's 14,000 banks, perhaps as few as 50 to 150 have any kind of program for lending to business in the intercity ghetto.[9]

The efforts to resolve the complex of problems surrounding the ownership gap is one of the highest priority items of our society.

President Nixon is to be commended for his early attention to the matter, but he should not overlook the great reservoir of experience and expertise of the specialization which the SBA has developed in the area of fostering all new and growing business including minority enterprise.

One of the pressing problems in the minority entrepreneurship field is that of management assistance. It came something of a surprise to me, to learn of the scope of SBA's efforts in this area, as summarized by the following table: [10]

Small businessmen assisted by SBA management assistance programs

[From beginning of program until 1966]

Attendance at workshops	7, 500
Individual counseling	178, 000
Counseling under SCORE programs	12, 000
Attendance at courses and conferences	235, 000
Contacts through intra-industry management programs	350, 000
Publications sold or distributed in response to requests	33, 000, 000

Footnotes at end of article.

Since these figures are now 3 years old, the totals have undoubtedly risen since then.

In addition to these SBA strong points, some of the others have been touched upon in remarks of my colleagues, including the record of the agency in the loan programs, procurement assistance and technical assistance.

A review of these accomplishments, together with the historical record, leave little doubt in my mind that whatever the Department of Commerce may have done for small business during the last 50 years, the achievements of the SBA during the last 15 have been brilliantly effective, by comparison and otherwise.

I agree with my colleagues that a large part of the reason for this is SBA's independent status. The Agency has been dedicated solely to the well being of the small business community. It has been in daily contact with its problems and in periodic consultation with those in the executive branch and in the Congress who are concerned with small business matters.

The combination of the interaction and the focus for small business leadership has made progress possible in the past and is needed to make further progress possible in the future.

To downgrade SBA would be to downgrade the position of small business and the free enterprise system in the country. And, to diminish the horizons of small business restricts the outlet for the vision, hopes, and energies of our people. It limits their choice of a career and the other choices which follow from this decision to the extent we allow the trend toward giant corporations to remain unchecked and pass up opportunities to encourage the expansion of small business. We are allowing the balance to swing in the direction of the jobs in a big bureaucracy for all. These factors are especially important to the minorities in our country, who need the self-respect and the independence of ownership more than anyone else.

Mr. President, I hope we can convince all who are concerned with this matter that the public interest as well as the small business interest lies with an independent SBA with the full backing of the President, the Urban Affairs Council and all of the departments of the Government including the Department of Commerce. If we are unsuccessful in this attempt, we will have to consider what our future course will be in this matter.

"TO AID, COUNSEL, ASSIST, AND PROTECT THE INTERESTS OF SMALL BUSINESS CONCERNS"

Mr. PELL. Mr. President, it seems that one of the periodic seasons on the American political calendar is the "small business chill."

Because the Nation's smaller firms do not possess the economic power and influence of the giant corporations, there is a constant temptation to allow their needs to be neglected by the Federal Government. At such times, SBA loans dry up, Government procurement opportunities drift to the larger firms on an increasingly less competitive basis, clouds of doubt gather over the Small Business Administration, and a layer of frost envelops the institutions of the Federal establishments which are in a position to be helpful to beleaguered small businessmen.

I have detected the onset of the small business chill season again. When we were threatened with a similar situation 3 years ago, some of us were quite active in attempts to bring relief to the Nation's small business community. I, for one, took the Senate floor on January 27, February 18, March 2, and March 9, 1966, to speak on the future and programs of the Small Business Administration. The Small Business Administration retained its independence and its programs were strengthened by amendments to the Small Business Act in 1966 and preliminary amendments to the Small Business Investment Act in 1967 which were sponsored by the executive branch, as well as the Congress, and brought great economic and social benefits to our small business community of 5½ million firms in this country.

Unfortunately, Capitol Hill is once again feeling some icy and ill winds blowing down Pennsylvania Avenue which can have the effect of putting small business into a deep freeze.

I refer to remarks made on more than one occasion by the new Secretary of Commerce, Mr. Stans, that the Small Business Administration logically belongs somewhere inside of his department. These statements were quoted in the Wall Street Journal of March 6 and also, I understand, formed part of Mr. Stans' appearance before the National Press Club on March 5. I am among those in the Senate that respectfully disagree with the position of the Secretary of Commerce. It would be helpful, I believe, for me to restate some of my reasons in the hope that the Secretary of Commerce may change his views, or at least that if the Administration desires to proceed with this matter, it will do so with the full knowledge of the consequences.

Mr. President, Rhode Island is a small State with a business community that is predominantly small business. We have, in fact, about 26,000 firms in the State, and 94.8 percent are considered small business by the Small Business Administration.

From the time that the Small Business Administration was established as a permanent independent agency in 1953, Rhode Island small business has received over 1,000 loans totaling more than $33 million. In an area of the country which was in the process of experiencing and exodus by one of its major industries, textiles, this loan assistance was invaluable and formed a significant factor in the economy of our State. This is equally true of the procurement and management assistance which the SBA has extended to Rhode Island firms at times of need and opportunity over the last decade and a half.

Although I did not serve in Washington in the years prior to 1953, I will accept the judgment of the leaders of the Senate as summarized by the Senator from Alabama (Mr. SPARKMAN) that raises substantial doubt about whether Rhode Island business would have received such sympathetic assistance if the Small Business Administration were a small part of a large Department with many other responsibilities.

In the years since 1953 the competitive life of the marketplace has become even tougher for the small businesman. He faces heightened competition not only from established giant corporations in this country and abroad, but new conglomerate corporations which have become a disquieting factor in this country in recent years. I was most interested in the analysis made of conglomerate competition against small business by the distinguished Senator from Wisconsin (Mr. NELSON), who is chairman of the Monopoly Subcommittee of the Small Business Committee. I agree with Senator NELSON that large conglomerates, which can draw profits from several kinds of markets, can subsidize the operations of one of their affiliates against a small businessman who must operate in a much more limited way.

I would like to make it clear, however, that I am not making a blanket condemnation of all mergers. There are, indeed, some large multimarket corporations that are soundly financed, and well managed that do not indulge in forced takeovers of small businesses, nor resort to unfair competitive practices against small businesses. Nevertheless, the incidence of such unfair practices and takeovers is far too great.

There are two points that I wish to add to the Senate's consideration of this matter. The extent to which this merger trend has gone is indicated by the fact that between 1948 and 1965 the 200 largest manufacturing corporations made at least 2,692 acquisitions of companies with combined assets of $21.5 billion. This volume of resources was greater than the total of all assets held by the 150 companies ranking 51 through 200 in 1948. To put it another way, the 200 largest companies acquired assets through merger equal to 25 percent of all manufacturing assets in 1948.

It is apparent to me and should be apparent to any Administration that the merger trend that we are in, and the concentration that it is bringing, constitutes one of the greatest threats to the treasured values of individualism and business ownership in American life. These trends also have profound effects on our social structure as youth, preparing for its careers, realizes that its choices may be more and more confined to a large bureaucracy, and whether this big, highly structured organization is in the field of manufacturing, finance, education or government, it has roughly similar effects on a person's freedom of action and personality. Accordingly, it seems to me that a priority matter in the quality of American life is to strengthen small business opportunity in every way.

Another priority item in making the small business climate more congenial is improving the small businessman's access to the lifeblood of capital. Two factors are now converging to put a capital squeeze on a small business community. The first is tight money in the commercial money markets. As the chairman of the Joint Economic Committee (Senator PROXMIRE) has aptly described, interest rates across the whole spectrum of Government and business loans and investments have risen to the highest levels in 100 years. The prospects are that these interest rate levels will not subside in the near future and might possibly even rise higher.

The Washington Post recently reported Chairman William McChesney Martin, Jr., as saying that the Federal Reserve System will "keep interest rates high and credit tight for as long as necessary to wring the inflationary psychology out of the American economy." This has already begun to affect the day-to-day operations of many small companies, although some commentators are citing the moderating effect of the tax deductibility of interest charges. I would suggest that such a deduction is both minimized and delayed for small firms and should not be a justification for preserving record high interest rates which commonsense and experience confirm damage consumers and small business far more than they do large corporations which have multiple sources of credit.

The second reason for the money squeeze on small firms is that the Small Business Administration, which was created as a lender of last resort for the small businessman in such tight money situations, has been operating on what may be described as an extremely limited basis.

Mr. President, the primary purpose of the SBA is to make direct, participation or guarantee loans to small firms in times of stringency. It is well known that SBA's loan programs have not been expansive in the recent past and the details of this posture are becoming increasingly known.

Rather than making an issue of this at this time, I only make this point to demonstrate that a strong and independent Small Business Administration is needed to secure the funds necessary to sustain the establishment and growth of small business and new business firms in this country. In the governmental battles that are waged for budget funds, it is vital to our 5½ million small businessmen that the SBA have a strong voice and absolute freedom of action rather than deferring its claims, its statements, and its policies to a Department which is obliged to consider its other responsibilities.

If the small business deep freeze is not immediately dispelled, it will be the task of Congress, pursuant to its mandate in the Small Business Act of 1953 to "aid, counsel, assist, and protect, insofar as it is possible, the interests of small business concerns" to consider what steps are called for.

I would like to assure everyone in my State that I will do everything I can to be of help to the small business community in this matter.

THE SMALL BUSINESS ADMINISTRATION AND ITS PROGRAMS ARE VITAL TO THE STATE OF WEST VIRGINIA

Mr. Randolph. Mr. President, it is a privilege to join in active support of the resolution for Small Business Administration independence which the Small Business Committee has transmitted to President Nixon, and which the distinguished Senator from Nevada (Mr. Bible) has presented to the Senate today.

The basis for the Committee's action initially was a series of articles in the American press reflecting the attitude of Secretary of Commerce Stans that the Small Business Administration logically belongs within the Department of Commerce. Then, on March 5, the President issued an executive order transfering coordination of minority business programs, including advisory councils for minority business, to the Department of Commerce.

Further information was contained in the internationally known London Economist, which the Senator from Alaska (Mr. Gravel) made available to the Senate. Another relevant document is the statement which President Nixon made at the signing of the Executive order. I ask unanimous consent that this statement on minority business enterprise be reprinted in the Record at the conclusion of my statement.

The Presiding Officer. Without objection, it is so ordered.

(See exhibit 1.)

Mr. Randolph. Mr. President, it should be noted that the following comment, which went unreported in the press, is a part of President Nixon's statement:

"Recently, the Small Business Administration launched a program for the stimulation of minority group enterprise. This program has been well received, and deserves continuing support. With better coordination, a broader range of government resources and assistance can be made available."

I commend President Nixon for including this recognition of the Small Business Administration's minority enterprise program in his remarks. By all reports, SBA's "Project Own" has been successful in tripling the volume of minority loans. It has enlisted broad support from private trade associations, banks, and other elements of the private sector in providing real momentum to minority business ownership in this country. President Nixon's reference to this is important and should be part of the record.

Nevertheless, Mr. President, there are serious questions which remain unanswered.

However, many minority business enterprise programs there may be in the Government, there is little question that the Small Business Administration has been the vigorous leader in this movement. The least which President Nixon's action has done is to transfer the initiative, the coordination, and the Advisory Council function from the Small Business Administration to another agency, the Department of Commerce. The statement indicates that this was implemented "as recommended by the Urban Affairs Council."

The President is certainly entitled to seek and to adopt recommendations from any quarter. It may be that the Urban Affairs Council referred to is the same as the "Council on Urban Affairs" announced on January 23, to be composed of the Vice President, several Cabinet members and White House staff members. This announcement also described the formation of several subcommittees of the Council, including one on Minority Business Enterprise, to be chaired by Secretary of Commerce Stans. If this is in fact the Council which made the recommendation, there does not appear to be any evidence that the Small Business Administration was represented at any stage of the deliberations.

Mr. President, it is clear that the Congress is obliged to exercise its judgment in these matters, and the Congress begins with knowledge of a substantial record of accomplishment by the Small Business Administration in this as well as many other areas.

At this time, several possibilities emerge with regard to the status of SBA. Either the transfers of function under Executive Order No. 11458 are intended to be limited; or they may be the first of several transfers; or, if Mr. Stans' position is adopted, they may signal the intention of the administration to do away with the Small Business Administration entirely and relocate its functions within the Department of Commerce. Considerable confusion has been engendered over what course the new administration desires to follow in this field.

Because of this, I believe it is quite understandable that we in the Senate would react strongly. The historical record as reviewed by the Senator from Nevada (Mr. Bible) and the Senator from Alabama (Mr. Sparkman) demonstrates beyond any reasonable doubt that the small businessman is benefited more with an independent Small Business Administration, than with a program under the Department of Commerce. It would seem to me unfortunate if the administration's policy is to be a lack of support for the Small Business Administration.

In our State of West Virginia, I know that the small businessman has been well served by having an agency that he may call his own. The loan programs, particularly the community development loans, are vital for our towns and cities. The financial assistance, procurement contracting and subcontracting programs, and the possibilities of transferring some of the new technology to small businesses are vital to the future of my State.

As a member of the Procurement Subcommittee and chairman of the Subcommittee on Science and Technology of the Senate Small Business Committee, I can give specific examples of the advantages of having small business in an independent rather than a subordinate position. During the 1966 proceedings on this matter, the Senator from Rhode Island (Mr. Pell) quoted an editorial from the Washington Evening Star on March 1966, as follows:

"Sponsors of the SBA's independence fear that tucking it in some cranny of Commerce, where big business enjoys major influence, will in effect kill the agency. There is some historical justification for this view. During World War II a couple of small precursors of the SBA did an ineffective job. The Division of Contract Distribution created in 1941, and a subsequent small business unit within Commerce, were both largely paper organizations."

The figures for the SBA procurement assistance program demonstrate that this has been an effective tool in encouraging awards to smaller business firms. In fiscal year 1967, the Small Business set-aside program was responsible for $1.9 billion worth of defense contracts and $310 million worth of civilian contracts being awarded to small firms. This represented approximately 4½ percent of all procurement dollars during that year.[11] The value of this program was further demonstrated during recent years when the role of small business specialists was restricted by the Defense Department in 1966 and 1967. The ratio of set-aside to total defense procurement declined substantially, and the situation was not corrected until the joint set-aside program was revived and small business specialists were reassigned to their previous duties.

Another procurement program which has aided smaller firms in obtaining new Government contracts is the "certificate of competency" which allows a small businessman, whose low bid is rejected by the Government because of supposed shortcoming in capital or credit, to appeal to SBA for such a certificate. Since 1953 SBA has processed over 5,000 applications for COC's, and has issued more than 2,000 with a value to the small firms of approximately $429 million and savings to taxpayers of about $33½ million.[12]

Additionally, the benefits of transferring new science and technology to small businesses hold significant promise and the assistance of SBA in the initial stages of how this may be accomplished has been invaluable.

Mr. President, I am among those who doubt that all of this would take place without the special assistance, special focus, and special concern of an agency dedicated to the small businessman of this country. It is my hope that President Nixon will resolve the existing uncertainty by stating his strong and active support for an independent SBA. However, if he does not, the Members of Congress who feel keenly of responsibilities toward the small businessman, will continue to advance small business interests, with or without this support.

Exhibit 1

[From Weekly Compilation of Presidential Documents, Mar. 10, 1969]

Minority Business Enterprise

(Statement by the President upon signing an Executive order providing for a national program, Mar. 5, 1969)

I have often made the point that to foster the economic status and the pride of members of our minority groups we must seek to involve them more fully in our private enterprise system. Blacks, Mexican-Americans, Puerto Ricans, Indians, and others must increasingly be encouraged to enter the field of business, both in the areas where they now live and in the larger commercial community—and not only as workers, but also as managers and owners.

Providing better job training and making more jobs available is only part of the answer.

We must also provide an expanded opportunity to participate in the free enterprise system at all levels—not only to share the economic benefits of the free enterprise system more broadly, but also to encourage pride, dignity, and a sense of independence. In order to do this, we need to remove commercial obstacles which have too often stood in the way of minority-group members—obstacles such as the unavailability of credit, insurance, and technical assistance. Involvement in business has always been a major route toward participation in the mainstream of American life. Our aim is to open that route to potentially successful persons who have not had access to it before.

Encouraging increased minority-group business activity is one of the priority aims of this administration.

The Federal Government has long been involved in various programs to support the development of new business enterprises, and to help struggling new ones become more stable. By one count, there are now 116 such programs, operated by no less than 21 different departments and agencies. These are largely uncoordinated.

Recently, the Small Business Administration launched a program for the stimulation of minority group enterprise. This program

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Footnotes at end of article.

has been well received, and deserves continuing support. With better coordination, a broader range of Government resources and assistance can be made available.

Many private, voluntary organizations, and many major corporations, have done outstanding work in assisting the development of new business enterprises among minority groups. Often, however, their efforts have not had the Government support that they deserve.

As recommended by the *Urban Affairs Council,* I intend to establish within the Department of Commerce an Office of Minority Business Enterprise. Under the leadership of Secretary of Commerce Stans, this new office will be the focal point of the administration's efforts to assist the establishment of new minority enterprises and expansion of existing ones. It will seek to concentrate Government resources, and also to involve the business community and others in order to enlist the full range of the Nation's resources.

This new office will be headed by an Assistant to the Secretary of Commerce, and it will have the direct, personal attention of the Secretary. On its own, it will seek to develop new business opportunities. It will coordinate the efforts of other government agencies in encouraging minority enterprise. It will mobilize financial and other resources, both public and private. It will provide the centralized leadership which in the past has not been sufficiently evident. It will seek to provide a better focus of government programs at the local level, in order to give them the impact intended. It will constantly review both existing and possible new programs for the encouragement of minority business enterprise, and will make recommendations for further executive and legislative action as appropriate.

I have today issued an Executive order directing the Secretary of Commerce to coordinate Federal programs related to the strengthening of minority business enterprise, and authorizing him to take the necessary steps to do so effectively. The order also provides for the creation of an Advisory Council for Minority Business Enterprise, and for the establishment by the Secretary of Commerce of an information center for the compiling and dissemination of information on successful minority business enterprise programs.

This is not a substitute for the many other efforts that continue to be needed if we are to make headway against the ravages of poverty. It is a supplement, dealing with a special but vital part of the broader effort to bring the members of our minority groups into full participation in the American society and economy. Its success will be measured by tangible results, not by the volume of studies.

What we are doing is recognizing that in addition to the basic problems of poverty itself, there is an additional need to stimulate those enterprises that can give members of minority groups confidence that avenues of opportunity are neither closed nor limited; enterprises that will demonstrate that blacks, Mexican-Americans, and others can participate in a growing economy on the basis of equal opportunity at the top of the ladder as well as on its lower rungs.

KEEP SBA INDEPENDENT

Mr. McINTYRE. Mr. President, on February 26, 1969, I had the privilege, as chairman of the Senate Small Business Subcommittee of the Banking and Currency Committee, to question Mr. Hilary J. Sandoval, Jr., the then nominee to be Administrator of Small Business Administration, at some length. Traditionally, the subcommittee has always been quite interested in the commitment and resolve of any future SBA Administrator to "fight the good fight" for the Agency and for the American small businessman. Most of us are aware of the periodic attempts to dilute or water down SBA by placing it within the Department of Commerce or some other agency of the Federal Government.

So it was quite natural for me to discuss SBA's independence in some detail with Mr. Sandoval. On three separate occasions I raised this matter with the nominee, and each time I was unable to tell by his answers the extent of either his commitment or his resolve to protect the independence of SBA. I made my position quite clear and concluded Mr. Sandoval, being very new to Washington, was perhaps suffering from a mild case of stage fright.

You can imagine my surprise when, on March 6, just 8 days later, I read where Secretary of Commerce Stans had stated that "SBA, by definition, ought to be part of the Commerce Department." [13]

It then began to appear as though a move was underway again within the executive branch to strip SBA of its status as an independent Federal agency and place it within the Department of Commerce. Printed and other reports continue to bear this out.

Mr. President, this body well knows how I feel about an SBA-Department of Commerce merger. Along with Senator SPARKMAN, Senator SMATHERS, and Senator BIBLE, I assisted in our successful effort in 1965 to prevent such a merger. It was not wise to weaken SBA then. It is even less wise now.

SBA is a small agency, as Federal agencies go. But I consider this smallness as one of its best assets. This is the key to SBA's effectiveness. If some larger, cumbersome agency were to swallow up SBA, as is now being discussed, SBA's effectiveness and capabilities would be muted, if not strangled and destroyed. It could no longer remain a viable agency, responsive to the needs of the American small businessman.

Mr. President, SBA today serves as the spokesman for over 5 million small businesses which employ over 40 million people. Small business contributes 33⅓ percent to our annual gross national product of over $808 billion.

Small business, then, is small only in terms of store size and number of employees. But it is not small in the impact it has on our economy and on our free enterprise system.

Small business requires and deserves the same services and the same recognition on an equal basis with other important interest groups operating within our economy. SBA, at the executive level of Government, is the only strong and effective advocate for small business.

In 1953, Congress created SBA as an independent agency of the Federal Government. SBA was designed to serve the small businessman as a one-stop shop center, an agency where he could receive assistance of a personal, responsive nature, free from big business influence. Over the years, SBA has proved to be a very effective spokesman for small business. SBA's record is quite good.

During the first decade and a half since the creation of SBA, that agency made over 85,000 regular business loans to small concerns. The total dollar volume of these loans was over $4 billion.

During this same period, over $19 billion in Federal procurement awards were set aside for small businesses.

Since 1953, SBA has distributed over 41 million management publications and conducted over 10,000 management assistance courses.

This fine record exemplifies one word: "service."

Mr. President, I submit that any departure from complete independence for SBA will damage irreparably this service and may cause distress and difficulty in the overall economy.

Certainly, SBA needs to remain independent now more than ever before—during this period of corporate giantism, conglomerate mergers, high interest rates, and fiscal stress—all resulting in a shift of credit availability from small business to big business.

I told Mr. Sandoval on February 23, and I quote:

"If somebody starts pushing you around . . . , you have a lot of friends up here on the hill . . . , you get on the telephone or come running up here."

That states my position quite clearly. I think Mr. Sandoval got the message, which is that this is no time to down-grade SBA by making it subordinate to any other agency or department. This is no partisan matter. I sincerely believe that the vast majority of the Members of both Houses of Congress support the full independence of the Small Business Administration.

SBA'S INDEPENDENCE AGAIN THREATENED

Mr. SPARKMAN. Mr. President, I rise in behalf of the Small Business Administration and the American small businessman. That agency's independence once again is being threatened. Printed and other recent reports indicate a movement is apparently underway within the executive branch which would strip SBA of its statutory independence as the Nation's spokesman for the small businessman at the Federal level. SBA, for at least the third time since 1965, is facing absorption within another agency of the Federal Government, most likely the Department of Commerce. For instance, on March 6, 1969, the Secretary of Commerce said SBA "by definition" ought to be part of the Commerce Department.[24]

SBA was created as an independent agency in 1953 during the Eisenhower-Nixon administration. The Small Business Investment Act of 1958 was passed during the second Eisenhower-Nixon administration. Both of these legislative landmarks recognized the real, urgent need of the American small businessman to enjoy direct, responsive, and realistic representation in Washington. Under the Small Business Act of 1953, the Administrator of SBA reports directly to the President of the United States. Mr. President, I submit there is no better representation than that.

I further submit that, if SBA's independence is watered down, the result will be diminished activity in the small business sector which will be felt throughout the land.

Mr. President, the small business community is 5½ million small firms. These businesses contribute nearly 40 percent of our gross national product of $800 billion annually. They provide employment for 40 million people and support for the families of these small business-owners. Should we deny this bulwark of our free enterprise system independent representation at the Federal level?

If we do, then we apparently believe that the problems and needs of the small, independent businessman are just the same as the problems and needs of General Motors or any other American corporate giant.

Mr. President, commonsense tells us that this line of reasoning just is not so. President Nixon's father was a small businessman. He owned and operated a small service station and grocery store in Whittier, Calif. I seriously doubt if he regarded himself "in the same boat" with any of our better known corporate giants. And neither does any other small shopowner or storekeeper.

During the decade and a half since SBA was created as an independent agency, SBA has served the small entrepreneur well. Some 85,000 small firms have borrowed over $4 billion; small communities have received nearly one-half billion dollars in local development company loans, which, in turn, have created, or saved, 94,850 jobs; and small business in-

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Footnotes at end of article.

vestment companies have made approximately 30,000 loans totaling about $1.4 billion.

These figures clearly show the extent to which SBA has served the small business community, the free enterprise system, and the Nation.

Mr. President, while I am quite proud of the fine job done by SBA over the years, it can do an even better job for the country's small businessman in the years immediately ahead. SBA has perhaps the best economic development tools of any agency of the Federal Government. These are proven "working tools," not "pie-in-the-sky" theories. These tools have been honed to a keen edge of effectiveness.

To put it in the vernacular of many of today's young people, SBA has been "doing its own thing," and I might add, it continues to do it very well.

Now is not the time for us to tamper with a proven program. High interest rates, shortage of funds and other fiscal uncertainties are the benchmarks of today's business world. It is therefore urgent and very necessary that SBA remain an independent spokesman for the small businessman during these difficult times.

Recently, Senator Alan Bible, the very able and alert chairman of the Senate Small Business Committee, circulated a committee resolution expressing strong support for the continued independence of SBA. As ranking Democrat on the Small Business Committee, I was pleased to place my signature just below Senator Bible's. This marks the second time in 3 years I have signed such a resolution and at least the third time in 3 years that I have taken the Senate floor to discuss this matter.

Mr. President, at this point I ask unanimous consent that my remarks of February 4, 1966, be reprinted in the Record at the conclusion of this statement. My remarks were appropriate then, and they are even more so now.

The Presiding Officer. Without objection, it is so ordered.

(See exhibit 1.)

Mr. Sparkman. I do not feel that it is necessary for me to belabor this point. The record is quite clear. There exists a great deal of opposition in both Houses of Congress to any plan or proposal which jeopardizes the independent status of SBA. I hope my colleagues on both sides of the aisle will study this issue carefully and will not be easily led into a course of action that is clearly detrimental to the future success of the American small businessman.

Exhibit 1

[From the Congressional Record, Senate, Feb. 4, 1966]

THE RUMORED PROPOSAL THAT THE SMALL BUSINESS ADMINISTRATION BE PLACED WITHIN THE DEPARTMENT OF COMMERCE

Mr. Sparkman. Mr. President, there was an article in this morning's Washington Post by Jerry Kluttz saying that the administration has under active consideration a recommendation that the Small Business Administration be stripped of its independent status and placed within the Department of Commerce. Rumors that such a move might be in the making have persisted for several weeks.

Mr. President, I have been concerned about these rumors, and now that they are being reported publicly in the news media, my concern has deepened to the extent that I feel it necessary, as chairman of the Senate Small Business Committee, as a member of the Small Business Subcommittee of the Banking and Currency Committee, and as one who has, down through the years, taken an active interest in matters affecting the 4½ million small businesses of America, that I speak out on this subject.

Mr. President, I would be amazed if serious consideration is given to allowing the Department of Commerce to absorb the Small Business Administration. When this agency was first created there was considerable debate in the Congress on this very question. The matter arose in the form of a conference report submitted to the Senate. The legislation provided for the creation of the Small Business Administration, to be governed by a board comprised of the Secretary of the Treasury, as Chairman, and the Secretary of Commerce and the Administrator of the Small Business Administration as members. During the debate on this conference report, those in the Senate who were sensitive to the needs of the Nation's small businesses and who were sympathetic to meeting those needs, spoke out on this subject.

Among those who stood up for a Small Business Administration independent of the policies and influence of other departments of the executive branch of the Government was the then senior Senator from Texas, now President of the United States, Lyndon B. Johnson. President Johnson had long been a champion of the small business firms of this country and, during that debate, the President said:

"This bill would place the Small Business activities of the Government under two major Departments—Treasury and Commerce, and yet, practically all of us subscribe to the principle that a small business agency cannot be effective unless it is independent."

Another distinguished Member of this body, who later served as a member of the Senate Small Business Committee, was the late President John F. Kennedy, then junior Senator from the State of Massachusetts. President Kennedy said:

"The Small Business Administration which is proposed by the pending legislation is deficient in several respects. If such an agency is to be of real help to small business in providing technical assistance, long-term capital, and procurement opportunities, all of which are of primary importance in expanding the economies of New England and the United States, the following defects must be corrected:

"First, such agency must be truly independent and not subject to the veto power of the Commerce and Treasury Departments. Experience has shown that such independence is necessary to give small business an effective voice in the Government."

Another recognized champion of small business, who served as a member of the Senate Small Business Committee from June 1, 1950, until December 29, 1964, and who was serving as chairman of its Retailing, Distribution, and Marketing Practices Subcommittee at the time of his election to the high office of Vice President of the United States, and who now serves in that office, was Vice President Hubert H. Humphrey. Senator Humphrey said:

"I say we are not going to have the friendship of small business if we allow the Secretary of Commerce and the Secretary of the Treasury to have too much to say about the definite standards to be set with respect to small business, because I do not believe either one of them is particularly noteworthy as a champion of small business enterprise. That is not their record. They have competence in other fields, but not in this one.

"I am delighted the committee has come forward with a bill that gives the Administrator of the Small Business Administration powers unto himself, that makes him the chairman of the loan policy board, and that restricts the activities of the Secretary of the Treasury and the Secretary of Commerce to being advisers. Let the record be clear. An adviser does not mean a proprietor. The Administrator can take advice, or he can reject it. The advisory board is exactly what its name implies. It is to advise.

"I suggest that Congress keep a very careful, watchful eye upon how the advisers act. I think we shall have an opportunity to see whether the activities of the Small Business Administration will be in the spirit of truly helping small, competitive business enterprise."

The senior Senator from Massachusetts, Senator Saltonstall, who serves now as the ranking minority member of the Senate Small Business Committee, also spoke out on this subject. Senator Saltonstall said:

"The Small Business Administration provided for by S. 1523 would be a completed independent agency. This, in the opinion of the many Massachusetts businessmen who have written to me on the subject, is a very important feature. A small business agency should have as its primary responsibility the assistance of small business. The experience of the last 10 years has made that inescapably clear. I am glad, therefore, that the Senate Committee on Banking and Currency has corrected the feature of the Hill bill which was recently before us and which would have made the head of the Small Business Administration subject to the direction and control of the Secretary of the Treasury and the Secretary of Commerce. The present bill wisely confines their advisory functions to the field of loan policy."

Mr. President, I had the privilege of participating in that debate and I said this at that time:

"The second difference between the Senate bill and the House-approved bill relates to the advisory board. It will be recalled that when the conference report on the defense production bill was before the Senate, many Senators objected to the provision relating to the advisory board, on the ground that it became not simply an advisory board, but actually a governing board. Instead of the governing authority being in the Administor, the authority was vested in a board, of which the Administrator was not even the chairman; the Secretary of the Treasury was the chairman.

"In the pending bill, as has been so well explained today by the chairman of the Committee on Banking and Currency, the board is advisory, the Administrator is chairman, and it is not intended in any way that the board shall administer the business of the agency or shall govern the agency itself. I believe those two changes are significant and material, and make the Senate bill a decided improvement over the House bill."

Mr. President, I feel just as strongly today as I felt then that the Small Business Administration can operate effectively in the interest of the Nation's small business firms only as an independent agency of Government.

Those who have been charged with the responsibility of serving as Administrator of the Small Business Administration have likewise recognized the need of independent status for the agency. Of course, John Horne, who served as Administrator from 1961 until 1963 was serving as my administrative assistant at the time the SBA was created as an independent agency. He actively assisted me in the debate which led to the creation of the agency and the establishment of its independent status. The fact is that John Horne's position on the question of independence for the SBA was so well-known that I have been unable to recall, that, during his tenure as Administrator he was ever questioned on the subject. Had he been, however, I know what he would have said because I know that he believed in the independence of the agency as strongly as any person in Government. When John Horne was moved to the Home Loan Bank Board in 1963, President Kennedy nominated Mr. Eugene P. Foley to replace him as Administrator.

At the time of his nomination, Mr. Foley was serving as deputy to the Secretary of Commerce, and since the question of the independence of the agency versus placing it under Commerce had been of such concern to the Congress originally, it was only natural that the Congress would inquire into his views of this matter. It was my privilege to make that inquiry during the course of the confirmation hearings before the Banking and Currency Committee on July 30, 1963. I said to Mr. Foley at that time:

"There was discussion originally and there were proposals that the Small Business Administration * * * be a part of the Department of Commerce. One of the fights we had in setting up the Small Business Administration was whether or not it should be an independent agency * * * This was a plan that was worked out by this committee and a plan which I think has functioned quite well."

I then asked Mr. Foley, "You subscribe to this idea, don't you, of an independent agency?" His reply was, "I do wholeheartedly, Senator. I assure you that as far as it is within my power there will be no change. I don't expect a change."

Mr. President, in view of the history of this controversy, the highlights of which I have tried to recite above, I just cannot believe that the report which appeared in the Washington Post this morning is accurate in saying that a proposal to place the Small Business Administration within the Department of Commerce is being seriously considered by the administration. I certainly hope that it is not accurate, because I do not believe that this controversy should again be a subject of lengthy debate before the Congress.

THE SMALL BUSINESS ADMINISTRATION SHOULD REMAIN INDEPENDENT

Mr. Gravel. Mr. President, as chairman of the Joint Economic Committee, I would like to add my comments on the resolution submitted today by the distinguished chairman of the Senate Small Business Committee, Senator Bible.

This resolution, in my opinion, was justified by the reports which have circulated not only in our national press, to which the Senator has referred, but in some international journals as well. For example, the London Economist of March 1, 1969, reports on certain statements by the Secretary of Commerce and others in the Nixon administration which, in the opinion of the reporter, "would impinge directly on SBA's Project Own." For the information of those concerned, I ask unanimous consent that the brief article be printed following my remarks.

The Presiding Officer. Without objection, it is so ordered.

(See exhibit 1.)

Mr. Gravel. Mr. President, there are some opinions in this article which I would not share. The record is clear, for instance, that the Select Committee on Small Business of the Senate, under a distinguished series of chairmen—Senators Sparkman, Smathers, and Bible—has been in the forefront of every small business matter, and that this body has done so out of an abundance of concern for advancing the interests of all of the Nation's small businessmen. It would be accurate, I believe, to say that the combined efforts of the Senate and House were successful in preventing SBA programs from "disappearing into the maw of another Government agency" in recent years.

Mr. President, the State of Alaska has for many years, been represented on the Small Business Committee. I am proud to follow in the footsteps of Senator E. L. "Bob" Bartlett in this regard. During my career it has been brought home to me forcibly that the desire among Americans to own their own businesses is very deep and very widespread. The surveys available in 1964 indicated that fully half of all American wage earners either attempt to go into business for themselves or intend to do some time during their lives.[15]

Senator Bible has described how the SBA has turned this dream into a reality for 200,000 small businessmen. The Economist article points out how the SBA has been extending this effort to minority groups with the so-called Project Own. The article states that SBA loans and guarantees to aspiring minority businessmen for the last quarter of 1968 rose to more than $31 million, more than triple the amount granted in the same months of 1967. According to official Government estimates, the loan approvals under this program are to rise from $32 million in 1968 to $306 million in fiscal year 1970, an increase of 856 percent.[16]

Said the Economist:

"Significantly some three-fifths of all these (1958) loans were made by private lending institutions with guarantees up to 90 percent from the SBA (allowing) the SBA to increase its activity among Negroes and other racial minorities without running up against the budgetary ceilings on its lending and spending powers."

Thus, it seems to me that SBA has been a notable success, not only in its recent attempts to foster minority business ownership, but in its historic venture of assisting all small businessmen in our cities and countryside to survive and expand, and consequently to provide a growth factor in the economy.

My information is that small business accounts for 40 percent of the gross national product and about 50 percent of all the jobs in the United States. It is thus a major factor throughout the country, and especially in my State. The record of the Small Business Administration in Alaska has been exemplary. Within hours of the Good Friday, 1964, disaster, SBA had a team of personnel en route to Alaska, and within 6 months 490 business disaster loans and 455 home disaster loans had been granted. As Senator Bartlett said last year.

"Thanks in no small measure to this help, Alaska now has a healthy and expanding economy."[17]

As the Senator from Wisconsin (Mr. Nelson) has pointed out, small business has also been a surprisingly potent force in innovation and competition in the United States during recent years, even in the teeth of the growth that we have seen in giant corporate business. This competition and innovative play a direct role in furnishing alternative and substitute products and services, and thus tending to keep price levels down and exercising a restraint on inflation—a function which the traditional free market can perform with great benefits to all.

Mr. President, I hardly need to point out that inflation remains one of our most urgent concerns. During the last 6 months the prime interest rate has risen from 6¼ to 7½ percent and the Federal Reserve discount rate from 5¼ to 5½ percent. Other market rates have escalated proportionately, bringing interest rates to their highest levels in 100 years.

These credit pressures, of course, tend to fall most heavily upon small businessmen.[18]

It therefore seems to me that what we need is to have more support, more assistance, and more funds for the Small Business Administration. The independence of this agency has demonstrated its worth over the last 16 years and its programs, including Project Own, have proven their worth. A transfer of functions, and a consequent undermining or destruction of the Small Business Administration, in my opinion would constitute a definite step backward. I am therefore glad to join in expressing my support of the resolution presented by the Senator from Nevada (Mr. Bible) and restating my support for SBA programs of assistance to American small businessmen.

Footnotes at end of article.

Exhibit 1

Whose Black Capitalism?

Washington, D.C.—After a patronage struggle between Senators Dirksen and Tower, President Nixon has at last decided in favour of the latter's candidate to head the Small Business Administration. He is Mr. Hilary J. Sandoval, a businessman of Mexican descent, a political figure in his home country of west Texas but little known in Washington. "We do not yet know," confessed an SBA spokesman, "how to pronounce his name."

Mr. Sandoval is walking into the centre of a debate inside the Nixon Administration over how to implement the President's campaign to promote "black capitalism." In his half-year at the SBA, the outgoing Democratic administrator, Mr. Howard Samuels, bade fair to transform it into an agency for such capitalism, with an effort which he called Project Own. SBA loans or guarantees of $31 million given to aspiring black businessmen between September and December last year were more than triple the amount granted in the same months of 1967. Significantly some three-fifths of all these loans were made by private lending institutions with guarantees of up to 90 per cent from the SBA; this allowed the SBA to increase its activity among Negroes and other racial minorities without running up against the budgetary ceilings on its lending and spending powers.

By October Mr. Samuels was in trouble. Following hearings that month the conservative Select Committee on Small Business of the House of Representatives warned him that "discrimination (in favour of minority groups) in the business loan programme cannot be permitted." Had Mr. Samuels retained his job, says one member of the committee, "we would have caught up with him by March." The SBA, according to congressional critics, was created under President Eisenhower not as a welfare agency but to foster a tenet of white America: that the little local businessman should prosper. In December the incoming Secretary of Commerce, Mr. Maurice Stans, laid claim all but openly to Project Own's activities when he said that "one of the first decisions" for him would be whether to absorb some of the SBA's activities into the Department of Commerce. Early in February the President told the department's employees that they would be given new responsibilities to provide "all people" with a chance "to become owners and managers in this great private enterprise system of ours."

Debate in the Administration has not stopped there. When the President wrote to Congress last week about the future of the Office of Economic Opportunity one sentence in the message read:

"It is also my intent that the vital Community Action Programmes (CAPs) will be pressed forward, and that in the area of economic development OEO will have an important role to play, in co-operation with other agencies, in fostering community-based business development."

The idea now, according to one member of the Administration, is "to convert CAPs to capitalism."

This would impinge directly on the SBA's Project Own. So also would the idea of a national Community Development Bank being put forward vigorously by Mr. James Farmer, the Negro leader from New York, who is shortly to join as an Assistant Secretary yet another, more muscular arm of the administration, the Department of Health, Education and Welfare. Such a bank would lend or guarantee loans to local development banks and businesses, just as SBA has been doing. Meanwhile the House Small Business Committee is preparing to fight (as it did most successfully under President Johnson) to prevent any SBA programme disappearing into the maw of another government agency; in this case the programme in question is disliked by the committee which, for this very reason, wants to keep it under its thumb.

A decision on how to deal with black capitalism is promised by the White House in "weeks rather than months." The President's Counsellor, Mr. Arthur Burns, who is presiding over the whole uncomfortable debate, believes in devolving the project as much as possible on to private business through tax and other incentives. But he has to make peace among the departmental warriors who are determined to corral Mr. Nixon's social solutions into their own empires.

SOME SUGGESTIONS REGARDING THE SMALL BUSINESS ADMINISTRATION

Mr. LONG. Mr. President, it has come to my attention that the administration of President Nixon is in the process of making up its mind about the status of the Small Business Administration.

As an indication of the concern that any action affecting SBA's independence would bring in the Senate is the resolution presented today by the chairman of the Small Business Committee (Mr. BIBLE).

This, however, is only a preliminary indication of what would surely be a wider and deeper concern that would follow an attempt to put the SBA in a subordinate position inside the Department of Commerce or any other Department.

When the Select Committee on Small Business was established in the Senate in 1950, I was appointed as one of its original members, along with the Senator from Alabama (Mr. SPARKMAN) and the Senator from Minnesota, Vice President Humphrey. I have thus participated in the deliberations of the last 18 years, including those surrounding the enactment of the Small Business Act of 1953 and the Small Business Investment Act of 1958. I have witnessed the steady growth of small business institutions in this country, which Senator BIBLE has described. As a member and then chairman of the Committee on Finance, I have had further opportunities to consider many tax bills affecting small business and free enterprise and to make some contribution to the advancement of both through the Small Business Tax Amendments Act of 1958, the Revenue Reduction Act of 1964, and other small business tax legislation. During the 89th Congress, as assistant majority leader, I was involved when the Johnson administration carefully considered and then rejected the possibility of changing the stauts of the SBA.

It may be, therefore, that my observations would add something to the present discussion of this matter.

As I recall, the formality of Federal assistance to small business began in 1941 when a "Small Business Unit" was established in the Bureau of Foreign and Domestic Commerce of the U.S. Commerce Department and directed to study problems encountered by smaller firms because of their size and to plan a program of assistance. During the ensuing years of World War II, several of the ideas developed by the Commerce Department Unit were absorbed into the Smaller War Plants Corporation, which was created as a part of the War Production Board on June 11, 1942, to broaden small business participation in military procurement. The scope of these efforts was, of course, restricted to manufacturing and to defense work, until the SWPC was abolished by Executive order as of January 1946.[18a] In the early years of the Korean war, the small business functions were first made a part of the National Production Authority[19] and then, by unanimous congressional action, conferred upon the Defense Plants Administration in 1951.[20]

Then in 1953 the Small Business Administration was established as the first independent agency of the Government specifically charged with the responsibility of fostering the interests of all of the small business community. So, it was not until the Small Business Act of 1953 and the Small Business Investment and Tax Acts of 1958 that small business institutions in this country reached the takeoff point.

I do not believe that anyone would seriously contend that small businesses do not have unique problems because of their size. President Eisenhower, who had a good record on small business, recognized this fact on several occasions with active efforts to identify these problems and attempts to resolve them. For instance, in setting up a Cabinet Committee on Small Business in May of 1956 the President stated, as part of his mandate:

"(T)he conditions of our modern economy are such that many small concerns confront substantial hindrances to their growth. It is my wish that the Federal Government keep fully abreast of developments that affect small business . . . To that end I am establishing (the said committee)."

In the first progress report of August 7, 1956, the Cabinet Committee made 14 recommendations for the betterment of small business conditions, many of which have since been enacted, including No. 8 which called for the continuation of the Small Business Administration as a permanent and independent agency of the Government.

Another example is that Small Business Administrator Wendell Barnes, writing in the winter of 1959, about the Small Business Investment Act of 1958, stated:

"This legislation is designed to fill a gap in small business financing. Equity capital and long-term loans for growth and development purposes have never been readily available to small business. Commercial banks furnish short and intermediate-term loans, but not venture capital and long-term credit. Existing institutions which could provide venture capital are not able to assist smaller firms, since the cost for public sale of securities is disproportionately high to small business issuers.

"The Small Business Administration, under its regular lending program, can assist small business concerns with intermediate-term loans, but cannot provide the long-term funds needed for growth and development. As a result, there has been no institutional source to which small business could turn to meet its capital needs. It is this so-called institutional gap which the Small Business Investment Act of 1958 is designed to fill."[21]

It seems to me that every administration over the years has recognized that small business has these special problems, and that it is especially vulnerable to economic reverses during periods of recession and tight money, and that small companies take longer to recover from the reverses than large national corporations.

One of the notable features of this history is the seeming absence of any outstanding accomplishments, or even decisive initiatives in behalf of small business by the Department of Commerce. After 1941, when the President or the Congress wished to move ahead in this field, they turned to special agencies, the White House Committee and, ultimately, as the SBA gained in stature, to that agency. The measure of stature which this little agency has attained was well summarized on the occasion of its 15th anniversary last year by several Members of this body.[22]

It is my feeling that SBA's greatest achievement has been to bring the Federal Government closer to many of the people of this country. I know that this has been the case in my own State of Louisiana. An outstanding example followed hurricane Betsy, when the SBA mobilized its resources and concentrated them throughout the State to deal with the widespread needs for loans to rebuild the damaged businesses and homes. I have been at numerous conferences on procurement contracting and subcontracting opportunities, or lease guarantees, on management assistance, and other programs developed by the Small Business Administration. These, as well as the funds from the loan programs, have brought countless small businesses of my State into the economic mainstream of this country. The assistance of SBA has been the difference, in many business situations, between success and failure, between ownership and going to work for another man.

These individual and aggregate accomplishments of SBA are not just a matter of the quantity of activity; they are matters of its quality—the willingness of the local and national representatives of SBA to extend their resources, their time, and their best thoughts for the benefit of the little businessman. These commitments do not arise out of organizational charts or logical syllogisms. They are intangibles, like self-respect or job satisfaction or independence. These intangible values are deep in the bones of the people of Louisiana and of this country.

The livelihood of one family out of 10 depends upon the welfare of a small business. As the Senator from Alaska (Mr. GRAVEL) has pointed out, about half of our working people would like to be in business for themselves if they could find a way to do so.

Over the years we have found a way for more than 200,000 of these people to make that American dream into a reality. They have come to the SBA as an agency which they feel can help them realize these goals. The business community of this country has come to think of the SBA as their agency. They feel that its independence strengthens their independence, and they are right.

To diminish the SBA in stature by making it a small part of any large department would, in my judgment, not only be a symbolic but an actual downgrading of small business values within the Government and throughout the country. An independent Small Business Administrator can talk with the President of the United States about small business needs. He can, and often does, testify before the Congress. He can devote his full time and energy and that of his staff and organization on what is best for the small businessman.

If SBA is made a part of the Department of Commerce, the Small Business Administrator can do only what the Secretary of Commerce tells him he can do, after waiting around to hear from the Secretary about whether he can do it or not.

I do not say this as any reflection upon the present Secretary of Commerce, Mr. Stans, or upon any previous Secretary. It is just naturally a part of the character of bureaucracy.

Mr. President, I have been disturbed by the statements of some people within the administration who do not seem to be familiar with our experience in these matters.

I have become concerned over actions transferring the coordination of certain programs, and the advisory councils on these minority business enterprise problems, from the SBA to the Department of Commerce. I cannot help but note that the council, and the subcommittee set up to deal with urban problems and minority business enterprise problems, does not include the Office of the Small Business Administrator. I believe that it would be in the public interest, as well as in the interest of the 5½ million small businessmen in this country, for those who are in control of the executive branch to do some further thinking about these problems.

In addition, I might suggest that there

Footnotes at end of article.

be some visible encouragement to the Small Business Administration to carry forward its excellent record of achievement, to provide it with adequate funds for its programs, and to give it its rightful place in the councils of government. By taking steps in this direction, the new administration can assure that SBA can continue in the work that it has pioneered, and has done so well.

Mr. President, I hope that these recommendations may be of some value, and that this matter can be worked out rather than fought out. As in the past, the junior Senator from Louisiana is ready to follow either course where the interests of the small business community of my State and Nation are involved.

FOOTNOTES

[1] See article entitled "Foreign Investment Rules To Be Waived, etc." Wall Street Journal, March 6, 1969, page 3:2.

[2] See article entitled "Foreign Investment Rules To Be Waived, etc.," Wall Street Journal, March 6, 1969, page 3:2.

[3] "Status and Future of Small Business" hearings before the Select Committee on Small Business, 90th Congress, First Session. Part 2, Page 485.

[4] "Status and Future of Small Business" *loc cit*, Page 468.

[5] "Small Business Act of 1953," Sec. 2(a).

[6] "The 15th Anniversary of the Small Business Administration—A Milestone for Free Enterprise." Remarks on the Senate Floor by Senator Wayne Morse, CONGRESSIONAL RECORD, vol. 114, pt. 18, p. 24156. The report referred to was "Technical Innovation: Its Environment and Management," by the Panel on Invention and Innovation, Robert A. Charpie, Chairman, U.S. Department of Commerce, January 1967.

[7] "The 15th Anniversary of the SBA—A Milestone for Free Enterprise," remarks on the Senate floor by Senator Morse, CONGRESSIONAL RECORD, vol. 114, pt. 18, p. 24156.

[8] "SBA Plan to Aid Ghetto Merchants—New Program to Rely on Private Financing," by Paul G. Edwards, Washington Post, August 14, 1968.

[9] "SBA Plan, etc." Loc Cit; Aiding Black Capitalism, SBA Aims to Boost Negro Ownership of Ghetto Business by Backing More Bank loans," Newsweek Magazine, August 26, 1968.

[10] See "Assuring a Future for Small Business and the SBA," remarks on Senate floor by Senator Wayne Morse, February 25, 1966, CONGRESSIONAL RECORD, page 4143.

[11] See 18th Annual Report of the Select Committee on Small Business, Senate Report No. 1155, 90th Congress, second session, at page 20.

[12] 1967 Annual Report of the Small Business Administration, at page 17.

[13] See article entitled "Foreign Investment Rules To Be Waived," The Wall Street Journal, Mar. 6, 1969, page 3.

[14] See article entitled "Foreign Investment Rules to be Waived," the Wall Street Journal, ar. 6, 1969, page 3.

[15] "Can Small Business Survive," by Senator WILLIAM PROXMIRE, Regnery Co., 1964, p. 3.

[16] The Budget of the U.S. Government, fiscal year 1970, U.S. Government Printing Office, January 1969.

[17] "Small Business and SBA pass important milestones," remarks on the Senate floor by Senator Bartlett, CONGRESSIONAL RECORD, vol. 114, pt. 19, p. 25431.

[18] See for instance, "Changes in Administered and in Market Rates," research letter of Salomon Brothers & Hutzler, March 3, 1969.

[18a] Executive Order No. 9665, December 27, 1945.

[19] 64 Stat. 798 (1952).

[20] 65 Stat. 131 (1951).

[21] "What Government Efforts Are Being Made to Assist Small Business", by Wendell Barnes, Law and Contemporary Problems, winter, 1969, page 18.

[22] "The 15th Anniversary of the Small Business Administration—A Milestone for Free Enterprise," remarks on the Senate floor by Senator Wayne Morse, CONGRESSIONAL RECORD, vol. 114 pt. 18, p. 24156. "The Small Business Administration's 15 Years of Help to American Business," remarks by Senator BIBLE, CONGRESSIONAL RECORD, vol. 114, pt. 19, p. 24974. "Small Business and SBA Pass Important Milestones," remarks by Senator E. L. Bartlett, CONGRESSIONAL RECORD, vol. 114, pt. 19, p. 25431.

Small Business Caught in Triple Credit Squeeze—Administration Should Release $170 Million in SBA Loan Authority Now

Mr. BIBLE. Mr. President, I invite the attention of the Senate to the credit problems of small business firms, which are becoming increasingly acute.

Earlier this month, the Select Committee on Small Business, on which I serve as chairman, concluded preliminary hearings on the legislative oversight of the Small Business Administration.

Evidence developed in the course of this inquiry indicates that the executive branch has reduced the business loan program of the Small Business Administration by 58.48 percent for fiscal year 1969. In other words, for the 12 months ending on June 30 of this year, the White House has allowed SBA to loan only about two-fifths of the sums budgeted and approved by both Houses of Congress for this period. The amounts withheld are in three categories as follows:

SBA BUSINESS LOANS

[In millions of dollars]

Fiscal year 1969	Direct loan program	Immediate participation loans (SBA share)	Small business investment company program
Loan authorization approved by Congress	77	184.0	30.0
Loan authorization committed	18	94.1	8.7
Loan authority remaining on June 20, 1969	59	89.9	21.3
Total			170.2

The officials of the SBA testifying at our hearings agreed that if this remaining $170 million of loan authority is not released by the end of the fiscal year, it will lapse and therefore become permanently unavailable for any assistance to the 5½ million small business firms of this country.

In an effort to restore this loan money, I have, on behalf of the Small Business Committee, forwarded to the White House a letter urging the President and the Bureau of the Budget to take all steps necessary to assure that this loan authority is carried forward on the books for a period adequate to actually make it available to small business borrowers through the approval and disbursement of the loans attributable to this authority.

The urgent need for such action can be demonstrated by a brief review of what is happening in the private money markets.

STRINGENCY IN PRIVATE CREDIT MARKETS

As the Members of this body are aware, the prime bank interest rate has risen five times in the past 7 months, in the following sequence:

Increase in prime interest rate, December 1968 to date

	Percent
On Dec. 2, 1968, from 6.25 percent (6.0 percent for some banks), to	6.5
On Dec. 18, 1968, to	6.75
On Jan. 7, 1969, to	7.0
On Mar. 17, 1969, to	7.5
On June 10, 1969, to	8.5

The March increase to a then record high, in the words of one reporter: "received the silent approbation of Government officials who had warned Americans not to expect any relief soon from the highest interest rates in history in light of today's overheated economy."[1]

There followed, 2½ months later, the most recent and unprecedented jump to 8½ percent. To realize how unusual this full point increase was, it must be remembered that of the 33 changes in the prime rate since World War II, all of the shifts from 1945 to 1955 were of one-fourth point. After 1956 there were nine changes of one-half point. The June 10, 1969, rise has been the only change as large as 1 percent ever made in the prime rate, either up or down.[2]

Of course, other money market instruments have followed suit—and continue to escalate along with bank rates of interest.[3]

In the real world of finance, it is recognized that this prime rate states the basic cost of money to national corporations with the finest credit ratings. It thus tells only part of the story.

A factor not reflected is the "compensating balance." These are funds which borrowers are informally required to maintain on deposit in noninterest paying accounts at the lender's bank. The level of compensating balances is now about 20 percent, meaning that "the best corporate customers are paying an effective rate—of interest—of 10.6 percent."[4]

Another consideration is that relatively few loan applications are granted the "prime rate." Every month the Federal Reserve System publishes a tabulation of the interest rates on various sizes of loans. The most recent table, covering February 1969 when the prime rate was 7 percent, demonstrates that it is the big borrowers who get the premium rates, while small businesses must accept interest rates scaled up to 1½ points above the prime:

BANK RATES ON SHORT-TERM BUSINESS LOANS, FEBRUARY 1969

[Percentage distribution of dollar amounts]

Interest rate (percent per annum)	Size of loan: $1,000 to $9,000	$10,000 to $99,000	$100,000 to $499,000	$500,000 to $1,000,000	$1,000,000 and over
7 or less	16.3	18.9	28.4	38.1	59.2
7.01 to 7.49	13.6	13.1	24.8	33.2	24.6
7.5 to 7.99	30.8	36.1	25.1	15.8	10.7
8 to 8.49	26.8	19.6	13.6	8.8	3.9
8.5 and over	12.3	12.3	8.3	4.0	1.6
Total	[1] 100.0	100.0	[1] 100.0	[1] 100.0	100.0

[1] Numbers may not add due to rounding.

Source: Federal Reserve Bulletin, May 1969, table A31.

Not only are the large corporations favored with lower interest rates, but they can and, as the Wall Street Journal points out, have taken other self-protective measures.

"But for large segments of the economy, especially big corporations and financial institutions other than commercial banks, the credit squeeze is less painful than in 1966 . . . major national companies have thus far managed to insulate themselves in large degree against credit restraint. They are bidding aggressively for funds in the commercial paper market, in which they offer unsecured corporate promissory notes for short-term funds at high interest rates. In addition, following the 1966 crunch, the companies rushed to establish firm loan commitments with their banks, refunded short-term debt into long and accumulated assets that could quickly be turned into cash. These preparations have paid off in recent months."[5]

The Journal believed these factors explain "the easily overlooked fact that broad Government policies of stringent credit restraint hit various kinds of borrowers unevenly" and specifically weigh most heavily upon small businesses, governmental borrowers, and the housing industry—which is also predominantly composed of small firms.

With this background in the private sector, a massive cutback of 58½ percent in the public credit program of the SBA—which is intended to be the lender of last resort—puts the small business community between the jaws of a vise, crushing it from two directions.

The full impact of these forces, we fear, is immediately ahead.

Financial statistics show that the ratio of loans to bank deposits, a commonly accepted measure of credit pressures, stood at 71 percent in May 1969, significantly higher than during the tightest period of the 1966 credit shortage. Because of a new method in calculating required reserves at the end of the month, commercial banks have postponed the effect of tax borrowings and other recent credit demands until the end of this month so that "their problem is still ahead."[6]

Reports emanating from the International Monetary Conference of the American Bankers Association were that we may see still another increase in interest rates in the near future.[7]

INVESTMENT TAX CREDIT IN JEOPARDY

However, there is a third element on the horizon, the administration's proposal to repeal the investment tax credit. The Secretary of the Treasury and other administration witnesses have refused to consider a continuation of the credit for small business firms.

On May 20, a statement was presented to the Ways and Means Committee of the House of Representatives on behalf of myself, as chairman, and the Senator from New York (Mr. JAVITS), as ranking minority member of the Small Business Committee. We urged the committee to retain the investment tax credit for small business firms and farmers up to $25,000 in investment, with a cutoff at $1 million in income, so that large firms would not gain a windfall from a measure intended as relief for small business.

We pointed out the particular advantages of the tax credit to small and dynamic companies, which have the greatest needs for growth capital, and the entire free enterprise system which would flow from continuing the credit for small firms only. We also emphasized that there would be a "substantial revenue gain" from the adoption of our proposal, probably over $3 billion. This is so because truly small firms account for a very minor share of existing investment tax credits and not as high as is being claimed by some Treasury Department spokesmen.

On June 12, the Senator from Alabama (Mr. SPARKMAN) expressed his judgment that the investment tax credit should be retained at the $150,000 level of investment for balance of payments, among other compelling reasons. I was impressed by the Senator's historical research on the subject. It reminds us that the Treasury Department, in 1961, after considering a wide variety of tax devices for bringing us abreast of foreign governments in the tax field, chose the investment tax credit, "primarily because it increases the profitability of investment far more per dollar of revenue cost than any of the other alternatives."[8]

I hope that the House, the Committee on Finance, and the Senate, will consider these contentions as the current surtax legislation moves through the Congress.

THESE THREE FORCES ARE CONVERGING ON SMALL FIRMS

In the meantime, the prospects are that a combination of the three forces I have described: that is, record interest rates and intensifying stringency in the private money markets: the cutback of 58½ percent in the public SBA lending programs; and the proposed elimination of the investment tax credit for small business, will create intolerable financial pressures on smaller and independent businesses.

Under these circumstances, small firms which would ordinarily survive will go out of business. Others that would have been successful will be less so, or will experience reverses that may take years to overcome. Others which may escape setbacks will be denied their fair share of economic expansion. The system of free enterprise itself—ease of entry, competition, and growth of firms supplying new products and services—will be impaired. Opportunities for men of imagination and enterprise will be limited.

Mr. President, as one commentator has said, "money markets are reeling under the cumulative pressure of a tight-money policy that keeps squeezing, squeezing, squeezing."[9]

In my judgment, it is primarily small business that is getting caught in this triple squeeze. It seems apparent that the small and independent firms are absorbing more of their share of the restraints on the economy. I feel that they should not in the future continue to bear a disproportionate part of the sacrifices necessary to achieve the country's domestic and international goals.

I wonder if there are any other domestic programs which have been reduced by three-fifths in a single year. I am concerned that small business, because it is not strong enough to protect itself, has been singled out for the worst treatment.

The members of our committee share this concern. Many of us have discussed these matters in detail, and several, including the Senator from Alaska (Mr. GRAVEL), have made timely and important contributions to the committee's work in this area.

WHAT CAN BE DONE

Fortunately, there are steps which can be taken that will provide some measure of relief to hard-pressed small firms. One of these is to free the SBA loan authority already provided by the Congress. Accordingly, I have urged the White House, in the letter to President Nixon to which I referred, to take immediate action in order to release the $170.2 million in SBA loan authorizations, and to take all other action which may be necessary to assure that the funds are carried over on the books of the SBA until the actual loans can be approved and disbursed. Of course, if any further congressional action is needed to reach this result, we urge the President to inform us of this, with his recommendations. The important thing is to get the job done.

Mr. President, it seems unfortunately clear that small business is headed for a credit crisis. I hope the administration will do what it can to avoid it. The action we have suggested can be taken now to mitigate some of the most undesirable consequences.

I, therefore, call upon the administration to begin its relief to the small business community by releasing the full amount of the lending authority for the section 7(a) business loan programs and small business investment company lending, together with other steps which are necessary to implement this action which are administrative and, therefore, conveniently within the control of the executive department.

We on the Small Business Committee stand ready to cooperate in these matters and will continue to do all we can in the Senate to meet this gathering emergency with affirmative and effective action.

For the information of all who are concerned, I ask unanimous consent that our letter to the President requesting release of SBA loan authority for fiscal year 1969 be printed in the RECORD.

Following is the letter previously referred to.

FOOTNOTES

[1] "Interest Raised to 7½% High; Move Backed in U.S. Fight on Inflation," by Frank C. Porter, *Washington Post*, March 18, 1969, p. A1:8.

[2] "Comments on Credit," Salomon Brothers & Hutzler, June 20, 1969, p. 4.

[3] See for instance, "Bankers' Acceptances Rates Rise ⅛ Point; GMAC, Chrysler Unit Lift Fees on Paper," *Wall Street Journal*, June 23, 1969, p. 4:3.

[4] "How the Crunch Hits: Money Squeeze Falls on Various Borrowers With an Uneven Impact; States and Cities, Mortgage Seekers Suffer, but Big Concerns Don't Fare Badly," by Charles N. Stabler, *Wall Street Journal*, June 20, 1969, p. 1:6.

[5] "How the Crunch, etc.," *loc. cit.*

[6] "Comments on Credit," *loc. cit.* p. 1.

[7] "Another 'Prime' Rate Rise May Be Needed, U.S. Bankers, Meeting in Copenhagen, Say," by Richard F. Janssen, *Wall Street Journal*, June 17, 1969, p. 4:2.

[8] "The Investment Tax Credit—Its Relation to the Balance of Payments and Small Business." Remarks on the Senate floor by Senator Sparkman, June 12, 1969, pp. 15582–15583.

[9] "Money Market Crisis Could Hit This Month," by Peter S. Nagan, *Washington Post*, June 8, 1969, p. G3:3.

U.S. SENATE,
SELECT COMMITTEE
ON SMALL BUSINESS,
Washington, D.C., June 25, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: May I respectfully call your attention to several fact situations which I believe are placing the 5½ million small businessmen of this country in an economic straitjacket as a result of skyrocketing bank interest rates and the absence of direct loan money from the Small Business Administration.

The Senate Select Committee on Small Business, of which I have the honor to be Chairman, has just concluded the preliminary phase of hearings on the legislative oversight of the Small Business Administration. Many of our members have expressed deep concern at the drastic reductions in both the budget requests for the SBA loan programs and Executive action reducing loan commitments substantially below amounts approved by the Congress.

According to our Committee's calculations, there remain, within SBA Section a financial assistance and investment company programs, loan authorizations totaling more than $170 million which will expire if not released before the end of this fiscal year. The amounts are in three categories, as follows: for the direct business loan program

$59 million; for SBA's share of immediate participation loans $89.9 million; and for the SBIC lending program $21.3 million, for a total of $170.2 million.

It is my understanding that the release of such authority is for lending rather than spending, so that the budgetary "expenditure" features of these loans would be subject to an immediate offsetting repayment of principal and interest. Moreover, the amounts to be loaned are already in the SBA revolving fund so that no new "appropriations" would be required. Accordingly, expenditure controls would appear to be only a secondary consideration in this matter.

You will recall that last April the Department of Agriculture obtained release of $41 million for the Farmers Home Administration under similar conditions. I feel that small business is entitled to at least comparable treatment in government loan money availability in the face of credit needs of small business which, in the tightening money market, are becoming increasingly acute.

The prime bank rate has reached 8½% and other market instruments have followed suit, raising interest rates to their highest peaks in 100 years. Small, independent, and family businesses, which are less creditworthy than large national firms, customarily pay interest rates scaled upward from the prime.

With this background in the private sector, a cut in the public lending program of last resort in the order of 58.5% is creating a massive squeeze on our 5½ million small businessmen.

Therefore, immediate action is required if small business is not to bear a disproportionate part of the sacrifices necessary to curtail inflation. This may be done administratively, beginning with the release of the full $170.2 million in Congressionally approved loan authority for fiscal year 1969 SBA and SBIC loan programs. This should extend to all necessary technical and implementing measures, which will allow this authority to be carried over on the books until these small business loans can be approved and disbursed. I urge that you instruct the Budget Bureau before June 30 to take the administrative action which is conveniently within your control, and to recommend to Congress whatever additional action may be needed to preserve the budget authority I have described so that it will not become permanently unavailable to the SBA and the small business community.

Very respectfully,

Alan Bible, *Chairman*.

SBA Loan Funds Should Be Released Before June 30

Mr. Gravel. Mr. President, the legislative oversight hearings of the Select Committee on Small Business now in progress clearly indicate that the executive branch has been gradually tightening the noose around the loan programs of the Small Business Administration.

As a junior member of this distinguished committee, I strongly support its most recent efforts to obtain economic justice for smaller firms. I commend the chairman, the Senator from Nevada (Mr. Bible), for his decision to reconvene the hearings in mid-July so that we may continue our scrutiny over the kind of assistance available to smaller firms from the Small Business Administration, the Department of Commerce, and the Nixon administration as a whole.

At this time, as Senator Bible has pointed out, there are few reasons for optimism.

From the testimony at the committee's public hearings June 10–12, it appears that SBA's lending funds have been drastically reduced several times within the past year and a half, and that the direct business loan program of the agency is, in fact, at a complete standstill.

These cutbacks have been of two types; first, reduced requests for funds in the President's budget, and, second, action by the Budget Bureau to roll back lending authority below congressionally approved budget levels. The results have been the same in both cases—the permanent unavailability of loan funds which small businessmen need and Congress is willing to provide through SBA programs. In fact, the results of these executive actions have been cumulative.

Chairman Bible has asked for the details of each of these reductions—how they were made and how deeply they have cut into SBA's capacity to do its job. The complete statistics will become available next month, but we are now in a position to review the preliminary figures already on the public record.

It was startling for me to learn that, for this year and next year, the SBA business loan program will actually show a minus figure for net lending, as shown in the following table:

MAJOR CREDIT PROGRAMS—COMMERCE AND TRANSPORTATION

[In millions of dollars]

Agency and programs	Fiscal years 1967 actual	1968 actual	1969 estimate	1970 estimate
Small Business Administration	101	176	−16	−46

Source: The Budget of the U.S. Government, for fiscal years 1969 (p. 115) and 1970 (p. 111).

This means Mr. President, that more money is being taken out of the SBA loan program than is repaid in the principal and interest. For the 1970 fiscal year just ahead, the backup will amount to nearly $50 million, which I believe should be immediately available for relending.

The amounts committed in loans by the executive branch are far below the levels which Congress has been willing to appropriate and has actually appropriated during this period. For instance, for fiscal year 1968, Congress approved a loan authority budget level of $88.3 million for the direct loan program. Of this, the executive branch would only commit $54 million. For fiscal year 1969 the SBA should have been provided with at least the previous year's $88 million, plus the restoration of the $34.3 million withheld in 1968 together with some extra funds to grow on. In fact, however, they were only allowed to request budget authority for a far lower direct loan level for current year ending June 30, 1969. Congress approved $77 million for this fiscal year. But the agency was not even allowed to commit this much. The figure was cut all the way back to $18 million. That $18 million was the amount that finally became available for direct loans after all of the cutbacks.

SBA LENDING HAS BEEN VIRTUALLY HALTED

As a consequence SBA ran out of direct loan authority midway through the year. The agency was forced to issue a directive virtually closing down the direct and participation business loan program in the following language:

"As far as FA (financial assistance) programs are concerned the 7(a) direct and immediate participation program levels have been most affected. Our FY 1909 Congressional appropriations submission reflected $77 million for 7(a) direct loans and $184 million for the SBA share of the IP (immediate participation) loans. While the original estimate of the effect of the Congressional action for these loans was a FY 1969 level of $155 million, $41 million direct and $114 million IP (SBA share), further analysis of income and expenditures has resulted in reductions to $18 million for 7(a) direct and $94.1 million for IP.

"In view of our first half year allocations, rates of approval and expenditures, and existing backlog, it became necessary to cut off immediately further acceptance of 7(a) direct loan applications. At the same time it was deemed essential that we preserve for the balance of the fiscal year as much of our 7(a) IP program as possible.

"However, with $52.4 million already allocated for 7(a) IP loans, only $41.7 million (SBA share) will be available for the last six months of the fiscal year; less than $7 million per month nationally."

The cutbacks in the direct loan authority by the executive branch left an unused $59 million in congressionally authorized budget loan level for fiscal year 1969. This authority can be turned over to the Small Business Administration provided action is taken before June 30. As long as the authority is released by that date it will not lapse and will be available for present or future use in the direct loan and participation programs. If this loan authority is not released, it will revert to the U.S. Treasury and will no longer be available for use in any SBA lending program.

Mr. President, anyone who has been reading the newspapers these days is aware of the compelling reasons of taking such action.

SMALL BUSINESS IS NOT KEEPING PACE

Although the economy has been expanding at a rapid rate, small firms have been precluded from gaining their fair share of these advances by the shortage and expense of capital. Defense procurement has flown up and away because of Vietnam but the small business share of military purchases has declined from 21.8 percent in 1966 to 16 percent in the last half of 1968. Corporate profits have likewise soared 32.8 percent, or almost one-third between 1964 and the beginning of 1969, but 50 giant companies at the summit of our economy account for 39.8 percent of all industry profits, according to the annual Fortune 500 survey.

A comparison among some of the advances in national income, with particular attention to professional firms, farm businesses, and other proprietorships which are predominantly small business, is contained in the following table:

Advances from 1964 to the beginning of 1969

[In billions of dollars]

	Percent
Proprietors' income:	
Business and professional	+18.9
Farm	+24.3
Corporate profits (after taxes)	+32.8
Gross national product	+36.1
Wages and salaries	+38.1

Source: "Federal Reserve Bulletin," May 1969, Tables A66 and A67.

It thus appears to me that the income of smaller and independent businessmen and farmers in this country are lagging behind most of the other indicators. One of the leading disabilities of the small businessman in this regard has been the steep climb, since 1965, of the prime interest rate to 8½ percent. Other forms of commercial financing have risen accordingly. As dizzy as the present peaks are, there have been newspaper reports that interest rates may even go higher before they turn down. In addition to this, the Federal Reserve Board, as a prudent anti-inflationary measure, is "reducing liquidity" in our financial system, which boils down to the fact that banks will end up with less money to loan at higher prices.

As the chairman of our committee has said:

"It has been acknowledged that new and small firms are normally under capitalized. The small local, or family firm, or any company with a new product is simply not in a position to compete for credit with a huge national corporation."

This is the background in the private money market against which the massive cutbacks in the public loan program of the Small Business Administration should be viewed. I can think of no reason why small and independent businesses should be paying a disproportionate price for the Nation's involvement in Vietnam while the giant corporations net record profits, which are not even subject to an excess profits tax such as existed during all of the major armed conflicts of this century.

As I have said, the Small Business Committee will reexamine the Small Business Administration and the Department of Commerce with respect to these matters during July. We will be collecting further information upon which to base the committee's ultimate findings and recommendations.

ACTION SHOULD BE TAKEN

In the meantime, there is action which can be taken by the executive branch which can provide substantial relief. That is the release of the $170.2 million in loan authority which the executive branch has impounded for fiscal year 1969, and which will lapse if it is not released by the end of this month. There is a precedent for such a decision in the release of $41 million for Farmers Home Administration loans in April of this year. It seems to me that the small businessmen of this country are entitled to comparable treatment.

I therefore join in the call upon the Bureau of the Budget and President Nixon to release this $170.2 million SBA loan authority before June 30, including the $59 million for direct loans; the $89.9 million representing the SBA share of IP—immediate participation—loans and $21.3 million representing loan assistance to small business investment companies. In other words, I am asking for the release of the full $170.2 million for all SBA programs which the Congress approved for these programs before the end of fiscal year 1969. I understand that Chairman Bible has officially made this request in a recent letter to the White House, and I wish to give that recommendation my unqualified endorsement.

As the committee investigation proceeds, I shall continue to do all that I can to support a rebuilding of the SBA direct loan program as well as other SBA and Federal programs which can benefit the small business firms of Alaska and the rest of the Nation in the months and years ahead.

September 22, 1969.

Hon. Hilary J. Sandoval, Jr.,
Administrator, Small Business Administration, Washington, D.C.

Dear Mr. Sandoval: As you know, our Senate Committees have been concerned over the years with making the results of taxpayer-financed research and development available to small and independent firms by way of technology transfer.

Through the Subcommittee on Science and Technology of the Select Committee on Small Business; the Subcommittee on Government Research of the Committee on Government Operations; and the Small Business Subcommittee of the Senate Banking and Currency Committee, considerable initiative has been taken in developing programs of technology transfer, which are now in their infancy.

Two general reports have been published: "Policy Planning for Technology Transfer" in 1967 and "The Prospects for Technology Transfer" in 1968. The latter study is presently being used as a model for consideration of these matters in the Executive Branch by the Committee on Scientific and Technical Information.

As you are aware, the public investment made by the Federal Government on research and development has risen to nearly $150 billion. The recent Apollo and Mariner voyages will add further to the reservoir of scientific and technical information in the public domain which we hope will be made increasingly accessible to all U.S. firms, and particularly small business.

At this point, we believe it would be appropriate to have a report of the procedures, status, and results of the technology transfer program within the Small Business Administration and your future plans for pursuing the goal of technology transfer which is of such importance to the small business community. In particular, it would be helpful to know the staff and budget devoted to these purposes in fiscal years 1969 and 1970, the accomplishments of existing programs, the problems encountered, and how it is proposed to resolve such difficulties.

This information will be helpful to us in assessing the possibilities for future activity in this area.

With thanks for your cooperation in this as in other matters, and with kindest regards,

Sincerely,

Jennings Randolph,
Chairman, Subcommittee on Science and Technology, Small Business Committee.

Fred R. Harris,
Chairman, Subcommittee on Government Research, Committee on Government Operations.

Thomas J. McIntyre,
Chairman, Subcommittee on Small Business, Banking and Currency Committee.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WITHDRAWAL FROM VIETNAM

Mr. MANSFIELD. Mr. President, I have come across a column by Joseph C. Harsch entitled "How Fast?" having to do with the situation in Vietnam and the practical and realistic difficulties in which the President of the United States finds himself. The article reads, in part:

> There can be no clear or sure answer.

That is, to the question of withdrawal.

> It has to be a variable. It must depend on the capacity of the South Vietnam armed forces to provide the necessary security for the withdrawal. And that certainly does mean more time than either the President or the "moratorium" marchers would like to leave.

Mr. President, I ask unanimous consent that this column and a very worthwhile editorial by Hedley Donovan, entitled "Winding Down the War on Our Own," which explains realistically the situation in which the President and we find ourselves in Vietnam, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Christian Science Monitor, Oct. 21, 1969]

How Fast?

(By Joseph C. Harsch)

Washington.—In one sense the issue between President Nixon and the peace demonstrators is now narrow. Everybody (almost) wants peace. Everybody (almost) agrees that American combat forces should be withdrawn. What remains as an issue is only the speed of the withdrawal.

If Mr. Nixon would even fix a specific date, much of the opposition to him would disappear. If he fixed an early date, most of it would disappear.

At this point there are some very real and serious military factors.

ABSTRACT THEORY

In abstract theory it would be physically possible to pull the entire half-million men out in a month.

By commandeering cruise liners from the sea and passenger air-liners from the sky a mass lift in 30 days could be done.

Obviously, no sensible person would dream of doing the withdrawal that way. The equipment could not be taken out at any such pace. To leave the equipment behind in a crash withdrawal program would probably amount, in effect, to giving most of it, perhaps all, to the Viet Cong and North Vietnam forces.

The essential military point is that a sudden withdrawal could all too easily degenerate into a fighting withdrawal.

The present Nixon plan calls for the gradual withdrawal of United States combat forces, leaving air support, communications, and supply until the last.

But leaving perhaps a quarter of a million Americans of those types in Vietnam without American infantry protection could be extremely dangerous. It would be possible only if the South Vietnam Army could be relied upon to provide the necessary security for the noncombat people.

POLITICAL CHAOS

And time is an essential element in the capacity of the South Vietnam Army to provide that protection. A sudden withdrawal would almost certainly mean political chaos in Saigon followed by the breakup of the South Vietnam armed forces. The retreat from the Yalu during the Korean war is an example of what could all too easily happen under such circumstances. Zenophon's fighting retreat from Asia Minor is another. Mr. Nixon, understandably, dare not order the kind of withdrawal program which could lead to a Dunkirk.

So how fast can the withdrawal be managed without running the serious risk of a Dunkirk?

There can be no clear or sure answer. It has to be a variable. It must depend on the capacity of the South Vietnam armed forces to provide the necessary security for the withdrawal. And that certainly does mean more time than either the President or the "moratorium" marchers would like to leave.

THEORETICAL MERIT

The moratorium deadline is the end of 1970. Mr. Nixon would be delighted to get every last American out of Vietnam by November of 1970. Such a deadline would be manna from heaven for every Republican running for reelection that month.

But a November, 1970, deadline would probably not be safe.

What then could Mr. Nixon do with safety to American troops beyond what he has already done?

One useful idea is provided by Human Events, the right-wing information sheet. It says he should send home all conscripts and use only volunteers in Vietnam. The idea has great theoretical merit, and would be welcome in many quarters at the Pentagon, if enough time is provided. It would probably take most of a year to do it safely. You can't risk the breakup of mixed volunteer-conscript units at the front.

Another measure would be to announce a deadline for final withdrawal at a safe time in the future. December, 1970, is probably not safe. November of 1972 ought to be safe.

Winding Down the War on Our Own

(By Hedley Donovan)

Richard Nixon has said he does not propose to be the first American President to lose a war. He might, however, if he and we are lucky, become the third President to set-tie for a tie. The others were James Madison (War of 1812) and Dwight Eisenhower (Korea), perfectly respectable company for any President to keep.

The President was strangely tense and rigid in his advance comments on the Vietnam Moratorium (he would "under no circumstances . . . be affected whatever"). Many of the Oct. 15 people, to be sure, would not be appeased by anything Mr. Nixon could do, short of immediate and total withdrawal. Yet Mr. Nixon's Vietnam policy is a great deal more realistic and humane than he is getting credit for, in part because he and his administration explain it so badly, in part because criticism of the war has reached so high an emotional pitch.

The President has in fact begun a unilateral withdrawal of the bulk of American forces from Vietnam.

The President has in fact reined in his commanders so closely that in some areas of Vietnam a kind of unilateral cease-fire prevails.

What else should he do? Nixon's acts of de-escalation go further than many Vietnam dissenters were demanding only a year ago. But the point is, of course, that now *is* a year later. LIFE believes there is more the President could be doing to further the prospects for a tolerable outcome in Vietnam: in his dealings with his own men in Washington, with the Saigon government, with Hanoi, and in his dealings with U.S. opinion, which is his most critical negotiation of all.

To start with, we propose that the policymakers of the Nixon administration begin treating with U.S. opinion *in its own right*, not as though its chief importance lay in the interpretation Hanoi places upon it. Mr. Nixon, much to his credit, has never since his inauguration put public blame on the Johnson administration for his Vietnam burden. But he has allowed his administration sometimes to sound like the dug-in L.B.J., equating the Vietnam dissent with aid and comfort to the enemy.

It is a profound question how—and whether—a democracy should conduct a war with only, say 60% of public opinion in support. Our Constitution specifies no fewer than nine matters, none as serious as a war, which require a two-thirds vote for congressional approval. When we are in a war which has never had explicit congressional sanction, and never even been legally "declared," being fought in good part by draftees (chosen by a fantastically capricious system), a war which many (LIFE included) have thought important to win but almost nobody has ever claimed was imperative, and when this war has dragged on inconclusively for years, the wonder is not that there is protest but that there is so much willingness to serve and sacrifice. Mr. Nixon, and Mr. Agnew, too, would do better to marvel at the stability and patience of the nation they are privileged to lead, rather than purse lips and wonder how Hanoi is reading our students today.

Once we start thinking of American attitudes about Vietnam as important for their own sake, not as mirror messages being flashed from here to Hanoi and back, several things fall into place.

We should stop expecting anything out of the Paris peace talks. In recent months the North Vietnamese have not budged one centimeter. (How could a Harvard demonstration make them *more* intransigent?) We should proceed on the assumption there will be no formal settlement with the North. We should of course keep our delegation in Paris, talking and listening. There are some things the U.S. government should be saying to America itself, to South Vietnam and to Southeast Asia that might conceivably interest Hanoi. If so, fine; but if not, our policies must proceed for our own good reasons.

We should be withdrawing our troops, in Hubert Humphrey's good word, "systematically." This means a fairly firm presidential timetable, which no doubt exists. The President is right to resist any public promise to be totally out of Vietnam by some early, exact date, despite the 57% Gallup Poll in favor of Senator Goodell's resolution committing us to be gone by the end of 1970. But Mr. Nixon should conquer the press-conference reflex that leads him to try to outbid the Goodells and Clark Cliffords, suggesting that such critics interfere with his hopes of getting out *sooner*. We have little enough bargaining power vis-à-vis Hanoi since it is so clear that we are disengaging, and since it is unthinkable that we could re-escalate, short of some monstrous provocation.

The American public, we would guess, is willing to support 12 to 18, maybe at most 24, more months of military effort in Vietnam if withdrawals are in progress and if casualties and costs are declining steadily.

The President has already ordered withdrawals of 60,000 men from our peak strength of 540,000, and there are hints that he may announce another cut before the end of the year. Civilians need not be too diffident about entering the numbers game, for it is essentially an appraisal of American sentiment rather than a technical military judgment. For our part, we hope that the President is aiming at a force no bigger than 150,000 by mid-1971. (We still keep 50,000 men in Korea, 16 years after the truce.) Whether there should be such a rear guard at all (chiefly in logistics and air support) could indeed be a subject of negotiation, and is not a point to be given away for nothing.

The hope is that as we withdraw the South Veitnamese army will be improving fast enough to take over more and more of the fighting and the South Vietnamese government will be broadening its support. It may just work. We should press Thieu and Ky on bureaucratic corruption, land reform and political imprisonments.

We should continue shifting the U.S. military effort away from the "maximum pressure" concept toward population protection and training of the ARVN. The new policy has contributed to a marked reduction of American casualties, now at their lowest level in nearly three years. Secretary Rogers thinks the enemy, however unyielding at Paris, has carried out a "very significant" de-escalation in the field, cutting down troop infiltration from the North by as much as two thirds Military brass in Washington and Saigon continue the somewhat ritualistic warning that this may just be the lull before a new offensive. Mr. Nixon should decide whether he agrees with his Secretary of State, and if so, perhaps hasten his next troop withdrawal announcement.

The President has promised a major Vietnam speech for November 3. It is none too soon. We hope he will redefine what is still at stake for us in Vietnam. We hope he will offer a generous vision of a long-term peacetime American interest in the development of Southeast Asia and friendship for all its peoples. (What an irony that we should be on fairly good terms with Communist Russia, talking cautiously about a possible thaw in relations with Communist China, and still so bitterly embroiled with one of the smallest Communist states.)

It will take even more steadiness than the American people have already shown if they are to persist through this winding-down phase of the war and bear further casualties and costs for modest objectives. In this difficult undertaking, the President deserves our sympathy and support, and the country deserves visible, candid and convincing leadership.

PROTECTIVE REACTION IN VIETNAM

Mr. MANSFIELD. Mr. President, there seems to be some difficulty interpreting what Secretaries Laird and Rogers have said about the new military strategy of "protective reaction" ordered last July and put into effect last August. In my opinion, this is a decided shift away from the old "search and destroy" and "maximum pressure" tactics which were employed in the last administration and in the first months of the present administration. To me, the change means we have moved a long distance in the direction of a "cease-fire and stand fast" policy. It is my understanding of the new strategy of "protective reaction" that U.S. forces will fire only when a threat that they will be fired on is developing and that they remain prepared at all times to take whatever action may be necessary to repel any attack which should be in the offing.

It has been charged that this approach would expose U.S. forces to increased casualties and would hand an initiative to enemy forces. It would be my belief that the opposite is the result; that casualties would be decreased as, in fact, they have been reduced since the new strategy has been in effect. As far as the initiative is concerned, U.S. forces remain on guard at all times and take whatever actions are necessary to forestall any attack which might be in the offing but fire only when there is a threat that they will be fired on.

This interpretation of "protective reaction" would appear to be consistent with what a military spokesman in Washington has said:

> Our defense activities include allied reconnaissance in force, sweeps and extensive small patrol operations designed to keep the enemy off-balance and to prevent enemy attacks.

Or, even more specifically, what another military officer at the Pentagon is quoted as saying:

> We're not terribly far from such a condition today (a "de facto cease-fire"). The enemy has pulled back to sanctuaries throughout Vietnam. Infiltration is way down. We're sending out lots of small patrols but we're no longer crashing through the bush with large units spoiling for a fight. Our concentration is on pacification and on helping the Vietnamese take over more of the war. Our casualties keep falling, week by week.

This is certainly a far cry from the tactics of "maximum pressure" and "search and destroy" and to me is an indication that the President is moving toward a cease-fire and standfast policy.

I commend the Secretary of Defense for announcing the policy; the Secretary of State for emphasizing it; and the President for initiating this new and highly significant tactic.

Mr. President, in the Washington Star of October 11, just a week or so ago, appeared an article by Mr. Orr Kelly. The article has to do with a press conference held by Brig. Gen. John W. Barnes, former commander of the 173d Airborne

Brigade in South Vietnam's Binh Dinh Province. I believe this was the general referred to on Thursday, 2 weeks ago tomorrow, at Secretary Laird's press conference, when he announced the new "protective reaction" policy.

General Barnes, until recently, was in command of one of the most heavily Communist-infested areas in the country. He told newsmen he gave his 7,000 troopers strict orders on their pacification experiment begun on April 15. General Barnes' 7,000 troopers were ordered to fire only at uniformed enemy soldiers, or men who were clearly not friendly forces and persons engaged in hostile acts such as throwing a hand grenade.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "Toward a Cease-Fire," which was published in the Baltimore Sun of October 21, 1969.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

Toward a Cease-Fire

Reports from Washington that President Nixon is considering a proposal for a cease-fire in Vietnam are encouraging, as an indication of a continuing search for ways to scale down the scope and intensity of the war. The American efforts in this direction—steps which include the cessation of the bombing in North Vietnam and revision of the "search and destroy" tactics—have undoubtedly been major factors in the general reduction in the so-called level of violence and, more important, in the decrease in battle casualties. A cease-fire proposal could properly be made in line with these steps and in line with the measures being taken to withdraw substantial numbers of American soldiers from South Vietnam.

A proposal of this nature, first of all, would underscore the United States policy, and hope, of bringing the war to an end as soon as possible. A standstill cease-fire, in which all troops would remain in place with combat operations suspended, could possibly open the door to the negotiations for a political settlement which the United States has been seeking, with little or no response, so far as the record shows, from North Vietnam.

But even if serious peace negotiations did not develop, an American initiative toward a cease-fire could point to another way in which the war may be ended; that is, by a steady dwindling of fighting until an undeclared and unnegotiated peace is established. For several years now, some authorities have thought that the war may well be brought to an end in this manner, rather than through an openly negotiated settlement.

Mr. Nixon has strong support in this country now, we believe, for the measures he is taking to control and decrease the level of the war. It seems clear that the American people not only endorse these measures but are urging the President to push on with additional steps. The simple fact is that it becomes more and more difficult to justify continued battle deaths, even when the number of casualties has been greatly reduced, after the major decision has been taken to begin withdrawing American troops. This, we suggest, was uppermost in the minds of many of the Americans who took part last week in the moratorium demonstrations.

Mr. McGOVERN subsequently said. Mr. President, I wish to associate myself with the remarks of the distinguished majority leader with reference to his statement that we are, in fact, moving into a cease-fire. The Senator from Montana (Mr. MANSFIELD) has been advocating that position for several years, both under the previous administration and under this administration. I hope that is the direction in which we are moving.

STATESMANSHIP BY SENATOR MANSFIELD

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "Statesmanship by Senator MANSFIELD," which was published in the Philadelphia Inquirer this morning. The editorial is very praiseworthy of the positions taken by the distinguished majority leader and the Senator from Arkansas (Mr. FULBRIGHT). While I have not cleared this matter with the majority leader, I would like to have it printed in the RECORD at this point.

The PRESIDENT pro tempore. In light of the Senator's statement, the Chair is quite certain the majority leader would impose no objection. Without objection, it is so ordered.

The editorial, ordered to be printed in the RECORD, is as follows:

Statesmanship by Senator Mansfield

As Democratic Majority Leader in the Senate, and a long-time advocate of peace in Vietnam, Mike Mansfield took the Senate floor to deliver a statesmanlike address that ought to be a keynote for Americans, whatever their party, who genuinely seek an end to the war.

Noting that the Nixon Administration is pursuing a new policy in Vietnam, dedicated to de-escalating the fighting and reducing casualties and bringing U.S. troops home, the senator from Montana declared: "I would like to see the people of this nation get behind President Nixon. . . . I want to say as a Democrat that it will be my intention to support the President." He went on to express his belief that strong public support for Mr. Nixon at this critical juncture in peace efforts would expedite a "responsible settlement" in Vietnam.

There is great wisdom as well as high statesmanship in Senator Mansfield's remarks. At this time, of all times, with the President of the United States initiating bold steps toward a reduction of the fighting while engaging in delicate diplomatic maneuvers to hasten a settlement, the American people should stand united, rather than divided, and should demonstrate support, instead of protest, for the U.S. peace offensive that is already under way and is being accelerated.

Chairman J. W. Fulbright of the Senate Foreign Relations Committee, one of the most outspoken war critics, has acted sensibly in following Senator Mansfield's lead by postponing committee hearings on Vietnam that had been scheduled to begin next week. They will be delayed at least until after President Nixon's address to the nation on November 3, when he is to discuss the Vietnam situation.

There are, of course, some people in this country who claim to be for peace but really seek a Communist victory. It can be expected that they will continue to fan the flames of dissension wherever they can. Other Americans, those who want to act responsibly in the cause of peace, ought to rally to the call of Senator Mansfield.

SPEECH BY VICE PRESIDENT AGNEW IN NEW ORLEANS

Mr. McGOVERN. Mr. President, Sunday's Republican fundraising speech in New Orleans by Vice President SPIRO AGNEW is apparently designed to widen both the generation gap and the credibility gap.

The Vice President has referred to last week's peace efforts as "national masochism"—"an emotional purgative"—as "the work of impudent snobs." He has said that those who call for an end to the war are undercutting "the foreign policy of the President"—that we "prefer to side with an enemy aggressor rather than stand by this free nation."

In a sweeping indictment of this generation of college students, Mr. AGNEW said:

> Education is being redefined at the demand of the uneducated to suit the ideas of the uneducated. The student now goes to college to proclaim rather than to learn.

We are left to wonder what the Vice President is doing if not proclaiming. It has occurred to no one to charge him with excessive learning.

I do charge him with making a deliberate and cynical effort to arouse contempt for the college students of America. He seeks to discredit the patriotism of those of us—young and old alike—who have opposed the war in Vietnam. Is there any doubt that he does this with the approval of the President?

Frankly, I am puzzled by the Vice President. We urge our young people to keep their dissent peaceful and nonviolent; yet, when they do so their patriotism is impugned by the second highest official in the land. That is the kind of official attitude which breeds frustration, anger, and violence.

Mr. Agnew's attitude toward the peace effort and especially the moratorium demonstrates ignorance, both of the struggle in Vietnam and the political process in America.

The moratorium of last week was carefully planned by some of the most patriotic and thoughtful citizens in our land. It was directed by young people and older citizens of every walk of life who love this country enough to call for an end to our involvement in a foolish war—a war that may serve the interest of the Communists, but not of America.

After 5 years of soul-searching debate, we are now told by Mr. Agnew that we should listen in respectful silence while he pontificates.

Before the moratorium even took place, he referred to it as "absurd." What is "absurd" is the thought of SPIRO AGNEW enunciating policy for the most powerful nation in the modern world.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. McGOVERN. Mr. President, I ask unanimous consent that I may proceed for an additional 5 minutes.

Mr. FULBRIGHT. Mr. President, reserving the right to object——

The PRESIDENT pro tempore. The Senator from Arkansas reserves the right to object.

Mr. FULBRIGHT. I merely wish to inquire of the Senator. I have two matters to present. I wonder if the Senator would mind. I do not disagree with what he is saying. These are two executive matters. If I could have 3 or 4 minutes I could dispose of them.

Mr. McGOVERN. I will be finished in that length of time. I would be glad to yield to the Senator, but I am going to a luncheon.

Mr. FULBRIGHT. I do not object.

The PRESIDENT pro tempore. There being no objection, the Senator from South Dakota is recognized for an additional 5 minutes.

Mr. McGOVERN. Mr. President, if Mr. AGNEW's speech is a measure of this administration's mental and moral sensitivity, God help America.

He talks of "the spirit of national masochism" in the peace effort; but masochism finds its crudest expression in the sacrifice of our youth to the high priests of war.

He talks of "the dangerous oversimplification" of the war; but the most "dangerous oversimplification" is the confusion of General Thieu's corrupt military dictatorship with the defense of freedom and American honor.

He scorns the present generation of American youth for not quietly swallowing the policies of our rulers.

But, thank God, the youth of America—with all their faults—are not about to swallow the old schemes of forced killing in foreign crusades that destroy both us and others in the name of national honor.

The Vice President talks of our refusal to disassociate the peace effort from Hanoi's expressions. But we call for an end to American involvement in Vietnam, not because of what Hanoi thinks, or Saigon or Paris—but because we want America to assert her own national interest. It is the administration, not the peace advocates, that has said our policy in Vietnam will be determined by Hanoi, Saigon, and Paris rather than by the concerns of the American people.

I participated without question as a combat pilot in World War II because I believed then and I believe now that this was the patriotic and proper role for me to play. I oppose our involvement in the struggle of the Vietnamese people with equal patriotism and propriety. If the Vice President cannot by now see the vast difference between these two challenges, he is not capable of making judgments for himself—let alone trying to instruct the youth of the Nation.

It is ironical that on the front page of Monday's Washington Post, where we read of Mr. AGNEW's attack on the youth of America, we also learn in another news story of secret American military operations in Laos and elsewhere in Asia.

The Senator from Missouri (Mr. SYMINGTON), who is conducting an invaluable investigation of these matters, is quoted as saying of Laos:

> In past years, high government officials have wrapped activities there in a cloak of secrecy, keeping details not only of policy but also of implementation of that policy hidden even from those of us in the legislative branch who have responsibilities in the foreign policy and military fields.

Presumably, Mr. AGNEW would like us to accept these secret preparations and commitments to new battlefronts without question. Then, as old wars continue and new wars begin, he would call on the youth of America to follow the lines of Tennyson:

> Theirs not to reason why; theirs but to do and die.

Presumably, he prefers acquiescence to the policies emanating from on high, including those policies formed without consultation or debate involving the elected representation of the American people.

But that is not the course of American democracy, and I for one will have no more of it. I do not believe in referring to American foreign policy as though it were the private domain of the President without reference to the thoughtful concern of other citizens of the Nation.

I believe that increasing numbers of Americans—young and old—of every political persuasion in every walk of life—are determined to have a voice in those issues that affect their lives. That is what freedom is all about. So let us not fight so blindly to preserve General Thieu in Saigon that we sacrifice freedom and dignity in our own great but deeply troubled land.

Mr. President, I ask unanimous consent that two excellent editorials, one from the Washington Post of October 21, 1969, and one from the Daily Republic of my hometown, Mitchell, S. Dak., be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Oct. 21, 1969]

MR. AGNEW: NO LONGER A LAUGHING MATTER

By writ and by tradition the vice-presidency is an office in which there is practically nothing to do. The trick of course lies in doing it well—in standing back and learning, in readying oneself for any emergency, in supporting the President backstairs when one can and in doing nothing that goes against his interest. Clearly, then, in the case of Vice President Agnew we are faced with one of two possibilities. One is that Mr. Agnew with his ten-month roadshow of gaffes, goofs, and raw demagoguery hasn't caught on to his job. The other is that he has—that Mr. Nixon is authorizing and/or approving the Vice President's public dicta as part of some elaborate (and foredoomed) political game. Neither is particularly reassuring, but if the latter is the case, we should be told.

In New Orleans on Sunday the Vice President made this necessary with his comments on the war and on the motivations of those involved in last week's Vietnam moratorium.

"If the moratorium had any use whatever, it served as an emotional purgative for those who feel the need to cleanse themselves of their lack of ability to offer a constructive solution to the problem."

And again:

"A spirit of national masochism prevails, encouraged by an effete corps of impudent snobs who characterize themselves as intellectuals. It is in this setting of dangerous oversimplification that the war in Vietnam achieves its greatest distortion."

And again:

"Great patriots of past generations would find it difficult to believe that Americans would ever doubt the validity of America's resolve to protect free men from totalitarian attack. Yet today we see those among us who prefer to side with an enemy aggressor rather than stand by this free nation."

Mr. Agnew also let it be known that those who participated in the moratorium were guilty of the crime of supporting "a massive public outpouring of sentiment against the foreign policy of the President of the United States" and of not caring to "disassociate themselves from the objective enunicated by the enemy in Hanoi."

Now what is interesting in all this is certainly not the Vice President's line of thought or his ham-handed effort to discredit the motivation and question the loyalty of a large and respectable part of the political community: we have seen and heard all that before. It is not even to the main point to observe that Mr. Agnew has outdone himself in assuring the hostility of a part of the electorate Mr. Nixon has some interest in calming down. Nor does the subject upon which Mr. Agnew chose to discourse with such vehemence permit his remarks to be received with the national giggle they so frequently inspire. This time around the only question worth asking is what the President thought of what Mr. Agnew said.

Mr. Nixon is engaged in a highly chancy and complicated maneuver to end the war in Vietnam in a way which will not do utter violence to this country's interests abroad and which will not result in a terrible rending of the social fabric at home—in a right-to-middle uprising based on charges of betrayal and sell-out. At least that is what you can hear any day of the week from those behind the scenes in his administration who argue the case for his method of disengagement and who beg understanding of it. Simultaneously we witness Vice President Agnew out fomenting precisely the kinds of emotions others in the White House profess to fear and claim their strategy is designed in large measure to avoid. It really will not do for Mr. Ziegler, the White House spokesman, merely to indicate that vice presidential speeches for party gatherings are not cleared in advance by the White House. If Mr. Nixon wishes to be in any way convincing in this matter or to preserve the notion that he is acting in good faith, then he must repudiate the excesses of his Vice President or silence him or—ideally—do both.

[From the Mitchell (S. Dak.) Daily Republic, Oct. 18, 1969]

THE MORATORIUM

Despite his advance advisory that he would not be affected by last Wednesday's nationwide Vietnam Moratorium, President Richard M. Nixon will be foolish to ignore the success of the anti-war demonstration.

As has been pointed out repeatedly since the moratorium, this was a most surprising display of widespread sentiment for disengagement from the Vietnam debacle. Surprising because of the broad spectrum of national life represented in the protest. Surprising because of the extremely low incidence of illegal actions by demonstrators. Surprising because of its lack of partisan political overtones.

The Vietnam Moratorium was initiated by a small group of concerned young people, but participation included people of all ages, of all walks of life, of all religions, of all races, of all political persuasions. Hundreds of thousands of them turned out—even in bad weather in some areas—to demonstrate their desire for the United States to come to terms with the realities of the Vietnam situation: there can be no peaceful settlement in Vietnam so long as this country insists on supporting a South Vietnam regime that cannot and will not serve our interests, nor the interests of the population they govern.

Those who are crying that U.S. citizens' anti-war activities are giving aid and comfort to Hanoi and interfering with peace negotiations in Paris are begging the question. From the beginning, it has been crystal clear that no peace treaty can be achieved on the basis of American dictates and the Thieu-Ky refusal to recognize the National Liberation Front. Unless the U.S. withdraws from military participation in this Vietnam civil war, a solution will never be reached.

President Nixon has committed his Administration to end the war. If he intends to carry out this commitment, he cannot but be affected by public sentiment expressed by the Vietnam Moratorium. By setting up a public timetable for a phased withdrawal from Vietnam, and adhering to it closely as possible, he will be able to achieve his objective. He will open the way for meaningful talks in Paris.

Some American troops will have to remain in South Vietnam for some time. As Michael Novak wrote in *Commonweal* a week ago, "both the U.S. and the North Vietnamese have some stake in overseeing in some minimal way the protection of the people their presence has compromised."

The promise has been made by the Vietnam Moratorium Committee that another such demonstration is scheduled for Nov. 15, and succeeding ones will be initiated until such time as their voices are heard in Washington. Mr. Nixon can serve the best interests of his people by moving in judicious haste to disengage us from the Vietnam morass and set our course on elevating the quality of life at home and abroad.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider two treaties on the Executive Calendar.

The **PRESIDENT** pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider executive business.

CONVENTION ON CONDUCT OF FISHING OPERATIONS IN THE NORTH ATLANTIC

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate, Executive D, 91st Congress, first session.

The **PRESIDENT** pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive D, 91st Congress, first session, the convention on the conduct of fishing operations in the North Atlantic, which was read the second time, as follows:

CONVENTION ON CONDUCT OF FISHING OPERATIONS IN THE NORTH ATLANTIC

The Governments of Belgium, Canada, Denmark, the French Republic, the Federal Republic of Germany, Iceland, Ireland, Italy, Luxembourg, the Netherlands, Norway, the Polish People's Republic, Portugal, Spain, Sweden, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America,

Desiring to ensure good order and conduct on the fishing grounds in the North Atlantic area;

Have agreed as follows:

ARTICLE 1

(1) The present Convention applies to the waters of the Atlantic and Arctic Oceans and their dependent seas which are more specifically defined in Annex I to this Convention.

(2) In this Convention

"fishing vessel" means any vessel engaged in the business of catching fish;

"vessel" means any fishing vessel and any vessel engaged in the business of processing fish or providing supplies or services to fishing vessels.

ARTICLE 2

Nothing in this Convention shall be deemed to affect the rights, claims or views of any Contracting Party in regard to the limits of territorial waters or national fishery limits, or of the jurisdiction of a coastal State over fisheries.

ARTICLE 3

(1) The fishing vessels of each Contracting Party shall be registered and marked in accordance with the regulations of that Party in order to ensure their identification at sea.

(2) The competent authority of each Contracting Party shall specify one or more letters and a series of numbers for each port or district.

(3) Each Contracting Party shall draw up a list showing these letters.

(4) This list, and all modifications which may subsequently be made in it, shall be notified to the other Contracting Parties.

(5) The provisions of Annex II to this Convention shall apply to fishing vessels or their small boats and fishing implements.

ARTICLE 4

(1) In addition to complying with the rules relating to signals as prescribed in the International Regulations for Preventing Collisions at Sea, the fishing vessels of each Contracting Party shall comply with the provisions of Annex III to this Convention.

(2) No other additional light and sound signals than those provided in the Annex shall be used.

ARTICLE 5

Nets, lines and other gear anchored in the sea and nets or lines which drift in the sea shall be marked in order to indicate their position and extent. The marketing shall be in accordance with the provisions of Annex IV to this Convention.

ARTICLE 5

(1) Subject to compliance with the International Regulations for Preventing Collisions at Sea all vessels shall conduct their operations so as not to interfere with the operations of fishing vessels or fishing gear and shall conform to the provisions of Annex V to this Convention.

(2) For the better implementation of these provisions the competent authorities of Contracting Parties may at their discretion notify the competent authorities of other Contracting Parties likely to be concerned of concentrations or probable concentrations known to them of fishing vessels or fishing gear, and Contracting Parties receiving such notification shall take such steps as are practicable to inform their vessels thereof. The authorised officers appointed in accordance with Article 9 of this Convention may also draw the attention of vessels to fishing gear placed in the sea.

ARTICLE 7

(1) In any disute that rises between the nationals of different Contracting Parties concerning damaged gear or damage to vessels resulting from entanglement of gear, the following procedure will apply in the absence of agreement among the Contracting Parties concerning the resolution of such disputes:

At the request of the Contracting Party of a complainant each Contracting Party concerned will appoint a review board or other appropriate authority for handling the claim. These boards or other authorities will examine the facts and endeavour to bring about a settlement.

(2) These arrangements are without prejudice to the rights of complainants to prosecute their claims by way of ordinary legal procedure.

ARTICLE 8

(1) Each Contracting Party undertakes to take such measures as may be appropriate to implement and enforce the provisions of this Convention with respect to its vessels and gear.

(2) Within the area where a coastal State has jurisdiction over fisheries, the implementation and enforcement of the provisions of this Convention shall be the responsibility of the coastal State.

(3) Within that area the coastal State may make special rules and exemptions from any of the Rules in Annexes II to V to this Convention for vessels or gear which by reason of their size or type operate or are set only in coastal waters, provided that there shall be no discrimination in form or in fact against vessels of other Contracting Parties entitled to fish in those waters. Before making special rules and exemptions under this paragraph in respect of areas in which foreign fishing vessels operate a Contracting Party shall inform the Contracting Parties concerned of their intentions and consult them if they so wish.

ARTICLE 9

(1) To facilitate the implementation of the provisions of the Convention the arrangements set out in this Article and in Annex VI to this Convention shall apply outside national fishery limits.

(2) Authorised officers means officers who may be appointed by the Contracting Parties for the purpose of these arrangements.

(3) Any Contracting Party shall, upon the request of another Contracting Party, notify the latter of the names of the authorised officers who have been appointed or of the ships in which such officers are carried.

(4) Authorised officers shall observe whether the provisions of the Convention are being carried out, enquire and report on infringements of the provisions of the Convention, seek information in cases of damage, where desirable draw the attention of vessels of Contracting Parties to the provisions of the Convention, and shall co-operate for these purposes with the authorised officers of other Contracting Parties.

(5) If an authorised officer has reason to believe that a vessel of any Contracting Party is not complying with the provisions of the Convention, he may identify the vessel, seek to obtain the necessary information from the vessel and report. If the matter is sufficiently serious, he may order the vessel to stop and, if it is necessary in order to verify the facts of the case, he may board the vessel for enquiry and report.

(6) If an authorised officer has reason to believe that a vessel or its gear has caused damage to a vessel or fishing gear and that this may be due to a breach of the Convention, he may, under the same conditions as in the preceding paragraph, order any vessel concerned to stop and board it for enquiry and report.

(7) An authorised officer shall not order a fishing vessel to stop while it is actually fishing or engaged in shooting or hauling gear except in an emergency to avoid damage to vessels or gear.

(8) An authorised officer shall not pursue his enquiries further than is necessary to satisfy him either that there has been no breach of the Convention, or, where it appears to him that a breach has occurred, to secure information about the relevant facts, always acting in such a manner that vessels suffer the minimum interference and inconvenience.

(9) An authorised officer may, in case of damage to a vessel or fishing gear, offer to conciliate at sea, and if the parties concerned agree to this, assist them in reaching a settlement. At the request of the parties concerned the authorised officer shall draw up a protocol recording the settlement reached.

(10) Resistance by a vessel to the directions of an authorised officer shall be deemed as resistance to the authority of the flag State of that vessel.

(11) The Contracting Parties shall consider and act on reports of foreign authorised officers under these arrangements on the same basis as reports of national officers. The provisions of this paragraph shall not impose any obligation on a Contracting Party to give the report of a foreign authorised officer a higher evidential value than it would possess in the authorised officer's own country. Contracting Parties shall collaborate in order to facilitate judicial or other proceedings arising from a report of an authorised officer under this Convention.

(12) An authorised officer shall not exercise his powers to board a vessel of another Contracting Party if an authorised officer of that Contracting Party is available and in a position to do so himself.

ARTICLE 10

(1) Any Contracting Party may propose amendments to the Articles of this Convention. The text of any proposed amendment shall be sent to the depositary Government, which shall transmit copies thereof to all Contracting Parties and signatory Governments. Any amendment shall take effect on the thirtieth day after its acceptance by all Contracting Parties.

(2) When requested by one-fourth of the Contracting Parties, the depositary Government shall convene a meeting of Contracting Parties to consider the need for amending the Articles of this Convention. Amendments shall be adopted unanimously at such a meeting and shall be notified by the depositary Government to all Contracting Parties and shall take effect on the thirtieth day after they have been accepted by all Contracting Parties.

(3) Notifications of acceptance of amendments shall be sent to the depositary Government.

ARTICLE 11

(1) Any Contracting Party may propose amendments to the Annexes to this Convention. The text of any proposed amendment shall be sent to the depositary Government, which shall transmit copies thereof to all Contracting Parties and signatory Governments. The depositary Government shall inform all Contracting Parties of the date on which notices of acceptance of an amendment by two-thirds of the Contracting Parties have been received. The amendment shall take effect with respect to all Contracting Parties on the one hundred and fiftieth day after that date, unless within a period of one hundred and twenty days from the same date any Contracting Party notifies the depositary Government of its objection to the amendment, in which case the amendment will have no effect.

(2) When requested by three Contracting Parties the depositary Government shall convene a meeting of Contracting Parties to consider the need for amending the Annexes to this Convention. An amendment adopted at such a meeting by a two-thirds majority of the Contracting Parties represented shall be notified by the depositary Government to all Contracting Parties and shall take effect with respect to all Contracting Parties on the two hundred and tenth day after the date of notification, unless within one hundred and eighty days from the date of notification any Contracting Party notifies the depositary Government of its objection to the amendment, in which case the amendment will have no effect.

ARTICLE 12

The Contracting Parties shall notify the depositary Government of the competent authorities they have designated for the purposes of each of the relevant provisions of this Convention. The depositary Government shall inform the Contracting Parties of any such notification.

ARTICLE 13

(1) Any dispute between two or more Contracting Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation shall, at the request of one of them, be submitted to arbitration.

(2) The request for arbitration shall include a description of the claim to be submitted and a summary statement of the grounds on which the claim is based.

(3) Unless the parties agree otherwise, the arbitration commission shall be composed of one member appointed by each party to the dispute and an additional member, who shall be the chairman, chosen in common agreement between the parties. The arbitration commission shall decide on the matters placed before it by simple majority and its decisions shall be binding on the parties. Other details of procedure shall be determined by special agreement between the parties.

(4) Notwithstanding the provisions of paragraph (3), the parties may agree to submit the dispute to arbitration in accordance with another arrangement operating between the parties.

(5) If within six months from the date of the request for arbitration the parties are unable to agree on the organisation of the arbitration, any one of those parties may refer the dispute (as referred to in paragraph (1)) to the International Court of Justice by request in conformity with the Statute of the Court.

(6) Notwithstanding the provision of paragraph (1), the parties may agree to submit the dispute to the International Court of Justice.

ARTICLE 14

(1) Except as provided in paragraphs (2) and (3) below and paragraph (3) of Article 17, no reservations may be made to the present Convention without the agreement of the Contracting Parties and signatory Governments. When one year has elapsed after the entry into force of the Convention, the agreement of the Contracting Parties only shall be required.

(2) At the time of signature, ratification, approval or accession any State may make a reservation to Article 13 of the present Convention.

(3) Any State may, at the time of signature, ratification, approval or accession, make a reservation to paragraphs (5) and (6) of Article 9 with respect to one or more of the other Contracting Parties or signatory Governments.

(4) Any State which has made a reservation in accordance with the preceding paragraphs or paragraph (3) of Article 17 may at any time withdraw the reservation by a communication to that effect addressed to the depositary Government.

ARTICLE 15

The present Convention shall be open for signature at London from 1st June to 30th November, 1967. It is subject to ratification or approval. The instruments of ratification or approval shall be deposited as soon as possible with the Government of the United Kingdom of Great Britain and Northern Ireland.

ARTICLE 16

(1) The present Convention shall enter into force on the ninetieth day following the date of deposit of the tenth instrument of ratification or approval.

(2) Thereafter the Convention shall enter into force for each State on the ninetieth day after deposit of its instrument of ratification or approval.

ARTICLE 17

(1) Any State which has not signed the Convention may accede thereto at any time after the Convention has entered into force, provided that three-fourths of the Contracting Parties and signatory Governments agree to the proposed accession. When one year has elapsed after the entry into force of the Convention, the agreement of three-fourths of the Contracting Parties only shall be required.

(2) Accession shall be effected by the deposit of an instrument of accession with the Government of the United Kingdom of Great Britain and Northern Ireland. The Convention shall enter into force for each acceding State on the ninetieth day after the deposit of its instrument of accession.

(3) At any time up to the entry into force of the Convention for a State which accedes under this Article, a Contracting Party may make a reservation to paragraphs (5) and (6) of Article 9 with respect to that State.

ARTICLE 18

(1) Any Contracting Party may, when depositing its instrument of ratification, approval or accession, or at any later date, by declaration addressed to the depositary Government, extend this Convention to any territory or territories for whose international relations it is responsible. The provisions of this Convention shall enter into force for such territory or territories on the ninetieth day after receipt of such declaration, or on the date on which the Convention enters into force in accordance with paragraph (1) of Article 16, whichever is the later.

(2) Any declaration made in pursuance of the preceding paragraph may, in respect of any territory mentioned in such declaration, be withdrawn according to the procedure laid down in Article 19.

ARTICLE 19

At any time after four years from the date on which this Convention has entered into force in accordance with paragraph (1) of Article 16, any Contracting Party may denounce the Convention by means of a notice in writing addressed to the depositary Government. Any such notice shall take effect twelve months after the date of its receipt. The Convention shall remain in force as between the other Parties.

ARTICLE 20

When the present Convention has entered into force, it shall be registered by the depositary Government with the Secretariat of the United Nations in accordance with Article 102 of its Charter.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have signed the present Convention.

DONE at London this first day of June, 1967, in the English and French languages, each text being equally authentic, in a single original which shall be deposited in the archives of the Government of United Kingdom of Great Britain and Northern Ireland, which shall transmit a certified true copy thereof to each signatory and acceding Government.

For the Government of Belgium: J.V.D. Bosch.

For the Government of Canada: C.S.A. Ritchie.

For the Government of Denmark: Erling Kristiansen.

For the Government of the French Republic: G. de Courcel.

For the Government of the Federal Republic of Germany: Blankenhorn.

For the Government of Iceland: Gudm. I. Gudmundsson.

For the Government of Ireland: J. G. Molloy.

For the Government of Italy: Gastone Guidotti.

For the Government of Luxembourg:

For the Government of the Netherlands: for the Kingdom in Europe, D. W. van Lynden.

For the Government of Norway: Arne Skaug.

For the Government of the Polish People's Republic: the Government of the Polish People's Republic does not consider itself bound by the provisions of Article 13, which state that any dispute between two or more Contracting Governments in respect of the interpretation or application of the Convention may, at the request of any of the parties to the dispute, be submitted to arbitration or placed before the International Court of Justice for settlement. The Government of the Polish People's Republic states that submitting the dispute to arbitration as well as placing it before the International Court of Justice requires the consent of all parties concerned in the dispute in each individual case.

The Government of the Polish People's Republic does not consider itself bound by the provisions of Article 9, paragraphs 5 and 6 of the Convention relating to those signatory and Contracting Governments with whom the Polish People's Republic has no diplomatic relations. M. Fila.

For the Government of Portugal: Manuel Rocheta.

For the Government of Spain: With reservations in respect of paragraph 5 of Article 13 and paragraphs 5 and 6 of Article 9, applicable to all Contracting Parties and signatory Governments, as also to those Governments which shall in future accede to the Convention in accordance with Article 17 thereof. Santa Cruz.

For the Government of Sweden: Sous réserve de ratification avec l'assentiment du Riksdag. Gunnar Fagrell.

For the Government of the Union of Soviet Socialist Republics: (Translation) Reservation to Article 13: The Government of the Union of Soviet Socialist Republics consider that any dispute between two or more Contracting Parties regarding the interpretation or implementation of the Convention may be submitted to the International Court only with the consent of all the Contracting Parties participating in the dispute. A. Nshkov.

For the Government of the United Kingdom of Great Britain and Northern Ireland: George Brown.

For the Government of the United States of America: Raymund T. Yingling.

ANNEX I: AREA OF APPLICATION OF CONVENTION

The waters of the Atlantic and Arctic Oceans and dependent seas to which this Convention applies are the waters seaward of the baselines of the territorial sea within the area bounded:

(*a*) in the south by a line drawn due west along 36° north latitude to 42° west longitude, thence due south to 35° north latitude, thence due west along 35° north latitude;

(*b*) in the west by a line drawn southward from a point on the coast of Greenland at 78° 10′ north latitude to a point in 75° north latitude and 73° 30′ west longitude, thence along a rhumb line to a point in 69° north latitude and 59° west longitude, thence due south to 61° north latitude, thence due west to 64° 30′ west longitude, thence due south to the coast of Labrador, and thence south along the coast of North America;

(*c*) in the east by 51° east longitude, but excluding—

(i) the Baltic Sea and Belts lying to the south and east of lines drawn from Hasenore Head to Gniben Point and from Gilbierg Head to the Kullen; and

(ii) the Mediterranean Sea and its dependent seas as far as the meridian of 5° 36′ west longitude.

ANNEX II: IDENTIFICATION AND MARKING OF FISHING VESSELS AND GEAR

Rule 1

(1) The letter or letters of the port or district in which each fishing vessel is registered and the number under which it is registered shall be painted on the bow of the fishing vessel at both sides, and may also be painted on the upper part of the fishing vessel so as to be clearly visible from the air.

(2) The name of the fishing vessel, if any, and the name of the port or district in which it is registered shall be painted on the fishing vessel so as to be clearly visible.

(3) The names, letters and numbers placed on a fishing vessel shall be large enough to be easily recognized and shall not be effaced, altered, made illegible, covered or concealed.

(4) Small boats and, where practicable, all fishing implements shall be marked with the letter or letters and number of the fishing vessel to which they belong. The ownership of nets or other fishing implements may be distinguished by private marks.

Rule 2

(1) Each fishing vessel shall carry on board an official document, issued by the competent authority of its country, showing the name, if any, and description of the vessel, its nationality, its registration letter or letters and number, and the name of the owner or of the firm or association to which it belongs.

(2) Each fishing vessel shall carry a national flag in good condition to be shown at the request of the competent authorities.

(3) The nationality of a fishing vessel shall not be concealed in any manner whatsoever.

ANNEX III: ADDITIONAL SIGNALS TO BE USED BY FISHING VESSELS

Rule 1

General

(1) Subject to compliance with the International Regulations for Preventing Collisions at Sea, the Rules herein are intended to prevent damage to fishing gear or accidents in the course of fishing operations.

(2) The Rules herein concerning lights shall apply in all weathers from sunset to sunrise when fishing vessels are engaged in fishing as a fleet and during such times no other lights shall be exhibited, except the lights prescribed in the International Regulations for Preventing Collisions at Sea and such lights as cannot be mistaken for the prescribed lights or do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out. These lights may also be exhibited from sunrise to sunset in restricted visibility and in all other circumstances when it is deemed necessary.

(3) For the purpose of these Rules the words employed shall have the meaning set down in the International Regulations for Preventing Collisions at Sea except that the term "fishing vessel" shall have the meaning assigned to it in Article 1 (2) of this Convention.

(4) The lights mentioned herein shall be placed where they can best be seen. They should be at least 3 feet (0.92 m.) apart but at a lower level than the lights prescribed in Rule 9(*c*) (i) and (*d*) of the International Regulations for Preventing Collisions at Sea 1960. They shall be visible at a distance of at least 1 mile, all round the horizon as nearly as possible and their visibility shall be less than the visibility of lights exhibited in accordance with Rule 9(*b*) of the above Regulations.

Rule 2

Signals for Trawling and Drift Netting

(1) Fishing vessels, when engaged in trawling, whether using demersal or pelagic gear shall exhibit:

(i) when shooting their nets:
two white lights in a vertical light one over the other;

(ii) when hauling their nets:
one white light over one red light in a vertical line one over the other;

(iii) when the net has come fast upon an obstruction:
two red lights in a vertical line one over the other.

(2) Fishing vessels engaged in drift netting may exhibit the lights prescribed in (1) above.

(3) Each fishing vessel engaged in pair trawling shall exhibit:

(i) by day: the "T" flag—"Keep clear of me. I am engaged in pair trawling", hoisted at the foremast;

(ii) by night: a searchlight shone forward and in the direction of the other fishing vessel of the pair;

(iii) when shooting or hauling the net or when the net has come fast upon an obstruction: the lights prescribed in (1) above.

(4) This rule need not be applied to fishing vessels of less than 65 feet (19.80 m.) in length. Any such exception and the areas in which fishing vessels so excepted are likely to be numerous shall be notified to the competent authorities of the other Contracting Parties likely to be concerned.

Rule 3

Light signals for purse seining

(1) Fishing vessels engaged in fishing with purse seines shall show two amber coloured lights, in a vertical line one over the other. These lights shall be flashing intermittently about once a second in such a way that when the lower is out the upper is on and vice versa. These lights shall only be shown while the fishing vessel's free movement is hampered by its fishing gear, warning other vessels to keep clear of it.

(2) This rule need not be applied to fishing vessels of less than 85 feet (25.90m.) in length. Any such exception and areas in which fishing vessels so excepted are likely to be numerous shall be notified to the competent authorities of the other Contracting Parties likely to be concerned.

Rule 4

Sound signals

No sound signals shall be used other than those prescribed by the International Regulations for Preventing Collisions at Sea and the International Code of Signals.

ANNEX IV: MARKING OF NETS, LINES AND OTHER GEAR

Rule 1

Anchored gear

(1) The ends of nets, lines and other gear anchored in the sea shall be fitted with flag or radar reflector buoys by day and light buoys by night sufficient to indicate their position and extent. Such lights should be visible at a distance of at least 2 miles in good visibility.

(2) By day the westernmost (meaning the half compass circle from south through west to and including north) end buoy of such gear extending horizontally in the sea shall be fitted with two flags one above the other or one flag and a radar reflector, and the easternmost (meaning the half compass circle from north through east to and including south) end buoy shall be fitted with one flag or a radar reflector. By night the westernmost end buoy shall be fitted with two white lights and the easternmost end buoy with one white light. In addition a buoy fitted with one flag or a radar reflector by day and one white light by night may be set 70–100 metres from each end buoy to indicate the direction of the gear.

(3) On such gear extending more than 1 mile additional buoys shall be placed at distances of not more than 1 mile so that no part of the gear extending 1 mile or more shall be left unmarked. By day every buoy shall be fitted with a flag or a radar reflector and by night as many buoys as possible with one white light. In no case shall the distance between two lights on the same gear exceed 2 miles.

(4) On such gear which is attached to a fishing vessel a buoy shall not be required at the end attached to the fishing vessel.

(5) The flagpole of each buoy shall have a height of at least 2 metres above the buoy.

Rule 2

Drift gear

(1) Nets or lines which drift in the sea shall be marked at each end and at distances of not more than 2 miles by a buoy with a pole not less than 2 metres above the buoy. The pole shall carry a flag or a radar reflector by day and a white light by night visible at a distance of at least 2 miles in good visibility.

(2) On gear which is attached to a fishing vessel a buoy shall not be required at the end attached to the fishing vessel.

ANNEX V: RULES GOVERNING THE OPERATIONS OF VESSELS

Rule 1

Subject to compliance with the International Regulations for Preventing Collisions at Sea all vessels shall conduct their operations so as not to interfere with the operations of fishing vessels, or fishing gear.

Rule 2

Vessels arriving on fishing grounds where fishing vessels are already fishing or have set their gear for that purpose shall inform themselves of the position and extent of gear already placed in the sea and shall not place themselves or their fishing gear so as to interfere with or obstruct fishing operations already in progress.

Rule 3

No vessel shall anchor or remain on a fishing ground where fishing is in progress if it would interfere with such fishing unless required for the purpose of its own fishing operations or in consequence of accident or other circumstances beyond its control.

Rule 4

Except in cases of *force majeure* no vessel shall dump in the sea any article or substance which may interfere with fishing or obstruct or cause damage to fish, fishing gear or fishing vessels.

Rule 5

No vessel shall use or have on board explosives intended for the catching of fish.

Rule 6

In order to prevent damage, fishing vessels engaged in trawling and other fishing vessels with gear in motion shall take all practicable steps to avoid nets and lines or other gear which is not being towed.

Rule 7

(1) When nets belonging to different fishing vessels get foul of each other, they shall not be severed without the consent of the parties concerned unless it is impossible to disengage them by other means.

(2) When fishing vessels fishing with lines entangle their lines, the fishing vessel which hauls up the lines shall not sever them unless they cannot be disengaged in any other way, in which case any lines which may be severed shall where possible be immediately joined together again.

(3) Except in cases of salvage and the cases to which the two preceding paragraphs relate, nets, lines or other gear shall not under any pretext whatever, be cut, hooked, held on to or lifted up except by the fishing vessel to which they belong.

(4) When a vessel fouls or otherwise interferes with gear not belonging to it, it shall take all necessary measures for reducing to a minimum the injury which may result to such gear. The fishing vessel to which the gear belongs shall, at the same time, avoid any action tending to aggravate such damage.

ANNEX VI: RULES APPLYING TO AUTHORISED OFFICERS

(1) An authorised officer shall carry a document of identity written in English, French and the language of the authorised officer (if different) in a form agreed by the Contracting Parties on the request of the depositary Government.

(2) Any orders to stop given by an authorised officer shall be given by the appropriate signal in the International Code of Signals.

(3) On boarding a vessel an authorised officer shall exhibit his document of identity.

(4) On boarding a vessel an authorised officer may require the master of the vessel to exhibit the document specified in Annex II Rule 2(1) and the fact of such document having been exhibited shall immediately be endorsed upon it by the authorised officer or on some other official document of the vessel

(5) On each occasion on which an authorised officer boards a vessel, he shall draw up a report in the form set out in the Appendix indicating the circumstances of the boarding and the information he secures.

(6) This report shall be drawn up in the language of the authorised officer and shown to the master of the vessel boarded, who shall be given an opportunity of adding in his own language any remarks he or any member of his crew may wish to make. The authorised officer shall sign the report in the presence of the master and give him a copy. A copy of the report shall be sent to the competent authority of the country of the vessel boarded. In cases of damage copies of the report shall also be sent to the competent authorities in the countries to which the other parties concerned belong.

(7) Whenever an authorised officer observes a vessel infringing the provisions of the Convention, he may report the occurrence to the competent authority of the country of the vessel, having first made every effort to communicate to the vessel in question by signal or otherwise his intention to report the infringement. If he orders the vessel to stop but does not board it, he shall report the circumstances to the competent authority of the country of the vessel.

(8) Ships carrying authorised officers, which may be vessels as defined in Article 1(2), shall fly a special flag or pennant. The special flag or pennant shall be in a form agreed by the Contracting Parties on the request of the depositary Government. Authorised officers shall exercise their powers under paragraphs (5) or (6) of Article 9, and communicate with vessels, only from surface craft.

APPENDIX: REPORT IN ACCORDANCE WITH PARAGRAPH (5) OF ANNEX VI TO THE CONVENTION

Authorised officer

1. Name and nationality.
2. Name of ship carrying him.

Position, date and time of occurrence

3.

Provisions of the convention in question

4.

Information on each vessel involved

General

5. Nationality.
6. Vessel's name and registration.
7. Skipper's name.
8. Owner's name and address.
9. Position, date and time of boarding.

At the time of occurrence

10. Fishing gear in use.
11. Stopped, anchored or estimated course and speed.
12. Signals or lights displayed and sound signals made.
13. Warnings given to other vessel(s).
14. Direction in which gear was shot or lying.
15. The horizontal distance gear extended from the vessel.

Conditions at the time of occurrence

16. Visibility.
17. Wind force and direction.
18. State of sea and tide and direction and strength of currents.
19. Other relevant conditions.
20. Describe, with the help of diagrams if necessary, the relative positions of vessels and gear.
21. Marking of any anchored or drifting gear involved.

Additional information

22. Full particulars of loss or damage, giving conditions of any gear involved.
23. Narrative description of occurrence.
24. Comments by Authorised Officer.
25. Statements by Witnesses.
26. Statements by Skippers of vessels involved.
27. Statements of photographs taken, with description of subjects (photographs to be attached to copy of report submitted to flag State).

Signature of Authorised Officer----------

The above report was prepared and signed by the Authorised Officer in our presence.

Signatures of Skippers------------------

Signatures of Witnesses------------------

Certified a true copy:

[SEAL] V. A. TODD,
For Librarian and Keeper of the Papers for the Secretary of State for Foreign Affairs.

DECEMBER 1, 1967.

Mr. FULBRIGHT. Mr. President, I wish to make a brief statement.

Mr. President, the Convention on the Conduct of Fishing Operations in the North Atlantic was unanimously reported by the Committee on Foreign Relations, and, so far as I am aware, there is no opposition to it. This multilateral convention, signed by the United States and 16 other nations, provides a modern, up-to-date code of conduct for those engaged in fishing operations in the zone approximately encompassed north of a line drawn between Cape Hatteras and Gibraltar.

To allay some fears, I might point out that this convention does not enter the bramblebush of controversy surrounding either the breadth of the territorial sea or the extent of exclusive fishery zones; rather, the convention proscribes specific rules and regulations aimed at promoting harmony and cooperation among all nations engaged in exploiting the living resources of the North Atlantic.

I ask unanimous consent that a portion of the committee's report describing in some detail the background and the intent of this convention be inserted at this point in the RECORD, together with the statement by Donald L. McKernan, Special Assistant to the Secretary of State for Fisheries and Wildlife who presented before the committee the administration's favorable recommendation on this treaty.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAIN PURPOSE

This convention seeks to overcome the disorders and disturbances arising from increasing congestion on the fishing grounds of the North Atlantic. Accordingly, it establishes a uniform set of rules and regulations to govern the conduct of fishing operations in the North Atlantic fisheries zone, which the convention defines as approximately encompassing the area north of a line drawn between Gibraltar and Cape Hatteras (35°N).

BACKGROUND

By a resolution adopted at the conclusion of the January, 1964 European Fisheries Conference, the attending nations requested the United Kingdom to invite all countries participating in the Northeast Atlantic fisheries, plus Canada and the United States, to a technical conference for the purpose of drafting a convention which would update the rules and regulations of the 1882 Convention for Regulating the Police of the North Seas Fisheries. While few nations had ratified this convention, "its code of conduct was generally followed by the European fisherman, and it served its basic purpose until the mid-Twentieth century." During the period from April, 1965 to March, 1967, the Government of the United Kingdom hosted four conference sessions, with the text of the Convention on the Conduct of Fishing Operations in the North Atlantic being adopted on March 17, 1967.

SUMMARY OF MAJOR PROVISIONS

With a view to providing standard rules and regulations for the conduct of fishing operations in the North Atlantic, Articles three through six set forth requirements relating to (1) identification of vessels involved in fishing operations; (2) use of signals in addition to the International Regulations for Prevention of Collisions; (3) marking of nets, lines and other gear, anchored or drifting, in order to establish location and extent; and (4) rules of conduct so as not to interfere with the fishing operations of others. Annexes two through five complement these articles by stipulating specific rules and/or technical procedures. In order to expedite the settlement of damage claims, there is a provision (Art. VII) for the establishment of special review boards, without infringing upon the right to normal legal procedures if desired.

While each of the contracting parties agree to implement and enforce the conventions' rules and regulations (Art. VIII), added meaning is given to the implementation and enforcement procedures by Article IX which establishes a mutual inspection system permitting authorized officers from the Contracting Parties to enforce compliance, including the boarding of vessels if necessary. Rules governing the conduct of authorized officers are spelled out in Annex six. A detailed explanation of the inspection provisions is contained in the statement of Donald L. McKernan, Special Assistant to the Secretary of State for Fisheries and Wildlife, which is contained in the appendix. It should be made clear, however, that neither the inspection system nor the convention's other rules and regulations impinge upon the coastal state's jurisdiction over the conduct of fishing operations in its exclusive fishery zone.

Articles X and XI provide for amendments to the Convention's substantive provisions and to the annexes, respectively; amendments to the former require the advice and consent of the Senate, while amendments to the latter do not. According to the Department of State, this formulation provides a needed degree of flexibility for altering, if necessary, the technical rules and procedures contained in the annexes.

Reservations to the convention are permitted only to those provisions providing for compulsory arbitration (Art. XIII) and the boarding of vessels by authorized officers (Art. IX, paragraphs 5 and 6). Spain and Poland signed with reservations to both provisions. The Soviet Union signed with a reservation to Article XIII, and Portugal ratified the convention with a reservation to paragraphs 5 and 6 of Article IX.

The U.S. Government played an active role in the formulation of this convention; it has expressed the belief that the major agreement achieved on Articles IX and XIII is particularly significant, and it has stated the hope that this convention will set a pattern for other agreements where overcrowding on high seas fisheries is causing similar problems. To date, the United States and sixteen other nations have signed the convention, with Iceland, Norway and Portugal having already deposited their instruments of ratification. The convention will enter into force ninety days after ratification by ten countries.

COMMITTEE ACTION AND RECOMMENDATION

The Convention on the Conduct of Fishing Operations in the North Altantic was submitted to the Senate on April 18, 1969 and was referred to the Committee on Foreign Relations.

On October 7, 1969, pursuant to notice, the Committee held a public hearing at which Donald L. McKernan, Special Assistant to the Secretary of State for Fisheries and Wildlife, presented the Administration's favorable recommendation. During this hearing, the Committee inquired whether or not the convention's rules and regulations could be extended on behalf of the United States by Executive Agreement to areas outside the Atlantic. Mr. McKernan stated that, without Senate approval, the convention's coverage could not be extended beyond the Atlantic region, but that it could be extended by Executive agreement to the entire Atlantic, that is beyond the North Atlantic. The Committee accepted the need for such flexibility in this instance but expressed the view that its approval in this case should not be looked upon as a precedent for incorporating similar flexibility in other kinds of treaties. The record of this hearing is printed in the appendix for the information of the Senate. The Commitee knows of no opposition to this treaty.

Immediately following its hearing of October 7, 1969, the Committee met in executive session and ordered that this treaty be favorably reported.

The United States Government has actively sought effective rules and regulations for the policing of high seas fisheries where fishing operations are intense among several nations. The Convention on the Conduct of Fishing Operations in the North Atlantic is designed to meet this objective and represents a significant step forward in helping to bring about more orderly exploitation and development of the high seas fishery zone of the North Atlantic.

The Committee on Foreign Relations recommends that the Senate give its advice and consent to this treaty at an early date.

STATEMENT BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE, OCTOBER 7, 1969

THE CONVENTION ON THE CONDUCT OF FISHING OPERATIONS IN THE NORTH ATLANTIC

(By Donald L. McKernan)

Mr. Chairman, the rapid increase in the exploitation of North Atlantic fisheries has resulted in congestion on the fishing grounds by mounting numbers of fishing vessels of various countries. The proposed Convention on the Conduct of Fishing Operations in the North Atlantic, signed at London June 1, 1967, is designed to provide a modern code for the conduct of fishing operations and related activities and thus to relieve the problems and dangers associated with such congestion. The Convention establishes a system of identification, marking, and light signals for fishing vessels, which will be useful not only for the purposes of the Convention but for other purposes as well, such as search and rescue. It sets forth a principle of non-interference with other fishing vessels and gear and operations in areas frequented by vessels of several nations and provides for a simplified method of settling claims among fishermen of various nations for damage to fishing gear or vessels.

Many European fishing vessels in the North Atlantic have followed a code of conduct laid down in the 1882 Convention for Regulating the Police of the North Seas Fisheries, even though many European governments were not parties to the Convention. The proposed Convention is designed to replace the rules under that treaty with a more modern code.

Until a few years ago, foreign fishermen rarely operated close to our Atlantic coast and such a code was of little direct concern to our fishermen. Increased foreign fishing along our shores has caused complaints of harassment or impaired operating freedom due to congestion on the fishing grounds, although these complaints tend to diminish as fishermen become used to the various signals and fishing practices utilized by the different fleets. Our fishermen would welcome an effective body of rules on standardized signals and practices to assist them.

The proposed Convention derives from a British invitation, requested by other European nations, to all countries participating in the fisheries of the Northeast Atlantic, together with the United States and Canada, to join in the preparation of a draft convention embodying a modern code for the conduct of fishing operations and related activities.

The United States and Canada accepted the invitation and joined in the task of preparing a draft. The needs and problems of American fishermen were known to our negotiators and a number of conferences were held with fisheries representatives during the course of the negotiations. A series of sessions from 1965 to 1967 culminated in the document before you.

We believe that the requirements of the American fishermen in dealing with problems caused by the heavy concentration of vessels on fishing grounds in the Convention area are substantially met by the terms of the Convention. The Convention might be extended to other portions of the Atlantic if future developments in the fishery pattern indicates this is desirable.

Two provisions of the Convention are perhaps worthy of special note:

First, Article 6 provides that all vessels shall conduct their operations so as not to interfere with the operations of fishing vessels or gear, and rules to achieve this end are set forth in Annex V. Rule 4 of the Annex provides that except in cases of force majeure no vessel shall dump in the sea any article or substance which may interfere with fishing or obstruct or cause damage to fish, fishing gear or fishing vessels. This provision should significantly reduce pollution of the sea on the fishing grounds as well as promote conservation and the safety of vessels. Some waste substances may injure or kill fish, to the detriment of all fishermen. There have been numerous cases of old discarded nets continuing to fish, that is capture fish which subsequently die without being harvested. Old nets have also become entangled in the propellers of vessels, rendering them inoperative and in danger of collision or foundering. This provision should substantially reduce or eliminate these dangers.

Second, Article 9 and the rules laid down pursuant to it in Annex VI provide for a mutual enforcement system to supplement national enforcement activities. Because fishing vessels from any one nation are often dispersed over wide areas of the ocean, it is often difficult for national enforcement officers to ensure compliance with fishing rules and regulations. Under these provisions, authorized enforcement officers from any nation party to the Convention would be empowered, in certain circumstances, to undertake enforcement activities with regard to vessels of other parties when national enforcement officers of the flag state of the vessel were not present. This pooling of enforcement efforts should ensure a more universal and comprehensive application of the safety and conduct provisions of the Convention, to the benefit of all nations and all fishermen in the area.

Thus, when our own Coast Guard is not present on the fishing grounds, enforcement officers of other nations would be able to observe the compliance of American vessels with the rules laid down in the Convention on safety and conduct of fishing. If the circumstances warranted, they would be able to stop or board an American fishing vessel to ensure compliance with the rules. Conversely, our Coast Guard would be able to ensure that the vessels of the extensive foreign fishing fleets operating off our coasts comply with the rules on safety and conduct. When necessary, they would be able to stop and board such foreign vessels.

While no seaman likes the idea of additional policing which might interfere with his operations at sea, especially by foreign powers, our fishermen recognize that such provisions are necessary if we are to insure good order and conduct on the fishing grounds, and if vessels which are operating far from home in areas where it may be difficult for the flag state to send an enforcement officer are to receive the same supervision that they do in their home waters. We have had extensive consultation with our fishing industry on this matter, both with regard to the present Convention and with regard to actions which are being taken in other forums with regard to international enforcement of conservation programs, and we have found widespread recognition that the possible hindrance to our own vessels which might result from such mutual inspection programs are more than compensated for by the assurances they will give that other fishing vessels are living up to the strict standards we impose on our own fishermen.

Recognizing that such provisions could be utilized for harassment of foreign fishing activities, the conference carefully laid out rules to prevent untoward interference with fishing operations by international inspectors.

We believe that these provisions will materially assist American fishermen in carrying out their legitimate operations on the high seas amongst foreign fishing fleets.

The PRESIDENT pro tempore. If there be no objection, Executive D, 91st Congress, first session, will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which will be read for the information of the Senate.

The bill clerk read as follows:

Resolved, (two-thirds of the Senators present and concurring therein), that the Senate advise and consent to the ratification of the Convention on the Conduct of Fishing Operations in the North Atlantic, done at London, June 1, 1967 (Ex. D, 91st Cong., 1st sess).

VIENNA CONVENTION ON CONSULAR RELATIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate Executive E, 91st Congress, first session, the Vienna Convention on Consular Relations.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive E, 91st Congress, first session, the Vienna convention on consular relations, which was read for the second time, as follows:

United Nations Conference on Consular Relations

VIENNA CONVENTION ON CONSULAR RELATIONS

The States Parties to the present Convention,

Recalling that consular relations have been established between peoples since ancient times,

Having in mind the Purposes and Principles of the Charter of the United Nations concerning the sovereign equality of States, the maintenance of international peace and security, and the promotion of friendly relations among nations,

Considering that the United Nations Conference on Diplomatic Intercourse and Immunities adopted the Vienna Convention on Diplomatic Relations which was opened for signature on 18 April 1961,

Believing that an international covention on consular relations, privileges and immunities would also contribute to the development of friendly relations among nations, irrespective of their differing constitutional and social systems,

Realizing that the purpose of such privileges and immunities is not to benefit individuals but to ensure the efficient performance of functions by consular posts on behalf of their respective States,

Affirming that the rules of customary international law continue to govern matters not expressly regulated by the provisions of the present Convention,

Have agreed as follows:

Article 1

Definitions

1. For the purposes of the present Convention, the following expressions shall have the meanings hereunder assigned to them:

(*a*) "consular post" means any consulate-general, consulate, vice-consulate or consular agency;

(*b*) "consular district" means the area assigned to a consular post for the exercise of consular functions;

(*c*) "head of consular post" means the person charged with the duty of acting in that capacity;

(*d*) "consular officer" means any person, including the head of a consular post, entrusted in that capacity with the exercise of consular functions;

(*e*) "consular employee" means any person employed in the administrative or technical service of a consular post;

(*f*) "member of the service staff" means any person employed in the domestic service of a consular post;

(*g*) "members of the consular post" means consular officers, consular employees and members of the service staff;

(*h*) "members of the consular staff" means consular officers, other than the head of a consular post, consular employees and members of the service staff;

(*i*) "member of the private staff" means a person who is employed exclusively in the private service of a member of the consular post;

(*j*) "consular premises" means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership used exclusively for the purposes of the consular post;

(*k*) "consular archives" includes all the papers, documents, correspondence, books, films, tapes and registers of the consular post, together with the ciphers and codes, the card-indexes and any article of furniture intended for their protection or safekeeping.

2. Consular officers are of two categories, namely career consular officers and honorary consular officers. The provisions of Chapter II of the present Convention apply to consular posts headed by career consular officers; the provisions of Chapter III govern consular posts headed by honorary consular officers.

3. The particular status of members of the consular posts who are nationals or permanent residents of the receiving State is governed by Article 71 of the present Convention.

Chapter I. Consular Relations in General

SECTION I. ESTABLISHMENT AND CONDUCT OF CONSULAR RELATIONS

Article 2

Establishment of consular relations

1. The establishment of consular relations between States takes place by mutual consent.

2. The consent given to the establishment of diplomatic relations between two States implies, unless otherwise stated, consent to the establishment of consular relations.

3. The severance of diplomatic relations shall not *ipso facto* involve the severance of consular relations.

Article 3

Exercise of consular functions

Consular functions are exercised by consular posts. They are also exercised by diplomatic missions in accordance with the provisions of the present Convention.

Article 4

Establishment of a consular post

1. A consular post may be established in the territory of the receiving State only with that State's consent.

2. The seat of the consular post, its classification and the consular district shall be established by the sending State and shall be subject to the approval of the receiving State.

3. Subsequent changes in the seat of the consular post, its classification or the consular district may be made by the sending State only with the consent of the receiving State.

4. The consent of the receiving State shall also be required if a consulate-general or a consulate desires to open a vice-consulate or a consular agency in a locality other than that in which it is itself established.

5. The prior express consent of the receiving State shall also be required for the opening of an office forming part of an existing consular post elsewhere than at the seat thereof.

Article 5

Consular functions

Consular functions consist in:

(*a*) protecting in the receiving State the interests of the sending State and of its nationals, both individuals and bodies corporate, within the limits permitted by international law:

(*b*) furthering the development of commercial, economic, cultural and scientific relations between the sending State and the receiving State and otherwise promoting friendly relations between them in accordance with the provisions of the present Convention;

(*c*) ascertaining by all lawful means conditions and developments in the commercial, economic, cultural and scientific life of the receiving State, reporting thereon to the Government of the sending State and giving information to persons interested;

(*d*) issuing passports and travel documents to nationals of the sending State, and visas or appropriate documents to persons wishing to travel to the sending State;

(*e*) helping and assisting nationals, both individuals and bodies corporate, of the sending State;

(*f*) acting as notary and civil registrar and in capacities of a similar kind, and performing certain functions of an administrative nature, provided that there is nothing contrary thereto in the laws and regulations of the receiving State;

(*g*) safeguarding the interests of nationals, both individuals and bodies corporate, of the sending State in cases of succession *mortis causa* in the territory of the receiving State, in accordance with the laws and regulations of the receiving State;

(*h*) safeguarding, within the limits imposed by the laws and regulations of the receiving State, the interests of minors and other persons lacking full capacity who are nationals of the sending State, particularly where any guardianship or trusteeship is required with respect to such persons;

(*i*) subject to the practices and procedures obtaining in the receiving State, representing or arranging appropriate representation for nationals of the sending State before the tribunals and other authorities of the receiving State, for the purpose of obtaining, in accordance with the laws and regulations of the receiving State, provisional measures for the preservation of the rights and interests of these nationals, where, because of absence or any other reason, such nationals are unable at the proper time to assume the defense of their rights and interests;

(*j*) transmitting judicial and extra-judicial documents or executing letters rogatory or commissions to take evidence for the courts of the sending State in accordance with international agreements in force or, in the absence of such international agreements, in any other manner compatible with the laws and regulations of the receiving State;

(*k*) exercising rights of supervision and inspection provided for in the laws and regulations of the sending State in respect of vessels having the nationality of the sending State, and of aircraft registered in that State, and in respect of their crews;

(*l*) extending assistance to vessels and aircraft mentioned in sub-paragraph (*k*) of this Article and to their crews, taking statements regarding the voyage of a vessel, examining and stamping the ship's papers, and, without prejudice to the powers of the authorities of the receiving State, conducting investigations into any incidents which occurred during the voyage, and settling disputes of any kind between the master, the officers and the seamen in so far as this may be authorized by the laws and regulations of the sending State;

(*m*) performing any other functions entrusted to a consular post by the sending State which are not prohibited by the laws and regulations of the receiving State or to which no objection is taken by the receiving State or which are referred to in the international agreements in force between the sending State and the receiving State.

Article 6

Exercise of consular functions outside the consular district

A consular officer may, in special circumstances, with the consent of the receiving State, exercise his functions outside his consular district.

Article 7

Exercise of consular functions in a third State

The sending State may, after notifying the States concerned, entrust a consular post established in a particular State with the exercise of consular functions in another State, unless there is express objection by one of the States concerned.

Article 8

Exercise of consular functions on behalf of a third State

Upon appropriate notification to the receiving State, a consular post of the sending State may, unless the receiving State objects, exercise consular functions in the receiving State on behalf of a third State.

Article 9

Classes of heads of consular posts

1. Heads of consular posts are divided into four classes, namely:

(*a*) consuls-general;
(*b*) consuls;
(*c*) vice-consuls;
(*d*) consular agents.

2. Paragraph 1 of this Article in no way restricts the right of any of the Contracting Parties to fix the designation of consular officers other than the heads of consular posts.

Article 10

Appointment and admission of heads of consular posts

1. Heads of consular posts are appointed by the sending State and are admitted to the exercise of their functions by the receiving State.

2. Subject to the provisions of the present Convention, the formalities for the appointment and for the admission of the head of a consular post are determined by the laws, regulations and usages of the sending State and of the receiving State respectively.

Article 11

The consular commission or notification of appointment

1. The head of a consular post shall be provided by the sending State with a document, in the form of a commission or similar instrument, made out for each appointment, certifying his capacity and showing, as a general rule, his full name, his category and class, the consular district and the seat of the consular post.

2. The sending State shall transmit the commission or similar instrument through the diplomatic or other appropriate channel to the Government of the State in whose territory the head of a consular post is to exercise his functions.

3. If the receiving State agrees, the sending State may, instead of a commission or similar instrument, send to the receiving State a notification containing the particulars required by paragraph 1 of this article.

Article 12

The exequatur

1. The head of a consular post is admitted to the exercise of his functions by an authorization from the receiving State termed an *exequatur*, whatever the form of this authorization.

2. A State which refuses to grant an *exequatur* is not obliged to give to the sending State reasons for such refusal.

3. Subject to the provisions of Articles 13 and 15, the head of a consular post shall not enter upon his duties until he has received an *exequatur*.

Article 13

Provisional admission of heads of consular posts

Pending delivery of the *exequatur*, the head of a consular post may be admitted on a provisional basis to the exercise of his functions. In that case, the provisions of the present Convention shall apply.

Article 14

Notification to the authorities of the consular district

As soon as the head of a consular post is admitted even provisionally to the exercise of this functions, the receiving State shall immediately notify the competent authorities of the consular district. It shall also ensure that the necessary measures are taken to enable the head of a consular post to carry out the duties of his office and to have the benefit of the provisions of the present Convention.

Article 15

Temporary exercise of the functions of the head of a consular post

1. If the head of a consular post is unable to carry out his functions or the position of head of consular post is vacant, an acting head of post may act provisionally as head of the consular post.

2. The full name of the acting head of post shall be notified either by the diplomatic mission of the sending State or, if that State has no such mission in the receiving State, by the head of the consular post, or, if he is unable to do so, by any competent authority of the sending State, to the Ministry for Foreign Affairs of the receiving State or to the authority designated by that Ministry. As a general rule, this notification shall be given in advance. The receiving State may make the admission as acting head of post of a person who is neither a diplomatic agent nor a consular officer of the sending State in the receiving State conditional on its consent.

3. The competent authorities of the receiving State shall afford assistance and protection to the acting head of post. While he is in charge of the post, the provisions of the present Convention shall apply to him on the same basis as to the head of the consular post concerned. The receiving State shall not, however, be obliged to grant to an acting head of post any facility, privilege or immunity which the head of the consular post enjoys only subject to conditions not fulfilled by the acting head of post.

4. When, in the circumstances referred to in paragraph 1 of this Article, a member of the diplomatic staff of the diplomatic mission of the sending State in the receiving State is designated by the sending State as an acting head of post, he shall, if the receiving State does not object thereto, continue to enjoy diplomatic privileges and immunities.

Article 16

Precedence as between heads of consular posts

1. Heads of consular posts shall rank in each class according to the date of the grant of the *exequatur*.

2. If, however, the head of a consular post before obtaining the *exequatur* is admitted to the exercise of his functions provisionally, his precedence shall be determined according to the date of the provisional admission; this precedence shall be maintained after the granting of the *exequatur*.

3. The order of precedence as between two or more heads of consular posts who obtained the *exequatur* or provisional admission on the same date shall be determined according to the dates on which their commissions or similar instruments or the notifications referred to in paragraph 3 of Article 11 were presented to the receiving State.

4. Acting heads of posts shall rank after all heads of consular posts and, as between themselves, they shall rank according to the dates on which they assumed their functions as acting heads of posts as indicated in the notifications given under paragraph 2 of Article 15.

5. Honorary consular officers who are heads of consular posts shall rank in each class after career heads of consular posts, in the order and according to the rules laid down in the foregoing paragraphs.

6. Heads of consular posts shall have precedence over consular officers not having that status.

Article 17

Performance of diplomatic acts by consular officers

1. In a State where the sending State has no diplomatic mission and is not represented by a diplomatic mission of a third State, a consular officer may, with the consent of the receiving State, and without affecting his consular status, be authorized to perform diplomatic acts. The performance of such acts by a consular officer shall not confer upon him any right to claim diplomatic privileges and immunities.

2. A consular officer may, after notification addressed to the receiving State, act as representative of the sending State to any inter-governmental organization. When so acting, he shall be entitled to enjoy any privileges and immunities accorded to such a representative by customary international law or by international agreement; however, in respect of the performance by him of any consular function, he shall not be entitled to any greater immunity from jurisdiction than that to which a consular officer is entitled under the present Convention.

Article 18

Appointment of the same person by two or more States as a consular officer

Two or more States may, with the consent of the receiving State, appoint the same person as a consular officer in that State.

Article 19

Appointment of members of consular staff

1. Subject to the provisions of Articles 20, 22 and 23, the sending State may freely appoint the members of the consular staff.

2. The full name, category and class of all consular officers, other than the head of a consular post, shall be notified by the sending State to the receiving State in sufficient time for the receiving State, if it so wishes, to exercise its rights under paragraph 3 of Article 23.

3. The sending State may, if required by its laws and regulations, request the receiving State to grant an *exequatur* to a consular officer other than the head of a consular post.

4. The receiving State may, if required by its laws and regulations, grant an *exequatur* to a consular officer other than the head of a consular post.

Article 20

Size of the consular staff

In the absence of an express agreement as to the size of the consular staff, the receiving State may require that the size of the staff be kept within limits considered by it to be reasonable and normal, having regard to circumstances and conditions in the consular district and to the needs of the particular consular post.

Article 21

Precedence as betwen consular officers of a consular post

The order of precedence as between the consular officers of a consular post and any change thereof shall be notified by the diplomatic mission of the sending State or, if that State has no such mission in the receiving State, by the head of the consular post, to the Ministry for Foreign Affairs of the receiving State or to the authority designated by that Ministry.

Article 22

Nationality of consular officers

1. Consular officers should, in principle, have the nationality of the sending State.

2. Consular officers may not be appointed from among persons having the nationality of the receiving State except with the express consent of that State which may be withdrawn at any time.

3. The receiving State may reserve the same right with regard to nationals of a third State who are not also nationals of the sending State.

Article 23

Persons declared non grata

1. The receiving State may at any time notify the sending State that a consular officer is *persona non grata* or that any other member of the consular staff is not acceptable. In that event, the sending States shall, as the case may be, either recall the person concerned or terminate his functions with the consular post.

2. If the sending State refuses or fails within a reasonable time to carry out its obligations under paragraph 1 of this Article, the receiving State may, as the case may be, either withdraw the *exequatur* from the person concerned or cease to consider him as a member of the consular staff.

3. A person appointed as a member of a consular post may be declared unacceptable before arriving in the territory of the receiving State, or, if already in the receiving State, before entering on his duties with the consular post. In any such case, the sending State shall withdraw his appointment.

4. In the cases mentioned in paragraphs 1 and 3 of this Article, the receiving State is not obliged to give to the sending State reasons for its decision.

Article 24

Notification to the receiving State of appointments, arrivals and departures

1. The Ministry for Foreign Affairs of the receiving State or the authority designated by that Ministry shall be notified of:

(*a*) the appointment of members of a consular post, their arrival after appointment to the consular post, their final departure or the termination of their functions and any other changes affecting their status that may occur in the course of their service with the consular post;

(*b*) the arrival and final departure of a person belonging to the family of a member of a consular post forming part of his household and, where appropriate, the fact that a person becomes or ceases to be such a member of the family;

(*c*) the arrival and final departure of members of the private staff and, where appropriate, the termination of their service as such;

(*d*) the engagement and discharge of persons resident in the receiving State as members of a consular post or as members of the private staff entitled to privileges and immunities.

2. When possible, prior notification of arrival and final departure shall also be given.

SECTION II END OF CONSULAR FUNCTIONS

Article 25

Termination of the functions of a member of a consular post

The functions of a member of a consular post shall come to an end *inter alia:*

(*a*) on notification by the sending State to the receiving State that his functions have come to an end;

(*b*) on withdrawal of the *exequatur;*

(*c*) on notification by the receiving State to the sending State that the receiving State has ceased to consider him as a member of the consular staff.

Article 26

Departure from the territory of the receiving State

The receiving State shall, even in case of armed conflict, grant to members of the consular post and members of the private staff, other than nationals of the receiving State, and to members of their families forming part of their households irrespective of nationality, the necessary time and facilities to enable them to prepare their departure and to leave at the earliest possible moment after the termination of the functions of the members concerned. In particular, it shall, in case of need, place at their disposal the necessary means of transport for themselves and their property other than property acquired in the receiving State the export of which is prohibited at the time of departure.

Article 27

Protection of consular premises and archives and of the interests of the sending State in exceptional circumstances

1. In the event of the severance of consular relations between two States:

(*a*) the receiving State shall, even in case of armed conflict, respect and protect the consular premises, together with the property of the consular post and the consular archives;

(*b*) the sending State may entrust the custody of the consular president, together with the property contained therein and the consular archives, to a third State acceptable to the receiving State;

(*c*) the sending State may entrust the protection of its interests and those of its nationals to a third State acceptable to the receiving State.

2. In the event of the temporary or permanent closure of a consular post, the provisions of sub-paragraph (*a*) of paragraph 1 of this Article shall apply. In addition,

(*a*) if the sending State, although not represented in the receiving State by a diplomatic mission, has another consular post in the territory of that State, that consular post may be entrusted with the custody of the premises of the consular post which has been closed, together with the property contained therein and the consular archives, and, with the consent of the receiving State, with the exercise of consular functions in the district of that consular post; or

(*b*) if the sending State has no diplomatic mission and no other consular post in the receiving State, the provisions of sub-paragraphs (*b*) and (*c*) of paragraph 1 of this Article shall apply.

CHAPTER II. FACILITIES, PRIVILEGES AND IMMUNITIES RELATING TO CONSULAR POSTS, CAREER CONSULAR OFFICERS AND OTHER MEMBERS OF A CONSULAR POST

SECTION I. FACILITIES, PRIVILEGES AND IMMUNITIES RELATING TO A CONSULAR POST

Article 28

Facilities for the work of the consular post

The receiving State shall accord full facilities for the performance of the functions of the consular post.

Article 29

Use of national flag and coat-of-arms

1. The sending State shall have the right to the use of its national flag and coat-of-arms in the receiving State in accordance with the provisions of this Article.

2. The national flag of the sending State may be flown and its coat-of-arms displayed on the building occupied by the consular post and at the entrance door thereof, on the residence of the head of the consular post and on his means of transport when used on official business.

3. In the exercise of the right accorded by this Article regard shall be had to the laws, regulations and usages of the receiving State.

Article 30

Accommodation

1. The receiving State shall either facilitate the acquisition on its territory, in accordance with its laws and regulations, by the sending State of premises necessary for its consular post or assist the latter in obtaining accommodation in some other way.

2. It shall also, where necessary, assist the consular post in obtaining suitable accommodation for its members.

Article 31

Inviolability of the consular premises

1. Consular premises shall be inviolable to the extent provided in this Article.

2. The authorities of the receiving State shall not enter that part of the consular premises which is used exclusively for the purpose of the work of the consular post except with the consent of the head of the consular post or of his designee or of the head of the diplomatic mission of the sending State. The consent of the head of the consular post may, however, be assumed in case of fire or other disaster requiring prompt protective action.

3. Subject to the provisions of paragraph 2 of this Article, the receiving State is under a special duty to take all appropriate steps to protect the consular premises against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.

4. The consular premises, their furnishings, the property of the consular post and its means of transport shall be immune from any form of requisition for purposes of national defence or public utility. If expropriation is necessary for such purposes, all possible steps shall be taken to avoid impeding the performance of consular functions, and prompt, adequate and effective compensation shall be paid to the sending State.

Article 32

Exemption from taxation of consular premises

1. Consular premises and the residence of the career head of consular post of which the sending State or any person acting on its behalf is the owner or lessee shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in paragraph 1 of this Article shall not apply to such dues and taxes if, under the law of the receiving State, they are payable by the person who contracted with the sending State or with the person acting on its behalf.

Article 33

Inviolability of the Consular archives and documents

The consular archives and documents shall be inviolable at all times and wherever they may be.

Article 34

Freedom of movement

Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the receiving State shall ensure freedom of movement and travel in its territory to all members of the consular post.

Article 35

Freedom of communication

1. The receiving State shall permit and protect freedom of communication on the part of the consular post for all official purposes. In communicating with the Government, the diplomatic missions and other consular posts, wherever situated, of the sending State, the consular post may employ all appropriate means, including diplomatic or consular couriers, diplomatic or consular bags and messages in code or cipher. However, the consular post may install and use a wireless transmitter only with the consent of the receiving State.

2. The official correspondence of the consular post shall be inviolable. Official correspondence means all correspondence relating to the consular post and its functions.

3. The consular bag shall be neither opened nor detained. Nevertheless, if the competent authorities of the receiving State have serious reason to believe that the bag contains something other than the correspondence, documents or articles referred to in paragraph 4 of this Article, they may request that the bag be opened in their presence by an authorized representative of the sending State. If this request is refused by the authorities of the sending State, the bag shall be returned to its place of origin.

4. The packages constituting the consular bag shall bear visible external marks of their character and may contain only official correspondence and documents or articles intended exclusively for official use.

5. The consular courier shall be provided with an official document indicating his status and the number of packages constituting the consular bag. Except with the consent of the receiving State he shall be neither a national of the receiving State, nor, unless he is a national of the sending State, a permanent resident of the receiving State. In the performance of his functions he shall be protected by the receiving State. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending State, its diplomatic missions and its consular posts may designate consular couriers *ad hoc*. In such cases the provisions of paragraph 5 of this Article shall also apply except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the consular bag in his charge.

7. A consular bag may be entrusted to the captain of a ship or of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a consular courier. By arrangement with the appropriate local authorities, the consular post may send one of its members to take possession the bag directly and freely from the captain of the ship or of the aircraft.

Article 36

Communication and contact with nationals of the sending State

1. With a view to facilitating the exercise of consular functions relating to nationals of the sending State:

(*a*) consular officers shall be free to communicate with nationals of the sending State and to have access to them. Nationals of the sending State shall have the same freedom with respect to communication with and access to consular officers of the sending State;

(*b*) if he so requests, the competent authorities of the receiving State shall, without delay, inform the consular post of the sending State if, within its consular district, a national of that State is arrested or committed to prison or to custody pending trial or is detained in any other manner. Any communication addressed to the consular post by the person arrested, in prison, custody or detention shall also be forwarded by the said authorities without delay. The said authorities shall inform the person concerned without delay of his rights under this subparagraph;

(*c*) consular officers shall have the right to visit a national of the sending State who is in prison, custody or detention, to converse and correspond with him and to arrange for his legal representation. They shall also have the right to visit any national of the sending State who is in prison, custody or detention in their district in pursuance of a judgment. Nevertheless, consular officers shall refrain from taking action on behalf of a national who is in prison, custody or detention if he expressly opposes such action.

2. The rights referred to in paragraph 1 of this Article shall be exercised in conformity with the laws and regulations of the receiving State, subject to the proviso, however, that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under this Article are intended.

Article 37

Information in cases of deaths, guardianship or trusteeship wrecks and air accidents

If the relevant information is available to the competent authorities of the receiving State, such authorities shall have the duty:

(*a*) in the case of the death of a national of the sending State, to inform without delay the consular post in whose district the death occurred;

(*b*) to inform the competent consular post without delay of any case where the appointment of a guardian or trustee appears to be in the interests of a minor or other person lacking full capacity who is a national of the sending State. The giving of this information shall, however, be without prejudice to the operation of the laws and regulations of the receiving State concerning such appointments;

(*c*) if a vessel, having the nationality of the sending State, is wrecked or runs aground in the territorial sea or internal waters of the receiving State, or if an aircraft registered in the sending State suffers an accident on the territory of the receiving State, to inform without delay the consular post nearest to the scene of the occurrence.

Article 38

Communication with the authorities of the receiving State

In the exercise of their functions, consular officers may address:

(*a*) the competent local authorities of their consular district;

(*b*) the competent central authorities of the receiving State if and to the extent that this is allowed by the laws, regulations and usages of the receiving State or by the relevant international agreements.

Article 39

Consular fees and charges

1. The consular post may levy in the territory of the receiving State the fees and charges provided by the laws and regulations of the sending State for consular acts.

2. The sums collected in the form of the fees and charges referred to in paragraph 1 of this Article, and the receipts for such fees and charges, shall be exempt from all dues and taxes in the receiving State.

SECTION II. FACILITIES, PRIVILEGES AND IMMUNITIES RELATING TO CAREER CONSULAR OFFICERS AND OTHER MEMBERS OF A CONSULAR POST

Article 40

Protection of consular officers

The receiving State shall treat consular officers with due respect and shall take all appropriate steps to prevent any attack on their person, freedom or dignity.

Article 41

Personal inviolability of consular officers

1. Consular officers shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by the competent judicial authority.

2. Except in the case specified in paragraph 1 of this Article, consular officers shall not be committed to prison or liable to any other form of restriction on their personal freedom save in execution of a judicial decision of final effect.

3. If criminal proceedings are instituted against a consular officer, he must appear before the competent authorities. Nevertheless, the proceedings shall be conducted with the respect due to him by reason of his official position and, except in the case specified in paragraph 1 of this Article, in a manner which will hamper the exercise of consular functions as little as possible. When, in the circumstances mentioned in paragraph 1 of this Article, it has become necessary to detain a consular officer, the proceedings against him shall be instituted with the minimum of delay.

Article 42

Notification of arrest, detention or prosecution

In the event of the arrest or detention, pending trial, of a member of the consular staff, or of criminal proceedings being instituted against him, the receiving State shall promptly notify the head of the consular post. Should the latter be himself the object of any such measure, the receiving State shall notify the sending State through the diplomatic channel.

Article 43

Immunity from jurisdiction

1. Consular officers and consular employees shall not be amenable to the jurisdiction of the judicial or administrative authorities of the receiving State in respect of acts performed in the exercise of consular functions.

2. The provisions of paragraph 1 of this Article shall not, however, apply in respect of a civil action either:

(*a*) arising out of a contract concluded by a consular officer or a consular employee in which he did not contract expressly or impliedly as an agent of the sending State; or

(*b*) by a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

Article 44

Liability to give evidence

1. Members of a consular post may be called upon to attend as witnesses in the course of judicial or administrative proceedings. A consular employee or a member of the service staff shall not, except in the cases mentioned in paragraph 3 of this Article, decline to give evidence. If a consular officer should decline to do so, no coercive measure or penalty may be applied to him.

2. The authority requiring the evidence of a consular officer shall avoid interference with the performance of his functions. It may, when possible, take such evidence at his residence or at the consular post or accept a statement from him in writing.

3. Members of a consular post are under no obligation to give evidence concerning matters connected with the exercise of their functions or to produce official correspondence and documents relating thereto. They are also entitled to decline to give evidence as expert witnesses with regard to the law of the sending State.

Article 45

Waiver of privileges and immunities

1. The sending State may waive, with regard to a member of the consular post, any of the privileges and immunities provided for in Articles 41, 43 and 44.

2. The waiver shall in all cases be express, except as provided in paragraph 3 of this Article, and shall be communicated to the receiving State in writing.

3. The initiation of proceedings by a consular officer or a consular employee in a matter where he might enjoy immunity from jurisdiction under Article 43 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. The waiver of immunity from jurisdiction for the purposes of civil or administrative proceedings shall not be deemed to imply the waiver of immunity from the measures of execution resulting from the judicial decision; in respect of such measures, a separate waiver shall be necessary.

Article 46

Exemption from registration of aliens and residence permits

1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all obligations under the laws and regulations of the receiving State in regard to the registration of aliens and residence permits.

2. The provisions of paragraph 1 of this Article shall not, however, apply to any consular employee who is not a permanent employee of the sending State or who carries on any private gainful occupation in the receiving State or to any member of the family of any such employee.

Article 47

Exemption from work permits

1. Members of the consular post shall, with respect to services rendered for the sending State, be exempt from any obligations in regard to work permits imposed by the laws and regulations of the receiving State concerning the employment of foreign labour.

2. Members of the private staff of consular officers and of consular employees shall, if they do not carry on any other gainful occupation in the receiving State, be exempt from the obligations referred to in paragraph 1 of this Article.

Article 48

Social security exemption

1. Subject to the provisions of paragraph 3 of this Article, members of the consular post with respect to services rendered by them for the sending State, and members of their families forming part of their households, shall be exempt from social security provisions which may be in force in the receiving State.

2. The exemption provided for in paragraph 1 of this Article shall apply also to members of the private staff who are in the sole employ of members of the consular post, on condition:

(*a*) that they are not nationals of or permanently resident in the receiving State; and

(*b*) that they are covered by the social security provisions which are in force in the sending State or a third State.

3. Members of the consular post who employ persons to whom the exemption provided for in paragraph 2 of this Article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this Article shall not preclude voluntary participation in the social security system of the receiving State, provided that such participation is permitted by that State.

Article 49

Exemption from taxation

1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:

(*a*) indirect taxes of a kind which are normally incorporated in the price of goods or services;

(*b*) dues or taxes on private immovable property situated in the territory of the receiving State, subject to the provisions of Article 32;

(*c*) estate, succession or inheritance duties, and duties on transfers, levied by the receiving State, subject to the provisions of paragraph (*b*) of Article 51;

(*d*) dues and taxes on private income, including capital gains, having its source in the receiving State and capital taxes relating to investments made in commercial or financial undertakings in the receiving State;

(*e*) charges levied for specific services rendered;

(*f*) registration, court or record fees, mortgage dues and stamp duties, subject to the provisions of Article 32.

2. Members of the service staff shall be exempt from dues and taxes on the wages which they receive for their services.

3. Members of the consular post who employ persons whose wages or salaries are not exempt from income tax in the receiving State shall observe the obligations which the laws and regulations of that State impose upon employers concerning the levying of income tax.

Article 50

Exemption from customs duties and inspection

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on:

(*a*) articles for the official use of the consular post;

(*b*) articles for the personal use of a consular officer or members of his family forming part of his household, including articles intended for his establishment. The articles intended for consumption shall not exceed the quantities necessary for direct utilization by the persons concerned.

2. Consular employees shall enjoy the privileges and exemptions specified in paragraph 1 of this Article in respect of articles imported at the time of first installation.

3. Personal baggage accompanying consular officers and members of their families forming part of their households shall be exempt from inspection. It may be inspected only if there is serious reason to believe that it contains articles other than those referred to in subparagraph (*b*) of paragraph 1 of this Article, or articles the import or export of which is prohibited by the laws and regulations of the receiving State or which are subject to its quarantine laws and regulations. Such inspection shall be carried out in the presence of the consular officer or member of his family concerned.

Article 51

Estate of a member of the consular post or of a member of his family

In the event of the death of a member of the consular post or of a member of his family forming part of his household, the receiving State:

(*a*) shall permit the export of the movable property of the deceased, with the exception of any such property acquired in the receiving State the export of which was prohibited at the time of his death;

(*b*) shall not levy national, regional or municipal estate, succession or inheritance duties, and duties on transfers, on movable property the presence of which in the receiving State was due solely to the presence in that State of the deceased as a member of the consular post or as a member of the family of a member of the consular post.

Article 52

Exemption from personal services and contributions

The receiving State shall exempt members of the consular post and members of their families forming part of their households from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

Article 53

Beginning and end of consular privileges and immunities

1. Every member of the consular post shall enjoy the privileges and immunities provided in the present Convention from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when he enters on his duties with the consular post.

2. Members of the family of a member of the consular post forming part of his household and members of his private staff shall receive the privileges and immunities provided in the present Convention from the date from which he enjoys privileges and immunities in accordance with paragraph 1 of this Article or from the date of their entry into the territory of the receiving State or from the date of their becoming a member of such family or private staff, whichever is the latest.

3. When the functions of a member of the consular post have come to an end, his privileges and immunities and those of a member of his family forming part of his household or a member of his private staff shall normally cease at the moment when the person concerned leaves the receiving State or on the expiry of a reasonable period in which to do so, whichever is the sooner, but shall subsist until that time, even in case of armed conflict. In the case of the persons referred to in paragraph 2 of this Article, their privileges and immunities shall come to an end when they cease to belong to the household or to be in the service of a member of the consular post provided, however, that if such persons intend leaving the receiving State within a reasonable period thereafter, their privileges and immunities shall subsist until the time of their departure.

4. However, with respect to acts performed by a consular officer or a consular employee

in the exercise of his functions, immunity from jurisdiction shall continue to subsist without limitation of time.

5. In the event of the death of a member of the consular post, the members of his family forming part of his household shall continue to enjoy the privileges and immunities accorded to them until they leave the receving State or until the expiry of a reasonable period enabling them to do so, whichever is the sooner.

Article 54

Obligations of third States

1. If a consular officer passes through or is in the territory of a third State, which has granted him a visa if a visa was necessary, while proceeding to take up or return to his post or when returning to the sending State the third State shall accord to him all immunities provided for by the other Articles of the present Convention as may be required to ensure his transit or return. The same shall apply in the case of any member of his family forming part of his household enjoying such privileges and immunities who are accompanying the consular officer or traveling separately to join him or to return to the sending State.

2. In circumstances similar to those specified in paragraph 1 of this Article, third States shall not hinder the transit through their territory of other members of the consular post or of members of their families forming part of their households.

3. Third States shall accord to official correspondence and to other official communications in transit, including messages in code or cipher, the same freedom and protection as the receiving State is bound to accord under the present Convention. They shall accord to consular couriers who have been granted a visa, if a visa was necessary, and to consular bags in transit, the same inviolability and protection as the receiving State is bound to accord under the present Convention.

4. The obligations of third States under paragraphs 1, 2 and 3 of this Article shall also apply to the persons mentioned respectively in those paragraphs, and to official communications and to consular bags, whose presence in the territory of the third State is due to *force majeure*.

Article 55

Respect for the laws and regulations of the receiving State

1. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State. They also have a duty not to interfere in the internal affairs of that State.

2. The consular premises shall not be used in any manner incompatible with the exercise of consular functions.

3. The provisions of paragraph 2 of this Article shall not exclude the possibility of offices of other institutions or agencies being installed in part of the building in which the consular premises are situated, provided that the premises assigned to them are separate from those used by the consular post. In that event, the said offices shall not, for the purposes of the present Convention, be considered to form part of the consular premises.

Article 56

Insurance against third party risks

Members of the consular post shall comply with any requirement imposed by the laws and regulations of the receiving State in respect of insurance against third party risks arising from the use of any vehicle, vessel or aircraft.

Article 57

Special provisions concerning private gainful occupation

1. Career consular officers shall not carry on for personal profit any professional or commercial activity in the receiving State.

2. Privileges and immunities provided in this Chapter shall not be accorded:

(*a*) to consular employees or to members of the service staff who carry on any private gainful occupation in the receiving State;

(*b*) to members of the family of a person referred to in subparagraph (*a*) of this paragraph or to members of his private staff;

(*c*) to members of the family of a member of a consular post who themselves carry on any private gainful occupation in the receiving State.

Chapter III. Regime Relating to Honorary Consular Officers and Consular Posts Headed by Such Officers

Article 58

General provisions relating to facilities, privileges and immunities

1. Articles 28, 29, 30, 34, 35, 36, 37, 38 and 39, paragraph 3 of Article 54 and paragraphs 2 and 3 of Article 55 shall apply to consular posts headed by an honorary consular officer. In addition, the facilities, privileges and immunities of such consular posts shall be governed by Articles 59, 60, 61 and 62.

2. Articles 42 and 43, paragraph 3 of Article 44, Articles 45 and 53 and paragraph 1 of Article 55 shall apply to honorary consular officers. In addition, the facilities, privileges and immunities of such consular officers shall be governed by Articles 63, 64, 65, 66 and 67.

3. Privileges and immunities provided in the present Convention shall not be accorded to members of the family of an honorary consular officer or of a consular employee employed at a consular post headed by an honorary consular officer.

4. The exchange of consular bags between two consular posts headed by honorary consular officers in different States shall not be allowed without the consent of the two receiving States concerned.

Article 59

Protection of the consular premises

The receiving State shall take such steps as may be necessary to protect the consular premises of a consular post headed by an honorary consular officer against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.

Article 60

Exemption from taxation of consular premises

1. Consular premises of a consular post headed by an honorary consular officer of which the sending State is the owner or lessee shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in paragraph 1 of this Article shall not apply to such dues and taxes if, under the laws and regulations of the receiving State, they are payable by the person who contracted with the sending State.

Article 61

Inviolability of consular archives and documents

The consular archives and documents of a consular post headed by an honorary consular officer shall be inviolable at all times and wherever they may be, provided that they are kept separate from other papers and documents and, in particular, from the private correspondence of the head of a consular post and of any person working with him, and from the materials, books or documents relating to their profession or trade.

Article 62

Exemptions from customs duties

The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of, and grant exemption from all customs duties, taxes, and related charges other than charges for storage cartage and similar services on the following articles, provided that they are for the official use of a consular post headed by an honorary consular officer: coats-of-arms, flags, signboards, seals and stamps, books, official printed matter, office furniture, office equipment and similar articles supplied by or at the instance of the sending State to the consular post.

Article 63

Criminal proceedings

If criminal proceedings are instituted against an honorary consular officer, he must appear before the competent authorities. Nevertheless, the proceedings shall be conducted with the respect due to him by reason of his official position and, except when he is under arrest or detention, in a manner which will hamper the exercise of consular functions as little as possible. When it has become necessary to detain an honorary consular officer, the proceedings against him shall be instituted with the minimum of delay.

Article 64

Protection of honorary consular officers

The receiving State is under a duty to accord to an honorary consular officer such protection as may be required by reason of his official position.

Article 65

Exemption from registration of aliens and residence permits

Honorary consular officers with the exception of those who carry on for personal profit any professional or commercial activity in the receiving State, shall be exempt from all obligations under the laws and regulations of the receiving State in regard to the registration of aliens and residence permits.

Article 66

Exemption from taxation

An honorary consular officer shall be exempt from all dues and taxes on the remuneration and emoluments which he receives from the sending States in respect of the exercise of consular functions.

Article 67

Exemption from personal services and contributions

The receiving State shall exempt honorary consular officers from all personal services and from all public services of any kind whatsoever and from military obligations such as those connected with requisitioning, military contributions and billeting.

Article 68

Optional character of the institution of honorary consular officers

Each State is free to decide whether it will appoint or receive honorary consular officers.

Chapter IV. General Provisions

Article 69

Consular agents who are not heads of consular posts

1. Each State is free to decide whether it will establish or admit consular agencies conducted by consular agents not designated as heads of consular post by the sending State.

2. The conditions under which the consular agencies referred to in paragraph 1 of this Article may carry on their activities and the privileges and immunities which may be enjoyed by the consular agents in charge of them shall be determined by agreement between the sending State and the receiving State.

Article 70

Exercise of consular functions by diplomatic missions

1. The provisions of the present Convention apply also, so far as the context permits, to the exercise of consular functions by a diplomatic mission.

2. The names of members of a diplomatic mission assigned to the consular section or otherwise charged with the exercise of the consular functions of the mission shall be notified to the Ministry for Foreign Affairs of the receiving State or to the authority designated by that Ministry.

3. In the exercise of consular functions a diplomatic mission may address:

(*a*) the local authorities of the consular district;

(*b*) the central authorities of the receiving State if this is allowed by the laws, regulations and usages of the receiving State or by relevant international agreements.

4. The privileges and immunities of the members of a diplomatic mission referred to in paragraph 2 of this Article shall continue to be governed by the rules of international law concerning diplomatic relations.

Article 71

Nationals or permanent residents of the receiving State

1. Except in so far as additional facilities, privileges and immunities may be granted by the receiving State, consular officers who are nationals of or permanently resident in the receiving State shall enjoy only immunity from jurisdiction and personal inviolability in respect of official acts performed in the exercise of their functions, and the privilege provided in paragraph 3 of Article 44. So far as these consular officers are concerned, the receiving State shall likewise be bound by the obligation laid down in Article 42. If criminal proceedings are instituted against such a consular officer, the proceedings shall, except when he is under arrest or detention, be conducted in a manner which will hamper the exercise of consular functions as little as possible.

2. Other members of the consular post who are nationals of or permanently resident in the receiving State and members of their families, as well as members of the families of consular officers referred to in paragraph 1 of this Article, shall enjoy facilities, privileges and immunities only in so far as these are granted to them by the receiving State. Those members of the families of members of the consular post and those members of the private staff who are themselves nationals of or permanently resident in the receiving State shall likewise enjoy facilities, privileges and immunities only in so far as these are granted to them by the receiving State. The receiving State shall, however, exercise its jurisdiction over those persons in such a way as not to hinder unduly the performance of the functions of the consular post.

Article 72

Non-discrimination

1. In the application of the provisions of the present Convention the receiving State shall not discriminate as between States.

2. However, discrimination shall not be regarded as taking place:

(*a*) where the receiving State applies any of the provisions of the present Convention restrictively because of a restrictive application of that provision to its consular posts in the sending State;

(*b*) where by custom or agreement States extend to each other more favourable treatment than is required by the provisions of the present Convention.

Article 73

Relationship between the present Convention and other international agreements

1. The provisions of the present Convention shall not affect other international agreements in force as between States parties to them.

2. Nothing in the present Convention shall preclude States from concluding international agreements confirming or supplementing or extending or amplifying the provisions thereof.

CHAPTER V. FINAL PROVISIONS

Article 74

Signature

The present Convention shall be open for signature by all States Members of the United Nations or of any of the specialized agencies or Parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention, as follows until 31 October 1963 at the Federal Ministry for Foreign Affairs of the Republic of Austria and subsequently, until 31 March 1964, at the United Nations Headquarters in New York.

Article 75

Ratification

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 76

Accession

The present Convention shall remain open for accession by any State belonging to any of the four categories mentioned in Article 74. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 77

Entry into force

1. The present Convention shall enter into force on the thirtieth day following the date of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article 78

Notfications by the Secretary-General

The Secretary-General of the United Nations shall inform all States belonging to any of the four categories mentioned in Article 74:

(*a*) of signatures to the present Convention and of the deposit on instruments of ratification or accession, in accordance with Articles 74, 75, and 76;

(*b*) of the date on which the present Convention will enter into force, in accordance with Article 77.

Article 79

Authentic texts

The original of the present Convention, of which the Chinese, English, French, Russian, and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States belonging to any of the four categories mentioned in Article 74.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being dutly authorized thereto by their respective Governments, have signed the present Convention.

Done at Vienna, this twenty-fourth day of April, one thousand nine hundred and sixty-three.

For Afghanistan:

For Albania:

For Algeria:

For Argentina: E. Quintana.

For Australia: D. McCarthy, 31st March 1964.

For Austria: Kreisky.

For Belgium: Walter Loridan, Le 31 mars 1964.

For Bolivia: Emilio Pollak, 6 de agosto 1963.

For Brazil: Mário Gibson Alves Barboza; Geraldo Eulálio do Nascimento e Silva; and Carlos Frederico Duarte Gonçalves da Rocha.

For Bulgaria:

For Burma:

For Burundi:

For the Byelorussian Soviet Socialist Republic:

For Cambodia:

For Cameroon: R. N'Thepe, 21 août 1963.

For Canada:

For the Central African Republic: C. Kalenzaga.

For Ceylon:

For Chad:

For Chile: A. Marambio.

For China: Wu Nan-ju and Chang Weitse.

For Colombia: Efraim Casas-Manrique and Daniel Henao-Henao.

For the Congo (Brazzaville): R. Mahouata.

For the Congo (Leopoldville): S.-P. Tshimbalanga.

For Costa Rica: *Ad referendum* Erich M. Zeilinger, Junio 6, 1963.

For Cuba: Luis Orlando Rodriguez and Amado Palenque.

For Cyprus:

For Czechoslovakia: With the attached declaration,[1] Jiří Hájek, March 31, 1964.

For Dahomey: C. Kalenzaga.

For Denmark: H. H. Schrøder.

For the Dominican Republic: Alain Stuchly and Theodor Schmidt.

For Ecuador: Leopoldo Benites, March 25 1964.

For El Salvador:

For Ethiopia:

For the Federal Republic of Germany: G. von Haeften, October 31, 1963.

For the Federation of Malaya:

For Finland: Otso Wartiovaara, le 28 octobre 1963.

For France: B. de Menthon.

For Gabon: C. Kalenzaga.

For Ghana: Emmanuel K. Dadzie.

For Greece:

For Guatemala:

For Guinea:

For Haiti:

For the Holy See: Agostino Casaroli and G. Prigione.

For Honduras:

For Hungary:

For Iceland:

For India:

For Indonesia:

For Iran: H. Davoudi.

For Iraq:

For Ireland: W. Warnock and D. P. Waldron.

For Israel: Michael Comay, 25 February 1964.

For Italy: Vittorio Zoppi, 22 novembre 1963.

For the Ivory Coast: C. Kalenzaga.

For Jamaica:

For Japan:

For Jordan:

For Kuwait: Rashid Al-Rashid, 10 January 1964.

For Laos:

For Lebanon: E. Donato.

For Liberia: Nathan Barnes, Herbert R. W. Brewer, and James E. Morgan.

For Libya:

For Liechtenstein: Heinrich Prinz von Liechtenstein.

For Luxembourg: M. Steinmetz, 24 mars 1964.

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[1] "Contrary to the principle of sovereign equality of States and to the right of all States to participate in general multilateral treaties Articles 74 and 76 of the Vienna Convention on Consular Relations deprive certain States of their undeniable right to become parties to a treaty of a general character, concerning matters of legitimate interest of any State, which according to its preamble should contribute to the development of friendly relations among nations irrespective of their differing constitutional and social systems."

For Madagascar:
For Mali:
For Mauritania:
For Mexico: Manuel Cabrera Macía.

(*Translation by the Secretariat of the United Nations:*) Manuel Cabrera Macia, Ambassador of Mexico accredited to the Government of the Federal Republic of Austria, signs the Vienna Convention on Consular Relations of 24 April 1963 as Plenipotentiary, subject to ratification by his Government and with the reservation that Mexico does not accept that part of article 31, paragraph 4, of the Convention which refers to expropriation of consular premises. The main reason for this reservation is that that paragraph, by contemplating the possibility of expropriation of consular premises by the receiving State, presupposes that the sending State is the owner of the premises. That situation is precluded in the Mexican Republic by article 27 of the Political Constitution of the United Mexican States, according to which foreign States cannot acquire private title to immovable property unless it is situated at the permanent set of Federal Power and necessary for the direct use of their embassies or legations. Viena 7 de octubre de 1963.

For Monaco:
For Mongolia:
For Morocco:
For Nepal:
For the Netherlands:
For New Zealand:
For Nicaragua:
For the Niger: C. Kalenzaga.
For Nigeria:
For Norway: Egil Amile.
For Pakistan:
For Panama: César A. Quintero, December 4, 1963.
For Paraguay:
For Peru: E. Letts S.
For the Philippines: T. G. de Castro.
For Poland: B. Lewandowski, 20 March 1964.
For Portugal:
For the Republic of Korea:
For the Republic of Viet-Nam:
For Romania:
For Rwanda:
For San Marino:
For Saudi Arabia:
For Senegal:
For Sierra Leone:
For Somalia:
For South Africa:
For Spain:
For the Sudan:
For Sweden: Z. S. Przybyszewski Westrup, le 8 Octobre 1963.
For Switzerland: Paul Ruegger and R. Bindschedler, Le 23 Octobre 1963.
For Syria:
For Tanganyika:
For Thailand:
For Togo:
For Trinidad and Tobago:
For Tunisia:
For Turkey:
For Uganda:
For the Ukrainian Soviet Socialist Republic:
For the Union of Soviet Socialist Republics:
For the United Arab Republic:
For the United Kingdom of Great Britain and Northern Ireland: With attached declaration,[1] Patrick Dean, March 27, 1964.
For the United States of America: Warde M. Cameron.
For the Upper Volta: C. Kalenzaga.
For Uruguay: Muñoz Moratorio.
For Venezuela: P. Silveira Barrios.

(*Translation by the Secretariat of the United Nations:*) Reservations are made with respect to articles 3, 17 (paragraph 2), 35 (paragraph 5), 41, 43, 49, 50 (paragraph 2) and 70 for the reasons which were given by the Venezuelan delegation during the Conference debates and which will be found in the records of the Conference. A reservation is also made with respect to article 71, which is at variance with the Venezuelan constitutional principle that all Venezuelans are equal before the law.

For Western Samoa:
For Yemen:
For Yugoslavia: Milan Bartos.

I hereby certify that the foregoing text is a true copy of the Vienna Convention on Consular Relations adopted by the United Nations Conference on Consular Relations, held at the Neue Hofburg in Vienna, Austria, from 4 March to 22 April 1963, the original of which is deposited with the Secretary-General of the United Nations.

For the Secretary-General: The Legal Counsel, C. A. Stavropoulos.

United Nations, New York, 15 April 1964.

Optional Protocol Concerning the Compulsory Settlement of Disputes

The States Parties to the present Protocol and to the Vienna Convention on Consular Relations, hereinafter referred to as "the Convention", adopted by the United Nations Conference held at Vienna from 4 March to 22 April 1963,

Expressing their wish to resort in all matters concerning them in respect of any dispute arising out of the interpretation or application of the Convention to the compulsory jurisdiction of the International Court of Justice, unless some other form of settlement has been agreed upon by the parties within a reasonable period.

Have agreed as follows:

Article I

Disputes arising out of the interpretation or application of the Convention shall lie within the compulsory jurisdiction of the International Court of Justice and may accordingly be brought before the Court by an application made by any party to the dispute being a Party to the present Protocol.

Article II

The parties may agree, within a period of two months after one party has notified its opinion to the other that a dispute exists, to resort not to the International Court of Justice but to an arbitral tribunal. After the expiry of the said period, either party may bring the dispute before the Court by an application.

Article III

1. Within the same period of two months, the parties may agree to adopt a conciliation procedure before resorting to the International Court of Justice.

2. The conciliation commission shall make its recommendations within five months after its appointment. If its recommendations are not accepted by the parties to the dispute within two months after they have been delivered, either party may bring the dispute before the Court by an application.

Article IV

States Parties to the Convention, to the Optional Protocol concerning Acquisition of Nationality, and to the present Protocol may at any time declare that they will extend the provisions of the present Protocol to disputes arising out of the interpretation or application of the Optional Protocol concerning Acquisition of Nationality. Such declarations shall be notified to the Secretary-General of the United Nations.

Article V

The present Protocol shall be open for signature by all States which may become Parties to the Convention as follows: until 31 October 1963 at the Federal Ministry for Foreign Affairs of the Republic of Austria and, subsequently, until 31 March 1964, at the United Nations Headquarters in New York.

Article VI

The present Protocol is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article VII

The present Protocol shall remain open for accession by all States which may become Parties to the Convention. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article VIII

1. The present Protocol shall enter into force on the same day as the Convention or on the thirtieth day following the date of deposit of the second instrument of ratification or accession to the Protocol with the Secretary-General of the United Nations, whichever date is the later.

2. For each State ratifying or acceding to the present Protocol after its entry into force in accordance with paragraph 1 of this Article, the Protocol shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article IX

The Secretary-General of the United Nations shall inform all States which may become Parties to the Convention:

(*a*) of signatures to the present Protocol and of the deposit of instruments of ratification or accession, in accordance with Articles V, VI and VII;

(*b*) of declarations made in accordance with Article IV of the present Protocol;

(*c*) of the date on which the present Protocol will enter into force, in accordance with Article VIII.

Article X

The original of the present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in Article V.

In witness whereof the undersigned plenipotentiaries, being duly authorised thereto by their respective Governments, have signed the present Protocol.

Done at Vienna, this twenty-fourth day of April, one thousand nine hundred and sixty-three.

For Afghanistan:
For Albania:
For Algeria:
For Argentina: E. Quintana.
For Australia:
For Austria: Kreisky.
For Belgium: Walter Loridan, Le 31 mars 1964.
For Bolivia:
For Brazil:
For Bulgaria:
For Burma:
For Burundi:
For the Byelorussian Soviet Socialist Republic:
For Cambodia:
For Cameroon: R. N'Thepe, 21 août 1963.
For Canada:
For the Central African Republic: C. Kalenzaga.
For Ceylon:
For Chad:
For Chile: A. Marambio.
For China: Wu Nan-ju and Chang Weitse.
For Colombia: Efraim Casas-Manrique and Daniel Henao-Henao.
For the Congo (Brazzaville) R. Malouata.

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[1] "The United Kingdom will interpret the exemption accorded to members of a consular post by paragraph 3 of Article 44 from liability to give evidence concerning matters connected with the exercise of their functions as relating only to acts in respect of which consular officers and consular employees enjoy immunity from the jurisdiction of the judicial or administrative authorities of the receiving State in accordance with the provisions of Article 43 of the Convention."

For the Congo (Leopoldville): S.-P. Tshimbalanga.

For Costa Rica:

For Cuba:

For Cyprus:

For Czechoslovakia:

For Dahomey: C. Kalenzaga.

For Denmark: H. H. Schroder.

For the Dominican Republic: Alain Scuchly and Theodor Schmidt.

For Ecuador:

For El Salvador:

For Ethiopia:

For the Federal Republic of Germany: G. von Haeften, 31 October, 1963.

For the Federation of Malaya:

For Finland: Otso Wartiovaara, le 28 octobre 1963.

For France: B. de Menthon.

For Gabon: C. Kalenzaga.

For Ghana: Emmanuel K. Dandzie.

For Greece:

For Guatemala:

For Guinea:

For Haiti:

For the Holy See:

For Honduras:

For Hungary:

For Iceland:

For India:

For Indonesia:

For Iran:

For Iraq:

For Ireland: W. Warnock and D. P. Waldron.

For Israel:

For Italy: Vittorio Zoppi, 22 novembre 1963.

For the Ivory Coast: C. Kalenzaga.

For Jamaica:

For Japan:

For Jordan:

For Kuwait: Rashid Al-Rashid, 10 January 1964.

For Laos:

For Lebanon: E. Donato.

For Liberia: Nathan Barnes, Herbert R. W. Brewer, and James E. Morgan.

For Libya:

For Liechtenstein: Heinrich Prinz von Liechtenstein.

For Luxembourg: M. Steinmetz, 24 mars 1964.

For Madagascar:

For Mali:

For Mauritania:

For Mexico:

For Monaco:

For Mongolia:

For Morocco:

For Nepal:

For the Netherlands:

For New Zealand:

For Nicaragua:

For the Niger: C. Kalenzaga.

For Nigeria:

For Norway: Egil Amlie.

For Pakistan:

For Panama: César A. Quintero, December 4, 1963.

For Paraguay:

For Peru: E. Letts S.

For the Philippines: T. G. de Castro.

For Poland:

For Portugal:

For the Republic of Korea:

For the Republic of Viet-Nam:

For Romania:

For Rwanda:

For San Marino:

For Saudi Arabia:

For Senegal:

For Sierra Leone:

For Somalia:

For South Africa:

For Spain:

For the Sudan:

For Sweden: Z. S. Przybyszewski Westrup, le 8 octobre 1963.

For Switzerland: Paul Ruegger and R. Bindschedler, Le 23 octobre 1963.

For Syria:

For Tanganyika:

For Thailand:

For Togo:

For Trinidad and Tobago:

For Tunisia:

For Turkey:

For Uganda:

For the Ukrainian Soviet Socialist Republic:

For the Union of Soviet Socialist Republics:

For the United Arab Republic:

For the United Kingdom of Great Britain and Northern Ireland: Patrick Dean, March 27, 1964.

For the United States of America: Warde M. Cameron.

For the Upper Volta: C. Kalenzaga.

For Uruguay: Muñoz Moratorio.

For Venezuela:

For Western Samoa:

For Yemen:

For Yugoslavia: Milan Bartoš.

I hereby certify that the foregoing text is a true copy of the Optional Protocol concerning the Complusory Settlement of Disputes adopted by the United Nations Conference on Consular Relations, held at the Neue Hofburg in Vienna, Austria, from 4 March to 22 April 1963, the original of which is deposited with the Secretary-General of the United Nations.

For the Secretary-General: The Legal Counsel, C. A. Stavropoulos.

United Nations, New York, 15 April 1964.

Mr. FULBRIGHT. Mr. President, on behalf of the Committee on Foreign Relations I recommend that the Senate give its advice and consent to the ratification of the Vienna Convention on Consular Relations.

The only remarkable thing about considering the treaty at this time is that it has taken the executive branch 6 years to recommend its ratification.

The committee was told that the delay was largely due to a disagreement within the executive branch between those who advocated continuing the traditional U.S. bilateral approach to consular conventions or following the multilateral one represented by the Vienna Convention. After 6 years of arguing the merits of both approaches, the executive branch has now concluded essentially to pursue both—the multilateral one where it serves U.S. purposes and the bilateral one where it serves these purposes even better.

The multilateral versus bilateral argument points up a basic characteristic of the Vienna Convention. It embodies those standards upon which the 92 nations represented at the conference could agree. In many ways, these are minimum standards—not as high as those embodied in our bilateral treaties.

Having said this, I do not want to denigrate the achievement represented by the Vienna Convention. This is the first international convention of its kind and constitutes a considerable contribution to the development and codification of international law. The setting forth of agreed-upon standards will reduce conflicts and frictions between nations over the rights and responsibilities of consular officers and thereby also help to promote friendly relations between them.

The committee's report and the testimony appended to it, as well as the report of the U.S. delegation to the conference which appears on pages 46–73 of Executive E, describes the convention in detail. In view of the Senate's familiarity with consular conventions, I think it is sufficient to state that it covers the same subjects in largely the same manner. To illustrate the lesser standards often embodied in the Vienna Convention I might refer to the Soviet Consular Convention which was one of the most recent bilateral treaties approved by the United States. The Senate will recall that the provision giving consular officers complete criminal immunity was the occasion for considerable debate in the Senate. In contrast the Vienna Convention provides no such immunity. While it does provide that consular officers may not be detained or arrested for possible criminal violations pending trial, even there an exception is made in the case of "grave crimes."

An important fact to bear in mind in considering the Vienna Convention is that, while it spells out the privileges and immunities of consular posts and their officers in the United States, it also guarantees them to our vast consular establishment overseas. This will be of particular importance in many of the newly independent nations which have not had the opportunity to develop a bilateral network of such treaties.

There is one last point I wish to stress again about the Vienna Convention. By its own terms it will not affect any existing bilateral treaties. Moreover, the United States—and other signatories of course—may continue to negotiate bilateral treaties with nonsignatories of the convention and even with signatories if these treaties clarify, amplify, or supplement the Vienna treaty obligations. So the United States can continue to seek higher standards of protection where it so desires.

Mr. President, the committee is unaware of any opposition to the Vienna Convention on Consular Relations and recommends favorable action by the Senate.

The PRESIDENT pro tempore. If there be no objection, Executive E, 91st Congress, first session, will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will read for the information of the Senate.

The bill clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Vienna Convention on Consular Relations and a Certified Copy of the Optional Protocol Concerning the Compulsory Settlement of Disputes, signed at Vienna under date of April 24, 1963. (Executive E, 91st Congress, 1st session.)

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that, beginning at 1:45 p.m. today, these two conventions be voted upon separately but immediately following one another. This request has been cleared with the minority. These have to be voted on and it was thought much more convenient to do it at that time.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered; the vote on the ratification of these two conventions will be postponed until 1:45 p.m. today.

LEGISLATIVE SESSION

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

NOMINATION OF JUDGE CLEMENT F. HAYNSWORTH, JR., TO SUPREME COURT

Mr. HRUSKA. Mr. President, one of the biggest political fights of this session of Congress will be fought on the Senate floor over the nomination of Judge Clement F. Haynsworth, Jr., to the Supreme Court. I regret that very much. It is not our job in advising and consenting to a nomination to wage political battles. Our duty is to insure that the nominee is one of those few individuals truly qualified to sit on the Supreme Court.

A Senator's vote should not be cast because the nominee is "for" or "against" any individual or group. His vote should be cast because the nominee is not "for" or "against" any individual or group. But that is not the way this battle is shaping up.

Frankly, I was surprised by the ferocity of the attack on Judge Haynsworth. Perhaps that is because I attended most of the hearings and reviewed all the evidence. I have heard the attacks made against him and I consider them all answered by competent testimony. Still the opposition has been adamant. There have been demands that the President withdraw Judge Haynsworth's name.

The President of the United States called a press conference on Tuesday to make absolutely clear his position on this nomination. He will not withdraw the name. His support of the nominee is firm and his confidence in the nominee is complete. I commend the President for his forthright stand and his rejection of the attacks by innuendo and rumor made on the nominee.

In his press conference, President Nixon said:

> You may recall that when I nominated Judge Haynsworth, I said that he was the man, of all the circuit judges in the country, and a chief judge with 12 years experience, that he was the man I considered to be, by age, experience, background, philosophy the best qualified to serve on the Supreme Court at this time.
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> * * * * *
>
> I reiterated that position, and today, after having had an opportunity to evaluate all the charges that have been made in the past three weeks I reaffirm my support of Judge Haynsworth and in reaffirming it, I reaffirm it with even greater conviction.

The President's discussion of this nomination is valuable and illuminating. Mr. President, I ask unanimous consent that the transcript of the press conference, as it appears in the October 21, 1969, Washington Post be printed in the RECORD.

There being no objection, the press conference was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 21, 1969]

NIXON ON HAYNSWORTH: "I AM GOING TO STAND BY HIM"

Following is the transcript of President Nixon's news conference yesterday:

The President: Ron Ziegler has suggested that it might be useful to members of the press if from time to time on a specific subject I brief the press myself and then take questions so you can follow through on that subject.

You may recall that I did this on the occasion of the Chief Justice Burger subject and it seems to me that this type of procedure is one that we can follow.

I want also to say that as far as those who are here for television and radio, you, of course, can only comment on this because we do not have sound and do not have film. But we will have ready, I understand, on December 15th, the new press room in the West Wing. When that is available we shall have this kind of briefing session of a subject-by-subject basis in that room so that those who want to get sound or film can get it. We won't do it always this way. Sometimes we will do it this way, but I think that will be a very useful way to do it.

It will be a very nice room. I was there this morning and it is coming along very well.

This morning this will be on the record and a transcript will be made available to you when we finish.

This morning I have selected as a subject one you have been asking Ron about over the past several weeks, the Haynsworth matter.

In discussing that matter, I want to give you my own thinking with regard to the nomination of Judge Haynsworth, where it stands at the present time, and what my evaluation of the charges that have been made against him is.

REAFFIRMS SUPPORT

You may recall that when I nominated Judge Haynsworth, I said that he was the man, of all the circuit judges in the country, and a chief judge, with 12 years experience, that he was the man I considered to be, by age, experience, background, philosophy the best qualified to serve on the Supreme Court at this time.

Three weeks ago at a press conference I not only had one question on this matter, as I recall, two. I reiterated that position, and today, after having had an opportunity to evaluate all the charges that have been made in the past three weeks I reaffirm my support of Judge Haynsworth and in reaffirming it I reaffirm it with even greater conviction.

I say it with greater conviction because when a man has been through the fire, when he has had his entire life and its entire record exposed to the glare of investigation, which, of course, any man who is submitted for confirmation to the Senate should expect to have, and in addition to that, when he has had to go through what I believe to be a vicious character assassination, if after all that he stands up and comes through as a man of integrity, a man of honesty, and a man of qualifications, then that even more indicates that he deserves the support of the President of the United States who nominated him in the first place, and also the votes of the senators who will be voting on his nomination.

I would like to touch upon perhaps three or four of the major points that have been raised: They are technical points, as many of you who have been studying the case will know.

I should say I have some experience in investigations myself, and I have studied this case completely in every respect.

I have read the income tax returns, the financial statements, all the charges that have been made by various senators, and the answers that have been made on the Senate floor by Judge Marlow Cook, by Senator Allott, and also the evaluation, of course, of the Department of Justice.

Based on that examination, I personally now have made and concluded now that all the evidence is in, there are four or five points, perhaps, that are worth discussing, but more if you want to bring them up in your questions.

REBUFFS CHARGES

The charge is made that Judge Haynsworth should have disqualified himself in six cases involving litigants who were customers of a company in which he owned stock. I have examined those cases and that charge. I agree completely with the American Bar Association, with Judge Sobeloff who conducted an investigation of this matter in 1963 and 1964, and also with John Frank, the leading authority on conflict of interest, when he said that not only did Judge Haynsworth have no requirement to disqualify himself; he had a responsibility to sit in these cases because in not one of these instances or cases named did Judge Haynsworth use his influence in any way in behalf of the company in which he owned stock, and in no instance was there any indication that he was influenced whatever in decisions by that stock ownership.

If you want to spread this out just a bit, if we were to apply that kind of a standard to all federal court judges across this country, I would say that perhaps half of them would have to be impeached, and some in the Supreme Court, because carrying it to the ridiculous end result, if a judge owned stock in U.S. Steel, U.S. Steel has customers, a great number of them, and most of those customers or a great number of them get to the Supreme Court or the circuit court of appeals.

So the judge should not disqualify himself because customers of a company he happens to own stock in are in the court. This charge has no substance.

The second major charge is that Judge Haynsworth had a substantial interest in litigation which he decided as a member of the Circuit Court of Appeals.

Let me be quite precise. The law refers not to a substantial interest in the company or the litigant, but a substantial interest in the case. Of course, that is the proper standard to apply.

In this case, I find that the senator from Indiana who made the charges cited six cases, and these six cases represent perhaps one of the most glaring examples of sloppy staff work that I have seen in the years of seeing what can happen in such cases. Two of the cases were mistakes, of course, and on the others the question of a substantial interest has been again, reduced to an absurdity.

In the Brunswick case, it is now found, as Judge Marlow Cook pointed out—and he was a judge before he became a senator, as you know—Judge Haynsworth would have profited by $5.00, at the most, probably $4.92, the exact figure, if the litigant had recovered all the amount that was involved in the case.

In the Grace case, which involved, incidentally, a parent-subsidiary relationship, Judge Haynsworth's stock would have been reduced in value by 48 cents as a result of the decision that he made.

As an indication of the staff work in this case, one of the other reasons was the Greenville Hotel case.

It is true that Judge Haynsworth did have an interest in the Greenville Hotel. It appeared that years ago as an attorney he was a director for the hotel. Being a director of the hotel he was issued a share of stock in the hotel corporation.

Then after he became a judge, he received a stock dividend of 15 cents, a check which was mailed to him. The judge, of course, returned the check, thinking it was a joke. The Company returned it to him. So Judge Haynsworth recorded 15 cents on his income tax return.

Then there is another group of cases that have been raised. That is that Judge Haynsworth should have disqualified himself in those cases involving former clients of his law firm. I should say his former law firm. The law is quite clear here. A judge does not have responsibility and should not disqualify himself in cases involving clients of his former law firm unless that relationship has been very close to the client and has continued close, and also, in point of time, unless the relationship has continued. In other words, the passage of time and the closeness of the relationship is a factor to be considered.

"BEYOND SUSPICION"

In all of the cases, the 12 which were raised in hearings involving the former clients, it appeared that Judge Haynsworth was beyond suspicion, and, as a matter of fact not only should not have disqualified himself but had a duty to sit, in my opinion.

Now the Bobby Baker matter. This is guilt by association and character assassination of the very worst type. Judge Haynsworth knew Bobby Baker. He saw him last ten years ago. Many of the gentlemen of the press know I used to see him quite often when he was a clerk to the Majority. He had three contacts with him. He had no influence on Bobby Baker, and Bobby Baker had no influence on him.

The so-called business deals in which they were partners have been completely laid before the Senate committee, and any suggestion of improper influence has been discounted by Senator Williams, who is kind of a bull on these matters.

I should say, incidentally, while we are talking, I knew Bobby Baker very well myself, too, as the presiding officer of the Senate. He was clerk to the Majority.

One of the members of my staff, Rose Mary Woods, pointed up something I had forgotten. As a matter of fact, Bobby Baker's wife served as a stenographer on my staff for several months when I was a senator from California.

The fact that I knew him does not make me guilty by association. The fact that Judge Haynsworth along with others knew him, Senator Hollings and others, does not make him guilty by association.

On this particular point, I stand very firmly against the use of that tactic.

Now I will go to something a little more fundamental because this involves the decision as to what senators should consider as they determine whether they confirm a judge for the Supreme Court, or, for that matter, any court.

The question is raised, and one senator, Senator Magnuson, I thought quite candidly and honestly faced up to this question. He said he did not raise any question with regard to Judge Haynsworth's impropriety charges, but that he simply disagreed with his philosophy on certain matters, civil rights and labor law.

That is a ground which a senator can give for rejecting, perhaps, Judge Haynsworth. I do not believe it is a proper ground. I would agree with those senators, many of whom are now opposing Judge Haynsworth, who, in the Marshall confirmation, categorically said that a judge's philosophy was not a proper basis for rejecting him from the Supreme Court.

Looking back over the history of the cases, as I said when you were here before on the Burger matter, among my heroes of the court is Louis Brandeis. If philosophy were a test for him he would have been ruled out because he was too liberal.

Another was Charles Evans Hughes. If philosophy had been a test for him he would have been ruled out because he was too conservative in representing the business interests.

If you want to go back and read what really can happen in cases of this sort, I would suggest you read the debate over Louis Brandeis and also the confirmation of Charles Evans Hughes, in which they poured on him all the filth they could possibly amass because of his connection with insurance companies. Also like Judge Haynsworth, he had represented various other interests.

"CONSERVATIVE" NEEDED

As far as philosophy is concerned, I would be inclined to agree with the writer for the St. Louis Post Dispatch who said he thought Judge Haynsworth was a man with a razor sharp mind and a middle of the road record on the major issues.

But if Judge Haynsworth's philosophy leans to the conservative side, in my view that recommends him to me. I think the court needs balance, and I think that the court needs a man who is conservative—and I use the term not in terms of economics, but conservative, as I said of Judge Burger, conservative in respect of his attitude towards the Constitution.

It is the judge's responsibility, and the Supreme Court's responsibility, to interpret the Constitution and interpret the law, and not to go beyond that in putting his own socio-economic philosophy into decisions in a way that goes beyond the law, beyond the Constitution.

Now the final point, and this one is one that troubles, I think, many people who are not prejudiced against Judge Haynsworth because he is a Southerner or because of his civil rights record, or because of his labor record.

It is this: At this time in our history, it is very important to have a man that is beyond reproach.

An editorial in The Washington Post, I thought quite a thoughtful editorial, was quite candid in saying that the charges against him on the ethical side were not warranted, or at least were not with the foundation they should be, but because a doubt had been raised, that the name should be withdrawn.

I just want to say categorically here I shall never accept that philosophy with regard to Judge Haynsworth.

The appearance of impropriety, some say, is enough to disqualify a man who served as judge or in some other capacity. That would mean that anybody who wants to make a charge can thereby create the appearance of impropriety, raise a doubt, and that then his name should be withdrawn.

That isn't our system. Under our system, a man is innocent until he is proven guilty.

Judge Haynsworth, when the charges were made, instead of withdrawing his name, as he could—and, incidentally, if he now asks for his name to be withdrawn I would not do so—Judge Haynsworth, when the charges were made, openly came before the committee, answered all the questions, and submitted his case to the committee, and now to the full Senate.

I have examined the charges. I find that Judge Haynsworth is an honest man. I find that he has been, in my opinion as a lawyer, a lawyer's lawyer and a judge's judge. I think he will be a great credit to the Supreme Court, and I am going to stand by him until he is confirmed. I trust he will be.

Question: Mr. President, how much of this attack on Judge Haynsworth do you think is an attack, an end run attempt to get at you?

Answer: I have read some of the spec stories on that but I am not going to be involved in that.

The Brandeis case was not a very good moment in the history of the United States Senate. There was anti-Semitism in it and there was also a very strong partisan attitude towards Woodrow Wilson.

The Hughes debate was not a proud moment. There were a lot of partisan considerations that entered into it. This was a great man and a great chief justice, as was Judge Brandeis.

I don't think the Parker nomination was a very happy moment either.

"IT IS NOT PROPER"

I don't hold any brief for any one of these men in terms of philosophy. I don't agree with them, but no lawyer agrees with every other lawyer on everything. But in Judge Parker's case it was not proper to turn down a man because he was a Southerner.

It is not proper to turn down a man because he is a Southerner, because he is a Jew, because he is a Negro or because of his philosophy.

The question is what kind of a lawyer is he? What is his attitude toward the Constitution?

Is he a man of integrity? Is he a man that will call the great cases that come before him as he sees them, and in this case will provide the balance that this great court needs? I think Judge Haynsworth does that.

Question: Mr. President, it has been suggested, and I wonder what you think of the idea, that every member of the federal judiciary holding a lifetime appointment, to avoid this kind of trouble, place their investments perhaps in some kind of a blind trust or perhaps in some kind of fund?

Answer: Bill, as you noticed, Judge Haynsworth said he would put his stocks into trust. I suppose the American Bar Association or, for that matter, the Senate, or Congress, could lay down some sort of a rule about that to really meet the problem.

I don't happen to think that blind trusts, particularly in the public mind, are going to remove these questions. That is one of the reasons, as a matter of fact, before I came to office, I disposed of every stock I owned. I own nothing but real estate.

Question: What would you say, Mr. President, when people say you selected Haynsworth in large part because of political obligations?

Answer: I selected Judge Haynsworth for the reasons that I mentioned. I was looking for a man, first, who, like Judge Burger, had broad experience as an Appeals judge, a court of appeals judge—who was the right age, and who also had a philosophy for the Constitution similar to my own because that is what a President is expected to do.

As far as a political obligation is concerned, I had no political obligation to select Judge Haynsworth or Judge Burger.

In fact, my acquaintance with Judge Haynsworth can only be casual. If he would walk into this room, I am afraid I wouldn't recognize him.

Question: Can you tell me on what you base your confidence in the confirmation, Mr. President?

Answer: The Senate is a body in which time and discussion work on the side of fairness and justice. That sounds like a cliche, I suppose.

"ABOVE REPROACH"

As a former member of the Senate it is perhaps a self-serving statement. But I am convinced that when senators read the record, as I did, not just the editorials but the record, the evidence, and as they study every one of these cases—and believe me, I have studied every one of them—if I had found one case where there was a serious doubt I would have had him removed because I want that court to be above reproach.

If the senators do that, I believe a majority of the senators will vote for Judge Haynsworth's confirmation.

Let me say this too: It is not a partisan matter.

To answer your earlier question, sure, there is some partisanship, I suppose. That is perhaps part of the game, and perhaps with some Republicans. I am not questioning their motives.

All I ask is that every senator should look very carefully into this record because he has to make the decision that I had to make.

Let me be quite candid. There were those, good friends of mine, who came to me a few weeks ago suggesting I withdraw Judge Haynswworth's nomination due to the fact that a doubt had been raised and that politically it was going to be very difficult to wield.

I had to consider then whether because charges had been made without proof, and whether there was a doubt, whether I would then take upon my hands the destruction of a man's whole life, to destroy his reputation, to drive him from the bench and public service.

"QUALIFIED TO SERVE"

I did not do so, and I think that as senators consider what they will be doing as they will be doing as they vote on this matter, as they consider the evidence, they will realize that they are dealing here with an honest man, a man who has laid all the facts before them, a man who is qualified to serve on the Supreme Court, and I think they will conclude as I did that there is no dishonor in connection with him.

Question: Senator Griffin is one of the men you referred to and he has studied this record, case by case.

How do you account for Senator Griffin's point of view?

Answer: I hope he will study further. I trust that after he studies it more, he will change his mind.

Question: One of the things that has happened in the Haynsworth case is that there has been a piecemeal revelation of details.

Is there a problem in our government, a problem of confidence with Congress and with judges, that we do not have a more comprehensive * * * kind of fund?

Answer: The matter of piecemeal disclosure is because the critics have chosen to make the charges this way.

Some senators were worried about when the other shoe would drop. I saw the other shoe and it wasn't even a slipper. We wondered why Senator Bayh wouldn't debate Senator Hollings. Senator Bayh is a very articulate man, but after reading the record I know why. He was well advised not to debate.

The Press: Thank you, Mr. President.

PRESIDENT NIXON'S POLICIES ON VIETNAM

Mr. DOLE. Mr. President, at a time when the leaders of the Democratic Party are supporting President Nixon's efforts to negotiate a settlement in Vietnam; when the Senator from Arkansas, (Mr. FULBRIGHT) has postponed hearings of the Senate Foreign Relations Committee to await the President's speech on November 3; when the distinguished majority leader, Senator MANSFIELD, has indicated the President is moving in the right direction; when the past presidential nominee of the Democratic Party, Hubert Humphrey, has expressed confidence in President Nixon's policies—Mr. President, in the light of these conditions, I seriously question the logic of the speech delivered earlier by the Senator from South Dakota.

Mr. President, I find myself wondering if the Senator from South Dakota is not guilty of the same "dangerous oversimplification" of which he complains. He speaks of "old schemes of forced killing in foreign crusades." He said we are fighting "so blindly to preserve General Thieu in Saigon." Are these not oversimplifications in the most elemental sense?

Mr. President, participation in the October 15 moratorium was a matter of conscience for many in this country. Although it is unclear whether those who participated in the moratorium opposed continuation of the war on any basis or merely desired the end of American involvement in the war, it was apparent there are many in this country who are deeply concerned with the war. This sentiment did not originate with the October 15 moratorium. President Nixon realized this months ago and established peace as his administration's first priority.

Mr. President, while the President wants peace, he also realizes that we cannot abandon our commitments without a full realization of the effect of our actions. In Guam, President Nixon outlined a new policy for Asia—this policy, however, cannot be implemented overnight. Review of our commitments in other parts of the world will continue by both the Congress and the President. This is healthy and necessary to a vibrant foreign policy.

Mr. President, the Senator from South Dakota has failed to mention the real reason the United States has not been able to negotiate a settlement in Vietnam. That reason is the intransigence of the North Vietnamese and the National Liberation Front. I introduced a resolution, which now has 35 cosponsors, calling on the North Vietnamese to seriously negotiate. I hope the Senator from South Dakota would agree that the North Vietnamese and the National Liberation Front have shown no interest in ending this war other than on their own terms.

Rather than placing all the blame on South Vietnam and our Government, we Dakota will agree that the North Vietnamese and the National Liberation Front by holding hearings on Senate Resolution 271.

I urge the Senator from South Dakota to join in cosponsoring Senate Resolution 271.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF INDIAN CLAIMS COMMISSION

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, the annual report of the Commission for the fiscal year 1969 (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORT OF THE EAST GREENACRES UNIT, RATHDRUM PRAIRIE PROJECT, IDAHO

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report of the Secretary of the East Greenacres Unit, Rathdrum Prairie Project, Idaho (with an accompanying paper and report); to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, without amendment:

H.R. 9857. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, to authorize an increase in license fee, and for other purposes (Rept. No. 91-490).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

S. 1968. A bill to authorize the Secretary of the Interior to permit the removal of the Francis Asbury statue, and for other purposes (Rept. No. 91–493);

H.R. 5968. An act to amend the Act entitled "An Act to provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, and for other purposes", approved September 5, 1962 (Rept. No. 91–496); and

H.R. 11609. An act to amend the Act of September 9, 1963, authorizing the construction of an entrance road at Great Smoky Mountains National Park in the State of North Carolina, and for other purposes (Rept. No. 91–494).

By Mr. HOLLAND, from the Committee on Agriculture and Forestry, with amendments:

S. 1455. A bill to amend section 8(c) (2) (A) of the Agricultural Marketing Agreement Act of 1937, as amended, so as to include Colorado, Utah, New Mexico, Illinois, and Ohio among the specified States which are eligible to participate in marketing agreement and order programs with respect to apples (Rept. No. 91–491).

By Mr. BURDICK, from the Committee on Interior and Insular Affairs, with amendments:

S. 232. A bill to promote the economic development of the Trust Territory of the Pacific Islands (Rept. No. 91–495).

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

James V. Day, of Maine, to be a Federal Maritime Commissioner.

Albert Bushong Brooke, Jr., of Maryland, to be a member of the Federal Power Commission;

Harold C. Passer, of New York, to be an Assistant Secretary of Commerce; and

Jack E. Guth, Robert E. Williams, Robert C. Munson, Gerard E. Haraden, and Robert D. Hickson, Jr., for permanent appointment in the Environmental Science Services Administration.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. FULBRIGHT:

S. 3055. A bill to authorize the use of excess Government-owned foreign currencies to finance the establishment abroad of binational foundations for educational and scientific purposes; to the Committee on Foreign Relations.

(The remarks of Mr. FULBRIGHT when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. RIBICOFF:

S. 3056. A bill for the relief of Mr. Giuseppe Giarratana, Mrs. Vincenza Giarratana, Mr.

Giovanni Giarratana, and Miss Maria Giarratana; to the Committee on the Judiciary.

By Mr. DODD:

S. 3057. A bill for the relief of Tommaso Marcellino; to the Committee on the Judiciary.

By Mr. DOMINICK (by request):

S. 3058. A bill to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Dominick when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. BAYH:

S. 3059. A bill for the relief of Theresa Scissura; to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. Cook, Mr. Cooper, and Mr. Hartke):

S. 3060. A bill granting the consent of Congress to the Falls of the Ohio Interstate Park Compact; to the Committee on the Judiciary.

(The remarks of Mr. Bayh when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MAGNUSON (for himself, Mr. Cotton, and Mr. Prouty) (by request):

S. 3061. A bill to authorize the Secretary of Transportation to prescribe rules, regulations and performance and other standards as he finds necessary for all areas of railroad safety and to conduct railroad safety research; to the Committee on Commerce.

(The remarks of Mr. Magnuson when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. BURDICK:

S. 3062. A bill for the relief of Jane Jast Delorme; to the Committee on the Judiciary.

By Mr. YARBOROUGH:

S. 3063. A bill to amend the Public Health Service Act to support research and training in diseases of the digestive tract, including the liver and pancreas, and diseases of nutrition, and aid the States in the development of community programs for the control of these diseases, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Yarborough when he introduced the bill appear later in the Record under the appropriate heading.)

S. 3055—INTRODUCTION OF A BILL TO BE KNOWN AS THE BINATIONAL EDUCATION FOUNDATIONS ACT OF 1970

Mr. FULBRIGHT. Mr. President, over 4 years ago I introduced a bill aimed at dealing with one of the most difficult and controversial problems we confront in the whole field of our relations with countries abroad: namely, the still mounting supplies of foreign currencies owned by the United States which under prevailing conditions are not being put to good use. Today, I intend to reintroduce the same bill, S. 1057 of the 89th Congress, which was designed to authorize the use of excess Government-owned foreign currencies to finance the establishment abroad of binational foundations for educational and scientific purposes.

The record of inaction and frustration which followed upon my introduction of the bill at the beginning of 1965 has been an all too common pattern these days. In the present instance, it has been in large measure a case of executive branch agencies and congressional committees all maintaining their separate interests with respect to foreign currencies without any strong hand being noticeable at the top of the governmental pyramid. It is certainly not a criticism of the present administration to say that this is one of the many problems that can only be resolved if action is taken at the White House level. Unfortunately, it takes time for any incoming administration to realize that there is a whole range of problems which can only be resolved or even attacked at the highest level. By the time many of these issues are seen in their proper light, the administration has changed and the lesson has to be learned all over again.

The question of how to use excess foreign currencies has been a burdensome one for at least a decade—and certainly since the issuance of the so-called Mason report in 1960. The years have gone by and nothing really very concrete or useful has been done to confront the problem. My effort in 1965 was frustrated by bickering and rigidity downtown, and by my own willingness to be patient while a less promising alternative was promoted to no avail. I have learned through sour experience that one has to campaign unrelentingly to make even a dent on the normal inertia of the bureaucratic apparatus in this city. This time, however, I have no intention of waiting many months for the departmental reports to be submitted and for all the diplomatic bases to be touched.

Frankly, I think there are only two ways of breaking the impasse on the use of excess foreign currencies. The best way would be for the President himself to take an interest and to adopt a clear policy on the subject. The other alternative is for us in the Congress to drive ahead with our own ideas and hope to evoke some answering enthusiasm within and outside Government circles. I hope very much that by reintroducing my bilateral education foundations bill I will make a start on a process of creating agreement in this sphere.

Mr. President, I will not rehearse all the arguments that have been advanced over the years, nor will I point out all the intricacies and complications which abound whenever the subject of foreign currencies is discussed. In order to refresh our memories about the nature of the problem and about the tentative solution which I advanced in 1965, I ask unanimous consent that the text of the statement which I made on February 9 of that year be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator J. W. Fulbright, February 9, 1965

Mr. President, I introduce, for appropriate reference, a bill which, if enacted by the Congress and approved by the President, could go a considerable distance toward helping resolve two of this country's most difficult and urgent problems in the field of foreign relations. These are: First, the complicated question of putting to use the large amounts of nonconvertible foreign currencies owned by the United States; and, second, the virtually unlimited requirement for education as a precursor of economic and social advances among the underdeveloped countries.

The bill which I introduce today provides that a portion of American-owned foreign currencies, which now exceed $3 billion in value, may be used to establish private binational educational foundations in those countries where such currencies are excess to the current and foreseeable needs of the United States.

If this bill is enacted, it would be possible, at small cost to the American taxpayer, to create in many countries private foundations devoted to the public interest. Americans well know the magnificent contributions to our Nation's life, education, and culture that have resulted from the work of such private institutions as the Carnegie Foundation, the Rockefeller Foundation, the Ford Foundation, and others. The bill will permit the United States, in cooperation with countries which now or in the future may have excess U.S.-owned foreign currencies, to establish foundations which can make comparable contributions to the internal intellectual and cultural growth of these countries. It will enable the United States to convert foreign currencies to purposes which would enhance the dignity and capacities of individuals in those countries.

There is nothing in this bill which forces anyone to do anything. It states quite simply that out of the roughly $3 billion of such nonconvertible foreign currencies as we now own, not to exceed $1 billion worth may be used to create binational education foundations. For example, if country X in which the United States owns $200 million worth of such currencies wishes, in cooperation with the United States, to use these funds to create a foundation in its country, it may do so. There is to be no pressure pushing any nation into such an agreement, however. If it wishes, these currencies may continue to lie fallow in the nation's vaults.

But should a nation where these excess currencies exist desire to create a binational foundation and thus put these funds to a constructive use this bill sets the simple guidelines for creation of such an institution.

Operating in the general pattern established by American private foundations, these binational foundations would be able to use the income from the capital provided them for scholarships and travel within their respective countries, for internal educational and cultural projects, for the construction of educational and scientific facilities, for the translation and publication of books and magazines, and for similar type activities not involving expenditures abroad.

This bill makes it clear that these foundations are to be privately controlled with governmental participation. There is to be a binational board of directors, half to be American citizens and half to be citizens of the country where the foundation operates. There may be not to exceed two government employees from each country, but representatives of governments, as such, will be in the minority.

For the initial 5-year period of operations, this bill requires that such staff as may be chosen by the binational board is to be headed by a chief executive officer who is knowledgeable concerning the operations of American private foundations. The sole purpose of this requirement is to help nations desiring to create binational foundations to develop patterns of operations similar to those which have been so effective in the United States.

Now a few words are necessary for the purpose of trying to clarify the complicated foreign currency situation which forms the setting for this proposal. Long after that situation changed profoundly, we in the Congress still tended to talk of "counterpart" and "funny money" without much, if any, differentiation between currencies. From time to time we continue to receive proposals from colleagues for spending such currencies—but unfortunately in countries where they do not exist in surplus, so that dollars are needed to fulfill such intentions.

The fact is that we have gone from one extreme to another during the space of about a decade. At the beginning of the 1950's, when most foreign currencies were nonconvertible, the proposals for employing them were so numerous that the appropriations process was invoked to establish a greater—if not excessive—control over their use. Once created, this method of control was constantly enlarged until, at the start of the 1960's, we had reached a position where there were very few means of utilizing local currencies without first securing appropriated dollars with which to purchase them.

But this process largely took place without much attention being paid to the changing foreign currency picture. Now we are in a situation where the restraints operate not only in the great majority of countries where we do not possess local currencies excess to normal U.S. needs, but also in those seven or eight countries where we currently hold surpluses ranging from relatively modest to enormous in size. For the most part, we just cannot employ those surpluses under present circumstances.

Most of these nonconvertible currencies which we have in such excess have been deposited to the account of the United States as a result of the sales of our food surpluses for local currencies, and of such currency repayment of past dollar loans for development. When these foreign currencies come into U.S. accounts they usually cannot be spent except in the country of origin. While the United States has been able to use some of these funds for the operating expenses of embassies and other local charges, in a few countries there are local currencies in amounts far beyond our foreseeable requirements. These sums are a potential asset if they can be used in the countries where they were generated without their having an inflationary impact in those areas. However, except on a hit or miss basis, we have not used these currencies which are accumulating at a rate of over $100 million per year. These American assets are not only wasting as they suffer from the erosion of inflation, but they are becoming a source of political embarrassment in a few nations. Already charges have been heard in some countries that the United States "owns" a substantial proportion of their national currency.

What this bill would do would be to put these funds to mutually beneficial use in the countries where they originated. In the process it would enable such countries as desire the establishment of these foundations to learn how privately controlled institutions can operate for the total good of the country. While there naturally are obstacles to this course of action, to a substantial degree they are of a bookkeeping character which a little ingenuity and leadership should easily overcome.

I have suggested that creation of binational education foundations would not cost the American taxpayer any money. This must be qualified by noting that the appropriation of not to exceed $1 million is authorized for administrative expenses that might arise in connection with negotiation of agreements for the creation of such foundations.

In conclusion, Mr. President, let me say that I can think of no more useful foreign policy action which we might take at the present time than to make possible the establishment of such foundations abroad. Promoting education, and development in the free world certainly is, or ought to be, one of our primary tasks in the highly volatile international scene which we now confront—and are likely to be facing for some years into the future.

Mr. FULBRIGHT. There is one point which might cause confusion in the statement which I have just had placed in the RECORD. Reference is made in several places to the sum of roughly $3 billion of nonconvertible foreign currencies owned by the United States. That figure was correct in 1965, and I know that it has not decreased in the intervening 4 years. What is important, however, is to differentiate between that total—roughly half of which is designated for relending in the countries of origin—and the total amount which represents that portion of U.S.-owned foreign currencies declared excess to normal U.S. uses. That latter sum has changed very little over the years and currently stands at well over $1.5 billion in equivalent U.S. currency. To be precise, according to preliminary figures as at the end of fiscal year 1969 there were 11 countries where we held excess U.S.-owned foreign currencies amounting to a dollar equivalent of $1,573,900,000. I ask unanimous consent that a table be printed in the RECORD at this point giving the names of the countries and the dollar equivalent holdings of their currencies by the United States in excess of our needs.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COUNTRIES WHERE UNITED STATES HOLDS FOREIGN CURRENCIES IN EXCESS OF U.S. USES

[Preliminary estimates as of June 30, 1969, in millions of dollars]

India	678.8
Burma	11.1
Ceylon	3.6
Guinea	6.3
Israel	8.9
Morocco	11.8
Pakistan	140.4
Poland	438.7
Tunisia	15.8
United Arab Republic	200.3
Yugoslavia	58.3
Total	1,573.9

Mr. FULBRIGHT. Mr. President, I have said that I would not try at this time to clarify the almost Byzantine intricacies of the foreign currencies question. Neither will I try to place in the RECORD voluminous material bearing on the issue. I will, however, recommend to my colleagues that they read House Document No. 91–67 of this Congress, which is a special report on the use of U.S.-owned excess foreign currencies made by Prof. Byron W. Brown of Michigan State University in accordance with section 107 of the Mutual Educational and Cultural Exchange Act of 1961, and transmitted to the Congress by the U.S. Advisory Commission on International and Educational and Cultural Affairs.

Professor Brown has tried to simplify a great mass of materials and I think he has done well. I would, nevertheless, add that I cannot but feel that his conclusions and recommendations are somewhat on the conservative side. Moreover, I would state more clearly than he that Congress at no point has thought of these currencies as anything but an asset which belongs to the American taxpayers and which should be employed in accordance with the national interest. This latter point does not, of course, mean that the interests of other countries in the international community as a whole should not be taken into account; that is precisely why the binational commission idea is perpetuated and strengthened in my bill. But the central fact remains that we are accountable to the people we represent for the wise use—and not the sterilization—of these foreign assets.

One particular point made by Professor Brown is of special relevance and assistance in the context of my proposal to use many of these currencies for Binational Educational Foundations—a use which is entirely supported by Professor Brown's studies. He stresses the fact that the usual arguments presented by economists in opposition to the use of such currencies have no relevance to the course which I am recommending. Let me quote on this point the following excerpt from his report:

> Expenditures for educational and cultural exchange activities would have little effect on the price of necessities or the price of industrial products in the excess currency countries. Moreover, because exchange activities are services, not goods, their use involves no removal of physical resources from foreign soil. Neither the "inflation" argument nor the "buying-up-of-economy" argument—even where they might otherwise be applicable—are valid objections to the increased expenditure of excess foreign currencies for educational and cultural affairs abroad. No foreign government can interpose any economically valid arguments against such expenditures.

Mr. President, I hereby introduce the bill, identical to S. 1047, 89th Congress, first session, which will authorize the use of excess Government-owned foreign currencies to finance the establishment abroad of binational foundations for educational and scientific purposes. I hope that the Committee on Foreign Relations will be able to elicit administration views at an early date and hold hearings soon thereafter, and I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3055) to authorize the use of excess Government-owned foreign currencies to finance the establishment abroad of binational foundations for educational and scientific purposes, introduced by Mr. FULBRIGHT, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 3055

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Binational Education Foundations Act of 1970".

STATEMENT OF PURPOSE

SEC. 2. The purpose of this Act is to provide for the beneficial utilization of excess foreign currencies owned by the United States by authorizing the use of such currencies to finance the establishment in friendly countries in which such currencies are available of private nonprofit binational foundations for educational and scientific purposes.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "Secretary" means the Secretary of State.

(2) The term "excess foreign currencies" means foreign currencies or credits owned by the United States which are or may become, under applicable agreements with the foreign country concerned, available for the use of the United States Government and are determined by the Secretary of the Treasury to be excess to the normal requirements of departments and agencies of the United States for such currencies or credits.

(3) The term "eligible foreign country" means any country (except a country ineligible under section 620(f) of the Foreign Assistance Act of 1961 for assistance under that Act) in which excess foreign currencies are, or may become, available in amounts sufficient for the purposes of this Act.

(4) The term "foundation" means a binational foundation established pursuant to an agreement entered into under section 4.

AGREEMENTS WITH ELIGIBLE FOREIGN COUNTRIES

SEC. 4. The President is authorized to negotiate and enter into an agreement with each eligible foreign country for the establishment of a private nonprofit foundation dedicated to the development of education and science in such country. Each such agreement shall contain such provisions as the President deems necessary to insure that the foundation established pursuant thereto will be organized and operated in accordance with such agreement and with the requirements of this Act.

ORGANIZATION OF FOUNDATIONS

SEC. 5. A foundation established pursuant to an agreement entered into under section 4 shall be organized under, and shall in all respects be subject to, the laws of the country in which it is established, and its principal office shall be within such country.

PERSONNEL OF FOUNDATION

SEC. 6. (a) Each foundation shall be under the control of a board of directors or similar governing body. The number, terms of office, and method of selection of the members of such board, or other body, shall be specified in the agreement entered into under section 4, except that (1) one-half of such members shall be United States citizens and one-half shall be citizens of the country in which the foundation is established, and (2) not more than two of the members from each country shall be officers or employees of the government of such country or of any agency or instrumentality thereof.

(b) A foundation shall have a president, or other chief executive officer, and such other officers as the board of directors or other governing body deems necessary, who shall be elected by such board or body. In order that foundations will be assisted in developing patterns of operations similar to those of foundations which have been effective in the United States, the president or other chief executive officer of each foundation established hereunder shall, during the initial period of five years following its organization, be a person having knowledge of such operations. The board of directors, or similar governing body, of a foundation may appoint, or may delegate to the president or other chief executive officer the authority to appoint, such employees as it may deem necessary.

(c) No person who is a United States citizen shall serve as a member of the board of directors, or similar governing body, or as an officer or employee, of a foundation if the Secretary notifies such board or body that he considers such service of such person to be contrary to the national interest of the United States.

FINANCING OF FOUNDATIONS

SEC. 7. (a) Notwithstanding, the provisions of section 1415 of the Act of July 15, 1952 (66 Stat. 662), or any other provision of law, the Secretary of the Treasury, upon direction of the President, shall transfer to each foundation established pursuant to an agreement entered into under section 4 such amount or amounts of excess foreign currencies as may be specified in such agreement. Any foreign currencies so transferred to a foundation may be invested by the foundation in interest-bearing bonds or other income-producing securities, public or private, in the country in which the foundation is organized. The amount of foreign currencies transferred to all foundations under this subsection shall not exceed the equivalent of $1,000,000,000.

(b) Income received from investments of foreign currencies transferred under subsection (a) shall be available to the foundation for the purpose of carrying out its program. In addition to such income, a foundation may be authorized to expend such foreign currencies for the purpose of any project determined by a two-thirds vote of the board or similar governing body to be of special importance, but not more than 10 per centum of the amount of foreign currencies transferred to any foundation shall be authorized to be so expended in any year.

(c) A foundation shall be authorized to accept gifts from private or other sources and to use the proceeds of such gifts for the purpose of carrying out its programs.

(d) There shall be included in each agreement entered into under section 4 provisions satisfactory to the President for the recovery by the United States, in the event of the liquidation of the foundation established pursuant to the agreement, of any unused foreign currencies (including assets acquired with such foreign currencies) transferred by the United States to such foundation under subsection (a).

PROGRAMS OF FOUNDATIONS

SEC. 8. (a) The board of directors or other governing body of a foundation established hereunder shall make or cause to be made continuing studies of the educational and scientific needs of the country in which the foundation is established, and shall formulate and carry out programs designed to meet such needs.

(b) Programs of a foundation shall be carried out primarily through the making of grants to individuals or institutions, public or private, to finance the organization of new, or to support existing, operating projects, programs, and activities consistent with the purposes of this Act. Such programs may include, but shall not be limited to—

(1) development of centers of academic excellence;

(2) scholarships for higher education and advanced study;

(3) establishment and support of teacher training schools;

(4) support for individual and institutional research;

(5) pilot and other projects in literacy and adult education, particularly technical education;

(6) English language and other linguistic training;

(7) translation of books and periodicals;

(8) library programs; and

(9) improvement of mass communications, including journalism and educational radio and television.

REPORTS

SEC. 9. The United States Advisory Commission on International Educational and Cultural Affairs, established by section 106(b) of the Mutual Educational and Cultural Exchange Act of 1961, shall include in its annual reports to the Congress a list of the foundations established under this Act, together with a description of the activities of such foundations. Each such foundation shall provide the Commission with such information as may be necessary to enable it to carry out the provisions of this section.

APPROPRIATIONS

SEC. 10. There is hereby authorized to be appropriated annually to the Secretary such sum, not to exceed $1,000,000, as may be necessary to pay administrative expenses incurred in connection with the negotiation and implementation of agreements under this Act.

S. 3058—INTRODUCTION OF A BILL RELATING TO SCHOOLS OF PUBLIC HEALTH

Mr. DOMINICK. Mr. President, I introduce, by request, the administration bill extending the authority under the Public Health Service Act to make formula grants to schools of public health.

These schools prepare the majority of the graduate public health specialists. They also serve in a research and consultation capacity the various state and local health agencies.

In the last 10 years, the number of these schools has increased from 11 to 16. In the last 5 years alone, their enrollments have jumped 50 percent.

Perhaps the most unique characteristic of such schools is their focus on interdisciplinary training. The immense complexity of community health problems requires multifaceted approaches. Schools of public health bring together students from a variety of professions to mold a graduate education program in a host of disciplines.

The administration bill would extend the authority to make formula grants to these schools through June 30, 1971. The rationale of a 1-year extension, as explained by Secretary Finch, is to make the expiration date of this program coincide with that for the balance of section 309, project grants for training in public health, and section 306, traineeships for professional public health personnel.

For the RECORD, I must take note of one portion of the administration bill. The authorization pursued by the Bureau of the Budget for fiscal year 1971 would be for "such sums as may be necessary." In short, this is an open-ended authorization. My position against authorizations which do not include a money ceiling is and has been well known in both the House and the Senate.

Without in any manner reflecting on the merits of the balance of the administration bill, I merely want to put Senators and the Bureau of the Budget on notice that I intend to continue to insist that any bill reported by the Senate Health Subcommittee, or any other committee for that matter, specify a ceiling on authorized costs.

I discussed this with Dr. Egeberg when he testified on another bill yesterday, and am confident we will receive some costs estimates which can be included in the legislation before any action is taken in executive sessions.

I ask unanimous consent that a letter from Secretary Finch—directed to Speaker McCORMACK—describing the bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 3058) to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health, introduced by Mr. DOMINICK, by request, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The letter, presented by Mr. DOMINICK, is as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I am enclosing for your consideration a draft of a bill to extend for an additional period the authority to make formula grants to schools of public health. This authority is due to expire June 30, 1970.

The proposed bill would extend for one year, through June 30, 1971, the authority of section 309(c) of the Public Health Service Act. Under this authority the Secretary of Health, Education, and Welfare makes grants to schools of public health to assist them in providing comprehensive professional training, specialized consultative service, and technical assistance in the fields of public health and in the administration of State or local public health programs.

The one-year extension will make this authority coterminous with the authority of section 306 of the Public Health Service Act for traineeships for professional public health personnel, and the authority of section 309(a) and (b) of that Act for special project grants for graduate or specialized training programs in public health, authorities which were extended through June 30, 1971, by Title III of the Health Manpower Act of 1968 (Public Law 90–490).

To have these three public health authorities of the Public Health Service Act expire on June 30, 1971, together with other health manpower authorities which terminate at the same time, will provide the Department with an opportunity for an across-the-board assessment and evaluation of the relationships among these manpower programs and their impact on the health needs of the nation. We shall be making our review in line with the President's directive for grant consolidation, in order to facilitate the provision of Federal aid in these health manpower areas. A single termination date for all these provisions will contribute to the accomplishment of this objective.

We would appreciate your referral of the enclosed draft bill to the appropriate committee for consideration.

The Bureau of the Budget advises that there is no objection, from the standpoint of the Administration's program, to the submission of the draft legislation to the Congress.

Sincerely,

ROBERT H. FINCH,
Secretary.

S. 3060—INTRODUCTION OF A BILL GRANTING THE CONSENT OF CONGRESS TO THE FALLS OF THE OHIO INTERSTATE PARK COMPACT

Mr. BAYH. Mr. President, I introduce, for appropriate reference, a bill granting the consent of Congress to the proposed Falls of the Ohio Interstate Park compact. I am pleased that the distinguished senior Senator from Indiana (Mr. HARTKE), and the distinguished Senators from Kentucky (Mr. COOPER and Mr. COOK) join me in introducing this measure, which has also been introduced in the House of Representatives by the appropriate Members from the two States.

The proposed interstate compact has been approved by the Legislatures of both Indiana and Kentucky in a form identical with the terms of this bill. The two States have agreed to create, develop, and operate the Falls of the Ohio Interstate Park along the Ohio River near Louisville and Jeffersonville. This is an area rich in natural resources which should be preserved for scientific, educational, and recreational purposes.

Before the water level was affected by the construction of dams in the river, the falls of the Ohio constituted a series of rapids about 3 miles in length. A large number and variety of fossils have been discovered in the limestone formations which are exposed from time to time in the shallow river and shore areas. One of the outstanding features is a great fossil coral reef, sometimes referred to as Goose Island, which has been determined to be eligible for the Natural Registry of Natural Landmarks. It is likely that additional sections of the adjacent shoreline in the two States would be included within the park, for which a total of nearly 1,400 acres has been suggested.

The compact would establish a Falls of the Ohio Interstate Park Commission comprised of six members, half of whom would be appointed for 4-year terms by the Governor of each State. As the governing authority of the proposed park, the commission would possess all powers needed to carry out the purposes of the compact. Specifically, it could expend funds, receive gifts, acquire and dispose of property, establish and maintain offices for transaction of business, select its own officers, appoint and discharge needed employees, issue revenue bonds, and charge fees for admission to the park. Each State would agree to use its power of eminent domain to acquire property which the commission found necessary for the park, and the commission would be entitled to use the services of other offices and agencies of the respective States. Accurate financial records, which would be accessible to representatives of the two States at all times, would have to be kept and annual reports would have to be made by the commission, but the commission could not pledge the credit of either State without specific authorization by its legislature.

In August 1968, the National Park Service of the Department of the Interior completed a study of the falls of the Ohio to evaluate the feasibility of preserving this invaluable area and to investigate the methods by which this might be accomplished. The report concluded that the natural resources in the falls of the Ohio should be protected and recommended that an interstate park be created by the States of Indiana and Kentucky for this purpose.

In order that all Senators will have the opportunity to become better informed about this proposal, I ask unanimous consent that certain excerpts from the National Park Service report which explain the purposes, background, resources, and potential values of the proposed interstate park be printed at the conclusion of my remarks. I also ask unanimous consent that the text of the interstate compact be printed in full in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and excerpts will be printed in the RECORD.

The bill (S. 3060) granting the consent of Congress to the Falls of the Ohio Interstate Park compact, introduced by Mr. BAYH (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 3060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the Falls of the Ohio Interstate Park Compact in substantially the following form:

"SECTION 1. The State of Indiana and the Commonwealth of Kentucky agree to create, develop and operate an interstate park to be known as Falls of the Ohio Interstate Park, which shall be located along the Ohio River at the Falls of the Ohio and on adjacent areas in Clark and Floyd Counties, Indiana, and Jefferson County, Kentucky. Said park shall be of such area and of such character as may be determined by the commission created by this compact.

"SEC. 2. There is hereby created the Falls of the Ohio Interstate Park Commission, which shall be a body corporate with the powers and duties set forth herein and such additional powers as may be conferred upon it by subsequent action of the appropriate authorities of Indiana and Kentucky. The commission shall consist of three (3) commissioners from each of the two (2) states, each of whom shall be a citizen of the state he shall represent. Members of the commission shall be appointed by the governor. Vacancies shall be filled by the governor for the unexpired term. The term of one of the first commissioners appointed shall be for two (2) years, the term of another for three (3) years, and the term of the third for four (4) years. Their successors shall be appointed for terms of four (4) years each. Each commissioner shall hold office until his successor is appointed and qualified. An officer or employee of the state, a political subdivision or the United States government may be appointed a commissioner under this act.

"SEC. 3. The commission created herein shall be a joint corporate instrumentality of both the State of Indiana and the Commonwealth of Kentucky for the purpose of effecting the objects of this compact, and shall be deemed to be performing governmental functions of the two states in the performance of its duties hereunder. The commission shall have power a common seal and to make and adopt suitable bylaws, rules to sue and be sued, to contract and be contracted with, to use and regulations. The commission shall have the authority to acquire by gift, purchase or otherwise real estate and other property, and to dispose of such real estate and other property. Each state agrees that it will exercise the right of eminent domain to acquire property located within each state required by the commission to effectuate the purposes of this compact.

"SEC. 4. The commission shall select from among its members a chairman and a vice-chairman, and may elect from among its members a secretary and treasurer or may designate other persons to fill these positions. It may appoint, and at its pleasure remove or discharge, such officers and legal, clerical, expert and other assistants and employees as may be required to carry the provisions of this compact into effect, and shall fix and determine their duties, qualifications and compensation. It may establish and maintain one or more offices for the transaction of its business, and may meet at any time or place. A majority of the commissioners present shall constitute a quorum for the transaction of business. The commissioners shall serve without compensation, but shall be paid their expenses incurred in and incident to the performance of their duties. They shall take the oath of office required of officers of their respective states.

"Sec. 5. Each state agrees that the officers and departments of each will be authorized to do all things falling within their respective jurisdictions necessary or incidental to the carrying out of the compact in every particular. The commission shall be entitled to the services of any state officer or agency in the same manner as any other department or agency of this state. The commission shall keep accurate records, showing in full its receipts and disbursements, and said records shall be open at any reasonable time to the inspection of such representative of the two (2) States as may be duly constituted for that purpose. The commission shall submit annually and at other times as required such reports as may be required by the laws of each state or by the governor thereof.

"Sec. 6. The cost of acquiring land and other property required in the development and operation of the Falls of the Ohio Interstate Park and constructing, maintaining, and operating improvements and facilities therein and equipping same may be defrayed by funds received from appropriations, gifts, the use of money received as fees or charges for the use of said park and facilities, or by the issuance of revenue bonds, or by a combination of such sources of funds. The commission may charge for admission to said park, or make other charges deemed appropriate by it and shall have the use of funds so received for park purposes. The commission is authorized to issue revenue bonds, which shall not be obligations of either state, pursuant to procedures which shall be in substantial compliance with the provisions of laws of either or both states governing the issuance of revenue bonds by governmental agencies.

"Sec. 7. All money, securities and other property, real and personal, received by way of gift or otherwise or revenue received from its operations may be retained by the commission and used for the development, maintenance, and operation of the park or for other park purposes.

"The commission shall not pledge the credit of either State except by and with the authority of the general assembly thereof.

"Sec. 8. This compact may be amended from time to time by the concurrent action of the two (2) States parties hereto.

"The compact approved herein shall become effective upon ratification and approval of the compact by the General Assembly of the State of Indiana and upon approval of this compact by the Congress of the United States."

Sec. 2. The right to alter, amend, or repeal this Act is expressly reserved.

The excerpts, presented by Mr. Bayh, are as follows:

EXCERPTS FROM A STUDY OF THE FALLS OF THE OHIO: KENTUCKY AND INDIANA

(By the National Park Service, U.S. Department of the Interior, August 1969)

PURPOSE

The purpose of this study is to examine the significant resources of the Falls of the Ohio along with their surrounding environment to determine the feasibility of their preservation and use and the means by which this can best be accomplished.

BACKGROUND

The Indiana chapter of the Nature Conservancy in October 1965 requested that the Falls of the Ohio be studied for possible qualification for the National Registry of Natural Landmarks.

A National Park Service study completed in August 1966 recommended the area be declared eligible for Natural Landmark registry, and such action was subsequently approved by the Secretary's Advisory Board on National Parks, Historic Sites, Buildings and Monuments. Since land ownership of the area has not been determined, a registry plaque has not been applied for or presented.

Attitudes are generally favorable for action to protect the Falls of the Ohio. A local citizens group known as the Falls of the Ohio Preservation Committee is promoting the preservation and protection of the varied scenic, scientific and historical resources of the Falls of the Ohio.

Another organization actively concerned in action to preserve the resources of the site is the Falls of the Ohio Metropolitan Council of Governments. Its membership includes representatives from Jeffersonville, New Albany, Clarksville and Charleston, Indiana; Louisville, Kentucky; Clark and Floyd Counties Indiana; Jefferson County, Kentucky; and the Jefferson County Municipal League.

In 1967, the Indiana Legislature passed Senate Enrolled Concurrent Resolution No. 11. This resolution required the Governor of Indiana to appoint a three member Falls of the Ohio Interstate Park Commission to meet with a like body representing Kentucky to negotiate the execution of a Falls of the Ohio Interstate Park compact. The resolution embodied a suggested compact conferring broad powers on the proposed Park Commission to acquire and operate a proposed interstate park. It further provided that if the compact was ratified by Kentucky, the commissioners would present it to Congress requesting approval for the two states to enter into the compact, and, following Congressional approval, to present the compact to the 96th General Assembly of the State of Indiana to be enacted into law. The proposed compact has been ratified by the legislature of Kentucky.

LOCATION

The Falls of the Ohio study area lies in and along the Ohio River between Louisville, Kentucky and Jeffersonville, Clarksville and New Albany, Indiana. The study area includes parts of the riverbed, the islands therein, and a portion of the Indiana shore between the George Rogers Clark Memorial Bridge and the Kentucky-Indiana Terminal Bridge a distance of about 3½ miles. The latter portion is located between the river and the levee and flood wall system.

SUMMARY AND RECOMMENDATIONS

The Falls of the Ohio, located on the Ohio River at Louisville, Kentucky, is composed of a horizontal exposure of Devonian Period limestone. Prior to construction of the dams in the area, the rock formation was exposed as a series of rapids dropping about 26 feet in three miles. These rapids were the only barrier to early boatmen on the Ohio River, and they were called "The Falls of the Ohio."

These limestone formations are of particular scientific significance because of the great numbers and varieties of fossils that are concentrated here. Approximately 600 fossil species have been collected from the Falls area. These include corals, crinoids, snails, clams, trilobites, etc., forming the great fossil coral reef which is among the best known representative of its kind in the world. This reef, shown on early maps as Goose Island, has been declared eligible for the National Registry of Natural Landmarks.

The varied resources of the Falls of the Ohio, including the historical and archaeological aspects, should be preserved for their scientific and educational values. The preserve should include the remaining intermittently exposed coral reef, Sand Island and the Indiana shore within the levee from the Penn Central RR Bridge to the K&I RR Bridge.

Such a preserve would provide: an opportunity for good access to the area with specialized access to the coral reef, space and siting for interpretation of the paleontology, history, and prehistory; and areas for environmental study, passive relaxation and necessary buffer to insure possible enhancement of the resource setting.

As a park or preserve the Falls of the Ohio will become an integral part of the total community complex which includes four local political subdivisions and two states. Satisfactory preservation, protection, development, and use of the area will be attainable only with enthusiastic participation and cooperation by these communities. The planning processes must consider the adjacent environment as well as the area per se.

It is recommended that the area be administered by an Interstate Park Commission as authorized by the two states involved. As an Interstate Park, the unit would continue to enjoy the interest and enthusiasm of local organizations, citizens and education institutions with full recognition as a national landmark.

With preservation as the primary objective, adequate protection for all the scientific, archaeological and historical resources could result.

SUGGESTED PLAN OF DEVELOPMENT

The suggested plan includes approximately 1,000 acres of land area at normal pool elevation of 383 feet. The total land and water area is broken down by political subdivision as follows:

Jefferson County, Ky.:	*Acres*
Coral reef	205
Sand Island	82
Floyd County, Ind	130
Clark County, Ind	583
Total, land area	1,000
Ohio River	376
Total	1,376

Although the fossil coral reef constitutes the primary feature of the area it is believed that inclusion of a section of the adjacent shoreline and Sand Island would be necessary and desirable for full protection, development and use of the resources. It is suggested that automobile access to the shoreline section would come off the expressway interchange on Indiana Route 62 and U.S. 460 one-half mile north of Silver Creek.

This would be a ten minute drive from downtown Louisville and slightly less time from the three adjacent Indiana cities.

The development nucleus could be located on the high ground inside the bend of Mill Creek and the levee, the highest point of land within the study area. A visitor center with interpretive and educational facilities, parking space and the initial terminal point for a cable car access system would be located here. A restaurant operation near the visitor center would be advantageous.

A cable car system is suggested which would be a continuous circulating monocable with an ultimate capacity of 200 persons per hour in one direction. The reef terminal would be centrally located on the south side of the island near the lateral dam. Access to this terminal point may also be possible via a small ferry launch from the new Louisville riverfront development, contingent on approval by the Corps of Engineers.

SUGGESTED INTERPRETIVE METHODS

Many people who come to visit the Falls of the Ohio do not have a basic knowledge of its significance. To bring to these visitors a richer appreciation of its features, the interpretive program would begin in a visitor center where relationships of the time and life of the earth's history represented at the site could emerge through exhibits, audio-visual programs and classrooms. Thus the center would provide a broad introduction to the significance of the specific elements that can be intimately observed in place during favorable water levels as well as a conceptual understanding of the features during high water levels.

In the proposed visitor center a series of exhibits may include the following themes:

1. The plant and animal life of the Silurian and Devonian Periods.
2. Fossil specimens found in the area.
3. The geological sequence of events responsible for the local rock formations.
4. Glacial period influences and river-cutting sequences in exposing the formations.
5. Modern environmental influences.
6. Archaeology and History.

Methods for on-site interpretation will require ingenuity in presentation as well as means of coping with the forces involved during periods of high water. This is especially true if self-guided trails are used.

Conducted interpretive trips may be scheduled in lieu of self-guiding trails and thus avoid the problems involved with markers, or, conducted trips and markers could supplement each other. Trailside exhibits could be used to good advantage, but, again, the high water periods must be considered.

Provisions should be allowed for educational visits and institutional classes and for research. An active research program would continue to provide information vital to the interpretive story.

Quarries in the vicinity should be utilized for exhibit, educational purposes, research and collecting areas in cooperation with the owners. The vertical cuts show outstanding displays of several limestone and shale formations from the Silurian and Devonian Periods. Cooperative uses may be worked out with quarry operators allowing visitors to examine rock formations in an unused section of the quarry and to observe working operations in the active sections. If available, an abandoned quarry could serve like purposes.

S. 3061—INTRODUCTION OF THE RAILROAD SAFETY AND RESEARCH ACT OF 1969

Mr. MAGNUSON. Mr. President, I introduce, by request of the Department of Transportation, on behalf of myself, the Senator from New Hampshire (Mr. COTTON), and the Senator from Vermont (Mr. PROUTY), for appropriate reference a bill to authorize the Secretary of Transportation to prescribe rules, regulations, and performance and other standards as he finds necessary for all areas of railroad safety and to conduct railroad safety research.

I ask unanimous consent that the bill, together with the Secretary of Transportation's letter of transmittal, the section-by-section analysis, and the Secretary's railroad safety task force report be printed in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, letter, analysis, and report will be printed in the RECORD.

The bill (S. 3061) to authorize the Secretary of Transportation to prescribe rules, regulations and performance and other standards as he finds necessary for all areas of railroad safety and to conduct railroad safety research introduced by Mr. MAGNUSON (for himself, Mr. COTTON, and Mr. PROUTY), by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Railroad Safety and Research Act of 1969".

AUTHORITY TO PRESCRIBE RAIL SAFETY REGULATIONS

SEC. 2. (a) For the purpose of promoting safety of persons and property the Secretary of Transportation is authorized (1) to prescribe such reasonable and practicable rules, regulations, and performance and other standards as he shall find to be necessary for all areas of safety in railroad operations: *Provided,* That nothing herein shall apply to the occupational health and safety of employees not engaged in railroad operations as defined by the Secretary of Transportation, and (2) to conduct railroad safety research. In prescribing rules, regulations, and standards the Secretary of Transportation shall give consideration to relevant safety standards in existence at the time.

(b) No rule, regulation, or standard, or amendment, or repeal thereof shall be prescribed until notice and opportunity for hearing thereon shall have been afforded all interested parties. Hearings shall be conducted in accordance with the provisions of section 553 of title 5 of the United States Code. Rules, regulations, and standards may be amended or repealed under the Secretary's own motion or on the petition of an interested party and shall be so amended or repealed when in the public interest and consistent with railroad safety.

(c) The Secretary may grant such exemptions from the requirements of any of the rules, regulations, or standards prescribed under this Act or incorporated herein by subsection (a) of section 7 as he finds to be in the public interest and consistent with railroad safety.

(d) Any final agency action taken under this section is subject to judicial review as provided in chapter 7 of title 5 of the United States Code.

HAZARDOUS MATERIALS

SEC. 3. (a) The Secretary shall:

(1) Establish such facilities and technical staff as are necessary to maintain within the Federal Government the capability to evaluate the hazards connected with and surrounding the various hazardous materials being shipped.

(2) Maintain a central reporting system for hazardous materials accidents to provide technical and other information and advice to the law enforcement and fire fighting personnel of communities and to carriers and shippers for meeting emergencies connected with the transportation of hazardous materials.

(3) Conduct an accelerated review of all aspects of hazardous materials transportation to determine and recommend appropriate steps which can be taken immediately to provide greater control over the safe movement of such materials.

(b) The authority granted the Secretary by this Act shall be in addition to the authority granted by sections 831 to 835, inclusive, of title 18 of the United States Code.

RAILROAD SAFETY ADVISORY COMMITTEE

SEC. 4. (a) The Secretary shall establish a Railroad Safety Advisory Committee to advise, consult with, and make recommendations to the Department concerning railroad safety. The Committee shall consist of the Federal Railroad Administrator, who shall be chairman, and eight members appointed by the Secretary as follows: two public members and two members each from railroad management, railroad labor organizations, and the national organization of the State commissions referred to in sections 202(b) and 205(f) of the Interstate Commerce Act, as amended. Members shall be appointed by the Secretary for a term not to exceed three years. Members of the Committee, other than those regularly employed by the Federal Government, may be compensated in accordance with the provisions of section 9 of the Department of Transportation Act (80 Stat. 931, 944). Service under this section shall not render such appointed members of the Committee employees or officials of the United States for any purpose.

(b) The Secretary shall prior to publication submit to the Committee all proposed rules, regulations, and standards, and amendments or repeals thereof and afford such Committee a reasonable opportunity, not to exceed sixty days unless extended by the Secretary, to submit a report on the necessity, technical feasibility, reasonableness, and practicability of such proposal. Each report by the Committee shall be included in the record of any proceeding that may be held on such proposal.

STATE REGULATION

SEC. 5. State or local laws, rules, regulations, or standards relating to railroad safety in effect on the date of enactment of this Act, shall remain in effect unless the Secretary shall have prescribed rules, regulations, or standards covering the subject matter of the State or local laws, rules, regulations, or standards.

STATE PARTICIPATION

SEC. 6. (a) It is the policy of the Congress that in order to promote the safety of common carriers by railroad in the most practicable and economic manner, the Secretary shall encourage maximum cooperation between the Federal Government and the various State governments in carrying out this Act.

(b) State participation shall be by agreement entered into with the State by the Secretary. The Secretary may, upon the request of the State, authorize it to provide all or any part of the inspection services and related programs necessary or desirable to obtain compliance with rules, regulations, and standards prescribed by the Secretary under the Act where he finds that such State participation will assist in achieving the purpose of the Act and that the State has the capacity to carry out the agreement under the guidance of the Secretary. The Secretary shall require annual reports from participating States containing such information as he may require to determine if such agreements will be continued.

(c) In the event of State participation, the Secretary may provide for reimbursement of all or a part of the funds to be expended by the State on a fair and equitable basis under rules and regulations promulgated by the Secretary under this Act.

EXISTING STATUTES

SEC. 7. (a) The Act of March 2, 1893, as amended (27 Stat. 531, 532; 45 U.S.C. 1–7 inclusive), the Act of March 2, 1903, as amended (32 Stat. 943; 45 U.S.C. 8–10 inclusive), the Act of April 14, 1910, as amended (36 Stat. 298, 299; 45 U.S.C. 11–16 inclusive), the Act of May 30, 1908, as amended (35 Stat. 476; 45 U.S.C. 17–21 inclusive), the Act of February 17, 1911, as amended (36 Stat. 913–916 inclusive; 45 U.S.C. 22–29 inclusive and 31–34 inclusive), the Act of March 4, 1915, as amended (38 Stat. 1192; 45 U.S.C. 30), the Reorganization Plan Numbered 3 of 1965 (79 Stat. 1320), the joint resolution of June 30, 1906, as amended (34 Stat. 838; 45 U.S.C. 35), the Act of May 27, 1908, as amended (35 Stat. 325; 45 U.S.C. 36), the Act of March 4, 1909, as amended (35 Stat. 965; 45 U.S.C. 37), the Act of May 6, 1910, as amended (36 Stat. 350; 45 U.S.C. 38–

43 inclusive), the Act of March 4, 1907, as amended (34 Stat. 1415–1417 inclusive; 45 U.S.C. 61–64 inclusive), and section 441 of the Act of February 28, 1920 (41 Stat. 498; 49 U.S.C. 26, as amended), are repealed. The substantive requirements of the Acts repealed herein, and all orders, rules, regulations, standards, requirements, and permits prescribed or issued pursuant thereto and in effect on the date of enactment of this Act, are continued in effect as regulations of the Secretary under this Act until amended, repealed, or modified by the Secretary in accordance with the provisions of section 2(b) of this Act.

(b) No suit, action, or other proceeding and no cause of action under the statutes repealed in subject (a) of this section shall abate by reason of enactment of this Act.

GENERAL POWERS, RESEARCH AND EMPLOYEE TRAINING

SEC. 8 (a) In carrying out his functions under this Act, the Secretary is authorized to perform such acts including conducting investigations, making reports, issuing subpenas, requiring production of documents, taking depositions, prescribing recordkeeping and reporting requirements, carrying out and contracting for research, development, testing, evaluation, and training (particularly those aspects of railroad safety which he finds to be in need of prompt attention), and delegating to any public bodies or qualified persons, functions respecting examination, inspecting, and testing of facilities or equipment, or persons, as he deems necessary to carry out the provisions of this Act.

(b) The National Transportation Safety Board shall have the authority to determine the cause or probable cause and report the facts, conditions, and circumstances relating to accidents investigated under subsection (a) above, but may delegate such authority to any office or official of the Board or to any office or official of the Department, with the approval of the Secretary, as it may determine appropriate.

(c) No part of any report required of a rail carrier under this Act, or any report made to the Secretary by an employee of the Department, or any report of the Secretary or the Board, relating to any accident or the investigation thereof, shall be admitted as evidence or be used in any suit or action for damages growing out of any matter mentioned in such report or reports.

(d) To carry out the Secretary's and the Board's responsibilities under this Act, officers, employees, or agents of the Secretary or the Board, as the case may be, upon display of proper credentials, are authorized to enter upon, inspect, and examine rail facilities and equipment and pertinent records at reasonable times and in a reasonable manner.

GRADE CROSSING STUDY

SEC. 9. The Secretary shall submit to the President for submission to the Congress, within one year from the date of enactment of this Act, a comprehensive study of the problem of eliminating and protecting railroad grade crossings with his recommendations for appropriate action including, if relevant, a recommendation for equitable allocation of the economic costs of any program.

PENALTIES

SEC. 10. (a) It shall be unlawful for any common carrier by railroad subject to part I of the Interstate Commerce Act in carrying out its functions as a common carrier by railroad to disobey, disregard, or fail to adhere to any rule, regulation, or standard prescribed by the Secretary under this Act or established or continued in effect pursuant to section 7(a) of the Act.

(b) The Secretary shall include in, or make applicable to, any railroad safety rule, regulation, or standard a civil penalty for violation thereof in such amount not less than $250 nor more than $750 as he deems reasonable.

(c) Any common carrier violating any rule, regulation, or standard prescribed by the Secretary under this Act shall upon conviction thereof be fined the civil penalty applicable to the standard violated. Each day of such violation shall constitute a separate offense. Such civil penalty is to be recovered in a suit or suits to be brought by the Attorney General on behalf of the United States in the District Court of the United States having jurisdicion in the locality where such violation occurred. Civil penalties may, however, be compromised for any amount by the Secretary prior to referral to the Attorney General. The amount of any such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

(d) In any action brought under this Act, subpenas for witnesses who are required to attend a United States District Court may run into any other district.

INJUNCTIVE RELIEF

SEC. 11. (a) The United States District Courts shall, at the request of the Secretary of Transportation and upon petition by the Attorney General on behalf of the United States, have jurisdiction, subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this Act or to enforce standards, rules, or regulations established hereunder.

(b) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, which violation also constitutes a violation of this Act, trial shall be by the court, or, upon demand of the accused, by a jury, conducted in accordance with the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

APPROPRIATION AUTHORIZATION

SEC. 12. There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEPARABILITY

SEC. 13. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

The letter, analysis, and report, presented by Mr. MAGNUSON, are as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., October 15, 1969.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a proposed bill "To authorize the Secretary of Transportation to prescribe rules, regulations and performance and other standards as he finds necessary for all areas of railroad safety and to conduct railroad safety research" together with a section-by-section analysis.

This proposed legislation would replace the existing Federal statutes regulating particular aspects of rail safety with a comprehensive statute authorizing the Secretary to prescribe safety requirements for all areas of railroad safety. It would also authorize a program of railroad safety research.

Because of the rising public concern with railroad safety, shortly after being appointed I established a Railroad Safety Task Force to look into all aspects of railroad safety and to recommend solutions. The Task Force had as its Chairman the Federal Railroad Administrator and included representatives of railroad management, railroad labor and the state regulatory commissions. It made its report to me on June 30, 1969. The Report recommended that the Secretary of Transportation be given authority to prescribe safety requirements for all areas of railroad safety. It also recommended a program of railroad safety research. A copy of the Report is enclosed with the bill and analysis.

During the Task Force deliberations the Subcommittee on Surface Transportation of the Senate Commerce Committee held hearings on S. 1933, introduced by Senator Hartke, Chairman of the Subcommittee. S. 1933 would authorize the Secretary of Transportation to prescribe safety requirements for certain specific areas of railroad safety. In testifying on the bill, the Federal Railroad Administrator, Reginald N. Whitman, stated to the Subcommittee that any safety legislation which this Administration may submit should come after completion of the Task Force effort and consideration of its report. The enclosed bill has been developed on the basis of the Task Force Report and recommendations and after consultation with Task Force representatives.

Railroad safety has become a matter of public urgency at this time because of a combination of factors. Over the past seven years there has been a steady rising trend in railroad accidents, particularly derailments. Many of these derailments have involved shipments of hazardous materials. An ever increasing volume of hazardous materials is needed in our growing complex economy and requires transportation. There has been considerable destruction of property when these materials explode and burn. In several instances there has been loss of life. The problem of railroad accidents becomes much more serious as a result of hazardous materials involvement.

Existing rail safety statutes are inadequate to enable the Government to respond to the problem. Most of these statutes, responsibility for which was transferred from the Interstate Commerce Commission to this Department, were enacted from 50 to 75 years ago. They were addressed to particular hazards, primarily those involving employees. They do not, however, reach the prime causes of rail accidents, i.e., defects in track and roadbed, most defects in equipment particularly wheels, and employee failures. Seventy-five per cent of all rail accidents are caused by one or more of these cited factors.

The bill which the Department proposes would give the Secretary of Transportation the authority to prescribe safety requirements for all major areas of railroad safety. These would include safety standards with respect to the construction and performance of track, roadbed, rolling stock and signal systems, as well as qualifications of employees. They would not, however, include standards for occupational health and safety of employees not engaged in railroad operations. Performance standards would be used to the maximum extent practicable. These safety requirements would be capable of being modified and revised to respond to changing and evolving situations.

Existing rail safety statutes would be repealed. Their substantive safety requirements, however, as well as outstanding orders, rules, regulations, standards, requirements and permits issued pursuant to them would be continued in effect as regulations of the Secretary under the proposed bill until changed by the Secretary. The provisions of sections 831 to 835 of the United States Code would remain unchanged. These sections authorize the regulation of explosives and other dangerous articles in surface transportation, including railroads. They are intermodal in scope, flexible in approach, and are aimed at the packaging, handling in transit, and routing of these commodities in surface transportation generally.

The draft bill, however, would specifically authorize the Secretary to develop adequate facilities and technical staff capability to evaluate the problems connected with hazardous materials transportation, to maintain a central reporting system for hazardous materials accidents for the purpose of providing information and assistance in emergencies, and to make an accelerated review of all aspects of hazardous materials transportation.

Implementation and enforcement of a bill of this scope will require the full cooperation not only of management and labor, but of the State regulatory commissions and the public. The development of the Task Force Report and the framework of the proposed bill has included consideration of the valuable recommendations of management, labor, and the states.

The bill envisages the continuation of this approach. It proposes a Rairoad Safety Advisory Committee to be composed of representatives of management, labor, the state regulatory commissions and the public to advise and make recommendations to the Department in the development of safety standards and concerning railroad safety generally.

In addition, the bill encourages maximum cooperation between the Federal Government and the various state governments to promote railroad safety in a practicable and economic manner. The Secretary of Transportation would have the authority to secure the assistance of the states to carry out the Act. Such assistance would include all or part of necessary inspection services and related programs. The bill would also authorize Federal funds to assist the states in performing such functions. Existing state and local safety requirements would remain in effect until preempted by action of the Secretary.

Civil penalties are provided for violations of any rules, regulations, or standards prescribed by the Secretary. Enforcement would be in the United States District Court where the violation occurred. The Secretary could, however, compromise such penalties. The bill also provides for injunctive relief.

One of the most difficult safety problems confronting the Department is grade crossing safety. The numbers of such crossings, public and private, the enormous costs of protecting or separating them, and the very high fatality rate associated with grade crossing accidents, must be given attention. Accordingly, the bill proposes a one-year study of the problem.

Safety research in the railroad field can no longer be left exclusively with the carriers. The railroad industry, faced with continuing financial difficulties, rising costs and increasing competition has been unable to allocate adequate resources to research. In addition, interchange of equipment militates against innovations which cannot be responded to by all. The proposed bill authorizes a program of research, development, testing and training, particularly those aspects of railroad safety as are determined to be in need of prompt attention.

The Bureau of the Budget has advised that enactment of this proposed legislation is in accord with the President's program.

Sincerely,

JOHN A. VOLPE.

SECTION-BY-SECTION ANALYSIS OF RAILROADS SAFETY AND RESEARCH ACT OF 1969

(A bill to authorize the Secretary of Transportation to prescribe rules, regulations and performance and other standards as he finds necessary for all areas of railroad safety and to conduct railroad safety research)

Section 1: This section provides that the Act may be cited as the "Railroad Safety and Research Act of 1969."

Section 2: Subsection (a) of section 2 provides the basic authority in the Secretary of Transportation to prescribe rules, regulations and performance and other standards with respect to all areas of safety in railroad operations except the occupational health and safety of employees not engaged in railroad operations as defined by the Secretary. In developing rules, regulations and standards, the Secretary would be required to give consideration to relevant safety standards in existence at the time. The subsection also authorizes the Secretary to conduct railroad safety research.

Subsection (b) provides for notice and opportunity for hearing on all proposed rules, regulations and standards prior to their adoption. Hearings would be conducted in accordance with the provisions of section 553 of Title 5 of the United States Code.

Subsection (c) authorizes the Secretary to grant such exemptions from the requirements of any of the rules, regulations or standards as he finds to be in the public interest and consistent with railroad safety.

Subsection (d) provides for judicial review of any final agency action taken under the section.

Section 3: Subsection (a) of section 3 directs the Secretary to establish in the Department adequate facilities and technical staff necessary to maintain the capability to evaluate the hazards connected with and surrounding the transportation of various hazardous materials. The subsection also provides for the maintenance of a central reporting system for hazardous materials accidents to provide technical and other information to law enforcement and fire fighting personnel and to carriers and shippers to meet emergencies connected with the transportation of hazardous materials. In addition, it provides for accelerated review of all aspects of transportation of hazardous materials to determine and recommend appropriate steps which can be taken immediately to provide greater control over the safe movement of such materials.

Subsection (b) of section 3 provides that the authority contained in this Act would be in addition to any authority contained in sections 831–835 of Title 18 of the United States Code.

Section 4: Subsection (a) of the section provides for the establishment of a Railroad Safety Advisory Committee to advise, consult with and make recommendations to the Department concerning railroad safety. The Committee would consist of the Federal Railroad Administrator who would be Chairman and eight members appointed by the Secretary as follows: two public members and two members each from railroad management, railroad labor organizations and the national organization of the state commissions referred to in sections 202(b) and 205(f) of the Interstate Commerce Act, as amended. Members would be appointed by the Secretary for a term not to exceed three years.

Subsection (b) of section 4 requires the Secretary to submit to the Committee, prior to publication, all proposed rules, regulations and standards, and amendments or repeals thereto and afford the Committee a reasonable opportunity, not to exceed 60 days unless extended by the Secretary, to submit a report on the necessity, technical feasibility, reasonableness and practicability of such proposal. Each report by the Committee would be included in the record of any proceeding that would be held on the proposal.

Section 5: This section provides that state and local safety requirements in effect on the date of enactment of this Act would remain in effect unless the Secretary prescribed Federal safety standards covering the subject matter of the particular state or local safety requirements. After enactment of this Act, however, no further state or local rule, regulation or standard would be permitted in the rail safety field.

Section 6: Subsection (a) of this section declares that it is the policy of Congress that there shall be maximum cooperation between the Federal Government and the various state governments.

Subsection (b) of section 6 provides that the Secretary shall encourage state participation by agreement entered into with the state. The Secretary would be empowered, upon the request of a state, to authorize it to conduct all or any part of the inspection services and related programs necessary or desirable to obtain compliance with rules, regulations and standards prescribed by the Secretary under the Act. The Secretary would be required to find that the state had the capacity to carry out the program under the guidance of the Secretary. The Secretary would also be required to obtain annual reports from participating states which would contain such information as he deemed necessary to enable him to determine if such agreements would be continued.

Subsection (c) of section 6 authorizes the Secretary to provide assistance to those states participating in the railroad safety program to help them to carry out their responsibilities under the Act.

Section 7: Subsection (a) of this section repeals the existing rail safety statutes transferred to the Secretary by section 6(e) of the Department of Transportation Act. However, the substantive requirements of the Acts repealed and all rules, regulations, standards, requirements and permits prescribed or issued pursuant thereto would become regulations of the Secretary under this Act until amended, repealed or modified by the Secretary. Subsection (b) of section 7 preserves current court cases, investigations, claims and rule-making proceedings arising under the existing statutes.

Section 8: Subsection (a) of this section grants general powers to the Secretary to perform such acts including conducting investigations, making reports, issuing subpoenas, requiring production of documents, taking depositions, prescribing recordkeeping, and reporting requirements, carrying out and contracting for research, development, testing, evaluation and training (particularly those aspects of railroad safety which are found to be in need of prompt attention), and delegating to qualified persons and public bodies functions respecting examination, inspection and testing of facilities or equipment, or persons, as he deems necessary to carry out the Act.

Subsection (b) of section 8 preserves the role of the National Transportation Safety Board with respect to determining causes and probable causes of accidents and reporting the facts, conditions, and circumstances relating thereto.

Subsection (c) provides that no report required of a carrier, and no report by the Secretary or the Board, or by employees of the Department or the Board, may be admitted as evidence or used in any suit for damages growing out of any matter mentioned in such reports.

Subsection (d) assures access on the part of qualified investigatory personnel to rail facilities, equipment and records.

Section 9: This section provides for a study of the grade crossing problem including recommendations with respect to funding.

Section 10: Subsection (a) of section 10 makes it unlawful for any common carrier by railroad subject to Part I of the Interstate Commerce Act to violate any rule, regulation or standard prescribed by the Secretary under the Act or incorporated therein by section 7(a).

Subsection (b) of section 10 provides for civil penalties ranging from $250 to $750.

Subsection (c) of section 10 provides for enforcement of the section by the Attorney General of the United States in the jurisdiction where the violation occurred. It also permits compromise of penalties by the Secretary prior to their submission to the Attorney General.

Subsection (d) provides that subpoenas for witnesses required to attend a United States District Court may run into any other district.

Section 11: Subsection (a) of section 11 provides for injunctive relief to be sought in the United States District Courts by the Attorney General at the request of the Secretary of Transportation.

Subsection (b) of section 11 grants trial by jury in any proceeding for criminal contempt for violation of any injunction issued pursuant to the section.

Section 12: This section provides authorization for appropriations to carry out the Act.

Section 13: This section is the standard separability provision.

Report of the Task Force on Railroad Safety

(Submitted to the Secretary of Transportation, June 30, 1969)

At the request of the Secretary of Transportation, we, the representatives of the railroad industry, railroad labor organizations and State regulatory commissions, met as a task force to examine railroad safety and to advise the Secretary. The Task Force began meeting May 1, 1969, and concludes with this report. There has been a free exchange of information and open discussion. Data supplied by the Federal Railroad Administration and its Bureau of Railroad Safety were used for purposes of analysis of problem areas. The agreed upon time limit did not permit additional outside research.

REVIEW OF THE PROBLEM

Railroad operations involve inherent dangers. Movement of large, heavy equipment at high speeds characterizes the industry. Daily, some two billion ton-miles of freight of all types move on the Nation's railroads. Hundreds of railroad yards receive, classify and dispatch the 1.8 million freight car fleet on an around-the-clock, seven-day-a-week schedule. About 600,000 passengers daily commute to work and 200,000 travel intercity by rail; 630,000 railroad workers average 3.5 million man-hours of work per day.

It is logical to assume that operations of such magnitude will generate accidents. Thus, standards, procedures and rules are necessary to provide for safety. The bulk of existing railroad safety practices were developed over the years by the industry itself. For many years they met the safety requirements and produced the present safety record.

Grade crossing accidents rank as the major cause of fatalities in railroad operations. They account for 65% of the fatalities resulting from all types of railroad accidents, and rank second only to aviation mishaps in severity. Annually, about 4,000 accidents produce approximately 1,600 deaths which is also a matter of major public concern.

The yearly totals of crossing accidents, and accident casualties, in the 1920–1967 period, can be related very closely to the combined amount of rail and highway miles travelled and to the effects of major crossing safety improvement programs. The trend in both accidents and casualties up to 1958 was generally downward. The situation has been reversed since 1958, however, with a disturbing general trend upward in both categories. Only 20% of the total 225,000 grade crossings are protected with automatic devices.

Grade crossing safety receives attention from highway authorities as well as railroad organizations. Under existing law, Federal-aid highway funds may be used on grade crossings on the Federal-aid highway system. This includes interstate, primary and secondary roads which together account for slightly more than 20% of the total number of crossings. However, Federal funds may not be used to reduce hazards at railroad crossings of city streets and on many state supplementary highways and local roads which are not on the Federal-aid system and which represent the remaining 80% of the total. A certain number of safety improvements are being made currently by the carriers and state and local agencies on crossings not on the Federal-aid system. There is an imperative need for an expanded public program to cover these crossings in order to reduce immediately this extremely high fatality rate.

The most obvious trend in any recent examination of railroad safety is the large and steady increase in the number of train accidents. The 8,028 train accidents recorded in 1968, represents a significant increase, by any yardstick, over the 4,148 recorded in 1961. Derailments account for two-thirds of the total.

General causes of train accidents are almost evenly divided among human error, defects in or failure of equipment and defects in or improper maintenance of track and roadbed. Derailments are largely attributable to track and equipment problems while collisions are mostly caused by human error.

Employee safety in railroad operations is of continuing concern. In 1968, there were 146 employees killed and 17,993 injured. Employees involved in rail operations and track and roadbed maintenance are more exposed to the inherent hazards of the industry and, therefore, represent a major portion of the employee casualty figure. Contributing factors to the employee casualty rate include inadequate training programs, human errors, equipment defects, poor housekeeping, and non-compliance with safety and operating rules.

The need for transporting ever increasing quantities and varieties of hazardous materials—chemicals, gases, explosives and fuel—creates the possibility of serious accidents that have become a matter of major public concern. Thus, casual factors affecting train accidents—track, equipment, human factors and train-motor vehicle collisions—take on added significance when dangerous commodities are transported.

RAILROAD SAFETY REGULATIONS

Government involvement in railroad safety regulation came early. In 1893, Congress passed the first Safety Appliance Act. Then and in later years various Federal statutes granted varying degrees of Federal authority over locomotives, signalling systems, hours of service limitations on certain employees, air brakes, couplers, hand brakes, grab irons, running boards, sill steps, and draft gears on rolling stock, and accident reporting. The Federal authority to regulate shipment of hazardous materials is applied largely to the packaging of these commodities, although some rules governing handling in transit have been adopted.

Federal statutes do not cover the trucks, wheels and axles of railroad cars nor their design, construction or maintenance. Bridges and tunnels are not subject to Federal regulations and no Federal authority governs track and roadbed. There is no general authority to promulgate standards for employee qualifications, physical requirements and training, nor to prescribe uniform railroad operating rules.

Almost all States have entered the field of rail safety regulation. However, there is no uniform pattern of involvement. Some are quite active in general rail safety matters, but most consideration is on grade crossing safety regulation. Certain States feel they are adequately equipped by statute or existing regulations to deal with any rail safety problem that may arise.

Rules and regulations issued under present Federal and State authority cover only the specific areas reached by the legislative acts. The limitation imposed on the regulatory process by specific, rather than general scope legislative authority, results in only minimal public agency involvement in some problem areas of safety.

PRIORITIES

Railroad safety is wide in scope and requires a more comprehensive national approach. Of first priority is treatment of total rail safety by relating all its various facets to definite goals. This demands a coordinated approach by industry, labor, State and Federal government.

To continue as the major transportation mode, railroads will require more innovation, advanced equipment and higher speed capabilities. Achievement of these advanced capabilities calls for parallel advancement in safe, dependable, operation. Therefore, major safety research is essential to guarantee that tomorrow's railroads will not only be more efficient but more safe.

Railroad operating personnel will continue to be the group most involved with rail safety, or the lack of it. New equipment and higher speeds will place great demands on employee skills and railroad operating practices. It is recognized that employee training is inadequate today, and could become more critical as new technology reshapes the industry. It seems imperative that formal, intensive training programs be given high priority along with human factors research. At the same time, railroad rules and practices must be kept responsive to change so that a high level of safety may be maintained.

The modern industrial economy is dependent upon hazardous materials that are shipped throughout the country. Consequently, the entire transportation network, particularly the railroads upon which a large share of chemicals, explosives, fuels, and the like travel, must have the capacity to transport them safely. A top priority should be the complete evaluation of all factors related to the transportation of these commodities. Particularly, container standards for hazardous materials must take into account impact and stress requirements commensurate with today's longer, heavier and faster trains.

The motoring public is part of the safety problem at the grade crossing. Drivers must be educated to accept the meaning of warning devices and be required to heed them. Compliance must be enforced. Because this is a matter of public safety, public programs must be immediately initiated and properly funded to provide the motorist with positive, uniform and adequate information about the hazard at the crossing. More emphatically, firm and prompt consideration must be given to better use of existing funds and the making available of additional public funds to meet the increasing costs of crossing protection and grade separation, and to increase the number of grade crossings with automatic protection. There should be a long range, public commitment to eliminate this unnecessary and tragic loss of life.

Other improvements in railroad safety must necessarily involve substantial commitment of public and private resources. For Government, a major commitment should be toward research; for industry, upgrading and maintenance of plant should be foremost. Management and labor should cooperate to reduce human error. The economic restraints on the railroad industry make it essential that public policy be directed toward the development of financial incentives to support rail safety.

SUMMARY CONCLUSIONS

Recognizing that there have been longstanding differences among the three groups represented on the Task Force, the parties sought to emphasize areas of agreement rather than disagreement plus their mutuality of interest in railroad safety. The consensus view of the Task Force is as follows:

Railroad safety is a problem, national in scope, of concern to Federal and State Governments, as well as labor and management and which has been accented in recent years by the increase in the number of train accidents, particularly derailments.

Fatalities resulting from railroad accidents occur mostly at grade crossings. Trespassers rank second in the number of fatalities, and employees third.

Transportation of hazardous materials—chemicals, gases, explosives and fuels—is an economic necessity. Involvement of these materials in train accidents creates a new dimension of public concern over railroad safety.

Reported causes of train accidents are almost evenly divided among defects in or failure of track and roadbed, defects in or failure of equipment, and human error.

Existing Federal and State rail safety regulations do not, in most instances, provide standards for track, roadbed, equipment, employee training and qualifications or rules governing safe railroad operations.

Accident reporting and investigation practices are inadequate. Available statistics do not relate sufficiently to determination of primary and contributory causes.

Research into factors affecting railroad safety is inadequate because it has been sporadic and not coordinated.

Present Federal, State and industry programs to reduce hazards at railway-highway grade crossings are extremely narrow and inadequately funded.

RECOMMENDATIONS

Regardless of the difference in the views of the parties, it is recognized that the safety experience of the American railroads during the past few years is at a point where some effective steps must be taken to bring the problem under control. It is also recognized that the public and Congress will demand definite assurance that safety will be improved. Solutions short of broad Federal regulation may not adequately meet the situation. Therefore, even though further regulation creates some problems for each of the parties, the Task Force agrees that legislation authorizing broad Federal regulatory powers should be enacted with certain safeguards. It is further recommended that a permanent advisory committee be established, by law, representing management, labor, and State regulatory commissions, to guide and assist in the development of safety standards and other related matters. The specific recommendations of this Task Force are:

1. That the Secretary of Transportation, through the Federal Railroad Administration, have authority to promulgate reasonable and necessary rules and regulations establishing safety standards in all areas of railroad safety, through such notice, hearing and review procedures as will protect the rights of all interested parties.

2. In order to strengthen the administration of Federal rail safety regulations, there should be established a National Railroad Safety Advisory Committee to advise, consult with, and make recommendations to the Secretary on matters relating to the activities and functions of the Department in the field of railroad safety. The Committee would be chaired by the Federal Railroad Administrator with the remaining members appointed by the Secretary to represent equally the State regulatory commissions, railroad management and labor. The Secretary would submit to the Committee proposed safety standards and amendments and afford it a reasonable opportunity to prepare a report on the technical feasibility, reasonableness, and practicability of each such proposal prior to adoption. The Committee may propose safety standards to the Secretary for his consideration.

3. Existing State rail safety statutes and regulations remain in force until and unless preempted by Federal regulation. Administration of the program should be through a Federal-State partnership, including state certification similar to the certification principles set forth in the Federal Natural Gas Pipeline Safety Act of 1968.

4. The Advisory Committee be directed to study the present delegation of authority to the Association of American Railroads' Bureau of Explosives in certain areas of the Transportation of Explosives and Other Dangerous Articles Act.

5. A research program be initiated by Government and industry into railroad safety technology, which should be funded immediately for an initial three year period, over and above existing research programs.

6. Formal employee training programs be expanded by railroad management, with the cooperation of labor and government, for the purpose of insuring compliance with safe operating practices and reducing the impact of human error in the accident experience.

7. An expanded, concerted program of grade crossing safety be undertaken utilizing established Federal and State agencies and advisory groups to set uniform procedures and standards. Early attention must be given to the development of improved crossing protection at lower cost plus greater emphasis placed on driver education and traffic enforcement. In addition to more extensive use of existing Federal funds now allocable to present highway safety programs, there must be new sources of funding to finance an expanded grade crossing program.

8. The Federal Railroad Administration should revise, in consultation with railroad management, labor, and state regulatory commissions, its rules for reporting of accidents. The aim should be to make the data more current, more uniform and to identify causes more accurately.

9. The Secretary of Transportation in consultation with and assistance of the Task Force and appropriate Congressional committees should draft proposed legislation to implement these recommendations.

R. N. Whitman, Chairman, Federal Railroad Administrator; Charles J. Fain, Subchairman, Commissioner, Missouri Public Service Commission; Willis F. Ward, Chairman, Michigan Public Service Commission; John P. Vukasin, Jr., Commissioner, California Public Utilities Commission.

George E. Leighty, Subchairman, Chairman, Railway Labor Executives' Association; Thomas M. Goodfellow, Subchairman, President, Association of American Railroads; Al H. Chesser, Vice President, National Legislative Representative, United Transportation Union; Donald S. Beattie, Executive Secretary, Railway Labor Executives' Association; William E. Skutt, Assistant Grand Chief Engineer, Brotherhood of Locomotive Engineers; William D. Lamprecht, Vice President, Systems Operations, Southern Pacific Company; James R. Thorne, Vice President, Operating Dept., Seaboard Coast Line Railroad; C. V. Cowan, Vice President, Operating Group, Baltimore & Ohio/Chesapeake & Ohio Railroad Company.

Mr. PROUTY. Mr. President, I am pleased to be a sponsor of the administration's Railroad Safety and Research Act of 1969.

I think all of us are deeply concerned about the plight of railroad safety. An article published in the Wall Street Journal of June 26 succinctly points out the scope of the problem now facing this Nation:

> There now are around 30,000 railroad accidents a year—approaching 100 a day. The number of accidents where damage to railroad property totaled $750 or more was 8,028 in 1968, up 83% from 4,378 in 1962, despite a decline in miles traveled.
>
> There now are about 15 derailment a day, compared with nine in 1964.
>
> Last year 2,359 persons were killed in railroad accidents and 24,608 were injured. In contrast, 351 persons died in airline accidents.
>
> And in 1967, the latest year for which figures are available, accidents cost the nation's railroads $266.3 million in out-of-pocket expenses—a figure equal to more than a half of the net income of all U.S. railroads that year.

Mr. President, the entire problem is compounded by the fact that in our society, which is so technologically sophisticated, we depend more and more on the transportation of hazardous substances. Public outcry earlier this year concerning the shipment of poisonous gas from the Rocky Mountain Arsenal to the east coast really only scratched the surface concerning the nature of chemicals shipped by our Nation's common carriers. Railroads, because of the fact that management can control the use of rails and rights-of-way, are inherently the safest method for transportation of potentially dangerous chemicals and explosives. Nevertheless, all of us realize that increased accidents, greater speeds, and more hazardous shipments provide a very lethal combination.

Mr. President, I think all of us agree that the antiquated laws the Federal Government now has on its books cannot adequately insure that transportation of hazardous materials will be as safe as humanly possible. Therefore, I am particularly pleased that the administration has submitted a bill which is realistic, comprehensive, and farsighted. I, personally, believe the excellence of the bill is to a large measure attributed to the unique cooperation that went into its formation.

As you may know, Secretary Volpe on May 1 announced the formation of a task force to study the problems connected with railroad safety. This task force was made up of representatives of railroad management, representatives of railroad labor, and State representatives. Reginald N. Whitman, the Federal Railroad Administrator, was chairman of the task force. I recall, Mr. President, when the Commerce Committee first held hearings on railroad safety in the latter part of May, Mr. Whitman testified before our committee. Concerning the work of the task force, Mr. Whitman stated at that time:

> We have set a target date of June 30, for our report to the Secretary. I may sound too optimistic but until I know otherwise, I expect labor, management and the States to take full advantage of the unique opportunity and challenge of participating in the development of Federal policy.

Primarily because of Mr. Whitman's dedication, persistence, and skill, the task force made its report exactly on time. Mr. Whitman spelled out the recommendations of the task force to the Surface Transportation Subcommittee at hearings held in Indianapolis, Ind., in the middle of July. Unfortunately, I was unable to attend those hearings, but the distinguished Senator from Indiana (Mr. HARTKE), who presided at the hearings, summed up my feelings concerning the task force when he told Mr. Whitman:

> I want to offer my congratulations for the fine work that you have done and I hope you will convey to the task force my sincere appreciation for the fact that they have moved as rapidly as they have in this field.

In addition, the task force, under the direction of Reginald Whitman, issued a report which not only was put together and finalized within 60 days, submitted when promised, and was comprehensive, but it was also unanimously supported by the broad spectrum of interests represented on the task force. The specific recommendations of the task force were:

First. That the Secretary of Transportation, through the Federal Railroad Administration, have authority to promulgate reasonable and necessary rules and regulations establishing safety standards in all areas of railroad safety, through such notice, hearing and review procedures as will protect the rights of all interested parties.

Second. In order to strengthen the administration of Federal rail safety regulations, there should be established a National Railroad Safety Advisory Committee to advise, consult with, and make recommendations to the Secretary on matters relating to the activities and functions of the Department in the field of railroad safety. The Committee would be chaired by the Federal Railroad Administrator with the remaining members appointed by the Secretary to represent equally the State regulatory commissions, railroad management, and labor. The Secretary would submit to the Committee proposed safety standards and amendments and afford it a reasonable opportunity to prepare a report on the technical feasibility, reasonableness, and practicability of each such proposal prior to adoption. The Committee may propose safety standards to the Secretary for his consideration.

Third. Existing State rail safety statutes and regulations remain in force until and unless preempted by Federal regulation. Administration of the program should be through a Federal-State partnership, including State certification similar to the certification principles set forth in the Federal Natural Gas Pipeline Safety Act of 1968.

Fourth. The Advisory Committee be directed to study the present delegation of authority to the Association of American Railroads' Bureau of Explosives in certain areas of the Transportation of Explosives and Other Dangerous Articles Act.

Fifth. A research program be initiated by Government and industry into railroad safety technology, which should be funded immediately for an initial 3-year period, over and above existing research programs.

Sixth. Formal employee training programs be expanded by railroad management, with the cooperation of labor and government, for the purpose of insuring compliance with safe operating practices and reducing the impact of human error in the accident experience.

Seventh. An expanded, concerted program of grade crossing safety be undertaken utilizing established Federal and State agencies and advisory groups to set uniform procedures and standards. Early attention must be given to the development of improved crossing protection at lower cost plus greater emphasis placed on driver education and traffic enforcement. In addition to more extensive use of existing Federal funds now allocable to present highway safety programs, there must be new sources of funding to finance an expanded grade crossing program.

Eighth. The Federal Railroad Administration should revise, in consultation with railroad management, labor, and State regulatory commissions, its rules for reporting of accidents. The aim should be to make the data more current, more uniform, and to identify causes more accurately.

I think Mr. Whitman best summed up the significance of this excellent task force report when he made the following comment during the Indiana hearings:

> Of great significance is the fact that the recommendations represent the unanimous views of management, labor and the States. We have here a landmark development of labor-management cooperation. The report sets the stage for a new era of cooperation in building a safer railroad system. We hope to build from this base of mutual interest and commitment to rail safety, a meaningful program that will get the job done.

Last week, Secretary of Transportation Volpe submitted to the Senate the comprehensive bill that we are introducing today. I am proud to be a sponsor of the bill, which I hope will be promptly enacted. Over the years we have heard numerous comments concerning the need for a balanced transportation system. Unfortunately, seldom have such comments been associated with concrete action designed to strengthen and improve all modes of transportation. This year as we move toward the establishment of an airports-airways trust fund, as urban mass transportation program, and some future relief for the Nation's railroads, I, for one, strongly sense the feeling that we have moved from a period of speculation and comment to a period of construction action. Certainly, the bill is indicative of such action and can serve as a vehicle to form the basis for an up-to-date and an effective Government involvement in railroad safety.

In this connection, I am mindful that some parties having an interest in the provisions of this proposed legislation have some reservations with regard to portions of it. For example, it is my understanding that some of the States are concerned about the Federal preemption provision with respect to safety standards in those instances where such preemption may prove to impinge upon the efforts of a State to establish standards higher than those required by the Federal Government.

I, personally, feel confident that such concerns will be accorded every consideration by the Committee on Commerce in order to result in a meaningful measure which will be acceptable to most interested parties. In other words, while I fully recognize the reported concerns of some interested parties, I personally do not feel that such concerns are insurmountable or detract in any way from the merits of the principal thrust of this administration's proposed legislation concerning railroad safety.

Mr. President, in order to afford all of the Senators an opportunity to consider the bill fully, I ask unanimous consent that a comparative analysis that I have prepared between this bill and a bill introduced earlier this year by the distinguished Senator from Indiana (Mr. HARTKE) be printed in the RECORD immediately following my remarks.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

COMPARATIVE ANALYSIS OF RAILROAD SAFETY LEGISLATION PENDING BEFORE THE SENATE

(S. 1933 introduced by Senator Hartke and S. 3061, the administration bill)

ADMINISTRATION BILL	HARTKE BILL
Title: "Railroad Safety and Research Act of 1969"	Title S. 1933 "Federal Railroad Safety Act of 1969"
Section Two—Gives the Secretary of Transporation rule making authority in all areas affecting railroad safety, including qualifications of employees except with respect to those employees not engaged in railroad operations as defined by the Secretary.	*Section Two*—Gives the Secretary rule making authority of facilities and equipment, but specifically excludes authority relating to the qualifications of employees.
Consideration would be given to existing rules and regulations prior to an enactment of this bill, but existing rail safety statutes are, in fact, repealed (see Section 7 under this analysis).	This bill would *supplement* provisions of law and regulations in effect on the date of enactment. Unlike the Administration Bill, it does not repeal existing law.
Authorizes the Secretary to conduct railroad safety research.	No comparable provision.
Provides for notice and hearings in connection with any rule making.	No comparable provision.
Authorizes the Secretary to grant such exemptions from regulations which he finds to be in the public interest and consistent with railroad safety.	Section 7(b). The Secretary may grant exemptions after a reasonable notice and opportunity for a hearing.
Provides for judicial review of any final agency action taken by the Department of Transportation under this act.	No comparable provision.
Section Three—Supplements 18 USC 831–835 by directing the Secretary to establish adequate facilities and technical staff necessary to maintain the capability to evaluate the hazards connected with the transportation of hazardous materials. Sets up the central reporting system for hazardous materials accidents and provides a mandate for the Secretary to study this entire area and recommend appropriate steps which can be taken immediately to provide greater control with the safe movement of hazardous materials.	No comparable provision.

See footnote at end of table.

COMPARATIVE ANALYSIS OF RAILROAD SAFETY LEGISLATION PENDING BEFORE THE SENATE—Continued

(S. 1933 introduced by Senator Hartke and S. 3061, the administration bill)

ADMINISTRATION BILL	HARTKE BILL
Section 4—Establishes a Railroad Safety Advisory Committee, RSAC, chaired by the Federal Railroad Administrator and having eight members appointed by the Secretary (two public members, two members from railroad labor, two members from railroad management, and two members from the National Association of State Public Utility Commission).	No comparable provision.
Requires the Secretary to submit all proposed rule making to the Railroad Safety Advisory Committee, which will have sixty days to comment on the necessity, feasibility, reasonability and practicability of each proposal.	No comparable provision.
Section 5—Prospectively excludes state or local regulation in the rail safety field.	Section three continues state laws for regulations and limits application of Federal law to those instances where the Federal law imposes a standard of safety *equal to or higher than* the standard imposed by the particular provision of state law or regulation.
Continues the effect of state and local safety requirements in effect on the date of enactment unless the Secretary prescribes Federal safety standards covering the subject matter of the particular state or local safety requirement.	
Section 6—a Declaration of Congress urging maximum co-operation between the Federal Government and the states.	There is no comparable provision directly on point. However, Section three which specifically preserves the authority of the states with respect to railroad safety regulation tends to run counter to Section six in the Administration Bill.
Authorizes the Secretary to delegate to the individual states (upon the request of a state) inspection services and related programs necessary for compliance with the Act. The state would have to certify that it was able and willing to receive the delegated authority and would be required to report annually to the Secretary of Transportation.	
The Secretary is also authorized to provide assistance to those states who participate in the carrying out of the railroad safety program.	
Section 7—Repeals the existing rail safety statutes (the more recent substantive one being enacted in 1920). However, this section also specifies that substantive requirements under the acts repealed will continue in effect until amended, repealed or modified by the Secretary.	No comparable provision. However, Section two of the Hartke Bill which gives the Secretary the general rule making authority over the safety of facilities and equipment specifically notes that such regulations issued by the Secretary would *supplement* provisions of law and regulations in effect on the date of enactment of this Act.
The section also specifically preserves any pending act or proceeding under any of the acts repealed.	
(See footnote #1 for a list of the specific acts repealed by this section)	
Section 8—Gives the Secretary authority to conduct investigations, issue subpoenas, depositions, etc.	Section seven (a) contains a similar provision.
Preserves the role of the National Transportation Safety Board, NTSB, with respect to determining the cause and probable cause of accidents and reporting the facts, conditions, and circumstances relating thereto.	No comparable provision.
Excludes carrier records or reports by the Secretary for the National Transportation Safety Board from use as evidence in tort cases growing out of any matter mentioned in such reports.	No comparable provision.
Section 9—This section provides for a study of the grade crossing problem and includes authority for the Secretary to consider ways and means of funding any remedies the study might recommend.	No comparable provision.
Section 10—Makes it unlawful for any common carrier by railroad to violate any rule, regulation, or standard prescribed by the Secretary under this Act.	The comparable provision is contained in Section Two.
Provides for civil penalties ranging from $250 to $750.	Section four contains civil penalties from $500 to $1,000 for each violation.
Each day of the violation constitutes a separate offense.	Each day of the violation constitutes a separate offense.
Gives Attorney General enforcement authority in the jurisdiction where the violation occurred and permits a compromise of penalties by the Secretary prior to their submission to the Attorney General.	Section five (a) gives the Attorney General enforcement authority in any District Court. Section 4(b) permits compromise of penalty by the Secretary.
Subpoenas for witnesses who are required to attend the United States District Court may run into any other district.	No comparable provision.
Section 11—Gives the Attorney General the power to seek injunctive releases at the request of the Secretary.	Section five (a) gives the Attorney General power to seek an injunction. In addition, Sections six (a) and (b) and (c) give the Secretary cease and desist powers.
(Note that the Administration Bill does not give the Secretary cease and desist powers)	
Grants trial by jury in any proceeding for criminal contempt.	Section five (b) includes trial by jury also.
Section 12—An open-ended authorization for funds to carry out the Act.	An open-ended authorization for funds to carry out the Act.
Section 13—Standard Separability Provision.	Section ten contains the same standard provision.
No comparable provision.	Section six giving the Secretary cease and desist powers (referred to in the comparison under Section 10 of the Administration Bill)
No comparable provision.	Section eight provides that "Nothing in this Act shall in any way be construed or applied so as to abridge, modify, limit, supersede, or repeal any provision of the Railway Labor Act (45 U.S.C. 151–188) or any agreements made pursuant thereto."

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[1] The following acts are among those repealed by Section Seven in the Administration Bill:

The Safety Appliance Acts (45 U.S.C. 1 through 16)—1 through 7 of title 45 was enacted March 2, 1893; Section 8 through 10 of title 45 were enacted March 2, 1903; Section 11 through 16 of title 45 were enacted April 14, 1910.

The so-called Ash Pan Act (45 U.S.C. 17 through 21) was enacted May 30, 1908.

The so-called Locomotive Inspection Act (45 U.S.C. 22 through 29) was originally enacted February 17, 1911, amended March 4, 1915 and amended June 7, 1924. There were other minor amendments relating to the pay for Inspectors and methods of inspection.

A joint resolution directing the ICC to conduct a study with respect to block-signal systems and devices for automatic control of trains (45 U.S.C. 35) was enacted in 1906 and presumably the ICC made its report.

The ICC was given authority to investigate and test safety devices used in railroad operations (45 U.S.C. 36) in May 1908.

Mail Car Inspection (45 U.S.C. 37) was given to the ICC May 27, 1908.

Accident Investigation and Reporting was given jointly to railroads and the ICC (45 U.S.C. 38–43) May 6, 1910.

The Hours of Service Act (45 U.S.C. 61–64) was passed in 1907.

S. 3063—INTRODUCTION OF A BILL TO CREATE A NATIONAL INSTITUTE OF DIGESTIVE DISEASES AND NUTRITION

Mr. YARBOROUGH. Mr. President, I introduce, for appropriate reference, a bill to create a National Institute of Digestive Diseases and Nutrition in the National Institutes of Health.

The investigations and findings of the Special Committee on Nutrition and Human Needs have brought to public attention in a dramatic way the dependency of the human body upon food and proper nutrition. The committee has brought to light the connection between nutrients and mental and physical growth.

But nutrition is more than the intake of food. It involves an understanding of the way the human body utilizes food throughout the digestive system. This in turn requires a thorough knowledge of digestive diseases.

Digestive diseases include disorders of the stomach, intestines, biliary passages, liver, and pancreas. Within this general description, digestive disorders show the following incidence:

First. Half the population of the United States has digestive complaints. One-sixth of all illnesses are in this category.

Second. One-third of all cancer deaths are due to cancer of the digestive tract.

Third. Digestive illnesses are the leading cause of hospitalization and for inability to work due to illness. An average of 190,000 persons are absent from work each day because of digestive disorders.

Fourth. Digestive diseases are the third leading cause of death.

Fifth. Digestive diseases are the leading cause of industrial absenteeism among male employees.

Sixth. Approximately 1 percent of our gross national product is lost each year due to digestive disease, costing $8 billion.

Seventh. Estimated annual costs of digestive diseases to the Veterans' Administration is nearly $175 million—$83.7 million of it for medical care and $91 million more for disability payments.

Eighth. The economic loss in this country due to peptic ulcer alone is nearly $1 million a year.

Ninth. For digestive disease, 23 percent, of all nonobstetrical surgery is performed.

Tenth. Cirrhosis of the liver ranks as the fourth most common cause of death in adults at the present time.

The education and training of medical doctors to cope with this facet of medical practice has seriously lagged. The National Institutes of Health show that 141 trainees in digestive disease have been helped in their training, compared to 1,146 cardiovascular trainees. NIH support for research and training totals less than $30 million a year. The average medical school has only three teachers in digestive diseases as compared to four in hematology, or disorders of the blood, and six in cardiovascular diseases.

Fewer than 1,500 physicians in the country treat digestive diseases as such, and these disorders receive less than 5 percent of the extramural research support funds of the National Institutes of Health.

These figures amply support, I believe, the formation of a National Institute of Digestive Diseases and Nutrition. The bill I am introducing now will establish such an Institute in the National Institutes of Health. It will be authorized to conduct, coordinate, and foster research relating to the cause, prevention, and methods of diagnosis and treatment of digestive diseases and nutrition. It will be able to make grants in aid to universities, hospitals, laboratories and other public and private agencies and to individuals for research projects in these fields. It will create an information center and promote the circulation of information about findings. It will be authorized to maintain research fellows, and to provide training and instruction in the diagnosis, prevention, and treatment of digestive disorders.

The funds needed to carry out these activities are not itemized in the bill, but will be determined after hearings have developed the extent of need and the appropriate level of expenditure. Administration of these duties will be aided by a National Advisory Digestive Diseases and Nutrition Council.

I ask unanimous consent that the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3063) to amend the Public Health Service Act to support research and training in diseases of the digestive tract, including the liver and pancreas, and diseases of nutrition, and aid the States in the development of community programs for the control of these diseases, and for other purposes, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3063

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Digestive Diseases and Nutrition Act".

PURPOSE

SEC. 2. The purpose of this Act is to improve the health of the people of the United States through the conduct of researches, investigations, experiments, and demonstrations relating to the cause, prevention and methods of diagnosis and treatment of diseases of the digestive tract, including the liver and pancreas, and diseases of nutrition; assist and foster such researches and other activities by public and private agencies, and promote the coordination of all such researches and activities and the useful application of their results; provide training in matters relating to digestive diseases and nutrition including refresher courses for physicians; and develop and assist States and other agencies in the use of the most effective methods in the promotion and maintenance of health and of prevention, diagnosis, and treatment of digestive diseases and nutrition.

RESEARCH AND TRAINING

SEC. 3. Title IV of the Public Health Service Act is amended by adding at the end thereof the following:

"PART F—NATIONAL INSTITUTE OF DIGESTIVE DISEASES AND NUTRITION

"ESTABLISHMENT OF INSTITUTE

"SEC. 451. There is hereby established in the Public Health Service the National Institute of Digestive Diseases and Nutrition (hereafter in this part referred to as the 'Institute').

"DIGESTIVE AND NUTRITIONAL DISEASE RESEARCH AND TRAINING

"SEC. 452. In carrying out the purposes of section 301 with respect to digestive diseases and nutrition, the Secretary, through the Institute and in cooperation with the National Advisory Digestive Diseases and Nutrition Council (hereafter in this part referred to as the 'Council') shall—

"(a) conduct, assist, and foster researchers, investigations, experiments, and demonstrations relating to the cause, prevention, and methods of diagnosis and treatment of digestive diseases and nutrition;

"(b) promote the coordination of research and control programs conducted by the Institute, and similar programs conducted by other agencies, organizations and individuals;

"(c) make available research facilities of the Service to appropriate public authorities, and to health officials and scientists engaged in special studies related to the purposes of this part;

"(d) make grants-in-aid to universities, hospitals, laboratories, and other public and private agencies and institutions, and to individuals for such research projects relating to digestive diseases and nutrition as are recommended by the Council, including grants to such agencies and institutions for the construction, acquisition, leasing, equipment, and maintenance of such hospital, clinic, laboratory, and related facilities, and for the care of such patients therein, as are necessary for such research;

"(e) establish an information center on research, prevention, diagnosis, and treatment of digestive diseases and nutrition, and collect and make available, through publications and other appropriate means, information as to, and the particular application of, research and other activities carried on pursuant to this part;

"(f) secure from time to time, and for such periods as he deems advisable, the assistance and advice of persons from the United States or abroad who are experts in the field of digestive diseases and nutrition; and

"(g) in accordance with regulations and from funds appropriated or donated for the purpose (1) establish and maintain research fellowships in the Institute and elsewhere with such stipends and allowances (including travel and subsistence expenses) as he may deem necessary to train research workers and procure the assistance of the most brilliant and promising research fellows from the United States and abroad, and, in addition, provide for such fellowships through grants, upon recommendation of the Council to public and other nonprofit institutions; and (2) provide training and instruction and establish and maintain trusteeships, in the Institute and elsewhere in matters relating to the diagnosis, prevention, and treatment of digestive diseases with such stipends and allowances (including travel and subsistence expenses) for trainees as he may deem necessary, the number of persons receiving such training and instruction, and the number of persons holding such traineeships, to be fixed by the Council, and, in addition, provide for such training, instruction, and traineeships through grants, upon recommendation of the Council, to public and other nonprofit institutions.

"ADMINISTRATION

"SEC. 453. (a) In carrying out the provisions of section 452 all appropriate provisions of section 301 shall be applicable to the authority of the Secretary, and grants-in-aid for digestive diseases and nutritional research and training projects shall be made only after review and recommendation of the Council made pursuant to section 454.

"(b) The Secretary is authorized to accept conditional gifts, pursuant to section 501, for study, investigation, or research into the cause, prevention, or methods of diagnosis or treatment of digestive diseases and nutrition, or for the acquisition of grounds or for the erection, equipment, or maintenance of premises, buildings, or equipment of the Institute. Donations of $50,000 or over for carrying out the purposes of this part may be acknowledged by the establishment within the Institution of suitable memorials to the donors.

"FUNCTIONS OF THE COUNCIL

"SEC. 454. The Council is authorized to—

"(a) review research projects or programs submitted to or initiated by it relating to the study of the cause, prevention, or methods of diagnosis or treatment of digestive diseases, and certify approval to the Secretary, for prosecution under section 452, any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause, prevention, or methods of diagnosis or treatment of digestive diseases and nutrition;

"(b) review applications from any university, hospital, laboratory, or other institution or agency, whether public or private, or from individuals, for grants-in-aid for research projects relating to digestive diseases and nutrition, and certify to the Secretary its approval of grants-in-aid in the cases of such projects which show promise of making valuable contributions to human knowledge with respect to the cause, prevention, or methods of diagnosis or treatment of digestive diseases and nutrition;

"(c) review applications from any public or other nonprofit institution for grants-in-aid for training, instruction, and traineeship in matters relating to the diagnosis, prevention, and treatment of digestive diseases and nutrition, and certify to the Secretary its approval of such applications for grants-in-aid as it determines will best carry out the purposes of this Act;

"(d) collect information as to studies which are being carried on in the United States or any other country as to the cause, prevention, or methods of diagnosis or treatment of digestive diseases and nutrition, by correspondence or by personal investigation of such studies, and with the approval of the Secretary make available such information through appropriate publications for the benefit of health and welfare agencies and organizations (public or private), physicians, or any other scientists, and for the information of the general public;

"(e) recommend to the Secretary for acceptance conditional gifts pursuant to section 501 for carrying out the purposes of this part; and

"(f) advise, consult with, and make recommendations to the Secretary with respect to carrying out the provisions of this part.

"OTHER AUTHORITY WITH RESPECT TO DIGESTIVE DISEASES AND NUTRITION

"SEC. 455. This part shall not be construed as superseding or limiting—

"(a) the functions or authority of the Secretary or the Service, or of any other officer or agency of the United States, relating to the study of the causes, prevention, or methods of diagnosis or treatment of digestive diseases and nutrition; or

"(b) the expenditure of money therefor."

NATIONAL ADVISORY DIGESTIVE DISEASES AND NUTRITION COUNCIL

SEC. 4. (a) Section 217 of the Public Health Service Act is amended by adding at the end thereof the following new subsection:

"(d) The National Advisory Digestive Diseases and Nutrition Council shall consist of the Secretary or his representative, the chief medical officer of the Veterans' Administration or his representative, the Surgeon General of the Army or his representative, the Surgeon General of the Navy or his representative, who shall be ex officio members, and twelve members appointed without regard to the civil service laws by the Secretary. The twelve appointed members shall be leaders in the fields of fundamental sciences, medical sciences, education, or public affairs, and six of such twelve shall be selected from leading medical or scientific authorities who are outstanding in the study, diagnosis, or treatment of digestive diseases and nutrition. Each appointed member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that, of the members first appointed, three shall hold office for a term of three years, three shall hold office for a term of two years, and three shall hold office for a term of one year, as designated by the Secretary at the time of appointment. None of such twelve members shall be eligible for reappointment until a year has elapsed since the end of his preceding term. Every two years the Council shall elect one member to act as Chairman for the succeeding two-year period."

(b) The second sentence of section 217(b) of such Act is amended by inserting "digestive diseases and nutrition," immediately after "blindness,".

(c) Paragraph (d) of section 301 of such Act is amended by inserting "or, with respect to digestive diseases and nutrition, as recommended by the National Advisory Digestive Diseases and Nutrition Council," immediately after "National Advisory Heart Council,".

(d) Section 301(i) of such Act is amended by inserting "or, with respect to digestive diseases and nutrition, upon recommendation of the National Advisory Digestive Diseases and Nutrition Council," immediately after "National Advisory Dental Research Council,".

CONTROL GRANTS

SEC. 5. Title III of such Act is amended by inserting after section 315 the following new section:

"GRANTS FOR COMMUNITY PROGRAMS OF DIGESTIVE DISEASES AND NUTRITION CONTROL

"SEC. 316. (a) To enable the Secretary to carry out the purposes of part F of title IV and to assist, through grants, States, counties, health districts, and other political subdivisions of the State, and public and nonprofit agencies, institutions, and other organizations, in establishing and maintaining organized community programs of digestive diseases and nutrition control, including grants for demonstrations and the training of personnel, there are hereby authorized to be appropriated for each fiscal year such sums as may be necessary for such purposes. For each fiscal year, the Secretary shall determine the total sum from the appropriation under this subsection which shall be available for allotment among the several States, and shall, in accordance with regulations, from time to time make allotments from such sum to the several States on the basis of (1) the population, and (2) the financial need of the respective States. Upon making such allotments, the Secretary shall notify the Secretary of the Treasury of the amounts thereof.

"(b) The Secretary shall from time to time determine the amounts to be paid to each State under this section from the allotments to such State, and shall certify to the Secretary of the Treasury, the amounts so determined, reduced or increased, as the case may be, by the amounts by which he finds that estimates of required expenditures with respect to any prior period were greater or less than the actual expenditures for such period: *Provided*, That the Secretary may determine and certify to the Secretary of the Treasury amounts to be paid to a county, health district, other political subdivision of the State or to any public or nonprofit agency, institution, or other organization in the State, if he finds that payment to such subdivision or other organization has been recommended by the State health authority of the State and (1) that the State health authority has not, prior to August 1 of the fiscal year for which the allotment is made, presented and had approved a plan in accordance with subsection (c), or (2) that the State health authority is not authorized by law to make payments to such other organization.

"(c) The moneys so paid to any State or to any political subdivision or other organization, shall be expended solely in carrying out the purposes specified in subsection (a) and in accordance with plans, approved by the Secretary, which have been presented by the health authority of such State, or, under the circumstances specified in subsection (b)(1), by the political subdivision, or the agency, institution or other organization to whom the payment is made, and, to the extent that any such plan contains provisions relating to mental health, by the mental health authority of such State.

"(d) Money so paid from allotments under subsection (a) shall be paid upon the condition that there shall be spent in such State for the same general purpose from funds of such State and its political subdivisions (or in the case of payments to a political subdivision or to an agency, institution or other organization under circumstances specified in subsection (b)(1), from funds of such political subdivision or organization), an amount determined in accordance with regulations.

"(e) Whenever the Secretary, after reasonable notice and opportunity for hearing to the health authority of the States (or, in the case of payments to any political subdivision or any agency, institution, or other organization under the circumstances specified in subsection (b)(1), such subdivision or organization) finds that, with respect to money paid to the State, subdivision, or organization out of appropriations under subsection (a), there is a failure to comply substantially with either—

"(1) the provisions of this section;

"(2) the plan submitted under subsection (c); or

"(3) the regulations;

the Secretary shall notify such State health authority, political subdivision, or organization that further payments will not be made to the State, subdivision, or organization from appropriations under subsection (a) (or in his discretion that further payments will not be made to the State, subdivision, or organizations from such appropriations for activities in which there is such a failure), until he is satisfied that there will no longer be any such failure. Until he is so satisfied the Secretary shall make no further certification for payment to such State, subdivision, or organization from appropriations under subsection (a), or shall limit payment to activities in which there is no such failure.

"(f) All regulations and amendments thereto with respect to grants to States under this section shall be made after consultation with a conference of the State health authorities. Insofar as practicable, the Secretary shall obtain the agreement, prior to the issuance of any such regulations or amendments, of the State health authority."

GENERAL PROVISIONS

SEC. 6. Section 2 of the Public Health Service Act, as amended, is amended by striking out the word "and" at the end of paragraph (o), by striking out the period at the end of paragraph (p) and inserting in lieu thereof "; and", and by inserting after paragraph (p) the following new paragraph:

"(q) The term 'digestive diseases' means diseases of the digestive tract, including liver and pancreas."

ADDITIONAL COSPONSORS OF BILLS

S. 338

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New Mexico (Mr. MONTOYA) be added as a cosponsor of S. 338, to amend section 1677 of title 38, United States Code, relating to flight training and to amend section 1682 of such title to increase the rates of educational assistance allowance paid to veterans under such sections.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2306

Mr. HRUSKA. Mr. President, I ask unanimous consent that at its next printing the name of the Senator from Idaho (Mr. JORDAN) be added as a cosponsor of S. 2306, to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 277—RESOLUTION REPORTED RELATING TO REFERRAL OF SENATE BILL 202 TO THE CHIEF COMMISSIONER OF THE COURT OF CLAIMS (S. REPT. NO. 91–492)

Mr. ANDERSON, from the Committee on Interior and Insular Affairs, reported an original resolution (S. Res. 277), and submitted a report thereon, which report was ordered to be printed, and the resolution was placed on the calendar, as follows:

S. RES. 277

A resolution to refer the bill (S.202) entitled "A bill to provide that the United States disclaims any interest in a certain tract of land," to the Chief Commissioner of the Court of Claims for a report thereon

Whereas there is pending in the Senate of the United States a bill designated as S. 202, to provide that the United States disclaims any interest in a certain tract of land, as to which the Senate desires the investigation, findings and conclusion hereinafter referred to: It is hereby

Resolved, That the said bill, as amended by the Senate Committee on Interior and Insular Affairs, which amendments are shown in the Committee Print on S. 202, dated October 22, 1969, be referred to the Chief Commissioner of the United States Court of Claims as authorized by section 1492 of title 28 of the United States Code for a report in conformity with section 2509 of title 28 of the United States Code with findings of fact and conclusions sufficient to inform Congress whether the waiver and relinquishment of any claim of title by the United States is appropriate in light of any legal or equitable claim to the real property described therein, or any part thereof, by the private claimants thereto, including findings as to whether the United States by prior legislative and administrative actions has not in fact and in law vested title to the said real property in the claimants or their predecessors in title, and whether, if the private claimants were asserting their claim against any party or entity other than a sovereign, their title would not be deemed good and indefeasible with respect to said party or entity; such report shall not take account of, or be in any way affected by, an conclusions of law or fact hitherto asserted by any administrative agency of the United States with respect to the instant controversy between the claimants and the United States.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 39

Mr. McGOVERN. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Wisconsin (Mr. NELSON) and the Senator from Utah (Mr. MOSS) be added as cosponsors of Senate Concurrent Resolution 39, relating to withdrawal of United States forces from Vietnam.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 22, 1969, he presented to the President of the United States the following enrolled bills:

S. 74. An act to place in trust status certain lands on the Standing Rock Sioux Indian Reservation in North and South Dakota;

S. 775. An act to declare that the United States shall hold certain land in trust for the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; and

S. 921. An act to declare that certain federally owned land is held by the United States in trust for the Cheyenne River Sioux Tribe of the Cheyenne River Indian Reservation.

ORDER OF BUSINESS

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX REFORM NOS. 5 AND 6—DEMOCRATIC STUDY GROUP TAX REFORM FACT BOOK

Mr. METCALF. Mr. President, today I shall make available two additional sections of the Tax Reform Fact Book prepared by the Democratic Study Group in the House of Representatives. The sections that I shall discuss today deal with the area of estate and gift taxation and the tax treatment of private foundations and other exempt organizations.

On September 25 former Assistant Secretary of the Treasury Stanley S. Surrey testified before the Committee on Finance and made this comment about the need for reform in the area of estate and gift taxation:

> We should recognize that the most serious aspect of our present capital gains policy is the permanent escape from tax of appreciation in assets transferred at death. Correction of this defect remains a matter of top priority. The House Committee report states that reform measures relating to revision of the estate and gift tax laws and the related problem of the tax treatment of property passing at death will be studied as soon as possible, with a bill to be reported in this Congress. The accomplishment of this objective will move us considerably further along the road of meaningful tax reform.

The administration has continued to refrain from making any recommendations in this area. I would hope that the public will have the benefit of the administration's proposals for meaningful reform in advance of the hearings that the House Ways and Means Committee has pledged to hold in order to revise the estate and gift tax laws during this Congress. I make this request now because, unfortunately, the administration did not make public the specifics of its latest pronouncements in other areas of tax reform until September 30, just 3 days before the Committee on Finance closed its hearing record. For this reason, I now have the uneasy feeling that the administration has chosen to assume the role of defense counsel rather than prosecute the case against the inequities in our present tax laws.

Mr. President, I ask unanimous consent that the section of the Tax Reform Fact Book which discusses the area of estate and gift taxation be printed at this point in the RECORD. This book was first published by the Democratic Study Group in the House of Representatives last July and has since been updated at my request to reflect final House action in many important areas of consideration.

There being no objection, the section of the book was ordered to be printed in the RECORD, as follows:

DEMOCRATIC STUDY GROUP TAX REFORM FACT BOOK SECTION FOUR—GIFT AND ESTATE TAXES

INCREASE GIFT TAX RATE TO LEVEL OF ESTATE TAXES

The problem

Estate and gift taxes, imposed as separate taxes and at different rates, have not been thoroughly examined or revised by Congress since 1942. They raise about $3.1 billion a year.

This dual rate structure permits sizeable differences in tax liability of estates of equal size. Those who can afford lifetime gifts enjoy a double benefit: the transfer qualifies for the lower gift tax rates (including liberal exemptions) and the estate remaining at death is subject to a different and lower beginning set of progressive rates.

Treasury studies show the advantages of lifetime giving over bequests at death are more valuable the greater the amount involved. By splitting $1 million in property between lifetime gifts and bequests at death, the heirs will receive about 15% more than if the property were passed entirely in the estate at death. But splitting property worth $5 million between lifetime gifts and bequests at death will increase the amount available to the heirs as much as 37%.

Present law

Present law provides separate progressive rate schedules (gifts taxed at graduated rates roughly 75% of estate tax rates) with $30,000 in exemptions for each.

Pending proposals

Several bills dealing with gift and estate tax rate changes were introduced in the House. H.R. 5250 (Reuss and others) would increase the gift tax rates to those of estate taxes. Identical or similar measures are H.R. 229, 1039, 1119, 3655, 5196, 6206, 6233, 6761, 6769, 6770, 6791, 7040, 7045, 7346, 7585, 7880, 8144, 9195, 9759, 9852, 10041, and 10253.

Revenue impact

Treasury estimates raising the gift tax rate to the level of estate taxes with a $60,000 exemption and a single graduated rate schedule applying to transfers both during life and on death would yield $150 million a year.

Proponents and opponents

Most of the testimony on gift and estate taxes dealt with generation skipping, multiple trusts and similar areas. The American Bankers Association is on record in opposition to any changes in the relationship between gift and estate taxes. The National Association of Manufacturers urged repeal of both taxes.

Administration action

The Treasury on December 11, 1968, recommended to the Committee that it unify estate and gift taxes into a single-transfer tax with these provisions: (1) that lifetime gifts and transfers at death be added together to determine the total wealth subject to transfer taxation; (2) that a single exemption and a single and somewhat lower rate schedule be made applicable to the total; (3) that the base of the gift tax be grossed up to include the amount of tax, parallel to the treatment of estate taxes, and (4) that appropriate rules be provided to accomplish an orderly and equitable transition to the new system.

The Treasury proposal also called for an unlimited marital deduction which would have the effect of raising to 100% the current 50% limit on the amount of tax-free property that could pass between spouses at death or by gift.

The Nixon Administration, in making its recommendations in April, did not include this plan in its reform proposals. Its only suggestion in this general area was a plan to tighten taxation of income accumulated trusts.

House action

None.

Resources references

See Ways and Means Hearings, Volume 2; Treasury Studies, Parts 1 and 3.

ELIMINATE PAYMENT OF ESTATE TAXES BY REDEMPTION OF GOVERNMENT BONDS AT PAR

The problem

Certain designated Treasury bonds, called "flower bonds" by securities dealers and estate planners, are giving wealthy taxpayers a substantial break in payment of estate taxes. These long-term government issues normally sell at a sharp discount ($700 or so on a $1,000 face value bond), carry interest rates as low as 3%, and can be bought on short notice. They come in denominations of $500 to $1 million. Buying them at the right time has the effect of substantially increasing the value of an estate.

If a $1,000 bond carrying the redemption privilege has a coupon rate of 3% and sells at around $720 to yield about 4.2%, for example, the Treasury must redeem it at face value if it is offered in payment of estate taxes. The effect is the same as selling the security for $1,000 and realizing a 28-point tax-free profit.

Present law

If an estate owns securities which carry tax payment privileges, and if such securities were held by an individual at the time of his death (or, in the case of certain securities, for at least six months prior to his death), the securities may be redeemed in payment of federal estate taxes, even though they have not yet matured. Treasury must redeem them at par.

Pending proposals

Bills to eliminate the redemption privilege have been introduced in the House by several Members. H.R. 5250 (Reuss and others) would amend the Liberty Bond Act to make that change. Identical or similar measures are H.R. 229, 1039, 1119, 1379, 2142, 3655, 5196, 6206, 6233, 6721, 6769, 6770, 6791, 7040, 7045, 7346, 7585, 7980, 8144, 9195, 9759, 9852, 10042, and 10253.

Revenue impact

It is estimated that repealing this provision would increase federal revenue about $50 million a year.

Proponents and opponents

Most of the testimony on estate taxes dealt with other areas of possible change.

Administration action

The Treasury, in its December recommendations, called for repeal of the bond redemption privilege. The Nixon Administration, in recommending tax changes to Congress in April, did not include this provision.

House action

None.

Resource references

See Ways and Means hearings, Volume 11; Treasury Studies, Part 3.

Mr. METCALF. Mr. President, the next section of the book which I shall discuss covers the tax treatment of private foundations and other tax-exempt organizations. The Committee on Finance has set aside October 27 and 28 for executive sessions in this area. In the meantime, the committee has reopened its hearings for 1 day, and today happens to be that day, to hear the testimony of Peter G. Peterson, chairman of the board of Bell & Howell Corp., on the subject of private foundations. Mr. Peterson will serve as the representative of a group of private citizens who have conducted their own study into the subject of private foundations.

On October 13 the Committee on Finance agreed that in the case of gifts of capital gain property to private foundations, the House rule for taking the appreciation into account would be modified. As modified by the Finance Committee, the donor would be allowed a charitable deduction equal to his cost or other basis for the property, plus one-half of the appreciation. The House provision required either deducting only the cost of the property or retroactively deducting the value of the property by including the appreciation in income. According to the committee, its modification would achieve substantially the same net effect as if the donor had included the appreciation in income and claimed a charitable deduction for the fair market value of the property.

In 1968 there were 22,000 private foundations, according to the Foundation Center Annual Report. Collectively, their total assets were in excess of $20 billion—part 1, Hearings before the Senate Finance Committee on the Tax Reform Act of 1969, page 709.

The permissible activities of private foundations desiring to preserve the benefits of tax exemption, as well as the tax benefits to their contributors, are substantially tightened under the House version of the bill to prevent self-dealing between the foundations and their substantial contributors, to require the distribution of income for charitable purposes, to limit their holdings of private businesses, to give assurance that their activities are restricted as provided by the exemption provisions of the tax laws, and to be sure that investments of these organizations are not jeopardized by financial speculation. In addition, the House bill would impose a 7½-percent tax on the investment income of private foundations.

Generally, the House bill would limit the activities of exempt organizations so that they cannot participate in debt-financed leaseback operations, wherein they, in effect, share their exemption with private businesses. The bill also would provide for the extension of the unrelated business income tax to virtually all tax-exempt organizations not previously covered by this tax, including churches. The bill would also extend the regular corporate tax to the investment income of tax exempt organizations set up primarily for the benefit of their members, such as social clubs, fraternal beneficiary societies, and employees' beneficiary associations.

Mr. President, I ask unanimous consent that the section of the Tax Reform Fact Book which discusses in detail many of the provisions I have just listed be printed in the Record.

There being no objection, section 5 was ordered to be printed in the Record, as follows:

DEMOCRATIC STUDY GROUP TAX REFORM FACT BOOK SECTION FIVE—TAX EXEMPT ORGANIZATIONS

EXTEND UNRELATED BUSINESS INCOME TAX TO ALL EXEMPT ORGANIZATIONS

The problem

Prior to 1950, a growing number of non-profit organizations operated businesses unrelated to their tax-exempt purposes. Profits were tax free, giving these organizations a substantial competitive advantage over tax-paying businesses. Congress responded by imposing an income tax on profits of all unrelated business activities of most non-profit organizations.

All unrelated business activity was not curbed, however, because a sizable list of non-profit organizations were exempted. Business spokesmen have continued to protest this tax-free competition. Treasury recently responded with a rule dealing with one complaint area. This controversial change extended the tax to advertising in magazines and other publications of all non-profit organizations.

Present law

The unrelated business income tax is imposed at corporate tax rates on all non-profit organizations (charitable, labor, educational, scientific, etc.) with these exceptions: churches; social welfare organizations; social clubs; fraternal beneficiary societies; voluntary employee beneficiary associations; teachers' retirement funds; certain benevolent life insurance companies; mutual or non-profit cemetery companies; credit unions; certain small mutual insurance companies; and certain crop financing corporations.

Pending proposals

Only two bills dealing directly with unrelated income of non-profit organizations have been introduced in the House this session, H.R. 2057 (Battin) would ease Treasury's ruling on taxation of advertising profits. H.R. 8802 (Morton and others) deals with taxation of public entertainment proceeds at state fairs.

Revenue impact

Treasury reports that the revenue impact of proposed changes in the unrelated business income tax can not be accurately estimated.

Proponents and opponents

The Conference of Non-Profit Organizations heads a long list of opponents. The National Tax Equity Association and the U.S. Chamber of Commerce are among business-oriented groups supporting extension of the unrelated business income tax to all tax-exempt organizations.

AMA, National Geographic Society, American Chemical Society, and several other substantial organizations took strong positions at the Committee hearings against Treasury's ruling on taxation of advertising profits. Backing the ruling were McGraw-Hill Publications, American Business Press, and a number of other publishers.

Administration action

The Nixon Administration asked that the unrelated business income tax be extended to churches and other tax-exempt organizations not currently covered. The investment income of social clubs and certain similar organizations, now untaxed, also would be taxed.

Also recommended was a law requiring that all tax-exempt organizations be taxed on the income of any investment assets which were acquired with borrowed funds and unrelated to their tax-exempt functions.

House action

The House bill would (1) extend the unrelated business income tax to churches, social welfare clubs, civic leagues, social clubs, and fraternal beneficial association; (2) continue to exempt from the tax the income from business related to an organization's exempt function such as an insurance business run by a fraternal beneficial association for its members; (3) impose a tax on investment income of social clubs and fraternal beneficial associations, and (4) delay extension of the tax to unrelated income of churches to give them time to dispose of unrelated businesses or spin them off in separate taxable corporations.

Resource references

Ways and Means Hearings, Volumes 2, 3 and 4; Treasury Studies, Part 3.

REQUIRE FOUNDATIONS TO SPEND THEIR INCOMES WITHIN ONE YEAR OF RECEIPT

The problem

A recent Treasury study shows that some private non-operating foundations (those set up to contribute to charity) accumulate assets rather than dispensing funds. Contributions and earnings are invested and little or none goes to charity. These organizations are required to meet only limited and poorly-defined requirements for asset and income distribution.

An analysis of records of 596 of the nation's largest foundations showed they had 1966 gross income of about $1.1 billion. Yet they ended that same year with $1.9 billion in unspent income. Total assets of this same group grew from $10.2 billion in 1960 to $15.1 billion in 1966. These reports led critics to question the charitable deduction for foundation donors and the tax-exempt status of foundations.

Present law

Non-operating foundations are prohibited from (1) accumulating income "unreasonably", (2) accumulating income to a substantial degree for purposes other than those on which their tax-exempt status is based, and (3) investing accumulated income in ways that would undermine their tax-exempt purpose. The restrictions are considered vague and difficult to administer.

Pending proposals

The main bill to correct abuses in private foundations is H.R. 7053 (Patman), which would require net income of every privately-controlled, tax-exempt foundation to be disbursed annually for purposes for which the foundation was organized. Similar or identical measures are H.R. 19030, 11087, 11221, 17710, 10237, 11017, 7053, 8367, 9162, and 10302.

Revenue impact

Neither loss nor gain of revenue is expected in placing a limitation on distribution of income.

Proponents and opponents

The AFL–CIO headed a list of organizations calling for this change. Foundation spokesmen urged care in drafting more restrictive rules. It was pointed out, for example, that foundations should not be forced to distribute large amounts of unexpected income on short notice.

Administration action

The Nixon Administration has proposed requiring non-operating foundations to distribute to charity an amount equal to 5% of the value of their investment assets or all of their net income (exclusive of long-term capital gains), whichever is greater, within a year after the year in which the income is earned.

Less restrictive rules would apply to foundations accumulating income for a specific charitable purpose and those that in past years had spent more than 5% of their investment assets or more than their annual income. A penalty of up to 25% of the legally-required distribution would be imposed for failure to comply.

House action

The House-passed bill is substantially the same as the Administration proposal.

Resource references

Ways and Means Hearings, Volumes 2, 3 and 4; Treasury Studies, Part 3.

PROHIBIT FOUNDATION "SELF DEALING"

The problem

Private individuals who are donors, founders, officers, directors, or trustees of foundations are in a position to receive special financial benefits through transactions with the foundation.

Present law

Present law permits such transactions provided they do not jeopardize the foundation's tax-exempt function. Revocation of tax-exempt status is the only penalty provided for violations.

Pending proposals

The major tax reform bills introduced this session do not deal with this problem.

Revenue impact

No apparent impact.

Proponents and opponents

The AFL–CIO is one of several groups that have recommemded a prohibition on "self dealing."

Administration action

The Nixon Administration proposal would prohibit a private foundation from entering into a business transaction with donors and certain other related persons, regardless of the arms-length nature of the transaction. Certain exceptions would be permitted for "essential" transactions such as reasonable compensation for personal services.

House action

The House bill would prohibit loans, sales and similar self dealing transactions between donors or principals and foundations. Penalties would be strengthened to authorize fines for violations.

Resource references

See Ways and Means hearings, Volumes 1, 2 and 3; Treasury Studies, Part 3.

PROHIBIT FOUNDATIONS FROM OWNING 20% OR MORE OF ANY UNRELATED BUSINESS

The problem

At present foundations may own controlling interests in corporations. This gives donors an opportunity to gain a tax advantage by contributing a substantial block of stock to a foundation and receiving a tax deduction while retaining control of the corporation. This puts foundations in the business of managing corporations, gives them an opportunity to assist businesses they control in ways not available to taxpaying competitors, and permits them to influence legislation by acting through these businesses.

Present law

Present law contains certain restrictions on direct operation by a foundation of a trade or business unrelated to its charitable function. For example, a foundation may generally not be organized for the specific purpose of conducting an unrelated trade or business, and income related to the regular conduct of a foundation-run business is not taxable under the unrelated business income tax. However, there are no restrictions on conducting an unrelated trade or business through ownership of a controlling interest in a separate corporate entity.

Revenue impact

No apparent impact.

Proponents and opponents

There was no direct testimony opposing limitation of a foundation's interest in unrelated businesses. The National Tax Equality Association and the U.S. Chamber of Commerce and many other business-oriented groups have consistently supported limitations on unrelated business activities of tax-exempt organizations.

Administration action

The Treasury studies recommended prohibiting foundations from owning 20% or more of the total combined voting power or 20% or more of the total equity in an unrelated business.

The Administration proposal would permit foundations to receive and hold controlling interest in an unrelated business for five years, then reduce its holdings to under 35% of the total combined voting power of the corporation. A stock interest between 20% and 35% of the combined voting power would have to be divested only if the foundation actually exercised control. Foundations would also be required to relinquish within five years any interest in a business controlled by the donor or certain related persons.

House action

The House bill would limit to 20% (with certain exceptions) the combined ownership of voting stock of a corporation held by a foundation and any substantial donor and persons related to him.

Resource references

Ways and Means Hearings, Volumes 1, 2 and 3; Treasury Studies, Part 3.

ARMOUR OPENING NOTED

Mr. SCOTT. Mr. President, tomorrow, Armour & Co. officially opens in my Commonwealth of Pennsylvania one of the world's largest food processing complexes. This new food processing and distribution facility, located at Chartiers Valley Industrial Park in the Greater Pittsburgh area, is modern to the minute in processing and quality control methods and equipment. Encompassing 4 acres under roof, the complex houses 9 miles of piping, 125 miles of electrical wiring, generates enough heat to warm 670 homes and enough refrigeration to cool all the homes in a town of 5,000 people. From it, over 400 food items will move to supermarkets, hotels, and restaurants in Pennsylvania, New York, Ohio, and West Virginia.

I am pleased to make note of this opening and the special contribution made by Armour & Co. to the Commonwealth's economy. Today, Armour employs 4,000 Pennsylvanians in 19 Pennsylvania communities. The company's position of leadership is indeed enhanced by the opening of this new facility.

On the occasion of this dedication, I extend my sincerest congratulations to Armour's president, Mr. Charles R. Orem, and to all of those in Pennsylvania who have helped make this vision a reality.

SENATOR RANDOLPH SUPPORTS DIRECT ELECTION OF PRESIDENT

Mr. RANDOLPH. Mr. President, the United States is populated by an active, resourceful people on the move. Our country had a humble beginning, but it possessed two important resources to insure progression—our people and our land. From these was fashioned a unique system of government—"of the people, by the people, and for the people." Today we are a world power. Decisions made in Washington do not touch alone the lives of U.S. citizens but also have a direct bearing on other nations of the world. Our President is the head of the Government of the United States of America and, too, he is a world leader.

The proposal to amend our Constitution to achieve electoral reform is one of the most critical issues before the 91st Congress. Our Nation has been depending on an antiquated, imperfect system which would cause extreme controversy if no candidate for President received a majority in the electoral college, or if a candidate received a majority in the electoral college, but not a plurality of the popular vote. These possibilities came close to reality in last year's general election. Our procedure for selecting the President must be refined to insure that the will of the citizens of the whole of the United States is no way abridged. The Presidency of the United States must not be left to the uncertainties inherent in the electoral college system.

Mr. President, it is gratifying to see the progress being made toward reform of our system of electing the highest official in our land. The House of Representatives has endorsed and sent to the Senate a proposed constitutional amendment to abolish the electoral college and provide for the direct election of the President and Vice President. I am privileged to cosponsor a similar amendment in the Senate.

It is my belief that the best method of selecting the President is by direct popular election. It is all the people of the United States whom our Chief Executive represents—not geographical areas of the country.

In the election of the President of the United States, one individual vote should not have any more weight than another. Our political system should not favor any class or classes of voters—rural or urban, rich or poor, black or white, liberal or conservative, or those from North or South, East or West. The direct popular election of the President would insure equality of every vote with every other vote.

Electoral reform is not a new proposal developed in response to the questions raised in last year's election. Nor is it the first congressional activity to change our present system of electing the President and Vice President. Hearings were held by the Senate Committee on the Judiciary in the 1950's and were begun anew in 1961, and the proposal currently before our Committee on the Judiciary is the culmination of efforts begun in 1965. The proposed amendment approved by the House would require approval by two-thirds, 67, of the Senate and subsequently by three-fourths, 38, of the States to be effective.

Mr. President, I am hopeful that the Senate will approve the proposal for direct election of the President at an early date. This endeavor has my earnest and active support.

MEDICAL LIBRARY AND HEALTH COMMUNICATIONS ASSISTANCE AMENDMENTS OF 1969

Mr. MURPHY. Mr. President, as a supporter of the Medical Library and Health Communications Assistance Amendments of 1969, I want to say a few words about the measure.

As a member of the Committee on Labor and Public Welfare's Subcommittee on Health, I had the pleasure of working on and supporting the Medical Library Assistance Act of 1965, which this measure would extend and expand.

In the words of the committee's report:

> H.R. 11702 would extend for 3 years the current program to provide financial assistance for the construction of health library facilities; to support training to health librarians and other information specialists; to expand and improve health library services through the provision of grants for library resources; to support projects of research and development in the field of health communications, and related special scientific projects; to support the development of a national system of regional medical libraries; and to support selected biomedical scientific publications projects. This bill would increase the total authorization for funding for these programs from the current $21 million per year to $25 million in fiscal year 1971, $30 million in fiscal year 1972, and $35 million in fiscal year 1973. In addition, certain technical and clarifying amendments are proposed.

Since its enactment, the Medical Library Assistance Act has enabled the National Library of Medicine to initiate coordinated programs for health libraries and health information service and activities. One of the concerns that motivated the Congress to enact the 1965 act was the shortage of health information facilities and manpower. The Congress felt this was a weak link in the nationwide effort to provide improved health care. Thus, the 1965 act's ultimate purpose was to bring about improved health care by strengthening the information facilities that serve the men and women of the health profession.

The Medical Library Assistance Act, has contributed greatly to the health resources of California. As administered by the National Library of Medicine, the act has provided grants totaling more than $3,551,592 to California institutions—including grants for research, training, special scientific projects, publications, establishment of a regional medical library, and resource grants to 33 health libraries. Examples include a research project contract to UC at San Diego for the development of a neurosciences study program; a large resource grant to UC, San Francisco Medical Center, for acquiring medical library materials; and a regional medical library grant to UCLA.

This last example has important implications for all of the biomedical libraries within California, as well as California's 110,000 doctors, dentists, pharmacists, and nurses. This award made UCLA the Pacific Southwest Regional Medical Library for California, Arizona, Nevada, and Hawaii. It thus provides a central library resource within this four-State area, allowing all of the region's resources and services to be shared efficiently. And although UCLA is able to handle the vast majority of requests for interlibrary loans and reference services, its closer linkage with the center of the network, the National Library of Medicine, will certainly increase its effectiveness.

I have been particularly impressed with the way in which UCLA's computer facilities are being used to provide specific lists of references to health professionals who request them. Over 1,400 such bibliographies were sent out to physicians, researchers, and medical students last year—giving them specific guidance to published literature in their area of research.

It is clear that active biomedical information programs such as the ones cited above must receive continued legislative and financial support if we are to continue to exert leadership in the field of health care. During this session of the 91st Congress, I have helped to draft and enthusiastically support the Medical Library Extension Act of 1969, which will enable the National Library of Medicine to continue its medical library programs, which benefit not only the people of California but the people of the country, as well.

DECLINE OF THE NATION'S TEXTILE INDUSTRY

Mr. TALMADGE. Mr. President, evidence continues to mount to attest to serious damage being inflicted upon the Nation's textile industry because of the influx of imported goods.

This represents more than just the decline of this important segment of the U.S. economy. We have taking place the deterioration of an industry that is the largest employer in many States, my own State of Georgia included. The fact is that one in nine industrial workers is employed in the textile and apparel industry.

What excessive imports mean to American textiles is a decline in profits, and this in turn results in loss of jobs and incomes to many people.

This is a situation that our Government cannot long tolerate. We need meaningful import controls. We would hope that they can be voluntary. But it is my strong feeling that unless effective controls are agreed to soon, then there will be no other alternative in my judgment but for the Congress to act.

Mr. President, I ask unanimous consent to have printed in the Record two newspaper articles, one from the Georgia Business News of October 13, and an Associated Press article published in the Waycross, Ga., Journal-Herald, that cites facts and figures about this growing problem.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Georgia Business News, Oct. 13, 1969]

Cheap Labor Imports Cut Into Domestic Textile Sales, Profits

(By Curtis Collins)

The plight of the textile industry—Georgia's number one employer—due to foreign imports was underscored last week by two of the state's biggest mills as they reported lower earning and income.

Macon-based Bibb Manufacturing Co. reported an unaudited net loss of $2.2 million for its fiscal year ending Aug. 31, compared to $1.5 million net income for the previous fiscal year.

Bibb President Robert Train said the high level of textile imports had contributed to depressed conditions in several segments of the company's business. Also noted were the drain on profits by some of the newer operations and year-end inventory write-downs exceeded earlier estimates.

Bibb said net sales for the past fiscal year were $121.8 million, compared to $129.6 million for fiscal year 1968.

"The results for the year were a severe disappointment to all of us," Train said. "We are determined that the coming year will show substantial improvement."

West Point Pepperell reported a $2.7 million drop in net income despite a $25.2 million increase in sales for the 12 months ending Aug. 30.

J. L. Lanier, chairman and chief executive officer, said sales totaled $372.2 million for the 12 months, but included sales of $28.2 million from Alamac Knitting Mills and American Rug and Carpet Co., both purchased during the fiscal year.

Net income for the year was $12 million, or $2.55 per share, a decline of 18 per cent from 1968.

"The profit result for the year was disappointing," Lanier said. "Sales volume was good considering the state of our markets but sales prices were under pressure and, in many of our product lines, lower than last year.

"Because of the generally weak market situation, added to by the continued increase in the quality of textiles from low-wage countries, we have been unable to pass on cost increases attendant to the inflationary conditions in the country."

West Point Pepperell directors on Sept. 23 declared a dividend of 35 cents a share (payable Nov. 15), a 35-cent reduction from the former level of 50 cents a share. The new dividend is payable to stockholders of record Oct. 24.

Meanwhile, a spokesman for the industry told the Alabama Textile Manufacturers Association the industry has been criticized unfairly for seeking relief from increasing foreign imports.

The textile industry wants nothing more than "limitations which will give foreign countries a reasonable share in our market and, very importantly, a share in the growth of our market, but which will also keep imports from taking all of our market or all of the growth in our market," said Robert W. Armstrong, director of public relations for the American Textile Manufacturers Institute, Charlotte.

[From the Waycross (Ga.) Journal-Herald, Oct. 13, 1969]

Nation's Textile Industry Caught in Financial Tight

(By Jack Stillman)

Atlanta, Ga.—While most businesses bask in a warm glow of prosperity, the nation's textile industry is caught in a profit squeeze that is looking more and more like a stranglehold.

Although economic forecasts vary, all reflect gains in the marketplace.

But the textile industry is seeing its domestic market become inundated by foreign imports, manufactured for less and sold at higher profits abroad.

Textile men and congressmen from textile states say the only salvation is voluntary controls controls in agreements between foreign and domestic industry—or Congress is going to have to act.

The climate is becoming more favorable for federal controls over textile imports.

The seriousness of the economy within the industry is reflected in financial statements.

West Point-Pepperel, Inc., ended its fiscal year with profits down 18 per cent from last year.

Bibb Manufacturing Co. ended its fiscal year with a loss of $2.2 million.

Burlington Industries, the giant of the industry with 130 plants and 83,000 employees, reports net earnings per share at $2.32 through nine months of this fiscal year, compared with $2.34 for the same period last year.

But Burlington's profits held primarily because of diversification. The corporation makes thousands of different products. It also has acquired two furniture companies.

Textile men have called for controls of imports for years, and many of them feel that the next session of Congress is going to provide them.

Secretary of Commerce Maurice Stans toured Europe and Japan recently to discuss the possibility of agreements on controls of imports. But he made little, if any, progress.

There is a strong sentiment in both houses of Congress to enact legislation to provide some kind of restraint on imports.

Rep. Wilbur Mills, D-Ark., chairman of the House Ways and Means Committee, declared on the House floor that if the industry doesn't arrive at voluntary agreements, Congress will have to act.

"The pressures for unilateral action for textile import relief are stronger than ever in the Congess and throughout the country," he declared.

Sen. Herman Talmadge, D-Ga., has argued strenuously for some kind of controls over imports.

"The United States has long been recognized as the greatest manufacturing nation in the world," he declared. "But this position of industrial leadership is being eroded by outmoded trade policies which are turning us into a nation which exports raw materials in exchange for imported cheap labor.

"Recent U.S.-Japan trade figures from the Department of Commerce dramatize this resources-for-labor swap. In 1968, we imported from Japan some $4.1 billion (b) worth of various products. At the same time, we sold $2.9 billion (b) worth of goods in Japan. This is a serious deficit."

In the present economy, the Japanese can import cotton from the United States, manufacture it and sell it back to this country cheaper than American companies can market similar products.

Some of the industry's problems are traced to Public Law 480, which provides that the United States can sell certain agricultural products to foreign countries, such as cotton, but that the money for these products cannot be brought back into this country. It has to be spent in that country.

This money usually is spent through the military or embassy services. Textile men argue that this does nothing to improve this country's balance of payments.

There are nearly one million persons employed in textile manufacturing in this country, approximately half of them in the South.

The Japanese can undersell the American producers by about 1.5 cents or 2 cents a pound and the American industry figures at the present rate, Japan will have about 25 percent of the textile market in this country within ten years.

About 10 years ago, the General Agreement on Tariff and Trade (GATT) was set up in Geneva. This covers only cotton textiles.

Under this agreement, the United States can execute bilateral agreements with signatory nations, and at present about 30 such nations are involved.

Fate of this agreement is being decided in negotiations now. The present agreement expires in October 1970, unless a new pact is reached a year in advance.

The private agreements through GATT provide limitations on the amount of cotton textiles that can be brought in by category. It also provides for a gradual increase each year in the amount that each nation can send into this country.

Now, the textile industry as well as President Nixon has approved the idea of a similar agreement covering synthetic fiber textiles and wool.

The industry argues that with few exceptions, foreign textiles sell in this country only because they are produced at extremely low wages abroad.

Many industry spokesmen hope that foreign industry will negotiate with American industry, rather than run the risk of controls being imposed by Congress.

They feel that foreign businesses, especially Japanese, would rather talk turkey with U.S. businessmen than run the risk of killing the goose that is laying the golden egg.

REPRESENTATIVE FINDLEY'S PROPOSALS ON NATO

Mr. PERCY. Mr. President, I have just returned today from meetings of the NATO North Atlantic Assembly in Brussels. The Assembly is the parliamentary arm of NATO and annually brings together legislators from the countries of the NATO alliance.

On the trip were also two colleagues from Illinois, the House minority whip, Representative Leslie Arends, and Representative Paul Findley, as well as other Representatives and Senators. Representative Arends contributed greatly to the discussions at the Assembly as did Representative Findley.

Representative Findley made a proposal at the meetings which generated a great deal of interest. He pointed out that NATO seems threatened with various countries considering reductions in their troop commitments to NATO. He considers it far better to have a more modest integrated force whose continuity is assured rather than a larger force whose component parts could be pulled out at any time. He therefore proposed a formal new agreement within NATO to assure continuity and permanence in the alliance.

He urged that at least a 5-year agreement be made, preferably 10 years, which would include the following specific items: First, definite force units would be assigned and committed by each nation, including, where appropriate, nuclear forces. These forces could only be reduced by consent of the North Atlantic Council.

Second, definite agreed-upon financial arrangements for fulfilling these commitments including agreement on a formula through which all costs of common defense will be shared.

Third, agreement on the circumstances in which forces—including nuclear weapons—will be utilized, setting forth plans for all contingencies.

Although this plan would not alter the basic NATO Treaty it would spell out the terms of membership in the integrated command and restate convincingly the American nuclear commitment to the treaty. Congressman FINDLEY feels it would help to restore confidence, stability and strength to the alliance which it sorely needs at the moment.

Mr. President, so that the rest of the Members of Congress can see Representative FINDLEY's proposals in detail, I ask unanimous consent to have printed in the RECORD his speech of October 20, 1969, before the Assembly.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

Mr. FINDLEY (*United States*): At each of the last three plenary sessions I have had the privilege of speaking to the group and I have done so by sounding alarm and a note of urgency. Today is no exception. There are some promising signs in NATO, but at the same time in very important respects NATO is in serious trouble.

The immediate danger I see is not so much from external assault as from internal bleeding. The question which must be faced is how to stop the hemorrhage before it becomes fatal. Even though we have given our attention to many excellent ideas in the course of committee hearings and debate here, I question whether we have really squarely confronted the problem of how to stop this hemorrhage before it becomes fatal.

In the past three years France, the United States and the United Kingdom have each made substantial withdrawals from the integrated command. As has been well noted, Canada has just made substantial reduction. On the September tour of NATO military bases, I heard disturbing forecasts from private but very reliable sources that further cutbacks may be made by Belgium, Holland and Germany. Needless to say, the United States commitment is no longer what it once was. Empty barracks reserved for dual-based ground forces creates concern rather than confidence.

The report of Senator Cooper of the United States reflects accurately the strength of public demand in our country for further troop reduction. Senator Mansfield's statement reported this morning is a reflection of his early comments on the growing tide of opinion in our country. While President Nixon has plainly expressed his determination that U.S. forces in Europe will not be reduced for the time being he cannot deliver indefinitely more than public opinion will sustain.

If other nations follow Canada and those others I have mentioned, including the United States, in cutting back, these actions will inevitably trigger louder and more numerous American cries for fewer troops in Europe. Once started the flow of force reduction builds its own deadly momentum and one haemorrhage begets another. The question is, will it be halted before NATO's integrated structure bleeds to death? The peril lies not so much in a lack of quality and quantity of force commitments—important as these are—but rather in the uncertainty as to what will exist tomorrow and the day after that.

A modest integrated force whose continuity is assured is far better than a larger one whose elements may unexpectedly be pulled out next week or next year. It is better from the standpoint of alliance cohesion and mutual confidence. It is also better in terms of deterrent effect. The present atmosphere in which member nations no longer give primacy and permanence to their obligations to NATO but feel free to make sudden unilateral changes is bound to encourage the Soviets in the ancient game of divide and conquer. The Soviets would be far more impressed by, say, 10 or 15 divisions firmly committed to integrated command for ten years or even 5 years than by twice that number of divisions brought together only on a year to year basis.

Related to this debilitating trend is the question of nuclear defence for Western Europe. European concern is accurately reflected in the proposals just made by Dr. Erik Blumenfeld of Germany. Many Europeans realise that nuclear weapons are crucial to their security. They also recognise the weakness of relying for this most essential form of defence upon a decision by the head of a non-European Government. They naturally must do all possible to reduce to the absolute minimum any uncertainty as to whether nuclear weapons will be used to defend European homes. Without certainty as to the use of nuclear weapons in a crisis conventional arms have little importance in the modern world.

European concern about nuclear defence is in my view thoroughly understandable and justified. Here are some of the factors which contribute to this concern. First, the obvious rise in nuclear power of the Soviet Union which enables Moscow to retaliate against the United States with devastating force should the U.S. employ nuclear weapons to defend Europe. Secondly, the implementation in Czechoslavakia of the Brezhnev doctrine. This stripped away the facade of a mellowing Moscow that would no longer use naked force across national borders to extend its authority. Third, the introduction of flexible response as a NATO doctrine. This left somewhat vague the circumstances in which nuclear defensive action might occur.

Fourth and most important of all, developments in Vietnam. The United States has ruled out a military solution in Vietnam. The withdrawal of troops from Vietnam has begun. These decisions I applaud as essential, but American public pressure for an early and complete withdrawal of ground combat forces is quite plainly gathering strength throughout our country. If, as I predict, this disengagement proceeds it will develop with it a powerful demand for pull back elsewhere, including Europe. The American people will likely seek scapegoats to blame for the traumatic experience they will have as a result of this withdrawal. Inevitably many of them will demand that our troops come home from Europe as well as Vietnam, using the superficial, but nonetheless appealing, argument that our NATO allies provided no troops to help us in our time of trial in South East Asia.

I therefore conclude with the thoughts of Mr. Blumenfeld in proposing a European defence unit based on European nuclear weapons which speaks in a practical and constructive way to a vital and urgent problem. I present a suggestion which I feel will help us to tide over the very difficult period which lies immediately ahead. I urge that the NATO Council should make for a minimum period of 10 years—at the very least five years—a formal new agreement in which is specified the following items:

1. Forces to be assigned and committed by each nation, including where appropriate, nuclear forces. These forces under my proposal could be reduced only by the consent of the Council, for example, in the event that a force reduction in fact acceptable to the Council is negotiated with the Warsaw Pact.

2. Financial arrangements for fulfilling these commitments including agreement on a formula through which all costs of common defence will be shared. This could be similar to the present cost-sharing formula on infrastructure.

3. The circumstances in which forces—including nuclear forces—will be utilized, setting forth plans for all contingencies.

Would this ten years commitment regarding the integrated command structure require a change in the basic treaty which now permits any member to withdraw on one year's notice? My answer is that it would not. Any member State signing the five-year or ten-year commitment would still retain the option to withdraw completely from the Alliance thus terminating its ten-year commitment regarding the integrated command structure along with all advantages derived from being a signatory to the Alliance Treaty. But is such an act of withdrawal likely? In my view it is most unlikely that during the next 10 years any member state will sever itself completely from the all-for-one and one-for-all defence benefits of the Alliance. Although it would not alter the basic treaty it would spell out the terms of membership in the integrated command and restate convincingly the American nuclear commitment to the Treaty.

Because it would spell out clearly and specify a continuing obligation of each member, it would, I believe, be the type of agreement which we could sell to the American Congress and which I feel the other delegations could sell to their own Parliaments. It would go far to restoring confidence, stability and strength to the Alliance. It would prevent intermittent disputes over cost sharing and overcome the present tendency of Member States to make unilateral reduction of forces.

NATIONAL BUSINESS WOMEN'S WEEK

Mr. BYRD of Virginia. Mr. President, this week, October 19 through October 25, the 3,800 Business and Professional Women's Clubs of the country are observing National Business Women's Week.

Early this month, I had the pleasure of addressing the Business and Professional Women's Club of Arlington, Va. The occasion reminded me how alert to public issues our business women are, and what an enormous contribution they make to the life of their communities.

The progress of working women during the past half century has been remarkable. Career women—many of whom carry out the duties of wives and mothers while pursuing their careers—are a tremendous "plus" in the American economy.

I take this occasion to salute American business and professional women, and the fine work of their organizations throughout the country.

PRESERVATION OF THE TULE ELK

Mr. CRANSTON. Mr. President, last week I introduced S. 3028, which would authorize a feasibility study of the desirability of establishing a national wildlife refuge in California and/or adjacent Western States for the preservation of the Tule elk.

At that time I said that range is the Tule elk's crucial problem. This morning's New York Times contains an article entitled "Killing of Rare Tule Elk in California Arouses a Dispute," written by Gladwin Hill.

The Times article clearly demonstrates the problems associated with our current Tule elk range policy with an excellent description of the controversy caused by the State authorized Tule elk hunt in the Owens Valley.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KILLING OF RARE TULE ELK IN CALIFORNIA AROUSES A DISPUTE

(By Gladwin Hill)

OWENS VALLEY, CALIF.—"There's some elk!" The three hunters, armed with powerful rifles with telescopic sights had been plodding for 40 minutes over the treeless, lava-strewn foothills of the Sierra Nevada when a state fish and game inspector peered across a shallow draw to a slope 200 yards away where the animals grazed, camouflaged by sagebrush, in the dawn light.

The inspector quietly indicated which animal each hunter was to take.

In turn, Kenn Fawn, a young chemical engineer, Ross Miller, a 57-year-old contractor, and his son Donald, a high school teacher, crouched and fired.

Two cow elk and a buck lurched a few paces and toppled over, dead almost instantly.

PLEASED AT BAG

Five minutes later, the three men, all veteran deer hunters, were slitting open their kills to clean them, variously interested in the hide and meat, but generally just pleased to have gotten their first elk.

Superficially, the event—the first since 1964—was as routine as a deer hunt. But in fact it was a process that has evoked intense controversy among conservationists across the country.

The dead animals were three of approximately 400 of the only remaining specimens of the rare tule-elk species, a miniature variety standing about five feet and known only in California.

A century ago, big herds of them ranged the San Joaquin Valley on the other side of the Sierras, grazing on the bulrushes, or tule lands. They were almost exterminated by the Gold Rush pioneers and the farmers who followed.

The few survivors were transplanted over the last serves in Kern and Colusa Counties, most of them released over 600 square miles in the thinly populated Owens Valley on the east side of the Sierras, 250 miles north of Los Angeles.

There, no longer depleted by vanishing predators like mountain lions, and protected by felony laws from hunters, these elk have slowly multiplied.

Valley farmers complain about their depredations against alfalfa fields and their competition with grazing cattle in the sparsely vegetated foothills. Some experts contend that the capacity of the land is so limited that uncontrolled reproduction could lead to famine, disease and possible extinction of the herd.

After years of debate, the State Department of Fish and Game adopted in 1961 the policy that whenever its annual census showed more than 300 elk in the valley, they would be thinned to 250 by a closely supervised hunt.

Since 1961, there have been two thinning operations, eliminating 59 elk in 1962 and 50 in 1964. Eight thousand hunters entered a lottery for 80 killing permits this year. Winners pay $50 for a permit. The permits specify buck or cow.

PRESERVING THE ELK

The system is vehemently opposed by the Committee for the Preservation of the Tule Elk, a national organization with headquarters in Los Angeles claiming several thousand members in nearly every state.

Members call the thinning process barbaric, and oppose any herd reduction at all. They cite the international criterion that any species with less than 2,000 specimens is a vanishing one, subject to extinction from an epidemic or other unpredictables.

Cited in support of the thinning policy is a study sponsored by Resources for the Future, another national conservation organization. The study made by Dale McCullogh, a zoologist at the University of California, Berkeley, says that, under the system, the chance of the species becoming extinct is only 1 in 178,000.

Holders of the last nine permits of the season deployed at dawn last Saturday from the old airstrip at Manzanar, the site of a World War II Japanese-American internment camp.

STIFF EXAMINATIONS

Their papers were checked by the regional fish and game inspector; their rifles and ammunition examined to see that they met the requirement of 1,000 foot-pounds of force at 100 yards; every two or three were assigned a state game supervisor as a guide, and some were instructed to bring back their kills for official examination.

Mrs. Beula Edmiston of Los Angeles, the secretary of the Committee for the Preservation of the Tule Elk, watched the process and remained at the checkpoint all day until the hunters returned.

She and other members of the organization make it a habit to be on hand, although they have never been permitted to accompany the hunters. They converse politely with Ned Dollahite, the inspector, an earnest man who explains the state's policies with equal conviction.

"The culling process is followed by many Government agencies across the country with many species," he said. "Some think that any killing should just be done by official personnel.

"We believe in giving hunters, whose license fees are department's bread and butter, an unusual opportunity. But that isn't really the argument. The people on this committee just don't believe that any elk should be killed at all."

"Why take even one chance in 178,000 of eliminating a species?" Mrs. Edmiston asked. "For every hunter who wants to see one of these animals dead, there are a thousand taxpayers who'd rather see them alive. Opinion is growing in this direction. I have hopes that this may be the last of these hunts that we will see."

THE CONSTITUTION AND THE RATIFICATION OF HUMAN RIGHTS TREATIES—II

Mr. PROXMIRE. Mr. President, yesterday I stated that there is no basis for the argument that the ratification of the three human rights conventions concerning genocide, the political rights of women, and forced labor would violate certain constitutional provisions. The second principal constitutional argument advanced by those who oppose ratification is that the treatymaking power does not extend to that which is forbidden to the Federal Government. Thus, it has been argued that matters exclusively within the domain of the several States cannot properly be the subject of treaties.

A special report prepared by the Special Committee of Lawyers of the President's Commission for the Observance of Human Rights Year 1968 stated the following regarding this argument:

> But the argument begs the question. Matters within the scope of the treatymaking power cannot lie within the exclusive domain of the states. This doctrine has been clear from the very founding of the Republic.

The special committee supports this argument by quoting the decision of Justice Chase in the case of Ware against Hylton:

> If doubts would exist before the adoption of the present national government, they must be entirely removed by the 6th article of the Constitution . . . There can be no limitation on the power of the people of the United States. By their authority the State Constitutions were made, and by their authority the constitution of the United States was established; and they had the power to change or abolish the state constitutions or make them yield to the general government and to treaties made by their authority.

In Chirac against Lessee of Chirac, Chief Justice Marshall similarly ruled that the validity of a treaty could not be questioned on the grounds that the subject matter of the treaty was a matter within the competence of the State.

Thus, objections to ratification of the human rights conventions and the covenants on human rights cannot be based upon the proposition that the treatymaking power is limited by the power reserved to the States under the 10th Amendment. It is time we stopped making excuses for 20 years of delay: there can be no valid constitutional argument against ratification. The Senate must see this and take action now.

TAX REFORM ACT OF 1969—ACTION OF COMMITTEE ON FINANCE

Mr. LONG. Mr. President, yesterday, October 21, the Committee on Finance completed its consideration of the portion of the House tax reform bill which relates to capital gains and losses. Additionally, the committee approved a suggestion made by Secretary George Romney, of the Department of Housing and Urban Development, with respect to investments in low and moderate housing.

So that Senators might follow the progress of these executive sessions, I ask unanimous consent that the press release be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

[A press release from the Committee on Finance, U.S. Senate, Oct. 21, 1969]

TAX REFORM ACT OF 1969

CAPITAL GAINS COMMITTEE DECISIONS

The Honorable Russell B. Long, (D., La.), announced today that the Committee on Finance had concluded its work on that portion of the House tax reform bill dealing with the treatment of capital gains and losses. He reported that the Committee had substantially approved the restrictions contained in the House bill. However, he recalled that on October 10, the Committee had agreed to retain the 6-month holding period required before gain on the sale of the property could qualify for favorable capital gains treatment. (The House bill would have extended the holding period to one year.)

Senator Long also reported that Secretary George Romney of the Department of Housing and Urban Development had prevailed upon the Committee to consider further a suggestion he had made to encourage investments in low and moderate housing. The suggestion had been explored, but not approved, at Monday's meeting of the Committee. Following the Secretary's presentation, the Committee approved his suggestion.

A complete description of the actions taken at today's meeting follows:

Low and moderate income housing

Tax-Free Reinvestment.—As noted above, the Committee approved an amendment to the provisions of the House bill relating to the real estate industry. This amendment, recommended by the Department of Housing and Urban Development would permit a taxpayer who invests in low- or medium-income housing to sell the property and pay no current tax on the gain involved, provided (1) he sells the property to the occupants or to a tax-exempt organization which manages the property, and (2) the full proceeds from the sale are reinvested in other government-assisted housing. In such a case the taxpayer's basis for the old property, to the extent the proceeds are reinvested in similar property, will be carried forward and become a part of his basis for the new property.

Capital gains

25 Percent Maximum Rate.—The Committee generally agreed with the objective of the House bill in repealing the present 25 percent maximum rate on capital gains. However, it felt that taxpayers with relatively small amounts of capital gain should continue to be eligible for the 25 percent maximum rate. Accordingly, it provided that married couples could continue to apply this rate in the case of gains up to $140,000 ($85,000 for single persons), provided they did not have "preference" income of more than $10,000. (The Committee has not yet taken up that part of the House bill concerned with the limit on tax preference, and for this reason, no announcement as to the items constituting "preference" income is being made at this time).

The Committee further agreed to move the effective date for the higher capital gains rate to December 31, 1969 (it was July 25, 1969 under the House bill), and to phase it in over a three-year period. While the exact amount of the increase will not be finally determined until the Committee has reviewed the rate reduction provisions, based upon the rate structure contained in the House bill the phase-in would be as follows:

	Percent
1969 (including the surtax)	27.5
1970	29.5
1971	31
1972	32.5

Alternative Tax for Corporations.—The Committee agreed to adopt the provision of the House-passed tax bill which would increase the alternative tax rate for a corporation's net long-term capital gains from 25 percent to 30 percent. The effective date of this change will also be December 31, 1969 and, as in the case of the alternative 25 percent tax rate for individuals, this higher tax will also be phased-in. However, the phase-in in the case of corporations will involve only 2 years. The rates applicable during this period are:

	Percent
1969	27.5
1970	29
1971	30

Transitional Rules.—In addition to the date change and the phase-in, described above, the Committee agreed to adopt several transitional rules which will apply both to the alternative tax for individuals and the alternative tax for corporations. The Committee agreed to a transitional provision which provides that capital gains arising from sales or other dispositions under binding contracts that were in effect on or before October 9, 1969, would be taxed under present law. This binding contract rule would not apply, however, in certain cases of gain from timber, coal, or domestic iron ore which is taxed as a capital gain under section 631 of the Internal Revenue Code. Further, the Committee adopted a provision which would except a capital, or liquidating distribution from a corporation which was made under a plan adopted prior to October 9, 1969.

The Committee further adopted a provision which clarifies the status of installment payments received after 1969 but which relate to sales made on or before October 9, 1969. This new provision provides that such installment payments would be taxed at the maximum alternative rate of 25 percent until the sale price is paid off.

Capital Losses of Individuals.—The Committee adopted the provisions of the House-passed tax bill relating to capital losses of individuals. This provision provides that only 50 percent of an individual's long-term capital losses may be offset against his ordinary income. In addition, the deduction of capital losses against ordinary income for married persons filing separate returns would be limited to $500 for each spouse. The Committee did, however, change the effective date of this provision. Under the Senate version, this provision would be effective for taxable years beginning after December 31, 1969 (the House bill would have applied to taxable years beginning after July 25, 1969).

Sales of Life Estates.—The Committee also adopted the provision of the House-passed tax bill which relates to the sales of life estates. In general, this provision provides that the entire amount received on the sale or other disposition of a life (or term of years) interest in property, or income interest in trust (whether acquired by gift, bequest, inheritance, or by a transfer in trust), is to be taxable without any reduction for the taxpayer's basis. Presently, only the excess of the amount received over the seller's basis is taxed. The Committee, however, did change the effective date for the provision. Under the Senate version, this provision would become effective as to sales or other dispositions after October 9, 1969 (the House bill would have applied with respect to sales or other distributions after July 25, 1969).

Casualty Losses Under Section 1231.—The Committee further adopted the provisions of the House-passed tax bill which change the tax treatment of certain casualty losses. The Committee did provide that the provision would include casualty gains and losses on personal capital assets. Personal capital gains and losses were not included within the House bill. Further, the Committee changed the effective date of this provision to years beginning after December 31, 1969 (the House bill would have applied with respect to taxable years beginning after July 25, 1969).

Transfer of Franchises.—The Committee adopted the provisions of the House-passed tax bill relating to transfers of franchises. However, the Committee added additional rules to the provisions to help distinguish between those cases when the transfer of the franchise is to be treated as a sale as contrasted with when the transfer is to be treated as a license. In addition, the Committee adopted rules for the tax treatment of the franchises which would be consistent with that treatment given to the franchisor. Further, the Committee provided that the section would apply to trademarks and tradenames as well as franchises. Under the Committee version this section would apply to transfers made after December 31, 1969. However, present franchisees who are otherwise eligible for the more liberal rules included in this provision could elect to come under this new provision, rather than continuing to be taxed in accordance with present law. Finally, the Committee agreed to exclude professional sports from the application of these new rules.

Collections of Letters, Memorandums, etc.—This matter was dealt with by the Committee on October 13, 1969. See press announcement of October 14, 1969.

Holding Period of Capital Assets.—This matter was dealt with by the Committee on October 10, 1969. See press announcement of that date.

Total Distributions from Qualified Pension and other Plans.—This matter was dealt with by the Committee on October 14, 1969. See press announcement of that date.

AN AMERICAN SATELLITE COMMUNICATIONS SYSTEM—ADDRESS BY SENATOR GRAVEL

Mr. ELLENDER. Mr. President, I invite the attention of Senators to the speech delivered by the junior Senator from Alaska (Mr. GRAVEL), on Monday, October 13, at the meeting of the Inter-university Communications Council held at Notre Dame University in South Bend, Ind.

Our distinguished colleague discussed a most vital issue which affects all of us; namely, the availability of communications to distribute educational and cultural programing that cannot be a profitable commercial enterprise for network broadcasters. Alaska, which is nearly void of modern communications, seeks a solution by use of satellites for much of its land mass.

Many of our States invest large sums of taxpayers' moneys to establish cultural and educational transmission facilities. My own State of Louisiana is, like Alaska, pioneering in one segment of communications applications by establishing a cultural French-speaking network to preserve the rich, unique heritage that is firmly rooted in Louisiana.

Mr. President, I believe we should all reflect a moment on the profound issues that are discussed by Senator GRAVEL, because these issues touch on the quantity and quality of one of man's most powerful instruments—television—which penetrate into the homes and influences the most precious part of our society's fabric.

I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

AN AMERICAN SATELLITE COMMUNICATIONS SYSTEM

(By Senator MIKE GRAVEL)

Mr. Chairman, Delegates to the Inter-University Communications Council Meeting, invited guests, ladies and gentlemen:

Victor Hugo said there is nothing more powerful than an idea whose time has come. That is precisely what your organization is engaged in doing . . . advancing applications for a powerful idea.

It is fundamental to our academic environment that scholars have the right to probe banks of knowledge and that academic institutions maintain close links with one another. And that, of course, is your primary goal.

Your pioneering continues to be important. Your reports and your conferences over the past few years highlight the opportunities facing society today. They have focused interest on public issues related to the new communications technology.

My involvement in your field has come about through the demands of my own constituency.

Let me describe one of the principal problems facing Alaska today, and you will see why I have such an interest in what you are doing.

My state is the most remote state in the Union, extending deep into the Arctic. It is larger than the combined areas of England, France, West Germany, East Germany, Poland, Czechoslavakia, Switzerland.

It is larger than all of the Eastern seaboard states combined, from Maine to Florida. However, Alaska's population is no larger than metropolitan South Bend . . . approximately 270,000 people.

Our state's major problems in education and acculturation stem from our very low population density. It is difficult to attract competent teachers for isolated communities and to keep them there out of touch with their teaching colleagues, out of contact with sources of assistance and research.

The knowledge gaps that have been bridged in rural America by the media as described by Marshall McLuhan, have yet to be successfully challenged in the North Country. In most of Alaska there are virtually no modern communications.

As you know, telecommunications in the United States has been predicated on commercial exploitation. Under these conditions of profit only a few Alaskan communities have the economic base to support adequate communications.

Compared to other areas of this nation, my state is in the communications stone age. But, as a result of the technological gains in satellite communications, Alaska's characteristics—former liabilities—are now ideally suited to make my state the showcase for space applications.

We in Alaska are not hide-bound to the equity interests which are threatened elsewhere by this new satellite technology.

Our long-term goals are these: Every single community including the smallest village must enjoy television—educational television, cultural television and commercial television.

Alaskans everywhere must have access to new bio-medical diagnostic assistance.

Audio-visual programs must be a part of each school's curriculum.

Telephonic services generally taken for granted here in the south 48 must now become available to all Alaskans regardless of how remote their community.

Alaska must also have direct outside links through international satellites; and must have a complete internal communications system, using a sensible mix of terrestrial and space facilities.

You know as well as I that the state-of-the-art easily permits Alaska to have what I just described.

Not many months ago I proposed bringing the Apollo 11 telecast directly to my state. This idea initially was scoffed at by authorities who should have known better. However, by insisting that the Department of Defense conduct tests, we proved that it could be done.

We employed a double satellite hop, using first a civilian satellite and then a military one to transmit TV for the first time to Anchorage—live TV. Alaskans along with their fellow Americans saw Neil Armstrong impress man's footprint on the moon.

Now we are working on another step toward permanent adequate communications—a pilot program to bring educational and cultural TV to four Alaskan communities using NASA's ATS–1 satellite. We are very close to realizing success in this effort.

And what we learn from this relatively modest experiment, we can apply to our permanent system. In fact the experiment itself will be a strong argument for a total satellite program.

Imagine the system I have just outlined for Alaska superimposed on the total United States.

Direct educational TV could be beamed into each of America's 50,000 school districts. NASA has estimated the cost of small receiver stations for this type of application at less than $500.

A domestic American satellite would provide TV and high speed data channels plus associated voice circuits. The cost of the bird in space and the related ground facilities should be borne by both government-dedicated funds and lease income from commercial sources.

After this quick look at the future let us turn to the present.

Private interests, constrained by the dictates of commercial economics, have long been whipping boys for those of us dissatisfied with both the quantity and quality of our national communications.

Why waste any more time condemning commercial interests. The final responsibility for utilizing the full spectrum of communications lies not with private enterprise but with government.

Educational TV will never make a profit and should not be expected to.

Cultural TV will never make a profit and should not be expected to.

And likewise, commercial TV should not be the pack horse of educational and cultural TV.

Our government should turn away from past confusion and develop the full spectrum of communications utilizing today's satellite technology.

In analyzing what government should do to further this end, let's concentrate on one issue that affects all of you and is basic to everything we say on this subject.

Who's responsible for getting the job done? And why hasn't the job been done? What are the facts?

The management of our satellite technology is vested in the Communications Satellite Corporation, COMSAT. An entity chartered by Congress through the Communications Satellite Act of 1962.

When we look back on the debate which led to this legislation, we can understand the difficulty Congress had at that time in establishing a law controlling a technology about which it knew so little. However, today we have considerable experience and we can now look at that law and know that it has enormous shortcomings.

It was Congress that assigned COMSAT the duty of developing and managing international satellite communications system. But it was also Congress that neglected to clearly assign a similar responsibility to meet our domestic needs.

The result has been that in this decade, the utilization of communications technology in the U.S. has lagged far behind its potential. In fact we have been exporting the benefits of our own technology without sharing those benefits with ourselves.

Not only have we denied ourselves with respect to these benefits but we have taken our management skills and directed them to the operation of an international consortium—INTELSAT. COMSAT, an American chartered and financed corporation, is the agent operating INTELSAT.

Whatever interest COMSAT might have in developing an acceptable domestic system is blunted in yet another way.

By law, representatives of the communications industry sit on COMSAT's Board of Directors. At the moment, there are four.

These men are paid by the very industries that benefit from the absence of domestic satellite communications. Their companies systematically litigate against COMSAT before the Federal Communications Commission.

Three members of COMSAT's Board are Presidential appointees. The remaining eight board members are "public" members. As in most corporations today, management dictates the composition of its own governing board. And no one can really deny that this is in fact the case with COMSAT.

Unfortunately for the American public, the ultimate interest of many of those who sit on COMSAT's Board are best served by COMSAT's inactivity.

COMSAT has gone through the motions of filing for a domestic satellite system. It did so after others attempted to fill the vacuum. However, the application is still pending. Combine this with the additional fact that the same interests holding seats on COMSAT's Board of Directors have brought strong opposition to the FCC. The net result is that we have no domestic satellite system.

The conflict of interest is obvious. Profit-motivated corporations are forced to protect their equity interests. Our free enterprise system will not and can not be expected to solve this dilemma or operate in any other way.

Meanwhile, what is going on in other parts of the world?

Canada is now building the equipment for a domestic satellite system that will be operative in 1972. Their crown corporation has been established and contracts awarded. Their system will provide them with transcontinental telephone as well as data and television systems. These same services will be extended to the far reaches of the Arctic.

A very real possibility exists that Canada's system could satisfy Alaska's needs. This economic and political determination has yet to be made.

There are other examples: German and French governments are constructing a communications satellite called "Symphony." Under present plans, it will provide educational TV and cultural TV to portions of Europe and Africa in 1973.

India is developing a particularly noteworthy system. India's problem is the crushing birthrate which has thus far eluded all prior attempts at control. Their satellite will offer the only feasible method of reaching untold millions with a convincing enough argument to solve their problem. By 1972 India will then be able to extend the full spectrum of communications to millions who are now without any form of mass communications.

The United States will launch the satellites for all three . . . the Franco-German "Symphony," the Canadian "Telesat," and the Indian "ATS–F."

I feel a sense of pride that the United States is enriching so many lives around the world. I feel an equal sense of frustration over our inability at the same time to further enrich American lives.

It is obvious that COMSAT, which is the only American agent created to pursue the benefits of satellite communications, devotes its efforts to international projects. What we have created is a foreign agent devoted to international programs and no organization devoted solely to serving the domestic needs of this country.

Any COMSAT plan related to a satellite system for the United States will of necessity be structured around INTELSAT programs and economics which have been machinated in London, Paris, Rome and Beirut.

The present national administration, like the last one, has focused its attention on these problems. The results of its study are expected soon. Hopefully, the President will make recommendations and use the full force of his office to influence and prepare legislation that will provide the United States with a complete domestic communications system.

I am convinced that the American people, developing a greater recognition of this dilemma will not settle for anything less.

The Nixon Administration must address itself to the following problem areas if it is to have an effective plan:

1. A clear designation of responsibility for a domestic satellite system must be given to some entity. This entity could be COMSAT, it could be a newly formed corporation, it could be an existing corporate giant in the field of communications, or it could be a new organization owned entirely by the Federal Government.

2. We must guarantee the full utilization of the total communications spectrum. This means that free educational and cultural TV must be available to every citizen. Biomedical and diagnostic assistance must be available to all doctors everywhere and academic banks of knowledge must permanently be linked in all our universities.

3. And finally any plan must assure an orderly transition. Existing equity interests must be recognized and dealt with fairly.

My involvement with satellite communications prompted me to introduce Senate Bill 2928. The bill's main objective is to permit states, their political subdivisions and chartered institutions such as universities and hospitals to own satellite terminal facilities. They could own ground stations outright or co-own the stations with an authorized communications common-carrier or co-own them with COMSAT.

The bill further provides that a domestic satellite be available for domestic use.

Our advances in aeronautics and space engineering have been passed on to benefit American citizens. The same has been true in medical research and nearly all other scientific fields.

But in communications we have placed ourselves in a straight-jacket. We have permitted the policies and economics of the situation to thwart rather than advance the full utilization of the new technology.

Reflect for a moment on the implications involved in this bill. You will see that virtually all the issues that interest you are affected by its provisions.

The powerful idea I spoke of at the beginning is at hand. We must all begin to focus on and push for an immediate communications plan. Adding your individual voices to a chorus that will be heard by this Administration and this Congress will, I am sure, produce the desired results.

Man's greatest problem is communicating with his fellow man.

We here address ourselves to an opportunity for solving the population problems of India, providing a vehicle for the acculturation of Eskimos in the far reaches of the Arctic, providing our ghetto population with the necessary training and education and bringing to all Americans cultural enrichment far beyond existing horizons.

We now have the opportunity to bring about a greater degree of communications to satisfy all appetites and needs.

The technology exists. What a crime not to use it.

FEDERAL PRICE FIXING PRODUCES GAS SHORTAGE

Mr. TOWER. Mr. President, I invite attention to an extremely important and timely article published in Baron's national business and financial weekly for October 13.

The article concerns a billion-dollar bet that the United States cannot solve its own natural gas problems which have been under Federal control now for only the last 15 years—since 1954.

Early this month, a staff report to the Federal Power Commission's boss revealed that by the end of 1973 our national reserves-to-production ratio will be reduced to 10.2. On October 3, the FPC decided to treat as new supplies—hence, worth more money—all gas henceforth discovered on acreage already committed to the interstate market. A week ago last Tuesday in what the agency described as a "turning point" in regulation, it decided to liberalize the pricing of gas reserves which the pipeline companies themselves own. The industry spokesmen say: "Too little, too late."

The open market should be the mechanism for determining price because governmental fiat is not only unnecessary but unworkable as presently attempted. Federal price fixing is finally producing this looming gas shortage.

The billion-dollar bet is El Paso Natural Gas Co.'s planned arrangement with the Algerian Government to import natual gas in a liquified and refrigerated form to the United States east coast for sale to the consumer. This will be a very expensive item to the household user and industrial user. And one can bet it will be a costly headache for the U.S. concerns which will have to continue to do business with the already hostile Algerian Government. Three years ago, Algeria began pressuring the American oil concerns to submit to discriminatory treatment regarding royalties and taxes. Since then Algiers has "sequestered," or confiscated, the bulk of U.S. investment within its borders.

To quote Dr. Milton Friedman:

> Economists may not know much. But we do know one thing very well: how to produce shortages and surpluses. If you want to produce a shortage of any product, simply have a government fix and enforce a legal maximum price on the product which is less than the price that otherwise would prevail.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FEDERAL PRICE FIXING IS FINALLY PRODUCING A SHORTAGE

El Paso Natural Gas Co., which (according to an article in Barron's barely six months ago) was supposed to be "Making Fewer Headlines, More Money," last week made quite a splash on the financial page. The company announced that it has signed with Sonatrach, Algeria's state-owned petroleum monopoly, "definitive agreements for the largest liquefied natural gas (LNG) project in history," one which involves capital outlays of nearly $1 billion and is designed, starting in the fall of 1973 and extending nearly to the end of the century, to deliver one billion cubic feet of fuel per day to East Coast ports. Besides pipelines and the like, the project calls for the construction of liquefaction and regasification plants, as well as nearly a dozen specially designed vessels, biggest of the kind ever built, to carry the frozen gas. "This will mark the first time that energy supplies of this type have been imported into the U.S. on a permanent basis," the company proudly observed, adding that it was "particularly pleased to be associated with the pioneering venture. . . ."

Apart from its unprecedented size and scope, the project is noteworthy on a number of counts. For one thing, if carried out faithfully by both parties, the contract will mark a welcome change in the commercial practices of the Algerian Government, which up to now have smacked less of the Harvard Business School than of the Barbary Pirates. Since gaining independence a decade ago, Algeria has seized without compensation a vast amount of foreign property, including banks, insurance companies and the personal possessions of thousands of former French residents. Sonatrach—Societe Nationale pour la Recherche, le Transport, la Transformation et la Commercialization des Hydrocarbures—launched its career three years ago by borrowing $15 million from a couple of gullible U.S. banks. No sooner had the ink dried on the loan agreement than Algeria began pressuring the American oil concerns on the scene to submit to discriminatory treatment regarding royalties and taxes. Since then Algiers (which broke off diplomatic relations with Washington during the last Israeli-Arab War) has "sequestered," or confiscated, the bulk of U.S. investment within its borders, including concessions held by El Paso Natural Gas. "Never do business with a man you can't trust," advised J. P. Morgan, but the old man has been dead a long time. Perhaps the company will come out all right.

That's the stockholders' worry. Profitable or otherwise, the huge transaction, which last week's announcement said was "designed to ease U.S. gas supply problems," has disturbing significance for the whole country. For it plainly indicates that domestic reserves of the useful and versatile fuel, once deemed inexhaustible, are not keeping pace with future needs, an alarming state of affairs which the Federal Power Commission belately has come to recognize. Just a fortnight ago, the FPC, which regulates interstate distribution of natural gas from wellhead to burner tip, released a staff report on supply and demand, warning that within the next five years—sooner in some areas—a critical nationwide shortage will flare. What the agency failed to point out is that its own regulatory policies, by deliberately (if not with malice aforethought) imposing an artificial lid on prices, have been largely to blame. Price control will always have its blind worshipers (hi there, professor Galbraith). Only the free market, however, can keep the home fires burning.

For the past 15 years, to be sure, the regulatory bodies have been singing a different tune. In 1954, the U.S. Supreme Court, in a singularly ill-advised decision, thrust on the Federal Power Commission authority to regulate not only transmission and distribution companies but also producers of natural gas. Since then, despite protracted litigation, the FPC has gradually extended its sway. The agency has decreed, beyond further legal appeal, area prices of approximately 15.5 cents per thousand cubic feet of gas for the Permian Basin. (Ceiling prices for all other major areas are still in dispute.) The ceiling for Southern Louisiana was finally set by the FPC at nearly five cents per mcf., or 20%, below the provisional guideline posted eight years earlier. As in the Permian Basin rate case, moreover, the FPC employed in its calculations 1960 cost figures, which it so far has refused to up-date. Thus, according to Stanley Learned, director and former president of Phillips Petroleum, the government has "established a concept for producer prices under which the industry cannot recover its costs."

Such policies have naturally warmed the hearts of users. However, producers, discouraged by lack of incentive, have sharply curtailed their efforts. Completions of U.S. exploratory gas and condensate wells declined from 909 in 1959 to 429 in 1968. In the latter year, for the first time in history, net production exceeded additions to reserves. The reserves-to-production (or R/P) ratio today stands at only 14.6, or considerably less than a 15-year supply, barely two-thirds of what it was when the FPC acquired jurisdiction. Some pipelines are unable to contract for future needs; hence, expansion programs are in jeopardy. Now El Paso Natural Gas Co. has decided to go four thousand miles overseas for fuel which will cost more than 50 cents per mcf., perhaps half again as much as gas moved by pipeline from the Gulf Coast.

Even the federal regulators, as noted, have finally grown concerned over what they have wrought. Early this month the FPC issued a staff report that didn't make pleasant reading for the boss. In brief, it concluded that the national reserves-to-production ratio would decline to 10.2 by the end of 1973. "Even a substantial improvement in reserve additions above that experienced during the past five years will not prevent the R/P ratio from dropping to about 11." Regional gas supply deficiencies are likely. "The uncommitted portion of the total proven reserve inventory will have been exhausted by 1974, at which time the natural gas industry's capacity for growth will be limited." None of the foregoing, said a miffed Commissioner, provides "the basis for a round of price increases." Nonetheless, the full Commission has swiftly moved to make a start. On October 3 the FPC decided to treat as new supplies (hence, worth more money) all gas henceforth discovered on acreage already committed to the interstate market. Last Tuesday in what the agency described as a "turning point" in regulation, it decided to liberalize the pricing of gas reserves which pipelines themselves own.

Too little, say industry spokesmen, and too late. To meet the looming emergency, in the view of Phillips' Learned, the Commission must take more far-reaching steps, including reconsideration of its Southern Louisiana decision; approval of an increase of at least five cents per thousand cubic feet in both wellhead and flowing gas; and recognition in price-fixing of "changes in taxes and the results of inflation." For the long haul, Mr. Learned approvingly quotes the views of Dr. Clark A. Hawkins, associate professor of finance and economics at the University of Arizona, an authority on the subject. In a new book, the latter writes: "The market should be the mechanism for determining price because natural gas price fixing by governmental fiat is not only unnecessary but unworkable as presently attempted. Also, it is only the market that will give the lowest price consistent with maximum output in the long run. The standard of market price could be feasible under existing law if the Commission would espouse it and proceed to the courts." Failing that, of course, a Congress truly responsive to the needs of consumer and producer alike would undo the longstanding judicial mischief.

Like El Paso Natural Gas Co., we would be inclined to bet on the sorry status quo. The East Coast doubtless will come to rely for fuel on a source of supply that is unfriendly at best and, at the slightest provocation, downright hostile. As the U.S. proceeds to import natural gas—at higher prices, be it noted, not lower—the poor old balance of payments will suffer a fresh, and wholly gratuitous, setback. "Economists," so Dr. Milton Friedman has said, "may not know much. But we do know one thing very well: how to produce shortages and surpluses. Do you want to produce a shortage of any product? Simply have government fix and enforce a legal maximum price on the product which is less than the price that otherwise would prevail. . . ." He should be teaching at Harvard.

PROUD AMERICANS

Mr. DODD. Mr. President, in the words of a well-known columnist, our Nation is undergoing an "agony of protest."

The society known as America has splintered into the rich and poor, young and old, black and white.

The policy known as the United States is fragmented into the "silent majority" and the "dissident minority." From radical to reactionary, our discontent is becoming cataclysmic.

Because of the division and dissent with which we are faced, "Americanism" is no longer a term easily defined. The points on which we all agree are growing fewer and fewer.

Surely this is cause for concern. At the same time, however, I see it as a great cause for optimism. For Americans are, as at no other time, deeply involved and highly informed with respect to the state of our Nation.

To me this implies that a significant factor unites us all; namely, love of our country and commitment to making it great.

Because I believe this so strongly, I am pleased and encouraged by the recent formation, by a group of Connecticut citizens, of the Proud American Club.

This group was initiated under the leadership of the New Haven County Sheriffs' Association. Its purpose is to reaffirm faith and pride in this free Nation.

The Proud American Club is a nonpartisan group. It stands against racism, crime, and any form of injustice. More importantly, however, it stands for freedom, equality, opportunity, and pride in our National heritage.

In the words of New Haven County Sheriff J. Edward Slavin:

> We are going to make an effort to organize Proud Americans in this Country. A Proud American can be black, white, yellow or brown . . . but he or she must believe in this Country and be proud and help to keep what our forefathers struggled so hard for us to enjoy.

Mr. President, as a proud American, I commend Sheriff Slavin and the other leaders and members of this fine effort.

I know that Senators share my hope that, whatever our differences and our troubles, every American will be a proud American.

PROPAGANDA PAWNS

Mr. FANNIN. Mr. President, many wonderful women in my State of Arizona, as well as across this Nation, are waiting. They are waiting for word from Hanoi. They are waiting to find out if they are wives or widows.

Mr. President, this kind of inhumane, indecent, uncivilized treatment of Americans who have gone down behind enemy lines is not only inexcusable, it is a loathsome international action. The treatment our American POW's have received at the hands of Communist governments is despicable and deserves the abhorrence of all legitimate world officials.

If we are to have demonstrations in the streets, let us have some demonstration against this kind of violation of international relations and the Geneva conventions. Let us have an outpouring of protest against these international gangsters who use wives and children as propaganda pawns of war.

An excellent article detailing this situation—written by Mr. Louis R. Stockstill—was published in Air Force magazine for October.

Hanoi has consistently refused to permit inspections of its prisons; to release the sick and wounded; to allow exchange of letters and packages; or to protect U.S. prisoners from public abuse.

All these things are violations of the Geneva conventions of 1957, which were signed by the Hanoi Government.

The prisoners, in fact, have been used and exploited for propaganda ends, this with the full knowledge and cooperation of members of the so-called new left.

I am incensed about this, and I think the American people are, too.

I ask unanimous consent that the article and an accompanying editorial from the same magazine be printed in the RECORD.

There being no objection, the article and editorial was ordered to be printed in the RECORD, as follows:

PRISONERS OF WAR: THE FORGOTTEN AMERICANS OF THE VIETNAM WAR

(By Louis R. Stockstill)

(NOTE.—On the following pages you will find one of the most important articles ever published in this magazine. Telling you this may seem redundant. If an article is unimportant, we should not be publishing it at all. At the same time, we have always acknowledged to ourselves that not all readers are interested in everything we print. Our job is to supply a balanced buffet table—not intravenous feeding.

(But the matter of our American servicemen who have sacrificed their freedom, their health, and the peace of mind of themselves and their families in behalf of freedom for others—this is a matter that concerns us all. By the hundreds, these men languish in North Vietnam prisons and in Viet Cong jungle camps—unprotected by the Geneva Conventions which are supposed to guard the rights and persons of all prisoners of war. That the bulk of these American prisoners are airmen brings their plight a little closer to us, perhaps. That others have lost life and limb in the same cause is even more saddening. But death and wounds are irretrievable, and all we can do is to make suitable provision for the wounded and the survivors of the dead. The prisoners, on the other hand, are alive and are retrievable. We can do something about them. We must.

(The author, who has done such a thorough and painstaking job, served for many years on the staff of The Journal of the Armed Forces, ultimately as its Editor. Lou Stockstill has devoted his professional life to the examination and explanation of the problems of the armed forces of the United States. He is now a freelance writer in Washington. This article represents, in our judgment, the finest effort of his distinguished career. It explains the POW problem better, and in more detail, than anything published to date. It includes some concrete suggestions as to what you can do to help.

(Read it, and let your conscience be your guide.—The Editors)

Once a month, from her living room high up in an Arlington, Va., apartment building, removed from most brutalities of life except her own thoughts, Gloria Netherland walks a long hallway to the mail chute and deposits a letter.

She watches it drop from sight on the first leg of a journey into an unknown void halfway around the world. The letter begins "Dear Dutch." But whether Dutch will read it, or someone else will read it, or whether it will go unopened is impossible to say.

Gloria and Dutch have been married eighteen years, but she doesn't know—hasn't known for a long time now—if he is alive or dead. And if alive, she doesn't know where he is or how he is.

For more than two years she has written the monthly letters—limited to six lines each, according to current Communist rules. None are answered, none are returned.

But, in the pattern of "dreadful uncertainty" that characterizes her daily life, she never fails to write.

"I realize," she says, "that there is just a fifty-fifty chance he is alive, but I feel that I cannot afford to let anything go undone."

Capt. Roger M. Netherland, USN, who was shot down over North Vietnam in May 1967, is one of the senior US pilots missing in the Vietnam War. Flyers reconnoitering the site where his burning plane plunged to the ground believe they heard his voice. But no word has come through since.

"When you are married to a flyer," Gloria Netherland says, "you learn to live with potential disaster. But you expect it to be black and white, not like this. I can't think of him as being gone, but it is very difficult for me to think of him as a prisoner."

She says, "The worst day for me was not the day they came to tell me he had been shot down. The worst day was the day his clothes and books and personal things came back. To have to unpack a man's life is not an easy experience.

"And if he is gone, I will have to do it all again. There will be another complete healing period to go through."

Gloria Netherland is but one of hundreds of wives and parents who live on an emotional roller coaster of grief, hope, faith, anxiety, and raw courage. For some, the waiting has lasted more than five years.

Their husbands and sons are the forgotten men of the Vietnam War—approximately 1,400 men captured by the enemy or missing and possibly in enemy hands. Most of the known captives are imprisoned in North Vietnam, others by the Viet Cong in the jungles of the South. A few are interned in Laos and Red China. Files of 981 men have been stamped with the heart-wrenching legend "MIA"—missing in action.

Some 3,000 "next of kin"—wives, children, and parents—in every state now endure what one calls "this limbo of anguish."

The other side has revealed tragically little about these "casualties" of the war. North Vietnam and the Viet Cong, defying international agreements and basic codes of humanitarianism and decency, have consistently refused to discuss the whereabouts of the missing men. Similarly, they have dribbled out only limited and distorted information about selected prisoners in infrequent propaganda movies tailored to their own purposes, often peddling doctored film to foreign outlets. Many wives quite rightly believe that "our husbands are being sold for so much propaganda."

On the shoddy pretext that U.S. captives are not prisoners of war but "criminals," North Vietnam will not allow neutral inspections of its prisons. Yet such inspections are required under the Geneva Convention, signed by North Vietnam in 1957 and by 119 other governments.

Using the "criminal" charge to mask its defiance, Hanoi not only has rejected inspection of its camps, but has refused to:

Identify the prisoners it holds;

Release the sick and wounded;

Allow proper flow of letters and packages; or

Protect US priosners from public abuse.

The Viet Cong and Communist forces in Laos have followed Hanoi's lead by imposing an even more rigid blackout.

The curtain of secrecy the enemy has thrown around the prisoners and missing men has, until recently been duplicated to some extent by the US government. But this is now changing. A brighter spotlight has been turned on the problem. The change has been wrought by the Nixon Administration. The United States government has now opened up some of its previously closed files of information on the imprisoned and missing men. New initiatives and a tougher approach are the order of the day. Further steps may be in prospect.

NEW HOPE FOR POW'S

For the first time, Administration officials are waging an open fight for the prisoners. The diplomatic maneuverings which shielded many aspects of the problem from public view during the Johnson Administration—although perhaps rightly so for that time—have now been partially cast aside. The United States is speaking out.

Two of President Nixon's top Cabinet officers have embarked on a strong public offensive in which they stress concern for, as well as facts and figures about, the treatment of the US prisoners and missing men.

"I don't understand how the North Vietnamese can be so lacking in humanity that they won't even give us the names of the prisoners they have," declares Secretary of State William P. Rogers. "All they have done is to be more intransigent, more unreasonable, and more inhumane."

Secretary of Defense Melvin R. Laird says there is "clear evidence that US prisoners are not being treated humanely," and that conditions in the prison camps are "shocking."

Yet, in order for the tough and forthright new policies to produce desired results, citizens must join the attack. Their assistance could be crucial. Many citizens may never have asked themselves how, or if, they can help. Many still may not be aware of the full story of our forgotten men.

Here then are the sobering facts about the prisoners and the missing, the details of the obscure existence they live, the way they are used and abused by Hanoi. And here, too, is an account of what the US is doing to aid the men and their families, and suggestions as to how you might lend a hand:

Of the known prisoners—the 401 the armed forces have been able to positively identify as captured—192 are Air Force, 140 are Navy, forty-six are Army men, and twenty-three are Marine Corps personnel.

Nearly 1,000 others are missing in action and thought to be captives. The largest number missing from any single service is 516 from the Air Force. More than 260 are missing in the Army, more than 100 in the Navy, and ninety-four in the Marine Corps.

The prisoners and missing men range in rank from private to colonel, or Navy captain. They include such men as Col. Robinson Risner, of Oklahoma City, one of the top AF pilots, and Navy Lt. Cmdr. J. S. McCain, III, son of the US Commander in Chief, Pacific, Adm. J. S. McCain, Jr.

Several of the known prisoners have now been behind bars more than five years. More than 200 have been imprisoned or missing for more than three and one-half years, more than 500 for over two years.

Some military intelligence the United States has gleaned about these men must be kept secret or couched in guarded language to protect the prisoners.

Nevertheless, accounts of torture and inhumane treatment have emerged. The widely publicized story of the capture, escape, evasion, and rescue of Navy Lt. (j.g.) Dieter Dengler in 1966 presented stark examples. Captured by the Pathet Lao but eventually turned over to North Vietnamese soldiers, Dengler was spread-eagled by his captors and at night left to the mercy of jungle insects, tied to a tree for harassment target practice, repeatedly beaten with fists and sticks (once into unconsciousness) for refusing to sign a statement condemning the US, and tied behind a water buffalo and dragged through the bush. The once 180-pound flyer weighed ninety-eight pounds following his escape and rescue.

STORIES OF MALTREATMENT

Other escaped prisoners have told of similar maltreatment in Pathet Lao and Viet Cong jungle camps.

Most recent evidence about those imprisoned in North Vietnam discloses that many have been tortured by being deprived of sleep, refused food, hung from ceilings, tied with ropes until they developed infected scars, and burned with cigarettes. At least one had his fingernails ripped from his hands. The broken bones of another, set by Communist doctors and still in a cast, were rebroken by guards.

It is difficult to know how typical these examples may be. But, regardless of the continuing secrecy in certain areas, substantial information is available on some prisons and the basic treatment of some prisoners. Portions of the record are cloaked in "it is believed" language, some is official hard fact, and some has come from those foreign news sources Hanoi has permitted to peek into selected prison keyholes.

Prisoner treatment, of course, varies, and often the enemy attempts to camouflage the worst conditions. With that in mind, consider these details about three types of prisons—a jungle camp operated by the Communist Pathet Lao; a Viet Cong jungle camp; and a North Vietnamese institution known euphemistically as the "Hanoi Hilton."

The Pathet Lao camp is a bamboo stockade of primitive thatched huts. Prisoners are fed twice a day, mostly rice but with occasional supplemental foodstuffs. Many suffer from malnutrition. Some are afflicted with intestinal parasites. Except when allowed outside to empty toilet pails, prisoners are confined inside the huts, often locked in crude wooden foot blocks or handcuffs. Barbaric treatment, including beatings, is not unique. Prisoners are forced to listen to Radio Hanoi.

The Viet Cong prison or junge camp houses fewer than a dozen men. The prisoners are fed three times a day, again mostly rice, supplemented by some meat, fish, or vegetables. They are supplied with soap and toothpaste, fifth-rate medical treatment, pills thought to be antimalarial, and even occasional vitamin injections for those in most obvious need. Between meals, prisoners are allowed to smoke, exercise, or just sit. About once a month, they are furnished news of the outside world. They have been told, for example, of the assassinations of Dr. Martin Luther King and Sen. Robert F. Kennedy, of the release of the *Pueblo* crew and the election of President Nixon. They are allowed to write occasional letters, but have no way of knowing the effort is futile. No letters have ever arrived in the U.S. from prisoners held by the VC. To maintain the pretense of a mail-exchange, however, at least one prisoner in this camp was permitted to receive two letters over a ten-month period.

DAILY ROUTINE IN HANOI

In the North Vietnam prison camp (in central Hanoi), daily routine is more formalized. Prisoners are awakened between 5:00 and 6:00 in the morning by a gong, followed by a thirty-minute Radio Hanoi (English language) broadcast piped into their cells. At mid-morning they are taken out to empty toilet buckets. About 11:00 a.m., seventeen to nineteen hours after they last ate, they are fed the first of two daily meals. Food consists mainly of pumpkin or squash, pork fat, a vegetable resembling wild onion tops, and bread or rice.

One former prisoner said, "The main diet is based around bread, and during the summer we got a squash soup and pig fat." Prisoners receive three daily cigarettes and sometimes, possibly for propaganda purposes, have been given sweets. (Propaganda films staged by Hanoi have shown tables laden with food, including mounds of fresh pineapple and bananas. But no one was eating.) After the morning meal—picked up on a wooden tray and eaten in their individual cells—prisoners are allowed to "nap" on their bare-board bunks until 2:00 in the afternoon, when their cells are flooded with another half-hour Radio Hanoi broadcast. Between 4:00 and 6:00 p.m., they are fed the second and final meal of the day. The day ends around 9:00 p.m.

Each prisoner is provided with two sets of pajama-like clothing, two blankets, and toilet articles. Each is allowed to shave twice a week and wash his clothing once a week.

CONSTANT INDOCTRINATION

Brainwashing efforts do not follow the hard-line techniques employed during the Korean conflict, but prisoners are subjected to constant lower-key indoctrination. Not only does Radio Hanoi bombard their cells with slanted news and propaganda a full hour out of each day, but prisoners also are furnished with Communist propaganda periodicals and are lectured on the "history" of Vietnam and the provisions of the 1954 Geneva Accords as conveniently interpreted by their captors. Sometimes men reportedly are taken from the prison to visit state institutions where they can "learn" more about North Vietnam's "culture."

Attempts also are made to induce them to write or record statements expressing sympathy with the North Vietnamese cause and condemning U.S. involvement in the war.

Within the confines of the prison, the captives generally are isolated from contact or communication with more than one or two other prisoners who may share the same cell. Many men are kept in solitary confinement. As they are moved around in the prison to pick up food, empty toilet buckets, wash, etc., they are carefully shepherded so that one prisoner or group of prisoners seldom encounters another.

At infrequent intervals, certain prisoners have been allowed to write to their families, although few letters ever reach home.

That the prisoners are allowed to write at all, and that they are accorded other elemental amenities, may likely be because the so-called "Hanoi Hilton" is anything but typical.

PROPAGANDA SHOWPLACE

U.S. officials, with reasonable suspicion, regard the "Hanoi Hilton" as a propaganda showplace. While foreign newsmen have "seen" prisoners, who have been transported to a central location for that express purpose from at least eight other camps, the "Hilton" is the lone place outsiders have been allowed to enter. And it is the only prison from which U.S. prisoners have ever been released. Obviously, the open-door policy at only one prison creates real doubt that the North Vietnamese can afford to let the world, and in particular the neutral nations, see the conditions that prevail elsewhere.

No prisoner has ever escaped from the prisons of North Vietnam. Those who have managed to struggle back to freedom from the VC jungle camps add up to fewer than two dozen (the specific number is classified). And the Communists have been extremely callous when it comes to returning American prisoners. To date only a handful has been set free. Sixteen have been released by the Viet Cong, nine by Hanoi.

Procedures followed by Hanoi in releasing prisoners are particularly meaningful since North Vietnam has been the bellwether in establishing what might be regarded as overall policy guidance in the treatment of prisoners elsewhere. And it is in North Vietnam that the greatest number of men are believed to be imprisoned. Of the more than 1,400 captured and missing, nearly 800 (mostly pilots) were downed over North Vietnam. The Defense Department believes "a substantial percentage of the missing" may be prisoners.

POW RELEASES FOLLOW PATTERN

All the prisoner releases by Hanoi—two last year and one this August—have followed a similarly disturbing pattern. First, they have been but token gestures, letting just three men out at a time. Second, they have been accompanied by blatant propaganda announcements in the guise of either "humanitarianism" or "good will," or coupled with some "special" day. Third, the names of the men to be freed are withheld for periods of more than a month, thus creating untold agony for thousands of hopeful next of kin. Fourth, releases are carried out through dissident U.S. intermediaries instead of the International Committee of the Red Cross, the traditional go-between in matters affecting war prisoners.

As a condition of each of the three prisoner releases, Hanoi has insisted that U.S. pacifist groups be sent to North Vietnam to take custody of the prisoners and accompany them out of the country.

After a protracted wait, the identities of the prisoners are presented to the world in a staged ceremony. Finally, they are allowed to depart for home with their pacifist countrymen, who are merely used by Hanoi in a grossly overt effort to foment further unrest among American citizens and abet military critics abroad.

The first two prisoner releases took place last year. Three men were released in February, three more in July. All six were "short termers"—that is, men who had been held prisoner for relatively brief periods of time.

The February 1968 group consisted of two Air Force officers, Lt. Col. Norris M. Overly and Capt. John D. Black, and twenty-three-year-old Navy Lt. (j.g.) David P. Matheny. None had been in captivity as much as six months. Lieutenant Matheny had been captured only four months earlier.

The three prisoners released in July 1968 were all Air Force officers: Maj. James F. Low and Capt. Joseph V. Carpenter, imprisoned for seven and six months, respectively, and Maj. Fred N. Thompson, captured less than four months before.

The man designated by Hanoi as the principal go-between for the releases is a fifty-four-year-old pacifist named David Dellinger, Chairman of an organization known as the National Mobilization Committee to End the War in Vietnam, he has traveled frequently to Communist bloc nations and to North Vietnam. Currently, he is under indictment on charges of conspiring to incite a riot in Chicago during last year's Democratic Convention.

As the main contact in the prisoner releases, Dellinger, in turn, has named other US pacifists to act as "escorts" in bringing the prisoners out of Hanoi.

THREE RELEASED IN AUGUST

The most recent release—three men, again—came in August of this year and illustrates how completely Hanoi milks the prisoner situation for its own purposes. However, it marked a minor breakthrough of sorts. For the first time, North Vietnam released prisoners who had been held captive for fifteen to twenty-eight months.

The new policies of the Nixon Administration may have had something to do with the release of the longer-term prisoners. Publicity about two of the men had been widely aired by DoD several months earlier.

Like the two preceding releases, the third also was carried out under the banner of David Dellinger. On this occasion, he designated a somewhat ragtag escort group. The group was substantially larger than any previously dispatched. There were four escorts. They took along three cameramen.

Leader and spokesman was Rennard C. Davis, twenty-nine, National Coordinator of Dellinger's National Mobilization Committee. A member of Students for a Democratic Society, Davis is also under indictment on charges growing out of the Chicago riots. He had to obtain a court ruling in order to leave the country.

With Davis in the escort group were Linda Sue Evans, twenty-two, an SDS regional organizer; Grace Paley, forty-six, a member of antiwar and antidraft organizations; and James Johnson, twenty-three, Negro, former GI who served a stockade term for refusing to fight in Vietnam. The three cameramen, from an underground movie-making outfit, were identified as Robert Kramer, thirty-six, an SDS member during a stint at Columbia University; Norman Fruchter, thirty-two; and John B. Douglas, thirty-one.

TEAM FLEW TO HANOI

The seven-member team flew to Hanoi in mid-July, about two weeks after North Vietnam announced plans to release the prisoners. For the next couple of weeks they received Hanoi's "grand tour," were escorted on a 500-mile trip into the DMZ, met with the Prime Minister, and were ultimately entertained at a farewell party well-oiled with rice liquor and propaganda.

At the farewell ceremony, according to details churned out by the North Vietnam News Agency (VNA), the prisoners were "handed over . . . to the American antiwar delegation" with a Madame Bui Thi Cam denouncing the "monstrous crimes" perpetrated by the "U.S. imperalists" who had destroyed towns and crops and "massacred . . . women, children, and old folk."

She said US pilots "caught in the act of committing grave crimes" are not entitled to the protection of the Geneva Convention, but are, nevertheless, treated "in accordance with the humanitarian policy of the government."

James Johnson, accepting the prisoners "on behalf of the American antiwar delegation," said, "We know, as these pilots must know, that all over the world the United States has been branded an outlaw nation." His statement, running some 500 words, might almost have been written by Hanoi.

The North Vietnam News Agency said, "The three released American military men then took turns in expresing, each in his own [way], their deep gratitude to the Vietnamese People, the DRVN government, and the Vietnamese People's Army, for this humanitarian act as well as for the humane treatment all of them had received throughout the period of their detention."

The names of the prisoners were revealed. Two were Navy men: Lt. Robert F. Frishman, captured twenty-one months earlier, and Seaman Douglas B. Hegdahl, imprisoned for two years and four months. The third was Air Force Capt. Wesley L. Rumble, held for fifteen months.

The prisoners and their escorts left Hanoi on August 5. Arriving in Vientiane, Laos, that night, they were seen for the first time by U.S. newsmen. They were described as "pale and gaunt," clad in "dungarees and sandals."

The press accounts noted that Frishman, acting as spokesman for the prisoners, selected his words "carefully." He said only that he was happy "to be returning home, to be back with my country and my wife."

There then followed a question-and-answer session. Here are revealing excerpts from Frishman's interrogation by the newsmen:

Q. How was the treatment you received . . .?

A. I received adequate food, clothing, and housing.

Q. Would you describe it as humane treatment?

A. Sir, I believe I have answered that question.

Q. Did they make any attempt to indoctrinate you or brainwash you in any way?

A. I have no comment.

Q. Was their treatment better at all when they decided you were going to be released?

A. As I say, my treatment has been adequate.

Q. Are you concerned that other prisoners might be harmed by something you might say here?

A. Yes. I in no way want to jeopardize any of the other people who have been . . .

The sentence trailed off.

When the prisoners arrived in Bangkok the following day, Frishman was quoted as saying, "It's great to be back." Nothing more. At some point during the return journey, Frishman had indicated the desire of all three men to be furnished with military clothing. "We left in uniform," he said. "We intend to return in uniform." The clothing was rushed to Frankfurt, last stop before New York.

ARRIVAL IN NEW YORK

When the three men arrived at Kennedy International Airport in New York, I was there to see them for myself. To television audiences, the returning prisoners may have looked reasonably well cared for. But their appearance on the hot, noisy flight line was deeply saddening.

When the general passengers and the pacifist escorts had disembarked, the families of the prisoners were allowed to board the plane for a brief reunion away from the eyes of the curious. Twenty minutes later, the men and their families began emerging.

There was no brass band, no flags, no clamoring throng to welcome them. Only a cluster of newsmen, cameras, government representatives, police, and a small crowd of onlookers.

Lieutenant Frishman, followed closely by Seaman Hegdahl, was first off the plane. Both wore their new uniforms, the Navy blue contrasting starkly with their drawn, pallid faces. Captain Rumble, ill, stooped, pale, was assisted down the steps, helped into a police car, and rushed to a waiting medical-evacuation plane.

The two Navy men and their families were led to a small platform, barren but for a gaggle of intertwined microphones. Uncertainly at first, and then with alert precision they returned the salute of Air Force Col. Milt Kegley standing nearby.

They were ashen in color. Their eyes were deep, hollow circles of darker gray, much like the exaggerated eyes of starving children. They smiled, but somehow their smiles seemed macabre; not forced, but not exactly real; joyful surely, but with an underlying tautness; perhaps nearer to tears than laughter.

Lieutenant Frishman once again spoke for all three men, repeating what by now had become his stock statement. They were happy to be home, they had received "adequate food, clothing, and housing" from their captors.

He, himself, had been "seriously wounded." The North Vietnamese doctors had removed his elbow and tied the muscles together. "I am glad to still have my arm," he said.

THE ARM WAS WASTED

It hung at his side, the loose sleeve of his jacket emphasizing that the arm was wasted, thin, far shorter than the other. When the suggestion had been made to him earlier that, "They'll fix it better at home," he replied, "Oh, no. They won't. It's impossible now."

Now, as he extolled the "adequate" treatment he and the others had received, and praised the North Vietnamese for saving his arm, Frishman voiced the "hope that there will be some more releases."

At his side, Douglas Hegdahl, once a robust heavyweight, continued to smile, his face almost skeletal. A reporter asked how much weight he had lost. He had "no comment."

But then Frishman addressed the microphones. "I lost forty-five pounds; Seaman Hegdahl lost sixty pounds," he said. It was the first detailed confirmation of their deprivations.

A newsman asked Frishman why the North Vietnamese had selected him for release in preference to some other prisoner.

"I am sure they released me for some reason . . . this reason I do not know," he said.

What about the welfare of other prisoners still held by Hanoi?

"No comment," Lieutenant Frishman said.

PRESS SESSION QUICKLY ENDED

The session with the press was over quickly, the final questions muffled in the roar of a nearby jet. The men were tired; they had been traveling for thirty-six hours.

"I want to be with my wife now," Lieutenant Frishman said. He placed his good arm around her. The prisoners and their families moved off the platform.

As Frishman turned, I saw him for the first time from the side. His shoulders were incredibly thin. The collar of his shirt hung loosely about his neck. The lines of his nose, his cheeks, and his chin were sharply drawn, haggard. So were Hegdahl's.

If the two men had been well-treated, there was nothing in their appearance to verify it. The almost corpse-like pallor of their skin, tightly stretched, almost translucent, mutely testified to long seclusion from the sunlight.

The men and their families moved to waiting transportation for the short trip to the medical-evacuation plane and the final leg of their journey to military hospitals. I turned with the other newsmen to walk back into the International Arrivals building for the meeting with the pacifist escorts.

We waited for an hour in a small, stuffy room intensely illuminated by bright klieg lights.

Finally, the pacifists straggled in, having been delayed in customs. The four escorts and the three cameramen gathered on a platform at one end of the room. By any standards, they were unprepossessing in appearance.

The leader and spokesman, Rennie Davis, was the most presentable, dressed in neat trousers and shirt, hair slightly long but combed and parted.

Peering from time to time at notes clutched in his right hand, Davis began a recitation of what the seven-member team had seen and done in North Vietnam. His monologue had little to do with the prisoners. It mainly emphasized the "devastation" that US bombing forays had inflicted on a "determined" and "unbeatable" people now instilled with a "mood of victory." The North Vietnamese believe, he said, that they have President Nixon "trapped."

He introduced Grace Paley, a short frumpy woman in a cotton dress. She said North Vietnam considers US prisoners criminals, but releases them to "show good faith" and as a demonstration of their "humanitarian" treatment.

PRAISE OF HANOI'S TREATMENT

Next up was Linda Sue Evans, young, blonde, wearing tightly fitting, flared blue jeans. "We believe," she said, "that North Vietnam should win." She praised Hanoi's "humane" treatment of the prisoners.

The young Negro, Johnson, principal pacifist speaker at the Hanoi ceremony, was next. He said with obvious pleasure that the North Vietnamese "feel they have defeated the United States."

Davis opened the press conference to questions.

"Are our prisoners being mistreated?" he was asked.

He had seen no such evidence. The group had met a "total of twenty-five to thirty all told," and had been informed by the prisoners that they had been protected within the very villages they had bombed, been given immediate medical attention, and "better" food than is provided for their guards.

He said continuing concern is voiced about the treatment of US prisoners, but he is more concerned about the treatment of prisoners from the other side held in camps in South Vietnam.

Davis was asked to comment on a statement by Secretary of Defense Laird that Hanoi's treatment of prisoners is in "flagrant violation" of the Geneva Conventions.

Davis said he thinks North Vietnam "legally regards the United States as an outlaw nation." (An interesting comment. James Johnson had used the same "outlaw" phrase in his Hanoi remarks, but attributed it to the pacifists themselves.)

"You say our prisoners are being treated humanely," I asked Davis. "How many prison camps did you visit?"

Repeatedly, he sought to evade a direct answer, but I kept hammering "how many prisons" at him. Finally he admitted he had "no information at all" about any of the prison camps.

The press conference produced nothing of any kind about the status of US prisoners held by North Vietnam. The pacifists had returned believing what they wanted to believe. They brought back no list of prisoners held by Hanoi, no hint that North Vietnam might consider changing its policy on prisoners.

Except for some 50 letters Hanoi had permitted them to carry home, they had returned only with an array of sugar-coated propaganda. They had swallowed whole as much as possible and stuffed the rest into their luggage.

The press conference could only raise serious doubts about the value of continuing to allow Hanoi the luxury of using such groups to bring back tiny numbers of prisoners. Some Administration officials, even some wives and families of prisoners and missing men, also are beginning to question the validity of this practice.

At the current exchange rate, it would take well over 400 years to get all of the men home. And the current release procedures, in the words of the Washington, D.C., *Evening Star*, are "a little like Oriental water torture—and just as humanitarian."

Twenty-five days after Frishman, Hegdahl, and Rumble reached New York, I went to Bethesda Naval Hospital in Maryland to hear the two Navy men tell about their prison life. Sunshine had improved their color; they had regained some weight. They were ready to open up.

Frishman recounted how he had been blindfolded after his capture and, despite serious injuries, driven in a truck to other locations where he was removed from the truck and stoned by the populace. When he reached the prison, he was refused medical treatment and told he "was going to die in four hours" unless he talked. He "finally passed out" and was taken to a hospital. "Then, even with my bad arm, they tied me up with ropes."

Doctors operated on his arm but failed to remove missile fragments. It was six months before the incision healed over. "I would wake up and find my arm stuck to the blankets . . . the scab would come off . . . the wound would drain again." One of his legs was left with "a seeping sore," still draining when he reached the U.S. almost two years later.

During much of his ordeal, Frishman was isolated in a tin-roofed cell, vented by "a few holes." In forty-five-degree winter weather, he froze. In summer, it was "like an oven." Sometimes, he was forced to sit on a stool in the stifling room—"just sit . . . and sit"—until he passed out.

Early this year when interviewed by *L'Europeo,* his captors wrote out what he was to say and then "practiced" it with him.

Did they try to "fatten" him in his final weeks of imprisonment, I asked?

"Yes, they did." On July 4 they took him before the camp commander who "had a real nice table with some fruit on it. . . . I knew then that I was going home."

SOLITARY CONFINEMENT

Hegdahl, too, had been subjected to solitary confinement—in all, for more than a year. The longest stretch lasted "seven months and ten days."

He was permitted occasional mail, but the letters were rifled of enclosures (including money) sent by his parents. The lone package he was allowed also was plundered before it was handed to him.

For propaganda purposes, he was photographed "reading" a U.S. magazine which he was allowed to hold "just long enough for them to take the picture."

Frishman said he was threatened before his release. If he embarrassed North Vietnam, they would "have ways of getting even with me," he was told. He was cautioned "not to forget that they still have hundreds of my buddies."

But those still imprisoned want the facts out in the open, he said. One told him "not to worry about telling the truth," that if it means more torture, "at least he'll know why he's getting it and he will feel that it will be worth the sacrifice."

While North Vietnam's claims of "humane" treatment of the prisoners have failed to stand up to public scrutiny, it is equally apparent that Hanoi's policies and those of the Viet Cong have been cruelly lacking in compassion for the families of the prisoners and missing men.

Take Andrea Rander, whose hubsand, Army SSgt. Donald Rander, is held by the Viet Cong. He was first reported missing during the January Tet offensive last year. Four weeks later she was officially notified that he had been wounded and imprisoned. She has been waiting almost two years for a letter that has never come. She has great difficulty, she told me, in making decisions. "I keep putting everything off. I keep telling myself I will wait until Donald comes home. It's my way, I guess, of convincing myself that he will be back."

SPORADIC LETTERS

Billie Hiteshew, wife of AF Maj. James Hiteshew, who was captured by North Vietnam in March of 1967, has lived with the problem longer, but at least she has heard from her husband. She receives sporadic letters, including two this year. And she has seen photographs of her husband. Shortly after his capture, CBS purchased a film of Hiteshew—confined in a hospital with a broken leg and arm—being interviewed by Felix Greene, a British antiwar journalist. She watched her husband say he agreed with Senators who feels "we need to take another look at our foreign policy," a view she had never heard him express or even hint at before.

Evelyn Grubb's only knowledge of her husband came from a similar Hanoi propaganda gesture. An unarmed reconnaissance aircraft, piloted by AF Maj. Wilmer "Newk" Grubb, was shot down in January 1966 while a Christmas bombing halt was in effect. Hanoi gloatingly publicized his capture, conveniently obscuring the true nature of his mission. The day Mrs. Grubb heard of his capture, it was snowing, two of her three sons were ill, and she was three months pregnant. Each time she writes she tells him about their sons (there are now four; one he has never seen), and sends photographs of all of them stapled to the letter so he will know if they have been removed. She doesn't know whether he has received a single photograph or letter. In four years, she has had no further official word of her husband.

Elizabeth Hill is another wife I talked with. Only twenty-three, she was married to AF Capt. Howard J. Hill (both are AF "brats") in August 1967. Two weeks later he returned to Southeast Asia, and just before Christmas was shot down. Nine months passed before she learned that his capture had been confirmed. As she told me this, she smiled. "I can't help smiling," she apologized. "After Howard was missing for so long, I just have to smile when I say he is a prisoner." She has written faithfully for almost two years, but there has never been an answer.

Although regular exchange of mail between prisoners and their families is guaranteed under the Geneva Conventions (even when two countries are not formally at war), the Communists have permitted only a trickle of letters to flow out of North Vietnam.

Efforts of the American Red Cross and the International Red Cross to improve the situation have been essentially futile in the face of Hanoi's obstinance.

NO INSPECTIONS PERMITTED

Not only has North Vietnam rejected Red Cross efforts to establish improved flow of mail and packages to and from US prisoners, and to permit inspections of their prison camps, but they persistently have refused to even acknowledge the existence of, or accept mail from, their own men held as prisoners in South Vietnam. The latter camps are regularly inspected by the neutral International Committee of the Red Cross, and names of all captured North Vietnamese and Viet Cong solders are prepared for Hanoi and the VC, but are spurned.

Although the Red Cross has tackled the problem again and again through all potential channels (even seeking help from the USSR)—and keeps on trying "all the time," according to ARC Vice President Robert Lewis—most of the effort has fallen on deaf ears.

Mr. Lewis says the Red Cross also has made it clear that it is prepared to send representatives to Hanoi at any time to accept released prisoners, but the North Vietnamese prefer to stick to their practice of using dissident go-betweens.

MAIL FOR PRISONERS

Mail for all prisoners and missing men is sent through a variety of channels and addresses. Some is handled by the Red Cross, some is mailed direct to foreign post offices, but little is known to have reached the men to whom it is addressed.

Letters written by the prisoners themselves have fared somewhat better because of their propaganda value. But none ever has arrived in the States from prisoners held by the Viet Cong. And fewer than 100 men held by North Vietnam have been allowed to write over the past five years. The average for this small group has been less than two letters a year.

Currently the letters from prisoners are written on a prescribed form, about five by seven inches, which makes its own envelope when folded. Six lines are provided for the message. Instructions tell the prisoners to write "legibly and only on the lines" and "only about health and family." The form states that "Letters from families should also conform to this pro forma."

Not all wives and parents abide by the advice, but many, like Gloria Netherland, do. Forms are provided by the armed forces. All carry a mailing address in the Vietnamese language reading: "Camp of detention for US pilots captured in the Democratic Republic of Vietnam."

But for most families, whether they use the six-line form letter or a longer page, the return on their investment is slim at best.

For families of men listed as "missing," even the lack of mail might be bearable if Hanoi and the VC would release the names of all prisoners. But they have consistently refused. Some US Senators say Hanoi "could devise no subtler cruelty."

While no solution to either the mail problem or the list of missing is in sight, the US armed forces, meanwhile, do what they can to ease the plight of the next of kin.

It is not a simple job, nor has it always received top marks in every area, but as the list of prisoners and missing has grown and as the services have learned from past mistakes and found out more about what the families want and need, they have moved increasingly into programs that now garner well-deserved praise.

All of the wives I talked with feel that their husband's service, as one put it "is doing everything humanly possible."

NOTIFYING NEXT OF KIN

In the early days when a man was captured or turned up missing, next of kin sometimes were advised by telegram. This impersonal approach proved highly unsatisfactory and has long since been abandoned.

Today when catastrophe strikes, a service representative is sent to the home to call on the family, break the news in person, give whatever details are immediately available, and offer such solace and assistance as he can provide.

Either this representative or another is thereafter permanently assigned as an "assistance officer" for all future contacts. He makes sure the families are informed of breaking developments, if any; answers their questions, or refers the queries to someone who can; and ensures that they receive such legal, financial, or other aid as they may require.

The main Air Force effort is performed from the personnel center at Randolph AFB, Tex. Service is available twenty-four hours a day, seven days a week, and next of kin may make collect telephone calls any time, day or night.

Families are told everything the services can tell them about the circumstances surrounding the capture or disappearance of the man. Any subsequent news is passed along as quickly as it is received.

On a broader front, all services have put together special informational programs for the next-of-kin to keep them informed about over-all prisoner developments. These most often take the form of newsletters. But the Army's Adjutant General, Maj. Gen. Kenneth G. Wickham, writes a personal, individually prepared letter to each Army family once a month.

The letters and newsletters are supplemented by personal meetings with individual family members or with groups. This practice was instituted early by the Navy, but has now been made uniform for all services, under expanded policies of the Nixon Administration.

Beginning this past spring, group meetings were instituted under the aegis of a joint Defense/State/military team, with families from several services attending at a central location for each given area. At the meetings, the next of kin receive a full briefing on the prisoner problem.

Much of what they can be told is not new, but it has demonstrated to the satisfaction of many, if not all, of those attending that the government is giving the prisoner problem priority consideration, and sincerely wants, and is trying, to help in every way possible.

MEETINGS WITH NEXT OF KIN

The meetings have been spread all across the country. Scheduled mostly at Air Force bases, they are generally held in Service or Officers Clubs, in an informal atmosphere, with local volunteer-wives serving coffee or punch to the families—normally about 100 wives and parents.

One meeting held at Bolling Air Force Base near Washington, D.C., was attended by Ambassador Henry Cabot Lodge (home to report to the President). He told the group what was happening at the Paris peace table. Another briefing session was conducted at the Pentagon itself. Defense Secretary Laird met and talked with the families.

One member of the briefing team, Deputy Assistant Secretary of Defense Richard G. Capen, Jr., said, "We are always frank about telling the families there have been no great breakthroughs. I review the over-all situation; Frank Sieverts [State Department representative] discusses the Paris talks and other State Department efforts conducted through diplomatic channels. Then we spend the remainder of the time, about an hour or an hour and a half, responding to questions."

Mr. Capen says reaction to the briefings has been excellent. Sometimes "wild suggestions" are offered or family members give vent to angry frustration. ("Some cannot understand why we learn so little about the men.") But the meetings, Capen feels, have been extremely useful and have helped to partially satisfy the yearning of many families for some closer contact with their government in Washington.

He has been through many heartrending conversations, but what remains most vividly in his mind is the meeting at which one wife stood up and declared, "I want my husband back, but I don't want to give my country away to do it."

Most of the families, he says, "have real understanding and appreciation of the problems. We want to assure them that when the men do come back, we will be in a position to say we did all we could." He thinks most of the families now feel, if they didn't before, that this is the case.

In addition to the programs designed for the next of kin, the armed forces also carry out certain procedures for the prisoners and missing men themselves.

All, for example, are considered for promotion at the time they normally would have been considered if not in captured or missing status. Their full pay and allowances are continued indefinitely, and they receive whatever general pay increases are authorized for others on active duty. Allotments the men provided for their families are increased as needs dictate.

New laws also have been enacted, and others are being sought, to protect rights of the men that might otherwise be jeopardized.

The military "savings deposit" program, for example, encouraged overseas servicemen to bank a portion of their pay in high-interest accounts as a means of cutting down on the US gold-drain. But the law contained no provision for men who were captured or reported missing. This inequity was corrected only to have a second develop. The maximum that can accumulate in such accounts is $10,000. Anything above that amount draws no interest. With deposits of some men now approaching or exceeding the ceiling, the Defense Department recently asked Congress for authority to invest "excess" amounts in the purchase of US savings bonds and notes.

Yet, despite these and other continuing efforts on behalf of the men and their families, it is all too apparent that the combined activities of the armed forces, the State and Defense Departments, the American and International Red Cross, and the efforts at the Paris talks have reunited few prisoners with their loved ones. Nor has there been any new hope for proper medical care of the sick and injured, neutral inspection of prison camps, full disclosure of the names of all captives, or proper flow of mail.

The new Nixon Administration initiatives are helpful, but only full and continuing exposure of the plight of the prisoners and their families, together with relentless public pressure at home and abroad, are likely to produce desired action.

An occasional newspaper editorial is not enough. Limited news coverage of developing prisoner stories is not enough. An infrequent letter-to-the-editor is not enough. A statement inserted in the back pages of the *Congressional Record* is not enough. A business-as-usual attitude on the part of the American pubic can only make apparent to Hanoi that these men who have given so much to their country have indeed been forgotten by those for whom they made the sacrifice.

Some wives of the prisoners and missing men have reached the same conclusions. Some are taking steps to counter public apathy, and to arouse the Congress.

Mrs. James Bond Stockdale of Coronado, Calif., wife of a senior Naval officer held by North Vietnam, has encouraged other wives to send telegrams to the North Vietnamese delegation in Paris, and helped to organize prisoner families. Mrs. James Lindberg Hughes of Santa Fe, N. M., wife of a captured Air Force lieutenant colonel, and Mrs. Arthur S. Mearns of Los Angeles, wife of a missing Air Force major, also have been urging the Congress and others to act.

Many of the wives are essentially satisfied that the services and the Administration are doing all they can. But some feel, as Evelyn Grubb says, that "there is a bargaining point for everything; we have to find it." The wives are convinced that more public pressure is essential.

Some have been particularly critical of the inaction by Congress. "Usually," Mrs. Stockdale has said, "they put something in the *Congressional Record* and then forget about it."

A check of the *Record* discloses that this practice was, until very recently, more or less standard. But there is hopeful evidence of a growing change—partly as a result of appeals by the wives, partly as a result of the more open discussion policy encouraged by the Administration.

In August, shortly before Congress went into brief summer recess, forty-two Senators banded together in a strong statement condemning North Vietnam for its "cruel" treatment of the prisoners and their families. Instigated by two opponents of our Vietnam policies, Charles Goodell (R-N.Y.) and Alan Cranston (D-Calif.), the declaration says if North Vietnam thinks it can "influence the policy of the United States toward the Vietnam conflict" through its intransigent position on the prisoners, it is "doomed to failure."

"Neither we in Congress, nor the Administration, nor the American people as a whole, nor indeed the families directly affected, will be swayed by this crude attempt."

Those signing the statement included both Democrats and Republicans representing thirty-three of the fifty states. Three names that might have added weight but were absent from the list of signatures were those of war critics J. William Fulbright (D-Ark.), George McGovern (D-S. D.), and Eugene McCarthy (D-Minn.).

The Senate statement ended with a specific plea to "the governments, the statesmen, and the ordinary men and women around the world" who spoke out in 1966 against Hanoi's proposed "war-crimes trials"—a plan that was abandoned by North Vietnam after a wave of world protest.

The Senators said those who protested in 1966 should "make their voices heard once more. Then, as now, the issue was not political but humanitarian—and Hanoi responded to the force of world public opinion. If that force can again be mobilized, this too may contribute to inducing from Hanoi greater respect for human decency and for the rule of law." On August 21, the North Vietnamese delegation in Paris vehemently rejected the protest as "slander" and an attempt "to deceive public opinion."

In the House of Representatives, Congressman William L. Dickinson (R-Ala.) sent a letter to his colleagues asking that they join him, after the August recess, in making floor statements protesting the treatment of our war prisoners.

Whether these moves are one-shot efforts remains to be seen. What members of both houses seem to have overlooked is the potential force of a Joint Congressional Resolution condemning Hanoi's prisoner policies.

Whatever action Congress may take, what will count most significantly is the time and effort the American people are willing to expend in helping solve the problem.

In my numerous interviews with government officials, representatives of the Red Cross, members of the armed forces, and next of kin of the prisoners, I asked each person what he or she thought would be the most effective attack that could be launched.

They agreed that a four-pronged letter campaign could produce dramatic results. The letters should be directed to:

Representatives of foreign nations;

Newspapers and magazines in foreign nations;

Members of the U.S. House and Senate; and

Xuan Thuy, chief North Vietnamese negotiator in Paris.

The letters to the foreign nations and the press in those nations should urge that pressure be brought to bear on Hanoi to live up to the spirit of the Geneva Conventions by putting into practice the Conventions' rules on the treatment of war prisoners.

The letters to Xuan Thuy should demand the same points. And those individuals who are not necessarily in sympathy with the war should make it clear that proper treatment of the prisoners is nevertheless an overriding consideration. All should note that continued intransigence on the part of Hanoi will only stiffen the resolve of the American public, not weaken it.

Letters to members of Congress (addressed to the Representative from your own congressional district and to either or both of your U.S. Senators) should call for a Joint Resolution demanding proper treatment for the prisoners and missing men, and stressing the solidarity of the nation in this aim.

HOW YOU CAN HELP

If you want to help, send a postcard to Air Force/Space Digest at 1750 Pennsylvania Ave., N.W., Washington, D.C. 20006, and you will be mailed a list of Washington, D.C. addresses of ambassadors of foreign nations whose assistance could be crucial, together with a list of selected foreign newspapers and publications.

Letters to Xuan Thuy can be addressed, in simplified form, as follows: Xuan Thuy, North Vietnam Delegation, Paris Peace Talks, Paris, France.

There is a chance—possibly a good chance—that world opinion might force Hanoi to honor basic codes of human decency.

"By any human standards," the position of North Vietnam is "totally inexcusable," Secretary of State William Rogers says. "I don't understand why we have not become more excited about the prisoner question."

The Secretary is telling the people of the United States that their concern is important. The rest is up to you. If you want to help the men many Americans have forgotten, you can. Your letter could be the one that spells the difference.

[From the Air Force/Space Digest, October 1969]

PEACE, LAW, AND OUR MEN IN HANOI

(By John F. Lossbrock)

There is an organization on Capitol Hill called Members of Congress for Peace Through Law. It is described in the *Con-*

gressional Record of September 3 by one of its members, Sen. Mark Hatfield (R-Ore.), who serves as chairman of the group's Military Spending Committee.

"This informal organization," said Senator Hatfield, "is a grouping of about eighty Senators and Representatives who have met together for several years discussing matters of mutual concern." Insofar as the Military Spending Committee is concerned, these "matters of mutual concern" encompass just about all of the major military hardware programs on the congressional docket. As the Senator from Oregon put it:

"These were the items which our committee chose to study: the proposed advanced manned strategic aircraft (AMSA), our continental air defense program, the antiballistic missile system, the Navy's attack aircraft program, the proposed F–14 aircraft, the chemical and biological warfare program, the new main battle tank, the level of our military manpower, the manned orbiting laboratory (MOL), the MIRV program for our strategic missiles, and procurement procedures."

To the great surprise of hardly anyone, the Members of Congress for Peace Through Law are against all of these things and can point to a modest number of victories, all of which to date have come about, however, through executive, rather than legislative action. MOL has been canceled, there have been stringent restrictions placed on chemical and biological warfare research, and Secretary of Defense Laird has announced manpower reductions. On the Hill itself, MCPL is not doing too well although there is still a large number of items that remains to be checked off their laundry list. The President's Safeguard ABM system was approved in the Senate, although by the narrowest of margins, and the additional aircraft for the C–5 program (a target for MCPL under their category of "procurement procedures") passed the Senate by the thumping majority of 64 to 32. But there are many battles yet to come.

We recognize, of course, the right of the members of MCPL to interest themselves in whatever they deem important, and certainly their list of interests represents an imposing array of things to be against. Encouraged by the words "Peace Through Law," however, we would like to suggest an additional "issue of mutual concern" to which these, and all, legislators might address themselves—an issue in which the potential cost-benefit ratio is highly favorable.

No one interested in Peace Through Law could fail to be deeply moved by the plight of the approximately 1,400 American servicemen who are either known to be in the hands of the North Vietnamese or Viet Cong or who are carried as missing and possibly prisoners of war. Their story is told with compassion and in great detail in the article beginning on page 38 of this magazine.

In it, author Lou Stockstill points out that, in defiance of international law as represented by the Geneva Conventions, which North Vietnam and 119 other countries signed in 1957, Hanoi has refused to:

Permit neutral inspection of its prisons;

Release the sick and the wounded;

Allow the exchange of letters and packages; and

Protect U.S. prisoners from public abuse.

From the handful of prisoners who have been released to date—sixteen by the Viet Cong and nine by Hanoi—has come evidence of mistreatment—solitary confinement, bad food, execrable medical care, looting of mail, and torture. Perhaps worst of all has been the exploiting of released prisoners for propagandistic ends, with the full cooperation of some members of the American New Left who have seen to it that Hanoi got its full propaganda dividends.

There is no implication here that all Congressmen and Senators who oppose the Vietnam War or who are critical of military spending policies are distinterested in what is happening to our prisoners of war in Vietnam. Indeed, as author Stockstill points out, two such critics, Senators Charles Goodell (R-N.Y.) and Alan Cranston (D-Calif.), headed a group of forty-two Senators who, last August, signed a strong statement condemning North Vietnam and pointing out that, if its treatment of prisoners were designed to influence U.S. policy in Vietnam, Hanoi would be deeply disappointed.

What we do feel, and this applies not only to Congress but to the American people as a whole, is that very little thought, very little effort, very little activity of any kind is being directed toward the ends of right and justice insofar as these prisoners are concerned. And it is ironic that so many of those who are concerned about paring the military down to size, who are interested in peace, and law, and justice in the abstract, cannot get at least equally indignant about our men in Hanoi.

Mr. Stockstill suggests some action that any one of us can take to help. We hope his words are heeded, by the Members of Congress for Peace Through Law and by all the members of Congress.

THE PESTICIDE PERIL—LXIX

Mr. **NELSON**. Mr. President, Gov. Marvin Mandel, of Maryland, is to be commended for his progressive leadership in the campaign to improve the control of persistent pesticides. He has constantly stated his deep concern about the serious threat to our environment and to human health from the continued use of DDT, and has initiated significant action in Maryand to eliminate the threat.

According to an article published in the Washington Post of October 12, Governor Mandel has asked Secretary of Health, Education, and Welfare Robert Finch to urge the World Health Organization to conduct a new study of DDT and related persistent pesticides. The Governor also announced the establishment of an eight-member State Advisory Committee on the Effects of Pesticides on Man and His Environment.

In another article published in the same issue of the Post, it was announced that Delegate Mary Marshall, of Arlington County, Va., has introduced proposed legislation to ban DDT in Virginia.

State bans have already been imposed in Michigan and Arizona, and many other States are actively considering similar proposals. The action taken by Governor Mandel and Delegate Marshall may soon add Maryland and Virginia to the list.

I ask unanimous consent that the two articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Governor Mandel Asks Global DDT Study

(By John Hanrahan)

Citing "new evidence" that widespread use of DDT poses a "potential global health threat," Maryland Gov. Marvin Mandel called yesterday for a new study of the pesticide by the World Health Organization.

In a letter to Robert H. Finch, Secretary of Health, Education and Welfare. Mandel stated he has "become increasingly concerned that continued use of DDT and similar hydrocarbon pesticides is posing a serious threat to human life, wildlife and waterfowl."

Mandel urged Finch to use his "good offices" to prod the World Health Organization into undertaking a new study.

The governor told Finch that his letter was prompted by "recently gathered scientific data" that show "the potential hazards of DDT by tracing its patterns of use and flow from one continent to another by various modes, thus endangering the lives and food supplies of many more people than those in its immediate area of application."

"For example," Mandel wrote Finch, "when a farmer in Europe, where these 'hard' pesticides have been in extensive use, applies the chemical to his crops, some of the molecules are destined to accumulate in the citizens of Maryland and other seaboard states.

"As you know, several European countries recently have become alarmed over the dangers of DDT and suspended its use."

Two months ago, Mandel told the nation's manufacturers of the DDT line of pesticides "to eliminate dangerous elements from their products or face having them outlawed in Maryland."

Although acknowledging that "significant public health progress has been made" through the use of pesticides, Mandel told Finch "perhaps . . . we should pursue to a larger degree scientific research so that safe and inexpensive alternatives could be developed."

In releasing his letter to Finch, Mandel also announced appointment of an eight-member Advisory Committee on the Effects of Pesticides on Man and His Environment.

The committee will study and monitor the residual effects of DDT and other pesticides on Maryland citizens and the state's crops, livestock, fish and wildlife.

Members are: Dr. Cornelius W. Kruse, chairman of Johns Hopkins School of Hygiene and Public Health; Thomas D. McKewen, assistant commissioner of environmental health services, State Health Department; George W. Schucker, assistant commissioner of sanitary services, Baltimore City Health Department; Dr. Barton Childs, medical geneticist at Johns Hopkins Hospital; Dr. Emanuel Kaplan, chief of the division of biochemistry, State Health Department; Dr. Charles P. Ellington, director of the State Board of Agriculture; Dr. Matthew Tayback, assistant secretary of the State Department of Health, Mental Hygiene and Scientific Affairs, and Dr. Eugene J. Gerberg, president of Insect Control and Research, Inc.

State Delegate To Propose Ban on DDT Sales

Del. Mary Marshall (D-Arlington County) said yesterday that she would introduce a bill in the 1970 session of the General Assembly to ban the sale of DDT and its derivatives in Virginia.

She said her plan had the support of the other three Arlington Democratic candidates for delegate seats.

Speaking at a campaign meeting at the home of Del. William M. Lightsey, Mrs. Marshall said, "DDT isn't just a killer of insects, an insecticide; it's really a killer of life, a biocide."

Noting that all Virginians have at least 10 parts per million of DDT in their bodies, she said, "No one is entirely sure what this means. She called on all Virginians "to do their part in pushing DDT, the compound of extinction, into oblivion."

PROPOSAL TO LOWER VOTING AGE TO 19 IN OHIO

Mr. **SAXBE**. Mr. President, on November 4, the electorate in Ohio will decide whether the minimum voting age should be lowered to age 19. Chester T. Cruze, one of the cosponsors of this resolution, has asked me to place his remarks in the Congressional Record. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

AMERICAS YOUTH—TOO YOUNG TO VOTE?

On November 4, 1969, the voters in Ohio and New Jersey will be given the opportunity to amend their respective state constitutions,[1] in Ohio enfranchising young people at 19, and in New Jersey at 18. It has been a long fight in those particular states, and is a fight that will spread across the country in years to come.[2]

The real issue is: "Are 18, 19 and 20-year olds really incompetent", and should the older generation "show them" that they must "graduate", not only from high school, but "mature" for three years before they can claim citizenship—or shall the efforts of those in Ohio, New Jersey and those other states who have manifested their political maturity be rewarded with that valued prize—the vote.

The history of the American franchise has been one of constant expansion ever since President Andrew Jackson in 1830 advocated the abandonment of property ownership as a voting qualification. The expansion of the franchise continued after the Civil War and proponents of expanding the franchise saw the passage of the 14th and 15th amendment to the U.S. Constitution which finally brought suffrage for the American Negro. The 19th amendment, fought for in the 1920's, brought the franchise to the American women and in the 1960's Americans again acted to enlarge the franchise by eliminating the poll tax as a qualification for voting.

In preparing the legislation, the fight for Women's Suffrage was reviewed and noted; opponents claimed women were too emotional and too stupid to vote. The dire results predicted have not materialized. It is obvious that similar charges against young people are equally fallacious.

There are two basic issues that ought to govern qualifications for voting. The first is that voting is a public decision, not merely a personal right. It is the act by which the people choose men to occupy public offices and to govern the community. From this point of view, the question is whether lowering the voting age will tend to produce an electorate that is superior to the present one and better qualified to choose honest and capable public officials.

The other issue is this: No segment of the community should be excluded from the electorate, if its rights and interests cannot be adequately safeguarded by an electorate of which it does not form a part.

Pro and Con discussions are waged on a number of levels; some appealing to the intellect and others not. "If you're old enough to fight, you're old enough to vote" is perhaps the number one phrase used by proponents of reduced voting age, not because they see it as a super-relevant statement, but because it sells.[3] That is the job to be done, to sell the idea, on a non-partisan basis.

President Nixon in March 1969 stated the more relevant pro reason: "I favor voting at 18 not because, as many say, 'If you're old enough to fight you are old enough to vote,' but because you are smart enough to vote . . ." Today's young people are smart enough to vote, not only because of their formal education, but because of the areas of political involvement that are open to them. The public media of television, radio, the increasing numbers of politically oriented reasoning matter, etc., factors omnipresent in everyone's lives sometime give young people, I am ashamed to say, a better understanding of issues and problems than many of their elders.

The average 18 to 21 year old is a high school graduate.

He has intensive knowledge of the world around him, and the breadth of his knowledge and even of experience is far more than the great majority of our populace had during any previous generation—certainly far more than previous generations. People should acknowledge the product of excellence in education by bringing youth into full participation in public decisions.

A prime pro argument, seldom heard, is that in the immediate post high school years a young man will decide just which way he will go in his life. The U.S. Census Bureau backs this idea up and terms the years from 18–25 as "the ages at which adult roles and responsibilities are assumed." Not only can the habit of voting be matured in those important years, but a young person can discover a way to vent his political feelings, in a sedate and peaceful way—the vote. For example, New York Senator Jacob Javits notes that political activism among 18 to 21 year olds is "all happening outside the existing political framework."

Therefore, he and others of his persuasion, feel that enfranchising 18 year olds would bring that activism within the acceptable democratic framework for instituting social and political change.

In the same vein, Dr. Thomas E. Shaffer, Professor of Pediatrics at Ohio State University, feels that "a lot of irresponsibility (among 18–21 years olds) is the result of not being given responsibility in the first place." Thus, in his estimation, giving the vote to 18 year olds would be a vote of confidence in their ability to assume political responsibility, thus encouraging them to exercise such responsibility wisely.

Also several million young women and more than one million young men 18 to 21 years old have established homes and families but have no vote on the issues at city hall, the courthouse, or the capitol.

A more basic argument is that 18, 19 and 20 year olds pay taxes and in numerous areas of law are considered adults at present. "Taxation without representation is tyranny" applies to the twentieth century as it did to the eighteenth century. Young adults pay heavily in sales, use, gasoline and income taxes. Beyond the idea that the young help support government monetarily, it is easily seen that there is a legal inconsistency—seeing law enforcement as an adult province, while the privilege to vote is withheld as being beyond youth's capabilities. A person is responsible to the law—but not responsible enough to make law in the representative sense.

Most, however, are committed to it, because of the therapeutic nature it will have upon this country. In a society that is adding to its longevity but also to its youth population, the average age 27.7. Yet the average voter's age is 45. How can a nation sustain itself when such a large share of its population has no voice in choosing its government?

Though no organized opposition has yet formed, the "silent vote" is feared by all supporters of a lowered voting age, and it is their task to dispel words such as "ungrateful and immature." These words are currently being leveled at the younger generation, while they should actually be directed at the small percent who have earned such a name.

The Con discussion invariably begins with those persons who are in the political activision of 18 year olds dangerous tendencies that should not be given political expression. For example, they fear that 18 year olds would tend to vote for extreme leftist parties and issues, and presumably their vote could not be balanced by the more conservative voters of their elders. Some even see such philosophies as "anti-adultism" being translated into political policy. There is a hesitancy to unleash a new tool to those people in our society who riot, disturb the peace generally, and appear ungrateful to the past generations who so painstakingly constructed this country to be the finest in the world.

These same people who will vote against the issue see the further consequence of allowing persons as young as 18 or 19 to hold office or be inconsistent suggesting less than true confidence in the work of majority rule. However, the Founding Fathers felt that a person should be 25 years of age to be a U.S. Representative, 30 to be a Senator, and 35 to be a President, which certainly indicates they saw no major problem with an "inconsistency" between being able to vote for an office and actually holding one.

Tied to the issue, is concern from both parties that the new voters would register more in one party than another, a thought which is easily dispelled by several polls.[4] Partisanships on the issue, nevertheless is better kept, out, placing country above party or personal gain.

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[1] The authority of the states to determine voting qualifications is embodied in the 10th amendment of the U.S. Constitution providing that any power not specifically granted to the federal government, nor denied to the states, is reserved to the respective states or to the people. The 14th amendment protects against the denial of suffrage to persons twenty-one years of age, but it does not purport to set twenty-one as the legal voting age.

Every state, except West Virginia, has a constitutional provision setting an age qualification upon suffrage. Therefore, any state changes in the age qualification to vote would require a constitutional amendment in the other forty-nine states.

[2] Mexico may beat the U.S. to the punch giving 18-year-olds to vote. The change is now under study. President Diaz Ordaz likes the idea. He says youngsters today are better prepared to vote at 18 than his generation was at 21. More than 58 percent of Mexico's population is under 21, with 3 million between 18 and 21. With youth clamoring for change, the President says, the vote could head off possible future violence.

[3] U.S. News & World Report disclosed that of the 34,000 U.S. Servicemen killed in Vietnam since 1961, about half of them were too young to vote in most states.

[4] A George Gallup poll revealed the following breakdown:

George Gallup Poll

	Percent
1 to 29 years:	
Republicans	22
Democrats	38
Independents	40
29 to 49 years:	
Republicans	25
Democrats	44
Independents	31
50 and older:	
Republicans	30
Democrats	46
Independents	24

An examination of the results by other groups among those 21 to 29 shows the democratic party with an advantage in each case except among persons with a college background, where party allegiance is evenly divided.

Independents among young voters are found more frequently among men than women, white persons than Negroes, and the college-trained than persons with less formal education.

The political affiliation of persons in their early twenties (21 through 24) closely parallels the results for persons in their late twenties (25–29), although the proportion of Independents is slightly lower among the older group.

The political question is really neutralized since both parties support it, but you will still hear that it is generally recorded by political scientists that newly enfranchised voters are, for a period of time, grateful to the party that enfranchised them. The Whigs made a big thing of it during the 19th century in England, as did the Republicans and then the Democrats in the United States in vying for the Negro vote.

The drinking issue too is drawn into the discussion, many persons being hesitant to vote for Vote 18 or 19 if it allows people that young to drink hard liquor. The fact here, is that the drinking age is determined solely by statutory enactment, i.e., acts of the legislature.

The pocketbook certainly cannot remain divorced from any political issue and we find this true with the voting age discussion. Many persons fear that the young voters would vote unnecessary and additional taxes—a thought buried by political scientists in Kentucky and Georgia, both states with 18 year voting.

It remains only to be said, that the reasoning of those who favor the lowered voting age is extremely logical, they look at the increased responsibility; the de facto situation of the young person in this modern, complicated society. They stare in wonder at the changes of society as every newer and closer (to them) generation takes responsibility and they wonder why they are excluded. Is the age of knighthood, *"21"* an extremely arbitrary determination, to remain the institution it is? Will those who ask for a change be successful in persuading a majority of the electorate that it will be a competent and equitable change or will we force them to the streets.

NARCOTICS AND DANGEROUS DRUGS

Mr. MONTOYA. Mr. President, each and every time that we pick up a newspaper, there is, inevitably and unfortunately, an account of a murder, robbery, rape, or aggravated assault, both in our Nation's Capital and throughout the United States. My own State of New Mexico is no exception.

The 1968 version of the FBI report entitled "Crime in the U.S." documents that in 1968 almost 4.5 million serious crimes were recorded, a 17 percent rise over 1967. The reason for our crime increase has been due to an increase in the use of narcotics and dangerous drugs. Addicts and chronic users of dangerous drugs increasingly resort to crime to obtain the necessary money with which to support their drug habit.

Recently the Albuquerque Journal published an article about the war on narcotics along the Mexico-United States border and underscored the serious overall implictations of the problem of crime and the use of narcotics and dangerous drugs in the United States. According to the article, Assistant District Attorney Donald J. Wilson, of Albuquerque, estimated that 75 percent of all burglaries in Albuquerque are committed "either by addicts or people who have been addicts." Clearly, then, our crime problem is not only a problem of better law enforcement but of preventing a situation—such as drug addiction and use—from occurring.

Of course, there are other reasons for the increase in crime, such as crowded, unfit conditions in our major metropolitan areas, inequitable distribution of opportunities for our citizens, and the like. One thing that I believe will contribute to curbing the crime problem, and that relates to the drug abuse problem, is the urgent need for establishing drug-abuse prevention and rehabilitation centers. A bill I introduced on July 10 would provide the authority and funds to States for that specific purpose. It is my hope that the Committee on Labor and Public Welfare, under the able chairmanship of the Senator from Texas (Mr. YARBOROUGH), will act favorably on the measure.

The FBI reports that narcotics and dangerous drugs arrests were up by 64 percent in 1968 over 1967. This increase was primarily due to the greater number of users among people 18 years of age and under.

The crime problem in the United States must be attacked on all fronts, by improving our law enforcement efforts, improving our court administration, improving our penal system, and improving and revising our educational system. I believe that information and education rather than repression and ignorance of the facts of life concerning the inherent dangers of harmful narcotics and dangerous drugs are the most intelligent ways to discourage the indiscriminant use of drugs among our youth. The use of narcotics and dangerous drugs does no good to the individual, threatens the entire social structure, and therefore our society.

So that others may share my thoughts on this subject I ask unanimous consent that an address made recently on narcotics and dangerous drugs be printed in the RECORD together with the October 1969 article published in the Albuquerque Journal.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR JOSEPH M. MONTOYA, NARCOTICS AND DANGEROUS DRUGS PREVENTION SEMINAR—ALBUQUERQUE, N. MEX.

Thank you, Jim, for that introduction. And thank you, ladies and gentlemen, for the fine turnout.

There are many people who were responsible for making this Seminar possible, and I would like to begin this morning by thanking them. I want to thank the Disabled American Veterans, Cutting Chapter #3, and the New Mexico Medical Society for their invaluable advice, assistance and support; and I want to recognize the Federal Bureau of Narcotics and Dangerous Drugs for their technical advice and assistance, and for making it possible for us to have their fine personal representation at the Seminar, and the National Institute of Mental Health for their support and assistance—their contributions are greatly appreciated. I also want to express my sincere thanks and appreciation to those of you who will be making formal presentations and last, but not least, I want to thank my staff for their efforts—especially Mark Greenfield—for his persistance and hard work.

Let us now begin the serious business. Why are we here today, and what can we hope to accomplish?

First, why a Drug Seminar? Others will go into it this morning in more detail, but I would like to answer that question briefly at this time. I believe we are all here today because there is a wealth of alarming evidence that the use of dangerous drugs generally, and particularly among our youth, is rising, and promises to continue to rise unless we—as responsible members of society and the community in which we live—do something to counteract the trend. That's it in a nutshell. No fancy phrases, no complex theories, just the plain fact that there is a drug use problem and it's on the rise. We can avoid the truth, we can return to the sanctuary of our homes and hide from the facts—but it won't do. It won't do each of us any good, nor our neighbors, nor the community at large. According to the figures I've seen, New Mexico ranks 10th in drug use in the nation, while ranking only 37th in population. Certainly this indicates we're involved beyond a small degree.

My concern is that our State, which is relatively undeveloped but has tremendous economic growth potential could be undermined by inaction and indifference to problems of the youth of our State. Population statistics show an ever increasing number of our young people migrate out of the State each year. Jobs are difficult to obtain here. There is so much to do that has been left undone. With all these basic developmental problems our State can ill afford to neglect to educate our children about the inherent dangers surrounding the use of narcotics and dangerous drugs.

The national crime statistics for 1968, made public this month, show an incredible and frightening increase in narcotics offenders among our youth. According to the report "Crime in the U.S." prepared by the F.B.I., in 1968 the number of violations of narcotics drug laws rose by 121% in the under-15 age bracket, and by 104% in the under-18 age bracket. According to the same report—one-half of all serious crimes in the U.S. were committed by persons under 18 years of age. And nearly one-fourth by persons under 15 years of age. The National crime rate has almost doubled in the last eight years, in 1968 there were 4.5 million crimes committed in the U.S., up 17% from 1967. Narcotics arrests in 1968 were up 64%. New Mexico shares in all these statistics.

According to the U.S. Senate's permanent Investigations Subcommittee and I quote, "next to professional gambling, most law enforcement officials agree that the importation and distribution of narcotics, . . . is organized crime's major illegal activity."

But more than illegal drug traffic is involved.

The impact of the ever-growing problem of drug abuse and addiction must be obvious to each one of us—not only does it destroy the lives of individuals who have succumbed to the habit through its physical and emotional effects, but also it threatens the destruction of our sociey. An addict's physical dependence becomes the focus of his activities, leaving little room for considerations of job, family and worthwhile participation in the activities of the community. Supporting the habit requires huge sums of money, usually inaccessible unless obtained through illegal means, resulting in a high rate of robbery and assault.

The beneficiary of narcotics and dangerous drugs is organized crime syndicates. Profits from illegal narcotics trafficking is estimated at $350 million yearly. The losers are the American citizenry. Honest law-abiding citizens. I am convinced that we can, if we begin now, make it extremely difficult for organized crime to make a living through illegal narcotics traffic in New Mexico. If we do not act soon though, our State will spend each year more and more money on often futile police investigations while narcotics becomes the mainstay of a free society's worst enemy—organized crime. I am not for the perpetuation of crimes' major outlets of activity, such as professional gambling, loan sharking, infiltration of big business, takeover of legitimate unions—all of these act to subvert the democratic process and undermine our social structure. Illegal trafficking of narcotics and dangerous drugs will do this. We can deny criminals one avenue of profit and promote a better America by educating our children about the dangers of narcotics and dangerous drugs.

Over the years the front line of attack against misuse of drugs has been the law. The Federal government has been searching for effective deterrents to drug abuse for at least 60 years, but as we can see the problem is intensifying. Stiff penalties accompany Federal drug laws—first convictions for buying, selling or possessing marijuana have penalties of 2 to 10 years and subsequent convictions have increasingly stiffer penalties. Federal laws banning the importation of dangerous drugs have been in effect since 1909. Most States have enacted their own drug laws; nearly all are very stringent. For example, in the State of Washington the penalty for the first offense of possessing narcotics is 5 to 10 years in the penitentiary plus a fine of $10,000. However, punitive measures alone are ineffective. In 1967 there were 95,417 arrests by Federal authorities for violations of narcotic laws. One F.B.I. study of persons who had been convicted on narcotics abuse charges and were released on probation, parole or mandatorily indicates a high rearrest rate; of those on probation, 71% were rearrested; of those paroled, 60%; of those mandatorily, 59% were rearrested.

Laws to control drug traffic are also largely ineffective. The Bureau of Narcotics and Dangerous Drugs reports that they impound only one-tenth of drugs being illegally imported. This does not include drugs from clandestine laboratories within the country. I think we should understand that no matter how comprehensive and extensive drug abuse laws are, they are useless unless enforceable. The scope of the drug problem in the United States today illustrates the laws are obviously unenforceable. The problem is getting more and more serious and it is time that we pursued additional approaches.

The additional tool which we need is education.

An intensive program of drug education at all levels of our society with contributions for our national, State, and local authorities is the only answer in arresting the spread of what is becoming national subculture.

What especially concerns me, as I have indicated before, is that the younger generation is rapidly gaining the title of the "drug generation." The age of drug users has dropped even to the elementary school level! The increasing tempo of drug use among students is starkly illustrated by this fact: while it took about ten years for illegal drug experimentation to spread from the intellectual-artistic groups to graduate students, it took about only 5 years for regular use to spread to the undergraduates, only two or three years to reach the high school level, only two years to reach the elementary grade school children! Illegal drug use is no longer confined to the liberal campuses of the East and West coasts or the large universities, but is as close as the school around the corner from your home.

The National Institute of Mental Health reports that in 1967 about 20% of all the Nation's college students admitted experience with marijuana. Most statistics are gained from local studies. One California study put drug experimentation by college students in 5 universities well above the 50% mark. A recent survey of San Mateo, California high schools was running about 26% with marked increases from 1968 to 1969. Another report estimated use of marijuana in Southern California high schools as over 50%.

I think we all realize that drug experimentation and regular use among young people of high school and college ages has developed into a fashionable and accepted phenomena. However, it is a mistake to think that today the acceptability of drug use and experimentation is confined to the peace-profession flower children—for it has broken the margins of our so-called conventional society. Today's middle and upper class high school students find fascination in drugs. Why? There are a number of conjectures—stories passed among peers of experiences with drugs, popular flouting of parental authority, a feeling of security in being involved in an "in" craze. Probably the most important realization we must come to as adults, educators, enforcement officials, guidance counselors, and parents is that drug use is acceptable to a large portion of the younger generation. Here then is the crux of the problem—our efforts must be centered on extensive education of our youth on the many dangers of drug use.

We can no longer avoid recognizing the problem of increased use of drugs by youth, and assume it will go away like any other "fad." Nor can the adult community crusade *against* use of narcotics and dangerous drugs with such enthusiasm that truth and objectivity are sacrificed to pure negativism. No bright young person will accept an anti-drug stand on the basis that he will be a "criminal" or an addict for life because of his experimentation.

As far back as 1963, the President's Advisory Commission on Narcotic and Drug Abuse included in its report strong recommendation for extensive drug education programs, to dispel distorted attitudes on drugs of the general public and many professional circles. The report also stressed the need for an enlightened educational campaign for the general public, and especially one for professional personnel whose activities touch upon some aspect of the problem such as physicians, lawyers, social workers, educators, and others. The Commission stressed that an educational program focused upon the teenager is the essential aspect of any program to solve the social problem of drugs. The teenager should be made aware that, although the world of drugs may seem exciting and offer an escape from the world around him (or in some cases entrance into his peer-world), in the long run drugs will destroy him and all to which he aspires. The Presidential Commission report completely rejected the notion that if the teenager is educated in the field of drugs it will tempt him to experiment. I think each one of us here is aware that temptation will reach the young person long before educators can. I believe strongly—that we should go on the premise that in our American way of life, the fundamental belief is that information rather than repression is always the better avenue to follow.

The final recommendation of the Commission was that it was the Federal government's role to see that a core of information and educational materials be prepared by the Secretary of the Department of Health, Education, and Welfare to provide the public and all professions involved with accurate knowledge on narcotic and drug abuse to combat misinformation. The information and educational materials would be developed by the National Institute of Mental Health and the Federal Bureau of Narcotics. They should be aimed at the many audiences involved—parent, teenager, college student, and professionals. This report stressed that the Federal government could do little else than supply these materials through the National Institute of Mental Health, and educational lectures and technical assistance from the Federal Bureau of Narcotics. It should be up to the States, municipalities, community groups and private organizations to use the Federal resources. I believe it is time we examined carefully their recommendations and determined what Statewide action should be taken.

Three years later, in 1966 the President's Commission on Law Enforcement and the Administration of Justice reported on the appalling inaction in the area of drug abuse education. The Commission recommended that educational aspects of drug abuse control be concentrated in a single Federal agency for greater efficiency. Last year a House of Representatives bill was introduced with this intent, but the measure was defeated.

I, and others in the Congress realize the inaction of the Federal government in this area has contributed to the continued unchecked rise in drug abuse.

The recommendations of the Presidential Commissions, medical societies, and private organizations has resulted in educational materials being produced—but not nearly enough implementation of Statewide education programs has been realized.

To this end I have introduced a bill in the U.S. Senate, S. 2592, entitled the Drug Abuse Control Act of 1969. If passed the Federal government will provide grant assistance for drug education programs through the Department of Health, Education and Welfare; it will charge HEW with the responsibility of disseminating educational materials to State and local agencies and non-profit private organizations; also, it will authorize HEW to provide advice, counsel, and technical assistance for drug abuse prevention programs; and will require HEW to issue an annual report on drug prevention programs. Both in the House and Senate this year the prospects for passage of a Drug Abuse Education bill are good. But passage of this bill will only provide the money and technical assistance to help implement a program. The impetus, and ultimately the success of a drug abuse prevention education program—will depend upon you. It will depend upon the individual initiative of each and everyone of you working through your respective organizations and groups to see to it that New Mexico responds to the need.

In this connection, and for purposes of discussion, elaboration, and I would like to offer the following suggestions for your consideration.

First, consider this Seminar as a beginning, hopefully, a beginning of similar, and naturally smaller seminars, in the State so that the information obtained here can be passed on to other groups, individuals, and of course to students.

Second, I ask that you consider the feasibility of establishing a Drug Abuse Prevention Studies Committee or perhaps as an alternative, you might consider the possibility of establishing a study Committee within the community, with representation from the schools in the area, the local governmental and enforcement officials, and appropriate civic and social groups. The purpose of the committee would be to determine the extent of the problem, and prepare a plan for an on-going Statewide Drug Prevention education program for the next five years.

Third, I suggest you identify a single State agency, that will be responsible for a Statewide drug prevention program. In the very near future any Federal assistance monies to be obtained will require a detailed proposal with matching State funds, and will require State professional staff assistance who will be responsible for administering the program.

Fourth, I ask you to consider carefully the experiences and proposals offered by today's Seminar participants and determine ways in which their recommendations may be adopted to New Mexico's needs.

Fifth, I recommend that you consider a broad program of teacher education be established, and that new curricula and teaching methods be developed for Statewide use.

I am sure there are many other ideas and approaches to be considered, and I look forward to today's proceedings for them.

SUMMARY

Drug education is not a responsibility of the public schools alone—but of all segments of the community—parents, teachers, law enforcement officials, physicians and nurses, social workers, and the students themselves. As responsible professionals and leaders of the community you can lead the way to community cooperation—you have the closest contact with the drug problem because you alone have daily contact with those involved. It is our responsibility to understand and educate young people. But, it will not suffice for drug education to stop with the student or stop in the schools. Only when our alienated young go home to an atmosphere of frank discussion, understanding, and a well informed older generation, will our preventive approach be of value.

Only by educating ourselves and our youth about the dangers of narcotics and dangerous drugs can we deal effectively with the rise in drug usage in New Mexico. In the final analysis it is this same approach—creative and responsive education—that will combat many of the social ills of our society. For if we continue—as we have in the past—to ignore the problems of our society—and retreat into a shell of punishment-oriented self-righteousness we will have only ourselves to blame.

I now would like to ask our distinguished Attorney General, Jim Maloney, to begin what I am confident will be a very interesting program.

[From the Albuquerque Journal]

War on Narcotics Could Hike Price, Burglaries Here

(By Mike Padget)

A city narcotics agent anticipates a hike in prices of illicit narcotics as well as an increase in the number of burglaries in Albuquerque—if President Nixon's "Operation Intercept" proves effective.

The agent, who requested that his name be withheld, said the recent crackdown along the Mexican border by the Nixon administration also could mean mass weekend exoduses to the Midwest by the area's "pot heads" to pick marijuana from fields where it grows wild.

"I definitely think the addicts are going to burglarize more if the price of narcotics goes up," the agent said.

He said most of the pushers in Albuquerque procure their hard narcotics and marijuana from "Mexican border towns."

Many of the other drugs, such as LSD and a small percentage of the amphetamines, are brought into the area from California, he said.

The marijuana smokers—although they tend to prefer the Mexican grass—probably will make some attempt to establish sources in the Midwestern states, he said.

"I know of some instances involving local people where someone has driven all the way to Kansas to pick marijuana," he said. "There are many places there where it will grow wild in large patches.

"I would say the traffic would increase that way (to the Midwest), but the user will have to have a contact to know where to go to pick the stuff. If enough people find contacts, the traffic will get pretty strong," he said.

On the other hand, some of the marijuana smokers may choose to "try something else," because they say state-side marijuana doesn't provide enough kick, he said.

"It's been my experience in talking to people that they would prefer not to smoke the local grass because it doesn't have the kick that the marijuana grown in Mexico has," he said.

The city agent said the average cost for a "cap" of heroin in Albuquerque is $5. He said to his knowledge the price has not yet changed, illustrating that Operation Intercept has not been effective long enough to diminish the local supply of the drug.

However, he said, if the massive drug search program at the border proves itself, the price probably will jump to about $7.50—the average cost of a cap in states farther north from the Mexican border.

"If this happens, I anticipate a proportionate increase in the number of burglaries," he said.

Many addicts in the advanced stages have a need for as many as 20 caps of heroin daily, he said. (A cap contains enough of the drug for one fix.)

"You can see that this can get to be a very expensive habit," he said. "These people, when they're not mainlining, will be plotting for a way to get money for their next fix."

Most addicts consider committing a burglary the "easiest" method of obtaining money to feed their habit, he said, because the goods can be easily turned over for instant cash to known "fences."

Asst. Dist. Atty. Donald J. Wilson estimated that 75 per cent of all burglaries in Albuquerque are committed "either by addicts or people who have been addicts."

The only problem the addict faces is that he is paid only a small percentage of what the stolen item is worth.

"I know of at least one case where an addict had stolen a $1000 color television set and then sold it for $25. But he's willing to do it, because that much money is enough to pay for his habit long enough for him to steal something else and sell it," he said.

DECISION EXPECTED SOON ON WISCONSIN DDT CASE

Mr. NELSON. Mr. President, the Wisconsin Department of Natural Resources began hearings last December on a citizens petition to ban the use of DDT in Wisconsin.

The petition, filed by the Citizens Natural Resources Association of Wisconsin and the Izaak Walton League, stimulated the first major public confrontation between the pesticide industry and concerned citizens and scientists on this vitally important environmental subject.

At issue in the proceedings is whether the department shall issue a ruling declaring DDT to be a highly toxic, persistent chemical that should be restricted in use so that it cannot enter the biological, geological, chemical, and ecological cycles of the biosphere, and also make a ruling that the use of DDT constitutes pollution.

After having several weeks of hearings on the case, the Department of Natural Resources has just completed assembling 46 volumes of testimony and exhibits and have been distributing the documents to all parties involved. The parties have 30 days in which to file their briefs, and then another 15 days in which to file answers to each other's briefs. So we can expect the long-awaited decision from the department in about 2 months.

News articles published in several Wisconsin papers have reported that the pesticide industry has been attempting to block the decision by the State Department of Natural Resources. The industry contends that the entire case should be handed over to the newly created pesticide review board, recently set up by the legislature to coordinate pesticide regulations among the State agencies.

I feel that it is essential that the Department of Natural Resources retain the final decisionmaking authority on this case. The department's scientific and ecological experts have been deeply involved in this matter for more than a year and should rule on it.

I ask unanimous consent that articles published in the Capital Times and the Stevens Point Daily Journal be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Capital Times, Sept. 23, 1969]

Chemical Firms Try To Block DDT Ruling; Attempt Switch of Forum

(By Whitney Gould)

Concern is growing within the conservation community over an apparent attempt by the agri-chemical industry to block a decision by the State Department of Natural Resources on a petition ban use of DDT in Wisconsin.

That concern is matched by irritation with the department itself, for its long delay in acting on what many scientists feel is one of the most critical environmental issues of the past quarter century.

The department began hearings last December on a petition by two conservation groups—the Citizens Natural Resources Association (CNRA) of Wisconsin and the Wisconsin division of the Izaak Walton League. The petitioners asked that the department, which administers Wisconsin's water quality laws, declare DDT a pollutant and ban its use wherever it might enter the state's lakes, rivers and streams.

The hearings ended last May, after testimony by scientists from throughout the United States, and from Canada and Sweden, linking DDT with the decline of numerous bird species, reproductive failures in fish, and a host of other ecological disruptions that were never anticipated when the pesticide was introduced in the 1940s.

Witnesses for the chemical industry defended DDT as the cheapest and most effective pesticide available for some vegetable crops, and said it was useful in fighting malaria and other mosquito-borne diseases.

In the meantime, the Wisconsin Legislature, with the cautious endorsement of some conservation groups and the enthusiastic support of the chemical industry, set up a pesticide review board to co-ordinate pesticide regulations among the state agencies. The board, which is to meet for the first time this week, will be made up of the secretaries of the Departments of Natural Resources, Health and Social Services, and Agriculture.

Many of the foes of DDT and other persistent pesticides fear that the new board, which lacks any representative from the environmental science community, will be more vulnerable to the pressures of the agri-chemical industry.

Their fears were not allayed earlier this month, when Madison Atty. Willard Stafford, representing the National Agricultural Chemicals Association's (NACA) "DDT Task Force," filed a brief of intervenor with the Natural Resources Department, asking that the petitioners' complaint be dismissed. Stafford pointed to the newly-created pesticide review board, which, he contended takes the DDT question out of the hands of the department.

Conservationists have reacted angrily to the industry move.

One of the most irate is Victor J. Yannacone of Patchogue, N.Y., attorney for the Environmental Defense Fund, Inc., which handled the case for the petitioners in the Madison hearings. The petitioners have until Oct. 15 to respond to Stafford's brief for dismissal, and they plan to do so, according to Yannacone.

"It is an affront to the people of the state of Wisconsin," Yannacone said in a telephone interview, "and to the people of the United States, for the NACA to make a move at this late stage to prevent the full impact of the first direct confrontation involving DDT with any degree of scientific sophistication and legal due process, from being presented, and a finding of fact and legal determination from being made under Wisconsin law.

"The petitioners, who through the Environmental Defense Fund were representing the environmental science community, and the helpless citizens of this generation, and the voiceless children yet unborn, came to Wisconsin because only the enlightened administrative procedures of this state, developed as they were over 50 years of social evolution, furnished a forum where the full DDT controversy could be aired, free of the emotional, political and economic pressures that have so influenced prior attempt to evalutate the full impact of DDT on the biosphere."

Yannacone called the Stafford brief "another example of the ruthless, callous and unprincipled attempts by a handful of chemical companies to prevent the development and distribution of environmentally safe, ecologically sophisticated pesticides."

Dr. Charles F. Wurster, a biologist at the State University of New York at Stony Brook who led witnesses for the petitioners in their attack on DDT, was equally indignant.

"It's perfectly clear," he said, "that the NACA is doing everything it possibly can to prevent a decision from being made by someone who knows the facts about DDT. They're scared to death of the truth."

He charged that the NACA is "fundamentally a propaganda organization, trying to hush up and bury the weight of scientific evidence (on DDT) by brainwashing the public into thinking it can't live without DDT."

A telegram in behalf of the petitioners, asking the Department of Natural Resources to finish up preparation of a transcript of the hearings without further delay, was sent to Natural Resources Secretary Lester P. Voigt last week by CNRA president, Dr. Frederick Baumgartner, a professor of wildlife at Stevens Point State University.

Voigt, however, insists the department is moving as fast as it can. "We're urging the staff to do everything possible to get the transcript out soon," he said, "and I think they're doing a fine job, despite the natural impatience of the litigants."

Hearing examiner Maurice van Susteren, who conducted the DDT proceedings for the department, said that the transcript—which will run some 4,000 pages, including some 200 scientific exhibits—may be ready "in a week or two, unless somebody comes along with a higher priority item."

The length of the testimony, a shortage of court reporters, and the pile-up of other business have slowed up publication of the transcript, both department spokesmen said.

It is not known at this point just who will make a decision on Stafford's motion for dismissal. "Our legal division will review it," Voigt said, "and we may consult with the attorney general's office on the matter."

A decision on the petitioners' original request for a DDT ban, in turn, depends on the outcome of the dispute over who has ultimate authority in the matter: the DNR, or the new pesticide review board.

Within the department itself, according to Voigt, the procedure would be as follows: van Susteren would prepare a recommendation on the petition and refer it to Voigt, who would then pass it along to the policymaking Natural Resources Board. Whether that board's finding would be final, or merely a prelude to action by the pesticide review board, is the central question now.

Voigt denies that the pesticide review board will be more open to pressure by special interest groups.

"Ordinarily, when you have more people involved," he said, "the more difficult it would be to exert pressure and influence—though I would hesitate to think that pressure would have an effect in either case. We're optimistic about the review board because it seems to offer an orderly way to establish some sort of control over contaminants in the environment."

Four months have elapsed since the Madison DDT hearings ended. And the powerful pesticide, though banned from sale in Michigan and under sharp attack by scientists throughout the world, is still being applied to crops in Wisconsin and other states. It is making its way into waterways, into the bodies of fish and birds and man as well.

Scientists fear that if decisive action against this long-lived chemical is not taken in Wisconsin, which provided the first broad-based forum on its hazards and benefits, the results bode ill for the ability of any policy-making government agency to meet environmental crises.

[From the Capital Times, Sept. 24, 1969]

WILL PROFITS PREVAIL OVER HEALTH IN DDT DISPUTE?

Four months have passed since the Wisconsin Department of Natural Resources concluded its historic hearings on a petition to ban further use of DDT in this state.

World-wide attention focused on Wisconsin during those hearings, which provided the first genuine, public forum for respected scientists from throughout the U.S., and as far away as Canada and Sweden, to tell the DDT story in full.

And it was an environmental horror story of the first magnitude.

The scientists who came to Wisconsin linked DDT to lowered reproduction among many of our birds of prey, which are already threatened with extinction.

They told how the pesticide interferes with the process of photosynthesis in the tiny marine organisms that are at the base of the world food chain, and how DDT builds up at progressively higher levels of that chain.

They also warned how dangerously persistent DDT is, once even small quantities are released into the environment.

And in the end, they made an eloquent plea for ecological sanity at a time when all of the world's natural resources are threatened with corruption by man, the despoiler.

On the other side of the table was the pesticide industry with its economic muscle and well-oiled propaganda machine, defending its obsolete product with the feeble passion of the cigarette industry—all the while ignoring the well—documented facts, maintaining that "not enough is known" to indict DDT, raising the spectre of a malaria epidemic if DDT were banned.

Unable to mount a convincing case for DDT in the DNR's hearing room, the industry is now trying to prevent this Wisconsin agency from rendering a decision on one of the most crucial environmental issues of our time.

The industry instead wants to transfer the matter to the state's newly-created pesticide review board, in hopes that that body, which includes a representative from the Department of Agriculture, will either delay action indefinitely or be unsympathetic to a DDT ban.

Wisconsin citizens who care about the quality of their environment must be shocked at this brazen attempt by persons who put private profit above the public interest.

We urge the Natural Resources Department to act decisively against the industry's move and to exert its clear authority in the administration of Wisconsin's water quality laws, to outlaw use of this chemical killer in our state. The evidence is incontrovertible; further delay is indeed an invitation to disaster.

[From the Stevens Point (Wis.) Daily Journal, Sept. 24, 1969]

BAUMGARTNER HITS DELAY IN DDT DECISION

A wildlife professor at Stevens Point State University reports a private organization he heads will go on record next weekend in opposition to the Department of Natural Resources' delay in issuing a decision on the use of DDT.

Dr. Frederick Baumgartner is president of the Citizens Natural Resources Association which will hold its annual meeting in the Wausau Holiday Inn Saturday and Sunday.

"We consider unpardonable the four-months' delay in completion of the transcript of testimony presented" (in hearings earlier in the year sponsored by the CNRA), Baumgartner said. "If necessary, we are prepared to use pressure available to obtain a decision in accordance with the best interest of the people of Wisconsin."

His statements have been sent in a telegram to Lester P. Voigt, secretary of the Department of Natural Resources.

The CNRA spent about $52,000 at the hearings. Baumgartner said testimony and a rebuttal from agri-chemical people were to have been studied and a decision made by department officials. The results are overdue, he said, "and the agri-chemical representatives have petitioned that the testimony be dropped and the matter be taken up at the annual meeting by a new pesticide review board recently set up by the Legislature."

Discussion also will center on the Navy's plan to build Project Sanguine, a long-range communications facility that would spread a buried cable grid across the northern half of the state.

"Our concern is that no one knows much about it—we're wondering what it would do to the ecology of the area, how it would affect wildlife and ground temperature." he said.

A slate of candidates to be presented to the membership for re-election includes Baumgartner as president.

CAREER EDUCATION

Mr. PROUTY. Mr. President, in an address to a national workshop on Federal programs that the American Association of Junior Colleges gave on October 3, in Washington, Secretary of Health, Education, and Welfare Robert Finch offered a concept which I hope Congress will study with care.

Secretary Finch gave this concept the name "career education." In it, I see the promise of a great national goal—a rallying point on which all of the more than 400 Federal programs fostering both formal education and manpower development might be harmonized and coordinated.

The Secretary also spoke at length on his plans to improve education and to strengthen community colleges. He cited some startling figures on the growth of 2-year colleges. While the junior colleges have nearly doubled in the number of campuses since 1960, they have tripled in total enrollment in the last decade and now serve at least 2 million students.

I am not sure that complete enrollments have yet been compiled for all colleges this fall, but Mr. Finch has indicated that this was the year when, "for the first time, more freshmen entered junior colleges than 4-year institutions."

I know that the junior colleges long ago passed that milestone in the Secretary's own State of California. In my own

State of Vermont, however, we still have much work to do. Although our local schools give more-than-adequate training through the high school level, many of our top graduates leave the area for employment in cities where there are more opportunities for advanced education. This is a problem that is facing most rural parts of America, and I think the community college and career education concepts offer the best solution proposed so far.

Equally significant, he noted that one-fourth of all black college students are now concentrated in public community colleges in three cities—New York, Chicago, and Los Angeles, adding:

> In virtually every large American city, more blacks study at public community colleges than all nearby institutions combined.

To turn these trends in the national interest, and to gain the full promise of the community college movement, he called for a concerted Federal response, based in part on new legislation, but more largely upon a vigorous attempt to orchestrate the many Federal programs that already exist. While reporting that the Commissioner of Education is setting up a new Office of Community College and Career Education Programs, Mr. Finch declared:

> We plan to give this office the greatest visibility and maximum authority to work not only within the Office of Education, but with other elements of government—the Department of Labor, OEO, HUD, the Veterans Administration, and the Departments of Defense and Commerce.

It is a heartening move. Surely the attempt is long overdue. The number of Federal programs dealing with education today is enough to stagger the mind. The Secretary has testified to Congress that the number now exceeds 400. To many schools and colleges trying to utilize Federal resources, this list, I know, is a staggering morass. I am sure the often bewildered institutions find themselves pulled in scattered directions by the various Federal programs. In some instances, I think the programs tend to pit one branch of education against another.

Most clearly, there is a crying need for coordination. I hope that Congress will encourage Secretary Finch in this initiative. At the same time, I hope we will not enact additional major programs without ourselves facing up to the issue of coordination. The national interest will not be served by further proliferation and duplication of services which have the effect of compounding competition and overlap among Federal programs.

We are long past the day when we can afford to set up any large program in a vacuum. As we develop the new manpower legislation, for example, I think we must develop it in close harmony with the proposed new community college and career education programs. Higher education and occupational education must, as Secretary Finch suggests, work in concert. So must manpower development and education. Both will achieve much greater results if they are coordinated and orchestrated. I am pleased that Secretary Finch proposes to take his legislative drafts into regional conferences, to monitor the grassroots response, and to encourage greater local teamwork.

The burgeoning importance of 2-year colleges to nearly every State and the growing national demand for easier access to higher education make Secretary Finch's address well worth the contemplation of the entire Congress. I ask unanimous consent that the text of the address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address of Secretary of Health, Education, and Welfare Robert Finch

I appreciate very much the opportunity to address your workshop today, and I welcome the change to continue our efforts together.

When I was first designated Secretary of Health, Education, and Welfare, I articulated the importance of the community college mechanism. At a recent Governors' Conference, I advocated the necessity for long range State planning for the initiation and growth of these institutions. But my California experience with community colleges also injected a note of caution: California made mistakes which should not be repeated. And so today, I want to explore—just as in our HEW initiatives we are carefully exploring—some of the problems and prospects of this high potential institution.

We are confronted at the outset with the explosive growth of the community college—a truly unique American educational effort. It is a development as revolutionary for this this era as was the land grant college concept for the nineteenth century.

Community colleges now number a thousand—almost double the 1960 count. The Carnegie Commission on Higher Education has urged the establishment of an additional 500 by 1976.

Enrollment has been growing even more rapidly. Today, 2-year colleges serve about two million students—three times the 1960 count. This year, for the first time, more freshmen entered junior colleges than entered four year institutions.

The mushrooming growth of the community college promises to be the chief means of approaching universal higher education in the United States. It is already of critical importance to poor and otherwise disadvantaged students, notably blacks.

For black Americans, the public community college has the potential for becoming the most promising single avenue of higher education. The reasons are obvious: these are the accessible institutions—geographically, financially, academically. A quarter of all black American collegians are concentrated in public 2-year colleges in New York, Chicago, and Los Angeles. In virtually every large American city, more blacks study at public community colleges than all nearby institutions combined.

The dynamic nature of today's community college involves problems, I hasten to add, with which you are all too familiar. We have a very uneven template. Prestige is often low. The community college suffers, in some quarters, the same unfortunate stigma as the vocational school—wrongly regarded as dead-end education.

At the same time, to the extent that it goes outside the vocational sphere, it is regarded in some circles merely as a watered down version of the senior college. And in some instances, let's be candid to admit, it is.

There are dismal statistics behind these impressions. According to one study, a little over 50 percent of all students in 2-year colleges require remedial or compensatory programs. The drop-out rate is over 50 percent for all enrollees, and is especially high among the disadvantaged—maybe as many as eight out of ten. Faculties are often staffed by instructors trained for purposes other than community college teaching.

Community colleges also are handicapped by confused lines of authority and responsibility in their dealings with State and Federal officials. The natural difficulties of institution-building are complicated still further by uncertainties—uncertainties about the community college role in relation to secondary and higher education . . . uncertainties as to research and experimentation, faculty status and community service activities.

Nonetheless, for all the problems it confronts, the community college represents literally one of the most exciting possibilities for educational opportunity in history. I hope, as we proceed, that the dimensions of this possibility will emerge.

Another set of trends that particularly concerns me lies in the imbalance of the labor market. Ironically, unemployment is not the biggest single factor contributing to poverty in this Nation. The majority of those millions classified as poor live in households in which the father or mother both work—and one of them works full time. We thus face major problems with the discouraged worker who is expected to work full time . . . at low wages . . . with little or no chance of advancement.

On the other hand, in nearly all the professions, there are severe and probably growing manpower shortages in jobs which would lead to challenging and fruitful careers.

As important as job training is—to provide equal opportunity, to reduce unemployment, and to end the vicious cycle of dependence—a job is simply not enough. Least of all, let me add, a job that holds out no hope for advancement.

We must be concerned with career education for the young and continuing education for those presently employed. There is no other way to break the cycle of underemployment. There is no other way to prepare our Nation and ourselves for the rapid pace of social and technological change.

The distinction between a job and a career . . . and the importance of maximizing the life-style options at all stages of life . . . can be seen in the frustration today of the middle America—the "forgotten American"—the group of people characterized by one recent article as "The Burnt-Out and the Bored."

Both ends of the contemporary, rigidly-programmed life-cycle press upon this group. It is they who must support the education of the young and the retirement of the old. They have the heaviest responsibilities—emotionally and financially—and the fewest opportunities to escape. These Americans should have opportunities for a new life style. A new career and a new chance for learning . . . quite as much as their sons and daughters.

The Federal response must address both these developments—a burgeoning community college movement still in search of a role . . . and a growing demand for skilled manpower in rewarding careers.

We turn, as seemingly we always turn, to our educational institutions for this dual response. We are now developing—the name is a real jawbreaker—a "Comprehensive Community College Career Education Act of 1970." It will propose that the community college become the capstone institution for a career policy for all Americans.

To insure the commitment of this Administration to deliver career education, the Commissioner of Education is organizing a new office of Community College and Career Education Programs. We plan to give this office the greatest visibility and maximum authority to work not only within the Office of Education, but with other elements of government—the Department of Labor, OEO, HUD, the Veterans Administration, and the Departments of Defense and Commerce.

In these areas lie sources of funding for the disadvantaged and the underutilized. These sources currently lack the effective delivery vehicles which the community college mechanism can become.

The Commissioner will establish priorities under such existing programs as the Education Professions Development Act, the Vocational Education Act of 1968, the Higher Education Act, and the Elementary and Secondary Education Act. He will also be under mandate to develop new legislation for career education, if it is called for. His search will be for new lines of communication . . . and cross-fertilization . . . among all our educational institutions.

We are out to renew American public education from early childhood through graduate school. We believe that the community college is a key vehicle in such renewal. I include under this general rubric community colleges, junior colleges, technical institutes, university extension centers, and satellite campuses—public and private institutions both, which offer from one to three years of post-secondary education. Federal planning should not constrict the variety of potential institutional models.

Let me hasten now to add some caveats. The mold is not fixed. We do not seek the establishment of a nationally directed and controlled community college system. In pointing to some major tasks that community colleges should undertake, I do not mean to denigrate the healthy pluralism fostered by each community's own definition of how its college should serve it.

For that reason, as our own legislation takes form, we want your opinions in regional conferences we intend to hold, and we would welcome now your letters of advice directed to the Commissioner of Education. We intend to consult closely with Senators Prouty and Williams and with all the other legislators who have greeted the community college concept so warmly.

A second caveat is dictated by severe budgetary limitations—a sheer fact of life within which we are now forced to operate. This must fuel our efforts to obtain support from the private sector—business, churches, unions, and the foundations. And it must fuel our efforts at intergovernmental cooperation—at maximum utilization of the Federal dollar, and maximum coordination of governmental efforts at all levels.

The exact templates are not fixed—nor should they be in so young an idea. Most community colleges are public—but not all. Most are vocationally-oriented—but they also serve the "late bloomer" who seeks remedial training in the basic academic skills. Most of their students are enrolled in terminal curricula, to acquire a specific skill—but many are engaged in the traditional disciplines and may use community colleges as "feeders" into regular four-year institutions of higher learning. Most of their students are young people—yet nearly all community colleges offer adult extension courses, and stress mid-career re-training . . . a chance for a new life-style.

The physical properties of the community college do—and should—vary greatly. Sometimes they are strikingly beautiful traditional campuses . . . sometimes central-city complexes . . . sometimes middle-aged office buildings deep within the ghetto—and this is the variety of innovative community service that should be explored and enhanced.

No, the mold is by no means fixed. The precise contour of the community college movement is still in evolution—and I, for one, hope that this remains the case.

In preparing a comprehensive national initiative we are dealing with fifty different State systems, fifty different concepts of maximum effective service to the total community, and fifty different patterns of financing.

In some States, community colleges are developed and operated by independent government boards . . . in some, as a division of the elementary-secondary school system . . . in some, as a subcommittee of the board of higher education. New State plans are on the drawing boards. And, for a balanced national perspective, we need to know a great deal more about what consensus, if any, the State planners are reaching.

This is why we are searching for an assistance formula that will accommodate itself to this infinite variety and this need for maximum flexibility.

Essential to this planning is an overall educational strategy that evaluates . . . in both geographic and curricular terms . . . how the community college can best relate to the total educational process—not to replace or destroy, but to enhance our outreach over the entire spectrum.

Running all through the community college phenomenon, there are certain recurring themes—the marks of their distinctive life-style. They are also, I think, the criteria by which your own evaluations should proceed.

They are career centers for young Americans of every class, and every race . . . and for older citizens as well who seek mid-career retraining. They are, today, a largely untapped resource for the returning veterans . . . most of whom are not yet taking advantage of their educational benefits under the G.I. Bill.

They are oriented to the new technology . . . to the practical sciences . . . and increasingly to the development of paraprofessional disciplines—in health, in computer science, in social services, in teaching itself.

In other words, they are in tune with the vocational skill needs of an evolving technological era . . . whose "useful trades" are all the arts and sciences that must be harnessed to preserving a decent human environment and developing humane social institutions.

The community college must work—as indeed they are working—in close partnerships . . . partnerships of necessity . . . with all the public and private and independent institutions of the social matrix.

As the land-grant institutions were at work on the frontiers of the New American Nation of their day . . . so, too, is the community college a frontier institution—the frontiers, now, of a new technology and a new ecology of human relationships.

I think that you have a right to a grand vision of what your institutions can become—of the educational outreach they can provide. Indeed, I trust you never will aspire to less.

I think back to Aristotle's admonition that "only the educated are free"—and to the measured words of the great architect of democracy, Thomas Jefferson:

"By far the most important bill in our whole code is that for the diffusion of knowledge among the people."

H. G. Wells, with his apocalyptic gift of prophesy, once wrote:

"Human history becomes more and more a race between education and catastrophe."

And that, my friends, literally defines the dimensions of our mutual endeavor . . . and the ultimate test of our success.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

EXPORT EXPANSION AND REGULATION ACT OF 1969

Mr. ALLEN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 2696) to provide for continuation of authority for the regulation and expansion of exports, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SURRENDER IN VIETNAM

Mr. ALLEN. Mr. President, I was in the Senate Chamber earlier today when the distinguished junior Senator from South Dakota (Mr. McGOVERN) made what, to me, was an ill-advised attack upon the distinguished Vice President of our country and Presiding Officer of the Senate.

I think it would certainly be an understatement to say that the full Senate was not present on that occasion.

Thus, it falls to the junior Senator from Alabama, a lifelong Democrat of sorts, to make an answer—and answer should be made—and to express my disapproval of the remarks made by my good friend, the junior Senator from South Dakota, concerning the Republican Vice President.

Before doing so, though, I should like to praise the distinguished junior Senator from South Dakota for having fought for his country during World War II. He was truly a hero of that war.

I should also like to praise the millions of other Americans, including the Vice President himself, who did likewise, and to praise those other millions called into service during the Korean war, also including the Vice President.

I should like particularly to praise those other millions of Americans who continue to wear the uniform of their country proudly. Most of all, those Americans who are fighting today to keep their Nation's commitments.

None of us has any corner on patriotism. All of us, I am sure, are motivated by love of country.

But, Mr. President, there are some of us who just cannot equate surrender with love of country.

There are some of us who think our country's honor is as important as any individual's honor.

There are some of us who feel that a pledge made by the United States to South Vietnam is as binding as a handshake between honorable men.

I am sorry that the junior Senator from South Dakota does not feel that way.

And I am even more sorry that he

questions the motives of the Vice President, who merely had the effrontery to question the motives of some of the Senator's friends.

The junior Senator from South Dakota has no monopoly on the desire for peace. The Vice President and the President, however, are not willing to make this country pay the price of surrender. The junior Senator from South Dakota seems not to recognize the difference between the two. Fortunately, however, most other Americans seem to.

Mr. President, I want to pay tribute, too, to the Vice President of the United States who, I believe, is a great patriot. I believe that he has developed, that he has grown in stature, more than any member of the new administration during its 10 months in office.

What he has said from time to time has made a whole lot of sense to the junior Senator from Alabama, and I want to pay tribute to the service he is rendering our country.

I also want to pay tribute to him for the service he is rendering as Presiding Officer of the Senate.

Certainly, I do not feel that he should be subjected to a blistering and scathing attack by any Member of the Senate.

ORDER OF BUSINESS

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MILLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VIETNAM—THE WHYS AND WHEREFORES

Mr. MILLER. Mr. President, few editorials have been as clear and succinct on the question of Vietnam as one entitled "An Uncertain Cause," which appeared in the Wall Street Journal of October 15. I cannot recommend it too highly—to those who participated in the moratorium that day, to those who have denounced President Nixon's Vietnam policy, to those who advocate an immediate and unilateral withdrawal. I would like to isolate several sections as food for thought for those who fit into those categories:

> 1. . . . Both the war and American policy are quite different than they were in March 1968. We are off the ladder of escalation with its terrifying overtones. President Nixon is not sending more troops; he is bringing them home. The violence is not headed up and out of control, but down and gradually less unmanageable. The casualties are not climbing, but dropping.
>
> 2. . . . the policy of Vietnamization, unlike the strategy of gradual escalation, does provide a goal including an end to at least the American part of the fighting."
>
> 3. If Hanoi continues unwilling to compromise and Vietnamization continues to work, the policy could result in an independent and non-Communist South Vietnam. The outcome would represent a clear if not unblemished American success.
>
> 4. . . . capitulation, after all, would carry unfathomable costs of its own. It probably would lead to a sickening blood bath of Vietnamese who put their trust in the United States. It would encourage the forces of instability and discourage the forces of stability throughout the world, including places where flare-up could mean even more deaths than in Vietnam. It would risk an increasingly polarized and possibly anti-rational politics here at home.
>
> 5. . . . the spokesmen who do call for immediate withdrawal fail to see that there is no easy way out, just as they fail to grasp the important changes American policy has already undergone.
>
> 6. The President does recognize the full extent of the tragedy—that just as there was no easy victory there will be no cheap and easy way out. He has cut his policy toward getting out as quickly as he can without courting a catastrophic reaction.

Mr. President, those pertinent remarks contain the whys and wherefores of the present Vietnam policy. I commend the editorial to all the readers of the Congressional Record, and asked unanimous consent that it be printed in the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

An Uncertain Cause

The catch in the Vietnam moratorium today is that its two levels don't mesh. Tragic symbolism and deep emotions are fitting and proper in expressing grief over a tragic war. But it's quite another thing to sanctify the specific policy of immediate and complete withdrawal.

How seriously to take that demand, indeed, is the major puzzle of the day. The organizers of the moratorium have of course been demanding precipitous withdrawal. Complete and unilateral withdrawal has been backed by some Senators, often the same ones who a year ago were hotly denying they held any such idea. A good many of the men in the street who once said we should win or get out are now quite consistently saying that since we aren't trying to win we should get out.

Still, not even the moratorium's organizers claim that all participants actually back immediate withdrawal. And indeed a bit of a counter-trend against so stark a specific demand has surfaced among some who are deeply sympathetic with the moratorium on other levels. In Congress, the anti-war firebrands found they had to tone down their resolutions to attract signers. Center-left politicians like Hubert Humphrey have been backing the President, and center-left publications like the Washington Post have been dismissing outright withdrawal as unrealistic.

What these observers recognize—and what the whole moratorium fails to recognize—is that both the war and American policy are quite different than they were in March 1968. We are off the ladder of escalation with its terrifying overtones. President Nixon is not sending more troops; he is bringing them home. The violence is not headed up and out of control, but down and gradually less unmanageable. The casualties are not climbing, but dropping.

That all this has come about with no adverse effects on the battlefield has implications about the future of "Vietnamization," a policy that demands not victory but merely continued stalemate. Discount all the optimistic reports: Assume that growing control of the countryside is a computerized myth. That the sharp drop in enemy infiltration does not mean his strength is falling. That the growing size and better equipment of the South Vietnamese army does not mean its strength is rising. Even then, you cannot picture recent trends as adverse.

It's also highly significant that the policy of Vietnamization, unlike the strategy of gradual escalation, does provide a goal including an end to at least the American part of the fighting. There are reports that the Administration is hoping to withdraw all the combat infantry, the forces that take the big casualties, within a year or so. It's not realistic to expect that logistics troops and aircraft crews can be brought home soon, but perhaps such a force can be maintained by professional soldiers and other volunteers. It seems to us difficult to quarrel with leaving behind men willing to put their own lives on the line to redeem their nation's promises.

If Hanoi continues unwilling to compromise and Vietnamization continues to work, the policy could result in an independent and non-Communist South Vietnam. This outcome would represent a clear if not unblemished American success. Incredibly, the possibility of any kind of success disturbs the most militant protesters. Sam Brown, chief spokesman for the organizers, complains that President Nixon's policy "seems to be the same as the Johnson policy, which was a policy of military victory." But pray tell, what's wrong with success—even victory—if at the same time the horrible costs of the war can be phased out?

All the more so since capitulation after all, would carry unfathomable costs of its own. It probably would lead to a sickening blood bath of Vietnamese who put their trust in the United States. It would encourage the forces of instability and discourage the forces of stability throughout the world, including places where flare-up could mean even more deaths than in Vietnam. It would risk an increasingly polarized and possibly anti-rational politics here at home.

Many of the protesters are no doubt aware of much of this, and still quite understandably want to pour out the anguish shared by all of us—not least by the President. But the spokesmen who do call for immediate withdrawal fail to see that there is no easy way out, just as they fail to grasp the important changes American policy has already undergone.

This blindness adds a sour note to protests otherwise quite appropriate to expressing grief, and perhaps appropriate to attacking a policy of escalation, if that were the policy. This lack of understanding taints the talk about an "immoral" war, the hints of a national strike, the arrogant use of the war dead—some of whom just conceivably may have believed in the endeavor for which they fought so gallantly.

The President does recognize the full extent of the tragedy—that just as there was no easy victory there will be no cheap and easy way out. He has cut his policy toward getting out as quickly as he can without courting a catastrophic reaction. Against such a considered policy, a call for mindless capitulation hardly strikes us as the makings of a holy cause.

NATIONAL BUSINESS WOMEN'S WEEK

Mr. MILLER. Mr. President, this week marks the observance of "National Business Women's Week" throughout the Nation. I take this occasion to salute all the business and professional women for their achievements and their contributions to the progress of American working women over the past 50 years.

THE PRESIDENCY OF THE UNITED STATES

Mr. MILLER. Mr. President, Theodore R. McKeldin, former Governor of Maryland and former mayor of Baltimore, was the principal speaker at the October 12 dedication of the new Mahaska Community YMCA-YWCA Center in Oskaloosa, Iowa.

His remarks on the Presidency were both timely and perceptive, and I ask unanimous consent that they be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of Theodore R. McKeldin, at the Dedication of Mahaska Center, Oskaloosa, Iowa, October 12, 1969

Public officials many times are sharply reminded that to attempt to satisfy everyone, to take a middle-of-the-road course on issues can be suicidal. After all, on a highway it is in the middle of the road where most accidents take place.

President Nixon is beginning to experience some of this reaction. In an attempt to keep domestic peace, to satisfy all sides to a question, he is beginning to be the subject of debate and criticism by both sides. Liberals find fault with one administration posture; conservatives take exception to another. In this philosophical tug of war, liberals and conservatives even sometimes find themselves unhappy together with an administration action. Surely, Richard Nixon is starting to ask himself what others before him in the Presidency have asked: What's a President to do?

The answer is quite simply that a President must do what he thinks is best for the country. No other consideration exists. No other criteria of judgment prevails.

In any Presidential decision, the country as a whole should come first, and since issues are rarely weighted totally to one side, this means that a President governed by his consideration for everyone must be prepared to accept the inevitable result of irritating someone. Indeed, if we could ask for a barometer of Presidential performance we should find the barometer of criticism from the political spectrum an indication that a President is indeed doing his job.

Our greatest Presidents have understood this maxim, because our greatest Presidents have been the objects of the greatest abuse. From Washington to Lincoln to the Roosevelts to Johnson, Presidents pursuing their convictions of the good for the entire country have been themselves pursued by criticism from liberal and conservative alike. Only the Presidents possessing a misguided embracement of one philosophy or no commitment at all to the total country have escaped criticism. And many times, as anyone who has been in government knows, to avoid criticism is to avoid leadership.

This country desperately needs leadership that leads, not the kind that follows. We must have a President guiding the country by his understanding of where this country must be headed, not by his knowledge of the latest opinion poll. We must have a President dedicated to searching for and making the right decisions, not to reading the latest editorials or perusing the thinking of the heads of America's various organized groups.

The result of such independence of thinking and leading is invariably healthy for the country and harmful for a President's popularity. But although President Nixon is beginning to be the target of liberals and conservatives, his popularity with the American public remains high. The country at large senses his conviction to duty, rather than to one philosophy, and the direction he has set for his administration of cooling the domestic pressures of inflation and race and the foreign pressures of war, both hot and cold, are striking remarkable chords in the American public. If we are to look at opinion polls, we find well over 60% of the American public approves of President Nixon's performance.

Presidents are always being confronted with criticism in America. For we are not a one party, one philosophy, one interested people. Our diversity of background and thinking has made us a great country, and it has forged for us, out of the fires of conflicting opinions, great leaders. Great leaders are those who do not shut their minds to other's views and to new ways of thinking. It is unimaginative—and damaging—for a leader to pursue one approach to all problems.

President Nixon, a close student of the American Presidency, has demonstrated in his first year as President that he has learned well the first lesson of leadership: To have an open mind on all issues, even if this opens the gates of debate and criticism. President Nixon can feel assured, however, that such criticism is invariably closed off by the performance of an open mind.

SENATOR EVERETT McKINLEY DIRKSEN

Mr. MILLER. Mr. President, like so many of us, Dr. G. S. Bruland, pastor of the First United Methodist Church in Hawarden, Iowa, was an admirer of our colleague, the late Senator Everett M. Dirksen.

After Senator Dirksen's death, Dr. Bruland composed a poem for reading during the memorial service for the minority leader at the Hawarden Rotary Club.

I ask unanimous consent that the poem be printed in the Record.

There being no objection, the poem was ordered to be printed in the Record, as follows:

Everett Dirksen

(By Godfrey S. Bruland)

We never know how far a boy
  May tread up rapid streams
When he is mastered by the joy
  Of early fervid dreams.

But is the lad endowed with health,
  And viewing towering sights,
And owns the boyhood's priceless wealth
  Of will, he'll reach the heights.

There lived a youngster in mid-west,
  And Dirksen was his name.
His visions would not give him rest,
  But prompted him to'ard fame.

When this bright lad became a man
  The world looked up to see
The pattern of the Maker's plan,
  Which grew in brilliancy.

As he grew wise his hopes soared high;
  His will became the force
Which answered his ambition's cry,
  And held it to its course.

He plunged into the streams of life
  To join great citizens
And mingled in their heat of strife,
  A dedicated man.

He fought his battles and he won;
  Then left his native state
To take his place in Washington;
  His seat among the great.

I treasured his sincerity,
  And praise him for his love
To'ard aged, and posterity,
  His reverence, too, for God.

I cherished his philosophy,
  His heart which kept its youth;
His genuine sincerity
  That made him fight for truth.

Deep in the furrows of his face
  Hid springs of mirthful wit,
And when they hurdled into space
  His eyes with fun were lit.

In tribute to your life we say:
  Move on and never stop,
But honor the eternal Day
  By climbing up, and up!

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ALLEN. Mr. President, I ask unanimous consent that the Senate go into executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONVENTION ON CONDUCT OF FISHING OPERATIONS IN THE NORTH ATLANTIC

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to vote on Executive D, first session, 91st Congress, the Convention on the Conduct of Fishing Operations in the North Atlantic.

Mr. ALLEN. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on both conventions at the same time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I ask for the yeas and nays on both conventions.

The yeas and nays were ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the resolution of ratification on Executive D, first session, 91st Congress, the Convention on the Conduct of Fishing Operations in the North Atlantic? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Idaho (Mr. Church), the Senator from Mississippi (Mr. Eastland), the Senator from North Carolina (Mr. Ervin), the Senator from Tennessee (Mr. Gore), the Senator from Minnesota (Mr. McCarthy), and the Senator from Maryland (Mr. Tydings) are necessarily absent.

I also announce that the Senator from Nevada (Mr. Bible), the Senator from Missouri (Mr. Eagleton), the Senator from Massachusetts (Mr. Kennedy), the Senator from Rhode Island (Mr. Pell), and the Senator from Alabama (Mr. SPARKMAN) are absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. BIBLE), the Senator from Nevada (Mr. CANNON), the Senator from Idaho, Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Maryland (Mr. TYDINGS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Idaho (Mr. JORDAN), the Senator from South Dakota (Mr. MUNDT), the Senator from Illinois (Mr. SMITH), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

I further announce that the Senator from New York (Mr. JAVITS) is absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from New York (Mr. GOODELL) are detained on official business.

If present and voting, the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. GOLDWATER), the Senators from New York (Mr. JAVITS and Mr. GOODELL), the Senator from Idaho (Mr. JORDAN), the Senator from South Dakota (Mr. MUNDT), the Senator from Illinois (Mr. SMITH), and the Senator from Alaska (Mr. STEVENS) would each vote "yea."

The yeas and nays resulted—yeas 80, nays 0, as follows:

[No. 129 Ex.]

YEAS—80

Aiken
Allen
Allott
Anderson
Bayh
Bellmon
Bennett
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Cook
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Ellender
Fannin
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Jordan, N.C.
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Saxbe
Schweiker
Scott
Smith, Maine
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—20

Baker
Bible
Cannon
Church
Eagleton
Eastland
Ervin
Goldwater
Goodell
Gore
Javits
Jordan, Idaho
Kennedy
McCarthy
Mundt
Pell
Smith, Ill.
Sparkman
Stevens
Tydings

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

VIENNA CONVENTION ON CONSULAR RELATIONS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to vote on Executive E, First Session, 91st Congress, the Vienna Convention on Consular Relations.

The question is, Will the Senate advise and consent to the resolution of ratification? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), and the Senator from Minnesota (Mr. MCCARTHY), are necessarily absent.

I also announce that the Senator from Nevada (Mr. BIBLE), the Senator from Missouri (Mr. EAGLETON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Rhode Island (Mr. PELL) and the Senator from Alabama (Mr. SPARKMAN), are absent on official business.

I further announce that, if present and voting, the Senators from Nevada (Mr. BIBLE and Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Rhode Island (Mr. PELL) and the Senator from Alabama (Mr. SPARKMAN), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Idaho (Mr. JORDAN), the Senator from South Dakota (Mr. MUNDT), the Senator from Illinois (Mr. SMITH), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

I further announce that the Senator from New York (Mr. JAVITS) is absent on official business.

The Senator from Arizona (Mr. GOLDWATER), and the Senator from New York (Mr. GOODELL) are detained on official business.

If present and voting, the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. GOLDWATER), the Senators from New York (Mr. JAVITS and Mr. GOODELL), the Senator from Idaho (Mr. JORDAN), the Senator from South Dakota (Mr. MUNDT), the Senator from Illinois (Mr. SMITH) and the Senator from Alaska (Mr. STEVENS), would each vote "yea."

The yeas and nays resulted—yeas 81, nays 0, as follows:

[No. 130 Ex.]

YEAS—81

Aiken
Allen
Allott
Anderson
Bayh
Bellmon
Bennett
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Cook
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Ellender
Fannin
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Jordan, N.C.
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Saxbe
Schweiker
Scott
Smith, Maine
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—19

Baker
Bible
Cannon
Church
Eagleton
Eastland
Ervin
Goldwater
Goodell
Gore
Javits
Jordan, Idaho
Kennedy
McCarthy
Mundt
Pell
Smith, Ill.
Sparkman
Stevens

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

EULOGIES FOR THE LATE SENATOR DIRKSEN

Mr. BYRD of West Virginia. Mr. President, at the request of the able majority leader, I ask unanimous consent that eulogies for the late Senator Everett McKinley Dirksen be given on Wednesday, October 29, commencing at 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I make that statement in order that Senators might be put on notice and have ample time in which to prepare their eulogies for that occasion.

EXPORT EXPANSION AND REGULATION ACT OF 1969

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which the clerk will state.

The BILL CLERK. S. 2696, to provide for continuation of authority for the regulation and expansion of exports, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. MONDALE obtained the floor.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Minnesota yield for the purpose of my asking for a brief quorum call, without the Senator's losing his right to the floor?

Mr. MONDALE. I yield.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask that the Senate be in order.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Minnesota may proceed.

Mr. MONDALE. Mr. President, before I begin my discussion on the pending bill, the Senator from North Dakota (Mr. Burdick) has stated that shortly he will ask me some questions relating to certain restrictions imposed by the Department of Commerce, and I look forward to that colloquy.

Mr. President, over a year and a half ago, the International Finance Subcommittee of the Banking and Currency Committee began a study of the export control laws. The legislation before the Senate today, the Export Expansion and Regulation Act of 1969, is the result of that study. It is a direct result of the exhaustive hearings and the efforts by individual members of that committee personally to view the areas and talk with the leaders concerned about the problems.

Many of the members of the Banking and Currency Committee contributed to the development of this new approach to export control, and I am pleased to have shared in the preparation of the committee-reported legislation. I am pleased to report that the proposal enjoys a strong bipartisan support and is a product, in addition to those of us on the majority side, of creative contributions by the minority members of the committee.

Basically, the legislation retains U.S. control over exports to Eastern European countries; it retains the President's flexibility to administer the controls. At the same time, it updates the controls to respond to important changes in the international trade picture and to the needs of American businessmen.

The bill, reported by the Banking and Currency Committee, does the following:

First, declares a national policy of encouraging trade in peaceful goods and restricting trade in goods with significant military applications.

Past uncertainty about Government East-West trade policy has hampered American business exports, to the detriment of our trade balance. The language of the Export Control Act of 1949 conveys U.S. attitude against trade with Russia and Eastern Europe, regardless of the nature of the goods sought to be exported. The new policy of encouraging trade reflects that the open hostility of 20 years ago has eased. The United States must take advantage of changing circumstances such as the mood expressed by Soviet Foreign Minister Andrei A. Gromyko, speaking this year in Moscow to the Supreme Soviet:

> We are for the development of good relations with the United States and would like these relations to be turned into friendly ones because we are convinced that this would correspond to the interests of both the Soviet and American peoples.

One way is by increased trade which reduces tensions and increases mutual contact and understanding.

Since enactment of the original Export Control Act in 1949, the nations of Eastern Europe have acquired the capacity to manufacture sophisticated items to meet their own needs. What they do not produce themselves, they can acquire from almost any other sophisticated nation of the world. While the categories of nonmilitary goods which might reach Eastern markets, about 1,100 of these goods are fully available to Eastern Europe from other free world sources. These controls have little or no effect on Eastern Europe. They simply mean that American businessmen are at a disadvantage competing for trade in Eastern markets.

The trade statistics reflect this disadvantage: the United States has less than 2 percent of the fastest growing market in the world. At a time when the United States needs to increase its trade balance surplus, it can no longer afford to ignore a vital market unless some overriding national objective is served.

This situation is deteriorating. In the quarterly report for the first quarter of 1969, the Department of Commerce reports that U.S. exports to the U.S.S.R. and the other countries of Eastern Europe during the first quarter of 1969 totaled $39.3 million. This was a decrease from exports of $62.5 million in the previous quarter and $55.2 million in the first quarter 1968. Exports to these countries in the first quarter 1969 represented 5 percent of total U.S. exports for that period.

U.S. imports from the U.S.S.R. and Eastern Europe during the first quarter of 1969 amounted to $41.8 million, a decrease from the $45.8 million imported in the previous quarter and from the $58.5 million imported in the first quarter of 1968. First quarter imports from Eastern Europe represented 0.6 percent of the total U.S. imports for that period.

I shall, later in my remarks, indicate that these percentages are astonishingly beneath the standard percentage of world trade which the United States enjoys elsewhere in the world. I think a good deal of what might be called pathetically weak trade with that area of the world is attributed to the present law, and to the present administration of that law as vested in the Department of Commerce, and by virtue, as well, as regulations under which that act is administered.

The committee view, set out in its report, is "that any restriction of exports is unwarranted if it does not serve some positive function." Although the size of American involvement in East-West trade has not been large, export control legislation has given Department of Commerce administrators control over more than $30 billion worth of exports per year to all countries of the world. Therefore, section 3 of the reported bill declares a national policy of encouraging trade in peaceful goods with all countries with which we have diplomatic or trading relations except where the President shall determine otherwise.

Section 3 also states the policy of the United States to restrict the export of goods and technology which would make a significant contribution to the military potential of any nation which would prove detrimental to the national security of the United States. Present legislation contains no explicit restrictive policy statement.

Section 12 or the new bill requires administration of the export controls in effective coordination with the authority exercised under section 414 of the Mutual Security Act of 1954, the embargo on sales of military items to Communist nations.

Second, eliminates "economic potential" as a measure of whether goods may be exported, thus removing one of the major restrictions of the present Export Control Act.

In 1949, the Soviet war-ravaged economy was beginning a slow-rebuilding process. Now, the Soviets have one of the world's most self-sufficient economies, counting on imports for only 1½-percent of their gross national product. Russia and the other nations of Eastern Europe can obtain anything they need by producing it themselves or purchasing it from our allies.

Trade with Communist nations is not a form of aid. All imports must be paid for, and the money for imports can come only through exports developed by investment in the production of items for export. No nation can gain through imports the economic advancement it is not capable of providing for itself; trade quickens the economic growth of both trading partners. In the world of 1969, U.S. denial of exports to Eastern Europe on the ground that they contribute to the "economic potential" of these nations is an act of self-denial, restricting only the markets and sales open to American business.

Application of the test—whether a U.S. export will make a significant contribution to the economic potential of some nation—has been complicated and frustrating. Inadequate factual evidence, difficult to evaluate, gives rise to differences of opinion and under a rule of unanimity, delays occur.

Therefore, the legislation we consider today removes the "economic potential" test from the operative language of the Export Control Act of 1949 which now provides for "denial of any request or application for authority to export articles from the United States—to any nation or combination of nations threatening the national security of the United States if the President shall determine that such export makes a significant contribution to the military or economic potential of such nation or nations which would prove detrimental to the national security and welfare of the United States.

Third, establishes availability of comparable products from other sources as a consideration in licensing of exports.

I think this is one of the key items which this measure seeks to correct. It is ironic, if not absurd, that today there are over 1,100 items freely available from our allies, not controlled by COCOM, which can be purchased by countries of

Eastern Europe, of a nonmilitary nature, but which U.S. businesses cannot sell because of the unilateral restrictions imposed through the administration of our Export Control Act.

It is manifest—it is obvious—that such restrictions in no way aid the United States and in no way interfere with the countries of Eastern Europe, because they simply buy elsewhere.

The present policy might be called a pro-French policy, or a pro-English or a pro-West German or a pro-Italian or a pro-Japan policy, because the result is simply to assure them markets free from U.S. competition and to deny to us markets that in many cases would obviously be ours, or in which we could compete, if it were not for the unilateral policy of self-denial.

The reported Export Expansion and Regulation Act of 1969 sets out a new test for export licensing. The key operative phrases in section 4(b) provide that express permission and authority must be sought and obtained to export from the United States to any nation or combination of nations if the President determines that the articles, materials, supplies, data, or information sought to be exported would make a significant contribution to the military potential of such nation or nations which would prove detrimental to the national security of the United States and that the articles, materials, supplies, data, or information of comparable quality and technology to that sought to be exported are not readily available from other sources. It is further provided that in the event the President has not made the determination that comparable goods are not available elsewhere, he may still require express permission and authority to export such item if he determines it to be necessary in the interest of national security and includes a detailed statement with respect to that action in the next quarterly report submitted pursuant to the act after the action is taken.

Testimony by American businessmen before the Banking and Currency Committee included numerous examples of lost sales resulting from U.S. export controls.

I intend to give some of those examples later in my remarks.

Items unilaterally controlled by the United States are normally available in comparable kind and quality from a competitor in a nation which does not control such items. While the American businessman to make a sale must seek a license which may be denied his competitor—often from Western Europe or Japan—delivers the goods.

Under the new bill, if goods are available outside the United States, they must be removed from the export control lists unless they are items of military applicability or the President decides otherwise and states his reasons.

I would point out here that the committee very clearly sought, in this measure, not to deny the President any powers that he might need to control or restrict the sale of items, even if available from other countries, if in his judgment those items should be controlled. In no sense did we wish to restrict the President or the scope of his powers.

However, recognizing that this act is not administered personally by him, but by the Department of Commerce and by the Export Control Office, which I think has been unduly conservative in this field in those cases where items are freely available elsewhere and are not of military significance, but which items we nevertheless unilaterally restrict, a special report to Congress giving the reasons justifying the present action would be required by this legislation, so that we might analyze the reasons justifying the action, where we unilaterally deny business to ourselves, without hurting the Communists, by simply transferring business opportunities to our Western allies.

The fourth objective sets as policy the uniform application of export controls for all nations with which the United States maintains diplomatic or trade relations except where specifically designated by the President and the formulation of uniform export controls in cooperation with all nations with which we have defense treaty commitments.

The present comprehensive export schedule lists items requiring a validated license for certain countries. All export destinations are divided into seven country groups: Group S, Southern Rhodesia; Group T, all Western Hemisphere countries except Canada and Cuba; Group W, Poland and Rumania; Group X, Hong Kong and Macao; Group Y, Albania, Bulgaria, Czechoslovakia, East Germany, Estonia, Hungary, Latvia, Lithuania, Outer Mongolia, and the U.S.S.R.; Group Z, Communist China, North Korea, North Vietnam, and Cuba; and Group V, all other countries except Canada.

The listing of countries subject to export controls demonstrates the political nature of the controls. For the past 20 years the United States has attempted to express approval or disapproval of political developments abroad through the granting or restricting of trade concessions. Administrative consideration of license applications reflects political events on a day-to-day basis. Although the goal of uniform treatment and trade concessions may be impossible under present circumstances, the policy expressed in section 3(3) would bring advantages both to the conduct of our foreign affairs and to individual American businessmen.

U.S. export controls would have been completely ineffective without the cooperation of Western European countries and Japan. The NATO countries and Japan cooperate through the Coordinating Committee of the Consultative Group—COCOM—to license the shipment of strategic goods to Communist countries.

I emphasize the point that in addition to these restrictions found in the Commerce Department, the United States, with its NATO allies, has a committee known as the COCOM Committee, which coordinates and collectively agrees on a list of items which none of the nations may agree or permit to be sold to Eastern Europe.

This is another protection which we have, to guarantee that items of important military significance may not be sold by us or by any of our allies. It is, in fact, the only effective means the United States has to deny items to Eastern Europe which we feel would be of military significance, which are generally available from other sources.

If there is, for example, an item produced in West Germany which we feel to be of military significance, but which the West Germans do not wish to restrict and which is not restricted by COCOM, unilateral U.S. policy concerning the same item really has no applicability, because it can easily be purchased by those countries from West Germany. It is only through COCOM that we can effectively impose an international standard restricting to any significant degree sales in Eastern Europe of military goods.

The COCOM controls, considerably fewer and less restrictive than the unilateral U.S. controls, apply to the countries of Eastern Europe with the exception of Yugoslavia and to China, North Korea, and North Vietnam. American attempts to include Cuba in the COCOM controls failed.

The NATO countries and Japan, meeting last month, agreed to relax controls further on the export of many strategic goods to the Soviet Union and Eastern Europe. Without a corresponding reduction of U.S. controls, American businessmen will find their competitive position weaker. Ideally, our export control list should be reduced to the level of the COCOM list since only those items which are under a mutual Western embargo will be effectively prevented from reaching Eastern Europe. Therefore, section 3(4) of the reported legislation declares the policy of the United States to formulate, reformulate, and apply any necessary controls to the maximum extent possible in cooperation with all nations with which the United States has defense treaty commitments.

In other words, that resposibility and that power remain unimpaired, and this measure reaffirms our desire to empower our Government to continue to work through COCOM to keep from the hands of the Communist countries of Eastern Europe those items of military significance which collectively we decide we should keep from their hands.

The fifth objective of the measure is to require regular consultation between the Government and American businessmen in setting export standards and licensing procedures.

Permit me to say here that the committee was impressed by the fact that most businessmen who testified before us confessed that the whole process by which their applications were considered, delayed, and denied was something that was kept entirely from their view. They rarely knew what was happening to their applications. They rarely knew who was delaying them, who was denying them, and on what grounds; and when action was finally taken, many times weeks or months later, the reasons were not provided to the American businessman; he was simply told that his application was denied or granted.

Thus there is an effort, in this measure, not to deny the President the power he needs, but to make certain that the American businessman involved receives a just and fair hearing and an opportunity to have his views heard before final action is taken.

Witnesses before the International Finance Subcommittee demonstrated a wide knowledge of the Eastern European market and the problems they encounter with export controls. The administration of any law is aided by regular consultation with those who must live with its restrictions. Therefore section 5 of the reported bill provides that in addition to seeking information and advice from various executive departments—as is the practice under current export control administration, the President's designated administrator of the act, consistent with considerations of national security, must seek information and advice from private industry. In addition, section 4(a)(2) directs the Secretary of Commerce to keep American businessmen informed of changes in export control policies and procedures.

The sixth objective is to require reports to businessmen by Federal agencies whenever a license application faces delay or denial, with specification of reasons, and provides opportunities for businesses to provide further information that may strengthen their applications during the licensing process.

The businessmen witnesses appearing before the subcommittee described their lack of information during the licensing process. Once an application is filed, the applicant is unable to ascertain its status, which of the agencies consulted is holding it up, how long a decision will take or if the license is denied, the reasons.

Section 8 of the act requires the executive branch, insofar as is consistent with national security, foreign policy, and effective administration, to inform each prospective exporter of the considerations which may cause his export license request to be denied or delayed. He must be informed of circumstances which arise during the Government's consideration of the application which delay the process or are cause for denial and be given the opportunity to supply further information which he believes may resolve the problem. If the license is denied, the exporter must be advised of the reasons.

Seventh, requires streamlining of application and processing procedures which industry representatives estimate now cost American businessmen as much as $100 million per year.

Present export documentation requirements are needlessly expensive for American businessmen. An exporter must file and have authenticated an export document prior to the date of shipping in addition to the export license which he has already received. The purpose of the export document is a check on the licensing, to ascertain that goods are not being shipped in violation of a license or without a license. However, there have been virtually no prosecutions as a result of information obtained by export documentation. An additional purpose of the documents is to obtain trade statistics. Witnesses claimed, and the Department of Commerce agreed, that statistical information could be obtained on a periodic basis rather than with individual filings for each export.

Because the Department of Commerce has plans for reform in this area, section 7(d) only requires that the cost of export documentation be reduced to the extent feasible. The Department of Commerce must periodically review documentation requirements and report actions taken to reduce costs and redtape.

Eighth, mandates the Office of International Trade Promotion in the Department of Commerce to reorganize its efforts in order to promote American trade wherever the proportion or volume lags behind that of our NATO allies.

The East-West trade market has been growing in the late sixties at the rate of about 24 percent a year. If present trends continue, Eastern Europe by 1980 will have a market the same size as the U.S. market today. Total East-West trade in 1967 with the West was over $15 billion. In 1966, the United States had 4 percent of this market; in 1967 the U.S. share of the market decreased to between 2.5 and 3 percent of total East-West trade. Three Western countries in 1967 did five times as much trade with the Soviets and five others did three times as much as the United States in the Eastern European market. The United States trails behind Sweden and Austria, accounts for less than one-half the volume of Italy and of France, less than one-third the volume of Japan and of Britain, and less than one-sixth the volume of West Germany. The trend continued downward in 1968, and the Export Control quarterly report for the first quarter of 1969 showed that in addition to lagging proportionately as the market increases, U.S. exports to Eastern Europe actually decreased:

> U.S. exports to the U.S.S.R. and the other countries of Eastern Europe during the first quarter 1969 totaled $39.3 million. This was a decrease from exports of . . . $55.2 million in the first quarter 1968.

The report goes on to say that during the second quarter 1969 "license applications for commodities valued at $70 million were denied for export to Eastern Europe."

I must add that American corporations are trading a great deal more with Eastern Europe than official figures show. This trade, which may run as high as $300 or $400 million a year, is carried on through American subsidiaries in Western Europe.

The language of the present Export Control Act conveys the attitude that trade with Eastern European countries is against the best interests of the United States, regardless of the nature of the goods involved. The realities of our improving relationships with the Soviet Union and Eastern Europe and of our poor showing in a promising trade market signal the need for a change in legislative emphasis. Section 4(a) of the new bill directs the Department of Commerce to promote East-West trade in peaceful goods as an indication that such trade is not against the best interests of the United States and as a tool in securing additional markets for American products. The section also directs the Secretary of Commerce to review the present commodity control lists and make the changes which would further trade in peaceful goods.

Ninth, establishes an Export Expansion Commission to study ways of expanding peace trade and report back to Congress within a year.

There are a number of factors in addition to U.S. export control legislation which limit U.S. participation in East-West trade. Although Eastern Europeans complain that U.S. export control legislation is an important inhibiting factor in our trade, it is probably more the uncertainty and delay in receiving licenses than the actual restrictions which make this a significant factor in trade relations.

Since 1964 the Export-Import Bank has been prohibited from lending its own funds for the financing of American exports to any Communist country, and since February 1968, the Bank has been prohibited from guaranteeing or insuring loans extended by private lenders to finance American exports to Communist countries. Before the Eximbank credits to Communist countries were cut off, Russia and Eastern European countries had to prove their credit worthiness to a greater extent than was required of other nations although there has never been a default on a Western transaction with any Eastern European nation.

With the exceptions of Yugoslavia and Poland, Eastern European nations pay the prohibitively high Smoot-Hawley rates for their products. The lack of most-favored-nation treatment, a routine concession to most nations of the world, is a serious barrier to U.S. participation in East-West trade. The most-favored-nation clause has been gradually extended to most of the Eastern countries by a very large number of Western countries. Refusal to apply it may be regarded as an exception except in the case of the United States.

If Eastern European countries are to participate in greater trade with the United States, they will have to pay for their imports with increased exports since credit is difficult to obtain. To export, the products must be competitive with highly sophisticated Western products and sold with techniques which will meet Western consumer demands. A dialog to help the Eastern Europeans find markets is engaged in everywhere except the United States.

Section 10 of the new bill is an attempt to meet some of the basic difficulties in East-West trade. It proposes a Commission composed of 15 members appointed by the President to study ways in which exports can be increased, particularly to Eastern Europe, without jeopardizing the national security. The Commission is to coordinate its activities with the National Export Expansion Council and report to Congress within 1 year.

Tenth, retains short supply controls and the antiboycott provisions of present legislation.

Section 4 contains two provisions carried over from the present Export Control Act. One allows export controls to be exercised to protect the domestic economy from the excessive drain of scarce materials. The other implements the language in section 3(6) in opposing restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States; that is, the Arab boycott against Israel.

Eleventh, retains the violations provisions of present legislation with the addition that a violation of the act be a knowing one.

Section 6 provides court-imposed fines of imprisonment for willful or knowing violations of the act. In addition, the Government agency involved may impose a civil penalty. The amount of punishment authorized is the same as in present legislation. I believe that both the history of export control and the testimony of businessmen before the Subcommittee on International Finance justify the proposed legislative changes.

The Export Control Act was first adopted in 1949 when the dangers of the cold war were most immediate. Europe, still weak from World War II, appeared a ready target for a Communist takeover led by Joseph Stalin. America's economic strength, unscarred by the war, was our best weapon for strengthening Europe. At that time, to deny Russia—also ravaged by World War II—the benefits of American trade and technology was a logical cold war tactic. Today, 20 years later, both the economic and foreign policy justifications for the old act are gone.

Western Europe, Eastern Europe and Russia have recovered their economic health.

I am convinced that the days of Joseph Stalin have ended. I am not endorsing everything I see in Eastern Europe, but I do see many developments there that are quite encouraging. I see trade as an indispensable part of the process in developing stable countries in charge of their own affairs, and in the movement toward economic independence in Eastern Europe.

And I see trade as an indispensable opportunity for broadening understanding between our people and theirs. Through trade we can increase Eastern contacts with American businessmen. Through trade we can increase Eastern participation in international institutions and responsibilities. Through trade we can increase the stakes of both East and West in peaceful relations.

But what about the war in Vietnam? Is this a wise time to talk about increasing trade with Communist countries?

The type of trade we would allow has no material relationship to what is going on in Vietnam. This legislation continues the prohibition on U.S. trade with North Vietnam. Most of the Eastern European countries trade only to a very limited, pro forma extent with North Vietnam; our exports to them are primarily agricultural commodities. And neither our present level of trade with the Soviet Union nor any foreseeable growth could have an effect on military goods supplied to Vietnam. The Soviet Union is self-sufficient in arms production and is a major supplier of weapons outside its borders to such places as the Middle East and Nigeria.

Recognizing that times have changed and that the United States cannot influence its allies to suspend trade with the Chinese, let alone the Soviet Union, a more realistic approach to war and the trade question is to use trade as an "offensive weapon," designed to influence the attitudes of those in Communist countries.

At a time when we worry whether our "national interests" should allow us to trade with Russia, the Russians continue to supply us with platinum for our basic military and space industries and chrome ore which we must have to meet our needs in Vietnam. One of our traditional sources of chrome ore, Rhodesia, is subject to trade sanctions, so we are relying more heavily than ever on the Russians for chrome ore.

Ideally, trade should be neutral, regulated only by the marketplace, and until World War II, the U.S. Government restricted exports only in time of war or special emergency. When the war ended, trade restrictions continued—but the enemy changed: it became any nation under the control of a Communist government. The Export Control Act of 1949 declares:

> It is the policy of the United States to use its economic resources and advantages in trade with Communist-dominated nations to further the national security and foreign policy objectives of the United States.

The policy has been implemented by complicated administrative export controls giving Department of Commerce officials control over more than $30 billion worth of exports per year to all countries of the world. No specific Government authority is necessary for American businesses to participate in international trade, but each shipment out of the United States is subject to some sort of control.

The first step for an exporter is to determine whether his product may be shipped under a general license or whether it requires an individually validated license. A validated license application, accompanied by a "firm order" from the importer for the item, takes on the average 4 weeks to be processed through the Office of Export Control. The processing may include review by an interdepartmental committee consisting of representatives from the Departments of Commerce, State, Defense, Treasury, and sometimes from the Departments of Agriculture, Interior, the Atomic Energy Commission, the National Aeronautics and Space Agency, and the Federal Aviation Agency.

The exporter's problems increase if it is his American subsidiary in Western Europe that wishes to obtain a license. The subsidiary, and even Western European importers with no connection with the United States, must sign a form promising no transshipment of the goods without U.S. approval. If a manufacturer in a Western European country wishes to purchase a component part for a larger item, he is better off purchasing the component from a non-American source so he can avoid the necessity of obtaining U.S. permission to ship the larger item out of his own country.

American businessmen complain that licensing delays, the requirement that a "firm order" accompany each license application, the refusal to give advisory opinions on the probability of license approval, and redtape all lose sales in Eastern Europe and probably, more often than not, prevent American businesses from trying to develop the market. Of more importance than the licenses denied are the applications not received—deterred by the maze of paperwork and bureaucracy.

Most businessmen engaged in East-West trade will complain in private about the complicated applications, the long delays, and the barriers associated with export licenses. A number of important American businesses described the problems they have encountered before the Subcommittee on International Finance.

For example, Bendix International received a $400,000 order for precision measuring and gaging equipment for production-line gaging of auto parts for truck engine production at the Lihachev Moscow Auto Works. After more than 4 months delay, the Office of Export Control denied the license. The Soviets promptly purchased the same equipment from a Bendix affiliate in England. The American Bendix Corp. estimates that the business they lost had a total potential of several million dollars over the next 2 or 3 years.

The same company estimates that it is losing an annual potential sales volume of $1 million for mass spectrometers, semiconductors, and process gas chromatographs to be sold in the Soviet Union and Eastern European countries. The business currently goes to competitors in Germany, England, Italy, and the Netherlands.

A letter from David Packard, then president of Hewlett-Packard, one of the largest electronics firms in the country, described the impact of the high level of unilateral U.S. controls on the Hewlett-Packard product line:

> These controls, which are not duplicated by the other COCOM countries, affect 6% of our sales to friendly Western countries and a huge 53% when we deal with the USSR and other Eastern European countries excluding Poland and Romania. In fact, in this latter category, we are able to sell only $3 out of every $100—mainly medical equipment such as electrocardiographs—without restriction under General License. In contrast, West European and Japanese competitors with similar product mixes can sell $56 out of every $100 to Eastern Europe without restriction. In every instance we have investigated we have found similar items to be available from non-U.S. sources.

Hewlett-Packard presented more statistics before the subcommittee. Between January 1, 1968, and March 31, 1969, the company received decisions on 104 license applications, and the median time required to process the applications was 4 weeks. Adding an estimated 2½ weeks preparation time to this figure gives a median total delay of about 7 weeks. Only 2 percent of the applications were rejected.

Their specific problems with licensing include the loss of an order from a Russian purchasing organization for 10 9100A calculators, valued at $55,000, to West European suppliers because the American calculators required licensing and thus could not be sold "off the floor" during a recent exhibition. The second case involves the loss of a considerable number of orders for digital voltmeters throughout Eastern Europe. U.S. export license applications for these products have been consistently denied, although comparable digital voltmeters are made by a number of West European suppliers who are only too happy to supply them to the East European market.

The Electronic Industries Association provided further examples of licensing difficulties resulting in lost business for American companies. In October 1968 a large American manufacturer received an inquiry from a licensee in Italy who had a prospective customer in Rumania for three 200,000 kilowatt turbine generators costing more than $2 million each. In early December the manufacturer filed a license application with the Office of Export Control. On January 30, 1969, with no information or decision yet from the Office of Export Control, the manufacturer received a letter from the licensee advising that the prospective customer had decided to order the equipment from another source.

Beginning in 1967, a manufacturer of electronic components received orders from Poland for tantalum capacitors. Export applications were denied, and subsequently the manufacturer learned that the same parts were obtained from a number of sources in France and Italy. The estimated business lost was between $50,000 and $100,000 per year. Another manufacturer estimates that orders totaling $3,600,000 for semiconductors from customers in Czechoslovakia, Romania, and Bulgaria were lost during 1968 because of export controls.

In 1965 crucial decisions were made about the type of color TV system which would be used in Europe. Americans hoped that a single system of color TV, the tested American NTSC, would be adopted, both for the business which would come to American suppliers and in the interests of international standardization of communications systems. However for Europe to adopt the American system, the United States had to give assurances that the components would be available throughout Europe, including Eastern Europe and the Soviet Union. After extended negotiations, the Department of Commerce indicated that approval would be given for the necessary export licenses, but the grant was qualified to such an extent that the decision was neither timely nor helpful. Europe eventually adopted not NTSC, but two other color systems, and the loss to American business has been conservatively estimated at tens of millions of dollars.

The Foxboro Co. pays a penalty for late shipment from a European plant because the total order includes a few parts, instruments for measuring acidity, alkalinity, or turbidity, subject to U.S. export controls. Licensing delays normally run from 4 to 8 weeks, thus delaying the entire shipment. The company reports two or three situations of this type a year which result in losses of goodwill and cash.

General Radio Co. received an order in November 1967, through their Zurich office from a customer in Czechoslovakia for a digital frequency meter. In February, 3½ months later, their export application was rejected. In October 1968, after a number of efforts to obtain a review of the decision the Department of Commerce suggested that General Radio resubmit the application, but by then the customer had purchased a similar product elsewhere.

In 1963, National Research Corp. applied for an export license to ship a small vacuum pump and baffle to a customer in Hungary. The license was denied, the firm appealed and 7 months later, the license was granted. The customer refused to accept the product 7 months late.

The Minnesota Mining & Manufacturing Co., the developer of magnetic tape, now finds itself competing with qualified manufacturers of video and computer tape: two firms from the United Kingdom, two from France, one in Belgium, a German firm, and four Japanese companies. Foreign buyers are switching from wire to magnetic tape for almost all communications purposes, but American sellers are not sharing this market as fully as they should because magnetic tape is on the U.S. export control list and subject to licensing delays.

For example, Minnesota Mining received the following letter from a Swiss firm to which they had made a bid for the sale of video tape:

> We have come to the conclusion it would be too long to supply you with all the information you require in order to get approval of the Department of Commerce in Washington and much to our regret we will for the time being have to use other products.

Another letter to Minnesota Mining reads:

> Your statement regarding the long delivery time due to the procurement of the export license surprises us greatly. For comparison we might quote we recently purchased these magnetic tapes via the suppliers of the computers, for example, the British ICT, and we have gotten the merchandise always promptly, in many cases even within one week.

A third letter to Minnesota Mining:

> Due to your letter dated April 26, 1968, we have contacted V/O Sojuzchimexport, Moscow, concerning the information requested by the Department of Commerce . . . Now, we have been informed by V/O Sojuzchimexport that by the delayed handling of this matter they have covered meanwhile their requirements through other channels.

Control Data Corp. submitted a proposal to Industrialimport, an agency of the Rumanian Government, for the licensing of one of their computer systems. Control Data began negotiations with the Office of Export Control in August 1968, to obtain the necessary licenses; the situation became academic in December when the Rumanian Government signed a licensing agreement with Plan Calcul in France, a company known as CII. In addition to the delay, Control Data was hampered by the fact that the Rumanian Government obtained three contracts from West European computer manufacturers for third generation computers which contain IC circuitry; Control Data was able to propose only a second generation computer because of U.S. export controls. The loss of the contract was a loss of several million dollars for U.S. trade statistics.

Yugoslavia is treated under the Commodity Export Act as a Western European nation in most instances. A validated export license had been granted Control Data to ship a computer to a Yugoslav electronics firm. The dedication of the system, involving a number of local dignitaries, was scheduled for October 1968, during the annual trade fair. At the last moment, spare parts were needed to replace some parts damaged in shipping the computer to Yugoslavia. Control Data had the spare parts in its Frankfurt, Germany, supply depot. But Yugoslavia, treated as a Western nation for purposes of export, is not with regard to spare parts. Therefore, Control Data had to ship the spare parts from the United States under separate export license; they did not arrive in time for the dedication.

While Control Data has waited up to a year and a half for the Office of Export Control to act on a license, the British competing firm, International Computers Limited has opened an Office in Moscow. Two British computers have been delivered to China, and two more are on order from a firm that is 10 percent owned by the British Government.

International Telephone & Telegraph lost more than $10 million in an order for a switching system and radio equipment for the Post Telephone and Telegraph Administration in Hungary. The switching system could be exported without a license, but the radio equipment connected with it was subject to export control. ITT negotiators, unable to obtain advice from the Department of Commerce, lost the order to a competitor who did not have to comply with export restrictions.

In 1967, ITT delivered a navigational system under U.S. license to an Eastern European Country. In 1968, an order for spare parts was received involving $124 worth of U.S. components. The export license application, submitted on December 4, 1968, was approved on April 24, 1969.

Another ITT customer had purchased a number of maritime radios which could be shipped without obtaining a validated license. However when the customer decided to manufacture the radio himself under a licensing agreement with ITT, the Office of Export Control refused except on a case-by-case basis to authorize ITT to ship the supporting U.S. components so the customer could manufacture the marine equipment.

SATRA Corporation, a trade organization, applied for an export license to ship spectroscopes to the Soviet Union. After 4 or 5 months an approval was granted, but in the meantime the Soviets had purchased the items from Holland. In 1962, a SATRA license to ship $20 million worth of stainless steel tubes to the Soviet Union was denied; the order was promptly filled by companies in Great Britain, West Germany, and Australia.

In 1968 and the beginning of 1969 at least 10 license applications were denied U.S. companies for shipments to Russia. The applications covered potential sales of $30 million, and all of those sales have gone to Western European or Japanese companies. The products involved: precision pulse generators, logging perforating units, strobocons, hydrocracking plants and catalyst production technology, a vacuum electric furnace for thermal treating of balls for ballpoint pens, photoplates and developers, film plants, and complete equipment for the production of magnetic disk memory tape.

Another trade consultant described the potential sale of a plant and the technical know-how to produce certain chemicals for insecticides in Russia. Several months elapsed before the export license was approved. When it was, a Japanese company had already sold a readily available similar facility to the Russians at a competitive price.

Often the Office of Export Control suggests that the quantities indicated on a license application be reduced even though there is no objection to the item itself. The larger amounts might give rise to criticism from opponents of East-West trade simply due to the size of the transaction. A series of smaller amounts with successive applications for licensing does not appeal to the buyer who will order elsewhere rather than waiting for the full amount.

More hurtful than the actual delays and denials are implied denials. One witness estimated that millions of dollars in sales are lost each year to the Soviet Union alone because an exporter "feels" that his license application will be denied, and, wanting to keep a good record with the Department of Commerce, fails to make such an application. That witness cited his company's decision not to apply for licensing for a substantial order of wigs for the Soviet Union on the determination that the license would be denied.

All of the evidence the subcommittee received indicates that the present Export Control Act hurts no one but ourselves. The Communist countries of Eastern Europe are not hurt; they can obtain what they need from other free world countries. Western Europe and Japan are not hurt; indeed their businessmen have received a windfall by virtue of U.S. default. Only the American businessman and the U.S. balance of payments are substantially hurt. Basically we deny ourselves the right to compete.

One witness compared U.S. export control legislation to the ancient Chinese method of avenging oneself against one's enemy—by committing suicide on his doorstep.

The Export Expansion and Regulation Act of 1969 is intended to change the direction of export control by reducing the complexities, delays and uncertainties in the administration of export controls without sacrificing the objective of controlling the export of strategic goods.

The Banking and Currency Committee believes that this bill will be conducive to an appropriate expansion of U.S. trade and an improvement in relationships between the United States and other nations, while at the same time restricting the sale to Communist nations of goods of military significance.

Mr. BURDICK. Mr. President, will the Senator yield?

Mr. MONDALE. I am delighted to yield to the Senator from North Dakota.

Mr. BURDICK. I have been listening to the able Senator's presentation with a great deal of interest, and have wondered whether he intends to discuss the exportation of agricultural products, for example, North Dakota wheat. We will have, in my opinion, after this crop comes in, about a billion bushels of surplus or carryover wheat. The logical solution for handling this problem is to have markets—and markets outside the United States, because the United States can eat only so much wheat.

My question is, How does the measure the Senator is discussing here today fit into the problem of disposing of our surplus wheat?

Suppose that Russia or an Eastern European country would say, "We want 1 million tons of wheat. We have hard dollars with which to pay for it." In that event, how would the pending legislation enable us to make such a sale?

Mr. MONDALE. The committee, in the report but not in the statute, attempted to deal with this matter. We had originally considered a provision in the pending legislation to prohibit the use of the Export Control Act to impose a cargo preference on commercial sales of grains to Eastern Europe.

Mr. BURDICK. I am talking about commercial sales.

Mr. MONDALE. The Senator is correct. I am glad the Senator points that out. There has been some confusion about this matter. Many of us who supported the Food for Peace measure have consistently supported a Federal subsidy for the maritime industry to haul such items. So, in effect, the present 50-percent restriction on the commercial sale of grains and wheat to Eastern Europe has taken us out of the market. Wherever that restriction applies, it raises the cost of wheat by 10, 11, or 12 cents a bushel on the world markets.

Last year we had hoped to prohibit that situation by legislation. However, as the committee began its deliberations, it became clear that it was felt for other reasons that it would not be wise to try to include this issue as part of the broader export control provision.

We therefore included strong language in the report, directed at the executive branch, pointing out first of all that this was not a statutory restriction, but an Executive order issued several years ago, and that since it was an executive action, there ought to be an executive department correction of this matter.

We urged the President to immediately review and remove this restriction and to report to us at the earliest possible time on this matter.

We do not know if the President will act. We hope that he will.

Mr. BURDICK. Mr. President, how does the cargo preference law impede the sale of wheat?

Mr. MONDALE. The Cargo Preference Act itself does not do so. An Executive order prohibits an export license on the sale of wheat to Eastern Europe for commercial purposes.

It is sometimes confused with the Cargo Preference Act. However, it is an Executive order on the Export Control Act that we are getting at here. It provides that half of the wheat sold to Russia must be carried in U.S. bottoms even though the sale is strictly commercial. As a result of that we are out of the market and have been for several years.

Mr. BURDICK. Is that restriction made against free world countries?

Mr. MONDALE. Other products can be sold and hauled in foreign bottoms. However, if we want to sell one or two shiploads of wheat, half of it has to be hauled in a U.S. ship. That drives up the cost of the wheat to the point where we are not competitive in the world market.

We point out in our report that some who argue for this restriction say that there has been no demand in Eastern Europe for U.S. wheat. However, during the fiscal years 1965 to 1968, the United States shipped 2.5 million bushels of wheat to these Eastern European countries.

Mr. BURDICK. Was that wheat paid for in hard dollars?

Mr. MONDALE. The problem gets very detailed. Some of the countries in Eastern Europe are able to ship in foreign bottoms if they make a stop in Eastern European ports, but not the Soviet Union. It is a very complicated formula. However, as a result, we shipped 2.5 million bushels of wheat during the fiscal years 1965 to 1968. During that same period of time, Canada shipped 551 million bushels, Australia shipped 53 million bushels, Argentina shipped 86 million bushels, and France shipped 102 million bushels to these same countries.

Wheat shipments to Poland and Yugoslavia are not affected by the shipping restriction. And what happened where we could freely compete? During the fiscal years 1965 through 1968, the United States shipped a total of 138 million bushels of wheat to Poland and Yugoslavia, compared with less than 2.5 million bushels shipped to all the other countries because of the restriction.

I think that dramatically shows how we are able to compete where we do not have a restriction.

Mr. BURDICK. Were those sales paid for in hard dollars?

Mr. MONDALE. The Senator is correct. I think that occasionally there is some limited credit arrangement. However, for all practical purposes, the Senator is correct.

Mr. BURDICK. Is it the contention of the Senator that as long as the Cargo Preference Act applies, we will not be able to compete for sales in Eastern Europe and Russia?

Mr. MONDALE. I not only state that is correct, but I also point out that the record is abundantly clear on the matter.

The production of wheat in Russia has been erratic. Sometimes they have good crops, and at other times they have poor crops. When they have good crops, there is not much of a market. When they have poor crops, we find that we cannot compete at all because of the restriction while Canada, Argentina, and other countries make fantastic sales of wheat to these communities.

Mr. BURDICK. I understand that the report attached to the bill calls on the Executive to lift the restriction.

Mr. MONDALE. The Senator is correct. And we certainly hope that he will do so.

Mr. BURDICK. Mr. President, I compliment the Senator from Minnesota for his presentation today. I hope that legislation of this kind will help to bring about a sale of some of our surplus wheat. And I am talking about a sale for American hard dollars.

Mr. MONDALE. Mr. President, I thank the Senator and I appreciate his support in our effort.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. MONDALE. I yield the floor.

Mr. MUSKIE. Mr. President, as chairman of the Subcommittee on International Finance which reported the bill and which originally considered the pending legislation, I am happy to support S. 2696, of which I am a cosponsor, which has been explained in detail by the distinguished Senator from Minnesota (Mr. MONDALE).

At this time, I pay tribute to the distinguished Senator for his outstanding initiative and leadership in the development of the pending legislation.

Well over 2 years ago the distinguished Senator from Minnesota arranged, with the permission of the subcommittee and the chairman of the full committee, the Senator from Alabama (Mr. SPARKMAN), an extensive tour through Europe during the senatorial recess to explore the question of trade with the Eastern European countries.

In the process of that tour and as a result of his studies since that time and the hearings which he has conducted on the pending legislation in the subcommittee, the Senator has developed considerable background, and from my point of view he has become an expert in this field.

I am grateful to the Senator from Minnesota for his help and cooperation and for his willingness to take the leadership in this field.

Mr. MONDALE. Mr. President, I thank the Senator for his very kind comments. However, were it not for the interest and the concern shown by the chairman of the International Finance Subcommittee, the Senator from Maine (Mr. MUSKIE), the pending legislation would not be before us in its present form.

The Senator from Maine presided over and participated in most of the hearings. At all times the Senator has shown a special interest in trying to modernize and create an act to protect the national security interests of this country, but, where our national security interests were not involved, the Senator made certain that the American businessmen could freely and fully compete in nonstrategic items in Eastern Europe. I am proud of this measure, and I think a good deal of credit must be given to the distinguished chairman of the subcommittee.

Mr. MUSKIE. I thank the able Senator. I have already said that he has explained the bill in detail. I would like to put it in the broad context in which I understand it, the broad perspective in which I think it has significance, for the benefit of my colleagues and for the purpose of establishing the reasons for my support.

Well over a year ago, at my request, Senator MONDALE conducted extensive hearings on East-West trade. The hearings brought out the deep interest many American businessmen have in expanding peaceful trading opportunities with Eastern Europe and the Soviet Union. The hearings highlighted the difficulties and redtape they encountered in dealing with present export control procedures. The information developed in Senator MONDALE's hearings convinced him and other members of the subcommittee, including Senators BROOKE, WILLIAMS, PERCY, and myself, and Senator PACKWOOD of the full committee of the importance of revising and updating the Export Control Act of 1949.

Mr. President, in considering the legislation before us today it is necessary for us to recall the international climate which prevailed in 1949, when the Export Control Act was enacted. The United States was engaged in a deepening cold war with the Soviet Union. The economies of Western and Eastern European nations, including Russia, were still staggering under the effects of a devastating world war. Among all the major trading nations of the world, the United States alone had an economy strong enough and sophisticated enough effectively to deny items of trade which could have proved advantageous to the military or economic potential of those nations with which we were at odds.

The Export Control Act was passed to implement a policy of denying strategic items to the Soviet Union. As other nations of Eastern Europe entered the Soviet bloc, the restrictive trade policies were applied to them. At the same time, the United States was undertaking a massive program of economic assistance to Western Europe under the Marshall plan.

The success of our efforts in helping Britain, France, Germany, Italy, and other Western European nations to recover from the ravages of World War II needs no documentation here. What does need emphasis is the fact that the Soviet Union and its Eastern bloc allies also demonstrated a remarkable economic recovery from the war. During the last 25 years the industrial capabilities of the Soviet Union have far surpassed their pre-World War II level. The Soviet Union now has a gross national product which is roughly one-half that of the United States, and its military capabilities rival our own. Furthermore, its economy is less dependent on imports than any other major nation in the world.

The world situation in 1969 has changed substantially since the early days of the cold war. Confronted by the hard realities of a nuclear age, both the United States and the Soviet Union have taken a number of steps to avoid military confrontaiton. The nations of Eastern Europe, once apparently bound to the Soviet Union by monolithic ties, have demonstrated increasing signs of new independence and a desire to seek new avenues of communication with the West. The economies of our allies in Western Europe and Japan have expanded to the point where they are now engaged in significant trade with Russia and Eastern Europe. Concurrently, the U.S. balance-of-payments situation has undergone a drastic, unfavorable change.

Existing export control policies do not reflect these changes. The hearings before the Subcommittee on International Finance last year and this year provided ample, often startling, evidence of instances where American businesses have lost millions of dollars of sales because of excessive delays in export licensing procedures. Businessmen gave evidence that in many cases these lost sales opportunities have gone to our allies in Western Europe and Japan, which do not have the same cumbersome red tape or lengthy licensing regulations as the United States. In addition the United States unilaterally controls some 1,300 export items, 1,100 of which are freely available elsewhere to the Soviet Union and Eastern Europe.

Mr. President, such an export control policy is close to self-defeating. It has not prevented Russia and her allies from developing strong, sophisticated economies, and it has not helped the U.S. position in world trade. A recent New York Times survey estimates that the total U.S. share of world trade actually decreased by 5 percent between 1962 and 1967. In fact, as the economies of our allies in Western Europe and Japan have recovered and expanded during the past two decades, they have become increasingly strong and aggressive competitors for international markets, which once were thought to be the exclusive property of U.S. business.

Mr. President, I think the time has come for the Congress to reexamine our national policy with respect to East-West trade and to bring it into line with the present-day realities of world politics and international trade. The President has stated that he is seeking new opportunities to improve our relations with the nations of Eastern Europe. Leaders of the Democratic Party have expressed similar views. It seems to me that the chance for expanded trade in nonmilitary, noncontroversial areas is a vital first step toward implementing this goal.

This is what the proposed export expansion and regulation act seeks to do. It would declare a new national policy "to encourage the expansion of trade with all countries with which we have diplomatic or trade relations, except those countries with which such trade has been determined by the President to be against the national interest." At the present time, this would specifically exclude trade with Mainland China, Cuba, North Korea, North Vietnam, Southern Rhodesia, or any other nation specifically named by the President.

The bill would also "restrict the export of goods and technology which would make a significant contribution to the military potential of any other nation or nations which would prove detrimental to the national security of the United States."

These two provisions, Mr. President, give the President ample flexibility to control exports for reasons of national security. At the same time they reflect our desire to expand trade in peaceful goods and technology.

Two other provisions of S. 2696 which merit special attention are the elimination of the "economic potential" test as a measure of whether goods may be exported and the establishment of an "availability elsewhere" test in considering export control license applications. Practically any item which is not designed for personal consumption contributes to the "economic potential" of an Eastern bloc nation or the Soviet Union. Furthermore, our ability to influence economic growth in the Soviet bloc is limited to the degree that export items are not readily available from other nations. The provisions in the bill before us reflect those facts, answer specific and well-justified criticisms of present export control policy, and attempt to make this policy more rational and consistent with present-day situations.

Opponents of this bill argue against it for several reasons:

First, that the policy of the bill is uncertain;

Second, that few export control licenses have been denied over the years;

Third, that the trade potential of East-West trade is small, anyway;

Fourth, that factors which made the Export Control Act necessary in 1949 have not changed substantially since then; and

Fifth, that the present act is a better approach to export control policy.

Mr. President, I contend that world conditions have changed since 1949 and that the export control policy contained in that act is an outmoded approach in 1969. I contend that the record of hearings on East-West trade has amply demonstrated that an overwhelming segment of American business opposes present-day export control policies, not because they want to materially aid the enemy, but because the Export Control Act has stalled and frustrated their legitimate attempts to engage in peaceful, nonmilitary trade.

These same businessmen overwhelmingly support the approach taken in the Export Expansion and Regulation Act of 1969. In addition, several former Government officials have expressed strong support for S. 2696, including such distinguished Americans as Averell Harriman, a former Secretary of Commerce and Ambassador to the Soviet Union, Nicholas deB. Katzenbach, former Attorney General and Undersecretary of State, John T. Connor, former Secretary of Commerce, and Theodore C. Sorensen, former counsel to Presidents Kennedy and Johnson. It was the considered judgment of these gentlemen, who have had first-hand experience with the administration of the Export Control Act, that the time has come for a change in that policy.

None of us who support S. 2696 argue that its enactment will automatically increase East-West trade or that the potential markets in Eastern Europe and the Soviet Union will ever amount to a large proportion of the total U.S. export market.

What we do argue, most emphatically, is that the time has come for us to take a positive approach to East-West trade. We believe that the thrust of our present policies is negative and that the administration of them will not change substantially without a new mandate from the Congress. It is not our intention to open the doors for trade which will in any way harm the national security of the United States. We believe, however, that the proposed Export Expansion and Regulation Act will be a positive declaration of this Nation's willingness to engage in peaceful, nonmilitary trade at the same time that it will continue to give the President all the authority he presently has to control exports which could prove harmful to the national security. Our declaration of policy is clear; the authority it confers is precise.

Mr. President, President Nixon has suggested that we move from an era of confrontation to one of negotiation. In the legislation before us we are arguing that expanded trade contacts can encourage negotiations in a relatively noncontroversial area, and that as we succeed in this area, we can improve the prospect for negotiations in more controversial areas.

The Export Expansion and Regulation Act of 1969 is one chance of doing this.

I urge my colleagues to support this bill.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MUSKIE. I am happy to yield.

Mr. FULBRIGHT. My understanding is that this bill was not reported unanimously. There is dissent about the bill. Is that correct?

Mr. MUSKIE. There is dissent.

Mr. FULBRIGHT. What was the vote in the committee on this bill?

Mr. MUSKIE. There was not a rollcall vote. To the best of my recollection, two members actively opposed the bill. Perhaps the Senator from Utah can correct me on that. I think that is accurate.

I understand that Senators BROOKE, PERCY, PACKWOOD, and GOODELL supported this bill in the committee, and, I understand, will do so on the floor.

Mr. FULBRIGHT. Is it clear what the basis for this objection is? Do they wish no bill at all?

Mr. MUSKIE. The Senator from Utah, of course, will express his views himself.

The administration told us, in effect, that its objective would be to facilitate trade between the United States and Eastern bloc countries, that it would attempt to facilitate the operation of the procedures which make that trade open to American businessmen, but that it was not prepared to endorse this bill.

So the objective of the administration and the sponsors of this bill appears to be similar, but we got bogged down, apparently, on details.

Mr. FULBRIGHT. Is there anything in this bill that affects the most-favored-nation treatment of the countries of Eastern Europe?

Mr. MUSKIE. Mr. President, this bill would do nothing with respect to favored-nations treatment. That is a responsibility of the Committee on Commerce. This bill simply deals with the control of export items. Right after World War II there was concern that we not export to the Soviet Union or its allies strategic items, which at that time included not only military items but, I gather, items that might be useful to the economic development of the Soviet Union.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. BENNETT. This bill calls for equal treatment for all countries, as a matter of definite policy. To that extent it affects the most-favored-nation proposition.

Mr. MUSKIE. It is not my impression that this bill legislatively has the effect of modifying our most-favored-nation policies which are governed by other and broader trade policies and legislation. These are export controls and do not affect imports. The bill states the policy cannot be fully implemented by this legislation, but it is the effort of the committee to implement, so far as we could reach an agreement in committee, with respect to export items.

Mr. FULBRIGHT. It is only in exports that we would be given equal treatment and not in imports. Is that right?

Mr. MUSKIE. The Senator is correct.

Mr. FULBRIGHT. Does this bill have anything to do with the requirement of shipping exports in U.S. bottoms?

Mr. MUSKIE. This bill does not. That policy was established under Executive order, the Senator will recall, in connection with wheat sales to the Soviet Union.

Mr. FULBRIGHT. The Senator is correct. Is that still in effect?

Mr. MUSKIE. It is in effect. An effort was made in this bill to modify that policy. After full consideration and another day of hearings the committee decided that, rather than try to amend the bill, it would include in the committee report an expression to the executive urging reconsideration of that policy and a modification of it. But we were not able to agree on an amendment in this bill to cover that policy.

Mr. FULBRIGHT. Does that not effectively prevent any sales to Eastern European countries, or Russia, or China?

Mr. MUSKIE. It deals only with wheat.

Mr. FULBRIGHT. Only wheat.

Mr. MUSKIE. I agree with the Senator completely. I think the effect of this is to take us out of the international market on wheat.

The distinguished Senator from Minnesota (Mr. MONDALE) I think, has a special interest on this point.

Mr. FULBRIGHT. I saw in the newspapers the other day that the Canadians have negotiated sales of wheat in the amount of $150 million, I think, with China.

Mr. MUSKIE. The Canadians have been doing that regularly.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. MONDALE. The committee report sets forth the self-defeating nature of the 50-percent bottom requirement on commercial sales of grain to Russia. The figures show that during fiscal years 1965 through 1968, when the restriction existed, the United States shipped just under 2.5 million bushels of wheat to Russia and East European countries. In the meantime, Canada shipped 551 million bushels, Australia shipped 53 million bushels, Argentina shipped 86 million bushels, and France shipped 102 million bushels.

However, wheat shipments to Poland and Yugoslavia are not affected by the shipping restriction. During fiscal years 1965 through 1968 the United States shipped a total of 138 million bushels of wheat to Poland and Yugoslavia, compared with less than 2.5 million bushels shipped to the countries affected by the restriction.

Mr. FULBRIGHT. I wonder if the committee did not feel it is time for us to open up our trade a little more in view of the imbalance in our international payments.

Mr. MUSKIE. This is one of the considerations that bore heavily on our decision to report this bill.

Mr. FULBRIGHT. Is the Senator informed of the estimates for this year's deficit in our international payments? Is it not quite large?

Mr. MUSKIE. I think there was an improvement in the last quarter for which we had figures. I shall put the figures in the RECORD as soon as I can get them.

Mr. FULBRIGHT. I think it would be interesting to see how that is affected.

My impression is that there were few items in this bill that are not provided in the market by England, France, Italy, and others. We are not really depriving the Russians of anything.

Mr. MUSKIE. This is a very sore point with our businessmen. There are 1,300 items on our control list. Of those, 1,100 items are freely available from our Western European allies or the Japanese to Eastern bloc countries.

Mr. FULBRIGHT. Even with respect to the 200 items not on the list, those 200 items are restricted only to Russia and these countries but they are not restricted for us to sell those items to purchasers in Germany, France, or England, are they?

Mr. MUSKIE. No.

Mr. FULBRIGHT. Therefore, all they need to do is buy them through a third country. Is that right?

Mr. MUSKIE. The Senator is correct.

Mr. FULBRIGHT. Unless there is a high degree of cooperation in the third country. In the early stages of the cold war these countries did cooperate in enforcement of the regulation.

Mr. MUSKIE. They still do on items that are strategic.

Mr. FULBRIGHT. The Senator is talking about commerce now?

Mr. MUSKIE. The original concept appears to have been that we were concerned about exports to Eastern European countries, those which affect the economic potential of those countries, as well. With this policy we have not been able to control the economic growth of the Soviet Union and the Eastern European countries, so it has been a self-defeating policy and it did not work.

Western European countries have been much more realistic about this matter, and so they opened up trade with Eastern bloc countries, realizing it holds benefits for them and it does not hurt them.

Mr. FULBRIGHT. Does the Senator have the testimony on how much trade West Germany has with Russia?

Mr. MUSKIE. Yes.

Mr. FULBRIGHT. Is it substantial?

Mr. MUSKIE. Yes.

Mr. FULBRIGHT. It seems to me it would be interesting to highlight what the West Germans and Japanese do. Do the Japanese trade with Russia?

Mr. MUSKIE. Yes, and they trade with the mainland Chinese and Cuba, as well. I shall get the figures for the RECORD.

Mr. FULBRIGHT. I think it is interesting to show the contrast between West Germany and the Japanese, those countries being great industrial nations, and have trade with Russians.

Mr. MUSKIE. While we are looking for the other figures, I will give the latest figures on U.S. trade with Eastern European countries in 1963. Our exports to Eastern Europe were $166.8 million.

Mr. FULBRIGHT. Does that include Yugoslavia?

Mr. MUSKIE. Yes. The next year was the year for the wheat sales. It climbed to $339 million. In 1965 it fell back to $140 million. In 1966 it climbed up to $197 million. In 1967, the last year for which we have figures, it was $195 million.

The interesting thing is that in the first quarter of this year, 1969, our exports to the Soviet Union and other countries of Eastern Europe, were $39 million. This was a decrease of $62 million from the previous quarter and $55 million in the first quarter of 1968.

So notwithstanding an announced policy of the administration to facilitate the export of goods to Eastern European countries, we have dropped in our export sales to those countries.

I wish to ask the Senator from Minnesota if he has the figures on trade between West Germany and other Western European countries.

Mr. MONDALE. I do not have the figure here. I think West Germany is the big trading partner in Eastern Europe today. Those figures are in the RECORD. I will check them now.

Mr. FULBRIGHT. I do not want to delay the Senator's speech, but I thought it would be interesting to show the difference. When we look at our condition today as to interest rates, our balance of payments, and the severe economic strain we are going through, it does seem shortsighted that we turn this kind of trade in large amounts over to countries like Germany and Japan, or to any of the other friends of ours and say, "You take this trade, we just default." It seems to me to be unjust to our own businessmen. We have an Export-Import Bank trying to foster exports to other countries, and we pay a subsidy to give them a low interest; but not to Eastern European countries. Unless there is some overriding security matter, it seems to me to be a foolish policy for us to follow. If it is a security matter, I should like to know what it is. Has there been any testimony on it before the committee?

Mr. MUSKIE. To the best of my knowledge, and I have listened to the testimony, and have read the testimony, the argument against this bill and its objectives is not any specific security risk. It is not argued that it would open the door to the sale of items that have a clear military value. It is argued that to open up trade with Eastern European countries would add to their economic strength, and therefore we should not do that. That seems to me to be the basis of the argument.

Mr. FULBRIGHT. It seems like a case of the "Mad Hatter" all over again. Even in the military, we were told by spokesmen for the administration not too long ago, or more specifically, the Pentagon, that the Russians have a weapon such as the SS–9. I do not believe it, but at least they said it is one which threatens to be much more effective than the one we have. If it is as good as we were told it is, during the debate on the ABM, I do not know why we are so careful about shipping them anything we have, because if we believe what the spokesmen in the Pentagon have said, that weapon is extremely efficient and sophisticated. That is why they ask for so much money from us.

Mr. MUSKIE. It is clearly the intention of the Russians to develop self-sufficiency.

Mr. FULBRIGHT. I do not think what they say is true. I thought it was hogwash, but anyway, that is what they said. How they reconcile that with the arguments they made against the bill is strange to me.

Mr. MUSKIE. It is clear from the picture of the Russian economy I have that Russia does not depend upon imports to build its economic strength. It depends upon imports to a lesser extent than any other major trading nation in the world today. It has built its economy by internal development, not by trade.

Mr. FULBRIGHT. They have been forced to do that by just such acts as this. Being as large as it is, with its total resources, it is true what has developed, but I am not at all sure it has been to our interests. I am inclined to think that it has been against our interests. Russia just wants to become as self-sufficient as possible. If we had traded with her, I believe there would have been less disposition to enter into pacts with other countries and to continue the cold war.

Mr. MONDALE. Mr. President, if the Senator will yield, we have found the figures—we shall have some later ones which we are now trying to uncover—which show commercial trade between West Germany and eastern Europe in the years 1964, 1965, and 1966.

In 1964, $839 million for eastern Europe.

In 1965, $889 million.

In 1966, $1,102 million.

I think they are substantially higher than that now.

In 1966, we had $197 million.

The standard American share of world trade is about 16 percent.

In Eastern Europe, we are less than 2 percent.

Based on the first quarter, we are one-half of 1 percent, largely because of the self-defeating restrictions on commerce in our strategic trade which does not deny Eastern Europe anything but gives preference to France, Germany, Italy, Great Britain, and Japan.

Mr. FULBRIGHT. It would be interesting to have the Japanese figures, too. We do everything we can to help them. We have armed forces in there to protect them. I do not know how many billions of dollars we spend in protecting Japan, and Germany as well, with our military men. We have thousands of military men in Japan and yet we pass a bill like this, and Japan is one of our largest traders.

Mr. MONDALE. In that same period, 1966, that we had $197 million with all of Eastern Europe, Japan had $273 million.

Mr. MURPHY. Mr. President, will the Senator from Maine yield?

Mr. MUSKIE. I yield.

Mr. MURPHY. Is there any question of price differential? Is this broken down so that we can tell whether this is because of inability to compete, because of prices?

Mr. MONDALE. These are strictly dollar volume figures. They do not reflect in the tables themselves the question of a price differential. All the testimony the subcommittee took with different problems, it all boiled down to seeking or gaining trade, which of course goes into a great deal of detail, but these figures by themselves do not reflect that.

Mr. MURPHY. We see instances of great problems now because of their ability in the labor market to produce quality based on what they have learned from us, at sometimes as low as half the price.

Mr. MUSKIE. What is involved here is not that question at all.

Mr. MURPHY. Yes.

Mr. MUSKIE. These four volumes of hearings cover 2 years in the field with stories and complaints of American businessmen, all of whom could sell more goods in these countries but for our policies and restrictions. They can compete. They want to compete. They are denied the markets, however. That is the problem.

Thus, these figures do not indicate any inhibitions. On the contrary, if we were able to relax our policies in accordance with the judgment of American businessmen, who tell us they can increase sales, it will not be an astronomical program, but they would be able to compete in the items they discussed with us.

Mr. MURPHY. I thank the Senator. That answers my question.

Mr. MUSKIE. Mr. President, I am going to close my formal remarks with perhaps 3 or 4 more minutes of observations so that we may proceed with debate.

The committee was motivated by the conviction—that is a majority of the committee—that in light of the changes which have taken place on both sides of the Iron Curtain since the original Export Control Act was enacted in 1949, the time has come for Congress to reexamine national policy with respect to East-West trade and bring it into line with present-day realities, world politics, and international trade.

The President has said that he is seeking new opportunities to improve our relations with the nations of Eastern Europe and to enter into an age of negotiations.

Leaders of the Democratic Party have expressed similar views. It seems to me that the chance for expanded trade in nonmilitary, noncontroversial areas is a vital first step toward implementing this goal. This is the modest nature of what the bill before the Senate undertakes to do.

It does not open wide any doors that should be closed. It merely undertakes, in a very modest way, which still leaves full control to the President in a way that I shall describe, the opportunities for peaceful trade with Eastern bloc countries. This trade is urgently desired by American businessmen, as they have testified in testimony covered in the four volumes which we have here in the Chamber at the present moment.

Now let me indicate to the Senate the control that the bill before us would give to the President. It would declare a new national policy "to encourage the expansion of trade with all countries with which we have diplomatic or trade relations, except those countries with which such trade has been determined by the President to be against the national interest."

At the present time this would specifically exclude trade with mainland China, Cuba, North Korea, North Vietnam, Southern Rhodesia or any other nation specifically named by the President.

In addition, the bill would "restrict the export of goods and technology which would make a significant contribution to the military potential of any other nation or nations which would prove detrimental to the national security of the United States."

These two provisions, Mr. President, give the President ample flexibility to control exports for reasons of national security, and at the same time they would reflect our desire to expand trade in peaceful goods and technology.

Mr. President, if what we like to describe as the world's most powerful nation could not operate, within the limits of this modest kind of policy, to protect its own security while it expanded trade, then there is something wrong with the patriotism, ingenuity, and commonsense of the American businessman who would be implementing this policy.

I think we are playing a game of blind man's buff in the business of world trade or our own trade with Eastern Europe. All our allies, all our friends, all our Western trading partners are doing business with these European countries, and all that our own American businessmen are asking is an opportunity to do business with the same people on the same basis.

Are we so fearful of our ability to do so and protect our security that we must deprive ourselves—this great commercial country—of an opportunity which is so freely seized by countries less powerful, more closely located to the Eastern European countries?

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. MUSKIE. I yield.

Mr. FULBRIGHT. Does this act affect a subsidiary of an American company that is operating in Germany, for example? Opel belongs to General Motors, as I understand it. Does this act affect Opel in Germany in selling anywhere? Does the Senator know whether it would?

Mr. MUSKIE. I understand the Treasury Department has some control over this kind of relation, by controlling part of the assets of the American corporation.

Mr. FULBRIGHT. If it did, it would run afoul of the German Government.

Mr. MUSKIE. It is a difficulty, and we do run into difficulties.

Mr. FULBRIGHT. I would think it would create a bad feeling between countries that think they are independent if we, through subsidiaries, tried to control sales, because they were sales of a subsidiary of a U.S. company. This is a German company. The greatest benefit occurs to the Germans, because they employ German workingmen and they pay German taxes. If the United States thinks it can, in this fashion, control the trade of a country like Germany or Japan, I think it is going to run into serious troubles.

Mr. MUSKIE. There is no trouble with them as a result of our policies with respect to trade with Eastern Europe. These countries laugh at us.

Mr. FULBRIGHT. That is with respect to our own companies. They like the idea of a German company trading with Eastern Europe because it brings in substantial funds to them. What they laugh at and what they like is for us not to trade directly with those countries.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. MONDALE. We estimated that there are about 1,100 major items freely available to them from Western countries, not controlled by COCOM, which we unilaterally prevent our own businessmen from selling to them. I have seen pages of specific items which came out in testimony by businessman after businessman. They had been bargaining for contracts of nonstrategic, nonmilitary items, and the export license office would not give them a license. The deal fell through, and the British, or the Germans, or the French got it. The balance of payments went to them. We lost the contract. We did not gain a thing. It is a self-defeating, Joe Stalin hangover.

Mr. FULBRIGHT. It strikes me that way.

Mr. MUSKIE. May I quote the testimony of Secretary Ball on the very point the Senator has raised. I think the Senator might be interested in his testimony, which relates to the problem of extraterritoriality. He said:

> A more significant problem is that of extraterritoriality, which I hope will be addressed by the Congress. This is a problem that most often arises under the Trading With the Enemy Act, where the United States attempts to impose on the subsidiary of any American company doing business in a foreign country a policy which is not accepted by the government of the country in which the subsidiary is doing business.
>
> Now we had a number of examples of this and they have been extremely abrasive. One or more have concerned our relations with Canada, where our government's actions have been deeply resented by the Canadians. I recall a case of some wheat loading machinery that was in possession of a company or two in Canada—I think all of the companies that happened to have this particular kind of wheat loading machinery were subsidiaries of American companies. And we said, "You can't use this machinery to load

the wheat to go to China." It was a machine put on the ship and I think it went along and unloaded it at the other end.

The Canadians were quite naturally upset. They said:

"You are telling a Canadian company doing business in Canada it can't use a particular piece of equipment for handling the wheat in connection with a sale which the Canadian Government has made."

Now, this is only an illustration of the point. We have had some other situations in France. Sometimes the subsidiary company is not even wholly owned by the American parent, but there is a substantial minority interest and this aggravates it, because the minority interest, living in the foreign country, says, "What does the U.S. Government have to do with us? Why can't we run our business, as long as we comply with the laws of the country where we are situated? Why can't we run our business as we wish to?"

The Senator is quite right. Secretary Ball went on to discuss other instances.

Mr. FULBRIGHT. The Canadians rejected the protest, did they not? They did not abide by it?

Mr. MUSKIE. They found a way around it.

Mr. FULBRIGHT. For the self-respect of the country, I would think they would.

What does this bill do about it? Does the bill remove the 1,100 items from the requirement of having to have an export license?

Mr. MUSKIE. No.

Mr. FULBRIGHT. Why does it not?

Mr. MUSKIE. Because we have the best bill we could get through the committee. It is a very modest bill. The Senator from Minnesota, who authored the bill, and who has pushed it this far, will correct me if I am wrong. My impression is that the bill in the present form does nothing more than indicate that it is the desire of Congress that the President, by the exercise of his discretion and by the use of the executive machinery—to which we have made additions—will undertake to break down these barriers and to eliminate the red tape and loosen up the licensing procedures so American businessmen will be encouraged to come in and ask permission to sell.

Mr. FULBRIGHT. In what way does the bill improve the existing law? Is it not just an extension of the law?

Mr. MONDALE. Mr. President, if the Senator will permit me, one principle we had to accept—and I would have preferred not to have it—was that it was strongly felt by a minority in the committee that we could not do anything to deny the President the power to restrict an item if he decided to have it restricted. I would have preferred, as in my original draft, that the President would not have been able to deny the export of an item if it were available elsewhere. It is patent that it does not achieve anything except to provide a foreign competitor the ability to get our business.

In any event, we felt we had to accept that principle, and we were willing to go along.

In the first place, the present law says that wherever there is an economic or military significance in an item to be exported to Eastern Europe, it must be prohibited. Any conservative administrator could conclude that almost any item was of economic significance, or the country would not have desired to purchase it. We knocked the word "economic" out and applied only "military," which liberalizes the standard.

Second—and I think this is very important—we have a complicated, although not decisive, rule that, when the item is available elsewhere, is not exclusively available from us today, and is not a military item, no license should be required unless the President affirmatively states that he wants it licensed nevertheless, and sends us a report giving us the reasons why.

Furthermore, and this is very important: One of the big problems with the Export Control Act is that the businessmen who deal with it are left completely in the dark, once they apply; they do not know whether they are being turned down, or why their applications are delayed, and we have several safeguards, not to restrict the President's power but to permit the American businessman to have his side of the case heard, and to insure that the applicant be told the reason for whatever action is taken.

In other words, we have tried to create an adversary proceeding, so that the whole story may be told. This is not a perfect answer, but we think it goes a long way toward creating a balanced approach to the problem.

Today the Export Control Office, in my opinion, acts very much like the security officers in Joe McCarthy's day. In other words, the easiest thing for them to do is turn everything down, because then they will never be personally criticized by anyone. It tends to make them extremely conservative in their judgments. This bill tries, as best it can, to leave the President with all the power he needs to do anything he wants, but at the same time to eliminate the inherent excessive conservatism and fear of the administrator.

Mr. FULBRIGHT. Who will actually administer this act? Who is likely to make the decision, what officer?

Mr. MONDALE. It will continue to be the Export Control Office in the Department of Commerce.

Mr. FULBRIGHT. Who is the head of that office now?

Mr. MONDALE. It is under Assistant Secretary Davis. The actual Administrator is Rauer Meyer.

Mr. FULBRIGHT. I thank the Senator.

Mr. MUSKIE. Mr. President, the colloquy between the distinguished Senator from Arkansas and the distinguished Senator from Minnesota emphasizes, I think, the essential modesty and conservatism of this bill as a change in our export control policy. I do not think that, by anything further I might say, I can add to the picture, and I am happy to yield the floor so that the other side may present its case.

Mr. BENNETT. Mr. President, I send to the desk an amendment in the nature of a substitute, cosponsored by the Senator from Texas (Mr. TOWER) and the Senator from Colorado (Mr. DOMINICK), and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be started.

The assistant legislative clerk proceeded to read the amendment.

Mr. BENNETT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT's amendment is as follows:

SECTION 1. Section 12 of the Export Control Act of 1949 (50 U.S.C. App. 2032) is amended to read as follows:

"TERMINATION DATE

"SEC. 12. The authority granted in this Act terminates on June 30, 1971, or on any prior date which the Congress by concurrent resolution or the President may designate."

SEC. 2. Section 1(b) of the Export Control Act of 1949 (50 U.S.C. App. 2021(b)) is amended to read as follows:

"(b) The unrestricted export of certain materials, information, and technology may adversely affect the national security of the United States."

SEC. 3. The third sentence of section 3(a) of the Export Control Act of 1949 (50 U.S.C. App. 2023(a)) is amended by changing "shall determine that such export makes a significant contribution to the military or economic potential of such nation or nations which" to read "determines, taking into consideration its availability from other nations with which the United States has defense treaty commitments, that such export".

SEC. 4. Section 6 of the Export Control Act of 1949 (50 U.S.C. App. 2026) is amended by adding at the end thereof the following new subsection:

"(d) In the administration of this Act, reporting requirements shall be so designed as to reduce the cost of reporting, recordkeeping, and export documentation required under this Act to the extent feasible consistent with effective enforcement and compilation of useful trade statistics. Reporting, recordkeeping, and export documentation requirements shall be periodically reviewed and revised in the light of developments in the field of information technology. A detailed statement with respect to any action taken in compliance with this subsection shall be included in the first quarterly report made pursuant to section 8 after such action is taken."

Mr. BENNETT. Mr. President, the amendment I have sent to the desk is the text of the House bill, which passed last Thursday in the other body by a vote of 272 to 7, and which we shall face in conference if the bill as now supported and discussed by my friends on the other side of the aisle should pass.

The House bill is, in effect, an extension of the present Export Control Act, with three amendments.

The House bill, as this bill does, strikes out the requirement for consideration of the economic potential, leaving only consideration of the military potential.

Second, it says that the President must take into account the question of general availability, but it does not automatically reverse the process, and force him to remove everything from the list that is available elsewhere unless he makes a personal decision and notifies Congress.

The House of Representatives bill has other requirements which would reduce the paperwork involved in the obtaining of an export control permit.

We, of course, act entirely independently of the other body, but it is gratifying to know that on this important issue, they supported the President's position that the flexibility which he needs to carry out a responsible export program be retained.

As originally introduced, the bill almost stripped the President of his authority to deal with trade with Communist countries; but it has been greatly modified as a result of the hearings and discussions by the committee.

As reported by the committee, it contained much of the authority provided in the present Export Control Act, but, as a new feature, it combines the concept of trade expansion to Eastern European countries with control authority over exports. Other legislation before other committees, covering tariffs, export credit, and trade promotion is, I think, much more appropriate for dealing with trade expansion. In attempting to have this bill provide for control while also urging trade expansion, what has resulted is a misleading bill from its title throughout most of the new provisions covering export control policies and procedures, and would result in a divided responsibility.

The bill interposes a number of requirements in the administrative area which I believe to be unnecessary, burdensome, and costly for the Government; and apparently the President shares that view. These requirements include organizational and procedural changes by the Secretary of Commerce and extensive review of the complete export control list by the Department of Commerce, frequent notification and detailed explanation to the Congress of routine exceptions authorized by the bill, a continuing review of reporting and documentation requirements together with detailed statements to the Congress of action taken, and a burdensome requirement that extensive information be provided to exporters throughout the Department's consideration of licensing applications. In addition, the bill establishes a new Presidential Commission on Export Expansion which would, to a considerable extent, duplicate work already being carried on by established organizations and would thereby confuse rather than assist the export expansion program.

The bill requires the President to include a detailed statement of his action, if he restricts exports without making the determination, that comparable goods are not available elsewhere or that the exports would make a significant contribution to the military potential, which would prove detrimental to the national security of the United States. Even though as an exception, the President is granted the authority to restrict in the interest of national security, any commodity or technology as long as he reports such action to the Congress, the effectiveness of those administering the act is bound to be inhibited by these changes. Exporters and representatives of other governments will read a significant change into the language of the bill and bring additional pressure to bear for reduction in controls on critical items and for approval of questionable export applications.

At best, the bill will be confusing to exporters, cause significant difficulties in administration, and stimulate troublesome court challenges. Further, it will give an unwarranted signal to the Soviet Union that we intend to make our advanced industrial goods more readily available now, even though they have demonstrated no real desire for improved relations between East and West. In fact, last year's Czechoslovakian invasion stands as strong evidence against any such interest.

The bill could result in undue weakening of export controls with attendant risk to our national security.

The proposal which would replace the present Export Control Act is based on the assertion that factors which brought about the enactment of the Export Control Act no longer exist.

It is suggested that we are now living in an era in which the Soviet Union presents a reduced threat to the security of the United States. The fact is that the Soviet Union is a much greater threat to the security of the United States than it was when the Export Control Act of 1949 was passed. The Soviet economy then was undergoing a real struggle to provide the barest necessities for their own people because of the ravages of war when the Export Control Act was enacted in 1949. The Soviet Union has now become one of the world's greatest industrial powers. To conclude that such an economy provides less of a potential threat to this Nation than one which had a real struggle to provide the barest of necessities is absurd. Relative military capabilities of the United States and the Soviet Union in 1949 as compared with the present inevitably lead to the same conclusion.

Many of the provisions of the bill contradict each other. The present Export Control Act establishes a forthright policy of restricting exports on the basis of possible contributions to economic potential or military potential. Its language allows restrictions of exports whenever it is determined by the President that they make a significant contribution to the military or economic potential of a nation or nations, which would prove detrimental to the national security and welfare of the United States. The committee bill has eliminated the criteria of "economic potential" and retained only the "military potential" criteria.

In a modern industrial nation, economic potential and military potential are virtually synonymous.

Mr. President, it is ironic that the proposed bill in section 2(4) says that the Congress finds that "the uncertainty of Government policy toward certain categories of exports has curtailed the efforts of American business, yet this bill is sure to increase uncertainty. The whole announced purpose of the bill is to encourage the expansion of trade with all countries with which we have diplomatic or trading relations. This is stated in sections 3(1)(A), section 3(3), and section 4(a)(1). It is interesting to note, however, that in every case where this "change of policy" is stated, it is always followed by an exception which allows the President to make export determinations on the basis of national security, foreign policy of the United States, or the need to protect the domestic economy. Those are the criteria which are used in the present Export Control Act. Thus the bill appears to encourage the expansion of trade on the one hand, while on the other hand it provides for essentially the same restrictions which presently exist.

Moreover, on the one hand the bill holds out the policy of equal treatment for all countries. Yet section 3(5) of the bill states that it is the policy of the United States to use its economic resources of trade potential to further its foreign policy objectives. This latter policy is the one under which the United States has been operating for many years and obviously nullifies the "equal treatment change." The form without substance becomes even more apparent when it is known that the President of the United States, the one who holds the authority, opposes a change in policy at this time. Administration spokesmen have made it very clear that the President feels he should be free to seek a more appropriate time for liberalizing trade with the Communist countries. Yet the Congress, if it should pass this bill, would give an overt indication of the change of policy or attitude of this country. I believe that the President should have this constitutional latitude to relate liberalization in the trade area to broader foreign policy considerations. This bill, in my view, is an attempt to preempt the President's judgment on timing and force him into a policy of liberalization, while still holding him responsible to determine specific export policy.

It has been represented—and a great deal has been made of this today—that the nations of Eastern Europe and the Soviet Union are currently trading with our Western allies to a much greater degree than they are with the United States "because of the unilateral restrictive policies of the United States." This is far too simplistic to be accurate. The items under export control represent only a tiny fraction of the goods generally exchanged in international trade. Western Europe does much more business with Eastern Europe than we do for many reasons, primarily because of geographical proximity and the ready availability of these products and the opportunity to get them shipped at a lower cost. And whether we would like to forget it or not, the two countries, West Germany and Japan, which have been offered here today as examples of countries that are taking advantage of an opportunity on which we have shut our doors, have costs very much lower than ours. And while it is pleasant to say that our businessmen can compete, we have only to realize, for instance, that most of our radios and many of the televisions we can buy today under American labels are made either completely in Japan or are assembled here with component parts that are manufactured in Japan.

They can undersell us in our own market. So it is obvious that they can undersell us in the Eastern European market. The great bulk of this trade between Eastern and Western Europe is in products which our companies are also free to export, if they can obtain orders and get the price.

The Department of Commerce testified that less than 2 percent of the export license applications received for Eastern Europe are denied. Supporters of this bill claim that is true because American exporters just do not try to export to Eastern Europe or the Soviet Union in items on the control list in any degree because they know that they will be turned down. I do not know how exporters know they will be turned down if they do not apply, particularly if 98 percent of the applications are not turned down.

Exporters do not know they will be turned down because all but a small percentage of requests are granted. In the last quarterly report dealing with export control, I find that approvals were given for exports to East European countries and the Soviet Union for such items as harvesting machines, tractors, electronic digital computers, metal-working machinery, metal treating and metal powder molding machines, rubber processing and rubber products manufacturing machines and parts, nuclear radiation detecting and measuring instruments, synthetic rubber, metal-cutting milling machines, gear-cutting machines, well-drilling machinery, metal-processing and heat-treating furnaces, telecommunications apparatus, and many other similar exports.

I could continue with a much longer list. We have already become very liberal in our concept of the materials that can be exported on the theory that they do not increase their military potential. With approvals on such a broad group of industrial products, not to mention the many agricultural and less sophisticated product approvals, how would an exporter come to the conclusion that his application would automatically be turned down?

I am particularly disturbed by repeated statements by the bill's proponents that its intent is to increase trade in "peaceful goods." Yet most of the industry witnesses represented companies with highly advanced technological products such as electronic control equipment, computers, and machine tools. Enactment of this bill following our hearings could well lead to a conclusion that the intent of Congress is to consider the bulk of our advanced technological products as "peaceful goods" to be freed for unrestricted sale to Eastern Europe. The result could be serious misunderstandings among business, foreign governments, and those in charge of administering export controls. It is not simple to separate "peaceful" from "nonpeaceful" goods and referring to "wigs" or "needles" or "buttons" as is done by proponents of this legislation in their attempt to bring about relaxed control is just begging the issue.

Our vast experience in East-West trade should remind us that our friends in the Eastern bloc are not interested in setting up a continuing supply of American goods of this type. They want to get one as a prototype which they can copy. And this is the problem that I think the President should be free to face.

I have yet to hear a definition of "peaceful" goods that would apply in a workable manner to decisions on the export of computers, silicon transistors, hydraulic presses, high-precision antifriction bearings, special alloys or numerical control machines without considering each transaction. Not one witness before our committee suggested that their products now being required to have an export license should be removed from the controlled list. Not one of them testified that their products could only be used for "peaceful" purposes.

Why? Because all of them knew that their products do have military potential and that they do not have the information necessary to make a determination as to whether their use could be detrimental to the security of the United States.

The Export Control Act has not had a major detrimental effect on our trade balance and relaxing its provisions would not significantly improve our trade surplus despite contrary allegations. The dwindling of our trade surplus from over $7 billion 5 years ago to an approximate balance is the result of basic economic factors, largely price factors, brought about by the unwise economic decisions of the past two administrations.

Most knowledgeable estimates indicate that trade with Eastern Europe, even under most favorable conditions, can grow only very modestly, and is unlikely in the foreseeable future to reach as much as 1 percent of our total exports.

Eastern European countries have, in general, carefully controlled bilateral trade with free world countries. They do not have free world currencies with which to pay for their purchases. And this fact probably controls much of their purchasing decisions.

For political as well as economic reasons, these countries try to maintain balanced trade with Western nations. For the years 1966, 1967, and 1968, U.S. exports to and U.S. imports from Eastern Europe were virtually in balance.

Shortage of foreign convertible exchange is a continuing fact of life for the Eastern European countries with the possible exception of the U.S.S.R., which has gold reserves. Even in the case of the U.S.S.R., however, there appears to have been a great reluctance to convert its gold reserves for foreign trade purposes. An exception occurred in 1963–64 when there was a grain disaster in the U.S.S.R. Late in the fall of 1963, the U.S.S.R. negotiated with the United States and purchased $140 million worth of wheat—which was delivered in 1964. During this period the Soviet Union also purchased considerable amounts of grain from Canada, Australia, and Argentina. From time to time there are reports that the U.S.S.R. is selling gold in the English or Swiss financial markets.

The problem of payments for export by Eastern European countries is further complicated because of the lack of multilateral convertibility resulting from trade between the free world and the Soviet bloc countries. Export surpluses that may result from intrabloc trade cannot be used in trade with free world countries because of the lack of convertibility.

I believe a relaxation of U.S. export controls would at best provide a very marginal improvement in our balance-of-payments position with Eastern European countries. The level of the trade between the United States and Eastern Europe in the last 3 years has averaged approximately $200 million each way with a very slight export surplus in our favor.

East-West trade must be a two-way street. Because Eastern Europe has limited convertivle currency, it must sell us about as much as it buys. However, Eastern Europe has few products which we need, and thus there is a limited basis for significant continuing two-way trade. The Soviet Union and Eastern Europe today are greatly interested in our advanced products and technology, many of which have both civilian and military significance, to expand their industrial capacity. Many of these transactions become one-shot deals with little or no follow-on sales prospects.

Mr. President, I find a further contradiction in the committee's action on the proposed bill. Section 7(c) provides that—

> No department, agency, or official exercising any functions under this act shall publish or disclose information obtained hereunder which is deemed confidential or with reference to which a request for confidential treatment is made by the person furnishing such information, unless the head of such department or agency determines that the withholding thereof is contrary to the national interest.

Section 9 of the bill requires the agencies, departments, and officials responsible for implementing the rules and regulations authorized under this act to inform exporters of considerations which may cause a denial of license request so long as the information does not jeopardize the national security and effective administration of this act. The Department of Commerce, in its attempt to clarify the bill, recommended that a provision be included in this new section providing for confidentiality of business information. That request was turned down. We now have one section, section 7, requiring confidentiality, while the other section does not provide for confidential treatment of business information. I find this inconsistency in the bill unexplainable.

The penalties for violating the act have been changed from those presently contained in the Export Control Act. Despite the fact that the present penalties have been used primarily as a deterrent, the committee decided to do away with a possible 1-year jail sentence for a violation unless it could be proved that the violator did so knowingly. During our hearings and discussions of the committee, there was no indication that the present penalty provisions had been misused or abused. It is interesting that the change is justified on the basis of "concern over the constitutional question of a severe jail sentence and fine for unknowing violations." The present provisions authorizing up to 1-year imprisonment for a violation has been part of the act for 20 years, and nobody has been disturbed about it.

It seems to me that the proponents of the bill should either decide whether they want to have equal treatment between Communist and non-Communist countries except for specific Presidential determinations or whether they want some differentiation retained as in the present Export Control Act. Section 3(3) of the bill states:

> It is the policy of the United States that any export controls found necessary should be applied uniformly to all nations with which the United States engages in trade * * *.

If, indeed, it is the intent of the bill to have equal treatment between Communist and non-Communist nations, why are unequal penalty provisions retained? Much harsher penalties are authorized in the event of exports contrary to the act with knowledge that such export will be used for the benefit of any Communist-dominated nation. The committee report properly states that this subsection is identical to one now contained in the Export Control Act. What it does not say is that the Export Control Act—the present one—differentiates between Communist and non-Communist nations, whereas this bill makes no such differentiation and in no other place in the bill is the term "Communist-dominated nation" used.

During our hearings, representatives of the Department of Commerce explained their desire to assist American business with its exports. That is one of the major purposes of the Department of Commerce. The Department of Commerce has major programs underway for the expansion of U.S. exports to meet the challenges posed by the unfavorable changes in this country's balance-of-payments position and the substantial drop recently in our normally favorable balance of trade.

Included among such programs are overseas trade fairs and exhibits, permanent trade center operations in a number of key cities in various areas of the world, governmental trade missions, governmentally sponsored industry trade missions, various market development efforts, the organization and partial financing of joint export associations, and a wide variety of commercial publications and information services.

Some of these are expansions of longstanding Commerce activities in this field, while others are recent additions. In addition, Commerce strongly represents the export trade promotional element within the executive branch on both policies and programs, including such matters as adequate export financing, export incentives and general reductions in tariff and non-tariff restrictions. Commerce is also actively engaged in reducing export documentation requirements and has recently taken several major steps to reduce the requirements for shipper's export declarations which should result in considerable savings to the trading community and increased efficiency in their export operations. All of these efforts are currently addressed primarily toward improvement of this country's trade balance and balance-of-payments position. They are pointed, more specifically, to achievement of a $50 billion export goal by 1973.

In further explicit support of both this goal and general export expansion, Commerce supplements its normal complement of contact with the international trading community through its National Export Expansion Council and the numerous Regional Export Councils which draw upon representative businessmen to advise the Department on export policies and programs and to assist in carrying them out. In addition, there is the Cabinet Committee on Export Expansion, chaired by the Secretary of Commerce, and its several subgroups whose main purpose is to achieve high-level policy coordination in interagency efforts to attain the $50 billion export goal and continuing export growth. In recent years, Commerce has shown itself increasingly to be imaginative, constructive, and forceful in the promotion of our international trade and in the development of meaningful techniques to accomplish this end. Even greater efforts are now being addressed to this end.

The preceding comments relate primarily to export trade with free world countries. The majority report on S. 2696 indicated that the emphasis of the proposed Export Expansion Commission would be on trade with Eastern European countries. In this regard, the record of the Department of Commerce, as well as that of other executive branch agencies directly involved in the field of international trade, has been consistent with both executive branch policies toward this area and the realities of the trading situations and potential between the United States and Eastern European countries. Trade in peaceful goods and technical data has generally been favored and facilitated as executive branch policy permitted. From time to time there have been exchanges of trade missions in various technically oriented groups. There has been participation in some trade fairs in Eastern Europe and reasonable relaxation in U.S. export control has occurred. Most experts in East-West trade that have appeared before our committee and other congressional bodies on this matter seem to agree that the problem of increasing U.S. trade with Eastern Europe rests primarily on matters such as availability of export financing and of most-favored-nation treatment, the ability of Eastern European countries to export on a competitive basis to the United States goods that meet our market requirements and the general limitation on the ability of Eastern European countries to pay for increased exports from the United States. The problem is thus not primarily one of lack of U.S. export promotion activity regarding U.S. trade with these countries. However, there appears to be no justification for further unilateral initiatives by the United States in the field of East-West trade.

I would like to discuss further the Commerce Department's activities reducing required paperwork for exporters. On May 28, 1969, Kenneth N. Davis, Jr., Assistant Secretary for Domestic and International Business of the Department of Commerce, testified before our committee as follows:

> The Department is aware that recent developments in documentation, computerization, containerization of merchandise, and continuous movement of goods require revision and up-dating of our techniques for obtaining compliance with export control regulations and for collecting export statistics. We have already made some progress in this field of modernization. For example, we have introduced and are expanding the utilization of procedures for clearance of the export cargo at inland ports of origin—17 new ports were announced within the last 30 days. We also found it possible to remove the requirement for the vast majority of export declarations valued at under $100.
>
> "Beyond this, we are going forward with experiments to test the feasibility of consolidated monthly reports by shippers and carriers, in summary form, or on computer tape or punch cards in lieu of declarations covering individual shipments. If this is successful, we should be able in time to effect a radical reduction in the use of export declarations. We expect shortly to begin an experiment designed to test the feasibility of having some of the declarations submitted by shippers directly to carriers, with some of the necessary checking being done by carriers and the remainder by the Census Bureau and the Office of Export Control after the shipment has left the country.

The Department has made good on this statement, despite suggestions by members of the committee that legislation would be necessary to bring about progress in the reduction of paperwork.

Perhaps members were basing their statements on policies followed during the previous administration.

I do not feel any responsibility to defend those whom they criticized. I do feel, however, that this administration in a relatively short period has taken action to reduce paperwork and save American exporters millions of dollars without jeopardizing the security of the United States.

On September 17, 1969, Secretary of Commerce Stans announced the changes:

> Effective October 1, exporters will not be required to file shipper's export declarations for general-license shipments to Free World countries when the shipments are valued at $100 through $250. At present, export declarations are not required for such shipments to Free World countries when the shipments are valued at less than $100. This change alone could eliminate 1½ million documents a year, or almost 20 percent of the total now required. At the same time, it would affect statistically only about 1 percent of the dollar value of U.S. exports.
>
> General license shipments are those not requiring a validated export license from the Department's Office of Export Control.
>
> Effective November 1 high volume exporters meeting requirements established by the Office of Export Control and Bureau of the Census have the option of filing monthly export declarations instead of a declaration for each export shipment to Free World countries of goods under Department of Commerce jurisdiction. Reports may be filed in specified written summary form or provided appropriately on computer tape or punched cards that are compatible with systems used by the Bureau of the Census.
>
> This change will reduce paper work on export shipments as the number of qualified exporters availing themselves of this option increases.
>
> Under a proposed rule change, exporters no longer will be required to submit export declarations to the Bureau of Customs for authentication before loading merchandise moving under Department of Commerce general licenses to Free World countries by air or sea. Instead, they may submit the documents directly to carriers that agree to review the declarations for acceptability before loading and to forward them subsequently to Customs.
>
> This proposed change could affect between 85 and 90 percent of all declarations cover-

ing shipments to foreign countries other than Canada, which already is exempt from the pre-authentication rule. The effect could be to reduce the expense of documentation processing and runner time, reduce storage and demurrage costs caused by delays in paper work, and speed export shipments.

These changes are the result of the Commerce Department's continuing effort, in cooperation with industry and other Government agencies to streamline export procedures that in some instances have their origins back in the 19th century. While further improvement in documentation required by the Government is needed, most of the documents for export transactions stem from commercial practices that only industry can change.

I do not know, nor is it possible to accurately estimate, the full dollar savings the new procedures will achieve for U.S. exporters. However, recent testimony by an industry spokesman before our committee estimated the annual costs to American exporters to be $100 million for filling out, filing, and processing the shipper's export declaration. Based upon this and other estimates, the new procedures should lead to very substantial savings for U.S. exporters.

There is still much to be done, and the Department of Commerce, under its present capable leadership, intends to do it.

We have been assured that for years it has been the Department's policy—limited only by budgetary restrictions—to maintain continual review of items requiring export licenses—adding to or deleting from the list whenever conditions warranted. I have confidence that the present administration intends to implement that policy and think they should be given an opportunity to prove themselves, just as they have proved themselves by reducing paperwork.

The committee hearings and in particular the information provided by the administration have demonstrated that no sharp reduction in regulatory authority is needed or warranted. The existing Export Control Act has been shown to have ample flexibility to accomplish everything that could be accomplished through this new proposal.

The Export Expansion and Regulation Act of 1969 as proposed in S. 1940 has been modified to substantially restore the authority it at first had sought to weaken. We now have a bill which retains parts of the original proposal, parts of the present Export Control Act, and some provisions which are inconsistent with both. Proponents of the bill apparently feel that significant changes have been made from the present Export Control Act, but the actual substance of these is far less than would appear. It must be recognized that the bill will be interpreted as a liberalization signal if nothing else. There is no evidence of the Soviet Union's readiness to move toward closer relations with the West which would warrant overriding the President's judgment that this is not the time to signal a change in relations with a new export control policy.

The President and the Department of Commerce strongly oppose the added features of the bill for the reasons I have given.

I, therefore, urge an extension of the Export Control Act of 1949 with the moderate amendments approved by the other body last Thursday. For that purpose I have offered the pending amendment which simply would provide for extension of the present law plus the heretofore referred to amendments. My amendment would strike out all after the enacting clause and substitute language passed last Thursday in the other body by a vote of 272 to 7.

Mr. TOWER. Mr. President, will the Senator from Utah yield to me without losing his right to the floor?

Mr. BENNETT. I yield to the Senator from Texas without losing my right to the floor.

The PRESIDING OFFICER (Mr. MURPHY in the chair). The Senator from Texas is recognized.

Mr. TOWER. Mr. President, I should like to associate myself with the remarks made earlier by the distinguished Senator from Utah (Mr. BENNETT). Those of us who serve on the Committee on Banking and Currency are well aware of the great knowledge and effective advocacy of the ranking minority member on the committee. Consequently it comes as no surprise to note that he has done an excellent job of presenting the factual practical reasons for our amendment. I would like to submit my reasons for supporting the amendment also, but I shall not take the time of this body to go over the same ground so adequately covered by the Senator from Utah.

Instead I should like to dwell on some of the philosophical reasons for supporting a straight extension of the Export Control Act of 1969. In the process of so doing, I shall try to place the Export Control Act in the context of the conflict between Soviet-Eastern bloc ideology and Western concepts of democracy.

There is a disturbing tendency on the part of those who seek broader markets for American products to forget the reason for which the Export Control Act was developed. It was primarily developed because this Nation found that it was making a direct contribution to Communist military and industrial strength. We discovered that the superior products developed by advanced American technology were being used by Soviet bloc countries to increase their capability to make partial or total war against the free world.

This reason is as relevant today as it was when the Export Control Act was first passed by Congress and signed into law. Unless we are willing to accept some very strange logic, we must concede that the Soviet Union and her satellite appendages are supplying the Communists who are fighting Americans in Vietnam with the wherewithal to continue doing so. Russian and Eastern European cargo vessels unloading in Haiphong harbor offer irrefutable proof of this, and it would take an ostrich-like approach to viewing reality to contend that the Communist nations would not make use of American-made machines and American-developed technology to streamline their war supply efforts if they were available to them. In short, there is very good reason for continuing this Nation's effort to restrict the flow of strategic goods to the Soviet Union and her Eastern European allies.

I do not argue, however, that this should be a fixed, permanent, and unyielding American policy. The Export Control Act vests the President with discretionary power to vary the degree to which we limit the flow of American goods to Communist nations. This is only proper. We all look forward to the day when the Communists will show some indication that they are no longer interested in forcefully expanding their philosophy throughout the world.

The President is and should be free to encourage such a change of posture on the part of the Communists. He may well decide at some future time that a relaxation of the restrictions on the flow of strategic goods to the Communists would encourage them to adopt a more responsive attitude at the Paris peace table or a less expansionist approach to the Middle East. On the other hand, he may decide that the world situation dictates that Soviet Union and/or the East European nations be denied the fruits and benefits of American enterprise. If this is necessary, and I hope it will not be, the President should be able to act in an appropriate manner.

Just as the United States should not have an unyielding irreversible policy of "no trade" with Soviet bloc nations, it should not have a similarly overly rigid policy of unrestricted trade. There is every bit as much unreasonable rigidity in a policy of allowing our enemies unrestricted access to our technology and productivity as there is in denying them any access whatsoever to the products of our free enterprise economy.

I think then that we must be careful when we seek to broaden trade with Communist nations. We must realistically examine the uses to which American products and know-how are put by them. If they use them to provide consumer goods for their people, or if they demonstrate that they use them to "build bridges" to the West, then I say, "fine," let them have access to our goods. But, if they use them to make war on Americans or to impose communism on free men, then I say, "no"; this Nation will not contribute its technology, its machinery and its enterprise to such endeavors.

We must also examine just what we expect to gain from trading with Communist nations. Trade implies a two-way operation. They obviously want what we produce. What do they produce that this Nation wants or needs? I fear that the answer is "very little." I fear that this is so because the Communist countries are more concerned with applying their industrial might and technological know-how to devising methods for conquering individuals instead of satisfying their needs.

In conclusion, Mr. President, I should like to deal with one additional point. Opponents of a straight extension of the Export Control Act have argued that the present act places an intolerable burden on American firms seeking to expand their markets. Along with my colleagues on the committee, I have listened to the testimony of representatives of many large firms testifying as to the difficulties they have encountered in securing export licenses.

I sympathize with those businesses. They have a legitimate reason to desire more efficient administration of the act. But I think it important that they heed the pledge of the representatives of the Commerce Department to streamline the administrative procedures involved in obtaining an export license. Furthermore, I think that they should note the announced intention of the President of the United States to follow a policy of trade expansion whenever it is consistent with the national well-being of the United States. I am satisfied by the pledges of the administration officials and of the President speaking through them. I certainly do not think that the Senate should force the President's hand in this matter.

Let me say, however, that there will be some hardship to businesses desiring to do business with Eastern bloc nations as a result of a simple extension of this act. I feel that the vast majority of businesses in this country are willing to make this sacrifice if it is in the interest of national security. This country has a tradition of businesses rising above short term self-interest in order to secure the best long-term interests of this Nation. Because I believe that the price is small in relation to the benefit gained, I feel that our Government can fairly ask that it be paid.

Mr. President, I urge that the Senate agree to the amendment offered by the Senator from Utah.

Mr. BENNETT. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. BYRD of Virginia. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I am happy to yield.

Mr. BYRD of Virginia. Mr. President, I favor an extension of the existing Export Control Act.

I feel the existing act provides the necessary machinery and flexibility to adjust the controls on our exports to meet a changing world situation and enable our export policy to continue to further the foreign policy of the United States.

My colleagues who support substantial changes in the Export Control legislation, seem to feel that the world situation has changed substantially in the 20 years since the original Export Control Act was enacted.

They would use a liberalization of the Export Control Act to expand trade with the Eastern European countries. They seem to feel that the situation between our country and the Communist bloc countries has improved to the point where the Congress should relax export controls.

Both the President and the Department of Commerce have evidenced a desire to adapt the current export control regulations to aid American business wherever they feel it is justified. There is flexibility in the present law.

But, I do not feel that our relationship with the Soviet Union today warrants passage of a bill that would announce a sense of the Congress that trade should be used to build diplomatic bridges with the Communist countries.

I, for one, do not trust the Soviet Union. I have only to look to Cuba in 1962 and, more recently, the invasion of Czechoslovakia as evidence of the true nature of Russian policy.

But we have an even more urgent reason not to relax our trade policy with the Soviet Union—that is Vietnam.

It is inconceivable to me that we can relax our export policy with the Russians while they provide the bulk of the war materials to the North Vietnamese war efforts.

Contrary to what many people are starting to think, I do not see an early end to the Vietnam conflict.

We continue to suffer casualties and we continue to find Russian-built tanks and helicopters on the battlefield.

So long as we have any troops committed in South Vietnam, we do them a disservice by increasing the Communist war-making potential.

In short, I do not feel that there is any evidence that the Soviet threat to the United States has become so minimal that this body should announce its intent that our export policy be relaxed. In fact, the Soviets have become a stronger nation.

I do not feel that the Export Control Act should be weakened at this time. The act must continue to be administered in such a way as to insure that equipment and technology going to the Soviet Union and other Communist countries are not capable of being utilized to the detriment of the United States.

Mr. President, I shall support the amendment of the distinguished senior Senator from Utah.

Mr. PERCY. Mr. President, will the Senator from Minnesota yield?

Mr. MONDALE. I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, I would not want to leave the impression that the minority side of the aisle does not have an opposing view to that expressed by the distinguished ranking member of the Committee on Banking and Currency. I support the bill and oppose the present amendment. I have done so after very long thought and deep consideration of this very important matter.

It is for both sound commercial and political reasons that I rise in support of the bill. As business witnesses testified before the Committee on Banking and Currency a market exists in eastern Europe for nonstrategic peaceful goods which the United States has now cutoff, for all practical purposes. Germany, Italy, France, Britain, Japan, and other developed countries on the other hand are busy making export sales to Eastern Europe and, thus, are strengthening their trade balance and their balance of payments.

Mr. President, within recent months I have visited every one of those Western European countries and have talked with government officials, as well as businessmen. They feel it is incredible that we are letting them get all this business, but they are happy to have it.

The United States is desperately in need of improving its balance of payments, in fact more desperately in need than any single Western European country I have mentioned. They are doing a land office business with Eastern Europe.

For the first half of this year, our balance of payments shows a $10.7 billion deficit on an annual basis for 1969. The third-quarter figure from preliminary indications shows no reason for encouragement. The U.S. trade balance which has traditionally been a heavy surplus enabling us to support further overseas commitments has been wiped out in 1969. In many cases Eastern European countries have turned first to the United States for various peaceful goods and when denied them by us, they have then turned to the Western European countries which are more than happy to get the export orders.

Mr. President, let me report as vividly as I can on the relationships which exists between our balance-of-payments deficit, the security of the United States, and particularly the security of Europe.

I have just today returned to the Senate from NATO. We know that the troop forces we have in the NATO countries are threatened by the ability of the United States to be able to support them as we have, as we have a $1.5 billion deficit in our balance of payments to support our NATO troops.

We have with the NATO countries alone a $15 billion budgetary item for our costs in NATO. I think it is in the interests of this country to maintain our present NATO commitment and I believe that the administration firmly supports maintaining our present troop level in Europe but that level will be gravely endangered if we cannot find the dollars to support our troops over there.

The bill does not seek to allow the export of items which would be of military potential to Eastern European countries. It merely seeks to smooth the path for the export of peaceful nonstrategic items which are currently not allowed to be exported, or which require a great deal of paperwork in order to be exported. The problem with these denials, as mentioned before, is that the Eastern European country can buy these items from other Western countries. Moreover, the real safety valve as written into the bill is that the President is empowered to forbid the export of any item to any country if he deems that export to be against the national interest.

We have taken fully into account in the bill the fact that the President can, at any time he wants, forbid the export of any item he feels is contrary to the national interest by adding to the military potential of Eastern Europe or any Communist nation.

The commercial problems of the current Export Control Act were well summed up last year by Mr. David Packard, who was then the chairman of Hewlett-Packard and is now Under Secretary of Defense.

Let me emphasize that he gave this letter to the Senate and the Committee on Banking and Currency at the time he was in civilian life, that he was speaking then as a citizen and as a businessman.

He was speaking with great knowledge in this field.

Here is what he had to say at that time:

> The high level of unilateral U.S. controls makes our marketing task much more difficult. We must contend with the time and added expense required to make formal license application, the long delays encountered in obtaining decisions, and the fact that our East European customers and our East European sales force are never quite sure whether a substantial portion of our product line can be sold or not. Since most of the material over which the United States exercises unilateral export controls is readily available elsewhere, it seems to us that the high level of these controls merely serves to deny business to U.S. firms. The controls, in effect, serve to push East European purchasers into the hands of our West European and Japanese competitors who are only too willing to sell their products.

Mr. President, beyond strictly commercial interests, I think a political point can be raised. To alleviate tensions among the various countries, one of the most important policies that can be followed is to have continuing contacts. Trade relations are one such contact. The normal flow of trade and business can only help provide those contacts. If we cut ourselves off from the normal everyday flow of trade, how can we expect to normalize political and diplomatic relations when we will not trade?

How many times must we try the litmus test of a nation's real intentions? This is a phrase that Khrushchev himself used when I met with him in 1959, at the request of President Eisenhower, along with 30 other businessmen and political leaders, including Henry Cabot Lodge. He merely said, "You do not intend to trade; therefore, it is incredible to us that you intend to try to have any kind of peaceful relationship."

Mr. President, I am not naive enough to believe that Eastern European countries would not try to take every conceivable advantage of us that they could. Of course, they want to buy strategic materials. Of course, they want to know all our computer technology. Of course, they want to have full knowledge of our chemical plants. But if it is strategic we will not sell it to them. But on peaceful non-strategic goods, if they cannot get them from us, they will get identical goods from Western Europe, and as long as they can get identical goods from Japan, they will do so.

It is not so much the trading balance we need, but international liquidity that trade brings, the very thing that they are able to provide and do provide.

The assumption is made that, somehow or other, American businessmen are naive, that when they go into these relationships, they get skinned, and that, somehow, the other side ends up with the best of the bargain.

Mr. President, if there is any one field in this world where we are preeminent, where we are looked up to and highly regarded by every nation on earth, it is in our ability to produce high-quality goods at low cost.

I would say that when we trade with these countries we take back certain things we need. Certainly we need gold, as we all know, right now, even if they have a total need for our particular product. If we sell to them, they have to pay for the products they buy and we need foreign exchange.

Mr. President, we should try to perforate the Iron Curtain. They put it up. We have been trying to perforate it and to drag it down every place we can.

In every eastern country I have visited, Rumania, Czechoslovakia, Yugoslavia, they frankly said, "Please, keep up these contacts with us. We need a yardstick by which to measure productivity, because we do not even know what our costs are."

A great deal of the dissatisfaction which has occurred in Eastern European countries has come about as a result of comparing themselves adversely with the standards established in the Western European countries. They know about these standards through trade.

We should encourage, not just facilitate, trade. This is the great debate that we had in the Committee on Banking and Currency, as to whether we should change one word—as to whether it is the purpose or intent of the United States and its government to "facilitate" trade, which is in the current law, or to "encourage" trade. That one word says to the American business community, "You are not disloyal when you deal in peaceful, nonstrategic goods. We encourage you to go ahead and trade, as long as Western European countries are going to get the business anyway."

In the last few days, NATO itself has adopted an East-West trading relationship resolution. NATO has set up an East-West Relations Committee, and U.S. delegates participated actively. They feel it is in the defense interests of all of us to see whether or not, in those areas where we are preeminent, we should maintain contact. It is for those reasons that I feel very strongly that this modest, small start toward getting into business, and doing business with Eastern Europe and perforating and continuing to take down the iron curtain of the Eastern European countries is in the national interest. It strengthens us, not weakens us. We strengthen ourselves by trading. We weaken ourselves when we give up and let the Germans, the Japanese, and everybody else do business that we simply turn down. We should be accepting the business and doing it so long as it is in the national interest, so long as it is in peaceful nonstrategic goods, and so long as we have the language written into the bill that is on the floor today, that the President has the authority "to restrict the export of goods and technology which would make a significant contribution to the military potential of any other nation or nations which would prove detrimental to the national security of the United States."

That would seem to me to be adequate protection for the interests of the United States.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. MAGNUSON. Mr. President, I want to associate myself wholeheartedly with what the Senator from Illinois has said. As he knows, I have long been an advocate of a move in this direction. Over and beyond, he stressed the economic value of this bill; but if I know of one thing that is a tool for world understanding and peace, it is trade in nonstrategic items. It is a great bridge for relieving tensions in the world.

Will the Senator agree with me?

Mr. PERCY. I agree with the Senator. There is no question that this is the kind of step we can take, with adequate security, toward peace and improving our balance of payments. We seem incredible to the countries of Western Europe. I go there to argue that our balance of payments is in trouble and that we need offsetting payments for troop costs, and yet at the same time I see us turn down millions and millions of dollars worth of business that the Western European countries do with Eastern European countries. Western Europeans think we are really naive.

Mr. MONDALE. Mr. President, we are ready for a vote.

Mr. DOMINICK. Mr. President, I just wanted to take the floor to say that I certainly do not agree with the Senator from Illinois in the position he has taken. I have been opposed to this line of discussion and talk for a number of years. I made a statement on it before the Foreign Relations Committee, and I have made three or four speeches on it. I am not going to take a long time now, because I know we are all anxious to get to a vote.

I am in support of the amendment of the Senator from Utah (Mr. BENNETT) and am opposed to expanding trade with Communist-controlled countries. One of my major reasons for doing so—and I just want to get it in the record while the Senator from Illinois is present—is the fact that we do not trade with individuals in those countries. All we trade with is a government-controlled corporation representing the government. It does not go to individuals or privately owned companies. It does not aid in the relationship of individuals. We simply sell to a Communist-controlled agency. It goes to the agent for each one of the Communist countries of Eastern Europe, and the Soviet Union besides.

I cannot conceive of why we should put ourselves in the position of strengthening the economies of Communist-controlled corporations at the very time when we have to expand our budget for military purposes in order to protect us from dangers posed by those very countries. It seems to me idiotic.

Mr. President, after reading the committee report on this bill, I must take exception to the conclusion which the majority report reaches, as stated in the last paragraph on page four of the report. This paragraph reads as follows:

> The committee believes that virtually every major factor giving rise to the enactment of the Export Control Act has undergone a material change in the past 20 years. Under this circumstance, the committee believes, that it would be unwise to extend, without amendment, the existing law.

Where have these major changes occurred? Was it to show their dedication to peace that prompted the Soviet military action against Czechoslovakia? Does the continuing Soviet resupply of arms to the Arab commandos show that the Soviet Union and her satellites want to help relieve the tensions in the Middle East? And what is there to indicate that the Soviet bloc has changed its position on the war in Vietnam? The evidence is much to the contrary. Eighty-five percent, or more, of the military and economic materials that go to the North Vietnamese are being supplied by the same countries to whom we are now being urged to grant more extensive trade privileges.

Most of the factors which prompted the enactment of the Export Control Act in 1949 and the amendments thereto in 1962 are still with us. We must not lose sight of the fact that the dominant reason for this act is to help protect the national security of the United States.

Why is the Soviet bloc interested in expanding trade? They produce very little that the West wants or needs, but they are very interested in having access to our technological advancements. The Russians, in particular, are interested in obtaining complete production units, designed and built by us and delivered to them ready to begin operation. This frees Soviet engineers and scientists to devote their energies to missiles and the building of larger and larger rocket motors and more sophisticated weapons. This is a major reason why we should be very cautious about giving the Soviet bloc greater access to strategic materials and equipment.

The present Export Control Act has not been a complete barrier to trade with the Soviet bloc. The present law is very flexible. At times I have felt it to be too flexible. It allows the President to vary the nature and extent of export controls from time to time, country to country, and commodity to commodity, depending on the international problem that in his judgment calls for the application of such controls. Thus, the President has under the present law the authority, in times of improved international conditions, to relax the administration of the law, and to tighten it in times of international tension.

In recent years, export licenses have been granted to ship substantial quantities of equipment and material to Soviet bloc countries, much of it having both civilian and military applications, for example: Since 1966, we have exported the following items to the following Soviet bloc countries:

Bulgaria: Polymerization plastic materials, electronic navigation aids.

Czechoslovakia: Synthetic rubber; molybdenum ores and concentrates; electronic computers; parts for electronic data processing machines; metalworking rolling mills; metalworking machinery; industrial trucks and similar handling equipment; nuclear radiation detecting and measuring instruments; power cranes and shovels, wheel or truck mounted.

East Germany: Synthetic rubber; copper and copper allows; electronic computers; parts for electronic data processing machines; tire and rubber processing machinery; X-ray and radiological apparatus; nuclear radiation detecting and measuring instruments.

Hungary: Synthetic rubber; electronic computers; parts for electronic data processing machines; metalworking milling machines; telecommunications apparatus; scientific, measuring, and controlling instruments.

Poland: Synthetic rubber; elasticizers; glycerine; iron and steel hoop or strip; cobalt and cobalt alloys; gear cutting machines; metalworking lathes; rolling mills and parts; rubber extruding, tire, and rubber processing machinery.

Rumania: Synthetic rubber; natural phosphates; benzene; rubber compounding chemicals; polymerization plastic materials; iron or steel plates or sheets; oil pipe of iron or steel; iron or steel pipes and tubes other than oil pipe; iron and steel structures and finished parts; electronic computers; internal combustion engines; metalworking presses; high frequency transceivers; electronic navigational aids; electronic search and detection apparatus, including radar; scientific, measuring, and controlling instruments.

U.S.S.R.: Coal tar and other cyclic intermediates; rubber compounding chemicals; alcohols and polyhydric alcohols; organic acids and chemicals; oxides and hydroxides of strontium, barium, or magnesium; aluminum oxide; polymerization plastic materials; reagents for concentration of ores, metals, or minerals; iron or steel plates and sheets; oil pipe of iron or steel; iron and steel structures and finished parts; internal combustion engines—not for aircraft; electronic computers; gear cutting machines; metalworking grinding and polishing machines; metalworking presses; converters, molds, and casting machines; metal processing furnaces and ovens; rubber extruding, tire, and rubber processing machinery; electronic navigational aids; telecommunications apparatus; parts and accessories for tractors and motor vehicles.

These are just a few in the long list of exports to the Soviet bloc. I feel that the Senate bill will not bring about an improvement, but would actually weaken our control over exports of strategic materials. For that reason I urge that we adopt this amendment and vote to extend the existing Export Control Act.

Mr. BROOKE. Mr. President, the bill which we are considering today is of very special significance. For the first time in over 20 years, Congress is focusing on export expansion as distinct from simple export control. The title of the legislation itself carries the message very clearly: in place of the old Export Control Act, we have proposed the Export Expansion and Control Act of 1969.

This is more than a change in emphasis; the new regulations and reviews required by the committee bill will have a significant impact on our overall balance of payments, the health of our domestic industry, employment and our gross national product.

As the committee report makes clear, the original Export Control Act was passed in 1949, at a time of heightening international tension and steady dependence upon the United States as a source of supply for a wide variety of industrial products. But that was 20 years ago. Since then, the nations of Europe have recovered and indeed surpassed their previous industrial strength. Japan has become the third largest trading nation in the world. The vast majority of industrial and chemical products of which the United States was the sole source in 1949, are now readily available from a variety of sources both in the Western and the Eastern worlds.

In 1949, it made sense for the Congress to require a strict supervision over exports from the standpoint of national security, foreign policy interests, and protection of the domestic economy from excessive drain of scarce materials. In 1949, there were easily 1,300 products of military or industrial significance which could be obtained in sufficient quantity nowhere but in this country. It was in our national interest to prevent these chemicals and industrial products and alloys from becoming available to the Communist states of Eastern Europe, for at that time we did not know what their plans for military expansion and conquest might be. As the sole source for many of these goods, it was essential that we first protect our own markets and make these scarce resources available to our own manufacturers.

All of these considerations are still valid. There are probably many hundreds of products which we make in better quality than the other nations of the world; there is no doubt but that we are still the sole source of some of them. And there are some goods which are of military or strategic value and which we would not want to sell to Communist states under any circumstances. But I submit that disinfectants, cement, vaccines, yellow corn, textile finishing agents and fabrics, and herbicides and insecticides—to name but a few products for which export licenses are now required—are not likely to be among them. These products are available from a multitude of sources including the Soviet Union and Eastern Europe as well as a number of the developing nations of the world. To continue to require licenses for their export to Eastern Europe, with its inherent implication that such sales are somehow questionable if not downright unpatriotic, is of dubious economic or strategic value.

From the point of view of foreign policy, also, an exclusive emphasis on export control does not seem to be in our national interest. In 1949, the Soviet Union had just devoured the states of Eastern Europe. Any product which was sold to them would be of direct benefit to our former ally turned enemy. A strengthened Communist monolith in Europe could only threaten the security and well-being of the nations of Western Europe which were still trying to dig out from the ravages of a dreadful war. This is not the situation today. Our Western Allies are stronger than ever, and are trading in increasing amounts with their neighbors to the East. The Eastern states themselves have shown an unexpected degree of independence from the Soviet Union, refusing to be fully integrated into the economic grid, seeking trading partners and tourists from the West, and emphasizing national development rather than Communist ideology. It is now in our national interest to encourage such trends. By selling our goods to the Eastern European states, we can help to insure that they will develop national industries and thereby decrease their dependence upon the bloc as a whole.

Finally, from the point of view of protecting scarce resources, I seriously doubt that control is as essential as it once was. To be sure, there are some products which are still in short supply and which the United States must preserve for domestic use. But world trade has expanded considerably since 1949. New sources of supply have been found on literally every continent. Vast supplies of copper and nickel, of oil and industrial diamonds, have been found in hitherto unsuspected regions of Africa. The Soviet Union has explored its own hinterland and discovered domestic sources of virtually every chemical and metal known to man. Products which once were in short supply are now available, and are obtained, from regions no one had even heard of 20 years ago. Thus the "short supply" justification for stringent export controls is also due for a thorough investigation.

Export expansion is in our national interest. We now have an unfavorable balance of payments. Higher wages and production costs necessarily drive up the cost of our products, and make them less competitive on the world market. Yet, because of the quality of certain goods we are able to sell our products, and should be able to sell more of them, to our trading partners. Increased sales abroad mean increased job opportunities, and more wages with which to purchase other products. An expansion of our exports thus benefits all sectors of the American economy, as well as restoring a favorable balance of payments and a greater confidence in the American dollar abroad.

The committee found that while the United States accounts for 16 percent of total free world exports, it has only 2 percent of total free world exports to Russia and Eastern Europe. A review of our export control policy and an expansion of our exports to these few nations may not provide the whole answer to our economic problems, but by creating a healthier atmosphere within which to work, and a healthier world trade pattern, it will alleviate one barrier to economic progress which is not only unnecessary but actually harmful to American business and industry.

The Committee on Banking and Currency held extensive hearings on our export policies. Its findings are worthy of reiteration for the balanced perspective and constructive suggestions which they embody. Very briefly, the committee found that the quantity and composition of U.S. exports has a very definite bearing upon the welfare of our domestic economy and upon the fulfillment of our foreign policy objectives. It found that totally unrestricted export of materials without regard to their military potential may adversely affect our national security and that of our allies. But the committee also found that unwarranted restriction of U.S. exports has a serious adverse effect upon the stability of our currency, and therefore upon our domestic economy. And we found that the uncertainty and ambiguity embodied in present Government policy has had the effect of curtailing American exports to the detriment of our balance of trade.

For this reason, we have chosen to emphasize that it is the policy of our Government to encourage the expansion of trade with all countries with which we have diplomatic or trading relations, imposing only certain carefully defined national security limits. Only those goods which, in the decade of the 1970's, would make a significant contribution to the military potential of an unfriendly state, or which must be conserved in order to protect domestic industry, would be placed on the restricted list.

In order to carry out this policy, the Secretary of Commerce is instructed by the committee to conduct a thorough review of the present commodity control lists with a view to making whatever changes are necessary in the list in order to further the policy and provisions of the act. And the Secretary is specifically instructed to take all steps necessary to encourage the development and promotion of trade with the Soviet Union and the nations of Eastern Europe.

On one point in particular I believe the Record should be clear. The bill does not in any way diminish the President's authority to protect the national security of the United States. Indeed, I would assert that it provides him additional avenues through which to do so. We should have learned by now that positive inducements to economic and other cooperation may well be the sturdiest barriers against hostile acts. The bill affords the President greater flexibility than in the past to seek out opportunities for erecting some positive structures of peace.

In doing so, however, the legislation leaves to the President ample discretion to determine whether, in particular circumstances, the national security is better served by restrictive or expansionist policies on trade with other nations. To be sure the bill creates a new philosophical context in which the President will be exercising his authority. It indicates a clear congressional preference for efforts to expand trade, where it is safe, profitable, and prudent to do so. But the language of the bill clearly reserves to the President the determination in specific cases. It may be that the Chief Executive will find that little or no immediate change in U.S. export controls over trade with Soviet bloc countries should be attempted.

The central point is that, if the opportunity does arise for the President to establish more fruitful trading relationships with one or more members of the Soviet bloc, the bill will enable the United States to do so. That is an authority which, I believe, a President as sensitive and concerned about international problems as Mr. Nixon is will find exceedingly valuable.

I was pleased and honored to work with the Senator from Maine (Mr. Muskie), the Senator from Minnesota (Mr. Mondale), the Senator from Illinois (Mr. Percy), and my other colleagues on the committee in forging this bipartisan proposal. I consider this new emphasis in U.S. policy a wise and well-designed initiative. I believe it will enjoy the support of the majority of Americans. I judge it to be the most sensible approach to the altered circumstances of international relations in the 1970's.

Mr. President, I urge the Senate to pass the bill in full realization that it will provide the United States with an enlightened and promising new direction for the fateful decade ahead.

Mr. MONDALE. Mr. President, the committee opposes the amendment.

Mr. BENNETT. Mr. President, I ask for a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah, in the nature of a substitute. On this question the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Idaho (Mr. Church), the Senator from Mississippi (Mr. Eastland), the Senator from North Carolina (Mr. Ervin), the Senator from Tennessee (Mr. Gore), the Senator from Indiana (Mr. Hartke), and the Senator from Minnesota (Mr. McCarthy) are necessarily absent.

I also announce that the Senator from Nevada (Mr. Bible), the Senator from Missouri (Mr. Eagleton), the Senator from Massachusetts (Mr. Kennedy), the Senator from Rhode Island (Mr. Pell), and the Senator from Alabama (Mr. Sparkman) are absent on official business.

I also announce that, if present and voting, the Senator from Massachusetts (Mr. Kennedy) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from New York (Mr. Goodell), the Senator from Oregon (Mr. Hatfield), the Senator from Idaho (Mr. Jordan), the Senator from South Dakota (Mr. Mundt), the Senator from Ohio (Mr. Saxbe), the Senator from Illinois (Mr. Smith) and the Senator from Alaska (Mr. Stevens) are necessarily absent.

The Senator from New York (Mr. Javits) is absent on official business.

The Senator from Arizona (Mr. Goldwater) is detained on official business.

If present and voting the Senators from New York (Mr. Javits and Mr. Goodell), and the Senator from Oregon (Mr. Hatfield) would each vote "nay."

The result was announced—yeas 34, nays 44, as follows:

[No. 131 Leg.]

YEAS—34

Allen
Allott
Bellmon
Bennett
Boggs
Byrd, Va.
Cook
Cooper
Cotton
Curtis
Dodd
Dole
Dominick
Fannin
Fong
Griffin
Gurney
Hansen
Holland
Hruska
Jordan, N.C.
McClellan
Miller
Murphy
Pearson
Prouty
Russell
Smith, Maine
Spong
Stennis
Talmadge
Thurmond
Tower
Williams, Del.

NAYS—44

Aiken
Anderson
Bayh
Brooke
Burdick
Byrd, W. Va.
Case
Cranston
Ellender
Fulbright
Gravel
Harris
Hart
Hollings
Hughes
Inouye
Jackson
Long
Magnuson
Mansfield
Mathias

McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Symington
Tydings
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—22

Baker
Bible
Cannon
Church
Eagleton
Eastland
Ervin
Goldwater
Goodell
Gore
Hartke
Hatfield
Javits
Jordan, Idaho
Kennedy
McCarthy
Mundt
Pell
Saxbe
Smith, Ill.
Sparkman
Stevens

So Mr. Bennett's amendment in the nature of a substitute was rejected.

Mr. MONDALE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MUSKIE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2696) was ordered to be engrossed for a third reading and was read the third time.

Mr. MONDALE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4293, the companion bill.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 4293) to provide for continuation of authority for regulation of exports.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota.

Mr. COTTON. Mr. President, reserving the right to object, if the House bill is substituted, there will be no opportunity for a record vote on the passage of the Senate bill. I therefore object to the substitution.

Mr. President, I ask for the yeas and nays on the passage of the Senate bill.

Mr. MONDALE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MONDALE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. MILLER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The bill clerk resumed the call of the roll.

Mr. MONDALE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, is is so ordered.

Mr. MONDALE. Mr. President, I understand that we have had third reading of the Senate bill and that amendments are therefore not in order.

The PRESIDING OFFICER. I am advised by the Parliamentarian that third reading has been had on the Senate bill and that amendments are not in order on the Senate bill. When the House bill becomes the order of business, amendments can be offered at that time.

Is there objection to the present consideration of the House bill?

Mr. COTTON. Mr. President, reserving the right to object, I want to make perfectly sure that we understand what is being done. If the unanimous-consent request is agreed to, the House bill will be before the Senate.

The PRESIDING OFFICER. The Senator is correct.

Mr. COTTON. Then I must object. I do not desire an opportunity to have a record vote against the House bill, but I do desire an opportunity for a record vote, so that I can vote "nay" on the Senate bill, which I consider to be a monstrosity.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. MONDALE. The modified measure is the Senate version against which the Senator from New Hampshire may vote, if he desires.

The PRESIDING OFFICER. If the Chair correctly understands, the Senator from New Hampshire does not want to vote objection to the House bill even as amended. Is that correct?

Mr. COTTON. It is not clear to the Senator from New Hampshire. Is this unanimous-consent request a request that the House bill be substituted for the Senate bill?

The PRESIDING OFFICER. Not yet, no.

Mr. COTTON. If it is granted, it will be.

The PRESIDING OFFICER. It is desired to get the House bill before the Senate; and before the Senate language can be added to the House bill, it will have to be offered as an amendment. In other words, the House bill will be before the Senate, and the language of the Senate bill will be offered as an amendment to the House bill.

Mr. COTTON. So that a rollcall vote on the amendment, which adds or substitutes the Senate language to the House bill, will be the same as a rollcall vote on the final passage of the Senate bill had it been left intact.

The PRESIDING OFFICER. The Senator is correct.

Mr. COTTON. Then, I withdraw my objection.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the House bill.

The bill is open to amendment.

Several Senators. Third reading.

Mr. MONDALE. Mr. President, I move that the language of S. 2696 be substituted for the text of the House bill.

Mr. COTTON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MILLER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MILLER. Is it in order now for me to offer an amendment to the pending substitute?

The PRESIDING OFFICER. It is in order.

Mr. MILLER. I send to the desk an amendment to the present substitute and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 3, line 4, after the word "extent", strike out "absolutely".

Mr. MILLER. Mr. President, the purpose of the amendment is to make this part of the bill read exactly the same as the succeeding two sentences, where they refer only to the extent necessary, rather than to the extent absolutely necessary. My amendment would strike out the word "absolutely." I have discussed this with the manager of the bill. I understand that he is amenable to accepting it.

Mr. MONDALE. The committee has no objection and will be glad to take the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Several Senators. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute for the House bill, as amended. The yeas and nays have been ordered.

Mr. BYRD of West Virginia. Mr. President, may we have order, and would the Chair please restate what we are about to vote upon?

The PRESIDING OFFICER. The question is on agreeing to the language of S. 2696, as amended, as a substitute for the House bill.

Mr. BYRD of West Virginia. I thank the Presiding Officer.

The PRESIDING OFFICER. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia (after having voted in the affirmative). Mr. President, I have already recorded my vote as "yea" on this question. I have a live pair with the able majority leader, the Senator from Montana (Mr. Mansfield). If he were present, he would vote "yea." If I were permitted to vote I would vote "nay." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Idaho (Mr. Church), the Senator from Mississippi (Mr. Eastland), the Senator from North Carolina (Mr. Ervin), the Senator from Tennessee (Mr. Gore), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. McCarthy), the Senator from Arkansas (Mr. McClellan), the Senator from Georgia (Mr. Russell), and the Senator from Georgia (Mr. Talmadge) are necessarily absent.

I also announce that the Senator from Nevada (Mr. Bible), the Senator from Missouri (Mr. Eagleton), the Senator from Massachusetts (Mr. Kennedy), the Senator from Montana (Mr. Mansfield), the Senator from Rhode Island (Mr. Pell), and the Senator from Alabama (Mr. Sparkman) are absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. Russell) would vote "nay."

I also announce that, if present and voting, the Senator from Massachusetts (Mr. Kennedy) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Oregon (Mr. Hatfield), the Senator from Idaho (Mr. Jordan), the Senator from South Dakota (Mr. Mundt), the Senator from Ohio (Mr. Saxbe), the Senator from Illinois (Mr. Smith), the Senator from Texas (Mr. Tower), and the Senator from Alaska (Mr. Stevens) are necessarily absent.

The Senator from New York (Mr. Javits) is absent on official business.

The Senator from Arizona (Mr. Goldwater) is detained on official business.

If present and voting, the Senator from Oregon (Mr. Hatfield) would vote "yea."

On this vote, the Senator from New York (Mr. Javits) is paired with the Senator from Texas (Mr. Tower). If present and voting, the Senator from New York would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 46, nays 27, as follows:

[No. 132 Leg.]

YEAS—46

Aiken
Anderson
Bayh
Brooke
Burdick
Case
Cranston
Ellender
Fong
Fulbright
Goodell
Gravel
Harris
Hart
Hollings
Hughes
Inouye
Jackson
Jordan, N.C.
Long
Magnuson
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Percy
Prouty
Proxmire
Randolph
Ribicoff
Schweiker
Smith, Maine
Symington
Tydings
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—27

Allen
Allott
Bellmon
Bennett
Boggs
Byrd, Va.
Cook
Cooper
Cotton
Curtis
Dodd
Dole
Dominick
Fannin
Griffin
Gurney
Hansen
Holland
Hruska
Miller
Murphy
Pearson
Scott
Spong
Stennis
Thurmond
Williams, Del.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Byrd of West Virginia, against.

NOT VOTING—26

Baker
Bible
Cannon
Church
Eagleton
Eastland
Ervin
Goldwater
Gore
Hartke
Hatfield
Javits
Jordan, Idaho
Kennedy
Mansfield
McCarthy
McClellan
Mundt
Pell
Russell
Saxbe
Smith, Ill.
Sparkman
Stevens
Talmadge
Tower

So Mr. Mondale's amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER (Mr. Hughes in the chair). The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. COTTON. Mr. President, it is very rare that the Senator from New Hampshire ever takes any action in the Senate that is in any way an inconvenience or that works a hardship on Members of the Senate. But this bill in its present form, is, in my opinion, not only a menace to our national security but an unwarranted affront to the President of the United States.

Therefore, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

LEGISLATIVE PROGRAM

Mr. GRIFFIN. Mr. President, while a number of Senators are in the Chamber, I wish to ask the acting majority leader to indicate what he expects will transpire for the remainder of the day and the remainder of the week, if possible.

Mr. BYRD of West Virginia. Mr. President, after the disposition of the measure before us, it is the intention of the leadership to lay before the Senate for consideration tomorrow H.R. 11959, the bill dealing with veterans' education and training assistance. It is the intention of the leadership to have the Senate adjourn until 12 noon tomorrow, without any further votes today, following disposition of the pending measure; and if we are able to complete action on the veterans bill tomorrow, it is the intention of the leadership to go over until Monday next.

Mr. GRIFFIN. I thank the distinguished Senator.

HEARING ON INDEPENDENCE NATIONAL HISTORIC PARK

Mr. ALLOTT. Mr. President, as a result of my conversation with the Senator from Nevada (Mr. Bible), chairman of the Subcommittee on Parks and Recreation of the Committee on the Interior, hearings will be scheduled on S. 2940 as soon after Senator Bible returns to Washington as is practicable.

I wish to thank Senator Bible for his cooperation and for agreeing to setting hearings on this matter, because the situation is somewhat urgent. The Independence National Park contains some inholdings, which are planned to be acquired by the Park Service, upon which an option for purchase expired October 21, 1969. I understand, however, that the owners of this property are willing to extend the option providing the Senate committee will agree to hold hearings. Therefore, this action is significant.

It should be made clear that the agreement to schedule hearings by the subcommittee chairman in no way commits him on the merits of the measure, and I would not want any of my comments construed to indicate otherwise. Further, I wish to make it clear that this Senator reserves all of his rights, and is not committed either way on the merits of the bill.

Mr. SCOTT. Mr. President, will the Senator from Colorado yield?

Mr. ALLOTT. I yield.

Mr. SCOTT. I want to thank the Senator very much, on behalf of both Senators from Pennsylvania, for arranging the hearings on this urgent matter where the people involved would have to take certain action, adverse, in our opinion, to the park, unless it could be stayed by at least the opportunity to have the hearings.

I appreciate very much what the Senator has done.

Mr. ALLOTT. I thank the Senator from Pennsylvania.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House insisted upon its amendments to the bill (S. 1857) to authorize appropriations for activities of the National Science Foundation pursuant to Public Law 81-507, as amended, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Miller of California, Mr. Daddario, Mr. Davis of Georgia, Mr. Brown of California, Mr. Fulton of Pennsylvania, Mr. Bell, and Mr. Mosher were appointed managers on the part of the House at the conference.

The message also announced that the House disagreed to the amendment of the Senate to the bill (H.R. 474) to establish a Commission on Government Procurement; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Holifield, Mr. St Germain, and Mr. Horton were appointed managers on the part of the House at the conference.

EXPORT EXPANSION AND REGULATION ACT OF 1969

The Senate resumed the consideration of the bill H.R. 4293 to provide for continuation of authority for regulation of exports.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia (after having voted in the affirmative.) On this vote I have a pair with the distinguished majority leader, the Senator from Montana (Mr. Mansfield). If he were present and voting, he would vote "yea;" if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Idaho (Mr. Church), the Senator from Mississippi (Mr. Eastland), the Senator from North Carolina (Mr. Ervin), the Senator from Tennessee (Mr. Gore), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. McCarthy), the Senator from Arkansas (Mr. McClellan), the Senator from Georgia (Mr. Russell), and the Senator from Georgia (Mr. Talmadge) are necessarily absent.

I also announce that the Senator from Nevada (Mr. Bible), the Senator from Missouri (Mr. Eagleton), the Senator from Massachusetts (Mr. Kennedy), the

Senator from Montana (Mr. Mansfield), the Senator from Rhode Island (Mr. Pell) and the Senator from Alabama (Mr. Sparkman) are absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. Russell), would vote "nay."

I also announce that, if present and voting, the Senator from Massachusetts (Mr. Kennedy) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Oregon (Mr. Hatfield), the Senator from Idaho (Mr. Jordan), the Senator from South Dakota (Mr. Mundt), the Senator from Ohio (Mr. Saxbe), the Senator from Illinois (Mr. Smith), the Senator from Texas (Mr. Tower) and the Senator from Alaska (Mr. Stevens) are necessarily absent.

The Senator from New York (Mr. Javits) is absent on official business.

The Senator from Arizona (Mr. Goldwater) is detained on official business. If present and voting, the Senator from Oregon (Mr. Hatfield) would vote "yea."

On this vote, the Senator from New York (Mr. Javits) is paired with the Senator from Texas (Mr. Tower). If present and voting, the Senator from New York would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 49, nays 24, as follows:

[No. 133 Leg.]

YEAS—49

Aiken
Anderson
Bayh
Boggs
Brooke
Burdick
Case
Cooper
Cranston
Ellender
Fong
Fulbright
Goodell
Gravel
Harris
Hart
Hollings
Hughes
Inouye
Jackson
Long
Magnuson
Mathias
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Percy
Prouty
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith, Maine
Symington
Tydings
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—24

Allen
Allott
Bellmon
Bennett
Byrd, Va.
Cook
Cotton
Curtis
Dodd
Dole
Dominick
Fannin
Griffin
Gurney
Hansen
Holland
Hruska
Jordan, N.C.
Murphy
Pearson
Spong
Stennis
Thurmond
Williams, Del.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mr. Byrd of West Virginia, against.

NOT VOTING—26

Baker
Bible
Cannon
Church
Eagleton
Eastland
Ervin
Goldwater
Gore
Hartke
Hatfield
Javits
Jordan, Idaho
Kennedy
Mansfield
McCarthy
McClellan
Mundt
Pell
Russell
Saxbe
Smith, Ill.
Sparkman
Stevens
Talmadge
Tower

So the bill H.R. 4293 was passed.

Mr. MONDALE. Mr. President, I move that Senate bill 2696 be indefinitely postponed.

The motion was agreed to.

Mr. MUSKIE. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. What is the will of the Senate?

ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS EDUCATION AND TRAINING ASSISTANCE AMENDMENTS ACT OF 1969

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 484.

The PRESIDING OFFICER. The bill will be stated by title.

The Assistant Legislative Clerk. A bill—H.R. 11959—to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Veterans Education and Training Assistance Amendments Act of 1969".

TITLE I—INCREASE IN ALLOWANCES FOR EDUCATION AND TRAINING PROGRAMS; AMENDMENTS TO FLIGHT TRAINING AND FARM COOPERATIVE PROGRAMS

Sec. 101. Section 1504(b) of title 38, United States Code, is amended to read as follows:

"(b) The subsistence allowance of a veteran-trainee is to be determined in accordance with the following table, and shall be the monthly amount shown in column II, III, or IV (whichever is applicable as determined by the veteran's dependency status) opposite the appropriate type of training as specified in column I:

"Column I	Column II	Column III	Column IV
Type of training	No dependents	One dependent	Two or more dependents
Institutional:			
Full-time	$160	$219	$255
Three-quarter-time	116	160	189
Half-time	80	109	124
Institutional on-farm, apprentice, or other on-job training: Full-time	138	182	219

Where any full-time trainee has more than two dependents and is not eligible to receive additional compensation as provided by section 315 or section 335 (whichever is applicable) of this title, the subsistence allowance prescribed in column IV of the foregoing table shall be increased by an additional $7.30 per month for each dependent in excess of two."

Sec. 102. (a) Subsection (a) of section 1677 of title 38, United States Code, is amended by striking out the material preceding clause (1), and inserting in lieu thereof the following:

"(a) The Administrator may approve the pursuit by an eligible veteran of flight training where such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation or where generally recognized as ancillary to the pursuit of a vocational endeavor other than aviation, subject to the following conditions:".

(b) The last sentence of subsection (b) of section 1677 of such title is amended by striking out "$130" and inserting in lieu thereof "$190".

(c) Section 1677 of such title is further amended by adding at the end thereof a new subsection as follows:

"(c)(1) In any case in which a veteran wishes to pursue a course in flight training under this section but does not possess a valid private pilot's license and has not satisfactorily completed the number of hours of flight instruction required for a private pilot's license, the Administrator is authorized to make a direct loan to such veteran to pursue the flight training required for a private pilot's license.

"(2) Loans made under this subsection may be made in any amount not exceeding $1,000 or 90 per centum of the established charges for tuition and fees which similarly circumstanced nonveterans enrolled in the same flight-training course are required to pay, whichever amount is less; and such loans shall bear interest at a rate determined by the Administrator, but not to exceed 6 per centum per annum.

"(3) Loans made under this section shall be repayable in equal monthly installments over a period of time not to exceed three years commencing (A) upon the failure of the eligible veteran to enter upon a course of training under subsection (a) of this section within one year after obtaining a private pilot's license, or (B) upon failure to satisfactorily complete such a course of training within one year after enrollment in a course of training under subsection (a)of this section.

"(4) Loans made under this section shall be made upon such other terms and conditions as may be prescribed by the Administrator."

Sec. 103. (a) The table (prescribing educational assistance allowance rates for eligible veterans pursuing educational programs on half-time or more basis) contained in paragraph (1) of section 1682(a) of title 38, United States Code, is amended to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional:				
Full-time	$190	$218	$240	$15
Three-quarter-time	140	162	184	10
Half-time	90	107	119	7
Cooperative	155	177	199	10".

(b) Section 1682(b) of such title is amended by striking out "$130" and inserting in lieu thereof "$190".

(c) Section 1682(c)(2) of such title is amended by striking out "$130" and inserting in lieu thereof "$190".

(d) Section 1682(d) of such title is amended to read as follows:

"(d)(1) An eligible veteran who is enrolled in a 'farm cooperative' training program which provides for institutional and on-farm training and which has been approved by the appropriate State approving agency in accordance with the provisions of paragraph (2) of this subsection shall be eligible to receive an educational assistance allowance as follows: $153 per month, if he has no dependents; $182 per month, if he has one dependent; $211 per month, if he has two dependents; and $10 per month, for each dependent in excess of two.

"(2) The State approving agency may approve a farm cooperative training course when it satisfies the following requirements:

"(A) The course combines organized group instruction in agricultural and related subjects of at least two hundred hours per year (and of at least eight hours each month) at an educational institution, with supervised work experience on a farm or other agricultural establishment; and the course provides for not less than one hundred hours of individual instruction per year, at least fifty hours of which shall be on a farm or other agricultural establishment (with at least two visits by the instructor to such farm or establishment each month). Such individual instruction shall be given by the instructor responsible for the veteran's institutional instruction and shall include instruction and home-study assignments in the preparation of budgets, inventories, and statements showing the production, use on the farm, and sale of crops, livestock, and livestock products.

"(B) The course is developed with due consideration to the size and character of the farm or other agricultural establishment on which the eligible veteran will receive his supervised work experience and to the need of such eligible veteran, in the type of farming for which he is training, for proficiency in planning, producing, marketing, farm mechanics, conservation of resources, food conservation, farm financing, farming management, and the keeping of farm and home accounts.

"(C) The farm or other agricultural establishment on which the veteran is to receive his supervised work experience shall be of a size and character which will permit instruction in all aspects of the management of the farm or other agricultural establishment of the type for which the eligible veteran is being trained, and will provide the eligible veteran an opportunity to apply the major portion of the farm practices taught in the group instruction part of the course.

"(D) Provision shall be made for certification by the institution and the veteran that the training offered does not repeat or duplicate training previously received by the veteran.

"(E) The institutional on-farm training meets such other fair and reasonable standards as may be established by the State approving agency."

(e) The table (prescribing educational assistance allowance rates for eligible veterans pursuing an apprenticeship or other on-job training) contained in section 1683(b) of such title is amended to read as follows:

"Periods of training	No dependents	One dependent	Two or more dependents
First 6 months	$116	$131	$146
Second 6 months	87	102	116
Third 6 months	58	73	87
Fourth and any succeeding 6-month periods	29	43	58".

SEC. 104. (a) Section 1732(a) of title 38, United States Code, is amended to read as follows:

"(a) The educational assistance allowance on behalf of an eligible person who is pursuing a program of education consisting of institutional courses shall be computed at the rate of (1) $190 per month if pursued on a full-time basis, (2) $140 per month if pursued on a three-quarter-time basis, and (3) $90 per month if pursued on a half-time basis."

(b) Section 1732(b) of such title is amended by striking out "$105" and inserting in lieu thereof "$155".

(c) Section 1742(a) of such title is amended to read as follows:

"(a) While the eligible person is enrolled in and pursuing a full-time course of special restorative training, the parent or guardian shall be entitled to receive on his behalf a special training allowance computed at the basic rate of $190 per month. If the charges for tuition and fees applicable to any such course are more than $59 per calendar month the basic monthly allowance may be increased by the amount that such charges exceed $59 a month, upon election by the parent or guardian of the eligible person to have such person's period of entitlement reduced by one day for each $6.20 that the special training allowance paid exceeds the basic monthly allowance."

SEC. 105. (a) Except as provided in subsections (b) and (c) of this section, the amendments made by this title shall become effective on the first day of the second calendar month which begins after the date of the enactment of this Act.

(b) Section 101, section 102(b), section 103, except subsection (d) thereof, and section 104 of this title shall become effective as of September 1, 1969.

(c) Any veteran enrolled in a farm cooperative course under section 1682(d) of title 38, United States Code, prior to the effective date prescribed in subsection (a) of this section may continue in such course to the end of the current academic year under the same terms and conditions that were in effect prior to such effective date.

TITLE II—SPECIAL ASSISTANCE FOR EDUCATIONALLY DISADVANTAGED VETERANS; PREDISCHARGE EDUCATION PROGRAM; VETERANS' OUTREACH SERVICES PROGRAM; MISCELLANEOUS AMENDMENTS TO VETERANS' AND DEPENDENTS' EDUCATION PROGRAMS

SEC. 201. (a) Subsection (b) of section 1652 of title 38, United States Code, is amended by adding at the end thereof a new sentence as follows: "Such term also means any curriculum of unit courses or subjects pursued at an educational institution which fulfill requirements for the attainment of more than one predetermined and identified educational, professional, or vocational objective if all the objectives pursued are generally recognized as being reasonably related to a single career field."

(b) Subsection (c) of section 1652 of such title is amended to read as follows:

"(c) The term 'educational institution' means any public or private elementary school, secondary school, vocational school, correspondence school, business school, junior college, teachers' college, college, normal school, professional school, university, or scientific or technical institution, or other institution furnishing education for adults."

SEC. 202. (a) Chapter 34 of title 38, United States Code, is amended by—

(1) striking out "section 1678 of this title" in section 1661(c) and inserting "subchapters V and VI of this chapter";

(2) striking out section 1678; and

(3) adding at the end of chapter 34 the following new subchapters:

"SUBCHAPTER V—SPECIAL ASSISTANCE FOR THE EDUCATIONALLY DISADVANTAGED

"§ 1690. Purpose

"It is the purpose of this subchapter (1) to encourage and assist veterans who have academic deficiencies to attain a high school education or its equivalent and to qualify for and pursue courses of higher education, (2) to encourage and assist institutions of higher education and other educational institutions in the development of programs which provide special instruction, counseling, tutorial, and other educational and supplementary assistance to such veterans, and (3) to encourage and assist institutions of higher education and other educational institutions in the development of special educational programs and projects for such veterans.

"§ 1691, Elementary and secondary education and preparatory educational assistance

"(a) In the case of any eligible veteran who—

"(1) has not received a secondary school diploma (or an equivalency certificate) at the time of his discharge or release from active duty, or

"(2) in order to pursue a program of education for which he would othewise be eligible, needs refresher courses, deficiency courses, or other preparatory or special educational assistance to qualify for admission to an appropriate educational institution,

the Administrator may, without regard to so much of the provisions of section 1671 as prohibit the enrollment of an eligible veteran in a program of education in which he is already qualified, approve the enrollment of such veteran in an appropriate course or courses or other special educational assistance program.

"(b) The Administrator shall pay to an eligible veteran pursuing a course or courses or program, pursuant to subsection (a) of this section, an educational assistance allowance as provided in sections 1681 and 1682 of this title; except that (1) no enrollment in adult evening secondary school courses shall be approved in excess of half-time training as defined pursuant to section 1684 of this title; and (2) whenever enrollment in a special educational assistance program cannot feasibly be measured under section 1684, such a program shall be considered full-time training for purposes of this chapter, when a minimum of twenty-five net clock hours per week of instruction or other supervised program work is required, and the Administrator shall prescribe the instruction or other work requirements for part-time training for any special educational assistance program.

"§ 1692. Special supplementary assistance

"In the case of any eligible veteran who is enrolled in and pursuing a course of education at an educational institution and who, because of a deficiency in his education or training, needs one or more refresher courses, counseling, tutorial, or remedial assistance, or some other form of special supplementary assistance in order to successfully pursue such course, the Administrator shall, on behalf of the veteran, reimburse the educational institution concerned the reasonable cost of providing such veteran with such special supplementary assistance. The amounts which shall be paid on behalf of an eligible veteran to any educational institution for special supplementary assistance provided him under this subchapter and the terms and conditions under which such assistance shall be provided shall be prescribed in regulations issued by the Administrator after consultation with the Commissioner of Education, but in no event shall the amounts exceed $100 per month on behalf of an eligible veteran.

"§ 1693. Grants and contracts

"(a) To carry out the purposes of this subchapter, the Administrator is authorized, in accordance with regulations issued by him after consultation wtih the Commissioner of Education, to make grants to and enter into contracts with institutions of higher education and other educational institutions to encourage and assist such institutions to—

"(1) plan and develop programs or projects in connection with the special educational and supplementary assistance programs authorized to be provided to eligible veterans by sections 1691 and 1962 of this title; and

"(2) plan, develop, strengthen, or conduct other special educational programs or projects for eligible veterans, including, but not limited to—

"(A) accelerated and concentrated educational programs;

"(B) educational programs extending beyond the usual period for completion of the course of study at an educational institution; and

"(C) encouraging and training such veterans to pursue public service occupations to meet community needs.

"(b) To carry out the purposes of this subchapter and those of subchapter IV of chapter 3 of this title, the Administrator is authorized, in accordance with regulations issued by him after consultation with appropriate departments and agencies of the Government referred to in section 242(6) of this title, to make grants to and enter into contracts with public and private non-profit organizations for the purpose of providing the outreach services specified in that subchapter to educationally disadvantaged eligible veterans.

"(c) There are authorized to be appropriated to carry out this section $15,000,000 for the fiscal year ending June 30, 1970, and $30,000,000 for the fiscal year ending June 30, 1971.

"§ 1694. Effect on other benefits and on approval requirements

"(a) The benefits received by or on behalf of any veteran under this subchapter shall be paid without charge to any period of entitlement the veteran may have earned pursuant to section 1661(a) of this title and shall in no way affect his eligibility or qualification for benefits under other provisions of this title or under other provisions of law.

"(b) The provisions of sections 1673(d) and 1675 of this title shall not apply in the case of programs provided under sections 1691(a)(2), 1692, and 1693 of this title.

"SUBCHAPTER VI—PREDISCHARGE EDUCATION PROGRAM

"§ 1695. Purpose; definition

"(a) The purpose of this subchapter is to encourage and assist veterans in preparing for their future education, training, or vocation by providing them with an opportunity to enroll in and pursue a program of education or training prior to their discharge or release from active duty with the Armed Forces. The program provided for under this subchapter shall be known as the Predischarge Education Program (PREP).

"(b) For the purposes of this subchapter, the term 'eligible person' means any person serving on active duty with the Armed Forces who (1) has served on active duty not less than twelve consecutive months, and (2) has twelve months or less active duty service remaining prior to the time he is expected to be discharged or released from active duty, as certified to the Administrator by the Secretary concerned.

"§ 1696. Payment of training and education expenses

"(a) The Administrator shall, under such regulations as he shall prescribe jointly with the Secretary of Defense and the Commissioner of Education, pay the education and training expenses for any eligible person who enrolls in and pursues a course of education or training offered by an educational institution if such course of education or training is required for or preparatory to any program of education or training or any vocation such eligible person intends to pursue after his discharge or release from active duty with the Armed Forces.

"(b) The education and training expenses which the Administrator shall pay under this subchapter on behalf of any eligible person shall include the cost of determining suitability for enrollment, job placement, and career guidance, and books and supplies furnished to the eligible person by the institution. In no event shall the Administrator pay more than $150 per month for any course of education or training pursued by any eligible person.

"(c) The cost of any education or training course paid for by the Administrator under this subchapter shall be paid directly to the educational institution furnishing such course.

"(d) In no event shall education or training expenses be paid on behalf of any eligible person for any period in excess of twelve months.

"§ 1697. Approved education or training courses and institutions

"The Administrator shall pay the expenses of a course of education or training pursued by an eligible person under this subchapter only if such course and the educational institution providing such course have been approved, without regard to sections 1673(d) and 1675 of this title, by the Administrator in accordance with regulations issued jointly by the Administrator, the Secretary of Defense, and the Commissioner of Education.

"§ 1698. Educational and vocational guidance

"The Administrator shall be responsible for arranging for and coordinating educational and vocational guidance and job placement assistance to persons eligible for education and training under this subchapter.

"§ 1699. Effect on educational entitlement and benefits

"(a) Education and training expenses under this subchapter shall be paid without charge to any period of entitlement an eligible person may earn pursuant to section 1661(a) of this title.

"(b) No person shall be eligible to receive educational benefits under this subchapter for any period for which he is receiving an educational assistance allowance under subchapter IV of this chapter."

(b) The table of sections at the beginning of chapter 34 of title 38, United States Code, is amended by striking out

"1678. Special training for the educationally disadvantaged.";

and by adding at the end thereof the following:

"SUBCHAPTER V—SPECIAL ASSISTANCE FOR THE EDUCATIONALLY DISADVANTAGED

"1690. Purpose.
"1691. Elementary and secondary education and preparatory educational assistance.
"1692. Special supplementary assistance.
"1693. Grants and contracts.
"1694. Effect on other benefits and on approval requirements.

"SUBCHAPTER VI—PREDISCHARGE EDUCATION PROGRAM

"1695. Purpose; definition.
"1696. Payment of training and education expenses.
"1697. Approved education or training courses and institutions.
"1698. Educational and vocational guidance.
"1699. Effect on educational entitlement and benefits."

(c) Section 1681(a) of such title is amended by inserting ", except subchapter VI," immediately after "this chapter".

SEC. 203. (a) Section 1684(a) of title 38, United States Code, is amended by—

(1) striking out "and" after the semicolon in clause (2); and

(2) striking out clause (3) and inserting in lieu thereof the following:

"(3) an academic high school course requiring sixteen units for a full course shall be considered a full-time course when a minimum of four units per year is required. For the purpose of this paragraph, a unit is defined to be not less than one hundred and twenty sixty-minute hours or their equivalent of study in any subject in one academic year; and

"(4) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis for which credit is granted toward a standard college degree shall be considered a full-time course when a minimum of fourteen semester hours or its equivalent is required; except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such college or university with such minimum number of semester hours, for which credit is granted toward a standard college degree, shall be considered a full-time course, but in the event such minimum number of semester hours under (B) is less than twelve hours or the equivalent thereof, then twelve semester hours or the equivalent thereof shall be considered a full-time course.

Notwithstanding the provisions of clause (4), a veteran shall be considered to be pursuing a full-time course at a junior college, college, or university if (A) he is carrying a number of semester hours, or the equivalent thereof, necessary to be considered a full-time course under clause (3), (B) credit is granted toward a standard college degree for not less than half the number of those hours, and (C) he is carrying one or more courses not paid for under section 1692 of this title and for which no credit is granted toward such a degree but which he is required to take because of a deficiency in his education."

(b) Section 1733(a)(3) of such title is amended to read as follows: "(3) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis for which credit is granted toward a standard college degree shall be considered a full-time course when a minimum of fourteen semester hours or its equivalent is required; except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such a college or university with such minimum number of semester hours, for which credit is granted toward a standard college degree, shall be considered a full-time course, but in the event such minimum number of semester hours under clause (B) is less than twelve hours or the equivalent thereof, then twelve semester hours or the equivalent thereof shall be considered a full-time course."

SEC. 204. (a) Chapter 3 of title 38, United States Code, is amended by adding at the end thereof a new subchapter:

"SUBCHAPTER IV—VETERANS OUTREACH SERVICES PROGRAM

"§ 240. Purpose; definition

"(a) The Congress declares that the outreach services program authorized by this subchapter is for the purpose of insuring that all veterans, especially those who have been recently discharged or released from active military, naval, or air service and those who are eligible for readjustment or other benefits and services under laws administered by the Veterans' Administration and other governmental programs, receive personalized educational, vocational, social services, and job placement assistance in order to aid them in applying for and obtaining such benefits and services, in achieving a rapid social and economic readjustment to civilian life, and in obtaining a higher standard of living for themselves and their dependents. The Congress further declares that the outreach services program authorized by this subchapter is for the purpose of charging the Veterans' Administration with the affirmative duty of seeking out eligible veterans and eligible dependents and providing them with such services through, to the maximum extent possible, one integrated Federal program which utilizes personnel who are able to communicate with and provide such assistance in the most effective and meaningful manner and which places maximum emphasis upon personal contact.

"(b) For the purposes of this subchapter (1) the term 'other governmental programs' shall include all programs under State or local laws as well as all programs under Federal law other than those authorized by this title, and (2) the term 'eligible dependent' shall mean an 'eligible person' as defined in section 1701(a)(1) of this title.

"§ 241. Veterans assistance centers and outreach services

"(a) The Administrator shall establish and maintain veterans assistance centers at such places throughout the United States, its territories, Commonwealths, and possessions, as he determines to be necessary to carry out the purposes of this subchapter, with due regard for the geographic distribution of veterans recently discharged or released from active military, naval, or air service, the special needs of educationally disadvantaged veterans, and the necessity of providing appropriate outreach services in less populated areas.

"(b) Veterans assistance centers shall seek especially to provide the outreach services provided for in this subchapter to educationally disadvantaged veterans and such centers shall, to the maximum practicable extent, be located in communities where large numbers of those veterans reside rather than in Federal or other business-district office buildings.

"(c) Special efforts shall be made to employ at veterans assistance centers veterans who themselves reside in the community served or in similar communities and, where possible, who themselves have received assistance from such centers. Personnel assigned to such centers shall be selected with major regard to their ability to communicate with and provide the outreach services authorized in this subchapter directly to educationally disadvantaged veterans in the most effective and meaningful manner.

"(d) Those outreach services that the Administrator shall provide to all eligible veterans and eligible dependents shall include, but shall not be limited to, the following:

"(1) The distribution of full information regarding all benefits and services to which they may be entitled under laws administered by the Veterans' Administration and to which they are entitled under other governmental programs, including training and manpower programs.

"(2) Arranging for and conducting, to the maximum extent possible, person-to-person interviews to explain and answer questions regarding the programs referred to in paragraph (1), and planning an individual program of education, training, or employment as may be best suited to the eligible veteran or eligible dependent concerned, and, in the case of an eligible veteran, an individual program which will also aid him in making a rapid social and economic readjustment to civilian life.

"(3) Providing job and other appropriate referrals and job placement assistance when appropriate, undertaking especially to match the particular qualifications of an eligible veteran or eligible dependent with an available job, on-job training opportunity, or apprenticeship opportunity which is commensurate with his qualifications or vocational objectives, and, if every effort to locate such an opportunity in his home area reveals no such opportunity, furnishing him with a listing of such opportunities available in other parts of the Nation.

"(4) Providing social and other special services necessary to aid them in obtaining maximum assistance from the benefits and services to which they are entitled.

"(5) Providing aid and assistance in the preparation and presentation of claims under this title and in connection with any other governmental program.

"(6) Maintaining full records of the outreach services offered and conducting periodic followup checks to determine the success of individual assistance provided and the success of the program generally.

"(e)(1) The Administrator shall pay the reasonable travel expenses, including per diem for food and necessary lodging, of any eligible dependent in connection with any interview of such veteran or dependent with an employer or training or apprenticeship director where such interview results from services provided through the outreach services program. The amount paid to any veteran or dependent under this paragraph as a per diem allowance and for travel expenses shall not exceed the amount authorized for such purposes under the Standardized Government Travel Regulations.

"(2) The Administrator shall pay a reasonable moving allowance to any eligible veteran or eligible dependent who obtains employment or is placed in a training or apprenticeship program as a result of services provided through the outreach services program, if (A) every effort made to locate suitable employment or placement in a training or apprenticeship program in the veteran's or dependent's home area has revealed no such opportunity, (B) a moving allowance or similar relocation assistance is not available under any other existing Federal program, and (C) a moving allowance is not provided as a matter of established policy by the employer or by the training or apprenticeship program in which the veteran or dependent is to participate. Such allowance may include reasonable travel expenses for the veteran or dependent and dependent members of his immediate family; reasonable expenses for moving his personal effects and household goods; and reasonable expenses for lodging for not more than a two-week period while seeking housing in the new location. In no case may the amount paid for moving the personal effects and household goods of a veteran or dependent exceed the maximum amount authorized to be paid pursuant to regulations issued by the President under section 5724 of title 5, United States Code, in connection with the transfer of an employee of the Federal Government.

"(3) The Administrator shall, after consultation with the Secretary of Labor, prescribe regulations to carry out the provisions of this subsection.

"(f) To the maximum extent possible, the Administrator shall begin providing the outreach services authorized in this subchapter to members of the Armed Forces prior to their discharge or release from active duty. Such services shall be provided such members at Army, Navy, and Air Force installations, especially those in foreign countries, pursuant to the authority of section 231 of this title.

"§ 242. Coordination with Federal and other agencies

"In carrying out the purposes of this subchapter, the Administrator shall—

"(1) utilize the facilities and services of any other Federal department or agency pursuant to proper agreement with the Federal department or agency concerned;

"(2) cooperate with and use the services of any State or local governmental agency or recognized national or other organization;

"(3) where appropriate, make referrals to any Federal department or agency or State or local governmental unit or recognized national or other organization;

"(4) at his discretion, make payment to cover the cost of services either in advance or by way of reimbursement as may be provided by agreement with any such Federal department or agency, State or local governmental unit or other organization;

"(5) at his discretion, furnish available space and office facilities for the use of authorized representatives of such governmental unit or other organization providing services under contract or agreement; and

"(6) conduct studies, in consultation and coordination with the Department of Health, Education, and Welfare, the Office of Economic Opportunity, the Department of Defense, the Department of Labor, the Department of Housing and Urban Development, and the Urban Affairs Council, to determine the most effective program design to carry out the purposes of this subchapter with respect to locating educationally disadvantaged veterans and assisting and motivating them to pursue education and training under this title.

"§ 243. Reports to Congress

"The Administrator shall submit to the Congress not later than September 1 and March 1 each year a report on the activities carried out under this subchapter, each report to include (1) an appraisal of the effectiveness of the programs authorized herein and the degree of cooperation received from other Federal departments, agencies, other governmental programs, and service organizations, with particular reference to section 241(d)(6) and 242(6) of this title, and (2) recommendations for the improvement or more effective administration of such programs."

(b) The table of sections at the beginning of chapter 3 of such title is amended by inserting immediately after

"236. Administrative settlement of tort claims arising in foreign countries."

the following:

"SUBCHAPTER IV—VETERANS OUTREACH SERVICES PROGRAM

"240. Purpose; definition.
"241. Veterans assistance centers and outreach services.
"242. Coordination with Federal and other agencies.
"243. Reports to Congress."

SEC. 205. Section 1677(a)(1) of such title is amended by deleting "or must have satisfactorily completed the number of hours of flight training instruction required for a private pilot's license,".

SEC. 206. Section 1681(d) of title 38, United States Code, is amended by inserting below clause (2) the following: "Notwithstanding the foregoing, the Administrator may pay an educational assistance allowance representing the initial payment of an enrollment period, not exceeding one full month, upon receipt of a certificate of enrollment."

SEC. 207. Section 1712 of title 38, United States Code, is amended by—

(1) deleting in subsection (a)(3) the words "first occurs" immediately preceding "(A)" and inserting in lieu thereof "last occurs"; and

(2) adding at the end thereof a new subsection as follows:

"(e) The term 'first finds' as used in this section means the effective date of the rating or date of notification to the veteran from whom eligibility is derived establishing a service-connected total disability permanent in nature, whichever is more advantageous to the eligible person."

SEC. 208. (a) Chapter 35 of title 38, United States Code, is amended by adding at the end of subchapter VI thereof a new section as follows:

"§ 1763. Notification of eligibility

"The Administrator shall notify the parent or guardian of each eligible person defined in section 1701(a)(1)(A) of this chapter of the educational assistance available to such person under this chapter. Such notification shall be provided not later than the month in which such eligible person attains his thirteenth birthday or as soon thereafter as feasible."

(b) The table of sections at the beginning of chapter 35 of such title is amended by inserting immediately below

"1762. Nonduplication of benefits."

the following:

"1763. Notification of eligibility."

SEC. 209. Chapter 36 of title 38, United States Code, is amended as follows:

(1) by inserting at the end of section 1772 thereof the following new subsection (c):

"(c) In the case of programs of apprenticeship where—

"(1) the standards have been approved by the Secretary of Labor pursuant to section 50a of title 29 as a national apprenticeship program for operation in more than one State, and

"(2) the training establishment is a carrier directly engaged in interstate commerce which provides such training in more than one State,

the Administrator shall act as a 'State approving agency as such term is used in section 1683(a)(1) of this title and shall be responsible for the approval of all such programs.";

(2) by deleting section 1781 of subchapter II in its entirety and inserting in lieu thereof the following:

"§ 1781. Limitations on educational assistance

"No educational allowance or special training allowance granted under chapter 34 or 35 of this title shall be paid to any eligible person (1) who is on active duty and is pursuing a course of education which is being paid for by the Armed Forces (or by the Department of Health, Education, and Welfare in the case of the Public Health Service); or (2) who is attending a course of education or training paid for under the Government Employees' Training Act and whose full salary is being paid to him while so training."; and

(3) by deleting in the table of sections at the beginning of such chapter the following:

"1781. Nonduplication of benefits."

and inserting in lieu thereof the following:

"1781. Limitations on educational assistance."

SEC. 210. The amendments made by this title shall become effective on the first day of the second calendar month which begins after the date of enactment of this Act, except that the amendments made by section 208 shall become effective July 1, 1970.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FANNIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADMINISTRATION POLICY ON VIETNAM

Mr. FANNIN. Mr. President, the Senator from South Dakota (Mr. McGovern), certainly a well educated, cultured, and patriotic man is, nevertheless, once again attempting to put the monkey on the wrong back.

In a speech he made on the Senate floor today, he talks of secret commitments and preparations as if they were of the Vice President's and this administration's doing.

Surely he knows better. He is too simplistic. Can it be that he hopes the people do not?

This administration inherited a foreign policy filled with secret commitments and secret preparations.

And whom did they inherit from? Why, the party of the Senator from South Dakota.

Where was the Senator's righteous indignation during the Kennedy years and the Johnson years?

We have a right to have an answer to that question. It is indeed strange to watch how strongly indignation waxes when the President is a member of the other party.

Mr. HANSEN. Mr. President, the Senator from South Dakota talks today of patriotism, and nobody doubts his. His record in World War II is a distinguished one.

It is merely his judgment that is called into question by today's speech.

Though he couches it in high-flown phrases, the fact remains: the Senator from South Dakota, for whatever reason or from whatever motive, advocates surrender.

He can attack the President and the Vice President all he chooses, he can obfuscate the issue in any way he wishes, but the fact remains that the Senator from South Dakota advocates surrender and has allied himself with others of the same mind.

I for one am proud that this Nation has both a President and a Vice President who are willing to honor the commitment made by the Senator's own party. I am proud that this administration puts the long-range security of our Nation ahead of the short-range political benefits that might be gained from a move that the entire world, including most Americans, could only view as a defeat that would surely damage our country in other parts of the world as well.

Mr. MURPHY. Mr. President, will the Senator yield for a question?

Mr. HANSEN. I yield.

Mr. MURPHY. In the discussion of the so-called moratorium, very often we hear of its leaders. Does the Senator know who the actual leaders of the organization are? I believe some of the remarks I heard were that they demanded certain things of the President. Do we know who these people are?

Mr. HANSEN. May I say to the distinguished Senator from California that I am not certain who all the leaders are. I know of no one who has sought to incriminate all of the persons who were involved in the moratorium. I think it would be fair to say that there were people of a great number of persuasions. There were people who appeared at the moratorium for a great number of reasons.

The point that I think ought to be kept in mind is simply that there undoubtedly were, among those who were active on the day of the moratorium, some who were not seeking to serve the best interests of this country.

Insofar as the Senator from Wyoming knows, I think it would be accurate and fair to say that the huge majority of them were good, patriotic American citizens.

I think it must be observed, though, that there were some whose purposes were not designed to serve the national interest.

Mr. MURPHY. I ask the distinguished Senator another question: I am reading from a copy of the remarks made by the distinguished Senator from South Dakota (Mr. McGovern), in which he said:

> The youth of America are not about to swallow the old schemes of forced killing in foreign crusades.

Does he consider that this war is a scheme that was put together for the purpose of forced killing, and if so, would he accuse the former Presidents of the United States who sent the troops there of perpetrating the scheme? Would that be his intent, does the Senator think?

Mr. HANSEN. I would have to say that I do not subscribe to that statement, that this is a scheme to bring about forced killings in foreign crusades.

As a former Governor of Wyoming, it was my privilege on several occasions to support the efforts of former President Johnson as it related to Vietnam. As the Senator from California knows, I am of a different political persuasion than was he. I do not think that President Johnson had the choice of deciding whether or not we should be in the war, but I think he recognized, just as I believe President Nixon recognizes, that once this country of ours has made a commitment, it is important not only in that area of the world, but worldwide, that people know they can believe in what America says; that, having said we will do something, it is our intention to carry forward and attempt to fulfill our commitments.

I find every reason to believe that, as President Nixon is carrying on in these extremely trying circumstances today, he is trying to keep our country's commitments, and at the same time to bring this most unfortunate war to a conclusion.

His concern is that this must be done in a fashion so as not to damage us in other parts of the world, so as not to give false encouragement to other people in other places that America does not stand by her commitments, and thereby tend to undermine the impression that other people and other nations have of us.

Mr. MURPHY. I wonder if the Senator knows that yesterday I inserted in the Record parts of a letter provided me by a man who had served in positions of great trust in the Eisenhower administration and the administration of President John F. Kennedy. He pointed out that when President Eisenhower and Vice President Nixon left office, we had 800 military advisers in South Vietnam and about 800 civilian advisers and when Mr. Nixon came back as President of the United States a few years later, he inherited a situation where we have 550 military in South Vietnam.

Mr. HANSEN. Does the Senator mean 550,000?

Mr. MURPHY. Five hundred and fifty thousand; I thank my distinguished colleague. But it seems that there is an attempt to imply, somehow or other, that the responsibility for this unfortunate situation rests with President Nixon. From time to time he is given an ultimatum of "get out, and get out immediately."

It is my understanding that this President has offered far more in the way of an honorable, peaceful settlement than the previous administration. Nevertheless, it is implied that he is not doing enough. He brings home 25,000 troops, and immediately the cry arises, "That is not enough." This is the first troop reduction that I know of.

Then he increases the number to 60,000, a meaningful percentage of our combat troops. Actually, it seems to be forgotten that for each fighting man in South Vietnam, we have five backup personnel. So out of every six there, one is fighting. In the Air Force the percentage is even greater—the percentage is 20 to 1.

So I wonder why people do not realize that President Nixon actually has done more in the 9 short months since he has been in office to reduce the troop levels than the two previous administrations accomplished in their entire time in office. For the first time we are decreasing these levels, decreasing them, may I say, in a thoughtful way, in a way to preserve our national security, and not by surrendering. Certainly, if the Senator from South Dakota feels that the entire intervention in Vietnam was a mistake, I think that he has waited an extremely long time to express himself.

But there is one other point, still more important: The composition of the group who organized the so-called moratorium. I am not quite sure who they are. I have inquired, and I have some names. I have the name of David Hawk. I do not know his background. I have the names of Sam Brown, Jr., David Mixner, Marge Sklencar, Mike Driva, Mike Mazoloff, and Sheridan Bailey. I have never heard of them until this particular event, moratorium.

Is it the suggestion of the distinguished Senator from South Dakota that we stop listening to the elected representatives of the people, and listen hereafter to this group, because they did not suggest, they demanded immediate withdrawal? Is it his suggestion that we also listen hereafter only to them, and that it would be proper to turn over not only this decision, but perhaps many other decisions of the Government to them; that we forget about the elected representatives and let anybody who can get a large group to march in Washington, or Detroit, or Los Angeles, or Berkeley, dictate our national policies? Is that what he suggests? And is it improper for the Vice President to disagree with that suggestion? The Vice President was also elected just as was the Senator from South Dakota.

This is part of the confusion that I do not understand. In the last sentence, the Senator from South Dakota said:

> I believe that increasing numbers of Americans, young and old, of every political persuasion, in every walk of life, are determined to have a voice in those issues that affect their lives.

I thought that was what our whole system had been about from its very beginning. We have a franchise, and all those of us who qualify to vote may go and make our wishes known, in an orderly, dignified, constructive fashion. We do not have to take to the streets in mobs, and we do not have to march in vigils. We leave the affairs of Government to those who stand for election, who expose themselves to the public with their beliefs, and their past records. Our elected officials are tested by whether they are decent or honorable, and by whether they are capable.

I submit most respectfully that there is nothing new about the people of America having a voice in these issues. I think this is what America is all about.

I know that I have spent a great deal of my time for the last 30 years urging Americans to take the time to understand the issues, to know the qualifications of the candidates, and then to go with full knowledge and exert their power at the ballot box.

I do not think it is an improvement on this system to say, "Let's get a lot of signs, and let's get some candles and march around the White House and chant some slogans."

This march, last Wednesday, of course, was very orderly. I think one of our distinguished colleagues made great mention of the fact that this was an orderly march. There was not any rioting or bad language.

I sincerely hope that if the marches continue, they will at least be conducted in this fashion.

It does not seem that there is anything particularly new involved here except that there seems to be a suggestion that perhaps we should not determine the importance of a matter by legislative debate but, rather, by the number in the picket line, by the clamor they make, by the publicity they get, and by the television coverage their demonstration attracts.

I do not think the Vice President meant that the people do not have the right of dissent. He did not imply that, at least to me. However, I do think he said that the President has the right to decide and administer policies. And I think the Vice President is correct in pointing out that perhaps some people with ulterior motives have been misleading and using some of these good, honest, independent young students by telling them only half of the story.

I continue to read comments about the South Vietnamese Government and the confusion in General Thieu's corrupt military dictatorship.

I heard about the so-called corrupt military dictatorship of China. We then turned China over to the Communists. That same so-called corrupt dictatorship went to Taiwan where they are now doing a magnificent job.

We heard about the corruption in Korea. And suddenly we find that the South Koreans are not any more or less corrupt than perhaps some of the men in the Government of the United States.

I was there as an observer when the Thieu government was elected. And I assure the distinguished Senator from Wyoming that I never saw a more determined attempt at democracy or a stronger attempt to make an election honest and fair.

Certainly there were some troublemakers that were locked up. There were one or two. I recall that the same procedure used then is taking place in many other countries.

I do not think the Thieu government does anything but represent the people.

I said yesterday that there were those who marched in the demonstration on the basis that they want to stop the killing. Lord knows, I would like to stop the killing. I wish the killing had never started. However, if they insist on our immediate withdrawal, they will see killing in South Vietnam the like of which we have not seen since we heard and watched and listened to and shuddered at the atrocities committed during World War II.

Mr. HANSEN. Mr. President, is it not true that a number of America's finest young men are being held prisoners of war in North Vietnam at the present time? So far as I know, the number has not been established. There has been no official word from North Vietnam as to the number of prisoners they hold in their country. These men have been taken from the ranks of the gallant fighting men of our country.

What about those prisoners? If we were to get out of Vietnam by boat, as some have suggested, would we not be leaving those men who are perhaps being held captives by the North Vietnamese at the present time at the mercy of a country which has no compassion, a country which has demonstrated by a great series of acts of violence that human life is of little or no consequence?

Is there any reason to believe that the North Vietnamese would be willing to turn these prisoners back to us if we were to leave there? Is this not another consideration that ought to be included among the issues that must be resolved if we seek to bring this war that has been engaged in by our country for a longer period of time than any war in our history to a conclusion?

Mr. MURPHY. Mr. President, the Senator is absolutely right. I know he is right when he says that we do not have information as to the prisoners. The Communist government in Hanoi has absolutely ignored all the rules and all the ordinary concessions made with respect to information on prisoners.

I also point out that I received figures the other day that showed that in this year, aside from the military, 22,500 South Vietnamese have been victims of unbelievable atrocities and terrorism.

My figures indicate that of the 22,500—

and these are civilians—14,000 were murdered. The fate of the rest is unknown. Some have disappeared. Some have been kidnaped. Others have been so badly treated in some cases that it might have been better if they had been killed quickly. It would have certainly been less horrible than the treatment they received. These are the conditions that exist there.

I am amazed that the people who state continually that America is in Vietnam illegally, are willing to make such a contention. It is not true.

The former President of the United States, President John F. Kennedy, decided to send American fighting men to Vietnam. Before he did so, President Eisenhower decided that it was in the best interests of the United States to send military advisers there. President Johnson continued to act in the belief that it was in the best interests of the United States to continue to fight in Vietnam.

Who are these people who were opposed to the actions of the last three Presidents of the United States and who confront the present President with the cry that he must get out and get out immediately?

I do not quite understand their sense or the logic. I do not know why these Americans suddenly feel it their duty to attack our present administration or the duly elected government in South Vietnam—perfect or not. Certainly no government is perfect. However, it was elected by the Vietnamese people.

I do not see the logic or the propriety of suddenly saying we must get out merely because of demonstrations by a group of people well organized, highly publicized, and led by I am not quite sure whom. As I have said on the floor of the Senate before, we are not sure what the result of this will be, but we are sure of one thing: they have created good international propaganda for the enemy, for the Communist enemy.

I was pleased to hear this cited very clearly the other night. The identity of the enemy is not America. We are not the aggressor. We went there to protect people who asked for our protection.

I wonder if those who complain have thought of what will happen to the 2 million people of the Catholic religion who, in objection to the Communist takeover in Hanoi, walked from the North to the South when they had the choice. What will happen to them if we pull out?

I just cannot understand the reasoning; I cannot understand the logic; I cannot understand the desire of so many people to say that we must get out immediately, to save American boys. How long do you save them, and under what conditions do you save them? And where is the next battle to take place? There is no change in the Communist program; not the slightest evidence of change. To the contrary, wherever there is a vacuum, they move in quicker than they did before. Their military strength, we know from the protracted debate in this Chamber, is greater than before.

Why are the Communists building their military strength? To have a bigger parade on May Day? I do not think so. I think they are building it for the exact purpose they stated many years ago.

I read Hitler's book, "Mein Kampf," and I said, "This man means what he says. We have to believe him." Many did not believe him, until it was almost too late.

Again, today, all the evidence would say that we had better have the best brains, we had better have the finest information, we had better have the most mature thought, and we had better have full debate before we make military decisions.

I do not think this should be left to a group, no matter how dedicated or patriotic or well-meaning, which suddenly marches and says, "We are numerically strong; therefore, Mr. President, you must accede to our demands." I think that would be dangerous, and I think that those who advocate this should take another long, hard look at the mischief and precedents they might be creating—certainly not by design, but by what might result from their unfortunate suggestions.

Mr. HANSEN. I thank my distinguished colleague for the contribution he has made.

I think it is perfectly clear that the President and the Vice President of the United States realize, as the Senator from California has so thoughtfully pointed out, that theirs is a responsibility not to any one group, not to any one movement that may be demonstrating, albeit very lawfully and peacefully.

I quite agree with the distinguished majority leader that there can be no question about the right peacefully to protest or to demonstrate, as they did, so long as they do it peacefully. That is guaranteed by the Bill of Rights. But the important thing we must keep in mind—and the distinguished senior Senator from California has it clearly in mind—is that the responsibility of the President and the Vice President goes to all Americans. Their duty is to see that they represent all Americans, all 200 million plus of them, and I think that is what they are trying to do.

I would refer once again to the distinguished majority leader in just taking note of the fact that he finds much for which to commend the President in the course of action he is now pursuing.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. HANSEN. I yield.

Mr. MURPHY. I believe that yesterday or the day before yesterday the distinguished majority leader said something in the Senate that was extremely important. He said that he would hope there could be an association of free nations—I am paraphrasing, but this was the sense of his remarks—that would absolutely guarantee the freedom and the freedom of choice of all of Southeast Asia. I concur in that statement completely and enthusiastically. That is the only reason I know of why American troops, American advisers, and American fighting men went to Southeast Asia in the first place. Certainly, it was for no other reason of which I know.

I thank my distinguished colleague.

Mr. HANSEN. I thank the distinguished Senator.

Mr. THURMOND. Mr. President, I should like to comment briefly on a statement of the Senator from South Dakota concerning the Vice President's recent speech in New Orleans. What the Vice President counsels is patience and responsibility. What the Senator from South Dakota counsels, it seems to me, is peace at any price rather than peace on terms which consider the historic moral commitment of America in Asia.

Disengagement in Vietnam immediately and without qualification is irresponsible and those who advocate it must answer for their statements. There must be those elected leaders willing to say precisely this and risk the contempt of those who seek a settlement in Vietnam inconsistent with the American tradition.

Mr. President, I, like the Vice President, simply intend to caution the well-meaning followers against the ill-considered position of "peace at any price" advocated by far too many of the moratorium leaders. Those who choose to follow such a position may well inherit an infamous peace and the lasting scorn of a generation of Americans to follow. As a great power we must live with Asia and I, for one, intend to live honorably with Asia. This Senator has no intention of repeating for this country the dishonor of England in accepting "peace at any price" at Munich.

THE MORATORIUM

Mr. DODD. Mr. President, the Senator from South Dakota (Mr. McGovern) has taken exception to the comment on the Vietnam moratorium made in New Orleans over the weekend by Vice President Agnew. He has accused the Vice President of impugning the patriotism of all those who disagree with the administration's policies in Vietnam.

Apparently, the Senator took exception to two basic statements. The first statement was that moratorium day was an unwise demonstration "encouraged by an effete corps of impudent snobs who characterize themselves as intellectuals."

The second statement by the Vice President to which he objected most strongly was his warning that "hard-core dissidents and professional anarchists" within the peace movement were planning "wilder, more violent" antiwar demonstrations on November 15.

One does not have to agree with every statement made by the Vice President or with every phrase he used in order to recognize the basic validity of his criticism of the moratorium movement and of his warning about the November 15 demonstration.

That the majority of the demonstrators were being used for purposes which they did not approve or understand was apparent from the glowing official tribute of the North Vietnamese Government.

I think it is clear from the Vice President's statement that his remarks were intended to apply not to the great mass of demonstrators who participated out of a variety of confused motivations but to the self-proclaimed leaders of the recent moratorium and to the leaders of the forthcoming march on Washington.

I have no doubt that there are some

innocents in both groups of leaders. On the other hand, there are many people whose antecedents are open to very serious question.

The principal spiritual organizer of the moratorium was the notorious Dr. Spock, who has consistently attempted to corrupt young Americans by urging them to dodge the draft.

Dr. Spock, for two decades, was the foremost apostle of the permissive upbringing of children, and the baneful influence which he had on the several generations of young American parents who read his books on child care played a major role in producing the current generation of campus extremists.

Dr. Spock was a disaster as a baby doctor. He has been an even greater disaster as a self-appointed leader of the American peace movement.

To describe him as "an effete and impudent snob" is to understate the case.

Not only has he visited Hanoi a number of times, but he has made it clear by repeated statements that he would personally prefer a Vietcong victory to an allied victory in the Vietnam war.

The ranks of the moratorium leaders also include one, David Hauk, an apt disciple of Dr. Spock, who is now on trial for draft evasion.

They included Mr. Sam Brown, who has referred to the United States as "the greatest imperialist aggressor nation in the world," and who has also made it clear that he would prefer a Vietcong victory over an allied victory.

As for the New Mobilization Committee To End the War in Vietnam, its steering committee is packed with known Communists and pro-Communists, including Arnold Johnston, the public relations director of the U.S. Communist Party.

There was some speculation that the moratorium leaders were essentially a more moderate lot than the mobilization leaders, and that they might wish to steer clear of involvement with the known Communists and Trotskyists and Maoists and assorted leftwing extremists who are organizing the November 15 march on Washington. But this morning's papers brought the news of a formal agreement between the moratorium committee and the New Mobilization. Sam Brown, the chief spokesman for the moratorium committee, told the press that there was no split between the groups. Rather, he said, "there is a difference in emphasis."

Mr. President, the time has come to stop mincing words. There should be no question in the mind of any informed person that the ranks of the organizers of the November 15 march on Washington contain numerous treasonable elements, who are committed to the overthrow of our own Government, who seek the victory of our enemies, and who are acting in collusion with and under the orders of Hanoi.

There have been numerous evidences of coordination between Hanoi and the antiwar demonstrators in the United States. For example, on April 22, 1968, at a time when Hanoi was getting ready to launch its abortive summer offensive, the Vietcong ambassador in Havana, Hoan Bich Son, broadcast the following statement to the demonstrators in this country over Radio Havana:

> Your struggle against the warmongers in the Pentagon and White House is a hard blow at the heart of our common enemy, because your activities will take place precisely at the time that the South Vietnamese people, in urban areas and the countryside, have risen with tremendous strength to smash the General Headquarters of the U.S. aggressors and their puppets in all the cities of South Vietnam. This way, our struggle for liberty is entering a new phase, more favorable for the Vietnamese people.

Mr. President, many of those who participated in the moratorium or who endorsed the moratorium, unlike some of their leaders, would prefer not to see a Vietcong victory.

But I wonder if they have ever stopped to ask themselves what the outcome of World War II might have been if, a year before its conclusion, hundreds of thousands of our citizens had taken to the streets to call for immediate peace and an end to the killing.

The Vietnam Moratorium was not a victory for peace. It was, let us be blunt about it, a victory for the Vietcong.

Mr. President, I ask unanimous consent to have printed in the RECORD the following items: "The President's Case," editorial in the Wall Street Journal, October 21, 1969; "Reds in Paris Net Moratorium Profit," by Andrew Borowiec, Evening Star, October 17, 1969 and; " 'Other war' in United States Riles GI's" by Don Tate, Washington Daily News, October 14, 1969.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 21, 1969]

THE PRESIDENT'S CASE

We hope by the time of President Nixon's November 3 speech on Vietnam he will be ready not only for one speech but for a well-considered campaign to put his case before the public. The President has an excellent case, but somehow he must find a way to present it more persuasively than he has so far.

The President, after all, has started to bring troops home. The casualties have fallen. His policy is to end American participation in the war. His only reservation is that this be done in a way that promotes "lasting" peace.

Mr. Nixon quite cogently believes lasting peace will not result if America lurches out of Vietnam and lets the pieces fall where they may. That course would encourage instability everywhere. It would also confirm and cement the American habit of all-or-nothing foreign policy—a dangerous habit in a nuclear age. There is little excuse for mindless capitulation at the moment, when there seems to be some chance to end the American fighting on honorable terms through the policy of Vietnamization.

The most notable thing about the Vietnam Moratorium was the turnout of people who did not in fact sympathize with its ostensible purpose of immediate unilateral withdrawal. Thus its real meaning is that the President's case has not come through. We think this is primarily the fault of those who fail to understand, for the case should be clear enough to anyone who looks. But it is also true that the President has not made his arguments as forcefully as he might.

There are some excellent reasons, to be sure President Nixon came into office asking us to "lower our voices." His purpose has been to calm the passions of the nation, not a purpose served by being too aggressive in campaigning for his policies. And up until Labor Day, this low-key salesmanship proved astonishingly effective—too effective, perhaps, for its succes lulled the Administration into persisting with that rhetorical strategy when its time had passed.

The Administration has also been inhibited in defending its policies by the knee-jerk reflexes of much of the Washington press corps, which sticks so close to the President's political opponents it has picked up the unlovely attitude that it's unfair for the kicked dog to bite back. Who can deny, for example, that the outpouring of dissent makes any kind of negotiated settlement all but impossible for any practical purposes? The President did not invent that dilemma, it is a fact of life. Why do so many commentators—not to mention ostensibly objective newsmen—belittle him for stating plain fact?

By now it is pretty clear that the President's opponents have denied him the option of lowering voices. The Moratorium was, after all, a mob in the streets—with the threat of violence always implicit even if it was avoided this time. It is equally clear that the President need not worry too much about inflaming his political opponents on Capitol Hill—they can do nothing to him they are not already preparing to do. At the moment the President's option is to take the rhetorical offensive.

The last thing we mean by that is a lot of defensive talk about the need for unity or how best to promote a compromise at Paris. Such topics call for candor; that is, an admission that neither appears to be in the cards at the moment. What we do mean is that the President should hit the protesters in their weak point, which is that they have no realistic alternative to the policy the Administration has already adopted.

The President has every right and duty to ask the protesters what precisely they want him to do. How many of the common citizens who marched in the Moratorium really want an unthinking withdrawal? Have they pondered the slaughter that would probably ensue in Vietnam? Have they thought about peace a few years hence, about the encouragement of our enemies and discouragement of our friends?

Are they really ready for the possible political backlash here at home if the United States capitulates when another option still seems open? (News item: George Wallace plans to leave on an "information-gathering" trip to Vietnam November 1). If they do ponder all these things, are they not then willing to see a couple of years of gradual troop withdrawals in the name of ending the war in a thoughtful way?

The point of the Administration's rhetorical campaign—and one speech is only a beginning—should be to make the real alternatives clear to the American people. The President stands for ending the war with a considered plan. The militant protesters stand for a helter-skelter pullout. If Mr. Nixon can make that clear, we would be most surprised if he fails to win the quiet, unhappy but resigned support he needs.

[From the Washington Star, Oct. 17, 1969]

REDS IN PARIS NET MORATORIUM PROFIT

(By Andrew Borowiec)

PARIS.—The Communist side at the Vietnam peace talks has reaped considerable profit from the U.S. Moratorium Day movement.

The Hanoi and Viet Cong negotiators have become strengthened in their previously demonstrated conviction that time plays in their hands and that no compromise on their part is necessary to attain their objectives.

They demonstrated this attitude clearly during yesterday's session of the deadlocked negotiations during which they praised "the opposition movement of the American people," heaped abuse on President Nixon and reactivated a proposal for direct and secret talks between the United States and the self-styled Viet Cong government.

The proposal appeared to be carefully timed with the Moratorium demonstrations. It had the appearance of a new initiative, but it was not. And it was aimed directly at embarrassing the United States and exposing its relations with the Saigon government to additional strain.

Committed to support the Saigon regime for better or worse, the United States is hardly in a position to bypass it in seeking a solution to the Vietnam conflict. Hence chief U.S. negotiator Henry Cabot Lodge brushed aside the Communist proposal, at the same time trying to avoid the impression of outright rejection.

(In Washington, White House Press Secretary Ronald L. Ziegler said that the United States would not meet alone with the Viet Cong. He said, however, that if the Saigon government arranged talks with the National Liberation Front, the United States would be willing to participate even if Hanoi were absent from the discussions.)

Thus, after 38 weekly sessions of the conference, it seemed on the surface that the initiative was in the hands of the Communists.

Lodge limited himself to repeating that "We are ready and willing to carry on private and direct talks in which all those represented on each side at these meetings will participate."

Neither he nor his press spokesman, Stephen Ledogar, would say flatly whether the statement represented rejection, because rejection of an "opening" at the talks at this time would mean slamming the door on peace.

The Communist "peace move" was carefully planned to get a maximum of attention and publicity at a time when newspapers and radio stations were full of U.S. Moratorium reports.

Had the Communists wanted to break the stalemate, they did not have to make any public announcement but simply use a channel opened all the time for both parties to communicate on urgent matters in secrecy.

Lodge's statement that he was "surprised" by the Communist move was in itself surprising. Newsmen in Paris had expected exactly this sort of headline-catching proposal that was bound to embarrass the allies.

And while Ledogar agreed that the Communist side attempted "to distort the Moratorium to its advantage," the South Vietnamese spokesman calmly announced that the Red proposal had nothing to do with it.

The Communist view, repeated countless times, is that the Viet Cong and its provisional government are the only legal authority in South Vietnam and if the United States wants to solve the problem, it must talk with it.

The Saigon "puppet regime" simply does not enter into the picture, according to the Communists. Having obtained the American halt of the raids over North Vietnam, having, in a way, caused the withdrawal of 60,000 U.S. troops from South Vietnam, the Communists now want the United States to disavow the regime it is helping to maintain in power.

For obvious reasons, Lodge could not answer this challenge more directly. He contented himself with a reaffirmation that the Saigon government "is a legitimate government without which nothing of importance can be done in South Vietnam."

But the seed of discord has been planted and the Communists are now waiting for more signs of protest within the United States and more cracks between the allies.

[From the Washington Daily News, Oct. 14, 1969]

"OTHER WAR" IN UNITED STATES RILES GI'S

(By Don Tate)

SAIGON, October 14.—As tomorrow's war "moratorium" will demonstrate, there are two Vietnam wars—the one Americans fight in Vietnam, and the one Americans fight in the U.S. Observers here say the decisive battleground is in the U.S.

They point out that short of a highly successful Communist offensive, which is extremely unlikely, or a dramatic allied strategy change, such as renewed bombing of North Vietnam, the killing war in South Vietnam is apt to rock along in its fight-lull-fight rhythm much as it has been, at least until many more U.S. troops are withdrawn.

Meanwhile, the war to win American public opinion and, particularly, the mind of Richard M. Nixon, is waxing hotter. What happens in the U.S. will determine what happens here. As the President warns Americans not to buckle and run, protesters prepare to hit the streets, many of them demanding immediate, unilateral withdrawal of all American troops. That translates here as "bugout."

GI DISDAIN "BUGOUT"

It is difficult to find an American soldier here who wants to leave Vietnam that way, or as one GI put it, "with our tails dragging." It is difficult to find one—even among those most disgusted with the war—who wishes simply to abandon the South Vietnamese to a Communist bloodbath.

It is difficult to find one who thinks the value of the American word would be worth a dime anywhere in the world if they did, or that a humiliating U.S. defeat by a blustering Communist midget would do anybody but the Communists any good.

These consequences are apparent to most Americans here, and they are not acceptable. It is largely a matter of national backbone. Most express hope that President Nixon sticks to seeking a reasonable solution to the war.

There are, of course, many critics of war critics here. They charge that a number of war critics in the U.S. are using the same tactics Hanoi has shown—the more you give them the more they demand, and they both demand total, immediate and unconditional everything.

In the two wars—one group of Americans is convinced of the rightness and necessity of bringing this bitter war to a conclusion by presenting a united front to Hanoi, the other protesting group is more or less convinced the only way out of Vietnam is to get out fast regardless of consequences.

MYSTERY IN VIETNAM

There is often the feeling here that the war is only a secondary feature to the show of exposed nerves going on in the U.S. What the war has done to the U.S. is the biggest mystery of all here.

"It seems like any American who ever wanted to protest anything has found his cause in the Vietnam war", one veteran analyst contends, "and yet 95 per cent of them have suffered little direct personal hardship because of the war.

"You hear so much of the war-weary American, and how exhausted he is by the war. Yet this exhaustion of the mightiest power on earth is a relative thing. It hasn't been bombed, or invaded, or lived under the Communists a single day. It's manpower loss has been a drop in the bucket compared to that of either North or South Vietnam, and its suffering has been a thousand times less. "Many Americans would hardly know the war was going on if it wasn't for newspapers and TV. Suppose Americans had to face what the South Vietnamese people have yet to face? America's exhaustion is a self-induced state of mind, composed mostly of confusion."

One rankled American, with invested years and effort in Vietnam, condemned some of the rantingest protesters as the "most confused of all."

WEARY OF "POPPING OFF"

"Soldiers do the dying," he said, "and these others do the popping off. I'm tired of hearing these so-sure people who haven't shed a nosebleed in this war scream pig this and obscene that and run around protesting for the hell of it.

"I'm tired of hearing what politicians who sound like Hanoi radio demand, what well-meaning but awfully uninformed students demand, what ivory-tower doves who wouldn't dirty their hands over here demand. I'm weary of hearing how much Sen. (J. William) Fulbright, D. Ark., wants out. We all want out. We all protest the war. We all want peace. But not by saying: 'Here Hanoi, take 17 million people. We'll pretend we were never involved. We quit.' "

Many here feel that some of the protesters would do well to focus their moral wrath less on President Nixon and more on the Communists.

It is the Communists, they stress, who are killing Americans. It is the Communists who butchered, as a matter of policy, the civilians of Hue and so many other places, and it is the Communists who will murder methodically thousands more Vietnamese if the U.S. totally, immediately and unconditionally abandons them, as many protesters advocate.

To Americans who have put in their time here, it is not good enough to dismiss blandly such realities with an: "Oh, well, it is up to the Vietnamese to work out their own problems."

Many here, eyewitnesses to the war, have become anti-war in the truest sense, but they have also become resolutely anti-bugout.

THE OIL-DEPLETION ALLOWANCE

Mr. MURPHY. Mr. President, oil has a special importance to California, and Californians have a great interest in the depletion allowance.

The citizens of my State consume more petroleum products than do the people of any other State—674 gallons annually per man, woman and child at the last count, and the amount is rising.

We produce more oil than Canada, and still it is not enough to meet our needs.

We are known as the Golden State, but finding, producing, transporting and marketing oil has earned a living for many, many more Californians than gold ever did.

In addition to being first in consumption of oil products, we are second in refining and third in producing among the 50 States of the Union.

I say all this not to boast, but to be sure that I make plain the gravity with which I contemplate the economic impact on my State—whose population comprises one out of every 10 Americans—of a substantial change in the depletion allowance, and not least of all upon the payrolls of the petroleum industry in California.

The most optimistic among those who urge cutting back the depletion allowance admit that to do so will cause unemployment among petroleum industry workers in every State, as marginal facilities are shut down, and that many installations not now considered marginal would become marginal. They know, and admit, that this would cause cutbacks in exploration, as well as the death of producing oilfields, transportation facilities, suppliers to the industry, and perhaps some refineries.

Stripper wells constitute 66 percent of the total producing wells. There is a total of 573,159 producing wells, of which 376,851 are stripper wells. Sixteen percent of the production comes from stripper wells. A stripper well is one that produces 10 barrels or less per day.

Those who support depletion cuts apparently believe that disruption in the oil industry and consequent unemployment is acceptable, if Americans as a whole will benefit.

And how would they benefit? The assumption is that Treasury revenues would increase. That prices of oil products would fall as cheaper foreign oil took the place of marginal domestic production, and replaced oil no longer being discovered within our borders to augment our reserves.

Let us examine that argument. Instead of concerning ourselves with Californians and Texans and Oklahomans who may lose their livelihoods, let us look at what that proposal will mean to the average American, whether or not he has any direct connection with petroleum.

First of all, since the oil industry now and for many years has paid greater-than-average local taxes, citizens will soon discover that their own pocketbooks must be tapped more heavily for taxes no longer paid by domestic petroleum companies. Federal and State treasuries will also experience loss of taxes from the incomes of affected industry employees and suppliers.

The cost of gasoline will not fall. It will rise, perhaps by as much as 5 cents per gallon. Increased levies of Federal taxes will be paid by consumers.

If America's demand for gasoline greatly exceeds our supplies, you may be sure that the nations abroad, who have the oil, will soon raise the cost of that once-cheap foreign crude in order to take the fullest possible advantage of our need.

Already, a number of foreign oil-producing countries are operating in close concert principally to force higher prices on consuming nations.

Some have pointed to the new strikes on the Alaskan north slope as evidence that our oil worries are over. It is still too early to know how much oil actually will be produced there. But even if reserves on the north slope prove as large as some of the most optimistic "guesstimates," we will soon need more finds equal to it, just to stay even, due to rapidly increasing demand. And at the same time development of the north slope is beginning, excess capacity seems to be falling off in such traditional areas as Texas and Oklahoma.

Yet there is plenty of petroleum still underground. Most of the "easy oil" has been found. According to the U.S. Department of the Interior, the estimated oil originally under U.S. soil may be as much as 2,000 billion barrels. Thus far only a miniscule amount of this has been located and produced. Production up to now has been about 80 billion barrels. We will have to drill deeper, more expensive wells, and go to more remote areas, like the north slope, to find it.

Spending on exploration should be doubled. We are using petroleum so fast now that consumption will double by 1980.

Tampering with policies that encourage exploration for petroleum is playing a dangerous game.

Reserves of natural gas, even now in jeopardy, will be still more drastically affected. The same people who will not be exploring so energetically for oil any more will not be looking for natural gas, either. They will not be able to afford to. And natural gas cannot be imported cheaply from overseas.

If incentives are cut, who will want to invest hard cash in an industry that—in the best of times—finds significant deposits of oil and gas under the earth and under the seas only once out of every 48 times? So the price of natural gas must also rise, perhaps prohibitively.

Concurrent with higher prices for gasoline and natural gas will come inevitably higher costs for other petroleum products.

Consumers of these products run the complete range from very poor to very rich. I cannot imagine anyone so poor or living in such a remote location in America that he does not employ some product of the oil industry, even if it is only to burn in a kerosene lamp or to oil a squirrel rifle.

The average American uses a great many more oil industry products, from heating oil, clothing, floorwax and toothbrush handles, to airplane fuel, electric power and medicines. So an extremely broad spectrum of consumer goods and services is involved.

It follows that higher prices for petroleum-derived items will pinch those of limited incomes far more than the rich. Thus, we have an area of legitimate widespread concern.

Often, those who must use the most gasoline are the very people who can least afford a price rise. Many families of moderate incomes are forced by housing costs to live a great distance from their jobs, and have to drive to and from work. A sharp rise in gasoline prices would work a real hardship on them.

Others depend on automobile transportation because it is the only way they can do their jobs. The salesman who has to call on his prospects is one example; another is the farmer, who plows and harvests by means of a gasoline-powered tractor and hauls produce to market in his truck.

If the cost of a basic product like petroleum rises, secondary effects must also be expected. Let me carry my example of the farmer just a bit further. Besides gasoline, he makes major use of fertilizers, pesticides, insecticides, lubricants and other petroleum derivatives in order to grow and market his crops. As a Californian, I can give assurance that these elements of the farmer's costs have a direct influence on the price of canned and fresh fruits and vegetables, and grains, livestock, and cotton.

Another undesirable effect of a depletion cut is that disruption of established crude and product supply patterns is likely to make many fixed installations, such as pipelines and storage facilities, useless. Skilled workers will—eventually—be absorbed by other industries. Petroleum research and technological progress—which touches the life of the average American in countless ways—will have to slow down. Where once America led, we shall have to learn to follow.

Worse, however, than all of these negative consequences, is the fact that America would become increasingly dependent on foreign suppliers in an unstable world. Placing our national security at the mercy of these foreign suppliers is something we just should not do.

During the 1967 crisis in the Middle East, our allies in Europe were saved from the serious consequences of an oil shortage largely because of the resources and flexibility of the American oil industry.

With no strong domestic producing industries of their own to fall back upon, Western Europe's leaders faced grave political dangers, with the possibility of having to look to the Communists for their petroleum needs. Either that, and gratefully accept the oil Russia permitted them to have, or see their nation's roads empty of traffic and their industries slow down or stop.

Fortunately, American emergency surplus production, plus the worldwide transportation resources of the American petroleum industry, helped to permit a third alternative. The vital energy supply of Britain, France, Italy, Germany, the Low Countries, and Scandinavia continued without substantial interruption.

Without the support of a healthy domestic American oil industry, who can say how the course of history might have been turned?

Having looked at the potential dangers on the international scene, should depletion incentives be cut? Having visualized the likely course of domestic events, including higher prices—and perhaps higher taxes—let us look again at conditions as they are now. Let us see if we want to pay the price of making the change.

How are things today for the American who uses oil company products? He would like to pay lower taxes, that is certain. So would the oil industry, which, I reiterate, already pays a higher percent of its income to Federal, State, local, and foreign governments than most other industries.

Nevertheless, despite taxes, and ever-rising costs and wages, the oil industry has provided the consumer with many of the best bargains in the world.

If the price of gasoline has gone up at the pump, it is mostly because sales and excise taxes have gone up and up.

The oil industry says that the price of gasoline has risen—excluding taxes—from an average of 22 cents a gallon in 1926 to an average of only 24 cents a gallon last year. And the gasoline is vastly improved over 1926. I have heard no one refute those figures.

How much has the price of milk gone up in that same period? The price of rent? The price of automobiles? One can still buy a gallon of gasoline in this country for less—considerably less—than it would cost for a gallon of distilled water.

So it can be seen that the burden on the consuming public is not now a heavy one where the price of oil products is concerned. Would the average American really consider it so much of a boon if the oil companies paid more in Federal taxes and raised the price of his gasoline a nickel a gallon? What will he say if it costs him more to heat his house?

Mr. President, I believe that the American consumer, when he discovers the alternatives, will agree with me when I say that this argument over depletion is a classic case of the wisdom of the old saw: Let well enough alone.

ORDER OF BUSINESS

Mr. HANSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HANSEN in the chair). Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, for the information of Senators, the pending business is H.R. 11959, the Veterans' Education and Training Assistance Amendments Act of 1969. This measure will become the unfinished business on tomorrow.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. It is hoped that action can be completed on this meausre tomorrow, thus allowing the Senate to go over until Monday next.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 8 minutes p.m.) the Senate adjourned until tomorrow, Thursday, October 23, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate October 22, 1969:

FEDERAL RESERVE SYSTEM

Arthur F. Burns, of New York, to be a member of the Board of Governors of the Federal Reserve System for a term of 14 years from February 1, 1970, vice William McChesney Martin, Jr., term expiring.

DIPLOMATIC AND FOREIGN SERVICE

Lewis Hoffacker, of the District of Columbia, whom I nominated on October 13, 1969, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Cameroon, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

WITHDRAWAL

Executive nomination withdrawn from the Senate October 22, 1969:

U.S. CIRCUIT JUDGE

Charles A. Bane, of Illinois, to be U.S. circuit judge for the Seventh Circuit, Vice Elmer J. Schnackenberg, deceased, which was sent to the Senate on May 28, 1969.

HOUSE OF REPRESENTATIVES—*Wednesday, October 22, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Blessed are they who observe justice and who do righteousness at all times.—Psalm 106: 3.

We come to Thee, our Father, voicing the aspirations of our hearts in prayer, endeavoring to become aware of Thy presence, and seeking strength and wisdom for the tasks of this troubled time. During the pressure of daily duties we often forget Thee and in so doing we stifle the nobler impulses of our human nature. In this moment of prayer we would regain the feeling of our kinship with Thee. Help us to keep alive the sense of Thy spirit amid the labors of this day.

Enrich the life of our Nation with righteousness and truth. Make us equal to our high tasks, reverent in the use of freedom, just in the exercise of power, generous in the protection of weakness, and genuine in the spreading of good will: to the glory of Thy holy name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2768. An act to amend title 38 of the United States Code in order to eliminate the 6-month limitation on the furnishing of nursing home care in the case of veterans with service-connected disabilities; and

H.R. 3130. An act to amend title 38, United States Code, to provide that the Administrator of Veterans' Affairs may furnish medical services for non-service-connected disability to any war veteran who has total disability from a service-connected disability.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 693. An act to amend title 38 of the United States Code to provide that veterans who are 72 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes;

H.R. 9334. An act to amend title 38, United States Code, to promote the care and treatment of veterans in State veterans' homes;

H.R. 9634. An act to amend title 38 of the United States Code in order to improve and make more effective the Veterans' Administration program of sharing specialized medical resources; and

H.R. 13763. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1970, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 13763) entitled "An act making appropriations for the legislative branch for the fiscal year ending June 30, 1970, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MONTOYA, Mr. PROXMIRE, Mr. YARBOROUGH, Mr. PEARSON, and Mr. COTTON to be conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1279. An act to create a rebuttable presumption that a disability of a veteran of any war or certain other military service is service connected under certain circumstances.

SPEAKER McCORMACK

(Mr. HÉBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HÉBERT. Mr. Speaker, this is for the record. Today I received a call from a newspaperman who was writing a story about Speaker JOHN McCORMACK. He asked me my evaluation of him. My unhesitating reply was:

> If John McCormack has any fault, that fault is being a Congressman's Speaker and that is exactly what he is. I have never known a more compassionate, understanding, accommodating individual in all these years that I have been in the Congress.
>
> It irks me no end to hear snide remarks and read comments in the news media by some not worthy to polish his boots. Undoubtedly, criticism is a part of the game, but unfair and unjust innuendo is an assassin of character. JOHN McCORMACK has stood the test of time in public life and the white toga which drapes his shoulders is as immaculate today as the day he first wore it.

I am glad I know JOHN McCORMACK. I am glad JOHN McCORMACK is Speaker of this body. I am glad I can call him a friend in whose debt I am. I am proud to pay tribute to JOHN McCORMACK and to say to him, "I salute you, sir. You are indeed a great American."

REMARKS IN TRIBUTE TO SPEAKER McCORMACK

(Mr. KLUCZYNSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLUCZYNSKI. Mr. Speaker, the author of the Book of Proverbs writes:

> The just man walketh in his integrity.

I can think of no more appropriate phrase to describe the life and character of the distinguished Speaker of this House than these words from the venerable Hebrew Bible. It is very easy, in the agitation generated by newspaper headlines, to permit our judgment and experience to be momentarily confused. Happily, those of us who have worked closely through the years with the Speaker in the deliberations of this House are most deeply aware of those qualities of mind and heart which mark his public and private life alike. He has played a crucial role in the effecting of major decisions and policies shaping the destiny of this Nation and thus of the world at large. He has served his country with distinction, with honor, and with quiet dignity.

I believe that this is the time for those of us who best know these things to declare them, and to assure the Speaker—were such assurance needed, which it surely is not—of our heartfelt respect for and loyalty to him. He has borne immense burdens and discharged awesome responsibilities with tact, with fairness, and with consideration. We share the distress which he must feel during this difficult time. But, more significantly, we share that pride in duty honorably, patiently, and skillfully fulfilled, and we pray for him many future years of dedicated service to the common good.

REPRESENTATIVE GOODLING IN NO WAY ASSOCIATED WITH REVOKING TONKIN GULF RESOLUTION

(Mr. GOODLING asked and was given permission to address the House for 1 minute.)

Mr. GOODLING. Mr. Speaker, in the October 17 issue of the Congressional Quarterly, on page 1976, this statement appears in the lower left-hand corner:

> In preparation—a House concurrent resolution by McCloskey (R., Calif.), Button (R., N.Y.) and Goodling (R., Pa.), revoking Tonkin Gulf Resolution Dec. 31, 1970, unless Congress by concurrent resolution decides otherwise.

I want the membership of this House to know I was in no way associated with this resolution nor do I subscribe to its intent.

When a fighter steps into the ring his handlers do not tie his hands behind his back. While I yield to no one in my desire to end the Vietnam conflict, honorably, at the earliest possible moment, I want no part of any plan that proposes to tie the hands of the President to a timetable.

I have asked that the Congressional Quarterly correct this misstatement in its next issue. I have been assured this will be done.

A LETTER FROM A FIGHTING MAN IN VIETNAM IN SUPPORT OF PRESIDENT NIXON'S EFFORT TO END THE WAR

(Mr. BEALL of Maryland asked and was given permission to address the House for 1 minute.)

Mr. BEALL of Maryland. Mr. Speaker, amidst all of the talk and conversation about the war in Vietnam, I think it appropriate to read at this time a letter that I have received from one of my constituents who is fighting in that part of the world. I think his remarks are most pertinent. His letter is as follows:

> Dear Sir: I am writing you not only as one of your constituents, but also as an American, fighting in the Republic of Vietnam. I am an Infantry combat platoon leader with a little over one month time in country. I want to inform you of not only my personal feelings, but also of the attitude and feelings of the men under my command.
>
> We have all come to do our job in ending this war with nothing less than a victory for freedom. I urge you to give your full support to President Nixon in his efforts to end this war. I have worked with the Vietnamese Army, and I can honestly say that they have been pulling their share of the load since I've been here. The term "Vietnamization" is becoming a reality here.
>
> In no way am I asking you to ignore the protestors. The right to protest is a part of our continual struggle to maintain true freedom. I do ask though that you examine the motives of those that protest this war and weigh them against our desire to complete our job here, and return to our free nation.
>
> We desire that our President be given a fair chance to end this conflict. We have a great amount of confidence in his ability to lead our nation forward, and out of our present troubles. We feel he can and will, if he is given the support back home that he is receiving here.
>
> Thank you.
>
> —— ——.

HONORING THE NATION'S WORKING WOMEN

(Mr. QUILLEN asked and was given permission to address the House for 1 minute.)

Mr. QUILLEN. Mr. Speaker, during the week of October 19 to 25, the National Federation of Business and Professional Women's Clubs, Inc., will honor the Nation's working women with the observance of National Business Women's Week.

The State of Tennessee is proud to have 81 BPW clubs with 3,183 outstanding members. We are especially honored to claim as our own, Osta Underwood, Nashville, as first vice president of the national federation.

The 180,000 members of the national federation represent every State in the Union, the District of Columbia, the Virgin Islands, and Puerto Rico.

These federation members will lead the observance of National Business Women's Week. They realize the vital contributions that working women make to the Nation's economy. BPW's goals; to elevate the standards, promote the interests, bring about a spirit of cooperation, and to extend the opportunities for all business and professional women who epitomize the very foundation on which this Nation was built.

To implement these goals, the National Federation has set forth a bold legislative platform for 1969–70 designed to further the interests of all working women, including tax reform, uniform jury service qualifications for men and women, and amendments to the present Social Security Act.

I applaud these objectives and urge my colleagues, in praise of the federation's impressive efforts for the past 50 years, and in recognition of all working women, to pause to give thought to the accomplishments of our Nation's employed women as they observe National Business Women's Week.

THE ADMINISTRATION'S OCCUPATIONAL SAFETY AND HEALTH ACT

(Mr. LANDGREBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANDGREBE. Mr. Speaker, President Nixon recently sent to Congress comprehensive and long-overdue occupational safety and health legislation. Despite all that industry, labor, and government—State and Federal—have done in this century, 14,000 American workers are killed on the job every year, 2 million more are disabled, and 250 million man-days of production are lost to the economy—five times more than from strikes. And work injury rates are rising.

This bill creates a top echelon board of five, appointed by the President, to develop and promulgate national safety and health standards, as well as utilize voluntary standards already developed by representatives of industry, labor, and government.

Historically, safety and health laws in this country have been State laws. So this bill provides Federal grants up to 90 percent for States to plan improvements in their own standards, administrative procedures, employee training, and research and statistics. Thereafter, the bill provides Federal grants up to 50 percent to assist States in administering these improved safety programs.

The bill also recognizes the need for research, especially into the prevention of occupational disease, and for more professionally trained personnel.

This comprehensive approach toward a solution of this growing national problem deserves the support of every Member of the Congress.

APPOINTMENT OF CONFEREES ON S. 1857, NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT, 1970

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1857) authorizing appropriations for activities of the National Science Foundation pursuant to Public Law 87–507, as amended, with House amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. Miller of California, Daddario, Davis of Georgia, Brown of California, Fulton of Pennsylvania, Bell of California, and Mosher.

HEARINGS ON INTERNATIONAL EXECUTIVES, H-VISAS, AND FIANCEES

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FEIGHAN. Mr. Speaker, the Immigration and Nationality Subcommittee of the Committee on the Judiciary has scheduled hearings to commence on October 27, 1969, in room 2141, Rayburn House Office Building, at 10:30 a.m. and to be continued in room 2141, Rayburn House Office Building, on October 28, 1969, at 10 a.m.

These hearings continue the series begun on October 6, 1969, to examine the subjects of temporary admission of specialist personnel and executives, the temporary admission of workers to fill jobs permanent in nature when the domestic labor force is unable to supply needed workers, and the temporary admission of fiancees and fiances of U.S. citizens.

Officials from the Department of Labor will testify on October 27 and officials from the Department of Justice on October 28.

Additional hearings will be scheduled early in November at which the AFL-CIO, the National Foreign Trade Council, U.S. corporations conducting international business, the Association of Immigration & Nationality Lawyers, and others will testify.

PERSONAL EXPLANATION

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record.)

Mr. KOCH. Mr. Speaker, I was speaking at Yale University on Monday, October 20, 1969, when the House passed H.R. 14195, the Federal Contested Election Act, on rollcall No. 235. Had I been present, I would have voted "nay."

APPOINTMENT OF CONFEREES ON H.R. 474, ESTABLISHMENT OF COMMISSION ON GOVERNMENT PROCUREMENT

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 474), to establish a Commission on Government Procurement, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. Holifield, St Germain, and Horton.

PERMISSION FOR SUBCOMMITTEE NO. 5, COMMITTEE ON THE JUDICIARY, TO SIT DURING GENERAL DEBATE OCTOBER 23

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that Subcommittee No. 5 of the Committee on the Judiciary may sit during general debate on October 23.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object—and I hesitate to do so—previously I had spoken to the distinguished chairman of the Committee on the Judiciary as well as to the ranking minority member on the basis that if this subcommittee was going to meet during general debate on matters before it that I thought the other subcommittees of the Committee on the Judiciary which have on their agenda legislative programs recommended by the President, also ought to meet. Subcommittee No. 5 is meeting on the conglomerate matters, as I recall. It seems to me the other subcommittees also ought to be doing some work on the President's legislative program, and those subcommittees do have such matters before them.

Mr. Speaker, I will not object today, but I do want to reaffirm on the floor of the House what I have told the chairman of the committee, that I will not agree to it in the future unless the other subcommittees likewise meet to consider various aspects of the President's anticrime package.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, I think the gentleman's support of the President's position on bills and recommendations has been made very clear this morning, but this request was made by me, I am informed, after clearance with the distinguished gentleman from Ohio (Mr. McCulloch).

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CALL OF THE HOUSE

Mr. GROVER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 239]

Arends
Ashley
Aspinall
Bingham
Brooks
Burton, Utah
Cahill
Celler
Clark
Clay
Corman
Cramer
Culver
Daddario
Dawson
Devine
Diggs
Dingell
Edwards, Ala.
Edwards, La.
Fascell
Findley
Fraser
Gallagher
Gray
Hays
Hébert
Howard
Karth
Kirwan
Kyros
Landgrebe
Landrum
Lipscomb
Lukens
McCulloch
Mailliard
Martin
Morse
O'Konski
O'Neill, Mass.
Ottinger
Passman
Pike
Pollock
Powell
Quie
Reid, N.Y.
Rivers
Rodino
Rosenthal
Ruppe
Scheuer
Stuckey
Ullman
Utt
Whalley
Wilson, Bob

The SPEAKER. On this rollcall 373 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

HOUSING AND URBAN DEVELOPMENT ACT OF 1969

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 13827) to amend and extend laws relating to housing and urban development, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 13827, with Mr. Flood in the chair.

The CHAIRMAN. If there is no objection, the Chair would like to make an observation. The Chair is very grateful to the Members for their full and complete cooperation which the Chair had yesterday in the maintenance of order in the House. The Chair hopes today it will be better. The Chair makes the same request today.

The Chair would like all employees of the House except one employee on each side of the aisle to leave the floor. The Chair again admonishes the pages, especially in the right-hand corner, on the Democratic side, to be quite and to refrain from disturbance there.

The Chair takes for granted that any conversations on the floor will be dispensed with and the Members will leave for the cloakrooms or the Speaker's lobby if they wish to converse.

For the benefit of Members, the parliamentary situation is this. General debate was concluded. The Chair directed the Clerk to read the bill by title. The Clerk read page 1 through line 4, at which point the gentleman from Georgia (Mr. Stephens) posed a parliamentary inquiry, and asked whether an amendment could be offered at that point. The Chair ruled the amendment could be offered at that point and told the gentleman from Georgia the Chair would direct the Clerk to report the amendment, adding however, that at the conclusion of the reading of the amendment if by chance a motion were made for the Committee to rise, and it did rise, the Chair would recognize as the first order of business the gentleman from Georgia in support of his amendment. The Committee did rise, so at this time the Chair will recognize the gentleman from Georgia for 5 minutes in support of his amendment; and, for the benefit of the Members, directs the Clerk to reread the amendment.

AMENDMENT OFFERED BY MR. STEPHENS

The Clerk read as follows:

Amendment offered by Mr. Stephens: Page 1, after line 4, insert the following new section:

"Sec. 2. Section 305(g) of the National Housing Act is amended—

"(1) by striking out '$1,000,000,000' and inserting in lieu thereof '$2,500,000,000';

"(2) by inserting 'at par' immediately after 'and to purchase'; and

"(3) by striking out '$15,000', '$17,500', and '$22,500' and inserting in lieu thereof '$17,500', '$20,000', and '$25,000', respectively."

The CHAIRMAN. The Chair recognizes the gentleman from Georgia.

Mr. STEPHENS. I thank the Chairman.

Mr. Chairman, the homebuilding industry is confronted with a bitter year. In the September recess I met with Georgia homebuilders to discuss the current dilemma. During our conversation I asked about the proposals of Operation Breakthrough. This is how the answer came back to me:

"If you can give us the mortgage money, we will provide the breakthrough."

It seems to be just that simple. My amendment seeks to help along that line.

My amendment is not complicated. It would provide an additional $1.5 billion for the Government National Mortgage Association to purchase mortgages on low-cost FHA and VA housing. I am informed that there is approximately $500 million remaining under the section 305(g) GNMA authorization for this purpose; so if my amendment is adopted and becomes law, GNMA would then have about $2 billion available for this purpose. In addition, my amendment would raise the maximum mortgage amount on mortgages eligible for purchase, which was set at $15,000 in 1966, to $17,500. This is necessary because of the increase in housing costs which has taken place during the last 3 years. Finally I would require that mortgages purchased by GNMA pursuant to section 305(g) be purchased at par, that is, without discount. Now, my amendment is not mandatory.

I believe the need for my amendment to be self-evident. The housing industry is fast approaching a state of near chaos. I believe it is clear that the present tight money situation is bearing down unfairly and disproportionately on the building industry of this Nation. This year housing starts declined precipitously from 1.8 million in January to 1.3 million in August. While September has witnessed a modest recovery in starts, building permits, a reflection of future housing activity, continued to decline. We in the Congress here have enacted legislation aimed at assuring all Americans decent, safe, and sanitary housing. Yet housing starts are now at a level below that of 1950 in which year we started almost 2 million. I would remind the House that in 1950 this Nation's population stood at 152 million. Our current estimated population is 203 million.

The gentleman from Illinois (Mr. ANDERSON) is offering an amendment to assist in the "Operation Breakthrough" of HUD. I will support his amendment and cite his arguments for the need for help in homebuilding which he distributed to all of us with his proposal:

> If we are to meet our goal of 26 million units in the next decade we will obviously have to apply this new approach. This year we may not even achieve one million housing starts. The Congressional mandate calls for 2.7 million starts annually. Last year there were approximately 1.5 million starts. We are falling behind rather than forging ahead in our attempts to meet this most critical housing shortage.

I have stated that the housing industry is approaching a state of near chaos, but there is something a great deal more fundamental involved here than the economic well-being of one segment of our economy, important as it may be. Since I have been a Member of this body I have consistently supported these programs. I have consistently voted for a workable public housing program. I am proud to state that I led the fight for the successful enactment of the rent supplement program in 1965. I am in favor of direct aid to our cities in the form of urban renewal, model cities, and community facilities grants. The Federal Government, should and will, I feel certain, have to play an increasingly larger role in the much needed physical and social renovation of urban America. But, Mr. Chairman, ours is a free enterprise economy and the great bulk of housing for low- and moderate-income people is going to have to be supplied by the private housing industry. In the enactment last year of the FHA section 235 homeownership program, Congress took official cognizance of this fact. Section 235 cannot work, other FHA programs cannot work, nor the VA home loan program meet the housing needs of our moderate-income veterans, unless an adequate supply of mortgage money is available. My proposal will go a long way toward bringing this about. The $2 billion which will be available to GNMA for low-cost housing, should my amendment prevail, should directly produce some additional 125,000 individual homes.

Its effect, however, will be far more reaching. Twice before when the Nation was experiencing a mortgage credit crunch in 1958 and 1966, the Congress enacted almost identical legislation. On both occasions, it was our experience that private lenders, knowing that mortgage money would be available to builders from the Federal Government, relaxed their credit restrictions and made funds available for housing. This in turn resulted in the construction of still more housing units. In effect, the Government's secondary mortgage market under these circumstances, acts as a yardstick. This is as it should be. Section 301 of the National Housing Act establishing GNMA, as drafted by the Eisenhower administration and placed on the statute books by the Republican 83d Congress, states that the Congress declares the purpose of this title is, among other things, to provide special assistance to home mortgages generally as a means of retarding or stopping a decline in mortgage lending and homebuilding activities which threatens materially the stability of our high level national economy.

The adoption of my amendment will carry out this congressional mandate. It is a mandate which I sincerely feel this body has an obligation to fulfill and do so immediately. I say this, because I am exceedingly fearful that we are now witnessing a repetition of the unfortunate sequence of events which triggered our most serious postwar recession, that of 1957–58; 1957 saw an acute tight mortgage money market accompanied by a drastic decline in housing starts. Sickness in the housing industry in 1957 spread like a deadly virus through the economic body and was a major cause of the 1958 recession. I would remind the House that in the spring of 1958 unemployment reached a figure of 5 million. It was necessary at that point for the Congress to take action of a more direct nature to pump prime the economy with large infusions of Government money. This in turn contributed to a large Government deficit in 1959.

Mr. Chairman, I believe by enacting my amendment today the House can ward off a repetition of unhappy events of 1957 to 1959. Again, I conclude by repeating, we must assist the homebuilders find mortgage money. However, this method I propose is permissive and not mandatory for GNMA, but if used—which I hope it would be—it will help the homebuilders and prospective homeowners.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I yield to the chairman of the committee.

Mr. PATMAN. For the information of the gentleman from Georgia, I canvassed the committee on this side, and we are willing to support the gentleman's amendment.

Mr. STEPHENS. Thank you very much, Mr. Chairman.

Mr. PATMAN. Mr. Chairman, I rise in support of the amendment offered by our distinguished colleague on the Banking and Currency Committee, Mr. STEPHENS. This amendment would provide $1,500 million in additional available funds to the Government National Mortgage Association to assist low-income people secure housing.

GNMA, as this institution is called, has taken over all the special assistance housing programs of FNMA, which the members will recall we did in the 1968 Housing Act. The use of these funds is discretionary with the President.

We know full well that the housing industry is in a state of depression and the effects of this fall most heavily on home construction and availability of home mortgage funds for the poor. It is an excellent amendment. It will provide funds to construct housing for the elderly, low-income families, and military housing.

Mr. Chairman, I hope the Members will support the amendment.

We want to assure that there is no discrimination against the low- and moderate-income cooperative homeownership projects through the denial of the new "tandem" financing for such housing projects.

It is the clear intent of Congress that cooperative homeownership projects should receive the benefits of the tandem financing program. In approving the tandem program, Congress has responded to the needs of cooperatives for par financing without discounts on mortgages covering housing for low- and moderate-income families. The building of such housing should not be jeopardized by fluctuations in the money market. Cooperatives have no way to pay discounts, since the lower income families cannot afford to pay them through higher downpayments. Such discounts would make cooperative homeownership impossible for these families who urgently need housing.

The record of repayments on cooperative mortgages is the best of any FHA-insured program. The Douglas Commission found that "the cooperative program under 221(d)(3) has achieved a remarkable record. There has not been a single default in any cooperative mortgage although the default rate on BMIR rental projects is over 3 percent." Through cooperatives, thousands of lower income families have achieved homeownership and better communities because they have a stake in their community.

In passing the housing bill today, Congress is giving the administration a mandate to use the tandem plan to purchase cooperative mortgages under the interest reduction and rent supplement programs.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I am glad to yield to the gentleman.

Mr. BARRETT. I want to take this opportunity to commend the gentleman on the very fine work and his dedicated interest to obtain necessary and adequate homes for the people who need it so badly in rural areas; as well as the fine work he has done to obtain necessary housing for the urban areas. In all he has done a splendid job, and I hope his amendment will carry.

Mr. STEPHENS. Thank you very much for your kind words. I appreciate it.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

(By unanimous consent, Mr. STEPHENS was allowed to proceed for 2 additional minutes.)

Mr. BROCK. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman from Tennessee, a member of the Committee (Mr. BROCK).

Mr. BROCK. I would like for the gentleman to have an additional 5 minutes if that is possible, because I am very interested in his proposal.

But, for the purpose of clarification, the money would be appropriated from the Treasury to the National Mortgage Association, GNMA, which in turn would use the funds to purchase mortgages from the FHA and VA; is that correct?

Mr. STEPHENS. Yes, sir.

Mr. BROCK. At full parity?

Mr. STEPHENS. Yes.

Mr. BROCK. Mr. Chairman, if the gentleman will yield further, then could it refinance those mortgages by selling its own issues to somebody, or is there a turnover provision as it would apply to this section?

Mr. STEPHENS. I am not positive as to whether there is a turnover provision or not.

Mr. BROCK. If it had to sell those at a discount and if it did have that proviso—and I would assume it would—then it would be at a direct cost or a discount, perhaps, at least to the taxpayers?

Mr. STEPHENS. I like the provision I have here. The discount points are usually paid by the purchaser. This would be a way that the discount could be put into effect.

Mr. BROCK. I am talking about the direct operations of GNMA. This would be somewhat different from the discount, particularly to home buyers, and I would question this procedure because I think the homebuilding industry is in such desperate straits. I question whether the gentleman's amendment would create any additional private money, because I do not think there is any additional private money available. But I do hope that this would open the door for addressing relief to the homeowners and homebuilders. I think it is imperative that this Government act in any capacity it can to relieve the straits in which this industry finds itself and in which the average person who desires to purchase a home finds himself, because he cannot obtain money to build a home at any price.

Mr. STEPHENS. I appreciate the statement which has been made by the gentleman from Tennessee.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

(On request of Mr. HANNA, and by unanimous consent, Mr. STEPHENS was allowed to proceed for 1 additional minute.)

Mr. HANNA. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman from California.

Mr. HANNA. Mr. Chairman, I commend the gentleman upon his proposal. As I indicated yesterday there is a multiplier of 2½ percent in the homebuilding industry. If that is true, the proposal of the gentleman would create in the economy $5 billion.

I have been concerned, as has been the gentleman from Tennessee, over the possibility that when you discount these notes with FNMA, which I hope they will do, there will be a Government expense. I believe that the sum of $5 billion in the economy will generate enough new taxes so that that will create a return that is necessary to service the expense of the discount. I believe that is an extra reason for supporting this particular proposition.

Mr. STEPHENS. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

(On request of Mr. RANDALL, and by unanimous consent, Mr. STEPHENS was allowed to proceed for 1 additional minute.)

Mr. RANDALL. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman from Missouri.

Mr. RANDALL. Mr. Chairman, I want to ask the gentleman in the well a question. Is the purpose of your amendment to provide GNMA more authority to purchase mortgages on low cost housing? Then would GNMA sell its paper, assuming these are not appropriated funds?

Mr. STEPHENS. That is correct.

Mr. RANDALL. We are all quick to question and slow to support any program involving a billion dollars no matter how meritorious or how worthwhile. If I understand this amendment correctly it is not mandatory but simply authorizes the Government National Mortgage Association to purchase more mortgages at par and without discount.

There should be no question about that portion of the amendment which raises the maximum mortgage amount on mortgages eligible for purchase which was set at $15,000 in 1966 to $17,500 because this is absolutely necessary due to the increase in housing costs which has taken place in the last 3 years.

Without going so far as to endorse an increase in authorization as large as is proposed without serious reservations I am reminded that our homebuilding industry has had a most disappointing year. All our homebuilders seem to be asking for is a more plentiful supply of mortgage money. There is a mortgage credit crunch which is almost as bad as any that has been seen since 1958.

Some increase in the supply of mortgage money available to builders is imperative. We have a free enterprise economy and the great bulk of housing for low- and moderate-income people will have to be supplied by the private homebuilding industry.

Whether such a large increase in authorization is warranted depends on how strong a brand of medicine is needed for our homebuilders.

Again, the only question is the size of the increased authorization. I am sure all of us want to be certain that the amendment is not mandatory on GMNA, but is only permissive.

Mr. ALBERT. Mr. Chairman, I support the amendment offered by the gentleman from Georgia (Mr. STEPHENS) because of the vital role the housing industry plays in our national economy.

The impact of new residential construction is a major force in, and spreads throughout, the entire American economic structure. For example, last year's 1½ million new dwelling units generated in construction activity alone approximately $22.5 billion. When you add to this the impact of expenditures which are directly related to the construction of new dwellings, such as schools, community facilities, service industries, durable goods expenditures, and the like, the total directly related impact of housing expenditures amounts to $49 billion, or approximately $1 in every $18 of the total amount of gross national product activity last year.

Each new home built provides about 2 man-years of employment, half offsite, a little more than half onsite. Last year's housing volume thus provided close to 3 million jobs. In addition, what the economists call the multiplier effect of such expenditures is also enormous. For example, it has been calculated that the multiplier effect of construction activity as it spreads through the economy in economic terms is about double the direct dollar expenditures. The thousands of products used in new dwellings come from every area of the country and affect virtually every industry.

It is estimated that the gentleman's amendment will produce directly approximately 125,000 additional units of housing. The committee may be interested in knowing that the construction of 100,000 units of housing would mean an additional $1.2 billion in direct construction expenditures, provide 200,000 man-years of work, half of it onsite and half of it in materials production. Specifically, the construction of an additional 100,000 houses would mean a market for 975 million board feet of lumber, 115 million board feet of finish wood flooring, 104 million square feet of softwood, plywood, 470 million bricks, 230 million pounds of cement, 1.9 million gallons of paint, 200,000 tons of steel, 156,000 water closets, 127,000 bath tubs, 73,000 warm air furnaces, with ducts, 11 million square feet of ceramic tile, 10 million square feet of linoleum floor covering, 20 million square feet of asphalt tile flooring, 1 million squares of asphalt roofing shingles, 140 million square feet of wall and ceiling insulation, 2.5 million convenience outlets, 1.1 million electric switches, 32,000 garbarge disposal units, 55,000 kitchen exhaust fans, 7,000 air conditioners, 1 million kitchen cabinets, 1.4 million window frame; interior wall gypsum board for 48,000 houses and gypsum lath for another 40,000—close to a half billion square feet of gypsum board products in all; 1.2 million doors, 27,000 single-garage doors; 32,000 double-garage 1- door; and 10,000 double-garage 2-doors.

Mr. WIDNALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, personally I am very reluctant to disagree with my very good friend and extremely competent colleague, the gentleman from Georgia.

The price tag on the housing bill that we are bringing to the House right now is $3 billion. The amendment proposed by the gentleman from Georgia would increase the budgetary cost by $1.5 billion, bringing the price tag of the bill to $4.5 billion. Here, the first amendment offered to the bill today would increase the budgetary cost of the bill by 50 percent. I do not think we can proceed on that basis.

We have to hold the line tight on the budgetary costs that we authorize and the Congress cannot shirk its responsibility to do its part in bringing inflation into control.

I was rather shocked to hear some testimony before our committee offered by Chairman Preston Martin, the new head of the Federal Home Loan Bank Board. They had just pumped $1,900,000,000—I believe it is—into the housing market. On questioning before the committee, he stated that average mortgage that was taken with that money was for $28,000 to $30,000. That is the mortgage—not the value of the house. I was shocked at that testimony as before I had understood that the thrust of what we are trying to do here in the Congress is to provide opportunities for low-income people and low-middle-income people, and housing for those people.

It would indicate to me, that if $1,500,000,000 more goes into GNMA, as proposed by this amendment, we are probably going to end up with the same thing—financing of high cost housing—which I do not object to—but I think other things have priority and should have as much help as possible.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman.

Mr. STEPHENS. I believe you will find language in my amendment that this is to be limited to low-income-priced houses of $17,500 and in high cost areas to a comparably higher figure. I have that as a limitation and I do not see how that could happen under the circumstances, for them to take this permissive authority.

Mr. WIDNALL. But your amendment raises the ceiling, the current ceiling; does it not?

Mr. STEPHENS. That is correct. But to conform with the language of the bill, it does the same thing, it recognizes the cost of living, and this was necessary to make it conform to the balance of the bill. I thank my colleague for yielding.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman.

Mr. ANDERSON of Illinois. I understood in the colloquy that went on a moment ago between the gentleman from Missouri (Mr. RANDALL) and the gentleman who has offered the amendment, the gentleman from Georgia (Mr. STEPHENS), that there was no budgetary impact during the fiscal year 1970 with respect to this amendment and that it merely was to make more flexible the authority that GNMA now has to dispense these special assistance funds in order to support or prop up the home mortgage market.

I would appreciate a further explanation from the gentleman who has offered the amendment to clarify that particular point as to what precisely the budgetary impact would be during the balance of the current fiscal year.

Mr. WIDNALL. I yield to the gentleman from Georgia.

Mr. STEPHENS. Mr. Chairman, I think it would depend on GNMA and how it operates in the market as to what the budgetary effect of it would be.

Mr. BROCK. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman.

Mr. BROCK. Mr. Chairman, I am under some misunderstanding as well.

If GNMA has authority to market this paper on the open market, there is no budgetary impact. But if under the authority of this amendment they have the direct ability to take $1,500,000,000 additional money from the Treasury, then it has an immediate budgetary impact.

I would like to inquire, what is the effect of the amendment?

Mr. WIDNALL. Yes, and that is established forever.

Mr. STEPHENS. No, it only takes the existing figures of the present bill, and it will be part of it. It does not change any procedures whatsoever as to what the budgetary effect will be.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. STEPHENS).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I—MORTGAGE CREDIT

EXTENSION OF PROGRAMS

SEC. 101. (a) Section 2(a) of the National Housing Act is amended by striking out "1969" in the first sentence and inserting in lieu thereof "1970".

(b) Section 217 of such Act is amended—

(1) by striking out "or title X" and inserting in lieu thereof "title X, or title XI"; and

(2) by striking out "1969" and inserting in lieu thereof "1970".

(c) Section 221(f) of such Act is amended by striking out "1969" in the fifth sentence and inserting in lieu thereof "1970".

(d) Section 809(f) of such Act is amended by striking out "1969" in the second sentence and inserting in lieu thereof "1970".

(e) Section 810(k) of such Act is amended by striking out "1969" in the second sentence and inserting in lieu thereof "1970".

(f) Section 1002(a) of such Act is amended by striking out "1969" in the second sentence and inserting in lieu thereof "1970".

(g) Section 1101(a) of such Act is amended by striking out "1969" in the second sentence and inserting in lieu thereof "1970".

LOWER DOWNPAYMENTS FOR FHA-FINANCED SALES HOUSING

SEC. 102. (a) Section 203(b)(2) of the National Housing Act is amended by striking out "$20,000" each place it appears and inserting in lieu thereof "$25,000".

(b) Section 220(d)(3)(A)(i) of such Act is amended by striking out "$20,000" each place it appears and inserting in lieu thereof "$25,000".

(c) Section 222(b)(3) of such Act is amended by striking out "$20,000" each place it appears and inserting in lieu thereof "$25,000".

(d) Section 234(c) of such Act is amended by striking out "$20,000" each place it appears and inserting in lieu thereof "$25,000".

MOBILE HOMES

SEC. 103. (a)(1) Section 207(a) of the National Housing Act is amended—

(A) by striking out "trailer coach mobile dwellings" in paragraph (1) and inserting in lieu thereof "mobile homes";

(B) by striking out "trailer court or park" in paragraph (6) and inserting in lieu thereof "mobile home court or park"; and

(C) by striking out "trailer coach mobile dwellings" in paragraph (6) and inserting in lieu thereof "mobile homes".

(2) Section 207(c)(3) of such Act is amended by striking out "trailer courts or parks" and inserting in lieu thereof "mobile home courts or parks".

(b) Section 207(c)(3) of such Act is amended by striking out "$1,800 per space" and inserting in lieu thereof "$2,500 per space".

(c) The last paragraph of section 207(c) of such Act (immediately following paragraph numbered (3)) is amended by inserting after "such term as the Secretary shall prescribe" in the first sentence the following: "(not exceeding 20 years in the case of a mortgage for a mobile home court or park)".

MAXIMUM MORTGAGE AMOUNT UNDER SECTION 220 MULTIFAMILY HOUSING PROGRAM

SEC. 104. Section 220(d)(3)(B)(i) of the National Housing Act is amended to read as follows:

"(i) not exceed $50,000,000;".

MORTGAGE INSURANCE ON CONDOMINIUM UNITS FOR SERVICEMEN

SEC. 105. Section 222(b)(1) of the National Housing Act is amended by inserting "or 234(c)," immediately after "221(d)(2),".

ASSISTANCE PAYMENTS UNDER SECTION 235 FOR PURCHASER ASSUMING MORTGAGE

SEC. 106. (a) Section 235(c) of the National Housing Act is amended by striking out "subsection (j)(4)" and inserting in lieu thereof "subsection (i) or (j)(4)".

(b) Section 235(b)(2) of such Act is

amended by striking out the first proviso and inserting in lieu thereof the following ": *Provided*, That if any cooperative member who has received assistance payments transfers his membership and occupancy rights to another person who satisfies the eligibility requirements prescribed by the Secretary and undertakes the obligation to pay occupancy charges, the new cooperative member may qualify for assistance payments upon the filing of an application with respect to the dwelling unit involved to be occupied by him".

AUTHORIZATION FOR ASSISTANCE PAYMENTS UNDER SECTIONS 235 AND 236

SEC. 107. (a) The second sentence of section 235(h) of the National Housing Act is amended by striking out "by $100,000,000 on July 1, 1970" and inserting in lieu thereof "by $125,000,000 on July 1, 1970."

(b) The second sentence of section 236(i) (1) of such Act is amended by striking out "by $100,000,000 on July 1, 1970" and inserting in lieu thereof "by $125,000,000 on July 1, 1970."

ASSISTANCE PAYMENTS WITH RESPECT TO EXISTING DWELLINGS UNDER SECTION 235

SEC. 108. Section 235(h)(3) of the National Housing Act is amended—

(1) by inserting "and" at the end of subparagraph (A); and

(2) by striking out subparagraphs (B) and (C) and inserting in lieu thereof the following:

"(B) 30 per centum of the total additional amount of contracts for assistance payments authorized by appropriation Acts to be made prior to July 1, 1971,".

10 PER CENTUM INCREASE IN MAXIMUM MORTGAGE AMOUNTS UNDER FHA INSURANCE PROGRAMS

SEC. 109. (a)(1) Section 203(b)(2) of the National Housing Act is amended by striking out "$30,000", "$32,500", and "$37,500" wherever they appear and inserting in lieu thereof "$33,000", "$35,750", and "$41,250", respectively.

(2) Section 203(h) of such Act is amended by striking out "$12,000" and inserting in lieu thereof "$13,200".

(3) Section 203(i) of such Act is amended by striking out "$13,500" and inserting in lieu thereof "$14,850".

(4) Section 203(m) of such Act is amended by striking out "$15,000" and inserting in lieu thereof "$16,500".

(b)(1) Section 207(c)(3) of such Act is amended by striking out "$9,000", "$12,500", "$15,000", "$18,500", and "$21,000 wherever they appear and inserting in lieu thereof "$9,900", "$13,750", "$16,500", "$20,350", and "$23,100", respectively.

(2) Section 207(c)(3) of such Act is further amended by striking out "$10,500", "$18,000", "$22,500", and "$25,500", and inserting in lieu thereof "$11,550", "$19,800", "$24,750", and "$28,050", respectively.

(c)(1) Section 213(b)(2) of such Act is amended by striking out "$9,000", "$12,500", "$15,000", "$18,500", and "$21,000" wherever they appear and inserting in lieu thereof "$9,990", "$13,750", "$16,500", "$20,350", and "$23,100", respectively.

(2) Section 213(b)(2) of such Act is further amended by striking out "$10,500", "$18,000", "$22,500", and "$25,500" and inserting in lieu thereof "$11,550", "$19,800", "$24,750", and "$28,050", respectively.

(d)(1) Section 220(d)(3)(A)(i) of such Act is amended by striking out "$30,000", "$32,500", "$37,500", and "$7,000" wherever they appear and inserting in lieu thereof "$33,000", "$35,750", "$41,250", and "$7,700", respectively.

(2) Section 220(d)(3)(B)(iii) of such Act is amended by striking out "$9,000", "$12,500", "$15,000", "$18,500" and "$21,000" wherever they appear and inserting in lieu thereof "$9,900", "$13,750", "$16,500", "$20,350", and "$23,100", respectively.

(3) Section 220(d)(3)(B)(iii) of such Act is further amended by striking out "$10,500", "$18,000", "$22,500", and "$25,500" wherever they appear and inserting in lieu thereof "$11,550", "$19,800", "$24,750", and "$28,050", respectively.

(4) Section 220(h)(2) of such Act is amended by striking out "$10,000" and inserting in lieu thereof "$11,000".

(e)(1) Section 221(d)(2) of such Act is amended by striking out "$15,000", "$17,500", "$20,000", "$27,000", and "$33,000" wherever they appear and inserting in lieu thereof "$16,500", "$19,250", "$22,000", "$29,700", and "$36,300", respectively.

(2) Section 221(d)(2) of such Act is further amended by striking out "$25,000", "$32,000", and '$38,000" and inserting in lieu thereof "$27,500", "$35,200", and "$41,800", respectively.

(3) Section 221(d)(3)(ii) of such Act is amended by striking out "$8,000", "$11,250", "$13,500", "$17,000", and "$19,250" wherever they appear and inserting in lieu thereof "$8,800", "$12,375", "$14,850", "$18,700", and "$21,175", respectively.

(4) Section 221(d)(3)(ii) of such Act is further amended by striking out "$9,500", "$16,000", "$20,000", and "$22,750" and inserting in lieu thereof "$10,450", "$17,600", "$22,000", and "$25,025", respectively.

(5) Section 221(d)(4)(ii) of such Act is amended by striking out "$8,000", "$11,250", "$13,500", "$17,000", and "$19,250" wherever they appear and inserting in lieu thereof "$8,800", "$12,375", "$14,850, "$18,700", and "$21,175", respectively.

(6) Section 221(d)(4)(ii) of such Act is further amended by striking out "$9,500", "$16,000", "$20,000", and "$22,750" and inserting in lieu thereof "$10,450", "$17,600", "$22,000", and "$25,025", respectively.

(7) Section 221(h)(6)(A) of such Act is amended by striking out "$15,000" and inserting in lieu thereof "$16,500".

(f) Section 222(b)(2) of such Act is amended by striking out "$30,000" and inserting in lieu thereof "$33,000".

(g)(1) Section 231(c)(2) of such Act is amended by striking out "$8,000", "$11,250", "$13,500", "$17,000", and "$19,250" wherever they appear and inserting in lieu thereof "$8,800", "$12,375", "$14,850", "$18,700", "$21,175", respectively.

(2) Section 231(c)(2) of such Act is further amended by striking out "$9,500", "$16,000", "$20,000", and "$22,750" and inserting in lieu thereof "$10,450", "$17,600", "$22,000", and "$25,025", respectively.

(h)(1) Section 234(c) of such Act is amended by striking out "$30,000" and inserting in lieu thereof "$33,000".

(2) Section 234(e)(3) of such Act is amended by striking out "$9,000", "$12,500", "$15,000", "$18,500", and "$21,000" wherever they appear and inserting in lieu thereof "$9,900", "$13,750", "$16,500", "$20,350", and "$23,100", respectively.

(3) Section 234(e)(3) of such Act is further amended by striking out "$10,500", "$18,500", "$22,500", and "$25,500" and inserting in lieu thereof "$11,550", "$19,800", "$24,750", and "$28,050", respectively.

(i) Section 235 of such Act is amended by striking out "$15,000", "$17,500", and "$20,000" wherever they appear and inserting in lieu thereof "$16,500", "$19,250", and "$22,000", respectively.

(j) Section 237(c)(2) of such Act is amended by striking out "$15,000" and "$17,500" and inserting in lieu thereof "$16,500" and "$19,250", respectively.

INCREASE IN GNMA PURCHASE AUTHORITY

SEC. 110. Section 302(b) of the National Housing Act is amended—

(1) by striking out "exceeds or exceeded $17,500" in clause (3) of the proviso in the first sentence and inserting in lieu thereof "exceeds or exceeded $22,000";

(2) by striking out "that exceeds $17,500" in the second sentence and inserting in lieu thereof "that exceeds the otherwise applicable maximum amount"; and

(3) by striking out "did not exceed $17,500" in the second sentence and inserting in lieu thereof "did not exceed the otherwise applicable maximum amount".

GNMA SPECIAL ASSISTANCE PURCHASES

SEC. 111. Section 305 of the National Housing Act is amended by adding at the end thereof the following new subsection:

"(j) Notwithstanding any other provision of this Act, the Association is authorized to purchase pursuant to commitments or otherwise mortgages otherwise eligible for purchase under this section at a price equal to the unpaid principal amount thereof at the time of purchase, with adjustments for interest and any comparable items, and to sell such mortgages at any time at a price within the range of market prices for the particular class of mortgages involved at the time of sale as determined by the Association."

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will read the committee amendments to title I.

The Clerk read as follows:

Committee amendments: Page 6, lines 5, 6, 9, and 10, strike out "1970" and insert "1969".

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. BRASCO

Mr. BRASCO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BRASCO: Page 6, after line 10, insert the following new section:

"INTEREST REDUCTION PAYMENTS UNDER SECTION 236 ON CERTAIN PROJECTS FINANCED UNDER STATE OR LOCAL HOUSING PROGRAMS

"SEC. 108. The proviso in section 235(b) of the National Housing Act is amended by striking out 'with respect to a rental or cooperative housing project' and inserting in lieu thereof 'with respect to a mortgage or part thereof on a rental or cooperative housing project'."

And renumber the succeeding sections accordingly.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. BRASCO. Mr. Chairman, this is a technical amendment which, I am told, must be enacted to allow sponsors of moderate income projects to apply for only those funds for which they qualify and which they require under section 236(b) of the national housing interest subsidy program.

I would like, if I may, to cite an example which I feel best illustrates the defect that I believe this amendment would cure. Under the present law a sponsor of such a project—and for purposes of this discussion I would like to assume that the project in question is a 100-unit project—must apply for an interest subsidy under section 236(b) on the entire 100 units.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, we have no objection to the amendment, if that is agreeable to the minority side.

Mr. BROCK I would like to have an explanation of the amendment.

Mr. BRASCO. I shall proceed. This means, very simply, that the prospective tenants must qualify under the section 236 income guidelines. What this does is to make it extremely difficult to service the housing needs of the community where the project is being built, for it deprives a family living in that community whose income is barely over the guidelines from obtaining decent housing. Furthermore, it prevents an advantageous economic mix in these projects, and it frustrates additional housing starts under this program by preventing the money from being spread out.

Through our committee I checked with those individuals who were formerly staff attorneys of HUD, and who drew up this particular section they suggest. The only way this defect could be cured was to enact this amendment.

I want to emphasize, and I want to be emphatic about it, that this amendment does not call for expenditure of additional moneys, for the program remains limited by the money already authorized for its use. What it does simply is to allow the sponsor of this 100-unit project, assuming he has only 60 families in the project that qualify under the 236(b) program, the interest subsidy, to apply for only 60 percent of the interest subsidy instead of a subsidy on the entire mortgage.

Mr. HANNA. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. I yield to the gentleman from California.

Mr. HANNA. Mr. Chairman, does the gentleman have any limitation as to where the qualifications will end?

In other words, the gentleman is talking about a mix of those who qualify and those who do not. What is the limitation?

Mr. BRASCO. Very simply, this does not change any qualifications. All it does is to allow a sponsor of this project, instead of applying for the 100-percent mortgage, when he has a project in which only 60 percent of the families qualify under the 236(b) program, to apply for only 60-percent mortgage subsidy. I think that is certainly equitable and fair. It does not change anything that exists.

Mr. BROCK. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. I yield to the gentleman from Tennessee.

Mr. BROCK. Mr. Chairman, this amendment would not have the effect of having this Government participate in interest subsidy for those individuals whose incomes exceeded the amount specified?

Mr. BRASCO. No.

Mr. BROCK. The effect of the gentleman's amendment would be to allow more projects in, because there would be less than 100-percent funding. Is that correct?

Mr. BRASCO. Yes. One of the things would be obvious that instead of tying up or applying for a 100-percent interest subsidy on a particular mortgage, where facts indicate he should be getting only 60 percent, then to the extent there is money in the program—and it does not add any other money—it would allow that money to be used for another housing project.

Mr. BROCK. Mr. Chairman, where does the builder of this particular project get the other 40 percent?

Mr. BRASCO. He is not entitled to interest subsidy on that. That may be a combination of any city or State programs.

Mr. BROCK. Then the gentleman is saying the effect of the present law is that it requires a person who is going to have one or more of his units under the program to get 100 percent or nothing?

Mr. BRASCO. Yes. That rather surprised me to see there was such an interpretation placed on it. Apparently our staff in checking it out with HUD people found their legal interpretation of this section is that, unless we get this additional language which indicates a sponsor can apply for a subsidy on a part of a mortgage he must apply for it all.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BRASCO).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. SULLIVAN

Mrs. SULLIVAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. SULLIVAN: Page 12, after line 6, add the following new section:

"MORTGAGE LOANS TO HOMEOWNERS

"SEC. 112. (a) The Congress finds that the many programs of Government, intended to assure good housing for the American family at prices it can afford, are incapable of achieving their goals during recurring periods of tight money and high interest rates. Many credit-worthy families are being and have been denied mortgage financing on reasonable terms, not because of their inability to repay the obligation but because private funds needed for home financing have been diverted into other investment avenues. Such funds as are available for home mortgages are frequently offered only at unconscionable rates of interest. It is therefore the policy of the Congress and the purpose of this section to stabilize mortgage availability and establish machinery for assuring moderate income families access to mortgage financing within their means, and thus to enable the average family to achieve its goal of home ownership, by providing direct housing loans through a Federal instrumentality to individuals in those instances where private enterprise cannot or will not extend loans at reasonable rates to credit-worthy applicants.

"(b) There is hereby established in the executive branch of the Government an independent agency to be known as the Home Owners Mortgage Loan Corporation (hereinafter referred to as the "Corporation").

"(c) All the powers and duties of the Corporation shall be vested in a Board of Directors (hereinafter referred to as the 'Board'), which shall consist of the Commissioner of the Federal Housing Administration and eight members appointed by the President with the advice and consent of the Senate. The Board shall consist of at least five public members who are not officials or employees of any branch of government, Federal, State, or local. Members of the Board other than the Federal Housing Administration Commissioner shall be appointed for terms of six years; except that (1) any members appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of office of the members first appointed shall expire, as designated by the President at the time of appointment, three at the end of two years, three at the end of four years, and two at the end of six years, after the date of the enactment of this Act. The Board shall annually elect a Chairman and Vice Chairman from among its members. Public members shall be paid $100 per day for each day of work, plus travel expenses.

"(2) Subject to the provisions of this section, the Board shall determine the general policies which shall govern the operations of the Corporation, and shall have power to adopt, amend, and repeal bylaws governing the performance of the functions, powers, and duties granted to or imposed upon the Corporation by law.

"(3) The Board shall select and appoint qualified persons to serve as the officers of the Corporation, with such functions, powers, and duties as may be prescribed by the bylaws or by the Board; and such persons shall discharge all of the executive functions, powers, and duties of the Corporation. The Board shall also provide for the appointment of such additional officers and employees as may be necessary for the exercise of the Corporation's functions, powers, and duties.

"(4) The Board shall meet at the call of its Chairman or a majority of its members, but not less often than once each month.

"(5) The Corporation shall maintain such offices as may be necessary or appropriate in the conduct of its business.

"(6) No person shall serve as an officer or employee of the Corporation, while he is serving as a full-time officer or employee of any other department, agency, or instrumentality of the Federal Government.

"(7) In the performance of and with respect to the functions, powers, and duties vested in it by this section, the Corporation shall (in addition to any authority otherwise vested in it) have the same functions, powers, and duties as those prescribed for the Secretary of Housing and Urban Development by section 402 (except subsection (c)(2)) of the Housing Act of 1950.

"(d)(1) It shall be the function of the Corporation, in order to carry out the purpose of this section, to make loans to assist in the purchase or construction of housing by individuals and families of moderate income who are unable to meet their housing needs at reasonable interest rates with the financing or other assistance which is available from other sources.

"(2) A loan under this subsection may be made only for the purchase or construction of a single-family dwelling (or for the purchase of a single-family unit in a cooperative or condominium project) to be owned and occupied by the borrower, and may be made only to an individual or family who—

"(A) has an annual income of not more than $12,000 unless the Board after full consideration determines a higher or lower maximum income level is advisable to carry out the purpose of this section;

"(B) is unable to secure the necessary funds from other public or private sources in the community at an interest rate considered by the Board to be reasonable and in no case higher than 6½ per centum per annum;

"(C) would be an acceptable credit risk for purposes of whichever mortgage insurance program under title II of the National Housing Act involves housing of the most comparable type; and

"(D) satisfies the requirements of this section and such additional requirements and standards as may from time to time be prescribed and published by the Board.

"(3) Any loan made under this subsection shall be in a principal amount not exceeding $24,000 and shall be secured by a first mortgage on the property. The Corporation may require the borrower to make a downpayment (not exceeding the downpayment which would be required if the housing were being purchased with the assistance of a mortgage insured under section 203(b) of the National Housing Act).

"(4) Any loan made under this subsection shall be repayable within such period not exceeding thirty years as the Board may determine; and shall bear interest at a rate which shall be determined by the Board.

"(5) Under arrangements to be entered into by the Corporation and the Secretary of Housing and Urban Development, loan applications under this subsection shall be processed by the Secretary on behalf of the Corporation, which shall pay to the Secretary (in advance or by way of reimbursement) the costs incurred therein.

"(e)(1) There is hereby created a revolving fund to be known as the Home Owners Mortgage Loan Fund (hereinafter referred to as the 'Fund'), which shall be available to the Corporation without fiscal year limitation for carrying out the provisions of this section.

"(2) The moneys in the Fund shall be used for making and servicing loans under subsection (d), including the cost of processing loan applications as provided in subsection (d)(5) (but not including any other administrative expenses which may be incurred by the Corporation in the exercise of its functions, powers, and duties under this section).

"(3) The Fund shall be credited with appropriations made pursuant to paragraph (4), with all repayments of principal and interest on loans made under subsection (d), and with any other amounts which may be received in connection with the program under this section. Any amounts in the Fund not needed for current expenditure may be invested in obligations issued or guaranteed by the United States.

"(4) To provide the capital for the Fund, there is authorized to be appropriated the sum of $2,000,000,000 in each of the first five fiscal years ending after the date of the enactment of this Act, and such additional sum in each fiscal year thereafter as may be necessary to ensure that the total amount received in the Fund during that year (including repayments and other receipts) will be at least $2,000,000,000. Any portion of the amount authorized to be appropriated in any of the first five fiscal years ending after the date of the enactment of this Act which is not so appropriated may be appropriated in any subsequent fiscal year.

"(f) In carrying out its functions, powers, and duties under this section the Corporation shall regularly and fully consult with the Secretary of Housing and Urban Development and all other Federal departments, agencies, and instrumentalities having functions related to those of the Corporation, in order to ensure that the purpose of this section is carried out efficiently, effectively, and without unnecessary duplication of effort.

"(g) The Corporation shall prepare and submit to the President and to the Congress each year a full and complete report of its activities, together with any recommendations it may have for additional legislative, administrative, and other action to achieve the purpose of this section.

"(h) There are authorized to be appropriated such sums as may be necessary for the administrative expenses incurred by the Corporation in carrying out this section.

"(i)(1) Section 101 of the Government Corporation Control Act is amended by inserting 'Home Owners Mortgage Loan Corporation;' after 'Government National Mortgage Association;'.

"(2) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"'(92) Members, Board of Directors of the Home Owners Mortgage Loan Corporation.'"

Mrs. SULLIVAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read. I think I can quickly explain what this amendment does, and it is quite simple.

Mr. BROCK. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The Clerk will proceed to read the amendment.

The Clerk proceeded to read the amendment.

Mrs. SULLIVAN (during the reading). Mr. Chairman, again I ask unanimous consent that the amendment be considered as read so that I may explain its contents.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Missouri?

Mr. BROCK. I am sorry, Mr. Chairman, but I must object.

The CHAIRMAN. Objection is heard. The Clerk will continue to read the amendment.

The Clerk concluded the reading of the amendment.

The CHAIRMAN. The gentlewoman from Missouri (Mrs. SULLIVAN) is recognized for 5 minutes in support of her amendment.

Mrs. SULLIVAN. Mr. Chairman, this is an amendment to build houses and to sell homes to moderate-income families. It is the only proposed portion of this legislation which will help the average family get a home at mortgage interest rates it can afford.

This amendment says to the financial structure of this country: "Unless you turn loose funds for home mortgages for the average family at a rate of 6½ percent or less, the Government will provide the funds."

This is strong medicine—but the housing market for families earning up to $12,000 a year is sick—dying. So strong medicine is required.

Mr. Chairman, instead of wringing our hands about high interest rates, and telling constituents who want to buy homes that we would like to help them but cannot do so because of tight money, let us loosen some money to help them.

This amendment consists of a bill cosponsored with me by the chairman of the Housing Subcommittee, the gentleman from Pennsylvania (Mr. BARRETT). The National Association of Home Builders on October 13, 1969, through its board of directors, endorsed, and now supports, this proposal. It regards it, as I do, as a way to finance homes for the middle income family now priced out of the mortgage market.

Here is what it does:

First. It creates the Home Owners Mortgage Loan Corporation to make direct loans, at 6½ percent or less, to credit-worthy families with incomes of $12,000 or less, to buy homes costing up to $24,000.

Second. It provides for appropriations to the HOMLC of $2 billion a year for 5 years. This money then becomes a revolving fund.

Third. A Board of Directors of nine members, of which at least five are not Federal, State or local officials, would set policies. The Commissioner of FHA would serve on the Board but could not be Chairman. The loans would be extended through existing FHA offices so no new bureaucracy would be established.

Fourth. This agency would be permanent, but would extend loans only when interest rates are so high that the average family cannot obtain a mortgage at reasonable rates.

We have used direct loan programs before, and they are effective. They work. We need them only during periods like the present, but we need this program now.

If this amendment is adopted and enacted, we can pull the teeth of the credit crunch monster, which hurts the average family the most—we can build homes and finance them. This is a proposal to help the forgotten man—the fellow who pays for everybody else's assistance program but seldom if ever gets any help himself.

We have programs of rent subsidy and mortgage subsidy for the poor. The rich do not need any help. But the family in the middle is out in the cold when it comes to buying a home today.

If they get some help through this proposal, it will not cost the Government a cent. The money will all come back to the Treasury at 6½ percent, or whatever the rate is on these loans. The Government will get a long-term return higher than it gets on any of its other investments. And we will get housing for the family above the poverty level but below the level of income needed to be able to afford a mortgage at today's rates.

In the general debate here yesterday, I discussed this proposal at some length, and this information appears on pages 30814–30816 of the CONGRESSIONAL RECORD. In the debate, many Members described the plight of the family above the public housing income level—able to pay its way—in getting a mortgage. The door is now closed to them. This amendment opens that door to a home purchase by providing a new source of funds.

Farmers and rural families can get direct loans. This amendment provides a similar avenue to home financing for urban families, too. Once the Government is authorized to make such loans, there will be a change of attitude, I am sure, on the part of the mortgage industry, and you will finally see some action in meeting the greatest problem now facing the average family.

Mr. BARRETT. Mr. Chairman, will the gentlewoman yield for a question?

Mrs. SULLIVAN. I would be happy to yield to the chairman of the Subcommittee on Housing.

Mr. BARRETT. Are we not here trying to do what the President said on the radio the other night; namely, that he was going to bring interest rates down in the interest of giving homes to the 6 million people who are living in substandard homes?

Mrs. SULLIVAN. That is right. We

promised them a dream, and we have not provided the funds—funds are not available to have them realize this dream.

The CHAIRMAN. The time of the gentlewoman from Missouri has expired.

(By unanimous consent (at the request of Mr. PUCINSKI) Mrs. SULLIVAN was allowed to proceed for 5 additional minutes.)

Mr. PUCINSKI. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I want to congratulate the gentlewoman from Missouri for offering this amendment. I would make $1.5 billion available for home construction loans at no more than 6½ percent interest. This in my judgment is the first meaningful piece of legislation to come before this Congress to do something to help the homebuilding industry of this country. I do not think there is a Member of this House who is not aware of the fact that the home building industry is now in a full scale depression and it is going to get markedly worse before it gets better unless we do something similar to what the gentlewoman is proposing here.

There is no question but that today unless you are earning $15,000 or more per year, you are out of the market for buying a home. You just cannot buy a house in America today unless your annual income is in excess of $15,000 a year.

So what the gentlewoman is proposing here is a program that would make housing available to those under $12,000 a year, those who can buy a $24,000 home, and those who could find the financing that they need at 6½ percent interest or less to get a home.

I submit that this is the kind of legislation that would be very interesting and useful to young newlyweds who most often have very limited resources for housing. They are hopelessly out of the market in buying homes today. So are our senior citizens who would like to buy a smaller home—they are out of the market becase of prohibitive interest rates.

I also submit that this legislation may be the first meaningful, significant, anti-inflationary proposal that we have had presented to us in this session, because by holding interest rates to 6½ percent, in my judgment it would compel conventional lending institutions to come down on their interest rates to meet the competition.

So it occurs to me that this amendment does offer a great deal of help. In my district I have a very large number of people who are engaged in the building trades. I see these people every Saturday morning in my office, and I am appalled and amazed at the high rate of unemployment that we now have among those engaged in the homebuilding industry. Many of you have spoken to the homebuilding contractors who were here in Washington a couple of weeks ago from your own communities. They have told you that homebuilding projects are at a complete standstill and there is absolutely no relief in sight unless we can come up with a program like this.

It would be my hope that this House would follow the leadership of the gentlewoman from Missouri. I think she has made a tremendous contribution here toward alleviating one of our biggest problems. I am sure my colleagues are aware of the fact that the economy of this country rests on three pillars—the transportation industry, the automobile industry, and the building industry. If the building industry suffers then the whole economy suffers. Every one of our recessions started with a slowdown in the building industry. The building industry affects 20 million jobs in America.

In my judgment, if we do not do something meaningful to prop up the building industry at this time, we could see the worst economic setback that this country has suffered in the last 10 years. It would be my hope that the Congress would get behind this amendment and would give this amendment a chance to operate.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman.

Mr. GROSS. Where is it proposed to borrow the $2 billion a year or a total of $10 billion—from what source?

Mr. PUCINSKI. It would be an appropriation. But, as the gentlewoman made very clear, this money comes back. It is not a giveaway.

Mr. GROSS. You hope it will not be a giveaway.

Mr. PUCINSKI. This Corporation would lend the money at these interest rates and the money would come back and it would go into a revolving fund so it could be expected that in the next 5 years or so we would probably see $10 billion poured into the building industry.

Mr. GROSS. What interest rate would be paid on that $10 billion that the Government would have to borrow?

Mr. PUCINSKI. I think that is problematical. I would believe that it would be somewhere in the area of 5 to 5½ percent. The gentlewoman from Missouri advises me right now that the Government is borrowing money, I believe, at 5½ percent on long-term loans. Perhaps I can yield to the gentlewoman to answer the gentleman's question.

Mr. GROSS. The gentleman from Illinois ought to know that figure and I am sure he does.

Mr. PUCINSKI. Yes, I do.

Mr. GROSS. Treasury bills are going for between 7 percent and 8 percent.

Mr. PUCINSKI. But that is on short-term notes.

Mr. GROSS. You can call them whatever you want.

Mr. PUCINSKI. The gentlelady's proposal calls for 30-year loans. You know and I know that on the 30-year loans, they are not going at that rate. It has been historical and traditional in this country that short-term notes always go at a higher rate. That is the nature of the loan.

Mr. GROSS. But the Federal Government has no truly long-term borrowings.

Mr. PUCINSKI. Look—let me tell the gentleman that you and I can argue here the rest of the day on this matter that you are pursuing. But I would like to ask my friend to look at the alternative, if we fail to act. If we fail to act, what are you going to do if we have an unemployment rate of between 8 percent and 12 percent in this country? Look at what it will cost America in terms of public aid programs and a lot of other things if we have another serious recession.

And, my friend, I am not exaggerating. You listened to the same people I did 2 or 3 weeks ago. You had building contractors from your area come and talk to you, as they came and talked to me. These people today are in a full-scale depression. Make no bones about that. So the gentleman can argue about who is going to pay for it and how much it is going to cost. I will ask him, before the afternoon is over, to look at the alternative.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. GROSS. Let me say to the gentleman from Illinois that if you keep on borrowing and spending money that you do not have, for things this country does not need—and I am not applying that exclusively to housing—you are going to have a money panic; you are going to have the depression you are talking about, and all hell will not stop it. You had better believe that.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. PUCINSKI. The gentleman knows that I have joined him on a number of occasions in voting for a reduction in spending. I believe he is an intelligent Representative in Congress, and examines into priorities. The building industry is in a depression. In my judgment, housing requires the highest priority right now.

Mr. GROSS. If the gentleman joined me more than once or twice in the last several years on cutting some of this spending, I do not know anything about it. Perhaps my memory does not serve me well. But make no mistake about it. You are going to have a depression, you are going to have a panic if you keep spending money at the rate you have been spending it for a lot of things we do not need. You will get an opportunity one of these days—I hope before Christmas Eve—to vote on a foreign aid bill. Let us see how you gallop up and stop that "gravy train." Let us see how you operate on that.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. What I would like to know is whether the gentleman is against the Government lending money at 6½ percent.

Mr. GROSS. If the Government can find money at 6½ percent, perhaps it could lend it at 6½ percent, but I do not know of any 6½-percent money that is available, and I do not believe the gentlewoman does, either.

Mrs. SULLIVAN. Yes, I do.

Mr. GROSS. Where?

Mrs. SULLIVAN. The average cost of

money on long-term Government issues is around 5 percent and there are the various trust funds. What we are asking now is that these mortgages be given at 6½ percent or less, depending on the market. The Government can make money on this.

Mr. GROSS. The Government can make money simply by starting the printing presses and turning out the "green stuff." It can make unlimited amounts of the "funny money" that the Banking and Currency Committee has promoted. Sure you can make money. Round up the nickel and copper nowadays and run it through a mint and you have currency. Crank up the printing presses and you have more money.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. I would like to ask the gentleman whether there is any better investment than housing for homeownership? We know there are people who have worked hard for everything they have gotten, and they are the ones who are paying the taxes——

Mr. GROSS. I will say to the gentlewoman—and I have contended this for a long time—we need housing in this country far more than we need to spend billions of dollars each year on foreign ingrates who never do anything for this country except give us trouble.

Somewhere Congress must draw the line. If this Government is going to fight wars; if it is going to continue to police and finance the world; if we are going to do all these things, then there is not going to be enough left to operate in this country all of these programs. We had better make up our minds here and now what we are going to do if national bankruptcy is to be avoided.

Mrs. SULLIVAN. Mr. Chairman, if the gentleman will yield further, this is the first thing we have done for the low- and middle-income group. I think we have to fight to help them. I intend to fight for this amendment.

Mr. GROSS. Mr. Chairman, but it is not necessary to make a gravy train out of this bill and that is what certain provisions amount to.

Mr. BROCK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentlewoman from Missouri is a very able and articulate spokesman for her cause. I take this time just to note a few inadequacies in this particular proposal.

I think this represents a very fundamental shift in the philosophy of this Government and I think the Members of this body should be aware of what such a switch entails. In terms not only of the homebuilding industry, but also of all industry in America.

First of all, if the Federal Government goes into a direct loan program, I find it difficult to conceive how any bank or savings and loan institutions can continue to compete with the massive institution we call the Federal Government.

The gentlewoman is going to rip the savings and loan institutions and the banks right out of the homebuilding business. If we put a ceiling of 6.5 percent interest in this bill and say the home loan banks and savings and loan institutions must compete, how can they compete when they do not have any money?

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. BROCK. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Chairman, are the savings and loan institutions and the home loan banks today making loans or mortgages to families whose income is up only to $12,000?

The gentleman from Tennessee has been on the committee, and he has been able to hear their complaints.

Mr. BROCK. There are loans being made. They are very few and far between simply because there is no money available.

If the gentlewoman really wants to help the homeowners of America, I would join the gentleman from Iowa in suggesting she begin by opposing some of the Federal programs which have been irresponsible. In the last year of the administration of the President of the gentlewoman's party, this Government had a $25 billion deficit. It had to get that money from the private sector. That took $1 out of every $3 created in new money by the entire productivity of America in a given year. If we take $1 out of $3 out of the market, how can we wonder what happens to the market? Of course, it is going to go through the ceiling. The Federal Government was directly responsible for the current crisis. Its policies created the problem.

Mrs. SULLIVAN. Mr. Chairman, did the gentleman from Tennessee vote for the ABM system?

Mr. BROCK. Yes.

Mrs. SULLIVAN. Does the gentleman intend to vote for the SST?

Mr. BROCK. I have not made my decision on that. I supported the ABM.

Mrs. SULLIVAN. The gentleman, I suggest, should ask some of us how we voted on those programs.

Mr. BROCK. Mr. Chairman, I am delighted the gentlewoman has exercised her options, but I do not think they have been fully exercised to reduce this Government's fiscal irresponsibility, which is by and large responsible for the problem we have.

Let us talk about what the real impact of the gentlewoman's bill would be. If we go into the market with $2 million a year in Federal direct loans to any prospective home purchaser with a $12,000 income, lending money at 6.5 percent, when the savings and loan institutions have to lend at 7.5 or 8.5 percent, what is going to happen? We are going to put those savings and loan institutions out of business.

Private initiative is the real source of all productivity. It rests with the private sector. Since when does government want to replace the private sector as the producer of wealth in this country? The Federal Government is not competent to do so. It makes no meaningful contribution in this regard. It never can, because the private sector is where new funds are created.

Now with regard to the Government borrowing funds, the Government cannot get any 30-year money at 5 percent. The party of the gentleman from Illinois has for years fought an amendment to remove the ceiling on long-term debt, and the Federal Government cannot get money at 4.5 percent for 30 years.

Nobody is a fool. Nobody is going to be irresponsible, to loan money at a rate below the rate of inflation.

The gentleman's administration created a 6 percent inflation. What does he expect the American people to do? Does he expect them to loan money at 4½ percent? They are not stupid. They will not lend money to Washington at a rate which will not even maintain the value of their loan.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. BROCK. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for an additional minute.

The CHAIRMAN. The time of the gentleman from Tennessee has not yet expired.

Mr. PUCINSKI. I wonder if my colleague would try to give his attention to some figures I placed in the RECORD not too long ago, showing that the banks in this country across the board, coast to coast, border to border, enjoyed a 20-percent increase—increase, mind you—in profits in the first 6 months of 1969. When we looked at 50 at random we saw increases in profits ranging from 49 percent for a bank in Michigan to 11 percent for a bank in Illinois.

So, my friend asks, if we begin to make money available at 6½ percent what will happen? I will tell him. They will feel the competition and bring their own rates down. That is what will happen. This is the first significant anti-inflation move presented to this Congress.

Mr. BROCK. The gentleman is in error.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

(On request of Mr. KYL, and by unanimous consent, Mr. BROCK was allowed to proceed for 5 additional minutes.)

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. BROCK. I yield to the gentleman from Iowa.

Mr. KYL. I was introduced to the amendment of the gentlewoman from Missouri on yesterday and have not had the opportunity to get information on this point. Does this amendment in any way remove the program which was authorized last year or the previous year for the 1-percent-interest loans for low-income families?

Mr. BROCK. It has no effect on existing law. That bill was passed. It is in application now.

This is an entirely new bill, which would create a new corporation of the Federal Government which would be authorized to take $2 billion a year from the Treasury for a period of 5 years. It is a $10 billion amendment.

It would have no effect whatsoever on the 1-percent mortgage supplement program.

Mr. KYL. Can the gentleman tell us how that program has been working?

Mr. BROCK. Well, the program is very much in its inception stages. I do not know that we are really in a position to gage it yet.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield to me?

Mr. BROCK. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. I would say, so far as the money is concerned and the money appropriated for that program, it is working but very, very slowly.

This program I am introducing is not a subsidy program at all. The program the gentleman mentioned is an interest rate subsidy program for the very low income families. I am now talking about families with incomes between $7,000 and $12,000 who cannot buy a home today.

Mr. KYL. Mr. Chairman, will the gentleman yield further?

Mr. BROCK. I yield to the gentleman from Iowa.

Mr. KYL. If we have this precedent for establishing a pseudoprivate governmental bank corporation for loaning money for housing, is there anything which would stop further consideration of a similar financial institution for loaning money at special rates to municipalities for cleaning up water, air pollution, et cetera, or for any other private consumption market?

Mr. BROCK. No. The gentleman harks back to my original point. This opens Pandora's box. It puts the Federal Government in the position of making direct personal loans to individuals. There is no end to that.

This is a rather broad version of the old RFC, if we want to put it that way. Frankly, I cannot imagine anything that would be more detrimental to the private sector of the economy, and in particular to the savings and loan institutions, because they are having a pretty tough go of it right now, as it is, with the inflation which has been created. I cannot think of anything more detrimental to the savings and loan institutions or, frankly, to the taxpayers of this Nation, than this kind of a provision. I believe it would be terribly destructive.

This must be defeated.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield to me for a question to the chairman of the committee?

Mr. BROCK. Surely.

Mr. TEAGUE of Texas. I would like to ask the chairman of the committee where there is anything in this bill that affects interest rates on veterans' loans in any way, form or fashion?

Mr. PATMAN. In one sense there is. You see, this extends the law, taking the limitation off of interest rates applying to the FHA and VA loans beyond the end of December. It came about in this way: This bill expected to extend it for another year, but during that time a joint resolution was passed in the Senate to extend it for 90 days while the committee had an opportunity to extend the law now on the statute books. That resolution came to the House and we agreed to it. So the interest rate limitation is off until the end of December. Therefore we have a committee amendment that would change the date so as to include the date of January 1, 1970. That is when the limitation would be off.

In the meantime, the Committee on Banking and Currency of the House is going to consider this matter. So will the committee in the Senate, and both Houses then will pass on it before the end of December. Therefore it is unnecessary to have it in this bill. For that reason I will offer a committee amendment, which was overlooked a while ago when committee amendments were asked for. This is in title I, and I expect to offer it as a committee amendment.

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. BROCK. Mr. Chairman, I ask unanimous consent to proceed for an additional 3 minutes.

Mr. PATMAN. Mr. Chairman, reserving the right to object, may I inquire on this? We have taken quite a bit of time on this, which is all right. We all agree that we should have freedom of debate, but I wonder if we can have a limitation from now on? We have had 30 or 40 or 50 minutes already on this amendment, and the Members standing up, of course, such as the gentleman from Georgia (Mr. BLACKBURN), would like to be heard and will be heard, and we will take that into consideration.

However, I wonder if we can agree on 20 minutes as a limitation?

Mr. BROCK. Mr. Chairman, if the gentleman will yield, I simply wanted to address myself to the statement of the gentleman from Texas.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas (Mr. PATMAN) that all debate on this amendment end in 20 minutes?

Mr. TEAGUE of Texas. Mr. Chairman, there is objection at this time.

Mr. PATMAN. We will make it 5 minutes each. There are four on the floor, and myself, and that is 25 minutes. Is that all right?

Mr. TEAGUE of Texas. At this time I object, Mr. Chairman.

The CHAIRMAN. Objection is heard. If there is no objection, the gentleman from Tennessee (Mr. BROCK) will proceed for an additional 3 minutes.

There was no objection.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield to me for one more question of the chairman?

Mr. BROCK. Yes.

Mr. TEAGUE of Texas. We had inquired in the Veterans' Affairs Committee, and we were told that in no way, form or fashion would this bill affect veterans' loans. I find now that it is quite different. We passed the bill in the House saying that the Veterans' Affairs Administrator has the authority until 1972 to adjust interest rates. What you just said, Mr. Chairman, is that this bill will override that bill, and it is up until December 31, that he would have the right to adjust interest rates.

Mr. PATMAN. That bill passed the House, but it has not passed the Senate. Therefore it is not the law. I was here when the amendment was offered by the gentleman from Virginia to take off the limitations on the usury law on veterans' loans. I was very much disappointed in it. Of course, a point of order was made on it, but it went through. That has not passed the Senate yet, however, and therefore it is not the law. I think that the general law applying to interest rates for everybody would be respected, and that Congress should respect and recognize it, and not pick out any group. I do not see any reason to exempt the veterans' loans from the usury laws, and charge the veteran 15 percent interest and hold the others down to 7.5 percent. I just do not see that.

Mr. TEAGUE of Texas. Of course, the gentleman well knows when he said 15 or 20 percent, that that is not a fair statement in any way, form or fashion. The usury laws in the District of Columbia are something about which I do not know, but I think it is 7 or 8 percent.

Mr. PATMAN. But I think the usury law was repealed for veterans.

Mr. BROCK. Mr. Chairman, I would like to respond to the question which has been propounded by the gentleman from Texas (Mr. TEAGUE), because in my opinion it is pertinent. I fully agree with the gentleman's statement and I share his concern. I am very much concerned over the fact that we may not have adequate hearings on the bill relating to VA and FHA prior to the end of the year.

Further, in my opinion one reason that we have had chaos in the money market is the fact that our committee did not accept its responsibility and vote to address itself to the pending change in the law. The reversal took place in October and yet we simply extended it for 90 days.

Mr. Chairman, we desperately need a more adequate extension on this if we are going to put some stability back into the money market.

Mr. PATMAN. Mr. Chairman, if the gentleman will yield, we are considering that question in the committee of which the gentleman from Tennessee is a member.

Mr. BROCK. If the chairman of the committee will remember, we have been considering it all year long and we have done absolutely nothing about it. Now it is October and the committee has done nothing and I question whether or not the committee is interested in doing anything about it.

Mr. BLACKBURN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the proposal and I do so on the basis of several reasons.

One of the most compelling reasons that I find myself taking this position is the fact that we have had no hearings whatsoever in committee on this proposal. I think that the gentlewoman from Missouri who has offered this amendment will agree that when we consider a question of this nature we are dealing with a very fundamental question of philosophy and that is the degree to which the Federal Government should begin to intrude into an area in which it has never extended itself before, and that is, the general mortgage business for homebuilders or home purchasers.

I think we should have the benefit of expert testimony on this point. I think we should know what is the volume of private homebuilding each year in the United States in private home financing. If we should find that the volume of private home financing is $200 billion a year then, of course, a $2 billion subsidy the first year is going to have little or no impact across the country. I do not suggest that that is the case, but I say we do not have sufficient facts upon which to make an intelligent evaluation of the matter.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. I thoroughly appreciate the fact that the bill was introduced too late to be considered in the Housing Subcommittee or the full Committee on Banking and Currency. However, this idea has been discussed at length since the first of this year in connection with the work of the National Commission to study mortgage interest rates. That Commission was established in order to study ways of getting more mortgage money into the market at "reasonable interest rates."

If the gentleman will read the minority views contained in that report, the gentleman will see where the chairman of our committee, the gentleman from Texas (Mr. PATMAN), and I disagreed with the findings of the majority in that report, because they did not come up with any ways of creating more mortgage money, or of lowering interest rates.

This amendment that I have just offered is intended, really, to shame the lending industry and the banks into accepting the rate of 6.5 percent as a fair return upon fully insured long-term mortgages. The gentleman talked about the danger this amendment might do to competition. We would not be in competition with the savings and loan institutions or with the banks, because they are not making loans today to the people this amendment would help.

Before a family in the $12,000 or under income bracket could get a loan under this direct loan program, they would have to exhaust all regular channels to get a loan from private sources. If they could not get a loan at a reasonable rate, then they could get it from the Government, providing they were eligible and could meet the credit requirements of FHA and so on.

If I may mention just one more thing: we have a quarter of a million loans made to families in rural areas through the Farmers Home Administration, and these are all guaranteed loans, for, I believe 33 years. We have had other examples of how direct loan programs can be conducted. There is nothing brand new about this idea; it is, however, "an idea whose time has come."

Mr. BLACKBURN. If I may, I do not like to cut the gentlewoman off, but I must respond. The mere fact that for the first time I, as a member of the Committee on Banking and Currency, am being exposed to the arguments of the gentlewoman and those who might support her amendment, is reason enough in my mind to say, let us take this matter up in an orderly fashion, let us hear testimony from those in the homebuilding industry; let us hear from those who are engaged in the savings and loan and banking and insurance industries who are directly concerned with the operation of the money market. To me the fundamental question we have to ask ourselves ultimately is this: Do we believe in a free market economy or do we not? To me, this would thrust the Federal Government into an area that it has never been in before.

If we start off with a $12,000 a year limitation on income, tomorrow it would be pushed up to $15,000 and the next day to $20,000. Before we initiate such a move into an area in which we have never thrust ourselves before, I say let us proceed with great caution. I would urge the members of the committee to join with me in defeating this proposed amendment on the basis that it does deserve far more attention and deliberation than it has had up to this time.

Mr. SANDMAN. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from New Jersey is recognized.

Mr. TEAGUE of Texas. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 240]

Abbitt
Anderson, Tenn.
Aspinall
Bingham
Blanton
Brooks
Burton, Utah
Cahill
Carey
Clark
Clay
Corman
Culver
Daddario
Dawson
de la Garza
Devine
Diggs
Dingell
Edwards, Ala.
Fascell
Giaimo
Gray
Hansen, Wash.
Hays
Karth
Kirwan
Kleppe
Long, La.
Lukens
Mailliard
Martin
Morse
O'Konski
O'Neill, Mass.
Powell
Price, Tex.
Pryor, Ark.
Quie
Reid, N.Y.
Rivers
Rosenthal
Ruppe
Scheuer
Talcott
Ullman
Whalley
Wilson, Charles H.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FLOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 13827, and finding itself without a quorum, he had directed the roll to be called, when 383 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey.

Mr. SANDMAN. Mr. Chairman, I believe that every Member of the House is concerned with two things insofar as the amendment is concerned. I for one would like very much to support this kind of amendment. However, I have some reservations because of some questions that I do not feel have been answered yet. We all must recognize, and I think we all believe that something has to be done because there is not sufficient money available to finance homes for those incomes up to $12,000 annually, and I want to do something to help those people, as I am sure the gentlewoman from Missouri wants to do also. But I wonder if we are taking the right approach.

It has been said here by those in opposition that this measure will cost approximately $2 billion a year for 5 years. This money, of course, must come from the public segment. It must be borrowed and siphoned off what is not in circulation. It in turn economically, I think, has to increase and not decrease interest rates. So that the siphoning off of $10 billion over the next 5 years I am not convinced is going to make our position any better then than it will now.

However, I am even willing to gamble with that if we do something else.

It has been argued that this is not going to put the Government in competition with the savings and loan associations or the banks, and I agree with that position. But there is one thing here I see happening that I, for one, would not want to see happen, and it is the simple fact that the banks just do not want to lend any money for mortgages. They are more interested in short-term credit, and they would much prefer to lend it to corporations than to individuals because this is their little trick in getting around the usury laws. We all know this. For that reason banks do not want to put money into mortgages unless they absolutely have to.

The question that I have for the gentlewoman from Missouri, and the thing that bothers me the most about your amendment is that once we do this, will we not forever place the Federal Government in the mortgage business in a way where it will last until eternity comes because the banks do not want to be in the mortgage business at the present time or the foreseeable future?

Previously, with FHA and VA mortgages the Federal Government was the guaranteeing agency. However, for the first time in your measure we are in the direct loan business. My question to you, my friend, is, How do we get out of this business once we start it, once we are taking over that segment of the banking field that I am sure the banks do not want?

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield for an answer?

Mr. SANDMAN. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Chairman, first I want to say this is not the first time that such a thing has been done. Remember, we have a direct-loan program under the Farm Home Administration and also we have direct loans under the Veterans' Administration. These are going mostly to the rural areas. This will set up a permanent body which will be a small bookkeeping body that will be permanent but active only in times of tight money, as we have at present.

In order to qualify for a loan, a person must go to any private financial agency like a savings and loan institution or a bank to attempt to get a loan, just as is done under small business and some other things. If the person cannot get the loan, then he comes to the FHA office and makes a request for a direct loan for the mortgage he is after. His income must be under $12,000, and the mortgage must be for no more than $24,000.

The second question the gentleman raised was that this would raise the interest rates. Frankly, it would not raise them any more than price support programs raised the interest rates. We would have to get $2 billion out of general revenue for that year's appropriation, but I am hoping—and I hope with all my heart—that we can cut down on many of these other programs in order to have this. Immediately, when these mortgages are made, the money will start coming back to the Government at the rate of 6.5 percent or less.

The other question is, when do we get out of it? We get out of it when interest rates begin to come down to where they should be.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

(On request of Mrs. SULLIVAN, and by unanimous consent, Mr. SANDMAN was allowed to proceed for 2 additional minutes.)

Mr. SANDMAN. Mr. Chairman, may I ask this question: Once we have this, does the gentlewoman not feel the banks will say:

> Good, we are out of the mortgage business, and we will let Uncle Sam take it over?

What do we do when that happens?

Mrs. SULLIVAN. Is it not true that today the banks will not give mortgages on these kinds of loans?

The savings and loan institutions say they have no money and cannot do it, so these people are left in limbo. There is no place where they can go and get the mortgage.

Mr. SANDMAN. Does the gentlewoman feel the banks should take this up?

Mrs. SULLIVAN. I do believe that, but we have not been very successful in that. Since the first of the year, banker after banker and financial institution after financial institution, has come before the Banking and Currency Committee and all they say is, there is an increase in interest rates because the demand is so heavy. But when we talk to them about who is doing the demanding, we find a big portion of it comes from big business, and they are committed to make these big loans to create the expansion of business. They are not interested in making these kinds of loans.

Mr. BROCK. Mr. Chairman, will the gentleman yield?

Mr. SANDMAN. I yield to the gentleman from Tennessee.

Mr. BROCK. Mr. Chairman, I would simply point out the banks have today substantially more than $2 billion invested in mortgage loans and more than that is invested in those every year. If we drive the bankers out of the business of mortgages with this bill, it will cost the home owners more. The bill will be self-defeating.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. SANDMAN. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I think it is important to point out that nobody can borrow under this program unless he first goes to the financial institutions, to the conventional institutions, and only after the conventional institutions say they cannot do it, will this apply. Then the borrower would have to show he had gone to the financial institution, and applied for this only after the financial institution failed him.

Mr. TEAGUE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, what I have to say does not concern the amendment offered by the gentlewoman from Missouri. My amendment will concern section 414 on page 44. If section 414 becomes law, on January 1, 1970, it will become mandatory that the interest rate for veterans revert to 6 percent interest.

Just recently we passed a bill which said the Administrator of the Veterans' Administration would be permitted to establish a rate not in excess of such rate as he may from time to time find the loan market demands.

Mr. Chairman, I was told that this bill did not apply to veterans in any way, form, or fashion, but I find out that it does apply to veterans. It repeals what we did here about 2 weeks ago.

At the proper time I shall offer an amendment either to exempt the veterans program from the January 1, 1970, deadline or to allow more time for consideration. What is wrong with giving the Committee on Banking and Currency and the Committee on Veterans' Affairs a little time to try to work out something on interest rates?

The bill before us makes the date January 1, 1970, an expiration date which means the Congress will be out of session. There will be nothing we can do. It will mandatorily go back to 6 percent, and veterans will not get any housing.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Texas.

Mr. PATMAN. I say to the distinguished gentleman from Texas, this only applies to the National Housing Act. It does not intend to apply to veterans.

The bill which the gentleman authored, which went to the Senate recently, taking off the limits on interest rates for veterans, if it becomes law, will make the veteran separate and distinct from the National Housing Act and other legislation, FHA and everything.

Mr. TEAGUE of Texas. Will the gentleman tell the House why we did that? It was because he would not agree and would not go in to make it apply to all Government housing programs.

Mr. PATMAN. I was not willing to charge the veterans high rates of interest. I tried to keep them low.

Mr. TEAGUE of Texas. I want the veteran to have an opportunity to get a house. If he does not want to pay 7 percent interest or 7½ percent interest, he does not have to. To say that he cannot pay more than 6 percent will mean he will not get a house.

Mr. PATMAN. The gentleman is entirely mistaken about this taking precedence over the bill which was passed here, if it is passed by the Senate. Of course, like it is now, it is not the law, just a bill. Until that becomes a law there is no difference, and it is still tied to the FHA rate.

Mr. TEAGUE of Texas. Will the gentleman tell the House what will happen on January 1, 1970, if this becomes law? Am I correct in saying that it will be mandatory that the interest rate for veterans housing be 6 percent?

Mr. PATMAN. There is no danger of the problem arising as my friend indicates.

Mr. TEAGUE of Texas. On January 1, 1970, it will be mandatory that the veteran can pay only 6 percent.

Mr. PATMAN. I will yield to the gentleman from Pennsylvania (Mr. BARRETT).

Mr. TEAGUE of Texas. The gentleman does not have the floor. I will yield to the gentleman.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman from Pennsylvania.

Mr. BARRETT. I just want to ease the mind of the gentleman from Texas. I know of his interest in housing programs for veterans.

There is not anything in this bill that will have any effect in any way on the veterans housing program? We will have a bill coming out in the year 1970, and if it is necessary to have the Committee on Veterans' Affairs participate in respect to that bill I would be the first one to call the gentleman to come over and have a look at it, to let us work in conjunction to bring out what we consider might be in the best interest of the veterans to purchase homes.

There is no reason for anyone to have alarm about anything in this bill, as to having the slightest effect on veterans housing.

Mr. BROCK. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Tennessee.

Mr. BROCK. I should like to respond to the gentleman's question. I do not believe he has a response yet.

If this bill passes, and nothing else comes out of this committee, on January 1 there is not going to be one dime of money in the United States for a veteran to buy a house. That is what will happen. This bill will have a direct impact on the veterans, and the gentleman knows it.

Mr. BLACKBURN. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Georgia.

Mr. BLACKBURN. I should like to ask the gentleman in the well a question. Is it not true that the act of May 7, 1968, Public Law 90–301, is the result of a bill his committee considered and passed, and that is the bill referred to on this page 44, at the bottom, under the "authority"?

Mr. TEAGUE of Texas. The bill of May 7, 1968, says that until October, 1969, the Administrator of Veterans' Affairs and the Administrator of HUD would join together in setting interest rates. As of October 1, 1969, this would be repealed and it would go back to a mandatory 6-percent interest rate. That is the whole story. When they say it does not affect Veterans' Affairs, I do not agree with them.

The CHAIRMAN. The time of the gentleman from Texas (Mr. TEAGUE) has expired.

(On request of Mr. PATMAN, and by unanimous consent, Mr. TEAGUE of Texas was allowed to proceed for 3 additional minutes.)

Mr. PATMAN. Mr. Chairman, will the gentleman yield to me?

Mr. TEAGUE of Texas. I yield to the gentleman.

Mr. PATMAN. Let us read this language. It is very plain.

> SEC. 414. Section 3(a) of the act of May 7, 1968, Public Law 90–301, is amended by striking out "October 1, 1969" and inserting in lieu thereof "January 1, 1970."

That refers——

Mr. TEAGUE of Texas. Will the gentleman read section 3(a) and let the House decide what it says?

Mr. PATMAN. The section refers to the National Housing Act.

Mr. TEAGUE of Texas. Will the gentleman read it, please?

Mr. PATMAN. It does not refer to any Veterans' act.

Mr. TEAGUE of Texas. But will the gentleman read it?

Mr. PATMAN. Let us talk about it briefly. The gentleman has a bill passed here that will separate the veteran from the FHA interest rate. It is now over in the other body. If that bill prevails and becomes law, of course, the two rates do not go back together.

Mr. TEAGUE of Texas. The chairman is just killing time. We are talking about this bill and about section 3(a). Will you please read it, and let the House know what is in there?

Mr. PATMAN. The gentleman has no complaint of any kind because if the bill is enacted which comes from your committee then everything you want will be provided. If it is not passed, of course anything can happen, including the VA rate being connected up with the FHA rate. But if your bill passes, and if it becomes law, it will separate them, and you will have exactly what you want.

Mr. TEAGUE of Texas. Mr. Chairman, at the proper time I shall offer an amendment that I hope, my staff hopes, and the Legislative Reference Service hopes will separate the veterans program from the one that the Committee on Banking and Currency has supervision over.

Mr. PATMAN. You already have the VA law passed the House, and it is now pending in the Senate. The VA rate had always been attached to the FHA rate, but you passed a bill here that will separate it. If it prevails you have no problems at all. None.

Mr. TEAGUE of Texas. Mr. Chairman, I completely disagree with the chairman of the Committee on Banking and Currency. I shall get my time at the proper time, and I will get section 3(a) and will read it to you, which he will not do, because he knows that it contains veterans housing in it.

Mr. PATMAN. It is the National Housing Act that it refers to.

Mr. TEAGUE of Texas. And it also says that it brings in the Administrator of Veterans' Affairs.

Mr. BINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, there has been so much discussion on other matters since my amendment was read that I want to make sure the Members know just what the pending amendment is, and what it does. It is a direct-loan program for the middle-income family. I repeat what I said earlier: That this amendment consists of a bill cosponsored by me and the chairman of the Housing Subcommittee, the gentleman from Pennsylvania (Mr. BARRETT). The National Association of Home Builders on October 13 of this year, through its board of directors, endorsed, and now supports, the proposal and regards it, as I do, as a way to finance homes for the middle-income family now priced out of the mortgage market.

Very briefly, here is what it does. First, it creates the Home Owners Mortgage Loan Corporation to make direct loans up to $24,000, at 6.5 percent or less to credit-worthy families with incomes of $12,000 or less.

Next, it provides for appropriations to the Home Owners Mortgage Loan Corporation of $2 billion a year for 5 years. This money then becomes a revolving fund.

Third, a board of directors of nine members of which at least five are not Federal, State, or local officials, will set the policies to be followed by the HOMLC. The Commissioner of the FHA would serve on this board, but could not be the chairman. The loans would be extended under the existing FHA offices, so no new bureaucracy would be established.

Fourth, this agency would be permanent, but it would extend loans only when interest rates are so high that the average family cannot obtain a mortgage at reasonable rates and then only after the family or the individual had exhausted every other means to get a loan at this rate from private financing companies.

Mr. Chairman, I urge the adoption of the amendment.

Mr. PATMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. PATMAN. Mr. Chairman, I appreciate the fact that the gentleman from Texas (Mr. TEAGUE) has rendered a great service in many fields, particularly the veterans field and in protecting them at every turn. However, the gentleman is entirely wrong in what he says concerning this bill regulating the VA interest rates.

I have before me the section to which he referred, section 3(a) and I will read it to you because it is section 3(a) that the gentleman says fixes the veterans' rates. Section 3(a) reads as follows :

> Notwithstanding the provisions of sections 203(b)(5),—

And several other sections—

> of the National Housing Act regarding the maximum interest rates which the Secretary of Housing and Urban Development may establish for certain mortgage insurance programs authorized by that Act, the Secretary is authorized, until October 1, 1969—to set the maximum interest rates for such programs at not to exceed such per centum per annum on the amount of the principal obligation outstanding at any time as he finds necessary to meet the mortgage market, and during that time the interest rates so set shall be deemed to be for all purposes the interest rates in effect under the provisions of said section 203(b)(5) and the other sections referred to above: *Provided*, That in determining the rate to be applicable for the said section 203(b)(5) program, the Secretary shall consult with the Administrator of Veterans' Affairs regarding the rate which the Administrator considers necessary to meet the mortgage market for guaranteed or insured home loans to veterans under chapter 37 of title 38, United States Code.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. We are not changing the law in the bill before us.

Mr. TEAGUE of Texas. Read that second sentence that you just read again.

Mr. PATMAN. Let me read these three lines. Let me go back and start at the first:

> That in determining the rate to be applicable for the said section 203(b)(5) program, the Secretary shall consult with the Administrator of Veterans Affairs regarding the rate which the Administrator considers necessary to meet the mortgage market for guaranteed or insured home loans to veterans under chapter 37 of title 38, United States Code.

So, you see, he only confers with the VA Administrator. He is not required to take his advice. Neither one can take any independent action because they are not in the business of negotiating. They just consult to find out what he says is necessary in the way of determining the interest rate.

So, there is nothing here that goes into the question which the gentleman from Texas believes has been done. I assure him that there is no intent here to do anything to interfere with veterans housing interest rates, and if the bill which the gentleman got through the House here and which is now pending in the Senate becomes law, they are definitely separated for good—VA is separated from FHA. I hope the gentleman will consider that as a sufficient explanation.

Mr. TEAGUE of Texas. Mr. Chairman, the members of the Commitee heard the gentleman read section 3(a) and I do not believe there is one Member on this floor after hearing him read it who would say that the VA is not tied into this housing program, because they are. In the last 3 years this is the first time in the history of our program that that has been required. I do not think anyone on this floor believes that the administration is going to set an interest rate on housing where they do not make the VA and the FHA set the same interest rates.

Mr. PATMAN. That is not the question, I will say to the gentleman from Texas.

The gentleman said that this section 414 affected veterans rates. Definitely, it does not. That is the only question involved.

Mr. BROCK. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman.

Mr. BROCK. Maybe the chairman does not quite understand the thrust of the gentleman's remarks. Section 414 simply postpones the date of application of previous loans.

If section 414 is involved in the committee amendment then we postpone until the 1st of January and it will revert to the 6-percent interest ceiling on VA loans. If nothing is done between now and the 1st of January to change that situation, and you pass this bill as written with the committee amendment, on the 1st of January the rates will revert back to the loan rate which puts a 6-percent ceiling on.

Mr. PATMAN. The gentleman is mistaken. It was only put in there to negotiate with the extension time of 90 days, for the committee to extend this law that expired on October 1.

Mr. BROCK. But if Fanny May does not, what is going to happen then?

Mr. PATMAN. Just a moment. During that time—our committee is considering it right now. We definitely are going to pass out a bill for the purpose of extending that. There is no question about that.

Mr. BROCK. I have been on the committee for 7 years, and it is news to me that the committee is considering that right now. We are not.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman.

Mr. WIDNALL. Our committee is not considering that at the present time. It is considering interest rates on shares.

Mr. PATMAN. Well, it is the whole thing—we have two laws we are considering.

Mr. TEAGUE of Texas. I would like to ask the chairman to answer one simple question.

Will the gentleman tell us when January 2 comes, if this bill becomes law, what happens to the interest rates on veterans' loans.

Mr. PATMAN. They will be just the same as they are now.

Mr. TEAGUE of Texas. They would not be the same as they are now, and you know they would not.

Mr. PATMAN. But listen, unless that bill which the gentleman secured passage of in the House is signed into law——

Mr. TEAGUE of Texas. That is not the correct answer.

Mr. PATMAN. If the gentleman will wait just a moment, I will answer the gentleman.

If that bill is passed and signed by the President and becomes the law, of course, you have exactly what you want.

Mr. TEAGUE of Texas. Let us talk about this bill. If this bill becomes law on January 2, the question was—what happens to the interest rate on veterans' loans? The gentleman knows as well as I do that it will be 6 percent.

Mr. PATMAN. Well, we do not know because if the bill passes that you have, there is no interest limitation at all.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. TEAGUE of California. Mr. Chairman, I move to strike out the last word for the purpose of associating myself with the remarks of the chairman of my committee, the gentleman from Texas (Mr. TEAGUE), and also the remarks of the gentleman from Tennessee (Mr. BROCK). I do this as ranking Republican member of the Committee on Veterans' Affairs.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Missouri (Mrs. SULLIVAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. SULLIVAN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mrs. SULLIVAN and Mr. WIDNALL.

The Committee divided, and the tellers reported that there were—ayes 78, noes 111.

So the amendment was rejected.

The CHAIRMAN. Are there any further amendments to title I?

For what purpose does the gentleman from Georgia rise?

AMENDMENT OFFERED BY MR. BLACKBURN

Mr. BLACKBURN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLACKBURN: Page 6, after line 21, insert the following new section:

"SECTION 236 PROJECTS FOR ELDERLY OR HANDICAPPED FAMILIES

"SEC. 109. (a) Section 236(a) of the National Housing Act is amended by inserting after 'occupancy by lower income families' the following: '(including a project designed primarily by occupancy by lower income elderly or handicapped families)'.

"(b) The second sentence of section 236(e) of such Act is amended by striking out 'at intervals of two years' and inserting in lieu thereof 'at intervals of five years in the case of elderly or handicapped families and two years in any other case'.

"(c) The second sentence of section 236(f) of such Act is amended by striking out 'or such greater amount' and inserting in lieu thereof 'or (except in the case of a dwelling unit in a project designed primarily for occupancy by lower income elderly or handicapped families) such greater amount'.

"(d) The first sentence of section 236(i)(2) of such Act is amended—

"(1) by striking out 'shall in no case exceed 90 per centum' and inserting in lieu thereof 'shall in no case exceed (A) $5,500 a year for an individual or $6,600 a year for a couple in the case of an elderly or handicapped family, or (B) 90 per centum'; and

"(2) by inserting before the period at the end thereof the following: 'in any other case'.

"(e) The second sentence of section 236(i)(2) is amended by inserting 'in any project' after 'accord a preference'.

"(f) Section 236(j)(2) of such Act is amended—

"(1) by inserting 'and' after the semicolon at the end of subparagraph (A),

"(2) by striking out subparagraph (B), and

"(3) by redesignating subparagraph (C) as subparagraph (B).

"(g) Section 236 of such Act is further amended by adding at the end thereof the following new subsection:

"'(n)(1) In making and contracting to make interest reduction payments and insuring mortgages under this section in the case of projects designed primarily for occupancy by elderly or handicapped families, and in administering the provisions of this section insofar as they involve or relate to such projects, the Secretary shall to the maximum extent possible apply the same definitions, terms, and conditions and utilize the same personnel, facilities, and procedures as in the case of loans under section 202 of the Housing Act of 1959.'

"(b) As used in this section, the term 'elderly or handicapped families' shall have the same meaning as in section 202 of the Housing Act of 1959."

And renumber the succeeding sections accordingly.

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent—and I wonder if the gentleman from Georgia will agree—that the amendment be considered as read and printed in the RECORD, in view of the fact that it is available to all Members, and they know what it is.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLACKBURN. Mr. Chairman, I rise today to propose an amendment that will establish administrative guidelines to be followed by personnel in the Department of Housing and Urban Development when administering the 236 interest subsidization program to elderly housing projects.

Up until the passage of the 1968 Housing and Urban Development Act, Federal assistance for elderly housing was carried out under section 202 of the Housing Act of 1959. This section provided for direct 3-percent loans from the Federal Government to certain nonprofit corporations which are engaged in private housing for the elderly. Earlier this year the Bureau of the Budget froze all funds for the 202 program and required that groups appyling for grants under this program would have to apply in the future under the section 236 interest subsidization program.

Section 236 is a program to provide housing for low-income families and as such has certain provisions which make it inappropriate to housing projects specifically for the elderly. The administration and Bureau of the Budget are not going to allow the future operation of the section 202 program. Therefore, I feel compelled to offer the following amendments. Specifically, I would provide guidelines for HUD to follow when administering this program.

First, section 236 of the Housing and Urban Development Act shall be amended to provide that housing projects for the elderly shall be defined and administered in the same fundamental terms as found under section 202 of the Housing and Urban Development Act of 1959. Under Secretary of the Housing and Urban Development Van Dusen has openly acknowledged that section 202 was a splendid program and should somehow be preserved. This amendment is intended to give the administration the legislative direction it desires and deserves.

Second, under the terms of my amendment the requirement that rents be set at 25 percent of the tenant's income shall be waived for elderly housing projects and a level rental from the tenants in a project shall be established. The elderly peoples income is low at best and basing the rent on individual incomes creates an unnecessary need for investigation and calculation by the project management. I feel that since all incomes are low it would be advisable to set rents at a break-even level instead of using the complicated procedures found under section 236. Under my system the best apartments can command a premium thus making some apartments cheaper.

Third, income limits for eligibility shall be continued at 135 percent of those required under public housing programs provided that the income of the tenants shall not exceed $5,500 for a single person and $6,600 for a couple. Section 236 requires that rents shall be set at 25 percent of the tenant's income and not exceed 135 percent of the public housing formulas. I believe to set income limits with a ceiling and a flat rental rate will make for simpler management and less cost in interest subsidy to the Treasury Department.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I understand the ranking minority Member, the gentleman from New Jersey (Mr. Widnall), is in favor of this amendment. If the gentleman is in favor of it, we are willing to accept it. It will be subject to conference anyway.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from New Jersey.

Mr. WIDNALL. Mr. Chairman, I support the amendment offered by the gentleman from Georgia (Mr. Blackburn).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. Blackburn).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WIDNALL

Mr. WIDNALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Widnall: Page 6, after line 21, insert the following new section:

"EXPANSION OF FHA NURSING HOME PROGRAM TO INCLUDE INTERMEDIATE CARE FACILITIES

"Sec. 109. Section 232 of the National Housing Act is amended—

"(1) by striking out subsection (a) and inserting in lieu thereof the following:

" '(a) The purpose of this section is to assist in the provision of facilities for either of the following purposes or for a combination of such purposes:

" '(1) The development of nursing homes for the care and treatment of convalescents and other persons who are not acutely ill and do not need hospital care but do require skilled nursing care and related medical services.

" '(2) The development of intermediate care facilities for the care of persons who, while not in need of nursing home care and treatment, nevertheless are unable to live fully independently and who are in need of minimum but continuous care provided by licensed or trained personnel.';

"(2) by striking out 'and' at the end of paragraph (1) of subsection (b);

"(3) by redesignating paragraph (2) of subsection (b) as paragraph (3) and inserting after paragraph (1) of such subsection the following new paragraph:

" '(2) the term "intermediate care facility" means a proprietary facility or facility of a private nonprofit corporation or association licensed or regulated by the State (or, if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located) for the accommodation of persons who, because of incapacitating infirmities, require minimum but continuous care but are not in need of continuous medical or nursing services; and';

"(4) by striking out 'a new or rehabilitated nursing home' in the matter preceding paragraph (1) in subsection (d) and inserting in lieu thereof 'a new or rehabilitated nursing home or intermediate care facility or combined nursing home and intermediate care facility';

"(5) by striking out 'operation of the nursing home' in paragraph (2) of subsection (d) and inserting in lieu thereof 'operation of the home or facility';

"(6) by striking out paragraph (4) of subsection (d) and inserting in lieu thereof the following:

" '(4) The Secretary shall not insure any mortgage under this section unless he has received, from the State agency designated in accordance with section 604(a)(1) of the Public Health Service Act for the State in which is located the nursing home or intermediate care facility or combined nursing home and intermediate care facility covered by the mortgage, a certification that (A) there is a need for such home or facility, and (B) there are in force in such State or other political subdivision of the State in which the proposed home or facility would be located reasonable minimum standards of licensure and methods of operation governing the home or facility. No such mortgage shall be insured under this section unless the Secretary has received such assurance as he may deem satisfactory from the State agency that such standards will be applied and enforced with respect to any home or facility located in the State for which mortgage insurance is provided under this section.'; and

"(7) by adding at the end thereof the following new subsections:

" '(g) The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this section relating to intermediate care facilities, after consulting with the Secretary of Health, Education, and Welfare with respect to any health or medical aspects of the program which may be involved in such regulations.

" '(h) The Secretary shall also consult with the Secretary of Health, Education, and Welfare as to the need for and the availability of intermediate care facilities in any care facilities in any area for which an intermediate care facility is proposed under this section.' "

And renumber the succeeding sections accordingly.

Mr. WIDNALL (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in full in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WIDNALL. Mr. Chairman, this is a recommendation of HUD and also HEW. It would expand the FHA section 232 nursing home program to include intermediate care facilities for persons who do not need full nursing home care but do need the aid of professional personnel.

It requires the States to prescribe reasonable minimum standards of licensure and methods of operation; and also, to consult with HEW and the State agency on the need for such facilities in any area.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Texas.

Mr. PATMAN. Does this amendment contemplate the construction of nursing homes all over the country? If so, who will furnish the money for the construction, and how will it be provided?

Mr. WIDNALL. This would be handled through the FHA, the same as nursing homes.

Mr. PATMAN. How much would it cost?

Mr. WIDNALL. I do not have the faintest idea. I do not know how many would apply. It would be an FHA program.

Mr. PATMAN. This is for the purpose of helping people who are not 100 percent disabled, just partially disabled?

Mr. WIDNALL. They are people who do not have to be hospitalized.

Mr. PATMAN. In other words, this is short of hospitalization, which is short of a nursing home, then?

Mr. WIDNALL. That is right.

Mr. PATMAN. This would be an entirely different kind of nursing home for partially disabled people?

Mr. WIDNALL. It would be what we might call an expansion of the present nursing home operation.

Mr. PATMAN. And there is no estimate as to cost, or how many homes there would be?

Mr. WIDNALL. I do not see how one could estimate it.

Mr. PATMAN. Until we know the demand; I agree, until we know the demand.

Is it anticipated there would be a large expenditure or a small expenditure?

Mr. WIDNALL. I would anticipate a small expenditure.

Mr. PATMAN. Say $2 billion or something like that?

Mr. WIDNALL. Far below that.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Ohio.

Mr. ASHLEY. I am curious as to whether this was the subject of discussion during our hearings before the Subcommittee on Housing.

Mr. WIDNALL. We did briefly discuss this at the time of our hearings on housing. At that time, however, the recommendation of HUD and also of Health, Education, and Welfare had not been made.

They have advised me that they do support this and feel it will be very beneficial to the general health program.

Mr. ASHLEY. I do not mean to be obstreperous, but we deferred consideration of our housing bill for months and months and months awaiting the position of the public departments in question. If they were unable to respond by midsummer to the inquiries, and if they were unable to be responsive to the legislative proposals that our subcommittee was making, it would seem to me this is not the time, particularly, to foist upon this body suggestions that now come from the Department.

Would you not think you would agree with that?

Mr. WIDNALL. I had hoped to have the full endorsement of the Department earlier than this. I just recently received it in the last couple of days. They wanted to straighten it out with HEW. HUD and HEW had different ideas about it. They have gotten together on it, and believe it is an affirmative program, and will be very helpful.

Mr. ASHLEY. If the gentleman will yield further, we had two sets of hearings with respect to the legislation before us. The amendment offered by my good friend from New Jersey may well be a meritorious one, but I submit that it is impossible to determine that in 15 or 20 minutes of discussion on what is most certainly a complex proposal.

Mr. ST GERMAIN. Mr. Chairman, I move to strike the requisite number of words.

If I might ask the gentleman from New Jersey for a little further information. This is brand new to me also. This is not a hospital, and not a nursing home, but does it live up to any of the requirements of a nursing home?

Mr. WIDNALL. Oh, yes. It would have to live up to standards set in the States by which they are licensed.

Mr. ST GERMAIN. Does the gentleman know which States have standards for these intermediatery sort of things, whatever they are?

Mr. WIDNALL. May I read to you from the Congressional Record of January 21, 1969, the statement that Senator Montoya made, who introduced this bill on the other side:

> There appears to be a great need for a program to provide for "sheltered care facilities" for the care of persons who, while not in need of nursing home care and treatment, nevertheless are unable to live fully independently and who are in need of minimum but continuous care provided by semiprofessional personnel. This bill which I am introducing would make possible such sheltered care facilities.

Mr. ST GERMAIN. I asked the gentleman if he knows how many States, if any, do license this type of institution, and does the gentleman know whether it takes care of alcoholics, drug addicts, or what?

Mr. WIDNALL. It is presumed that the majority of these patients would be healthy ones. They do not need full hospitalization. It would enable them to obtain care and treatment at far less cost than in ordinary nursing home facilities.

Mr. ST GERMAIN. I ask the gentleman once again: Do any States have any licensing standards, or does HEW have any standards for this type of facility?

Mr. WIDNALL. It is provided in the bill that they should be subject to standards set up by the States that license them throughout the United States.

Mr. ST GERMAIN. I ask the gentleman once again: Have any States set up any standards?

Mr. WIDNALL. I believe they have, and I believe a number of the States presently have facilities that would fit into this category.

Mr. ST GERMAIN. I might say to the gentlemen I, too, would suggest that we wait until we write another housing bill next year. Would it not be wise to get a little more information on this subject and discuss it at length during the hearings? To the best of my knowledge this was not brought before the subcommittee because there was no information and we did not take any action on it. Insofar as its having been looked into during the hearings, there were no witnesses who testified on this subject during the course of our hearings.

Mr. WIDNALL. I would like to point out to the gentleman that the bill says that no such mortgage shall be insured under this section unless the Secretary has received such assurance as he may deem satisfactory from the State agency that such standards will be applied and enforced with respect to any such facility.

Mr. ST GERMAIN. Well, would it not be wise, I will say to the gentleman from New Jersey, to allow the Secretary, when we have our next hearings, to come up and describe this type of facility to us and let us know what the details are and how such a program is to be operated and then we can consider this in a deliberate fashion?

Mr. WIDNALL. What the gentleman from Rhode Island is talking about is again postponing action upon something that could provide immediate relief for many of our elderly or handicapped people.

Mr. ST GERMAIN. The point is this: We do not know that there is any need for this. There has been no testimony on it. No one is aware of the full import of such a program. We do not have the facts. Might I say I have never heard of the reasons for it. To the best of my knowledge I do not know of any State standards that now exist.

It seems to me that before we take this step—and I have nothing against providing for these needy people—let us find out what type of facility this is to be, because we all know that nursing homes were in existence and have been for a long time and, as a matter of fact, standards still have not been set, nationally, for nursing homes. They still do not have the regulations complete. I would not want to see the same situation apply here. If it is deemed necessary to have this kind of facility then we should go thoroughly into all questions pertaining thereto.

The CHAIRMAN. The time of the gentleman from Rhode Island has expired.

Mr. COLLIER. Mr. Chairman, I move to strike the requisite number of words.

First, let me say that my friend from Rhode Island has questioned whether or not there is a need for this type of housing facility. I am somewhat surprised that there is doubt because I do not believe there is a Member presently on this floor who does not realize that this is an area where there exists one of the greatest needs for housing in this country today.

What is proposed is not a new concept in financing, as I understand—and I believe I do—the type of facility that would be covered under this program, would be similar to the type of operation that many organizations have been operating throughout the country for years. In my own district, for example, there is a facility called the British Old People's Home. There is another called the Scottish Old People's Home. These are not nursing homes. They are merely housing facilities for the elderly—very necessary facilities, let me say, where older folk, most of whom have survived their spouses, are able to live at a comparatively low cost with people of their own age and station in life. These are not nursing homes, as we generally know them.

As I further understand this proposal, what this would do would be to make available FHA loans for the construction or the expansion of this type facility. May I ask the author of the amendment if that is correct?

Mr. WIDNALL. That is correct.

Mr. COLLIER. So that whatever existing standards there may be, whether they be in the jurisdiction of health department or other local authority as are the type facility that I previously described, such regulations would be applicable in these cases, would they not?

Now as to the investment of the Federal Government, that would be determined only to the extent that the loan for this construction would be in default since the FHA merely guarantees the loan or in entirely the same way it does in the standard loan or any type of construction or improvement loan. Is that correct?

Mr. WIDNALL. That is correct.

Mr. COLLIER. Then I cannot see that any problem exists in approving this proposal. As the gentleman from New Jersey has stated, how you could calculate the cost without knowing the number of applications or subsequent defaults would develop.

Mr. ST GERMAIN. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman.

Mr. ST GERMAIN. The gentleman described the British home which I believe is in his district. Are these residents permanent residents?

Mr. COLLIER. Oh, yes, the facilities are housing facilities for older people.

Mr. ST GERMAIN. As I understand the way the gentleman from Illinois is describing it, he is referring to section 202, type housing.

Mr. COLLIER. It is my understanding that this is basically what it would be.

Mr. ST GERMAIN. Right. The gentleman from New Jersey explaining the amendment referred to States with the licensed professional personnel. Are there any licensed professional personnel in the British home?

Mr. COLLIER. Let me tell the gentleman that in any of these establishments, while there is not a license per se for the facilities, there is indeed a necessity to license certain types of professional and custodial help that serve the residents of these facilities.

Mr. ST GERMAIN. I will say to the gentleman that I am not opposed to the concept. The only thing I ask is that since there seems to be a little confusion here as a matter of fact, and the gentleman from Illinois and the gentleman from New Jersey describe it differently, why not wait a few months and have hearings and let us look at it a little more closely.

Mr. COLLIER. I have no objection to that, but I repeat to the gentleman that if ever there was a need for housing, this is the type of housing that is sorely in demand in this country today. I support the gentleman's amendment.

Mr. PATMAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am sympathetic to anything the distinguished gentleman from New Jersey proposes. I am biased in his favor.

But in this case I feel, we are starting out on a program that we do not know anything about. We do not have any evidence. This is carrying medical care, if it is medical care, to a point that we have never gone before.

Page 2 of the amendment says, "the term intermediate care facilities"—you see this is not a hospital or a nursing home; it is something new. It is known as an intermediate care facility. It means "a proprietary facility or facilities to provide nonprofit corporation or association licensed or regulated by the State for the accommodation of persons who"—now who are these persons—they are not just older people because there is no age given—"for the accommodation of persons who because of incapacity or infirmities require minimum—require minimum but continuous care but are not in need of continuous or medical or nursing services."

Now this contains phrases for which there are no definitions. We do not know what they mean by "minimum care." I just feel the gentleman from New Jersey should, if he would, introduce a bill and I see no reason why our committee could not give consideration to it at the very first opportunity on its merits. If it is necessary, I think the Members will be fully sympathetic toward it. Now, we just have no adequate information to guide us, none in the world. So far as we know, that the number of cases like this could be very small, and how far it would go as to the flexibility of it and how it would be expanding in cost and everything else. I do not think anyone could comprehend what the possibilities are. We just do not have sufficient information.

I feel that the gentleman should ask that the amendment be withdrawn, and that he should either introduce a bill and have hearings on it and bring it to the floor on its merits, or the next time we have the hearings before the Housing Subcommittee to get up a housing bill, we will put it in there for consideration and have actual testimony from experts, people who know and who support the contentions in what this amendment implies. Then we would have something to go on. Otherwise, as much as I would like to support the gentleman from New Jersey, I would hesitate to do so under the circumstances.

Besides, may I invite the gentleman's attention to this. This amendment is in the Senate bill. Therefore, it is sure to be in conference. So why run the risk of doing something that will cement it into the law and it will not even be in conference? If we put this amendment in the bill today, and since it is in the Senate bill, when the conferees meet, they cannot even consider this. It will have been cemented into the law. So why should we run the risk of cementing this into the law now when we could go to conference on what the Senate has provided, the same thing, and if we find out it is good and we want to agree to it, we can agree to it then. We will have a chance to do so. If the gentleman withdraws his amendment, it would not kill the provision. It would not kill the bill at all. It would merely defer to the conference between the House and the Senate to take it up and consider it.

If the conferees agree to it, it will be accepted. If they do not agree to it, it will not be accepted. So I just wonder if the gentleman from New Jersey, in view of our inability to get sufficient facts to justify starting out on a new policy that is liable to involve billions of dollars, at a time when we are trying to cut down expenses and keep the Government from obligating itself as much as possible, whether or not we should do that. So I suggest to the gentleman that he consider that suggestion.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this seems to be a propitious moment to ask the gentleman from Texas a question. Since the report does not bring together in one place the cost of this proposed legislation, could the gentleman give us some idea of the total?

Mr. PATMAN. I defer to the gentleman from New Jersey, who initiated the amendment, to do that.

Mr. GROSS. I am not talking about the amendment. I am talking about the entire bill.

Mr. PATMAN. Oh, about $3 billion.

Mr. GROSS. How Much?

Mr. PATMAN. It is $3 billion.

Mr. GROSS. How does this compare with the actual appropriations for last year?

Mr. PATMAN. I do not recall, but the gentleman has the figures available.

Mr. GROSS. I do not. Where are they?

Mr. PATMAN. They are in the Appropriations Committee.

Mr. GROSS. I am looking at your report, but I cannot get a handle on the amount or any comparison.

Mr. PATMAN. I can give it to the gentleman. I did not want to take up his time, but if he wants me to do so, here it is:

Mr. Chairman, there are only a few money authorizations in this bill. Altogether they add up to $3.1 billion. This amount, of course, would not be all spent in 1 year because of the long-term nature of urban development programs. The largest single item is $2 billion for the urban renewal program for the next fiscal year. This is a modest increase over the $1.75 billion authorized for the current year. The next largest item of the bill is the $750 million authorized to be appropriated for the model cities program for next year. This is the same amount that was originally requested by the previous administration for the current year. The third largest item is the authorization of an additional $150 million for loans to finance housing for the elderly. The bill also would authorize the appropriation of an additional $100 million for water and sewer grants.

Mr. GROSS. Wait a minute. Stop right there. For water and sewer grants?

Mr. PATMAN. Yes.

Mr. GROSS. Did we not just authorize or appropriate $600 million, or something like that amount, for grants for the same purpose?

Mr. PATMAN. No; that was the Public Works Committee. This relates generally to small towns that need sanitation and water facilities.

Mr. GROSS. Does that not have considerations of pollution?

Mr. PATMAN. No; this is not considered in the pollution appropriation.

Mr. GROSS. That was $600 million the other day, and there is another $400 million here.

Mr. PATMAN. That is out of public works.

Mr. GROSS. I understand that perfectly.

Mr. PATMAN. Well, there is a difference, because this is for homes.

Mr. GROSS. How about rent supplements? How much is in this bill for that purpose?

Mr. PATMAN. There is nothing here for rent supplements. Let me finish this. It will not take more than a minute.

The existing authority for each of the interest subsidy programs for homeownership and for rental housing would be increased by $25 million.

Finally, the bill would add $20 million in annual contribution contract authority to the public housing program to provide for modernization and rehabilitation of existing projects and would increase the interest subsidy for college housing by $4.2 billion.

Let me say to the gentleman that this is the smallest housing bill that has come to the floor in many years but it is an important one because these authorizations and the extensions of existing authority, including FHA mortgage insuring authority, are needed to continue our existing programs.

Mr. GROSS. If this is a small bill, I would hate to see a big one come out of the gentleman's committee.

Mr. DEL CLAWSON. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. DEL CLAWSON. Mr. Chairman, I understand the gentleman from Texas said there was $2 billion in this for urban renewal programs. I believe we just passed an amendment for $1.5 billion, and that makes $3.5 billion immediately.

Mr. PATMAN. Mr. Chairman, will the gentleman yield for just one suggestion?

Mr. GROSS. I yield.

Mr. PATMAN. Mr. Chairman, the Senate bill authorizes $6.4 billion.

Mr. GROSS. I do not pay much attention to their asking price over there. They have the reputation of being the upping body of the Congress.

While the gentleman is on his feet, will he tell me, please, about the grants for fellowships, totaling $30 million, in this bill?

Mr. PATMAN. I do not see any fellowships in here.

Mr. GROSS. What are these fellowships? What do these fellows do?

Mr. PATMAN. There is nothing new in here for grants at all.

Mr. GROSS. There is $30 million on

page 29 for fellowships. What do these fellows do?

Mr. PATMAN. That is in existing law.

Mr. GROSS. I do not care whether it is existing or nonexisting law. I want to know what those fellows will do for $30 million.

Mr. PATMAN. This is only the authorization. We have to provide this in order for the Appropriations Committee to be able to pass on this.

Mr. GROSS. But the gentleman wants them to have $30 million?

Mr. PATMAN. Yes.

Mr. GROSS. What do they do?

Mr. PATMAN. It is subject to approval of the Appropriations Committee. They will go into this and make a good case or they will turn it down.

Mr. GROSS. Is there any member of the Banking and Currency Committee that can tell me what these $30 million fellows will do?

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 2 additional minutes.)

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I would like to point out to the gentleman from Iowa, and I think he ought to know this, in the urban renewal planning and engineering areas we are short of this type training. These people will be trained and put right into the urban areas to study the urban areas, to study problems such as model cities and the like. If we do not train these people, they will be attracted to other areas and then later on we will have no knowledgeable person to carry on this type work. Hence the reason for the training and the fellowships.

Mr. GROSS. That is a dandy. It takes $30 million to get some fellows to tell us how to spend $3.5 or $4 billion? Is this what we are talking about?

Mr. BARRETT. Mr. Chairman, will the gentleman yield again?

Mr. GROSS. Do they have to be trained to take care of "Open Space, Urban Beautification, and Historic Preservation Grants"? Do we have to spend $30 million to be told how to handle that?

Mr. BARRETT. Mr. Chairman, I can say to the gentleman that part of the $30 million would be spent on those persons' training. If we do not do this, we would be putting amateurs in there.

Mr. GROSS. Or perhaps they will tell us how the pedestrians can walk in the malls or maybe about climate controls, whatever they are, to be installed in the malls.

Mr. BARRETT. It is certainly necessary to have knowledgeable and trained people.

Mr. GROSS. With 3 million employees already on the payroll, would we have to spend $30 million for that?

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(On request of Mr. HANNA, and by unanimous consent, Mr. GROSS was allowed to proceed for 1 additional minute.)

Mr. HANNA. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from California.

Mr. HANNA. I would suggest to the gentleman that the program referred to has had some rather important payout. It has been recognized by the gentleman's party, because Mr. Moynihan is one of the products of this kind of program. I notice he has just been elevated in the administration, so I would assume they feel it has some value.

Mr. GROSS. I do not know what the gentleman is talking about. It is a riddle to me.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. WIDNALL).

The question was taken; and on a division (demanded by Mr. WIDNALL) there were—ayes 39, noes 42.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. STEPHENS

Mr. STEPHENS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEPHENS: On page 12, line 6, insert before the quotation mark the following new sentence: "Mortgages issued under title V of the Housing Act of 1949, except mortgages for above moderate income families issued under section 517(a) of such act, are eligible for purchase under this section."

Mr. STEPHENS. Mr. Chairman, section 111(j) of the act extends the special assistance provisions of the Government National Mortgage Association to the low- and moderate-income housing programs of the Department of Housing and Urban Development and only to these two programs. If HUD were extending its services equally to rural as well as urban America I would not move to change this section of the act. But anyone who is aware of the Nation's housing problems and what is being done about them knows that HUD has concentrated its efforts on large metropolitan areas and has left to the Farmers Home Administration of the Department of Agriculture the job of meeting the housing problems of rural America as best as this relatively small agency can.

By HUD's own admission, the housing problems of rural America are massive. Two-thirds of the Nation's substandard housing, 4.2 million units, are in rural areas. By the same token, rural America has nearly half of the Nation's poverty stricken. Both of these conditions exist despite the fact that rural areas have only 30 percent of the Nation's population.

I say these things, Mr. Chairman, to point up the inescapable conclusion that the housing problems of rural areas are proportionately far more severe than those of urban centers. Farmers Home is the only agency—for that matter the only financial vehicle—which is consistently supplying funds for low- and moderate-income housing in this vast section of the Nation. Local banks in many rural communities simply lack the capacity to make long-term home loans and meet the other credit needs of residents.

As you know, Farmers Home operates a direct, insured home loan program which is based on the revolving fund principle. As a result it must, as soon as possible, sell the mortgages it originates in order to continue to function. It almost ceased to function last spring when tight money, high interest conditions in the market, combined with the nonstandard character of its paper, prevented sale of a large amount of mortgages. At one point Farmers Home was told by the administration that it would have to close down if it did not dispose of its unsold paper. A temporary solution was later found when the Federal National Mortgage Association agreed to take $100 million in mortgages.

Mr. Chairman, the rural housing section of this bill contains provisions for streamlining the procedure for sale of Farmers Home paper. I will not go into that subject at this time. But I do want to stress the point that the specter of being confronted with a large amount of unsold paper is still a very real possibility in the future of the agency, especially since there is no indication of a letup in the prevailing tight money, high interest rate policies now being used to fight inflation and no assurance that FNMA will step into the picture again.

The logical solution to the problem is simply to extend the special assistance provisions of the Government National Mortgage Association to the Farmers Home low- and moderate-income housing programs which are comparable to those HUD programs sections 111(j) in its present form now covers. In this way some of the pressure on Farmers Home could be relieved during those times when there is a jam-up in the sale of mortgages it originates, notes which are backed by those mortgages, and mortgages which it must repurchase and sell for a second time on the market.

My proposal stems from one of a number of recommendations that were eventually produced in a joint study of rural housing conditions conducted by HUD and Farmers Home. Unfortunately the study was completed after the housing bill had been marked up and printed. Nevertheless, there is still an opportunity to embody the recommendation in the bill and I sincerely believe that it would be a serious oversight to fail to do so. I mentioned the idea expressed in the committee and at that time suggested the matter be required. However, I have altered that thought and my amendment does not direct action by GNMA.

Mr. Chairman, it is for these reasons as well as for reasons of justice and equity, that I offer my amendment to extend the provisions of section (j) to Farmers Home so that it will be able to meet the enormous housing problems of rural areas without the risk of being unnecessarily crippled.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I am glad to yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I want to commend the gentleman from Georgia both for this amendment and for the work that he has done on this bill in trying to help rectify the situation which exists with regard to housing in rural areas and housing in smaller cities and towns in this country. For most of the last 30 years people who have been migrating from one place to another and young couples have not been able to find a house in a rural area in a small town, with a small downpayment, because the programs have been administered in such a way that builders could not secure commitments for financing for the housing with a low downpayment.

There has been a rank discrimination against those who want to live in smaller towns in this country. Sewer and water programs and housing programs have been administered in a way that discriminated against those seeking housing in these more rural areas and small towns. This has resulted in a resistance to the natural spreading of the population to the extent that today the polls show that 35 percent of the people in this country would rather live in a smaller town or city than where they do live.

Too many people in both the executive and legislative branches of Government have erroneously assumed that everyone wants to live in a large city. Too many who groan about urban problems do not look at where these people are coming from and why. Some 50,000 per year migrate from the rural areas and small towns of one State to the ghettos and urban areas of the North and most of them would prefer to go to a smaller community, but the availability of housing under Federal programs has been greatly restricted in those rural areas. And, I think it is about time that we started to turn these programs around and to treat people in all areas on an equal basis.

Mr. Chairman, I want to commend the gentleman from Georgia for the good job wihch he has done, and urge adoption of the amendment.

Mr. STEPHENS. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. STEPHENS).

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments to title I?

AMENDMENT OFFERED BY MR. RYAN

Mr. RYAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RYAN: Page 6, after line 10, insert the following new section:

"MAXIMUM RENTALS FOR UNITS IN SECTION 236 PROJECTS AND UNITS QUALIFYING FOR RENT SUPPLEMENT PAYMENTS

"SEC. 109. (a) The second sentence of section 236(f) of the National Housing Act is amended by striking out '25 per centum of the tenant's income' and inserting in lieu thereof '20 per centum of the tenant's income'.

"(b) Section 101(d) of the Housing and Urban Development Act of 1965 is amended by striking out 'one-fourth of the tenant's income' and inserting in lieu thereof '20 per centum of the tenant's income'."

And renumber the succeeding sections accordingly.

Mr. RYAN. Mr. Chairman, this amendment would lower from 25 percent to 20 percent the part of a tenant's income that is spent for rent in the section 236 program and in the rent supplement program.

The high costs of housing have caused serious problems for many tenants who cannot afford to pay 25 percent of their income for rent.

Under the section 235 homeownership program, the owner of a private home has to pay only 20 percent of his income. In addition, he receives a tax deduction on the interest payments that he makes.

However, the section 236 rentor not only has to pay 25 percent of his income, but receives no tax deduction. I believe that this glaring inequity must be corrected, and that the way to correct it is by lowering the figure to 20 percent for a tenant who pays rent or a cooperator who pays carrying charges.

The rent supplement program is also plagued by the problem of high rents. Large families are forced to pay rents that they are unable to afford.

My amendment would change the requirement that a rent supplement tenant pay 25 percent of his income for rent to 20 percent, as I have proposed for those affected by the section 236 program. The rent supplement program must be made relevant to the needs of the people it is supposed to serve.

As the cost of living rises and families face increased prices for food and other essentials, it is all the more difficult for them to allocate 25 percent of their incomes for rent. It is clearly unfair to require urban residents, who rent their apartments and for most of whom under present conditions homeownership is unobtainable, to pay a higher percentage of their income for housing under the section 236 program than homeowners, who have the added advantage of income tax deductions for their interest payments, are required to pay under the Section 235 program.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. RYAN. I would be happy to yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I see no reason why we should oppose the gentleman's amendment. Therefore, if it is agreeable with the minority side, we will accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RYAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BRASCO

Mr. BRASCO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BRASCO: On page 12, after line 6, insert the following new section:

"RENT SUPPLEMENT UNITS IN SECTION 236 PROJECTS"

"SEC. 112. Section 101(j)(1)(D) of the Housing and Urban Development Act of 1965 is amended by inserting before the period a comma and the following: 'except that the foregoing limitation may be increased to 40 per centum of the dwelling units in any such property if the Secretary determines that such increase is necessary and desirable in order to provide additional housing for individuals and families meeting the requirements of subsection (c)'."

Mr. BRASCO. Mr. Chairman, this amendment would authorize the Secretary of Housing and Urban Development to increase to as high as 40 percent the maximum percentage of units in any section 236 project which may be occupied by tenants receiving the benefits of rent supplement payments.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. I yield to the gentleman from Texas.

Mr. PATMAN. Of course, this is not in the other bill and so far as I am concerned, if the minority is willing to accept it, we are willing to accept it.

Mr. WIDNALL. Mr. Chairman, the minority is unwilling to accept it.

Mr. PATMAN. Mr. Chairman, if the gentleman will yield further, I did not know it was in the Senate bill. I will withdraw the suggestion which I made. This would cement it in. The gentleman is all right now. It will be in conference anyway.

Mr. BRASCO. We have gone this far, Mr. Chairman, I thank the gentleman for his remarks, but I would like to continue.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Would it not be advisable for the gentleman to withdraw his amendment and give us an opportunity to discuss it in conference? It is in the Senate bill. You run the risk of having your amendment defeated here. It may be better for you if we have the opportunity to discuss this in conference.

Mr. BRASCO. May I ask the distinguished chairman of the subcommittee, the gentleman from Pennsylvania (Mr. BARRETT), a question? Not being a member of the subcommittee—I was not at the subcommittee hearings with respect to this, but I understand that this was a matter that was discussed in subcommittee; was it not, in terms of having testimony presented for this particular amendment?

Mr. BARRETT. It was discussed in subcommittee. But I am pointing out the opposition of the minority to your amendment and it may be voted down here. I thought in the best interest of the gentleman from New York that he might withdraw his amendment and give us a chance to discuss it in conference.

Mr. ST GERMAIN. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. I yield to the gentleman.

Mr. ST GERMAIN. I might say to the gentleman that not only the minority objects to this, but there are Members on the majority side who disagree with this amendment also. This has been discussed at length in committee not only this year but in previous years.

If the gentleman is familiar with the background here, the whole reason for this limitation is that in addition to the rent supplement program providing housing, it provides a social mix. There is a sociological problem involved here.

For this reason, we have objected to too high a percentage. We do not want to make ghettos out of these rent supplement projects.

Mr. BRASCO. I thank the gentleman for his contribution. Inasmuch as we have this expression of opinion by some Members of the majority and the minority, it does not leave me much to do except to proceed.

In any event, as I was saying, under existing law, only 20 percent of units in section 236 projects may be occupied by tenants receiving the benefit of rent supplements.

I wish to emphasize that this increase would not in any way be considered mandatory. The Secretary would be permitted to make such an increase only if he determined that it was necessary and desirable in order to provide additional housing for qualified tenants under the rent supplement program.

I believe that this flexibility would be most helpful in meeting the needs of many families trapped in the web of totally inadequate housing. This discretionary authority would be especially meaningful in our large metropolitan areas where it is obvious that a large number of low- and moderate-income families are in immediate need of housing and an adequate number of new units cannot—as we discussed all day today—cannot be built because of high construction, land, and interest costs.

By permitting section 236 projects to be occupied by a greater number of tenants receiving the benefit of rent supplement payments, we would provide the Secretary with an additional tool for combating the critical housing problems of our large cities.

Further, I want to make it emphatically clear that this amendment in no way involves the expenditure of additional funds. What it does is to enable present programs to assist twice as many people who qualify under the program that we enacted by permitting them additional housing in one project.

That is all it does. I suggest again, and all of us know the critical need for housing. The programs in question have been enacted for people we said we want to help, who have no place to go and unless we can increase this 20 percent to 40 percent, the programs are of no avail to them.

I would like to answer my good friend, the gentleman from Rhode Island, with respect to his observations. No one intends, and certainly I do not, by virtue of this amendment to complicate any additional problems that we already have by virtue of the fact that this amendment seeks to increase from 20 percent to 40 percent the number of housing units available to people eligible for rent supplements.

Certainly, I do not through the use of this amendment want to create any additional ghettos. But the fact is these projects are constructed right in the neighborhoods that we are trying to rebuild and the people who are going into them are basically from that community and the only difference that may separate some of them is that they have made some modest strides toward economic—not stability—but at least progress, so they are separated from their neighbors by a few dollars difference in income. We are talking of the same area. You are not talking about creating any additional problems.

I suggest that the 60/40-percent mix is not rocking the boat in any way, and I would hope that the House Members would see fit to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BRASCO).

The question was taken; and on a division (demanded by Mr. BRASCO) there were—ayes 13, noes 29.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. RYAN

Mr. RYAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RYAN: Page 6, after line 10, insert the following new section:

"ASSISTANCE UNDER SECTION 236 AND RENT SUPPLEMENT PROGRAMS FOR RENTAL AND COOPERATIVE HOUSING PROJECTS BUILT WITH STATE OR LOCAL FINANCING

"SEC. 110. (a) Section 236(b) of the National Housing Act is amended by striking out 'which prior to completion of construction or rehabilitation is approved' and inserting in lieu thereof: 'which prior to completion of construction or rehabilitation, or prior to obtaining permanent financing, is approved'.

"(b) The second sentence of section 101 (b) of the Housing and Urban Development Act of 1965 is amended by striking out 'which prior to completion of construction or rehabilitation is approved' and inserting in lieu thereof: 'which prior to completion of construction or rehabilitation, or prior to obtaining permanent financing, is approved'."

And renumber the succeeding sections accordingly.

Mr. RYAN (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. RYAN. Mr. Chairman, a major innovation of the Housing and Urban Development Act of 1968 was the section 236 interest subsidy program which has made it possible to hold rents down for lower income families through interest reduction payments. In addition to housing insured under section 236(j), Congress provided in section 236(b) that:

> Interest reduction payments may be made with respect to a rental or cooperative housing project owned by a private nonprofit corporation or other private nonprofit entity, a limited dividend corporation or other limited dividend entity, or a cooperative housing corporation, which is financed under a State or local program providing assistance through loans, loan insurance, or tax abatements, and which prior to completion of construction or rehabilitation is approved for receiving the benefits of this section.

The House Subcommittee on Housing included this provision at my suggestion in order to make the section 236 interest subsidy program applicable to State and locally financed limited-profit middle-income housing, such as the New York State and city Mitchell-Lama programs. This type program exists in seven States—Connecticut, Illinois, Massachusetts, Michigan, New Jersey, New York, and Pennsylvania.

Last year's amendment required that approval for interest subsidies be given prior to completion of construction. Therefore, it did not apply to existing projects. At the same time, Mitchell-Lama housing was made eligible for rent supplements.

Many existing projects need assistance in order to keep rents, carrying charges, and interest rates within reach of middle-income residents. Therefore, I introduced H.R. 49—H.R. 4308 with cosponsors—to extend the section 236 interest subsidy and rent supplement programs to existing projects.

The purpose of my amendment is simply to extend the section 236 interest subsidy and rent supplement programs to State and municipally financed projects which have not obtained permanent financing although they may have been constructed or rehabilitated prior to 1968.

The problem is illustrated by the Mitchell-Lama program in New York—a program intended to provide middle-income housing. However, high interest rates and high construction costs, have resulted in rents and carrying charges that middle-income people are unable to afford. Many of the original tenants of Mitchell-Lama housing find it impossible to remain in their homes, having invested most of their savings to make the equity payments on their apartments.

The Mitchell-Lama program is in severe financial difficulty. Approximately 58,000 units of Mitchell-Lama housing built between 1963 and 1969—which originally was supposed to be financed at interest rates of 3 percent to 3½ percent—are on temporary financing at 4½ percent. It is expected that permanent financing will be at a rate of at least 6 percent. This means that families living in Mitchell-Lama developments will have to pay a large increase in their carrying charges—an increase of 20 percent or higher.

It is essential to keep carrying charges and rents at a level commensurate with the income of middle-income tenants.

Such a program would be less expensive for the Federal Government than the regular section 236 program. It would cost less to subsidize the interest rates on State and locally financed housing programs down to 1 percent than it would to do the same for a privately financed project. This is because the interest rates on housing projects like the Mitchell-Lama program are already below the regular market price.

Under the Mitchell-Lama program in New York, the State floats bonds, the proceeds of which may be lent to sponsors of middle-income housing. In order to be able to borrow funds, the sponsor must agree to limit his rate of return on the housing facility. Costs are also kept down by abatement or real estate taxes. A similar program exists in New York City. However, costs are on the rise—in 1961, the per room cost was $26. In 1968, it was $36. Today it is reaching $60.

This amendment will help to alleviate the crisis facing State and local housing programs, which has been caused by spiraling interest rates.

If our middle-income families are going to be able to stay in our inner cities, they will have to be able to find housing within their financial ability. My proposal would make the continued existence of such housing possible.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. RYAN. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. The gentleman's amendment refers to the Mitchell-Lama Projects?

Mr. RYAN. That is correct.

Mr. BARRETT. The gentleman knows that this is a very complicated amendment. It needs to be studied further. I think the gentleman ought to give us an opportunity to bring this back into the committee next year, and certainly we will be glad to make a full study of it and do what we can to aid those people in the Mitchell-Lama projects. I would hope that the gentleman would withdraw his amendment at this time.

Mr. RYAN. Mr. Chairman, in view of the statement of the distinguished Chairman of the subcommittee and the assurances which he has given us that the committee will make a thorough study and investigation of the problem facing occupants of Mitchell-Lama type housing, and also in view of my own knowledge of the gentleman's expressed concern with this problem, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The amendment has been withdrawn.

If there was no further amendments to title I, the Clerk will read.

The Clerk read as follows:

TITLE II—URBAN RENEWAL AND HOUSING ASSISTANCE PROGRAMS

URBAN RENEWAL GRANT AUTHORITY

SEC. 201. (a) The first sentence of section 103(b) of the Housing Act of 1949 is amended by inserting before the period at the end thereof the following: ", of which increase at least $400,000,000 shall be for grants under part B, and which amount shall be further increased by $2,000,000,000 on July 1, 1970, of which increase at least 35 per centum shall be for grants under part B".

(b) The first paragraph of section 103(b) of such Act is further amended by adding at the end thereof (immediately after the sentence amended by subsection (a) of this section) the following new sentence: "In making any grants under this title, the Secretary shall give priority to applications for projects which are identified and scheduled to be carried out as projects or activities included within approved comprehensive city demonstration programs assisted under the provisions of section 105(c) of the Demonstration Cities and Metropolitan Development Act of 1966."

NEIGHBORHOOD DEVELOPMENT PROGRAMS

SEC. 202. (a) Section 131 of the Housing Act of 1949 is amended by striking out "annual" in subsection (b) and (c)(1) and inserting in lieu thereof "twenty-four month".

(b) Section 132 of such Act is amended—

(1) by striking out "twelve-month period" in subsections (a)(1) and (b) and inserting in lieu thereof "twenty-four month period"; and

(2) by striking out "twelve months" in subsection (a)(1) and inserting in lieu thereof "twenty-four months".

(c) Section 133(b) of such Act is amended by striking out "twelve-month period" and inserting in lieu thereof "twenty-four month period".

(d) Section 134(a) of such Act is amended by striking out "annual" in paragraphs (3) and (5) and inserting in lieu thereof "twenty-four month".

(e) Section 134(b) of such Act is amended to read as follows:

"(b) The approval by the Secretary of financial assistance for one or more twenty-four-month increments of a neighborhood development program shall not be considered as obligating him to provide financial assistance for subsequent increments; except that amounts approved by the Secretary for the succeeding twenty-four-month increment shall be reserved for obligation out of grant funds which may be provided under section 193(b) for the fiscal year applicable to such subsequent increment."

(f) The amendments made by this section shall apply with respect to contracts under part B of title I of the Housing Act of 1949 executed on and after July 1, 1970; and any contract under such part B executed prior to July 1, 1970, shall, at the request of the municipality involved, be amended (effective on or after such date) to reflect such amendments.

EXTENSION OF PERIOD OF ELIGIBILITY OF LOCAL GRANTS-IN-AID FOR CERTAIN URBAN RENEWAL AND NEIGHBORHOOD DEVELOPMENT PROJECTS

SEC. 203. (a) The second paragraph of section 110(d) of the Housing Act of 1949 is amended—

(1) by inserting "(except the second sentence of this paragraph)" after "any other provision of this subsection"; and

(2) by adding at the end thereof the following new sentence: "In connection with any project for which an application is filed not later than the date of the enactment of the Housing and Urban Development Act of 1969 and which has not received Federal recognition (other than a project to which clause (2) of the second sentence of section 133(a) applies), the three-year period referred to above shall be extended to a period of four years prior to the authorization by the Secretary of a contract for loan or capital grant for the project."

(b) Section 133(a) of such Act is amended—

(1) by striking out "For" and inserting in lieu thereof "Except as otherwise provided in this subsection, for";

(2) by striking out "the second paragraph" and inserting in lieu thereof "the first sentence of the second paragraph"; and

(3) by adding at the end thereof the following new sentence: "In connection with any neighborhood development program for which an application is filed not later than the date of the enactment of the Housing and Urban Development Act of 1969 and for which no contract for financial assistance under the program has been authorized by the Secretary, the three-year period referred to above shall be extended to a period of four years prior to authorization of (1) the first contract for financial assistance under the program which includes the urban renewal area benefited by the public improvement or facility for which credit is claimed, or (2) a contract for a loan or capital grant for an urban renewal project authorized after the date of the enactment of the Housing and Urban Development Act of 1969, in an area which is benefited by the public improvement or facility for which credit is claimed and which was included in the neighborhood development program application."

INCLUSION OF ENCLOSED PEDESTRIAN MALLS AS ELIGIBLE URBAN RENEWAL ACTIVITIES

SEC. 204. (a) Section 110(c)(3) of the Housing Act of 1949 is amended by inserting after "playgrounds," the following: "pedestrian malls and walkways (including in the case of an enclosed mall or walkway any necessary roofs, walls, columns, lighting, and climate control facilities),".

(b) The first sentence of the second unnumbered paragraph following paragraph (10) of section 110(c) of such Act is amended by inserting after "provided" the following: "in paragraph (3) with respect to enclosed pedestrian malls and walkways and as provided".

REHABILITATION GRANTS

SEC. 205. Section 115(c) of the Housing Act of 1949 is amended by striking out "or (2) $3,000" and inserting in lieu thereof "or (2) $3,500".

LOCAL GRANT-IN-AID CREDIT FOR CERTAIN FACILITIES BUILT ON BEHALF OF PUBLIC UNIVERSITIES

SEC. 206. Clause (A)(ii) of the second proviso in section 110(d) of the Housing Act of 1949 is amended by striking out "by a public university" and inserting in lieu thereof "by or on behalf of a public university".

INCOME LIMITATION UNDER REHABILITATION LOAN PROGRAM

SEC. 207. Section 312(a) of the Housing Act of 1964 is amended by striking out the last sentence and inserting in lieu thereof the following:

"In making loans with respect to residential property under this section, priority shall be given to applications made by persons whose annual income, as determined pursuant to criteria and procedures established by the Secretary, is within the limitations prescribed by the Secretary for occupants of projects financed with below-market interest rate mortgages insured (in the area involved) under section 221(d)(3) of the National Housing Act."

LOANS FOR PUBLIC HOUSING PROJECTS

SEC. 208. Section 9 of the United States Housing Act of 1937 is amended by striking out the third sentence.

PUBLIC HOUSING ANNUAL CONTRIBUTIONS

SEC. 209. (a) The proviso in section 10(b) of the United States Housing Act of 1937 is amended by inserting after "any contract" the following: ", although not limited to debt service requirements,".

(b) The first sentence of section 10(e) of such Act is amended by striking out "on July 1 in each of the years 1969 and 1970" and inserting in lieu thereof "on July 1, 1969, and $170,000,000 on July 1, 1970".

ROOM COST LIMITATIONS FOR PUBLIC HOUSING PROJECTS

SEC. 210. The first sentence of section 15(5) of the United States Housing Act of 1937 is amended by striking out "$2,400", "$3,500", "$4,000", and "$750" wherever they appear and inserting in lieu thereof "$2,640", "$3,850", "$4,400", and "$825", respectively.

MANAGEMENT AND SERVICES IN PUBLIC HOUSING PROJECTS

SEC. 211. The last sentence of section 15 (10) of the United States Housing Act of 1937 is amended by striking out "July 1, 1970" and inserting in lieu thereof "July 1, 1971".

ELIMINATION OF WORKABLE PROGRAM REQUIREMENT WITH RESPECT TO LOW-RENT HOUSING IN PRIVATE ACCOMMODATIONS AND OTHER LOW-RENT PUBLIC HOUSING, AND WITH RESPECT TO MORTGAGE INSURANCE UNDER SECTION 221(d)(3) PROGRAM

SEC. 212. (a) Section 101(c) of the Housing Act of 1949 is amended—

(1) by striking out 'or for annual contributions or capital grants pursuant to the United States Housing Act of 1937, as amended, for any project or projects not constructed or covered by a contract for annual contributions prior to August 1, 1956,";

(2) by striking out "or section 221(d)(3)";

(3) by striking out "(i)", and "or (ii) section 221(d)(3) of the National Housing Act

if payments with respect to the mortgaged property are made or are to be made under section 101 of the Housing and Urban Development Act of 1965,", in the first proviso; and

(4) by striking out "or a contract for annual contributions or capital grants was entered into pursuant to the United States Housing Act of 1937,".

(b) The second proviso in section 10(e) of the United States Housing Act of 1937 is amended by striking out "no such new contract" and all that follows down through "Housing Act of 1949, and".

(c) Section 23(f) of the United States Housing Act of 1937 is amended by striking out all that follows "this Act" and inserting in lieu thereof 'shall not apply to low-rent housing assisted or to be assisted under this section."

AUTHORIZATION FOR HOUSING FOR THE ELDERLY OR HANDICAPPED

SEC. 213. Section 202(a)(4) of the Housing Act of 1959 is amended to read as follows:

"(4) There is authorized to be appropriated for the purposes of this section not to exceed $500,000,000, which amount shall be increased by $150,000,000 on July 1, 1969. Amounts so appropriated shall constitute a revolving fund to be used by the Secretary in carrying out this section."

AUTHORIZATION FOR COLLEGE HOUSING DEBT SERVICE GRANTS

SEC. 214. Section 401(f)(2) of the Housing Act of 1950 is amended by striking out all that follows "exceed" and inserting in lieu thereof "$20,000,000 which amount shall be increased by $4,200,000 on July 1, 1970."

Mr. PATMAN (during the reading). Mr. Chairman, since all Members have copies of the bill before them, I ask unanimous consent that further reading of title II be dispensed with, that it be printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there any objection to the request of the gentleman from Texas?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 20, line 9, insert "where it first appears" after "Act".

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. WIDNALL

Mr. WIDNALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WIDNALL: Page 17, after line 19, insert the following new section and renumber the remaining sections of Title II accordingly:

"SEC. 208. The proviso in the first paragraph of section 102(c) of the Housing Act of 1949 is amended by—

"(1) striking ', if';

"(2) striking ', the interest rate on such a loan from a source other than the Federal Government is greater than the rate at which funds could be made available under the Federal loan contract,';

"(3) striking 'from such sources' and inserting in lieu thereof 'from a source other than the Federal Government'; and

"(4) inserting 'or a supplemental grant in an amount which he determines is necessary to enable a local public agency to obtain funds from a source other than the Federal Government' immediately following 'contract rate'."

Mr. WIDNALL. Mr. Chairman, the urban renewal law presently authorizes the Secretary of Housing and Urban Development to make supplemental grants to local public agencies under certain circumstances so that these agencies may continue to secure loan funds for their urban renewal projects from private sources instead of borrowing from the Federal Government. This amendment would make the Secretary's present supplemental grant authority more flexible to enable him to cover some additional cases, not previously anticipated, which could arise because of changes in the money market. Without this amendment there could be cases where local public agencies would be forced to secure their loan funds from the Federal Government, even if the applicable rate of interest for a Federal loan is higher than the rate charged by the private lender.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, in view of the gentleman's interest, we have given special consideration to this amendment and we are on this side willing to accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. WIDNALL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PICKLE

Mr. PICKLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PICKLE: Page 20, after line 11, insert the following new section:

"REVIEW OF RELOCATION PLANS UNDER URBAN RENEWAL PROGRAM

"SEC. 213. Section 105(c) of the Housing Act of 1949 is amended by adding at the end thereof the following new paragraph:

"'(3) Within one year after the date of enactment of this paragraph, and every two years thereafter, the Secretary shall review each locality's relocation plan under this subsection and its effectiveness in carrying out such plan.'"

And renumber the succeeding sections accordingly.

Mr. PICKLE. Mr. Chairman, yesterday in general debate I pointed out that the report indicated that there was no current plan to make a complete evaluation of relocation plans on urban renewal of neighborhood development programs. It was admitted that relocation of families is the biggest single worry we have in these two programs. While the urban renewal agencies have done commendable work; we all realize that we need to do better. The only way we know if these relocation plans are working satisfactorily or not is for us to be furnished with full, complete information by the Secretary. I do not think it is enough to suppose simply that this will be done by report in the next 2 or 3 years. I think we should direct the Secretary to make an immediate study and evaluation on relocation of families and make this report to the Congress within the next year. Thereafter it might be sufficient to require this report every 2 years.

I have talked with various groups in my own city of Austin, Tex., about this problem and I think we all recognize that we need to do all we can to see that the least inconvenience possible be made to those persons who are displaced. The study and evaluation directed by this amendment would be sizable but I think there is a need for it and I strongly recommend its enactment.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, we have studied the amendment offered by the gentleman from Texas (Mr. PICKLE) and we on our side are willing to accept it. We think it is very reasonable and an improvement.

Mr. PICKLE. Mr. Chairman, I thank the chairman of the committee.

Mr. WIDNALL. Mr. Chairman, if the gentleman from Texas will yield, the minority finds the amendment acceptable and approves it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PICKLE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HANLEY

Mr. HANLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANLEY: Page 15, after line 5, insert the following new subsection:

"(b) Section 112(b) of such Act is amended—

"(1) by striking out 'No expenditure' and inserting in lieu thereof 'Subject to the second sentence of this subsection, no expenditure'; and

"(2) by adding at the end thereof the following new sentence: 'In connection with any project for which an application is filed not later than the date of the enactment of the Housing and Urban Development Act of 1969 and which has not received Federal recognition (other than a project to which clause (2) of the second sentence of section 133(a) applies), the seven-year period referred to in clause (1) of the preceding sentence shall be extended to a period of eight years prior to the authorization by the Secretary of a contract for a loan or capital grant for the project.'"

Page 15, line 6, strike out "(b)" and insert "(c)".

Page 15, lines 19 through 21, strike out "the three-year period referred to above shall be extended to a period of four years" and insert "the three-year and seven-year periods referred to above shall be extended to periods of four and eight years, respectively,".

Page 15, line 24, after "facility" insert ", or the expenditures,".

Page 16, line 4, after "facility" insert ", or the expenditures,".

Mr. BARRETT (during the reading). Mr. Chairman, I ask unanimous consent to dispense with further reading of the amendment and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HANLEY. Mr. Chairman, H.R. 13827 recognizes that communities which opted for neighborhood development programs instead of "lump sum" urban renewal programs are facing undue delays which are endangering certain local grants-in-aid which are charged against the local share. H.R. 13827 extends the 3-year limit to a 4-year limit for other eligible credits for public improvements or facilities for projects with pending applications.

It is felt that H.R. 13827 ought also to extend the time period devised for expenditures made by colleges and hospitals in urban renewal areas and which can be counted as local grants-in-aid. Section 112 of the Housing Act deals with this matter.

It is felt that Syracuse, and certainly other communities with pending applications for projects with heavy hospital and university participation are going to be losing credits which they have counted on solely because of the Federal delay now being experienced. We feel that H.R. 13827 ought to be amended to provide some consideration to section 112 credits that it provides to credits arising out of section 110(d).

Communities, in good faith, followed the urging of HUD and moved over to NDP, in the hope of moving faster on their projects. The damage and hard feelings created by the delays ought not to be compounded by the forced loss of needed credits against the local share.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. HANLEY. I yield to the gentleman from Pennsylvania.

Mr. MOORHEAD. Mr. Chairman, section 209 of the committee bill provides vital assistance to 15 local public housing authorities which are now threatened with bankruptcy because their rental income is too low to meet normal operating expenses.

As many Members know, public housing authorities in our large cities are being called upon to provide housing for a progressively larger proportion of the Nation's very poor families, and the rents these families can afford to pay simply cannot keep pace with sharply increasing operating costs. As a result, 15 housing authorities now face—and many others may soon face—serious financial problems because their normal operating expenses cannot be met out of project income.

Under existing law, the Federal Government makes annual contributions to local housing authorities in amounts necessary to assure the low-rent character of the projects. However, these contributions have been limited to amounts required to cover debt service on the capital cost of the project, even though amounts covering debt service are below the statutory maximum permitted under the U.S. Housing Act of 1937. The local authority is expected to cover operating expenses out of the project's rental income.

Section 209 would permit HUD to make annual contributions in excess of the project's debt service requirements. However, HUD could not make contributions in amounts higher than the statutory maximum permitted in the act—currently 7⅝ percent, the going Federal rate plus 2 percent, on the development cost of the project.

It is my understanding that, in the case of the 15 authorities in "serious financial condition," HUD intends to make contributions above debt service requirements only in the amounts necessary to meet each authority's operating deficit for the year. For example, if, first, the maximum annual contribution permitted by law were $10 million; second, the fixed contribution permitted for debt service were $6 million; and, third, the authority incurred a $1.5 million deficit in operating expenses, HUD would cover only the authority's $1.5 million operating deficit, even though the new formula would permit an additional subsidy of up to $4 million.

Mr. Chairman, this provision is essential in order to avert bankruptcy for housing authorities in 15 of our largest cities—Washington, D.C.; Kansas City, Mo.; San Francisco, Calif.; St. Louis, Mo.; Columbus, Ohio; New York City; New Haven, Conn.; Omaha, Nebr.; Boston, Mass.; Newark, N.J.; Chicago, Ill.; Los Angeles, Calif.; Philadelphia, Pa.; Louisville, Ky.; and Detroit, Mich. For fiscal year 1970, these authorities will need approximately $6.5 million in additional subsidy under the revised formula. In subsequent years, other authorities may well require similar assistance.

Mr. BARRETT. Mr. Chairman, if the gentleman from New York will yield, we have had an opportunity to examine the amendment and find no reason to oppose it.

Mr. WIDNALL. Mr. Chairman, if the gentleman will yield, we have no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HANLEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WEICKER

Mr. WEICKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEICKER: Page 20, after line 11, insert the following new section:

"REQUIREMENT OF SUBSTANTIAL RESIDENTIAL REDEVELOPMENT WHERE PROJECT INVOLVES DEMOLITION OR REMOVAL OF RESIDENTIAL STRUCTURES

"SEC. 213. Section 105 of the Housing Act of 1949 is amended by adding at the end thereof the following new subsection:

"'(h) In the case of any project which includes the demolition or removal of any residential structure or structures and which receives Federal recognition after the date of the enactment of this subsection (whether or not it is a project taken into account for purposes of applying subsection (f))—

"'(1) the redevelopment of the urban renewal area shall include the provision of standard housing units for low and moderate income families and individuals at least equal in number to the total number of dwelling units in the structure or structures demolished or removed; and

"'(2) the portion of the total cost of such redevelopment which is attributable to the provision of standard housing units for low and moderate income families and individuals (as determined by the Secretary) shall be at least 35 per centum or, if greater, a percentage bearing the same ratio to 100 as the total appraised value of such residential structure or structures bore to the total appraised value of all the structures in the urban renewal area immediately prior to their demolition or removal (as determined by the Secretary, without regard to any decrease in such value which may have resulted from the imminence of such demolition or removal).'"

And renumber the succeeding sections accordingly.

Mr. WEICKER. Mr. Chairman, this amendment adds a direction, not money, to the bill.

At the present time when the term "urban renewal" is used it is the general belief that housing is involved. On the other hand, as urban renewal has been actually used I would say the emphasis has been placed not on housing but on office complexes and shopping centers.

It is all right to go ahead and say that relocation takes care of that problem. I supported and was delighted to support the amendment of the gentleman from Texas. But the fact remains that no new housing is created in a city through relocation.

The Urban Renewal Act, as it now stands, does not have any requirement for housing. Only if housing is a part of the urban renewal plan is it then necessary to have a percentage go into low- and moderate-income housing. But there is no requirement that there be any housing whatsoever.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. WEICKER. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. I want to call attention to the fact that there is a requirement here. I read the following:

> The Senate bill contained a provision requiring that a majority of the housing units in urban renewal areas to be developed for predominately residential uses be for low- and moderate-income families. The House amendment required that a majority of the housing units in each community's urban renewal projects to be developed for predominately residential uses be for low and moderate income families and that at least 20 percent of the total units in such projects in each community be for low-income families.

Mr. WEICKER. With due respect to the gentleman from Pennsylvania, the fact remains this is exactly the point I am trying to make. If housing is called for in the plan then, yes, 20 percent has to be devoted to low- and moderate-income housing. The way the law presently reads there is no requirement there be any housing in the plan whatsoever.

What is happening is that they go into areas, raze the residential substandard housing, and put in shopping centers and office complexes. They are not replacing them with any new housing. That is the fact of the situation.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. WEICKER. I yield to the gentleman from Ohio.

Mr. ASHLEY. Does the gentleman really mean to say that we in Washington should determine for the local communities the kind of renewal they should have?

Mr. WEICKER. No. I do not mean to say that.

Mr. ASHLEY. But that is what the gentleman's amendment would do.

Mr. WEICKER. All right. Then if the

gentleman puts that interpretation on it, he is entitled to do so. What I am saying is that as far as urban renewal is concerned, if the area contains no housing there is no requirement that any housing be put back into it, but where housing—residences—are being razed, there should be some requirement that a certain minimum number should go back in. At the present time, certainly in the cities in the Northeast, they do not have this requirement. Relocation creates nothing new. Cities go ahead and ask the surrounding towns why they do not go ahead and take care of their own particular problems. As far as this program is concerned, it is not urban renewal, but is urban withdrawal now.

This amendment very simply gives direction. It does not cost 1 cent. The amendment says, and I repeat, that when housing is to be torn down in an area scheduled for urban renewal, then said plan of renewal shall call for at least an equivalent number of standard housing units.

This amendment says that the consideration of building up the tax list going on in the cities cannot override the priority of building decent homes.

If the surburbs are bedroom towns, then the cities in my State are becoming office, shipping center complexes. That is not urban renewal; it is urban withdrawal.

If under present practical use of our urban renewal laws urban renewal has become comfortable and secure because it rests on the affluence of commerce, then I believe the time has come to remind the potential users of these funds that the Federal role is a gamble for people, not a sure loan for beauty, convenience, and profits.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. WEICKER. I yield to the gentleman from New Jersey.

Mr. WIDNALL. In connection with the existing housing law, it provides that in a residential renewal project at least 20 percent must be for low-income housing. Would your amendment affect the existing law?

Mr. WEICKER. Yes; to the extent where your amendment takes over there is a plan for housing, but the situation I am trying to cover here is when there is an urban renewal project and there is no plan for housing whatsoever, yet housing has been torn down, yes, it makes the community recognize that it has been torn down, and makes it put it back into the housing stream.

Mr. WIDNALL. I thank the gentleman.

Mr. BARRETT. Mr. Chairman, I rise in opposition to the amendment. The urban renewal law already includes carefully worked out language to assure the production of housing for low- and moderate-income families. In committee and in conference we worked hard to perfect this language, and in my judgment it would be an error to accept this statement without careful study. The fact is that many urban renewal projects are aimed at reducing overcrowing in our cities and it would be a mistake to require a unit-for-unit replacement in every case. Moreover, to achieve the income balance which is generally considered desirable, it would be a mistake to make urban renewal projects simply new income ghettos. Also the amendment fails to recognize the need for some commercial redevelopment where this is desirable for the neighborhood and for the city as a whole. The objective of the gentleman from Connecticut is laudable but the problem is too complex to be met with oversimplified language like this. The provision of low- and moderate-income housing is not the responsibility of urban renewal alone, but calls for the use of all of our housing programs including our urban renewal programs, public housing, interest subsidies, below-market interest rate loans, housing for the elderly, and so forth. Let me assure the gentleman that the committee is working to achieve his goal but I hope that this amendment will be defeated.

Mr. WEICKER. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. Yes, I would be glad to yield to the gentleman.

Mr. WEICKER. Is it not true that many of the subsequent programs that have come forth in the housing field might very well be the product of the urban renewal program in that it has displaced people insofar as housing is concerned but did not create any new housing and thus it might also be true that Federal funds used for urban renewal have created a housing problem in this field?

Mr. BARRETT. I would say to the gentleman that this is probably right in some cities. But there are many other cities that have been very, very careful on relocation of families as well as businesses and have done a wonderful job.

Mr. WEICKER. Mr. Chairman, if the gentleman will yield further, would the gentleman indicate as to whether or not relocation does not create a new housing development?

Mr. BARRETT. Relocation in some respects creates housing.

Mr. WEICKER. Creates new housing?

Mr. BARRETT. The relocation procedure, of which I am speaking, is to use existing housing. It is supervised very carefully to see that those people who are relocated from a slum live in a better home. We want the people who live in the urban renewal neighborhood to have a better environment in the new area in which they are relocated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. WEICKER).

The question was taken; and on a division (demanded by Mr. WEICKER) there were—ayes 26, noes 27.

Mr. WEICKER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. WEICKER and Mr. PATMAN.

The Committee again divided, and the tellers reported that there were—ayes 48, noes 50.

So the amendment was rejected.

The CHAIRMAN. Are there any further amendments to title II? If not, the Clerk will read.

The Clerk read as follows:

TITLE III—MODEL CITIES AND METROPOLITAN DEVELOPMENT PROGRAMS

AUTHORIZATION FOR MODEL CITIES PROGRAM

SEC. 301. (a) Section 111(b) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended—

(1) by striking out "and" the third time it appears;

(2) by inserting before the period at the end thereof the following: ", and not to exceed $750,000,000 for the fiscal year ending June 30, 1971"; and

(3) by adding at the end thereof the followng new sentence: "Under regulations prescribed by the Secretary, 10 per centum of the amounts appropriated pursuant to this subsection for the fiscal year ending June 30, 1970, and for any fiscal year thereafter shall be used for assistance to city demonstration agencies in smaller cities, and may be so used (to the extent specifically provided in such regulations) without regard to the limitation set forth in the first sentence of section 105(c)."

(b) Section 111(c) of such Act is amended by striking out "1970" and inserting in lieu thereof "1971".

AUTHORIZATION FOR COMPREHENSIVE PLANNING GRANTS

SEC. 302. The fifth sentence of section 701 (b) of the Housing Act of 1954 is amended by striking out "and not to exceed $390,000,000 prior to July 1, 1970" and inserting in lieu thereof "and not to exceed $390,000,000 prior to July 1, 1971".

URBAN INFORMATION AND TECHNICAL ASSISTANCE SERVICES

SEC. 303. (a) Section 701(a) of the Housing Act of 1954 is amended—

(1) by striking out "and" at the end of paragraph (10);

(2) by striking out the period at the end of paragraph (11) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (11) the following new paragraph:

"(12) States, including statewide agencies or instrumentalities of a State or its political subdivisions which are designated by the Governor of the State and acceptable to the Secretary, for programs focused upon the needs of communities having populations less than one hundred thousand which provide information and data on urban needs and urban assistance programs and activities and technical assistance to such communities with respect to the solution of local problems."

(b) Title IX of the Demonstration Cities and Metropolitan Development Act of 1966 is repealed.

AUTHORIZATION FOR OPEN SPACE, URBAN BEAUTIFICATION, AND HISTORIC PRESERVATION GRANTS

SEC. 304. The first sentence of section 702(b) of the Housing Act of 1961 is amended by striking out "and not to exceed $460,000,000 prior to July 1, 1970" and inserting in lieu thereof "and not to exceed $460,000,000 prior to July 1, 1971".

AUTHORIZATION FOR NEW COMMUNITY SUPPLEMENTARY ASSISTANCE GRANTS

SEC. 305. Section 412(d) of the Housing and Urban Development Act of 1968 is amended by striking out "July 1, 1970" and inserting in lieu thereof "July 1, 1971".

COMMUNITY FACILITIES GRANTS

SEC. 306. (a) Section 708(b) of the Housing and Urban Development Act of 1965 is amended by striking out "1970" and inserting in lieu thereof "1971".

(b) The second sentence of section 708(a) of such Act is amended by inserting before the period at the end thereof the following: ", and not to exceed $100,000,000 for the fiscal year commencing July 1, 1970".

TRAINING AND FELLOWSHIP PROGRAMS

SEC. 307. Title VIII of the Housing Act of 1964 is amended to read as follows:

"TITLE VIII—TRAINING AND FELLOWSHIP PROGRAMS

"FINDINGS AND PURPOSE

"SEC. 801. (a) The Congress finds that the rapid expansion of the Nation's urban areas and urban population has caused severe problems in urban and suburban development and created a national need to (1) provide special training in skills needed for economic and efficient community development, and (2) support research in new or improved methods of dealing with community development problems.

"(b) It is the purpose of this title to provide fellowships for the graduate training of professional city planning and urban and housing technicians and specialists, and to assist and encourage the States, in cooperation with public or private universities and colleges and urban centers and with business firms and associations, labor unions, and other interested associations and organizations, to (1) organize, initiate, develop, and expand programs which will provide special training in skills needed for economic and efficient community development to those technical, professional, and other persons with the capacity to master and employ such skills who are, or are training to be, employed by a governmental or public body which has responsibility for community development, or by a private nonprofit organization which is conducting or has responsiility for housing and community development programs, and (2) support State and local research that is needed in connection with housing programs and needs, public improvement programing, code problems, efficient land use, urban transportation, and similar community development problems.

"FELLOWSHIPS FOR CITY PLANNING AND URBAN STUDIES

"SEC. 802. (a) The Secretary is authorized to provide fellowships for the graduate training of professional city planning and urban and housing technicians and specialists as herein provided. Persons shall be selected for such fellowships solely on the basis of ability and upon the recommendation of the Urban Studies Fellowship Advisory Board established pursuant to subsection (b). Fellowships shall be solely for training in public and private nonprofit institutions of higher education having programs of graduate study in the field of city planning or in related fields (including architecture, civil engineering, economics, municipal finance, public administration, and sociology), which programs are oriented to training for careers in city and regional planning, housing, urban renewal, and community development.

"(b) There is hereby established the Urban Studies Fellowship Advisory Board (hereinafter referred to as the 'Board'), which shall consist of nine members to be appointed by the Secretary as follows: Three from public institutions of higher learning and three from private nonprofit institutions of higher education, who are the heads of departments which provide academic courses appropriately related to the fields referred to in subsection (a), and three from national organizations which are directly concerned with problems relating to urban, regional, and community development. The Board shall meet upon the request of the Secretary and shall make recommendations to him with respect to persons to be selected for fellowships under this section. Members of the Board shall be entitled to receive transportation expenses and a per diem in lieu of subsistence as authorized for members of advisory committees created pursuant to section 601 of the Housing Act of 1949.

"MATCHING GRANTS TO STATES

"SEC. 803. (a) Subject to the provisions of this title and in accordance with regulations prescribed by him, the Secretary may make matching grants to States to assist in—

"(1) organizing, initiating, developing, or expanding programs to provide special training in skills needed for economic and efficient community development to those technical, professional, and other persons with the capacity to master and employ such skills who are, or are training to be, employed by a governmental or public body which has responsibilities for community development, or by a private nonprofit organization which is conducting or has responsibility for housing and community development programs; and

"(2) supporting State and local research that is needed in connection with housing programs and needs, public improvement programing, code problems, efficient land use, urban transportation, and similar community development problems, and collecting, collating, and publishing statistics and information relating to such research.

"(b) No grants may be made to a State under this section unless the Secretary has approved a plan for the State which—

"(1) sets forth the proposed use of the funds and the objectives to be accomplished;

"(2) explains the method by which the required amounts from non-Federal sources will be obtained;

"(3) provides such fiscal control and fund accounting procedures as may be reasonably necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State under this section;

"(4) designates an officer or agency of the State government who has responsibility and authority for the administration of a statewide research and training program as the officer or agency with responsibility and authority for the execution of the State's program under this section; and

"(5) provides that such officer or agency will make such reports to the Secretary, in such form, and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this section.

"(c) No grant may be made under this section for any use unless an amount at least equal to such grant is made available from non-Federal sources for the same purpose and for concurrent use.

"STATE LIMIT

"SEC. 804. Not more than 10 per centum of the total amount appropriated for the purposes of this title may be used for making grants to any one State.

"TECHNICAL ASSISTANCE, STUDIES, AND PUBLICATION OF INFORMATION

"SEC. 805. In order to carry out the purpose of this title, the Secretary is authorized to provide technical assistance to State and local governmental or public bodies and to undertake such studies and publish and distribute such information, either directly or by contract, as he shall determine to be desirable. Nothing contained in this title shall limit any authority of the Secretary under any other provision of law.

"APPROPRIATIONS

"SEC. 806. There is authorized to be appropriated for the purpose of making grants and providing fellowships under this title, without fiscal year limitation, not to exceed $30,000,000. Any amounts appropriated under this section shall remain available until expended.

"MISCELLANEOUS

"SEC. 807. (a) As used in this title the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands; and the term 'Secretary' means the Secretary of Housing and Urban Development.

"(b) There are authorized to be appropriated such sums as may be necessary for administrative and other expenses in carrying out this title."

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: On page 23, strike out lines 16 through 18 and insert:

"SEC. 306. (a) Section 702(c) of the Housing and Urban Development Act of 1965 is amended by striking out '1969' in clause (2) and inserting in lieu thereof '1970'.

"(b) Section 708(b) of such Act is amended by striking out '1970' and inserting in lieu thereof '1971'."

And on line 25 strike out "(b)" and insert "(c)".

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. WIDNALL

Mr. WIDNALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WIDNALL: Page 24, after line 3, insert the following new section:

"URBAN MASS TRANSPORTATION

"SEC. 307. (a) The first sentence of section 4(b) of the Urban Mass Transportation Act of 1964 is amended—

"(1) by striking out 'and' the second time it appears; and

"(2) by striking out the period and inserting in lieu thereof '; and $300,000,000 for fiscal year 1971.'

"(b) Section 5 of such Act is amended by striking out '1970' and inserting in lieu thereof '1971'."

And renumber the succeeding section accordingly.

Mr. WIDNALL. Mr. Chairman, as is becoming more abundantly apparent day by day, one of the major problems facing our cities is the crisis in public transportation. Right here in Washington, most of us get a daily demonstration of the snarled traffic, the increased pollution, the delay, waste, and frustration that ever increasingly blight our urban areas, both large and small.

In August, I had introduced the most massive, long-range, and comprehensive transit program ever submitted to the Congress, the administration's 12-year, $10 billion program, the Public Transportation Assistance Act of 1969.

This bill would offer the long-term Federal commitment that our cities find so necessary as they seek large matching sums locally to fund the programs which will keep our urban areas from the strangulation that is engulfing them.

Hearings on the administration's bill will be held in the near future before the Subcommittee on Housing of the Banking and Currency Committee. But, pending the passage of that legislation, it is important that we take steps to insure the continuity of the present public transportation program.

Since the beginning of the program with the Urban Mass Transportation Act of 1964, a 1-year advance appropriation has been provided. The most recent was under the Housing and Urban Development Act of 1968, when advance appropriations were made for fiscal years 1969 and 1970.

I am, therefore, introducing an amendment authorizing an advance appropriation of $300 million for fiscal year 1971, and thus insuring the continuity of the public transportation program pending the passage of major new legislation.

The 1-year extension would, of course, be superseded should the new program be passed during this fiscal year.

I call for acceptance of this amendment as a step in the all-out attack so necessary if we are to keep the flow of goods and people in our Nation's cities from grinding to a virtual standstill.

Mr. HANNA. Mr. Chairman, the purpose of the amendment is to extend for 1 year the urban mass transportation program, to June 30, 1971. Its adoption is necessary if a serious break in the continuity of the program is to be avoided pending enactment of the new program which was only 2 weeks ago, sent to the Congress.

The amendment has two facets. First, it provides an additional authorization of the $300 million to fund the program through fiscal year 1971. This step would square with the practice followed from the beginning of the program in 1964. In fiscal year 1969, for example, funds were appropriated for fiscal 1970—the year beginning July 1, 1969, and ending June 30, 1970. The extension of the expiration date and the parallel increase in the authority would permit advance funding of the program for fiscal 1971, this fiscal year. The major advantage of advance planning is that it enables both the grantors and the grantee to better plan and program urban transportation projects.

This amendment also extends for 1 year the provisions of the act allowing jurisdictions which are in the process of meeting the comprehensive planning requirements set by HUD to receive limited urban mass transportation assistance. The burden of this planning requirement is heavy. Many jurisdictions—large and small—have not satisfied it. To date less than 30 jurisdictions have passed the test imposed by DOT. Their failure to do so is a product of the complexity of the requirement and the resultant cost of meeting it. Federal urban planning assistance funds have not been available in sufficient supply to significantly assist communities in satisfying the standard. Many jurisdictions, I am told, are nearing completion of their plans. Hopefully this 1-year extension recommended will provide ample time for all of them to pass the test.

The administration has posed no objection to the amendment. I have a letter to this effect signed by Under Secretary James M. Beggs. It is dated October 21, 1969. I insert it in the RECORD at this point:

THE UNDER SECRETARY OF
TRANSPORTATION,
Washington, D.C., October 21, 1969.

HON. RICHARD T. HANNA,
House of Representatives,
Washington, D.C.

DEAR MR. HANNA: This will confirm my telephone conversation in which I stated that the Department of Transportation has no objection to an amendment for the inclusion of the 1971 budget authorization of $300 million for the Urban Mass Transportation Administration's program. This is, of course, in consonance with the Public Transportation Assistance Act of 1969, which would provide this same amount of money in 1971 as contract authority.

As you know, we are currently working with the Senate Committee on Banking and Currency to work out a five year contract authority in the amount of $3.1 billion with a limitation of expenditures for each of the five years.

Sincerely,

JAMES M. BEGGS.

Mr. Chairman, in closing let me emphasize that this is a temporary stopgap measure intended only to insure no lapse in the program during the period that we are considering the new urban mass transportation measure. I urge my colleagues to join me in enacting this necessary measure.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the chairman of the committee.

Mr. PATMAN. Members on our side have studied the gentleman's amendment and we think it is a worthy amendment. It is very constructive, and we are willing to accept it.

Mr. WIDNALL. I thank the Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. WIDNALL).

The amendment was agreed to.

Mr. GIAIMO. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Connecticut is recognized.

Mr. GIAIMO. Mr. Chairman, I do not intend to offer an amendment at this time, but I would like to make reference to one of the practices which has been taking place in the model cities program, and that is in regard to the requirement of section 103 of the basic act, which states that communities may be eligible for assistance only if, among other things, the plan provides for widespread citizen participation in the program. I am not opposed to widespread citizen participation in these programs, but this language grew out of the theory which began in the Congress over the past several years, that the way to get many of our urban programs moving was to bypass established local government and the mayor's office, and to put the authority in citizens' councils, unofficial citizens groups, and the like. This also has taken place in some of our model cities programs. The result has been, in my opinion, a slowdown in the development of programs and a slowdown in getting maximum feasible model cities programs into existence and operation. Although we wish to have widespread advisory citizen participation, the responsibility and the authority for model cities programs, in my opinion, should and must reside in the local government.

I am delighted that from testimony and from statements of the present Secretary of Housing and Urban Development he intends to go in this direction. As a result of hearings we have had before the Independent Offices Subcommittee of the Appropriations Committee on changes in the model cities program, I am convinced in my own mind that HUD intends to more strongly vest authority for model cities programs in the local government.

I would hope that as a result of this discussion today HUD will be encouraged to emphasize this new direction in the model cities program. Quite frankly, I think it a worthwhile new direction.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Ohio.

Mr. ASHLEY. I am a little surprised at the comments of the gentleman because I thought that the basic act made it abundantly clear that the ultimate responsibility vested with the local governing authorities. The city councils, after all, must approve the model cities applications. The act makes it clear that it is the local governing bodies that do have basic and final authority and responsibility for the implementation of the model cities program. Is that not so?

Mr. GIAIMO. Mr. Chairman, I am sorry if the gentleman is surprised. The gentleman and I both have been in Congress for enough years to know that in many instances—in this case, in the case of OEO, in the case of juvenile delinquency, and in other cases—we often write basic law in this Chamber, only to find that the guidelines and regulations of the agencies involved have literally thwarted that law and done other than as we intended. This has happened in some of the cities. I am delighted the new Secretary of Housing and Urban Development has said definitely he will vest decisive power in the local government.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, I would like to associate myself with the remarks made by the gentleman from Connecticut. May I cite a situation in my area in Portland. This was in public housing but in a "model cities" area. After the PHA Commissioners, who were, after all, volunteering their efforts, had spent countless hours on the public housing plan in the model cities area and had gone to regional offices of the HUD Department and received tentative approval, they were advised by the regional HUD representative, they would have to have the approval of the citizens' advisory committee.

I am also advised the public housing units—duplexes—had been approved by the city council and the planning commission. With the amount of money available under the lease turnkey plan—they could have more units if the contractor built duplexes. More families could be accommodated. Land costs, per unit, would be lower. But the citizens' advisory committee then met and vetoed this and said they would not allow those, they would not give their approval to any construction of duplexes. They demanded single-family dwellings. Already months of delay had occurred; construction costs were up. Therefore the housing authorities had to go through all of the roadblocks and all of the plans which they had laboriously gone through for several months prior to this time.

It seems to me this is something which

should not be allowed. I join with the gentlemen in hoping the new Secretary would see that the citizen participation does not come to the place where the citizens' advisory committee and not the Public Housing Commissioners are going to be administering the program and have veto power over plans approved by the Public Housing Authority, approved by the City Council, approved by the Planning Commission.

By what authority, in this instance, did the regional HUD office in San Francisco require citizens' advisory committee approval before the Public Housing officials could proceed with the program? It was a disservice, increased the costs and decreased the number of units that could be made available. So-called advisory committees without knowledge, without experience, without responsibility for what happens can exercise new found authority but sometimes with disastrous results. Let us return the authority and responsibility to the duly elected and/or appointed officials. They have been chosen through the democratic process.

Mr. FARBSTEIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the legislation.

Mr. Chairman, the fact that H.R. 13827 fails to excite the imagination as did the Housing and Urban Development Act of 1968 is easy to understand. The broad and bold features of that landmark measure were the culmination of many years of thinking, fortunate timing, and a vigorous public concern with the housing problems of our Nation. We had the Douglas Commission, the Kaiser Commission and many other manifestations of that interest and concern, which are apparently absent today.

But that this bill fails to face up to two of the great needs of the housing sector is not so easily explained away. The bill fails to come to grips with the economic realities of urban housing costs. It establishes a limitation on construction cost per room which will mean that no new public housing can be constructed under Federal financing in the cities of New York, Boston, and San Francisco. The bill fails, as well, to come to grips with the problem of urban space by making no proviso for the disposal of excess Federal property at a reasonable price for low- and moderate-income housing. In both these areas, the Senate has demonstrated a boldness which the House, unfortunately, is unwilling to emulate.

The existing cost limits per unit of public housing has made it virtually impossible for the New York City Housing Authority to construct any new residential structures in the past year. Indeed, the only residential construction which has taken place occurred in connection with two facilities in model cities areas and then only because the city was willing to put up huge monetary subsidies to bring the Federal cost per unit down below the statutory limit.

Otherwise no public residential construction has taken place in New York despite the huge need for residential units in the low-income price range. For some units, the housing authority has taken bids, but they so far exceeded the statutory limits that they could not be built. For others, the architects' estimates made it abundantly clear that it was not even worth taking bids, so great was the discrepancy between the minimal cost per room in New York City and the statutory ceiling.

The existing limits on construction cost per room for public housing are just not realistic and simply serve to prevent the construction of any new public housing in New York. If they are not substantially increased, the housing crisis in New York City and almost every other city in the United States is just going to get worse and worse until no one but the slum dweller and the gold coast resident will be able to afford to live in any large central city.

The Senate increase in the limits barely brings them within the scale of New York City's housing costs. The 10-percent increase provided for in the House bill does not even begin to come close to the need. According to the National Association of Housing and Redevelopment Officials, it would still leave New York, San Francisco, and Boston unable to construct any new public housing units and would mean that many other cities would also be priced out of the market within a few months.

Another major obstacle to the construction of low- and moderate-income housing in our central cities is simply the unavailability of space upon which to construct residential units and the excessively high cost of the land that is available.

All too often the Federal Government has surplus property located in or near residential areas in our central cities which could be used to alleviate the shortage of low- and moderate-income housing units; but because section 203 (a)(3)(G) of the Federal Property and Administrative Services Act requires the Government to secure "fair market value" on the sale of its excess real property, only the commercial or high income residential builder can afford to acquire the sites.

Section 412 of the Senate version of the bill we have before us today faces this problem squarely by making provision for the sale of underutilized land by the Department of Housing and Urban Development at an economic value commensurate with the use to which the property will be put. This will enable low- and moderate-income housing to be built on the many unused sites the General Services Administration estimates exist in our central cities. Precedent for permitting the sale of surplus Government property for low-income housing for less than fair market value is found in the urban renewal law, which provides for partial Federal compensation for local jurisdictions for acquisition of Federal property for low-income housing.

Unfortunately, as was the case with the cost-per-room limitation on public housing, the bill we have before us fails to face up to an urgent housing need in this country.

The bill before us is not totally without redeeming features. To my mind one section has the potential to be extremely exciting. This is the removal of the limitation on payment to public housing units for debt service only. While still maintaining the current allocation formula, section 209 makes it possible for public housing authorities, like that in New York City, which are coming closer and closer to bankruptcy, to receive additional Federal financial assistance and thus stave off total collapse for at least another couple of years. I say this has the "potential" to be exciting for we still have to see if the administration will ask for the additional money, if it is going to be appropriated, and, if appropriated, spent by an administration more interested in a budget surplus than in the housing shortage.

The CHAIRMAN. If there are no further amendments to title III, the Clerk will read.

The Clerk read as follows:

TITLE IV—MISCELLANEOUS

AUTHORIZATION FOR PROPERTY ACQUISITIONS IN APPLYING ADVANCES IN TECHNOLOGY TO HOUSING AND URBAN DEVELOPMENT

SEC. 401. The first sentence of section 1010(c) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended—

(1) by inserting "(1)" after "authorized" and

(2) by inserting before the period at the end thereof the following: ", and (2) notwithstanding any other provision of law, to acquire, use, and dispose of land and other property as he deems necessary to carry out the purposes of subsection (a)(1) of this section".

EMPLOYMENT OPPORTUNITIES FOR LOWER INCOME PERSONS IN CONNECTION WITH HUD-ASSISTED PROJECTS

SEC. 402. Section 3 of the Housing and Urban Development Act of 1968 is amended to read as follows:

"EMPLOYMENT OPPORTUNITIES FOR LOWER INCOME PERSONS IN CONNECTION WITH ASSISTED PROJECTS

"SEC. 3. In the administration by the Secretary of Housing and Urban Development of programs providing direct financial assistance in aid of housing, urban planning, development, redevelopment, or renewal, public or community facilities, and new community development, the Secretary shall—

"(1) require, in consultation with the Secretary of Labor, that to the greatest extent feasible opportunities for training and employment arising in connection with the planning and carrying out of any project assisted under any such program be given to lower income persons residing in the area of such project; and

"(2) require, in consultation with the Administrator of the Small Business Administration, that to the greatest extent feasible contracts for work to be performed in connection with any such project be awarded to business concerns, including but not limited to individuals or firms doing business in the field of planning, consulting, design, architecture, building construction, rehabilitation, maintenance, or repair, which are located in or owned in substantial part by persons residing in the area of such project."

URBAN PROPERTY PROTECTION AND REINSURANCE—ENTRY INTO REINSURANCE CONTRACTS

SEC. 403. Section 1222(d) of the National Housing Act is amended by striking out all that follows "thereafter" the first time that word appears and inserting in lieu thereof a period.

URBAN PROPERTY PROTECTION AND REINSURANCE—STATE SHARE OF REINSURED LOSSES

Sec. 404. Section 1223(a) of the National Housing Act is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) in any State which has not, after the close of the second full regular session of the appropriate State legislative body following the date of the enactment of this title, adopted appropriate legislation, retroactive to the date of the enactment of this title, under which the State, its political subdivisions, or a governmental corporation or fund established pursuant to State law, will reimburse the Secretary for any reinsured losses in that State in any reinsurance contract year, in an amount up to 5 per centum of the aggregate property insurance premiums earned in that State during the calendar year immediately preceding the end of the reinsurance contract year on those lines of insurance reinsured by the Secretary in that State during the contract year, to the extent that reinsured losses paid by the Secretary for such year exceed the total of (A) reinsurance premiums earned in that State during that reinsurance contract year plus (B) the excess of (i) the total premiums earned by the Secretary for reinsurance in that State during a preceding period measured from the end of the most recent reinsurance contract year with respect to which the Secretary was reimbursed for losses under this title over (ii) any amounts paid by the Secretary for reinsured losses that were incurred during such period;".

STUDY OF REINSURANCE AND OTHER PROGRAMS

Sec. 405. Section 1235(b) of the National Housing Act is amended by striking out "one year following the date of the enactment of this title" and inserting in lieu thereof "December 31, 1969".

NATIONAL FLOOD INSURANCE PROGRAM—ADOPTION OF LOCAL FLOOD CONTROL MEASURES

Sec. 406. (a) Section 1305(c)(2) of the Housing and Urban Development Act of 1968 is amended by striking out "June 30, 1970, permanent" and inserting in lieu thereof "December 31, 1971, adequate".

(b) Section 1315 of such Act is amended—

(1) by striking out "June 30, 1970" and inserting in lieu thereof "December 31, 1971"; and

(2) by striking out "permanent" and inserting in lieu thereof "adequate".

(c) Section 1361(c) of such Act is amended by striking out "permanent" and inserting in lieu thereof "adequate".

INTERSTATE LAND SALES

Sec. 407. The second sentence of section 1403(a)(10) of the Housing and Urban Development Act of 1968 is amended to read as follows: "As used in this paragraph, the terms 'liens', 'encumbrances', and 'adverse claims' do not refer to property reservations which land developers commonly convey or dedicate to local bodies or public utilities for the purpose of bringing public services to the land being developed nor to taxes and assessments imposed by a State, by any other public body having authority to assess and tax property, or by a property owners' association, which, under applicable State or local law, constitutes liens on the property before they are due and payable, nor to covenants, conditions, and restrictions imposed to control future use of the property and the types and locations of structures to be placed thereon, if (A) the developer, prior to the time the contract of sale or lease is entered into, has furnished each purchaser with a statement setting forth in clear and understandable terms the types and amounts of all such reservations, taxes, assessments, covenants, conditions, and restrictions which are applicable to the lot to be purchased, and (B) receipt of such statement has been acknowledged in writing by the purchaser, and a copy of the acknowledged statement is filed with the Secretary."

REPORTS

Sec. 408. Section 1603 of the Housing and Urban Development Act of 1968 is amended by striking out "January 15" and inserting in lieu thereof "February 15".

RURAL HOUSING

Sec. 409. (a) Sections 513, 515(b)(5), and 517(a)(1) of the Housing Act of 1949 are each amended by striking out "October 1, 1969" wherever it appears and inserting in lieu thereof "October 1, 1970".

(b) Section 517(c) of such Act is amended by striking out all that follows "section" and inserting in lieu thereof a period.

(c) Section 517 of such Act is amended by adding at the end thereof the following new section:

"(k) Any sale by the Secretary of loans individually or in blocks, pursuant to subsections (c) and (g), shall be treated as a sale of assets for the purposes of the Budget and Accounting Act, 1921, notwithstanding the fact that the Secretary, under an agreement with the purchaser, holds the debt instruments evidencing the loans and holds or reinvests payments thereon as trustee and custodian for the purchaser."

(d) Section 520 of such Act is repealed.

(c)(1) Title V of such Act is amended by adding at the end thereof the following new section:

"FINANCIAL ASSISTANCE TO NONPROFIT ORGANIZATIONS TO PROVIDE SITES FOR RURAL HOUSING FOR LOW- AND MODERATE-INCOME FAMILIES

"Sec. 524. (a) The Secretary may make loans, on such terms and conditions and in such amounts as he deems necessary, to public or private nonprofit organizations for the acquisition and development of land as building sites to be subdivided and sold to families, nonprofit organizations, and cooperatives eligible for assistance under section 235 or 236 of the National Housing Act or section 521 of this Act. Such a loan shall bear interest at a rate prescribed by the Secretary taking into consideration the rate determined annually by the Secretary of the Treasury as the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, and shall be repaid within a period not to exceed two years from the making of the loan or within such additional period as may be authorized by the Secretary in any case as being necessary to carry out the purposes of this section.

"(b) In determining whether to extend financial assistance under this section, the Secretary shall take into consideration, among others factors, (1) the suitability of the area to the types of dwellings which can feasibly be provided, and (2) the extent to which the assistance will (A) facilitate providing needed decent, safe, and sanitary housing, (B) be utilized efficiently and expeditiously, and (C) fulfill a need in the area which is not otherwise being met through other programs, including those being carried out by other Federal, State, or local agencies."

(2) Section 517(b) of such Act is amended by striking out "and 515" and inserting in lieu thereof ", 515", and by adding after "(b)(4))," the following: "and 524,".

AUTHORITY TO TRANSFER ADDITIONAL AMOUNTS FROM GENERAL INSURANCE FUND TO SPECIAL RISK INSURANCE FUND

Sec. 410. Section 238(b) of the National Housing Act is amended by striking out "the sum of $5,000,000" in the first sentence and inserting in lieu thereof ", at such times and in such amounts as he may determine to be necessary, a total sum of $20,000,000".

SAVINGS AND LOAN ASSOCIATIONS

Sec. 411. (a) Section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)) is amended by adding at the end thereof the following new paragraph:

"Without regard to any other provision of this subsection, any such association is authorized to invest in shares of stock issued by a corporation authorized to be created pursuant to title IX of the Housing and Urban Development Act of 1968, and is authorized to invest in any partnership, limited partnership, or joint venture formed pursuant to section 907(a) or 907(c) of that Act."

(b)(1) Section 404(d)(2)(B) of the National Housing Act (12 U.S.C. 1727(d)(2)(B)) is amended by striking out "1966" and inserting in lieu thereof "1965".

(2) Section 6(b) of the Act of September 21, 1968 (Public Law 90–505), is amended by striking out "1968" and inserting in lieu thereof "1965".

MISCELLANEOUS AND TECHNICAL AMENDMENTS

Sec. 412. (a) Section 235(c) of the National Housing Act is amended by inserting immediately before the period at the end of the first sentence the following: ": *Provided further,* That the Secretary is authorized to continue making such assistance payments where the mortgage has been assigned to the Secretary".

(b) Section 236(b) of such Act is amended by striking out "*Provided,* That" and inserting in lieu thereof the following: "*Provided,* That the Secretary is authorized to continue making such interest reduction payments where the mortgage has been assigned to the Secretary: *Provided further,* That".

(c) Section 223(d) of such Act is amended by inserting at the end thereof the following new sentence: "A loan involving a project covered by a mortgage insured under section 213 that is the obligation of the Cooperative Management Housing Insurance Fund shall be the obligation of such fund, and loans involving projects covered by mortgages insured under section 236 or under any section of this title pursuant to section 223(e) shall be the obligation of the Special Risk Insurance Fund."

(d) Section 214 of such Act is amended by inserting "or mobile home courts or parks" in the first sentence after "construct dwellings".

(e) Section 1101(c)(2) of such Act is amended—

(1) by striking out "value of the property or project" and inserting in lieu thereof "replacement cost of the property or project"; and

(2) by striking out "The value" and inserting in lieu thereof "The replacement cost".

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that we dispense with further reading of title IV, that it be considered as read, printed in the Record, and open to amendment at any point.

The **CHAIRMAN**. Is there objection to to request of the gentleman from Texas?

There was no objection.

COMMITTEE AMENDMENTS

The **CHAIRMAN**. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 33, line 17, strike out "December 31, 1969" and insert "June 30, 1970".

The committee amendment was agreed to.

The **CHAIRMAN**. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 33, after line 17, insert the following:

"EMERGENCY FLOOD INSURANCE PROGRAM

"SEC. 406. Part A of chapter II of title XIII of the Housing and Urban Development Act of 1968 is amended by adding at the end thereof the following new section:

" 'EMERGENCY IMPLEMENTATION OF PROGRAM

" 'SEC. 1336. (a) Notwithstanding any other provision of this title, for the purpose of providing flood insurance coverage at the earliest possible time, the Secretary shall carry out the flood insurance program authorized under chapter I during the period ending December 31, 1971, in accordance with the provisions of this part and the other provisions of this title insofar as they relate to this part but subject to the modifications made by or under subsection (b).

" '(b) In carrying out the flood insurance program pursuant to subsection (a), the Secretary—

" '(1) shall provide insurance coverage without regard to any estimated risk premium rates which would otherwise be determined under section 1307; and

" '(2) shall utilize the provisions and procedures contained in or prescribed by this part (other than section 1334) and sections 1345 and 1346 to such extent and in such manner as he may consider necessary or appropriate to carry out the purpose of this section.' "

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee Amendment: Page 34, after line 15, insert the following:

"EXTENSION OF FLOOD INSURANCE PROGRAM TO COVER LOSSES FROM WATER-CAUSED MUDSLIDES

SEC. 407. (a) Section 1302 of the Housing and Urban Development Act of 1968 is amended by adding at the end thereof the following new subsection:

" '(f) The Congress also finds that (1) the damage and loss which results from mudslides is related in cause and similar in effect to that which results directly from storms, deluges, overflowing waters, and other forms of flooding, and (2) the problems involved in providing protection against this damage and loss, and the possibilities for making such protection available through a Federal or federally sponsored program, are similar to those which exist in connection with efforts to provide protection against damage and loss caused by such other forms of flooding. It is therefore the further purpose of this title to make available, by means of the methods, procedures, and instrumentalities which are otherwise established or available under this title for purposes of the flood insurance program, protection against damage and loss resulting from mudslides that are caused by accumulations of water on or under the ground.'

"(b) Section 1370 of such act is amended by inserting '(a)' after 'Sec. 1370.', and by adding at the end thereof the following new subsection:

" '(b) The term "flood" shall also include inundation from mudslides which are caused by accumulations of water on or under the ground; and all of the provisions of this title shall apply with respect to such mudslides in the same manner and to the same extent as with respect to floods described in paragraph (1), subject to and in accordance with such regulations, modifying the provisions of this title (including the provisions relating to land management and use) to the extent necessary to insure that they can be effectively so applied, as the Secretary may prescribe to achieve (with respect to such mudslides) the purposes of this title and the objectives of the program.'

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 36, line 5, strike out "406" and insert "408".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 36, line 16 strike out all through line 14, page 37 and insert the following:

"INTERSTATE LAND SALES

"SEC. 409. Section 1403(a)(10) of the Housing and Urban Development Act of 1968 is amended to read as follows:

" '(10) the sale or lease of real estate which is free and clear of all liens, encumbrances, and adverse claims if each and every purchaser or his or her spouse has made a personal on-the-lot inspection of the real estate which he purchased and if the developer executes a written affirmation to that effect to be made a matter of record in accordance with rules and regulations of the Secretary. As used in this subparagraph, the terms 'liens,' 'encumbrances', and 'adverse claims' do not refer to property reservations which land developers commonly convey or dedicate to local bodies or public utilities for the purpose of bringing public services to the land being developed, nor to taxes and assessments imposed by a State or other public body having authority to assess and tax property which, under applicable State or local law, constitute liens on the property before they are due and payable, nor to beneficial property restrictions which would be enforceable by other lot owners or lessees in the subdivision, if (A) the developer, prior to the time the contract of sale or lease is entered into, has furnished each purchaser or lessee with a statement, the form and content of which has been approved by the Secretary, setting forth in descriptive and concise terms all such reservations, taxes, assessments, and restrictions which are applicable to the lot to be purchased or leased, and (B) receipt of such statement has been acknowledged in writing by the purchaser or lessee, and a copy of the acknowledged statement is filed with the Secretary in accordance with such rules and regulations as he may require.'

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 39, line 2, strike out "408" and insert "410".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 39, line 6, strike out "409" and insert "411".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 39, line 23, insert the following:

"(d) Section 517 of such Act is further amended by adding at the end thereof (after subsection (k), as added by subsection (c) of this section) the following new subsection:

" '(l) The Secretary may also, upon the application of lenders, builders, or sellers and upon compliance with requirements specified by him, make commitments upon such terms and conditions as he shall prescribe to make or insure loans under this section to eligible applicants.'

"(e)(1) Section 517 of such Act is further amended by adding at the end thereof (after subsection (l), as added by subsection (d) of this section) the following new subsection:

" '(m) The assets and liabilities of, and authorizations applicable to, the Rural Housing Direct Loan Account are hereby transferred to the Fund, and such Account is hereby abolished. Such assets and their proceeds, including loans made out of the Fund pursuant to this section, shall be subject to all of the provisions of this section.'

"(2) The first sentence of section 517(d) of such Act is amended—

"(A) by striking out '(a) and (b)' and inserting in lieu thereof '(a), (b), and (m)'; and

"(B) by inserting 'or otherwise acquired by' after 'loans made from'.

"(3) Section 518 of such Act is repealed.

"(4) Section 519 of such Act is amended by striking out 'or the Rural Housing Direct Loan Account' and 'or Account'."

PARLIAMENTARY INQUIRY

Mrs. SULLIVAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state it.

Mrs. SULLIVAN. Is this a direct loan program, which the Clerk just read?

The CHAIRMAN. The Chair did not hear the inquiry.

Mrs. SULLIVAN. On page 39—is that a direct loan program for housing?

The CHAIRMAN. The committee amendment now pending, as the Chair understands it, is at the bottom of page 39, line 23, and goes to the end of page 40, line 26. That is the pending committee amendment.

Mrs. SULLIVAN. Then it is a direct loan program? That is what I asked.

The CHAIRMAN. The Chair will say to the gentlewoman that the Chair will not attempt to interpret the amendment under any circumstances.

Mrs. SULLIVAN. I thank the Chairman.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 41, line 1, strike out "(d)" and insert "(f)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 41, strike out line 2 down through and including line 12 of page 42.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 42, line 16, strike out "410" and insert "412".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 42, strike out lines 22 through 24 and insert:

"SEC. 413. (a) Section 5 of the Federal Home Loan Bank Act (12 U.S.C. 1425) is amended to read as follows:

" 'SEC. 5. No institution shall be admitted to or retained in membership, or granted the privileges of nonmember borrowers, if the combined total of the amounts paid to it for interest, commission, bonus, discount, premium, and other similar charges, less a proper deduction for all dividends, refunds, and cash credits of all kinds, creates an actual net cost to the home owner in excess of the lawful contract rate of interest applicable to such transactions, or, in case there is no lawful contract rate of interest applicable to such transactions, in excess of such rates as may be prescribed in writing by the Board acting in its discretion from time to time. This section applies only to the home mortgage loans on single-family dwellings.'

"(b) Section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)) is amended by adding at the end thereof the following new paragraph:".

Mrs. SULLIVAN. Mr. Chairman, I rise in opposition to the committee amendment.

Mr. Chairman, adoption of section 413 (a) of the bill will mean that Congress has gone on record in favor of raising already exorbitantly high mortgage interest rates still higher.

Adoption of 413(a) means that Congress is saying that an 8-percent interest rate is too little to pay for the cost of mortgage funds even though the purchaser of a $20,000 home will have to pay as much as $32,000 in interest alone during the term of a 30-year mortgage.

Adoption of 412(a) means the establishment of an unfortunate, even tragic example which says to the legislatures of 22 States that their interest rate ceilings of 7 to 8 percent for home mortgages should, in the judgment of Congress, be increased to 9 or 10 percent or more.

Mr. Chairman, section 413(a) would eliminate the maximum effective interest rate ceiling of 8 percent for savings and loan associations and other Federal Home Loan Bank borrowers in those States which do not have their own interest rate ceilings and allow the Home Loan Bank Board to set a higher ceiling. It became part of the housing bill without real discussion of its merits either in the Housing Subcommittee or in the full committee. In my judgment, it is absolutely necessary that the section be removed from the bill so that its effect may be fully explored and so that Congress may be informed of these findings before action is taken. To do otherwise is to blindly adopt what I think is a very bad piece of legislation.

The rationale offered in support for the section is based on the contention that the effective interest rates for FHA and VA mortgages is already at or beyond the 8-percent ceilings when the ½-percent insurance and 1-percent origination fees are added to the 7½-percent rate fixed by the Secretary of Housing and Urban Development and the Administrator of Veterans' Affairs. Unless the interest rate ceiling is raised, so the rationale goes, Federal Home Loan Bank borrowers will be unable to make FHA and VA loans in those States that do not have interest rate ceilings of their own.

All of this seems to be very tidy and innocent looking. But how tidy and innocent when certain questions are raised, namely:

Is not this amendment a way of permitting all Federal Home Loan Bank borrowers in those States that do not have interest rate ceilings of their own to raise interest rates for all mortgages, conventional as well as FHA insured and VA guaranteed?

How many States will really be affected by the section, the few that do not have interest rate ceilings of their own, or others that do not have effective rate ceilings because of vague legislative language or legislative loopholes?

In view of the fact that the addition of points has raised the effective FHA rate to a national average of 8.25 percent, have Federal Home Loan Bank borrowers actually been violating the law in making such loans and want this amendment to make their actions legal?

Mr. Chairman, these questions were presented in written form to Preston Martin, Chairman of the Federal Home Loan Bank Board, when he appeared before the House Banking and Currency Committee to testify on another piece of legislation earlier this month. He answered—or I should say replied to—them earlier this week.

First of all, Mr. Martin states that the Federal Home Loan Bank Board did not originate or sponsor section 413(a) and has not taken any position on it.

Second, Mr. Martin states that the law establishing the effective interest rate ceiling of 8 percent for Home Loan Bank borrowers in States that do not have interest rate ceilings of their own is not at all clear about what really is an effective interest rate.

Third, Mr. Martin states that he is not sure whether the law on setting the 8-percent ceiling applies to all mortgages, FHA and VA as well as conventional.

Fourth, in answer to the question of whether Home Loan Bank borrowers have been violating the law setting the 8-percent ceiling in those States where it applies, Mr. Martin simply says that the composition of the Home Loan Bank Board has changed completely in the last few months, that the Board has a new general counsel, and that in view of the legal questions involved in construing the law on interest rate ceilings, the Board is examining the matter and hopes to make a report soon.

It seems to me that a fair interpretation of what Mr. Martin is saying is that the Home Loan Bank Board is not advocating lifting the 8-percent interest rate ceiling and that, even if it did, it would not really know what it was doing.

My fifth, last, and most important point, Mr. Chairman, is this: On Monday Mr. Martin appeared again before the House Banking and Currency Committee where I asked him if he did not think Congress should delay a decision on the section until members of the House Banking and Currency Committee have had a chance to study this complex subject in hearings. Mr. Martin emphatically replied that he thought such a delay and study would be well justified.

Accordingly, Mr. Chairman, I ask the membership to vote down this committee amendment on page 43 from line 1 to 15.

I include the letter at this point with my remarks:

FEDERAL HOME LOAN BANK BOARD,
Washington, D.C., October 20, 1969.
Hon. LEONOR K. SULLIVAN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSWOMAN SULLIVAN: Your letter of October 7, 1969, requested answers to three questions which you intended to ask me orally in the course of hearings before the House Committee on Banking and Currency on H.R. 13939 of the present Congress.

The first question is:

"Mr. Martin, as you know, a section of the proposed Housing Act of 1969 in the House provides for elimination of the 8 percent effective mortgage interest rate ceiling for the Federal Home Loan Bank borrowers on the grounds that it prevents borrowers from making FHA and VA loans.

"Isn't this another way of saying the FHLBB wants to raise interest rates on all mortgage loans in the states where the 8 percent ceiling is effective?"

The Federal Home Loan Bank Board does not desire that interest rates be raised on all mortgage loans in the states where the 8 percent ceiling rate is effective. (My answer to your question No. 2 indicates that a reference to "states where the 8 percent ceiling is effective" raises a complex legal issue which is not susceptible to a categorical answer.)

This Board did not originate nor did it sponsor the provision in question, which appears in subsection (a) of Section 413 of H.R. 13827 as reported to the House Committee on Banking and Currency. The Board has not taken any position on the provision.

The second question is:

"There seems to be a lot of confusion over whether the FHLBB 8 percent effective interest rate ceiling applies only to five states which do not have interest rate ceilings of their own or whether it, in fact, applies to many other states which have legislation which is vague or is full of loopholes.

"What is your view of this situation?"

Our General Counsel believes that there are less than five states which do not have interest rate ceilings which are applicable to at least some types of transactions included within Section 5 of the Federal Home Loan Bank Act (or would be so applicable except for exemptions from usury laws).

He also points out that in a number of other states state law contains a provision that the state imposed interest rate ceilings applicable to "home mortgage loans" shall not be applicable to FHA and VA loans (or merely FHA loans).

A brief analysis of Section 5 of the Federal Home Loan Bank Act is appropriate. It provides that no institution shall be admitted to or retained in Federal Home Loan Bank membership or granted the privilege of nonmember borrowers if "the combined total of the amounts paid to it for interest, commission, bonus, discount, premium, and other similar charges, less a proper deduction for all dividends, refunds, and cash credits of all kinds" creates "an actual net cost to the home owner" in excess of—

"The maximum legal rate of interest or, in case there is a lawful contract rate of interest applicable to such transactions, in excess of such rate (regardless of any exemption from usury laws), or, in case there is no legal rate of interest or lawful contract rate of interest applicable to such transactions, in excess of 8 percentum per annum in the State where such property is located."

The last sentence of the section provides: "This section applies only to home mortgage loans made after the enactment of this Act." (The Federal Home Loan Bank Act was enacted on July 22, 1932.)

Section 5 is, therefore, applicable (and applicable only) in cases where (1) there is, in the state where the property is located, a "legal rate of interest or lawful contract rate of interest" which either is applicable to "such transactions" or would be applicable to them except for exemption from usury laws, (2) the combined total of the charges referred to in the section, less the deduction referred to therein, creates "an actual net cost to the home owner" in excess of that rate, and (3) the loan is a "home mortgage loan" within the meaning and coverage of the section.

The terms "such transactions" and "exemptions" are not defined in the Act. Thus, it is not at all clear whether the words "such transactions" mean all home mortgage loans made by a member institution regardless of whether the type of loan is FHA, VA or conventional. Distinctions as to type of loan may be relevant to the proper interpretation of the statute, for, as previously indicated, a number of states specifically exclude FHA and VA loans (or only FHA loans) from the state's usury law. Other states exempt any loans made by savings and loan and building and loan associations. Depending upon whether one terms such type of loan or source of loan as an "exemption" or an "exclusion" and whether or not one defines "such transactions" to include all loans or only specific types of loans may determine whether the 8 percent limit in Section 5 is applicable. For example, if "such transactions" cannot be broken down into types of loans and so long as any type of home mortgage loan is covered by the state usury law, then the 8 percent limitation of Section 5 would not be applicable. Thus, as indicated in my answer to question No. 1, this is not a simple matter.

Interest rates normally have been sufficiently low that these legal issues were not a matter of major policy. Furthermore, if the one-half percent FHA insurance charge is not considered "interest, commission, bonus, discount, premium [or] other similar charge", the 8.25 percent interest rate referred to in your question would be, in fact, 7.75 percent which is below the statutory ceiling.

The third question is:

"The volume of FHA and VA mortgages outstanding during the first eight months of the year appears to indicate FHLBB borrowers are issuing as many FHA and VA mortgages now as they were last year at this time, despite the fact that the effective FHA interest rate nationally is at least 8.25 percent.

Have you looked into the possibility that some of your borrowers may be violating the 8 percent interest ceiling? If you have found violations, what action have you taken?"

The composition of the Board has changed completely within the last few months. We also have a new General Counsel. In view of the difficult legal questions involved in construing Section 5 of the Bank Act, the present Board is examining the matter and hopes to be able to report to you in the near future the results of its examination.

Sincerely,

PRESTON MARTIN,
Chairman.

The CHAIRMAN. The time of the gentlewoman from Missouri has expired.

Mr. BROCK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the committee amendment and in opposition to the proposal of the gentlewoman from Missouri (Mrs. SULLIVAN). I shall not take the entire 5 minutes but only wish to point out the fact that this would not affect all 50 States, but somewhere in the range of 13 or 14 States whose laws happen to be in some conflict with the law as it exists today. If you strike this amendment, we would be operating to literally cut off FHA and VA loans in those particular States. I think it would be a very unfortunate thing for this House to act against the best interest of a few States who perhaps through their Representatives are not aware of the impact of this particular provision.

Mrs. SULLIVAN. Mr. Chairman, if the gentleman will yield, who says it would cut them off?

Mr. BROCK. That is my understanding. The thrust of the proposal was to guarantee equality of treatment across the board.

Mrs. SULLIVAN. Have you no faith in the man who heads the Home Loan Bank Board? He says that this would not be done; that we should really give it some thought.

Mr. BROCK. I have a great deal of faith in the gentleman, but I also have faith in the work of the committee. The testimony that we had from the Savings and Loan League was in favor of this. It seems to me it would be the better part of valor to see that we treated all States fairly and then if some inequities should develop as a result of this, I am quite sure that the gentlewoman would have support to correct such inequities.

Mrs. SULLIVAN. Would the gentleman show me where in the hearings we discuss this?

Mr. BROCK. I do not have them in hand, but I would point out to the gentlewoman that in her dissenting views as contained in the report that there was reference to some testimony.

Mrs. SULLIVAN. No, I did not. I point out the fact that there was no testimony on this particular subject.

Mr. BROCK. Well, then, there was a position taken by the Savings and Loan League. Perhaps it is not in the testimony.

Mrs. SULLIVAN. It was taken up at the very last moment with no discussion on it at all.

Mr. BROCK. I might quote from the gentlewoman's own dissenting views wherein she says that an official of the U.S. Savings and Loan League, replying to questions on the subject, said it was his opinion that the section not only applies to the five States mentioned above but may also apply to an additional 16 States which have their own interest rate ceilings from which Federal Housing Administration and Veterans' Administration insured and guaranteed mortgages are exempted. That is your statement and not mine.

You also say this:

> The thrust of the Federal Home Loan Bank Board and U.S. Savings and Loan League argument follows the line that the latest increase in FHA and VA rates to 7½ percent in January has put savings and loan associations against the wall in terms of making loans of this type in the States in question.

Mrs. SULLIVAN. All right, but I will have to tell the gentleman that that was written after the committee acted, because there was nothing during the committee consideration of this matter either in the subcommittee or the full committee and I did not know about it until I saw this in the bill, because I was absent during the first day of the committee hearings attending a funeral at home.

When I saw this in the bill, and I was absent from the first day of the committee hearings because I was home for a funeral—but when I saw this I immediately put in my dissenting views.

Mr. BROCK. I simply feel that the gentlewoman's amendment is punitive in terms of a few States. I think it is ill considered. It should be fully considered in committee before we take any such action and, I would oppose it.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

> Committee amendment: On page 44, line 3, strike out "(b)" and insert "(c)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

> Committee amendment: On page 44, line 9, insert:
>
> "(d) Section 12 of the Federal Home Loan Bank Act (12 U.S.C. 1432) is amended by adding at the end thereof the following new subsection:
>
> " '(c) Subject to such regulations as may be prescribed by the Board, one or more Federal home loan banks may acquire, hold, or dispose of, in whole or in part, or facilitate such acquisition, holding, or disposition by members of any such bank, of loans (or interests in loans) having the benefit of insurance under section 221(d)(3), 221(h), 235, or 236 of the National Housing Act, as now or hereafter in effect, or any commitment or agreement therefor.' "

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

> Committee amendment: On page 44, line 20, insert:
>
> "TEMPORARY EXTENSION OF FLEXIBLE INTEREST RATE AUTHORITY
>
> "SEC. 414. Section 3(a) of the Act of May 7, 1968 (Public Law 90–301), is amended by striking out 'October 1, 1969' and inserting in lieu thereof 'January 1, 1970'."

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

> Amendment to the committee amendment offered by Mr. TEAGUE of Texas: On page 44, line 24, insert immediately before the period the following: ", and by amending the proviso to such section to read as follows: 'Provided, That notwithstanding any other provision of law, the Administrator of Veterans' Affairs is authorized, until October 1, 1971, to establish a maximum interest rate for guaranteed or insured loans to veterans under chapter 37 of title 38, United States Code, not in excess of such rates as he may from time to time find the loan market demands.' ".

Mr. TEAGUE of Texas. Mr. Chairman, this is the exact wording of a bill pertaining to veterans' housing which passed this House recently by a vote of 200 and something to 20 and something.

What this amendment does is to permit the present regulation as far as veterans' housing is concerned to continue until next October 1. By that time we hope that this matter might be settled.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman.

Mr. PATMAN. If I understand the gentleman's amendment, it only applies to veterans' loans?

Mr. TEAGUE of Texas. That is correct, and the reason it does apply only to veterans' loans is because I am not trying to control the business of the Committee on Banking and Currency.

Mr. PATMAN. Well, let us see. Why would the gentleman want to advance the date a couple of years when higher interest rates will be imposed on the veterans?

Mr. TEAGUE of Texas. I would be glad by unanimous consent to withdraw this amendment and make it also apply to the FHA, if that is what the gentleman wants?

Mr. PATMAN. I am not talking about that. If the gentleman wants to apply this to veterans and to make them pay higher rates than other people, that is up to him. But may I suggest that the gentleman has a bill in his committee to use the veterans' trust funds, of the insurance reserve, up to $5 billion to make these loans to veterans.

In other words, to make the veterans use their own money that they have paid into the reserve funds and get loans at 6 percent. It occurs to me that being a good proposition, I think this amendment if you get it adopted will probably deny us the privilege of passing on that particular bill.

The gentleman is obligated to bring it up, because we had it here on the floor offered as an amendment. It was held nongermane. Therefore, it could not be passed upon by the House. But the gentleman said here on the floor—and I commend him for it—that he was going to keep on, that he would bring out a bill—he expected to, if he could, from his committee—and then it would not be subject to a point of order.

That would mean that veterans could use $5 billion of their own money at 6 percent interest. They would not have to pay this 8 percent and 10 percent that the amendment would require them to pay. So I hope the gentleman will not insist upon the amendment, and that he will get that bill out of his committee and bring it here. It will not then be subject to a point of order. By doing so, he will do the greatest service to the veterans that they have ever had in the way of loans for any purpose with a low-interest rate. I hope the gentleman will do that.

Mr. TEAGUE of Texas. Mr. Chairman, I do insist on my amendment. The reason for the amendment is to keep veterans' interest rates from going to a mandatory 6 percent on January 1. Furthermore, as far as the chairman of this committee is concerned, everything possible is going to be done to bring that bill to the floor.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from California.

Mr. TEAGUE of California. I fully support the gentleman's amendment. Obviously it is the only practical thing to do to continue the veterans' loan program. I urge all Members to support the gentleman from Texas (Mr. Teague) in his amendment.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Pennsylvania (Mr. Saylor) a member of the committee.

Mr. SAYLOR. Mr. Chairman, I merely wish to say that I support very heartily the position taken by my colleague, the gentleman from Texas (Mr. Teague). The House settled this matter, we thought, several weeks ago when we passed the bill that is referred to in this amendment. Then the Banking and Currency Committee has tried, in the bill that is before you now, to repeal what Congress did by a record vote. All we are doing is making this apply to veterans. We are not trying to tell the Banking and Currency Committee how to run their affairs.

If you want to know why the Veterans' Affairs Committee has to get into veterans' housing, it is because the Banking and Currency Committee years ago refused to get into it. That is the reason we got in.

I urge that the amendment be adopted.

Mr. BROCK. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Tennessee.

Mr. BROCK. I thank the gentleman. I am heartily in support of the amendment. I see no alternative to the course of action that the gentleman from Texas has taken in the light of the action of the Committee on Banking and Currency, although I happen to be a member of that committee. I regret the fact that the gentleman's amendment does not include FHA. I would like to inform him that the situation of the nonveteran home buyer is as bad as that for the veteran. I would hope the gentleman would support an amendment which I intend to offer after the pending amendment is adopted. I shall offer an amendment to put FHA under the same type of extension, a 1-year extension.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield to the chairman of the committee.

Mr. PATMAN. Is the bill providing for use of the $5 billion Veterans' Trust Fund or the Reserve Fund of insurance in committee now? Is it being actively considered?

Mr. TEAGUE of Texas. Let me tell the gentleman the exact status of that bill. In the Housing Subcommittee it was voted 5 to 4 to lay the bill aside until we had further conferences with the administration. We have had meetings with the administration. We had expected to have an answer before this, which we have not. I, as chairman, have written the administration and reminded them that they were going to give us an answer. So at the moment I am waiting for an answer from them before going back to the subcommittee for another vote.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. PATMAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. PATMAN. Mr. Chairman, I cannot see that it makes any sense to require the veterans to pay more and more interest when they have $7 billion in a reserve fund that should be invested in mortgages on their own homes. It is about the best investment you could have on earth.

The gentleman from Texas (Mr. Teague) is to be commended for presenting a bill to do that very thing—to use $5 billion of that fund—and that would really help all the veterans who are eligible to get these loans.

Furthermore, they would get them for at least 6 percent and not over that, because the fund now is not getting 6 percent on the average. It would be a great benefit to the fund, the veterans' insurance fund, to get as much as 6 percent. That would solve this situation 100 percent.

I know the gentleman from Texas is sincere. He told us before that he is waiting on a favorable reply or a reply from the administration and he has not received it. That was a good while ago. Now that he has not received a reply, I think he would be justified in going on and presenting that bill to the House of Representatives so that we could do the veterans of this country a great favor by letting them have housing loans at 6 percent interest from their own reserve fund that they paid in themselves to build up.

How could we have a fairer way than by letting the veterans borrow their own money for the purpose of building their own homes and getting a reduced rate of interest? If we defeat this amendment the gentleman has offered, I believe that will spur him on to bring that bill out. I believe the House will pass it almost unanimously—possibly there would be a few against it, but not many.

So we have the solution within our grasp. If we want to take advantage of it, we should defeat this amendment, and let the gentleman from Texas, Mr. Teague, know we want that bill to come out of his committee, and we want it quickly, so we can set aside $5 billion of that insurance reserve fund for the purpose of making loans to veterans at 6 percent. I believe that would get something done.

I do not know who the gentlemen are who are holding up the bill, but I hope they will give this consideration. It is not treating the veterans right to single them out for an increase in their loan rates. We are jumping the gun on that right now, and we will do it for 2 years. The veterans will be the only ones guaranteed to get a higher rate of interest.

If interest rates would bring more money into the housing market, whether for veterans or not, I possibly would not mind increasing the interest rates, but we have tried it, and that will not bring more money into the market. We know it. So why should we pay more and more interest when it will not get any more opportunities for them to acquire homes by purchase at lower rates of interest?

Mr. GROSS. Mr. Chairman, if the gentleman will yield, if the veterans' fund is depleted, if the participation certificates have been issued against the fund and the money is gone, where will the Government get the money to replenish the reserve fund except on the market?

Mr. PATMAN. Mr. Chairman, the gentleman is asking a good question. I commend him. It shows he is thinking as much about the situation as I am.

There is money flowing into that fund every day, and they could certainly make the loans against the money coming in, and they could dispose of the paper they have, but now they could tomorrow morning if the NSLI bill were law, commence taking this paper and making loans to veterans at 6-percent interest, which is higher than the fund has gotten in the past. This would help the veteran out of his insurance reserve fund and it would help the veteran who wants to borrow some of his own money to buy a home at 6-percent interest.

Mr. BROCK. Mr. Chairman, the chairman is aware that his administration in the last few years has completely depleted that veterans' fund by borrowing against it. There is not a dime in that fund, and the chairman is misleading this body by saying there is $7 billion available. There is not.

Mr. PATMAN. Mr. Chairman, how can the gentleman gripe about that when he is doing that right now in his party? It is just changing the shots. We are trying to change it so they will now, immediately, take the money, when it comes in, for veterans' housing. It can be done. There is no reason why it cannot be done. So let us take a constructive and helpful step and not charge the veterans 8 percent or 10-percent interest when we do not have to do it.

We have the money they can borrow, that they paid in themselves, and they can get it at 6-percent interest, and it would help everybody and help the housing market and help the country generally.

Mr. Chairman, I hope this amendment is defeated and that we will get onto the bill, and see if we can get the reserve fund set up and get the housing loans made.

Mr. SAYLOR. Mr. Chairman, I rise in support of the amendment.

I take this time to direct a question or two to the chairman of the Committee on Veterans' Affairs, the gentleman from Texas (Mr. TEAGUE).

At the time the Veterans' Affairs Committee, under the gentleman's leadership, brought to the floor a few weeks ago, a bill which became Public Law 90–301, did the testimony before our committee in support of that legislation carry the support of the American Legion, the Veterans of Foreign Wars, the DAV, and all other veterans' organizations?

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. That is correct. The language I have just offered as an amendment was in the bill we passed, which every veterans group supported. I cannot believe, with all due respect to my colleague from Texas, that the veterans groups who came before my committee and testified for legislation would do so against the best interests of the veterans.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. I might point out that I am a member of the VFW, of the American Legion, and a few other veterans' organizations. I do not recall my posts ever going on record in favor of VA interest rates going up to 8 or 9 or 10 percent.

Mr. SAYLOR. I did not ask anyone whether or not his post asked for interest rates to go up. I just asked whether the organizations to which the gentleman belongs came before our committee and supported the legislation. We now have testimony that they did.

I believe the House has to decide whether or not the gentleman from Texas (Mr. TEAGUE), who has been chairman of the committee for almost 20 years and who has never brought out a piece of legislation against the veterans, who is a man responsible for more legislation for veterans than any other man or woman in the history of the country, is right, or whether the gentleman from Texas who represents the Banking and Currency Committee is right.

I urge all Members to support my colleague from Texas (Mr. TEAGUE).

Mr. TEAGUE of Texas. Mr. Chairman, I ask unanimous consent to be permitted to put in the RECORD at this point the testimony of the veterans groups concerning this specific amendment I have offered.

The CHAIRMAN. The Chair will say to the gentleman from Texas, that permission will have to be secured in the House.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. I wish to inform the gentleman from Pennsylvania that I take issue with the leaders of the American Legion and the VFW and anyone else who justifies before the Veterans' Affairs Committee any type of bill or any type of measure that will allow the veterans of this Nation to be gouged to the extent of 8 or 9 or 10 percent interest. It is about time we had some courage in this House and put a ceiling on these rates, and that we not allow the veterans of this Nation to be gouged to the extent that they are.

I am not concerned too much with the testimony of the heads of the American Legion or the VFW when they are in error. They are in error when they come in here and say an amendment of this type, that will allow the head of the VA to set interest rates, when he knows nothing about them, is something we should have.

Mr. SAYLOR. I will take back my time and just say that since the gentleman is as big as he is he ought to go to the national conventions of the organizations to which he is a member and present resolutions, to see what happens to them when they get to the floor of those conventions.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BURKE of Massachusetts. Mr. Chairman, I rise in opposition to the amendment.

I want to point out to my good friend from Pennsylvania that several years ago the late beloved John F. Kennedy took the American Legion on because of their failure to support the veterans on a proper housing bill.

There is a need for courage here. I say that the American Legion or the VFW, when they favor any bill that allows the gouging of veterans with interest rates up to 8 or 9 or 10 percent, are wrong, and those leaders are not speaking for the rank and file veterans of this country.

With this amendment that was offered here, if they would come in with a ceiling on the rates, there might be some justification for it.

However, to allow the floodgates to open is something else. We have had the experience of the past 2 years, and now the banks in this country that have no need for raising these rates are looking to the guaranteed loans of veterans that are guaranteed by this Government. They are going to gouge them to the extent of 8.5, 9, or 9.5 percent, and even up to a 10-percent interest rate.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. BURKE of Massachusetts. I am happy to yield to the gentleman.

Mr. TEAGUE of California. I am curious to know where you can borrow money at 4, 5, or 6 percent these days. We are talking about guaranteed insured loans.

Mr. BURKE of Massachusetts. The gentleman from Texas, the chairman of the Committee on Banking and Currency, gave you that answer. Let us make these GI national life insurance funds available to the veterans and let them borrow it at rates not exceeding 6 percent per annum.

Mr. TEAGUE of California. That is another proposition. In the meantime, we must have a guaranteed insured interest loan program, and the only way we can do it is to authorize the director to set such rates at such rates where money can be borrowed. I do not know of anywhere that you can borrow money at 6 percent.

Mr. BURKE of Massachusetts. No, and you will never be able to as long as you let the banks get away with what they are doing today. They are repeating the same mistake that they made in 1929 when they gouged the public. That resulted in wholesale foreclosures of homes by the banks, and the banks then ran dry of money and closed. We had complete chaos in this country as a result. Until banks face their responsibility, the only thing we can do is take the advice of the chairman of the Committee on Banking and Currency and allow this money to be available, and let this other bill come out of the Committee on Veterans' Affairs. I admire and respect the chairman of that committee, the gentleman from Texas (Mr. TEAGUE), but I differ with him on this. I think anyone who will recognize the facts will realize that the banks of this country are gouging the public.

Mr. BROCK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise simply to correct the RECORD. There have been some rather confusing and confused statements made in the last few minutes. I want to point out first of all to the gentleman from Massachusetts and the gentleman from Texas, the chairman of the Committee on Banking and Currency, that it is an obfuscation to talk about the utilization of trust funds for veterans loans. NSLI was depleted of every dime that it had in the bank by the previous President of this Nation for his own uses in whatever programs he deemed necessary. There is not any $7 billion there. That money cannot be borrowed. To talk about it is simply to confuse the issue.

The point of this amendment does not have anything to do with trust funds. The gentleman from Texas, the chairman of the Committee on Veterans Affairs (Mr. TEAGUE), is simply trying to say that if we do not change this law, in January, on the first of January of this coming year, 1970, there will be no money available for veterans loans, period.

You can talk about all of this business of gouging, which is a very cute way of confusing the issue, but it does not relate to the fact. The fact of the matter is that unless this law is changed there will be no money available for the veteran or the average home buyer. I do not understand all of this talk about gouging when there is no money available at 6 percent. That is the fact of the matter.

Now, let us talk about the issue. Let us quit crawling around and talking about something that does not have a doggoned thing to do with it. If you are going to deal with the problem do it honestly.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. BROCK. I yield to the chairman.

Mr. PATMAN. The gentleman said that the fund is depleted.

Mr. BROCK. It is.

Mr. PATMAN. Of course it has all kinds of obligations in there that have been purchased, and the average interest rate will probably go to 3.5 or 4 percent. Those obligations can be sold in the open market, and veterans can use that money.

Mr. BROCK. Does the chairman know of a 3.5-percent interest rate, and what it will bring on the open market? It will bring about 50 percent of book value—parity. Do you want NSLI to take that kind of a loss? Do you not know they cannot afford to do that? They cannot by law jeopardize funds that veterans invest in that fund over the years.

Mr. PATMAN. They could possibly go into the open market and get some for early maturity?

Mr. BROCK. Who will they sell them to?

Mr. PATMAN. The people that want them.

Mr. BROCK. At 3½ percent when they can buy U.S. Government bonds at 6½ percent? No sane person would buy at issue price, and they cannot sell for less.

Mr. PATMAN. Why would the gentleman get so heated up about using the money that is now coming in? Why not use it? It is not invested in anything.

Mr. BROCK. I am delighted to do that, but do not throw out this dream figure of $7 billion and say you are going to solve the veterans' housing problem in that fashion. Let us get down to facts.

Mr. PATMAN. The Secretary of the Department of Housing and Urban Development testified to this recently and we had a committee that went into it for months. The first question asked was, would it get more money, and there was testimony that it would.

Mr. BROCK. If you keep it at 6 percent, Mr. Chairman, you have no money; you have got none. You are going to prevent every veteran in this country from funding his housing program and I do not think it is right.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BARRETT. Mr. Chairman, I move to strike the requisite number of words.

I think what we are honestly missing here today is what is needed to keep the interest rates down. Back in the Eisenhower administration the interest rates were raised to 4¼ percent. Two years afterward, it was raised to 4¾ percent. Then the Veterans' Committee was asked to raise it to 6 percent. A short time after that HUD raised the interest rates to 6¾ percent. I am sorry. I meant to say FHA raised it to 6¾ percent. Almost immediately after that HUD raised it to 7½ percent. Almost immediately after that the American Bankers Association raised the prime interest rate to 8½ percent.

What the gentlewoman from Missouri is trying to do here today is what we have tried several times on this floor to do and that is to get a downward trend in the interest rates.

The chairman of the full Committee on Banking and Currency is absolutely trying to get a downward trend in the interest rates rather than a spiral in interest rates, because they seem to follow a pattern. When you raise the interest rate 1 percent, then everyone else after that raises their interest rates.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. I yield to the gentleman from Texas.

Mr. PATMAN. When I came here many years ago there was a very pressing campaign on the part of the veterans of World War I to have an adjustment in their pay. Some called it a "bonus" for the purpose of trying to make it appear unfavorable to the people. There was a bill which I introduced calling for $3.5 billion, H.R. 1, to pay that debt in full because they needed the purchasing power all over the Nation and because the debt should have been paid. I could not get consideration of the House to put a petition on the Speaker's desk under the rules. If 145 Members had signed it the bill would have been brought out for consideration. I got nearly 145 signatures and that figure was raised to 218 and we went ahead and got that.

We did that four times. That bill passed. Every veteran in this Nation on June 15, 1936, received a letter from Uncle Sam including a bond for the amount that he was entitled to, the average amount, $1,015. He could take those bonds—and everyone of them received them on the same day from the Post Office or from the rural carrier at the general delivery window—and they all got their money, $3,700,000,000 less the amount that had been borrowed which, of course, the veterans did not like because they did not borrow that much because the interest rates were high. They were all paid off. And four times by the petition of the American Legion. I attended the American Legion convention and the veterans themselves would, of course, endorse it. But the American Legion leaders who are good people and endorse many good things would not endorse it and it kept them from being paid for years and years

Finally, it was vetoed by President Roosevelt and we passed it over his veto here in the House and it was sent to the Senate. It lacked eight votes of passing. But the next year we passed it without any trouble, with the help of the people. I do not accept just the leadership of the American Legion on this. I would insist with the gentleman from Texas (Mr. TEAGUE), let us settle it here now and tell the other body by defeating this amendment that we want to get that bill out of committee and bring it to the floor of the House here and let us vote on it. Let it be passed by the Senate and approved by the President and set up a $5 billion fund out of the $7 billion they have and let the veterans borrow their own money to buy their own homes at reasonable interest rates.

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from Texas (Mr. TEAGUE).

The amendment to the committee amendment was agreed to.

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. BROCK OF TENNESSEE

Mr. BROCK. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

> Amendment to the committee amendment offered by Mr. BROCK: On page 44, line 24, strike out " 'January 1, 1970' " and insert in lieu thereof " 'October 1, 1971' ".

Mr. BROCK. Mr. Chairman, I do not need much time on this. It is simply a restatement of the past debate. We successfully amended the law to extend the provision for VA loans for another year.

I am suggesting that there should be no differential. There never has historically been any differential between the VA and the FHA. It seems to me to be the better part not only of valor but of judgment to extend this provision to the average homeowner as well as to the veteran and apply it to FHA loans as well as to veterans' loans.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. BROCK. I yield to the gentleman.

Mr. PATMAN. Does the gentleman give as his reason that we should raise the FHA loans for all of the people because we are raising it on veterans?

Mr. BROCK. No, I do not, Mr. Chairman. I give as my reason the same reason I gave in supporting the amendment by the gentleman from Texas (Mr. TEAGUE). If we do not amend this law today, then there is not going to be any money for any person at any rate. I am not advocating an increase in interest rates. The chairman knows me better than that. I am simply saying that we want some money available for homebuilding in this country—and there is not any today. If the gentleman has his way, if we follow his way, if the ceiling is held as of the first of the year there is not going to be any money available to the average home buyer. I do not think that is fair.

Mr. PATMAN. Will the gentleman advise me of any evidence, documentary or otherwise, that would justify your saying or us in believing that if interest rates are raised, you will get more money. The evidence is that raising rates will not get more money.

Mr. BROCK. The chairman and I have had an argument going back 7 years about interest rates, and I do not think I need to repeat our difference in philosophy at this time. I am not advocating an increase in interest rates, as the chairman knows full well. I am merely saying that the market determines what the supply of money is. If we put on a false ceiling which prohibits money from becoming available to the average home purchaser, where does he go? What right do you have to shut off his efforts? If he wants to pay the 4 percent and can get it, more power to him. If he wants a mortgage and is willing to pay 7 percent and can get money at that rate, is that not his right of choice? By what right do you have to say that the average American family cannot buy a home because it does not fit some preconceived notion of yours about what interest rates should be? Who are you to make such a decision?

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. BROCK. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. I believe the gentleman would certainly agree that rising interest rates will not give you more housing.

Mr. BROCK. I have not heard anyone suggest that.

Mr. BARRETT. Increasing interest rates has a tendency not to get more building started. It does in some respects have the tendency to encourage builders to go to the construction of high-cost housing. What we are interested in here, as we pointed out before, is in giving the 6 million people who are living in substandard homes adequate homes and good environment, and the only way we can do that is to get building construction—builders of all types—to go into the lower- and moderate-income housing categories. If they can make an equal profit in that field, as they can in building for the rich, certainly we ought to be going in that direction and providing adequate money to do so. But you cannot do it with high interest rates.

Mr. BROCK. I do not think the chairman, or the chairman of the subcommittee, is addressing himself to the point at hand. I do not advocate a raise in interest rates. All I am saying is that we should make money available for homebuilding at a competitive price so that the average American can make up his own mind as to whether he wants to buy or not. I am a little tired in observing those who point their finger at the average American and say, "You do not have the intelligence to make up your own mind." Give him a chance, will you? Let him have an opportunity to exercise his own free will, and I think he will do all right. He has for 200 years.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mrs. SULLIVAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentlewoman from Missouri is recognized.

Mrs. SULLIVAN. Mr. Chairman, I shall not take 5 minutes. I would like to ask the gentleman who preceded me a question. You served on the Commission on Mortgage Interest Rates?

Mr. BROCK. Yes, I did.

Mrs. SULLIVAN. And presumably, you agreed with the majority report, because you did not sign the minority views. But do you think the commission brought forth any solution for the mortgage interest rate problem?

Mr. BROCK. I think it suggested a number of very specific solutions. I think what we fail to recognize is that interest rates are not creatures of the moment. They have been pushed up by irresponsible action on the part of many people over many years, and I do not think you are ever going to get interest rates down until the Federal Government quits spending money that it does not have, because it has to take that money from the free market. When it creates a shortage of money in the market, it drives the price of that money up.

Let us get down to the basics. That is where your interest rates come in here. If we want to pull interest rates down, let us do something about that problem.

We also suggested many other specifics, as the gentlewoman knows.

Mrs. SULLIVAN. But in the long run, that was the basis of the majority report of the commission charged with studying mortgage interest rates: balance the budget and take off the ceiling on FHA and VA loans. This was their main suggestion. But they have come out with nothing concrete to make more mortgage money available at reasonable rates of interest, and that is what we were supposed to do in this study, the gentleman will remember.

Mr. BROCK. We could well do that if we just created money. I am not sure it would be worth it.

Mr. PATMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in January 1969, housing starts were estimated at 1,900,000 for the year. After that estimate was made, Mr. Romney raised the rates three-quarters of 1 percent, to 7.5 percent. Did that cause housing starts to increase? It would have, if increasing the interest rates would cause more money to come into the market, but it did not. It did not get any more money into the housing market. Housing starts went down to 1.5 million, recently to 1.3 million and most recently it is estimated they will go down to less than 1 million starts by the end of this year.

This refutes the argument that if we raise interest rates we will get more housing started. That is absolutely ridiculous. We know it and everybody knows it.

The gentleman from Tennessee (Mr. BROCK) argues for high interest. He has a right to do that. He has as much right to his opinion as I have to mine. But I invite the attention of the Members to the fact that from 1938 to 1953 for 15 years, the Democrats under Presidents Roosevelt and Truman held interest rates on long-term Government issues down to 2.5 percent and below. During 15 years of the hardest times in this Nation that was done. That shows it can be done if we want to do it.

But commencing in 1953, under President Eisenhower, the first two bond issues were sold at 2⅜ and 2½ percent. That shows the Democrats delivered the matter of interest rates to the Republicans in good condition, and they immediately commenced raising the rates. Then for 18 years under Chairman Martin of the Federal Reserve Board it was raised. It was raised because they said it would be a deterrent to inflation. They said if we raised interest rates it would stop inflation.

We know the opposite is true. If we raise interest rates, the price of everything is raised, even of goods for sale which are on the shelves. That creates inflation.

On June 9 of this year, one of the Wall Street banks announced the prime rate would go up to 8.5 percent. That is the rate which General Electric and General Motors and IBM pay, but that is not the rate other people have to pay. They pay much higher rates. The prime rate was raised to 8.5 percent, an increase of one whole point. Do Members know how much that raise cost, going from 7.5 to 8.5 percent? Never before was it raised by more than one-quarter percent at one time, except once, when it was raised by one-half, but this time they raised it by one point.

The entire debt structure of this Nation was affected. The public and private debt amounts to more than a trillion five hundred billion dollars. If we pay the interest at the increased rate, that 1 percent on the debt, we will pay $15 billion every year on account of that interest rate increase to 8.5 percent on June 9.

Do Members know how much that will amount to? Every family in this country—and there are about 55 million families—will have to pay its share of that $15 billion a year increase. We should be looking after those families and not working against them. They will have to pay several hundred dollars each this year and each year hereafter to pay their share of that $15 billion a year increase. That is not justice.

That is gouging the people. I commend the gentleman from Massachusetts (Mr. BURKE), for using the phrase, "Gouging the people." That is gouging in a way that really puts this country in jeopardy. It just should not be done.

I think the amendment offered by the distinguished gentleman from Tennessee (Mr. BROCK), should be defeated. The gentleman's only claim for it is in a logical way that we are raising the interest for the veterans so we should raise it for the others, too. I do not think that is a good argument.

We must tell the gentleman from Texas (Mr. TEAGUE), and others on the Veterans' Committee, that we want that bill to use NSLIC funds for veterans' housing to come out on the floor at once—at once—at once.

That bill would set aside $5 billion of the veterans' own reserve money which they paid in themselves. We can use that money as they get more money in for the purpose of permitting the veterans to purchase their homes. These are the veterans who went to war and bared their breasts to the enemy's bullets.

Our veterans are entitled to a square deal. We can give them a square deal by letting them borrow their own money at 6 percent instead of charging the exorbitant and usurious rate of 9 or 10 percent.

I hope the amendment will be voted down.

Mr. DEL CLAWSON. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, unfortunately the chairman of our committee has tried to distort the amendment into a high interest rate debate.

The gentleman from Tennessee has no intention of increasing interest rates, any more than did the gentleman from Texas (Mr. TEAGUE), when he offered the amendment which we passed in connection with the Veterans' Administration.

As I understand the amendment—and the gentleman who offered it can certainly correct me if I am wrong—it would merely extend the present authority of the Secretary for 1 year, making this authority coterminous with the provision passed in the amendment of the gentleman from Texas (Mr. TEAGUE), for the Veterans' Administration.

There is no effort nor intention to raise interest rates. None of us wants to raise rates. What we are doing is extending authority.

We are not for high interest rates.

When the chairman of the committee referred to a point of delivery made from a previous Democratic administration to a Republican administration, he could not have meant the latest delivery of the Democrats to the Republicans. I believe we had an altogether different situation from the one which was described by the chairman. We had high interest rates then. We had the high cost of money last January, just as today.

Mr. BLACKBURN. Mr. Chairman, will the gentleman yield?

Mr. DEL CLAWSON. I yield to the gentleman from Georgia.

Mr. BLACKBURN. I thank the gentleman for yielding. I just want to make an observation.

The gentleman from Texas, my chairman, has tried to make this a partisan issue.

First, let me point out that I personally supported the previous administration in its request that we remove the ceiling for interest rates on FHA loans. That move was not made by the previous administration because the previous administration liked high interest rates. Nobody likes high interest rates. I am sure the gentleman from Tennessee (Mr. BROCK), does not like high interest rates.

This move by the previous administration, which I supported, was nothing more than a recognition of the economic facts of life; that is, if money is to be made available to that money market, we have to pay the going rate of interest.

I thank the gentleman for yielding.

Mr. DEL CLAWSON. I thank the gentleman.

This amendment merely extends what was done in the previous administration for 1 more year.

I believe the gentleman's amendment should be passed.

While I am on my feet, I want to make another observation. Unfortunately, there has been a misunderstanding in connection with the sponsorship of this bill. My name was placed on it as a sponsor, without my permission. I was not and have not yet been contacted to join in the sponsorship of the bill personally. Because I did not object nor protest the reporting of the bill in the subcommittee or the full committee, my support must have been assumed. That assumption was erroneously made.

There are a number of provisions in the bill with which I do not agree. I do not always favor all the provisions of an omnibus bill, and certainly there are some sections of this bill which do not warrant my support. It may be that I will have to vote against it.

However, there are other sections that represent the type of housing provisions we should continue; FHA, housing for the elderly and the handicapped, GNMA, FNMA, and the extension of other programs that have been successful. There are others, however, such as rent supplements, interest subsidy, the public housing expansion of contributions in this bill that do not warrant the support of the committee.

In connection with the specific amendment before us, it certainly should be accepted by the Committee, and I hope every Member will support it.

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from Tennessee (Mr. BROCK).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 70, noes 61.

Mr. PATMAN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the chairman appointed as tellers Mr. BROCK and Mr. PATMAN.

The Committee again divided; and the tellers reported that there were—ayes 82, noes 71.

So the amendment to the committee amendment was agreed to.

The CHAIRMAN. The question now recurs on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise today in support of H.R. 13827, the Housing and Urban Development Act of 1969.

The Federal Government's announced homebuilding goal is 26 million housing units in the next decade, and the congressional mandate calls for 2.7 million housing starts annually to meet this goal. Last year there were approximately 1.5 million starts. This year, current trends would suggest we may not even achieve 1 million starts. Thus, it is obvious that, rather than forging ahead boldly to meet this Nation's critical housing shortage, we are falling seriously behind. In fact, as we approach calendar 1970, we find that we are already facing a national deficit of some 2.9 million housing starts.

This basic legislation which is now before us is a 1-year bill which strives to continue and extend the Nation's homebuilding program. Among its most worthy provisions, in my judgment, are the extension of FHA mortgage insuring authority, improvements in rural housing programs that are desperately needed, and an important new provision to the existing flood insurance program to make this protection more widely and more promptly available.

At a time when the homebuilding industry and the home-buying public are faced with the highest interest rates in a century and a grossly inadequate supply of mortgage credit, this legislation has special meaning for my congressional district; an area that is not only especially hard hit by the homebuilding slump and the present tight money crunch, but one which is heavily dependent on the forest products industry.

It is for these reasons that I am particularly enthusiastic about Operation Breakthrough, introduced as an amendment to this act by the gentleman from Illinois (Mr. ANDERSON), which would accelerate and facilitate the use of improved technology and materials in the homebuilding market, including the use of prefabricated units and products in federally assisted housing projects. Certainly, this amendment is in keeping with the 1966 Housing Act wherein the Congress is on record as strongly endorsing the promotion, acceptance and application of new technology and techniques in order to reduce costs, improve quality and increase the production of housing units.

Operation Breakthrough is a bold, new program to provide low-cost high-quality housing on a volume basis.

If there was ever a time when dynamic thinking, new innovations, and improved techniques were needed to meet this Nation's housing goal and its commitment to the housing needs of the American people, that time is now.

I share the concern of many of my colleagues over the situation which has developed with regard to the neighborhood development program. As a result

of a funding freeze imposed on HUD programs since April 30 of this year, many cities are now losing non-cash local grant-in-aid credits. Now, with many of these credits having reached their 3-year maturity and expiration date, I strongly endorse and support the provision in this act which extends non-cash credits from 3 to 4 years. This will have the effect of providing a much-needed breathing spell for cities such as Napa, Calif., that are trying to help themselves, and I feel very strongly that such cities must be given every opportunity to do so by the Federal Government.

Therefore, in view of the foregoing, I believe passage of this vital legislation to be in the best interest of the Nation, and I urge my colleagues to consider it favorably in light of the critical housing shortage that now confronts the country.

Mr. BYRNE of Pennsylvania. Mr. Chairman, as we are considering H.R. 13827, the Housing and Urban Development Act of 1969, I am pleased to bring to the attention of my colleagues a a speech delivered on this subject by the distinguished mayor of Philadelphia, the Honorable James H. J. Tate. He spoke before the National Association of Housing and Redevelopment Officials at Bal Harbour, Fla., on October 14, 1969:

REMARKS BY MAYOR JAMES H. J. TATE, NATIONAL ASSOCIATION OF HOUSING AND REDEVELOPMENT OFFICIALS, BAL HARBOUR, FLA., OCTOBER 14, 1969

I am very happy to join you today in the attempt to find clarity and unity in the overwhelming national problem of housing—the task of providing decent homes for the vast American public. Of course I am most familiar with the housing and development programs of the city of Philadelphia. I do believe that my city's efforts in this field have had a profound iinfluence on the national scene.

To begin with, one of the cornerstones of the Philadelphia approach has been to develop programs to suit people—not to move people to suit some artificial criteria. Right from the first urban renewal program for Philadelphia, more than twenty years ago, my city has striven to minimize relocation—to deal with the problems within the neighborhoods on the scene.

When I was still a member of City Council, I supported people-oriented housing programs. I was distressed then to see the approach developing at the time—of individual projects instead of total resolutions—of "project" concentration rather than the neighborhood approach.

Our concentration turned to the neighborhoods, in our attempt to find total solutions for the communities. We began to acquire scattered, vacant, and derelict properties, and thus the "used house" program began to shape itself.

These neglected houses, once vacated, became breeding places for crime and disease. They were the centers of rat infestation that threatened entire blocks of homes. They were sites for gang meetings, vagrants, and even of rapes and murders.

That is when we began our program to eliminate derelict properties. I moved the thrust from individual demonstration projects to facing up to the whole range, dealing directly with the total housing picture.

When I found the usual resistance on the Federal level I went to Washington to insist on this new idea for older houses.

Finally federal assistance did come through, and it enabled us to accomplish 5,000 rehabilitations of neglected vacant properties in a two-year period—a record which I believe was unsurpassed in the nation. We still have 40,000 to go.

These rehabilitations—the "used house" program—have served a number of social purposes. Initially, they became a social stimulus—a source of pride—for the entire block.

Other residents who were beginning to accept environmental deterioration as inevitable were encouraged to undertake their own private rehabilitation program—to turn a fresh face toward the street. We have in Philadelphia, for example a marvelous phenomenon called the "Philadelphia More Beautiful Committee," which has organized volunteers of more than 3200 "Clean Blocks" throughout the city.

These "used homes" are made available to low-income buyers, enabling these families to avoid the unfortunate stigma of project housing.

Thereafter, as the Federal government moved toward more community-oriented programs, Philadelphia was well prepared. My city in fact, led all cities of the United States in the use of the tools for public housing, urban renewal, and rehabilitation activities, mainly because we in Philadelphia had already commenced many of these same programs.

We are still moving ahead in our efforts to make decent housing a reality for every Philadelphia family.

In preparation for an entirely new look on housing, Philadelphia has just adopted a completely new Building Code, which I believe will have an enormous impact on our housing problem. Not only does the new Code open the way for using the newest construction materials, but it establishes new standards based on performance, rather than rigid adherence to a set of arbitrary and obsolete specifications.

Citizen involvement is manifested in the fact that Philadelphia has more than thirty non-profit housing corporations involved in housing rehabilitation. These include all manner of citizens groups united in housing for their own immediate neighborhoods—the communities they know best.

Foremost among these is the Philadelphia Housing Development Corporation, a quasi-public agency which administers its own programs of rehabilitation and construction and aids other neighborhood-based non-profit housing corporations. More than forty percent of all units produced in the entire nation by OEO-assisted corporations were produced by our own PHDC.

Recently we have centralized responsibility in our housing efforts. To give direction to our overall program, first, I appointed a Deputy Managing Director for Housing. He is Gordon Cavanaugh, an active member of NAHRO. Gordon also wears two other hats—"hard hats" of course. He is Chairman of the Philadelphia Housing Authority as well as Executive Vice President of the Philadelphia Housing Development Corporation of which I just spoke.

Gordon deserves a lot of credit for our "scattered site" housing program, and carried the ball on the local Administration plan just approved by the City Council which will permit small numbers of public housing units to be built in "any" neighborhood throughout the city, without prior Councilmanic approval.

This new legislation manifests the possibility of a great expansion in public housing, and without affecting existing neighborhoods. By limiting each proposed development to no more than ten housing units, we can avoid the adverse effects on schools, traffic, parking, playgrounds, and other facilities with which I am sure you are all so familiar, and which are constantly raised as arguments against public housing.

Now I do not mean to give the impression that we in Philadelphia have overcome our housing problem entirely. We still have an estimated 28-thousand derelict properties in the city—a real problem of immense proportions.

But I definitely *do* mean that we are engaged in a determined fight to bring decent housing to our deserving citizens in Philadelphia.

With PHA and PHDC cooperation we are now using the "used house" approach to make homes available at low cost. These private homes are offered to public housing rental tenants as their incomes reach beyond PHA limits, and some of these tenants are now becoming home owners.

We have found for that by virtue of our basically sound housing stock, Philadelphia is ideal for housing rehabilitation. The older sections of the city are characterized by block after block of single-family brick row homes, and many of these areas are now under rehabilitation, thus producing good housing and good tax ratables.

As I said earlier, we are determined to help *people*, not abstract projects. If we can effectively restore these derelict homes, we can help communities to stay alive and healthy—which is recognized as the very heart of urban living.

Most people want to stay in their own neighborhoods, if only those neighborhoods can be made livable and attractive. This enables people to retain their neighborhood ties to schools, churches, and community friendships, and local merchants or stores.

On the other hand, the precious American right to social mobility must be preserved. At a recent meeting with Secretary Romney, we discussed the issue of integration in the suburban communities.

We, the mayors of the big cities, pointed out to Secretary Romney that we have the problems of overcrowding while the suburbs have the space. The urban centers have the unemployment while the suburbs have fresh job opportunities. The urban centers have the poor people while the suburbs have the middle class.

Obviously a large percentage of the new housing to be developed in the next decade must be produced outside the central cities. Hopefully this will be done under better conceived planning as recommended by the Advisory Commission on Inter-Governmental Relations with respect to the endless suburban sprawl, restrictive zoning, and wasted land.

There is a specific need for the immediate establishment of a national urban policy for guiding the location and character of future urbanization involving the federal, State and local governments in collaboration with the private sector. Such a policy also would call for influencing the movement of population and economic growth among different types of communities in different ways so as to achieve generally a greater degree of population dispersion within metropolitan areas.

Secretary Romney said he recognized the problem, and promised to use the full range of federal powers to make these open spaces truly open to all, and not just the affluent.

Human responsibilities, he said, cannot be contained by urban boundaries. He suggested the expansion of these responsibilities to the state and suburban levels. But, like everything else, nothing has happened in ten months. We're still waiting.

I truly believe that the vast potential of "Operation Breakthrough" may become a reality. We in Philadelphia have committed ourselves to assist this monumental undertaking in every way we can.

"Operation Breakthrough" can help to fulfill the promise of the 1968 Housing Act, and I am looking forward to its implementation. The demand and the opportunity is present "now." I am hopeful we can move ahead without bureaucratic fumbling and with more adequate funding by the Federal Congress and our Federal Administration. That's real unity.

The cornerstone of Philadelphia's housing and neighborhood improvement programs has been to provide full opportunity to all of the segments of our population for decent housing in an attractive environment. Our goal is to create desirable residential communities throughout the city so that there is full and free choice for all groups. Those who want to leave the ghetto should be given that chance. Those who want to remain in their present neighborhood should be assisted in making their area attractive and free from blight.

We continue to devise new programs and new approaches in order to meet these objectives. We face similar obstacles—not enough money, a prejudice in certain areas against minority groups, and insufficient land areas to develop new housing. Nevertheless, we continue to advance towards the goals and have made significant progress.

Permit me in closing to refer to our strong presentation to the National Commission that the Bicentennial be observed in 1976 with Philadelphia as a focal point.

In preparing for the Bicentennial, we—with full involvement of those in the slums and ghettos—have proposed an Agenda for Action which is designed to eliminate the substandard conditions in these areas and to demonstrate to the world that we are capable of providing a good life for all segments of our population, regardless of income or race.

Mr. FRASER. Mr. Chairman, I am happy to note that H.R. 13827 repeals the provision in the 1968 Housing Act which established income limitations for the section 312 rehabilitation loan program.

I know that housing and redevelopment agencies throughout the country are discovering that the income limits seriously impede the operation of many rehabilitation and code enforcement programs. In some areas the income limits are so restrictive as to make the section 312 program virtually inoperable as a neighborhoodwide rehabilitation tool.

In my district, the Minneapolis Housing and Redevelopment Authority estimates that 50 percent of the people who had been eligible for section 312 loans prior to the enactment of the 1968 act are no longer eligible. Most of these people are younger homeowners with incomes slightly above the 221(d)(3) limits. These are the people we need most to provide stability in our older residential neighborhoods. But we are actually encouraging these people to leave the neighborhood when we tell them that they must comply with rehabilitation standards established for the project area but that they can no longer obtain the 3-percent loans.

As a sponsor of legislation to repeal the income limits, along with the gentleman from Rhode Island (Mr. St Germain), I would have liked to have seen this bill repeal the limits without any qualifications. However, the committee saw fit to qualify the repeal by adding a proviso which states that in processing applications for loans the local public agencies would be required to give priority to those persons within the 221(d)(3) limits.

If a system of priorities does become necessary because of a limitation of loan funds, this system should certainly not result in any permanent rejection of loan applications by HUD because the applicant is over income. At the most, approval of these applications should be delayed until additional funds are available. Once a local public agency certifies that it has met the loan needs of project area residents with eligible incomes, the local agency should be able to start processing over-income applications without any further delay.

Guidelines with this flexibility will, I am sure, help to make the section 312 program more operable.

Mr. PATMAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Flood, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 13827) to amend and extend laws relating to housing and urban development, and for other purposes, had come to no resolution thereon.

VIETNAM MORATORIUM

(Mr. BURLESON of Texas asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BURLESON of Texas. Mr. Speaker, the so-called Vietnam moratorium started last week, and reportedly to continue until the middle of November, can have no other effect than grave damage to the United States. At the minimum, the publicity these activities are receiving will encourage the North Vietnamese Communists to continue and intensify their intransigence already demonstrated in the months of futile talks in Paris.

There are mountains of evidence to indicate that this vocal minority does not speak for the millions of silent Americans whose deep desire for peace burns as brightly as the fires of our fighting men's camps but who know that a peace without honor and justice is no peace at all.

While many college campuses and the streets echo the rabble of the dissenters, there are the voices of the quiet and the rational to give encouragement.

I take great pride in the counteraction to the so-called moratorium, by a representative group of college students in Abilene, Tex., who observed a special day of Prayer for Peace on October 15.

I am pleased to submit an exact copy of a telegram sent to the President, affixed with over 1,200 signatures of collegians in Abilene, signing their message as "Christian Collegians Praying for Peace":

ABILENE, TEX.,
October 14, 1969.

President RICHARD M. NIXON,
The White House,
Washington, D.C.:

DEAR MR. PRESIDENT: As world citizens who are directly a part of the struggle for the control of men's minds, and more particularly as concerned collegiates who are attempting to interpret the world events which are shaping our destiny, we have become increasingly aware of the awesome responsibility which you share in making decisions which directly affect literally millions of lives. Naturally, we are concerned; indeed deeply troubled at the loss of lives on both sides of the present conflict, and this sense of human concern is acutely heightened by our unique Christian commitment. We, the undersigned represent a significant portion of the 6,000 college students in Abilene, Texas who are convinced that there is a better way in prayer and we have covenanted ourselves together especially for this day October 15, in a concerted day of prayer in your behalf. Please know that we are continually praying for your wisdom, insight, and perception and ask the Creator that He aid you in bringing peace on earth once again.

Respectfully,
CHRISTIAN COLLEGIANS PRAYING FOR PEACE.

NARCOTICS PENALTIES

(Mr. POFF asked and was given permission to address the House for 1 minute.)

Mr. POFF. Mr. Speaker, it is an error to say that the Justice Department favors less punishment for drug offenses. Rather, the Department recommends a realistic readjustment in statutory penalties which will achieve more equitable, more efficient, and more effective enforcement of criminal drug laws.

Statutory penalties, no matter how great, seldom deter crime. Convictions, not statutes, deter crime. Convictions can best be achieved by making the punishment fit the crime. This gives the law the credibility it must have to command citizen respect.

The present drug penalty structure invites citizen disrespect. It is riddled with inconsistencies, conflicts, and contradictions. The penalty for possession of marijuana is a minimum of 2 years, while the penalty for possession of LSD has a maximum of only 1 year with no minimum whatever. For the second offense of possession of marijuana, the penalty is about the same as the penalty for manslaughter or sabotage. Such statutory absurdities are self-defeating. The prosecutor is reluctant to prosecute. The jury is reluctant to convict. The judge is reluctant to impose the penalty. And the drug offender gets a de facto pardon while society is penalized.

The Justice Department has devised three new penalty packages and invited Congress to choose the package it considers most appropriate. While penalties are graded differently among the three packages, all three have certain features in common.

First, all three distinguish among drug offenders by types—the user, the peddler, and the professional criminal.

Second, all three penalty packages distinguish between possession offenders by types—the user-possessor and the seller-possessor.

Third, all three distinguish between the first offender and the repeat offender.

Fourth, all three packages include a mandatory parole component built into every felony penalty except those fixed for the professional criminal, the purpose of which is to compel every felon to undergo a period of supervised rehabilitation before he is released to the streets again.

I am not yet prepared to say which of the three penalty packages is best. However, whichever package the Congress chooses will be a realistic, hardheaded improvement over the present penalty system which barks so loud and bites so easy.

RESOLUTION DIRECTING COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO INVESTIGATE PRACTICES OF WASHINGTON GAS LIGHT CO.

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, I am today introducing a resolution authorizing and directing the Committee on Interstate and Foreign Commerce to conduct a full and complete investigation and study of the practices of the Washington Gas Light Co. in the District of Columbia and environs in the sale, installation, and servicing of heating and air-conditioning units.

From personal experience, an installation they made in my home was the poorest workmanship I have ever seen. Their service is bad, and in talking with the installers, I found out some things that lead me to believe—and I feel I have evidence—that there are a lot of underhanded methods used between the Washington Gas Light Co. and their contract-out installers. I would also point out that a representative from the Washington Gas Light Co., from whom I bought the unit, was to inform the company that I was to receive a compact unit different from the monstrosity which was installed, which is a Bryant unit and which is practically falling apart after just a short period of time.

I would also want to bring this to the attention of those in the Congress who are interested, as I am, in consumer protection. I earnestly hope that the Interstate and Foreign Commerce Committee, of which I am a member, will investigate these policies and practices of the Washington Gas Light Co. in the near future.

In my district we can rely fully upon our gas company and our power company and when we have dealings with them there is never any trouble afterwards. So I single out the Washington Gas Light Co. because throughout the country other gas companies are reliable, but my personal experience would indicate that the Washington Gas Light Co. is totally unreliable.

When such an investigation can be made is not definite at this time because of other pressing business, but I am going to pursue this matter until the resolution I am introducing today is heard by the full committee or perhaps by the investigations subcommittee, of which I am a member. When I spoke previously on this matter here in the House I received numerous calls from persons who feel as I do about the shenanigans of the Washington Gas Light Co. and the poor workmanship of the Bryant units.

ITALIAN-BORN SALVADOR E. LURIA WINS NOBEL PRIZE

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, in 1965, the Congress of the United States passed amendments to the Immigration and Nationality Act which for the first time did away with the discriminatory national origins quota system.

Four Presidents—Truman, Eisenhower, Kennedy, and Johnson—had urged that the archaic national origins quota system be repealed before the Congress of the United States took this historic action 4 years ago. I am pleased to say that I was one of the early supporters of this immigration reform bill which was enacted in the 89th Congress.

One of the great benefits which has accrued to our country since the repeal took place was to clear the backlog of prospective immigrants from the Eastern Hemisphere countries, thereby permitting the scientists, doctors, professors, lawyers, teachers, nurses, and other professional people wishing to immigrate to the United States to come here without encountering lengthy delays because quota numbers were unavailable.

Immigrants, and the sons of immigrant parents, have made tremendous contributions to the growth and development of America, and to the well-being, not only of Americans, but of all mankind.

I want to share with my colleagues another vivid example of an immigrant who came to our shores, and by his dedication to his profession, his hard work, and his determination, made a great contribution not only to man's never-ending fight to conquer disease, but to his adopted country—America.

America is proud of her adopted son—Italian-born Salvador E. Luria—of the Massachusetts Institute of Technology, who was named on October 16, along with Max Delbreuck and Alfred D. Hershey, to jointly receive the $75,000 Nobel Prize for physiology and medicine in recognition of their efforts to solve the mysteries of viruses and virus diseases.

In announcing the three winners, the Caroline Institute said that the work of the three researchers, centering on bacteriophage—a type of virus that infects bacteria rather than ordinary cells—since around 1940, has had great impact on biology in general. The researchers worked independently of each other, and Salvador Luria, who is 57 years old, stated that he first was struck with the idea of working on viruses while sitting on a streetcar in Rome in 1938. Professor Luria was at his home in Lexington, Mass., when he first learned of the Nobel Prize he had won. The Caroline Institute referred to Luria, Delbrueck, and Hershey as the three leading figures of bacteriophage research and expressed deep gratitude for their work.

Mr. Speaker, the Congress, by making a major revision of our immigration law in 1965, has made it possible for our country and our people to benefit from the outstanding contributions of many more great men like Professor Luria.

I take this opportunity to express my appreciation for the virus research which has taken place as a result of the efforts of Nobel Prize winners Luria, Delbrueck, and Hershey, and to congratulate them on meriting this high honor. I want to extend to them my best wishes for abundant good health and continuing success in their endeavors in the years ahead.

At this point in the CONGRESSIONAL RECORD, I would like to include an article from the October 24, 1969, edition of Time magazine about these three eminent biologists. The article follows:

A NOBEL THREESOME

Dr. Salvador Luria, 57, washing the breakfast dishes in Lexington, Mass., was incredulous when a neighbor interrupted to report what he had just heard over the radio. Dr. Alfred Hershey, 60, also was skeptical when word reached him at Cold Spring Harbor, N.Y. Dr. Max Delbrück, 63, was disgruntled; it was only 5 a.m. in Pasadena when a reporter called him. Telegrams from Stockholm soon confirmed the news. The three biologists (only Luria is an M.D.) had been jointly awarded the 1969 Nobel Prize in Physiology and Medicine for their work between 1940 and 1952 in microbiology and genetics. The three will divide equally the award of $73,000.

All three of the biologists were honored for their experiments with bacteriophages, a group of viruses that infect bacteria. Scientists had long know that after it invades, a bacterial cell, a virus multiplies rapidly into such great numbers that the cell bursts, releasing a host of identical viruses that seek out and enter other cells, where the process is repeated. By studying these viruses, researchers hoped to learn how more complex forms of life reproduce and pass on hereditary traits.

Coat of Protein. Delbrück, who was born in Germany, and Luria, from Italy, met at Vanderbilt University in 1940 and began to cooperate in their studies of bacteriophages. Luria soon discovered that mutations (a variation in characteristics from one generation to the next) occurred in the viruses, and that these changes were passed on to succeeding generations. Delbrück found that the genetic materials of different kinds of viruses, infecting the same cell sometimes combined, producing a new and different kind of virus.

Michigan-born Hershey, who begar exchanging information with Delbrück and Luria in 1942, found more conclusive evidence for the genetic recombination that Delbrück had discovered. In 1952, Hershey proved that the virus, which consists simply of nucleic acid (DNA) surrounded by a coat of protein, leaves its coat behind as it invades a cell. So it must be the DNA that contains the genetic information.

These and other discoveries led scientists to concentrate on the structure of the DNA molecule. The finding in 1953 by James Watson and Francis Crick that the typical DNA molecule consists of a double helix enabled scientists to reduce to relatively simple chemical terms the process by which inherited traits are passed on. But it was the contributions of Delbrück, Luria and Hershey that, in the words of the Nobel committee "set the solid foundation on which modern molecular biology rests."

The three winners are still actively engaged in research, Delbrück at the California Institute of Technology, Luria at M.I.T. and Hershey at the Carnegie Institution of Washington's genetic-research unit at Cold Spring Harbor. Only a fortnight ago, when the three met and compared notes, none had any idea of the honor that the next week would bring.

NOVEMBER 13 PEACE PROTEST BEING ORGANIZED BY PROS

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, the November 13, 14, and 15 peace march scheduled for Washington is being organized by some of the Nation's top apologists for the Communists—professionals who have made a reputation of denouncing the United States and glorifying all of those things emanating from the Soviet Union.

Let there be no mistake. This second so-called moratorium scheduled for Washington is not being organized by the same young idealists how, by the tens of thousands, participated in last Wednesday's moratorium throughout the Nation as a peaceful protest against America's involvement in Vietnam.

The November exercise is being headed up by such professionals as David Dellinger and Jerry Rubin—both presently under indictment and standing trial in Chicago for conspiracy to incite a riot last August.

Also moving in and out of the November demonstration plan for Washington is Sidney Lens, an old pro in Soviet apologia and a self-styled Chicago-based historian who has consistently failed to see the real menace of communism and its threat to world peace.

I participated in a 2-hour radio program Sunday in Chicago over station WMAQ with Mr. Lens on the effects of the moratorium.

This House should be advised that Mr. Lens and his followers do not want an accommodation to end the war in Vietnam; they want a confrontation for American surrender of South Vietnam to the Communists.

Mr. Lens made it very clear that unless there is a total capitulation by the United States of South Vietnam to the Communists, he and his associates will continue to escalate demonstrations against America's involvement in the Vietnamese conflict.

When I asked Mr. Lens whether his group would continue its demonstrations, even if President Nixon were to announce an orderly withdrawal of troops from Vietnam and guarantee an American disengagement, Mr. Lens replied that this would not alter their plans for continued mass demonstrations.

Mr. Lens' ultimatum to the President that we immediately withdraw all of our troops unilaterally from Vietnam and sever our relations with the Thieu government is nothing more than an echo of the Communist line and far transcends the principles of responsible free speech and orderly dissent.

I hope the young people of America, who deserve the highest praise for their orderly behavior last Wednesday, will now join President Nixon and the rest of the American people in denouncing the tactics of these hard-core apologists for the Communists, who are sponsoring the November demonstrations here in Washington.

I hope the young people of America will join the President in serving notice on Hanoi that the United States, indeed, does want to disengage itself from the Vietnam conflict but that it will not do so at the cost of surrendering the South Vietnamese people to the most brutal bloodbath in man's history.

Sidney Lens and his followers cannot understand that a unilateral withdrawal by the United States without meaningful commitments of safety for the people of South Vietnam, would result in the most brutal massacre of innocent people ever recorded in the annals of history.

Mr. Lens continues to be unable to understand that we are not fighting only for a piece of real estate known as South Vietnam. Our struggle in South Vietnam is a manifestation against the global Communist conspiracy which continues in its evil design to take over all of Southeast Asia; the Middle East; Africa, and, ultimately, South America.

I hope, Mr. Speaker, that between now and November 13 we will be able to place in proper perspective the role that young Americans, with all of their idealism for the future of the world, can play in developing an orderly American foreign policy which will help us prevent future wars, but at the same time help us provide protection for people who seek nothing more than the same liberties we enjoy as Americans.

America need not be the policeman of the world but it must provide the leadership for victory of human dignity over tyranny.

I call upon the faculties of American universities to rise to the great challenges of our time and to rally their students to a deeper understanding of the continuing threat that the Soviet Union poses to man's freedom.

I call upon the scholars of this country to put before their students the totality of the problem and not to limit themselves only to the narrow confines of the Vietnam conflict.

I call upon the intellectuals of this country who have the highest responsibilities for leadership to rally the forces of America toward an understanding that the Soviet Union has kept the world in turmoil for 22 years since the end of World War II and today continues its conspiracy to undermine those institutions which allow our intellectuals the great privilege of self-expression and intellectual pursuits.

I call upon the intellectuals of this country to look at Czechoslovakia and see the tragic consequences that ensued just recently when the scholars of that Communist-dominated country tried to develop greater freedom in their intellectual pursuits. The brutal destruction of their efforts by Soviet troops should be a sober lesson to all of those in this country who profess to cherish intellectual freedom.

Mr. Speaker, I call upon the Members of this House to rally behind President Nixon and to show a unified front both in this Chamber and in the other Chamber. Let us in Congress provide the leadership for the American people to rally around the Commander in Chief of our Armed Forces and the constitutional President of the United States who has the awesome responsibility of leading us out of war and charting for this Nation and this world a course of enduring peace and freedom for mankind.

We here in this Congress ought to put aside whatever differences there might be and show Hanoi that America is united behind its President.

This in my judgment is the most meaningful, the most fruitful, and the shortest road to peace in Southeast Asia.

MILROW NUCLEAR CALIBRATION TEST ON AMCHITKA ISLAND

(Mr. HOLIFIELD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HOLIFIELD. Mr. Speaker, I reported to this House on October 6, 1969, about my trip to Amchitka Island to observe the Milrow nuclear calibration event which took place on October 2. In my report to this House I stated that the test was a complete success.

I have a report, which will be made public by the Atomic Energy Commission this afternoon, on the first complete assessments of the results of the detonation. Studies are continuing and a final report will be available in some 6 months or so. Specifically, I can report that there was very little damage to a few utilities and hutments near ground zero; there was generated a ripple in the water near the island which did not exceed 2 inches; there was not experienced the increase in seismic activity, as had been expected; there appears to have been no appreciable surface motion on the Rifle Range Fault, the closest known fault to ground zero; there was no significant damage to the ecological systems at Amchitka and the surrounding waters, and this included trout and salmon, the king crab and the sea otter; no radiation levels above background have been detected.

I can state that this calibration test, Milrow, went as smoothly as a textbook laboratory experiment. There are still clamors that some sort of commission look into the AEC's activities and report to the President on what is being accomplished and not accomplished in the underground testing field. Do these people really believe that the AEC is a free agent, that the AEC unilaterally decides what will be done and then goes ahead and does it? I would guess that these people never heard of the budget process. I am positive that they are not aware of reviews the AEC makes to insure safety. On that basis I would like to include later in the RECORD an AEC document, "Reviews To Insure Safety of Nuclear Operations."

I would like to point out there are two further reviews made of the AEC's testing program. The first is done by the so-called Under Secretary's Committee of the National Security Council which is chaired by the Under Secretary of State. The other members of this prestigious group are the Deputy Secretary of Defense, the Director of the CIA, the Director of the Bureau of the Budget, the Director of the Arms Control and Disarmament Agency, the Chairman of the

Atomic Energy Commission, the Chairman of the Joint Chiefs of Staff, and the President's science adviser. The deliberations of this body are subject to further review by the President.

I would further like to point out to those who are unaware of the governmental review processes that the Joint Committee on Atomic Energy holds open and executive hearings on all phases of the AEC's plans and budget. There are other committees in this Congress that hold the same kind of hearings.

Now we get to the visceral question of risk versus benefit. Until such time as this country decides to stop underground nuclear testing either unilaterally or by treaty, the AEC must follow a mandate established by the U.S. Senate which calls for four safeguards to our national security. One of these safeguards calls for an effective program of underground testing. The AEC is conducting such a program.

The sponsors of these various bills to appoint commissions want to have studies made on what could likely happen. The AEC makes these studies. The weapons laboratories do these studies on the world's best computers using inputs from the world's greatest experts in every discipline involved. These results are then examined by just about all the safety panels under contract to the AEC. But there comes a time when one has to fish or cut bait, when one must decide when to stop studying and go do it. This is what the AEC has done; they built this test experience by conducting four high yield tests in Nevada, Faultless, Boxcar, Benham, and Jorum. The data from these tests were analyzed and it was stated that the megaton-sized Milrow test would provide no surprises at Amchitka. There were no surprises unless we consider the fact that the after detonation seismic activity was much less than anticipated. This might be called a pleasant surprise.

The material referred to follows:

PRELIMINARY REPORT ON EFFECTS OF MILROW DETONATION, AMCHITKA ISLAND, ALASKA, OCTOBER 2, 1969

The following early assessment of the effects of the Project Milrow nuclear test has been compiled by the Atomic Energy Commission's Nevada Operations Office. Only minor effects have been observed.

Milrow was detonated 4,000 feet under the surface of Amchitka Island, Alaska, at 12:06 p.m. Bering Daylight Time, October 2, 1969. The detonation had an explosive force of about a megaton of TNT and registered 6.5 on the Richter scale as had been publicly predicted.

AMCHITKA GROUND MOTION EFFECTS

A few rock slides and earth slumps occurred along the cliffs on the island. Examinations of the terrain of the island have shown only minimal damage consisting of minor cracking in fill sections of the roadways, sloughing of water saturated embankments, and slight displacements of some of the temporary hutments and facilities. No damage resulted to the airfield, microwave communications systems, power plant, water system (except for two broken water pipes which were quickly repaired), harbor facilities, or permanent camp.

Damage assessment teams reentered the Amchitka main camp, airport and Constantine Harbor facilities about two hours after the detonation. The main camp was reopened for feeding and housing services by 8:00 p.m. the day of the shot and normal jet air service was resumed at the Amchitka airfield on the following day.

The building near ground zero in which the nuclear device components and accompanying instruments were assembled in a 50-foot long steel tube is still standing. However, some siding panels were jarred loose as a result of the blast.

As predicted, ground motion was felt as fairly strong by personnel at the control point 28 miles from ground zero on the northwest tip of Amchitka, and there was no damage. The ground motion was barely perceptible to observers on Adak about 200 miles away. Beyond Adak, the motion was only detectable by sensitive seismographs.

Aboard the USS Princeton, the shock waves were strongly felt at about 11 seconds after zero time. The Princeton was positioned approximately eight miles off-shore from the NW control point.

TSUNAMI—WATER WAVE—EFFECTS

No effects were measured, other than a very slight ripple not exceeding two inches, which was noted near the island.

EARTH TREMORS, AFTERSHOCKS, SUBSIDENCE

Seismic activity in the vicinity of Amchitka, which had been expected to increase in the manner of the many small aftershocks recorded in Nevada following underground explosions of similar magnitude, appeared to be about normal for the region during the several days following the Milrow experiment. The only activity was the usual activity in close proximity to the detonation point, where hundreds of tiny tremors, mostly associated with cavity collapse, were recorded during the first several hours after the event. This activity stopped when the broken rock above the explosion-induced cavity apparently collapsed to the surface about 37 hours after the detonation.

Further study will be made of the natural earthquake patterns. Tremors measured seemed to follow the pattern of pre-detonation activity, which is believed related to normal stress release in this seismic region.

The surface subsidence as viewed from the air is in the form of an uneven saucer-shaped depression in the tundra, with a maximum depth of about 20 feet and a diameter of many hundreds of feet.

HYDROLOGY, GEOLOGY

Aerial and ground visual reconnaissance has indicated no appreciable surface movement along the Rifle Range fault, the closest known fault to ground zero.

Overpressure results available from three water wells close to ground zero showed the normal sharp pressure rise as the seismic wave passed, following which the measured pressures dropped rapidly to pre-shot values. Early information indicates no change in the level of the water table.

Final determination of the geological effects of Milrow must await the evaluation of detailed field observations and surveys.

BIOENVIRONMENTAL EFFECTS

The initial post-event observations verify predictions that the Milrow nuclear test would not produce significant damage to the ecological systems at Amchitka. All live animal boxes and holding pens for test time exposure experiments have been checked and a cursory survey has been made of the environments between one-half mile and five miles of surface ground zero (SGZ).

Aerial photographs have been taken of the test site environs for comparison with similar photographs taken before the detonation. Although a few sea stacks (vertical rocks) were damaged, eagles and other birds that inhabit the stacks were seen perched on the stacks about three hours after the detonation.

There was some movement of tundra, especially along the sea cliffs.

In an experiment to study the effects of the test on freshwater fish, eight live boxes containing fish were located at various distances from surface ground zero. Early observations showed that the Dolly Varden trout and salmon were able to withstand the over pressures produced in lakes and streams as close to SGZ as one-half mile. However, a number of sticklebacks (small fish about one to two inches in length) were found dead from concussions in ponds close to SGZ.

Fish and invertebrates, including king crab held in live boxes in the marine environment, were not affected. Sea otters held in a pen on the shore about 4,500 feet from SGZ appeared normal and all ate food offered four hours after the shot. A few of these otters will be examined to determine if they sustained any detectable internal damages from the nuclear test.

The remainder of the otters from the experiments, including those in floating pens located at greater distances from SGZ, have been moved to the Constantine dock pens for several days of observation in search of possible delayed effects. One otter in the floating pen was found dead—apparently from handling stresses—and the actual cause of death probably will not be known. An autopsy indicated no evidence of pressure injury.

After observations of the live otters is completed within a few days, they will be released into their natural habitat.

RADIATION MONITORING, CONTAINMENT

No radiation levels above natural background have been detected. A total of nineteen continuously operating radiation monitoring units were emplaced in circular arrays about SGZ to distances of 5,000 feet. In addition, eighteen air sampling units were located on the outer circular array of radiation instrumentation and no fresh fission or activation products were detected from these units.

Thermoluminescent and film dosimeters were placed at strategic locations around the island and were also issued as personnel dosimeters. Results from these detectors are not yet available but there is no reason to believe that there will be any positive exposures.

Water and vegetation samples have been collected both pre- and post-event at various on-island locations. Preliminary results indicate no changes in the pre-shot radiation background levels.

In summary, no radiation levels above background have been detected to date, which is a positive indication that containment was complete. However, future monitoring on Amchitka as well as throughout the State of Alaska could become complicated by the anticipated fallout from the recent Chinese atmospheric test.

REVIEWS TO INSURE SAFETY OF NUCLEAR OPERATIONS

(By the U.S. Atomic Energy Commission, Nevada Operations Office, Las Vegas, Nev.)

The Atomic Energy Commission is responsible for public safety for all U.S. nuclear detonations. Within the continental United States, the Commission implements this responsibility through its Nevada Operations Office, which in turn is directly supported by the weapons laboratories, associated government agencies, specialized contractors and independent consultants.

The Nevada Operations Office conducts those studies and reviews which are necessary to predict reliably the effects of nuclear detonations which may affect the safety of people and property. We do not consider ourselves infallible in defining safety problems or arriving at credible and practical solutions to these problems. For this reason, recognized experts in the pertinent scientific disciplines are consulted. These disciplines include, but are not limited to: health physics, biology, meteorology, seismology, hydrology, geology, ecology, structural response to ground motion, and rock mechanics.

This continuing effort on the part of NVOO, its contractors, and consultants has permitted the execution of over 300 nuclear weapons tests with minimal property damage and only two cases of minor personal injury to persons not related to the program. In 1953 an elderly Nevada resident reportedly sprained his shoulder as a result of falling when startled by the air shock from a nuclear explosion. Although corroborative evidence was lacking, the coincidence of the atmospheric test with his fall and in consideration of the fact that an injury was sustained, that portion of his claim relating directly to medical treatment was allowed by the Commission. In another case, a person was injured by a falling brick during an underground nuclear test in Mississippi. Medical expenses incurred as a result of this accident were paid by the Commission.

Preparation for the safe conduct of an event is based upon prediction of the effects of the maximum credible accident which could accompany that event. Precautionary measures are taken to ensure that public safety will be protected, should an accident materialize. NVOO measures and documents the actual effects of the test in order to take emergency action to protect life and property, if necessary, and to improve the accuracy of the predictive effort for future tests. Effects measurements also provide a basis for settlement of valid damage claims and for protection against invalid claims. A strong effort is made to ensure that effects data are properly interpreted and made accessible to the public and interested organizations.

Prior to any nuclear detonation there are a series of reviews to ensure that the detonations are conducted safely and within the constraints of the Limited Test Ban Treaty. All nuclear tests do not necessarily involve all of my individual steps; however, unusual tests may receive reviews from the entire system. Enclosure I shows a listing of various safety review organizations.

The sponsoring laboratory performs safety evaluations related to nuclear systems safety, that is, procedures associated with assembly of the device, transportation, and emplacement, as well as the detonation system. These nuclear safety procedures are later independently reviewed by a group of knowledgeable persons (nuclear safety survey group or nuclear safety study group) and when appropriate, recommendations are made to assure safe assembly, transportation, etc.

The laboratories evaluate and assess those man-made and natural conditions which influence containment of the explosion. Each event is then reviewed by a Test Evaluation Panel composed of individuals with considerable experience in nuclear testing. Most events are reviewed several times. The organizations furnishing Panel members are the Los Alamos Scientific Laboratory, Lawrence Radiation Laboratory, Sandia Laboratory, Department of Defense, Air Resources Laboratory—Las Vegas, U.S. Public Health Service, AEC, and independent consultants. Every aspect of the event which might affect containment is reviewed by this Panel as preparations for the event are made. A detailed study of the geological features around the shot point is made by the U.S. Geological Survey and presented to the Panel. If there are indications of possible faults or other geologic anomalies which may affect containment, new shot points are recommended by the Panel. A careful study is made of the drilling, casing, and grouting history of each of the emplacement and satellite holes to ensure that there will be no man-made path to the surface. The proposed stemming plan (that is, the method to be used for filling the emplacement and instrument holes) is approved by the Test Evaluation Panel. The same type of reviews are made to assure containment of a test to be made in a tunnel instead of a drilled hole.

For selected tests, normally those involving a new medium of an off-NTS location, or in the yield range that will be readily perceptible offsite or may possibly damage critical onsite structures, or for cratering and industry-related Plowshare tests, or for other unusual situations, an Effects Evaluation Report is prepared. This report is reviewed by experts within the test organization and by independent panels of experts. A general review is made by a panel which is composed of experts in the disciplines of special concern. For some effects, such as earthquake phenomena and ground motion effects upon structures, a special panel may be established.

The Effects Evaluation Report is based upon the output of six Scientific Management Centers which provide technical coordination of NVOO contractors assigned to study special effects, e.g., Sandia Laboratory is the Scientific Management Center for ground motion and structural response supported by the Environmental Research Corporation and the John A. Blume organization. These contractors provide predictions of ground motion and the response of structures to this phenomena. The Lawrence Radiation Laboratory, the Scientific Management Center for seismicity, is supported by participating government agencies and contractors such as the U.S. Geological Survey's Office of Earthquake Research and Crustal Studies, ESSA's Earthquake Mechanism Laboratory, U.S. Coast and Geodetic Survey, and by special arrangements with the California Institute of Technology, University of Nevada at Reno, University of California at Los Angeles, and others. The Centers and support are summarized in Enclosures IIIA through IIIG.

For selected events, an Effects Evaluation Scientist is appointed from one of the Centers and a NVOO professional from the Effects Evaluation Division is assigned. This team prepares a comprehensive effects evaluation prediction based upon output from each of the Centers. This report is then reviewed by 1) the Centers, for accuracy and completeness; 2) NTS/STS Planning Board, particularly by its Ground Shock Subcommittee; 3) NVOO Panel of Safety Consultants; 4) the Test Manager's Staff; 5) a special panel of experts if unusual effects are involved, e.g., seismicity or tsunami; and 6) the Manager, NVOO, and Scientific Advisors comprised of senior scientists from the three (weapons) laboratories. For industry-sponsored events, e.g., Project Rulison, another review is made by the NVOO Plowshare Advisory Group composed of laboratory, industry, and Department of Interior representatives.

AEC Headquarters staff, and finally the Commission, review the safety of each event, and if they are satisfied, grant authority for its execution.

Even though these reviews are made and every possible precaution has been taken to ensure that no radioactivity will reach the surface, preparations for detonation of the device assume that the maximum credible release of radioactivity will occur. Plans are made for the prompt evacuation of populated areas on or off the site in the unlikely event a release of radioactivity occurs with unacceptable levels of radiation. When predicted levels of ground motion or other effects indicate it to be prudent, evacuation of the affected populace is accomplished prior to detonation of the nuclear device.

The U.S. Public Health Service places offsite radiation monitors in the downwind direction in order that full information may be obtained for corrective action if there is an accidental release.

The Test Manager has established an Advisory Panel made up of specialists in meteorology, radiation, and medicine to advise him as to the hazards to be expected from each event. Other disciplines are added to the Panel as conditions warrant. The Panel chairman is a scientist who is familiar with the nuclear device, timing, and firing systems, and program objectives.

Although the Test Manager's Advisory Panel may meet several times, months in advance, to discuss specific problems on difficult or unusual shots, the Panel always meets the day before the detonation to hold a readiness briefing in which the control plans are reviewed. A weather prediction for shot time meteorological conditions is provided and a review is made of the preparation for onsite and offsite safety and population control. The Advisory Panel meets continuously in the period immediately prior to firing to insure that the acceptable conditions have been established. If it is determined that, with the maximum credible accident, the test can be safely carried out, a recommendation is made to the Test Manager that the detonation may proceed. The Test Manager's Advisory Panel also reviews the last-minute preparation to ensure that requirements of operational and safety plans have been implemented.

Radiation monitoring instruments are installed and operated on each event to record the existence or absence of radiation. At shot time, at least two airplanes—one equipped with monitoring instruments, the other with sampling equipment—are air airborne. Samples are immediately brought back to the Southwestern Radiological Health Laboratory for analysis.

Testing has been carried out at the Nevada Test Site for 18 years; underground detonations for about 12 years. Three or more camp sites are operated constantly. The largest of these is at Mercury. There are also camps in the forward area. The population at these camps may vary from 500 to 2500 people. The total NTS working population varies from 8,500 to 10,500 people. Although this relatively large number of people live and work within a few miles of ground zero of even the largest yield tests, there has never been an injury among them as a direct result of a detonation. These people are provided drinking water from wells located in the active test area; continuous monitoring confirms freedom from contamination of this water.

We are constantly striving to improve the accuracy of our prediction capabilities in all areas, and have made much progress. This progress in prediction capability and containment techniques was necessitated by the increased complexity of experiments. All those involved in the test program recognize the potential hazards involved in it, but rely with confidence on a proven system based upon taking those actions necessary to protect against the effects of the maximum credible accident.

SAFETY ORGANIZATIONS FOR NUCLEAR DETONATIONS

Organization	Responsibility	Membership	Reviews are performed	
			Number of times	During phase[1]
I. FIELD ORGANIZATIONS				
A. Sponsoring laboratory	Review to determine feasibility of fielding experiment	Appropriate laboratory personnel (LASL, LRL, DASA, Sandia Laboratory).	Continuing	I, II, III.
B. Ground shock subcommittee	Advise the manager, NVOO through the NTS Planning Board on ground motion problems which may affect the NTS or STS facilities and programs.	Sandia Laboratory, NVOO, LASL, LRL, TC/DASA	do	II.
C. Radioactive effluent subcommittee	Advise the manager, NVOO, through the NTS Planning Board of the adequacy of NTS radiation measurement systems. Evaluates radiation effluent data from nuclear tests and reports their findings through the NTS Planning Board.	LASL, NVOO, Sandia Laboratory, AFSWC, LRL, AFTAC, TC/DASA.	do	II.
D. Scientific management centers	Advise the manager, NVOO, through effects evaluation scientist and NVOO effects evaluation review. Provide for continual study of effects phenomena in specialized areas. Provide continuing predictions. Provide technical scope for research. Design effects measurement programs and provide analysis of observed phenomena.	USGS, LASL, LRL, Sandia Laboratories, ESSA/ARL, Battelle Memorial Institute.	3	I, II, III.
E. NVOO panel of safety consultants	Composed of eminent scientists in the fields of geology, hydrology, rock mechanics, soil mechanics, earthquake seismology, etc , to evaluate programs and prepare safety evaluations for specific events and series of events.	G. B. Maxey, University of Nevada; L. S. Jacobsen, California Institute of Technology; N. M. Newmark, University of Illinois; D. U. Deere, University of Illinois; T. F. Thompson, Geological Engineering; L. G. von Lossberg, Sheppard T. Powell & Associates; S. D. Wilson, Shannon & Wilson, Inc.	As requested by manager, NVOO.	II.
F. Test evaluation panel	Advises the manager, NVOO, on the containment aspects of proposed nuclear explosive tests. Performs periodic reviews of technical data and containment plans to determine their adequacy in assuring compliance with the Limited Test Ban Treaty.	NVOO, LASL, LRL, Sandia Laboratory USPHS, ESSA/ARL, DASA.	Bimonthly	II.
G. Test manager's advisory panel	A panel composed of experienced advisers who are recognized experts on radiation, weather, fallout, and other subjects. The panel examines predictions of the effects of each event and evaluates field preparations designed to minimize predicted hazards.	NVOO, LASL, LRL, Sandia Laboratory, USPHS , ESSA/ARL, medical consultants.	D-1 days and D-days for each event.	III.
H. Nuclear weapons safety program survey/study groups.	Nuclear safety survey and study groups are convened to assure that prior to beginning any operation involving atomic weapons, positive measures are provided to prevent an accidental or unauthorized nuclear detonation.	NVOO, SAN, ALOO, Sandia Laboratory LRL, LASL	Continuing	II.
II. AEC HEADQUARTERS ORGANIZATION				
A. Divisions of Military Application and/or Peaceful Nuclear Explosives.	Compiles, reviews, and submits pertinent event related documents to AEC Commissioners.	DMA and/or DPNE staff	do	II.
B. Division of Operational Safety	Reviews safety plans on special events	DOS staff	As required	II.
C. AEC Commissioners	Review events and grant execution authority	Commissioners	Continuing	II.

[1] Phase I—conceptual; phase II—planning; phase III—field execution.

NVO EFFECTS EVALUATION PROGRAM

SCIENTIFIC MANAGEMENT RELATIONSHIP

For the conduct of the NVO Effects Evaluation Program, the following organizations, principal members and alternates have been assigned as scientific managers for the disciplinary areas indicated:

Over-all Management: AEC Nevada Operations Office, Effects Evaluation Division; Dr. Elwood M. Douthett.

Ground Motion, Air Blast, Structural Response: Sandia Corporation, Albuquerque, New Mexico; Dr. Byron F. Murphey, Dr. John R. Banister.

Geology, Hydrology: U.S. Geological Survey, Denver Federal Center, Denver, Colorado; Dr. William S. Twenhofel.

Aftershock Seismicity, Product Contamination: Lawrence Radiation Laboratory, Livermore, California; Dr. Harry L. Reynolds, Dr. James W. Hadley.

Tsunami, Eyeburn: Los Alamos Scientific Laboratory, Los Alamos, New Mexico; Dr. William E. Ogle, Dr. Charles I. Browne.

Atmospheric Transport, Fallout, Climatology: ESSA/Air Resources Laboratory, Las Vegas, Nevada; Mr. Philip W. Allen.

Ecology: Battelle Memorial Institute, Columbus, Ohio; Dr. R. S. Davidson.

Sandia Laboratories management area

For the conduct of the NVO Effects Evaluation program, the following functional relationships have been assigned between Sandia Laboratories and the NVO Contractor/Agreement Agencies for the scientific management of the Ground Shock, Air Blast, and Structural Response Programs:

Scientific Management: Sandia Laboratories, Albuquerque, New Mexico; Dr. Byron F. Murphey, Dr. John R. Bannister.

Ground Motion Measurements: ESSA/U.S. Coast and Geodetic Survey, Special Projects Party, Las Vegas, Nevada; Mr. Kenneth W. King.

Ground Motion Evaluation: Environmental Research Corporation, Alexandria, Virginia; Mr. O. Allen Israelson.

Structural Dynamic Effects: John A. Blume & Associates, San Francisco, California; Dr. John A. Blume.

Mine and Well Studies: U.S. Bureau of Mines, Denver Mining Research Center, Denver, Colorado; Dr. Paul L. Russell.

U.S. Geological Survey management area

For the conduct of the NVO Effects Evaluation Program, the following functional relationships have been assigned between the U.S. Geological Survey and the NVO contractors for the scientific management of the Geology and Hydrology Programs:

Scientific Management: U.S. Geological Survey, Denver, Colorado; Dr. William S. Twenhofel.

Internal Geological Studies: U.S. Geological, Denver, Colorado; Dr. William S. Twenhofel.

Hydrological Studies: U.S. Geological Survey, Denver, Colorado; Mr. Samuel West.

Ground Water Contamination: Isotopes, Inc., Palo Alto, California; Dr. Paul R. Fenske.

Central Nevada Studies: University of Nevada, Desert Research Institute, Las Vegas, Nevada; Mr. Alan E. Peckham.

Lawrence Radiation Laboratory area

For the conduct of the NVO Effects Evaluation Program, the following functional relationships have been assigned between the Lawrence Radiation Laboratory and the NVO Contractor/Agreement Agencies for the scientific management of the Aftershock Seismicity Program:

Scientific Management: Lawrence Radiation Laboratory, Livermore, California; Dr. Harry L. Reynolds, Dr. James W. Hadley.

Seismic Measurements: ESSA/U.S. Coast and Geodetic Survey, Special Projects Party, Las Vegas, Nevada; Mr. Kenneth W. King. ESSA/Earthquake Mechanisms Laboratory, San Francisco, California; Dr. Donald Tocher. Colorado School of Mines, Boulder, Colorado; Dr. Maurice W. Major.

University of Nevada, Mackay School of Mines, Seismological Laboratory, Reno, Nevada; Dr. Alan S. Ryall.

U.S. Geological Survey, Denver, Colorado; Mr. Frank A. McKeown. USGS Earthquake Laboratory, Menlo Park, California; Dr. John H. Healy.

California Institute of Technology, Pasadena, California; Dr. Stewart Smith.

University of California, Los Angeles, California; Dr. Leon Knopoff.

Sandia Laboratories, Albuquerque, New Mexico; Mr. William Perret.

Los Alamos Scientific Laboratory management area

For the conduct of the NVO Tamarin Program, the following functional relationships have been assigned between the Los Alamos Scientific Laboratory and the NVO contractors for the Scientific Management of the Water Wave Program:

Scientific Management: Los Alamos Scientific Laboratory, Los Alamos, New Mexico; Dr. William E. Ogle, Dr. Charles W. Browne.

Tsunami: Tamarin Committee; Dr. Kenneth H. Olsen, LASL, Chairman. A. C. Electronics/Defense Research Laboratory; Mr. J. E. McNeil, Santa Barbara, Calif. Tetra Tech; Dr. B. LeMehaute, Pasadena, California. University of Hawaii; Dr. William M. Adams, Honolulu, Hawaii.

Environmental Science Services Administration management area

For the conduct of the NVO Effects Evaluation Program, the following functional relationships have been assigned between the U.S. Environmental Science Services Administration and the NVO contractors for the scientific management of the Fallout Program:

Scientific Management: U.S. Environmental Science Services Administration, Las Vegas, Nevada; Mr. Philip W. Allen.

Fallout Models, Atmospheric and Cratering Events: ESSA Air Resources Laboratory, Silver Spring, Maryland; Dr. Lester Machta.

Radiation Models, Underground and Plowshare Events, Weather and Trajectory Prediction Studies: ESSA Air Resources Laboratory-Las Vegas, Las Vegas, Nevada; Mr. Philip W. Allen.

Long Range Diffusion Study: Meteorology Research, Inc., Altadena, California; Dr. Paul MacCready.

Battelle Laboratories management area

For the conduct of the NVO Effects Evaluation Program, the following functional relationships have been assigned between Battelle-Columbus Laboratories and the NVO Contractor/Agreement Agencies for the scientific management of Ecology Management Programs:

Scientific Management: Battelle Laboratories, Columbus, Ohio; Dr. Richard S. Davidson, Dr. James B. Kirkwood.

Vegetation and Soil Response to Underground Detonations: The University of Nevada at Reno, College of Agriculture, Reno, Nevada; Dr. Paul T. Tueller.

Ecology Research: Battelle Laboratories, Columbus, Ohio; Dr. Richard S. Davidson.

Marine Ecology and Oceanography: U.S. Bureau of Commercial Fisheries, Seattle, Washington; Dr. Bruce McAlister.

Marine Ecology and Oceanography: University of Washington, Seattle, Washington, Fisheries Research Institute; Dr. R. L. Burgner.

Freshwater Ecology: Utah State University; Dr. J. N. Neuhold.

Freshwater Ecology: The Ohio State University, Institute of Polar Studies; Dr. D. D. Koob.

Geomorphology: The Ohio State University, Institute of Polar Studies; Dr. K. R. Everett.

Plant Ecology: University of Tennessee; Dr. E. E. C. Clebsch.

Avian Ecology: Johns Hopkins University; Dr. Francis S. L. Williamson.

Radiometric and Elemental Analysis: University of Washington, Seattle, Washington; Dr. A. H. Seymour.

COAL MINE HEALTH AND SAFETY ACT AMENDMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. HECHLER) is recognized for 10 minutes.

Mr. HECHLER of West Virginia. Mr. Speaker, when the coal mine health and safety bill comes up, I intend to offer several amendments, the text of which follows:

AMENDMENT TO H.R. 13950 OFFERED BY MR. HECHLER OF WEST VIRGINIA

(To protect miners against losing their jobs or being discriminated against for reporting health and safety violations)

On page 19, between lines 18 and 19, insert:

"(j) (1) No person shall discharge or in any other way discriminate against or cause to be discharged or discriminated against any miner or any authorized representative of miners by reason of the fact that such miner or representative (A) has notified the Secretary or his authorized representative of any alleged violation or danger pursuant to section 103(g) of this title, (B) has filed, instituted, or caused to be instituted any proceeding under this Act, or (C) has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

"(2) Any miner or a representative of miners who believes that he has been discharged or otherwise discriminated against by any person in violation of paragraph (1) of this subsection may, within thirty days after such violation occurs, apply to the Secretary for a review of such alleged discharge or discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party, to enable the parties to present information relating to such violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code.

"Upon receiving the report of such investigation, the Secretary shall make findings of fact. If he finds that such violation did occur, he shall issue an order requiring the person committing such violation to take such affirmative action to abate the violation as the Secretary deems appropriate, including, but not limited to the rehiring or reinstatement of the miner or representative of miners to his former position with back pay. If he finds that there was no such violation, he shall issue an order denying the application. Such order shall incorporate the Secretary's findings therein. Any decision issued by the Secretary under this paragraph shall be subject to judicial review in accordance with the provisions of section 106 of this Act. Violations by any person of paragraph (1) of this subsection shall be subject to the judicial review and civil penalties provisions of this title.

"(3) Whenever an order is issued under this subsection, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) as determined by the Secretary to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation."

(To provide criminal penalties for deliberate violations of closing orders)

On page 36, line 16, strike "(a)".

(To insure that, whatever the instrument used, coal dust measurements will be made, recorded, and analyzed for one shift)

On page 46, lines 6 and 22, and on page 47, line 14, strike, "over several shifts".

SECTION 203

(To allow a miner who shows the incipient stages of pneumoconiosis to be re-assigned to an area where the coal dust level is no more than 1.0 milligrams per cubic meter of air, to provide for autopsies for miners with consent of next of kin and to control the noise level in coal mines)

On page 49, line 16, strike all through the period on page 50, line 9, and substitute the following: "shows evidence of the development of pneumoconiosis shall be assigned by the operator for such period or periods as may be necessary to prevent further development of such disease, to work, at the option of the miner, in any working section or other area of the mine, where the average concentration of respirable dust in the mine atmosphere to which the miner is exposed during each shift is at or below 1.0 milligrams of dust per cubic meter of air."

On page 50, between lines 11 and 12, insert:

"(c) Beginning six months after the operative date of this title, and at intervals of at least every six months thereafter, the operator of each mine shall conduct tests by a qualified person of the noise level at the mine in a manner prescribed by the Secretary and certify the results to the Secretary. If the Secretary determines, based on such tests or any conducted by his authorized representative, that the standards on noise prescribed under the Walsh-Healey Public Contracts Act, as amended, or such improved standard as the Secretary may prescribe, are exceeded, such operator shall immediately undertake to install protective devices or other means of protection to reduce the noise level in the affected area of the mine, except that the operator shall not require the use of any protective device or system which the Secretary or his authorized representative finds will be hazardous or cause a hazard to the miners in such mine.

"(d) If the death of any active miner occurs in any coal mine, or if the death of any active or inactive miner occurs in any other place, the Secretary of Health, Education and Welfare shall provide that an autopsy shall be performed on such miner, with the consent of his surviving widow or, if he has no such widow, then with the consent of his next of kin. The results of such autopsy shall be submitted to the Secretary of Health, Education, and Welfare and, with the consent of such survivor, to the miner's physician or other interested person. Such autopsy shall be paid for by the Secretary of Health, Education, and Welfare."

(To give miners the right to sue in the case of mine accidents where the operator is grossly negligent)

On page 117, after line 17, insert:

"TITLE IV—JUDICIAL REMEDY

"SEC. 501. Any miner in a coal mine subject to this Act who shall suffer personal injury in the course of his employment as a result of the gross negligence of the operator, may, at his election, maintain an action for damages at law, with the right of trial by jury, against the operator of the coal mine, and in such action all statutes of the United States modifying or extending the common-law right or remedy in cases of personal injury to railway employees shall apply; and, in case of death of any coal miner as a result of any such personal injury, the personal representative of such coal miner may maintain an action for damages at law, with the right of trial by jury, against the operator of the coal mine, and in such action all statutes of the United States conferring or regulating the right of action for death in the case of railway employees shall be applicable. Jurisdiction in such actions shall be under the court of the district in which the operator resides or in which his principal office is located. This section shall not preempt any existing State statutes or other provisions of this Act which provides for compensation for coal miners. Any recovery obtained under this section shall be reduced by any amounts received under such compensation statutes."

REFORM OF THE DRAFT

The SPEAKER pro tempore. Under a previous order of the House, the gentlemen from Indiana (Mr. HAMILTON) is recognized for 10 minutes.

Mr. HAMILTON. Mr. Speaker, the Nation's Selective Service System operates unfairly, unevenly, and uncertainly, and it needs major reform. I am pleased that the Congress is now moving to correct some of the major deficiencies. In the remarks that follow, I explain in more detail my own views about the draft.

The Nation should adopt a system which would: First, induct eligible men on the basis of a order of call which has been randomly determined; second, reduce the period a young man is exposed to induction from 7 years to 12 months; third, treat registrants equally without discrimination against the poor and uneducated; fourth, induct younger men before older ones; fifth, make the administration of draft laws more uniform; sixth, enroll men now rejected for service because of lesser mental and physical abilities in programs leading to their eventual enlistment.

The basic problem of the draft was phrased by the National Advisory Commission on Selective Service in 1967 by the question: Who serves when not all serve?

President Johnson noted at the time of the publication of the report that—

> Complete equity can never be achieved when only some must be selected and only some must serve.

Although the problem of the draft has been brought into sharp focus by the war in Vietnam, it is an enduring problem. It is a major cause of the restiveness and dissension so frequently found among our young people. It is incumbent upon the Congress to find a method to procure the manpower necessary to assure the Nation's defense under any circumstances, and, at the same time, to find a system which functions fairly and uniformly, with due regard for individual rights, and with minimum interference in lives into which it intrudes.

In a free society few laws are more difficult to write than a law based on compulsion. Many interests have to be balanced, and the impact of compulsion softened where possible. The law must strive for fairness to all citizens, meet military manpower requirements, minimize uncertainty and interference with individual lives, harmonize with social and economic goals, and conform to budgetary and administrative considerations. It is a formidable challenge to deal in a fair and democratic manner with classification and selection of registrants, qualification for military service, grounds for deferment and exemption, procedure of appeal and protection of individual rights, and the organization of a nationwide system.

I. THE DRAFT IS NECESSARY

A draft system to provide the Nation with adequate manpower in changing circumstances is necessary. But increased efforts must seek to make the armed services more attractive and to provide opportunities for more men and women to serve in the Armed Forces, thus reducing the number of men who must be involuntarily called.

A. VOLUNTEER SYSTEM

The military services have placed great emphasis upon volunteers; they have contributed two-thirds of the military force since 1950. The Defense Department estimates that about four out of 10 volunteers in the years prior to Vietnam were motivated by the existence of the draft. But the basic emphasis upon volunteer service is clear.

The idea that volunteer service could eliminate the need for the draft altogether is attractive. But the draft has been necessary because the Nation has not been able to get enough volunteers to meet military manpower needs since 1940.

Further study of the volunteer system should continue and be supported by Congress, with the intention of adequately investigating all potential alternatives to the present system.

Before the all volunteer system can be accepted three main objections must be met: First, capacity to meet fluctuating manpower levels; second, cost; and third, social consequences.

1. ACHIEVEMENT OF MANPOWER LEVELS

World conditions change and the requirements of the military for manpower change with them. An exclusively voluntary system could not meet the changing demands.

The Civilian Advisory Panel on Military Manpower Recruitment—headed by Gen. Mark Clark—concluded in its 1967 study that the volunteer system would "risk jeopardizing the security of America by depending on an uncertain method of military manpower procurement, while abandoning the invaluable flexibility inherent in current systems."

The Defense Department, also in a 1967 study, supported these sentiments, citing these qualitative considerations: better educated entrants would be apt to opt for civilian employment, medical personnel could not likely be induced to enlist, Reserve forces would be both smaller and older than they are now, and total enlistment figures would decrease—based on the fact that 70 percent of enlistment were then, and are still, draft motivated.

Substantiating evidence for the last point comes from a study of Australia's volunteer army system—the draft was abolished there in 1960. In that country in the early sixties, 1.9 percent of the male population, age 19 to 45, was in the military, compared with 6 percent in the United States. The entry pay in Australia for privates was $163, roughly twice that of the U.S. recruit in absolute dollars. Yet, Australia found it difficult to maintain a force of 52,000 men—the equivalent of 850,000 men in the U.S. military. It had to reinstitute a draft system in 1964, when a decision was made to increase their military strength by 25 percent. Recruitment of officers under the volunteer system was particularly difficult.

An all-volunteer system just does not appear capable of meeting the widely fluctuating needs for manpower dictated by international events.

2. COST

An exclusively volunteer system would be very expensive, although the Defense Department does not give any solid estimate of the cost.

The cost figures vary quite widely when the volunteer army is discussed. The Defense Department, in 1966, estimated a range of $4 to $17 billion for a manpower level of 2.65 million. The cost of maintaining a volunteer force at 3.3 million, the current level in December 1966, was not estimated because "maintenance of such a force under current wartime conditions was considered totally unfeasible."

Dr. Walter Oi—Department of Economics, University of Washington; ex-Defense analyst—made cost estimates that were considerably lower than the Defense Department's: $4 billion in peacetime, 2.7 million men; $8 billion in wartime, 3.1 to 3.2 million men. Dr. Oi said, however, that—

> If you're talking about raising forces from 3 to 4.5 million men, then I say we're in an all-out war, and to talk about a voluntary system here is academic.

In reaching his estimates, Dr. Oi assumed that: First, each man has his price for entering the military; and second, the military is like any other occupation. These assumptions are subject to serious question.

The Defense Department has summed up the arguments on costs by concluding in its 1967 study that the costs of attempting to attain an all-volunteer force would be very high and that the yields would be varying and uncertain. There is, it was found, no "scientific method of predicting the precise relationship between increased pay and increased recruitment in a dynamic society." I would support increased material and psychic rewards for military service, but I am not persuaded that they can be sufficiently increased at an acceptable cost.

3. SOCIOPOLITICAL RAMIFICATIONS

Some persons see unfavorable social consequences in an all volunteer force. Margaret Mead, noted sociologist, says that—

> The substitution of volunteers for a limited period, even if it were to provide a sufficient number of men, has the disadvantage of drawing on men with specific types of character and temperament. . . If the armed services—through some sort of nationwide draft—are continually faced with the task of absorbing recruits to whom the military way of life is basically uncongenial, or even repellent, there is a useful check on the development of a highly differentiated counter-civilian ethos. A professional army, with life-long career commitment, is even more cut-off from civilian style as those with inappropriate character can be cut-off all through the recruitment and training and advancement process.

The arguments she raises demonstrate why the problems inherent in the establishment of such a system should be assiduously examined.

I do not contend that an all volunteer system will never be feasible in the United States, but I am persuaded that it would not permit sufficient flexibility in crisis. The Nation must have the machinery to produce great numbers of men quickly, and so I conclude that a draft is necessary. The concept of an all-volunteer force should continue to be studied, but it remains extremely difficult—though perhaps not impossible—to maintain an all-volunteer professional force of the size required.

B. UNIVERSAL MILITARY TRAINING

Under this system all young men would be required to enroll at age 18 for a period of service of 4 months to a year. Proponents of this system—referred to as UMT—argue that it would strengthen the Nation, inculcating a sense of discipline, civic consciousness, and patriotism. They see it as a solution to the service problem of training, educating many Americans who fail to qualify for the service. It must be rejected, however, on three grounds: First, UMT is geared to the age of mass armies, not supersonic planes and nuclear weapons, and, there is no military requirement for it. Second, the training cost and turnover rate would be tremendous—men would be discharged just when they began to be efficient as soldiers. Third, the additional cost in monetary and budgetary terms would be enormous and far beyond that of a volunteer system.

In sum, UMT would simply provide quantity, not quality, and the general public would not tolerate having all men under arms without the necessity of war.

C. NATIONAL SERVICE

The alternative of national service would mean compulsory service for all young men, and young women, in which everyone affected would serve the Government in either a military or a civilian status. This degree of compulsion and regimentation on a national scale has unfortunate totalitarian implications, and would endanger the democratic foundation of our society. Its implementation would provide many more youths than any present governmental program could effectively utilize. Moreover, no fair way has yet been devised to equate the sacrifices of military service with civilian service.

II. THE EXISTING SYSTEM

The present draft law expires June 30, 1971. Under it, every young man reaching 18 years of age registers with his local board. The board classifies him. At the age of 19, every qualified youth is placed in a pool of maximum eligibility, where he remains until his 26th birthday. Local draft boards—over 4,000 of them—select men from the pool for induction on an oldest-first basis.

If a young man is deferred for occupational reasons, or as a student, he is placed back into the maximum eligibility pool when the deferment ends. If he is already 26, he is placed in a power priority pool reserved for use if the maximum eligibility is exhausted. His eligibility in the power priority pool runs until his 35th birthday.

The deficiencies in this system are numerous and frequently condemned, including these:

A. REGISTRANT/LOCAL BOARD RELATIONS

The National Advisory Commission on Selective Service, headed by Burke Marshall—former Assistant Attorney General—recognized the fact that the "neighborly" concept of the local board exists more in theory than in fact. Local boards, except in rural areas, do not know the background of the registrant, and the registrant does not know who the members of his local board are.

Many local boards are overburdened with work, most of it of a routine nature, and have little time for the personalized service that is so essential for equitable and "neighborly" operation. They are, instead, caught up in a sterile numbers game, dispensing decisions that are predominately automatic in nature, that is, student deferment expirations, et cetra.

B. LACK OF ADMINISTRATIVE STANDARDS

The National Advisory Commission also noted that there was a "critical need for policy uniformity through the application of clear regulations consistently applied." As it now operates, the system reveals a distinct lack of standardization in the guidance local boards receive.

The result has been that each local board follows its own inclinations without adequate supervision and direction from above. This causes great consternation and unhappiness with the draft system.

Under the operations of the present system there is a great difference in a young man's chance of entering military service, depending on social and economic considerations. Men with less than an eighth grade education and Negro high school dropouts are not apt to enter because more of them fail the examination. Graduate students are less likely to enter because they get student deferments until they are 26, become fathers, or get occupational deferments.

The local boards apply a variety of standards with the result that two boys, living in adjoining counties and in similar circumstances, will be treated differently. Student deferments have caused much confusion, and local boards operating under ambigious guidelines, have adopted different policies. Some boards reclassify, others never do.

This variance of administrative standards has led to the type of situation in which efficiency is minimized and uniformity generally absent. More registrants in New York City hold agricultural deferments than do in the whole State of Nebraska, a state of affairs that shows the urgent need for administrative reform.

C. ORDER OF INDUCTION

By drafting the oldest first, as required under the present system, the youngest are never certain about their draft status. A 7-year period of vulnerability, from age 19 through 25, results, and it is most disruptive and disconcerting, impeding as it does long-range planning by the young men involved.

The order of induction from oldest to youngest has disadvantages for others as well: for employers, it means the loss of trained personnel, settled in their jobs; for the Selective Service System, it means a proliferation of deferment applications and appeals; for the Armed Forces, it means older recruits, less adaptable to the rigors and regimentation of military training.

D. INEQUITY

The most unfair, uneven, and unpredictable aspect of the present system arises from the fact that not every eligible man must be called upon to serve. It is intensified when the number of men needed is relatively small in relation to the numbers available.

Consider these estimates: in 1948, less than 1.2 million male Americans were 18 years old. Today that number has increased about 60 percent to almost 1.9 million, and will exceed 2 million in the 1970's. Because of this population increase, many more men are available for military duty than are required. A decade ago, about 70 percent of the group eligible for duty had to serve the Armed Forces to meet our military needs. Today, the need is for less than 50 percent and only about a third or less of this number must be involuntarily inducted—even under conditions of war.

The danger of inequities arising in these circumstances is great. Only a random selection system whereby each man—rich or poor, graduate student or high school dropout—has an equal chance of being selected first, second, or not at all will alleviate the risk of inequity.

These deficiencies of the present system have a real impact upon the Nation's youth. Senator RIBICOFF has noted that—

> One of the great tragedies of the Vietnam conflict is that it has alienated the young of America. * * * Their attitude toward the draft is one of alienation from their nation.

The degree of their alienation is manifested in statistics like these: First, as of May 1969, 5,000-plus young men had fled to Canada, Sweden, or other locales from which they could not be extradited. Second, cases of draft law violations numbered 239 in 1960, 1,192 in 1968, and an estimated 3,000 in 1969. Third, there were 615 draft law violators in prison in May 1969, but this number is expected to soar soon, what with all the cases now in the courts. Fourth, finally, in 1961, 14,000 registrants were carried on the books as delinquent—those who failed to conform in some manner with the present draft laws—the number is now approximately 23,000.

These figures are not apt to diminish as long as the present system exists. There is no love lost between draft board registrant and draft law administrator when the latter—General Hershey—insists that "in determining what would best serve the national interest, the registrant's wishes are not relevant."

These are only the more obvious deficiencies in the system as it exists today; others will be discussed in the process of outlining the type of random selection system which should be established.

III. SUPPORT FOR REFORM

Reform is desired by a vast majority of the population, as recent opinion polls amply demonstrate, indicating that only 32 percent of the population favor continuation of the draft in its present form, while 65 percent advocate a change, either to a lottery or to a volunteer system. These results show that American citizens want a change. It is time for Congress to act constructively and progressively.

The need for change has been rightly recognized by both Presidents Johnson and Nixon. President Johnson correctly noted more than 2 years ago that—

> There is no perfect solution. For the unavoidable truth is that complete equity can never be achieved when only some must be selected and only some must serve. I have concluded that the only method which approaches complete fairness is to establish a(n) . . . impartial random system of selection which will determine the order of call for all eligible men.

Two years later, President Nixon submitted draft legislation to the Congress which would reduce the period of prime vulnerability for young Americans from 7 years to 12 months, and which provide for a switch from an oldest-first to a youngest-first order of induction through a random selection system. He reiterated his appeal for draft reform in a message to Congress on October 13, 1969, and gave it first priority on his list of desired reforms.

Demand for reform has also come from

the findings of two studies initiated by President Johnson: the National Advisory Commission on Selective Service—the Marshall Commission, and the Civilian Advisory Panel on Military Manpower Procurement—the Clark panel. The former recommended a lottery; the latter favored the present method of induction, but advocated a change to the induction of the youngest first. President Nixon has instituted a third study—an Advisory Commission on a All-Volunteer Armed Force.

I also note the strong desire for reform among my own constituents. Some of them have expressed their wishes and complaints:

> I would urge you to vote in favor of the lottery system over the present out-dated system.
>
> I believe the draft lottery would be more fair to all concerned.
>
> I favor the lottery system * * *. I believe that what is fair for one man is fair for all men.
>
> This period of waiting to be drafted is far too long.

IV. THE PROPOSAL

The draft needs a basic law providing for tighter administration and with assurances of equal treatment for those in like circumstances. The law should include the following provisions:

First. The youngest men, beginning at age 19, should be taken first.

Second. Eligible men should be inducted by the order of call based on a random selection method. For 1 year the men in the pool would be exposed to maximum vulnerability to the draft. Induction would be in the sequence determined by the random process.

Third. Student and occupational deferments should be provided at the President's direction, but student deferments should end automatically in periods of national emergencies.

The bill I introduce includes other provisions to correct existing deficiencies of the present system.

Some of its provisions are:

A. RANDOM SELECTION

The random selection system which works as follows: A young man would register with the Selective Service System immediately upon his 18th birthday, according to rules and regulations prescribed by the President. As soon as practical after registration, each registrant would be examined physically and mentally in order to determine his suitability for induction for training and service in the Armed Forces. As soon as practical after this examination, the Selective Service System would classify him. After classification, the registrant would not be immediately available for induction until he has reached the age of 19.

At age 19, the registrant would enter the prime age group for a period of time not to exceed 12 months. His name would be placed in a pool of equally eligible registrants. The President could determine whether he wanted these pools created on a monthly basis, a semiannual basis, an annual basis, or any other period of time.

For example, if on a monthly basis: The order of actual induction from among this prime selection group would be determined by random selection. The Director of Selective Service would publish each month a list of numbers corresponding to the days in that month. These numbers would be arranged in a random sequence determined by a computer or some other means. The numbers for January, in this example, might read 11, 22, 7, 18, and so on until all the numbers from 1 to 31 are listed. The President would be given the discretion to determine whether the monthly prime selection group should be a national, regional, area, or some other group.

For the sake of illustration, let us consider regional pools.

If a regional office under this proposal had a quota of 1,000 men for January it might have 7,000 men eligible for induction. To choose the 1,000 it would refer to the list published by the Selective Service Director for January. Under this example, the first number was 11, the second 22, the third 7, and so forth. Those with birthdays on those dates would be chosen until the quota of 1,000 men had been reached. Those 1,000 men would then be inducted. The remaining 6,000 men would not be called, but would, of course, continue to remain liable in the event of a national emergency. But since they would not be called until the pool of men in the following month had been exhausted, those not selected could be reasonably certain of their status and make plans accordingly.

Under the example illustrated above, the effective eligibility of a registrant would be for 1 year, not the 7 years that it now is. As the registrant grows older, he becomes less likely to be drafted, and is better able to plan his future without interruption.

The actual workings of a yearly lottery would be similar to that described earlier for the monthly lottery. A whole calendar year would be scrambled at once and the people born within that year would be ranked accordingly.

B. ORGANIZATION OF THE SELECTIVE SERVICE SYSTEM

Area offices in each State would be the registration and classification centers. A civil service staff, applying regulations established by the National Selective Service headquarters, would classify each registrant within the jurisdiction of each area office in a uniform and impartial manner. Automatic data processing equipment for handling the vast amounts of information involved would facilitate the operation of the system nationally.

Since fairness can be achieved only when there are ways in which an individual's relationship with a system can be personalized, a major virtue of the proposed organization is that it would provide facilities and avenues for such personalization. Registrants confused or intimidated by the selective service process could visit their area offices for a more individual treatment of their registration and classification.

Since 90 percent of the classifications now made by a local board are automatic, these classifications can be dealt with far more economically and efficiently in centralized area offices. Problems requiring large amounts of discretion, such as hardship deferments and conscientious objector classification, would also be made at the area level. However, any registrant who is unhappy about his individual treatment could take his problem to an appeal board.

If the local boards become appeal boards, as I suggest, the time and efforts of local board members will be much more prudently utilized, because it is in acting on appeals that their personal knowledge of registrants can be best devoted to the welfare of the individual. If the local board denies the registrant's request for reclassification, he would be able to appeal to the regional appeal board, which would be the second stage of the appeal process. They would be guided by the same criteria used in the area offices. If the registrant is still dissatisfied, he could appeal to the National Appeal Board, as he is now able to do.

Two other changes should be made in the organization of the present system: First, the term of the office of the National Director of Selective Service should be limited to 6 years, and the holder—or nominee—should come under the periodic scrutiny of the Congress; second, the maximum age of local board members should be reduced from 75 to 65, thereby insuring that they are more representative of the communities they serve.

C. STUDENT DEFERMENTS

The issue of student deferments is a very sensitive one. Deferments should not become exemptions, as often happens under the present system. A strong argument can be made that no student deferments should be given. There is no evidence that abolishment of student deferments would deter young men from going to college and interrupt the output of college trained men in the country. Nonetheless, education is essential to the improvement of our society, and we cannot risk such a possibility. Their elimination would have a harmful impact on the educational process of the country, and would unduly complicate the officer procurement problem—80 percent of each year's crop of new officers come from colleges. I, therefore, favor their continuance, but not under the present administrative arrangement.

It should be noted that the criticism of student deferments relates more to the abuses of the principle of deferment than to the principle itself. The proposal in the bill I introduce does not permit a deferment to be converted into a permanent exemption and does not permit the student to defer himself into a period of tranquillity, thus avoiding a shooting war.

Under the proposed plan the President is authorized to "provide for the deferment from training and service in the Armed Forces of persons requesting such deferment who are satisfactorily pursuing a course of instruction at a bona fide college, junior college, community college, university, or similar institution of learning, or at a vocational school, or who are enrolled in and satisfactorily pursuing an apprentice program or similar occupational program." The above definition of a "student" is one that is expanded from the present interpretation.

Student deferments would continue until registrants reach their 25th birthday or complete their undergraduate study. Furthermore, when casualties in an armed conflict reach 10 percent of the number of persons inducted during a 3-month period, all student deferments would end automatically. The bill allows students to postpone their vulnerability to the draft for a period of 2 to 3 years. In no way would they be able to avoid a shooting war under the 10-percent clause, and no other kind of deferment would be available to a student after he completed his course of study that would not have been available when he was 18 or 19 years old. Thus, the requirements of equity and fairness are met, while at the same time allowing for the value placed by our society on education and acquiring vocational skills.

D. OCCUPATIONAL DEFERMENTS

The Military Selective Service Act of 1967 authorizes the President to provide for the deferment from training and service in the Armed Forces of any or all categories of persons whose employment is found to be necessary to the maintenance of the national health, safety, or interest. This is a vital provision which should be included in any subsequent draft legislation.

Under present conditions, the administration of occupational deferments is quite haphazard—witness the number of agricultural deferments in New York City. Their administration should be more tightly regulated, so as to allow only those with a clearly demonstrated need the privilege of receiving such a deferment, and should adhere to uniform national criteria.

My bill continues in substance if not in fact the intent of previous legislation on this issue. It states that—

> Nothing herein shall be construed to prohibit the President, under such rules and regulations as he may prescribe, from establishing a separate and distinct selection system for persons found by him to have special skills essential to the national defense.

E. RIGHT TO COUNSEL

It is a confused, frightening, and generally disturbing experience for a young man when he appears before his draft board. Many times, because of ignorance of the draft laws and/or stage fright, the registrant does not adequately present his case, with consequences that are undesirable. To alleviate this situation, it is necessary that the registrant have the right to be represented by counsel to insure that the registrant has full understanding of the proceedings and that fair and equitable treatment occurs. The registrant should also have the right to appear in person before regional and area offices, as well as before local appeal boards. My bill would provide for the establishment of all the procedures just mentioned.

F. TREATMENT OF ALIENS

It is patently unfair that an alien, in temporary residence, be drafted into our Armed Forces without having the right of free choice between permanent citizenship—with its inherent duty to serve, if chosen—and eventual repatriation at the time his visa expires. Those who do not wish to become U.S. citizens should not be obligated to assume responsibilities identical to those who do.

The bill I introduce would continue to provide for the selection of aliens who remain in the United States for over 1 year and who do not otherwise qualify for deferment or exemption. It allows an alien who is ordered for induction, however, to change his status to that of "nonimmigrant," thus becoming exempt from military service and at the same time becoming permanent ineligible to become a U.S. citizen.

G. PHYSICAL AND MENTAL STANDARDS

Another improvement in the present system which must be made is the elimination of the situation whereby a person who wants to enlist can be rejected on physical and/or mental grounds, but can be later inducted under the draft. The bill would insure that a person who volunteers for military service and who is rejected on mental or physical grounds cannot later be inducted into the Armed Forces unless there is some subsequent mental or physical change that would make him eligible for enlistment.

H. CONSCIENTIOUS OBJECTORS

The present draft law states that—

> Nothing contained in this title shall be construed to require any person to be subject to combatant training and service in the Armed Forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form.

This language is too restrictive, and should be expanded to include that of the Supreme Court's in United States against Seeger. The decision in that case was that religious training and belief "does include a sincere and meaningful belief, which occupies a place in the life of its possessor parallel to that filled by an orthodox belief in God." The effect of this inclusion would be to eliminate confusion among local draft boards, and to make the guidelines for conscientious objection classifications clearer and more readily available to registrants.

The National Council of Churches says:

> Conscience is not a monopoly of Christians or of the religious traditions. Neither is there one kind of conscience that is "religious" or another that is "non-religious," but only the *human* conscience, which Christians see as God's gift, whether or not every individual so understands it.

The freedom of choice to participate or not to participate in war is a highly personal and moral one; and broad latitude to make this choice should be included in the law.

Another necessary addition to the present law concerning conscientious objectors is a requirement for a hearing by the Department of Justice when a local board decision denying conscientious objector status to a registrant is appealed. This would provide the appeal board with impartial information concerning a claimant's sincerity and "religious training and belief," information which the normally busy appeal board would not have the time to acquire. The reinstitution of Justice Department review of these cases will make it easier for registrants who do qualify for conscientious objector classification to obtain it, while making it much harder for draft evaders to escape service through the route of conscientious objection.

I. OTHER PROVISIONS

In addition to the basic provisions described above, the bill I introduce provides for the institution of four basic and necessary studies that might lead to future beneficial alterations in draft legislation.

A. VOLUNTEER ARMY

This alternative has been discussed earlier and conditionally rejected, at least for the present. Problems with cost, ability to provide desired manpower levels, and sociopolitical ramifications are yet to be solved. Its potential for future application, however, needs to be further studied.

B. MILITARY YOUTH OPPORTUNITY SCHOOLS

Many of the men presently declared unfit for service in the Armed Forces could, with a minimum of expense, be so trained as to meet both the mental and physical requirements for military service. Such men could be trained, on a voluntary basis, in military youth opportunity schools.

The advantages of such a program are many:

First. Many men who desire to join the Armed Forces would be given an opportunity to serve that would not otherwise be theirs.

Second. Many unemployed and perhaps unemployable men would be given the opportunity to learn skills, such as reading and vocational skills, which could be used later in civilian life.

Third. Many men would not have to be drafted involuntarily, because their place would be taken by others who have much to gain, rather than lose, from military service.

C. NATIONAL SERVICE CORPS

The intent of this study would be to determine the feasibility and desirability of considering some National Service Corps programs—potential ones would be the Peace Corps and VISTA—as alternatives to fulfilling one's obligation of service to the country. A person should have the right to determine the form his service shall take; freedom of choice should not be eliminated in the course of accepting the responsibilities of national service.

At present I do not see a fair way to equate nonmilitary with military service, and do not believe they can be considered an alternative to the draft. I see no objection and possible gain, however, in further exploration of the concept.

D. AMNESTY STUDY

A study should be conducted as to the appropriateness of granting amnesty in the near future to those registrants presently outside the United States who are liable to prosecution under selective service law, and who return to this country within 5 years of expatriation. They would return knowing that they would be free of criminal persecution, but also knowing that they would have to accept their responsibilities under selective service law and be exposed to the draft in the prime age group just like other registrants.

It might be an act of great future benefit to the country if amnesty were granted if it resulted in even a partial diminishment of the present war-inspired divisions in the population. As

George Washington said in his proclamation of amnesty on July 10, 1795:

> It appears to me no less consistent with the public good than it is with my personal feelings to mingle in the operations of Government every degree of moderation and tenderness which the national justice, dignity, and safety may permit.

CONCLUSION

The provisions of my bill discussed above describe specific alterations in the present draft system which I think are both necessary and desirable. They are oriented toward the immediate future, and should be instituted as quickly as possible in order to correct the faults that are so rampant in the selective service law. I have supported these provisions not merely because I agree with the precise recommendations they incorporate, however. I support them as well because of the type of alterations they suggest and because the intent of the bill is to make changes that I find identical to those I would recommend. Thus, regardless of the success of this bill in becoming law, I will continue to advocate that the Selective Service system evolve toward the type of structure just outlined.

General Hershey urged in May 1969, that the Congress act "promptly and favorably" on legislation to reverse the present order of induction and to establish a random selection system. Indication of his support should signal the fact that the present system is not apt to be long lived. The time to change to a random selection system has come. Margaret Mead noted, in the same speech cited earlier, that—

> A nationwide draft helps to underline a sense of national commitment and the urgency of total national involvement in the maintenance of an orderly world.

Action is needed now to make this "nationwide draft" an equitable, fair, and predictable one.

My bill, as introduced, follows:

H.R. 14466

A bill to amend the Military Service Act of 1967 to provide for a fair and random system of selecting persons for induction into military service, to provide for the uniform application of Selective Service policies, to raise the incidence of volunteers in military service, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Selective Service Act of 1969."

TITLE I—PURPOSE AND DEFINITIONS

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Sec. 326. Aliens

TITLE IV—MISCELLANEOUS

Sec. 401. Military Youth Opportunity Schools
Sec. 402. Volunteer Army Study
Sec. 403. National Service Corps Study
Sec. 404. Amnesty Study

SHORT TITLE

SEC. 101. This Act may be cited as the "Selective Service Act."

FINDINGS AND DECLARATION OF PURPOSE

SEC. 102. (a) The Congress finds that the maintenance of an adequate armed force is essential to the security of the United States.

(b) The Congress further finds that so long as all eligible persons are not required to serve in the Armed Forces, those who are required to serve should be selected under a system which is fair, just, and adequate to meet the needs of the national defense and at the same time consistent with the enhancement of an effective national economy.

(c) The Congress further finds that the military manpower needs of the Nation should be met to as high a degree as practicable by reliance upon voluntary accessions to military duty.

(d) The Congress further finds that civilian personnel shall be used wherever practical in noncombat positions within the military establishment, and that women should be encouraged to serve both in the Armed Forces and in civilian positions in support of such forces.

(e) It is, therefore, the purpose of this Act to establish procedures for the fair and equitable selection of qualified young men to meet the continuing military manpower needs of the Nation.

DEFINITIONS

SEC. 103. When used in this title—

(a) The term "between the ages of eighteen and twenty-six" shall refer to men who have attained the eighteenth anniversary of the day of their birth and who have not attained the twenty-sixth anniversary of the day of their birth; and other terms designating different age groups shall be construed in a similar manner.

(b) The term "United States", when used in a geographical sense, means the several States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

(c) The term "Armed Forces" includes the Army, the Navy, the Marine Corps, the Air Force, and the Coast Guard.

(d) The term "district court of the United States" includes the courts of the United States for the territories and possessions of the United States.

(e) The term "Director" means the Director of the Selective Service System.

(f) (1) The term "duly ordained minister of religion" means a person who has been ordained, in accordance with the ceremonial ritual, or discipline of a church, religious sect, or organization established on the basis of a community of faith and belief, doctrines and practices of a religious character, to preach and to teach the doctrines of such church, sect, or organization and to administer the rites and ceremonies thereof in public worship, and who as his regular and customary vocation preaches and teaches the principles of religion and administers the ordinances of public worship as embodied in the creed or principles of such church, sect, or organization.

(2) The term "regular minister of religion" means one who as his customary vocation preaches and teaches the principles of religion of a church, a religious sect, or organization of which he is a member, without having been formally ordained as a minister of religion, and who is recognized by such church, sect, or organization as a regular minister.

(3) The term "regular or duly ordained minister of religion" does not include a person who irregularly or incidentally preaches and teaches the principles of religion of a church, religious sect, or organization and does not include any person who may have been duly ordained a minister in accordance with the ceremonial, rite, or discipline of a church, religious sect, or organization, but who does not regularly, as a vocation, teach and preach the principles of religion and administer the ordinances of public worship, as embodied in the creed of principles of his church, sect, or organization.

(g) The term "organized unit," when used with respect to a reserve component, means a unit in which the members thereof are required satisfactorily to participate in scheduled drills and training periods as prescribed by the Secretary of Defense.

(h) The term "reserve component of the Armed Forces" includes, unless the context otherwise requires, the federally recognized National Guard of the United States, the federally recognized Air National Guard of the United States, the Officers' Reserve Corps, the Regular Army Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, and the Coast Guard Reserve, and shall include, in addition to the foregoing, the Public Health Service Reserve when serving with the Armed Forces.

SAVING PROVISION

SEC. 104. Nothing in this title shall be deemed to amend any provision of the National Security Act of 1947 (61 Stat. 495).

EFFECTIVE DATE

SEC. 105. This title shall become effective immediately; except that unless the President, or the Congress by concurrent resolution, declares a national emergency after the date of enactment of this Act, no person shall be inducted or ordered into active service without his consent under this title within ninety days after the date of its enactment.

TITLE II—SELECTIVE SERVICE SYSTEM

Organization

SEC. 201. (a) (1) There is hereby established in the executive branch of the Government an agency to be known as the Selective Service System, and a Director of Selective Service who shall be the head thereof.

(2) The Selective Service System shall be composed of (A) the National Selective Service System Office, to be located in Washington, District of Columbia; (B) eight regional headquarters distributed throughout the United States; and (C) such area offices, ap-

peal boards, and other agencies as are hereafter provided.

(3) The Director shall be appointed by the President for a term of six years, with the advice and consent of the Senate.

(4) The Selective Service System shall, to the maximum extent practicable, utilize automatic data processing equipment in carrying out the provisions of this title.

(5) The functions of the Office of Selective Service Records (established by the Act of March 31, 1947) and of the Director of the Office of Selective Service Records are hereby transferred to the Selective Service System and the Director of Selective Service, respectively. The personnel, property, records, and unexpected balances (available or to be made available) of appropriations, allocations, and other funds of the Office of Selective Service Records are hereby transferred to the Selective Service System. The Office of Selective Service Records shall cease to exist upon the taking of effect of the provisions of this title: *Provided*, That, effective upon the termination of this title and notwithstanding such termination in other respects, (A) the said Office of Selective Service Records is hereby reestablished on the same basis and with the same functions as obtained prior to the effective date of this title, (B) said reestablished Office shall be responsible for liquidating any other outstanding affairs of the Selective Service System, and (C) the personnel, property, records, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of the Selective Service System shall be transferred to such reestablished Office of Selective Service Records.

(b) The President is authorized—

(1) to prescribe the necessary rules and regulations to carry out the provisions of this title;

(2) to appoint a regional director for the Selective Service System for each regional headquarters, who shall be in immediate charge of the regional headquarters; to employ such number of civilians, and upon declaration by the President of a state of national emergency to order to active duty with their consent and to assign to the Selective Service System such officials of the selective service section of the various State headquarters and headquarters detachments and such other officials of the federally recognized National Guard of the United States and other Armed Forces personnel (including personnel of the Reserve components thereof), as may be necessary for the administration of the national and of the several regional headquarters and area offices of the Selective Service System;

(3) to create and establish one or more area offices in each State with an area of jurisdiction to be established by the Director of the Selective Service on a population basis. Each area office shall consist of a civilian area director, assisted by appropriate civilian staff. Each area director shall have the power within the respective jurisdiction of such an area office to hear and determine, in strict conformity with the rules and regulations prescribed by the President, and subject to a right of appeal to the local board and from the local board to the appeal boards herein authorized, all questions or claims with respect to inclusion for, or examination or deferment from training and service under this title, of all individuals within the jurisdiction of such area offices, together with such other duties as may be assigned under this title; and

(4) to create and establish within the Selective Service System civilian local boards as well as such other civilian agencies of appeal, as may be necessary to carry out its functions. Each local board shall function in conjunction with an area office as provided in section 24(b)(3) of this title and shall consist of three or more members. The local board shall, under rules and regulations prescribed by the President, and under appropriate precedents have the power within the jurisdiction of such area office to hear and determine appeals from the decisions of an area director subject to the right of further appeal to the appeal boards herein authorized and all other questions relating to inclusion for, or exemption or deferment from, training and service arising under this title. There shall be not less than one appeal board, together with such additional separate panels thereof as may be prescribed by the President, located within the area of each regional headquarters of the Selective Service System. Appeal boards within the Selective Service System shall be composed of civilians who are citizens of the United States and who are not members of the Armed Forces. The decision of such appeal boards shall be final in cases before them on appeal unless modified or changed by the President.

(c) No citizen shall be denied membership in any component of the Selective Service System established pursuant to this section on account of race, color, creed, or sex. Composition of the membership on local and appeal boards shall represent, as far as practicable, all elements of the public which the board serves. No citizen shall serve on any such component for more than twenty-five years, or after he has attained the age of sixty-five years.

(d) No person who is a civilian officer, member, agent, or employee of the Office of Selective Service Records, or the Selective Service System, or of any local board or appeal board or other agency of such Office or System, shall be excepted from registration or deferred or exempted from training and service, as provided for in this title, by reason of his status as such civilian officer, member, agent, or employee.

(e) The President is authorized—

(1) to appoint pursuant to the provisions of title 5, United States Code, and to classify and pay pursuant to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, such officers, agents, and employees as he may deem necessary to carry out the provisions of this title: *Provided*, That their compensation may be fixed without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title: *Provided further*, That any officer on the active or retired list of the Armed Forces, or any reserve component thereof with his consent, or any officer or employee of any department or agency of the United States who may be assigned or detailed to any office or position to carry out the provisions of this title may serve in and perform the functions of such office or position without loss of or prejudice to his status as such officer in the Armed Forces or reserve component thereof, or as such officer or employee in any department or agency of the United States.

(2) to utilize the services of any or all departments and any and all officers or agents of the United States, and to accept the services of all officers and agents of the several States, territories, and possessions, and subdivisions thereof, and the District of Columbia, and of private welfare organizations, in the execution of this title;

(3) to purchase such printing, binding, and blankbook work from public, commercial, or private printing establishments or binderies upon orders placed by the Public Printer or upon waivers issued in accordance with section 12 of the Printing Act approved January 12, 1895, as amended, and to obtain by purchase, loan, or gift such equipment and supplies for the Selective Service System, as he may deem necessary to carry out the provisions of this title, with or without advertising or formal contract;

(4) to prescribe eligibility, rules, and regulations governing the parole for service in the Armed Forces, or for any other special service established pursuant to this title, or any person convicted of a violation of any of the provisions of this title;

(5) subject to the availability of funds appropriated for such purpose, to procure such space as he may deem necessary to carry out the provisions of this title and Public Law 26, Eightieth Congress, approved March 31, 1947, by lease pursuant to existing statutes, except that the provisions of the Act of June 30, 1932 (47 Stat. 412), as amended by section 15 of the Act of March 3, 1933 (47 Stat. 1517; 40 U.S.C. 278a), shall not apply to any lease entered into under the authority of this title;

(6) subject to the availability of funds appropriated for such purposes, to determine the location of such additional temporary installations as he may deem essential; to utilize and enlarge such existing installations; to construct, install, and equip, and to complete the construction, installation, and equipment of such buildings, structures, utilities, and appurtenances (including the necessary grading and removal, repair or remodeling of existing structures and installations), as may be necessary to carry out the provisions of this title; and, in order to accomplish the purpose of this title, to acquire lands, and rights pertaining thereto, or other interests therein, for temporary use thereof, by donation or lease, and to prosecute construction thereon prior to the approval of the title by the Attorney General as required by section 355, Revised Statutes, as amended;

(7) subject to the availability of funds appropriated for such purposes, to utilize, in order to provide and furnish such services as may be deemed necessary or expedient to accomplish the purposes of this title, such personnel of the Armed Forces and of reserve components thereof with their consent, and such civilian personnel, as may be necessary. For the purposes of this title, the provisions of section 14 of the Federal Employees' Pay Act of 1946 (Public Law 390, Seventy-ninth Congress) with respect to the maximum limitations as to the number of civilian employees shall not be applicable to the Department of the Army, the Department of the Navy, or the Department of the Air Force.

(8) to delegate any authority vested in him under this title, and to provide for the subdelegation of any such authority.

(f) In the administration of this title, gifts of supplies, equipment, and voluntary services may be accepted.

(g) The Chief of Finance, United States Army, is authorized to act as the fiscal, disbursing, and accounting agent of the Director in carrying out the provisions of this title.

(h) The Director is authorized to make final settlement of individual claims, for amounts not exceeding $50, for travel and other expenses of uncompensated personnel of the Office of Selective Service Records, or the Selective Service System, incurred while in the performance of official duties, without regard to other provisions of law governing the travel of civilian employees of the Federal Government.

(i) The Director of Selective Service shall submit to the Congress semiannually a written report covering the operation of the Selective Service System and such report shall include, by States, information as to the number of persons registered under this Act; the number of persons inducted into the military service under this Act; the number of deferments granted under this Act and the basis for such deferments; and such other specific kinds of information as the Congress may from time to time request.

EMERGENCY MEDICAL CARE

SEC. 202. Under such rules and regulations as may be prescribed by the President, funds available to carry out the provisions of this title shall also be available for the payment of actual and reasonable expenses of emergency medical care, including hospitalization, of registrants who suffer illness or injury, and the transportation, and burial, of the remains of registrants who suffer death, while acting under orders issued under the provisions of this title, but such burial expenses shall not exceed an amount to be determined by the President.

PENALTIES

SEC. 203. (a) Any member of the Selective Service System or any other person charged as herein provided with the duty of carrying out any of the provisions of this title, or the rules or regulations made or directions given thereunder, who shall knowingly fail or neglect to perform such duty, and any person charged with such duty, or having and exercising any authority under said title, rules, regulations, or directions who shall knowingly make, or be a party to the making, of any false, improper, or incorrect registration, classification, physical or mental examination, deferment, induction, enrollment, or muster, and any person who shall knowingly make, or be a party to the making of, any false statement or certificate regarding or bearing upon a classification or in support of any request for a particular classification, for service under the provisions of this title, or rules, regulations, or directions made pursuant thereto, or who otherwise evades or refuses registration or service in the Armed Forces or any of the requirements of this title, or who knowingly counsels, aids, or abets another to refuse or evade registration or service in the Armed Forces or any of the requirements of this title, or of said rules, regulations, or directions, or who in any manner shall knowingly fail or neglect or refuse to perform any duty required of him under or in the execution of this title, or rules, regulations, or directions made pursuant to this title, or any person or persons who shall knowingly hinder or interfere or attempt to do so in any way, by force or violence or otherwise, with the administration of this title or the rules or regulations made pursuant thereto, or who conspires to commit any one or more of such offenses, shall, upon conviction in any district court of the United States of competent jurisdiction, be punished by imprisonment for not more than five years or a fine of not more than $10,000, or by both such fine and imprisonment, or if subject to military or naval law may be tried by court martial, and, on conviction, shall suffer such punishment as a court martial may direct. No person shall be tried by court martial in any case arising under this title unless such person has been actually inducted for the training and service prescribed under this title or unless he is subject to trial by court marshal under laws in force prior to the enactment of this title. Precedence shall be given by courts to the trial of cases arising under this title, and such cases shall, upon request of the Attorney General, be advanced on the docket for hearing at the earliest practicable date.

(b) Any person (1) who knowingly transfers or delivers to another, for the purpose of aiding or abetting the making of any false identification or representation, any registration certificate, alien's certificate of nonresidence, or any other certificate issued pursuant to or prescribed by the provisions of this title, or rules or regulations promulgated hereunder; or (2) who, with intent that it be used for any purpose of false identification or representation, has in his possession any such certificate not duly issued to him; or (3) who forges, alters, knowingly destroys, knowingly mutilates, or in any manner changes any such certificate or any notation duly and validly inscribed thereon; or (4) who, with intent that it be used for any purpose of false identification or representation, photographs, prints, or in in any manner makes or executes any engraving, photograph, print, or impression in the likeness of any such certificate, or any colorable imitation thereof; or (5) who has in his possession any certificate purporting to be a certificate issued pursuant to this title, or rules and regulations promulgated hereunder, which he knows to be falsely made, reproduced, forged, counterfeited, or altered; or (6) who knowingly violates or evades any of the provisions of this title or rules and regulations promulgated pursuant thereto relating to the issuance, transfer, or possession of such certificate, shall, upon conviction, be fined not to exceed $10,000 or be imprisoned for not more than five years, or both. Whenever on trial for a violation of this subsection the defendant is shown to have or to have had possession of any certificate not duly issued to him, such possession shall be deemed sufficient evidence to establish an intent to use such certificate for purposes of false identification or representation, unless the defendant explains such possession to the satisfaction of the jury.

NONAPPLICABILITY OF CERTAIN LAWS

SEC. 204. (a) Nothing in section 203, 205, or 207 of title 18 of the United States Code, or in the second sentence of subsection (a) of section 9 of the Act of August 2, 1939 (53 Stat. 1148), entitled "An Act to prevent pernicious political activities", as amended shall be deemed to apply to any person because of his appointment under authority of this title or the regulations made pursuant thereto as an uncompensated official of the Selective Service System, or as an individual to conduct hearings on appeals of persons claiming exemption from combatant or noncombatant training because of conscientious objections, or as a member of the National Selective Service Appeals Board.

(b) All functions performed under this title shall be excluded from the operation of the Administrative Procedure Act (60 Stat. 237) except as to the requirements of section 3 of such Act.

(c) In computing the lump-sum payments made to Air Force Reserve officers under the provisions of section 2 of the Act of June 16, 1936, as amended (U.S.C., title 10, sec. 300a), and to Reserve officers of the Navy or to their beneficiaries under section 12 of the Act of August 4, 1942, as amended (U.S.C., title 34, sec. 850k), no credit shall be allowed for any period of active service performed from the effective date of this title to the date on which this title shall cease to be effective. Each such lump-sum payment shall be prorated for a fractional part of a year of active service in the case of any Reserve officer subject to the provisions of either such section, if such Reserve officer performs continuous active service for one or more years (inclusive of such service performed during the period in which this title is effective) and such active service includes a fractional part of a year immediately prior to the effective date of this title, or immediately following the date on which this title shall cease to be effective, or both.

SELECTION

SEC. 205. (a) The selection of persons for training and service shall be made in a fair and impartial manner from the persons who are liable for such training and service and who at the time of selection are registered and classified, but not deferred or exempted.

(b) The order of induction of registrants found qualified for induction shall be determined as follows:

(1) Selection of persons for induction to meet the military manpower needs shall be made from persons in the prime selection group, after the selection of delinquents and volunteers.

(2) The term "prime selection groups" means persons who are liable for training and service under this title, and who at the time of selection are registered and classified and are—

(A) nineteen years of age and not deferred or exempted;

(B) between nineteen and thirty-five years of age and, on or after the effective date of the Selective Service Act of 1969, were in a deferred status but are no longer in such status; or

(C) between twenty or twenty-six years of age on the effective date of the Selective Service Act of 1969 and are not deferred or exempted.

(3) A person shall remain in the prime selection group for a period of twelve months, unless inducted into the Armed Forces during such period. Any person in a deferred status upon reaching the age of nineteen shall, upon the termination of such deferred status, and if qualified, be liable for twelve months for induction as a registrant within the prime selection group irrespective of his actual age, unless he is otherwise deferred. Any person removed from the prime selection group because of a deferment shall again be placed in the prime selection group, if he otherwise qualifies, whenever such deferment is terminated. But no person shall remain in the prime selection group for any period or periods totaling more than twelve months.

(4) On the effective date of the Selective Service Act of 1969, any person who comes within the provisions of clause (B) or (C) of paragraph (3) of this subsection shall be placed in the prime selection group as follows:

(A) A person who has attained the twenty-fourth anniversary of the date of his birth prior to such effective date shall be placed in the prime selection group during the first twelve-month period following such effective date.

(B) A person between twenty-two and twenty-four years of age on such effective date shall be placed in the prime selection group during the second twelve-month period following such effective date.

(C) A person between twenty and twenty-two years of age on such effective date shall be placed in the prime selection group during the third twelve-month period following such effective date.

(5) The order of call for induction from among those persons in the prime selection group shall be determined as follows:

Under such rules and regulations as the President shall prescribe—

(A) the Selective Service System shall from time to time publish, for each month in the year, a list of numbers randomly arranged, corresponding to the number of days in such month;

(B) those persons first called from the prime selection group for the particular month will be those whose day of birth is the same as the first number on the list; those next called will be those whose day of birth is the second number on the list; and this procedure shall be followed until the particular month's quota is met;

(C) the Selective Service System shall also from time to time publish a list of the letters of the alphabet randomly arranged. In the event that the procedure described in clause (B) just above does not serve to distinguish clearly an order of call as between two or more persons, then reference shall be made to the list of letters and the first letter of the last names of such persons to determine such an order of call; and

(D) the determination of order of call may be made upon a national, regional, or local or other basis, as the President shall determine.

(c) Nothing herein shall be construed to prohibit the President, under such rules and regulations as he may prescribe, from establishing a separate and distinct selection system for persons found by him to have special skills essential to the national defense.

(d) There shall be no discrimination against any person on account of race, color, or creed in the selection of persons for training and service under this title or in the interpretation and execution of any provision of this title.

(e) No order for induction shall be issued under this title to any person who has not attained the age of nineteen years unless the President finds that such action is in the national interest.

(f) Notwithstanding any other provision of law, except section 314 of the Immigration and Nationality Act (8 U.S.C. 1425), no person who is qualified in a needed medical, dental, or allied specialist category, and who is liable for induction under section 4 of this title, shall be held to be ineligible for appointment as a commissioned officer of an armed force of the United States on the sole ground that he is not a citizen of the United States or has not made a declaration of intent to become a citizen thereof, and any such person who is not a citizen of the United States and who is appointed as a commissioned officer may, in lieu of the oath prescribed by section 1331 of title 5, United States Code, take such oath of service and obedience as the Secretary of Defense may prescribe.

(g) For the purposes of regulations issued under this Act, a delinquent is a person who is required to be registered under this Act and who fails to perform or who violates any duty, with respect to his own status, required of him under the provisions of this Act and the regulations issued thereunder.

AUTHORITY TO ORDER RESERVE COMPONENTS TO ACTIVE FEDERAL SERVICE

SEC. 206. Until July 1, 1953, and subject to the limitations imposed by section 2 of the Selective Service Act of 1948, as amended, the President shall be authorized to order into the active military or naval service of the United States for a period of not to exceed twenty-four consecutive months, with or without their consent, any or all members and units of any or all Reserve components of the Armed Forces of the United States and retired personnel of the Regular Armed Forces. Unless he is sooner released under regulations prescribed by the Secretary of the military department concerned, any member of the Inactive or Volunteer Reserve who served on active duty for a period of twelve months or more in any branch of the Armed Forces between the period December 7, 1941, and September 2, 1945, inclusive, who is now or may hereafter be ordered to active duty pursuant to this section, shall upon completion of seventeen or more months of active duty since June 25, 1950, if he makes application therefor to the Secretary of the branch of service in which he is serving, be released from active duty and shall not thereafter be ordered to active duty for periods in excess of thirty days without his consent except in time of war or national emergency hereafter declared by the Congress: *Provided,* That the foregoing shall not apply to any member of the Inactive or Volunteer Reserve ordered to active duty whose rating or specialty is found by the Secretary of the military department concerned to be critical and whose release to inactive duty prior to the period for which he was ordered to active duty would impair the efficiency of the military department concerned.

The President may retain the unit organizations and the equipment thereof, exclusive of the individual members thereof, in the active Federal service for a total period of five consecutive years, and upon being relieved by the appropriate Secretary from active Federal service, National Guard, or Air National Guard units, shall, insofar as practicable, be returned to their National Guard or Air National Guard status in their respective States, territories, the District of Columbia, and Puerto Rico, with pertinent records, colors, histories, trophies, and other historical impediments.

TITLE III—THE INDIVIDUAL AND THE SELECTIVE SFRVICE SYSTEM

REGISTRATION

SEC. 301. (a) It shall be the duty of every male citizen of the United States, and of every male alien in the United States in the status of an alien admitted for permanent residence, upon attaining the eighteenth anniversary of his date of birth to register with the Selective Service System in accordance with such rules and regulations as may be prescribed by the President. Any male alien in the United States in the status of an alien admitted for permanent residence who has not heretofore registered with the Selective Service System shall be required to do so within six months after the date of enactment of the Selective Service Act of 1969.

(b) It shall be the duty of every registrant to keep the Selective Service System informed as to his current address and changes in status according to the terms of such rules and regulations as the President may prescribe.

CLASSIFICATION, TRAINING, AND SERVICE

SEC. 302. (a) Except as otherwise provided in this title, every person registered under the provisions of section 3 of this title who is between the ages of eighteen years and six months and twenty-six years shall be liable for training and service in the Armed Forces of the United States.

(b) Each registrant shall be liable immediately for classification and examination, and shall, as soon as practicable following his registration, be examined physically and mentally in order to determine his suitability for induction for training and service in the Armed Forces. Each registrant shall be classified on the basis of such examination to indicate his availability for induction for training and service in the Armed Forces.

(c) Notwithstanding any other provision of law, any registrant who has failed or refused to report for a physical and mental examination in order to determine his suitability for induction for training and service in the Armed Forces, shall continue to remain liable for such examination and induction until relieved of this liability under such condtions as the President shall prescribe.

(d) Any alien admitted for permanent residence shall not be liable for training and service until he has resided in the United States for a total period of one year: *Provided,* That any alien relieved from liability for training and service under an existing treaty shall be permanently ineligible to become a citizen of the United States: *Provided further,* That any alien shall be relieved from liability for training and service under this title if, prior to his inducton, his status is adjusted to that of a nonimmigrant, but any alien who obtains such an adjustment pursuant to section 247(c) of the Immigration and Nationality Act, as amended, shall be permanently ineligible to become a citizen of the United States: *And provided further,* That any alien who has been in the United States as a nonimmigrant and whose status is adjusted to that of a permanent resident, or who is readmitted to the United States as a permanent resident within one year of his departure shall have his liability for training and service extended as if he had been deferred and his liability had been extended under the provisions of this title.

(d) Nothing in this section shall be construed as superseding the provisions of any existing treaties of the United States.

RIGHT TO COUNSEL; RIGHT OF APPEARANCE

SEC. 303. Each registrant shall be afforded the opportunity to appear in person before the area office, regional office, local board, or any other agency of the Selective Service System to present testimony or other evidence regarding his status. Each registrant shall further have the right to be represented before such office, board, or other agency by private counsel. If any registrant is financially unable to provide his own counsel, upon his request such counsel shall be made available without charge, under such rules and regulations as the President may prescribe.

INDUCTION

SEC. 304. (a) The President is authorized to select and induct for training and service in the Armed Forces such number of persons as may be required to provide and maintain the strength of the Armed Forces. This authority shall obtain whether or not a state of war exists, and shall be exercised in the manner provided in this title.

(b) Persons inducted into the Armed Forces for training and service under this title shall be assigned to stations or units of such forces. Persons inducted into the land forces of the United States pursuant to this title shall be deemed to be members of the Army of the United States; persons inducted into the naval forces of the United States pursuant to this title shall be deemed to be members of the United States Navy or the United States Marine Corps or the United States Coast Guard, as appropriate; and persons inducted into the air forces of the United States pursuant to this title shall be deemed to be members of the Air Force of the United States.

(c) Every person inducted into the Armed Forces pursuant to the authority of this section shall, following his induction, be given full and adequate military training for a period of not less than four months, and no such person shall, during this four months period, be assigned for duty at any installation located on land outside the United States, its territories and possessions (including the Canal Zone).

(d) No person in the medical, dental, and allied specialist categories shall be inducted under the provisions of this section if he applies or has applied for an appointment as a Reserve officer in one of the Armed Forces in any of such categories and is or has been rejected for such appointment on the sole ground of a physical disqualification.

(e) No person, without his consent, shall be inducted for training and service in the Armed Forces, except as otherwise provided in this title, after he has attained the twenty-sixth anniversary of the day of his birth.

(f) No person shall be inducted into the Armed Forces for training and service under this title until his acceptability in all respects, including his physical and mental fitness, has been satisfactorily determined under standards prescribed by the Secretary of Defense. The physical and mental standards which a person must meet in order to qualify for induction shall be no lower than those prescribed for persons who voluntarily enlist for service in the Army of the United States.

(g) No person shall be inducted for such training and service until adequate provision shall have been made for such shelter, sanitary facilities, water supplies, heating and lighting arrangements, medical care, and hospital accommodations for such persons as may be determined by the Secretary of Defense (or the Secretary of Transportation with respect to the United States Coast Guard) to be essential to public and personal health.

(h) Notwithstanding any other provision of law, any registrant who has failed or refused to report for induction shall continue to remain liable for induction until relieved of this liability under such conditions as the President shall prescribe.

LENGTH OF SERVICE

SEC. 305 (a) Each person inducted into the Armed Forces under the provisions of this title shall serve on active training and service for a period of twenty-four consecutive months, unless sooner released, transferred, or discharged in accordance with procedures prescribed by the Secretary of Defense (or the Secretary of Transportation with respect to the United States Coast Guard) or as otherwise prescribed by this title. The Secretaries of the Army, Navy, and Air Force, with the approval of the Secretary of Defense (and the Secretary of Transportation with respect to the United States Coast Guard), may provide, by regulations which shall be as nearly uniform as practicable, for the release from training and service in the Armed Forces prior to serving the periods required by this section of individuals who have volunteered for and are accepted into organized units of the Army National Guard, the Air National Guard, and other reserve components of the Armed Forces.

(b) Each person who hereafter and prior to the enactment of the 1951 Amendments to the Universal Military Training and Service Act is inducted, enlisted, or appointed and serves for a period of less than three years in one of the Armed Forces and meets the qualifications for enlistment or appointment in a reserve component of the armed force in which he serves, shall be transferred to a reserve component of such armed force, and until the expiration of a period of five years after such transfer, or until he is discharged from such reserve component, whichever occurs first, shall be deemed to be a member of such reserve component and shall be subject to such additional training and service as may now or hereafter be prescribed by law for such reserve component: *Provided*, That any such person who completes at least twenty-one months of service in the Armed Forces and who thereafter serves satisfactorily (1) on active duty in the Armed Forces under a voluntary extension for a period of at least one year, which extension is hereby authorized, or (2) in an organized unit of any reserve component of any of the Armed Forces for a period of at least thirty-six consecutive months, shall, except in time of war or national emergency declared by the Congress, be relieved from any further liability under this subsection to serve in any reserve component of the Armed Forces of the United States, but nothing in this subsection shall be construed to prevent any such person, while in a reserve component of such forces, from being ordered or called to active duty in such forces.

ENLISTMENT

SEC. 306. (a) Any person between the ages of eighteen years and six months and twenty-six years shall be offered an opportunity to enlist in the Regular Army for a period of service equal to that prescribed in this title: *Provided*, That, notwithstanding the provisions of this or any other Act, any person so enlisting shall not have his enlistment extended without his consent until after a declaration of war or national emergency by the Congress after the date of enactment of the Selective Service Act of 1969.

(b) Any enlisted member of any reserve component of the Armed Forces may, during the effective period of this title, apply for a period of service equal to that prescribed in section 6 of this title, and his application shall be accepted if his services can be effectively utilized and his physical and mental fitness for such service meet the standards prescribed by the head of the department concerned. Active service performed pursuant to this section shall not prejudice the status of any such as a member of a reserve component. Any person who was a member of a reserve component on June 25, 1950, and who thereafter continued to serve satisfactorily in such reserve component, shall, if his application for active duty made pursuant to this paragraph is denied, be deferred from induction under this title until such time as he is ordered to active duty or ceases to serve satisfactorily in such reserve component.

(c) Any person between the ages of eighteen years and six months and twenty-six years shall be afforded an opportunity to volunteer for induction into the Armed Forces of the United States for the training and service prescribed in section 5, but any person who so volunteers shall be inducted for such training and service so long as he is deferred after classification, only as prescribed by the President.

(d) Any person after attaining the age of seventeen shall, with the written consent of his parents or guardian, be afforded an opportunity to volunteer for induction into the Armed Forces of the United States for the training and service prescribed in section 5.

PAY AND ALLOWANCES

SEC. 307. (a) With respect to the persons inducted for training and service under this title, there shall be paid, allowed, and extended the same pay, allowances, pensions, disability and death compensation, and other benefits as are provided by law in the case of other enlisted men of like grades and length of service of that component of the Armed Forces to which they are assigned. Section 3 of the Act of July 25, 1947 (Public Law 239, Eightieth Congress), is hereby amended by deleting therefrom the following: "Act of March 7, 1942 (56 Stat. 143–148, ch. 166), as amended". The Act of March 7, 1942 (56 Stat. 143–148), as amended, as hereby made applicable to persons inducted into the Armed Forces pursuant to this title.

(b) Notwithstanding any other provision of law, any person who is inducted into the Armed Forces under this Act and who before being inducted, was receiving compensation from any person may, while serving under that induction, receive compensation from that person.

DECREASE IN PERIOD OF SERVICE

SEC. 308. (a) Upon a finding by him that such action is justified by the strength of the Armed Forces in the light of national and international conditions, the President, upon recommendations of the Secretary of Defense, is authorized by Executive order, which shall be uniform in its application to all persons inducted under this title but which may vary as to age groups, to provide for (1) decreasing periods of service under this title but in no case to a lesser period of time than can be economically utilized, or (2) eliminating periods of service required under this title.

MEDICAL AND DENTAL OFFICERS

SEC. 309. (a) The President may order to active duty (other than for training), as defined in section 101(22) of title 10, United States Code, for a period of not more than twenty-four consecutive months, with or without his consent, any member of a reserve component of the Armed Forces of the United States who is in a medical, dental, or allied specialist category, who has not attained the thirty-fifth anniversary of the date of his birth, and has not performed at least one year of active duty (other than for training). This subsection does not affect or limit the authority to order members of the reserve components to active duty contained in section 672 of title 10, United States Code.

(b) For the purposes of computation of the periods of active duty (other than for training) referred to in subsection (1), credit shall be given to all periods of one day or more performed under competent orders, except that no credit shall be allowed for periods spent in student programs prior to receipt of the appropriate professional degree or in intern training.

(c) Any person who is called or ordered to active duty (other than for training) from a reserve component of the Armed Forces of the United States after September 5, 1950, and thereafter serves on active duty (other than for training) as a medical, dental, or allied specialist for a period of twelve months or more shall, upon release from active duty or within six months thereafter, be afforded an opportunity to resign his commission from the reserve component of which he is a member unless he is otherwise obligated to serve on active military training and service in the Armed Forces or in training in a reserve component by law or contract.

(d) Any physician or dentist who meets the qualifications for a Reserve commission in the respective military department shall, so long as there is a need for the services of such a physician or dentist, be afforded an opportunity to volunteer for a period of active duty (other than for training) of not less than twenty-four months. Any physician or dentist who so volunteers his service, and meets the qualifications for a Reserve commission shall be ordered to active duty (other than for training) for not less than twenty-four months, notwithstanding the grade or rank to which such physician or dentist is entitled.

(e) Notwithstanding any other provision of law, any qualified person who—

(1) is liable for induction; or

(2) as a member of a reserve component is ordered to active duty,

as a physician, or dentist, or in an allied specialist category in the Armed Forces of the United States, shall, under regulations prescribed by the President, be appointed, reappointed, or promoted to such grade or rank as may be commensurate with his professional education, experience, or ability: *Provided*, That any person in a needed medical, dental, or allied specialist category who fails to qualify for, or who does not accept, a commission, or whose commission has been terminated, may be used in his professional capacity in an enlisted grade.

EXEMPTIONS FROM REGISTRATION, TRAINING, AND SERVICE

SEC. 310. (a) Foreign diplomatic representatives, technical attachés of foreign embassies and legations, consuls general, consuls, vice consuls, and other consular agents of foreign countries who are not citizens of the United States, and members of their families, shall not be required to be registered under section 3 and shall be relieved from liability for training and service under section 4.

(b) Any person who subsequent to June 24, 1948, serves on active duty for a period of not less than twelve months in the armed forces of a nation with which the United States is associated in mutual defense activities as defined by the President, may be exempted from training and service, but not from registration, in accordance with regulations prescribed by the President, except that no such exemption shall be granted to any person who is a national of a country which does not grant reciprocal privileges to citizens of the United States: *Provided*, That any active duty performed prior to June 24, 1948, by a person in the armed forces of a country allied with the United States during World War II and with which the United States is associated in such mutual defense activities, shall be credited in the computation of such twelve-month period: *Provided further*, That any person who is in a medical, dental, or allied specialist category not otherwise deferred or exempted under this subsection shall be liable for registration and training and service until the thirty-fifth anniversary of the date of his birth.

(c) Commissioned officers of the Public Health Service and members of the reserve of the Public Health Service while on active duty and assigned to staff the various offices and bureaus of the Public Health Service including the National Institutes of Health, or assigned to any endeavor which the President determines is necessary to the maintenance of the national health, safety, or interest shall be exempted from training and service, but not from registration.

VETERANS' EXEMPTIONS

SEC. 311. (a) No person who served honorably on active duty between September 16, 1940, and the date of enactment of this title for a period of twelve months or more, or between December 7, 1941, and September 2, 1945, for a period in excess of ninety days, in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, the Public Health Service, or the armed forces of any country allied with the United States in World War II prior to September 2, 1945, shall be liable for induction for training and service under this title, except after a declaration of war or national emergency made by the Congress subsequent to the date of enactment of this title.

(b) No person who served honorably on active duty between September 1, 1940, and the date of enactment of this title for a period of ninety days or more but less than twelve months in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, the Public Health Service, or the armed forces of any country allied with the United States in World War II prior to September 2, 1945, shall be liable for induction for training and service under this title, except after a declaration of war or national emergency made by the Congress subsequent to the date of enactment of this title, if—

(1) the local board determines that he is regularly enlisted or commissioned in any organized unit of a reserve component of the armed force in which he served, provided such unit is reasonably accessible to such person without unduly interrupting his normal pursuits and activities (including attendance at a college or university in which he is regularly enrolled), or in a reserve component (other than in an organized unit) of such armed force in any case in which enlistment or commission in an organized unit of a reserve component of such armed force is not available to him; or

(2) the local board determines that enlistment or commission in a reserve component of such armed force is not available to him or that he has voluntarily enlisted or accepted appointment in an organized unit of a reserve component of an armed force other than the armed force in which he served. Nothing in this paragraph shall be deemed to be applicable to any person to whom subsection (a) of this section is applicable.

(c) Notwithstanding any other provision of this Act, no person who (1) has served honorably on active duty after September 16, 1940, for a period of not less than one year in the Army, the Air Force, the Navy, the Marine Corps, or the Coast Guard, or (2) subsequent to September 16, 1940, was discharged for the convenience of the Government after having served honorably on active duty for a period of not less than six months in the Army, the Air Force, the Navy, the Marine Corps, or the Coast Guard, or (3) has served for a period of not less than twenty-four months (A) as a commissioned officer in the Public Health Service or (B) as a commissioned officer in the Environmental Science Services Administration (previously the Coast and Geodetic Survey), shall be liable for induction for training and service under this Act, except after a declaration of war, or national emergency made by the Congress subsequent to the date of enactment of this Act.

(d) No person who is honorably discharged upon the completion of an enlistment pursuant to section 7 shall be liable for induction for training and service under this title, except after a declaration of war or national emergency made by the Congress subsequent to the date of enactment of this Act.

(e) For the purposes of computation of the periods of active duty referred to in paragraphs (a), (b), or (c) of this subsection, no credit shall be allowed for—

(1) periods of active duty training performed as a member of a reserve component pursuant to an order or call to active duty solely for training purposes:

(2) periods of active duty in which the service consisted solely of training under the Army specialized training program, the Army Air Force college training program, or any similar program under the jurisdiction of the Navy, Marine Corps, or Coast Guard;

(3) periods of active duty as a cadet at the United States Military Academy or United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, or in preparatory school after nomination as a principal, alternate, or candidate for admission to any of such academies;

(4) periods of active duty in any of the Armed Forces while being processed for entry into or separation from any educational program or institution referred to in paragraphs (2) or (3); or

(5) periods of active duty performed by medical, dental, or allied specialists in student programs prior to receipt of the appropriate professional degree or in intern training.

RESERVE COMPONENT'S EXEMPTIONS

SEC. 312. (a) Persons who, on February 1, 1951, were members of organized units of the federally recognized National Guard, the federally recognized Air National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, the Coast Guard Reserve, or the Public Health Service Reserve, shall, so long as they continue to be such members and satisfactorily participate in scheduled drills and training periods as prescribed by the Secretary of Defense, be exempt from training and service by induction under the provisions of this title, but shall not be exempt from registration.

(b)(1) Any person, other than a person referred to in subsection (d) of this section, who—

(A) prior to the issuance of orders for him to report for induction; or

(B) prior to the date scheduled for his induction and pursuant to a proclamation by the Governor of a State to the effect that the authorized strength of any organized unit of the National Guard of that State cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction under this title; or

(C) prior to the date scheduled for his induction and pursuant to a determination by the President that the strength of the Ready Reserve of the Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction, under this title;

enlists or accepts appointment, before attaining the age of twenty-six years, in the Ready Reserve of any reserve component of the Armed Forces, the Army National Guard, or the Air National Guard, shall be deferred from training and service under this title so long as he serves satisfactorily as a member of an organized unit of such Reserve or National Guard in accordance with section 270 of title 10 or section 502 of title 32, United States Code, as the case may be, or satisfactorily performs such other Ready Reserve service as may be prescribed by the Secretary of Defense. Notwithstanding the provisions of section 16, no person deferred under this paragraph who has completed six years of such satisfactory service as a member of the Ready Reserve or National Guard, and who during such service has performed active duty for training with an armed force for not less than four consecutive months, shall be liable for induction for training and service under this Act, except after a declaration of war or national emergency made by the Congress after August 9, 1955. In no event shall the number of enlistments or appointments made under authority of this paragraph in any fiscal year in any reserve component of the Armed Forces or in the Army National Guard or the Air National Guard cause the personnel strength of such reserve component or the Army National Guard or the Air National Guard, as the case may be, to exceed the personnel strength for which funds have been made available by the Congress for such fiscal year.

(2) A person who, under the provision of law, is exempt or deferred from training and service under this Act by reason of membership in a reserve component, the Army National Guard, or the Air National Guard, as the case may be, shall, if he becomes a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be, continue to be exempt or deferred to the same extent as if he had not become a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be, so long as he continues to serve satisfactorily.

(3) Except as provided in section 13 and the provisions of this section, no person who becomes a member of a reserve component after February 1, 1951, shall thereby be exempt from registration or training and service by induction under the provisions of this Act.

(4) Notwithstanding any other provision of this Act, the President, under such rules and regulations as he may prescribe, may provide that any person enlisted or appointed after October 4, 1961, in the Ready Reserve of any reserve component of the Armed Forces (other than under section 511(b) of title 10, United States Code, the Army National Guard, or the Air National Guard, prior to attaining the age of twenty-six years, or any person enlisted or appointed in the Army National Guard or the Air National Guard or enlisted in the Ready Reserve of any reserve component prior to attaining the age of eighteen years and six months and deferred under the prior provisions of this paragraph as amended by the Act of October 4, 1961, Public Law 87–378 (75 Stat. 807), or under section 262 of the Armed Forces Reserve Act of 1952, as amended, who fails to serve satisfactorily during his obligated period of service as a member of such Ready Reserve or National Guard or the Ready Reserve of another reserve component or the National Guard of which he becomes a member, may be selected for training and service and inducted into the armed force of which such reserve component is a part, prior to the selection and induction of other persons liable therefor.

OFFICERS' TRAINING; OFFICIALS; MINISTERS OF RELIGION

SEC. 313. (a)(1) Within such numbers as may be prescribed by the Secretary of Defense, any person who (A) has been or may hereafter be selected for enrollment or continuance in the senior division, Reserve Officers' Training Corps, or the Air Reserve Officers' Training Corp, or the Naval Reserve Officers' Training Corps, or the naval and Marine Corps officer candidate training program established by the Act of August 13, 1946 (60 Stat. 1057), as amended, or the Reserve officers' candidate program of the Navy, or the platoon leaders' class of the Marine Corps, or the officer procurement programs of the Coast Guard and the Coast Guard Reserve, or appointed an ensign, United States Naval Reserve, while undergoing professional training; (B) agrees, in writing, to accept a commission, if tendered, and to serve, subject to order of the Secretary of the military department having jurisdiction over him (or the Secretary of Transportation with respect to the United States Coast Guard), not less than two years on active duty after receipt of a commission; and (C) agrees to remain a member of a regular or reserve component until the eighth anniversary of the receipt of a commission in accordance with his obligation under the first sentence of section 4(d)(3) of this Act, or until the sixth anniversary of the receipt of a commission in accordance with his obligation under the second sentence of section 4(d)(3) of this Act, shall be deferred from induction under this title until after completion or termination of the course of instruction and so long as he continues in a regular or reserve status upon being commissioned, but shall not be exempt from registration. Such persons, except those persons who have previously completed an initial period of military training or an equivalent period of active military training and service, shall be required while enrolled in such program to complete a period of training equal (as determined under regulations approved by the Secretary of Defense or the Secretary of Transportation with respect to the United States Coast Guard) in duration and type of training to an initial period of military training. There shall be added to the obligated active commissioned service of any person who has agreed to perform such obligatory service in return for financial assistance while attending a civilian college under any such training program a period of not to exceed one year. Except as provided in paragraph (5), upon the successful completion by any person of the required course of instruction under any program listed in clause (A) of the first sentence of this paragraph, such person shall be tendered a commission in the appropriate reserve component of the Armed Forces if he is otherwise qualified for such appointment. If, at the time of, or subsequent to, such appointment, the armed force in which such person is commissioned does not require his service on active duty in fulfillment of the obligation undertaken by him in compliance with clause (B) of the first sentence of this paragraph, such person shall be ordered to active duty for training with such armed force in the grade in which he was commissioned for a period of active duty for training of not less than three months or more than six months (not including duty performed under section 270(a) of title 10, United States Code), as determined by the Secretary of the military department concerned to be necessary to qualify such person for a mobilization assignment. Upon being commissioned and assigned to a reserve component, such person shall be required to serve therein, or in a reserve component of any other armed force in which he is later appointed, until the eighth anniversary of the receipt of such commission pursuant to the provisions of this section. So long as such person performs satisfactory service, as determined under regulations prescribed by the Secretary of Defense, he shall be deferred from training and service under the provisions of this Act. If such person fails to perform satisfactory service, and such failure is not excused under regulations prescribed by the Secretary of Defense, his commission may be revoked by the Secretary of the military department concerned.

(2) In addition to the training programs enumerated in paragraph (1) of this subsection, and under such regulations as the Secretary of Defense (or the Secretary of Transportation with respect to the United States Coast Guard) may approve, the Secretaries of the military departments and the Secretary of Transportation are authorized to establish officer candidate programs leading to the commissioning of persons on active duty. Any person heretofore or hereafter enlisted in the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air Force Reserve, or the Coast Guard Reserve who thereafter has been or may be commissioned therein upon graduation from an officers' candidate school of such armed force shall, if not ordered to active duty as a commissioned officer, be deferred from training and service under the provisions of this Act so long as he performs satisfactory service as a commissioned officer in an appropriate unit of the Ready Reserve, as determined under regulations prescribed by the Secretary of the department concerned. If such person fails to perform satisfactory service in such unit, and such failure is not excused under such regulations, his commission may be revoked by such Secretary.

(3) Nothing in this subsection shall be deemed to preclude the President from providing, by regulations prescribed under section 16, for the deferment from training and service of any category or categories of students for such periods of time as he may deem appropriate.

(4) It is the sense of the Congress that the President shall provide for the annual deferment from training and service under this title of the numbers of optometry students and premedical, preosteopathic, preveterinary, preoptometry, and predental students at least equal to the numbers of male optometry, premedical, preosteopathic, preveterinary, preoptometry, and predental students at colleges and universities in the United States at the present levels as determined by the Director herein.

(5) Notwithstanding paragraph (1), upon the successful completion by any person of the required course of instruction under any Reserve Officers' Training Corps program listed in clause (A) of the first sentence of paragraph (1) and subject to the approval of the Secretary of the military department having jurisdiction over him, such person may, without being relieved of his obligation under that sentence, be tendered, and accept, a commission in the Environmental Science Services Administration instead of a commission in the appropriate reserve component of the Armed Forces. If he does not serve on active duty as a commissioned officer of the Environmental Science Services Administration for at least six years, he shall upon discharge therefrom, be tendered a commission in the appropriate reserve component of the Armed Forces, if he is otherwise qualified for such appointment, and, in fulfillment of his obligation under the first sentence of paragraph (1), remain a member of a reserve component until the sixth anniversary of the receipt of his commission in the Environmental Science Services Administration. While a member of a reserve component he may, in addition to as otherwise provided by law, be ordered to active duty for such period that, when added to the period he served on active duty as a commissioned officer of the Environmental Science Services Administration, equals two years.

(6) Fully qualified and accepted aviation cadet applicants of the Army, Navy, or Air Force who have signed an agreement of service shall, in such numbers as may be designated by the Secretary of Defense, be deferred, during the period covered by the agreement but not to exceed four months from induction for training and service under this title but shall not be exempt from registration.

(c) The Vice President of the United States; the Governors of the several States, territories, and possessions, and all other officials chosen by the voters of the entire State, territory, or possession; members of the legislative bodies of the United States and of the several States, territories, and possessions; judges of the courts of record of the United States and of the several States, territories, possessions, and the District of Columbia shall, while holding such offices, be deferred from training and service under this title in the Armed Forces of the United States.

(d) Regular or duly ordained ministers of religion, as defined in this title, the students preparing for the ministry under the direction of recognized churches or religious organizations, who are satisfactorily pursuing full-time courses of instruction in recognized theological or divinity schools, or who are satisfactorily pursuing full-time courses of instruction leading to their entrance into recognized theological or divinity schools in which they have preenrolled, shall be exempt from training and service (but not from registration) under this title.

STUDENT AND APPRENTICE DEFERRENTS; CASUALTY RATIO

SEC. 314. (a) Except as otherwise provided in this subsection, the President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces of persons requesting such deferment who are satisfactorily pursuing a course of instruction at a bona fide college, junior college, community college, university, or similar institution of learning, or at a vocational school, or who are enrolled in and satisfactorily pursuing an apprentice training program or similar occupational instruction program. A deferment granted to any person under authority of this subsection shall continue until such person completes the requirements for his baccalaureate degree, completes the training program, fails to pursue satisfactorily his course of instruction, or attains the twenty-fifth anniversary of the date of his birth, whichever first occurs. Deferments provided for under this paragraph shall be restricted or terminated by the President (1) whenever he finds, with respect to persons who have been inducted into the Armed Forces under this title, that the number of such persons killed, wounded, or missing in action as the result of armed conflict during the three-month period immediately preceding his finding exceeds a number equal to 10 per centum of the total number of persons so inducted during such three-month period; or (2) whenever he determines that the needs of the Armed Forces and of national security require such action. Such restrictions or terminations shall be in effect for the twelve calendar months next following the month in which the conditions set out in the preceding sentence are met. Whenever members of the Armed Forces of the United States are engaged in armed conflict in any area of the world, the President shall, for the purposes of clause (1) of the preceding sentence, make a finding not later than the tenth day of each calendar month respecting the number of persons killed, wounded, or missing in action in the three immediately preceding months. No person who has received a deferment under the provisions of this paragraph shall thereafter be granted a further deferment except for extreme hardship to dependents (under regulations governing hardship deferments).

(b) The President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces (1) of any or all categories of persons in a status with respect to persons (other than wives alone, except in cases of extreme hardship) dependent upon them for support which renders their deferment advisable, and (2) of any or all categories of those persons found to be physically, mentally, or morally deficient or defective. For the purpose of determining whether or not the deferment of any person is advisable because of his status with respect to persons dependent upon him for support, any payments of allowances which are payable by the United States to the dependents of persons serving in the Armed Forces of the United States shall be taken into consideration, but the fact that such payments of allowances are payable shall not be deemed conclusively to remove the grounds for deferment when the dependency is based upon financial considerations and shall not be deemed to remove the ground for deferment when the dependency is based upon other than financial considerations and cannot be eliminated by financial assistance to the dependents. Except as otherwise provided in this subsection, the President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces of any or all categories of persons who have children, or wives and children, with whom they maintain a bona fide family relationship in their homes. No deferment from such training and service in the Armed Forces shall be made in the case of any individual except upon the basis of the status of such individual. There shall be posted in a conspicuous place in each area office a list setting forth the names and classifications of those persons who have been classified by such area office. Notwithstanding any other provision of this title the President shall establish national standards and criteria for the classification and deferment of persons registered under this title. Such standards and criteria shall be administered uniformly and impartially throughout all levels of the Selective Service System.

(c) (1) Any person who is satisfactorily pursuing a course of instruction at a high school or similar institution of learning shall, upon the facts being presented to the area office, be deferred (A) until the time of his graduation therefrom, or (B) until he attains the twentieth anniversary of his birth, or (C) until he ceases satisfactorily to pursue such course of instruction, whichever is the earliest.

(2) Any person who while satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution is ordered to report for induction under this title, shall, upon the facts being presented to the local board, be deferred (A) until the end of such academic year, or (B) until he ceases satisfactorily to pursue such course of instruction, whichever is the earlier: *Provided*, That any person who has heretofore had his induction postponed under the provisions of section 6(i) (1) of the Selective Service Act of 1948; or any person who has heretofore been deferred as a student under section 6(h) of such Act, or any person who hereafter is deferred under the provision of this subsection, shall not be further deferred by reason of pursuit of a course of instruction at a college, university, or similar institution of learning except as may be provided by regulations prescribed by the President pursuant to the provisions of this section. Nothing in this paragraph shall be deemed to preclude the President from providing, by regulations prescribed in this section, for the deferment from training and service in the Armed Forces of any category or categories of students for such periods of time as he may deem appropriate.

CONSCIENTIOUS OBJECTORS

SEC. 315. (a) Nothing contained in this title shall be construed to require any person to be subject to combatant training and service in the Armed Forces of the United States who, by reason of religious training and belief, conscientiously opposed to participation in war in any form. As used in this section, the term "religious training and belief" does not include essentially political, sociological, or philosophical views, or a merely personal moral code, but it does include a sincere and meaningful belief, which occupies a place in the life of its possessor parallel to that filled by an orthodox belief in God.

(b) Any person claiming exemption from combatant training and service because of such conscientious objections whose claim is sustained by the Selective Service System shall, if he is inducted into the Armed Forces under this title, be assigned to noncombatant service as defined by the President, or shall, if he is found to be conscientiously opposed to participation in such noncombatant service, in lieu of such induction, be ordered by the Selective Service System, subject to such regulations as the President may prescribe, to perform for a period equal to the period prescribed in section 305 such civilian work contributing to the maintenance of the national health, safety, or interest as the Selective Service System pursuant to Presidential regulations may deem appropriate. Any such person who knowingly fails or neglects to obey any such order from the Selective Service System shall be deemed, for the purposes of section 203 of this title, to have knowingly failed or neglected to perform a duty required of him under this title.

(c) Any person claiming exemption from combatant training and service because of such conscientious objections shall, if such claim is not sustained by the area office or local board, be entitled to an appeal to the regional appeal board. Upon the filing of such appeal, the appeal board shall refer any such claim to the Department of Justice for inquiry and hearings. The Department of Justice, after appropriate inquiry, shall hold a hearing with respect to the character and good faith of the objections of the person concerned, and such person shall be notified of the time and place of such hearing. If after such hearings the Department of Justice finds—

(1) that the objections are sustained, it shall make recommendations to the appeal board in accordance with the procedures of subsection (b) of this section; or

(2) that the objections are not sustained, it shall so recommend to the appeal board. The appeal board shall, in making its decision, give consideration to but not be bound to follow the recommendation of the Department of Justice, together with the record on appeal from the local board.

DURATION OF EXEMPTION OR DEFERMENT

SEC. 316. No exception from registration, or exemption or deferment from training and service, under this title, shall continue after the cause therefor ceases to exist.

MINORITY DISCHARGES

SEC. 317. Notwithstanding any other provisions of law, no person between the ages of eighteen and twenty-one shall be discharged from service in the Armed Forces of the United States while this title is in effect because such person entered such service without the consent of his parent or guardian.

MORAL STANDARDS

SEC. 318. No person shall be relieved from training and service under this title by reason of conviction of a criminal offense, except where the offense of which he has been convicted may be punishable by death, or by imprisonment for a term exceeding one year.

SOLE SURVIVING SON

SEC. 319. Except during a period of a war or a national emergency declared by the Congress, if the father or one or more sons or daughters of a family were killed in action or died in the line of duty while serving in the Armed Forces of the United States, or subsequently died as a result of injuries received or disease incurred during such service, the sole surviving son of such family shall not be inducted for service under the terms of this title unless he volunteers for induction.

BOUNTIES; SUBSTITUTES; PURCHASES OF RELEASE

SEC. 320. No bounty may be paid to induce any person to be inducted into an armed force. A clothing allowance authorized by law is not a bounty for the purposes of this section. No person liable for training and service under this Act may furnish a substitute for that training or service. No person may be enlisted, inducted, or appointed in an armed force as a substitute for another. No person liable for training and service under section 4 may escape that training and service or be discharged before the end of his period of training and service by paying money or any other valuable thing as consideration for his release from that training and service or liability therefor.

REEMPLOYMENT

SEC. 321. (a) Any person inducted into the Armed Forces under this title for training and service, who, in the judgment of those in authority over him, satisfactorily completes his period of training and service under section 6 shall be entitled to a certificate to that effect upon the completion of such period of training and service. Such certificate shall include a record of any special proficiency or merit attained. Upon the completion of each such person's period of training and service under this title, each such person shall be given another physical examination and, upon his written request, shall be given a statement of physical condition by the Secretary concerned: *Provided*, That such statement shall not contain any reference to mental or other conditions which in the judgment of the Secretary concerned would prove injurious to the physical or mental health of the person to whom it pertains: *Provided further*, That, if upon completion of training and service under this title, such person continues on active duty without an interruption of more than seventy-two hours as a member of the Armed Forces of the United States, a physical examination upon completion of such training and service shall not be required unless it is requested by such person, or the medical authorities of the armed force concerned determine that the physical examination is warranted.

(b) In the case of any such person who, in order to perform such training and service, has left or leaves a position (other than a temporary position) in the employ of any employer and who (1) receives such certificate, and (2) makes application for reemployment within ninety days after he is relieved from such training and service or from hospitalization continuing after discharge for a period of not more than one year—

(A) if such position was in the employ of the United States Government, its territories, or possessions, or political subdivisions thereof, or the District of Columbia, such person shall—

(i) if still qualified to perform the duties of such position, be restored to such position or to a position of like seniority, status, and pay; or

(ii) if not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform the duties of any other position in the employ of the employer, be restored to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case;

(B) if such position was in the employ of a private employer, such person shall—

(i) if still qualified to perform the duties of such position, be restored by such employer or his successor in interest to such position or to a position of like seniority, status, and pay; or

(ii) if not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform the duties of any other position in the employ of such employer or his successor in interest, be restored by such employer or his successor in interest to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case,

unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

(C) if such position was in the employ of any State or political subdivision thereof, it is hereby declared to be the sense of the Congress that such person should—

(i) if still qualified to perform the duties of such position, be restored to such position or to a position of like seniority, status, and pay; or

(ii) if not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform the duties of any other position in the employ of the employer, be restored to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case.

(c)(1) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) shall be considered as having been on furlough or leave of absence during his period of training and service in the Armed Forces, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was inducted into such forces, and shall not be discharged from such position without cause within one year after such restoration.

(2) It is hereby declared to be the sense of the Congress that any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) should be so restored in such manner as to give him such status in his employment as he would have enjoyed if he had continued in such employment continuously from the time of his entering the Armed Forces until the times of his restoration to such employment.

(d) In case any private employer fails or refuses to comply with the provisions of subsection (b), subsection (c) (1) or subsection (g) the district court of the United States for the district in which such private employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, specifically to require such employer to comply with such provisions and to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action: *Provided,* That any such compensation shall be in addition to and shall not be demed to diminish any of the benefits of such provisions. The court shall order speedy hearing in any such case and shall advance it on the calendar. Upon application to the United States attorney or comparable official for the district in which such private employer maintains a place of business, by any person claiming to be entitled to the benefits of such provisions, such United States attorney or official, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof specifically to require such employer to comply with such provisions: *Provided,* That no fees or court costs shall be taxed against any person who may apply for such benefits: *Provided further,* That only the employer shall be deemed a necessary party respondent to any such action.

(e)(1) Any person who is entitled to be restored to a position in accordance with the provisions of paragraph (A) of subsection (b) and who was employed, immediately before entering the Armed Forces, by any agency in the executive branch of the Government or by any territory or possession, or political subdivision thereof, or by the District of Columbia, shall be so restored by such agency or the successor to its functions, or by such territory, possession, political subdivision, or the District of Columbia. In any case in which, upon appeal of any person who was employed immediately before entering the Armed Forces by any agency in the executive branch of the Government or by the District of Columbia, the United States Civil Service Commission finds that—

(A) such agency is no longer in existence and its functions have not been transferred to any other agency; or

(B) for any reason it is not feasible for such person to be restored to employment by such agency or by the District of Columbia,

the Commission shall determine whether or not there is a position in any other agency in the executive branch of the Government or in the government of the District of Columbia for which such person is qualified and which is either vacant or held by a person having a temporary appointment thereto. In any case in which the Commission determines that there is such a position, such person shall be restored to such position by the agency in which such position exists or by the government of the District of Columbia, as the case may be. The Commission is authorized and directed to issue regulations giving full force and effect to the provisions of this section insofar as they relate to persons entitled to be restored to positions in the executive branch of the Government or in the government of the District of Columbia, including persons entitled to be restored under the last sentence of paragraph (2) of this subsection. The agencies in the executive branch of the Government and the government of the District of Columbia shall comply with such rules and regulations and orders issued by the Commission pursuant to this subsection. The Commission is authorized and directed whenever it finds, upon appeal of the person concerned, that any agency in the executive branch of the Government or the government of the District of Columbia has failed or refuses to comply with the provisions of this section, to issue an order specifically requiring such agency or the government of the District of Columbia to comply with such provisions and to compensate such person for any loss of salary or wages suffered by reason of failure to comply with such provisions, less any amounts received by him through other employment, unemployment compensation, or readjustment allowances: *Provided*, That any such compensation ordered to be paid by the Commission shall be in addition to and shall not be deemed to diminish any of the benefits of such provisions, and shall be paid by the head of the agency concerned or by the government of the District of Columbia out of appropriations currently available for salary and expenses of such agency or government, and such appropriations shall be available for such purpose. As used in this paragraph, the term "agency in the executive branch of the Government" means any department, independent establishment, agency, or corporation in the executive branch of the United States Government.

(2) Any person who is entitled to be restored to a position in accordance with the provisions of paragraph (A) of subsection (b), and who was employed, immediately before entering the Armed Forces, in the legislative branch of the Government, shall be so restored by the officer who appointed him to the position which he held immediately before entering the Armed Forces. In any case in which it is not possible for any such person to be restored to a position in the legislative branch of the Government and he is otherwise eligible to acquire a status for transfer to a position in the classified (competitive) civil service in accordance with section 2(b) of the Act of November 26, 1940 (54 Stat. 1212), the United States Civil Service Commission shall, upon appeal of such person, determine whether or not there is a position in the executive branch of the Government for which he is qualified and which is either vacant or held by a person having a temporary appointment thereto. In any case in which the Commission determines that there is such a position, such person shall be restored to such position by the agency in which such position exists.

(3) Any person who is entitled to be restored to a position in accordance with the provisions of paragraph (A) of subsection (b) and who was employed, immediately before entering the Armed Forces, in the judicial branch of the Government, shall be so restored by the officer who appointed him to the position which he held immediately before entering the Armed Forces.

(f) In any case which two or more persons who are entitled to be restored to a position under the provisions of this section or any other law relating to similar reemployment benefits left the same position in order to enter the Armed Forces, the person who left such position first shall have the prior right to be restored thereto, without prejudice to the reemployment rights of the other person or persons to be restored.

(g)(1) Any person who after entering the employment to which he claims restoration, enlists in the Armed Forces of the United States (other than a reserve component) shall be entitled upon release from service under honorable conditions to all the reemployment rights and other benefits provided for by this section in the case of persons inducted under the provisions of this title, if the total of his service performed between June 24, 1948, and August 1, 1961, did not exceed four years, and the total of any service, additional or otherwise, performed by him after August 1, 1961, does not exceed four years (plus in each case any period of additional service imposed pursuant to law).

(2) Any persons who, after entering the employment to which he claims restoration, enters upon active duty (other than for the purpose of determining his physical fitness and other than for training), whether or not voluntarily, in the Armed Forces of the United States or the Public Health Service in response to an order or call to active duty shall, upon his relief from active duty under honorable conditions, be entitled to all of the reemployment rights and benefits provided by this section in the case of persons inducted under the provisions of this title, if the total of such active duty performed between June 24, 1948, and August 1, 1961, did not exceed four years, and the total of any such active duty, additional or otherwise, performed after August 1, 1961, does not exceed four years (plus in each case any additional period in which he was unable to obtain orders relieving him from active duty).

(3) Any member of a reserve component of the Armed Forces of the United States who is ordered to an initial period of active duty for training of not less than three consecutive months shall, upon application for reemployment within thirty-one days after (A) his release from that active duty for training after satisfactory service, or (B) his discharge from hospitalization incident to that active duty for training, or one year after his scheduled release from that training, whichever is earlier, be entitled to all reemploymenf rights and benefits provided by this section for persons inducted under the provisions of this title, except that (A) any person restored to a position in accordance with the provisions of this paragraph shall not be discharged from such position without cause within six months after that restoration, and (B) no reemployment rights granted by this paragraph shall entitle any person to retention, preference, or displacement rights over any veteran with a superior claim under the provisions of title 5, United States Code, relating to veterans and other preference eligibles.

(4) Any employee not covered by paragraph (3) of this subsection who holds a position described in paragraph (A) or (B) of subsection (b) of this section shall upon request be granted a leave of absence by his employer for the period required to perform active duty for training or inactive duty training in the Armed Forces of the United States. Upon his release from a period of

such active duty for training or inactive duty training, or upon his discharge from hospitalization incident to that training, such employee shall be permitted to return to his position with such seniority, status, pay, and vacation as he would have had if he had not been absent for such purposes. He shall report for work at the beginning of his next regularly scheduled working period after expiration of the last calendar day necessary to travel from the place of training to the place of employment following his release, or within a reasonable time thereafter if delayed return is due to factors beyond the employee's control. Failure to report for work at such next regularly scheduled working period shall make the employee subject to the conduct rules of the employer pertaining to explanations and discipline with respect to absence from scheduled work. If that employee is hospitalized incident to active duty for training or inactive duty training, he shall be required to report for work at the beginning of his next regularly scheduled work period after expiration of the time necessary to travel from the place of discharge from hospitalization to the place of employment, or within a reasonable time thereafter if delayed return is due to factors beyond the employee's control, or within one year after his release from active duty for training or inactive duty training, whichever is earlier. If an employee covered by this paragraph is not qualified to perform the duties of his position by reason of disability sustained during active duty for training or inactive duty training, but is qualified to perform the duties of any other position in the employ of the employer or his successor in interest, he shall be restored by that employer or his successor in interest to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case.

(5) Any employee not covered by paragraph (3) of this subsection who holds a position described in paragraph (A) or (B) of subsection (b) of this section shall be considered as having been on leave of absence during the period required to report for the purpose of being inducted into, entering or determining by a preinduction or other examination his physical fitness to enter the Armed Forces of the United States. Upon his rejection, upon completion of his preinduction or other examination, or upon his discharge from hospitalization incident to that rejection or examination, such employee shall be permitted to return to his position in accordance with the provisions of paragraph (4) of this subsection.

(6) For the purposes of paragraphs (3) and (4), full-time training or other full-time duty performed by a member of the National Guard under section 316, 503, 504, or 505 of title 32, United States Code, is considered active duty for training; and for the purpose of paragraph (4), inactive duty training performed by that member under section 502 of title 32, or sections 206(a), (b), and (d), 301(f), 309(c), 402(f), and 1002(a)–(d) of title 37, United States Code, is considered inactive duty training.

(h) The Secretary of Labor, through the Bureau of Veterans' Reemployment Rights, shall render aid in the replacement in their former positions of persons who have satisfactorily completed any period of active duty in the Armed Forces of the United States or the Public Health Service. In rendering such aid, the Secretary shall use the then existing Federal and State agencies engaged in similar or related activities and shall utilize the assistance of volunteers.

(i) The Secretaries of Army, Navy, Air Force, or Treasury shall furnish to the Selective Service System hereafter established a report of separation for each person separated from active duty.

RIGHT TO VOTE; POLL TAX

SEC. 322. Any person inducted into the Armed Forces for training and service under this title shall, during the period of such service, be permitted to vote in person or by absentee ballot in any general, special, or primary election occurring in the State of which he is a resident, whether he is within or outside such State at the time of such election, if under the laws of such State he is otherwise entitled to vote in such election; but nothing in this subsection shall be construed to require granting to any such person a leave of absence or furlough for longer than one day in order to permit him to vote in person in any such election. No person inducted into, or enisted in, the Armed Forces for training and service under this title shall, during the period of such service, as a condition of voting in any election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, be required to pay poll tax or other tax or make any other payment to any State or political subdivision thereof.

CIVIL RELIEF

SEC. 323. Notwithstanding the provisions of section 604 of the Act of October 17, 1940 (54 Stat. 1191), and the provisions of section 4 of the Act of July 25, 1947 (Public Law 239, 80th Congress), all of the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, including specifically article IV thereof, shall be applicable to all persons in the Armed Forces of the United States, including all persons inducted into the Armed Forces pursuant to this title or the Public Health Service, until such time as the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, is repealed or otherwise terminated by subsequent Act of the Congress: *Provided*, That, with respect to persons inducted into the Armed Forces while this title is in effect, wherever under any section or provision of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction has been authorized or provided with respect to military service performed while such Act is in force, such section or provision shall be deemed to continue in full force and effect so long as may be necessary to the exercise or enjoyment of such proceeding, remedy, privilege, stay, limitation, accounting, or other transaction.

NOTICE OF TITLE; VOLUNTARY ENLISTMENTS

SEC. 324. (a) Every person shall be deemed to have notice of the requirements of this title upon publication by the President of a proclamation or other public notice fixing a time for any registration under section 3.

(b) If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the remainder of the title, and the application of such provision to other persons or circumstances, shall not be affected thereby.

(c) Except as provided in this Act, nothing contained in this title shall be construed to repeal, amend, or suspend the laws now in force authorizing voluntary enlistment or reenlishment in the Armed Forces of the United States, including the reserve components thereof, except that no person shall be accepted for enlistment after he has received orders to report for induction and except that, whenever the Congress or the President has declared that the national interest is imperiled, voluntary enlistment or reenlistment in such forces, and their reserve components, may be suspended by the President to such extent as he may deem necessary in the interest of national defense.

(d) It shall be the duty of the Director to inform every registrant of all rights and procedures available to him under this title regarding classification, deferment, and exemption. Such information shall be in writing and shall be given to every person who registers under this title at the time of his registration, and shall in addition be available subsequently upon request of such registrant.

REPEAL OF CONFLICTING LAWS; APPROPRIATIONS; TERMINATION OF INDUCTION

SEC. 325. (a) Except as provided in this title all laws or any parts of laws in conflict with the provisions of this title are hereby repealed to the extent of such conflict.

(b) There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this title.

(c) Notwithstanding any other provisions of this title, no person shall be inducted for training and service in the Armed Forces after July 1, 1971, except persons now or hereafter deferred under this title after the basis for such deferment ceases to exist.

ALIENS

SEC. 326. (a) Section 101(a)(15) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101(a)(15)), is amended by changing the period at the end thereof to a semicolon and adding thereafter the following:

"(K) an alien who has requested and received an adjustment of status under section 247(c) and who is not a nonimmigrant within any of the classes (A) through (J) thereof: *Provided*, That any alien whose status has been adjusted to this class (K) shall depart from the United States within one year from such adjustment: *And provided further*, That any alien who is in this class (K) shall not be eligible for any further adjustment of status whatsoever."

(b) The Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.), is amended by adding at the end of section 247 thereof the following new subsection:

"(e) The status of an alien lawfully admitted for permanent residence may be adjusted by the Attorney General, under such regulations as he may prescribe, to that of a nonimmigrant in class (K) under section 101(a)(15) of this Act, or in any other class under section 101(a)(15) for which he may be eligible, if such alien requests an adjustment of status in order to be exempted from the requirements of the Universal Military Training and Service Act, as amended."

(c) Section 248 of the Immigration and Nationality Act, as amended (8 U.S.C. 1258), is amended by inserting immediately after the words "paragraph (15)(D)" the words "or paragraph (15)(K)".

(d) Subsection (a) of section 315 of the Immigration and Nationality Act, as amended (8 U.S.C. 1426), is amended to read as follows:

"(a) Notwithstanding the provisions of section 405(b), any alien who is granted exemption under an existing treaty or any alien who requests and obtains an adjustment of status under section 247(c) or who applies or has applied for exemption or discharge from training or service in the Armed Forces of the United States on the ground that he is an alien, and is or was relieved or discharged from such training or service on such basis, shall be permanently ineligible to become a citizen of the United States."

TITLE IV—MISCELLANEOUS

MILITARY YOUTH OPPORTUNITY SCHOOLS

SEC. 401. (a) The Secretary of Defense, with the cooperation and assistance of the Secretary of Labor and the Secretary of Health, Education, and Welfare, and other appropriate Federal agencies, shall conduct a comprehensive study and investigation to determine the feasibility and desirability of establishing and operating military youth opportunity schools which would provide special educational and physical training for a period not exceeding one year, to volunteers who fail to meet the minimum physical and mental requirements for military service in order to enable such volunteers to qualify for service in the Armed Forces.

(b) The Secretary of Defense shall submit a written report to the Congress of the results of such study and investigation, together with such recommendations as he deems appropriate, not later than one year after the date of enactment of this section. The Secretary of Defense shall include in such report, findings with respect to—

(1) the average annual number of volunteers for military service who fail to meet the educational and physical standards for such service, but who, with a maximum of one year's training in opportunity schools of the kind referred to in subsection (a) of this section, could qualify for military service;

(2) an estimate of the costs and benefits to the Department of Defense of establishing and operating such opportunity schools;

(3) the administrative capacity of the Department of Defense to carry out such a program;

(4) an estimate of the reenlistment rate which could be expected from volunteers trained in such opportunity schools;

(5) the advisability of requiring longer enlistment periods for volunteers receiving training in such opportunity schools; and

(6) the most effective means and measures for implementing a program of the kind described in subsection (a) of this section.

VOLUNTEER ARMY STUDY

SEC. 402. The President shall conduct a study to determine the cost, feasibility, and desirability of replacing the present system of involuntary induction of persons into the Armed Forces with an entirely voluntary system of enlistments. The President shall submit the results of such study to the Congress, together with such recommendations as he deems appropriate, within six months after the date of enactment of this section.

NATIONAL SERVICE CORPS STUDY

SEC. 403. (a) The President shall conduct a study and investigation to determine the feasibility and desirability of establishing a national service corps in which citizens of the United States who are mentally and physically able and who desire to perform nonmilitary services designed to combat disease, ignorance, and poverty at home and abroad may serve.

(b) The President shall submit a written report to the Congress of the results of such study and investigation, together with such recommendations as he deems appropriate, not later than one year after the date of enactment of this section. The President shall include in such report such information as he deems appropriate, and in the event it is determined that the establishment of a national service corps as described in subsection (a) of this section is feasible and desirable, he shall specifically include in such report—

(1) a review of existing voluntary Federal service programs (nonmilitary) in which hardships are endured by the participants or extraordinary service is required of the participants, such as the Peace Corps and the Volunteers in Service to America, in order to determine the feasibility of establishing an expanded national service program with the broadest possible participation;

(2) a consideration of what the nature and scope of a national service program should be;

(3) the number of service opportunities which would be generated by such a program;

(4) the relationship of such a service system with the Selective Service System and the feasibility of authorizing service in such a national service corps program as an alternative to military service;

(5) the most effective means by which such a service program might be coordinated with appropriate private, local, and State programs of a public service nature;

(6) the impact of such a service program upon the labor force and the economy of the United States;

(7) the effect of such a service program upon secondary education and higher education;

(8) the role of women in such a service program;

(9) the cost of establishing and operating such a service program; and

(10) the mental and physical standards for participation, if any, and the duration of service in such a service program.

AMNESTY STUDY

SEC. 404. The President shall conduct a study to determine the appropriateness of granting amnesty in the near future to those registrants presently outside the United States who are liable for prosecution under section 203 of this title. In conducting this study, the President shall consider the number of such registrants, the implications for the morale of the Armed Forces granting such amnesty would raise, the historical precedent for granting such amnesty, and such other factors as he deems appropriate. The President shall report the results of this study to the Congress, together with appropriate recommendations, within six months of the enactment of this section.

OCTOBER 15 MORATORIUM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. DADDARIO) is recognized for 15 minutes.

Mr. DADDARIO. Mr. Speaker, as reported in major newspapers and magazines around the country, thousands of individually organized expressions of concern on the 15th of October moratorium were carried off with dignity and order. In view of this record, I believe the remarks of Vice President AGNEW, made in New Orleans on Sunday, October 19, were ill conceived and inflammatory. I find it puzzling that Mr. Nixon should allow such statements to be made by the Vice President of an administration conceived under the banner "Bring Us Together" and currently laboring to maintain a calm and rational approach to the solution of the Vietnam war. I join the editorial writers of the Washington Post in concluding that—

> It real will not do for Mr. Ziegler, the White House spokesman, merely to indicate that vice presidential speeches for party gatherings are not cleared in advance by the White House. If Mr. Nixon wishes to be in any way convincing in this matter or to preserve the notion that he is acting in good faith, then he must repudiate the excesses of his vice president or silence him, or—ideally—do both.

I offer the text of the editorial for the RECORD:

MR. AGNEW: NO LONGER A LAUGHING MATTER

By writ and by tradition the vice-presidency is an office in which there is practically nothing to do. The trick of course lies in doing it well—in standing back and learning, in readying oneself for any emergency, in supporting the President backstairs where one can and in doing nothing that goes against his interest. Clearly, then, in the case of Vice President Agnew we are faced with one of two possibilities. One is that Mr. Agnew with his ten-month roadshow of gaffes, goofs, and raw demagoguery hasn't caught on to his job. The other is that he has—that Mr. Nixon is authorizing and/or approving the Vice President's public dicta as part of some elaborate (and foredoomed) political game. Neither is particularly reassuring, but if the latter is the case, we should be told.

In New Orleans on Sunday the Vice President made this necessary with his comments on the war and on the motivations of those involved in last week's Vietnam moratorium:

"If the moratorium had any use whatever, it served as an emotional purgative for those who feel the need to cleanse themselves of their lack of ability to offer a constructive solution to the problem."

And again:

"A spirit of national masochism prevails, encouraged by an effete corps of impudent snobs who characterize themselves as intellectuals. It is in this setting of dangerous oversimplification that the war in Vietnam achieves its greatest distortion."

And again:

"Great patriots of past generations would find it difficult to believe that Americans would ever doubt the validity of America's resolve to protect free men from totalitarian attack. Yet today we see those among us who prefer to side with an enemy aggressor rather than stand by this free nation."

Mr. Agnew also let it be known that those who participated in the moratorium were guilty of the crime of supporting "a massive public outpouring of sentiment against the foreign policy of the President of the United States" and of not caring to "disassociate themselves from the objective enunciated by the enemy in Hanoi."

Now what is interesting in all this is certainly not the Vice President's line of thought or his ham-handed effort to discredit the motivation and question the loyalty of a large and respectable part of the political community; we have seen and heard all that before. It is not even to the main point to observe that Mr. Agnew has outdone himself in assuring the hostility of a part of the electorate Mr. Nixon has some interest in calming down. Nor does the subject upon which Mr. Agnew chose to discourse with such vehemence permit his remarks to be received with the national giggle they so frequently inspire. This time around the only question worth asking is what the President thought of what Mr. Agnew said.

Mr. Nixon is engaged in a highly chancy and complicated maneuver to end the war in Vietnam in a way which will not do utter violence to this country's interests abroad and which will not result in a terrible rending of the social fabric at home—in a right-to-middle uprising based on charges of betrayal and sell-out. At least that is what you can hear any day of the week from those behind the scenes in his administration who argue the case for his method of disengagement and who beg understanding of it. Simultaneously we witness Vice President Agnew out fomenting precisely the kinds of emotions others in the White House profess to fear and claim their strategy is designed in large measure to avoid. It really will not do for Mr. Ziegler, the White House spokesman, merely to indicate that vice presidential speeches for party gatherings are not cleared in advance by the White House. If Mr. Nixon wishes to be in any way convincing in this matter or to preserve the notion that he is acting in good faith, then he must repudiate the excesses of his Vice President or silence him or—ideally—do both.

OPERATIONS FIRES

(Mr. JOHNSON of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JOHNSON of California. Mr. Speaker, yesterday I introduced on behalf of myself, Mr. DON CLAUSEN, Mr.

WYATT, Mr. DELLENBACK, and Mr. SISK, H.R. 14441, a bill to provide a method for paying costs of fires caused without negligence in connection with national forest timber sales operations. It is my hope that this legislation will resolve some problems which have developed in the timber industry over the years.

In the revision of the contract form used for the sale of national forest timber, questions have been raised as to obligations for the cost of suppressing operations fires—fires which result without negligence in the harvest of national forest timber. Such fires are started occasionally through the friction of logs rubbing on the forest floor or through such occurrences as metal striking metal or rock.

Since such fires are the product of chance, they may occur where the greatest of care is exercised. The cost of their control may be relatively great for any one operator. However, for the industry as a whole, the cost is light—in 1963–67, 4.4 cents per thousand board feet, less than one-half of 1 percent of the price paid to the Government for the timber being harvested. In the current year, the cost is expected to be well below that average.

National forest timber receipts of more than $200 million annually would not result without timber harvesting activities which include the risk of occasional nonnegligent operations fires. At present, the cost of suppressing such fires is met primarily with appropriated funds. To require timber buyers to individually bear a major part of the cost of such chance occurrences would be unfair and disastrous for the individual in some instances. If operators are to bear more of the suppression cost, it must be done in such a way as to spread the risk.

It should be clear that we are not concerned here with fires resulting from negligence. There is general agreement that losses resulting from negligently caused fires are the responsibilty of the negligent firm or individual. Timber sale contracts include very specific precautions that must be taken under various conditions of fire risk. Any deviation from these requirements resulting in a forest fire subjects the timber buyer to full responsibility for the cost of fire control and damages resulting from the fire.

Timber operators have other incentives to avoid forest fires. They have valuable equipment in the forest that could be lost in such fires. They usually need the timber badly to supply their mill and meet the needs of their customers. They usually have considerable money invested in felling, bucking and yarding timber that could be lost in a fire. Lost time and disruption of normal operations in firefighting increase costs.

There has been a proposal that timber buyers assume an increased share of the cost of suppressing operations fires and protect themselves with insurance. Such a practice would work only if there was general use of such insurance, and there are reasons to believe that because of self-insurance or other practices, the insurance would not be generally available at reasonable rates. In any event, it would be costly, and the cost would become a part of the operating cost allowance in timber appraisals—reducing stumpage rates. There could be further complications in claims and counter claims between loggers, buyers and insurance firms. Insurance costs money.

Even under the proposal for individuals to bear more of the cost of operations fires, the Government would meet most of the cost for the largest fires with appropriated funds.

The Operations Fire Fund Act is proposed to meet this problem. It would spread the risk of these nonnegligent fires to the entire industry, provide an incentive for care and meet the entire cost of suppressing such fires from deposits by operators.

Section 2 of the act establishes a fund created from deposits by timber purchasers, based on cut of national forest timber. It would limit the amount of the fund to the total cost of suppressing operations fires over the past 3 years, and would transfer excess funds to miscellaneous receipts of the Treasury.

Section 4 of the act would establish a board to fix the rates of deposits into the fund by regions, review expenditures from the fund and establish additional amounts timber purchasers must pay toward the initial cost of suppression. In western regions, it is expected that the purchaser would assume the obligations for the first $2,500 in suppression cost for each operations fire. Because of different conditions in the East, this obligation might be set at a lower level. In any event, the remaining cost of suppression would be met fully from the operations fire fund.

The Operations Fire Fund Act provides an equitable and low-cost way to meet the cost of suppressing the nonnegligent fires that may occur in the harvest of national forest timber.

BRANDT—AN ERA ENDS FOR GERMANY

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, yesterday Germany's new Socialist Chancellor, Willy Brandt, took office.

For nearly a quarter of a century, the Christian Democratic Union governed Germany and by its leadership in economics and social policies has brought the German people from the terrible devastation of war to its present position of prosperity and stability, and with the soundest money in Europe—if not the world. But that era now ends for Germany.

The replacement of Chancellor Kiesinger was in no sense a repudiation by the German people of the Chancellor or the proven leadership of his party—which had restored Free Germany to a position of respect among nations.

The CDU received a plurality of the vote. A third party, which is the balance of power, ran last in the election—suffering such a severe loss that it nearly failed to seat any deputies.

The two majority parties—neither of whom could attain a Bundestag majority to elect a Chancellor—were required to deal either with each other or with the splinter party.

Brandt's Socialists led by Herbert Wehner simply made the sharpest, fastest deal.

Press reports show that Brandt was elected Chancellor by only two votes. In the one-candidate election in the Bundestag, which came as a "yes" or "no" vote, four ballots marked "poor Germany" and "no, thank you" were declared invalid. Five additional deputies abstained.

Brandt takes office accompanied by such leadership as: The new Minister of Justice, Gerhard Jahn, who lost his office as Bundestag whip in 1963 for slipping a classified defense document to the magazine, "Der Spiegle." The new Minister of Family is Kaete Strobel, distributor of "Sex Atlas" prepared by the Government to take a frank look at sexual problems.

The world, as well as the Germans, have plainly come to one of the crossroads of history. In order to understand the significance of Chancellor Brandt's election we must understand some of the background which all of the current news stories flagrantly ignore.

It is reasonably well known that Brandt found it desirable to flee from Germany in 1933 because of his activities in the militant Red Falcons, the Socialist Labor Party counterparts of the Nationalist Socialist German Workers Party—Nazi—Brownshirts.

Three years later, still a German citizen, under his newly adopted name of Willy Brandt, he showed up with a forged Norwegian passport as a "correspondent" with the Red forces in the Spanish Civil War.

The Norwegian Minister of Justice at that time was Trygve Lie, later to become the first Secretary General of the United Nations Organization.

When the German Army invaded Norway, Willy Brandt, still a German, found it expedient to hide behind the uniform of a Norwegian soldier to be taken a prisoner of war—rather than be arrested as a fugitive.

Obtaining his freedom within a few days he fled to Sweden while Trygve Lie went to London to become the prime functionary of the Norwegian Government-in-exile. While Brandt was in Sweden and the Norwegian Government was in London, Willy Brandt became a Norwegian citizen.

He next appeared at the Nuremberg trials as a Norwegian correspondent. Because of his fluency in several languages he is said to have been a favorite among the correspondents at the Nuremberg trials.

In 1946, Willy Brandt appeared in Berlin, this time wearing the uniform of a major of the Norwegian Army.

During the next year he renewed his ties with the German Socialist Labor Party, regaining his German citizenship and began his rise to power.

Interestingly enough, one of his old comrades in the party was Herbert Wehner. When Willy Brandt fled in 1933, Wehner went underground with the Communist apparatus in Germany. In 1935, Wehner went to Moscow where he remained until 1947. He now says he is a "former Communist." Upon his affiliation with the Socialist Labor Party, Wehner established himself in Hamburg although he is a native of Silesia in Communist East Germany, where his wife and family still remain.

Mr. Speaker, the significance of Herbert Wehner in the history of Willy Brandt is twofold. First, he assumed totalitarian leadership of the Socialist Labor Party and, following the same technique propounded at that time by American Communist Gus Hall, sought to give it an image of broadly based respectability. Second, Wehner is credited with being the political genius responsible for Brandt's election as Chancellor.

The Norwegian Socialist Labor Party was the party of Trygve Lie. As a young man he had visited Moscow, then had enjoyed a meteoric rise in the party. During the Spanish Civil War, Trygve Lie was Norwegian Minister of Justice and as such personally handled the expulsion from Norway of purged Communist, Leon Trotsky. He arranged Trotsky's transportation to Mexico where he was later murdered by Stalin's agent, a Spanish Communist.

Trygve Lie, as Norwegian Foreign Minister, participated as head of the Norwegian delegation of the UNO in San Francisco together with such American luminaries as Alger Hiss. Thereafter, he became the first Secretary General of the UNO.

What is not well understood in the United States about European politics is the close relationship across national borders between political parties. Thus, interlocking arrangements are frequently made between political parties outside of the structure of government and effectuated when those parties come to control the government of their nation.

As a result of party discipline, the government official who also holds a party title exercises his power, not through the government but through the party apparatus. It is important for all Americans to recognize this power and to realize that while Willy Brandt has become Chancellor of Germany, Germany's policy will be largely made in the Socialist Labor Party, controlled by Herbert Wehner, who reassures us he is no longer a Communist.

Only three nations in the modern world have shown the technical capacity for the production of efficient machine tools—Sweden, Germany, and the United States. For many years, people who understand world politics have recognized the threat to freedom should either German or Swedish technology be permanently allied to the exploitation capacity of the Soviet Union.

In view of the controversial background of Chancellor Brandt and the forces behind his election the world watches very attentively the direction which Germany will now take.

I include a series of pertinent articles following my remarks for the study of the Members:

[From the Washington (D.C.) Post, Oct. 22, 1969]

AN ERA ENDS FOR GERMANY

(By Dan Morgan)

BONN, October 21.—"I see myself," said Willy Brandt a few days ago, "not as chancellor of a defeated Germany but of a liberated one."

Thus the Social Democratic Party's leader, whose active opposition to Hitler has not been an asset in his long journey to the chancellorship, gave the clearest possible sign that his election today ended an era, not only for Germany but for Europe as well.

It was a reminder that a man and a party were coming to power free of any shame for their past—or for being Germans.

This moral self-assurance of the Social Democrats has not always been understood in the 20 years of postwar West German democracy.

In the early days of the republic, the then party leader Kurt Schumacher preached the virtues of a strong "national consciousness." It was too soon. It made the conquering powers uneasy; and the German people, weary from war, rejected Schumacher's raw proletarian philosophy.

ACCEPTED THE DIVISION

Instead, West Germany was built up by the Christian Democrats, who accepted the division of Germany and the concept of "Little Germany."

Willy Brandt and his party have since greatly refined the ideals of Schumacher. They nevertheless bring to the Bonn government a century-old commitment to the German nation based on a policy of peace fitted to present European realities and to the humane traditions of social democracy.

The attitudes of Schumacher and Ernst Reuter, former West Berlin mayor and another key Social Democrat, were mistakenly viewed as nationalistic, Brandt has written.

"National consciousness is something different from arrogance, or overestimating one's worth as to other people," he said. "It rests on a confident evaluation of one's own strength, achievement and virtue—and of one's own limitations."

At the same time, Brandt wrote, whoever fails to accept the consequences of Hitlerism "is unfit to make German policy."

These are some of the strands of thinking that guide the man who is to lead West Germany into the 1970s.

His country is secure as a state, but it is deeply uncertain of its future within the undefined German nation, and the success of Brand't chancellorship may turn on his ability to interpret the longing of its citizens for reconciliation.

In his own historical reflections, Brandt turns to his forefathers in the socialist movement, from August Bebel to Friedrich Ebert. But, surprisingly, he also finds historical lessons to be drawn from two nonsocialists, Otto von Bismarck and Gustav Stresemann. Bismarck—who banned the socialists as enemies of the state—he admires for his rejection of "dogmas, doctrines and ideology." Stresemann he respects more deeply for his courage in seeking reconciliation with German's World War I enemies against the domestic opposition of a powerful right wing.

SEEKS "INTERNAL REFORM"

Both failed in the long run, he believes, because they were unable to "unite the nation from within." Brandt, for his part, has pledged to be the "chancellor of internal reform."

The root of Brandt's diplomacy of reconciliation, in 34 months as foreign minister in the Grand Coalition of Christian Democrats and Social Democrats, has been nonviolence. And one of the stated priorities of his government will be to negotiate treaties renouncing the use of force with the Soviet Union and the other Eastern European countries, including Walter Ulbricht's East Germany.

Brandt has a firm commitment to the Western alliance, but a determination to at least lay the groundwork for a peace in Europe less dependent on Soviet and American power.

Brandt was born Herbert Karl Frahm in 1913, in the northern coastal town of Luebeck. The dark days of Germany paralleled the dark days of Frahm. The illegitimate child of an impoverished mother, he nonetheless achieved a high school degree, which in those days could normally be obtained only by upper-class children or the unusually gifted.

After 1933 and the Hitler persecution of socialists came exile to Norway and Sweden, involvement in Scandinavian socialist work, Norwegian citizenship and adoption of a new name, Willy Brandt.

MAYOR OF WEST BERLIN

Following the war came his much-publicized return to Germany in a Norwegian major's uniform, an event still held against him by many Germans. By 1947, he had become a German citizen again. In 1955 he was elected mayor of West Berlin.

That began the period for which he is internationally known as a symbol of West Berlin's struggle for survival 110 miles inside Communist territory.

Although he was momentarily shocked by the inaction of the allies when the Berlin Wall was built in 1961, it was that period that ultimately cemented his relationship with the Western allies, particularly with Washington.

LESS FORMALITY

It is almost certain that he will reduce the ceremonial level of Bonn's official life.

One diplomat recently recalled that the first year Brandt was foreign minister, the annual diplomatic ball called for white tie. The next year, changes were already evident: black tie or dark suit was sufficient.

While Chancellor Kiesinger and his predecessor, Ludwig Erhard, were disliked in the postwar generation of German intellectuals, Brandt is attracted by them, and vice versa.

He has a close friendship with novelist Guenter Grass.

He is a gifted raconteur, witty and a master of colorful language, particularly late in the evening.

A few months ago in a relaxed mood before journalists he described the Grand Coalition as being similar to the "sexual traffic of elephants . . . everything occurs at a high level, much dust is churned up and the results are long in coming."

His work habits reflect a style that is thorough, reflective and speculative rather than managerial.

"I am no sprinter," he reminded a journalist the other day as he worked on his government program.

The next days and months will determine if Brandt, the long-distance runner, has the wind to outrun the conservative Christian Democrats, who will be nipping at his heels from the opposition benches.

[From the Washington (D.C.) Evening Star, Oct. 21, 1969]

WILLY BRANDT TAKES REINS AS CHANCELLOR

(By Andrew Borowiec)

BONN.—Willy Brandt, a child of Lubeck slums and a longtime political exile, today became West Germany's first Socialist chancellor.

He inherited a strong nation with a strong economy, strong currency—and strong opposition from the Christian Democratic Union (CDU), ousted after 20 years in power.

He has pledged to lead Germany along a more liberal and independent path, no longer a conquered nation with a guilt complex but a country demanding a place in the world commensurate with its economic success.

Brandt was sworn in by President Gustav Heinemann shortly after the new German Bundestag (parliament) elected him to the nation's leadership by 251 votes to 235—two votes more than required.

Five parliament members abstained, four votes were declared invalid and one deputy was absent.

The election was made possible only by a coalition between Brandt's century-old Social Democratic party (SPD) and the small

Free Democratic party (FDP), commanding a 12-seat edge among the 496 members of the legislature.

The coalition resulted from the Sept. 28 legislative elections that gave no clear-cut mandate to any single party. By pooling their forces, the SPD and liberal FDP were able to remove the Christian Democrats from power at least for four years.

Thus, an era dominated by the ghost of the late Konrad Adenauer, architect of post-war West Germany, came to an end. For the first time since the war, left-of-the-center forces are at the helm.

It was a day of jubilation for most of West Germany's post-war generation and a day of bitterness for the Christian Democrats who control 242 seats in the Bundestag and thus present a potential stumbling bloc to many of Brandt's ideas.

The election results were read today in hushed silence in the modernistic Bundestag building.

"Yes, I accept the election," Brandt said.

Minutes later, as the session of the sixth Bundestag was adjourned, former Chancellor Kurt Georg Kiesinger bitterly pledged to lead his Christian Democrats as a strong opposition force.

Assisting Brandt as vice chancellor and foreign minister in the 15-minister cabinet will be Walter Scheel, head of the FPD.

The new government is committed to lead what it calls a "barriers down" policy toward Eastern Europe. It wants to have a more realistic approach to East Germany and would like to end the age-old feud with Poland.

The coalition also wants to move with determination to expand and strengthen the European Common Market.

One of its first acts, however, is expected to be formal revaluation of the German mark, which has soared more than 6 percent over its official value on the free markets.

Brandt will spell out his program in detail next week but no spectacular departures from his electoral campaign platform are expected.

For the 55-year-old Brandt, it was a long and arduous path from his native Lubeck to the white-walled Palais Schaumburg, the official residence of German chancellors, on the banks of the Rhine.

Son of an unwed shopgirl, he was brought up as Herbert Karl Frahm. From early youth, he participated in the socialist movement, eventually adopting the pseudonym of Willy Brandt, which later became his name.

In 1933, with Nazi stormtroopers stamping out opposition, young Brandt fled to Norway, whose uniform he wore at the start of World War II. He fled Nazi armies again in 1940, a hapless exile in a Europe on fire.

But after the war he returned to a devastated and broken Germany, saying "It is better to be the only Democrat in Germany than one of many in Norway . . ."

His career was fast and brilliant. He served as mayor of West Berlin and later, in 1966, became foreign minister in the "grand coalition" government.

[From the Washington Post, Oct. 22, 1969]

BRANDT REPLACES KIESINGER; BECOMES FIRST SOCIALIST RULER OF WEST GERMANY

(By Dan Morgan)

BONN, October 21.—Willy Brandt, the former mayor of West Berlin who failed twice in the past eight years to win the leadership of West Germany, was elected today as the first Social Democratic chancellor of the post war republic.

Brandt's "I accept the election" was greeted by applause from his Social Democratic Deputies in the Bundestag (Parliament) and ended 20 years of Christian Democratic rule.

Brandt's first comments after his election stressed efforts to achieve diplomatic relations and a nonaggression treaty with Poland, and pointed toward a quick German signature on the nuclear nonproliferation treaty.

At the end of the tense secret balloting in the Bundestag chamber, Speaker Kai-Uwe von Hassel announced that Brandt, the sole candidate, had exceeded the required absolute majority of 249 by two votes.

The vote was 251 for Brandt, and 235 against him, with five abstentions and four votes declared invalid, including ballots marked "Poor Germany" and "No thank you."

There had been some uncertainty over whether Walter Sheel's 30 Free Democrats, the Social Democrat's partners in the new coalition, would stay united behind Brandt. At least 27 of them did, and that was enough.

Brandt, 55, became the first Social Democrat since 1930 to lead a German state when he took the oath of office before the plenum this afternoon.

Brandt, who failed to win in 1961 and again in 1965 when the Christian Democrats swamped his party in national voting, acknowledged that his victory was a source of "a little bit of pride."

Though the new government's program will not be announced until next Tuesday, domestic reform, strengthening West European unity and seeking accords with the East are Brandt's guidelines.

Brandt told the German press agency DPA that he would work for diplomatic relations with Poland, as well as a treaty with Warsaw renouncing the use of force. He said there should be no major obstacles in finding "the right basis" for signing the nuclear pact.

The new chancellor, who served as foreign minister for 34 months in the outgoing cabinet of Chancellor Kiesinger, will face some tough problems almost immediately.

The first is the threat of inflation, which a leading West German economic research group said would remain even after a currency revaluation, expected to come in the next few days, possibly Sunday.

The other problems are the crisis in the Common Market over the collapse of the Market's agricultural pricing policy and the French stand against widening the Market.

He also will face the strongest parliamentary opposition in Bonn's history.

Stability is essential for Brandt and his new team of Social Democratic and Free Democratic ministers to carry out their broad program of Domestic reforms, including expansion of university facilities, tax changes and greater promotion of science and research.

At today's parliamentary session, the Christian Democrats sat in silence as the results were announced. When it became obvious that Bonn had just seen its first transfer of political power to the socialists, floor leader Rainer Barzel and Chancellor Kiesinger left their front benches and shook hands stiffly with Brandt.

Then Brandt turned and, exploding with a grin, gave a spontaneous half-hug to Herbert Wehner, the man who 10 years ago masterminded the Social Democratic strategy switch to the moderate policies that resulted in the socialists receiving 42.6 per cent of the national vote last Sept. 28.

Brandt's margin today was two more than the one-vote cushion won by the late Chancellor Adenauer in 1949, and party officials predicted that they would have no trouble staying in charge on the floor.

The new government will be sworn in on Wednesday. The unofficial lineup:

Chancellor: Willy Brandt (SPD).

Foreign Minister: Walter Scheel (FDP). Former foreign aid minister under Ludwig Erhard and a Dusseldorf management consultant.

Defense: Helmut Schmidt (SPD). Party floor leader under outgoing Grand Coalition, reserve Bundeswehr major and a defense specialist.

Economics: Karl Schiller (SPD). The mastermind of the 1967–68 economic recovery who introduced central planning in discreet doses to the German postwar economy.

Finance: Alex Moeller (SPD). One of the old SPD "comrades," but one from the employer manager side, he is director of a Karlsruhe Life Insurance company.

Interior: Hans-Dietrich Genscher (FDP). A lawyer with liberal credentials.

Minister in Chancellory: Horst Ehmke (SPD). Pragmatic and energetic, he is the motor in the Brandt chancellory that will leave the chancellor time for policy and planning.

Justice: Gerhard Jahn (SPD). Lost his post as junior Bundestag whip in 1963 for giving Spiegel magazine a "secret" document from the defense committee.

Transportation: Georg Leber (SPD). Trade unionist and a coming man in the party.

Agriculture: Josef Ertl (FDP). Representative of the party's right wing in the cabinet.

Labor: Walter Arendt (SPD). Trade unionist.

Development aid: Erhard Eppler (SPD). Spartan, progressive, with strong ties in the Protestant Church, both in East and West Germany.

Housing: Lauritz Lauritzen (SPD).

Family: Kaete Strobel (SPD). Distributor of "Sex Atlas" prepared by government that took a frank look at sexual problems.

Science: Prof. Hans Leussink (unaffiliated). Brandt's most controversial choice because of lack of party image; left-wing students and trade unionists suspicious of his conservatism on educational reform.

All-German Affairs: Egon Franke (SPD). Strong ties in Bundestag but otherwise unknown.

NIXON CONGRATULATES ACTUAL BONN WINNER

President Nixon, who committed a minor international blunder by prematurely phoning the winner in Germany's elections, congratulated the new West German Chancellor, Willy Brandt, yesterday.

Mr. Nixon phoned congratulations to then Chancellor Kurt Kiesinger the night of the election when his party had won a plurality but not a majority, with no assurance of his retention as chancellor.

In yesterday's letter, Mr. Nixon told Brandt it gave him "great pleasure to congratulate you on your elevation to the high office of Chancellor of the Federal Republic of Germany. You have already done much for your people, as governing mayor of Berlin and as foreign minister and vice chancellor."

[From the Washington Star, Nov. 21, 1958]

BERLIN'S LORD MAYOR READY FOR CRISIS

BERLIN, November 21.—Willy Brandt is ready to take on whatever the Communists throw at Berlin.

"We've got strong nerves and we're ready for the difficulties ahead," says the handsome 44-year-old Lord Mayor.

Mr. Brandt is a fighting Socialist politician in the tradition of the late Ernst Reuter, Lord Mayor who saw Berlin through the Russian blockade of 1948–9.

Some fellow Social Democrats think Mr. Brandt may one day be Chancellor if West Germany swings left.

His lust for the political rough-and-tumble may stem from his background—voluntary exile during the Hitler years, escape from the Gestapo, marriage to a Norwegian beauty, and a meteoric postwar political rise.

WAR RECORD ARGUED

Controversy centers around his activities in World War II. Some political foes accuse him of treason, claiming that he fought with the Norwegian Army while a political refugee.

Mr. Brandt denies the charge. He says he put on the Norwegian uniform to escape the Gestapo hunt for him after Norway fell in 1940. He succeeded in eluding the Nazis and wound up the war as a Norwegian citizen in Sweden working as a journalist. In the war he changed his name from Herbert Karl Frahm, given to him by his mother, a former shop girl in Luebeck.

After Germany surrendered, Mr. Brandt returned to Berlin as Press Attache in Norway's military mission.

He readopted German citizenship in 1947. He won a seat in West Germany's Parliament and in 1950 became a West Berlin city legislator.

HIS SOCIALISM IS PRACTICAL

Mr. Brandt was a hard-headed practical Socialist then and is now. Experience with Nazism and Communists has made him shy at too much state power. He sees free enterprise playing a pivotal role in reconstructing West Berlin as a showcase for freedom.

In 1948 Mr. Brandt married Rut Hansen, whom he had met in Scandinavia. The couple and their two boys speak Norwegian at home.

The Brandts live in a four-room apartment of a two-family house.

"For the boys and myself, our parties here take place when my husband is at home. That's not often," said slim, blonde Mrs. Brandt, wistfully.

"The boys sometimes ask me how it is that the father of the children upstairs can come home for lunch."

Mr. Brandt isn't coming home for lunch nowadays—and rarely for dinner. He is too busy speeding around among his 2.2 million people, telling them to stand fast.

[From the Washington Post, Feb. 7, 1959]

German Man of Future?—Brandt, Young Socialist, Here Today

(By Chalmers M. Roberts)

A 44-year-old German politician on the way up arrives in Washington today with his blond, trim Norwegian-born wife. He is Willy Brandt, Mayor of the city on which the world's eyes are focused—free West Berlin in the midst of Communist East Germany.

Brandt became a Social Democratic Party member at 17. Three years later, when Hitler came to power in 1933, he fled to Norway, where he had relatives. In Oslo, he studied history and worked as a journalist. In 1937, he covered the Spanish Civil War for Scandinavian newspapers. Born Herbert Frahm, he took the pen name Willy Brandt when he first began to write in Norway.

When Norway surrendered to Hitler in 1940, Brandt donned a Norwegian uniform in order to surrender as a soldier rather than risk arrest by the Gestapo. He was released, went to Sweden, was granted Norwegian citizenship in absentia, again worked as a journalist.

After the war ended, he was a Scandinavian newsman in Germany covering the Nuremberg trials. He also served as a political attaché of the Norwegian military mission in Berlin.

In 1947, he settled in Germany for good. Thayer quotes him as saying at the time that "it is better to be a lone democrat in Germany than to be one in Norway where everyone is a democrat."

In Berlin he jumped into party politics and was, successively, chief editor of the Berliner, Stadblatt, a member of the West German Bundestag, a member and president of the Berlin House of Representatives. Today he is not only Mayor of Berlin but also his Party's chairman in the city. He is the author of a recent biograph of Ernst Reuter, the Social Democratic Mayor during the Berlin airlift days and Brandt's political mentor.

The Mayor's party favors some form of East-West disengagement and is strongly opposed to nuclear arms in West Germany. Brandt's own position on some of these points is a bit fuzzy.

The Eisenhower Administration is eager to give Brandt a good reception. It wants him to know how important it feels is his strong leadership in West Berlin—and not just because some $300 million of American aid has been poured into the city since 1947.

Brandt will be entertained here tonight by Eleanor Dulles, the State Department's longtime German expert and sister of Secretary John Foster Dulles.

[From the Harper's magazine, February 1959]

Underground in Norway

(By Charles W. Thayer)

The progressive opponents of The Barracks staged an open revolt at the Stuttgart convention last May and managed to throw most of the old left-wingers out of the party's executive committee, replacing them with such modern right-wingers as Willy Brandt. On foreign policy, however, there was little change at Stuttgart. In their appeals for talks with the Kremlin, their denunciation of NATO defense plans, and their opposition to Adenauer's pro-Western policies, the speakers only succeeded in pushing the party further down the dead end street of fuzzy-minded neutralism.

It was clear in Stuttgart that the reformers themselves had not dared to challenge the legacy of Schumacher in front of the minor party officials, the ward leaders who dominated the party convention. What the reformers needed was not an intellectual Socialist—they had plenty of them—but a courageous, dynamic man with the popular appeal to lead a genuine rejuvenation movement. That man, his friends say, is the newly elected national committeeman, Willy Brandt.

Willy's career, like his charm, is unique in several respects. Born in Lübeck on the North Sea, the son of a grocery store saleswoman, Brandt (whose name at birth was Herbert Frahm) became interested in the Social Democratic party as a schoolboy. Still in his teens when Hitler came to power, he saw his older friends being arrested by the Gestapo and decided to flee before he himself was caught. He escaped by fishing boat to Norway. There he immediately began a successful career as a journalist under the pen name of Willy Brandt.

Unlike other Social Democrats who emigrated first to Prague and eventually to London, where they spent their exile huddled in a frustrated little group, some not even learning to speak English, Brandt quickly became active in Norwegian politics. He learned both Norwegian, in which he wrote a number of books and pamphlets, and English, which he still speaks well.

During his exile he acquired a forged Norwegian passport.

"It was a damned good forgery," Willy records. "It fooled all the police in Europe—including the Gestapo."

With it he covered the Spanish Civil War for some Scandinavian newspaper and even visited Berlin to gather material in the Nazi party archives for use in his anti-Hitler pamphlets.

When the Germans invaded Norway, Brandt was working with the Norwegian Red Cross. Fearful that the Gestapo would discover his real identity, his friends got him a Norwegian soldier's uniform in which he was taken prisoner by the Wehrmacht instead of the Gestapo. After a few weeks as a prisoner-of-war, he managed to escape and fled to Sweden.

These circumstances have caused him some political embarrassment, since opponents have charged that while still a German citizen he bore arms against his country. Willy emphatically denies the accusation explaining that he had been deprived of German citizenship by the Nazi government and that in any case he was a Red Cross worker and not an active soldier. Perhaps oversensitive to these charges of treason, Brandt has brought suit against the politician who first published them. The case is still pending.

In Sweden, Brandt finally acquired Norwegian citizenship and worked with the Norwegian Government-in-Exile until the war ended. It was in Stockholm that he first met Ruth, the widow of a fellow journalist. But it was not until he moved to Berlin that he married her.

When the war ended Brandt returned to Germany, first as a journalist to report the Nürnberg trial and then as a political attaché of the Norwegian Military Mission in Berlin. He re-established his contacts with the Social Democratic party, then being revived by Kurt Schumacher, and after two years decided to give up his privileged position as a victorious Norwegian and to resume the citizenship and status of a defeated German.

"It is better," he said at the time, "to be a lone democrat in Germany than to be one in Norway where everyone is a democrat."

In Berlin, Brandt at once allied himself with another ex-emigré, Ernst Reuter—later to become a famous Mayor of Berlin—who was also a Social Democrat with progressive leanings. At that time the local party leader was Franz Neumann. He had spent the Hitler years in "internal emigration" as a locksmith and had sprung to prominence when he successfully resisted Soviet efforts to merge the entire Berlin Social Democratic party with the Communists to form the Soviet-dominated Socialist Unity party which now rules East Germany and the Eastern Sector of Berlin.

Jealous of Reuter's immense prestige, Neumann provoked a quarrel which lasted until Reuter's death. The feud was carried on by Brandt and only ended, for practical purposes, when Brandt ousted Neumann from the local party chairmanship.

Elected to the first Bundestag in Bonn in 1949, Willy (under Reuter's tutelage) slowly built himself a reputation as a practical politician, a highly effective public speaker, an arch-enemy of the Communists, and a stanch ally of the West—and particularly of the United States, which had contributed so much to saving his adopted city during the Blockade. Finally his break came with the crisis at the Brandenburg Gate in 1956 and his election as Mayor a year later.

As soon as he had installed himself in the Mayor's office, Brandt set out on two pilgrimages which since the war have become almost obigatory to aspiring German politicians—to Washington and London. According to the Berlin press both trips were triumphal tours—in brilliant contrast with the tepid reception his national party chief, Erich Ollenhauer, received a year earlier. Berliners of all parties—excepting the Communists—are proud of their new Mayor and consider him the legitimate heir of their beloved Ernst Reuter. British, French, and American officials are no less warm in their praise.

But it is the Social Democratic reformers who hold the highest hopes for Brandt. Not that they expect him suddenly to take over the national party leadership or even to storm The Barracks at Bonn. Willy is still too junior among the rank-conscious Social Democrats, despite his recent leap to fame. Moreover, he is a cautous political strategist, who can wait ten years to gain his ends.

OPPORTUNIST OR PRACTICAL POLITICIAN?

Now that he has risen to the top level of his party, what does Willy hope to achieve for it? In the first place, he believes strongly that an exclusively workers' party is an anachronism. The Social Democrats must spread out in all directions—among white-collar workers and small businessmen, intellectuals and civil servants. At its fringes it should not demand formal party membership but should merge with non-party sympathizers. "People have a perfect right to be politically active without paying dues to a political party," he argues.

Secondly, Brandt believes, that though a party machine to organize elections is necessary, it should not be the tail wagging the dog. Even in the selection of candidates, party functionaries have a tendency to put forward old "comrades," and as a sounding board of public opinion, Brandt believes, polls are more accurate than the views of prejudiced ward leaders.

Willy is not an extremist, however, about the old symbols that worry Carlo Schmid and other reformers. If the old boys want to drape an old party banner or two behind the speaker's platform, Willy doesn't mind. "But," he adds with a grin, "let's not start making any new red banners. It's not the fashion nowadays."

And if they want to call each other "comrade" and sing a few Socialist songs at the end of a political rally, why not? (Brandt himself regularly addresses his audiences as "Ladies and Gentlemen" and when he took the oath as Mayor of Berlin, he almost shouted the words "So help me God!" thereby shattering an ancient Social Democratic taboo on religious oaths.)

Brandt is not a believer in dogmas and party doctrines. "In this age when politics like everything else is jet-propelled, who can draft a program that will stand up five years hence?" The best one can do, he thinks, is to formulate a few basic principles and stick to them. At the Stuttgart convention, where an elaborate new party program was one of the chief subjects of discussion, Willy was conspicuously silent.

Among the principles Willy would like to see adopted are these four:

(1) "The magic word 'nationalization' is no longer justified in modern politics. The problem is how the various forms of economic activity and how private and public capital are to be harmonized. To the extent that public capital is necessary, for example in the fuel industry, you have to be cauious and not just demand complete socialization."

(2) Recalling the bitter days of 1933, when Hitler was hailed into power by an ignorant electorate, Willy believes that enlightened popular political activity must be vigorously expanded. "It's not enough," he says, "just to give people the vote." In Germany many feudal hangovers from the past curtail the political activity of the citizen. The most burdensome of these—not only of Hitler, but of Bismarck and Wilhelm II—is perhaps the bureaucracy. "Imagine an American civil servant telling a Congressman to go to hell," he says. "Yet that's precisely what many high civil servants do in Germany!" Brandt concedes that you can go too far with this as with any other theory. Lenin, for example, suggested that in the ideal state, street cleaners and mayors should alternate at their jobs. "That's nonsense," he says; "besides I've no great hankering to sweep streets."

(3) Willy believes that the existing monopoly on higher education in Germany must be broken. This, he explains, is a two-pronged problem. The ordinary well-paid German worker—suffering from an old inferiority complex—seldom saves money, as a poor civil servant does, to send his children through college; he feels they don't belong there. On the other hand, many people in Germany, including Adenauer and his adherents, still think that scholastic aptitude is best determined by birth. Rich industrialists perpetuate the educational monopoly by granting scholarships only to sons of white-collar employees. The big university fraternities, with their powerful old grads, do the same by giving preference in jobs to sons of fraternity brethren.

(4) While Willy does not hold much store by the old romantic ideals of an international brotherhood of the working class, he does believe that the more prosperous industrial nations should practice a new brotherhood by helping to develop backward countries.

On the more specific issues of international affairs, Mayor Brandt is careful not to antagonize the policy-makers of his party. Often he takes refuge in the formula that, as Mayor of Berlin, foreign affairs are outside his province. Since his city suffers most acutely from the division of Germany, however, he attaches far more importance to reunification than do Adenauer and his adherents. To achieve reunification he is also prepared to take greater risks than the present government.

Perhaps because he is daily confronted with problems arising from the East-West struggle, Brandt believes that eventually Moscow and Washington will be forced to come to a settlement by world public opinion. He also believes that the pressures within the Soviet Union—unrest among intellectuals, the unsolved problems of modern industrialism, and the problem of the peasantry—will eventually force the Kremlin to modify its methods.

Furthermore, the pressures in the satellites, such as those in Poland and Hungary, will work toward the same end.

For all these reasons, Willy believes that Germany must push for an eventual settlement and see to it that it is made with Germany's consent and not at its expense. At the same time, he thinks that to be prepared for every contingency the West must keep all lines to the East open. Unlike Adenauer—who once refused a West German visa to a Soviet clown—Willy is ready to talk to all visitors who come through Berlin from the East. Shortly after becoming Mayor of Berlin he paid a courtesy call on the Soviet Commander in the East Zone, and when I last saw him he was about to receive some Soviet students returning from England.

In the current debate on "disengagement" Brandt pleads ignorance but, he adds, everyone else appears to be just as ignorant, including Chancellor Adenauer. An American general, for example, told him that the American bases in Germany were useless.

"If that's the case," Willy asked, "why not swap them for some political advantage?"

Until the Western authorities and particularly NATO itself are agreed upon minimum military defense requirements, no one, including Adenauer, knows what we are bargaining with—or for.

Compared to the involved ideologies of some of his fellow politicians, Brandt's principles appear basic to the point of superficiality. In fact, some of his critics accuse him of down-right opportunism. His friends reply that the fundamental difference between him and the doctrinaire theoreticians is that while he was working at practical politics in Scandinavia the theoreticians were debating nineteenth-century dogmas in London. An American diplomat in Berlin who knows and admires Brandt, says: "It is precisely his pragmatic approach to problems that appeals so strongly to outsiders who do business with him."

Willy is the first to recognize that his political philosophy must appear rather commonplace to an American. But, he emphasizes, Germany has never had a chance to adapt its political institutions to what he calls "living democracy." Only during the Weimar Republic would such a development have been possible—and during that hectic period the goal of every politician was not reform but survival. During the occupation the Western Allies—particularly the Americans—did their best to put some of Willy's principles into practice but (though Willy is too polite to say so) they failed. Anyway, Willy believes, such principles cannot be imposed from without but must be developed from within.

[From Time, May 25, 1959]

NO MORE BANNERS

The conflict between Willy and Ollenhauer is also an ideological conflict between two generations of Socialists. Many of the party's senior bureaucrats cling to gospel according to Karl Marx, still talk wistfully of a "state-guided economy." They have lost the last three national elections. Willy argues that "the magic word 'nationalization' is no longer justified. The problem is how . . . private and public capital are to be harmonized." If German Socialism is to get more than its immovable 30% of the votes, he insists, "it must have a wider base than a single class," must become less doctrinaire to win middle-class appeal. "Let's not start making any new red banners," he says. "It's not the fashion nowadays."

THE YOUNG FALCON

Willy's moderate Socialism represents the Scandinavian strain in him—the most important influence in his life. He was born Herbert Karl Frahm, the illegitimate child of a shopgirl in the Baltic German port of Lubeck. The companionship he could not find at home he sought in the "Red Falcons," prewar Germany's Socialist youth movement. He got into his first slugging match with the Nazis at 17, was rarely out of trouble thereafter. By 19 he was writing for Socialist newspapers, serving as a functionary of the far-left Socialist Workers' Party, and was, an old acquaintance recalls, "as close to Red as you can get without actually being Red." In 1933, already in the Gestapo's black books, and disgusted with the German Socialists' collapse before Hitler, he fled to Norway under the pseudonym Willy Brandt—the name he has borne ever since.

In Norway Willy supported himself by newspapering. (In the 1957 German *Who's Who* he still listed himself a journalist.") But his real profession was politics. He became the moving spirit of the German refugee colony in Oslo, won such esteem among Scandinavian Socialists that some of them still argue that he would in time have become Foreign Minister of Norway. Willy gained political maturity there, and a deep affection for Scandinavia that has never left him. Even today he speaks Norwegian at home, and most of the personal friends invited to the Brandt's five-room duplex in Berlin's Zehlendorf district are Scandinavian.

FATHERLY FRIEND

When the Nazis invaded Norway in 1940, Willy found himself in personal danger. Up to his neck in anti-Nazi plots—he had even spent six months back in Nazi Germany using forged Norwegian papers—he was wanted by the Gestapo. At the urging of Norwegian friends, he donned a Norwegian uniform, was flung into a P.W. camp along with the defeated Norwegian army, released as harmless after five weeks. At war's end, after almost five years in refuge in Sweden, he turned up in Germany again, first as a Norwegian correspondent, then as press attaché to the Norwegian military mission in Berlin.

When he arrived in Berlin, a Norwegian citizen with the rank of major in the Norwegian army, Brandt had no intention or resettling in the land of his birth. Already he was planning marriage to Rut Hansen, lovely blonde widow of a Norwegian journalist. (His first marriage, also to a Norwegian girl, ended in divorce in 1947.) His privileged status as a member of the Allied occupation forces assured him of a luxurious existence that no German could dream of matching. But under the influence of Ernst Reuter, whom he still emotionally recalls as his "fatherly friend," Willy's interest in German politics began to revive. In early 1948 he became a German citizen again. His explanation: "It is better to be the only democrat in Germany than one of many in Norway, where everyone understands democracy."

[From the Manchester Guardian Weekly, Sept. 29, 1960]

MAYOR BRANDT OF BERLIN

(By Werner Burmeister)

What kind of man is Willy Brandt and what influences have shaped him? He himself supplies answers to these questions in "My Road to Berlin," which is just published (by Peter Davies, at 25s). In some measure, the story suffers from being retold by another man's pen, or perhaps it is the fault of the translation which sometimes jars on the reader. Still, through Mr. Leo Lanio we have now been given a simple and straightforward account. Brandt's outlook has been vitally influenced by three men, and by his exile in Norway.

The first of the three men was his grandfather in Lübeck where Willy Brandt was born in 1913—as Herbert Frahm, who never knew his father. The grandfather, an agricultural laborourer and later an industrial worker, taught him the rudiments of socialism. At his knee, the boy heard about Marx and Bebel and Lassalle, and how the Social Democrats would end all misery for ever. He got a scholarship to the grammar school, joined the Socialist youth organisation, started to write for the local party newspaper, and met its editor, Julius Leber, who represented Lübeck in the Reichstag, and who was executed by the Nazis in 1944 for his part in the conspiracy to kill Hitler.

During the struggles immediately before Hitler came to power, Julius Leber, the second of his mentors taught Brandt some principles which sound quite simple now but were not so simple then, and which the young Left-wing Socialist must have continued to doubt for a while. They were that Social Democrats were forced to wage war on two fronts—against the Nazis and against the Communists—and that "working class unity" was impossible between two parties, one of which stood for democracy, while the other wanted to establish its own dictatorship. Until the end of the Spanish civil war, and even later, until the Hitler-Stalin pact of 1939, many young Socialists thought that the Communists had similar aims.

Leber was arrested on the day Hitler became Chancellor. A faithful fisherman took Willy Brandt (that was now his party name) to Scandinavia. There he spent some of the happiest and most formative years of his life. Norway became his second home. He was young enough to avoid the self-centred life of political refugees. Soon he spoke the language fluently—so much so that the Germans did not recognise him when, later on, he became their prisoner of war for a short time. Meanwhile, he worked as a journalist and as an active member of the Norwegian Socialist youth movement. The example of a Socialist party in power, too busy mastering the practical problems of running its country to have much time for theoretical debates, clearly produced a lasting change in his outlook.

Equally decisive for him was his assignment as a war correspondent for some Norwegian papers in Spain early in 1937. He saw the Communists at work and noted that, though they contributed greatly to the military organisation of the Republican forces, they did not hesitate to use the most vicious means against their Socialist comrades, to secure exclusive control of Republican policy. It was an experience which later largely determined his political actions and thinking.

After the German conquest of Norway Willy Brandt fled to Sweden where he met exiled Socialists from practically all European countries.

In Sweden, too, he made his first contacts with members of the German conspiracy against Hitler—officers, civil servants, many of them conservative in outlook. At first, he could not believe that the German generals would overthrow the man who was their own creation. But he changed his mind, above all because men like Julius Leber were taking a leading part in the plot. It was their sacrifice, in the holocaust that followed the attempt on Hitler's life in July 1944, which in the end made him determined to return to Germany.

At Christmas, 1946, he arrived in the uniform of a Norwegian major to join the military mission at the Allied Control Council in Berlin. A few days earlier, Ernst Reuter had returned there from Turkey—the third man who was to exercise a profound influence on Brandt's mind. Berlin in 1946 seemed like a no man's land on the edge of the world, though inhabited by three million people. Within a year, he had decided that he must go back to Germany for good; he gave up his Norwegian citizenship and applied for renaturalisation. The West German Social Democrats sent him to Berlin as their spokesman with the Western Allies there.

[From the Manchester Guardian Weekly, Feb. 20, 1964]

HERR BRANDT BECOMES PARTY CHAIRMAN

(By Norman Crossland)

BONN, February 16.—Herr Willy Brandt, Lord Mayor of West Berlin, today became chairman of West Germany's Social Democratic Party and candidate for the Chancellorship at the general election in September next year. As chairman he succeeds the late Herr Erich Ollenhauer.

The SPD is now led by a triumvirate of Herr Brandt, Herr Herbert Wehner, and Herr Fritz Erler, these last two being elected as deputy party chairmen. Herr Wehner will look after the political organisation of the party and Herr Erler will be the party leader in the Bundestag.

An early sign that Herr Brandt's election heralds a period of more pointed political strife was the reaction of the Christian Democrats. The CUD business leader, Herr Josef Hermann Dufhues, said his party wished Brandt the strength to carry out his political task. But, in fact, he added less sweetly, the SPD had no other choice than to elect Brandt when at the last general election he had been projected at such expense by the party's propaganda machine.

The choice of Brandt as chairman had been made in the knowledge that the party was really rejecting the stronger man, namely Herr Erler. This showed how, in the days of mass media, a political party could become the prisoner of its own propaganda.

[From the New York Times, Apr. 11, 1965]

WILLY BRANDT—THE CHAMPION OF FREE BERLIN

(By Philip Shabecoff)

BERLIN, April 10.—When West Berlin's governing Mayor Willy Brandt was turned back by East German police as he tried to drive home through the autobahn last Sunday he must have thought glumly about a speech he made last Dec. 29.

In his annual year-end address to the people of Berlin, Mr. Brandt predicted that there would be no East-West crisis flaring up over their city during 1965.

The formations of MIG's that buzzed Berlin and the blockades of the autobahn during the last week have proved Mr. Brandt a rather dubious prophet. But if his vision of the future was a bit clouded, his reaction to the crisis was characteristically aggressive.

"We will not be frightened by threats," he proclaimed when he finally got back to the city.

Referring to an ultimatum by Nikita Khrushchev in 1958 when the Soviet Premier demanded that the Western Allies get out of Berlin within six months, Mr. Brandt added that "we would not be where we are today if we got down on our knees when Khrushchev issued his ultimatum and threatened us."

CHARM AND COURAGE

It is this characteristic aggressiveness, combined with boyish looks and charm, a delicate sense of political balance and a reputation for personal courage that has carried Willy Brandt, at the age of 51, within striking distance of the apex of West German political power.

As leader of the opposition Social Democratic party since the death of Erich Ollenhauer, Mr. Brandt will be his party's candidate for Chancellor in the West German national elections this September. He failed in a previous try for the country's highest office; but this time, facing a disorganized Christian Democratic party, he is conceded a fair chance of winning.

Mr. Brandt's path to his present political eminence has been a rather tortuous one. He was born Herbert Karl Frahm, the illegitimate son of a shopgirl in the north German city of Lübeck. While still young he joined the Red Falcons, a left-wing Socialist youth movement of pre-war Germany.

When Hitler came to power, Herbert Frahm fled to Norway, using the name Willy Brandt to elude the Nazi security police. In Norway he worked as a journalist and became a leading figure in the Oslo community of German refugees.

Mr. Brandt came close to falling into Nazi hands when the Wehrmacht conquered Norway. But he escaped by getting into the uniform of a Norwegian soldier and getting himself thrown into a prisoner-of-war camp with other members of the defeated army.

Released after five weeks, he made a hasty exit for Sweden, where he remained for the rest of the war.

AT NUREMBERG TRIALS

Mr. Brandt came back to Germany immediately after the war to cover the Nuremberg trials for Norwegian newspapers. A fellow newspaperman at Nuremberg recalled recently that "Brandt was very helpful to the rest of us. He could speak English, Danish, Norwegian, Swedish and French as well as German and he must have acted as a go-between and translator for half of the foreign press corps."

He then came to Berlin, but still as a Norwegian citizen, wearing the uniform of a Norwegian major and harboring no thoughts about staying permanently in Germany.

But once in Berlin, Major Brandt began to get involved in the problems of conquered Germany and active in Socialist affairs. In 1948 he became, formally, a German citizen once again.

"It was better to be the only democrat in Germany than one of many in Norway where everybody understands democracy," he once said of his decision to stay here.

Although again a citizen of Germany, Mr. Brandt kept the name he had used to flee the country. "My old name has no meaning for me," he once replied when asked about it. He explained that his mother had married and taken a new name and that everything of importance he had ever said, written or done had been under the name of Willy Brandt.

As Mr. Brandt moved forward in his political career, his wartime activities became something of a liability. Professional haters and political opponents spread the word that Mayor Brandt had become a "traitor" by leaving Germany during the war and that he had in fact fought against the German people.

Although these accusations continued to boil up every now and again, Mr. Brandt has managed to overcome the effects of their virulence.

Under the spiritual tutelage of Ernst Reuter, the late Mayor of West Berlin and tough old Socialist leader, Mr. Brandt assumed increasing responsibility in the Social Democratic party. For several years he represented West Berlin in the West German Parliament at Bonn.

As Mayor, Mr. Brandt negotiates with the East German regime on matters such as the pass permits that allow West Germans to pass through the Berlin Wall to visit relatives on the other side.

These contacts with the East have given some of Mr. Brandt's opponents the opportunity to charge him with being "too conciliatory" or "too friendly" toward the Communists.

A recent survey made by a West German newspaper indicated that Mr. Brandt is the most popular German in the United States. The sentiment seems to be reciprocated.

When Mr. Brandt accepted leadership of the Social Democratic party early last year, his speech smacked strongly of John F. Kennedy's inaugural address. "For all of us the question is not what the party can do for you, it is what you can do for the community," the West Berliner said.

Mr. Brandt also has spoken admiringly about President Johnson's Great Society and holds it up as a pattern for Germany to emulate.

[From the Central European Observer, Feb. 15, 1946]

Servant of the World

(By A. J. Fischer)

When the United Nations were electing the President for their London Assembly, M. Gromyko, on behalf of the Russian delegation, proposed the Norwegian Foreign Minister, M. Trygve Lie, but M. Spaak won by a small majority. A few weeks later, the Security Council had to decide on the important appointment of a permanent General Secretary. (The approval of the General Assembly is merely a formality.) This time it was Mr. Stettinius, the American delegate, who proposed M. Trygve Lie. After prolonged debates in the course of which one candidate appeared too much pro-Anglo-Saxon, another too Russophile, the Big Five agreed on the 50-year-old Norwegian.

Strategically Norway's situation is between the Western and the Russian spheres. Well aware of this delicate position, she did not wish to belong to any block with a definite tendency, though every Norwegian is nowadays prepared to fulfill all his duties and obligations within an international security system.

The fact that M. Lie's straightforward political life lifts him above any suspicion as to his favouring any power or power groups, makes him a suitable man to act as "servant of the world," as he modestly interprets his new task. World Citizen No. 1 a title used by many of those congratulating him, he regards as presumptuous. His country, which gladly records this honour as an appreciation of its gallant fight and resistance, is respected by all and feared by none. Above all, Norway is one of those small nations which have two great advantages: Unburdened by inverted inferiority complexes, she is also free of chauvinism. Trygve Lie can look back on a great Norwegian tradition.

In his first speech before the United Nations Assembly, he gave a definition of the phrase "international unity" and mentioned the name of Bjornson, that great national poet of Norway, who had fought for the freedom of the oppressed Slovaks some forty years ago. Frequently he has been referring to yet another famous son of his people: Fridtjof Nansen. Nansen, the explorer and humanitarian, regarded a world peace without Russia's active co-operation as an impossibility. M. Lie holds the same view. In August 1941, he called on the then Soviet ambassador in London, M. Maisky, with the suggestion that the diplomatic relations between the two neighboring countries should be resumed. An eternity seems to have passed since that formal step, which has resulted in a lasting and sincere friendship. Nor was there any loosening in the traditional, emotional, cultural and economic ties existing between Great Britain and Norway. Asked for his sentiments towards England, Trygve Lie replied simply: "I need not think much about this question, for the mentality of the British is so familiar to me that I even think in the same way as they do."

Exiled to Great Britain during the war, he presented his hosts with 4,000,000 tons of Norwegian shipping—invaluable asset for England's war effort, particularly when she stood alone.

Very often comparisons are being made between M. Lie and the British Foreign Secretary, Mr. Bevin; their stocky figures, their popular sense of humour, as well as their backgrounds and political careers bear considerable affinity. Both have risen from the depth of the people. This fact has never been forgotten by Trygve Lie. In his first declaration as General Secretary of UNO he stressed the duty to help the distressed masses of the world, to feed them adequately, to clothe them and warm them. Only the fulfilment of that social mission would ensure that the victims of the second world war had not died in vain. Both Mr. Bevin and M. Lie owe their brilliant political careers to the confidence of the trade unions, which have always remained their chief concern.

In other spheres again there are parallels with Truman's Secretary of State, Mr. James F. Byrnes. The American and the Norwegian are both self-made men, who had to fight hard to pay for their studies. They both started their careers as errand boys. (M. Gerhardsen, Norway's Prime Minister, commenced in the same way.) Actually, M. Lie's political career began even before the professional one. Son of a carpenter, he was a very conscious Labour Party man. At the age of ten, he borrowed a horse and a cart on election days and rode through the outer districts of Aker. Passers-by were politely invited to get in. Having done so, however, they were overwhelmed by a torrent of clever political agitation. Setting down his fares in front of the polling place, young Lie was convinced that they would give their vote to the proper party. In latter years he has also been a successful organiser, though perhaps not always with the same enthusiasm.

Trygve Lie is fond of young people and likes to surround himself with youth. Political friends of the new General Secretary of UNO relate that he used to bribe his three daughters from their fourth year with countless ice-creams in order to have them in the front row of any audience.

As a boy, Trygve Lie belonged to the Trade Union Youth Organisation, at the age of 15 he enrolled as an ordinary member of the Labour Party. Working in the afternoon as an errand boy in order to support his widowed mother, he attended school in the morning and did his prep. at night. He was to become an artisan, like his deceased father and all his brothers. However, a socially-minded teacher recognised his special gifts and advised him to study. Having passed his matriculation with honours, Trygve Lie won a scholarship for the Oslo University, where he enrolled at the age of 19 as a student of law. At the same time he was already a member of the Trade Unions Executive. Norway's future Foreign Minister passed his final exams with distinction.

In 1919 Trygve Lie established himself as a lawyer. He also acted as Secretary to the Central Executive of the Norwegian Labour Party and legal adviser to the Trade Unions. M. Lie's initiative was then already responsible for the most favourable wages agreements and a progessive labour arbitration law. Young and versatile, he also played a prominent part in the administration of his native Aker (near Oslo.)

Norwegians usually travel to the south. Trygve Lie, however, did not go to Italy for his honeymoon, but to Soviet Russia. The young couple burned to see the life and development of a Socialist State. No Soviet complex has ever troubled Trygve Lie. It is his conviction that Russia is equally interested, for security reasons, in a free and independent Norway as England and America.

Trygve Lie is a successful organiser. He adheres to the principle of starting work early and stopping late at night with only a short midday rest. His future UNO colleagues—in the Eight-Men Cabinet and the numerous sub-committees—may find the following hints useful: As a rule their new chief is gentle and good-tempered. Only disturbances when he is tired and engaged in some important work may cause an occasional outburst. An amicable apology invariably comes not later than 30 minutes after.

In 1939, the important Ministry for Supply and Shipping had been entrusted to him. He anticipated that his country might have to suffer under the blockade even if it were kept out of the war. So large stocks of supply were speedily put into storage. Norway was the only country on the continent which was not compelled to introduce petrol rationing during the first months of the war. When Minister Dr. Brauer submitted Germany's ultimatum, the Norwegian State, thanks to M. Lie's foresight, had reserves of rye, wheat, coal, etc., available in unprecedented quantities. Minister Lie accompanied the King and the Crown Prince on their hazardous flight through the whole of Norway to Otta. In a tourist hotel on the hills of Romsdalen, he rejoined the rest of the Norwegian Government. Trygve Lie was still wearing galoshes and a lounge suit, as in all the hurry it had been impossible to find a suitable skiing outfit for his bulky frame.

On reaching Aandalsnes, he made contact with the British Headquarters. The supplies essential for the continuation of the war in Northern Norway were secured under the immense difficulties by Minister Lie. His greatest deed, however, was the salvation of the fleet for the Allied war effort. Working day and night with a number of experts in a small mountain hotel, he managed to snatch 1000 ships or 4,000,000 tons from the Germans, often under their very noses. He worked out provisional measures requisitioning the entire Norwegian fleet for his Government and resulting in the foundation of a Norwegian Trade and Shipping Commission, the largest ship-owning concern in the world. Those 1000 ships have rendered invaluable services to Great Britain in the battle of supplies.

In view of the recent experiences he firmly rejected the impotent policy of neutrality for his country, demanding its integration in the International Security System. The same line will be prosecuted by his successor, M. Halvard Mathey Lange, son of the Nobel prize winner for Peace. In 1933 he was still Secretary of the International Union of Pacifists in London, but two bitter years in Sachsenhausen—together with Prime Minister Gerhardsen—have changed the outlook of this eminent politician and writer.

The first General Secretary of UNO calls himself a servant of the world. He can become that servant if he succeeds in creating an instrument which supplants nationalistic egoism and prestige mania by international collaboration. Trygve Lie is a strong personality abounding with energy. He directed his country's fleet safely to Allied ports. Let us hope to God that he will now be successful in steering the Allied countries into the haven of a lasting peace.

[From the American Swedish Monthly, March 1946]

Election of Trygve Lie of Norway as First Secretary General of the United Nations Organization Evokes Praise in Swedish Press

Having served as a loyal member of the League of Nations, Sweden takes a keen interest in the organization of the UNO, even though it has not yet become a member, and few developments have given it greater satisfaction than the election of Trygve Lie, Foreign Minister of Norway, as the first Secretary General or chief executive. Not only is Swedish public opinion pleased because a man from the North was chosen, and particularly a member of the Norwegian Government who has shown that he understands the reasons for Sweden's policy during the war and appreciates the aid Sweden was thereby able to render Norway, both during and after the hostilities, but because he represents one of the smaller nations. The Swedish press recalls that, in contrast, the first Secretary General of the first League was an Englishman, Sir Eric Drummond, and that thereafter the post alternated between Englishmen and Frenchmen. Never once did a citizen of a small nation, hold the post. Naturally, having shown his understanding and sympathy during the war. Mr. Lie can be expected to give Sweden a square deal in the future.

"The choice of the Norwegian Foreign Minister, Trygve Lie, as the first Secretary General of the United Nations is a cause for joy from every point of view,' said the widely circulated *Stockholm-Tidningen* on January 1, 1946. "The post he has been selected to fill is incomparably the most important in the whole organization, and the way the first occupant of it discharges his duties will be decisive as to all future developments. As a man and as a political leader Mr. Lie has given proof that he possesses the qualities required by this difficult and exposed position—strength of character, moderation, wisdom, ability to judge objectively, and firm determination to serve the ideals the new world body has adopted. He has thereby won respect and appreciation in all quarters, which, in turn, made it possible for the spokesmen for the various interests to unite on his name. The fact that his own country enjoys the same high regard among the United Nations—and outside—because of its contributions to the principles of justice and democracy, has naturally contributed its share to his selection and thereby gives him still greater moral authority."

In this praise the conservative *Svenska Dagbladet* of Stockholm joins, adding that from now on, since the Secretary General has the right to bring matters directly to the attention of the Security Council, without waiting for a member of UNO to ask him to do so, "size alone will not be decisive in the new world politics and that even the smaller nations may get a hearing. For his own part, Mr. Lie seems to have accepted his new position with a mixture of modesty and pessimism which only his sense of duty was able to overcome. From now on he can no longer regard himself as either a Norwegian or a Social-Democrat, but as the first citizen of the world, who with high impartiality, has to promote only the interests of his new employers. But since such a sublimation of a good Norwegian into a regulation-controlled cosmopolitan is hardly possible in the case of an ordinary mortal, it is clear that the smaller nations particularly those of the North, can count on the personal good will of the new Secretary General."

As to how Mr. Lie came to be chosen the paper draws the conclusion that since the site of the UNO was set for the New World, the Secretary-General had to be a European. By this the first choice of the Anglo-Saxon countries, Lester Pearson, Canadian Minister in Washington, was eliminated. Since neither Russia nor Britain would tolerate a man from the other country, and France was this time too weak to assert itself, he had to come from a small country. Since, furthermore, the Russians knew they did not have enough votes to elect their first choice, a Yugoslav by the name of Simitch, they nominated Mr. Lie whom both they and the United States had supported as the first President of the Assembly. Both Mr. Bevin of Britain and Mr. Stettinius, approved of the idea and Mr. Lie was chosen.

Trygve Lie is a man of the people. His father was a carpenter in Oslo, and thanks to his own efforts, as well as the economic sacrifices of his parents, he was able to obtain a university education. He was also a good athlete, a football player and a sprinter. He is reported to have made the 100 meters in 11 seconds flat. Having entered the University of Oslo at the age of 18 in 1914, he obtained an administrative law degree in 1919 and immediately became a secretary in the Norwegian Labor Party. Three years later he became legal adviser to the Norwegian Trade Unions and in 1935 he entered the Government as Minister of Justice. Four years later he was shifted to the post of Minister of Commerce, Shipping and Industry and as such he had to provide what he could for the Norwegian army of resistance when the Germans attacked the next spring. He is said to have been the last member of the Government to quit Oslo on April 9, 1940. Later he requisitioned the whole Norwegian merchant marine, turning it over to the Allies. The services rendered by these 4,000,000 tons in supplying Britain food and munitions are supposed to have been equal in value to the military aid of an army of a million men. In November, 1940, he succeeded Halvdan Koht in London as the Norwegian Minister for Foreign Affairs. In 1945, when the Government returned to Oslo, he was one of the few ministers retained in the new Government. C. J. Hambro, who had been the Conservative Party Leader, President of the Storting and head of the Assembly of the old League of Nations, was not reelected to the new Norwegian Parliament.

[From the American Bar Association Journal, March 1946]

Lawyers in the News

A rugged lawyer of and from whom a great deal is likely to be heard, in the United States and the World, is Trygve Lie, of Oslo, Norway, the 50-year-old Secretary-General of the UNO, who will come to New York and establish his headquarters early in March. The son of a carpenter, he entered the University of Oslo in 1914 and completed his legal training in 1919. His name is pronounced as "Trig-va Lee", with the accent on the "Trig".

From the first, he devoted himself to labor law and politics, and became the Secretary-General of the Norwegian Labor Party, which was making a long, uphill fight for power. In 1939 he became Minister of Trade, Shipping and Industry; and in 1941, the Norwegian Foreign Minister in exile in London. He and his family had had a "messy" time when the Nazis invaded Norway, but they got away to London.

Without previous background in international law or diplomacy, he has ever since devoted himself to it with "impassioned interest." His selection as Secretary-General of the UNO resulted from the "veto power" and a compromise. When the UNO General Assembly met in London for organization, the Soviet Union and the United States supported Mr. Lie for election as President of the Assembly. But Great Britain won a majority for the doughty Paul-Henri Spaak, of Belgium.

The United States and seven other members of the Security Council of eleven meanwhile were supporting the able and popular Lester ("Mike") Pearson, Canadian Ambassador in Washington, as best qualified to be the Secretary-General. The Soviet Union had a "veto power" on this office and proposed to use it, in order to force the election of a continental European, in view of the choice of the United States as permanent site for the UNO. American acceptance of Mr. Lie as the compromise nominee broke the dead-lock. The three "key" positions in the UNO, organizationally, are thus held by the Norwegian Labor Party's Trygve Lie as Secretary-General, by the Australian Labor Party's Norman Makin at the head of the Security Council, and by the Belgian Socialist Party's Paul-Henri Spaak, as President of the Assembly.

Mr. Lie is stocky and very energetic, spends his leisure in skiing and tennis, and is devoted to agreeable companionship and good living. He will receive an annual salary of $20,000 and $20,000 for living expenses in addition to a furnished house, all at the expense of the UNO and all exempt from American taxation.

He has a formidable job ahead of him, in organizing and staffing a secretariat of probably at least 2,500 persons, from many countries and speaking many languages. Beyond his heavy administrative tasks with the Security Council in continuous session, the Charter gives him powers and duties for keeping the peace. One of his duties is to "bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security" (Charter, Article 99).

This is a good deal of a job, for a labor lawyer who has devoted his adult life to the advocacy of the political program of labor in politics: but his friends are confident that in one of the key jobs of the new World he will show capacity, impartiality, skill in avoiding flare-ups, and "impassioned" devotion to the cause of peace through justice and law. American lawyers will welcome his coming to our shores and will be of any help to him they can.

[From the New Republic, Mar. 25, 1946]

UNO's Trygve Lie

(By Alfred Joachim Fischer)

Trygve Lie, Secretary General of the UNO, began his political career at the age of ten, when he borrowed a horse and cart on election day and rode through the suburbs of Aker, near Oslo. He offered passers-by a lift, and those who accepted were set down at the polls after being given a harangue from the labor viewpoint.

Norway's former Foreign Minister, like Bevin, owes his political career to the confidence of the trade unions. At the age of fifteen he was enrolled in the Labor Party. He was then working after school as an errand boy to support his widowed mother, and expected to become a carpenter, like his father. His teachers, however, recognized his gifts and advised him to continue his studies. He won a scholarship to the university at Oslo, where he studied law. During this period he was a member of the Trade Union Executive.

By 1919, Trygve Lie had established himself as a lawyer, and acted as secretary to the Central Executive of the Norwegian Labor Party and legal adviser to the trade unions. He was responsible for obtaining many wage concessions and a progressive labor-arbitration law. He also played a prominent part in the administration of Aker, his native town. In 1926 he was elected to the National Executive of his party. Nine years later, when Lie, at 38, was serving his first term in the Storting, Johan Nygaardsvold invited him to join the Labor government as Minister of Justice. Lie has always belonged to the left wing of the Labor Party, as his books testify. In 1931 he published *The Anti-Labor Laws and the Battle Against Them* and *The New Labor Arbitration Law*, jointly with Viggo Hansteen, whom Terboven made into a trade-union martyr during the occupation.

When the war broke out, Lie was Minister for Supply and Shipping. In anticipation of a blockade, he started a program to store supplies. Norway was the only country in Europe which did not have to introduce gasoline rationing during the first months of the war, and when Germany submitted her ultimatum she had unprecedented reserves of grain and fuel. As the Germans invaded, Lie escaped to British headquarters in northern Norway with the King and government.

In spite of great difficulties, he succeeded in keeping the troops supplied in the fighting around Tromso and Aandalsnes. But his outstanding achievement of those days was to save the Norwegian merchant fleet for the Allies. Working day and night with a number of experts in a small mountain hotel, he managed to snatch four million tons of shipping from the Germans and evolved provisional measures to requisition the entire Norwegian merchant fleet for his government. Over the short-wave radio he ordered Norwegian ships to put in at Allied ports. The thousand ships saved were a major factor in winning the Battle of the Atlantic.

In 1940 Lie took over the Ministry for Foreign Affairs provisionally, and in 1942 in a permanent capacity. He won friends and concessions from the diplomatic corps in London while keeping in close contact with the Home Front. His information services worked smoothly. The blowing-up of a Norwegian bridge, for example, was often known in London sooner than in Oslo. Lie himself went to Norway for several weeks during the war via the underground. Chain-smoking Turkish cigarettes with his usual aplomb, he afterwards told his London friends who remarked on his long disappearance, "I have been extremely busy."

Lie spent his honeymoon in 1921 visiting the Soviet Union to see the development of a socialist state. He and his wife were hindered by the loss of their suitcases; no clothes could be bought and they were unable to attend any meetings, because their only set of underwear was on the clothesline. This experience, however, did not result in an anti-Soviet complex. It is his conviction that Russia is as interested, for security reasons, in a free and independent Norway as are England and America. It was he who called on Maisky in London in August, 1941, to reestablish diplomatic relations. In his first speech before the United Nations Assembly, Lie spoke of "international unity," citing the example of Björnson, the great national poet of Norway who had fought for the freedom of the oppressed Poles, Czechs and Slovaks forty years earlier. And frequently he refers to Fridtjon Nansen, the explorer and humanitarian, who regarded a world peace without Russia's active cooperation as an impossibility. Yet Lie has also said, when asked what he thought of England, "The mentality of the British is so familiar to me that I even think in the same way as they do." He has been noted for his efforts for closer Scandinavian cooperation, to make the northern countries serve as an ideological bridge between Russia and the West.

The fact that Lie's straightforward political life lifts him above any suspicion of favoring any power group or groups makes him a suitable man to act as servant of the world," as he interprets his new task. His country, which gladly records this honor as an appreciation of its gallant resistance, is respected by all and feared by none. Norway is one of those small nations unburdened by inverted inferiority complexes and hence free from chauvinism. Trygve Lie can look back on a great Norwegian tradition.

Despite his bulkiness, Lie's special hobby is sport. For many years chairman of the Worker's Sports Union, he skis, plays tennis and football. During his exile, he rooted for the Chelsea football team, and described his fervent cheering as "healthy lung exercise." He likes young people and his flat in London became the rendezvous for young Norwegians and soldiers on leave. His political friends claim that he used to bribe his three daughters with ice cream to have them in the front row of any audience he addressed.

Lie is a good mixer and a good organizer. He speaks English, French, German and a little Russian. He starts work early and works till late at night with only a short mid-day rest. His UNO colleagues may find the following hints useful. As a rule Lie is gentle and good-tempered. Disturbances when he is tired or engaged in some important work may cause an occasional outburst, but an apology invariably comes within half an hour. He never sulks—with one exception; he may sit brooding for days if a member of his family forgets his birthday.

World Watchman—Trygve Lie of UNO

(By Drew Middleton)

London.—The faith of many early adherents of the United Nations Organization has been shaken by ominous conditions which surround the approaching meeting of its Security Council. The dispute over Iran is a critical issue—the first great hurdle that UNO must surmount. But there are those of great faith who believe that UNO will take the barrier and go on to the sunny uplands of peace. And among them are Trygve Halvden Lie, a hard-bitten, practical Norwegian lawyer, who is Secretary General of the organization.

As Secretary General Trygve Lie might be called the world's first internationalist. Under the charter of UNO he "may bring to the attention of the Security any matter which in his opinion may threaten maintenance of international peace and security." His responsibilities, says the charter, are "exclusively international" in character and he is not to be influenced in his duties by any member of the United Nations. He is, in fact, the world's watchman.

First and foremost his job is to administer UNO. He is its chief administrative officer, acting in that capacity for all meetings of the General Assembly, the Security Council, the Economic and Social Council and the Trusteeship Council and he must perform any other functions entrusted to him by these organizations. Lie's willingness to shoulder extra burdens is a measure of his terrific energy.

Under regulations laid down by the General Assembly, Lie appoints the entire staff of the secretariat and assigns appropriate staffs to the Economic and Social Council and the Trusteeship Council. This in itself involves a tremendous amount of investigation and conisderation by Lie as well as a considerable measure of personal power.

For as he himself says, "There is always a tendency to appoint those who come forward first. But I think it is best to go slow, to make sure that appointments are *right*. That is better than waiting two or three months and then learning that I have made a wrong choice. For by then replacing a man will mean upsetting an entire department."

Selection of the staff must be done on the basis of two considerations: securing the highest standards of efficiency, competence and integrity and spreading appointments throughout the member states. These considerations, Lie admits, make selection difficult, but he is adamant in maintaining that they are necessary.

Lie, with the consent of the Security Council, can notify the General Assembly at each session of many matters relative to the maintenance of international peace and security that are being dealt with by the Security Council and shall similarly notify the General Assembly or members of the United Nations if the Assembly is not in session, as soon as the Security Council ceases to deal with such matters.

Thus, from the point of view of the selection and direction of his staff, he has great powers and is, in fact, a virtual dictator. But from the standpoint of power over various delegations, his role, as it is now envisaged, is that of a coordinator rather than director.

Lie's public activities during the first Assembly of UNO and the Security Council in London were not spectacular. He did not preside, he attended, and he left the table-banging to others. Indeed, were it not for a certain intensity of expression this heavy-shouldered man, who sat stolidly through the sessions, would have passed for a house detective. Like Clement Attlee, Lie is at his best in committee, where his integrity, firmness and willingness to see both sides of any question are impressive. He is not the type of man who lends himself to political exploitation, having no great attraction as a speaker. But he has moral qualities that the world and UNO need.

Lie at 50 is a plain man speaking and working for the plain people of the world and all their hopes. His intellect and ability are far above the average but, during the last seven years, he has encountered the physical and mental dangers which have beset the average man in Europe. The experience endowed him with a sense of kinship with the people not only of western Europe but of the world.

In many ways the man is a study in contradictions. The snap judgment of an eminent Frenchman that Lie is "a proletarian with his shoes shined" is superficial, but it does underline two contradicting factors of Lie's character; he is a proletarian of the proletariat, yet he knows how to work and bargain in the glossy, cynical world of international affairs.

There are few grays in Lie's character. He is a study in black and white. Toughness, a combination of peasant shrewdness and strong will working with one of the best legal minds Norway ever produced, is perhaps his outstanding characteristic. But this toughness is balanced by genuine friendliness. That much-overworked word, "charm," applies to Lie. Capable of great affection and loyalty to friends and subordinates, he can be rousingly angry in a manner which shakes his associates, but sometimes clears the air.

In late years he has learned to curb his rages and tendency to talk too freely about his work. Today he exudes affability. His face, long and rounded, breaks into frequent smiles. He gestures often with his hands and manages to do it gracefully despite the fact that each hand is as large as a small ham.

Generally his tall, strong body, which is just beginning to run to fat, is clothed impeccably in a blue double-breasted suit. He has learned the polite chit-chat of cocktail diplomacy, although like many members of Britain's present Labor Government, he dislikes this form of social intercourse. His attitude toward the trappings with which many wish to adorn the UNO's new home reflects his affection for plain people and plain speaking.

"I don't want the UNO to have too much or ask for too much," he said shortly before he left for America. No palaces and extensive and expensive grounds. Just plain Government buildings, the kind that American officials would want if they were abroad. We are not coming to the United States as anything but plain people. We are not coming as rulers or anything like that. We are plain people working for plain people all over the world and we hope that this will be understood in the United States. I hope we can show we are working in the interests of all common men and women everywhere and working without the old diplomatic tricks."

Lie, both as a person who throughout his life has seen problems successfully solved by negotiation and discussion and as a moderator for a voiceless section of humanity in the councils of the great, places primary importance on international discussion either inside or outside of UNO, although naturally he hopes and expects that more of the world's problems will be deposited on UNO's doorsteps.

Lie himself has come very far on his own ability in discussion and debate in Government councils, in the law courts and in the rough-and-tumble of Norweigan party politics. He has discussed world affairs with Norwegian seamen and English Tommies and listened to voices of men who helped to shape the world in which he sees the United Nations as the greatest hope.

A quarter of a century ago he listened to Lenin in the Kremlin for three hours and during the war he sat in the White House and Downing Street and heard Roosevelt and Churchill discourse on the world as they saw it.

Lie got his start in life in an industrial suburb of Oslo, where his mother kept a boarding house. It was a textile center and Lie as a schoolboy heard Swedish syndicalists and Norwegian labor union members debating their rights and wrongs as he toiled over his books.

Like many another poor boy watching his mother work, he resolved to grow rich and famous. His "rags to riches" story went according to Horatio Alger routine until 1914, when he entered Oslo University. But Oslo at the start of the first World War was not Mr. Alger's America and Lie, instead of following the conventional scenario by entering a business, saving it and marrying the daughter of the boss, found himself in the thick of turbulent Norwegian Labor party politics and keeping company with Hjordis Joergensen, daughter of the local station master.

Lie's preoccupation with books and politics did not prevent him from becoming a first-class football player and track athlete at Oslo University. But when he received his law degree he was already secretary to Martin Trammel, secretary of the Norwegian Labor party. In 1921 he married Hjordis Joergensen and journeyed to Moscow as secretary of a Labor party delegation. It was during this visit that Lie listened to Lenin talk for three hours.

A year later he became legal adviser to the Norwegian Trade Union Federation, a post he held for thirteen years. In addition to handling court cases he wrote a number of pamphlets of an explanatory nature. His own course in labor politics was moderate. As his activities and interest expanded so did his circle of friends, and the big, gregarious young labor lawyer soon had nearly as many friends in Vestkanten, Oslo's upper-east side, as he had in proletarian Russia. He began to travel extensively in western Europe and Scandinavia. The Oslo lawyer had started on the path toward becoming a citizen of the world in the truest sense.

But he was no more than a capable young man in Oslo when in 1935 he joined the Norwegian Government as Minister of Justice. Indeed, his gregariousness, his fits of temper, his occasional political indiscretions, worried some of the weightier members of the party. One of these once said, "For six days a week I think Trygve is a genius. On the seventh he is just a child."

Lie's political character, like that of many another public man of our times, can best be assessed by his personal reaction to two principal political doctrines which have flowered during the first half of the twentieth century: communism and fascism. As a Socialist he has been extremely interested in the progress of socialism in Russia and as a European he is fully alive to the Soviet Union's position as a great power in Europe and the world. But since he is a Scandinavian Social Democrat he favors change by evolution rather than revolution, and since he is Norwegian and a western European, he believes firmly and fervently in those freedoms residing in the Bill of Rights.

Naturally, a man of this political orientation, a democrat of the people who believes in socialism, was repelled by National Socialism, the most powerful manifestation of fascism yet seen in the world. Watching from the north, Lie saw the Social Democrats in Germany broken by their Nazi masters, their leaders forced into exile or driven to concentration camps. There was nothing that he, a minor Minister in the Cabinet of a nation of 3,000,000 souls, could do about it, but it is reasonable to believe that Lie's present devotion to peace and human liberty received its greatest impulse during the years when he sat on the rim of the Nazi state and watched night settle over Germany.

A month after the outbreak of war in September, 1939, Lie was named Minister of Supply and Shipping in Norway. Thus, when in April of 1940 the Germans invaded Norway, he controlled perhaps the most important single asset which the kingdom was able to contribute to the Allied cause: the Norwegian merchant fleet of 3,500,000 tons and 25,000 seamen.

Lie became the Norwegian Foreign Minister in November, 1940, a step which led to his current position, for it placed him in direct and frequent contact, not only with the representatives of the great powers in London, but with the envoys of smaller nations already overrun by the Wehrmacht or menaced by its ruler.

In his present position, Lie inevitably is a target for speculation on the subject of "who is backing him." The subject is a fruitless one, for Lie happens to be backed by two of the strongest powers. Contrary to popular opinion it was not Russia that first proposed Lie for an important post in the UNO. It was the United States. The State Department suggested to the Russians in November, 1945, that Lie might make a likely President of the Assembly. When this post went to Paul Henri Spaak, the Russians advocated Lie for the post of Secretary General, which he now holds.

So today Norway's "man of the people," who has walked with the great of the world and kept touch with the common people, is in a position where he can do the most good for the men and women of the class from which he sprang and for which he reserves his greatest affection. Cartoonists sometimes see him as an affable, although captive, barrage balloon. His friends in every country think of him as a tough, determined fighter for peace and men's rights.

[From World Report, Nov. 12, 1946]

LIE: "SERVANT OF THE WORLD"

The 51 delegates to the U.N. Assembly all represent the views and interests of their own countries. Only one man who sits with them is responsible to no government. This diplomat without a country, who speaks for the peoples of all lands, is Trygve Lie, (pronounced Trig-va Lee) Secretary-General of the U.N.

The big Norwegian, who stands 6 feet 1 inch tall and weighs 250 pounds, exercises many powers limited otherwise to sovereign states in the world organization. He takes part in U.N. debates on equal terms with member nations and can call the attention of the Security Council to situations that threaten the peace.

A socialist in economics, but a democrat in politics, Trygve Lie came to the U.N. with three decades of experience as a lawyer, trade unionist, politician, Cabinet officer and Foreign Minister in his own Norway. But he still dislikes protocol and receives visitors in shirt sleeves and suspenders.

VIGOROUS

Broad-shouldered, robust, florid and intensely energetic, Lie works with amazing speed despite his bulk. Papers fly as he clears his desk each day.

Leisure hours to the Oslo Laborite mean good talk, good jokes, good wine, good food (which he consumes in proportion to his size) and sports. Once a college wrestler and football player, he misses few major sports events in New York and at every opportunity, takes to hunting, skiing and tennis himself.

Skis helped Lie escape from Norway in 1940. His rifle kept his wife and three daughters in meat during the grouse-hunting season in wartime Britain. Now he sometimes skips tedious sessions of the U.N. for a set of tennis. At 50, he still plays a smashing game.

During meetings of the General Assembly and the Security Council, Lie sits quietly at the right hand of the chairman and whispers advice on procedure and rules.

But when the Secretary-General takes the floor, he goes into the big issues with a vigor that pays no heed to the policies of member nations, big or small. In his first report to the Assembly recently, he denounced the failures of the U.N., urged action against Franco Spain and criticized the Big Four for not reaching agreement among themselves. Unanimity of the Big Five, rather than repeal of the veto power, is his remedy for current difficulties of the U.N.

Though usually genial, Lie sometimes reveals a turbulent temper, which time and diplomacy have not curbed. During his flight from Oslo in 1940, Norwegian troops, with Lie in their midst, surrounded a Nazi road block. The Norwegian commander gave the Germans 10 minutes to surrender. Lie broke into the telephone negotiations and bellowed: "You have five minutes, no more, no less!" The Germans promptly gave up.

A carpenter's son who married a stationmaster's daughter, Lie knew dire poverty in his youth. At the age of 10, he became an office boy for the Norwegian Labor Party to help support his widowed mother. He made his political debut by hauling voters to the polls with a horse and cart. At 16, he was made president of an Oslo branch of the Labor Party. After working his way through law school, he became secretary to the party's national chief.

In 1922, at the age of 26, Lie was appointed legal adviser to the Norwegian Trade Union Federation, a job he held until he became Norway's youngest Cabinet officer in 1935. As Minister of Justice then, he got more laws enacted than any of his predecessors.

As Minister of Shipping later, Lie was the last Cabinet member to leave Oslo when war came. On a scrap of paper torn from a notebook, he wrote the dramatic order that sent 4,000,000 tons of Norwegian shipping scurrying into friendly ports, saving 85 per cent of Norway's merchant marine from the Nazis.

Appointed Foreign Minister in London in November 1940, Lie traveled to Moscow, Washington and San Francisco and cemented Norway's relations with the Russians as well as with the Western powers.

In the hands of a lesser man, the U.N. Secretariat, like that of the League of Nations, would be little more than an administrative organ. Lie is making it a potent force in international politics.

Building on his authority to inform the Security Council of threats to peace, Lie now claims the right to undertake his own investigations of international disputes, make his own recommendations for their solution and appeal at any time to world opinion. Efforts of the Security Council itself to make such inquiries can be blocked by the veto, as in the Greek-Yugoslav conflict recently. But no veto can bind Lie's hand.

Trygve Lie is determined to make his job as Secretary-General of the United Nations exactly what he terms himself—"the servant of the world."

[From Time magazine, Nov. 25, 1946]

IMMIGRANT TO WHAT?

In 1902, a Norwegian carpenter named Martin Lie, leaving his wife and a small son, went off to the fabulous world which Oslo still called new. Driven by the instincts common to migrants of all time in quest of adventure or security or freedom (or simply of wider skies and unfamiliar faces), he sailed toward the west. The hard but hospitable shores received him and he vanished, unknown and untraced, in the fertile chaos of a country's growth. No one ever knew whether he found what he sought. He didn't write home.

Forty-four years later, the carpenter's son Trygve came, with all possible public attention, to the same shores, driven by the old longing of an intolerably troubled civilization for security and wider skies. He too was an emigrant who had left his country for a new and larger allegiance. Trygve's destination was less substantial than the U.S. of 1902, but not necessarily less important or less noble.

The entity to which Trygve Lie had sworn loyalty was known to the world as the United Nations; no one was quite sure what that meant. Was it a new world, also? Or a legal figment, spinning a web of Whereases and Be it Resolveds between a war and a war?

That, in the fall of 1946, was the world's most fatal question. A large part of the answer depended on the new immigrant himself, but Trygve Lie, sawing and smoothing and (sometimes) hacking brusquely away at tasks immediately before him, was no man to waste time wondering whether he was building Utopia or merely providing material for a footnote on how two civilizations (and some threescore sovereignties) catastrophically clashed.

FORESHADOWINGS

The U.N., in its 13th month of existence, was no longer in acute danger of disruption, as it had been at its first meeting in London, early this year. It now faced the chronic and perhaps more serious crisis of paralysis through the stubborn inflexibility of its component parts. To stave off U.N.'s slow death by deadlock, many people looked to Trygve Halvdan Lie (pronounced Lee), the U.N.'s Secretary-General, its chief administrative officer, the man who stood closer than any other single individual to U.N.'s mechanism, if not to its heart.

Internationalism Lie had known ever since his childhood. He grew up in an exciting era, when the battle for the receivership of the 19th Century had just begun. His mother's boardinghouse in Grorud, near Oslo, was cosmopolitan—Swedish, Finnish, Polish, German, Russian workers paid mother Lie 20¢ a day for room & board. In the evening, around the table, Trygve heard them talk of the Russo-Japanese War, of the abortive Russian revolution of 1905, of Norway's breakaway from Sweden, of syndicalism and the brotherhood of all workers. In those days Trygve Lie also acquired a faith: Socialism. But even then, his faith was tempered—as it would be through all his later life—by a cool, stolid pragratism.

Young Trygve tried to read Marx and Engels, but, says he: "I didn't get very far." (He hasn't yet; Lie's reading is confined almost exclusively to official reports and books directly connected with his work.) At 16, he was a practical local politician, driving voters to the polls in a borrowed sledge. And as Secretary-General of U.N. he once admonished a friend: "Say nothing against local politics. From local politics I came and to local politics I may some day have to return."

His favorite proverb is: "A snuffbox has many sides." Lie has seen many sides of many boxes. Despite his Socialism, he accepted a scholarship from one of Norway's wealthiest men. As Norway's young (39) Minister of Justice, he sent police to maintain order during strikes and at the same time called the strike leaders with a warning: "You must keep quiet; I've just had to send the police over." By the simple device of sticking with the majority, he managed to steer smoothly through the splits of the Norwegian Labor Party when, in 1921, it briefly entered the Communist International. Appointed a member of a Labor Party delegation to visit Lenin in Moscow, Lie was impressed with the honor, but not wholly absorbed in his mission; he took his young wife along for a belated honeymoon trip.

Lie gleefully remembers this junket, which today makes him one of the world's few non-Communist statesmen who saw Lenin plain. Lie recalls sitting at the back of the room as a junior delegate, while Lenin ("eating apples all the time") asked innumerable questions about Norway's vital statistics. Lie frantically produced them from a pocket almanac. In the end Lenin prophesied glumly that as Britain went, so would go Norway.

Forbearance. Lenin was spectacularly correct. When Norway fell to the Nazis in 1940, Lie followed his King to London, where he became Foreign Minister of the Government in Exile, a friend of Anthony Eden, and a great favorite of Allied diplomats. He frequently played tennis with Anthony Drexel Biddle, U.S. Ambassador to the Government in Exile, whose tricky chop and drop shots kept Lie puffing around the court, muttering: "Damn that Biddle! Damn that Biddle!"

[From U.N. World, Feb. 4, 1947]

TRYGVE LIE

(By M. R. Werner)

(NOTE.—In the first complete biography of Trygve Lie, Secretary-General of the United Nations, M. R. Werner tells how a Norwegian labor lawyer, who started life as an office boy, became the "public secretary of the world" and the warden of its society.)

There is one man in the world today who is always on call. When the British claimed that the Albanians had fired on their warships in mine-filled waters of the Corfu Channel, while the Albanians claimed the British ships had no business in those waters, there was only one impartial man to whom telegrams could be sent about the dispute. Conflicting complaints and claims by Greeks, Albanians, Bulgarians, Yugoslavs, Iranians and Indonesians, among others, have to be sent to a fifty year old citizen of the world of Norwegian birth of international repute, whose name is Trygve Lie.

Ten years ago most of the people of Oslo could have told you who Trygve Lie was. Today many people in the United States, the British Empire, the Soviet Union, Latin-America and the Far East can tell you who Trygve Lie is, even though they first began to hear his name in February 1946, when he was elected Secretary-General of the United Nations in London. It was only last spring that people began to learn much about the activities of the world organization of which Lie is both practical administrator and spiritual guide. In that short interval, events have made the man and the man has helped to shape events vital to the peace and security of the world and to the welfare of its two billion and a half inhabitants.

This transformation of a Norwegian labor lawyer and government official into the top-ranking peace worker of the world is a success story in which the success is shaded between the individual himself and the peoples of the world. The post of Secretary-General of the United Nations was created with past failures of the League of Nations in mind. Almost as many reasons are given for the failure of the League of Nations as are given for the rise of fascism and the development of depression. But many people today will agree that one important thing the league lacked was an impartial guide, philosopher and mediator, who could help nations with interests that often conflict to avoid the perils of disputes. The Charter of the United Nations adopted at San Francisco on June 26, 1945 remedied that lack by creating the office of Secretary-General of the new United Nations and by granting to the Secretary-General broader powers than any ever entrusted to one individual in the history of mankind.

The Secretary-General was not only held responsible for acting as public secretary of the world, but was empowered to call to the attention of the United Nations through its permanent board of directors, the Security Council, any matter which in his opinion threatened international peace and security. He was also authorized to call to the attention of the UN's permanent board of human welfare, the Economic and Social Council, any matter which might promote the well-being of the peoples of the world. These are tremendous tasks for one man, and yet only one man, with expert assistance, could effectively perform them. The problem became one of finding the right man.

When the General Assembly of the United Nations opened its first session at Central Hall, Westminster, London, in January 1946 it had to find a president for itself as well as a secretary-general. These two posts were clearly recognized as the two leading jobs in the new one world, and there were various candidates for both of them, backed by various governments of different ideologies. The leading candidates for President of the General Assembly were Paul-Henri Spaak, Foreign Minister of Belgium, and Trygve Lie, Foreign Minister of Norway. The American Ambassador to Norway had approached Lie some time before about taking the post of President of the General Assembly, and Lie was pleased at the prospect. Great Britain and its close friends preferred Spaak, or someone from the Netherlands. The Soviet government had no strong candidate of its own, but it had no important objections to Lie. After considerable back-stage manipulation, the presidency of the General Assembly went to Spaak, but Lie got 23 votes to Spaak's 28, showing that the voting was not at all along lines of west vs. east, or vice versa.

When the United Nations began organizing, it was generally considered that the President of the General Assembly would be about the most important man in the world, and Lie was said to be disappointed that he didn't get the job. As things have turned out, his disappointment turned into an advantage, for the Secretary-General, being continuously active instead of presiding over the General Assembly only once a year, has become the key job in the United Nations. In the jockeying for the post, the United States and Great Britain had originally put forward Lester B. Pearson, Canadian ambassador to the United States, and the Soviet Union had put forward Stanoje Simitch, Yugoslav ambassador to the United States. The Soviet Union was opposed to anyone too closely allied with the western sphere of influence, and the United States and Great Britain were opposed to anyone too closely allied with the eastern sphere of influence. Finally, Edward R. Stettinius, head of the American delegation, suggested Trygve Lie, of Norway, and the Security Council agreed unanimously to nominate him to the General Assembly, where he was elected on February 1, after a secret ballot by a vote of 46 to 3.

On Saturday, February 2, 1946 Trygve Lie, a stout, genial-looking man, not very well known to the delegates of the 51 nations present, appeared on the platform at Central Hall, flanked by the seven vice-presidents of the new General Assembly, and the presidents of the Security Council and the Economic and Social Council. He took an oath of office which not only called for "loyalty, discretion and conscience" in carrying out his functions as Secretary-General, but enjoined him to discharge those functions "with the interests of the United Nations only in view, and not to seek or accept instructions in regard to the performance of my duties from any Government or other authority external to the Organization.' After swearing him in, Paul-Henri Spaak, President of the General Assembly, gave Lie his recipe for success of the Secretary-General: "You will be firm without instransigence; you will be conciliatory without weakness; you will be impartial without exception." He also advised Lie "never lose contact with reality."

There is very little danger that Trygve Lie will ever lose contact with reality, for ever since childhood he has coped with real problems in a country which combines national realism with international aspirations. Norway, midway between west and east ideologically and geographically, had intimate contacts with internationalism through the League of Nations. Fridtjof Nansen, one of its subjects, was perhaps the leading citizen of the world after the last war, and took the most active part in repairing the human devastation it caused to displaced persons. One reason that a Norwegian subject was chosen Secretary-General of the United Nations was that the problem of selection was almost a mathematical equation, and the answer was a social democrat with affiliations that were neither too close to western capitalism nor eastern communism. That seemed to spell a Norwegian Labor Party man.

Trygve Halvdan Lie was born in Oslo on July 16, 1896. His father, Martin Lie, was a carpenter, and his mother kept a boardinghouse in Grorud, the Oslo suburb where the family lived during Trygve's childhood, and where his father was station-master until his death when Trygve was a small boy. While getting his education, Trygve worked as an office boy at the Norwegian Labor Party headquarters in Oslo, which brought him into early and intimate contact with the growing Norwegian labor movement. He also managed to keep up active interest in sports and once remarked that he was practically born on skis. Lie became president of the Aker branch of the Labor Party at the age of sixteen, while he was still in high school, and kept both that post and the job as office boy when he entered the law school of the University of Oslo in 1914. After his graduation from law school in 1919, Lie was appointed secretary in charge of administration of the Norwegian Labor Party. He was then twenty-three years old, tall, slim, powerful and good-natured.

In 1921 Lie went as a sort of supply sergeant and general handyman to a labor delegation from Oslo on a visit to the Soviet Union. He took along Hjördis Jörgensen, the girl he had recently married. She also held office in the Norwegian Labor Party, and the two of them attended to the eating and travel arrangements of the mission, cooking its food on a Primus stove in a railroad car. Russia was in the throes of a food shortage and was still endeavoring to protect its revolution from counter-revolutionary invasions. The members of the mission called on Lenin in the Kremlin. Lie sat in the back of the room, as became a young assistant, but he watched everything eagerly. Lenin asked many questions about Norway's natural resources, which Lie's superiors could not answer. Pulling out his pocket almanac, Lie quickly supplied the answers.

He recalls that one member of the mission who was eager for the world revolution, and who later left the Norwegian Labor Party in his impatience and became a follower of Leon Trotsky, asked Lenin when he thought the revolution would come in Norway. Lenin looked at him sharply, went over to a map on the wall, pointed to England and said: "As England goes, you go." In Norway the prestige of the Soviet Union has always been high, though the interest in communism for Norwegians has never been great; Norwegians, generally, recognize, however, that the Russian Revolution had at least as much significance for the world as the French Revolution.

Trygve Lie became a specialist in labor law soon after he began to practice, and he never had any other clients except labor people. One of his tasks was to defend Norwegian pickets who went into the woods pretending to be on hunting expeditions and "accidentally" brought down strike-breakers. Lie managed to get some of them off in court. He himself has always been an ardent hunter and is a crack shot, but there is no evidence that he ever bagged a strike-breaker.

While studying labor law and practicing it, Lie rose steadily in the hierarchy of the Norwegian Labor Party. His conciliatory spirit, amiability and interest in working hard and managing the practical problems other men sometimes like to avoid, stood him in good stead. He became president of the party's regional branch in the province of Akershus, in which Oslo is located, and legal adviser to the Trade Unions Federation, fighting its cases constantly in court and advising it on its many legal problems. In addition to his law work and his political activity, Lie wrote two books, "The Anti-Labor Laws and the Battle Against Them," and "The New Labor Arbitration Law." He also took part in Oslo municipal politics and was a member of the city council. Since he has become Secretary-General, he has told a friend: "Say nothing against local politics. From local politics I came and to local politics I may some day have to return."

From local office-holding in Oslo Lie graduated to national office when the Norwegian Labor Party came into power for the second time on March 20, 1935. He then became Minister of Justice in the government headed by Johan Nygaardsvold. The Labor Party had a hard time keeping a majority in the Storting, and there was an election coming up on October 19, 1936. Meanwhile, Leon Trotsky who was put out of France, was granted asylum in Norway. He and his friends had pleaded with the Norwegian Labor government to grant him asylum on the grounds that he was very ill and did not have long to live. Trygve Lie, as Minister of Justice, was responsible for Leon Trotsky's good behavior, and the warrior of world revolution had promised not to engage in political activity while he lived in Norway, for such activity might get the Norwegian government into embarrassing difficulties with the Soviet government.

But to ask Trotsky to refrain from political activity for the world revolution was like asking fish to give up swimming. The Labor government learned that Trotsky was up to his old tricks, and Lie sent for him. He was brought to the Ministry of Justice in great secrecy and surrounded by guards. Lie, who likes to deal fairly and pleasantly with every one, politely warned Trotsky. He explained how crucial it was for the Labor Party to win the coming election, in which the Conservative opposition was using Trotsky's presence in Norway as a campaign argument to show that the Labor Party was a gang of "Reds." Trotsky replied arrogantly: "I don't give a damn about your Labor Party. In five years you will all be exiled." Trotsky was later expelled from Norway, but not at Lie's suggestion. The Prime Minister felt that Trotsky had lied to the Labor ministry about his health. He had promised that he was dying and had failed to die. Lie always a manager of practical details, had to supervise Trotsky's secret journey to Mexico.

Lie served as Minister of Justice until June 1939, when he was made Minister of Commerce. When a war broke out in September, he was appointed Minister of the new Department of Shipping and Supply. In this office he showed abilities he has manifested many times, arranging the practical housekeeping of government or a group. This time large-scale hoarding was involved, and Lie worked day and night to build up supplies for Norway and hid much of them in ships in the northern fjords. When the Nazis attacked Norway on April 9, 1940, it was estimated that Lie's efforts had given the country at least three years' food supplies. Though the Germans got some, Norwegians under occupation lived better than some other occupied countries because of Lie's foresight.

After the German invasion, the Storting, before adjourning, designated the Nygaarsvold Cabinet the official governing body of Norway and empowered it to continue the fight from outside the country if necessary. Lie accompanied the government and the King during the two months of fighting within Norway which took place before the government was forced to flee the country or face capture by the Nazis. During those two months the population, though it was intensely patriotic, was frightened when the King and the government came to town, for Nazi air raids followed them. Lie had the job of helping to calm fears and of obtaining housing and supplies for the government and royal party. On the walls of Lie's office at Lake Success are two quiet engravings. One is a portrait of King Haakon, whom Lie admires very much. The other is of Fridtjof Nansen.

Before leaving Norway with the King and the government, Lie sat in a mountain cottage in a village in the Romsdal valley and drew up a regulation requisitioning the more than four million tons of Norwegian shipping, 85 percent of the Norwegian merchant marine, which had not yet fallen into Nazi hands. This four million tons of shipping was a good bargaining advantage when Lie went to see Winston Churchill after the Norwegian government-in-exile established itself in London in June 1940. Churchill was impressed with the amount of Norwegian tonnage and in return for the right to use it he asked what the British could do for the Norwegians. Lie requested uncensored use of BBC radio facilities to Norway, and he and other Norwegian leaders were thus able to give their radio instructions and appeals to the underground and the population in general unrestrained by the British government's own policies.

On February 21, 1941 Trygve Lie became Minister of Foreign Affairs of the Norwegian government-in-exile, after the resignation of Halvdan Koht. As Foreign Minister he made trips to Washington to consult President Roosevelt and became a close friend of the late Harry L. Hopkins, from whom he got American planes for Norwegian fliers being trained in England. He also paid courtesy calls on Marshal Stalin during the war. As Foreign Minister he always managed to ride deftly between the Scylla of the west and the Charybdis of the east. When liberation was near for Norway, Lie negotiated the agreement on administration during the liberation period, and he was careful to have it signed simultaneously in Washington, London and Moscow so that there could be no hard feelings as well as no misunderstandings. Relations between Oslo and Moscow have remained cordial, for the Red Army, after helping to liberate Norway, left as soon as possible without any controversy about its departure.

Lie headed the Norwegian delegation to the San Francisco conference at which the Charter of the United Nations was drawn up. He was chairman of Commission III which drafted the sections on its most important organ, the Security Council, with which he now works so closely. From San Francisco Lie went in May 1945 to London with C. J. Hambro, president of the Storting, and arranged for quick shipments of food and clothing to liberated Norwegians. Again his ability as a manager of practical details was called into service.

When the government-in-exile returned to its capital on June 12, 1945, Lie was one of the happy ministers who were cheered by an enthusiastic populace which respected the achievements of its exiled leaders, who were regarded as the most enlightened government-in-exile in England. The Labor Party won the elections of October 1945 by a landslide vote, and Lie became Foreign Minister in the Cabinet of Einar Gerhardsen. He headed the Norwegian delegation to the first General Assembly of the United Nations in London in January 1946 before being elected Secretary-General.

Lie's term of office is five years, and he can be re-elected. He gets a salary of $20,000 a year, tax exempt, and another $20,000 a year for expenses, as well as a house. He lives with his wife and two younger daughters at 123 Greenway North, Forest Hills, Long Island, a 14-room house which used to belong to Albert Phelps Armour, and which the United Nations has leased for him for three years.

The elder daughter, Guri, 21, studies at Columbia University. Mette, 15, attends a girls' preparatory school. Mette was left behind in Norway by a misunderstanding during the flight of the government in 1940 and spent four years under German occupation living with an aunt in Oslo, before the underground could get her to London. There were some fears for her safety because of her father's vigorous broadcasts urging resistance to the Nazis. Sissel, Lie's oldest daughter, now married and living in Oslo, was secretary to the Norwegian delegation to the San Francisco conference. Guri was secretary to the delegation at the General Assembly meeting in London.

The Mind of an Assassin

(By Isaac Don Levine)

BACKGROUND

It was late in the afternoon of August 20, 1940. Leon Trotsky sat at his desk in the study of his fortified villa on the outskirts of Mexico City. Within his reach was the switch to an alarm system, but at that moment a young man of twenty-seven stood between him and the switch. The young man has told, in memorable words, what then happened:

"I put my raincoat on the table on purpose so that I could take out the ice-axe which I had in the pocket. I decided not to lose the brilliant opportunity which was offered me and at the exact moment when Trotsky started to read my article, which served as my pretext, I took the *piolet* out of my raincoat, took it in my fist and, closing my eyes, I gave him a tremendous blow on the head . . .

"The man screamed in such a way that I will never forget it as long as I live. His scream was *Aaaa* . . . very long, infinitely long and it still seems to me as if that scream were piercing my brain. I saw Trotsky get up like a madman. He threw himself at me and bit my hand.—Look, you can still see the marks of his teeth. Then I pushed him, so that he fell to the floor. He lifted himself as best he could and then, running or stumbling I don't know how, he got out of the room."

Trotsky's chief guard, who was in the next room, has described what followed: "The Old Man stumbled out of his study, blood streaming down his face. 'See what they have done to me!' he said." Shortly afterward he lapsed into unconsciousness.

"See what *they* have done to me!"

They, as Trotsky knew in the last moments of his life, were the planners whose patient, ingenious, and painstaking efforts over four years had finally achieved their goal—his murder. . . .

THE ASSASSIN AND HIS MOTHER

No, our philosophical executioner is a rationally indoctrinated murderer, the product of the age of reason at its dead end. He is a monument to the school which makes a religion of politics. He is, like Stalin himself, a mockery of the communist philosophy of economic determinism, that super-rational theory which negates the role of the hero in history. He is a scientist of the kind to whom all life is matter. In this philosophical executioner modern man, the bearer of a 4,000-year old spiritual heritage, has produced the pioneer of a line of soulless monsters, the harbingers of a coming race.

In August, 1936, one month after the outbreak of the civil war in Spain, the first of an infamous series of purge trials was staged by Stalin, with Trotsky as the chief defendant *in absentia*. To no one's surprise, it came to a close with the conviction of Trotsky and his son, Leon Sedov. "They were sentenced to death by the Moscow court," wrote Natalia Sedova, the wife and the mother of the two doomed men. And on a later occasion she added: "Since the first Moscow trial, i.e., for more than three years, we have been waiting, with sure inner knowledge, for the assassins."

Stalin struck his first ominous blow at Trotsky while the latter was living in great secrecy in Norway. The Kremlin's ambassador demanded Trotsky's expulsion from the country, and the Norwegian government quickly went into action. In 1936 its Minister of Justice was none other than Trygve Lie, the man who a decade later emerged as a world figure in the post of the first Secretary General of the United Nations. Incidentally, this honor came to him after the Soviet delegate had first proposed that Trygve Lie be elected President of the General Assembly by acclamation (upon waiving the secret ballot requirement).

To Trotsky, one of the founders of the Communist International, Trygve Lie was no stranger. Lie had visited Moscow in 1921 and, according to Trotsky, had been identified with the Comintern in its early days. At that time Trotsky was at the height of his glory as the victorious war lord of the Red Army. Now Trygve Lie, as Norwegian Minister of Justice, faced Trotsky at bay and presented to him, immediately upon the conclusion of the Moscow trial, a demand that he voluntarily sign a statement submitting his mail to censorship and that he stop writing on current events. Trotsky saw in Lie's proposal a scheme of Stalin's to gag him, and proposed that he be given an open trial in Norway to establish his innocence and to expose Stalin's judicial frame-up.

On August 26, two days after the Moscow announcement of the verdict at the purge trial, Trotsky addressed a letter to Trygve Lie which had been suppressed in Norway but was later published in the United States.[1]

"To refrain from bringing me to trial before a Norwegian court," Trotsky wrote, "and at the same time to rob me of the possibility of appeal to public opinion on a question that concerns myself, my son, my whole political past, and my political honor, would mean to transform the right of asylum into a trap and to allow free passage to the executioners and slanderers of the GPU."

Trygve Lie insisted that Trotsky submit to being muzzled.

"If you intend to arrest me," Trotsky told Lie, "why do you want me to authorize you in that act?"

"But there is an intermediate step between arrest and full liberty," retorted Trygve Lie.

"That's either ambiguous or a trap. I prefer arrest," replied Trotsky.

The Minister of Justice obliged Trotsky at once. First Trotsky's secretary was expelled from Norway. Then Trotsky and his wife and all their belongings were transferred to a large country house at Sundby where they were installed on the second floor. The ground floor was occupied by a squad of fifteen policemen. No visitors were allowed and the Trotskys could not leave the grounds. For the first time since the summer of 1917, Trotsky found himself in prison.

This was the beginning of the drama which was to reach its criminal climax in Mexico four years later. And contributing heavily to the initial blow which Stalin inflicted upon Trotsky was the hand of a leading American communist, Louis F. Budenz, then editor of *The Daily Worker* in New York. Budenz was destined to play in other ways a key role in the backstage preparations for the assassination of Trotsky, according to his own voluntary testimony.[2] As Budenz tells the story, the ground for the Soviet pressure upon Norway was confidential information he had supplied to "Roberts," his superior in the underground, a top Soviet secret agent in the United States. Budenz reported that a former colleague of his, the prominent left-wing pacifist, the Rev. A. J. Muste, had visited Trotsky in his Norwegian hideout early in June, 1936, and that Trotsky had discussed with him plans for the violent overthrow of the Soviet regime. The highly reliable Rev. Muste states, however, that no such discussion had ever taken place and denies having had any conversation with Budenz upon his, Muste's, return from Norway. There can be no dispute over the fact that Budenz did make such a report, even if it stemmed from second-hand sources, for we have it on the authority of Budenz himself in the form of an affidavit. Budenz went further and disclosed that "Roberts" had subsequently acknowledged his collaboration in these words: "This information had been of great value in private representations made by the Soviet Union to Norway . . . that Trotsky was using Oslo as a base to attack Soviet Russia."

Finding himself under house arrest at a time when world public opinion was reverberating with the melodramatic challenges of the Moscow show trial, Trotsky "raged like a caged tiger," his wife Natalia wrote later. "Delayed newspaper accounts of the then famous first of the Moscow-staged trials, his inability to answer it and expose the lies, were the greatest torture. . . ."

Several times Trygve Lie came to see Trostky and, according to the latter, their exchanges were "not remarkable for excessive courtesy." Trotsky had since his youth admired Ibsen and had written glowingly of him. Trygve Lie reminded Trotsky of Burgomaster Stockmann, one of the unsavory characters in Ibsen's *An Enemy of the People*. Trotsky quoted to Lie the line by the Burgomaster's brother when he was being suppressed for the disclosure that the prosperity of his native town was built on polluted mineral baths: "Now we shall see whether baseness and cowardliness can stop the mouth of a free and honest man." To this insult Trygve Lie replied:

"Do you imply that I am Burgomaster Stockmann?"

"To make out the best case for you. Mr. Minister," said Trotsky, "your government has all the vices but none of the virtues of a bourgeois government."

"We committed a stupidity by granting you a visa!" Trygve Lie exclaimed to Trotsky in the course of his next call.

"And are you preparing to rectify this stupidity by means of a crime?" Trotsky challenged Lie.

During the months of his detention, Trotsky's friends and political admirers were frantically trying to obtain for him permission to take up residence in some other country. No European government would admit him. One of Trotsky's admirers was the famous Mexican painter, Diego Rivera. He approached President Cardenas of Mexico with the request that Trotsky be given asylum there. Cardenas readily granted the request.

When the good news reached Trotsky by cable, he sent this message to Trygve Lie through his police escort:

"Kindly inform the government that my wife and I are ready to depart from Norway at the earliest possible moment. However, before applying for a Mexican visa I would like to make arrangements for a safe voyage. I must consult my friends. . . . With their assistance I shall be able to secure an escort, and to assure the safety of my archives."

Trygve Lie, recorded Trotsky in his journal, "was obviously staggered by the extremism of my requests."

"Even in Czarist jails," Trotsky told him upon his arrival the following day, "the exiles were allowed to see their relatives or friends in order to arrange their personal affairs."

"Yes, yes," replied the Minister of Justice philosophically, "but times have changed. . . ."

Lie took pains to secure the Mexican visas for the Trotskys, and proceeded to make the transportation and security arrangements to get them safely out of Norway as soon as possible.

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[1] *The Nation*, New York, October 10, 1936.

[2] American Aspects of Assassination of Leon Trotsky. Hearings before the Committee on Un-American Activities, House of Representatives. July–December, 1950. Also, Louis F. Budenz, Hearings before the same Committee, November 22, 1946.

Out of the Spanish inferno came the manhunters who eventually caught up with and sealed the fate of Trotsky in faraway Mexico. The Spanish civil war had in that summer of 1936 burst into a conflagration involving the intervention of Hitler, Mussolini and Stalin, and threatening to develop into a world war. Since the Spanish Republic had a Popular Front government, communist, socialist, revolutionary and other anti-fascist elements from all corners of the earth rallied to its support. Spain became a symbol of the struggle against fascism, but behind the main front another civil war was silently being waged in the Republican ranks. Stalin, whose Spanish policy was calculated to appease Hitler and Mussolini ordered his gunmen in Spain to launch a campaign of extermination of all dissident revolutionaries and libertarians who were branded as Trotskyites. Under the protection of a government which depended upon Stalin's favors, his executioners began their purge.

Even before the Trotskys departed from Norway, a delegation of Spanish communists set sail from Barcelona bound for Mexico. The leading member of this mission traveling on the *Manuel Arnuz* to the Caribbean was a woman of striking appearance whose destiny was to be inseparable from that of Trotsky. She was Caridad Mercader, the 44-year-old mother of Ramon, the future assassin.

SERIES ON "LAW AND ENVIRONMENT"—PART V

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the fifth article in the Christian Science Monitor series on "law and environment" is concerned with the next generation of antipollution and environment-concerned citizens. More specifically, those who we pray will be leading the fight in future years—graduates of our law schools. There is growing evidence to show that young lawyers are more concerned with the great public questions; should the trend continue—and we hope it does—a body of environmental law will develop more rapidly than current trends indicate.

Present-day conservation-minded lawyers can help produce tomorrow's leaders by encouraging law schools to establish relevant course work. I know it sounds pretentious to call for the "institutionalization" of environmental problems, but then, how else will we find the legal talent for the confrontations ahead? If we are brutally frank with ourselves, we will admit that the battle over the proper use and/or control of our environment will get fiercer as technology expands, and that it will take men better prepared than we were to engage in future legal controversies.

Such training, and the opportunities in the field of "environment law" were on the agenda of the recent Arlie House conference upon which the series is based.

The article follows:

[From the Christian Science Monitor, Oct. 16, 1969]

Law Students Shun Wall Street To Work for Wider Goals

(By Robert Cahn)

Washington.—A number of law school professors and public-interest crusaders such as Ralph Nader are urging young lawers to get themselves actively involved in the movement for a better environment.

"A lot of law students today don't want to go to work on Wall Street," James Krier of the University of California at Los Angeles law faculty told participants at the first Conference on Law and the Environment held recently in Warrenton, Va. "They don't want to go to work for big Washington firms, or for conglomerates. They really want to go out and take on a lot of those kinds of interests, and they can do it very, very well."

It may not have been exactly what Mr. Krier had in mind, but a short time after the conference a group of young law students in Washington literally "took on" one of the town's major law firms.

The group, organized under Ralph Nader, who had been a participant at the law and the environment conference, picketed the offices of Wilmer, Cutler & Pickering.

CONCERN DRAMATIZED

The law students through their ad hoc Committee on Motor Vehicle Air Pollution and the Law said they were dramatizing their concern over the role of the law firm's representation of the Automobile Manufacturers Association. The Justice Department, after filing an antitrust complaint in January against the association alleging engagement in a conspiracy to retard development of automobile pollution-control devices, accepted a consent decree in September.

The protesting law students challenged the firm for using its influence to avoid trial. In their resolution, the students said they had been taught that the attorney is the "keeper of his client's conscience" and that the "public is the lawyer's first client."

If the firm does not agree to the students' request to try to convince the client to have a public trial, said student leader Robert Sweben, "then the public will begin to understand why major law firms throughout the country are encountering ever-increasing difficulties in hiring young law graduates, many of whom are raising similar questions concerning the ethical standards of their future colleagues."

Most lawyers would not concur with actions such as picketing or confronting a law firm with a resolution. And they would disagree with Mr. Zweben's statement, arguing perhaps that the Automobile Manufacturers Association is entitled to the lawyer of its choice, as are environmental groups in their cases. Yet the protest served to illustrate one of the issues most discussed at the Conference on Law and the Environment—the changing attitudes of law students and young lawyers.

Direct involvement by lawyers in environmental cases sometimes raises ethical problems, said Rep. Paul N. McCloskey Jr. (R) of California, who is a lawyer. Lawyers may be violating the old canon of ethics by doing such things as inventing causes of action, taking part in fund raising, or calling a press conference to publicize a cause, Representative McCloskey said.

CANON CHALLENGED

Many of the conference participants felt that the old canon of ethics is outdated and reflects a set of social and political conditions that no longer exists. The lawyers working today for environmental clients often have difficulty with the burden of proof, standing in court, raising funds, or having their lawsuit taken seriously by industry or governmental agencies. Thus the lawyers may find it necessary to advise their clients in fund raising, deal directly with the press, or otherwise be involved in nonlegal aspects of a case.

The current law-school student interest in the environment and the encouragement to specialize in environmental law raise a problem for the young graduate because the opportunities to make a living in this field are still sparse.

Several conference participants pointed out, however, that the graduating lawyer would have more opportunity for employment and a better chance to work in environmental causes if the law school furnished him with a background in biology and other scientific sciences as well as in resource and urban planning.

A course in "Ecology and Public Policy" should be taught in all law schools, it was suggested.

NATIONAL DAY OF PRAYER

(Mr. BUCHANAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, the Congress, by joint resolution of April 17, 1952, provided that the President "shall set aside and proclaim a suitable day each year, other than a Sunday, as a national day of prayer on which the people of the United States may turn to God in prayer and meditation at churches, in groups, and as individuals." Such a day is quite appropriate in the life of this country since America was founded on the ethical and moral principles embodied in the Judeo-Christian tradition.

America's greatest strength lies in the faith and religious commitment of her people. "In God We Trust" must remain more than a mere motto for the people of America if our country is to remain strong and free.

This year, President Nixon, by proclamation on October 8, set aside Wednesday, October 22, as our National Day of Prayer. In his proclamation, the President asked that "on this day the people of the United States pray for the achievement of America's goal of peace with justice for all people throughout the world."

In observance of this day it was my privilege, along with a number of my colleagues who regularly attend the House and Senate prayer breakfast meetings to attend a prayer breakfast at the White House with Dr. Billy Graham. The remarks of both the President and Dr. Graham, together with prayer led by the Honorable Del Clawson of California, were of great inspiration to those assembled.

The one prayer on the lips of all mankind, of whatever religious persuasion, should be a prayer for peace with justice and a prayer for those in places of high responsibility in our land.

The President is to be commended for setting aside this day and it is my hope that all men everywhere shall benefit from its observance.

SO-CALLED NONGASSY MINES—THEIR GRIM FATALITY AND INJURY RECORD

(Mr. HECHLER of West Virginia asked and was given permission to ertend his remarks at this point in the Record and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, I am pleased that when we debate coal mine health and safety the committee's bill, H.R. 13950, eliminates the distinction between a gassy and a "nongassy" mine. This endorses the conclusion which the Bureau of Mines first made as long ago as 1926 that "all mines are potentially gassy." Unfortunately, however, the bill provides too much time for the so-called nongassy mines to make all electric face equipment permissible or spark proof.

In the case of large electric face equipment, the bill gives the operators of the large gassy mines—like Consolidation Coal Co. and the captive mines of United States Steel and other big steel companies—and the small gassy mines up to 28 months to make this equipment permissible—see section 305(a)(1) of H.R. 13950, page 72. They have already had 17 years. If the equipment was in use in the gassy mine before the 1952 act or before the date the mine was classified as gassy, whichever is later, the operator can continue to use this dangerous grandfathered nonpermissible equipment. With the record of ignitions and resulting deaths and injuries so unconscionably high, this 28-month extension is too long. The period should be no more than 15 months.

THE 51 MONTHS OF GRACE

Even worse, the bill gives the operators of small and large so-called nongassy mines, in the case of such equipment, a full 51 months after enactment to obtain this equipment. If they fail to act, then the Secretary may waive this requirement in a mine-by-mine basis for 2 years if he determines that such waiver is "warranted"—see section 305(b)(1) of H.R. 13950, page 73. Thus, the operator can sit on his hands and do nothing for 51 months, then get a waiver for 2 years. Despite the statement in the committee's report that the committee "intends that the Secretary use his discretion in determining if such waivers are warranted for mines requesting them, but expects his first consideration to be the availability of permissible replacement equipment," the bill does not require this finding until the Secretary reaches the end of the 6 years and 3 months when he can, on a mine-by-mine basis, grant further waivers if the equipment "is not available to such mine"—see page 73, section 305(b)(1).

6 YEARS PLUS

Thus, the operators of large and small nongassy mines have been given, at least 6 years, and a further indefinite period to comply with this requirement. In the meantime, the miner is subjected for this indefinite period to the hazard of a gas ignition and possible death or injury. Again, the rule that governs here is not the life of the miner and what his loss means to his family, but purely and simply economics. Which is more precious? Money, or a man's life?

Let me review the facts, the record, and what I believe to be the proper approach to this problem—one that places life first, but recognizes that everything cannot be done overnight.

Since January 1941, 1,142 miners have been killed and 965 have been injured in the 683 underground coal mine ignitions or explosions which have been reported to the Bureau of Mines. These ignitions and explosions have been among the major causes of death and injury to coal miners.

THE DANGERS OF METHANE

First, let us understand the hazardous nature of methane gas. Explosive mixtures are formed when the methane concentrations in the mine atmosphere range from 5 to 15 percent. The energy required for ignition is extremely minute.

When methane gas is present in a coal mine, in sufficient quantities, a frictional spark such as one emanating from a motor on a piece of equipment, or one caused by metal striking rock, or even one caused by the flint of an ordinary cigarette lighter, can provide the energy necessary to ignite the methane with the resulting ignition and explosion and death and injury to the miners. The potential for an explosion can increase with the presence of coal dust suspended in the atmosphere. As the amount of coal dust in the atmosphere increases, the amount of methane needed for an explosion may decrease to much less than 5 percent.

WHAT THE 1952 ACT REQUIRES

In 1952, Congress, in recognizing the importance of preventing methane ignitions and explosions, established some measures designed to prevent the accumulation of methane in explosive quantities and to eliminate the sources of methane ignition. Although the measures required by the 1952 act are deficient, that act does require that—

All mines must ventilate the working places;

In gassy mines, air passing through an abandoned area which cannot be inspected cannot be used to ventilate the face;

In gassy mines, preshift examinations for methane must be made 4 hours before the shift, and in nongassy mines, once a day;

Pillar workings in gassy mines must be tested for methane before a roof fall is made;

Rock dusting be used to prevent propagation of explosions;

Electric face equipment and junction and distribution boxes in gassy mines, with some exceptions, must be permissible, and trolley and feeder wires cannot extend beyond the last open crosscut;

Smoking and open flames in gassy mines be prohibited;

Tests for methane be made after blasting; and

The drilling and sealing of oil and gas wells be done by the owners thereof under State laws.

DID 1952 ACT SUCCEED?

Were these provisions successful in reducing these ignitions? Let us look at the record again.

Since enactment of the 1952 act through June of this year, there were 454 methane ignitions and explosions in underground coal mines. This is almost double the 229 ignitions and explosions that occurred during the 1941–52 period. These pre-1952 ignitions and explosions killed 401 miners and injured 501. Although fewer miners have been killed and injured in methane ignitions and explosions since 1952, it is scarcely a record to cheer about.

The causes of these ignitions are legion. They are: Smoking, the use of matches to light explosives, the improper use of explosives, the flame safety lamp, trailing cables, locomotives, welding, and numerous other causes, as the following table shows:

Ignition source	Number killed	number injured	Number of ignitions and explosions
Explosives	44	63	43
Electrical equipment (either nonpermissible or in nonpermissible condition)	43	88	52
Smoking and open flames	13	46	55
Locomotives	10	18	22
Trailing cables	9	18	21
Flame safety lamp	5	25	17
Miner bits	3	141	156
Multiple source	135	19	13
Not determined	83	14	15
Miscellaneous	60	58	55
No data available	0	4	1

ADEQUATE SAFEGUARDS MUST BE PROVIDED

From this shocking record, it is clear first, that the safeguards in the 1952 act were inadequate to control methane before it reaches the explosion stage in all mines and, second, that the requirements of the 1952 act did not eliminate the causes of methane ignitions and explosions. Greater safeguards are needed in this area. Halfway measures are no longer acceptable. We must control the methane and we must eliminate the causes. Accordingly, the bill—

Requires that all mines be mechanically ventilated and that the ventilation equipment be inspected daily;

Increases the minimum quantity of air reaching the face workings;

Requires the use of brattice cloths or other approved devices to improve ventilation at the face;

Increases the frequency of testing for methane;

Prohibits, in ventilation of face workings, the use of air that passes through an abandoned area that is inaccessible or unsafe for inspection;

Requires sealing or ventilating by bleeders of abandoned areas or areas where pillars have been removed;

Requires Federal inspectors at especially hazardous mines;

Improves present standards relative to rock dusting to prevent propagation of methane ignitions;

Prohibits the use of open flames and smoking;

Provides greater protection in the use of trailing cables;

Requires continuous testing for methane while welding;

Provides greater safeguards in the use, storage, and transportation of explosives;

Requires that operators make more diligent searches for oil and gas wells, and that operators provide and maintain larger barriers around such wells; and

Requires that flame safety lamps be approved and properly maintained at each mine in accordance with specifications to be prescribed by the Secretary.

In addition to these very detailed and comprehensive safeguards included in this bill, there are two other causes of ignitions that arouse considerable concern.

SPARKS FROM CONTINUOUS MINER

First, sparks from the bits of the continuous miner and from the cutting machine. There have been 155 such ignitions since 1952, many of which have occurred since the late 1950's. These have killed three and injured 141.

Unfortunately, the technology here is not very advanced. I am informed by the Bureau of Mines that a device to suppress these ignitions as they occur is now being developed and should be available very soon. To accelerate this process, the bill directs the Secretary to act promptly on this research and to require such a device as soon as possible. Also, immediate attention must be given to complete prevention of these ignitions.

FLAME SAFETY LAMP

At this point, I might also dwell on the flame safety lamp problem as a device to measure and detect methane, it is not satisfactory. Miners using this lamp, despite claims to the contrary, are unable to measure the methane in the mine atmosphere at the low percentages required either in the 1952 act or in this bill, except under ideal conditions which may exist in the laboratory but are not found in the mines.

These lamps give different readings to different people. Their accuracy also depends on whether they are properly set by the men who use them and that setting is necessarily being changed all day long.

So, as I have indicated, research is necessary. Furthermore, the record is clear that flame safety lamps, in many instances, are not properly maintained. Indeed, since 1952 there have been five miners killed and 24 injured in 17 ignitions caused by flame safety lamps. This emphasizes the need to maintain these lamps properly each day. And this is required under the definition of the term "permissible" in section 318(c)(1) of H.R. 13950, although I believe a specific provision on this lamp is desirable.

RESEARCH ON METHANE DRAINAGE

One promising area of research now underway in the Bureau to control methane, is a program of methane drainage, in advance of mining. The potential of this research is great and the bill directs that it, too, be accelerated with primary emphasis on safety aspects of the research.

Further, the bill contemplates that additional measures will probably be needed in the future to control methane and prevent methane ignitions and explosions. The research programs just mentioned and other efforts of the Bureau of Mines in this area, if fruitful, will form the basis for action by the Secretary to promulgate additional regulations on this subject.

ELECTRICAL FACE EQUIPMENT

Now, we come to the major problem—electrical face equipment and the nongassy classification.

The bill follows the recommendation of the Department of the Interior that mines, whether classed as gassy or nongassy under the current law should be treated alike, in providing these new and additional safeguards to control methane and prevent ignitions.

Since 1952, the Federal Coal Mine Safety Act, as amended, has contained special provisions allowing the use of electric face equipment which is not spark proof—that is, has not met the standards of the Bureau of Mines—in mines that have never had an ignition or have never been found to have methane of more than 0.25 percent. In addition, the act has specifically provided that many of these particular safeguards, such as the frequency of preshift examinations, and the prohibitions of smoking and the use of open flames underground applied to only one class of mines; namely, those which have had methane ignitions or in which there was methane of 0.25 percent or more.

SPECIAL TREATMENT FOR NONGASSY MINES

Thus, the so-called nongassy mines—again those that have never had an ignition or have never been found to have methane of more than 0.25 percent in the mine atmosphere—have received special treatment under the premise of the 1952 act that a mine need not adopt special measures to control methane and prevent ignitions until there was "evidence of gas." I believe, however, that, based on the record, this premise was not valid. The committee shared my view and reached the decision to treat all mines alike.

The principal opposition to this uniform treatment of all underground coal mines came from the small nongassy mine operators, particularly those from eastern Kentucky, southern West Virginia, Virginia, and Tennessee. These operators, who want the special treatment for nongassy mines under the 1952 act continued, objected primarily to the requirement in the bill that large electric face equipment in these mines must be made permissible—that is, sparkproof.

CONTENTIONS THAT SMALL MINES MAY CLOSE

These small, nongassy mine operators, who produce less than 8 percent of the Nation's coal and employ between 15,000 and 20,000 employees contend that this requirement will be costly to the operators of these mines and cause many of them to close their mines. They further contend that the history of gas being detected in these mines, either by ignition or air analysis during inspections, does not warrant such a requirement.

NUMBER OF GASSY AND NONGASSY MINES

Based on 1967 and 1968 data of the Bureau of Mines, there are 3,778 active underground bituminous and anthracite coal mines of which 450 are now classed gassy. The remainder, 3,328, are classed nongassy, of which 2,755 are small nongassy mines, not 4,000 as some contend. Many of these small nongassy mines are found in eastern Kentucky, southern Virginia, and West Virginia and are drift mines. As I have stated, under these conditions there is a good chance for methane that was present in the coal many years ago to have escaped from the coal seam before mining is undertaken. But, as I also stated, no one can be sure of this and frequently the methane remains as a cause of disaster and threat to the lives of the coal miners.

Based on data of the Bureau of Mines, the total annual coal production from underground bituminous and anthracite mines during 1967 and 1968 was about 350 million tons. Large and small gassy mines accounted for about 60 percent of this total of 210 million tons. Large and small nongassy mines combined accounted for the remaining 40 percent or 140 million tons.

Small nongassy mines annually produced slightly less than 12 percent, or 39 million tons—a far cry from the 40-percent production claimed by some who want to retain this administrative distinction for small nongassy drift mines.

THE SAFETY OF THE MINER

After all is said and done, one must still conclude that the special treatment granted nongassy mines for the past 17 years relative to the use in such mines of sparkproof electric face equipment should not be continued from the standpoint of the miner's safety. It is important that my colleagues in the House understand the reasons for this conclusion.

Both the previous administration, in January 1969, and the present administration, in March 1969, in propsing coal mine health legislation, specifically proposed that all mines should be "subject to the same standards because all underground coal mines are potentially gassy." Both administrations were reiterating the position taken by the Bureau of Mines as long ago as 1926, that all mines whether classed gassy or nongassy, are potentially gassy.

It is clear from the history of ignitions and explosions in the Nation's coal mines that the exceptions permitted by the 1952 Federal Coal Mine Safety Act, as amended, are not warranted. There is neither a scientific nor technical basis for these exceptions. The record shows that no one can predict when gas may be found in such quantity in any mine to cause considerable damage.

EXPLOSIONS DO OCCUR IN NONGASSY MINES

Past history shows that mines, once classified nongassy, do suddenly have sufficient accumulations of methane gas to cause ignitions and explosions. As the record demonstrates, this has happened at least 87 times since 1941. Let me stress that point—87 mines in the past 28 years have been classified nongassy, yet they have had sufficient methane gas to cause an explosion and, as a result of these 87 gas ignitions, in so-called nongassy mines, 84 miners were killed and 111 were injured. See the following table which shows where these have occurred:

METHANE IGNITIONS AND EXPLOSIONS IN NONGASSY MINES, 1941-69

State	Number of ignitions	Number of miners killed	Number of miners injured
Pennsylvania	33	18	69
Kentucky	14	17	13
Virginia	13	0	9
West Virginia	6	17	10
Tennessee	6	14	0
Ohio	4	3	6
Illinois	2	11	3
Maryland	2	3	1
Colorado	2	0	3
Washington	2	0	2
Alabama	1	0	0
Indiana	1	0	0

WHERE THE EXPLOSIONS HAVE OCCURRED

These dangers exist in all nongassy mines, whether they are large or small; whether they are drift mines, slope mines, or shaft mines. As the record demonstrates, of the 55 methane ignitions that have occurred in nongassy mines since the 1952 Safety Act, over half—30 to be exact—occurred in small mines; almost half—22 to be exact—occurred in drift mines. In some of these 55 ignitions, fewer than five miners were employed in the mine. As recently as August 1968, a methane gas ignition occurred in a small nongassy drift mine, in Kentucky, injuring three miners. On two previous inspections, the methane gas in the atmosphere at the mine registered less than 0.25. On one inspection, it registered 0.15, on the other, no methane gas whatsoever was detected. Yet, on August 5, 1968, a methane gas ignition occurred in that "nongassy" mine.

RECLASSIFICATION OF MINES AS GASSY

In the last 4 years alone, 168 nongassy mines had to be reclassified as gassy. Sixty-nine of these were small mines, and 17 of the 168 were drift mines.

See table I, which follows:

TABLE I.—203(f) ORDERS, GASSY CLASSIFICATION, ISSUED FROM 1964 THROUGH 1968 BY DATE, STATE, REASON, AND AIR ANALYSIS FOR THE 2 PREVIOUS INSPECTIONS

DISTRICT A

Date of gassy classification	State	Size of mine	Type of opening	Reason for gassy classification	Air analysis (methane) 2 previous inspections No. 1	No. 2
Feb. 18, 1964	Pennsylvania	Small	Slope	State, by letter[1]		
Feb. 26, 1964	do	Large	Drift	do		
June 13, 1964	do	do	Slope	0.58	(2)	(2)
Sept. 16, 1964	do	do	Drift	1.05	0.21	0.09
May 23, 1964	do	do	do	State, by letter[1]		
Feb. 4, 1965	do	Slope	Slope	do		
Feb. 17, 1965	do	do	do	do		
Mar. 4, 1965	do	do	do	do		
Mar. 29, 1965	do	do	do	do		
June 8, 1965	do	do	do	do		
June 15, 1965	do	do	do	do		
July 22, 1965	do	do	do	do		
July 29, 1965	do	Large	Drift	do		
Sept. 24, 1965	do	Small	Slope	do		
Oct. 7, 1965	do	do	do	do		
Oct. 26, 1965	do	do	do	do		
Dec. 3, 1965	do	do	do	do		
Jan. 3, 1966	do	Large	Drift	do		
Feb. 14, 1966	do	Small	Slope	do		
May 3, 1966	do	do	do	0.83	.00	.00
May 20, 1966	do	Large	Drift	1.34	.08	.00
May 27, 1966	do	do	do	State, by letter[1]		
July 15, 1966	Pennsylvania	Large	Shaft	State, by letter[1]		
Sept. 9, 1966	do	do	Drift	0.40	0.00	0.00
Nov. 3, 1966	do	do	do	0.39	.15	.11
Nov. 28, 1966	do	do	do	0.32	.03	
Nov. 30, 1966	do	do	Shaft	Interconnected	(3)	(2)
May 23, 1967	do	do	Drift	State—by letter[1]		
Sept. 26, 1967	do	Small	Slope	0.66	.00	00
Sept. 27, 1967	do	do	do	Interconnected	(3)	(3)
Do	do	do	do	do	(3)	(3)
Oct 6, 1967	do	Large	do	State, by letter[1]		
May 29, 1968	do	Small	Slope	do		
Sept. 12, 1968	do	do	do	do		
Nov. 4, 1968	do	do	do	Interconnected	(3)	(3)
Apr. 1, 1967	West Virginia	Large	Drift	State, by letter[1]		
Nov. 8, 1968	do	do	do	do		
May 21, 1964	Ohio	do	do	1.76	.00	.00
May 26, 1966	do	Small	do	0.26	(4)	(4)
Dec. 22, 1966	do	do	Shaft	0.50	.05	.07
June 26, 1967	do	Large	Slope	0.29	.08	.06
July 26, 1967	do	do	Drift	State, by letter[1]		
Mar. 29, 1968	do	do	do	0.42	.06	.04
May 8, 1968	do	do	Slope	0.30	(2)	(2)

DISTRICT B

Date of gassy classification	State	Size of mine	Type of opening	Reason for gassy classification	Air analysis (methane) 2 previous inspections No. 1	No. 2
Jun. 8, 1964	Ohio	Small	Drift	0.26	0.06	0.05
Aug. 31, 1964	do	do	do	0.29	.20	.06
Sept. 23, 1964	do	Large	do	0.35	.00	.05
Oct. 6, 1964	do	do	do	0.70	.22	.05
Oct. 30, 1964	do	do	do	0.31	.13	.07
Nov. 4, 1964	do	do	do	Interconnected	.00	
Jan. 27, 1965	do	do	do	do	(4)	(4)
Feb. 24, 1965	do	do	do	0.26	.00	
Do	do	do	do	Interconnected	.00	.00
Do	do	do	do	do	.04	.00
Feb. 25, 1965	do	do	do	do	.00	.00
Mar. 9, 1965	do	Small	do	do	.00	.00
June 3, 1965	do	Large	do	0.32	.10	.04
Sept. 8, 1965	do	do	do	0.78	.00	
Sept. 27, 1965	do	do	do	0.91	.05	
Dec. 20, 1965	do	do	do	0.49	.19	.00
Feb. 2, 1966	do	Small	do	Interconnected	(2)	(2)
May 24, 1966	do	Large	do	0.47	.00	.00
June 14, 1966	do	do	Shaft	1.46	.00	.00
June 16, 1966	do	Small	Drift	Interconnected	.00	.00
Sept. 8, 1966	do	do	do	do	(2)	(2)
Dec. 8, 1966	do	do	do	0.43	.22	.08
Jan. 16, 1967	do	Large	do	Interconnected	.00	
Feb. 23, 1967	Ohio	Small	Drift	Interconnected	(2)	(2)
Feb. 13, 1967	do	do	do	do	0.00	
Mar. 15, 1967	do	Large	do	0.61	.00	0.00
May 8, 1967	do	do	do	0.29	.03	.00
May 11, 1967	do	Small	do	Interconnected	(2)	(2)
Aug. 22, 1967	do	do	do	do	(2)	(2)
Sept. 25, 1967	do	Large	do	0.92	.19	.07
Sept. 28, 1967	do	Small	do	0.26	.05	.00
Oct. 24, 1967	do	do	do	Interconnected	(2)	(2)
Do	do	Large	do	0.92	.13	.15
Nov. 8, 1967	do	do	Shaft	0.51	.00	.00
Nov. 21, 1967	do	do	Drift	0.48	.05	.05
Nov. 28, 1967	do	do	do	0.89	.01	.00
Nov. 29, 1967	do	do	do	0.70	.22	.05
Dec. 4, 1967	do	Small	do	Interconnected	.00	.00
Dec. 6, 1967	do	Large	do	0.97	.14	.10
Jan. 18, 1968	do	do	Shaft	0.52	(2)	(2)
Feb. 13, 1968	do	do	Drift	0.30	.00	.00
Apr. 22, 1968	do	do	do	0.26	.07	.03
July 29, 1968	do	Small	do	0.26	.01	.15
Sept. 16, 1968	do	Large	do	0.25	.C0	.00
Nov. 7, 1968	do	do	do	0.33	.06	.00

DISTRICT C

Date of gassy classification	State	Size of mine	Type of opening	Reason for gassy classification	Air analysis (methane) 2 previous inspections No. 1	No. 2
Dec. 17, 1965	Alabama	Large		0.29	0.24	0.00
July 1, 1966	do	Small	Drift	0.37	.10	.16
July 13, 1966	do	do	do	Interconnection	.05	.00
Jan. 3, 1968	do			State, by letter[1]	.00	.00
Nov. 4, 1965	Tennessee	Large	Drift	0.31	.00	.00
July 31, 1967	do	Small	do	0.56	.14	.05
Aug. 23, 1968	do	do	do	0.27	.00	.00
July 15, 1968	do	do	do	0.51	.07	.05
May 17, 1968	do	do	do	State, by letter[1]	.00	.00
Sept. 9, 1965	Kentucky	Large	Slope	do	.00	.00
Apr. 21, 1965	do	do	Drift	1.72	.07	
Apr. 5, 1966	do	do	do	Safety lamp and methane detector.	.00	:05
Feb. 16, 1966	do	Small	do	0.44	.00	.00
June 12, 1967	do	Large	do	0.29	(2)	(2)
Dec. 27, 1967	do	do	do	0.34	.10	.15
June 10, 1968	do	do	do	0.38	.12	.05
July 18, 1968	do	do	do	0.34	.00	.00
Aug. 5, 1968	do	Small	do	Ignition	.15	.00
Mar. 10, 1964	Virginia	Large	Shaft	0.33	(2)	(2)
Nov. 3, 1964	do	do	Drift	State, by letter[1]	.05	.05
Apr. 9, 1965	do	do	do	0.34	.02	.05
Do	do	do	do	Interconnection	.00	.00
Oct. 14, 1965	do	do	do	do	.15	.21
Mar. 10, 1966	do	do	do	0.32	.00	.00
Nov. 8, 1966	do	Small	do	Ignition	(5)	.17
Jan. 23, 1967	do	do	do	0.31	.10	.14
Mar. 20, 1967	do	do	do	0.27		.00
Do	do	do	do	0.49	.00	.22
May 1, 1967	Virginia	Small	Drift	0.44	0.00	0.07
May 24, 1967	do	Large	do	0.27	.15	.07
May 25, 1967	do	Small	do	0.56	.00	.03
June 26, 1967	do	do	do	0.36	.00	.16
Aug. 23, 1967	do	do	do	0.29	.14	.04
Aug. 31, 1967	do	do	do	1.49	.00	.15
Sept. 28, 1967	do	Large	do	0.44	.00	.10
Oct. 9, 1967	do	do	do	0.40	.00	.00
Oct. 11, 1967	do	do	do	2.09	.09	.05
Do	do	do	do	1.26	.10	.00
Nov. 9, 1967	do	Small	do	0.47	.00	.00
Dec. 21, 1967	do	do	do	0.26	.19	.15
Jan. 22, 1968	do	do	do	0.53	.00	.00
Feb. 15, 1968	do	Large	do	0.51	.07	.23
Mar. 19, 1968	do	do	do	0.75	.00	.00
May 1, 1968	do	do	Shaft	State	(2)	(2)
May 6, 1968	do	do	Drift	0.30	.00	.00
May 15, 1968	do	Small	do	0.25	.00	.00
May 22, 1968	do	do	do	Interconnection	.00	.00
June 18, 1968	do	do	do	0.47	.00	.00
July 9, 1968	do	do	do	0.30	.05	.06
July 15, 1968	do	Large	do	0.30	.00	.11
July 30, 1968	do	Small	do	0.25	.05	.14
Sept. 3, 1968	do	Large	do	0.33	.12	.22
Sept. 11, 1968	do	Small	do	0.26	.00	.00
Dec. 13 1968	do	Large	do	Interconnection	.00	.00
Sept. 11, 1968	do	Small	do	0.51	.03	.03

Footnotes at end of table.

TABLE I.—203(f) ORDERS, GASSY CLASSIFICATION, ISSUED FROM 1964 THROUGH 1968 BY DATE, STATE, REASON, AND AIR ANALYSIS FOR THE 2 PREVIOUS INSPECTIONS—Continued

Date of gassy classification	State	Size of mine	Type of opening	Reason for gassy classification	Air analysis (methane) 2 previous inspections		Date of gassy classification	State	Size of mine	Type of opening	Reason for gassy classification	Air analysis (methane) 2 previous inspections	
					No. 1	No. 2						No. 1	No. 2
DISTRICT D													
July 13, 1965	Kentucky	Large	Drift	State, by letter			Dec. 10, 1968	Kentucky	Large	Drift	0.26	0.12	0.13
July 7, 1965	do	do	Slope	0.47	0.14	0.05	July 23, 1965	Ilinois	do	Shaft	State, by letter		
July 4, 1966	do	Small	Shaft	0.53	.00	.00	Sept. 15, 1965	do	do	do	do		
July 6, 1966	do	do	do	0.39	.00	.03	Sept. 14, 1966	do	Small	Slope	do		
June 13, 1967	do	Large	Slope	0.53	(2)	(2)	Do	do	do	Shaft	do		
June 21, 1967	do	do	do	0.36	(3)	(3)	Aug. 18, 1967	do	Large	Drift	0.45	.05	.07
Sept. 12, 1967	do	do	Drift	0.32	.10	.05	Oct. 22, 1968	do	do	Shaft	State, by letter		
Nov. 12, 1968	do	do	Shaft	0.29	.03	.03	Nov 8, 1968	do	do	do	0.28	.08	.09
Do	do	do	Slope	0.41	0	.16	June 1967	Oklahoma	do	Slope	State, by letter		
Nov. 14, 1968	do	do	Drift	0.30	.08	.09	Oct. 1967	do	do	Shaft	do		
DISTRICT E													
Nov. 19, 1964	Utah	Large	Slope	By letter, State[1]	0.07	0.00	1966	None			None		
Dec. 23, 1964	Colorado	do	Drift	0.63	.00	.01	Apr. 19, 1967	New Mexico	Large	Drift	0.34	0.00	0.01
Mar. 18, 1965	do	do	do	0.31	.00	.01	1968	None			None		

[1] Form 203(f) orders were not issued when mines were classed gassy by State department of mines.

[2] No prior inspection.

[3] No samples.

[4] Data not available.

[5] None.

Most of these gas ignitions in nongassy mines have been caused by smoking, open flames, and small nonpermissible electric equipment. The bill prohibits smoking and open flames, and requires that the small electric equipment be made ignitionproof.

However, since ignitions have also occurred from larger nonpermissible equipment, and large permissible equipment in nonpermissible condition, the bill also requires that this larger equipment be made ignitionproof. The committee believed this requirement to be necessary for a very simple reason. Where there is methane, any spark—whether it be from a machine, cigarette lighter, or small or large piece of electric equipment, can cause an ignition. In fact, as we have learned, five methane ignitions in nongassy mines have been caused by sparks emanating from large pieces of equipment.

A methane ignition was recently caused in a nongassy drift mine by a large piece of equipment which, the Bureau of Mines reports, was in nonpermissible condition at the time of the ignition. Five men were burned and hospitalized. In that case, fortunately, none were killed.

THE BLUE BLAZE CASE

In the most serious of these 55 methane ignitions in nongassy mines since 1952, 11 miners were killed in Herrin, Ill.—Blue Blaze Coal Co. These miners were working in a mine which the law said was nongassy. Yet, a spark, emanating from a large shuttle car, found methane gas which was not supposed to be there, and exploded the methane gas. The Bureau of Mines reports that the shuttle car was in nonpermissible condition at the time of the ignition.

The mine involved had not been classified gassy by the State of Illinois. According to the report, "methane was never detected in the mine with a permissible flame safety lamp, except for the one time that the mine manager thought he might have found a very small amount in a roof cavity." Air samples collected during State inspections of the mine showed a maximum methane content of 0.08 percent which, under current law, is well below the nongassy classification limit of 0.25 percent.

A shuttle car was being repaired. It had been manufactured originally to meet the Bureau's standards. During the course of repair, however, the control panel was open.

OFFICIAL INVESTIGATION REPORT

The Bureau of Mines investigators, in reconstructing the facts after the disaster, believe that during the course of repair, the repairman energized the power to the shuttle car for test purposes. Since the control panel was open, sparks were permitted to emanate. According to the final report of the investigation, "Federal inspectors are of the opinion that the disaster was caused by the ignition of methane in the air current. The gas was ignited by an arc or spark from the open control panel while repairs were being made on the shuttle car." Had the control panel been properly sealed when the machine started to operate, and under the Department of the Interior standards it must be, the ignition would not have occurred. The final report of this explosion follows:

FINAL REPORT OF MAJOR MINE-EXTENSION DISASTER, MINE NO. 2, BLUE BLAZE COAL COMPANY, HERRIN, WILLIAMSON COUNTY, ILLINOIS, JANUARY 10, 1962

(By F. J. Smith, District Supervisor; J. R. Summary, Federal Coal-Mine Inspector; C. M. Dovidas, Federal Coal-Mine Inspector; S. J. Douglas, Federal Coal-Mine Inspector, Electrical)

INTRODUCTION

A gas and dust explosion occurred in Mine No. 2 of the Blue Blaze Coal Company, 2 miles northwest of Herrin, Illinois, about 6:30 p.m., Wednesday, January 10, 1962, and caused the death of 11 men. These eleven were the only persons in the mine and all died from suffocation, burns and/or forces.

The names of the victims, their ages, marital status, occupations, and the number of dependents are listed in Appendix "A" of this report.

Bureau of Mines investigators believe the explosion originated in room 2 off 3 north entry at the neck of the second north crosscut when an explosive mixture of methane-air was ignited by an electric arc or spark from a piece of electrical equipment. The explosion was propagated by methane and coal dust.

Forces of the explosion radiated from room 2 off the 3 north entry and spread west and north, south and west towards the main shaft, and west and south into the holed-through abandoned sealed north working section at room 1 off the 1 north entry. All of the forces converged at the bottom of the main shaft, traveled up the shaft and dispersed upon reaching the surface.

GENERAL INFORMATION

Mine No. 2 is located 2 miles northwest of Herrin, Williamson County, Illinois. Coal was transported from the mine in autotrucks.

The operating officials of the company were as follows: Claud Gentry, Owner, Route 2, Carterville, Illinois; Virgil E. Woodburn, Mine Manager and Day Shift Leader, Cambria, Illinois; Rays Woodis, Night Shift Leader, Herrin, Illinois.

On January 10, 1962, a total of 30 men was employed; 6 on the surface and 24 underground on two coal-producing shifts. The average daily production was reported to be 280 tons of coal. The mine is opened by a concrete-lined shaft 168 feet deep and a 16-inch cased pilot hole which was primarily used as a refuse hole for the blasted strata for the enlargement of the air shaft. The workings are in the Illinois No. 6 coal bed, which averages 106 inches in the present mining area and dips very slightly to the north and east.

In 1956 a 7- by 10-foot concrete-lined slope was driven near the present side of the cased pilot hole for the proposed 6-foot circular air shaft. The slope was driven, to a depth of 210 feet and collapsed unexpectedly, due to caving ground and an inrush of what is locally referred to as quicksand. Plans for opening the mine were suspended until April 23, 1959, when ground was broken for the present hoisting shaft. The hoist or main shaft was completed November 24, 1960; however, the further development of the mine was temporarily halted, until the surface structures were erected. Coal on one shift was first produced July 30, 1961, and continued to be produced intermittently until the day of the explosion. A full crew on the second shift started to produce coal mine working shifts prior to the disaster.

The partly completed air shaft, located 520 feet east of the main shaft, was started November 7, 1961. The 6-foot circular steel-lined air shaft had been driven periodically to a depth of 70 feet below the surface soil and to within 74 feet of the coal bed at the time of the explosion.

The immediate roof is a medium-firm gray shale which is about 12 inches in thickness, overlaid by 12 feet of hard shale, 3 to 5 feet of limestone, and by 49 feet of sandstone, successively. The immediate roof disintegrates after it is exposed to the mine atmosphere, and to protect it from weathering approximately 12 to 18 inches of top coal is left. The floor is a smooth soft fire clay that also disintegrates when exposed to the mine atmosphere.

The analysis of a coal sample from the Illinois No. 6 coal seam obtained from a coal company located in the immediate vicinity is as follows: Moisture, 7.2 percent; volatile matter, 34.8 percent; fixed carbon, 51.0 percent; ash, 7.0 percent.

Numerous tests conducted by the Bureau of Mines have shown that coal dust having a volatile ratio of 0.12 is explosive and that the explosibility increases with an increase in the volatile ratio. The volatile ratio of coal in this mine as determined from the aforementioned analysis is 0.40, indicating that the dust is explosive.

A Federal inspection had not been made of this mine prior to the disaster. A Bureau of Mines roof-bolt representative visited the mine and issued a roof-bolt plan on July 31, 1961, but the mine was idle on several occasions when a Federal inspector visited it or contacted some of the employees to determine if the mine were in operation. The mine did not come under the provisions of Title II of the Federal Coal Mine Safety Act until January 1962, by virtue of the fact that less than 15 men were employed underground until that time.

MINING METHODS, CONDITIONS, AND EQUIPMENT

Mining Methods: The mine was being developed by a panel, room-and pillar method and pillars were not extracted. Main entries were driven in sets of seven, 16 feet wide on 50-foot centers. Room-panel entries were being driven 16 feet wide on 50-foot centers in sets of 2 and 3 at various intervals. The first room crosscuts were used as shuttle-car roadways and were referred to as entries by the management. Rooms were driven 18 to 22 feet wide on 50-foot centers to various depths, and crosscuts were generally 18 feet wide and 60 feet apart.

The mine is surrounded by worked-out mines and provisions had been made in the projected development to allow 200 feet of coal for a barrier pillar between the mine and abondoned properties.

Bolts were used exclusively for roof support throughout the mine, and with one exception, were being installed according to the recommendations of the Bureau's roof-control representative.

A loading-machine unit was operated on each of the two coal-producing shifts.

Blasting: All coal in the mine was undercut by a rubber-mounted cutting machine and was broken down on shift by means of compressed air. Explosives were not used underground.

Ventilation and Mine Gases: Ventilation was induced by a 24-inch, electrically driven, centrifugal fan operated blowing and circulating approximately 7,500 cubic feet of air a minute. The fan was operated continuously and was installed on the surface, offset a few feet from the main shaft and was attended constantly. Room-panel and temporary stoppings were normally constructed of lumber covered with wood fiber; however, brattice cloth was used occasionally for temporary stoppings until replaced by lumber. No doors were used in the mine; however, two double thickness brattice cloth curtains were suspended from a wooden frame near the shaft bottom. Permanent stoppings were built of concrete blocks.

The air was directed into the mine through a 22½-inch metal air duct which extended from the fan down the hoist shaft and through a circular hole in the poured concrete lining of the shaft. The air duct was constructed of a series of empty 55-gallon capacity oil drums that were joined by welding after the ends were removed from the barrels.

A split system of ventilation was used in this mine. A small split of air ventilated the temporarily idle main west section and a larger split was ventilating the active working area which included the 1, 2 and 3 north room-panel entries and the main east entries. The air entering the mine through the cased pilot hole of the air shaft combined with the air returning from the north entries and returned out the main east haulage and parallel entries and up the hoist shaft. No air readings were recorded in the mine examiner's book.

The mine was not classified gassy by the Illinois Department of Mines and Minerals. Preshift examinations were made of the entire mine for gas and other hazards by the mine manager and night shift leader for their respective shifts. On-shift examinations were made by the mine manager for gas and other hazards during the day shift; however, an on-shift examination apparently was made only for other hazards on the night of the explosion, since a flame safety lamp was not found in the mine during the investigation. The mine manager did state that he thought he detected gas in a roof cavity about three months prior to the day of the disaster; however, it was not noted in the record book. The analysis of air samples collected during State inspections of the mine showed a maximum methane content of 0.08 percent. There were no known oil or gas wells penetrating the coal bed in the area being worked.

Dust: The mine in general was dry, but water was present on the floor in the main east entries inby the north working section and in 6 and 7 east air course entries outby the north working section. The entire north working section was dry and dusty. Loose coal and coal-dust accumulations were present along the main east haulage road, at the hopper near the main shaft and throughout the north working section. Rock dust was applied daily by hand and the main entries had been rock-dusted by machine.

During the investigation, 20 mine-dust samples were collected in the main east and north entries and all of them contained less than 65 percent incombustible (see Table 2). A sample for coke was collected in room 2 off 3 north entry at the second north crosscut where the explosion was believed to have originated and at the junction of main east track entry and 2 north. The mine-dust samples collected were not representative of mine conditions prior to the explosion, as coal dust thrown into suspension and deposited on the rock-dusted surfaces increased the combustible content.

Transportation: Eight-ton Jeffrey trolley locomotives were used to haul the 8-ton, all-steel, drop-bottom-type coal cars from the north working section to the coal hopper located south of the main shaft. The coal was then loaded into a 5-ton skip and hoisted to the surface where it was prepared for domestic trade and for resale to another coal company.

Electricity: Power was purchased at 4,160 volts, three phase, and was transformed to 440, 220, and 110 volts for use on the surface and underground, with the exception of the surface motor generator, which operated at 4,160 volts on the primary side. Alternating current equipment underground consisted of a coal conveyor at the shaft bottom, and two water pumps, all 440-volt type. Direct-current power was generated at 250 volts by a 400 kilowatt conversion unit located in the hoist house. Direct current was transmitted into the mine by two plastic pipe-enclosures 1,000,000 circular mil copper cables installed in an 8-inch cased borehole. Power was transmitted along the motor roads and face region by 320,000 circular mil (6/0) trolley wire and 750,000 circular mil feeder lines, all well installed on insulators.

Face equipment consisted of a Joy 11BU loader, Joy 10SC shuttle car, Joy 10RU cutting machine, Joy CD41 coal drill, and a Jeffrey 56 RDR roof-bolting machine, all operated from the direct-current system. Face equipment was permissible with the exception of the roof-bolting machine, which lacked only an approval plate. Face equipment was fairly new and maintained in a permissible condition. The 10SC shuttle car contactor enclosure cover had been removed by the second shift which exposed a considerable array of electrical arcing devices, and repair work was in progress at the time of the explosion. Upon inspection it was discovered that a main contact on one of the tram reversing contactors would not close, therefore, the shuttle car could have only trammed towards the face on one motor at high speed and tramming would have been possible at low speed in the same direction. The 10SC shuttle car is a four-wheel drive type with tram motor mounted on each side and each tram motor driving the two wheels on its respective side. Jockeying the shuttle car near the loader with the described fault would have been difficult as the car would have jumped on forward tram and probably frequently outed the overloaded relay. The regular mechanic was not working on the night of the explosion and repair work on the shuttle car was being done by members of the face crew, who apparently were not experienced in such work. This fact was self-evident when it was discovered that they had started to diassemble the wrong contactor. Under such conditions it was customary at this mine to try the equipment with the power on, with one person observing the contractors. The removal of the enclosure cover would provide several gas ignition sources which could have and probably did provide the primary ignition, as there was evidence that gas had burned in the enclosure.

Face equipment controller positions were checked after the ignition and all equipment was in an "off" position, except the coal drill which was apparently drilling at the time. Trailing cables were not provided with short-circuit protection at the nip ends, except the loader which had a 300-ampere fuse type nip. Temporary splices in trailing cables ranged in number from none to eight; all were fairly well made with the exception of one splice in the shuttle car cable which was bare. Trailing cables were listed as fire resistant, with the exception of some 75 feet of cable on the roof-bolting machine.

Illumination and Smoking: Permissible electric cap lamps were used for portable illumination underground, and fixed electric lights were installed at the underground shop, at the hopper and at frequent intervals along the haulage roads. Smoking was prohibited underground; however, smokers' articles were listed among the personal effects of one of the explosion victims. A damaged and corroded cigarette lighter was also found on the main east haulage road near the coal hopper but apparently it had been discarded sometime before the explosion.

Mine Rescue: A mine rescue team was not maintained at the mine and none of the mine personnel had been trained in mine rescue work in recent years. The nearest State-maintained mine rescue station and mine rescue teams were at Benton, Illinois, about 17 miles from the mine. Other State-maintained teams were from 20 to 178 miles away and were available. Each rescue station is equipped with the necessary gas-detection devices, McCaa 2-hour self-contained oxygen breathing apparatus, Chemox ¾-hour oxygen-generating breathing apparatus, and all-service gas masks. A box containing 6 self rescuers was kept underground in the shop near the shaft bottom. The underground employees were not searched for smokers' articles before entering the mine.

Two travelways, one of which was in intake air, were provided from the working section to the main shaft bottom; however, the main shaft was the only way out of the mine to the surface. A check-in and check-out system was in effect, and the men used assigned numbered electric cap lamps as a means of identification while underground.

Several fire extinguishers and rock dust were available on the surface and underground for fire-fighting purposes. Water furnished by the city of Herrin was also available on the surface for fire-fighting purposes.

STORY OF EXPLOSION AND RECOVERY OPERATIONS

Participating Organizations: These include the Blue Blaze Coal Company, the Illinois Department of Mines and Minerals, United Mine Workers of America and U.S. Bureau of Mines.

The following Illinois State mine rescue teams assisted with the recovery operations: Benton No. 1 and No. 2, DuQuoin and Eldorado.

Activities of Bureau of Mines Personnel: A representative of Mine Safety Appliances Company, Benton, Illinois, notified J. R. Summary, Federal coal-mine inspector, Benton, Illinois, of the explosion about 8:25 p.m., Wednesday, January 10, 1962. Mr. Summary immediately notified F. J. Smith, District Health and Safety Supervisor, District E, who with Harry Schrecengost, Technical Assistant, U.S. Bureau of Mines, Washington, D.C., was on a special assignment in Benton, Illinois, at the time of the occurrence. Mr. Smith then relayed the information to other Bureau of Mines personnel. F. J. Smith, Harry Schrecengost and J. R. Summary left Benton, Illinois, at about 8:45 p.m., and arrived at the mine about 9:20 p.m. Federal Inspectors B. J. Dona, M. R. Messersmith, C. M. Dovidas, S. J. Douglas, J. A. McCune, J. P. Sheridan and Louis Lorenzo arrived at various times between 10:30 pm., January 10 and 2:15 a.m., January 11. James Westfield, Assistant Director—Health and Safety, and R. W. Whittaker, Federal coal-mine inspector, arrived about 2:30 p.m., January 11. Federal inspectors H. E. Basinger, Brank Beck, J. R. Laird and J. A. Mower, stationed at Madisonville, Kentucky, arrived Sunday afternoon, January 13, and assisted in restoring ventilation in the mine to permit an investigation of the disaster the following day.

The bodies of the 11 victims were recovered at various times during the night of January 11 by rescue teams using oxygen-breathing apparatus, and by 12:40 a.m., January 12, all bodies were removed from the mine.

Mining Conditions Immediately Prior to the Explosion: The weather on January 10, 1962, from 7:00 a.m., until noon consisted of scattered clouds and from 1:00 p.m. to 4:00 p.m., it was clear. The temperature at Herrin, Illinois, airport during this period ranged from 4 degrees below zero at 6:00 a.m., to 6 degrees above zero.

Records of barometric pressure on January 10, 1962, are as follows:

BAROMETER READINGS, JAN. 10, 1969

[The accepted standard barometer reading at the mine is 29.80]

Time	Barometric pressure	Time	Barometric pressure
1:00 a.m	30.15	1:00 p.m	30.30
2:00 a.m	30.17	2:00 p.m	30.30
3:00 a.m	30.19	3:00 p.m	30.30
4:00 a.m	30.20	4:00 p.m	30.30
5:00 a.m	30.20	5:00 p.m	30.30
6:00 a.m	30.20	6:00 p.m	30.30
7:00 a.m	30.20	6:30 p.m	(1)
8:00 a.m	30.20	7:00 p.m	30.30
9:00 a.m	30.25	8:00 p.m	30.30
10:00 a.m	30.30	9:00 p.m	30.30
11:00 a.m	30.30	10:00 p.m	30.30
Noon	30.30	11:00 p.m	30.30
		Midnight	30.30

[1] Time of explosion.

At noon on January 9, 30½ hours prior to the time of the explosion, the recorded barometric pressure was 30.00 and it continued on a gradual rise until a high of 30.30 was recorded at 10:00 a.m., January 10, 1962, after which it leveled off and remained steady until midnight. The atmospheric pressure was not a contributing factor in the explosion. The mine was in operation at the time of the explosion and had been on an 8:00 a.m., and 4:00 p.m., operation since Monday, January 8, 1962. The fan was operating and the mine examiners did not record any unusual conditions in the mine.

Evidence of Activities and Story of Explosion: At the beginning of the 4:00 p.m., to midnight shift on January 10, eleven men entered the mine and all the men except the cager and two motormen walked to the working section. The underground employees reached the working section presumably without mishap, and all the coal-producing workmen had been in face of regions approximately 2½ hours when the explosion occurred. Conditions found after the explosion indicated that coal was being produced as usual. The mine examiner's record book at the mine showed a preshift examination of the entire mine had been made for the oncoming shift. Methane was not reported and the air was traveling in its normal course and quantity.

Normal operating procedure at this mine required all the day shift crew to be on the surface, except the mine manager, before the afternoon crew was permitted underground. The hoisting engineer on the afternoon shift stated that on January 10, 1962, at about 3:30 p.m., after all the crew was lowered, normal operation of the mine followed.

A trip of coal was being hoisted out of the mine and at approximately 6:25 p.m., the skip was lowered to the bottom and was stopped for about a minute when he heard a whirring and hissing sound similar to a short-circuit in high voltage power cable, followed by a terrific vibrating sound. The generator set was only a few feet from the hoist controls and, being concerned about the high voltage power, he pulled the power cut-off switch on the generator, stopping the set. Upon turning around he observed the hoisting cables vibrating, followed by a jet black column of smoke or dust pouring out of the shaft accompanied by a deafening whirring and vibrating sound. After waiting a few minutes he walked outside and around the corner of the hoist house and disconnected the 440-volt power to the mine. He walked back into the building housing the hoist, bath room, supplies and air compressor. The Airdox compressor was still in operation, and he then tried to call underground by telephone but could not get an answer. Realizing then that an explosion had occurred, he shouted from the hoist room door to the topman who was in the mine office to call the owner of the mine and tell him there had been an explosion in the mine. The owner-operator returned to the mine immediately and assisted in the recovery operations.

During the development of the main east entries toward the proposed air shaft, a set of north entries was driven to a depth of about 312 feet, with 5 rooms driven off to the west approximately 165 feet in depth and 4 rooms driven off to the east to a depth of about 87 feet. This was to provide storage room for rock and refuse that was dropped down the 16-inch pilot hole when sinking the 6-foot diameter air shaft. The panel was abandoned because of the distance and time it took to haul refuse from the shaft to unload in the panel, and because the panel would have to be ventilated and inspected it was closed January 7, 1962, by concrete-block stoppings. To facilitate the sinking of the air shaft and to offset the operating cost, the 1, 2 and 3 north room-panel entries off 7 main east were driven to increase production and to provide a closer area for storing the refuse from the shaft sinking operation.

All coal was mined with conventional mobile electric equipment, and the coal drill was the only piece of face equipment in operation when the explosion occurred. The roof-bolting machine was parked in No. 2 room off the 1 north while the face of the place was being broken down by compressed air by the shooter and the roof-bolt drill operator who occasionally helped the shooter. The explosion forced the drill boom of the roof-bolting machine about 8 inches into the partly broken down fall of coal, and the shooting shear strip was perforated in the shooting shell found in the bottom hole on the left side of the face. The bodies of the shooter and roof-bolt operator were found alongside of the roof-bolting machine. The mining machine was parked about 25 feet from the undercut face of No. 2 room off 3 north and had many new bits set in the cutter chain. The idle loading machine waiting for the shuttle car under the boom of the loader to be repaired was in the second crosscut north off No. 2 room off 3 north. The coal-drill operator was drilling the first hole in the last crosscut being driven east off 3 north, and the loading machine used to load rock and material from the air shaft sinking operations was parked on 3 north entry between 4 and 5 main east entries. All the controls of the face equipment were in the "off" position, except the coal-drilling machine. The 8 bodies of the victims in the 1, 2, and 3 north working section were found near their working places, except the shift leader whose body was found on 2 north entry about 25 feet from the end of the track and near the nipping station. One of the mining machine men was found near the spare rock and material loading machine, one motorman was found near the east end of the coal hopper at the hoisting shaft, the other motorman was in an empty coal car next to the motor on the 3 east haulage road about 80 feet from the coal hopper, and the bottom man or cager was found near his station at the skip hopper loading conveyor on the south side of the hoisting shaft. The victims died from one of the following causes: Burns, inhaling hot gases, lack of oxygen, or violence.

The day shift mine manager and shift leader stated that on January 10, he knew that No. 1 room off 1 north was near the closed abandoned north workings. He instructed the afternoon shift leader not to cut the face but did not take further action to assure that his oral instruction was followed. Sometime after the 4:00 p.m., shift started to work the closed abandoned north workings were penetrated by an opening of about 90 square feet by cutting and breaking down the coal in No. 1 room off 1 north permitting methane to enter into the air current ventilating the 1, 2, and 3 north working section. The gas then was apparently ignited by an electric arc or spark while repairs were being made in the control panel of the shuttle car. The cover was removed from the control box, the repairman's tools were nearby, and there was evidence of burning in the control compartment. The shuttle car was positioned behind the loading machine in the second crosscut left in room 2 off 3 north and extended part way into the intersection.

From the written report made in the mine examiner's record book, dated January 10, 1962, a preshift examination of the mine was made for the day and afternoon shifts and indicated the mine to be in safe condition. Testimony of day shift workmen was to the effect that tests for methane were frequently made on shift by the mine manager. The day shift mine manager stated he handed a flame safety lamp to the afternoon foreman, but no lamp was found underground.

The explosion destroyed all the stoppings underground. Only minor damage was done to the trolley, power feeder wires, telephone lines and the 3 locomotives near the hoisting shaft. The face equipment appeared to be in good condition, except for the burnt seats on the shuttle car and a seared tire on the mining machine. The major damage was done in the immediate vicinity of the shaft bottom, shaft, and to the coal skip which was at the shaft bottom.

The explosion resulted in the loss of production from the entire mine. The closure Order on the entire mine issued January 11, 1962, remains in effect.

Recovery Operations: Claud Gentry, owner, after informing Ray McCluskey, district State mine inspector, of the explosion proceeded to the mine. Immediately after arriving at the mine, Gentry and McCluskey viewed the damage and discussed what was to be done to get underground as quickly as possible. While calls were being made for State mine rescue teams and other emergency units, work on installing a temporary auxiliary fan operating exhausting at the 16-inch pilot hole at the proposed air shaft was started to establish temporary ventilation underground, because the metal tubing from the main fan installed in the hoisting shaft was destroyed by the explosion. Considerable delay was encountered in hoisting and removing the coal skip from the damaged shaft and arranging for other temporary hoisting equipment. A truck-mounted winch was obtained and a small cage with enclosed sides that could accommodate two men was fastened to the winch rope and swung into the shaft. The fan at the air shaft was exhausting about 2,500 cubic feet of air a minute, and to increase the ventilation another auxiliary fan operating exhausting was set in parallel, increasing the quantity of air to about 3,500 cubic feet a minute. Numerous difficulties were encountered in getting on and off the 2-man cage at the surface and shaft bottom. At approximately 11:45 p.m., the lowering of rescue team members wearing oxygen-breathing apparatus began, and about 4:00 a.m., January 11, all bodies were accounted for. There were no survivors. In the meantime, an auxiliary blower fan with 18-inch tubing was obtained and the tubing was extended down to the shaft bottom landing to ventilate the immediate area around the bottom. This fan was capable of producing about 4,000 cubic feet of air a minute.

At about 11:10 p.m., January 11, the first body was brought to the surface and by 12:40 a.m., January 12, all bodies were hoisted out of the mine. On January 13, to facilitate the transportation of men and material into the mine, a triple deck construction cage that had been used when sinking the shaft was put into operation, utilizing the main hoist. On January 14, a voluntary crew of 13 men wearing gas masks, when the occasion required, constructed semi-permanent stoppings so that the small quantity of air available would clear the mine enough to conduct an investigation.

INVESTIGATION OF CAUSE OF EXPLOSION

Investigation Committee: The underground investigation of the cause of the explosion was begun on January 15, 1962. Members of the official investigation committee were:

Illinois Department of Mines and Minerals: William J. Orlandi, Director; Harold V. Richmond, Inspector At Large.

Illinois Mining Board: H. E. Mauck, Member.

Blue Blaze Coal Company: Claud Gentry, Operator and Owner.

United Mine Workers of America: Floyd Morris, Special Representative, District No. 12.

United States Bureau of Mines: James Westfield, Assistant Director, Health and Safety; F. J. Smith, District E. Supervisor.

Other representatives of the afore-mentioned organizations participated in different phases of the underground investigation of the disaster. Bureau of Mines representatives included: Messrs. B. J. Dona, M. R. Messersmith, J. A. McCune, J. P. Sheridan and Louis Lorenzo.

William J. Orlandi, Director of the Illinois Department of Mines and Minerals, conducted an official hearing on the investigation of the explosion by interrogating the owner-operator, day shift mine manager and employees of the company at the Mines Rescue Station, Benton, Illinois, January 18, 1962. The purpose of the hearing was to hear and record all testimony relevant to conditions and practices in the mine prior to and on January 10, and to determine therefrom, if possible, the cause of the explosion. Some of the information thus obtained is included in this report. Representatives of the United Mine Workers of America, Illinois Department of Mines and Minerals, U.S. Bureau of Mines, and the mine owner-operator participated in the questioning of witnesses.

Methane as a Factor in the Explosion: The mine was not classed gassy by the Illinois Department of Mines and Minerals. Reportedly, methane was never detected in the mine with a permissible flame safety lamp, except for the one time that the mine manager thought he might have found a very small amount in a roof cavity. This trace of methane was detected in one of the east entries just after breaking away from the shaft bottom about 150 feet. The analyses of air samples collected during State inspections of the day shift mine manager and employees was that gas had not been detected during recovery operations. The analyses of 9 air samples collected at various locations underground after recovery operations had been completed and during the investigation showed the maximum amount of methane to be 0.40 percent. The maximum quantity of air the fan was producing was estimated to be approximately 7,500 cubic feet a minute. No written record of air measurements taken underground was available at the mine.

Fragile, globular coke droplets adhering to the roof and ribs, indicative of burning gas, were found on the south rib of the second crosscut from the face of No. 2 room off 3 north, the west rib of 3 north entry between the last open crosscut and the crosscut being driven between 2 and 3 north entries, the north rib of the last open crosscut between 2 and 3 north entries and the east rib of the last open crosscut between Nos. 2 and 3 rooms west of the closed abandoned north workings. Soot streamers were found about 100 feet east of the main hoisting shaft, in the abandoned north entries, 1, 2 and 3 north working section and to within about 200 feet of the faces of the main east entries.

Obviously, methane that was released by cutting into the closed abandoned north workings entered the ventilating current and was ignited by an electrical arc or spark while repairs were being made in the shuttle car control panel in No. 2 room off the 3 north.

Flame: Evidence of heat and flame, in the form of coke, soot or partly burned paper, canvas and wood, was observed in the north working section, in the abandoned north entry panel, in the main east entries about 100 feet inby and about 350 feet outby the north working section. (See Appendix B).

A total of 22 mine-dust samples, including two for coke only, was collected after the explosion, starting at a line across the 7 east entries about 100 feet inby the shaft bottom and continuing along the east entries at various intervals and into the main north working section to within about 100 feet of the north entry working faces. (See Tables 2 and 3 and Appendix B). The presence of coke in the mine-dust samples is one of the criteria by which extent of the flame was fixed, even though it is possible that such coke in the main east entries may have been blown there. All of the samples collected contained coke ranging in quantities from small to very large, and the two samples collected specifically for coke contained large and very large amounts. Coke was plastered on the roof and ribs at and near the intersection of the 3 east and 2 north haulage roads. Extremely heavy coke was evident in the 3 north entry inby the last open crosscut to within 50 feet of the face and in the last open crosscut between Nos. 2 and 3 north entries. A small amount of coke was observed on the east rib in the last open crosscut between rooms 2 and 3 which were driven west off the abandoned closed north entries.

Forces: Difficulty was not experienced in discerning the direction of forces. Coking and evidence of slow burning gas were on the roof, ribs and equipment at and near the intersection of room 2 and the blind crosscut in room 2 being driven towards room 3. The emanation of forces was from this area outward and extended throughout the entire mine converged at the main shaft bottom, continued up the shaft and upon reaching the surface dispersed into the atmosphere. The only evidence underground of extreme violence was observed at and near the bottom of the main shaft. All of the stoppings were blown out. The stoppings in the north entries were driven in a westerly direction and with the exception of one, all concrete-block stoppings were blown in a southerly direction.

Probable Point of Origin: The consensus of the Bureau of Mines investigators is that the explosion originated at the last crosscut turned north off No. 2 room off 3 north where the shuttle car was being repaired.

Factors Preventing Spread of Explosion: The explosion spread throughout the mine and out the shaft, dissipating into the atmosphere.

Summary of Evidence: Conditions observed in the mine during recovery operations and the investigation following the disaster, together with information obtained from company officials, State mine inspector, workmen, and mine records, provided evidence as to the cause and the point of origin of the explosion. The evidence from which the conclusions of the Federal investigators are drawn is summarized as follows:

1. Records of the preshift examinations of the mine indicated no unusual conditions.

2. The Illinois No. 6 coal bed in the area is "gassy." All abandoned mines surrounding this mine were classified gassy.

3. The roof bolter was apparently assisting the shooter prepare coal in room 2 off 1 north since this was common practice. The shearing strip in the Airdox shell indicated that the shell was discharged prior to the explosion.

4. The roof bolt machine was apparently parked in the 1 north entry at room 2 and the forces of the explosion rammed it into the loose coal at the face of room 2. The chuck of the roof bolt drill was imbedded about 8 inches into the partially blasted coal face. The shooter and roof bolter were the only persons working in the rooms off the 1 north entry.

5. The coal drill was the only piece of electrical face equipment in operation at the time of the explosion and had drilled a top hole about 4 feet in depth in the right corner of room 4 off the 3 north entry.

6. The mining machine was not in operation. It had been pulled back about 25 feet from the recently cut face of room 2 off 3 north and apparently the operator and his helper had just changed bits and were waiting to undercut the crosscut after the coal was loaded out.

7. The loading machine operator had loaded about 2 shuttle cars of coal out of the crosscut in room 2 and repositioned his loading machine and loaded about 500 pounds of coal into the shuttle car when he stopped loading to assist in repairing the disabled car.

8. The shuttle car was being repaired. The control panel cover had been removed, exposing contractors which readily would provide a source of ignition with the trailing cable connected to the source of power.

9. The workmen trying to repair the shuttle car apparently deenergized the power before work was done on the machine. The shift leader found near the nipping station may have energized the power to the shuttle car for test purposes, which in turn may have created the arc or spark within the open control panel.

10. On-shift examinations for gas were apparently not always made, since a flame

safety lamp was not found in the slightly damaged north working section after the explosion.

11. Methane probably entered the ventilating current from the abandoned closed north panel which was holed-through shortly after the start of the 4:00 p.m., shift and was carried by the ventilating current to where repairs were being made on the shuttle car.

12. Boreholes were not drilled in advance of the face when No. 1 room off the 1 north entry was being driven by the second shift crew within 50 feet of the abandoned north panel.

13. All forces emanated from room 2 off the 3 north entry.

14. Face equipment was fairly new, and with the exception of the roof-bolting machine which lacked only an approval plate, all the equipment was in permissible condition.

15. The coal is highly volatile, and the mine surfaces were dry, except at a few locations.

16. Coal dust in the immediate area entered into the explosion, which then picked up all the fuel necessary for propagation from the accumulations of coal throughout the north working section.

17. Smokers' articles were listed among the personal effects found on one of the victims of the explosion and an old discarded cigarette lighter found near the coal hopper indicated that smoking was practiced to some extent underground. Management did not have a searching program to assure that smokers' articles were not carried into the mine.

18. Fragile, globular particles of coke that would be indicative of slow burning gas were found adhering to the roof and ribs in No. 2 room off 3 north entry, in the 3 north entry, in the last open crosscut between Nos. 2 and 3 north entries, and in the last open crosscut between rooms 2 and 3 driven west in the abandoned north panel.

19. Plastered coke was observed on the roof and ribs at and near the intersection of the 3 east and 2 north haulage roads. Soot streamers were observed 100 feet inby the main shaft, in the abandoned north panel, in the entire north working section and to within 200 feet of the faces of the main east entries.

Cause of Explosion: The Federal inspectors are of the opinion that the disaster was caused by the ignition of methane in the air current in room 2 off 3 north entry at the entrance to the second north crosscut. Methane apparently entered the ventilating current from the abandoned north panel that had been penetrated. The gas was ignited by an arc or spark from the open control panel while repairs were being made on the shuttle car. Coal dust in the immediate area entered into the explosion, which then picked up all the fuel necessary for propagation from the accumulations of coal throughout the north working section.

RECOMMENDATIONS

1. Officials whose regular duties require them to inspect working places should have in their possession, and should use, when underground, a suitable permissible device capable of detecting methane and oxygen deficiency.

2. In all underground face workings in a gassy mine where electrically driven equipment is operated, examinations for methane should be made with a permissible flame safety lamp by a person trained in the use of such lamp before such equipment is taken into or operated in face regions, and frequent examinations for methane should be made during the operation of the equipment.

3. Whenever any working place in an underground mine approaches within 50 feet of abandoned workings in such mine, as shown by surveys made and certified by a competent engineer or surveyor, which cannot be inspected and which may contain dangerous accumulations of water or gas a borehole or boreholes should be drilled to a distance of at least 20 feet in advance of the working face of such working place. Such boreholes should be drilled sufficiently close to each other to insure that the advancing face will not accidentally hole through into such workings. Boreholes should also be drilled not more than eight feet apart in the rib of such working place to a distance of at least 20 feet and at an angle of forty-five degrees. Such rib holes should be drilled in one or both ribs of such working place as may be necessary for adequate protection of persons working in such place.

4. Coal dust and loose coal should not be permitted to accumulate in dangerous quantities in active underground workings of a mine.

5. Where rock dust is applied, it should be distributed by such methods to insure application to the top, floor, and sides of all open places and maintained in such quantity that the incombustible content of the combined coal dust, rock dust and other dust will not be less than 65 percent plus 1 percent for each 0.1 percent methane in the ventilating current.

6. The effectiveness of rock-dust applications should be determined as necessary.

7. The quantity of air reaching the last open crosscut in any pair or set of entries should not be less than 6,000 cubic feet a minute.

8. At least once each week, a properly certified or competent person should measure the volume of air entering the main intakes and leaving the main returns, the volume passing through the last open crosscut in each active entry, and the volume at the intake and return of each split. A record of such measurements should be kept in a book on the surface, and the record should be open for inspection by interested persons.

9. Tests for methane with a permissible flame safety lamp, a permissible methane detector, or by chemical analysis should be made at least once a week by the mine manager or other properly certified person designated by him in the return of each split where it enters in the main return, at seals and in the main return. A record of these examinations and tests should be kept at the mine.

10. Each day, the mine manager and each assistant should enter plainly and sign with ink of indelible pencil in a book provided for that purpose a report of the condition of the mine or portion thereof under his supervision, which report should state clearly the location and nature of any danger observed by them or reported to them during the day, and the report should state what action, if any, was taken to remedy such danger.

11. Permissible junction or distribution boxes should be used for making multiple-power connections in working places where dangerous quantities of methane may be present or may enter the air current.

12. Only flame-resistant trailing cables should be used underground.

13. Trailing cables should be provided with short-circuit protection.

14. Temporary splices in trailing cables should be made in workmanlike manner, mechanically strong and well insulated.

15. A program should be established to insure that trailing cables containing as many as five temporary splices will be removed from the equipment and service until such splices have been vulcanized.

16. The practice of smoking, carrying matches, lighters, and smoking materials underground should be prohibited, and management should initiate a search program to assure that smoker's articles are not carried into the mine.

17. The intentional creation of any arc, spark, or open flame should be prohibited, except as provided in Section 209(g)(6) of the Act.

18. Only development work necessary to connect the main opening with the air shaft should be done when opening a new mine.

19. A second means for men to escape from the mine in an emergency should be provided before the mine resumes operation.

20. Mine explosions, mine fires and fatal incidents should be reported immediately and by the quickest available means to the nearest office of the Federal coal-mine inspector or other representative of the Health and Safety Activity, United States Bureau of Mines.

ACKNOWLEDGMENT

The cooperation of the owner and employees, Illinois Department of Mines and Minerals, United Mine Workers of America and various coal companies in the area during this investigation is gratefully acknowledged.

Respectfully submitted.

ANALYSES OF AIR SAMPLES, MINE NO. 2, BLUE BLAZE COAL CO.

[Date collected: Jan. 13, 1962]

Location in mine	Bottle No.	Laboratory No.	Percent in volume					Cubic feet of air per minute	Cubic feet in methane in 24 hours
			Carbon dioxide	Oxygen	Methane	Carbon monoxide	Nitrogen		
SE air-course entry due north of power and sand borehole	A3787	14972	0.16	20.50	0.37	0.033	78.94		
4th haulage road 1 crosscut west of hoisting shaft	A3788	14973	.78	19.83	.19	0.12	79.08		
Return upcast shaft from small fan	A3799	14974	.06	20.80	.10	Present less than 0.01	79.04	2,000	2,900
Return upcast shaft from large fan	A3800	14975	.10	20.73	.21	do	78.96	3,000	9,100
3 E haulage road 5 feet east of power and sand borehole	A3858	14976	.06	20.75	.09	do	79.10		
4 E haulage road 5 feet east of power and sand borehole	A3859	14977	.10	20.75	.18	0.012	78.96		
[Date collected: Jan. 16, 1962]									
Near face crosscut north off No. 2 room off 3 north off 7 east.	S239	15079	0.11	20.54	0.40	None	78.95		
Near face of No. 4 room west off abandoned north panels off 7 east.	A625	15080	.04	20.76	.20	do	79.00		
Last open crosscut between abandoned north panels off 7 east.	A626	15081	.15	20.74	.11	do	79.00		

ANALYSES OF DUST SAMPLES, MINE NO. 2, BLUE BLAZE COAL CO.

TABLE 2.—LAB. NOS, 28260-28261

[Date collected: Jan. 16, 1962]

Sample No.	Sample of dust from	Location in mine	Alcohol coke test	As received percent incombustible
		EXPLOSION SAMPLES		
1	Area	Track entry 1 and 2 northeast intersection.	Very large	30.4
		EXPLOSION SAMPLES—Continued		
2	Area	No. 2 room off 4 north, 50 feet inby room neck.	Large	29.8

ANALYSES OF DUST SAMPLES, MINE NO. 2, BLUE BLAZE COAL CO.

TABLE 3.—LAB. NOS. 28262-28281

[Date collected: Jan. 16, 1962]

Sample No.	Sample of dust from	Location in mine	Alcohol coke test	As received percent incombustible
		Samples collected on main north entries, 15 feet inby A entry off main east at 50-foot intervals:		
A-1		Entry not developed		
B-1	Floor		Very large	44.8
C-1	Band		Large	42.5
D-1		Too wet to sample		
A-2		Entry not developed		
B-2	Band		Large	36.7
C-2	do		Small	29.2
D-2	do		do	42.5
A-3		Entry not developed		
B-3	Band		Large	33.2
C-3	do		do	35.4
D-3	do		do	37.6
E-3	do		Small	36.4
		Samples collected in main east entries, 100 feet inby main shaft bottom:		
A-1	Band		Small	30.8
B-1	do		Large	48.4
C-1	Rib and floor		Small	43.9
D-1	Band		Large	50.3
E-1	do		Small	54.7
F-1	do		do	38.8
G-1	do		do	36.1
		Samples collected in main east entries, 325 feet inby main shaft bottom:		
A-2		Too wet to sample		
B-2		do		
C-2	Band		Large	39.9
D-2	do		do	37.1
E-2	do		Very large	41.1
F-2	do		do	42.2
G-2	do	Too wet to sample		

APPENDIX A.—VICTIMS OF EXPLOSION, MINE NO. 2, BLUE BLAZE COAL CO., JAN. 10, 1962

Name	Age	Occupation	Marital status	Number of dependents	Total years' experience in mines
1. John Barkus	54	Shuttle-car operator	Married	1	30
2. Ralph Brandon	50	Shooter	do	3	17
3. William Gartner	55	Loading-machine operator	do	1	30
4. Willie Gulley	43	Cager	do	2	15
5. George A. Horsley	55	Driller	do	3	30
6. Joseph H. Kimmel	44	Roof bolter	do	1	20
7. Melvin G. Ramsey	42	Cutting-machine man	do	2	20
8. Virgil Tanner	55	Motorman	do	3	30
9. Ira Williams	60	do	do	1	35
10. Roy Woodis	47	Shift leader	do	3	25
11. Ira Yewell	65	Cutting-machine man	do	1	40

This may be called a borderline case. Since the particular equipment was manufactured in compliance with Bureau standards, it would not be prohibited by the bill. The fact is, however, that the machine was in a condition of noncompliance with standards at the time of the ignition. It is also not arguable that 11 miners died in a mine when a spark ignited gas which the law said was not supposed to be there.

THREE OTHER IGNITIONS

In addition to this major disaster caused by sparks emitting from a large piece of equipment in a so-called nongassy mine, the Department of Interior reports that three ignitions, in 1944—Ohio, three injuries; in 1945—Virginia, two injuries; and in 1952—Pennsylvania, four injuries—had been caused by cutting machines which did not meet the department's standards. This same general type of equipment is still in use in the so-called nongassy mines today, but would be prohibited by the bill.

With this history, one should reach no other conclusion than to eliminate the artificial distinction recognized in the 1952 act.

Two arguments have been advanced against the judgment that safety required an elimination of the nongassy classification. One argument was economic, the other was practical.

COST TO SMALL MINE OPERATORS

The proponents of retaining this unsafe distinction contend that the cost of eliminating the distinction to the average small mine operator would be approximately $250,000 per mine. Estimates of the cost for all of the Nation's small mine operators have ranged from $100 to $300 million.

In addition to these astronomical economic figures, these proponents argue that it might take as long as 10 years, and even more, for the necessary equipment to become available.

Both the cost estimates and estimates of equipment availability were outrageously high because of basic erroneous assumptions. Both of these estimates were based on an assumption that the small mine operators, in order to comply, would have to purchase brandnew electrical equipment.

Before I explain, however, the facts as they developed, I should note that the latest Department of Interior estimates are that it may cost the Nation's small mine operators approximately $10,000 per mine, and, that equipment availability is a relatively small problem. Let me explain.

The Department of the Interior, many years ago, established a laboratory in Pittsburgh, Pa. One of the functions of this laboratory was to develop, experiment with, and test electrical equipment to insure that it was ignition-proof.

THE TESTING OF EQUIPMENT IN PITTSBURGH

Under schedule 2(G) of the department's regulations—the regulations governing approval of electrical equipment—the department's procedures require, under ordinary circumstances, that the equipment to be approved be sent to the Bureau's Pittsburgh laboratory for testing. In addition, the Bureau requires specifications, design drawings, descriptions, and application fees.

Ordinarily, under this procedure, a manufacturer of specialized mining equipment would submit a prototype to the Bureau of Mines. After rigorous testing, which may take up to 3 years, the equipment may be approved.

This procedure was adopted years ago without the need for considering the special problem it might create for the small mine operators. It is clear, and I readily admit, that if this is the procedure which must be followed, the extremely high cost estimates and time estimates, although perhaps still inflated, are close to reality.

Many small mine operators, using traditional American ingenuity, have manufactured homemade mining equipment. These pieces of equipment may differ from each other in each of the 3,000 small mines. There obviously is no prototype which can be sent to Pittsburgh for inspection. Nor could any small mine operator afford the expense and delay that would be necessitated by such a procedure.

The key question, therefore, is how do we solve this problem of logistics? The small mine operator could convert his homemade equipment to assure its safe operation with relatively little cost, if the department could bring its approval system to the small mine; if, so to speak, Pittsburgh could be moved to Kentucky.

FIELD APPROVAL SYSTEM

The bill, therefore, should provide, as my amendment does, the authority to the Secretary of the Interior to adopt a field approval system, under which the equipment used by small mine operators can be tested at the mine for ignition prevention and other safety characteristics. This relatively simple solution will not only permit the conversion of equipment in a shorter period of time than originally estimated, but at a clearly reduced cost to the small mine operator. Yet, it will not lower the safety standards; it will not sacrifice the miners' safety to economic considerations.

As far as the economic considerations are concerned, the Department of Interior has conducted a nationwide survey for the other body of 10 small nongassy mines in each of nine States including Kentucky, Virginia, West Virginia, Tennessee, Illinois, Ohio, Pennsylvania, Colorado, and Utah. The results of this survey by the Department of the Interior are as follows:

TABLE III

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 29, 1969.

DEAR SENATOR WILLIAMS: Enclosed are two attachments (A & B) in response to your letter of July 5, 1969, requesting further information on the cost of changing nonpermissible electric face equipment in underground coal mines to permissible condition under the procedures (Schedule 2–G) of the Bureau of Mines. These procedures are primarily designed to assure that such equipment, if maintained in permissible condition, will not emit a spark or arc and cause a mine fire or explosion.

The first of these attachments is an updating and correction of estimates previously prepared and supplied to your subcommittee in relation to the cost of changing non-permissible equipment to permissible and the time needed to accomplish it.

The other attachment is the results of a survey of underground coal mines conducted, at your request, by the Bureau of Mines in each of the 9 major coal producing States. The survey was undertaken through the Bureau's district offices and compiled here. While it included some contact with the industry, repair shops, and equipment manufacturers, it is largely a paper survey based on records and data of the Bureau, including inspection reports, etc. We have discussed informally the results of the survey with your staff.

At the request of your staff, we checked, after completing the survey, on whether a bias had been introduced inadvertently due to the small number of mines sampled in the 9 States. Time did not permit a greater sampling. We have concluded that the samples for at least 3 of the States, Virginia, Kentucky, and West Virginia, are not truly typical of the small mines in those States. Thus, a bias was, in fact, inadvertently introduced.

From the survey we have, at your request, estimated the cost of making this equipment permissible either by conversion or rebuilding it. The estimates are as follows:

	Estimated costs
A. Small nongassy mines:	
Cost of "conversion"[1] of all equipment:	
1. Nine States only	$37,000,000
2. Country-wide basis (by extrapolation from data)	42,500,000
Cost of upgrading or using rebuilt equipment:	
1. Nine States only	54,882,580
2. Country-wide basis (by extrapolation from data)	63,000,000
B. Large nongassy mines:	
Cost of upgrading or using rebuilt equipment:[2]	
1. Seven States only	13,475,650
2. Country-wide basis	18,100,000

[1] Assume field permissibility approval will be feasible even for equipment that had never had permissible approval.

[2] Assumes that all equipment could be upgraded and none would be converted.

You also requested that we provide an estimate, based on the survey, of the costs of making this equipment permissible, through conversion, upgrading, purchasing rebuilt or purchasing new, in the case of those gassy mines with "grandfathered" equipment is still permitted under the 1952 Act. The estimates are as follows:

Grandfathered equipment, all gassy mines:

Cost to upgrade	$3,591,350
Cost of rebuild	14,158,060
Cost new	36,951,170

Because of the bias mentioned above, you also asked if we could use the survey and make some estimates taking the bias into account. Probably the most appropriate way to make such an estimate is to use an average of the capital cost per yearly ton of coal produced. For these larger and more efficient mines covered by the survey a mine producing 20,000 tons per year would require an investment of about $16,000. If the equipment were used for 20 years this would represent a cost of 4 cents per ton of coal mined. There is, however, some tonnage produced in hand loaded mines where permissible equipment would not be required. On the other hand, smaller mechanized mines, also not included in the survey, would be expected to have a higher investment per daily ton than those included in the survey. In our estimate, we have assumed that these two factors to be in balance.

Using this method then, the cost for the small non-gassy mines for the country as a whole to convert or rebuild the equipment would be $30 million.

If all the equipment could be converted rather than using a combination of conversion and rebuilt equipment, the cost would be about $21 million.

The total cost can thus be estimated at:

	Millions
Grandfathered equipment (all upgraded)	$3.6
Cost of upgrading or using rebuilt equipment in large non-gassy mines	18.1
Cost for converting or using rebuilt equipment in small non-gassy mines	30.0
	51.7

These figures are lower than those in Attachment A because we have assumed that the new concept of conversion which we have discussed with your staff using field approval for permissibility will be possible and because the size of the sample in the latest survey introduced a bias. Since, in fact, the upgrading of non-permissible equipment would be expected to be a mixture of field conversion and purchase of rebuilt or new equipment a more realistic cost estimate would be between $50 and $60 million. It is probable, however, that some portion of this sum would be expended anyway due to normal replacement needs.

Another cost is that of the Government which would be appreciably higher if all the equipment were converted, since it would involve a large increase in the man-hours required for field inspections of field converted and approved equipment.

Sincerely yours,

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Senate Labor Subcommittee,
U.S. Senate, Washington, D.C.

ATTACHMENT A

GENERAL COMMENT ON ELECTRIC FACE EQUIPMENT

COST OF BRINGING EQUIPMENT TO PERMISSIBLE CONDITION

Any attempt to estimate the cost of replacing and/or overhauling electric face equipment to meet the permissibility requirements, particularly that over 25 h.p., is difficult to make. The Bureau of Mines has not had the advantage of obtaining such estimates from the industry, although we have had some discussions along this line. Despite this shortcoming, we believe it is possible, by using two different methods of making the estimates, to provide a range of costs that are most probable. The details of making these estimates are attached as Appendix A.

Using method 1, the costs would range from about $110 to $219 million. Using method 2, they would range from about $69 to $330 million with a "reasonable" estimate by this method being about $155 million.

Typical sizes and costs of electrical equipment used underground are shown in Table 7 and published costs of new large equipment are shown in Table 8.

TIME REQUIRED

Data on which to base estimates of the time required to replace nonpermissible equipment are also difficult to obtain. In Appendix B, an attempt has been made to determine what the time parameters might be. Although the data are limited, it appears that a minimum of eight years might be required if the manufacturers could triple their sales capacity. It may, however, be as much as ten years if an adjustment is made for the fact that some of the equipment now sold is nonpermissible. On the other hand, these estimates are biased on the high side since there is no allowance for those pieces of equipment that are converted or those that might be bought new.

It is also important to recognize that manufacturers will probably give preference to their present customers and will prefer to use their capacity to produce new equipment rather than provide parts for replacement purposes. Also, the mine operator will have to consider whether he should replace, or, if the equipment can be made permissible, whether he should overhaul it for this purpose.

In summary, these are conservative estimates based on the best knowledge available. We believe it is possible, given the legislative directives in the bill and the incentives to the coal mining industry, that this period could be shortened considerably. But this possibility must be tempered by the knowledge that the equipment manufacturers may not gear up to provide the necessary capacity. Certainly ten years to complete this transition is too long a period, although we believe anything less than four years would not be realistic from the standpoint of available equipment and the potential costs involved.

APPENDIX A

1. Method 1

Large Mines

In West Virginia (District B), a recent survey was made of nonpermissible equipment in mines. It was found that there were 182 nonpermissible machines in 84 large mines. The survey did not show whether the equipment was ever permissible or whether it could be made permissible. Extrapolating the data to the 400 large mines in the State showed that there would be about 840 nonpermissible machines in operation in large mines. Table 1 shows the cost of new equipment for a continuous miner section and for a conventional miner section. The average large mine in West Virginia has one conventional section and one continuous miner section so that for large mines the cost of new equipment would be: 840×$43,900=$36,000,000.

Table 2 shows the cost of rebuilt permissible equipment for both a conventional and continuous miner section. If all mines used rebuilt equipment, the replacement cost would be: 840×$17,800=$14,600,000.

Small Mines

In the West Virginia survey, it was found that there were 85 nonpermissible face machines in operation in the 22 mines surveyed. Again the survey did not show whether the equipment was ever permissible or whether it could be made permissible. Extrapolating the data to 800 small mines in the State showed there would be 3100 nonpermissible machines in operation. Table 3 shows the costs of rebuilt equipment, if available, that might be used in these typical mines (this type of mine could not afford new equipment). The total cost of converting to rebuilt equipment would be: 3100×$2700=$8,400,000.

Similar calculations were made for the other Health and Safety districts of the Bureau of Mines using these approximate equipment costs but with modifications to reflect local conditions. For example, in District D no costs were included for continuous miners since all continuous miners in the District were permissible. Using this method, the estimates in the following table were calculated:

COSTS TO BRING NON-PERMISSIBLE EQUIPMENT TO PERMISSIBLE CONDITION

[In millions of dollars]

District	Number of nonpermissible units	Large mines		Small mines rebuilt	Range
		New	Rebuilt		
A	880	18.0	7.0	1.5	
B	3,940	36.0	14.6	8.4	
C	10,375	120.0	48.0	22.5	
D	485	20.0	6.5	(1)	
E	230	2.4	.6	.8	
Total	15,910	196.4	76.7	33.2	229.6-109

[1] Included in large mine figures.

2. METHOD 2

Small mines: The number of mines and amount of production classified by gassy or nongassy and by large and small are shown in Tables 4 and 5. Table 6 gives the costs of bringing an average sized small one shift nongassy coal mine to meet gassy mine standards for three conditions—upgrading the equipment, assuming it had once been permissible, purchasing *used* equipment, and purchasing *new* permissible equipment. The information in Table 6 represents a cost per ton of $1.00, $1.40, and $5.60 for upgrading, purchasing used, and purchasing new equipment. Using this data and that in Table 5, the following can be calculated:

Small mines:	*Millions*
Upgrading, $1/ton×39,000,000 tons	$39
Used, $1.40/ton×39,000,000 tons	55
New, $5.60/ton×39,000,000 tons	220

Large mines: Using the data in Tables 1 and 2, extrapolating the "upgrading cost", and combining that with the data in Table 5, the following costs were calculated:

	Millions
Upgrading $0.30/ton	$30
Purchasing used permissible equipment:	
Continuous miner $0.40/ton	40
Conventional miner $0.40/ton	40
Purchasing new permissible equipment:	
Continuous miner $0.80/ton	80
Conventional miner $1.10/ton	110

Assuming that all mines could be "upgraded", would give the lowest estimate of $69 million. Assuming all mines would purchase new equipment, would give the highest estimate of $330 million. A "reasonable" estimate would have the large mines purchasing about one half of their needs in new equipment and about one fourth upgrading and one fourth purchasing used equipment for a total cost of about $110 million. The small mines would upgrade when they could and purchase used equipment, if available, for the balance of their needs so that total costs might be about $45 million for small mines with an overall cost of $155 million.

APPENDIX B

1. Amount of Equipment Now in Use: The total amount of equipment now in use underground and the amount purchased in 1968 are shown in Table 9. The data were obtained from the Minerals Yearbook of the Bureau of Mines, the annual article published by Coal Age on equipment purchased and from the Department of Commerce publication on Mining Machinery and Equipment of Current Industrial Reports. It is not known how much of the equipment sold is nonpermissible and how much is permissible, although most coal cutting large equipment is probably manufactured so that it meets permissibility tests.

Assuming that the manufacturers were able to triple their selling rate, it would take a minimum of eight years to replace existing nonpermissible equipment in coal mines, if all the equipment being manufactured were of the permissible type and all the nonpermissible equipment were replaced with new equipment. The available data is based on sales, thus we cannot estimate what the production capacity is. Since some of the equipment sold is nonpermissible and it would take new manufacturers some time to design equipment and obtain permissibility approval of the Bureau of Mines, the total replacement time could be even greater again assuming that all of the nonpermissible equipment is replaced rather than repaired.

TABLE 1.—*New equipment*

Continuous miner section:	
1 CM 35Y miner	$121,000
2 16SC shuttle cars	80,000
1 Galis 300 roof-bolter	16,000
Conventional section:	
1 14BU10 loader	60,000
2 18SC shuttle cars	76,000
1 Galis 300 roof-bolter	16,000
1 Joy coal drill	$20,000
1 16RB cutting machine	84,000
1 Supply tractor	10,000
Total price of face equipment (11 pieces)	483,000
Average price of one permissible machine ($483,000 divided by 11)	43,900

TABLE 2.—*Rebuilt equipment*

1 CM 35Y	$75,000
2 6SC shuttle cars	20,000
1 Galis 300 roof-bolter	9,000
1 14BU9 loader	22,500
1 Galis 300 roof-bolter	9,000
2 10SC shuttle cars	12,500
1 Joy coal drill	12,500
1 11RU cutting machine	30,000
1 supply tractor	6,000
Total price of face equipment (11 pieces)	196,500
Average price per rebuilt permissible machine ($196,500 divided by 11)	17,800

TABLE 3.—*Rebuilt equipment*

2 bottom cutting machines	$5,000
1 T-2 utility truck	3,000
2 permissible battery tractors and trailers	13,000
3 hand-held drills	450
Total	21,450
Average price of replacement machine ($21,450 divided by 8)	2,700

TABLE 4.—*Number of underground bituminous and anthracite mines (1967 and 1968 data)*

Large:	
Gassy	300
Nongassy	573
Total	873
Small:	
Gassy	150
Nongassy	2,755
Total	2,905

TABLE 5.—*Production of underground bituminious and anthracite mines*

[Millions of tons]

Large:	
Gassy	208
Nongassy	101
Total	309
Small:	
Gassy	2
Nongassy	39
Total	41

Estimated costs of converting one section of an average size small 1-shift nongassy coal mine to meet gassy mine standards

A

Average number of men employed at the mine	6
Average number of men employed in the section	5
Average annual production (tons)	15,000

B

The average section in a small mine now uses two bottom cutting machines, one T-2 truck for tramming the cutting machines, three drag cable shuttle cars, and three hand-held drills. All of these pieces of equipment are nonpermissible type.

C

The cost of *converting* these pieces of nonpermissible-type equipment to permissible-type is:

Bottom cutting machine (2 at $1,000 each)	$2,000
T-2 truck (1 at $500 each)	500

Drag cable shuttle car (not practical to convert, must purchase 2 battery tractors (used) at $6,500 each)	$13,000
Hand-held drill (3 at $150 each)	450
Total	15,950

D

The cost of purchasing used permissible-type equipment is:

Bottom cutting machine (2 at $2,500 each)	$5,000
T-2 truck (1 at $3,000 each)	3,000
Battery tractor (2 at $6,500 each)	13,000
Hand-held drills (3 at $150 each)	450
Total	21,450

E

The cost of purchasing new permissible-type equipment is:

Modern rubber-tired cutting machine (1 at $60,000 each)	$60,000
Battery tractor (2 at $12,000 each)	24,000
Hydraulic drill (1 at $300 each)	300
Total	84,300

F

The cost of maintaining permissible-type electric face equipment in permissible condition is 16½ cents per ton.

G

Other costs of converting from nongassy to gassy status: $2,500 initial outlay for improvements in ventilation, purchase of a recording pressure gage, and methane detectors.

TABLE 7.—Estimated Size and Cost of New Electrical Equipment Used in Coal Mines May 27, 1969

Coal drill: ¾ hp to 50 hp (Maximum horsepower of hand-held drills =3) $300 to $25,000.

Loader: 20 hp to 140 hp, $30,000 to $80,000.

Shuttle car: 3 hp to 160 hp, $5,000 to $50,000.

Tractor (battery): 5 hp to 35 hp, $3,000 to $20,000.

Telephone, $20 to $800.

Longwall equipment: 175 hp to 400 hp, $750,000 to $2,000,000.

Rectifier: 40 kw to 1,000 kw, $1,000 to $40,000.

Transformer: 5 kva to 1,000 kva, $500 to $45,000.

Rock duster: 3 hp to 100 hp, $1,300 to $80,000.

Car spotter and car hoist: 5 hp to 20 hp, $5,000 to $25,000.

Roof bolter: 3 hp to 40 hp, $2,500 to $35,000.

Cutting machine: 35 hp to 425 hp, $2,500 to $125,000.

Continuous miner: 50 hp to 600 hp, $50,000 to $200,000.

Methane detector with charging equipment, $273.

Methane detector, $2,000 to $2,500.

Mine lamp and charging equipment, $55.

Mine fan: 10 hp to 500 hp, $300 to $100,000.

Hoist: 20 hp to 500 hp, $40,000 to $100,000.

Pump: 1 hp to 500 hp, $100 to $25,000.

Electric locomotive: 40 hp to 400 hp, $12,000 to $150,000.

Personnel carrier: 10 hp to 25 hp, $6,500 to $20,000.

Belt drive: 25 hp to 600 hp, $2,000 to $35,000.

Belt feeder: 7½ hp to 50 hp, $2,000 to $25,000.

Battery charger: 5 kw to 50 kw, $1,000 to $8,000.

Air compressor: 1 hp to 100 hp, $300 to $50,000.

Auxiliary fan: 5 hp to 15 hp, $1,500 to $2,500.

Cap lamp with battery, $32.50.

TABLE 8.—*Cost of new equipment*

Joy Manufacturing Co.:	
14 BU loading machine	$53,000
15 RU cutting machine	76,000
RBD-15 roof bolter	14,500
10 SC shuttle car	43,000
16 SC shuttle car	40,000
18 SC shuttle car	40,000
CB-71A coal drill	37,000
8 CM continuous miner	129,000
1 CM continuous miner	159,000
6 CM continuous miner	150,000
9 CM continuous miner	123,000
Jeffrey Manufacturing Co.:	
70 URB cutting machine	75,000
202 loading machine	65,000
203 loading machine	85,000
RAM car	55,000
Heliminer continuous miner	200,000
120 Heliminer miner	180,000
100 L miner	65,000
Bridge conveyor	22,000
Cost of rebuilt equipment:	
Lee Norse miner	75,000
Joy NSC shuttle car	20,000
Galis roof drill	9,000
Joy 14 BU loader	22,500
Joy CD-71A coal liner	12,500
Joy RU cutting machine	30,000

TABLE 9.—NEW EQUIPMENT PURCHASED AND EQUIPMENT IN USE IN UNDERGROUND BITUMINOUS MINES (1968)

	Col. 1 in use	Col. 2 purchased	Expected life col. 1/col. 2 years
Drills	9,600	[1] 540	18
Shuttle cars	5,100	380	13
Continuous mining machine	1,410	240	[2] 6
Mobile loading machine	2,520	[1] 650	[1] 4
Coal cutting machine	4,780	115	[2] 42
Total	23,410	1,925	12

[1] All mining—must be corrected for metal mines.

[2] The trend toward the use of continuous miners with a decrease in conventional coal cutting machine is reflected by these figures.

PENNSYLVANIA

[Underground employment, 65; daily production (tons), 1,200]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
2 Joy 14 BU loading machines	×		[1] Nil	[2] 25,000
6 Joy 18 SC shuttle cars	×		[1] Nil	[2] 18,000
3 Galis roof bolting machines	×		[1] Nil	[2] 9,000
2 Lee Norse 28 E continuous miners	×		[1] Nil	[2] 30,000
2 Joy 12 RB cutting machines	×		[1] Nil	[2] 25,000
2 Kersey battery tractors	×		[2] 2,900	[2] 3,700

[1] Equipment is maintained in permissible condition.

[2] Each.

Note: This mine represents 6 mines in a group employing 51 to 70 men.

[Underground employment, 81; Daily production (tons), 1,500]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
4 Jeffrey 100 L continuous miners	×		[1] Nil	[2] 32,000
4 Jeffrey 94 D bridge conveyors	×		[1] Nil	[2] 4,000
2 S. & S. battery tractors	×		[1] Nil	[2] 3,000
4 S. & S. battery tractors		×	[2] 2,900	[2] 3,600

[1] Equipment is maintained in permissible condition.

[2] Each.

Note: This mine represents 3 mines in a group employing 71 to 90 men.

COST OF CONVERTING ELECTRIC FACE EQUIPMENT IN LARGE NONGASSY COAL MINES TO PERMISSIBLE STATUS,[1] JULY 1969

State and employment group	Number of mines in group	Cost per large representative nongassy mine	Total cost	Data on representative mine: Employment	Data on representative mine: Daily production
Kentucky:					
15 to 49	89	$42,000	$3,738,000	28	400
50 to 99	14	37,000	518,000	68	2,000
100 to 149	6	73,000	438,000	137	2,000
150 to 199	5	95,500	477,500	160	3,700
200 to 249	3	246,500	739,500	223	3,700
Total			5,911,000		
Ohio:					
15 to 30	1	12,200	12,200	24	200
31 to 50	1	([2])	([2])	41	200
51 to 70	3	([2])	([2])	63	2,500
71 to 90	1	([2])	([2])	80	3,000
91 and over	2	([2])	([2])	99	4,000
Total			[3] 12,200		
West Virginia:					
15 to 24	80	12,100	968,000	20	800
25 to 64	63	22,700	1,430,100	45	1,200
65 to 99	24	46,800	1,123,200	81	1,735
100 to 130	8	49,200	393,600	125	2,800
131 to 199	7	40,400	282,800	180	3,750
200 to 450	4	10,500	24,000	230	5,500
Total			4,239,700		
Grand total			13,475,650		

[1] Basic data were developed by selecting representative mines by employment groups in each State, getting the actual number of pieces of electric face equipment in use, by type of equipment and whether permissible or nonpermissible type, in the representative mine in each group, then finally getting from the mine management and local mine equipment rebuilding shops the estimated cost of converting the equipment to permissible status.

[2] Nil.

[3] Most of this equipment is maintained in permissible condition and the converting cost is low.

[Underground employment, 34; daily production (tons), 500]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
3 Wilcox continuous miners	×		[1] Nil	[2] 10,000
2 Kersey battery tractors		×	[2] 2,900	3,700

[1] Equipment is maintained in permissible condition.

[2] Each.

Note: This mine represents 5 mines in a group employing 31 to 50 men.

COST OF CONVERTING ELECTRIC FACE EQUIPMENT IN LARGE NONGASSY COAL MINES TO PERMISSIBLE STATUS, JULY 1969

State and employment group	Number of mines in group	Cost per large representative nongassy mine	Total cost	Data on representative mine	
				Employment	Daily production
Virginia:					
15 to 49	31	56,450	$1,749,950	22	255
50 to 99	4	44,000	176,000	93	1,485
100 to 149	2	144,000	288,000	130	1,300
150 to 199	1	118,500	118,500	150	2,400
200 to 249	1	89,500	89,500	211	3,700
Total			2,421,500		
Pennsylvania:					
15 to 30	37	7,000	259,000	17	240
31 to 50	5	2,900	14,500	34	500
51 to 70	6	5,800	34,800	65	1,200
71 to 90	3	11,600	34,800	81	1,500
91 and over	2	Nil	Nil	96	3,000
Total			343,100		
Tennessee:					
15 to 49	18	18,000	324,000	24	400
50 to 99	1	46,000	46,000	50	1,200
100 to 149	1	43,500	43,500	106	2,100
200 to 249	1	62,000	62,000	247	5,000
Total			475,800		
Alabama:					
15 to 49	3	12,450	37,350	15	75
50 to 99	1	35,000	37,000	96	1,000
Total			72,350		

PENNSYLVANIA

[Underground employment, 17; daily production (tons), 240]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 14 BU loading machine	×	----------	[1] Nil	25,000
1 Joy 10 RU cutting machine	×	----------	[1] Nil	30,000
1 Joy 6 SC shuttle car	×	----------	[1] Nil	18,000
Do		×	7,000	18,000

[1] Equipment is maintained in permissible condition.

Note: This mine represents 37 mines in a group employing 15 to 30 men.

[Underground employment, 65; daily production (tons), 1,200]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
2 Joy 14 BU loading machines	×	----------	[1] Nil	[2] 25,000
6 Joy 18 SC shuttle cars	×	----------	[1] Nil	[2] 18,000
3 Galis roof bolting machines	×	----------	[1] Nil	[2] 9,000
2 Lee Norse 28 E continuous miners	×	----------	[1] Nil	[2] 30,000
2 Joy 12 RB cutting machines	×	----------	[1] Nil	[2] 25,000
2 Kersey battery tractors		×	[2] 2,900	[2] 3,700

[1] Equipment is maintained in permissible condition.
[2] Each.

Note: This mine represents 6 mines in a group employing 51 to 70 men.

[Underground employment, 96; daily production (tons), 3,000]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
4 Joy 14 BU loading machines	×	----------	[1] Nil	[2] 25,000
8 Joy 18 SC shuttle cars	×	----------	[1] Nil	[2] 18,000
4 Fletcher roof bolting machines	×	----------	[1] Nil	[2] 7,500
4 Joy 12 RU cutting machines	×	----------	[1] Nil	[2] 30,000
4 Joy mobile drills	×	----------	[1] Nil	[2] 20,000

[1] Equipment is maintained in permissible condition.
[2] Each.

Note: This mine represents 2 mines in a group employing 91 men and over.

PENNSYLVANIA—Continued

[Underground employment, 96; daily production (tons), 3,000]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used/rebuilt permissible equipment
4 Joy 14 BU loading machines	×	----------	[1] Nil	[2] 25,000
8 Joy 18 SC shuttle cars	×	----------	[1] Nil	[2] 18,000
4 Fletcher roof bolting machines	×	----------	[1] Nil	[2] 7,500
4 Joy 12 RU cutting machines	×	----------	[1] Nil	[2] 30,000
4 Joy mobile drills	×	----------	[1] Nil	[2] 20,000

[1] Equipment is maintained in permissible condition.
[2] Each.

Note: This mine represents 2 mines in a group employing 91 men and over.

OHIO

[Underground employment, 24; daily production (tons), 200]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
2 Jeffrey cutting machines		×	[1] 6,000	[1] 6,000
1 Jeffrey hand-held drill		×	200	200

[1] Each.

Note: This is the only mine in a group employing 15 to 30 men.

[Underground employment, 41; daily production (tons), 200]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Lee Norse continuous miner	×	----------	[1] Nil	30,000
2 Jeffrey ram cars	×	----------	[1] Nil	[2] 25,000
1 Fletcher roof bolting machine	×	----------	[1] Nil	7,500

[1] Equipment is maintained in permissible condition.
[2] Each.

Note: This is the only mine in a group employing 31 to 50 men.

[Underground employment, 63; Daily production (tons), 2,500]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
2 Joy loading machines	×	----------	[1] Nil	[2] 25,000
2 Joy 10 RU cutting machines	×	----------	[1] Nil	[2] 30,000
2 Joy 16 SC shuttle cars	×	----------	[1] Nil	[2] 18,000
2 Galis roof bolting machines	×	----------	[1] Nil	[2] 6,000
2 Long mobile drills	×	----------	[1] Nil	[2] 10,000

[1] Equipment is maintained in permissible condition.
[2] Each.

Note: This mine represents 3 mines in a group employing 51 to 70 men.

[Underground employment, 80; daily production (tons), 3,000]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
3 Joy loading machines	X	----------	[1] Nil	[2] 25,000
3 Joy 10 RU cutting machines	X	----------	[1] Nil	[2] 30,000
3 Joy 16 SC shuttle cars	X	----------	[1] Nil	[2] 18,000
3 Galis roof bolting machines	X	----------	[1] Nil	[2] 6,000
3 Long mobile drills	X	----------	[1] Nil	[2] 10,000

[1] Equipment is maintained in permissible condition.
[2] Each.

Note: This is the only mine in a group employing 71 to 90 men.

OHIO—Continued

[Underground employment, 99; daily production (tons), 4,000]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
4 Joy loading machines	×		[1] Nil	[2] 25,000
4 Joy 10 RU cutting machines	×		[1] Nil	[2] 30,000
4 Joy 16 SC shuttle cars	×		[1] Nil	[2] 18,000
4 Galis roof bolting machines	×		[1] Nil	[2] 6,000
3 Long mobile drills	×		[1] Nil	[2] 10,000

[1] Equipment is maintained in permissible condition.
[2] Each.

Note: This mine represents 2 mines in a group employing 91 men or over.

WEST VIRGINIA

[Underground employment, 20; daily production (tons), 800]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 10 RU cutting machine	×		2,500	25,000
2 Joy 5 SC shuttle car		×	[1] 2,800	[1] 10,000
1 Joy 14 BU 8 AE loading machine	×		2,000	18,000
1 Fletcher roof-bolting machine		×	2,000	5,000

[1] Each.

Note: This mine represents 80 mines in a group employing 15 to 24 men.

[Underground employment, 45; daily production (tons), 1,200]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 14 BU-10 loading machine	×		1,000	32,500
1 Joy 11 RU cutting machine	×		2,500	32,500
4 Joy 18 SC shuttle cars	×		[1] 2,800	[1] 22,000
2 Kersey battery tractors		×	[1] 2,500	[1] 6,500
1 Galis 410 mobile drill	×		500	12,500
1 Galis 300 roof bolting machine	×		500	9,000
1 Lee Norse 26 H continuous miner	×		2,000	75,000

[1] Each.

Note: This mine represents 63 mines in a group employing 26 to 64 men.

[Underground employment, 81; daily production (tons), 1,735]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
5 Joy 14 BU-10 loading machines	×		[1] 1,000	[1] 32,500
3 Joy 16 RB cutting machines	×		[1] 2,500	[1] 50,000
2 Joy 12 RB cutting machines	×		[1] 2,500	[1] 25,000
6 Joy 18 SC shuttle cars	×		[1] 2,800	[1] 22,000
5 Galis 300 roof bolting machines	×		[1] 500	[1] 9,000
1 Galis 4100 mobile drill	×		500	12,500
1 Galis 410 mobile drill	×		500	12,500
3 Long TDF-10 mobile drills	×		[1] 500	[1] 5,000
2 S. & S. battery tractors		×	[1] 2,500	[1] 6,500
1 Kersey battery tractor		×	2,500	6,500

[1] Each.

Note: This mine represents 24 mines in a group employing 65 to 99 men.

[Underground employment, 125; da ly production (tons) 2,800]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
3 Joy 14 BU-10 loading machines	×		[1] 1,000	[1] 32,500
2 Joy 1 JCM continuous miners	×		[1] 2,000	[1] 75,000
2 Joy 15 RU cutting machines	×		[1] 2,500	[1] 50,000
7 Joy 10 SC shuttle cars	×		[1] 2,800	[1] 6,250
2 Fletcher roof bolting machines	×		[1] 500	[1] 5,000
2 Long TDF-24 mobile drills	×		[1] 500	[1] 5,000
4 S. & S. battery tractors	×		[1] 2,500	[1] 6,500
2 Joy 6 SC shuttle cars		×	[1] 2,800	[1] 10,000

[1] Each.

Note: This mine represents 8 mines in a group employing 100 to 130 men.

WEST VRIGINIA—Continued

[Underground employment, 180; daily production (tons), 3,750]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
2 Joy 15 RW cutting machines	×		[1] 2,500	[1] 50,000
2 Joy 11 RW cutting machines	×		[1] 2,500	[1] 25,000
4 Joy 14 BU-10 loading machines	×		[1] 1,000	[1] 32,500
8 Joy 10 SC shuttle cars	×		[1] 2,800	[1] 6,250
4 Galis 300 roof bolting machines	×		[1] 500	[1] 9,000
4 Long TDF-24 mobile drills	×		[1] 500	[1] 5,000

[1] Each.

Note: This mine represents 7 mines in a group employing 131 to 199 men.

[Underground employment, 230; daily production (tons), 5,500]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
4 Lee Norse CM 48 continuous miners	×		[1] 300	[1] 75,000
4 Joy JCM8 continuous miners	×		[1] 300	[1] 65,000
10 Joy 10 SC shuttle cars	×		[1] 300	[1] 6,250
6 Jeffrey ram cars	×		[1] 300	[1] 10,000
5 Galis 320 roof bolting machines	×		[1] 300	[1] 15,000
4 Acme mobile drills	×		[1] 300	[1] 7,000
1 Long 88 loading machine	×		300	12,000
1 Long mobile drill	×		300	5,000

[1] Each.

Note: This mine represents 4 mines in a group employing 200 to 450 men.

VIRGINIA

[Underground employment, 22; daily production (tons), 255]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Jeffrey B SW cutting machine		×	5,000	20,000
2 Jeffrey BB SW cutting machines		×	[1] 5,000	[1] 20,000
1 Joy 14 BU loading machine	×		2,500	20,000
1 Joy 12 BU loading machine	×		2,500	20,000
3 Black and Decker hand held drills		×	[1] 150	[1] 150
6 Osborne battery tractors		×	[1] 6,000	[1] 6,000

[1] Each.

Note: This mine represents 31 mines in a group employing 15–49 men.

[Underground employment, 93; daily production (tons), 1,485]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
3 Joy 16 RB cutting machines	×		[1] 2,000	[1] 40,000
4 Goodman 964 loading machines	×		[1] 1,500	[1] 35,000
4 Acme D-2 roof-bolting machines	×		[1] 1,000	[1] 8,000
2 Acme D-3 roof-bolting machines	×		[1] 1,000	[1] 8,000
3 Long mobile drills	×		[1] 4,000	[1] 10,000
3 Goodman shuttle cars	×		[1] 2,000	[1] 15,000
2 Joy 8 SC shuttle cars	×		[1] 2,000	[1] 20,000
2 Joy 6 SC shuttle cars	×		[1] 2,000	[1] 15,000

[1] Each.

Note: This mine represents 4 mines in a group employing 50 to 99 men.

[Underground employment, 130; daily production (tons), 1,300]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
2 Goodman 512 cutting machines		×	[1] 6,000	[1] 40,000
3 Joy 10 RU cutting machines		×	[1] 6,000	[1] 40,000
2 Joy 11 RU cutting machines		×	[1] 6,000	[1] 40,000
4 Joy 14 BU-7 loading machines		×	[1] 3,000	[1] 20,000
2 Joy 14 BU-3 loading machines		×	[1] 3,000	[1] 20,000
1 Jeffrey 81 CW loading machine		×	6,000	25,000
3 Fletcher roof bolting machines		×	[1] 3,000	[1] 8,000
1 Joy CV-26 mobile drill		×	3,000	10,000
2 Joy 10 SC shuttle cars		×	[1] 4,000	[1] 20,000
4 Jeffrey MT 66 shuttle cars		×	[1] 4,000	[1] 20,000
3 Kersey battery tractors		×	[1] 2,000	[1] 6,000
6 Osborne battery tractors		×	[1] 6,000	[1] 6,000

[1] Each.

Note: This mine represents 2 mines in a group employing 100 to 149 men.

VIRGINIA—Continued

[Underground employment, 150; daily production (tons), 2,400]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
3 Joy 10 RU cutting machines	×	----------	[1]3,000	[1]40,000
5 Goodman loading machines	×	----------	[1]6,000	[1]35,000
5 Fletcher roof bolting machines	×	----------	[1]1,000	[1]8,000
1 Galis roof bolting machine	×	----------	2,500	8,000
3 Lee Norse 32 y continuous miners	×	----------	[1]5,000	[1]40,000
1 Lee Norse 35 y continuous miner	×	----------	5,000	60,000
11 Goodman 670 shuttle cars	×	----------	[1]4,000	[1]20,000
2 Goodman 680 shuttle cars	×	----------	[1]4,000	[1]20,000

[1] Each.

Note: This is the only mine in a group employing 150 to 199 men.

[Underground employment, 211; daily production (tons) 3,700]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 11 RU cutting machine		×	6,000	40,000
2 Jeffrey 300 cutting machines	×	----------	[1]1,000	[1]40,000
2 Joy 14 BU-8 loading machines	×	----------	[1]1,500	[1]25,000
1 Jeffrey almc loading machine	×	----------	1,500	35,000
1 Jeffrey A-1aH loading machine	×	----------	8,000	35,000
3 Fletcher roof bolting machines	×	----------	[1]1,000	[1]8,000
11 Fletcher SDMC roof bolting machines	×	----------	[1]1,000	[1]8,000
6 Lee Norse CM 32 continuous miners	×	----------	[1]1,500	[1]40,000
1 Joy CD-25 mobile drill	×	----------	1,000	10,000
4 Jeffrey A-7 mobile drills	×	----------	[1]1,000	[1]10,000
3 Jeffrey MI-66 shuttle cars		×	[1]5,000	[1]20,000
18 Joy 16 SC shuttle cars	×	----------	[1]1,500	[1]20,000

Note: This is the only mine in a group employing 200 to 249 men.

[1] Each.

KENTUCKY

[Underground employment, 28; daily production (tons), 400]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 16 RB cutting machine	×	----------	5,000	40,000
1 Joy 14 BU loading machine	×	----------	6,000	20,000
1 Acme D3C roof bolting machine	×	----------	4,000	7,500
1 Joy CD 29 mobile coal drill		×	6,000	12,000
7 Kersey battery tractors		×	3,000	[1]8,000

[1] Each.

Note: This mine represents 89 mines in a group employing 15 to 49 men.

[Underground employment, 68; daily production (tons), 2,000]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 11 RU cutting machine		×	5,000	40,000
1 Jeffrey 300 cutting machine	×	----------	1,000	40,000
2 Joy 14 BU-10 loading machines	×	----------	[1]1,000	[1]35,000
1 Joy 14 BU-8 loading machine		×	6,000	25,000
1 Galis 300 roof bolting machine	×	----------	1,000	8,000
1 Galis 320 roof bolting machine	×	----------	1,000	8,000
2 Long TDF mobile drills	×	----------	[1]1,000	[1]10,000
2 Joy 18 SC shuttle cars	×	----------	[1]1,000	[1]20,000
2 Joy 6 SC shuttle cars		×	[1]4,000	[1]15,000
3 Kersey battery tractors		×	[1]3,000	[1]10,000

[1] Each.

Note: This mine represents 14 mines in a group employing 50 to 99 men.

KENTUCKY—Continued

[Underground employment, 137; daily production (tons), 2,000]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
2 Jeffrey 70 UR cutting machines		×	[1]6,000	[1]40,000
2 Jeffrey 81 a loading machines		×	[1]7,000	[1]40,000
2 Galis 300 roof bolting machines		×	[1]3,000	[1]8,000
1 Long LAD-7 roof bolting machine		×	2,000	8,000
2 Lee Norse CM 35 y continuous miners		×	[1]5,000	[1]60,000
1 Lee Norse 33 y continuous miner		×	5,000	40,000
4 Jeffrey MP 66 shuttle cars		×	[1]4,000	[1]20,000
4 Jeffrey battery ram cars	×	----------	[1]2,000	[1]30,000

[1] Each.

Note: This mine represents 6 mines in a group employing 100 to 149 men.

[Underground employment, 160; daily production (tons), 3,700]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
6 Joy 14 BU loading machines		×	[1]3,000	[1]20,000
7 Fletcher roof bolting machines	×	----------	[1]2,500	[1]8,000
6 Lee Norse 35 y continuous miners	×	----------	[1]5,000	[1]60,000
7 Joy 18 SC shuttle cars		×	[1]2,000	[1]20,000
4 National Mine Service shuttle cars	×	----------	[1]4,000	[1]20,000

[1] Each.

Note: This mine represents 2 mines in a group employing 200 to 249 men.

[Underground employment, 223; daily production (tons), 3,700]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
3 Joy 11 RU cutting machines		×	[1]5,000	[1]40,000
3 Joy 16 RB cutting machines		×	[1]5,000	[1]40,000
3 Joy 12 RB cutting machines		×	[1]5,000	[1]40,000
8 Joy 14 BU loading machines		×	[1]4,000	[1]20,000
2 Joy 14 BU-10 loading machines		×	[1]4,000	[1]35,000
3 Westinghouse loading machines		×	[1]4,000	[1]35,000
11 Galis 300 roof bolting machines		×	[1]2,000	[1]14,000
8 Galis mobile drills		×	[1]2,000	[1]10,000
25 Joy 8 SC shuttle cars		×	[1]5,000	[1]15,000

[1] Each.

Note: This mine represents 3 mines in a group employing 200 to 249 men.

[Underground employment, 250; daily production (tons), 4,400]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
9 Joy 11 RU cutting machines		×	[1]5,000	[1]40,000
4 Joy 10 RU cutting machines		×	[1]3,000	[1]35,000
3 Goodman 967 loading machines	×	----------	[1]3,000	[1]35,000
8 Galis roof bolting machines		×	[1]2,000	[1]8,000
8 Joy mobile coal drills		×	[1]1,700	[1]8,000
21 Joy 6 SC shuttle cars		×	[1]5,000	[1]15,000
10 S. and S. battery tractors		×	[1]2,000	[1]6,000

[1] Each.

Note: This is the only mine in a group employing 250-299 men.

ALABAMA

[Underground employment, 15; Daily production (tons), 75]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
2 Goodman 212 cutting machines		×	[1]6,000	[1]40,000
3 Chicago Pneumatic hand-held drills		×	[1]150	[1]150

[1] Each.

Note: This mine represents 3 mines in a group employing 15 to 49 men.

ALABAMA—Continued

[Underground employment, 96; daily production (tons), 1,000]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
3 Jeffrey cutting machines		×	[1] 2,000	[1] 40,000
4 Joy 14 BU loading machines		×	[1] 5,000	[1] 20,000
3 Galis hand-held drills	×	----------	(2)	[1] 700
4 Joy 10 SC shuttle cars	×	----------	[1] 1,500	[1] 20,000
2 Joy 10 SC shuttle cars		×	[1] 1,500	[1] 20,000

[1] Each.
[2] Nil. Equipment is maintained in permissible condition.

Note: This is the only mine in a group employing 50 to 99 men.

TENNESSEE

[Underground employment, 24; daily production (tons), 400]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 11 RU cutting machine		×	5,000	40,000
1 Joy 14 BU loading machine		×	3,000	20,000
2 Joy 6 SC shuttle cars		×	[1] 5,000	[1] 15,000

[1] Each.

Note: This mine represents 18 mines in a group employing 15 to 49 men.

[Underground employment, 50; daily production (tons), 1,200]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
2 Joy 16 RB cutting machines		×	[1] 5,000	[1] 30,000
2 Joy 14 BU-10 loading machines		×	[1] 3,000	[1] 35,000
2 Galis roof bolting machines		×	[1] 3,000	[1] 8,000
8 Kersey battery tractors		×	[1] 3,000	[1] 6,000

[1] Each.

Note: This is the only mine in a group employing 50 to 99 men.

[Underground employment, 106; daily production (tons), 2,100]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 15 RU cutting machine	×	----------	5,000	40,000
1 Joy 11 RU cutting machine	×	----------	5,000	40,000
2 Jeffrey loading machines	×	----------	[1] 2,000	[1] 35,000
2 Joy 14 BU loading machines		×	[1] 3,000	[1] 20,000
1 Fletcher roof bolting machine	×	----------	1,500	7,000
1 Galis roof bolting machine	×	----------	2,000	7,000
1 Joy 9 SC shuttle car	×	----------	5,000	20,000
1 Joy 10 SC shuttle car		×	5,000	20,000
2 Joy 6 SC shuttle cars		×	[1] 5,000	[1] 15,000

[1] Each.

Note: This is the only mine in a group employing 100 to 149 men.

[Underground employment, 247; daily production (tons), 5,000]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
6 Joy 15 RU cutting machines	×	----------	[1] 2,500	[1] 40,000
6 Jeffrey loading machines	×	----------	[1] 2,000	[1] 35,000
5 Fletcher roof bolting machines	×	----------	[1] 1,000	[1] 7,000
1 Galis roof bolting machine	×	----------	1,000	7,000
2 Joy 10 CM continuous miners	×	----------	(2)	[1] 40,000
14 National Mine Service shuttle cars	×	----------	[1] 1,500	[1] 15,000
2 Joy 6 SC shuttle cars	×	----------	[1] 4,000	[1] 15,000

[1] Each.
[2] Nil.

Note: This is the only mine in a group employing 200 to 249 men.

GRAND TOTAL COST DATA ON NONPERMISSIBLE (OPEN) TYPE ELECTRIC FACE EQUIPMENT USED IN GASSY COAL MINES

Bureau of Mines Coal Mine Safety District	Number of pieces of equipment	Cost to upgrade to permissible status	Cost to purchase used rebuilt permissible equipment	Cost to purchase new permissible equipment
A	231	718,800	3,718,500	9,058,000
B	321	1,135,050	7,742,250	15,352,150
C	271	915,900	1,580,210	5,655,150
D	176	759,700	1,351,200	6,046,670
E	26	61,900	305,900	839,200
Grand total	1,025	3,591,350	14,158,060	36,951,170

COST DATA ON NONPERMISSIBLE (OPEN) TYPE ELECTRIC FACE EQUIPMENT USED IN GASSY MINES

BUREAU OF MINES COAL MINE SAFETY DISTRICT A, PITTSBURGH, PA.

Type of equipment	Number of pieces	Cost to upgrade to permissible status	Cost to purchase used rebuilt permissible equipment	Cost to purchase new permissible equipment
Small mines:				
Cutting machine	5	7,000	12,500	250,000
Mobile drill	2	10,000	14,000	16,000
Battery tractor	2	10,000	28,000	32,000
Total	9	27,000	54,500	298,000
Large mines:				
Battery tractor	4	24,000	24,000	40,000
Shuttle car	218	667,800	3,100,000	8,720,000
Total	222	691,800	3,124,000	8,760,000
Grand total	231	718,800	3,178,500	9,058,000

COST DATA ON NONPERMISSIBLE (OPEN) TYPE ELECTRIC FACE EQUIPMENT USED IN GASSY COAL MINES

BUREAU OF MINES COAL MINE SAFETY DISTRICT B, MOUNT HOPE, W. VA

Type of equipment	Number of pieces	Cost to upgrade to permissible status	Cost to purchase used rebuilt permissible equipment	Cost to purchase new equipment
Small mines:				
Loading machine	4	33,000	45,500	170,000
Cutting machine	7	13,000	62,500	400,000
Roof bolting machine	2	10,000	28,000	32,000
Shuttle car	16	42,000	180,000	640,000
Battery tractor	5	30,000	30,000	50,000
T-2 utility truck	2	2,000	6,000	30,000
Hand-held drill	13	1,950	1,950	3,600
Total	49	131,950	353,950	1,325,600
Large mines:				
Loading machine	18	58,000	227,500	850,000
Cutting machine	27	55,000	382,500	1,700,000
Roof bolting machine	6	30,000	84,000	96,000
Longwall planer	4	200,000	[1] 4,000,000	4,000,000
Mobile drill	5	23,000	50,000	96,000
Shuttle car	178	594,300	2,580,000	7,120,000
Battery tractor	5	30,000	30,000	50,000
Face chain conveyor	5	7,500	25,000	73,000
T-2 utility truck	2	2,000	6,000	30,000
Hand-held drill	22	3,300	3,300	11,550
Total	272	1,003,100	7,388,300	14,026,550
Grand total	321	1,135,050	7,742,250	15,352,150

COST DATA ON NONPERMISSIBLE (OPEN) TYPE ELECTRIC FACE EQUIPMENT USED IN GASSY COAL MINES

BUREAU OF MINES COAL MINE SAFETY DISTRICT C, NORTON VA.

Type of equipment	Number of pieces	Cost to upgrade to permissible status	Cost to purchase used rebuilt permissible equipment	Cost to purchase new permissible equipment
Small mines:				
Loading machine	13	$83,000	$158,500	$575,000
Cutting machine	30	93,500	135,000	1,375,000
Roof bolting machine	10	71,500	116,000	209,000
Shuttle car	2	5,600	20,000	80,000
Battery tractor	41	246,000	246,000	410,000
Face conveyor	2	3,000	10,000	29,200
Utility truck	2	2,000	6,000	30,000
Hand held drill	66	9,900	9,900	46,200
Total	166	514,500	701,410	2,754,400
Large mines:				
Loading machine	11	38,500	173,000	550,000
Cutting machine	14	46,500	180,000	850,000
Roof bolting machine	2	4,000	20,000	24,000
Shuttle car	27	76,600	270,000	1,080,00
Battery tractor	39	234,000	234,000	390,000
Hand-held drill	12	1,800	1,800	6,750
Total	105	401,400	878,800	2,900,750
Grand total	271	915,900	1,580,210	5,655,150

COST DATA ON NONPERMISSIBLE (OPEN) TYPE ELECTRIC FACE EQUIPMENT IN GASSY MINES, BUREAU OF MINES COAL MINE SAFETY, DISTRICT D, VINCENNES, IND.

Type of equipment	Number of pieces	Cost to upgrade to permissible status	Cost to purchase used rebuilt permissible equipment	Cost to purchase new permissible equipment
Small mines:				
Loading machine	2	5,000	13,500	80,000
Cutting machine	10	21,000	28,000	520,000
Utility truck	6	6,000	18,000	90,000
Post mounted drill	3	750	750	2,370
Hand-held drill	10	1,500	1,500	7,000
Total	31	34,250	61,750	699,370
Large mines:				
Loading machine	5	9,100	26,500	200,000
Cutting machine	18	40,000	67,500	900,000
Roof-bolting machine	16	42,000	157,000	638,000
Shuttle car	54	528,000	658,000	2,152,000
Face conveyor	22	33,000	110,000	321,200
Mobile drill	27	72,900	270,000	1,134,000
Hand-held drill	3	450	450	2,100
Total	145	725,450	1,289,450	5,347,300
Grand total	176	759,700	1,351,200	6,046,670

COST DATA ON NONPERMISSIBLE (OPEN) TYPE ELECTRIC FACE EQUIPMENT IN GASSY MINES, BUREAU OF MINES COAL MINE SAFETY DISTRICT E, DENVER, COLO.

Type of equipment	Number of pieces	Cost to upgrade to permissible status	Cost to purchase used rebuilt permissible equipment	Cost to purchase new equipment
Small mines:				
Loading machine	1	2,500	6,500	40,000
Cutting machine	4	7,000	10,000	200,000
Shuttle car	2	7,000	40,000	80,000
Hand-held drill	6	900	900	4,200
Total	13	17,400	57,400	324,200
Large mines:				
Loading machine	1	2,500	8,500	35,000
Shuttle car	12	42,000	240,000	480,000
Total	13	44,500	248,500	515,000
Grand total	26	61,900	305,900	839,200

ATTACHMENT B

COST OF UPGRADING ELECTRIC FACE EQUIPMENT IN SMALL NONGASSY MINES TO PERMISSIBLE STATUS OR TO PURCHASE USED REBUILT PERMISSIBLE EQUIPMENT IF UPGRADING IS NOT FEASIBLE [1]

State	Cost per small nongassy mine	Number of small nongassy mines	Total cost
West Virginia	$16,430	719	$11,813,170
Tennessee	13,740	99	1,360,260
Virginia	26,460	522	13,812,120
Alabama	9,600	67	643,200
Pennsylvania	17,345	121	2,098,745
Ohio	10,550	32	337,600
Colorado	[2] 2,485	29	72,065
Utah	8,470	10	84,700
Kentucky	31,455	784	24,660,720
Total		2,388	54,882,580

[1] Basic data were developed by selecting at random 10 small nongassy mines in each State, getting the number of pieces of electric face equipment in use by type of equipment, and whether permissible or nonpermissible type, then finally getting from local shops the cost of upgrading the equipment to permissible status or to purchase used rebuilt permissible equipment if upgrading is not feasible.

[2] Most of the equipment is maintained in permissible condition and upgrading is not required.

INFORMATION ON ELECTRIC FACE EQUIPMENT USED AT SMALL NONGASSY COAL MINES, JULY 1, 1969

COLORADO

[Underground employment, 6; daily production (tons), 100]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 8 BU loading machine	×	----------	[1] Nil	6,500
1 Sullivan CE7 cutting machine		×	2,000	2,500
1 Joy 6 SC shuttle car		×	2,000	10,000
1 Chicago pneumatic hand-held drill		×	150	150

[1] This equipment is maintained in permissible condition.

[Underground employment, 3; daily production (tons), 35]

Type of equipment	Permissiole type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy JCM continuous miner	×	----------	[1] Nil	80,000
1 Joy 8 BU loading machine	×	----------	[1] Nil	5,000
2 Joy 6 SC shuttle cars	×	----------	[1] Nil	[2] 10,000
1 Ingersoll hand roof bolting machine		×	1,000	9,000

[1] This equipment is maintained in permissible condition.

[2] Each.

[Underground employment, 5; daily production (tons), 75]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 10 RU cutting machine	×	----------	[1] Nil	25,000
1 Joy 10 SC shuttle car	×	----------	[1] Nil	20,000
1 Joy 8 BU loading machine	×	----------	[1] Nil	6,500
1 Joy 6 SC shuttle car		×	3,000	10,000
1 Chicago pneumatic hand-held drill		×	150	150
1 Ingersoll hand roof bolting machine		×	1,000	9,000

[1] This equipment is maintained in permissible condition.

[Underground employment, 3; daily production (tons), 12]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Goodman 212 cutting machine	×	----------	1,000	2,500
1 hand-held drill	×	----------	150	150

COLORADO—Continued

[Underground employment 2; daily production (tons) 50]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Lee Norse continuous miner	×	----------	[1] Nil	75,000
1 Joy 8 BU loading machine	×	----------	[1] Nil	6,500
1 Joy 10 SC shuttle car	×	----------	[1] Nil	20,000

[1] This equipment is maintained in permissible condition.

[Underground employment, 5; daily production (tons), 50]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Fletcher roof bolting machine	×	----------	[1] Nil	5,000
1 Joy 8 BU loading machine		×	2,500	6,500
2 Hand-held drills		×	[2] 150	[2] 150
1 Sullivan CE7 cutting machine		×	2,000	2,500

[1] This equipment is maintained in permissible condition.
[2] Each.

[Underground employment, 2; daily production (tons), 10]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Sullivan ironclad cutting machine		×	3,000	2,500
1 hand-held drill		×	150	150

[Underground employment, 1; daily production (tons), 10]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Goodman 212 cutting machine		×	1,000	2,500
1 hand-held drill		×	150	150

[Underground employment, 3; daily production (tons), 30]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Sullivan CE cutting machine		×	2,000	2,500
1 hand-held drill		×	150	150

[Underground employment, 2; daily production (tons), 15]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Goodman 212 cutting machine		×	3,000	2,500
1 hand-held drill		×	150	150

[Underground employment, 2; daily production (tons), 15]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Goodman 212 cutting machine	×		3,000	2,500
1 hand-held drill	×		150	150

UTAH

[Underground employment, 6; daily production (tons), 50]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Goodman SW cutting machine	×	----------	Nil	4,000
1 hand-held drill		×	150	150

[Underground employment, 7; daily production (tons), 250]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Lee Norse continuous miner	×	----------	Nil	90,000
2 Joy 10 SC shuttle cars	×	----------	Nil	[1] 20,000

[1] Each.

[Underground employment, 6; daily production (tohs), 150]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 8 BU loading machine	×	----------	Nil	6,500
1 Goodman 312 cutting machine	×	----------	Nil	2,500
1 Mobile drill	×	----------	Nil	----------
2 Joy 10 SC shuttle cars		×	[1] 3,500	[1] 20,000

[1] Each.

[Underground employment, 11; daily production (tons), 1,000]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Lee Norse continuous miner	×	----------	[1] Nil	----------
1 homemade conveyor		×	4,000	6,000
1 homemade reel shuttle car		×	2,000	10,000

[1] This equipment maintained in permissible condition.

[Underground employment, 4; daily production (tons), 35]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Sullivan 7 B cutting machine		×	3,000	4,500
2 Joy 10 SC shuttle cars		×	[1] 3,500	[1] 20,000
1 Joy 8 BU loading machine		×	2,500	6,500
1 hand-held drill		×	150	150

[1] Each.

[Underground employment, 6; daily production (tons), 85]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 8 BU loading machine		×	2,500	6,500
1 Goodman 312 cutting machine		×	3,000	2,500
1 Hand held drill		×	150	150
2 Diesel shuttle cars (local make)		×	[1] 8,000	20,000

[1] Each.

[Underground employment, 4; daily production (tons), 30]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 8 BU loading machine		×	2,500	6,500
1 Goodman B 12 cutting machine		×	3,000	2,500
1 Chicago Pneumatic hand-held drill		×	150	150
1 Diesel shuttle car (local make)		×	8,000	20,000

UTAH—Continued

[Underground employment, 2; daily production (tons), 12]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 8 BU loading machine		×	2,500	6,500
1 Chicago pneumatic hand-held drill		×	150	150
1 Joy 6 SC shuttle car		×	2,800	10,000
1 Sullivan ironclad cutting machine		×	3,000	2,500

[Underground employment, 3; daily production (tons), 75]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 8 BU loading machine		×	2,500	6,500
1 Sullivan iron clad cutting machine		×	3,000	2,500
1 Joy 6 SC shuttle car		×	2,800	10,000
1 Mobile drill		×	7,000	12,500

KENTUCKY

[Underground employment 13; daily production (tons) 275]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissib'e condition	Cost of similar used rebuilt permissible equipment
1 Joy 12 RB cutting machine	×		5,000-6,000	
1 Joy 14 BU loading machine	×		5,000-6,000	
1 Galis roof bolting machine	×		2,000-3,000	
2 Hand held drills		×		[1] 350
3 Kersey shuttle cars		×		[1] 20,000

[1] Each.

[Underground employment, 10; daily production (tons), 300]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Goodman 512 Cutting machine	×		5,000-6,000	
1 Joy 14 BU Loading machine	×		5,000-6,000	
1 Chicago Penumatic roof bolting machine	×		2,000-3,000	
1 Hand-held drill		×	150-200	
3 Kersey battery tractors		×	[1] 6,000	
1 T-2 utility truck		×	1,000-2,000	

[1] Each.

[Underground employment, 12; daily production (tons), 300]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
2 Goodman 512 cutting machines	×		[1] 5,000-6,000	
2 Joy 14 BU Loading machines	×		[1] 5,000-6,000	
1 Roof bolting machine		×		14,000
2 Hand held drills		×		[1] 350
2 T-2 utility trucks		×	[1] 1,000-2,000	
3 Kersey Battery tractors		×	[1] 1,000-2,000	

[1] Each.

[Underground employment, 9; Daily production (tons), 90]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Jeffrey SW 35L cutting machine	×		2,000-3,000	
1 Joy 12 BU loading machine	×		3,500-4,000	
3 hand-held drills		×		[1] 400
4 Battery tractors		×	[1] 2,000-3,000	

[1] Each.

KENTUCKY—Continued

[Underground employment, 7; daily production (tons), 100]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Jeffrey 35L cutting machine			2,000-3,000	
1 Joy 14 BU loading machine	×		5,000-6,000	
3 hand-held drills		×		[1] 350
2 Drag cable shuttle cars		×		[1] 20,000
1 T-2 utility truck		×	1,000-1,200	
2 Battery tractors		×	[1] 2,000-3,000	

[1] Each.

[Underground employment, 8; daily production (tons), 200]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Wilcox continuous miner	×		5,000-6,000	

[Underground employment, 12; daily production (tons), 100]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 11 RB cutting machine	×		5,000-6,000	
2 Joy 14 BU loading machine	×		[1] 5,000-6,000	
1 rubber-tired drill (handmade)		×		350
6 drag cable shuttle cars		×		[1] 2,000-3,000

[1] Each (replace with 2 battery-powered tractors).

[Underground employment, 13; daily production (tons), 275]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 11 RB cutting machine	×		5,000-6000	
1 Joy 14 BU loading machine	×		5,000-6000	
1 Royal roof bolting machine		×		14,000
3 Hand-held drills		×		[1] 350
4 S. & S. battery tractors		×		[1] 2,000-3,000

[1] Each.

[Underground employment 6; daily production (tons) 200]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 12 RB cutting machine	×		5,000-6,000	
1 Joy 14 BU loading machine	×		5,000-6,000	
1 Fletcher roof bolting machine	×		2,000-3,000	
2 Chicago penumatic hand-held drills		×		[1] 350
3 Joy 6 SC shuttle cars	×		[1] 5,000-6,000	

[1] Each.

[Underground employment, 6; daily production (tons), 100]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Jeffrey 35 S.W. cutting machine	×		5,000-6,000	
1 Joy 14 BU loading machine	×		5,000-6,000	
1 Jeffrey hand-held drill	×		150-200	
2 S. & S. battery tractors		×	[1] 2,000-3,000	
2 Joy transfer trucks		×	[1] 2,000-3,000	

[1] Each.

VIRGINIA

[Underground employment, 12; daily production (tons), 300]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Jeffrey 300 U cutting machine	×		5,000-6,000	
1 Jeffrey 81C loading machine	×		5,000-6,000	
1 Galis roof bolting machine	×		5,000-6,000	
4 Battery tractors		×	[1] 2,000-3,000	

[1] Each.

[Underground employment 6; daily production (tons), 80]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Royal cutting machine		×		40,000
1 Stacy loading machine		×		14,000
1 Hand-held drill		×		350
3 Battery tractors		×	[1] 2,000-3,000	

[1] Each.

[Underground employment, 8; daily production (tons), 200]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Galis roof bolting machine	×		2,000-3,000	
1 Jeffrey 100L continuous miner	×		9,000-10,000	
2 Battery tractors		×	[1] 2,000-3,000	

[1] Each.

[Underground employment, 5; daily production (tons), 90]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Stacey Spinner loading machine		×		14,000
1 Hand-held drill		×		350
1 Battery tractor		×	2,000-3,000	

[Underground employment, 6; daily production (tons), 70]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Goodman 212 S.W. cutting machine	×		5,000-6,000	
1 Epling rubber-tired loading machine		×		14,000
1 Hand-held drill		×		350
2 Battery tractors		×	[1] 2,000-3,000	

[1] Each.

[Underground employment, 4; daily production (tons), 20]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 12 RB cutting machine		×	5,000-6,000	
1 Jeffrey loading machine		×	9,000-10,000	
1 Galis roof bolting machine	×		2,000-3,000	
1 Long-Airdox drill	×			350
1 Joy 10 SC shuttle car		×	3,000-4,000	
1 Battery tractor		×	2,000	

VIRGINIA—Continued

[Underground employment, 6; daily production (tons), 100]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Jeffrey SW cutting machine		×	2,000 3,000	
1 Joy 12 BU loading machine		×	3,500-4,500	4,800
1 Hand-held drill		×		350
2 S. & S. battery tractors		×	[1] 2,000-3,000	

[1] Each.

[Underground employment, 6; daily production (tons), 100]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Jeffrey SW cutting machine		×	2,000-3,000	
1 Joy 12 BU loading machine		×	3,500-4,500	4,800
1 hand-held drill		×		350
2 S. & S. battery tractors		×	[1] 2,000-3,000	

Each.

[Underground employment, 7; daily production (tons), 150]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Royal cutting machine		×		40,000
1 Stacy loading machine		×		14,000
1 Hand held drill		×		350
2 Battery tractors		×	[1] 2,000-3,000	

[1] Each.

[Underground employment, 10; daily production (tons), 325]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Galis roof bolting machine	×		2,000-3,000	
1 Lee-Norse 35Y continuous miner	×		8,000-10,000	
3 Kersey battery tractors		×	[1] 2,000-3,000	

[1] Each.

[Underground employment, 7; daily production (tons) 250]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 12 RB cutting machine	×		5,000-6,000	
1 Long-Airdox loading machine	×		5,000-6,000	
1 roof bolting machine		×		14,000
1 drill				350
3 Battery tractors		×	[1] 2,000-3,000	

[1] Each.

TENNESSEE

[Underground employment, 10; daily production (tons), 200]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 10 RU cutting machine	×		2,500-3,000	
1 Joy 14 BU loading machine	×		2,500-3,000	
1 Acme roof bolting machine	×		1,500-2,000	
1 Kersey battery tractor		×	2,000-3,000	

TENNESSEE—Continued

[Underground employment, 7; daily production (tons), 100]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Sullivan 11 B S.W. cutting machine	×		2,000-3,000	
1 Joy 14 BU loading machine	×		2,500-3,000	
2 Chicago pneumatic drill (hand drill)	×		150-200	
1 Joy 32E shuttle car	×		5,000-6,000	
1 Joy T-2 truck	×		1,000-1,200	

[Underground employment, 7; daily production (tons), 150]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Goodman 512 S.W. cutting machine	×		2,000-3,000	
1 Long Airdox loading machine	×		2,500-3,000	
1 Chicago pneumatic roof bolter	×		1,500-2,000	
1 Cincinnati drill		×		350
2 Shuttle cars		×		[1] 15,000
1 Joy T-2 truck	×		1,000-1,200	

[1] Each.

[Underground employment, 8; daily production (tons), 75]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 11 B cutting machine	×		2,500-3,000	
1 Joy 14 BU loading machine	×		2,500-3,000	
1 Cincinnati drill (hand-held)		×		350
1 Drag cable shuttle cars		×		[1] 15,000
1 Joy T-2 truck	×		1,000-1,200	

[1] Each.

[Underground employment, 5; daily production (tons), 100]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Jeffrey 35 B cutting machine	×		2,000-3,000	
1 Joy 11 BU loading machine	×		3,500-4,500	
1 Black & Decker hand-held drill		×		350
1 Joy shuttle car (reel)	×		5,000-6,000	
1 Joy T-2 truck	×		1,000-1,200	

[Underground employment, 8; daily production (tons), 200]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Wilcox continuous miner	×		2,500-2,700	

[Underground employment, 6; daily production (tons), 60]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Jeffrey 35 B.S.W. cutting machine	×		2,000-3,000	
1 Black & Decker drill		×		350
1 Joy T-2 truck	×		1,000-1,200	
1 S. and S. battery tractor		×	500	

TENNESSEE—Continued

[Underground employment, 4; daily production (tons), 40]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 11 BU cutting machine	×		2,500-3,000	
1 Cincinnati drill		×		350
2 Kersey battery tractors		×	[1] 2,000-3,000	

[1] Each.

[Underground employment, 7; daily production (tons), 35]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Jeffrey 35 L cutting machine	×		2,500-3,000	
1 Kersey machine truck	×		2,000-3,000	

[Underground employment, 7; daily production (tons), 50]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Jeffrey 35 B cutting machine	×		2,000-3,000	
1 Cincinnati hand-held drill		×		350
4 homemade drag cable shuttle cars		×		(1)

[1] 2 battery tractors at $7,000 each.

ALABAMA

[Underground employment, 9; daily production (tons), 180]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 10 RU cutting machine	×		5,000-6,000	
1 Joy 14 BU loading machine	×		2,500-3,000	
1 Galis roof bolting machine	×		2,000-3,000	
1 Joy coal drill (mobile)	×		1,500-1,700	
2 Joy 10 SC shuttle cars	×		[1] 2,500-3,000	

[1] Each.

[Underground employment, 10; daily production (tons), 90]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
2 Goodman 212-short wall cutting machines		×	[1] 6,000	
2 Chicago pneumatic hand-held drills		×		[1] 350

[1] Each.

[Underground employment, 7; daily production (tons), 40]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Goodman 212 short wall cutting machine		×	6,000	
1 Chicago pneumatic hand-held drill		×		350

[Underground employment, 12; daily production (tons), 60]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
2 Goodman SW cutting machines		×		[1] 6,000
2 Chicago pneumatic hand held drills		×		[1] 350

[1] Each.

ALABAMA—Continued

[Underground employment, 5; daily production (tons), 25]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
2 Goodman 212 cutting machine		×	--------	[1] 6,000
2 Chicago pneumatic hand-held drills		×	--------	[1] 350

[1] Each.

[Underground employment, 7; daily production (tons), 35]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
2 Goodman 212 cutting machines		×	--------	[1] 6,000
2 Chicago pneumatic hand held drills		×	--------	[1] 350

[1] Each.

[Underground employment, 10; daily production (tons), 40]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Goodman 212 SW cutting machine		×	--------	6,000
1 Jeffery hand held drill		×	--------	350

[Underground employment, 6; daily production (tons), 20]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Goodman 212 SW cutting machine		×	--------	6,000
1 Chicago pneumatic hand held drill		×	--------	350

[Beasley Coal Co.; underground employment, 9; daily production (tons), 35]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Goodman 212 SW cutting machine		×	--------	6,000
1 Jeffrey hand-held drill		×	--------	350

[Underground employment, 10; daily production (tons), 60]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
2 Goodman 212 SW cutting machines		×	--------	[1] 6,000
2 Chicago Pneumatic hand held drills		×	--------	[1] 350

[1] Each.

OHIO

[Underground employment, 8; daily production (tons), 265]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Lee-Norse 35Y	×	--------	([1])	--------
2 Joy 6 SC shuttle cars		×	[2] 5,000	[2] 10,000

[1] Nil in permissible condition.
[2] Each.

OHIO—Continued

[Underground employment, 9; daily production (tons), 400]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Wilcox continuous miner	×	--------	([1])	--------
1 Bridge conveyor	×	--------	([1])	--------
1 conveyor	×	--------	([1])	--------

[1] Nil.

[Underground employment, 3; daily production (tons), 40]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Wilcox continuous miner	×	--------	Nil	--------
1 Joy 6 SC shuttle car		×	5,000	10,000

[Underground employment, 7; daily production (tons), 90]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 14 BU loading machine	×	--------	6,000	20,000
1 Goodman 512 S. W. cutting machine	×	--------	4,000	2,500
1 Chicago pneumatic hand-held drill	×	--------	150	150

[Underground employees, 13; daily production (tons), 200]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Jeffrey 35 B.S.W. cutting machine		×	4,000	2,500
1 Joy 14 BU loading machine	×	--------	6,000	20,000
1 Chicago pneumatic hand-held drill	×	--------	150	150

[Underground employment, 5; daily production (tons), 75]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
2 Jeffrey 29 U cutting machines	×	--------	[1] 4,000	[1] 37,500
1 Meyeys Whaley loading machine		×	8,000	20,000
3 Chicago pneumatic hand-held drills	×	--------	[1] 150	[1] 150

[1] Each.

[Underground employment, 2; daily production (tons), 40]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 6 SC shuttle car		×	5,000	10,000
2 Goodman 512 SW cutting machines	×	--------	[1] 4,000	[1] 2,500
1 Joy 14 BU loading machine	×	--------	6,000	20,000
2 Chicago pneumatic hand-held drills	×	--------	[1] 150	[1] 150

[1] Each.

[Underground employment, 4; daily production (tons), 25]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Jeffrey 29 U cutting machine	×	--------	4,000	--------
1 Joy 14 BU loading machine	×	--------	6,000	20,000
1 Chicago pneumatic hand-held drill	×	--------	150	150
1 Fletcher mobile drill	×	--------	5,000	--------
1 Joy 7 SC shuttle car	×	--------	5,000	10,000

OHIO—Continued

[Underground employment, 3; daily production (tons), 25]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Jeffrey 35 B cutting machine	×		4,000	
1 Chicago pneumatic hand-held drill	×		150	150

[Underground employment, 6; daily production (tons), 22]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 14 BU loading machine	×		6,000	
1 Jeffrey 35 B cutting machine	×		4,000	2,500
1 Chicago pneumatic hand-held drill	×		150	150

PENNSYLVANIA

[Underground employment, 10; daily production (tons), 200]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
2 Joy shuttle cars 10 SC	×		[1] 5,000	[1] 10,000
1 Shortwall cutting machine	×		4,000	2,500
2 Joy 8 BU loading machines	×		[1] 6,000	[1] 6,500
1 Hand-held drill		×	150	150

[1] Each.

[Underground employment, 5; daily production (tons), 100]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Shortwall cutting machine		×	6,000	2,500
1 Joy 8 BU loading machine	×		6,000	6,500
2 Joy 6 SC shuttle cars	×		[1] 5,000	[1] 10,000
2 hand-held drills	×		[1] 300	[1] 300

[1] Each.

[Underground employment, 3; daily production (tons), 40]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Shortwall cutting machine	×		4,000	4,000
1 Joy 14 BU loading machine	×		6,000	15,000
1 hand-held drill		×		150
1 battery tractor	×		7,000	6,000

[Underground employment, 5; daily production (tons), 100]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Wilcox miner	×		8,000	75,000
1 Bridge conveyor	×		8,000	8,000

[Underground employment, 3; daily production (tons), 20]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 35B Jeffrey cutting machine	×		4,000	2,500
1 Drag cable shuttle car (homemade)		×		10,000
1 Hand held drill		×		150
1 Joy 12BU loading machine	×		6,000	8,500

PENNSYLVANIA—Continued

[Underground employment, 2; daily production (tons), 5]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 hand-held drill		×		150
1 Miller auger		×		2,500

[Underground employment, 9; daily production (tons), 125]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
2 Joy 10SC shuttle cars	×		[1] 5,000	[1] 10,000
1 Joy 10RU cutting machine	×		4,000	25,000
1 Joy 14BU loading machine	×		6,000	15,000

[1] Each.

[Underground employment, 4; daily production (tons), 20]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Jeffery 35B cutting machine	×		4,000	2,500
1 Joy 8BU loader	×		6,000	6,500
1 Hand held drill		×	150	150

[Underground employment, 4; daily production (tons), 25]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
2 Goodman universal cutting machines	×		[1] 4,000	[1] 25,000
1 Joy 12 BU loading machine	×		6,000	8,500
1 Joy 6 SC shuttle car	×		5,000	10,000
2 Hand-held drills	×		[1] 300	[1] 150

[1] Each.

[Underground employment, 6; daily production (tons), 55]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Jeffrey 35B cutting machine	×		4,000	2,500
1 Joy 14BU loading machine	×		6,000	15,000
1 Joy 6SC shuttle car	×		5,000	10,000
1 Hand held drill	×		300	150
1 T-2 truck	×		4,000	3,000

WEST VIRGINIA

[Underground employment, 10; daily production (tons), 150]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
2 Joy 8 BU loading machines	×		2,500	6,500
3 Goodman 12 AA cutting machines		×	[1] 2,500	[1] 2,500
1 Goodman 512 cutting machine	×		1,000	2,500
2 drag cable shuttle cars		×		[2] 6,000
1 Black & Decker hand-held drill		×		150

[1] Each

[2] Each cable reel.

[Underground employment 7; daily production (tons), 300]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Lee Norse 35 Y continuous miner	×		2,000	75,000
1 Jeffrey MP shuttle car	×		2,800	10,000
1 Joy 6 SC shuttle car	×		2,800	10,000

WEST VIRGINIA—Continued

[Underground employment, 14; daily production (tons), 200]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 8 BU loading machine	×		2,500	6,500
1 Joy 12 RB cutting machine	×		2,500	25,000
1 Joy 6 SC shuttle car	×		2,800	10,000
1 Joy 8 SC shuttle car	×		2,800	10,000
1 Galis 300 roof bolting machine	×		500	9,000

[Underground employment, 6; daily production (tons), 150]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 14 BU loading machine	×		3,500	15,000
1 Joy 11 RU cutting machine	×		2,500	25,000
4 S&S battery tractors		×	[1] 2,500	[1] 6,500
1 Jeffrey A-7 drill (hand held)	×		150	150

[1] Each.

[Underground employment, 8; daily production (tons), 125]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 8 BU loading machine	×		2,500	6,500
2 home made drag cable shuttle cars		×		[1] 6,500
1 Jeffrey 35L cutting machine	×		800	2,500
1 Goodman 512 cutting machine	×		1,000	2,500
2 Jeffrey 87 hand-held drills	×		150	150

[1] Each (cable reel)

WEST VIRGINIA—Continued

[Underground employment, 6; daily production (tons), 100]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 12 BU loading machine	×		2,500	8,500
1 Joy T-2 utility truck (reel)	×		1,000	3,000
2 homemade drag cable shuttle cars		×		[1] 6,500
2 Chicago pneumatic hand-held drills	×		[1] 150	[1] 150

[1] Each.

[Underground employment, 13; daily production (tons), 200]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
1 Joy 12 BU loading machine	×		2,500	8,500
1 Joy T-2 utility truck	×		1,000	3,000
2 home made drag cable shuttle cars		×		[1] 6,500
2 Chicago pneumatic hand-held drills		×	[1] 150	[1] 150

[1] Each.

[Underground employment, 4; daily production (tons), 50]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissible equipment
2 Goodman 12 AA cutting machines		×	[1] 2,500	[1] 8,500
3 drag cable shuttle cars		×		[1] 6,500
2 Jeffrey A-7 hand-held drills	×		[1] 150	[1] 150

[1] Each.

[Underground employment, 10; daily production (tons), 150]

Type of equipment	Permissible type	Nonpermissible type	Cost to convert to permissible condition	Cost of similar used rebuilt permissbile equipment
1 Joy 14 BU loading machine	×		1,000	42,500
1 Joy 12 RB cutting machine	×		2,500	25,000
1 Acme roof bolting machine	×		600	5,000
1 Long-Airdox T-D F10 mobile drill	×		500	5,000
4 Jeffrey MT 66 shuttle cars	×		[1] 2,800	[1] 10,000

[1] Each.

TOTAL COST OF CONVERSION

On the basis of this survey and taking into account the field approval system, the Department of the Interior has concluded that the costs to the Nation's small nongassy mine operators will be no more than $30 million, perhaps as low as $21 million. This is approximately $10,000 per mine, as opposed to the estimate of $260,000 per small mine originally suggested. And this figure includes the cost of upgrading or replacing the small equipment which all now agree should be made explosion-proof.

Under my amendment—

First. All small horsepowered electric face equipment must be permissible 15 months after enactment.

Second. All grandfathered equipment at gassy mines must be permissible in 15 months also.

Third. In the case of so-called nongassy mines below the watertable and those above the watertable annually producing more than 50,000 tons per year—the truly large mines—such equipment must be permissible in 15 months, but the Secretary can extend this requirement on a mine-by-mine basis an additional 21 months. Thus, these mines would have 3 years to comply, but the extension would only be granted if the equipment is unavailable to the mine.

Fourth. In the case of the so-called nongassy mines above the watertable which annually produce 50,000 or less tons of coal per year—the truly small mine—such equipment must be permissible in 28 months, but the Secretary may extend this period based on unavailability of equipment an additional 20 months. Based on data supplied me by the Bureau of Mines, it is estimated that about 1,700 so-called nongassy mines would be covered by this provision, or about one-half of the so-called nongassy mines. The term "watertable" includes areas above the drainage level.

Fifth. Field testing and approval would be required, where appropriate.

Sixth. The provisions of 303(m), relating to the use of the methane monitor would apply to this equipment, although the Bureau of Mines contends that this device is merely a "backup" device. As time goes on, the device will become more reliable.

Seventh. Like H.R. 13950, when nonpermissible equipment undergoes a major overhaul it must be made permissible.

I strongly urge support of this amendment which follows at this point in the RECORD:

AMENDMENT TO H.R. 13950 OFFERED BY MR. HECHLER OF WEST VIRGINIA

On page 72, line 11, strike all through page 74, line 17, and substitute the following:

"ELECTRICAL EQUIPMENT

"SEC. 305. (a) Effective one year after the operative date of this title—

"(1) all junction or distribution boxes used for making multiple power connections in the active workings of a coal mine shall be permissible;

"(2) all handheld electric drills, blower and exhaust fans, electric pumps, and other such low horsepower electric face equipment as the Secretary may designate within two months after the operative date of this title, which are taken into, or used in, the working section of any coal mine shall be permissible; and

"(3) all electric face equipment which is taken into or used in, the working section of any coal mine classified as gassy under any provision of law prior to the operative date of this title shall be permissible.

"(b) (1) Effective one year after the operative date of this title, all electric face equipment not referred to, or designated under, subsection (a) (2) of this section which is taken into, or used in, the working section of any coal mine, except a coal mine subject to the requirements of subsection (a) (3) of this section or paragraph (2) of this subsection, shall be permissible.

"(2) Effective two years after the operative date of this title, all electric face equipment not referred to, or designated under, subsection (a) (2) of this section which is taken into, or used in, the working section of any coal mine, except a coal mine subject to the requirements of subsection (a) (3) of this section, which is operated entirely in coal seams located above the watertable with one or more openings made prior to the date of enactment of this Act, and with a total production of coal that does not exceed fifty thousand tons annually, based on the mine's production records for three calendar years prior to such date, shall be permissible.

"(3) In the case of any coal mine subject to the requirements of paragraph (1) of this subsection, if the operator of such mine is unable to comply with such requirements on such effective date, he may file an application for a permit for noncompliance with the Secretary ninety days prior to such date. If the Secretary determines that such application satisfies the requirements of paragraph (6) of this subsection, he shall issue to such operator a permit for noncompliance. Such permit shall entitle the permittee to an extension of time to comply with such requirements of not to exceed twelve months, as determined by the Secretary, from such effective date.

"(4) In the case of a coal mine subject to the requirements of paragraph (2) of this subsection, if the operator of such mine is unable to comply with such requirements on such date, he may file an application for a permit for noncompliance with the Secretary ninety days prior to such date. If the Secretary determines, after notice to all interested persons and an opportunity for a hearing, that such application satisfies the requirements of paragraph (6) of this subsection, and that such operator, despite his diligent efforts will be unable to comply with such requirements, the Secretary may issue to such operator a permit for noncompliance. Such permit shall entitle the permittee to an additional extension of time to comply with such requirement of not to exceed twelve months, as determined by the Secretary, from the date such compliance is required.

"(5) (A) Any operator of a coal mine issued a permit under paragraphs (3) and (4) of this subsection who, ninety days prior to the termination of such permit, determines that he will be unable to comply with the requirements of said paragraphs upon the expiration of such permit may file with the Secretary an application for renewal thereof. Upon receipt of such application, the Secretary, if he determines, after notice to all interested persons and an opportunity for a hearing that such application satisfies the requirements of paragraph (6) of this subsection and that such operator, despite his diligent efforts, will be unable to comply with such requirements, may renew the permit for a period not exceeding twelve months. Any hearing held pursuant to this paragraph shall be of record and the Secretary shall make findings of fact and shall issue a written decision incorporating his findings therein.

"(B) Any permit issued pursuant to this subsection shall entitle the permittee to use nonpermissible electric face equipment, as specified in the permit, during the term of such permit. Permits issued under this subsection to operators who must comply with the requirements of paragraph (1) of this subsection shall, in the aggregate, not extend the period of noncompliance more than thirty-six months after the date of enactment of this Act. Permits issued under this subsection to operators who must comply with the requirements of paragraph (2) of this subsection shall, in the aggregate, not extend the period of noncompliance more than forty-eight months after the date of enactment of this Act.

"(6) Any application for a permit of noncompliance filed under this subsection shall contain a statement by the operator—

"(A) that he is unable to comply with paragraphs (1) or (2) of this subsection, as appropriate, within the time prescribed;

"(B) listing the nonpermissible electric face equipment by type and manufacturer being used by such operator in connection with mining operations in such mine on the operative date of this title and on the date of the application for which a noncompliance permit is requested and stating whether such equipment had ever been rated as permissible;

"(C) setting forth the actions taken from and after the operative date of this title to comply with such paragraphs, together with a plan setting forth a schedule of compliance with the appropriate paragraphs for the equipment referred to in such paragraphs and being used by the operator in connection with mining operations in such mine with respect to which such permit is required and the means and measures to be employed to achieve compliance; and

"(D) include such other information as the Secretary may require.

"(7) One year after the operative date of this title all replacement equipment acquired for use in any mine referred to in this subsection shall be permissible and shall be maintained in a permissible condition, and in the event of any major overhaul of any item of equipment in use one year after the operative date of this title such equipment shall be put in, and thereafter maintained in, a permissible condition, if, in the opinion of the Secretary, such equipment or necessary replacement parts are available.

"(8) The operator of each coal mine shall maintain in permissible condition all electric face equipment, required by this subsection and subsection (a) of this section to be permissible.

"(9) Each operator of a coal mine shall, within two months after the operative date of this title, file with the Secretary a statement listing all electric face equipment by type and manufacturer being used by such operator in connection with mining operations in the working section of such mine as of the date of such filing, and stating whether such equipment is permissible and maintained in permissible condition or nonpermissible on such date of filing, and, if nonpermissible, whether such nonpermissible equipment has ever been rated as permissible, and such other information as the Secretary may require.

"(10) The Secretary shall promptly conduct a survey as to the total availability of new or rebuilt permissible electric face equipment and replacement parts for such equipment and, within six months after the operative date of this title, publish the results of such survey.

"(11) No permit for noncompliance shall be issued under this subsection for any nonpermissible electric face equipment, unless such equipment was being used by an operator in connection with the mining operations in a coal mine on the operative date of this title.

"(12) As used in this title, the term "permissible electric face equipment" means all electrically operated equipment taken into or used in the working section of any coal mine the electrical parts of which, including, but not limited to, associated electrical equipment, components, and accessories, are designed, constructed, and installed, in accordance with the Secretary's specification, to assure that such machines will not cause a mine explosion or mine fire, and the other features of which are designed and constructed, in accordance with the Secretary's specifications, to prevent to the greatest extent possible, other accidents in the use of such equipment. The regulations of the Secretary in effect on the operative date of this title relating to the requirements for investigation, testing, approval, certification, and acceptance of such equipment as permissible shall continue in effect until modified or superseded by the Secretary, except that the Secretary shall promptly provide procedures, including, where feasible, field testing, approval, certification, and acceptance by an authorized representative of the Secretary, to facilitate compliance by an operator with the permissibility requirements of this subsection within the periods prescribed.

"(13) Any operator or representative of miners aggrieved by a final decision of the Secretary under this subsection may file a petition for review of such decision in accordance with the provisions of this Act.

"(c) A copy of any permit granted under this section shall be mailed immediately to a duly designated"—.

WORLD'S LARGEST BUBBLE CHAMBER IN OPERATION AT ARGONNE LABORATORY

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, after 5 years of diligent effort, the world's largest bubble chamber went into operation on October 13, 1969. The 12-foot chamber, which contains 6,400 gallons of liquid hydrogen, will permit researchers using the powerful 12.5 Bev Zero Gradient Synchrotron to look for the elusive neutrino, which has zero mass, no charge, and travels with the speed of light. We know the neutrino exists because it does interact with matter, however weakly. The other interesting feature of the bubble chamber is that it is inside the world's largest superconducting magnet. This magnet requires only 30,000 watts to come to full field strength and then because its coils are cooled by liquid helium, requires almost no additional power. The temperature of these coils is minus 451 degrees Fahrenheit. A normal magnet would require 10 million volts to reach and maintain full field strength.

A press release from Argonne about the bubble chamber follows:

TWELVE-FOOT BUBBLE CHAMBER

ARGONNE, ILL.—Late Monday evening, October 13, 1969, the first successful operation of the world's largest bubble chamber was recorded at the Atomic Energy Commission's Argonne National Laboratory.

As the temperature and pressure were carefully adjusted to bring the 6400 gallons of liquid hydrogen within the giant vessel to the predetermined operating point, the tiny lines of bubbles resulting from the passage of cosmic ray particles through the liquid became visible and were successfully photographed.

The particles themselves are much too small to be observed directly. It is through the study of the lines of bubbles (called tracks) formed in the trail of high energy particles passing through the liquid hydrogen that elementary particle physicists determine their properties.

Several days after observation of the cosmic rays, a beam of particles from the zero gradient synchrotron, Argonne's high energy proton accelerator, was directed into the chamber fluid and photographs were obtained. These show the collisions of the beam particles with the hydrogen atoms in the chamber fluid. Later this year, after the data from the present operation have been analyzed and the chamber's operating characteristics well established, a beam of neutrinos will be passed through the chamber and a new chapter in the investigation of nature's basic building blocks, the elementary particles, will get under way.

The 12-ft. bubble chamber project was begun some five years ago during the summer of 1964. It was then apparent that if that part of the nation's high energy physics research program devoted to the investigation of neutrinos was to be further advanced it would be essential to study the collisions of neutrinos with hydrogen atoms. The neutrino interacts only weakly with matter; if the experiments were to be feasible an enormous volume of liquid hydrogen would be required.

Conceived at a time when the largest bubble chamber in operation had a length of 80 inches and a volume of about one cubic yard, the Argonne design specified a chamber vessel 12 feet in diameter and 7 feet tall with a volume of about 26 cubic yards. During operation, the vessel is maintained at a temperature of —413 degrees F. It is located inside an 18-kilogauss magnet with superconducting coils, the largest magnet of its kind in the world. The expansion system which creates the very sudden changes in pressure within the chamber volume that are necessary for bubble formation is driven by one of the most advanced hydraulic systems in existence today.

The 12-ft bubble chamber was designed, built, and brought into operation by a team of scientists, engineers, technicians, and others totaling about 50 people. The effort has been directed by Dr. E. G. Pewitt. Total cost of the project was approximately 18 million dollars.

MINING THE NATIONAL CAPITAL TREASURE

(Mr. HANNA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, last July I introduced legislation which would permit Washington, D.C., banks to expand into the neighboring States of Maryland and Virginia. At that time, I asked:

> Is it too much to suggest that for once a primacy of consideration be bent toward the interest of economic entities within the District?

The District's neighbors gave their answer last week. In chorus, the Capital area's suburban interests echoed a shrill "No" before the Senate Banking and Currency Committee.

Although I am from California, it is not very difficult to discern what is happening here. The suburbs have grown and prospered because of the District, and now that the District banks wish to participate in some of that growth and prosperity the bristly spines of parochial interests are raised.

Now that the treasure of prosperity has been amply mined from the Capital City the suburbs have little further interest. It seems ironic that the principal cause for the area's prosperity, namely the city, should not find itself the stepchild of that prosperity.

I believe the House of Representatives will recognize these circumstances for what they are. It is time—no, it is past the time—that Congress concerns itself with the future of the institutions within the District.

We will have that opportunity when we consider the legislation which will permit District banks to either branch in the suburban areas or associate themselves with Maryland and Virginia banks. The banks of the District want only to follow the economic imperative that now finds Garfinckels, Woodward and Lothrop and other District department stores out in the suburban shopping centers. There is hardly a major department store in the city that is not now branched to the suburbs. Without such moves, is there any existing doubt but what these fine stores would have perished in the city?

Because of the unique circumstances of the banking institutions of this city, it is necessary we give this legislation the priority it deserves. Mr. Speaker, the Comptroller of the Currency submitted a statement on this legislation as part of the hearings. I am deeply impressed by the Comptroller's statement because it is scholarly and objective and deals with the unique problems faced by banking institutions in the National Capital region. For the benefit of my colleagues, I am inserting this statement in the RECORD. I am naturally gratified that the Comptroller of the Currency has agreed to support legislation I have introduced:

STATEMENT OF ROBERT BLOOM, CHIEF COUNSEL TO THE COMPTROLLER OF THE CURRENCY, BEFORE THE SENATE BANKING AND CURRENCY COMMITTEE ON S. 2569, OCTOBER 8, 1969

The proposed legislation would relax, for the National Capital region only, existing restrictions against the ownership by bank holding companies of banks located in more than one state. It would permit a registered bank holding company located in the District of Columbia to own banks located in the District, Montgomery and Prince Georges Counties in Maryland; and Arlington, Fairfax, Loudoun, and Prince William Counties, plus the Cities of Alexandria and Falls Church in Virginia. Banks anywhere in Virginia or Maryland would be permitted to form holding companies to organize or acquire banks in the District.

All of the other requirements of the present Bank Holding Company Act would apply in full force and no holding company could be set up without the approval of the Federal Reserve Board. The Federal Reserve would apply the same antitrust, capital, management and other factors to its consideration of the formation of S. 2569 companies as it does to other holding company applications.

In order that there may be no misunderstanding of the effect of the amendment, it should be emphasized that the bill makes no change in the existing powers of the states to regulate the business of banking within their borders. A new state bank organized by a District-based holding company would have to receive the approval of the appropriate Virginia or Maryland authorities. Virginia and Maryland chartered banks would continue to be subject to the full jurisdiction and examination by the state banking authorities. There is likewise no change effected in the authority and power of the states to define the extent of branch banking within their borders, although opponents of the legislation will argue to the contrary. We will be glad to supply the Committee with a legal memorandum setting forth the clear distinctions which the courts and Congress have made between branch and holding company banking.

S. 2569 would allow the creation of bank holding companies with three different geographic bases: one group of holding companies could control banks in the District and in the Washington suburbs in Virginia and Maryland; a second could control banks operating anywhere in Virginia and in the District; the third could hold banks operating anywhere in Maryland and in the District.

A number of benefits would flow from passage of this legislation. First, banking competition in the National Capital region would be enhanced. The District of Columbia based banks would provide additional competitive muscle through affiliates acquired or established in the Washington suburbs. And although opponents of this bill deny any interest, it is not unlikely that at some point certain of the strong Baltimore- and Richmond-based banks would become affiliated with newly created or acquired District banks. The resulting inter-penetration would undoubtedly enliven competition, to the benefit of consumers of banking services.

Next, private funds available for the extension of credit in the National Capital region can most efficiently be allocated on a regional basis. There is no assurance, and in fact it is rather unlikely, that the regional distributions of deposits and of credit requirements are similar. The bill would provide a means of improving the mobility and optimum use of deposit capital at a time when such capital is in short supply.

Third, a number of the credit needs of the National Capital region require loanable funds in aggregates of considerable magnitude. The passage of S. 2569 would allow bank affiliations that would make these aggregates more readily available.

Critics of S. 2569 may assert that each of these arguments can be applied to any major metropolitan area in the country. To some degree, this is correct. However, it is not difficult to demonstrate the unique nature of the District and its financial setting.

First, the core of the National Capital region—the District of Columbia—is more constrained than is the core of any other major metropolitan area. A number of the banking constraints stem from the fact that the city is not a part of any state. Were it in fact a part of either Maryland or Virginia, the Washington banks would enjoy much greater freedom to expand. Thus it is apparent that the federal status of the District has itself created special banking problems. In this light, action by Congress to alleviate these problems appears most appropriate, and would in no sense create a precedent for similar action in other areas.

The National Capital region poses special problems for both banks and banking customers within it. The federal government as a whole constitutes a unique dominant employer. Employees of government agencies find it easier to move to another agency within the federal government than do members of the work force in other areas for whom a change in employment frequently involves a move to a separate organization. Federal employees, for example, do not relinquish retirement benefits or leave status, etc., when moving from one agency to another, as is often the case when moving from one private firm to another. As a result, labor mobility in the National Capital region is extremely high. Federal employees shift from agencies with downtown offices to those with offices in the Maryland or Virginia suburbs or conversely from a federal agency with offices in the suburbs to another with central city location. Such moves generate problems for banking customers. It is often costly and highly inconvenient to continue to bank where they have established favorable banking connections. To relinquish those established banking connections and establish new banking connection with a suburban or downtown bank is likewise costly and inconvenient.

Similar problems for the banks and banking customers are engendered also by the movement of federal agencies, and offices within an agency, from the central city to one of the suburbs or from one suburb to another or from the suburbs to the central city. The bill, by permitting limited area-wide banking, would help relieve employees of the federal agencies of some of the costs and inconveniences of either establishing new banking connection or maintaining their banking connections at remote locations where they formerly worked.

The Congress has a special responsibility to provide a legal framework for the District that will foster the economic viability of this vital center of the National Capital region. We are all aware of the problems faced by the core areas of every metropolis. Virtually every solution advanced requires the expenditure of a large volume of funds. The greater the volume of private funds available, the less the demands on the public funds. We believe that S. 2659, representing an attempt to alleviate special problems faced by District banks as a result of the District's federal status, merits favorable consideration by the Congress.

INCREASED AUTHORIZATION FOR DRUG ABUSE RESEARCH

(Mr. HANNA asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, I am introducing today for myself and 31 cosponsors legislation which will substantially increase the research authorization for the Division of Narcotic Addiction and Drug Abuse.

The bill I am introducing will authorize $25 million in additional research funds for this fiscal year. At present the division has approximately $5 million available for research during fiscal year 1970. Of this $5 million, approximately $1.5 million will be available to initiate new research programs. The remaining funds will be used to support efforts that have been committed in the past.

Anyone familiar with the rising rate of drug abuse realizes that $1.5 million in new research money does not even begin to answer the need. Not only are extensive funds required for massive in-depth investigations into the consequences of marihuana abuse, but research is required on the literally dozens of new compounds that are being abused at an alarming rate.

Dr. Sidney Cohen, Director of the Division of Narcotic Addiction and Drug Abuse, has described the state of our knowledge on the consequences of drug abuse as comparable to the state of our knowledge about the effects of cigarette smoking 50 years ago. That such a condition is deplorable is obvious. That so few have raised their voices for improving the state of our knowledge is astonishing. That the Congress has not come to grips at this late date, with the issue of needed funds for necessary research is discouraging.

For years we have been told about the increasing abuse of a wide range of dangerous drugs. For years reports have been printed warning of the increasing use of dangerous drugs by young people. And for years experts have been telling us there is a serious insufficiency of accurate information on the affects these dangerous drugs are having on a rapidly expanding group of young abusers.

I believe it is now necessary—absolutely necessary—that the Congress commit itself to an all-out intensive effort to bridge this glaring knowledge gap. This can only be done with money, and it is precisely money, $25 million, that this legislation addresses itself to.

While $25 million in additional funds may sound, at first blush, as an enormous sum, it in fact is not. When considered in perspective to the problem and to other programs of research on which funds are being expended, the picture balances quite clearly. A recent special report in Newsweek suggested as many as 35 percent of high school and college students may be "turning on." An Army report titled "Marijuana Use in Vietnam: A Preliminary Report" estimated as many as 35 percent of the troops are smoking pot. Newsweek's conclusions:

> First, the age of U.S. drug users is dropping rapidly. Second, as drugs become widespread the young have built a culture and a rationale of their own around their use and abuse.

Now let us consider a research program similar in many ways to the research effort on drug abuse. Similar, that is, in many things except money and purpose. This other program I am talking about seeks knowledge on the effects biological and chemical compounds have on the human body, yet the ultimate goal of this research is to determine the most efficient methods for destroying or disabling life. Of course I am speaking of CBW—chemical and biological warfare. The best estimates I have been able to obtain suggest an expenditure in this fiscal year for research in CBW at between $90 to $95 million. This compares with less than $5 million for research on drug abuse. Even if we raise the authorization for drug abuse by $25 million, as my bill does, we will still be spending one-third of what we are spending for CBW research.

I contend that the real chemical warfare this Congress should be concerned about is the one now taking place in the schoolyards, streets, and neighborhoods throughout America. Knowledge about the effects of speed, bennies, grass, acid, and the dozens of other chemical and biological compounds being abused by countless thousands of young Americans must be our first concern.

No matter how shrill the rhetoric on curbing abuse becomes, and I will be first in line to propose strong measures to curb dangerous drug abuse, we must realize the very real fact that abuse of these dangerous drugs has become a sad fact of our culture. To deal with this fact rationally requires accurate and modern techniques—and most importantly dependable and carefully researched information. We do not now have this and as a result countless people are suffering, decisions are being made based largely upon ignorance, and there is a rising cacophony of frightening incoherent demands for action that may prove undesirable and unwise.

Hopefully, the bill I am introducing today will spur the overdue discussion on the needed funds for drug abuse research. Hopefully this Congress will act quickly.

Mr. Speaker, I would like to include at this point an article that appeared in the San Francisco Chronicle last year; perhaps it will offer some insight:

[From the San Francisco Chronicle, May 4, 1968]

The Long Line of Youths Needing Drug Treatment

(By George Draper)

Some 5000 young people with drug-induced psychotic symptoms were treated at the Immediate Psychiatric Aid Center at San Francisco General Hospital during the last year.

This was disclosed yesterday by Dr. Arthur B. Carfagni, chief of the center, who said amphetamines (speed) outnumbered LSD by three-to-one as the cause of these symptoms.

"Not one of the patients was a marijuana user," he said.

CONFERENCE

Dr. Carfagni addressed a group of interested physicians attending a conference on "Effects and Complications of Psychedelic Drug Use" at Children's Hospital and Adult Medical Center.

The program was part of a Continuing Education in Health Sciences series presented by the hospital and the University of California Medical Center.

Dr. Carfagni said that of the 5000 persons treated at his center for drug-induced psychotic symptoms, 2800 "merely had to be brought down" and were released within four to six hours.

The remaining 2200, he said, stayed at the center for periods ranging from one day to three months.

Four of the 5000 were so disturbed, he said, that they had to be committed to mental hospitals.

The psychiatrist said that in the earlier part of the year the average age of these patients was about 20 but that in the latter part of the year the average dropped to about 18.

NEWCOMERS

Most of these young persons suffering from drug abuse had been in San Francisco only about three weeks when they came to the Immediate Psychiatric Aid Center, he said.

Dr. Carfagni said that in his opinion drug abuse is fast becoming a most important public health problem.

But, he said, many members of the medical profession have not been dealing with this problem, either through personal choice or because drug abusers have avoided them.

And yet, he suggested, it is important that doctors help in the battle to terminate, as quickly as possible, drug-induced states of psychosis.

"If the psychotic state is prolonged," he said, "it can go into a chronic form."

He suggested two tools that physicians might use to combat these drug-induced psychotic conditions.

INDUCED

One is the understanding that the apparent psychotic condition is drug induced—a concept that should be pressed home to the patient, as "this is his one tie with reality."

The other is the use of fairly large doses—sometimes 4 or more times as much as in conventional treatment—of a certain sedative drug.

"We're dealing in marked excursions in human behavior. The treatment must be heroic," he said.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Corman, for October 22 and 23, on account of official business.

Mr. Waldie, for October 23 and 24, on account of official business.

Mr. Pepper (at the request of Mr. Boggs), for today through October 29, on account of official business.

Mr. Moss, for from 4:00 p.m. Thursday, October 23 through October 28, on account of official business.

Mr. Conte (at the request of Mr. Gerald R. Ford), for today and the balance of the week, on account of official business as a member of the House Committee on Appropriations.

Mr. Camp (at the request of Mr. Gerald R. Ford), for today and the balance of the week, on account of official business as a member of the House Committee on Interior and Insular Affairs.

Mr. Don H. Clausen (at the request of Mr. Gerald R. Ford), for today and the balance of the week, on account of official business as a member of the House Committee on Interior and Insular Affairs.

Mr. Wiggins (at the request of Mr. Gerald R. Ford), for October 22 through October 27, on account of official business as a member of the House Select Committee on Crime.

Mr. Watson (at the request of Mr. Gerald R. Ford), for October 22 through October 27, on account of official business as a member of the House Select Committee on Crime.

Mr. Denney (at the request of Mr. Gerald R. Ford), for October 22 through October 27, on account of official business as a member of the House Select Committee on Crime.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Hechler of West Virginia, for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Daniel of Virginia); to revise and extend their remarks and to include therein extraneous matter:)

Mr. Hamilton, for 10 minutes, today.

Mr. Daddario, for 15 minutes, today.

Mr. Ryan, for 60 minutes, on November 12.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Madden in two instances and to include extraneous matter.

Mr. Zablocki and to include extraneous matter in two instances.

Mr. Albert (at the request of Mr. Stephens) to extend his remarks following those of Mr. Stephens on his amendment to H.R. 13827, page 1, line 4, today.

(The following Members (at the request of Mr. Landgrebe) and to include extraneous matter:)

Mr. Gubser.
Mr. Hall.
Mr. Chamberlain in two instances.
Mr. Stafford.
Mr. Hansen of Idaho.
Mr. Minshall.
Mr. Button in two instances.
Mr. Bush.
Mr. Schwengel in three instances.
Mr. Berry.
Mr. Utt.
Mr. Foreman.
Mr. Wyman in two instances.
Mr. Hosmer.
Mr. Reifel.
Mr. Derwinski.
Mr. Kyl.
Mr. Steiger of Wisconsin in two instances.
Mr. Pollock.
Mr. Lipscomb.
Mr. Bob Wilson in four instances.
Mr. Carter.
Mr. Fulton of Pennsylvania in five instances.
Mr. Horton.
Mr. Ashbrook in two instances.
Mr. Pelly.
Mr. Frelinghuysen.
Mr. Zwach.
Mr. Schadeberg.
Mr. Roudebush.
Mr. Keith.
Mr. McClory.

(The following Members (at the request of Mr. Daniel of Virginia) and to include extraneous matter:)

Mr. Daddario in two instances.
Mr. Ottinger in two instances.
Mr. Rarick in two instances.
Mr. Helstoski.
Mr. Thompson of New Jersey.
Mr. Leggett.
Mr. Vanik in two instances.
Mr. O'Neal of Georgia in two instances.
Mr. Hébert.
Mr. Downing in two instances.
Mr. Anderson of California.
Mr. Jacobs.
Mr. Cohelan in two instances.
Mr. O'Neill of Massachusetts in two instances.
Mr. Baring.
Mr. Slack in two instances.
Mrs. Hansen of Washington in two instances.
Mr. Monagan in two instances.
Mr. Tunney in two instances.
Mr. Hechler of West Virginia.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1279. An act to create a rebuttable presumption that a disability of a veteran of any war or certain other military service is service-connected under certain circumstances; to the Committee on Veterans' Affairs.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2768. An act to amend title 38 of the United States Code in order to eliminate the 6-month limitation on the furnishing of nursing home care in the case of veterans with service-connected disabilities; and

H.R. 3130. An act to amend title 38, United States Code, to provide that the Administrator of Veterans' Affairs may furnish medical services for non-service-connected disability to any war veteran who has total disability from a service-connected disability.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 2768. An act to amend title 38 of the United States Code in order to eliminate the 6-month limitation on the furnishing of nursing home care in the case of veterans with service-connected disabilities; and

H.R. 3130. An act to amend title 38, United States Code, to provide that the Administrator of Veterans' Affairs may furnish medical services for non-service-connected disability to any war veteran who has total disability from a service-connected disability.

ADJOURNMENT

Mr. DANIEL of Virginia. The Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly, (at 6 o'clock and 13 minutes p.m.), the House adjourned until tomorrow, Thursday, October 23, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1271. A letter from the Assistant Secretary of the Interior, transmitting the report of the Secretary on the East Greenacres unit, Bathdrum Prairie project, Idaho, pursuant to the provisions of section 9(a) of the Reclamation Project Act of 1939 (53 Stat. 1187) (H. Doc. No. 91–182); to the Committee on Interior and Insular Affairs and ordered to be printed, with illustrations.

1272. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and materiel, and for expenses involving the production of lumber and timber products, during fiscal year 1969, pursuant to the provisions of 10 U.S.C. 2665, to the Committee on Appropriations.

1273. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administration of the Collbran Job Corps Civilian Conservation Center under the Economic Opportunity Act of 1964, Collbran, Colo., Department of the Interior, Office of Economic Opportunity; to the Committee on Education and Labor.

1274. A letter from the Comptroller General of the United States, transmitting a report on unused engineering and design effort in the military construction program, Department of Defense; to the Committee on Government Operations.

1275. A letter from the Comptroller General of the United States, transmitting a report on opportunities for increasing the effectiveness of the conservation operations program, Soil Conservation Service, Department of Agriculture; to the Committee on Government Operations.

1276. A letter from the Assistant Secretary of the Interior, transmitting copies of an order and supporting documents canceling certain reimbursable charges of the Federal Government, pursuant to the provisions of 47 Stat. 564; to the Committee on Interior and Insular Affairs:

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. H.R. 12588. A bill to amend the Agricultural Act of 1949 with regard to the use of dairy products, and for other purposes; with an amendment (Rept. No. 91–587). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 8636. A bill to amend section 602(5) and section 608c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, so as to authorize production research under marketing agreement and order programs; without amendment (Rept. No. 91–588). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROOMFIELD:

H.R. 14450. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. FOLEY:

H.R. 14451. A bill to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any other country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes; to the Committee on Agriculture.

By Mr. FRIEDEL:

H.R. 14452. A bill to provide for the designation of special policemen at the Government Printing Office, and for other purposes; to the Committee on House Administration.

H.R. 14453. A bill to authorize the Public Printer to grant time off as compensation for overtime worked by certain employees of the Government Printing Office, and for other purposes; to the Committee on House Administration.

By Mr. GREEN of Pennsylvania:

H.R. 14454. A bill to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes; to the Committee on Education and Labor.

H.R. 14455. A bill to amend the Tariff Schedules of the United States to repeal the special tariff treatment accorded to articles assembled abroad with components produced in the United States; to the Committee on Ways and Means.

By Mr. HELSTOSKI (for himself, Mr. Anderson of California, Mr. Biaggi, Mr. Boland, Mr. Carter, Mr. Córdova, Mr. Feighan, Mr. William D. Ford, Mr. Fulton of Pennsylvania, Mr. Gallagher, Mr. Gibbons, Mrs. Heckler of Massachusetts, Mr. McKneally, Mr. Matsunaga, Mr. Mikva, Mr. Mosher, Mr. Pettis, and Mr. Ryan):

H.R. 14456. A bill to require that impact-resistant eyeglasses be issued under the medical program for members of the uniformed services on active duty; to the Committee on Armed Services.

By Mr. KLEPPE:

H.R. 14457. A bill to amend the Federal Meat Inspection Act to give any State an additional year to develop and enforce an effective inspection program for meat and meat food products that are distributed wholly within such State, and for other purposes; to the Committee on Agriculture.

By Mr. LONG of Maryland:

H.R. 14458. A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as DDT; to the Committee on Agriculture.

By Mr. OLSEN:

H.R. 14459. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. REUSS:

H.R. 14460. A bill to amend the Employment Act of 1946 to bring to bear an informed public opinion upon price and wage behavior which threatens national economic stability; to the Committee on Government Operations.

By Mr. WYDLER:

H.R. 14461. A bill to establish a commission to study and investigate possible programs to promote cooperation between New York and surrounding States in addressing problems relating to the disposal of solid waste; to the Committee on Interstate and Foreign Commerce.

By Mr. ZWACH:

H.R. 14462. A bill to improve farm income and insure adequate supplies of agricultural commodities by extending and improving certain commodity programs, and amend the Food Stamp Act of 1964, as amended; to the Committee on Agriculture.

By Mr. COLLIER:

H.R. 14463. A bill to authorize the Secretary of Transportation to prescribe rules, regulations, and performance and other standards as he finds necessary for all areas of railroad safety and to conduct railroad safety research; to the Committee on Interstate and Foreign Commerce.

By Mr. FALLON (for himself, Mr. Gray, Mr. Johnson of California, Mr. Cramer, Mr. Harsha, and Mr. Bennett):

H.R. 14464. A bill to amend the act of August 12, 1968, to insure that certain facilities constructed under authority of Federal law are designed and constructed to be accessible to the physically handicapped; to the Committee on Public Works.

By Mr. STAGGERS:

H.R. 14465. A bill to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON:

H.R. 14466. A bill to amend the Military Selective Service Act of 1967 to provide for a fair and random system of selecting persons for induction into military service, to provide for the uniform application of Selective Service policies, to raise the incidence of volunteers in military service, and for other purposes; to the Committee on Armed Services.

By Mr. STEIGER of Wisconsin:

H.R. 14467. A bill to extend for 3 years the authority of the Armed Forces and the Veterans' Administration to use dairy products purchased by the Commodity Credit Corporation; to the Committee on Agriculture.

By Mr. ASHBROOK:

H.R. 14468. A bill to equalize the retired pay of members of the uniformed services of equal grade and years of service; to the Committee on Armed Services.

By Mr. CHAMBERLAIN:

H.R. 14469. A bill to adjust agricultural production, to provide a transitional program for farmers, and for other purposes; to the Committee on Agriculture.

By Mr. FULTON of Tennessee:

H.J. Res. 963. Joint resolution to authorize the President to proclaim the month of January of each year as "National Blood Donor Month"; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.J. Res. 964. Joint resolution to create a joint congressional committee to review, and recommend changes in, national priorities and resource allocation; to the Committee on Rules.

By Mr. SANDMAN:

H.J. Res. 965. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H. Res. 588. Resolution to provide for record voting in the Committee of the Whole House upon the assent of one-fourth of the Members present; to the Committee on Rules.

By Mr. CUNNINGHAM:

H. Res. 589. Resolution to authorize the Committee on Interstate and Foreign Commerce to conduct an investigation and study of the practices followed by the Washington Gas Light Co. of the District of Columbia in the sale, installation and servicing of heating and air conditioning units; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GREEN of Pennsylvania:

H.R. 14470. A bill for the relief of Whitehouse Paper Co., Elsie Heilveil, and Maurice Heilveil; to the Committee on the Judiciary.

By Mr. HALEY:

H.R. 14471. A bill to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in certain lands in Florida to John Carter and Martha B. Carter; to the Committee on Interior and Insular Affairs.

By Mr. ROUDEBUSH:

H.R. 14472. A bill for the relief of Rafael Ramos; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 14473. A bill for the relief of Peter Brothers, Inc.; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

305. The SPEAKER presented a petition of the State Council of Ohio, Junior Order United American Mechanics, relative to freedom of speech, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

ADDRESS OF THE POLISH PRESIDENT IN EXILE, HIS EXCELLENCY AUGUST ZALESKI

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. DERWINSKI. Mr. Speaker, as I have before on numerous occasions, I am pleased to insert into the RECORD the speech of His Excellency August Zaleski, the President of the Polish Republic in exile, delivered on October 11 at Caxton Hall in London on the occasion of the opening of a new session of the Council of the Republic of Poland, which functions as a parliamentary body in exile.

This is a forceful, pertinent, and accurate commentary on the situation in Poland and the continued Russian occupation of that land:

ADDRESS OF THE PRESIDENT OF THE POLISH REPUBLIC IN EXILE, LONDON, OCTOBER 11, 1969

The news reaching us from Poland is still very sad. Our Fatherland remains under Russian occupation and is forced to pursue policies dictated to her by the leaders of the Kremlin who, of course, exploit the situation to their own advantage. It has to be said that in doing this Russia does not only pursue her own immediate interests, but aims at weakening Poland, both politically and economically, being aware that Poland will make use of any opportunity that may present itself to throw off the yoke of Russian imperialism.

We cannot forget, however, that the present international situation is the result of the so-called Yalta Agreement freely concluded by our own allies towards the end of the war: this ceded the Eastern part of the Polish Republic to Russia and gave her such rights in the Western part so that Poland is now virtually a Russian colony. It may be that the authors of the agreement deluded themselves that these concessions will satisfy Russia who will then forego further territorial aggrandisment. They did not take into account that Russia, throughout her history, has always pursued a policy of territorial expansion. Only the ostensible motives changed with time. They were in turn: the gathering in of alleged Russian lands, the expansion of the Russian Orthodox faith, the unification of all Slav peoples under Russian rule, a civilising mission to any backward, or only allegedly backward, country of the world and lately the unity of all Communist states.

There is no doubt that the Polish people as a whole are well aware of all this and do not cease in their struggle to bring about a radical change in the situation. We, Poles outside Poland, are also called to work towards this goal with a deep faith that sooner or later the world will understand that in the nuclear era any international conflict can be solved only by peaceful means. The principles of law and justice must oust any idea of war which could only lead to a major catastrophe involving not only the loss of innumerable human lives but the end of civilisation itself.

Alas, the United Nations Organisation, created as a forum for the peaceful settlement of international conflicts, has so far been unequal to its task. It still remains a task for the future involving the whole of mankind. Poles everywhere will contribute to this general aim without forgetting their more immediate goal which is the restoration of the independence of their Fatherland.

The Government will report to the Council on their activities and present their plans for future action.

In declaring the third session of the present Council of the Republic of Poland open I pray that God may bless your labours.

Mr. Speaker, may I observe that the Polish Government in exile is far more representative of the true aspirations and thinking of the people of Poland than the officials that are maintained in office in Moscow by Russian bayonets.

GUARANTEED WAGE AND HUMAN DIGNITY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. ASHBROOK. Mr. Speaker, by whatever title one wishes to label it, the guaranteed annual wage proposal should be the subject of much discussion in the months ahead. Pushed for a number of years by the welfare staters, this issue, if finally put to the people for approval through their representatives in Congress, should be an indicator as to what extent the American people have retained their historic sense of individual responsibility. Granted, it is hard to answer the humanitarian argument of alleviating the poverty of the disadvantaged with the cold rebuttal of personal responsibility and workability of the program, but the so-called poverty program of recent years and its tragic abuses should have provided an object lesson.

Lawrence Welk, the nationally known orchestra leader, commented recently on this all-important issue. In the August 5 issue of Christian Economics, he looks ahead to the effect that such a program would have on the children of recipients of a guaranteed wage:

> I am also concerned about the effect such a guaranteed wage plan would have on our children. A child raised in an atmosphere of defeat and apathy, and taught to expect that his every need will be taken care of whether he works or not, stands little chance of developing a strong character. His own natural eagerness to learn and to grow and to excel is cut off at the very beginning of his life, and he may never know the thrill of achievement on his own.

Mr. Welk's views are not those of a politician or a statesman, as he points out, but as one who has known extreme poverty and who has climbed to success by hard work and his own initiative. He bases his argument not only on his own experience but on the success stories of members of his orchestra whose names are household words to Lawrence Welk fans.

The virtues and qualities of those who made this Nation unique cannot be stressed too often, and for this reason I include the views of Mr. Lawrence Welk on religious faith, human dignity, and wholesome industry in the RECORD at this point:

[From the Christian Economics, Aug. 5, 1969]

GUARANTEED WAGE AND HUMAN DIGNITY

(By Lawrence Welk)

(The author is well known throughout America for his Saturday night television program, The Lawrence Welk Show.)

Numerous spokesmen today are advancing the theory that a guaranteed annual wage plan for every person in the United States would solve our hard-core unemployment problem and dramatically alleviate the suffering of our poor. I share very deeply the common concern we all feel for these terrible conditions . . . but I believe there is a better solution than a guaranteed annual wage.

I speak not as a politician or a statesman . . . but simply as a father, a business man, an orchestra leader and a concerned citizen of this country which I love so very much. I have known extreme poverty in my lifetime, and I have been blessed with a measure of success, and I have had an unique opportunity during these past forty-five years in show business to observe human nature at work. I base most of my objections to the wage plan on the lessons I have been able to learn through practical experience and observation.

A guaranteed annual income would pay each person in the United States a fixed sum of money every year. Four thousand dollars has been suggested as the minimum amount for a family of four. If the head of the household earns part of that sum, the government will make up the difference. If, however, he earns nothing at all . . . the government will pay him the full amount.

To my way of thinking this is a negative approach which does not solve the basic problem. Instead of inspiring and helping a man fulfill his potential by working to support himself and his family, it actually encourages him to sit back and do nothing, secure in the knowledge that the government will take care of him. This destroys his initiative and his will to succeed. It robs him of his natural human dignity, and even the right to direct his own life.

I am also concerned about the effect of such a guaranteed wage plan would have on our children. A child raised in an atmosphere of defeat and apathy, and taught to expect that his every need will be taken care of whether he works or not, stands little chance of developing a strong character. His own natural eagerness to learn and to grow and to excel is cut off at the very beginning of his life, and he may never know the thrill of achievement on his own. A child who is encouraged early to earn extra pennies by shining shoes or selling newspapers or doing household tasks, stands a much better chance of reaching them than a child who is taught to do nothing.

The most destructive aspect of the guaranteed wage plan, it seems to me, is the fact that it endangers our free-enterprise system . . . and I believe with all my heart that this is the best system the world has ever known.

We have achieved a higher standard of living, given more, helped more, and been more alert to the needs of our citizens than any people, under any other form of government in the history of the world . . . and I, for one, do not want to lose it. I believe one of the reasons our country has been able to accomplish so much is that our founding fathers and early immigrants had the freedom to dream great dreams and work hard to achieve them. We must not lose this right.

My own parents came halfway around the world in search of the freedom this country offered . . . and they found it. They started with nothing but boundless hope and optimism, and through sheer hard work managed to acquire their own farm. Thousands of others did the same thing. Their achievement was limited only by their energy and initiative. Nobody tried to stop them, or tell them what to believe or how much they could earn or whether they could pray to their God or not. The Constitution of this country guaranteed them their basic freedoms. They taught their children what a priceless gift that was and what a great nation this is. To lose our liberties now would be tragic and senseless, but I'm afraid we stand a very real danger of doing just that if we continue to trade off our personal freedoms for more and more government paternalism. The bigger the government . . . the smaller the people.

I grew up on a small farm in Strasburg, North Dakota, along with seven brothers and sisters, and my parents taught all of us children the value and joy of work. They will never know how grateful I have been all my life for their example and their teachings! Our parents taught us that nothing good is ever achieved without work, and that there is a kind of joy in work itself which contributes to one's peace of mind and inner tranquility.

And the work should be quality work! A few years ago American children were taught routinely that a job worth doing was worth doing well, but somewhere along the line that idea seems to have vanished. Today . . . in talking with various businessmen . . . I have learned that it is becoming more and more difficult to find competent workmen . . . men who take real pride in performing their craft. In my own profession, I have found it next to impossible to find a well-trained young musician. I have been looking for almost two years for an experienced young violinist, and have not been able to find one who combines talent with the training and self-discipline necessary to do the job. True competence in any field takes time, perseverance, infinite patience . . . and hard work.

Rather than give a man money, simply because he exists . . . let us educate him to the glory that can be found in work . . . and then bend every effort towards helping him find and hold a job. I do not think it is ever too late to help a man accomplish this, no matter what his condition in life. We can start right now by educating our people to the fact that this is still the land of opportunity, and that any job . . . no matter how lowly . . . can lead to a successful and happy life if it is performed with spirit and enthusiasm. Our primary goal should be to build the character of the man who is doing the job, for in this way we will build the character of the nation as well.

One of the deepest joys of my own life has been to recognize the potential in other people and help them try to achieve it. It is a wonderful experience to watch any man or woman develop his talents to the fullest and I have noticed that the happiest people in our orchestra are always those who work the hardest.

Many examples come to mind . . . Years ago I suspected that Larry Hooper, our pianist, could also be a singer, because of the exceptionally deep resonance of his speaking voice. When I encouraged him to try, he found to his surprise that he really could sing, and he not only developed into a popular singer, but his whole personality improved! Jack Imel, who was a drummer and dancer on our show, came to me with ideas for production sketches, and the more he worked, the better his ideas became, until today he is the assistant to our brilliant producer, Jim Hobson.

Myron Floren overcame the twin handicaps of poverty and serious illness. Myron was stricken with rheumatic fever as a youngster, but he turned all of his energy and willpower into making a full recovery, and was able to regain his health completely. His fortitude, dependability and complete devotion to whatever task he undertakes have become almost legendary in our band. He has developed the inner strength and self-confidence necessary to handle whatever new responsibilities come his way. He has today reached goals no one would have thought possible for him when he was a young boy growing up in poverty on an obscure farm.

You cannot build character and courage in an able-bodied man by taking away his initiative and spirit of independence. You cannot buy happiness for a man. He must earn that for himself. That is one of my basic objections to the Guaranteed Annual Wage Plan. It does not really help a man to grow.

We have made tremendous progress in the fields of science and technology. We have learned how to send a man to the moon and probe the underside of the sea. We have learned how to split the atom and harness the energy of the sun. We have built giant computers that do incredibly complex jobs for us. But we have neglected our most important obligation. We have neglected our primary duty to build men.

I think we began to get into serious trouble when we took God out of our schools and out of our hearts. We need to re-introduce basic moral values into our lives. We need to affirm again those American verities of hope and courage and faith . . . the principles of fair play and integrity, and an honest day's work for a day's pay.

Somehow I feel that the real answer to our difficult problems can best be found in the teachings of Christ. He spoke of the dignity of the individual human being. He demonstrated through the love and compassion of His own life just how valuable each human soul is.

A human being is far too valuable to be paid off in money. A human being grows and prospers through the dignity of work.

A MILESTONE IN NUCLEAR POWER AT HANFORD, WASH.

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mrs. MAY. Mr. Speaker, an event of some significance has occurred at Hanford, Wash., and I believe the Members of this body will be interested.

A real milestone in the history of nuclear power was reached at Hanford, Wash., at 1 minute past 9 o'clock yesterday morning. That is when the world's largest power-producing nuclear reactor reached the 10 billion kilowatt-hour in total electric generation.

This reactor, which was authorized to go into power production by the Congress 7 years ago, has become the first reactor in the world to reach the 10 billion mark. The next closest contender in the United States is a reactor at Roe, Mass., which may make the same mark late this month or early next month.

Ten billion kilowatts is a tremendous amount of power, Mr. Speaker, and I understand that this reactor may hit its second 10 billion kilowatts in a much shorter period of time. Owen Hurd, managing director of the Washington public power supply system, which operates the steam generating plant, tells me that the second 10 billion mark will possibly be observed in about 2 years.

The Hanford steam plant was authorized by Congress in September 1962, financing arrangements were completed in 1963, and the power from the plant was synchronized with the Bonneville system in 1966.

My congratulations to Mr. Hurd and WPPSS.

COHOES MODEL CITY STRATEGY

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. BUTTON. Mr. Speaker, I have strongly expressed my support in the past for the model cities approach to solving the problems of our cities, and would like to underscore that commitment once again. Model cities encourages and requires a strong local alliance between citizen, city government, and business to get the job done. I feel the city of Cohoes, in my district, exemplifies these key ingredients in its strategy for implementing the model cities program.

I recently received from Mrs. Virginia B. McDonald, vice chairman of the Model Cities Social Services Planning Committee, a letter informing me of the progress of the Cohoes model cities program. Cohoes is one of 150 cities that has completed its model cities plan. Mrs. McDonald, widow of the late mayor of Cohoes, Mayor James E. McDonald, under whose guidance the model cities program got its start, also enclosed a copy of the program strategy statement which I feel gives an excellent example of how one model city is doing.

Because this program strategy statement makes such good sense, and because it raises questions critical to the direction our country is taking in facing up to the problems of our older, core cities, I am inserting Mrs. McDonald's letter and the accompanying statement in the RECORD at this point and commend it to the close attention of all Members of this House:

OCTOBER 10, 1969.

Hon. DANIEL E. BUTTON,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN BUTTON: In keeping with your request to keep you informed of the progress and activities of the Cohoes Model Cities Program, the Director, Paul Van Buskirk, has asked me as Vice-Chairman of the Social Services Planning Committee, to forward to you a copy of the Program Strategy Statement.

This statement will give a brief, but concise, insight to the approach which the City of Cohoes wishes to use in implementing the program. We would appreciate your review and comments, and opinion as to whether the statement is in general agreement with the policies of Congress and the U.S. Department of Housing and Urban Development.

Yours truly,
VIRGINIA B. MCDONALD,
Vice Chairman, Social Service Planning Committee.

STRATEGY STATEMENT

The CDA Planning Committees' Planning Board and Governing Body, as a result of the Workshops, Pilot and Comprehensive Survey and background studies, selected five program components in which the long range goals are addressed to the following five categories listed in order of strategy sequence:

1. Human Resources
2. Relocation
3. Housing
4. Economic Development
5. Physical Environment

The program components were selected for a number of reasons: they provide convenient "packages" for specific identified problems (see Part I); they form reasonable bases for the development of overall strategies and approaches to problem-solving; and they are easily translated into statements of long-range goals as formulated by the CDA committees and boards.

Because of strong interrelationships and interdependencies among selected program components, the CDA planning committees and boards found it very difficult to arrange goals strictly according to problem severity. (Each of the broad program components contains specific high-priority problem areas.) Hence, strategy programming or sequencing of activities, as reflected in the order of the above listing became a very significant and sensitive undertaking.

The reason for the selection of the order of long-range goals was:

Since the development of MNA human resources is considered without question to be the most important objective of the entire program, it would be necessary to provide MNA residents with improved social and health services, educational opportunities, counseling, etc. These resources will provide the MNA residents with necessary services and assistance which is needed to improve their quality of living. This program will enable MNA residents to call upon the many resources which are needed to support and maintain the physical improvements they desire in their neighborhoods; such as housing, open spaces and employment opportunities. A secondary benefit of the Human Resources Component is that MNA residents could rely on their resources for assistance to protect their investments, and community investments, of money for physical improvements and prevent the recurring deterioration, which would require further investments for corrections in the future.

Another reason for giving primary attention to development of human resources is to allow an alternative approach to solving MNA problems, should financing or other problems preclude other needed programs. In other words, since human resources can be improved independently of other planned improvements, residents would be given the necessary social tools to instill initiative, and create the ability, desire, and awareness of a decent quality of living. An objective of the program is to develop human resources for a resident who may have to rely on his resources to improve his neighborhood regardless of the success or failure of other planned programs.

The reason for selecting relocation as the second item in the sequence of Model Cities activities is the demonstrated necessity to have a well-established relocation program functioning before critically needed physical programs (which require displacement) are undertaken. The relocation program would be carefully coordinated with the social services cited above and would provide sensitive and efficient relocation services for MNA families, individuals, and businesses. To build new houses and rehabilitate existing housing units without properly planned and coordinated relocation services could result in a completely ineffective overall program. The object of the Cohoes Model Cities Plan is to look upon relocation not as a necessary evil but as an opportunity to serve MNA residents, provide social services, and upgrade the quality of living.

Housing was chosen as the third item in the strategy sequence. Once the human resources and relocation programs are formulated and delivering services, relocation could commence with the assurance that new or rehabilitated housing is decent, safe, and sanitary and that it meets residents' needs and preferences. Furthermore, as a result of the human resources development program, residents would have available financial assistance and services needed to acquire, or rent and maintain, decent and safe housing. The housing program is viewed as a logical extension of both the human resources and relocation activities.

Economic Development is placed fourth in the sequential order of activities. In order to obtain adequate housing, provide physical improvements and enjoy the benefits of improved health, education, etc., there must be sufficient economic activity to increase individual income levels and to broaden and reinforce the city's tax base. This program would help provide future revenues as well as the industrial and commercial facilities and services necessary to sustain residents.

It seemed logical to the CDA planning committees that the physical environment can be maintained and upgraded only after proper social services are provided, relocation services are firmly established, housing is available, and activity in the economic sector has been stimulated. Specific physical improvements which would support each of the other strategic activities would include additional and improved parks and open spaces, better streets (including sidewalks, street trees, lighting, etc.), a reduced level of structural and environmental blight, and major improvements in sewage and waste collection, treatment, and disposal.

STRATEGY AMONG GOALS

Housing, especially for low and moderate income families, was ranked by the CDA Workshops as the Model Areas most serious problem and the CDA attaches greatest importance to this goal.

The objective of the Housing Goal is to provide 1,000 new housing units, to rehabilitate 500 substandard houses, to remove 600 dilapidated units, and to increase homeownership in the MNA by 428 families. In order to achieve this goal, it will be necessary to accomplish the objectives of the following goals:

Human Resources Goal: To have in effect the necessary home management and home maintenance programs and other social programs related to housing.

Relocation Goal: To have the Central Relocation Agency established and a Relocation Plan formulated.

Economic Development Goal: To have programs formulated to raise income levels above the Cohoes CPIC.

Physical Environment Goal: To begin to establish and administer an effective system of regulatory controls and to demolish "dilapidated" housing units (vacant ones first).

One of the greatest concerns of the MNA residents is in the area of economic development. This was brought out in the CDA Workshops, Comprehensive Survey and Pilot Survey. The Economic Development Goal would be of greatest concern, next to the Housing Goal.

The objectives of the Economic Development Goal are to implement a comprehensive employment program, to bring all MNA households above the CPIC income level, to rehabilitate non-residential structures, redevelop and develop land for industrial expansion and to have in effect, a long range industrial and commercial development program. In order to reach this goal, it would be necessary to develop the following:

Human Resources Goal: To have effective education programs; such as vocational and skill training, adult basic education and adult education.

Relocation Goal: To have, in operation, a Central Relocation agency and relocation plan for industries and businesses.

Physical Environment Goal: To redevelop 26 acres of industrial land.

STRATEGY AMONG PROGRAM APPROACHES AND CHANGES WITHIN A GOAL

Human Resources: The strategy among program approaches within the Human Resources Goal will be described according to the sub-components for the sake of clarity. With reference to related program approaches among the sub-components, the program approaches of the Human Resource Component are geared to the family as a unit. Programs, projects and activities have their objectives formulated to the family.

Social Services: The activity for this program approach would provide for the development of social services under a "single roof" concept (Human Resources Center) for delivery to identifiable families. The initial action would be to commence a Comprehensive Social Services Study to identify MNA families, their characteristics and need and to evaluate existing social services, gaps and program development. While the study is being undertaken, the recruiting of the initial core-staff of the Human Resources shall be underway. This core-staff's purpose will be to develop the administrative structure and work program, as well as program activities for operation in the second year, when the Human Resource facility will be leased or purchased and then occupied. The core-staff shall develop a recording system (IBM data processing) of services needed and rendered identified families. Programs that are directly geared to family management, such as home management, will commence early in the program.

Health: The lack, or disorganization of, health data shall be corrected by developing a collecting and reporting system on health statistics. The delivery of existing health services to MNA residents shall be accomplished in the first year by training project aides. The approach for needed health facilities will be accelerated by the fact that the local hospital has developed plans for expansion and need financial assistance for carrying this out. Construction of these facilities can convene in the first year with financial assistance from the CDA, and be completed by year two. Necessary changes, site selection, etc., will be completed in the first year for construction of a nursing home to begin in the second year and be completed by the third year. Recruitment for needed professional medical personnel will be formulated and concluded the first year for results in year two.

Education: The program approaches under this sub-component revolve around three basic areas; pre-K, adult education and reinforcing the academic program by beefing up the guidance counseling, curriculum and remedial reading. The first year would consist of developing and conducting a headstart program. In conjunction with the employment program, a day-care center will be developed. An effective adult and basic education program, leading to a high school equivalency, will be established and closely coordinated with the comprehensive employment program. Curriculum gaps, such as remedial reading for elementary students, will be filled in the first year. Special activities, such as the development of new curriculum and a comprehensive guidance counseling program for secondary school students, will be initiated during the first year and be fully established by the second and third years.

This will complete the thread of educational program beginning with pre-K thru to adult basic education.

A study will be completed in the first year for needed educational facilities in the MNA and a program to maximize the availability and uses of existing school facilities for education, recreation and cultural purposes.

Recreation and Culture: To expand MNA acreage to meet national standards would be the first objective. This would be done by developing, approving and implementing new park and recreational areas to meet the needs of all MNA age groups especially focusing on specialized "social nodules" or areas of activity. On-going planning and action would take place over the five year period for the gradual requisition of land and establishment of more specialized recreational and cultural areas culminating in the Old Erie Canal Trail Parkway following the historic canal route. However, recreational activities for all age groups must be developed and conducted as physical facilities are completed.

The development and implementation of new programs and facilities would be carried out the first year with the immediate erection of the Cohoes Community Center providing social, cultural and recreational services and programs to MNA families. In addition, innovative plans have been submitted for a joint historic preservation, educational, recreational and cultural venture which would restore the Old Opera House and connect it into two greatly needed facilities; namely, a theatre and a library.

Crime and Delinquency: To combat adult crime, a comprehensive survey will be made the first year for the purpose of improving systems for maximizing the security of residents regarding their persons and property and developing new programs to meet these ends during the second and succeeding program years. Juvenile delinquency will immediately be attacked by supporting community youth programs and facilities while developing improved and innovative systems and programs. The Juvenile Aid Bureau will be established and the Youth Bureau expanded through supplemental funds during the first year. A police and community relations will be developed in the first year, including the conducting of police training programs.

Relocation: First program approach would be to initiate a Comprehensive Housing and Relocation Study to determine specific relocation needs by characteristics of households. This approach would also include the monitoring of the Economic Base Study to determine specific relocation needs of industry and business.

While this study is under way, the city should then create, through new legislation, a Central Relocation Agency; recruitment of a staff to administer an effective city-wide program and provide supplemental funds to organize the agency.

Relocation standards and policies should be adopted by the City government and the administrative machinery would go into full operation.

Housing: First program to be initiated would be the Comprehensive Housing and Relocation Study, cited in the Relocation Goal. Next, the development of open sites by installing needed utilities and the establishment of a Housing Development Corporation. This would be followed by development of programs for construction of new housing on open developed sites or redevelopment sites.

Vacant dilapidated units would be demolished early in the program.

Rehabilitation of sub-standard housing could take place that would not cause major dislocation. Upon completion of new housing units, families and individuals from dilapidated housing, major rehabilitation projects and those dislocated from major improvement projects could be relocated. Simultaneously the program for assistance toward homeownership could be in effect.

Economic Development: The immediate need under this component is to provide redevelopment land (land that is currently occupied by vacant, obsolete, and deteriorated structures) for existing industries whose facilities have become obsolete for the construction of new facilities. Therefore, the program approach to develop blighted land and install facilities would be of first priority.

While this action is being initiated under an NDP program, a Comprehensive Economic Base Study would begin which would include an employment study, an update of the 1965 economic base study, and long range industrial and commercial development plans.

A Comprehensive Employment Program would be organized and implemented. This would be followed shortly by the program to identify characteristics of MNA households below the CPIC, and the development programs, according to household needs, to boost incomes above the CPIC.

The demolition of dilapidated non-residential buildings would begin under the NDP program along with demolition under the Physical Environment Component.

Restoring of industrial and commercial buildings would begin with the reorganization of the Cohoes Industrial Development and Redevelopment Corporation as a Community Development Corporation.

A long range CBD plan and industrial development plan would begin to be implemented through a Community Development Corporation.

Physical Environment: The program approach to which the greatest attention should first be given is the adoption and enforcement of the necessary regulatory controls. This approach also serves as an alternate approach, in the event that sufficient financial resources are unavailable, or other problems arise, which might prevent the implementation of other program approaches under this component. The strategy behind this is that if an effective system of regulatory controls is established, individual, corporate or other organized initiative could be marshalled to correct deficiencies in the physical environment.

The execution of various planning studies under the above approach would begin early in the program. These studies are described throughout the plan and include historic preservation, thoroughfare plan, Erie Canal trail development, housing, and relocation, commercial and industrial development, etc.

During the first year of the program, engineering studies, drawings, specifications, etc., would be completed for the development of 60 acres of recreation and open public spaces.

The construction of sewer intercepts would begin in the first year to eliminate the open polluted canals, and would continue through and be completed by the end of the five year period, including sewer treatment facilities.

The selection of alternate sites for solid waste disposal would be completed by the end of the first year with sites available by the second year for the removal and disposal of various solid wastes.

Comprehensive studies: Several comprehensive studies will be conducted during the first year action program.

The following studies will be conducted under the "701" Program:

Housing and Relocation.
Open Spaces.
Historic Preservation.
Economic Base Study.
Thoroughfare Plan.

These studies are necessary for the following reasons:

1. To obtain detail and sufficient data, presently not available, for program planning and implementation.

2. To obtain data in order to establish proper measures for program evaluation.

3. To determine projects and activities, their priorities, feasibility, cost estimates, cost benefits, analyses required to properly achieve the long-range goals and five-year objectives of this plan submission.

However, projects and activities will be undertaken during the first year which are related to the comprehensive studies.

These projects have been selected because sufficient information is presently available to require completion of these programs, financial resources are available and the need is apparent.

Examples of such programs are the Neighborhood Development Program as part of the Economic Development Component, Restoration of the early American Theater, as part of Culture and Recreation of the Human Resources Component. As these studies are being conducted, other projects and activities will be formulated.

Other studies coinciding with the strategy herein described will be:

Social Services and Activities.
Health.
Police Services.

These studies will result in a sound program development for the entire community.

In conclusion, the overall strategy and goal of the Cohoes Model Cities Program, as visualized by the CDA, is the elimination of social and economic problems so common to our many cities, the elimination of physical blight and the sound development of the entire city. When we realize that the City of Cohoes is a small city of 20,000 people, and its problems can be defined and are controllable, this goal is not impractical or unrealistic. The attainment of this goal depends on the commitment of the community. The CDA believes that the people of the City of Cohoes will fully dedicate themselves to this goal and show the nation that the problems of the cities can be solved through total community effort.

CHIEF OTHA THOMAS CUSTALOW

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. SCOTT. Mr. Speaker, it is not too well known outside of the nearby Eighth Congressional District of Virginia, but in this historic area are contained the reservations of two Indian tribes: the Mattaponi and the Pamunkey.

Today on the Mattaponi Indian Reservation, near West Point, Va., burial services were held for Chief Otha Thomas Custalow of the Mattaponi Tribe.

Chief Custalow was an ordained Baptist minister. On Sundays he preached the Gospel of Christ to his small gathering of faithful servants. During the week he taught Indian history to schoolchildren and adults. He frequently visited other nearby schools to tell young people about his tribe and their ancestry.

Chief Custalow was a descendant of Powhatan and Pocahontas. Among the most treasured possessions in his small museum was a necklace worn by Pocahontas. He frequently spoke of his desire to visit the grave of Pocahontas near London, England; and at the time of his death, an effort was being made to grant the chief his lifetime wish.

Chief Custalow was a persuasive, articulate, and colorful spokesman for the American Indian. He used such phrases as "big birds flying across the blue waters"—transatlantic flights—the "happy hunting grounds," and the "great beyond."

Mr. Speaker, I include in the RECORD a eulogy written by one of Chief Custalow's many friends:

CHIEF OTHA THOMAS CUSTALOW, 1898–1969

(By Capt. Frank A. Manson, U.S. Navy, retired, director, National Security and Foreign Affairs, VFW)

Chief Otha Thomas Custalow was a man of God. He was a man of Peace. He believed in the Resurrection and the Life Everlasting. He loved his people, their traditions and he loved the American flag. He loved his family and he loved the soil and the dust to which his body has returned. He loved the meadows, the streams, the trees and the source of all life, the Great Spirit.

May the life of Chief Custalow be an inspiration for all Americans to remain steadfast in their courage and faithful in their ideals; to persevere in their adversity; to rejoice in their bounty—and to love their God, the source of all blessings.

May the people of America build a monument on this Mattaponi Reservation which will honor Chief Custalow's memory. May that monument be higher than the tallest tree to reflect his stature among men. May his face and his arms be lifted toward the Heavens where his spirit and love reside. And may his face wear the smile of serenity and purpose for he was a Great Chief with a great vision.

LETTER FROM A YOUNG CONSTITUENT

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. STOKES. Mr. Speaker, the startling perception and eloquence of young children can often be of great value to their elders, if the latter group will only take the time to pay sufficient attention.

Last week the House narrowly rejected an amendment which would have raised the appropriation for water pollution control from $600 million to $1 billion. Subsequently, I received a letter from David Stanley, a third-grader at Fairfax School in Cleveland Heights, Ohio, which states in the clearest possible terms why this action was a mistake.

I include David's letter in the RECORD, and ask that my colleagues take careful note of his words:

FAIRFAX SCHOOL,
CLEVELAND HEIGHTS, OHIO,
October 3, 1969.

DEAR SIR: Our class went on a boat ride down the Cuyahoga River. We saw factories dumping scraps and waste in the river. We saw people throwing bottles and paper in the river. I got sick of the water. I would like to swim in the water. I would like to have a nice boat ride on a nice river.

It is sad to look at filthy water. We are doing experiments about dirty water. Alum helps clean the dirty water. Please help us to stop polluting Lake Erie and the Cuyahoga River.

Sincerely,

DAVID STANLEY,
Grade 3, Fairfax School.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorials for today are from the Louisville Times, Louisville, Ky., and station WAVE, Louisville, in the State of Kentucky. The editorials follow:

AID AND COMFORT FOR TRUCK LOBBY

The Nixon administration has acknowledged it has reservations about the safety of permitting bigger trucks than the goliaths now roaming the highways, as certainly it should have. However, it isn't letting this prevent it from encouraging the idea.

Instead of joining forces with the various highway safety groups opposing the trucking industry's highway-monster bill now before Congress, the administration's highway chief, Francis C Turner, has actually given it qualified support. As he told a House subcommittee the other day, he thinks it would be good for the country. However, if it is to be enacted at this session he wants the effective date postponed three years to give the administration time to work out safety standards. This is like graduating the class dullard and then giving him a test.

Figures his own department has publicized in the past should resolve any doubts Mr. Turner may have about the safety factor. These show that the big trucks now in use figure in 19 per cent of all highway deaths even though they constitute only 7 per cent of the registered motor vehicles. Isn't that horrible enough without worsening the ratio with wider and heavier trucks?

As for the heavy damage that would be done to highways by the proposed super-goliaths—well, this the Nixon spokesman airily dismissed as something that, in his opinion, would be outweighed by the bountiful economic benefits that would come from hauling larger cargoes than present law allows, which is a generous 72,280 pounds per truck.

Economic benefits to whom besides the big truck owners? Maybe funeral directors and operators and auto graveyards would share in the boom, but who else? Certainly not the hard-pressed state governments whose taxpayers must foot the high cost of highway maintenance without help from Washington.

News accounts of Mr. Turner's testimony mention $300 million as the estimated cost of upgrading the interstate system to accommodate the bigger tractor-trailer rigs that are proposed. That is no small sum, to be sure, but critics of the truckers' bill have put the probable cost (including maintenance) at closer to $3 billion.

Whatever the figure, it is more than taxpayers ought to have to bear for the benefit of an industry that many believe is oversubsidized already. But even if one joins the Nixon administration in ignoring this not unimportant factor, there remains the even more important safety element about which it acknowledges misgiving. That it can give the truckers' bill even conditional support in these circumstances is, as one congressional critic has aptly expressed it, truly incredible.

[WAVE editorial, Aug. 21, 1969]

TRUCKS: THEY'RE PLENTY BIG ENOUGH

Trucks play a vital role in transporting the food, produce and materials that keep our complex society moving and growing. For this WAVE salutes the trucking industry. But we cannot endorse the industry's effort to win congressional approval of legislation to permit bigger and heavier trucks on interstate highways.

The American Trucking Association, which sponsors the bill, wants to use trucks 10 feet longer, six inches wider and 35,000 pounds heavier on the interstate roads. The ATA says the bigger trucks could, by hauling more cargo, help keep truck shipping rates from going up. And Paul Young, Executive Secretary of the Kentucky Motor Transport Association, says that without wide use of bigger trucks rates are sure to go up.

While bigger trucks might let the industry operate more economically, there are major flaws in the truckers' arguments. For one thing, public safety would certainly suffer. The Federal Highway Administration says trucks of over 60,000 pounds weight are at least implicated in 19 percent of all highway fatalities. Yet trucks represent only seven percent of the vehicles on the roads.

Another factor is highway maintenance. The Bureau of Public Roads estimates that passage of the truck size increase would add nearly six billion dollars to expected cost for repair and construction on interstate roads in the first ten years. And all the talk about bigger trucks using the interstates ignores the fact that they must also use the smaller and less durable secondary roads to get onto and off of the interstates. That would result in higher state outlays for road maintenance. And the hazards of bigger trucks on secondary roads are even greater than for the interstates.

We hope Congress will reject the industry's bid for bigger and heavier trucks just as it did in 1968.

WOMEN'S WEEK

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. CONTE. Mr. Speaker, the past half-century has witnessed important changes in the status of women in our society. These dramatic changes have been reflected in the labor force. This trend toward increased employment becomes evident if you consider the statistics.

For the most part, the change was gradual. It was World War II, with its sudden demands on manpower resources, which gave women the impetus needed to work outside the home under socially acceptable conditions.

Due to a prospering national economy, and a better climate of acceptance of women as part of the Nation's work force, there has been a 4-million rise in the number of women workers in recent years.

The biggest step in this direction was the passage of the Civil Rights Act of 1964. Title VII of that act prohibits discrimination in employment on grounds of sex. The law provides that no woman can legally be discriminated against because she is a woman.

Women have made considerable headway in the face of seemingly insurmountable barriers. The time may not be far off when the public will ask why a woman is not working rather than why she is.

CO-OP AT DREXEL

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. EILBERG. Mr. Speaker, the Drexel Institute of Technology in my city of Philadelphia, is an institution which has long commanded my admiration and respect.

Drexel has a tradition of innovation and imaginative administration. One of its programs, the work-study cooperative or co-op plan, provides a perfect example.

The program at Drexel is now in its golden anniversary year and it is as relevant today as it was back in 1919.

One of the more compelling features of this program is the opportunity it provides young people, working within the system, to see and judge the system firsthand. Having had this opportunity, very few Drexel men and women drop out, an interesting commentary in itself.

Judgments based on hearsay are inadmissible in our courts because traditionally they have been inaccurate, something our youth, eager to judge us all, should keep in mind.

Drexel's co-op program gives a young man or woman a chance to judge for themselves.

With the unanimous consent of my colleagues, I enter in the RECORD an excellent article about the Drexel program written by John J. Tully of the institute for the summer issue of Pennsylvania Business, the official magazine of the Pennsylvania State Chamber of Commerce:

CO-OP AT DREXEL

(By John J. Tully)

Michael von Moschzisker, whose column, "Light and Lively" runs in the Philadelphia *Bulletin*, recently asked: "How can we ease student unrest? By abolishing the draft? Improving our values? Relaxing campus rules? Clearing channels of communication between administration and students? Naming students to boards of trustees?"

He answered his questions by pointing to Drexel's Co-op system as one way of helping students feel that they are part of things. And co-op is the keystone of Drexel's educational program. Under the fifty-year old plan, for a period of five years, 98 percent of Drexel's day undergraduates spend alternating three or six month periods in Drexel's labs and classrooms and on-the-job in business, industry or government.

By the time he graduates, a Drexel student has had a full, intensive undergraduate program, plus 18 to 24 months of on-the-job education and experience with one or more of over a thousand companies or government agencies, most in Pennsylvania but also spreading from the Arctic Circle to South America.

Many people think of co-op as a work-study program that helps a student earn his tuition, and to some extent it does that. Last year, 3500 Drexel co-ops earned more than $8,000,000, most of which was spent in Pennsylvania for tuition, clothes, rent, cars, and general expenses.

For Drexel, however, this is incidental. The primary reason for the program is to enable the student to apply his academic education to practical problems, to get firsthand experience early in his college program to help him determine whether his choice of a career is a wise one. It provides the cooperating industries with a steady source of intelligent college manpower that is a high value, low cost training program, all the while giving the student an appreciation of the system that makes our economy tick.

Early co-op programs began at the University of Cincinnati, Drexel, Northeastern University, Antioch College, Georgia Tech and a few other institutions. Today there is a boom in cooperative education that is confirmed by every set of statistics. The latest figures from the National Commission on Cooperative Education indicate that there are more than 50,000 students in 133 colleges and universities in the United States in some kind of co-op program. In addition to getting an education, they are earning almost $90,000,000 a year.

Drexel was one of the first to adopt a cooperative education program in 1919. Fifty years later the program is the second largest in the country and one of the most respected. The Cooperative Education Association, made up of the 133 institutions, has its headquarters at Drexel. Stewart B. Collins, head of Drexel's co-op program, is also executive director of the organization.

Although Drexel has been a leader in the Co-op program nationally from its earliest years, it is not content to coast along and is again making an effort to broaden the program at both the undergraduate and graduate levels, in an effort to clarify and deepen the educational goals. In October 1968 there were 1377 engineering students in the Co-op Plan, 540 science students, 1265 students from the College of Business Administration, 194 from Home Economics, 21 from the Humanities and Technology Program and 22 graduate students "Co-oping" in physics and mathematics.

In a talk before the Cooperative Education Conference at Houston, Texas, Drexel's President William W. Hagerty said, "Drexel has had the cooperative program as an important way of life ever since the Co-op Plan was introduced by Drexel President Hollis Godfrey in January 1919.

"The Co-op Plan was given great impetus," Dr. Hagerty continued, "when President Matheson came to Drexel from Georgia Tech in 1921. Since that time Drexel has had four presidents, all of whom have enthusiastically supported cooperative education, through war and depression alike. The Co-op Plan has continually grown and in the process has strengthened our institution."

Dr. Hagerty noted, also, that the five-year cooperative business program student "seems to enjoy an advantage of about $80 a month in starting salary upon graduation, in comparison with the salary of the four-year business student."

It is equally significant, Dr. Hagerty pointed out, that "out of every 10 Drexel graduates, four go to work with the company for which they "co-op'd" and four out of the ten go on to graduate school."

Drexel now has full-time day and evening master's programs in all its colleges, doctoral programs in engineering and science and is developing methods to introduce cooperative education at these advanced levels.

The accelerating interest in co-op programs across the country reflects the urgent need for supplemental education towards earlier independence and acknowledges the maturing impact of practical experience on a student who wants to pay his own way.

Harry L. Buck, B.S. in E.E., Drexel 1934, vice-chairman of ITE Imperial and vice-chairman of Drexel's Board of Trustees, said of the Co-op Plan: "I am 101 percent for cooperative education It produces a healthy attitude towards work. It gives the student an understanding of his own capacities and the opportunities in industry. It gives him a five to eight year head start and a valuable insight into the problems of the working man."

Drexel's students have co-oped from Paoli to Peru, and while the majority work on their co-op assignments in the Delaware Valley, an increasing number are being offered co-op positions far from home.

For example, one electrical engineering junior spent a co-op period with a South American expedition under the Lamont Geological Observatory staff. He studied radiation of meteorites in the deserts and foothills of the Andes.

A young physics student worked in conjunction with the Applied Physics Laboratory of Johns Hopkins University and spent four months in the Artic Ocean on a satellite tracking mission.

A business administration major worked as an accountant and assistant manager of a hotel in Antigua, British West Indies. Another spent six months working in London on the complexities of the Common Market.

A fashion merchandiser in Drexel's College of Home Economics did her co-op assignment with La Rinascente, the leading department store in Milan, Italy.

While the number of co-ops in exotic places continues to grow, the majority continues to work close to home base, with such companies as Du Pont, General Electric, Philco, Ford, Pan American World Airways, for agencies of the federal government and departments of the Commonwealth of Pennsylvania.

W. Richard Webster, a business administration major earned "Campus Man of the Year Honors" from Provident Mutual Life Insurance, making him the outstanding Provident college agent in the country. Stephen Palladinetti, an electrical engineer, was named "Co-op Student of the Year" by the Naval Air Engineering Center which employs co-op students from colleges across the country.

Another Drexel engineer, Martin McKinley, earned a special letter of commendation from Pan American World Airways for his outstanding work with their telemetry engineering group, and Barry Block, a Drexel physics major received a commendation plus a monetary award from General Electric for devising an automated data reduction system.

The Drexel Co-op plan offers many practical advantages and many educational opportunities. Perhaps one of the most important is that the student brings back to the classroom new ideas, newly learned techniques, the maturity gained from working in the "real world," the stability that is too often lacking in a "student ghetto."

Alfred North Whitehead, the British philosopher and mathematician, once said: "For successful education there must always be a certain freshness in the knowledge dealt with. It must either be new in itself or it must be invested with some novelty of application to the new world of new times. Knowledge does not keep any better than fish. You may be dealing with knowledge of the old species, with some old truth, but somehow or other it must come to the student, as it were, just drawn out of the sea and with a freshness of its immediate importance."

After fifty years of Co-op, Drexel is convinced that it has the key to a fresh, successful education.

SALUTE TO NATIONAL BUSINESS WOMEN'S WEEK

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mrs. SULLIVAN. Mr. Speaker, 50 years ago this past July, an organization was formed in the city of St. Louis which has grown to be one of the largest groups of business and professional women in the country. It is the National Federation of Business and Professional Women's Clubs, with a membership of 180,000 in all of the 50 States, the District of Columbia, Puerto Rico, and the Virgin Islands.

During this week of October 19 through the 25th, they are observing National Business Women's Week when the members of the federation salute the achievements of all business and professional women in their communities by means of congresses of career women leaders.

During the entire span of its existence, the national federation has sought to elevate the standards of women in the business and professional fields and many of the women leaders of today were the youthful members of a few years ago who received inspiration and guidance from their association with the organization.

It is a privilege for me to salute the members of the National Federation of Business and Professional Women's Clubs and its 180,000 members as they observe National Business Women's Week.

DATELINE: SAIGON

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. DUNCAN. Mr. Speaker, I would like to place in the RECORD a story filed from Saigon and printed in the October 14 Washington Daily News. This item spotlights the two Vietnam wars—the one being fought in Vietnam and the one being carried out in the United States. Especially important here is the American soldiers' feelings about the war they are fighting in the jungles of Vietnam.

The story follows:

As tomorrow's war "moratorium" will demonstrate, there are two Vietnam wars—the one Americans fight in Vietnam, and the one Americans fight in the U.S. Observers here say the decisive battleground is in the U.S.

They point out that short of a highly successful Communist offensive, which is extremely unlikely, or a dramatic allied strategy change, such as renewed bombing of North Vietnam, the killing war in South Vietnam is apt to rock along in its fight-lull-fight rhythm must as it has been, at least until many more U.S. troops are withdrawn.

. . . As the President warns Americans not to buckle and run, protesters prepare to hit the streets, many of them demanding immediate, unilateral withdrawal of all American troops. That translates here as "bugout."

It is difficult to find an American soldier here who wants to leave Vietnam that way, or as one GI put it, "with our tails dragging." It is difficult to find out—even among those most disgusted with the war—who wishes simply to abandon the South Vietnamese to a Communist bloodbath.

It is difficult to find one who thinks the value of the American word would be worth a dime anywhere in the world if they did, or that a humiliating U.S. defeat by a blustering Communist midget would do anybody but the Communists any good.

These consequences are apparent to most Americans here, and they are not acceptable. It is largely a matter of national backbone. Most express hope that President Nixon sticks to seeking a reasonable solution to the war.

Many here feel that some of the protesters would do well to focus their moral wrath less on President Nixon and more on the Communists.

It is the Communists, they stress, who are killing Americans. It is the Communists who butchered, as a matter of policy, the civilians of Hue and so many other places, and it is the Communists who will murder methodically thousands more Vietnamese if the U.S. totally, immediately and unconditionally abandons them, as many protesters advocate.

Many here, eyewitnesses to the war, have become anti-war in the truest sense, but they have also become resolutely anti-bugout.

WHAT IS PURPOSE OF MORATORIUM?

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. CHAMBERLAIN. Mr. Speaker, the controversy over the true meaning and purpose of the recent moratorium will undoubtedly go on for some time. The Jackson, Mich., Citizen Patriot devoted its editorial page on Wednesday, October 15, to this question in a particularly well stated argument and I commend it to the attention of my colleagues:

WHAT IS PURPOSE OF MORATORIUM?

Today is "Vietnam Moratorium Day" in America, which has been billed as massive protest by Americans against this country's involvement in a land war in Southeast Asia.

If it lives up to advance notices, the day will see literally millions of Americans staying away from school or work in a demonstration for peace. Although peaceful methods are embraced by the sponsors of the protest, radicals who are out to destroy the American way of life may find it difficult to refrain from the practical application of mob psychology they have used on many regrettable occasions in the past. If they can bring about the spilling of blood, they will be happy.

The over-riding question as this country goes through a shattering emotional experience is: What is the purpose of the moratorium?

If it is to put the American people on record as favoring peace in Asia—and everywhere else in the world—well and good.

No one can quarrel with that objective. Every American desperately wants an end to the killing in Vietnam (and Laos, Thailand and the Middle East).

But is that the prime objective? Do the sponsors have other purposes, such as the political destruction of President Richard M. Nixon?

Do the architects of the moratorium want to force this government to cut and run immediately, leaving American forces to go through a Dunkirk-type evacuation and leave the hundreds of thousands of South Vietnamese who truly oppose communism exposed to the type of genocide of which the North Vietnamese Communists, under their late leader, Ho Chi Minh, have proved themselves so capable?

Are they determined to refuse President Nixon his chance to implement what is emerging as a plan for phased withdrawal from the war, or are they determined to force Americans out of Vietnam immediately and thus assure a total victory for communism in Southeast Asia; without giving the South Vietnamese a chance to save themselves?

There are of course no pat answers to the above questions. The prominent participants in, and the sponsors and supporters of, the Vietnam moratorium are a mixed bag. They range from high-ranking politicians who long have taken a dim view of the war and see a chance for a free ride on a popular issue, to hard-core revoluntionaries who want nothing more than a humiliating defeat of America in Vietnam. They would rejoice on the day the red flag replaces the Stars and Stripes over the nation's Capitol.

Sorting the revolutionaries from the truly concerned Americans is not easy, especially since they seem to be making common cause today.

Certainly the Vietnam War is a mess. As the pages of contemporary history unfold America's involvement looms as a tragedy of errors, largely due to dominance of political reaction over reality in the decisions made in the White House.

Lyndon B. Johnson and the Congress which generally has become so critical of the war and Mr. Nixon, shared in the mistakes.

When he became President, Richard M. Nixon was faced with an accomplished fact in the nature of the war and the commitment to end it—somehow.

He has moved cautiously, trying to find the formula for withdrawal without disaster. The solution escaped Mr. Johnson and he ran out of time before he could find it.

President Nixon has made some progress toward ending the war. His phased withdrawal of troops and passing of the burden to the South Vietnamese with the understanding that this is their war to win or lose, represent steps in the right direction. The results of his program have not been totally satisfactory, but at least substantial movement toward ending America's participation in the war has taken place.

The Vietnam moratorium unquestionably is an embarrassment for the man who has to make the decisions; who cannot engage in popular rhetoric without considering the actual consequences on the battlefield and in international diplomacy. The buck, as Harry S. Truman was fond of saying, stops at the President's desk.

In the final analysis, a massive expression of American public opinion on behalf of peace is not inherently bad. This would be especially true if its sponsors also would call on the enemy to move toward peace and would attempt to impeach him in the court of world opinion if he did not.

However, a demonstration aimed solely at forcing the President of the United States to take precipitous action in disengaging from an unpopular war can only do incalculable harm.

That may not be the true purpose of the moratorium, but the evidence is disturbing. We can only hope that the events of this historic day prove that good sense and judgment are behind it and that it does not turn out to be an invitation to disaster.

HUNGER HURTS

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mrs. DWYER. Mr. Speaker, hunger hurts. It hurts the child cramped by an empty stomach, the child without energy or interest enough to run and play. Hunger sets him up as the prime target of disease and illness. Chronic hunger cripples him physically and mentally. And chronic hunger cripples our Nation. It cheats the child out of the responsible, contributing life he could lead. It cheats America out of the contributions he could have made.

President Nixon has asked Congress to help assure that every American family will have a nutritionally complete diet—that the poorest members of our national community be provided with food stamps free of cost. The commitment to end hunger in our Nation is one in which we can all join the President without regard to party. Hunger is beyond politics; it calls for action now, on a nonpartisan level. I urge that the Congress join with the President in moving to end the curse of hunger in our Nation.

NATIONAL BUSINESS WOMEN'S WEEK

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. MIKVA. Mr. Speaker, the week of October 19 through 25 is National Business Women's Week. In connection with this week of national observance, the Business and Professional Women's Clubs has made available to Members of Congress its national legislative platform for 1969–70. The club has 180,000 members in every State of the Union, Puerto Rico, the Virgin Islands, and the District of Columbia.

I support the idea of a fuller and more significant role for America's business and professional women. Recently in Chicago, I released a statement which embodies that thought:

> As the father of three women and the husband of one, I have been made very conscious of the fact that women are the only group in this country which manages to remain a minority while comprising a majority of the population.
>
> I am in favor of constitutional guarantees as well as legislation on all levels to deal with discrimination faced by women as a class in education, employment, childbearing and other areas where arbitrary distinctions are made between the sexes. Our laws as well as many of our underlying attitudes and assumptions must be scrutinized closely with an eye towards erasing the unequal and sometimes even insulting treatment women receive in this society.
>
> Women's rights need to be asserted, protected, and guaranteed.

Mr. Speaker, the National Federation of Business and Professional Women's Clubs adopted at its July 20–24 convention in St. Louis, Mo., its national legislative platform for 1969–70. I insert that platform at this point in the RECORD for the benefit of my colleagues. It is a formidable program for action.

The document referred to follows:

NATIONAL LEGISLATIVE PLATFORM ADOPTED BY THE NATIONAL CONVENTION JULY 20–24, 1969, ST. LOUIS, MO.

ACTION ITEMS

Item 1. Constitutional Amendment. Support legislation to amend the Constitution of the United States to provide that equality of rights under the law shall not be denied or abridged on account of sex.

Item 2. Actively work for pending legislation providing for: (a) a broadened head-of-household benefit under the Internal Revenue Code; (b) increased personal exemption and credit for dependents under the Internal Revenue Code; and (c) a more equitable distribution of the tax burden.

Item 3. Propose and support legislation to provide: (a) uniform laws and regulations for men and women as to working hours, working conditions, rates of pay, equal employment opportunity, including retirement for age; (b) equal treatment for working men and women in the area of survivor and retirement benefits; and (c) increased child care deduction under the Internal Revenue Code.

Item 4. Propose and support state legislation to provide for uniform jury service and uniform qualifications in the selection of men and women to serve on grand or petit juries in any court.

Item 5. Propose and support legislation to bring about more effective crime control and law enforcement.

POLICY ITEM

Support measures within the framework of the Constitution of the United States that promote peace and strengthen national security and make more effective the United Nations and such other international organizations of which the United States is a participant, without relinquishment of our basic freedoms.

Special note is called to the United Nations Convention pending before the United States Senate on the political rights of women and to the long-standing support for ratification of this convention by the Federation.

PROCEDURE

State federations and clubs are urged to review the National Legislative Platform as published in *National Business Woman*.

Who May Submit Proposed Changes: National Legislation Committee, Executive Committee, National Board of Directors, State Federations. Clubs may also submit suggestions for changes in the National Legislative Platform, but such proposals must be submitted through their state federations for review and possible recommendation.

Procedure For Submitting Proposed Changes:

State federations shall submit proposed changes to the National Executive Offices within ten days after adjournment of their state conventions. Such proposals shall be signed by the state president and forwarded by certified mail with return receipt requested.

The Executive Committee, National Board of Directors and the National Legislation Committee shall submit proposed changes, properly signed, to the National Executive Offices at least 30 days prior to the date the National Legislation Committee convenes, except in cases of emergency. If such proposals are mailed, they shall be forwarded by certified mail with return receipt requested.

THE LATE HONORABLE ANTONI NICHOLAS SADDLAK

SPEECH OF

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. ROONEY of New York. Mr. Speaker, I was saddened to learn of the passing of the Honorable Antoni Nicholas Sadlak who for 12 years represented the people of the State of Connecticut here in the House of Representatives. I had the pleasure of knowing Toni quite well during those years and always found him a friendly, diligent, hardworking, and constructive Member. He had many friends here and we shall all miss him. To his dear wife and children and family I express my deepest sympathy in this time of sorrow.

MOBILIZATION FOR REVOLUTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. RARICK. Mr. Speaker, the National Education Program of 900 East Center Avenue, Searcy, Ark., has issued a special letter having to do with highlights, shocking statements, and activities in the revolutionary conference held in Oakland, Calif. on July 18, 19, 20. The National Education people reduced their report from more than 20 hours of taped speeches and instructions on how to gain control of and replace the present police forces in all of the cities of America.

I include the national program letter, "Mobilization for Revolution":

MOBILIZATION FOR REVOLUTION

With the backing of (and undoubtedly under the direction of) the Communist Party USA, a revolutionary army is being formed within the United States to seize control of American institutions, and, finally, the government itself. This is not a bad dream; it is a shocking reality. It is not fiction; it is fact. The National Education Program finally has the evidence in its hands—the actual voices (and in some cases, the motion pictures) of well-known Communist Party leaders and their comrades, the Black Panthers, Students for a Democratic Society and other elements of the revolutionary force being mobilized.

We had a representative in the auditorium at Oakland, California on July 18, 19, 20, when a unification of revolutionary forces was achieved and a step-by-step program was launched toward the achievement of the violent overthrow of the United States government. We obtained from the central microphone, mounted on the Conference dais, a recording of every word spoken. We have more than 20 hours of taped speeches and instructions on how to gain control of and replace the present police forces in all the cities of America; instructions on "killing pigs" (policemen) from a nationally-prominent "revolutionary" lawyer, and pledges of support from Communist forces in nations around the world.

The highlights and the most shocking statements and activities at the Revolutionary Conference called by the Black Panther Party for the formation of "A United Front to Combat Fascism" in the U.S.A. have been condensed into a 60-minute tape (one 7-inch reel at 3¾ speed) and we are offering this tape for sale at production cost ($10) as a public service. Particularly because the American press virtually ignored the conference, which was attended by an estimated 4,000 delegates representing approximately 300 revolutionary movements within the nation, it is vitally important that every American of high school age and up hear this tape. We have reason to believe that its entire contents is not available anywhere else in America.

Government officials in Washington who have heard it have asked for copies of the tape condensation and of the entire 20 hours of recordings. Acts of treason as revealed in the condensed tape may move the Justice Department toward some penalizing and protective actions.

With the public dissemination of this tape, newspaper editorialists and headline writers (and many "reporters") can no longer say: "Oh, this rioting on the campuses is merely 'student unrest,' the revolutionaries are merely 'dissidents' who want only to reform university and college policies; and the continuing ambushing of metropolitan policemen has no national significance." The tape proves such statements to be false. The two inside pages of this Letter contains excerpts. We are planning for an expected distribution of thousands of copies of the tape.

FROM THE NEP TAPE "MOBILIZATION FOR REVOLUTION"

Herbert Aptheker, Communist

Keynoter of the Revolutionary unification conference was Dr. Herbert Aptheker, the theoretician of the Communist Party USA and considered by top Congressional investigators as the "brains" of the revolutionary forces within the United States. His appearance as keynoter dramatized the power wielded over the assembled 300 revolutionary groups by World Communism, and especially over the Black Panthers, who arranged the conference. Here is an excerpt of Aptheker—from the tape:

"I deeply appreciate the honor of speaking here this evening. For me the honor is multiplied since J. Edgar Hoover has denounced this meeting's main initiator, the Black Panther Party, as, quoting: '. . . without question the greatest threat to the internal security of the country.' If J. Edgar Hoover condemns something, it must be good. And if J. Edgar Hoover condemns something in terms of great severity, then it must be very good indeed. To be attacked by the chief cop of America is a magnificent tribute. May the Black Panther Party in the future continue to merit the diatribes issuing from his foul mouth. In a way, in a distorted way, J. Edgar is right: that is, black militant men and women certainly do represent a decisive challenge to the internal security of the United States—if such security is identified with the interests of its present ruling class." (applause)

Archie Brown, Communist

Archie Brown, one of the most notorious Communists in America, a leader of the Communist attack upon the House Un-American Affairs Committee in San Francisco 10 years ago, commanded celebrity attention at the conference. From the tape, Brown says:

"Thank you, Roscoe. I do want to say, number one, that I'm most grateful to the organizers of this conference for being able to be here—because it's about time somebody realized the need for a United Front against reaction and fascism and it's wonderful that the organizers—the Black Panthers—organized this conference. The point I want to make is that when people see their needs and want to fight they are going to fight—injunctions or no injunctions, police or no police, and this working class is going to organize and fight in its majority, and it's going to win. And it's going to lead the way to take over the government and make it a government for the workers and for the people. I think we can help win the working class and their unions to a program to defeat fascism—and for progress and socialism in this country." (When a Communist calls for progress and socialism, he is calling for Communism as it is practiced in the Communist world today.)

SDS: "TAKEOVER!"

Jeff Jones is the newly elected national Inter-organizational Secretary of Students for a Democratic Society (SDS), which Mr. Hoover has branded "Communist-Anarchist," and which too many newspapers mother and protect with such nonsense as "student unrest." He tells explicitly how SDS works for campus violence as a part of World Revolution in the following statement at the conference:

"We feel that what's happening on the campuses is intricately tied with what's happening to the people who are oppressed within the United States and throughout the world by the system of imperialism and its fascists-terroristic oppression. The fight that's being waged on the campuses, when it's waged solely on the campuses, is a fight that can end up only on the campuses. That's not where we're at (SDS) at all. That's not where we as an organization of young revolutionaries are trying to move the student movement. We are trying to link it up to working class movements with support for the right of self-determination of black and brown people in this country and of all people oppressed and colonized by U.S. imperialism throughout the world as the primary key upon which we're trying to build our movement.

"We don't care that he (Senator McClellan) is activating or proposing new laws. Our response to those new laws is going to be to come back this fall on the campuses after a summer building, organizing projects with revolutionary working class youth throughout this country—our program is going to be to come back on the campuses this fall and hit them harder than they've ever been hit before. We say that people who have been oppressed and colonized by imperialists and fascism have the right to get into those institutions and by doing that are going to change the class nature of those institutions until we've destroyed capitalism."

"THE FINAL STRUGGLE"

Now hear this—the SDS spokesman calling for armed attacked upon the United States:

"The struggle that is going to ultimately defeat United States imperialism, the imperialism that is affecting the people of the entire world, is going to be an international struggle, it's going to be an armed struggle, it's going to be a struggle that's going to have to take place in the Third World against U.S. imperialism and in the mother country (the U.S.) against U.S. imperialism. But we must be clear on how the final struggle will be waged. Students must be opening up the campuses to the working class—must be going into the working class communities, becoming part of the proletariat and must be getting ready for armed struggle." (This is a war cry—from a Campus agitator whom much of the American press describes as "a dissident.")

Pick Up The Gun

Don Cox, Field Marshall of the Black Panther Party (whose hundreds of well-armed cadres wear the trappings of Storm Troopers) exposed the true nature of his powerful forces: "All power to the people! All Power to the people! Huey P. Newton (Black Panther official in prison for killing a policeman) says: 'Any unarmed people are slaves or subject to slavery at any given moment—the racist dog police must withdraw from the black community or face the wrath of the armed people.' The Black Panther Party has a motto—it is a quote by Chairman Mao Tse-tung of the Chinese Communist Party: 'We are the advocates of the abolition of war. We do not want war. War can only be abolished through war. In order to get rid of the gun it is necessary to pick up the gun!' Power to the people!" (great applause)

Sovietizing U.S. Army

Trouble has erupted within the U.S. Armed Services wherever American servicemen are stationed—as never before in history. One of the most chilling statements made at the Oakland Revolutionary conference was that of Andy Stapp, national chairman of the American Servicemen's Union. He expects, with revolutionary cadres, to foment disorder and finally overthrow the officer corp in the services, thus taking over the final U.S. defense against revolutionary overthrow. From the tape:

"In the United States itself and around the world the troops of the U.S. Imperialist army are also learning about how to fight against fascism. The ASU is playing a leading role in this fight, this organizing drive. We have chapters on 60 large military installations in the U.S. and 40 overseas. Just as the Bolshevik Party organized through the Soviets in 1917 against the Czar and the repressions in Russia, the American Servicemen's Union is organizing Soviets within the U.S. Imperialist army. Right now the ASU is building an army within an army, a workers militia inside the U.S. Army, and along with the Panthers and others we're going to make that revolution. Power to the People!" (In the tape, he gives details of successful revolts by GIs, agitated by his revolutionary cadres.)

Comrade Women

Carol Henry, one of the leaders in Black Panther women activities:

"The lines of demarcation have been clearly drawn between the pig oppressor and the people. And as Comrade Mao Tse-tung says: 'Fear no sacrifice. Surmount every difficulty—and win, win, win to victory.' I must remind you that there cannot be a successful struggle against fascism unless the broad masses of women are drawn into it."

Marlene Dixon, Doctor of Sociology, UCLA:

"The radical women's liberation movement was created by an international revolutionary movement and is part of it. As a very great woman, assassinated by the German government as a dangerous revolutionary, Rosa Luxemburg, once said: 'The history of revolutionary struggle is the history of failure, but you only need to win once.' And we shall win. All power to the people!"

Ora Williams, Colorado women's leader:

"Chairman Mao says that: 'A revolutionary must have largeness of mind. He should be staunch and active, looking upon the interest of the revolution as his very life, as subordinating his personal interest to those of the revolution, always and everywhere . . .' We have a five weeks old daughter, who has been instilled with revolutionary principles—this was inborn in her from revolutionary parents . . . She was born a revolutionary and will die one. The Red Book (of Mao Tse-tung) is my bible, the gun is my staff. All power to the people!"

Lawyer Says "Shoot"

William Kuntzler, lawyer defender of Black Panther gangsters and other law breakers of the "New Left" incites the Negro community in America to aggressive armed action against the police:

"If you have the power to defend yourself by weapons that are legal, then you have the power to start to rid the ghetto of the overriding fear of invasion that paralyzes so much action. You have the power to put an end to one of the chief drawbacks of all black communities—the control of the black community by white policemen . . . It is almost worse to be ready and able to defend yourselves, and to freeze on the trigger when the time comes, because then you will have told the power structure that they need not fear you."

Hewitt comments: "You know, we always say, it's a very old saying of all people, that 'the best defense is a good offense.' That's why we dropped that 'self defense' (in the Black Panther Party name) a long time ago. And there's no need for it in the name of the Black Panther Party."

International Mobilization

Communist Parties and Communist organizations throughout the world sent "greetings" to the revolutionary conference. Here is the communication from the Tokyo Communist League, Tokyo, Japan, as read by Raymond "Masai" Hewitt, "United Front" conference chairman:

"Communist League sends strong solidarity on behalf of Japanese militants, revolutionary workers and students. Today, modern imperialism is rapidly revealing its fascistic nature all over the world. We must together establish our proletarian dictatorship to combat and destroy fascism-imperialism . . . our struggle should be a violent one to resist and destroy the violence of establishment power. We proletariat of the Brown nations must form a practical link with the struggle for liberation in the Third World and eventually to win in the struggle for world revolution . . ."

Hewitt remarks: "We have reliable information that these revolutionary young brothers and sisters in Japan control almost all the major campuses within Japan. They have invited the Black Panther Party to send representatives. Well, we'll be looking forward to that."

SUMMARY

The National Education Program has never before had in its possession a document as important as "Mobilization for Revolution"—the 60-minute tape of the highlights of the Revolutionary "United Front" conference at Oakland July 18, 19, 20. It is my strong belief that if enough Americans hear this tape (and then see our documentary motion picture which features the conference as well as other revolutionary gatherings and activities—scheduled for release late this fall), there will come about a change in the attitude of our government leadership toward World Communism, subversive forces working within our nation, and particularly toward "campus strife"—which is largely traceable to SDS and other revolutionary forces tied in with the world revolution directed from Moscow and Peking. Every reader of this Special edition of the NEP Letter should obtain a copy of this tape and dedicate himself to reaching every person in his community with it. A nation thoroughly informed on the nature of its Enemy, the plans of the Enemy, and the tactics of the Enemy surely can defend itself from the Enemy. The United States is not yet adequately informed or adequately defending itself as the Enemy's strength grows. We are continuing to lose the great battle for man's freedom—a battle we can and should be winning.—Dr. George S. Benson

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VIETNAM COMMUNISM'S WAR

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. WYMAN. Mr. Speaker, it is important that Americans understand that Vietnam is a part of communism's continuing war against the West. It is not President Nixon's war.

President Nixon did not send the troops that are in Vietnam to Vietnam. His predecessor did that and much of today's criticism that President Nixon is not getting out of Vietnam fast enough is encouraged by politicians who were gung ho for L. B. J. sending a half million Americans over there.

This war is not a war at all in the sense of offensive action on the part of the West or its allies. When Vietnam was partitioned, the United States committed itself to support South Vietnam if it was attacked by North Vietnam. South Vietnam was attacked. It has been the subject of continuing Communist aggression and subversive infiltration from the North and neighboring states. We honored our commitment.

Now President Nixon is acting to transfer the defense of South Vietnam to the South Vietnamese and to withdraw Americans honorably. He is seeking commitments from the enemy, presumably not only to let the Americans withdraw without attack but to protect South Vietnam from attack after we have gone.

Whether such a commitment will be honored more in the breach than in the observance is a good question, but this is communism's war, not Nixon's war as has been well pointed out in a recent statement by Mr. Wilson C. Lucom, president of the U.S. Anti-Communist Congress, and corroborated by the distinguished columnist David Lawrence in today's Washington Star.

Mr. Lucom's statement and Mr. Lawrence's column follow:

STATEMENT OF MR. WILSON C. LUCOM

Vietnam is communism's war not Nixon's war. Hanoi, Moscow and their faithful allies in the United States are now attempting to pin the label "Nixon's war" on the Vietnam conflict.

Whose war is it and who started it? It was started by Ho Chi Minh, a man who dedicated his entire adult life to the cause of totalitarian communism. It has been perpetuated by the Communist States, U.S.S.R. and Red China, who have supplied the Communist aggressors in Vietnam with all the war materiel needed for the subjugation of the people of South Vietnam.

Peace would have come to Vietnam fifteen years ago if the Communists had not been determined to impose their oppressive system of dictatorship on all the Vietnamese people including those who did not want to live under Communist dictatorship.

Anatoly Kuznetsov, recognized by the rulers of the U.S.S.R. as their leading writer until his escape to freedom has said: "I consider that the war continues in Vietnam only because of the Soviet Union." (CBS interview broadcast 9/2/69.)

The widely-read negro columnist, Carl Rowan has written: "Any fair-minded observer must admit that it is Nixon who has made the concession to peace and it is the Communists who are obdurate." (Washington Star, 10/12/69.)

The true label is Vietnam communism's war not Nixon's war.

The Communists expect to win their war by deluding and confusing the American people. They are doing this through those prominent people in our midst who tell us we are doomed to defeat, that our defense of freedom for the people of South Vietnam who do not want to live under Communism is dirty and unjust.

This is no secret. The Communist Central Committee of North Vietnam on September 2, 1969, sent a telegram, published in the Communist Daily World (9/3/69), in which it thanked the organizations and prominent Americans who had made a "positive contribution" to the defeat of the United States which strongly encourages their people in their struggle.

We urge these organizations and prominent Americans to stop making positive contributions to the Communist cause and to stop giving encouragement to the Communists.

True peace can only be achieved by showing the Communist that they cannot win by their propaganda activities in the United States what they have not been able to win on the battlefield. We further urge all thinking Americans not to be misled by Communist propaganda but to tell it like it is, this is communism's war not Nixon's war.

[From the Washington (D.C.) Evening Star, Oct. 21, 1969]

RED ROLE IN VIETNAM NEEDS AIRING

(By David Lawrence)

How many Americans know who are the real enemies of the United States in the Vietnam war? Two governments have helped the North Vietnamese to kill or wound tens of thousands of Americans in the last five years. So, when an enemy boastfully and officially acknowledges the military assistance it is giving the Hanoi government, the item might at least be expected to make news to our front pages.

This correspondent read many newspapers last Sunday morning and nowhere found printed a dispatch distributed by the United Press International wire on Saturday night which read as follows:

"Moscow.—A North Vietnamese delegation led by Premier Pham Van Dong left Moscow Saturday to return to Hanoi.

"Soviet Premier Alexei Kosygin and other officials saw off the North Vietnamese at the railway station. The North Vietnamese will visit Volgograd, the former Stalingrad, en route to Hanoi.

"The delegation arrived last Monday and during its stay signed a new agreement for Soviet military and economic aid to North Vietnam for the coming year."

Reuters News Service sent over its wires in this country yesterday afternoon the following dispatch:

"HONG KONG.—Russia declared its readiness to give all necessary assistance to the Vietnamese Communists until they achieve complete victory in South Vietnam, a joint Soviet North Vietnamese communique released today said.

"The communique issued at the end of a one-week visit to Russia by a North Vietnamese delegation led by Premier Pham Van Dong said . . . Russia fully supported conditions put forward by the Vietnamese communists for a settlement and demanded the U.S. put an end to its aggression and withdraw its troops from South Vietnam 'completely and unconditionally.'"

Developments of this kind have, of course, been reported in the press hitherto when similar action was taken. But somehow the information has never been given attention inside the United States, especially by dissenters who have been engaging in antiwar "demonstrations" and are supposed to be readers of the news in the press.

Yesterday morning, some papers did print on the front page an Associated Press dispatch on the subject which said that, according to U.S. government sources, the level of Soviet arms aid to Hanoi has dropped considerably in recent months but that this does not mean "any abandonment of Moscow's policy of large-scale material support for Hanoi's war effort."

The North Vietnamese, of course, need less and less anti-aircraft equipment now because the United States has halted the bombing of the North. Also, the ground war in the South has been slowed down. The Associated Press said further:

"According to estimates from U.S. sources, total Soviet aid to North Vietnam reached a peak of about $700 million in 1967, of which about $500 million was military and $200 million economic. In 1968, the year in which U.S. bombing of the North was cut back in April and halted entirely in November, Soviet arms aid is estimated to have dropped to around $300 million."

But while military aid is being cut somewhat, economic aid is climbing. Red China is estimated to be continuing its assistance at the rate of approximately $200 million a year, more than half of which is in military items, primarily small arms and ammunition. Communist East Europe has been providing about $145 million of aid annually to North Vietnam.

Why hasn't this information been emphasized throughout the country? Why aren't the American people told how much the Soviets and the Red Chinese have done to bring about casualties in South Vietnam year after year? Do the critics in Congress approve of a continuance of diplomatic relations with any government that is actively helping the enemy?

What has the Senate Foreign Relations Committee done about this problem? Committee members snipe at their own government for trying to protect American troops in Vietnam by employing certain forces in Laos, but criticism of Russian and Red Chinese intrigue in Asia is being omitted. An open debate on Communist participation in the Vietnam war would be more constructive than the so-called "Moratorium" speeches that have been made in recent days inside and outside of Congress.

BLUEJACKETS GUARD OF THE UNITED STATES OF AMERICA—JUVENILE DECENCY IN ACTION

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. MURPHY of New York. Mr. Speaker, since its inception in 1936, the Corps of Naval Cadets of the Bluejackets Guard of the United States of America has provided patriotic, recreational, and educational youth activities for thousands of youngsters through its "juvenile decency in action" program. New York's leading naval youth organization, headquartered at 5206 Seventh Avenue, Brooklyn, N.Y., is to be saluted for its untiring efforts to alleviate juvenile delinquency, curtail teenage drug addiction, and encourage youngsters to complete their education. Last year the week of November 1–7 was proclaimed "Bluejacket Guard Week" in tribute to this remarkable nonprofit, nonsectarian organization serving boys and girls aged 8 to 18, and June 3 of this year was proclaimed "Bluejackets Guard Day" in the Borough of Brooklyn. I hope similar honors will be forthcoming in the days ahead. In further tribute to these young men and women, I include, under the leave to extend my remarks in the RECORD, the following citations from Bluejacket Day:

WELCOME ABOARD

In sharp contrast to the student sit-ins and youthful rebellion in general against all authority, which seems to be sweeping many of our Nation's youths underscored by their total disregard for personal appearance and good grooming; the parents of our cadets will have the personal gratification of observing their children wearing their uniforms with pride and deep respect for their God and Country.

Over the years our dedicated staff of officers have given their time freely and devoted their energies to inculcate our cadets with the knowledge that they will receive greater satisfaction in life through personal initiative than standing by waiting for a helping hand.

With over three decades of service to American youth, we sincerely believe our program of "Juvenile Decency in Action," exemplifies the immortal words of the late President John F. Kennedy, "Ask not what your country can do for you, but what you can do for your country."

Today, we see the members of the U.S. Armed Forces scattered over the face of the globe, in whose ranks are a number of our former bluejackets. Many of them are in Viet Nam, standing watch on the frontiers of democracy. To these gallant protectors of freedom—"Godspeed."

FRANK W. RICE,
Captain, Bluejackets Guard, U.S.A., Commandant.

BLUEJACKETS GUARD DETACHMENT

The Bluejackets Guard of the United States of America, was founded in 1936, chartered in the State of New York, and is a completely independent, non-profit nonsectarian naval cadet youth organization. Through our much publicized program of "Juvenile Decency in Action," we have devoted over a quarter of a century of leadership and service exclusively to the youth of America—exemplifying the finest principles of good citizenship and character building.

Almost daily, headlines about juvenile delinquency point to the need for a fine and active youth organization that can fill the leisure hours of energetic youngsters. The Bluejackets Guard has accepted this challenge by channeling their interests into wholesome activities and community service. Thus reducing the possibility of them falling into delinquent habits.

During the summer months when both the thermometer and youth crime rate soars, the Bluejackets Guard gives youngsters the opportunity to go to our naval youth center, known as Camp Alert Summer Naval Camp and located in Ulster County in the State of New York.

The Bluejackets Guard, U.S.A. has been commended by many prominent citizens, officials of Federal, State and local government, veterans' organizations, principals and teachers of schools, social and welfare workers.

CHIEF OF NAVAL OPERATIONS.

MESSAGE TO BLUEJACKETS GUARD, USA, ON THE OCCASION OF THEIR 33D ANNUAL REVIEW

The response of our young people to the challenges of patriotism and productive citizenship has never been more important to our country's future than it is today. Courage, loyalty and adherence to principle must be the trademarks of those who will inherit the leadership of our nation in years to come. I know that the young men and women of the Bluejackets Guard accept the challenge of service to their country and community with dedication and enthusiasm.

I extend to you on the occasion of your 33rd annual review my best wishes for success in this most worthy and important endeavor.

T. H. MOORER,
Admiral, U.S. Navy.

The COMMANDANT OF THE U.S. COAST GUARD,
Washington.

DEAR CAPTAIN RICE: On behalf of the United States Coast Guard, I extend my warmest greetings on the occasion of the thirty-third Annual Military Review of the Bluejackets Guard of the United States of America.

In these troubled times, your organization is to be commended for instilling the ideals of patriotism, discipline and service in the minds of the young people who will one day be our future leaders. I congratulate the Bluejackets Guard upon its splendid contribution to citizenship training and wish it many additional years of successful endeavor.

Sincerely yours,

W. J. SMITH,
Admiral, U.S. Coast Guard.

HUE MASSACRE FORESHADOWED RESULTS OF "BUG-OUT" BY THE UNITED STATES

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. PUCINSKI. Mr. Speaker, the Washington Post carried an excellent editorial recently by Mr. Joseph Alsop, which I highly recommend to my colleagues and those engaged in the Vietnam moratorium.

Mr. Alsop quite correctly points out the massacre of a couple of million South Vietnamese that would ensue if the United States would 'bug-out" and leave the South Vietnamese to their fate. On many occasions before this House I have pointed out the similarity between the bloody and brutal Hue massacre with the Katyn massacre in showing that the Communist tiger has not changed its stripes.

Of greater significance would be our eclipse as a great Pacific power which began more than a century ago and became firmly established after the Two World Wars. If we were to listen to those quislings and iconoclasts amongst us and accept a defeat in Vietnam—instead of backing our President to seek an honorable conclusion to this war—we would invite "wars of liberation" all over the world which would have cataclysmic effects.

For those who would endanger our institutions and civilization, I would like to quote Lord Macaulay when he commented on American institutions in a letter dated May 23, 1857, to an American friend, Henry S. Randall, who was preparing a biography of Thomas Jefferson:

> Either some Caesar or Napoleon will seize the reins of government with a strong hand; or your republic will be as fearfully plundered and laid waste by barbarians in the Twentieth century as the Roman Empire was in the Fifth—with this difference . . . that your Huns and Vandals will have been engendered within your own country by your own institutions.

Mr. Alsop's timely and excellent article follows:

[From the Washington (D.C.) Post, Oct. 15, 1969]

HUE MASSACRE FORESHADOWED RESULTS OF "BUG-OUT" BY UNITED STATES

(By Joseph Alsop)

Suppose the vociferous supports of the Vietnam moratorium get what they want. Suppose they are finally able to force what the President succinctly calls a "bug-out." Then what?

For the students who advocate a violent revolution in this country, the foregoing question has no importance, of course. They may be, indeed they are, irresponsible, self-intoxicated young fools. But they are at least more forthright than the senators and college professors and other bug-out advocates who pretend to be responsible persons, yet will not face the predictable consequences of the bug-out they are calling for so loudly.

The first consequence, as anyone can foresee, will be the cold-blooded massacre of a couple of million South Vietnamese who have put their faith and trust in the United States. If anyone doubts this, he had better study the hideous massacre of about 3,500 old men, women and children that was perpetrated by the Communists when they occupied the city of Hue for a couple of weeks.

The Hue massacre was largely irrational. The people who were killed were not government officials, or soldiers in the South Vietnamese army, or even, in the main, blood relations of such wicked "imperialist lackeys." These people were instead buried alive, or mowed down with automatic weapons, or chained together and brained with mattocks in reprisal for Hue's infuriating failure to produce the "popular uprising" the Communists leaders expected.

A few were Catholics to be sure, and the Catholics in Hue were reportedly treated with particular brutality. There are above a million Catholics in South Vietnam today; and either they or their parents were brought down from the North by the United States in 1954, because it was correctly considered they need a safe haven in the South.

So what of them? And what of the million South Vietnamese who are now under arms for the Saigon government? And what of the hundreds of thousands of members of the People's Self-Defense Force in the villages who are regularly chosen as targets by the Communist assassination squads?

American intelligence has officially predicted that most of these people will be killed out of hand—the conservative predicted figure is about 1,500,000—after an American bug-out leading to a victory for Hanoi. Is that what Sen. Fulbright and Sen. Goodell really want; and if not, how do they propose to avoid it?

As to the wider political consequences of a bug-out they are clearly and very grimly set forth in the responses to the President from his ambassadors, to whom he long ago posed the question. These consequences, too, hardly bear thinking about.

They range from the rapid collapse of the position as a Pacific great power that the United States fought two previous big wars to establish and defend, all the way to a very serious increase in the risk that the Soviets will back the Arabs, whole-hog, in perpetrating genocide against Israel. Is that what Professor Hans Morgenthau wants? Or does he approve of genocide in South Vietnam, while opposing genocide in Israel?

Yet the worst consequences of a bug-out, as President Nixon has kept emphasizing to many people he has talked to recently, will be right here, at home in America. This is his most special, most personal reason for not wanting to be "the first American President to lose a war."

Any fool ought to be able to foresee that the first American defeat in war, followed by the grisly consequences overseas that have been described above, will be enough to poison our political life for a quarter of a century. The inquest after the alleged "loss of China" was poisonous enough. But it will come to seem temporary child's play if we quite needlessly lose the war in Vietnam. there will be a certain substance, alas, to the angry charge that all America's great efforts and sacrifices of these last years have been rendered fruitless by a "stab in the back."

Again, there has been more than a little colloguing with the enemy. So there will be raw material, alas, for those who will howl about a great conspiracy. Then, too, Hanoi's most obviously untruthful propaganda has been faithfully parroted by many Americans in the academic community, in the media and elsewhere, and this will become another topic for dire clamor.

The truth is that a great many seemingly intelligent Americans are now behaving like mindless lemmings. The danger to themselves is of course their own business. But they might at least consider the danger to all the values they pretend to cherish.

A TRIBUTE TO SENATOR PROXMIRE

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. KASTENMEIER. Mr. Speaker, my home State of Wisconsin is extremely fortunate in being represented in the Senate by two exceptionally talented and vigorous men. Increasingly, their strong positions on the vital issues facing our Nation are being appreciated by people throughout the country and, no less, by their own constituents.

Senator Bill Proxmire has been at the forefront of congressional attempts to curb needless and wasteful military expenditures. His efforts should be applauded by all Americans who realize that our Nation's real security does not lie in the acquisition of ever-increasing numbers and varieties of weapons, but in working for world peace and by building a more just society at home.

The constructive criticism of our bloated military expenditures expressed during the recent debate in this House and in the other body on the military procurement bill was to a great extent nurtured by disclosures uncovered by Senator Proxmire.

What small successes that have been accomplished in exerting greater congressional control over the military can be attributed to the courageous and untiring efforts of a growing number of dedicated Members and Senators who are shedding needed light on what has, until now, been a largely and intentionally obscured area. Bill Proxmire stands tall in their midst.

Mr. Speaker, among the many tributes and expressions of gratitude for Senator Proxmire's efforts that have come to my attention is one which appeared in the editorial page of my own hometown paper in Watertown, Wis. The Watertown Times of October 11 carried an editorial from the Racine Journal-Times entitled "Proxmire Versus Pentagon" which I am pleased to have printed below:

PROXMIRE VERSUS PENTAGON

It may be like a flea attacking an elephant, but William Proxmire is undaunted in his fight against excessive spending of the U.S. military-industrial complex.

The Wisconsin Democrat authored an amendment which cut $117 million in research funds from the $20 billion authorization for an Anti-Ballistic Missile system.

In his continuing efforts to cut down on arms spending and eliminate military waste, Proxmire points out he is not trying to reduce the security of the United States, pull us back into a shell of isolationism or do a disservice to the men and women of the armed forces.

He is convinced that $10 billion can be trimmed from the annual $80 billion defense budget without harming national security and that another $10 billion can be cut after the end of the Vietnam war.

"The Defense Department accounts for almost 80 per cent of the controllable expenditures in the federal budget. Here is where cuts must be made if we ever are to get enough money for our many domestic problems," Proxmire reasons.

Proxmire has been up against fearful odds in his struggle with the military-industrial complex. This enormous bureaucracy includes the armed services, Central Intelligence Agency, National Security Agency, Atomic Energy Commission, areospace and armaments industry, segments of the labor movement and universities with defense research contracts.

Until the fierce debate over the ABM system, the military budget and weapons policies largely were determined by the Pentagon and armed service committees without critical evaluation by Congress or the public. Last year the House Armed Services Committee held months of hearings on the military budget, but of hundreds of witnesses only two were not employes of the Pentagon.

The size and complexity of the military budget make effective review almost impossible once the appropriations measures reach the floor of either house.

In the decade from 1959 to 1968, direct defense outlays of the United States came to more than $551 billion. This is twice the amount spent for new private and public housing and nearly twice as much as federal, state and local governments allotted to education in the same period.

We need more senators and representatives who will question, scrutinize and criticize these huge expenditures for arms.

THE NEW MORALITY—SODOM AND GOMORRAH

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. RARICK. Mr. Speaker, the great deterioration of morality across the Nation is not something which just happened. It is the result of an extensively promoted attack on American values for the purpose of weakening the moral fabric of the Nation.

The rules of decency by which we live did not arise overnight, nor were they devised by some theorist in an ivory tower. Our human experience for centuries, supplemented by our religious teachings, have combined to give us guidelines for living by proven standards of individual conduct.

It is not just a coincidence that serious recommendations are being made by quasi-respectable bodies for permissive abortion, for legitimated homosexuality, for sexual perversion and promiscuity, for legalized marihuana and hallucinogens.

The pushers of so-called new morality find nothing unusual about their bizarre attempts to abolish capital punishment for the foulest murderer while freely encouraging the taking of the life of the unborn. And in both extremes rationalizing their position as being in the interests of an improved society and a progressive morality.

Mr. Frank Capell, editor-publisher of the Herald of Freedom, Box 3, Zarephath, N.J., to whom decent Americans are indebted for the original exposé of the infamous SIECUS, has performed another public service in the publication of his October 17 issue entitled "The New Morality," plus the June 14 issue which follow my remarks, together with several related clippings from this morning's paper:

[From the Herald of Freedom, Oct. 17, 1969]

THE NEW MORALITY

Moral decadence, euphemistically called the "New Morality," has reached the point in the United States where it is legally permissible to depict sex and nudity in a manner that would have brought about immediate prosecution only a few years ago. Even material used in "sex education" would have been subject to prosecution as pornographic only a short time ago. Today movies brought in from Europe, and even those made in Hollywood, contain nude detailed sex scenes, including acts of perversion. Magazines by the hundreds publish nude photographs with unretouched front views and with accompanying copy promoting permissiveness, illicit sex, adultery, homosexuality and various other sex perversions.

It is an established fact that the Communist Conspiracy consistently seeks to weaken the will to resist through the promotion of moral decay. The information in this issue will show the Communist influence in the promotion of what has now become a serious national problem affecting a substantial number of the youth of our country. In the March 1968 FBI Law Enforcement Bulletin, J. Edgar Hoover stated: "The publication and sale of obscene material is big business in America today. . . . It is impossible to estimate the amount of harm to impressionable teenagers and to assess the volume of sex crimes attributable to pornography, but its influence is extensive. Sexual violence is increasing at an alarming pace. Many parents are deeply concerned about conditions which involve young boys and girls in sex parties and illicit relations. . . . Pornography in all its forms is one major cause of sex crimes, sexual aberrations and perversions." (Congressional Record, March 27, 1969, p. 7957.)

Prior to 1958, postal inspectors and other law enforcement agencies were able to make arrests on charges involving the publication or distribution of photographs showing pubic hair or genitals. As a result of a suit originated by the Sunshine Book Company, affiliated with the nudist movement, the U.S. Supreme Court ruled in 1958 that such photographs were permissible. This case resulted in a complete change in standards of what constitutes pornography in so far as nude photographs are concerned. What Barney Rosset and Grove Press did for the printed word, the Sunshine Book Company did for nudity. The barriers on mail pornography have been lifted and the end result has been plays like "Hair," "Che," and "O! Calcutta!" in which sexual intercourse and/or perverted acts are performed on stage by completely nude actors.

Since it was a nudist organization which went into court to break the decency barrier, it is interesting to note that the first nudist camp in America was established through the Communist Party at Camp Midvale, N.J., located just off Snake Dew Rd., Wanaque, N.J. Camp Midvale was operated in the early 1930's by an organization called Nature Friends of America. The Guide to Subversive Organizations of the U.S. Congress cites Nature Friends of America as a subversive and Communist organization since 1935. In the Hearings of the Special Committee on Un-American Activities, House of Representatives, 75th Congress, Volume 1, p. 362, we read:

"Nature Friends" is an international and is a Communist-affiliated movement which has within the past few years swept over our Nation through its appeal to lovers of outdoor life. According to an authoritative source, "Nature Friends" was in 1932 organized in 21 countries, including the United States. It claimed a membership then of 170,000, and maintained over 400 camps. It was founded in Vienna in 1895 as a "hiking club," but, as all left-wing movements, it soon widened its scope of activity to include workers' education, agitation and propaganda, and fund raising along left-wing lines, and to support left-wing political efforts in all countries in which it is organized.

In 1931 Nature Friends maintained branches and camps in New York City, Rochester, Syracuse, Newark, Paterson, Jersey City, Philadelphia, Allentown, Chicago, St. Louis, Milwaukee, Detroit, San Francisco, Oakland, and Los Angeles. Today it has branches in these and many other large cities throughout our Nation. In 1932 the national offices in the East were located at 43 East Eighty-fourth Street New York City; in the West, 143 Albion Street, San Francisco, Calif. The offices in New York City are now located at 11 West Eighteenth Street, while in San Francisco they are located at 121 Albion Street. Headquarters have also been set up in Stamford, Gary, Oakland, Passaic, Midvale, N.J.; Platte Grove, Elka, Park, N.Y.; Boyerton, Pa.; Manilus, N.Y.; Lima, N.Y.; Salt Lake City; Crisman, Ind.; Sierra Madre, Mill Valley, Calif.; and Brooklyn, N.Y.

Nature Friends now refer to themselves as the Workers' International Hiking and Outdoor Organization. All Communist movements claim to be workers' international movements. The New Sport and Play (official organ of the Labor Sports Union of America, section of the Red Sports International, a Communist sports movement) reports that Nature Friends is also affiliated with it. The fact that the Labor Sports Union of America is a full-fledged Communist movement cannot be denied.

Nature Friends, as we have said, maintains many camps in the United States for summer activity—hiking, swimming, tennis, baseball, soccer, fishing, etc. In the winter they also engage in outdoor sports, such as hiking, skiing, skating, and sledding. In addition, they maintain indoor centers where dances are held, plays, concerts, and lectures are given. Nature Friends, like all Communist movements, discourage parents from sending their children to semimilitarist organization camps, and urges them to send the children to Nature Friends for safekeeping under the supervision of trained leaders. The rates at these camps are from $12.50 up a week. Whether or not Nature Friends are in any way connected with the nudist fashion which has been adopted by certain elements is not yet known, but it is common knowledge that nude bathing among mixed sexes is practiced at Communist summer resorts. (Emphasis added-Ed.)

Since the time of this report it has been verified that Nature Friends of America did promote nudity and did operate the first nudist camp in America at Midvale, N.J. Other Nature Friends camps were used for Communist activities as we read in the Hearings of the House Committee on Un-American Activities, 84th Congress, entitled "Communist Political Subversion," in the testimony of Herman Thomas, an undercover agent for the FBI: "I had attended several closed meetings of the Communist Party with Frances (Gabow), but one of the latest occasions I had was after the party went underground in September of 1950 when I met her and another member of the Communist Party at an affair at Nature Friends Camp near Valley, Pa., where I made arrangements with the other person to pick up Communist Party literature in Philadelphia, inasmuch as they weren't using the mails."

In the Hearings of the Special Committee on Un-American Activities, 75th Congress, Volume 1, p. 556, it states: "Nature Friends seem to receive more attention in the official publications for the Communist sport field than any other unit. This organization is also widely organized throughout the country. It not only maintains outdoor activities, but it also operates an 'agit-prop' (agitation and propaganda) section, music groups, film and photo section, chess groups, gymnastic and dance groups, scouts, lecture groups, and summer camps."

Camp Midvale, site of the first nudist camp, continues to attract persons interested in nudity as well as persons interested in Communism, according to an article in the N.Y. Daily News of Thursday, July 14, 1966, by Maggie Bartel:

A summer camp about 40 miles from New York City in a remote area of the Ramapo Mountains has been tabbed by the FBI as a Communist Party training area for W.E.B. DuBois Club recruiters, Rep. Charles S. Joelson (D-N.J.) reported yesterday.

According to the Congressman, FBI Director J. Edgar Hoover told him that Camp Midvale in the West Milford-Ringwood area trained 80 college students last year as recruiters for the club, which the Justice Department has called a Communist-front organization.

Joelson said he was informed that the camp is a permanent establishment maintained by the Communist Party and that top party officials act as the faculty for youths in attendance.

Gus Hall, the Party's top leader in the U.S., is extremely pleased with the accomplishments of Midvale, Hoover also told Joelson.

A News reporter yesterday visited the 76-acre Camp Midvale, off Snakeden Road in Ringwood Borough, N.J., which is described in an entrance sign as a "cooperative interracial camp owned and operated by the Metropolitan Recreation Association." . . . According to Schmidt, the original group was Die Naturfreunde, or Friends of Nature, an outfit founded in 1928.

Three years ago, a group of campers was raided by South Carolina mountaineers who had heard rumors of nudity, free love and integration in their summer camp in the Blue Ridge mountains. A number of the campers then came north to Camp Midvale.

The lawyer who handled the nudist case for the Sunshine Book Company had won dubious fame as the prosecutor in the infamous "sedition" trials of thirty-four American anti-Communists during the administration of Franklin D. Roosevelt. Oetje John Rogge was a left-winger who had been affiliated with the Communist-front Michigan Civil Rights Federation and worked closely with Communists and Communist-fronters. When, in Detroit, a number of citizens were arrested for recruiting Americans to fight in the Abraham Lincoln Brigade on behalf of the Communists in Spain, the organization with which Rogge was connected went to their defense. He put his heart and soul into the "sedition" trials which took place after faulty indictments and two years of jockeying. The original judge, E. C. Eicher, was so biased and prejudiced and dedicated to the conviction of the defendants that it became scandalous. An act of God removed him from the case as he died unexpectedly and he was replaced by a second federal judge who dismissed the indictments and called the entire case a travesty of justice.

Rogge was eventually fired from the U.S. Dept. of Justice by the President of the United States for disclosing confidential information to unauthorized sources. According to the 1969–70 Who's Who in America, Rogge is now a partner in the law firm of Weisman, Celler, Allan, Spett & Sheinberg, 1501 Broadway, New York, N.Y.

An earlier friend of nudism, who died recently, was also an example of the affinity of pro-Communism and nudism. In announcing the death of Dr. Maurice Parmelee in March, 1969, the N.Y. TIMES stated that he had been ousted from his job as a Government economist in 1942 "for his defense of nudity." His book, "Nudism in Modern Life," reportedly advocated "nudism in office and factory" and contained thirty-five photographs which were "all obscene" and the book was described by Rep. Martin Dies, chairman of the Un-American Activities committee, as "an attack upon the moral structure of our society and upon the church and religion." Parmelee spent several years in the Soviet Union and wrote a pro-Communist book entitled "Bolshevism, Fascism and the Liberal Democratic State."

A study of nudist publications today shows that they are leftwing-oriented; many ridicule patriotism and advocate illicit sex, adultery, wife-swapping and homosexuality. The fact that they are able to operate is the result of the U.S. Supreme Court decision of 1958. One of the largest publishers of pornography masquerading as nudism is Elysium, Inc., 5436 Fernwood Ave., Los Angeles, Calif., which is associated with Elysium Institute of the same address. Among these publications is Nudism Today, official journal of the American Sunbathing Association. This organization has its headquarters at 217 West Main St., Mays Landing, N.J., and has chartered groups in thirty-five states with regional offices in Florida, Indiana, Washington and California. Editor and publisher of this journal is Ed Lange who is also editor and publisher of many other nudist-type publications such as Sunrise, Nude Lark, Sundisk, Nude Living, Nudist Idea, etc., as well as ANKH, publication of Elysium Institute.

Elysium Institute describes itself as follows: "a non-profit organization whose purpose is research and dissemination of information in the behavioral sciences relating to nudity and the 'body taboo' neuroses so prevalent in our culture. The Elysium Institute promotes self-acceptance and acceptance of others through a wholesome attitude towards the human body and its functions, both physical and emotional, and including man's sexuality." The "Elysium Credo" states:

"1. There is an essential wholesomeness in the human body and all of its functions.

"2. Exposure to sun, water, air and to nature is helpful and basic factor in building and maintaining healthy attitudes of mind and in the development of a strong body.

"3. Man and his sexuality are part and parcel of our living, and no separation or division is possible without denying what man is and what he was created for.

"4. The depiction of man in his entirety and completeness in photographs and text requires no apology or defense, and only with such an attitude of mind can we find true modesty—for modesty comes from within."

If one can find anything "wholesome" in the lewd pornographic publications of Elysium, Inc., his idea of "modesty" would have to be warped indeed. The average person would find them shocking. However, Elysium Institute is doing something about this and it promotes nude sensitivity training, the ultimate objective of which is to "overcome sexual myths." A release of Elysium Institute stated that Dr. Gerard Haigh and a prominent associate were to conduct a seminar at Elysium Field, Saturday, January 11, 1969. An Elysium Institute confrontation to understand and cope with changing moral values in our culture, the seminar was entitled, "Exploring the Intimacy Barrier in Sexual Liberal Groups." Dr. Haigh is a practicing psychotherapist who is President of the American Association for Humanistic Psychology. He is a graduate of City College of New York and the University of Chicago. He has taught at Arizona State University, the University of California at Los Angeels and has done human relations training for the Peace Corps and VISTA.

On February 1, 1969 "members, guests and friends" of the Elysium Institute were invited to Elysiums Institute's Winter Rites Festival (1969 Whoopee Wallow Dance!) at Elysium Field-"Costume optional-Dress or Undress." Arrests of nude revelers had previously been made on complaints of nearby residents who said the unclad visitors were visible from their properties but no convictions resulted and so the fun and "education" could continue undeterred.

"The Elysium Insttiute Directory" was advertised in its pornographic publication, stating:

"The Elysium Research & Development Institute is in communication with a large and growing number of organizations in this country and abroad which are concerned, as is the Institute, with seeking means to enhance man's physical, emotional and intellectual development in an environment of openness, understanding and tolerance. Some of those with which we maintain an exchange of information and courtesies are: University of Humanism, Institute for Rational Living, Kairos, Human Betterment Association, American Sunbathing Association, Castalia Foundation, Institute for Sex Research, School of Living, SIECUS, Underground Press Syndicate, Pacifica Foundation, Institute for Bioenergetic Analysis, Human Potentialities Research Project, Institute for the Study of Nonviolence, American Psychological Association, Institute for Social Research, Sexual Freedom Leagues, Social Science Institute, Bridge Mountain Foundation, Esalem Institute, Planned Parenthood-World Population. If you have been wanting to learn more about the work being done by any of the above organizations, or others in related spheres of endeavor, we may be able to assist you. The Elysium Institute will attempt to provide the most current information on, or referral to, projects and activities on which inquiries and interest are displayed."

The tie-in between these organizations is not too difficult to ascertain since many of the individuals connected with one are affiliated with others. In addition to promoting illicit sex, homosexuality, adultery, sex orgies, etc., the Elysium publication includes sacrilegious contents, as for example an article which appears in ANKH, Volume One, No. 3, p. 16, 17, 18. Referring to the cross depicted above the article, they state that it is "redolent of the monosexual emptiness of the Christian love concept." It states that sexual intercourse (expressed by a four-letter word) and God are identical.

Prepared after an official investigation, a report to the California Legislature by the Attorney General, Thomas C. Lynch, dated April 6, 1967, shows the various types of pornographic publications available in the State of California and how the impact of nudist publications has not been lost on the publishers of the traditional "girlie" magazines. It states: "The old-style 'girlie' magazine is a drug on today's sex-oriented market, leading its promoters to copy from both the nudist and fetish publications in an attempt to enliven his own material. . . . Any raiment is more likely to be more fetish than feminine in concept and the photo layouts sometimes are slap-stick nudism." Concerning the extension of "girlie" magazines to pander to the interests of homosexuals, it states:

"Taking their cue from the developments in the nudist and 'girlie' magazines, a handful of eastern and midwestern publisher-distributors created still another type of sex publication—this aimed at the male homosexual market. Sometimes referred to as a 'muscle' magazine, it is a cross between nudist and physical culture publications. . . . 'The Advanced Guide to Cruising' is what the title implies, an instructional book in how a homosexual can, or should, go about enticing another male into acts of sodomy and fellatio. . . . It is published in Washington, D.C. by an individual who was successful in having his guilty plea in an obscenity trial set aside in 1962 on the grounds that he was insane."

Having its roots in a Communist-established nudist camp, the sex craze has spread until it is enveloping the country. Nudist publications which originally were oriented toward "health" are now obsessed with sex and have spawned an unknown number of pornographic, girlie, homosexual and perversion-promoting publications. Pornographic material is also presented to students as "sex education" which excites their interest in the subject. The youth of today must be pulled out of the mud of sex and drugs in which they are wallowing if they are to be brought back to reality. Their lack of self-discipline is encouraged by "educators" and "experts" but it will destroy them. The "New Morality" is really no morality at all.

[From the Herald of Freedom, June 14, 1968]

A Look at Sex Education

Sex and Communism are involved in the personnel of a fairly new organization with an impressive board of directors and high-sounding purposes. One of the main targets of its "educating" process is the youth of America which is always a fertile field for such organizations which operate under a cloak of respectability, mixing innocent do-gooders with not-so-innocent plotters. "A voluntary health organization," the Sex Information and Education Council of the U.S. (SIECUS), present address 1855 Broadway, New York, N.Y. 10023, was established during 1964 and in full bloom beginning in 1965 to "create something new in the world: knowledge in depth, and attitudes in breadth, about that part of the human individual that is so central to his total well-being, his sexuality."

An article in The Tustin News (Tustin, Calif.) sounded a warning concerning this organization which is invading the schools and homes of America. It states:

"An organization which purports to 'dignify' man's sexuality has been charged with in fact exploiting it through members of its own board of directors.

"Tustin Elementary District Coordinating Council composed of the presidents of the district's parent-teacher organizations, was presented information linking some members of the Sex Information Education Council of the United States (SIECUS) to a 50-cent magazine which has been labeled 'pure trash' by at least one nationally known college administrator.

"In referring to 'Sexology,' a paperback magazine which contains 'frank and authoritative sex guidance,' Mrs. Arthur Vandenberg, last year's council president, declared, 'It would seem to me that despite one of SIECUS' expressed purposes being to keep "sexuality" from being exploited, this is exactly what its board members are doing.' . . .

"Mrs. Vandenberg pointed to the fact that two editors of the 'Sexology' magazine as well as two members of the 'board of consultants' are also members of the SIECUS board of directors. . . ."

Mrs. Vandenberg listed such prurient titles of articles in Sexology as: "Alcohol Can Solve Sex Problems," "Group Sex Orgies," "My Wife Knows I'm a Homosexual," and "Gangs That Hunt Down Queers," and asks the question; "These are 'educational acts?' " In the latest issue of Sexology (June 1968) are such titles as: "My Most Unusual Sex Case" by Wardell B. Pomeroy (of both Sexology and SIECUS), "Wife Objects to Foreplay," "What Couples Don't Know About Lovemaking" and "The Many Ways to Ask for Sex."

The "respectable" half of the Sexology-Siecus partnership was announced to the public January 8, 1965 although the organization received its charter in May of 1964 and began its "functions" on July 1, 1964. Writing about "Siecus: Its Present and Its Future" in Vol. I, No. 2, of the Siecus Newsletter, Mary S. Calderone, M.D., M.P.H. Executive Director, states:

"The Siecus Board and Executive Committee have met often and actively, and have assumed full responsibility for programs and policies. The work of the organization is still carried on by a single professional, the Executive Director, with 4½ secretarial employees and two volunteers. . . .

"Members of the Board and the Executive Director have been participating in many meetings, symposia, and teaching sessions. . . .

"The Executive Director has been providing consultant services in the production of films, film strips, the preparation of programs, etc., in the field.

"On June 1, 1965 Siecus was given a grant of $25,000 by The Commonwealth Fund, which will be doubled if the organization can raise its year's basic budget by May 31, 1966. A grant of $10,000 from another foundation is already in hand towards this goal . . ."

As of that time the officers of the organization were as follows: Wallace C. Fulton, M.P.H., President; George Packer Berry, M.D., Vice-President; Rev. William H. Genne; B.D., M.A., Secretary; Isadore Rubin, Ph.D., Treasurer; and Mary S. Calderone, M.D., M.P.H., Executive Director. David R. Mace, Ph.D. replaced Fulton as President with the other officers remaining the same. As of February 1968 the letterhead of Siecus lists the officers as: Lester L. Doniger, President; Immediate Past President, David R. Mace, Ph.D.; Vice Presidents, Jesse Bernard, Ph.D., Harrold I. Lief, M.D., J. Noel Macy; Secretary, Fr. George Hagmaier, C.S.P., Ed. D.; Treasurer, Isadore Rubin, Ph.D.; Executive Director, Mary S. Calderone, M.D., M.P.H. So we see that, as others have come and gone in the higher echelons of Siecus, Isadore Rubin and Mary Calderone remain in their top positions.

Dr. Mary Calderone as Executive Director would appear to be the person who is running the organization. She is described in an article by Alton Blakeslee, Associated Press Science Writer, as a "gray-haired, vivacious grandmother." She was born in New York, N.Y., July 1, 1904, the daughter of Edward J. Steichen and the former Clara Smith. Her father is the well-known photographer and her uncle was the famous poet, Carl Sandburg, both darlings of the left.

Mary Steichen graduated from Vassar with a B.A. degree in 1925, from the University of Rochester Medical School with a M.D. degree in 1939, and in 1942 was awarded an M.S. degree in Public Health by the Columbia University School of Public Health. On March 27, 1941 Mary married Dr. Frank A. Calderone and they have three daughters, Linda Martin (now Mrs. Stuart Hodes), Francesca, and Maria.

Dr. Mary S. Calderone was first an intern at Bellevue Hosptial, New York City, from 1939 to 1940, and then became a health officer in training from 1940 to 1942. She was next employed by the American Public Health Association from 1942 to 1943 in their Testing Service Division. Her next employment listed in her biography is as a school physician for Great Neck, N.Y. public schools from 1950 to 1953, after which she became Medical Director of the Planned Parenthood Association in which position she remained until she became involved in the creation of SIECUS.

Mary's husband, Dr. Frank A. Calderone, was formerly Deputy Commissioner of Health of the City of New York and for four years was Chief Administrator of the World Health Organization (under the auspices of the United Nations) the head of which has been Dr. Brock Chisholm whose radical ideas and beliefs have been well publicized.

Dr. Mary Calderone attracted national attention through her work as Medical Director of the Planned Parenthood Association and made many contacts as a result. Informants in the Great Neck area, familiar with the activities of both Doctors Calderone, describe them as "ultra-liberal one-worlders." Stronger words can be used to describe Mary's close associate in the growth and operation of SIECUS, Dr. Isadore Rubin, the treasurer.

Dr. Isadore Rubin was identified as a member of the Communist Party by Mrs. Mildred Blauvelt in public testimony before the House Committee on Un-American Activities on May 3, 1955. Mrs. Mildred Blauvelt was a detective of the New York City Police Department who was an undercover operative for the New York Police Department from April 1943 until November 1951, during which time she was assigned to several different Communist Party groups within the New York area. From her sworn testimony we take the following excerpts:

"Mr. Tavenner. Mrs. Blauvelt, at the time of the recess we were discussing the Flatbush Club of the Communist Party. Will you name those persons whom you can, of your own knowledge, identify as members of the Communist Party within that group? . . .

"Mrs. Blauvelt. Yes, If I am able to do so, I certainly will. I have prepared this list alphabetically so that in the course of it we will come across some of the comrades who were the functionaries of the club and those that were more active. . . .

"Mr. Tavenner. When you speak of clubs, are you referring to clubs of the Communist Party?

"Mrs. Blauvelt. That is right; yes, sir.

"Mr. Tavenner. And when you are referring to persons having attended meetings with you, are you referring to Communist Party meetings?

"Mrs. Blauvelt. Yes, in this instance it would be meetings of the Flatbush Club of the Communist Party. . ."

Mrs. Blauvelt then continued reading her list.

"Isadore Rubin, R-u-b-i-n. In March of 1945 while he was in the Army in Italy, he sent $10 to the party's fund drive. Upon his return from service, he did attend some of the meetings of the Flatbush Club. Now, there was a club bulletin issued under date of November 28, 1944, which gave his name and listed his address as 1030 Ocean Avenue, with the notation that he was the winner of an essay contest which had been conducted while he was in the Army. Isadore Rubin was a teacher in the New York City school system who was dismissed in 1951, after trial.

"I did read some testimony which he had presented to the Senate Committee on Internal Security in September of 1952. At that time he gave his address as 20 Rugby Road, and it was in connection with the teachers union, I believe, that these hearings were being held; and I was particularly interested in reading the testimony because he invoked the privilege of the fifth amendment concerning his Communist affiliations.

"Mr. Tavenner. I have before me the April 23, 1955 issue of New York Teacher News, and apparently published by the Teachers Union of New York.

"Mrs. Blauvelt. That is correct.

"Mr. Tavenner. I notice the name of the editor appears on the editorial board and staff of this issue. Will you examine this issue and state what you see to be the name of the editor?

"Mrs. Blauvelt. The name of the editor is Isadore Rubin.

"Mr. Tavenner. Is that the same person to whom you have referred?

"Mrs. Blauvelt. Yes, sir.

"Mr. Tavenner. As having been known to you as a member of the Communist Party?

"Mrs. Blauvelt. Yes, sir, it is the same person. . . ."

The Teachers Union referred to by Mr. Tavenner and Mrs. Blauvelt was expelled from the AFL–CIO because it was found to be Communist-controlled. Isadore Rubin worked for this union after he was dismissed from the New York City public school system by the board of education. He testified concerning this before the Senate Internal Security Subcommittee on September 8, 1952, the testimony being contained in the report entitled, "Subversive Influence in the Educational Process." Starting on Page 146 we read: "Testimony of Isadore Rubin, Brooklyn, N.Y., accompanied by his attorneys, Harold I. Cammer and Royal W. France. . . .

"Mr. Morris. Will you give your full name and address to the reporter.

"Mr. Rubin. Isadore Rubin, 20 Rugby Road, Brooklyn.

"Mr. Morris. Are you a school teacher?

"Mr. Rubin. I was trained as a school teacher. At the present time I am not teaching.

"Mr. Morris. What are you doing at the present time?

"Mr. Rubin. At the present time I am employed by the teachers union.

"Mr. Morris. What do you do for the teachers union?

"Mr. Rubin. I handle publications, the newspaper and some forms of publicity.

"Mr. Morris. Now, when did you terminate your teaching career?

"Mr. Rubin. Well, I didn't terminate it. The board of education terminated it in February 1951, I believe.

"Mr. Morris. On what grounds was it terminated by the board of education?

"Mr. Rubin. On the grounds that I had refused to permit them to inquire into my political beliefs and associations by declining to answer any questions about such affiliations. . . .

"Mr. Morris. Are you a member of the executive committee of the Teachers Union?

"Mr. Rubin. I am

"Mr. Morris. Have you ever been a member of the Communist Party?

"Mr. Rubin. I understand that I was summoned here to testify as the editor of Teachers' News. I am perfectly willing to answer any questions concerning the newspaper, but I am not willing to answer such questions, because I believe that they are not proper, despite the fact that this is a Senate committee, or perhaps, because it is a Senate committee, and I have a very high regard for the Congress of the United States, and also for its Constitution.

"It is my feeling especially that as an editor of a paper, I should not permit any kind of inquiry, because it would interfere with freedom of the press, and also with other freedoms which are associated with it. . . . . .

"Senator Ferguson. Do you refuse to answer and, if so, what is the reason?

"Mr. Rubin. My basic reason is that it violates my rights under the first amendment. . . . .

"Senator Ferguson. . . . we do not recognize it as reason for not answering questions.

"Mr. Rubin. Not being a lawyer, it would seem to me that the express provisions of the first amendment would forbid such inquiry. But, since apparently the first amendment in some respects has been nullified, I will have to make use of the fifth amendment, which I understand was put there to prevent such inquiry and protect the innocent from such legislation and such inquiry."

An article in the N.Y. Herald Tribune of Oct. 20, 1948 stated:

"Abraham Lederman, president of a New York City teachers' union, refused today to tell a House committee if he is or ever has been a member of the Communist party . . .

"Three other witnesses who, like Mr. Lederman, had been subpoenaed by the committee, testified that they are not and never had been members of the party.

"They were Max Diamond. . . ., Homer Sloane. . . . and Isadore Rubin, a member of Local 555's executive board

"Messrs. Lederman, Diamond and Rubin are teachers in the New York City school system."

Isadore Rubin now resides at 641 Vanderbilt St. Brooklyn, N.Y., Apartment 5C where he has lived since 1965. He is the editor of the magazine Sexology which is published monthly by Sexology Corp. at 200 Park Ave.

8, New York, N.Y. M. Harvey Gernsback is president of this corporation, Mary Gernsback, 1st Vice president, and Dr. I. Rubin, 2nd vice president. The magazine was founded in 1933 by Hugo Gernsback and devoted to "frank and authoritative sex guidance."

Dr. Rubin, who obtained his Ph.D. late in life, is treasurer and a member of the executive board of SIECUS. Another editor of Sexology who has been on the Board of Directors of SIECUS from the beginning is Lester A. Kirkendall, Ph.D., Professor Family Life, Oregon State University and former consultant, U.S. Office of Education. He is the author of "Sex Education as Human Relations" and "Premarital Intercourse and Interpersonal Relationships," and is the "Parent Guidance" editor of Sexology.

Among those listed as the Board of Consultants of Sexology are the Rev. William H. Genne, Dr. John Money and Dr. Wardell B. Pomeroy, all of whom are on the Board of Directors of SIECUS.

Rev. William H. Genne, B.D., M.A. is a cofounder of SIECUS and in 1966 was their national secretary. He is Coordinator, Commission on Marriage and Family of the National Council of the Churches of Christ in the U.S.A. and the author of "Husbands and Pregnancy." A report dated May 22, 1968 of "Information from the Files of the Committee on Un-American Activities-U.S. House of Representatives" on the subject of Rev. William H. Genne shows the following Communist-fronts with which he has been involved:

1949 Committee for Peaceful Alternatives to the Atlantic Pact (C–1951; I–1956): Signer of its Statement Calling for International Agreement to Ban Use of Atomic Weapons (Statement attached to press release of December 14, 1949, p. 15)

1950 World Peace Appeal (C–1951; S–1957): Endorser (Daily Worker, official organ of the Communist Party, August 21, 1950, p. 8; undated leaflet, "Prominent Americans Call for Outlawing Atomic Warfare," received September 11, 1950)

1951 National Committee to repeal the McCarran act (I. 1956): Signer of its Open Letter to Congress calling for the repeal of the McCarran Internal Security Act of 1950 (Letterhead, January 19, 1951)

Dr. John Money (Ph.D) is Associate Professor of Medical Psychology & Pediatrics at Johns Hopkins University and full-time research scientist in medical psychology, as well as editor of "Sex Research-New Developments," according to his listing in SEXOLOGY.

Dr. Wardell B. Pomeroy (Ph.D.) is a sychotherapist and marriage counselor in New York City and former assiciate of the late Dr. Kinsey. From 1943 to 1963 Pomeroy was director of field research of the Institute for Sex Research, financed by the Rockefeller Foundation. He was co-author with Kinsey and others of "Sexual Behavior in the Human Male," "Sexual Behavior in the Human Female," (Kinsey Reports) and other books. In the June 1968 issue of Sexology he describes "My Most Unusual Sex Case" with the subtitle: "Introduced to intercourse by his grandmother and to homosexuality by his father, this man literally tried everything."

The current president of SIECUS is Lester L. Doniger, a publisher. He is listed in Who's Who in Commerce and Industry (1968) as born in Raczki, Poland, 10/15/09, son of Morris Doniger and Celia Jalkut. He came to the United States in 1920 graduated from N.Y.U. in 1931 and married Rita Roth in 1939. He was publisher-editor of The Pulpit Digest, director of the Pulpit Book Club and president of the Pulpit Press. He is listed as having been involved in Protestant Church Administration, president of the Great Neck Board of Education, president of the Religious Book Club, Inc. and with the Book Club Guild, Inc.

In the 1965 edition of Who's Who in World Jewry, Lester Doniger, publisher, appears as the son of Moses Doniger, (rather than Morris) and no reference is made to his publishing Protestant publications. In earlier editions of Who's Who in the East Mr. Doniger gave his place of birth as Vienna, Austria, as compared with Raczki, Poland, which appears in Who's Who in World Jewry and Who's Who in Commerce and Industry.

The Great Neck Record of March 3, 1968 showed Lester Doniger of Wildwood Drive, Great Neck, as chairman of the North Shore Community Arts Center Building Fund Drive. The Great Neck Tribune of February 20, 1960 stated that Great Neck Arts Center had presented as entertainers Pete Seeger (identified as a Communist according to published reports) and Carl Sandburg (uncle of Mary Calderone) who had a long history of affiliations with communist-fronts. The Great Neck News of February 14, 1947 carried an article entitled "US-USSR Committee Announces Meeting" which stated that a forum would be held under the auspices of the Great Neck Committee of the National Council of American-Soviet Friendship, Inc. Among those scheduled to appear was Jessica Smith, wife of Communist John Abt and widow of Communist Hal Ware, and editor of Soviet Russia Today. The article stated that tickets for the affair were available from Mrs. Rita Doniger, telephone Great Neck 1222.

SIECUS publishes a list of "Selected Reading in Education for Sexuality" for adults, children and young people. Listed on Page 7 of this listing is Public Affairs Pamphlet No. 366 entitled "Sex and Our Society" written by Lester A. Kirkendall with Elizabeth Ogg, and on page 16 is Public Affairs pamphlet No. 397, "Sexual Adjustment in Marriage" by Richard H. Klemer and Margaret G. Klemer.

Public Affairs Pamphlets are published by the Public Affairs Committee, Inc. of New York City, the editor of which for many years has been Maxwell S. Stewart, who was identified as a Communist in sworn testimony before the Senate Internal Security subcommittee by Louis Budenz.

Also listed as recommended reading are reprints of articles from Sexology, the book "Teenagers and Sex" by (retired) Episcopal Bishop James A. Pike, books that can be read by children age 4 and up, slides for children age 3–8, as well as Study Guides, written and edited by SIECUS Board members. These Study Guides are: 1) Sex Education by Lester A. Kirkendall; 2) Homosexuality by Isadore Rubin; 3) Masturbation by Warren H. Johnson; 4) Characteristics of Male and Female Sexual Responses by Wardell B. Pomeroy and Cornelia V. Christenson; 5) Premarital Sexual Standards by Ira L. Reiss; and 6) Sexual Relations During Pregnancy and the Post-Delivery Period by S. Leon Israel and Isadore Rubin.

There is need for proper "sex education" but we question whether the kind of "education" one can get from the programs and publications of SIECUS is the proper kind. Local groups—school boards and personnel, PTA's, YWCA's and YMCA's, youth agencies, churches, health personnel, health and welfare agencies, family life consultants, all are being urged to get involved in sex education with a ready-made program available from the "experts" of SIECUS.

SIECUS uses material from Dr. Albert Ellis, Director of the Institute for Rational Living, Inc., who condones perversion, adultery and teen-age sex, premarital sex, author of "Sex Without Guilt" and "The Case for Sexual Liberty." Its director Dr. Calderone is quoted as stating, "We are for the first time in history, at a point where man can separate his sexual life from his reproductive life."

Through the promotion of pornography, drug use and the "New Morality," the will to resist the International Communist Conspiracy is being weakened . . . "situation ethics" and the idea that there is no longer any "right" or "wrong" way to act, along with the downgrading of the influence of the family and religion play right into the hands of the Communists.

[From the Washington (D.C.) Post, Oct. 21, 1969]

PANEL URGES REPEAL OF HOMOSEXUAL LAWS

(By Stuart Auerbach)

A federal task force recommended yesterday the repeal of laws against homosexual activities between consenting adults.

The group of 14 experts, appointed by the National Institute of Mental Health, also recommended changes in government regulations and the policies of private industry that bar homosexuals from jobs.

The task force concluded that these changes would "reduce the emotional stress and improve the mental health" of the nation's 3 million to 4 million adult homosexuals.

"The extreme opprobrium that our society has attached to homosexual behavior, by way of criminal statutes and restrictive employment practices, has done more social harm than good and goes beyond what is necessary for the maintenance of public order and human decency," the task force said.

The group emphasized that its recommendations would not affect sexual behavior that violates public decency or involves the seduction of minors."

The task force recommendations, one of the few government statements on the problems of homosexuality, follows the guidelines set forth by such panels as the British Wolfenden Commission, the Ninth International Congress on Criminal Law and the American Law Institute.

Two years ago, Great Britain legalized homosexual acts between consenting adults after a 10-year campaign and an acrimonious all-night debate in the House of Commons.

NIMH officials said yesterday they are studying the task force report before deciding which recommendations they will endorse and pass on through the federal government.

The new task force went beyond the previous reports and urged the NIMH to support studies on the legal and social implications of changing laws involving heterosexual behavior, such as adultery and fornication, between consenting adults.

The task force commented that public attitudes toward homosexuality as well as other sexual practices are changing.

"Discreet homosexuality is being recognized as the private business of the individual rather than a subject for public regulation," it said.

Changing laws against homosexual activities, the report stated, would reduce the possibility of blackmail—"a constant hazard to the homosexual under present conditions."

The task force recognized that a change in the laws is not enough to give the homosexual full employment opportunity, security and acceptance in society.

It also acknowledged that the employment of homosexuals may not be desirable in all cases—especially "in highly sensitive" jobs.

The 21-page report calls homosexuality "a major problem for our society" for both homosexuals and their families.

"Homosexual individuals can be found in all walks of life, at all socio-economic levels among all cultural groups within American society, and in rural as well as urban areas," it said.

The task force also recommended studies in the biological and genetic causes of homosexuality, personality factors that characterize homosexuals, and ways to treat them in order to decrease their discomfort and increase their "productive functioning."

Training programs should also be geared to mental health workers and law enforcement personnel who often look upon homosexuals "with either disgust or anxiety," the report said. Information on homosexuality should be included in school sex education courses.

The task force also recommended the formation within the NIMH of a Center for the Study of Sexual Behavior that would conduct a broad study of sexual practices, both normal and deviant.

This center would support research across the country and provide information to policy makers that could dispel "taboos and myths" about sex.

[From the Washington (D.C.) Post, Oct. 21, 1969]

NIXON PROPOSES LIGHT PENALTY FOR FIRST POSSESSION OF DRUGS

(By Rudy Abramson)

The Nixon administration proposed yesterday that first-time possession of all narcotic and dangerous drugs be made a misdemeanor rather than a felony and that marijuana be removed from the legal category covering narcotics.

But it emphasized it wants a clear distinction made between the people who possess illicit drugs for their own use and those who have them for sale.

The position is a much softer one than the administration advocated as recently as last July, although Justice Department officials have been emphasizing they want courts to have the flexibility to tailor the penalty to the individual in drug cases.

New alternate penalty schedules submitted to a Senate Judiciary subcommittee yesterday are much more in line with the recommendations of U.S. health officials, who have been particularly critical of penalties for marijuana violations.

Under the new administration plan, first-time possession of any narcotic or dangerous drug would be punishable by a $5,000 fine and a sentence of no more than a year.

Present federal law sets the sentence at two to 10 years with a fine of $20,000 for narcotics and marijuana. LSD possession is treated as a misdemeanor, a $1,000 fine and a sentence up to one year.

The new penalty schedule, much of which had already been reported in the press, also would lift the mandatory minimum sentence for simple marijuana possession.

While emphasizing that severe penalties and mandatory sentences are not necessary in the case of first-time offenders possessing drugs for their own use, John E. Ingersoll, director of the Justice Department's Bureau of Narcotics and Dangerous Drugs, called for a tough attitude toward the professional trafficker.

"Releasing him back to society, giving him the opportunity to return to commercial crime, clearly is hazardous," Ingersoll said. "The best interest of our citizens is served by locking him up for as long as rationally possible."

Accordingly, the penalties proposed yesterday called for prison terms of up to five years and fines of as much as $15,000 for first-time possession of marijuana if there is an intent to distribute it.

Possession of narcotics, such as heroin, with intent to sell would call for a 20-year sentence and a $25,000 fine in the toughest penalty schedule.

Three different alternative schedules were given to the subcommittee by Ingersoll.

Throughout the alternative plans, marijuana was treated in a category with hallucinogenic substances, sleeping pills, and pep pills rather than with hard narcotics like heroin.

"We believe," Ingersoll said, "that by having such a flexible range of penalties for the illicit possessor, prosecutors will be more willing to initiate cases and the courts less reluctant to sentence these violators of the laws."

The new penalties were proposed as an amendment to the administration's pending bill on drug abuse control after discussions between top officials of the Justice Department and the Department of Health, Education and Welfare.

Dr. Roger O. Egeberg, assistant HEW secretary for health and scientific affairs, helped bring the issue to a head by outspoken opposition to stiff marijuana penalties.

Even after the administration's new drug abuse bill was introduced—without changing the present marijuana penalties—Egeberg called present penalties punitive and vindictive.

Egeberg appeared with Ingersoll yesterday to endorse the new proposal.

"I neither recommend nor condone the use of marijuana by anyone, young or old," Egeberg said. "This drug has no recognized medical value and, as a hallucinogen and intoxicant, it constitutes a clear and demonstrated risk to the user and thus to those with whom he comes in contact. It is scientifically invalid, however, to associate marijuana with more dangerous substances such as heroin and other addicting drugs."

Nevertheless, he said, "I am deeply troubled by our present ill-founded and inappropriate system of classifying dangerous drugs and punishing those who abuse them."

COMMUNICATIONS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. DINGELL. Mr. Speaker, for over 3 years, the Subcommittee on Regulatory Agencies of the Select Committee on Small Business which operates under the chairmanship and with the leadership of the fine gentleman from Tennessee, has been conducting an inquiry into the question of whether the Federal Communications Commission has taken the necessary action to provide an adequate allocation of frequency spectrum for land mobile communications upon which the police, fire departments, and other public safety organizations and local government agencies rely for the protection of the small businessman and upon which the small businessman relies in the conduct of his own business operations.

Two very fine articles dealing with this subject have appeared in EDN, a magazine for designers of electronic products, equipment, and systems, for May 1, 1969. The first of these articles is by James E. Kluge, senior editor of the publication, and is entitled "Frequency-Spectrum Dilemma; Crisis or Opportunity?" In this article Mr. Kluge reviews the problem and suggests steps which may be taken to meet the urgent need for additional spectrum for this form of communications. I might say with some pride that the work and report of the Select Committee on Small Business serves as the basis for much of this article, and it indicates the contribution which congressional committees make in accumulating the information necessary to deal with problems facing the country.

The second article, by William L. Detwiler, is entitled "Something's Got To Give." Mr. Detwiler is a very knowledgeable person in the field of land mobile communications and he describes in compelling language the need for additional spectrum for land mobile communications.

In view of their importance, I include both of these articles in the RECORD at this point:

FREQUENCY-SPECTRUM DILEMMA—CRISIS OR OPPORTUNITY—WE CANNOT TOLERATE A COMMUNICATIONS BREAKDOWN

(By James E. Kluge)

("When man first discovered the resource of the electromagnetic spectrum less than a century ago one—not even Jules Verne—could have predicted that within 50 years of the first applications, man would be wrestling with apparent shortages of the means to accommodate an ever expanding demand. But such is the pace of the information revolution."—*JTAC Report, 1968, "Spectrum Engineering—The Key to Progress."*)

("It is recommended that the Federal Communications Commission press forward with all possible vigor to completion of the proceedings under docket No. 18261 . . . that should the Commission fail to provide adequate relief for land-mobile users, that the Small Business Committee as constituted in the 91st Congress hold hearings at the earliest practicable date to ascertain the cause of such failure . . . that its hearings also address themselves to the recommendation made by The President's Task Force that the spectrum-management function be shifted to another entity within the federal government." *Subcommittee No. 5 of the Select Committee on Small Business, House of Representatives.*)

Spectrum Saturation—Spectrum Utilization—Spectrum Conservation—Spectrum Management—Spectrum Engineering—Spectrum Crowding—Spectrum Congestion—Spectrum Pollution—Spectrum Strangulation—Spectrum Planning—Spectrum Sharing—Spectrum War—Spectrum Reallocation—Spectrum Priorities—Spectrum Clogging—Spectrum Coordination—Spectrum Resources—Spectrum Relief—National Defense—Public Safety—Public Services—Private Interests—Commercial Interests—Industrial Interests.

In one way or another these phrases point up the growing concern and serious need to solve the impending difficulties and acknowledge the seriousness of the matter. While frequencies apparently are becoming scarce, studies, reports, findings and recommendations are accumulating by "heaps and pounds". A solution goes begging while the problem becomes more critical.

The electromagnetic spectrum, as it is used for telecommunications, is an extremely valuable, in fact an essential, but also limited resource. It must be shared nationally and internationally among commercial, private, and public interests. It must be utilized as effectively and efficiently as is practicable.

For nearly 100 years the radio spectrum was considered an unlimited resource. It is unlimited in that in cannot be depleted by use, but its utility can be drastically reduced by misuses and abuses.

In the past 20 years it has suffered from limitations caused by saturation in certain bands. Much of this problem stems from those whose efforts were devoted to spectrum *conservation* rather than *utilization*. Unused spectrum is wasted spectrum. Our goal should be to *use* this spectrum, not just conserve it.

LAND-MOBILE PROBLEM

Although the congestion problem rears its head here and there throughout the frequency spectrum it presently is concentrated primarily in that segment of the spectrum that includes frequencies between 25 and 890 MHz. In the most critical area of all are those frequencies allocated to the land-mobile services, namely 25–50, 150–174 and 450–470 MHz. Land-mobile services include taxicabs, buses, railroads, mobile telephones, many types of consumer services like plumbing, heating, refrigeration and the delivery of essential materials like fuel oil and emergency oxygen. The public utilities (telephone, gas and electric companies) depend on mobile radio to dispatch their repair crews to emergency situations. Other essential services include state and county highway departments, municipal street and water departments.

PUBLIC SAFETY ENDANGERED

The effectiveness of our police and fire departments definitely suffers during periods of civil disorder and natural catastrophe. During the Watts riots in Los Angeles, for example, police-radio transmissions continued without a break for 5 full days. During this time there was no break in the carrier and no break in the voice transmissions, according to Captain Kirby of the Los Angeles police department. Darwin Nielsen, chief communications officer of the Los Angeles fire department, described similar experiences relative to its use of two-way radios during the Watts riots. He said that at that time the department was controlling 110 companies by radio. "The air," he said, "was completely saturated and a large percentage of the messages were unintelligible or never did get through."

THE SPECTRUM SQUEEZE

The lack of sufficient frequencies in some portions of the spectrum is not in question. The question being debated is "do we simply need more frequencies or a better understanding of how to use those we have?" The Joint Technical Advisory Committee of the IEEE and EIA feels the answer is through more effective spectrum management implemented by a program of spectrum engineering. The President's Task Force on U.S. Communications Policy arrived at essentially the same conclusion and recommended an overhauling of our communication policies.

The plight of the land-mobile users, however, is well documented. Licensed transmitters have increased from 86,000 in 1949 to more than 3 million in 1969 with a conservative projection of more than 7 million in 1980. In 1949, 4.7 percent of the frequency spectrum was allocated to the land-mobile services. Today this same 4.7 percent must somehow serve this mushrooming demand. Certainly, adequate consideration has not been given to their needs.

WHAT ABOUT UHF–TV FREQUENCIES?

After years of being ignored, the land-mobile users finally have gained the ear of a congressional subcommittee. The subcommittee in turn is putting pressure on the FCC.

In its docket No. 18261, the FCC proposed to reallocate UHF–TV channels 14 through 20 to be shared with the land-mobile services in 25 major *urban* areas of the U.S. The Electronic Industries Assn. objects on the grounds that such sharing will generate interference between TV and land-mobile users to the detriment of both. Such a situation, they claim, would help no one and would be unsatisfactory to nearly all concerned. The solution, they feel, is to allocate channels 14 to 20 exclusively to land-mobile services. In many U.S. cities such as Denver, the UHF–TV spectrum is totally unused and therefore wasted.

Another FCC proposal, docket No. 18262, concerns the future use of the frequency band containing 806 to 960 MHz and the amendment of the rules that govern operation in this proposed band. This group of frequencies would include UHF–TV channels 70 through 83. The land-mobile communication section of the Industrial Electronics Division of the EIA has recommended that the frequencies between 806 and 947 MHz should be allocated immediately to the land-mobile radio services. In addition, it feels that this band of frequencies should be developed extensively by the FCC to encourage investment in developing equipment and systems that will meet future land-mobile needs. The EIA went on to say that suballocating some of this band is premature until the results of a developmental program can be appraised.

WAR WITH THE BROADCASTERS

Something of a war is shaping up between the entrenched TV broadcasters and the land-mobile people. At this point, they are grouping their forces and readying for a battle over the UHF–TV frequencies.

The National Assn. of Broadcasters is making every effort to protect its coveted 82 TV channels. The broadcasters argue that the spectacular growth of radio and television broadcasting has been made possible because the broadcast industry had the time and the spectrum space in which to develop. Lack of spectrum space, according to land-mobile people, is hindering the growth of two-way radio. Broadcasters, on the other hand, feel that if it becomes necessary to reallocate the spectrum, some sort of priority of spectrum-user needs, based on both private and public interest, has to be established.

The executive director of the Assn, of Maximum Service Telecasters, a group whose purpose it is to maintain and encourage the growth of an 82-channel VHF- and UHF–TV system, states that in the top 10 markets, namely New York, Los Angeles, Chicago, Philadelphia, Boston, Detroit, San Francisco, Cleveland, Pittsburgh and Washington, D.C., there were three UHF–TV stations under construction and six stations on the air in the lower seven UHF channels. This means reassigning new frequency channels if those seven channels were reallocated to land-mobile users. The cost of shifting a station to another channel has been estimated to be in the order of $100–125 thousand per station. His association also feels that until the FCC limits the free access to land-mobile frequencies by small businesses and other land-mobile users, land-mobile services should not be permitted access to TV frequencies.

Unfortunately, some spokesmen for the broadcasters have belittled the business use of land-mobile, implying that their motives are convenience and profit only. It would be difficult to image that the TV industry is not engaged in profit making.

BROADCASTERS OFFERED A WAY OUT

William L. Detwiler, president of Radio Specialists Co., Denver, Colo., and an engineer, offers a suggestion designed to free space in the UHF-TV band. He believes that the taboos established by the FCC in 1949 are ultra-, ultraconservative and need updating and revising. This, he feels, would free a lot of UHF spectrum space for other uses.

These taboos are rules establishing mileage spacings between UHF–TV stations operating on the same channel, adjacent channels, and channels separated by sound, picture and IF image frequencies.

Initial taboos were based on data available from the operation of VHF–TV (channels 2–6). They do not account for the shielding effects of varying terrain, they assume omnidirectional transmitting and receiving antennas, and maximum permissible effective radiated power and antenna height.

Taboos on IF beat, intermodulation, adjacent channel interference, oscillator radiation, sound image and picture image all are based on *anticipated* characteristics of UHF–TV receiver design as envisioned in 1948.

Detwiler points out that mobile-receiver design has produced equipment that is highly immune to this type of interference, even without taboos as provided for the TV industry. He claims that for a few cents per set, TV-set manufacturers could provide the necessary protection for interference and could relax, if not make unnecessary, some taboos. This, together with more realistic taboos based on today's information from NBS and other research groups, would free many megahertz of UHF spectrum without reducing the total number of UHF–TV channels.

CONGRESS LISTENS TO BOTH SIDES

As might be expected, Congress finally is getting into the act. It is putting pressure to bear on the FCC in the interest of small business. One such congressional committee is the so-called Dingell Subcommittee on Small Business. Last year it conducted hearings in four major cities and in December published a report entitled "The Allocation of Radio Frequency and Its Effect on Small Business". Rep. John D. Dingell of Michigan, chairman of the subcommittee, set forth the purpose and scope of the hearings at the opening session. It can be summarized as follows:

"The frequency spectrum is a valuable economic resource of our nation. It is limited and is subject to competing claims. The apportionment for that part of the spectrum the subcommittee is to consider is the 25- to 890-MHz band allocated by the FCC in 1949. Approximately 60 percent of this band is allocated to FM and TV broadcasting, 34 percent to government, something less than 1 percent for point-to-point radio use and less than 5 percent for land-mobile radio services. Radio-frequency congestion, although only one of the problems facing business today, is a serious road block to business radio users who want to continue to serve the public with the services the public wants and the public needs. Until necessary action is taken to allocate additional frequencies to small businesses, the problem will continue to be one of primary interest to the committee who is interested in the problems of the small businessman."

CONGRESSIONAL REPORT SUBMITTED

The Dingell Committee submitted its report in December 1968. By holding hearings in Washington, Los Angeles, Detroit and Chicago, it heard the testimony of many two-way radio users, both business and public safety, as well as representatives of the commercial broadcasters. The Dingell Committee's conclusions define the problem quite well, and are summarized herewith:

There is no method of communication as effective as land-mobile radio in meeting the needs of a wide variety of small businesses, as well as those of fire, police, national, state and local government services. Despite television's popular attraction, the development of land-mobile radio has had an equal, if not greater, public impact. It affects not only the means by which people communicate with each other, but also the means by which they travel, earn their livelihood, conduct their business, insure their safety and happiness, and obtain efficiently, and at a lower cost than would otherwise be possible, the goods and services they use.

LAND MOBILE SERVES TOTAL PUBLIC

Unlike other spectrum users in the 25- to 890-MHz band, land-mobile radio serves the total public. For example, it is used to dispatch electric, gas, water and telephone repair crews at the time of emergencies and natural disasters. A fuel-oil dealer radios one of his trucks about an urgent fuel-oil delivery; a plumber can be routed from one job to another without having to return to the shop. Police headquarters can deploy the nearest policeman to the scene of the accident or crime that has just been reported, and firemen inside a burning building can communicate with the fire chief outside. Even the taxi is dispatched from call to call by land-mobile radio. It is thus the means of most efficient use of personnel and vehicles that serve the public directly.

It is clearly apparent that congestion in the small land-mobile radio-frequency-spectrum allocation denies the public many of the benefits that land-mobile radio could provide. Indeed, the committee finds that it is essential, in the public convenience, interest and necessity, for ample, additional, usable frequency spectrum to be allocated without delay for this means of communication.

EMERGENCY NEEDS MUST BE MET

Ample frequency spectrum, in this context, means ample spectrum to meet both the regular and emergency needs of the users of this form of communications. During times of major disturbances such as riots, the need for police communications not only increases in volume, but also is of the greatest importance in reducing and containing areas where trouble is about to erupt or has erupted. At these times, the number of calls the fire departments must meet also increases greatly, and the demands on the gas, water, telephone and electricity repair crews to shut off services to prevent fires and explosions or to reroute service to bypass damaged areas are much greater. A wide variety of businessmen also finds the calls for their services increase not only in number, but also in seriousness at such times. The ambulance company and the plumber who must deal with broken gas and water pipes are but two examples.

The needs of the public not only continue during such emergencies but actually increase. Delivery of milk, food and fuel must be continued, to avoid areas of possible violence. The testimony of the fuel-oil dealer who pointed out the danger of a truck loaded with fuel being attacked by rioters emphasizes the need for adequate communications at such times. Ambulance services, funeral directors and even diaper-delivery services also must be able to carry on their normal work.

HOME DELIVERIES BECOME URGENT

During major disturbances, people may be restricted to their homes. It then becomes increasingly important that goods and services be brought to their homes, not only because they cannot go out to obtain them, but also to reduce the amount of travel in the streets at such times. As the committee learned, taxi and livery companies receive an overwhelming number of calls for transportation at such times, and many users of this type operate in close cooperation with the public-safety officials to utilize their vehicles only for the most urgent calls. The committee wishes to emphasize the fact that the need of the public to be served by the wide variety of uses of land-mobile radio may well be greater during times of civil disturbances and natural disasters than at other times and require an expanded rather than contracted use of communications by land-mobile-radio users if the public interest is to be served properly.

INNOVATION TO BE ENCOURAGED

Ample frequency spectrum also means ample spectrum to allow for innovation, so that the public may have the benefit of such new uses, new equipment and new techniques as may be developed for land-mobile radio. There seems to be little doubt that the public presently is being denied the full extent of the benefits that land-mobile radio could provide today because of a lack of frequency spectrum to encourage such development. If adequate frequency spectrum is made available, these new uses, equipment and techniques will provide better law enforcement for our cities and rural areas, better state and local government services, and better service to the public from businesses at a lower cost than otherwise could be achieved.

Testimony presented to the committee repeatedly has emphasized two points concerning the amount of frequency spectrum that must be allocated to the land-mobile-radio services to serve adequately the public interest. First, witness after witness has said that when he first began using land-mobile radio he had little or no congestion resulting from an overloading of his frequency channel, but that congestion had increased steadily because "not only has my organization grown and my use of radio grown along with it, but also more users are using radio than before." Second, witness after witness said that he could not take advantage of all of the ways he could use radio to serve the public better because the congestion in the portion of the spectrum allocated to land-mobile radio prevented a larger, effective use of his land-mobile-radio system.

In the committee's view, it is essential that newly allocated frequencies be suitable for equipment being used today or that can be made available quickly. As the committee uses the term "without delay", it means that the FCC should take every possible step to insure that its action is not delayed further.

UHF-TV LARGELY UNUSED

It is evident that there is a substantial amount of UHF frequency spectrum allocated to television, which presently is unused for television and would remain unused even if the lowest seven UHF channels were allocated completely to land-mobile-radio use. Indeed, it is clear from the report of Land Assoc., commissioned by the National Assn. of Broadcasters, that any gain in program diversity decreases so rapidly with more than three television stations serving an area that there may be questionable justification for the large number of TV assignments in and around major urban areas. Many of these are in the UHF band and do not contain operating stations. That report also commented:

"What should be noted, in addition, is that the proliferation of similar program types that occurs when stations are added beyond three consists largely of material already seen earlier on the network affiliates, that is, the so-called off-network, rerun programs of the situation comedy, quiz and game, adventure-drama types, along with feature films. The great bulk of the ETV allocations is going begging."

The committee also is aware of the fact that there have been suggestions by reputable radio engineers that it may be possible to narrow the present 6-MHz TV channel to 3 MHz, and thus make a substantial amount of VHF and UHF spectrum available for other uses if it should prove too difficult to provide for the reallocation of the lowest seven UHF channels to land-mobile radio.

FCC COMMENDED FOR ACTING

The FCC is commended for its action in commencing the two proceedings to determine whether that portion of the electromagnetic radio spectrum currently allocated to UHF-TV should be reallocated in part to land-mobile radio (FCC docket No. 18261 and docket No. 18262). While these two proceedings are less than definitive, they do signal at least a commencement of awareness by the Commission of the very serious problems confronting land-mobile users and the public, which is dependent upon their services. It is to be noted that in docket No. 18262, the Commission states in paragraph 9, "The Commission is persuaded that the burgeoning needs of the land-mobile service can be met on a long-term basis only through the allocation of additional spectrum space to that service. . . ." This is undeniably true. It is likewise hard to fault the Commission's statement that ". . . at this point in time it is generally agreed that frequencies below about 1 GHz are most useful for general land-mobile applications. In looking to frequencies above 806 MHz to accommodate land-mobile service, the Commission recognizes that it will not meet immediate requirements and that several years of development may be required to establish a viable service. . . ." Conversely, the relief contemplated as the central strand of docket No. 18261, i.e., the awarding of the lowest seven UHF channels to land mobile, could, if properly delineated, afford immediate relief.

LAND-MOBILE RELIEF LONG OVERDUE

It is the conclusion of this committee, after studying all available pertinent facts, that relief is long overdue for land-mobile users, and that the public interest urgently requires prompt alleviation of this rapidly deteriorating situation. Further, it is clear that the radio spectrum, being as it is a public resource, should be available in an amount ample for their needs, as a matter of right, to the many divergent small-business interests and the members of the public whom they serve, no less than commercial broadcasters. It is recognized that such uses as law enforcement, fire protection and similar public protection must be afforded sufficient spectrum to protect the public. Subject to this qualification, however, it is clear that small business and other land-mobile users are fully entitled to equitable participation in the allocation of this vital resource.

It appears improbable that most spokesmen for the commercial broadcasting interests care to engage in a debate wherein they would argue that even the typical prime-time fare offered over television today better serves the public interest than the more efficient dispatching of an ambulance, a fuel-oil truck, a powerline maintenance wagon or similar unit. Indeed, one would be hard pressed to imagine a more disadvantageous comparison that might be undertaken by commercial broadcasting spokesmen than that comparing the social utility of the second rerun of "I Love Lucy" to the typical land-mobile operation.

COMMITTEE DEMANDS ACTION

In issuing this report at the beginning of this year (1969) the subcommitte notified the FCC that either "it press forward with all possible vigor to completion of the proceedings under docket 18261" or be prepared to answer why the spectrum-management function should not be shifted to another entity within the federal government. The committee said that after studying all available pertinent facts it must conclude that "relief is long overdue for land-mobile users and that the public interest urgently requires prompt alleviation of this rapidly deteriorating situation". It also asked that frequency allocations be made by the FCC without delay, explaining that without delay means that the commission should take every possible step to insure that its action is not further delayed.

A MICROWAVE SQUEEZE NOT FAR OFF

Although not concerned with the land-mobile problem, a saturation problem is shaping up in the microwave spectrum similar to what the land-mobile users experienced several years ago.

In the words of Richard P. Gifford, chairman of the JTAC, ". . . It appears that we have not yet learned the lesson. Recent regulatory action often has resulted in worse, not better spectrum engineering . . . It is time we made spectrum allocation subject to better engineering and management practices rather than a tool for administrative conveniences."

"User" or "block" allocations as an approach to spectrum administration have not produced the desired results in the HF or

VHF bands. There is now little reason to believe that it can succeed in the microwave region.

It is interesting to note that in the HF band, block allocations were completely abandoned many years ago becaus of spectrum crowdwing that occurred even before WW II. Today, no government/commercial differentiation exists in the HF band.

With a saturation problem taking shape in microwave relay, and with data and video communications expanding at a rapid pace, a solution must be found, and soon.

MILLIMETER WAVES EMERGE AS NEW HOPE

Millimeter waves hold forth new hope in providing more usable spectrum. Millimeter waves refer to those frequencies between 30 and 300 GHz. A whole new technology recently has emerged that has opened up these frequencies to potential users. Going higher in frequency, however, poses new operational difficulties, but hopefully they will be surmounted.

Millimeter-wave technology is a whole new ball game. Components are available, but they're expensive. Atmospheric absorption poses an operational problem, but there are frequency windows where absorption is minimal.

Bell Labs. has been doing extensive research on helix and circular waveguide for transmitting hundreds of thousands of voice channels securely and reliably. Experimental millimeter-wave radio links also are being studied as a possible system for relieving crowding in the microwave spectrum. However, such systems may suffer from rain, fog, and other atmospheric effects.

OPTICAL SYSTEMS

Laser communications is another technology being studied. There is much interest in the laser as a medium of transmission. However, in the earth's atmosphere it suffers from the same perturbing effects as millimeter waves. Space and planetary communications offer more promise since atmospheric effects are minimal. But then it wasn't too many years ago that the same skepticism was raised concerning the future of microwaves as a communication medium.

SPECTRUM ENGINEERING—A PARTIAL ANSWER

Spectrum engineering is the technical component of spectrum management. It deals with the maximum effectiveness in using the frequency spectrum.

Three major functions of spectrum engineering are frequency selection, engineering planning and interference reduction.

The JTAC (Joint Technical Advisory Committee) of the IEEE and EIA, working for 5 years and producing a 1200-page report, formulated the development of a spectrum-engineering system founded on two basic principles. First, the system must be evolutionary. Changes in the system must be well thought out and announced beforehand to insure continued support from those concerned. Also, any future planning must consider the capital investment in existing equipment. Second, controlling the spectrum must *not* be accomplished through the application of simple but rather restrictive and rigid administrative rules. Instead, there should be increased technical assessment given to individual users and user applications in a given geographical location. If the block-allocation concept is to continue, then its application should be minimal and flexible. Objective measures should be employed to determine an applicant's need and his ultimate utilization of the spectrum.

SPECTRUM-ENGINEERING FUNCTIONS

The frequency-selection function would be a day-to-day process to determine the applicant's technical requirements. Selection may be done by the applicant himself or a frequency-selection team.

Engineering planning concerns itself with long-term influences on spectrum utilization. These include preparation for international conferences on allocations, setting operating standards, prescribing procedures and criteria for frequency selection, prescribing analytical procedures for estimating potential interference and guidance for interference activities.

The interference-reduction function includes measurement of equipment characteristics for data base, measurement of equipment for performance to standards, monitoring unauthorized or improper spectrum use and fostering the development of new monitoring equipment.

Such a system of spectrum engineering would provide valuable planning data, permit sharing among spectrum users, reduce interference, eliminate many sources of EMI, and offer the objectivity, competence and manpower to evaluate technical proposals.

CONCLUSION

It appears, then, that a fight is shaping up between the commercial interests of the TV broadcasters and the private and public interests of the small businessmen. The small businessmen feel that the radio spectrum is a natural resource that should be available for public use. They see 60 percent of the spectrum tied up by the FM and TV broadcasters, the majority of this space unused and virtually wasted. Another 34 percent is tied up by the government. Their share—4.7 percent—is bursting at the seams. In general they feel that they've been given the "short end of the stick", and they're determined to correct the situation.

JTAC, the President's Task Force and others say that we need a complete overhaul of communication policy and administration—perhaps, even a new administrator. The FCC is under attack. There are seven commissioners—three Republicans and four Democrats. One has been a commissioner for 23 years, one is a former FBI agent, another a former UN ambassador, another a former employee of the National Assn. of Broadcasters and the other three are lawyers. Although the Commission has a staff of technically competent people, the decisions are made by the commissioners. This is where the battles between the broadcasters and land-mobile people will be fought. But regardless of who comes out the victor, the real battle will be won or lost within the FCC itself.

What about the future? Will we see more patchwork and delay or some fundamental policy and administrative changes as recommended by The President's Task Force and the JTAC?

The following article presents the land-mobile users' point of view that there now exists a serious shortage of available spectrum for use by land-mobile users, a shortage that is approaching crisis proportions. The answer, they feel, is to reallocate frequencies that presently are unused, such as UHF–TV.

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Something's Got to Give

(In 1949 land-mobile was allocated a mere 40 MHz out of 865 MHz. Since then, licensed land-mobile units have increased from 86,000 to over 3 million—Faced with growing demands and new services.)

(William L. Detwiler)

If the average citizen was asked to name some of the most pressing issues of today in the field of communications, he would most likely reply: CATV, violence on television and the proposed ban on over-the-air cigarette advertising. Few persons would mention the frequency congestion on two-way, land-mobile radio channels, which threatens to choke the communications used by police, fire, forestry conservation, highway maintenance and virtually all public-safety agencies, state and local governments, large and small businesses, utilities, manufacturers and transportation companies.

CONGESTION IS NOT NEW

Congestion really isn't anything new: it's simply unnoticed by the casual observer. With a television receiver in the living room of almost every American family, it's only natural that news coverage, violence and programming are the prime broadcast concerns of the public. But the average citizen does not see the benefits he reaps from the advantages offered by a radio-dispatched service, whether it be public safety, industrial or transportation.

Graphically, frequency congestion has been depicted by the Federal Communications Commission in its 1966 *Annual Report* as a "condition . . . not unlike that of a main highway on a summer weekend, so overcrowded with vehicles that traffic has come to a standstill. Getting it moving again . . . becomes a problem of gigantic proportions." But if each vehicle stuck on that highway were a service vehicle—police, fire, electrical, plumber, power, taxi, truck—the impact on the public would be far greater than just the inconvenience of a crowded thoroughfare. It would be devastating.

Never before has a society or an economy relied so heavily on services to protect life and property, and to serve the public interest, convenience and necessity. A recent report of a House of Representatives Small Business Subcommittee underlined the impact of radio-equipped services on the public. The report described the uses of radio as unending.

ROOM NEEDED FOR GROWTH

In addition to the vast number of services that require immediate frequency relief, innovations in land-mobile-communications technology are on the doorstep of fruition. In the next few years the public will be served by newer and more sophisticated forms of communications, particularly in the area of data-transmission and remote-control functions. For example, police and fire vehicles will receive messages via mobile teleprinter and will be capable of retrieving information over the air regarding missing persons, vehicle and gun registration from a central computerized information system. Special sensors will be employed by ambulances en route to transmit to hospitals a patient's electrocardiogram, pulse and respiratory beat; power services will employ sensors to transmit reservoir water levels to a central reporting station; firefighting equipment will be controlled remotely to operate in areas too hazardous for humans. Truly, land-mobile technology is entering an era of tremendous growth and of applications no one even visualized a few short years ago.

Yet, in spite of the unique and important role that land-mobile radio plays and will continue to play in the future, the lack of frequency space could hinder this new growth. With present land-mobile channels already crowded in the major metropolitan areas, the technological boom will place an even greater strain on these frequencies as newer applications for radio use come into being. Therefore, the need for spectrum relief for the land-mobile services is twofold: (1) to alleviate the severe congestion on the present land mobile bands and (2) to accommodate the new land-mobile technology that will be upon us in the very near future.

EFFECTS OF CONGESTION FAR REACHING

The necessity for relieving the frequency congestion that exists today cannot be overstressed. It is a vital issue, the effects of which are far reaching. To illustrate, the Associated Public-Safety Communications Officers—a national organization representing the country's police and public-safety radio communicators—recommends a maximum 33-percent channel-loading factor for police radio. This means, in effect, that optimum usage time for a police-radio channel should be approximately 20 min out of the hour to provide for an adequate reserve factor in the event of emergencies. Testimony of witnesses before a Congressional Subcommittee has revealed that in Los Angeles, for example, the loading factor is closer to 60 percent and often more than 80 percent on a normal weekday. During the Watts riots in 1964, the channels were completely loaded for 5 straight days.

The situation in the business-radio service in Los Angeles, while not measured in the same way as the public-safety-radio services, is similar. Public-safety frequencies are assigned by the FCC to police departments on an exclusive basis, as compared to business frequencies, which are shared by varying numbers of licensed business users. A telecommunications advisory panel of the U.S. Department of Commerce reported that in Los Angeles there may be up to 50 or 60 businesses on one radio channel with anywhere from 500 to 600 radio-equipped vehicles using that channel. While the statistics may vary from city to city, the top metropolitan areas—New York, Chicago, Los Angeles and Detroit—suffer from acute congestion of this type to the point where communications are being stifled.

LAND-MOBILE CONTINUES GROWING

The original frequency allocations were made by the FCC in 1949 when there were a mere 86,000 licensed land-mobile transmitters on the air. Of the usable radio spectrum from 25 to 890 MHz, land-mobile services were allocated a total of 40 MHz.

Today the situation is drastically different. Few persons in 1949 envisioned the multiplicity of uses that would develop for land-mobile radio in the ensuing 20 years, and during that time the number of licensed transmitters burgeoned to more than 3 million. In addition, several new land-mobile subservices that did not exist in 1949 were added to the FCC rules. The increasing strain on the 40 MHz allocated to the land-mobile services caused by the growing number of transmitters can be traced in the FCC Annual Reports for the past 10 years:

1958: ". . . the Commission's objective (is) . . . to relieve, to the greatest extent possible, the frequency congestion that prevails in most of these services."

1962: "The various industrial services grow within the confines of a very small portion of the usable radio spectrum. This situation has led to extremely congested operating conditions in many areas."

1964: "One of the most pressing problems faced by the Commission is to find frequency relief for the public-safety, industrial and land-transportation radio services. These land-mobile-radio operations have grown rapidly in the past few years and frequency shortage has become acute in many geographic areas."

1966: "The major problem facing the Land-Mobile-Radio Services, as well as one of the thorniest confronting the Commission, is the congestion in the limited spectrum space available to these intensively populated services."

Existing land-mobile-radio channels already have been split by the FCC several times. The most recent was last June when channels in the 450- to 470-MHz band were reduced to 25 kHz. The FCC admittedly recognizes the splits as short-term measures until a more adequate and comprehensive solution is found. But the industry, in effect, has reached the technological point where channel splitting no longer can be accomplished effectively and economically. What now is required is additional spectrum.

PROPOSED SOLUTION FOR RELIEF

However, while the existence of frequency congestion is obvious, the solution to the problem is not. Numerous and varying proposals are being advocated as the answer. Many of them do not take into account the nature of the land-mobile user, his needs, the area he covers and the importance of his ability to communicate efficiently, rapidly and with timeliness. Engineering solutions have technological limits and, with only a total of 40 MHz to work with, the limits of what can be done in the development of the state-of-the-art have been reached as far as channel bandwidth reduction is concerned.

Some experts in the communications field agree that realistic and immediate relief for the land-mobile services will have to come from the UHF–TV allocation, 470 to 890 MHz. Within this allocation, the FCC has provided for a total of 1098 station assignments across the country. To date, there are only 268 stations on the air, representing an actual operating assignment factor of 25 percent. There is no denying the need for other types of competitive broadcasting systems; however, there is a serious question with regard to the hundreds of idle UHF–TV assignments for which spectrum space is being held indefinitely, but which never may be filled. It is possible and feasible to employ UHF spectrum for land-mobile frequency relief while also permitting the full growth of a UHF–TV system and accommodating all UHF–TV assignments.

The next step, then, is to analyze several of the most current proposals for frequency relief that have been advanced by various agencies and groups concerned with the Land-Mobile-Radio Services.

1. Geographic Sharing—In one of its recent land-mobile Notices of Proposed Rulemaking, docket 18261, the FCC has proposed to reallocate to the land-mobile services in the top 25 urban areas unused channels from the block of UHF–TV channels 14 through 20. This proposal has become popularly known as "geographic sharing". The rulemaking would impose on the land-mobile systems employing these channels geographic, power and antenna-height limitations to protect the UHF–TV table of assignments—whether or not the stations are actually on the air.

Although the concept has a degree of merit, it does not face the realities of the typical land-mobile operation. Geographically, land-mobile users employing these new channels would be confined to the top 25 urban areas as defined by the *1960 census*. Services, however, have no geographic boundaries. Furthermore, the physical limits of the urban area will be changed following the 1970 census and, in fact, will continue to expand as the population densities of suburban areas increase. The 1960 urban limits already are obsolete, and even then have never served to mark the boundaries of commercial zones, service areas or areas of public-safety responsibility.

A second major drawback to the sharing plan is that in a number of urban areas, the power and antenna-height restrictions are so stringent that few, if any, radio users would be afforded relief. In Chicago, for example, the maximum allowable power would be 50W effective-radiated power with an antenna height of 50 ft above average terrain. Under ideal conditions, the range of such a system would be approximately 5 miles. Not taken into account are the high-rise office and residential buildings that will reduce tremendously the range of an already restricted land-mobile system. A 50-ft antenna will be the same height approximately as a 5-story building—a miniature structure in a city where buildings are often more than 40 stories high.

2. 900 MHz—In a companion Notice of Proposed Rulemaking to docket 18261, the Commission has proposed to reallocate 806 to 947 MHz to the land-mobile-radio services. The possibility of offering this region of the spectrum for land-mobile relief has been increased by the returning of 26 MHz of space in this band to the FCC's purview by the Office of Telecommunications Management.

At frequencies above 600 MHz, propagation characteristics become vastly more complex and unpredictable than at, say, 450 MHz. Land-mobile-radio equipment, comparable to that operating now in the present land-mobile bands, does not now exist that will operate at the higher UHF frequencies. If and when the 900-MHz band opens up, it will be best suited for short-range or multiple-base-station-type operations. It will not, however, be a reasonable substitute for 450 MHz because of its inherent short-range-only characteristics.

The 900-MHz region would be suitable for some new uses of land-mobile systems. But because of the long-term nature of 900-MHz band development and the complex engineering processes, additional lower-band frequencies still will be necessary to alleviate the immediate congestion.

TRUNKING OFFERS LITTLE HOPE

Trunking methods often have been proposed as one of the panaceas for mobile-radio congestion. Taking the example of trunking methods used by telephone companies, many outside the mobile-radio industry claim that application of these principles to mobile radio can result in substantial improvement in the utilization of the few channels we have available. Although the economies of trunking are well known, and equations for the advantage gained by trunking are indisputable for telephone-type uses, they cannot be converted directly into mobile radio. Those who believe they can are assuming that the typical mobile-radio exchange of communications is similar in nature to a telephone call, and this simply is not so—the typical mobile-radio communication consists of a rapid-fire, short communication between two vehicles, or between a vehicle and its base station. The trunking arrangements used by the telephone companies in their mobile-telephone systems simply are not applicable to such rapid-fire communications. The time to switch to an unused channel, and meet the other party there, is longer than the typical mobile-radio exchange.

To apply the use of trunking to typical mobile-radio use, therefore, would require entirely new and automatic trunk-switching concepts. These are not impossible, but they certainly would be expensive—adding further and unnecessarily to the cost borne by the mobile-radio licensee. Once such an automatic system were put into operation, the courtesy between users—which now provides for rapid and efficient message dispatch—would be lost because attention no longer would focus on the occasional hogging of the channel by an individual user. The length of messages would tend to increase, and the end result might be even worse congestion.

In the case of public-safety services—such as police and fire—the trunking arrangement would provide absolutely no advantage. How could trunking have helped the Los Angeles people during their riots when all of their channels already were loaded in excess of 100-percent capacity? Anybody who has attempted to call the police department during a time of major emergency has had a demonstration of how trunking breaks down during such overloads. They just get a busy signal each time they call in.

A logical approach to solving congestion has been offered to the FCC by the Land-Mobile-Communications Council (LMCC), a comprehensive group of land-mobile user associations. In view of the present imbalance in spectrum allocations, the LMCC has urged that the Commission reallocate to the land-mobile services UHF-TV channels 14 through 20 on a nationwide basis.

The advantages of such a reallocation do not at first meet the eye. Television long has been an integral part of the household, the community and, in fact, the nation, and depriving the UHF-broadcast system of seven channels would appear to strike into every man's living room.

But this is not the case. Reallocation does not entail any effort on the part of land-mobile users to curtail the full development of a UHF–TV broadcasting system, but merely acknowledges that there is ample spectrum space for all types of communications services without imposing hardships on one or the other.

Any reallocation plan would be designed to have minimal impact on television service. No television station now operating on channels 14 to 20 would go off the air. These stations would simply move to a channel higher than channel 20. Studies carried out by the FCC's Land-Mobile Frequency Relief Committee and by an outside engineering firm—Earl Cullum & Assoc., Dallas, Tex.—retained by the Land-Mobile Communications Council, show that any stations from channels 14 to 20 displaced by a reallocation can be found operating frequencies above channel 20.

Furthermore, a reallocation could take place over a specified time frame so that all television broadcasting from channels 14 to 20 would not have to be relocated all at one time. The relocation of many of the stations involved could be timed to coincide with their licensing or equipment amortization periods, which would further reduce any inconvenience they would face in changing frequencies.

ADVANTAGES OF REALLOCATION

The advantages of reallocation as a means of frequency relief are numerous. First, the potential for interference inherent in a sharing plan would be eliminated completely. Just as today's land-mobile systems operating on 470-MHz interface with channel 14 (470–476–MHz) in several cities, so under reallocation there still would be only one point of interface, but this time at 512 MHz, i.e., channel 21.

Second, there would be no necessity to impose geographic or power and antenna-height restrictions on land-mobile systems, as in a sharing scheme. At the same time, television stations in large cities, protected in a sharing plan by distance separation, could raise their transmitting power or change antenna sites to adapt to changing market conditions. Once a sharing plan is implemented, their present power output would represent a ceiling because nearby channels would be used by land-mobile units.

Finally, the UHF–TV spectrum shows little promise of being fully activated and could be employed usefully by a needy service. Wasting this public resource is not in the public interest as long as such important services as land-mobile have critical needs.

NEW SPECTRUM NEEDED

Communications of all types are on the threshold of revolutionizing industry, transportation, public safety and literally the entire way in which the American citizen lives. There is no glamour attached to the operations of two-way radio, or the services rendered by a typical user, but they are the unseen underpinning of a vital part of our economy and society. There is ample room in the frequency spectrum for all services to flourish, and there is sufficient space to accommodate present and future broadcast applications. To assure the equitable distribution of frequencies to those services that make our way of life safe, convenient and comfortable, new spectrum is needed for the traditional uses and the newer ones just on the horizon. We need to make sure that they both get the chance to survive.

DATABANK

One of the best indicators of the urgency for solving the spectrum-congestion problem is the number of groups actively concerned with fact-finding and data-gathering. Countless studies have been made in the past 5 years, and thousands of pages of reports have been published. A few of the more significant are summarized below.

1. JTAC 1968, "Spectrum Engineering—The Key to Progress"—The Joint Technical Advisory Committee, comprised of technical and engineering people working under the auspices of the IEEE and EIA, has studied spectrum usage and conservation almost continuously since its formation in 1948. This 1200-page report represents more than 5 years of work involving more than a hundred radio experts. The committee envisages a continuous postponement of a crisis in spectrum saturation through sophisticated engineering techniques in spectrum usage. (JTAC, 345 E. 47th Street, New York, N.Y. 10017.)

2. The Advisory Committee for the Land-Mobile-Radio Services, 1967. An ad hoc committee established by the FCC in March 1964 studied serious frequency-congestion problems affecting land-mobile services. It explores measures to resolve those problems without allocating additional radio frequencies. Composed of more than 200 members representing specialized land-mobile expertise, the committee examined in detail for 3 years the technical, operational, administrative and spectrum-utilization facets of these services. The report made only two major recommendations for relief: (1) that channel spacing in 450-MHz band be reduced and new channels made available be allocated immediately; (2) that expanded interservice sharing of land-mobile channels be permitted to achieve maximum utilization.

3. The IRAC Spectrum-Planning Subcommittee, 1968. IRAC stands for Interdepartment Radio Advisory Committee working jointly with the FCC. Working Group 3 under its Spectrum Planning Subcommittee SPS–3 examined radio-frequency congestion in the first 10 standard metropolitan statistical areas of the U.S. Study was confined to bands of 138 to 174, 406 to 420 and 450 to 470 MHz. It appears that about 787 25-kHz channels in the above mentioned bands are unassigned in the Los Angeles area at this time. The report cautions that for various technical and operational reasons many of these apparently assignable channels are not usable in the area. SPS–3 indicated that the existing frequencies in the Los Angeles area are adequate to accommodate government land-mobile requirements through 1973. But it was unable to predict how long the presently allocated nongovernment land-mobile bands can accommodate expanding requirements in Los Angeles. SPS–3 concluded that the 380 newly derived channels at 450 to 470 MHz plus improved interservice sharing through the frequency-pool concept would suffice for the next 3 or 4 years.

4. "The Frequency-Card Study of the Land-Mobile Services", 1963. The land-mobile section of the Electronic Industries Assn. made a duplicate set of the FCC's 350,000 electronic computer cards relating to authorizations issued to the Public-Safety Industrial Land Transportation Citizens and Common Carrier Services in the 25- to 890-MHz band. The study was to confirm and support the knowledge of the number of land-mobile radio systems and units in specific geographical areas on each frequency assigned to each service and thereby enable all concerned to gain additional information pertinent to the loading of frequencies in any service in any area. Study showed a close correlation between numbers of transmitters and total population, e.g., more than 50 percent of licensed transmitters are concentrated in less than 8 percent of the U.S. land area. The report concluded that FCC should foster expanded *use* of mobile radio in the public interest rather than containing it. (EIA, 2001 Eye St. N.W., Washington, D.C. 20006.)

5. "Electromagnetic Spectrum Utilization—The Silent Crisis"—U.S. Department of Commerce, 1966. The Telecommunication Science Panel (TSP) was established ad hoc by the Commerce Technical Advisory Board with the cooperation of the director of Telecommunications Management, the Federal Communications Commission, the Department of Commerce and the Department of Defense, TSP, composed of recognized leaders in their field selected from outside government, studied the status of research in the U.S. designed to support and improve the utilization of the electromagnetic spectrum. The most significant of the conclusions are as follows:

(1) There exists a variety of natural incentives and consequently adequate research programs to support continuous progress to seek extensions of the usable portion of the spectrum.

(2) On the other hand, there is a clear lack of natural incentives and consequently almost no research to provide an evolutionary optimization of the use of the spectrum among the various functions on the basis of overall value to the nation.

The TSP recommended that the federal government establish or develop a research organization to support, but be independent of, the FCC and the director of telecommunications management in a clearly established responsibility for the allocation of the electromagnetic spectrum in the U.S.

6. "Frequency Management in the Executive Branch of the Government"—Office of Telecommunications Management, 1966. This report contains an appeal for immediate implementation of a major long-range planning program for the future allocation and use of the radio spectrum and to find ways other than radio to accomplish as many communication tasks as practicable.

7. FCC Planned Mobile-Frequency-Relief Committee—FCC, 1967. Report issued a public notice stating that it was undertaking an intensified in-house study of: (1) the feasibility of meeting the needs of the land-mobile-radio services within spectrum space now allocated to UHF television channels; (2) the feasibility of land-mobile use of a large number of TV channels on a geographic basis to minimize the impact on television displacement and growth potential; (3) reallocating the top 14 UHF television channels to the land-mobile-radio services.

The committee examined these three possibilities with two objectives in mind: (1) to afford immediate relief in those areas where the problem presently is acute, and (2) to make long-range plans commensurate with the projected requirements of tne land-mobile services to the year 1980.

8. "National Association of Business and Education Radio" study, 1968. A study to discover what avenues might be pursued in providing a measure of relief for the land-mobile-radio services and what impact a possible course of action might have on present and future uses of this spectrum. The study was conducted in conjunction with the radio engineering firm of Molaney & Assocs. It was presented to the FCC staff in January 1968. The report concluded that part of the

solution to the land-mobile-radio problem could be developed through the reallocation of channels 14 to 20 to those services, particularly in major *urban* areas, with minimal impact on UHF TV. (NABER, 1330 New Hampshire Ave., N.W., Washington, D.C. 20036.)

9. "Chicago Land-Mobile-Usage Survey." This is a comprehensive survey of every licensed transmitter in the Chicago area. The survey was conducted by the Motorola Co. of Chicago to evaluate channel loading, interference, service growth rates, etc. The primary objective was to provide quantitative evidence of the land-mobile-service needs as a contribution to encourage better frequency management. Data were obtained from nearly 4000 land-mobile users.

The report points out: (1) The percentage of licensed base stations in operation varied from 60 to 80 percent, with the highest ratio in the 150-MHz band. Corresponding ratios for the mobile equipment could be as low as 50 percent. (2) Although the number of equipments in operation appeared significantly less than equipment authorized, it is difficult to attach any particular significance to this fact other than that the land-mobile services are concerned with their communication problems even though the equipments in operation may be fewer than indicated by the number of licenses issued. (Motorola Communications & Electronics, Inc., 4501 W. Augusta Blvd., Chicago, Ill. 60651.)

10. "A Survey of Public-Safety Telecommunication Requirements and Capabilities", conducted under contract by Kelly Scientific Co. for The President's Task Force on Communications Policy. Its objective was to "identify major U.S. metropolitan areas where lack of adequate radio communications hindered police and fire protection, rescue services or other aspects of public safety." Inadequate frequency resources for public safety were alleged to have contributed to crisis conditions such as recent riots and demonstrations.

11. "Managing the Spectrum Economically—Alternatives and Experiments". The TEMPO study was undertaken by the General Electric Co. for The President's Task Force on Communications Policy to investigate the feasibility of establishing an improved basis for assigning relative values in spectrum allocation. The study compares a number of alternative procedures whereby the federal government might license use of the radio-frequency spectrum. In the course of the study an analysis is made of what should constitute good spectrum management.

The study analyzes three major alternative spectrum-management systems. Namely: (1) the present FCC/OTM system, (2) spectrum engineering as "evolved for the armed forces and by ECAC", and (3) assignment of licenses to use spectrum through the "market" place—in other words, by auctioning.

12. Metropolitan Spectrum Congestion Task Group of The President's Task Force on U.S. Communications Policy. The members of this task group were made available by government agencies having a direct interest in telecommunications. The task group examined spectrum congestion in the Los Angeles metropolitan area.

The task group found that, although complete and accurate data on spectrum usage were not available, there was sufficient evidence to indicate that most present users generally were satisfied and that all current claimants can be satisfied. Application of current state-of-the-art technology and better operation practices, development and use of higher portions of the spectrum, and expanded use of systems engineering would resolve not only the much discussed land-mobile problem but also would satisfy all claimants for the foreseeable future.

THE TRUTH ABOUT THE AMERICAN SOLDIER IN VIETNAM

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. **BRAY**. Mr. Speaker, there have been a lot of wild, sensational, and completely false charges about the conduct of American troops in Vietnam that sound as if our fighting men in that country were indiscriminate killers.

First Sgt. Robert L. Pruden, of Indianapolis, speaking from 18 years' Army service, including Vietnam duty, has refuted this charge in a straightforward manner. Following is his letter to the editor of the Indianapolis, Ind., Star, which appeared in that paper on July 18, 1969:

AMERICANS DO NOT KILL WOMEN AND CHILDREN, VETERAN SAYS

TO THE EDITOR OF THE STAR: Gene Gardner, in his letter of July 15, gives no reasons why he thinks the war in Vietnam is "politically, diplomatically, militarily, economically and morally wrong."

His second paragraph cannot remain unanswered because it parrots acharge I first heard in 1951.

I have spent 18 years in the army, and I have served in two wars. Both my tours have involved ground combat against an armed enemy; I have never killed, nor have I known anyone else who killed a woman or child. We didn't do it even when we knew they were enemies. I can recall a 12-year-old boy in Binh Phuoc district of Long An province who was captured and told us he had been a member of the Binh Phuoc mortar platoon for a year and a half. The men who captured that boy went out of their way, they risked their lives to take him alive. Because in spite of what you may have been told or read, American troops are not killers of women and children.

Gardner should not be so quick to say that we "measure manliness" by "willingness and ability to murder Vietnamese." I have visited hamlets after the Viet Cong Special Action squads have paid a night call. The results are not pretty. I have seen a man shot 14 times with a pistol, and that required the assassin to reload with the man lying in the road at his feet. His crime? He happened to be bicycling along Highway 4 when a VC squad crossed, and he saw them.

There were some doubts in my mind when I went to Vietnam. There are none there now. The cause of freedom in South Vietnam is just; and if we refuse to help these people who have asked for our aid, then we deserve whatever judgment history has for us.

There are no better judges of Vietnam than those who have been there. I came back as the 1st Sgt. on D Company, 3d Battalion, 60th Infantry. When we paraded in Seattle, the peace at any price demonstrators attempted to disrupt the ceremony. Since we were in ranks, we could not even acknowledge their presence. But it was a different story when we left the Seattle Civic Center and found them on the sidewalk with their signs reading "Bring them all back." A young SP4 right in front of me shouted, "If you want 'em back, why don't you go get 'em?" As we pulled away in our buses, there were some dimes and quarters tossed to them with the admonition to "get a haircut." This from some men I had sent to the barber shop 3 times in Dong Tam to prepare for the parades.

Until you have been there and seen, it's difficult to make an accurate assessment of the actual issues surrounding the Vietnam question. But please remember, the men who have been there, the ones who have seen their comrades die, overwhelmingly support our commitment there. They have sacrificed the most, and they believe they are right.

ROBERT L. PRUDEN.

DEMOCRATS MUST OCCUPY THE MIDDLE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. **TEAGUE** of Texas. Mr. Speaker, the editorial director of the Dallas Morning News, Mr. Dick West, has written a thought-provoking column which appeared in the October 19 edition of that paper. It has to do with the outlook of the Democratic Party and I think of great interest to all of us.

The editorial follows:

DEMOCRATS MUST OCCUPY THE MIDDLE

(By Dick West)

The basic lesson of American politics, since the late Franklin D. Roosevelt led a hesitant and isolated nation to war in 1941, is that a national political party—to be effective and victorious—must capture and appeal to the "middle" and not float too far to the left or right.

There are local and regional exceptions, of course—in Dallas County, for instance, it is hard to be a middle-of-the-roader—but nationally the party which can be moderate but progressive, reasonable but firm, has a better chance than one which shifts back and forth from the left and right extremes.

The late Dwight Eisenhower became the only Republican president in a period of 36 years (1933–1969) because (1) he was an attractive personality with a hero image and (2) he somehow brought the Taft (conservative) and Dewey (liberal) wings of the party together in a successful coalition of the middle.

Barry Goldwater had the same chance in 1964—but at the Cow Palace convention in San Francisco he was arrogant, uncompromising and defiant in ordering the moderate and liberal Republicans to go along with him in right field or get out. They got out, and he went down to the worst defeat in history.

Dick Nixon learned the value of the middle in his eight years as Eisenhower's vice-president. He is disliked by most liberals of his own party, but last year he managed to corral enough of them, along with the right wing, to win his party's nomination and a narrow victory in November because he tossed his pitches to the political middle as well as to the "forgotten Americans" of the middle class.

The Democratic Party is in sad shape today nationally because its top leadership is ignoring the middle and the right. Its front line is balanced too far to the left, just as Goldwater wanted his interference forming on the right before he carried the ball.

This was the basic message delivered by Bob Strauss in a significant speech recently to Democratic women at the State Fair.

It was significant, because Mr. Strauss, local attorney, is national committeeman from Texas.

Strauss reminded these ladies that the Democratic party has been strong since the days of F. D. Roosevelt because it followed Sam Rayburn's advice: "There is room under the umbrella for all of us—whites, blacks, liberals, conservatives and middle-of-the-roaders."

Extremism breeds extremism, Strauss warned, adding: "We must remain a party of moderation which encompasses a great collection of religious, economic, cultural, ethnic, occupational and social minorities who have been the backbone of this nation's progress."

The people of America, he continued, "are yearning for the politics of moderation, of progress with responsibility and of strength with sensitivity for every point of view."

Just why, you may be asking, are remarks like these so significant?

Because a few weeks before, Strauss was in Washington for a closed-door meeting of the Democratic National Committee and he warned the committee's top dogs that they were ignoring the party's conservative and moderate wings—and if they continued, the party's immediate future would be bleak.

His remarks were directed primarily to the party's national chairman, Sen. Fred Harris of Oklahoma, who has set up a policy council for the national party and loaded it with liberals. The two representatives from Texas on the council are liberals, and Strauss warned Sen. Harris he is inviting disaster unless he "broadens the base" and invites conservatives and moderates to the dinner table.

Strauss was rough in that secret session, but when he finished there was loud applause. Harris got the message, because the council will be broadened in the future.

It so happens that Strauss, though few people know it, is the best money-raiser the Democratic party has. He is given a big share of the credit for Humphrey carrying Texas last year.

He is part of the brain trust behind the Connally faction in Texas. He remains on cordial terms with Preston Smith, and he long ago became a confidante to Ben Barnes. Some of the liberals like him, too, so Strauss can't be ignored by party leaders because he represents a broad base in Texas and the South and this is the region which the Democrats must regain if they hope to defeat Nixon.

In setting up the "policy council" of liberals which will shape the party's image between now and 1972, Sen. Harris did not even consult Strauss on the Texas appointments.

Strauss mentioned this fact in the important Washington meeting, adding acidly that the party leaders had no trouble finding him four times in seven days toward the end of the 1968 campaign with respect to raising a million dollars for a final push.

In January of 1963, John Connally became governor of Texas and immediately began strengthening the "middle" of the state's majority party. Liberals were gaining on the left, Republicans on the right, and the future of the party was not too good.

But Connally gradually isolated the left and right extremes; he himself became unbeatable and he developed a moderate-conservative image which put the party in every county on a firmer foundation.

That is exactly what Sen. Harris should be doing nationally.

Incidentally, Connally's name is being mentioned by some in the South, the Midwest and Border states as a vice-presidential nominee in 1972.

Connally is showing no interest in politics right now and certainly has not spawned such talks. But candidates and leaders of his type and ideology will have to be given more prominence and stature in the party if it hopes to break Nixon's hold on that vast area west of the Alleghenies.

If the country goes to pot, economically, just about any kind of Democratic ticket can win in 1972. But if times are anywhere near normal, the Democratic party must have balance to win. Its base cannot be out in left field with "doves," Walter Reuther, a scattering of intellectuals and Father Groppi.

RARICK REPORTS ON MORATORIUM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. RARICK. Mr. Speaker, on October 19 I made a radio and television report to the people of my district on the moratorium.

I include the text of my report in the RECORD:

RARICK REPORTS ON MORATORIUM

I'm John Rarick, your representative in Washington.

Last week, the American people were subjected to a skillfully promoted and well-publicized display of organized contempt for our system of Government and our men in Vietnam.

The small minority that participated, for various personal reasons, never amounted to more than one million—less than one-half of one percent of the two hundred million American people.

The national news media continues to overreact in attempting to glorify this tiny minority of dissidents, dupes, and misguided participants. No publicity or fanfare was given or expected by you, the great silent overwhelming majority. Loyal Americans did not lay out the money for full page ads in big city dailies—or for hours of prime time network T.V. Someone else did. I compliment all of you fine people who still have faith in our country, our constitutional system for your support of decency, morality and patriotism—for backing our fighting men in Vietnam.

I am proud to represent you in Washington, where your Americanism was noticed last Wednesday. The South stood loyal.

Certainly all of us want peace—no one wants peace more than men who have known war. But we also know that slavery is worse than war—that the cost of freedom is high—that we must be willing to pay that cost.

The great decent majority of Americans realize that is why we are in Vietnam. Where diplomacy has failed we must fight to support our allies to protect their homes, their families, their children today—lest we be forced, without friends, to defend our homes here tomorrow.

We, who did not disgrace our heritage, can compliment each other. But as the leftist-oriented national news media and wire services continue to dignify and extol every maneuver of the so-called moratorium, we can expect them to continue to magnify an incident that most Americans would not even have noticed had it not been blown up in the news—before, during and now after. Even in Washington, more people were interested in the world series game.

Compare the real concern of more than fifty million Americans—more than fifty times the number of the poor exploited peaceniks—concern over the safety and welfare of their children. The deprival of our freedom of choice—the rise of the totally unconstitutional, totally unlawful, doctrine of racial proportions—is being ignored—does not seem to matter to the propaganda machines that cry about democracy. Our petitions—our lawful, orderly protests, receive no extensive publicity in the national media.

Few Americans will be given the full story or even any responsible explanation as to who was running the moratorium circus, its purpose and its real objective.

The truth of the matter is that the whole operation had nothing to do with either Viet Nam or with free speech. It did not even have anything to do with peace.

Americans who have followed communist programs and slogans understand that peace does not mean to the communist what it means to Americans. To the communist there can be no peace in the world until all freedom is destroyed, all constitutional government overthrown and all independent thinkers liquidated. Peace, in other words, to the communists means complete domination under communist tyranny without any opposition—which includes no free speech and no dissent. Have we forgotten Castro's firing squads and the wall in Havana? . . . Or the Katyn forest massacre?—the wall that divides Berlin?—or more recently Czechoslovakia?

The national news analysts have become passionate advocates of disloyalty against the United States Government. It is quite obvious that these so-called reporters fail to understand what the whole moratorium was about . . . unless they understand all too well and are a part of the plot.

Personally, I agree with most of the letters I am receiving from our servicemen in Viet Nam who say that our national news people and T.V. news stars are the voice of Hanoi, and therefore, the "enemy" at home. Hanoi has always boasted it would win this war in the United States.

If you feel bitter about these national disgraces being overplayed by the news media just remember that our men in Viet Nam not only are bitter but they feel betrayed . . . and they look to you and to me here at home to combat the fifth column in our land, while they are fighting the shooting war overseas.

Insofar as leaving Viet Nam is concerned, that decision has already been made. Our allies have already been sold out by the announcement that we do not intend to win—but to make a deal with the enemy . . . if only the enemy will deal.

This means another no-win war, like Korea. This means that our captive fighting men held by the enemy have been abandoned. You do not regain your prisoners if you do not achieve victory. Our men held by the Germans, the Italians, the Japanese, were released. Over four hundred Americans are still held by the North Koreans . . . more than fifteen years after our phony negotiated end to that war.

The only disagreement between the peaceniks and the administration is whether our retreat is to be a rout . . . as demanded by the peaceniks—to further disgrace Americans, or to be disguised as a negotiated withdrawal . . . as peddled by the administration.

Both views ignore the fate of our many anti-communist Asian friends upon our departure from Viet Nam. It is flagrantly dishonest to suggest the further evacuation of these people, many of whom are christian and who were already evacuated by us from North Viet Nam in 1954 to prevent their wholesale slaughter by the communists.

The plain truth is that if we leave Vietnam before our allies are strong enough to protect their homes from communist aggression, these millions can expect the same carnage which befell the christians slaughtered at Hue during last year's Tet offensive.

What was the moratorium all about? It was merely a sensitivity training exercise, designed to condition mindless people in large numbers to blindly follow demagogs in defiance of constituted authority . . . the same sort of operation which recently resulted in tearing down the doors of the assembly chamber in Madison, Wisconsin. It had the further purpose of conditioning decent Americans, with the aid of massive publicity, that there was nothing to prevent such disloyal disorders.

It was a dress rehearsal for next month—November 15.

More ambitious plans for giving aid and comfort to the enemy have already been announced for that date—a further operation in the fall offensive waged in Washington by the enemy.

Let no one be misled—our fighting men in Vietnam are not.

I have on my desk a Washington paper which carried a story from inside of the moratorium operation.

Just listen while I read a few of these shocking comments. "We may get something out of it. Hershey's already been tossed to us. Maybe Hoover'll be given to us next."

I assume they mean J. Edgar Hoover. I didn't know he had anything to do with the war in Vietnam. But I do know he has a lot to do with fighting communism.

Continuing with the news story, "The Government should not be permitted to keep a single soldier in these parts, but to get them out we must do more than today."

"In fact, today is a preparation for more. November the fifteenth is already being planned as a march on Washington. Today is a day of accustoming great numbers of people to the anxiety of standing up to their government.

"We were all brought up trusting the Government; it's hard to shake off the feeling that resistance to it, especially about a war, is a form of . . . treason. The moratorium will make people comfortable in their new roles of resistance. It will make opposition socially acceptable, perhaps even stylist."

". . . An action like the moratorium isn't an event in itself but the preparation and threat of more and wider action. Even now what started out to be a sedate moratorium is inching in the direction of a general strike. It hasn't reached that point yet, but it will unless the Government capitulates . . ."

"By spring, the country may be ungovernable. He says he won't be the first American President to lose a war. What he risks is being the first President to lose America."

Three days before the exercise, Radio Hanoi broadcast its congratulations and instructions. Here are a few of the delighted phrases of the enemy.

"Radio Hanoi—October 6th . . . The heroic struggle of the friends in New York, Washington, Oakland, and Berkeley has been much appreciated. . . . We greatly admire the active and massive participation of the American youths and students in this fall struggle movement . . . we want to take this sincere opportunity to express our sincere thanks to all of you . . ."

On the day the moratorium started, the new dictator of North Vietnam sent a long telegram to those he called his "dear American friends."

His message closed with these exact words—"May your fall offensive succeed splendidly."

Here is one of the handbills passed out to high school students. It calls for them to join . . . "The fall anti-war offensive." . . . The same offensive the enemy is praising.

Your conduct last week was wonderful. I'm sure that you will not be misled or taken in by the next disgraceful exercise . . . let's all of us—especially veterans and veterans' groups—show our men in Vietnam that their enemy can not win here at home. Let's all stand together.

Let's all stand for America.

POLLUTION CONTROL: WHY HAS IT FAILED?

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. DINGELL. Mr. Speaker, the October 1969 issue of the American Bar Association Journal carries an article entitled, "Pollution Control: Why Has It Failed," by Arnold W. Reitze, Jr. So that my colleagues may have an opportunity to read this cogent discusison of a problem whose dimensions are only now beginning to be generally recognized, I include the text of the article at this point in the CONGRESSIONAL RECORD:

POLLUTION CONTROL: WHY HAS IT FAILED

(By Arnold W. Reitze, Jr.)

In recent years nearly every literate person has become cognizant of the "quality" deterioration of our environment.[1] However, this knowledge has not been translated into the meaningful societal actions necessary to halt the fouling of our habitat. At one time the destruction of our environment was merely an aesthetic problem. Now it threatens the survival of mankind as a species.[2]

When compared to the age of the earth, the period of man's occupation of our planet has been very short. While man has been destroying his environment throughout his recorded history,[3] his ability extensively to alter his surroundings to the point of complete destruction has developed during the last century. It is therefore imperative that man's myopic view should not obscure the insignificance of this span of time.[4] Assuming he survives his radiological, biological and chemical war toys,[5] he still must face the long-term effects of pesticides,[6] air pollution,[7] destruction of the soil,[8] and the many other effects of abusing his habitat. War is a danger, but peace too may be deadly. Man should not be sanguine. Why then is he acting against his long-term interests?

The most obvious reasons are the ubiquitous nature of the problem, its complexity and the concomitant cost of combating it. Professor Kenneth Galbraith put it this way: "Pollution may well be the nation's most broadly based and democratic effort." [9]

Today, virtually every identifiable social or economic interest group is actively engaged in the destruction of our environment. The average citizen functioning as the operator of an automobile and as a waste-producing machine is the most significant source of air and water pollution. Industry is a large user of water and a contributor of vast quantities of pollutants. Whether it is the air and thermal pollution of the power industry, the acid pollution of the steel industry or the organic wastes that the food processors discharge, nearly every industry is a significant contributor to the pollution problem.[10] So too is agriculture, with its pesticide residuals, chemical fertilizers, organic wastes and silt.[11] The mining industry is responsible for much of the destruction of Appalachia,[12] while the construction and road-building industries follow practices inimical to soil conservation, adding to our silt pollution problem.[13] The Federal Government is a major polluter from its military installations,[14] ships,[15] and through the activities of agencies charged with other aspects of resource development.[16] With everyone contributing to the pollution problem, it is difficult to assign responsibility.

While the universality of polluters complicates abatement procedures, it would be simplistic to attribute the failure of control efforts solely to the size and diversity of the body to be regulated. Restraints on "aggressive activities" that result in limitation of individual freedom for the benefit of society are common. Traffic laws are an example. As population density increases, these limits on individual freedom continue to become more totally encompassing. The furor over firearm control legislation is an excellent example of the conflict between the necessity for group control in areas of dense population and the individual freedom that could more readily be maintained in a bucolic society.[17]

SPENDING A FORTUNE TO DEFEND WHAT WE WON'T PAY TO CONSERVE

The argument that the high cost of pollution abatement precludes adoption of controls is also unconvincing when one realizes that what is at stake is the livability of our environment. The expenditures from the public sector of our economy for defense and agricultural price supports are examples of the high fiscal commitment to policy goals for needs deemed sufficiently great. But if we consider the vast fiscal resources of the private sector of the economy, the handling of our environmental problem is certainly within our capabilities. The problem is getting the money allocated to the task.

In our society, the traditional controls have been unable to cope with the continued deterioration of our environment basically because of our failure to recognize pollution for what it is: a form of aggression against society as a whole and our neighbors in particular. Existing or possible control methods are of three types: informal (our mores), formal or legal and economic. The informal controls are those most capable of producing a high general level of conformity to the demands of society, while legal controls operate primarily to establish a minimum standard of acceptable conduct. Economic controls hardly exist. The informal controls are the most effective, as the regulated individual conforms as a result of his ingrained socialization. Ultimately, in a democratic society, all control should be based upon this societal consensus of what is permissible conduct. The strength of such mores is aptly expressed in the ditty about

> The young lady named Wilde
> Who kept herself quite undefiled
> Through thinking of Jesus
> And social diseases
> And the dangers of having a child.[18]

IF WE WOULD VIEW POLLUTION AS VICTORIANS VIEWED SEX

If pollution could be regarded as "dirty" in the Victorian sense, then our environmental problems would soon be solved. But this is not likely to happen. In general, polluting is socially acceptable conduct. Many of the wealthiest suburban communities inflict their inadequately treated wastes on their downstream neighbors. Eleemosynary institutions such as hospitals and universities are often major air polluters. The names of the major industrial polluters read like a who's who of industry.[19] Yet the corporate directors and officers who are responsible for these chemical and biological attacks on the rest of us are often considered the leading citizens of their communities.

This acceptance of pollution is deeply embedded in our societal psyche. The Judeo-Christian tradition is a most anthropocentric influence. The man and nature unity of ancient paganism and primitive animism has had no part in our historical tradition. As a society we still believe that man can exploit nature interminably. Our technology and our predominant social institutions have evolved in this tradition, and it is this outlook that is held today by nearly all Americans. Despite Copernicus, our relationship to the environment is still based on a man-centered universe. We reject the Darwinian notion that we are part of nature.[20]

This rejection may have been useful in creating the mental framework necessary for settling the wilderness and developing a nation from a relatively unpopulated frontier.[21] But today, in our densely populated, interdependent, twentieth-century nation, this attitude can lead to our destruction. Man cannot persist in creating an environment hostile to his continued existence.

Economic controls to protect our environment do not exist. The reason is simple: Pol-

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Footnotes at end of article.

lution increases profits to individuals and corporations. Conversely, pollution control is expensive. When the environment is defiled by a business, the cost of production includes a harm inflicted on society for which no payment need be made. Air and water are treated as elements of production that are essentially free and are, therefore, abused or wasted with impunity. Pollution controls, when avoided, do not become a cost of production. Although the cost of society of pollution, even in economic terms, may exceed the costs of abatement, the individual polluter making the decision of how to operate his business must decide whether he will abate pollution with his own financial resources or pass the costs and harm on to the public as negative externalities of his business operation. Even if the businessman possesses a highly developed social conscience, his competition is unlikely to be similarly constrained. In a competitive world the lowest level of morality, if consistent with the desire for maximizing profits, tends to become the norm.[22]

IF PRODUCTION DOESN'T POLLUTE, THE PRODUCT DOES

Even if the production of the goods does not cause pollution, the product itself can be designed so as to become a pollution problem. Polaroid film, aluminum beverage cans, detergents and chemical pesticides are some of these. The responsibility of a manufacturer for the environmental problems caused by the use of his product is a subject that must become of increasing concern if we are to protect our water and air. The requirements for controls on automobile emissions are but a beginning.[23]

Pollution abatement is hampered, of course, by the often astronomic costs of control. The capital investment necessary to control industrial wastes can represent a substantial portion of total capital investment. Many businesses, particularly those that are small or inefficient, just do not have access to such capital. It is usually difficult to make pollution abatement financially attractive. Even if a profitable by-product can be obtained through pollution control, the economic return is rarely equal to the return which could be obtained from investing the necessary capital in more traditional investments or else in other polluting industries.[24]

Not only are capital requirements substantial, but operating costs for pollution control are significant. For most communities, proper waste treatment would engender a substantial increase in operating costs as well as a vast increase in capital expenditures. For the Lake Erie Basin, proper phosphate removal alone would double present waste treatment expenses.[25] The costs to industry for abatement programs would have to be passed on to the consumers in the form of increased costs for nearly every item purchased. The cost to municipal government would be reflected in higher water and sewage rates.

The economic cost of environmental protection is so high that a commitment of the citizenry similar to that created by war is necessary if this problem is to be successfully resolved. Environmental protection is an expense that only wealthy nations can afford, but today it is an expense we cannot afford to avoid. The capital accumulation necessary for a modern economy is obtained by exploiting natural resources. But the limits of exploitation for developed economies have been reached.[26] We no longer can afford to allow this exploitation process to continue. Rather, the process must be reversed. Continued expansion of the gross national product, if achieved at the expense of our environment, is irrational. For example, producing gas masks and distilled water for city dwellers will increase the gross national product, but it is difficult to understand how the required use of these products improves our well-being. As the production of goods of dubious value and planned obsolescence continues, it is often at the expense of our environment.

ERODE ENVIRONMENT OR PERSONAL FREEDOM?

Since economic considerations provide an incentive to pollute our air and water, only strong formal constraints have any chance of success, and these can only be considered temporary expedients. If the mental attitude necessary for developing the informal constraints is not developed, the formal regulation in the long run will not be successful. While the continued expansion of governmental powers and the erosion of personal freedom that this implies cannot be welcomed, the penalty for increased population density must be paid. The choice is either *laissez faire* treatment of the environment, followed by its destruction, or governmental regulation sufficient to prevent such destruction. The polluted condition of our air and water makes it clear that efficacious regulatory powers do not exist.[27]

The concept of governmental regulation of our waters is nothing new. From the beginning of our nation, the Federal Government has been concerned with our water resources. Most of its activity, however, was to encourage development and exploitation of these resources. Not until the end of the nineteenth century did the concept of governmental protection of resources enter our political philosophy.[28] Yet this long history of involvement in the various aspects of resource management is significant, for it helps explain the lack of a unified, coherent government policy toward our water resources or toward the larger problem of the management of all our natural resources.

DOZENS OF FEDERAL AGENCIES MOSTLY AT CROSS PURPOSES

Today water resource regulation and development is carried on by dozens of federal agencies. Many of these agencies work at cross purposes: The Department of Agriculture has paid North Dakota farmers to drain land, while the Department of the Interior spends money to create and protect such wet lands for wild fowl breeding; the Department of Agriculture pays to remove lands from agricultural production, while the Bureau of Reclamation spends large sums to create agricultural lands; the Army Corps of Engineers dredges harbors in such a manner as to increase the pollution problem the Federal Water Pollution Control Administration is attempting to abate. Examples of these inconsistent government activities are legion, and they are largely the result of numerous agencies that represent specialized economic interests.[29]

Today, most progress toward pollution control is carried out by the Federal Water Pollution Control Administration (FWPCA) of the Department of the Interior. This is one agency dealing with water resources that does not represent an economic bloc. It has been active for but four years. Its power is limited, and it has a small budget. But considering the limitations imposed on it, it has done an excellent job. Some progress finally is being made, but this progress is inadequate. As the Queen said to Alice: "[I]t takes all the running you can do, to keep in the same place. If you want to get somewhere else, you must run at least twice as fast as that." [30] Our growing population and increasing rate of urbanization require an estimated expenditure of $22 billion for municipal sewage systems by 1975 and an additional $10 billion for industrial waste treatment.[31]

We must run to stand still, yet we are barely crawling. The estimated expenditures and net lending for 1968 by the Federal Water Pollution Control Administration are $190 million. Of this a little over $6 million will be allocated to Ohio.[32] The ten largest agricultural subsidies exceed Ohio's allotment.[33] With this sense of priorities, little progress can be expected. Reductions in federal outlays can be anticipated to be taken from natural resource programs out of proportion to their percentage of the total budget.[34] Few economic blocs lobby to protect water pollution control funds. Even without reduction, the present federal expenditure for water pollution is only approximately equal to the interest that could be earned on the interest that would be paid on the defense budget if invested at 5 per cent.

The state governments' attitude toward pollution control parallels that of the Federal Government. A profusion of conflicting state agencies dealing with these problems is common. Even more common are the lack of effective power and minuscule budgets.[35] Under present law the responsibility for enforcing most laws dealing with water pollution is with the states. In Ohio the Water Pollution Control Board operates with a budget of less than $500,000.[36] Though there is danger in making comparisons between systems that are not identical, it is interesting to note that the budget for the German Ruhr District Authority—the district is a fraction of the size of Ohio—is about $50 million.[37] Air pollution control in Ohio is expected to advance with a budget of $150,000. State grants to local governments in Ohio for pollution control have not materialized,[38] and this in turn denies local governments federal matching funds. Expenditures of this nature predetermine the result.

SOCIETY MUST KEEP SCIENCE'S PACE

The failure of our environmental protection program is obvious. The ability of our social organizations to deal with today's problems has lagged substantially behind our science and technology. But the reason for this failure is due largely to the lack of any consensus to effectuate the necessary change. The political pressures that encourage a high level of expenditure by the Department of Defense tend to minimize environmental controls. The general public has had but minimum concern; when its concern grows to the point where it manifests itself in a willingness to approve expenditures commensurate with the task before us, then, and only then, will there be a chance for reversing the deterioration of our environment.

Recent voter approval of bond issues for pollution control is a hopeful sign, but after two centuries of neglect and exploitation, the challenge is so substantial that these sums, while welcome, are but a beginning.[39] We can only hope meaningful recognition develops throughout the nation while the problem is capable of being solved.[40] A danger is that society will adjust to levels of pollution that apparently have only a minor nuisance value, but that this apparent adaptation will eventually cause much pathological damage.[41] Further, the ability of man to adapt to the continuing qualitative deterioration of his environment creates a political climate that makes reversal of this deterioration difficult. After a period of time citizens seem to accept as normal a long journey to areas where fish still live and swimming is safe.

It is the belated recognition that time may not be on our side that is most ominous. The air we breathe is the same as that utilized by Neanderthal man, only now 65 million tons of deadly carbon monoxide are discharged each year by automobiles in this country.[42] The long-term effects of this pollution on man's physical, neurological, and even genetic make-up cannot be determined. What will the 133 million tons of pollutants that are sent into the atmosphere each year in the United States do to weather patterns and eventually to the temperature of this planet.[43] No one can be sure. Water pollution

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Footnotes at end of article.

may also become irreversible. The present deterioration of Lake Erie from phosphate—mostly from detergents—that encourages vast algae growth and greatly speeds eutrophication may continue even if additional nutrient inputs are curtailed.[44]

ABILITY TO DESTROY WHAT WE CAN'T CREATE REQUIRES HUMILITY

Our technology is allowing man to upset ecological balances without having developed the degree of technological *expertise* necessary for a new artificial ecological balance to be created that can be predicted and controlled so as to assure that a place remains in our man-defiled environment for man. Until this can be achieved, we must humble ourselves to reinstate a man-nature unity. We must begin to live in harmony with our environment.[45] When this concept is accepted, the necessary money will be forthcoming and social institutions will rapidly provide the means for carrying out the mandate of the citizens. In a democratic society these attitudes can only be created through education and persuasion. Until the consensus of our citizens is that an environment undefiled by man is highly desirable, the reckless abuse of natural resources will continue. The law, particularly when large sums of money must be appropriated, can move only a short distance beyond the desires of the governed. Unless those who are led become convinced of the wisdom of the course of action, even limited leadership will have an ephemeral existence. Until Americans decide they want a livable environment, we cannot have one. Our survival may depend on their decision.

FOOTNOTES

[1] Numerous publications lamenting the destruction of our environment have been written in the past several years. Two general books of value are S. Udall, The Quiet Crisis (1963) and Rienow & Rienow, Moment in the Sun (1966).

[2] In 1952 the London smog killed 4,000 people, more than the number killed in the attack on Pearl Harbor. In late October of 1963, a stagnant air mass over the Northeastern United States caused toxic gases to increase to more than five times the normal level. Only a change in wind direction prevented disaster. Lewis With Every Breath You Take viii, xvii (1965).

[3] The decline of numerous ancient civilizations, for example, is attributed to poor irrigation practices. See generally Carr, Death of the Sweet Waters (1966).

[4] Estimates of the age of the earth vary between 5 and 6 billion years. Leet & Judson, Physical Geology 29 (3d ed. 1965). Human evolution began only 1 million years ago, and all of recorded history encompasses but 7,000 years. Storer, General Zoology 195 (1954).

[5] Weapons can, of course, effect the environment without being used in war. Contamination from nuclear testing is a well-known danger. A more dramatic example of the danger posed by modern weapons is the death of 6,500 sheep caused by the Army's nerve gas experiments in Utah. Newsweek, April 1, 1968, at 53; Hersh, *Chemical and Biological Weapons—The Secret Arsenal*. The New York Times, August 25, 1968, § 6 (Magazine), at 25.

[6] See generally Carson, Silent Spring (1962); Headley, The Pesticide Problem: An Economic Approach to Public Policy (1967).

[7] See generally U.S. Dept. of Health, Education, and Welfare, Air Pollution Publications, A Selected Bibliography 1963–1966 (1966).

[8] See generally Morgan, Governing Soil Conservation (1965).

[9] Galbraith, *The Poliopollutionists,* Atlantic, January, 1967, at 52, 54.

[10] See generally Jacobstein & Mersky, Water Law Bibliography 1847–1965 (1966); National Research Council Comm., National Academy of Sciences, Waste Management and Control, No. 1400 (1966).

[11] See generally Udall, *Supra* note 1; Herfindahl & Kneese, Quality of the Environment 35, 65 (1965); Still, The Dirty Animal 239 (1967).

[12] See Caudill, Night Comes to the Cumberlands (1962); Life, January 12, 1968, at 54.

[13] See W. Douglas, A Wilderness Bill of Rights 147 (1965).

[14] Nationally, in 1966, at least 237 federal installations were still improperly discharging wastes into United States waterways. The New York Times, January 3, 1968, at 96.

[15] U.S. Dept. of Interior, Wastes from Watercraft, S. Doc. No. 48, 90th Cong., 1st Sess. 3 (1967).

[16] See generally Douglas, supra note 13.

[17] Here the conflict over regulation as a responsibility of government should be distinguished from the merits of any specific regulatory proposal.

[18] Lewis, *The High Court: Final . . . But Fallible,* 19 Case W. Res. L. Rev. 528, 568 (1968), quoting from *A Symposium on Morality,* 34 Am. Scholar 347, 360 (1965).

[19] See generally U.S. Dept. of Interior (Federal Water Pollution Control Administration), Lake Erie Report (1968).

[20] See White, *Historical Roots of Our Ecological Crisis,* 52 Sierra Club Bull. 123 (1967); White, *What Hath Man Wrought?*, Science, March 1967, at 11; Nash, Wilderness and the American Mind (1967).

[21] Managing the Environment, Report of the Subcomm. on Science, Research and Development to the House, Comm. on Science and Astronautics 13 1968).

[22] See generally Controlling Pollution, the Economics of a Cleaner America (Goldman ed. 1967).

[23] Clean Air Act of 1968, as amended, 42 U.S.C. § 1857.

[24] For detailed information concerning industrial pollution abatement costs see 3 U.S. Dept. of Interior (FWPCA), The Cost of Clean Water (1967).

[25] Statement of George Eagle, Conference on Pollution of Lake Erie and Its Tributaries (June 4, 1968). Perhaps these additional costs may be subject to considerable reduction. See Mich. Dept. of Public Health, Wastewater Section Division Engineering, & Dow Chemical Company, Studies on Removal of Suspended Matter and Biochemical Oxygen Demand (1967).

[26] This does not mean that underdeveloped nations do not have pollution problems, but only that their economies are less capable of absorbing abatement costs.

[27] Present government control over pollution is much better than it was prior to 1965, and we are beginning to develop a body of law capable of dealing with some of our environmental problems. However, the law has just begun to function. See Reitze, *Wastes, Water and Wishful Thinking: The Battle of Lake Erie,* 20 Case W. Res. L. Rev. 5 (1968).

[28] *Id.*, at 49.

[29] See generally Moss, The Water Crisis (1967).

[30] Carroll, Through the Looking Glass, quoted in Lewis, *supra* note 18, at 566.

[31] Figures for pollution abatement costs very substantially. There are some estimates from Cohen, Sewers for a Growing America (1966).

[32] Budget of the United States 108 (Fiscal 1969).

[33] Moore, *Slaves for Rent*, Atlantic, May, 1965, at 109, 118.

[34] Budget of the United States 109 (Fiscal 1969).

[35] This is only a generalization. Los Angeles County has an effective air pollution control, though not effective enough to solve the problem. New Jersey has begun a vigorous abatement program.

[36] Reitze, *supra* note 27, at 80.

[37] Fair, *Pollution Abatement in the Ruhr District,* in Comparisons in Resource Management 143, at 171 (Jarrett ed. 1961).

[38] Reitze, *supra* note 27, at 79.

[39] Bond issues for water pollution control were approved in Ohio, Michigan and Washington. The $1 billion bond proposal in Illinois was rejected. Business Week, November 9, 1968, at 104.

[40] A number of environmental pollution problems include a possible irrevocable destruction. A wilderness destroyed by man-created drought cannot be restored. Pennekamp, *Disaster in Everglades National Park,* 50 Sierra Club Bull., 4 (1965). Air pollution may change world weather patterns. Cole, *Can this World Be Saved?* The New York Times, March 31, 1968, § 6 (magazine), at 35.

[41] Dubos, *Adapting to Pollution,* Scientist & Citizen, January-February, 1968, at 1, 3.

[42] Progress in the Prevention and Control of Air Pollution, First Report of the Secretary of Health, Education, and Welfare to the United States Congress, June 28, 1968, at 16.

[43] Faltermayer, *We Can Afford Clean Air,* Fortune, November, 1965, at 159. See generally U.S. Dept. of Health, Education, and Welfare, Power Systems for Electric Vehicles (1967); Carr, The Breath of Life (1965); 1 Air Pollution (2d ed. 1968); Iglauer, *The Ambient Air,* The New Yorker, April 13, 1968, at 51.

[44] Reitze, *supra* note 27, at 19; see also *supra* note 39.

[45] For further discussion, see generally Murphy, Governing Nature (1967).

UNITED STATES FAILURES IN VIETNAM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1969

Mr. FRASER. Mr. Speaker, on September 29, 1969, at pages 27560–27561 I introduced into the Record a letter in which a Vietnam veteran wrote:

> In the end what I objected to was not so much individual atrocities, for these can be found in any war; war itself is an atrocity. What compelled my stand (disaffection with our effort) was the evident fact that at an operational level most Americans simply do not care about the Vietnamese.

In the past few days, my attention has been directed to three publications which speak to this same issue. The first appeared in the October 17, 1969 Life magazine and is authored by former Supreme Court Justice Arthur Goldberg. He writes of the Green Beret case and what he views as "an appalling, indeed frightening, deterioration in our national standards of morality and law."

The second article appeared in Saturday's Washington Post. In it, Robert G. Kaiser writes:

> Open expression of American contempt for Vietnamese is common.

The third and by far most disturbing story appears in the October 18, 1969, issue of the New Yorker. The story of the rape-murder of a Vietnamese teenager by American troops is told by Daniel Lang. The soldier who brought this sordid episode of the war to the attention of higher authorities encountered a conspiracy of silence by his immediate superiors which attests to the deterioration of morality noted by Justice Goldberg.

What do these articles say to Congress and others in leadership roles in the Nation? They say that war is an atrocity which degrades all those who participate. But, of course, we already knew this. However, we do not always admit to ourselves that those in the front lines are not—or seldom are—the Martin Luther Kings, the Arthur Goldbergs of our society. Rather they are average Americans required by their Government to perform an inhuman job. They are young and they are under great pressures and they do not always have fine moral sensitivities. They live in a world of kill or be killed. And while we should not be surprised at the individual atrocities that each side commits, we should recognize that this struggle for freedom, self-determination and/or national liberation is being achieved by means that degrade those involved.

I cannot speak to the NLF or the North Vietnamese. I recognize that the atrocities they commit are at least as numerous as those committed in our name. In fact, this point is poignantly made in Mr. Lang's New Yorker article. The sister of the girl killed by the GI's was subsequently abducted by the Vietcong. As the narrator of the story said:

> Who says we don't get along with Charlie? Between us, we've taken care of that whole family.

The Green Beret case, the rape-murder case, the generally observed contempt our soldiers show for the Vietnamese cannot be ignored by our leaders. When a military lawyer can say before a military court, as he apparently did in defense of the sergeant who precipitated the rape-murder:

> There's one thing that stands out about this particular offense. . . . It did not occur in the United States. Indeed, there are some that would say it did not even occur in civilization, when you are out on combat operations—

Our moral deterioration has progressed much further than Justice Goldberg suspects.

I cannot talk to the Vietcong about their moral deterioration, but I can speak to the American public about ours. To that end I introduce into the RECORD the three publications I refer to in my remarks:

[From Life magazine, Oct. 17, 1969]

ARTHUR GOLDBERG WRITES ABOUT THE GREEN BERETS

The dropping of murder charges in the now famous Green Beret case has almost everywhere evoked a widespread sense of relief.

I must confess that I find this reaction—and, even more, the powerful political clamor against prosecution which preceded the dropping of charges—profoundly disturbing. In them I note an appalling, indeed frightening, deterioration in our national standards of morality and law.

Two comments are necessary by way of preface. First, what I say must not be construed as reflecting adversely upon the soldiers who were charged with murder, or as a judgment upon the facts of the case. Although the eight men will now not have their day in court, the old principle that persons accused of crime are presumed innocent until found guilty still lies at the heart of our legal system. The charges that were levied against the Berets were only charges. They were not evidence. Still less were they a finding of guilt.

Second, I do not have access to information which would enable me to judge whether the national security would indeed have been jeopardized by disclosures which might have resulted had the case been brought to trial. Nor, in fact, do I have any quarrel with the general proposition that considerations of national security may sometimes justify a decision by the authorities not to prosecute a particular set of charges.

What does alarm me is the way we have responded as a nation to the grave allegation that one or more of our uniformed soldiers *executed without trial* a foreign national whom they had in their complete control, because they suspected him to be a double agent.

Few of our people, and even fewer of our leaders, have manifested any sense of outrage that such an execution without trial might have occurred, or might have been ordered by American officers. Indeed, General Creighton Abrams, our commander in Vietnam and a brave and forthright soldier who knows the rules of war, has come under sharp public criticism for having insisted on their applicability in this case—to the point of ordering that murder charges be brought.

Of course war is hell. I suppose there has never been a war in which troops under the stress of battle have not commited acts of savagery which they would not think of performing under other circumstances. And I recognize that a counter-guerrilla war in the jungles and rice paddies of South Vietnam is peculiarly prone to instances of misconduct of this kind.

But the Green Beret incident, as alleged, does *not* involve lapses of discipline under battlefield conditions. The charge was that a South Vietnamese agent in our employ and control was simply executed—rather than being detained, or tried, or turned over to the South Vietnamese for trial. No civilized nation can permit individual members of its armed forces to take this kind of action on their own initiative. Down that roads lies anarchy.

Article 106 of the Uniform Code of Military Justice provides that alleged spies caught behind our lines and not in uniform may be punished by death—but not before trial and conviction by an appropriate tribunal. Articles 93 and 118 of the Code make it a crime for an American serviceman to murder or even to practice cruelty toward "any person subject to his orders." The Geneva Conventions to which we subscribe impose similar restrictions.

At the end of World War II we participated in war crimes trials at Nuremberg and elsewhere in which enemy military personnel who mistreated prisoners under their contol were prosecuted, convicted and punished. We sentenced General Yamashita, the "Tiger of Malaya," to death not for his own acts but for his failure to control the conduct of troops under his jurisdiction. We treated as war criminals those German generals who had executed uniformed soldiers and agents whom the Office of Strategic Services had sent into occupied Europe to train partisans, gather intelligence and commit sabotage—despite the generals' defense that Hitler had ordered them to do so. Under international law, as we applied it, an order such as Hitler's was an unlawful one, and therefore not entitled to obedience.

I take great pride in this nation's historic fidelity to the rules which govern civilized societies even when they are at war. Traditionally we have never allowed expedience to justify departures from these rules. In August of 1776, when our nation's very ability to survive was in doubt, the Continental Congress provided that alien spies were to be executed only according to the law and usage of nations, and on the sentence of a general court martial. The rule was followed from the bleak days at Valley Forge to the end of the war.

In 1942, when our struggle against the Axis powers was at its most desperate, the United States Supreme Court interrupted its summer recess for the first time in 22 years to reconvene and review the procedural protections being afforded eight Nazi saboteurs in civilian garb who had been landed in this country by submarine.

Has the time now come, after all these years, to adopt a lower standard of conduct?

The war in Vietnam is a tragic war, marked by events which no human being can applaud. Whether or not the national interests assertedly at stake there warrant our participation in it—at such sacrifice in lives, treasure and morality—the situation in Vietnam cannot justify us as a nation now, for the first time in our history, to tolerate—more, to legitimate—the cold-blooded murder of individuals wholly under the control of our troops. We may jail spies or prosecute them. But individual American soldiers may not take it upon themselves, away from the battlefield, to serve as prosecutor, judge and executioner. That is utterly unacceptable—now, as it was in 1776.

If the price of the war in Vietnam includes our coming to tolerate or applaud this sort of moral breakdown, it is one I am not willing to pay. Nor should any civilized nation. As a great patriot, Tom Paine, once said:

"He that would make his own liberty secure must guard even his enemy from oppression, for if he violates this duty he establishes a precedent that will reach to himself."

[From the Washington (D.C.) Post, Oct. 18, 1969]

MANY GI'S DISLIKE VIET ALLIES—VIETNAMESE RETURN THE ANIMOSITY

(By Robert G. Kaiser, Washington Post Foreign Service)

SAIGON.—"Before I came to Vietnam I wanted a job working with the Vietnamese," the young American lieutenant said, "but now I'm glad I'm in a U.S. infantry outfit. I just don't like Gooks. Right after I got here I went out with one of our companies, one of the first operations I went on. The company got hit—they got mauled, really. Six Americans got killed, 18 wounded. You looked at those guys, dead and wounded, and you had to feel different about the Gook after that."

Gooks—or Dinks, or Slopes—are major figures in the Vietnam war who don't often get their names in the papers. They are, in GI argot, the Vietnamese people. Gooks can be friendly or hostile, ours or theirs. The only good Gook, it is said again and again on U.S. bases throughout Vietnam, is a dead Gook.

Open expression of American contempt for Vietnamese is common. An Army major driving a jeep in Saigon after a heavy rain deliberately drives along the edge of the road so he can keep the outside wheels in the puddles and splash pedestrians. A sergeant in Cantho taunts a Vietnamese girl who operates a PX snack bar with lurid sexual insults, knowing she doesn't understand him, and basking in the laughter his insults evoke from his buddies.

A senior diplomat sneers, "these people are incorrigible." A soldier recuperating in an Army hospital tells a fellow patient about the old man he killed "by mistake," but it didn't matter. "He was just a Gook." One of the eight Green Berets recently accused of murder jokes about the fate of Thai Khac Chuyen: "Just like a Gook to carry more chain than he could swim with."

The American soldier's contempt for Asians is not new. In World War II the Indians were Wogs, the Burmese and Chinese were Slopeys. But in Vietnam relations between Americans and "the little people" are more complicated.

Naive young U.S. soldiers are told that their enemy is Vietnamese—small, tough, slant-eyed, wearing black pajamas and lurking everywhere. They are also told that the United States is here to allow the South Vietnamese—small, slant-eyed, many clad in black pajamas—to determine their own destinies.

Enemy and ally don't look any different. Most GIs find it difficult to believe that some Gooks are their mortal enemies while others are devoted friends.

The ordinary soldier's attitude is undoubtedly colored by the Vietnamese he most often meets. Few GIs get to know ordinary Vietnamese people during their 12 months here. Instead the American soldier meets the riffraff of war, the camp-following pimps and bar girls, shopkeepers and hustlers who claw at him whenever he leaves his base.

It would be difficult to convince a 19-year-old American boy that these people are not typical. The Army makes little effort to promote good relations between Americans and Vietnamese.

There have been no polls or surveys to determine how many Americans in Vietnam like or dislike the Vietnamese. One can only report a personal impression: Among soldiers, negative feelings about the Gooks are as common as any openly expressed complaint. The soldier who speaks warmly of the Vietnamese, or who makes an effort to help them in his spare time or on his job, usually makes an impression, because he is an exception.

Soldiers working with the Vietnamese in advisory jobs seem much more likely to like the locals than GIs in American units.

A psychiatric social worker in the Army's 3d Field Hospital in Saigon, Maj. Aaron Dotson, reports that in his experience black soldiers are less prone to prejudice against Vietnamese than whites. But there are certainly blacks who will curse the Gooks. Dotson says anti-Vietnamese feeling is widespread.

Among American civilians hostilility is much more subtle, and admirers of the Vietnamese are much more common. But candid relationships are rare.

An American cannot overhear the unguarded remarks of Vietnamese, but one suspects that they regularly return the insults. The basic slang for Americans is "Meo," which the Vietnamese equate with "Yanks," though they say it is a "funny word."

Vietnamese anti-Americanism seems to come in two strains. One is practical and direct: The Americans shot up my house, dumped my vegetable stand, defiled my daughter—I don't like them. The other is more basic: We were a simple and peaceful society before the Americans came, now we are crass and commercial and our values are distorted, Vietnamese life will never be the same, the Americans have created more needs than they have satisfied.

The undercurrent of the second strain of anti-Americanism is strong in Saigon. It often emerges at the end of long lunches or long conversations, heavily coated with Oriental politeness, but forceful and sometimes bitter.

Only occasionally is anti-Americanism overt, and when it is, Vietnamese assure their American friends that it is just an aberration.

A recent example was a series of editorials in the militant Buddhist newspaper Chanh Dao, organ of the An Quang Pagoda. The editorials were written by a journalist named Viet Bang, a former employee of the U.S. government who was fired from his job in Saigon.

Bang's editorials vilified the United States for seeking to monopolize the Vietnamese economy, for importing foreign labor at the expense of local workers, for promoting black market sales of PX goods to undermine local products, and for many other transgressions. Bang is obviously not a representative spokesman for Vietnamese opinion, but one wonders how widely his prejudices may be secretly held.

There seems to be no single psychological explanation for the hostility between Americans and Vietnamese, but one often senses a common ingredient—resentment.

The Americans are here, they say, to save Vietnam, and they resent the Vietnamese for failing to be appropriately appreciative. Or they are here against their will, because they were drafted to fight a bewildering war, and they resent the Vietnamese for causing it. Or they are Americans who have no patience or deliberate Oriental ways, and they resent the Vietnamese for their stubborn unwillingness to adopt American ways.

For their part, the Vietnamese seem to have always been suspicious about why so many Americans came to their country. Many, including some intellectuals and politicians, are convinced that Vietnam is only a pawn in the grasp of uncaring big powers, and only one big power is available as a target for their resentment.

Some Vietnamese who are deeply grateful for the fact that the United States apparently saved them from a Communist takeover in 1965 (and there are many) nevertheless bitterly resent America's deep involvement in their domestic affairs. Only once in his tenure in office has President Thieu been a genuinely popular leader: when he stood up to the Americans and refused to take part in the Paris peace talks last November. Even Thieu's aides acknowledge to Americans that it was his finest hour.

[From the New Yorker magazine, Oct. 13, 1969]

Casualties of War

(By Daniel Lang)

Like their predecessors in all wars, American veterans of the Vietnamese campaign who are coming home to civilian life have their heads filled with memories that may last the rest of their days, for, no matter how far from the front a man may have spent his time as a soldier, he will remember it as a special time, when, fleetingly, his daily existence appeared to approach the heroic. Former Private First Class Sven Eriksson—as I shall call him, since to use his actual name might add to the danger he may be in—has also come back with his memories, but he has no idea what the future will do to them. Honorably discharged in April, 1968, this new war veteran, who is twenty-four and comes from a small farming community in northwestern Minnesota, isn't even sure that he would care to hold on to his recollections, if it were possible for him to control his memory. Naturally, Eriksson's experiences in Vietnam were varied, and many of them impressed themselves vividly on his mind. Just seeing an Asian country, for instance, was an adventure, Eriksson says, its landscape so different from the frozen plains of his corner of Minnesota; he had never before splashed through paddy fields, he told me, or stood blinking in the sudden sunlessness of lush, entangled jungle, or wandered uncertainly through imprisoning fields of towering elephant grass. An infantryman, Eriksson saw a fair amount of action, so, if he chose, he could reminisce about strong points he helped take and fire fights in which he was pinned down, and one ambush, in particular, in which half his unit was wounded. But, as Eriksson unhesitatingly acknowledges, the fact is that when he thinks of his tour of duty in Vietnam it is always a single image that comes to his mind. The image is that of a Vietnamese peasant girl, two or three years younger than he was, whom he met, so to speak, on November 18, 1966, in a remote hamlet in the Central Highlands, a few miles west of the South China Sea. Eriksson and four other enlisted men were then on a reconnaissance patrol in the vicinity of the girl's home. Eriksson considers himself hazy about the girl's looks. He does remember, though, that she had a prominent gold tooth, and that her eyes, which were dark brown, could be particularly expressive. He also remembers that she was wearing dusty earrings made of bluish glass; he noticed the trinkets because they gave off a dull glint one bright afternoon when he was assigned to stand guard over her. Like most rural women, she was dressed in loose-fitting black pajamas. They obscured her figure, Eriksson says, but he has the impression that she was slender and slight, and was perhaps five feet two or three inches tall. For as long as she lived, Eriksson did not know her name. He learned it, eventually, when the girl's sister identified her at court-martial proceedings—proceedings that Eriksson himself instigated and in which he served as the government's chief witness. The girl's name—her actual name—was Phan Thi Mao. Eriksson never exchanged a word with her; neither spoke the other's language. He knew Mao for slightly more than twenty-four hours. They were her last. The four soldiers with whom he was on patrol raped and killed her, abandoning her body in mountain brush. One of the soldiers stabbed her three times, and when defense counsel challenged Eriksson at the court-martial proceedings to describe the sound that the stabbings made, he testified, "Well, I've shot deer and I've gutted deer. It was just like when you stick a deer with a knife—sort of a thud—or something like this, sir."

Eriksson talked with me at his home in (I shall say) Minneapolis, where, since leaving the Army, he has been earning his living as a cabinetmaker at a local department store. He and his wife, Kirsten, have a neat, modest apartment of three rooms, its walls decorated with paintings by Mrs. Erikson, a Sunday artist, who was present while we talked; she is twenty-three and is employed as a receptionist in an insurance office. The two have no children. They were married four years ago, shortly after Eriksson was drafted. They had known each other since childhood, their fathers having been neighboring farmers, who both had difficulty making ends meet. This was true of many farmers in the area, Mrs. Eriksson told me, adding that most of its inhabitants were of Scandinavian background. "It's a part of the country where we pride ourselves on not being demonstrative," she said. A small, pretty blonde with an alert, intelligent manner, she offered me coffee and cake the instant I set foot in the apartment. She was pleased, she told me, that I had asked to hear about the episode involving Mao. She herself had thus far been the only person with whom her husband had discussed it since returning from Vietnam, and even with her he had not gone into much detail. "It'll do him good to talk to someone else," she said, her tone lively and teasing. Sitting by himself on a sofa, Eriksson smiled somewhat ruefully, a deep dimple forming in one cheek. He is a short man of fair complexion, blond and blue-eyed, and he is not voluble. In the hours we spent together, there were intervals that may have lasted as long as a minute when he sat silent, a brooding expression on his face, before resuming his account. At the start, he spoke laconically, but gradually his natural reticence thawed out, and there were times—generally after one of his silences—when he produced such a burst of talk that it seemed to cost him an effort to bring it to a halt.

At the very outset, Eriksson told me that the last thing he wished to do was discuss Mao's murder in any legalistic vein. It was certainly possible to do so, as I knew for myself from having read the court record of the trials he had brought about: seven bulky volumes in the offices of the Clerk of Courts, U.S. Army Judiciary, in Falls Church, Virginia, which included Eriksson's testimony against the members of the patrol; their convictions and appeals; interminable correspondence between judges and opposing counsel; and depositions concerning the character of individual defendants. Having appeared as a witness before four tribunals in Vietnam, Eriksson told me, he had had his fill of the judicial process—of the dogged grillings of lawyers and the repeated strictures of judges insisting on precise answers to questions that were often vague. As far as he was concerned, Eriksson said, it had all seemed a morass of cleverness, but then, he conceded, he may well have entered the military courtroom in the Central Highlands, where the four trials were held, with unwarranted expectations, for it had been his hope that the trials would help him unravel his reactions to Mao's fate. Unreasonably, he granted, he had come into court with the idea that he and the others on hand would wonder aloud, in a kind of corporate searching, how it was possible for the young girl to meet the end she did. He had imagined that he would be able to ask how it was that he alone of the patrol had come to act as he had. He had wanted to tell of the way the episode with Mao had affected him, and why it was that he had felt impelled to report the others—four young Americans like him, each dependent on the others for survival deep in enemy territory. He had wanted to unburden himself of his doubts about whether he had done all he might have done for Mao in her travail—doubts that gnaw at him to this day. With me, he said he trusted he would be able to go into these matters freely, but he had early discovered that in a court of law they were of little interest.

Launching into his unlegalistic account, Eriksson told me that it seemed clear to him in retrospect that he should have been prepared for Mao's death. It had been preceded by any number of similar occurrences. In one form or another, he said, they took place almost daily, but he was slow, or reluctant, to perceive that they were as much a part of the war as shells and targets were. Eriksson now believes he should have foreseen that sooner or later one of these incidents was bound to strike him with special, climactic force. He had scarcely landed in Vietnam, in October, 1966, when he was made aware of these occurrences, each of them apparently impulsive and unrelated to military strategy. He told me that beatings were common—random, routine kicks and cuffings that he saw G.I.s administer to the Vietnamese. Occasionally, official orders were used for justifying gratuitous acts of violence. Thus, early in his tour of duty, Eriksson recalled, G.I.s in his unit were empowered to shoot any Vietnamese violating a 7 p.m. curfew, but in practice it was largely a matter of individual discretion whether a soldier chose to fire at a stray Vietnamese hurrying home a few minutes late to his hootch—the American term for the mud-and-bamboo huts in which most natives lived. Similarly, it was permissible to shoot at any Vietnamese seen running, but, as Eriksson put it, "the line between walking and running could be very thin." The day after the one on which his squad was ambushed and half its members were wounded, several enemy prisoners were taken, and, in retaliation, two were summarily killed, "to serve as an example." A corporal who was still enraged over the ambush tried to strangle another of the prisoners; he had knotted a poncho, nooselike, around the captive's neck and was tightening it when a merciful lieutenant commanded him to desist.

Needless to say, Eriksson continued, the kind of behavior he was describing was by no means limited to Americans. The enemy did the same thing, and much of the evidence for this came from the Vietnamese themselves. They constantly reported rapes and kidnappings by the Vietcong; in fact, the Vietcong committed these crimes so indiscriminately that the victims were sometimes their own sympathizers. On one occasion that he knew of, Eriksson said, American troops, attracted by the familiar odor of decomposing bodies, had found a pit piled high with Vietnamese men and women who had been machine-gunned by the V.C. But, as Eriksson pointed out, he could not give me many such first-hand accounts of V.C. depredations. Necessarily, he said, he was in a position to speak only of the behavior of American soldiers, since they were the people he fought and lived with.

Ending the first of his brooding silences, Erikson said, "From one day to the next, you could see for yourself changes coming over guys on our side—decent fellows, who wouldn't dream of calling an Oriental a 'gook' or a 'slopehead' back home. But they were halfway around the world now, in a strange country, where they couldn't tell who was their friend and who wasn't. Day after day, out on patrol, we'd come to a narrow dirt path leading through some shabby village, and the elders would welcome us and the children come running with smiles on their faces, waiting for the candy we'd give them. But at the other end of the path, just as we were leaving the village behind, the enemy would open up on us, and there was bitterness among us that the villagers hadn't given us warning. All that many of us could think at such times was that we were fools to be ready to die for people who defecated in public, whose food was dirtier than anything in our garbage cans back home. Thinking like that—well, as I say, it could keep them from believing that life was so valuable—anyone's life, I mean, even their own. I'm not saying that every fellow who roughed up a civilian liked himself for it—not that he'd admit in so many words that he didn't. But you could tell. Out of the blue, without being asked, he'd start defending what he'd done maybe hours ago by saying that, after all, it was no worse than what Charlie was doing. I heard that argument over and over again, and I could never buy it. It was like claiming that just because a drunken driver hit your friend, you had a right to get in your car and aim it at some pedestrian. Of course, I was a foot soldier all this time. I was operating in a forward area and probably seeing the war at its ugliest. In daylight it was search-and-destroy missions, and at night it was setting ambushes for the enemy. I discovered it's not difficult to kill a human being—in combat it's as instinctive as ducking bullets. You never knew whose turn it was to die, and that isn't how it was in rear areas. The farther back you got, the closer you approached the way people lived in civilian life."

On November 16, 1966, the commanding officer of Eriksson's platoon, a Negro lieutenant, Harold Reilly (whose name, like every soldier's name in this account, has been changed), assigned him as one of five enlisted men who were to make up a reconnaissance patrol, its mission to comb a sector of the Central Highlands for signs of Vietcong activity. Testifying later in court, Lieutenant Reilly characterized the mission as "extremely dangerous," and said that to carry it out he had picked members of the best of the four squads in the platoon. Special care had been taken with the operation, he stated, since it had been conceived by the battalion command, a higher echelon than the company command, to which Reilly was ordinarily responsible. Explaining his choice of the patrol, Reilly testified, "These people, I felt, knew what they were doing, and a second reason was because the company commanding officer asked for good people." On the following afternoon, November 17th, the members of the newly formed patrol met in a corner of the platoon's headquarters area, near the village of My Tho, where, relaxed, as they stood or sat on the ground, they listened to a briefing from their leader, who was seated on a low stool. He was Sergeant Tony Meserve, a slim, black-haired man of medium height who was twenty years old and came from a town in upstate New York, near the Canadian border. According to Eriksson, Meserve, who was assertive and confident, was both the patrol's youngest soldier and its most experienced one, being a volunteer of three years' standing who had fought in Vietnam for a year and had been decorated several times; he was due to go back to the United States in a month. The group's secon-in-command was Ralph Clark, a corporal who came from a town near Philadelphia. He was twenty-two, a stringbean in physique, and blond, with eyes that were a pale, cold blue. Again according to Eriksson, Clark was given to quick movements and to seemingly abrupt decisions that reflected Meserve's thinking in an exaggerated form. The two other G.I.s in the combat team were a year younger than Eriksson, who was then twenty-two. They were cousins named Diaz—Rafael, known as Rafe, whose home was near Amarillo, Texas, and Manuel, who came from a town some distance north of Santa Fe, New Mexico.

Eriksson remembers Rafe as a tall, swarthy, round-faced man with a disposition that was naturally sunny and amiable. As for Manuel, who was fair-skinned and stockier than his cousin, his manner was on the jumpy side. Like Clark, he was given to quick movements, but his behavior had nothing to do with embellishing Meserve's thinking. Manuel showed no initiative in that regard, Eriksson told me, his attitude toward authority being simple and automatic: he heeded it devoutly. In mild contrast, Rafe was capable of questioning authority, Eriksson said, but he generally wound up by going along with whoever seemed to be the leader—"just to keep from making trouble."

Returning to the patrol's briefing, Eriksson told me that Meserve was all business as he plunged into his talk. Echoing the instructions that a battalion officer had given him earlier, the Sergeant informed the four men of the duties that each was expected to carry out, of the chain of command in the field, and of radio-communication arrangements with the platoon command, and then, consulting the grid coordinates of a map he was holding, the Sergeant described a precise westerly route that the patrol was to follow.

It was to take them, ultimately, to Hill 192—a height, in the Bong Son valley, that overlooked a ravine laced with a cave complex, which was suspected of serving as a Vietcong hideout. But caves weren't all that the five men would be looking for. Bunkers, trenches, trails that were not marked on maps, caches of enemy equipment—these, too, were to be reconnaissance objectives. Naturally, Meserve said, if the men could spot any Vietcong in the open, that would be all to the good, but the patrol's orders—and these had been spelled out in no uncertain terms by the battalion command—were to avoid any shooting matches with the enemy except in self-defense; as a so-called pony patrol, he said, they were out to collect "early-warning" information concerning enemy intentions.

The men were to be gone five days, the Sergeant revealed—a fairly long time for a reconnaissance mission—and on hearing this Eriksson experienced a sense of exhilaration, just as he had at the prospect of far shorter patrols in which he had taken part. He felt that way, he explained, because out in the field, in territory that could turn hostile at any moment, the men in the patrol would be very much on their own, and this would be so even if a high-ranking officer were in charge. "You could never tell how a man was going to behave under pressure," Eriksson said. "He might turn out to be dumb or brave or to have a wonderful stock of jokes. Sure, there were always advance plans to do this or that, but they didn't often stand up in the field. The only thing you could count on out there was that the unexpected would happen." Usually, Eriksson said, it took time for the unexpected to develop, but now—more than half a day before the patrol was to leave platoon headquarters—it happened with stunning abruptness.

It happened when the Sergeant, having delivered his instructions, concluded the briefing by telling the assembled men that they were going to have a good time on the mission, because he was going to see to it that they found themselves a girl and took her along "for the morale of the squad." For five days, the Sergeant said, they would avail themselves of her body, finally disposing of it, to keep the girl from ever accusing them of abduction and rape—both listed as capital crimes in the Uniform Code of Military Justice. Rafe later testified at his court-martial, "Meserve stated we would leave an hour ahead of time so that we would have time to find a woman to take with us on the mission. Meserve stated that we would get the woman for the purpose of boom boom, or sexual intercourse, and at the end of five days we would kill her." And in Manuel's testimony one finds: "After we were briefed by Meserve, he said that we would take a girl with us on patrol, or that we would try to take a girl with us to have some fun. . . . He said it would be good for the morale of the squad."

The Sergeant had made his announcement with a straight face, leaving his men to interpret it as they would. Clark at once greeted it with enthusiasm. The two Diazes laughed, either out of embarrassment, Eriksson conjectures, or because they thought Meserve was joking, in view of his remark about "the morale of the squad"—an old gag in the platoon. Eriksson told me that he himself reacted silently but that after Meserve and the men had broken up to go their separate ways until morning he sought out his friend Corporal Curly Rowan, a West Virginian, who had been in Vietnam, and with the platoon, just as long as Meserve had. Rowan listened with astonishment as Eriksson apprised him of the Sergeant's plan, but when Eriksson asked his friend whether he thought Meserve's statements should be reported to an officer before the patrol left camp, Rowan immediately shook his head, replying, as the court record shows, "Meserve wouldn't dare do such a fool thing." This incredulity notwithstanding, the news of Meserve's briefing left Rowan unhappy. The two men had arrived in Vietnam at the same time, and he had known Meserve as a considerate, agreeable man. However, in the last month or so, Rowan told Eriksson, the Sergeant, apparently undergoing changes, had exhibited a mean streak toward the Vietnamese; a couple of weeks before, Rowan said, Meserve had shot at and wounded one of them, giving as his reason afterward that he had "felt like it." "The way Curly talked about him, Meserve sounded as though he had become a kind of war casualty," Eriksson told me.

At four-thirty the following morning, Meserve diligently checked his men's gear at the edge of camp, seeing to it that their chow, star clusters, rounds of ammunition, smoke and hand grenades, and other supplies were in order. Once this was done, the patrol filed out of the camp in the faintly humid darkness, the men still uncertain of their leader's intent. Twenty minutes later, they knew what it was. By then, moving unhurriedly in the gray dusk, Meserve's squad had dutifully followed him two thousand metres to the east, which, as Eriksson and the others realized, was a flagrant deviation from the westward route the Sergeant had described so precisely at the briefing. By then, too, the men were approaching the hamlet of Cat Tuong, in the district of Phu My, and Eriksson was cursing himself for having listened to Rowan. In disbelief and confusion, his heart palpitating, Eriksson saw that Meserve was losing no time in carrying out his plan, for, with Clark at his heels, the Sergeant had embarked on a systematic search of the hamlet's hootches. The pair had emerged empty-handed from five or six of the huts when Rafe, ever his amiable, accommodating self, pointed to a white hootch ahead and called out, "There's a pretty girl in there! She has a gold tooth!" Instantly, the Sergeant said, "That's the girl we'll find." Astounded by the enormity of his own suggestion, Rafe looked miserably at Manuel and Eriksson as Meserve and Clark, quickening their steps, made for the white hootch that contained the pretty girl with a gold tooth. While Eriksson, Manuel, and the now wretched Rafe hovered outside, Meserve and Clark entered the hut—Mao's home. They lingered in it longer than they had in the other hootches, but since Eriksson was standing outside the hut he is unable to describe what went on inside. However, Mao's sister, Phan Thi Loc, who was present, has done this at one of the trials. Translating the testimony of Loc, who was two years younger than Mao, an interpreter informed the court, "She said they come in, use flashlight and shone around the house and saw her mother's face and her sister's face and all of them wake up at the same time. It was six in morning and dark." The father was away in Phu My market, the interpreter went on. The mother wept and pleaded, and her daughters, clinging to one another, cowered against the wall. Loc was spared, but Mao was seized by the two soldiers, who bound her hands behind her back with a length of coconut rope. Reporting another of Loc's answers at the trial, the court interpreter stated, "She said her sister have gold tooth, right side in lower jaw."

When Meserve and Clark rejoined their comrades, Eriksson told me, they had the bound Mao well in tow. Clark was holding her elbow, and he pushed her forward when Meserve ordered the patrol to get moving. "Daylight was coming on fast, and he wanted the girl in the light as little as possible," Eriksson told me. "Helicopter crews might spot her." Before the patrol left the hamlet, a swarm of local children materialized, chattering agitatedly in a circle around Mao, and then out of the white hootch came Loc. The two sisters looked at each other. "Their eyes were terrified," Eriksson remembers. Departing from the hamlet with their prize, the soldiers moved west toward the main trail they should have been on. They had gone scarcely twenty metres when a cry of distress halted them. It came from Mao's mother, who was giving chase. Meserve testified at his court-martial, "The mother came out, like they always do, started crying talking. We just tell them to *dee dee*"—meaning to go away. The mother, Eriksson told me, was waving a scarf and laboriously propelling herself forward. Panting, she finally reached the soldiers, indicating to them that the scarf was Mao's and that she would like her daughter to have it; the woman's cheeks were wet and her manner was imploring. It was an awkward moment, Eriksson said, and Clark terminated it. A smile spreading on his face, he took the scarf and stuffed it into Mao's mouth. In an affidavit that Manuel later signed, he stated, "Clark gagged the girl to keep her from yelling out. It was still dark in the area, and no civilians attempted to stop us." Leaving the mother behind, the patrol resumed its march, prodding Mao to match its stride. The hamlet was barely out of sight when Manuel, perhaps competing with Clark, untied Mao's hands, then slipped his pack from his shoulders and loaded it onto the girl's.

The five men and Mao kept up a steady pace. Meserve saw to that, for a brilliant sun had come up, its glare exposing the bizarre party as clearly as it did the landscape. "We were advancing through nice country," Eriksson told me. "We were on a plateau in the Highlands, and all around us were small mountain ranges, hazy and green. Below was a valley with a winding stream, and along its banks were paddy fields with neat little dikes around them. The country we were moving through was mostly all shades of green, but we also passed arid stretches and, here and there, places that had been browned by napalm. The land was very changeable. It would be open for a while, and then there'd be sections so thick with thorny vines tearing at our clothes that we couldn't see each other, even though we were spaced no farther apart than you and I are, right here in this room." Around eight o'clock, Meserve permitted his squad a half hour's break for chow.

Mao was ungagged but was given no food; noticing that she was flushed and coughing slightly, Meserve handed her an aspirin. Only one piece of military action occurred that morning, and it could have been dispensed with. Gazing into the valley below, Rafe thought he spied a Vietnamese in a native type of straw hat standing in the stream. Deciding that he was looking at a V.C., Rafe let fly with a couple of rounds from his M-16 rifle. His target turned out to be the rump of a wallowing water buffalo, the animal raising itself from the shallow stream in clumsy panic and lumbering out of view. Rafe had flouted the order against unnecessary shooting, confirming Eriksson's observation that plans could mean little in the field and that out there any patrol was a unit only in theory. "We were each acting the way we had to," he told me. Meserve said nothing to Rafe; nor did he say anything to any of the others when, as the mission unfolded, they committed similar derelictions. Under cross-examination at his court-martial concerning this disregard of his commanding officer's instructions, the Sergeant stated, "Sir, most of the time everybody agrees with his C.O. Sometimes you have your disagreements, and sometimes you don't voice them, you keep them to yourself."

At ten-thirty, a short distance below the summit of Hill 192, Meserve found what he was looking for—a command post for the day. It was an abandoned hootch, eight feet square and eight feet high, with a window on the east side, a door on the west, and two slits facing north and south; there was a stream a few metres away, giving the patrol a ready source of water. The hootch contained a table, a low bench built against a wall, and tattered remnants of a straw mat strewn in a dark corner, and the dirt floor was littered with scrap metal, rocks, and cans. The structure was in a state of extreme disrepair, and had a number of large holes in its mud walls. However, it was essentially intact, and Meserve quickly converted it into a weapons depot, dumping ammunition stocks, and also food supplies, on its dirt floor. In addition, the hootch served as a place to hide Mao. Ordering Eriksson and Rafe to clean up the hootch, and leaving Mao in their charge, the Sergeant went off with Clark and Manuel to have a careful look around. In the hootch, Eriksson recalled, Mao, now relieved of Manuel's pack, watched him and Rafe heave out junk for a while, and then, unasked, the girl lent the G.I.s a hand. "She had no idea the kind of place she was helping to prepare," Eriksson said.

Meserve and the others returned an hour later, toward noon, and had a hearty snack, eating it outdoors, near the entrance to the hut. Sprawled on the ground after the meal, Meserve, refreshed, glanced at his fellows and then, with a knowing smile, indicated the partly ruined structure. "It's time for some fun," he said. Clark appeared to be beside himself with anticipation, Eriksson told me, and Manuel and Rafe appeared less so. He himself, he imagines, must have looked glum. "It was the way I felt," he said. "It was impossible for me to have any part of what I knew was about to take place." He suspects that Meserve sensed this, for before anything else happened the Sergeant confronted him, demanding to know whether he would enter the hootch when his turn came. Eriksson shook his head. Incensed, the Sergeant uttered the first of a series of threats. Unless Eriksson went along with the others, Meserve warned, he would run the risk of being reported "a friendly casualty." Clark seconded this vociferously, and both Diazes concentrated puzzled stares on the difficult member of the patrol. Eriksson shook his head again. "I had had enough of watching beatings and stranglings with ponchos," he told me. Rebuffed a second time, Meserve lashed out with an attack on Eriksson's manliness, deriding him as "queer" and "chicken." The attack didn't bother him, Eriksson told me, but it appears from the court record that it did affect Rafe, who testified that he could not have withstood the epithets he heard Meserve heap on Eriksson; it was his fear of such derision, Rafe stated, that caused him to join those who entered the hootch he had helped make tidy. Manuel gave similar testimony. "I was afraid of being ridiculed; sir," he told the prosecutor. Asked why, he answered, "O.K., let's say you are on a patrol. These guys right here are going to start laughing you out. Pretty soon, you're going to be an outcast from the platoon. 'That guy, he's scared of doing this, he's scared of doing that.' Everybody is going to make fun of you. When you go out on a patrol, you ain't going to be as good as you want to be, because these guys ain't helping you do anything. It is going to be yourself. There is going to be four people on that patrol and an individual."

Once Meserve had delivered his estimate of Eriksson's virility, the ill-fated bacchanal got under way. Just before it did, Eriksson moved away from the entrance to the hootch, where he had been standing, and sat down alone on the grassy turf to one side of the structure; periodically, he raised his field glasses to gaze at distant points. Cross-examined at Meserve's trial as to why he had shifted his position, Eriksson testified, "Well, sir, these gentlemen seemed to me—oh, I should say kind of enthused about what was going on. The whole thing made me sick to my stomach. I figured somebody would have to be out there for security, because there were V.C. in the area."

The Sergeant was the first man to enter the hootch, and soon, Eriksson told me, a high, piercing moan of pain and despair came from the girl. It repeated itself in waves, broken only, Eriksson assumed, by Mao's need to summon fresh breath. After several minutes, the moan turned to a steady sobbing, and this did not cease until, after a half hour, Meserve reappeared in the open. He was shirtless; his face wore an expression of swaggering irresistibility. "She was real good—pretty clean," he said. Pointing to the hootch, he signalled to Rafe to be his successor, and Rafe, sparing himself ridicule, walked in. In court, Rafe said that he found Mao naked, lying on the table, her hands bound behind her back. "The girl looked so innocent, so calm," he testified. But Rafe stayed, and again the moan and the sobbing, slightly diminished, rose from the hootch. Outside, according to the court record, Clark was watching his comrade through a hole in the mud facade and letting out whoops of delight that mingled with Mao's cries. His manner became momentarily subdued when Meserve waved him in as the third man, but Clark was his jaunty self again when he returned. "I held a knife to her throat," he told the others. He displayed a hunting knife. It was ten inches long, and its handle was wrapped with tape that bore a pattern of tiny diamonds. The men were familiar with the knife; it had recently been given to Clark by a close friend in the platoon who had been wounded. As Manuel was going into the hootch, Mao's sounds could be heard, weak and conquered. The four soldiers' visitation lasted nearly an hour and a half, and two minutes after it was terminated the men, to conceal themselves from any Vietcong who might be in the vicinity, reentered the hootch together. Eriksson was now with them, and he saw that Mao had retreated to a corner of the hut, frightened, watchful, her eyes glistening with tears, her presence made known chiefly by a cough that had grown more pronounced since morning. The girl was dressed and her hands had been freed. The men ate, again without feeding her, and reminisced about their communal feat, comparing Mao with other girls they had known, and talking about how long it had been since they had had a woman. After fifteen or twenty minutes, Meserve, as though he were finally bored with the topic, abruptly reminded the unit of its mission; he wanted the men to do some more reconnoitering that afternoon. This time, he said, it would be Clark who would stay behind to guard Mao and the weapons in the hootch.

The day continued eventful. Exploring the mountain further, often making their way through shoulder-high vegetation, Eriksson, Meserve, Manuel, and Rafe pushed on toward the summit. Though the men had to struggle for footing, Eriksson related, they made a point of keeping an eye on the stream that ran near the hootch; it had its source high up on the mountain, flowing down past a number of rice fields. After half an hour, their watch on the stream paid off, producing a more interesting sight than Rafe's water buffalo. Three Vietnamese were spotted walking along the edge of the water, and though they wore no uniforms, Meserve assumed they were V.C., and he and his men, including Eriksson, opened fire on them. None of the four hit anything, and the Sergeant radioed the platoon command for artillery support, which was quickly granted; the coöperation, Eriksson recalled, pleased Meserve no end, since it implicitly conferred an importance on the skirmish. Deciding to close in on the three Vietnamese, Meserve dispatched Eriksson and Rafe to the hootch to pick up a supply of smoke grenades. Arriving on the run, the two explained their errand to Clark, who heard the news eagerly, then pulled rank on Eriksson and ordered him to take his place in guarding the hootch. As Clark and Rafe left, Eriksson told me, he realized that he was about to exchange one kind of excitement for another—the encounter with the three Vietnamese, that is, for the quieter, more complicated ordeal of being alone with Mao. He was uncertain how he would act with her, he said, even though, oddly, he felt he knew her well; her cries, he said, had thrown him into a turmoil he had never before experienced. As he listened to her, he said, it had even crossed his mind to shoot her assailants, but then, he observed to me, "I'd have had the bodies of four men to justify." Asked in court for his thoughts during the period he had sat on the grassy turf, he testified, "Well, sir, I was wishing I wasn't in the situation I was in. I might say I was praying to God that if I ever got out of there alive I'd do everything I could to see that these men would pay for what they did."

Eriksson now lapsed into the longest of his silences with me, and when he spoke again, it was, for him, at great length. "When Mao saw me come into the hootch, she thought I was there to rape her," Eriksson said. "She began to weep, and backed away, cringing. She looked weary and ill, and she seemed to be getting more so by the minute.

"I had a feeling she had been injured in some way—not that I could tell. She had her black pajamas on. I gave her crackers and beef stew and water. It was her first food since she'd been taken away from her hamlet—it had been still dark then, and here it was the middle of the afternoon. She ate, standing, and it was whimper, then eat, whimper, then eat. She kept looking at me, as though she was trying to guess what my game could be. When she finished eating, she mumbled something in Vietnamese; maybe it was 'Thank you'—I wouldn't know. And I told her, in English, 'I can't understand you.' I wanted to tell her other things. I wanted to say, 'I apologize to you for what's happened, but don't ever accept my apology or anyone else's for that. Please don't ask me to explain why they did it. I'll never know. You're hurt, I can see, but how are you? I mean, if I let you go, do you think you can make it home?' I wish Mao and I could have talked," Eriksson said, his voice tightening. "She might have helped me know what to do, instead of my having to figure it out alone—it was her life that was at stake. I stepped outside the hootch to be by myself awhile, and out there I could hear the muffled noise of artillery off in the distance. I had no idea where my unit was. I didn't know then that they were four hundred metres away, at the top of Hill 192, or that it would be a whole hour before they returned. It might have influenced my thinking if I'd had that information, but I'm not sure. As a disciplined soldier, I knew I wouldn't abandon the weapons in the hootch to the enemy, but, just the same, I was dizzy with thinking how to save Mao. I thought again of letting her go, but what would I tell Meserve when he got back? That this weak, coughing girl had overpowered me? Besides, she was in no condition to reach home or anywhere else. Then I thought of taking off together with her. We couldn't have gone very far, I realized, but it was going to be dark soon and we might find a hideout somewhere in the brush. After that, we'd have to stay out of sight until the third day of the patrol's mission—that was the day the patrol was supposed to rendezvous with another unit for fresh supplies. I knew the rendezvous spot, and if Mao and I could show up there at the right time, there was no question in my mind but that the fellows in the resupply squad would help us both. But I couldn't think any of my brainstorms through. I knew I had cut myself off from the rest of my patrol, refusing to go into that hootch, and I had this idea that the fellows were watching the place from the brush, waiting for me to make just one false move with Mao. I had this picture that when we did, they'd fire at us, or, at least, Meserve would have me up on charges of desertion. The guys would back him up, of course. They'd say there had never been a girl with the patrol, and I'd be left looking crazy."

Shifting uneasily on the sofa, Erickson went on, "When I stepped back into the hootch, I saw that Mao had made up her mind that I wasn't going to harm her. She had stopped whimpering, and there was even a little look of trust in her eyes. There shouldn't have been, because I had decided, outside, that there wasn't a thing in the world I could do for her. It was the hardest decision I've ever had to make, and it couldn't have been the best possible one, or Mao wouldn't be gone today."

In the time that elapsed before the patrol's return, Eriksson said, Mao's condition worsened noticeably. The men found her feverish and coughing, and Clark was all for rescheduling her death hour to that evening. Meserve, however, counselled patience. A good night's rest might do wonders for Mao's health, he pointed out, in which case he, for one, wouldn't mind revisiting her in the morning. Rafe subsequently testified that the Sergeant was in an expansive mood, cheerfully observing to his men that it wasn't every day he could rate artillery support and have himself a woman as well. The patrol and Mao shared the hootch that night, the girl spending it in a corner by herself. The soldiers set up a night watch, each man pulling guard duty outside in the moonlight, alert for any lurking enemy. Mao coughed throughout the night, and at one point, Eriksson recalls, Clark again urged that the girl be finished off forthwith. Eriksson said, "He told Meserve her coughing was going to give away our position, but I didn't think it was Charlie he had on his mind. I thought he wanted to destroy living evidence."

In the morning, everyone got up shortly after six, and it wasn't long before Mao's fate was sealed. "Events happened fast that day," Eriksson said. The first of them, he told me, was that Mao woke up less alluring than when she had gone to bed. Her fever and coughing had increased overnight, he said, and that didn't do her cause any good. Meserve, he noted, paid scarcely any attention to her. The Sergeant seemed more attracted by the possibility of military action, to judge by the speed with which he had his charges break camp. His last order before they left was to send Eriksson, Rafe, and Manuel to fetch the day's supply of water from the stream. When they returned, Eriksson told me, they discovered that Clark was no longer alone in advocating Mao's early demise. Meserve was now an ally, he and his second-in-command apparently having arrived at a meeting of minds while the others were filling the patrol's canteens. As Mao stood listening, mute and uncomprehending, Meserve said that she had to be got out of the way; if they ran into action, he pointed out, she would be a hindrance, and even if they didn't, helicopter crews scouting the area might want to know who she was. All that awaited decision, Meserve went on, was the moment and method of the girl's murder, but, whatever was settled on, the Sergeant's thought was to have Eriksson do the job; if Eriksson refused, Meserve said, he would be reported as K.I.A.—killed in action. Manuel later told agents of the Army's Criminal Investigation Division, "Meserve said to Eriksson that inasmuch as he did not do anything to the girl [the day before], Eriksson would have to kill the girl, but Eriksson said that he would not have anything to do with that." Meserve, however, didn't follow through on his threat. To Eriksson's astonishment and deep relief, the Sergeant abruptly shifted his attention to the Diazes, asking first Rafe then Manuel to carry out the murder. "Both refused," Eriksson said. "They were very definite. It excited me." Impatiently, Clark volunteered his services, but Meserve wouldn't have that, insisting that they collaborate, Clark could knife the girl from the front, the Sergeant said, while he bayoneted her from behind; the body would then be tossed over a cliff from the summit of Hill 192, where the patrol had reconnoitered the previous day. Accordingly, at nine the group struck out for the cliff. The climb took longer than it had the day before, the men's pace slowed by the packs they bore. This morning, Manuel carried his own.

Serving as radioman, he was in the vanguard with Meserve and Clark; Mao walked ten metres behind, wearily ascending the rugged terrain, with Rafe as her forward guard and Eriksson bringing up the rear. It took an hour to negotiate the climb, and the group had barely attained the ridge when Rafe, his eyes sweeping the vista below, saw five Vietnamese in peasant dress making their way along a mountain trail toward the paddy fields near the stream. The Vietnamese proved to be V.C., for the moment they were aware that they had been seen they fired at the patrol with small arms, then changed their direction and passed temporarily out of sight. Meserve at once radioed the platoon command, reaching Lieutenant Reilly, to whom he suggested that the V.C. be ambushed. Agreeing, the Lieutenant said that he would order another squad, operating at the base of the mountain, to coordinate its movements with those of Meserve's patrol, and that he would also dispatch two other squads in the area. In addition, Meserve learned that he was again to be the recipient of artillery support; in a short while, Reilly said helicopter gunships—aircraft equipped with rocket artillery and machine guns—would be in the area. "It was going to be a big outlay, considering the few men we were up against," Eriksson said. Ordinarily, he conjectured, the promise of such generous support would have cheered Meserve but Mao's presence seemed to confuse matters. Glancing at the girl with distaste, the Sergeant ordered Eriksson and Rafe to stay with her on the ridge, whereupon he, Clark, and Manuel began a cautious descent of the mountain, their purpose to stalk the Vietcong. Thirty metres down, they came to a curiously shaped rock formation composed of two jutting ledges. Using the upper one as a vantage point, they spied the small band of V.C. making slow progress toward the refuge of the cave complex, which was three hundred metres away, almost at the bottom of the ravine. But the Sergeant did nothing about the escaping V.C., for he was now powerfully distracted from the enemy; in the distance, still inaudible and looking miniaturized, were four approaching gunships. Acting fast, he sent Manuel backtracking to the summit to tell Eriksson and Rafe to report to him with Mao. In ten minutes, they were all together again; by then, too, the helicopters had grown larger and their engines were faintly audible. Rafe later testified, "There were helicopters flying around, and everyone was getting jumpy about having the girl."

Before Meserve could devise any next step, Clark took hold of Mao's arm. "Let's kill her and get it over with," he said, according to the court record.

"All right, go ahead," Meserve said, and he instantly turned his attention to the enemy, ordering Eriksson to the lower ledge of rock while he and Manuel returned to the upper one, with Rafe to their rear.

Rafe was the man closest to Clark and Mao—only a few metres away—and because he was, his testimony concerning the events that now took place carried special weight with the court. He stated at the trial, "From where I was, I observed Clark grab the girl by the arm and take her into the bushes nearby . . . I saw that Clark had his hunting knife hidden in one of his hands." It was in the next seconds that deer-gutting sounds issued from the bushes. "I then heard the girl cry out, but not too loud," Rafe continued. "Clark came back to where we were. Meserve asked him if he had finished the girl." Clark had just replied yes when Mao, like a wounded apparition, was seen crawling rapidly downhill and then disappearing into the thick foliage. As Rafe recounted it, "Meserve saw her and said, 'There she goes.' Clark said, 'Why, that bitch, I stabbed her more than twice.' Meserve told us all to shoot her before she could get away. We were all told to look for the girl." All five men shot, but Eriksson aimed his weapon—a grenade launcher, which looks like a shotgun—down into the valley, away from the general direction of Mao. In addition, Rafe flatly said, "Eriksson could not see the girl," despite which, Rafe also testified, "Eriksson stated, 'Oh, no,' like he regretted that he had fired." Rafe himself let go with a burst from his M–16, which, inexplicably, caused his rifle to jam. However, he did call Clark's attention to a bush directly ahead. It was rustling. "I couldn't tell whether it was Charlie or the girl," Rafe testified. Clark, who was several metres in front of Rafe, yelled back to him that it was the girl. "I saw him raise his rifle," Rafe stated, adding that he then started toward Clark. Moving in on the bush, Clark blazed away with his M–16, and at once the rustling foliage grew still. "You want her gold tooth?" Clark called over his shoulder to Rafe, who was then, he testified, a foot away and was staring, aghast, at Mao. "When I got up to the girl, I saw that her head was partially blown away," he testified. "She was dead, I'm sure."

Immediately after the murder, Eriksson told me, the men appeared to assume a self-protective air of disbelief at what had taken place. Straggling uphill, he said, they gravitated toward their leader, who stood, unflustered, near the jutting rock formation, surveying the combat situation. It had built up sharply. The gunships were now unmistakably in the area, their motors sending up a storm of noise as the machines hovered low and their crews searched out the enemy. Now the V.C., flushed from their temporary hideout, continued to beat a desperate retreat, relying on sniper fire to fend off their attackers, who were converging on them from both sides of the stream. Small artillery spotter planes had arrived, heralding the imminent use of ground-artillery support. The court record attests that it was in the midst of this encircling racket that Meserve chose to initiate radio contact with Lieutenant Reilly, the burden of the Sergeant's message being that he wanted to report "one V.C., K.I.A." Under cross-examination at Meserve's court-martial, Reilly, appearing as a defense witness, testified, "Sergeant Meserve called me up and informed me in the middle of the fire fight that a girl was fleeing up the side of the mountain, and I informed him to get the girl. He called me back in a few minutes, or a couple of minutes, and informed me that he could not catch the girl, that he had had to shoot her. . . . I called him back and commended him on the job that he did and reported it, in turn, to the company headquarters."

Meserve fought well that day. With Mao out of the way, he was able to concentrate on the action at hand, managing his patrol, working in concert with the other squads, and helping to guide the diving gunships, whose presence he now welcomed. Among them, Eriksson said, these sizable elements, advancing toward the cave complex, succeeded in killing one V.C. and wounding another. Two escaped, and the fifth man made to the caves, where he holed up for a last-ditch stand. The man was never captured, Eriksson said, despite the fact that he became the single target of the gunship's rockets and the infantry's bullets and grenades. Moreover, Eriksson told me, the enemy soldier inflicted casualties on the infantrymen deployed around the cave complex, which was some two hundred metres long and had numerous mouths. At the time the fifth V.C. entered the caves, he said, the patrol had long ago left the vicinity of the curiously shaped rock formation, and had descended so deep into the valley that the men were practically able to touch the thick, rough outer walls of the caves. Meserve, Clark, and Manuel, together with members of the other squads, were shooting away at the solitary V.C., who was behind an aperture that measured perhaps six inches wide and a couple of inches high. As for himself, Eriksson told me, Meserve had ordered him to a ledge from which he could overlook the complex as he trained his grenade launcher on two cave mouths in particular, either one of which, the Sergeant thought, could afford the entombed V.C. an exit.

For Rafe, the fighting had ended an hour earlier—well before the patrol reached the cave complex. As the men had raced to get there, clambering and sliding, Rafe had slipped and fallen from a ledge, dislocating an elbow and a shoulder. Evacuated by a medical helicopter, he was flown to a hospital at Qui Nhon. There, corpsmen deposited him on a bed alongside that of a battalion officer he knew and liked. At Rafe's court-martial, it was disclosed that for several days the two patients in the hospital ward seemingly talked about whatever came into their heads but that Rafe never mentioned Mao. Testifying in his own defense, Rafe stated, "I was afraid to tell [the officer], because I might be the only one who brought it up. I didn't know Eriksson brought it up. I wanted to find out first what Meserve and Clark might do."

The fire fight in the ravine lasted several hours, the attackers finally breaking off after dark. The holed-up V.C. (who escaped the following morning) wounded five Americans, and Meserve displayed considerable courage in rescuing the most seriously injured of them, a G.I. whose ammunition pouch, girding his midriff, had exploded as the result of a hit. "The poor guy's guts were out," Eriksson said. "It was as though he had shot himself with two rounds of his own ammo." The wounded man lay helpless, directly in front of the small opening from which the V.C. was shooting, and Meserve, braving a fusillade of bullets, crept forward and pulled the man out of the V.C.'s line of fire. For this action, Meserve was nominated for a Bronze Star.

Eriksson had no occasion to fire his grenade launcher, and that was just as well, he told me, since his mind was on Mao—on the part of the war that, as he put it, "had got to me." Perched on the mountainside, listening to the gunfire and the helicopters, he found his thoughts returning repeatedly to the fact that Rafe and Manuel had refused to kill the girl. Transitory though their show of character may have been, he said, it encouraged him in reaching a private resolve, for as he kept watch above the cave complex, Eriksson told me, he was suddenly seized with the overwhelming realization that unless he took it upon himself to speak out, the fact of Mao's death would remain a secret. "No one would ever know what had become of her!" he exclaimed. "Who else would tell but myself? All the others in the patrol had raped or killed her. I knew I wouldn't rest until something was done about Mao's murder. It was the least I could do—I had failed her in so many ways. The only thing that could stop me was if I became a friendly casualty."

Looking back, Eriksson thinks that the small band of V.C. may have rescued him from Meserve. The outmanned, outgunned enemy put up so strong a fight, he said, that the Sergeant, Clark, and Manuel ran out of ammunition, and the patrol had to interrupt its five-day mission long enough to go back for fresh supplies of bullets and grenades. This meant going to platoon headquarters—the home of four squads, and only a few minutes' walk from company headquarters, where there were officers who outranked Reilly, the platoon's lone lieutenant. Arriving at the platoon area, Eriksson told me, he felt as though he had reached the promised land; the anxiety in which he had lived the past two days yielded to what he described as an almost tangible sense of safety. Since the patrol would be going out again, Eriksson said, he knew he had to act fast, but that seemed no big deal. In the first place, he wanted to act fast, and, besides, he had no doubt that once he did act, there would be fast results. Once he was inside the camp perimeter, he assumed, it would be a simple matter to bring Meserve and the others to judgment. All he need do, he believed, was report that they had committed rape and murder, and the military authorities would investigate with the same alacrity that civilian authorities are expected to show in such situations. During his first hour back in camp, he recalls, no one could have persuaded him otherwise.

In any event, Eriksson went on, he lost little time in seeking out his friend Curly Rowan to tell him the story of Mao. He had barely begun it, however, when Clark, seeing the two in conversation, descended on them, demanding to know what they were talking about. "We made up something to get him to go away," Eriksson told me. "He had a wild manner—he couldn't stand still, and his eyes looked every which way. All of us in the patrol had long ago stopped pretending nothing horrible had happened. All of us had come back scared and upset, but Clark, I thought, showed it the most." Once Clark had left them, Eriksson continued with his story, feeling an immense relief when he had finished telling it. "At last, someone outside the patrol knew of Mao," he said. He had no illusion, though, that Rowan himself could do much about what he had just learned, but at that, Eriksson said, his friend did what he could, immediately relaying news of the murder to the sergeant of his own squad. In turn, the sergeant passed the news on to Lieutenant Reilly, who sent for Eriksson.

Arriving at the austere hootch that Reilly used as a command post, Eriksson told me, he imagined that the Lieutenant, if only conversationally, would express dismay over the murder. No such dismay was expressed. Instead, to Eriksson's astonishment, Reilly chose that moment to offer a reminiscence. Calmly and easily, he told Eriksson about an experience that he had undergone three years earlier, when he drove his wife, also a Negro, to an Alabama hospital to have their first child. She was in an advanced state of labor, the Lieutenant related, but she had been refused admittance to the hospital, on racial grounds, and she had eventually had her baby on the floor of its reception room. Wild with rage, Reilly had tried to wreck the place, whereupon hospital orderlies summoned the police, and the new father was arrested and jailed. In his cell, Reilly went on, he had made plans to shoot various officials at the hospital, but when he was finally released he gave up the idea of vengeance. "By the time I got out of jail," he told Eriksson, "I was saying to myself, 'What's happened is the way things are, so why try to buck the system?' And take it from me, Eriksson, it's even more hopeless to try to buck it in the middle of a war—there's more of a system then than ever. Better relax about that Vietnamese girl, Eriksson. The kind of thing that happened to her—what else can you expect in a combat zone?" His recollection out of the way, the Lieutenant informed Eriksson that the patrol, having replenished its ammunition stocks, would be leaving camp at any moment to resume its five-day mission. Eriksson wouldn't be going along, though; the Lieutenant had assigned another G.I. in his stead. Acknowledging the danger in which Eriksson had placed himself, the Lieutenant told him, "If I sent you out with that patrol, you'd never make it back."

As the court transcript shows, Reilly didn't let matters rest there. The atrocity that Eriksson had reported was too big for that. Reilly was aware that if it came to public knowledge it would tarnish the image of the officers commanding the platoon, the company, the battalion, perhaps even the regiment; the officers might be made to appear incapable of controlling the conduct of the men in their commands. Reilly's immediate superior, Captain Otto Vorst, as was later brought out in court, was out in the field at the time on "a tactical problem." He was not due back until November 22nd, the day Meserve's patrol was scheduled to conclude its mission. The Captain—a "lifer," or career Army man—had left instructions that he was to be sent urgent messages only, but shortly after Eriksson took leave of Reilly, the Lieutenant, confident that the murder merited his superior's attention, radioed word of it to Vorst. As it happened, the Captain heard about it from a second source as well—from Eriksson himself. Out on a search-and-destroy mission the morning after leaving Meserve's command, Eriksson told me, he encountered a small group of American military men reconnoitering the vicinity of the cave complex, Vorst was in the group, and Eriksson, detaching himself from his unit, went up to the Captain and told him about Mao.

"Leave it to me, I'll handle everything," Vorst said. A moment later, the two groups went off in different directions.

On November 22nd, Meserve, Clark, and Manuel, weary from their five-day stint (Rafe was still hospitalized), had scarcely dropped into their foxholes back in the platoon area when they were ordered to appear at Captain Vorst's command post—a hootch somewhat larger than Reilly's but equally bare. They found the company commander, who had himself only just returned, waiting impatiently to confront them with Eriksson's report. In his affidavit for Army investigators, Manuel gave what is probably a comprehensive account of the confrontation that took place in the Captain's quarters. "This was about 1400 hours," Manuel stated. "Captain Vorst handed Meserve a piece of paper with three words printed on it—Kidnapping, Rape, Murder. We all looked at the paper, and he asked us what this was all about. At first, we all denied any knowledge about it. He first asked Sergeant Meserve, 'Do you know anything about this?' To which Meserve said. 'We don't know what you're talking about.' He then directed the same question to all of us, 'Do you people know what you've done up there?'

"Captain Vorst then asked me did I know what would or could happen to me. I said, 'Probably the firing squad, sir.' He then said something to the effect, 'I could send you all back to the States for courts-martial,' or he could court-martial us out here and still have a firing squad. Then the C.O. said something to the effect, 'You people acted like animals up there and do not deserve to live.' He said he would have never learned about this but one man had the balls to tell [the officers] about it. Then he proceeded to tell us that if anything happened to Eriksson, our souls would belong to him." Possibly to help them retain their souls, Vorst announced that he was breaking up the patrol. Rafe, hospitalized at Qui Nhon, was already accounted for; Clark was to take a relatively rear-area post, at battalion headquarters; Meserve was to be shifted to another platoon. Only Manuel would remain anywhere near Eriksson; he was being reassigned to a different squad in the same platoon.

Eriksson saw Vorst shortly after the three soldiers left the company command post. At the time, Eriksson told me, he had no idea that the Captain had chewed them out. If he had known this, he thinks, he might have realized then, as he did later, that the Captain was in a bind; that is, he was torn between the dictates of his conscience, which condemned the crime, and concern for his Army career, which, Eriksson later discovered, the battalion commander—who outranked Vorst, and who was also a "lifer"—was in the habit of admonishing the Captain to bear in mind. Initially, however, Eriksson discerned no signs of inner conflict in Vorst. As far as he could make out, the company C.O. held a clear, uncomplicated view of the crime, and that view was that its repercussions should be kept to a minimum. "That word 'handle'!" Eriksson said reminiscently. "Three times I saw the C.O. about Mao, and three times he used it—'I'll handle everything' 'I'll handle everything,' 'I'll handle everything.' Maybe he did, but not in a way that had anything to do with anyone's making amends." At his meeting with Vorst the day of the Captain's return, he went on, he noticed that—like Reilly, who was present—the company commander failed to deplore the murder, and instead stressed its potentialities as a scandal. Reilly later testified in court, "Captain Vorst stated to Eriksson, 'I guess you realize how serious this incident is, and that it could cause an international issue.' Eriksson stated that's why he reported the incident—because he knew it was serious.

"Eriksson also stated that the entire taking of the girl, the rape, and killing of the girl were pre-planned . . . that he [had] thought [at first] the men were just joking about really completing the acts." Throughout, Eriksson told me, he had the distinct impression that his position and Vorst's were at variance. Despite Vorst's generally negative tone, Eriksson said, he believed that the company commander would eventually take steps to bring Meserve and the others to justice. At one point, Eriksson recalled, the Captain warned him that if the incident did result in courts-martial, he might face rough going on the witness stand. When Eriksson replied that he was prepared to take his chances on that, Vorst asked whether Eriksson might not care to transfer out of the company—or, for that matter, out of the infantry altogether. Eriksson replied that he wouldn't mind a change—not that it would deter him from pressing charges. He wouldn't mind being a door gunner aboard a helicopter, he told Vorst, citing as his qualifications for such a post that he had been trained as a machine gunner and that he was fond of flying. Vorst filled out transfer forms, and Eriksson signed them. As he was leaving, he told me, the Captain called out reassuringly, "I'll handle everything!"

When Eriksson heard nothing from Vorst for four days, he sought an interview, which was granted. It was the final talk between the two men. They were alone this time, Eriksson told me, and when Eriksson inquired what progress there had been in the murder case, the Captain seemed not to hear but posed a series of questions. He was merely asking, Vorst said, but had Eriksson really thought through what he was doing in pushing his charges? Had he taken into account the amount of suffering that Americans had already undergone in behalf of the Vietnamese? Had he stopped to think of the consequences to himself of accusing four fellow-G.I.'s—thereby adding to that suffering? Besides, what if the four were court-martialled and found guilty? Did Eriksson know that military judges and jurors were notoriously lenient in their sentencing? Unlike their civilian counterparts, Vorst said, the law officers (the term by which military judges were known) and members of the court (as jurors were known) had a sympathetic understanding of the pressures a combat man faced in risking his life daily; military jurists didn't expect foot soldiers to be on their best behavior in a war zone. Here, the C.O. went on, it was mild sentences that were the order of the day, and, what was more, they became even milder when they were up for review; safe and professionally idealistic back home, he said, the legal experts of military appellate bodies invariably looked with suspicion upon the administration of justice in war zones. Thus, Vorst concluded, coming to the last of his questions, if the men in the patrol were actually convicted, Eriksson could anticipate their being freed in short order, and when that happened Eriksson himself might not feel so free—for was it really inconceivable that one or more of the exconvicts would seek revenge? And wasn't it just possible that the victim might not necessarily be Eriksson himself but, rather, his new bride? Eriksson stated in court, "Captain Vorst said that the men would get off with hardly any or no sentence at all, then myself and my family would really have something to worry about."

In the weeks immediately following Mao's death, Eriksson's home continued to be the platoon area, and his routine consisted of patrols—search-and-destroy by day, ambush by night. These were always demanding and hazardous, yet they could not distract him from the intense feeling of frustration that now beset him. After his last talk with Vorst, he told me, that frustration was always with him—eating at him, keeping him remote from his fellow-G.I.s, costing him sleep. Lying awake nights, listening to Asian birdsong and the squealing of monkeys in the jungle nearby, he said, he found himself constantly mulling over the phenomenon of military discipline—the chain-of-command system. As in all armies, he believed, it pervaded every facet of military life, embracing officers and enlisted men, volunteers and draftees, and, for that matter, men with college degrees, like Vorst and Reilly, and men with meagre educations, like Meserve and him. He was at his wit's end for a way to circumvent the system, Eriksson told me, because he was convinced that it was this system that lay at the heart of his difficulties. He saw now how wrong he had been in thinking that a report of rape and murder would evoke instant action, as in civilian life. In the Army, he had discovered, that kind of action depended entirely on the discretion of one's superior—unless it was possible to figure out some way of bypassing him. It was maddening, Eriksson said, to realize that military discipline threatened to make Mao its victim again, just as it had on Hill 192, when all that certified Meserve's orders was his rank as sergeant. "They scare that discipline into you in basic training," Eriksson told me. "It's obey the man over you, follow the chain of command, or into the stockade you go." Something that added to his feeling of frustration in those trying weeks was that he could not find it within himself to single out Vorst as the arch-villain, from whom all evil flowed. Eriksson said to me, "It only looked as though he was the one out to do everything in, but the C.O., I knew, had someone over him, and *his* superior had a superior. That was the thing about the chain of command—you couldn't tell who was to blame for what. It had nothing to do with a man's being responsible for his own behavior. Just as long as he stayed in line, just as long as he kept the setup going, he could do whatever he wanted."

Perhaps the most jarring of all the discoveries he made during this unhappy period, Eriksson told me, was that his fellow-G.I.s took a dim view of his efforts in behalf of Mao. To be sure, there were a few individuals, like Rowan, who shared his outlook, but the great majority saw things the way their officers did. Time and again, at chow or during a break out in the field, someone would tell him (as Vorst had told him) that it was pointless to throw good lives after bad by having Meserve and the others up on charges, since (as Reilly had said) violence was the language of war, and, naturally, it could not always be controlled. Continually, Eriksson recalls, he heard the familiar argument that the V.C. also kidnapped, raped, murdered. "Hey, Sven, how do you know that girl wasn't a V.C.?" an Oklahoma rifleman asked one night as he and Eriksson were settling down to sleep in their foxholes. Each day, Eriksson said, he felt as though he were at war with war, a troublemaker out to undermine some careful, desperate code of survival. When he first got back from Hill 192, he said, he had imagined that it might have been his peculiar misfortune to draw a patrol made up of psychopaths, but now each time a new G.I. rallied to the patrol's defense that idea seemed less tenable. "Listening to the fellows, I had the feeling there might be any number of Meserves and Clarks around me," he said. "It was like living in an overorganized jungle—full of names, ranks, and serial numbers but not much else."

Dispiriting though he found the atmosphere in the platoon area, Eriksson went on, there were traces of conscience there. It took him a while to realize this, he said, and, curiously, he became persuaded of its prevalence as a result of thinking about Vorst's negative "handling." As he went over it in his mind for the hundredth time, he began to suspect the existence of cracks in the Captain's seemingly certain, untroubled façade. If there weren't any, Eriksson asked himself, why hadn't the C.O. simply told him to bug off from the word go? Why had he bothered to discuss Mao with him three times? Nor could the concern that the C.O. had shown for Eriksson's safety be explained unless those cracks existed. Why else had Vorst seen fit to reshuffle the patrol, leaving only Manuel within shooting distance, so to speak? And then there was Vorst's invitation to Eriksson to transfer out of the company. It seemed like a deal, but why was it, Eriksson asked himself, that a captain should feel constrained to bargain with a lowly enlisted man? Why make all this effort to dismiss the death of an unknown peasant girl if it weren't that the C.O. recognized that there were forces of conscience that might have to be contended with? Thinking along these lines, Eriksson said, he arrived at a kind of strategy in regard to Mao. "Whatever I could do about her depended on finding someone with both the rank and the conscience to help me," he told me. "Otherwise, I'd stay boxed in by the chain of command."

On the last day of November, Eriksson was in a patrol that was chasing two or three V.C. down a trail between two hedgerows when the patrol was suddenly fired upon from one side. "Hit it!" the patrol leader shouted, and his men hit the ground, the bullets from the still invisible attackers raising columns of dust all around the flattened G.I.s. In a matter of seconds, the shooting broke off, and another patrol, consisting of another squad in Reilly's platoon, emerged from behind the hedgerow. Eriksson's patrol leader delivered a tongue-lashing to his counterpart, who apologized. It had all been a mistake, he said—he and his men had been dozing when the sound of running feet aroused them, and instinctively they had assumed it was the enemy. He had stopped the shooting as soon as he heard an American voice yell "Hit it!" Still fuming as the two patrols stood facing each other awkwardly, Eriksson's sergeant declared that in all the time he had spent in Vietnam he had never before experienced any such "mistake." As Eriksson waited for his sergeant to cool off, he idly scanned the men in the other squad, his eyes stopping abruptly when they met the expressionless gaze of a familiar face. "It was Manuel," Eriksson told me. "We just looked at each other, without saying hello. Seeing him made me think at once of two questions I would have liked to ask him or his sergeant. Just who, I wanted to ask, was the man in Manuel's patrol who started the shooting? And who was the man who fired the last shot? I couldn't even guess at the answers—not without knowing what kind of jam Manuel thought he was in."

Whatever the answers, Captain Vorst saw to it that Eriksson left his command early the following morning, sending the enlisted man seventy miles away to Camp Radcliff, the 1st Cavalry (Airmobile) Division base, near the small city of An Khe, Eriksson was to remain there until his reassignment as a door gunner came through, Vorst having sent his transfer papers on for official approval by the helicopter command. In the meantime, Eriksson's orders placed him on temporary duty with a carpentry detail that was constructing additional housing for the base, whose population came to twenty thousand. Eriksson was delighted with this duty, since he had had a passion for carpentry all his life, However, he welcomed the shift to Radcliff for a more important reason. He was confident, he told me, that he stood a better chance of finding help there than in the confines of the platoon area. Far from where the daily, relentless fighting was going on, he pointed out, Radcliff was probably less disposed to take gratuitous violence in stride; besides, there were infinitely more people at the division base, and that gave him a better chance of finding the effective ally he needed. "From the minute I got to Radcliff, I was on the lookout for him, whoever he might turn out to be," Eriksson said.

His break came after just a week—by accident, which was the only way it could come.

Late one afternoon, when he and about twenty other G.I.s putting up a barracks were about to knock off for the day, he saw a fellow-carpenter, Boyd Greenacre, detach himself from the crew to have a talk with a passing chaplain, a blond, long-nosed six-footer wearing a captain's bars; the two men, Eriksson could see, were on cordial terms. Eriksson had never laid eyes on the chaplain before. For that matter, he said, he knew almost nothing about Greenacre—only that he was a cowboy from Arizona, a wiry type, who put in a good day's work as a carpenter and didn't have much to say. Now, watching the chaplain depart, Eriksson decided that Greenacre was very much worth cultivating. Eriksson was determined to meet the Arizonan's friend, he told me, for he had a feeling that the long-nosed chaplain was the man who would help him bring Mao's case to light. Seeing him and Greenacre chatting together, Eriksson went on, had made him realize that the only chance he had of escaping the chain of command was through a chaplain. Actually, Eriksson told me, he had once asked Reilly for permission to discuss Mao's murder with a chaplain, but the Lieutenant had discouraged the idea. Perhaps, Eriksson said, he remembered that idea just then because of his recent stewing about Vorst and conscience. At any rate, he felt that he was on the right track, since chaplains were professionally concerned with conscience. "Conscience was one thing that crossed over from civilian life to war," he said. "It was as much a part of us as our legs and arms."

His spirits on the upswing, Eriksson set about trying to meet the chaplain. "It had to be him, and no other chaplain," he recalled, smiling. "And it had to be Boyd Greenacre who would introduce me. That was how my hunch went, and I didn't dare change it in any way." Eriksson moved cautiously. He didn't see how he could just walk up to Greenacre and state his business. Greenacre might react disapprovingly, as the fellows in the platoon had—or, for all Eriksson knew, Greenacre might turn out to be Meserve's best friend. As a result, Eriksson spent the next two days surreptituously doing a kind of security check on Greenacre's character. "I needed more of an impression of Boyd than I had," Eriksson said. "What if he refused to arrange an introduction for me? I had to know whether he could at least be trusted to keep quiet about what I was up to." As indirectly and offhandedly as he could, Eriksson sounded out various members of the work detail about Greenacre—none of whom, he remarked, he knew any better than he knew the Arizonan.

He remembers that he talked with one of them while they were both shaving, and that in shooting the breeze with another he led the conversation around to Greenacre when the man mentioned that Arizona was where he dreamed of spending his first postwar vacation. Before long, Eriksson told me, his sleuthing established that Greenacre was well thought of, and one evening, after the carpenters had finished eating, he invited Greenacre to take a walk with him. Even though the two were alone, Eriksson remained cautious, revealing nothing about Maos murder. He did, however, speak of her abduction and rape, and that, it turned out, was quite enough to make Greenacre propose that he and Eriksson walk over to the chaplains quarters immediately. On the way, Greenacre told Eriksson that the chaplain, Captain Gerald Kirk, came from Ogden, Utah; he was a Mormon, Eriksson learned, and so was Greenacre.

Mrs. Eriksson, who was once more plying her husband and me with coffee and cake, put in "Sven and I are Lutherans. In our part of Minnesota, just about everyone is."

It was ten at night when Eriksson sat down to talk with Kirk, and he found he was able to speak more freely than he had even to Curly Rowan. Eriksson remembers having a deep feeling of ease and calm, as though he were at long last ceasing to be a fugitive from injustice. Greenacre was present throughout the talk, at Eriksson's insistence. "Boyd had been a big help," he told me. "I hadn't let out anything to him about the murder, but as long as I was with Chaplain Kirk, I thought he was entitled to hear everything." The gesture impressed him, the chaplain has since told me. "With Greenacre there, it meant that Sven was waiving his right to my silence," he said. Impressed though he may have been, he heard Eriksson out with some skepticism, for before Kirk entered the Mormon priesthood he had spent ten years as a policeman on the Salt Lake City force. "I listened to Sven's story with a cop's ear," the chaplain said. "I wanted to be very sure that he himself hadn't taken part in the rape. Coming to me, the way he did, he might have been trying to save his neck by turning state's evidence, so to speak." Kirk therefore interrupted Eriksson frequently, challenging him to tie together details that at first seemed contradictory. Gradually, though, the cop's ear gave way to the chaplain's.

"I decided I was hearing an individual who wished he could have saved that girl but hadn't been able to," Kirk told me. "I can assure you he wasn't being paranoid in thinking he might be shot in the back for seeing me. In war—at least, the war we were in—it was nothing unusual to hear shots that were unexplained, to find a body that might or might not have been shot in combat. Where we were, it was a time and place for thousands of men to play for keeps, and that certainly included Meserve and the others in the patrol, because if they wanted to eliminate Sven as a potential witness they had the M–16s to do it with."

Eriksson finished telling his story to the chaplain toward midnight, whereupon Kirk pressed him closely, as Vorst had done earlier, to determine whether he was certain in his mind that he was prepared to endure not just the cross-examinations but the risks attendant upon appearing as a government witness in open court. When Eriksson reaffirmed that he was, Kirk picked up his phone and called the Criminal Investigation Division office at Camp Radcliff. "I'd never known the Army had any such unit," Eriksson told me. In ten minutes, a pair of agents entered the chaplain's quarters, and Eriksson, as his affidavit shows, told them, in a signal example of understatement, "This [the rape and murder] has been bothering me since it happened, and I went to the chaplain tonight and told him what had happened." The agents interrogated him with a cool, neutral competence. "They weren't shocked, or anything like that," Eriksson recalls. "They were just doing their job." Once the pair had assessed the gravity of the crimes being charged, they moved swiftly. "The next thing I knew, I was in jail," Eriksson told me. "They locked me up in a steel box, in solitary. For protective custody, they said.

From that point on, Eriksson's life in the Army was radically changed. Released from jail in a few hours, he found himself no longer a lone, underground accuser but, instead, a cog in an elaborate law-enforcement machine, whose purpose was to gather evidence, question suspects, and generally determine whether "a case" existed. Once the investigation of Mao's murder had been set in motion, Eriksson was frequently consulted by a variety of experts, among them pathologists, C.I.D. agents, lawyers, and ballistics and firearms specialists. Even his routine duties as a G.I. now had to do with law enforcement, for he was reassigned to the 545th Military Police Company at Camp Radcliff, in which outfit he guarded high-ranking officers, pulled gate duty, made periodic "sweeps" of the base area for signs of infiltrating V.C., and, every day at 4 p.m., climbed into "the drunk wagon," which was an M.P. bus that collected G.I.'s who had fallen on hard times in "Sin City," a section of bars and bordellos in An Khe, two miles away. "The C.I.D. wouldn't let me become a door gunner," Eriksson told me. "They put a hold on my transfer forms. They said that door-gunner duty was too dangerous—that if I was going to be any use as a witness I had to stay alive."

Eriksson recognized the abrupt transformation of his military life the morning after his meeting with Kirk. Almost before he was awake, M.P.s escorted him from his cell to the Provost Marshal's office, where he underwent a further interrogation. "Technically, I myself was a suspect," Eriksson told me. "The C.I.D. carefully explained that to me, informing me of my legal rights, one of which was to shut up." When the interrogation was over, he was asked to lead a search party to the spot on Hill 192 where he had claimed that Mao's body could be found. Accompanied by a squad of armed enlisted men, as a precaution against an enemy ambush, the search party set out early the following morning, December 9th, flying from An Khe to an airstrip near Captain Vorst's company headquarters. In charge of the group were a colonel, a major, and, after they reached the airstrip, Captain Vorst himself, who maintained silence toward Eriksson. Among its members were C.I.D. agents, photographers, a firearms expert, and a ballistics man. The group walked from the airstrip to Hill 192. It was a six-hour trek, over difficult terrain, and when the men finally stood just below the summit, several of them, who were unaccustomed to tramping so long, were near exhaustion. Eriksson himself stood scanning the landscape intently, looking for the curiously shaped rock formation where the stabbed girl had been shot. Eriksson had considered the jutting and twisted rock a highly unusual one, but now, refamiliarizing himself with his surroundings, he saw, to his surprise, that it had a practically identical twin close by. It had to be on one of the two rocks that the girl lay, Eriksson knew, and to spare the others in the party unnecessary exertion he screened out the nearer rock by himself, doggedly plunging through formidable brush to reach it. Mao wasn't there, and Eriksson, rejoining the waiting group, pointed to the other rock.

"That's where she is," he said, with certainty. After the others fell in behind him, he walked silently to the second rock, seventy-five metres away. In due course, they came upon Mao, her remains a rigid crescent settled grotesquely in a half nest of soil and rocks and matted foliage. She had lain moldering there for three weeks and her body was badly decayed. As the others clustered around it, Eriksson withdrew to the fringes of the circle, made uncomfortable by everyone's purposeful curiosity. "It was another case of people doing their job," he told me. "They hadn't ever heard Mao's voice or seen her carrying Manuel's pack.

Going about their tasks with unrelieved efficiency, the men staked out an area thirty feet square in which to conduct their operations, soon gathering a harvest of clues, among them lead fragments of spent bullets, for the ballistics and firearms men, and parts of Mao's remains, for the pathologists. The corpse itself was placed in an Army "casualty bag"—a rubberized olive-drab shroud, originally designed for fallen soldiers. There was to be an autopsy at the United States Army mortuary in Saigon, by a Japanese anthropologist, Professor Tadao Furue, of Toyko University, and Colonel Pierre A. Finck, commanding officer of the 9th Medical Laboratory. (Dr. Finck, a well-known Army pathologist, was one of the team of three physicians that performed the autopsy on the late President Kennedy.) Throughout, Eriksson recalls, dozens of pictures were taken, for possible use as trial exhibits, the flashes of the photographers' bulbs pale in the afternoon sun. Additional pictures were taken a week later, when Eriksson led a second pilgrimage to Hill 192. The search party was a smaller one this time, Eriksson said, its assignment to make certain that nothing of any conceivable courtroom value still lay hidden in the area around Mao's body; eventually, a C.I.D. agent, poking through leaves with a bayonet, found teeth, finger bones, and yet more bullet fragments, all of which he deposited in a plastic bag.

The evidence gained as a result of the two field trips played an important part in the judicial procedings, Eriksson told me. For example, the ballistics and firearms specialists, working together, were able to analyze the lead bullet fragments as having come from an M–16 rifle and to offer it as their judgment in court that Mao had been shot at close range—a judgment that afforded a presumably objective basis for incriminating Clark, at least, as one of her assassins. Professor Furue and Colonel Finck also appeared as witnesses, to offer information based on clinical studies they had made of Mao's skeletal parts in Saigon. The experts' findings established conclusively that Mao had been stabbed three times, in the rib cage and the neck, and that her skull presented a "crushed" appearance, "showing the shattering effects of two high-velocity-missile wounds." Classifying her "racial stock" as Mongoloid, Professor Furue placed Mao's age at between eighteen and twenty and her height at five feet four and a half inches—somewhat greater than Eriksson had estimated it to be in talking with me. A veteran of thirty-five thousand autopsies, Professor Furue told the court, "Compared with other female Mongoloids, Mao's remains were well developed, a well-balanced body build."

Meserve, Clark, and the two Diazes were taken into custody the day after the first search party made its visit to Hill 192. Arrested by military policemen at scattered points, the four soldiers passed through Vorst's area in the late afternoon and saw the Captain briefly. His farewell to them was succinct. Recalling it for investigators later on, Manuel stated, "He told us he had attempted to keep the incident quiet but that now he couldn't give us any further advice or help." The M.P.s took the enlisted men to the Provost Marshal's office at An Khe, where they were given an initial interrogation before being remanded to the stockade at Long Binh. It didn't take many further interrogations to convince the law-enforcement officers that they had "a case," for Rafe and Manuel readily signed affidavits whose substance supported Eriksson's account of "the incident on Hill 192"—the name by which Mao's murder became known among the military. (Asked by a C.I.D. man, "Who raped or had sexual intercourse with the girl?," Manuel replied, "Sergeant Meserve, Clark, R. Diaz, and myself. Eriksson did not have sexual intercourse or harm her in any way.") Meserve and Clark denied any wrongdoing, and the leader of the misbegotten patrol insisted that his motives had been misconstrued. He had only been fooling, he testified, when he talked of having "fun" on the reconnaissance mission. As he recalled his briefing, he had told the men, "It'd be nice if we could pick up five women for the five days up there and have an orgy," and then, he said, "everybody had made comments and laughed." As for going to Mao's hamlet, the Sergeant said that he had led the patrol there to look for V.C., and that he had captured the girl because she had behaved suspiciously inside her hootch. When Meserve ended his testimony, the prosecutor inquired how many times and to whom he had "told the story you just told on the witness stand."

"Numerous times, sir," the Sergeant replied. "Mostly to my lawyer."

The four courts-martial took place in the winter of 1967, within a period of about ten days in the middle of March. The trials were held in a courthouse at Camp Radcliff, a frame structure measuring thirty feet by thirty and roofed with tin. The weather had turned hot and dry, Eriksson remembers, and the interior of the courtroom throbbed with the whirr of electric fans. Outside, a diesel generator, the base camp's source of electricity, made a constant racket, causing the law officers frequently to request witnesses to raise their voices. The participants in the cases, including lawyers, witnesses, law officers, and members of the court, lived in tents near the courthouse, and often at night the vicious thump of artillery shells, enemy-bound, from the edges of the division base disturbed the quiet of the legal encampment.

Throughout each trial, Eriksson said, the exponents of military law strove diligently to apply judicial rules largely borrowed from civilian law, as though they were seeking to re-create a semblance of civilian life. Eriksson found it impressive that these procedures should be so punctiliously observed within easy artillery range of the enemy—which, he added, was not to say that he was unaware of various shortcomings. Uninitiated though he was in the ways of jurisprudence, Eriksson said he found it odd that defense lawyers could freely engage him in conversation during court recesses, questioning him on subjects that he was later asked about under oath when the court session was resumed. And, in fact, Eriksson told me, a C.I.D. man attending the sessions assured him that this was highly improper. "But then I don't know how much the C.I.D. fellows knew about law," Eriksson said. "One of them, I know, goofed on his interrogation of Manuel—he forgot to read off one of Manuel's rights before he started asking questions." In addition, Eriksson told me, he would have appreciated it if the prosecutor—whom he looked upon as his lawyer—had tutored him slightly in how to conduct himself in court; despite his status as the Army's chief witness, Eriksson said, he took the stand practically cold.

However, he acknowledged that the prosecutor did warn him, as Vorst and Kirk had previously, of the possible consequences to him and his wife of his testifying for the government. "He said for me to think that over again very carefully," Eriksson recalled. "He sounded genuinely concerned." Something else the prosecutor did was to advise him to see a psychiatrist before the trials started. The prosecutor, it appeared, counted it a safe bet that the defense attorneys would attempt to portray Eriksson as some kind of repressed nut for having failed to join in the festivities on Hill 192. To counter any such strategy, the prosecutor wanted to have on hand a statement attesting to his chief witness's mental stability. Thus, a couple of weeks before the first court-martial opened, Eriksson found himself sitting in a cubbyhole office at Camp Radcliff face to face with a stocky medical captain with an extremely close crew cut who wanted to know whether the young infantryman loved his mother and whether he heard from his wife. Recalling the interview, Eriksson said, "I'd answer a question, then he'd wait and I'd have to wait along with him, then he'd ask another question real fast, and in I'd come with my next answer. His questions didn't take long—maybe twenty minutes—and when they were over he wrote down on a piece of paper, 'Has no speech defects, steady manner.'" Offering an evaluation of his own, Eriksson added, "He seemed like a nice guy. When he stopped asking me questions, he started talking about Meserve and the others, sort of thinking aloud what it was that came over fellows in wartime. He sounded as though the war would have to come to an end before his work could make much sense."

For Eriksson, the trials were totally unlike anything he had anticipated. He had thought of them uneasily, imagining that the act of testifying might force him to relive the macabre episode on Hill 192. No such thing happened. From his point of view, as he had indicated at the beginning of our talk, the legal consideration of the crime was a field day of fencing and distortion, of quibbling and traps. No matter how close the questioning, and no matter how detailed the testimony he gave, or heard, it all seemed related to Mao's murder in only a surface sense. "The lawyers were playing a game," he said. "To listen to them, and to the testimony that the guys in the patrol gave, Mao was probably living happily in her hamlet." As early as the opening day of Rafe's trial, which was the first one held, he realized that it was idle to consider whether the G.I.'s punishment would, or could, fit the crime. Throughout, he told me, the single belief that sustained him was that in serving as the defendants' principal accuser he was carrying out the resolve he had made as he trained his grenade launcher on the cave complex; namely, to let the world know of Mao's fate.

Enacting the role of chief government witness was not an edifying experience, Eriksson went on. Just as the prosecutor had foreseen, the defense attorneys did try to make Eriksson look odd, but that was among the milder of their insinuations. By the time he concluded his last appearance on the stand, he had been accused of lying, of cowardice, and even of Mao's murder. One of the defense lawyers hammered away at the point that Eriksson had killed the girl when, in obeying the Sergeant's command to shoot her, he fired his grenade launcher. But the assertion was a hard one to prove, for Rafe was on hand to testify that Eriksson was so situated in that feverish moment that Mao wasn't even in his line of vision. Besides, as the defense could not dispute, the jacket containing the explosive charge of a grenade launcher is made not of lead but of copper, and the search parties' experts had found only the lead of numerous bullets from an M–16 rifle littering the immediate vicinity of Mao's body.

In all four trials, the court records show, defense lawyers made a studied effort to depict Eriksson as less than lion-hearted, presumably on the theory that proving him to be craven would automatically exonerate their clients. "Are you afraid of Sergeant Meserve?" Eriksson was asked at one point, and he replied, "That's affirmative, sir. . . . I am not afraid of him if he has no weapons." Eriksson answered, "That is negative, sir," when a defense counsel, taking up the pre-Hill 192 patrol in which half of Eriksson's squad had been wounded, inquired, "Isn't it true, Eriksson, that you allowed the squad to walk into the ambush area without warning, because you were hiding in the bushes?"

Undeterred by Eriksson's denial, the lawyer persevered with his line of questioning.

Q: How did you react to this particular ambush, Eriksson? Did you fire your weapon?

A: I was in the rear of the column, and didn't have a chance.

Q: Were you afraid?

A: No, sir.

Q: You were not afraid?

A: No, sir.

Q: Isn't it true you were so afraid you could hardly move?

A: No, sir.

Q: You think your fear was apparent to anyone else?

A: No, sir.

Another defense attorney repeatedly taxed Eriksson with having "fabricated" his charges against Meserve and the others in order to escape further assignments to hazardous infantry missions. When Eriksson was able to state that he had put in for door gunner aboard helicopters, which could hardly be considered safe duty, the lawyer persisted in reminding him that "you testified you wanted to get out of the platoon."

Eriksson agreed, "I wanted to get out of the platoon," he stated. "I wanted to get out of the whole company, because I could not see staying in a company that would do anything such as here. I realize that we are over here fighting a war, but to go out and kill an innocent person has nothing to do with the war."

Accused of shrewdness in seeking to evade infantry duty, Eriksson found himself also accused of a lack of shrewdness in failing to let Mao escape when he was alone with her in the hootch. He was asked, "Couldn't you have thought up a story [for Meserve] to the effect that you heard some noises or heard some V.C. and went out to check, and she got away from you, right out of the hootch?"

"No, sir," Eriksson replied.

"You traded the girl's life for your well-being," he was told.

At times, Eriksson displayed a certain poise on the stand. Asked whether Meserve might not have been searching the hootches of Mao's hamlet for the strictly military purpose of finding "strange faces," he answered, "I wouldn't say this, sir. They were all strange faces." Asked whether Mao's continued presence on Hill 192 might not ultimately have "endangered the lives of the members of the patrol," Eriksson said, "Sir, this girl wasn't supposed to be on this patrol."

Before Eriksson was through, even his possession of a sense of humor became an issue. This arose when a defense witness, a sergeant in the platoon, said that Eriksson had none. "He didn't laugh and joke as much as the other guys did; he was much quieter," the sergeant said.

Cross-examining, the prosecutor asked, "When you say he didn't have a sense of humor, you mean he wasn't a jokester, running around making or seeing the funny side of everything?"

A: Yes, sir.

Q: Did he endeavor to actively join in with the free-time activity of the rest of the people, or did he have to be coaxed . . . or did he just refuse at all times?

A: Oh, no, sir, it was not that he was disliked in any way. It was just that he was less than average as far as being one of the guys, should we say? He was just more serious-minded.

Mao's sister, Phan Thi Loc, appeared as a prosecution witness, her very presence irrefutable evidence that Mao was not in fact living happily in her hamlet. Through an interpreter, Loc related that after the patrol finished with their hamlet, she and her mother had searched desperately for Mao. Accompanied by troops of the South Vietnamese government, the two women had eventually come to the hootch on Hill 192, where they had found Mao's brassiere, flecked with blood; the troops had burned down the hootch. Loc's mother was now missing. The Vietcong, Loc said, had abducted her, accusing her of having led South Vietnamese forces to a V.C. munitions cache on Hill 192. Loc and her father had moved from their native hamlet; they now lived in a village several miles from there.

Though Eriksson testified at greater length than anyone else, most of the witnesses who appeared in the close, noisy countroom spoke in support of the defendants, extolling their gallantry, their sense of duty, and their other soldierly virtues. With few exceptions, these witnesses had fought alongside the defendants, and it was a powerful camaraderie they shared, forged, as it was, in combat, where they had all saved each other's lives more than once. Recurrently, the court records show, witnesses found it deplorable that the defendants should have to fight for their survival in a prisoner's dock when they might be far better employed doing that on the battlefield; in their every utterance these witnesses reflected the view that losing soldiers of Meserve's calibre could result only in gaining a stronger enemy.

Perhaps because Meserve had been the leader of the four accused, he came in for particularly heavy praise. In a sample encomium, Lieutenant Reilly declared that the Sergeant's "character and reputation are the best I have seen, and [he is] one of the best combat soldiers I have known." Reilly also called him "a fine soldier," and went on to say. "He never failed to accomplish the mission. I give him 'max' rating as a soldier." In other connections, it was brought out that the Sergeant had not waited to be drafted, that he was currently in line for the Bronze Star, and that in the course of his overseas duty he had been awarded five medals, of varying importance, and had a conduct rating of Excellent. It was adduced that even before Meserve left for Vietnam he was regarded as an exemplary soldier, since he had been selected to march in President Johnson's inaugural parade—an honor limited to two hundred men with unblemished records. Inevitably, though, the defense witnesses were unable to confine their remarks to Meserve's service record, for—almost tactlessly, it seemed—the prosecutor would inject the topic of Mao's murder, the implications of which had less to do with the conquest of an enemy than with the requirements of an ordered civilian life. Given this confusion of values, the legalistic consideration of Mao's death sometimes bordered on the incongruous. Thus, defense lawyers raised no objections when the prosecutor asked the defendants and the defense witnesses whether a soldier who was condemned for having committed civilian homicide, such as the killing of Mao, should be kept on as a member of the armed forces—that is, should be permitted to go on committing military homicide. Needless to say, the question was not examined philosophically in the Camp Radcliff courthouse; instead, it was employed narrowly as a government gambit for stumping a witness. If he said no, he would appear to be disowning the defendants, his comrades-in-arms; if he said yes, he would in effect be telling the jury that he regarded the war as a public-works project for criminals. The trial records make it clear that the question left the witnesses uncomfortable, for their responses were reluctant and tortured. Of those who were asked the question, only Captain Vorst, "lifer" though he was, stated that if Meserve was guilty of rape and murder, then he did not care to have the Sergeant in his command.

Vorst's executive officer, by contrast, could not countenance the thought of Meserve's being cashiered. Here is the interchange between the executive officer and the prosecutor:

Q: Do you feel there is a place in the United States Army for murderers?

A: Sir, Sergeant Meserve, he joined the unit in approximately February of last year, and he served under me when I was a rifle-platoon leader, and the reason he is a sergeant today is because we put the duties of squad leader upon him—

Q: I didn't ask you for a long elaboration. I simply asked, do you think a murderer should be retained in the United States Army? Yes or no?

A: Well, no, sir, until they've—not until they serve their sentence. Then, of course, after rehabilitation—I think there's a difference, sir. . . .

Q: You would suggest some minor form of punishment, in other words?

A: Well, in general, sir, [but] in this specific case—

Q: For a murder. I'm talking about a murder. I'm not talking about any specific case.

A: Well, yes, sir, I think if someone has been found guilty of murder, they should be punished, but, knowing Meserve as an individual, I would accept him back in the unit, yes, sir.

As for the defendants themselves, only Rafe showed contrition, the most striking manifestation of which was his decision to testify against Clark. The decision was not easily arrived at, for two days before Clark's trial was to begin, and when Rafe had already been convicted, Clark approached Rafe in the stockade at Long Binh, where both were jailed, and, appealing to Rafe's conscience, told him that if he gave unfriendly testimony against his comrades, "he would have it on his mind the rest of his life." Troubled by this, Rafe sought, and heeded, the counsel of a Catholic chaplain at Camp Radcliff in resolving the dilemma of choosing between his "moral obligation," as Rafe put it to the chaplain, and "loyalty to the patrol." Summoned to the stand by Clark's lawyer, the priest said he had advised Rafe that, as opposed to defending Clark's interest, he had "a greater obligation to his wife and his child and the young woman who, supposedly, I assume, was killed, and to justice and society." The priest also said he was asking a Franciscan brother in Texas to break the news of Rafe's conviction to his wife, "to help her absorb the initial shock."

By contrast, the general demeanor of the other defendants was that of incredulity at being tried; the impression they gave was that they thought only the sheerest, most improbable sort of accident could explain their being haled before a tribunal. Their testimony indicates that they were so inured to the epidemic, occupational violence of war that they found it hard to recognize their judicial plight as a type of retribution. In the case of Manuel (the father of a three-month-old girl), this attitude of mystification became so palpable that the prosecutor finally inquired, "Do you feel you are involved in any way in this rape and murder?" To which Manuel replied "No."

Q: You feel that the government has done you a grave injustice in bringing you here today for trial?

A: No, sir, I've got nothing against the government.

Q: Well, you feel you are not involved in any way?

A: Yes, sir, I feel that way.

Q: You shouldn't be on trial?

A: Well, yes, sir.

Q: As a matter of fact, you have complained [from the stockade] that your promotion is being held up?

A: I wrote my senator. I told him I was being wrongly brought to trial.

Manuel admitted to C.I.D. investigators before the trial started that he had committed rape, but when the subject came up in the courtroom, it appeared to be Manuel's judgment that he had taken part in a reasonable enterprise, and the justification that he gave for doing so was military discipline. Confirming Eriksson's ruminations on this subject, Manuel testified that at a special ten-day camp in Vietnam where G.I.'s were trained intensively to cope with combat situations "it had been knocked into our heads, practically, to obey orders and . . . they said if you were fortunate enough to get in a group where you had an old-timer who had been in Vietnam like six months longer than you had, if you followed what he said, you would live longer." Besides, Manuel testified, if he had not gone into the hootch he would have risked becoming an outcast. Asked by the prosecutor why he thought Eriksson had stayed out of the hootch, Manuel answered, "Eriksson was different. He was brand-new. I'd been there a month or three weeks longer."

When he went on to imply that Eriksson might be "chicken," the prosecutor asked, "How come he stood up to Meserve? Do you consider yourself braver than Eriksson?"

A: I don't think I'm braver than Eriksson I'm not going to say that, sir.

Q: Why did you want other members of the squad to think you were a rapist?

A: Better to go into the hootch, sir, and keep contentment in the squad, and keep a better—well, how can I explain it—keep the thing running smooth. It makes for an easier mission and no problems.

Q: You don't believe the military gives a choice between rules, orders, and conscience?

A: The Army expects you to do it the Army way, and that's follow orders.

In the end, the four juries sitting at Camp Radcliff found the defendants guilty of one crime or another. All were dishonorably discharged, reduced in rank to private, and deprived of all pay, with the exception of Rafe, who was to go on receiving pay but forfeit fifty dollars monthly for eight years. All four soldiers were sentenced to hard labor at the United States Army Disciplinary Barracks, Fort Leavenworth, Kansas. There was little pattern to the verdicts, each of the juries indulging in its own vagaries. Possibly because of his cooperative attitude at the trials, Rafe was given the lightest term—eight years, for the crimes of rape and unpremeditated murder. Clark, convicted of rape and premeditated murder, was to serve for life. Manuel received a sentence of fifteen years, his punishment for rape. To Eriksson, Meserve's was the most surprising of the verdicts, for the Sergeant was found innocent of the charge of rape but guilty of unpremeditated murder, for which he was sentenced to a term of ten years. When Meserve had been convicted but not yet sentenced, he was asked by the law officer, "Is there any particular thing that you would like to tell the court?" Standing before the bench, Meserve replied, "Well, sir, I've seen a lot of killing, which it is our duty to do, because it's kill or be killed. Sometimes you hate the enemy so bad. Well, during this Operation Thayer II, which started [last October], we ran into a hootch that was burned down. Some Vietnamese people were bringing children out of . . . the bunker in the hootch. They suffered from smoke inhalation. I had to give one small child mouth-to-mouth respiration and bring her back to life.

"That just shows you it isn't all combat over here." Meserve's lawyer, pleading for his client immediately after this, spoke of the pressures on "twenty-year-old sergeants . . . leading men on fifty, sixty, seventy patrols," and gave it as his opinion that "this incident did not occur as the normal incident." Making his chief point, Meserve's lawyer told the court, "There's one thing that stands out about this particular offense. . . . It did not occur in the United States. Indeed, there are some that would say it did not even occur in civilization, when you are out on combat operations."

Two weeks after the trials ended, one of the court interpreters, a Vietnamese schoolteacher, with whom Eriksson had made friends, brought word to him that Mao's sister was missing. Eriksson said to me, his voice urgent, as though he had just heard the news, "Charlie kidnaped her, just as he did Mao's mother. So now it's only the father who's left—or is he? Who says we don't get along with Charlie? Between us, we've taken care of that whole family."

Eriksson never did become a door gunner. Since the verdicts would automatically come under review and the government might again need him as a witness, he was kept on in the post of military policeman at the division base. Fortunately, he said, his assignments involved no murder or rape cases. Only minor infractions came his way, but even such a routine chore as driving the drunk wagon down to Sin City could make him conscious of the sense of justice in himself that had been so tumultuously aroused the preceding November. It was a consciousness he could have done without, he remarked, for its effect was to remind him of Mao, and, following the trials, he was in a mood to try to forget her. "I just wanted to feel quiet," he said. He had no impulse to talk about Mao—certainly not with his fellow policemen. To do so, he believed, might only invite their censure, enforcers of the law though they were. As it turned out, they required no invitation to talk about her—particularly in the summer months, when the torrential monsoon rains drowned all possibility of outdoor routine. In that season, Eriksson told me, when the M.P.s yakked the hours away together in their quarters, one or another of his fellow cops would periodically recall what Eriksson had chosen to do. Invariably, Eriksson said, he found himself reproved for the deed. "But they weren't as sure about it as the guys in the platoon had been," he said. "One M.P., I remember, told me he could have understood it if I'd gone to bat for a G.I. who was murdered, but how could I do it for a Vietnamese? But he was very tolerant about it. He said it was only human to make mistakes."

Eriksson's attempt to forget Mao proved futile, as he had really known it would. In addition to the occasional remarks he heard in the police barracks, a train of other developments served to remind him of the girl. In the late spring, for instance, he learned that a change of sentence might be in the making for Clark, whose lawyer, it appeared had asked the jurors who convicted him to approve a petition urging clemency; all but two of them had agreed, and Eriksson was given to understand that this augured an almost certain reduction in sentence. Commenting on this, Eriksson told me, "I realized that nothing definite had happened yet, but I had the feeling it was the first sign that things were going to work out the way Captain Vorst had warned me they would—I mean, that the sentences would get shorter and shorter, maybe even disappear."

Late in July, Eriksson was handed a communication from the commanding officer of his division, the 1st Cavalry (Airmobile). It turned out to be a letter of commendation. Mrs. Eriksson fetched it for me from a bureau drawer, and I read:

"1: You are to be commended for the important role you played in seeing that justice was done in the recent court-martial cases involving four soldiers charged with the rape and murder of a young Vietnamese woman. Your prompt reporting of this serious incident to your superiors and subsequent testimony in court were essential elements in the apprehension and trials of the men responsible for this brutal crime.

"2: The great pressures you were subject to during those critical months are appreciated. Yours was not an easy task, but you did your duty as an American soldier. You should know that the courage and steadfastness you demonstrated make me proud to have you a member of this division.

"JOHN J. TOLSON,
"Major General, U.S.A. Commanding."

Eriksson's tour of duty in Vietnam came to an end on November 28, 1967, a year after the patrol paid its visit to Mao's hamlet. He thought of her as his plane, full of singing soldiers, took off from Cam Ranh Bay and he had his last look at the unhappy land below. "She was the big thing that had happened in the war for me," he told me. His plane was a commercial airliner, the Army having chartered it for a flight to Fort Lewis, Seattle, from which point the men, all of whom were going on leave, would be on their own. Eriksson was bound for Minnesota, for a month at home before his discharge in the spring, but when his plane put down at Seattle he found that he was ten dollars short for the final leg of his journey. Fortunately, he ran into a fellow-Minnesotan at the airport, an artilleryman with whom he had gone off to Asia thirteen months earlier; the artilleryman, also homeward bound, unhesitatingly lent Eriksson the ten dollars. When the two men were aloft and sitting side by side, the artilleryman suddenly glanced at Eriksson with fresh interest and said, "Say, weren't you the guy who turned in that patrol? That was a bum rap." Smiling, Eriksson remarked to me, "We were thirty thousand feet up by then, or he might have asked for his money back."

In Minnesota, Eriksson returned to the small apartment in Minneapolis where we were sitting, his wife having maintained it while he was gone. During his month's leave, he was always with her and with relatives and friends and, in a way, Eriksson said, with Mao. Mao seemed to figure constantly in his thoughts, he said, which were concerned mostly with how he would earn his livelihood after he left the Army, the following April. The ideas that came to him, he said, had less to do with jobs than they had to do with life, and he attributed this to the incident on Hill 192. Sounding as though he felt he would be years mining its lessons, he told me, "I decided that whatever jobs I'd get, they weren't going to be as important to me as the way I lived. That had to have some purpose. If it didn't, then coming back from that patrol meant nothing."

Recalling her husband's arrival, Mrs. Eriksson said that when she went out to the airport to meet him, she could tell at once that there was a stronger kindness in him than when he had left. "The girl was very much with us when Sven came home that day, and maybe she always will be," Mrs. Eriksson said. "We'd had to support each other in a new way after she was killed. I made sure I wrote to him every day, and in each letter I put a packet of Kool-Aid, so that at least his water would be tasty. He was upset and frustrated—it was in all his letters. He had no one to talk to over there. Of course, I never bring up the girl now, because I know how much she's still on his mind, but Sven brings her up, and usually when I don't expect it." Eriksson and his wife spent Christmas of 1967 with members of their families in the small farm town up north that they both came from, and while they were there, an uncle of Eriksson's asked him about Mao. Eriksson was fond of his uncle, Mrs. Eriksson said, but, reluctantly, he answered, "I'm afraid I don't want to talk about her."

When Eriksson's leave was over, he finished out his two-year hitch at Fort Carson, Colorado, where many of the men were either completing their service, like him, or departing for war. Eriksson continued as an M.P., his duties generally less onerous than they had been in Vietnam, and his existence certainly more relaxed, since, as he observed to me, he was waking up every morning not only in his own country but in the presence of the Rockies. Besides, Eriksson said, none of the M.P.s at Fort Carson asked him about Mao—very likely, he assumed, because they didn't connect him with her. He made one particular friend at Fort Carson, a Marine captain who had seen eighteen months of combat in Vietnam and was also about to become a civilian. Perhaps as an earnest of his friendship, Eriksson told the Marine about Mao one afternoon, and the captain was shocked to hear what had happened to her. "His reaction interested me," Eriksson said. "There had been times when I'd thought that if I had been in Vietnam longer than just a month when the incident took place I might have felt differently about it—had the same attitude, that is, as most of the fellows. But here was this Marine, who had put in much more combat service than Meserve or Clark or anyone else I'd met, and he felt exactly as I did about the crime."

Eriksson now fell into one of his silences, and I imagined he was contemplating the mystery of human character. When he spoke, however, it was about his friendship with the Marine. He told me that their bond was religion and that the interest each of them took in it had been heightened by their experiences in the war. No doubt, Eriksson said, the close brushes that he and his friend had been through had something to do with this, but in his own case he had been deeply impressed while he was overseas by what he called an upside-down mentality, which he believed explained the general unconcern there about incidents like the one he had taken part in. He said, "We all figured we might be dead in the next minute, so what difference did it make what we did? But the longer I was over there, the more I became convinced that it was the other way around that counted—that *because* we might not be around much longer, we had to take extra care how we behaved. Anyway, that's what made me believe I was interested in religion. Another man might have called it something else, but the idea was simply that we had to answer for what we did. We had to answer to something, to someone—maybe just to ourselves."

Before Eriksson saw the last of Fort Carson, he again acted as a witness for the government. That occurred in February, 1968, when Manuel was granted a retrial on the ground that although his C.I.D. interrogators had apprised him of various rights he had, among them the right to remain silent and to have a lawyer, the interrogators had neglected to mention that he was entitled to have an "appointed" lawyer, meaning one whose services would be free of charge. In fact, it would have been difficult to find any other kind in Vietnam, since the Army was dispensing such benefits all over the place. And, in practice, neither Manuel nor any of the other defendants (nor Eriksson, for that matter) paid a cent for legal services. However, a board of review in Washington, made up of three senior officers, had noticed the C.I.D.'s oversight, and it had resulted in a second chance for Manuel. "He got a break. Another board might have found differently," a colonel in the Judge Advocate General's office told me. As a result, Eriksson left Colorado for Fort Leavenworth, where Manuel, serving his time in the Disciplinary Barracks, was to be retried. Eriksson told me that he felt weary at the mere prospect of reappearing as a witness a year after the Radcliff trials. He felt even wearier on arriving in Kansas, when he learned that there was little point to his presence. Because of the C.I.D.'s slipup, it appeared, practically all the pretrial information obtained by the investigators could be successfully challenged in court by the defense—which meant that Manuel's confession of guilt would be inadmissible as evidence, and without that the government's case was as good as emasculated. Even the prosecutor predicted defeat, Eriksson told me, and during a short break Eriksson heard the judge remark to the court reporter that the trial was a waste of the taxpayers' money.

Eriksson himself helped Manuel's case by testifying briefly as a defense witness, corroborating the fact that Manuel had refused to obey Meserve's order to kill Mao. (Eriksson had done the same for Rafe at his trial in Vietnam.) The *pro-forma* proceedings at Leavenworth took two days, at the conclusion of which the jury came in with a verdict of acquittal. Grinning, Manuel approached Eriksson, stuck out his hand, and said, "No hard feelings." Before Eriksson could say anything, Manuel turned and left the courtroom, a free man. "I couldn't tell who was supposed to have the hard feelings—Manuel or myself," Eriksson told me. "Flying back to Carson, I thought to myself. So Manuel's out. That leaves three to go."

In April, Eriksson received his honorable discharge from the Army, and in April, too, he heard of further judicial developments. In Vietnam, the jurors' petition urging clemency for Clark had been acted upon, with the result that the G.I.'s life sentence had been commuted to a sentence of twenty years. Now, six months later, Clark's case, forwarded from Vietnam, had been gone over in the United States by a board of review, which had reduced his term to eight years. At about the same time, other boards of review had dealt with Rafe's and Meserve's convictions. Rafe's sentence of eight years had been cut to four, and Meserve's ten years had been trimmed to eight. These varying decisions, it seemed, were attributable to a variety of factors, among them considerations of the defendants' character and background. Thus, it assumed pertinence that Meserve came from an impoverished home and that his father had deserted his mother, and the members of his board of review learned, further, through material furnished them by the commanding general at Fort Leavenworth, that the former sergeant had gone through the ninth grade, had no police record, was a lapsed Roman Catholic, had worked in a cannery in upstate New York, and had saved five thousand dollars while he was in the Army, and that he was confident that "even though war was a brutal business . . . he could control his aggressions in the future, like a professional prizefighter." In Clark's case, the commanding general, who was responsible for deciding whether the evidence supported Clark's conviction and whether Clark's sentence should be lowered, was informed by a staff lawyer who had interviewed Clark that the soldier in the Disciplinary Barracks was "articulate and above average in intelligence," and that, if given a chance to reënter society, he hoped to earn a college degree in either English or philosophy. It was also noted that, like Meserve, Clark was the product of an impoverished and broken home.

"As if Sven had it so easy!" Mrs. Eriksson said to me when she heard of these findings. "As if his family had any money! He was all of seven when he was driving a tractor on the farm. He was ten when his father suddenly died. Or maybe it's our winters that make Sven so different from those other men—our Januaries, when it's fifty below and the snowdrifts are so high you can't get from the house to the barn without pulling on a rope."

Since returning to civilian life, a year and a half ago, Eriksson has been concerned primarily with what his wife calls "sorting things out." Once he had been separated from the service at Fort Carson, he came back to Minneapolis determined to find employment at something other than carpentry. Much as he loved it, he told me, it was what he had been working at before he was drafted, and, as is often true of new war veterans, he felt restless and in need of a change. The idea that came most easily to his mind was to continue in police work, in which he had been engaged since his days at Camp Radcliff, but on applying to the State Highway Patrol for a post as motorcycle cop he discovered that this was impracticable. "My height," Eriksson said. "I was an inch too short." Somewhat gratefully, he went back to his prewar, and well-paid, job of cabinetmaking at the small department store. For a number of months, though, he found it less than exhilarating to pick up where he had left off. Everything around him, he said, impressed him as pointless and arid—his fellow-workers, the monotony of clock punching, and even, at times, his beloved carpentry. His discontent abated when he managed to remind himself of the plan he had made during his leave to reach out beyond his jobs, whatever they might be. Acting on this, he enrolled in a non-credit course at the University of Minnesota designed to teach adults with an inadequate education how to study.

Speaking matter-of-factly, Mrs. Eriksson said, "Out in the boonies, where we come from, you get an A if you don't throw erasers."

His interest in religion still strong, Eriksson took part in church activities, he told me; he had recently supervised a group of high-school-age boys and girls making a two-week retreat on an island in a lake between Minnesota and Canada.

"Sven wasn't raised churchy," Mrs. Eriksson remarked. "His parents stayed home plenty of Sundays."

Eriksson expects that such steps as he has taken will be succeeded in time by others, though he has no idea at the moment what these may be. He hopes to open a small carpentry shop of his own in several years, but, ideally, he would like to be a farmer—a career that he doubts he will ever be able to afford. He has yet to come to terms with the incident on Hill 192, Eriksson told me. He still has a tendency to fight off its memory, he said, and he thinks the reason for this is that although the experience he had may have revealed certain strengths in himself, he is far more concerned with the limitations it exposed. The thought of them, he said, makes him feel discouraged at times about his future, which, he pointed out, could be a long one. "I'm still young," he said, and it took me a moment's effort to recall the fact of his youth, and the youth of Meserve and the rest of the patrol. Eriksson was confident, though, he told me, that the older he grew, the more accepting he would be of his memory. "Things will get sorted out," he said.

Rafe's case, I learned, had taken a fresh turn in recent weeks. Last winter, members of the Military Appeals Court—the military's highest appellate body—had decided that the admissions Rafe made in Vietnam were "tainted;" that is, like Manuel, he had made a confession without being fully informed of his rights. The judges had ordered that the incarcerated Rafe be given a new trial, which, like Manuel's was held at Fort Leavenworth. Eriksson was not called upon to testify this time, and this was a vast relief, he told me, not only because he was eager to get on with his civilian life but because it looked to him as though Rafe's rehearing would be a duplication of Manuel's second trial; that is, with Rafe's "tainted" admissions thrown out, the government's arguments would be undermined and a verdict of acquittal brought in. To Eriksson's surprise, the trial, which occurred in June, 1969, resulted in Rafe's second conviction, an inevitable finding, in view of the fact that Rafe pleaded guilty to the charge of unpremeditated murder. Rafe received a punishment of four years' imprisonment, plus a monthly forfeiture of fifty dollars in pay.

It was the same sentence he had been serving, but now, having been transformed into a new verdict, it was subject to another review, the effects of which soon worked to Rafe's advantage, for in August, 1969, the commanding general at Fort Leavenworth shortened his term to twenty-two months. The G.I. already had more prison time than that to his credit, so the force of the general's ruling was to bring about Rafe's immediate release from confinement. He is now on duty as a soldier in the United States while awaiting further word on his case, which since September has been in the hands of a board of review. Inasmuch as the board may only affirm or reduce Rafe's sentence, any changes that it makes will necessarily fall under the heading of good news for him; for example, the board may decide that Rafe served too long a sentence by five or six months, in which event it will be incumbent upon the Army to restore back pay for that period; it is also within the board's power to reverse Rafe's dishonorable discharge.

Eriksson told me he has no qualms about Rafe's being at large, because Rafe's remorse over the criminal episode had been evident to everybody in the Radcliff courtroom. Eriksson conceded, however, the the prospect of Meserve's and Clark's freedom did disturb him. As far as he knew, he said, no legal developments were brewing in their behalf—not that it made much difference, he added, since he had learned just a few weeks earlier that Meserve and Clark stood to be declared eligible for parole before they had served even half their time at Fort Leavenworth. "They may be out in a few months," he said. "It will even be possible for them to join the Army again."

"Sven had to do what he did," Mrs. Eriksson said. "If he'd kept quiet, he would have been impossible to live with."

Regardless of when Meserve and Clark get out, Eriksson thinks, the atmosphere of civilian life may exert a moderating influence on their outlook. He has no idea to what extent that may operate, however; nor is he prepared, he said, to bank on anything so abstract. "Kirsten and I have talked about the day of their release," he told me, "and our realistic hope is that Meserve and Clark have been able to see for themselves what they've done."

"What else can we hope?" Mrs. Eriksson asked. "We would be fools to think those men couldn't do again what they did before."

He would never cease to condemn the members of the patrol personally for their crime, Eriksson said, but that didn't mean they were beyond pity. Other soldiers, he said, might just as easily have betrayed the weakness that the four men had betrayed on Hill 192, but it had fallen to Meserve and Clark and Rafe and Manuel in particular to act as they had. Speaking evenly, Eriksson said, "They were among the ones—among the few—who did what everyone around them wanted to do." Nor was he himself free of blame, he went on, without pausing--once again referring to the limitations within himself that he had glimpsed in Asia. He had yet to exonerate himself from the self-imposed charge of having failed to save Mao's life. He had no idea how long this feeling would continue, but for the present, he knew, he lived with the charge daily, often wondering how Mao might have fared in a time of peace. Six months ago, he said, he had taken a Minneapolis bus home from work and, being very tired, had dozed off. When he opened his eyes, a new passenger was sitting directly opposite him—a young Oriental woman. Still in the process of waking, and not yet thinking clearly, he said, he had transformed her into a peasant woman on her way to do a day's farming, such as he had seen many times in Vietnam; he had envisioned the passenger in a broad, peaked straw hat and black pajamas, carrying the traditional stick across her shoulders, with baskets at either end for holding crops. "Those baskets could get awfully heavy," Eriksson recalled. "Sometimes I didn't see what kept the stick from snapping. They were hard workers, those Vietnamese women, picking little bananas, shinnying up palm trees for coconuts. But on the bus the peasant woman across from me was going to work in paddy fields that were near Mao's hamlet, from which it was a nice walk downhill to a stream that flooded the rice fields. That's where the woman was going in the early morning, but it was peacetime and it wasn't necessary either for her or for the peasant women she was with to smell the bodies that were always rotting for miles around, no one knew where, when I was in the Central Highlands. The only thing these women had to do on their way to the stream was breathe pure mountain air."

LIFESAVING HEART OPERATION

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 22, 1969

Mr. SCHWEIKER. Mr. President, I recently had the opportunity to be of assistance in bringing a 10-year-old boy from Calcutta, India, to the United States for a livesaving heart operation. The operation was performed free by the Deborah Hospital, Browns Mills, N.J., and the boy and his father were transported free to this country by Pan American Airways.

All private citizens involved in arranging this step of international good will are to be highly commended, and I am pleased officially to recognize their efforts by recording them in the RECORD.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement from my office outlining what was accomplished and an editorial published in the Philadelphia Evening Bulletin.

There being no objection, the statement and editorial were ordered to be printed in the RECORD, as follows:

[From the Philadelphia (Pa.) Evening Bulletin, Aug. 29 1969]

THE LIFE OF A BOY

Where a boy's life is concerned, red tape can and will be cut.

At Deborah Hospital, Browns Mills, N.J., a team of surgeons operated on an eleven-year-old Indian boy, to close a hole in his heart. The boy and his father, a physician, arrived from Calcutta last week on a flight made possible by the cooperation of four governmental agencies, the Civil Aeronautics Board, the U.S. State Department, the Government of India and the office of U.S. Senator Richard S. Schweiker.

Dr. A. K. Basu-Mullick wrote to Deborah Hospital, telling of his poverty, even as a doctor, and pleading that an effort be made to save his son, which could not be done in India.

Hospital officials offered all surgical and medical services without cost, if the boy could be brought from India. The Defense Department could not furnish transportation for a private citizen on military aircraft, but Mr. Schweiker appealed to CAB and the State Department to permit Pan American Airways to carry the Basu-Mullicks free.

It is true that even mountains can be moved to meet the needs of the young.

A 10-year-old Calcutta India boy will arrive at Kennedy Airport in New York Tuesday night for life-saving open heart surgery, Senator Richard S. Schweiker (R-Pa.) revealed today.

Sabyasachi Hullick, desperately ill with a hole in his heart, will be taken to Deborah Hospital, Browns Mills, New Jersey, which will perform the operation without charge. The boy's father, Dr. A. K. Basu Hullick, will accompany the boy and stay with him at Deborah Hospital.

Schweiker said hospital officials notified him in June that in response to a letter from Dr. Hullick, they had agreed to perform the operation, but that they had no funds for transporting the Hullicks from India.

"I inquired with both the Defense Department and the State Department, but found out that regulations prohibited free transport on military planes," Schweiker said. "However, I discovered that private air carriers can provide free transportation if the Civil Aeronautics Board approves and if it is in the 'national interest.'"

Schweiker said Pan American Airlines took the necessary action, and is flying the boy on flight number one from Calcutta to New York, arriving at 8:10 p.m.

The Hullicks will be met at the airport by Jack Lesser, President of Deborah Hospital, and Dr. Henry T. Nichols, Chief of Cardiac Surgery, who will perform the operation, assisted by a team of leading heart specialists in the Greater Philadelphia area.

"I want to commend Deborah Hospital and Pan American Airlines for their efforts to bring about a significant step of international good will, and I am pleased that I could be of assistance in coordinating the transportation problem."

Deborah Hospital was founded in 1922, and is a non-sectarian charitable hospital.

A PROVOCATIVE LETTER

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. ASHBROOK. Mr. Speaker, the Ohio State Lantern of April 10, 1969, carried a letter which is of interest to me for its author, Walter W. Seifert, now at Ohio State University, is a good friend of mine. The caption introducing the letter was especially eye catching: "A Letter From a Skeptical Son to His Bald-Headed Dad." The letter read:

DEAR DAD: Last time I was home, you said some significant things about my interest in radical proposals for a new social order. When you told me I was too young for sane opinion on such matters, you insinuated that your generation is better qualified to find "the way out" than mine. I question this assumption. I do not believe that those who led us into this mess are capable of "leading" us out.

Dad, believe me when I say that I am indebted to you for paternal love and protection, but believe me also when I say that my generation holds in contempt the colossal social, economic, and political blunders which you perpetuated. As we survey the worthless heritage of crime, war, poverty, and greed, we unite in shouting, "We will have none of it. There must be a second Renaissance!" And we scrutinize our entire inheritance to find the true value of these institutions. If you say our sin is lack of respect, then we can answer, "Veneration was your sin."

"Our capitalistic democracy is the ultimate in modern government," I have heard you brag. May I call your attention to the metropolitan editor who recently said, "I support this man because he is the least crooked of the three." "Trust our economic leaders," you assure me. I answer, "Men are starving today in the shadows of your rotting granaries and hog-butchering establishments, Dad. Under your system privation increases in proportion to the increase in production." "Hold fast to the religion of your fathers," you warn, and I cannot help wondering, "Has that religion lessened hatred, crime, war, and suffering in its Twentieth Century trial? Are its fundamental concepts philosophically sound?"

Dad, our young people are admittedly a skeptical crowd. What we have lost in the comfort of blind faith, we have gained in the assurance of empirical, scientific reasoning. If this fact-facing attitude be heresy, you may style us "heretics." If we worship reality instead of sublimity, you may say that we are fools. If science has altered our moral convictions, and if our new freedom conflicts with your age-old prohibitions, then you may consign us to your fiery hells.

But one thing is certain. Win or lose, right or wrong, we are beginning to think through these things. We are trying to see "beyond our noses"; we are striving to build a better world. In that struggle we ask your co-operation, realizing that our youthful ambition, coupled with your aged perspective, is the one combination which can solve the riddle of these times.

Well—how about it, Dad?

A word of explanation is in order. It is true that Walter W. Seifert, age 55, is at

OSU—as an associate professor of journalism. Concerning the letter, Walter commented:

> The more things change, the more they stay the same. This editorial could have been written by any of our young rebels just yesterday.

The letter also appeared in another campus newspaper, the Kent Stater, though under different circumstances.

The author? Walter W. Seifert, student editor.

The year—1934.

NATIONAL BUSINESS WOMEN'S WEEK

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 22, 1969

Mr. SCOTT. Mr. President, I am delighted to have this opportunity to pay tribute to the National Federation of Business and Professional Women's Clubs, Inc. Since 1928, 1 week each year has been designated as a tribute to business and professional women. This year National Business Women's Week is being observed October 19 to 25.

Today the NFBPWC has over 180,000 members. Membership is open to all women who are actively engaged in business or the professions, upon invitation from a local club. BPW clubs are in operation in every congressional district with more than 3,800 local clubs under 53 State federations.

The emblem of the organization is the Nike because it symbolizes progress to which the federation is dedicated. The emblem also includes the Staff of Mercury, the Torch of Wisdom, the Scroll, and the Ship of Commerce.

Since its founding in 1919, the National Federation of Business and Professional Women's Clubs, Inc., has worked to elevate standards for women in business and the professions. It is an articulate and well respected voice speaking out in the interest of business and professional women everywhere. Among its activities are the publication of a monthly magazine, National Business Women, and a Congress of Career Women Leaders held yearly.

I am sure that I speak for many of my Senate colleagues in calling the Nation's attention to this worthwhile organization and to the goals it seeks to promote. I believe that the legislative aims of this organization are especially worthy of note and commendation. They are:

> To elevate standards for the employed woman, to promote her interest, to create a spirit of cooperation, to expand opportunities through industrial, scientific, and vocational activities, to secure equal consideration under the law, and to establish conditions which assure both men and women the fullest opportunity and regard for the development of their capacities to the maximum potential.

In our advancing complex society, women must continue to assume more and more of the top career positions. I am proud to salute the National Business and Professional Women's Clubs, Inc., for their fine contribution in this area.

As a sponsor of Senate Joint Resolution 61, I applaud its purpose. The joint resolution proposes an amendment to the Constitution providing a constitutional guarantee of equal rights under the law for men and women. I was pleased to note that the National Federation of Business and Professional Women endorsed this legislation at its 1969 national convention.

I invite Senators to join me in commending our Nation's career women and their determined efforts for a better America.

A NATIONAL MARCH OF CONFIDENCE

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. SLACK. Mr. Speaker, since the Vietnam Moratorium Day marches and demonstrations of October 15 and the subsequent announcement that there would be a recurrence of such demonstrations in November and perhaps December, there has been proposed by a prominent police official in my congressional district a countermovement which I would like to call to the attention of my colleagues. Briefly, it has been proposed by Chief of Police Dallas W. Bias of my home city of Charleston, W. Va., that November 10 be declared the date for a national march of confidence, built around the active participation of the policemen and firemen of each community.

The following letter which I received from Chief Bias gives a summary of his experience in connection with the events of October 15, and I believe this experience reflects about what took place in any typical medium-size American community. It is now suggested that there be a counterdemonstration to permit the expression of convictions by those who do not agree with the philosophy of the Vietnam moratorium marchers.

As a supporter of fairplay and freedom of expression for all, therefore, I feel it proper to call his proposal to your attention, in the belief that you may wish to pass the information along to officials in your communities:

CHARLESTON, W. VA.,
October 18, 1969.

Hon. JOHN SLACK,
House of Representatives,
Washington, D.C.

DEAR SIR: On October 9, a young, oddly dressed, bearded male and a similarly dressed willowy type female, obviously of a beatnik group, came to my office and asked for a parade permit to parade a number of youths to stop the Viet Nam War. They had no organizational name and did not know how many would be in the parade. I advised them that normally a group of people parading had some name and a parade marshal, etc. and outlined some information I needed. The following day three youths applied in a handwritten letter under the name of the Charleston Peace Coalition for a permit. I denied the permit for the reasons outlined in my memorandum of that date (copy enclosed).

Suit was brought against me in Federal Court which I answered on October 13, 1969. Attorneys representing the American Civil Liberties Group were John L. Boettner, Jr. and A. Andrew MacQueen III. Among the exhibits was a sheet headed Viet Nam Moratorium Committee, Suite 806, 1029 Vermont Avenue, N.W., Washington, D.C. 20005, telephone number 202-347-4757, which started with "Dear Congress Participants:" and called for a generally pressure demonstration if the United States had not surrendered the war by October 15, 1969. The Court ordered a parade permit be issued and I complied with that order.

I have asked for a National Parade of Policemen and Firemen, who are the first line of defense within the boundaries of the United States against crimes and treason, to show strength inside America and demonstrate confidence in Congress and our government to handle affairs in the Viet Nam War for the orderly, peaceful and honorable bringing home of our troops with safety and to protect them on all other fronts.

Being one aroused Chief of Police concerned with the safety of our Nation within the infiltration of communistic influences on gullible politicians, unsuspecting clergymen and undirected youths, I feel that it is time for the silent Americans, red-blooded patriotic Americans of all ages, to stand up and be counted and let our fighting men and women guarding all fronts know that their Mother Country is very much alive for them to fight for and come home to. I have received hundreds of phone calls, telegrams and letters locally and from as far as Seattle, Washington, endorsing this parade. People here are asking me to hold a mass rally in the ballpark in the evening. One attorney who suggested it feels that if the enthusiasm continues the response from our plea locally will fill two ballparks. I have every indication that here in Charleston we will fill the streets. I think a parade of confidence followed by rallies in some cities will show these "rebels without a cause" that red-blooded America has a purpose in this world.

Hitler overthrew Germany by starting with some radicals in a beer hall and the world stood by; Castro overtook control of Cuba with a handful of propaganda from outside the country and zealous youths; last year we got some inkling of the youth in Red China running amuck, arresting government leaders, etc. and I feel that if we do not take a national stand to show our strength and confidence in the government we will sit by apathetically and fall from within.

One newspaper today, seemingly as a slur, called me a "Fierce Patriot". I see nothing wrong with being a fierce patriot particularly when three of the speakers from the Moratorium sought audience with me yesterday and during an hour's conversation of disagreement with newspaper stories, one youth said he did not see that the National Anthem with the American Flag was necessary and that it was out of style with this date. I became rather fierce in my speech and it caused one of them, an ADA leader, to say that with my determination they would like to have me on their side (whatever side that is).

I believe if you would use your influence through the International Association of Chiefs of Police and The Fire Fighters and other patriotic citizens throughout the nation to participate in this parade of confidence, it would be successful. I want you to know that I absolutely do not belong to any organizations of lodges, secret or otherwise, except the International Association of Chiefs of Police. I am only Dallas M. Bias, a cop, a veteran and an American. I hope you will consider lending your support to this movement.

Respectfully yours,

DALLAS W. BIAS.
Chief of Police.

Charleston Police Department Memorandum, October 8, 1969

To: Persons concerned.
Subject: Anti-Vietnam war parade permits.

The United States is at present in an armed conflict with the Communist elements of the Viet Nam Government, a defacto war. This conflict is under the orders of the President of the United States with the sanction of Congress.

Anti-Viet Nam War marches and demonstrations tend to give aid and comfort to the common enemy of the United States in this conflict. Notwithstanding the Constitutional right of the people "to assemble in a peaceful manner, to consult for the common good, to instruct their representatives, or to apply for redress of grievances." It is my belief that to authorize a permit would appear to endorse such a protest and I, therefore, will not issue a parade permit to any person or group protecting against the United States' involvement in the Viet Nam War as it may tend to increase the resistance of the common enemy in this conflict and endanger or cause the loss of life to American soldiers in the field.

Nothing herein shall contravene the right of assembly in a peaceful manner as provided by the State Constitution to instruct their representatives, which, in this case, would be the members of Congress and I believe they should be present to hear the grievances.

Dallas W. Bias.
Chief of Police.

[From the Charleston (W. Va.) Daily Mail, Oct. 17, 1969]

To Support Government, Military—Chief Bias Asks National March of Policemen and Firemen

(By Jim Johnson)

The nation's fire and police department members were called on by Chief Dallas Bias of Charleston to participate in a Nov. 10 "National March of Confidence" to support the federal government and its fighting forces all over the world.

"Since the police and fire departments throughout the nation are the first defense line of interior America," Chief Bias said, "I will request them to set aside a day and march in support of our government and our boys in Vietnam as well as those stationed throughout the world."

He said contact with the members will be made by police network and other means.

"If the protesters got the word passed throughout the nation, I'm sure we will find a way.

"I want it known right now," he added, "that I'm applying for a city parade permit for Nov. 10 and that it will be useless for other groups to apply."

The chief's comments were made during his observations this morning on Wednesday night's parade held in connection with the nationwide Vietnam Moratorium. He had previously refused to issue a permit to the Charleston Coalition for Peace until ordered to do so by a federal court order. His reason for refusal at that time was that the march and nationwide demonstrations gave "aid and comfort to the enemy."

Today he reiterated those views and asked for the nationwide March of Confidence.

"My observation last night," he explained, "leads me to believe that middle age Americans—25 and up—had better get off their behinds and get their bodies and spirits in condition to lead this nation back to a democracy under the flag of the Republic and not let it decay under the hands of misguided, non-directional beatnik youth, who I believe are being led by Communistic influences or leanings.

"I think it is a national disgrace (the Vietnam Moratorium). I do want to commend U.S. Senator Robert Byrd, and U.S. Congressmen John Slack and James Kee for their stand in supporting the U.S. President against these forces. They are men with strength who are needed in our government at this time."

Asked why he chose Nov. 10 as the day for the March of Confidence, Bias said: "The tentative date of Nov. 10 was chosen because people are always parading in honor of the dead on Nov. 11 and I want to parade for living."

He said he would suggest that the red rose, worn by his men and the city fire department would also be used in the March of Confidence "to show that the mother country is still very much alive."

The participation of between 300 or 400 area youths was termed as being "unreal" at times by Chief Bias.

"As to my personal feelings concerning the demonstration," he said, "I have some rather knotty stomached feelings mixed with sadness.

"The loud, raucous music played around the flag in beatnik rhythm made me hear the silent strains of our National Anthem. I felt like I was looking at a strange group of people—somewhat like a scene found on a movie set—or an old "Mutiny on the Bounty" movie.

"I saw some familiar faces of speakers which looked as though they didn't fit the scene's setting. I heard, I suppose, but didn't hear, the people speaking. Somehow it didn't seem real, but it was there.

"One of the leaders, Morgan Anderson, who is with the Civil Rights Commission, looked, by his mode of dress and clean shaven face, like a Patrick Henry, who should have been talking for his country, instead of against it."

The marchers were orderly as were most of the 200 to 300 onlookers, according to Bias. He said he had to restrain several of his men on one occasion.

"I had to caution two or three of my men—war veterans and one young man—about their conduct towards an older man whom I understand works for a high state government politician.

"He was acting cute and making derogatory remarks towards me and my uniform."

After the parade was over, Bias said most of the speakers came over to him to congratulate his men and him on a job well done.

"They came by to shake my hand after the demonstration was over and congratulate me for taking a stand on what I believed in and for my official protection of the protesters.

"I could not help but advise them that I was acting properly under the same orders of the same government that they were generally opposed to. The same one they are asking the people of the United States to revolt against."

ADDRESS BY GENERAL PALMER

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. HÉBERT. Mr. Speaker, Gen. Bruce Palmer, Jr., Vice Chief of Staff of the Army, delivered some most interesting remarks at the ROTC luncheon of the annual meeting of the Association of the U.S. Army.

His comments are most timely and worthy of being repeated so that all of us who are concerned about the problems of youth may have the benefit of his thinking.

I am inserting General Palmer's speech at this point in the Record:

Address by Gen. Bruce Palmer, Jr.

I welcome this opportunity to talk to you today, in particular those of you representing our youth, because our hopes for the future ride on you. Moreover, I have the feeling that those of us here representing the older generations should be listening to you. In fact, one of my recommendations to the AUSA for future sessions will be just that—have a senior ROTC cadet talk to the convention and tell us "like it is" as to life in our universities. In any event, I hope that we will all listen and learn something from each other . . . for listening *is* the art of communicating. Taken together, we present represent at least three generations of men who are serving our country, and we have much to learn from each other.

Why this accent on youth? There are many reasons. I can cite a few:

Roughly 75 percent of today's Active Army is made up of selectees and first term enlistees, most of whom will return to civilian life after two or three years of service. Our median age including everyone is 23.4 years.

As it has always been, young men are the ones who fight and win our battles. Age, experience, great leadership and outstanding training cannot make a fighting Army if the basic human material is lacking in heart, character and moral fiber.

The President is seeking a basic reform in our current draft law. The result will be even a younger Army. The President would also like to move toward the goal of all Volunteer Armed Forces. If and when such a goal is reached or approached, I suspect that it will continue to mean a relatively young Army.

Youth is troubled world-wide. Our schools and campuses are scenes of doubt, disagreement and disavowal. The old traditions and values are being challenged. Our way of life . . . our society as we know it seems to be in question. Our government and institutions—the so-called Establishment—are under attack.

Thus it seems only prudent to examine our society as objectively as we can and see wherein we are failing our youth.

Discipline, obedience, self-control, strength of character—these old-fashioned virtues are as fundamental as ever. But how to instill them and get the willing allegiance of those being led—the followers—has always been the essence of leadership. This is a good deal more difficult today. There was a time when you could be physically tough with men and demand their instant obedience with no questions allowed, but this won't do today. Youngsters of this day and age are too well educated and intelligent to accept something without a rational and logical explanation. Even our football coaches are finding this out. College and professional coaches are bemoaning the good old days when all a coach had to say was, "Do it my way—or else." The opportunity for leadership is still there—but it is of a distinctly different nature.

To complicate matters, we now have a new dimension on the scene which is of major significance. This is the question of racial tension and conflict. I need not tell you young college men what I'm talking about. You know far more perceptively than I. We now see this tension in the Army . . . in the young black soldier and the young white soldier. It is there—we cannot avoid it, walk away from it, hide our heads in the sand and pretend it's not there.

Our young black soldier is a justly proud man. We must not confuse rightful and dignified pride in his race for black militancy and belligerence.

Our young white soldiers must also understand and recognize this just pride and not react defensively or fearfully. This pride channeled in constructive directions is a good thing.

There is much room for mutual understanding and, above all, perceptive leadership. Again, this burden will fall on you—our youth.

Many of you have come from the firing line—college campuses across our Nation where you may have been confronted by dissidents—people who question your participation in the ROTC and even attempt to humiliate you in front of your contemporaries. And yet in all honesty, I must say that some of the people who confront you are actually sincere, thoughtful individuals, searching like most men for answers to fundamental questions about themselves and their country.

Daily we read in the newspapers and see on TV sensational antimilitary arguments to the effect that:

Military spending prevents us from solving our social ills . . .

Military advice prevents solutions to problems of foreign affairs . . .

The defense establishment undermines our democratic values . . .

The so-called military-industrial complex is too big and powerful and wields more influence in national affairs than it properly should.

As citizens, taxpayers and thinking, free men in our own right, we must all give these very pertinent questions the attention they deserve. We must also look at the other side of the coin:

Military efforts and achievements have made great contributions to our society, in many positive constructive ways. Engineering, aviation, medical advancement, scientific research in numerous fields are good examples.

Military factors are essential to any sound and balanced analysis of foreign policy.

Our defense establishment under firm civilian control is the very guardian of our democratic values. To keep this concept viable requires enlightened, broadly based and balanced military leaders . . . in other words, the products of a liberal education and a diversity of experience.

Our military-industrial complex is what we used to call the "Arsenal of Democracy." Teamwork between defense and industry is necessary if we are to get the most for our defense dollar and give our men first class weapons and equipment. So long as these relationships are lawful and proper, they are a strength, not a weakness.

The real trick is to get a dialogue going—to get people to discuss all sides of a question and not close their minds to all views except their own. In other words, communications rather than confrontation.

I am sure that we all have thought, "Where do I . . . where do we go from here?" "Where do I stand?"

Is my country right? Or is my country wrong?

What is right? What is wrong?

What is moral? What is amoral? What is immoral?

Am I right? Am I wrong?

Last June, President Nixon asked us as a people to address three fundamental questions:

"What is America's world role?

"What are the responsibilities of a great nation toward protecting freedom beyond its shores?

"Can we ever be left in peace, if we do not actively assume the burden of keeping the peace?"

In my opinion, it is not for the military or defense to answer these questions alone. These are questions which must be answered by every individual citizen—questions which the public as a whole must consider—questions which, in the final analysis, our political civilian leaders must face up to. I would say only this . . . there are more than just 200 million Americans involved. There is the whole Free World at stake. If the United States does not lead, who can? Who will? Honest reflection will tell you that there is no other country capable of leading. Either the United States will lead or there will be no leader.

Your role as an ROTC cadet on almost any college campus across the Nation today is what you personally make of it. You will have to stand up for what you believe in. It may take a lot of courage to join the ROTC and wear this uniform on campus. But I am sure that you are a better man for it.

Why are you in ROTC? Why is it that on a day-to-day basis you are required to justify your beliefs?

If you are sincere in desiring to serve your country, unlike those who harass you, you owe your allegiance to others than yourself. You can ask them what they are doing for the betterment of mankind . . . a better country . . . a better world.

Now if you are still bothered by questions of service to your country after having thought the problem over, and if you find you don't believe in dedicated service or you cannot accept decisions which you can't agree with, then you are of no use to the Army. But if you haven't made up your mind, don't turn us off . . . don't close your minds to what the Service has to offer.

And it is not pay; it is self-satisfaction . . . the satisfaction and reward which only come from dedication to a cause or ideal greater than oneself. Beyond this we still have room for the outdoorman—athlete, hunter, fisherman—as well as the intellectual, the writer, the card-player, and even the idealist and romanticist. The soldier can pursue practically unlimited avocations.

The Army will not ask you to be a crusader, but rather that you understand what the majority of our citizenry has asked the military to do through legally elected constitutional authority. While you are in the ROTC, we hope that you will let people see that the ROTC cadet is someone who is knowledgeable, articulate and willing to stand up for what he believes.

When we think of military courage, we most often think of the soldier under fire, closing with the enemy. This is characteristic of the American soldier. But other kinds of courage are a part of our military tradition also.

The real courage which is more than ever in demand is moral courage—to have faith in your own convictions—and to fight for them . . . and to be able to articulate your position.

On our part, we will support you in every possible way. We are making extraordinary efforts to upgrade and reorient our ROTC Program in tune with the times. But it will not be at the expense of a sound, solid, curriculum; nor will it degrade the stature of the program.

Earlier I spoke of dissent against ROTC on some college campuses across the Nation. Unfortunately, we have closed and are closing some fine ROTC units . . . at some prestigious institutions. Gentlemen, it is to your credit, however, that we still have a large, strong ROTC Program across the Nation and that many colleges are seeking to join the ROTC Program.

Your predecessors have established an unparalleled precedent of professional excellence and dedication in the Army. They are continuing those traditions today . . . all over the world. In the Army, we care not where a man came from, or what school he attended. We simply want to know how well he can perform. If he has the capacity, he can and *will* go all the way to the top.

Gentlemen, our Army, as it has been for nearly two centuries, is dedicated to nothing more simple and noble than the defense of our homeland and the preservation of our way of life. I know that we can depend on you . . . and countless other fine young men who have preceded you . . . to serve your country well.

GEN. CASIMIR PULASKI, FATHER OF THE AMERICAN CAVALRY

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. HELSTOSKI. Mr. Speaker, October 11 marked the 190th anniversary of the death of Gen. Casimir Pulaski, the great Polish soldier and patriot who gave his life in the struggle for American independence. Without his superb leadership of the first American cavalry forces, the poorly organized and ill-equipped colonial troops would have been seriously weakened and possibly defeated. I believe we should recall some of the details of the remarkable career of this man who did so much and finally made the supreme sacrifice to help us win our independence.

Pulaski was born in Podolia, Poland, on March 4, 1748. He became interested in military affairs before he reached his majority and served in the guard of Duke Charles of Courland before he reached the age of 20. In 1768 he joined his father, Joseph Pulaski, as one of the eight original associates of the Confederation of Barr, a national Polish movement against the Russian oppression. He and his father pledged themselves to freeing Poland. Casimir carried on a partisan warfare against the Russians after his father's death, and in 1769 raised a revolt in Lithuania. He finally forced the Russians to withdraw from the fortified monastery of Czestochova to which he had been driven and took an active part in forcing them across the Vistula.

Subsequent military reverses caused Pulaski to leave Poland. He went to Turkey to seek, unsuccessfully, the aid of the Sultan against the Russians. He then went to Paris in 1775. It was in the French capital that he made the acquaintance of Benjamin Franklin. After his talks with Franklin he became interested in the American struggle for independence and came to this country in March 1777. He immediately joined General Washington's staff in Philadelphia. In the battle of Brandywine, in company with Greene, Wayne, Sullivan, and La Fayette, he struck his first blow in behalf of the American cause. His great service in this engagement was to defeat the attempt of the enemy to cut off the line of retreat. He executed his task so successfully and promptly that, upon the recommendation of Washington, he was commissioned a brigadier general by Congress and assigned to command the newly organized American cavalry. General Washington, in his letter to Congress recommending Pulaski for this place, said:

> This gentleman has been, like us, engaged in defending the liberty and independence of his country and has sacrificed his fortune to his zeal for these objects. He derives from hence a title to our respect that ought to operate in his favor as far as the good of the service will permit.

Pulaski later saved the Army from a surprise at Warren Tavern, near Philadelphia, and took part in the battle of Germantown. In the winter of 1777–78 he participated in the operations of General Anthony Wayne and helped defeat a division of British troops at Haddonfield, N.J. Subsequently, he was assigned to special duty at Valley Forge.

Congress, upon General Pulaski's suggestion and upon the recommendation of General Washington, authorized the formation of a corps of lancers and light infantry to be commanded by Pulaski. This corps, which was recruited mostly in Baltimore, later became famous as "Pulaski's Legion."

Performing garrison duty at Minisink, N.J., during the following winter, he expressed a wish to return to more active military service in Europe, but Washington persuaded him to remain. On May 8, 1779, he entered Charleston, S.C., and 3 days later, May 11, the city was attacked by 900 British troops. Pulaski's forces were heavily outnumbered, but he held the city until the arrival of reinforcements on May 13.

In the siege of Savannah, where he met his death, he rendered distinguished service. In the assault of October 8 he commanded the entire cavalry, both French and American. During the battle he received a wound which eventually proved fatal.

For the account of General Pulaski dying in the arms of Col. Richard Clough Anderson, we have the word of Colonel Anderson's grandson, Edward Lowell Anderson. The biography of Colonel Anderson, published by his grandson, in 1879, contains the following:

> The attack (on Savannah), though at several points successful, was, in the end, repulsed. Upon his way back to camp, my grandfather met Pulaski. The unhappy Pole was mounted upon a rough-moving pony, at whose every step the blood from a mortal wound churned up in the long boots of the rider. Until death released Pulaski from his sufferings, at some hour during that night, Major Anderson remained with him. He received from the dying man a sword, in memory of the sad service.

There is no further mention of Pulaski's sword in Mr. Anderson's book.

The details given in other historical accounts differ, but there is general agreement that Pulaski was carried from the battlefield after the conflict to the American brig *Wasp* for transfer to Charleston. Two days later, in the company of his close friend and subordinate Captain Bentalou, he died of the gangrene which had set into his wound. He was buried at sea, but, when the French fleet reached Charleston, a memorial procession and service was held. Pulaski's empty coffin was followed by his horse bearing his uniform and cavalry accouterments.

Casimir Pulaski was not the only brave Pole who left his native land to help America win her independence. Those who served under the General in the Pulaski Legion included Joseph Baldeski, Maurice August Beniowski, Baron de Botzen, August Christian Elholm, Jerzmanowski—first name unknown—Kotkowski—first name unknown—Michael Kowacz, Kraszewski—first name unknown—Charles Litomski, Matthias Rogowski, and John Zielinski, a cousin of General Pulaski and one of the first three officers of the Legion.

Americans have not forgotten the contributions of General Pulaski. There are eight towns named after him, located in the States of Georgia, Illinois, Iowa, Mississippi, New York, Tennessee, Virginia, and Wisconsin; and seven counties, located in the States of Arkansas, Georgia, Illinois, Indiana, Kentucky, Missouri, and Virginia. No national forest yet bears his name, but the Pulaski Highway in Maryland runs from Baltimore through Aberdeen and Elkton to the Delaware line and the Pulaski Skyway in New Jersey is a wonder of highway engineering.

General Casimir Pulaski spent more than $50,000 of his private fortune to maintain his cavalry. In a letter to Col. R. H. Lee in 1778 he wrote:

> Honor and a true desire of distinguishing myself in defense of Liberty was the only motive which fired my breast for the cause of the United States.

His example of sacrifice and devotion to our Nation's cause is a model of patriotism for all times. Truly, Casmir Pulaski stands as one of history's greatest protagonists of human freedom.

ANALYSIS OF OUR PRESENT POLITICAL CRISIS

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. UTT. Mr. Speaker, under unanimous consent to extend my remarks in the RECORD, I wish to include an open letter to President Nixon, written by Mr. Edward C. Smith, owner of La Galeria of California, in La Jolla, a constituent of mine.

In this letter there is much food for thought. There are parts of it with which I am in full agreement, and parts of it which I would reject as being impractical.

I recommend a careful reading of Mr. Smith's analysis of our present political crisis.

The letter follows:

AUGUST 30, 1969.

President RICHARD M. NIXON,
White House West,
San Clemente, Calif.

DEAR MR. PRESIDENT: The contents expressed herein will most likely not be brought to your attention, but the fact that this paper was written will bring much satisfaction to myself, my family and numerous fine and loyal friends across the country.

Presidents come and go and certainly leave their mark on the land, unfortunately, in some cases, for years to come. The judicial branch of our government has its duties in that it is supposed *to interpret and nothing more* the law of the land, i.e., the Constitution; and then we have the legislative branch—and herein lies the rub!

The Congress of the United States is most adept at regulating the lives of the American people and although repeated attempts have been made, the Congress will *do nothing* to regulate itself!! There has been a *very weak* reform bill before the Congress, which if brought to a vote *would not pass*.

CONGRESS IS THE PEOPLE

The inability of the Congress of the United States to properly represent the American people is fast, if not already so, bordering on criminal neglect. Various and sundry politicians who are most talkative, but saying little, wildly proclaim that America is not sick! Maybe not—but she sure has one helluva belly-ache!

Let us cite just a *few* examples:

Federal intervention from the *early 30's* to date in the farm problem has produced nothing but dissatisfaction for the farmer and the taxpayer. The farm subsidy program as we know it today is a financial "foul-up". The small farmer is not benefited as was the original intent; big business is the receiver of this unfair and senseless waste of the taxpayer's money. Witness these figures, recently released. In 1967, 42.7 per cent of the nation's agrarians with an income of less than $2,500 a year received only 4.5 per cent of total farm subsidies, while the top 10 per cent, many of them farm corporations or vertical trusts in food processing, received 54.5 per cent of total payments!! Five (5) farm operations received subsidies of over $1 million last year with two California companies topping the list. One (1) company received $4.09 million and another $2.86 million. Payments of between $500,000 and $1 million each went to 15 farms and 388 got payments between $100,000 and $500,000, Mark Twain once remarked, "Reader, suppose you were an idiot. And suppose you were a member of Congress. But I repeat myself."

The question, Mr. President. How much longer do you suppose the American people are going to tolerate the rotten injustices of the Farm Program which the Congress of the United States has had thirty-seven (37) years to rectify?? Our republican form of government is supposed to exist for the protection of the rights of the minorities and not for big business, the loved and the wealthy—they have many friends and few enemies. But—the Congress simply will not get off their "prats". Let us go further with this corrupt and vicious "political foot ball". Is it not dumbfounding and downright puzzling that we live in a Nation of universal plenty and yet general poverty exists in various portions of the land? What a strange paradox! Ask any Congressman why aid in money and produce is being distributed to foreign lands when our own go hungry; if he be the timid politician that certainly predominates in our Congress today, he will respond with the answer that our Country is capable of being "all things to all men"; this is mental masturbation of the highest degree. Firstly—charity certainly should begin at home. Secondly—the past warns us that all governments which attempt to perform more than their constitutional intention, ended up *by performing less!*

The State of Mississippi reports that upwards of one-half of the population lives in dire poverty; $28.7 million in subsidies went to 1,438 landowners in 1966 while only $4.7 million was spent for food assistance to the poor. Subsidies totalling $35.8 million were paid to 4,375 farm operators in Nebraska in 1966, while during the same interim less than $1 million in food aid was provided for the 368,000 Nebraskans combating poverty. The past 10 years has witnessed the Federal government blissfully handing out $55 billions of the "long green" to large and well-to-do landowners, for keeping acreage *out of production*!! The list of these recipients reads like the "Who's Who" of American farming and big business. I believe it was May of 1968 that an Amendment to the agricultural appropriation bill appeared before the Congress; this amendment advocated placing a ceiling on farm subsidies, be it a corporation or an individual, of $10,000; this bill was overwhelmingly defeated. Henry Adams said it in 1818, "You can't use tact with a Congressman. A Congressman is a hog. You must take a stick and hit him on the snout."

Mr. President, there is an old Southern expression which reminds us that, "If you want to clean up the stream you gotta get the hog outa the spring." The streams of America are heavily polluted; there are too many hogs wallowing around in the springs of Washington. Our biggest problem is in your own back-yard, Mr. President!

Let us take a "running-kick" at the Post Office boondoggle. Why is the Congress of the United States so reluctant to straighten out this mess of all messes! Are these people so reluctant to lose some of their precious authority? Excellent suggestions have been made to completely revamp the Post Office Department and operate same in a business-like manner, but it appears that the greed and avarice of Congress will prevail. What a pity—but the American people are fuming and in the long-run, God willing, it is the people who will triumph.

On October 2nd 1969 Carl Hayden of Arizona will be ninety-two (92) years of age! Mr. Hayden entered the Congress of the United States on 19 January 1912, the year Arizona became a State; he was elected to the U.S. Senate in 1926 and served in that capacity until 1968; he did not choose to run for re-election! This man served in the Congress of the United States for a total of fifty-six (56) years. If one will simply read "The Federalist Papers," he will note that our founding fathers did not intend for a person or persons to make a life's work of serving the people in our Nation's Capitol. They call it seniority, Mr. President, and both major parties are grossly at fault in maintaining that a man stay at his post regardless of his capabilities in the performance of his tasks. Can you imagine any of our great corporations who have done so much in making what this country is today, allowing a man to remain in a seat of power past the age of 70!! Absolutely not—the gold watch is presented, a pat on the back is given, and new blood that understands the *changing times* is brought into the ball game.

Senator Hayden is merely an example, for the Congress is loaded with individuals who are far past their prime. The average politician in Washington, where factions run high, is interested not for the whole people, but for his own section of it. The rest are in his own view, strangers, enemies or rather, let us say, pirates!! And as the Government has become a trade and is managed solely on commercial principles, these men plunge into politics to make their fortunes and only hope that the system shall last their days. Is it any wonder that the word politics, as understood by the American people, means nothing but corruptions?

Why are the directors of the most immense and extravagant business the World has ever known, i.e., the Federal Government, allowed to operate in such an unbusinesslike and archaic manner? Does it make any sense that 535 directors of the fate of 200 million people should be immune from the revealing of their business and financial interests? Congressional immunity — my foot!! Yet, every effort, and it may be noted that such efforts have been rare, to demand that the Congress pass judgment on itself, has met with an overwhelming veto. Referring to "conflict of interest", the late and outspoken Senator Robert Kerr of Oklahoma, remarked, "Hell, if everyone abstained on grounds of personal interest, I doubt if you could get a quorum in the U.S. Senate on any subject".

It is now high time for the stockholders in this most giant of corporations to demand a new and completely reoriented board-of-directors. The country can no longer tolerate these hunters of popularity, men of ambition, interested only in profit and forgetting honour, men of deception and wily cunning, who, while in office follow not what is right for a constitutional country, but what is expedient to being re-elected!

The average *thinking* American today does not give a tinker's "dam" for either the Democratic or the Republican parties. Theodore Roosevelt put it so very well in 1912; he said, "The two (2) major parties are husks, with no real soul within either, divided on artificial lines, boss-ridden, and privilege-controlled, each a jumble of incongruous elements, and neither daring to speak out wisely and fearlessly what should be said on the vital issues of the day". Things have not changed since 1912—the situation has simply worsened!

The Point—One of Mr. Humphrey's senatorial supporters during the course of the last election stated that he saw no reason to be concerned over a third political party. Now just how naive can one get? It may be true that Governor Wallace is a controversial figure, but he cut a fairly "wide swath" because of the *universal unrest* in the land today! Many folks feel that if the two (2) major parties do not shape up—and fast—there must be a change. By what name a new entity is known is unimportant in the chaotic circumstances that face the United States today. Do we, as so many maintain, have a weak government in a disordered society?

Our system of government contains numerous imperfections. However, it is without comparison the best system that now exists or ever did exist. But—what next, Mr. President? When the power of the governed ceases to exist, when the trustees charged with adhering to the principles of our Constitution fail to perform their position of trust, when the Federal government infringes on the "constitutional rights of the States" and does not permit said States to control their own domestic institutions according to their own judgment, when the Federal government gets involved in private enterprise, a function for which it is notoriously inept, when the Federal government advocates a foreign policy which it not only does not understand, but is a complete reversal of the intent of our "founding fathers," and when you have an evasive political party in power which manages the government solely on commercial principles and surrenders its convictions strictly to party objectives—the inevitable result is a government by oligarchy which masquerades as a democracy; the central government becomes a police state; the nation becomes a mob!

CONGRESS MUST BE REFORMED

Back to the Congress—what in heaven's name can be done? In *1850* a senator whose name is lost to history, stated, "We are in a horrible state—No one will resign and they are not dying off fast enough!"

Mr. President, for a starter the answer is with us and quite simple. We should put a limitation on all office holders as we do the Presidency, thanks to the foresight of President Washington. *No* representative in the Congress should serve over six (6) terms, which is Twelve (12) years. No Senator should serve over two (2) terms, which is Twelve (12) years, and no governor should be allowed to serve over eight (8) years! By doing this, we would eliminate the politicians and have some of these men turn into statesmen. The difference—a politician lives for the next election—a statesman for the next generation! Too often an elected officer, the moment he goes into office, does everything in his power to see that he will be re-elected, and, although his position may be the popular position, so often the popular position is the *wrong* position. Let us all be reminded of the words of Artemus Ward, voiced in 1865, "Congress, you won't do. Go home, you mizzerable devils—go home."

"No taxation without representation" was the predominant slogan of the thirteen (13) original colonies, prior to gaining their independence. There is a parallel here! At this time the American people are heavily and sorely taxed, i.e., morally, mentally and above all where our strength lies, financially. But are we as a people being properly represented? A look at the record will show we are not!! We must be shed of this albatross around our necks. In short—the Congress must be reformed—the survival of this country depends on it.

On Viet-Nam:

The Revolutionary War lasted for six (6) years and six (6) months to the day, and ended with the surrender of Cornwallis at Yorktown on the 19th of October 1781; this had been the longest war in our history; we lost approximately 4,500 men; however, upon the death of Specialist 4th Class James Thomas Davis of Livingston, Tennessee, on 22nd December 1961, the Viet-Nam war now has the dubious honour of being the longest conflict in the annals of our times; we should not be proud of this horrible, grossly immoral and undeclared debacle!

And here, Mr. President, the record should be set straight, for it is a thorn in our side and is cutting deeper, it is afflicting humanity; it is destroying religion; it is destroying families; it is dividing the Nation!—War is an act of violence which has only one (1) purpose; that is the total and complete destruction and/or containment of the enemy. Nothing more—nothing less! And any Nation blessed with the armament and finances who does not seek a hasty and final conclusion to this "scourge of humanity" must and will be recorded as immoral and rejecting mankind. War is not a popularity contest. Few nations ever fought an honourable war. But here lies the big rub.—Any novice student of armed conflict knows that he who preaches peace in the midst of war is wasting his time. Washington constantly hammers at the American people that we are striving for an "honourable peace". This is pure and unadulterated baloney! An honourable peace is only attainable by an efficient war and by all that is holy and moral, Viet-Nam is a far cry from an efficient war! In short, these "armchair generals", of which there are far too many in Washington, are seeking a compromise. Poppycock!—a compromise makes for a good umbrella but a damn poor roof. Regardless, at this writing, in whatever manner the Viet-Nam War is resolved, it is a war of infamy which will surely blot the pages of our history.

"Viet-Nam is not a military necessity—but a *geopolitical* gamble."

When the gauntlet is thrown down and one picks it up he must be prepared to go all out, but by the same token one must not forget the oldest axiom as regards mortal combat, namely, "A great country can have no such thing as a little war".

Starting with two-hundred and fifty (250) advisors in 1954, and now with over five-hundred thousand (500,000) troops in Viet-Nam, who are fighting a war they cannot possibly win under the *initial* program as set forth in Washington, is without parallel in the History of Mankind. This horrendous situation cannot possibly be won—but there was a time when it could have been *contained* and the door is possibly still open!

Why has the harbour of Hai Phong not been mined as the Navy many times in the past has officially requested? This act can be carried out in a swift and efficient manner without the loss of any planes which we can ill-afford to lose under the present circumstances. Why do we allow supplies to flow into the hands of the enemy and above all delivered by our friends and pseudo-friends?

Why have we not blown the billy-be-jesus out of the many dams checkering north Vietnam? Cut off his food and cut off his armament—this is the way to bring a foe to his knees—and then—and only then do you go to the peace table! This is the procedure that history reveals to us and yet the United States persists in violating the well-known and obvious "modus operandi." Is it any wonder that the American people are confused, dumbfounded and fast becoming downright volatile, as regards this intolerable mess?!!

On Russia, China, and the United States:

In Washington there are many so-called astute individuals who appear to be deathly afraid of the Chinaman. It is true that the populace of China is tremendous; however, future conflicts will *not be decided* by the "ground-pounder" or "gravel-agitator"—I speak of the Infantry. To fight the Chinese on a man-to-man basis would be suicide!! Nor is it agreed that the next conflict will be entirely nuclear in its aspect. Nuclear cannon, possibly, but not necessarily the big bomb. A point in case—Gas was introduced by the Germans at Ypres, Belgium in World War I with much destruction; the Hun did not take advantage of this action, but that is another story. Anyhow—other than isolated cases which were never proven, no gas was utilized in World War II. However, there was enough gas stockpiled to destroy the World. The next conflict would possibly follow a similar pattern, i.e., various nations having nuclear capabilities *but reluctant* to completely destroy each other.

Mr. President—W. Winwood Reade said it in 1872, "It is not probable that war will ever absolutely cease until science discovers some destroying force so simple in its administration, so horrible in its effects, that all art, all gallantry, will be at an end, and battles will be massacres which the feelings of mankind will be unable to endure."

But regardless—the Chinaman is certainly in no position *at this time to* take on the might of the United States. Five (5) to ten (10) years from now might be another story. But rest assured, if the situation was reversed at this time, i.e., the Chinese in our position, this country would be levelled! However, there is much in our favour if we will only play our cards correctly. It seems to be evident that Russia is quite concerned with the Chinaman. And justifiably so—the Chinese are in the Russians' back-yard. Russia's immediate and future concern will be with the Chinaman—not with the United States. An old Mexican friend, living in Zapata, Texas, who had no benefit of education, told me in 1948, "The day will come when the last white man will be shooting dice with the last yellow man for the last white woman on earth." Could he have meant that some day we and the Russians would be allies? I have often wondered.

On Foreign Relations: There is a homely adage which runs, "Speak softly and carry a big stick; you will go far. If the American Nation will speak softly and yet build and keep at a pitch of the highest training a thoroughly efficient Navy, the Monroe Doctrine will go far." Theodore Roosevelt, 2 September 1901.

"The refusal of the British and Russian people to accept what appeared to be inevitable defeat was the greatest factor in the salvage of our civilization", George Catlett Marshall, 1 September 1945.

Napoleon attempted to cross twenty-two (22) miles of Channel and defeat England; he was unsuccessful and turned to Russia. Hitler attempted the same feat; he was unsuccessful and turned to Russia. Napoleon was not defeated at Waterloo; Hitler was not defeated in Germany. On the contrary, the *backbone* of the armies of both Napoleon and Hitler were *severed* and broken on the steppes of Russia. As Napoleon so aptly put it, "Waterloo is cast in my teeth; I ought to have died in Moscow." St. Helena, 23 April 1816.

The history of the Russian people over the last sixty-five (65) years is quite informative and revealing.

"As soon as classes have been abolished, and the dictatorship of the proletariat has been done away with, the Communist party will have fulfilled its mission, and can be allowed to disappear." Joseph Stalin, April, 1924.

Nicholas II, Czar of all the Russians, lived in a dream world of pomp, ceremony and the Divine Right of Kings. The people under this unfortunate monarch were secondary; the inevitable overthrow was just a matter of time and circumstance. "Any people, anywhere, being inclined and having the power, have the right to rise up and shake off the existing government and form a new one that suits them better." Abraham Lincoln, 1848.

In 1904 the Japanese commenced the Russo-Japanese War with a *sneak attack* on the Russian Fleet. Outgunned and with inferior leadership the Russians were soundly defeated both on the sea and the land; the Russian Fleet was completely destroyed and after a short duration Russia came to terms with the nefarious Japs. The United States should have done its homework on this action—but did not; Pearl Harbor might have been avoided.

At the beginning of World War I, the Russian was ill-prepared, ill-equipped and without leadership. In 1914 the mighty German Army engaged the hapless Russian Army at Tannenberg, a small village in Poland. The German carried the field and completely destroyed the Russian forces. The destruction of lives and property was complete and for the Russian, World War I was over!

World War II cost the Russian people over twenty million (20,000,000) souls! The Russian knows all too well the abject horrors of war. He has been massacred, his women raped, his old and young people brutally murdered, his cities levelled, his crops and livestock destroyed. Yes—we can say of the Russian—he knows war—he has been there! War is sweet to those who don't know it.

The Russian values life; the Asian does not. The Russian is educated; the Asian is not. The Russian knows all too well that the only way *to prevent a global war is to be constantly and always prepared for war*. One wolf will not fight another wolf.

Therefore, considering the past History of Russia, none of us should be surprised when the Russian proclaims and loudly, "Don't tread on me".

Conversely—let us regard the United States and its attitudes of the past.

"Against the insidious wiles of foreign influence, I conjure you to believe me, fellow-citizens, the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government." George Washington, 8 July 1796.

"The less we have to do with the amities or enmities of Europe or Asia, the better." Thomas Jefferson, 1815.

Consider the above quotes well.—The United States has a record of taking a "laissez-faire" attitude as concerns the political intrigues and squabbles of European nations. However, circumstances, possibly beyond our control, have seen us globally involved on and off for the past fifty (50) odd years. And—when confronted with total war we have *consistently never been in combat readiness*. If our allies had not given us the time to get militarily ready, we would have been over-run, or at least contained economically and politically. Let us hope that we are fully prepared now—and always remain so; we cannot let our military guard down at any time, as the next world aggressor will concentrate on and attempt to inundate the United States at the outset. Everlasting peace is a dream, and not even a beautiful one.

With the exception of the Civil War which is forgotten by the layman, the United States has never experienced death, destruction and complete and final holocaust such as Europe and Asia have witnessed in the last century. In a way, this is a sad situation, for if one has not been down the glory road—he knows not what it is all about! War is the usual condition of Europe and Asia. A twenty (20) years' supply of causes of war is always on hand!

On the Monroe Doctrine: "We consider the interests of Cuba, Mexico and ours as the same, and that the object of both must be to exclude all European and Asian influence from this hemisphere." Thomas Jefferson, 1808. Why the "Bay of Pigs", Mr. President? The intent of the Monroe Doctrine was for the U.S. to stay on this side of the pond—Europe and Asia are to stay on their side of the pond. Why did we not intervene in Cuba? And yet—we leave our shores to fight a war that makes no sense—and we travel 10,000 miles to do it! We should forget this hawk and dove debate and rely on the one entity that has never failed us—the American Eagle!

Our forefathers settled America for the express purpose of quitting Europe and making for themselves a better way of life. Why then do we persist in leaving our shores with masses of men, machines and propaganda, and attempt to interweave our destiny with that of any part of Europe or Asia? Why do we entangle our peace and prosperity in the toils of European and Asian ambition, rivalry, interest, humor or caprice? Their political interests are entirely distinct from ours; their mutual jealousies, their balance of power, their complicated alliances, their forms and principles of government are all foreign to us.

Isolation has become a dirty word and grossly misunderstood, i.e., the definition as President Washington intended it to be. We should promote and carry out trade with foreign lands; we should exchange cultural entities; we should encourage travel among the peoples of the world; we should aspire to cohesive diplomatic relations—but we should not send masses of men, machines and propaganda to foreign shores for purposes of becoming involved in their never-ending political intrigues and squabbles.

On Internal Conflicts: "Either some Caesar or Napoleon will seize the reins of government with a strong hand or your republic will be as fearfully plundered and laid waste by barbarians in the Twentieth Century as the Roman Empire was in the Fifth; with this difference, that the Huns and Vandals who ravaged the Roman Empire came *from without* and that your Huns and Vandals will have *engendered within* your own country by *your own institutions*." T. B. Macaulay, 1857. History reveals to us that governments which have fallen, have done so, not *from external pressures* but *from internal unrest, complacency* and *chicanery*.

This country is on the verge of a social, economic and political revolution the likes of which the world has never witnessed before! All should pray that this revolution is bloodless, but let us get our heads out of the sand and not count on it. When a man takes the road to destruction—the gods help him along.

Maybe we should all take note—We have had periods of external strife; we have had periods of internal strife—but never, in our history, have we faced *both* internal and external strife—*concurrently*. A dictatorship or autocracy thrives on such a situation. But—could it not be fatal to a democracy? We should all think about it.

It would appear, Mr. President, that it is high time we clean up our own back yard socially, morally, physically, economically, financially and intellectually.

Why is it that we are so critical of the political interests, forms and principles of government of foreign nations when our own system is in such dire trouble? And no government can remain stable in an unstable society and an unstable world. We can go further—the deterioration of every government begins with the decay of the principles on which it was founded.

This is about all for now and the surface has only been scratched. This paper will be printed and distributed to our *Committee of One Thousand* (1,000); this is a non-dues-paying organization of dedicated Americans who are concerned not for party or politicians but for God and Country.

Political Washington appears to believe

that the American people came down with yesterday's rain. The natives are restless and if one listens closely he will detect the beginning of a rumble. This rumble has just started and long before the next national election it will hit a crescendo. Something has got to give; political parties and *timid politicians* with this, "you scratch my back and I will scratch yours", attitude had better shape up or ship out!

In closing:

"If you establish a democracy, you must in due time reap the fruits of a democracy. You will in due season have great impatience of the public burdens combined in due season with great increase of the public expenditure. You will in due season have wars entered into from passion and not from reason; and you will in due season submit to peace ignominiously sought and ignominiously obtained, which will diminish your authority and perhaps endanger your independence. You will in due season find your property is less valuable, and your freedom less complete." Benjamin Disraeli: Speech in the House of Commons, 31 March 1850.

To the above quotation I can only add, Amen!

The writer has been a student and an observer of history, geopolitics and political science for the past thirty (30) years. No doubt there will be definite disagreement as concerns portions of this epistle. But obviously, if two (2) folks always agree, one of them is unimportant. So, in closing, if any small segment of this paper makes sense, then my efforts have not been in vain.

May God bless and keep you and yours, Mr. President, and may your tenure in the office of the "splendid misery" bear the necessary fruit that the American people so desperately need at this most crucial of hours.

Vaya con Dios, and with best wishes, I am,

EDWARD C. SMITH.

ADMINISTRATION'S MARINE SCIENCE ACTIONS—FIVE AREAS OF EMPHASIS

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. POLLOCK. Mr. Speaker, I would like to take this occasion to welcome the recent announcement by the Vice President, as Chairman of the National Council on Marine Resources and Engineering Development, of the administration's determination to accelerate the Nation's marine science program.

We now have new ocean technology to unlock the resources of the seas. The oceans cover 71 percent of the globe and are assuming a much greater role for strengthening our economy and promoting the welfare of our people. Each of the areas of the announced program has a special signficance in this connection:

Coastal zone management can strengthen the States' role in managing and in promoting development of our costal areas;

The establishment of coastal laboratories will spur environmental research for effective management of coastal activities;

A pilot study of lake and estuary pollution will help us restore our Great Lakes and other estuarine regions;

Environmental research in the Arctic will enable us to prevent man's degradation of this newly opening northern environment; and

A firm U.S. program for the International Decade of Ocean Exploration will give the needed thrust to this important program for scientific cooperation and our use of the oceans.

I, for one, have great hope for the ocean's potential benefit to society, and I am encouraged by these recent initiatives toward realizing this important potential.

ILO AWARDED 1969 NOBEL PEACE PRIZE

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. THOMPSON of New Jersey. Mr. Speaker, I call the attention of my colleagues to the unique honor that has come to the International Labor Organization with the announcement yesterday of the ILO being awarded the 1969 Nobel Peace Prize. The ILO is celebrating its 50th anniversary this year. Its director-general is David A. Morse, a native of my State, who has done such an outstanding job over the past 20 years.

I am joined in this statement of congratulations by my colleagues from the House Education and Labor Committee who were privileged to serve as official observers at the ILO meetings in Geneva—the gentleman from Michigan (Mr. O'HARA), the gentleman from Ohio (Mr. AYRES), and the gentleman from Ohio (Mr. ASHBROOK).

Mr. Speaker, as our delegation has reported to the House on previous occasions, the ILO has been working diligently to raise the minimum standards of employment and the standard of living of workers and their families throughout the world. It has also worked with the United Nations on projects to assist the developing nations. The vital importance of the link between better labor conditions and world peace has long been recognized by the nations which make up the membership of the ILO. One of the most inspiring experiences of the members of our U.S. delegation to ILO meetings in Geneva is the opportunity to learn, firsthand at the various committee sessions, of the magnitude of the labor problems which confront nations around the globe. It is gratifying to see how these countries of widely varying economic, political, and social backgrounds, represented by delegates from industry and business, of workers, and of governments can and do work together to seek solutions to international problems that affect us all.

The ILO richly deserves the coveted Nobel Peace Prize for its 50 years of unheralded service to mankind and the cause of peace. ILO's distinguished director, David A. Morse and his dedicated staff deserve special praise for the effective work that has been accomplished to improve the working standards and conditions of many hundreds of millions of workers throughout the world.

We congratulate them for the signal honor that is symbolized by the Nobel gold medal, diploma and cash prize and wish the ILO many more years of successful work and progress to help build world peace on the solid foundation of decent and productive labor opportunities that will contribute to the dignity of working people everywhere.

Mr. Speaker, I include at this point the articles from the October 21, 1969, issue of the New York Times which describe the Nobel award and the work of the ILO:

NOBEL FOR PEACE GOES TO THE ILO—ITS 50 YEARS OF INTERNATIONAL SERVICE ARE CITED BY HEAD OF COMMITTEE IN NORWAY

OSLO, NORWAY.—The International Labor Organization was awarded the 1969 Nobel Peace Prize today.

Mrs. Aase Lionaüs, a Labor member of Parliament and chairman of the five-member Nobel Peace Prize Committee, said tonight: "It is the international activity of ILO through 50 years that in my opinion makes it a worthy Peace prize winner."

"Until World War II," Mrs. Lionaüs said, "ILO concentrated its activities on reducing social barriers between peoples in an effort to make nations work together in peace. After World War II ILO had a wider perspective and has become a global institution in the work of peace.

"The organization is now deeply engaged in the enormous problem of solving unemployment in the poor world combined with the birth explosion. This is a gigantic challenge to ILO and a task that calls for a concentrated effort of all its talents and powers."

LINKED TO LEAGUE OF NATIONS

The prize money this year amounts to about $75,000 plus a gold medal and a diploma. These will be presented to an I.L.O. representative at a ceremony at Oslo University December 10 on the anniversary of the day that Alfred Nobel, the Swedish inventor of dynamite, died in 1896. The awards were set up by his bequest.

The I.L.O., with headquarters in Geneva, and the International Court of Justice in The Hague are the only organizations established after World War I with links to the League of Nations that are still in existence. The organization had an independent status, which enabled states that were not in the League to become members. Germany and Austria, for instance, were members from the beginning.

In 1946 the organization established a link with the United Nations, becoming its first specialized agency. The director general since 1948 has been David A. Morse, an American. The members include government representatives and labor and employer organizations.

The Peace Prize Committee, which is appointed by the Norwegian Parliament, met for 40 minutes. Mrs. Lionaüs said that 35 individuals and 10 organizations had been nominated for the award.

DUBCEK WAS PROPOSED

Among these were Alexander Dubcek, the deposed leader of the Czechoslovak Communist party, whose name had been put forward by the Rev. Dominique Pire, winner of the Peace prize in 1958, who died in January.

The I.L.O. was sponsored by Scandinavian parliamentary leaders from all parties. In Norway, the recommendation was signed by Einar Gerhardsen, former Labor Premier; Halvard Lange, former Labor Force Minister; Trygve Bratteli, leader of the Labor Opposition in Parliament, and by Liberal, Conservative and other party leaders.

Under the Nobel will, the peace prize is to go to those who have worked most for brotherhood among nations, the abolition of standing armies and the furtherance of the peace congress. The first award was made in 1901, five years after Nobel's death.

The interest from a fund set up under the will is divided into equal parts for prizes in physics, chemistry, literature, medicine, peace, and, since last December, economic sciences. All but the peace award are made in Stockholm.

Organizations that have won the Peace prize are the Red Cross, 1944; the United Nations High Commission for Refugees, 1954, and the United Nations Children's Fund, 1965.

The I.L.O. has extended its activities to cover technical assistance to developing countries only in recent years. The organization was founded under the Treaty of Versailles with the purpose of bettering labor conditions as a means to securing world peace.

MORSE, AT U.N., HAILS AWARD

UNITED NATIONS, N.Y.—The award of the Nobel Peace prize to the International Labor Organization was called a tribute to the World's common man today by the agency's chief.

David A. Morse, who was Under Secretary of Labor in the Truman Administration before he became director general of the organization in 1948, is here for consultations with other leaders of United Nation agencies.

Mr. Morse said that the organization, which is celebrating its 50th anniversary this year, was looking ahead to the challenge of helping to find productive labor opportunities for the people of poorer countries.

"There is a labor force of one billion in the developing world," he said. "In this world are 300 million people who are unemployed or underemployed. This is a sleeping giant and our problem is to cope with this giant, which is beginning to rise up."

Mr. Morse said that the labor organization saw its role in the coming decade as one of helping governments to find productive employment for the increased number of jobless. He said this was the main aim of the World Employment Program initiated by the organization this year.

Under the program, the I.L.O. will assist governments by encouraging them to focus on employment as they formulate their economic development plans. The agency is prepared to offer help in making manpower surveys, in setting up training programs and in developing placement services.

Some of the more affluent countries with labor problems will get assistance as well as the developing countries, it was emphasized.

I.L.O. ACTIVITIES KEYED TO PEACE SINCE WORLD WAR I

GENEVA.—The appearance of Pope Paul VI before the 50th anniversary conference in the International Labor Organization last June underscored the organization's dedication to the promotion of social justice as a way of furthering the cause of world peace.

The goal was written into the I.L.O.'s constitution, an integral part of the 1919 Treaty of Versailles, whfch ended World War I.

It is a goal that the organization has pursued by bringing trade unions and employer organizations together with the spokesmen or the representatives of the governments of its member countries, which now number 121.

Each of the three pillars of what the I.L.O. likes to call its "tripartite system"—unions, employers and government—has a separate identity on niches at the organization's conferences and committee meetings, and each has a right to vote.

The United States joined the organization in 1934 its employer delegates at first were named by the National Association of Manufacturers. In recent years, however, United States employers have been nominated by the United States Chamber of Commerce.

Until many new nations came into being after World War I, the organization concentrated its effort on the conclusion of international conventions that set minimum standards of employment and living conditions for workers and their families.

But in recent years it has given increasing attention to the problems of developing lands. This is a matter of major concern to David A. Morse, a 62-year-old New Yorker who has been the director general since 1948.

U.N. AIDS IN FINANCING

Of the organization's budget of $27.5-million this year, only $2.4-million was alloted directly for technical aid. But the I.L.O. is also carrying out aid projects this year financed with nearly $22-million provided by the United Nations Development Program.

All member governments contribute to the budget according to an agreed scale. The United States pays 25 per cent of the total. The I.L.O. staff consists of more than 2,000 persons of 100 nationalities employed there and in many other parts of the world.

The American Federation of Labor and later the merged A.F.L.-C.I.O. have supported the I.L.O, but there have been times of strain in the relations between the organization and the A.F.L.-C.I.O. president George Meany. Mr. Meany has charged that the organization's secretariat tended to be too accommodating to the Communist countries.

In 1966 Rudolph Faupl, the A.F.L.-C.I.O.-nominated United States worker delegate to the organization's conference, walked out with his delegation when a Communist representative, the Government delegate of Poland, was elected president of the annual assembly of member states.

While the United States worker delegation did not return that session, the A.F.L.-C.I.O. has nevertheless continued to participate in the activities of the ILO. Mr. Faupl is still a member of the organization's 48-member governing body, or executive council.

At the annual general assembly, member states are represented by two government delegates, one trade unionist and one employer representative, each with the right to vote.

EACH ELECTS 12 REPRESENTATIVES

The employer and worker delegates, meeting in separate caucuses, each elects 12 representatives to sit on the governing body. The 24 other members of this executive group represent governments.

Much of the I.L.O.'s work for improving working and social conditions is done in its industrial committees, where government, employer and trade union representatives meet to discuss the problems of specific industries and suggest solutions in which the need of the workers is given particular attention.

In a tabulation prepared for its assembly last June, the I.L.O. listed a total of 128 conventions as having been completed and submitted to governments for their ratification. The United States, however, has approved only seven of these. All but one of the seven deal with working conditions for mariners.

The United States' problem with I.L.O. conventions is constitutional. United States minimum wages, hours of work, vacations with pay and other such standards are almost always higher than those that the organization establishes, but they do not usually come within the province of the Federal Government.

More often they are set by collective bargaining or by state law. This means that Washington cannot legally make most of the conventions the law of the land.

TO OUR PRESIDENT

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the Joliet Herald-News, Oct. 14, 1969]

TO OUR PRESIDENT

(By Dumitru Danielopol)

WASHINGTON, D.C.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Don't feel lonesome on Wednesday—Vietnam Moratorium day—when anti-war demonstrators attack you and try to force you to do something you know is wrong.

There are hundreds of millions of people here in the United States and around the world who know that you are right. They know that freedom is indivisible, that it cannot accomodate tyranny in one corner of the world and survive in another.

People like myself whose birthplaces are now behind the Iron Curtain are wholeheartedly with you. We have learned about communism at first hand. Poles, Czechs, Hungarians, Bulgarians, Albanians, Romanians, Lithuanians, Latvians, Estonians, Yugoslavs, Urkanians, Cubans, Chinese, Jews, Christians, Mohammedans—no matter what color, race or creed—we have suffered indiscriminately at the hands of the Communists. We know their ruthlessness and their perfidy.

The tens of millions who have taken refuge from communism in free lands stand by you.

We don't want to see what happened to us happen to the people of Vietnam, if it can be prevented.

And you know, and we know, that it can be prevented.

The great majority of native-born Americans back you, too, Mr. President, especially those sent overseas to fight the Nazis and the Fascists because governments in democratic countries in Europe in the 1930s failed to understand totalitarianism and failed to do what America is dong right now—stopping aggression while there is still time.

Every major national veterans organization in this country is on record in support of U.S. involvement in Vietnam.

No one wants to prevent free discussion, free opinion and even dissent—but on the condition that our rights are respected, too.

It seems incredible that so many people in high places advocate appeasement and the abandonment of a country fighting for its inalienable right to self determination.

Never in history have the aims of the Communists coincided with those of free people. Never have they voiced any policies that did not try to destroy freedom somewhere in the world. Yet today they seem to have so many articulate allies.

We know, Mr. President, that should the the Americans abandon Vietnam—as the dissenters insist—America will cease to be the greatest country in the world.

There are times in the history of great countries and of great men when they have to stand up—even if alone—for what is right.

I witnessed some of those moments in the House of Commons when Winston Churchill tore his government and his party to shreds for the shameful Munich agreement of 1938. He was powerless, but he knew he was right.

From London, I heard Col. Charles de Gaulle, an unknown, call on his fellow

Frenchmen who had been shamefully defeated, to rally against overwhelming odds in the summer of 1940. He, too, was powerless, but he knew he was right.

Mr. President, you are in a much more favorable position than those leaders. You have the power, you have the time, for you are our President and our Commander in Chief, and you have an arsenal that can bring an honorable conclusion in Vietnam.

And, Mr. President, you have us on your side. We don't march or demonstrate, but that doesn't mean we aren't ready to help you.

Sincerely,

DUMITRU DANIELOPOL.

ANGELA BUTTERFIELD—INDIAN LEADER

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. HANSEN of Idaho. Mr. Speaker, one of Idaho's best known and most respected women is attracting national attention for her leadership among American Indians. Angela Butterfield is vice chairman of the Shoshone-Bannock tribal council in Idaho. She is an attractive, energetic, and articulate spokesman for Indian interests.

To better acquaint my colleagues with the activities of this remarkable woman, I include as a part of my remarks an article from the Portland Oregonian reprinted in the Power County, Idaho, Press:

INDIAN WOMAN BEATS POLITICAL DRUMS

(EDITOR'S NOTE.—The following article appeared in the Sept. 6 issue of the Portland, Oregonian. Mrs. Butterfield served three years as executive director of the Affiliated Tribes of Northwest Indians. Tandy Wilbur was elected to that position at the meeting referred to in the article.)

(By Yvonne Rothert)

What does the governor of a Girls' State grow up to be?

Angela Paniogue, a Shoshone Indian from the Fort Hall Reservation in Idaho, was a delegate to Idaho Girls' State and elected its governor while attending high school in American Falls.

She is now Mrs. John Butterfield, executive director of the Affiliated Tribes of Northwest Indians, holding its annual meeting in Portland this week.

Through all her activities as a wife, mother, bridge player and square dance enthusiast, the thread of politics is woven, American Indian politics.

"It's like a disease—it's in your blood. You never know what is going to happen next," she said.

"It's so exciting that I'd almost put it ahead of playing bridge." She laughs when she says that, because she knows how much of her busy life is spent working for legislation to benefit her people, "to get results that are beneficial to all and not detrimental to any."

Mrs. Butterfield is vice-chairman of the Shoshone-Bannock tribal council, elected to that position with "overwhelming victories, even though I have three strikes against me.

"I am a woman; I am married to a non-Indian; I don't speak the language."

Mrs. Butterfield has turned these drawbacks into political assets. The fact that her husband is a non-Indian helps her, she feels, to see both sides of questions, to understand the non-Indians even though her feelings are with the Indians.

COMMON LANGUAGE USED

The language lack is no problem because in dealing with other tribes, as she must in her position and as a delegate to the National Congress of American Indians, she uses English, the common language of all tribes.

The Butterfields live on a cattle ranch within the Fort Hall Reservation. It has been owned by her family for three generations.

Mrs. Butterfield follows in the footsteps of her parents in her involvement with tribal and community affairs. Her mother was for five years the chief judge of the tribal court, and her father was the only Indian member of the American Falls school board, which elected him chairman.

There are four children in the Butterfield family: Mike, a senior in high school; Rebecca, 10; Teresa, 5 and Linda, 3. Another son, between Mike and Rebecca, was killed when the horse he was riding was struck by a car.

All members of the family enjoy riding—"It's a good thing they do, because they have to!"

Square dancing has been a favorite pastime of the senior Butterfields. "It's really fun—that music! When they play 'When the Saints Come Marching In' I can't sit still, even if I'm playing bridge."

Women are becoming more active in Indian affairs, Mrs. Butterfield says, though "they still do the things women should do, raise their families, do beadwork, tan hides."

More and more, however, they are serving on tribal committees, because, "like all women, they are competent."

She tells a story of her mother, who, when she was serving as tribal judge, was told by a non-Indian "You think like a white man."

"I think like an Indian woman!" was Mrs. Paniogue's indignant reply.

A "really enjoyable thing" for Mrs. Butterfield is the opportunity to do lobbying in Washington, D.C. Asked when she does this, she replied, "Every chance I get!"

At the moment her chief concern is her tribe's opposition to the erection of a dam at American Falls which would inundate the bottomlands of the Fort Hall Reservation.

She was also eager for the appointment of a qualified Indian to the Indian Claims Commission—"Nixon promised and has done this."

She has had some opposition from non-Indians. One in Washington was heard to say, "Things were just fine till that old squaw started shooting off her mouth." She is able to laugh about this sort of unpleasantness.

NATIONAL BUSINESS WOMEN'S WEEK

HON. BEN REIFEL

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. REIFEL. Mr. Speaker, October 19 through 25 is National Business Women's Week. During this time it is fitting to salute the achievements of all business and professional women in America.

Women are increasingly becoming more involved in setting the direction of the country. Through continued persistence they are achieving their goal to become an integral part of the business and professional world.

The working women, who were once a small minority in this country, organized and promoted the value of their resources to America. They were not satisfied with mediocre employment or token job opportunities. They sought and achieved performance, not merely pledges or platforms.

The efforts of the business and professional women are not limited to pecuniary gain. They seek involvement in the community, assist with charitable activities, and debate social issues.

Every woman is a professional. Some bear the burden of the office. Some accept the responsibilities of being wife and mother. Some do both.

To salute professional women is not to applaud the female commuter only. It is a salute to all women who do their job and do it well.

AMERICAN CAN CO. OFFERS NEW OPPORTUNITIES FOR BLACK AMERICANS

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. McCLORY. Mr. Speaker, a striking example of the way black Americans may benefit in our private enterprise system is presented in Bellamy, Ala. This community, which was purchased in 1960 by American Can Co., has experienced many improvements in physical appearance. I have been particularly impressed by the many human advantages which have been gained by its citizens through the cooperation and initiative of American Can Co.

In a recent article, which appeared in the October 1969 issue of News for Farmer Cooperatives, published by the Farmer Cooperative Service, U.S. Department of Agriculture, a part of the success story is dramatically and graphically described. In addition to recounting the benefits to citizens in the form of improved homes, jobs, and community advantages, the author describes the establishment of a new modern retail store promoted and financed principally by American Can Co.

Too often, American industry is the object of unjust criticism. Even in the area of Bellamy, it has been popular for some both in private and public positions to ascribe conditions of want and discrimination to actions by American Can Co.

Mr. Speaker, in my opinion, the American Can Co., as a benefactor of black Americans, is cast in its true light in this article. Operating in a community where 80 percent of the population is black, American Can Co. has spurred economic and social progress—and has been a vital force in promoting human equality. The leadership which has been demonstrated by William F. May, chairman of American Can Co., in promoting equal rights and job opportunities for all Americans, is translated into effective action in American Can Co.'s activities in Bellamy, Ala.

Mr. Speaker, I commend the following

article to the attention of my colleagues and to the citizens of the Nation:

A COMPANY TOWN GOES CO-OP

(By Bert W. Kenyon, Farmer Cooperative Service)

From company town to cooperative complex is the transition now going on in Bellamy, Alabama—an unincorporated village on the Western edge of the Alabama black belt populated largely by blacks—hard by the Mississippi border.

And the transition is being accomplished by a triple play in cooperation!

—The people themselves who have set up a cooperative to provide housing and other supplies.

—The American Can Company, former owner of the town, for its help to the village people in taking over their own business affairs.

—The Farmer Cooperative Service, USDA, for guidance on setting up and operating the cooperative complex.

Today the people have their own cooperative general store, air conditioned and modern, and a service station, and they are organizing a credit union.

Not all is easy during this transition period, of course, nor have all the problems of assuming greater responsibilities been solved by the people.

But some long strides have been taken—as a brief recap of the town's history will show.

HOW IT WAS

Located in Sumter County, Bellamy dates back to the 19th century. It was then the headquarters town of a family-owned and operated sawmill and lumber enterprise, the Allison Lumber Company.

Before the days of telephones and other modern communications media, automobiles and other transportation developments, the town had to be self-sustaining. Workers were well cared for but on a paternalistic family-like basis.

In keeping with tradition, the lumber company laid out streets, erected homes, built a hotel, a hospital, and a moving picture house.

It rented homes to families of individual workers for nominal sums. It saw that medical care was available—frequently on credit or no fee. A store operated by the lumber company provided groceries and other family supplies, including clothing, hardware, and durable and semi-durable items.

As times changed, some homes were provided modern plumbing, all homes were furnished electricity, and lights were installed on the busy streets. Recent years saw the closing of the movie house and the hospital. However, the operating company continued to maintain an infirmary with a registered nurse on duty during all working hours.

In 1960, American Can Company purchased Bellamy—along with other selected Allison interests. American Can Company continued to operate the company store until 1963. In that year it leased the store, including the service station, to independent operators. The company continued to deduct from wages of sawmill and other employees for purchases at the store until early 1968. As could be expected, sales at the franchised store and service station then declined precipitously. About the same time, the company discontinued furnishing heating gas on credit to local residents.

HOW COOPERATIVE COMPLEX BEGAN

On July 10, 1968, representatives of the Bellamy citizens committee (12 persons elected by workers from each of the 12 operating departments of the sawmill) formally requested Farmer Cooperative Service (FCS) to explore the feasibility of converting the grocery, drygoods, and service station operation into a cooperative.

About the same time, officers of the American Can Company approached FCS with a similar request. As the study progressed, the can company people were working to improve the lot of Bellamy people. They sold individual dwellings to worker-occupants for $1 each.

In addition, the company provided each family a $500 tax-free grant to upgrade the family housing. This involved payment by the company of nearly $50,000 of Federal income taxes to cover taxes on the income of workers occupying the newly owned homes.

When FCS completed its study, it found that converting the various merchandising facilities into a cooperative showed promise. FCS worked with the Bellamy people to get this done and the cooperative officially started March 1, 1968, under the name Bellamy Enterprises, Incorporated.

The can company subscribed to $25,000 of non-voting preferred stocks as a cornerstone for financing the cooperative. It also underwrote a substantial loan at a local commercial bank to carry on operations and provide air conditioned, modern, up-to-date facilities at an annual rental of $1 a year. The cooperative owns the inventory and fixtures.

It obtained additional financing by selling membership shares for $10 a share. Each shareholder has one vote regardless of how much stock he might own. Dividends will be paid on the basis of patronage rather than on a basis of investment. Sheerer Brothers, former owners of the franchise store, also provided some of the initial financing to help the cooperative start operations.

Their confidence in the people of Bellamy was such that not even a note was signed by the officers of the newly formed cooperative or any other persons. From its inception, all phases of the cooperative have shown a small margin each week. Sales have gradually increased.

The seven man board of directors of the cooperative did not attempt to operate a sophisticated business with projected volume of nearly half a million dollars by themselves. Instead, they wisely chose to hire competent professional management.

Pride of Bellamy citizens in their new cooperative and in their newly owned homes is evident on every side. Highly polished wooden floors are the rule rather than the exception, and Bellamy citizens are eating well, favoring high quality brand-named foods from their store.

PLANS AND PROBLEMS

The board of directors in cooperation with State and county officials is endeavoring to get additional paving around the cooperative complex facilities.

The cooperative members are also exploring the possibilities for forming a credit union. They see need for an organization where they can save on a regular basis and get loans.

Efforts are also being made to get additional industry into the Bellamy area.

Bellamy has an abundant supply of water. It is probable that some day a cooperative water and sewer system will be added.

The income in Bellamy is above average for many southern communities. With a stabilized population of approximately 1,000 people and 200 wage earners, the town is, with one or two exceptions, inhabited by employees of the sawmill.

Over 80 percent of the employers are black, with the town population in the same proportion. Most have lived in the Bellamy area most of their lives. Median income in 1968 exceeded $4,000 a year, with workers earning an average hourly rate of $1.85.

Most sawmill employees are men. It is anticipated, therefore, that efforts will be made to attract additional industry into Bellamy requiring the high degree of manual dexterity found in women. This would further increase the income in Bellamy.

Bellamy still has problems, of course. The main one was succinctly summed up by a substantial black citizen, prominent in the affairs of the town and of the citizens' committee.

He said: "The major problem is not one of race. It is one of getting the citizens of Bellamy to realize that while they have gained substantial amounts of income and rights and privileges, they now have new responsibilities."

For generations, Bellamy citizens always found groceries, clothing, heat, housing, medical attention and, if necessary, cash (at no interest to the employee) available, regardless of how much work time the individual employee might be due from the company.

Now, the workers net more money per hour and more income per week. But it is no longer possible for them to go to the company store and get their groceries, clothing, television, refrigerator, automobiles, gasoline, and other items on credit. Neither can they go to the company hospital and get medical attention at low cost, or in many instances, at no cost at all.

It is believed that the new cooperative complex can substantially help members learn how to shoulder the responsibilities which must of necessity in present society go along with increased earnings and rights and privileges.

Thus, hopefully, the cooperative complex will not only meet an economic need for these people, but will provide a training ground for greater self-sufficiency.

ADMINISTRATION'S MARINE SCIENCE PROGRAM

HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. LIPSCOMB. Mr. Speaker, I want to call attention to the Vice President's recent announcement that the administration has chosen five priority marine science projects for immediate emphasis. The announcement spells out the administration's efforts toward coastal zone management, establishment of coastal laboratories, Great Lakes restoration, Arctic environmental research, and the International Decade of Ocean Exploration.

This emphasis placed on the oceanic environment is to be applauded. Each day that passes brings us new reminders of the need to take immediate steps to preserve our natural environment as a heritage for coming generations. The oceans, which covers 71 percent of our globe, are by far the largest area of that environment. The global waters of the earth significantly influence and are correspondingly influenced by man's actions. While we have done great harm to our land, through wise and urgent action we can still preserve most of our oceanic environment.

The program's initiatives would assist the State governments in their ability to manage their coastal resources. They would broaden our scientific understanding of the coastal zone through establishment of marine laboratories. They provide for a pilot study to guide restoration of the Great Lakes. And they will expand our knowledge for preserving the oceanic environment as part of the International Decade of Ocean Exploration. These are all important and praiseworthy steps.

I applaud this breakthrough in our national marine science program to preserve our oceanic resources, and I look forward to additional measures in this direction in the future.

RAPE OF A RIVER

HON. ROBERT T. STAFFORD

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. STAFFORD. Mr. Speaker, when the House acted recently upon the public works appropriation bill for fiscal year 1970, I opposed the inclusion therein of $500,000 for planning and design work in connection with construction of a flood control dam at Gaysville, Vt.

I offered an amendment to strike the money in question from the bill, but it was defeated on a division vote.

I have since been encouraged to note that a very perceptive editorial supporting the position taken by me has been printed in the North Adams Transcript of North Adams, Mass.

Since the Commonwealth of Massachusetts would be one of the principal beneficiaries of flood control construction in Vermont, I am particularly pleased to note that the North Adams, Mass., Transcript, in its editorial, comes out strongly in opposition to construction of the Gaysville Dam.

The editorial follows, appropriately titled "Rape of a River":

RAPE OF A RIVER

"They're killing me with kindness," sadly observed Congressman Robert Stafford of Vermont last week.

His remark was prompted by his failure to convince the House of Representatives that it should not give the Corps of Army Engineers $500,000 for the planning of a mammoth flood control dam at Gaysville on the lovely White River in Vermont.

Rep. Stafford pleaded with his conferees in the House to withhold the funds which will transform the White River, beloved of trout fishermen and lovers of unspoiled Vermont beauty, into a vast reservoir by damming the stream at Gaysville.

He reported that residents of the towns which lie upstream from the proposed dam—Stockbridge, Pittsfield and Rochester—are overwhelmingly against the dam, despite the rosy picture of a speedboat and water ski-filled resort lake that the army engineers see as the principal by-product of their sentence of death on one of the most beautiful streams in New England.

Thousands of acres of Vermont farmland will disappear forever as the waters of the proposed manmade lake rise, hundreds of people who live on these farms will lose their homes.

But area protests against the heartless technicians who want to dam the river are supplemented by the agonized cries of the countless number of non-Vermonters who look on the White River valley as a heritage that should be preserved not only for Vermont residents but for all people who love Vermont as it is.

The economic folly of pouring $27 million—the estimated final cost of the dam—into this sparsely settled area of Vermont is obvious. Nothing that the dam will save from occasional high water can equal the cost of the dam.

And in the process of stemming the rushing river, with its sparkling water and silvery rainbow trout, the government will be drowning a natural asset that every year attracts many tourists and fishermen, all of whom spend money in the area.

True, the resulting lake will become a sort of attraction—a sizable lake upon which boating and allied water sports can be enjoyed.

But if the engineers are not stopped, a shameful violation of what nature intended the White River Valley to be will have been committed by men.

Books have been written about the beauty and the joys of the White River. Artists have painted unforgettable scenes of the river coursing through its lovely valley.

The people of Vermont do not want the kind of protection the single-minded army engineers offer.

It should not be forced on them by Congress.

Perhaps the Senate or the White House will undo the damage done by the House and kill this unwanted and unneeded project now, once and for all.

JAMES ANDREW McDONALD, DETECTIVE

HON. MASTON O'NEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. O'NEAL of Georgia. Mr. Speaker, the older we grow the more friends we bury. The older our friendships the sadder are our partings.

J. A. McDonald, chief investigator of the sheriff's office in Dougherty County, Ga., was a true friend of mine, but in addition, he was the kind of police officer who brought credit to the much-abused profession.

Mac and I worked closely together for many years and on hundreds of cases while he served as detective and I as district attorney. In this relationship you get to know one another mighty well. Perhaps you even get to know the other fellow better than you know yourself.

The long association with Mac intensified my respect for his character, his courage, his devotion to duty, his fairness and astuteness in dealing with violators, and his tirelessness in protecting the public.

It was a shock to me to read of his death, but a consolation to read the editorial in the Albany Herald that stated so well what those who knew him best would like to say. A news account of the funeral from the same newspaper reflects the community's reaction to Mac's untimely death.

The editorial and news item follow:

JAMES ANDREW MCDONALD, DETECTIVE

Those of us who have spent a great deal of time on the police beats (and what reporter worth his salt has not?) are aware of the fact that there are a great many good and earnest men in policing. Just occasionally, from their ranks, will rise a man who is so extremely talented that he becomes the pride of his profession, a man of merit recognized throughout the community.

Such a man was James Andrew McDonald—policeman, detective, Dougherty County chief investigator, to cite the rungs on the ladder of his career.

It pains us, who so many times, in so many stories, have written of "Mac" in the present tense, to be compelled to employ the past tense. For "Mac" was an activist. Crime worried him. Not crime in general, but crime in particular. And, most particularly, the cases that were assigned him, first at the Albany Police Department at old City Hall, and later as the chief investigator for his boss and old friend, Sheriff D. Lamar Stewart, who also (it all seems so long ago now) knows from experience the tedium of patrolling beats and endless interrogations.

In investigatory work, J. A. McDonald was a bulldog. He never quit. If no solution were impending, he probed, he prodded, he penetrated into every aspect of the matter at hand. He drove himself, not because his superiors were heartless but because he could not rest until he had met the challenge before him. Not once, in all the years that we knew him, did we ever hear "Mac" admit there was even the faintest possibility that a case could remain unsolved. His sole concession, and this only rarely, was that it might be "tough."

Because of his dedication, because of his excellence, Investigator J. A. McDonald had few of these. His average of successful prosecutions was fantastically high because he prepared his cases meticulously.

Detectives of his stamp are never really replaced. Let us hope, for the sake of the community, that his colleagues among the peace officers will pay him the ultimate final tribute of emulation.

FOR "MAC"—TOUGH COPS SHED TEARS AT FUNERAL

Lawmen are not the insensitive clods that they are depicted by their enemies.

Sunday, when they gathered to pay tribute to one of their own, Dougherty County Chief Investigator James Andrew McDonald, dead of a heart attack at the grievously young age of 51, tears flowed from the eyes of tough cops.

The chapel of Kimbrell-Stern Funeral Directors was jammed with mourners. So was all other available space. And the cortege to Floral Memory Gardens contained more than 200 automobiles.

That was what his friends and his colleagues thought of "Mac," generally recognized as a "tough cop" but an eminently fair one—and beyond that, a compassionate cop.

When the conductors of the funeral service, the Rev. J. Clyde Harvard, pastor of Avalon United Methodist Church, and the Rev. Louis E. Gholson of Americus referred to Investigator McDonald as " a man's man who could be as iron-fisted as necessary, but yet a kind and compassionate man," the lawmen in the chapel nodded in recognition of a large truth.

And so, they laid Chief Investigator James Andrew McDonald to rest yesterday. And when they had done, the skies joined his family and friends to weep.

PRAISE FOR PRESIDENT NIXON

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. BERRY. Mr. Speaker, I am today in receipt of a letter from an individual in my district whose sentiments I applaud. While I do not know whether or not he may object to the use of his name, I shall not take advantage of it, but I wish to insert in the RECORD his letter which is as follows:

Hon. E. Y. BERRY,
Congressman,
House Office,
Washington, D.C.

DEAR CONGRESSMAN: Now that the United States has experienced the recent Moratorium, and since there seems to be more in the future, I wish to comment on this.

Our President deserves much praise in the statesmanship way he dealt with this situation, in standing steadfast while huge crowds gathered around his office building. I wish to say that I for one agree wholeheartedly with Mr. Nixon's conduct of each and every situation. Our great Nation is being subjected to the actions of many agitators, who are trying to influence the people for subversive reasons or for private gain.

All true Americans must show that they are behind our President in the successful termination of the current Vietnam situation. All Senators, Congressman and individuals alike, have a great responsibility to keep our Nation strong by complete unity.

Will you, Honorable Congressman, please see that Mr. Nixon receives a copy of this letter.

——— ———.

A MARINE SPEAKS OUT

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. WYMAN. Mr. Speaker, Mr. Robertson Page, formerly of New Hampshire, presently of Douglaston, N.Y., and a U.S. marine, has written eloquently of recent incidents on the domestic scene. In this day of mixed-up values I commend Mr. Page's message to the thoughtful reflection of all citizens.

The message follows:

A MARINE SPEAKS OUT

(By Robertson Page)

Hey you!

Yes, you with the beard and long hair and marijuana!

Sorry, I didn't know they called it "grass" these days.

You see, I just haven't been around much lately. Not since I was killed more than twenty-five years ago at a place called Wake Island.

You might say I'm on temporary leave from my grave. I've heard a lot of things about you and I wanted to see you for myself.

For example, I understand you accuse my generation of hyprocrisy. Therefore, I assume you mean me.

Could be, Long Hair, I really don't know.

What I do know is that I was plenty scared when that Jap lunged at me with a fixed bayonet. Because that was end of everything for me.

I also admit to being a little scared when I enlisted in the Marine Corps in wartime. But I did enlist—because I loved my country.

Now I learn that you don't care much for my country! I hear you have a demeaning word for it—something about "the Establishment". And that some of our newspapers support you in your infamy.

Fifteen thousand tides have washed over my sandy grave at Wake, and twenty five years is a long time. But I never expected this. Not in America!

I further understand that you burned your draft card and ran for the sanctuary of a church. That others fled to Toronto to escape the draft.

All in the name of *Idealism!*

It also has come to my attention that some of your bearded friends burned the American Flag in Central Park. That must have been a real blow at hypocrisy!

Perhaps I'm too severe on you. It just so happens that my grave is quite shallow and I hear many things.

For one, I understand you have led violent demonstrations for the right to use four-letter words. That's a joke, pal! We Marines invented them! But, I'll tell you one thing Beardo. We never regarded them as a constitutional right.

And I hear you demanded a voice in running the universities. Gosh! I guess you must be plenty smart to know more than the professional educators!

I also hear that in the summer of 1969 more than 400,000 of you went to a "rock festival" in the Catskills living off narcotics and group sex and having a real ball, while your peers were getting killed fighting Communists in Vietnam.

You know, it used to be that people back home rolled bandages for the men up front.

What were you *Idealists* doing in the Catskills?

You want to know something, Long Hair? I don't think I like you very much. But forget that. I knew so many dedicated, wonderful guys who died for their country at Wake—and at Anzio and Iwo Jima and Omaha Beach and Bastogne—that I can't get very upset over a draft card burner like you.

But I'll tell you one thing that I find repulsive.

In all of the disruptive protests you have fomented on the campus, you have consistently tried to destroy those institutions that have made the United States strong against its enemies—R.O.T.C., military recruitment and research to strengthen our national security.

It makes me wonder about you, Long Hair. Are you an unwitting pawn of the enemy? or just a plain *Stinker?*

That's for someone else to decide. Right now, my moment is up and I must get back to Wake Island . . . this time forever.

In parting, I like to think that my death was not a waste . . . that in supporting my country on this narrow strip of sand I defended something worthwhile for a new and better generation of Americans.

But now that I've seen you, I begin to wonder. Perhaps I should have fled to Toronto!

On second thought, I'm glad death came when it did.

You see, Long Hair, when I left this world I held a special belief, something you idealists would call square. It consisted of a deep-seated reverence for my God, for my heritage, for my parents . . . and for my country.

No one can take this from me. Not even in death. I pity the fact you choose not to share this belief, to express this simple faith in America.

Oh, how I pity this fact.

FOREIGN AID PROGRAM

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. FRELINGHUYSEN. Mr. Speaker, when a constituent urges me to support a cut in foreign aid appropriations, I try to find out why. I ask him whether he knows that the trend in foreign aid costs has been sharply downward in recent years. He usually does not. I ask him what his estimate is of the foreign aid share of the Federal budget. His estimate, more often than not, is many times what it actually is.

It surprises most people to learn that the AID appropriation represents about nine-tenths of 1 percent of the Federal budget—as against 11 percent of the Federal budget during the Marshall plan aid in 1949. They are no less surprised to know that the aid program proposed for 1970 will come to one-fifth of 1 percent of the gross national product, whereas 20 years ago it was 2.78 percent.

The President's request for the fiscal year 1970 foreign aid program reflects his concern for economy in Government operations. The total $2.7 billion he seeks is the lowest ever requested under the Foreign Assistance Act or any of its antecedent legislation. The $2.21 billion intended for economic assistance programs of AID is less by some $138 million than the appropriation requested by President Johnson.

This is a modest budget for an effort that the President feels is "vitally needed to maintain our relationship with the developing countries." We may not feel able to afford more. We cannot afford to provide less.

POINT REYES NATIONAL SEASHORE

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. COHELAN. Mr. Speaker, I am pleased to bring to the attention of my colleagues a series of resolutions I recently received from several different cities and civic associations in California urging the completion of Point Reyes National Seashore.

These resolutions are indicative of the broad-based support for this project. They represent just one more bit of evidence that the administration and the Congress should act and should act now on this project. The resolutions follow:

RESOLUTION BY ALAMEDA COUNTY, CALIF., TO URGE COMPLETION OF ACQUISITION OF POINT REYES NATIONAL SEASHORE

Whereas, the Point Reyes National Seashore is the only such facility on the West Coast of the United States; and

Whereas, although the Point Reyes National Seashore was authorized by the Congress of the United States in 1962, only 22,540 acres out of a total 53,480 acres have been acquired for park purposes to date; and

Whereas, the present park ownership within the boundary is hopelessly disjointed and inoperable as a park unit; and

Whereas, the remaining private lands within the Park's authorized boundary are unduly burdened by uncertain Federal intentions of future acquisition and by rising prices, and also have been subject to constant trespassing by park visitors; and

Whereas, existing large privately owned parcels including some of the most valuable potential park land are in imminent danger of being divided into smaller ownership and developed; and

Whereas, the people of the United States have been promised the use of this great national resource, and its preservation is vital to present and future generations of Americans; and

Whereas, the present and potential recreational value of the Point Reyes National Seashore may be best measured by the more than 600,000 visitors which visit the Seashore each year;

Now, therefore, be it resolved that this Board of Supervisors of the County of Alameda, California, urges the President of the United States and the current administration to do everything within their power to complete this acquisition project at the earliest possible opportunity; and

Be it further resolved that the Clerk of this Board is hereby directed to send certified copies of the within Resolution to the Honorable Richard M. Nixon, President of the United States; the Honorable Ronald Reagan, Governor of California; the Honorable Walter J. Hickel, Secretary of the Interior; Mr. George B. Hartzog, Director of the National Park Service; Mr. Robert P. Mayo, Director of the Bureau of the Budget, and the California Congressional delegation.

Attest:

Jack K. Pool,
Clerk of the Board of Supervisors.
Carol S. Dalton.

San Rafael, Calif.,
October 13, 1969.

Re Point Reyes National Seashore.
Hon. Jeffrey Cohelan,
Rayburn Building,
Washington, D.C.

Dear Sir: The Board of Directors of the Strawberry Recreation District, a public agency, in the County of Marin, State of California, deeply concerned with the present status of land acquisition in the Point Reyes National Seashore, at its last regular meeting adopted its Resolution No. 139 urgently requesting your good offices for the completion of the land acquisition in the seashore.

At the request of the Board of Directors of the Strawberry Recreation District, I am enclosing herewith a certified copy of the District's Resolution seeking your personal assistance.

Respectfully yours,
Stephen H. Kaufman,
Counsel, Strawberry Recreation District.

Resolution No. 139 by the Strawberry Recreation District

(Resolution urging completion of acquisition of Point Reyes National Seashore)

Whereas, the Pt. Reyes National Seashore is a unique facility on the West Coast of the United States and located in the County of Marin; and

Whereas, only 22,540 acres have been acquired since 1962 out of a total authorized purchase of 53,480 acres; and

Whereas, existing privately held parcels are in imminent danger of being subdivided and developed into residential developments; and

Whereas, the completed Pt. Reyes National Seashore will represent a material recreational asset not only for the residents of the Strawberry Recreation District, the County of Marin and the State of California, but also to all of the citizens of the United States to whom such seashore has been promised; and

Whereas, the preservation of the seashore is vital to the protection of present and future generations of Americans;

Now, therefore, be it resolved that the Board of Directors of the Strawberry Recreation District, a Recreation and Park District, Marin County, California, urges the President of the United States and the current administration to make every effort within their power to complete the acquisition of the remaining lands to complete the Pt. Reyes National Seashore at the earliest possible moment.

Resolved further, that the Secretary of this Board is hereby directed to send certified copies of the within Resolution to the Honorable Richard M. Nixon, President of the United States; to the Honorable Ronald Reagan, Governor of the State of California, the Honorable Walter J. Hickel, Secretary of the Interior of the United States, Mr. George B. Hartzog, Director of the National Parks Service, Mr. Robert P. Mayo, Director of the Bureau of the Budget and also to the California Congressional Delegation.

Passed and adopted at a regular meeting of the Board of Directors of the Strawberry Recreation District on the 1st day of October, 1969.

A. R. Senter,
Chairman of the Board of Directors.

Attest:

J. K. Garner,
Secretary of the Board of Directors.

Resolution No. 1332, City of Belvedere

(Resolution of the City Council of the City of Belvedere urging completion of acquisition of Point Reyes National Seashore)

Whereas: The Point Reyes National Seashore is the only such facility on the West Coast of the United States; and

Whereas: Although the Point Reyes National Seashore was authorized by the Congress of the United States in 1962, only 22,540 acres out of a total 53,480 acres have been acquired for park purposes to date; and

Whereas: The present park ownership within the boundary is hopelessly disjointed and inoperable as a park unit; and

Whereas: The remaining private lands within the Park's authorized boundary are unduly burdened by uncertain Federal intentions of future acquisition and by rising prices, and also have been subject to constant trespassing by park visitors; and

Whereas: Existing large privately owned parcels including some of the most valuable potential park land are in imminent danger of being divided into smaller ownerships and developed; and

Whereas: The people of the United States have been promised the use of this great national resource, and its preservation is vital to present and future generations of Americans; and

Whereas: The present and potential recreational value of the Point Reyes National Seashore may be best measured by the more than 600,000 visitors which visit the Seashore each year.

Now, therefore, Be it resolved that the City Council of the City of Belvedere, California, urges the President of the United States and the current administration to do everything within their power to complete this acquisition project at the earlier possible opportunity.

Be it further resolved that the City Clerk is hereby directed to send certified copies of the within resolution to the Honorable Richard M. Nixon, President of the United States; the Honorable Ronald Reagan, Governor of California; the Honorable Walter J. Hickel, Secretary of the Interior; Mr. George B. Hartzog, Director of the National Park Service; Mr. Robert P. Mayo, Director of the Bureau of the Budget, and the California Congressional Delegation.

Thomas S. Price,
Mayor of Belvedere.

Resolution No. 505

(Resolution of the city council of the City of Saratoga urging completion of acquisition of Point Reyes National Seashore)

Whereas, the Point Reyes National Seashore is the only such facility on the West Coast of the United States; and

Whereas, although the Point Reyes National Seashore was authorized by the Congress of the United States in 1962, only 22,540 acres out of a total 53,480 acres have been acquired for park purposes to date; and

Whereas, the present park ownership within the boundary is hopelessly disjointed and inoperable as a park unit; and

Whereas, the remaining private lands within the Park's authorized boundary are unduly burdened by uncertain Federal intentions of future acquisition and by rising prices, and also have been subject to constant trespassing by park visitors; and

Whereas, existing large privately owned parcels including some of the most valuable potential park land are in imminent danger of being divided into smaller ownerships and developed; and

Whereas, the people of the United States have been promised the use of this great national resource, and its preservation is vital to present and future generations of Americans; and

Whereas, the present and potential recreational value of the Point Reyes National Seashore may be best measured by the more than 600,000 visitors which visit the Seashore each year,

Now, therefore, be it resolved that this City Council of the City of Saratoga, California, urges the President of the United States and the current administration to do everything within their power to complete this acquisition project at the earliest possible opportunity.

Be it further resolved that the Clerk of this city and ex-officio clerk of the City Council is hereby directed to send certified copies of the within resolution to the Honable Richard M. Nixon, President of the United States; the Honorable Ronald Reagan, Governor of California; the Honorable Walter J. Hickel, Secretary of the Interior; Mr. George B. Hartzog, Director of the National Park Service; Mr. Robert P. Mayo, Director of the Bureau of the Budget, and the California Congressional delegation.

Passed and adopted at a regular meeting of the City Council of the City of Saratoga, State of California, held on the 1st day of October, 1969.

Samuel L. Tyler,
Mayor.

Attest:

J. R. Huff,
City Clerk.

Peralta Colleges,
Oakland, Calif., October 15, 1969.

Hon. George E. Brown, Jr.,
Cannon Building,
Washington, D.C.

Dear Mr. Brown: The attached Resolution 69/70–26 expresses the concern of the Board of Trustees of the Peralta Junior College District in connection with early acquisition of the additional 31,940 acres of land for Point Reyes National Seashore.

It is urgently requested that these lands be acquired as authorized by the Congress in 1962.

Sincerely,
John W. Dunn,
Secretary, Board of Trustees.

Resolution No. 69/70–26; Peralta Junior College District

Whereas, the Point Reyes National Seashore is the only such facility on the West Coast of the United States; and

Whereas, although the Point Reyes National Seashore was authorized by the Congress of the United States in 1962, only 22,540 acres out of a total 53,480 acres have been acquired for park purposes to date; and

Whereas, the present park ownership within the boundary is hopelesly disjointed and inoperable as a park unit; and

Whereas, the remaining private lands within the Park's authorized boundary are unduly burdened by uncertain Federal intentions of future acquisition and by rising prices, and also have been subject to constant trespassing by park visitors; and

Whereas, existing large privately owned parcels including some of the most valuable potential park land are in imminent danger of being divided into smaller ownerships and developed; and

Whereas, the people of the United States have been promised the use of this great national resource, and its preservation is vital to present and future generations of Americans; and

Whereas, the present and potential recreational value of the Point Reyes National Seashore may be best measured by the more than 600,000 visitors who visit the Seashore each year.

Now, therefore, be it resolved that this Board of Trustees of the Peralta Junior College District, Oakland, California, urges the President of the United States and the current administration to do everything within their power to complete this acquisition project at the earliest possible opportunity.

Be it further resolved that the Secretary of this Board is hereby directed to send certified copies of the within Resolution to the Honorable Richard M. Nixon, President of the United States; the Honorable Ronald Reagan, Governor of California; the Honorable Walter J. Hickel, Secretary of the Interior; Mr. George B. Hartzog, Director of the National Park Service, Mr. Robert P. Mayo, Director of the Bureau of the Budget, and the California Congressional delegation.

Passed and adopted on this 6th day of October, 1969.

John W. Dunn,
Secretary, Board of Trustees.

Resolution No. 3-69-70, Whisman School District, Mountain View, Calif.

(Resolution of the board of trustees urging completion of acquisition of Point Reyes National Seashore)

Whereas the Point Reyes National Seashore is the only such facility on the West Coast of the United States; and

Whereas, although the Point Reyes National Seashore was authorized by the Congress of the United States in 1962, only 22,540 acres out of a total 53,480 acres have been acquired for park purposes to date; and

Whereas the present park ownership within the boundary is hopelessly disjointed and inoperable as a park unit; and

Whereas the remaining private lands within the Park's authorized boundary are unduly burdened by uncertain Federal intentions of future acquisition and by rising prices, and also have been subject to constant trespassing by park visitors; and

Whereas existing large privately owned parcels including some of the most valuable potential park land are in imminent danger of being divided into smaller ownerships and developed; and

Whereas the people of the United States have been promised the use of this great national resource, and its preservation is vital to present and future generations of Americans; and

Whereas the present and potential recreational value of the Point Reyes National Seashore may be best measured by the more than 600,000 visitors which visit the Seashore each year: Now, therefore, be it

Resolved, That this Board of Trustees of the Whisman School District of Mountain View, California, urges the President of the United States and the current administration to do everything within their power to complete this acquisition project at the earliest possible opportunity.

Be it further resolved, That the Secretary of this Board is hereby directed to send certified copies of the within Resolution to the Honorable Richard M. Nixon, President of the United States; the Honorable Ronald Reagan, Governor of California; the Honorable Walter J. Hickel, Secretary of the Interior; Mr. George B. Hartzog, Director of the National Park Service; Mr. Robert P. Mayo, Director of the Bureau of the Budget; and the California Congressional delegation.

Passed and adopted at a regular meeting of the Board of Trustees of the Whisman School District, held on the 25th day of September, 1969.

Ross M. Carter,
Secretary.

AIR POLLUTION IS KILLING TREES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. ANDERSON of California. Mr. Speaker, the need for alleviating air pollution grows with each day. Much discussion is being exchanged about the harmful effects air pollution has on our health and on its adverse, long-range effects to animal and plant life. Two articles, one appearing in the Friday, October 17, issue of the Los Angeles Times, and the other from the Sunday, October 19, issue of the Washington Post, indicate that even tree life, on both the east and west coasts, is being killed and threatened by smog caused by air pollution. The articles show how widely the problems of pollution have spread and indicate the urgent need for action that will clear our skies. Both articles are well worth reading and I urge my colleagues to do so.

The articles follow:

[From the Los Angeles Times, Oct. 17, 1969]

Smog Killing 1.3 Million Forest Trees, United States Says—Survey Discloses That Most Are Located in Area Near Lake Arrowhead, Crestline

(By Lee Dye)

Nearly 1.3 million trees in the San Bernardino National Forest are dying from the effects of smog, according to a study by a division of the U.S. Forest Service.

Most of the trees are in the lush areas around Lake Arrowhead and Crestline, among the most frequented mountain resort regions in Southern California.

Some ailing trees also were found in the Angeles National Forest.

Results of the survey were announced Thursday in Ann Arbor, Mich., during the sixth International Symposium on Remote Sensing of Environment.

Dr. Robert Bega, a plant pathologist with the Pacific Southwest Forest and Range Experiment Station in Berkeley, which conducted the survey, said the trees are scattered over 161,000 acres in the San Bernardino Mountains.

FOUR TIMES GREATER

Bega said 46,000 acres of ponderosa and Jeffrey pines showed heavy damage, and 115,000 acres showed light to moderate damage. Of nearly 1.3 million trees which he said are "dying from the effects of smog," 82% were moderately damaged, 15% were severely damaged and 3% were dead.

The number of acres where the trees were affected is four times greater than forestry experts had estimated just one year ago, accordng to Steven L. Wert, research forester who discussed the survey during the Ann Arbor meeting.

Bega told The Times during an interview that many of the trees that are dying are more than a century old.

He said topography is probably the main reason for the "major problem" in the San Bernardino Mountains. The mountains form the eastern rim of the Los Angeles Basin. Much of the smog originating in the basin is trapped against the mountains by winds from the coast.

In effect, the smog is "suffocating" the trees, Bega said.

"The ozone breaks down the chlorophyll (the green coloring matter in the plants which converts carbon dioxde and water into carbohydrates), and it destroys the food producing systems," he said.

One of the first indications, he said, is a yellowing of the needles, which is already apparent in many of the trees.

"They stand out quite prominently among the healthier trees," he said.

Officials are not certain why some trees are bothered and others aren't.

"There is evidence of greater tolerance among some trees, but we don't know why," Bega said. "It could be genetics, but that's probably a simplified answer."

In their weakened condition, trees affected by the the smog also are less resistant to insects—a growing problem in the San Bernardino National Forest.

TAKE 5 YEARS

"The insects thrive on the weaker trees and then move on to the healthier trees," he added.

Bega estimated that it takes about five years for the smog to kill a tree once the process begins.

Thus, he said, it is possible at least 1.3 million trees in the San Bernardino National Forest will die within the next five years.

Bega said the only hope is that enough trees will be able to resist the smog.

"But that's not very realistic," he said. "Some of those trees have been there for more than 100 years. They will be missed."

The survey, most of which was conducted during June and July, was done primarily by aerial and ground survey teams, plus remote-controlled electronic sensors. This was the first time sensors have been used to detect forest damage, he said.

This also was the first survey of this magnitude in California, although one of similar scope is under way in North Carolina to determine the effects of industrial air pollution.

"But our problem is gretater than theirs," Bega said, "because this land is used for recreation in a heavily populated area.

"These aren't lumber trees," he added, "they're people trees."

[From the Washington Post, Oct. 19, 1969]

Pollution Blamed for Causing Tree Ills

"Acute sulfur dioxide damage" has been found by two government air pollution scientists who examined Christmas trees that allegedly were stunted by emissions from a generating plant in West Virginia near the Maryland line in Garrett County.

Leighton Price, director of the Office of Educational Information of the Air Pollution Control Administration, said the investigation by two department scientists confirmed earlier findings.

Dr. Francis Gouin, a horticulture specialist at the University of Maryland, brought the situation to light after two Christmas tree growers complained about the Virginia Electric Power Co. plant at Mount Storm, W. Va.

Gouin said he told the men to sell as many trees as soon as possible because he was "convinced that your trees could only be suffering from having grown in a polluted atmosphere."

The company has hired an air pollution specialist from Pennsylvania State University to look into the charges, which also are being examined by air pollution officials in Maryland and the West Virginia Department of Natural Resources.

Virgil Steyer and Dr. F. D. Custer, both of Oakland, Md., said they have a total of about 300,000 trees on six farms threatened by the blight. The trees are worth about $1.50 each "on the stump," they said.

The damage began to show up when the first unit of the generating plant went into operation in 1966, they said, adding that the situation has grown worse as the plant expanded.

UNEMPLOYMENT FIGURES

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. HALL. Mr. Speaker, the recent news from the Department of Labor concerning the jump in the rate of unemployment from 3.5 to 4 percent, has been met with a variety of reactions. This is not unusual since Labor Department figures have traditionally been misunderstood and misinterpreted.

Milton Friedman, writing in the October 20 edition of Newsweek magazine, has offered an interesting and revealing analysis of just what the 4-percent unemployment figure really signifies.

The article follows:

UNEMPLOYMENT FIGURES

(By Milton Friedman)

Few figures are watched with more fear and trembling than those reported each month on the percentage of the labor force unemployed. The jump from 3.5 to 4 percent reported last week has been seized on by some as the first real sign of success in the battle against inflation, by others, as a portent of economic collapse.

Yet few figures are more misunderstood and misinterpreted.

The unemployment percentage is currently 4 per cent. This corresponds to roughly 3.2 million unemployed. Does this mean, as one might suppose from most news stories on unemployment that more than 3 million families are wondering where the next paycheck is coming from?

WHO ARE THE UNEMPLOYED?

Not at all. Roughly 1 million unemployed are teen-agers, about half of whom are looking for their first job. Of the remaining unemployed, half are females, many of whom are not regular earners. Of the million unemployed males 20 years and older, only about half are married men.

More important, unemployment is mostly a brief period between jobs—or between school or housework and a job. Nearly two-thirds were either working in the prior month, or not looking for a job. Only slightly more than a million were unemployed.

Put differently, fewer than half of the currently unemployed have been unemployed for as long as five weeks; only 5 per cent—about 150,000—for as long as six months. This is the hard-core group that leaps to mind when we talk about "the unemployed." Their plight is certainly serious—but 150,000 persons in that position is a far cry from 3 million.

Many persons are unemployed by choice. Some quit one job to look for a better job—more than a third of those who leave jobs in any week do so voluntarily; others have refused a job offered in the belief that a better one will be along; still others left an earlier job some time ago to go to school, or to make a home for their husbands, or to have or raise children and have only just re-entered the labor force. A rise in unemployment may be a good thing as well as a bad thing—if it means that people have so much confidence in finding another job that they do not hesitate to leave one they do not like.

In some ways, a more meaningful figure than the number of persons unemployed at any one date is the average length of time that persons who become unemployed remain unemployed—the average time between jobs for those who change from one job to another, or the average time it takes to get a job for those who go from school or home to the unemployment rolls. Until the most recent jump in the unemployment rate, that average has been about five and a half weeks—hardly a period long enough to cause acute distress.

What this meant was that each week about 530,000 people started to look for work—because they left or lost a job or because they had just entered or re-entered the labor force. Simultaneously, about 530,000 people each week found jobs or stopped looking. Of the 530,000 people who started to look for jobs each week, about one-fifth found a job within a week; about three-quarters, within a month; and all but about 1 per cent, within six months. During a year as a whole, not 3 million people but around 20 million separate individuals were unemployed at some time or other—the bulk for trivial periods.

TIME BETWEEN JOBS

Cries of horror go up when it is suggested that the slowing down of the economy as a by-product of policies to stop inflation may mean a rise from 3.5 per cent to around 4.5 per cent in the unemployment percentage. What, it is said, throw more than a million additional people out of work?

In fact, the number who each week start to look for work would be raised very little—from 530,000 to perhaps 560,000. But these job-seekers would spend on the average an extra week or so finding an acceptable job—the average duration of unemployment would go from about five and a half to about six and a half weeks. The most serious effect would be to raise the number of persons unemployed at any time for more than six months from 180,000 to perhaps 300,000.

These changes are not desirable. But they are not a major catastrophe. They do not spell acute distress. And their avoidance does not justify letting inflation run rampant—which would in any event only postpone higher unemployment temporarily. We badly need less hysteria and dogmatism and more perspective, proportion and balance in judging these matters.

THE FUTURE ISN'T WHAT IT USED TO BE

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. GUBSER. Mr. Speaker, one of California's leading educators, Dr. A. Robert DeHart, president of De Anza College in my congressional district, recently addressed the college faculty. I believe Dr. DeHart's comments will prove valuable and interesting to readers of the RECORD, and am submitting the text of his address for insertion at this time:

THE FUTURE ISN'T WHAT IT USED TO BE—A PAPER ON INSTITUTIONAL PURPOSES

(By A. Robert DeHart)

It is not often that I have the opportunity to talk to all of you at one time. Usually it happens when we are faced with a crisis that needs discussing, so I welcome these infrequent occasions when we have an open agenda, and I prepare carefully for them. I won't waste a lot of time by reminding us how good we are, how much we have accomplished, or how many nitty-gritty problems still lie ahead. You know that we are a very good college, that we have accomplished an enormous amount and that face almost insurmountable problems that can be solved only by the keen, analytical minds that all of us De Anzans possess in such abundance.

What I find myself wanting to do at times like this is talk about what we *should* be doing, what we *should* be like, and how we *should* be organized. Last year you may remember that I talked to you about Theory X and Theory Y organizations and how I feel we *should* be organized. (And I might add parenthetically that I am pleased with most of our movement towards a Theory Y organization and the accompanying build-up of open communications, mutual trust, and mutual support during a tough year when these characteristics might have diminished rather than increased.) Today you will find a great many *shoulds* in my talk. I will discuss something that has bothered me for a long time, mainly because I feel it is of overriding importance and has received so little attention from me or anyone else. I will present to you what I believe the goals—or as some would say, institutional purpose at De Anza—and to some degree all education—*should* be.

I have put off getting myself together on this topic for several reasons: in the first place, there has been no pressure from anyone to do it—a going concern like ours, with many forces working to keep it alive, tends to be very means oriented and avoids the task of defining purposes; secondly, I think I have been unconsciously evading the conflicts with those in and out of the college who would be threatened by a sharp definition of purpose and the attendant responsibility of practicing what we preach; and, lastly, it is just plain hard intellectual labor that most of us find so easy to evade.

While there has been no external pressure, I must confess that as President of the college I have felt a lot of *internal* pressure to clarify—if not *the* mission of our college—then at least *my* mission for the college. I often find that I am running very hard, but don't know where I am running to, and don't know who is running with me. This may be alright for a jogger (like Crampton) but for someone who is supposed to be leading the pack at least most of the time, this can be a most uncomfortable feeling. So the time I have put into clarifying for myself what the purposes of De Anza College should be have been very worthwhile. But the main practical import in asking the staff to consider this topic with me is that I hope desired ends and means will be sustained and furthered, not through continuous command, but as a free expression by the staff of truly accepted principles.

SOME BASIC CONSIDERATIONS

At the outset, let me make it clear that what we call "The Objectives of De Anza College" as listed on Page 8 of our current catalog, are, in my opinion, not objectives at all but *functions* we perform. Let me remind you what they are:

1. The counseling function.
2. The general education function.
3. The transfer function.
4. The vocational training.
5. The developmental (remedial) function.
6. The co-curricular function.
7. The community service function.

I have no quarrel with these as functions of the college—indeed, I think every college should be performing them in varying degrees. The engineering student who enters Cal is not going to need remedial arithmetic as do some junior college students, but he may need some remedial humanities which the University has come to recognize. I also think we recognize that the junior college auto tech major and the university dentistry major are both taking terminal vocational training. One simply takes longer than the other. Where my quarrel does lie is in calling these functions "objectives." They are means and not ends and we should not confuse the two even though they are interrelated. I should add that I think we often treat these functions as isolated identities where ideally they should operate together with each function gathering a strength from the other. I know this would result in a whole greater than the sum of its parts.

So let us return to the goals, rather than the functions of De Anza College. I know you will recognize that I am really thinking about *my* goals for De Anza. I have spent a good deal of time working with some groups on the campus in discussions that would hopefully lead to consensus about institutional purposes. But I have backed off from that approach for I have found that I was looking for my own personal answer through the group when what I really needed to do was clarify my own position first before I could effectively work with groups. I recognize now what seems so obvious, but I only dimly saw before: it is *individuals* who have guiding philosophies and purposes—not *institutions*. I know we can reach some form of censensus, but I do not expect, or want, some watered-down statement that might achieve universal agreement. I consider some diversity a strength, not a weakness.

I plan to start with my fundamental assumptions, expand on those to reach my basic philosophy of education, and then develop some guiding principles that I hold for De Anza College. I clearly recognize that my thought on these matters is grounded on assumptions and beliefs. It is necessary to make these as a framework for my thought. I think you will find me humble about my assumptions—because they may be wrong. Most of them are not presently subject to proof. But if what I say lacks as much precision and elegance as you and I might like, I do hope that by placing my philosophy and goals for the institution on the dissecting table and opening them up for your examination, you will recognize "what makes Bobby run" and where he hopes to run to.

I have done a lot of homework attempting to find statements that might already exist. Actually the field abounds with them. It seems that everyone pays lip service to the importance of education, but, in my estimation, very few seem to get at the very basic—rather than superficial—rationale for education. At any rate, I haven't found a ready-made statement that fits me. The closest I have come to, I have found in the writing of Charles Collins, a California junior college educator. Some of you may know him and I commend his work to you.

SOME FUNDAMENTALS

So let me begin at the beginning and explore some very basic beliefs and assumptions on which I build not only a personal philosophy but one that carries into education. First, I will sum up my assumptions and then give a brief rationale for each of them:

1. All behavior is caused.
2. The cause of behavior depends on the way a person perceives the world around him.
3. Appropriate behavior will depend on the accuracy of the individual's perception.
4. The determinants of perception are:

A person's sensory equipment and the complex neural connections to the brain;

Stored knowledge accessible through memory;

Emotional coloration caused by interests, prejudices, attitudes, temperament;

Conscious and unconscious values;

A philosophy or world view.

Now let me expand a little on that brief summary:

1. *Behavior is caused*. This is, of course, a basic assumption for me, but it seems obvious enough when behavior is simple: a child runs away from a snarling dog. But behavior is not too apparent when it is complex: an upper class young man goes hippie and rejects all material advantages because of a father he hates. To assume that behavior does not always carry its own internal causation is to assume that behavior can be random—pure chance—or that some external force—gods or devils—intervene and use the behavior's body to work their good or evil purposes. I prefer my assumption here—as indeed all of those must who believe a science of human behavior is possible.

2. *Cause is determined by perception*. A fundamental distinction should be drawn between what the sense organs bring in and what is perceived. Perception is the meaning which is attributed to the neural impulses brought to the brain. The brain is not a tape recorder or a camera which, with great fidelity, records the sounds and sights of the external world, or the sensations and emotions of the internal self. The brain is an interpreter; it strives to make sense out of the welter of sensations which it experiences. It has no built-in lie detector. As a matter of fact, it will often distort sensation to see what it wants to see, hear what it wants to hear, feel what it wants to feel. Thus, the shimmering heat waves on the desert are perceived by a thirsty man as a watery oasis. A paranoid personality hears people whispering and perceives that they are plotting against him. A sexual response to the sight of the contours of a girl's body is perceived by a young man as true love.

The whole perception process is analogous to a radar system. The sensory organs record the blips on the screen but the blips take on meaning only when they are interpreted. Perception is the meaning which total consciousness interprets from the blips which the sensory system brings to the internal radar screen. The moron with 20:20 vision may get a better blip than the astigmatic genius, yet the genius will perceive much more accurately than the moron.

3. *Appropriateness of behavior will depend on the accuracy of perception*. I have said that each person will behave in the way in which he sees his world. I want to make that statement stronger: each person can *only* act on the basis of how he perceives reality. A person has no alternative but to rely on reality as he perceives it, and the reality he perceives may or may not correspond to what is objective reality. And when we talk of objective reality, we cannot do that in any absolute sense that is independent of man. It is only the consensus of those best qualified to judge. What is consciously experienced seems so vivid to the perceiver, he is inclined to view it as absolute reality and to react accordingly. That is understandable. The meaning that his mind makes of all the sensations coming from the external world is the only reality he can possibly know. Each person has to depend on his own perception of reality for he has no other basis on which to act.

4. *The major determinants of perception*. So far, my argument has said: all behavior is caused; the cause of behavior has to lie in perception of reality; appropriate behavior depends on the accuracy of perception. It is crucial then that we know as much as possible about what the determinants of perceptions are. Each of the determinants I discuss below could easily fill a book in itself, but I can only give them a cursory treatment here.

Sensory equipment and its complex connections with the brain are obviously very important. Blind eyes and deaf ears connected to an idiotic brain will only constitute a non-perceiving mass of protoplasm. But the most psychological evidence today points to only a fractional use of the astounding capacity of the human brain by most people. If *optimum* conditions prevailed, the person with average brain power would be able to perceive, comprehend, and remember almost any subject now taught in undergraduate college courses. There have been many cases of people with average mentality earning Phi Beta Kappa honors.

Stored knowledge recoverable through memory has a great influence on the richness, vividness, and the accuracy of perception. Those who have taken the trouble to learn something about music and have listened to a great deal of it will actually hear sounds that others do not hear and will be moved to laughter or melancholy or joy while the musically untrained are experiencing nothing but confused noise. The sight of a digital computer would evoke only the foggiest perception in the mnd of an aboriginal Australian. Those with a knowledge of Elizabethan England will find the perception of the plays of Shakespeare infinitely enhanced. The accrual of knowledge greatly enhances a person's perceptions.

Emotionally weightings that each person gives to that which he perceives is a third major factor influencing perception. Interests, prejudices, attitudes, temperament are mostly learned in childhood and so incorporated into the unconsicous, that the adult is hardly aware of the subtle—even distorting—influence they have on his perception. The son, whose beloved mother was fair, finds he prefers blondes. The daughter, whose immigrant parents worked hard for their middle-class status, cannot see why there should be welfare programs.

The *conscious and unconscious values* which a person may or may not be able to spell out are a fourth major factor which tends to shape every and any perception a person has. Values are the priorities which are given to traits, qualities, ideas, things, events. They are the weightings given to all that crosses the perceptual field. Those with materialistic values will be attuned to any prospect for material reward. They are able to smell money as the hungry animal smells his dinner. People with aesthetic values will tune in on these sensations which will bring them the pleasure of beauty. Persons with strong humanitarian values will see their personal welfare as part and parcel of the general walfare, and their behavior will reflect their concern for the other guy, and by progression, concern for mankind.

Philosophy or world view is the last determinant I will discuss. The philosophical frame organizes and, to a large extent, predetermines how the person will perceive his own life, his relationship to others, and his relationship to the world. If such philosophical projections prevade a society, the child growing up within that culture will take philosophic premises as given, as immutable truths, as unconscious assumptions. Nazi youth had little alternative but to have Nazi perceptions. A believer in racial superiorities sees the Negro riots as a Communist conspiracy. The Black Nationalities see the intransigency of the Whites as proof of the White men are congenital devils. It takes a pluralistic society with real academic freedom in its educational system to avoid built-in distortions in its perceptions.

To summarize: I have said that all behavior is caused; that the cause depends on perception; appropriate behavior depends on accurate perception of reality; accurate perception, in turn, is determined by a person's physical and mental health, his accrued knowledge, his conscious and unconscious values, and his philosophy or world view. Now I can hear you say, "That's fine, Mr. President, as a personal outlook, but what does it have to do with education?"

The carryover of my personal philosophy to an educational philosophy goes something like this: education should perform the most important role in developing the individual's ability to perceive reality. Most of us today recognize physical health, emotional health and stored knowledge as legitimate educational objectives—and so do I. But *I would place my emphasis* on exploring values, formulating a philosophy, and making the concept of self congruent with the reality of self. The outcome of this kind of emphasis should result in an individual who would not only follow the Socratic dictum to "know thyself" but could "choose thyself." Education becomes crucial because it provides the best process by which an individual can learn alternative courses of action open to him in choosing what he will become. If a man is physically enslaved, he has little choice to act. If a man is economically, socially, or psychologically enslaved, he has little choice to act. If a man has no knowledge, or only vague knowledge, of the alternative courses of action open to him and the consequences of each alternative, his freedom (choice to act) has been grossly abridged. Man is not born free; he is made free by the process of education and by his own insistence. He has to learn the choices which are open to him and what the consequences of these choices will be, and by character development he must learn to make the mature judgments and to accept the consequences. Education, formal and informal, gives the individual an element of control over what he is and what he will be. Whether through reading, through counseling, or through thinking, if a person gains insight into the values which are motivating his behavior, he can achieve self-conscious choice. Higher education provides the opportunity to see the options which are open and should force the person to be a choice-maker. In such a way, a person can, in considerable measure, create himself out of his life experiences and the thought he gives to those experiences. Hopefully, continued education will provide him with the background, knowledge, the thinking process, the insights, and the intergrated value structure by which he can best profit from his experience.

But if we are to reach our students effectively at the value level, if we hope to gain their trust in what we say and what we stand for, then we faculty must stand before them as whole men, who know who *we* are. They must know us emotionally as well as intellectually. We can no longer successfully assert that our discipline justifies itself alone, nor that the culture that surrounds us unites teacher and student, parent and child in an unstated but accepted set of values. What we offer the young, if it is to be trusted and valued, must come from us in a personal way, as our own unique expression of ideas, knowledge, feelings, and beliefs. Only through such honesty can we hope to reach our students. If this sounds a little too liberal to you, let me quote President Nixon in a speech he gave just last June when he said we must ". . . pay more heed to one of the great cries of the young today, I speak now of their demand for honesty: intellectual honesty, personal honesty, public honesty. Much of what seems to be revolt is really little more than this: an attempt to strip away sham and pretense, to puncture illusion, to get down to the basic nub of truth. *We should welcome this.*" (Emphasis mine).

I have emphasized the importance of the development of a person's potential and his ability to make value judgments, but I don't want to emphasize it to the exclusion of everything else. I would not want our graduate to feel that his only duty was to himself. In the past, higher education has been seen largely as a means of improving the graduate's position in life: one went to college to "get ahead." That is still true but I believe there is an emerging awareness that one person can't "get ahead" unless the whole society "gets ahead." When a student asks me, "Who am I?" I have to answer, "You are a unique creature—*but* tied by a Gordian knot to your fellow man." When a student asks me. "What am I doing here?" I have to answer, "You are trying to better yourself—*but* you will find you cannot without working for the betterment of others." And when the student asks, "What is worth studying?" I have to answer. "Those things that enhance you as a unique creature—*but* in the context of those things that will enhance the world of which we are a part."

GUIDING PRINCIPLES

As I have attempted to summarize and condense this long discussion into Goal I, II, III, . . . for De Anza College, I find such a list sterile and my rhetoric of little use in guiding specific behavior. But there is no question in my mind as to where my priority for us lies: we should be producing choice-makers—people who know themselves and their society and can then, in effect, choose and develop the kind of person they would be and the society they would live in. But rather than expand on this, I would rather turn to guiding principles that I believe will be of more help in giving us direction. These "guiding principles" could be called goals I know, but I find guiding principles more helpful in evaluating existing and proposed programs.

I. Each student should be accepted and treated as an individual

All staff members, in whatever function they are performing for the college should recognize the worth and dignity of the individual and his activity. We should strive to provide real educational opportunity where each person has some hope of becoming "whatever thing his manhood and his vision can combine to make him." Opportunity does not consist in merely allowing the student to enter; it means matching the student with a suitable pattern of learning and other developmental experiences. If that pattern does not exist, or the means for assisting the student into that pattern does not exist, *then the opportunity does not exist,* even if the student is officially enrolled. Exploring values, formulating philosophy, and development of a concept of self congruent with the reality of self should be striven for with all students, no matter what other goals the student may have.

II. The primary focus of the college should be on learning

Please note: learning, not teaching. The two, of course, are closely related, but it is important to place the emphasis in the right place. We want directors of learning who produce as well as perform. Individual student learning and growth then would become the measure of success of our college. We must strive to produce that environment for learning where there is active student involvement in the process, an up-to-date, relevant curriculum, and a flexibility in meeting student needs. Teachers and counselors—as directors of learning—should always be key participants in the policy-making process that shapes this "place of learning."

III. Academic freedom should be a right of faculty and students that is diligently defended by all

I have heard some students and restive faculty accuse our college of being careful in the minutest detail of our public image, unwilling to indulge in any conversation, gesture, or nuance of behavior learned later than 1900. On the other hand, some have accused our alma mater as being a wanton of the most indifferent character who seduces the youth of our community to strange and unhealthy practices and heedlessly sows disorders in a hitherto orderly society. Of course, neither of these positions describes us accurately.

One of the early milestones established by the Foothill District was a policy on academic freedom adopted jointly by the faculty and the Trustees. It stresses the right of faculty and students to pursue teaching and learning with full freedom of inquiry bound only by the responsibility to avoid bias and to respect the opinions and conclusions of others in the academic community. I recommend you read again Policy 4141—I would find it difficult to improve on that statement.

IV. Education should be a right not a privilege

For each individual the most important life, the only life he can sense directly, is his own. There is no way ethically, and only questionable ways pragmatically (our ACT tests included), to judge that one man's life is more important than another's. The white, Anglo-Saxon, upper-class, male child has no more inherent right to the achievement of personal potential than the daughter of a Black Alabama sharecropper. Soicoeconomic class, ethnic origin, level of aspiration, and previous performance should not close our door to students. And once inside, the student should meet only those barriers to courses and programs that have been well-tested for their validity.

V. Responsibility to his society as well as himself should be a characteristic of our graduate

Our college shares, along with other educational institutions, a responsibility both to the individual and to society. We can provide the means by which the individual strives to realize his potential and at the same time provide a means by which society can perpetuate and improve itself. We must do this in a democratic society because these two responsibilities ideally become one. For upon the standards and achievements of the individual, all our organizations and institutions are based; upon his character rests the quality of our society. I want our graduate to be socially, economically, and esthetically competent, but more than that, to be sensitive to his responsibilities to himself and to his society. He should feel his education is never complete but that he is engaging in a continuing process that co-extends with his duty as a human being and as a citizen.

VI. Governing rather than administering should be emphasized

In our relations among ourselves and with our students, consent of the governed should be sought whenever possible. The quality of human relationships among faculty, administration, staff, and students will to a major extent determine the quality of the college. Open communications, mutual trust, mutual support, and management of conflict—rather than its suppression—should be the values observed in the interaction of people at this college. The example we set for young people in the way we operate our college should serve as a model for other institutions of our society.

VII. Change with a purpose should be a commitment of this college

Continuous planning, development, and evaluation should permeate our activities. Institutional criticism should be sought and considered as an ongoing means of improving. Imaginative and creative approaches to the many problems facing higher education in the years ahead should be encouraged.

VIII. Community outreach should be one of our services

Some two-year colleges have become the most important single means for improvement of their communities. They seem most effective when they reach out to people, involve them, and identify with them. While I believe we should not blunt our main thrust of meeting the educational needs of our community, I want us to remain flexible enough to explore many avenues of service to the people of our area. As we develop, I hope we will remain sensitive to the several ways in which our capabilities can be uniquely utilized by our community.

Are we presently being guided by these principles? I don't want to put us down, for by any measure of a traditional college program we do better than most. In fact, I've never read a more complimentary accreditation report than the one we just received last spring. But I wish I could say that our college did embody all of the principles and purposes I have enumerated. Those of us in this room know how great the educators' shortcomings are. And when I look at us in the terms of what we *could* be, I am struck by the long way we have to go in measuring up to the principles and purposes I hold for a good college.

But we are moving, and I think we are gaining momentum. Let me briefly describe some of the projects for next year which I think will make a difference.

PROJECTS FOR 1969–70

1. The *further development of the Ethnic Studies Division and the Multicultural Program* will continue to receive a high priority with us. We laid the groundwork for a major thrust last year and I expect to see the effort reach maturity this year.

2. *The Mini-College Project* is in a feasibility stage of study under the leadership of Sandy Hay, Jim Luotto, and Walt Travis. There are several directions such a plan can take, but the basic idea is to associate a small number of students and faculty in a continuing and close relationship for as much as a year or two studying under a new curriculum plan. A counselor and a librarian will probably also work with the group. If such a plan proves successful, we might well find several mini-colleges evolving.

3. *Off-campus programs* of several kinds are going now and we are studying some others. We presently offer courses at local business and industrial plants, we teach a calculus class at Homestead High School to advanced students, we offer a credit class that goes to the Shakespeare Festival in Ashland, Oregon for several days, we have a drama appreciation class that travels to several plays throughout the Peninsula, and we have several special field trip courses. We are planning to expand off-campus programs, especially during the summer. We are thinking about the purchase or lease of a lodge in the Sierra where we can hold many kinds of credit and non-credit classes ranging from music camps to recreation program classes, to botany classes, to philosophy classes. We want De Anza to go to Mexico, Europe, Africa, South America, Japan, with classes for credit. We are working with several Bay Area junior colleges for the combined use of Channel 14 at the College of San Mateo. By the winter quarter, we should be offering some Evening College Classes as an experiment in community outreach. You should be hearing more from Dick Wright, Florin Caldwell, and Marj Hinson about all of these off-campus programs.

4. *Some new approaches for us in our instructional program* are being tried under the direction of Don Fraser and Dick Kent:

The Independent Study Program now has a new home and we plan to put more faculty development time into this than we have been able to do up until now.

EROS is a project now underway and on the schedule for the fall quarter. A counselor, a reading instructor, a composition instructor, and a philosophy instructor will be working with about 25 students who have been identified as having acute learning difficulties. We hope to find out if this kind of concentrated and coordinated effort will pay off for students.

The Total Immersion Programs in Spanish and History 17ABC were very successful this summer. We plan to try this same idea during the regular quarter to see if this approach should be tried in other disciplines.

Teacher Aides are something we feel we owe to ourselves and we want to develop a program for them. We feel that if we can provide paraprofessionals for so many other professions, then why not develop a curriculum to produce that same help for our own profession?

5. *New faculty evaluation procedures* are being tried by the Language Arts Division and by the counseling staff. These two groups will be placing more emphasis on improvement of instruction and counseling—with evaluation as a by-product. More colleague involvement is proposed in both their new plans.

6. *There are two projects underway that directly affect students* that I know you will be interested in. We are expanding our Financial Aids Office. We presently administer large sums of money available to needy students through National Defense Student Loans, Work Study Funds, Educational Opportunity Grants, and from several other specialized sources. We plan to better coordinate that kind of financial aid, as well as develop a Job Placement Office on-campus. I know Mr. Javid, our new Financial Aids Officer, will be seeking faculty advice in the development of this new office. The other student project is the development of a student Bill of Rights. We have done some developmental work in this area and you will be hearing more about it during the year.

There are some other projects of importance but of less wide-spread interest that I won't go into. You will have a chance to discuss them in those areas where you might have special interest.

WHAT CAN YOU DO?

Probably all of you will be participating in one or more of these projects in one way or another. But regardless of the extent of your involvement in these, I hope each of you will examine his own values and goals and hopes for this college as a special individual project for the year. We are not going to take any big strides forward unless *teachers* are stimulated and excited, and that won't happen until each of us become involved in what and *why*—I repeat—*why* we're teaching and what we teach.

I don't know how much of what I've said here today you buy; my guess is that most of us think a great deal alike on these basic ideas. I have had copies of this speech made and I invite you to read it again and give me some feedback either in writing or over coffee someday for I *really do* want to sharp up my own thinking on these matters, as well as sharpen institutional purpose. And where we don't agree, I hope you have developed your rationale for *why* you are doing it your way and that your beliefs are based on personal convictions. The time is past when our actions can be based solely on something that is happening at a university or a high school. In my experience they know less about what they are doing—and especially why—than we in the community college do. Not only must we become our own men, but we must unite in becoming our own college.

THE FUTURE ISN'T WHAT IT USED TO BE

One of the greatest advantages of education as a profession lies in the definite way in which our working year has an ending and a beginning, with a few weeks in between when we can think about last year and plan for the new ahead. At times like these I feel both satisfactions and disappointments with what I have accomplished. But even in the midst of these conflicting feelings, there is an important one that has never wavered—my satisfaction with the profession I am in. There is no more important way to spend one's life if we will but bring to it the dedication it deserves.

I am 45 years old and I have just completed 20 years as a professional educator—presumably I have another 20 years to go. I have reached middle life and have watched the previous generation pass. I have learned much from that generation—most of it is good and a lot I intend to forget. I have explored many blind alleys searching for purpose and meaning in my life, I have been disabused of the notion that the world revolves around me. I have futilely sought some great and mystical reason for living. I have come to the simple and stark realization that for me the life process carries its own intrinsic reward. Not to live it fully is the worst kind of folly. To deny *another* the fullest and richest life possible is to deny him a portion of his life potential and, therefore, to commit a most grievous act, I believe a quality education is crucial in living the full and rich life, and, indeed, becomes a human right that cannot be limited to a few. In my remaining years as a professional educator, I want not only to live up to my own potential, but to help education realize its great potential.

A few short years ago I would have thought that the future I am experiencing today could hardly be improved upon, *but the future isn't what it used to be.* There are so many things happening in our society that point to the need for evaluating our traditional approaches and searching for more viable means for accomplishing our ends. Each of us in our work, experience some small victories with some of our students and they are very satisfying to us, but when I look at the potential that exists in this room here today and the possibilities that might be realized if we but had the purpose and the will, then I can't help feel that the really significant victories still lie ahead. And so I leave you with the words of Horace Mann in an address he made to the last graduating class he spoke to as president of Antioch College—and others must have been as touched by them as I for they are inscribed on a monument there on the campus—his words to these young people were: "Be Ashamed of Dying Until You Win Some Victory for Humanity."

SACRIFICE NOT MADE IN VAIN

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. DOWNING. Mr. Speaker, at the time last week when the names of our servicemen who have lost their lives in Vietnam were being read aloud at many sites throughout the country, the name of one of my constituents who gave his life appeared in the "View of Our Readers" column of the Newport News Daily Press, our hometown newspaper. His name appeared there through the proud efforts of his parents, Mr. and Mrs. Harvey A. Oxendine, who wrote a letter to the editor of the newspaper.

Harvey and Alice Oxendine have been good friends of mine for years. They are typically wonderful American people. They have produced four sons, three of whom respectively are veterans of the Navy, the Air Force, and the Marines. Their youngest son was Army Pfc. Rodney G. Oxendine about whom his parents wrote.

The letter is far more eloquent than would be any words of mine. I am proud to include it in the RECORD so that it may speak for itself and that Americans everywhere may benefit:

SACRIFICE NOT MADE IN VAIN

EDITOR, DAILY PRESS:

Recently we suffered the greatest loss a parent can experience—the loss of a child. Our son, Private First Class Rodney G. Oxendine, was killed in combat in Vietnam. Prior to Rodney's death and like many American parents we had never felt any great commitment to the struggle in Southeast Asia or really given the issues involved serious thought and consideration. It would perhaps be accurate to say that prior to his service in the Republic of Vietnam Rodney hadn't thought seriously about what is involved in this far away war.

It is the purpose of this letter to share with you, my fellow citizens, our belief that our son has not given his life in vain. Our purpose is to try in some small way to help clear up the confusion which plagues our country today as to the validity of our country's efforts in Vietnam. If with this message, we can reach some of our fellow Americans and bring about the realization of the necessity of this struggle and its successful conclusion then our sacrifice will not have been made in vain.

The change in our own attitudes toward the War in Vietnam began to take place after Rodney via letters shared with us his conviction and reasons why he felt that the job the American Armed Forces are doing in Vietnam is necessary and in the interest of freedom and justice of men everywhere—why he felt that the job he personally was doing in Vietnam was worth risking his life—that he was proud to be part of this fight for freedom.

The sincerity of our son's convictions is pointed up in his last letter written a few days before his death. We should like to quote from it.

"Mother and Dad, I guess you're wondering what I'm doing, etc. Well you know I'm infantry, and that's the M. O. S., that does the fighting, believe it or not I'm proud of it, and also what I'm doing here. What we're doing now is pacification, i.e., help the people help themselves, give them weapons, teach them how to use them, build their schools, trying to get them on our side. Some of the people we give the weapons to are our enemy, so you always have to watch yourself. The people at home, a lot are against this war, if they only knew how they're hurting the boys over here, after you get here you sorta forget your support of your country, there's no glory here.

I know I'm fighting for my country, and there's plenty of reason for being here, just as much so as any other war we have been in, and there's not a guy here that wouldn't give his life. What I'm doing is dangerous, but could be a lot worse, and I know I'm going to be safe, and return home, there's no worry in my mind. Here I'm not depressed as much as when I was in Germany. It's about fifty times worse here, but I believe it's just that I'm doing something with a purpose. Just remember I'm doing fine and like what I'm doing, but can't wait to come home."

Our son was not alone in his convictions as to the "rightness" of the cause for which he was fighting or that he felt that he was fighting for our country. As he stated in the excerpt quoted above from his last letter, "there's not a guy here that wouldn't give his life in the struggle going on in Vietnam." Our loss has been assuaged by a letter from his battalion commander who expresses so beautifully the dedication of the men in our armed forces in Vietnam and I quote:

"To those of us with whom your son served so closely and who will continue in this crusade after him, his loss has special implications. To us his death is not simply a tragic fact of war, nor do we view it as a fateful concession to a cause of doubtful virtue. We have witnessed the plight of the Vietnamese people and having done so, it is difficult indeed, almost impossible, to withhold from completely dedicated, personal commitment to their deliverance. I cannot conceive of a cause more worthy of the precious gift of life."

To many Americans such as ourselves who have not seen or experienced the War in Vietnam first hand; to those of our fellow citizens who's loved ones have made the supreme sacrifice; and to the young people who may face military service in the defense of our country and our freedoms, we thought we would like to share with you our belief that our son did not give his life in vain but rather in the service of his country and in the cause of freedom. We believe that all of us should unite behind our President and support our government and our armed forces in the war effort in Vietnam in the belief that such support will hasten the day of peace by convincing the Communists in Vietnam that we are a united people in our defense of freedom.

Mr. and Mrs. HARVEY A. OXENDINE.
NEWPORT NEWS.

NATIONAL FAMILY HEALTH WEEK

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. CARTER. Mr. Speaker, on October 15, 1969, President Nixon signed a proclamation officially designating November 16 through 22 as National Family Health Week.

On May 12 of this year, I introduced House Joint Resolution 712 to authorize such a week. Identical legislation—Senate Joint Resolution 46—was introduced in the other body by the late senior Senator from Illinois, Mr. Dirksen.

The passage of this legislation focuses national attention on one of the most meaningful developments to take place within our health care structure in recent years, the recognition of the role played by the family doctor in the delivery of health care services to the American public.

In February of 1969, the advisory board for medical specialties and the council of medical education of the American Medical Association approved family practice as the 20th primary medical specialty. At that time, the American Board of Family Practice was created and empowered to conduct examinations and grant certification to family physicians who met its qualifications and passed its examinations.

During the past months we have also witnessed the development of new programs in medical schools and hospitals throughout the Nation to train young doctors to become family physicians.

The medical community looks to this new type of doctor as a primary contact between the public and the increasing complex of medical specialties, clinics, and hospitals that comprise our growing medical system.

I strongly feel that the family physician, by combining the warmth and humanity of the time honored general practitioner, with the highly sophisticated training of modern medicine, will contribute to better health for American families from every walk of life.

This special observance, supported by the American Academy of General Practice, should receive the attention and interest of all Americans concerned with the health and welfare of our citizens.

At this time, on behalf of the thousands of family physicians and general practitioners who serve the American public so faithfully, I thank my colleagues in this body and my colleagues in the other body for their support in making National Family Health Week a reality.

COHOES MODEL CITY STRATEGY

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. BUTTON. Mr. Speaker, I have strongly expressed my support in the past for the model cities approach to solving the problems of our cities, and would like to underscore that commitment once again. Model cities encourages and requires a strong local alliance between citizen, city government, and business to get the job done. I feel the city of Cohoes, in my district, exemplifies these key ingredients in its strategy for implementing the model cities program.

I recently received from Mrs. Virginia B. McDonald, vice chairman of the Model Cities Social Service Planning Committee, a letter informing me of the progress of the Cohoes model cities program. Cohoes is one of 150 cities that has completed its model cities plan. Mrs. McDonald, widow of the late mayor of Cohoes, Mayor James E. McDonald, under whose guidance the model cities program got its start, also enclosed a copy of the program strategy statement which I feel gives an excellent example of how one model city is doing.

Because this program strategy statement makes such good sense, and because it raises questions critical to the direction our country is taking in facing up to the problems of our older, core cities, I am inserting Mrs. McDonald's letter and the accompanying statement in the RECORD at this point and commend it to the close attention of all Members of this House:

OCTOBER 10, 1969.

Hon. DANIEL E. BUTTON,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN BUTTON: In keeping with your request to keep you informed of the progress and activities of the Cohoes Model Cities Program, the Director, Paul Van Buskirk, has asked me as Vice-Chairman of the Social Services Planning Committee, to forward to you a copy of the Program Strategy Statement.

This statement will give a brief, but concise, insight to the approach which the City of Cohoes wishes to use in implementing the program. We would appreciate your review and comments, and opinion as to whether the statement is in general agreement with the policies of Congress and the U.S. Department of Housing and Urban Development.

Yours truly,
VIRGINIA B. MCDONALD,
Vice Chairman, Social Services Planning Committee.

STRATEGY STATEMENT

The CDA Planning Committees, Planning Board and Governing Body, as a result of the Workshops, Pilot and Comprehensive Survey and background studies, selected five program components in which the long range goals are addressed to the following five categories listed in order of strategy sequence:

1. Human Resources
2. Relocation
3. Housing
4. Economic Development
5. Physical Environment

The program components were selected for a number of reasons: they provide convenient "packages" for specific identified problems (see Part I); they form reasonable bases for the development of overall strategies and approaches to problem-solving; and they are easily translated into statements of long-range goals as formulated by the CDA committees and boards.

Because of strong interrelationships and interdependencies among selected program components, the CDA planning committees and boards found it very difficult to arrange goals strictly according to problem severity. (Each of the broad program components contains specific high-priority problem areas.) Hence, strategy programming or sequencing of activities, as reflected in the order of the above listing, became a very significant and sensitive undertaking.

The reason for the selection of the order of long-range goals was:

Since the development of MNA human resources is considered without question to be the most important objective of the entire program, it would be necessary to provide MNA residents with improved social and health services, educational opportunities, counseling, etc. These resources will provide the MNA residents with necessary services and assistance which is needed to improve their quality of living. This program will enable MNA residents to call upon the many resources which are needed to support and maintain the physical improvements they desire in their neighborhoods; such as housing, open spaces and employment opportunities. A secondary benefit of the Human Resources Component is that MNA residents could rely on their resources for assistance to protect their investments, and community investments, of money for physical improvements and prevent the recurring deterioration, which would require further investments for corrections in the future.

Another reason for giving primary attention to development of human resources is to allow an alternate approach to solving MNA problems, should financing or other problems preclude other needed programs. In other words, since human resources can be improved independently of other planned improvements, residents would be given the necessary social tools to instill initiative, and create the ability, desire, and awareness of a decent quality of living. An objective of the program is to develop human resources for a resident who may have to rely on his resources to improve his neighborhood regardless of the success or failure of other planned programs.

The reason for selecting relocation as the second item in the sequence of Model Cities activities is the demonstrated necessity to have a well-established relocation program functioning before critically needed physical programs (which require displacement) are undertaken. The relocation program would be carefully coordinated with the social services cited above and would provide sensitive and efficient relocation services for MNA families, individuals, and businesses. To build new houses and rehabilitate existing housing units without properly planned and coordinated relocation services could result in a completely ineffective overall program. The object of the Cohoes Model Cities Plan is to look upon relocation not as a necessary evil but as an opportunity to serve MNA residents, provide social services, and upgrade the quality of living.

Housing was chosen as the third item in the strategy sequence. Once the human resources and relocation programs are formulated and delivering services, relocation could commence with the assurance that new or rehabilitated housing is decent, safe, and sanitary and that it meets residents needs and preferences. Furthermore, as a result of the human resources development program, residents would have available financial assistance and services needed to acquire, or rent and maintain, decent and safe housing. The housing program is viewed as a logical extension of both the human resources and relocation activities.

Economic Development is placed fourth in the sequential order of activities. In order to obtain adequate housing, provide physical improvements and enjoy the benefits of improved health, education, etc., there must be sufficient economic activity to increase individual income levels and to broaden and reinforce the city's tax base. This program would help provide future revenues as well as the industrial and commercial facilities and services necessary to sustain residents.

It seemed logical to the CDA planning committees that the physical environment can be maintained and upgraded only after proper social services are provided, relocation services are firmly established; housing is available, and activity in the economic sector has been stimulated. Specific physical improvements which would support each of the other strategic activities would include additional and improved parks and open spaces, better streets (including sidewalks, street trees, lighting, etc.), a reduced level of structural and environmental blight, and major improvements in sewage and waste collection, treatment, and disposal.

STRATEGY AMONG GOALS

Housing, especially for low and moderate income families, was ranked by the CDA Workshops as the Model Areas most serious problem and the CDA attaches greatest importance to this goal.

The objective of the Housing Goal is to provide 1,000 new housing units, to rehab 500 substandard houses, to remove 600 dilapidated units, and to increase homeownership in the MNA by 428 families. In order to achieve this goal, it will be necessary to accomplish the objectives of the following goals:

Human Resources Goal: To have in effect the necessary home management and home maintenance programs and other social programs related to housing.

Relocation Goal: To have the Central Relocation Agency established and a Relocation Plan formulated.

Economic Development Goal: To have programs formulated to raise income levels above the Cohoes CPIC.

Physical Environment Goal: To begin to establish and administer an effective system of regulatory controls and to demolish "dilapidated" housing units (vacant ones first).

One of the greatest concerns of the MNA residents is in the area of economic development. This was brought out in the CDA Workshops, Comprehensive Survey and Pilot Survey. The Economic Development Goal would be of greatest concern, next to the Housing Goal.

The objectives of the Economic Development Goal are to implement a comprehensive employment program, to bring all MNA households above the CPIC income level, to rehabilitate non-residential structures, redevelop and develop land for industrial expansion and to have in effect, a long range industrial and commercial development program. In order to reach this goal, it would be necessary to develop the following:

Human Resources Goal: To have effective education programs; such as vocational and skill training, adult basic education and adult education.

Relocation Goal: To have, in operation, a Central Relocation agency and relocation plan for industries and businesses.

Physical Environment Goal: To redevelop 26 acres of industrial land.

STRATEGY AMONG PROGRAM APPROACHES AND CHANGES WITHIN A GOAL

Human Resources: The strategy among program approaches within the Human Resources Goal will be described according to the sub-components for the sake of clarity. With reference to related program approaches among the sub-components, the program approaches of the Human Resource Component are geared to the family as a unit. Programs, projects and activities have their objectives formulated to the family.

Social Services: The activity for this program approach would provide for the development of social services under a "single roof" concept (Human Resources Center) for delivery to identifiable families. The initial action would be to commence a Comprehensive Social Services Study to identify MNA families, their characteristics and need and to evaluate existing social services, gaps and program development. While the study is being undertaken, the recruiting of the initial core-staff of the Human Resources shall be underway. This core-staff's purpose will be to develop the administrative structure and work program, as well as program activities for operation in the second year, when the Human Resource facility will be leased or purchased and then occupied. The core-staff shall develop a recording system (IBM data processing) of services needed and rendered identified families. Programs that are directly geared to family management, such as home management, will commence early in the program.

Health: The lack, or disorganization of, health data shall be corrected by developing a collecting and reporting system on health statistics. The delivery of existing health services to MNA residents shall be accomplished in the first year by training project aides. The approach for needed health facilities will be accelerated by the fact that the local hospital has developed plans for expansion and need financial assistance for carrying this out. Construction of these facilities can convene in the first year with financial assistance from the CDA, and be completed by year two. Necessary changes, site selection, etc., will be completed in the first year for construction of a nursing home to begin in the second year and be completed by the third year. Recruitment for needed professional medical personnel will be formulated and concluded the first year for results in year two.

Education: The program approaches under this sub-component revolve around three basic areas; pre-K, adult education and reinforcing the academic program by beefing up the guidance counseling, curriculum and remedial reading. The first year would consist of developing and conducting a headstart program. In conjunction with the employment program, a day-care center will be developed. An effective adult and basic education program, leading to a high school equivalency, will be established and closely coordinated with the comprehensive employment program. Curriculum gaps, such as remedial reading for elementary students, will be filled in the first year. Special activities, such as the development of new curriculum and a comprehensive guidance counseling program for secondary school students, will be initiated during the first year and be fully established by the second and third years.

This will complete the thread of educational programs beginning with pre-K thru to adult basic education.

A study will be completed in the first year for needed educational facilities in the MNA and a program to maximize the availability and uses of existing school facilities for education, recreation and cultural purposes.

Recreation and Culture: To expend MNA acreage to meet national standards would be the first objective. This would be done by developing, approving and implementing new park and recreational areas to meet the needs of all MNA age groups especially focusing on specialized "social nodules" or areas of activity. On-going planning and action would take place over the five year period for the gradual requisition of land and establishment of more specialized recreational and cultural areas culminating in the Old Erie Canal Trail Parkway following the historic canal route. However, recreational activities for all age groups must be developed and conducted as physical facilities are completed.

The development and implementation of new programs and facilities would be carried out the first year with the immediate erection of the Cohoes Community Center providing social, cultural and recreational services and programs to MNA families. In addition, innovative plans have been submitted for a joint historic preservation, educational, recreational and cultural venture which would restore the Old Opera House and connect it into two greatly needed facilities; namely, a theatre and a library.

Crime and Delinquency: To combat adult crime, a comprehensive survey will be made the first year for the purpose of improving systems for maximizing the security of residents regarding their persons and property and developing new programs to meet these ends during the second and succeeding program years. Juvenile delinquency will immediately be attacked by supporting community youth programs and facilities while developing improved and innovative systems and programs. The Juvenile Aid Bureau will be established and the Youth Bureau expanded through supplemental funds during the first year. A police and community relations will be developed in the first year, including the conducting of police training programs.

Relocation: First program approach would be to initiate a Comprehensive Housing and Relocation Study to determine specific relocation needs by characteristics of households. This approach would also include the monitoring of the Economic Base Study to determine specific relocation needs of industry and business.

While this study is under way, the city should then create, through new legislation, a Central Relocation Agency; recruitment of a staff to administer an effective city-wide program and provide supplemental funds to organize the agency.

Relocation standards and policies should be adopted by the City government and the administrative machinery would go into full operation.

Housing: First program to be initiated would be the Comprehensive Housing and Relocation Study, cited in the Relocation Goal. Next, the development of open sites by installing needed utilities and the establishment of a Housing Development Corporation. This would be followed by development of programs for construction of new housing on open developed sites or redevelopment sites.

Vacant dilapidated units would be demolished early in the program.

Rehabilitation of sub-standard housing could take place that would not cause major dislocation. Upon completion of new housing units, families and individuals from dilapidated housing, major rehabilitation projects and those dislocated from major improvement projects could be relocated. Simultaneously the program for assistance toward homeownership could be in effect.

Economic Development: The immediate need under this component is to provide redevelopment land (land that is currently occupied by vacant, obsolete, and deteriorated structures) for existing industries whose facilities have become obsolete for the construction of new facilities. Therefore, the program approach to develop blighted land and install facilities would be of first priority.

While this action is being initiated under an NDP program, a Comprehensive Economic Base Study would begin which would include an employment study, an update of the 1965 economic base study, and long range industrial and commercial development plans.

A Comprehensive Employment Program would be organized and implemented. This would be followed shortly by the program to identify characteristics of MNA households below the CPIC, and the development programs, according to household needs, to boost incomes above the CPIC.

The demolition of dilapidated non-residential buildings would begin under the NDP program along with demolition under the Physical Environment Component.

Restoring of industrial and commercial buildings would begin with the reorganization of the Cohoes Indsturial Development and Redevelopment Corporation as a Community Development Corporation.

A long range CBD plan and industrial development plan would begin to be implemented through a Community Development Corporation.

Physical Environment: The program approach to which the greatest attention should first be given is the adoption and enforcement of the necessary regulatory controls. This approach also serves as an alternate approach, in the event that sufficient financial resources are unavailable, or other problems arise, which might prevent the implementation of other program approaches under this component. The strategy behind this is that if an effective system of regulatory controls is established, individual, corporate or other organized initiative could be marshaled to correct deficiencies in the physical environment.

The execution of various planning studies under the above approach would begin early in the program. These studies are described throughout the plan and include historic preservation, thoroughfare plan, Erie Canal trail development, housing, and relocation, commercial and industrial development, etc.

During the first year of the program, engineering studies, drawings, specifications, etc., would be completed for the development of 60 acres of recreation and open public spaces.

The construction of sewer intercepts would begin in the first year to eliminate the open polluted canals, and would continue through and be completed by the end of the five year period, including sewer treatment facilities.

The selection of alternate sites for solid waste disposal would be completed by the end of the first year with sites available by the second year for the removal and disposal of various solid wastes.

Comprehensive Studies: Several comprehensive studies will be conducted during the first year action program.

The following studies will be conducted under the "701" Program:

Housing and Relocation.
Open Spaces.
Historic Preservation.
Economic Base Study.
Thoroughfare Plan.

These studies are necessary for the following reasons:

1. To obtain detail and sufficient data, presently not available, for program planning and implementation.

2. To obtain data in order to establish proper measures for program evaluation.

3. To determine projects and activities, their priorities, feasibility, cost estimates, cost benefits, analyses required to properly achieve the long-range goals and five-year objectives of this plan submission.

However, projects and activities will be undertaken during the first year which are related to the comprehensive studies.

These projects have been selected because sufficient information is presently available to require completion of these programs, financial resources are available and the need is apparent.

Examples of such programs are the Neighborhood Development Program as part of the Economic Development Component, Restoration of the early American Theater, as part of Culture and Recreation of the Human Resources Component. As these studies are being conducted, other projects and activities will be formulated.

Other studies coinciding with the strategy herein described will be:

Social Services and Activities.
Health.
Police Services.

These studies will result in a sound program development for the entire community.

In conclusion, the overall strategy and goal of the Cohoes Model Cities Program, as visualized by the CDA, is the elimination of social and economic problems so common to our many cities, the elimination of physical blight and the sound development of the entire city. When we realize that the City of Cohoes is a small city of 20,000 people, and its problems can be defined and are controllable, this goal is not impractical or unrealistic. The attainment of this goal depends on the commitment of the community. The CDA believes that the people of the City of Cohoes will fully dedicate themselves to this goal and show the nation that the problems of the cities can be solved through total community effort.

HOUSE OF REPRESENTATIVES—*Thursday, October 23, 1969*

The House met at 12 o'clock noon.

Rev. Baan Vitez, O.F.M., Holy Trinity Roman Catholic Church, Barberton, Ohio, offered the following prayer:

Lord God, grant us the courage, we pray, to love our heritage. This is the day when Your children lit the flame of freedom on the streets of Budapest, Hungary, in 1956.

The fire they lighted, if kept alive, will spell the doom of any oppressors' enforced darkness. The fire within them, and thanks to Your graciousness, within us, is a fire that brightens and warms all men of good will.

May the flames of love of God and national consciousness leap forever in our hearts till we leap with joy into lasting freedom and peace. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On October 17, 1969:

H.R. 3165. An act for the relief of Martin H. Loeffler;

H.R. 3560. An act for the relief of Arie Rudolf Busch (also known as Harry Bush);

H.R. 11249. An act to amend the John F. Kennedy Center Act to authorize additional funds for such Center; and

H.J. Res. 851. Joint resolution requesting the President of the United States to issue a proclamation calling for a "Day of Bread" and "Harvest Festival."

On October 20, 1969:

H.R. 9825. An act to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes.

On October 22, 1969:

H.R. 13194. An act to authorize special allowances for lenders with respect to insured student loans under title IV–B of the Higher Education Act of 1965 when necessary in the light of economic conditions in order to assure that students will have reasonable access to such loans for financing their education, and to increase the authorizations for certain other student assistance programs.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4293. An act to provide for continuation of authority for regulation of exports.

A CEASE-FIRE NOW

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, on May 15 I introduced House Concurrent Resolution 256 which proposed that the President call for an immediate cease-fire in Vietnam. Fifteen of my colleagues ultimately joined in cosponsoring this resolution. On July 23 the White House responded by informing me that—

> A cease-fire is a sensitive and complex question that hopefully will be addressed to (at) an appropriate time in the Paris talks.

Since that time, many of us have despaired that President Nixon will not be moved to call for a cease-fire. Consequently, I have advocated an immediate and total withdrawal of American troops in order to avoid the continuing loss of American lives in Vietnam.

Now there appears to be a decline in enemy-initiated action. Now we are told that American troops no longer pursue offensive military tactics. Now perhaps the Nixon administration will finally consider the "appropriate time" has come for a cease-fire.

Since May when I introduced the cease-fire resolution, approximately 4,000 American men have been killed in Vietnam. If the President will not be committed to the total and immediate withdrawal of American troops, let him call for a cease-fire. First, and foremost let our policy be committed to saving American lives.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON JOINT RESOLUTION MAKING CONTINUING APPROPRIATIONS, 1970

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on a joint resolution making further continuing appropriations for the fiscal year 1970.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING AND DIRECTING SECRETARY OF AGRICULTURE TO EXECUTE SUBORDINATION AGREEMENT WITH RESPECT TO CERTAIN LANDS IN LEE COUNTY, S.C.

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9946) to authorize and direct the Secretary of Agriculture to quitclaim retained rights in certain tracts of land to the board of education of Lee County, S.C., with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

> Page 1, line 5, strike out all after "assigns," down to and including "to" in line 9 and insert "an agreement subordinating all right, title, and interest of the United States of America in and to the land hereinafter described to a lien or liens to be executed by the said Board of Education of Lee County, South Carolina, its successors or assigns for the financing of consolidated public school improvements on the said land, which consists of".
>
> Amend the title so as to read: "An act to authorize and direct the Secretary of Agriculture to execute a subordination agreement with respect to certain lands in Lee County, South Carolina."

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON THE DISTRICT OF COLUMBIA TO FILE REPORT UNTIL MIDNIGHT FRIDAY

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight Friday to file a report.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

CALLING FOR A CEASE-FIRE IN VIETNAM HOSTILITIES

(Mr. VANIK asked and was given permission to address the House for 1 minute.)

Mr. VANIK. Mr. Speaker, while the debate continues on the schedule for American withdrawal from Vietnam, why not stop the killing now?

The most horrible and unexplainable deaths of war are those which so needlessly occur while governments and their leaders make up their minds on the format of peace. It is imperative to stop the hostilities so that no more of our young men are lost as the talks proceed. I therefore call upon the administration to implement an immediate cease-fire to prevent further loss of life.

The timetable for cease-fire is critical. Our Government should announce a unilateral plan for cease-fire by region or by military unit directed toward a total cease-fire.

If we take this action on an announced schedule, the entire world can bear witness to the validity of the offer and the sincerity of the response—and lives can be spared.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from Ohio yield?

Mr. VANIK. I am happy to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Is the gentleman advocating that the President should order a unit, a group, or all of our forces in Vietnam to stop firing and stand with their guns behind their backs while the enemy can shoot at them?

Mr. VANIK. I did not suggest that.

Mr. GERALD R. FORD. The gentleman said "unilateral cease-fire."

Mr. VANIK. If the gentleman will permit, I suggested that what we do is announce a cease-fire by unit or by region so that we can see what the response is to such action by our Government. I believe I have made that very clear in the basic part of the statement.

Mr. GERALD R. FORD. Let me ask again a simple question. Does the gentleman want the President to tell one unit to stand with their guns behind their backs while the enemy has the right to shoot? Is that what he is advocating?

Mr. VANIK. I did not suggest that at all.

Mr. GERALD R. FORD. The gentleman said a unilateral cease-fire, and that is what it means.

Mr. VANIK. I suggested that by region and by unit we give an expression of our intention. Certainly I do not expect our people to go out and be shot. I expect that they are going to protect themselves and stay behind protective enclaves and not expose themselves to fire.

I believe if we announce a unit-by-unit cease-fire that we can see what the reaction will be on the other side to that kind of action.

It is precisely in line with what Senator SCOTT suggested in the other body. I do not believe our suggestions are very different. I believe there is a great deal of merit to what he has suggested.

Mr. GERALD R. FORD. Senator SCOTT did not say that we should implement ourselves a unilateral cease-fire. He urged that the enemy join with us in a cease-fire and I believe a mutual cease-fire is sound and desirable. The gentleman went one step further however and said a "unilateral cease-fire," which would expose American GI's to the enemy, if the enemy has not agreed to a cease-fire.

Mr. VANIK. Senator SCOTT is quoted in this morning's Washington Post as saying that:

> One side has to take the initiative, and to that extent it would be a unilateral action.

Of course, I do not believe in exposing any of our people to a needless exposure to death. I suggested that we cease fire by a region or by a unit so that we can have an expression of how this kind of action will be treated by our adversary.

Mr. GERALD R. FORD. If we expose one unit to a unilateral cease-fire, then we are exposing x number of defenseless Americans to be shot by the enemy.

Mr. VANIK. My suggestion does not expose a single person needlessly. It is an effort to save lives.

DECLARING NOVEMBER 11 A DAY OF NATIONAL CONCERN

(**Mr. DICKINSON** asked and was given permission to address the House for 1 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, on September 17, I arranged a special order on the floor of the House of Representatives, and over 150 Members of the House joined in speaking out on the problem of our servicemen who are prisoners of war or missing in action in Southeast Asia. I introduced a concurrent resolution, cosponsored by approximately-200 of my colleagues, which calls upon the President, the Departments of State and Defense, the United Nations, and the people of the world to appeal to North Vietnam and the Vietcong to abide by the Geneva Convention relative to the treatment of prisoners of war. Several hundred wives and family members came to Washington to be present for this occasion and they sincerely appreciated the efforts by the Congress.

Mr. Speaker, the purpose of my taking this time today is to request help again by further emphasizing the problem—in hopes of securing the release of our POW's. I have called upon the President and today I call upon my colleagues to assist me in urging the President to, by Presidential proclamation, declare November 11 a "Day of National Concern" for American prisoners of war, concurrent with our Veterans Day observance. I respectfully urge each of you to seriously consider my request. Such a proclamation would pay tribute to our servicemen, their wives and their families, many of whom have been waiting for over 5 years for information regarding their loved ones.

Once again, your serious consideration for a "Day of National Concern" will be appreciated.

A DAY OF NATIONAL CONCERN, NOVEMBER 9

(**Mr. SCHADEBERG** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHADEBERG. Mr. Speaker, in view of the fact that the President has been requested to make a proclamation for a day of concern on November 11, may I tell the Members of the House that the Chief of Chaplains of the Navy has been requested by the National League of Families of American Prisoners of War to commend to our Navy chaplains the 9th day of November as a day of prayer for the brave men being held prisoners of war by the North Vietnamese. I would suggest to Members of the House that they might use that day, also, the 9th day of November, to offer their prayers in behalf of prisoners of war.

Mr. Speaker, I include at this point a prayer:

> Almighty Father, who suffers in the affliction of your children we call upon you now from the depths of our anxiety and great concern for our countrymen and loved ones who have fallen into the hands of the Nation's foes. In the face of the evils that these brave men endure and before the grim burdens they are forced to bear, give them courage and hope, and a never failing confidence in you.
>
> But most of all, O God, we ask that the day will soon come when we can all celebrate their release and safe return to their homes and kindred.
>
> Give to all of us who wait and hope in the face of every disappointment the will to persevere in the cause of peace and the wisdom to conquer hate with love and every doubt with a renewed faith in you. Amen.

VIETNAM WAR MORATORIUM

(**Mr. MICHEL** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, an article in the Washington Daily News of October 22, 1969, reveals what the leaders of the Vietnam war moratorium group are really up to. They indicated that a cease-fire in Vietnam is unsatisfactory. Yet, the whole pretext of their movement has been to"stop the killing." A cease-fire is to all practical purposes an end to active warfare. This group does not want an end to killing so much as they want total U.S. troop withdrawals and this I submit would unleash a wave of Communist bloodshed and killing across the whole of South Vietnam. Their hand has been tipped. They are working for the defeat of the United States and victory for the Communists. These out and out Leftists have ill-used millions of sincere Americans who want an end to the shooting war. If the measure of my mail is any indication of public opinion, the great majority of Americans want an end to the war, yes, but they do not support a policy of complete and immediate withdrawal with no regard for the consequences.

The Communist training of the New Left is showing up, and those who support their cause from now on must do so with the knowledge that they are working with sworn enemies of the United States. They must realize that they could possibly be used as dupes in a Communist-inspired plot to notch up a major victory in Asia. Rejection of the idea of a cease-fire has uncovered the peace march leaders' real purpose—military defeat for the United States and handing over South Vietnam to their Communist brothers.

AMENDMENT OF THE SECOND LIBERTY BOND ACT TO INCREASE THE MAXIMUM INTEREST RATE PERMITTED ON U.S. SAVINGS BONDS

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 14020) to amend the Second Liberty Bond Act to increase the maximum interest rate permitted on U.S. savings bonds, which was reported unanimously by the Committee on Ways and Means.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object—and I shall not object but do so in order to ask the gentleman from Arkansas for a brief explanation of the bill, and I yield to the gentleman from Arkansas.

Mr. MILLS. I thank my friend from Wisconsin for yielding.

Mr. Speaker, the purpose of the bill before the House, H.R. 14020, is to increase the maximum interest rate permitted on U.S. savings bonds.

The bill raises the maximum allowable interest rate ceiling on savings bonds to 5 percent from its present level of 4¼ percent. The Department of the Treasury has indicated that just as soon as this legislation is adopted it will raise the interest rate paid on series E and H bonds to the new 5-percent ceiling rate, and under the provisions of the bill, the new ceiling may apply to all savings bonds issued on or after June 1, 1969, and also to outstanding savings bonds for interest periods beginning on or after June 1, 1969.

Mr. Speaker, the increase in the ceiling rate that would be authorized under H.R. 14020 is needed for two reasons. First, it is needed because the rates of interest on other forms of savings substantially exceed 4¼ percent. As we all know, interest rates generally have risen rapidly in recent years, and as a result, the yields on Government savings bonds are now significantly lower than those on alternative forms of savings. This situation has reduced the incentive for individuals to buy savings bonds, and redemptions of these bonds have substantially exceeded sales in recent months. The excess of redemptions over sales has amounted to $1,516 million in the first 8 months of 1969 compared to $1,219 million in the whole of calendar 1968.

A second reason why prompt enactment of this bill is necessary is for purposes of sound management of the national debt. There are about $52 billion of series E and H bonds outstanding, and this dollar amount is almost one-third the size of the total outstanding privately held marketable debt. The average maturity of the outstanding privately held marketable Treasury debt is only 3 years and 11 months. In contrast, the $52 billion of outstanding savings bonds will remain outstanding for 7 years, if past experience continues into the future. An effective savings bond program thus helps to reduce the problem of refunding the national debt.

Mr. Speaker, the Committee on Ways and Means was firmly convinced that the increase in the ceiling rate on savings bonds to 5 percent, provided in H.R. 14020, will help make savings bonds more attractive to savers and will thereby both increase bond sales and reduce redemptions. I, therefore, urge approval of the bill by the House.

Mr. Speaker, to clarify a point respecting the new interest ceiling, let me say that the Treasury Department has asked me to note that the mechanics of the issue and redemption of the series E bonds may make it impossible to achieve an exact yield of 5 percent. This is due to small discrepancies, before rounding, which result from the administrative necessity of using maturities stated at monthly intervals and maintaining established issue and redemption prices.

In these circumstances, I believe it should be clear that this body, in establishing a new ceiling rate for savings bonds, contemplates that the Treasury, in setting the precise terms of new issues in accord with established procedures, should remain within the new ceiling when rates are stated with the degree of precision that accords with common practice in the securities markets. Accordingly, this ceiling is not intended to prohibit sales of bonds at a rate of 5.00 percent rounded to two decimal places.

With this understanding, Mr. Speaker, I urge approval of H.R. 14020.

Mr. PATMAN. Mr. Speaker, will the gentleman from Wisconsin yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. PATMAN. Mr. Speaker, I would like to ask this question of the chairman of the Committee on Ways and Means. This bill does not include the 4½ percent interest on long-term Government bonds; does it?

Mr. MILLS. It only applies to the series E and H bonds which are not the type of bonds the gentleman is referring to.

Mr. PATMAN. I would have no objection to that, but I certainly would of course object to the repeal of the 4¼-percent interest rate on long-term Government bonds.

Mr. MILLS. It does not involve any other bonds.

Mr. PATMAN. It does not involve any other bonds?

Mr. MILLS. No, sir.

Mr. PATMAN. I thank the gentleman.

Mr. BYRNES of Wisconsin. I yield to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Speaker, I wonder if the chairman of the Committee on Ways and Means has considered the possibility rather than increasing rates which obviously the Government is going to have to raise someplace, and pay it—has the committee ever considered making the interest on these series E and H bonds tax exempt to make them more attractive, the way we did with the municipal bonds?

Mr. MILLS. Yes, we have considered it over the years. We have done that. We did not consider it in this recent discussion on this bill but it has been considered.

Mr. PUCINSKI. Why not? Why would it not be considered as an alternative to raising the rates?

Mr. MILLS. Very frankly, one of the main considerations we had in mind in connection with tax reform was to prevent further shrinkage of the base of income subject to taxes. The tax reform bill, as we passed it in the House some weeks ago, had for one of its principal purposes to make more income subject to tax in order to avoid the possibility of people having $200,000 or $1 million of some type of income and paying no taxes on it. This instant bill is a much better approach to the problem of interest rates on these bonds.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman from Wisconsin yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. SMITH of Iowa. The series E bonds and H bonds in a decedents estate have not been treated fairly in comparison with other property of the decedent. In other words, upon death, the entire value of the bonds including accumulated interest is included, yet there is no advantage in arriving at a new basis later on.

Has anything been done about that?

Mr. MILLS. This bill does not deal with that.

Mr. SMITH of Iowa. Do you intend to do something about that?

Mr. MILLS. I know of the problem that the gentleman is referring to, but it is only one aspect of an overall problem, the problem of how Government bonds are treated in connection with one's estate for tax purposes. For example, there is a certain series of Government bonds which cannot be used to pay the inheritance tax, which I think is also wrong. But these are matters which I think can be more appropriately reviewed when we get to the question of estate taxes and gift taxes.

Mr. BYRNES of Wisconsin. Mr. Speaker, I withdraw my reservation of objection.

Mr. Speaker, I support H.R. 14020, a bill to amend the Second Liberty Bond Act to increase the maximum interest rate permitted on U.S. savings bonds.

This bill, endorsed by the Treasury Department, will permit the interest rate paid on series E and H bonds to be raised from the present 4.25-percent interest ceiling to a new 5 percent for savings bonds.

Inflationary pressures have pushed interest rates of other forms of comparable savings to levels that are significantly higher. Redemptions of savings bonds have substantially exceeded sales in recent months, thus impairing the role that savings bonds have played in the sound management of the Nation's debt. The $52 billion of series E and H savings bonds outstanding represent a dollar amount that is almost one-third the size of the total outstanding privately held marketable debt and provide a payroll savings plan for about 11 million people.

The excess of redemptions over sales has grown to $1.5 billion in the first 8 months of 1969. In calendar year 1968 the same cash drain was $1.2 billion. Thus the 5 percent rate is in the national interest. It will make the savings bonds more attractive by making them more competitive, and thus help reduce the growing trend in redemptions. At the same time the 5 percent rate will not hamper the vital flow of savings into private institutions that are sources of channeling funds into housing and other markets. It is noted that the bill applies the 5 percent interest rate only to those savings bonds that are held to maturity. Bonds redeemed prior to maturity yield a lower rate.

The enactment of this legislation is also essential if we are to be fair with the purchasers of these bonds. We owe a responsibility to these buyers to make sure that they receive a reasonable return on their investment.

Mr. MICHEL. Mr. Speaker, I cannot say how happy I am that the House has finally taken action to raise the interest rates on Government bonds from 4.5 percent to 5 percent. I introduced legislation last February to accomplish this objective and have taken the floor on at least a half dozen occasions, urging that this be done. This interest increase is long overdue and I hope the American public will respond by increasing their purchases of bonds, which help fight inflation and also will provide financing for the Government's debt. This increase should also help to reverse the present high rate of bonds being cashed over bonds being sold.

These bonds are good investments for the small investor because of the deferment of taxes on interest until the bonds are cashed in. Their safety and the tax deferment feature should make them attractive to many savers, especially now that we are providing more realistic interest rates.

Now that we have gotten this legislation over the first hurdle, I hope it will move along in the other body, so that it can become effective as soon as possible.

Mr. VANIK. Mr. Speaker, I want to take this opportunity to urge the adoption of H.R. 14020 to raise the maximum allowable interest rate on series E bonds to 5 percent from the present level of 4.25 percent.

In my community and in every community in the United States, millions of prudent citizens have been buying the series E bonds on payroll savings plans. This citizen participation in investment in the public debt during recent years has constituted an act of extraordinary patriotism, particularly since their investment could more profitably be made in other areas.

It would be regrettable if the payroll savings plans were to be dropped because of the incredible and unfair 4.25 percent yield.

It is my hope that every citizen and every corporation will assume its fair share of the Federal debt which has been imposed on our country primarily because of the overwhelming cost of war, past, present, and future. While we endeavor to reduce Federal expenditures and bring the Federal debt into more manageable levels, a broad base of citizen participation is imperative.

Although $52 billion is presently invested by our citizens in outstanding savings bonds, the total amount of public investment in savings bonds has not kept pace with the gross national product.

The series E savings bonds are generally held for a long period of time, an average of 7 years, or until retirement. It is my hope that we can reverse the skyrocketing rate of interest and make the continued investment in series E bonds as wise and profitable for the citizen as it has been for the Government.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas (Mr. MILLS)?

There was no objection.

The Clerk read the bill as follows:

H.R. 14020

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso in the second sentence of section 22(b)(1) of the Second Liberty Bond Act, as amended (31 U.S.C. 757c(b)(1)), is amended by striking out "3.26 per centum" and inserting in lieu thereof "5 per centum".

SEC. 2. (a) Section 25 of the Second Liberty Bond Act (31 U.S.C., sec. 757c–1) is hereby repealed.

(b) Section 22(b)(2) of such Act (31 U.S.C., 757c(b)(2)) is amended by striking out "(subject to section 25)" each place it appears therein.

SEC. 3. The authority granted by the amendment made by the first section of this Act may be exercised with respect to United States savings bonds bearing issue dates of June 1, 1969, or thereafter. Such authority may also be exercised with respect to United States savings bonds issued before June 1, 1969, but in no case shall the interest rate or investment yield on any bond be changed pursuant to such authority for any period which begins before June 1, 1969. For purposes of section 22(b)(2)(A) of the Second Liberty Bond Act and for purposes of section 454(c) of the Internal Revenue Code of 1954, the United States savings notes known as freedom shares issued not later than one year after the date of the enactment of this Act in connection with the issuance of United States series E bonds shall be treated in the same manner as such bonds.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CHANGE OF CONFEREES ON S. 1857

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. BELL), one of the members on the part of the House on the conference on the bill S. 1857, be excused. The gentleman was called to California this morning.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The Chair appoints the gentleman from Kansas (Mr. WINN) as a manager on the part of the House at the conference on the bill S. 1857, to fill the vacancy resulting from the resignation of the gentleman from California (Mr. BELL).

The Clerk will notify the Senate of the change in conferees.

NATIONAL BUSINESS WOMEN'S WEEK

(Mr. BELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BELCHER. Mr. Speaker, this week is being observed by the National Federation of Business and Professional Women's Clubs of America as "National Business Women's Week"—a salute to the achievements of all business and professional women in their communities.

I would like to take this opportunity to join in that salute, for a very special reason. With one exception my present staff is composed entirely of women, and this has been largely the case throughout my entire 19 years in Congress. My administrative assistant is a woman. My campaign manager is a woman. My Tulsa office is managed almost singlehandedly by a woman.

I will not say men could not have done as good a job as these fine ladies have done. But I am convinced no man could have done any better job. Over the years I have discovered that, given the opportunity and the training necessary, a woman can handle almost any job there is in the political arena, and, in a lot of cases, do it better.

For years now I have had a campaign unit known as "Page Belcher's Pages" and I have often said, "You may beat me, but you can't beat my pages." This group has certainly been one of my most valuable assets in every campaign.

Thus, from firsthand experience, I can say that I am indeed pleased and grateful for the tremendous progress of American working women over the last 50 years. And I commend the Business and Professional Women's Clubs for the great contribution they have made toward encouraging the ladies in this progress and equiping them for competence in the business and professional world.

THE U.S. MERCHANT MARINE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–183)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Merchant Marine and Fisheries and ordered to be printed:

To the Congress of the United States:

The United States Merchant Marine—the fleet of commercial ships on which we rely for our economic strength in time of peace and our defense mobility in time of war—is in trouble.

While only one-fourth of the world's merchant ships are more than twenty years old, approximately three-fourths of American trading vessels are at least that antiquated. In the next four years, much of our merchant fleet will be scrapped. Yet we are now producing only a few new ships a year for use in our foreign trade. Building costs for American vessels are about twice those in foreign shipyards and production delays are excessive. Operating expenses also are high by world standards, and labor-management conflicts have been costly and disruptive.

Both government and industry share responsibility for the recent decline in American shipping and shipbuilding. Both government and industry must now make a substantial effort to reverse that record. We must begin immediately to rebuild our merchant fleet and make it more competitive. Accordingly, I am announcing today a new maritime program for this nation, one which will replace the drift and neglect of recent years and restore this country to a proud position in the shipping lanes of the world.

Our program is one of challenge and opportunity. We will challenge the American shipbuilding industry to show that it can rebuild our Merchant Marine at reasonable expense. We will challenge American ship operators and seamen to move toward less dependence on government subsidy. And, through a substantially revised and better administered government program, we will create the opportunity to meet that challenge.

The need for this new program is great since the old ways have not worked. However, as I have frequently pointed out, our budget constraints at this time are also significant. Our program, therefore, will be phased in such a way that it will not increase subsidy expenditures during the rest of fiscal year 1970 and will require only a modest increase for fiscal year 1971. We can thus begin to rebuild our fleet and at the same time meet our fiscal responsibilities.

THE SHIPBUILDING INDUSTRY

Our shipbuilding program is designed to meet both of the problems which lie behind the recent decline in this field: low production rates and high production costs. Our proposals would make it possible for shipbuilders to build more ships and would encourage them to hold down the cost of each vessel. We believe that these two aspirations are closely related. For only as we plan a major long-range building program can we encourage builders to standardize ship design and introduce mass production techniques which have kept other American products competitive in world markets. On the other hand, only if our builders are able to improve their efficiency and cut their costs can we afford to replace our obsolescent merchant fleet with American-built vessels. These cost reductions are essential if our ship operators are to make capital investments of several billion dollars over the next ten years to build new, high-technology ships.

Our new program will provide a substantially improved system of construction differential subsidies, payments which reimburse American shipbuilders for that part of their total cost which exceeds the cost of building in foreign shipyards. Such subsidies allow our shipbuilders—despite their higher costs—to sell their ships at world market prices for use in our foreign trade. The important features of our new subsidy system are as follows:

1. We should make it possible for industry to build more ships over the next 10 years, moving from the present subsidy level of about 10 ships a year to a new level of 30 ships a year.

2. We should reduce the percentage of total costs which are subsidized. The Government presently subsidizes up to 55 percent of a builder's total expenses for a given vessel. Leaders of the ship-

building industry have frequently said that subsidy requirements can be reduced considerably if they are assured a long-term market. I am therefore asking that construction differential subsidies be limited to 45 percent of total costs in fiscal year 1971. That percentage should be reduced by 2 percent in each subsequent year until the maximum subsidy payment is down to 35 percent of total building expenses.

We are confident that the shipbuilding industry can meet this challenge. If the challenge is not met, however, then the Administration's commitment to this part of our program will not be continued.

3. Construction differential subsidies should be paid directly to shipbuilders rather than being channeled through shipowners as is the case under the present system. A direct payment system is necessary if our program is to encourage builders to improve designs, reduce delays, and minimize costs. It will also help us to streamline subsidy administration.

4. The multi-year procurement system which is now used for other government programs should be extended to shipbuilding. Under this system, the government makes a firm commitment to build a given number of ships over a specified and longer period of time, a practice which allows the industry to realize important economies of scale and to receive lower subsidies.

5. The increased level of ship construction will require a corresponding increase in the level of federally insured mortgages. Accordingly, we should increase the ceiling on our present mortgage insurance programs from $1 billion to $3 billion.

6. We should extend construction differential subsidies to bulk carriers, ships which usually carry ore, grain, or oil and which are not covered by our present subsidy program.

7. A Commission should be established to review the status of the American shipbuilding industry, its problems, and its progress toward meeting the challenge we have set forth. The Commission should report on its findings within three years and recommend any changes in government policy which it believes are desirable.

THE SHIP OPERATING INDUSTRY

My comments to this point have related to the building of merchant vessels. The other arm of our maritime policy is that which deals with the operation of these ships. Here, too, our new program offers several substantial improvements over the present system.

1. Operating differential subsidies should be continued only for the higher wage and insurance costs which American shipping lines experience. Subsidies for maintenance and repair and for subsistence should be eliminated. Instead of paying the difference between the wages of foreign seamen and actual wages on American ships, however, the government should compare foreign wages with prevailing wage levels in several comparable sectors of the American economy. A policy which ties subsidies to this wage index will reduce subsidy costs and provide an incentive for further efficiencies. Under this system, the operator would no longer lose in subsidies what he saves in costs. Nor would he continue to be reimbursed through subsidies when his wage costs rise to higher levels.

2. At the same time that we are reducing operating subsidies, it is appropriate that we eliminate the "recapture" provisions of the Merchant Marine Act of 1936. These provisions require subsidized lines to pay back to the government a portion of profits. If the recapture provisions are removed, the purpose for which they were designed will be largely accomplished by corporate taxes, which were at much lower rates when these provisions were instituted. We will also save the cost of administering recapture provisions.

3. Many bulk carriers presently receive indirect operating subsidies from the government because of the statutory requirement that certain government cargos must be shipped in United States vessels at premium rates. When the Department of Agriculture ships grain abroad, for example, it pays higher rates out of its budget than if it were allowed to ship at world market rates. We will propose a new, direct subsidy system for such carriers, thus allowing us to phase out these premium freight rates and reduce the costs of several nonmaritime government programs.

4. Ship operators now receiving operating differential subsidies are permitted to defer Federal tax payments on reserve funds set aside for construction purposes. This provision should be extended to include all qualified ship operators in the foreign trade, but only for well-defined ship replacement programs.

5. Past government policies and industry attitudes have not been conducive to cooperation between labor and management. Our program will help to improve this situation by ending the uncertainty that has characterized our past maritime policy. Labor and management must now use this opportunity to find ways of resolving their differences without halting operations. If the desired expansion of merchant shipping is to be achieved, the disruptive work stoppages of the past must not be repeated.

6. The larger capital investment necessary to construct a modern and efficient merchant fleet requires corresponding port development. I am therefore directing the Secretary of Commerce and the Secretary of Transportation to work with related industries and local governments in improving our port operations. We must take full advantage of technological advances in this area and we should do all we can to encourage greater use of intermodal transportation systems, of which these high-technology ships are only a part.

EQUAL EMPLOYMENT OPPORTUNITIES

The expansion of American merchant shipbuilding which this program makes possible will provide many new employment opportunities. All of our citizens must have equal access to these new jobs. I am therefore directing the Secretary of Commerce and the Secretary of Labor to work with industry and labor organizations to develop programs that will insure all minority groups their rightful place in this expansion.

RESEARCH AND DEVELOPMENT

We will also enlarge and redirect the maritime research and development activities of the Federal Government. Greater emphasis will be placed on practical applications of technological advances and on the coordination of Federal programs with those of industry.

The history of American commercial shipping is closely intertwined with the history of our country. From the time of the Colonial fishing sloops, down through the great days of the majestic clipper ships, and into the new era when steam replaced the sail, the venturesome spirit of maritime enterprise has contributed significantly to the strength of the Nation.

Our shipping industry has come a long way over the last three centuries. Yet, as one of the great historians of American seafaring, Samuel Eliot Morrison, has written: "all her modern docks and terminals and dredged channels will avail nothing, if the spirit perish that led her founders to 'trye all ports'." It is that spirit to which our program of challenge and opportunity appeals.

It is my hope and expectation that this program will introduce a new era in the maritime history of America, an era in which our shipbuilding and ship operating industries take their place once again among the vigorous, competitive industries of this Nation.

RICHARD NIXON.

THE WHITE HOUSE, *October 23, 1969.*

PRESIDENT'S MESSAGE ON MERCHANT SHIPBUILDING PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, for the first time since the Eisenhower years, America has a positive program to again bring this Nation into the front rank of seafaring countries.

That is the significance of the merchant shipbuilding program which President Nixon has outlined in the message he sent to the Congress today.

This is a program which gives American shipyards the incentive to modernize and expand. Unlike the previous administration President Nixon is not throwing our shipbuilding business into foreign shipyards. Instead he is offering American shipbuilders—industry and labor—a challenge and an opportunity.

Under the Nixon maritime program, American shipbuilders have the opportunity to invest $4 billion in modernizing their yards over the next 10 years so they can become fully competitive with other shipyards throughout the world—in techniques, facilities, and production.

If American shipbuilders accept the challenge and avail themselves of the opportunity, the program outlined by President Nixon will succeed. But it must be remembered that the Nixon program is predicated on a responsible repsonse from industry and labor. The Federal Government cannot carry this program forward alone, because it is not just another subsidy program. It is a program under which the Federal Government is providing the leadership and incentive for a great surge forward in America's maritime fortunes.

This is a program of deeds and not words—a multiyear shipbuilding program to make long-range planning possible, a trebling of Federal mortgage insurance from $1 billion to $3 billion, payment of construction differential subsidies directly to shipbuilders instead of through shipowners, extension of subsidy payments to bulk carriers.

I think the Nixon maritime program will revitalize the American merchant marine and revive our shipbuilding industry. If industry and labor respond, we can once more make our merchant fleet a source of pride for every American.

PRESIDENT'S MARITIME PROGRAM

(Mr. GARMATZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARMATZ. Mr. Speaker, President Nixon today officially announced the administration's long-range maritime program. As a result of that announcement, I believe this day, October 23, 1969, will be recorded as a momentous day in the history of the American merchant marine.

This is a day that I and many other Members of Congress have long fought for. Although at times our fight seemed futile, our energy and dedication and persistence has, I hope, at last paid dividends.

I have already been briefed on the President's 10-year program, which calls for construction of 30 ships a year and would include a mix of general cargo ships, dry-bulk carriers, and tankers. I am most happy to report that this program does not include build-abroad proposals. These ships will be built in American yards, by American craftsmen, and they will fly the American flag.

I want to congratulate President Nixon, not only for refusing to accept the counsel of those who wanted to build abroad—since such a proposal would have endangered acceptance—but also for incorporating so many of the basic elements for which we in Congress have been fighting so long.

The principal features of the program include:

First, procurement of groups of ships to reduce construction costs. This is expected to permit reduction of payment of construction differential subsidy from a present ceiling of 55 percent to 35 percent over a 6-year period.

Second, adjustments in the payment of operating differential subsidy to reduce costs and administrative burdens.

Third, emphasis on the building of dry-bulk carriers to carry bulk cargoes, which have been completely forfeited to foreign carriers.

Fourth, extension to all shipping companies of the privilege to establish tax deferred capital reserve funds for ship construction.

Fifth, other proposals to improve and strengthen our mortgage insurance, research and development and nuclear ship programs.

One proposal, on improving labor-management relations in the shipping industry, will be controversial. But again, the administration should be complimented for seeking new ways to meet this serious problem.

As chairman of the House Committee on Merchant Marine and Fisheries, I have sat through many hearings on the vexing problems of the maritime industry. I especially want to emphasize that all the efforts of my committee have been bipartisan in nature. Republicans and Democrats alike have put political interest aside and joined together to achieve the mutual goal of revitalizing the American merchant marine.

Hopefully, the House and Senate will react with the same bipartisan spirit in accepting the administration's proposals. I think the President has produced a sound, workable, good program, and I intend to support it. I also urge every Member of Congress to give it the support it deserves.

The administration's actions did not come any too soon. The hour is already late, and there is much to be done. Since more than two-thirds of our privately owned merchant ships are, or almost are, 25 years old, we must begin a solid shipbuilding program now—immediately—in order to protect our economic and military needs of the near future.

In view of this crisis situation—which, I am happy to say, this administration has recognized—there is a need for immediate and concerted action on many fronts. First of all, the House and Senate must initiate legislative action on the administration's program. My committee is ready to move on this program. And, I know that the Senate Commerce Committee will take prompt action as well.

I mentioned earlier that there is a need for concerted action on many fronts It is obvious that no program will work unless it has the support of all segments of the highly diversified maritime industry; this includes labor and management—as well as Government.

The administrative segment of Government acted today; Congress—as I have already indicated—is primed to act; ultimate success will, in the final analysis, depend upon concerted industry action.

The shipbuilding industry has promised that it can deliver the goods. It must now prepare itself to face the challenge and prove that it can produce the ships we need at prices and in time to meet our needs. The program presented to us today calls for construction subsidy to be paid directly to the shipyards, instead of to the steamship owner; it also proposes a multiyear procurement system which should enable shipyards to obtain long-term financing.

All of these provisions, including the administration's call for a multiyear, series-type construction, some of standardized ship design, should provide the long-awaited incentive which the shipyards have constantly said they needed.

Although the administration program contains no build abroad proposals, I think the American shipbuilding industry is aware that it must now stress increased modernization of construction facilities and employ all its technological know-how to try to build more ships in the most economical way possible. I think the industry is aware that it must face up to this challenge, and I think it can meet the new demands that will be placed upon it.

The extension of tax deferments to the unsubsidized segment of the American merchant marine will help that seriously declined segment to put aside capital funds for ship replacements. This, too, is a vital element in any long-range program, and should constitute a giant step in our merchant fleet's battle to regain ocean superiority.

In the past, the American maritime industry has been criticized unjustly, damned unmercifully and neglected disgracefully. It was almost allowed to die. Now it has been granted a reprieve—a new lease on life—in the form of this long-range program.

But in the days ahead, the industry will be watched with even more critical eyes. It will be up to the industry to prove it has the ability to once again become competitive.

The ability to compete on the world market will only be achieved if the total American maritime industry cooperates to make this program work. I hope that all elements will join forces in a new spirit of unity, forget petty differences, and work together for the good of the industry and the Nation.

If this is done, we shall surely succeed in again making the American flag a dominant power on the sealanes of the world.

Unless this is done, our merchant marine will surely sink.

Mr. Speaker, I want to personally thank President Nixon for this challenging opportunity he has presented us today. I have faith the industry will show its thanks and appreciation by rising to meet the challenge.

PRESIDENT'S MESSAGE ON MARITIME PROGRAM

(Mr. HAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAGAN. Mr. Speaker, I also congratulate President Nixon for his good judgment and foresightedness in making this announcement.

I assure Members the President is right in keeping with the needs of this country today.

I am delighted that the Nixon administration has seen fit to take this step in the right direction toward rebuilding our merchant fleet.

At long last an administration appears to recognize the critical condition of our merchant marine.

The legislation is expected to get to Capitol Hill within the next 4 weeks.

Of necessity, I must reserve full judgment until I have a chance to see just how far reaching this program is, and how the administration plans to implement it.

GENERAL LEAVE TO EXTEND

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the President's message on the merchant shipbuilding program.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

SIX IN TENNESSEE RECEIVE 33d DEGREE, SCOTTISH RITE MASONRY

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FULTON of Tennessee. Mr. Speaker, six middle Tennesseans—five of them from my home district of Nashville-Davidson County—are in Washington today to receive the highest degree that is offered in Scottish Rite Masonry—the 33d degree, inspector general honorary.

These outstanding leaders include James W. Allen, Jr., a certified public accountant and a Nashville attorney; Wallace Phelan Douglas, grand secretary of the Grand Lodge, Free and Accepted Masons of Tennessee; Robert L. Evans, a retired businessman from Murfreesboro; Ernest C. Matthews III, a Nashville attorney; James G. Stahlman, owner and publisher of the Nashville Banner; and Clyde R. Watson, past potentate of Al Menah Shrine Temple, and a certified public accountant.

Their election to receive the 33d degree, inspector general honorary, of the Scottish Rite, was announced by Mr. Andrew Benedict, sovereign grand inspector general in Tennessee.

Each of these individuals has made outstanding contributions to his community, his State and to the principals of free masonry. Election to this highest degree in Scottish Rite Masonry is given to those individuals who have demonstrated their belief in and practice of great American fundamentals, outstanding service to the Rite, the community, country and mankind.

Each of these individuals possess these qualities, and I am proud that such an outstanding group are part of my congressional constituency. The honors being paid them are justly deserved. I am confident my fellow Members of the House join me in this personal tribute to their dedication and commitment to the principles of free masonry.

DRAFT REFORM

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, in emphasizing the importance of the President's draft reform legislation, Secretary Laird recently stated:

> There are no greater sacrifices that we, as government, can ask of our young men than those entailed in the Military Selective Service Act. There are no more sacred responsibilities of government than to assure that this obligation is shared fairly and that, consistent with national security needs, we do whatever is possible to limit the burden of Selective Service on those who are subject to it.

Last May, President Nixon in his selective service message to the Congress outlined a number of overdue reforms in our draft system. One major objective is to reduce the period of prime draft vulnerability from as long as 7 years to only 12 months. To place this revised system into effect, the administration has proposed a simple one sentence revision in the present law. This revision will permit the President to initiate a random sequence of selection for men in each year group who upon classification and examination are found equally available for military service. The revised system has been described in the President's message. It is—by any reasonable standard—the fairest and most understandable procedure open to us under conditions when more men become available for service than are needed.

This legislation, gentlemen, is not only urgently needed at this time; it is also by far the simplest piece of legislation that is likely to be presented to the Congress in this or any other session. More than 5 months have already elapsed since this proposal was first submitted to the Congress by the President. I urge that it be promptly approved by this House.

PERSONAL ANNOUNCEMENT

Mr. BEVILL. Mr. Speaker, on rollcall No. 133, on the appropriation bill for the Departments of Labor, and Health, Education, and Welfare, and related agencies, I was in my district in Alabama on official business and missed the vote. Had I been present I would have voted for the appropriation bill.

On rollcall No. 214, on the Educational Television and Radio Amendments of 1969, I was in my district in Alabama on official business and missed the vote. Had I been present, I would have voted for H.R. 7737.

ELECTION FINANCING REFORM LEGISLATION

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, today I am reintroducing the Election Financing Reform Act along with 16 of my colleagues. We hope there will be growing support for this needed change in regulating the financing of Federal elections. The present law is regulation in name only and by its operation it encourages proliferation of political committees and impedes the effectiveness of political parties. The most glaring fault of the existing law is that it denies the electorate information which is vitally important in making a choice on election day.

It is the intention of this bill to make public the machinery of campaign finances. It is also the intention of this bill to limit campaign spending and contributions without making that limit unrealistic and unenforceable.

There are too many doubts cast today on the decisions of elected officials, and in requiring less than full disclosure of campaign finances we encourage further doubt. Change is necessary in order to maintain the integrity of our election process and to allow our system of representative government to be truly responsive. Given the record of this Congress for taking necessary reform action, I am hopeful we can soon give serious consideration to this legislation being introduced today by our group.

CONFERENCE REPORT ON S. 1689, CHILD PROTECTION AND TOY SAFETY ACT OF 1969

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (S. 1689) to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 21, 1969.)

The SPEAKER. The gentleman from West Virginia is recognized for 1 hour.

(Mr. STAGGERS asked and was given permission to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, I call for immediate consideration of the conference report on S. 1689, the Child Protection and Toy Safety Act of 1969. The House passed this legislation on September 4 by a rollcall vote of 327 to 0.

The bill amends the Federal Hazardous Substances Act to protect children from toys and other articles which are dangerous because of the presence of electrical, mechanical, or thermal hazards.

Substantially, the conference reported the House version. The conference substitute combines the respective short titles; the House version had "Child Protection Act" and the Senate version had "Toy Safety Act."

The conference also combined the procedural requirements for regulation by the Department of Health, Education, and Welfare.

Under the House version the Secretary would have engaged in formal rulemaking—either before or after removing a given item from the market. Under the Senate version the Secretary would have used informal rulemaking proceedings, but there was no provision comparable to the House provision which would allow him to summarily remove an article from the market upon a finding of "imminent hazard." The compromise allows the Secretary to remove from the market any article which he deems is an "imminent hazard" either before or after an informal or a formal rulemaking proceeding. There were no other changes in the House version of the bill.

I am satisfied that the House managers successfully maintained the position of the House on this legislation and I urge that the conference report be adopted.

(Mr. SPRINGER asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SPRINGER. Mr. Speaker, the Child Protection Act passed by this House some time ago was a well considered and adequate measure for the protection of children from toys which endanger them by reason of mechanical, thermal, or electrical hazards. The difference between that bill and the one passed by the other House was slight and, as it turned out, really related to purely procedural matters.

The House bill had provided that toys presenting an imminent hazard could be immediately removed from the marketplace, after which proceedings under the Administrative Procedures Act would be followed to final determination of the issue. Since there are several alternatives under that act some difference appeared in the details for handling such cases. The conference quickly resolved the matter by providing more than one possible route to a decision, granting to both the Secretary and the party marketing the toy adequate remedy.

Other provisions of the House bill which refined the definitions of thermal, mechanical, and electrical hazards and which added a requirement that retail dealers repurchase toys proved to be hazardous were recognized as desirable additions and changes by the conferees and were therefore accepted.

The bill as it comes back to the House from the conference does no violence whatsoever to the aims of the bill as considered and passed by the House, and I recommend approval of the conference report.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 13763, LEGISLATIVE BRANCH APPROPRIATIONS, 1970

Mr. ANDREWS of Alabama. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 13763) making appropriations for the legislative branch for the fiscal year ending June 30, 1970, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. ANDREWS of North Dakota. Mr. Speaker, reserving the right to object—and I shall not object—the main argument in respect to this bill is over what to do with the west front of the Capitol.

As our colleagues know, the House put in the bill $2 million to go ahead with planning for the necessary work to be done. The Senate called for study funds of $250,000, for the National Park Service to restudy this front extension. This is in essence what it boils down to. We have already had one study—do we need another?

I understand there may well be a motion to instruct the conferees, a strange motion, in that it would be not to sustain the position of the House but rather to sustain the position of the other body.

Mr. ANDREWS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS of North Dakota. I yield to the chairman of our subcommittee.

Mr. ANDREWS of Alabama. The gentleman has stated the parliamentary situation as I understand it to be. It is almost unprecedented to instruct conferees before they even have gone to conference about a matter which has not been before the conferees. If such a motion is made, I intend to offer a preferential motion to lay the motion on the table.

Mr. ANDREWS of North Dakota. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. STRATTON. Mr. Speaker, further reserving the right to object, the gentleman from North Dakota has, of course, stated the issue correctly, that the major point involves the appropriation of some $2 million to proceed with a $45 million extension of the west front of the Capitol.

The Senate has stricken out that money which the House included and instead inserted $250,000 for an engineering study to be conducted by an independent agency, the U.S. Park Service, of just what would be involved in restoring the Capitol so that it does not fall down, in short, a cost and feasibility study of plain restoration, something which has never been fully studied or researched by the Architect or his people.

The American Institute of Architects has recently indicated that this restoration work would cost only $10 million, or at the very most $20 million. That would mean, if this estimate is borne out by the feasibility study, that we would save the taxpayers between $25 and $35 million. Under the Senate amendment we would be spending $250,000 for a feasibility and cost study, with the likelihood that we may thereby save the taxpayers of this country $25 to $35 million.

Mr. Speaker, may I pose a parliamentary question to the Chair? If the unanimous-consent request of the gentleman from Alabama is approved, will it not then be in order to move to instruct the conferees?

The SPEAKER. If the consent is granted and before the appointment of conferees, the motion to instruct would be in order.

Mr. STRATTON. Therefore, Mr. Speaker, I intend to offer a motion to instruct the conferees to accept the Senate amendment which deletes $1.75 million for extension and provides instead $250,000 for a feasibility study of restoration. We have never had a chance to vote on the record of this particular issue previously in this House. In view of the overwhelming 2-to-1 vote that took place in the Senate, the other day against the costly extension project, I think Members ought to be given the opportunity for that vote, and I shall try to give them that opportunity.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. And it is not unprecedented—not the usual procedure but certainly not unprecedented—to offer a motion to instruct conferees. Would the gentleman agree with that?

Mr. STRATTON. The gentleman from Iowa is absolutely correct. Not only have I researched the precedents and rules of the House, which spell this authority out very carefully, but I am sure that the gentleman from Iowa and other Members of the House who were here will recall that the gentleman from Massachusetts (Mr. CONTE) offered an almost identical motion about a month ago to instruct the conferees on the Agriculture appropriation bill with respect to that $20,000 limitation on price-support payments to an individual farmer.

Mr. ANDREWS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. I make the statement that it is almost unprecedented. I have seen many motions made to instruct conferees to insist on the House position after there has been a conference report returned to the House. But now we are talking about instructing House conferees to do something before even going to conference and to take the Senate position, not the House position. I say that is almost unprecedented.

Mr. GROSS. Mr. Speaker, will the gentleman yield again?

Mr. STRATTON. Yes. I yield to the gentleman from Iowa.

Mr. GROSS. I think in my time in the House I have offered—and it has been some years ago—two motions to instruct before they went to conference. This would not be a procedural precedent. That is the time to instruct—before they go to conference.

Mr. ANDREWS of Alabama. How many times did you win?

Mr. GROSS. I do not recall, but I do not win often around here, anyway.

Mr. STRATTON. I might also comment to the gentleman from Iowa that a motion to instruct the conferees also permits an hour of debate. However, if another motion should be made to lay that motion to instruct on the table then we will not have any opportunity for debate at all. This is the reason I am taking some time now to clarify just what the issue is. I might say to the gentleman from Iowa that on page 126 of Cannon's Precedents it says this:

> A motion to instruct conferees is not in order until a conference is agreed to and is not in order after the conferees have been appointed.

So, this motion requires split-second timing in order to make sure that we get it in after the conference has been agreed to but before the Speaker has appointed the conferees.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. STRATTON. I yield further to the gentleman from Iowa.

Mr. GROSS. It is not always a question of how many times you win here or anywhere else. It is a question of whether you support a principle.

Mr. STRATTON. Absolutely.

Mr. ANDREWS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. Yes, I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. If we adopt a precedent here of instructing the conferees before we even go to conference, we might as well not have any conference.

Mr. STRATTON. I would say again to the gentleman that we had a motion to this effect just the other day in the Conte motion. If we can save the taxpayers of this country between $25 million and $35 million at a time when the President of the United States is trying to cut down expenses, I think we ought to make a real effort to do it.

Mr. YATES. Mr. Speaker, will the gentleman yield to me?

Mr. STRATTON. I yield to the gentleman from Illinois.

Mr. YATES. I would ask the gentleman from Iowa, who has indicated that he has previously asked the House to instruct conferees, how many times he asked the House to instruct conferees to agree with the Senate's position?

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. STRATTON. I yield further to the gentleman from Iowa.

Mr. GROSS. That is not the issue. The issue is whether the gentleman from New York (Mr. STRATTON) is right or wrong in asking that the conferees be instructed to support a position of the House. If this procedure and rule of the House has no meaning then why is it provided for in the rule book?

Mr. YATES. Mr. Speaker, if the gentleman from New York will yield further, he has that right, but how many times has the gentleman from Iowa asked the House to instruct conferees to agree with the position of the Senate before we went to conference? We should allow the conferees to give the position of the House on this matter.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. STRATTON. Mr. Speaker, further reserving the right to object, let me point out to the gentleman from Illinois that we had 2 hours of debate in favor of his point of view and only 8 minutes of debate in favor of mine.

Mr. YATES. That is a fair proportion.

Mr. STRATTON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

PRIVILEGED MOTION OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Speaker, I offer a privileged motion.

The Clerk read as follows:

Privileged motion offered by Mr. STRATTON: Mr. STRATTON moves that the managers on the part of the House on the conference on the disagreeing votes of the two Houses on the bill H.R. 13763 be instructed to accept the Senate amendment, numbered Senate amendment 251, entitled "West Front of the Capitol" which occurs on page 28, line 8 of the Senate version of the bill which strikes out lines 8 through 15 and inserts in lieu thereof the following:

"WEST FRONT OF THE CAPITOL

"For the conduct of studies to determine the feasibility and cost of restoring the west central front of the Capitol, without regard to any other act, $250,000, which shall be transferred to the appropriation for 'Preservation of Historic Properties, National Park Service, Department of the Interior.' "

PREFERENTIAL MOTION OFFERED BY MR. ANDREWS OF ALABAMA

Mr. ANDREWS of Alabama. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Preferential motion offered by Mr. ANDREWS of Alabama: Mr. ANDREWS of Alabama moves to lay on the table the motion of the gentleman from New York.

The SPEAKER. The question is on the motion offered by the gentleman from Alabama (Mr. ANDREWS) to lay on the table the motion offered by the gentleman from New York (Mr. STRATTON).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. YATES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 199, nays 165, not voting 67, as follows:

[Roll No. 241]

YEAS—199

Abernethy
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ayres
Barrett
Beall, Md.
Bevill
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Cederberg
Chamberlain
Clausen, Don H.
Cohelan
Collier
Collins
Colmer
Corbett
Cunningham
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Dent
Dickinson
Donohue
Dorn
Downing
Dulski
Edmondson
Edwards, La.
Eilberg
Erlenborn
Evans, Colo.
Evins, Tenn.
Fallon
Feighan
Findley
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Friedel
Fulton, Pa.
Galifianakis
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Goldwater
Green, Oreg.
Griffin
Gubser
Hansen, Wash.
Hawkins
Hébert
Henderson
Hicks
Holifield
Hosmer
Hull
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Kee
Keith
Kleppe
Kluczynski
Kuykendall
Landrum
Langen
Lloyd
Long, La.
Long, Md.
Lukens
McClory
McCloskey
McDade
McFall
Macdonald, Mass.
Mahon
Mann
Mathias
Matsunaga
Melcher
Miller, Calif.
Mills
Minish
Minshall
Mizell
Monagan
Montgomery
Morgan
Morton
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nelsen
Nichols
O'Hara
Olsen
O'Neal, Ga.
Passman
Patman
Patten
Perkins
Pettis
Philbin
Pickle
Pirnie
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Quillen
Railsback
Reid, Ill.
Reifel
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Ruth
St. Onge
Saylor
Schwengel
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Iowa
Snyder
Stafford
Staggers
Steed
Steiger, Wis.
Stephens
Stokes
Stubblefield
Stuckey
Sullivan
Taft
Talcott
Taylor
Thomson, Wis.
Tiernan
Ullman
Vander Jagt
Waggonner
Wampler
Watts
White
Whitten
Williams
Wilson, Bob
Wilson, Charles H.
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young
Zablocki

NAYS—165

Abbitt
Adair
Alexander
Anderson, Tenn.
Ashbrook
Ashley
Belcher
Bennett
Berry
Betts
Biaggi
Biester
Bingham
Blackburn
Brademas
Brasco
Bray
Brinkley
Brock
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Burke, Fla.
Burton, Calif.
Carey
Carter
Chappell
Chisholm
Clancy
Cleveland
Conable
Conyers
Coughlin
Cowger
Daddario
Daniel, Va.
Dennis
Derwinski
Duncan
Eckhardt
Edwards, Calif.
Esch
Eshleman
Farbstein
Fish
Foreman
Fountain
Fraser
Frey
Fulton, Tenn.
Gaydos
Gilbert
Gonzalez
Goodling
Green, Pa.
Griffiths
Gross
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harrington
Harvey
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hogan
Horton
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Kastenmeier
King
Koch
Kyl
Kyros
Landgrebe
Latta
Leggett
Lennon
Lowenstein
Lujan
McCarthy
McCulloch
McDonald, Mich.
McKneally
McMillan
MacGregor
Madden
Marsh
Mayne
Meeds
Meskill
Michel
Mikva
Miller, Ohio
Mink
Mize
Mollohan
Moorhead
Mosher
Myers
Nedzi
Nix
Obey
Ottinger
Pike
Podell
Poff
Pollock
Pryor, Ark.
Randall
Rarick
Rees
Reid, N.Y.
Rosenthal
Roth
Roudebush
Roybal
Ruppe
Ryan
St Germain
Satterfield
Schadeberg
Scherle
Scheuer
Schneebeli
Scott
Sebelius
Skubitz
Smith, Calif.
Smith, N.Y.
Stanton
Steiger, Ariz.
Stratton
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Udall
Utt
Van Deerlin
Vanik
Vigorito
Watkins
Weicker
Whalen
Whalley
Widnall
Winn
Wold
Yatron
Zion
Zwach

NOT VOTING—67

Adams
Aspinall
Baring
Bell, Calif.
Brooks
Brown, Ohio
Burton, Utah
Bush
Cahill
Camp
Casey
Celler
Clark
Clawson, Del
Clay
Conte
Corman
Cramer
Culver
Dawson
de la Garza
Denney
Devine
Diggs
Dingell
Dowdy
Dwyer
Edwards, Ala.
Fascell
Foley
Ford, William D.
Frelinghuysen
Fuqua
Gray
Grover
Hanna
Harsha
Hastings
Hays
Johnson, Calif.
Kirwan
Lipscomb
McClure
McEwen
Mailliard
Martin
May
Morse
O'Konski
O'Neill, Mass.

Pelly
Pepper
Poage
Powell
Purcell
Quie
Reuss
Sandman
Springer
Symington
Teague, Calif.
Tunney
Waldie
Watson
Whitehurst
Wiggins
Wolff

So the motion was agreed to.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Conte.
Mr. Hays with Mr. Devine.
Mr. Kirwan with Mr. Springer.
Mr. Celler with Mrs. Dwyer.
Mr. Clark with Mr. Frelinghuysen.
Mr. Aspinall with Mr. Burton of Utah.
Mr. Dingell with Mr. Cahill.
Mr. Adams with Mr. Brown of Ohio.
Mr. Johnson of California with Mr. Del Clauson.
Mr. Pepper with Mr. Denney.
Mr. de la Garza with Mr. Bush.
Mr. Purcell with Mr. Edwards of Alabama.
Mr. Brooks with Mr. Cramer.
Mr. Gray with Mr. Camp.
Mr. Corman with Mr. Grover.
Mr. Wolff with Mr. Bell of California.
Mr. Foley with Mr. Harsha.
Mr. Fuqua with Mr. Lipscomb.
Mr. William D. Ford with Mr. Clay.
Mr. Reuss with Mr. Dawson.
Mr. Baring with Mr. McEwen.
Mr. Tunney with Mr. Mailliard.
Mr. Dowdy with Mr. Martin.
Mr. Waldie with Mr. Powell.
Mr. Fascell with Mrs. May.
Mr. Culver with Mr. Pelly.
Mr. Hastings with Mr. Morse.
Mr. Quie with Mr. O'Konski.
Mr. McClure with Mr. Sandman.
Mr. Hanna with Mr. Teague of California.
Mr. Casey with Mr. Watson.
Mr. Symington with Mr. Diggs.
Mr. Whitehurst with Mr. Wiggins.

Mr. **BURKE** of Massachusetts changed his vote from "nay" to "yea."

Mr. **DOWNING** changed his vote from "nay" to "yea."

Mr. **YATRON** changed his vote from "yea" to "nay."

Mr. **MACDONALD** of Massachusetts changed his vote from "nay" to "yea."

Mr. **CARTER** changed his vote from "yea" to "nay."

Mr. **WYATT** changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The **SPEAKER**. The Chair appoints the following conferees: Messrs. Andrews of Alabama, Steed, Kirwan, Yates, Casey, Mahon, Andrews of North Dakota, Langen, Reifel, Wyman, and Bow.

HOUSING AND URBAN DEVELOPMENT ACT OF 1969

Mr. **PATMAN**. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 13827) to amend and extend laws relating to housing and urban development, and for other purposes.

The **SPEAKER**. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 13827, with Mr. Flood in the chair.

COMMITTEE AMENDMENT

The **CHAIRMAN**. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee Amendment: Page 45, line 2, strike out "412" and insert "415."

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. BRADEMAS

Mr. **BRADEMAS**. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Brademas: Page 46, after line 8, insert a new section 416 to read as follows:

"FHA FINANCING FOR MOBILE HOMES

"Sec. 416. Section 2 of the National Housing Act is amended by—

"(1) inserting '(i)' after the words 'for the purpose of' in the first sentence of subsection (a);

"(2) inserting '; and for the purpose of (ii) financing the purchase of a mobile home to be used by the owner as his principal residence' before the period at the end of the first sentence of subsection (a);

"(3) inserting '(other than mobile homes)' after 'new residential structures' in clause (1) of subparagraph (iii) of the second paragraph of subsection (a);

"(4) inserting the following new sentence at the end of subsection (a): 'The Secretary is hereby authorized and directed, with respect to mobile homes to be financed under this section, to (i) prescribe minimum property standards to assure the livability and durability of the mobile home and the suitability of the site on which the mobile home is to be located; and (ii) obtain assurances from the borrower that the mobile home will be placed on a site which complies with the standards prescribed by the Secretary and with local zoning and other applicable local requirements.';

"(5) inserting ', except that an obligation financing the purchase of a mobile home may be in an amount not exceeding $10,000' before the semicolon at the end of clause (1) in the first sentence of subsection (b);

"(6) inserting ': *Provided*, That an obligation financing the purchase of a mobile home may have a maturity not in excess of twelve years and thirty-two days' before the semicolon at the end of clause (2) in the first sentence of subsection (b); and

"(7) striking out 'real property' each place it appears in subsection (c)(2) and inserting in lieu thereof 'real or personal property'."

Mr. **BRADEMAS**. Mr. Chairman, I appreciate the opportunity to say a few words about a problem which I feel—indeed, I am sure most all of us here today feel—is rapidly approaching crisis proportions. This problem put simply is: The tremendous shortage of decent housing at reasonable cost.

With the enactment of the Housing Act of 1949, Mr. Chairman, Congress established the official national goal: "a decent home and a suitable living environment for every American family." Yet after decades of fragmented and grossly underfinanced Federal housing programs, over 6 million families still live in substandard housing—dilapidated, lacking in basic sanitary facilities, overcrowded. Millions more live in neighborhoods which are fast deteriorating. Further, at a time when most Americans are enjoying the highest standard of living that this Nation or any nation has ever known, we are also faced with a severe shortage of available housing.

It must therefore be obvious to all of us, Mr. Chairman, that we have not met our national goals in housing and that the results achieved under existing programs have fallen far short of meeting even the minimum needs of our people.

Because this country is facing such vast housing problems, has firmly set as its goal decent housing for all Americans, and has the basic wherewithall to attain this end, I have offered this amendment to the housing bill before our consideration today.

One of the most difficult problems facing our country today is that of providing decent housing for low- and moderate-income families at costs that are reasonable, particularly at a time of high land costs, high costs of construction, and of high interest rates.

My amendment is aimed not at solving the whole problem of housing, but at solving part of it.

The amendment that I propose, Mr. Chairman, would amend title I of the National Housing Act to allow the Federal Housing Administration to insure loans for the financing of mobile homes to be used by the purchaser as his principal place of residence.

Under my amendment, a mobile home buyer could obtain an FHA-insured loan in an amount up to $10,000 repayable over a maximum of 12 years.

The amendment, may I say, has already been adopted by the Senate as part of the housing and urban development bill. It is also supported by Secretary Romney of the Department of Housing and Urban Development, as well as by the National Housing Conference, and the savings and loan industry.

The Mobile Homes Manufacturers Association and Trailer Coach Association, which represent nearly 90 percent of the Nation's mobile home producers, and the Mobile Housing Association of America, which principally represents mobile home dealers from across the country, and numerous other organizations concerned with mobile homes have also given approval to my amendment.

The amendment I offer has one significant modification from the Senate-passed amendment but that change, which I will come to in just a moment, is strongly supported by Senator Hollings of South Carolina, the principal author of the Senate amendment.

Mr. Chairman, let me say a word about mobile homes. Mobile homes represent a low-cost form of housing which offers a means of solving the housing problem of many low and moderate income families who cannot afford conventional housing and whose housing needs can be met by mobile-sized units.

As such, mobile homes supplement, not undercut, the home construction industry. For all practical purposes the low and moderate income consumer has been priced out of the more expensive home-buying market.

The rapid growth of the mobile home market alone is ample testimony to this, Mr. Chairman. A study of mobile home buyers conducted for the U.S. Department of Housing, and Urban Development by the Bureau of the Census not long ago shows that mobile homes accounted for approximately 25 percent of the total production of new single family homes in 1968. In addition, during the same year the mobile home industry supplied more than 95 percent of all new single family housing units selling under $12,500.

Statistics gathered by the mobile home industry also show a rapid growth in mobile home sales: from about 100,000 units in 1960 to over 300,000 in 1968. By the end of 1969 this figure may well reach the 400,000 mark, a quadrupling in less than a decade. Indeed, it has been estimated that about 6 million people now live in mobile homes across the United States.

Considering its expanding growth and production, then, Mr. Chairman, the mobile home industry must indeed be looked upon with hope as capable of mass producing permanent, low-cost housing units which can be used to alleviate the current housing crisis in America by helping provide homes for low- and moderate-income families.

To illustrate, the HUD study of mobile-home buyers reached the following conclusion:

> Ninety-four percent of the mobile homes covered in the survey sold for less than $10,000. By contrast, only six percent of all new one-family homes (other than mobile) sold in 1966 for less than $12,500.

Obviously, Mr. Chairman, the people buying mobile homes today are those whose incomes have priced them out of the homebuilding market. They are the young married couples just starting out, the retired caught in the bind of rising costs and little income, those living in smaller communities where housing is scarce, as well as lower and middle income citizens trapped by inflation and high interest rates. These, in short, are Americans who cannot afford to build their own homes.

So it is not correct to say, Mr. Chairman—and I know some Members may have had apprehensions about this point—that extension of FHA title I loans to cover mobile homes would eat into the money available for financing conventional housing.

Indeed, the current average retail price for a mobile home is about $6,000 which is far below what the home construction industry could or would be able to produce conventional homes for and survive. The median selling price for the conventional home today is just under $27,000.

Mr. Chairman, as I have pointed out, over 6 million Americans now live in mobile homes. Recent production rates of mobile homes, I am informed, have approximated one-fourth to one-fifth of the new housing starts in 1968. Further, last year about 90 percent of the new homes sold in this country for less than $15,000 were mobile homes. There is no question then, Mr. Chairman, that mobile homes are here to stay.

Mr. Chairman, I would also like to clear up another misconception about mobile homes and their use, and this concerns their "mobility." I should like to here point out that a common conception of mobile homes as always on the road, transient in nature and a credit risk to finance, is just not true. According to the HUD survey I have cited previously, more than 2 million American families use mobile homes as their sole residence. Moreover, 80 percent of all mobile home owners sampled had not moved within a 5-year period. Again, I would cite a conclusion of the HUD survey of mobile home dwellers:

> So far, the mobility of these households is no greater than that of the population as a whole.

One additional statistic ought to be mentioned in this regard and that has to do with the financial stability of mobile home buyers. It was perhaps cast most vividly by John M. Martin, managing director of the Mobile Homes Manufacturers Association, in his testimony on September 12, 1969 before the Senate Subcommittee on Housing and Urban Affairs which held hearings on Senator Hollings' bill. Speaking in behalf of both the Mobile Home Manufacturers Association and the Trailer Coach Association, Martin said:

> Regarding mobile home financing, current FHA programs have a foreclosure rate of approximately 7 per 1,000. The mobile home industry financial institutions consider a rate of 5 per 1,000 high and one prominent company has a rate of 1 per 1,000, with others generally ranging between 1 and 3. This is achieved in spite of the fact that mobile home financing has generally been more expensive than conventional mortgage financing. The mobile home owner is parked to stay and he pays his bills. A good risk for either private enterprise or FHA.

To speak of "mobile" homes, then, Mr. Chairman, is not really accurate. And, as I have stated before, the amendment which I have offered today would only apply to purchases of a mobile home to be used by the buyer as a principal residence.

Mr. Chairman, I want to make a general proposition, having given these several statistics, that in view of them it is really now appropriate for the Federal Government to recognize the need to help people who wish to do so finance the purchase of mobile homes.

Under my amendment a buyer could get a loan insured by the FHA, repayable over a maximum term of 12 years.

At this point I want to lean very hard on one particular point, about which I feel strongly, as I am sure most Members of the House do. This is about high interest rates. To those who show with me a deep concern about high interest rates, let me note that by tying the mobile home financing program into the FHA title I program, mobile home buyers would be able to borrow money at rates substantially below the rates applicable to non-FHA insured loans, as much as 50 percent below.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I am glad to yield to the gentleman from Texas.

Mr. PATMAN. I notice that this would provide an effective rate of 11 percent on the mortgage up to $2,500; that is, on a discounted basis of 5½ percent. The next bracket would be 4½ percent on a discounted basis, which would be an effective rate of 9 percent, and would be an average of about 10 percent.

Now, under the regular FHA 203 section, would the effective rate be 7½ percent?

Mr. BRADEMAS. Mr. Chairman, let me respond by quoting from a comment which I asked HUD to give me on this amendment. They said that it does provide—that is to say, the amendment I am offering provides "for effective annual interest rates generally ranging from 8 percent to 8.83 percent, depending on the amount and term of loan."

HUD goes on to say:

> These rates would not even approach the 12 percent interest typical of conventional financing of mobile homes.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

(On request of Mr. PATMAN, and by unanimous consent, Mr. BRADEMAS was allowed to proceed for 5 additional minutes.)

Mr. BRADEMAS. Mr. Chairman, HUD goes on to say that—

> These rates—

That is to say, the rates for mobile home financing that would be made possible by the amendment I have here offered—

> would not even approach the 12 percent interest typical of conventional financing of mobile homes.

In further response to the question of the distinguished chairman, I might point to the statement made in the hearings on the Senate side by William B. Ross, then Acting Assistant Secretary for Mortgage Credit and FHA Commissioner, in which he inserted a table that makes the comparison between the interest rates that would be charged under my amendment and the interest rates that are presently being charged for mobile home loans which are not FHA-insured.

For example, I may say to the gentleman from Texas (Mr. PATMAN), that if the amount to finance were $5,000, repayable over a 7-year period, this would involve, under my amendment, an effective annual interest rate of 8.83. True, this is very high, but if a mobile home purchaser borrowed the money under the present non-FHA-insured conventional financing, it would cost him 11.5 percent.

Mr. PATMAN. Mr. Chairman, will the gentleman yield further?

Mr. BRADEMAS. I yield.

Mr. PATMAN. I do not want to compare it with the conventional rate on mobile homes. I want to compare it with the FHA rate in the other chapter under title II. In other words, that would be 7½ percent, would it not? Therefore, this rate would actually be about a percent or two higher, under the gentleman's amendment.

Mr. BRADEMAS. I appreciate the chairman's question.

Let me make this comment: We want to be careful not to compare apples and oranges, if I may put it that way, because the kinds of loans which are made for mobile homes are not the same kinds of loans which are made on conventional housing. There are certain important distinctions.

For example, a person buying a mobile home does not seek a loan for the same length of time as he would on a conventional home loan. Under a title II mortgage credit type loan the length of time would be normally up to 30 years, whereas for a conventional mobile home purchase loan he would get, let us say, 5 to 7 years—or, under the amendment before us, he would be allowed as much as a 12-year loan.

Another important distinction between the two kinds of loans, title I and title II, of course, is that the amount of money borrowed for a mobile home is far less under title I than is customarily the cost under title II.

Still another significant difference between the two types of loans is that the title I loans are commercial consumer-type loans as distinguished from title II mortgage-type loans which are secured by buildings on real estate.

Mr. PATMAN. Does the gentleman not take it out of that category of consumer type when he extends the term to 12 years?

Mr. BRADEMAS. I think that the point the chairman raises is a fair-minded one. What we have tried to do is have a reasonable cutoff period. Twelve years seems to be a fair cutoff point. I do not pretend to have any divine expertise on whether 11 years is better than 12 years, but this seems to be, in the judgment of the experts with whom I consulted in drafting this amendment, a reasonable cutoff.

I think I understand what the chairman is saying in respect of his concern about interest rates, because, as the chairman knows from earlier conversations with the gentleman from Indiana, I share his hostility to high interest rates. That is one reason why I am a strong advocate of this amendment. If my amendment is adopted, it should make possible—on the basis of the evidence reported to me about interest rate structures—a reduction of as much as 50 percent in the effective interest rates paid by purchasers of mobile homes in this country.

Mr. PATMAN. There is just one thing. If it is a reduction in rates, I would be for it, but it occurs to me that it is actually charging more. If you put this over in the FHA title II where it logically belongs, in section 203, the interest rate would be 7½ percent, and you admit that this would be an average rate of 10 percent under this proposal of yours.

Mr. BRADEMAS. No. I did not say that.

Mr. PATMAN. I said it in evaluating it.

Mr. BRADEMAS. I did not say it.

Mr. PATMAN. It appears it is 5½ percent on a discount basis, which is an effective rate of 11 percent. After the first 25 it is 4½ percent on a discount basis, which means 9 percent, and between the two it will average out to about 10 percent. That means you are paying 10 percent, if I am correct, under this proposal of yours, whereas under the regular FHA it is only 7½ percent.

Mr. BRADEMAS. I appreciate the chairman's question. All I can say to him is that I think his information is not completely in accord with the facts as I have been given them.

Because I anticipated the question of the chairman, I went back to HUD not once, not twice, not three times, but four times, Mr. Chairman, to say that I wanted to be very sure about the question of interest rates. As I have just indicated to the chairman, in this document from HUD it was made very clear that my amendment provides for an effective annual interest rate generally ranging from 8 to 8.3 percent.

The CHAIRMAN. The time of the gentleman has again expired.

(By unanimous consent (at the request of Mr. PATMAN) Mr. BRADEMAS was allowed to proceed for 3 additional minutes.)

Mr. BRADEMAS. Whereas, if we were to continue with the present pattern of financing mobile homes in this country, the result would be people having to pay 12 percent. I do not like that, and I am sure the chairman does not like it, either.

If you put the mobile home insurance program over into title II type loans, as the chairman is suggesting, to repeat my metaphor, you are mixing apples with oranges, because title II is for a conventional home purchase generally over a 30-year period. And the interest rate under title II loans is straight line in nature over a long period of time, unlike the discount procedure that is provided under title I type loans.

Therefore, to place the mobile home program into a program of insured loans for a completely different purpose is to do complete violence to the purpose of my amendment and would, in all candor, Mr. Chairman, make completely ineffective and inoperable my intent with reference to mobile home loans.

Mr. PATMAN. Mr. Chairman, will the gentleman yield further?

Mr. BRADEMAS. Yes, I yield further to the gentleman from Texas.

Mr. PATMAN. These are substantial homes and will last a long time. The gentleman has 12 years in there. Mobile homes can be good, substantial homes. If you put them all into section 203, title 2, you would have an effective rate of 7.5 percent. I do not understand why the gentleman would insist upon mobile homes be FHA financed at a higher rate. However, if I could be convinced by the gentleman that it does represent a lower rate, I would be glad to support his amendment, but at this point I cannot do so.

Mr. BRADEMAS. I think you can readily appreciate that if a lender were considering whether to make a loan on a mobile home or on a conventional home—that is an FHA, title II-type loan—he would certainly see himself at a disadvantage if he were to go for the mobile home at the same interest rate.

Mr. PATMAN. Mr. Chairman, will the gentleman yield further?

Mr. BRADEMAS. If I may complete my statement, Mr. Chairman, because there is another important point which I want to make about my amendment, I should like to do so. This point is, namely, that my amendment would also answer some of the queries of those who might see mobile homes, or mobile home courts, as old, unsightly, substandard, and generally in conflict with sound planning and zoning practices.

This problem—the old "house trailer" or "trailer park" image—is a real one, and one with which the mobile home industry, numerous communities throughout our Nation, and concerned individuals and organizations have been dealing for many years.

This same general concern was brought out in the recent Senate hearings time and again, with the result that a provision was added in the Senate-passed version of the amendment that I am introducing today—a provision authorizing the Secretary of Housing and Urban Development to prescribe minimum standards for construction and design of mobile homes financed through FHA-insured loans. The Senate provision further requires assurances from mobile home buyers using such FHA-insured loans that the mobile home will be placed on a site which complies with local zoning and other applicable local requirements.

Mr. Chairman, I would like to point out that my amendment goes even a step further to authorize the Secretary of HUD to prescribe minimum standards for the site on which the mobile home is to be placed and to require that the borrower provide assurances that the site on which the mobile home is initially placed conforms with these standards.

The purpose of this modification, is to assure that the site is adaptable to the surrounding neighborhood. This control over the location of the mobile home unit should assist in preventing the development of unsightly and poorly planned mobile home courts.

Mr UDALL. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I applaud the gentleman from Indiana in offering this amendment. Out in my part of the country the mobile home has become a real way of life for the young Americans and the old people, as well as a lot of people who cannot afford conventional homes. We have got to make a breakthrough in this area and, therefore, I enthusiastically support the gentleman's amendment.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman from New York.

Mr. SCHEUER. Mr. Chairman, I applaud the proposal of this program by the gentleman from Indiana (Mr. BRADEMAS).

Before coming to Congress I was involved in the construction of moderate-income housing. I know how frustrating it is for builders across the country to produce houses in the $15,000 category. It has become almost an impossibility. The mobile home represents a real breakthrough. We are going to the heart of the matter when we deal with the environmental implications of the mobile home or the mobile homes that are in place in mobile home parks that really have become eyesores in many instances, unfortunately, because of the lack of local zoning.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

(By unanimous consent (at the request of Mr. SCHEUER) Mr. BRADEMAS was allowed to proceed for 2 additional minutes.)

Mr. SCHEUER. Mr. Chairman, if the gentleman will yield further, frequently the zoning or lack of zoning has permitted the conglomeration of trailer parks that have been eyesores and which have been blight upon the environment.

I commend my colleague upon his suggestion that we have zoning standards—that we provide Federal standards—which are higher than some of the standards which exist today.

I would like to ask the gentleman whether he has had any discussion with the officials of HUD as to the kind of environmental standards they will provide and the availability of community services, recreation, and entertainment in these parks as well as outdoor facilities, schools and the like. Does the gentleman know what their standards are likely to be?

Mr. BRADEMAS. I appreciate the remarks of my colleague, the gentleman from New York.

With reference to his question, I would say I have talked only informally with HUD officials and we have discussed some of the very points that the gentleman has just mentioned.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman.

Mr. PATMAN. In the discussion of these mobile homes, taking into consideration that we have allowed them to be built on water the same as on land, but the Federal Home Loan Bank has never issued regulations in accordance with the law.

I hope the gentleman will keep that in mind because it is just as important that some people have them on water as well as on land.

Mr. BRADEMAS. I hope that on water, land, and the sea we will have the support of the gentleman from Texas.

Mr. WYATT. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman.

Mr. WYATT. Mr. Chairman, I would also like to add my commendation of the gentleman from Indiana on his very worthwhile amendment.

Mobile homes have become almost a way of life in my State.

Also I would like to commend this administration for supporting the gentleman's amendment. I think it is excellent.

Mr. BRADEMAS. I thank the gentleman from Oregon.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman.

Mr. MYERS. Mr. Chairman, I would like to associate myself with the gentleman's remarks. I know that the mobile home industry is an important industry in your district and it is certainly an important one to the State of Indiana. I congratulate the gentleman for his amendment.

Mr. BRADEMAS. I thank the gentleman.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman.

Mr. ANDERSON of Illinois. Mr. Chairman, I too would like to indicate my endorsement of the amendment which has been offered by the gentleman from Indiana. I think it represents a very reasonable, sound, and constructive approach.

Mr. Chairman, I too will shortly offer an amendment which I think is designed also to help eliminate the deficit of housing in this country.

These proposals have the support of the Department of Health, Education, and Welfare.

Mr. Chairman, I hope the gentleman's amendment is overwhelmingly adopted.

Mr. BRADEMAS. I thank the gentleman from Illinois.

Mr. WIDNALL. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, first I would like to compliment the gentleman from Indiana (Mr. BRADEMAS) for his amendment. I think it will be a fine addition to this year's housing bill. It can provide an opportunity for low income people to own homes that are modern, sanitary, and well constructed and at a price that ranges at the most, I would say, up to $12,000.

You can today get in the mobile home field a home that has three bedrooms and two baths and 20 feet by 60 feet in size for a maximum of $12,000, and running between $8,000 and $12,000. There is not anything comparable in regular construction of single-family homes that I know of anywhere in the United States. It would be an excellent addition to the programs we already have that are trying to help low income people.

I think this is instant housing. This can be done almost immediately. We have an urgent and crying need for this kind of housing and at the price it is possible to construct a home using the mobile home program.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman.

Mr. SCHEUER. I appreciate the views of our distinguished minority leader. I know, from personal experience, of his deep concern for an adequate supply of attractive moderate-cost housing. Would it be a fair expression of the congressional intent, with reference to the environmental implications of this mobile home program, would it be the congressional intent that officials of HUD would apply high standards of community planning and environmental design to assure that a new mobile home community and such other places where these mobile homes are used, would make a positive contribution to the environment whether they are urban or suburban, and that there would be available a full complement of attractive, wholesome, and appropriate community facilities and services available for families living in these new facilities, and that we would not repeat the experiences of the past of the blighting, "eyesore" effects on communities of mobile home colonies, which have sprawled, unplanned, and unkempt, growing like Topsy, across the face of the country?

Mr. WIDNALL. From my interpretation of the administration's position, it is their intent to do what the gentleman has suggested. In many communities throughout the United States there has been a fear of creating trailer courts in unregulated areas. They have become eyesores and little cancers on the landscape. There is absolutely no intent to encourage anything like that in the administration of this program. I feel that the proposal is the only hope for meeting the very urgent needs in cities, suburbs, and some of the rural areas of the United States. This type of housing that I have seen—and I have made it my business to see it in various places in the country—is excellent housing. I would be very happy to have one of these homes myself.

Mr. SCHEUER. If the gentleman will yield further, would not the gentleman be much happier if it were the policy of HUD to require that your mobile home be placed in a pleasant environment, attractively planned and landscaped, with proper recreation and community facilities and services, and proper community planning? Is this not the congressional intent, and would you not appreciate your mobile home being placed in such an attractive community environment?

Mr. WIDNALL. I certainly would.

Mr. SCHEUER. Do you think it is the intention of HUD to follow your view and the congressional mandate in that connection?

Mr. WIDNALL. I believe so.

Mr. SCHEUER. I thank my colleague.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachsetts. Mr. Chairman, while all these bouquets are being thrown around here, I think we ought to recognize the facts of the situation. At an interest rate of 13 percent, a married couple buying one of these homes and having a $10,000 note on it will have to pay back within a period of 7 years the sum of $20,000. I imagine very soon we will have a motion made in the House, possibly under this bill or some other bill, providing for married couples to be able to go to war surplus outlets and buy some of the pyramidal tents they have around.

I believe we ought to be realistic. All we are doing is kiting-up the interest rates, encouraging people who lend money to kite-up interest rates, and a 13-percent interest charge is an exorbitant charge. To expect a married couple to be able to pay that amount back within 7 years, the sum of $20,000, is unconscionable in my mind.

Mr. WIDNALL. I believe the gentleman should remember that today in the

United States there are many places where people are paying 18 and 22 percent in order to get mortgages when they seek to buy single-family homes.

Mr. BURKE of Massachusetts. That is correct. That is why we need a strong usury law in this country, and why we should stop soft-soaping and spreading false hopes and get down to the real nitty-gritty issues here and put a ceiling on interest charges, because the people who sell mobile homes get a down payment and they hold title to the mobile home until final payment is made, and when a young married couple is required to pay back to those people the sum of $20,000 within 7 years, I say it is an unconscionable thing for the Congress to encourage.

(By unanimous consent, Mr. WIDNALL was allowed to proceed for 2 additional minutes.)

Mr. WIDNALL. Mr. Chairman, I would like to call the attention of the gentleman from Massachusetts to the fact that this measure does not provide for 20-year loans. The loan would have a top of 12 years, as I understand, and it also provides something that you and I want most: some instant housing for the low-income people of this country. We can stay here and debate this year, next year, and the following year, and talk about unrealistic interest rates and get nowhere, while conditions worsen throughout the entire country. I want to see some action now, and this is the beginning of that type of action.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. I reiterate what I have said: Within 7 years, on a $10,000 note, the borrower will have to pay back $20,000 for that note.

Mr. HARVEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when one considers that the housing shortage at present, as documented by Secretary of Housing and Urban Development George Romney, is the biggest in our Nation's history, then it is understandable why support of FHA financing for mobile homes is so overwhelming in all housing circles.

In a recent interview, Secretary Romney pointed out that the shortage of homes between now and 1978 will be about 26 million units. This is the number of new or rehabilitated homes that it is estimated we would need to take care of people between now and 1978 and to replace substandard units.

But, for a more startling fact, consider this observation which was made by Daniel M. Fitz-Gerald, Wickes Corp. board chairman, last June. Mr. Fitz-Gerald, a nationally known business executive, revealed in a speech that from the time the Pilgrims landed at Plymouth Rock until this year—142 million houses have been built in the United States. That is 349 years. Now, in the next 30 years—yes, just 30 years—it now is estimated that we must build 142 million more to fill our needs. We must double in 30 years what it took us to do in 349 years, according to Mr. Fitz-Gerald.

These are startling facts. At this critical time, however, our homebuilding industry is now beset by high interest rates. Loan money for the homebuilding industry is hard to come by. The housing industry is in perhaps its most critical period of the postwar era.

Therefore, this special amendment being offered by our colleague, the Honorable JOHN BRADEMAS, which has my fullest support, is particularly timely today.

It is for an industry which, despite loan problems, is breaking records month after month. Let me recall from the September 1, 1969, issue of U.S. News & World Report that this year's total of mobile homes is expected to be about 400,000, up from 300,000 of 1968.

Furthermore, industry experts predict that mobile homes will soon account for one-third of all the next single-family houses sold in this country. Already, nearly 6 million people are living in these units.

This has particular and special meaning to me. Within Michigan's Eighth Congressional District, at least four companies in and near the small community of Marlette, Mich., located in Sanilac County, are a dynamic part of this industry.

These industries include Marlette Homes, Inc., Guerdon Industries, Inc., Active Homes Corp., and Divco-Wayne Industries, Inc. The latter's Marlette plant specializes in classrooms, but its plants elsewhere in the Nation are in what we now call the prefabricated transportable home business.

This is the new offshoot of the mobile homes. The transportable homes, of two-unit construction, truly are permanent structures which, if necessary, can be moved from time to time. They are customarily set on a foundation and become very much a permanent place of residence.

Marlette Homes' President Earl Swett has, I believe, correctly predicted an "unlimited expansion" in the years ahead for this industry.

Again, let me emphasize these are not like the old trailers. These are homes. The two-unit home is 20 feet wide and 55 feet long. New models have been expanded to 24 feet wide and 60 feet long. Marlette Homes, as do other manufacturers, have research-experimental models. These range from 24 feet wide to 45 feet long. The bigger units include three bedrooms, 1½ baths, kitchen, dining room, living room and walk-in closets.

Last year I supported legislation which finally granted savings and loan associations the power to make loans to finance mobile homes. This has proved helpful. But it is apparent additional help is required to help low- to moderate-income families who comprise the bulk of the mobile home purchasers. In permitting FHA to insure loans for the purchase of mobile homes, not to exceed $10,000 and to be repaid in 12 years, I believe we would finally provide real help to individuals in quest of housing.

Until today, purchasers of mobile homes have had to overcome real obstacles in order to purchase their homes. Short-term loans and high interest rates have been among them. Let me quote one paragraph from the testimony of William B. Ross, Acting Assistant Secretary for Mortgage Credit and FHA Commissioner, Department of HUD, as he testified before the Senate Banking and Currency Committee, in talking about present methods of financing these mobile homes:

> Interest is charged by the "add-on" method, meaning that it is calculated on the full loan amount for the whole term, rather than on a declining balance as in mortgage loans. This results in interest charges of roughly double the amount of simple interest.

I think eventually, Mr. Chairman, in the mobile home industry we are going to come to what the chairman of the full committee wants, which is to have this sort of provision included in title II, but I do not think that is at all practicable at this time. I do not think the mobile home industry feels it is practical in this period of tight money. I know the Department of Housing and Urban Development does not think it is wise, and as a reasonable person who observes the money market, I do not think it would work. Therefore, Mr. Chairman, I wholeheartedly support the amendment offered by the gentleman from Indiana. I hope it will pass.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. HARVEY. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, in the discussion by the distinguished gentleman from Michigan, did the gentleman take into consideration the fact that in a regular residence regardless of the way it is financed, when it is paid for, the purchaser owns the land as well as the house? In the mobile home the purchaser mortgages just the home and not the land. They have to pay rent on the land.

Mr. HARVEY. Mr. Chairman, I would say to the gentleman from Texas, of course there is no land to be bought. Approximately 20 percent of the purchase price of an ordinary house today according to HUD figures, is included in the land value. If the purchaser is not paying for that land, of course he does not receive it when he finishes paying for his home.

Mr. PATMAN. Mr. Chairman, let me ask the gentleman a question. I have great respect for the gentleman and great confidence in him. He was a most useful member on our committee, and I am sorry he is not still on it. If we would put this proposed amendment in section 203 of title II, it would be financed at the rate of 7.5 percent. The rate here, if put as the gentleman from Indiana has suggested in his amendment, could be 10 percent. So there is a 2.5 percent difference, it occurs to me. Would the gentleman please explain to me how we could afford an amendment that would raise the interest rate 2.5 percent?

Mr. HARVEY. Mr. Chairman, the chairman of the committee is talking about 7.5 percent plus points.

Mr. PATMAN. There are no points under FHA to the buyer.

Mr. HARVEY. There certainly are. There are in Michigan. I do not know about Texas, but there certainly are in Michigan. Let me say to the gentleman from Texas that I fully concur in what the gentleman from Indiana the sponsor of this amendment says, that there is just so much money available, so much available credit. In such a period of tight money, if the lender who has funds to lend is forced to make the basic decision as to whether he is going to lend it on a home that is fixed on a permanent foundation or a mobile home, it is obvious which it will be.

It will be the much more substantial home on a permanent foundation rather than the mobile home which he will choose. It is that simple, for it is a wiser investment.

It seems to me because that is so, we will not accomplish the purpose we have in mind which is to get more people into homes.

I realize this is not the best solution. I think eventually we will come to title II on this, but I do not think we are ready for it right now.

Mr. ST GERMAIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment because I believe a great deal is being overlooked here and we are being very shortsighted.

Recently, when I asked the Secretary of Housing and Urban Development why a thorough review was being made of the leased housing program, section 23(d), his reply was that by going into leased housing we are discouraging the construction of new housing.

No. 1: I disagree with that.

But if he is going to use that answer as far as section 23 housing is concerned, which I support fully, how can he then turn around and support the financing of mobile homes and encourage people to move into mobile homes?

Just consider the 12-year mortgage on the mobile home itself. When the 12 years are over and the home is paid for, what will the person have left? He will not even own any land, let alone equity.

True, the house today is that much more expensive, but consider the result, as was mentioned a few moments ago, when a person buys that mobile home. That is all he gets, and he has to find a place to put it.

Gentlemen, let me say that this is the first step. We are talking about 12 years, but the Senate wanted to go from 15 to 40 years on the mortgages for the mobile home sites.

In this particular bill we are going from $1,800 to $2,500 on the maximum amount of a mortgage which may be insured per space in a mobile home court.

This discussion about environment, community planning and what have you—that was put into the act last year, when we allowed mobile homes to be financed through the Federal Savings and Loan Associations.

Gentlemen, if you want to go along with this amendment, fine and dandy, but consider the future. You are discouraging Operation Breakthrough.

According to the Secretary of Housing and Urban Development, the point of Operation Breakthrough is to find a method to produce low-cost housing that will be within the reach of these younger families and the elderly families who do not have funds to buy a $25,000 house. Is that not where the thrust should be, rather than to take the easy way out?

As the gentleman from Massachusetts (Mr. BURKE) said earlier, the next thing we know we will be putting them up in tents. Admittedly, it is instant housing, but consider the quality of that housing and the durability of that housing. Consider what that mobile homeowner will have at the end of 12 years. What kind of equity will he have? That I believe is worthy of serious consideration.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. ST GERMAIN. I yield to the ranking minority member of the committee.

Mr. WIDNALL. As to the quality of production of the housing in the mobile home field, it is good housing. It will last. It is something anybody would be proud of. It is not junk housing at all. Some of it in the past has been, but not today.

I would take one of these mobile homes today, that can go on a 20- by 60-foot foundation, over most of the homes in Georgetown, where today people are paying $65,000, $75,000, or $85,000 just for prestige.

The ceilings are higher and the rooms are bigger and the sanitary facilities are better and everything else. We all know that many people buy homes just for prestige in Georgetown which would be condemned because they are inadequate today. They just do not measure up to the codes.

Mr. ST GERMAIN. I agree with the gentleman, but I suggest, as far as the housing in Georgetown is concerned, that this is a personal thing. As I say, I do not feel, by its very nature, that you have a permanent investment in the mobile home, and I do not believe we should encourage it by easing terms, which we do with each succeeding bill that we pass in the Congress.

The CHAIRMAN. The time of the gentleman has again expired.

(By unanimous consent (at the request of Mr. FLYNT) Mr. ST GERMAIN was allowed to proceed for 5 additional minutes.)

Mr. FLYNT. Mr. Chairman, will the gentleman yield?

Mr. ST GERMAIN. I yield to the gentleman.

Mr. FLYNT. I would like to commend the gentleman for the approach that he has taken to this amendment, and I would like to associate myself with his remarks. I had not planned to discuss this amendment at all, but in view of the very fine argument that the gentleman from Rhode Island has made, I wish to join him, and I would like to ask for the comments of the gentleman from Rhode Island on some aspects of this. Recognizing that something is necessary now, perhaps as a crash measure to try to get people into homes, I was initially inclined to support the amendment offered by the gentleman from Indiana. However, when you look at this thing over the 12-year life of the mortgage, this could turn out to be one of the cruelest hoaxes that could possibly be perpetrated on the "homeowner" who would borrow money under the provisions of this particular amendment. At the end of the 12-year mortgage period he might find himself involved in litigation rather than living in a home to which he has title and one which he could sell to somebody else. As I understand it—and I think the gentleman from Rhode Island has pointed it out during the course of his remarks—under the provisions of this amendment it is not necessary that the borrower acquire any title to the land or the foundation upon which this mobile home is erected. Does the gentleman agree with that?

Mr. ST GERMAIN. That is correct.

Mr. FLYNT. Now I would like to ask the gentleman if at the end of that 12-year period, when the title would normally become clear, assuming that the mortgage is paid off, if this had been attached to the real estate and had become a part of the realty, when the mortgage is paid off, would the borrower then own his "personal property in the form of a mobile home," or would the owner of the land upon which the foundation rests own it? Would the gentleman care to comment on that?

Mr. ST GERMAIN. Very frankly, this is a legal question which has not been hit upon here. However, I would say eventually that the mobile home itself which was originally purchased would probably belong to the borrower who borrowed the funds and finally paid it off at the end of 12 years.

Also I want to point out that if they are going to pay off $10,000 in 12 years there is nothing that says that mobile home did not cost him $12,000 or $14,000 when he only financed $10,000. In addition to that, they are paying on the loan and they have to pay a pretty good charge for the utilities. When you consider what the monthly payments will be and what kind of a house they could afford for the same amount of money, I believe that that is important, too. Again at the end of the 12 or 15 years what do they have? No equity.

Mr. FLYNT. If the gentleman will yield further, when I asked that question I meant it as a question, because I do not know the answer to it. It is very clear that the answer would vary from State to State, depending upon the real property laws of the respective States.

In the absence of a written contract, or if a written contract had expired, the mobile home might well become a part of the realty and revert to the owner of the real estate. In this event the title of the borrower would lapse and the borrower would be divested of his property.

In some States the law is very clear in the absence of a contract that if there are direct affixations to the realty that the title to that which is affixed to the realty passes to the owner of the real estate rather than to the owner of what was previously personal property. Then does this become a deed of trust or does it become a chattel mortgage?

I think in States where legal differences exist between mortgages and deeds of trust that this would be a real question. It might be that the borrower who exercised his rights under the provisions of this amendment might be buying a lawsuit instead of buying a home.

Mr. ST GERMAIN. I thank the gentleman from Georgia.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. ST GERMAIN. I yield to the gentleman from New York.

Mr. SCHEUER. Mr. Chairman, I respect and congratulate the gentleman upon his concern with reference to Project Breakthrough. I, too, share those concerns. But I believe that this program is not only consistent with Project Breakthrough, but may provide a part of the very breakthrough that we are looking for in this particular project.

After all, what Project Breakthrough is all about is an attempt to apply industrialized housing techniques to produce shelter, industrial techniques which have been used in a technological society to produce automobiles, dishwashers, washing machines, and many other items successfully at ever-decreasing unit labor costs.

The labor unions are now showing very real and very encouraging signs of being sensitive to the nature of this problem and are now cooperating in several important new ventures with management.

They should be encouraged in every way and this program provides an additional laboratory for applying new manufacturing and technological developments and new forms of labor-management cooperation—to reducing housing costs and improving quality.

The **CHAIRMAN.** The time of the gentleman from Rhode Island has again expired.

(By unanimous consent (at the request of Mr. SCHEUER) Mr. ST GERMAIN was allowed to proceed for 3 additional minutes.)

Mr. SCHEUER. And, it seems to me that producing industrialized housing and mass-produced housing via the mobile home route can provide new guidelines, new techniques and a new approach for the Operation Breakthrough program.

Mr. Chairman, I thank my colleague for yielding.

Mr. ST GERMAIN. Mr. Chairman, there is one other point which I would like to make, and that is the big problem facing us today, tight money and lack of credit. If you cannot find money with which to buy homes now, you are going to encourage the financing of mobile homes to a greater degree. All one needs to do is to look at the percentage at which the use of mobile homes has increased over the past few years. Are you not going to worsen the situation insofar as tight money is concerned?

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. ST GERMAIN. I yield to the gentleman from Ohio.

Mr. ASHLEY. Opponents of the Brademas amendment seem to be saying that we will make money available with FHA backing to purchase high cost housing but we will not make money available with FHA backing to make possible the purchase of more modest housing? I think this could lead us into a very discriminatory situation. While I tend to be sympathetic to much of what the gentleman is saying, I think he should be very cautious about the position he is taking. We agree with respect to our concern for the environment, but the fact remains that although there is housing being built today, 90 percent of that housing is being built for the upper-middle-income and rich people in the United States. For all practical purposes, we are building no housing whatsoever for our lower income families. I regard this program as really the first step in Project Breakthrough. We know we are faced with the need for shelter. This program represents a new delivery system. Certainly, it does not have all of the conventional and traditional aspects of custom built housing; no. But I am not as fearful as I have been and on balance, for the reasons that I suggest, I am going to support the amendment of the gentleman from Indiana because, begging the indulgence of the gentleman from Rhode Island, with whom I have discussed this at great length, I think we may be looking at a tight money situation for several years to come.

We have the competence to produce mobile, low-cost industrial housing. It makes sense, it seems to me, to facilitate the financing of this housing.

I think we cannot stand idly by and see the more fortunate segment of our society housed with Federal backing while this is denied to those who are less fortunate.

Mr. KYL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to continue the dialog with the gentleman from Rhode Island.

First, in regard to the conversation of the gentleman from Georgia. He expressed a general point of law regarding land and appurtenances. As a matter of fact, this is not an issue here because the placing of the mobile home on property is covered by specific contract, which does express in detail the exact terms.

The second thing is this. The gentleman from Rhode Island has made a point that we might be stifling Operation Breakthrough. At this point I am trying to decide whether the amendment offered by the gentleman from Indiana is a good one or not. But pursuant to the argument of the gentleman from Rhode Island, is it not possible that since mobile homes are taking an increasing percentage of the housing market year after year, if we encourage mobile home purchasing, we may stimulate, by competition, the very kind of effort we need to get the breakthrough in permanent type housing?

Mr. ST GERMAIN. Mr. Chairman, will the gentleman yield?

Mr. KYL. Yes, I certainly yield to the gentleman.

Mr. ST GERMAIN. I think it is entirely a question of what one believes in—whether one believes that this country should go to mobile homes to house our people; or are we looking for a breakthrough, let us stick with the term "breakthrough"—are we looking for a breakthrough in the homebuilding industry where we provide houses for low- and moderate-income people at a price that they can afford?

Incidentally, I have seen housing being produced now and I feel certain we are going to be able to produce housing in the $12,000 to $15,000 price—two- and three-bedroom houses. But we have to keep working at it and pounding at it if, as I say, we are going to go the mobile home route, if that is what you want and if Congress decides that is what it wants and the country decides that is what it wants, fine. But if we want to continue searching for a way to house our people in the ordinary conventional housing, then I say we have to put more emphasis, and not be deterred, but we have to put more emphasis on that because it is very tempting to take the easy way out. I fear we are doing this by encouraging mobile home purchases.

Mr. KYL. There is a further point to consider here. Most of us now look at mobile homes, not as a mobile homes but permanent ones. But mobile homes as such do have an advantage for those workers who must move around the country, and for many of the older people today who prefer to live in one part of the country during one season of the year and live in another part of the country in another season of the year.

I am not arguing with the gentleman. I am trying to think out loud to see if I can make a decision on this matter. I still wonder perhaps if the very fact that we encourage the use of mobile homes might not stimulate competition in the building industry.

Mr. ST GERMAIN. All I can say in answer to that is that that theory may well work out. But so far as the point the gentleman made about workers and elderly people who like to be in one place at one time of the year and in another place at another time of the year, certainly that was the original concept of the mobile homes. I agree with that. But then they are out of the ordinary, they are not the ordinary individuals we are putting in mobile homes today by approving this type of amendment.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentlewoman.

Mrs. SULLIVAN. I would like to ask the gentleman this question. Has the gentleman any knowledge of the length of life of these mobile homes? In other words in 10 years—that is, after they are paid for—how long will they last after that?

Mr. KYL. In response to the gentlewoman, I would like to yield to the gentleman from Indiana who is the author of this proposition, and ask him the question. What is the average useful life of these mobile homes?

Mr. BRADEMAS. Mr. Speaker, according to statistics I have been given by the Mobile Home Manufacturers Association—and I might add that there are relatively few documented statistics on the life expectancy of mobile homes—the median life expectancy for the life of a 12-foot-wide mobile home unit is around 16 years.

And I would like to make clear that here we are talking about those mobile homes which would be used as a place of permanent residence by the buyer. My amendment would only pertain to mobile home purchases such as these. I quote my offered amendment: "For the purpose of financing the purchase of a mobile home to be used by the owner as his principal residence."

Incidentally, statistics for the mobile home industry show that some 86 percent of all mobile homes produced last year were 12 feet wide and varied from 54 to 65 feet in length. This year over 90 percent of the production is estimated for the 12-foot-wide mobile home, or more than 360,000 of the projected 400,000 units. As I have pointed out, the life expectancy of such trailers is 16 years.

I would also make the observation, in commonsense terms, that obviously the life of most mobile homes is not as long as that of a conventional home. That is merely one of the reasons it is easier to get title II type financing, mortgage financing, at lower interest rates on a conventional home than would be the case if mobile home loans had to be made under title II instead of title I. The effect of putting mobile home loans under title II would be to make such loans inoperable.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. The reason I asked the question is that the buyers of mobile homes are going to have their $10,000 or $12,000 debt paid off within 10 years, but after they have it paid off, what do they have, really, in equity? What is the worth of that mobile home they have been living in that length of time?

Mr. KYL. I would suggest that the answer to the question depends on the kind of care that is given to the property. I know of many mobile homes which have existed for a period in excess of 10 years and which are still very usable facilities.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARVEY. Mr. Chairman, I ask unanimous consent that the gentleman may have an additional 2 minutes.

Mr. PATMAN. Mr. Chairman, reserving the right to object to the gentleman's request, and I shall not object, but since the debate has been rather free and many Members have participated in it, I wonder if we are about ready to vote on the amendment. I would ask unanimous consent that the gentleman from Missouri, Mr. RANDALL, have five minutes, and who else wants time?

The CHAIRMAN. The Chair will decide that question.

Mr. PATMAN. I wish to find out how many Members wish to speak further on the amendment. I suggest that 10 minutes would be satisfactory.

Mr. Chairman, I ask unanimous consent that all debate on the amendment and all amendments thereto close in 10 minutes.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HALL. Is not a unanimous-consent request pending?

Mr. PATMAN. I reserved the right to object. There is a reservation of objection only. I ask for 15 minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to limit all debate on the pending amendment and all amendments thereto to 15 minutes. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, I rise in support of the amendment of the gentleman from Indiana to provide financing for mobile homes. It is difficult to believe there should be any opposition to this amendment. I had thought the principal purpose of this housing bill was to provide decent housing at reasonable costs not only to those who are well to do, but also to those families with low and moderate incomes.

We were all encouraged that a similar amendment has already been adopted by the other body, sponsored by one of the Senators from South Carolina.

Someone has said that statistics without analysis are not only meaningless but possibly misleading. Well, some statistics which are meaningful so far as mobile homes are concerned is that 90 percent of all homes sold for less than $15,000 are mobile homes. These are figures from the Department of Housing and Urban Development. Also, a HUD survey shows that millions of our citizens live in mobile homes and 80 percent of the occupants have not moved in 5 years which is no greater mobility than that of the general population.

It is my privilege to represent several counties in west central Missouri. I have studied carefully the provisions for rural housing in this bill. In our rural areas there is not only plenty of land room for sites for mobile homes. Quite frequently there is a real preference for this type of home. Take the case of a young couple who have bought some vacant acreage. They may not have the means at first to construct a conventional home.

Before we look at the arguments of opponents to this amendment who, for some reason seem to be against the inclusion of mobile homes in this bill, let us look at some of the real gains which are provided. First, no matter how we put it, or no matter how it is sliced, if mobile homes financing is made possible under this bill, it will be at a lower rate of interest than conventional financing. The present conventional financing rate may run as high as 11 or 12 percent, but would never run over 8 percent under the provisions of this housing bill. For example, a lower cost trailer which would not exceed the price of $5,000 could be financed for 7 years with a total interest cost of 8.8 percent under FHA. Under non-FHA or conventional financing the rate would be 11.5 percent.

A second great advantage in financing mobile homes under the housing bill is that we thereby achieve what is called instant housing. There is much talk about Operation Breakthrough. Sometimes it is only lipservice. In other words, it is nice to repeat such an attractive phrase, but here in this amendment is a proposal which will go a long way to realizing in fact and in truth a large number of housing units right now, not at some indefinite date in the future.

Yet another argument for this amendment is that there is a large number of persons who simply insist upon living in a mobile home. This is their first and last preference and they are going to select this type of housing even if this provision is not added to the housing bill. Without the amendment it means they are going to wait until they can find some conventional means to finance these mobile homes and that means higher interest and longer waiting.

In many parts of our country living in mobile homes is a way of life not only for young married couples but for retired couples.

As a testimonial to the popularity of this type of housing it is estimated that one out of every four newlywed couples will be moving into a mobile home.

There are bound to be those who will raise objections. What are the arguments that have been raised against this amendment? First, there are those who are worried about cluttering up the landscape as they put it. They have even gone so far as to say they are concerned about the bad environment which mobile homes create. Well, many years ago when I served as a member of the Jackson County court in Jackson County, Mo., I listened to perhaps as many as 3,000 zoning cases in the 12 years I sat on the county court. I have learned opponents to zoning have a way of making their objections heard. Even in the middle 1950's an applicant seeking to zone what was then called a trailer park, had to have some plans for streets, utilities, and a plan for landscaping surrounding the park.

Today these areas are no longer called trailer parks. They were called mobile home subdivisions. They are attractively laid out in a lot plan just like any other subdivisions.

For those who are really and honestly concerned about the damage to surroundings from these mobile homes should recall that in the other body the sponsor of a similar amendment provided these mobile homes could be financed by insured loans only if they were located in properly zoned areas. In an effort to improve over even that sort of provision, our good friend from Indiana, Mr. BRADEMAS, in his amendment left it up to the Secretary of Housing and Urban Development to approve or disapprove a mobile home insurance loan depending upon the suitability of the site upon which the home would be situated.

Strangely enough, another source of concern by those who oppose this amendment is that at the end of the payout period they own personal property and no real estate. This type of opponent argues that with the conventional home when a person pays for a house he also owns a lot. The answer to this argument is, of course, that the buyer has paid for the lot in the one case and has not paid for a lot in the other. Housing, by means of mobile homes is a fairly recent innovation. Just as the condominium was an innovation which came to be well accepted, we understand there are subdivisions which accept mobile homes that also set off an area of these subdivisions for those mobile homes which were never intended to be transient. It is reserved for those who intend to "stay put," these persons are given an option to buy the parcel of land to which their mobile home is affixed.

In such cases after 10 years the mobile home occupants in these areas not only have their mobile home paid for, but also the parcel of land upon which it is situated.

Suppose the owner of a mobile home is not so lucky as to find one of these new subdivisions which sells a parcel of ground as an option under the rental agreement. Even so the occupant of a mobile home all of those years during which he is paying to find a suitable parcel of ground so that when he nears the end of his term of payment he can be the owner of the lot as well as the mobile home itself.

Yet another objection we hear is that this type of housing will do a disservice to our cities and counties and even our school districts because, for some unexplained reason, these units of housing will escape taxation. Of course, this kind of argument is a spurious one because conventional housing could also escape taxation if the assessor omitted to conduct a careful survey of new improvements within the area he is charged to assess. Certainly, there is no way to conceal or hide a mobile home any more than there is conventional housing. If in the past mobile homes have not borne their fair share of local taxes, then it is certainly not by design or intent on the part of the occupants of these mobile homes but an omission of some kind or other by those whose job it is to place a fair valuation upon these mobile homes just as they are required to place a fair valuation on conventional housing.

Mr. Chairman, this amendment merits the adoption of the Committee. If there is as great an interest in quickly providing a large number of units of housing as those who talk about Operation Breakthrough, then they will support this amendment. In the past the Congress has provided ample housing funds for the affluent and have provided not enough funds for the less affluent.

Let us make no mistake about it, we are not talking about the old-type house trailers. Today there are mobile homes which have three bedrooms and two baths on a lot as large as 20 by 60 feet. These run from $8,000 to $12,000. Nothing in the past has been comparable to the product that is available on today's market.

Today, they may be called mobile homes although they are not really mobile. Instead we are talking about good, prefabricated homes which have all of the conveniences and comforts of conventional homes. They are set upon foundations. Perhaps they are susceptible to being moved but only most infrequently.

Please remember we are not talking about old trailer parks but according to the words of the amendment of the gentleman from Indiana, we are authorizing these prefabricated units to be placed on "suitable sites" and that means in an area designed and planned in advance for this type of housing with all the utilities and with streets and sidewalks like most other subdivisions.

I strongly favor this amendment because I am convinced this is the type of housing that can make some real progress in the housing problems not only in our suburban areas, but also in our rural areas which it is my privilege to represent. In rural areas, this type of housing can be handily heated by liquid petroleum. There are already enough distributors to provide quick delivery for this type of fuel for heating. Lights can easily be provided by power companies which are either investor owned and in other parts of our district by our rural electric cooperatives. The time has passed to argue whether this type of housing has merit. It is preferred by literally thousands and thousands of families. The time has passed to quibble. The time to move forward is now.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Chairman, I thank my colleague, the gentleman from Missouri, for what he had to say. I want to come back just to summarize for a moment what the gentleman from Ohio (Mr. ASHLEY) so eloquently said. I think, as the gentleman from Rhode Island (Mr. ST GERMAIN) pointed out, we are all deeply concerned about affording more opportunities for low-income families to buy housing.

The fact of the matter is, under the present law, most of the housing that is constructed of a conventional kind, as the gentleman from Ohio (Mr. ASHLEY) pointed out, is not for low-income families. One of the fundamental justifications for the amendment I have offered is that it will make it possible, in realistic, practical terms, for low-income families to purchase homes at much lower interest rates than they must presently pay if they cannot get an FHA-insured loan for a mobile home.

If we want such persons to have to keep paying 12-percent interest, then Members ought to be against my amendment. If we want them to have an opportunity, considering that they are people who are not able to afford conventional housing, to obtain a loan at perhaps 50 percent less interest, according to the testimony of the people from HUD, then Members should be for my amendment. So if a Member is a good William Jennings Bryan populist, he should be for my amendment, I may say to the gentleman from Texas.

I think the fundamental point, Mr. Chairman, is this: People are now buying mobile homes. Do we want to give them an opportunity to buy mobile homes at more reasonable rates of interest than is presently the case?

That is the point.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I rise in support of this amendment.

There is no question that the mobile home industry is the fastest growing industry in this country. There is also no question there are many problems to be resolved. Some of the building trades unions are trying to work out jurisdictional problems which I am sure will be resolved in due time; for this industry cannot flourish without the expert knowledge and experience of the building trades unions. However, basically the industry does offer in those communities where there is no other recourse, some hope for low-cost housing to the people of those communities.

We have adequate safeguards such as local zoning laws and other regulations to protect communities from indiscriminate use of this kind of housing. It would be my hope that the chairman of the banking committee, in view of the extended debate today on this issue, would take time to hold hearings on this whole question of the growth of the mobile home industry with particular emphasis on what it does to communities; its financing and in particular, financial help in building parks.

In many parts of the country they are using so-called mobile homes for development of entire communities. The gentleman from New Jersey said these are really prefabricated homes. I would say many of them are equally as well built as conventional buildings. This is a big subject. I would hope the chairman would initiate hearings on this industry, on this entire subject, to see what the impact will be on housing in America.

Mr. Chairman, in the meantime, I support this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. FARBSTEIN).

Mr. FARBSTEIN. Mr. Chairman, I support this amendment because I can see the benefits that can be derived therefrom.

Primarily as a Representative of an underprivileged area and of an area where the people need low- and middle-income housing, I am concerned about the possibility of any funds being withdrawn from housing of that type. I understand this amendment solely provides for FHA loans. I can readily see where, if insurance is provided for the purchase of these low-cost mobile homes, there is a possibility that those individuals who live in the central cities may be able to go to the suburbs and purchase these mobile homes, thereby releasing some of the pressure that presently exists in the central cities. Today all these people who need low- and middle-income housing can do is to remain in the central cities because of their inability in any way to obtain housing within their ability to pay.

It is a hope that these mobile homes will permit those who can afford them to move out of the central cities and thereby expand the number of housing units in existence. This will be a salutary situation as far as the people of my area are concerned.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. HARVEY).

Mr. HARVEY. Mr. Chairman, the gentleman from Iowa (Mr. KYL) asked a very thoughtful question just as he concluded that part of the dialog on this amendment to give 12-year FHA credit to mobile-home buyers. It was, "What was the life of a mobile home? How long could one reasonably expect it would last?"

I wanted to inform the gentleman at that time that from the best statistics available from the mobile home industry, since World War II, 2,926,980 mobile homes have been produced, and approximately 70 percent of these homes produced going all the way back to 1946 are still in existence. And approximately 50 percent of these more than 2 million homes are in existence in mobile home communities.

Mr. Chairman, I can only speak for the State of Michigan, but I would say in the State of Michigan these homes hold their value and hold it very well. Mobile homes do not depreciate, in many cases, as much as a home built by conventional standards. They are a very worthwhile investment, as already recognized by commercial banks and savings and loan institutions.

Someone said this would hurt Operation Breakthrough. On the contrary, Mr. Chairman, I do not know if this is what Governor Romney has in mind for Operation Breakthrough, but this is where the action is in housing today. This is the real breakthrough in housing today, producing homes such as this and not in the conventional housing field.

Mr. Chairman, the amendment of the gentleman from Indiana will be a major step forward in our announced goal of giving every American a decent place in which to live. It should be supported overwhelmingly.

The CHAIRMAN. The Chair recognizes the gentleman from Rhode Island (Mr. St Germain.)

Mr. ST GERMAIN. Mr. Chairman, on the question to which the gentleman from Michigan just addressed himself, we nad no testimony before the House Subcommittee on Housing on mobile homes, but they did ask questions on this subject on the Senate side.

Mr. Gray, representing the mobile home industry, stated in an answer:

> I am just trying to visualize my own sales area. We have a 1956 unit that we will sell for close to $2,000 that sold originally for about $5,200. This is a nice unit.

He says—and listen to this—that originally in 1956 the cost was $5,200. Inflation has hit us; prices have gone up; and they will sell that for $2,000.

Quoting Mr. Gray further, there was a question asked about depreciation of mobile homes. He answered by saying:

> Therefore, the usual unit doesn't depreciate in comparison with something like an automobile or appliance or something like that. To give you an exact figure percentagewise of what it depreciates is very difficult. It depends a great deal on the individual that is residing in it, too.

I should like to conclude by saying that when Governor Romney came before us on Operation Breakthrough I did not get the impression that he was looking to mobile homes as being the answer to Operation Breakthrough. I hope to God, for the sake of this country, that this is not going to be the answer to Operation Breakthrough.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. McClory).

Mr. McCLORY. Mr. Chairman, I feel that the effect of adoption of this amendment, if it would do anything, would be to discourage this Operation Breakthrough on the construction of new low-cost housing which we so desperately need.

My experience with this subject, particularly at the State level, has been that the addition of great numbers of mobile homes cast an unconscionable burden on the homeowner, the small homeowner as well as the large homeowner. This is because these mobile homes do not pay taxes as people who own homes do. They are not subject to real estate taxes. And the mobile park owners resist the payment of any fair and equitable tax. So, if we adopt this amendment, we will hurt every county and municipality and State in the country which relies upon real estate taxes for the support of local government and local education wherever one of these parks is located.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Scheuer).

Mr. SCHEUER. Mr. Chairman, as I see it, this is a promising program that would affect the housing market in three ways.

First of all, from the point of view of dollars, it gives the moderate-income or low-income person or family another option, another choice, another alternative, to conventionally built FHA financed housing, which we have learned in city after city after city across the country cannot build for less than $20,000 or $22,000. Housing costs produced by conventional construction method and costs poses an impenetrable barrier to the low-income person in achieving decent shelter. It gives him no option whatsoever.

Second, is the time saved by the use of industrial mass production methods in manufacturing housing. How many mayors have agonized over the problem of land cleared for redevelopment perhaps several years, and how many local redevelopment agency officials have agonized over the endless time that it takes to get an urban renewal project for moderate-income people off the ground? This program could well reduce the amount of time that it takes to get a large-scale moderate income housing development started.

Third, it could be the very "breakthrough" that we are looking for in Project Breakthrough and provide the catalytic agent, which could bring cost cutting, mass production techniques, into housing construction.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. Patman) to close debate.

Mr. PATMAN. Mr. Chairman, this amendment would discriminate against the poor. I appreciate the fact that the gentleman from Indiana (Mr. Brademas) seriously urges adoption of the amendment, because he sincerely believes it is in the public interest and in the interest of the poor. However, when you consider that it is actually increasing the rates, it is another thing. If he insists that he lowers the rates—and let us presume he is correct for the sake of argument—then he could lower the rates even more by putting this program under title II, section 203 of the National Housing Act. So why not do that? Why make these people pay 2½ percent more than the FHA rate under section 203?

Mr. Chairman, I seriously suggest this does substantially increase interest rates, and this is not the time to do that, particularly at the expense of the poor people of the country or the low-income groups. Therefore, I shall be compelled to vote against the amendment, Mr. Chairman.

The CHAIRMAN. The time of the gentleman from Texas has expired. All time has expired.

The question is on the amendment offered by the gentleman from Indiana (Mr. Brademas).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ANDERSON OF ILLINOIS

Mr. ANDERSON of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Anderson of Illinois: Page 30, after line 9, insert the following:
>
> "Section 1010(a) of the Demonstration Cities and Metropolitan Development Act of 1966, is amended—
>
> "(1) by striking out 'and' at the end of paragraph (2);
>
> "(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof '; and'; and
>
> "(3) by adding after paragraph (3) a new paragraph as follows:
>
> " '(4) assure, to the extent feasible, in connection with housing construction, any major rehabilitation and maintenance under programs administered by the Department of Housing and Urban Development, that there is no restraint by contract or practice against the employment of new or improved technologies, techniques, materials and methods or of preassembled products which may reduce the cost or improve the quality of such construction, rehabilitation, and maintenance, and therefore stimulate expanded production of housing under such programs, except where such restraint is necessary to insure safe and healthful working conditions.' "

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and printed in the Record. We have copies of it on both sides of the aisle and we are well acquainted with it.

The CHAIRMAN. Is there obection to the request of the gentleman from Texas?

There was no objection.

Mr. ANDERSON of Illinois. Mr. Chairman, 2 days ago Members of the House received a letter from the Department of Housing and Urban Development in which they indicated the Department was supporting two amendments to the Housing Act of 1969. One of them has just been adopted. The second amendment is the one which has just been read and which I offer to the Committee for your consideration, an amendment that would direct the Secretary of Housing and Urban Development to "assure, to the extent feasible, in connection with housing construction, any major rehabilitation and maintenance under programs administered by the Department of Housing and Urban Development, that there is no restraint by contract or practice against the employment of new or improved technologies, techniques, materials, and methods or of preassembled products which may reduce the cost or improve the quality of such construction."

Mr. Chairman, in my opinion it has been useful and beneficial that we have had 3 days of debate on this bill during which time we have surveyed and analyzed the critical housing needs of our country. I further think it has been useful that immediately prior to the discussion of this amendment, we had the discussion on the mobile home amendment wherein several Members asked the gentleman from Rhode Island (Mr. St Germain), will it appreciably help Operation Breakthrough to the degree that it should.

There cannot be any question that the purpose and purport of this amendment is to lend our support to Operation Breakthrough.

Mr. Chairman, it was just a few weeks ago that we were successful in landing three intrepid young men on the moon. At that time many people were asking why did we attach so much significance to that magnificent feat while we have all of these problems in our land that remain unsolved. Of course, there are many reasons in addition to the accomplishments which were achieved and the commitments and the national purpose. But I think one important reason was that we were willing to embrace new technology and new materials and to set out and to use every innovative method that was possible in connection with achieving that goal.

Mr. Chairman, we have heard a lot of talk about the housing conditions which exist in our country. If we proceeded at the rate of 1.9 million new units that the chairman indicated was the goal at the beginning of this year, but which we have fallen far short of accomplishing, at the rate proposed in January we would still be almost three-quarters of a million units under what we need to fill the housing requirements of our country.

Mr. Chairman, insofar as I am concerned there is only one solution, there is only one answer, and that is we are going to have to adopt new technology, new methods, and industrialized mass-produced housing.

We are going to have to industrialize and mass-produce housing. We are going to have to use the systems approach as we used it in the space program and as we have used it successfully in so many other areas if we really want to make a breakthrough in this particular and very important and critical area of our country's needs.

So this amendment is designed to write into law the direction that the Secretary has the support of the Congress. That he has our support in trying so far as feasible to see that there are no restraints imposed against the introduction of new technology and new methods.

There has been some criticism following the adoption of this amendment in the other body which was adopted there virtually by a unanimous vote. And some of the very liberal Members of that body, among others, incidentally, spoke in favor of that.

There were some objections made by others that you should provide some latitude in insuring safe and healthful working conditions.

So purposely, to try to cure that objection, I have added to the amendment that was offered in the other body language which specifically states an exception that "except where such restraint is necessary to insure safe and healthful working conditions."

I stood in the well of this House not many weeks ago and I was one of those who helped to write some amendments on the construction safety bill. I am interested in protecting and preserving the health and safety of our construction workers. I could not for the world, with this or any other action, be guilty of doing anything that would be a departure from safe working conditions.

Unfortunately, there have been, I think, some entirely false and misleading arguments raised against this amendment.

Actually, as I read some of the statements made by the heads of the construction trades—the AFL–CIO—I thought that never in the world has so much been wrought by one small amendment. In one fell swoop, according to his memorandum, I have been able to repeal in part the exemption that labor now has as to the antitrust laws.

The next thing is that we are trying in some underhanded way to accomplish that with this amendment.

Let me make it perfectly clear that those are extravagant statements that have no bearing in fact on what we are proposing to do with this legislation.

You know sometimes when I go down to one of these galleries of modern art, I think when I read the title on one of these dark pictures that that is where some of these messages come from that we are setting up an overlord over the construction industry.

That is another one—that we are making a czar out of Romney in the construction of housing in this country.

I thought of some of the paintings that you can look at in the gallery of modern art and as I was standing there I wondered whether they are really right side up or upside down.

I think that some of these people were standing on their heads when they read this amendment because it cannot possibly add up to that.

There are extravagant conclusions stated in this memorandum, that this is an antiunion amendment. It is not antiunion at all. It is prohousing. It is an amendment showing that this Congress is on record as interested in as forceful and as positive way as we can to give endorsement to this idea and the Secretary, I think, very boldly and courageously and with innovative methods announced in May of this year that we are going to have Operation Breakthrough and introduce housing systems and concepts into the housing market and we ought to develop the kind of aggregated volume in housing that will lead or provide us with the goal of 26 million units in the next decade.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. Anderson) has expired.

Mr. WAGGONNER. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois (Mr. Anderson) may proceed for 5 additional minutes.

The CHAIRMAN. Without objection it is so ordered.

There was no objection.

Mr. ANDERSON of Illinois. Mr. Chairman, let me quote to you, for example, from a statement made by a labor leader of this country who I think feels exactly as I do with reference to this housing field.

I am quoting from some testimony offered recently, last year, before a committee of the Congress by Mr. Walter Reuther. This is what he said—and mark these words well:

> We have got to fundamentally change the whole economics of the housing industry if we are going to make the rehousing and rebuilding of America economically achievable. You can't rehouse American if it costs as much to build a Chevrolet house as people pay for a Cadillac. It's that simple. And so we believe that what has to happen is that we have got to take a whole new approach to the question of housing. We've got to develop a national approach so that we get the economies of scale.

That is the whole purpose behind the design competition that was announced in May of this year, and in response to which I am informed today that some 664 proposals have now been received on new and innovative housing systems concepts that can be used to mass produce housing in this country.

I merely wish to make this additional point. Of all the works that I have studied on the housing problem—and it is one in which I do confess a great interest—I think that "Building the American City," which is the very excellent report of the National Commission on Urban Problems, the one chaired by the very distinguished former senior Senator from my own State of Illinois, Paul Douglas, makes abundantly clear that if we are ever going to do anything about meeting the housing needs of our country, with all due respect to the gentleman from Indiana—and I voted for his amendment—we will not do it merely with mobile homes and by promoting financing in that area. We have to get something really new and innovative in the field of technology.

Let me quote only one particular paragraph on page 445 from the Douglas Commission report.

> There can be little doubt that prefabrication techniques, and large-scale production (on and off site) have produced cost savings in the past and should continue to do so in the future. Such savings are not merely theoretical. They have been proved.

And in the report they have documented in studies they have made in country after country in Western Europe that you can get savings up to 27 to 29 percent if you simply would get into the mass produced, industrialized system of housing. So there is no question but what this is the way to approach the problem.

Let me say one thing to my friends on this side of the aisle who are concerned about the arguments that some people in the laboring community have made, and as I have indicated in the quotation from Mr. Reuther. I think there are responsible labor leaders who will support us today if we have the courage to take the action that I am suggesting. This in no way interferes with the legitimate process of collective bargaining. It does not say, for example, that you cannot, by using the collective bargaining process, cushion the effects of technology. I can sympathize to some extent with those who think that the new materials, new methods, and new technology may lead to the loss of jobs. You still have the right, under an amendment of this kind, in collective bargaining, to cushion the impact of the introduction of these new methods.

But let me emphasize one more point, and then I wish to yield to the gentleman from Louisiana. Let me remind you that, according to a recent report of the Bureau of Labor Statistics, we are going to need 122,000 new skilled tradesmen and craftsmen in the building trades between now and 1975. We are currently training about 22,000 a year. Even if we were to double that number, which is highly unlikely, we would end up with a net shortage of a half million construction workers by 1975.

There is work for everyone in this important field. There is no need to fear this amendment, to fear putting our stamp of approval on new methods and new technology because it is going to put people out of work. The very opposite effect will be experienced. It will make jobs, create jobs in America.

Now I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I thank my friend from Illinois for yielding. Would the gentleman mind telling the House what authority his amendment would give to the Secretary of Housing and Urban Development in accomplishing a breakthrough in this matter of building homes that he does not always have in applying what might be available or might become available in the way of advanced technology?

Mr. ANDERSON of Illinois. I think actually it is a very modest step. There is nothing in here that is punitive at all. There is no provision that he can go in and seek injunctive relief or anything of the kind, or that he can punish anyone. What it does do is to logically build on the premise that was created in 1966 when we set up this program under the Housing Act of that year.

In 1968 we introduced additional language providing that it shall be the responsibility of the Secretary to try to introduce new methods and new technology. Now I think we should go just a little bit further, and very logically suggest that in connection with programs administered by his Department—and I am referring to Operation Breakthrough—that he is going to have the right, in connection with public funds, to see that there is no restraint employed by way of contract.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. Barrett, and by unanimous consent, Mr. Anderson of Illinois was allowed to proceed for 1 additional minute.)

Mr. ANDERSON of Illinois. I shall be glad to yield to the gentleman in a few seconds. Something occurred to me. I had this question put to me: Does it involve building codes? The language makes it clear that we are talking about restraints by contract and restraints by practice—not restraints by law. Clearly, a building code is something that is a matter of positive law. So we are not getting into that area, even though, I will be frank to confess to this committee, I think we ought to. I think housing codes are out of date in many areas throughout the country. But I have got to be honest and say we have not with the language of this amendment got into that particular area.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I just want to call to the attention of the Members the gentleman's statement earlier that this amendment was offered in the subcommittee in the Senate, and it was defeated 5 to 6. It was brought out in the Senate when there were only five Members on the floor. This amendment has not been explored on the Senate side to the extent that anybody on the Senate side knows exactly what is in it or what it will do.

Mr. ANDERSON of Illinois. I hope the gentleman has been listening to me for the last 10 minutes during which I have been trying to explain and understands full well what I have been trying to do in this amendment. Let me say at the appropriate time I will insert in the Record a letter from the Secretary on this matter.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. Waggonner, and by unanimous consent, Mr. Anderson of Illinois was allowed to proceed for 3 additional minutes.)

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, in answer to a previous question as to what authority the Secretary would have under the proposed amendment, that he does not have, I understood the gentleman to say, really nothing. But did I understand the gentleman to say that this amendment would give the Secretary, as the gentleman proposes, in advancing Project Breakthrough the same authority over all other HUD programs?

Mr. ANDERSON of Illinois. I did not, no, indeed, and I hope no such interpretation would be put on my remarks, because obviously there are other important housing programs that have got to be furthered. What I am saying, really, is in this particular area of trying to advance new technology, materials, and methods, that this will give the Secretary some encouragement in the furtherance of that.

Mr. WAGGONNER. The gentleman intends that the Secretary be limited in applying this new technology to Project Breakthrough? Is that correct?

Mr. ANDERSON of Illinois. I think it is implicit in the language read by the Clerk what I am trying to do is to amend section 1010(a) of the Model Cities and Metropolitan Development Act. I am not going outside the provisions of that act with the amendment I have offered.

Mr. WAGGONNER. Unanimous consent was asked and granted not to continue with the reading of the amendment, and all of us did not have copies of the amendment. This was the reason for my question.

Then the gentleman intends to apply it to Project Breakthrough. Would the gentleman agree to an amendment intended to limit it to that?

Mr. ANDERSON of Illinois. Let me say I have been informed, as I said a moment ago, that today 664 of these proposals have been received by HUD. Of that number, only about eight or 12 will actually be located on sites selected around the country and then tested as possible prototypes of mass-produced housing.

I would hate to see all the other innovative designs and suggestions that have been made simply go down the drain because they do not come under the protection of this language. What we are trying to do is something a little bit broader than the gentleman suggests, but maybe with respect to eight or 10 units that we say "no restraint by contract or practice" shall prevent those from being erected. I want to see this spread across the country.

Mr. WAGGONNER. The gentleman says:

> Assure, to the extent feasible, in connection with housing construction, any major rehabilitation and maintenance under programs administered by the Department of HUD, that there is no restraint by contract or practice—

That is all-inclusive. This would not limit the authority of Project Breakthrough.

Mr. ANDERSON of Illinois. The gentleman is talking about the Model Cities and Metropolitan Development Act of 1966. I do not see how I can possibly stretch that to go beyond programs covered in that act, which is model cities programs and other programs well known to the gentleman.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. Perkins, and by unanimous consent, Mr. Anderson of Illinois was allowed to proceed for 2 additional minutes.)

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, specifically what restraints in contracts are presently interfering with new technology and new methods that the gentleman is seeking to remove from the present law by his amendment?

Mr. ANDERSON of Illinois. I am not seeking to remove anything from the present law, I would say to the gentleman from Kentucky, but I think there have been some instances in the past where some segments of the construction trades have been less than anxious to see the introduction, for example, of prefabricated housing, and to see the introduction of new methods and new materials that would save on labor.

We are not trying to cut the price of labor, but we want to save time in the cost of construction and thereby save on financial cost and all the rest.

I applaud the fact that I believe there is a changing attitude on the part of many in the construction trades. I am aware of the action of the union in Detroit, where I believe a union of some 50,000 signed a contract for the production of industrial type housing. That is fine. I would applaud the effort they made.

They should not have any fear in having us write into law the fact that we in the Congress support this kind of movement and we hope they will continue to characterize a progressive, liberal spirit on the part of the construction trades in this country, so that they will accept new technology and new methods. That is all we are trying to do.

Mr. PERKINS. I take it from the gentleman's statement that he is seeking to give the HUD cabinet officer additional authority over collective bargaining agreements.

Mr. ANDERSON of Illinois. No; I cannot agree.

Mr. PERKINS. That he does not now have.

Mr. ANDERSON of Illinois. I cannot agree at all. This involves no interference at all with the collective bargaining process, nothing at all.

I just said a moment ago that if people are worried about new technology they are free to bargain as to how the effects should be cushioned.

Is the gentleman going to stand there and tell me, with the present housing needs of this country, we should permit an arrogant few to say they will not permit the introduction of new methods, new materials, new technology?

Mr. PERKINS. Specifically what restraints is the gentleman referring to which prevent the new methods and new technology in this area?

Mr. BOW. Mr. Chairman, Operation Breakthrough deserves the wholehearted and unreserved support of every American who is interested in providing safe and sanitary housing for the millions of our fellow citizens who do not have it now and who will never have it unless we develop new technology in housing.

The building trades have expressed to me and to others their concern about the amendment by the gentleman from Illinois (Mr. ANDERSON). I do not foresee any reason for that concern. Skilled workmen in the building trades are and always will be in great demand and they always can be certain of their ability to obtain through collective bargaining the wages and working conditions they are entitled to enjoy. But all of the craftsmen and all of the engineers in the conventional construction business today cannot build the housing units this Nation needs and must have.

More than 600 organizations have submitted proposals to HUD on how to provide new housing and more housing under Operation Breakthrough. More than 200 prototype housing sites have been offered to HUD. I am pleased to say that two of the housing proposals and three of the sites come from my congressional district where we are determined to be a part of this technological breakthrough.

All of these proposals are now under intensive review and evaluation under the direction of Assistant Secretary Harold Finger.

The proposals are being evaluated by a Housing System Proposal Evaluation Board and five committees reporting to it. The Board will present its findings to Secretary Romney about mid-November so that he can select the best of the housing concepts proposed. More than 80 HUD professional staff members and representatives of other Federal departments are engaged in the evaluation process. The Board is composed of experts from all fields connected with housing, including architects, engineers, land planners, production specialists and financial and management experts. The interagency group includes representatives from the Departments of Agriculture, Transportation, Commerce, Defense, the Post Office Department, the General Services Administration, and the President's Office of Consumer Affairs. Other experts may be called from private industry as consultants if their specialized knowledge is required.

The House should demonstrate its support for Operation Breakthrough by the adoption of this amendment, giving Secretary Romney the authority he may need to put some of these ideas into effect. If we mean what we say about housing goals for our people, this is the time to prove it.

Mr. PATMAN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 242]

Adams
Anderson, Tenn.
Aspinall
Baring
Bell, Calif.
Bolling
Brooks
Brown, Ohio
Burton, Utah
Bush
Cahill
Camp
Clancy
Clark
Clawson, Del
Clay
Colmer
Conte
Conyers
Corman
Culver
Daddario
Dawson
de la Garza
Denney
Devine
Diggs
Dingell
Dowdy
Edwards, Ala.
Fascell
Foley
Fuqua
Gray
Haley
Hanna
Hays
Hébert
Heckler, Mass.
Horton
Ichord
Johnson, Calif.
Jonas
Kirwan
Kuykendall
McCarthy
McClure
Mailliard
Martin
Meskill
Miller, Cr.lif.
Morse
Morton
O'Konski
O'Neill, Mass.
Pepper
Philbin
Poage
Powell
Purcell
Quie
Reid, N.Y.
Reuss
Rivers
Robison
Rosenthal
St. Onge
Springer
Stuckey
Teague, Calif.
Tunney
Waldie
Watson
Whitehurst
Wiggins
Wilson, Charles H.
Wold
Wolff
Wydler

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FLOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 13827, and finding itself without a quorum, he had directed the roll to be called, when 352 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. FLOOD. The Committee will be in order.

Mr. BARRETT. Mr. Chairman, I rise in opposition to the amendment.

(On request of Mr. PATMAN, and by unanimous consent, Mr. BARRETT was allowed to proceed for 5 additional minutes.)

Mr. BARRETT. Mr. Chairman, it is contended that this amendment is intended to direct the Secretary of Housing and Urban Development to assure to the extent feasible that there are no restraints against the use of new technologies and material which may reduce the cost or improve the quality of housing construction and rehabilitation under HUD administered programs and that it is aimed at insuring the success of Operation Breakthrough.

We have no quarrel with the need for innovation and technological improvement in home construction, and this has been clearly spelled out in section 1010 (a) of the 1966 Demonstration Cities Act which encourages applying advances in technology to housing and urban development.

In fact, the Department of Housing and Urban Development informs me that Operation Breakthrough, about which we have heard so much, is a program under the existing language of section 1010(a). The Department has received 619 proposals for Operation Breakthrough, which proposals, we must recognize, take into consideration existing labor and other conditions and practices.

Now, let us look at the proposed amendment: the Secretary would be directed to assure that there is no restraint by contract or practice against the employment of new or improved technologies, and so forth.

Now, Mr. Chairman, these words I am going to read are not my words. I now quote from the CONGRESSIONAL RECORD of September 23, 1969, the proceedings of the Senate, on page 26712. Let me, Mr. Chairman, use the language of the gentleman who proposed this amendment. Mr. TOWER says:

> Mr. President, I wish to call to the attention of Senators that the printed version of my amendment No. 199 has been modified to provide that this assurance be made "to the extent feasible." Therefore, there is a discretionary power on the part of the Secretary so it will not disrupt efforts to negotiate where contracts that perhaps would come under the ban expressed here are in existence.

I am still quoting the Senator:

> We have to ask ourselves, Are we going to improve housing technology so we can bring down the costs or not? There are certain labor practices that do tend to keep the cost of construction up because prefab-

> ricated materials such as door, windows, cabinets, and things of this sort cannot be used because certain working rules prohibit them and the workers would walk off if they were used.
>
> We have to agree to this amendment in order to keep section 1010 in the 1966 act.

This clearly puts the Secretary in the middle of all contracting between management and labor in the construction field, and it puts him in as a czar. For there is no basis or means of appeal. The amendment would not only give the Secretary the power to reverse Supreme Court decisions recognizing the rights of workingmen to preserve their work opportunities, but also authorize the Secretary to intervene with coercive sanctions to impose his ideas on the parties to collective bargaining agreements with respect to a great many matters.

The amendment also would create obvious conflicts between two Federal statutes. Subjects of mandatory collective bargaining under the Taft-Hartley Act could be deemed "restraints" by the Secretary if this amendment were adopted and became part of the law.

The amendment before us refers to a "practice" or a "contract" in which there is a restrictive practice. As I have pointed out, it is obviously aimed, therefore, at alleged union or work practices and contracts and not at restrictive practices contained in building codes. Yet these latter, and especially the lack of uniformity from town to town and political jurisdiction to political jurisdiction are the real obstacles to the application of new technologies. And this we know to be fact.

Nor is the amendment limited to Operation Breakthrough. It is applicable to all construction and rehabilitation financed under any HUD program including the FHA insured mortgage programs and the public housing program.

Now, what do we do here if this amendment carries? What can happen? We prevent the progress of housing construction and set the stage for possible widespread strikes in the construction industry all over the country.

This is a dangerous amendment and I strongly urge its defeat.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. I shall be glad to yield to the distinguished gentleman from Illinois.

Mr. ANDERSON of Illinois. The gentleman from Pennsylvania quoted at some length the statement that was offered in the other body on the 23d of September in support of this amendment, specifically referring to what is likely to occur. That is, are we going to improve housing technology in order to bring down the cost of housing while the gentleman referred to specific labor practices that have kept up the cost of housing.

Is that why the gentleman is opposing the amendment, because the gentleman wants to perpetuate that kind of thing in the construction industry in this country?

Mr. BARRETT. I am glad the gentleman brought that up. May I say I have a great deal of respect for the gentleman from Illinois as a good lawyer, a good legislator and certainly a good debater. But I am not objecting to housing being built as rapidly as it possibly can through Operation Breakthrough. But what I object to is putting this power into the hands of one man who will make the decision and likely cause a disruption of our entire housing construction program throughout this country.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield further?

Mr. BARRETT. Yes, I yield further to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Can the gentleman think of a more logical person that we should select in connection with programs in financing—incidentally, I take exception to the gentleman's interpretation a while ago because we are not talking about FHA financing at all; we are talking about programs administered by the Administrator of the Department of Housing and Urban Development.

Mr. BROCK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to point out that I think the gentleman from Pennsylvania is somewhat confused in his interpretation of this particular amendment. I would like to take this time just to point out what I consider to be the facts.

This amendment does not, nor could it ever, reverse the decision of the Supreme Court. I think the gentleman knows that.

He also said it would apply to all HUD programs including FHA housing. There is no possibility of that being a fact. What this amendment does, and its intent is, to allow the Secretary and to direct the Secretary to use every possible method that he can to encourage improved techniques and new technologies and materials which may, and I quote the exact language of the amendment—"reduce the cost or improve the quality of such construction rehabilitation, and maintenance, and therefore stimulate expanded production of housing, except where such restraint is necessary to insure safe and healthful working conditions."

That is what the amendment is designed to do. It was passed in the other body on that premise.

I would point out to you that this amendment does not deal with the past. The gentleman from Kentucky asked what specific instances it would be addressed to. Let me give him a couple. In the case of a breakthrough project which was awarded in a city, the Secretary would be encouraged by this particular amendment in working with the members of the construction unions and with the contractors involved in the project—he would be encouraged and directed to urge that they adopt every possible modern technique that had been suggested in the breakthrough proposal—not to change their existing contracts at all, but to consider the fact that this was a new attempt at a breakthrough and a new attempt to achieve meaningful low cost housing for the American people.

It would be a matter of the bargaining process and it would enhance the bargaining process. We are not limiting it at all.

He says in the amendment: "to insure to the extent feasible."

Let me give you another example. When you go into a community which has applied for an Operation Breakthrough grant, you are dealing not only with the contractors and the contracting unions, but with city officials as well.

This requires the Secretary to encourage the local officials of that community to consider any new technology and its implementation in the application of their existing codes to the proposed project. Well, should we not do that? Should we not consider every step that we can to urge the local communities of America to get with it in accepting new technology and try to get low cost housing for the American people?

I do not understand the opposition to the amendment.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. BROCK. I yield to the gentleman.

Mr. FARBSTEIN. I asked the Department of Housing and Urban Development if there was a defined limitation on the Secretary's exercise of power. The best they could provide me with was the last two paragraphs of Secretary Romney's letter of September 23 to Senator Tower which sort of defines the purpose of this amendment.

One of the paragraphs said that there is no "unreasonable" restraint by contract or practice.

Will the gentleman please explain the reason that in his amendment it only talks of restraint and leaves out the word "unreasonable"?

Perhaps the gentleman from Illinois can answer that question why does he leave out the word "unreasonable" from his amendment.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman from Tennessee yield to permit me to respond?

Mr. BROCK. I yield to the gentleman.

Mr. ANDERSON of Illinois. I took it out because I thought it left an ambiguity because it did not say what the unreasonable restraints would be.

In my opinion, clearly "unreasonable restraint" would be one which affects health and safety. So that is why I spell it out and say "except for healthful and safe working conditions".

Mr. FARBSTEIN. Do you not think the phrase "unreasonable restraint" would rather limit the power of the Secretary of HUD rather than just the word "restraint" without any limitation? In other words, is there anything in this which says that a contract can be with nonunion labor? It seems to me that contracts can be made with nonunion labor with the consent of the Secretary. Is that the intent?

Mr. ANDERSON of Illinois. Absolutely. I would agree. There is nothing in here that would prohibit that.

Mr. FARBSTEIN. But the gentleman certainly is not proposing that we write that into this particular statute, is he?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. HALPERN. Mr. Chairman, I sincerely believe, well intentioned as this amendment may be, that it would put labor and management into a straitjacket—committed to the contractual guidelines ordered by HUD.

I believe the amendment would have a far-reaching effect on labor-management relations around the country. It would give a blank check to the Secretary to do anything he wishes in this area.

If enacted, the amendment as I see it would authorize the Secretary to drastically change existing bid requirements and deny a contract to a qualified contractor who was the lowest bidder on the project.

It is contended that the amendment would lower housing costs. But I am convinced it would do the contrary by allowing the Secretary to deny a contract to the lowest bidder if the contractor did not have a union contract he liked. Yes, and housing might well cost more especially if building methods or materials which look good on paper turn out to be a big failure in actuality, or if long-range maintenance costs increase through poor workmanship.

Under the amendment's provisions, the Secretary could also alter Government direction of substantive terms and conditions of collective bargaining agreements. And, regardless of the present contractual requirements of the National Labor Relations Act, he could set up his own requirements for contracts within his jurisdiction.

A recent study made by HUD shows that labor costs had been reduced from 33⅓ percent 12 years ago to between 16 and 18 percent today; material costs are now 43 percent compared to 33⅓ percent 12 years ago and the remainder costs in land development, broker's fees, and other tangible expenses which were also 33⅓ percent 12 years ago are now about 40 percent. Hence it is obvious that rather than increasing percentagewise to the cost of constructing housing, labor costs have decreased in proportion to total housing costs.

This clearly demonstrates that labor has been cooperating with new techniques and technology in the building of homes which is responsible for this 50-percent reduction in the cost of labor.

Under this amendment, as I see it, the Secretary would be given unprecedented dictatorial powers—powers that could cause disruption of labor-management relations and negotiations in this country and it would be a direct blow to our free enterprise system. I hope the amendment will not prevail.

Mr. PATMAN. Mr. Chairman, I wonder if we could arrive at an agreement to limit time. I wonder how many Members would like to speak on the amendment. I ask unanimous consent that all debate on the amendment and all amendments thereto cease in 35 minutes.

Mr. OTTINGER. Mr. Chairman, reserving the right to object, I have an amendment I wish to offer, and I believe the gentleman from California (Mr. Rees) also wishes to offer an amendment. How can we be protected and be assured of some time?

Mr. PATMAN. On amendments I would think they should be allowed 5 minutes, at least. I shall amend the request to 1 hour.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that all debate on the amendment and all amendments thereto cease in 1 hour.

Mr. PATMAN. At 5 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. GERALD R. FORD. Mr. Chairman, reserving the right to object, as I understand it, the Chairman has asked for 1 hour, not until 5 o'clock.

The CHAIRMAN. The gentleman is correct.

Mr. PATMAN. I made that statement; the Chairman did not.

PARLIAMENTARY INQUIRY

Mr. WAGGONNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WAGGONNER. The gentleman from Texas, chairman of the Banking and Currency Committee, has asked unanimous consent to limit debate to 1 hour on the amendment and all amendments thereto.

Mr. PATMAN. As I understand it, there are two amendments.

Mr. WAGGONNER. He further amended his request by saying 5 o'clock. It cannot be 5 o'clock and 1 hour.

The CHAIRMAN. The Chair recognizes the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, my request is for 1 hour, without reference to 5 o'clock.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that all debate on the amendment and all amendments thereto cease in 1 hour. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Rees), a member of the committee.

AMENDMENT OFFERED BY MR. REES TO THE AMENDMENT OFFERED BY MR. ANDERSON OF ILLINOIS

Mr. REES. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Illinois (Mr. Anderson).

The Clerk read as follows:

Amendment offered by Mr. Rees to the amendment offered by Mr. Anderson of Illinois: Strike out "in connection with housing construction, any major rehabilitation, and maintenance under programs administered by the Department of Housing and Urban Development" in the proposed new paragraph (4) and insert in lieu thereof "in connection with the construction, major rehabilitation, or maintenance of any housing assisted under this section".

Mr. REES. Mr. Chairman, this is a very simple amendment. I might state at the outset I was very much impressed with the remarks of the gentleman from Illinois. I think he is correct. We must do everything possible to develop new housing concepts in this country if we are ever going to adequately house the American people.

The one problem I see with the amendment is that it pertains to all programs administered by the Department of Housing and Urban Development. The amendment which I am proposing is a very simple one in that it restricts the amendment offered by the gentleman from Illinois (Mr. Anderson) specifically to section 1010 of the code, which refers specifically to Operation Breakthrough.

I believe in looking at the amendment offered by the gentleman from Illinois (Mr. Anderson). It could be interpreted that it would pertain to all the HUD housing programs. It might pertain, for example, to FHA, which is administered by HUD. Likewise it might pertain to public housing. I do not think we want that. What we are really trying to do in Operation Breakthrough is to develop new concepts in housing. This is the first step.

I think the amendment offered by the gentleman from Illinois (Mr. Anderson) is necessary, but we should clarify this amendment so that it pertains specifically to this program and not to get into the gray area of every other program now being administered by the Department of Housing Urban Development.

The CHAIRMAN. Are there any Members whose names appear on the list read by the chairman who desire to speak with reference to the amendment to the amendment offered by the gentleman from California (Mr. Rees) ?

The Chair recognizes the gentleman from Illinois (Mr. Anderson).

Mr. ANDERSON of Illinois. Mr. Chairman, it is with great reluctance that I ask for this time to oppose the amendment offered by the gentleman from California (Mr. Rees). I really think he is trying to be helpful and constructive, and he was kind enough to furnish me a few minutes ago with a copy of the amendment which he has proposed.

Frankly, I do not think it is necessary. It seems to me if Members will take the Model Cities and Metropolitan Development Act of 1966, to which the amendment I presented is offered as an amendment, we see it clearly does relate to this particular section 1010 which deals with the Operation Breakthrough program. So to that extent it seems to me the amendment offered by the gentleman from California is addressing itself to something that, in fact, is unnecessary.

Mr. REES. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from California.

Mr. REES. Mr. Chairman, again I would read the language in the gentleman's amendment that refers to this: "under programs administered by the Department of Housing and Urban Development."

It does not say the programs administered by Model Cities or any other specific program. It means every program administered by that Department.

Mr. ANDERSON of Illinois. Could I ask the gentleman from California a question. Suppose as a result of the 674 housing system concepts that have now been received by HUD, that as a result of receipt of those proposals we do develop some concepts that really embrace initiative and new technological breakthroughs, would the gentleman be reluctant to see those employed in the Model Cities program as a whole? Would the gentleman object to the Secretary having at least the moral suasion of his office, to be able to use the persuasion powers of his office to suggest that these ought to be employed in a model cities program, in an urban renewal program, as well as in some other programs directly operated under the Operation Breakthrough?

Mr. REES. The model cities program is already covered in section 1010 under subsection (3). All this would mean is if there is developed a good technique, fine, but then the technique has to be developed for the housing industry in general, and I believe it has to be sold to the housing industry in general and to the building trades unions in general.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GERALD R. FORD. Mr. Chairman, I ask unanimous consent that my time be allocated to the gentleman from Illinois (Mr. ANDERSON). I believe this is a very important discussion and I should like to have the time used for that purpose.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

(By unanimous consent, Mr. DON H. CLAUSEN and Mr. WEICKER yielded their time to Mr. ANDERSON of Illinois.)

Mr. ANDERSON of Illinois. Mr. Chairman, perhaps it will not be necessary for me to take all the time yielded, but I do appreciate the opportunity to reiterate something which was said earlier in the debate. Perhaps there are some Members on the floor now who were not then present.

According to the latest tabulation which I received today from the Department of Housing and Urban Development there are a total of 664 proposals that have been received from various firms and industries around the country under Operation Breakthrough. Some 217 sites have been proposed.

In connection with that program, as I understand it, under the selection and evaluation process now going on, sometime around the middle of November, after evaluation and review, the Office of the Secretary of Housing and Urban Development will select about eight—possibly as many as 12, but no more than that—sites on which these new modular types of housing, housing prototypes, will be erected.

What I am afraid of is that if we narrow—which is essentially what the gentleman from California is proposing we do—this language in such a way that it refers only to those eight or 10 projects which are being administered by HUD under Operation Breakthrough, we will lose the potential advantage of all these other some 600 proposals that have been received, which may be found attractive by various segments of American industry to mass produce housing, but, because they are not specifically folded in under the language of the gentleman's amendment, it would be possible for craft unions to restrict the employment and the use of these other technologies, these other new materials that might be developed.

I do not believe the gentleman intends that result, but I am very much afraid if we adopt his amendment that is precisely what the effect will be.

Mr. REES. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I am pleased to yield to the gentleman from California.

Mr. REES. There are two sections. One is section (3), which is in the law now. The other is section (4), which is the gentleman's amendment. I shall like to limit section (4) specifically to this act, because this is what we are talking about, this specific program.

Let me read section (3), which is the law right now. It says:

> (3) require, to the greatest extent feasible, the employment of new and improved technology, techniques, materials and methods in housing construction, rehabilitation and maintenance under programs administered by the Department of Housing and Urban Development with a view to reducing the cost of such construction, rehabilitation, and maintenance, and stimulating the increased and sustained production of housing under such programs,

This is what the law says now, so if something is found in Operation Breakthrough there is already the power of the Secretary to require to the greatest extent feasible the use of these techniques in a contract the Department might sign with someone else, or a program which might be administered under the Department.

Operation Breakthrough, in dealing with the gentleman's language, when it talks about no restraint by contract or by law against the employment of new and improved techniques, is a further step.

Because we take this further step I think we should restrict it specifically to Operation Breakthrough, because you also have the interplay of section 3 there, which means if something is found, the Secretary does have the power to go in to the greatest extent feasible in order to promote this in all programs that are administered by the Department.

Mr. ANDERSON of Illinois. I appreciate the explanation of the gentleman, and I agree with his interpretation of the present subsection (3) of section 1010 (a). However, I wonder at this timidity. If it is a good principle, which we should really employ and which is important to the construction industry of this country, why should we circumscribe it to confine it only to those sites under Operation Breakthrough? As long as we have already written into the law this requirement, why should we be afraid to go on and take the logical next step, which would give authority to the Secretary to look critically at those restrictions which might otherwise be employed by way of practice and contract?

Incidentally, the gentleman from New York (Mr. SCHEUER), if I may quote him here, reminded me 2 days ago that the New York Times carried a story where I think there was a strike—and I will be pleased to yield to the gentleman from New York, and perhaps he can explain it better than I can—a strike against the Public Housing Authority because they did not want more than 10 rooms to be painted in a single day.

Mr. SCHEUER. I thank the gentleman for yielding.

It was a question of where the New York Public Housing Authority, as quoted in the New York Times of yesterday, was employing nonunion labor. The reason was that the union was prohibiting their painters from painting more than 10 rooms per week.

Mr. ANDERSON of Illinois. In other words, union labor was losing out to nonunion labor because of a restrictive practice that certainly makes no sense at all. Under the circumstances we should not be afraid in this Congress to do what they did in the other body and take what is a perfectly logical step, I believe, of suggesting that there is nothing wrong with saying that when programs are financed out of the Federal Treasury and when taxpayers' dollars are used in these programs, the Secretary who administers them ought to have some authority to look at, and do so with a critical eye—the kind of restrictive practice just mentioned by the gentleman from New York.

Mr. RHODES. Mr. Chairman, will the gentleman yield to me?

Mr. ANDERSON of Illinois. I yield to the gentleman.

Mr. RHODES. Mr. Chairman, I wish to commend the gentleman from Illinois on the amendment which he has offered. I believe it strengthens the bill and is necessary, and I hope it will be adopted.

Mr. ANDERSON of Illinois. Again I will say in concluding, Mr. Chairman, that I think even though I know the gentleman attempted to be helpful with the limiting words of his amendment, I think there is every reason and every justification for adopting the amendment as it was offered.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman, I would like to ask the gentleman from Illinois (Mr. ANDERSON) a question or two which I believe he can give me brief answers to.

Do you understand as I do section 1010 of the Demonstration Cities and Metropolitan Development Act of 1966 to provide authority only to conduct research and development? Does it provide for any other program except for research and development?

Mr. ANDERSON of Illinois. Well, the title as I have it here in my hand and the text of that section reads: "Applying Advances in Technology to House and Urban Development."

The first section, section (a) says:

> (a) To encourage and assist the housing industry to continue to reduce the cost and improve the quality of housing by the application to home construction of advances in technology, and to encourage and assist the application of advances in technology to urban development activities.

That is the opening paragraph.

Mr. WAGGONNER. Can the gentleman name me one program provided for under section 1010 other than the authority for research and development?

Mr. ANDERSON of Illinois. Well, of

course, 1010, I point out to the gentleman, is a part of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3372). And that does embrace a variety of Federal programs, the Model Cities program, the Urban Renewal program and I think also the Neighborhood Development program.

Mr. WAGGONNER. Does the gentleman believe, having used the plural word "programs" twice in his proposed amendment, that it would be discretionary on the part of the Secretary of the Department of Housing and Urban Development to require the application of this technology that he becomes attracted to any housing program in the Department of Housing and Urban Development?

Mr. ANDERSON of Illinois. No; that goes beyond, I think, the purview of the amendment. I do not think it says he can require. What he can do is to use the authority of his office to see that it just is not arbitrary and that it is not put into the contract, completely disregarding everything else. I do not think there is anything to the effect that they are to use it in connection with the administration of these other programs.

Mr. WAGGONNER. Then, we are giving him statutory authority with the adoption of this language?

Mr. ANDERSON of Illinois. Well, of course, we are amending the statute. Yes; it is statutory language, authority which he could use to the extent feasible. We are not clothing him with any absolute arbitrary power.

I would remind the gentleman of the contract review procedures that are now available with respect to anything that the Secretary does which would be available for review in this instance.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Rees) to the amendment offered by the gentleman from Illinois (Mr. Anderson).

The question was taken; and on a division (demanded by Mr. Rees) there were—ayes 40, noes 42.

Mr. REES. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Rees and Mr. Widnall.

The committee again divided, and the tellers reported that there were—ayes 66, noes 50.

So the amendment to the amendment was agreed to.

AMENDMENT OFFERED BY MR. OTTINGER TO THE AMENDMENT OFFERED BY MR. ANDERSON OF ILLINOIS

Mr. OTTINGER. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Illinois (Mr. Anderson).

The Clerk read as follows:

> Amendment offered by Mr. Ottinger to the amendment offered by Mr. Anderson of Illinois: In line 6 of paragraph (3), after the word "contract", add: "building codes, zoning ordinances".

Mr. OTTINGER. Mr. Chairman, I wish to make clear at the outset that I oppose the Anderson amendment, even though I very much appreciate that its purpose is a good one, to promote technological improvements in the building trades. I oppose it because I think that it intrudes the Secretary of Housing and Urban Development in an unwarranted way into the collective-bargaining process. It is particularly objectionable because it points its finger solely at union practices. I think it is very much an antiunion amendment as it is now drafted.

The amendment seeks to assure, to the extent feasible that there is no restraint by "contract or practice" against technological improvements. That language clearly means by union contract or labor practices, as made clear in the discussion of the gentleman from Illinois. Nothing is said about nonunion restraints on introduction of new technology.

The Secretary of Housing and Urban Development has quite clearly recognized that an equal impediment to the adoption of technological improvements exists in building codes and zoning ordinances. In point of fact, the letter that the gentleman from Illinois sent to all of us urging support of his amendment quotes the Secretary as follows:

> Any limitations placed on our ability to utilize the advances in technology to produce more housing, whether imposed by zoning, building codes, or labor practices, keep us from producing houses that this country urgently needs.

I feel very strongly that if this kind of amendment is to be adopted, that at the very least it should also affect the building codes and the zoning practices which restrict technological improvement equally with any labor practices.

With respect to labor practices, I would like to say that whatever may have been the case in the past—and I do not think the unions have been as responsive to innovation as they should have been in the past—that that is very rapidly changing. The unions themselves, the building trades unions have promoted an outstanding study of the problems of technological introduction and are now quickly instituting technological changes.

Mr. Chairman, there is no question that if we are to build the housing needed in this country—and that is a very high priority—we are going to have to facilitate new building methods.

The way to accomplish this, however, is in cooperation with the unions—not by forcing changes down the unions' throats, as was Secretary Romney's attitude when he first introduced Operation Breakthrough. Many technological changes involve complicated readjustments in our work force. These adjustments should be worked out in an orderly way between labor and management—but mandated by the Government.

The Anderson amendment was not presented in committee. There were no hearings on it. The parties have had no opportunity to explore its implications. It is unfair to force adoption on the floor of such a provision under these conditions.

For these reasons, I urge defeat of the Anderson amendment—but as a safeguard against the possibility of its adoption, approval of my amendment to make the amendment applicable to the restraints of building codes and zoning ordinances.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Chair recognizes the gentleman from Tennessee (Mr. Brock).

Mr. BROCK. Mr. Chairman, I rise to address myself to the amendment. I rise in support of the amendment of the gentleman from New York. I believe it is an excellent amendment. He is fully correct in recognizing the limiting factor in terms of our breakthrough into the new technology that is created by some of the building codes. Any effort that this body can make to strengthen the hand of the Secretary and our homebuilding industry in this particular area is a significant step forward. I fully support the amendment of the gentleman.

I think there was some confusion on the amendment that was last presented. I do not believe the amendment of the gentleman from California will diminish the impact in this particular effort today to achieve breakthroughs. I think his amendment was constructive. I consider the amendment offered by the gentleman from New York constructive. I support him and I urge support of the full Anderson amendment, as amended.

The CHAIRMAN. Is there any further discussion of the amendment offered by the gentleman from New York (Mr. Ottinger)? If not, the question is on the amendment offered by the gentleman from New York (Mr. Ottinger) to the amendment offered by the gentleman from Illinois (Mr. Anderson).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 67, noes 0.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. Gonzalez).

Mr. GONZALEZ. Mr. Chairman, I believe for the record we ought to evaluate the amendment offered by the gentleman from Illinois for what it really is.

In the first place, it was defeated in the Senate by a vote of 6 to 5 in the committee, and it was appended on the Senate floor with six Members of the Senate present. I think that record ought to be underlined and stressed here today.

I think everybody who has studied the subject matter recognizes the amendment for what it really is, which is a union-busting attempt.

The housing bill we are debating today is considered to be noncontroversial. Yet statements have been made that I think are open to question. For example, during the committee hearings, I asked a representative of the American Institute of Architects exactly what in terms of the cost of an average home being built in America today was represented by these so-called labor practices, and the representative said the most it would amount to would be not even 4 percent. So what are we talking about? We are talking about a thinly veiled attempt to give the Secretary of HUD the power to bust the unions in the construction trades.

What are we being offered to affirmatively by the Secretary? Mobile homes is about the only thing emphasized in this Act of 1969. We had the Hoover bills of the depression and now we are to have crammed down our throats the rolling Romneys.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Texas (Mr. Eckhardt).

Mr. ECKHARDT. Mr. Chairman, I compliment the gentleman from Texas (Mr. Gonzalez) on his remarks, and I associate myself fully with his remarks.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Illinois (Mr. Anderson).

Mr. ANDERSON of Illinois. Mr. Chairman, was the gentleman here when I read the fact that the restrictive practices in New York City knocked union painters off the job and as a result the nonunion painters were working for the city housing authority?

Mr. GONZALEZ. I was here when the gentleman explained the story he read in the New York Times, but I still do not think that makes a case for his thrusting off or palming off this amendment.

Mr. ANDERSON of Illinois. I am not palming off anything.

Mr. GONZALEZ. But the gentleman uses this as an example to justify the amendment the gentleman is offering in an attempt to curtail this practice. It is commonly understood the people who have wanted this amendment have said so in very blunt terms on other occasions.

The CHAIRMAN. The Chair recognizes the gentleman from Utah (Mr. Lloyd).

Mr. LLOYD. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois (Mr. Anderson).

I have to reflect on the fact that this amendment was just called a "union-busting amendment." It seems to me when we consider labor-management negotiations and contracts, we think too little about the public interest. This amendment is not designed to be antimanagement or promanagement or antilabor or prolabor. This is an amendment which recognizes that the public interest is paramount to both.

The idea of the Secretary of HUD being characterized as being associated with something called union-busting certainly does not check with the past record of the Secretary.

I recall that when he was Governor of the State of Michigan, when many were advocating a right to work bill for his State, he said:

> No, I am not in favor of a right to work bill for this State.

We should not be considering this bill from the standpoint of whether it is for or against a special interest. We have the challenge in this country of providing 20 million new housing units in the next 10 years. The interest which we in this House should consider paramount to all others is the public interest.

In my view, the amendment of the gentleman from Illinois (Mr. Anderson), is most decidedly in the public interest, which interest it is our duty to represent.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. Madden).

Mr. MADDEN. Mr. Chairman, my colleague (Mr. Anderson) has the best intentions, no doubt, in this wholesale manufacture of housing he is advocating, but the gentleman from New York (Mr. Ottinger) whose amendment passed unanimously, correctly stated that this Anderson amendment would destroy collective bargaining.

Bear this in mind: Everybody wants to have all these low-priced houses for folks in the low-income bracket. This amendment creates Secretary Romney of HUD as a building czar. Do they ever figure it takes 3 or 4 years for these electricians, plasterers, carpenters, machinists, bricklayers, and so forth, to become qualified mechanics?

Can anyone tell me where they are going to build millions of cheap houses without expert union labor? I would like to know what kind of a house they are going to sell to these low-income people.

We might as well be factual. This amendment will get the housing industry into a can of worms. It is going to promote friction among the various classified building trades among the people and the building trades, and between the building trades and the Government, which is a farfetched departure from the accepted and successful house and home construction we have always enjoyed. The only exception has been where "fly by night" building contractors have erected cheap subdivisions which degenerated into slums in a few years. We would have slums and ghettos inside of 18 months, with the so-called plaster-of-paris houses that are going to be built under Secretary Romney's plan. Union labor will not go in with Mr. Romney or anybody else to put up a lot of cracker-box homes. They claim the houses will be cheaper, but they have not said that contractors, lumber and building supply, or real estate will be lowered. If the houses will be cheaper, labor will have to provide the reduction in cost.

It is just such a fallacy that the amendment of my good colleague, Mr. Anderson, will give the public.

I will tell the Members where this would throw collective bargaining out the window. When we throw collective bargaining out the window, we will not have anybody to build these cracker-box houses that are intended to be built under this amendment.

In the first place, I will give an example. Contractors are required to bargain mandatorily on wages and hours and working conditions. If the collective bargaining agreement does not work out on that point, if he refuses and does not go into any contract, in that way he violates the Labor Relations Act.

If Mr. Romney cannot get expert mechanics, electricians, machinists, and so forth to build these houses, my gracious, what kind of houses are we going to have? The proposed plan may set back or postpone housebuilding perhaps for a year. There will be millions of people waiting for these cheap houses. They do not know what they are going to be, and they might wait for them if this "pie in the sky" building program ever gets organized on a practical foundation.

If the high-interest bankers and their "money monopoly" will forfeit some of their fabulous interest profits, we will have plenty of homeseekers who could start building millions of homes throughout the Nation in a few weeks.

If this billion and one-half homebuilding legislation is passed without the Anderson amendment, and low interest is provided by the banks and loan companies, we will have homebuilding prosperity by next January 1970.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Farbstein).

The Chair recognizes the gentleman from Kentucky (Mr. Perkins).

PARLIAMENTARY INQUIRY

Mr. PUCINSKI. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PUCINSKI. As Members fail to respond to their names, is the time then redistributed among the remaining Members who have not yet spoken? There was a fixed period of time.

The CHAIRMAN. The time was equally divided. The Chair has recognized Members whose names are on the list. The time will not be redivided.

The Chair recognizes the gentleman from Illinois (Mr. Pucinski).

AMENDMENT OFFERED BY MR. PUCINSKI TO THE AMENDMENT OFFERED BY MR. ANDERSON OF ILLINOIS

Mr. PUCINSKI. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Illinois:

The Clerk read as follows:

> Amendment offered by Mr. Pucinski to the amendment offered by Mr. Anderson of Illinois: In the last line, after the word "working" insert "and living".

Mr. PUCINSKI. Mr. Chairman, the amendment I am offering is to provide some degree of safety in any effort to use low-cost materials in housing construction. This amendment seeks to make certain that the lives of people who will move into the projects after they are built are not endangered through the use of time-saving or low-cost materials. We have an exemption in the amendment offered by the gentleman from Illinois (Mr. Anderson) which says the provisions of the amendment shall not apply "where such restraint is necessary to insure safe and healthful working conditions." I have merely added two words "and living" to the exception, making it read "working and living conditions." In other words, if at some point the people at HUD decide that they can save some money by using less safe material that will endanger the lives of those who occupy the building built, there will at least be recourse to challenge the use of such material or method under my amendment.

Mr. ANDERSON of Illinois. Will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I certainly will not take exception to the language that the gentleman proposes. I think that the horrors he is conjuring up are rather remote, namely, that HUD would deliberately go out and do something like that.

Mr. PUCINSKI. I disagree with the gentleman. I have seen some of these short-cut methods used and I have seen people burned to death in buildings and I have seen enough fires in my life to know that defective materials were used against the code. That is my basic opposition to your general amendment. It would put the Federal Government into every community in this country and impair local building codes and safety standards. All I am trying to do is insure in the event your amendment is adopted that we will have some recourse to see to it that unsafe materials or questionable techniques will not be used in the construction of these houses. That is all I hope to do here, and I hope the amendment will be adopted and the gentleman will accept it. I want the legislative history to show that my amendment permits a challenge of any decision by HUD to use materials or techniques if it can be shown such action or approval by HUD jeopardizes or may jeopardize the health or safety of people who will occupy such housing.

Mr. ANDERSON of Illinois. I am certainly willing to accept it. However, I am sorry that the gentleman in the same spirit of reciprocity is not willing to accept my amendment, because as far as making a czar out of Secretary Romney, the gentleman knows that in the 9 years I have been here I have never proposed making a czar out of any Federal official.

Mr. PUCINSKI. I did not use the word "czar."

Mr. ANDERSON of Illinois. And I wish to state that this language in my amendment, as it is limited by the language offered by the gentleman from California (Mr. Rees) will not make a czar of anybody.

Mr. PUCINSKI. Nobody knows what happens when guidelines come down the pike. I am sure my colleague is very sincere, but he and I have been here long enough to know what happens when you give bureaucracy the kind of power that we give it here in your amendment.

The CHAIRMAN. Are there any Members whose names were on the list read by the Chair who wish to speak for or against the Pucinski amendment? If not, the question is on the amendment offered by the gentleman from Illinois (Mr. Pucinski) to the amendment offered by the gentleman from Illinois (Mr. Anderson).

The amendment to the amendment was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky (Mr. Perkins).

Mr. PERKINS. Mr. Chairman, I am opposed to the amendment. It would give the Secretary of the Department of Housing and Urban Development more power with respect to collective bargaining agreements than now exists in any official or agency of the Federal Government. At the present time the National Labor Relations Act expresses the national policy on collective bargaining and labor management relations. If it is felt that there is any need to alter this policy, then I think the Congress should do it and it should not be left up to the discretion of a single officer of the Federal Government. At the present time, under the National Labor Relations Act, it is the function of the courts to ultimately determine whether or not a particular provision in a contract or practice is unlawful. The courts are constantly considering issues in various cases involving such provisions. We are told—and I have heard it said here on the floor in the course of the debate—that there is a difference in what the Labor Act makes unlawful and what it prohibits—then to that I would say if the Labor Act does not make a contract or practice unlawful, then it must be lawful and permitted under the act.

If there is a need for additional restraints, I firmly believe that these restraints should be imposed by legislation which has been carefully considered by the House Committee on Education and Labor after a thorough hearing into all aspects of the problem it seeks to remedy. I do not believe that this body wishes to grant to the Secretary of the Department of Housing and Urban Development authority—he, himself—to determine what such restraints should be.

Mr. Chairman, in my judgment the proposal should be voted down.

The CHAIRMAN. The Chair recognizes the gentlewoman from Oregon (Mrs. Green).

Mrs. GREEN of Oregon. Mr. Chairman, I think that regardless of where I might live, I would be very much concerned about the apparent inability of this country to provide enough decent housing for our people.

But coming from the State of Oregon, I am especially concerned because the health of the economy of my State depends upon the health of the lumber industry and upon the health of the housing construction industry. And, indeed, the physical and mental health of all our people depends to a great extent upon their access to decent low-cost housing.

I, therefore, view with special alarm the trend toward higher and higher housing costs for the working people of this country and the downward trend in new housing starts.

It seems to me if we can eliminate any restrictions which contribute to this upward trend in the cost of housing units or which contribute to the downward trend in the number of new housing starts, then this Congress, that has expressed its concern about the inability to provide decent housing, ought to vote to eliminate those restrictions. And, if there are new technological developments or techniques that would contribute to more and more housing and better housing at lower cost, then we ought to be in favor of taking advantage in every way possible of these new technological developments. It is for these reasons, Mr. Chairman, I strongly support the Anderson amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Rhode Island (Mr. St Germain).

Mr. ST GERMAIN. Mr. Chairman, I want to add my voice to those who oppose the adoption of this amendment.

Those in support of this amendment have been careful to point out that this amendment is not intended to interfere with the normal relationships between employee and employer or the contracting union.

I cannot agree. Possibly this is the intent of the sponsors of the amendment, but that is not what the amendment says. Rather, it gives the Secretary complete authority to do what he feels advisable to "assure, to the extent feasible—that there is no restraint—against the employment of new or improved technologies, techniques, materials and methods."

I would therefore ask, as a matter of legislative history, that the sponsors of this amendment make a clear and concise statement in the Record to the effect that it is not their intent that there be any interference by the Secretary of Housing and Urban Development in normal labor-management relations or agreements arising therefrom.

In any case, it does not appear to me to be wise for the Congress to give broad authority to the Secretary in a case such as this without writing into the statute limitations or specific guidelines to be followed.

The Secretary under this amendment would apparently be able to use the various powers of his Department as a coercive sanction in providing governmental direction to the terms and conditions of agreements entered into under our free collective bargaining process by contractors budding on HUD-administered projects.

Additionally, as I understand history, the Congress has always been very jealous with its power to set the direction of the substantive terms and conditions of collective bargaining agreements. Yet, by this amendment, we are delegating that power to the Secretary of Housing and Urban Development so far as agreements falling within the coverage of this amendment are concerned. I do not think we should abdicate such authority to the Secretary without having given careful consideration to whether this is the only way the problem, if one exists, can be attacked.

We are simply asked to approve a floor amendment, without hearings and without an opportunity to do some careful thinking, which may set a precedent for a continuing decrease of congressional authority or influence in this area and a corresponding malignant increase in the authority of the executive branch.

Our constituents did not send us here merely to act during the heat of a debate on the crucial issues facing our country today. They have sent us here to think issues through for them and to vote as we feel best in the interests of our Nation and our constituents.

I have serious doubts about whether this amendment will be good for our country in the long run, even though the arguments in favor of it have some appeal, and I therefore am not going to vote for the approval of any such amendment the sole consideration of which has been made on this floor with most Members absent.

Also of deep concern to me is the fact

that it appears this amendment could well create a conflict in the application of Federal statutes.

It would not matter that the National Labor Relations Act, as amended, does not make particular clauses in agreements unlawful. Although a clause in a contract might stand under Supreme Court interpretation of the Labor Act, its use could nevertheless be prohibited by the Secretary of Housing and Urban Development in programs administered by him.

For example, lawful subcontracting provisions are a mandatory subject of bargaining under the National Labor Relations Act, and a contractor may not refuse to bargain about them. Nevertheless, contractors who are parties to a collective bargaining agreement containing such a lawful clause could be ineligible as a result of a unilateral decision by the Secretary, to bid on work under programs established under an entirely different statute.

This has the appearance of a back-door amendment to the labor laws, and I for one, do not feel it is appropriate for the Congress to take such an approach to the problem.

We would be creating the possibility that every collective bargaining agreement entered into by contractors doing business with HUD would be reviewed by that Department. I am sure the Department would receive hundreds of requests from dissident employers and employees asking that their particular contract be reviewed. This could reopen old wounds and every labor issue which might be brought under the broad language of the amendment. Labor relations would be disrupted around the country, and rather than produce more housing, the amendment might well be counterproductive.

I would not want to see labor strife and unrest result from the adoption of this amendment. Before the Congress subjects collective bargaining agreements to the scrutiny of any Federal department, I think we should very systematically and prudently decide in our own minds what limitations we want placed on this review authority and how we may provide procedures by which strife and unrest could be prevented.

We cannot do that on the House floor. That is a job for the committee, and can only be done by a diligent and foresighted calculation of the complex problems involved and the ramifications of a particular phrase in the language of the proposal. I cannot support the adoption of this amendment under the present circumstances.

Mr. Chairman, we have now been debating this bill and the amendments thereto, and particularly the amendments, since yesterday afternoon. I call your attention to the fact that on numerous occasions the point has been made against certain amendments that not enough time has been spent and that no hearings have been held on these amendments.

Certainly, I think the debate on this amendment this afternoon has indicated that, prior to even thinking of adopting it, there ought to be hearings to allow both sides to be heard.

As a matter of fact, I, for one, have a great deal of admiration for the proponent of the amendment, the gentleman from Illinois (Mr. ANDERSON). Ordinarily, he is one of the clearest speakers in the House of Representatives. Yet, with all of his talent and all of his ability which has been demonstrated here in this debate, there is a great deal of question as to the application of this amendment—as to how far it goes and what it does or does not do.

So on that point alone I feel it should be rejected.

In conclusion, to those who feel that as a result of the Rees amendment that they do not have anything to worry about, I would like to point out to the Members that from here this bill will go to conference with the other body where stronger language was adopted by the other body. I, for one, do not want to chance its coming out of conference with the Senate language rather than the language as amended by the Rees amendment.

For this reason, Mr. Chairman, I urge the rejection of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. MOORHEAD. Mr. Chairman, I rise in opposition to the Anderson amendment, even though I think it has been improved by adoption of the Rees amendment and the Ottinger amendment.

My opposition is certainly not directed toward the objectives of the amendment as I understand them—namely, to insure that there be no obstacles placed in the way of achieving our national housing goals by using the latest technological advances and materials—but rather the method of trying to achieve this by placing, without congressional hearings, unrestricted powers in the Office of the Secretary of the Department of Housing and Urban Development.

One year ago, in the Housing and Urban Development Act of 1968, we committed ourselves to achieving the production of 6 million dwellings for low- and moderate-income families over the next 10 years and for increasing other production to an average annual rate of 2 million dwellings.

We realize that to achieve this objective we would have to develop and use new and improved technology in the housing industry. Accordingly, in section 1704(c) of the 1968 housing bill we added a new subparagraph (3) to section 1010 (a) of the Demonstration Cities and Metropolitan Development Act of 1966.

The Anderson amendment, as I understand it, would add a new subparagraph 4 with almost the same wording as subparagraph 3, which we adopted almost 1 year ago after extensive hearings.

The gentleman from Tennessee asks if we are opposed to the new techniques.

Let me read to you the 1968 law which was adopted after lengthy hearings. It expresses in a positive and inoffensive manner what the pending amendment expresses in a negative and possibly offensive manner. In subsection 3 of the 1968 law the Secretary is directed to "require, to the greatest extent feasible, the employment of new and improved technology, techniques, materials and methods in housing construction, rehabilitation, and maintenance under programs administered by the Department of Housing and Urban Development with a view to reducing the cost of such construction, rehabilitation, and maintenance, and stimulating the increased and sustained production of housing and under such programs."

The subparagraph has been in effect for only 1 year.

No one came before our subcommittee asking for an amendment on the grounds that subparagraph 3 was unworkable.

On the other hand, I would be the last to claim that all problems in modernizing the housing industry are solved by subparagraph 3 even with the addition of the Anderson amendment. But there are right ways and wrong ways to achieve the objectives and the wrong way is to act hastily on the floor of the House without extensive hearings.

The right way is to consider through a congressional hearing the entire scope of the problems facing the housing industry as recommended by the Douglas Commission.

In accordance with the recommendation of the Douglas Commission, on July 17 of this year, I introduced, with 27 cosponsors, a bill to establish a nongovernmental institution called the National Institute of Building Sciences to bring all segments of the housing industry together in a partnership to bring about a dramatic expansion of housing production, and to solve some of the problems involved in housing costs, including perhaps the single largest cause: conflicting and obsolescent building codes.

Instead of incurring the hostility of organized labor, my bill would seek to enlist the cooperation of labor by providing that the operations of the National Institute of Building Sciences, "shall be directed by a council which shall be broadly representative of all sectors of the building industry including labor, all levels of government, and the consuming public."

I think that this is all that is necessary.

Further, I would seriously doubt that the Secretary of Housing and Urban Development wants to be cast in the role of labor mediator for all existing contracts in the construction industry.

Therefore, I believe that we should vote down the pending amendment and proceed in the proper congressional manner with hearings on the bill to establish a National Institute of Building Sciences, and I hope the chairman of the committee can assure me that such hearings will be scheduled.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. ASHLEY).

(By unanimous consent, Mr. BARRETT yielded his time to Mr. ASHLEY.)

Mr. ASHLEY. Mr. Chairman, the gentleman from Illinois has propounded an amendment which certainly has the intense interest of every Member of this body. He has said that we need, in order to achieve decent housing at a price that the American family can afford, the same kind of innovation and technological breakthrough that we witnessed in our space effort. I simply must wonder at the fact that, to the best of my knowledge, no legislation was ever enacted by this Congress with respect to our space effort comparable to the amendment offered by the gentleman from Illinois today. Perhaps with it we would have gotten to the moon sooner that we did. The fact is we got there in a timely fashion without it.

Mr. Chairman, there has been no testimony on the part of this administration in favor of the substance of the Anderson amendment, and I think the reason there has not been is clear.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I did make what I consider to be a conscientious effort to get the views of the administration on this particular amendment.

Mr. ASHLEY. Precisely.

Mr. ANDERSON of Illinois. And I think I have it. I have in my hand a letter signed by the Secretary of Housing and Urban Development.

Mr. ASHLEY. There is no question it is the view of the administration, but what I am saying is that after 8 months in office the administration still did not come before the appropriate committees of the House and the Senate and in testimony demonstrate a need for the substance of the gentleman's amendment. I am perfectly well aware, as I am sure all Members are, of the contents of the letter to which the gentleman refers.

The reason the administration did not see fit to testify is very likely the reason alluded to by the gentleman from Pennsylvania (Mr. MOORHEAD). The fact of the matter is that the Anderson amendment was adopted last year and is part of the law of the land today. The gentleman from Illinois would require the Secretary to "assure, to the extent feasible, in connection with housing construction, any major rehabilitation and maintenance under programs administered by the Department of Housing and Urban Development, that there is no unreasonable restraint by contract or practice against the employment of new or improved technologies, techniques, materials," and so forth.

Under the Housing Act of 1968, adopted last year, we have almost precisely the same language. I would ask the gentleman from Illinois what addition he feels his amendment makes to the language in the 1968 act, referred to by the gentleman from Pennsylvania (Mr. MOORHEAD) and most recently by me?

Mr. ANDERSON of Illinois. Of course, I think actually the language was added in 1968 in the amendments to the Housing Act in that year, and they merely in very general terms express the intent of the Congress that the Secretary explore the possibilities of using the new technologies.

Mr. ASHLEY. I thank the gentleman but he is mistaken. Rather than the vague language the gentleman suggests, here is the language from the 1968 act:

> The Secretary is directed to require the employment of new and improved technology, techniques, materials, and methods in housing construction.

That is not vague language. That is very specific language which was adopted last year. It is the law of the land today. I see no reason whatever to come forth with an amendment that now talks about "unreasonable restraints" without saying by whom, without defining what is unreasonable restraint, without suggesting the criteria for determining on the part of the Secretary of Housing and Urban Development what would constitute an unreasonable restraint.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield further at that point?

Mr. ASHLEY. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, would the gentleman agree, for example, with the kind of practice referred to earlier in the debate where a union would demand a contract that their members paint only 10 rooms a week despite the fact that a new brush or machine had been devised that would provide for painting of 10 rooms in a day? Would that be restrictive?

Mr. ASHLEY. It might very well be, but, if so, the Secretary is required under the law of last year to require the employment of new and improved techniques in construction. If there is an unfair practice now, if it is in restraint, if it is all the gentleman suggests, the law last year covers it and we do not need the amendment the gentleman is proposing. What I am suggesting is that this is duplication.

The CHAIRMAN. The Chair recognizes to close the debate, first, the gentleman from New Jersey (Mr. WIDNALL).

Mr. WIDNALL. Mr. Chairman, I rise at this time to support the Anderson amendment as amended by the Rees amendment. I think it is vital as part of Operation Breakthrough, which is in an imaginative way capturing the attention of the country and also much public support. It is gaining from day to day.

I do believe there is a misunderstanding as to what this amendment says and what it does. I think it is important as we close the debate to read the amendment in its amended form, which we will soon be voting on:

> Assure, to the extent feasible—

And, Mr. Chairman, I emphasize that "to the extent feasible"—

> that there is no restraint by contract or practice against the employment of new or improved technologies, techniques, materials and methods or of preassembled products which may reduce the cost or improve the quality of such construction, rehabilitation, and maintenance—

Mr. Chairman, this is very important—

> and therefore stimulate expanded production of housing under such programs—

I also want to emphasize this—

> except where such restraint is necessary to insure safe and healthful working conditions.

I believe that every Member of Congress will recognize the fact that we are falling far short of meeting the housing needs of this country. We have had many programs in existence for years which have failed to measure up to the needs and the goals of the people of our country.

We know what the situation is now. We have to do something about it. That means we are going to be in a period of change and that it will be healthy change as we review and move on with this program and other programs. Something must be done.

I do not believe there is anyone who recognizes this more than the Secretary of Housing and Urban Development, Mr. Romney, who has done his best in traveling throughout the United States to see at firsthand the problems. He has studied. He has not moved rapidly because he wanted to try to present a sane, good program to the country. This is a vital part of Operation Breakthrough.

The CHAIRMAN. The Chair recognizes the distinguished chairman of the committee, the gentleman from Texas (Mr. PATMAN), to close debate on this amendment.

Mr. PATMAN. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Illinois (Mr. ANDERSON).

I think that every Congressman recognizes the immediacy of this country's housing needs and the necessity of developing technological breakthroughs to meet these needs. However, this amendment by Mr. ANDERSON of Illinois is not a proper vehicle for meeting this need for a number of reasons, according to my opinion.

To begin with, there are very serious objections to this amendment. Its language is inflexible and rigid. It grants unlimited power to the Secretary of Housing and Urban Development without any procedural safeguards. It is not a balanced or reasonable approach to this complex problem in that it focuses on unions while ignoring questions that have been raised regarding local building codes, the high cost of money and land, all of which play an important part in the cost of housing. It inevitably will create a conflict with the application of the National Labor Relations Act. Lawful agreements, working rules and practices which are mandatory subjects of bargaining under the National Labor Relations Act could be prohibited under this amendment by unilateral decisions by the Secretary of Housing and Urban Development.

In view of these serious objections, any additional legislation on this subject properly should be developed only after extensive congressional hearings. This amendment was not a part of the administration's housing bill, nor was it even discussed at the hearings.

The necessity for a congressional hearing is pointed up by the fact that the proponents of this amendment state that it will permit the Secretary of Housing and Urban Development to use the powers of persuasion of his office to encourage technological breakthroughs. Yet the present Housing Act already contains a provision that requires the Secretary to encourage large scale experimentation of new technology. No adequate explanation has been presented why the additional legislation in this area is necessary.

It seems particularly appropriate that this amendment be the subject of a congressional hearing at which the Secretary of Housing and Urban Development can present his case regarding the amendment and other interested parties can be given an opportunity to present testimony regarding this most complex issue.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ANDERSON), as amended.

The question was taken; and on a division (demanded by Mr. ANDERSON of Illinois) there were—ayes 100, noes 77.

Mr. PATMAN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. ANDERSON of Illinois and Mr. PATMAN.

The Committee again divided, and the tellers reported that there were—ayes 130, noes 93.

So the amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. WIDNALL

Mr. WIDNALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WIDNALL: On page 44, after line 24, insert the following new section:

"Medicine Cabinets In Federally Assisted Housing

"SEC. 415. (a) The head of the appropriate Federal agency shall prescribe reasonable standards with respect to the type or design of latches hereafter installed on medicine cabinets in federally assisted housing with a view to preventing injury to young children as a result of gaining access to the contents of such cabinets.

"(b) As used in this section—

"(1) The term 'federally assisted housing' means (A) housing constructed, rehabilitated, or otherwise provided with assistance under the National Housing Act, the United States Housing Act of 1937, section 101 of the Housing and Urban Development Act of 1965, section 202 of the Housing Act of 1959, title V of the Housing Act of 1949, the Consolidated Farmers Home Administration Act of 1961, section 7(b) of the Small Business Act, or chapter 37 of title 38, United States Code; and (B) family housing constructed by the Department of Defense.

"(2) The term 'appropriate Federal agency' means (A) the Secretary of Housing and Urban Development with respect to housing constructed, rehabilitated, or otherwise provided under the National Housing Act, the United States Housing Act of 1937, section 101 of the Housing and Urban Development Act of 1965, or section 202 of the Housing Act of 1959; (B) the Secretary of Agriculture with respect to housing constructed, rehabilitated, or other provided under title V of the Housing Act of 1949, or the Consolidated Farmers Home Administration Act of 1961; (C) the Administrator of the Small Business Administration with respect to housing constructed or repaired with assistance under section 7(b) of the Small Business Act; and (D) the Secretary of Defense with respect to family housing constructed by the Department of Defense.

"(c) The respective appropriate Federal agencies shall, in prescribing standards under this section, seek, through consultation or otherwise, to achieve the greatest practicable uniformity in such standards."

And renumber the succeeding section accordingly.

Mr. WIDNALL (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The gentleman from New Jersey (Mr. WIDNALL) is recognized in support of his amendment.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman.

Mr. BARRETT. Mr. Chairman, in the interest of time, I wish to say I have had an opportunity to go over the amendment and we see no objection to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. WIDNALL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PUCINSKI

Mr. PUCINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PUCINSKI: On page 46, line 8, after "cost", insert:

"SEC. 415. All rules, regulations, directives, instructions and policies promulgated by the administrator under this Act shall be so promulgated within the provisions of the Administrative Procedures Act."

Mr. PUCINSKI. Mr. Chairman, I will not take 5 minutes.

What this amendment does is to require that all rules and regulations shall be published in the Federal Register so that you can see what the administration is doing—what the Administrator is doing. We have done this on other bills simply because there is a growing tendency to have guidelines to substitute for the provisions of the Administrative Procedure Act.

I hope that the chairman of the committee will accept the amendment. I think it is important in a bill like this where a tremendous number of people are involved and where whole industries are involved it is important for Members of Congress, it would help all of us if we knew in advance what the Department is planning to do with these provisions. It in no way interferes with the Administrator's management or conduct of the Agency.

It does not impede his operations. It does not take any of his powers away. All it says is that the Administrative Procedure Act which has been on the books for some 20-odd years and in view of the fact that in recent years guidelines have been developed to bypass the APA—all we are trying to do is to give the Congress the knowledge that we need.

Mr. WIDNALL. Mr. Chairman, if the gentleman will yield, do you have a copy of the amendment? I have not seen it.

Mr. PUCINSKI. I have shown it to the chairman of the committee. I apologize to the gentleman.

Mr. WIDNALL. Is it not true at the present time, the Department of Housing and Urban Development would be forced to do what you are talking about which is already in the act?

Mr. PUCINSKI. I regret to advise my colleague that is not true. The Administrative Procedure Act was passed by the Congress because the Congress realized that we here in the Congress cannot cross every "t" or dot every "i" and so this great authority was delegated to the administrator. So when the Administrative Procedure Act passed the Congress—all right, we delegate this authority but we want the administrator to tell the Congress what he is doing or plans to do about publishing it in the Federal Register—to publish his proposed rules and regulations. This was going on for a few years. Then about 10 or 12 years ago, and I must say this became most prevalent in the past administration, we saw the emergence of guidelines to bypass the Administrative Procedure Act.

What happens today is the guidelines are published and they are sent down range and nobody ever has a chance to look at them and no one ever has a chance to comment on them and when they are sent down range, they become effective. Two jurisdictions have already held that guidelines take on the color of law. So all we are saying here is that we are reemphasizing the fact that the rules and regulations shall be published in the Federal Register for all interested parties to study them before they become effective and comment upon them if that is their desire.

Mr. BROCK. I believe the gentleman has a desirable objective in mind in terms of broad policy that is going to be adopted in relation to a national program, but I think he is somewhat amiss of the mark when we talk about an operation breakthrough, because here we are trying new technology.

Mr. PUCINSKI. This applies to the whole act.

Mr. BROCK. I know, and it is going to destroy any possibility of a breakthrough.

Mr. PUCINSKI. If the gentleman from New Jersey (Mr. WIDNALL) is correct, that the amendment would apply to the whole law, then nothing would destroy such a possibility. We are merely emphasizing that this is the intent of Congress. We want to see the rules and regulations that they propose for the administration of the act. That is all. I hope the amendment will be adopted.

Mr. BROCK. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. BROCK. Mr. Chairman, the purpose of an Operation Breakthrough is to let the Secretary have the flexibility to innovate, to be creative, to try something new on a one-time basis in a pilot project in a city somewhere in these United States. He has had 60-odd proposals. He may take 8, 10, or 12 of them and try them. To delay that operation, to open up a Pandora's box to every special-interest group to come in would defeat its purpose. Why we should not even try something new is beyond me. The gentleman knows that the bill he is talking about was designed to affect long-term programs that are going to become policy. They should not affect innovative experimentation.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. BROCK. Certainly, I yield to the gentleman from Illinois.

Mr. PUCINSKI. There is nothing in this amendment that could be disagreeable to the gentleman. I will ask unanimous consent that the amendment be read again, because there is nothing in the amendment that even approximates that. This amendment states that all rules and regulations shall become promulgated within the framework of the Administrative Procedure Act, which is now on the books. That is all. If the Secretary wants to fund a demonstration project, fine, he can do that, and nobody stops him. But if he wants to set up rules and regulations setting up demonstration projects, then he would publish those rules and reguations in the Federal Register for all interested parties to see.

Mr. BROCK. How about rules or regulations or policies affecting one experimental project?

Mr. PUCINSKI. It would not affect it.

Mr. BROCK. That is what the amendment says.

Mr. PUCINSKI. The Administrative Procedure Act, if my colleague will look at the act, provides the machinery under which an administrator shall publish in the Federal Register the proposed rules and regulations which he recommends for implementing an act—in this instance, the Housing Act.

All I am saying to my colleague is that in the last decade we have seen the emergence of government by guidelines, and no one ever sees the guidelines until they become literally law. All I am saying is that the administrator of this agency, as I hope the other agencies will also, will show the Congress and show the other interested parties what he proposes to do. That is all.

Mr. BROCK. I would frankly place more credibility in the gentleman's amendment if he had offered it on the health, education, and welfare bill.

Mr. PUCINSKI. The gentleman is correct. I did offer it. In fact, I have been offering the amendment to every major bill, simply because I think it would restore the responsibility of Government back to Congress, where it belongs.

Mr. BROCK. I fully agree with the gentleman's intent in that case. If it does not affect the demonstration or innovative project, then I cannot object to it.

Mr. PATMAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. PATMAN. Mr. Chairman, this same amendment was proposed in 1968 to the 1968 Housing Act and was defeated. We had hearings, and the gentleman did not appear before the committee in support of the amendment this year. We had reason to believe that he had either abandoned it or at least was not insisting on it.

The amendment is far reaching. It could involve many emotional questions in this country and get far away from any housing legislation.

We do not know how far it would go under the Administrative Procedure Act. I hope this amendment is voted down. It is dangerous. I hope it is voted down. The gentleman admits he has been trying to get it on other bills, and he has failed to get it on any bill.

Mr. PUCINSKI. No; we got it through.

Mr. PATMAN. Not on a housing bill though.

Mr. PUCINSKI. That is correct, and I regret that we did not get it on a housing bill, because the gentleman has seen the arbitrary rules and arbitrary standards being handed down in many parts of the housing bill over which Congress has nothing to say and nó control. So I am hopeful that as long as the chairman did recall and refresh my recollection, that Members will realize what we are trying to do is to recapture control.

Mr. PATMAN. Mr. Chairman, I do not yield further.

This is going too far. We do not know how far the Administrative Procedure Act would go in the administration of this. It is going off in a different direction entirely from the housing bill. We do not know how dangerous it is or how ineffective it would be in enforcing the provisions of this law. I do not think we should go in this direction. I hope the amendment is defeated.

Mr. WIDNALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the amendment would be highly detrimental to the administration of this act, because of one word in his amendment that has not been discussed by the gentleman from Illinois (Mr. PUCINSKI), which says:

> All rules, regulations, directives, instructions and policies promulgated by the Administrator under this Act shall be so promulgated within the provisions of the Administrative Procedure Act.

I do not believe the word "policies" has ever been in any bill before. I do not think it should be, and I think it would be something that would completely hamstring the operation of the act and the attempt we have been making to get expeditious action in moving in new directions.

It is also highly irregular to offer this amendment to the House without providing any copies even for the majority or the minority sides.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I would not press the issue. The fact remains I am somewhat surprised that my colleague would be so concerned over an amendment to this act which requires nothing more than publication in the Federal Register of how they intend to implement an act approved by the Congress of the United States. It does nothing more. It makes these people tell the Members of Congress and all other interested parties what they plan to do with the legislation the Congress approves. It is just that simple.

Mr. ERLENBORN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I am surprised the gentleman from Illinois offered this amendment. I have supported in the past similar amendments offered by the gentleman to other bills. I agree with the purpose he states, but the way in which this is offered, never having been offered to the committee, and copies not having been submitted to the majority and minority sides is irregular.

And I do not believe—the gentleman can correct me if I am wrong and I will yield to him for that purpose—that the amendment has ever been offered in the same form in which it is offered today, that is including the words "directives, instructions, and policies." I fear this goes well beyond what I have supported in the gentleman's efforts in the past, and that is that rules and regulations and guidelines which would take on the color of law be published in the Register. But now every policy that is considered by the Department of HUD and every directive which is sent from Washington to one of its regional offices will have to be published in the Federal Register, and we will inundate the office with paperwork and glut the Federal Register. I do not think the amendment is well thought through.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I think the gentleman misses the point of the amendment. The controlling factor is the Administrative Procedure Act. That is what controls. Whatever procedures are spelled out in the APA prevail.

I would not add anything to the APA. I would not touch it, amend it, or expand it. Whatever requirements are made of an administrator in the APA, those requirements would have to be abided by and adhered to under this amendment. So we do not do anything not on the books now, because the APA has been on the books since 1946. All we do is reaffirm the importance of the APA.

Mr. ERLENBORN. The gentleman misunderstands the point I am making. Certainly the Administrative Procedure Act does not require every policy adopted, every directive sent out, be published in the Federal Register. If it did, then the gentleman's amendment would be completely unnecessary. It is ill advised, and I hope the amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. PUCINSKI).

The amendment was rejected.

Mrs. SULLIVAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I suppose it is human for each of us to think that everything we do here, or propose, has historic significance. With due allowance, therefore, for this tendency upon our part to see history being written in every vote, I would like to recall a little matter of perhaps some historic value which occurred a dozen years ago. It was the first teller vote ever held in the House on the issue of instituting a food stamp program. We lost. The vote was ayes 89, noes 128. That was on June 20, 1957.

That vote was historic and significant, in my opinion, more from a political standpoint than anything else. For as pointed out at the time by the gentleman from Michigan (Mr. DINGELL) only one

Member of the House from the minority side, the gentleman from Pennsylvania (Mr. SAYLOR) went through the tellers in favor of food stamps in 1957. He has always supported this legislation.

Subsequently, as the years passed, some additional Members from the Republican side—a few—joined in this effort, but when the Food Stamp Act of 1964 was reported by the House Committee on Agriculture, every single Republican member of that committee voted against it. And so did the overwhelming majority of Republicans in the House.

TWO DIFFERENT ISSUES 12 YEARS APART RESULT IN IDENTICAL VOTE PERCENTAGES

Yesterday, we had an amendment before us on the housing bill which I feel is somewhat comparable, from a political standpoint at least, to the experience of June 20, 1957, on the food stamp issue. That was my amendment to create a Home Owners Mortgage Loan Corporation to provide direct loans, at 6½ percent or less, to credit-worthy middle-income families, earning $12,000 a year or less, to enable them to obtain the financing needed to buy homes they can afford. The HOMLC would operate only during periods when the private mortgage market cannot or will not provide mortgage money to middle-income families at reasonable rates—a situation such as right now.

The teller vote on this proposal yesterday was ayes 78, noes 111. It failed.

Mr. Chairman, it is a remarkable coincidence that the vote in favor of this amendment was just about exactly the same from a percentage standpoint—41 percent—as the vote in favor of the food stamp idea the first time the House had a teller vote on it, 12 years ago.

NO REPUBLICAN VOTES THIS TIME

What is even more remarkable is that this time, so far as I recall from counting the aye votes yesterday as a teller, there was not a single Republican Member of the House willing to come through the line in favor of the idea of enabling moderate-income American families to get reasonable financing for the purchase of a home. Not one.

If I failed to recognize any Republican faces in the line, I would be glad to apologize to any Member from the minority side who would wish to correct me on that.

Mr. Chairman, I am sorry that this vote seemed to have turned into a partisan matter, with all Republicans present voting no and most of the Democrats present—not all, and not enough, but most of those present—voting aye. But the result was not surprising. It takes a while for Members on the other side of the aisle to recognize a good idea when it is presented here for the first time, or the third, or 10th. Eventually, as in the case of the food stamp idea, many of them finally come around. Now the big problem our Republican colleagues are trying to decide about the food stamp issue is not whether it is a good idea, but whether it should have only $340 million to spend this year, as present law provides, or $610 million, as proposed by the Nixon administration, or $1,250 million as agreed to by the Senate. And this year **dozens of Members of this House from the Republican side are enthusiastically cosponsoring bills to expand, improve, and in other ways endorse the whole idea of a food stamp plan expanded to include everyone who is in need of food assistance in order to obtain an adequate diet at a price he can afford.**

HISTORY INDICATES THE GOP ELEPHANT WILL EVENTUALLY LEARN TO RECOGNIZE A GOOD IDEA

I am sure many of our Republican friends will eventually see the value, also, of the Home Owners Mortgage Loan Corporation, but I am somewhat resigned to waiting 12 years for most of the Republicans here to see the light.

Hence, as I had to do in the food stamp matter 12 years ago, I am planning to concentrate my efforts in behalf of the HOMLC among my Democratic colleagues, knowing that those who examine the bill introduced by me and Mr. BARRETT, H.R. 13694, which I offered yesterday as an amendment to the housing bill, will enthusiastically support it. I intend to fight as hard for this measure as I did for the food stamp bill. And one day, I suspect, many Republican Members of the House will be making speeches here complaining, as they have done about food stamps this year, that the HOMLC had only $10 million in its revolving fund after 5 years and should have far more money to lend out.

They say the elephant never forgets. But the history of progressive legislation—from social security through to the present—shows that it usually takes the GOP elephant many years to learn anything—so that it will then have something to remember, and will know what not to forget.

Mr. WEICKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I intend to make a motion to recommit, after the Committee rises, based on the amendment presented to the Committee yesterday afternoon.

Very briefly, let us set the record straight, that urban renewal, under the present laws, has no requirement whatsoever for the creation of housing. The only requirements in the law today are those requirements stating that if housing is a part of the urban redevelopment plan then 20 percent shall be low- or moderate-income housing. But there is no requirement for any housing whatsoever.

The net result of this has been clear. Rather than create a situation in our cities whereby they can be developed in balance, both the commercial side and the living side, this particular piece of legislation really could be called the great shopping plaza renewal act or the office building renewal act. Far from assisting with the housing needs of this country, this very piece of legislation has gone ahead and created a problem which requires the Operation Breakthrough, which requires the model cities program, et cetera.

This specific amendment does not require that any housing be put in if the urban renewal project goes into an area where there is no housing. But if the project goes into an area with housing and tears down x number of units, yes, as a part of the plan then that number of units would have to be replaced. There is no shunting of the problem outside of the cities. It has to be handled on location.

To those who would say the one-for-one situation is restrictive so far as housing is concerned, I will say I believe it is a lot more restrictive for the person who is displaced from his home and has no other place to go.

This is very definitely a question of priorities. The relocation provisions under our present Urban Renewal Act do not create any more housing. All this does is to postpone the problem, and the backlog of housing units required just goes on the upswing.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. WEICKER. I yield to the gentleman from Connecticut.

Mr. GIAIMO. I should like to commend the gentleman on the statement he is making. He is absolutely right. This is the same idea he tried to get through yesterday on the amendment. If housing is demolished in the process of urban renewal we must replace the housing for the people who theretofore had been living in the area.

This is a good amendment in the nature of a motion to recommit, and I intend to support it.

Mr. WEICKER. I thank the gentleman.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. WEICKER. I yield to the gentleman from Illinois.

Mr. McCLORY. I witnessed an urban renewal project where housing was destroyed for people who needed the housing most, and no provision was made for housing of those disadvantaged persons. I believe the gentleman's amendment is commendable, and I intend to support him.

Mr. WEICKER. I thank the gentleman.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. WEICKER. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, I am going to support the gentleman's motion to recommit. It ought to be in the law and it should have been in the law a long time ago, from the very first year that urban renewal was passed by the Congress. It is a good amendment and should have been adopted yesterday. I support the gentleman's motion to recommit.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. WEICKER. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I only want to point out that I think the gentleman had better take a hard look at this. I do not want to consume the time of the Members at this late hour, but the majority of the low- and moderate-income housing is 50 percent, or really 51 percent, and not less than 20 percent.

Mr. WEICKER. Let me say to the gentleman from Pennsylvania that requirement is only there if housing can be part of the urban renewal plan, but there is no requirement that there be any housing in there at all.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. WEICKER. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I congratulate the gentleman on his motion and believe that it will solve a very important problem here. I intend to support his motion to recommit.

Mr. WEICKER. I thank the gentleman.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. WEICKER. I yield to the gentleman from Illinois.

Mr. PUCINSKI. How does the gentleman's amendment comply with a U.S. district court ruling in Chicago by Judge Austin, which may or may not be upheld on review, where the judge held that you have to build three housing units outside of a ghetto area before you can build one unit inside? Where you have an urban renewal project and put in a fixed number of housing units—and I support your concept, but I want to know how will this comply with this decision and how will you be able to build your homes if the principle enunciated by Judge Austin becomes final?

Mr. WEICKER. The principles enunciated by this Congress will overrule those enunciated by the judge. It was not the intent of this Congress to create an urban renewal act geared only to commercial interests in the United States. The Congress has not enunciated its principles up to now, and I believe this will help to do it.

Mr. ASHLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not think that there should be any question about the impact and the effect of this motion to recommit. If it is adopted, it will ruin and it will end the urban renewal program as we know it today.

I have been on the Subcommittee on Housing for 15 years, and I can assure you that I have worked hard to come to understand the program. I will yield to any Member on either side, any member of the Housing Subcommittee, who will not affirm what I am saying.

There are some 2,600 urban renewal projects in being today, either in construction or in completion. Not one-tenth of 1 percent of these projects could go forward if the motion to recommit were adopted and were to become law. The fact of the matter is that the gentleman is seeking to superimpose a judgment from Washington over that of the local community. Hear me out. There are projects in your districts that seek to reduce density by taking out substandard units and not putting in one for one, as the gentleman's motion would require. There are projects in your districts that seek new recreational space and new park space. It is necessary in some instances to take out units and not to replace them on a one for one basis in order to achieve this end.

What I am saying, Mr. Chairman, is that if this motion to recommit is adopted, this Congress will be putting its judgment—insisting that its judgment be substituted for that of the local governing bodies.

Mr. Chairman, this motion to recommit has got to be opposed on the basis of the testimony of the Conference of Mayors, the Leagues of Cities and the Association of County Officials.

This motion, as I have said, Mr. Chairman, would absolutely end urban renewal as we know it today, and I repeat that I will yield to any member of the Housing Subcommittee to challenge me on what I say.

Mr. WEICKER. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Connecticut.

Mr. WEICKER. It is not going to destroy urban renewal. It is going to put the human element back into urban renewal where it should have been from the start.

Mr. ASHLEY. I refuse to yield further. I consider it presumptuous that the gentleman from Connecticut would tell our subcommittee it has been unmindful of the human element involved. If he feels so strongly, I would suggest that the gentleman might have come before the committee in a timely fashion rather than offering his amendment as he did yesterday without any prior notice, and now in the form of a motion to recommit.

Mr. Chairman, if this is so essential, then why did not the gentleman present himself before the committee with reference to this proposal? Why is this the first time that this matter has been presented?

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. I am sure that the gentleman from Ohio knows about the history of the southwest section of Washington, D.C. A few years ago thousands of people were living in that area. However, under the urban renewal program the houses were torn down and the property was sold to wealthy people on which to construct high-rise apartments. My question is that those people who were put out of their homes are still without homes.

Mr. ASHLEY. Let me say to the gentleman from Alabama that the problem that he has suggested has come to the attention of our subcommittee. The gentleman from New Jersey, the ranking minority member of our subcommittee, has for years offered amendments which have been adopted to tighten up on these operations in order to assure that low-cost housing for families of modest income would be provided. These amendments have been adopted. They are a part of the law today.

But to insist upon a one-for-one replacement takes away the opportunity of lowering the densities of our poorer cities.

I will say to the gentleman from Connecticut that there is no addendum to his motion that says that there will be some means of accommodating the inner city people in the suburbs; no, not at all.

Mr. Chairman, this motion to recommit in my view is directed at and its sole intent is to lock into the cities those people who are living in the cities today. It can only perpetuate the terrible densities of our inner cities and the stifling conditions which breed unrest, crime, and violence.

The gentleman from Connecticut talks about assuring the human element in urban renewal. His motion, however, is only certain to continue the inhumanity characteristic of so much of our urban life and to preserve the unethical and immoral class structure of present-day suburbia.

Mr. GILBERT. Mr. Chairman, our country is facing a housing crisis of growing magnitude. It extends to the housing available to Americans of low- and middle-income levels. We have talked a great deal, going back to the days of World War II, about the need for vast building programs for housing. But each year we fall a little further behind in our housing goals.

I commend the Banking and Currency Committee for approving the full authorization for the model cities program. When this program was first passed under the previous administration, much hope was invested in it. In my own district in the Bronx, N.Y., we have started a model cities project. It has brought a feeling that there is indeed an urban future for us. I see new signs of enthusiasm within the model cities area. This program has gained widespread acceptance as a basic approach toward meeting the needs of low-income families in blighted areas through comprehensive use of the whole range of Federal programs. I am pleased that the committee has given this program its confidence by recommending the authorization that was envisaged in the original legislation.

I also want to indicate my support for such other provisions within this bill as low-cost loans for housing for the elderly and emergency flood insurance. I find it prudent that the committee has seen fit to include funds for the rehabilitation of older public housing projects. This is an important provision. Neglected houses and buildings, once vacated, become breeding places for crime and disease. This indicates the wide scope of this legislation, which I regard highly.

The bill contains two other important provisions to help our senior citizens. It makes an increase in the rehabilitation grants available to low income families in urban renewal areas who must fix up their property; and, the bill authorizes an additional $150 million for the 3 percent loan program to finance housing for the elderly and the handicapped. These provisions certainly have my strong support.

The bill, H.R. 13827, modifies the public housing annual Federal contribution formula which would restore the authority in the original 1937 Housing Act. These contributions have been limited by regulation—just to debt service—on public housing projects and today a number of local housing authorities find they cannot meet operating costs out of rentals. Management costs of public housing have spiraled along with other costs, while the average income of public housing occupants has remained virtually the same as the program serves a lower range of income groups, particularly senior citizens.

Mr. Chairman, this bill will make a number of important improvements in existing programs and provides authorizations to continue these programs through the next fiscal year. There are some problems the bill fails to remedy. In some respects it fails to face up to two needs of public housing in high cost areas. It establishes a limitation on construction cost per room which will mean that no new public housing can be constructed under federally assisted financing in the city of New York, and other such cities. Further, it fails to come to grips with the problem of urban space in that it makes no provision for disposal of excess Federal property at a reasonable price for low- and moderate-income housing. The existing cost limitation per unit of public housing has made it almost impossible for the NYC Housing Authority to construct new residential facilities for the past year, and I fear that our housing problem in New York City is going to become worse.

Mr. Chairman, I opposed the Anderson amendment, not because I fail to recognize the importance of using new technology for housing construction. I oppose it because it ignores the guarantees to the rights of labor that have been built up over the years. The trade union movement is as eager as the Congress to get new homes built quickly and inexpensively and has shown that it is adaptable to the use of new technology.

Mr. Chairman, I am going to vote for this housing bill. It makes many important improvements. I regret, however, that it does not go far enough. Our goal is not only more homes but a decent, safe, and sanitary home with a suitable living environment for every American family. This legislation is necessary to help meet this goal—but a whole range of community development programs including public works, transportation, health, education, job training, and, employment programs must also be implemented and funded—if we are to rebuild our ghettos and make our communities a decent place in which to live.

Mr. REID of New York. Mr. Chairman, I rise in support of H.R. 13827, the Housing and Urban Development Act of 1969.

In passing the Housing and Urban Development Act of 1968, the Congress established a clear national housing production target—26 million units of housing in 10 years, including 6 million units for low- and moderate-income families. Yet current statistics show that, this year, we may not achieve even 1 million housing starts, when the congressional mandate calls for 2.7 million starts annually. We are falling behind in our efforts to meet the congressional mandate in this area and the goals set by the Kerner Commission report.

It became clear during the testimony of the Honorable John V. Lindsay, mayor of New York, before the Senate Subcommittee on Housing and Urban Affairs, on July 25, 1969, that one of the major roadblocks to the construction of public housing—an important part of our effort—is the statutory per-room cost limitation for public housing. I would like at this point to quote extensively from Mayor Lindsay's testimony:

> The fact is that all the federally assisted housing programs—public housing, home-ownership, 236 rental assistance—face an impossible roadblock, and that is a roadblock that is endangering every housing program and is placing in jeopardy any hope whatever of meeting our national housing goals.
>
> To put it bluntly, this roadblock is leading the Nation to the imminent collapse of publicly assisted housing production. And when I speak of "imminent collapse", I am not using scare words and I am not exaggerating.
>
> This roadblock, Mr. Chairman, is the statutory cost limitations which control both low and moderate income housing construction.
>
> Over the last 20 years construction costs have increased by at least 125 percent nationally and 130 percent in high cost areas such as New York City. Projected increases are even more spectacular, as the cost of land, labor, and materials continue to rise at an alarming rate.
>
> Yet the cost limits for public housing and the mortgage limits for the Federal Housing Administration's programs have lagged miserably behind these increases. For example, as construction costs more than doubled in the last 20 years, cost limits for the public housing program were raised by only 26 percent in high cost areas.

The bill before us today would increase the basic per-room construction cost limitation for public housing from $2400 to $2640, and increase the additional per-room allowance for high-cost areas from the present $750 to $825. However, in view of the housing lag in New York City, my own county of Westchester, and other areas where construction costs are high, it is unfortunate that the committee failed to adopt the more flexible approach of the other body. Under the Senate bill, as my colleagues know, the Secretary would have discretionary authority to increase the basic limits by up to 45 percent in high-cost areas. I would think such an approach is necessary if we are to avoid the nightmare predicted by Mayor Lindsay—unless formulas are sufficiently liberalized, 30,000 housing units scheduled for construction in New York City alone in the next 18 months will not be built.

The other major provision of the Senate bill which is missing from the measure before us today is a new program to provide rental assistance to public housing tenants. Under current law, low-income Americans are eligible for Federal rent subsidies only if they live in private housing. As a result, as many as 90 percent of the low-income persons in this country live in private housing, often dilapidated slum housing, because public housing is unavailable to them. According to the New York Times, some 200,000 families live in substandard housing in New York City alone.

The Senate provision—originated by Senator BROOKE—authorizing $75 million annually to help pay the rents of tenants in public housing would pave the way for many of these citizens to move into safe and sanitary quarters. The Government would pay all costs of public housing for those families with no income; in those cases where a family's rent was more than 25 percent of its income, the Government would pay the difference.

Although I feel the measure before us would have been improved with the two changes I have discussed, several of the provisions in the House bill are useful, and should contribute to the increased effectiveness of the neighborhood development program, particularly. Like many of my colleagues, I have been disturbed by reports that only 35 of the 150 cities which have applied for funds under the neighborhood development program have received grant contracts. It is my understanding that some cities, because of delays in processing of NDP applications, lack of funds, and the possible loss of local grant-in-aid credit, have recently sought to return to conventional urban renewal programs. Hopefully, the setting aside of funds for NDP projects, extension of the period of eligibility for local grant-in-aid credit, and the provision of a 2-year budgeting period for NDP will help solve these problems.

In short, Mr. Chairman, I feel the House and the Congress must show a new sense of urgency if we are to meet the housing problems so urgently described by the Kerner Commission and others. I urge enactment of this bill as a necessary step toward reaching our goals in housing construction.

Mr. BUTTON. Mr. Chairman, I support H.R. 13827, the Housing and Urban Development Act of 1969. I wish I could say that I am completely happy with this bill, but I am not. It does not go far enough. As the distinguished gentleman from Pennsylvania (Mr. BARRETT) said during general debate on this bill:

> In the midst of the greatest prosperity ever known by any nation in history, 6 million American families still live in substandard housing.

This is an incredible statistic when you consider the evidence of report after report indicating domestic unrest stemming from a No. 1 problem of proper—or in most cases, improper—housing.

While there is much to be proud of in this bill and the hard work put in it by the gentleman from Pennsylvania (Mr. BARRETT), the gentleman from New Jersey (Mr. WIDNALL), the distinguished chairman of the Committee on Banking and Currency, the gentleman from Texas (Mr. PATMAN), and all the members of that committee, I do not feel we can honestly say we have done all we can to truly improve the quality of life for all Americans in need of a decent home. The prices of new homes and interest rates on financing what they are today, of course, just does not make the dream of home ownership possible for all Americans.

We are in a crisis of confidence and hopefully the Congress will go much further next year in meeting the inadequate housing and poor living conditions which subtract so much from the total of a man's livelihood and his desire to produce.

I am pleased, however, that H.R. 13827 emphasizes the importance of the neighborhood development program—a new set of rules for carrying out urban renewal enacted in the Housing and Urban Development Act of 1968.

More than 280 communities, including my district—Schenectady, N.Y.—have NDP applications filed with HUD or about to be submitted. If this program is fully implemented, this method of renewal will cure the phenomenon so prevalent in many communities where urban renewal activities, due to their slowness, have at times compounded the problems they were supposed to solve.

Thirty-nine other Members joined me in introducing an amendment to H.R. 13827 which would extend for 1 year the eligibility of noncash grant-in-aid credits under NDP. The Committee adopted the intent of my amendment as section 203 of title II of the bill. I, along with many other Members who have cities where these credits are essential to the success of their NDP program, are grateful to the efforts of the committee and the staff for including this section in the bill.

I am especially pleased with the language in the committee report which states that cities which have undertaken urban renewal under NDP be not more administratively restricted than those cities seeking assistance under regular renewal projects. After HUD urged cities, at their own expense, to prepare applications for funding under NDP, I feel that this recommendation in the report is extremely important and fitting. The fact that H.R. 13827 stipulates that $400 million in fiscal year 1970 urban renewal funds be earmarked for NDP and that at least 35 percent of all urban renewal appropriations in succeeding years be earmarked for NDP, is, in my view, equally important in seeing that NDP will continue to be what the program was intended to be—a change in the renewal process that would serve to accelerate renewal efforts.

As my distinguished colleague the gentleman from Minnesota (Mr. FRASER) pointed out during general debate, a bipartisan group of 85 of us here in the House joined in sending a letter to Secretary George Romney which expressed our concern over reports that HUD intends to place severe restrictions on the implementation of NDP.

I was pleased with the quickness of Secretary Romney's response to our letter when he stated in a telegram, presumably sent to all 85 signers of the letter:

> Wish to advise you: first, this department and this administration firmly supports the NDP concept as a valuable and flexible tool to aid cities in achieving their renewal objectives; second, we have no intention of taking any action that would weaken this tool for urban renewal; third, the October 3 press release on the two year provision does not require completion of renewal activities within that time and assumes certain types of activities involving federal financial assistance can and will continue beyond the two years; fourth, the press release of October 3 contains no reference to conversions to NDP. A final decision on this matter is yet to be made and your views will be carefully considered; fifth, this department has no intention of taking final action on administrative regulations for NDP until the House of Representatives acts on H.R. 13827.

I commend the Secretary for both the promptness and responsiveness of his wire. It is gratifying to be reassured that not only the Department of Housing and Urban Development, but the administration firmly support the NDP concept, and that they "have no intenton of taking any action that would weaken this tool for urban renewal." This wire is confirmation that the NDP program will be as comprehensive as expected by the cities and intended by the Congress.

Eventually, more detail needs to be spelled out on the issues of conversion and time limits referred to in our letter and in the Secretary's reply. We would like to know exactly what those "certain types of activities" are and what the programs of "Federal financial assistance" are which would permit a city to continue NDP projects longer than 2 years. Since the principle of conversion is an essential element of the NDP concept, we are disturbed to learn that at this late date a final decision is yet to be made as to whether additional cities will be afforded equal treatment with the initial 35 in being permitted to transfer or convert to NDP funds already under renewal contract and grant reservation. However, the Secretary's wire clearly demonstrates that he is fully informed of the provisions of H.R. 13827, and of its accompanying report language requiring that cities undertaking NDP "should be permitted and encouraged to do so under conditions which are not more restrictive than those imposed on regular urban renewal projects."

I am confident, therefore, that we can expect, in good faith, that any future regulations relating to time limits and conversion will be in conformity with the commitment of the Department of Housing and Urban Development and the administration to the concept of NDP.

At my request, the Department of Housing and Urban Development provided me with a listing of all NDP applications submitted or about to be submitted to HUD through August 31, 1969. Because NDP is so important to these communities, I include this list by region at this point in the RECORD:

NDP APPLICATIONS SUBMITTED OR ABOUT TO BE SUBMITTED TO HUD

REGION I

Bridgeport, Conn.
Danbury, Conn.
Danielson, Conn.
New Britain, Conn.
New Haven, Conn.
Portland, Me.
Presque Isle, Me.
Boston, Mass.
Haverhill, Mass.
Lawrence, Mass.
New Bedford, Mass.
Springfield, Mass.
Woburn, Mass.
Albany, N.Y.
Beacon, N.Y.
Binghamton, N.Y.
Corning, N.Y.
Elmira, N.Y.
Fairport, N.Y.
Fulton, N.Y.
Glens Falls, N.Y.
Lockport, N.Y.
Olean, N.Y.
Palmyra, N.Y.
Plattsburg, N.Y.
Schenectady, N.Y.
Syracuse, N.Y.
Troy, N.Y.
Utica, N.Y.
Yonkers, N.Y.
Newport, R.I.
Pawtucket, R.I.
Providence, R.I.

REGION II

Wilmington, Del.
Baltimore, Md.
Elkton, Md.
Montgomery County, Md.
Bridgeton, N.J.
Burlington, N.J.
Camden, N.J.
Cape May, N.J.
East Orange, N.J.
Englewood, N.J.
Flemington, N.J.
Hoboken, N.J.
Jersey City, N.J.
Lakewood Township, N.J.
Long Branch, N.J.
Millville, N.J.
Morristown, N.J.
Newark, N.J.
Newton, N.J.
Paterson, N.J.
Perth Amboy, N.J.
Plainfield, N.J.
Salem, N.J.
South Plainfield, N.J.
South River, N.J.
Wayne Township, N.J.
Wildwood, N.J.
Woodbridge, N.J.
Aliquippa, Pa.
Ambridge, Pa.
Beaver Falls, Pa.
Bethlehem, Pa.
Bradford, Pa.
Bridgewater, Pa.
Butler, Pa.
Eddystone, Pa.
Erie, Pa.
Franklin, Pa.
Harrisburg, Pa.
Johnstown, Pa.
Lancaster, Pa.
Latrobe, Pa.
Lebanon, Pa.
Masontown, Pa.
McKeesport, Pa.
Middletown, Pa.
New Kensington, Pa.
Pittsburgh, Pa.
Pittston, Pa.
Pottsville, Pa.
Punxsutawney, Pa.
Reading, Pa.
Scranton, Pa.
Tarentum, Pa.
Titusville, Pa.
Wilkes-Barre, Pa.
Charlottesville, Va.
Hampton, Va.
Petersburg, Va.
Portsmouth, Va.
Richmond, Va.
Huntington, W. Va.
Wheeling, W. Va.

REGION III

Alexander City, Ala.
Hartselle, Ala.
Troy, Ala.
Daytona Beach, Fla.
Fort Walton Beach, Fla.
Tampa, Fla.
Alma, Ga.
Chatham County, Ga.
Columbus, Ga.
Macon, Ga.
Rome, Ga.
Tallapoosa, Ga.
Bowling Green, Ky.
Covington, Ky.
Paducah, Ky.
Laurel, Miss.
Meridian, Miss.
Chapel Hill, N.C.
Charlotte, N.C.
Clinton, N.C.
Greensboro, N.C.
Salisbury, N.C.
Winston-Salem, N.C.
Rock Hill, S.C.
Bristol, Tenn.

Chattanooga, Tenn.
Harriman, Tenn.
Huntsville, Tenn.
Jackson, Tenn.
Jefferson City, Tenn.
Johnson City, Tenn.
Kingsport, Tenn.
Lawrenceburg, Tenn.
Memphis, Tenn.
Morristown, Tenn.
Nashville, Tenn.
Newport, Tenn.
South Pittsburg, Tenn.
Tullahoma, Tenn.
Union City, Tenn.
Winchester, Tenn.

REGION IV

Bloomington, Ill.
Carbondale, Ill.
DeKalb, Ill.
East St. Louis, Ill.
Rockford, Ill.
Springfield, Ill.
Anderson, Ind.
Connersville, Ind.
Elkhart, Ind.
Evansville, Ind.
Fort Wayne, Ind.
Gary, Ind.
Indianapolis, Ind.
Jeffersonville, Ind.
Mishawaka, Ind.
Richmond, Ind.
Cedar Rapids, Iowa
Ottuma, Iowa
Waterloo, Iowa
Bay City, Mich.
Detroit, Mich.
Garden City, Mich.
Hamtramck, Mich.
Hazel Park, Mich.
Lansing, Mich.
Madison Heights, Mich.
Muskegon, Mich.
Muskegon Heights, Mich.
Pontiac, Mich.
Romulous Township, Mich.
Duluth, Minn.
Hopkins, Minn.
Minneapolis, Minn.
South St. Paul, Minn.
Bismarck, N.D.
Minot, N.D.
Ray, N.D.
Akron, Ohio.
Canton, Ohio.
Cincinnati, Ohio.
Cleveland, Ohio.
Columbus, Ohio.
Dayton, Ohio.
Mansfield, Ohio.
Middletown, Ohio.
St. Bernard, Ohio.
Steubenville, Ohio.
Warren, Ohio.
Fort Pierre, S.D.
Mitchell, S.D.
Sioux Falls, S.D.
Stevens Point, Wis.
Wisconsin Rapids, Wis.

REGION V

Batesville, Ark.
Blytheville, Ark.
Crossett, Ark.
Eldorado, Ark.
Forrest City, Ark.
Heber Springs, Ark.
Hope, Ark.
Hot Springs, Ark.
Little Rock, Ark.
Magnolia, Ark.
Marianna, Ark.
Monette, Ark.
Morrilton, Ark.
Newport, Ark.
North Little Rock, Ark.
Osceola, Ark.
Pine Bluff, Ark.
Texarkana, Ark.
West Memphis, Ark.
Denver, Colo.
Greely, Colo.
Fort Lupton, Colo.
La Junta, Colo.
Longmont, Colo.
Pueblo, Colo.
Trinidad, Colo.
Wellington, Colo.
Galena, Kan.
Garden City, Kan.
Kansas City, Kan.
Lawrence, Kan.
Lyons, Kan.
Manhattan, Kan.
Merriam, Kan.
Salina, Kan.
St. Paul, Kan.
Wichita, Kan.
New Orleans, La.
Lee's Summit, Mo.
Mexico, Mo.
Smithville, Mo.
St. Louis, Mo.
Springfield, Mo.
Albuquerque, N. Mex.
Artesia, N. Mex.
Carlsbad, N. Mex.
Santa Fe, N. Mex.
Tucumcari, N. Mex.
Elk City, Okla.
Hugo, Okla.
Miami, Okla.
Oklahoma City, Okla.
Sand Springs, Okla.
Stillwater, Okla.
Tulsa, Okla.
Wilburton, Okla.
Alice, Tex.
Austin, Tex.
Edinburg, Tex.
Grand Prairie, Tex.
Hearne, Tex.
Lubbock, Tex.
San Antonio, Tex.
San Marcos, Tex.
Sinton, Tex.
Sinton, Tex.
Waco, Tex.

REGION VI

Ketchikan, Alaska.
Eloy, Ariz.
Scottsdale, Ariz.
Bakersfield, Calif.
Berkeley, Calif.
Campbell, Calif.
Coachella, Calif.
East Palo Alto, Calif.
Fontana, Calif.
Hawaiian Gardens, Calif.
Inglewood, Calif.
Kentfield Corners, Calif.
Laverne, Calif.
Lompoc, Calif.
Napa, Calif.
Oakland, Calif.
Oxnard, Calif.
Richmond, Calif.
Sacramento, Calif.
Salinas, Calif.
San Diego, Calif.
San Pablo, Calif.
San Mateo, Calif.
Santa Barbara, Calif.
Santa Rosa, Calif.
Vallejo, Calif.
Visalia, Calif.
Hilo, Hawaii
Honolulu, Hawaii
Havre, Mont.
Helena, Mont.
Coos Bay, Ore.
Eugene, Ore.
Portland, Ore.
Reedsport, Ore.
Salem, Ore.
Ogden, Utah
Salt Lake City, Utah
Longview, Wash.
Seattle, Wash.
Casper, Wyo.

Mr. RANDALL. Mr. Chairman, H.R. 13827, the Housing Act of 1969 contains benefits for housing assistance not only for urban areas but most fortunately and quite properly has not forgotten the needs for rural housing.

As I read this measure for the first time I was quite concerned that the $100 million ceiling applying to rural housing mortgages has been removed. I was at first fearful that this left us in a sort of gray area. It took some study to figure this one out, but I am now convinced the removal of this ceiling was in reality something that would not hurt but could possibly help our rural housing programs.

Put differently, it certainly does not increase the authority of funding and instead actually increases it. Previously, there was a 100-million ceiling that had no longer been used by FHA for direct loans. This bill combines direct loan and the insured loan account for rural housing into what could be said to be one accounting or one bookkeeping system. This is just another way of expressing the proposition that both direct loan funds and insured funds are in one pot. Direct loans are still possible but there exists only one account. Ths is in accordance with what the Farmers Home Administration had asked for.

Those who have said the removal of the 100-million ceiling leaves rural housing with an empty package miss the point because the removal of the ceiling leaves no limitation of any kind except those budgetary limitations imposed by the administration. In the past, the FHA has had as much as 300 million direct loan funds and 300 million insured loan funds. The removal of this limitation permits the agency to work without a ceiling prescribed by law and secure in funds what they can, consistent with budget limitations.

Commendation is due the gentleman from Georgia (Mr. STEPHENS) for his amendment which expanded the authority of General National Mortgage Administration to buy mortgages on rural housing. Actually this distinguished member of the Banking and Currency Committee was responsible for an amendment which would make such mortgages eligible for purchase under title I. While his amendment did not require GNMA to make these purchases it does provide the authority or permit them to make such purchases.

In terms of benefits to rural housing this measure removes the 5,500-population ceiling as being unrealistic and an arbitrary limitation. It should be recalled the limit 5 years ago was 2,500 population for Farmers Home Administration loans. Then, at that time, it was raised to 5,500. The measure we are considering today will remove the 5,500-population limitation and as long as the community is not a satellite of a city, loans could be made to a community of 10,000 or more. This means the FHA can now make loans both direct or insured to communities of over 5,500 population.

Another improvement as far as rural housing goes which I am delighted to endorse and happy to see included in this bill is the provision that the Secretary of

Agriculture is allowed to sell insured notes in blocks rather than individuals as heretofore. Under present law a prospective rural homeowner who wants to build as one of a group of three or four friends in the same general area would have to ask for one loan and the builder complete that unit before the builder could apply for another loan.

In other words, under present law a builder in a rural area must start and finish one dwelling at a time. He must complete one dwelling before he can get another loan. This present measure will make it possible for a builder to apply for eight or 10 loans at a time and proceed with the development of a small subdivision. The question could quite properly be asked, since this has been done for such a long time in our urban and suburban areas why have we not thought about this kind of thing for our rural areas?

H.R. 13827 may do a lot of things for the urban areas but it is also most important for those of us who represent rural areas. Let us never forget the Census Bureau, that out of a total of 5.9 million substandard housing units in the United States, 4.2 million, or nearly two-thirds, are in the rural areas. Here is a huge housing problem, but local banks serving rural communities are limited to the extent of long-term credit, leaving FHA the only vehicle for financing rural housing.

It has long been my point that it costs far less to revitalize rural communities which includes rehabilitation of rural housing than it will cost to rehabilitate the cities. On a dollar-per-dollar basis, money provided the rural areas provides an inestimably better return for the investment of Federal funds than money in urban areas. The reasons are clear. It is far more expensive to reconstruct housing units in high-priced urban land areas than a similar number in the rural areas.

Once we upgrade urban housing there is at least the implied invitation for discouraged rural people to migrate to the cities. But the worst aspect of the problem is that no matter how successful urban renewal projects may be they simply exchange the problem of today for a far greater set of problems tomorrow requiring infinitely more money to deal with more and more perplexing problems at some future date. In deed and in truth, the problems created by urban renewal programs may not even respond to money regardless of the amount.

Urban renewal projects when completed tend to attract additional rural folk to flock to the cities. It would be far less expensive to construct housing units to meet the housing needs for millions of people in a rural atmosphere than in metro-America. Then, too, there are limitless opportunities to America's industries to disperse, rebuild, and expand in the smaller cities of our land.

About 70 percent of our Nation's population lives on 1 percent of the land. Billions of dollars have been spent to combat housing shortages in the big cities. To this date they have provided nothing but first aid and done really nothing to alleviate the problem of the big cities.

Several polls have shown that people prefer homes in less populous areas if they could find adequate housing in these areas and if industry would follow the housing migration to our smaller cities.

That is why I have emphasized the rural housing aspect of this bill. The same kind of energy, money, and guidance heretofore devoted to the hopeless task of rebuilding our urban areas, if diverted to rural revitalization, would be eminently more successful in achieving the goals of not just better housing but better conditions of employment and a better America.

It is my considered opinion we cannot continue pouring millions of dollars into urban areas. Revitalization of rural America may indeed be the one last hope for rescuing America from the decay of urban blight.

Mr. CONYERS. Mr. Chairman, this resolution disturbs me greatly. It is being debated less than 3 weeks after the passage of the military procurement authorization bill for 1970. At that time the spending of $21 billion on weapons was approved. We approved that tremendous sum for systems of questionable need, doubtful utility and for which there was frequently no strategic military requirement. Now I should not have to tell you gentlemen of the urgent need in this country for adequate, low-cost housing. The established national housing policy of the United States is a "decent home and a suitable living environment for every American family." This minimal goal was set 20 years ago. And just what is the present situation? The Kerner Commission found that nearly 6 million families live in substandard housing. It was that commission's recommendation that we commit ourselves to build at least 6 million Government-assisted housing units by 1972. Furthermore, the Department of Housing and Urban Development says that the country needs—and is capable of producing—26 million dwelling units by 1978. Does the bill that is now before us even begin to meet these needs—the fulfillment of our national housing goal? I submit that it is woefully inadequate. For example, section 236(i)(1) of the National Housing Act increased by only $20 million the funds for interest reduction payments to owners of rental housing projects designed for occupancy by low-income families. Section 10(e) of the Housing Act of 1937 providing for loans for low-rent housing and slum clearance projects is amended by an increase of only $25 million. The housing crisis in America requires far more than this. It requires immediate and massive Government support—not a drop in the bucket and a promise for the future.

I am especially distressed that public housing rent increases in the District of Columbia, Detroit, and around the country did not elicit a response from any members of the Banking and Currency Committee in their report on this bill or on the floor from any other Members of this body. I speak specifically of the rent increase announced recently by the National Capital Housing Authority. For the 10,500 tenant families affected here in the District, this increase averages approximately $11 per month. For many of us this may not seem like a great deal, but to the poor it is an oppressive sum. Furthermore, the rent increase will hit the poorest families the hardest. The minimum rents for the cheapest apartments will be raised $10 per month—a 37-percent increase. This increase will require a minimum of 30 percent of the income of the poorest families be paid for rent. Where will this end? By law, rent supplements cannot benefit public housing tenants; these tenants are obliged to meet all operating costs of their housing unit. These costs, including maintenance expenditures, have risen tremendously in recent years. The Vietnam war has precipitated much of this inflation. The mistakes of our leaders are now being disproportionately borne by those least able to pay the price. I fully appreciate the need of public housing authorities for additional operating income. But I maintain that the very poorest of our public housing tenants can no longer be required to meet these increases, as necessary as they may be. This was perceptively recognized by the Senate Committee on Banking and Currency. While dealing in committee with the Senate version of the Housing and Urban Development Act of 1969, they included provisions that would make possible annual rental assistance payments to the housing agencies so that families of very low income would not have to pay over one-fourth of their income for rent. I refer to section 211, title II of S. 2864. That is the least we can do, gentlemen. I therefore urge the conferees for the House, when they meet with those from the Senate, to work for the inclusion of these provisions in the final version of this act.

We can and should do more—much more. Earlier this year, I and 29 of my colleagues in this body introduced the Full Opportunity Act. Title V of that act provides the funds that would implement our national housing policy, and go a long way toward solving the housing crisis. In amending section 10(e) of the Housing Act of 1937, this act increases to $275 million the amount spent on public housing each year for the next 10 years. The 300,000 additional public housing units each year for the 10 years are in that way authorized. In like manner, this act increases rent supplements to $175 million each year for the next 10 years and provides for the financing of 2 million additional housing units over that 10-year period.

I am fully aware that these are large sums of money. But if we cared as much about advancing men's lives as we seem to care about advancing the means by which they are destroyed, we could raise this money with no new taxes. Yet we, in the face of this clear need and mounting crisis, continue to squander our tax revenues by fulfilling every military demand. The passage of the military procurement authorization bill earlier this month certainly highlighted for me this country's grossly distorted national priorities. This year we will spend over $100 billion on defense and defense-related expenditures. And what will we spend on housing? In this same time period all federally assisted housing programs, including model cities, will receive a little over $3 billion. This Housing and Urban Development Act of 1969 does little to alleviate this distortion. But until we resolve to assist those many afflicted by the present housing crisis in America, we can only continue to assist those few that the programs in this act will reach. And so again, I reluctantly urge passage of another inadequate Housing and Urban Development Act.

Mr. PATMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to explain that we will ask for separate votes as follows:

First, on the committee amendment, as amended by the Teague of Texas-Brock amendments relating to the temporary extension of flexible interest rates. I know a lot of the Members feel very strongly about this and many are conscientious and want to take the interest rate ceiling off for the next 2 years and some do not. So, there will be an opportunity for each Member to express his own conviction about whether he favors a high interest rate or a low interest rate.

Next, Mr. Chairman, there will be a separate vote on the Anderson of Illinois amendment, as amended. I believe it is well understood as to the application of the advances in technology in housing and urban renewal, the amendment which was adopted on page 30 after line 9 of the bill. On those two amendments we expect to ask for separate votes.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Flood, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 13827) to amend and extend laws relating to housing and urban development, and for other purposes, pursuant to House Resolution 580, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. PATMAN. Yes, Mr. Speaker, a separate vote is demanded on the committee amendment, as amended by the Teague of Texas and Brock amendments relating to temporary extension of flexible interest rate authority, shown as section 414 on page 44, lines 20 through 24 of the reported bill.

Also, Mr. Speaker, a separate vote is asked for on the Anderson of Illinois amendment, as amended, relating to the application of advances in technology concerning housing and urban development which was adopted on page 30, after line 9 of the bill.

PARLIAMENTARY INQUIRY

Mr. BROCK. Mr. Chairman, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. BROCK. Mr. Speaker, I am not entirely sure I heard the chairman of the committee correctly. But I understood him to say he wanted a separate vote on the committee amendment, as amended by the Teague of Texas and Brock amendments. Those are two separate amendments and I question whether or not we can vote on them en bloc.

The SPEAKER. The Chair will state that the vote will be on the committee amendment, as amended.

Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the so-called Anderson of Illinois amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: On page 30, after line 9, insert the following:

"Section 1010 (a) of the Demonstration Cities and Metropolitan Development Act of 1966, is amended—

"(1) by striking out 'and' at the end of paragraph (2);

"(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof '; and' ; and

"(3) by adding after paragraph (3) a new paragraph as follows:

"'(4) assure, to the extent feasible, in connection with the construction, major rehabilitation, or maintenance of any housing assisted under this section; that there is no restraint by contract building codes, zoning ordinances or practice against the employment of new or improved technologies, techniques, materials and methods or of preassembled products which may reduce the cost or improve the quality of such construction, rehabilitation, and maintenance, and therefore stimulate expanded production of housing under such programs, except where such restraint is necessary to insure safe and healthful working and living conditions.'"

The SPEAKER. The question is on the amendment.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. PATMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. PATMAN. Mr. Speaker, I demand a division.

The question was taken; and on a division (demanded by Mr. Patman) there were—ayes 133, noes 98.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment on which a separate vote is demanded.

The Clerk read as follows:

Amendment: page 44, line 20, insert:

"TEMPORARY EXTENSION OF FLEXIBLE INTEREST RATE AUTHORITY

"Sec. 414. Section 3(a) of the Act of May 7, 1968 (Public Law 90–301), is amended by striking out 'October 1, 1969' and inserting in lieu thereof 'October 1, 1971', and by amending the proviso to such section to read as follows: '*Provided*, That not withstanding any other provision of law, the Administrator of Veterans' Affairs is authorized, until October 1, 1971, to establish a maximum interest rate for guaranteed or insured loans to veterans under chapter 37 of title 38, United States Code, not in excess of such rate as he may from time to time find the loan market demands.'."

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. Patman) there were—ayes 163, noes 43.

So the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. WEICKER

Mr. WEICKER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. WEICKER. I am, Mr. Speaker, in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Weicker moves to recommit the bill (H.R. 13827) to the Committee on Banking and Currency with instructions to report the same back to the House forthwith with the following amendments: Page 20, after line 11, insert the following new section:

"REQUIREMENT OF SUBSTANTIAL RESIDENTIAL REDEVELOPMENT WHERE PROJECT INVOLVES DEMOLITION OR REMOVAL OF RESIDENTIAL STRUCTURES

"Sec. 213. Section 105 of the Housing Act of 1949 is amended by adding at the end thereof the following new subsection:

"'(h) In the case of any project which includes the demolition or removal of any residential structure or structures and which receives Federal recognition after the date of the enactment of this subsection (whether or not it is a project taken into account for purposes of applying subsection (f))—

"'(1) the redevelopment of the urban renewal area shall include the provision of standard housing units for low and moderate income families and individuals at least equal in number to the total number of dwelling units in the structure or structures demolished or removed; and

"'(2) the portion of the total cost of such redevelopment which is attributable to the provision of standard housing units for low and moderate income families and individuals (as determined by the Secretary) shall be at least 35 per centum or, if greater, a percentage bearing the same ratio to 100 as the total appraised value of such residential structure or structures bore to the total appraised value of all the structures in the urban renewal area immediately prior to their demolition or removal (as determined by the Secretary, without regard to any decrease in such value which may have resulted from the imminence of such demolition or removal).'"

And renumber the succeeding sections accordingly.

Mr. GERALD R. FORD (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the motion to recommit be dispensed with and that it be printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker being in doubt, the House divided, and there were—ayes 116, noes 92.

Mr. PATMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count the House.

Two hundred thirty-nine Members are present, a quorum.

Mr. PATMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the motion to recommit was agreed to.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GERALD R. FORD. On the basis of the division, is not the motion to recommit agreed to?

The SPEAKER. The motion to recommit has been agreed to.

Mr. GERALD R. FORD. I thank the Chair.

Mr. PATMAN. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report back the bill, H.R. 13827, with an amendment.

The Clerk read as follows:

> Page 20, after line 11, insert the following new section:
>
> "REQUIREMENT OF SUBSTANTIAL RESIDENTIAL REDEVELOPMENT WHERE PROJECT INVOLVES DEMOLITION OR REMOVAL OF RESIDENTIAL STRUCTURES
>
> "SEC. 213. Section 105 of the Housing Act of 1949 is amended by adding at the end thereof the following new subsection:
>
> " '(h) In the case of any project which includes the demolition or removal of any residential structure or structures and which receives Federal recognition after the date of the enactment of this subsection (whether or not it is a project taken into account for purposes of applying subsection (f))—
>
> " '(1) the redevelopment of the urban renewal area shall include the provision of standard housing units for low and moderate income families and individuals at least equal in number to the total number of dwelling units in the structure or structures demolished or removed; and
>
> " '(2) the portion of the total cost of such redevelopment which is attributable to the provision of standard housing units for low and moderate income families and individuals (as determined by the Secretary) shall be at least 35 per centum or, if greater, a percentage bearing the same ratio to 100 as the total appraised value of such residential structure or structures bore to the total appraised value of all the structures in the urban renewal area immediately prior to their demolition or removal (as determined by the Secretary, without regard to any decrease in such value which may have resulted from the imminence of such demolition or removal).' "
>
> And renumber the succeeding sections accordingly.

Mr. GERALD R. FORD (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read, and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. PATMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 339, nays 9, answered "present" 3, not voting 80, as follows:

[Roll No. 243]

YEAS—339

Abbitt
Adair
Addabbo
Albert
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Ayres
Barrett
Beall, Md.
Belcher
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clausen, Don H.
Cleveland
Cohelan
Collier
Collins
Conable
Conyers
Corbett
Coughlin
Cramer
Cunningham
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Dennis
Dent
Derwinski
Dickinson
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Feighan
Findley
Fish
Fisher
Flood
Flowers
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Jacobs
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Keith
Kleppe
Kluczynski
Koch
Kyl
Kyros
Landrum
Langen
Latta
Leggett
Lennon
Lipscomb
Lloyd
Long, La.
Long, Md.
Lowenstein
Lujan
McClory
McCloskey
McCulloch
McDade
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
Madden
Mahon
Marsh
Mathias
Matsunaga
Mayne
Meeds
Melcher
Meskill
Michel
Mikva
Miller, Calif.
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Moorhead
Morgan
Morton
Mosher
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
Olsen
O'Neal, Ga.
Ottinger
Passman
Patman
Patten
Pelly
Perkins
Philbin
Pickle
Pike
Pirnie
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Rhodes
Riegle
Rivers
Roberts
Rodino
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ruppe
Ruth
Ryan
St Germain
St. Onge
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schwengel
Scott
Sebelius
Shipley
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Watkins
Watts
Weicker
Whalen
Whalley
White
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—9

Abernethy
Andrews, Ala.
Ashbrook
Burleson, Tex.
Gross
Hall
Landgrebe
Miller, Ohio
Montgomery

ANSWERED "PRESENT"—3

Quillen
Steiger, Wis.
Utt

NOT VOTING—80

Adams
Anderson, Calif.
Aspinall
Baring
Bell, Calif.
Blatnik
Brooks
Burton, Utah
Bush
Cahill
Camp
Clancy
Clark
Clawson, Del
Clay
Colmer
Conte
Corman
Cowger
Culver
Dawson
de la Garza
Denney
Devine
Diggs
Dingell
Dowdy
Edwards, Ala.
Fascell
Flynt
Foley
Fuqua
Haley
Hanna
Hays
Ichord
Johnson, Calif.
Jones, Tenn.
King
Kirwan
Kuykendall
Lukens
McCarthy
McClure
McDonald, Mich.
MacGregor
Mailliard
Mann
Martin
May
Morse
Moss
Myers
O'Konski
O'Neill, Mass.
Pepper
Pettis
Poage
Powell
Purcell
Quie
Reuss
Robison
Rogers, Colo.
Roudebush
Schneebeli
Shriver
Snyder
Springer
Teague, Calif.
Tunney
Udall
Waldie
Watson
Whitehurst
Wiggins
Winn
Wold
Wolff
Wydler

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. King for, with Mr. Utt against.

Until further notice:

Mr. O'Neill of Massachusetts with Mr. Morse.
Mr. Hays with Mr. Devine.
Mr. Johnson of California with Mr. Conte.
Mr. de la Garza with Mr. Burton of Utah.
Mr. Anderson of California with Mr. Del Clawson.
Mr. Dingell with Mr. Cahill.
Mr. Adams with Mrs. May.
Mr. Colmer with Mr. Edwards of Alabama.
Mr. Dowdy with Mr. Bush.
Mr. Aspinall with Mr. Martin.
Mr. Wolff with Mr. Clay.
Mr. Brooks with Mr. Camp.
Mr. Kirwan with Mr. Clancy.
Mr. Fascell with Mr. Cowger.
Mr. Hanna with Mr. Mailliard.
Mr. Clark with Mr. Powell.
Mr. Reuss with Mr. Diggs.
Mr. McCarthy with Mr. Dawson.
Mr. Blatnik with Mr. McDonald of Michigan.

Mr. Corman with Mr. Mize.
Mr. Fuqua with Mr. Kuykendall.
Mr. Haley with Mr. Lukens.
Mr. Rogers of Colorado with Mr. McClure.
Mr. Pepper with Mr. Denney.
Mr. Purcell with Mr. Roudebush.
Mr. Tunney with Mr. Petts.
Mr. Jones of Tennessee with Mr. MacGregor.
Mr. Waldie with Mr. Bell of California.
Mr. Baring with Mr. Robison.
Mr. Culver with Mr. Quie.
Mr. Flynt with Mr. Schneebeli.
Mr. Foley with Mr. O'Konski.
Mr. Moss with Mr. Springer.
Mr. Ichord with Mr. Shriver.
Mr. Udall with Mr. Snyder.
Mr. Mann with Mr. Teague of California.
Mr. Wydler with Mr. Wold.
Mr. Winn with Mr. Wiggins.
Mr. Watson with Mr. Whitehurst.

Mr. HAMMERSCHMIDT changed his vote from "nay" to "yea."

Mr. UTT. Mr. Speaker, I have a live pair with the gentleman from New York (Mr. King). If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. Pursuant to the provisions of House Resolution 580, the Committee on Banking and Currency is discharged from the further consideration of the bill S. 2864.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. PATMAN

Mr. PATMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Patman moves to strike out all after the enacting clause of S. 2864 and insert in lieu thereof the text of H.R. 13827, as passed, as follows:

That this Act may be cited as the "Housing and Urban Development Act of 1969".

Sec. 2. Section 305(g) of the National Housing Act is amended—

(1) by striking out "$1,000,000,000" and inserting in lieu thereof "$2,500,000,000";

(2) by inserting "at par" immediately after "and to purchase"; and

(3) by striking out "$15,000", "$17,500", and "$22,500" and inserting in lieu thereof "$17,500", "$20,000", and "$25,000", respectively.

TITLE I—MORTGAGE CREDIT

EXTENSION OF PROGRAMS

Sec. 101. (a) Section 2(a) of the National Housing Act is amended by striking out "1969" in the first sentence and inserting in lieu thereof "1970".

(b) Section 217 of such Act is amended—

(1) by striking out "or title X" and inserting in lieu thereof "title X, or title XI"; and

(2) by striking out "1969" and inserting in lieu thereof "1970".

(c) Section 221(f) of such Act is amended by striking out "1969" in the fifth sentence and inserting in lieu thereof "1970".

(d) Section 809(f) of such Act is amended by striking out "1969" in the second sentence and inserting in lieu thereof "1970".

(e) Section 810(k) of such Act is amended by striking out "1969" in the second sentence and inserting in lieu thereof "1970".

(f) Section 1002(a) of such Act is amended by striking out "1969" in the second sentence and inserting in lieu thereof "1970".

(g) Section 1101(a) of such Act is amended by striking out "1969" in the second sentence and inserting in lieu thereof "1970".

LOWER DOWNPAYMENTS FOR FHA-FINANCED SALES HOUSING

Sec. 102. (a) Section 203(b)(2) of the National Housing Act is amended by striking out "$20,000" each place it appears and inserting in lieu thereof "$25,000".

(b) Section 220(d)(3)(A)(i) of such Act is amended by striking out "$20,000" each place it appears and inserting in lieu thereof "$25,000".

(c) Section 222(b)(3) of such Act is amended by striking out "$20,000" each place it appears and inserting in lieu thereof "$25,000".

(d) Section 234(c) of such Act is amended by striking out "$20,000" each place it appears and inserting in lieu thereof "$25,000".

MOBILE HOMES

Sec. 103. (a)(1) Section 207(a) of the National Housing Act is amended—

(A) by striking out "trailer coach mobile dwellings" in paragraph (1) and inserting in lieu thereof "mobile homes";

(B) by striking out "trailer court or park" in paragraph (6) and inserting in lieu thereof "mobile home court or park"; and

(C) by striking out "trailer coach mobile dwellings" in paragraph (6) and inserting in lieu thereof "mobile homes."

(2) Section 207(c)(3) of such Act is amended by striking out "trailer courts or parks" and inserting in lieu thereof "mobile home courts or parks".

(b) Section 207(c)(3) of such Act is amended by striking out "$1,800 per space" and inserting in lieu thereof "$2,500 per space".

(c) The last paragraph of section 207(c) of such Act (immediately following paragraph numbered (3) is amended by inserting after "such term as the Secretary shall prescribe" in the first sentence the following: "(not exceeding 20 years in the case of a mortgage for a mobile home court or park)".

MAXIMUM MORTGAGE AMOUNT UNDER SECTION 220 MULTIFAMILY HOUSING PROGRAM

Sec. 104. Section 220(d)(3)(B)(i) of the National Housing Act is amended to read as follows:

"(i) not exceed $50,000,000;".

MORTGAGE INSURANCE ON CONDOMINIUM UNITS FOR SERVICEMEN

Sec. 105. Section 222(b)(1) of the National Housing Act is amended by inserting "or 234(c)," immediately after "221(d)(2),".

ASSISTANCE PAYMENTS UNDER SECTION 235 FOR PURCHASER ASSUMING MORTGAGE

Sec. 106. (a) Section 235(c) of the National Housing Act is amended by striking out "subsection (j)(4)" and inserting in lieu thereof "subsection (i) or (j)(4)".

(b) Section 235(b)(2) of such Act is amended by striking out the first proviso and inserting in lieu thereof the following: ": *Provided*, That if any cooperative member who has received assistance payments transfers his membership and occupancy rights to another person who satisfies the eligibility requirements prescribed by the Secretary and undertakes the obligation to pay occupancy charges, the new cooperative member may qualify for assistance payments upon the filing of an application with respect to the dwelling unit involved to be occupied by him".

AUTHORIZATION FOR ASSISTANCE PAYMENTS UNDER SECTIONS 235 AND 236

Sec. 107. (a) The second sentence of section 235(h) of the National Housing Act is amended by striking out "by $100,000,000 on July 1, 1969" and inserting in lieu thereof "by $125,000,000 on July 1, 1969".

(b) The second sentence of section 236 (i)(1) of such Act is amended by striking out "by $100,000,000 on July 1, 1969" and inserting in lieu thereof "by $125,000,000 on July 1, 1969".

INTEREST REDUCTION PAYMENTS UNDER SECTION 236 ON CERTAIN PROJECTS FINANCED UNDER STATE OR LOCAL HOUSING PROGRAMS

Sec. 108. The proviso in section 236(b) of the National Housing Act is amended by striking out "with respect to a rental or cooperative housing project" and inserting in lieu thereof "with respect to a mortgage or part thereof on a rental or cooperative housing project".

MAXIMUM RENTALS FOR UNITS IN SECTION 236 PROJECTS AND UNITS QUALIFYING FOR RENT SUPPLEMENT PAYMENTS

Sec. 109. (a) The second sentence of section 236(f) of the National Housing Act is amended by striking out "25 per centum of the tenant's income" and inserting in lieu thereof "20 per centum of the tenant's income".

(b) Section 101(d) of the Housing and Urban Development Act of 1965 is amended by striking out "one-fourth of the tenant's income" and inserting in lieu thereof "20 per centum of the tenant's income".

ASSISTANCE PAYMENTS WITH RESPECT TO EXISTING DWELLINGS UNDER SECTION 235

Sec. 110. Section 235(h)(3) of the National Housing Act is amended—

(1) by inserting "and" at the end of subparagraph (A); and

(2) by striking out subparagraphs (B) and (C) and inserting in lieu thereof the following:

"(B) 30 per centum of the total additional amount of contracts for assistance payments authorized by appropriation Acts to be made prior to July 1, 1971,".

SECTION 236 PROJECTS FOR ELDERLY OR HANDICAPPED FAMILIES

Sec. 111. (a) Section 236(a) of the National Housing Act is amended by inserting after "occupancy by lower income families" the following: "(including a project designed primarily by occupancy by lower income elderly or handicapped families)".

(b) The second sentence of section 236(e) of such Act is amended by striking out "at intervals of two years" and inserting in lieu thereof "at intervals of five years in the case of elderly or handicapped families and two years in any other case".

(c) The second sentence of section 236(f) of such Act is amended by striking out "or such greater amount" and inserting in lieu thereof "or (except in the case of a dwelling unit in a project designed primarily for occupancy by lower income elderly or handicapped families) such greater amount".

(d) The First sentence of section 236(i)(2) of such Act is amended—

(1) by striking out "shall in no case exceed 90 per centum" and inserting in lieu thereof "shall in no case exceed (A) $5,500 a year for an individual or $6,600 a year for a couple in the case of an elderly or handicapped family, or (B) 90 per centum"; and

(2) by inserting before the period at the end thereof the following: "in any other case".

(c) The second sentence of section 236(i) (2) is amended by inserting "in any project" after "accord a preference".

(f) Section 236(j)(2) of such Act is amended—

(1) by inserting "and" after the semicolon at the end of subparagraph (A),

(2) by striking out subparagraph (B), and

(3) by redesignating subparagraph (C) as subparagraph (B).

(g) Section 236 of such Act is further amended by adding at the end thereof the following new subsection:

"(n)(1) In making and contracting to make interest reduction payments and insuring mortgages under this section in the case of projects designed primarily for occupancy by elderly or handicapped families, and in administering the provisions of this section insofar as they involve or relate to such projects, the Secretary shall to the maximum extent possible apply the same definitions, terms, and conditions and utilize the same personnel, facilities, and procedures as in the case of loans under section 202 of the Housing Act of 1959."

(b) As used in this section, the term "elderly or handicapped families" shall have the same meaning as in section 202 of the Housing Act of 1959.

10 PER CENTUM INCREASE IN MAXIMUM MORTGAGE AMOUNTS UNDER FHA INSURANCE PROGRAMS

SEC. 112. (a) (1) Section 203(b) (2) of the National Housing Act is amended by striking out "$30,000", "$32,500", and "$37,500" wherever they appear and inserting in lieu thereof "$33,000", "$35,750", and "$41,250", respectively.

(2) Section 203(h) of such Act is amended by striking out "$12,000" and inserting in lieu thereof "$13,200".

(3) Section 203(i) of such Act is amended by striking out "$13,500" and inserting in lieu thereof "$14,850".

(4) Section 203(m) of such Act is amended by striking out "$15,000" and inserting in lieu thereof "$16,500".

(b) (1) Section 207(c) (3) of such Act is amended by striking out "$9,000", "$12,500", "$15,000", "$18,500", and "$21,000" wherever they appear and inserting in lieu thereof "$9,900", "$13,750", "$16,500", "$20,350", and "$23,100", respectively.

(2) Section 207(c) (3) of such Act is further amended by striking out "$10,500", "$18,000", "$22,500", and "$25,500" and inserting in lieu thereof "$11,550", "$19,800", "$24,750", and "$28,050", respectively.

(c) (1) Section 213(b) (2) of such Act is amended by striking out "$9,000", "$12,500", "$15,000", "$18,500", and "$21,000" wherever they appear and inserting in lieu thereof "$9,900", "$13,750", "$16,500", "$20,350', and "$23,100", respectively.

(2) Section 213(b) (2) of such Act is further amended by striking out "$10,500", "$18,000", "$22,500", and "$25,500" and inserting in lieu thereof "$11,550", "$19,800", "$24,750", and "$28,050", respectively.

(d) (1) Section 220(d) (3) (A) (i) of such Act is amended by striking out "$30,000", "$32,500", "$37,500", and "$7,000" wherever they appear and inserting in lieu thereof "$33,000", "$35,750", "$41,250", and "$7,700", respectively.

(2) Section 220(d) (3) (B) (iii) of such Act is amended by striking out "$9,000", "$12,500", "$15,000", "$18,500" and "$21,000" wherever they appear and inserting in lieu thereof "$9,900", "$13,750", "$16,500", "$20,350", and "$23,100", respectively.

(3) Section 220(d) (3) (B) (iii) of such Act is further amended by striking out "$10,500", "$18,000", "$22,500", and "$25,500" wherever they appear and inserting in lieu thereof "$11,550", "$19,800", "$24,750", and "$28,050", respectively.

(4) Section 220(h) (2) of such Act is amended by striking out "$10,000" and inserting in lieu thereof "$11,000".

(e) (1) Section 221(d) (2) of such Act is amended by striking out "$15,000", "$17,500", "$20,000", "$27,000", and "$33,000 wherever they appear and inserting in lieu thereof "$16,500", "$19,250", "$22,000", "$29,700", and "$36,300", respectively.

(2) Section 221(d) (2) of such Act is further amended by striking out "$25,000", "$32,000", and "$38,000" and inserting in lieu thereof "$27,500", "$35,200", and "$41,800", respectively.

(3) Section 221(d) (3) (ii) of such Act is amended by striking out "$8,000", and "$11,250", "$13,500", "$17,000", and "$19,250" wherever they appear and inserting in lieu thereof "$8,800", "$12,375", "$14,850", "$18,700", and "$21,175", respectively.

(4) Section 221(d) (3) (ii) of such Act is further amended by striking out "$9,500", "$16,000", "$20,000", and "$22,750" and inserting in lieu thereof "$10,450", "$17,600", "$22,000", and "$25,025", respectively.

(5) Section 221(d) (4) (ii) of such Act is amended by striking out "$8,000", "$11,250", "$13,500", "$17,000", and "$19,250" wherever they appear and inserting in lieu thereof "$8,800", "$12,375", "$14,850", "$18,700", and "$21,175", respectively.

(6) Section 221(d) (4) (ii) of such Act is further amended by striking out "$9,500", "$16,000", "$20,000", and "$22,750" and inserting in lieu thereof "$10,450", "$17,600", "$22,000", and "$25,025", respectively.

(7) Section 221(h) (6) (A) of such Act is amended by striking out "$15,000" and inserting in lieu thereof "$16,500".

(f) Section 222(b) (2) of such Act is amended by striking out "$30,000" and inserting in lieu thereof "$33,000".

(g) (1) Section 231(c) (2) of such Act is amended by striking out "$8,000", "$11,250", "$13,500", "$17,000", and "$19,250" wherever they appear and inserting in lieu thereof "$8,800", "$12,375", "$14,850", "$18,700", "$21,175", respectively.

(2) Section 231(c) (2) of such Act is further amended by striking out "$9,500", "$16,000", "$20,000", and "$22,750" and inserting in lieu thereof "$10,450", "$17,600", "$22,000", and "$25,025", respectively.

(h) (1) Section 234(c) of such Act is amended by striking out "$30,000" and inserting in lieu thereof "$33,000".

(2) Section 234(e) (3) of such Act is amended by striking out "$9,000", "$12,500", "$15,000", "$18,500", and "$21,000" wherever they appear and inserting in lieu thereof "$9,900", "$13,750", "$16,500", "$20,350", and "$23,100", respectively.

(3) Section 234(e) (3) of such Act is further amended by striking out "$10,500", "$18,000", "$22,500", and "$25,500" and inserting in lieu thereof "$11,550", "$19,800", "$24,750", and "$28,050", respectively.

(i) Section 235 of such Act is amended by striking out "$15,000", "$17,500", and "$20,000" wherever they appear and inserting in lieu thereof "$16,500", "$19,250", and "$22,000", respectively.

(j) Section 237(a) (2) of such Act is amended by striking out "$15,000" and "$17,500" and inserting in lieu thereof "$16,500" and "$19,250", respectively.

INCREASE IN GNMA PURCHASE AUTHORITY

SEC. 113. Section 302(b) of the National Housing Act is amended—

(1) by striking out "exceeds or exceeded $17,500" in clause (3) of the proviso in the first sentence and inserting in lieu thereof "exceeds or exceeded $22,000";

(2) by striking out "that exceeds $17,500" in the second sentence and inserting in lieu thereof "that exceeds the otherwise applicable maximum amount"; and

(3) by striking out "did not exceed $17,500" in the second sentence and inserting in lieu thereof "did not exceed the otherwise applicable maximum amount".

GNMA SPECIAL ASSISTANCE PURCHASES

SEC. 114. Section 305 of the National Housing Act is amended by adding at the end thereof the following new subsection:

"(j) Notwithstanding any other provision of this Act, the Association is authorized to purchase pursuant to commitments or otherwise mortgages otherwise eligible for purchase under this section at a price equal to the unpaid principal amount thereof at the time of purchase, with adjustments for interest and any comparable items, and to sell such mortgages at any time at a price within the range of market prices for the particular class of mortgages involved at the time of sale as determined by the Association. Mortgages issued under title V of the Housing Act of 1949, except mortgages for above moderate income families issued under section 517(a) of such Act, are eligible for purchase under this section."

TITLE II—URBAN RENEWAL AND HOUSING ASSISTANCE PROGRAMS

URBAN RENEWAL GRANT AUTHORITY

SEC. 201. (a) The first sentence of section 103(b) of the Housing Act of 1949 is amended by inserting before the period at the end thereof the following: ", of which increase at least $400,000,000 shall be for grants under part B, and which amount shall be further increased by $2,000,000,000 on July 1, 1970, of which increase at least 35 per centum shall be for grants under part B".

(b) The first paragraph of section 103(b) of such Act is further amended by adding at the end thereof (immediately after the sentence amended by subsection (a) of this section) the following new sentence: "In making any grants under this title, the Secretary shall give priority to applications for projects which are identified and scheduled to be carried out as projects or activities included within approved comprehensive city demonstration programs assisted under the provisions of section 105(c) of the Demonstration Cities and Metropolitan Development Act of 1966."

NEIGHBORHOOD DEVELOPMENT PROGRAMS

SEC. 202. (a) Section 131 of the Housing Act of 1949 is amended by striking out "annual" in subsections (b) and (c) (1) and inserting in lieu thereof "twenty-four month".

(b) Section 132 of such Act is amended—

(1) by striking out "twelve-month period" in subsections (a) (1) and (b) and inserting in lieu thereof "twenty-four month period"; and

(2) by striking out "twelve months" in subsection (a) (1) and inserting in lieu thereof "twenty-four months".

(c) Section 133(b) of such Act is amended by striking out "twelve-month period" and inserting in lieu thereof "twenty-four month period".

(d) Section 134(a) of such Act is amended by striking out "annual" in paragraphs (3) and (5) and inserting in lieu thereof "twenty-four month".

(e) Section 134(b) of such Act is amended to read as follows:

"(b) The approval by the Secretary of financial assistance for one or more twenty-four-month increments of a neighborhood developed program shall not be considered as obligating him to provide financial assistance for subsequent increments; except that amounts approved by the Secretary for the succeeding twenty-four-month increment shall be reserved for obligation out of grant funds which may be provided under section 103(b) for the fiscal year applicable to such subsequent increment."

(f) The amendments made by this section shall apply with respect to contracts under part B of title I of the Housing Act of 1949 executed on and after July 1, 1970; and any contract under such part B executed prior to July 1, 1970, shall, at the request of the municipality involved, be amended (effective on or after such date) to reflect such amendments.

EXTENSION OF PERIOD OF ELIGIBILITY OF LOCAL GRANTS-IN-AID FOR CERTAIN URBAN RENEWAL AND NEIGHBORHOOD DEVELOPMENT PROJECTS

SEC. 203. (a) The second paragraph of section 110(d) of the Housing Act of 1949 is amended—

(1) by inserting "(except the second sentence of this paragraph)" after "any other provision of this subsection"; and

(2) by adding at the end thereof the following new sentence: "In connection with any project for which an application is filed not later than the date of the enactment of the Housing and Urban Development Act of 1969 and which has not received Federal recognition (other than a project to which clause (2) of the second sentence of section 133(a) applies), the three-year period referred to above shall be extended to a period of four years prior to the authorization by

the Secretary of a contract for loan or capital grant for the project."

(b) Section 112(b) of such Act is amended—

(1) by striking out "No expenditure" and inserting in lieu thereof "Subject to the second sentence of this subsection, no expenditure"; and

(2) by adding at the end thereof the following new sentence: "In connection with any project for which an application is filed not later than the date of the enactment of the Housing and Urban Development Act of 1969 and which has not received Federal recognition (other than a project to which clause (2) of the second sentence of section 133(a) applies), the seven-year period referred to in clause (1) of the preceding sentence shall be extended to a period of eight years prior to the authorization by the Secretary of a contract for a loan or capital grant for the project."

(c) Section 133(a) of such Act is amended—

(1) by striking out "For" and inserting in lieu thereof "Except as otherwise provided in this subsection, for";

(2) by striking out "the second paragraph" and inserting in lieu thereof "the first sentence of the second paragraph"; and

(3) by adding at the end thereof the following new sentence: "In connection with any neighborhood development program for which an application is filed not later than the date of the enactment of the Housing and Urban Development Act of 1969 and for which no contract for financial assistance under the program has been authorized by the Secretary the three-year and seven-year periods referred to above shall be extended to periods of four and eight years, respectively, prior to authorization of (1) the first contract for financial assistance under the program which includes the urban renewal area benefited by the public improvement or facility, or the expenditures, for which credit is claimed, or (2) a contract for a loan or capital grant for an urban renewal project authorized after the date of the enactment of the Housing and Urban Development Act of 1969, in an area which is benefited by the public improvement or facility, or the expenditures, for which credit is claimed and which was included in the neighborhood development program application."

INCLUSION OF ENCLOSED PEDESTRIAN MALLS AS ELIGIBLE URBAN RENEWAL ACTIVITIES

SEC. 204. (a) Section 110(c)(3) of the Housing Act of 1949 is amended by inserting after "playgrounds," the following: "pedestrian malls and walkways (including in the case of an enclosed mall or walkway any necessary roofs, walls, columns, lighting, and climate control facilities),".

(b) The first sentence of the second unnumbered paragraph following paragraph (10) of section 110(c) of such Act is amended by inserting after "provided" the following: "in paragraph (3) with respect to enclosed pedestrian malls and walkways and as provided".

REHABILITATION GRANTS

SEC. 205. Section 115(c) of the Housing Act of 1949 is amended by striking out "or (2) $3,000" and inserting in lieu thereof "or (2) $3,500".

LOCAL GRANT-IN-AID CREDIT FOR CERTAIN FACILITIES BUILT ON BEHALF OF PUBLIC UNIVERSITIES

SEC. 206. Clause (A)(ii) of the second proviso in section 110(d) of the Housing Act of 1949 is amended by striking out "by a public university" and inserting in lieu thereof "by or on behalf of a public university".

INCOME LIMITATION UNDER REHABILITATION LOAN PROGRAM

SEC. 207. Section 312(a) of the Housing Act of 1964 is amended by striking out the last sentence and inserting in lieu thereof the following:

"In making loans with respect to residential property under this section, priority shall be given to applications made by persons whose annual income, as determined pursuant to criteria and procedures established by the Secretary, is within the limitations prescribed by the Secretary for occupants of projects financed with below-market interest rate mortgages insured (in the area involved) under section 221(d)(3) of the National Housing Act."

SEC. 208. The proviso in the first paragraph of section 102(c) of the Housing Act of 1949 is amended by—

(1) striking ", if";

(2) striking ", the interest rate on such a loan from a source other than the Federal Government is greater than the rate at which funds could be made available under the Federal loan contract,";

(3) striking "from such sources" and inserting in lieu thereof "from a source other than the Federal Government"; and

(4) inserting "or a supplemental grant in an amount which he determines is necessary to enable a local public agency to obtain funds from a source other than the Federal Government" immediately following "contract rate".

LOANS FOR PUBLIC HOUSING PROJECTS

SEC. 209. Section 9 of the United States Housing Act of 1937 is amended by striking out the third sentence.

PUBLIC HOUSING ANNUAL CONTRIBUTIONS

SEC. 210. (a) The proviso in section 10(b) of the United States Housing Act of 1937 is amended by inserting after "any contract" the following: ", although not limited to debt service requirements,".

(b) The first sentence of section 10(e) of such Act is amended by striking out "on July 1 in each of the years 1969 and 1970" and inserting in lieu thereof "on July 1, 1969, and $170,000,000 on July 1, 1970".

ROOM COST LIMITATIONS FOR PUBLIC HOUSING PROJECTS

SEC. 211. The first sentence of section 15(5) of the United States Housing Act of 1937 is amended by striking out "$2,400", "$3,500", "$4,000", and "$750" wherever they appear and insert in lieu thereof "$2,640", "$3,850", "$4,400", and "$825", respectively.

MANAGEMENT AND SERVICES IN PUBLIC HOUSING PROJECTS

SEC. 212. The last sentence of section 15 (10) of the United States Housing Act of 1937 is amended by striking out "July 1, 1970" and inserting in lieu thereof "July 1, 1971".

ELIMINATION OF WORKABLE PROGRAM REQUIREMENT WITH RESPECT TO LOW-RENT HOUSING IN PRIVATE ACCOMMODATIONS AND OTHER LOW-RENT PUBLIC HOUSING, AND WITH RESPECT TO MORTGAGE INSURANCE UNDER SECTION 221(d)(3) PROGRAM

SEC. 213. (a) Section 101(c) of the Housing Act of 1949 is amended—

(1) by striking out "or for annual contributions or capital grants pursuant to the United States Housing Act of 1937, as amended, for any project or projects not constructed or covered by a contract for annual contributions prior to August 1, 1956,";

(2) by striking out "or section 221(d) (3)";

(3) by striking out "(i)", and "or (ii) section 221(d)(3) of the National Housing Act if payments with respect to the mortgaged property are made or are to be made under section 101 of the Housing and Urban Development Act of 1965,", in the first proviso; and

(4) by striking out "or a contract for annual contributions or capital grants was entered into pursuant to the United States Housing Act of 1937,".

(b) The second proviso in section 10(e) of the United States Housing Act of 1937 is amended to striking out "no such new contract" and all that follows down through "Housing Act of 1949, and".

(c) Section 23(f) of the United States Housing Act of 1937 is amended by striking out all that follows "this Act" where it first appears and inserting in lieu thereof "shall not apply to low-rent housing assisted or to be assisted under this section."

REVIEW OF RELOCATION PLANS UNDER URBAN RENEWAL PROGRAM

SEC. 214. Section 105(c) of the Housing Act of 1949 is amended by adding at the end thereof the following new paragraph:

"(3) Within one year after the date of enactment of this paragraph, and every two years thereafter, the Secretary shall review each locality's relocation plan under this subsection and its effectiveness in carrying out such plan."

REQUIREMENT OF SUBSTANTIAL RESIDENTIAL REDEVELOPMENT WHERE PROJECT INVOLVES DEMOLITION OR REMOVAL OF RESIDENTIAL STRUCTURES

SEC. 215. Section 105 of the Housing Act of 1949 is amended by adding at the end thereof the following new subsection:

"(h) In the case of any project which includes the demolition or removal of any residential structure or structures and which receives Federal recognition after the date of the enactment of this subsection (whether or not it is a project taken into account for purposes of applying subsection (f))—

"(1) the redevelopment of the urban renewal area shall include the provision of standard housing units for low and moderate income families and individuals at least equal in number to the total number of dwelling units in the structure or structures demolished or removed; and

"(2) the portion of the total cost of such redevelopment which is attributable to the provision of standard housing units for low and moderate income families and individuals (as determined by the Secretary) shall be at least 35 per centum or, if greater, a percentage bearing the same ratio to 100 as the total appraised value of such residential structure or structures bore to the total appraised value of all the structures in the urban renewal area immediately prior to their demolition or removal (as determined by the Secretary, without regard to any decrease in such value which may have resulted from the imminence of such demolition or removal)."

AUTHORIZATION FOR HOUSING FOR THE ELDERLY OR HANDICAPPED

SEC. 216. Section 202(a)(4) of the Housing Act of 1959 is amended to read as follows:

"(4) There is authorized to be appropriated for the purposes of this section not to exceed $500,000,000, which amount shall be increased by $150,000,000 on July 1, 1969. Amounts so appropriated shall constitute a revolving fund to be used by the Secretary in carrying out this section."

AUTHORIZATION FOR COLLEGE HOUSING DEBT SERVICE GRANTS

SEC. 217. Section 401(f)(2) of the Housing Act of 1950 is amended by striking out all that follows "exceed" and inserting in lieu thereof "$20,000,000, which amount shall be increased by $4,200,000 on July 1, 1970."

TITLE III—MODEL CITIES AND METROPOLITAN DEVELOPMENT PROGRAM

AUTHORIZATION FOR MODEL CITIES PROGRAM

SEC. 301. (a) Section 111(b) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended—

(1) by striking out "and" the third time is appears;

(2) by inserting before the period at the end thereof the following: ", and not to exceed $750,000,000 for the fiscal year ending June 30, 1971"; and

(3) by adding at the end thereof the following new sentence: "Under regulations prescribed by the Secretary, 10 per centum of the amounts appropriated pursuant to this subsection for the fiscal year ending June 30, 1970, and for any fiscal year thereafter shall be used for assistance to city demonstration agencies in smaller cities, and may be so used (to the extent specifically provided in such regulations) without regard to the limitation set forth in the first sentence of section 105(c)."

(b) Section 111(c) of such Act is amended by striking out "1970" and inserting in lieu thereof "1971".

AUTHORIZATION FOR COMPREHENSIVE PLANNING GRANTS

SEC. 302. The fifth sentence of section 701(b) of the Housing Act of 1954 is amended by striking out "and not to exceed $390,000,000 prior to July 1, 1970" and inserting in lieu thereof "and not to exceed $390,000,000 prior to July 1, 1971".

URBAN INFORMATION AND TECHNICAL ASSISTANCE SERVICES

SEC. 303. (a) Section 701(a) of the Housing Act of 1954 is amended—

(1) by striking out "and" at the end of paragraph (10);

(2) by striking out the period at the end of paragraph (11) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (11) the following new paragraph:

"(12) States, including statewide agencies or instrumentalities of a State or its political subdivisions which are designated by the Governor of the State and acceptable to the Secretary, for programs focused upon the needs of communities having populations less than one hundred thousand which provide information and data on urban needs and urban assistance programs and activities and technical assistance to such communities with respect to the solution of local problems."

(b) Title IX of the Demonstration Cities and Metropolitan Development Act of 1966 is repealed.

AUTHORIZATION FOR OPEN SPACE, URBAN BEAUTIFICATION, AND HISTORIC PRESERVATION GRANTS

SEC. 304. The first sentence of section 702(b) of the Housing Act of 1961 is amended by striking out "and not to exceed $460,000,000 prior to July 1, 1970" and inserting in lieu thereof "and not to exceed $460,000,000 prior to July 1, 1971".

AUTHORIZATION FOR NEW COMMUNITY SUPPLEMENTAL ASSISTANCE GRANTS

SEC. 305. Section 412(d) of the Housing and Urban Development Act of 1968 is amended by striking out "July 1, 1970" and inserting in lieu thereof "July 1, 1971".

COMMUNITY FACILITIES GRANTS

SEC. 306. (a) Section 702(c) of the Housing and Urban Development Act of 1965 is amended by striking out "1969" in clause (2) and inserting in lieu thereof "1970".

(b) Section 708(b) of such Act is amended by striking out "1970" and inserting in lieu thereof "1971".

(c) The second sentence of section 708(a) of such Act is amended by inserting before the period at the end thereof the following: ", and not to exceed $100,000,000 for the fiscal year commencing July 1, 1970".

URBAN MASS TRANSPORTATION

SEC. 307. (a) The first sentence of section 4(b) of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out "and" the second time it appears; and

(2) by striking out the period and inserting in lieu thereof "; and $300,000,000 for fiscal year 1971."

(b) Section 5 of such Act is amended by striking out "1970" and inserting in lieu thereof "1971".

TRAINING AND FELLOWSHIP PROGRAMS

SEC. 308. Title VIII of the Housing Act of 1964 is amended to read as follows:

"TITLE VIII—TRAINING AND FELLOWSHIP PROGRAMS

"FINDINGS AND PURPOSE

"SEC. 801. (a) The Congress finds that the rapid expansion of the Nation's urban areas and urban population has caused severe problems in urban and suburban development and created a national need to (1) provide special training in skills needed for economic and efficient community development, and (2) support research in new or improved methods of dealing with community development problems.

"(b) It is the purpose of this title to provide fellowships for the graduate training of professional city planning and urban and housing technicians and specialists, and to assist and encourage the States, in cooperation with public or private universities and colleges and urban centers and with business firms and associations, labor unions, and other interested associations and organizations, to (1) organize, initiate, develop, and expand programs which will provide special training in skills needed for economic and efficient community development to those technical, professional, and other persons with the capacity to master and employ such skills who are, or are training to be, employed by a governmental or public body which has responsibility for community development, or by a private nonprofit organization which is conducting or has responsibility for housing and community development programs, and (2) support State and local research that is needed in connection with housing programs and needs, public improvement programing, code problems, efficient land use, urban transportation, and similar community development problems.

"FELLOWSHIPS FOR CITY PLANNING AND URBAN STUDIES

"SEC. 802. (a) The Secretary is authorized to provide fellowships for the graduate training of professional city planning and urban and housing technicians and specialists as herein provided. Persons shall be selected for such fellowships solely on the basis of ability and upon the recommendation of the Urban Studies Fellowship Advisory Board established pursuant to subsection (b). Fellowships shall be solely for training in public and private nonprofit institutions of higher education having programs of graduate study in the field of city planning or in related fields (including architecture, civil engineering, economics, municipal finance, public administration, and sociology), which programs are oriented to training for careers in city and regional planning, housing, urban renewal, and community development.

"(b) There is hereby established the Urban Studies Fellowship Advisory Board (hereinafter referred to as the 'Board'), which shall consist of nine members to be appointed by the Secretary as follows: Three from public institutions of higher learning and three from private nonprofit institutions of higher education, who are the heads of departments which provide academic courses appropriately related to the fields referred to in subsection (a), and three from national organizations which are directly concerned with problems relating to urban, regional, and community development. The Board shall meet upon the request of the Secretary and shall make recommendations to him with respect to persons to be selected for fellowships under this section. Members of the Board shall be entitled to receive transportation expenses and a per diem in lieu of subsistence as authorized for members of advisory committees created pursuant to section 601 of the Housing Act of 1949.

"MATCHING GRANTS TO STATES

"SEC. 803. (a) Subject to the provisions of this title and in accordance with regulations prescribed by him, the Secretary may make matching grants to States to assist in—

"(1) organizing, initiating, developing, or expanding programs to provide special training in skills needed for economic and efficient community development to those technical professional, and other persons with the capacity to master and employ such skills who are, or are training to be, employed by a governmental or public body which has responsibilities for community development, or by a private nonprofit organization which is conducting or has responsibility for housing and community development programs; and

"(2) supporting State and local research that is needed in connection with housing programs and needs, public improvement programing, code problems, efficient land use, urban transportation, and similar community development problems, and collecting, collating, and publishing statistics and information relating to such research.

"(b) No grants may be made to a State under this section unless the Secretary has approved a plan for the State which—

"(1) sets forth the proposed use of the funds and the objectives to be accomplished;

"(2) explains the method by which the required amounts from non-Federal sources will be obtained;

"(3) provides such fiscal control and fund accounting procedures as may be reasonably necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State under this section;

"(4) designates an officer or agency of the State government who has responsibility and authority for the administration of a statewide research and training program as the officer or agency with responsibility and authority for the execution of the State's program under this section; and

"(5) provides that such officer or agency will make such reports to the Secretary, in such form, and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this section.

"(c) No grant may be made under this section for any use unless an amount at least equal to such grant is made available from non-Federal sources for the same purpose and for concurrent use.

"STATE LIMIT

"SEC. 804. Not more than 10 per centum of the total amount appropriated for the purposes of this title may be used for making grants to any one State.

"TECHNICAL ASSISTANCE, STUDIES, AND PUBLICATION OF INFORMATION

"SEC. 805. In order to carry out the purpose of this title, the Secretary is authorized to provide technical assistance to State and local governmental or public bodies and to undertake such studies and publish and distribute such information, either directly or by contract, as he shall determine to be desirable. Nothing contained in this title shall limit any authority of the Secretary under any other provision of law.

"APPROPRIATIONS

"SEC. 806. There is authorized to be appropriated for the purpose of making grants and providing fellowships under this title, without fiscal year limitation, not to exceed $30,000,000. Any amounts appropriated under this section shall remain available until expended.

"MISCELLANEOUS

"SEC. 807. (a) As used in this title the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands; and the term 'Secretary' means the Secretary of Housing and Urban Development.

"(b) There are authorized to be appropriated such sums as may be necessary for administrative and other expenses in carrying out this title."

TITLE IV—MISCELLANEOUS

AUTHORIZATION FOR PROPERTY ACQUISITIONS IN APPLYING ADVANCES IN TECHNOLOGY TO HOUSING AND URBAN DEVELOPMENT

Sec. 401. Section 1010(a) of the Demonstration Cities and Metropolitan Development Act of 1966, is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (3) a new paragraph as follows:

"(4) assure, to the extent feasible, in connection with the construction, major rehabilitation, or maintenance of any housing assisted under this section, that there is no restraint by contract building codes, zoning ordinances or practice against the employment of new or improved technologies, techniques, materials, and methods or of preassembled products which may reduce the cost or improve the quality of such construction, rehabilitation, and maintenance, and therefore stimulate expanded production of housing under such programs, except where such restraint is necessary to insure safe and healthful working and living conditions."

Sec. 402. The first sentence of section 1010(c) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended—

(1) by inserting "(1)" after "authorized"; and

(2) by inserting before the period at the end thereof the following: ", and (2) notwithstanding any other provision of law, to acquire, use, and dispose of land and other property as he deems necessary to carry out the purposes of subsection (a)(1) of this section".

EMPLOYMENT OPPORTUNITIES FOR LOWER INCOME PERSONS IN CONNECTION WITH HUD-ASSISTED PROJECTS

Sec. 403. Section 3 of the Housing and Urban Development Act of 1968 is amended to read as follows:

"EMPLOYMENT OPPORTUNITIES FOR LOWER INCOME PERSONS IN CONNECTION WITH ASSISTED PROJECTS

"Sec. 3. In the administration by the Secretary of Housing and Urban Development of programs providing direct financial assistance in aid of housing, urban planning, development, redevelopment, or renewal, public or community facilities, and new community development, the Secretary shall—

"(1) require, in consultation with the Secretary of Labor, that to the greatest extent feasible opportunities for training and employment arising in connection with the planning and carrying out of any project assisted under any such program be given to lower income persons residing in the area of such project; and

"(2) require, in consultation with the Administrator of the Small Business Administration, that to the greatest extent feasible contracts for work to be performed in connection with any such project be awarded to business concerns, including but not limited to individuals or firms doing business in the field of planning; consulting, design, architecture, building construction, rehabilitation, maintenance, or repair, which are located in or owned in substantial part by persons residing in the area of such project."

URBAN PROPERTY PROTECTION AND REINSURANCE—ENTRY INTO REINSURANCE CONTRACTS

Sec. 404. Section 1222(d) of the National Housing Act is amended by striking out all that follows "thereafter" the first time that word appears and inserting in lieu thereof a period.

URBAN PROPERTY PROTECTION AND REINSURANCE—STATE SHARE OF REINSURED LOSSES

Sec. 405. Section 1223(a) of the National Housing Act is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) in any State which has not, after the close of the second full regular session of the appropriate State legislative body following the date of the enactment of this title, adopted appropriate legislation, retroactive to the date of the enactment of this title, under which the State, its political subdivisions, or a governmental corporation or fund established pursuant to State law, will reimburse the Secretary for any reinsured losses in that State in any reinsurance contract year, in an amount up to 5 per centum of the aggregate property insurance premiums earned in that State during the calendar year immediately preceding the end of the reinsurance contract year on those lines of insurance reinsured by the Secretary in that State during the contract year, to the extent that reinsured losses paid by the Secretary for such year exceed the total of (A) reinsurance premiums earned in that State during that reinsurance contract year plus (B) the excess of (i) the total premiums earned by the Secretary for reinsurance in that State during a preceding period measured from the end of the most recent reinsurance contract year with respect to which the Secretary was reimbursed for losses under this title over (ii) any amounts paid by the Secretary for reinsurance losses that were incurred during such period;".

STUDY OF REINSURANCE AND OTHER PROGRAMS

Sec. 406. Section 1235(b) of the National Housing Act is amended by striking out "one year following the date of the enactment of this title" and inserting in lieu thereof "June 30, 1970".

EMERGENCY FLOOD INSURANCE PROGRAM

Sec. 407. Part A of chapter II of title XIII of the Housing and Urban Development Act of 1968 is amended by adding at the end thereof the following new section:

"EMERGENCY IMPLEMENTATION OF PROGRAM

"Sec. 1336. (a) Notwithstanding any other provisions of this title, for the purpose of providing flood insurance coverage at the earliest possible time, the Secretary shall carry out the flood insurance program authorized under chapter I during the period ending December 31, 1971, in accordance with the provisions of this part and the other provisions of this title insofar as they related to this part but subject to the modifications made by or under subsection (b).

"(b) In carrying out the flood insurance program pursuant to subsection (a), the Secretary—

"(1) shall provide insurance coverage without regard to any estimated risk premium rates which would otherwise be determined under section 1307; and

"(2) shall utilize the provisions and procedures contained in or prescribed by this part (other than section 1334) and sections 1345 and 1346 to such extent and in such manner as he may consider necessary or appropriate to carry out the purpose of this section."

EXTENSION OF FLOOD INSURANCE PROGRAM TO COVER LOSSES FROM WATER-CAUSED MUDSLIDES

Sec. 408. (a) Section 1302 of the Housing and Urban Development Act of 1968 is amended by adding at the end thereof the following new subsection:

"(f) The Congress also finds that (1) the damage and loss which results from mudslides is related in cause and similar in effect to that which results directly from storms, deluges, overflowing waters, and other forms of flooding, and (2) the problems involved in providing protection against this damage and loss, and the possibilities for making such protection available through a Federal or federally sponsored program, are similar to those which exist in connection with efforts to provide protection against damages and loss caused by such other forms of flooding. It is therefore the further purpose of this title to make available, by means of the methods, procedures, and instrumentalities which are otherwise established or available under this title for purposes of the flood insurance provide protection against damage and loss resulting from mudslides that are caused by accumulations of water on or under the ground."

(b) Section 1370 of such Act is amended by inserting "(a)" after "Sec. 1370.", and by adding at the end thereof the following new subsection:

"(b) The term 'flood' shall also include inundation from mudslides which are caused by accumulations of water on or under the ground; and all of the provisions of this title shall apply with respect to such mudslides in the same manner and to the same extent as with respect to floods described in paragraph (1), subject to and in accordance with such regulations, modifying the provisions of this title (including the provisions relating to land management and use) to the extent necessary to insure that they can be effectively so applied, as the Secretary may prescribe to achieve (with respect to such mudslides) the purposes of this title and the objectives of the program."

NATIONAL FLOOD INSURANCE PROGRAM—ADOPTION OF LOCAL FLOOD CONTROL MEASURES

Sec. 409. (a) Section 1305(c)(2) of the Housing and Urban Development Act of 1968 is amended by striking out "June 30, 1970, permanent" and inserting in lieu thereof "December 31, 1971, adequate".

(b) Section 1315 of such Act is amended—

(1) by striking out "June 30, 1970" and inserting in lieu thereof "December 31, 1971"; and

(2) by striking out "permanent" and inserting in lieu thereof "adequate".

(c) Section 1361(c) of such Act is amended by striking out "permanent" and inserting in lieu thereof "adequate".

INTERSTATE LAND SALES

Sec. 410. Section 1403(a)(10) of the Housing and Urban Development Act of 1968 is amended to read as follows:

"(10) the sale or lease of real estate which is free and clear of all liens, encumbrances, and adverse claims if each and every purchaser or his or her spouse has made a personal on-the-lot inspection of the real estate which he purchased and if the developer executes a written affirmation to that effect to be made a matter of record in accordance with rules and regulations of the Secretary. As used in this subparagraph, the terms 'liens', 'encumbrances', and 'adverse claims' do not refer to property reservations which land developers commonly convey or dedicate to local bodies or public utilities for the purpose of bringing public services to the land being developed, nor to taxes and assessments imposed by a State or other public body having authority to assess and tax property which, under applicable State or local law, constitute liens on the property before they are due and payable, nor to beneficial property restrictions which would be enforceable by other lot owners or lessees in the subdivision, if (A) the developer, prior to the time the contract of sale or lease is entered into, has furnished each purchaser or lessee with a statement, the form and content of which has been approved by the Secretary, setting forth in descriptive and concise terms all such reservations, taxes, assessments, and restrictions which are applicable to the lot to be purchased or leased, and

(B) receipt of such statement has been acknowledged in writing by the purchaser or lessee, and a copy of the acknowledged statement is filed with the Secretary in accordance with such rules and regulations as he may require."

REPORTS

SEC. 411. Section 1603 of the Housing and Urban Development Act of 1968 is amended by striking out "January 15" and inserting in lieu thereof "February 15".

RURAL HOUSING

SEC. 412. (a) Sections 513, 515(b)(5), and 517(a)(1) of the Housing Act of 1949 are each amended by striking out "October 1, 1969" wherever it appears and inserting in lieu thereof "October 1, 1970".

(b) Section 517(c) of such Act is amended by striking out all that follows "section" and inserting in lieu thereof a period.

(c) Section 517 of such Act is amended by adding at the end thereof the following new subsection:

"(k) Any sale by the Secretary of loans individually or in blocks, pursuant to subsections (c) and (g), shall be treated as a sale of assets for the purposes of the Budget and Accounting Act, 1921, notwithstanding the fact that the Secretary, under an agreement with the purchaser, holds the debt instruments evidencing the loans and holds or reinvests payments thereon as trustee and custodian for the purchaser."

(d) Section 517 of such Act is further amended by adding at the end thereof (after subsection (k), as added by subsection (c) of this section) the following new subsection:

"(l) The Secretary may also, upon the application of lenders, builders, or sellers and upon compliance with requirements specified by him, make commitments upon such terms and conditions as he shall prescribe to make or insure loans under this section to eligible applicants."

(e)(1) Section 517 of such Act is further amended by adding at the end thereof (after subsection (l), as added by subsection (d) of this section) the following new subsection:

"(m) The assets and liabilities of, and authorizations applicable to, the Rural Housing Direct Loan Account are hereby transferred to the Fund, and such Account is hereby abolished. Such assets and their proceeds, including loans made out of the Fund pursuant to this section, shall be subject to all of the provisions of this section."

(2) The first sentence of section 517(d) of such Act is amended—

(A) by striking out "(a) and (b)" and inserting in lieu thereof "(a), (b), and (m)"; and

(B) by inserting "or otherwise acquired by" after "loans made from".

(3) Section 518 of such Act is repealed.

(4) Section 519 of such Act is amended by striking out "or the Rural Housing Direct Loan Account" and "or Account".

(f) Section 520 of such Act is repealed.

AUTHORITY TO TRANSFER ADDITIONAL AMOUNTS FROM GENERAL INSURANCE FUND TO SPECIAL RISK INSURANCE FUND

SEC. 413. Section 238(b) of the National Housing Act is amended by striking out "the sum of $5,000,000" in the first sentence and inserting in lieu thereof ", at such times and in such amounts as he may determine to be necessary, a total sum of $20,000,000".

SAVINGS AND LOAN ASSOCIATIONS

SEC. 414. (a) Section 5 of the Federal Home Loan Bank Act (12 U.S.C. 1425) is amended to read as follows:

"SEC. 5. No institution shall be admitted to or retained in membership, or granted the privileges of nonmember borrowers, if the combined total of the amounts paid to it for interest, commission, bonus, discount, premium, and other similar charges, less a proper deduction for all dividends, refunds, and cash credits of all kinds, creates an actual net cost to the homeowner in excess of the lawful contract rate of interest applicable to such transactions, or, in case there is no lawful contract rate of interest applicable to such transactions, in excess of such rates as may be prescribed in writing by the Board acting in its discretion from time to time. This section applies only to home mortgage loans on single-family dwellings."

(b) Section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)) is amended by adding at the end thereof the following new paragraph:

"Without regard to any other provision of this subsection, any such association is authorized to invest in shares of stock issued by a corporation authorized to be created pursuant to title IX of the Housing and Urban Development Act of 1968, and is authorized to invest in any partnership, limited partnership, or joint venture formed pursuant to section 907(a) or 907(c) of that Act."

(c)(1) Section 404(d)(2)(B) of the National Housing Act (12 U.S.C. 1727(d)(2)(B)) is amended by striking out "1966" and inserting in lieu thereof "1965".

(2) Section 6(b) of the Act of September 21, 1968 (Public Law 90–505), is amended by striking out "1968" and inserting in lieu thereof "1965".

(d) Section 12 of the Federal Home Loan Bank Act (12 U.S.C. 1432) is amended by adding at the end thereof the following new subsection:

"(c) Subject to such regulations as may be prescribed by the Board, one or more Federal home loan banks may acquire, hold, or dispose of, in whole or in part, or facilitate such acquisition, holding, or disposition by members of any such bank, of loans (or interests in loans) having the benefit of insurance under section 221(d)(3), 221(h), 235, or 236 of the National Housing Act, as now or hereafter in effect, or any commitment or agreement therefor."

TEMPORARY EXTENSION OF FLEXIBLE INTEREST RATE AUTHORITY

SEC. 415. Section 3(a) of the Act of May 7, 1968 (Public Law 90–301), is amended by striking out "October 1, 1969" and inserting in lieu thereof "October 1, 1970", and by amending the proviso to such section to read as follows: "*Provided*, That notwithstanding any other provision of law, the Administrator of Veterans' Affairs is authorized, until October 1, 1971, to establish a maximum interest rate for guaranteed or insured loans to veterans under chapter 37 of title 38, United States Code, not in excess of such rate as he may from time to time find the loan market demands.".

MEDICINE CABINETS IN FEDERALLY ASSISTED HOUSING

SEC. 416. (a) The head of the appropriate Federal agency shall prescribe reasonable standards with respect to the type or design of latches hereafter installed on medicine cabinets in federally assisted housing with a view to preventing injury to young children as a result of gaining access to the contents of such cabinets.

(b) As used in this section—

(1) The term "federally assisted housing" means (A) housing constructed, rehabilitated, or otherwise provided with assistance under the National Housing Act, the United States Housing Act of 1937, section 101 of the Housing and Urban Development Act of 1965, section 202 of the Housing Act of 1959, title V of the Housing Act of 1949, the Consolidated Farmers Home Administration Act of 1961, section 7(b) of the Small Business Act, or chapter 37 of title 38, United States Code; and (B) family housing constructed by the Department of Defense.

(2) The term "appropriate Federal agency" means (A) the Secretary of Housing and Urban Development with respect to housing constructed, rehabilitated, or otherwise provided under the National Housing Act, the United States Housing Act of 1937, section 101 of the Housing and Urban Development Act of 1965, or section 202 of the Housing Act of 1959; (B) the Secretary of Agriculture with respect to housing constructed, rehabilitated, or otherwise provided under title V of the Housing Act of 1949, or the Consolidated Farmers Home Administration Act of 1961; (C) the Administrator of the Small Business Administration with respect to housing constructed or repaired with assistance under section 7(b) of the Small Business Act; and (D) the Secretary of Defense with respect to family housing constructed by the Department of Defense.

(c) The respective appropriate Federal agencies shall, in prescribing standards under this section, seek, through consultation or otherwise, to achieve the greatest practicable uniformity in such standards.

MISCELLANEOUS AND TECHNICAL AMENDMENTS

SEC. 417. (a) Section 235(c) of the National Housing Act is amended by inserting immediately before the period at the end of the first sentence the following: ": *Provided further*, That the Secretary is authorized to continue making such assistance payments where the mortgage has been assigned to the Secretary".

(b) Section 236(b) of such Act is amended by striking out "*Provided*, That" and inserting in lieu thereof the following: "*Provided*, That the Secretary is authorized to continue making such interest reduction payments where the mortgage has been assigned to the Secretary: *Provided further*, That".

(c) Section 223(d) of such Act is amended by inserting at the end thereof the following new sentence: "A loan involving a project covered by a mortgage insured under section 213 that is the obligation of the Cooperative Management Housing Insurance Fund shall be the obligation of such fund, and loans involving projects covered by mortgages insured under section 236 or under any section of this title pursuant to section 223(e) shall be the obligation of the Special Risk Insurance Fund."

(d) Section 214 of such Act is amended by inserting "or mobile home courts or parks" in the first sentence after "construct dwellings".

(e) Section 1101(c)(2) of such Act is amended—

(1) by striking out "value of the property or project" and inserting in lieu thereof "replacement cost of the property or project"; and

(2) by striking out "The value" and inserting in lieu thereof "The replacement cost".

FHA FINANCING FOR MOBILE HOMES

SEC. 418. Section 2 of the National Housing Act is amended by—

(1) inserting "(i)" after the words "for the purpose of" in the first sentence of subsection (a);

(2) inserting "; and for the purpose of (ii) financing the purchase of a mobile home to be used by the owner as his principal residence" before the period at the end of the first sentence of subsection (a);

(3) inserting "(other than mobile homes)" after "the new residential structures" in clause (1) of subparagraph (iii) of the second paragraph of subsection (a);

(4) inserting the following new sentence at the end of subsection (a): "The Secretary is hereby authorized and directed, with respect to mobile homes to be financed under this section, to (i) prescribe minimum property standards to assure the livability and durability of the mobile home and the suitability of the site on which the mobile home is to be located; and (ii) obtain assurances from the borrower that the mobile home will be placed on a site which complies with the standards prescribed by the Secretary and with local zoning and other applicable local requirements.";

(5) inserting ", except that an obligation financing the purchase of a mobile home may

be to an amount not exceeding $10,000" before the semicolon at the end of clause (1) in the first sentence of subsection (b);

(6) inserting ": *Provided*, That an obligation financing the purchase of a mobile home may have a maturity not in excess of twelve years and thirty-two days" before the semicolon at the end of clause (2) in the first sentence of subsection (b); and

(7) striking out "real property" each place it appears in subsection (c)(2) and inserting in lieu thereof "real or personal property".

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. PATMAN).

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 13827) was laid on the table.

LEGISLATIVE PROGRAM FOR WEEK OF OCTOBER 27

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of this week and the agenda for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, in response to the able minority leader's inquiry, we expect to request to adjourn over upon the announcement of the program for next week.

Monday is District day, and there are eight District bills:

H.R. 13837, to amend Healing Arts Practice Act;

H.R. 12673, to authorize blood banks to transfer blood components;

H.R. 9257, to amend the laws with respect to the parking or storage of motor vehicles;

H.R. 13564, to eliminate straw party deeds in joint tenancies;

H.R. 13565, to validate certain deeds improperly acknowledged or executed;

S. 2056, judge's survivors annuity refund;

H.R. 10335, revise District of Columbia's Criminal Code with respect to false pretenses and bad checks; and

H.R. 10336, to provide liens against property of hotel guests.

Also we have H.R. 13950, Federal Coal Mine Health and Safety Act of 1969. This has an open rule with 3 hours of general debate.

For Tuesday and the balance of the week, a continuing appropriations resolution for fiscal year 1970. Then we continue with consideration of H.R. 13950, the Federal Coal Mine Health and Safety Act of 1969. Also H.R. 14001, the Selective Service Amendment Act of 1969, which has an open rule with 4 hours of debate.

H.R. 14252, the Drug Abuse Education Act of 1969, subject to a rule being granted; and

H.R. 4244, pertaining to the Administrative Conference of the United States, with an open rule and 1 hour of debate.

This announcement is made subject to the usual reservations that conference reports may be brought up at any time and any further program may be announced later.

Mr. GERALD R. FORD. Mr. Speaker, I would like to ask the distinguished majority leader the following question: This appears to be a very full schedule for next week, and I approve of the program that is outlined here wholeheartedly. From an analysis of this program, is there a high likelihood that there will be a session next Friday?

Mr. ALBERT. I should think there will be unless some change develops that I know nothing about at this time.

Mr. GROSS. Mr. Speaker, would the minority leader yield?

Mr. GERALD R. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. I am somewhat intrigued by the fact that there is not a single authorization bill nor an appropriation bill scheduled for next week. Of course, I understand that the continuing resolution providing for continuing appropriations is on the schedule. Is it intended to pass all the regular appropriation bills at this session of Congress—I mean before January 1, or will some of the regular appropriation bills be carried over into next year?

Mr. ALBERT. Mr. Speaker, if the gentleman from Michigan will yield further——

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. This continuing resolution is for 1 month. I, for one, am glad it is for 1 month. I think we need to proceed with the regular bills. I hope that the regular bills will all be passed before this continuing resolution runs out.

Certainly, the gentleman is on one of the committees and recognizes better than I the problems relating to getting out authorization bills. The gentleman's committtee has one of the major authorization bills that is outstanding. All of the appropriation bills but one not requiring authorization have been passed by the House of Representatives but not by the Congress.

Mr. GROSS. Well, Mr. Speaker, if the gentleman will yield further, I cannot let the gentleman from Oklahoma suggest that I am on one of the legislative committees that still has an authorization bill pending—I cannot let that go and pass by without some comment. The gentleman I am sure is aware of the fact that I am a member of the minority of that committee. I cannot move bills in and out of the committee.

Mr. ALBERT. The gentleman always underestimates his influence.

Mr. GERALD R. FORD. I thank the distinguished majority leader.

ADJOURNMENT TO MONDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule on Wednesday next be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

GOVERNOR REAGAN ON TAX REFORM AND THE PROCEDURES OF CONGRESS

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, California's Gov. Ronald Reagan apparently does not like H.R. 13270, the tax reform bill overwhelmingly approved by the House last August 7. In a speech Tuesday night at Flint, Mich., Mr. Reagan asserted that the bill was "hatched in a back room, passed in the dark of night, and smuggled through the House."

He implied that the measure was somehow cooked up by the Johnson administration—"concocted in a back room by the staffs of a repudiated administration"—and he stated that the "flak and fallout" from the bill "threatens to drastically change the American economic system."

Even allowing for the license of a political party dinner, the Governor's words must sound strange indeed to millions of ordinary Americans to whom this bill would grant a long overdue measure of relief.

And they also must have a distinctly hollow ring for the members of our own Ways and Means Committee who labored so mightily to produce this historic legislation.

Rather than being "roared" through the Ways and Means Committee, as Mr. Reagan asserts in a rather peculiar choice of words, the bill was the carefully considered product of 30 days of public hearings and 38 days of executive sessions. Testimony was taken from 410 witnesses, surely a wide enough cross section to include even some of Mr. Reagan's friends.

The bill came to the House floor with the complete support of both the distinguished chairman of the Ways and Means Committee (Mr. MILLS), and the highly respected ranking minority member (Mr. BYRNES).

It was taken up under a rule providing 6 hours of debate, and was approved on a massive vote of 394 to 30. Evidently, few of Mr. Reagan's fellow Republicans in the House shared his disgust with the legislation, since they supported it even more preponderantly than the Democrats—176 to 10.

As for Mr. Reagan's contention that

the measure was in some way foisted on the House by Johnson administration officials, the facts clearly speak otherwise.

A look at the legislative history of the bill indicates that, if anything, President Johnson was himself lukewarm about tax reform. In fact, the only reason the administration prepared reform proposals for submission to Congress was because it was ordered to under terms of an amendment to the 1968 Revenue and Expenditure Control Act. And, interestingly, the amendment, directing the administration to submit a reform plan by December 31, 1968, was drafted and introduced by a Republican, Senator JAVITS.

Mr. Reagan's contention that Johnson administration left-overs also were responsible for much of the staff work on the tax reform bill also lacks substance.

Besides drawing on the expertise of its own staff and the staff of the Joint Committee on Internal Revenue Taxation, the Ways and Means Committee was ably assisted by Edwin S. Cohen, Assistant Secretary of the Treasury for the Nixon administration, and some of Mr. Cohen's colleagues from the Treasury Department.

By unanimous consent, and in a sense of fairness, I shall insert Governor Reagan's full remarks in the RECORD:

EXCERPTS OF REMARKS BY GOV. RONALD REAGAN—REPUBLICAN FUND-RAISING SPEECH FLINT, MICH., OCTOBER 21, 1969.

Governor Milliken and I share the challenge of being governors of large industrial states. Most of our problems eventually get back to the matter of money. In this regard, Washington inevitably plays a major role. The federal government has preempted many of the sources of our income. To correct this, we are struggling to bring about some tax sharing.

Past administrations have also brought about an inflation of the currency which adds tremendous problems to the operation of a state government. But the current mischief causing us concern originated in the House of Representatives and is known as the Tax Reform Bill of 1969. It has been called the most revolutionary tax bill of our time. Tax Coordinator, a tax reporting publication, calls it "the most incredibly complicated tax law in United States history." In less formal circles it is known as the "Lawyers and Accountants Relief Act." This bill had its genesis in the surtax bill of 1968 sought by President Johnson to fight off the chickens of inflation which were coming home to roost.

The 1968 bill also required that the administration prepare a tax reform package for presentation to the 1969 Congress. The military would describe this as bobby trapping the position before withdrawal. With the inauguration of President Nixon, the Democratic leadership of Congress triggered the device.

What followed was unusual in the history of Congress. The most revolutionary tax reform bill of our time roared through the Ways and Means Committee, on to the floor of the House, and past the membership with virtually no advance notice or public hearing. The flak and fallout threatens to drastically change the American economic system.

There is a lot of noble oratory about closing loopholes and the sound of the tumbrels can be heard carrying the venal rich to their just punishment. Many of what our friends call loopholes are really the incentives which made the whole cockeyed tax structure work. Provisions for depletion, deductibility of gifts and tax free institutions were devices voted in by earlier congresses to promote worthwhile social objectives. Wasn't there a time when we felt that the discovery and production of raw materials was as important to our nation as the urban environment now? Are we no longer interested in supporting our schools and foundations? The booby trap has been extremely effective already.

Donations to private charities have ground to a halt since the passage of the House bill. Small colleges are threatened with extinction. Even such august institutions as the Institute for Advance Study at Princeton have publicly stated that their operations could be severely curtailed if the present bill is passed. Is this really in the best interest of our society, or is it simply another attempt by the bureaucrats to stifle anything but government owned and operated institutions? Is a man who gives away substantial sums of his invested capital every year using a gimmick, or is he benefiting society as was intended by the current tax law?

Of more direct concern to your governor and to me is the impending federal raid on municipal bond sales. The Bank of New York has accurately described the municipal bond market as "a disaster area in the finance world." Ever since House adoption of the current tax bill, interest rates on municipal bonds have sky-rocketed and sales have virtually stopped. In California our state water plan and needed campus facilities have been delayed because we cannot sell authorized bond issues.

And who gets the bill when municipalities and states must raise tax rates to compete in the commercial money market? The forgotten American—the low and middle income families whose property taxes will be raised once more to meet these increased borrowing costs.

And why should anyone have to be taxed for inflation? A man buys a house for $10,000. The local tax collector one day has to tell this citizen that it's now valued at $15,000—not because it's worth more but because dollars are worth less. If he sells his house for $15,000, the government tells him he's made a $5,000 profit even though he must pay $15,000 for an exactly similar house. Government taxes 25 or 50 percent of what it has declared is profit and in truth he is the loser.

The real issue is a bill hatched in the back room, passed in the dark of night, and smuggled through the House. Shouldn't we start anew and ask some more basic questions?

I would like to suggest something I believe is in keeping with our Republican philosophy—a new bill of our own embodying a new basic principle, namely, a limit on government's power to tax. Surely the right to earn, keep and disburse should be as inalienable a right as the others listed in the first ten Amendments to the Constitution?

Dr. C. Northcote Parkinson, that great chronicler of the modern bureaucracy, has noted that the percentage of gross national product intercepted by the tax collector is an excellent barometer of the stability of civilizations. When all taxes, federal, state and local, absorb a significant portion of a society's gross national product, there is trouble. "At 35 percent there is a visible decline in freedom and stability," he wrote. "At 36 percent, there is disaster, complete and final, though not always immediate."

Today, 37 cents of every income dollar in the nation goes to taxes.

In this decade alone, total taxes for the average United States family are up 73 percent. The average family of four, with a wage earner who makes $10,000 a year, has to pay $2,600 in taxes . . . and he works three months just to earn the money to pay them . . . and he's not going to stand for it much longer.

Why not consider a limit on the power of all government to tax? And a distribution of these taxing powers between the federal, state and local levels in order to prevent the current preemption of the taxing power by the federal establishment. Those who are always rejecting what they charge are simplistic answers should be happy for the problems involved are complex. But history on the one hand, and the angry mood of the taxpayer on the other, confirm that our society will not remain stable upon attempting to increase taxes further.

Let us hope the Senate will carry out its traditional deliberative role for, we have a tax bill before us, concocted in a back room by staffs of a repudiated administration. What it slipped through in the dark of night does not stand the light of day. Under the false claim that it will benefit the system it would destroy, the current bill carries the seeds of destruction of local government, of private educational and charitable foundations, and of the basic concepts of a free enterprise system which has fought the most successful war on poverty in the history of man.

The President should examine it with care, for as Governor Milliken and I are both well aware, the power of veto is one of the major responsibilities of any chief executive.

DANIELS-McGEE ACT OF 1969

(Mr. DANIELS of New Jersey asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, the date, Monday, October 20, 1969, marks what I believe to be a most significant event in the 49-year history of the Civil Service Retirement system. It has the significance of assuring that the system will have the ability to fulfill its future obligations to millions of past, present, and future Federal employees and their families.

It is with a deep sense of pride and gratitude that I take this time to commend the President's action of October 20 in approving Public Law 91–93, the Civil Service Retirement Amendments of 1969, which will maintain confidence in the financial integrity of the program and contribute importantly toward the financial security of both the active and retired Federal work force.

Further, Mr. Speaker, in an attempt to be responsive to the widespread interest in its new and liberalized benefit provisions, I take this opportunity to present a series of questions and answers about the major changes made by this landmark legislation:

FINANCING THE RETIREMENT SYSTEM

1. Q. How is the financing of the system changed?

A. It is improved in three ways:

1. By an increase in retirement contributions so that they are sufficient to meet the normal cost of the system.

2. By authorization of appropriations to meet liabilities which result from future changes.

3. By authorizing the Treasury Department to pay interest on the existing unfunded liability of the system and for the cost of allowing credit for military service in computing annuities.

2. Q. How much will be deducted from an employee's pay as retirement contributions?

A. Seven percent of basic pay, instead of 6½ percent.

3. Q. When does this increased deduction begin?

A. The first pay period in 1970.

4. Q. Is the Government required to contribute to the retirement fund?

A. Yes, each Government agency matches the deductions from its employees' pay.

CREDIT FOR UNUSED SICK LEAVE

1. Q. In what kind of retirement cases may unused sick leave be added to the employee's service?

A. In two kinds:

1. Where the employee retires on an immediate annuity on or after October 20, 1969.

2. Where the employee dies on or after October 20, 1969 leaving a widow (or dependent widower) who is entitled to a survivor annuity.

2. Q. What is an immediate annuity?

A. One that begins no later than 1 month after separation from service. This would include an employee who retires at his own option, or who retires for age, disability, or because he was involuntarily separated without cause.

3. Q. How will credit for unused sick leave be allowed?

A. By adding the time represented by the unused sick leave to the retiring employee's actual service.

4. Q. For what purpose will unused sick leave be credited?

A. Only for counting the total number of years and months of service used in computing the amount of annuity.

5. Q. May unused sick leave be used for figuring the high average salary?

A. No.

6. Q. May unused sick leave be counted toward the minimum length of service necessary to retire or to qualify for a survivor annuity?

A. No.

7. Q. How much time credit is allowed for the unused sick leave?

A. Generally, each 8 hours of unused sick leave equals one day. Days are converted to months and years on a 260-day work year basis. On this basis, approximately 22 days equals 1 month.

8. Q. Is deposit of contributions to the retirement fund required to obtain retirement credit for unused sick leave?

A. No.

9. Q. Does the limitation on annuity of not more than 80 percent of the high average salary apply to annuity based on unused sick leave?

A. No. Additional annuity attributable to the sick leave credit is allowable over and above this limitation.

HIGH AVERAGE SALARY

1. Q. What change has been made in the average salary computation?

A. The "high-5" average salary formerly used in computing annuities is changed to "high-3". This is the largest annual rate resulting from averaging an employee's rates of basic pay in effect during any period of 3 consecutive years of civilian service, with each rate weighted by the time it was in effect.

2. Q. When does use of the high-3 average salary become effective?

A. It applies in the case of any employee who is separated from service on or after October 20, 1969.

3. Q. How is the high average salary figured if the employee has less than 3 years of service?

A. If an employee dies with between 18 months and 3 years of service and leaves survivors entitled to annuity (see following questions), his high average salary is figured over all his civilian service.

SURVIVOR ANNUITY—SPOUSE

1. Q. What change is there in the rights of widows?

A. The widow (or dependent widower) of an employee who dies on or after October 20, 1969, after as little as 18 months of civilian service is now entitled to survivor annuity. Formerly the minimum service requirement was 5 years.

2. Q. Must the minimum of 18 months be continuous service?

A. No. It may consist of 2 or more periods of service.

3. Are any of the other requirements for a widow's or widower's annuity changed?

A. All other requirements remain the same.

4. Q. How much survivor annuity is payable to a widow?

A. The 1969 Amendments guarantee a minimum annuity to the widow (or dependent widower) of an employee who dies on or after October 20, 1969. This amounts to 55 percent of the *smaller* of—

1. 40 percent of the deceased employee's high average salary, or

2. the regular annuity obtained after increasing the deceased employee's service by the period of time between his date of death and the date he would have reached age 60.

5. Q. Is this guaranteed minimum used in all cases?

A. It does not apply if the widow's annuity based on employee's actual service is more than the guaranteed minimum. In this instance, the widow's annuity is 55 percent of the annuity earned by the employee at the time of his death.

6. Q. In what situations will 55 percent of the earned annuity be more than the guaranteed minimum?

A. Whenever the deceased employee had sufficient service to produce a higher benefit. Also, since service cannot be projected beyond age 60 in any case, the guaranteed minimum is not operative where the employee dies after reaching that age.

7. Q. Was any change made in the benefit payable to the surviving spouse of a disability annuitant?

A. Yes. Formerly an employee who retired for disability could pass on to the surviving wife or husband only 55 percent of his earned annuity, even though he received a higher benefit under the existing guaranteed minimum disability annuity provision. Now, for a disability annuitant who retires on or after October 20, 1969, the widow or widower will receive 55 percent of whatever annuity the retiree receives, unless the employee at retirement had specified a lesser benefit.

SURVIVOR ANNUITY—CHILD

1. Q. What change is there in the rights of children?

A. Each eligible child of an employee who dies on or after November 1, 1969, after as little as 18 months of civilian service is now entitled to survivor annuity. Formerly the minimum service requirement was 5 years.

2. Q. Need the minimum of 18 months be continuous service?

A. No. It may consist of 2 or more periods of service.

3. Q. Are any other requirements for a child's annuity changed?

A. No. All other requirements remain the same.

4. Q. How much survivor annuity is payable to a child?

A. The 1969 amendments increase annuity to a child. If the deceased employee is survived by a husband or wife, each eligible child will receive 60 percent of the employee's high average salary divided by the number of children. Annuity to any child is limited to $900 a year, and the total to all children cannot be more than $2,700 a year.

If no husband or wife survives the employee, each eligible child will receive 75 percent of the employee's high average salary divided by the number of children. Annuity to any one child is limited to $1,080 a year, and the total to all children cannot be more than $3,240 a year.

5. Q. Are all children entitled to survivor benefits eligible for the increased annuity?

A. Yes. These increased rates apply not only to children who qualify after this amendment is enacted, but also to children who are now receiving survivor annuity.

6. Q. When are these increases in children's annuities effective?

A. November 1, 1969. They will be reflected in the December 1, 1969 annuity checks which pay annuity for November.

REMARRIAGE OF SURVIVING SPOUSE

1. Q. What effect does remarriage have on the survivor annuity of a widow or widower?

A. Basically, remarriage generally stops the survivor annuity. The new law permits continuance of survivor annuity, regardless of when the employee retired or died, if the widow or widower remarries (1) on or after July 18, 1966, and (2) after attaining age 60. Where such a remarriage has already occurred and the widow's or widower's annuity has been stopped, it will be resumed commencing October 20, 1969.

2. Q. If a widow's or widower's annuity is stopped because of remarriage, can it be resumed if the remarriage ends?

A. Yes, if (1) the remarriage occurred after July 18, 1966, (2) the widow or widower does not elect some other annuity which is acquired by reason of the remarriage, and (3) any lump sum retirement benefit paid is returned. Where a remarriage has already ended, the survivor annuity may be resumed effective October 20, 1969.

3. Q. If a widow's or widower's annuity has already stopped but the remarriage has ended, how can the annuity be resumed?

A. She or he must write to the Civil Service Commission giving full identifying information and full particulars about the remarriage and when and how it ended.

COST OF LIVING INCREASES

1. Q. Do the 1969 Amendments change the way cost-of-living increases in annuities are figured?

A. Yes. Cost-of-living annuity increases are still figured as formerly except that, under the Amendments, 1 percent is added to each cost-of-living increase that is developed by the Consumer Price Index.

2. Q. Does the extra 1 percent affect the 4 percent cost-of-living increase that is already scheduled for November 1, 1969?

A. Yes, it changes this 4 percent increase to a 5 percent increase.

3. Q. Who will receive the 5 percent cost-of-living increase due November 1, 1969?

A. All retired employees and survivor annuitants whose annuities commenced November 1, 1969 or earlier.

4. Q. What is the last day an employee may retire from service and have his annuity commence November 1, 1969?

A. October 31, 1969. Employees in a pay status and separated after that date will not qualify for the 5 percent cost-of-living increase scheduled for November 1, 1969.

5. Q. Is there any advantage for an employee to retire on or before October 31, 1969?

A. If the employee retires between October 20 and 31, he will not only have his annuity figured under the 1969 Amendments but also have the 5 percent cost-of-living increase added to his annuity. However, the 1969 Amendment liberalizations—high average salary computation, unused sick leave credit, etc.—will apply equally to persons who retire after October.

6. Q. Will the extra 1 percent be added to future cost-of-living increases that are developed by the Consumer Price Index?

A. Yes.

EMPLOYEES PREVIOUSLY SEPARATED

1. Q. What is the effect of this amendment on those already separated from Federal service?

A. The provisions of this new law do not generally apply to those separated or retired before its effective date. However, annuitants already on the rolls will receive the extra 1 percent annuity increase.

2. Q. Do the provisions of the new law apply to retirees who have been reemployed by the Government?

A. Yes, under certain conditions. The age or optional retiree who is separated on or after October 20, 1969, and who has completed at least 1 year of continuous full-time civilian service as a reemployed annuitant will receive credit for any unused sick leave in determining his supplemental annuity. Should the retiree complete 5 years of such service, his annuity can be recomputed; in the recomputation, he will be eligible for all the benefits of the new law, i.e., sick leave credit, high average salary computation, and survivor benefits previously outlined.

COAL MINE HEALTH AND SAFETY BILL

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, at 4:40 this morning the body of the first of the coal miners who perished in the gassy grave of the Farmington, W. Va., disaster was recovered. Seventy-eight men were killed in the fiery explosions which rocked the No. 9 mine on November 20, 1968.

The Farmington disaster roused the conscience of the Nation to demand that action be taken to protect the health and safety of the coal miners. Although there have been no major disasters since Farmington, 182 coal miners have been killed and 5,465 injured since that terrible morning last November.

Mr. Speaker, the coal operators of this Nation have been lobbying to weaken the health and safety legislation which Congress will start considering soon. The National Coal Association has written a letter to every Member of Congress which threatens Congress with power shortages if we try too hard to protect coal miners. The letter, dated October 21, states bluntly:

> If Congress enacts a bill which closes many coal mines it will jeopardize the public welfare by bringing on a nationwide power and steel shortage. . . . If Congress forces the closing of coal mines, a serious shortage can become critical and the nation will face power blackouts.

Mr. Speaker, there is talk of compromise in the air. There are many who would water down and compromise this bill. Death is a very certain phenomenon, Mr. Speaker. How can we compromise on an issue like that? Can you compromise on a man's life, limbs, and lungs? The coal operators shed tears and spread fears that coal mines will be closed down. Would you rather close down a mine or close down a man?

As the widows of Farmington wait patiently for the recovery of the bodies of their husbands who perished at Farmington, let us in Congress rise to the challenge and enact a strong, meaningful, effective coal mine health and safety bill without compromise with coal miners' lives. The slaughter in the coal mines must stop.

ROGERS INTRODUCES 3-YEAR EXTENSION OF REGIONAL MEDICAL PROGRAM

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, I am today introducing legislation to extend and expand the regional medical programs for 3 fiscal years. The present authorizing legislation expires on June 30, 1969.

The basic structure of the regional medical program is to provide for education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and related diseases.

The bill that I am introducing would not change the basic purpose of this law, but would expand the field of activity to include other major diseases and conditions as well as heart disease, cancer, and stroke. This would enable a regional medical program to operate from a broader base and to work with such medical problems as arthritis and trauma.

Eventually, as the regional medical program continues to expand its scope of operation in providing up-to-date medical knowledge to the practitioners and providers of health care, the categorical emphasis of the program should be eliminated and the program properly coordinated with comprehensive health planning.

A basic purpose of the regional medical program is to afford the medical profession and the medical institutions the opportunity of making available to their patients the latest advances in the diagnosis and treatment of these diseases. The bill that I am introducing would expand this purpose to include prevention from these diseases and rehabilitation of those stricken with the disease.

I believe that this proposed change in the law will enable the regional medical programs to more fully carry out the intent of the original legislation by providing more extensive and current knowledge about these diseases and conditions to the providers of health care.

In addition, the bill that I am introducing would provide for the inclusion of representatives from official health and health planning agencies on the advisory group for the operation of the local regional medical programs. Under present law only representatives from voluntary health agencies are permitted to serve on such advisory boards and I believe that the program will benefit from having these official groups on the advisory boards at the local level.

Another change that I am proposing in the bill I am introducing would permit consideration of all regional medical program projects at the local level by the 314(b) comprehensive areawide health planning agencies established under the Partnership for Health Act, Public Law 89-749. This change in the basic law, I believe, will contribute to a more effective regional medical program and will better insure that consumer participation at the local level is meaningful.

I believe, too, that this change in the basic law would be consistent with the direction being taken by the national advisory council on regional medical programs. At its February 1969 meeting that council issued a policy directive which required that where applications for regional medical program projects include requests for the purchase of major patient care equipment, adequate evidence must be included to show that the project plan has been reviewed and, if necessary, approved by the appropriate local planning agency. And, in Memphis, Tenn., the regional medical program and the local 314(b) agency share the same advisory board and geographical area.

Moreover, I feel that by maximizing appropriate coordination at the local level, one of my principal concerns regarding the regional medical programs will be eased. During hearings last year on the 2-year extension of the law, I expressed concern that this program in too many instances was stopping at the university dean's office, rather than reaching the providers of health care, and the practicing physicians and community hospitals within a given region were not effectively receiving the most recent information on these diseases.

I realize that the regional medical program is still in its infancy, but I believe that increased coordination will be realized through utilization of the 314(b) agencies and that we will be making better utilization of our resources under this most worthwhile program.

A corollary to the provision in the bill which would permit review by the 314(b) agency is the question of decategorization of the regional medical program. At its inception, the regional medical program had categorical emphasis and this has been supported for the most part by the medical community, the medical schools and the major voluntary associations interested in the specific diseases at which the program was aimed.

As the regional medical program has entered the operational phases, it has become more broadly defined through interpretation and implementation. However, I do not believe we should abruptly decategorize the regional medical program, but rather should move gradually toward decategorization through a broadening of purpose of the program and through closer coordination with the 314(b) agencies. The bill that I am introducing today will, I believe, assist in attaining this objective.

Mr. Speaker, to date 55 regions of the regional medical program have been organized, and 44 of these have received operational grants reaching 75 percent of the Nation's population. Another six regional programs should enter their operational phase by the end of this year.

To date, for the 4 fiscal years the regional medical program has been in effect, more than $114 million has been distributed to the 55 designated regions for planning or operation.

At present, approximately 75 percent of the population of this Nation is located in regions which have received operational grants, and by the end of the present fiscal year, it is anticipated that almost all of the population will be covered by regions with operation grants.

State hospital associations in all of the 50 States participate in the program; all State health departments plus those in the District of Columbia and Puerto Rico participate in the program and more than 2,000 persons representing the medical and health resources of the regions serving on the regional advisory groups which provide advice to the grantee in the planning and operational program and which must approve an application for an operational grant.

I believe the regional medical program is coming of age, and I am hopeful that early hearings on this legislation can be held in order to permit a determination on the proper direction for the program in the future.

WILSON APPLAUDS CHANGE IN ADMINISTRATION DRUG APPROACH

(Mr. CHARLES H. WILSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CHARLES H. WILSON. Mr. Speaker, for some time now I have been calling for a more realistic approach to the narcotic addiction and drug abuse problem. I hope that my statements in this area have played some small role in providing information and presenting various opinions that resulted in the change in administration policies regarding penalties for possession of drugs. I commend President Nixon and Attorney General Mitchell for heeding the advice of not only concerned Members of Congress but of health experts and police officials throughout the country.

While I condemn the seller of narcotics and recommend the severest of penalties for such activities, it has been my opinion that existing and, up to a few days ago, administration proposed sentences were unrealistic and unfair for those who were merely users of marihuana and drugs. I have contended that, in regard to users, the problem should be considered largely a health problem rather than merely a law enforcement issue.

It appears that the administration has taken cognizance of this point and, apparently after intense internal discussions between Dr. Egeberg, Dr. Yolles, and other Health, Education, and Welfare officials with Justice Department officials with Justice Department officers such as John Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, and, reportedly, Attorney General Mitchell himself, and has reassessed its former policy and announced a change therein.

At a time when recent National Institute of Mental Health surveys indicate that one of five college students smoke or have smoked marihuana, when reports from Vietnam estimate that 30 percent of our troops there smoke marihuana, when deaths from drug abuses are soaring throughout the country, the problem can easily be recognized as going beyond a law and order characterization. It is a health problem, granted a health problem of staggering proportions, but a problem that requires understanding, compassion, research and education as well as coordination and planning of improved law enforcement techniques. The administration has taken a step in the right direction.

For my colleagues information, I am inserting into the Congressional Record an article that appeared in the fall 1969 issue of the Law Officer, the official publication of the International Conference of Police Associations which deals with the drug abuse nightmare. In addition, I am including the text of the Washintgon Post editorial of October 23, which praises the recent testimony of Mr. Ingersoll before the Senate Subcommittee on Juvenile Delinquency. Finally, I am inserting an article that appeared in the October 13, 1969, issue of the Los Angeles Times which discusses Operation Cooperation, the latter-day version of Operation Intercept.

Cooperation between the United States and Mexico is essential to reduce the illicit importation of narcotics from our neighbor to the south. The destruction of the sources of marihuana carried out by Mexican Army troops is, in my opinion, a better procedure than harming legitimate businesses on both sides of the border and inconveniencing thousands of tourists and workers. But destruction of marihuana plants is not the answer. Illegal importation of U.S. produced and subsequently exported amphetamines and barbiturates must be stopped. The sources of hard narcotics must be eliminated if possible. This may require increased cooperation between the United States and opium exporting countries such as Turkey.

A crackdown must be made on organized crime which is responsible for providing heroin to addicts throughout the United States. Let us not lose sight of the more serious threat posed to our society by the addict who must steal $150 worth of goods daily to feed his heroin habit due to the increasing and more visible and publicized use of marihuana. Narcotic addiction has cost our economy billions of dollars and thousands of lives. Any investment made by the Congress to counteract organized dope pushing must prove worthwhile in the long run.

Let us not pinch pennies in this area of law enforcement when the time for full and adequate funding comes up every year. Money spent in this pursuit will act to protect citizens from potential burglaries and robberies that they will otherwise experience at the hands of addicts. In addition, the addict must be treated and cured. Consequently funds expended for construction and staffing of treatment facilities represent another wise investment of the taxpayers' money. I urge my colleagues to consider this when the requests for funds for drug research, related law enforcement activities, construction of treatment facilities, training of competent personnel, and grants for dissemination of educational materials are before the House.

I now include the various articles mentioned above:

[From the Law Officer]

Senator Says America in Drug Abuse Nightmare

New federal drug laws are needed to deal with the spiraling problem of drug abuse and addiction in America, but the administration bill introduced last month calling for more stringent penalties for drug users is not the answer, several law and medical authorities indicated in narcotics hearings before the Special Committee on Alcoholism and Narcotics recently.

The committee's chairman, Sen. Harold E. Hughes (D-Iowa), joined in deploring the present approach to the "national nightmare" of drug abuse. The U.S. is dealing with the problem, he said, "in an atmosphere of fear and blindness that can only be compared to our attitude toward witchcraft in the 17th century. We know more about the craters on Mars than we know about the drug problem."

Sen. Hughes said he was "not pleading for any particular program or approach, but simply for an openmindedness and the willingness to admit that we are in a mess and need a fresh start."

Big-time crime reaps huge profits from controlling the illegal drug traffic, the Senator said. Addiction in turn is linked to all kinds of criminal acts ranging from mugging to murder, he added.

"Treatment for drug abuse is virtually non-existent because in point of fact addiction is not recognized to be the illness it is," Sen. Hughes said. "Under our law it is a crime. We are working from a prosecution rather than a public health approach. We are concerned with punishing people, not educating them or healing them.

"The tangle of existing laws governing drug use and distribution is hopeless to straighten out, because the fundamental premise is wrong—that drug addiction is a crime instead of an illness," he added.

Hughes told the committee, "We should have learned by this time that excessively harsh laws do not invariably deter people from breaking the law or even improve the possibilities for the authorities to do an effective job of enforcement.

Dr. Stanley F. Yolles, director, National Institute of Mental Health, testified before the Hughes committee that, "A conservative estimate of the total involuntary social costs of narcotic drug abuse (in the U.S.) amounts to $541 million per year." He said the cost to law enforcement alone is an estimated $61 million annually.

[From the Washington Post]

Tempering Justice With Reason

There is an abundance of good sense in the administration's second thoughts about the treatment of drug victims. In their earlier approach to the problem, President Nixon and Attorney General Mitchell seemed to take the view that all users of any sort of mind-affecting substance whatever—from marijuana to morphine, but, of course, not including alcohol or tobacco—were willfully possessed of demons which could be exorcised only through infliction of the most extravagant forms of punishment. They seem to have been persuaded, however—and the indications are that Dr. Roger Egeberg, the new Assistant Secretary of HEW in charge of health, had much to do with the persuading—that justice can usefully be tempered with mercy and reason in this difficult area.

John E. Ingersoll, director of the Bureau of Narcotics and Dangerous Drugs, went before the Senate Subcommittee on Juvenile Delinquency Monday and recommended two sensible distinctions in regard to drugs. He urged that the punishment of persons who simply have illicit drugs in their possession for their own use should be different from the punishment of persons trafficking in drugs and seducing innocent victims into addiction. He proposed for the administration that first-time possession of any narcotic or dangerous drug be punishable by a $5,000 fine and a sentence of no more than a year. This seems to us excessively severe but a great deal more rational than the present law setting the sentence at two to ten years with a fine of $20,000 for narcotics and marijuana. He also urged that the mandatory minimum sentence for simple possesson of marijuana be lifted.

The second distinction sought by Mr. Ingersoll is that marijuana be regarded not as a narcotic drug but as an hallucinogenic. This, too, reflects elementary common sense. The use of marijuana does not produce addiction. As Mr. Ingersoll remarked in his testimony, "although it is termed an hallucinogen, we need to know more about this particular drug, especially its long-term effects. Therefore, the department supports a provision that will allow for a study into the causes and effects of marijuana use."

There are two practical considerations that argue strongly for acceptance of these distinctions. One is that the excessive penalties now provided for any sort of illicit drug use or possession make prosecution more difficult. "All too often," Mr. Ingersoll told the subcommittee, "because of the present penalty structure, there is real hesitancy on the part of prosecutors and courts to handle possession cases because of the potential high penalties involved. By allowing the court to prosecute the possessor who intends to sell as a felon and the possessor for one's own use as a misdemeanant, I beleve we will have better law enforcement and better respect for the law."

There is another important argument for this reversion to rationality. Many young Americans have come to feel that their elders have developed an obsession about marijuana reflecting prejudice more than reason. It has not been shown, these protesters say, that marijuana affects the mind or body any more harmfully than alcohol or tobacco. The contention deserves careful consideration and investigation. Marijuana is not necessarily dangerous and evil just because the young like to defy the old by resort to it.

[From the Los Angeles Times, Oct. 13, 1969]

MEXICANS REPORT RAID ON MARIHUANA PLANTATION—$40 MILLION WORTH OF DRUG BURNED, NEWSPAPERS SAY

(By Dial Torgerson)

Mexican Army troops raided a marijuana plantation and burned marijuana worth more than $40 million on the illicit drug market, according to reports Sunday in Mexican newspapers.

The plantation was near Tecolote, in the state of Guerrero, inland for Acapulco.

The raid apparently was an indication of the Mexican government's aggressive new attitude in attempts to control the domestic marijuana crop—one of the major purposes of Operation Cooperation, the latter day version of Operation Intercept.

Newspapers said the raid was led personally by the minister of national defense, Marcelino Garcia Barragon, who said Mexico would throw 40 small planes into the country's antidope drive.

WILL CARRY MACHINE GUNS

Authorities reported that the planes would be equipped with machine guns for use against smugglers who make deliveries by air.

U.S. officials said that although Operation Cooperation would involve fewer searches at 31 border checkpoints along the 2,000 mile U.S.-Mexican frontier, aerial and sea surveillance would not be relaxed.

For the first time since the operation shifted from "intercept" to "cooperation" cars began to roll more swiftly through border checkpoints Sunday.

Intercept called for car-by-car, person-by-person inspection of everyone entering this country from Mexico. Cooperation involves what the government calls "continued intensified surveillance," which is more relaxed than Intercept's careful searches.

Southbound traffic picked up as word of changed procedures spread. Inspections were still more severe than before Intercept's beginning Sept. 21. But they were less intensive and time-consuming, and crossing back into the United States took less time than under Intercept.

Federal officials said that at the San Ysidro crossing south of San Diego, border-crossing delays Sunday were only about 25% longer than prior to Sept. 21.

INSPECTIONS STILL IN FORCE

"While inspections have been relaxed, they have by no means been eliminated," said a spokesman for the Treasury Department, whom Customs officers are implementing the searches. "To assume so is erroneous. Intensified surveillance is continuing."

The spokesman said that under the new system there are fewer primary and secondary inspections, and primary checks involve fewer parts of the car.

The easing of inspections was worked out in meetings in Washington between U.S. and Mexican legal experts after the Mexican government agreed to more strenuous efforts to curb narcotic sources inside Mexico.

A federal spokesman said a 21-year-old Riverside waitress made the mistake of assuming the change in procedures meant "wave-through" checks at the border.

Authorities said Carol Ann Lough—who was charged with smuggling after 22,000 amphetamine pills were found in paper bags on the back seat of her car—told inspectors at San Ysidro:

"I didn't think you were still inspecting."

AN AIRY TOMB

(Mr. MIKVA asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. MIKVA. Mr. Speaker, millions of Americans are currently observing Clean Air Week. But in observing it, they are doing so with troubled minds and dirty lungs. Our fellow citizens are becoming increasingly aware that the problem of air pollution demands more attention than setting aside 1 week, during which we agonize about our contaminated atmosphere and hope for miraculous solutions. The public desires—and deserves—concerted action by this Congress. The public knows that our environment will continue to deteriorate as long as Congress coddles the polluters of the very air we breathe. Today, I am introducing the Air Pollution Abatement Act of 1969 which will make enforcement of stringent national standards the policy and practice of the United States.

Before I explain this bill, I want to go on record as recognizing the total problem of environmental pollution. Not only am I alarmed about the air we inhale, but also about the water which we drink and the ground which we till. Whatever the particular type of pollution, the end result is human pollution. It is man himself who pays for the contamination of his own life space. The Congress bears the responsibility of ridding this land of every environmental scourge.

But while I recognize the entire problem of environmental quality, I also realize that Congress must take specific action on concrete problems. While I will support all efforts to upgrade the quality of our environment, I also believe that Clean Air Week affords a unique and appropriate time to grapple with one aspect of that subject—air pollution.

This body knows that air pollution constitutes a bothersome problem. It has demonstrated such awareness in the enactment of the Clean Air Act of 1963 and the Air Quality Act of 1967. However, it is my earnest conviction that Congress must view air pollution as more than bothersome. We must attack air pollution as a public menace which merits our immediate action. Why is this so? Why must Congress stand up and tackle the airy menace? Because air pollution poses a serious threat to the lives and health of millions of Americans. The Department of Health, Education, and Welfare has stated:

> Analyses of numerous epidemological studies clearly indicate an association between air pollution . . . and health effects of varying severity. This association is most firm for the short-term air pollution episodes.
>
> The epidemological studies concerned with increased mortality also show increased morbidity. Again, increases in hospital admissions or emergency clinic visits, are most easily demonstrated in major urban areas.[1]

Stated simply: We pay for breathing bad air with our health—and perhaps our lives.

Air pollution also threatens to upset the ecological balance of the environment. For example, under certain conditions, direct sunlight can be reduced by one-third in summer to two-thirds in winter.[2] Thus air pollution robs us of the benefits and beauty of direct sunlight. Moreover, the presence of excessive amounts of carbon dioxide prevents plants from doing their usual job of absorbing carbon dioxide and producing oxygen.

Air pollution also increases the hazards and decreases the efficiency of transportation by reducing visibility. The presence of high concentrations of particulates can reduce visibility to as low as 5 miles[3] and thereby inhibit movement to and through polluted areas by both private carriers and those engaged in interstate and foreign commerce.

Not only does air pollution thus threaten us directly, it also costs millions of Americans millions of dollars each year—dollars which are spent on cleaning and maintainance costs. What an incredible waste of money. Surely it would make more sense to spend this money on controlling pollution instead of on eradicating its effects. It has been estimated that Metropolitan New York sacrifices $1 billion, yes, $1 billion, annually because of air pollution. That means that every man woman and child in New York City pays $70 a year so that others may poison the air.[4]

If I sound like an alarmist—in spite of the above facts—may I cite the distinguished opinion of a man who probably knows as much about environmental disruptions as anyone. Mr. David Gates, ecologist and director of the Missouri Botanical Gardens, warns that we may produce an earth populated by "half-starved, depressed billions gasping in air depleted of oxygen and laden with pollutants, thirsting for thickened, blighted water."[5] A reporter from New York

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[1] *Air Quality Criteria for Particulate Matter*, U.S. Department of Health, Education, and Welfare; p. 12–17.

[2] *Ibid.*, p. 12–17.

[3] *Ibid.*, p. 12–19.

[4] *A New Day*, Robert F. Kennedy. Bill Adler, ed.: New York: Signet Books, 1968. (p. 79)

[5] "Saving the World the Ecologist's Way," Robert W. Stock. *New York Times Magazine*, October 5, 1969. (p. 33)

Times magazine recorded these impressions and statements as a result of an interview with Mr. Gates:

> Yet a touch of nostalgia almost of despair, constantly intrudes upon his conversation. "It's so difficult to make people understand the seriousness of the threat," he says. "They don't realize how much we've lost already. They don't realize that we live in a closed system, that the air and water, the plants and animals, are being irreparably damaged and there are no replacements. And it's not just a matter of esthetics. When we lose a wildlife species of a plant, we lose a genetic stock that future generations might need desparately for food."
>
> Just before we parted, I asked him if he thought the trend toward human oblivion would be halted. "I don't know," he replied. "It's very likely we won't be able to stem the momentum, but we have to try. We're definitely not going to make it if we persist in fighting major wars, throwing away our energies. Priorities—it always come back to that. We have to learn to care about what kind of environment we're going to live in. The question is, Will we learn in time?"[6]

Mr. Speaker, Mr. Gates is right. In spite of the awesome situation, we must try to enhance the quality of our environment. We must strive to rearrange our unbalanced priorities.

I believe that the passage of my bill would mark one stride toward these objectives.

The bill which I introduce today, the Air Pollution Abatement Act of 1969, does not attempt to deal with every aspect of air pollution. Rather, it seeks to deal primarily with stationary sources of pollution. I do not minimize the importance of pollution from vehicles. In fact, I am cosponsoring with my colleague, the gentleman from Washington (Mr. FOLEY), the Low-Emission Vehicle Act, which seeks to eliminate vehicular pollution. But if we can reduce drastically the amount of pollution from stationary sources, millions of Americans will reap substantial health and financial benefits.

I would like now to outline four salient provisions of this measure, the Air Pollution Abatement Act of 1969.

First, this act would authorize the establishment of national standards for the control of emissions which cause or contribute to air pollution. These standards are needed because the current regulations in most States and cities are too weak to fight the war against air pollution. The standards which the Secretary of Health, Education, and Welfare must establish according to this bill will safeguard all citizens of the United States, no matter where they live. This is not an attempt to pre-empt State or local enforcement. It is simply a recognition that in some areas ambient air quality standards are not adequate to protect public health, that in other areas adequate standards are not matched by adequate enforcement, and that no matter how good the standards and enforcement, it is not possible to wall good air in to one State and out of another.

Second, this act authorizes the Secretary to establish special standards to take effect when specified climatic conditions prevail which substantially increase the danger to human health from emissions into the atmosphere. In such situations the Secretary would have emergency shutdown powers. Such an authorization would enable us to protect urban areas which were threatened by air inversions or other unique atmospheric conditions.

A third provision of the bill would strengthen the enforcement provisions of the Clean Air Act. It would do so in two ways. First, any violator can be sued by either the U.S. attorney or an injured citizen and be forced to pay a penalty not less than $50 nor more than $2,000 for each violation. In the second place, the Secretary may issue cease-and-desist orders, which carry penalties from $1,000, and in some cases $10,000, for each day of violation. In at last giving the Secretary some meaningful, enforcement powers, the act leaves no simple escape hatches for offenders. Presently, violators of existing regulations pay only "slap-on-the-wrist" fines as low as $10. Recent advances in Pennsylvania offer some hope that State and local enforcement procedures may inprove. But the gravity of the problem does not allow us to wait for that to happen.

Finally, this bill includes a built-in safeguard for workers who might be adversely affected when their plants were shut down by cease-and-desist orders. Since the worker is not responsible for the pollution, he should not have to suffer for attempts to ameliorate the problem. Hence, this bill provides that workers who are adversely affected will be entitled to substantial unemployment allowances for up to 52 weeks, and sometimes longer, directly from the Federal Government. These allowances would insure that workers temporarily not working while air pollution control equipment is being installed, will not suffer.

In conclusion, Mr. Speaker, the bill which I am proposing today may not entirely solve the problem of air pollution; it will not miraculously rectify a corrupted atmosphere. However, it will put some teeth in the national antipollution effort. It will enable the people and their government to wage war on the enemy around us; namely, air pollution and those who are careless enough or unscrupulous enough to cause it. In so doing, Congress will have allowed all Americans "to breathe a lot easier" and prevented the slow death of all forms of life in an airy tomb.

The text of the bill follows:

H.R. 14484

A bill to amend the Clean Air Act to provide for the adoption of national standards governing emissions from stationary sources, to create a federal duty not to pollute the atmosphere, to provide additional public and private remedies for the abatement of air pollution, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Air Pollution Abatement Act of 1969."

SEC. 1. Section 101(a) of the Clean Air Act, as amended (42 U.S.C. 1857) is hereby amended by striking out "and" at the end of paragraph (3), by striking out the period at the end of paragraph (4), and inserting in lieu thereof "; and" and by adding at the end thereof the following:

"(5) That the emission of atmospheric pollutants in any area of the United States adversely affects interstate and foreign commerce by inhibiting movement to and through polluted areas; by imposing additional costs upon persons engaged in commerce or in the manufacture of goods destined for shipment in commerce; by causing air pollution in states and nations other than that in which the emission occurs; and, because of differing state and local regulations, by creating cost differentials for the operation of industry in various parts of the nation.".

SEC. 2. Title I of the Clean Air Act, as amended, is hereby amended by inserting after section 111 (42 U.S.C. 1857f) the following new sections:

"INJURIOUS EMISSIONS PROHIBITED

"SEC. 112. It shall be a violation of this Act for any person to cause or to permit the discharge, emission, or release into the atmosphere from any source whatever of odors or solid, liquid, or gaseous matter in such place, manner, or concentration as (1) to cause or significantly contribute to causing injury or damage to persons, to business, or to property; or (2) to endanger or significantly contribute to endangering the health, comfort, repose, safety, or welfare of the public; or (3) to constitute a violation of any State or local law, ordinance, regulation, or other provision respecting air pollution.

"EMISSION STANDARDS FOR STATIONARY SOURCES

"SEC. 113. (a) Within one year after the date of enactment of this Act, the Secretary shall, after reasonable notice and opportunity for interested parties to present their views, issue emission standards for all or designated emissions into the atmosphere from stationary sources. Such standards shall as a minimum ensure the elimination of health hazards and the upgrading of existing air quality. No standard shall allow any wastes determined by the Secretary to be amenable to treatment to be discharged into the atmosphere without an acceptable treatment or control.

"(b) Within one year after the date of enactment of this Act, the Secretary shall, after reasonable notice and opportunity for interested parties to present their views, issue special emission standards to apply when specified climatic conditions prevail which substantially increase the danger to human health from emissions into the atmosphere.

"(c) Standards set under this section shall take effect within one hundred eighty days from the date of issue. Standards shall be reviewed by the Secretary not less than once each year and shall be amended to take account of improved air pollution control technology and of increased knowledge of the effects of air pollution. Such amended standards shall take effect within one hundred eighty days from the date of issue.

"(d) It shall not be necessary to prove emissions in excess of the standards set pursuant to this section in order to establish a violation of section 112(1) or 112(2) of this Act, but such emission shall be prima facie evidence of such violation.

"REMEDIES

"SEC. 114. (a) Any person who causes or permits any emission in violation of section 112 or of standards set by the Secretary under section 113(a) shall forfeit and pay to the United States a civil penalty of not less than $50 nor more than $2000 for each violation. Each day on which such an emission is caused or permitted shall constitute a separate offense.

"(b) The penalties provided for in this section may be recovered in a civil suit in the name of the United States brought without regard to the amount in controversy, in any federal or State court in any district in which the alleged emission occurred or caused harm. If, after notice of probable violation to the State and political subdivision in which the probable violation is occurring, such State or political subdivision has not within twenty days indicated in writing to the United States Attorney for the district in which the violation is occurring an intention to file suit to restrain such violation under a law or ordinance of that State or political subdivision, or under this Act, it shall be the duty of such United States Attorney to file suit for the recovery of such forfeitures. If after thirty days notice by mail from any citizen injured by such emission, the United States Attorney does not institute a proceeding for the violation of sections 112(1), 112(2), or of standards set under section 313(a), any such citizen may upon notice to the United States Attorney do so on behalf of and in the name of the United States. When an injured citizen files suit on behalf of and in the name of the United States under the preceding sentence, such suit shall preclude additional separate suits by injured citizens, but the court shall permit the joinder of additional party plaintiffs, including the United States.

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[6] *Ibid.*, p. 136.

"(c) The United States or any injured citizen may sue for injunctive relief against any emission in violation of section 112 or of standards set by the Secretary under section 113(a). Such an action may be brought, without regard to the amount in controversy, in any federal or State court in any district in which the emission allegedly occurred or caused harm. The court shall specify a time for answer, not exceeding 20 days after service of the complaint. When such action is filed by the United States or an injured citizen, the defendant may be restrained from continuing such pollution pending hearing before the court upon an appropriate showing of irreparable harm. Upon default or answer the court shall immediately inquire into the facts and circumstances of the case and enter an appropriate order, which may include damages for injury and discomfort, costs, and reasonable attorneys' fees in favor of a successful plaintiff. In determining reasonable attorneys' fees, the court shall consider the time, effort and skill required to prepare the case as well as the amount recovered.

"(d)(1) If the Secretary, after reasonable notice and opportunity for a hearing, determines that any person is violating section 112 or standards set pursuant to section 113 (a), he shall issue and cause to be served upon such person an order requiring him to cease and desist from continuing violation within such time as may be specified in the order, but in no event more than sixty days from the date of receipt of the original notice of hearing.

"(2) Any person required by an order of the Secretary to cease and desist from such violation may obtain judicial review of such order by filing a petition for review, within twenty days after service of such order, in the United States court of appeals for any circuit in which the violation is found to have occurred or caused harm. A copy of the petition shall forthwith be transmitted by the clerk of the court to the Secretary or to any officer designated by him for that purpose and to the Attorney General, and thereupon the Secretary shall certify and file in the court through the Attorney General the record of the proceedings upon which the order is based as provided in section 2112 of title 28, United States Code. Any information obtained in the course of investigations of violations of this Act may be used in pending or subsequent criminal prosecutions under title 18, United States Code.

"(3) Upon the filing of such petition, such court shall have power to affirm the order of the Secretary, or to set it aside in whole or in part temporarily or permanently, and to enforce such order to the extent that it is affirmed, and to issue such orders pendente lite as in its judgment are necessary to prevent injury to the public. The commencement of proceedings under this paragraph shall not operate as a stay of the Secretary's order.

"(4) No objection to the order of the Secretary shall be considered by the court unless such objection was urged before the Secretary or unless there were reasonable grounds for failure so to do. The findings of the Secretary as to the facts, if supported by substantial evidence on the record considered as a whole shall be conclusive, and the standards set by the Secretary shall be binding.

"(5) The judgment of the court affirming or setting aside, in the whole or in part, any order under this subsection shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(e)(1) If the Secretary finds that any person is violating standards set pursuant to section 113(b), he shall issue and cause to be served upon such person an order requiring him to cease and desist from continuing violation. This order shall be effective immediately upon receipt, and for a period of time thereafter not to exceed seventy-two hours. The offender shall be required to pay his employees at their regular scale of wages during the time that the order is in effect.

"(2) Any person required by an order of the Secretary issued pursuant to this subsection to cease and desist from a violation may obtain judicial review of such order by filing a petition for review pursuant to subsection (d) of this section. The filing of a petition for review under this paragraph shall not operate as a stay of the Secretary's order.

"(3) If the Court shall find after a full hearing of the facts, that the order of the Secretary was not warranted, such person shall be entitled to such damages as he has incurred in complying with the order.

"(f) Any person who violates an order issued pursuant to subsection (d) of this section shall forfeit and pay to the United States a civil penalty of $1,000 for each day of violation. Any person who violates an order issued pursuant to subsection (e) of this section shall forfeit and pay to the United States a civil penalty of $10,000 for each day of violation These penalties shall be enforced by the procedures prescribed in this section.

"(g)(1) The Secretary shall have the power to require by subpoena the attendance and testimony of witnesses, and the production of all books, papers, and documents relating to any matter which is the subject of a hearing authorized by this section. The attendance of witnesses, and the production of books, papers, and documents, may be required from any place in the United States at any designated place of hearing. On motion of the Secretary or of any party to a proceeding before the Secretary, any court of the United States within the jurisdiction of which an inquiry under this section is carried on may, in case of contumacy or refusal to obey a subpoena issued to any person, issue an order requiring such person to appear before the Secretary (and produce books, papers, or documents if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(2) For purposes of enforcement of this section or of sections 112 or 113, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (i) to enter, at reasonable times, any factory, warehouse, office, or other business or service establishment with respect to which there is reasonable ground to believe that it is causing, permitting, or otherwise responsible for discharges into air in violation of section 112 or of standards set under section 113 or that it is engaging in any act or practice which threatens such a discharge, and (ii) to inspect, at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, office, or other establishment, and all pertinent equipment, finished and unfinished materials, containers, and labeling therein, and all other things therein (including records, files, papers, and processes, controls and facilities) bearing on such discharges or on such act or practice. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness.

"SEC. 115. Nothing in this Act shall forbid the setting of more stringent standards for emissions or for air quality by any competent authority, or shall interfere with the enforcement of any other public or private remedies against air pollution. All remedies provided for in this Act are in addition to legal or equitable remedies now existing or which shall hereafter be enacted into law.

"EMPLOYEE ADJUSTMENT ASSISTANCE

"SEC. 116. (a) Payment of an unemployment allowance shall be made by the Secretary of Labor to an adversely affected worker subject to subsections (b) (c) and (d) of this section. Such payment shall be made upon a showing on the part of the worker that he was totally or partially deprived of wages due to the operation of subsection (d) of section 114 of this Act.

"(b) The unemployment allowance payable to an adversely affected worker for a week of unemployment shall be an amount equal to 65% of his average weekly wage or to 65 percentum of the average manufacturing wage, whichever is less, reduced by 50 percent of the amount of his remuneration for services performed during such week.

"(c) The amount of unemployment allowance payable to an adversely affected worker under subsection (a) of this section for any week shall be reduced by any amount of unemployment insurance which he has received or is seeking with respect to such week; but, if the appropriate State or federal agency finally determines that the worker was not entitled to unemployment insurance with respect to such week, the reduction shall not apply with respect to such week.

"(d) Payment of unemployment allowances shall not be made to an adversely affected worker for more than 52 weeks, except that, in accordance with regulations prescribed by the Secretary of Labor—

"(1) such payments may be made for not more than twenty-six additional weeks to an adversely affected worker to assist him to complete training approved by the Secretary of Labor, or

"(2) such payments shall be made for not more than thirteen additional weeks to an adversely affected worker who had reached his 60th birthday on or before the date of discontinuance of his wages.".

JIM ELDER, U.S. HEAVYWEIGHT PRIZEFIGHTER EXPRESSES OUTRAGE AND PROTEST AS TO USE OF CASSIUS CLAY AS COMMENTATOR IN BOXING CONTEST BETWEEN UNITED STATES AND SOVIET UNION

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, I take the floor today to commend Jim Elder, U.S. heavyweight prizefighter, a veteran of the war in Vietnam, and a participant in the amateur boxing contest between the United States and the Soviet Union being held at Las Vegas, Nev. Mr. Elder has issued a statement of outrage and protest against the network who has announced they will use as a commentator for these contests, Cassius Clay. Cassius Clay should not be the commentator for an event of this sort because of the overt disrespect he has shown to this Nation and its people and I, like Mr. Elder, consider this an affront to loyal Americans everywhere, although it will obviously receive much applause in some of the hippy circles. Maybe the American Broadcasting System feels that they need to appeal more to the hippies and yippies of America for support than they do loyal Americans, who, without fanfare and at great personal sacrifice, carry out the duties which citizenship in this great land entails.

The people of America are becoming fed up with those who will take the fruits and benefits of this great country and yet are unwilling to share in the responsibility for its continued existence. Cassius Clay, because of the unique position he holds within the sports world and the obvious impact this has on the American youth, has by his refusal to do his duty to his country and serve in the Armed Forces, as many other loyal American youth have done, demonstrated that he is not worthy of the confidence which many have placed in him.

Jim Elder points out that the conviction of Clay is still being appealed by Clay in an effort to attempt to evade through legal technicalities the responsibility of his act. Jim Elder says this is an affront to himself and other participants in this contest. I would like to add that this is an outrage against the American public and that, as an elected representative of the public and a member of the committee which has jurisdiction over the FCC, I have today written a letter of protest to the network involved and advised them that I consider their actions to be an affront to all veterans and loyal Americans and an obvious attempt to build the image of Cassius Clay at the expense of those who build this country through the sacrifices they make, even though they may not want to serve in the armed services; they know their duty and they do it, while Cassius Clay is only interested in the amount of money he can make with no thought of the duty he owes to this country.

FACT SHEET ON VIETNAM

(Mr. ADAIR asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ADAIR. Mr. Speaker, of late, critics of our policy in Vietnam have been saying that President Nixon's policy is no different than that of his predecessors. Nothing could be further from the truth. The White House recently issued a fact sheet on Vietnam refuting this allegation and I commend it to the attention of my colleagues:

Fact Sheet

THE SITUATION AS OF JANUARY 20

Military conditions

The number of U.S. troops to Vietnam was still increasing. (When the men on their way there on January 20 finally arrived, it reached an all-time high in February). We appeared still to be seeking a military solution.

Military operations were characterized by maximum military pressure on the enemy, through emphasis on offensive operations.

Progress in strengthening the South Vietnamese Army was slow; resources being devoted to this effort did not receive high priority.

Political conditions

We found only a general and vague set of proposals for political settlement of the war. While they called for "self-determination", they provided no specific program for achieving it.

Mutual withdrawal of forces was provided for under the Manila Declaration, which envisioned that the allied withdrawal would be completed within six months of the withdrawal of North Vietnamese forces and the subsiding of the level of violence.

THE SITUATION TODAY

Military conditions

We have instituted a Vietnamization program which envisages South Vietnamese responsibility for all aspects of the war—coping with both Viet Cong insurgency and regular North Vietnamese forces—even if we cannot make progress in the political negotiations.

We have offered the withdrawal of U.S. and Allied forces over a 12-month period, if North Vietnamese forces also withdraw.

We have declared that we would retain no military bases.

We have begun to reduce our presence in South Vietnam by setting in motion the replacement of over 60,000 U.S. troops (12% of total troops or 20% of combat troops.) This is a meaningful act of de-escalation.

We have emphasized to our military commanders the requirement that losses be held to an absolute minimum, consistent with their mission to protect allied forces and the civilian population. (Casualties in the first nine months of the Administration are one-third less than during the comparable period last year.)

Political conditions

For the first time, concrete and comprehensive political proposals for settlement of the war have been made:

We have proposed free elections organized by Joint Commissions under international supervision.

We and the Government of South Vietnam have announced that we are prepared to accept any political outcome which is arrived at through free elections.

We have offered to negotiate supervised ceasefires under international supervision to facilitate the process of withdrawal.

We have expressed willingness to discuss the 10-point program of the other side, together with plans put forward by the other parties.

In short, the only item which has not been declared negotiable is the right of the people of South Vietnam to determine their future, free of outside interference.

THE REAL ENEMY IS THE INTERNATIONAL COMMUNIST APPARATUS OPERATED FROM MOSCOW

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, I would like to comment on two items in the news this week.

The Soviet Union announces a military aid grant in excess of $1 billion to its puppet government in Hanoi. Our business-as-usual friends around the world have hastened to condone this war subsidy.

France pledges friendship and cooperation to Moscow; Sweden tries to explain that its aid to Hanoi is not anti-American; India wants to improve relations with Hanoi if it can find a formula which will not diminish the flow of U.S. dollars to Calcutta.

The second significant development began in this Chamber last week when the Export Control Act was extended.

We missed a golden chance for peace by helping end the war in Vietnam when we refused to prevent Americans from trading with nations aiding the enemy. We extended a law which permits fratricide for profit and even hides the identity of those unscrupulous American merchants who apply for this type of Red trade permit.

The other body has now amended the Export Control Act to make such Red trade far easier than it is now, by reducing from 1,300 to only 200 the categories of goods considered strategic and by seeking to liberalize such trade without even the formality of export permits.

All Americans must understand that the real enemy is not the backward peasants of an insignificant puppet state but rather the international Communist apparatus operated from Moscow.

Russian-made armament is killing our men. To the extent that American exports behind the Iron Curtain relieves the pressure on the Soviet production system, Russia is free to continue to produce weapons for use by Hanoi. It is insanity for us to aid the enemy with our dollars and our national production machinery, while we ask our young men to give their lives in a no-win war which we pretend is to contain Communist aggression.

Mr. Speaker, Members of this body should recognize what other Americans are discovering—that many of the same people who work diligently to support international communism in trade and propaganda measures are the very ones who cry loudest for immediate peace—peace at any price—in Vietnam, as long as that price does not include forgoing the profit of Red trade.

I insert several news clippings following my remarks:

[From the Washington Star, Oct. 21, 1969]

Red Role in Vietnam Needs Airing

(By David Lawrence)

How many Americans know who are the real enemies of the United States in the Vietnam war? Two governments have helped the North Vietnamese to kill or wound tens of thousands of Americans in the last five years. So, when an enemy boastfully and officially acknowledges the military assistance it is giving the Hanoi government, the item might at least be expected to make news for our front pages.

This correspondent read many newspapers last Sunday morning and nowhere found printed a dispatch distributed by the United

Press International wire on Saturday night which read as follows:

"MOSCOW—A North Vietnamese delegation led by Premier Pham Van Dong left Moscow Saturday to return to Hanoi.

"Soviet Premier Alexei Kosygin and other officials saw off the North Vietnamese at the railway station. The North Vietnamese will visit Volgograd, the former Stalingrad, en route to Hanoi.

"The delegation arrived last Monday and during its stay signed a new agreement for Soviet military and economic aid to North Vietnam for the coming year."

Reuters News Service sent over its wires in this country yesterday afternoon the following dispatch:

"HONG KONG—Russia declared its readiness to give all necessary assistance to the Vietnamese Communists until they achieve complete victory in South Vietnam, a joint Soviet North Vietnamese communique released today said.

"The communique issued at the end of a one-week visit to Russia by a North Vietnamese delegation led by Premier Pham Van Dong said . . . Russia fully supported conditions put forward by the Vietnamese communists for a settlement and demanded the U.S. put an end to its aggression and withdraw its troops from South Vietnam 'completely and unconditionally.' "

Developments of this kind have, of course, been reported in the press hitherto when similar action was taken. But somehow the information has never been given attention inside the United States, especially by dissenters who have been engaging in antiwar "demonstrations" and are supposed to be readers of the news in the press.

Yesterday morning, some papers did print on the front page an Associated Press dispatch on the subject which said that, according to U.S. government sources, the level of Soviet arms aid to Hanoi has dropped considerably in recent months but that this does not mean "any abandonment of Moscow's policy of large-scale material support for Hanoi's war effort."

The North Vietnamese, of course, need less and less antiaircraft equipment now because the United States has halted the bombing of the North. Also, the ground war in the South has been slowed down. The Associated Press said further:

"According to estimates from U.S. sources, total Soviet aid to North Vietnam reached a peak of about $700 million in 1967, of which about $500 million was military and $200 million economic. In 1968, the year in which U.S. bombing of the North was cut back in April and halted entirely in November, Soviet arms aid is estimated to have dropped to around $300 million."

But while military aid is being cut somewhat, economic aid is climbing. Red China is estimated to be continuing its assistance at the rate of approximately $200 million a year, more than half of which is in military items, primarily small arms and ammunition. Communist East Europe has been providing about $145 million of aid annually to North Vietnam.

Why hasn't this information been emphasized throughout the country? Why aren't the American people told how much the Soviets and the Red Chinese have done to bring about casualties in South Vietnam year after year? Do the critics in Congress approve of a continuance of diplomatic relations with any government that is actively helping the enemy?

What has the Senate Foreign Relations Committee done about this problem? Committee members snipe at their own government for trying to protect American troops in Vietnam by employing certain forces in Laos, but criticism of Russian and Red Chinese intrigue in Asia is being omitted. An open debate on Communist participation in the Vietnam war would be more constructive than the so-called "Moratorium" speeches that have been made in recent days inside and outside of Congress.

[From the Washington Post, Oct. 16, 1969]

SOVIETS SIGN NEW AID PACT WITH HANOI

MOSCOW, October 15.—The Soviet Union will supply additional military and economic aid to Hanoi under agreements signed here today by the Soviet and North Vietnamese premiers, Tass reported.

The official Soviet news agency did not disclose the amount of the new Soviet aid. Previous estimates by Washington have put it at more than a billion dollars a year.

Tass said the new aid agreements were signed by North Vietnamese Premier Pham Van Dong and Soviet Premier Kosygin. Dong arrived here for talks Monday after attending 20th anniversary celebrations of the Communist takeover in East Germany.

Tass said the two premiers signed agreements on Soviet aid and "the granting of new long-term credits, as well as documents on certain other questions of Soviet-Vietnamese cooperation."

[From the Washington Post, Oct. 23, 1969]

SENATE VOTES TO EASE TRADE WITH RED BLOC

Reversing a 20-year-old policy, the Senate voted 49 to 24 yesterday to liberalize trade with the Soviet Union and its allies.

Over the Nixon administration's firm opposition, it approved a bill cutting from 1,300 to 200 the number of categories of goods considered strategic. American companies are barred from selling strategic goods to Russia and East European countries.

The administration backed a bill, passed by the House, which would have merely extended for another two years the 20-year-old Export Control Act.

An attempt by (blank) to substitute the House measure for the more liberal Senate version was defeated, 44 to 34.

The legislation now goes to a conference committee of House and Senate members which will seek to reconcile the different bills.

(Blank) cited these examples of goods for which an export license was required under the old law before they could be sold to the Soviets—disinfectants, cement, vaccine, yellow corn, textile finishing agents, fabrics, herbicides and insecticides. Requiring a license for such sales, he said, carries the "inherent implication that such sales are somehow questionable if not downright unpatriotic."

The Senate action would limit the "strategic goods" list to those items having a direct military use.

(Blank) rejecting the administration policy, argued that it was self-defeating for the United States to refuse to sell to the Communists goods that every other Western nation sells to them.

"Other Western nations think it incredible that we're letting them have all this business," (Blank) said.

But (Blank) called the Senate measure, sponsored by (Blank and Blank) "a menace to national security and an unwarranted affront to the President."

The bill would take two important steps toward easing present curbs on East-West trade:

It would eliminate the section that bans such shipments if they contribute to the economic potential of the importing country.

It would lessen the government's power to prohibit shipments contributing to the military potential of the recipient if a similar item can be obtained by the Communist nation elsewhere.

Sponsors of the bill said, however, that the President would retain full power to bar items of military or strategic significance, goods in short supply, or shipments that might conflict with U.S. foreign policy objectives.

[From the Washington Post, Oct. 20, 1969]

SOVIETS TRIM ARMS AID TO NORTH VIETNAM

(By Lewis Gulick)

The level of Soviet arms aid to Hanoi has dropped considerably in recent months, apparently because of the end of the air war against North Vietnam.

In reporting the downturn in Soviet military shipments, to a level perhaps only half of the peak flow in 1967, U.S. government sources did not see any abandonment of Moscow's policy of large-scale material support for Hanoi's war effort.

The Soviets still are supplying large amounts of petroleum, weapons and ammunition, trucks and transportation equipment, communications and other items used by North Vietnamese forces, the sources said. The Kremlin announced last week a new agreement with Hanoi for further arms and economic assistance. (The terms of the agreement have not been disclosed.)

But North Vietnam no longer needs the quantities of expansive surface-to-air missiles (SAMS), sophisticated radar gear, antiaircraft guns and jet fuel, or replacements for bombed items. Also, the ground war in the South has slowed down.

According to estimates from U.S. sources, total Soviet aid to North Vietnam reached a peak of about $700 million in 1967, of which about $500 million was military and $200 million economic. In 1968, the year in which U.S. bombing of the North was cut back in April and halted entirely in November, Soviet arms aid is estimated to have dropped to around $300 million.

In 1969, it is estimated, Moscow's military assistance to Hanoi will decline further at about the same rate. Thus, the current flow, as measured in dollar value, could be down to one-half the 1967 peak.

Meanwhile, Soviet economic aid to North Vietnam is reported to have climbed some, to perhaps $230 million in 1968 and $250 million this year, and to have shifted in line with North Vietnam's changing economic picture.

Moscow's economic help is believed now to include less food than before, but more material designed to rebuild the North Vietnamese economy. Items include plant equipment, machine tools and fertilizer.

Hanoi's aid from her other giant Communist backer, Red China, is estimated to be continuing at a rate of around $200 million a year. Somewhat more than half of Peking's assistance is said to be in military items, largely small arms and ammunition. She has also sent in much food.

Communist East Europe is another provider for North Vietnam, but on a lesser scale. U.S. sources figure East European shipments to Hanoi last year totaled about $145 million.

[From the Washington Post, Oct. 10, 1969]

FRANCE PLEDGES AMITY TO SOVIET

MOSCOW.—French Foreign Minister Maurice Schumann arrived yesterday for a five-day official visit and pledged that France would continue its policy of close friendship with the Soviet Union.

Schumann is the first French minister to visit Russia since Georges Pompidou succeeded Charles de Gaulle as French president in June. His visit to Moscow follows one to Washington, and he seemed to confirm that Pompidou would follow up his scheduled U.S. trip in February with one to the Soviet Union.

Schumann said his own visit "certainly will have less importance than others which will follow" and stressed that France wanted "continuation" of France's policy of cooperation with the Soviet Union inaugurated by de Gaulle's visit in 1966.

Schumann is to preside Monday at the opening session of meeting of the Franco-

Soviet Grand Commission on bilateral cooperation and will be joined by Finance Minister Valery Giscard d'Estaing.

[From the Washington Star, Oct. 22, 1969]

Sweden Insists Relief Is Aim of Hanoi Aid

(By Henry S. Bradsher)

After arousing a U.S. threat of economic sanctions in retaliation for Swedish aid to Hanoi, Sweden is now emphasizing its intention to provide "humanitarian" aid to both Vietnams.

That means medical supplies, hospital equipment and similar aid through the Red Cross so long as fighting continues in Vietnam, with reconstruction aid being sent to North and South after the war ends.

The explanations were given by the Swedish foreign minister, Torsten Nilsson, and a delegation of the Swedish parliament's foreign relations committee. Both have been visiting the United States.

Nilsson aroused the threat by remarks on aid to North Vietnam made at a conference of his governing Social Democratic party. The explanations have been numerous since then.

Olle Dahlen, a Liberal party spokesman in the parliamentary delegation, told reporters yesterday that a decision of parliament May 21 banned reconstruction aid until after the war ended. Some humanitarian aid already has been given to both sides through the Red Cross, he said.

Nilsson met in New York Monday with Secretary of State William P. Rogers to discuss a wide range of subjects. He stressed the humanitarian nature of current aid.

There was a hint in the attitude of U.S. officials now that such aid would not force implementation of a restriction on the U.S. Export-Import Bank. The bank is barred from providing credits to countries sending material—any material, humanitarian or otherwise—to a country engaged in hostilities with the United States.

The Scandinavian airline SAS, of which Sweden is a partner, has been expected to seek big new Export-Import Bank credits to buy American jet passenger planes.

An official decision on the credit question is still in the future, however.

Reporting on the Rogers-Nilsson talks, a State Department spokesman said the Nixon administration has not yet decided whom to send as U.S. ambassador to Sweden. The post has been vacant for a year.

Swedes believe it is vacant as a sign of displeasure with Sweden's establishment of diplomatic relations with Hanoi. The State Department declines to comment officially on this.

The leader of the parliamentary delegation, Arne Geijer, said he believed it was wrong to keep the post vacant.

Geijer is both chairman of the foreign relations committee and head of Sweden's trade unions organization. He held talks here with President George Meany of the AFL–CIO.

[From the Washington Post, Oct. 12, 1969]

India's Trend Toward Hanoi Disturbs United States

(By Inder Malhotra)

Calcutta.—A slow, subtle but considered change in India's policy toward Hanoi is creating fresh strain in India's relations with America, which for quite some time have been remarkably free from strain.

Americans have reacted with unusual sharpness to the Indian decision, still at a stage of thinking aloud, to upgrade the Indian Consulate General in Hanoi to an embassy, thereby giving full diplomatic recognition to North Vietnam, New Delhi is also unwilling to accord similar recognition to the American-backed government of South Vietnam because of its instability.

On the contrary, while refusing to recognize the provisional government set up by the National Liberation Front, India wants to maintain some contacts with the Vietcong.

WASHINGTON PUT OUT

There are reports that, in response, Washington has issued thinly veiled threats that the change in Indian policy toward Hanoi could mean termination of American aid to India.

There is an American law under which the President is authorized, though by no means bound, to cancel and to any country trading or consorting with Hanoi or Havana.

It would be wrong to say that the reported American warning has not caused any concern in the Indian capital, but its immediate result has been to strengthen rather than weaken New Delhi's resolve to improve relations with North Vietnam.

The process of improving relations with North Vietnam began with Foreign Minister Dinesh Singh's visit to Hanoi for Ho Chi Minh's funeral. It is intended to carry it further quickly by restoring trade and cultural contacts between the two countries.

RADICAL CHANGE

This is a far cry from only three years ago when the Indian need for American surplus wheat was desperate and Americans made wheat supplies conditional on an embargo on trade with Cuba and North Vietnam. At the time, the Indian government said it did not want to trade with Hanoi for reasons of its own, not because of American pressure not to do so. With Cuba, there was never any trade anyway.

New Delhi's stand may have been partially influenced by Hanoi's action at the time. Although Ho Chi Minh was a great friend of Nehru and enjoyed high prestige in India, relations between India and North Vietnam soured after Hanoi sided with China during the Chinese invasion of India in 1962.

Some thinkers in the Indian Foreign Office as well as outside have been advocating closer relations with Hanoi for some time, but the government has only now taken note of the demand.

IGNORING IDEOLOGY

The government recognizes that India ought to maintain friendly relations with all nations geopolitically important to it, regardless of ideology. Hence, the decision to befriend the Shah of Iran despite his pronounced friendship for Pakistan and to open legislation in North and South Korea.

North Vietnam's importance is seen to be ever greater. It is on China's periphery. After the American withdrawal from Asia, North Vietnam's prestige will be high. Through a friendly policy it can perhaps be induced to be more nationalist than communist. Those who attempt to see far into the future also think that a post-Ho Vietnam may someday be a bridge between India and a post-Mao China.

[From the Washington Star, Oct. 22, 1969]

Quakers Requests for Prisoners List Rejected by Hanoi

Philadelphia.—A Quaker sociologist on a mission to North Vietnam to deliver medical supplies and find out the names of American prisoners of war says he asked Hanoi four times for a list of American servicemen but the requests were denied.

Dr. Joseph Elder said yesterday he delivered $25,000 worth of medical equipment, including tools for open heart surgery, to the North Vietnamese last week. The 39-year-old University of Wisconsin professor spoke at a press conference at the American Friends Service Committee.

Elder said he took 250 letters and a shipment of vitamins for prisoners from American wives who believe their husbands are Communist prisoners.

Elder said the U.S. government had granted his license to buy surgical supplies abroad and had validated his passport for travel to North Vietnam.

[From the Washington Star, Oct. 22, 1969]

Hanoi Aide in Peking

Tokyo.—Premier Pham Van Dong of North Vietnam arrived in Peking yesterday, the New China news agency said today. The Hanoi delegation arrived from Moscow.

UNITED NATIONS DAY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California (Mr. Brown) is recognized for 60 minutes.

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, on October 24, 1945, the United Nations Charter entered into effect.

Two years later on October 31, 1947, the General Assembly of the international organization unanimously adopted a resolution declaring October 24 from this day forth be officially called United Nations Day and be devoted to inform the peoples of the world of the aims and achievements of the organization and to obtaining support for its activities.

Member governments were invited to cooperate in the anniversary of its observance. In the United States the President annually issues a proclamation designating October 24 as United Nations Day and suggesting appropriate methods for observing the anniversary.

In Proclamation 3924 issued on October 15, 1969, President Nixon urged, and I quote,

> "Citizens of this nation to observe that day by means of community programs which will contribute to a realistic understanding of the United Nations and its associated organizations."

He called upon Federal, State, and local officials to encourage citizen groups and communications media to engage in appropriate observance in cooperation with the United Nations Association of the United States and other interested organizations.

Mr. Speaker, I have taken this special order today to call attention to the fact that tomorrow is United Nations Day and also to call attention to a House concurrent resolution which I previously introduced on September 18, 1969, and which I reintroduced today with 30 cosponsors which calls upon the United Nations to declare this day as a permanent international holiday.

Mr. Speaker, I ask unanimous consent that the full text of my resolution be printed in the Record together with a list of the 30 cosponsors.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

H. Con. Res. 367

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that October 24, United Nations Day, should be a permanent international holiday.

Accordingly, the Congress recommends to the United States Representative to the United Nations that he propose to the General Assembly the declaration of this day as a permanent international holiday.

Mr. BROWN of California. Mr. Speaker, included herewith is a list of the cosponsors of the resolution:

Joseph P. Addabbo of New York.
Jonathan B. Bingham of New York.
Phillip Burton of California.
Shirley Chisholm of New York.
Jeffery Cohelan of California.
Silvio Conte of Massachusetts.
John Conyers, Jr., of Michigan.
Emilio Daddario of Connecticut.
John Dellenback of Oregon.
Bob Eckhardt of Texas.
Don Edwards of California.
Leonard Farbstein of New York.
William Ford of Michigan.
Donald Fraser of Minnesota.
Gilbert Gude of Maryland.
Seymour Halpern of New York.
Julia Hansen of Washington.
Frank Horton of New York.
James Howard of New Jersey.
Robert Kastenmeier of Wisconsin.
Robert Leggett of California.
Spark Matsunaga of Hawaii.
Abner Mikva of Illinois.
Patsy Mink of Hawaii.
Charles Mosher of Ohio.
Bertram Podell of New York.
Edward Roybal of California.
Benjamin Rosenthal of New York.
William Ryan of New York.
Louis Stokes of Ohio.

Mr. Speaker, the idea of having October 24 proclaimed as an international holiday is not an idea which I conceived of myself. I would like to pay tribute to the originator of this idea, Miss Dorothy Schneider of Santa Barbara, Calif., who is an active and long-time member of the Santa Barbara chapter of the United Nations Association of the United States.

Miss Schneider over the last several years has communicated with a large number of leading citizens of this country and of other countries suggesting that the idea of designating October 24 as an international holiday be acted upon.

She has received truly a tremendous number of favorable responses to her voluminous correspondence. These favorable replies include many Members of Congress, the Secretary General of the United Nations, other officials of the United Nations, and a large body of interested citizens throughout this country. The idea of such an international holiday has been transmitted to our own Department of State by our own Ambassador to the United Nations, and is receiving consideration by the Department of State at the present time.

I would like to indicate my own very strong support for this proposal originated by Miss Schneider and supported by so many other distinguished citizens as one way in which we may indicate our own continued dedication to the ideals which were originally the basis for the development of the United Nations charter. I think that this is a method by which we can all in this country and in other countries of the world pay tribute to the strong, universal feeling that we are hoping to move toward a world of peace, one in which there will be a structure of international law strong enough to resolve the many issues which create conflict in the world today.

In my opinion, there are many other ways in which our country could give support to these ideas, and this suggestion of designating an international holiday is only one of those many ways, one which I would say has much merit from the standpoint that it is not an idea which would cost a great deal of money. It is an idea which would focus the attention of people all over the world on the contribution of the United Nations and, hopefully, upon the needs for strengthening the United Nations in the role which it has played.

Mr. GUDE. Mr. Speaker, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Maryland.

Mr. GUDE. I thank the gentleman for yielding, and would like to commend him for his leadership in sponsoring this resolution, which I am pleased to cosponsor. I believe that the need for an effective international organization devoted to the ends of peace has never been clearer. The tension and armed conflict in much of the world are evidence that the United Nations has not been able to accomplish all that its founders hoped, and United Nations Day is a fitting reminder that we need to renew our efforts to strengthen the United Nations as an instrument of peace.

It is appropriate also on this occasion to make special note that the United Nations provides a world forum where we can urge the community of nations to live up to mankind's best standards for human and national conduct. I believe it is time the United States went on record as supporting these standards worldwide by ratifying the Conventions on Genocide, Abolition of Forced Labor, Political Rights of Women, and Freedom of Association and the Right to Organize. It is a continuing reproach to us all that no action has been taken to support these conventions abroad when we have long been committed to their implementation at home. I am therefore taking this opportunity to reintroduce a resolution expressing the sense of the House of Representatives that the United States ratify these fundamental principles of good conduct in the world community.

Mr. BROWN of California. I thank the gentleman from Maryland for his contribution.

I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Speaker, I thank the gentleman for yielding.

I take this time to commend the gentleman from California for his leadership in this connection and also the gentleman from Maryland for joining with the gentleman from California in sponsoring this proposal that United Nations Day be made a permanent holiday.

Further, in other respects I associate myself with the remarks of the gentleman from California and suggest too that today there is a problem of maintaining the International Court of Justice.

Mr. Speaker, United Nations Day, 1969, comes at a time when it is all too easy to catalog the failures and shortcomings of the U.N. and to denigrate its role in influencing major world events.

On the other hand, there is ample evidence that some of the unspectacular accomplishments of the U.N. have made the world a bit safer. It is also useful to recall that the U.N. still provides a common meeting ground for the most implacable of foes. When I hear criticism of the U.N. because of its apparent impotence, I can draw comfort from the fact that it has been in business as long as it has, and that, despite its obvious defects, has managed to remain a going concern—although it is not always clear where it is going.

If the U.N. is to be more relevant in situations which threaten peace, our own country will have to provide much of the initiative in adapting the U.N. to the needs of the next decade. Our motivation need not be altruistic, but admittedly selfish. If the United States is to avoid the role of world policeman, it is almost axiomatic that the peacekeeping functions of the U.N. must be revitalized. If the financial burden and responsibility for developmental aid is to be spread more evenly, the U.N. is the logical vehicle for this task.

It is my sincere hope that our Government is now preparing for a significant effort in the coming year to reshape the U.N. in order to make it more relevant to changing times. However, before we can presume to take the lead in the renovation process, I think that it is necessary to first show by our actions, rather than by sweeping rhetoric, that the present administration is firmly committed to a growing role for the U.N. in our foreign policies.

There are two small pieces of unfinished business which should be taken care of without delay. I believe that the administration should publicly announce its intention to move ahead with repeal of the Connally amendment and should also seek to improve our anemic average in ratifying the U.N.'s human rights Conventions.

Mr. Speaker, to date, I am unaware of the public enunciation by the present administration of its support for repeal of the Connally reservation. This reservation restricts our Nation's acceptance of the jurisdiction of the International Court of Justice in disputes with other nations regarding "matters which are essentially within the domestic jurisdiction of the United States as determined by the United States." This self-judging aspect of our acceptance of jurisdiction has created understandable doubt in the international community of the good faith of our declared intention to accept the jurisdiction of the Court.

It is relevant to point out that most nations which have accepted the Court's statutory jurisdiction have done so without similar reservation. On a more practical plane, it is also apparent that the vital interests of the United States are protected regardless of any action the Court might take because of the U.S. veto power and the charter prohibition against U.N. intervention in matters essentially within the domestic jurisdiction of any State.

Before we can take part in the anticipated efforts to seek ways to expand the role of the Court, which, incidentally, has only one case remaining on its docket, and is in real danger of becoming moribund, we should make it crystal clear that we have enough faith in the Court's integrity and relevance to relinquish our right to determine when it should have jurisdiction. Imagine the state of justice in any society if one side of a dispute could determine whether he wishes to be judged for his action. The rule of law in international affairs is certainly not advanced by the poor example being set by the most powerful nation in the world.

Our sorry record with regard to ratification of the U.N.'s human rights conventions also stands out like a sore thumb. Out of the nine conventions which the General Assembly invited all member states to ratify by 1968, we have ratified only one, and this one dealt with slavery. Speak about being cautious. It is a particularly sad commentary that the Senate has failed to ratify the Convention on Genocide which would commit us as a nation to the prevention and abolition of genocide. Equally disappointing is our failure to accept the Convention on Political Rights of Women, and the Convention on Forced Labor which prohibits compulsory labor for the purpose of political coercion or punishment.

On September 18 of this year, President Nixon addressed the United Nations General Assembly. In restating our international commitment, the President stated:

> The more closely the world community adheres to a single standard in judging international behavior, the less likely the standard is to be violated.

But this, and other praiseworthy declarations, were not accompanied by any promises of concrete action by our country. While the two preceding administrations have gone publicly on record for repeal of the Connally amendment and previous Presidents have sought Senate ratification of human rights conventions, we have no indication yet as to where President Nixon stands on these two issues.

It is important to note that our adherence to the conventions would neither detract from, nor enhance, for that matter, the human rights already enjoyed by American citizens. On the other hand, U.S. adherence would lend weight to efforts for the achievement of human rights throughout the world. This would be a desirable goal both from a humanitarian viewpoint as well as an essential, long-range step to establish the proper conditions for world peace.

I fully realize that the two items I have raised today are not terribly crucial and not directly connected with the more burning issues facing our Nation or the U.N. at present. But, these are matters which are meaningful to those of us who can appreciate the smallest steps in the direction of world order and who, by now, do not expect giant strides along this path.

The stature of our Nation at the U.N. would be raised just a bit if we made the small effort required to demonstrate our faith in the U.N.'s promulgations on human rights and in its Court.

(Mr. KASTENMEIER asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BROWN of California. Mr. Speaker, at this point in the RECORD I include with my remarks a series of approximately 35 letters endorsing the idea of an international holiday on United Nations Day. These letters are from various distinguished personages:

THE SECRETARY-GENERAL,
October 25, 1968.

Miss DOROTHY SCHNEIDER,
Santa Barbara, Calif.

DEAR MISS SCHNEIDER: Mr. Hoffman passed on to me your letter dated 12 October. I think it is an excellent suggestion that United Nations Day, 24 October, should be proclaimed an international holiday and observed as such in all Member countries.

I hope that some Member Government will some day take the initiative to put this proposal before the General Assembly and have it adopted.

I am also grateful to you for your good wishes and kind sentiments.

Yours sincerely,
U THANT.

UNITED NATIONS,
New York, February 20, 1969.

Miss DOROTHY SCHNEIDER,
Santa Barbara, Calif.

DEAR MISS SCHNEIDER: Thank you for your letter of 12 February and enclosures concerning your proposal that United Nations Day be proclaimed an international holiday. It is a very interesting idea and I wish you well with it.

Yours sincerely,
RALPH J. BUNCHE,
Under-Secretary-General.

PERMANENT MISSION OF AFGHANISTAN TO THE UNITED NATIONS,
August 25, 1969.

Miss DOROTHY SCHNEIDER,
United Nations Association of the United States of America, Santa Barbara, Calif.

DEAR MISS SCHNEIDER: Further to our letter dated July 25, 1969, in acknowledgement of your letter dated July 23, 1969, regarding your proposal to proclaim United Nations Day an international holiday.

I wish to inform you that the Government of Afghanistan has decided to support your proposal, and will therefore lend its support whenever this proposal is considered in the United Nations.

Sincerely yours,
ARDUR-RAHMAN PAZHWAK,
Permanent Representative.

UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH—UNITAR,
New York, May 6, 1969.

Miss DOROTHY L. SCHNEIDER,
Santa Barbara, Calif.

DEAR MISS SCHNEIDER: I thank you for sending me a copy of your correspondence with the United Nations Secretary-General concerning your proposal for a permanent United Nations Day international holiday. I think the proposal is an excellent one and I am glad to note that the United States Mission is taking the the initiative to bring it to the notice of the Committee dealing with the celebration of the Twenty-fifth Anniversary of the United Nations. I simply cannot imagine anybody dissenting from the proposal.

Sincerely yours,
S. O. ADEBO.

PERMANENT MISSION OF GHANA TO THE UNITED NATIONS,
New York, N.Y., June 11, 1969.

Miss DOROTHY L. SCHNEIDER,
Santa Barbara, Calif.

DEAR MADAM: Thank you for your letter of May 31, 1969 forwarding correspondence with the Secretary-General of the United Nations on your proposal for a United Nations International Holiday.

Such expressions of interest and faith in the United Nations give encouragement to all who are dedicated to the task of making the United Nations an effective instrument for the maintenance of world peace and order. I find your idea of an international United Nations Holiday a fitting recognition of what the United Nations has achieved for mankind in the sphere of peace and co-existence.

The Preparatory Committee for the celebration of the 25th Anniversary of the United Nations, of which I am Chairman, has been concerned with the planning of an appropriate progamme for the occasion, and I am glad the American delegation is looking into the possibility of introducing your proposal there. I would be happy to promote interest in the idea.

Yours faithfully,
R. M. AKWEI,
Ambassador, Permanent Representative.

U.S. REPRESENTATIVE TO THE UNITED NATIONS,
March 11, 1969.

Miss DOROTHY SCHNEIDER,
Santa Barbara, Calif.

DEAR MISS SCHNEIDER: Thank you for bringing your proposal to proclaim United Nations Day a permanent international holiday to my attention. Congressman Teague and Congressman Edwards have also forwarded your letters to me.

Your expression of support for the United Nations is most encouraging.

I have brought your proposal to the attention of the Department of State. At this time, your suggestion is under consideration for possible inclusion in our proposals for the United Nations Twenty-Fifth Anniversary celebration. You will be kept informed of any decisions.

With best wishes.

Sincerely yours.
CHARLES W. YOST.

U.S. MISSION TO THE UNITED NATIONS,
New York, N.Y., September 10, 1969.

Miss DOROTHY L. SCHNEIDER,
Santa Barbara, Calif.

DEAR MISS SCHNEIDER: Thank you for your letter of August 30 enclosing copies of responses you have received regarding your proposal that UN Day be proclaimed a permanent international holiday. You have a most impressive list of supporters and we appreciate your bringing these letters to our attention.

As Ambassador Yost wrote to you at an earlier date, we brought your proposal to the attention of the State Department and we have been in touch with the Department on this matter since that time. We understand that Mr. Fred Blachly has informed you that the Department feels your proposal should first be submitted as a bill in Congress. Until there is some indication that the United States will declare United Nations Day an official holiday in this country, we are not in a position to make any recommendations of this nature to the United Nations.

We hope you understand our position.

Sincerely,
JOHN MCH. STUART, Jr.,
Senior Adviser, Public Affairs.

SUPREME COURT OF THE UNITED STATES,
Washington, D.C., February 25, 1969.

Miss DOROTHY SCHNEIDER,
Santa Barbara, Calif.

DEAR DOROTHY: How nice to receive your letter of February 22. It was fifteen years ago that I saw you in Marrakech, and I remember the interesting visit that we had.

I am all for making October 24th United Nations Day, and you can pass that word along to U Thant or any others who may be promoting the cause.

I have been to Santa Barbara several times, where I see you are in residence. I am Chairman of the Board of the Center for the Study of Democratic Institutions, and I see that some of the people you have on your sponsoring list for UN Day are Center people, so you must be well acquainted with our work there.

It would be nice to see you any time you are East.

Yours faithfully,

W. O. Douglas.

U.S. Senate Committee on
Interior and Insular Affairs,
Washington, D.C., February 18, 1969.

Miss Dorothy Schneider,
Santa Barbara, Calif.

Dear Miss Schneider: Thank you for your letter of February 15, 1969, enclosing a copy of your letter to the Secretary General of the United Nations, Honorable U Thant, regarding the proposal that a United Nations day be proclaimed an international holiday.

I think this suggestion has considerable merit, Miss Schneider, and I would expect to support it in the Senate.

With every good wish, I am

Sincerely,

George McGovern.

Congress of the United States,
House of Representatives,
Washington, D.C., February 26, 1969.

Miss Dorothy Schneider,
Santa Barbara, Calif.

Dear Miss Schneider: Thank you for your recent letter and for the materials you enclosed concerning your proposal that United Nations Day be proclaimed an international holiday.

I appreciate having your views on this subject and commend your basic idea that people should be more immediately aware of the brotherhood of man.

With kind regards.

Robert W. Kastenmeier,
Member of Congress.

Congress of the United States,
House of Representatives,
Washington, D.C., February 24, 1969.

Miss Dorothy Schneider,
Santa Barbara, Calif.

Dear Miss Schneider: Your proposal certainly has merit.

I hope greater recognition of the United Nations Day can be promoted.

Best wishes.

Sincerely,

Donald M. Fraser.

Members of Congress for Peace
Through Law,
Washington, D.C., February 27, 1969.

Miss Dorothy Schneider,
Santa Barbara, Calif.

Dear Miss Schneider: Many thanks for calling to my attention your efforts to establish an international United Nations Day. This is a splendid idea which I will bring to the attention of my MCPL colleagues.

Sincerely,

F. Bradford Morse,
Chairman.

U.S. Senate,
Committee on Commerce,
Washington, D.C., February 18, 1969.

Miss Dorothy Schneider,
Santa Barbara, Calif.

Dear Miss Schneider: Thank you for your recent letter requesting United Nations Day, October 24, be proclaimed an international holiday. Your request is excellent and would well serve to unite Member countries in a better spirit of understanding the words "United Nations"; therefore, you may be sure I will give your proposal my full consideration and attention.

Sincerely,

Vance Hartke,
U.S. Senator.

Office of the Prime Minister,
Ottawa, May 12, 1969.

Miss Dorothy L. Schneider,
Santa Barbara, Calif.

Dear Miss Schneider: On behalf of Mr. Trudeau, I would like to thank you for your letter of May 3, and express his appreciation for your very excellent suggestion. A copy of your correspondence has been sent to Mr. Pelletier, the Secretary of State of Canada, for his consideration.

Yours sincerely,

William G. Morris,
Secretary.

Nicosia,
September 8, 1969.

Open Letter to Delegates of the 22d Plenary Assembly of the World Federation of United Nations Associations

"Wars begin in the minds of men". It is not enough to construct and to maintain organizations for the prevention of war and for the building of peace, unless the minds of men and women throughout the world accept the necessity of using and strengthening these organizations. Books of information, inspired speeches, and all the vast methods of publicity are not likely to succeed unless year by year the eyes and ears and, through them, the minds of people in every country are reminded of the possibility of establishing peace in the world through the United Nations.

We, therefore, Officers and Honorary Officers of the World Federation of United Nations Associations, suggest to the Twenty-second Plenary Assembly of WFUNA to appeal to every Government to institute in its country an Annual National Holiday on the twenty-fourth of October in the manner most suitable to its national customs. In this way, by constant and regular reminders, the idea that the United Nations is the only means by which war can be ended, can become a permanent thought in "the minds of men".

Ales Bebler, President; Leonard F. Behrens, Honorary President; Ahmed Matine-Daftary, Honorary President; S. D. Pandey, Vice-President; Y. T. Lee, Vice-President; Jan G. G. De Geer, Vice-President; Anton Canellas, Vice-President; Jean Picker, Vice-President; Franco A. Casadio, Chairman of the Executive Committee; N. J. C. M. Kappeyne van de Coppello, Treasurer; L. H. Horace Perera, Secretary-General.

The United Nations Association
of Trinidad and Tobago, The
General Secretary,
Trinidad, West Indies, August 7, 1969.

Miss Dorothy L. Schneider,
Santa Barbara, Calif.

Dear Madam: Thanks very much for your letter of July 10.

At our monthly general meeting held yesterday (Wednesday, August 6), we studied your proposal and it unanimously agreed to support you in your quest for a permanent United Nations Day International holiday.

We feel that by having such an international holiday on such a special day, would be a step towards bringing the nations of the world, one step closer. Then we as United Nations Associations would strive to make that day meaningful, so that it may be viewed as a day for and with a purpose, and not just another holiday.

Pledging our support and with every good wish,

Yours sincerely,

Ainsley A. Sahai.

United Nations Association of
Australia, Federal Secretariat,
Brisbane, Australia, September 30, 1969.

Miss D. L. Schneider,
Santa Barbara, Calif.

Dear Miss Schneider: Further to my letter of the 25th July 1969 regarding your proposal for a permanent UN Day holiday.

At a recent meeting of the Executive Committee of the UNA of Australia, it was agreed that this suggestion be referred to various Divisions (Chapters) of our Association for their consideration.

I wonder if you are aware that this matter was discussed at the 22nd Plenary Assembly of WFUNA held in Cyprus earlier this month and that the full resolution was carried unanimously:

"Item 8 (d): Consideration of Plans for the 25th Anniversary of the United Nations.

I. The Twenty-second Plenary Assembly of WFUNA.

Considering it essential for the future of mankind that all peoples become increasingly aware of the importance of the United Nations for the world community,

Considering that United Nations Day, the 24th October, offers an excellent opportunity for informing the public about the United Nations,

Supports the idea that United Nations Day be celebrated in all countries as a national holiday, adapted to the custom and culture of the people concerned,

Expresses the hope that the next UN General Assembly will adopt a recommendation in this same spirit, and

Recommends that all UNAs promote this idea in their countries."

Yours sincerely,

A. J. Symonds.

World Federation of United Nations Associations,
Geneva, July 16, 1969.

Miss Dorothy L. Schneider,
Santa Barbara, Calif.

Dear Miss Schneider: I am in receipt of your letter of the 8th July and the many documents which you have attached.

For the moment, I wish only to say that I am including "the declaration of UN Day as a public holiday in all countries" among proposals which I am making to our Assembly for the commemoration of the Twenty-fifth Anniversary of the United Nations.

With my kind regards.

Yours sincerely,

L. H. Horace Perera,
Secretary-General.

World Federation of United Nations Associations,
Amsterdam, June 25, 1969.

Miss Dorothy L. Schneider,
Santa Barbara, Calif.

Dear Miss Schneider: Thanking you for your letter of June 18th concerning your proposal for a permanent United Nations Day international holiday, I must say that I think it is an excellent suggestion. From those who have expressed approval I know personally Mr. U Thant, Dr. Bunche and I saw Mr. Hoffman still in the beginning of this year here in Holland. I might give you this comment that getting the approval of the authorities to grant a holiday on all the schools on the 24th of October will get young people accustomed with the idea that there exists a world-wide organization. I know that there is nothing which makes such an impression on young mankind than getting a day free of duties. I therefore hope that you will be successful and it would be of great support for you when the American association would make a proposal in the circle of WFUNA in order that you would get world-wide support for your suggestion.

Sincerely yours,

——— ———.

World Association of
World Federalists,
Ottawa, Ontario, March 24, 1969.

Miss Dorothy Schneider,
Santa Barbara, Calif.

Dear Miss Schneider: Thank you so very much for your letter of March 8 and the several copies of letters from prominent persons in the USA who support your "United Nations Day" proposal.

Yes, you most certainly do have my permission to say I heartily approve of this imaginative idea. In gaining a broad base of support for UN Day becoming an international holiday I think we should be guided in part by the problems encountered in advancing similar proposals. In addition to encouraging our World Federalist National Organizations to take action at the National level, may I suggest that we also encourage United Nations Associations, in the USA and elsewhere, to take a position on the matter. Contact with the World Federation of United Nations Associations (WFUNA) may also be helpful.

Please continue to keep me informed of your continued efforts to achieve a "one world" holiday for men and women of all nations.

Sincerely yours,
ANDREW A. D. CLARKE,
Secretary General.

PARIS, *July 2, 1969.*
Miss DOROTHY SCHNEIDER,
Santa Barbara, Calif.

DEAR MISS SCHNEIDER: I think it is an excellent suggestion that United Nations Day, 24th October, should be proclaimed an international holiday and obesrved as such in all Member countries, as it is already in countries such as Cambodia.

I hope that the General Assembly will some day adopt this proposal and I will submit it to the next meeting of the Executive Board of the French Association for the United Nations.

Yours sincerely,
G. GEORGES-PICOT,
Honorary President,
World Federation of UN A's.

UAW, INTERNATIONAL
AFFAIRS DEPARTMENT,
Washington, D.C., July 15, 1969.
Miss DOROTHY L. SCHNEIDER,
Santa Barbara, Calif.

DEAR MISS SCHNEIDER: Walter Reuther has asked me to convey to you his thanks for having sent him, in April, the material relating to a proposal that there be created an international and permanent United Nations Day holiday, and his warm approval of the idea. The UAW will be delighted to work toward realization of this objective and we will do what lies within our means to build public support for it. We would be pleased, meanwhile, to receive from you any ideas which you may have collected as to what date or dates might be most reasonably sought as targets, and what other organizations have expressed a supportive interest in the idea.

Very sincerely yours,
VICTOR G. REUTHER,
Director, International Affairs Department.

XEROX,
OFFICE OF THE CHAIRMAN,
Rochester, N.Y., July 23, 1969.
Miss DOROTHY L. SCHNEIDER,
Santa Barbara Calif.

DEAR MISS SCHNEIDER: Thank you so much for your note of the 19th and the enclosures. I think this is an extraordinarily good idea and have so written to Arthur Goldberg of the UNAUSA Association. I'm sure the efforts of the Association would be more meaningful than that of any individual member.

Sincerely,
J. C. WILSON,
Chairman.

AMERICAN TELEPHONE & TELEGRAPH
CO.,
New York, N.Y., July 3, 1969.
Miss DOROTHY SCHNEIDER,
Santa Barbara, Calif.

DEAR MISS SCHNEIDER: Thank you for sending me copies of the correspondence you have received in response to your suggestion that United Nations Day be proclaimed an international holiday. It is heartening to note that so many distinguished people support this proposal. Certainly common observance of UN Day by the nations of the world would help focus attention on our common stake in an effective international orgnaization. I shall take whatever opportunities are afforded me to express my own support of such an observance.

Sincerely,
H. I. ROMNES,
Chairman of the Board.

DUKE UNIVERSITY,
RULE OF LAW RESEARCH CENTER,
Durham, N.C., February 28, 1969.
Miss DOROTHY SCHNEIDER,
Santa Barbara, Calif.

DEAR MISS SCHNEIDER: Thank you for your letter of February 22, 1969, and the enclosures. It seems to me that the proposal that the United Nations Day be proclaimed an international holiday is a meritorious one, and I shall certainly do what I can to support it.

Yours sincerely,
ARTHUR LARSON,
Director.

PRINCETON UNIVERSITY,
CENTER OF INTERNATIONAL STUDIES,
Princeton, N.J., May 5, 1969.
Miss DOROTHY L. SCHNEIDER,
Santa Barbara, Calif.

DEAR MISS SCHNEIDER: I wish to acknowledge your letter of April 30, in which you set forth your proposal for a permanent United Nations Day international holiday.

This sounds like a good idea, and I wish you the best of success with your proposal.

Sincerely,
CYRIL E. BLACK.

THE AMERICAN LUTHERAN CHURCH,
Minneapolis, Minn., September 30, 1969.
Miss DOROTHY L. SCHNEIDER,
Santa Barbara, Calif.

DEAR MISS SCHNEIDER: I have read your letter of September 25 with the six attachments.

I commend you for your effort to secure from the United Nations a declaration to set aside October 24 as an International United Nations Day. You have my permission to add my name to the list of those who support this proposal.

I wish you well.

Sincerely,
FREDRIK A. SCHIOTZ.

AMERICAN BAPTIST CONVENTION,
Valley Forge, Pa., September 24, 1969.
Miss DOROTHY L. SCHNEIDER,
Santa Barbara, Calif.

DEAR MISS SCHNEIDER: Thank you for your letter of September 20 and its enclosures. I think your idea of encouraging the United Nations to set aside October 24th annually as an international holiday is a good one and I will be glad to lend my support to your proposal.

Cordially,
EDWIN H. TULLER,
General Secretary.

NATIONAL URBAN LEAGUE,
New York, N.Y., June 27, 1969.
Miss DOROTHY L. SCHNEIDER,
Santa Barbara, Calif.

DEAR MISS SCHNEIDER: I am sorry to be so late responding to your letter of May 30th and hope you will understand the delay was not caused by any lack of interest in your suggestion. In fact, I feel the idea that we proclaim October 24, United Nations Day, an international holiday is an excellent one and you may be assured I shall do all I can to try to advance it.

Thank you also for sharing the other correspondence with me and best wishes.

Sincerely yours,
WHITNEY M. YOUNG, Jr.

THE UNITED METHODIST CHURCH,
Los Angeles, Calif., September 19, 1969.
Miss DOROTHY L. SCHNEIDER,
Santa Barbara, Calif.

DEAR MISS SCHNEIDER: I like your idea of a permanent United Nations Day international holiday. I am glad to add my name to those who support this proposal and I hope it is adopted.

Thank you for writing and may the good Lord bless you always.

Sincerely,
Bishop GERALD KENNEDY.

CENTER FOR THE STUDY
OF DEMOCRATIC INSTITUTIONS,
Santa Barbara, Calif., September 15, 1969.
Miss DOROTHY SCHNEIDER,
Santa Barbara, Calif.

DEAR MISS SCHNEIDER: You may add my name to your list of those who approve of your proposal for a permanent United Nations Day International Holiday.

Sincerely yours,
ROBERT M. HUTCHINS,
President.

BETHEL, CONN.,
April 1, 1969.
Miss DOROTHY SCHNEIDER,
Santa Barbara, Calif.

DEAR MISS SCHNEIDER: Yor letter of March 8 has just come to the attention of Miss Marian Anderson, and since she is in Seattle, Washington, she has requested that I acknowledge receipt of your message, in order not to delay reply too much longer.

Regarding your proposal that United Nations Day be proclaimed an international holiday, Miss Anderson agrees, and says she thinks it would be an excellent idea.

She thanks you for writing and sends you her best wishes for a joyous and peaceful holiday.

Very truly yours,
ELEANORE M. FRIESE
(For Marian Anderson).

THE AMERICAN MUSEUM
OF NATURAL HISTORY,
New York, N.Y., April 8, 1969.
Miss DOROTHY SCHNEIDER,
Santa Barbara, Calif.

DEAR MISS SCHNEIDER: In answer to your letter of March 8, 1969, I believe that making United Nations Day an International Holiday is an excellent idea. I would suggest that the plan include flying the UN flag, the flag of the country and any flag of any smaller unit, city or state or province, together. This would undercut some of the more extreme nationalistic demonstrations.

Sincerely yours,
MARGARET MEAD.

WASHINGTON, D.C.,
June 6, 1969.

DEAR MISS SCHNEIDER: That sounds like a pretty good holiday idea; I will wait with interest to see if it can be established.

Sincerely,
ERIC SEVAREID.

ANOTHER MOTHER FOR PEACE,
Beverly Hills, Calif., May 16, 1969.
Miss DOROTHY L. SCHNEIDER,
Santa Barbara, Calif.

DEAR MISS SCHNEIDER: The Steering Committee of Another Mother for Peace has voted unanimously to urge that United Nations Day be proclaimed an international holiday.

Such an international holiday would provide a focus for people everywhere in the world to join in support of the United Nations as the world organization to which we all look as the forum in which nations can achieve world understanding. It could also provide a means of strengthening the organizations of the U.N. through which much of the practical work of building peace can be done.

Another Mother for Peace would therefore be pleased to endorse a resolution offered by the United States or any other member of the United Nations to establish October 24 as an international holiday.

Sincerely yours,

DOROTHY B. JONES,
Co-chairman.

Mr. PODELL. Mr. Speaker, next year will mark the 25th anniversary of the signing of the United Nations Charter. In 1947, October 24 was designated by the General Assembly as United Nations Day. Such a designation has been applied to this date in our country, proclaimed as such by the President. House Concurrent Resolution 367, introduced by my distinguished colleague, the gentleman from California (Mr. BROWN), proposes that United Nations Day be declared a permanent international holiday. I concur with this suggestion and support his resolution.

It is my fervent hope that we shall all live to see a day when the United Nations shall command more respect in our country and the world than it presently does. Sad to say, this organization has lost the faith and respect of many Americans because of the arbitrary and prejudiced actions of a few. Nonetheless, this has not diluted the viability and meaning of the central principles upon which the organization was founded.

In many areas of nonpolitical endeavor, the United Nations is making a series of contributions to the well-being of all mankind which will be long remembered after mighty armies and bawling dictators have passed from the international scene.

It is also my hope that the United Nations will be willing in the future to resist the strong on behalf of the weak, particularly in the case of Israel and the Middle East. The strength of the United Nations is in its championing of mighty principles rather than seeking the favor of mighty states. Only moral force based on growing international respect will accomplish for the U.N. what military force will never do.

Therefore, I place my faith and endorsement in an idea which happens to be embodied in an institution. Leaders of institutions change and erroneous policies followed by such institutions change with their passing. Such shall be the case with the United Nations. Its dreams and concepts are too soaring and necessary to be sacrificed because of temporary unfairness of a few. I support the resolution in the humble hope that the U.N. will continue to espouse the cause of all mankind, even Israel.

Mr. FASCELL. Mr. Speaker, tomorrow, October 24, the United Nations organization will celebrate its 24th anniversary. And in many parts of the world, people will pause, recall the events which led to the founding of that organization, reflect on its accomplishments and its failures, and look hopefully to the day when, with the help of the United Nations, peace, freedom, and improved opportunity for human advancement will be obtained.

I believe that all of us can join in those expectations and in wishing the United Nations organization success in helping to make them a reality.

Mr. Speaker, I have the honor to serve this year as U.S. delegate to the 24th General Assembly of the United Nations. The General Assembly is a key organ of the entire United Nations system and is meeting presently in New York City.

In my capacity as U.S. delegate, I have had a good opportunity to become better acquainted with the work of the United Nations and with the problems which confront that organization. The latter, I may mention, are every bit as big and challenging as the problems which face our Nation and the rest of the world community in the second half of the 20th century.

Yet in spite of those problems, and its own shortcomings, the United Nations is a very vital and important organization which can make significant contribution to the cause of peace and human advancement—if its member countries will allow it to do so.

With this and the approaching 25th anniversary of the organization in mind, I suggested earlier this week to the delegates of the 126 countries which belong to the United Nations, that all of our countries use the next 12 months to formulate some conclusions about the role that we would want the United Nations to play in the future.

We should consider where the organization stands today and decide both where it should go in the next 25 years and how it ought to get there.

After making those basic decisions, I believe that we ought to reevaluate the structure of the organization and its affiliated specialized agencies and adapt it to the new requirements which the member countries may impose upon it.

It seems to me, Mr. Speaker, that if all the member countries of the United Nations were to take those steps and agree on reforms necessary to assure that resources channeled through the United Nations may continue to be used wisely and effectively, then the 25th anniversary of the organization will be a truly happy and memorable occasion.

Mr. Speaker, 2 days ago Ambassador Charles W. Yost, the permanent U.S. Representative to the United Nations, spoke at a luncheon arranged by the Cincinnati World Affairs Council. He described, much more eloquently than I can, some of the realities of international life which make the United Nations a very necessary and helpful institution. I believe that his remarks will prove of great interest to my colleagues and I am, therefore, placing them in the RECORD:

ADDRESS BY AMBASSADOR CHARLES W. YOST, U.S. REPRESENTATIVE TO THE UNITED NATIONS

As your representative to the United Nations I deeply appreciate the recognition you are giving here in Cincinnati this week—as others are doing in many parts of the United States—to the United Nations as it reaches the age of 24.

This milestone in the life of this international organization happens to coincide with a moment in our history when the concern of many public-spirited citizens is turning inward to cope with pressing domestic problems—those of our cities, of the aspirations of ethnic minorities, of the search by a new generation of Americans for a more meaningful life. Meanwhile, internationally, one single question—peace in Vietnam—a question to which for historical reasons the United Nations has been able to contribute little—nearly monopolizes our national attention.

It would scarcely be surprising, if, in the clamor of these urgent American concerns, the sound of the UN's 24th birthday party were almost drowned out. Yet if that were to happen—and if ignoring or shrugging off the UN were to become an American habit in future years—this would be an ominous development for our country and for the world.

I do not say this in any mood of utopianism, but in sober realism. After all, a part of realism is the ability to see beyond the ends of our noses. I suggest that, in our hard national interest, we must be able to look *beyond* Vietnam, *beyond* the urgent and glaring crises of the moment, *beyond* our own shores—and address ourselves to the world problems of the 1970's. Among them we will find problems that affect the future security and well-being of our country—but which, because they are worldwide in scope, we cannot solve by ourselves. In their solution the United Nations and its family of agencies must play an important and, in some cases, an indispensable part.

Some of these problems have long since approached crisis proportions.

1. There is the crisis of an ever-mounting global arms race, especially in nuclear weapons and missile systems, which heavily strains the world's resources and yet fails to bring security to either side.

2. There is the crisis of human fertility, which is fast causing the world's population to outrun food supplies, which is aggravating immeasurably all our other problems, and which, unless it is soon brought under control, threatens within our children's lifetime to visit famine and chaos on vast regions of the world.

3. There is the crisis of the poor nations, most of them recently independent, whose insistent demand for a better material life is one of the most inescapable realities of our time.

4. There is the gathering world-wide crisis of the human environment—of depleted resources, polluted air and water, disfigured landscapes, overcrowded and disorganized cities.

5. And, on top of all these, it takes no prophet to foresee recurrent crises of international violence—especially among poor and politically unstable nations—any one of which, unless there is an impartial police force to keep the peace, could draw the major powers into direct and fatal confrontation.

All five of these world problems—armaments, population, development, environment, peacekeeping—are, in one degree or another, direct concerns of the United Nations. All of them are recurrent themes in UN debates; some of them are the subject of major UN programs and negotiations. Yet it cannot be said that the United Nations, or the community of nations, has any of them anywhere nearly under control.

A few months ago U Thant, speaking from his unique vantage point as Secretary General of the United Nations, spoke on this subject as follows:

"I can only conclude from the information that is available to me as Secretary General that the members of the United Nations have perhaps ten years left in which to subordinate their ancient quarrels and launch a global partnership to curb the arms race, to improve the human environment, to defuse the population explosion, and to supply the required momentum to world development. If such a global partnership is not forged within the next decade, then I very much fear that the problems I have mentioned will have reached such staggering proportions that they will be beyond our capacity to control."

You will notice that the Secretary General estimates that the nations have ten years in which to act. That may sound like a comfortable cushion of time, but it is not. Our situation might be compared to that of a community that has to finish building a dike before the floods come. Whether the next flood will come in ten years, or twenty, or five, is a matter of educated guesswork at best. But building dikes is a slow business. Even with ten years to go, there is not a single day to be lost.

The "dike" of which I speak, of course, is the United Nations, together with all the international agencies and programs that promote its purposes. Next year the United Nations' 25th anniversary will be duly celebrated with speeches and commemorative ceremonies. But the observances that really count will be renewed efforts to make the UN a more effective instrument of peace and progress among nations, and a more reliable dike against chaos and disorder.

Those efforts, as U Thant correctly pointed out, must be made by the member states. The UN, after all, has virtually no power of its own. Its success rests entirely on the readiness of its members to put their power at its service, and to subordinate their parochial concerns to the common cause of a more peaceful and secure world.

No country has a more vitally important contribution to make to this process than the United States. All five of the world problems I mentioned have three things in common that we Americans should remember: first, if not solved they threaten our own nation; second, we cannot solve them alone; third, they cannot be solved without us. As a nation uniquely great in its wealth and power, and deeply committed to the ideals of peace and progress, our country simply must continue to bear its share of the responsibility for the UN's future development as an instrument of world order. Other members must also do their part; but they will understandably look for leadership to the American Government and people.

As for the American Government, I can assure you that its support for the United Nations remains firm. Last December, even before his inauguration, Mr. Nixon with Mr. Rogers paid a call on Secretary General Thant at the U.N. headquarters. Their purpose was to give evidence, as Mr. Nixon put it at the time, of "our continuing support of the United Nations and our intention in these years ahead to do everything that we can to strengthen this organization as it works in the cause of peace throughout the world."

The President's appearance to address the General Assembly on September 18 was a further reaffirmation of that American intention. In his address the President spoke frankly of doubts that have arisen concerning the future world role of the United States.

"As for the United States," he said in reply, "I can state here today without qualification: We have not turned away from the world."

And the President concluded this part of his address with these words:

"It would be dishonest, particularly before this sophisticated audience, to pretend that the United States has no national interest of its own or no special concern for its own interests.

"However, our most fundamental national interest is in maintaining that structure of international stability on which peace depends and which makes orderly progress possible."

During its first nine months, the Nixon Administration has adopted concrete policies aimed at precisely that national interest in the "structure of international stability." It deliberately and firmly moved, insofar as lies in its power to move, from an era of confrontation to an era of negotiation. It seeks urgently to engage the Soviet Union in negotiations for limitation of strategic weapons and in negotiations to help settle the conflict in the Middle East. It proposes a greater emphasis on the United Nations Development Program and other international agencies as channels for American assistance during the Second Development Decade. It vigorously and concretely supports United Nations efforts to help nations grow more food and reduce their rates of population growth; to protect the world's threatened environment and to share the benefits of space exploration.

These are proofs that the United States Government remains steadfast in its support of the United Nations. However, much more needs to be done by our Government and other governments before the United Nations can even come close to carrying out the missions we have assigned to it. Of course the Government of our free society cannot exceed what the people are willing to accept. Your support for the United Nations, and for our country's more effective participation in it, is a vital necessity if it is to succeed and if we and our children are ever to live in a safer world.

In saying this I have in mind particularly our children. To one like myself, who has been associated with the United Nations in one way or another since the days when the Charter was being written, it is still hard to realize that this institution—possibly the greatest political innovation of the twentieth century—is no longer new. It is older than today's college generation; older than a great proportion of our men in uniform; older than nuclear weapons, network television, Communist China, the space age, and all of those looming crises I was discussing a moment ago. Unless the United Nations is capable of continuous self-renewal—unless it can face new problems, accept new ideas, new blood, new young people—it will become obsolete and irrelevant just at the time when humanity needs it most.

It is encouraging, therefore, to see that in the preparations for next year's celebration of the United Nations' 25th anniversary, there has developed a strong accent on youth. Plans are being discussed now for a World Youth Congress to be held at the United Nations next year, composed of representatives of the young people of each member state. There are proposals to increase the recruitment of young people as international civil servants in the United Nations and in an international volunteer service corps. And our Government has also supported the inclusion of young people in the delegations of member states to next year's General Assembly itself.

Long after the last shot in Vietnam has been fired, the great problems of the family of man will continue to demand the devoted efforts of leaders and citizens, old and young, in every nation. If, as we review the record of the United Nations, we find that the efforts made in that organization are not good enough, let us not forget that the responsibility for that state of affairs lies with us, the members. As Adlai Stevenson once said, it is a bad idea to mock the UN's weakness, for when we do we are mocking ourselves.

Let us then dedicate ourselves—as he did himself in his last years—to making the UN strong enough to carry out our purposes, strong enough to preserve our civilization from our own excesses, strong enough to create a world fit for our children and our children's children.

Mr. FRASER. Mr. Speaker, the United Nations has not yet reached middle age. Next year we will celebrate the 25th anniversary of the signing of the United Nations Charter. And as it rapidly approaches 30, thought an age worthy of distrust by some, I hope the next 6 years see the United Nations grow stronger and gain in the trust and respect it receives from our citizens.

We are all familiar with the historical arithmetic of the two world wars. Add 25 years to the year World War I ended, 1918, and we reach 1943. By 1943, World War II was already 4 years in progress if we date its start from the invasion of Poland by Hitler.

If we add 25 years to the year World War II ended, 1945, we reach 1970, next year. We cannot overlook the great tragedies being currently played out upon the international stage. But, world war III has not started. We cannot give all the credit, however much there may be, to the United Nations for forestalling another worldwide holocaust. But we can recognize, and do today during this special order, the great contributions the U.N. has made to establishing harmony among nations.

It is to acknowledge this success that I join with my colleagues in supporting the resolve that October 24 be a permanent international holiday.

One aspect of the United Nations rightly receives the most public attention. This is that the U.N. provides a forum in which nations in conflict can verbalize their disagreements rather than making armed crossings of international borders.

I certainly believe this to be the United Nation's raison d'etre. But I am also impressed by the performance of the specialized agencies of the United Nations. One of these, the International Labor Organization, was awarded the 1969 Nobel Peace Prize October 20. The ILO is the third U.N. organization to be honored in this manner. The United Nations High Commission for Refugees received the 1954 Nobel Peace Prize and the U.N. Children's Fund was recognized in 1965.

Mr. Phelps Phelps, former U.S. Ambassador to the Dominican Republic and Governor of Samoa, recently sent a letter to the New York Times concerning the activities of the agencies under the Economic and Social Council. He expresses very well the deep respect I have for the activities of these agencies.

The letter follows:

U.N. Achievements

To the Editor:

Many assessments of United Nations accomplishments, or the absence of them, will be made on U.N. Day, Oct. 24 this year—the eve of its 25th anniversary. Many may be expected to assert that the value of the U.N.—lacking power to implement cease-fires and peace—is questionable. In assessing only political aspects, the activities of agencies under the Economic and Social Council are often overlooked. Yet these have proved invaluable to underdeveloped or developing nations.

Among these agencies are the U.N. Development Program, which sent 8,000 specialists throughout the world to promote economic and social progress, and in association with UNIDO, emphasizes regional organization, industrial expansion and social advancement. These cooperate with the Food and Agriculture Organization for improving and diversifying agriculture in developing countries.

Also frequently overlooked are the activities of UNESCO in training and education, of UNICEF, concerned with the welfare and education of children everywhere, of W.H.O.

for its health activities, and I.L.O., now expanding in vocational rehabilitation and advice on employment problems: also UNITAR, aiding research in U.N. political problems and training of diplomats, UNCTAD with its programs stimulating all aspects of trade and financing.

Not the least are the activities of the U.N. Human Rights Committee, which has ratified this year the Convention to Eliminate Racial Discrimination, its plans on behalf of youth, and the rights of women, not only in work, but in marriage and divorce.

Many U.N. agencies cooperate with the World Bank, the I.M.F., IDA, and the U.S. AID programs to make funds available for utilities and industrialization.

Therefore, those assessing the U.N. should consider these social and economic accomplishments.

PHELPS PHELPS.

Jersey City, N.J., October 16, 1969.

GENERAL LEAVE TO EXTEND

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

RELATIONSHIP OF SMOKING TO HEALTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. PREYER) is recognized for 15 minutes.

Mr. PREYER. Mr. Speaker, earlier this year those of us who serve on the Committee on Interstate and Foreign Commerce spent several weeks listening to expert testimony regarding the relationship of smoking to health. I heard all of those witnesses and I have read and reread their testimony. This effort to get the facts convinces me that we have not proved either that smoking causes lung cancer and other diseases or that it does not.

As nonscientists asked to decide whether a legal product such as tobacco should be prohibited from enjoying the same advertising privileges as other legal products and, indeed, whether the Government might move to other actions against the use of tobacco, we need conclusive scientific evidence that tobacco is harmful. Yet these hearings left us with more questions than answers. For example:

First. Why is cancer of the windpipe almost unknown when smoke passes through it to and from the lungs and it has the same lining as the lungs?

Second. What are we to accept as fact when expert witnesses testified regarding nicotine that, first, it constricts blood vessels; second, it expands blood vessels; and third, it has no effect on blood vessels.

Third. Why is the lung cancer rate in England twice as high as in the United States although Englishmen smoke one-half as much per capita as Americans?

Fourth. Why does the Public Health Service blame cirrhosis of the liver on alcohol, and heart disease on smoking although their own 1964 study shows that the statistical association between cirrhosis of the liver and smoking is higher than that between smoking and heart disease?

Fifth. Why did the overwhelming number of witnesses who testified on the basis of their own research indicate that they found no proof of a relationship between smoking and health whereas almost all of the contrary testimony came from people who based their statements on the research of others?

Sixth. Why is it that the raw data on which one of the most serious charges—that heavy smoking will shorten your life 8 years—is not released for independent evaluation?

Seventh. Why is it that, according to the Public Health Service, smokers who have stopped smoking have more ill health than those who presently smoke or never smoked?

Mr. Speaker, these are only a few of the questions that disturb me. Only recently scientists revealed that a study in Europe of identical twins—where one smokes and the other does not—failed to indicate any difference in the death rate.

I am impressed that thoracic surgeons from throughout the country have written me and sent me articles written by their colleagues which say that, on the basis of their own surgical experience, they doubt the validity of some conclusions made in the 1964 Surgeon General's report.

Secretary Finch recognized this gap in our knowledge about tobacco and health when he announced several months ago that he was urging a cooperative research program on the subject.

Clearly, we need a new, unbiased, completely scientific study of the relationship between tobacco and health.

Today, I am introducing a bill to set up a commission to determine whether such a relationship really exists.

This Scientific Research Commission on Smoking and Health would consist of seven members—all scientists. Six would be named by the Secretary of Health, Education and Welfare—three of them nominated by the Public Health Service and three by the tobacco industry. Because the legislation would require that the three nominated by one group be acceptable to the other, we will insure a commission of scientists respected by both sides of this controversy. A seventh member would be a scientist nominated by the six members mentioned above.

This group of respected experts in science would hear all the evidence, would subject research and those who do it to the scrutiny of their peers and, I am confident, answer the questions that bother so many of us today.

It would be a group free to conduct its own original scientific research and it would be independent of HEW or any Federal agency.

It is an intelligent and a fair way to protect the interests not of any one group of people but of all the people.

HOPE COMES TO ABRAHAM KAHALOA THROUGH NAB'S JOBS PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 10 minutes.

Mr. MATSUNAGA. Mr. Speaker, I rise to commend one of the most valuable training efforts that has been devised to develop our Nation's manpower resources: the JOBS—job opportunities in the business sector—program, sponsored by the National Alliance of Businessmen.

This is one program that has really proved its worth, and I hope that it will continue to receive the full and enthusiastic support of the administration and the Congress.

We lit a candle of hope for the poor and disadvantaged of this country in 1964 by the passage of the Economic Opportunity Act. In declaring the war on poverty, the Congress affirmed its belief that the country can only achieve its full economic and social potential when every citizen is given the opportunity to develop to the full extent of his capabilities and to participate in, and contribute to, the workings of our society.

The JOBS program, initiated in 1968 by the National Alliance of Businessmen, involved the private sector and the Federal Government in a partnership to hire and to train the hard-core unemployed. This program represented the first major involvement of the business community in manpower programs designed to aid disadvantaged individuals.

The success of the JOBS program can be nowhere better illustrated than in the story of Abraham Kahaloa of Hawaii.

Star-Bulletin writer Russ Lynch has written an excellent article about Mr. Kahaloa's struggles to extricate himself from the welfare rolls, from debt, and from the ranks of the hard-core unemployed through federally funded job training and the job placement work of the National Alliance of Businessmen's JOBS program. Because of the opportunity provided by the JOBS program, Mr. Kahaloa is now on the road to providing a better life for himself and his family.

Thomas Wolfe has written:

> To every man his chance—to every man, regardless of his birth, his shining, golden opportunity—to every man the right to live, to work, to be himself, and to become whatever thing his manhood and his vision can combine to make him—this . . . is the promise of America.

The JOBS program certainly will help to provide the opportunity for the fulfillment of that promise. As we seek to convert welfare recipients to income-earning jobholders, hopefully we can see an expansion of the JOBS program to permit an even greater emphasis on finding work for young jobseekers and providing them with meaningful opportunities to share in the abundance and blessings of this great Nation.

I am pleased to submit for inclusion in the RECORD the article, "JOBS Is Hope for Abraham," from the October 9, 1969, issue of the Honolulu Star-Bulletin:

JOBS IS HOPE FOR ABRAHAM

(By Russ Lynch)

Four years ago, Abraham Kahaloa of Makaha gave up his struggle against pressing debt collectors and for a year joined the hard-core unemployed on Oahu's Leeward coast.

He relied on locally caught fish and poi to feed himself, his wife and eight children—three more had already been adopted out to relatives—and clothed his family with what little welfare money he was entitled to.

Today, the same Kahaloa—equipped with a new basic education and skilled job training—is fully employed as a second cook with Hawaiian Tug & Barge Co.

He is still taking on-the-job training, enjoys his work, has traveled all around the Islands and to the Mainland with the firm's vessels and finally, at age 38, is on the road to a better life for himself and his family.

Behind Kahaloa's success in pulling away from the down-and-out situation he had fallen into is federal-funded job training and the job placement work of the National Alliance of Businessmen's JOBS (jobs in the business sector) program.

Plus, of course, a genuine desire to improve himself.

Kahaloa told the Star-Bulletin how he was attracted into the job training program and how he wound up in such a hopeful position with the Dillingham Corp.'s maritime subsidiary.

During his jobless period, he started going to Model Cities meetings in the Makaha area where he learned about job training courses available in Honolulu under the Manpower Development and Training Act.

He went through a six weeks briefing through the MDTA programs, looking around at industries and services in which jobs were available.

Then he successfully completed an 18-week basic education course at the Honolulu Community College.

(He had tried adult education evening classes before, but "couldn't learn anything" in the two hour sessions, "because by the time you go the next night you've forgotten what you learned the last time.")

He took the cook's training course at the Community College, still under MDTA programs, and was finally ready for the National Alliance of Businessmen's program.

The NAB's JOBS program placed him with Dillingham's maritime division, where he quickly became second cook on the Dillingham-owned oceanographic research vessel, M.V. Mahi.

Ironically, Kahaloa first approached Hawaiian Tug & Barge for a job when he was only 18, but due to a lack of education and no job skill, he was not accepted.

Now he is on the job, learning new skills by performing them under the guidance of Dillingham's maritime food service manager, Hubert White, and the more experienced cooks.

Also under White is another former unemployed man, Alexander Kauhola, referred to the MDTA training programs through the State Employment Office.

Kauhola worked in a Waikiki restaurant for a time after undergoing his basic cook's training and then moved to the Dillingham subsidiary to take on-the-job training like Kahaloa's.

Dillingham's maritime services hired 29 men referred from the NAB's JOBS placement program in July and August.

Part of the reason for the Dillingham Corp. support of the program, of course, is the fact that Lowell S. Dillingham, president of the corporation, is Honolulu metropolitan chairman for NAB.

But retired Adm. H. S. Persons, appointed by Dillingham as JOBS executive director, made clear that Lowell Dillingham's personal enthusiasm and that of other JOBS workers has spread throughout the community.

Since the JOBS program started in April, 1968, and through September, Persons told the Star-Bulletin, a total of 866 people had been placed in jobs. Of the 866, a total of 616 are still employed.

LEGISLATION TO SAVE AMERICA'S CRUMBLING COMMERCIAL FISHING INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SANDMAN), is recognized for 10 minutes.

Mr. SANDMAN. Mr. Speaker, New Jersey has more than 100 miles of ocean front and an equal amount of bay front. Commercial fishing over the years has been one of New Jersey's major industries.

In recent years, however, while world fishing has increased, the relative position of the United States has declined, critically affecting the local fishing industry in areas such as southern New Jersey.

Last year the total fish catch of the United States was the second smallest since 1942. America's share of the total world catch of fish dropped to 5 percent from 13 percent in 1956, thereby moving the Nation to sixth place from second place in worldwide catch.

While America's annual production has varied little since 1945, the world catch of fish has increased more than threefold. At the same time, the United States consumes about 12 percent of the total catch, making it the world's largest market for fish. The United States now imports more than three-fourths of the fish it consumes.

As a resident of southern New Jersey for most of my life, I have found that our fishing equipment and methods are at least 40 years too old. Our fishing fleet is technically outmoded. The boats are too slow and ill equipped. Most of the small, independent fishermen spend at least two-thirds of the work day traveling to and from the fishing grounds. As a result, our fishermen suffer higher unemployment and lower incomes than other workers of comparable age and skills.

Because the U.S. fishing fleets are in such dire shape, we cannot adequately compete with Russian ships and other foreign fleets that increasingly work waters near the American 12-mile limit.

I think it is high time we realize that we are in competition with countries which are superior not only in methods but production. The smallest Russian ship is about twice the size of our largest ship in the commercial fishing fleet. Their mother ships house canneries and freezing units which can function effectively at sea for 6 to 8 months at a time. These foreign vessels are fishing off American shores and are taking a good many of the catches which should be found in American canneries.

The increase of foreign fishing in American waters has a related significance to sport fishermen as well. Tourism is New Jersey's No. 1 industry and fishing comes close to being the No. 1 sport for everyone, young and old, male and female. The disappearance of fishing as a sport for everyone could be a serious blow to the State's large resort industry.

There should be a special effort to sustain the fishing industry which many scientists believe to be the source of our major food supply in the years to come.

The two existing programs which involve the commercial fishing fleets; namely, the Fishing Fleet Improvement Act and the fisherman's loan fund, have suffered the last few years due to insufficient funds.

I am aware that the Subcommittee on Fisheries and Wildlife Conservation of the Committee on Merchant Marine and Fisheries has worked long and hard on this problem, conducting extensive hearings before reporting out the Fishing Fleet Improvement Act. This legislation which recently passed in the House of Representatives included provisions for a 2-year extension of the program, broadening it to include the reconditioning, conversion, and remodeling of ships, and authorizing an appropriation increase from $10 to $20 million. Because the Fishing Fleet Improvement Act, a semigrant program to cover 50 percent of the cost of constructing new fishing boats in the United States, has operated unsuccessfully for 8 years due to underfunding, it is my hope the funds requested by the committee as well as the administration will be approved.

The Fishing Fleet Improvement Act also includes a provision to extend the fisherman's loan fund for 4 years. This program was initiated in 1956 authorizing the Secretary of the Interior to make loans for financing and refinancing the operations, maintenance, replacement, and repair of fishing gear and vessels and for research into the basic problems of the fisheries.

In 1965, the program was amended to remove the 3-percent annual interest rate and a formula was adopted to provide for an annual payment to the Treasury from the loan fund of interest on the cumulative amount of appropriations available as capital to the fund taking into consideration the average cost of all outstanding interest-bearing Treasury obligations of comparable maturity. In 1965, the interest rate was 4 percent. It was anticipated at that time, the interest rate would not rise above 5 percent.

On August 6, 1969, however, the Department of the Interior's Bureau of Commercial Fisheries announced that interest rates on fishery loans approved by the Bureau would be increased from 6½ to 7½ percent.

In addition, the high interest rates charged by commercial lending institutions have led to an unprecedented demand for fisheries loans from the Department, requiring the Bureau to limit such loans to $40,000 per transaction.

The fisherman's loan fund is due to expire in June 1970. Presently, there is only $1 million left in the fund. A $40,000 limitation on each of the remaining loans which can be given this year would barely scratch the surface in paying for the extensive engine repairs and new equipment required.

To make a more effective program, I am introducing a bill in the Congress of the United States today to provide for a system of low-interest loans for the construction of new ships and new equipment. This proposal would improve the commercial fishing industry throughout the country and also stimulate related industries such as the ship builders and suppliers. My bill would appropriate $50 million so that all worthy applications which have been turned down may be reconsidered and expedited.

I am tired of being Santa Claus to the rest of the world. On the surface, it sounds like a great idea for all the dogooders to encourage the United States to spend American tax dollars on developing the underdeveloped nations of the world. However, it would sound better to me if for the first time we would try to improve and develop some of the underdeveloped American industries first. This I think is a step that should have been taken a good many years ago.

President Nixon, during the campaign, and Vice President AGNEW, during a recent speech in Miami emphasized the importance of improving and modernizing our fishing fleet, which the Department of the Interior has indicated could be done in the next 7 years at a cost of $210 million.

This goal could be accomplished by coupling the new provisions of the Fishing Fleet Improvement Act with the enactment of my proposed legislation.

I believe my proposal, which has also been cosponsored by two distinguished members of the Subcommittee on Fisheries and Wildlife Conservation, the gentleman from Oregon (Mr. DELLENBACK) and the gentleman from Alaska (Mr. POLLOCK), would improve the commercial fishing industry by making the necessary money available to those worthy applicants who have received less money than they needed, or who could not afford to apply due to high interest rates.

TAX REFORM

(Mr. SCHADEBERG asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHADEBERG. Mr. Speaker, the entire question of tax reform this year has filled many pages of the CONGRESSIONAL RECORD, of newspapers, and of professional journals. An endless number of hours have been spent in public and private discussions on the topic.

The Janesville Gazette, Janesville, Wis., recently ran a lead editorial on the issue. It consisted of a letter from an anonymous taxpayer to the Internal Revenue Service. The Gazette reproduced it without comment because the letter is comment enough in itself. I would like to do the same. Therefore, without further adieu, the letter:

DEAR ETERNAL REVENUE: Enclosed is my tax form, all filled out as you requested. You will notice that I owe you $86.23 and you are probably looking around in the envelope for the check. Well, you can stop looking because it ain't there. Let me explain.

You will notice that you took out upwards of $1,000 on me last year, which is usually enough under ordinary circumstances. But what with the expenses of the war and all, the government had to have the surtax to make ends meet. That's what did me in, and that's why I owe you $86.23.

I was all set to pay up when I found to my surprise that I didn't have the money. I guess I have been throwing my money around carelessly on stuff like rent and food and clothes and doctor bills. All these nonessentials took about everything I made, and I didn't even have $86.23 left over for you.

Well, that put me in a sweat. I knew that if I didn't come up with the money, you might have to cut back on some vital program like foreign aid. Then I remembered that my congressman just got a big pay raise, so I figured I would put the bite on him.

I called him up collect, and he turned me down flat. Told me congressmen had to eat too, but he said beans and bacon was good enough for him. He said it cost a lot of money to live in Washington and he was pretty strapped himself. He did promise to give me his heartiest handshake the next time he was in the district, though.

I was pretty low by this time until I remembered an item I read in the paper about companies that don't pay hardly any taxes because of this oil depletion allowance. Now it happens that I got an old '57 Chevy that uses oil awful bad. I have been meaning to get it fixed as soon as I get a little money ahead, which probably will be never. But anyway, I thought I might qualify for that allowance because it uses so much oil. But I checked with your man here in town and he said no dice, bud.

So there you are. About all I can tell you is I guess I have been doing like the government and spending more than I make. They call it a deficit, and that's what I got. But my $86.23 is just a drop in the bucket compared to their $400 billion or so, and I hope you will look at it in that light.

I don't want to tell you how to run your business or anything, but why don't you give the government a call and see if you can't get my $86.23 added on to that national debt? I don't see where that little bit more would make that much difference, and it would be a big help to me.

I will keep you in mind and will send you the money after I get my car fixed, whenever that is. I hope you won't worry about it, because I would rather owe it to you all my life than beat you out of it.

Yours truly,

A TAXPAYER.

COAL DUST CAN BE REDUCED BY VENTILATION AT THE FACE

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. HECHLER of West Virginia. Mr. Speaker, some dramatic progress has been made in the reduction of coal dust through the use of high pressure axial flow fans. The Bureau of Mines has reported some extremely useful experiments, the results of which demonstrate that we are not being overoptimistic in our efforts to bring the coal dust levels in the pending coal mine health and safety legislation down to progressively lower amounts. In fact, I feel that the results of these Bureau of Mines experiments give support to the provisions of an amendment I support to require coal miners affected by the beginning stages of pneumoconiosis to be moved to an area where the respirable coal dust level is no more than 1.0 milligrams per cubic meter of air. The report follows:

THE EFFECT OF VENTILATION ON RESPIRABLE COAL MINE DUST

Recent experiments by the Bureau of Mines have indicated that increasing the ventilation rate and controlling the air flow pattern across the face would result in lower concentrations of respirable dust. This concept was also in accordance with the theory of small dust particle behavior and air motion.

To demonstrate the effectiveness of control ventilation, high pressure axial flow fans have been used in three mines, the Pittsburgh, Sewickley, and Pocohontas Seams. By maintaining air velocities between 70 and 100 feet per minute across the coal face, it was demonstrated that significant reductions in the concentration of respirable dust could be attained. In the mine in the Pittsburgh Seam, the average dust concentration was reduced from 5.72 to 2.56 mg/m^3 or a reduction of 65 percent. In the Sewickley Seam the mine had existing dust control procedures somewhat better than that normally encountered in coal mines. Here it was possible to reduce the dust concentration from 3.0 to 0.66 mg/m^3 or a reduction of 78 percent. In the latter case, however, there had been some reduction in production between the baseline experiment and the control experiment. However, when a correction for production deficiencies is made, the dust concentration would still be less than 1 mg/m^3.

In the Pocohontas Seam a dramatic reduction was not attained. This particular seam is very friable and dust control is known to be a difficult task. Additionally, the incoming air was badly contaminated. However, under these adverse circumstances, it was possible to reduce the average dust concentration from 5.6 mg/m^3 to 3.5 mg/m^3.

Further studies are being planned and executed in other coal mines and the Bureau of Mines is purchasing an additional axial flow fan for experimental purposes.

Based on these limited studies, it would appear that it should be possible after further experience in mines using controlled ventilation, to reduce the respirable dust concentration to a value of 3 mg/m^3 and, in time, in certain mines to an even lower value. These calculations were based on the production rate of the mines. In the case of the Pittsburgh Seam experiment, production was approximately 500 tons per shift. In the other two seams, the production rate was approximately 200 tons per shift. It has not been possible as yet to study the effect of increased production on dust concentrations while maintaining the desired air flow across the face.

It is evident that before the results summarized herein can be generally applied, it will be necessary to develop equipment not now available to the industry, permit industry time to set up production facilities to manufacture this equipment, and to assure its distribution throughout the industry. More important, time is required to develop skills on the part of operators of mining machines and similar equipment which they do not now possess. We have found that one of the most sensitive factors in attaining low dust levels is the skill and attitude of the machine operator. In short, the best known technology is not a match for a poorly operated machine.

FEELING OF PRIDE IN PUBLIC EXPRESSIONS BY THE VICE PRESIDENT OF THE UNITED STATES ON MATTERS OF GREAT IMPORTANCE IN OUR NATION

(Mr. FLOWERS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. FLOWERS. Mr. Speaker, I know that many loyal Americans share with me a deep feeling of pride in the Vice President of the United States for his recent public expressions on matters of great importance in our Nation. Mr.

AGNEW has demonstrated with great firmness and clarity that he believes in a strong America moving forward in all areas and yet mindful of the sincere wishes of her people—both the sometimes silent majority, as well as the vocal minority.

Our Vice President has spoken out in criticism of the leadership and objectives of the Vietnam Moratorium Day Committee and further movement of this kind, and it was not unexpected that this would aggravate those of whom he spoke.

Some members of the news media and other supporters of the October 15 demonstrations now cry "foul" and "shame" and attempt to deride and ridicule him and his position. Mr. Speaker, I would remind these people that less than 1 percent—by even the most liberal estimate—of the citizens of our great Nation have participated in these demonstrations of dissent which are dividing us. The vast and overwhelming majority at least are willing to support our Government. It would seem to me that by all reasonable standards, these so-called demonstrations should be directed at the Communists and not at our own Government.

Mr. Speaker, I would take this opportunity then to commend Vice President AGNEW for expressing his convictions in the forthright manner that he has, and I assure him that there are many of us who share those same feelings. It is a source of encouragement to me that someone in the high office of Vice President of the United States will stand up to "tell it like it really is" for all to hear.

OIL DEPLETION ALLOWANCE

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, today, the Senate Finance Committee recommended a 4½-percent reduction in the oil depletion allowance from 27½ percent to 23 percent on both foreign and domestic production. The action of the Senate Finance Committee is totally unacceptable to those who had reasonable expectations and hopes of tax reform. A reduction in the depletion allowance to 23 percent is no tax reform at all since 23 percent is the average utilization of the present depletion allowance. The law provides so many other gimmicks that a 23-percent allowance represents the average needs of the oil producing industry.

It is absolutely incredible that the Senate Finance Committee should have restored the privilege of the depletion allowance for the benefit of American investors involved in the production of oil outside of the United States.

There is no rational legislative reason for extending the privilege of the depletion allowance to foreign produced oil. The combination of the depletion allowance and the foreign tax credit have made most of these profits tax free.

These tax-free profits of American investment in foreign oil have corrupted and misdirected American foreign policy in many oil-rich countries. This has resulted in American policies of costly military assistance in support of temporary rulers who will undoubtedly be removed when their people find out what is going on. There is no reason for the American taxpayer to subsidize these activities.

The action of the Senate Finance Committee on oil depletion and other vital provisions of the tax bill make a sham of tax reform.

I hope that the average taxpayer will watch what is going on and remember who done him in.

REEXAMINATION URGED OF THE ROLE OF CONGRESS WITH RESPECT TO ITS CONSTITUTIONAL POWER AND RESPONSIBILITY TO DECLARE WAR

(Mr. McCLOSKEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. McCLOSKEY. Mr. Speaker, I rise to urge a reexamination of the role of Congress with respect to our constitutional power and responsibility to declare war. I am particularly concerned with the role of Congress in the commencement, maintenance, and eventual termination of the policy of U.S. military assistance in Southeast Asia.

It represents no lack of confidence in our President or his present policies for Congress to carefully reexamine its own role in the conduct of our Vietnam policy. A resolution has been signed by 108 of us, supporting the President in his expressed determination to withdraw our remaining ground combat forces in Vietnam at the earliest practicable date. I believe that the President has, and deserves, broad bipartisan support in his efforts to reduce our massive military efforts in Vietnam while yet giving to the present Saigon government every reasonable opportunity to protect those of its people who desire such protection.

The President necessarily has the primary control over foreign policy. As Commander in Chief of the Armed Forces, he may be called upon from time to time to make decisions which cannot await the deliberations of Congress.

Nevertheless, it is the primary responsibility of Congress, not the President, to determine the Nation's spending priorities, to raise armies, and to initiate the revenue measures which support such armies. Perhaps most important of all, the Constitution reposes in Congress, not the President, the sole power to declare war.

On August 10, 1964, by the Gulf of Tonkin resolution, Congress abdicated this power, delegating to the President the power to resist aggression with armed force in Vietnam. Later that same resolution was cited by President Johnson as his authority to escalate U.S. action in Vietnam to the level of a major war, requiring expenditures of approximately $30 billion per year. In conducting this war, it is possible that the United States has been led unwittingly into achievement of one of the earliest goals of communism, to wit: involvement of the capitalist countries in insurgency wars in distant lands, thereby endangering their economic stability and strength.

Under the Gulf of Tonkin resolution we now find ourselves bogged down in an infantry war 8,000 miles from home, in a country where winning of that war rests not on American abilities, resources or will, but rather on the nationalistic spirit and will to fight of two competing groups of Vietnamese.

That war costs us $30 billion per year; it costs the Russians and Chinese less than $2 billion per year. That war has endangered the stability of the American economy; it has been the major contributing cause of a spiraling inflation which has badly hurt large segments of our own population, as well as diminished our ability to effectively compete in international trade. Yet that war is undeclared. Congress has no more than acquiesced in the successive decisions of two Presidents, President Johnson's decision to escalate; President Nixon's decision to deescalate with such deescalation predicated upon conditions which only North Vietnam or South Vietnam can meet.

Our policy has never been to militarily defeat the North Vietnamese. Our military mission has been to assist in protecting South Vietnam from an insurgency of its own people and from intrusion of North Vietnamese army personnel from the north. Our hope, since 1954, has been that with enough assistance the South Vietnamese would be able to form a new nation and that the stamina and perseverance of our own forces would cause the North Vietnamese and Vietcong to suffer a decline in their ability to conduct a successful war in the south. Our military men have been instructed to assist the South Vietnamese Army. Our civilian personnel have been instructed to "build a new nation."

With these national policies in effect, it is quite clear that individuals instructed to carry out those policies have either been unable or unwilling to fairly apprise their superiors or the American public of their chances of ultimate success. Even today, there are no American military and State Department officials whom I have found willing to say that the South Vietnamese can "go it alone" 5 years from now if all U.S. combat forces are withdrawn. Both military and State Department leaders will say, "It is possible that the South Vietnamese can make it on their own but only if there is no aggression from the north." There is, of course, no way we can stop aggression from the north so long as the North Vietnamese stand firm in the resolve expressed 23 years ago in their Declaration of Independence.

Long ago we recognized that the geography and terrain of South Vietnam, a country some 800 miles in length with jungle cover for innumerable penetration routes from the north and west, would allow aggression from the north so long as the nationalistic will of the Vietnamese continued. General Westmoreland conceded in 1967 that closing the port of Haiphong and full-scale bombing of the north with conventional weapons could not prevent the North Vietnamese from continuing indefinitely the type of war they were then conducting in South Vietnam.

It seems clear that the North Vietnamese and Vietcong learned from the Tet offensive in 1968, as General Washington learned in the early battles of the Revoluntionary War, that guerrilla forces could not necessarily afford pitched battles with the superior firepower, mobility, and discipline of regular troops. Consequently, since the summer of 1968, we have seen General Giap's forces withdrawing to a policy of limited infantry contact with an emphasis on attack by rocket and ambush. They have carefully husbanded their forces with the result that today, in October 1969, there are estimated to be more combat personnel of the Vietcong and North Vietnamese located in South Vietnam and along the Laotian and Cambodian borders than there were a year ago. There is no indication whatsoever that the North Vietnamese and Vietcong have abandoned their fight or their steadfast intention to continue the fight until the last foreign forces have left the country. Vietnam is one country, not two. The slogan "Vietnam for the Vietnamese" appears to be as important to these people as the Monroe Doctrine has been to the American people.

In my judgment, then, there is no indication that the preservation of 500,000, 300,000, or 100,000 troops in South Vietnam will materially affect the ultimate question which must be answered: Can 17 million South Vietnamese, with nearly 900,000 men under arms and the finest equipment and training that America can provide, build a nation and withstand the aggression of the North Vietnamese, a nation of 16 million armed with the best equipment and material which can be supplied by Russia and China? The answer to this question does not lie in how long American forces remain in Vietnam; it lies in whether or not the will to fight and to create a new nation in South Vietnam is equal to the nationalism and will to fight of the North Vietnamese and the Vietcong. This war can be won or lost only by Vietnamese, not by Americans.

For these reasons, and because of the tremendous adverse effects of this war on America, its institutions, and its people, it is my belief that the Congress of the United States should forthwith vote to rescind the Gulf of Tonkin resolution, effective December 31, 1970; that we should commend President Nixon for the substantial reduction in ground combat forces he has already directed and suggest to the President that our remaining combat forces be withdrawn at the earliest practicable date consistent with the safety of American troops and those South Vietnamese who desire to retire behind the shield of the South Vietnamese Army or to seek sanctuary elsewhere. I would further propose that we seek the assistance of the United Nations—and other nations in creating a free city or sanctuary zone in South Vietnam which would be protected by neutral Asian forces under the direction of an international commission or the United Nations itself. The purpose of this free city or sanctuary zone would be to provide safety to those Vietnamese who would fear retribution in the event of a change in the present government of South Vietnam, or by reason of the nature of the government which will hopefully one day govern a unified Vietnam.

I would further propose, in order that such a free city or sanctuary zone not prevent ultimate unification of all of Vietnam, that such city or zone be of limited duration, its government to be assumed after a fixed period of years by the government which then has jurisdiction over the terrain surrounding such sanctuary zone.

It is with these sentiments, Mr. Chairman, that I place in the RECORD at this point the Gulf of Tonkin resolution of August 10, 1964, and today introduce, for the consideration of the House, a resolution to amend the Gulf of Tonkin resolution, terminating its authority, effective December 31, 1970.

The above-mentioned material follows:

GULF OF TONKIN RESOLUTION

Maintenance of International Peace and Security in Southeast Asia

Pub. L. 88–408, Aug. 10, 1964, 78 Stat. 384, provided that:

"Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

"Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

"Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

"SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

"SEC. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress."

H. CON. RES. 426

Resolved by the House of Representatives (the Senate concurring), That the joint resolution entitled "Joint resolution to promote the maintenance of international peace and security in Southeast Asia," approved August 10, 1964 (78 Stat. 384; Public Law 88–408), is hereby terminated as of December 31, 1970, pursuant to the authority of Section 3 of such joint resolution, except that such joint resolution may be extended by concurrent resolution of the Congress prior to December 31, 1970.

LIST OF COSPONSORS

Mr. McCloskey, Mr. Button, Mr. Gude, Mr. Halpern, Mr. Mosher, and Mr. Reigle.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ADAMS, for October 23 through October 27, on account of official business.

Mr. JONES of Tennessee (at the request of Mr. ALBERT), for today, on account of official business.

Mr. WOLFF (at the request of Mr. CELLER), for October 23, on account of official business.

Mr. MONAGAN, for October 27 through November 11, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. SANDMAN, for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. STOKES); and to revise and extend their remarks and include extraneous matter:)

Mr. PREYER of North Carolina, for 15 minutes, today.

Mr. MATSUNAGA, for 10 minutes, today.

Mr. LOWENSTEIN, for 60 minutes, on November 5.

Mr. RYAN, for 60 minutes, on November 5.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DULSKI in three instances and to include extraneous matter.

Mr. HALPERN during the debate on the Anderson of Illinois amendment under the 5-minute rule on H.R. 13827.

(The following Members (at the request of Mr. LANDGREBE) and to include extraneous matter:)

Mr. BROWN of Michigan.
Mr. PETTIS.
Mr. THOMPSON of Georgia.
Mr. MCKNEALLY in three instances.
Mr. ZWACH.
Mr. HORTON.
Mr. WYMAN in two instances.
Mr. DUNCAN in two instances.
Mr. SCHWENGEL in three instances.
Mr. ASHBROOK in two instances.
Mr. FINDLEY.
Mr. DAVIS of Wisconsin.
Mr. KLEPPE.
Mr. DERWINSKI.
Mr. LUKENS in two instances.
Mr. CONTE.
Mrs. HECKLER of Massachusetts in two instances.
Mr. HALPERN.

(The following Members (at the request of Mr. STOKES) and to include extraneous matter:)

Mr. Dingell.
Mr. Giaimo.
Mr. de la Garza in two instances.
Mr. Annunzio in three instances.
Mr. Bingham in two instances.
Mr. Rarick in three instances.
Mr. Flood.
Mr. St. Onge in two instances.
Mr. Stokes in three instances.
Mr. Pepper.
Mr. Olsen in two instances.
Mr. Ryan in four instances.
Mr. Long of Maryland in two instances.
Mr. Murphy of New York.
Mr. Fascell in two instances.
Mr. Hungate.
Mr. Rosenthal in five instances.
Mr. Matsunaga.
Mr. Mann.
Mr. Edwards of California.
Mr. Gibbons in two instances.
Mr. Friedel in two instances.
Mr. Carey in two instances.
Mr. Hanna in two instances.
Mr. Fountain in two instances.
Mr. O'Neal of Georgia in two instances.
Mr. Melcher in two instances.
Mr. Zablocki in two instances.

ADJOURNMENT

Mr. STOKES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 7 minutes p.m.) under its previous order, the House adjourned until Monday, October 27, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1277. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administration of the community action program and selected manpower programs under titles I and II of the Economic Opportunity Act of 1964, Los Angeles County, Calif., Office of Economic Opportunity, Department of Labor; to the Committee on Education and Labor.

1278. A letter from the Comptroller General of the United States, transmitting a report on foreign aid provided through the operations of the U.S. Sugar Act and the International Coffee Agreement, Department of Agriculture, Department of State, and Agency for International Development; to the Committee on Government Operations.

1279. A letter from the National Shipswriter, Navy Club of the United States of America, transmitting the annual audit of the club for 1968–69, pursuant to law; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McMILLAN: Committee on the District of Columbia. H.R. 13565. A bill to validate certain deeds improperly acknowledged or executed (or both) that are recorded in the land records of the Recorder of Deeds of the District of Columbia; with amendments (Rept. No. 91–589). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 13837. A bill to amend the Healing Arts Practice Act, District of Columbia, 1928, to revise the composition of the Commission on Licensure to Practice the Healing Art, and for other purposes (Rept. No. 91–590). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 9257. A bill to amend the code of laws of the District of Columbia with respect to facilities for the parking or storage of motor vehicles; with amendments (Rept. No. 91–591). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 12673. A bill to authorize the transfer by licensed blood banks in the District of Columbia of blood components within the District of Columbia (Rept. No. 91–592). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia, H.R. 13564. A bill to provide that in the District of Columbia one or more grantors in a conveyance creating an estate in joint tenancy or tenancy by the entireties may also be one of the grantees; without amendment (Rept. No. 91–593). Referred to the House Calendar.

Mr. DULSKI: Committee on Post Office and Civil Service. Census and Statistical Systems of Certain Countries in Europe. (Rept. No. 91–594). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. House Joint Resolution 966. Joint resolution making further continuing appropriations for the fiscal year 1970, and for other purposes; without amendment (Rept. No. 91–595). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 14474. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. CEDERBERG:

H.R. 14475. A bill to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DUNCAN:

H.R. 14476. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. ECKHARDT:

H.R. 14477. A bill to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health; to the Committee on Interstate and Foreign Commerce.

By Mr. FRIEDEL:

H.R. 14478. A bill to authorize the Secretary of Transportation to prescribe rules, regulations, and performance and other standards as he finds necessary for all areas of railroad safety and to conduct railroad safety research; to the Committee on Interstate and Foreign Commerce.

By Mr. HANNA (for himself, Mr. Charles H. Wilson, Mr. Burton of California, Mr. Corman, Mr. Holifield, Mr. Symington, Mrs. Mink, Mr. Clay, Mr. Ottinger, Mr. Podell, Mr. Anderson of California, Mr. Farbstein, Mr. Tunney, Mr. Miller of California, Mr. Brown of California, Mr. Moorhead, Mr. Wright, Mr. Koch, Mr. Gibbons, Mr. Byrne of Pennsylvania, Mr. Scheuer, Mr. Biaggi, Mr. Brademas, Mr. Addabbo, and Mr. William D. Ford):

H.R. 14479. A bill to authorize the appropriation of increased annual amounts for the conduct of research by the Division of Narcotic Addiction and Drug Abuse in the National Institute of Mental Health; to the Committee on Interstate and Foreign Commerce.

By Mr. HANNA (for himself, Mr. Halpern, Mr. Mikva, Mr. Weicker, Mr. Conyers, Mr. Pettis, Mr. White, and Mr. Harrington):

H.R. 14480. A bill to authorize the appropriation of increased annual amounts for the conduct of research by the Division of Narcotic Addiction and Drug Abuse in the National Institute of Mental Health; to the Committee on Interstate and Foreign Commerce.

By Mr. HUNT:

H.R. 14481. A bill to adjust agricultural production, to provide a transitional program for farmers, and for other purposes; to the Committee on Agriculture.

By Mr. LOWENSTEIN:

H.R. 14482. A bill to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 14483. A bill to provide that the U.S. District Court for the Eastern District of New York shall be held at Brooklyn, Mineola, and Hempstead; to the Committee on the Judiciary.

By Mr. MIKVA:

H.R. 14484. A bill to amend the Clean Air Act to provide for the adoption of national standards governing emissions from stationary sources, to create a Federal duty not to pollute the atmosphere, to provide additional public and private remedies for the abatement of air pollution, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS of Colorado:

H.R. 14485. A bill to amend sections 501 and 504 of title 18, United States Code, so as to strengthen the law relating to the counterfeiting of postage meter stamps or other improper uses of the metered mail system; to the Committee on the Judiciary.

By Mr. ROGERS of Florida:

H.R. 14486. A bill to amend title IX of the Public Health Service Act to extend the regional medical health program through fiscal year 1973, to broaden the scope of program to include all major diseases, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL:

H.R. 14487. A bill to amend title II of the Social Security Act to provide a 35-percent benefit increase with a $100 minimum and subsequent cost-of-living increases, to improve the computation of benefits and eligibility therefor, to raise the earnings base, to eliminate the actuarial reduction and lower the age of entitlement, to provide optional coverage for Federal employees, and to liberalize the retirement test; to amend title XVIII of such act to reduce to 60 the age of entitlement to medicare benefits and make such benefits available to the disabled without regard to age, to provide coverage for certain governmental employees, and to include prescription drugs under the supplementary medical benefits program, and for other purposes; to the Committee on Ways and Means.

By Mr. SLACK:

H.R. 14488. A bill to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 14489. A bill to authorize and foster joint rates for international transportation of property, to facilitate the transportation of such property, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Illinois (for himself, Mr. Bow, Mr. Button, Mr. Cederberg, Mr. Culver, Mr. Esch, Mr. Giaimo, Mr. Kuykendall, Mr. Mann, Mr. MacGregor, Mr. Nedzi, Mr. Pettis, Mr. Steiger of Arizona, Mr. Whitehurst, and Mr. Widnall):

H.R. 14490. A bill to authorize the disposal of nickel from the national stockpile; to the Committee on Armed Services.

By Mr. ANDERSON of Illinois (for himself, Mr. Pirnie, Mr. Brown of California, Mr. Cleveland, Mr. Gibbons, Mr. Hutchinson, Mr. Meskill, Mr. Quillen, Mr. Rhodes, Mr. Rodino, Mr. Ruppe, Mr. St Germain, and Mr. Vander Jagt):

H.R. 14491. A bill to authorize the disposal of nickel from the national stockpile; to the Committee on Armed Services.

By Mr. BIESTER (for himself, Mr. Conyers, and Mr. White):

H.R. 14492. A bill to amend the Food Stamp Act of 1964 to authorize elderly persons to exchange food stamps under certain circumstances for meals prepared and served by private nonprofit organizations, and for other purposes; to the Committee on Agriculture.

By Mr. BROYHILL of Virginia:

H.R. 14493. A bill to direct the Commission of Fine Arts to study and recommend the establishment of an appropriate memorial in the District of Columbia in honor of Benjamin Henry Boneval Latrobe; to the Committee on House Administration.

By Mr. CONABLE (for himself, Mr. Burton of Utah, Mr. Carter, Mr. Cunningham, Mr. Dellenback, Mr. Halpern, Mr. Hastings, Mr. Hathaway, Mr. Horton, Mr. McKneally, Mr. Mikva, Mr. Rees, Mr. Robison, Mr. Stanton, Mr. Steiger of Wisconsin, Mr. Taft, and Mr. Whitehurst):

H.R. 14494. A bill to revise the Federal election laws, and for other purposes; to the Committee on House Administration.

By Mr. DINGELL:

H.R. 14495. A bill making certain congressional findings and a determination of the need for a demonstration project dealing comprehensively with urban environmental pollution problems, and authorization of such a project; to the Committee on Interstate and Foreign Commerce.

By Mr. FINDLEY:

H.R. 14496. A bill to strengthen voluntary agricultural organizations, to provide for the orderly marketing of agricultural products, and for other purposes; to the Committee on Agriculture.

H.R. 14497. A bill to authorize the construction of a water intake facility at Quincy, Ill.; to the Committee on Public Works.

By Mr. HAMMERSCHMIDT:

H.R. 14498. A bill to authorize the Secretary of the Army to retrocede to the State of Arkansas the legislative jurisdiction now exercised by the United States over lands comprising a portion of Fort Chaffee, Ark., and which are necessary for the operation, maintenance, and public use of lock and dam No. 13, Arkansas River project, a civil works project of the Corps of Engineers near Fort Smith, Ark.; to the Committee on Armed Services.

By Mr. HANNA:

H.R. 14499. A bill to enact the Dangerous Drug Control Act of 1969; to the Committee on Ways and Means.

By Mr. HAWKINS (for himself, Mr. Clay, Mr. Waldie, Mr. Brown of California, Mr. Van Deerlin, Mr. Tunney, Mr. Miller of California, Mr. Meeds, Mr. O'Hara, Mr. William D. Ford, Mr. Friedel, Mr. Edwards of California, Mr. Koch, Mr. Tiernan, Mr. Boland, Mr. St Germain, Mr. Rosenthal, Mr. Staggers, Mr. Farbstein, Mr. Nix, Mrs. Chisholm, Mr. Diggs, Mr. Jacobs, Mr. Rees, and Mr. Minish):

H.R. 14500. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes; to the Committee on Education and Labor.

By Mrs. MINK (for herself, Mr. Kastenmeier, Mr. Leggett, Mr. Scheuer, Mr. Podell, Mr. Ottinger, Mr. Conyers, Mr. Olsen, Mr. Adams, Mr. Charles H. Wilson, Mr. Lowenstein, Mr. Eckhardt, Mr. Carey, Mr. Gonzalez, Mr. Moorhead, Mr. Bingham, Mr. McCarthy, Mr. Hechler of West Virginia, Mr. Pucinski, Mr. Green of Pennsylvania, Mr. Rogers of Colorado, Mr. Nedzi, Mr. Harrington, Mr. St. Onge, and Mr. Madden):

H.R. 14501. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes; to the Committee on Education and Labor.

By Mr. STOKES (for himself, Mr. Gibbons, Mr. Brasco, Mr. Gilbert, Mr. Addabbo, Mr. Hanna, Mr. Hicks, Mr. Pepper, Mr. Vanik, Mr. Moss, Mr. Foley, Mr. Ashley, Mr. Matsunaga, Mr. Holifield, Mr. Anderson of California, Mr. Roybal, Mr. Udall, Mr. Cohelan, Mr. Howard, Mr. Thompson of New Jersey, Mr. Fraser, Mr. Burton of California, Mr. Ryan, Mr. Mikva, and Mr. Hathaway):

H.R. 14502. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes; to the Committee on Education and Labor.

By Mr. HOWARD:

H.R. 14503. A bill to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. McCLOSKEY:

H.R. 14504. A bill to extend to every person classified or processed under the Selective Service Act the right to legal counsel to the end that the rights and privileges afforded under law may be known and secured; to the Committee on Armed Services.

By Mr. MORGAN:

H.R. 14505. A bill to adjust agricultural production, to provide a transitional program for farmers, and for other purposes; to the Committee on Agriculture.

By Mr. REID of New York:

H.R. 14506. A bill to authorize the Secretary of Transportation to prescribe rules, regulations, and performance and other standards as he finds necessary for all areas of railroad safety and to conduct railroad safety research; to the Committee on Interstate and Foreign Commerce.

By Mr. RODINO:

H.R. 14507. A bill to establish uniform voter qualifications and registration procedures in Federal elections, and for other purposes; to the Committee on House Administration.

By Mr. ROYBAL:

H.R. 14508. A bill to remove any requirement of consecutive days of service during World War I with respect to the eligibility of veterans of World War I for benefits under title 38 of the United States Code; to the Committee on Veterans Affairs.

By Mr. SANDMAN:

H.R. 14509. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. SANDMAN (for himself, Mr. Dellenback, and Mr. Pollock):

H.R. 14510. A bill to amend section 4 of the Fish and Wildlife Act of 1956 to authorize the Secretary of the Interior to make low-interest loans for the financing and refinancing of new and used fishing vessels and increase the capital available for such loans; to the Committee on Merchant Marine and Fisheries.

By Mr. UDALL:

H.R. 14511. A bill to amend the Communications Act of 1934 to provide candidates for congressional offices with certain opportunities to purchase broadcast time from television broadcasting stations; to the Committee on Interstate and Foreign Commerce.

By Mr. ULLMAN:

H.R. 14512. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance for the aged; to the Committee on Ways and Means.

By Mr. MAHON:

H.J. Res. 966. Joint resolution making further continuing appropriations for the fiscal year 1970, and for other purposes; to the Committee on Appropriations.

By Mr. ABBITT:

H.J. Res. 967. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. HUNGATE:

H.J. Res. 968. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. PREYER of North Carolina:

H.J. Res. 969. Joint resolution to provide for the establishment of a commission by the Secretary of Health, Education, and Welfare to review and assess all available data on smoking and health including the carrying on of original scientific research; to the Committee on Interstate and Foreign Commerce.

By Mr. COHELAN (for himself, Mrs. Sullivan, Mr. Corbett, Mr. Murphy of Illinois, Mr. Harrington, and Mr. Burke of Massachusetts):

H.J. Res. 970. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education, and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111 which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes; to the Committee on Appropriations.

By Mrs. REID of Illinois:

H.J. Res. 971. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. BROWN of California (for himself, Mr. Addabbo, Mr. Bingham, Mr. Burton of California, Mrs. Chisholm, Mr. Cohelan, Mr. Conte, Mr. Conyers, Mr. Daddario, Mr. Dellenback, Mr. Eckardt, Mr. Edwards of California, Mr. Farbstein, Mr. William D. Ford, and Mr. Fraser):

H. Con. Res. 424. Concurrent resolution expressing the sense of the Congress with respect to the establishment of United Nations Day as a permanent international holiday, to the Committee on Foreign Affairs.

By Mr. BROWN of California (for himself (Mr. Gude, Mr. Halpern, Mrs. Hansen of Washington, Mr. Horton, Mr. Howard, Mr. Kastenmeier, Mr. Leggett, Mr. Matsunaga, Mr. Mikva, Mrs. Mink, Mr. Mosher, Mr. Podell, Mr. Roybal, Mr. Rosenthal, Mr. Ryan, and Mr. Stokes):

H. Con. Res. 425. Concurrent resolution expressing the sense of the Congress with respect to the establishment of United Nations Day as a permanent international holiday; to the Committee on Foreign Affairs.

By Mr. McCLOSKY (for himself, Mr. Button, Mr. Gude, Mr. Halpern, Mr. Mosher, and Mr. Riegle):

H. Con. Res. 426. Concurrent resolution to terminate the authority of the Gulf of Tonkin Joint Resolution as of December 31, 1970; to the Committee on Foreign Affairs.

By Mr. REID of New York:

H. Con. Res. 427. Concurrent resolution relative to American prisoners of war; to the Committee on Foreign Affairs.

By Mr. RIEGLE (for himself, Mr. Button, Mr. Gude, Mr. Halpern, Mr. McCloskey, and Mr. Mosher):

H. Con. Res. 428. Concurrent resolution to terminate the authority of the Gulf of Tonkin Resolution as of December 31, 1970; to the Committee on Foreign Affairs.

By Mr. SMITH of California:

H. Con. Res. 429. Concurrent resolution expressing the sense of the Congress with respect to the impact of the contracting housing market on the ceramic tile industry; to the Committee on Ways and Means.

By Mr. ZION (for himself and Mr. Dickinson):

H. Con. Res. 430. Concurrent resolution expressing the sense of the Congress with respect to the revocation of the United Nations economic sanctions against Southern Rhodesia; to the Committee on Foreign Affairs.

By Mr. GUDE:

H. Res. 590. Resolution expressing the sense of the House of Representatives with respect to the U.S. ratification of the Conventions on Genocide, Abolition of Forced Labor, and Political Rights of Women, and Freedom of Association; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUCHANAN:

H.R. 14513. A bill for the relief of Guiseppe Vella; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 14514. A bill for the relief of Bissell's Dairy, Inc.; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 14515. A bill for the relief of Elmer A. Houser, Jr.; to the Committee on the Judiciary.

By Mr. WHITE:

H.R. 14516. A bill for the relief of Guillermo Aguirre-Santini; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

306. The SPEAKER presented a petition of Allan Feinblum, New York, N.Y. relative to establishment of an International Peace Institute, which was referred to the Committee on Foreign Affairs.

SENATE—*Thursday, October 23, 1969*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Father, in whose word it is written, "If any man lack wisdom, let him ask God, who giveth to all men liberally and it shall be given him," fulfill this ancient promise in all Thy servants here. Graciously minister to all their needs, granting them newness of life, ample physical strength, sharpened intellects, and serene souls that when evening comes they may be found faithful in their love of Thee and in their service to their fellow man.

In Thy holy name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, October 22, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

MARITIME PROGRAM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-183)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Commerce:

To the Congress of the United States:

The United States Merchant Marine—the fleet of commercial ships on which we rely for our economic strength in time of peace and our defense mobility in time of war—is in trouble.

While only one-fourth of the world's merchant ships are more than twenty years old, approximately three-fourths of American trading vessels are at least that antiquated. In the next four years, much of our merchant fleet will be scrapped. Yet we are now producing only a few new ships a year for use in our foreign trade. Building costs for American vessels are about twice those in foreign shipyards and production delays are excessive. Operating expenses also are high by world standards, and labor-management conflicts have been costly and disruptive.

Both government and industry share responsibility for the recent decline in American shipping and shipbuilding. Both government and industry must now make a substantial effort to reverse that record. We must begin immediately to rebuild our merchant fleet and make it more competitive. Accordingly, I am announcing today a new maritime program for this nation, one which will replace the drift and neglect of recent years and restore this country to a proud position in the shipping lanes of the world.

Our program is one of challenge and opportunity. We will challenge the American shipbuilding industry to show that it can rebuild our Merchant Marine at reasonable expense. We will challenge American ship operators and seamen to move toward less dependence on government subsidy. And, through a substantially revised and better administered government program, we will create the opportunity to meet that challenge.

The need for this new program is great since the old ways have not worked. However, as I have frequently pointed out, our budget constraints at this time are also significant. Our program, therefore, will be phased in such a way that it will not increase subsidy expenditures during the rest of fiscal year 1970 and will require only a modest increase for fiscal year 1971. We can thus begin to rebuild our fleet and at the same time meet our fiscal responsibilities.

THE SHIPBUILDING INDUSTRY

Our shipbuilding program is designed to meet both of the problems which lie behind the recent decline in this field: low production rates and high production costs. Our proposals would make it possible for shipbuilders to build more ships and would encourage them to hold down the cost of each vessel. We believe that these two aspirations are closely related. For only as we plan a major long-range building program can we encourage builders to standardize ship design and introduce mass production techniques which have kept other American products competitive in world markets. On the other hand, only if our builders are able to improve their efficiency and cut their costs can we afford to replace our obsolescent merchant fleet with American-built vessels. These cost reductions are essential if our ship operators are to make capital investments of several billion dollars over the next ten years to build new, high-technology ships.

Our new program will provide a substantially improved system of construction differential subsidies, payments which reimburse American shipbuilders for that part of their total cost which exceeds the cost of building in foreign shipyards. Such subsidies allow our shipbuilders—despite their higher costs—to sell their ships at world market prices for use in our foreign trade. The important features of our new subsidy system are as follows:

1. We should make it possible for industry to build more ships over the next ten years, moving from the present subsidy level of about ten ships a year to a new level of thirty ships a year.

2. We should reduce the percentage of total costs which are subsidized. The government presently subsidizes up to 55 percent of a builder's total expenses for

a given vessel. Leaders of the shipbuilding industry have frequently said that subsidy requirements can be reduced considerably if they are assured a long-term market. I am therefore asking that construction differential subsidies be limited to 45 percent of total costs in fiscal year 1971. That percentage should be reduced by 2 percent in each subsequent year until the maximum subsidy payment is down to 35 percent of total building expenses.

We are confident that the shipbuilding industry can meet this challenge. If the challenge is not met, however, then the Administration's commitment to this part of our program will not be continued.

3. Construction differential subsidies should be paid directly to shipbuilders rather than being channeled through shipowners as is the case under the present system. A direct payment system is necessary if our program is to encourage builders to improve designs, reduce delays, and minimize costs. It will also help us to streamline subsidy administration.

4. The multi-year procurement system which is now used for other government programs should be extended to shipbuilding. Under this system, the government makes a firm commitment to build a given number of ships over a specified and longer period of time, a practice which allows the industry to realize important economies of scale and to receive lower subsidies.

5. The increased level of ship construction will require a corresponding increase in the level of federally insured mortgages. Accordingly, we should increase the ceiling on our present mortgage insurance programs from $1 billion to $3 billion.

6. We should extend construction differential subsidies to bulk carriers, ships which usually carry ore, grain, or oil and which are not covered by our present subsidy program.

7. A Commission should be established to review the status of the American shipbuilding industry, its problems, and its progress toward meeting the challenge we have set forth. The Commission should report on its findings within three years and recommend any changes in government policy which it believes are desirable.

THE SHIP OPERATING INDUSTRY

My comments to this point have related to the building of merchant vessels. The other arm of our maritime policy is that which deals with the operation of these ships. Here, too, our new program offers several substantial improvements over the present system.

1. Operating differential subsidies should be continued only for the higher wage and insurance costs which American shipping lines experience. Subsidies for maintenance and repair and for subsistence should be eliminated. Instead of paying the difference between the wages of foreign seamen and actual wages on American ships, however, the government should compare foreign wages with prevailing wage levels in several comparable sectors of the American economy. A policy which ties subsidies to this wage index will reduce subsidy costs and provide an incentive for further efficiencies. Under this system, the operator would no longer lose in subsidies what he saves in costs. Nor would he continue to be reimbursed through subsidies when his wage costs rise to higher levels.

2. At the same time that we are reducing operating subsidies, it is appropriate that we eliminate the "recapture" provisions of the Merchant Marine Act of 1936. These provisions require subsidized lines to pay back to the government a portion of profits. If the recapture provisions are removed, the purpose for which they were designed will be largely accomplished by corporate taxes, which were at much lower rates when these provisions were instituted. We will also save the cost of administering recapture provisions.

3. Many bulk carriers presently receive indirect operating subsidies from the Government because of the statutory requirement that certain Government cargoes must be shipped in U.S. vessels at premium rates. When the Department of Agriculture ships grain abroad, for example, it pays higher rates out of its budget than if it were allowed to ship at world market rates. We will propose a new, direct subsidy system for such carriers, thus allowing us to phase out these premium freight rates and reduce the costs of several nonmaritime Government programs.

4. Ship operators now receiving operating differential subsidies are permitted to defer Federal tax payments on reserve funds set aside for construction purposes. This provision should be extended to include all qualified ship operators in the foreign trade, but only for well-defined ship replacement programs.

5. Past Government policies and industry attitudes have not been conducive to cooperation between labor and management. Our program will help to improve this situation by ending the uncertainty that has characterized our past maritime policy. Labor and management must now use this opportunity to find ways of resolving their differences without halting operations. If the desired expansion of merchant shipping is to be achieved, the disruptive work stoppages of the past must not be repeated.

6. The larger capital investment necessary to construct a modern and efficient merchant fleet requires corresponding port development. I am therefore directing the Secretary of Commerce and the Secretary of Transportation to work with related industries and local governments in improving our port operations. We must take full advantage of technological advances in this area and we should do all we can to encourage greater use of intermodal transportation systems, of which these high-technology ships are only a part.

EQUAL EMPLOYMENT OPPORTUNITIES

The expansion of American merchant shipbuilding which this program makes possible will provide many new employment opportunities. All of our citizens must have equal access to these new jobs. I am, therefore, directing the Secretary of Commerce and the Secretary of Labor to work with industry and labor organizations to develop programs that will insure all minority groups their rightful place in this expansion.

RESEARCH AND DEVELOPMENT

We will also enlarge and redirect the maritime research and development activities of the Federal government. Greater emphasis will be placed on practical applications of technological advances and on the coordination of Federal programs with those of industry.

The history of American commercial shipping is closely intertwined with the history of our country. From the time of the Colonial fishing sloops, down through the great days of the majestic clipper ships, and into the new era when steam replaced the sail, the venturesome spirit of maritime enterprise has contributed significantly to the strength of the nation.

Our shipping industry has come a long way over the last three centuries. Yet, as one of the great historians of American seafaring, Samuel Eliot Morrison, has written: "all her modern docks and terminals and dredged channels will avail nothing, if the spirit perish that led her founders to 'trye all ports.'" It is that spirit to which our program of challenge and opportunity appeals.

It is my hope and expectation that this program will introduce a new era in the maritime history of America, an era in which our shipbuilding and ship operating industries take their place once again among the vigorous, competitive industries of this nation.

RICHARD NIXON.

THE WHITE HOUSE, *October 23, 1969.*

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Philip C. Wilkins, of California, to be U.S. District Judge for the eastern district of California, which was referred to the Committee on the Judiciary.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

COMMENDATION OF SENATORS ON PASSAGE YESTERDAY OF EXPORT EXPANSION ACT

Mr. MANSFIELD. Mr. President, regrettably, I had to leave the Senate necessarily yesterday prior to the vote on the passage of S. 2696, the export expansion measure. Fortunately, I was able to witness a large portion of the discussion and can say unequivocally that the bill managers—the distinguished Senators from Maine and Minnesota (Mr. MUSKIE and Mr. MONDALE) joined with great legislative skill and ability to defend the measure reported by the Committee on Banking and Currency and steer it on to its successful passage.

With this achievement, may I say, Senator MUSKIE and Senator MONDALE have marked themselves as a legislative team of unexcelled capacity in the Senate. Their strong advocacy and devoted efforts have added great distinction to already abundant records of outstanding public service.

The distinguished Senator from Utah (Mr. BENNETT) is equally to be commended for his splendid cooperation and for offering his own strong and sincere views on the question of developing new dimensions in our trade policies with other nations. Though the Senate voted a broader foreign trade posture for the Nation, it is not to say that the position of Senator BENNETT, Senator TOWER, and others was not urged competently and effectively.

The Senate, I think, can be justly commended for disposing of the export expansion proposal yesterday and for acting expeditiously and with full regard for the views of all Members.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the executive calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the executive calendar will be stated.

DEPARTMENT OF COMMERCE

The bill clerk read the nomination of Harold C. Passer, of New York, to be an Assistant Secretary of Commerce.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

FEDERAL POWER COMMISSION

The bill clerk read the nomination of Albert Bushong Brooke, Jr., of Maryland, to be a member of the Federal Power Commission.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

FEDERAL MARITIME COMMISSION

The bill clerk read the nomination of James V. Day, of Maine, to be a Federal Maritime Commissioner.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

The bill clerk proceeded to read sundry nominations in the Environmental Science Services Administration.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

FILIPINO SOLDIERS IN VIETNAM

Mr. SYMINGTON. Mr. President, in the Washington Daily News of yesterday, October 22, appeared an editorial entitled "Filipino Soldiers in Vietnam." The first two paragraphs of that editorial read as follows:

> An under-the-table tussle is going on between the Nixon Administration and Senator Stuart Symington's Foreign Relations sub-committee. The issue: whether to make public the terms under which the Philippines sent 2,000 troops to South Vietnam in 1966 to aid the Allied effort.
>
> Despite the Administration's wishes, the sub-committee's findings will be published (or leaked) fairly soon.

That is not correct.

For some time there has been agreement between the State Department and the Subcommittee on Foreign Commitments as to what testimony with respect to the Philippines could be published and what could not. But, at the request of the State Department, the publication of this testimony will be held until after the Filipino elections—that is, November 11.

As to the contents of that transcript, the author of the editorial should either check back with his source or wait until it is released before making statements as to what subcommittee members said concerning the facts developed.

I ask unanimous consent that this editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FILIPINO SOLDIERS IN VIETNAM

> An under-the-table tussle is going on between the Nixon Administration and Sen. Stuart Symington's Foreign Relations subcommittee. The issue: whether to make public the terms under which the Philippines sent 2,000 troops to South Vietnam in 1966 to aid the Allied effort.
>
> Despite the Administration's wishes, the sub-committee's findings will be published (or leaked) fairly soon. They will show that the United States increased military aid to Manila and is paying part of the cost of maintaining the Filipino battalion in Vietnam.
>
> It doesn't take a crystal ball to predict what comes next. The political and journalistic opposition to the Vietnam war will leap on the disclosure, charging that we are using Filipino troops and larger numbers of South Koreans as "mercenaries."
>
> Before the howling starts, it might be useful to make a few small points.
>
> One is that you can agree or disagree with Lyndon Johnson's decision to intervene massively in Vietnam. But that after he made it, it was only normal to try to get as much Allied help there as possible.
>
> Furthermore it was in the self-interest of the Philippines and South Korea to help stop Communism from developing a victorious momentum in Southeast Asia. To suggest that they sent troops to Vietnam merely for Yankee dollars is a smear.
>
> Both countries, in fact, have special historic and security ties to the United States and would continue to get economic and military aid whether they fought in Vietnam or not. That they used Mr. Johnson's request for troop contributions to get additional aid is neither sinister nor mercenary.
>
> It is a natural political reaction and most countries would do the same. The sub-committee should not act shocked. Has no member accepted a campaign contribution after doing someone a favor?

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, for the RECORD, I think it should be stated that, at my request, the distinguished chairman of the subcommittee has given me an opportunity to go over some of the hearings which I had missed attending and I want to thank him publicly for his graciousness, as always, in that instance.

Mr. SYMINGTON. Mr. President, the able majority leader is very kind. We have the honor to have him on our subcommittee. We know of his knowledge with respect to that part of the world, and, as always, he has been most constructive and helpful in the work we are trying to do.

IS VICE PRESIDENT AGNEW BECOMING A SECURITY RISK?

Mr. YOUNG of Ohio. Mr. President, it was with amazement that I read on the front page of the Washington Post of today that Vice President AGNEW yesterday charged our colleague Senator EDMOND S. MUSKIE of Maine, "with playing Russian roulette with U.S. security." This for the reason Senator MUSKIE had proposed a 6-month unilateral halt in multiple warhead—MIRV—tests.

Well, now the senior Senator from Ohio is beginning to wonder if our Vice President is afflicted with some virulent form of foot-and-mouth disease. The Vice President's penchant for intemperate remarks, to use a charitable term, was at one time a source of amusement for Americans. His statements during the campaign and since caused him to be considered somewhat of a national jester. However, it is no laughing matter when a jester who happens to be Vice

President of the United States begins to take himself seriously and to impugn the patriotism of millions of Americans, including one of our most distinguished national leaders, the junior Senator from Maine, Senator Ed Muskie, a former Governor of that great State and presently serving his second term as U.S. Senator.

It is true that our distinguished colleague, Senator Ed Muskie, the Democratic nominee for Vice President in last year's election, recently suggested that it would be a wise action on our part to halt MIRV tests as this would be an encouraging step to stimulate Soviet-American efforts "to control the escalation of nuclear weapon systems before it is too late." Our Vice President denounced Senator Muskie's proposal as "a classic example of confused thinking."

It is astounding that the Vice President, who evidently likes to see his name in print, denounces our distinguished colleague Senator Muskie in terms that imply that he is a security risk. I repudiate Vice President Agnew's conclusion that "no responsible person would propose that the President play Russian roulette with U.S. security, yet that is what Senator Muskie just did."

The PRESIDENT pro tempore. The Chair regretfully advises the Senator from Ohio that his time has expired.

Mr. YOUNG of Ohio. I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. I yield.

Mr. MANSFIELD. Before the Senator continues, may I call to his attention the fact that there is now in the Committee on Foreign Relations a resolution seeking to do what I understand the distinguished junior Senator from Maine advocated. If my memory serves me correctly, it was submitted by the distinguished Senator from Massachusetts (Mr. Brooke), and has 42 cosponsors.

It would be my suggestion that, perhaps, in order to get this matter out of the stage of semantics, it would be well for the chairman of the Committee on Foreign Relations and the ranking Republican member, the distinguished Senator from Vermont (Mr. Aiken), to consider holding hearings on this matter as soon as it is appropriately possible.

Mr. YOUNG of Ohio. I express my thanks to the distinguished majority leader. I concur in his suggestion, and I am very glad that he has spoken on this subject.

Mr. CHURCH. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. YOUNG of Ohio. Mr. President, I yield to the Senator without losing my right to the floor.

Mr. CHURCH. Mr. President, I wish to commend the distinguished Senator for his typically forthright statement this morning.

It seems to me that anyone who is genuinely concerned, not only with the security of the country, but also the survival of the human race has reason to question the MIRV weapon. This weapon could easily be the doomsday weapon which takes us beyond the point where any effective control of the arms race is any longer possible. That is a grave matter indeed, when one considers the potential for destruction involved in these weapons and the importance of bringing them within control, if this is at all possible.

Mr. President, I commend the Senator from Maine for having come forth, as he did, with his proposals. As the distinguished majority leader has pointed out, many other Senators on both sides of the aisle feel the same way. For their concern to be characterized as playing Russian roulette seems to me to be beneath the dignity and responsibility of the office of the Vice President of the United States.

Mr. YOUNG of Ohio. Mr. President, I thank the distinguished Senator from Idaho and am in complete agreement with the views he expressed.

Last Sunday the Vice President apparently had another attack of foot-and-mouth disease. At that time he stated that the Vietnam moratorium demonstration was the work of "impudent snobs who characterized themselves as intellectuals."

The truth is that the Vietnam moratorium was the largest, most broadly based demonstration against our policies in intervening on a huge scale and involving more than 500,000 men of our Armed Forces in a civil war in South Vietnam and waging an immoral, undeclared war in a small distant country of no importance whatsoever to the defense of the United States. This was a peaceful demonstration in accord with American tradition and specifically sanctioned in our Constitution in the Bill of Rights which we Americans revere, On moratorium day, October 15, millions of Americans stayed away from work, school, and home to talk, listen, and above all to demonstrate to administration leaders a broad-based demand for immediate peace in Vietnam. Probably 30 million American men, women, and their daughters and sons of high school and college age participated in that peaceful demonstration.

The Vice President's vicious attack on those who participated in the moratorium deeply offended millions of Americans who did nothing more than exercise their constitutional right. Furthermore, his remarks constituted a personal insult to those Members of the Congress, including the senior Senator from Ohio, and a number of other Senators, who encouraged and endorsed this peaceful demonstration of the overwhelming sentiment in the Nation for peace.

Over the years, by tradition the Vice-Presidency of the United States is an office in which the incumbent has very little to do and, in fact, no constitutional duty at all other than to preside over the Senate and to cast his deciding vote in event of a tie. The Nation has been blessed with many outstanding Vice Presidents who through the force of their character and ability have expanded the scope and influence of that high office. It seems clear, however, that for the good of our Nation, the incumbent should limit himself to his constitutional obligations and duties.

Unfortunately, Americans in New Orleans listened to the Vice President say regarding the Vietnam moratorium:

> If the Moratorium had any use whatever, it served as an emotional purgative for those who feel the need to cleanse themselves of their lack of ability to offer a constructive solution to the problem.
>
> A spirit of national masochism prevails, encouraged by an effete corps of impudent snobs who characterize themselves as intellectuals. It is in this setting of dangerous oversimplification that the war in Vietnam achieves its greatest distortion.
>
> Great patriots of past generations would find it difficult to believe that Americans would ever doubt the validity of America's resolve to protect free men from totalitarian attack. Yet today we see those among us who prefer to side with an enemy aggressor rather than stand by this free nation.

He assailed the patriotism and integrity of those participating in a peaceful march against the Vietnam war which has brought such terrible tragedy in the snuffing out of priceless lives of 50,000 Americans and the maiming and injury of 260,000 wounded in combat. This in addition to lives of our servicemen lost in what the Pentagon terms "accidents and incidents."

The PRESIDENT pro tempore. The time of the Senator from Ohio has expired.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(At this point, Mr. McIntyre assumed the chair.)

Mr. YOUNG of Ohio. Mr. President, President Nixon, according to news reports, spent a routine day in the White House on October 15. However, it is safe to say that when he looked out of the White House windows and saw the thousands of men and women marching for peace and for immediate withdrawal of our Armed Forces from Vietnam, he must have been deeply impressed. If the President is sincere in his desire to bring an end to our involvement in Vietnam—and I believe he is—then he should repudiate the virulent attack of his Vice President on those who participated in the moratorium.

In that connection, the President should also repudiate Gen. Earle Wheeler, Chairman of the Joint Chiefs of Staff, for speaking out in the same manner in support of the views of Vice President Agnew. General Wheeler had the effrontery to denounce the moratorium day demonstrators as "people who need a bath." Is this the sort of "intelligence" the Chairman of the Joint Chiefs of Staff of our Armed Forces receives? Is it any wonder that our involvement in Vietnam has been such a tragedy to Americans when over the years Gen. Earle Wheeler is one of those who bears the most responsibility for the debacle? His statement is not only untruthful, but it manifests the irresponsibility on the part of many generals and admirals of our Armed Forces that has contributed to the disaffection and disillusionment of so many millions of Americans. General Wheeler may in the past have fooled some generals. Also a President. I feel certain that his statement will not mislead President Nixon. I feel certain that our President must have looked out of the White House window and witnessed the long line of marchers peacefully participating in this demonstration, citizens from all walks of life desiring to express their feelings to their leaders, in the finest tradition of our Nation. It is high time that General Wheeler learned that it is the responsibility of generals to defend the Nation, not to make national policy, not to assail the patriotism of citizens.

Now, with Mr. AGNEW in effect denouncing Senator MUSKIE as a security risk and General Wheeler making this asinine statement, Americans should be justified in asking President Nixon, "Are men such as Mr. AGNFW and General Wheeler the real security risks?"

Mr. DOLE subsequently said: Mr. President, in view of the remarks of the Senator from Ohio (Mr. YOUNG), I wish to point out for the RECORD that Senate Resolution 211, introduced by Senator BROOKE and other Senators, concerning MIRV, does not call for unilateral cessation of testing. It talks of negotiated treaties with the Soviet Union with regard to MIRV's and other reentry vehicles.

There might have been an inference left that the Vice President unjustly criticized Senator MUSKIE because some reference was made to MIRV. Senate Resolution 211 refers to negotiated agreements with the Russians with respect to MIRV, and not a unilateral cessation of testing.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. On behalf of the Vice President and pursuant to Public Law 83–420, the Chair appoints the Senator from Texas (Mr. YARBOROUGH) to be a member of the board of directors of Gallaudet College, in lieu of former Senator Brewster.

A NEW PRESCRIPTION NEEDED FOR LATIN AMERICA

Mr. CHURCH. Mr. President, recent developments in Bolivia dramatically call attention once more to the steadily deteriorating position of the United States in Latin America.

To paraphrase the old World War II joke—which in this context is not very funny—another one of our oil companies is missing.

The scenario which we see unfolding in Bolivia looks very much like an instant replay of what we saw earlier in Peru—a military government comes to power in an illegal coup d'etat and then seeks to consolidate its political base through demagogic appeals to anti-Americanism by seizing a large American-owned company. The principal difference between the Peruvian and the Bolivian cases is that whereas the Peruvian expropriation of the International Petroleum Co. climaxed a dispute of many years, the Bolivian expropriation of the Gulf Oil Co. comes after a period of reasonably good relations.

It also comes almost on the eve of the much-heralded announcement of the Nixon administration's Latin American policy—after being in office for more than 9 months and after a series of turbulent trips to Latin countries by the President's special emissary, Gov. Nelson Rockefeller.

Whatever policy the President announces will be no better than the analysis of the problems with which it is designed to deal. The gravity of these problems can scarcely be overstated. Is it not the saddest of commentaries that popular feeling against the United States south of our borders has grown to such an extent that the surest way to gain public favor is to seize an American-owned company?

We seriously mislead ourselves if we attribute these actions and attitudes to a spread of communism or Castroism. Such a facile analysis completely overlooks the really significant political change currently taking place in Latin America, which is the rise of a kind of Nasserism. This phenomenon has nothing to do with Castro, and anybody who thinks it does is 10 years behind the times. General Ovando, who nationalized the Gulf Oil Co. in Bolivia, is the same man who, almost exactly 2 years before, reputedly gave the order for the killing of Che Guevara. He is also the same man who, scarcely 6 months before, was being wined and dined in Washington as the guest of the Chief of Staff of the U.S. Army.

Surely this should tell us something about the bankruptcy of our past policies. The real threat to our national interest in Latin America does not come from Havana—or from Moscow, either, for that matter. Nor, it should be abundantly apparent by now, is the Latin American military a reliable instrument to preserve or protect our best interests. Nor, it should be equally apparent, is the U.S. foreign aid program. In the period 1962 through 1968, Bolivia received a grand total of $290 million in U.S. foreign assistance of all kinds. This amounts to something more than $70 for every Bolivian—in a country with a per capita gross national product of only $140.

Yet these have been the mistaken bases of U.S. policy toward Latin America in the recent past—a phobia about the threat of communism, a reliance on the military to provide stability, and a belief that with foreign aid we could somehow buy ourselves added influence and favor. On all counts, our fears have been exaggerated and our reliance misplaced.

We are witnessing an entirely new phenomenon in Latin America and one which is contrary to many widely held North American conceptions. I hope very much that the policy which the President is going to announce next week will really be a new policy and not a restatement of the old policy which has produced such negative results. Failing a fundamental reassessment of what has gone wrong and why, the same old prescription will serve no better in the future, if the only change is to stick a fancy new label on—and propose increased dosages from—the same old AID bottle.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administration of the community action program and selected manpower programs under titles I and II of the Economic Opportunity Act of 1964, Los Angeles County, Calif., Office of Economic Opportunity, Department of Labor, dated October 23, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunities for increasing the effectiveness of the conservation operations program, Soil Conservation Service, Department of Agriculture, dated October 22, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administration of the Collbran Job Corps Civilian Conservation Center under the Economic Opportunity Act of 1964, Collbran, Colo., Department of the Interior, Office of Economic Opportunity, dated October 21, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unused engineering and design effort in the military construction program. Department of Defense, dated October 22, 1969 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the City Council of New Orleans, La., praying for the enactment of legislation to correct deficiencies in the hurricane protection system; to the Committee on Public Works.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 2314. A bill to amend section 4 of the Revised Organic Act of the Virgin Islands relating to voting age (Rept. No. 91–497).

EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES

Mr. STENNIS. Mr. President, from the Committee on Armed Services, I report favorably the nominations of 1,378 captains and 120 first lieutenants, for temporary appointment in the Marine Corps.

Since these names have already been printed in the Congressional Record, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Joseph C. Abrams, and sundry other officers, for appointment in the Marine Corps.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. BYRD of West Virginia:

S. 3064. A bill for the relief of Dr. Rogelio T. Lim; to the Committee on the Judiciary.

By Mr. METCALF (for himself, Mr. Burdick and Mr. Moss):

S. 3065. A bill to amend the Rural Electrification Act of 1936, as amended, in order to authorize loans under such act to be made in the territory of Guam without regard to certain limitations prescribed by such act; to the Committee on Agriculture and Forestry.

By Mr. MOSS:

S. 3066. A bill to facilitate the entry into the United States of aliens who are underground hard-rock miners; to the Committee on the Judiciary.

(The remarks of Mr. Moss when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. METCALF:

S. 3067. A bill to amend title 44, United States Code, to provide for consumer, labor and small business representation on advisory committees under the coordination of Federal Recording Services, and for other purposes; to the Committee on Government Operations.

(The remarks of Mr. Metcalf when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. McGOVERN (for himself, Mr. Yarborough, Mr. Burdick, Mr. Jackson, Mr. Nelson, Mr. Eagleton, Mr. Harris, Mr. Hughes, Mr. Mansfield, Mr. McGee, Mr. Metcalf, Mr. Mondale, and Mr. Moss):

S. 3068. A bill to improve farm income and insure adequate supplies of agricultural commodities by extending and improving certain commodity programs; to the Committee on Agriculture and Forestry.

(The remarks of Mr. McGovern when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. Jackson (for himself) and Mr. Allott) (by request):

S. 3069. A bill to authorize the Secretary of the Interior to establish a volunteers in the park program, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Jackson when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MILLER (for himself, Mr. Dole, Mr. Eastland, Mr. Hollings, Mr. Jordan of North Carolina, and Mr. Young of North Dakota):

S. 3070. A bill to encourage the development of novel varieties of sexually reproduced plants and to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest; to the Committee on Agriculture and Forestry.

(The remarks of Mr. Miller when he introduced the bill appear later in the Record under the appropriate heading.)

S. 3066—INTRODUCTION OF A BILL RELATING TO VISAS FOR HARD-ROCK MINERS

Mr. MOSS. Mr. President, I introduce a bill which provides that during the 2 years after its enactment no alien shall be ineligible to receive a visa or excluded from admission into the United States under section 212(a)(14) of the Immigration and Nationality Act if such alien is to be employed as an underground hard-rock miner upon entry into the United States.

I am doing this to make it possible for the hard-rock mining companies in my State of Utah, and elsewhere, to recruit hard-rock miners overseas and bring them to the United States. I have been advised that there are not enough domestic workers available to meet the needs of these mining companies.

The companies have sought to have such workers placed on the schedule C, Pre-Certification Division of the Immigration and Naturalization Service without any success. The Immigration Service has taken the position that there are hard-rock miners available at Calumet, Mich., but the companies inform me that they have attempted to recruit the Calumet miners without success. They now feel they must turn to manpower from overseas—in Mexico, the Scandanavian countries, and elsewhere. My bill is an attempt to help them do this.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3066) to facilitate the entry into the United States of aliens who are underground hard-rock miners, introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 3067—INTRODUCTION OF A BILL TO PROVIDE FOR CONSUMER, SMALL BUSINESS, AND LABOR REPRESENTATION ON BUDGET BUREAU ADVISORY COMMITTEES

Mr. METCALF. Mr. President, I introduce, for appropriate reference, a bill to amend the Federal Reports Act of 1942 so as to provide for consumer, small business, and labor representation on Budget Bureau advisory committees.

These advisory committees are presently coordinated through the Advisory Council on Federal Reports, which refers to itself as "the official business consultant" to the Bureau of the Budget. This Council, in the words of Robert H. North, chairman of the private Fund Q Committee, through which this advice to the Government is funded, "is wholly business oriented, being sponsored and financed by associations through the American Society of Association Executives and other respected business organizations."

The Council has arranged appointment of the following 16 advisory committees:

Air Transportation, Banking, Chemicals, Equal Employment Opportunity Surveys, Fats and Oils, Meat Packing, Natural Gas Pipelines, Petroleum and Natural Gas, Public Utilities—Coordinating Committee, Public Utilities—Financial Reports, Public Utilities—Operating Reports, Radio and Television Broadcasting, Railroad Reports to Federal Agencies, Retail Trades, Scientific and Research Activities, and Wholesale Trades.

Mr. President, so often in Government-business relationships, the original and laudable purpose of legislation is altered drastically through the years. That is true in this case. I know of no statutory basis for the claim of the Fund Q Committee that the Advisory Council on Federal Reports is the "official business consultant to the Federal Bureau of the Budget."

The legislation upon which the Council bases its advisory role—Public Law 77-831, second session—does not create such an advisory council. That law, the Federal Reports Act of 1942, was designed to cut down on unnecessary paperwork and questionnaires, especially those affecting small businesses, and maximize the usefulness of information collected by one agency to other Federal agencies and the public.

The Bureau of the Budget, which administers the act, says it seeks "the benefit of advice by interested parties outside the Government—those interested either as consumers of data or as respondents to the inquiry." Yet, you will find neither small businessmen nor consumer representatives on the committees which advise the Budget Bureau.

Mr. President, I ask unanimous consent to have printed at this point in the Record, the name, affiliation, and title of each member of 15 Budget Bureau advisory committees, as of September 23, 1969. The membership of the 16th committee, on air transportation, is being revised, the Budget Bureau tells me, and is not presently available. I invite all readers to try to find one real, live small businessman or labor or consumer representative on any of these 15 committees, from the Banking Committee's Chairman Charles Agemian, executive vice president of Chase Manhattan Bank, to the Wholesale Trade Committee's Harold O. Smith, Jr., executive vice president of the U.S. Wholesale Grocers Association.

There being no objection, the list was ordered to be printed in the Record, as follows:

Advisory Council on Federal Reports

(Roster for 1969, updated as of Sept. 23, 1969)

Chairman: Charles W. Stewart.

Vice Chairman: Leo V. Bodine, Carl H. Madden, Robert H. North.

Treasurer: G. H. Gaynor.

Executive Secretary: Russell Schneider.

AMERICAN RETAIL FEDERATION

A. Arthur Charous, Manager, Division of Economic Research, Sears, Roebuck and Company, Chicago, Ill.

Eugene A. Keeney, Executive Vice President, American Retail Federation, Washington, D.C.

Herbert S. Landsman, Executive Vice President, Federated Department Stores, Inc., Cincinnati, Ohio.

AMERICAN SOCIETY OF ASSOCIATION EXECUTIVES

William E. Dunn, Executive Director, Associated General Contractors of America, Washington, D.C.

James G. Ellis, Washington Office, Automobile Manufacturers Assn., Washington, D.C.

Robert H. North, Executive Vice President, International Association of Ice Cream Manufacturers, Washington, D.C.

CHAMBER OF COMMERCE OF THE UNITED STATES

G. H. Gaynor, Executive Assistant, United States Steel Corporation, Pittsburgh, Pennsylvania.

Carl H. Madden, Chief Economist, Chamber of Commerce of the U.S., Washington, D.C.

Albert G. Matamoros, Chief Economist, Armstrong Cork Company, Lancaster, Pennsylvania.

FINANCIAL EXECUTIVES INSTITUTE

Carl M. Blumenschein, Senior Vice President, Finance, Container Corporation of America, Chicago, Illinois.

Daniel W. Potter, Treasurer & Secretary, Raymond Engineering, Inc., Middletown, Connecticut.

James J. Rutherford, Managing Director, Financial Executives Institute, New York, New York.

NATIONAL ASSOCIATION OF MANUFACTURERS

Leo V. Bodine, Executive Vice President, National Association of Manufacturers, Washington, D.C.

Wayne E. Kuhn, Omark Industries, Inc., Portland, Oregon.

Robert H. Stewart, Jr., Manager, General Economics, Planning & Economics Department, Gulf Oil Corporation, Pittsburgh, Pennsylvania.

Members-at-large

Burton N. Behling, Vice President, Association of American Railroads, Washington, D.C.

William H. Finigan, Director, Marketing Research, The National Cash Register Company, Dayton, Ohio.

E. W. Gaynor, Comptroller, Parts Division, Chrysler Corporation, P.O. Box 1718, Detroit, Michigan.

Robert S. Quig, Vice President, Ebasco Services Incorporated, Two Rector Street, New York, New York.

Charles W. Stewart, President, Machinery & Allied Products Institute, Washington, D.C.

Vincent T. Wasilewski, President, National Association of Broadcasters, Washington, D.C.

N. R. Wenrich, Manager, Business Research, Merck & Company, Inc., Rahway, New Jersey.

Active past chairmen

T. M. Brennan (1962–1965), 47 Dogwood Lane, Rockville Centre, New York.

Jos. F. Miller (1965–1968), Executive Vice President, National Electrical Manufacturers Association, New York, New York.

T. G. Redman (1959–1961), Vice President, Swift and Company, Chicago, Illinois.

T. E. Veltfort (1950–1952), Managing Director, Copper & Brass Fabricators Council, Inc., New York, New York.

Merrill A. Watson (1956–1958), President, National Footwear Manufacturers Association, New York, New York.

COMMITTEE ON AIR TRANSPORTATION

Scope: To advise the Bureau of the Budget with regard to opportunities for paperwork reduction in reporting and record keeping requirements of Federal agencies and on any opportunities to effect improvements in the accuracy and usefulness of Federal statistics.

Budget Bureau Staff Assigned: Harry B. Sheftel.

Membership being revised.

COMMITTEE ON BANKING

Scope: To advise the Bureau of the Budget on Federal reporting and record retention requirements for the purpose of reducing the burden imposed upon the banking industry and to improve statistical and other information to be collected by Federal agencies.

Budget Bureau Staff Assigned: Edward T. Crowder.

Chairman

Charles A. Agemian, Executive Vice President, The Chase Manhattan Bank, New York, N.Y.

Secretary

Franklin A. Gibbons, Jr., Vice President and Comptroller, The Riggs National Bank, Washington, D.C.

Members

Thomas R. Atkinson, Deputy Manager, The American Bankers Association, New York, N.Y.

C. H. Baumhefner, Executive Vice President, Bank of America, NT&SA, San Francisco, Calif.

Frank Forester, Jr., Vice President and Comptroller, Morgan Guaranty Trust Company, New York, N.Y.

Denton A. Fuller, President, Liberty Trust Company, Cumberland, Md.

Saul B. Klaman, Director of Research, National Association of Mutual Savings Banks, New York, N.Y.

Wesley Lindow, Executive Vice President and Secretary, Irving Trust Company, New York, N.Y.

Arthur Ringler, Executive Vice President, Chemical Bank New York Trust Co., New York, N.Y.

Edward T. Shipley, Comptroller, Wachovia Bank & Trust Company, Winston-Salem, N.C.

Mr. Paul L. Smith, Senior Vice President, Security First National Bank, Los Angeles, Calif.

Walter F. Thomas, Executive Vice President, Manufacturers Hanover Trust Company, New York, N.Y.

Wm. T. Heffelfinger, American Bankers Association, Washington.

COMMITTEE ON CHEMICALS

Scope: To advise the Bureau of the Budget in regard to opportunities to reduce the paperwork burden on industry resulting from the reporting and record-keeping requirements of the Federal agencies, and to make recommendations to improve the accuracy and usefulness of Federal statistics.

Budget Bureau Staff Assigned: Harold T. Lingard.

Chairman

N. R. Wenrich, Manager of Business Research, Merck & Company, Inc., Rahway, New Jersey.

Secretary

Marjorie V. Campbell (Miss), Director, Information Service, Manufacturing Chemists' Association, Washington, D.C.

Members

Crayton K. Black, Manager—Trade Relations, Dyes & Chemical Division, Organic Chemicals Department, E. I. du Pont de Nemours & Co., Inc., Wilmington, Delaware.

Morse G. Dial, Jr., Regional Vice President, Union Carbide Corporation, Washington, D.C.

Dr. Jack D. Early, Monsanto Company, Washington, D.C.

Dr. Aimison Jonnard, Manager—Long Range Planning, Esso Chemical Co., Inc., New York, New York.

W. D. Kavanaugh, Manager, Washington Office, American Cyanamid Company, Washington, D.C.

Lewis E. Lloyd, Economist, The Dow Chemical Company, Midland, Michigan.

John J. O'Donnell, Tax Attorney, Allied Chemical Corporation, New York, New York.

COMMITTEE ON EQUAL EMPLOYMENT OPPORTUNITY SURVEYS

Scope: To advise the Bureau of the Budget on problems which will arise in connection with equal employment opportunity reporting and record keeping requirements and special surveys, and to make recommendations as to ways of avoiding or minimizing such problems.

Budget Bureau Staff Assigned: Karen Nelson.

Chairman

G. H. Gaynor, retired, not replaced.

Members

W. L. Barnes, Assistant Director, Personnel Services, North American Aviation, Inc., El Segundo, California.

Joseph E. Baudino, Vice President, Westinghouse Broadcasting Company, Washington, D.C.

Harry S. Benjamin, Jr., Director, Legal Staff, General Motors Corporation, Detroit, Michigan.

Charles G. Caffrey, Washington Representative, American Textile Manufacturers Institute, Washington, D.C.

David D. Doughty, Counsel, Personnel Relations Conference, Air Transport Association, Washington, D.C.

Paul M. Hawkins, Counsel, Health Insurance Association of America, Washington, D.C.

Arthur F. Hintze, Director, Government Labor Relations Service, Associated General Contractors, Washington, D.C.

Alfred E. Langenbach, Vice President, First National Bank, Chicago, Illinois.

W. R. Hill, Jr., Manager, Payroll Administration, Public Service Electric & Gas Co., Newark, New Jersey.

S. W. Mahon, Westinghouse Electric Corporation, 3 Gateway Center, Pittsburgh, Pa.

Donn R. Marston, Machinery & Allied Products Institute, Washington, D.C.

Lambert H. Miller, General Counsel, National Association of Manufacturers, Washington, D.C.

Charles F. Mulligan, Senior Statistician, Eastman Kodak Company, Rochester, New York.

Eugene F. Rowan, Director, Personnel Relations, J. C. Penney Company, Inc., New York, N.Y.

Melvin Sandler, Director, Employee Relations, American Hotel & Motel Association, New York, N.Y.

S. W. Seeman, Assistant Vice President, Personnel Administration, Penn Central Company, Philadelphia, Pa.

Mrs. Jean Sisco, Divisional Vice President, Personnel & Industrial Relations, Woodward & Lothrop, Washington, D.C.

Robert H. Stewart, Jr., Manager, General Economics Planning & Economics Department, Gulf Oil Corporation, Pittsburgh, Pa.

N. R. Wenrich, Manager, Business Research, Merck & Company, Inc. Rahway, New Jersey.

Don White, Employee Relations Counsel, American Retail Federation, Washington, D.C.

COMMITTEE ON FATS AND OILS

Scope: To advise the Bureau of the Budget concerning opportunities to reduce the paperwork burden imposed upon establishments engaged in the production, processing and consumption of oils, and to advise the Bureau on ways to improve Federal statistical programs to better serve the needs of government and industry users of Federal statistics.

Budget Bureau Staff Assigned: Harold T. Lingard.

Chairman

T. J. Totushek, Cargill, Incoporated, Minneapolis, Minnesota.

Members

Charles R. Bergstrom, Anderson, Clayton & Co., Inc., Houston, Texas.

Arval L. Erikson, Economic Advisor, Oscar Mayer & Company, Madison, Wisconsin.

Herbert Harris, Treasurer-Controller, National By-Products, Inc., Des Moines, Iowa.

Martin Hilby, Vice President, Riverside Industries, Marks, Miss.

C. H. Keirstead, The Glidden Company, Cleveland, Ohio.

Malcolm R. Stephens, President, Institute of Shortening & Edible Oils, Inc., Washington, D.C.

Harold V. Knight, Lever Brothers Company, New York, N.Y.

Harry H. Kriegel, J. Howard Smith, Inc., Fort Monmouth, New Jersey.

R. E. Miller, Buying Dept., Procter and Gamble Company, Cincinnati, Ohio.

J. W. Moore, Vice President, A. E. Staley Manufacturing Co., Decatur, Illinois.

Boardman Veazie, Commercial Research Dept., Swift and Company, Chicago, Illinois.

Donald B. Walker, Ralston-Purina, St. Louis, Missouri.

COMMITTEE ON MEAT PACKING

Scope: To advise the Bureau of the Budget on reporting, statistical, and record keeping problems arising from the requirements which Federal agencies propose for issuance to the meat packing industry, and to assist the Bureau of the Budget in developing needed statistical programs relating to the meat packing industry.

Budget Bureau Staff Assigned: Harold T. Lingard.

Chairman

T. G. Redman, retired, not replaced.

Secretary

J. Russell Ives, Director, Department of Marketing, American Meat Institute, Chicago, Illinois.

Members

A. C. Bruner, Treasurer, East Tennessee Packing Company, Knoxville, Tennessee.

Howard Dexter, Controller, The Rath Packing Company, Waterloo, Iowa.

Earl R. Frank, Comptroller, The E. Kahn's Sons Company, Cincinnati, Ohio.

J. W. Kelly, Office of Controller, Armour Foods, Armour and Company, Chicago, Illinois.

E. A. Holloway, Controller, Cudahy Company, Phoenix, Arizona.

Robert B. Hunter, Vice President & Treasurer, Tobin Packing Company, Inc., Rochester, N.Y.

J. B. Kilgore, Controller, Wilson & Company, Inc., Chicago, Illinois.

John Killick, Exec. Secretary, The National Independent Meat Packers Association, Washington, D.C.

L. J. Kurkowski, Controller, John Morrell & Company, Chicago, Illinois.

L. Blaine Liljenquist, President and General Manager, Western States Meat Packers Association, Washington, D.C.

Leonard H. Pedersen, Assistant Controller, Oscar Mayer & Co., Inc., Madison, Wisconsin.

Robert F. Potach, Controller, George A. Hormel & Co., Austin, Minn.

James W. Seifert, Controller, The Wm. Schluderberg-T. J. Kurdle Co., Baltimore, Maryland.

Jack B. Sullivan, Comptroller, Stark Wetzel & Company, Inc., Indianapolis, Indiana.

Wm. G. Torrace, V. P. & Controller, Hygrade Food Products Corp., Detroit, Michigan.

COMMITTEE ON NATURAL GAS PIPELINES

Scope: To advise the Bureau of the Budget on report forms and related recordkeeping requirements issued by federal agencies to companies in the natural gas pipeline field in order to improve such forms and to make recommendations to simplify reporting requirements and reduce the burden of reporting.

Budget Bureau Staff Assigned: Harry B. Sheftel.

Chairman

E. H. Hasenberg, Natural Gas Pipeline Company of America, Chicago, Illinois.

Members

W. Page Anderson, Director, Rates and Certificates, Panhandle Eastern Pipe Line Co., Kansas City, Mo.

Daniel L. Bell, Jr., Columbia Gas System Service Corp., New York, N.Y.

I. D. Bufkin, Texas Eastern Transmission Corp., Houston, Texas.

William F. Cummer, United Gas Pipe Line Company, Shreveport, Louisiana. Alternate: J. D. McCarty, United Gas Pipe Line Co.

Robert L. Cramer, Florida Gas Transmission Co., Winter Park, Fla.

Theodore I. Gradin, American Gas Association, New York, New York.

B. K. Hoeldtke, El Paso Natural Gas Company, El Paso, Texas.

Harry A. Offutt, Treasurer, Consolidated Gas Supply Corp., Clarksburg, West Va.

C. W. Radda, Northern Natural Gas Company, Omaha, Nebraska.

Walter E. Rogers, Executive Director, Independent Natural Gas Association of America, Washington, D.C.

Robert H. Stewart, Jr., Manager, General Economics Gulf Oil Corporation, Pittsburgh, Pa.

COMMITTEE ON PETROLEUM AND NATURAL GAS

Scope: To advise the Bureau of the Budget on report forms relating to the petroleum and natural gas producing and processing industries; to reduce the burden imposed upon these industries as a result of Federal reporting and record-keeping requirements; and to advise the Bureau in connection with opportunities to improve Federal statistical programs to serve the needs of both government and industry.

Budget Bureau Staff Assigned: Harold T. Lingard.

Chairman

Robert H. Stewart, Jr., Manager, General Economics, Planning & Economics Department, Gulf Oil Corporation, Pittsburgh, Pa.

Members

E. W. Brindle, Standard Oil Company (Indiana), Chicago, Illinois.

C. J. Carlton, Economics Department, Standard Oil Co. of California, San Francisco, Calif.

James S. Cross, Manager, Economics Department, Sun Oil Company, Philadelphia, Pa.

Theodore I. Gradin, Director, Bureau of Statistics, American Gas Association, New York, New York.

E. H. Hasenberg, Co-ordinator of Certificates, Natural Gas Pipeline Company of America, Chicago, Illinois.

Edward R. Heydinger, Manager, Economics & Statistics Dept., Marathon Oil Company, Findlay, Ohio.

John E. Hodges, Director, Department of Statistics, American Petroleum Institute, Washington, D.C.

Melvin L. Mesnard, Economic Analyst, Independent Petroleum Association of America, Washington, D.C.

B. L. Jones, Mobil Oil Corporation, New York, New York.

Carl E. Richard, Controller's Department, Humble Oil and Refining Co., Houston, Texas.

A. J. Bradford, Comptroller's Department, Texaco, Inc., New York, New York.

Frank Young, Continental Oil Company, New York, New York.

PUBLIC UTILITIES COORDINATING COMMITTEE

Scope: To advise the Bureau of the Budget and to coordinate, as may be desirable, the work of the Committees on Financial Reports and Operating Reports to better serve the purposes of the Advisory Council on Federal Reports and the needs of the Bureau of the Budget and the gas and electric utilities industries; also to assist in the selection of special advisory panels qualified to advise the Bureau of the Budget on any reporting forms and plans concerning which the two Committees would not be adequately qualified to advise the Bureau.

Budget Bureau Staff Assigned: Mr. Harry B. Sheftel.

Chairman

Robert S. Quig, Vice President, Ebasco Services Incorporated, New York, N.Y.

Members

Miles J. Doan, Vice President, The Cincinnati Gas & Electric Co., Cincinnati 1, Ohio.

Theodore I. Gradin, Director, Bureau of Statistics, American Gas Association, New York, N.Y.

G. H. McDaniel, Head, System Operations, American Electric Power Service Corp., New York, N.Y.

John Thornborrow, Assistant Managing Director, Edison Electric Institute, New York, N.Y.

COMMITTEE ON UTILITIES—FINANCIAL REPORTS

Scope: To advise the Bureau of the Budget on financial reporting forms and related requirements issued by federal agencies to companies in gas and electric utilities field in order to improve such reporting forms and plans and where possible to simplify them and reduce the burden of reporting.

Budget Bureau Staff Assigned: Mr. Harry B. Sheftel.

Chairman

Robert S. Quig, Vice President, Ebasco Services Incorporated, New York, N.Y.

Vice Chairman

Miles J. Doan, Vice President, The Cincinnati Gas & Electric Co., Cincinnati 1, Ohio.

Secretary

Theodore I. Gradin, Director, Bureau of Statistics, American Gas Association, New York, N.Y.

Members

Robert R. Fortune, Vice President, Pennsylvania Power & Light Co., Allentown, Pennsylvania.

Arthur E. Gartner, Controller, Consolidated Natural Gas Co., New York, New York.

John Geiger, Head, Financial & Statistical Section, Pacific Power & Light Company, Portland, Oregon.

Robert A. Jeremiah, Controller, Long Island Lighting Company, Mineola, New York.

J. C. Johnson, Assistant Comptroller, Southern Services, Inc., Atlanta, Georgia.

Albert J. Klemmer, Auditor, Rochester Gas & Electric Company, Rochester, New York.

Frank H. Roberts, Controller, Northern Natural Gas Company, Omaha, Nebraska.

Mr. C. M. Allen, Vice President and Treasurer, Panhandle Eastern Pipe Line Company, Kansas City, Missouri.

William E. Sauer, Superintendent, Regulatory & Statistical Accounting Department, Peoples Gas Light & Coke Co., Chicago, Illinois.

Robert C. Sloan, Assistant Treasurer, Columbia Gas System, Inc., New York, New York.

Alfred E. Softy, Accounting Director, Edison Electric Institute, New York, New York.

William T. Sperry, Assistant to Comptroller, Public Service Gas & Electric Co., Newark, New Jersey.

Douglas M. Tonge, Asst. Secretary & Asst. Treasurer, American Electric Power Service Corp., New York, New York.

COMMITTEE ON PUBLIC UTILITIES—OPERATING REPORTS

Scope: To advise the Bureau of the Budget on utilities operating reporting forms and related requirements issued by federal agencies to companies in gas and electric utilities field in order to improve such reporting forms and plans and where possible to simplify them and reduce the burden of reporting.

Budget Bureau Staff Assigned: Harry B. Sheftel.

Chairman

Robert S. Quig, Vice President, Ebasco Services Incorporated, New York, New York.

Vice chairman

G. H. McDaniel, Head, System Operations, American Electric Power Service Corp., New York, N.Y.

Secretary

John Thornborrow, Assistant Managing Director, Edison Electric Institute, New York, N.Y.

Members

Fred W. Braga, Assistant Comptroller & Statistician, The Detroit Edison Company, Detroit, Mich.

Donald E. Rose, Assistant Treasurer, New England Power Service Company, Boston, Mass.

Theodore I. Gradin, Director, Bureau of Statistics, American Gas Association, New York, N.Y.

James I. Poole, Jr., Vice President-Sales & Rates, Natural Gas Pipeline Co., of America, Chicago, Ill.

Francis Quinn, Budget & Statistics Department, Transcontinental Gas Pipe Line Corp. Houston, Tex.

E. A. Willson, Vice President, Northern States Power Company, Minneapolis, Minn.

R. C. Wilson, Manager, Rate Department, Washington Gas Light Company, Washington, D.C.

COMMITTEE ON RADIO AND TELEVISION BROADCASTING

Scope: To advise the Bureau of the Budget on reporting procedures, mainly Federal Communications Commission questionnaires, issued to radio and television stations and to make recommendations towards the simplification, consolidation and improvement of such reporting.

Budget Bureau Staff Assigned: Harry B. Sheftel.

Chairman

Joseph E. Baudino, Vice President, Westinghouse Broadcasting Company, Washington, D.C.

Members

Douglas A. Annello, General Counsel, National Association of Broadcasters, Washington, D.C.

Arthur W. Arundel, President WAVA, Arlington, Virginia.

Alfred Beckman, Vice President, American Broadcasting Company, Washington, D.C.

Robert Cochrane, Assistant General Manager WMAR-TV, Baltimore, Maryland.

Joseph DeFranco, Attorney, Columbia Broadcasting System, Washington, D.C.

George J. Gray, Vice President, AVCO Broadcasting Corporation, Washington, D.C.

Howard Monderer, Assistant General Attorney, National Broadcasting Company, Washington, D.C.

Roger Newhoff, President, Eastern Broadcasting Corporation, Washington, D.C.

Roger B. Read, Vice President, Taft Broadcasting Company, Cincinnati, Ohio.

Robert L. Heald, President, Federal Communications Bar Association, Washington, D.C.

Daniel W. Shields, Executive Assistant to the President, Steinman Stations, Lancaster, Pennsylvania.

COMMITTEE ON RAILROADS

Scope: To advise the Bureau of the Budget with respect to federal reporting and record keeping requirements applicable to railroads and subject to review by the Bureau of the Budget under the Federal Reports Act, and to such related problems of coordination and planning of statistical and reporting programs covering railroads as the Bureau may refer to the Committee.

Budget Bureau Staff Assigned: Harry B. Sheftel.

Chairman

Burton N. Behling, Vice President, Association of American Railroads, Washington, D.C.

Members

L. W. Adkins, Vice President, Accounting & Taxation, Louisville & Nashville Railroad, Louisville, Kentucky.

P. L. Conway, Jr., Assistant Vice President, Economics & Finance Department, Association of American Railroads, Washington, D.C.

W. R. Divine, Vice President and Comptroller, Southern Railway System, Washington, D.C.

W. N. Ernzen, Vice President and Comptroller, Chicago, Burlington & Quincy Railroad, Chicago, Illinois.

J. T. Ford, Jr., Assistant Vice President & Comptroller, Chesapeake & Ohio/Baltimore & Ohio Railroads, Baltimore, Maryland.

C. E. Fuller, Comptroller and Traffic Manager, Genesee & Wyoming Railroad Company, Retsof, New York.

Charles S. Hill, Comptroller, Penn Central Company, Philadelphia, Pa.

H. A. Nelson, Vice President & General Auditor, Southern Pacific Company, San Francisco, Calif.

COMMITTEE OF RETAIL TRADES

Scope: To advise the Bureau of the Budget with respect to federal reporting and record keeping requirements applicable to the retail trades and subject to review by the Bureau of the Budget under the Federal Reports Act, and to such related problems of coordination and planning of statistical and reporting programs covering the trades as the Bureau may refer to the Committee.

Budget Bureau Staff Assigned: Paul F. Krueger.

Chairman

Eugene A. Keeney, Executive Vice President, American Retail Federation, Washington, D.C.

Secretary

Arthur Sturgis, Jr., Director Research & Taxation, American Retail Federation, Washington, D.C.

Members

A. Arthur Charous, Manager, Division of Economic Research, Sears, Roebuck and Company, Chicago, Illinois.

S. Kent Chrisensen, Vice President, Natl. Assn. of Food Chains, Washington, D.C.

Don J. Debolt, Executive Director, Menswear Retailers of America, Washington, D.C.

Nathan B. Epstein, Vice President, Lerner Stores Corporation, New York, New York.

William Girdner, Melville Shoe Corporation, New York, New York.

Elias S. Gottlieb, Corporate Research Director, R. H. Macy & Co., Inc., New York, New York.

Robert C. Heller, Asst. Secretary & Treasurer, F. W. Woolworth Company, New York, New York.

Alfred E. Kuerst, Vice President, L. S. Ayres & Company, Indianapolis, Indiana.

Thomas H. Jenkins, Research Director, National Retail Hardware Association, Indianapolis, Indiana.

Herbert S. Landsman, Executive Vice President, Federated Department Stores, Inc. Cincinnati, Ohio.

Eleanor G. May, Research Director, Woodward and Lothrop, Washington, D.C.

Irving Phillip, Controllers Congress, National Retail Merchants Association, New York, New York.

COMMITTEE ON SCIENTIFIC AND RESEARCH ACTIVITIES

Scope: To advise the Bureau of the Budget on the improvement and simplification of Federal government reporting forms and related procedures concerned with scientific and technical personnel and research and development expenditures in industry, and to advise the Bureau of the Budget as to statistical programming in these fields, with particular reference to industry needs for statistical information.

Budget Bureau Staff Assigned: Margaret E. Martin, Harry B. Sheftel.

Chairman

John W. Reynard, Assistant Manager, Personnel Division, Employee Relations Department, E. I. du Pont de Nemours & Company, Inc., Wilmington, Delaware.

Members

H. Dwight Blondefield, Executive Assistant, Advanced Programs and Marketing, Autonetics Division, North American Rockwell Corporation, Anaheim, California.

C. A. Church, Manager, Educational Relations & Recruiting, General Electric Company, New York, New York.

R. C. Cunningham, Director, Staff Programs, Engineering, Westinghouse Electric Corporation, Pittsburgh, Pa.

Virginia A. Dwyer, Economist and Actuary, Finance Division, Western Electric Company, New York, New York.

N. O. Heyer, Manager, Manpower Planning, International Business Machines Corporation, Corporate Headquarters, Armonk, New York.

B. F. Holcomb, Executive Assistant, United States Steel Corporation, Pittsburgh, Pa.

Wayne E. Kuhn, Omark Industries, Inc., Portland, Oregon.

George E. Norman, Jr., Vice President, Burlington Industries, Inc., Greensboro, North Carolina.

David Novick, Cost Analysis Department, The Rand Corporation, Santa Monica, California. Alternate: Milton Margolis.

J. H. Pond, Personnel Manager, Employment & Personnel Department, The Martin Company, Denver, Colorado.

Victor Schneider, General Motors Corporation, Detroit, Michigan.

Robert H. Sommer, Managing Director, National Association of Accountants, New York, New York.

N. R. Wenrich, Manager, Business Research, Merck & Company, Inc., Rahway, New Jersey.

C. C. Coyne, Director, Financial & Service Department, Gulf Research & Development Corp., Pittsburgh, Pa.

COMMITTEE ON WHOLESALE TRADES

Scope: To advise the Bureau of the Budget on reporting, record keeping and statistical problems arising from the activities and recommendations of Federal agencies relating to wholesale industries, to reduce the burden of paperwork imposed upon the wholesale industries by these requirements, and to make recommendations for the improvement of Federal statistics needed by Government and industry.

Chairman

James E. Allen, President, the Henry B. Gilpin Co., Oxon Hill, Maryland.

Secretary

Paul L. Courtney, Executive Vice President, National Association of Wholesalers. Washington, D.C.

Members

Gilbert Campbell, Albemarle Motor Company, Charlottesville, Virginia.

W. D. Jenkins, President, Radio Supply Company, Richmond, Virginia.

Frank J. Mulvey, National Auto Service Co., Inc., Washington, D.C.

Hugh N. Phillips, President, Frank Parsons Paper Company, Washington, D.C.

Harold O. Smith, Jr., Executive Vice President, U.S. Wholesale Grocers Association, Washington, D.C.

Mr. METCALF. Mr. President, I know something of the background of the legislation from which these advisory committees grew. It was laudable legislation, developed in hearings by my predecessor, Senator James E. Murray, who then chaired the Small Business Committee. The early days of World War II brought with them all sorts of Federal forms and questionnaires related to rationing and the war effort. This worked a special hardship on small businessmen. They went to Senator Murray. The Federal Reports Act of 1942 was the consequence. It makes sense to keep down duplicative paperwork and I am in full accord with the goals of that statute.

What I do question is the one-sided information which the Budget Bureau receives, through its arrangement with the advisory committees from big businesses. I criticize and seek to halt the use of these committees to withhold from the public information which it has the right to know and should be able to obtain readily.

In elaboration of this point, I ask unanimous consent to have printed in the Record an article, "Unheralded Committees Molding Statistics Via the Budget Bureau," by Miss Jan Nugent, which appeared in the November 26, 1968, issue of the Journal of Commerce.

There being no objection, the article was ordered to be printed in the Record, as follows:

Unheralded Committees Molding Statistics

(By Jan Nugent)

Washington, November 25.—Probably the best-known sounding board through which government hears the advice and opinions of the corporate community is the Business Council, whose regular meetings swarm with government policy-makers and attendant journalists.

However, there is another device through which business groups influence the federal establishment's less glamorous daily contacts with the business world. This is by participation in little-known industry committees which advise the Bureau of the Budget on its duties as supervisor of government statistic collection.

Statistics are not the most dramatic of the federal establishment's efforts, even though they are an essential one. But the clash between the government's right to know and a corporation's right to privacy is a daily one in many industries.

STATISTICS GUIDE POLICY

And since legislation and future regulatory decisions are often based on such economic data, how, when and whether it is collected helps mold government policy.

The Budget Bureau acts as traffic cop for all Federal Government statistics-gathering. Under the Federal Reports Act, it must approve any questionnaire sent by a federal agency to more than 10 persons.

For advice on how to improve data-gathering efforts and minimize reporting burdens, the Budget Bureau calls on committees set up by the Advisory Council on Federal Reports. ACFR has 20 standing committees in various sectors, such as banking, equal employment opportunity, radio and TV broadcasting, and sets up special panels to deal with government surveys in other areas.

"We are not in the policy area," explained ACFR Executive Secretary Russell Schneider. "The Business Council is in the area of policy problems . . . we are in procedure and how you do it."

"It is hard to separate policy and procedure, but we try hard to do that," he continued.

There is general agreement that this Budget Bureau-business cooperation has provided sound technical advice to simplify and improve government data-gathering efforts.

But it has not been immune from criticism. Corporate executives and Congressional committees have criticized the Budget Bureau for not doing more to defoliate "the federal paperwork jungle."

Other government agencies complain that at times this overview procedure cramps their style, interferes with policy decisions and squelches studies necessary to their work.

WHERE'S THE LINE?

Their objections, generally, arise over where the narrow line between procedure and policy is drawn.

Disgruntled FTC staffers cite the fate of an FTC proposal to study the 1,000 largest corporations about five years ago. The Budget Bureau okayed the project after a stormy meeting where some of the business representatives allegedly objected to its purpose. Later, several sources contend, other company officials made their objections known on Capitol Hill. When FTC's budget came up, Congress not only refused to appropriate money for the work, but for the next three years specifically forbade any such survey.

Budget officials who participated point out that the final survey was much improved because of advice given by the Business Advisory Committee. They also point out that the project was cleared by Budget, which has the final responsibility of weighing all the arguments and making the final decision.

An FTC official conceded that anyone has a right to take his complaints to Congress. "My criticism is that they (business) use this (advisory committee procedure) as a vantage point to see what is coming their way," he said.

Ranking officials of USDA and the Budget Bureau have also clashed when some proposed USDA studies were scuttled at Budget.

Only recently, a meeting was convened at Budget Bureau which illustrates the kind of problems business advisory committees deal with.

On Nov. 7, the Advisory Committee on Public Utilities objected strongly to Federal Power Commission proposals to require separate reporting of all professional retainer fees paid for advertising, public relations, legal services, etc. Previously, large utility companies were required to report individually to FPC only annual retainers which exceeded $25,000.

The meeting was closed, and Budget officials said the minutes were not available. However, sources who attended report that the utility company spokesmen repeatedly asked FPC why it needed this type of detailed information. They contended that providing the data would be burdensome and expensive and wanted to know why it was necessary.

The public utilities segment of the power industry has supported FPC's proposal, contending it is possible under present rules to write off as legal and public relations expenses what are really political and lobbying activities.

FPC's final ruling, which waits at least partially on Budget Bureau clearance, has not yet been announced.

Mr. METCALF. Mr. President, Miss Nugent referred to the fate of a Federal Trade Commission proposal to study the 1,000 largest corporations, after one of the Budget Bureau advisory committees objected. One of the most experienced members of the FTC, Commissioner Everett MacIntyre, commented earlier this year on the extraordinary control which the Bureau of the Budget—and, I would add, its industry advisory committees—has over the regulatory agencies through the Federal Reports Act of 1942. The distinguished senior Senator from North Carolina (Mr. Ervin) inserted the full text of Mr. MacIntyre's remarks in the Congressional Record of January 27, 1969, and they appear on page 1835 of the Record. I ask unanimous consent to have printed at this point in the Record that portion of Commissioner MacIntyre's remarks which deals with the Federal Reports Act of 1942.

There being no objection, the remarks were ordered to be be printed in the Record, as follows:

4. The Federal Reports Act of 1942

Passage of the Federal Reports Act of 1942 accorded to the Bureau of the Budget another important right to review and control over the activities of regulatory agencies. Curiously enough, as is often the case, the Act was passed under circumstances and for reasons considerably different from those in which it would be used.

It will be recalled that passage of the Federal Reports Act was occasioned by the proliferation of governmental questionnaires and requests for information and other forms which were the direct result of the activities of the Office of Price Administration. The nation was literally engulfed in a blizzard of paperwork concerning rationing output, prices, and any other conceivable type of information, both private and public.

E. g., for the purpose of ensuring successful prosecution of the war, the OPA required literally hundreds of thousands of questionnaires be filled out by farmers and housekeepers who needed a few gallons of oil for lighting and other purposes around their homes. For this purpose, however, it proved not only unnecessary but was much resented by the many citizens who were required to wait their places in long lines at various post offices throughout the country for a determination whether the questionnaires were properly filled out and their requests indeed necessary.

The Act provides that requests for information originating with any governmental agency and directed to more than nine respondents must receive clearance by the Bureau of the Budget. Requests for such clearance must be accompanied by a detailed explanation of the questionnaire, such as technicalities of implementation, manner of selecting the respondents, whether the information is to be collected by mail or personal interview, etc., etc. In addition, the request must be justified in depth. This would include a statement why the information is sought and how it will be used; why the particular number of respondents and not less has been selected; how much time it will take a respondent to answer the questionnaire, etc., etc. In ruling upon such requests the Bureau of the Budget must also be satisfied that this is the only practical method of getting the necessary information and that it is not available through some other governmental or more readily accessible private source.

The power of review within the Bureau of the Budget extends so far as to permit forbidding collection of all or a part of the information sought. In case of the traditionally used questionnaire, for example, the Bureau of the Budget may withhold clearance for its issuance altogether or it may strike certain questions—a matter entirely within its discretion.

Congress, in its haste to pass this bill, however, did not heed the warning of those questioning its extent, although this point was the subject of considerable debate. Specifically, some members of Congress felt that while the bill was ostensibly aimed at the elimination of unnecessary and presumably duplicate reports the way it was phrased gave the Director of the Bureau of the Budget a good deal more control over the collection of information than was necessary under the circumstances and perhaps even intended by Congress had it considered all the ramifications of the bill. As it turned out, the Act permits the Bureau of the Budget to exercise a good deal of control over the investigative functions of the independent agencies. With respect to the Federal Trade Commission this represents a drastic departure from the theory of its creation. One of the Commission's most important functions arises out of the mandate to investigate and publicize business conditions harmful to the continued good health of the economy and to do so independently and outside of the control of the executive. Any control over its ability to investigate or a substantive review of the information it seeks will naturally adversely affect the independence of the Commission.

There is no doubt that the purpose for which the Act was conceived—to cut costs to the government and to avoid unnecessary harassment of citizens and business—has considerable merit. If, however, it becomes an instrument of control over some types of investigations, specifically those of independent regulatory agencies—and this in fact has occurred—it would appear that the authority the Act vests in the Bureau of the Budget needs to be reexamined.

Mr. METCALF. Mr. President, my experience indicates that in some instances the advisory committees frustrate the collection and publication of information which the public is entitled to have. I first became aware of this several years ago in endeavoring to track down the donations made by various electric utilities. I found that a number of rightwing extremist organizations were receiving regular contributions from power companies. These companies however, usually did not report the contributions to the Federal Power Commission. When I asked the FPC to request the utilities to itemize expenditures in certain accounts we would find a whole flock of extremist organizations such as the Southern States Industrial Council. That is the pompous group, some Members may recall, which thinks the kiddies who collect for UNICEF are aiding and abetting a Communist front, and which held that the Civil Rights Act of 1964 was "clearly of Communist origin." This fall, SSIC has been complaining to Congress about the Equal Employment Opportunity Commission, an agency with severely limited powers, which has, nevertheless, revealed the fact that the electric utility industry discriminates against Negroes and Spanish-surnamed persons more than any other industry.

Power company contributions to such organizations are often tucked into operating expense accounts, so that the cost is borne by the utility customers, rather than by the stockholders, as should be the case with such political expenditures. I asked the FPC whether it could simply ask each major utility whether it contributed to certain organizations, and, if so, determine how the utilities accounted for the donations in their books. The FPC said that would not be possible, because of the requirement in the Federal Reports Act of 1942 that "no Federal agency shall conduct or sponsor the collection of information, upon identical items, from 10 or more persons" unless certain conditions had been met. Among those conditions was and is the approval of the Budget Bureau Director. He, in keeping with custom if not the law, refers such queries to one of his utility advisory committees, some of whose members represent companies practicing the shoddy bookkeeping to which I object, and none of whose members represent the customers who are required to pay for this dubious charity on the part of the utilities.

Another example involves the reporting of professional fees by electric utilities. Two years ago the Federal Power Commission recommended reporting all such fees—which include fees for attorneys, public relations, and advertising, among other things—rather than just those payments exceeding, in the case of the large utilities, $25,000 a year. The FPC docket of comment on the proposed revision was preponderantly favorable, including supporting letters from a number of power company emloyees. The American Public Power Association, representing municipally owned electric utilities, excellently stated the case for the FPC's "right to know" regulation in this statement:

COMMENTS OF THE AMERICAN PUBLIC POWER ASSOCIATION

(Proposal of FPC to Revise Schedule for Reporting Charges for Professional and Other Consultative Services, Docket No. R–332)

The American Public Power Association, representing more than 1,400 local publicly owned electric utilities in 46 States, Puerto Rico, and the Virgin Islands, submits this statement in support of the Federal Power Commission's proposed amendment of the FPC schedule "Charges for Professional Services" of FPC Form No. 1 and FPC Form No. 2.

APPA has a direct interest in the suggested change because nearly 1,000 publicly-owned power systems purchase electricity at wholesale from private power companies subject to the jurisdiction of the Commission.

At the present time, the Federal Power Commission requires electric utilities to report specified information on outside professional services for which payment is made in the amount of (1) $5,000 by a Class B utility, (2) $10,000 by a Class A utility having operating revenues under $25,000,000, and (3) $25,000 by Class A utilities having operating revenues of $25,000,000 or more. The proposed revision would require reporting on all outside professional and other consultative services.

IMPORTANCE OF REGULATION

Present FPC requirements in this schedule are clearly insufficient. Electric utilities, normally monopolistic within a specific area, and recipients of certain governmental powers, require effective regulation in order to protect the public against abuses. Effective regulation is impossible without public disclosure of all relevent facts, and present regulations provide large loopholes which encourage secrecy by private power companies.

Freedom of information is, in itself, a worthwhile goal. In signing the 1966 Freedom of Information bill, President Johnson said that "freedom of information is so vital that only the national security, not the desire of public officials or private citizens, should determine when it must be restricted." This particular legislation was directed toward disclosure to individuals by Government agencies; however, a similar principle applies to private utility disclosures.

Just as the individual citizen must be protected from governmental abuses, the individual consumer must be protected from abuses by a seller. In the general marketplace, the consumer is protected by direct competition between sellers. In the electric industry, there is no direct competition, so the consumer must be protected by indirect competition and by effective regulation.

Public policy dictates that utilities, which supply an essential public service, operate in a "fishbowl". Both electric consumers and regulatory agencies must have access to full knowledge of a particular utility and its expenditures. Since 1948, FPC regulations have required less than full disclosure of professional fees paid by private power companies.

PAST ABUSES

Information that would cast an unfavorable public light upon private power companies has been withheld in the past. Some of this information has been disclosed through public hearings. Undoubtedly, much has never been disclosed. Some examples of situations indicating the need for systematic, industry-wide, full disclosure include the following:

1. In 1953 and 1954, hearings held by the Subcommittee on Antitrust and Monopoly of the Senate Judiciary Committee disclosed that Arkansas Power and Light retained certain State legislators as well as various lawyers throughout the State for political action purposes.

2. At the same hearings, it was disclosed that Mississippi Power and Light secretly retained counsel in the North Central Mississippi Electric Power Association area for political activities to defeat the formation of a public utility district.

3. In 1941, the Federal Power Commission investigated expenditures by five Northwest private power companies, which totalled over one million dollars, half of which was charged to operating expenses. These expenditures included the following:

a. Contributions to various "front" organizations for partisan political purposes;

b. Repayment of a loan made by utility employees for political activities;

c. Payments to former opponents of the utilities;

d. Payments to prominent citizens;

e. Extensive advertising by the utilities during political campaigns; and

f. Expenditures in contesting a public utility district condemnation suit.

4. In 1963, private power companies began an extensive propaganda campaign called "Project Action," geared to encourage consumers to support private power and oppose public power. It is undeterminable how much money was spent on this program, as the 1963 reports of private power companies to the FPC do not mention the campaign.

5. In 1964, Senator Lee Metcalf and Vic Reinemer, authors of "Overcharge," wrote to 103 private power companies in response to an advertisement which stated that these companies would "answer any question you may have quickly, without making a federal case of it." They asked the companies what attorneys and legal firms were retained by their respective companies in 1963, and what was the compensation for each. Of the 103 companies, only 20 responded accurately to the question, four of which retained no attorneys.

6. One of the major lobbying efforts against the Dickey-Lincoln School Project was by the Electric Coordinating Council of New England. Yet, only the Fall River Electric Light Company reported to the FPC a "Proportionate share of expense of participation in Electric Coordinating Council of New England—$99.09", under Account 426.4, which should show "all expenditures incurred by the respondent during the year for the purpose of influencing public opinion with respect to the election or appointment of public officials, referenda, legislation or ordinances."

A public hearing should not be required in order to expose the ways in which private power companies spend their consumers' dollars. Present regulations allow some private power companies to hide any expenses totalling less than $25,000. This type of regulation can only encourage secrecy. Proposed regulations would tend to discourage such secrecy and prevent the abuses illustrated by the above examples.

VALUE OF DISCLOSURE

Proper disclosure of professional fees will benefit consumers, State commissions, wholesale customers, and the Federal Power Commission:

1. Consumers have a right to know what is included in their electric bills. They have a right to know if they are paying for the molding of public opinion, for the promotion of a political candidate, or for the takeover of a municipal electric system. And they have a right to protest if they feel they are being charged unfairly for these activities. Without access to the facts, a consumer is unable to protect himself.

2. State commissions were designed to protect consumers from possible monopolistic abuses by private power companies. They have sole jurisdiction over retail rates. A recent report by the Subcommittee on Intergovernmental Relations of the Senate Committee on Government Operations indicated that most State commissions have such a small staff and low budget that they are unable to perform adequately their regulatory functions. Access to detailed information regarding professional fees paid by private power companies will greatly enhance the ability of the commissions to determine proper retail rates by ascertaining what should be included in operating expenses.

3. Private power companies charge their wholesale customers on the basis of the companies' costs. If information regarding professional fees is available to wholesale customers, they can more accurately determine the fairness and validity of the rates they are charged.

4. The Federal Power Commission has jurisdiction over wholesale rates of most private power companies. Full knowledge of professional fees will aid the FPC in determining the propriety of a specific wholesale rate schedule.

The American Public Power Association urges the FPC to amend the schedule "Charges for Professional Services" as proposed.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and other matters referred to by the Senator from Montana (Mr. METCALF) will be printed in the RECORD.

The bill (S. 3067) to amend title 44, United States Code, to provide for consumer, labor, and small business representation on advisory committees under the coordination of Federal Recording Services, and for other purposes, introduced by Mr. METCALF, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 3067

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3506 of title 44 of the United States Code is amended by inserting "(a)" before the word "Upon" and by adding at the end thereof the following new subsections:

"(b) No advisory committee which includes among its members individuals who represent the interests of business or commercial enterprises may be used by the Director to assist or advise him in or with respect to the administration of this Act unless that advisory committee includes among its members one or more individuals who are chosen from private life to represent the economic interests of consumers, labor and small business within the United States. Not less than one-third of the membership of any such advisory committee which is composed of three or more members shall be individuals so chosen to represent the economic interests of consumers.

"(c) All records, minutes and other information of any advisory committee appointed to carry out the provisions of this chapter shall be available for public inspection and copying in accordance with regulations established by the Director.

"(d) In addition to publication in the Federal Register, the Director shall establish procedures for giving timely, conspicuous, public notice, by such means as he deems appropriate, to persons interested in the conduct of the business of advisory committees appointed under this chapter."

SEC. 2. The amendment made by this Act shall take effect on the first day of the second month beginning after the date of enactment of this Act.

Mr. METCALF. Mr. President, the Budget Bureau deliberated about the proposed regulation revision for months, then last November—2 days after the election—Robert S. Quig, vice president of EBASCO and Chairman of the Council's Public Utility Coordinating Committee, came to Washington and informed Budget Bureau officials of his desire to cut down on the voluminous amount of information flowing into the FPC. This matter of reporting detail on professional fees was discussed at length as a case in point. At that meeting and another a few weeks later, the leaders of the Nation's largest industry soberly told the Budget Bureau people that their fancy, third-generation computers simply could not bank and retrieve, say, the names of local attorneys retained and the annual pay of each, without a great deal of expense and bother.

Had the Budget Bureau accepted the suggestion which I have made to it from time to time during the past 4 years, and broadened the membership of its advisory committees, it would have quickly learned what experienced accountants for large municipal utilities have advised me. It is easy to report, in detail and at no extra cost, expenditures made for professional services and other items pertinent to regulators and the public. Or, the Budget Bureau people could have noted the point well taken by the Senate committee which considered this legislation almost 30 years ago, and pointed out that "major utilities have their own accountants and lawyers, not to mention computers, that can furnish this information without any problem." But the intent and use of the Federal Reports Act of 1942 have diverged further and further apart, my advice regarding broadening advisory committees has not been taken, and the Budget Bureau did not adopt the sound "right to know" recommendations of the FPC, although calling for more disclosure than had been required in the past.

In this connection, a special word is in order regarding the aforementioned gentleman who heads three of these 15 Budget Bureau advisory committees, the three that have to do with utilities. He is Mr. Robert S. Quig, vice president of EBASCO, a well-known utility service corporation. He is Chairman of the Budget Bureau's Public Utilities Coordinating Committee, the Committee on Public Utilities—Financial Reports, and the Committee on Public Utilities—Operating Reports.

Recently the Subcommittee on Intergovernmental Relations, in connection with hearings on S. 607, the Utility Consumers' Counsel Act, inquired of industry witnesses regarding the number and amount of utility rate increases pending before State commissions. My old friend Edwin Vennard, formerly managing director of Edison Electric Institute, the power company trade association, and others suggested that Mr. Quig was the man to go to for such information. So we went to Mr. Quig. He said he did not have the information. So the subcommittee had to go to each of the State utility commissions to get it. Mr. Quig makes speeches about the need for "more sophisticated forms of communications" between utilities and the public. But he, as the utility's chief information man, could not provide the public and a Senate subcommittee with the most important information which the public wants and needs—information on what the utilities are planning to do to the customers' pocketbook.

Last year Mr. Quig reacted adversely to the publication of information supplied to the subcommittee by State utility commissions. This information, published as Senate Document 56 in the 90th Congress, dealt with commission organization, staff, budget and jurisdiction. It was a straightforward factual account. Yet Mr. Quig, in an article in the March 14, 1968, issue of Public Utilities Fortnightly, said this publication "puts into the hands of all people a document which I fear will be used as a source book."

Mr. President, is it not strange that the chief information man of our Nation's largest industry is fearful of providing factual material to the public? Mrs. Virginia Knauer, the President's consumer adviser, has not been fearful of providing the public with information from Senate Document 56. And is it not strange that this same fearful man happens to be the Budget Bureau's principal industry adviser regarding utility information?

On December 20, 1968, Executive Director Erma Angevine of the Consumer Federation of America specifically requested representation of CFA on three of the Budget Bureau advisory committees. On January 21, 1969, the request was denied by the Budget Bureau. The Budget Bureau said it would be pleased to consult and notify. But the Bureau refused to open up the advisory committee to representatives of the consuming public, this despite the Budget Bureau's statement in its own house organ—Statistical Reporter, July 1968—that a prime objective of the Federal Reports Act of 1942 is the insurance that "the informational needs of the Government, and through it, of the public, are adequately met in the most efficient manner," and despite the statement in the same article that the Budget Bureau should receive "the benefit of advice by interested parties outside the Government—those interested either as consumers of data or as respondents to the inquiry."

Mr. President, the leadership of the Senate has wisely pointed out that this is a good time for the Congress to exercise legislative oversight, to review the mass of legislation that has been passed by preceding Congresses and see what refinement and updating is needed. My proposal fits into this category.

Some provision should be made to give adequate voice to the small businessmen whose plight the original legislation sought to ameliorate. On committees such as the one on equal employment opportunity surveys, representatives of employees and minority groups should certainly be accorded equality with representatives of employers. The officials at the Budget Bureau exercise awesome power over the regulatory process in their approval, disapproval, or modification of governmental requests for information. It is past time when these officials should be exposed to the give-and-take of colloquy between the producers and consumers of our Nation's basic goods and services.

Mr. President, I ask unanimous consent to have printed at this point in the Record the exchange of correspondence between the Consumers Federation of America and the Budget Bureau, the text of the Federal Reports Act of 1942, and the article, "ACFR Simplifies Reports Procedures," by Robert H. North, chairman of the Fund Q Committee, which appeared in the July 1968 issue of Association Management, and a copy of the bill.

The material presented by Mr. Metcalf is as follows:

Consumer Federation of America,
Washington, D.C., December 20, 1969.

Mr. Charles J. Zwick,
Director, Bureau of the Budget,
Washington, D.C.

Dear Mr. Zwick: On behalf of Consumer Federation of America, I wish to request representation on the following three committees established to advise the Bureau of the Budget on Federal reports: (1) Public Utilities—Coordinating Committee; (2) Committee on Public Utilities—Financial Reports; and (3) Committee on Public Utilities—Operating Reports.

We understand that the current membership of these committees, with the exception of a single member of the staff of the Bureau who serves as "meeting chairman," is composed entirely of representatives of privately-owned utilities. CFA believes that as currently constituted these committees are grossly inadequate to advise the Bureau regarding the desirability of Federal reports affecting the public interest.

Membership of these committees presently includes personnel from companies and trade associations which have resisted Federal regulation of their activities, actively advocated weakening of Federal regulatory agencies, and strenuously fought to cripple or kill competitive consumer-owned systems. In addition to persons employed by individual companies, the committees' membership in each case includes a representative of the Edison Electric Institute and the American Gas Association—organizations devoted to advancing the interests of participating companies. No one represents consumers.

While some may argue that the influence of the committees is diluted by the Bureau's access to information and arguments provided by Federal agencies involved in the proposed reporting requirements under review, we must observe that there is no guarantee that these agencies adequately guard the interests of consumers when faced with the concerted force of industry opposition.

In any event, the Federal Reports Act and Bureau policy indicate the desirability of a direct consumer role in reporting reviews. Under the Act, the Bureau may give "interested persons an adequate opportunity to be heard or to submit statements in writing." One of the most useful methods of implementing this provision would be to provide consumer representation on advisory committees. A number of Federal departments and agencies now have consumer representatives on similar committees.

Statements of Bureau policy indicate support for such consumer consultation: The *Statistical Reporter* (July, 1968) contains a statement prepared by the Office of Statistical Standards which discusses the role of the advisory committees and declares that ". . . an important part of many reviews is consultation with others who are concerned with and knowledgeable about the subject matter of the inquiry." In addition to government sources, the article notes: "An equally important consultation procedure is designed to give the Office the benefit of advice by interested parties outside the Government—those interested either as consumers of data or as respondents to the inquiry." We believe to fulfill this responsibility the Bureau will wish to consider the viewpoints of both users and utilities simultaneously.

Those who pay electric and gas bills—which too frequently encompass documented overcharges—have a clear interest in regulatory reporting requirements that is equal to or greater than that of those who send out the bills. Failure to take fully into account the consumers' point of view can only distort any Bureau decision. We believe give-and-take debate in open committee sessions would help rectify the present procedural deficiency. We do not believe reliance on secret or semi-secret sessions with self-described business-oriented industry executives serves the public interest.

I look forward to hearing from you regarding my request.

Sincerely,

Mrs. Erma Angevine,
Executive Director.

Bureau of the Budget,
Washington, D.C., January 21, 1969.

Mrs. Erma Angevine,
Executive Director, Consumer Federation of America, Washington, D.C.

Dear Mrs. Angevine: The Director has asked me to reply to your letter of December 20 proposing that your Federation be represented on three industry committees of the Advisory Council on Federal Reports which are advisory to the Bureau of the Budget on Federal reports requested of business, and subject to review under the Federal Reports Act. The committees are: the Committee on Public Utilities—Coordinating Committee; the Committee on Public Utilities—Financial Reports; and the Committee on Public Utilities—Operating Reports.

Pursuant to our general policy of welcoming the counsel of any parties interested in matters subject to our review under the Federal Reports Act, we would be pleased to hear views of your organization on any of the matters on which we consult the committees you mention. Whenever we consult these committees we will notify your organization so that arrangements can be made to secure your views on the matters under review. If you desire, we would also be glad to place your organization on our mailing list for the "Daily List of Reporting Forms and Plans Received for Approval" (specimen copy attached), so that if you wish to make your views known on any of these proposed reports under review by us, you can contact us and make arrangements to do so. We do not believe, however, that it would be desirable to extend the membership of business advisory committees, which are consulted as representatives of respondents, to include non-business interests.

Normally we look to the sponsoring agencies to justify their proposals to collect information from the public as both necessary and sufficient to serve the purpose for which they are intended. Although we will be glad to consult with you when these proposals come to us for review, to facilitate orderly and expeditious procedures and handling, I trust that you will continue to represent your interests in these programs before agencies which administer them.

Please feel free to contact Mr. Edward T. Crowder (395–3772), Assistant Director for Clearance Operations of this Office, on any questions arising out of your interest in our review program.

We appreciate very much your interest in this important matter.

Sincerely yours,

Raymond T. Bowman,
Assistant Director for
Statistical Standards.

An act to coordinate Federal reporting services, to eliminate duplication and reduce the cost of such services, and to minimize the burdens of furnishing information to Federal agencies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Reports Act of 1942".

Sec. 2. It is hereby declared to be the policy of the Congress that information which may be needed by the various Federal agencies should be obtained with a minimum burden upon business enterprises (especially small business enterprises) and other persons required to furnish such information, and at a minimum cost to the Government, that all unnecessary duplication of efforts in obtaining such information through the use of reports, questionnaires, and other such methods should be eliminated as rapidly as practicable; and that information collected and tabulated by any Federal agency should insofar as is expedient be tabulated in a manner to maximize the usefulness of the information to other Federal agencies and the public.

Sec. 3. (a) With a view to carrying out the policy of this Act, the Director of the Bureau of the Budget (hereinafter referred to as the "Director") is directed from time to time (1) to investigate the needs of the various Federal agencies for information from business enterprises, from other persons, and from other Federal agencies; (2) to investigate the methods used by such agencies in obtaining such information; and (3) to coordinate as rapidly as possible the information-collecting services of all such agencies with a view to reducing the cost to the Government of obtaining such information and minimizing the burden upon business enterprises and other persons, and utilizing, as far as practicable, the continuing organization, files of information and existing facilities of the established Federal departments and independent agencies.

(b) If, after any such investigation, the Director is of the opinion that the needs of two or more Federal agencies for information from business enterprises and other persons will be adequately served by a single collecting agency, he shall fix a time and place for a hearing at which the agencies concerned and any other interested persons shall have an opportunity to present their views. After such hearing, the Director may issue an order designating a collecting agency to obtain such information for any two or more of the agencies concerned, and prescribing (with reference to the collection of such information) the duties and functions of the collecting agency so designated and the Federal agencies for which it is to act as agent. Any such order may be modified from time to time by the Director as circumstances may require, but no such modification shall be made except after investigation and hearing as hereinbefore provided.

(c) While any such order or modified order is in effect, no Federal agency covered by such order shall obtain for itself any information which it is the duty of the collecting agency designated by such order to obtain.

(d) Upon the request of any party having a substantial interest, or upon his own motion, the Director is authorized within his discretion to make a determination as to whether or not the collection of any information by any Federal agency is necessary for the proper performance of the functions of such agency or for any other proper purpose. Before making any such determination, the Director may, within his discretion, give to such agency and to other interested persons an adequate opportunity to be heard or to submit statements in writing. To the extent, if any, that the Director determines the collection of such information by such agency is unnecessary, either because it is not needed for the proper performance of the functions of such agency or because it can be obtained from another Federal agency or for any other reason, such agency shall not thereafter engage in the collection of such information.

(e) For the purposes of this Act, the Director is authorized to require any Federal agency to make available to any other Federal agency any information which it has obtained from any person after the date of enactment of this Act, and all such agencies are directed to cooperate to the fullest practicable extent at all times in making such information available to other such agencies: *Provided*, That the provisions of this Act shall not apply to the obtaining or releasing of information by the Bureau of Internal Revenue, the Comptroller of the Currency, the Bureau of the Public Debt, the Bureau of Accounts, and the Division of Foreign Funds Control of the Treasury Department: *Provided further*, That the provisions of this Act shall not apply to the obtaining by any Federal bank supervisory agency of reports and information from banks as provided or authorized by law and in the proper performance of such agency's functions in its supervisory capacity.

SEC. 4. (a) In the event that any information obtained in confidence by a Federal agency is released by that agency to another Federal agency, all the provisions of law (including penalties) which relate to the unlawful disclosure of any such information shall apply to the officers and employees of the agency to which such information is released to the same extent and in the same manner as such provisions apply to the officers and employees of the agency which originally obtained such information; and the officers and employees of the agency to which the information is released shall in addition be subject to the same provisions of law (including penalties) relating to the unlawful disclosure of such information as if the information had been collected directly by such agency.

(b) Information obtained by a Federal agency from any person or persons may, pursuant to this Act, be released to any other Federal agency only if (1) the information shall be released in the form of statistical totals or summaries; or (2) the information as supplied by persons to a Federal agency shall not, at the time of collection, have been declared by that agency or by any superior authority to be confidential; or (3) the persons supplying the information shall consent to the release of it to a second agency by the agency to which the information was originally supplied; or (4) the Federal agency to which another Federal agency shall release the information has authority to collect the information itself and such authority is supported by legal provision for criminal penalties against persons failing to supply such information.

SEC. 5. No Federal agency shall conduct or sponsor the collection of information, upon identical items, from ten or more persons (other than Federal employees considered as such) unless, in advance of adoption or revision of any plans or forms to be used in such collection,

(a) The agency shall have submitted to the Director such plans or forms, together with copies of such pertinent regulations and other related materials as the Director shall specify; and

(b) The Director shall have stated that he does not disapprove the proposed collection of information.

SEC. 6. The Director is authorized to make such rules and regulations as may be necessary to carry out the provisions of this Act.

SEC. 7. As used in this Act—

(a) The term "Federal agency" means any executive department, commission, independent establishment, corporation, owned or controlled by the United States, board, bureau, division, service, office, authority, or administration in the executive branch of the Government; but such terms shall not include the General Accounting Office nor the governments of the District of Columbia and of the Territories and possessions of the United States, and the various subdivisions of such governments.

(b) The term "person" means any individual, partnership, association, corporation, business trust, or legal representative, any organized group of persons, any State or Territorial government or branch thereof, or any political subdivision of any State or Territory or any branch of any such political subdivision.

(c) The term "information" means facts obtained or solicited by the use of written report forms, application forms, schedules, questionnaires, or other similar methods calling either (1) for answers to identical questions from ten or more persons other than agencies, instrumentalities, or employees of the United States or (2) for answers to questions from agencies, instrumentalities, or employees of the United States which are to be used for statistical compilations of general public interest.

SEC. 8. Any person failing to furnish information required by any such agency shall be subject to such penalties as are specifically prescribed by law, and no other penalty shall be imposed either by way of fine or imprisonment or by the withdrawal or denial of any right, privilege, priority, allotment, or immunity, except when the right, privilege, priority, allotment, or immunity, is legally conditioned on facts which would be revealed by the information requested.

SEC. 9. There are hereby authorized to be appropriated annually out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act.

Approved, December 24, 1942.

[From Association Management, July 1968]

ACFR SIMPLIFIES REPORTS PROCEDURES

(By Robert H. North, CAE Chairman, Fund Q Committee)

Few association executives and businessmen are aware of the valuable services performed by the Advisory Council on Federal Reports, official business consultant to the federal Bureau of the Budget. It is a resource available to association executives and their members concerned with government questionnaires, statistical programs and recordkeeping requirements. ASAE supports the Council through its "Fund Q" solicitation.

Federal departments and agencies are constantly intruding on business activities, frequently through requests for information on a widening area of business concern. To help association executives advise their members of the Council's services and benefits, the committee has prepared the the following article which can be reprinted in their own association publications:

"Your association is repeatedly asked for guidance on answering government questionnaires, particularly whether or not an employer must complete and return a particular form. Federal demands for information are delving into ever-widening areas of business life.

"Fortunately, there is a business-run organization in Washington, D.C. established for the purpose of helping businessmen by providing available guidance and especially by advising the powerful Bureau of the Budget on ways to cut down on the reporting burdens of business. It is the Advisory Council on Federal Reports, 1001 Connecticut Ave., N.W., Washington, D.C. 20036, which is officially connected with the Bureau of the Budget. For 25 years this Council has been attacking the paperwork problems of business through panels of businessmen selected by their qualifications to find the faults in government forms and recommend ways to correct them. The Council is wholly business-oriented, being sponsored and financed by associations through the American Society of Association Executives and other respected business organizations.

"The Council gives this advice to businessmen:

"1. Requests for information from the federal government, regardless of how made, are subject to the Federal Reports Act and Bureau of the Budget approval if issued to more than 9 persons. Such governmental gathering of information may be by letter, telegram, questionnaire, reporting form, application or personal interview, and may be on any subject. Excluded by the Act are the income tax forms and a few others. Copies of the Act are available from the Advisory Council on Federal Reports.

"2. If Budget Bureau approval is not evident (approval is usually indicated in the upper right-hand corner of the fact sheet accompanied by an expiration date), response should be delayed long enough to make inquiry regarding the legal status of the request. This may be done, in confidence, through the Advisory Council on Federal Reports.

"3. Do *not* discard unapproved requests for information. Such unauthorized questionnaires or requests should be sent or reported to the Advisory Council for investigation in order that they may be killed by the Budget Bureau, or having merit, may be reviewed and formally approved.

"4. Response to federal questionnaires and other kinds of requests for information can be voluntary or compulsory. If a request is compulsory, the form or instructions should clearly cite statutory authority. If response is voluntary, this fact will *not* be indicated, in accordance with Budget Bureau policy.

"5. Businessmen having problems with government questionnaires may ask the Council for clarification which will be obtained as soon as possible and in confidence.

"6. Address your questions to the Council through your association headquarters office and we will immediately contact its staff."

S. 3068—INTRODUCTION OF AGRICULTURAL STABILIZATION ACT OF 1969

Mr. McGOVERN. Mr. President, I introduce for appropriate reference, for myself and Senators YARBOROUGH, BURDICK, EAGLETON, HARRIS, HUGHES, JACKSON, MANSFIELD, MCGEE, METCALF, MONDALE, MOSS, and NELSON the Agricultural Stabilization Act of 1969.

As many Senators know, the Food and Agriculture Act of 1965, the basic authority under which current farm programs are administered, expires at the end of next year. It falls to the 91st Congress, therefore, to set the course for the agricultural policies of the 1970's.

Without new legislation we will revert to the laws in effect prior to 1965. The most certain result of that route would be a drop of at least $1 billion, and probably much more, in farm income, with serious secondary consequences throughout the economy.

In the case of wheat the Secretary of Agriculture would, after determining that supplies exceed demand, proclaim a marketing quota program subject to a grower referendum. If approved, participation would be mandatory. Domestic food wheat would be covered by marketing certificates to bring total returns to between 65 and 90 percent of parity, and there would be no diversion payments. If producers disapproved the program they would be left with a bare price support of 50 percent of parity for those who complied with acreage allotments.

For feed grains, an absence of new legislation would mean price supports through loans and purchases at between 50 and 90 percent of parity, set low enough to discourage excess production and accumulation of stocks by the Commodity Credit Corporation.

In the case of cotton there would also have to be a referendum, this one based on acreage allotments. Again there would be no price support or diversion payments. If the referendum were approved the support would be between 65 and 90 percent of parity; if not, those who complied with allotments would receive a minimum of 50 percent.

For dairy, if we do not act, authority for the creation of class I base plans would terminate. The one class I plan now in existence in the Puget Sound market would expire, and all other marketing orders would be deprived of the opportunity to establish these plans which, if necessary improvements are made, offer great promise of success.

In the case of wool, the old laws provide for price supports through loans or purchases at the discretion of the Secretary at not more than 90 percent of parity. There would be no direct price support payments.

In essence, a failure to act would mean that we might have a system capable of limiting supplies or of maintaining farm income at reasonable levels. In all likelihood we could not do both. The central means of preventing the accumulation of mountainous surplus would be to reduce price supports to the point where production would be uneconomic. Hundreds of thousands of farms would fail. On the other hand, if we wanted to assure that farm people would have returns commensurate with their investments of land, labor and capital, we would soon accumulate surplus stocks beyond anything yet imagined.

Obviously, neither of these approaches is acceptable. Certainly we must act before present programs expire. It would be irresponsible not to. The job we have is to determine the form of our action.

FARMERS ARE UNITED

Mr. President, I want to emphasize what I regard as one of the most important aspects of this bill from our viewpoint as legislators.

For many years we have, it seems to me, demanded an unusual degree of unanimity from a scattered and isolated farm population. We have asked time and again that the millions of farmers in all parts of this country come to the Congress with a single voice and a single plan which is acceptable to all.

Secretary of Agriculture Clifford Hardin expressed this view most recently when he appeared before the House Agriculture Committee on September 24.

He said:

> This surely is a time when farmers and farm groups, acting through their enlightened self-interest, must find as much common ground as possible.

The Senate should be aware that farmers have taken that admonition seriously, and that the bill I introduce today represents the combined effort and has the combined support of one of the most broadly based farm coalitions we have seen in many years.

They began meeting in Washington in January, with 17 groups represented. This was not a prestructured coalition. Goals had to be adjusted and producers of one commodity had to acquire an understanding of the needs of producers of other farm products.

By July the outline of a specific package bill had taken shape. Additional support has since been found. The Agricultural Stabilization Act of 1969 now has the support of some 22 national farm organizations and commodity groups. They include the National Farmers Union, the National Grange, Midcontinent Farmers Association, National Farmers Organization, Grain Sorghum Producers' Association, Soybean Growers of America, National Association of Wheat Growers, National Milk Producers, Pure Milk Products Cooperative, Peanut Growers Cooperative Marketing Association, North Carolina Peanut Growers Association, Virginia Peanut Growers Association, Western Cotton Growers Association, National Potato Council, National Corn Growers Association, American Rice Growers Cooperative Association, United Grain Farmers of America, Webster County, Nebraska Farmers Organization, National Wool Growers Association, Farmers Cooperative Council of North Carolina, Virginia Council of Farmers Cooperatives, and National Rice Growers Association.

Therefore, Mr. President, if it has been a lack of farm unity which has been holding up the provision of parity returns for agriculture, it seems to me that we are now left without an obstacle. Farmers are united behind this bill.

There is good reason for them to be united. They have recognized that their economic survival hangs in the balance. I hope we, too, will be aware of this simple truth in our deliberations.

DISMAL FARM OUTLOOK

Mr. President, agriculture today remains in deep trouble. The statistics leave no room for doubt about the outlook facing family farmers in this country.

The disposable personal per capita income of farm operators still holds at slightly over two-thirds of the income of other Americans.

For their production they receive, respectively, 1942 prices for wheat, 1944 prices for corn, 1952 prices for livestock, and 1942 prices for cotton. Yet they pay enormously inflated 1969 prices for all of their production expenses, and galloping 1969 interest rates for the dollars they must borrow in order to stay in business. And farm debt now approaches $50 billion.

But it is difficult to read statistics in human terms. When we talk about this problem we are discussing the plight of people like a young man in my State, just getting started in farming, who rented land, kept careful track of his expenses, managed his farm expertly, had an unusually good crop, and ended up with red ink at the end of the year. We are talking about efficient farm operators who are sinking deeper and deeper in debt. We are talking about farms that just a few years ago were considered of optimum size for efficient production but whose owners are today, because of rising costs and depressed prices, told they are marginal and should consider leaving the farm for some nonexistent job for which they have no training or experience.

We are talking about economic stagnation in huge sections of the country and in thousands of rural towns and cities.

NATIONAL NEED

But the significance of this issue goes far beyond the concerns of rural people. It is my firm conviction that Members of Congress from every part of the country, including those from city districts with no farmers at all among their constituency, have cause to be alarmed about the economic outlook in agriculture.

They should be concerned, first, because each decline in rural America has ripple effects throughout the country—where the farmers buy about $37 billion each year in production goods and services, and where he sells enough produce to keep some 14 to 16 million people employed in processing and marketing.

They should be concerned because when we ignore the economic problems of farm people we do not dispose of them; we do no more than move them to other parts of the country where their solution is more difficult and more costly. The Nation's farm population today stands at less than half of the 1950 figure, and the total rural population has not changed since that year. All of the population increase which has occurred in the past 20 years has been in already overcrowded cities. The uneven split in economic growth between rural and urban areas has force hundreds of thousands of Americans into cities which are obviously ill-equipped to handle the influx.

We all have reason to be concerned about agriculture lest we lose, by default, the family farm system which is the productive marvel of the world, and endanger our access, as consumers, to the lowest cost, highest quality food that anyone, anywhere, anytime has enjoyed.

It is appropriate to note at this point, Mr. President, that in the 1947–49 base period, we spent 24.6 percent of our income for food. By 1968 we were spending only 16.8 percent. Moreover, the vast bulk of what increase there has been in food costs can be attributed not to the farmer, who gets only 40 cents out of each dollar the consumer spends, but to higher processing and marketing costs. Of the $89.5 billion consumers spent for food in this country last year only $28.9 billion went to the original producer—$60.6 billion in costs were added after the food left the farmers hands. There is no bigger bargain in this country today than that supplied by agriculture. And it would still be the biggest bargain if we supplied full parity to family farmers, fulfilling what has been the declared policy of our farm programs for more than 30 years.

We should be concerned, too, because of the importance of farm exports. The United States is the world's largest exporter of farm products, accounting for some 20 percent of world agricultural trade. Last year commercial agricultural sales abroad earned more than $5 billion worth of dollar exchange, contributing greatly to an improved balance-of-payments posture. Moreover, the abundance of our farms has accomplished much and holds vastly greater potential for the encouragement of development abroad through food-for-peace concessional sales and grants.

The legislation I introduce today is, therefore, in no sense a sectional or parochial bill. It speaks to critical needs of our largest single industry, and it will be helpful to every member of our society.

AGRICULTURAL STABILIZATION ACT

The basic thrust of the bill is an extension of the Agriculture Act of 1965, with a series of important amendments.

It authorizes and improves the class I base plan for milk, with steps to allow wider use of this important marketing tool. It extends the cotton program without change. The corn and feed grains programs would continue, with a new price floor set at 90 percent of parity. It extends the voluntary wheat certificate program, under which farmers receive full parity for domestic food wheat, and adds a certificate on exported wheat to bring total returns on that portion of the crop to between 65 and 90 percent of parity—a minimum of 55 cents more under the current adjusted parity ratio.

The bill also contains a permanent extension of the existing cropland adjustment program and of the rice program presently in effect. It provides authority for a price support program for soybeans and flaxseed, with prices set at not less than 75 percent of parity whenever an acreage diversion program is in effect.

Finally, it includes authority for emergency reserves, or consumer protection reserves, of wheat, feed grains, soybeans, and cotton, to protect the consumer against crop failures and to protect the farmer against price-depressing sales of Commodity Credit Corporation stocks. And it includes extension and broadening of the Agricultural Marketing Agreements Act to authorize marketing orders on any farm commodity when requested by producers.

A more detailed description of the bill's provisions has been prepared, and I ask unanimous consent that a summary be printed in the RECORD at the conclusion of my remarks.

Mr. President, it is my view that the time has come to begin making solid progress toward the goal we have been promising farmers for many years but have never delivered since the farm price decline began in the early 1950's. Farmers have been patient. They have complied in large numbers with programs designed to work down the burdensome surpluses accumulated during the 1950's. They have continued to supply food abundance at prices which in many cases have failed to return the costs of production.

Parity returns are, by definition, no more than equality with the rest of our society. The programs of the 1970's will not keep faith with farmers unless they contain a firm commitment to that goal.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the summary will be printed in the RECORD.

The bill (S. 3068) to improve farm income and insure adequate supplies of agricultural commodities by extending and improving certain commodity programs, introduced by Mr. MCGOVERN (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

The summary, presented by Mr. MCGOVERN, is as follows:

SUMMARY OF COALITION FARM BILL BACKED BY 22 ORGANIZATIONS

Title I—Dairy.—Extends Class I Base Plan with clarifying amendments. Provides authority for self-financing of advertising, research and promotion programs. Changes procedure for support of manufacturing—support would be based on all components of milk instead of butterfat. (No additional costs.)

Title II—Wool.—Extends Wool program. (No additional costs.)

Title III—Feed grains.—Increases price support loan from $1.05 to $1.15 per bushel. Increases direct payment from $.30 per bushel to $.40 per bushel. Limits amount "projected yield" can be adjusted as result of natural disaster. (Total additional cost—$350 million.)

Title IV—Cotton.—Extends Cotton program. (No additional costs.)

Title V—Wheat.—Provides authority for export certificate between 90 and 65 percent of parity (cost is calculated on 65 percent of parity return or $.55 per bushel by 500 million bushels). Limits amount "projected yield" can be adjusted as result of natural disaster. Provides that one-half of wheat certificate value can be paid at time of sign up. (Total additional cost—$275 million.)

Title VI—Soybeans and flaxseed.—Authorizes acreage diversion program for soybeans and flaxseed for such year as the total stocks of soybeans—CCC, Farm Reseal and Commercial—exceed as of August 31, 150 million bushels or 15 percent of the previous year's utilization, whichever is less. (On August 31, 1969 soybeans stocks approximated 300 million bushels. This relatively small carryover would trigger a program in 1970 but only involving the diversion of 2 to 3 million acres of soybeans. Cost is based on this diversion level.) (Total additional cost—$25 to $35 million.) (Provides 75 percent of parity price support loan for participants in the acreage diversion program.)

Title VII—Consumer protection reserve.—Provides for three types of reserves to be held respectively by the Commodity Credit Corporation, by producers under an extended loan program, and by producers under three-year extended loan agreements. CCC sales for unrestricted domestic use would be prohibited at less than parity if stocks were below reserve levels. (No additional costs.)

Title VIII—Marketing orders.—Extends market order authority to any commodity subject to approval by majority of affected producers. Sets up advisory committee to help write market orders. Order may provide: (a) Market supply control ranging from grading standards to marketing allotments subject to approval of two-thirds of affected producers. (b) Pooling of sale proceeds where commodity is sold on use-classification basis. Public hearings on terms and conditions of the market order. Secretary of Agriculture would develop market order following public hearings. Producer referendum with two-thirds vote required for operation of the market order. (No additional costs.)

Title IX—Cropland adjustment.—Removes limit of $245 million on amount of funds that can be appropriated for the Cropland Adjustment Program.

Title X—Rice.—An acreage diversion program for rice is authorized if the national rice allotment is established at less than that for 1965. (The Title provides stand-by authority which has not been used to the present time.) (No additional costs.)

THE COALITION FARM BILL TO EXTEND AND IMPROVE THE 1965 FOOD AND AGRICULTURE ACT—THE McGOVERN-YARBOROUGH BILL

Mr. YARBOROUGH. Mr. President, it gives me great pleasure to join with the able and distinguished Senator from South Dakota in introducing this bill which will strengthen the agricultural economy of America.

Mr. President, our bill will help all Americans, farmers and consumers alike. Unanimously endorsed by a coalition of 22 major farm organizations, this bill will permanently extend and improve the Food and Agriculture Act of 1965 which is scheduled to expire next year. It will aid the embattled farmers and ranchers who must sell their products at 1942 prices, but have to support their families at 1969 prices. It is intended to prevent the collapse of the agricultural economy which feeds and clothes America, to assure adequate food and fiber at reasonable prices, and to guarantee that we will continue to have $6 billion in agricultural commodities for export and a balance of payments which permits us to trade freely abroad without incurring an excessive trade deficit.

In the past two decades Americans have reaped great benefits from the modernization and streamlining of the agricultural industry. Following World War II American consumers paid 25 percent of their disposable income for food; today we pay only 17 percent. This compares with figures ranging from 28 to 40 percent in Europe and close to 50 percent in the Soviet Union. Not only does this improvement save each individual American more money to spend on other items, but it also frees billions of dollars which go back into the national economy.

But despite these tremendous improvements for consumers and the national economy as a whole, the farmers and ranchers have been left out in the cold. While the cost of living and the costs of agricultural production have risen, the income for an individual farmer or rancher has lagged far behind. He pays 1969 prices, which are nearly 50 percent higher than 20 years ago, when the price index stood at 83.5 compared to 125.0 today. But he sells cotton at 1942 prices; he sells livestock at 1952 prices; he sells wheat at 1942 prices; he sells corn at 1944 prices; in fact, he often sells his products below his actual cost of production.

While the farmers and ranchers and I would rather that he receive a fair price in today's market, the fact is that he does not. He simply cannot survive in our inflated economy without the help provided by the farm program.

The Senator from South Dakota and I have introduced our bill in order to allow farmers and ranchers to stay on their land, to maintain production of America's essential food supplies, and to induce young men to stay in agriculture rather than flee to the cities. Although this bill will not remedy all that ails the agricultural industry, it will assure survival.

An important aspect of the bill is that it will be an investment with a good return. While the total cost of the bill's increases over 1969 will be approximately $660 million, it should raise farm income about $1.3 to $1.4 billion. Equally important, the administration's farm program budget for next year will be cut $600 to $700 million, because of the savings gained from various readjustments. The income improvements in our bill, therefore, would require no net increase over the 1969 farm program budget.

This vital bill extends the cotton program, the Wool Act, and the corn and feed grains program with some strengthening amendments, and it authorizes a class I base plan for milk producers. It also extends the wheat certificate program, providing for issuance of certificates worth 65 cents per bushel on export wheat. Establishing a soybean and flaxseed price support program, it provides for acreage diversion in relation to them when necessary to avoid surpluses. It also authorizes an emergency reserve or consumer protection reserve of cotton, feed grains, wheat and soybeans.

In addition, the already existing rice program legislation and cropland adjustment authorizations are extended indefinitely. The 1964 food-stamp program is permanently continued with necessary appropriations and the bill provides that an applicant who cannot afford the minimum cash payments for stamps can work or perform other services to pay for them.

Mr. President, I congratulate the coalition of farm organizations who have joined together to speak with one voice in advocating this comprehensive legislation. Their united and responsible approach to the farm crisis is a credit to all their members and to the agricultural industry. The member groups of this broad based coalition are: National Farmers Union, National Grange, Midcontinent Farmers Association, National Farmers Organization, Grain Sorghum Producers' Association, Soybean Growers of America, National Association of Wheat Growers, National Milk Producers Federation, Pure Milk Products Cooperative, Peanut Growers Cooperative Marketing Association, North Carolina Peanut Growers Association, Virginia Peanut Growers Association, Western Cotton Growers Association, National Potato Council, National Corn Growers Association, American Rice Growers Cooperative Association, United Grain Farmers of America, Webster County, Nebr., Farmers Organization, National Wool Growers Association, Farmers Cooperative Council of North Carolina, Virginia Council of Farmers Cooperatives, and National Rice Growers Association.

This bill is truly an investment in America and the returns will be great. For the money we invest, we get back a reliable food supply at the cheapest real cost to consumers ever achieved by any major nation in history. We will guarantee a stable agricultural economy domestically and insure a favorable balance of trade on farm and ranch exports. And perhaps most importantly, we will help farmers and ranchers stay on their land, turning out those products which feed and clothe our Nation.

Mr. NELSON. Mr. President, I am pleased to join in the sponsorship of this legislation to extend and revise several of our commodity programs in accordance with the general agreement of more than 20 of our Nation's farm groups and commodity organizations.

The Food and Agricultural Act of 1965, which this bill amends, is the basis of several important commodity programs which expire at the end of next year. It is my hope that the Senate Agriculture Committee will be able to give this proposal and other similar bills thorough consideration over the coming months and come up with a final measure that will stabilize farm prices and improve farm income for our Nation's agricultural community.

While I am in general agreement with most of the basic provisions of this legislation, I do have some strong reservations about the modifications to the class I base plan program for milk producers as provided for in this bill. A number of dairy farmer organizations in Wisconsin and other major dairy States have expressed grave concern over the potential effect that these class I amendments may have on the movement of milk and the prices that that milk may bring in various class I markets. They fear that it will not be possible for producers from major dairy States, such as Minnesota and Wisconsin, to receive equitable prices for their milk in class I base plan markets, even if the milk is needed there.

It is my hope that both the Senate and House Agriculture Committees will study this matter of restrictive markets that may develop from these amendments and place clear language in the bill that will not only prevent barriers from being established to restrict the interstate sale and shipment of milk but will also guarantee that all farmers shipping milk to a market receive equitable prices for that milk.

S. 3069—INTRODUCTION OF A BILL ESTABLISHING A VOLUNTEERS IN THE PARK PROGRAM

Mr. JACKSON. Mr. President, on behalf of the ranking minority member of the Senate Interior Committee (Mr. Allott) and myself, I introduce for appropriate reference a bill to authorize the Secretary of the Interior to establish a Volunteers in the Park program, and for other purposes.

This proposed legislation was submitted and recommended by the Secretary of the Interior, and I ask unanimous consent that the letter from the Secretary accompanying the draft bill be printed in the Record following my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the Record.

The bill (S. 3069) to authorize the Secretary of the Interior to establish a Volunteers in the Park program, and for other purposes, introduced by Mr. Jackson, for himself and Mr. Allott, by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter presented by Mr. Jackson is as follows:

U.S. Department of the Interior,
Office of the Secretary,
Washington, D.C., July 9, 1969.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed is a draft of a bill "To authorize the Secretary of the Interior to establish a Volunteers in the Park program, and for other purposes."

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The bill authorizes the Secretary of the Interior to employ individuals without compensation, in volunteer programs in and relating to areas administered by the National Park Service. Authority is included to provide transportation, uniforms, lodging, and subsistence as may be necessary or appropriate. Volunteers would not be considered as Federal employees except for purposes of the Federal Tort Claims Act and statutes pertaining to compensation for injuries. Restrictions on appointments of personnel contained in Title II of the Revenue and Expenditure Control Act of 1968 would not apply to such volunteers.

Volunteer work is a traditional and basic value of American life. Voluntary service is associated with citizenship, and it has helped to improve conditions in neighborhoods, cities, and across the Nation. Volunteers representing all segments of our population are today working in the fields of health, education, welfare, cultural affairs, and community activities. We believe there is a need for the special volunteer services many persons and organizations could provide in interpreting the parks and providing other visitor services, and we believe the enactment of the enclosed bill would encourage such volunteers.

We envision the park volunteer as a private citizen accepting an appointment, without compensation, to a specific job for a limited period. The job would be complementary to, and in addition to, the tasks of the regular career employees, and would not diminish their roles.

Duties would center on interpretation and visitor services. Examples of duties which would be performed by park volunteers are:

Special information services to visitors.

Assisting in archeological digs.

Special research projects.

Interpreting historical events.

Volunteers would provide the supplemental skills needed to bolster the interpretive efforts of the National Park Service at such areas as Independence National Historical Park, Pennsylvania (the nation's birthplace), Fort Union Trading Post National Historic Site, Montana-North Dakota (a remnant of the Missouri River fur trade), and Yellowstone National Park, Idaho-Montana-Wyoming (outstanding displays of bear, deer, and moose).

Volunteers would be selected largely from areas close to the park at which they are to be employed, and on the basis of skills which are generally unavailable in the regular staff, such as special writing ability, ability to stimulate young visitors, etc. Individuals from conservation groups, the various Scouting organizations, Chambers of Commerce, ski clubs, for example, would be considered for appointment as park volunteers.

Costs of the volunteer program will be taken from regular operating expenditures. We estimate that there is a need for work of a specialized nature to be done by approximately 300 volunteers in the first year and grow to substantial numbers in the next 5 years. We estimate that the cost of equipping and servicing a volunteer will be approximately $270 per volunteer:

Uniforms and/or uniform accessories	$40
Meals per year	75
Transportation	75
Pins, awards, merit badges, etc	8
Medical examination	7
Orientation and training	40
Miscellaneous	25
Total per volunteer	270

The Bureau of the Budget has advised that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely yours,

Walter J. Hickel,
Secretary of the Interior.

A bill to authorize the Secretary of the Interior to establish a Volunteers in the Park program, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior (hereinafter referred to as the Secretary) is authorized to recruit, train, and accept without regard to the Civil Service Classifications laws, rules, or regulations the services of individuals without compensation as volunteers for or in aid of interpretive functions, or other visitor services or activities in and related to areas administered by the Secretary through the National Park Service.

Sec. 2. The Secretary is authorized to provide for incidental expenses, such as transportation, uniforms, lodging, and subsistence.

Sec. 3. (a) Except as otherwise provided in this section, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(b) For the purposes of the tort claim provisions of title 28 of the United States Code, a volunteer under this Act shall be considered a Federal employee.

(c) For the purposes of subchapter I of chapter 81 of title 5 of the United States Code, relating to compensation to Federal employees for work injuries, volunteers under this Act shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply.

Sec. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Sec. 5. This Act may be cited as the "Volunteers in the Parks Act of 1969."

S. 3070—INTRODUCTION OF A BILL RELATING TO THE DEVELOPMENT OF CERTAIN PLANTS

Mr. MILLER. Mr. President, I introduce for myself and Senators Dole, Eastland, Hollings; Jordan of North Carolina, and Young of North Dakota, a bill to encourage the development of novel varieties of sexually reproduced plants and making them available to the public by making protection available to those who breed, develop or discover them.

The principal features of this bill are as follows:

First. The new law will be administered by a new bureau to be created within the U.S. Department of Agriculture. This bureau would be called the Plant Variety Protection Office. It would be headed by a commissioner appointed by the Secretary of Agriculture. The Commissioner of Plant Variety Protection would be assisted by a plant variety protection board. This board would be made up of approximately equal representation from the private or seed industry sector on the one hand, and the Government or public sector on the other. The review board would be empowered to make advisory decisions on appeals from decisions of the examiner. It would also advise the Commissioner concerning the rules and regulations which supplement the act.

Second. Applications for plant variety protection would be handled much as industrial patent applications are. The breeder would submit a detailed, written description of his new variety in which he would put forth his claims for novelty, for stability, and for reproductibility. A sample of basic seed would be deposited to protect the public interest.

Third. Breeders using the system would be charged fees so that the whole program would be essentially self-supporting. The fee would vary somewhat depending on whether extra copies of the certificate of protection are desired, whether an appeal is made, an assignment is involved, or whether there is a delay in payment, but the basic application fee is expected to be $50.

Fourth. Any sexually reproduced plant other than hybrids, fungi, and bacteria would be protectable under the new act. A breeder or developer would have 1 year after commercial sale of the variety to apply for protection. This scheme would be available to foreign breeders to the extent their governments afford like privileges to nationals of the United States.

Fifth. Once approved by the Plant Variety Protection Office, a certificate of plant variety protection would be issued. This certificate would allow the owner to imprint some such statement as, "U.S. Protected Variety" on his label, thus notifying the public of the protected status of his variety. Or, should the applicant desire, he could additionally elect to protect his variety under the certification system, in which case the variety could be sold only as certified seed, which fact would be made evident on the special certification label.

Sixth. Applications or certificates of plant variety protection would be assignable. The proprietor could grant or convey an exclusive right to the use of his varieties in the United States or any part of it.

Seventh. The term of protection presently proposed, for all crops, would be 17 years. This is the same period of protection granted asexual plants under the Plant Patent Act.

Eighth. Infringement of the right granted would occur when anyone, without authority, first, sells or offers for sale the protected variety; second, reproduces the variety as a step in the production of another variety of hybrid; third, imports or exports the variety into or from the United States; or, fourth, multiplies the novel variety as a step in marketing such as producing seed for growing transplants for sale.

Ninth. The law would include a special exemption for farmers. They would be allowed to produce seed of a protected variety for their own use.

Tenth. Defense of the right granted would be through civil action. In such actions, certificates of plant variety protection would be presumed valid and it would, therefore, be incumbent on the defendant in the civil action to establish invalidity or other defenses. Should the court decide in favor of the plaintiff, damages would be awarded which, in no event, would be less than a reasonable royalty for the use made of the protected variety by the infringer.

Eleventh. At his option, the proprietor could elect to require that all seed sold be certified, and this provision would be subject to enforcement by the Federal Seed Act officials for such seed moving in interstate commerce.

This legislation is designed to serve as a stimulus for investment of corporate funds in variety research and development of planting seed. It is the intention that the legislation would result in benefits in the form of new and improved varieties with increased yields, greater disease resistance, insect resistance, increased protein, oil, fiber strength, quality of vegetables, and many other crop improvements unknown today to the plant breeders.

Mr. President, I ask unanimous consent to have printed in the Record at this point a resolution passed by the Iowa Seed Council on October 15, 1969, recognizing the need for a National Plant Variety Protection Act and approving the principles embodied in the bill I am introducing today.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the resolution passed by the Iowa Seed Council, will be printed in the Record.

The bill (S. 3070) to encourage the development of novel varieties of sexually reproduced plants and to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest, introduced by Mr. MILLER (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

The resolution, presented by Mr. MILLER, is as follows:

RESOLUTION PASSED BY IOWA SEED COUNCIL ON OCTOBER 15, 1969

Whereas, new varieties of plants that are asexually reproduced can be protected under the present Plant Patent Act; and

Whereas, new varieties of plants that are sexually reproduced cannot be protected under the present Plant Patent Act; and

Whereas, the breeder, developer or discoverer should be afforded the opportunity to obtain protection for new varieties of plants that are sexually reproduced in order to encourage research and development of such new varieties and to promote continuing progress in agriculture;

Now, therefore, be it resolved that the Iowa Seed Council (Advisory Council composed of representatives of the Iowa Seed Dealers Association, Iowa Crop Improvement Association, Iowa Department of Agriculture, and Iowa State University) does hereby recognize the need for a national plant variety protection act for the protection of new varieties that are sexually reproduced and approves the principles embodied in the National Plant Variety Protection Act.

ADDITIONAL COSPONSORS OF BILLS

S. 1958

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Oklahoma (Mr. HARRIS), I ask unanimous consent that, at the next printing, the name of the Senator from Alabama (Mr. ALLEN) be added as a cosponsor of S. 1958, the Prevailing Wage Rate Determination Act of 1969.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2004

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Rhode Island (Mr. PASTORE), I ask unanimous consent that, at the next printing, the name of the Senator from South Carolina (Mr. THURMOND) be added as a cosponsor of S. 2004, to amend the Communications Act of 1934 to establish orderly procedures for the consolidation of applications for renewal of broadcast licenses.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2993

Mr. CRANSTON. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New Mexico (Mr. MONTOYA) be added as a cosponsor of S. 2993, the Veterans' Education and Training Assistance Amendments Act of 1969.

The PRESIDING OFFICER. Without objection, it was so ordered.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATION BILL, 1970—AMENDMENTS

AMENDMENT NO. 253

Mr. McGOVERN. Mr. President, I am submitting today an amendment intended to be proposed by me to the appropriation bill for the Departments of Labor, and Health, Education, and Welfare—(H.R. 13111). This amendment which I ask to have printed increases the House-approved appropriations for four student aid programs.

One item covered by this amendment is the educational opportunity grant program. Educational opportunity grants average about $500 each and go to students from families with low-level incomes. These are families which cannot provide more than $625 toward the educational expenses of the student. Most of them have incomes under $6,000 annually. The House appropriated $159,600,000 for the program, a reduction of $16 million from the budget request. Of this amount $109,388,000 is for administrative costs and the renewal of previously made grants. These costs and renewals we are already committed to, if the program is to continue at all. Under the House proposal there would be only $50,212,000 for new first-year grants, which would help about 100,000 students. This represents the same level of operation as for the last fiscal year. I am proposing that we appropriate $209,388,000 for this program. This will approximately double the amount of money available for new educational opportunity grants. We should not settle for stagnation in the improvement of the condition of those with low incomes. This program must grow if an increasing number of students from low-income families are to enter college.

Another item covered by this amendment is the student loan program under title II of the National Defense Education Act. These loans are for students who have financial need. Preference is given to those of greatest need. Two-thirds of these loans have been made to students from families with incomes of less than $7,500. I am proposing that we increase the Government's capital contribution to this program from $222.1 million to the full authorization level of $275 million.

Not long ago this Chamber passed a bill permitting subsidies to banks to encourage their making guaranteed loans to students. This does not, however, reduce our responsibility to National Defense Education Act direct loans. In fact, the provision for subsidies to guaranteed loans only makes more urgent our passage of this amendment. Guaranteed loans are primarily for those from families in the middle- to upper-income levels. NDEA loans, as we have seen, are based on need and are aimed at those in the lower-income levels. If we engage in the subsidy of loans to those in the higher-income levels, simple justice demands that we provide adequate funds for those with less income. It may seem attractive to have only a guaranteed loan program for each dollar of Federal expenditure, but while this may appear financially advantageous, it is socially disasterous. We must ask the question of who, not just how many. Without adequate NDEA loan funding the answer to "who benefits?" is lower."

In addition, we must not forget other benefits which flow from the NDEA loan program. Under this program many young people are encouraged to enter the teaching profession by provisions that forgive 10-percent of their loan for each year they teach up to 5 years. Not only is teaching encouraged, but under relatively new provisions, teaching in economically and educationally deprived areas is given the extra encouragement of 15 percent forgiveness per year.

A third item covered by this amendment is the work-study program. This program provides economic assistance to students who find it necessary to work their way through college. This is designed for students whose education will cost more than their parents can afford. Preference is given to children from low-income families, those with incomes below $3,200 for a family with two parents and one dependent child. There is no question that there are many students in college today who would not be there if it were not for this program. My amendment proposes to increase the House-approved appropriation work-study by a modest $22.54 million—from $152.46 to $175 million. But even this modest increase will provide assistance to about 45,000 students—students from families that might otherwise not be able to send their children to college.

The fourth program for which I am asking an increase over the House appropriation is the special services for disadvantaged students in college. This program provides educational assistance and enrichment to students whose socioeconomic background has resulted in an elementary and secondary education which is inadequate for college. This program is a modest attempt to compensate for some of the inadequacics of the public education system. We need it if these students are to develop fully. By raising the effectiveness of disadvantaged students this program helps not only them, but the whole Nation. The House appropriated $10 million for this activity. I ask that it be raised to $15 million.

The effect of this amendment is to increase the chances for children from economically deprived families to attend college. Monetarily the proposal is modest—an increase of $130,228,000 over the House measure. Its potential effect is great—about 200,000 additional students will benefit from these increases.

We should adopt this amendment for two very good reasons: First, we owe it to the children from poor families. In the land of opportunity there should be no financial barrier to higher education. How are we going to explain to the child of a poor laborer or farmer why he must stay at home while others go to school, draft deferment in hand, to pursue careers which will be denied to him?

Second, we owe the benefits of this amendment to ourselves. In an age so beset by difficult problems, we need an educated citizenry as never before. When financial difficulties come between a student and his education, they also come between the young person and his contribution to the improvement of our society.

Mr. President, for the sake of these students and for the sake of this Nation I urge the Members of this body and especially the members of the Appropriations Committee to carefully consider the amendment which I have proposed.

Of the programs that I have mentioned today, only one, the educational opportunity grants, has advanced funding. This is a feature which should be adopted for all educational appropriations. As we sit here considering education appropriations, the school year for which most of them are intended has already begun. This means that once the money is finally appropriated many of the programs will be useless or considerably reduced in effectiveness. It also means that quite frequently surpluses remain in program budgets at the end of the year. These surpluses are then misinterpreted as funds not needed by the program rather than as what they really are—funds appropriated too late to be useful. This unfortunate situation reduces the effectiveness of our educational institutions and the effectiveness of our tax dollars. Let me take this opportunity to urge both the administration and the Congress to establish advanced funding for all educational programs.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table.

NOTICE OF HEARINGS ON NATURAL GAS SUPPLIES

Mr. MOSS. Mr. President, natural gas is a fuel vital to the American economy and to the comfort and well-being of our people. Patently, adequate supplies of natural gas are a matter of primary importance.

I and other members of the Committee on Interior and Insular Affairs and its Subcommittee on Minerals, Materials, and Fuels, have become increasingly concerned over reports that our Nation is facing a critical shortage of natural gas. Unequivocal statements to this effect have been made by the new Chairman of the Federal Power Commission, Mr. John Nassikas, and in Commission staff studies.

Accordingly, I announce that the Subcommittee on Minerals, Materials, and Fuels of the Committee on Interior and Insular Affairs will hold public hearings on November 12 and 13 on supplies of natural gas. The hearings will begin at 10 a.m. in the committee room, 3110 New Senate Office Building. The purpose of the hearing will be to ascertain what the situation is with respect to supplies of natural gas, and what action Congress and other branches of the Government should take in the circumstances.

The subcommittee is inviting the Secretary of the Interior, the Chairman of the Federal Power Commission, and other officials concerned with production and distribution of natural gas to appear at these hearings and give us facts and recommendations.

We shall also be glad to hear the views of the gas industry, both producers and distributors, as well as those of the public.

The participation of any Member of the Senate will of course be most welcome.

Mr. President, as a background for these hearings, I ask unanimous consent that the summary and conclusions of the staff report of the Federal Power Commission on "Natural Gas Supply and Demand," dated September 1969, be printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

NATURAL GAS SUPPLY AND DEMAND

(Staff report of the Federal Power Commission)

SUMMARY AND CONCLUSIONS

Our analysis of the national gas supply and demand relationship leads us to conclude that:

A major new government-industry program is needed immediately to insure the continued growth of natural gas service during the next decade. The program must be directed to speeding up the exploitation of the natural gas resource base and the development of supplementary gas sources. Basic elements for consideration should include: exploration incentives; Federal government leasing policies, both onshore and offshore; policies for imports of pipeline natural gas and liquefied natural gas; priorities for gas use in a short supply situation and Federal and private R&D expenditures for synthetic fuels.

Specific findings in this report which lead to the above conclusion are summarized as follows:

1. The national reserves to production (R/P) ratio (excluding Alaska) will drop from the current 14.6 levels to 10.2 by the end of 1973. Even a substantial improvement in reserve additions during the 1969–73 period above that experienced during the past five years will not prevent the R/P ratio from dropping to about 11 in 1973. Under no foreseeable circumstances will it be possible to hold the R/P ratio at its present level. Even under a greatly accelerated exploration program there is no single producing area, such as South Louisiana for example, which has sufficient potential for the development of new reserves at the timing and magnitude required to halt the decline in the national R/P ratio (Chapter II).

2. A critical analysis of "total U.S. proven reserves" by area and category of gas (Chapter II) reveals that:

A. Regional gas supply deficiencies are probable even when the national R/P ratio is still at or even above the 10 level.

B. The R/P ratio for South Louisiana will drop to the critical level of 8 in 1973 after which production growth will be at progressively slower rates.

C. The uncommitted portion of the total proven reserve inventory will have been exhausted by 1974 at which time the natural gas industry's capacity for growth will be limited.

3. The undiscovered natural gas resources of the contiguous states of the U.S. are estimated to be from two and a half to five times the current proven reserve inventory of 282 billion Mcf. The problem is to change the natural gas from the undiscovered resource category to the proven reserve category at the pace required to meet increasing demands and under economic conditions which will permit natural gas to retain its important role in the energy mix (Chapters II and IV).

4. U.S. natural gas requirements will continue to increase through 1973 at an average annual rate of 6.0 percent—the same average growth rate experienced during the most recent five year period. In order to meet these requirements Canadian imports are forecast to increase at an average annual rate of about 11 percent—a slightly higher growth rate than in recent years—and domestic production is forecast to increase at an average annual growth rate of 5.8 percent—a slightly lower growth rate than in recent years (Chapter III).

5. The U.S. gas industry and its customers will be increasingly dependent on supplementary sources of gas in the years beyond 1973 and particularly during the 1980's. The most promising of these sources include:

A. *Synthetic Gas from Coal:* The estimated cost of synthetic gas from coal has been cut in half during the past 20 years and is expected to be competitive with pipeline natural gas at several locations by the end of the next decade. U.S. coal resources are almost unlimited (Chapter IV, Page 65).

B. *LNG Imports by Ocean Tanker:* LNG technology, already fully developed and operational in Europe and North Africa, will soon provide a world-wide natural gas trade. Estimated cost of imported LNG to U.S. northeast coast cities is now nearly competitive with domestic pipeline delivered natural gas and one specific plan for such LNG service has been announced (Chapter IV, Page 60).

C. *Alaskan Natural Gas:* The historic Prudhoe Bay discovery has enlarged the already substantial Alaskan natural gas potential by several orders of magnitude. The Prudhoe Bay petroleum field will likely be one of the world's largest and opens the possibility of major natural gas production in the U.S. arctic. Transportation via LNG tanker or by pipeline will be costly and difficult, and unlikely within the next five years (Chapter IV, Page 48).

D. *Canadian Imports:* The natural gas resource base of Canada, including the Canadian arctic, is estimated to be as large as that of the contiguous United States and is in a very early stage of development. The Canadian natural gas industry is healthy and growing very rapidly. We foresee an average 11 percent annual gain in Canadian export sales to the U.S. market during the 1969–1973 period and even higher annual sales gains for the years beyond 1973 assuming mutually agreeable prices. For its full development the Canadian natural gas industry must seek exports and the U.S. is the most logical customer (Chapter IV, Page 54).

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Robert D. Olsen, Sr., of Alaska, to be U.S. marshal for the district of Alaska for the term of 4 years, vice George A. Bayer.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Thursday, October 30, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

DRAFT REFORM

Mr. KENNEDY. Mr. President, in today's newspapers there are three articles of great interest to those of us who are concerned with the reform of the Selective Service System.

The New York Times, in the first of these articles, reports the decision of Federal Judge Lloyd F. MacMahon, holding that a local board acted illegally in refusing to grant a registrant a student deferment. Certainly the local board which acts in such a high-handed manner is a great exception to the Selective Service System; nevertheless, as the story suggests, a thorough review of the whole system from top to bottom is urgently required and far-reaching reforms badly needed.

The second article, from the Washington Post, deals with another aspect of the Selective Service System which has previously caused concern here in Congress. Two cases are presently pending before the U.S. Supreme Court, Breen against Selective Service Board No. 16, and Gutknecht against United States, dealing with the delinquency regulations of the Selective Service System and the use of induction as punishment. These regulations, and especially General Hershey's interpretation of them, have come before the court in other cases, and it is revealing that the second highest legal officer in the U.S. Government has declined to sign Justice Department briefs upholding these regulations.

The final article in the New York Times indicates broad support for a system of random selection to replace the current oldest-first method. For more than 3 years now, a number of us have urged adoption of random selection. I am glad to note we are moving closer to it.

The hearings I have previously announced, which will be held in the Administrative Practice and Procedure Subcommittee, will develop further areas where administrative reform of the system is both necessary and practical.

I ask unanimous consent that these articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York Times, Oct. 23, 1969]

U.S. Judge Irked by Draft Board—Blocks Induction of Student as "Blatantly Lawless" Act

(By Edward Ranzal)

Federal Judge Lloyd F. MacMahon denounced yesterday members of a Mount Vernon, N.Y., draft board for their "blatantly lawless" refusal to grant a deferment to a University of Bridgeport student.

He vacated an order of induction for Thomas J. Walsh, 24 years old, of Eastchester, N.Y., and permanently enjoined Mount Vernon's Local Board 10 from inducting the student into the armed forces under its order of last June 10. The judge held that the draft board had acted illegally when it arbitrarily denied the student a hearing for reclassification.

Judge MacMahon said:

"The draft board's overzealous, high-handed and erroneous handling of this man's plight hardly inspires confidence in the system. Rather, it is this kind of treatment which has alienated the youth of the nation, bred disrespect for law, sparked the disorders which has alienated the youth of the nation, bred disrespect for law, sparked the disorders which have torn a gap between generations and ripped open the very structure of society.

"It feeds the clamor for abolition of the whole Selective Service System, from top to bottom, not only by mounting numbers of defiant young men but also by the President and many members of Congress, where no less than 43 bills to change the draft laws are pending.

"At the very least, those entrusted with the awful power of conscripting the nation's young men into the armed forces in time of war or other military ventures owe a duty of the most searching examination of the facts, scrupulous fairness, sensitive care, compassionate hearing, patient consideration, cautious action and deliberate and rational decision within the law.

"We afford no less to the worst criminal in our society."

ALL APPEALS DENIED

Mr. Walsh, who is a junior at the Connecticut university, received a 2-S student deferment until Dec. 12. He "fell behind his class," the judge noted, and on Dec. 12, 1968, his draft board reclassified him 1-A, available for military service. Last June 10 he was ordered to report for induction on July 9, but he did not receive the notification until after the induction date.

On July 3 he applied for a 1-S deferment and requested a personal appearance before the board. Four days later the board, without granting a personal appearance, denied his request. Appeals were taken within the system, and all were denied. He was ordered to report for induction on Aug. 13.

On Aug. 12 Mr. Walsh brought action in Federal court, contending that the draft board had never considered his request for reopening his classification. Judge MacMahon stayed the induction temporarily.

"Plainly," Judge MacMahon said," Congress intended to mandate 1-S deferment to undergraduate students who had fallen behind their class but who were, nevertheless, satisfactorily pursuing a full-time course of instruction."

Judge MacMahon said Mr. Walsh fitted into the category of a full-time student and was entitled to a 1-S deferment. He held that failure of the board to hear his request for reclassification was "blatantly lawless."

[From the Washington Post, Oct. 23, 1969]

U.S. Solicitor Balks at Two Draft Briefs

(By John P. MacKenzie)

Solicitor General Edwin N. Griswold has refused to sign two Justice Department briefs to the Supreme Court defending the 1967 Selective Service Act and the rules of Gen. Lewis B. Hershey.

In a breaking of department ranks that has few precedents the government briefs were filed yesterday over the signature of Attorney General John N. Mitchell, with the Solicitor General's signature missing.

Griswold, 65-year-old former dean of the Harvard Law School, declined to comment. The extent of his disagreement with Mitchell could thus only be gauged by his previous statements, including a brief two years ago in which he said Hershey had "invited" local draft boards to use the induction power to punish dissent.

The principal issue in one case before the court is whether Selective Service has the power from Congress and the Constitution to speed up the induction of young men in reaction to delinquency resulting from their turning in or destroying draft cards.

In the other case the question is whether Congress has the right to prohibit civil suits by draftees challenging their classification before the men are in uniform.

Both cases are at the heart of the war dissenters' and civil liberties groups' quarrel with Hershey, who two weeks ago was relieved as Selective Service director effective Feb. 16. Griswold, who enjoys the support of former Attorney General Ramsey Clark, clashed with Hershey over similar questions last year.

On that occasion Hershey tried to file his own brief in the Supreme Court, bypassing Griswold, but the government's top officer for high court litigation withheld his consent and the court did not accept the brief. Griswold resolved the split by offering a brief that contained his own memorandum "for the United States" and a few pages summarizing Hershey's point of view.

The lack of Griswold's signature is expected to be a severe handicap to the government when the cases are argued next month. One legal scholar has said that omitting the Solicitor General's name is "like tying a tin can" to a brief.

The last time this happened was in 1955, when then Solicitor General Simon E. Sobeloff declined to back the Eisenhower administration's position in support of the power to deny security clearances to public employees without letting them confront their accusers.

Warren E. Burger, then Assistant Attorney General in charge of the Civil Division and now Chief Justice of the United States, stepped forward and argued the case and lost. Within a year both Sobeloff and Burger were on the federal bench.

The two Supreme Court cases grew out of the antiwar antidraft protests of the fall of 1967 and Hershey's controversial October 1967 memorandum reminding local draft boards of their power to accelerate induction for some draft law violators. One case is criminal and the other civil.

In the criminal case, David Earl Gutknecht, now 21, threw his draft papers at the feet of a deputy marshal during a demonstration in Minneapolis. He was held delinquent for nonpossession of his draft card and ordered inducted. He is appealing a four-year prison sentence for refusing induction.

[From the New York Times, Oct. 23, 1969]

University Group Backs Nixon's Draft-Lottery Plan

The Association of American Universities yesterday endorsed President Nixon's proposal for a draft-lottery system to replace the current "oldest first" method.

The association, which is made up of representatives of 42 major American universities, made the endorsement here as part of a series of public pronouncements on issues affecting their campuses.

Dr. Nathan M. Pusey, president of Harvard University and the new head of the association issued the statement on the draft after the association's annual meeting at the Plaza Hotel.

The statement said it favored a policy of limiting draft eligibility to one year in a young man's life. President Nixon's plan, which was reported out of the House Armed Services Committee last week, proposes that men be liable for the draft only during their 19th year.

Dr. Pusey made public a telegram sent to President Nixon last August by David D. Henry, president of the University of Illinois and the former head of the association, which said in part that the proposed amendment of the draft law "would be a powerful factor in reducing campus tension."

NEW POLICY EXPLAINED

The Harvard president said the association's new policy of taking sides on public issues was "the inevitable consequences of developments since World War II, when an increasing amount of university research became funded by the Federal Government."

In its policy statements yesterday, the organization also urged more Federal funds and legislative support for medical and health education, endorsed a bill currently before the House that would establish a national program of institutional grants to oversee Federal aid to graduate research projects, and called for more Federal support for international education programs.

No stand was taken on the Reserve Officers Training Corps program, which has come under fire from campus activists recently. Dr. Pusey said that the issue "did not seem as urgent" as the other matters taken up at yesterday's meeting.

The association was formed early this century by the heads of various prominent universities to promote graduate studies. Its member universities now grant about 60 per cent of the nation's doctorate degrees and receive 75 per cent of all Federal grants for graduate studies.

ADDRESS BY SENATOR MONTOYA BEFORE AMERICAN INDIANS CONVENTION

Mr. McGOVERN. Mr. President, on October 7, the Senator from New Mexico (Mr. MONTOYA) addressed the National Congress of American Indians Convention in Albuquerque, N. Mex. The well-attended convention was a particularly important occasion for Senator MONTOYA. It is well recognized by Senators that he has long fought for greater opportunities for the American Indian.

The new administration has a particularly important responsibility to help the American Indians improve their standard of living, and insure them the right of all American citizens: the right to share in the wealth of this great Nation. In this regard Senator MONTOYA's remarks to the NCAI convention are very timely.

Mr. President, I ask unanimous consent that Senator MONTOYA's remarks before the National Congress of American Indians Convention be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

ANNUAL CONVENTION OF THE NATIONAL CONGRESS OF AMERICAN INDIANS

You honor me by your invitation to speak with you today. I want to take this opportunity to thank your president, Mr. Wendell Chino, with whom I have discussed Indian Affairs from time to time—and who was very kind to invite me to address you today. Today's afternoon session is entitled "Federal Communities." Briefly, I would like to share with you in the next few minutes some of my own thoughts on this subject—thoughts I offer to you for discussion, elaboration, and finally, perhaps, further development of your own ideas in this most important area.

The first priority in any discussion of Federal Indian policy in my opinion is the issue of termination of federal supervision of Indians, and Indian lands without consent. This policy, perpetrated in the past through an ill-conceived notion that such a policy will improve the economic and social well-being of the American Indian, must be eliminated. I, Senator Anderson, and several others have in the Congress co-sponsored a Senate resolution (Senate Res. 34), introduced by Senator George McGovern (D. S.D.), that includes language which firmly establishes that it is not the intent of the Senate to support such leigslation now or in the future. I would like to point out that the present Administration, contrary to some recent remarks in the past few months, is on record as supporting this philosophy.

President Nixon, on September 27, 1968, and at that time a candidate for the Presidency, issued a statement to the National Congress of American Indians in Omaha, Nebraska, and I quote, "termination of tribal recognition will not be a policy objective, and in no case will it be imposed without Indian consent." end quote. I call this to the attention of the delegates assembled, and recommend that you hold President Nixon to his promise! In March, 1968 the late Senator Robert Kennedy stated in a Senate hearing on this subject, "termination policy as many have pointed out, has thoroughly 'poisoned the well' of meaningful dialogue among government officials, legislators and the Indian people." I say it is time to act on the concerns of Senator Robert Kennedy and promote a closer working relationship between the Indian people and government officials.

The second issue of federal policy requiring action, and support by you, and of course by the Congress, is the critically important need for the federal executive to reform the archaic administrative structure now in existence. The Indian people need a unified, coordinated federal administrative structure, one that is a separate executive department dedicated to improving and expanding Indian opportunities. Simply to criticize the Bureau of Indian Affairs or the Division of Indian Health Services as inadequate is not the answer. I believe there should be recommendations for meaningful revisions in the existing structure, that the federal executive as now organized is not capable of providing the necessary assistance to meet Indian problems.

I recommend also that you submit to the President a well planned carefully thought-out design for a reorganization of Federal Indian Affairs programs. Place the present Administration on notice that you can and will continue to assert your right to self-determination; that it is your right, and that you can and will organize tribally and nationally to exert your influence and share in the wealth of this—the richest nation in the world.

The role of the Congress in all this seems clear. It must be the sense of the Congress to insure the right of self-determination for the Indian people; it must insure the protection of Indian lands; it must seek to provide the assistance necessary for Indian people everywhere to maximize the human and natural resources potential of the Indian people and their lands; it must support the right of all tribal governing units and rank and file tribal members to participate and share in the health, education, and welfare assistance provided by the various federal assistance programs; and finally the Congress should insure the right of all Indians to enjoy the same rights an privileges of all American citizens.

The role of this Convention and all Indians everywhere I hope, among other objectives, will be to make their voices heard, in groups as you are assembled here, and as individuals. The slow but real progress that can be seen by the American Indian has been made possible through an organized, unified effort. This I believe, is a most important development and should be encouraged and strengthened.

The role of our national governmental leadership is also clear. New circumstances and new demands of the American Indian—must be met with equally new administrative directions, new philosophy, and new leadership.

President Nixon has said that "termination of tribal recognition will not be a policy objective"—let him state so with actions;

President Nixon has said, "the right of self-determination of the Indian people will be respected," I call on him to back this statement with a commitment of funds and executive reorganization to better implement these funds;

President Nixon said, "My Administration will promote the economic development of the reservation." I call on him to release greatly needed construction funds to build roads, and construct hospitals and clinics so desperately needed both on and off Indian reservations.

It is for the Nixon Administration to back up these promises made in Omaha last year with specific legislation, funds, and a statement of policy now, this year. The need for action is long overdue. The Indian people have been neglected for too long.

Today ¾ of all Indian families exist on a below-poverty-level income;

Indian health statistics are closer to health standards in underdeveloped nations in Asia and Africa. Average life expectancy (44 years) for the Indian people is 20 years below the national average;

50% of the water used by Indian families come from unsanitary open wells;

Housing conditions on and off reservations are a national disgrace.

This evidence, in my own State and throughout the U.S. shows dramatically the urgency for our present Administration to state as a matter of national policy to expand federal economic and social development assistance to the American Indian.

The American Indian, the true native peoples of this diverse and great country, must be provided with the opportunity to choose between assimilation into the mainstream and maintaining their cultural identity. Indian culture can and will add greatly to America's grand scheme of total cultural advancement.

Here in New Mexico we are proud of the rich heritage maintained by the American Indian culture. It is at once one of the beauties of America, the many diverse cultures that live in harmony with each other. We must preserve that heritage for generations yet unborn.

Thank you.

GRINGOS AND GENERALS

Mr. JAVITS. Mr. President, "Gringos and Generals," written by Roberto de Oliveira Campos, and published in the August-September issue of Interplay, should be required reading for every Member of Congress as we approach the annual foreign aid debate.

Dr. Campos, a brilliant and distinguished economist, served as Brazil's Ambassador to the United States from 1961 to 1964 and more recently as the Minister of Economic Planning and Coordination of the Government of Brazil. Dr. Campos was one of the principal members of the Pearson Commission whose recommendations on worldwide development assistance have been made public—in time to assist the planning of the United Nations family for the second development decade of the 1970's and to assist individual donor and recipient nations in their economic planning efforts for this decade.

In his perceptive article, Dr. Campos catalogs the difficulties prevailing in Latin American countries which hinder economic development, and presents a brilliant analysis of the present and changing role of the military takeover in Latin America.

In discussing the trade and aid controversy, Dr. Campos comes to the disturbing conclusion that Latin America is faced with the bleak prospect of "less aid and less trade." In describing the alliance and its successes and failures, Dr. Campos notes that—

> Some of its basic ideas have percolated through the body politic and are now part of the contemporary political and economic wisdom.

Finally, Dr. Campos' introduction states:

> Finally even though, in this age of jets and missiles, geographic proximity has lost much of its strategic relevance, and, even though lacking nuclear power, the developing countries of the Western Hemisphere are a source

more of discomfort than of danger, the fact remains that Latin America has a special relevance in the context of the West. Among the underdeveloped continents, it is the one with the best prospects for self-supporting growth and for moving ahead into the industrial age.

This quotation puts into excellent context the reasons why I strongly feel that Congress should continue the funding of our Latin American programs at least at the levels the administration has requested.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GRINGOS AND GENERALS

(By Roberto de Oliveira Campos)

The name "Latin America" is a semantic oversimplification that conceals enormous regional disparities: (1) between Spanish and Portuguese America; (2) between the homogeneous societies of European stock (Argentina, Uruguay and Chile), the dualistic Indian-Spanish societies (Peru, Bolivia, Ecuador and Mexico), and the "melting-pot" societies such as Brazil and Venezuela; and (3) between the industrially developed economies of, say, Argentina, Mexico and southern Brazil and the largely agricultural economies of Ecuador and Paraguay. So anyone who discusses Latin America runs the risk of indulging in "glittering generalities into which the future will write its own meaning."

There are, on the other hand, several reasons why the topic is timely. Far-flung adventures, costly in blood and treasure and fertile in disenchantment, have diverted American attention in the past few years from the Latin American scene. But even though, in this age of jets and missiles, geographical proximity has lost much of its strategic relevance, and even though, lacking nuclear power, the developing countries of the Western Hemisphere are a source more of discomfort than of danger, the fact remains that Latin America has a special relevance in the context of the West. Among the underdeveloped continents it is the one with the best prospects for self-supporting growth and for moving ahead into the industrial age.

It is also the one which has the greatest affinities, as regards both culture and institutions, with the Western World. In fact, if we were to use the now fashionable terminology, the Third World, to describe the underdeveloped nations—characterized by hesitant experiments with capitalist and socialist ideologies as well as with authoritarian or democratic models, and leaning toward neutralist foreign policies—Latin America could better be described as a peripheral area of the industrialized West than as a component of the Third World.

Another factor which makes a review of the Latin American scene timely is the change of administration in the United States. This phenomenon stimulates the search for originality, and creates the need for a new image and a fresh approach. Foreign policy, unburdened by resentment and, one hopes, untouched as yet by routine, may still be pliable.

Last but not least, it is a fact that if we in Latin America—God forbid—continue to practice the "arithmetic of rabbits," there will, at the turn of the century, be twice as many Latin as North Americans in this hemisphere.

In terms of development, Latin American performance has been reasonably good in the postwar period, despite the problems created by political instability, inflation and sluggish export growth in some countries, and the deterioration of the terms of trade vis-à-vis the industrialized world. The gross national product increased at an average rate of 4.7 percent per annum; industrial production rose by some six percent; even agriculture, relatively neglected because of the fascination exerted on Latin Americans by the sense of power engendered by industrial growth, grew by some four percent per year. The growth in food production has, however, been inadequate to cope with the combined effects of the demographic explosion and the rise in urban incomes.

About 90 percent of all investment in the region has come from domestic sources though the foreign sector brought a crucial contribution in technology and import financing. And although the annual income per head in Latin America still averages only $350—only one-tenth and one-fifth, respectively, of the North American and West European averages—it is nevertheless three times greater than the Asian and African average.

In a daring oversimplification, I shall briefly run through a catalogue of the difficulties prevailing in Latin American countries.

There is, first of all, the question of improving agricultural productivity, in the interest of lowering inflationary food costs, increasing export availabilities and raising rural incomes, thus broadening the market for industrial production. To cite agricultural productivity first is not to downgrade industrial development, which alone can provide expanding job opportunities for the urban unemployed and the rural underemployed. It is simply to recognize the fact that industrialization, strange as it may seem, is an easier matter than agricultural modernization, since its technologies can much more easily be transplanted.

THE CRADLE AND THE PLOUGH

Second, there is the return of the crafty Malthusian Devil, which we all thought had been exorcised by the revolution in agricultural technology. It was revived by the introduction of antibiotics, which led to a much greater decline in mortality than in fertility. There is some hope, however, that the "second-strike" biochemical revolution of "the pill" may again restore the balance.

With a yearly increase of around three percent, Latin America has the fastest growing population in the world. Only in a few countries—Argentina, Chile and Uruguay—is population planning not a priority problem. While Mexico and Venezuela have managed to reconcile high rates of development with a demographic explosion, they nevertheless have to contend with the increasingly serious problem of providing employment for the burgeoning labor force.

This race subtracts resources that could be used for improving the standard of living and capital tooling, and creates tantalizing employment problems in a continent where roughly a third of the labor force is unemployed or underemployed.

Third, there is the problem of inflation, which for some obscure astrological reason affects most adversely those countries which lie wholly or partly south of the Tropic of Capricorn: Argentina, Brazil, Uruguay and Chile. Substantial progress has been made lately in stabilization programs (despite an inflationary relapse in Chile), after growing disappointment with the manipulation of inflation for forced savings and development, and blistering evidences of social conflict. A contribution the economists can perhaps make is to distinguish between price inflation, an all-too-familiar phenomenon, and price inflammation of the Latin American variety, which is purely and simply a disease of the social body.

Fourth, there is the question of the changing nature of the industrialization process, which in most countries can no longer be based mainly on import-substitution but must depend on expanding internal and external markets. This, in turn, will require boosting rural incomes through increased agricultural productivity, improving the pattern of income distribution to enlarge urban consumption, and moving much more boldly than has been politically feasible to date toward regional integration and better access to industrialized markets.

One of the most important ideological contributions of the Alliance for Progress was its emphasis on social development as a means toward stable and sustained growth, at tolerable levels of social friction. Even though the concept of the Alliance failed to capture the public imagination in Latin America, some of its basic ideas percolated through the body politic and are now part of the contemporary political and economic wisdom.

Most aspects of recent Latin American social performance in this context are negative, but some are positive. The darkest area would seem to be the absurdly unjust pattern of income distribution. According to ECLA's estimates for 1965, half of the population of Latin America received, in all, only 14 percent of total income, while 31.5 percent went to individuals in the top income brackets, comprising only five percent of the population. The brighter aspect is that, in most of the major countries, fiscal reform policies are now in force which will compel a substantial income redistribution. This is not only a humanitarian desideratum but an imperative for the creation of an expanding internal market. Since the inception of the Alliance for Progress, there has been not only a concentrated drive for fiscal reform, but a considerable increase in programs and expenditures for health, education and housing.

Agrarian reform laws have been passed in several countries, although actual progress has been exasperatingly slow. But undoubtedly one has to chalk up as a positive factor a much greater awareness of the problem of social development, and its acceptance as an essential part of government programs and planning.

One must start with two unhappy premises: first, that there appears to be no correlation between economic development and political development, and, second that political development is even less an exportable commodity than is economic development.

The issue of political development has been sharply brought to the fore by the recent ascendancy of the military in some of the larger countries of Latin America. This is described by many as an authoritarian relapse interrupting a desirable evolution toward democracy. But generalizations in this field are hazardous. It is necessary, in particular, to determine whether the military intervention was the cause, or merely the consequence, of the "political crisis."

STAGES IN POLITICAL DEVELOPMENT

It should be stressed that Latin America's progression from oligarchic and traditionalist forms of government to democratic pluralism is likely to be slow, hesitant and painful. One reason for this may be common to all developing countries. Another is more closely linked to behavioral patterns of Latin American politics, which, as one American sociologist puts it, reflect the traditional values of particularism, personalism and paternalism.

The analysis of the ascendance of military regimes in Brazil, Argentina and, more recently, in Peru, requires a consideration of the role that the military could and should play in the political life of developing countries. The first point is that the new generation of military leaders in Latin America shows little resemblance to the personalistic, "caudillo" type that characterized the first postwar wave of military regimes, such as those of Perón in Argentina, Rojas Pinilla in

Colombia and Perez Jiminez in Venezuela. We are dealing, in short, with a different breed, the technocratic variety, much less personalistic and much more concerned with institutional modernization.

The second point is that the ascendance of the military is not a peculiar Latin American anti-democratic deformation, but a fairly widespread phenomenon in the developing world. This seems to reflect the peculiar stresses of the modernization process, and involves much more complex motivations than the lust for power, the anti-Communist obsession, or the defense of conservative interests, which are supposed to underlie military movements in Latin America. These other motivations, discernible in quite a few instances, are:

1) Nation-building after recent decolonization, when the military are the only national group equipped with at least rudimentary administrative skills, and capable of serving as an integrating force in the face of dissident tribes, castes and religions;

2) Modernizing reforms, in the face of legislative impasses created by the resistance of traditionalist groups dominating the political process, thus creating the need for an enlargement of the executive power; and

3) Crisis management, in the case of the breakdown of social discipline after populist regimes, which, by raising extravagant expectations of welfare and social justice well beyond the capabilities of the existing institutions and resources, have led the countries into social turmoil and economic chaos. There have been in Latin America too many engineers of chaos disguised as defenders of freedom.

The first motivation is certainly relevant in the African and Asian context, though not meaningful to Latin America, where national unification has long been attained. The recent abandonment by the Brazilian military of their traditional role of arbitrators, and by the Argentinian of their tutorial role, in favor of direct engagement in the political arena, must therefore be explained in terms of the other sociological components.

TRANSITION PAINS

In a broader context, the basic problem of Latin American politics is the transition from the elitist oligarchic regimes to pluralistic democratic models, in the context of a paternalistic, particularistic and personalistic set of values. In some cases, such as that of Mexico, after a bitter period of social convulsion, a regime of "consensus authoritarianism" has been established, which allows, within the confines of a single party, sufficient room for the play of interest and the expression of grievances so that tensions have thus far been absorbed and political stability maintained, although there are signs that the agglutinative power of the Revolution may now be thinning out. Other countries, such as Costa Rica and Chile—fairly homogeneous societies—have attempted a direct transition to democratic pluralism with apparent success, although it is unclear at this stage whether the frequent legislative impasses will not usher in radical solutions in Chile, Venezuela, after a long period of "caudillismo," is now trying a hopeful pluralistic democratic experiment.

In Brazil and Argentina, this transition was first attempted through the "populismo" of Vargas and Perón. In both cases, inflation and economic stagnation finally ensued, brought about by utopian promises of welfare without any prescriptions for manageable growth.

After the downfall of the populist dictators, the "political class" failed repeatedly in the task of managing the transition. It was slow in accepting reforms, the splinter "personalistic" party system led to legislative impasses, and utopian promises continued to be regarded as the basic raw material of political success. In short, democracy deteriorated into demagoguery.

The assertion of authoritarian discipline and the hypertrophy of executive powers may well be the price to be paid in situations of "crisis management," when prolonged inflation has broken down social discipline, confronting the nation with the sinister combination of inflation cum stagnation. For, then, the society becomes brittle, with no margin for social accommodation, and inflation invariably assumes the features of a bloodless civil war.

Nobody has really discovered the secret for readily converting into successful electoral stuff the brutal measures needed to cure a long-term inflation accompanied by populist repression of politically sensitive prices, resulting in stagnation in basic investment and distortion of its pattern. The consumer is resentful because of the elimination of subsidies to consumer needs (housing, food); the politician, because of the slash in vote-yielding appropriations; the business groups, because of credit restraints. All, to be sure, are against inflation, provided the bitter anti-inflationary medicine is taken only by his neighbor.

WEAKNESSES OF AUTHORITARIAN RULE

But to try to understand the transitional role of the military in the process of modernization and development is not to ignore the perils of this role. Authoritarian governments have often failed to control inflation and to promote capital accumulation. And several developing countries have had success in solving the problem of accumulation while maintaining substantially open economies and relatively free political systems. All that this proves is that no comfortable generalization is possible. If it is absurd to claim that the destruction of democracy is necessary for capital accumulation, it is equally naive to deny that in some developing countries, at certain times, there is a typical situation of crisis management, which cannot be solved through normal constitutional processes. Any objective assessment would indicate that in both Brazil and Argentina, under an alliance of military and civilian technocrats, economic performance improved markedly and long-awaited institutional reforms were enacted.

Let me now put forth some of the reasons which counsel only a temporary predominance of the military in the political arena. The military mind is susceptible to some peculiar deformations. There is, first, the propensity to expand the notion of national security to the point of curtailing individual liberties beyond the legitimate requirements for the restoration of social discipline. On the economic front, this may also lead to reserving to the state economic operations that could safely and much more effectively be conducted by private enterprise.

Second, there is the vulnerability to xenophobic nationalism. This leads to ambivalence. On the one hand, there is the desire to accelerate investment and growth. On the other hand, excluding foreign investment from resource development results in slowing down the rate of growth. A further contradiction is added when the potential for productive investment is reduced by military expenditures.

Third, the seduction of authoritarianism. Used to imposed discipline, the military has little patience with the art of democratic compromise. Moreover, personal criticism, inevitable in the democratic debate, is often resented as an attack on the "military institution," eliciting authoritarian reactions.

Fourth, there is the problem of communication. Except in the military regimes of the "populist" charismatic type, there is a tendency to underestimate the importance of political parties to coalesce diffused aspirations into intelligible work programs and to act as channels for popular communication, the articulation of interests and the expression of grievances. This may lead to isolation and rigidity, concealing rather than eliminating the buildup of social and political tensions.

Let us look at the current dilemmas that have to be faced by the United States in formulating policies to assist in the economic development of Latin America, *e.g.*, the aid burden, the aid relationship, and the trade-versus-aid controversy.

THE AID AND TRADE CONTROVERSY

There appears to be in the United States a feeling of both fatigue and disenchantment with foreign aid. This is due partly to excessive expectations. False analogies with the Marshall Plan—where the problem was simply that of reconstructing a physical structure and putting to use existing human skills—helped in creating expectations of dramatic and immediate yields. Then there is the bitter frustration and the enormous cost of the Vietnam involvement. Third, there is the feeling that the aid burden is not adequately shared with other industrialized countries, some of which are enjoying balance-of-payments surplus, while the U.S. continues to suffer a deficit. Fourth, there is a vastly exaggerated idea of the real burden of aid.

The truth is that the aid burden has steadily declined in the present decade. Measured as percentage of GNP, the net share of aid of the US has declined from 0.75 percent in 1960 to 0.70 percent in 1967. The same is true for the other big donor countries, with the exception of Germany and Japan. Thus, the magnitude of aid, which in 1967 averaged 0.75 percent of GNP of the member-countries of the Development Assistance Committee, fell well behind the target of one percent of GNP accepted at the United Nations Commission on Trade and Development (UNCTAD) Conference in New Delhi. In terms of proportion of GNP devoted to aid, the United States ranks presently as the ninth largest contributor, surpassed by France, Portugal, Netherlands, West Germany, Belgium, the United Kingdom, Switzerland and Japan.

The real aid burden has been further reduced by the improvement in the terms of trade of the industrialized countries vis-a-vis the developing nations. Price relationships have so benefited the industrialized nations that the purchasing power of exports of developing countries fell by 19 points between 1953 and 1967, of which not less than 10 points was during the current decade. Thus, part of the real resources yielded for aid by taxpayers of donor countries has been recaptured in the form of lower import prices for their consumers.

The burden of aid has been further moderated by the system of tied procurement. At the same time that the grant component was shrinking, procedures linking aid to exports of goods and services became so widespread that by now no less than 80 percent of all aid is "tied." This growth of "tying" reflects the adverse balance-of-payments position of certain donors, particularly the U.S. and the stiffer competition for export markets. But the movement proved very contagious. The result has been a loss in the flexibility of planning by developing countries, and an increase in the real cost of their imports; and the transformation, for the donor countries, of unselfish development assistance into schemes for export promotion.

This brings about the vexing question of the aid relationship. A few points must be clearly stressed at the outset. Effective use of aid resources is fundamental if the objective of aid is to promote development. Hence the concern of donors with the performance of the receiving countries is a legitimate one. However, the definition of performance criteria is hardly an exact science and, in practice, is subject to fads. Infrastructure, education, agriculture, encouragement to the private sector, all these have in recent years taken turns as "the" development fad in donor countries.

And it appears that a new fad is now emerging, which consists in measuring the performance of receiving countries in terms of political development. As this is even less quantifiable and scientific than the former criteria, it can be anticipated that it will bring about confusion and irritation if it is used. The evaluation of performance by international organizations is far preferable to bilateral procedures which often generate a feeling of dependence and antagonism. This is in fact the most cogent argument for multilateralization of aid.

The importance of a pragmatic approach to the problem of performance evaluation can hardly be overstressed. There has in fact been a healthy evolution in the US aid philosophy, three different periods being easily distinguishable. During the Dulles era, aid was *ideological*, in the sense that it was designed to reward political allegiance; in the Kennedy area, it became *idealistic*, in the sense that it was used as a leverage to promote supposedly desirable social reforms. Later, in the Johnson era, it became essentially *pragmatic*, its basic criterion being not social change or political allegiance, but the effectiveness of the utilization of resources. Perhaps it should remain so, for the variety of national situations is enormous, and there is no development formula of general applicability. Moreover, the leverage of aid has been vastly overestimated as an instrument to promote reforms and modernization. Aid is aid, and not a panacea.

A BLEAK PROSPECT

Political disenchantment and an exaggerated view of the aid burden make the prospects bleak indeed for aid expansion. This underlines the urgent need for bolder moves in the field of trade. Acceleration of exports from developing countries should therefore be an important element in the global strategy for development. Ideally, aid and trade should be complementary rather than alternative, for, on the one hand, the expansion of trade may require structural changes that could only be financed by aid, and on the other, some countries do not have the resource flexibility for a substantial expansion of trade in the short run.

The alarming note in the present policy perspective is that we are faced with rather negative prospects on both counts: in aid, because of disenchantment, and in trade, because of a recrudescence of protectionism in the U.S. We are in fact faced with the bleak prospects of less aid and less trade.

Some basic facts may be recalled. The share of the developing countries in world trade has declined from 27 percent in 1953 to less than 20 percent in 1965. Growth in the exports of primary products was 4.7 percent per annum between the same period while the growth in trade of manufactured products was 9.3 percent.

If part of the blame lies with the developing countries that practiced overvalued exchange rates or neglected the export sector, and if another part is explainable in terms of technological advances in the production of synthetics or savings of raw materials, a large measure of guilt lies squarely with the developed countries themselves. In the case of non-competing tropical products, they have raised barriers to exports from the developing countries by fiscal charges and, to a lesser extent, quantitative restrictions. In addition, violent price fluctuations in basic commodities had deleterious effects on planning and growth.

There is in fact a bitter irony in that the developing countries are expected to carry out politically difficult economic and social transformations, while developed countries consider it politically impossible to effect relatively minor changes in their trade structure. Even the economic folklore reflects their double standards of judgment. The competitive ability of the developed countries in world markets is described as "productive efficiency"; the timid inroads of low-cost manufactures of developing countries in industrial markets are described as "market disruption."

WHERE RESPONSIBILITY LIES

If the developed world is serious about helping developing countries—because the sharing of progress is not only a humanitarian necessity but a requisite for world peace and stability—then the problem of trade must be urgently reconsidered, lest the availability of foreign exchange become a strangling constraint on the growth of developing countries.

Such measures must include commodity agreements for a few products, compensatory financing to stabilize export earnings, but chiefly the elimination of fiscal charges on non-competing products and abatement of protectionist and subsidization measures for non-competing primary products. Since it is recognized that the most dynamic field for trade expansion is the commerce in manufactures, urgent consideration should be given to implementing the scheme for preferential treatment to manufactures from developing countries, a principle that was agreed to at the UNCTAD conference held in New Delhi, but which has remained theoretical.

USEFUL MEASURES

A constructive scheme was recently worked out with the participation of important elements of the US business community at the Bogota meeting of the Inter-American Council for Commerce and Production (CICYP). According to this scheme, the United States would, for a year, give unilateral preferences to processed and manufactured products of the developing world on a non-discriminatory basis. But it would narrow such concessions to cover only the Latin American countries if, within a year, the European countries failed to take similar measures, or if the Common Market preferences in favor of African primary products, which discriminate against Latin America, were to remain in force.

This measure would be at the same time an invitation for a worldwide liberalization of trade and a recognition of the special position of Latin America, as the only main unsheltered area in world trade.

Of course, there are many clues but no key for understanding the process of development. This is an elusive key indeed. Finding it would require a proper blend of emotion and rationality; the moderation of utopian longings and the raising of the level of efficiency; the conciliation between patient capital accumulation and welfare aspirations. Finding this key should be the object of everyone's effort, the purpose of man's quest, and eventually the substance of our reward.

A LETTER FROM CUBA: THE HUNGER STRIKE IN LA CABANA PRISON

Mr. DODD. Mr. President, on September 30, I placed in the Record an appeal on behalf of the 85,000 political prisoners in Castro's jails which I had received from the Hartford Committee of Relatives and Friends of Cuban Concentration Camp Prisoners.

A few days ago, I received a second communication in the form of a letter smuggled out of Cuba to this country by a Cuban resident who had recently visited an imprisoned relative in the infamous La Cabana prison. For obvious reasons, the names of the sender and the recipient cannot be revealed. But because I feel that this criminal situation must be repeatedly brought to world attention, I ask unanimous consent to have printed in the Record at the conclusion of my remarks the full text of the letter.

From fragments of information like this, it has become possible to put together a reasonably accurate picture of the 20-day hunger strike in La Cabana prison which took place in the month of August. According to this letter, the prisoners demanded deportation from the country or death.

So long as Cuban refugee flights to this country are continued, it seems to me that we should take the stand with the Cuban Government that the many thousands of political prisoners should be placed at the head of the list, rather than letting Castro select all those who are flown to the United States, as has been the case up until now.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Havana,
September 5, 1969.

Dear friend: I hope that when you receive this you are well. We here are . . . well I should not even tell you about it. To start with the general situation here could not be worse specially with the food situation that is very bad. We do not know how we are able to go from one day to the next, specially at the end of the month, because at least at the beginning they give you a little more of rice and a few ounces of beans without any spices and if it is vegetables and fruits one gets none of them as when there are bananas they are for the children.

The other side is what is occurring at "La Cabana" prison. Before in the month of August there was a 20 days hunger strike because of the food, the visits to prison and the mail.

After 20 days those in the upper floors gave up but seven days ago the hunger strike was renewed for the same reasons but now they say that they also demand deportation from the country or death.

Yesterday I went to "La Cabana" I spent the whole day there and it was horrible. I cannot believe I am back home, it is unbelievable we are not all dead or imprisoned as we were over one thousand relatives and friends screaming and telling the military all of the horrors they are doing. We were all hysterical. They started with their guns hitting us and shoving us from the streets saying we could not remain. We even called them s.o.b.

Well J . . . for much I may bring to your attention of what happened yesterday this would not even half describe it

The prisoners have said that after Saturday if they do not solve their problems they would not even drink water. There are (5) five thousand in this determination so I only beg that the world does not let these amount of prisoners die. You can imagine how we feel, those of us who have a little of ourselves in there. Yesterday we all agreed that we had to find a way the whole world finds out what is happening there with all Christians. The reality is that we are all going mad and we do not know what to do.

Well J . . . I will not tire you with all the horrible calamities we are undergoing. See what you can do with all our friends that I ask to be remembered to.

I thank you.

PARVIN FOUNDATION'S SOURCE OF FUNDS

Mr. THURMOND. Mr. President, yesterday the Washington Evening Star published an extremely important Associated Press story concerning the source of the funds which supported the Parvin

Foundation's Salary to Supreme Court Justice William O. Douglas.

As Senators will recall, the basic source of the Parvin Foundation's funds came from a deal centering around the Hotel Flamingo in 1959. At that time, Albert Parvin donated 2,085 shares of Flamingo stock worth $1.1 million to set up the foundation, after consultation with Justice Douglas.

Now the Associated Press reveals that the actual sale of the hotel in 1960 was masterminded by Meyer Lansky, one of the Nation's most notorious mobsters. AP says that Lansky got a $200,000 "finder's fee" for arranging the sale to a Florida group of investors. According to the contract signed by Parvin and Lansky, Lansky was to receive quarterly installments of $6,250 beginning January 2, 1961. Under these terms, Parvin would have been paying money to Lansky until October 1968.

Mr. President, this information shows that Parvin had a continuous business involvement with one of America's most clearly identified gangsters for the whole period of time that Justice Douglas was associated with the Parvin interests, except for the final 6 months.

Justice Douglas' involvement in a mobster operation speaks for itself.

Mr. President, I am sorry that I did not have this particular information when I spoke on the Senate floor about this matter on June 18. However, I am not surprised that it has come to light. At that time I said:

> The history of most of the major casinos, including those associated with the Parvin Foundation's interests, has been intertwined with the worst elements in American society. An Associate Justice of the U.S. Supreme Court can only bring the Court into disrepute by associating himself with the profits of such enterprise.

Mr. President, I said in the same speech that the Hotel Flamingo "bore the worst possible image in the public mind and in many newspaper and magazine articles over the period, and is, indeed, almost the primary example of a notorious enterprise."

At that time, I could judge only by the public reputation of the Flamingo. Now it is clear that more than "image" is involved. We have the direct involvement of gangsterism in the enterprise, an involvement that continued for most of the period in which Justice Douglas was in the group.

This information merely adds one more concrete link to gambling interests. I went into all these links in great detail last June 18; and for those who are interested, I refer to the daily Congressional Record, pages 16458–16465.

Mr. President, I ask unanimous consent that the article entitled "Mob-Linked Deal Supported Foundation Douglas Headed," published in the Evening Star, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Evening Star, Oct. 22, 1969]

Mob-Linked Deal Supported Foundation Douglas Headed

(By Jean Heller)

Las Vegas, Nev.—A major source of financial support for the foundation which Supreme Court Justice William O. Douglas headed for nine years came from a deal set up by Meyer Lansky, one of the nation's most notorious mobsters.

Under a contract signed by Albert Parvin, Lansky was paid $200,000, for acting as middleman in setting up the 1960 sale of the Flamingo Hotel here. Parvin, former head of the Parvin-Dohrmann Co. of Los Angeles, was president and 30 percent owner of the company seeking to sell the hotel-casino, Hotel Flamingo, Inc.

The Flamingo was sold to a group which included Florida hotelmen Samuel Cohen, Morris Lansburgh and Daniel Lifter.

The $200,000 was a finder's fee which Lansky received for introducing the sellers to the Florida men interested in buying the hotel.

Parvin used a portion of the proceeds from the sale of the Flamingo to help set up the Albert Parvin Foundation.

Parvin said Justice Douglas aided him in creating the foundation. Douglas later served as its president and only salaried officer.

It could not be determined if Douglas ever learned of or was told of the background of the Flamingo sale at any time during his association with the foundation. Douglas was asked for comment but declined to discuss the matter. Parvin could not be reached for comment.

A federal grand jury in New York is reported to be looking at the dealings of Parvin, Parvin Dohrmann Co. and other individuals and companies in an investigation, but this probe apparently is unrelated to the Flamingo sale.

(United Press International reported Monday that Nevada gambling officials are investigating Parvin Dohrmann because of allegations included in a complaint filed against the company last week by the Securities and Exchange Commission. That complaint charges the firm with fraudulent activities.

(A grand jury in New York which is investigating attempts to influence government agencies has been given evidence, also cited by the SEC, that Martin Sweig, the now-suspended administrative assistant to House Speaker John W. McCormack, worked with Nathan Voloshen of New York to arrange a meeting between Parvin Dohrmann officials and SEC officials last May.

(The SEC had suspended sales of Parvin Dohrmann stock during an investigation of the company. That suspension was lifted several days after the meeting with Parvin Dohrmann officials).

According to a contract signed by both Parvin and Lansky, "Lansky has given Flamingo Hotel Flamingo, Inc. certain information regarding prospective purchasers and as a result of such information, Flamingo . . . has contacted a prospective purchaser and is presently negotiating the terms for the sale of its property. . . .

"Flamingo recognizes and acknowledges that it has been solely through the information and advice supplied by Lansky that the sale may be made. . . .

"Flamingo acknowledges that Lansky has been the finder of the purchaser of the property belonging to it, and as a result of Lansky's services in supplying the information as to the purchaser and advising Flamingo thereof, that he is entitled to payment for the services thereon. . . .

"Flamingo agrees to pay Lansky and Lansky agrees to accept as payment from Flamingo the sum of $200,000."

The agreement was dated May 12, 1960, more than a month after the Cohen-Lansburgh-Lifter group applied to Nevada authorities for approval of the Flamingo purchase. On June 1, the sale was given final approval by the Nevada Gaming Commission.

The terms of the contract stipulated that Parvin's company would pay Lansky the $200,000 fee in quarterly installments of $6,250 beginning Jan. 2, 1961. Under those terms, Parvin should have made the final payment to Lansky in October 1968.

Lansky's name has come up repeatedly in recent investigations of organized crime. Sen. John L. McClellan's permanent investigations subcommittee, for example, describes Lansky as "one of the country's top gangsters."

Frank Johnson, chairman of the Nevada Gaming Control Board, was asked about the state's official attitude toward any Lansky involvement in gambling activities here.

"He is not the kind of man we want doing business in this state," Johnson said. "And that's putting it as mildly as I can."

The purchase price of the Flamingo was $10.5 million. Parvin was the principal stockholder with more than a 30 percent share of the company which sold the hotel-casino. Harry Goldman, Parvin's partner in Parvin-Dohrmann—a multimillion dollar-a-year hotel supply business in Los Angeles—held 7 percent. Other stockholders included singer Tony Martin and actor George Raft.

Parvin said in an interview in 1964 that four years earlier he contacted Douglas and sought his help in setting up the foundation. Douglas agreed.

Tax records of the Parvin Foundation dating back to 1962 show that Douglas was serving as president at an annual salary of $12,000. Proceeds from the Flamingo sale show up regularly through 1968 as one of the foundation's largest assets.

Foundation tax records prior to 1962 are not public information.

Douglas came under sharp congressional criticism last spring for his involvement with the foundation, especially when it was disclosed that he wrote Parvin telling him that an Internal Revenue Service investigation of the foundation was "a manufactured case."

In May, Douglas resigned as president of the foundation.

The Parvin Foundation has also had an interest in several Las Vegas hotels and casinos by virtue of the Parvin Dohrmann stock it held. Parvin Dohrmann owns three casinos here, the Aladdin, the Fremont and the Stardust.

Harvey Silbert, secretary of the foundation, said it severed all its gambling ties in May—the same month Douglas resigned as foundation president—when it sold its share of Parvin Dohrmann. Silbert also said the Flamingo mortgage was paid off earlier this year.

Parvin has sold out his interest in Parvin Dohrmann as well, but still maintains the foundation.

In June, after Parvin sold out, Parvin Dohrmann and Denny's Restaurants Inc. announced they would merge, but the plans were canceled earlier this month. Several days later both firms and their officers found themselves embroiled with the Securities and Exchange Commission.

The SEC complaint, filed in Federal District Court in New York, alleges violation of anti-fraud, report-filing and credit provisions of the federal securities laws in connection with the now defunct merger plans. The SEC also accused Parvin of filing a false and misleading proxy statement with the commission.

It is not known how long Lansky and Parvin knew each other prior to their 1960 business dealings, but Lansky had known the three principal purchasers of the Flamingo for some time.

Records of the Nevada Gaming Control Board show that Cohen, Lansburgh and Lifter are associates in a number of large Miami Beach hotels including the San Souci, Deauville, Sherry Frontenac, Casablanca and Versailles. Additional Florida records show they also have associates in the Crown Hotel, the Eden Rock Hotel and the Waikiki Motel, all also in Miami Beach.

According to a report prepared by the Gaming Control Board's investigative staff and read into the record at the board's hearing on the sale of the Flamingo, Lansky approached the three members of the Florida group in 1957 with an offer to sell them the Havana Riviera Hotel in Havana, Cuba.

The group declined the offer, the report said, after Lansburgh went to Havana to evaluate the property and learned of the growing strength of Fidel Castro. It was fear of Castro that caused Lansburgh to drop the matter with Lansky.

The trio was approached again by Lansky in late 1959, the report stated, when Lansky asked if they might be interested in making a loan on a motel north of Miami Beach. They told Lansky they weren't interested.

All three individuals, according to the report, acknowledged that they knew Meyer Lansky and his brother, Jake, but stated:

"We have never received any money from Meyer or Jake Lansky, or any of their associates; never paid any money to them; and, there has been no association where they might say they have any part of our business in any way."

POLITICAL RIGHTS FOR WOMEN

Mr. PROXMIRE. Mr. President, recently I received a letter from the National Federation of Business and Professional Women's Clubs supporting the ratification of the United Nations Convention on the Political Rights of Women. The membership of the fine organization includes federations in every State, the District of Columbia, Puerto Rico, and the Virgin Islands and has a total membership of over 180,000 members. This year the federation is celebrating its 50th anniversary. The members of this organization exhibit the qualities which the Convention on Political Rights for Women seeks to recognize on an international level. The successes of these women are undeniable proof that women are ready to assume the full political rights reserved to men for so many generations.

I have read over the national legislative platform of the federation and ask unanimous consent that it be printed in the RECORD as an example of the new responsibilities women are willing to assume. This platform deserves careful consideration by every Member of Congress. The adoption of the federation's goals—particularly the ratification of the Convention on Political Rights for Women—would represent a great stride in guaranteeing the political equality of women.

There being no objection, the platform was ordered to be printed in the RECORD, as follows:

NATIONAL LEGISLATIVE PLATFORM ADOPTED BY THE NATIONAL CONVENTION, ST. LOUIS, MO., JULY 20–24, 1969

ACTION ITEMS

Item 1. Constitutional Amendment: Support legislation to amend the Constitution of the United States to provide that equality of rights under the law shall not be denied or abridged on account of sex.

Item 2: Actively work for pending legislation providing for: (a) a broadened head-of-household benefit under the Internal Revenue Code; (b) increased personal exemption and credit for dependents under the Internal Revenue Code; and (c) a more equitable distribution of the tax burden.

Item 3: Propose and support legislation to provide: (a) uniform laws and regulations for men and women as to working hours, working conditions, rates of pay, equal employment opportunity, including retirement for age; (b) equal treatment for working men and women in the area of survivor and retirement benefits; and (c) increased child care deduction under the Internal Revenue Code.

Item 4: Propose and support state legislation to provide for uniform jury service and uniform qualifications in the selection of men and women to serve on grand or petit juries in any court.

Item 5: Propose and support legislation to bring about more effective crime control and law enforcement.

POLICY ITEM

Support measures within the framework of the Constitution of the United States that promote peace and strengthen national security and make more effective the United Nations and such other international organizations of which the United States is a participant, without relinquishment of our basic freedoms.

Special note is called to the United Nations Convention pending before the United States Senate on the political rights of women and to the long-standing support for ratification of this convention by the Federation.

WENDELL WILLKIE

Mr. JAVITS. Mr. President, this month is the 25th anniversary of Wendell Willkie's death, yet he is remembered still for his dream of "One World" and his life's commitment to it.

From time to time in the years since Wendell Willkie's death, authors and others have caught the spirit of the man and found it of continuing pertinence to our contemporary life. I ask unanimous consent, therefore, that an editorial written 2 years after Willkie's passing and published in the Indianapolis, Ind., News, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE TORCH STILL BURNS

Two years ago, in the bright beauty of an October afternoon, Wendell Willkie came home to Indiana, to return to the rich earth from which he sprang. On a green hillside over which flamed the tapestry of October, the man whom Indiana gave to the world was laid to rest. On the place where he slept, the leaves came drifting down from the hackberry and linden sentinels for his eternal rest.

The great voice that had been raised for freedom was still. But even death can not quench a dream, and a flaming spirit lives beyond mortality. Wendell Willkie had fired the thoughts of men, and touched their hearts, and the world picked up his torch. His words live, and his dream moves on toward realization. Greatness does not die.

Symbolic recognition of that truth is afforded, as fully as can be expressed in stone, by the memorial that has just been placed at his grave. This is truly a shrine to freedom. It has the idealism of the cross, the sword of the spirit, the torch of humanity, the book of inspiration, and the laurel of victory.

It is the torch and the book that will carry the message of Wendell Willkie to those who come in the years ahead to the East Hill cemetery in Rushville, there to pay homage to one who was a friend to all mankind. There is no fire in the granite torch. Rather the flame is in the words graven on the book that all may read as they rest and meditate. They are the words that were Mr. Willkie's creed:

"I believe in America because in it we are free—free to choose our government, to speak our minds, to observe our different religions.

"Because we are generous with our freedom, we share our rights with those who disagree with us.

"Because we hate no people and covet no people's lands.

"Because we are blessed with a natural and varied abundance.

"Because we have great dreams and because we have the opportunity to make those dreams come true."

Mr. Willkie lived those words, as all Americans should live them. And his heritage to his fellow countrymen is contained in these other lines on the book, taken from his speeches and "One World":

"There are no distant points in the world any longer—our thinking in the future must be worldwide.

"We must establish beyond all doubt the equality of men.

"The world is awakening at last to the knowledge that the rule of people by other peoples is not freedom.

"Freedom is an indivisible word—we must be prepared to extend it to every one, whether they are rich or poor, whether they agree with us or not, no matter what their race or the color of their skin.

"The only soil in which liberty can grow is that of a united people—we must have faith that the welfare of one is the welfare of all—we must acknowledge that all are equal before God and before the law.

"Only the productive are strong, only the strong are free.

"It is inescapably true that to raise the standard of living of any man anywhere in the world is to raise the standard of living by some slight degree of every man, everywhere in the world.

"Whenever we take away the liberties of those whom we hate we are opening the way to loss of liberty for those we love.

"The moral losses of expediency always far outweigh the temporary gains.

"The test of a people is their aim and not their color."

Those words still speak to a world that has yet to know their full meaning. They are as true as the ages. And as long as there are living men to read them, and warm hearts to respond, the spirit of Wendell Willkie will endure. His torch still burns.

ARCHIBALD RUTLEDGE, THE POET LAUREATE OF SOUTH CAROLINA

Mr. HOLLINGS. Mr. President, I hope Senators will grant me indulgence today if I was somewhat poetic. I do so because I am paying tribute to a man who is close to my heart and to the hearts of readers throughout the world who cherish beautiful poetry.

Today is the 86th birthday anniversary of Archibald Rutledge, who since 1934 has been the distinguished poet laureate of South Carolina. Mr. Rutledge has written movingly about his beloved native State, but indeed, his true title should be poet of the South. For it is the South, both old and new, with which this great writer has had a lifelong affair of heart. The reader sees and feels the beauty of the Southern mountains in his poetry. He joins the poet beside the slow-moving rivers. He watches the harvest of the corn and cotton. He understands the rapport between hunter and dog, and hears the singing of the birds on an early morning. I think, perhaps, Archibald Rutledge himself is characterized in one of his four-line poems, entitled "The Few." It says:

The songs that poets sing are mortal, too;
  But most miraculously in a few
The granite of eternity lies hid.
  The great song builds its own proud pyramid.

Mr. Rutledge's biography is a veritable "who's who" in the world of literary achievement. He has had his writings published since he was a teenager. He is a member of the International Society of Poets Laureate, and was elected by that society as Nature Poet Laureate of America. He is South Carolina's elector to the Hall of Fame. Mr. Rutledge is the author of 87 published books, of which his most recent collection—Deep River—is used by all American universities and by the Sorbonne in Paris and Oxford and Cambridge in Great Britain. His works have been translated into many languages, and he personally has recorded 75 of his poems for the Library of Congress. More than 60 have been set to music, and many appear in other anthologies and textbooks. Incidentally, Deep River has won 61 gold medals. He also has the John Burroughs medal for poetry. Of his writing, the noted critic of the London Times says:

> This is the clearest and most splendid poetry this reviewer has read in 50 years.

Mr. Rutledge belongs to Phi Beta Kappa, the American Society of Arts and Letters, the American Poetry Society, and the South Carolina Poetry Society. His writing has brought him 23 honorary degrees.

Mr. President, the man honored today was born in tiny McClellanville, S.C., and perhaps this more than any other factor shaped his life. He left South Carolina as a student and taught English for 33 years at Mercersburg Academy in Pennsylvania. But when he retired, Mr. Rutledge returned to his family home and began another labor of love—the restoration of his boyhood home, Hampton Plantation.

Despite a life of accomplishment and accolade, Archibald Rutledge chooses the quiet life rather than seek the attentions of the world of admirers. Of himself, he says:

> I am not a joiner, but a leisure-time hunter, forester, archeologist.

I have read many of his poems. To me, their beauty and grace are a continuing source of inspiration, as in his moving poem, "The Silent Hills." It speaks eloquently, not only of the poet, but of a philosophy of life which many men grope for in this age of plastic and steel and computers.

I commend Archibald Rutledge today. His life, his writings have given life and love and happiness to others. He was given the genius of poetry, the artistry of seeing the world around him, and the perception and tenderness of expressing it—and has been greatly blessed by these gifts. To you, Mr. Poet Laureate, I wish many more birthdays and much happiness.

ADDRESS BY SENATOR GOLDWATER BEFORE ASSOCIATION OF OLD CROWS

Mr. GOLDWATER. Mr. President, I ask unanimous consent to have printed in the RECORD the text of a speech which I delivered on October 21 before the sixth annual banquet of the Association of Old Crows at the Washington Hilton Hotel, in this city.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

AN ADDRESS BY SENATOR BARRY GOLDWATER, OF ARIZONA, BEFORE THE SIXTH ANNUAL BANQUET OF THE ASSOCIATION OF OLD CROWS AND THE FIRST SYMPOSIUM ON ELECTRONIC WARFARE, OCTOBER 21, 1969

Mr. President, ladies and gentlemen, it is a privilege to be with you here tonight on the occasion of this important annual conference, and it is refreshing to be referred to as a "Crow."

I suspect there are many people in Washington that would tell you quite freely that Barry Goldwater is a real bird. What they mean is that Barry Goldwater is a Vietnam hawk.

I sincerely thought I had reached the pinnacle in that particular department until a few days ago when I suggested that if the Communists continued to block any and all efforts to achieve a peaceful settlement in Paris that we should bomb the Port of Haiphong and destroy the railroad which runs along the Red River Valley from Communist China. And that is when I really achieved the ultimate. I was described in numerous radio broadcasts as a "hawk of hawks."

On the subject of Vietnam, I willingly admit to the status of a hawk. In fact, I am indeed proud to be counted among those Americans who believe that when our nation is committed to war in the name of human freedom every effort should be made to win that war.

And by this I do not mean to imply that I am against peace. I want peace as much as any other concerned person in this great land of ours. But I do not want a fraudulent peace. I do not want peace at any cost. I do not want a peace which would dishonor us in the eyes of the other nations of the world. And I do not want a peace that would cost us heavily in lives, blood and respect.

We have all heard a great deal about the recent Vietnam Moratorium demonstrations. These were promoted in the name of peace. As such, they attracted some support from persons honestly concerned with the prolonged war in Vietnam and who seemed to think that they could perhaps hasten its end by taking to the streets. I am here to tell you that this is not the way policy is made or can be made in a Republic. Democratic processes provide other legitimate means for changing any official policy with which Americans might disagree. That is what our free election system is all about. That is why American citizens are provided with the right to vote. The ballot box is provided to serve those who would continue existing policies and officials or replace them with others who hold a different view.

Some leaders of the Moratorium claim that by protesting and demonstrating in the streets peace advocates in this country could show the President of the United States that there exists in this country a desire for an end to the bloodshed in Vietnam.

Having discussed the war with President Nixon on repeated occasions, I can assure you that he needed no announcements from the Vietnam Moratorium Committee, no demonstrations by the SDS, no new flood of speeches by the political doves to impress upon him the fact that there is unhappiness and dissatisfaction throughout the land because of the war in Vietnam.

Who, I am forced to ask, do these people think they are fooling? Certainly not the President of the United States, nor the Department of Defense, nor any of the military services, nor not many of the members of Congress. The President and everyone else concerned have been living with this problem day and night for many, many months. The Administration didn't need a lot of hoopla to convince it that Americans are weary and frustrated over the progress of events in Vietnam. Nor did it need any reminding of the fact that the majority of Americans are dedicated to the cause of an honorable peace.

I say now and I've said before that the Moratorium served no useful purpose for our nation or our government but did serve an important propaganda objective for the Communist enemy. Statements from Hanoi, from Moscow and from Peking make it abundantly clear that the Moratorium was used—wittingly or unwittingly—as prime ammunition for the Communist propaganda machine.

And I want to say now that there were along with the responsible Americans who demonstrated on October 15 some whose objective was not peace but a Communist victory.

As a matter of fact, some spokesmen were very clear about it. One Senator said, and I use the quotes attributed to him by the *New York Times* on October 16:

"I think history would see nothing wrong if Nixon does preside over the first military defeat of this country, but would regard it instead as a measure of great statesmanship."

I don't think we have to concern ourselves here or anywhere with what history would see in a complete and immediate withdrawal of American forces from Vietnam. Of much more immediate concern is what the majority of patriotic, upstanding and honorable Americans would think of their nation defaulting on an honorable commitment and surrendering to a Communist enemy. They wouldn't wait for history and they wouldn't call it statesmanship. Most Americans would call it an unconscionable act of cowardice. They would see it as the most costly move ever made by the United States in a military operation.

You don't have to accept my word. Former Defense Secretary Clark Clifford said it all when he described a proposal to withdraw American troops from South Vietnam by December, 1970, as "unrealistic and impractical" and an action which would result in—and I use his precise words—"a bloodbath."

Mr. Clifford, like everyone else who has any knowledge at all of military operations and strategy, realizes that such a withdrawal would cause the collapse of the military and the collapse of the government in South Vietnam. It would lay South Vietnam and all of Southeast Asia wide open to Communist conquest and terrorism.

It is one thing for people who dislike war to take to the streets and yell for withdrawal of American military forces as a means of promoting peace. It is quite another to take the responsibility for defaulting on our commitments and breaking faith with this nation's young men who have fought and bled and died in Vietnam.

Have you ever thought what would happen if one of the nation's foremost doves were suddenly to find himself President of the United States, Commander-in-Chief of the Armed Forces and the strategic leader of 200 million Americans as well as the rest of the free world?

Of course, we'll never know for sure. But based on the actions of three Presidents of varying degrees of philosophical leanings, I would say that it is a lead-pipe cinch that none of the doves would move any faster in the direction of disengagement than President Nixon is doing at this very moment.

It is not enough just to make a big noise in the name of peace and then demand impossible military actions such as complete and immediate withdrawal of troops. That is easy. It is simplicity itself. But it carries with it not one ounce of responsibility for what might happen to American lives and to our own national strategic interests if such action were to be taken by the person in authority.

Leadership in these times is not easy. In Vietnam and at home President Nixon is faced with hard decisions, some of which are bound to be unpopular. And it stands to reason that his task is made more difficult by people who demonstrate and shout easy answers to tough questions. As I said before, the shouting is easy, but the doing takes some guts. I say we are fortunate to have in the White House a man of sound judgment and high courage who has had the honesty and directness to inform the emotional crowds with their banners and their signs that policy is not made in the streets.

And while I am at it, let me say that I hope that policy will continue to be made in the White House, in the State Department and in the Department of Defense. In light of what I have read in the newspapers in the last couple of days, I sincerely hope that no part of our official policy will be made in the office of U.N. Secretary General U Thant. Mr. Thant does not strike me as the kind of man whose record is such that he can be counted upon to serve in the post of "broker" to work out a viable, political situation in South Vietnam.

I, for one, remember Mr. Thant's efforts in connection with the Cuban missile crisis. I also remember the part he played in the Middle Eastern situation just prior to the war of June, 1967. Neither situation convinced me that he is a man whose judgment is superior and whose political concerns are entirely objective.

I notice that the same people who are urging that U Thant be assigned the role of broker in Vietnam are those who supported the Vietnam Moratorium. For example, one Senator claims that President Nixon was wrong to treat the Moratorium as something which made him a target. He said the President should have treated it as "something in which he could have played a part."

This is patently ridiculous on its face.

Can you imagine the President of the United States participating in a movement that was aimed against what he himself thought was the best course for this Nation to pursue?

Can you see him playing a part in suggestions about presiding over the first military defeat of this country?

Can you see the President of the United States approving pro-Viet Cong statements by people who insisted on waving the enemy flag?

Can you see the President of the United States turning his back on American fighting men and on American prisoners of war and on our South Vietnamese allies?

Perhaps others can see this happening, but I can't. I know Richard Nixon, and I think he's right.

Now the leaders of this anti-Vietnam war offensive tell us that they plan to escalate their efforts every month until the United States military involvement is ended. I understand that November 13, 14 and 15 are the dates fixed for the next round of demonstrations.

We also hear ominous rumblings which claim the protests in December will lead to riots and violence. I can only say that if this happens it will be a disgrace for an honorable Nation. Already our troops and our fighting men in Vietnam have had their morale severely shaken by the spectacle of thousands of people running through the streets and shouting their disapproval with what our fighting men are trying to accomplish. I believe anything that causes one single American military man unhappiness and discouragement in the pursuit of his assignment in Vietnam is indefensible.

But I am fully aware that such sentiments are not shared by the President's Vietnam critics and by those professional agitators who oppose any and all facets of American defense. Because of this, it is my hope that patriotic Americans will make a special effort on November 11, Veterans Day, to show their gratitude to the men in Vietnam. I am not here suggesting any kind of demonstrations or public display of patriotic emotions. Rather, I am suggesting that concerned Americans use this opportunity to write to a serviceman in Vietnam, or perhaps to the parents of such a serviceman, to express their quiet, heartfelt gratitude.

HEADSTART WORKS AS BILINGUAL TRAINING PROGRAM

Mr. YARBOROUGH. Mr. President, I recently received a letter which shows the great promise that Headstart gives of allowing our Mexican-American children of becoming productive citizens.

Bilingual Headstart programs, like bilingual education programs, are the hope of the future.

I am proud that the Senate has passed the poverty extension act and that Headstart will receive a reasonable if not ideal authorization. I hope the Members of the other body will also see the merit of these poverty programs and speedily pass the authorization bill.

Mr. President, I ask unanimous consent that the letter of October 14, 1969, from Mr. Jack R. Tarvin and its attachment be printed in the RECORD.

There being no objection, the letter and attachment were ordered to be printed in the RECORD, as follows:

FORT WORTH PUBLIC SCHOOLS,
Fort Worth, Tex., October 14, 1969.

Senator RALPH YARBOROUGH,
Washington, D.C.

DEAR SENATOR YARBOROUGH: Knowing of your interest in Federal Aid to Education, I thought the enclosed letter written by a Headstart aide and reproduced in her church paper would be of interest to you.

Respectfully,

JACK R. TARVIN,
Director, Federal Programs.

(NOTE.—The following account by Diane Dowdey has been prepared by her at my request for publication in the *Messenger* and even more widely, we hope. Diane, a freshman at Paschal High School and a member of South Hills Christian Church, participated in the Headstart program in connection with a Camp Fire girl religious growth project. As her minister I have consulted with Diane on requirements for the project, but the Headstart participation was her own idea, and I think one of the most remarkable fruits of her project—Jeff Hassell, Minister, South Hills Christian Church.)

"MERRY-GO-ROUND

"Where's the horse for a Negro child?
'Cause, Mister, I want to ride.
Down South, where I come from
White folks and colored can't sit side by side.
On the trains there's a Jim Crow car;
On the buses we sit at the back.
But there ain't no back to a merry-go-round,
So, Mister, where's the horse for a child that's black."

—LANGSTON HUGHES.

Although we have come a long way from the conditions this poem describes, I spent my summer with five-year-old children who got to ride a merry-go-round for the first time this summer. I worked as a volunteer for Headstart at Alexander Hogg Elementary School. Headstart lasted from June 16 to August 8. At Alexander Hogg, there were fifty-six children, five teachers, five aides, and volunteers.

In my particular class there were nine children; one Anglo, Edward; two Mexican-Americans, Delia and Annabelle; and six Negroes, Dewayne, Jerome, Lisa, Alice, Pamela and Jeanette. Headstart is supposed to help underprivileged children catch up with the experiences of better-off children. They were told stories. Some of the children had never heard "The Gingerbread Boy" or "Cinderella." They were exposed to many facets of school, such as coloring, cutting, pasting, staying in line, using public restrooms, and being with teachers and children.

Neither Delia nor Annabelle spoke English at the beginning, although they understood it. At the end they preferred English to Spanish. Many of the children who spoke English could not carry on a conversation or answer questions, simply because they did not know how. In most instances, you could not ask a child, "What is your name?" and get a response. They had to be told to say, "My name is——" followed by the complete name. Many of them had no idea of their last name.

The children were given milk and doughnuts in the morning and a hot lunch at noon. Annabelle did not eat much except milk, mashed potatoes, and ice cream. When the dentist came, we found out why. Her teeth were so rotten that she could not chew anything, but subsisted on things she could suck.

The children also had a medical checkup, and a nurse came once a week. Lisa had a droopy eyelid that did not open completely. We mentioned it to the nurse, who arranged for an operation at St. Joseph's Hospital. Her problem could only be corrected if caught before the age of seven. It is probable that if Lisa had not gone to Headstart, her problem would have gone unnoticed and untreated because her family could not have afforded it. Federal funds paid for Annabelle's dental appointments and Lisa's operation.

If I looked out the window, I could see the Continental National Bank Building twelve blocks away, yet some of these children had never been downtown. They went on field trips to Six Flags, Leonard's, Vandervoort's Dairy, the zoo, Heritage Hall, and the Coca-Cola Bottling Company.

At Six Flags the children rode two rides and saw the animals. The Leonard's trip included a bus tour of downtown Fort Worth and a ride on the subway and escalators. They saw a lady decorate a cake and were given a cookie in the bakery department. In the pet shop they saw fish, hamsters, lizards, turtles, gerbils, and were completely captivated by a monkey.

At Vandervoort's Dairy, the children saw milk being processed and put into cartons. The ice cream they received was quickly eaten. One little girl, Mildred an Anglo (the one I felt sorriest for) could not go into the storage room because she had no shoes and the floor would burn her feet. The Headstart teachers tried to get shoes for her through proper channels and contacted six welfare agencies. At the end of Headstart, Mildred possessed six pairs of shoes—all different.

We went to the zoo the same day we went to the dairy. The children went through the Herpetarium and saw the other animals. As a sort of special treat, they saw the baby tiger in the incubator, and the preparation of the animals' lunches.

All these field trips had been planned for all Headstart children in every school and the transportation had been school busses. Our school decided to go to Heritage Hall and we went in cars. The children fully enjoyed this trip except Dewayne, who declared the minute he got inside Heritage Hall that he was not going through. The Indians might get him! After a while one of the workers, a Negro man, talked him into going. And he had more fun than any of the others. Our guide was an Indian girl, which added to the excitement.

Like Heritage Hall, our trip to Coca-Cola Bottling Company was taken just by our school. This trip was probably the most enjoyed one because the guide talked on their level. The machines were very noisy and Lisa found them scary, but the other children found the conveyor belt fascinating.

On almost all trips the children received a souvenir to make the memory lasting.

Besides these trips, each child went on an individual trip with an adult. Most of them went to the park and rode the rides. They also got to eat out on these trips. Two boys went to Carswell Air Force Base, and after they came back, the Air Force had two new volunteers. One lady took a child swimming in her pool. This one-to-one trip was very important in the growth of the child. We tried to have men take some children because out of the nine children in my class, only three had fathers living at home.

The children grew this summer in many ways. I was glad that I got to be a part of this growth and said that they did not have these experiences before they were five. These children got on a merry-go-round for the first time this summer. They will need our help to get off the merry-go-round called poverty.

NATIONAL BUSINESS WOMEN'S WEEK

Mr. HRUSKA. Mr. President, this week we celebrate National Business Women's Week. A national salute is given to the thousands of business and professional women who participate so actively in American commerce and who add new dimension to the fields of law, medicine, social sciences, and the humanities. Often in the forefront of civil service and responsibility, business and professional women of America endeavor to stay informed on the problems of the day, and contribute their talents toward finding solutions.

The National Federation of Business and Professional Women's Clubs is one gathering point for the women of whom I speak. This fine organization has 180,000 members in more than 3,800 clubs across the Nation. I am pleased to salute the National Federation of Business and Professional Women for its contribution.

Mr. President, it is particularly appropriate during National Business and Professional Women's Week, to pay special tribute to a Nebraskan whose singular qualities are in the best tradition of leadership and service exemplified by the Federation. Mrs. Haven Smith, of Chappell, Nebr., has recently been appointed by President Nixon as Chairman of the President's Task Force on Rural Development. The Task Force was created to review the effectiveness of present rural assistance programs, and to make recommendations as to what might be done in the private and public sectors to stimulate rural development. I ask unanimous consent to have printed in the Record several articles and an editorial on the appointment of Mrs. Smith, published in Nebraska newspapers.

Mrs. Smith, who presently serves as national chairman of the American Farm Bureau Women, and as the only woman on the board of directors of the American Farm Bureau, has received awards from the University of Nebraska, the National Daughters of the American Revolution, and is an honorary international member of Beta Sigma Psi. Mrs. Smith was selected by the French Government this year as one of six women to make a good will tour of France. In 1968 and 1969, Mrs. Smith made a similar good will tour of eight South American countries. Mrs. Haven Smith represents the kind of talent and energy seen in American business and professional women, and I am proud to join in saluting her.

There is another outstanding professional Nebraskan woman whom I must mention today: Miss Sarah Jane Cunningham, a lawyer of McCook, Nebr., who merits the thanks and best wishes of all of us for her service to the community and the State of Nebraska. Miss Cunningham is the immediate past president of the National Federation of Business and Professional Women.

Mr. President, it is a privilege to salute these two outstanding Nebraska women and to extend congratulations to all business and professional women across the Nation. I wish them continued success.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Lincoln (Nebr.) Journal, Sept. 29, 1969]

Mrs. Haven Smith Heads Rural Unit—Task Force Goal: Stimulation of Growth in U.S. Farm Areas

Washington.—Sen. Carl T. Curtis said Monday he was informed by the White House that Mrs. Haven Smith of Chappell, Neb., has been selected to be chairman of the President's task force on rural development.

Mrs. Smith has long been a leader among farm women of the nation.

The White House announcement said the purpose of the task force is to review the effectiveness of the present rural assistance programs and make recommendations as to what might be done in the private and public sectors to stimulate rural development.

"I am very delighted that Nebraska is represented on this task force," Sen. Curtis said.

"Mrs. Smith is very articulate. She's traveled a great deal. I feel that she can speak for all phases of rural life."

He said the preliminary announcement from the White House indicates that the task force will not deal with the mechanics of farm programs but overall development of rural areas.

Sen. Curtis said this task force "may well be a prelude to launching a rural affairs council which I have proposed, or something similar under a different title."

In June, Curtis presented a memorandum to President Nixon privately in which he urged, such a council to "give rural America a voice in the high councils of the office of the president."

[From the Lincoln (Nebr.) Journal, Sept. 29, 1969]

Qualifications of New Rural Unit Leader Told

Mrs. Haven Smith of Chappell has been active in local, state and national farm women's groups for nearly two decades and has previously served in advisory capacities in government.

In 1955 she was named by Secretary of Agriculture Ezra Taft Benson to a 15-member advisory committee to the U.S. Department of Agriculture to review the government's current research program into home economics.

In 1956 she acted as consultant to the Women's Affairs Division of the Department of Labor, which sought to advance the status of women and their contributions to the national economy.

Mrs. Smith was appointed to the National Commission of Community Health Services in 1963. She served on the National Livestock and Meat Board and as director of the Agriculture-Hall of Fame. She was appointed national vice chairman of the 4–H Club Builders' Council in 1951.

Wife of a Duell County wheat farmer, Mrs. Smith has been an active leader in Farm Bureau. She was a member of the board of directors of Nebraska Farm Bureau and of American Farm Bureau Federation. She served as state president and chairman of Associated Women of the Nebraska Farm Bureau Federation before being elected regional director and then national * * * committee of the Farm Bureau.

She was elected deputy president of Associated Country Women of the World and in 1953 was selected as one of three American women to visit Switzerland, representing United States club women in an exchange of Swiss-American friendship.

Mrs. Smith has received numerous awards for her civic and community service. The University of Nebraska presented her with a Distinguished Service award in 1956. Four years later, she was given another Distinguished Service award for her service to agriculture and education by the Land Grant Colleges. In 1967 the Freedom Foundation at Valley Forge selected her as having made one of the best speeches on freedom in America in 1966.

Mrs. Smith is a University of Nebraska graduate.

[From the Omaha, Nebr., World-Herald, Sept. 29, 1969]

Mrs. Smith Will Direct Farm Study

Washington.—Sen. Carl T. Curtis said Monday he was informed by the White House that Mrs. Haven Smith of Chappell, Neb., has been selected to be chairman of the President's task force on rural development.

Mrs. Smith has long been a leader among farm women.

The White House announcement said the task force will review present rural assistance programs and recommend what might be done to stimulate rural development.

"I am very delighted that Nebraska is represented on this task force," Sen. Curtis said. "Mrs. Smith is very articulate. She's traveled a great deal. I feel that she can speak for all phases of rural life." He said the White House announcement indicates that the task force will not deal with the mechanics of farm programs but over all rural development.

Sen. Curtis said this task force "may well be a prelude to launching a rural affairs council which I have proposed, or something similar under a different title."

In June Curtis presented a memorandum to President Nixon privately in which he urged such a council to "give rural America a voice in the high councils of the office of the president."

[From the Lincoln (Nebr.) Evening Journal, Oct. 4, 1969]

Rural Affairs Council

President Nixon's appointment of a task force on rural development, along with his reported interest in a permanent Rural Affairs Council, could herald a brighter day for rural and small town America.

The emphasis here is on the word "could."

The task force, and the Council which would be its natural outgrowth, could do an immense amount of good—if:

If the leadership of the task force is forceful and far-sighted enough to shake up some national attitudes and institute some dramatic programs.

If the administration—and the members of the task force, for that matter—really take their mission seriously.

If the country at large is prepared to take the necessary steps to keep this essential segment of the nation economically healthy and to use the potential strengths of rural America to ease the evident burdens of urban America.

The idea of a Rural Affairs Council has been broached to the President by Nebraska Sen. Carl Curtis and has been favorably received, according to the senator.

Curtis' idea is that this body would be a counterpart to the Urban Affairs Council which operates out of the White House, with the imaginative and effective Daniel Moynihan as its head, and which is charged with spawning new programs and concepts to deal with the peculiar problems of the cities and their people.

Curtis lists as the goals of a Rural Affairs Council: increase farm income, better the image of the farmer, bring jobs to rural America, make rural areas more appealing and foster a better understanding and relationship between rural and urban people.

It can be hoped that something of this nature might spring from the task force on rural development named by the President a few days ago.

It is a distinct honor for Nebraska and for Mrs. Haven Smith of Ogallala that she has been picked by Mr. Nixon as chairman of the task force.

But the position will be far more than an honorary one, if it is to accomplish its purpose. And it will require a willingness to enlist all sources of research and suggestion, to welcome fresh and innovative ideas and not to be hidebound to any preconceived concepts or philosophies.

Nebraskans and rural Americans generally should wish Mrs. Smith well in her endeavors.

In both the Rural Affairs Council and the task force, consideration of government farm policy is to be taboo. Perhaps that is just as well, although it is a little hard to see how the overpowering problem of the rural economy, low farm prices, can be attacked without getting into price support and production control programs. But it is easy to see, too, how the whole effort could bog down on the controversies of this issue.

Aside from that limitation, however, the task force should not shrink from any possible avenue of developing rural America, no matter how radical or controversial it might seem.

If it is simply to recite the same old shibboleths of traditional rural thinking, it will not fulfill its assignment; and it will not warrant transformation into a full-fledged Rural Affairs Council.

CHIMEL AGAINST CALIFORNIA

Mr. McCLELLAN. Mr. President, I have been concerned for some time that the U.S. Supreme Court has, through its decisions in the criminal justice area, been seriously weakening the Government's effort to combat the growing menace of crime in the United States. On several occasions I have spoken on the floor of the Senate on this subject. The statistics that are available dramatically portray the source of my concern.

Since 1960, the Supreme Court has reviewed 112 Federal criminal cases and 144 State criminal cases in which it has handed down written opinions. The Supreme Court has chosen to reverse 60 percent of the Federal convictions it has considered, and 80 percent of the State convictions it has considered. In addition, it has granted 85 percent of the habeas corpus petitions presented to it in which it chose to hand down written decisions.

It has been suggested in some quarters that the Court has merely been enforcing the law and that, if blame is to be assigned, it should be assigned to the police for bringing about these reversals. What this position ignores is that the Supreme Court has not only been enforcing the law, but it has been making it, too. Indeed, since 1960, in the criminal justice area alone, the Supreme Court has specifically overruled or rejected the reasoning of 25 of its own precedents—often by the narrowest of 5-to-4 margins. Seventeen of these decisions involved a change in constitutional doctrine—without the intervention of a constitutional convention. Seven of these decisions represented a new interpretation of statutory language—without intervening congressional action. Only one of these decisions may be classified as modifying the common law, an area in which the Court traditionally has had freer rein in developing the law.

It has also been contended by some that these reversal decisions are having no adverse impact on law enforcement and on the rising incidence of crime. This contention is not supported by the facts. Indeed, since 1960, while our population has increased 11 percent, serious crime has overall increased 122 percent. Robbery alone has increased 142 percent; burglary, 104 percent. Operating under the new standards and requirements imposed by recent Supreme Court decisions, moreover, police clearance—solving—of serious crimes has experienced a steady, across-the-board decline. For example: The clearance for robbery has dropped 25.9 percent, and the clearance for burglary 38.8 percent. Verdicts of not guilty in robbery cases have increased 23 percent and in burglary cases 53 percent.

Mr. President, most recently, it has come to my attention that local law enforcement is now beginning to feel the ill effects of the recent Supreme Court decision of *Chimel* v. *California*—395 U.S. 752 (1969)—which, in line with the Court's recent tradition of handing down decisions seriously weakening law enforcement's ability to combat crime, further hamstrings law enforcement by greatly curtailing the right of police officers to make searches of premises incident to a lawful arrest. In brief, what the Court did in Chimel was overrule its previous decisions—*United States* v. *Rabinowitz*, 339 U.S. 56 (1950); *Harris* v. *United States*, 331 U.S. 145 (1947)—holding that law enforcement authorities could search the place where an arrest is made in order to find and seize things connected with the crime and held that a search incident to arrest is limited to the immediate area for weapons or easily disposable evidence. In Chimel the police, having probable cause to arrest the defendant for the burglary of a coin shop, based on admissions the defendant made to a neighbor, arrested the defendant in his house, and in a search of the house incident to the arrest, uncovered numerous items—primarily coins—but also several medals, tokens, and a few other items. The entire search took between 45 minutes and 1 hour, and it was on the basis of the items uncovered in the search that the defendant was convicted of burglary. The California Supreme Court sustained the search as constitutionally reasonable, basing its decision on the Supreme Court precedents, including Rabinowitz and Harris. The Supreme Court, however, set aside the search as unreasonable and reversed the conviction.

Justice White, joined by Justice Black in a dissent in Chimel, states that the majority rule "proscribes searches for which there is probable cause and which may prove fruitless unless carried out immediately," 395 U.S. at 781. He says:

> The rule will have no added effect whatsoever in protecting the rights of the criminal accused at trial against introduction of evidence seized without probable cause, since such evidence could not be introduced under the old rule. *Id.*

Justice White continues as follows:

> Nor does the majority today give any added protection to the right of privacy of those whose houses there is probable cause to search. A warrant would still be sworn out for those houses, and the privacy of their owners invaded. The only possible justification for the majority's rule is that in some instances arresting officers may search when they have no probable cause to do so and that such unlawful searches might be prevented if the officers first sought a warrant from a magistrate. Against the possible protection of privacy in that class of cases, in which the privacy of the house has already been invaded by entry to make the arrest—an entry for which the majority does not assert that any warrant is necessary—must be weighed the risk of destruction of evidence for which there is probable cause to search, as a result of delays in obtaining a search warrant. Without more basis for radical change than the Court's opinion reveals, I would not upset the decisions of this Court. (395 U.S. at 781–82)

Justice Harlan, in a reluctant concurring opinion, states as follows:

> The only thing that has given me pause in voting to overrule *Harris* and *Rabinowitz* is that as a result of *Mapp* v. *Ohio*, 367 U.S. 643 (1961), and *Ker* v. *California*, 374 U.S. 23 (1963), every change in Fourth Amendment law must now be obeyed by state officials facing widely different problems of local law enforcement. We simply do not know the extent to which cities and towns across the Nation are prepared to administer the greatly expanded warrant system which will be required by today's decision; nor can we say with assurance that in each and every local situation, the warrant requirement plays an essential role in the protection of those fundamental liberties protected against state infringement by the Fourteenth Amendment. (395 U.S. at 769)

Justice Harlan's statement was a portent of the devastating effect the Chimel decision was to have on the forces of local law enforcement. Indeed, the State has submitted to the Supreme Court a petition for rehearing in which it has been joined by 36 State and territorial attorneys general.

I am in receipt of a copy of a motion to file as amicus curiae and brief of the attorney general of Colorado and the Denver, Colo., Police Department, as amicus curiae, in support of California's petition for rehearing. The brief presents to the Supreme Court two factual examples of the devastating effect of Chimel on local police work.

These two examples graphically show how our law-enforcement officers are increasingly being restricted by court-imposed special rules of criminal procedure. They give flesh and bones to the antiseptic statistics I noted above. As the brief states:

> [T]wo murder cases are described in which the application of the *Chimel* rule to the facts of each case has created a Constitutional straitjacket for the police with regard to the recovery of the murder weapons. In each case, the *Chimel* limitation on arrest-

based searches granted to the associates of the defendant a 'zone of immunity' in which the murder weapons could be removed; as a result, subsequent warrant-based searches for the weapons were fruitless.

With 36 territorial and State attorneys general joining in the petition for rehearing, I am sure that there are numerous examples from other jurisdictions which point out the crippling effect that the Chimel decision is having on local law enforcement.

Mr. President, this kind of justice—this deterioration in the protection of society—is justifiably causing American people everywhere to become disillusioned and disturbed. They want this trend in lawlessness and the handcuffing of the police to stop—and rightly so. All around us the forces of crime and subversion are rapidly advancing. We must use all the constitutional power and legal weapons that can be made available to stem the tide of lawlessness. We must stop excusing crime and the invoking of strained and unwarranted technicalities to shield criminals and release them on society.

Mr. President, I ask unanimous consent to have inserted immediately following my remarks the description of the two Colorado murder cases contained in pages 5 to 16 of the petition for rehearing.

There being no objection, the description was ordered to be printed in the RECORD, as follows:

[In the Supreme Court of the United States, October term 1968, Chimel v. California—No. 770]

PETITION FOR REHEARING MOTION FOR LEAVE TO FILE A BRIEF AS AMICUS CURIAE

CASE NO. 1—HOMICIDE, DENVER, COLO.[1-3]

On July 7, 1969 the victim, a bartender, was shot to death in the parking lot of his tavern by two youths whom he had chased off earlier for prowling cars. The murder weapon was a .22 caliber automatic pistol.

Witnesses described the killers and their car; several days later, detectives learned that uniformed officers had stopped a similar car on the night of the shooting and had taken the names and addresses of A and B, the occupants of the car. Photographs of A and B, together with photographs of others,[4] were shown to the witnesses who tentatively identified A and B as the killers. This investigation was completed on July 12 and on that date a pick-up for homicide was placed on A and B.

On the afternoon of July 12, Officers Haze and Mayes made inquiries at the address that had been given by B. They learned that this was his girl friend's house, and that B had not been seen in the neighborhood for about a week. The officers then went to A's home and were told by A's mother that he was not home; when apprised of the seriousness of the offense, however, A's mother produced him and he was arrested at 6:00 p.m.

A told the officers that B was staying at his mother's house and A agreed to take the officers to this house. Homicide Detectives Mullins and McCormick responded to B's mother's house at about 6:20 p.m. B's mother told the officers that B was not there, but Detective McCormick who had gone to the side of the house arrested B in the side doorway as B was attempting to escape. A search of B's person was made revealing no weapons. Because of the Chimel rule, no search was made of the room occupied by B, or of any part of his mother's house, for the murder weapon or other evidence. B's mother, his younger brother and several other people were in the house at the time. Consent to search the house was asked for and refused. B was taken to Denver Police Headquarters where he was advised of his rights and denied any involvement with the killing.

Detective Mullins called the Denver Police Department Attorney (Legal Coordinator) who responded to Headquarters at about 7:00 p.m. to draft search warrants for the murder weapon and clothes worn by the killers on the night of the shooting.[5] The Legal Coordinator advised that A and B should be placed in line-ups so that a positive identification of the suspects could be made by witnesses to support the search warrants.[6] Line-ups were held with counsel present for the suspects.[7] A was not identified and was released. B was positively identified by at least three witnesses as one of the assailants; however, by the time the line-ups were concluded, night had fallen and the Colorado Rules of Criminal Procedure barred the execution of a search warrant at night.[8]

The next morning, Detectives McCormick, Martin, Burkhard and Legal Coordinator Carrington procured search warrants for the houses of B's mother and his girl friend, seeking a .22 caliber automatic pistol, ammunition and the clothes worn by the killers. No evidence was found at the girl friend's house.

When the warrant was executed at B's mother's house, the mother, B's brother and a neighbor lady were present. The warrant was shown to B's mother who made searching inquiries of the officers as to whether they were sure that the murder weapon was an automatic. Upon being convinced that only an automatic was being sought, B's mother nodded to the neighbor lady who left and returned with a .22 caliber *revolver* wrapped in a "T" shirt. The neighbor stated that B's mother had given her the revolver the night before for "safe-keeping." The revolver was routinely checked but was not the murder weapon. No other weapon was found.

The police in this case simply do not know whether the murder weapon was at B's mother's house when B was arrested. A search of B's room and other areas of the house under his control[9] for the murder weapon would have been permissible prior to *Chimel* as incident to B's arrest. Such a search might have turned up the murder weapon, or it might not; however, the officers, in obedience to *Chimel's* mandate, made no search. One thing is certain; if, in fact, the weapon was in the house, B's mother and brother had all night to search for and dispose of it. B's mother, understandably, wanted to protect B, as shown by her lying to the police in stating that he was not there when they came to arrest him, and by her giving the revolver to the neighbor. It was only when she was sure that an automatic was being sought that she had the neighbor produce the revolver. The police will probably never know whether the weapon was in the house when B was arrested; but, given B's mother's disposition to dispose of evidence they *can* be sure that, if it was there, it was removed before the warrant-based search was made.

CASE NO. 2—HOMICIDE, DENVER, COLO.

X, Y, and X's girl friend Z, along with several others, "crashed" a party at a private home in the early morning of August 17, 1969. They were told to leave and in leaving they exchanged words with other guests at the party. X, Y, and Z went to X's car nearby and got a rifle out of the trunk. A group of the party guests were standing outside of the house and a shot was fired at X's car, whereupon someone in X's car fired 8 shots into the crowd killing the victim.

Detectives McCormick and Isenhart were assigned to investigate and on the morning of August 17th questioned witnesses who identified photographs of Y as being in the group who crashed the party. At 11:00 a.m. on the 17th, Y was arrested at his home by officers Duyker and Davin. Y told the officers that X had done the shooting and that X and Y had taken the rifle into X's house. Y further told the officers that Z, X's girlfriend, another suspect in the shooting, was living with X.

Y agreed to take the officers to X's house. As the officers, Davin, Duyker, and Secrist, approached, X apparently tried to escape by running out of the back door but he was arrested as he ran around the house. Officers entered the house and arrested Z inside of the house. A search of Z's immediate area revealed no weapons. No further search was made.

Approximately ten persons were in the house at the time, including X's brother, who became abusive and ordered the officers out of the house. The officers left and called the detectives who procured a search warrant to search the house for the rifle. It took approximately an hour and a half to draft the warrant and find a judge to sign it. During this period, the officers remained outside of the house; but they did not stop or search any persons leaving the house. When the house was searched pursuant to the warrant, the rifle was gone.

The defendant, X, told the police that when he was arrested, the rifle was in the house. The conclusion is inescapable; while the police waited for the search warrant, one of X's friends removed the murder weapon. A pre-*Chimel* search for the weapon incident to Z's arrest in the house would doubtless have located the weapon; but the officers knowing that the *Chimel* rule would make the weapon inadmissible, were forced to take no action to secure this vital evidence until it was too late.[10]

These two cases are not unique to Denver, nor is the problem confined to homicides; in many minor crimes the impact of the *Chimel* rule has also been felt.[11] The two described cases illustrate that, despite the gravity of the offense and the really excellent police work involved in each case, *Chimel* can frustrate the best efforts of the officers.

Analysis of these two strikingly similar cases leads to the following conclusions:

1. Unlike the situation in the *Chimel* case itself, there was clearly no time to get a search warrant before the arrests. In each case, the police had just learned where persons sought for wanton killings were staying. Arrests of co-suspects had just been made in the presence of witnesses; and the police had no way of knowing that the word of the first arrest would not be immediately relayed to the second suspects, enabling them to flee. (As a matter of fact, two of the second suspects, e.g. "B" and "X", did attempt flight when the police approached.)

Further, it *must* be realized that delay in the arrest of a potentially armed and dangerous murderer is not a luxury that either society or the police can afford. There is an overriding duty to the public to take such suspects into custody *and to seize their weapons* before they can kill again; for the police to delay arrest in cases like these would be a serious dereliction of duty, especially as it may often take many hours[12] to procure a valid search warrant. Concededly, neither of these cases involved "hot pursuit" as envisioned in *Warden v. Hayden*, 387 U.S. 294, 87 Sup.; Ct. 1642 (1967);[13] but it is obvious from the facts that speed in making the arrests was essential.

2. Once the officers entered the houses to arrest the suspects, they were committed. In both cases, friends and/or family of the arrestees were present when the arrests were made, and the probability that an attempt would be made to get rid of the murder weapon was great. Probable cause to search for the murder weapon existed in both cases;[14] but, *Chimel* prohibited a warrantless search on pain of having any weapons that were found being held to be inadmissible.

Footnotes at end of article.

A consent to search was refused in each case.

3. A search warrant, then, must be procured. What alternatives are open to the police, while the warrant is being procured, to ensure that evidence will not be removed?

A. May the police remain on the premises, prevent the persons there from leaving, and follow them from room to room?

The *Chimel* majority decision certainly gives the police no authority for so doing, and Justice White, in his dissenting opinion, points out that such a course of conduct on the part of the officers would constitute an invasion which "would be almost as great as that accompanying an unlawful search." (37 USLW 4613 at 4620 footnote 5.)

Detaining persons, inside the house, for whom there is no probable cause to arrest could easily result in a civil suit against the officers for false arrest or false imprisonment; and the authority of officers to remain on the premises against the will of an owner or co-occupant is questionable at best. Thus, in addition to risking possible civil liability, the officers might find a court excluding even the evidence seized *pursuant to a search warrant* because the officers exceeded their authority by remaining on the premises while the search warrant was being procured.

B. May the officers leave the house itself but position themselves just outside the house; and, until the search warrant arrives, search persons leaving the house for the murder weapons or other evidence?

Again, there is no authority in the *Chimel* opinion for such a search, and, in the absence of probable cause to arrest a person, such a search would almost certainly be held illegal. Even a "frisk" for weapons, on less than probable cause to arrest, under the doctrine of *Terry v. Ohio,* 392 U.S. 1 (1968) would be doubtful, since that case is expressly tied to the necessity of the protection of the officer rather than a search for evidence. Again, the risk of a civil suit in battery or assault against an officer making such a search is apparent; as a matter of fact, a person searched by an officer as he was leaving the suspect house might even claim that an assault on the officer was justified as validly resisting an unlawful search.

C. The police, then, as a final alternative, may leave the premises, search no one leaving the premises, and wait for the search warrant to be procured. This is exactly what was done in the two cases described. In one of the cases, it is *known* that the murder weapon was removed by friends of the defendants while the police waited for the warrant. In the other case, it is known that the defendant's mother removed *at least* one weapon from the house in the overnight period that it took to secure a valid search warrant; whether the murder weapon itself was removed will probably never be known.

The two described cases illustrate vividly one further point, and this is that any reviewer of police actions is scaling the heights of naivete if he doubts that a suspect's relatives or cohorts will not attempt to get rid of evidence against him, given the opportunity. In both cases, the first impulse of those not arrested was to remove the evidence against the parties who were arrested. Among many of those with whom the police deal on a day to day basis, it is not even necessary for the person secreting the evidence to be close to the suspect; frustration of any police purpose is considered an end in itself.

The Fourth Amendment should not be used to create a zone of immunity for those who wish to accommodate a friend or relative by disposing of evidence against him; yet, this is precisely the result that *Chimel* has brought about in the described cases. The problem for the police, as illustrated by these cases, is that the language of the *Chimel* opinion is so broad in proscribing warrantless searches that the police literally do not know what the new limits on their conduct are. As a result, they must use the "safest" procedure available to them, the warrant procedure, *even though the delay involved may render the securing of a warrant a futile gesture.* Justice Stewart writing for the *Chimel* majority speaks of "well recognized exceptions" to the warrant requirement but he does not elaborate on the exceptions.[15] *Chimel* provides no guidelines whatever for the police as to when a warrantless search of premises, beyond the arrestee's "immediate area," may be permitted; and the decision thereby opens the widest possible door for judicial "second-guessing" of an officer's split-second decision on the scene. In the described cases, for instance, a warrantless search and recovery of the murder weapons might well have been justified as being made under "exigent circumstances"[16] but, with no guidelines in the opinion to go by, a trial or appellate court could as easily find that no emergency existed and that the searches violated the *Chimel* rule.

In each of the cases described, the remaining evidence against the suspects consists of just that type of evidence which this Court has condemned as unreliable: confessions[17] and lineup identification.[18] Respondent's Petition for Rehearing, p. 7, points up the irony of *Chimel* excluding physical evidence of highly probative value in view of the Court's pronouncements on the other types of evidence. The described cases bear the irony out with force; in a murder case, the murder weapon is a vital item of physical evidence; yet, here, the police were foreclosed from securing such evidence. The purpose of this brief is to support Respondent's cogent legal arguments for rehearing with practical examples of cases of major importance in which *Chimel,* as written,[19] has stymied effective police action despite the officer's best efforts to act within the law. The inability of the police to recover, lawfully, the weapons used in two murder cases is indicative of the impact of *Chimel* on local law enforcement. The two cases in Denver, which have arisen in the few months since *Chimel,* may be multiplied a thousand fold throughout the country; consider, for instance, the impact of *Chimel* on rural police departments where the number of persons authorized to issue search warrants is limited. We most respectfully urge the Court to grant Respondent's Petition for Rehearing in the case of *Chimel v. California* so that an opportunity might be presented for spokesmen for law enforcement, on every level, to make known to the Court the impact of this decision on our function of protecting the safety of the people of this country. Further, as a result of such rehearing the Court would have an opportunity to consider the establishment of the guidelines in this area which the police so desperately need.[20]

FOOTNOTES

[1-3] Both cases described have been filed by the Denver District Attorney but neither case has come to trial. For this reason, the names of defendants are not published.

[4] Per Simmons v. United States, 390 U.S. 377, 88 Sup. Ct. 967, (1968).

[5] The possibility of watching the house while procuring a warrant was considered; but, even if such a watch was set up, there would be no authority to search persons entering or leaving the house.

[6] This decision was based on the tightening of search warrant requirements enunciated by the Supreme Court in Spinelli v. United States, 393 U.S. 410, 89 Sup. Ct. 584, (1969).

[7] Per: Gilbert v. California, 388 U.S. 263, 87 Sup. Ct. 1951, (1967) and United States v. Wade, 388 U.S. 218, 87 Sup. Ct. 1926, (1967).

[8] Colorado Rules of Criminal Procedure, Rule 41 requires that for a search warrant to be served at night the affiant must be "POSITIVE" that the property sought is on the premises to be searched. The officers in this case were reasonably sure, but could not be "positive," that the weapon and evidence sought was at B's mother's house.

[9] Harris v. United States, 331 U.S. 145, 67 Sup. Ct. 1098 (1947); United States v. Rabinowitz, 339 U.S. 56, 70 Sup. Ct. 430 (1950); both overruled by Chimel v. California, 37 U.S.L.W. 4613 (1969).

[10] Participating officers were asked why they did not keep the persons in the house or search them when they left. They each answered that they felt that they had no legal authority to do either, and they feared civil suits for false arrest or "civil rights violations".

[11] For example, half an hour after the theft occurred, an officer entered a house to arrest defendant for the theft of some liquor. Defendant and his parents were sitting in the kitchen. After defendant's arrest, the officer found the liquor in the refrigerator. The officer had to be told that his search was illegal under the Chimel rule, despite the likelihood that the parents would dispose of the liquor.

[12] Consider, for instance, the unavailability of an issuing magistrate. In rural areas this can create a real problem. Aspen, Colorado presents an example of this; there is only one judge authorized to issue warrants in Aspen. If this judge is unavailable or out of town, Glenwood Springs, 45 miles away, contains the nearest issuing officer. In the winter, in this mountainous area, snow covered roads might necessitate a 3 or 4 hour round trip to procure a search warrant, and sometimes the roads are impassable.

[13] Where the police entered the suspect's house "within minutes" of the crime.

[14] This is evidenced by the fact that judges issued search warrants for the houses in question in both cases.

[15] 37 U.S.L.W. 4613 at 4617. In the Chimel opinion Justice Stewart footnotes his reference to exceptions to search warrants requirements. The footnote (37 U.S.L.W. 4613 f.8) simply says, "See Katz v. United States, 389 U.S. 347, 357–358." A reading of the pages referred to in Katz (prohibiting warrantless eavesdropping) seems to point to another footnote. Justice Stewart who also wrote Katz postulates the warrant requirement in that decision—"subject only to a few specifically established and well-delineated exceptions." 389 U.S. 347 at 357. This sentence is footnoted (389 U.S. 347 f.19) to say, "See e.g. Carroll v. United States, 267 U.S. 132 . . . McDonald v. United States, 335 U.S. 451 . . . Brinegar v. United States, 338 U.S. 160 . . . Cooper v. California, 386 U.S. 58; Warden v. Hayden, 387 U.S. 294 . . ."

Of these "exceptions" Carroll, Brinegar, and Cooper deal with searches of automobiles, Warden v. Hayden deals with "hot pursuit", and McDonald deals with exigent circumstances. When, as here, the Court condemns, with one stroke, a basic police procedure that had been sanctioned by the Court for 19 years, a series of footnotes can hardly be considered "guidelines" for the policeman on the street, or for those attempting to advise him.

[16] cf, McDonald v. United States, 335 U.S. 451, N. 15 supra.

[17] Miranda v. Arizona, 384 U.S. 436, 86 Sup. St. 1602, (1966); Escobedo v. Illinois, 378 U.S. 478, 84 Sup. Ct. 1758 (1964).

[18] Gilbert v. California, U.S. v. Wade, Supra n. 7.

[19] It is no part of the argument of this brief that Mr. Justice Stewart, who wrote the majority opinion, would knowingly inhibit valid, constitutional, police procedures. The thrust of this brief is that Chimel has created problems not readily foreseen, even by Justice Stewart, and that rehearing should be granted to give the Court an opportunity to consider the practical problems its decision has created.

One Chimel-related problem is of most extreme concern to the police. How does Chimel affect a full-scale riot situation where an entire police force is tied up on the streets and there is clearly no time to get search warrants? Suppose officers enter an apartment after observing sniper fire from the window of that apartment; and they arrest the sniper, with his rifle, in the doorway. A large cache of weapons is found in the bedroom of the apartment, concealed in a closet. Will these weapons be inadmissible? Seemingly, the search for the weapons would be justified as "hot pursuit" under Warden v. Hayden, 387 U.S. 294 (1967), yet the language in Chimel, forbidding warrantless searches, is so broad that a Court so inclined could easily justify suppression of the weapons as a Chimel violation.

[20] For example, the Denver Police Department Order concerning Chimel (appendix A) was an attempt to guide the officers. The order speaks of "securing the premises" (in paragraph 3-A); yet, the cases described herein, which arose after the order was issued, illustrates the practical impossibility of "securing" premises when others are present.

UNILATERAL CEASE-FIRE IN VIETNAM

Mr. GOLDWATER. Mr. President, my remarks today are occasioned by disturbing reports in the newspapers which seem to indicate that Senate Republicans may have taken a position in favor of a unilateral cease-fire in Vietnam. I am sure all Senators realize that this suggestion was made by our minority leader, the distinguished Senator from Pennsylvania (Mr. Scott), and that it gave expression to his own personal feelings.

However, every story I have seen and every mention that I have heard on television and radio concerning this recommendation identified Senator Scott as the Republican leader of the Senate. It is my fear that the uninitiated and the casual reader and listener may come quite understandably to the erroneous conclusion that Senator Scott was speaking on behalf of the Republican Members of the Senate. I, for one, wish to make it very plain that while I recognize that the Senator from Pennsylvania has been duly selected as minority leader of my party, I do not accept his personal recommendations on any and all subjects. At this time I wish to disassociate myself firmly and completely from the minority leader's recommendation that the United States move unilaterally to bring about a cease-fire in Vietnam.

I notice in this morning's newspapers that Senator Scott said he is not in the habit of clearing his ideas with the White House before they are made public. I think it would be helpful if he would also state that he is not in the habit of clearing such statements with all members of his own political party in the Senate.

In his recommendation, Senator Scott seems to think the United States must take the initiative on the question of cease-fire in Vietnam. I should merely like to ask how many times, in how many situations, must we always stick our necks out and take the initiative in trying to reach an agreement with an unreasonable enemy. The list of times when we have unilaterally ceased our bombing and taken other measures to encourage reciprocity from the Vietcong or Hanoi is long and impressive. However, none of the actions brought the least sign or activity from our Communist adversaries aimed at deescalating the war and bringing about a peaceful solution.

It is my firm conviction that further unilateral action on our part will merely convince the Communists once again that we are afraid of them and that we are willing to go to any lengths to bring about peace. Such action will convince them all over again that if they wait long enough the United States of America will throw up its hands and surrender.

GI BILL ALLOWANCES

Mr. MONDALE. Mr. President, I was greatly disturbed to learn that President Nixon had threatened to veto the bill increasing educational allowances for 1,285,000 veterans, war orphans, and widows of the Vietnam era by 46 percent. The administration's position that a 13-percent increase is all that could be justified is very surprising.

I have received a number of letters from veterans struggling through school on the GI bill. Many have gone into debt or been forced to work long hours at part-time jobs in order to be able to buy the necessities of life. In some cases, tuition costs have risen by 46 percent or more in 1 year.

The Committee on Labor and Public Welfare carefully considered the question of what increase would be appropriate. The committee report details the sharp rise in both living and education costs since the Korean GI bill program and since the last adjustments in the present program's allowances. Although the report was not yet printed when the President wrote to the Senator from Texas (Mr. Yarborough) to express his views, certainly the same data were available to his administration.

Mr. President, the committee bill would merely provide allowances sufficient to cover about 98 percent of the average tuition, board, and room costs for those now in the program. This compares with the 99 percent of costs which were covered under the Korean program. One of my constituents, noting that he and his fellow servicemen "have fought in a war we cannot understand," asked if "we are considered less worthy than our predecessors?"

I, for one, will not condone such unfair treatment. Considering the rate at which the cost of education is rising, these new allowances are very modest and may soon prove to be too low again. I cannot understand how the President can recommend such dubious investments as the supersonic transport program while finding fault with these fully justified increases in educational allowances. I note again that he was silent when the House of Representatives recently added more than $1 billion to his recommended Navy budget.

I ask unanimous consent that several of the letters I have received be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

College of St. Scholastica,
Duluth, Minn., July 2, 1969.

Dear Senator Mondale: I am a teacher from Duluth, Minnesota and have been attending classes this summer at Cincinnati University. It was here I read of a bill being introduced which would promote and ensure more financial help for veteran G.I.'s who wish to continue college.

I have two brothers who have returned from service overseas a year ago—one was in Vietnam, the other was in Germany. They are now both in school taking advantage of the $125 monthly allowance now available but have had to borrow several hundred more to stay in school, because, as has been seen, the available amount is not enough.

I am writing to ask you to support the bill appropriating more financial aid to veterans who wish to continue their education.

Thank you for your efforts to ensure speedy action on a bill much needed by veteran G.I.'s interested in continuing school.

Sincerely yours,
Sister Yolanda Calligure.

Minneapolis, Minn.,
August 4, 1969.

Senator Walter Mondale,
U.S. Senate,
Washington, D.C.

Honorable Senator: We, of Delta Kappa Gamma, wish to express our hope that you will vote in favor of the increase of monthly payment—$130 to $175 for the education of the Viet Nam Veteran.

Prices have risen so only the wealthy can take advantage of the G.I. benefits. Tuition, fees, books, all have increased.

These veterans need their education now. Their lives were interrupted—some have spent several years in the Orient. Please see that this bill is passed. These young voters will remember your caring.

Sincerely,
Rita Carey.

September 30, 1969.

Senator Walter F. Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: Thank you for the letter you wrote, dated May 28, 1969, in response to my letter asking your support for S. 338.

In your letter, you stated that you would support legislation of interest and benefit to veterans.

As you know, the House passed H.R. 11959, which is a cut down version of S. 338. I understand that it is tied up in a Senate committee, of which you are a member. What is holding it up? If Sen. Yarborough is not satisfied with it, and plans to change it so that it will have to go back to the House, thank him, but, tell him our tuition and fees at Moorhead State College (and, I assume all other Minn. State Colleges) were increased by 48% this Fall, and we need the money now.

I certainly hope you are not the one that is holding this bill up. If not, then who is, and why? Can we expect an increase in GI Bill this year? If so, when?

Thank you.

Sincerely,
Charles D. Apuli.

Austin, Minn.,
July 14, 1969.

Senator Walter Mondale,
Senate Office Building,
Washington, D.C.

Dear Senator: Thank you for your prompt attention to my previous request for information on Federal educational benefits available.

However, I now have a different problem. I have just learned of the differences between previous "G.I. Bill" benefits and those available to us now, specifically, educational benefits. Can you tell me we are considered less worthy than our predecessors? We have fought in a war we can't understand, a war most of us do not believe in. Yet the great majority of us went to Viet Nam, accepting our government's justifications of our presence there.

Now I find there are considerable gaps between our "G.I. Bill" and that of our fathers. Are not the bullets we faced at Da Nang, Chu Lai and Ham berger Hill just as deadly as those in Tarawa, Leyte and Guadalcanal? Are those killed and injured not just as permanent as in former wars?

I realize there is not too much you can do. However, a group of us feel perhaps, if we knew who to contact, our opinions could be of some importance. I would appreciate it if you would put me in contact with whoever could be of the most help in this matter.

Respectfully,

P. O. HAMILTON.

MANKATO, MINN.,
October 18, 1969.

Senator WALTER MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: I would like to voice my support of the Educational Rate Increase bill, S. 338 for veterans.

This increase is necessary because at Mankato State College last year my tuition was always under $100 for 14 or 15 credits. This year it costs $141 for that same number of credits. The rising cost of living is hard enough to match without without rising educational costs.

Thank you for your efforts.

Sincerely,

DAVID JORGENSON.

JACKSON, MISS.

Senator WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

HONORABLE MR. MONDALE: Sir, I would like to know what your opinion is on the Senate Labor and Public Welfare subcommittee for Veterans Affairs approved legislation on an increase of GI education and training allowances by 46 percent and making the increased payments retroactive to September 1, and how you will stand on this issue.

I am still serving on active duty however, my service agreement is completed 17 March 1970 and at which time I will reside in my home town of St. James, Minnesota and again attend Mankato State College.

I feel that this is a step forward, however, it is not enough to attend school and raise a family with today's cost of living increases.

Any information that you could give me would be greatly appreciated.

Thank you.

Sincerely,

RONALD W. EASTERDAY.

NINETY-NINTH BIRTHDAY ANNIVERSARY OF MARY McCONNELL BORAH

Mr. JORDAN of Idaho. Mr. President, on Friday of last week one of the truly great women of Idaho—Mary McConnell Borah, widow of U.S. Senator William E. Borah and daughter of William J. McConnell, also an Idaho Senator and later our State's third Governor—celebrated her 99th birthday anniversary.

The Idaho Daily Statesman, in commemoration of this remarkable lady's 99th year, published in its Sunday, October 19, edition a delightful interview with Mrs. Borah, written by Dabney Taylor, of Boise.

In order that Senators and the innumerable other readers of the CONGRESSIONAL RECORD might share in the historically pertinent recollections of this distinguised woman, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WIDOW OF FAMOUS "LION" SENATOR MARKS BIRTHDAY IN OREGON—IDAHO'S "LITTLE BORAH" LOOKS BACK ON HER FIRST 99 YEARS

(By Dabney Taylor)

"I was cradled in politics," Mary McConnell Borah remarked, "and that cradle received me almost a century ago. You see I was born in Moscow, Idaho, Oct. 17, 1870 and that makes me 99 years old."

"Little Borah," as Washington called her, is the widow of one of the immortals of the United States Senate. 'The Lion of Idaho' filled the senate gallery with spell-bound listeners to his oratorical roars.

As she looked from the windows of her retirement apartment at the deep green grass of the Portland (Ore.) lawn, Mrs. Borah recalled that before her birth her father, W. J. McConnell, was deeply engaged in helping to bring Idaho from a territory into statehood.

"This," she said, "was accomplished when I was almost 21 years old. But don't think," she quickly interjected, "I was allowed to vote. At that time the 19th amendment, which gave the vote to women, was only a gleam in a suffragette's eye."

"Then," Mary Borah reflected, "the women in a candidate's family had quite a different role to play and the wives did not go out in the hustings with their husbands as sort of a co-candidate. I cannot quite approve of this, but then, attitudes change."

"But, don't think for a moment the women were not expected to function. For example, we cooked for, and served, endless suppers, picnics, luncheons, receptions. Candidates when they arrived in town, with or without their families, always were house guests at the homes of fellow politicians.

"We were also expected," Mrs. Borah continued, "then as now, to remember every one's name. Heaven help you if there was a moment of faltering, you could lose the vote of the entire family, including the hired man." The witty and sprightly lady laughed, she could, being gifted by the gods with almost complete recall.

"When Idaho became a state father decided to run for the United States Senate and and he and George L. Shoup were elected as Idaho's first senators. During his campaign my mother introduced me to a young lawyer from Boise, William E. Borah. He had come to help father campaign and after we met he seemed to think nothing of frequently making the long trip from Southwest Idaho to the chill north where Moscow was located, just to help father.

"Later," she said demurely, "when father returned from Washington to run for governor, Billie Borah helped elect him as Idaho's third governor.

"Because mother was very delicate, and quite timid about meeting strangers, father decided to take me to Boise to act as his hostess and part time secretary. Mother and my two sisters, Carrie and Olive, remained in Moscow to keep the store, and this is not a quip, we did own the general store in town.

"I was very much surprised and pleased," Mrs. Borah quirked an eyebrow, "to find Billie Borah was to be administrative assistant in the governor's office. You see, he was a very serious student and disliked social functions, but Boise was very gay and he did take me to a few affairs and we had lovely horseback rides in the foothills.

"One of the great lessons I learned about this time was never to say anything to reporters that I did not want to see in print. It occurred one day when some reporters came into the office and asked for news. I told them I could not stop to talk as I was very busy writing a speech for the governor. When this item appeared in the next morning's paper, father was not very pleased.

"Finally Billie urged me to make up my mind to marry him so that I could go east with him on our honeymoon where he was called on some legal cases. So," she related, "we were married on April 21, 1895 at the Cyrus Jacobs' home with Frank Blackinger as best man. My honor maid was Mamie Jacobs.

"Where did we go on our honeymoon?" an elfish chuckle punctuated the story, "we took the Cannon Ball to a small town a few miles from Boise called Caldwell . . . well, anyway we were serenaded by the town band and a few weeks later we did go east and it made up fully for my disappointment.

"When Billie was elected U.S. Senator in 1907," she continued, "shortly after we reached the capital, we were summoned to dine with President Theodore Roosevelt. As we walked down the long White House hall where an aide sat at a desk with the dinner chart before him, he handed me an envelope and announced I was to sit at the president's left. I simply uttered a gasp and put my hand over my mouth. This amused the aide.

"After we were seated there was an awful moment of silence, on my part as I wracked my brain for something to chat about. Suddenly, I was inspired to mention having visited with William Allen White, the noted journalist, at Emporia, Kansas, on our way east. Mr. Roosevelt, who was his great friend, responded eagerly and said, "I have just presented his book 'Strategems and Spoils' to the French ambassador M. Jusserand. I think it the greatest political story ever written.

"He talked away, and left me to gaze at his daughter Alice Longworth who was nonchalantly eating hot asparagus without removing her long white kid gloves and let the melted butter run merrily down her fingers. This, while I was making every effort to keep my white tulle gown, trimmed with pink rosebuds, which I thought went well with my blond hair, from having one spot. I knew I would have to wear it many more times and I did." She continued, "Later the famous Nick Longworth, Congressman from Ohio, and Alice, became our good friends and Alice and I went often to the Capitol to hear speaking in both the House and Senate. Alice was very political and would leave her own dinner party to dash to the Hill to listen to an important debate.

"I well recall the exceptional woman Lou Hoover. She graduated from the Stanford engineering school, making higher marks, incidently than her husband President Herbert Hoover, a classmate, then a lifemate. One of her remarks was a classic of understatement, 'I only want to be a background for Bertie!' The intelligent women of my day were tactful.

"A lady who was grossly underrated, and I think, most unfairly criticized, was Florence Kling Harding. She was a handsome woman from a fine Ohio family and brought much to her marriage with President Harding. She was very gracious and democratic and made contact with all classes of people in a most kindly manner," Mrs. Borah said earnestly.

"Everyone was simply crazy about Mrs. Calvin Coolidge with her lovely, big brown eyes. She was most dedicated in attending endless functions and meetings and was simply showered with invitations," she reminisced. "Grace made a famous remark, 'One church, one club, one husband and one political party.' I have lived up to her precepts and am still a dedicated Republican." Mary Borah ran her tiny hands over a long chain of ivory elephants which she wore. Her collection of some 3,000 of these pachyderms were sold at auction when she left 2101 Connecticut Avenue to live in Portland.

"Billie died on a bleak winter day in 1940," she fingered her worn wedding ring "He had been senator for Idaho for almost 40 years. I decided to remain in Washington, my roots had grown deep, but a few years ago I moved to Portland to be with my sister Olive Leuderman who lives in this same building with me. Her daughters, my nieces, also live here.

"I suppose people would like to know how I lived to such a majestic age and I can only say that I have never felt the urge to partake of the grain, the grape or the weed, but I eat everything set before me. Still, I may have to go on a diet, I gained a pound last month, I now weigh 69 pounds."

Then the interview was over until next year.

THE PESTICIDE PERIL—LXX

Mr. NELSON. Mr. President, international concern about the problems of persistent pesticides was raised in San Francisco last week by a group of Czechoslovakian scientists.

The seven Czechoslovakian scientists are currently visiting the United States in preparation for the 10-year anniversary conference of the International Association on Water Pollution to be held there in 1970.

As reported by the San Francisco Examiner, the scientists indicated that Czechoslovakia banned DDT because the country was alarmed by the dangers to man from this chemical agent. Although one of the scientists noted that the long-term effects of the buildup of DDT residues in man are not yet known, he said that "it has been proved that it accumulates in the body. We are afraid of the physiological aspects."

Czechoslovakia is one of at least three countries who have banned the use of DDT. The others include Denmark and Sweden.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Why Czechs Banned DDT

Czechoslovakia today, and for the past several years, has banned the use of DDT and controls the use of other pesticides and detergents to avoid polluting the nation's waters.

This was revealed here yesterday by Dr. Vladimir Madera, one of seven scientists and air and water pollution experts from this nation now visiting the Bay Area.

These controls were exerted in his country, Dr. Madera said, before it became a problem, because it was recognized these materials were "too dangerous to man."

He conceded it is not yet known that DDT is toxic, "but it has been proved it accumulates in the body. We are afraid of the physiological aspects," he said.

TOXIC

Dr. Madera, who has visited the United States before in exchanges of research and knowledge on pollution problems, and has worked as a consultant in other nations, recited one case in the United States where a food colorant was at first accepted as harmless, but discovered 10 years later to be toxic.

The pollution expert and his companions are here under sponsorship of the International Association of Water Pollution, which will hold its 10-year anniversary conference in San Francisco in 1970.

They expect to have as many as 4000 delegates from more than 50 nations attend, according to Dr. Erman Pearson.

Dr. Pearson, professor of engineering at the University of California, will serve as president of the 1970 world conference here.

Dr. Pearson said yesterday he believes the United States will be forced to seek similar legal remedies to water pollution problems ultimately.

"But legislation must give reasonable time for development of other materials without these harmful effects," he said.

Dr. Madera and the other leader of the Czechoslovakian group, Dr. Karel Symon, discussed the control of water quality in their own country and throughout Europe, as well as common European practice of reclaiming and treating the same water through as many as eight stages for use, for domestic or industrial purposes.

Dr. Pearson added:

"In Czechoslovakia as in Europe and the central United States, most water supplies are mixtures of waste waters and natural supplies. We take out the materials that are harmful.

"We're generally dealing with used waters. We must not think there is an inexhaustible supply of virgin waters around, because there aren't."

SECRETARY HARDIN'S APPROACH

Mr. DOLE. Mr. President, as a member of the Committee on Agriculture and Forestry, I wish to apprise Senators of the attitude and efforts which are characterizing the attempt to arrive at meaningful and satisfactory agricultural legislation.

On Tuesday of this week, Secretary of Agriculture Clifford Hardin met with the committee for an informal, frank, and highly informative discussion of the progress which the formulation of farm policy is making in Congress. In a wide-ranging conversation, Secretary Hardin briefed the committee on the Department's thinking, the viewpoints of the House Committee on Agriculture, and his personal assessment of the problems and possibilities in this year's efforts to draft acceptable legislation. The Secretary emphasized that his idea was to discuss all the issues, to bring to light all the objections, and to try to arrive at something which the Senate and House could accept and enact without the time-consuming conference or floor debate.

The attitude of the Secretary is both commendable and novel. It is refreshing to have a spokesman for the Department who does not come up on the Hill and attempt to ram his preconceived ideas down the throats of the House and Senate. Such tactics were the rule in the past and only served to stir emotions and precipitate extended debate. With this new approach and the fresh atmosphere it brings, the public stands a much better chance of seeing worthwhile farm legislation enacted. I wish to express my appreciation for Secretary Hardin's approach and to encourage Senators to respond in kind.

VICE PRESIDENT AGNEW'S RIGHT TO FREE SPEECH

Mr. GOLDWATER. Mr. President, much has been made in the press of the recent remarks of Vice President Agnew on at least two occasions during the past 2 weeks.

It seems to me that this is a question of whose ox is being gored.

When the liberals feel like it, they speak just as openly and sometimes as harshly about conservatives as Vice President Agnew has spoken about those with whom he finds himself in disagreement.

I think that the Vice President of this country has a right to free speech as much as any other American citizen.

I ask unanimous consent to have printed in the Record an excellent article written by David Lawrence, entitled "Agnew's Right to Free Speech," and published in today's Washington Evening Star.

There being no objection, the article was ordered to be printed in the Record, as follows:

Agnew's Right to Free Speech

Some of the so-called "liberals" may unwittingly be creating the impression that, while their kind of dissent comes under the heading of "free speech," the outspoken remarks of Vice President Agnew in recent days are not covered by the same kind of constitutional privilege.

One Democratic senator now says that when Mr. Agnew, in a speech in Mississippi, declared that school officials had made "a strong case" for delaying desegregation in certain districts, this was an "unwarranted, unethical and grossly improper" attempt to influence the Supreme Court. He suggests that the vice president should devote his time to his "only constitutional duty"—namely, presiding over the Senate.

But the vice president of the United States has additional duties. He has the task of understudying the President and training himself for a job that fate may suddenly require him to take over.

Spiro Agnew announced immediately after election that he was an independent-minded person who would say what he believes, whether or not it agreed with the views of the President. He has the right, of course, to make speeches, and surely it will be conceded at least that he can talk on any subject that a senator can tackle in a public speech.

Only this week, Sen. Sam J. Ervin Jr., D-N.C., declared that constitutional government would perish in the United States if trends set by the Warren Court are not reversed. He prepared a detailed criticism of the legal course set by the Supreme Court and made a public address about it.

The vice president, as presiding officer of the Senate under the Constitution, would seem to be permitted the same rights as any member of the upper house. Senators have never put a limit on the topics they discuss in public speeches, and the vice president certainly has a similar privilege to delve into any subject, however controversial it may be.

Agnew made a speech for instance, in New Orleans last week that aroused nationwide attention. He condemned the proponents of the Vietnam "Moratorium" and said that the demonstrations were encouraged by "an effete corps of impudent snobs who characterize themselves as intellectuals."

The vice president, speaking at a fund-raising dinner for the Republican party, was endeavoring to defend the Republican administration against the attacks of political opponents. Agnew said that today "subtlety is lost and fine distinctions based on acute reasoning are carelessly ignored in a headlong jump to a predetermined conclusion." He added:

"Thousands of well-motivated young people, conditioned since childhood to respond to great emotional appeals, saw fit to demonstrate for peace. Most did not stop to consider that the leaders of the Moratorium had billed it as a massive public outpouring of sentiment against the foreign policy of the President of the United States.

"Most did not care to be reminded that

the leaders of the Moratorium refused to disassociate themselves from the objective enunciated by the enemy in Hanoi."

Agnew is the kind of man who doesn't mind criticism. But he also doesn't hesitate to respond as he pleases to those who make what he deems fallacious and ill-founded attacks on the foreign policy of the United States.

As for "putting pressure" on the Supreme Court through public speeches, many senators have expressed themselves frankly about the departure of the high court from the proper exercise of judicial authority. President Nixon himself said recently there is a need for justices who will interpret the Constitution strictly and not assume legislative functions.

President Franklin D. Roosevelt in the 1930s not only discussed what he felt were the shortcomings of the Supreme Court of that period, but sought from Congress the enactment of legislation which would enlarge the court from nine to possibly fifteen members and enable him to pick justices whose views were in accord with his own and thus attain a "liberal" majority.

It hardly seems consistent for the "liberals" today to deny either Vice President Agnew or anybody else the right to discuss public issues on which the Supreme Court may have to rule or the right to make speeches denouncing protest movements, especially those which have the effect of giving aid and comfort to the enemy in the midst of a war.

SENATOR ERVIN SPEAKS BEFORE THIRD ANNUAL NAVY JUDGE ADVOCATE GENERAL'S CONFERENCE

Mr. YARBOROUGH. Mr. President, last Thursday, October 16, 1969, the distinguished Senator from North Carolina (Mr. Ervin), chairman of the Constitutional Rights Subcommittee of the Committee on the Judiciary, spoke before the third annual Navy Judge Advocate General's Conference.

In his remarks to the newly formed Judge Advocate Generals Corps, Senator Ervin stressed the need for legislative reforms to increase the amount of due process in the procedures for administrative discharges in the Armed Forces.

Because of the importance of Senator Ervin's proposals and the important part that the Judge Advocate Generals Corps of all branches of service will play in formulating successful reforms, I ask unanimous consent that his speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

The Navy Lawyer's Role in Administrative Discharge Reform

Admiral McDevett and Gentlemen: I appreciate the honor of addressing this third Navy Judge Advocate General's Conference, the second since the Navy Judge Advocate General Corps was created. For many years, indeed, as far back as World War I, it was recognized that the responsibilities of Navy lawyers required that they be singled out and formed into their own corps. Now, finally, 150 years after Army lawyers were organized as a corps, Congress has passed the necessary legislation to give this long-delayed recognition to Navy lawyers.

I am proud of the part I was able to play in making this step a reality. Starting in 1961, when I became Chairman of the Constitutional Rights Subcommittee, I supported legislation to create a Navy Judge Advocate General Corps as an important element of a three-part legislative program to reform military justice and upgrade the quality of legal service in the armed forces. With the creation of the Corps and the passage of the Military Justice Act of 1968, two-thirds of the reform has been accomplished. With your active participation, the third part, reform of th administrative discharge system, can also be achieved.

Although the Navy's is the newest and the smallest legal corps of the three services, I believe that you have a great responsibility and a great opportunity to make your mark in the development of military law. The Navy prides itself on a tradition of service to the country which predates the Constitution. The Navy's role in securing our freedom and keeping it secure over two centuries is something that you as Navy officers share with pride. As members of the legal profession you share another, even older, tradition and that tradition is equally honorable. But tradition is not something received unchanged and unchangeable from the misty past. And as a new corps, the Navy's legal officers have a unique opportunity to initiate a tradition of legal service which the Navy and the country will regard with pride and honor.

Military justice is now in the midst of the greatest ferment since the end of World War II. Recent events have cast doubt on the direction it will take in the coming years. On the one hand, military justice has just been subject to the most thorough reform in two decades. The Military Justice Act of 1968 has expanded the responsibilities of military counsel in special courts-martial. It has significantly increased the stature and the role of the law officer, and acknowledged his new position by making him a federal judge. The military courts have also been significantly improved; first, by permitting waiver of the non-judicial members; and, second, by transforming the Boards of Review into full-fledged appellate courts. In addition, the 1968 reform gives to the military defendant and to his counsel significant new protections.

The Military Justice Act is a hopeful sign, for it demonstrates the country's concern for the citizen's right to receive the best possible justice this country can offer. And it demonstrates to the country that the military services are fully conscious of their obligations to provide first-class justice to the citizen in uniform. As legal advisor, as counsel, and as judicial officer, it will be your task to implement these reforms and make good the promises Congress and the military have made to the individual sailor and the country.

The symbolic importance of last year's reforms is perhaps even more important than the substantive changes that have been made. This is because the military services are going through their worst trial of public confidence in generations. The signs of a loss of confidence are everywhere—in the press, in the public, in Congress, and in the courts. They are seen in the widespread repudiation of our effort in Vietnam; they are evident in the growing rejection of government and authority by our young people; and, I regret to say, they are fueled by unwise or ill-judged actions of the services themselves and by scandals which reach to the very highest levels.

It would be a grave mistake to underestimate the depth and scope of this public feeling. This summer's debate on military appropriations demonstrated that half of the Senate was prepared to deny to the President and to our armed forces a weapon they considered essential to our national defense. Yesterday's events demonstrate that a large segment of opinion in our nation, including respected figures from all walks of life, rejects the considered policy of the President and his military advisors with respect to the war in Vietnam.

Public confidence in military justice is also being tested. In recent months the public has been treated to a series of incidents which, whatever the true facts and explanations, have cast a pall of doubt over the quality of justice dispensed by the armed forces. The recent Green Beret case and the handling of the Presidio incident in San Francisco are only two examples of this. Taken together with the adverse publicity generated by the Arnheiter and Pueblo affairs, it is clear that the reputation of military justice has suffered greatly in the eyes of the American public in recent months.

Serious doubts about the quality of justice administered by the armed forces are also evident in recent court decisions which have been extremely damaging to the armed forces. This past June, the United States Court of Appeals in Washington, D.C. expanded the scope of its review of courts-martial and imposed civilian standards of due process upon military justice. At the same time, the court restricted military jurisdiction over civilians serving with the armed forces in the field. The Supreme Court's decision in *O'Callahan* v. *Parker*, limiting the jurisdiction of military courts to "service-connected" offenses by members of the armed forces, is the most serious evidence of the low repute in which military justice is held in some quarters.

Justice Douglas's constitutional history may be weak, and his comments on military law may be as unfair as they are intemperate, but the explanation for his judicial condemnation of military justice is simple. Some federal courts have a deep-seated suspicion of military justice, and they are seeking in every way possible to restrict the scope of what they view as a decidedly inferior brand of justice.

In my judgment, it would be a profound mistake to underestimate the strength of the trends I have been discussing. Prudence would dictate that the military services take the most pessimistic view of these developments and turn their efforts to making the greatest possible reforms in those areas of military law which are in need of improvement.

The area of military justice in greatest need of overhaul and reform is administrative separations. While it has been traditionally argued that the discharge system is administrative rather than legal in nature, such an attitude ignores realities. So far as the public is concerned, any discharge other than Honorable is a condemnation of the serviceman's performance, his character, his morality, or his honesty. A General Discharge and even more, an Undesirable Discharge, is evidence of character defect or wrong doing, or both. Both these discharges profoundly affect the individual concerned. His military service is terminated, sometimes when he may wish to continue it as a career. His rights to accrued or potential government benefits are impaired. His civilian life is also damaged. He bears the social stigma of being adjudged "undesirable" by the government and he will find that his employment opportunities are severely reduced. Most of those who receive less than Honorable Discharges are youngsters still in their teens, yet the adverse effects will remain for the rest of the individual's life. Sometimes the burden is more onerous than conviction for a crime.

The effects of non-Honorable administrative discharges are so damaging that it is no wonder that more and more attention is being directed towards improving the procedures by which they are awarded. No longer can the armed forces contend that the type of discharge simply reflects the character of the individual's service and thus is a matter entirely within the discretion of the military. In the near future the discharge system will have to accommodate itself to other factors, and the power to issue non-Honcrable certificates will have to be balanced by the effects those discharges have on the citizen.

The *O'Callahan* case established a new

principle—that the armed forces have only limited control over a member's actions. I disagree with Justice Douglas' opinion, which in my view is directly contrary to constitutional tradition. I believe the armed forces have a direct interest in the conduct of its members, whether on or off-duty. Nonetheless, the *O'Callahan* case is now law and it may have profound impact on the administrative discharge system. If the military cannot try a man for wrongs committed outside of the military context, can they discharge him administratively for those same acts, or for any behavior not connected with his service? Can they discharge for conduct which is not directly connected with the ability to render fruitful service? Even if the services can discharge for "service-connected" behavior, can they issue an adverse certificate without adhering to criminal law standards of due process?

These and other questions are raised by the *O'Callahan* case, and I do not mean to suggest that I would answer them in the negative. Nor do I predict that the courts will necessarily do so. But the chances of judicial restrictions on the administrative discharge system are directly related to the quality of the system itself and the way it operates. This means that there is an even greater urgency to overhaul discharge procedures.

The responsibility for improving administrative discharge procedures lies in the first instance on the Navy lawyer. It is up to him to convince the non-lawyer members of the Navy that the law and the lawyer must play an important and a decisive role in the operation of the system. This is not a new or outrageous idea. Twenty years ago the service lawyer was recognized as the most important element in the court-martial system. It was an idea then bitterly fought by non-lawyers. But now everyone recognizes the great improvements that resulted from this step and it would be unthinkable to return to the old philosophy of the court-martial.

The administrative discharge system is in the same stage of development as military justice was on the eve of the Uniform Code. Perhaps the most important single change necessary is the recognition that lawyers must play a dominant role in the operation of the discharge system. This means that Navy lawyers must be present at discharge hearings to represent the serviceman, the Navy, and the board itself. It also means that your Corps must play an active role in every stage of the discharge system, from advice to the commander prior to the summoning of a board through to the conclusion of a formal appellate review.

The overriding task of the Corps is to assure the sailor and the public that fair play and due process are the foundations of the administrative separation process. The public must be convinced that the discharge system is more than a summary means of administratively disposing of people who are not wanted in the Navy. It must be seen as a process in which the rights of the individual are equally as important as administrative convenience.

I urge the Corps to take the lead within the Navy in seeking reform. If you are successful, Navy support of legislative reform could be decisive in the months ahead. If the Corps accepts this challenge, I believe the Navy will soon have a new tradition of service to the Nation of which all the country can be justifiably proud.

OPERATION INTERCEPT AND OPERATION COOPERATION

Mr. MURPHY. Mr. President, on September 21, the administration's Operation Intercept program began, aimed at halting the flow of illegal drugs across the Mexican border into the United States. The institution of the program, however, brought long delays in border crossings that caused a furor among businessmen and tourists.

On October 3, I wrote Secretary of the Treasury Kennedy and Attorney General Mitchell suggesting measures to further implement "Operation Intercept" and relieve some of the burdens and lengthy delays that were imposed upon persons who must, for legitimate businesslike purposes, regularly come from Mexico to California. Because of the valid needs of many workers and students who must cross the border, I suggested then that the inspection facilities and number of personnel should be increased as much as was practicable. Further, I urged that special gates and inspection lines be established for those who have imperative reasons for coming into our country.

I was pleased when, on October 10, the Governments of the United States and Mexico announced jointly that Operation Intercept would be superseded by Operation Cooperation. Since that time, Mr. President, I think it has become apparent that the United States has adjusted its border inspection procedures to expedite passage into the country while maintaining our intensified surveillance, and there have been good indications that the Mexican Government is cooperating as a full partner in the program, thus contributing to the long range effectiveness of Operation Cooperation and continued good relations between our two countries in all areas.

Proof of Mexico's full participation in the drug campaign was evident in the recent seizing by the Mexican Army of a 250-acre marihuana farm located in a remote area of southern Mexico. The plantation was equipped with a small airport that enabled its owners, who are believed to be U.S. citizens, to transport marihuana into the United States by plane.

In addition, the Mexican Army has assigned 5,000 of its troops to aid police in locating and destroying opium and marihuana fields and other sources of illegal drugs in that country.

To heighten the spirit and effectiveness of Operation Cooperation, Mr. President, as I have stated in testimony before the Special Subcommittee on Alcoholism and Narcotics of the Labor and Public Welfare Committee, I feel that we must enact further legislation as proposed by the administration to protect the general public from the illicit diversion of drugs from legitimate channels and to make certain that there is a greater accountability of drugs from the Nation's pharmaceutical companies. There are considerable quantities of drugs legally manufactured in the United States that are sold and exported to Mexico and then smuggled back into this country. I strongly urge that the administration's recommendations to curb and control dangerous drugs be acted upon immediately. I think it is imperative that the Federal Government take the initiative in policing and regulating the illegal importation of drugs and alcohol brought into the United States.

We all know how important it is to cut off the supply of marihuana, narcotics, and other dangerous drugs which have become such a severe national problem, particularly among our young people. I am pleased that many of my recommendations submitted to the President last year are now being enacted in steps that I believe will ultimately lead to a dramatic decrease in drugs entering the United States from Mexico, which until now has remained the source of from 85 to 90 percent of marihuana in the United States.

I believe Operation Cooperation has been a big step forward in drug control, and I am confident that its inception will in the long run benefit relations between the United States and Mexico as it also helps alleviate a menace to mankind everywhere.

TREASURY SILVER POLICY OUTLINED CLEARLY, SUCCINCTLY BY ASSISTANT SECRETARY EUGENE ROSSIDES

Mr. BENNETT. Mr. President, this week, at the American Mining Congress convention in San Francisco, the Assistant Secretary of the Treasury, Eugene T. Rossides, was invited to participate in the panel discussion on silver.

He delivered a clear, succinct, and well-reasoned address on the question of the Treasury's silver policy which should receive widespread attention.

Much has been said about the Treasury's policies in this matter, and there has been considerable fog surrounding the question; however, Mr. Rossides in this factual and informative statement has cleared away some of the misunderstandings.

I congratulate Mr. Rossides on this statement and ask unanimous consent that it be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by the Honorable Eugene T. Rossides

I should like to express my appreciation to the American Mining Congress and to our Co-Chairmen, Mr. Strauss and Dr. McLaughlin, for inviting me here to talk about silver. Since the founding of this great organization in 1898 the American Mining Congress has worked vigorously for safer and more efficient mining practices as well as playing a prominent role in all the major policy decisions which have kept the Government an active participant in the silver market. The Treasury has always welcomed your advice and now that we are approaching the end of that phase of the long monetary history of silver, I think it appropriate that we again exchange views.

At today's meeting I will present the Treasury's view of an appropriate silver and coinage policy during this sensitive period when the market is making its final adjustment to complete independence from the Government as a buyer or seller of silver.

HISTORICAL SETTING

Before outlining the Treasury's current silver and coinage policy and the decision making process by which it was reached, I would like to very briefly review the events of the past decade. I think this is essential to understanding today's silver issues.

The series of events which will culminate in the final withdrawal of the Government from the silver market began in the late

1950's. At that time the Treasury held huge stocks of silver as a result of heavy purchases to sustain the silver price during the long period when the mines were producing far more silver than could be used for coinage and industrial needs. In December 1959 Treasury silver holdings totaled more than 2 billion ounces, nearly all of which was held as reserve against silver certificates.

About this time two trends of major significance to the future of silver became evident. The first was the rapid acceleration in the demand for coins under the influence of an expanding economy and growing use of vending machines. The second key event was that for the first time in modern history rising industrial demand for silver exceeded current production both on a domestic and a worldwide basis. The growing gap between production and consumption was made up in large part from Treasury stocks of free silver which dropped by about 200 million ounces from April 1959 to November 1961, when sales were suspended.

At the same time the Government faced a rapidly growing need for silver to increase the circulation coinage. Obviously this supply could not come from domestic production which was already inadequate to meet industrial demand. In this situation the only practical way to obtain silver for coinage needs was through the gradual retirement from circulation of silver certificates thereby freeing the silver held as a reserve for these certificates. It was thought at that time that the retirement of silver certificates would make available enough free silver to meet the Treasury's coinage needs for many years into the future.

Unfortunately events did not work out that way. Over the next few years the tremendous production of coins required to keep pace with the increasing demands of the economy cut deeply into the Treasury's silver supply. In 1962 and 1963 nearly 200 million ounces of Treasury silver were used for coinage and the demand was still rising. Moreover, by mid-1963, under pressure of private market forces, the price of silver had risen to its monetary value of $1.29 per ounce. A continued price rise much beyond that point would have made it profitable to melt the subsidiary coins for their silver content and thereby threaten the continued circulation of our silver coinage. To prevent such a crisis the Treasury in July 1963 resumed the open sale of silver at the fixed price of $1.29 per ounce.

Over the next two years an adequate volume of silver coinage was maintained in circulation but only at the cost of huge amounts of Treasury silver. In 1964 and 1965 production of silver coins required over 500 million ounces of Treasury silver. During the same period it was necessary to sell an additional 230 million ounces in the open market in order to keep the price at a level which would prevent a wholesale withdrawal of coins from circulation. In short, from 1962 to 1965 the Treasury had to use nearly 970 million ounces of silver in order to maintain an adequate volume of circulating silver coinage. This total was roughly equivalent to 25 years' annual mining production in the United States.

By this time it was obvious that the use of silver in United States coinage for very long into the future was no longer possible. Recognizing this, the Congress in 1965 authorized the production of non-silver dimes and quarters, retaining only the 40 percent silver half dollars as a link to the past.

But the coinage crisis was not over by a long shot. The task now was to produce, during the relatively brief remaining period when it would be possible to keep an adequate amount of silver coins in circulation, enough cupro-nickel dimes and quarters to meet fully the economy's circulation needs.

To the everlasting credit of the men and women of the Treasury's Bureau of the Mint this race was won, although the finish was very close. By May of 1967, when the soaring demand for purchases of Treasury silver forced the final halt to open market sales at the fixed $1.29 price, enough cupro-nickel coins had been produced to tide us over the crisis.

But again the cost in Treasury silver had been high. In 1966 and 1967 another 100 million ounces of silver was used for the Kennedy half dollar and it was necessary to sell nearly 300 million ounces to maintain the $1.29 price. This brought the total amount of Treasury silver used from 1962 through mid-1967 in the attempt to maintain an adequate circulating silver coinage to approximately 1.3 million ounces.

In August 1967 the sale of surplus Treasury silver by the GSA through weekly competitive bids was begun and these sales have continued until the present time. Sales under this program to date have totaled some 220 million ounces. To round out this historical resume, just over 100 million ounces of silver were exchanged for silver certificates during the year preceding the redemption cut-off in June 1968.

THE TASK FORCE REPORT

With this as background, let me now turn to the situation faced by this Administration early this year and review with you the process by which we arrived at our current policy position on silver.

In March 1969 Secretary Kennedy established a special task force of Treasury officials to review all major silver and coinage issues and recommend appropriate administrative actions and where necessary new legislation. I was a member of this group.

The Task Force took as its basic premise that a sound silver policy program should facilitate an orderly withdrawal of the Government as a participant in the silver market consistent with the following essential needs: (1) a strong and efficient monetary system, (2) maximum feasible fiscal return to the taxpayers, (3) minimum inflationary impact on consumer prices, and (4) minimum adverse impact on the balance of payments.

The Task Force first gave attention to determining what portion of the Treasury's supply of silver could be considered surplus to the Government's need over the foreseeable future. We concluded that the total amount of silver available to the Treasury in April of this year that was not directly committed for any future need was about 140 million ounces. This figure was over and above the 165 million ounces of silver which by law had been transferred to the strategic stockpile in June 1968.

In early May the Task Force completed its study and presented a report to the Secretary outlining its recommendations. The recommended program was then reviewed by and received the full approval of the Joint Commission on the Coinage, a non-partisan body established by law to advise the President and the Congress on silver and coinage matters. This 24 member Commission includes 12 members of Congress, 4 members from the Executive Branch, and 8 public members appointed by the President.

The administrative actions endorsed by the Commission were immediately put into effect by Secretary Kennedy. These were (1) lifting of the coin melting ban, and (2) a reduction of the weekly sales of silver by the GSA from 2 to 1½ million ounces.

The Treasury's action in lifting the coin melting ban in May of this year was in our judgment a sound one. At that time the coin melting ban no longer served the purpose cited when it was first put into effect in May 1967, and I might add that a ban on melting coins was without precedent in our nation's history. The original purpose of the ban was to keep the silver dimes and quarters circulating during a period in which there was doubt that supplies of clad coins were fully adequate for commercial needs. But by May of this year virtually all the silver coins had disappeared from circulation and the supply of clad coins was fully adequate for commercial needs.

A secondary purpose of the coin melting ban was to enable the Treasury to build up its reserve of silver coins. However, by May of this year the remaining supply of outstanding silver coins was locked up in private hoards and the inflow to the Treasury had run dry. It is interesting to note, by the way, that lifting the coin melting ban was one of the few issues on which the associations representing both silver users and producers were in accord.

Another important matter to which the Task Force gave careful attention was the question of Treasury silver sales through the General Services Administration. The first consideration was whether the Treasury should continue to sell any silver through the GSA. On this the Task Force recommended that the sale of silver be continued and that it be made clear as nearly as possible how long these sales would be maintained. Let me list a few of the major reasons why this conclusion was reached.

1. The silver being sold is not needed by the Government. The 165 million ounces already transferred to the defense stockpile has been established by the Congress as ample for any future emergency industrial need.

2. The continued sale of silver through the GSA has a favorable effect on the balance of payments. If silver sales were halted, net silver imports over the next year would have to rise by about 75 million ounces. This would increase the balance of payments deficit by perhaps $150 million.

3. Profits on silver sales would add substantially to the Treasury's revenue and since August 4, 1967 this profit has totaled over $100 million.

4. Continuation of Government silver sales would permit the market to adjust in an orderly manner to the inevitable point when the Government must cease to be a supplier, which we now think will be about the end of 1970.

The Task Force then turned to the question of an appropriate rate for sale of the Treasury's silver and concluded that the weekly amount of silver offered through the GSA should be reduced from 2 to 1½ million ounces. The main justification for this action was the belief that since the Treasury would have to halt sales in less than two years, a gradual cut-back in the amount offered would help the market make an orderly adjustment to this fact. It was thought preferable to maintain the 1½ million ounce rate rather than add further uncertainty by phasing out sales at gradually reduced levels.

We recognized that if the intent to maintain the 1½ million ounce sales figure were made clear, participants in the silver market—producers, users, and investors—would have full knowledge of the time and extent of Government activity in the market. During this transition period the market would have ample opportunity to make an efficient adjustment to the time when—like other commodities—the price of silver would be determined entirely by private supply and demand. We felt that removal of uncertainty regarding the future of the Government's silver policy would add a stability to the silver market that should be welcomed by both producers and consumers.

The third administrative action taken by the Treasury with the endorsement of the Coinage Commission was to open the weekly GSA sale of silver to all bidders with no restrictions on the use of the silver purchased. Until that time silver sold by the GSA had to be consumed entirely by domestic industry. This restriction on the use of the silver was established during a period in which the prolonged refiners strike had sharply curtailed the domestic supply of industrial silver. In recognition of the temporary nature of this restriction, the Treasury in 1967 had signified its intent to remove it as soon as feasible. In our judgment this action was long overdue.

LEGISLATIVE PROGRAM

I would like now to briefly outline the legislative recommendations recommended by the Task Force and which are now under consideration by the Congress. Provisions of this legislation of interest to this group would grant the Secretary of the Treasury authority to mint both a non-silver cupro-nickel half dollar and a non-silver cupro-nickel dollar coin.

The Treasury's request for authority to mint a non-silver half dollar was based on the conclusion that there is an important commercial need for an adequately circulating half dollar that can only be met by minting a non-silver coin. I think the most convincing argument for granting the Treasury this new authority is the fact that only a very small percentage of roughly 1¼ billion silver half dollars—both 40 percent and 90 percent silver—minted since 1963 are actually circulating.

Well over 200 million ounces of silver have already been used to mint this coin. This is equal to the total amount of silver mined in the United States since 1963. As Secretary Kennedy pointed out in a statement to the Coinage Commission, the 40 percent silver half dollar on our past experience is simply a losing proposition. The realistic choice we face is either to abandon this coin altogether or mint it of the same cupro-nickel clad material now used in dimes and quarters. We prefer the latter alternative.

The second major provision of the coinage bill would authorize the Secretary of the Treasury to mint cupro-nickel dollar coins of the same clad material now used in dimes and quarters. Before making this recommendation we gave very careful consideration to the composition of the new dollar coin which would bear a portrait of President Eisenhower. The principal issue was whether the coin should contain silver or be minted of the cupro-nickel clad material used in other coins. This is still an unresolved issue since on last Wednesday the House of Representatives voted for a cupro-nickel dollar coin just a few hours after the Senate voted for a 40 percent silver dollar. This issue will be resolved in the near future.

There are many sound reasons why we believe that a cupro-nickel dollar coin is strongly in the public interest:

1. *The primary purpose of coinage is to effectively serve as a medium of exchange, to buy goods and services. Only a non-silver dollar coin would actually circulate.* The experience with the Kennedy half dollar demonstrates that silver coins will not circulate in significant quantity. The Treasury and the Joint Coinage Commission both concluded that there is a commercial need for a circulating dollar coin that can only be met by a non-silver coin.

2. *Over the next fiscal year the non-silver dollar coin would mean a greater monetary return to the Federal Government than would be realized by a 40 percent silver coin.* S.J. 158 which has passed the Senate would authorize the minting of 100 million 40 percent silver dollar coins a year for three years or until the supply of remaining silver is exhausted. Each 100 million of these coins would mean a return through seigniorage of about $52 million. By contrast, the monetary gain by producing each 100 million non-silver dollar coins would be about $95 million. In addition, if the remaining silver surplus is not used for coinage the Treasury could obtain as much as $50 million more in revenue in 1970 from continued sales through the GSA.

Moreover, if the Congress acts now to authorize the minting of a cupro-nickel dollar coin, the Treasury can move very quickly to mint this coin in volume production, depending, of course, on public demand and available appropriations. We could mint as much as 300 million of these coins by the end of 1970. The total seigniorage, at least in 1970, would certainly be greater for a cupro-nickel than for a 40 percent silver dollar coin. Over a three-year period the seigniorage return on the cupro-nickel coin could approach a billion dollars. The advantage to the public is that this seigniorage return reduces the Government's borrowing needs by an equivalent amount. However, under the provisions of the coinage bill passed by the Senate, the minting of a cupro-nickel dollar coin could not begin until the available silver supply is exhausted which might take several years.

However, it should be emphasized that the major purpose of our coinage system is not to maximize seigniorage but to meet the country's need for an adequate supply of circulating coins. Seigniorage is simply the difference between the face value of a coin and the cost of its component materials. Including silver in a coin reduces seigniorage since silver is obviously more costly than copper or nickel. Although those who advocate the silver dollar assert that this would be equivalent to selling silver for $3.16 per ounce, it is no more logical to put a sale price on the silver in the coin than it would be to compute a sale price on the copper and nickel in dimes and quarters.

3. *Using our surplus silver for dollar coins would significantly increase our balance of payments deficit.* Current annual domestic silver production is less than 40 million ounces compared with industrial consumption of about 145 million ounces. If weekly GSA silver sales are halted because all our remaining surplus silver is reserved for dollar coins, then silver imports for industrial use would have to increase substantially. We estimate that the resulting adverse effect on the balance of payments in the first year could be as much as $150 million.

4. *The final enactment of legislation recommended by the Treasury in addition to providing the economy with needed circulating coinage, would also be a major contribution toward alleviating the unstable conditions that have plagued the silver market for over two years.* The sharp and largely irrational movements in silver prices both up and down have been stimulated by rumors and uncertainties regarding anticipated Government actions. We think the enactment of the Treasury coinage bill will end this uncertainty by finally enabling the Treasury to clearly set forth just how much surplus silver it holds and how long and at what rate this silver will continue to be sold through open competitive bids.

As of September 30 the Treasury stock of silver bullion totaled about 80 million ounces. Of this total about 35 million ounces is in a form readily available for market sale. In addition we estimate that the Treasury's inventory of silver in coins that will be melted into bars totals about 60 million ounces, a figure we consider reasonably accurate within a 10 million ounce range. As of now, the Treasury's total stock of silver, including silver coins, is approximately 140 million ounces. This figure is entirely separate from the 165 million ounces of silver already set aside in the defense stockpile.

The enactment of the Treasury bill would make surplus virtually all of the Treasury's remaining stock of silver except for the relatively small amount that might be required for minting of half dollars in a transition period. We estimate that the silver surplus which could be available over the next year is adequate to continue sales through the GSA at the current rate through the greater part of 1970. At that point the slate would be clean. In this clearly defined period of adjustment producers and users of silver have ample opportunity to gear their operations to eventual complete independence from Government sources of supply.

In summary, the Treasury believes that the administrative actions that have been put into effect with regard to silver together with the prompt enactment of the coinage bill recommended by the Treasury will contribute greatly to a more effective coinage system and facilitate an orderly transition of the silver market to full reliance on private sources of supply.

SUBURBAN ZONING ORDINANCES

Mr. JAVITS. Mr. President, on October 14, I introduced S. 3025, the Urban Land Improvement and Housing Assistance Act of 1969. The bill was cosponsored by the Senator from Michigan (Mr. Hart) and the Senator from Pennsylvania (Mr. Scott).

In the course of introducing the bill, I noted that the housing crisis is particularly serious in our central cities, where the available land is most limited and most expensive. Nonetheless, the poor are effectively locked into a decaying inner-city housing stock through fragmented, outmoded, and restrictive suburban zoning ordinances.

In an article published recently in the National Observer, Mark R. Arnold noted that the greatest barrier to low- and moderate-income housing in the suburbs is municipal finance. Mr. Arnold writes:

> The plain fact is that under present tax policy it is unprofitable for municipalities to welcome low-cost or high-density housing for large families.

In his article, Mr. Arnold calls for incentives to the suburbs to make low-cost housing opportunities available.

The Urban Land Improvement and Housing Assistance Act of 1969, which I introduced with Senators Hart and Scott, would encourage States and localities to reform their laws and institutions and to assist them in overcoming obsolescence and fragmentation in zoning, taxing, and building standards. This would be done through Federal incentives—supplementary grants for those impacted local services which would be affected by more intensive land use and expanded low-cost housing.

I ask unanimous consent that the article be printed in the Record.

I invite attention also to an article on "New Towns," written by Edmund B. Lambeth, and published in the most recent issue of Washington Monthly. Mr. Lambeth notes the inadequacy of present legislation in this area and emphasizes the role that new town development could play in relieving the pressures on the central cities and directing urban growth. S. 3025 would respond to this challenge by authorizing a program of Federal assistance and loans to States for the establishment of land-development agencies. Such a program, if enacted, would go far to giving government, at all levels, the tools needed to implement a national urban growth policy.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the National Observer, Oct. 20, 1969]

Courts May Rule on Challenge to Suburban Zoning—Big-Lot Minimums Mean Big Prices for Housing; Critics Charge Exclusion

(By Mark R. Arnold)

There's a new attack on segregation in America.

Its target is the suburbs that ring the nation's cities, where the mechanism of segregation is not the restrictive covenants and discriminatory real-estate policies of old, but local zoning and land-use regulations.

It is a segregation based not on race but on income, and it is placing the suburban dream that has nurtured generations of Americans beyond the resources of increasing numbers of people, white and black.

"Today's suburbs demand an admission price," says urban planner Paul Davidoff, "and more and more people can't pay it." Among those people, he says, are the urban poor, workers with incomes below $8,000, young married couples, and elderly couples who already live in the suburbs but can't afford to stay there if they sell their homes.

NEW-HOME MEDIAN PRICE: $26,700

The median sales price of a new home in the suburbs this year is $26,700, according to the National Association of Home Builders, up from $18,000 as recently as 1963. Many communities offer no new homes in the price range where they are most needed—$15,000 to $25,000, and suburban apartments for growing families are generally available only for the well-to-do.

The problem is this: The soaring costs of land and housing have intensified the demand for modest homes and apartments to absorb the growing population. But the suburbs are swelling, not loosening their entry requirements, decreasing larger minimum lot sizes for houses, tightening up subdivision regulations, rejecting bids for multifamily housing. They are being forced—for reasons to be examined later—to slam the door on people of moderate means.

They can do this because the courts have traditionally held that zoning—partitioning off a community into industrial, commercial, and residential sectors—is a purely local matter. There are 8,800 local zoning boards in the United States—500 in the New York metropolitan area alone, and all operate under a delegation of the state's police power to provide for the general health, welfare, and safety of the community.

SERIOUS QUESTIONS FOR SOCIETY

The National Commission on Urban Problems, which carried out the most comprehensive study of American zoning patterns, recently concluded that local land-use controls are being used to "exclude large numbers of persons from certain areas on the basis of economic status, size of family, or race." The practice, it said, raises "fundamental questions . . . for a democratic society."

Now, for the first time, exclusionary land-use practices are under attack. Items:

A new and controversial Massachusetts law, aimed at forcing suburbs to welcome all income groups, gives a special state appeals board the right to overrule local zoning decisions against low- and moderate-income housing under certain circumstances. In theory the board could compel communities to devote 10 per cent of their housing to lower-income groups.

A new New York State Urban Development Corp. has been granted sweeping powers to build public or publicly assisted housing in any municipality in the state. Veteran urban planner Edward J. Logue, who heads it, says the object is to break through suburban zoning patterns that "promote, under other banners, an *apartheid* residential policy."

A series of legal actions is challenging the Constitutional basis of local zoning autonomy. In two cases about to be initiated, developers in Oyster Bay, New York, and Fairfield County, Conn., will argue that municipal zoning ordinances prohibiting multi-family dwellings do not promote the general welfare and do deprive low-income citizens of their right to equal protection of the law.

THE HEART OF THE CONFLICT

This battle over exclusionary land-use practices may go to the heart of an unresolved conflict over the nature of discrimination in American life. Last year's Federal open-housing law, by removing race as a legally tenable basis for discrimination, in effect set up ability to pay as the sole criterion for housing selection. If the courts should hold that exclusionary zoning practices are themselves discriminatory, then the repercussions would be felt in every suburb in the United States.

The idea that the courts might find such practices discriminatory is not as far-fetched as it might appear. To understand why, it is necessary to look at some of the effects of economic segregation in housing.

First there's the housing market. To meet the expected demand for low- and moderate-income housing, the 1968 Housing Act commits the nation to the building of 6,000,000 subsidized dwelling units over the next decade. Given the shortage of suitable land in central cities, where so many of the poor are now, the assumption is the bulk of that housing will have to go up in the suburbs—in the form of garden apartments, and single-family homes on small lots.

Yet, as Joseph D. Keenan, international secretary of the International Brotherhood of Electrical Workers, told Congress recently: "The plain political fact is that most suburbs resist the location of such housing within their boundaries."

Last week, for example, residents of San Antonio's suburbs were up in arms over a local housing authority bid to hire developers to build 411 homes in the $16,000-to-$21,000 price range for families with incomes below $6,000. Opponents argue the proposal will depreciate the value of neighboring property and overburden the schools.

IMBALANCE BETWEEN JOBS AND PEOPLE

Moreover, there is the growing imbalance between jobs and people. Over half the industrial and commercial buildings constructed in metropolitan areas between 1960 and 1967 were built outside central cities, yet it is in central cities where those who need them most—the poor, the nonwhites and the unemployed—are concentrated. Indeed, as a soon-to-be published report of the U.S. Commission on Civil Rights makes clear, "Jobs for which beginners or relatively unskilled people could qualify—those in manufacturing and retail trades—are the ones for which the trend toward suburban locations is strongest."

"What's all this talk about rebuilding cities?" asks Neil Gold, youthful co-director, with Mr. Davidoff, of the Suburban Action Institute in White Plains, N.Y. "The suburbs have the jobs, the housing, and the land. That's where the resources are. That's where the opportunities are. The only thing not there are the people who need these resources, these opportunities. The thing that needs to be done is to find a way to give them the chance to go to the suburbs like everybody else."

Are such people really barred from suburbs? Not all suburbs are affluent or have restrictive zoning and other land-use regulations, of course. But many do, and the number seems to be increasing.

In the New York metropolitan area, 99 per cent of the vacant land zoned for residences is restricted by zoning to single-family homes. And the size of the minimum permissible house lot in most municipalities is double what it was 20 years ago. Ninety two per cent of the vacant land zoned for residences in Connecticut is reserved for house lots of a half-acre or more, 67 per cent in the Cleveland metropolitan area.

Authorities point out that large-lot zoning sometimes has a variety of justifications such as topography or soil conditions. Sometimes, communities use such zoning to better control the pace of their growth.

Other common land-use practices, however, tend to be exclusionary. Many suburban communities bar any new apartments or townhouses or restrict such construction to high-rise buildings. Says Eugene B. Sieminski, a real-estate economist in Silver Spring, Md.: "Often a community will say okay to one-bedrooms or efficiencies, but no to apartments that will bring in kids."

Another tack is for zoning boards to impose a large minimum square-foot-floor area. For example, the 1,700 square-foot minimum imposed in Bloomington, Minn., a well-to-do suburb of the Twin Cities of Minneapolis and St. Paul, makes it impossible to build a house for under $27,000 in construction costs, according to a study by the National Commission on Urban Problems, headed by former Sen. Paul Douglas.

The Douglas commission says that the suburbs want "all of the cream and none of the milk." And the time-honored sanctity of local zoning decisions permits them to have their way.

"What happens is each suburb says 'we don't want those problems,' and they push them away; they literally zone them out," says Paul Davidoff. "So they all end up in the central city, and you have ghettos, welfare, crime, unemployment, and everything else. But the suburbs pay for it in the end. It's their companies that can't fill their orders because of a shortage of help, the suburban housewife who can't find a domestic, and their homes that are getting the expensive new locks put on the doors."

Mr. Davidoff and Mr. Gold, of the Suburban Action Institute in New York's suburban Westchester County, are mounting an ambitious assault on the nation's zoning codes. With backing from the Taconic Foundation and Stern Family Fund, they are stimulating open-housing groups throughout the New York metropolitan area to hire developers and come up with plans for attractive, low-income housing in their communities.

A FUNCTION OF STATE POLICE POWER

The groups would take options on land, and then petition local zoning boards for rezoning to permit the intended use. If zoning boards refuse—and it is assumed that most of them will—the local groups will take them to state courts. "Zoning is a function of the state police power," notes Mr. Gold, the 32-year-old planning consultant, "and its purpose is to promote the general welfare. If it ignores the poor, we would argue it isn't promoting the general welfare."

Attorneys for Suburban Action also argue that suburban prohibitions on multi-family housing are a violation of Federal law. The argument is that by impeding the freedom of workers to follow their jobs to the suburbs, they restrict interstate commerce. That argument would open the way for litigation in the Federal courts.

Two weeks ago, Suburban Action joined with the NAACP in sponsoring a two-day conference in Chicago aimed at exploring ways to open the suburbs to lower-income groups. It drew representatives of church, civil-rights, labor union, and open-housing groups from various parts of the Midwest. Other conferences are planned for Los Angeles next month and New York City in January.

One likely outcome of the conferences will be a surge of legal challenges to varilous zoning practices. The U.S. Supreme Court hasn't considered a zoning case in more than 40 years. Some attorneys argue it will have to consider one within the next few years.

"Increasingly," says Richard F. Bellman, associate counsel of the National Committee Against Discrimination in Housing, "the thrust of legal argument is the effect of governmental action is as important as intent. On that basis the Supreme Court outlawed the poll tax and found it discriminatory. And it said courts have to furnish free transcripts to indigents appealing criminal convictions. If you look at these zoning laws—at their effects—you find them equally discriminatory."

A BARRIER TO LOW-COST HOUSING

Whatever the merits these arguments might have in a court of law, there is one barrier to low- and moderate-income housing in the suburbs that ranks above all others—municipal finances. The plain fact is that under present tax policy it is unprofitable for municipalities to welcome low-cost or high-density housing for large families. Thus the large-lot zoning, the tight sudivision regulations, the rejection of bids for multi-family housing.

"I'll show you why these suburbs are getting more exclusive," says Jack D. Levin, a Bergen County, N.J., realtor, who services the area around Upper Saddle River, a rustic, New York City suburb where the new homes start at $75,000. He takes out his book of listings and thumbs through it. "Here's a $90,000 home, and look at the taxes, $1,000." The picture shows a five-bedroom colonial with gracious lawn and white pillars. "Now look at this one, in a neighboring community." It's an ordinary split level. "$32,900, and the taxes are $904. That's almost as much as the $90,000 home here."

The difference, says Mr. Levin, is that Upper Saddle River has one-acre minimum zoning and the adjoining community a quarter acre. That quarter acre means "more homes to the acre, bigger sewer pipes, more school costs." Taxes in New Jersey have doubled in a decade, Mr. Levin points out, and he adds: "If a home isn't priced above a certain price it doesn't cover the cost to the community of having it there."

Officials of the Parkway School District, which covers the well-to-do western suburbs of St. Louis, estimate it will cost $668 to educate a public-school child this year. To provide $668 in school taxes, a house in the district must be valued at $37,500. To discourage the building of less expensive homes, the Douglas Commission found that local zoning authorities insist on a minimum house lot requirement of a quarter acre.

A MAYOR WOULD BE NUTS

The reasoning of local authorities is that it would be uneconomical for a builder to try to put a house worth less than $37,500 on a lot of a quarter acre. But he might try if the acreage limit were smaller. Two homes on the quarter acre lot might provide more taxes than one house—but they would also increase the burden on community facilities and raise community costs for schools and other municipal services.

It is surely one of the ironies of public policy today that the course most often urged on the suburbs, the opening up of housing opportunities for low- and moderate-income families—is also the most expensive course for them to follow. "A mayor would have to be nuts," says a city planner in Chicago, "to want to do what the Government says he ought to. Can't you just see him telling his constituents: 'Now it may hurt your property values, and overcrowd your schools, and mix you with people you came here to get away from, but don't fret. It will also cost you money.'?"

Washington's newest and most ambitious program for building attractive lower-cost housing is Housing Secretary George Romney's Operation Breakthrough, which would apply mass-production techniques to home construction. The vacant land on which most of those homes will be built is in the suburbs. Yet there is no reason to believe the suburbs will respond to Operation Breakthrough unless they are given bonuses to offset the financial drain of the families they would have to absorb.

There are many ways to build suburban housing at lower cost—the space-preserving cluster-development concept, for example, in which houses share joint walls and courtyards—but in the absence of community incentives, these techniques are not often used to benefit people of low or even moderate means.

Washington then, or the state capitals—if they are given the money they are promised under President Nixon's revenue-sharing plan—must make it worthwhile for the suburbs to lower their price of admission. A model for action, some say, is the impacted-areas program, under which bonuses are paid to communities near Federal installations to defray the costs of schooling children of Federal employes.

Without some incentive system, the growth pattern in metropolitan areas—even allowing that more blacks will become wealthy enough to pay the suburban admission price—will reinforce the existing pattern of segregation by race and by income.

NEW TOWNS: CAN THEY WORK?

(By Edmund B. Lambeth, director of the Washington Reporting Program of the University of Missouri School of Journalism)

Writing two and a half years ago from Tarn House, Norwich, Vermont, H. Wentworth Eldredge, the Dartmouth urban scholar, looked at the near future of urban America:

"At the present, there seems little likelihood, under the American federal governmental system, of making the necessary synthesis of city development, new towns and comprehensive transportation thinking in a national planned system, by regions. . . .

"And yet on the other hand, lacking population control, some form of ordered expansion of urbanization cannot be far ahead and federal legislation to that effect seems to be just around the corner, resting heavily on private experience, as it should, in our very mixed economy."

Eldredge's forecast was nothing if not prescient.

Within the Nixon Administration, and in Congress as well, a "national urban policy" is increasingly regarded as an idea whose time has come. More specifically, the new town is winning favor as a concept that may do for the urban dilemma what the moon landing did for space exploration—supply a needed focus and furnish a symbol to stimulate commitment.

The idea of new towns fits well with what little accepted wisdom there is in the inchoate field of urban affairs. Demographers predict a population increase of 100 million by the year 2000, consuming some 18 million acres of land. The bulk of this growth will occur on the fringe of some 20 metropolitan areas. The new-town advocates ask: Need this growth replicate the urban sprawl of the 1950's, with its waste of land, diseconomies of scale, and disregard of social needs?

Within the next 10 years alone 26 million dwelling units will be needed. Can planned new towns help form the large markets required to give birth to a genuine mass-production housing industry in the United States? Many new-town advocates thinks so.

Politically, the climate for new towns, linked closely to a national urban policy, has never been better. Not the least of the reasons is that the idea is one of the few that the Johnson Administration declined to embrace.

President Nixon, in his population message, called the concept "stimulating." Vice President Spiro T. Agnew, unofficial poet laureate of the new town of Columbia, Maryland, has presided over a series of meetings on the subject attended by businessmen, Congressmen, bankers, labor leaders, and spokesmen for municipal governments. The President's Urban Affairs Council, of which Dr. Daniel Patrick Moynihan is executive secretary, has appointed a cabinet-level subcommittee on land use and new towns. The subcommittee, chaired by Secretary of Transportation John A. Volpe, is expected to confront the issue in depth this fall. A new-towns task force has been formed within Volpe's department, and Sherman Unger, the ambitious and alert general counsel of the Department of Housing and Urban Development, is taking a team of experts to Britain to study new-town financing and building techniques.

HUD's Assistant Secretary for Metropolitan Development, Samuel C. Jackson, has urged that states charter urban development corporations, which would give them the eminent-domain powers needed to assemble land for new communities.

To help assure their success, Jackson held open the possibility of direct loans to pay interest and other carrying charges, loans for capital investment, "and possibly even capital grants." Jackson's view is that the existing, modest program of federal assistance to new communities—which will guarantee debentures issued by builders in such communities—is probably not enough. "It is clear," he said, "that if the full range of potential benefits of new towns is to be realized, something more than the existing program is needed."

The precedent for Jackson's proposed state initiative is New York's Urban Development Corporation, a Rockefeller-created authority with power to override local zoning codes, condemn and assemble land, and sponsor the construction of houses, factories, schools and parks.

Headed by planner Edward J. Logue, late of Boston and New Haven, UDC will break ground next spring on a new town 12 miles northwest of Syracuse. Its population is expected to reach 16,000 in 10 years. A much bigger community will take shape under UDC auspices in Amherst, a Buffalo suburb that is the site of a new state university campus.

Several strategically placed Senators, Congressmen, Governors, and Mayors have put their signatures on a report called "The New City," which urges the creation, with federal assistance, of 100 new towns of 100,000 population and 10 with a population of one million.

The report, which includes several essays financed by the Ford Foundation, was sponsored by Urban America, Inc., and—more significantly—the U.S. Conference of Mayors, the National League of Cities, and the National Association of Counties. The municipal lobbies, adamantly opposed to new towns when the issue first came up in 1964, changed to support in 1967. Their stated reason is that, properly conceived and administered, new towns could relieve existing cities, particularly when it comes to the shortage of decent houses and jobs.

In the House of Representatives, one of the signers of "The New City" report, Thomas Ludlow Ashley (D-Ohio), persuaded Wright Patman (D-Tex.), chairman of the Banking and Currency Committee, to appoint a special ad hoc subcommittee on urban growth, of which Ashley is chairman. New towns will figure prominently in the hearings, which will attempt to massage the Congressional central nervous system enough to make "urban growth"—and thus new towns—an actionable issue.

But the average member of Congress is like the citizen he represents. Few have visited a new town and those who have would be hard pressed to define what one is.

By HUD's definition—a degree of self-sufficiency and a land area of at least 1,000 acres—there are only 64 new towns in America, 40 of them built in the last decade. They range in projected population from

10,000 (Joppatowne, in Hartford County, Maryland) to 600,000 (California City, in Kern County, California). Eighteen states have new towns but most are in the playland states of Arizona, Florida, and California.

By the most generous analysis, however, new towns built so far show little promise of relieving the American city of its unemployed or ill-housed. Even the widely praised Columbia, Maryland, built between Washington and Baltimore by developer James Rouse, makes no pretension of relieving the ghettos of either city. As Morton Hoppenfeld, Columbia's chief planner, candidly explains:

"Columbia was designed to be attractive to that majority segment of the population which is economically viable in the market. As a venture of private capital, Columbia will be unable to reach and affect some of the gut social problems of American urbanization."

Many developers, moreover, do not have the "patient" money available to Rouse. Thus Dale City, Virginia, where 2,500 families have bought homes in a planned "dream community," now finds itself barren of such promised amenities as golf courses, riding trails, and Olympic-sized swimming pools. In the words of Dale City's planner, who had hoped for a city of 80,000, the community now is "just like any other typical real estate development."

The problems facing a private new-town developer are formidable. He must assemble enough land, arrange financing that is patient enough to wait 10 years for a profit, and find management experts who are willing to risk their reputations on one of the most difficult of all real estate ventures.

The American new towns that have been able to meet all these conditions have been "flukes," that is, special exceptions that prove the grim rules.

The 12,000 acres on which Litchfield Park, Arizona (population 100,000), is rising had been owned intact by the Goodyear Tire & Rubber Co. since World War I days. Irvine, California, with 88 acres of debt-free land, is the inheritance of an old southern California ranch family. Few families have acreage on hand covering four times the land area of Manhattan.

Other new towns are built by big national corporations with ready cash. The Pennsylvania railroad found itself with money aplenty when forced under anti-trust laws to sell the Norfolk & Western Railroad. As a result, it bought Macco Realty—the developer of Porter Ranch in Los Angeles county and the owner of 100,000 acres in southern California.

Other big corporations enter the new-town business to push the sale of their products. Boise-Cascade, a lumber and timber company, has bought two home-building firms (Perma-Built Enterprises and U.S. Land Corporation) and is building resort communities near Cleveland, Chicago, Gary, Kansas City, and Fredericksburg, Virginia. Westinghouse is building Coral Springs, Florida (population 60,000), as an "urban laboratory" for its products. Walt Disney Productions, Inc., likewise is building a new community near Orlando, Florida, to introduce, test, and show off new technologies. Humble Oil Company had land, investment money as well as a product sales motive in mind when it began building Clear Lake City on 15,000 acres near Houston.

But other large companies, less favorably situated with respect to the key ingredients of the new-town business, have found the entry barriers formidable. General Electric dissolved its Community System Development division last February, after a two-year exploration of whether to enter the city-building business. GE concluded that the risk was too high and the profits too slow; it also found that low-cost land and special financing were too difficult to assemble. New communities on a large scale will not flourish, GE decided, until government agrees to help.

In view of the impending policy decisions on new towns in the federal government, GE's recommendations are worth quoting in some detail:

"It just makes sense that the power of eminent domain must be granted to private corporations or to state development corporations in order to assemble land in the right location and to take advantage of existing and planned public investment in highways, water works, sewage disposal facilities, airports, and railways.

"Perhaps something similar to urban renewal must be created, whereby land is assembled, master planned, zoned, and resold at a write-down to private builders by a local development authority.

"Tax restraint must be exercised to relieve the financial burden on the developer in the early stages; taxes can then be raised on a gradual basis after actual improvements are put in place.

"At the state level, legislation must be created that will permit the developer to retain a measure of control over planning, zoning, and community services for an agreed-upon development period, so that a dissident group cannot thwart financial planning or the very concept itself."

GE said it would maintain an "avid interest" in the city business and would re-enter it "under the proper combination of conditions"—meaning a federal subsidy similar to that for urban renewal. Its recommendations have the virtue of at least forcing the new-town advocates to face some of the harder questions.

What would the public gain in return for such a subsidy? An adequate supply of low-income housing? Why will new towns allow or encourage this when it has eluded new neighborhoods, city or suburban, for 30 years?

When the state or local development authority begins searching for tracts large enough for new towns, what will govern the price paid for the land? Will the big corporations now buying land as a hedge against inflation be given the benefit of price accrual due to the government's known plans for a new town?

If autonomous new towns are the goal, can it be assumed that industry and business will voluntarily locate there to provide jobs for the new residents? If not, what will have to be done to induce them to a new-town location? Why will a new town make an industrialist more willing to invest in jobless workers than a city location?

Significantly, the report sponsored by the municipal lobbies and Urban America, Inc., called for long-term loans or loan guarantees, rather than outright subsidies. Loans would defer repayment and interest for 15 years—which amounts to a substantial indirect subsidy. And no one familiar with the way federal "loan programs" begin can have much doubt that direct subsidies would evolve.

John Gunther, executive director of the U.S. Conference of Mayors, said in an interview that the mayors' switch on new towns was merely an attempt to be constructive.

"We kept getting asked about new towns in Congress and we didn't want to be negative. We've studied the matter now and we see positive advantages, provided that it's done right. We think the ideas in 'The New City' are the right ones. Our goal is to make existing cities as good an investment as new towns and to use new towns to solve some of our problems."

Although Gunther says that the 1967 riots did not cause the mayors' change of heart, it is clear that the violence made a ghetto-dispersal policy much more attractive to big-city governments. In any event, the advocates of new towns have already begun to anticipate opposition from black-power separatists who claim, or will claim, that new towns are an attempt by the white man to decimate black majorities before they form.

Arithmetic answers the separatists. Even if new towns were to become home for 10 million Negroes in the next 30 years—a prodigious accomplishment—black voting strength in the central cities would not appreciably diminish.

Perhaps more significantly, such influential black militants as Clarence Funnye, director of planning for the National Committee Against Discrimination in Housing, have spoken up forcefully against the separatists. The ghetto, Funnye insists, has the least land available for the kind of large-scale industry which could create new jobs. That land is in outlying areas. He advocates "de-ghettoization" via new towns and an aggressive open-occupancy program for the suburbs.

But aside from the expected opposition of some black separatists, the policies outlined in "The New City" have a remarkable unifying power. The proposed development corporations would not only be empowered to build new towns in the countryside, but also on the metropolitan fringe, within existing cities and around small rural towns that are either dying or failing in growth.

Even though new towns on the magnitude envisioned in "The New City" would accommodate only one-fifth of the nation's urban growth over the next 30 years, this is a substantial fraction. It is a fraction, moreover, that would drain away a commodity more scarce in America than land or mortgage money—urban management talent.

The excitement of a new town is real. To the urban developer, a new town is what forgiveness is to the sinner or town drunk: a fresh start spiritually, the opportunity to begin from scratch. The old town offers no such respite. As the Rand experts imported by Mayor John Lindsay learned, the cliché "problems of the cities" masks a reality even more severe than they thought.

Nathaniel A. Owings of San Francisco, principal in the architectural firm of Skidmore, Owings and Merrill, told a recent St. Louis symposium on new towns: "To my mind they are even immoral. . . . The new town is one of these illusions used to palliate the issues and get away from the problems."

And Edmund N. Bacon, the respected Philadelphia planner, added that the new town is "representative of the American propensity, when faced with a problem of changing the subject."

These criticisms are recognized by the more cautious exponents of new towns. Thus Paul Ylvisaker, a founder of the war on poverty and now Commissioner of New Jersey's Department of Community Affairs, told a Congressional committee:

"I've considered carefully the subconscious motives behind it (the new town idea). If we are to build new communities, and I hope we will, we ought to be clear about our own motivation, since the possible motives are several. . . .

"After all, there is an escapist tendency in new-town thinking which leads people to where there are, or seem to be, no confining parameters and no conventionalism; the politics are new, the land is clear, and even the zoning laws might be changed. The danger here is that needed resources and energies will be diverted from the problems of our cities.

"There are some caveats to the building of new towns, but there is more to the idea than escapism and there are ways of nourishing the new without starving the old. The effort to build new towns may be a cathartic in our present system. We may have reached a dead end in evolving an urban culture, at least in some respects.

"We must break loose the old and invent the new. We cannot rely entirely on the incremental method to achieve the full measure of progress that is now necessary. Radical departures are called for, both in reshaping our old communities and in designing the new. Certainly the new town in this sense is a healthy concept and I am among those who welcome it."

If Ylvisaker's assessment is near the mark, several overriding questions face the Nixon administration.

Can it find or afford the money to fund a new-towns program on a scale large enough to influence the direction and character of urban growth?

If it can, will the now-fragile "new federalism" become strong enough to overcome the new town's inherent tendency to overpromise and underdeliver?

PROJECT SANGUINE

Mr. NELSON. Mr. President, with the ever-increasing pressures on the natural resources of this Nation, northern Wisconsin has found itself in a special position. The State's north country is still rich in thick forests, fertile farmland, clear trout streams and hidden lakes, and room for wildlife to flourish.

Wisconsin has taken special precautions to retain the unique nature of the north country and the resources of the State. But in spite of all the work and money the State has spent for recreation and conservation, Wisconsin is now faced by a unique threat—a communications weapon with the peculiar name of Project Sanguine.

With this communications device, planned to be the largest in the world, comes the potential for serious environmental damage to a substantial area in the northern half of Wisconsin. As planned, Project Sanguine will be an antenna grid made up of thousands of miles of cables buried some 5 feet underground, and extend under more than 20,000 square miles of Wisconsin fields, forests, and lakes. Underground transmitters, carrying massive amounts of electricity necessary to run the antenna, will create a unique electrical environment, expected to be felt in 26 northern counties.

After two special briefings with Navy officials, I still have not heard or seen any convincing arguments that would justify the construction of Project Sanguine. Even the Navy admits the potential hazards connected with transmitting extremely low frequency signals are great since very little is known about the frequency level and its effect on plant and animal life.

Unfortunately many people in the State have been misled that the billion dollar project will bring an economic boom to the north country. The fact is, however, that the Navy has conceded that when finished, the project will not employ more than 300 persons, mostly technicians.

What is most reprehensible, is the fact that the highly questionable and extremely expensive project is already in the first testing phase and Congress has never debated or discussed the serious questions that must be answered to determine if the project is justified as a feasible, necessary military weapon that is not a hazard or inconvenience to residents of the State.

It seems to be another in the long line of potentially dangerous military projects that could easily escalate into several billions of dollars without any adequate discussion. The Navy has estimated it could cost some $2 billion, but assurances that the Navy will insulate away the danger to the electrification of metal objects like fence lines and railroad tracks, could rapidly increase the cost.

Navy officials have traveled throughout the towns and villages of the State in a well-organized public relations campaign, showing movies, giving speeches, and attempting to convince the uneasy residents that the communications weapon is necessary and that the military will not build it if it is harmful to people, fish, or wildlife.

Those assurances seem highly questionable, when the same Navy officials discount voltage running through miles of fence lines by offering plans to mitigate or insulate every strand to safe, nonhazardous levels.

They also say the currents will not have any effects on earthworms and have commissioned a $175,000 study at the Falls Church Hazelton Laboratories. Earthworms and other organisms are vital to living, productive soil.

It is absurd to think that the long-range effects on humans, wildlife, domestic animals, and plant life living in the range of the system can be learned from a 1-year $175,000 study.

Several objections must be adequately resolved before I will ever consider supporting the project in any way. If they are not resolved I will stand against the project and seek support in Congress for that stand.

It seems strange that Congress and the Wisconsin State officials were told nothing about what the Navy was planning for the Chequamegon National Forest area until people in the tiny community of Clam Lake became curious about what kind of construction was going on in the woods as work began on the testing phase.

In the meantime, some $50 million has been appropriated and about half that amount spent. Congress spent several months this year debating the deployment of an anti-ballistic-missile system. Why cannot time be set aside for Congress to discuss the hazards, necessity, feasibility, and arms race escalation potential of Project Sanguine?

All possible hazards to people living in the area and the inconveniences to them must be carefully evaluated. This includes the inconvenience to farmers who must contact the Navy before building or changing fence lines to protect against voltage buildups in the wires; the elimination of hazards to children and hunters who might be severely injured when coming in contact with a metal fence line or object somebody forgot to mitigate; and the elimination of all possible interference with telephones, radios, televisions, and other electrical appliances. At one small testing site with extremely low frequency waves telephones were set off and began ringing.

Clearly, no system can be installed in northern Wisconsin until it is unquestionably resolved that the system will not endanger the wildlife and natural ecology of the area's farm and forest land.

Even after all the testing is finished and the Navy and the Department of Defense has issued its assurances, an independent group of scientists, with no connection with the military, must evaluate all studies and review and make recommendations before further expenditures or construction takes the slightest movement toward completion.

The Navy has argued that it needs the antenna system because it would give the United States an almost unjammable communications system and an ability to radio deep running Polaris submarines. Almost unjammable does not mean much when it is known that an enemy Project Sanguine could jam the American Sanguine.

The Navy further argues that it presently is unable to radio commands to a submarine unless it comes to periscope depth. This is considered dangerous and the Navy contends that it hinders the Nation's retaliatory power and threatens national security.

It seems that every expensive military system, no matter how questionable or how dangerous it is to the American people, it is supposedly designed to defend, comes with the same worn argument—it is retaliatory and insures national security.

Some critics have noted, however, that Sanguine could be much more an offensive weapon than a defensive one. It has even been called a "doomsday machine" by some observers.

That criticism is not without validity when it is considered that one impulse command could set off a rain of nuclear Polaris missiles that could easily destroy an enemy.

The cynical doomsday capacity of the communications weapon is that if all other communications systems and defensive missile systems were knocked out by an enemy attack, Sanguine would remain. The Navy contends it would be too widespread in land area to knock out and would be a waste of enemy missiles. So if all else goes, Sanguine could be the vengeful hand from the grave that with a last gasp, pushes the final button to unleash the last firey revenge of deadly missiles fired from submarines hidden in the depths of the ocean.

The questions are too numerous for Congress to ignore any longer. I ask unanimous consent that several articles about the proposed project that is in the first phase of construction and testing be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 14, 1969]

CONTROVERSY AND ANTENNAS GROW IN WISCONSIN FORESTS

(By Anthony Ripley)

CLAM LAKE, WIS.—There is a strange and mighty visitor stirring in the vivid autumn woods four miles south of here.

It is the United States Navy and, depending on one's point of view, the Navy is going to turn the northern Wisconsin forests into either the world's biggest "electric chair" or a "world peace center."

These are the most emotional descriptions yet in a growing public debate over Project Sanguine, once such a highly classified matter that the Navy even stamped newspaper clippings on the subject "secret."

Beginning last fall and working through the winter, the Navy has installed one of the world's largest radio transmitters four miles south of Clam Lake, a settlement of 75 persons in the Chequamegon National Forest.

2.4 MILLION WATTS

Two 14-mile-long antennas, crossing in the middle, stretch out along 30-foot swaths cut into the forest. The antennas hang from heavy-duty utility poles and are capable of sending a powerful, low-frequency radio signal around the world.

The average toaster operates at 1,000 watts and the largest commercial AM radio stations in the nation are limited to 50,000 watts. The Clam Lake transmitter can put out 2.4 million watts.

Such current thrown into the air electrifies metal objects nearby and can upset telephones, television and household lighting.

Ultrahigh frequencies can have physical effects on man, animals and plants. The Navy plans to use ultralow frequencies where little is known about side effects because such radio waves have been little more than a laboratory curiosity in the past.

ONE-WAY TRANSMITTER

But Navy spokesmen say this curiosity can be made into a one-way transmitter. Although incapable of sending a human voice, it can slowly transmit coded signals in the 40-cycle to 80-cycle range that are practically unjammable.

The spokesmen have indicated that "hot line" messages from the White House or Pentagon could order signals from such a transmitter to Polaris submarines that cruise the world's oceans with nuclear missiles. Because of the long wavelengths, the signals penetrate the ocean water to great depths and the submarines will not have to surface for instructions.

If four to six years of testing with single transmitters go well and the giant antennas do not cause too many electrical problems in the forests and homes nearby, the Navy plans to install a gigantic underground grid of cables and transmitter stations that could cover most of northern Wisconsin.

THREAT TO WILDLIFE

Those who regard Sanguine as "an electric chair" believe its tremendous size and currents will drive away game and fish, electrifying everything in sight. And they think the project is an escalation of the arms race.

"World peace center" believers feel that the project will help guarantee peace through power, that the Navy can take care of any electrical problems and that the whole thing will help the region's depressed economy.

At Clam Lake, few are sure yet what the project means.

When the Office of Economic Opportunity opened a Job Corps center near Clam Lake, there was strong opposition initially. But the arguments died out when it was discovered that jobs and income were there for local residents. The Job Corps center is now closed.

Louis Hanson, a former State Democratic chairman, lives in Mellen, Wis., with his wife, Camilla, the former Mrs. Theodore C. Sorensen, and her three sons. He works as home assistant to Senator Gaylord Nelson, a Democrat, and thinks that Sanguine borders on insanity.

In July and August of 1968, when the Navy announced it, Senator Nelson began wondering when he had ever voted for such a project, Mr. Hanson said. "So he called an admiral and he came over with another man who had a briefcase shackled to his wrist.

"They opened the briefcase and it had newspaper articles in it stamped secret. That caused a little stir at the time. They don't do it anymore."

Mr. Hanson said the first appropriations had been voted in 1958 as part of a general Navy research and development program. Since then, at least $28-million has been spent on the project.

Northern Wisconsin was chosen as the site because of an ancient rock formation, the Laurentian Shield, which is dry and nonconductive, providing a base that will not cause heavy losses of current along the huge antennas.

The Laurentian Shield extends through 26 counties in Northern Wisconsin, Mr. Hanson said. These counties make up 41 per cent of the state and contain about a million persons.

He added that the final antenna grid might be as big 150 miles wide and 150 miles long, with 240 transmitters, and would cost from $2-billion to $10-billion.

The Navy maintains that there are no final figures on how big or costly the project might be because it is still in an early test phase. Although a number of conflicting figures have been published, they have no substance, according to John Hennessey, Public Congressional Affairs Officer for the Naval electronic systems command in Washington.

The first Sanguine experiments were conducted on a mountain top in 1962 in Southwestern Virginia and North Carolina, Mr. Hennessey said in an interview. The experiments caused some telephone and electric difficulties near Mount Airy, N.C., but the Navy said these were solved and the transmitter there was still in use.

Although confident that most of the electrical side effects in Wisconsin can be "mitigated," the Navy added a series of tests on plants and animals when protests grew. A study was ordered from Hazleton Laboratories, Inc., of Falls Church, Va., but it only added to the controversy.

In its proposal for the study, the laboratory noted:

"It has been shown that there can be pronounced effects on the longevity, body weight, growth, behavior, central nervous system, reproduction, etc., in animals as well as effects on plant development from ultrahigh frequencies."

In the low frequency ranges, the proposal added, little work has been done although "there may be some effect on sperm production," according to a study done in 1967.

POSSIBLE EFFECTS

"The antenna will be enormous and, therefore, many people, domestic and farm animals, fish, insects, earthworms, birds and indigenous plant life will all be exposed to its fields for very long periods of time unless they are killed by it, are removed, or in the case of free-ranging animals, are driven out by noxious effects. Of course, it may be that the fields will be totally benign."

Opposition has boiled up, mostly in the Democratic party and among conservationists.

A Stop Sanguine Committee has been organized by Kent D. Shiffert, a history instructor at Northland College in Ashland. The state Democratic party has passed a resolution arguing for more studies on environmental effects. Senator Nelson has branded the Hazleton study as "totally inadequate."

One of the Sanguine's prime defenders has been Representative Alvin E. O'Konski, a Republican, whose district includes the Sanguine area.

When the Navy scheduled a meeting last July to explain things to Ashland County officials, the county's New Democratic Coalition urged the public to attend in a mocking advertisement in The Ashland Daily Press that read in part:

"Hear the genuine Navy captain talk about the world's biggest electric chair. Caution! Asking questions that embarrass the Navy may be unpatriotic."

The meeting was stormy but the Navy prevailed.

William R. Hayford of Camden, N.J., an engineer who is site manager at Clam Lake for the RCA Corporation, a major contractor, said the test facility was designed to answer all the questions raised.

"We've got to convince people we're not guessing," Mr. Hayford said.

"These people are asking honest and fair questions and they have to be answered and they will be and that's why we're here."

Mr. Hennessey, the Navy spokesman, said the final Sanguine system would have to be "survivable" after an atomic attack.

In military jargon, survivability is determined by four factors: dispersion (how widely it is spread out), redundancy (having a large number of similar installations), hardness (keeping it in a safe place, such as underground) and mobility.

Mr. Hennessey said Sanguine would meet three of the four requirements.

He described the project as an "adjunct" to existing communications systems and said it was not totally protected from enemy jamming. Any radio signal can be jammed by building a larger, more powerful transmitter and overwhelming the old signal.

Mr. Hennessey emphasized that the Navy was not going ahead with Sanguine unless all problems could be "mitigated."

"Either Sanguine is compatible with its environment or we don't build it," he said.

Last summer, in Park Falls, Wis., protesters put up a picture of an electric chair on a rented billboard with the legend, "Project Sanguine—Shocking, Isn't It?"

Within 24 hours the sign was smeared with paint and someone had written, "Go Navy."

[From the Washington Post, Oct. 12, 1969]

FOREST IN WISCONSIN WIRED FOR DOOMSDAY

(By George C. Wilson)

CLAM LAKE, WIS., October 11.—The Navy in the wondrous North Woods just outside this cross-roads of a town is wiring Wisconsin for Doomsday.

The idea—named Project Sanguine—is to bury a backup nuclear "button" in the forest floor in case other communications are knocked out by enemy H-bombs.

If Sanguine goes all the way—it is in the test stage now—the button would be in the form of a huge grid of underground wires covering up to one-third of the State of Wisconsin.

The longest radio waves ever produced by man would be sent out of the grid—a huge underground sending antenna—and reach Polaris submarines hidden in the ocean depths. The Sanguine signal could be the one ordering the subs to fire their missiles.

Many conservationists, biologists and others view the whole project with utter horror. They fear timber will be slashed, trout streams silted and animals and plants hurt or killed by the electric currents which the Navy admits will leak out of the Sanguine system.

The opposition is becoming increasingly vocal. It is similar in tone, though not yet volume, to that which prompted President Nixon to relocate the Safeguard anti-ballistic missile system.

"It's too high a price to pay," Kent D. Schiffert, chairman of the State Committee to Stop Sanguine, said of the Navy insurance scheme for war communication.

Schiffert, a history instructor at Northland College in Ashland, Wis., plans to meet with committee leaders today to see how Sanguine can be blocked in the courts.

Sen. Gaylord Nelson (D.-Wis.), opposing Sanguine from the Washington end, said Congress has never taken a good look at the project to see if it is needed. He has been briefed by the Navy on Sanguine and estimates its eventual cost at $2 billion.

"The Navy admits," Nelson said, "that the network will give off electrical currents that will affect some 26 counties in the North

Country . . . Thousands of miles of Wisconsin farm and forest will be dug up to install some 6,000 miles of cable under the ground over a 25,000-square-mile area . . . There has been no debate in Congress to prove that, even if the system will work, it is a necessary or a justifiable expense."

The Navy, in explaining Sanguine to people in Wisconsin, states that "the purpose of the test facility" at Clam Lake "is not to demonstrate the feasibility or the effectiveness of the communications technique involved. That has already been demonstrated.

"But before such a facility is constructed," the Navy continues, "we are going to show you, not tell you, that the facility will not adversely affect the area." The Navy has built what it calls an "interference mitigation laboratory" to keep electrical currents from Sanguine from disrupting the area.

After the Clam Lake demonstration, the Navy intends to move south to Park Falls, Wis., to conduct more experiments. This will mean more digging and building—regarded as a boon by job hungry residents and a bane by the concerned conservationists. So far, about $27 million of a $50 million set aside for Sanguine has been spent.

Official Navy press releases steer clear of the Doomsday nature of Sanguine. The "fact sheet" on the project states that "Sanguine calls for the development of a single transmitter complex located in the United States that could provide communications with forces deployed worldwide."

The unmentioned fact that Sanguine is another nuclear button comes through clearly only in the explanations given at Sanguine's fenced-in command post here in the breath-takingly beautiful Chequamegon National Forest.

A "POST-ATTACK" CENTER

W. R. Hayford, site manager for RCA, which got the contract to run the test, said in an interview that Sanguine "is a post-attack communications system." He added that the American forces could only receive the signal—not talk back to Sanguine.

To the person standing on the ground over Sanguine's long electrical cables, the setting seems all wrong for a Strangelove system. White birches lean over the 30-foot-wide rights-of-way the Navy has cut through miles of forest. Spruce trees can be heard whispering in the quiet of the forest. And other tree tops are aflame with the reds, golds and oranges of autumn. A ruffed grouse stood a little way down the road pecking up gravel—his form of teeth.

Why here? Why here of all places? It turns out that the military believes upper Wisconsin is the only place in the world where the Sanguine electronic trick can be performed well. The reason is the peculiar properties of the rock shield running underneath the swampy ground of this forest and the rolling farm land outside it.

Called the Laurentian Shield, the rock is about two billion years old and extremely dry. It lies under the upper third of Wisconsin. The dryness means that electrical currents will not move through it easily. The rock acts like a huge insulator. Electrical current in the Sanguine sending antenna, because of this rock insulator, would not be drawn off deep into the earth at those places where the system is grounded. The rock, as Hayford explained it, assures maximum sending power for the giant Sanguine antenna.

To send out an extremely low-frequency radio wave, which is thousands of miles long, the sending antenna itself must also be thousands of miles long—much too big to be put on a ship or plane.

The required length of antenna, the Navy believes, can be achieved through criss-crossing wires over the thousands of square miles of the Laurentian Shield. The resulting signals would go from Wisconsin around the world.

GLOBULAR CAVITY

The cavity formed between the earth and the ionosphere is known as the Schumann cavity after W. O. Schumann, the German scientist who explored its possibilities for radio work. Extremely low-frequency signals going through this cavity, according to scientists, will remain strong as they go around the world. They cannot be jammed.

Also, the longer a radio wave is the deeper it penetrates water. Therefore, a long wave from Sanguine could get down to American Polaris submarines hiding in the ocean depths. They have to come near the surface to communicate now—a real danger in wartime where survival depends on stealth.

Hayford said Sanguine will generate radio signals of 40 to 80 cycles per second—called Hertzes. One unofficial calculation is that a signal of 100 Hertz—a much longer radio wave than any in use today—would penetrate 400 feet into the water.

If that calculation is correct, Sanguine could mean making American Polaris submarines less vulnerable to detection and attack in a war. Their mission is to clobber any nation which attacks the United States first. Sanguine, then, could be linked by its supporters to the credibility of the American deterrent to anyone contemplating nuclear war.

NOT A PRIME TARGET

Looking at that proposition from another angle, an operational Sanguine system (it is not operational at present) could be a target for enemy H-bombs. Navy leaders concede Sanguine could become a target but doubt the spread out system would ever be a prime one. The existing command and control centers for launching American ICBMs are considered prime targets. Weapons leaders long have feared that nuclear effects in a war would black out those systems.

The Sanguine fight at the moment is focused not on such longer-range strategic questions, but on what a vast communication system would do to Wisconsin's countryside.

The Sanguine antenna now in existence consists of two 14-mile-long stretches of wires which intersect at the middle to form a cross. There is a transmitter at the intersection.

If Sanguine went all the way, such crosses would be repeated over and over again until there was a gigantic grid over the Laurentian Shield in upper Wisconsin.

The present test site has the antenna wires strung above the ground on telephone poles. In the next construction phase at Park Falls and thereafter, the sanguine wires will be buried in the ground.

The Navy asserts that the wires will be buried with surgical precision so the land above them can be restored to its former use, including farming. Only "scattered two-acre sites," the Naval Electronic Systems Command states, would be needed for the transmitters.

"There will be no need to denude large areas of forest land or cut wide swaths through the forest," the Navy contends.

BIOLOGICAL EFFECTS

As for how the electrical currents going out from Sanguine will affect animal life and plants, the Navy has awarded a contract to Hazleton Laboratories of Falls Church, Va., to assess such dangers.

Schiffert said "the whole Hazleton contract is a smokescreen to quiet the conservationists." He said Hazleton is too heavily dependent on military work to do an objective analysis and that the study contemplated will not cover enough of the animals and plants in the range of Sanguine's currents.

Lowell Klessig, an environmental science specialist, active in the Stop Sanguine committee, said, "Every biologist knows that the nervous system and other biological processes operate on the principle of internal electrical fields. To put an organism in an external electrical field, such as is proposed by the Navy in Sanguine, may very well alter these processes. . . .

"The electromagnetic field may even influence the guidance system of migratory birds, such as ducks and geese, and cause them to lose or change their fly-way patterns," Klessig said.

The Sanguine test site falls in the congressional district of Rep. Alvin E. O'Konski (R.-Wis.) who sees the project as an economic lift to the area and argues that the Navy should be allowed to complete the phase now under way.

[From Popular Science, Sept. 1969]

ELF: How We'll Broadcast With "Mystery" Radio Waves

(By Kevin V. Brown)

The U.S. Navy is planning to build the world's largest transmitting antenna—a gargantuan, highly electrified underground grid that will sprawl across some 21,000 square miles of northern Wisconsin. The plan, code-named Project Sanguine, is cloaked in secrecy and controversy, yet this much is clear: Sanguine is a tremendous breakthrough in communications.

It will use Extremely Low Frequency (ELF) radio waves never before tapped to provide global coverage from a single source, enabling the Navy to send unjammable signals to ships, planes, and shore stations without relays. And for the first time, nuclear subs in hundreds of feet of water will not have to surface to receive messages.

Although many details of Sanguine's design are secret, enough is known to have aroused the fears and protests of some Wisconsinites. They claim Sanguine will mean the uprooting and electrifying of a third of the state, resulting in the loss of wildlife and forest land, disruption of telephone service—even danger to human beings.

What is the truth about Sanguine? How will it work? Why should a Navy communications system be set in the middle of the country? What perils does it pose?

Much utterly fallacious information has appeared in the popular press—even in some technical journals. Here, as far as we have been able to determine, are the facts.

The story of Sanguine begins during World War I, when German agents tried to intercept telephone conversations between French army commanders by sticking electrodes in the ground. The noise they encountered was so great that electronics experts were called in to identify and eliminate the source of the mysterious interference.

The noises were identified easily enough as being generated by electrical storms, some very distant. But almost accidentally, the investigators discovered a strange phenomenon. The low-frequency noise had a peculiarly strong resonance—an energy peak—at seven Hz (cycles per second). But the German experts thought this an interesting curiosity without practical value, and turned to other things.

No one could blame them. Communications scientists were then experimenting with higher and higher frequencies. The higher the frequency, the shorter the wavelength (and vice versa). And the size of the transmitting antenna varies directly with the wavelength. So higher frequencies brought the payoff smaller antennas. To produce ELF waves, the longest of all radio waves, would require the largest antenna ever conceived.

There was also the question of attenuation—loss of signal power with distance traveled. Experiments had revealed that the frequency least attenuated was around 10,000 Hz. Below that frequency, the attenuation curve started back up sharply. No one bothered checking it below 3,000 Hz because it seemed logical that attenuation would keep on increasing as the frequency dropped.

No wonder then, that interest in the ELF resonance phenomenon lay dormant for decades.

Then along came W. O. Schumann. An eminent German scientist, Schumann conducted in the physics of the atmosphere, and came to a remarkable conclusion:

The earth and the ionosphere formed the boundaries of a spherical resonant cavity, with a fundamental resonant frequency of about seven Hz. The earth is nearly 25,000 miles around. Radio waves, which travel at some 186,000 miles a second, would therefore travel around the earth in this cavity seven times per second. If the waves had a matching frequency—seven Hz—and were broadcast from a single source, they would round the earth and meet exactly in phase. The result: a reinforcement, or resonance.

Schumann published the results of his findings in a series of scientific papers beginning in 1952. Other scientists picked up the cue and expanded Schumann's original findings. Among other things, they established that the Schumann cavity had a series of resonances beginning at seven Hz and continuing in increments of six or seven.

They also finished plotting the attenuation curve and found that it did not go up indefinitely below 3,000 Hz, but, in fact, turned down again and headed back toward zero with lower frequencies. Below 100 Hz, they learned, the attenuation would be almost negligible, even better than above 10,000 Hz!

In other words, frequencies below 100 Hz could be used to signal around the world, using the Schumann cavity, with almost no attenuation.

BIG ANTENNA A PROBLEM

Even so, many scientists were still skeptical about ELF. One of them concluded pessimistically, "Unfortunately for communication applications, the problem of building a large enough transmission antenna appears insurmountable." To be efficient, an antenna must at least approach in size the wavelength it is to transmit. ELF waves are thousands of miles long.

The U.S. Navy was not so pessimistic. For ELF could yield not only a one-source global communications system, but also the ability to signal nuclear submarines underwater. The reason is that the lower the frequency, the deeper in water a radio signal will go. At 10,000 Hz, the signal delves only about 40 feet beneath the surface. But at 100 Hz, the depth is 400 feet, and seven Hz, 1,500 feet! The ability of a sub to receive information without having to surface is obviously of vital strategic importance.

So, about 10 years ago, the Navy and some of its civilian contractors, notably RCA and Westinghouse, went to work on the problem of building an antenna big enough for ELF. And someone, somewhere, came up with an ingenious idea, which led to Project Sanguine being sited in Wisconsin.

THE IDEA?

Take advantage of the fact that much of northern Wisconsin sits on a huge chunk of some of the oldest rock in the world.

This rock, the tip of a much larger formation called the Laurentian Shield, is more than two billion years old. It is therefore extremely dry. This gives it the lowest conductivity of any rock on earth.

What has all this to do with Sanguine?

Suppose you form an antenna from a wire by passing current through it and grounding it at both ends. The electricity seeks to complete a circuit by returning from one end of the wire to the other through the ground. How far this current actually penetrates the earth is called the *skin depth*. The lower the conductivity, the deeper the current penetrates. In moist earth, the current travels practically at the surface. But in the bone-dry bedrock of the Laurentian Shield, the skin depth can be 10 to 20 miles! And if your wire is a cable 100 miles long, the result is a whopper of a loop antenna.

Let's carry the thought process of our ingenious antenna designer a bit further. A 100-by-20-mile loop antenna is impressive, but it would be a lot more effective if it had many turns. Because the ground is common, the turns can't be connected in series. But they can be parallel-connected, by crisscrossing the cables.

And here again, the vast extent of the ancient rock plays its role. If the Navy utilizes all of it, they will form a grid 150 miles wide and 140 miles long, covering almost the upper third of Wisconsin. Cables would intersect at six-mile intervals, with a transmitter at each intersection—perhaps 240 in all. The cables would be buried about six feet underground, not, as some journalists have suggested to transmit signals through the earth, but simply to get the wires out of harm's way.

Result? The enormous mesh of cable grounded in an enormous expanse of ancient rock add up to Sanguine—largest antenna ever designed.

To some residents of Wisconsin, however, Sanguine is not an exciting scientific success story, but a threat. They are wondering what it might do to them, their land, and their wildlife after it has been installed.

PROBLEMS TO BE SOLVED

The Navy admits that some problems might arise in a venture of such tremendous scale. But they emphasize that the problems are basically no different, except in extent, from those encountered (and solved) by civilian power and utility companies. If it appears from preliminary tests that they cannot be overcome, the Navy insists, Project Sanguine will simply not be built.

This is the Navy's schedule. It has already built one transmitting antenna, two crisscrossed cables of about 14 miles each, near Clam Lake, Wis., in the Chequamegon National Forest—federally owned land. The cables are strung on poles above ground with a transmitting station at the intersection. This complex will be used for a test program "to develop and perfect techniques and devices for reducing induced electrical interference to noninterference levels."

If this initial test is successful, the Navy will move on to the next phase, burying more and longer cables in the ground near Park Falls, Wis., southeast of Clam Lake, and conducting still more tests. If the Navy is convinced they have solved all the problems, it will go ahead and build the whole system. Although the Navy won't say how much current will flow through the final system, the cables in the interference tests will handle a hefty jolt of several hundred amperes. In previous pilot tests in another states, the large currents electrified fences, rang telephone bells, disrupted communications, and generally gave people the willies.

Here are some of the problems the Navy will consider, from the top down:

AIR NAVIGATION

Will Sanguine interfere with existing air navigation facilities? Very unlikely; most of them operate in much higher frequency ranges.

POWER LINES

Here, Sanguine is definitely a problem. The ELF signals of Sanguine—below 100 Hz—could induce currents that would play hob with 60-Hz household electricity. Results might be flickering lights, TV picture hash, tripping circuit breakers. The solution is to convert to balanced power lines, which are much less susceptible to induced currents than unbalanced ones.

TELEPHONE LINES

The currents that ring the telephone usually operate below 100 Hz; those that carry voice transmissions operate roughly from 200 Hz to 3,000 Hz. Induced currents could ring the telephones when no one was calling, and cause buzzing and other noise to interfere with conversation.

The solution is one the Bell Telephone system has been using for years to rid its lines of unwanted current—installing neutralizing transformers.

RAILROAD SIGNALS

Induced currents could turn signals on when no trains were coming or going, or turn the wrong ones on when they were. Fortunately, railroads in the Sanguine area use mostly balanced circuits already, so would not have to be changed to protect them.

METAL FENCES

If a metal fence, with metal poles stuck in the ground, runs for any length—say a mile or more—parallel to a power line, it can carry an induced current, and may be dangerous.

The Navy will ask permission of the owner of any such fence to chop it into shorter segments, then hook it together again with insulating materials, cutting the closed loop.

ANIMAL AND PLANT LIFE

Could underground currents endanger plants and animals? The Navy will explore Sanguine's possible biological hazards, using plants and animals native to the area.

CONSERVATION

Will the very act of installing Sanguine destroy the natural beauty of the area? Sanguine is in the heart of Wisconsin's northwoods, a popular tourist area. Many residents worry that all the digging will tear up the scenery, erode the soil, and sully the many attractive lakes and streams.

The Navy replies that it will use digging methods successfully employed by the utilities. The cables will be buried in trenches, then covered over immediately; the only thing to show above ground will be the transmitter buildings.

CABLE TELEVISION

CATV, or cable television, uses a master antenna for a whole community, and feeds TV signals to homes of subscribers via cables susceptible to induced currents.

The solution appears simple. CATV systems employ booster amplifiers at various intervals. Interrupting the outer shield of the coaxial cable with capacitor couplings at the amplifier stations, would break up the closed loops.

The Navy is confident it can overcome these hurdles, and has planned to spend the next four years running tests to prove it. Then, and only then, will the world's largest antenna be buried, and come to life.

NATIONAL BUSINESS WOMEN'S WEEK

Mr. PEARSON. Mr. President, this week, October 19 through October 25, the 3,800 business and professional women's clubs of our Nation are observing National Business Women's Week. In my State of Kansas, there are 129 such clubs with a total membership of 6,271 business and professional women, as of June 30, 1969.

The yearly tribute, first observed in 1928, spotlights the responsibilities and achievements of women in business and the professions. It gives the individual clubs and State federations an opportunity to focus the attention of their communities on the tremendous contribution made by women in all phases of economic, social, cultural, business, and professional life.

The National Federation of Business and Professional Women's Clubs, Inc., was founded in 1919 as an outgrowth of the previous year's meeting of the War Work Council of the YWCA. Desiring to adopt a broader peacetime program, the federation was incorporated in 1921. Its headquarters are at 2012 Massachusetts Avenue, NW., Washington, D.C. Today, the national federation has a membership over 180,000 women, and membership is open to all women who are actively engaged in business or the professions, upon invitation from a local club.

The national federation is a nonprofit, nonsectarian, nonpartisan association which has as its stated objectives the following:

To elevate the standards for women in business and in the professions.

To promote the interests of business and professional women.

To bring about a spirit of cooperation among business and professional women of the United States.

To extend opportunities to business and professional women through education along lines of industrial, scientific, and vocational activities.

During the past summer, the golden anniversary convention of the national federation was held in St. Louis, Mo. This, of course, was an occasion to look back upon what the NFBPW was at its beginning 50 years ago. I quote from one of the speakers at this golden anniversary convention:

> When the opening (1919) meeting was over, we did not have a single club that had joined this Federation, Not one cent in the treasury, nor any assured source to obtain it.

Immediately the success of this new venture by business women throughout the country was evident. When we look at what they accomplished in 1 short year before their second meeting in 1920, there is no reason to be amazed at what they have accomplished in 50 years. Again, I quote:

> By our second (1920) convention, we had overshot a goal of 100 clubs—bringing in 287 in 47 States; 28 State Federations; an executive office, a monthly magazine.

Although I shall not take time to read this long and impressive list of legislative proposals sponsored—and, in most cases, successfully sponsored—by the NFBPW over the past 50 years, I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Year 1919–20: Successfully endorsed permanent establishment of Women's Bureau, continuation Children's Bureau; creation Federal Employment Service.

Year 1921: Successfully supported the Sheppard-Towner Act giving funds for maternal and child welfare and the Cable Act (and amendment till 1934) granting married women citizenship status independent of their husbands.

Year 1923: Supported the amendment to the Smith-Hughes Act placing Home Economics in vocational training which passed as well as the Bell Act creating the National Federal Department of Social Hygiene. Also sponsored the first legislative tax bill ever introduced in Congress by women—to increase personal exemption for single persons—still on the agenda today. Began long and dedicated support for federal aid to education without federal control (goal more than achieved in legislation aiding education since 1958). Endorsed Child Labor Amendment to protect children—failed to pass in the states but gradually enacted by most states and the federal government in other laws.

Year 1937: Secured repeal of a section of the National Economy Act which provided in labor reductions for dismissal of an employed wife (govt.) of a government employee. Sponsored Equal Rights Amendment. Urges states to work for equal jury rights for men and women.

Year 1940: Urged amendment (later achieved) of social security laws to provide for dependent widowers and children under 18.

Year 1942: Began urging legislation to permit women jurors to serve on federal courts (fully achieved 16 years later—Federal Jury Selection Act).

Year 1944: Successfully supported legislation to establish the Women's Armed Services on a permanent basis with the same rank and pay as men. (The final step was achieved in 1967 when President Johnson signed bill giving women in the armed services equal opportunity promotion).

Year 1950: Allowance of an income tax reduction to an employed person for costs of care of dependent because of said employment (now part of the Internal Revenue Code).

Year 1956: Successfully supported the double income tax exemption for taxpayers over 65 and blind. Opposed lower retirement age for women. This passed, but in 1961 men were enabled to take the lower age of 62 also.

Year 1963: Support for equal pay for equal work goes back to 1920. Since the 1940's it had been a special legislative effort. Passed in 1963.

Years 1963–67: Originated the idea for and helped organize State Status of Women Commission. All 50 States plus the District of Columbia, the Virgin Islands, Puerto Rico and two municipalities had created these special groups to study problems of women by late 1967.

Year 1964: The Civil Rights Act of that year contained a Title VII which prohibits employment discrimination of all kinds, including sex. The Equal Employment Opportunity Commission was set up to enforce this provision.

Year 1965: Section 165 of the Revised Statutes, allowing discrimination against women in government positions, was repealed after strenuous efforts by BPW.

Year 1967: Women in Armed Services bill (See 1944). BPW urged and succeeded in getting the word "sex" added to the discriminations prohibited by the Federal Government when President Johnson issued Executive Order 11375 prohibiting discrimination against women in government or by government contractors. The Office of Federal Contract Compliance oversees compliance with this order by all the agencies of the government. Civil Service Commission required each agency to establish "a positive, continuing program to develop and promote equal opportunity without regard to sex."

Year 1968: BPW's much desired legislative goal was achieved with passage of the Federal Jury Selection and Service Act of 1968, requiring selection of federal jurors without consideration to race, color, religion, sex, etc.

Mr. PEARSON. Mr. President, I will make one other point: To remind all of my colleagues on both sides of the Senate aisle that, if they ever doubt the contribution that women have made and are making to the business and professional world of this country, then take a few moments to reflect on just where they would be in carrying out their duties as Senators of their respective States without them.

Woman power has long been a very precious and necessary commodity in political campaigns. And no congressional office could be run without the skills and talents of the women employed in them. In fact, it has often been said in the public service field that one should never send a boy on a man's errand, he should send a woman.

So, it gives me great pleasure to salute today the National Federation of Business and Professional Women during National Business Women's Week and to include in that salute all other women throughout the country who are making contributions to the world of business by their inclusion in the work force of this Nation.

THE BIG THICKET IS DISAPPEARING: A NATIONAL PARK NEEDED NOW

Mr. YARBOROUGH. Mr. President, the ADA World for October contains a penetrating article on the crisis confronting one of this Nation's last great wilderness areas—the Big Thicket of southeast Texas.

At one time the Big Thicket extended over 3.5 million acres. Today, however, the Big Thicket has been reduced to 300,000 acres by the operators of the lumber and real estate industries. Unless something is done soon to stop the exploitation of the Big Thicket, this beautiful and unique wilderness will be lost forever.

To save the Big Thicket, I have introduced S. 4, which would create a 100,000-acre Big Thicket National Park. This bill has gained wide support from civic and conservation groups throughout the United States. If, however, this natural wonderland is to be preserved, we must act now.

Mr. President, I ask unanimous consent that the article entitled "The Big Thicket: A Chronicle of Destruction," written by Pete Gunter, and published in the October 1969, issue of ADA World be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE BIG THICKET: A CHRONICLE OF DESTRUCTION

(By Pete Gunter)

(NOTE.—Pete Gunter, for several years on the faculty of the University of Tennessee, this year joined North Texas State University as chairman of the department of philosophy. A long-time conservationist, he has contributed several articles on the Big Thicket of Texas to the Texas Observer, from which this Chronicle is reprinted with permission.)

Once upon a time the Big Thicket sprawled in a rough triangle from Beaumont, Texas, north almost to Shreveport and west to near Houston, encompassing three and one-half million acres of lushly vegetated, varied terrain, from piney hills and trout-filled creeks in the north to cane brakes, cypress swamps, palmetto jungles in the south. Within its dim, vine-laced recesses bear and panther foraged, squatters, Indians and escaped prisoners lived isolated, forgotten lives. As late as 1938, though the *Big Thicket Biological Survey* could lament that the region had shrunk to a million acres, these conditions still persisted, essentially unchanged. Today, scarcely 30 years later, only 300,000 acres of the original Thicket remain, and within this remainder only isolated pockets of untouched wilderness can be found. In his *Farewell to Texas* William O. Douglas warns that the Thicket is being depleted at the rate of 50 acres a day.

Though only a fragment of the original wilderness remains, there can be no doubt that this fragment possesses natural features of great value. The Thicket contains ten of the world's largest trees in their species, as well as Texas' last sizeable stand of first-grown pines. It is the last known haunt of the rare ivory-billed woodpecker, and the nesting-ground of a remarkable variety of water birds. Botanists, taxonomists, ecologists journey there regularly for research into its unusual combination of eastern and western, subtropical and temperate vegetation. Its potential as a lure for the tourist dollar is unlimited. And its beauty is unique, and haunting. One would think, therefore, that Texans would leap to the defense of such a natural asset. What follows, however, is a chronicle of destruction.

Apparently there is an effort being made—by lumber and real estate interests, mostly—to destroy the Thicket's value as a natural treasure and, thereby, discourage government preservation which would remove several tens of thousands of acres from potential private exploitation.

It has not been many years since an East Texas lumber executive was heard to snap: "The Big Thicket? The way we're going, in four years there won't be any Big Thicket." Cutting schedules were subsequently accelerated, and extended into once untouched areas. Hardwood trees were sprayed to make room for pulp-producing pines; magnolia trees were hunted down and turned into railroad ties. In one wilderness area hundreds of acres of first-growth timber were levelled and replaced by cottonwoods. The lumber company involved explained that this was an "experiment" structured so as to produce "abundant" pulpwood. The experiment, most authorities agree, has "failed."

The tactics of local lumber companies may, for all I know, be hailed as a glowing tribute to the spirit of free enterprise. No economic dogma I am aware of, however, is being used to justify recent acts of outright vandalism against the Thicket. In one instance a heron rookery was sprayed with insecticides from an airplane. Lance Rosier of Saratoga (affectionately known as Mr. Big Thicket for his espousal of conservation in the area) explored the site the next morning, discovering more than 200 dead water birds in an area of less than two acres. Not long afterward a thousand-year-old magnolia, judged to be the oldest and largest in North America, was found dead, drilled in nine places and poisoned with arsenate of lead.

Still more recently, Lance, escorting a *Wall Street Journal* reporter through the rugged back country, discovered dead water birds and discarded shotgun shells in an isolated woodland pond. Was this a common thing, the reporter asked? Lance replied vehemently that it was another example of people trying to destroy the Thicket before it could be saved.

One thing is certain; no plot however efficient, could have succeeded in depleting the natural resources of the Thicket faster than the actual course of events over the last decade.

Conservationists, of course, have not been ignorant of these developments. It is largely their cries of alarm which have brought the Big Thicket Association into existence and created public awareness of both the area's value and its rapid diminution. It was their efforts which, in the summer of 1967, brought the Department of the Interior at last to make definite recommendations for a national park. In its recommendation the Department of the Interior singled out areas (totaling 35,000 acres) for special protection:

	Acres
1. Big Thicket Profile Unit	18,180
2. Beech Creek Unit	6,100
3. Neches Bottom Unit	3,040
4. Tanner Bayou Unit	4,800
5. Beaumont Unit	1,700
6. Little Cypress Creek Unit	860
7. Hickory Creek Savannah	220
8. Loblolly Unit	550
9. Clear Fork Bog	50

Though 35,000 acres may seem like a minute portion of the original Thicket, conservationists breathed more easily once these recommendations were made public. At last the pillage of nature was ended. Wasn't it?

The ink was scarcely dry on the park proposal, however, before one obliging investor had arranged to obliterate the Beech Creek Unit, which contained one of the last stands of virgin beech forest in Texas. Protests and accusations, pleas and blandishments proved futile; beech trees fell, amid the virtually total silence of the press.

Not long afterward the Loblolly Unit, a stand of 400-year-old pines which has escaped cutting through its involvement in a series of litigations dating from 1904, was nearly lost. Only the nearly frantic efforts of the Big Thicket Association and the remarkably public-minded decision of the Temple Lumber Company to hold back cutting schedules, saved the big pines from extinction. This salvation, however, like many another one might mention, is only temporary. There is no guarantee that cutting can be put off indefinitely.

Of the many segments of the proposed park, the Big Thicket Profile Unit is by far the most inclusive and, to my mind, the most interesting. Beginning in the rolling piney hills near the Alabama-Coushatta Indian reservation, it descends gradually along Pine Island Bayou past cypress swamps and sandy savannahs, taking in almost every kind of topography and plant life in the region. But the Profile Unit, too, is being dismantled. In this case the benefactor is a real estate developer whose Hoop 'n' Holler Estates is carved out of 640 acres chosen for protection for its unique botanical value.

In spite of long-term abuses of lumber companies, and of new threats posed by new vacation subdivisions (of which Hoop 'n' Holler is but one among many), in spite even of the immense weight of public apathy, something may still be done to save the Big Thicket. In the last two years every major conservationist organization in the United States has come out in favor of conserving the remaining wilderness. Emboldened by this support, Sen. Ralph Yarborough is nursing a Big Thicket bill in the Senate. The senator will need all the help he can get in order to succeed.

In the meantime, conservationists have chosen the present moment for a divisive, bitter wrangle over just how large the proposed park should be. The Lone Star chapter of the Sierra Club, backed by nearly a dozen national and regional conservationist organizations, proposes a "large" park of 100,000 acres. On this recommendation, the Profile Unit would be broadened and extended southeast to the Neches River (near Beaumont); a Village Creek Unit would be added; the Neches Bottom Unit would be significantly enlarged; a new area southeast of Saratoga would be annexed; and, finally, all major units would be connected by "corridors" one-half-mile wide. To this and similar proposals Dempsie Heneley (president of the Big Thicket Association) replied with exasperation:

"Ten to fifteen years ago, I myself would have been pushing as hard as anyone for as much as 100,000 acres for the park. However, the Thicket is no longer in such a wilderness state that this can be done. The Thicket has been cut to the extent that we will be doing good if we can get 45,000 acres."

If conservationists insist now that the "whole Thicket be locked up," Heneley insists, Texas will be the loser, for the Big Thicket in its entirety will be lost.

I am in no position to decide which proposal is politically feasible, or ecologically justifiable. One thing, at least, is clear: the Big Thicket continues to shrink, piece by piece, three by tree, lot by lot, "estate" by "estate." Texas' last wilderness is up for grabs. Perhaps, one might suggest—ever so delicately—something really should be done.

ARTHUR C. DECK REPORTS ON SOVIET UNION

Mr. BENNETT. Mr. President, recently, 10 American newspaper editors were given the opportunity to tour the Soviet Union. A member of that group was the very distinguished and successful executive editor of the Salt Lake Tribune, Mr. Arthur C. Deck. Upon his return to Salt Lake City, he wrote a series of six very informative, penetrating, and interesting articles on Russia, its people, and its government.

This has been very helpful to the people of Utah in understanding what Winston Churchill once described as an enigma wrapped in a mystery.

I ask unanimous consent that Mr. Deck's excellent reports be printed in the RECORD so that they can gain the wide distribution they deserve.

There being no objection, the reports were ordered to be printed in the RECORD, as follows:

[From the Salt Lake (Utah) Tribune, Sept. 28, 1969]

PERSPECTIVES ON A SOVIET ODYSSEY—I: RUSSIA A VAST LAND OF CONTRADICTIONS

(By Arthur C. Deck)

After three tortuous weeks of travel in the Soviet Union covering more than 8,000 miles it is difficult to capsulize one's impressions of that vast country, but some things that come through loud and clear:

Russians are friendly—they fiercely want to be friends of Americans—but there always is that subtle undercurrent of distrust.

They are determined that there never will be a repetition of World War II. "We must be strong—we will never let that happen again," is a refrain that is repeated over and over.

They are an extremely proud people and constantly point out that what they have accomplished has been done in 50 years with most of their achievements coming in the last 25 years after the terrible destruction of many of their cities during the war.

CONFIDENT OF CATCHING UP

There is frank admission by some of their top ranking officials about their lag in adequate housing, consumer goods, automobiles and the like, but they have great confidence that they will catch up before too long.

In short, Russia is a pregnant giantess, terribly distressed by labor pains which have caused her to be somewhat slovenly in some of her housekeeping chores in her desperate effort to become a modern nation.

Our three weeks in Russia was arranged under the cultural exchange agreement between the United States and the Soviet Union. Negotiations were undertaken last January with the first cautious steps taken by the United States State Department and the Soviet Foreign office. The exchange proposal came from the Soviet Union of Journalists, which acted as our hosts.

DELEGATION OF 10 EDITORS

Our delegation consisted of 10 editors composed of officers and some directors of the American Society of Newspaper Editors and one photographer. A similar delegation of Soviet journalists is scheduled to visit the United States in October. Each group pays its own expenses.

None of us knew what our itinerary within Russia would be until we arrived in Moscow, and our anticipation of what life would be like within a closed society was overwhelming. Especially was it so for me. All of the others arrived in Moscow as a group but because of a family wedding it was necessary for me to get there a day late. I had been told I would be met at the Sheremetievo airport, one of four huge airports outside Moscow, but I had no idea who it would be or how the meeting would be accomplished.

CROWDED WAITING ROOM

It turned out that four large planes landed at the same time, disgorging about 400 people into a small and very hot waiting room. There we began to queue up for passport inspection—a long and tiring procedure in Russia.

I was prepared for a delay of several hours when I heard my name being shouted. Then came one of the miracles of a controlled society. When I raised my hand, I was hustled out of the line, pushed in front of all of the other bewildered tourists, hurried through passport formalities and turned over to my greeter, one Victor Afanasiev, a representative of the union of journalists. Victor had a small leather card in his hand with which, somehow he worked his miracles. He flashed the card and we were whisked through customs without the slightest look at my luggage. He flashed it again, and a large black limousine pulled up. In short order we negotiated the 40-odd miles to the hotel where a sumptuous dinner was laid out for me. (The rest of the party had departed for the theater.)

Such experiences were to become common during the ensuing weeks of the tour which took us from Moscow, north to Leningrad, to Minsk in Byelorussia, far west to Novosibirsk in Siberia, down to Alma Ata in Kazhakstan, 200 miles from the Red Chinese border, and to Sochi, the warm resort area in the south on the Black Sea.

Before the trip we had hoped to be able to see areas of Russia off the usual tourist route, but this was not to be. And while we were housed in the best hotels, given the best food and showered with vodka we were politely but firmly told that we would be unable to get to such places as the cosmonauts' launching site—"even Borman could not go there," they said—and our hosts were completely deaf when we suggested that we be taken closer to the border with Red China.

DIVIDED INTO 2 GROUPS

After Leningrad, our group was divided in two, with five visiting the aforementioned cities and five going to Kiev, Irkutsk, and Tiblisi. We had interpreters, one of whom was the miracle man Victor, and another attached to Radio Moscow who spoke American so well he convulsed us with off-color American jokes.

Everywhere we were free to talk with government leaders, newspaper editors, people in industry and science and even with the people in the streets, department stores, subways or on the bench. The language barrier, of course, made it difficult to converse without an interpreter, but nowhere was there a feeling that our conversations were not being translated correctly. Strangely enough, none of us ever had a feeling that we were under surveillance, but knowledgeable Western newspapermen in Moscow advised us that for all our feelings it was a safe bet that our hotel rooms were bugged and that we were being watched constantly.

RED CARPET OUT EVERYWHERE

Apparently Moscow had spoken loudly when the itinerary was approved because everywhere we went the red carpet was out. Although we were always being told of the classless society, we usually ended up in the first class sections of airplanes and were always moved to the front of queues that are to be found anywhere. And all this without the slightest protest from the Russians who were being pushed aside.

Our hotel rooms were comfortable and mostly clean, although it is hard to dry adequately on a bath towel that is no larger than a table napkin and made of somewhat the same cloth. And one never knows whether the elevators will work or whether water will flow from the bathroom plumbing. But the radio which is in every hotel room (tuned to Radio Moscow) and the television set which is in most hotel rooms are always in top working order.

These are just a few of the many contradictions a visitor finds in Russia.

[From the Salt Lake (Utah) Tribune, Sept. 29, 1969]

PERSPECTIVES ON A SOVIET ODYSSEY—II: ULTRA-MODERN, PRIMITIVE STAND CHEEK-BY-JOWL IN RUSSIA

(By Arthur C. Deck)

Not far from the center of Moscow is an imposing, 100-meter-high monument to space exploration.

It is a magnificent sculpture, executed in titanium, set on a pedestal of polished granite and topped by a rocket which gleams bright in the sun.

Behind it is a phalanx of buildings comprising the USSR Economic Achievement Exhibition, a permanent industrial fair. One building is devoted to the Soviet achievements in space, complete with mockups of space vehicles and animated miniatures. Another has miniatures of the great power dams that are being built throughout the country, with detailed, illuminated maps showing the extensive power grids designed to supply industry.

EXQUISITE DETAIL

Another has displays of miniatures of all forms of transportation—air, rail, water—all in exquisite detail. Still another pictures the developments of the nation's farm program with emphasis on mechanization and use of the virgin lands in the far West. There are others devoted to medical research, electronic and scientific developments.

The grounds of the exhibition are teeming with Russians of all ages and with tourists, mainly from countries of the Soviet bloc. The exhibition is open year round and is an excellent maneuver in interior propaganda. The space exhibit, for example, is far superior to anything we have at Cape Kennedy or Houston.

But when a visitor leaves the exhibition grounds and walks along the broad streets he is again awed by the amazing contradictions of Soviet life. Within a block he will see a couple of small, old ladies emerging from a sewer manhole where they have been cleaning an accumulation of debris. He will see other women sweeping the streets with something less than primitive brooms.

STARTLING CONTRASTS

These contrasts exist everywhere. Russian technology has produced marvelous things, to be sure. They have modern, mechanical street sweepers and flushing trucks which nightly patrol the streets of all cities, keeping them so clean one is embarrassed if he forgetfully drops a cigarette stub or a gum wrapper. You soon learn to look for one of the litter barrels, of which there are many.

Russian officials maintain there is no unemployment; but there is tremendous underemployment, and to achieve the fiction that everyone works there is gross featherbedding and makework activities. Lack of motivation on the part of workers is readily admitted by some of the top officials, who maintain they are working to correct this deficiency. How is not readily spelled out.

But the gap between technology and services is tremendous, with no apparent effort to eliminate it.

CRAMPED INTERIORS

The airports around Russia are filled with marvelous flying equipment. Jet planes fly faster than those in the United States. The pilots are apparently well trained and efficient. All of the planes we rode in were either modern jets or turbo jets. The interiors of planes that fly only to Russian cities leave much to be desired, however. Seating is cramped and everything from suitcases to watermelons is piled on the overhead baggage racks.

Once in the air you're almost certain to get where you've set out for, but the big problem is that you never know when the plane will take off. On one occasion, our party spent 16 hours in one of the Moscow airports waiting for a plane that had been scheduled for the flight two days before.

Baggage handling is atrocious. Instead of baggage trucks, porters often carry two bags at a time to the planeside.

NO BAG TRUCKS

The waiting rooms in both airports and railroad stations are deplorable. Whole families sprawl on the floors eating and sleeping and waiting for ever-delayed departures. The stench in the public washrooms is beyond description. On the other hand, the Intourist waiting rooms and wash rooms are clean and comfortable, but ordinary Russians are not permitted in them—only international travelers.

Other things Americans take for granted further accent the contradictions of life in Russia. At a hotel in Minsk one of our group discovered the key girl on his floor did not have a key to his room. No other was available and apparently there was no master key. It was an hour to plane time.

HOTEL SNAFU

After much shouting among the hotel personnel, the chambermaid undertook to break the door with several hefty punches from her backside. (She was modest and insisted we look the other way while she went through her gyrations.) The door would not give, however, and just before the missing key was found, the hotel manager came running through the corridor with a large fire ax. He intended to batter the door down to gain entrance.

Another member of the group turned up one day without hot water in either his basin or his bathtub. He discovered, however, that steaming hot water was flowing in the toilet.

Such mundane things as getting laundry and cleaning done turn out to be traumatizing. Send a suit out for cleaning and it is likely to be returned with more spots on it than before. Shirts sent out for laundering are often returned looking as though they had been ironed with a lawnmower.

DIRECT DIAL

Since there are no central switchboards in hotels, all calls must be dialed directly to the room, and often one's sleep is interrupted by violent ringing several times during the night. The caller usually spouts something in Russian and then hangs up.

To shave in some hotel bathrooms is an exercise in gymnastics. The mirrors are placed so that a tall man must almost kneel and the bathroom light (at most 25 watts) is frequently on the opposite wall.

While our service in restaurants was superb, ordinary travelers on the Intourist circuit usually complained about the long delays in being served. A waiter may not arrive for half an hour and two hours later the food may show up.

GOODS SHODDY

There is an abundance of consumer goods and clothes available in department stores, but most of it is shoddy. Better merchandise can be found in the so-called "dollar stores" which are everywhere. These foreign currency stores accept no Russian money, but while the merchandise is better than in the stores Russians must patronize, it is also expensive.

One exception is American cigarettes which may be purchased for around $3 a carton.

Again, however, the problem is to get service. Usually there is one person in a dollar store who can speak English. After making a purchase you take a slip to the cashier who totes up the amount on an abacus (although she usually has an electric adding machine at her elbow). Then you go back to the original clerk, if you can find her, and retrieve your purchase.

One finally wonders if the gap between 20th century Russian technology and the ordinary living that Americans take for granted can ever be closed.

[From the Salt Lake (Utah) Tribune, Sept. 30, 1969]

PERSPECTIVES ON A SOVIET ODYSSEY—III: HOUSING, LIVING CONDITIONS IMPROVE FOR TODAY'S RUSSIAN WORKER

(By Arthur C. Deck)

Despite a lack of many ordinary conveniences which Americans are accustomed to take for granted it would be grossly unfair to infer that Russians are not working tooth and nail to improve and excel.

After three weeks and thousands of miles in that vast land, 10 American newspaper editors agreed that the USSR has not stood still in the last 10 years.

Three in our group had been to Russia before. One traveled in western Russia 10 years ago; another had been to Moscow and Leningrad in the early sixties. Another was there in 1966.

The Tribunes' editorial page editor, Theodore W. Long, made an extensive 39-day tour in 1960 through much of the same territory our group covered in three weeks.

GENERAL IMPROVEMENT

The assessment of our associates was that great strides had been made and a rereading of Mr. Long's articles published after his visit indicate that while many of the same problems exist, there is great improvement: food is abundant and good; more consumer goods are available; women appear to be more chic in clothing, hair styles and figures.

Automobiles, of course, are in short supply. Only 300,000 cars a year are being turned out in Russia at present and it is possible for the average Russian to wait two years before he can get one.

The jovial deputy premier of the USSR, Nikolai Baybakov, who also is in charge of national planning, is very optimistic about the future. He foresees a housing shortage for at least another 15 years. He is concerned about the sameness of apartment design and says this will all be changed in the next five years.

TO BOOST OUTPUT

Although Russia turns out only 300,000 passenger cars and 500,000 trucks per year now, Baybakov says that an arrangement with the Italian Fiat company will increase this to more than 600,000 cars next year with 2 million per year set as the goal in five years.

He recognizes that with an increase in automobiles will come traffic problems and has projected plans for a mammoth road building and improvement program.

One of our colleagues remembered that as recently as 1966 there were only three good women's wear shops on Gorky Street, Moscow's main shopping area. Now there are about a dozen.

READILY AVAILABLE

Transistor radios, refrigerators, vacuum cleaners, electric fans and other household items are readily available in stores but the metal products do not match their American counterparts either in design or composition.

Russian officials are not reluctant to admit there is still a tremendous housing shortage, but in all cities that we visited there is a virtual forest of cranes used for erecting apartment buildings. For the most part these are products of prefabricated housing factories where great concrete slabs are turned out in assembly line fashion, then taken to the building sites for erection.

Mr. Long remarked in 1960 the construction work was poor and that the buildings would be old long before their time. He called attention to the wretched slums in Moscow, very near to the American embassy.

QUALITY IMPROVES

Present day construction is much better. More attention is being given to plumbing facilities, decoration and preservation of green areas between apartment complexes.

There appears to be a realization of the desirability of making apartments more attractive both inside and out. There is more floor space per apartment today than in those built 10 years ago. And in Moscow the program of slum eradication seems to be moving with greater rapidity than in many large American cities.

We were told by government officials that it is contemplated that by 1980 it will be necessary to tear down some 5 million square meters of living space, not only for reasons of inadequacy but to allow for a more modern layout of the city.

Rent, we were told, is usually about 4½ percent of the family income with the average living space 12 square yards per person. The goal is to increase this to 22 square yards in new buildings. (An average worker can earn from 100 rubles per month to upwards of 250 rubles per month with a ruble valued at from $1.11 to $1.25.)

We were able to see at first hand how some Russian factory workers live in newer apartment complexes during our visit to Alma Ata, relatively near the Chinese border.

There a young Korean family of five occupied an attractively furnished five-room apartment close to a textile mill. It had a piano, books, television, radio and modern plumbing.

BARGE INTO APARTMENT

Everywhere we went we were amazed at the Russian hospitality. Our visit to this apartment was a typical example. Five of us barged into the apartment without much prior warning, obviously to the embarrassment of the young Korean housewife, who insisted we sit down to cold cuts, vodka and wine.

In this remote part of the country consumer goods are as readily available as in Moscow. We visited a department store which covered a block and was three stories high. It was equipped with modern escalators and carried the same variety of consumer goods that can be found in any American equivalent.

PRICES VERY HIGH

It appeared there was a lot of shopping, but at least while we were there, very little buying. Prices were high—men's shirts at 20 rubles; a man's suit at 150 rubles; a woman's cotton dress at 30 rubles; a rain coat at 30 rubles.

Sales clerks are paid 100 rubles a month; a department manager 230 rubles and the top store manager, 350 rubles including a bonus he receives when sales volume exceeds the store's "norm."

The confounding and unanswered question is how people are able to buy at such high prices with such modest incomes.

Another change that was apparent to our colleagues who had been in Russia before was the lack of black market money peddlers. Mr. Long, in his report of 1960, told of being approached by such characters after only a short walk on city streets.

None of us had such an experience.

On the whole, things are improving in Russia. Visitors used to return telling how the average person yearned for a ball point pen and that the principal difficulties in hotels were the lack of toilet paper and plugs in the bathtubs.

That no longer is true. Most hotels have plugs for the bathtubs and there is adequate soap and toilet paper, although the towels leave something to be desired and often the toilet seat is not fastened to the bowl.

Ballpoint pens are common now and readily available. Perfumes and cosmetics are sold everywhere. Even cigarette lighters are in excellent supply, but nowhere is lighter fluid available.

Yet the Russians solve this oversight in a rather ingenious way—they tie a string to the lighter and lower it into an automobile gasoline tank.

[From the Salt Lake (Utah) Tribune, Oct. 1, 1969]

PERSPECTIVES ON A SOVIET ODYSSEY—IV: PERSONAL FREEDOM FLOWERS IN POST-STALIN PERIOD

(By Arthur C. Deck)

The farther a visitor travels away from Moscow it becomes apparent that Russians in the cities far from the capital are more friendly to foreigners and are a happier people.

As one of 10 American editors who traveled thousands of miles in the Soviet Union over a period of three weeks my impression was that Muscovites generally wore a stolid, uncompromising look and in many cases were suspicious of foreigners, particularly Americans.

It may be that this is the pattern of people the world over who live in impersonal, highly congested metropolitan areas (Moscow has a population of 6,600,000) but I was impelled to wonder if the distance from the seat of Big Brother might have contributed to the ever increasing thaw.

NO VISIBLE EFFORT

In any event it appears that the era of the personality cult has all but disappeared in Russia. Except for statues, billboards and posters of Lenin, which are everywhere, there is no visible pictorial propaganda effort in behalf of the current leaders of Russia nor of their immediate predecessors.

Lenin, of course, is revered. In conversations with some of our hosts, he was referred to as being "sacred." One Russian editor referred to an American newspaper editorial which criticized Lenin. "How would you feel if we criticized George Washington?" he asked.

In all our travels I saw only one picture of Stalin and that was in a war museum in Leningrad. Our colleagues who traveled in Georgia, however, said Stalin photographs were much in evidence there.

BRINGS QUICK DENIAL

Visitors who had been to Russia during Stalin's regime told of seeing statues, pictures and posters of the dictator everywhere. They have all disappeared. While some current writers have indicated a trend to return to the era of terror that characterized the Stalin period, this is vigorously denied by Russian officials.

Even our interpreter, Joe Adamov, a very Americanized product of Radio Moscow, became violently defensive when asked to read articles by accredited American correspondents which suggested that thousands of dissenting Russians were being jailed or worse.

"I am in Moscow radio," he shouted, "With my contacts would I not know if someone were taken away? I tell you, I know of not one Russian who is in jail as these writers charge."

ENDS DISCUSSION

The case of the Russian writer, Anatoly Kutnetsov, who recently defected to England because of what he charged was a new campaign to suppress freedom of expression, is dismissed with a violent retort:

"Any person who would leave his wife and family is bad to begin with."

That ends the discussion.

During a return from a bus trip in Leningrad I was afforded an opportunty to make some detailed inquiries into how Russians evaluate life in their country today. An attractive, 35-year old housewife, Mrs. Galina Sherondva, sat down beside me. She is a guide for Intourist and speaks excellent English.

FEELING OF FREEDOM

I remarked at the complete elimination of the Stalin image. She replied that life was certainly easier today than during the Stalin period. She emphasized that there was more of a feeling of freedom of expression and that there is no longer a concern that Big Brother, or one of his henchmen, is looking over your shoulder or spying on you.

"But," she said, "it has been too extreme to eliminate all of the statues of Stalin. After all he did contribute a great deal to the counrty, even though many people go to Moscow to spit on his grave."

Mrs. Sherondva, who dresses extremely well and wears a modified miniskirt, has traveled extensively throughout Europe and Africa as part of her job as a representative of Intourist and would like to visit the United States.

SHRUGS SHOULDERS

"When they want me to go I will go," she said, but in response as to whether she would make a personal effort to get there, she shrugged her shoulders.

Mrs. Sherondva agreed with me that people in Leningrad were more warmly approachable than in Moscow but she quickly denied that this was because Muscovites live so close to the center of government.

"People here are just more relaxed," she said.

Russian editors in all of the cities we visited were unanimous in denouncing reports by American newspapermen, particularly Henry Kamm, who had spent two years in Moscow for The New York Times and who suggested that the present government was moving closer to the Stalin concept, and Anatole Shub of the Washington Post, who was expelled from the country after he wrote that there are now "scores of thousands" of political prisoners. Both men were denounced as "liars" not only by editors but by scientists, government officials and by ordinary citizens.

FOLLOW ITINERARY

Of course we had no way of evaluating the charges or the denials. We saw no prison camps. We met no one who could be described as a dissenter. We were guests in a strange and beautiful country and we followed the prescribed itinerary.

If the government is, in fact, moving to tighter control over its people, it is not apparent in the light of our experience. The visible transition is the complete erasure of Stalin and Khruschev and the complete confidence of the people in their current leaders even though their image is projected in very low key.

[From the Salt Lake (Utah) Tribune, Oct. 2, 1969]

PERSPECTIVES ON A SOVIET ODYSSEY—V: RUSSIANS PROUD OF CLIMB FROM RUINS AFTER WAR

(By Arthur C. Deck)

Russia's determination to keep alive the memory of World War II and the national pride of accomplishment in the 25 years of recovery from that holocaust are readily apparent to a visitor to the Soviet Union.

Whether in Moscow, Leningrad, Minsk or the far reaches of Siberia where cities escaped the war's devastation, officials, newspaper editors and ordinary country folk automatically surge into a discussion of the terrible war years and remind the listener that everything he sees—building, industry, the advancements in culture, education and science—all have been accomplished in a quarter of a century.

"And," the visitor is told, "we have done this by ourselves. We have received no help, no loans or grants from a rich uncle."

APPALLING STATISTICS

To the 10 American editors from a country that never has been invaded in modern times, the statistics of 20 million dead, more than 60,000 cities and villages destroyed and the loss of one third of the national wealth, are appalling. The rate of recovery is impressive but frustration mounts at the recognition of growing pains and official apprehension of the distrust of western nations.

Since our tour was officially arranged, it is understandable we would have been escorted to:

The beautiful Piskarevskoe Memorial Cemetery at Leningrad, the mass graves of more than 600,000 people who died at the hands of Nazi troops during the siege of that city from 1941 to 1944.

The impressive war memorial near Minsk, where a small mountain has been built with earth from all of the war-torn cities of Byelorussia and topped with a modernistic sculpture.

BELLS TOLL

The Khatyn village outside Minsk where acres of green are now dotted with the restored chimneys of the farm homes burned by the Nazis after they herded nearly 200 villagers into a barn and set fire to it. The chimneys stand out starkly against the greensward and in each a bell rings periodically.

Another war memorial at Novosibirsk where the names of 30,000 war dead from that Siberian city are inscribed on huge upright placques.

At each place we hear an echo of what we were told by Moscow's deputy Mayor, Vasili Isayev:

"We must create a powerful industrial and defense capability to prevent war from ever happening again."

SHOWN INDUSTRY

And while we were never shown anything that remotely resembled a munitions factory or a defense establishment, we were ushered ceremoniously through several industrial complexes:

At Leningrad—The Obuhovo prefabricated house factory, one of six in the city, where 3,200 workers turn out 25 family units per day in assembly-line fashion. The slabs, which are of reinforced concrete, roll out of the plant and are recarted to the building sites, where they are assembled into free-standing apartments of from five to nine stories high. By 1972 they hope to be producing 12- 16-story buildings, but they have no plans for skyscrapers because land is not at a premium.

At Minsk—The Belaz truck factory outside the city, which produces 20- 40- and 60-ton heavy-duty dump trucks at the rate of 2,500 units a year. We were told that plans were on the drawing board for 120-ton capacity carriers. The products are exported to 30 nations.

TEXTILE PLANT

At Alma Ata—A huge textile plant, at least one of our blocks in area, a vast, air conditioned complex that turns raw cotton into cloth at an astounding rate.

While the mill is only three years old, already there are plans for its expansion, which, we were told, would triple the plant's output by 1970.

Impressive as these industrial works are, however, the growing pains are readily apparent. At the housing factory where 45 percent of the workers are women who operate overhead cranes and pour concrete, the appearance of the place is not up to American standards: lighting is poor, floors are cluttered and in general the working area is unkempt.

The truck factory, for all its accomplishment, is untidy and a far cry from the American concept of assembly line production, while the textile mill, despite the introduction of air conditioning, still has its atmosphere fouled with cotton fibers.

EDUCATIONAL PROGRESS

But the results of planned effort are there, nevertheless, and the visitor is readily told of the availability of education—from preschool through college; of the progress of the agricultural sciences, where new strains of farm products are being developed to withstand the rigorous winters of Siberia and the vast stretches of virgin lands.

It is with obvious pride, during our visit to Novosibirsk, Siberia, that we are escorted to Science City, some 18 miles away, where during the Khrushchev era a vast area of forest land was cleared for the erection of a complex of buildings to house the nation's top scientists. Not only is research carried out here, but it also is a higher education complex, similar to our graduate schools.

MATH MUDDLE

A discussion with scientists here is highly enlightening if not always comprehensible. One of our group got into an argument with one of the scientists concerning different interpretations of some rather obfuscating mathematical technology.

For the first time in the whole tour, our interpreter, Joe Adamov, the suave linguist from Radio Moscow, threw up his hands in exasperation.

"This is the first time in my life that I don't know what I'm talking about in either language," he said.

[From the Salt Lake (Utah) Tribune, Oct. 3, 1969]

SOVIET ODYSSEY—VI: DRY SALAMI, MINISKIRTS—A LAND IN TRANSITION

(By Arthur C. Deck)

Was it chance or was it planned?

Whatever the reason, as we boarded the plane for our flight out of Russia, there on the apron stood the giant, spanking-new TU144, the Soviet Union's sleek supersonic jet transport.

And, as if to bid us goodbye, the pilots slowly raised and lowered the long needle-nosed snout of the behemoth. How or why they did this I have no notion.

From all appearances, this was the Russians' final gesture, of their last chance to put their best foot forward for the 10 American editors to whom they had been hosts for three weeks and thousands of miles in that great land of paradox.

SALAMI, APPLES

The jet that carried us away was far different from the planes we had flown within Russia. Its interior was well furnished; the miniskirted stewardesses could have been plucked from any American airline. The seats were wide and comfortable, in contrast to those in domestic planes. The food was far superior to that on interior flights, where the fare usually consisted of a hunk of salami, a dry roll, an apple and a cup of mineral water.

What does it all add up to? How does a nation so obsessed with a desire to excel in technology, culture, education—you name it—manage to spin its wheels so hopelessly in so many ways?

And as one gropes for some answers, these terms become all too apparent: frustration, pride, insecurity, friendliness, distrust and hospitality.

It's all there in one great tangle.

PLEASANT MEMORIES

Recollections of some things are most pleasant.

There was the unforgettable evening at the Leningrad ballet, which surpassed anything of its kind I had seen. The performance of "Don Quixote" was presented by the second-string company, since the first was on tour in Japan.

The performers were superb, the girls were beautiful, the staging and costuming magnificent and the audience reaction enthusiastic and amazing. The performers, both men and women, were showered with great bouquets of flowers carried onto the stage and thrown with abandon from all over the beautiful theater.

But the orchestra in the pit was something else again. While the conductor was properly attired, the rest of the musicians wore a motley array of clothing—white shirts and colored shirts; some with ties and some without. Some were shaven, some not.

ART MUSEUM

There is the fabulous Hermitage art museum in Leningrad. It is said to contain one of the world's greatest collections of Rubens' works. There are priceless collections of archeological artifacts dating from the stone and bronze ages. The Treasure Room contains an exquisite collection of works of art in gold and other precious metals from primitive civilizations. It has one of the world's greatest collections of French impressionists, many of which have never been reproduced or seen by westerners.

One is impressed by the Russians' pursuit of culture which extends even to the small communities on the collective farms. At one of these were enthralled by a recital by several beautiful children who were enrolled in the farm's music school—a most important part of Russian education. Over and over we were invited to these schools.

So intense is the desire for culture that while the battle for Stalingrad was being waged in World War II, the people of Novosibirsk in Siberia continued building of their opera house without interruption.

RUSSIAN WOMEN

We were told at length about the emancipation of the Russian women and her important role in Soviet society during a meeting with officers of the Soviet Women's Committee in Moscow. (It could have been a meeting with officers of the League of Women Voters in any American city.)

We were told that 72 per cent of Russian doctors were women, as are 33 percent of the judges, 35 percent of the lawyers, 60 percent of the economists, 30 percent of the engineers, 45 percent of the scientific workers and so on and on.

It is very impressive, but then the nagging sight of the women sewer workers and women street sweepers pops up to fog the scene.

Near Novosibirsk is a huge library, five floors above ground and four below. It is a magnificent building and one of the five largest libraries in Russia, with an inventory of more than five million volumes. The librarian was proud of its world-wide connections and its exchange agreements with American libraries.

SUBSCRIBE TO "LOOK"

"Even the Library of Congress," she said. Asked if the library subscribed to any American publications, she proudly displayed the New York Times, the Wall Street Journal and Look.

Any visitor to Russia is in an almost complete vacuum about news of the outside world. The only English language newspapers readily available are the Communist papers from Europe and the propaganda newspaper, Moscow News, locally edited and produced.

Russians are avid newspaper readers, and the national newspapers, Pravda and Izvestia, have enormous circulations. Every city has newspapers, local and regional in character. There are magazines galore, youth newspapers, women's magazines and publications of every description.

NEWSPAPERS DRAB

There is a sameness in appearance of all newspapers and, in comparison with American publications, they are startlingly drab. While Russian editors generally describe their roles as supporters of the government, they vigorously insist they can and do criticize when necessary. An editor can "satirize" the director of a tractor factory for his shortcomings or a regional editor may criticize Pravda, for example, for not carrying enough science news.

On international affairs, however, discussions with editors indicate they all speak with one voice. We, as American newspapermen, were taken to task more than once for publishing both sides of the Chinese border controversy.

ONLY ONE TRUTH

"There is only one side that is the truth," we were told. "It is not good to publish both sides—this only gives an opportunity for Mao to spread his lies."

Most editors are extremely defensive about Russia's role in Czechoslovakia and at one dinner meeting in Minsk the discussion became such a shouting match that our interpreter, Joe Adamov, took off his shoe and pounded the table.

The obvious reference to the Khrushchev performance in the United Nations broke the tension, provoked some laughter and the evening proceeded on a more friendly tone.

The unanimous response by officials, editors and even the man in the street to questions about international affairs is often unbelievable.

YANKEES, GO HOME

About Vietnam? The U.S. should pull out and let the Vietnamese solve their own problems. What of Russia's role? That's different. "You don't understand," was a reply heard frequently.

About China? The border incidents are provoked by Mao as a diversion to take people's minds off internal failures. They love the Chinese and think the current confrontation is temporary.

About Czechoslovakia? They are sorry, but it had to be done. "But we will leave Czechoslovakia before the Americans leave Europe."

About West Germany? They are concerned about the gains made by the neo-Nazis and they harbor a deep-rooted fear of West Germans.

About the Mideast? They'd rather not discuss that.

HOPE FOR PEACE

About the U.S.? They hope for peace and a solution to the disarmament question. They castigate the American "imperialists" but insist that if there were talks "such as with you American journalists" all could be worked out.

Everywhere we heard enthusiastic praise for the United States' moon shot. Apollo badges we distributed were warmly accepted and worn and American newspapers picturing the moon walk by American astronauts became prized possessions wherever they were distributed.

Air and water pollution concern Russian officials as much as they do the U.S., but the Russians have a bigger club, the product of a controlled society. Soviet officials require strict compliance of industrial plants. Even though production is for the state, they can and do close down plants that fail to comply with government standards.

NO MORE FACTORIES

City planning is high on the list of important projects in every municipality. In Moscow we were shown detailed plans for widening streets, developing peripheral boulevards and establishing a "green belt" on the outskirts. They plan to move some of the historic buildings to make way for broad new thoroughfares, and they are firm that no more industry will be permitted within the city.

Municipal planning in most cities we visited includes the development of broad green areas between the evergrowing apartment complexes, but in Novosibirsk, where there are still picturesque, single family dwellings in great green ravines that thread through the city, there are plans to fill in the gullies to make way for modern apartments.

And here, for once, was a similarity to the American way of life. We were told by the city's newspaper editor that in their haste to modernize they had torn down the first log cabin built in that part of Siberia.

Now, of course, they are making plans to build a replica.

STUDENT ADVISORY COMMITTEES FOR THE SELECTIVE SERVICE SYSTEM

Mr. SCHWEIKER. Mr. President, earlier this year, President Nixon recommended the creation of student advisory committees in every State to meet and discuss our draft system, and to make recommendations for changes and improvements.

I thought this was an outstanding idea, and early in September I wrote to Selective Service Director Lewis B. Hershey to find out more about it, and received a preliminary report from him in the middle of September.

Since this correspondence took place, I have continued to express interest in the youth advisory committee idea, and in the progress of the creation of these committees I have learned that they have been set up in more than 30 States and territories.

I think it is important that attention be given to these youth committees, because they can provide a positive and constructive service to draft reform. General Hershey is to be commended for carrying this idea out, and I hope all States will have advisory committees set up in the very near future.

As a member of the Senate Armed Services Committee, I am looking forward to the hearings this committee will be having early next year. We will be considering broad questions of draft reform and draft system modernization, and will be considering a wide variety of recommendations and information.

These student advisory committees can be extremely helpful to the Armed Services Committee hearings because they will provide intelligent recommendations from the people who are affected most by the draft system—our young people.

Mr. President, at this time I would like to have inserted in the RECORD the correspondence in September between General Hershey and myself.

In addition, the National Employment Association has recently written to President Nixon to endorse his proposals for draft reform. I would like to have the NEA statement, and the text of the NEA letter, also inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 3, 1969.

Lt. Gen. LEWIS B. HERSHEY,
Director, Selective Service System,
Washington, D.C.

DEAR GENERAL HERSHEY: Because of my long-time interest in our draft system, I am delighted to know of your plans to create Youth Advisory Committees in every state, to receive information on what today's youth think of the draft, and suggestions for improvements. President Nixon and you are to be commended for your leadership in developing these committees, and I am confident they will be fruitful to the Selective Service and to all other persons interested in having the most equitable and efficient draft system possible.

I will be following the creation and progress of these advisory committees with great interest, and am writing to ask if you could provide me with greater detail concerning your plans.

Specifically, I would like to know details concerning the following:

(a) How are the State Committee representatives being chosen?

(b) What plans are being made for State meetings?

(c) What procedures and timetables are being developed for State reports and recommendations?

(d) What plans are being made for a national meeting?

(e) What procedures and timetables will be followed for submission of the reports to the Selective Service System in Washington, and for their evaluation?

(f) What timetable will be developed for making these State reports public?

(g) Will there be any official Selective Service System comment on the youth recommendations?

I am confident that our youth can provide perceptive and informative commentatories on the draft system, which affects their lives so directly, and thus I commend you for your work in obtaining this expression of opinion, and look forward to having your views and thinking on the details of your worthwhile enterprise.

Sincerely,

RICHARD S. SCHWEIKER,
U.S. Senator.

SELECTIVE SERVICE SYSTEM,
Washington, D.C., September 15, 1969.

Hon. RICHARD S. SCHWEIKER,
U.S. Senator,
Washington, D.C.

DEAR SENATOR SCHWEIKER: Thank you for your letter of September 3, 1969, and your kind remarks concerning the action which President Nixon and I have taken in developing Youth Advisory Committees to Selective Service in the States.

I am in thorough agreement with you that these Committees can be of great help in our effort to develop the most equitable and effective draft system possible.

As you are aware, at the present time these Committees are largely in a devlopment stage. State Committees have already been set up in many of the States and others are in the process of being formed. Trying to get people together to serve on the Committees during the summer months is one of the difficulties being experienced by the States. Because of travel, vacation and summertime employment, many persons could not be brought into the plan earlier. To the extent that these plans have developed, I will respond to the specific points of your inquiry.

The responsibility for the selection of members of these Committees rests with the individual State Director. The general pattern for selecting Youth Advisory Committee members is similar to that followed in selecting local board members, in that each State uses the method best adapted to that State. Many States are getting recommendations from schools, institutions and various organizations in their States in which youth are involved.

The responsibility for scheduling, at least the initial meeting, is left up to the individual State Director. Generally, thereafter it is expected that meeting times will be determined to a large degree by the Committees themselves, consistent with availability of funds and Committee functioning.

It is contemplated that the State Committees will not make formal reports, as such, but that there will be representatives from all State Committees who, after they have familiarized themselves with the subject, will participate in a national meeting to be held at some future time at which the recommendations of the individual State Committees will be compared and their consolidated recommendations made to the Selective Service System. The views of each State Committee on matters it considers will, of course, initially be presented to the State Directors.

One of the advantages of a national meeting is the cross-fertilization of ideas developed by the youth in the States. This was a point stress by President Nixon when he met with the initial youth group in California in June.

The Selective Service System will evaluate the recommendations coming out of the national meeting and they will be reported to the President. Another point stressed by President Nixon was the great value that a national meeting of representatives of the State Advisory Committees will have in carrying back information and ideas to their individual State Committee. State Committees will be kept informed on the actions taken on their recommendations.

As you are aware the main objective of this program as expressed by the President is to give the youth of the Nation an opportunity to make constructive recommendations concerning the program in which they are so vitally affected.

The potential of the program for constructive recommendations was illustrated by several preliminary suggestions made by the young people to the President at their meeting with him in California during June. The President thought these suggestions had sufficient value to merit further study and referred them to his staff members, Mr. Peter M. Flanigan and Mr. Charles B. Wilkinson to discuss with Selective Service.

Sincerely yours,

LEWIS B. HERSHEY,
Director.

PRESIDENT NIXON'S DRAFT REFORM SUPPORTED

President Nixon has received the strong support of the National Employment Association in his efforts to reform the Selective Service System. While applauding his efforts, the Association, which represents the nation's private employment agencies, urged the President to take an additional step to remove inequities from the draft law. This additional step would be to give potential draftees their physical, mental and moral tests at the time of registration. In this manner, the registrant's true classification would be established early and much of the present uncertainty would be eliminated.

The text of NEA President Joseph L. Wroble's letter to President Nixon follows:

"The National Employment Association strongly commends you for your program to relieve the uncertainties that mark the present operation of the Selective Service System and recommends an additional step be taken in easing the burden of the draft on the nation's young men.

"In your message to Congress on reforming the military draft, you stated that:

" 'The present draft arrangements make it extremely difficult for most young people to plan intelligently as they make some of the most important decisions of their lives, decisions concerning education, career, marriage, and family.'

"As to considerations of a career, the private placement agencies our Association represents have had the repeated experiences of attempting to place young, male job applicants who, while otherwise qualified, are virtually unemployable because of the uncertainty of their status in the draft.

"Your program to remove from vulnerability all men between the ages of 20 and 26 and provide for draft eligibility only those 19 years of age deserves support. It would remove a significant impediment to the employability of the great many young men who seek our members' counsel regarding job opportunities.

"To dispel a further degree of uncertainty, we strongly urge that physical, mental and moral tests be given at the time of registration. In this manner, the registrant's true classification will be determined early and his ability to plan greatly enhanced. Moreover, the Selective Service System would gain an accurate count of the number of eligible men available.

"You have the enthusiastic support of the National Employment Association in this effort, and we will make our views known to the appropriate legislative committees in the Congress."

The National Employment Association is the trade organization for private employment agencies. It was formed in 1960 through a merger of three predecessor organizations. A key program is professional development, and its members are pledged to a rigid Code of Ethics.

There are over 8,000 small business firms engaged in the private placement agency business. These firms employ some 40,000 people and are responsible for approximately 4 million placements each year. Private employment agencies define a permanent placement as one expected to last at least 90 days. The U.S. Employment Service and its state affiliates use an index of only three days so there is no basis for comparison.

NEGLECT OF THE GREAT LAKES—ST. LAWRENCE SEAWAY SYSTEM

Mr. HARTKE. Mr. President, today President Nixon announced his plans to come to the rescue of the maritime industry by a program to expand the activities of the U.S. merchant fleet and revive construction of commercial vessels in domestic shipyards.

Unfortunately, the President's maritime program appears to overlook the Great Lakes, inland waterways, and the St. Lawrence Seaway. Since the seaway opened on June 26, 1959, it has stimulated economic development and prosperity not only within the Great Lakes region, but throughout the entire United States and the North American Continent. As the seaway enters its second decade of operations, it is plagued by numerous problems that threaten to choke this vital transportation link.

The seaway is the only federally supported waterway that is required to be self-supporting. At present, the seaway is obligated to repay $148 million in debt. It is often suggested that the way the seaway can pay off its debt is by raising tolls. However, an increase in toll rates would definitely discourage shipping in the Great Lakes region and defeat the aim for which the St. Lawrence Seaway was constructed in the first place. Inland waterways in the United States have always been open without charge. If the Great Lakes are free and open to all, why should the seaway linking the lakes even have toll charges?

The seaway must be relieved of the necessity of being required to repay the cost of construction, operation, and maintenance from revenue derived from toll charges. The financial position of the St. Lawrence Seaway Development Corporation must be improved so that it can attract and handle additional maritime traffic.

It is imperative that seaway facilities be efficient and modern to accommodate increased traffic and the most modern ships. If these funds are provided, port authorities will be encouraged to improve terminals, freight handling, loading and unloading facilities, and transportation facilities to and from port areas.

The President's new proposal increases Federal subsidies for ship construction and operation of shipping lines for oceangoing vessels involved in foreign commerce so that they will be better able to compete with foreign carriers. Why must U.S. Great Lake vessels be excluded from this proposal? Certainly, it makes sense that similar assistance should be devised for our translakes shipping fleet because keen competition is also prevalent in the Great Lakes area. Canada has subsidized its Great Lakes fleet making it one of the most advanced and highly automated in the world. From 1955 to 1965, the American Great Lakes fleet declined approximately 500,000 gross tons while the Canadian Great Lakes fleet increased by the same amount. Therefore, I urge that discrimination in maritime subsidies be terminated and that aid be made available to all American shipping.

Mr. President, I believe that we must add to the President's maritime proposals by developing ways and means to solve the Great Lakes-St. Lawrence Seaway system's problems. Surely, if the St. Lawrence Seaway is able to reach its full potential and proper place in our transportation network, our national economy will benefit tremendously.

POLLUTION THREATENS A PRECIOUS RESOURCE

Mr. YARBOROUGH. Mr. President, on October 6, 1969, I introduced Senate Joint Resolution 156 to establish an Interagency Commission with the specific duty of planning for our Nation's participation in the 1972 U.N. Conference on the Human Environment.

At that time, I stated to the Senate that there is a serious question whether our Government is taking sufficient steps to insure adequate planning for this most important conference.

Mr. President, the evidence is overwhelming that the pollution of our air and water is creating a grave environmental crisis, and this crisis is one of worldwide dimension.

Water is one of our most precious resources. The threat to its future use by mounting pollution is discussed with unusual clarity and insight by Ken Jurgens in the October 1969 issue of Texas Parks and Wildlife, in an article entitled "Water, Water Everywhere: Keep It Fit To Support Life."

The article is accompanied by some excellent photographs by Reagan Bradshaw and Bill Duncan. These pictures bespeak the adage that "one picture is worth a thousand words." It is unfortunate that they cannot be reproduced in the Congressional Record.

The article discusses all phases of water pollution: Domestic sewage; industrial wastes; excessive nutrients such as phosphates, ammonia, or nitrates; oil pollution; abnormal variances in water's temperature; pollution by toxic substances such as the phenolic compounds, sulfides, cyanides, and heavy metals such as copper, chromium, and zinc; and the pesticide problem.

Mr. President, this article amply illustrates why all efforts to deal with the environmental crisis, including the 1972 U.N. Conference on the Human Environment are vitally important to the survival of mankind. I commend the article to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Texas Parks and Wildlife,
October 1969]

Water, Water Everywhere: Keep It Fit To Support Life

(By Ken Jurgens)

News of recent well leaks off the California and Louisiana coasts and the fish kill in the Rhine River in Germany have intensified public interest in pollution. Yet most people only vaguely understand the meaning and scope of pollution. To pollute is to make physically impure, to befoul, defile, dirty, or taint, but modern usage encompasses yet another connotation—*to alter adversely*.

We all know that water is a fundamental requirement of all living things and that clean, natural waters—unaltered by man—are essential to all life. Changing the condition of our natural waters in any way which harms or excludes normally found aquatic life is an act of pollution whether or not it is done legally. It is the purpose of this article to give the reader a basic understanding of water quality and the effects of pollutants upon fish, plants, and other wildlife found in and around our rivers, ponds, lakes, streams, bays, and estuaries.

When natural waters are clean and support a wide variety of aquatic or marine life, they are said to be of good quality. Water is an almost universal solvent. Thus, natural waters may contain any number of dissolved substances. Moving waters may also carry many suspended or emulsified materials such as silt or oil and grease. Technically, water quality is judged by the amounts of substances it contains plus its acidity, alkalinity, turbidity, and temperature. Chemical or other analyses of water quality measure substances contained in water in parts per million parts of water (ppm) or in milligrams per liter (mg/l).

ACID AND ALKALINE WATERS

Natural waters are either slightly acid or alkaline depending upon the minerals of the particular region. When natural waters are acid it is usually due to dissolved carbon dioxide, sulfuric or other mineral acids. When waters are alkaline it is a result of dissolved carbonates, bicarbonates, silicates, phosphates, and alkaline organic substances.

Acid and alkaline waters are both described in terms of potential hydrogen ion concentration (pH). A pH 7 is neutral. Less than pH 7 is acid and greater than pH 7 is alkaline. Natural waters most frequently range from pH 6.5 to pH 8.5.

DISSOLVED OXYGEN

Fish and other aquatic and marine life require dissolved oxygen or they will suffocate. Some warm-water fish, such as carp, can live in water with as little as 3 ppm of oxygen, whereas largemouth bass require more dissolved oxygen and live best in water containing 5 to 8 ppm. Most natural waters with good fish populations contain ample dissolved oxygen.

Flowing streams, free of excessive oxygen-demanding pollutants, can regain oxygen by flowing a relatively short distance. The more rifles and rapids present, the sooner the stream recovers lost oxygen.

Unfortunately, organic pollutants—which consume large amounts of dissolved oxygen—are often introduced into natural waters in great quantity. The bulk of these pollutants come from domestic sewage and industrial wastes. Unless properly treated they can make water unfit for aquatic life.

Even with adequate waste treatment, some single industries release enough oxygen-demanding wastes to equal sewage wastes from cities of 50,000 to 100,000 population. The seriousness of organic pollution can be understood simply by looking at a Texas map to see the many cities and industrial plants along our rivers and some coastal bays. Of further significance is that fact that water in a river has to be reused many times before reaching the open sea.

In some streams and coastal bays, it's a marvel that fish life exists at all. In fact, certain waters have been so heavily polluted that authorities consider them unfit for production of fish life. The truth is, no fish can live in them, and when fish enter such areas by accident, they most likely will die.

NUTRIENTS

Traces of nutrient materials such as phosphates, ammonia, or nitrates in natural waters are required for the growth of aquatic plants. However, when present in large quantities they cause excessive growth of vegetation which often interfere with swimming, boating, fishing, and water skiing. Heavy growth of aquatic plants may also cause bad tasting water, foul odors, and extensive fish kills. When large quantities of plants die and decay, they use up dissolved oxygen in the water causing fish to suffocate.

Nutrient materials in surface waters often come from the land—in runoff waters carrying agricultural fertilizers, from sewage wastes, either raw or treated, or industrial wastes.

Ammonia, a nutrient (fertilizer), is also toxic (poisonous) especially in more alkaline waters.

OIL

Oil which finds its way into surface waters is harmful to aquatic life in a number of ways. Free and emulsified oils can coat the gills of fish causing them to suffocate. They also coat and kill one-celled plants and animals which are vital sources of fish food.

Oily materials that settle to the bottom, coat the bottom, suffocate bottom-living animals, destroy fish habitat, and render useless areas used by fish for spawning. Water-soluble oils may cause fish to become unpalatable and may be poisonous to fish and other aquatic or marine life. In addition, thick films of oil floating on the surface can upset the natural self-purification of streams by preventing aeration.

SOLIDS

In water quality studies, some substances are classed as solids which are defined as either dissolved, suspended, or settleable. Dissolved solids are materials such as salts and sugars while suspended and/or settleable solids are such as silt, paper pulp waste fibers, sewage solids, water treatment sludges, lime waste from treating industrial waste waters, oily sludges, and street washings.

Dissolved solids result mainly from minerals leached from soils or geological deposits, although large amounts reach natural waters from industrial wastes. U.S. Public Health Service drinking water standards suggest not more than 500 ppm of total dissolved solids should be present in fresh water.

Salinity, or amount of salts dissolved in water, is particularly crucial to productivity of coastal waters. Many people think salt water is sea water regardless of where it is found—in the coastal bays or open sea—and that no matter how much salt it contains, marine animals won't know the difference. Actually, fish, shrimp, crabs, oysters, and other marine animals have definite preferences for certain amounts of dissolved salt (sodium or magnesium chloride).

On the average, waters of the open sea contain a total salinity of 35,000 ppm. Bays and estuaries, on the other hand, vary from almost no salinity where the rivers enter the bays to nearly the salinity of seawater where the bays meet the sea. These zones of varying salinity are very important to marine life. When changes are made by the unnatural addition of dissolved salts, the habitat is changed—either the area becomes completely useless for marine life causing them to leave, or destroys marine organisms outright.

Fortunately, many oil producers, who produce vast amounts of concentrated brine, are disposing of it by reinjection into the geologic formation from which it was pumped. If all producers—including other mining interests—did this, none of these salty waters would be able to contaminate surface waters so necessary to fish and wildlife.

Suspended or settleable solids are another matter. Silt, sewage solids, and industrial waste slurries, cause surface waters to become turbid and may contain substances which are poisonous or otherwise make water unfit for living creatures.

Large amounts of iron, either dissolved or suspended, can coat the gills of fish and other gill-breathing animals with iron deposits and prevent them from exchanging waste carbon dioxide for oxygen. This causes them to suffocate. The same problem is sometimes caused by pulping wastes from paper and paper board manufacture.

Throughout history until the present, industry has traditionally used streams, rivers, bays, and oceans as receptacles for disposal of unwanted wastes. Pollution of surface waters has been looked on by many as the "necessary result" of our economic and industrial systems. It has often been said that "the solution to pollution is dilution." This approach can no longer be tolerated.

TEMPERATURE

In the United States today, almost one-half of all water used for all purposes is for cooling and condensing by power and manufacturing industries. The power industry alone used more than 40 trillion gallons in 1964. Other industries used in excess of another 9 trillion gallons. The amount of waste heat released into lakes and streams, bays and estuaries, even with some onshore cooling, is almost incalculable.

Generally, water used by the power industry in conventional steam plants for one-through cooling is raised 10 to 15° above its intake temperature and is then released into surface waters unless some form of onshore cooling is employed prior to discharge. The danger is this: such discharges are capable of raising surface water temperatures to a point to which fish and other aquatic life cannot adjust. Therefore, they are forced to avoid heated areas or die. In addition, increased temperature reduces the amount of oxygen the water can contain, increases rate of chemical reaction of other pollutants, and increases toxicity of many poisonous substances.

In streams, large amounts of heated water can, and sometimes do, cause thermal blocks preventing fish moving upstream to the cooler waters above the point of discharge. In lakes that are sufficiently deep and large, warmwater fish species such as channel catfish and largemouth bass may not suffer too greatly, and in winter, the heated water often provides excellent fishing since such fish tend to move to the area with the most agreeable temperature. However, coldwater fish, such as rainbow trout and salmon, may be completely eliminated by increased water temperature.

In bays and estuaries along the Texas coast, waters are generally shallow in those areas used as nursery grounds by fish, shrimp, crabs, and oysters. Summer temperatures may naturally reach 95° F or more; therefore, any substantial releases of heated waters into these large areas can only remove such areas as habitat for marine life during the summer when they are needed most as nurseries.

Two examples of the direct effect of heated waters on marine life should suffice to point up the danger of released heated waste water into coastal waters during the summer months. At prolonged temperatures above 95° F oysters close their shells and cannot feed properly. Since they cannot move, prolonged exposure to heated water may cause them to die of starvation, even if the water is not hot enough to kill them outright. Also, according to the U.S. Bureau of Commercial Fisheries, brown shrimp cannot live in waters with temperatures in excess of 95 to 97° F. Thus, areas affected by large volumes of heated discharges are destroyed habitat.

In most cases regarding Texas' inland waters, Texas Water Quality Requirements state that the upper limit of the representative water temperature is 96° F and surface water temperatures are not to exceed a five-degree rise in this representative temperature above natural conditions. In coastal waters, during fall, winter, and spring, water temperatures are not to exceed a four-degree rise in representative temperature above natural conditions, while in summer this rise is not to exceed more than 1½ degrees.

Because fish and other aquatic or marine life have no control over their body temperatures, environmental temperature is extremely important. Heated discharges can be beneficial during the cool and cold months of the year, but in the warmer months, especially in streams and shallow waters already heated by the sun, increased temperatures due to large releases of industrial cooling waters can be deadly or can completely eliminate large areas as valuable nursery grounds or fish habitat.

Because of the effect of temperature on fish and aquatic life, the Federal Water Pollution Control Administration states, "A temperature of 95° F is about the maximum acceptable for aquatic life." Therefore, it is obvious that it would be best if all waste waters released into surface waters did not exceed 95° F, especially where warmwater fish and other desirable aquatic life exist. Even here, the waters receiving the heated wastewater discharges must have sufficient volume to absorb the waste heat without ill effect to aquatic life.

TOXIC SUBSTANCES

Up to this point only the natural or mechanical effects of pollutants have been reviewed. But, many substances introduced to natural waters are directly toxic or poisonous to living things. Just a few of these are phenolic compounds, sulfides, cyanides, and heavy metals such as copper, chromium, and zinc.

Phenolic compounds are used as disinfectants, such as carbolic acid, and are among wastes produced from petroleum refining, and the manufacture of petrochemicals and coal tar products.

Extremely small amounts of phenolic compounds may not be toxic to fish but do cause them to have an unpalatable phenolic taste. A dangerous aspect of phenolic wastes to fish is that the toxicity of phenol increases as oxygen concentration in the water decreases. Thus, the presence of small amounts of phenols magnify the effects of other pollutants which reduce the amount of dissolved oxygen.

According to the Federal Water Pollution Control Administration and the U.S. Public Health Service, not more than 0.2 ppm phenols are acceptable in surface waters for fish, and industrial effluents should not contain more than 0.1 ppm at the point of discharge into surface waters. Also, there is evidence which suggests that the toxicity of phenolic compounds to aquatic life is even greater in the softer natural waters.

Metallic copper does not dissolve in water but many copper salts are very soluble and poisonous in varying degrees to fish and other aquatic life, including plants depending on water hardness and temperature.

Although soluble copper salts in minute amounts up to 0.05 ppm may be naturally present in some waters, more often they enter surface waters with industrial waste discharges. In industry, copper is used in electroplating, photography, textile manufacturing, pesticides, and many other industrial processes.

There are reports of the toxic effects of copper to fish and other aquatic life in concentration of as little as 0.015 to 3.0 ppm. In salt water, only 0.13 to 0.5 ppm absorbed in the flesh causes oysters to be green in color and makes them unfit for human consumption. Oysters, as you know, permanently attach themselves to the bay bottom and pump water through their bodies to strain out whatever food it may contain. Once attached to the bottom, they either grow and multiply or die and are lost. Any pollutant which is absorbed, stored, and concentrated in their bodies is hazardous because of the tremendous quantities of water they filter.

Zinc salts, such as zinc chloride and zinc sulphate, are used extensively in many industries—in the manufacture of paints, cosmetics, dyes, and insecticides for example. They can therefore be expected to be present in industrial wastes as well as domestic wastes.

Soluble salts of zinc are very toxic to fish and other aquatic life and where soluble copper is present, zinc toxicity is increased.

It is known that fish eggs exposed to zinc in solution are delayed in hatching and the actual numbers of such eggs which do hatch are considerably reduced. Also, there are reports that young hatchery fish, transferred from pond to pond in galvanized pails for stocking purposes, suffered toxic effects of zinc contained in the galvanized coating.

In saltwater, oysters are known to concentrate zinc, and very small amounts are reported to be dangerous to them. According to the U.S. Public Health Service, concentrations toxic to fish range from 0.3 to 4.0 ppm—these toxicities depending on hardness of the water. The softer the water is, the greater the toxicity of zinc to aquatic life.

Like the salts of copper, chromium salts are toxic to aquatic life varying with temperature and particularly with water hardness.

The metal finishing industry is the greatest single source of chromium wastes but chromium—as are chlorine and cadmium—is commonly used as a corrosion inhibitor in cooling water systems of steam-electric plants and other industries where waste heat is removed through cooling water systems.

Though the toxic effect of chromium salts on fish is not clearly understood, fish food organisms such as water fleas have been harmed by as little as 1.2 ppm chromium chloride. It is known that algae concentrate chromium one hundred or more times over the concentration contained in the water.

The Federal Water Pollution Control Administration suggests that the maximum allowable amount of chromium in industrial waste effluents "can be expected to be less than 1.0 ppm."

As little as 0.05 to 0.15 ppm of most cyanide salts have been reported to have killed fish. Cyanide can be present in waste waters from industries such as steel refining, metal cleaning and electroplating, chemical manufacturing and petroleum refining. They are poisonous substances which become even more toxic as temperature increases. The cyanide salts of zinc and cadmium are extremely toxic.

Waste sulfides are produced by such industries as pulp and paper mills, chemical plants, tanneries, and oil refineries. Sulfides are also produced in the decomposition of sewage.

Research by the Texas Parks and Wildlife Department fisheries biologists has shown hydrogen sulfide to be a major factor in the death of young catfish in the softer, more acid waters of East Texas. In certain lakes it was learned that, although channel catfish spawned, their eggs would not hatch properly and hatchery-reared catfish fry stocked in these waters would not live. Lethal sulfide concentrations ranged from 0.5 ppm for catfish fry to 1.4 ppm for adult catfish. Federal Water Pollution Control Administration sources suggest that sensitive fishes may be killed by concentrations of sulfides from as little as 0.5 to 1.0 ppm "even in neutral and somewhat alkaline solution."

PESTICIDES

A limited number of toxic substances have thus far been discussed. In most cases they were relatively simple, inorganic chemicals. Chemical industries today, however, are producing complex organic compounds faster than they can be evaluated. In terms of their immediate, or especially, their long-range effects on living things or upon the environment, little or nothing is known.

Perhaps the most insidious of all the organic compounds are the chlorinated hydrocarbons and the organophosphates. These are the chemical groups to which many of the present day insecticides belong.

Who would have believed that DDT, which had such promise toward controlling insect-transmitted diseases at the end of World War II, would today be found in tissues of animal life at Antarctica? Who would have believed that fish such as the coho salmon in Lake Michigan would be so contaminated with deadly DDT that tons of commercially harvested salmon would have to be confiscated to protect the health of unsuspecting consumers?

The truth about DDT in Lake Michigan coho salmon, according to the Federal Food and Drug Administration, is that confiscated fish contained DDT residues up to 19 ppm. Amounts of DDT tolerated in meats are only 7 ppm.

No one knows how these salmon accumulated so much DDT. But it is suspected that the concentration of DDT was a step-by-step buildup in the fish's food chain through what is technically called biological magnification. For example; DDT was applied on a widespread area to control some insect pest of agriculture or perhaps forestry. The residue washed off the land by rains and into the surface waters. Next, microscopic plants and animals absorbed and concentrated the DDT. They were then eaten by some higher form of life such as small forage fish or minnows. Minnows concentrated DDT even more and were in turn eaten by larger fish, more and more concentrating the DDT until 19 ppm were contained in the bodies of coho salmon.

It is known at present that DDT, its derivatives and other "hard pesticides," are stored in the fatty tissues of virtually all living things. What is not known, and what may not be known for generations, is the long-range effect of such pesticides on all life forms. We do know peregrine falcons are nearly extinct, reportedly because of DDT. We suspect the brown pelican, formerly common on the Texas coast, has almost disappeared possibly because of DDT. We do not know how this pollutant will affect life in years to come. We can be sure, however, that it will not be for the better.

Some pesticides are safer than others but none are completely safe and those that have long term, residual toxicity are the least safe of all. To illustrate their extreme toxicity to aquatic and marine life, it is known that DDT in concentrations as little as 0.6 ppb (parts per *billion* parts of sea or bay water) will immobilize or kill a shrimp population in two days. Also, oysters stop feeding in water containing only 1.0 ppb DDT, and oyster shell production is prevented or stopped when only a few parts per billion of DDT are present.

Research studies have been conducted with many species in the presence of various pesticides. To compare toxicities with a familiar fish species, research reports show bluegills (a small sunfish locally known as "sun perch" or "bream" in various parts of Texas) have been killed by as little as the following concentrations of these pesticides: Chlordane—22 ppb, Heptachlor—19 ppb, DDT—16 ppb, Aldrin—13 ppb, Dieldrin—7.9 ppb, Toxaphene—3.5 ppb, and Endrin—0.6 ppb.

None of these values are absolute because lethal toxicity varies with the size and condition of the animals. In addition, if other pollutants are present, the animals already may be affected and very little additional pollution may cause them to succumb quickly. However, these values illustrate the comparative toxicity of these deadly chlorinated hydrocarbon compounds.

The reason so much is heard about DDT is because so much of it has been used and it lasts so long as a toxic residue. Imagine what could happen to fish and wildlife if, for example, a thousand acres of land infested with fire ants were treated with 30,000 pounds of dieldrin. Suppose, just after application a six or seven-inch rain fell on the area. The result of the runoff containing dieldrin entering a river could wipe out all life along the entire course of the river to the sea. And life in the sea would also be affected. Shrimps and oysters, fish, and crabs could be destroyed by the tons. The animals that would eat these dead and dying creatures might also be killed or in some other way harmed to the point that they might slowly but surely head toward extinction.

We do not recommend that the use of all pesticides be halted. We do recommend that extreme care should be practiced in using pesticides, particularly those that have long-term residual effect on living things. Serious consideration should always be given to the possibility of dangerous contamination of the environment before the decision is made to use pesticides. Plans for wide scale applications particularly need very critical review.

What we have written has been for a single purpose: in some small way, to make people aware that sources of pollution are everywhere around us. In the volumes of scientific literature, much has been written in technical detail about the effects of pollutants on fish and wildlife and on the entire environment. But, such papers are difficult reading even for the scientist and are not published in places where the average person can find them.

We have a sufficiently advanced technology to purify water for our own use; however, fish and wildlife have no choice but to use the water available to them. If the water is unfit to support life, animals will either avoid such water or die unless we treat waters to make them harmless—not only to us—but also to these other forms of life. This is our duty, even if the cost is high.

This article has barely scratched the surface. But, hopefully, what is here should bring to the reader an awareness of pollution and some of its hazards. Once the majority of people become aware of a serious problem, solutions will be found.

In the United States, where single-minded purpose and effort have fashioned the means to put man on the moon and to photograph Mars from a space vehicle, similar purpose and effort will find the means to protect and preserve the environment which we share with our presently abundant fish and wildlife.

MOBILIZATION BACKERS

Mr. FANNIN. Mr. President, there is new evidence that the backers of the November 15 movement are not sailing under their true colors.

I ask unanimous consent, Mr. President, to insert in the RECORD resolutions adopted on October 12 by the Stockholm Conference on Vietnam titled "November 15 Day of International Mobilization To End the War in Vietnam."

First it should be noted, Mr. President, that the Stockholm Vietnam Conference was also one of the participating organizations in the Communist controlled World Assembly for Peace held in East Berlin in June of this year. Others present at that meeting behind the Iron Curtain were Barbara Bick, national editor of the Women's Strike for Peace Newsletter, and Irving Sarnoff, Los Angeles, Peace Action Council. Both of these people are listed on the Steering Committee of the New Mobilization Committee which is the principal sponsor and organizer of the November 15 affair. All of this information, Mr. President, I have inserted in the RECORD previously.

When you read the resolutions, Mr. President, you will see references to the so-called fall offensive which began with demonstrations in Chicago in connection with the trial of the "Chicago eight."

It is coincidental that the open letter to the American people, which originated in Hanoi and was such a blatant interjection of anti-American ideology into domestic affairs, used the same language? Did the Premier of North Vietnam simply happen upon the use of the same term when he concluded his letter with the phrase, "May your fall offensive succeed splendidly"?

The evidence is mounting, Mr. President, that this whole antiwar movement was spawned in totalitarian circles and designed to take advantage of the natural desire of all Americans to see peace achieved in Vietnam and the war brought to an honorable solution.

Even the use of adjectives is the same. All of these groups pick up the phrase "immediate, total, and unconditional withdrawal."

Those who wish to join in with this group, the New Mobilization Committee, are certainly free to do so. Those in political circles who wish to lend their name and ostensible support are not prevented from doing so under the laws of our Nation. They may, however, be treading dangerously close to a violation of their oath of office in being sworn to uphold and defend the Constitution and defend it from all enemies both foreign and domestic. They will, I am sure, be held accountable for their actions by the people who placed them in a position of public trust.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

NOVEMBER 15 DAY OF INTERNATIONAL MOBILIZATION TO END THE WAR IN VIETNAM

Resolution: Adopted October 12, 1969

The Stockholm Conference on Vietnam welcomes the formation of the broadest coalition of US anti-war forces yet known which have joined together in the New Mobilization Committee to End the War in Vietnam to mount a series of massive demonstrations. The Fall Offensive began with demonstrations in Chicago on September 24 in support of the 8 Anti-War leaders on trial for conspiracy. The campaign will continue with the Vietnam Moratorium on October 15 and will culminate in mass national demonstrations in Washington and San Francisco from November 13 to 15. The New Mobilization Committee is committed to the immediate, total and unconditional withdrawal of US forces and war material from Vietnam.

The Stockholm Conference wholeheartedly supports the Fall Offensive and calls for mass demonstrations throughout the world on November 15 to match the unparalleled outpouring of popular opposition to the war now spreading across the United States. All actions on this day of international mobilization should be centered on the demand of the Vietnam Appeal calling for immediate, total and unconditional withdrawal of all U.S. and allied troops from South Vietnam. This is the only basis for bringing the war to a rapid conclusion. In those countries linked to the U.S. war effort there should be demonstrations demanding an end to these pacts of complicity.

We join the New Mobilization Committee in calling for a campaign which will not end on November 15 but will rise in intensity until U.S. aggression in Vietnam is ended and the Vietnamese have won the independence and peace for which they have fought so long.

VIETNAM APPEAL

Resolution: Adopted October 12, 1969

To respect the Vietnamese people's fundamental national rights: independence, sovereignty, unity and territorial integrity—and the right to self determination of the people of South Vietnam.

We demand the immediate, total and unconditional withdrawal of all U.S. and allied troops from South Vietnam.

PRESIDENT'S PROGRAM FOR THE MERCHANT MARINE

Mr. MATHIAS. Mr. President, I thank the Senator from California for yielding me a brief amount of time to express my strong support for the President's program in the area of the merchant marine.

When the President originally announced his objectives in the field of the merchant marine, it breathed a new spirit of hope and life into our whole maritime industry. With this message and with the legislation which will follow this message, I think everyone now more than hopes; there is a real substance for belief that the American merchant marine is on the way back to that preeminence in the maritime industry, in commerce on the seas, that this Nation enjoyed for so many years.

I appreciate the Senator from California's yielding me this time to say now that I strongly support this legislation and that I hope it will have an easy passage through the Senate. I am going to do all I can to make it so.

THE ALABAMA-COUSHATTA INDIAN RESERVATION EXPANDS BIG THICKET TOUR

Mr. YARBOROUGH. Mr. President, the Alabama-Coushatta Indian tribes who live in southeast Texas are widely known for their conservation work. These two tribes have practiced their culture of conservation on their tribal lands since 1854. As a result of their efforts, the last virgin hardwood forest in Texas has been preserved.

The tribal members, in addition to their many other activities, conduct guided tours of the Big Thicket area. The tour takes visitors into the remote wilderness areas, where they may see the rare wildlife and botanical wonders for which the Big Thicket is famous.

In a article recently published in the Citizens Journal of Atlanta, Tex., on July 31, 1969, it was announced that as a result of constantly increasing numbers of visitors to the Big Thicket, the tour has been expanded and new facilities constructed to accommodate the public. It is estimated that 130,000 persons will visit the Alabama and Coushatta Reservation and the Big Thicket this year.

Unfortunately, the Big Thicket is in danger of being lost forever. With each day that goes by, another 50 acres of the Big Thicket are destroyed by the bulldozer and chain saw. To save a portion of the Big Thicket for future generations, I have introduced S. 4, which would create a 100,000 acre Big Thicket National Park. This bill has gained wide support from civic and conservation groups throughout the United States. However, time is growing short. We must act now if the Big Thicket is to be saved.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RESERVATION ADDS BIG THICKET TOUR

LIVINGSTON.—Texas' only Indian Reservation, home of the Alabama and Coushatta Tribes near Livingston, Texas, has added a new interesting area to their Big Thicket Tour.

Recently Sen. Ralph Yarborough, who is introducing a bill in congress to create a Big Thicket National Park next to the reservation, made the maiden tour on one of the Indian Reservation's four wheel drive tour vehicles into the virgin forest and swamp land of the reservation previously inaccessible by vehicles.

The tribal members have practiced their culture of conservation on the land held by the tribes since 1854. As a consequence, the only known virgin hardwood forest remaining in Texas can be seen on the reservation.

The reservation has more state champion trees (largest of a species in Texas) than any other property in Texas and possibly the United States. The state champion trees are water tupelo, Texas honeylocus, Schumard oak, American hornbeam, Hercules club, water hickory, white ash, mockernut hickory, red maple, American beech, shagbark hickory and long leaf pine. Two of the trees, water tupelo and Texas honeylocus are national champions (largest of a species in the United States).

The Big Thicket Tour, which leaves the reservation museum every thirty minutes from 10 a.m. to 5 p.m., is one of the most fascinating rides for people who enjoy natural beauty remaining in the United States. Naturalists from all over the world have come to the reservation to see these trees.

Roland Poncho, a tribal member and assistant superintendent states, "this extended tour of the Big Thicket area has been made possible by the generous attendance of visitors who have made it possible for reservation business to grow and construct new facilities for the enjoyment of the public."

This year 130,000 persons are expected to visit the reservation. So that visitors may stay overnight, 42 camping units have been built with all necessary facilities including swimming and fishing.

RELEASE SOUTH VIETNAM POLITICAL PRISONERS

Mr. HARTKE. Mr. President, for 19 months an outstanding patriot of South Vietnam, Truong Dinh Dzu, has been imprisoned for vague and unsubstantiated charges that disgrace the ideals of justice. He has been the victim of the political insecurity of the Saigon regime which refuses to tolerate any criticism of its uncompromising policy of war.

In the elections of 1967, Truong Dinh Dzu campaigned for the presidency of his country on a platform that called for a negotiated settlement of the war that would repair the wounds of the nation. In spite of the efforts of Generals Thieu and Ky to misrepresent and silence his position, Mr. Dzu finished a close second in the balloting. Shortly thereafter, the Saigon regime—which does not abide political opposition—arrested Mr. Dzu and sentenced him to 5 years at hard labor.

I call upon President Nixon to bring pressure upon the Saigon regime to release immediately Truong Dinh Dzu from his unjust incarceration. Our efforts to depict South Vietnam as a democracy are ludicrous and hypocritical as long as its Government defines dissent as a crime against the state.

In South Vietnam, November 1 is traditionally a day when amnesty is granted to prisoners. General Thieu should free Mr. Dzu and all prisoners held for political reasons so that South Vietnam might benefit from the wisdom that has always dictated his political actions.

ARIZONA SAFEGUARDS FREEDOM WITH ORDER ON THE CAMPUS

Mr. GOLDWATER. Mr. President, I have spoken out on the problem of campus disturbances many times in the Chamber. My position has consistently been one of the strongest condemnation of activities which involve pillage, terror, riot, and other acts of unlawfulness.

At the same time I have stated my conviction that the first line of action for combating this irrational behavior can be and should be the colleges and local governments themselves. If the administrators of our institutions of learning would only take note of the seriousness of the revolutionary methods used by the architects of disorder, if the faculties and boards of regents would simply assume greater responsibility for maintaining academic freedom and order within the laws and procedures that have been established by organized society, and if the vast numbers of parents and citizens in each community who are devoted to the principles of reason and tolerance would make it clear that they demand and will back up steps to provide and safeguard the primary educational functions of the universities, then I believe we shall see an end to the hooliganism and anarchy that is occurring at some of our places of learning.

In my opinion, the universities in the State of Arizona are demonstrating the wisdom of this kind of approach. The academic leaders of the Arizona institutions have proven their alertness to the dangers that face the university system. They have achieved a marvelous success in securing orderly conditions in a climate which is conducive to free discussion, inquiry and expression.

As an example of steps being taken in Arizona, I would like to mention the strength shown by Dr. Richard A. Harvill, president of the University of Arizona, who has steadfastly refused to respond to coercion or intimidation. Doctor Harvill has referred to the boycotting of classes, during the recent attempt at a moratorium day, as "the height of asininity."

Evidently the faculty of the university shared his view because they voted overwhelmingly to keep classes open on October 15.

Similar evidence of backbone has been shown by former president G. Homer Durham at Arizona State University. Dr. Durham clearly and publicly announced his resolve to meet threats to physical safety, life, and property at ASU with every means at his disposal, including expulsion.

Also, in Arizona, an ordinance was adopted by the Arizona Board of Regents in July of 1968, which clamps down on acts of disruption or violence on university property.

Mr. President, the distinctive aspect of the approach being used in Arizona is that it combines preparedness and a willingness to use State and local laws against violence and vandalism with a tolerance and respect for the right of individual students to engage in constructive outlets of discussion and inquiry. An excellent example of this sensible attitude is the adoption of a report this year by the Faculty Senate of the University of Arizona setting forth policies and procedures which govern the adjudication of disputes related to nonacademic activities of students. This report, which gives the utmost consideration to legitimate student views, was passed by the Faculty Senate without a single dissenting vote.

Mr. President, Doctor Harvill has written to me recently on this subject asking that we in Congress give an opportunity to the administrators and faculties of universities to face up to the problems occurring on their campuses and that we refrain from taking any precipitous action to penalize entire institutions because of the action of a few students.

Mr. President, the views stated in this letter are so thoughtfully presented and well-balanced that they should be brought to the attention of a wide audience. For this reason I ask unanimous consent that there be printed in the Record at the end of my remarks the text of the letter sent to me on October 15 by Dr. Harvill.

Also, I ask unanimous consent that there be inserted in the Record certain newspaper articles and documents relative to the efforts underway in Arizona to control the problem of campus disturbances.

Finally, in connection with the problem of university disorders, I have come across an excellent article authored by Prof. J. Timothy Philipps, who has taught at the West Virginia University Law School for 3 years. Mr. Philipps was the recipient of the 1969 Student Bar Association Law Professor Award at that law school, which is the highest honor that students can offer to a member of the faculty.

This fact makes the message of his article particularly impressive. That a young man who holds such a close rapport with students will write a realistic, no-nonsense criticism of the misuse of freedoms by the self-styled revolutionaries of the new left is a very encouraging sign. Since I believe that the piece deserves notice by the many readers of the Record and lends itself so well to my topic today, I ask unanimous consent that the article entitled "The Arrogance of Impotence," published in Jus et Factum, West Virginia University College Law, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

The University of Arizona,
Tucson, Ariz., October 15, 1969.

Hon. Barry Goldwater,
U.S. Senate,
Congress of the United States,
Washington, D.C.

Dear Barry: I have watched carefully the expressions of reactions by members of the Congress and by special committees and commissions that have been established to study disorder and dissent on university and college campuses in the United States, especially during the last couple of years. I have given a great deal of consideration to the views of members of the Congress, as well as to those of business and professional leaders in all walks of life in this country. I have an enormous file pertaining to all of these questions and issues.

Although this problem is not a simple one, I shall try to confine my statement of views within a few short paragraphs. I accept the legislation by the Congress of the last session which places penalties upon students convicted of serious disorders on campuses of universities. The fact that students have engaged in this kind of endeavor should disqualify them individually for direct benefits under legislation providing for such benefits to students enrolled in universities and colleges of this country.

To extend this kind of legisaltion to provide penalties on universities that eliminate them from eligibility for grant funds, contract funds and student aid funds of various kinds would in my judgment be a serious mistake. It would penalize the entire institution because of the action of a few students. On the whole, the disorders that have occurred on campuses have been precipitated by a very small proportion of the students. The vast majority of the students, although concerned about contemporary problems and issues that face our society, are dedicated to peaceful and rational consideration of these issues. To penalize all of the students for what comparatively few students do in any institution would be contrary to all of the fundamental tenets of American justice. We can ill-afford to take action that will enhance the danger of causing a greater number of our university students, and indeed our citizens generally, to engage in thought and action that might bring ill-advised results.

Certain conclusions are rather clear to me. First, the more violent of the activist groups, for example SDS, seem to be breaking apart because of diversities within their own ranks and because they are so completely discredited in the eyes and minds of students generally. In the next place, the experience of university administrators and faculties based on what has already happened is making them extremely alert and there is more understanding of the dangers that face universities.

Moreover, in university after university, action is being taken to give much more consideration to the expressions of students who want adjustments within the framework of orderly procedure. Many administrators of universities who traditionally and very properly had viewed the university as an institution that permitted and encouraged freedom of speech to bring about a clear definition of issues on political and social considerations are now recognizing responsibility to go far beyond what was apparent and necessary initially when disturbances first began to occur. In my judgment, the situation in this respect is far different than it was even a year ago.

Moreover, almost every university in the country has recognized the importance of providing students with greater participation in both academic and nonacademic affairs than was thought to be necessary or desirable a few years ago. I am enclosing herewith a report of the Faculty Senate Committee of the University of Arizona relating to the adjudication of disputes related to nonacademic activities of students. This report evolved after approximately a year of consideration by a committee authorized by the Faculty Senate in response to student requests and appointed by the President of the University of Arizona. This Faculty Senate is comprised of about one-third administrative officers of the University and two-thirds nonadministrative faculty members, with a total of 72 members. It was passed by the Faculty Senate without a single dissenting vote. This same sort of thing is happening at universities throughout the land. Legitimate student views are being given the utmost consideration. The demands and arrogant protests of students who are not reasonable and that lead to disruptive and disorderly behavior on campuses are being submerged in effect by constructive student endeavors that are now occurring.

Governing boards of universities throughout the country are concerning themselves more with these many complex problems. Many policy actions have been taken by these governing boards. Here in Arizona, an ordinance was adopted by the Arizona Board of Regents in July, 1968, which has been very helpful in calling attention to inappropriate endeavors on the campus of this University and of the other universities under the jurisdiction of this governing board. Many editorials and news stories have occurred in the papers of Arizona in support of reasonable student dissent and of the importance of giving attention to student views, but at the same time adhering strictly to a policy of order and peaceful operation that does not interfere with the rights and privileges of those who disagree with any particular point of view.

As you well know, the University of Arizona and the other two universities of this State under a common Board of Regents have experienced phenomenal success in maintaining orderly conditions.

I want to express on behalf of the University of Arizona appreciation of the endeavors of the members of the Arizona congressional representation who have spoken out in defense of the action of Arizona universities and who have had a very significant effect upon the thinking of members of the various segments of the universities of this State.

My own position at the University of Arizona has been simply that the Board of Regents under the constitution and statutes of the State of Arizona does have sufficient authority to exercise its responsibility in close support of and cooperation with the administrations of the universities of this State. The Board generally has taken that point of view. This simply means that the state and local laws against violence, vandalism, and other disorders, if enforced, will provide adequately for the contingencies that may develop.

It is well known that the University of Arizona has sought and secured restraining orders in certain cases and has been ready in other cases, if necessary, to secure the action of civil authorities to maintain an orderly campus. Under no circumstances should court action and police enforcement be resorted to unless necessary. Preparedness, though, is absolutely essential. The number of cases in which restraining orders and other civil action has been used in universities throughout the country has increased enormously during the past year. Court decisions generally have been favorable when actions have been brought.

In brief, I believe that action by the Congress to cut off support to institutions in case of disorder is unnecessary and indeed would have a counterproductive effect by playing into the hands of the comparatively few revolutionary radicals and would punish the entire academic community. The members of every national and regional association that has taken action after consideration of these problems has gone on record in opposition to Federal legislation beyond what has already been enacted. Universities generally have demonstrated greater responsibility for maintaining academic freedom and order. This position of the component elements of the university community generally—administration, students, faculty, and governing boards—is that of assuming fully this responsibility and of acting in a manner that is acceptable in the face of very trying conditions.

Universities and colleges have responded magnificently to the needs and requirements of the Federal Government by providing assistance in carrying on research and providing many other kinds of programs that have helped to maintain and develop national strength.

Even though a few universities may have missed the mark in meeting the levels of their responsibilty, the answer is not found in the over-reaction of the Federal Government in a manner that might well be calculated to intensify and aggravate problems that already beset us.

I feel very keenly the sense of responsibility that I have and my colleagues, administrative and other faculty both, share this great sensitivity to our responsibility. It is my firm conviction based on experience at this University and on participation in many discussions in meetings and conferences of colleagues throughout the country that the constituent elements of universities throughout the land are responding and will continue to respond to the requirements of their well-established responsibilities.

Finally, the universities of this country have achieved a greatness never equaled or excelled in the entire history of the world. I am firmly convinced that the excellence of attainment will be enhanced only by retention in the universities of the same measure of responsibility in the future that they have borne so well in the past.

Respectfully yours,

RICHARD A. HARVILL.

[From the Tucson (Ariz.) Daily Star, Dec. 17, 1968]

STUDENTS PRESENT LIST—HARVILL SPURNS RACE DEMANDS

(By Martin Haynes)

Demands for minority recognition on the University of Arizona campus by black and Mexican-American student groups and an ultimatum for administrative action prompted UA president Richard A. Harvill to say last night:

"I have never failed to respond to reasonable requests of students, but the university will not take action on demands or ultimatums."

In concerted efforts by the Black Student Union, the Mexican-American Liberation Committee and other campus groups, this week has been designated "Student Power Week" on the campus.

Purpose of the drive reportedly is to focus attention on what they term "racial injustice, both subtle and obvious" on the UA campus.

Oliver Lee Hill, chairman of the campus Black Student Union of Aware Africans Board, met Saturday with Harvill.

Hill presented Harvill with a 10-point list of demands by the BSU, one of which is that by Jan. 8 meetings be started on campus by the president "to work out agreements regarding BSU demands. The BSU is willing to do anything necessary to obtain its goals, Hill said he told Harvill.

The Mexican-American Liberation Committee, an adjunct of UA's Mexican-American Student Assn. headed by Salomon Baldenegro, has submitted to Harvill similar demands for "corrective action" with regard to Mexican-American students.

Baldenegro told the Star yesterday that his committee and the BSU have correlated their aims, with support from student body president Steve Malkin, the Students for Peace Assn., the Young Democrats, the Young Republicans and others.

Hill said the "gist of the demands is that we as students feel minorities in American society have been left out of white American culture.

"We supposedly live in a pluralistic society, but the education system is the biggest perpetrator of Anglo-Saxon, Protestant culture.

"Incorporated in this culture, minorities have contributed significantly, and its time we let the world know that we live in a pluralistic society.

"This brings us to the necessity of minorities having their contribution in the American Education system.

"Thus we will break down sterotypes. We hope the student body and administration will be compassionate enough to understand and respond favorably."

Hill reiterated to the Star, "as I told Dr. Harvill, the administration must be prepared to accept the consequences if the meetings called for are not scheduled."

[From the Tucson (Ariz.) Daily Star, Dec. 20, 1968]

DR. HARVILL IGNORES SECOND RALLY—UA DISSIDENTS STAGE FUTILE GATHERING

Another demand for University of Arizona President Dr. Richard Harvill to appear before a crowd of about 800 dissidents was staged yesterday in front of the school administration building.

It was the second mass call for Harvill to publicly answer lists of demands presented by the Black Student Union and the Mexican-American Liberation Committee.

Nearly 1,000 persons—students, some faculty members and observers—attended a similar rally Wednesday.

The president failed to appear at either session.

Harvill said in an Arizona Wildcat, campus daily newspaper, interview, that he will confer with colleagues and deliver a written response to the groups' demands in early January.

The university will close for the holidays following classes Saturday until Jan. 6.

The Black Student Union had planned to call the gatherings daily until Harvill responded. However, Mike Hester, BSU public relations chairman, said yesterday:

"Don't come here and waste your time with these administrators. All they will listen to is violence." He added:

"On every other campus they are using violence. But here we are doing something constructive and they will not respond . . . Security men are ready to lock the doors and react only if we do something disorderly."

"The only thing we have to throw at you (administration) are words and ideas, and I think that is what a university is all about," said Mike Price, UA law major.

Sal Baldenegro, Mexican-American Liberation Committee chairman, told the group there will be no violent incidents. "But we will not back down from our issues," he said.

[From the Tucson (Ariz.) Citizen, Sept. 8, 1969]

IF RIGHTS RESPECTED—UA'S PRESIDENT HARVILL PROMISES FRESHMEN FREE EXPRESSION

(By Bob Knight)

University of Arizona President Richard A. Harvill today promised new students that they will have complete freedom of inquiry and expression—as long as the rights of those who disagree with them are respected.

"You can express ideas and opinions even though they may be unpopular, even though some may appear—and may be—foolish," Harvill said in a welcoming address.

He urged students to use some "historical perspective" when discussing social issues. "In many cases these problems are not new and it is well to find out what has been done in the past," he said.

"Universities have to exercise a considerable amount of patience in dealing with unrest," Harvill added. "We must preserve the rights of all members of the university. We must preserve the rights of those who disagree."

Harvill told freshmen, "You will not appreciate what has been done for you here and what the university will do for you until you leave."

He added that the university's prime goal is to give the student a "stamp of competence" when they get their degrees.

Harvill praised what he called the decentralized organization at the UA. "A great deal of personal relationship persists at the university. During your stay here I hope to get to know as many of you as I can," he said.

[From the Arizona Daily Star, Oct. 8, 1969]

FACULTY UNIT WON'T BACK BOYCOTT

The University of Arizona Faculty Senate voted overwhelmingly Monday night to keep classes open Oct. 15.

Two representatives from the Associated Students ad hoc committee on the Vietnam Moratorium, urging a boycott of classes Oct. 15, asked the senate to allow faculty members to cancel classes that day.

In reply, the senate said: "The faculty senate acknowledges that a large segment of the student body is actively concerned with a problem of great magnitude confronting our nation.

"While the university encourages those committed to a social and political cause to actively organize and work in its behalf, it is neither legally possible nor desirable that the faculty senate endorse an official boycott of classes on Oct. 15.

"To do so would deny to those students who do not wish to participate in the boycott the educational opportunities to which they are entitled, having paid university tuition and fees."

The two students, Linda Billings, chairman of the ad hoc committee, and Warren Frank outlined plans for the three-day moratorium to begin Oct. 13. They plan to sponsor speakers' corner dialogue, forums and movies in which opinions on the war will be presented.

The students said that orderly and peaceful demonstrations are being planned.

[From the Arizona Daily Star, Mar. 13, 1969]

ASU To Meet Threats, President Durham Says

Tempe.—Every means at its disposal will be used to meet any threat to physical safety, life or property at Arizona State University, President G. Homer Durham said Wednesday.

Durham told a Charter Day audience the peaceful students, the faculty and the staff were "fed up with tolerating bad manners."

"The overwhelming majority of faculty, students and staff deplores the occasional prostitution, always well-publicized, of the university's freedom—but toleration of bad conduct, within the law, is one of the burdens carried by freedom-loving people."

Durham told the campus audience patience was wearing thin among the peaceful students.

"We do see virtue in the right to advocate, peacefully, fully and rationally, significant ideas in the context of university life. Some citizens have advocated the application of force and violence to quell unrest.

"But the university rejects this solution until all other remedies and professional skills have been exhausted," Durham said.

The ASU president said the public should not confuse the noisy efforts of a few students with the thousands of students attempting to seek an education.

"I believe firmly that our faculty, students and staff are not about to be duped by sirens or sorcerers of either the left or right."

ASU Crackdown

It is being said that Arizona State University did not crack down hard enough when it placed on probation five student radicals who were disorderly during a recent campus appearance of Gov. Jack Williams.

And indeed, there is no denying that expulsion would more forcefully have brought home to the rabblerousers that ASU does not intend to tolerate the bad manners and anti-democratic conduct which have brought larger universities to a grinding halt.

But under the circumstances—the fact that the radicals were noisy and insulting, but not destructive or particularly effective—the decision of the committee of six professors and four students will probably have the intended dampening effect.

And if there is a next time, involving any of the five already disciplined or any other actors in the activists' "Children's Garden of Versus," it will not be too late for expulsion.

On the national level, the Nixon administration made a valuable contribution to sanity in academia when the President recently denounced campus disorders as a threat to intellectual freedom and civilization itself.

It's too bad the nation had to endure a half-dozen years of campus riots and insurrection before a chief executive could bring himself to denounce the rioters. But now that Mr. Nixon has, and has pledged that his administration will enforce the statute barring interstate travel to incite riots, perhaps support will be forthcoming from the many administrators and faculty members who until now have acted as though there was something vulgar about using force to put down rioters.

Nothing can destroy academic freedom faster than condoning anarchy and destruction in the name of academic freedom.

[From the Phoenix (Ariz.) Republic, May 22, 1968]

Expulsion for Rioters: Durham

Tempe.—The president of Arizona State University issued a warning yesterday that any students who participate in the illegal seizure of campus buildings can expect to be expelled.

The statement by Dr. G. Homer Durham was contained in "The Faculty Bulletin," published yesterday on the ASU campus.

In Tucson, Dr. Richard A. Harvill, president of the Univrsity of Arizona, said he was in general agreement with Durham's statement, which said, in part:

"Any members of the university community who disregard the peaceful, rational and orderly processes of university life, and who do not voluntarily withdraw themselves from the university, who resort to violence, misappropriation, or misuse of university facilities, can and must expect the due process of university regulations and of the law, including expulsion and dismissal for cause."

Neither ASU nor the UofA campuses have sustained any disorderly student or demonstration activities such as have occurred within the past several weeks at Columbia University, in Paris (where the student revolt has generalized into a paralyzing nationwide strike), and elsewhere.

Dr. Harvill told The Arizona Republic:

"I have perfect confidence in the students and faculty at the University of Arizona, and I don't expect to have any reason to invoke any extraordinary authority . . . We don't have any situation that will require it."

He noted that the UofA is protected by the same regulations and state laws as ASU.

The Durham statement emphasized that "violence, the misuse or misappropriation of university property and physical actions interfering with or harmful to the rights of others cannot be tolerated."

"Those who engage in such practices must accept full responsibility for the consequences of their actions," he said, adding:

"We must all remember that the land, buildings, structures, space, access ways and walks, equipment and supplies at Arizona State University are the legal property of the Arizona Board of Regents, a body corporate and politic under the laws of Arizona.

"All facilities are assigned for use under this authority, for the good of education as set forth by the public law of the state and the regulations of the university. And Arizona statutes, the regulations and policies of the university prohibit the misuse or misappropriation of any university property."

He made a special point of saying that these regulations and laws apply to campus visitors and the general public as well as to the students, faculty and administration personnel.

Noting that "the university has a basic commitment to the processes of reason as the method of solving problems," Dr. Durham stressed that such commitment "on the part of faculty, staff, students and all members alike is absolutely critical to the life of the university."

He said that any grievances, complaints or problems can properly be presented for discussion and resolution through the "open channels to the president and to the governing board, including direct written petition."

"There are open channels beyond the Board of Regents to the elected governor, who appoints and is one of them, to the representatives of the people, and by initiative, to the people themselves," he said, adding that there are many recognized channels of appeal in the student government structure at ASU as well.

Finally, Dr. Durham noted, "The major committees and boards at Arizona State University contain student members (lack of student representation on such bodies was a grievance cited in at least one campus demonstration at an eastern university recently) and they exercise full voting rights in the significant government of the university carried by these organs."

The ASU president said the "Student Senate especially, and the executive student officers, provide clear and open channels for any matter of student concern."

Ordinance Regulating Use of, and Conduct Upon Properties of the Universities of the State of Arizona

(Adopted by the Arizona Board of Regents, July, 1968)

The grounds and properties of the three universities of the State of Arizona are owned by the State through the Arizona Board of Regents, for the use and benefit of the respective institutions. Such grounds and properties are devoted to and maintained for the sovereign function of supplying higher education to the people, and are not places of unrestricted public access.

Neither the State nor the Board is obligated to furnish or supply in such grounds and properties a forum or locale for the commission of crime, disorders, violence, injuries to persons or property, or the incitement or encouragement thereof, or any conduct or activity whatsoever which will interfere with or is harmful, disruptive, or inimical to the educational function aforesaid.

Accordingly, in the light of the foregoing and in the exercise of the jurisdiction and control vested in it by law, the Arizona Board of Regents hereby formally adopts and promulgates the following ordinance and regulation:

No person or persons may enter upon the grounds, buildings, roadways, or properties of the University of Arizona, Arizona State University, or Northern Arizona University, nor may a person or persons there be or remain, for the purpose of or in the actual or threatened commission of, any one or more of the following:

A breach of the criminal laws (state or national); violent obscene, or disorderly conduct; injury to or destruction of property; interference with free access, ingress, or egress; injury to person or persons; seizure or exercise of unpermitted control of properties of the institution; trespass; conduct harmful, obstructive, or disruptive to, or which interferes with, the educational process, institutional functions, contractual arrangements, or the public peace and tranquility; conduct likely to foment uproar, or violence; or the incitement, support, encouragement, aid, or abetment of any or all of the foregoing.

Access to, enjoyment of, and presence upon or within the areas aforesaid are conditioned upon compliance with the foregoing ordinance and regulation. Any and all persons not in compliance with the foregoing, or in threatened or actual violation thereof, will be denied entry to or upon such areas, or will be evicted therefrom, as the case may be. (Adopted as an Emergency Rule—Vol. XXII, p. 47, 48, July 6, 1968.)

Report on the Adjudication of Disputes Related to Nonacademic Activities of Students

(Adopted by the Faculty Senate of the University of Arizona)

The University of Arizona exists for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. Procedures for achieving these purposes should be as unrestrictive as possible in order that the minimal standards of academic freedom of students outlined below are observed.

Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community.

Students should exercise their freedom with responsibility. The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community. The University of Arizona has a duty to develop policies and procedures which provide and safeguard this freedom. Such policies and procedures should be developed within the framework of general standards and with the broadest possible participation of the members of the academic community. The purpose of this statement is to enumerate the essential provisions for student freedom to learn.

I. Freedom of access to higher education

The admissions policies of the University of Arizona should make abundantly clear the characteristics and expectations of students which it considers relevant to success in the institution's program. All such policies should be clearly and publicly stated. Under no circumstances should a student be barred from admission on the basis of race. Thus, within the limits of its facilities, the University should be open to all students who are qualified according to its admission standards. The facilities and services of the University should be open to all of its enrolled students.

II. In the classroom

The professor in the classroom and in conference should encourage free discussion inquiry, and expression. Student performance should be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards.

A. *Protection of Freedom of Expression.* Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

B. *Protection Against Improper Academic Evaluation.* Students should have protection through orderly procedures against prejudiced or capricious academic evaluation. At the same time, they are responsible for maintaining standards of academic performance established for each course in which they are enrolled.

C. *Protection Against Improper Disclosure.* Information about student views, beliefs, and political associations which professors acquire in the course of their work as instructors, advisers, and counselors should be considered confidential. Protection against improper disclosure is a serious professional obligation. Judgments of ability and character may be provided under appropriate circumstances.

III. Student records

The University of Arizona should have a carefully considered written policy as to the information which should be part of a student's permanent educational record and as to the conditions of its disclosure. To minimize the risk of improper disclosure, academic and disciplinary records should be separate, and the conditions of access to each should be set forth in an explicit policy statement. Transcripts of academic records should contain only information about academic status. Information from disciplinary or counseling files should not be available to unauthorized persons on campus, or to any person off campus without the express consent of the student involved except under legal compulsion or in cases where the safety of persons or property is involved. No records should be kept which reflect the political activities or beliefs of students. Provision should also be made for periodic routine destruction of noncurrent disciplinary records. Administrative staff and faculty members should respect confidential information about students which they acquire in the course of their work.

IV. Student affairs

In student affairs, certain standards must be maintained if the freedom of students is to be preserved.

A. *Freedom of Association.* Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the academic community. Within a clearly defined University policy they should be free to organize and join associations to promote their common interests.

1. The official body charged with the responsibility of deciding such recognition should be composed of equal numbers of faculty, administration, and the student body representing as wide a diversity of interests as is possible. All such representatives should be full members with equal voting privileges.

2. The membership, policies, and actions of a student organization will be determined by vote of only those persons who hold bona fide membership in the college or university community.

3. Affiliation with an extramural organization should not of itself disqualify a student organization from University recognition.

4. Campus advisers are required for each organization, but it should be free to choose its own advisers. Campus advisers may advise organizations in the exercise of responsibility, but they should not have the authority to control the policy of such organizations.

5. Student organizations may be required to submit a statement of purpose, criteria for membership, rules of procedures, and a current list of officers.

6. Campus organizations, including those affiliated with an extramural organization, should be open to all students without respect to race, creed, or national origin, except for religious qualifications which may be required by organizations whose aims are primarily sectarian.

B. *Freedom of Inquiry and Expression.*

1. Students and student organizations should be free to examine and to discuss all questions of interest to them, and to express opinions publicly and privately. They should always be free to support causes by orderly means which do not disrupt the regular and essential operation of the University. At the same time, it should be made clear to the academic and the larger community that in their public expressions or demonstrations students or student organizations speak only for themselves;

2. Students should be allowed under the sponsorship of officially approved campus organizations to invite and to hear any person of their own choosing. Those routine procedures required by the University before a guest speaker is invited to appear on campus should be designed only to insure that there is orderly scheduling of facilities and adequate preparation for the event, and that the occasion is conducted in a manner appropriate to an academic community. The University control of campus facilities should not be used as a device of censorship. It should be made clear to the academic and larger community that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed, either by the sponsoring group or the University of Arizona. The meetings may be restricted to students, faculty and staff.

C. *Student Participation in Institutional Government.* As constituents of the academic community, students should be free, individually and collectively, to express their views on issues of University policy and on matters of general interest to the student body. The student body should have clearly defined means to participate in the formulation and application of University policy affecting student affairs and assigned areas of academic affairs. The role of the student government and both its general and specific responsibilities should be made explicit, and the actions of the student government within the areas of its jurisdiction should be reviewed only through orderly and prescribed procedures.

D. *Student Publications.* Student publications and the student press are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and the University authorities and of formulating student opinion on various issues on the campus and in the world at large.

Since financial and legal autonomy is not possible at the University of Arizona, the latter, as the publisher of student publications, would have to bear the legal responsibility for the contents of the publications. In the delegation of editorial responsibility to students, the University should provide sufficient editorial freedom and financial autonomy for the student publications to maintain their integrity of purpose as vehicles for free inquiry and free expression in an academic community.

University authorities, in consultation with students and faculty, have a responsibility to provide written clarification of the role of the student publications, the standards to be used in their evaluation, and the limitations on external control of their operation. At the same time, the editorial freedom of student editors and managers entails corollary responsibilities to be governed by the canons of responsible journalism, such as the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo. As safeguards for the editorial freedom of student publications the following provisions are necessary:

1. The student press should be free of censorship and advance approval of copy, and its editors and managers should be free to develop their own editorial policies and news coverage.

2. Editors and managers of student publications should be protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content. Only for proper and stated causes should editors and managers be subject to removal and then by orderly and prescribed procedures. The agency responsible for the appointment of editors and managers should be the agency responsible for their removal.

3. All University published and financed student publications should explicitly state on the editorial page that the opinions there expressed are not necessarily those of the college, university or student body.

V. Off-campus freedom of students

A. *Exercise of Rights of Citizenship.* Students of the University of Arizona are both citizens and members of the academic community. As citizens, students should enjoy the same freedom of speech, peaceful assembly, and right of petition that other citizens enjoy, and, as members of the academic community, they are subject to the obligations which accrue to them by virtue of this membership. Faculty members and administrative officials should insure that institutional powers are not employed to inhibit such intellectual and personal development of students as is often promoted by their exercise of the rights of citizenship both on and off campus.

B. *University Authority and Civil Penalties.* Activities of students may upon occasion result in violation of law. In such cases, University officials would be prepared to apprise students of sources of legal counsel and may offer other assistance. Students who violate the law may incur penalties prescribed by civil authorities, but University authority should never be used merely to duplicate the function of general laws. Only when the University's interests as an academic community are distinct and clearly involved should the special authority of the University be asserted. The student who incidentally violates University regulations in the course of his off-campus activity, such as those relating to class attendance, should be subject to no greater penalty than would normally be imposed. University action should be independent of community pressure.

VI. Procedural standards in disciplinary proceedings

In developing responsible student conduct, disciplinary proceedings play a role substantially secondary to example, counseling, guidance, and admonition. At the same time, The University of Arizona has a duty and the corollary disciplinary powers to protect their educational purpose through the setting of standards of scholarship and conduct for the students who attend them and through the regulations of the use of University facilities. In the exceptional circumstances when the preferred means fail to resolve problems of student conduct, proper procedural safeguards should be observed to protect the students from the unfair imposition of serious penalties.

The administration of discipline should guarantee procedural fairness to an accused student. Practices in disciplinary cases may vary in formality with the gravity of the offense and the sanctions which may be applied but in every case all circumstances of the case should be considered. The jurisdictions of faculty or student judicial bodies, the disciplinary responsibilities of University officials and the regular disciplinary procedures, including the student's right to appeal a decision, should be clearly formulated and communicated in advance. Minor penalties may be assessed informally under prescribed procedures.

In all situations, procedural fair play requires that the student be informed of the nature of the charges against him, that he be given a fair opportunity to refute them, that the University may not be arbitrary in its actions, and that there be provision for appeal of a decision. The following are recommended as proper safeguards in such proceedings.

A. *Standards of Conduct Expected of Students.* The University of Arizona has an obligation to clarify those standards of behavior which it considers essential to its educational mission and its community life. These general behavioral expectations and the resultant specific regulations should represent a reasonable regulation of student conduct but the student should be as free as possible from imposed limitations that have no direct relevance to his education. Offenses should be as clearly defined as possible and interpreted in a manner consistent with the aforementioned principles of relevancy and reasonableness. Disciplinary proceedings should be instituted only for violations of standards of conduct formulated with significant student participation and published in advance through such means as a student handbook or a generally available body of institutional regulations.

B. *Investigation of Student Conduct.* 1. Except under extreme emergency circumstances, premises occupied by students and the personal possessions of students should not be searched unless appropriate authorization has been obtained. For premises such as residence halls controlled by the University of Arizona, an appropriate and responsible authority should be designated to whom application should be made before a search is conducted. The application should specify the reasons for the search and the objects or information sought. The student should be present, if possible, during the search. For premises not controlled by the University the ordinary requirements for lawful search should be followed;

2. Students detected or arrested in the course of serious violations of University regulations, or infractions of ordinary law, should be informed of their rights. No form of harassment should be used by University representatives to coerce admissions of guilt or information about conduct of other suspected persons.

C. *Status of Student Pending Final Action.* Pending action on the charges, the status of a student should not be altered, or his right to be present on the campus and to attend classes suspended, except for reasons relating to his physical or emotional safety and well-being of students, faculty, or University property.

D. *Hearing Committee Procedures.* When the misconduct may result in serious penalties and if the student questions the fairness of disciplinary action taken against him, he should be granted, on request, the privilege of a hearing before a regularly constituted hearing committee. The following suggested hearing committee procedures satisfy the requirements of procedural due process in situations requiring a high degree of formality.

1. The hearing committee should include faculty members and students. No member of the hearing committee who is otherwise interested in the particular case should sit in judgment during the proceeding.

2. The student should be informed, in writing, of the reasons for the proposed disciplinary action with sufficient particularity, and in sufficient time, to insure opportunity to prepare for the hearing.

3. The student appearing before the hearing committee should have the right to be assisted in his defense by an adviser of his choice from the faculty, staff or student body.

4. The burden of proof should rest upon the officials bringing the charge.

5. The student should be given an opportunity to testify and to present evidence and witnesses. He should have an opportunity to hear and question adverse witnesses. In no case should the committee consider statements against him unless he has been advised of their content and of the names of those who made them, and unless he has been given an opportunity to rebut unfavorable inferences which might otherwise be drawn.

6. All matters upon which the decision may be based must be introduced into evidence at the proceeding before the hearing committee. The decision should be based solely upon such matter. Improperly acquired evidence should not be admitted.

7. In the absence of a transcript, there should be both a digest and a verbatim record, such as a tape recording, of the hearing.

8. The decision of the hearing committee should be final, subject only to the student's right of appeal to the President of The University of Arizona or ultimately to the Board of Regents.

[From the West Virginia University College of Law, May 1969]

The Arrogance of Impotence

(By J. Timothy Philipps)

(A certain quantum of power must always exist in the community in some hands and under some appellation. Edmund Burke, Reflections on the Revolution in France.)

Much has been written and said in the past months by the so-called new left and its apologists about the arrogance of power, the miscreances of the "establishment" and the outrages of the "power structure." The current intellectual fad (and it is just that, a fad) seems to be the pillorying of individuals, and more especially, institutions who represent the authority and accomplishments of our civilization. Little has been said, however, about the arrogance of impotence. If one notes the origin of the manifold diatribes directed against the power and authority of our social system one might perceive that the basic dissatisfaction of those from whom these emanate is precisely that others and not themselves are in a position to exercise effective control over the direction of our government and culture. This in itself might indicate something about the validity of the criticisms which have been made.

One might draw the inference that the real issue in the matter is not the efficaciousness of the values and ideals of one side or the other, but rather is simply which side, if any, is to occupy the dominant position in our society. This assertion is confirmed by statements such as that made by Mr. Mark Rudd who rose to notoriety as a result of last year's disturbances at Columbia University. When questioned about the motivations for the uprising, he candidly admitted that the alleged issues (e.g., the plans of the university to build a new gymnasium) were built up for the explicit purpose of providing an excuse for disruption.

The reasoning is simple. Disrupt, using as a basis any issue which happens to present itself. Make demands and continue to escalate them until they become so unreasonable as to be impossible to satisfy. Make the failure to meet demands a basis for confrontation. Use the confrontation to arouse sympathy among the passive and uncommitted. All of this is directed to the ultimate purpose of transference of total power to the disrupters. In short, revolution. Whatever other criticisms one might make of the new left, one certainly cannot accuse them of lack of candor.

The strategy is so well known that it is trite. The problem is, though, no one wants to believe them when they talk of such things as total revolution. To a rational mind their bizarre activities and fantastic aims seem so silly as to be a joke. But the fact is that these selfsame bizarre activities and fantastic aims can become a real threat. They are at this moment an imminent threat to one of our basic institutions, the university system. Witness the state of turmoil at so many places of learning where screaming marching and chanting have replaced the reasoned discourse so necessary to a functioning university. If our universities can be so easily undermined, it is not an altogether impossible notion that other of our institutions can also be. Surely, therefore, it is imperative to take this unhappy phenomenon seriously and to understand fully the logical implications of the philosophy which motivates those behind it. It is a threat to some of our most treasured values and institutions and must be faced.

[They] have a bigotry of their own; and they have learnt to talk against monks with the spirit of a monk. Edmund Burke, Reflections on the Revolution in France.

Still, the extremists are as yet basically impotent. They are able to disrupt but are not presently in a position to put into effect a program of action (if they have one). This leads to the reason for the title of this piece. The arrogant ones in our society are not those in positions of power. After all, a very prized value of the American "establishment" is toleration of diverse viewpoints and acceptance of the concept of the marketplace of ideas. The truly arrogant are the self-styled revolutionaries and their apologists. Their values are in their own eyes "absolutely true," their ideas and proposals are "non-negotiable," and they consider themselves entitled to resort to illegal force and violence to counteract their opponents because "error has no rights." It is interesting to note the parallels between this kind of thinking and that of earlier day religious fanatics. It may be that to the new left, politics has replaced religion as the new fountainhead of dogma. In contrast to the reason and logic of the much maligned "establishment," emotion and irrational belief are the hallmarks of the new left; and these go hand in hand with arrogance.

The well publicized faith of many members of the new left in astrology is only one illustration of the dogmatism and irrationality inherent in the movement. The only other large scale Western political movement of recent times whose followers took widespread recourse to astrology was that of the German Nazis (another parallel that should not go unnoted). A further example of the abdication of rationality is the very tactics of dissent used by its adherent—lying down, going limp, spitting, screaming, name-calling—which are essentially characteristic of infantile behavior. The rule of law and reason is held in contempt; and the constitutional ideal of free, reasoned discussion, and tolerance for diverse viewpoints is in the words of the movement's philosophical messiah, Herbert Marcuse, "repressive and must, therefore, be suppressed." The disciples must go forth teaching all nations, and if a few individual freedoms are trampled along the way, this is perfectly all right, since it is all for a higher good.

It is easy to despise what you cannot get. Aesop, The Fox and the Grapes. People often grudge others what they cannot enjoy themselves. Aesop, The Dog and the Master.

If emotionalism and dogmatism are the hallmarks of the new left, how has it managed to gain the allegiance of a sizeable (though not substantial) number of University faculty members, whose profession has the avowed purpose of fostering rationality? S. I. Hayakawa has remarked that being alienated is a literary fashion among intellectuals today. This alienation seems to be most prounounced in the so-called soft subject areas of the liberal arts and social sciences. Often the liberal arts colleges of universities seem to be relegated by their administrations to a status subordinate to the technical and vocational schools. Those connected with the liberal arts are rightfully resentful and this may in some part explain the alienated attitude of some among them. But it is not the full explanation. If one examines the composition of faculty support for the new left one finds that it comes mainly from faculty members in the humanities and social sciences who are in the lower echelons of the academic hierarchy—those at the level of graduate assistant, instructor, and in some cases, assistant professor. These people are, as matters now stand, the least able by their position and training to modify the structure of existing institutions within the authorized framework for change. At the same time, the very nature of their fields of interest tends to breed within them an attitude of hubris—they have the answer to the problems of mankind if only someone would heed them. They are thus impotent and at the same time arrogant. How appealing the calls of the new left for revolutionary change must be for persons with such attitudes!

A little fire is quickly trodden out which, being suffered, rivers cannot quench. Shakespeare, King Henry VI.

So we have the paradox of the arrogance of impotence. Those essentially without power lay claims to certitude in judging the affairs of their fellow man, and therefore demand that the power be handed over to them. When their demands are not met they react in ways typical of the frustrated infant. As yet these reactions have not seriously disrupted our existing institutions (with the exception of some of our universities). It must be borne in mind, however, that self-righteousness is a very contagious phenomenon. The time has come for the arrogant ones to be reminded that the right to be heard does not include the right to be heeded; that the right to dissent does not include the right to decide the case. The excesses of the new left in the recent past have gone far beyond the bounds consonant with and essential to a free society. Those devoted to the principles of rationality and civility must take the aberrations of the fanatical few seriously lest they cease to be merely aberrations; they must make it clear that the rule of law and reason cannot co-exist with the rule of unlawfulness and irrationality. They must be willing to realize that in the words of Edmund Burke, "There is . . . a limit at which forebearance ceases to be a virtue."

COMPREHENSIVE NATIONAL HEALTH INSURANCE

Mr. KENNEDY. Mr. President, last week in New York City, the Committee for National Health Insurance sponsored a highly significant 2-day conference to consider a major new proposal for a comprehensive health insurance plan covering all Americans. The CNHI was formed in November 1968 under the chairmanship of Walter P. Reuther, president of the United Auto Workers, in order to mobilize broad support for basic changes in the financing and delivery of health care in the United States. The vice chairmen of the committee are Mrs. Albert Lasker, Whitney M. Young, Jr., and Michael E. DeBakey, M.D. I am privileged to serve as a member of this committee, along with my colleagues Senator YARBOROUGH and Senator COOPER, and a large number of other distinguished public officials and private citizens in the Nation.

In his opening address to the conference last week, which was attended by many of the members of CNHI as well as by representatives of 65 national organizations, Walter Reuther spoke eloquently of the contemporary health crisis in the Nation. He emphasized the need to develop a health insurance system uniquely adapted to the needs and capabilities of health care in the United States, and urged the members of the conference to renew their efforts to achieve this goal.

One of the principal purposes of the conference was to consider tentative specifications for a national health insurance program. These specifications were prepared under the leadership of Mr. Reuther and Dr. I. S. Falk, professor emeritus of public health at Yale Medical School and chairman of the technical committee of CNHI. As Dr. Falk made clear in his address to the conference, the specifications for the program are intended to be only a preliminary formulation. According to the committee's current schedule, it is hoped that these proposals will be refined and that specific legislation implementing the committee's final program will be available for introduction early next year, at the beginning of the second session of the 91st Congress.

Mr. President, I believe that the committee's tentative proposals are a major new contribution toward the development of a comprehensive national health care program for our citizens. I commend Mr. Reuther and Dr. Falk for their extraordinary progress, and I look forward to the future development of the CNHI program. I believe that the proposals presented to the recent conference will be of interest to all of us in Congress and elsewhere who are concerned with the cause of better health care for all our people.

I therefore ask unanimous consent that the following materials be printed in the RECORD: a press release of the Committee for National Health Insurance announcing the conference and listing the officers and members of CNHI and some of the organizations represented at the conference; the opening address by Walter Reuther to the conference; and the statement of Dr. I. S. Falk to the conference, including an appendix containing the tentative specifications for the committee's national health insurance program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[A press release from the Committee for National Health Insurance, Oct. 12, 1969]

WASHINGTON.—Representatives of 50 national organizations will meet October 14–15 in New York to examine proposed solutions to the critical problems afflicting America's health care services.

The two-day conference of Interested Organizations was convened by the Committee for National Health Insurance. CNHI Chairman Walter P. Reuther, in a letter of invitation to representatives of the national organizations, said:

"The conference will bring together leaders of health, labor, industry, consumer, insurance and other interested organizations to examine proposed solutions to the critical problems of financing and organizing health services."

"The problems are well known; we want to focus on solutions."

Referring to the work of the Committee for National Health Insurance, Mr Reuther said:

"We believe we have formulated a sound, new approach to improvement of the health care delivery system. Our concept of national health insurance has as its basic goal a reordering of the organization of health services, retaining and strengthening useful aspects and replacing the outmoded.

"We hope our program will serve as a stimulant to conversation at the meeting and produce a cross exchange of ideas from which clarifications and improvements will emerge . . ."

The Committee for National Health Insurance is a committee of one-hundred prominent Americans from all walks of life working for the achievement of national health insurance as a means of restructuring America's health services.

In addition to members of CNHI, leading representatives of at least 50 organizations have signified their intention to attend the two-day conference, among them:

Amalgamated Meat Cutters and Butcher Workmen of North America.
American Academy of Pediatrics.
American Association of Medical Clinics.
American Dental Association.
American Dietetic Association.
American Federation for Clinical Research.
American Federation of State, County and Municipal Workers.
American Federation of Teachers.
American Hospital Association.
American Medical Association.
American Nurses' Association.
American Nursing Home Association.
American Optometric Association.
American Osteopathic Association.
American Osteopathic Hospital Association.
American Patients Association.
American Podiatry Association.
American Psychiatric Association.

American Psychological Association.
American Public Health Association.
Association of American Medical Colleges.
Blue Cross Association of America.
Catholic Hospital Association.
Consumer Federation of America.
Daycare Center Association of America.
Episcopal Church.
Group Health Association of America.
International Brotherhood of Teamsters.
International Union, United Auto Workers.
Medical Committee on Human Rights.
Medical Group Management Association.
National Association of Blue Shield Plans.
National Association of Social Workers.
National Association of State Mental Health Directors.
National Consumers League.
National Council of Churches.
National Council of Senior Citizens.
National Institutes on Rehabilitation and Health Services.
National League for Nursing, Inc.
National Medical Association.
National Rural Electric Cooperative Association.
National Urban Coalition.
National Urban League.
Pharmaceutical Manufacturers Association.
Private Health Insurance Industry.
Regional Medical Programs Association.
Student American Medical Association.
Student National Medical Association.
The National Assembly.
United Methodist Church.
United Mine Workers of America.
United Presbyterian Church.
United Rubber, Cork, Linoleum & Plastics Workers of America.
United States Catholic Conference.
United States Youth Council.

THE COMMITTEE OF ONE-HUNDRED

Rev. Ralph D. Abernathy.
Arthur Altmeyer.
Guillermo Arbana, M.D.
George Baehr, M.D.
Rabbi Leonard Beerman.
Peter Bommarito.
Lester Breslow, M.D.
James Brindle.
Mrs. Mary I. Bunting.
Martin Cherkasky, M.D.
John Sherman Cooper.
William S. Crowles, Jr.
Tony Dechant.
Paul Douglas.
Stanley Dreyer.
Robert H. Ebert, M.D.
William N. Enes.
I. S. Falk, Ph.D.
Frank E. Fitzsimmons.
Emerson Foote.
David French, M.D.
Rudolph H. Friedrich, D.D.S.
Frank Furstenberg, M.D.
John Kenneth Galbraith.
The Most Rev. Raymond J. Gallagher.
General James M. Gavin.
H. Jack Geiger, M.D.
Harold Gibbons.
Melvin A. Glasser.
Arthur J. Goldberg.
Mike Gorman.
Patrick E. Gorman.
A. F Grospiron.
William Haber.
The Right Rev. Donald H. V. Hallock.
Zenon C. R. Hansen.
Mrs. Fred R. Harris.
James G. Houghton, M.D.
Hubert Hemsley, M.D.
John Holloman, Jr., M.D.
Joseph Kellman.
Edward M. Kennedy.
Clark Kerr.
Lambert King.
Mrs. Martin Luther King, Jr.
Mathilde Krim, Ph. D.
Russel V. Lee, M.D.
Francis McCloskey.
Mrs. Jean MacVicar, R.N.
E. F. Marriner, M.D.
E. G. Marshall.
Charles H. Mayo II, M.D.
Emil Mazsey.
George R. Metcalf.
David Miller.
Einar O. Mohn.
Fitzhugh Mullan, M.D.
Harold F. Newman, M.D.
Robert Partridge.
Robert L. Popper.
Alex Radin.
Christian N. Ramsey, Jr.
Ronald F. Roley.
Howard Rome, M.D.
Alan Sagner.
Ernest Saward, M.D.
Max H. Schoen, D.D.S., M.P.H.
Charles I. Schottland.
David Selden.
John Siegenthaler.
Eugene A. Stead, Jr., M.D.
Carl B. Stokes.
Myron Wegman, M.D.
E. Richard Weinerman, M.D.
Roy Wilkins.
T. G. G. Wilson, Ph. D., M.D.
Leonard Woodcock.
Jerry Wurf.
Ralph W. Yarborough.
Alonzo Yerby, M.D.

AMERICA'S CHALLENGE: A NATIONAL SYSTEM TO ORGANIZE AND FINANCE PERSONAL HEALTH SERVICES TO MEET THE NATION'S HEALTH NEEDS

(By Walter P. Reuther, chairman, Committee for National Health Insurance)

I am very pleased to welcome each of you to this Conference of National Organizations which is sponsored by the Committee for National Health Insurance. We are delighted that 65 national organizations with major interests in the health field have accepted our invitation. We look forward to sharing with you during the next several days what we consider to be a very important matter on America's agenda of unfinished business: the question of how a free society goes about organizing health care services to meet the basic needs of its people.

I think that all of us are aware of the fact that we live in a very difficult time in the history of the world and a very difficult time in the history of America. This is truly a time for testing the values that we believe in as a free people. It is a time of revolutionary change, of challenge and of deep crises in many aspects of our national life. We have a crisis in our cities. We have a crisis in education. We are polluting our air and water. Our living environment is deteriorating dangerously. We have a crisis in housing, and one of the most serious crises we face is in the area of health care services.

We believe, as do many Americans, that this is a time when the American people need to reorder their national priorities, to put first things first, to commit ourselves and our resources in a measure equal to the dimensions of the problems that we face.

Like almost every other American and millions of people around the world, we were thrilled when Neil Armstrong left man's footprints on the moon. What impressed me in that historic achievement was not the fact that America has great scientific and technological capability. I think we've known that for a long time. I think the real lesson to be learned from that historic mission is that America is capable of doing almost the impossible if we make a national commitment and we are prepared to allocate resources to carry it out.

We went to the moon because President Jack Kennedy made a commitment for the nation, and we allocated the resources necessary to carry out that commitment. We share the view that we will not deal effectively with the many problems at home until America reorders its priorities and until we all make a comparable commitment in terms of the national will and the allocation of our national resources.

Our Committee for National Health Insurance developed in response to the growing realization in America that the crisis in health care is becoming progressively more serious. Leaders from medicine and public health, labor and business, religion, the law, the universities, civic organizations and the civil rights movement, young people—from all walks of American life have joined our Vice-Chairman, Dr. Michael DeBakey, Mrs. Mary Lasker, Whitney M. Young., Jr., and me in mounting this effort to bring about fundamental changes in the financing and delivery of health care services.

The cost of health care is sky-rocketing. It represents the most inflationary single factor in the upward movement of the price index. The cost of medical care over the past decade has risen at almost twice the rate of the movement of the general price index. If we are going to fight inflation, as we must, we have to look at the increasing cost of health care and realistically begin to deal with the sources of the problem.

We are told that in 1969 American people will spend approximately 60 billion dollars for health care services, almost five times more than we spent in 1950. This represents the second largest expenditure out of our gross national product, 6.5% of the total. It is second only to the fantastic sum of over 81 billion dollars we are spending for military purposes. We spend more money in total and a larger percentage of our Gross National Product for health care than any other nation in the world. Yet despite this, we have not provided the American people with the kind of comprehensive high quality health care services that we have the knowledge and the affluence to provide. We are not getting the maximum yield from our expenditures because we lack effective organization for the delivery of health care services. Ours is a non-system.

I have said on many occasions that the quality of our society will be judged neither by the measure of our material wealth nor by our productive potential, nor by the level of our technological progress, nor by the quality of our gadgets, nor by the brightness of the chrome on the new Cadillacs and Continentals we turn out in Detroit. The real quality of a society should be measured by how that society orders its priorities, allocates its resources, and demonstrates both the sense of social and moral responsibility needed to translate technical progress into human progress and in finding answers to basic human and social needs.

I believe that in no area of our national life is there a greater or more dangerous gap between promise and performance, between capability and competence and translation of that competence and capability into practical performance than in the field of health care services. Our gross national product will soon exceed one trillion dollars; yet we currently rank 14th among the major industrial nations of the world in the rate of infant mortality and we rank 12th among the industrialized nations of the world in the percentage of mothers who die in childbirth. We rank 18th in terms of life expectancy for males and 11th for females. The death rate among middle-aged males in America is higher than in any country in Western Europe and in many other nations.

These figures do not reflect the true proportion of our crisis in health care. In no industrialized nation in the world is the gap between the haves and the have-not people in their respective ability to gain access to adequate health care as wide as in the U.S. Infant mortality among non-white babies is more than double that among white babies. Death and disease rates in the poorest states are much greater than the rates in the most affluent states.

One of our problems in America is that too often we have relied upon the marketplace to find answers to these basic problems. The marketplace in America has provided us with unprecedented volumes of gadgets, but the marketplace is incapable of responding adequately to meet basic human rights and needs such as health care services.

My associates and I at the UAW have been privileged to work at the bargaining table with the very competent representatives of a large number of insurance companies over the last 30 years trying to find answers to health care problems. But the insurance industry, despite a massive effort, has failed to provide universal, fully comprehensive health insurance coverage at a price within the reach of all people.

The dimensions of the problem are beyond the capability of any private sector in America. When you look at the tragic and what I think are shocking and shameful facts, you find that in 1968, of the 178 million Americans who were under the age of 65, 13% or 24 million, had no hospital insurance whatsoever; 20% or 30 million, had no surgical insurance; 34½% or 61 million Americans, had no in-hospital medical expense insurance; 50% or 89 million, had no out-of-hospital x-ray and lab coverage; 57½% or 102 million Americans, had no insurance for doctors' office visits or home calls; 61% or 108 million Americans, had no prescription drug coverage; and 95½% or 173 million Americans, had no dental care insurance.

In dollar terms only one-third of private consumer expenditures for health in 1967 were paid from insurance; two-thirds of the costs came directly out of our pockets and purses. The insurance industry has made this massive effort over 20 years, and has applied great competence to this effort, yet these are the results. Clearly, the private industry is not capable of dealing with the dimensions of this basic problem. It cannot deal with the problem of universal coverage nor can it provide an adequate mechanism for dealing with the control of both quality and of cost. It has been significantly unable to modify the current disorganized delivery system.

Our public programs are also limited in effectiveness. For example, Medicare covers less than 45% of the basic health care costs of our aged citizens. Medicaid is proving totally incapable of meeting the real and pressing needs of the disadvantaged poor and its expenditures have skyrocketed due to unjustified inflation.

Because the dimension of this problem are so overwhelming and because the cost of health care is sky-rocketing, there is a growing understanding that we need to begin to deal with these problems more realistically and comprehensively. We can't just put more and more billions into a non-system because all we would be doing is continuing to waste our precious resources without finding answers to many central unresolved questions. This is what I believe motivated the Governors in their recent annual conference to adopt a resolution which called for a federal system of universal health insurance. They didn't spell out the details, but this meeting today is designed to promote discussion of possible approaches which would be responsive to the needs the Governors so well understood.

Recently Secretary Finch of HEW broadened the charge of his Task Force on Medicaid and Related Programs to include exploring the feasibility of a universal health insurance system. The American Hospital Association has formed a committee to study and report on this subject. And many, many groups throughout America including the American Medical Association, the National Medical Association, the American Public Health Association, and other health groups, in recognition of the growing crisis in health care are beginning to explore the feasibility of various new approaches.

President Nixon in his recent statement dealing with the crisis in health care pointed out that in the absence of revolutionary changes the system would collapse. We believe that his diagnosis was correct although his proposed cure was inadequate and unrealistic. We can't solve this problem in our judgment by simply relying on ever greater expenditures, tax offsets or other purely financial remedies. What we need is basic surgery to substitute for the present non-system a new system that begins to bring about more effective and technologically advanced forms of organization of our national health resources and health services.

We need to recognize that we have a kind of Model T health care system and that a Model T is not adequate to meet the health care needs of the space age. I think it is important we understand that the system does not need simply a tune-up or a new set of spark plugs. We ought to take the old Model T system out and put it in a museum where museum pieces reside peacefully with the past.

An up-to-date system of personal health services can only be structured around and can only be implemented through a universal health insurance system. We are the only democratic nation in the world that has not shown the wisdom and the good sense to move in the direction of organizing a national health insurance program for personal health services.

As you will gather from the presentation today of our Technical Subcommittee, the Committee for National Health Insurance does not propose a system of socialized medicine atlhough these terms will be thrown about as they were when we talked about Blue Cross in the early days. When the UAW first sat at the bargaining table in 1940 to talk about the first Blue Cross-Blue Shield plan, we were charged by many people, including especially the medical profession, with travelling the road to socialized medicine. The General Motors Corporation took a similar view. We worked hard to build the "Blues" plans because we believed they represented a significant historic forward step at the time when we had no insurance whatsoever.

Today, however, we must move on and develop new instruments to provide the kind of modern, effective health services to which all people will have access.

We do not propose to borrow or transplant the health insurance system of any other nation because we believe that our problems and our capabilities are different. What we need to do is to develop a uniquely American system which will preserve the best features of the current delivery system while dealing with its basic organizational and financial deficiencies in order to make possible the provision of comprehensive, equitably and soundly financed high quality care on a universal basis.

We believe the approach which we plan to recommend to the nation is fully compatible with the unique values of a free society. We do not believe that the answers can be found either in a continued reliance on the medical marketplace or in the dictates of a rigid bureaucratic system. We believe it is possible to structure a health care system that will meet our needs while providing a wide degree of choice and experimentation in the use and development of a better delivery method. We want a system that will eliminate the waste and the inefficiency of the present non-system—a system, moreover, that will bring the poor into the mainstream of medical care—a system that can in an organized and rational fashion begin to bring about the effective use of our health manpower, facilities and economic resources.

Most of the labor movement is involved in health care and insurance not only at the bargaining table but in the community. I will be sitting down at the bargaining table representing UAW members next year with officers of some of the largest corporations in America—General Motors, Ford, Chrysler and others. We will be bargaining about health care services. But we have learned that for almost every additional dollar we bargain and pay for, we wind up with far less than a dollar's worth of improved health care services. Much of our money goes to subsidize inappropriate forms of care and the inefficiencies, gaps and waste in the present non-system. We are no longer willing to bargain hard, to fight hard and in some cases to walk the picket-line when the yield we get is only a fraction of what it should be. And, therefore, we have a right, as consumers of health care, to insist that one dollar of consumer purchasing power buy one dollar's worth of appropriate and reliable health care services.

Now we meet here this morning not in the spirit that we have all of the answers, because we know that this is a very complex problem and that there are no simple answers. But it is a problem we are capable of solving if there is a spirit of good will and cooperation among all of the people who share responsibility for providing the kind of universal high quality comprehensive health care that we believe the American people have a right to expect. And so we come here not to give you the final details of a national health insurance system, but to seek your participation, as part of a working conference, in examining proposed solutions developed after months of intensive study by a panel of distinguished experts headed by Dr. I. S. Falk, eminent Professor Emeritus of the Department of Epidemiology and Public Health at the Yale Medical School.

We hope you will give us the benefit of your reactions and judgments in three panels which will be chaired by Dr. Lester Breslow of the Medical School of UCLA, Dr. Myron Wegman, Dean of the University of Michigan School of Public Health, and Dr. James Haughton, First Deputy Health Administrator of New York City. We welcome not only your ideas and your suggestions but your constructive criticism.

Those of us who are participating on the Committee for National Health Insurance share the view that access to good health in a free society is a matter of right and not a matter of privilege. We have unlimited faith in the capability of free men and of free institutions to work together to find answers to this basic human problem. We believe that America can find answers and that we can provide the kind of personal health services that all the American people have a right to share on the basis of equality. We believe also that the hour is later than we think and that this is the time for action.

TENTATIVE SPECIFICATIONS FOR NATIONAL HEALTH INSURANCE

(A report from the Technical Committee of the Committee for National Health Insurance submitted by I. S. Falk, Chairman of the Technical Committee, to the Conference on National Health Insurance, New York, Oct. 14, 1969)

Mr. Chairman, Members of the Conference, it is my privilege to submit to this Conference, as an agenda paper, tentative specifications for national health insurance developed by our Technical Committee.

I would, first, preface my remarks about the agenda paper by emphasizing that this is a preliminary formulation. Some of the specifications are firm and unequivocal, directly reflecting the Statement of Principles on which the Committee for National Health Insurance takes its stand. Others are highly tentative, being still in course of development. And still others, needed for the series, have yet to be developed. We welcome the opportunity provided by this Conference to have the benefit of review from all who have an interest in the potentials and the implications of national health insurance.

Second, I would summarize for you our Technical Committee's guidelines when developing the specifications. Our primary concern has been—and continues to be—the Nation's need for good medical care to be available to the whole population. We proceeded with the firm conviction that, while we do not now have such availability in the United States, we can have it. We therefore undertook to design the plan for a program that would resolve many inadequacies in the present resources and, by building upon what we have, could become a program adequate for the delivery of good medical care for the Nation.

Our system of specifications starts with the intention to implement the *Principles* of the Committee for National Health Insurance. Within this framework, we do not propose a program limited to the poor and near-poor, believing that such separate provision would further ghettoize medical care for the disadvantaged. Instead, we would encourage the development and strengthening of one system that would bring all within a single mainstream of good medical care. We therefore propose equal eligibility for all the benefits of national health insurance to all who are resident in the country, identifying only minimal exclusions.

We propose financing which should be total, adequate, equitable and assured. To this end, we exclude deductibles and other financial barriers to needed care, whether early or late in the course of treatment, because we would encourage the receipt of medical care when it is needed. We would especially encourage easy and early access to medical care, in order to improve the potential capacity of the health professions to prevent disease which is preventable and to control the progressive development of disease and disability that cannot yet be prevented. We are well aware that the program we envisage would involve large sums. Most of the cost, however, would be only a re-channeling of what is already being spent—much of it being spent badly, wastefully and ineffectively whether from private or from public funds; and the total cost would be well within the means of our large national economic capacity.

Our Technical Committee has not been content merely to propose pumping more money into an already burdened and strained manifold of resources for medical care. To be sure, we must start with where we are, what we have, and how the existing resources perform. We have tried, however, to build into our plan various incentives for an orderly evolution toward an adequate system for the delivery of medical care. We propose new financial and other supports to help overcome shortages and, through better organization, to extend the reach and the productivity of personnel and facilities. And we intend that these measures should be implemented directly, not in some long-distant future.

Our Committee has been mindful that, along with very substantial national achievements under Medicare and Medicaid, there has been some unfavorable experience. We believe such experience has resulted mainly from the undertaking to expand the financial support of services without at the same time making an adequate effort to improve their organization. This is a mistake we do not propose should be repeated—or continued. On the contrary, we believe that only a social insurance program which provides vigorous support for better organization as well as adequate support for the services is capable of meeting national needs and of justifying what it will cost the Nation. Only such a program can contain or moderate the steeply rising costs of present health services without compromising either the comprehensiveness or the quality of the medical care provided through its finances. We believe it can be a program which would be as fair and acceptable to those who provide the services as it would be beneficent to those whom it will serve.

Our Committee has appreciated that the system we propose may require development in stages. If it should, all the more reason—we have thought—that the specifications should express the goals clearly and incisively, lest the staging of development become haphazard or dictated only by convenience or compromise.

These have been our guidelines. As we turn now to the specifications, you will have a basis for judging the merits of the proposals and for joining with us in their review. We invite you to examine them critically and to help us develop them further. We especially invite your comments where we have indicated awareness that our specifications are inadequately developed, and where there are well known diversities of opinion about the potential scope, financing and administration of national health insurance.

Appendix—Summary of Tentative Specifications for National Health Insurance

1. POPULATION COVERAGE AND ELIGIBILITY FOR BENEFITS

a. Coverage should be as nearly "universal" as feasible for all residents of the USA, with no other requirements for eligibility to the services made available under NHI; and

b. Exclusions may extend to groups beyond the "reach" of payroll and related taxes, but should not extend to any groups merely because they are also eligible for services under other persisting (categorical) programs.

2. SCOPE OF AVAILABLE SERVICES

a. NHI should extend to the entire range of services required or useful for the maintenance of personal health. Qualifications and limitations should be only those that are dictated by inadequacies in personnel, facilities, or in organizational patterns;

b. If limitations or exclusions are unavoidable, they should be treated as temporary provisions; and, to the maximum extent feasible, should be subject to elimination by authorized administrative decisions;

c. If "staging" of benefits is unavoidable, as far as practical priority should be given to ambulatory over inpatient services, and to primary care over referral and specialty services; and

d. Further discussion is needed—and is invited—concerning the scope of "medicines" and "dental care" as benefits under NHI, and concerning the proposed exlusion of mental *hospitals* (but not of other mental health services).

3. ORGANIZATION FOR THE DELIVERY OF SERVICES

a. To the maximum extent practical, services should become available through organized arrangements, designed to encourage comprehensive and continuing care of good quality; and financial and other requirements and incentives (and disincentives) to this end should be incorporated into the design of the benefits and payments;

b. Group practice of health care personnel, and regional coordination among group practices, hospitals and related facilities should be prescribed as goals, but implementation should be made as flexible as possible; and

c. Financial and other incentives should be provided for group practice providers whether they serve a defined and delimited population or an open-ended practice; and such incentives should extend to the support of education and training for the staffing of group practice.

4. PARTICIPATION OF PROVIDERS

a. Eligibility to participate as providers should extend to all who may usefully participate in the full spectrum of benefit services;

b. For personal providers, licensing should be the minimum requirement. Federal standards for participation should apply in any State whose standards are less and, to categories for which there are no acceptable State standards; and, after a grace period, no payments under NHI should be made to providers who do not meet the Federal standards;

Query: Should the Federal standards require periodic re-licensure; and if yes, how often? Or should they require participation in (approved) continuing education or training? Both?

Query: Suggestions as to the content of desirable Federal standards?

c. For facilities, Federal standards may (?) shall (?) go beyond current provisions for certification and accreditation in Medicare; and such standards may (?) should (?) require "linkages" among facilities and services—with financial incentives and disincentives or penalties;

Query: Suggestions as to the desirable Federal standards for facilities and for local and regional inter-relations; and as to incentives and disincentives?

d. Service performances by personal providers and institutions shall be reported in sufficient detail to provide a basis for peer medical data review for outpatients as well as for inpatient services, and such reporting shall be a prerequisite to payments under NHI;

e. The payment procedure and specifications should reflect and implement the requirements for participation and acceptable performance for personal providers and institutions; and such specifications should extend to scope of services, standards of service, payments with respect to capital investment in facilities and equipment, and (for nursing homes and home care programs) required affiliation with qualifying hospitals;

f. Special financial and other incentives should be provided to encourage the organization of professional, technical and supporting personnel into health teams and groups capable of providing comprehensive health care for families and individuals efficiently and effectively, with compensation through comprehensive *per capita* payments as an alternative to the fee-for-service method of payment in an area. This should apply especially to payment on a comprehensive capitation basis to existing organized groups serving a defined or delimited population in a geographical area in which providers are generally paid on a fee-for-service basis; and

g. Incentive payments should also extend to hospitals for the expenses of providing bases for health care teams; and hospitals and other facilities should share in the cost savings which result from the lowered rate of hospitalization under group practice arrangements.

5. METHODS OF PAYMENT TO PROVIDERS

a. The general policy is to assure the availability of services, not to provide indemnification for costs incurred. Consequently, NHI should undertake—as far as it can—to make total and fully adequate payments to the providers of the services without requiring any such payments from those who receive the services;

b. The methods of payment have to start with the *status quo;* but NHI should include incentives for the development of a more desirable system of methods of payment which is without deductibles, barrier payments, "hesitation" charges, co-insurance, indemnifications, or exhaustions;

c. Independent (i.e., non-institutional based) physicians and other providers should have the right to elect among fee-for-service, capitation, salary, etc., methods of payment;

d. Statutory guidelines should apply to methods and rates of payment to hospitals and other institutions. NHI should *not* undertake (as under Medicare) unlimited full reimbursement of production costs; instead, NHI should provide for reimbursements bounded by maxima, by capitation rates, or by other limitations including maximum permissible rates of annual cost escalation. Various designs require further study. Where such payments are based on reimbursement of costs incurred in the production of services, delimitations should apply to reimbursement of capital costs as well as to maximum rates of payment for operating costs. Where such payments are based on capitation payment, the guidelines should be adapted administratively to ensure equitable rates of payment within the applicable regional ceilings;

e. Special provisions should be developed—by adaptation of statutory general guidelines—for equitable methods and rates of payment to the several categories of providers (doctors, hospitals, nursing homes, medicines, optometric and other appliances, etc.); and

f. NHI should provide fiscal and other incentives toward the grouping, affiliation or integration of providers, moving away in the course of time from fractionated fee-for-service payments and moving toward hospital-affiliated or hospital-based medical groups, in order to stimulate better organization within and between institutions.

AVAILABILITY OF SERVICES

a. The general policy objective is that services shall be available without direct charges or costs at the time the services are needed or utilized. As far as may be feasible, there should be no direct financial barriers to the receipt of needed services that are available under NHI—no deductibles, no barrier or "hesitation" charges, no co-insurance, etc. If there are to be exceptions, they should apply only to those limited areas in which charges to the patients are demonstrably related to effective utilization and/or to necessary fiscal controls—as with respect to some aspects of dental care, eye glasses, or medicines;

b. Primary care should be emphasized under NHI and, where necessary, should be given priority in the development of NHI availability of services. The entry point of the system should be through "the family physician." Fiscal and other incentives should be provided for the development of "local area health centers" affiliated with approved hospitals and especially as the functional locus for both the primary physicians and the referral personnel (specialists and supporting professional and technical services);

c. In general, NHI should pursue the policy of encouraging access to specialists through referral from the family physician. Initially, this policy should be administered loosely, authorizing payments to specialists utilized on self-selection by the patient and upon direct access by the patient; but this transitional policy should be superseded as rapidly as feasible by a policy restricting payments for specialty services only on referral;

d. Except in emergency and unusual circumstances, payments for major surgery should be authorized only on a referral basis and for performance by board-eligible and board-qualified surgeons. A corresponding policy should be encouraged as strongly and as rapidly as feasible with respect to payments for other services provided on a specialty basis; and

e. Further study should be undertaken on the design of specifications for controls to discourage or prevent primary physicians from "dumping" referrals on the specialists.

7. ADMINISTRATION

a. The general pattern for the administration of NHI should be developed with regard for three broad levels of administration: National; regional; and state, district and local. The Office of National Health Insurance Administration should be lodged in DHEW, under the Secretary, with "bridges" to other related administrations, bureaus, etc., within DHEW and in other Departments;

b. NHI should be administered by an Administrator, in association with a National Advisory Council which includes representatives of consumers as well as of providers and, also, national representatives-at-large. The statute should require the Secretary and the Administrator to consult the Advisory Council on all matters of general policy and to have the Council's review and advice on all general aspects of program plans and operations and of proposed rules and regulations. The Council should be authorized to have its own technical staff and to make an annual report to the Congress on consultations and recommendations;

c. The Secretary should be authorized and directed to invite the states to undertake various activities of NHI in which they may play useful contributory roles; and the states should be reimbursed for appropriate expenditures incurred in performance of functions as agents of NHI;

d. Advisory Councils, with corresponding composition and with similar functions applicable to the lower levels of administration, should also be provided at regional, state and local administrative levels;

e. When devising the administrative structure and allocations of functions, the Secretary should provide for appropriate functional roles for voluntary (non-governmental) health organizations as agents of NHI; and

f. Since NHI should undertake to assure the availability of a broad spectrum of services to all eligibles throughout the country, it should have fiscal resources to take all necessary and practical measures toward assuring that availability. The Secretary should therefore have assured funds available, through an earmarked portion of annual income to (or of annual expenditure from) the Trust Fund, to make grants for needed education, training, facilities, organizational developments, demonstrations, etc., toward achieving that availability of services as rapidly as possible. These funds should be allocated by the Secretary, on recommendation of the NHI Administrator after consulting with the National Advisory Council, among various program activities. With respect to these developmental funds, the statute should require that they shall be allocated after consultation with, and should be expended in collaboration with, the administrative agencies in DHEW and other Departments responsible for grants or loans in closely related program areas.

8. FISCAL PROVISIONS

a. The NHI program should be financed by contributions from employers, employees and self-employed persons, and from general tax revenues—preserving present provisions which permit employer assumption of all or part of contributions required of employees for social insurance purposes;

b. Financing should be effected through the mechanisms which are now well-developed and time-tested in the financing of the national social insurance system of Social Security (OASDHI), utilizing the Treasury Department and the Trust Fund procedures;

c. The provision for earmarked funds to support necessary and desirable innovative undertakings and demonstrations should be effected through the Trust Fund; and these funds should be available for use with broad administrative discretion by the Secretary and his National Advisory Council; and

d. It is tentatively assumed that two-thirds of the fiscal resources of NHI should derive from "payroll" taxes (with or without a ceiling on taxable earnings) and one-third from Federal general tax revenues.

[It is proposed that state and local governments, though relieved of various service and expenditure obligations, should not be required to participate in the financing of NHI.]

9. RELATIONS WITH OTHER PUBLIC AND PRIVATE PROGRAMS

a. The development of comprehensive NHI would involve the absorption of many—but not necessarily the absorption of all—existing delimited and categorical programs which provide for the availability and/or the financing of personal health services. Which should persist—temporarily or permanently—as collateral programs, and which should be absorbed into NHI, involve inspections program by program. Account has to be taken of many factors, including consideration of the pace at which the NHI program moves toward its comprehensive maturation and assures equal access of all residents to all needed and available services;

b. Enactment and implementation of NHI should provide for the absorption of such public tax-supported programs as: Medicare, Medicaid, services for civilian dependents of the Armed Forces, etc., and other similarly readily amenable to absorption in the interest of systematic rationalization for all eligibles under NHI. In each case, persistence of an existing program should be provided for so long, and only to the extent, that the NHI services (benefits) are narrower than those available under the existing categorical program;

c. NHI should not undertake to absorb and supplant certain highly specialized, delimited and categorical public programs, e.g.: The medical care programs for the uniformed personnel of the Armed Forces; the "hospital" program of the Veterans Administration; the special area-delimited programs for Indians, Eskimos, and other "wards" of the Federal Government; the marine and other hospital programs of the PHS; the intra-mural health and medical care provisions of schools, custodial and correctional institutions; and perhaps others. And NHI should not pay for services provided in these persisting special and delimited programs. However, all persons eligible for service under these persisting programs (except Armed Forces personnel on duty) should be eligible for services under NHI;

d. NHI should absorb the personal health service aspects of the maternal and child health and the crippled children's program, but not their community-wide health service activities;

e. Whether NHI should or should not absorb the medical care aspects of programs which involve close coordination with provisions for income-maintenance or indemnification for income-loss requires further study: E.g., under workmen's compensation, and state temporary disability insurance; and

f. It is assumed that private insurance which applies to services or costs which are—or come to be—included in the benefits of NHI will terminate, but that such insurance may persist with respect to services and costs that are not included—and for so long as they are not included—in an evolving NHI program. To what extent and with what functions the private insurance carriers participate as administrative agents of NHI should depend upon conclusions yet to be reached with respect to the structure of the NHI benefit and administrative systems and their needs. This, obviously, invites further careful review.

TAX REFORM NOS. 7 AND 8: DEMOCRATIC STUDY GROUP TAX REFORM FACT BOOK

Mr. METCALF. Mr. President, today I shall make available the last two sections of the Tax Reform Fact Book prepared by the Democratic Study Group in the House of Representatives. These sections deal with a rather long list of tax preferences, as well as the subject of tax relief. The Committee on Finance has already completed its consideration of several of the important areas listed in these sections of the book.

For example, on October 13 the committee agreed to repeal the unlimited charitable contribution deduction over a 5-year period. This is the same period provided for by the House bill. However, the committee did modify the House version so that certain features of the House bill would not apply in the case of the unlimited charitable contribution deduction. The excepted features of the House bill would be the inclusion of appreciated charitable gifts as tax preferences within the limit on tax preferences and allocation of deduction rule, the allocation of the charitable deduction, the 30-percent limit on gifts of appreciated property, and the appreciated property rule in the case of property which would give rise to a long-term capital gain if sold.

On October 9 the committee agreed to eliminate State and local bond interest from the limitation on tax preference and allocation of deductions provisions of the House bill. The committee also agreed to delete that provision in the House bill which would provide a subsidy for States and local governments which choose to issue their bonds on a taxable basis and pay competitive market rates of interest on them. When Assistant Secretary of the Treasury Edwin S. Cohen testified before the Finance Committee on September 4 he was asked what the revenue loss would be if State and local bond interest were eliminated from the limitation on tax preference provision contained in the House bill. He was asked this question because the administration is vigorously opposed to the continued inclusion of tax-exempt interest in the LTP provision of the House bill. According to Mr. Cohen, the annual revenue loss would be $35 million. He was also asked how much additional revenue would be lost by eliminating tax-exempt interest from the allocation of deduction provision and his answer to that question was an annual revenue loss of $45 million—part 1, Senate hearings, page 662. This means that if the Finance Committee's decision is finally accepted the revenue loss over the House-passed bill would total $80 million a year.

On September 25, I submitted an amendment to the House-passed bill that would impose a minimum income tax on certain untaxed income of both individuals and corporations. In addition, my amendment would require allocation of deductions between taxed and untaxed income of individuals as well as corporations. Before the tax reform bill is reported by the Committee on Finance, I hope to obtain a revenue estimate as to its affect.

Mr. President, so that Senators may study the details of my amendment now, I ask unanimous consent that it be printed at this point in the Record.

There being no objection, amendment No. 206 was ordered to be printed in the Record, as follows:

Amendment No. 206

Page 165, beginning with line 7, strike out all through line 8, page 180, and insert the following:

"Subtitle A—Tax on Certain Untaxed Income and Allocation of Deductions

"Sec. 301. Tax on Certain Untaxed Income.

"(a) Imposition of Tax.—Subchapter A of chapter 1 (relating to determination of tax liability) is amended by adding at the end thereof the following new part:

" 'Part VI—Additional Tax

" 'Sec. 55. Imposition of tax.

" 'Sec. 55. Imposition of Tax.

" '(a) Individuals.—In addition to the other taxes imposed by this chapter, there is hereby imposed on each individual for each taxable year a tax equal to 25 percent of the amount by which—

" '(1) the sum of the taxpayer's excluded items for the taxable year, exceeds

" '(2) $10,000 ($5,000, in the case of a married individual filing a separate return), plus an amount equal to the amount of deductions disallowed under section 277(a) for the taxable year.

" '(b) Corporations.—In addition to the other taxes imposed by this chapter, there is hereby imposed on each corporation for each taxable year a tax equal to 25 percent of the amount by which—

" '(1) the sum of its excluded items for the taxable year, exceeds

" '(2) $25,000, plus an amount equal to the amount of deductions disallowed under section 277(b) for the taxable year.

" '(c) Excluded Items.—For purposes of this section, the term "excluded items" means—

" '(1) interest excluded from gross income under section 103,

" '(2) the amount by which (A) the deduction for depreciation under section 167 on real property (other than residential real property for low- and middle-income families) exceeds (B) the amount of such deduction computed under the straight line method of depreciation,

" '(3) the amount by which (A) the amount allowed as a deduction under section 170 (relating to charitable contributions) for the taxable year exceeds (B) the taxpayer's aggregate adjusted basis for the property giving rise to such deduction,

" '(4) the amount allowed as a deduction under section 611 (relating to depletion) with respect to any property the adjusted basis of which is zero, and

" '(5) in the case of an individual, the amount allowed as a deduction for long-term capital gains under section 1202.'

"(b) Clerical Amendment.—The table of parts for such subchapter A is amended by adding at the end thereof the following new item:

" 'PART VI—ADDITIONAL TAX'

"(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1969.

"Sec. 302. Allocation of Deductions Between Taxed and Untaxed Income.

"(a) In General.—Part IX of subchapter B of chapter 1 (relating to items not deductible) is amended by adding at the end thereof the following new section:

" 'Sec. 277. Allocations of Deductions.

" '(a) Individuals.—

" '(1) In general.—In the case of an individual, if the sum of his excluded items for the taxable year exceeds $10,000 ($5,000, in the case of a married individual filing a separate return), then the sum of the items otherwise deductible under the sections listed in paragraph (2) shall not exceed an amount which bears the same ratio to the sum of such items (determined before the application of this section) as the taxpayer's adjusted gross income bears to the sum of his adjusted gross income and the amount by which his excluded items exceeds $10,000 ($5,000, in the case of a married individual filing a separate return).

" '(2) Deductions affected.—For purposes of paragraph (1), the sections referred to are the following:

" '(A) section 163 (relating to interest),

" '(B) section 164 (relating to taxes),

" '(C) section 165(c)(3) (relating to personal theft and casualty losses),

" '(D) section 170 (relating to charitable contributions),

" '(E) section 213 (relating to medical, dental, etc., expenses), and

" '(F) section 216 (relating to cooperative housing expenses).

" '(b) Corporations.—

" '(1) In general.—In the case of a corporation, if the sum of its excluded items for the taxable year exceeds $25,000, then the sum of its nonoperating deductions shall not exceed an amount which bears the same ratio to the sum of such nonoperating deductions (determined before the application of this section) as its net operating income bears to the sum of its net operating income and the amount by which its excluded items exceed $25,000.

" '(2) Definitions.—For purposes of paragraph (1), under regulations prescribed by the Secretary or his delegate—

" '(A) The term "nonoperating deductions" means all items otherwise deductible under this chapter which are not directly connected with the active operation of trade or business activities.

" '(B) The net operating income of a corporation is the amount by which the gross income directly connected with the active operation of trade or business activities exceeds the deductions allowed by this chapter which are directly connected with the active operation of such activities.

" '(c) Excluded Items.—For purposes of this section, the term "excluded items" means—

" '(1) interest excluded from gross income under section 103,

" '(2) the amount by which (A) the deduction for depreciation under section 167 on real property (other than residential real property for low- and middle-income families, exceeds (B) the amount of such deduction computed under the straight line method of depreciation,

" '(3) the amount by which (A) the amount allowed as a deduction under section 170 (relating to charitable contributions) for the taxable year, exceeds (B) the taxpayer's aggregate adjusted basis for the property giving rise to such deduction.

" '(4) the amount allowed as a deduction under section 611 (relating to depletion) with respect to any property the adjusted basis of which is zero, and

" '(5) in the case of an individual, the amount allowed as a deduction for long-term capital gains under section 1202.

" '(d) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section.'

"(b) Clerical Amendment.—The table of sections for such part IX is amended by adding at the end thereof the following new item:

" 'Sec. 277. Allocation of deductions.'

"(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1969."

Mr. METCALF. Mr. President, on October 20, the committee adopted with some modifications the general provisions of the House bill which would significantly tighten depreciation practices in the real estate industry. Under the

House bill, the real estate changes would increase Federal revenue by about $1 billion annually when fully effective. According to published accounts, the committee trimmed an estimated $25 million of annual revenue gain from the House bill. I mention this now because the tax treatment afforded the real estate industry is one of the areas of discussion contained in today's section of the DSG Tax Reform Fact Book.

On August 13, I reintroduced my tax-dodge farming bill, S. 500, in the form of an amendment to the House-passed bill. A bipartisan group of 27 Senators are cosponsors of S. 500. They are: Senators BAYH, BIBLE, BROOKE, BURDICK, CANNON, CHURCH, EAGLETON, HARRIS, HART, HARTKE, HATFIELD, HUGHES, INOUYE, KENNEDY, MCCARTHY, MCGEE, MCGOVERN, MANSFIELD, MONDALE, MONTOYA, MOSS, MUSKIE, NELSON, PEARSON, SAXBE, YARBOROUGH, and YOUNG of Ohio.

When former Assistant Secretary of the Treasury Stanley S. Surrey testified before the Committee on September 25, he commented that an appropriate revenue gain in this area would be $150 million to $200 million. The annual revenue effect of my bill has been estimated at $205 million. Mr. Surrey concluded his testimony with this statement:

> The proper course in the farm area is to reject the House bill approach and follow Senator Metcalf's approach.

However, according to published accounts the overall farm loss plan adopted by the Committee on Finance on October 17 ultimately would increase Federal revenue by $20 million a year, the same as under the House proposal. On October 20, I requested an estimate of comparative revenue figures from the Joint Committee on Internal Revenue Taxation. I have not yet received a response to my request but this is certainly understandable since the staff of the joint committee must be under an arduous time schedule now that the Committee on Finance has begun executive sessions to mark up its version of the bill.

As soon as I do receive a reply, I intend to make it available to other Senators, since I shall offer my amendment when the tax reform bill reaches the Senate floor for debate and further amendment. In the meantime, since this is an area that is discussed in some detail in today's section of the Tax Reform Fact Book, I shall make both the text of my letter together with the text of my amendment available now.

Mr. President, I ask unanimous consent that my letter of October 20 to Laurence N. Woodworth and the text of my amendment be printed at this point in the RECORD.

There being no objection, the letter and amendment No. 139 were ordered to be printed in the RECORD, as follows:

OCTOBER 20, 1969.

Mr. LAURENCE N. WOODWORTH,
Chief of Staff, Joint Committee on Internal Revenue Taxation, Longworth House Office Building, Washington, D.C.

DEAR MR. WOODWORTH: On 17 October the Senate Finance Committee agreed to a substitute for section 211 of the House-passed tax reform bill. Under this substitute, an individual who has more than $50,000 of nonfarm income and who incurs a loss from his farm operations of more than $25,000 (these are the same tests provided in the House bill) will be allowed to deduct currently only one-half of his farm losses in excess of $25,000 against his nonfarm income. The remaining portion of his farm loss which would not be allowed as a deduction in the year it is incurred could be carried over for an indefinite period but could be used only to offset future farm income.

Under the Committee substitute, farm losses up to $25,000 could continue to be deducted in full against nonfarm income, but deductions in excess of $25,000 (where the taxpayer has nonfarm income of more than $50,000) could be subject to an initial 50% disallowance.

At his press conference, Senate Finance Committee Chairman Russell Long stated that the Committee substitute would produce more annual revenue than the House bill for about four years but that at the end of that time, the provisions contained in the House version of the bill would at least have caught up to and possibly produce more annual revenue than the substitute adopted by the Senate Finance Committee.

In preparation for my testimony before the Senate Finance Committee on 22 September on this subject, I requested from you comparative revenue estimates between my tax-dodge farming bill, S. 500, and each of the provisions contained in the House bill. I also asked how many returns would be affected.

Pursuant to my request, you informed me that my bill would affect in the neighborhood of 14,000 individual tax returns. You estimated that it would raise an additional $205 million a year from these individuals. The number of returns affected by the "Excess Deductions Account" provision of H.R. 13270 you estimated to be in the neighborhood of 3,000. By 1979, the estimated increase in tax liability under the farm provisions of the House bill were estimated as follows: excess deductions account, $10 million; depreciation recapture, $5 million; holding period for livestock, $5 million; hobby losses negligible; for a total of $20 million by 1979. You further estimated that sometime after 1979 the increase in tax liability ascribed to the excess deductions account provision would increase an additional $5 million.

I understand that comparative figures for corporations are not available. However, I point out when I testified that my bill would raise $205 million a year additional revenue from individuals as opposed to only $25 million a year under the farm provisions of the House bill.

I would appreciate it if at your earliest convenience you would provide me with similar information regarding the Senate Finance Committee's version of each of the farm sections contained in the House-passed bill. Since the Committee adopted the livestock depreciation recapture provision contained in H.R. 13270, I assume that your prior revenue estimate as to that provision would remain at $5 million a year.

Very truly yours,

——— ———.

AMENDMENT

Page 139, beginning with line 10, strike out all through line 6, page 152 (section 211 of the bill), and insert the following:

"SEC. 211. FARM LOSSES.

"(a) IN GENERAL.—Part IX of subchapter B of chapter 1 (relating to items not deductible) is amended by adding after section 279 (added by section 411(a) of this Act) the following new section:

"'SEC. 280. LIMITATION ON DEDUCTIONS ATTRIBUTABLE TO FARMING.

"'(a) GENERAL RULE.—In the case of a taxpayer engaged in the business of farming, the deductions attributable to such business which, but for this section, would be allowable under this chapter for the taxable year shall not exceed the sum of—

"'(1) the adjusted farm gross income for the taxable year, and

"'(2) the higher of—

"'(A) the amount of the special deductions (as defined in subsection (d)(3)) allowable for the taxable year, or

"'(B) $15,000 ($7,500 in the case of a married individual filing a separate return), reduced by the amount by which the taxpayer's adjusted gross income (taxable income in the case of a corporation) for the taxable year attributable to all sources other than the business of farming (determined before the application of this section) exceeds $15,000 ($7,500 in the case of a married individual filing a separate return).

"'(b) EXCEPTION FOR TAXPAYERS USING CERTAIN ACCOUNTING RULES.—

"'(1) IN GENERAL.—Subsection (a) shall not apply to a taxpayer who has filed a statement, which is effective for the taxable year, that—

"'(A) he is using, and will use, a method of accounting in computing taxable income from the business of farming which uses inventories in determining income and deductions for the taxable year, and

"'(B) he is charging, and will charge, to capital account all expenditures paid or incurred in the business of farming which are properly chargeable to capital account (including such expenditures which the taxpayer may, under this chapter or regulations prescribed thereunder, otherwise treat or elect to treat as expenditures which are not chargeable to capital account).

"'(2) TIME, MANNER, AND EFFECT OF STATEMENT.—A statement under paragraph (1) for any taxable year shall be filed within the time prescribed by law (including extensions thereof) for filing the return for such taxable year, and shall be made and filed in such manner as the Secretary or his delegate shall prescribe by regulations. Such statement shall be binding on the taxpayer, and be effective, for such taxable year and for all subsequent taxable years and may not be revoked except with the consent of the Secretary or his delegate.

"'(3) CHANGE OF METHOD OF ACCOUNTING, ETC.—If, in connection with a statement under paragraph (1), a taxpayer changes his method of accounting in computing taxable income or changes a method of treating expenditures chargeable to capital account, such change shall be treated as having been made with the consent of the Secretary or his delegate and, in the case of a change in method of accounting, shall be treated as a change not initiated by the taxpayer.

"'(c) CARRYBACK AND CARRYOVER OF DISALLOWED FARM OPERATING LOSSES.—

"'(1) IN GENERAL.—The disallowed farm operating loss for any taxable year (hereinafter referred to as the "loss year") shall be—

"'(A) a disallowed farm operating loss carryback to each of the 3 taxable years preceding the loss year, and

"'(B) a disallowed farm operating loss carryover to each of the 5 taxable years following the loss year,

and (subject to the limitations contained in paragraph (2)) shall be allowed as a deduction for such years, under regulations prescribed by the Secretary or his delegate, in a manner consistent with the allowance of the net operating loss deduction under section 172.

"'(2) LIMITATIONS.—

"'(A) IN GENERAL.—The deduction under paragraph (1) for any taxable year for disallowed farm operating loss carrybacks and carryovers to such taxable year shall not exceed the taxpayers' net farm income for such taxable year.

" '(B) Carrybacks.—The deduction under paragraph (1) for any taxable year for disallowed farm operating loss carrybacks to such taxable year shall not be allowable to the extent it would increase or produce a net operating loss (as defined in section 172(c)) for such taxable year.

" '(3) Treatment as net operating loss carryback.—Except as provided in regulations prescribed by the Secretary or his delegate, a disallowed farm operating loss carryback shall, for purposes of this title, be treated in the same manner as a net operating loss carryback.

" '(d) Definitions.—For purposes of this section—

" '(1) Adjusted farm gross income.—The term "adjusted farm gross income" means, with respect to any taxable year, the gross income derived from the business of farming for such taxable year (including recognized gains derived from sales, exchanges, or involuntary conversions of farm property), reduced, in the case of a taxpayer other than a corporation, by an amount equal to 50 percent of the lower of—

" '(A) the amount (if any) by which the recognized gains on sales, exchanges, or involuntary conversions of farm property which, under section 123(a), are treated as gains from sales or exchanges of capital assets held for more than 12 months exceed the recognized losses on sales, exchanges, or involuntary conversions of farm property which under section 1231(a) are treated as losses from sales or exchanges of capital assets held for more than 12 months, or

" '(B) the amount (if any) by which the recognized gains described in section 1231 (a) exceed the recognized losses described in such section.

" '(2) Net farm income.—The term "net farm income" means, with respect to any taxable year, the gross income derived from the business of farming for such taxable year (including recognized gains derived from sales, exchanges, or involuntary conversions of farm property), reduced by the sum of—

" '(A) the deductions allowable under this chapter (other than by subsection (c) of this section) for such taxable year which are attributable to such business, and

" '(B) in the case of a taxpayer other than a corporation, an amount equal to 50 percent of the amount described in subparagraph (A) or (B) of paragraph (1), whichever is lower.

" '(3) Special deductions.—The term "special deductions" means the deductions allowable under this chapter which are paid or incurred in the business of farming and which are attributable to—

" '(A) taxes,

" '(B) interest,

" '(C) the abandonment or theft of farm property, or losses of farm property arising from fire, storm, or other casualty,

" '(D) losses and expenses directly attributable to drought, and

" '(E) recognized losses from sales, exchanges, and involuntary conversions of farm property.

" '(4) Farm property.—The term "farm property" means property which is used in the business of farming and which is property used in the trade or business within the meaning of paragraph (1), (3), or (4) of section 1231(b) (determined without regard to the period for which held).

" '(5) Disallowed farm operating loss.—The term "disallowed farm operating loss" means, with respect to any taxable year, the amount disallowed as deductions under subsection (a) for such taxable year, reduced, in the case of a taxpayer other than a corporation, by an amount equal to 50 percent of the amount described in subparagraph (A) or (B) of paragraph (1), whichever is lower.

" '(e) Special Rules.—For purposes of this section—

" '(1) Business of farming.—A taxpayer shall be treated as engaged in the business of farming for any taxable year if—

" '(A) any deduction is allowable under section 162 or 167 for any expense paid or incurred by the taxpayer with respect to farming, or with respect to any farm property held by the taxpayer, or

" '(B) any deduction would (but for this paragraph) otherwise be allowable to the taxpayer under section 212 or 167 for any expense paid or incurred with respect to farming, or with respect to property held for the production of income which is used in farming.

For purposes of this paragraph, farming does not include the raising of timber. In the case of a taxpayer who is engaged in the business of farming for any taxable year by reason of subparagraph (B), property held for the production of income which is used in farming shall, for purposes of this chapter, be treated as property used in such business.

" '(2) Income and deductions.—The determination of whether any item of income is derived from the business of farming and whether any deduction is attributable to the business of farming shall be made under regulations prescribed by the Secretary or his delegate, but no deduction allowable under section 1202 (relating to deduction for capital gains) shall be attributable to such business.

" '(3) Controlled group of corporations.—If two or more corporations which—

" '(A) are component members of a controlled group of corporations (as defined in section 1563) on a December 31, and

" '(B) have not filed a statement under subsection (b) which is effective for the taxable year which includes such December 31,

each have deductions attributable to the business of farming (before the application of subsection (a)) in excess of its gross income derived from such business for its taxable year which includes such December 31, then, in applying subsection (a) for such taxable year, the $15,000 amount specified in paragraph (2)(B) of such subsection shall be reduced for each such corporation to an amount which bears the same ratio to $15,000 as the excess of such deductions over such gross income of such corporation bears to the aggregate excess of such deductions over such gross income of all such corporations.

" '(4) Partnerships.—A business of farming carried on by a partnership shall be treated as carried on by the members of such partnership in proportion to their interest in such partnership. To the extent that income and deductions attributable to a business of farming are treated under the preceding sentence as income and deductions of members of a partnership, such income and deductions shall, for purposes of this chapter, not be taken into account by the partnership.

" '(5) Two or more businesses.—If a taxpayer is engaged in two or more businesses of farming, such businesses shall be treated as a single business.

" '(6) Related integrated businesses.—If a taxpayer is engaged in the business of farming and is also engaged in one or more businesses which are directly related to his business of farming and are conducted on an integrated basis with his business of farming, the taxpayer may elect to treat all such businesses as a single business engaged in the business of farming. An election under this paragraph shall be made in such manner, at such time, and subject to such conditions as the Secretary or his delegate may prescribe by regulations.

" '(7) Subchapter S corporations and their shareholders.—

" 'For special treatment of electing small business corporations which do not file statements under subsection (b) and of the shareholders of such corporations, see section 1380.

" '(f) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section.'

"(b) Subchapter S Corporations.—Subchapter S (relating to election of certain small business corporations as to taxable status) is amended by adding after section 1379 (as added by section 541(a) of this Act) the following new section:

" 'Sec. 1380. Electing Small Business Corporations Engaged in Business of Farming.

" '(a) Separate Application to Farming Income and Deductions.—Under regulations prescribed by the Secretary or his delegate, an electing small business corporation which is engaged in the business of farming during its taxable year (other than a corporation which has filed a statement under section 280(b) which is effective for such taxable year), and the shareholders of such corporation, shall apply the provisions of sections 1373 through 1378, separately with respect to—

" '(1) income derived from the business of farming by such corporation and deductions attributable to such business, and

" '(2) all other income and deductions of such corporation.

In computing the taxable income and undistributed taxable income, or net operating loss, of such corporation with respect to the business of farming, no deduction otherwise allowable under this chapter shall be disallowed to such corporation under section 280.

" '(b) Shareholders Treated as Engaged in Business of Farming, etc.—For purpose of section 280—

" '(1) each shareholder of an electing small business corporation to which subsection (a) applies shall be treated as engaged in the business of farming,

" '(2) the undistributed taxable income of such corporation which is included in the gross income of such shareholder under section 1373 and is attributable to income and deductions referred to in subsection (a)(1), and dividends received which are attributable to such income and deductions and are distributed out of earnings and profits of the taxable year as specified in section 316(a)(2), shall be treated as income derived from the business of farming by such shareholder, and

" '(3) the deduction allowable (before the application of section 280) to such shareholder under section 1374 as his portion of such corporation's net operating loss attributable to income and deductions referred to in subsection (a)(1) shall be treated as a deduction attributable to the business of farming.

" '(c) Special Rules of Section 280(e) Applicable.—For purposes of this section, the special rules set forth in section 280(e) shall apply.'

"(c) Clerical and Conforming Amendments.—(1) The table of section for part IX of subchapter B of chapter 1 is amended by adding at the end thereof the following new item:

" 'Sec. 280. Limitation on deductions attributable to farming.'

"(2) Section 172(1) is amended by adding at the end thereof the following new paragraph:

" '(3) For limitations on deductions attributable to farming and special treatment of disallowed farm operating losses, see section 280.'

"(3) Section 381(c) is amended by adding at the end thereof the following new paragraph:

" '(24) Farm operating loss carryovers.—The acquiring corporation shall take into account, under regulations prescribed by the Secretary or his delegate, the disallowed farm operating loss carryovers under section 280 of the distributor or transferor corporation.'

"(4) The table of sections for subchapter S is amended by adding at the end thereof the following new item:

" 'Sec. 1380. Electing small business corporations engaged in business of farming.'

"(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1969, except that for purposes of applying section 280 (c) of the Internal Revenue Code of 1954 (as added by subsection (a)) with respect to disallowed farm operating losses of any taxpayer for taxable years beginning after such date—

"(1) such amendments shall also apply to the 3 taxable years of such taxpayer preceding the first taxable year beginning after such date, and

"(2) in the case of a taxpayer to whom section 1380(b) of such Code (as added by subsection (b)) applies for any of his first 3 taxable years beginning after such date, section 1380 of such Code shall apply with respect to the electing small business corporation of which such taxpayer is a shareholder for the 3 taxable years preceding each such taxable year of such taxpayer, but only with respect to any such preceding taxable year for which the corporation was an electing small business corporation."

Mr. METCALF. Mr. President, I ask unanimous consent that the section of the DSG Tax Reform Fact Book entitled "Other Loophole-Closing Provisions" be printed in the Record.

There being no objection, the section of the book was ordered to be printed in the Record, as follows:

DSG Tax Reform Fact Book

SECTION 6—OTHER LOOPHOLE-CLOSING PROVISIONS

Eliminate the $100 dividend exclusion

The Problem: Special income tax treatment is granted to corporation dividends that is not given to income from such sources as bank or savings bond interest. The exclusion is defended on the basis that it is compensation for double taxation of dividends (first through corporate tax on the company, then through income tax on the individual).

Present Law: The first $100 of ordinary dividends received from taxable domestic corporations is excluded from taxable income. A husband and wife, filing either jointly or separately, may each exclude up to $100 received from qualifying companies for the tax year. Since this is an exclusion, rather than a deduction, it applies on both itemized and unitemized returns.

The exclusion also applies to ordinary dividends on the capital stock of non-exempt cooperatives, stock of the Federal National Mortgage Association, the capital stock of building and loan associations (as distinct from so-called dividends on deposits and withdrawable accounts), and similar organizations.

Pending Proposals: A large number of tax reform bills included this proposal. H.R. 5250 (Reuss and others) would repeal the exclusion entirely. Identical or similar measures are H.R. 229, 1039, 1119, 3655, 6206, 6233, 6770, 6791, 7040, 7045, 7346, 7585, 8144, 9195, 9759, 9852, 10043, and 10253.

Revenue Impact: Treasury estimates repeal of the exclusion would increase revenue $225 million a year.

Proponents and Opponents: Little testimony was presented on this proposal most of it by sponsoring members. There was no direct opposition.

Administration Action: Neither the Treasury recommendations nor the Nixon Administration's proposals dealt with the dividend exclusion.

House Action: The House did not act on this proposal.

Enact a minimum tax on exempt income

The Problem: Present law gives preferential treatment to capital gains and certain other types of income through partial or total exclusion from taxable income. Some individuals structure their income to avoid all income tax liability. As a result, the system favors unearned income over wages and salaries. In 1967, the most recent year for which information is available, taxes paid by millionaires averaged only 25% of total income. Twenty-one of these millionaires and 134 other persons with incomes exceeding $200,000 escaped federal taxes altogether. It is estimated that an effective minimum tax proposal would affect about 40,000 wealthy taxpayers.

Present Law: There is no minimum tax at present. Special privileges and exemptions available and the amount of revenue lost each year to taxpayers avoiding taxes include: (1) $8.5 billion on capital gains from stock and other property sales; (2) $1.8 billion income from interest on state and local bonds; (3) $1.3 billion in income from oil, gas and more than 100 minerals eligible for depletion and other allowances; (4) $750 million in real estate income that escapes taxation when it is written off as accelerated depreciation; (5) $2.2 billion in deductions to charitable and other tax-exempt institutions; (6) $800 million to non-farmers who write off paper losses in farm operations against normally-taxable ordinary income, and (7) $500 million to those who have tax-exempt income yet write off all deductions against the taxable portion.

Pending Proposals: Minimum tax proposals are included in several tax reform bills introduced this year. H.R. 7980 (Fraser), for example, would impose a minimum tax on all incomes over $50,000. Identical or similar proposals are in H.R. 10842, 11353, 229, 1379, 2142, 5196, 6207, 6721, 7326, 7744, 7980, 9762, and 10237.

Revenue Impact: Treasury reports a limitation on tax preferences, one approach to the problem, would increase revenues $20 million in 1969, $40 million in 1970, and $80 million when fully effective in 1971. It is estimated that $1.5 bilion would be raised by imposing a 25% minimum tax on all excluded income exceeding $10,000 for individuals and $25,000 for corporations.

Proponents and Opponents: No organization witnesses appeared when Ways and Means held hearings on the minimum tax approach. Proponents include the AFL–CIO, UAW, and Longshoremen's Union.

Administration Action: The Treasury, in its December report, proposed a minimum tax with rates graduated from 7% to 35%, which would have the effect of keeping any individual from excluding more than half his total income from taxation. The Administration, in its April recommendations, called for a Limit on Tax Preferences (LTP) provision to limit income eligible for tax-free treatment. The limit on tax-free income would apply only to certain types, however, and would not become effective at the final 50% ceiling until 1971. It also would not apply to corporations.

House Action: The House voted to adopt a minimum tax that would work this way: It would tax at ordinary rates half the amount of otherwise excludable income that exceeds a person's taxable income, provided that these exclusions total more than $10,000. Thus if a person received $50,000 in salary and $150,000 in sheltered income, his tax would be levied on $100,000 rather than on $50,000 as under present law.

The specified income categories are (1) tax-exempt state and municipal bond interest; (2) the excluded half of capital gains; (3) appreciation in gifts of property to certain tax-exempt organizations; (4) the excess of accelerated over straight line depreciation in real estate, and (5) farm losses to the extent they exceeded losses figured under the inventory method of accounting. The minimum tax does not apply to tax-exempt income of corporations or to percentage depletion or intangible drilling costs, both important tax preferences for the petroleum industry.

Resource References: See Ways and Means Hearings, Volumes 5 and 7; Treasury Studies, Part 2.

Limit to $15,000 the amount of farm loss writeoff against nonfarm income

The Problem: Taxpayers with high bracket salary or other non-farm income create this tax shelter by investing in agricultural operations that use premature deductions to show losses in the early years of investment but later produce sizeable capital gains income. In 1967, for example, more than one million tax returns showed farm losses, compared to two million reporting from profit.

This tax avoidance opportunity stems from liberal accounting rules used to compute farm income and losses. They were adopted to spare the ordinary farmer the red tape involved in meeting more rigorous requirements of a business.

Present Law: Present law is best explained by using livestock as an example. The investor purchases livestock for breeding, dairy or draft purposes and deducts expenses of their care and maintenance. He also takes depreciation deductions on the cost of the herd. These deductions can offset his high-bracket non-farm income in the year they are taken. Later any profit on sale of the herd is taxed as capital gains. Even if the investor breaks even on these transactions before taxes, or has a loss on paper, the difference in the rate of tax between high-bracket ordinary income and capital gains income makes a substantial after-tax profit possible.

Investors can create a similar tax shelter when they invest in citrus groves or other income producing trees, in uncleared land to convert to farmland or a real estate development, or in other agricultural operations.

Pending Proposals: Several bills have been introduced to restrict or eliminate this tax shelter. H.R. 4257 (Culver and others) would limit the farm loss offset against nonfarm income to $15,000 in any taxable year. The measure would permit carry backs and carry forwards of any excess. Identical or similar measures are H.R. 5196, 5250, 6206, 6233, 6721, 6770, 6791, 7040, 7045, 7336, 7346, 7575, 7585, 7617, 7787, 7980, 8144, 8157, 8374, 8650, 8952, 8982, 9195, 9270, 9752, 9759, 9762, 9852, 10237, 11017, and 11174.

Revenue Impact: Treasury estimates farm loss writeoffs cost $800 million a year in revenue. It estimates $145 million would be raised by restricting farm loss writeoffs to $15,000.

Proponents and Opponents: Several farm groups have endorsed the Culver bill or other specific tax loss measures. Most farm and rural organizations, however, support the legislative principle rather than a specific bill. Main supporters are National Farmers Union, American Farm Bureau Federation, National Grange, National Farmers Organization, National Council of Farmers Cooperatives, National Association of Wheat Growers, Cooperative League of the U.S.A., National Association of Farmer Elected Committeemen, Farmland Industries, Midcontinent Farmers Association, National Catholic Rural Life Conference, AFL–CIO, and UAW. Major opponents testifying were the National Livestock Tax Committee, American National Cattlemen's Association, Oppenheimer Industries, and the American Hereford Association.

Administration Action: The Administration proposal would deal with the problem by limiting capital gains on a farm operation where losses exceeded $5,000 a year. When losses were higher a figure representing the excess would go into an Excess Deductions Account EDA). Future farm income would reduce the EDA and be taxed as ordinary income as long as anything remained in the EDA. No capital gains would be allowed as long as an EDA balance remained.

The proposals also would (1) provide for capture of excessive depreciation on livestock; (2) require livestock to be held two years for capital gains treatment, and (3) disallow "hobby farm" losses if they exceeded $50,000 for more than three of each five years (rather than the present five consecutive five years).

House Action: The House bill would require losses to be recorded in an excess deductions account (EDA). Capital gains realized from later sale of assets equal to this excess account would be taxed at ordinary income rates. The bill would apply only to those with non-farm income of $50,000 or more and would exclude the first $25,000 in losses from the excess deductions account provision. It also would disallow farm losses under the hobby farm provision if such losses exceeded $25,000 in 3 out of 5 years and extend the holding period requirement for capital gains treatment on livestock.

Resources References: See Ways and Means Hearings, Volume 6; Treasury Studies, Part 2.

Repeal unlimited charitable contribution deduction

The Problem: This special provision allows individuals to take an unlimited tax deduction for contributions of money, stocks and other property to foundations, churches, and other designated organizations. Recent studies show this provision is used by only about 100 of the nation's wealthiest families. Their income is mainly from dividends and tax-exempt bond interest and their tax liability small or nonexistent.

This deduction is a bigger loophole than it looks because it ties in with another tax avoidance provision. That provision bases the charitable deduction on the full value of the donated assets (usually stocks or real estate), which permits the taxpayer to avoid payment of capital gains on the appreciated value.

Present Law: Present law permits a taxpayer to deduct charitable contributions to a maximum of 20% or 30% of his income, depending on the type of tax-exempt organization to which contributions are made. These limits do not apply, however, if the taxpayer's contributions plus his income tax for the taxable year and eight of the preceding 10 years exceed, in each of these years, 90% of his taxable income (computed without regard to charitable contributions, personal exemptions, and net operating loss carryback).

Pending Proposals: More than 20 bills dealing with this provision have been introduced in the House. H.R. 5250 (Reuss and others) would repeal the unlimited deduction and put all taxpayers under the 20% and 30% limitations. Identical or simlar bills are H.R. 229, 1039, 1119, 3655, 5196, 6206, 6233, 6721, 6769, 6791, 7040, 7045, 7346, 7585, 6770, 8144, 9195, 9759, 10844, and 11017.

Revenue Impact: Treasury estimates eliminating this deduction, when fully effective in 1980, would raise $25 million in additional revenue. It also is estimated by Treasury that proposals to increase the 20% and 30% ceilings to an overall 50% limit would cost $20 million a year.

Proponents and Opponents: A wide range of religious, cultural, educational and charitable organizations either testified or submitted statements opposing repeal. Included were such groups as the American Association of Fund Raising Counsel, Inc.; American Sympathy Orchestra League; Population Council; Council of Jewish Federations and Welfare Funds, United Church Board of World Ministries, and National Catholic Welfare Conference. The National Association of Manufacturers also asked that all charitable contributions provisions remain unchanged. The AFL–CIO, UAW and Longshoremen's Union all urged that this loophole be closed.

Administration Action: The Administration has proposed increasing the limitation on charitable contributions for all taxpayers to 50% of adjusted gross income from the present top limit of 30%, effective with returns filed in 1970. It would continue the unlimited charitable deduction for individuals meeting the 8-of-10 years requirement, setting a new and lower overall limit of 80% on charitable contributions. And it would repeal the deduction for rental value of property leased rent-free to a charitable institution. Also recommended was a change in tax benefits of contributions of property. It would limit deductions for these gifts to the cost or other basis of the property. The effect is similar to taxing the appreciation of ordinary income assets in a charitable gift.

House Action: The House bill would (1) increase the general limit on the charitable contribution deduction for individuals from 30% to 50%; (2) repeal the unlimited charitable contributions deduction with a 5-year phaseout, and (3) tighten tax treatment of charitable contributions of art works and other appreciated property.

Resource Reference: See Ways and Means Hearings, Volumes 3, 4 and 5; Treasury Studies, Part 2.

Remove tax-exempt status of State and local bonds

The Problem: The interest on the roughly $130 billion in outstanding state and local bonds is exempt from federal taxation. Critics contend these tax-free bonds, which lose the Treasury $1.8 billion a year in potential tax revenue, are an inefficient way to finance state and local government projects. The reason is the Treasury loses $2 in taxes for every $1 in lower interest gained by governmental units issuing the bonds.

The exemption also has created a tax haven for commercial banks and other financial institutions, which now hold about $50 billion worth. Tax-exempt interest makes up about one-third of the income of commercial banks.

Present Law: Interest on obligations of a state or its political subdivision, or on the obligations of the District of Columbia or any of its subdivisions, is wholly exempt from tax. This includes such bodies as port authorities, toll road commissions, utility service authorities, and similar bodies created for furtherance of public functions.

Pending Proposals: A large number of bills to change the tax-free status of state and municipal bonds have been introduced in the House. H.R. 5250 (Reuss and others) would end the exemption and pay the state or locality issuing the bond an interest subsidy, providing the bond-issuing governmental unit agreed to this arrangement. Similar or identical proposals are H.R. 6206, 6770, 7040, 7045, 7346, 7585, 8144, 9195, 9756, 9852, and 10253.

Revenue Impact. It is estimated the revenue gained after ending the exemption and paying the interest subsidy would be $100 million a year.

Proponents and Opponents: Main opposition to the proposal comes from the National Association of Attorneys General, National Governors Conference, National League of Cities, National Association of Counties, and U.S. Conference of Mayors. Most of the support came from Members of Congress who recognize that many wealthy individuals have sizeable tax-free incomes from exempt bond interest and look on this exemption as an important unplugged loophole.

Administration Action: The Administration did not make a recommendation on the tax status of municipal bonds.

House Action: The House voted to encourage state and local governments to issue taxable bonds by giving them the option of continuing to market tax-exempt bonds or accepting a subsidy tied to issuance of taxable bonds. The subsidy would be equal to the average cost of the additional interest payable (over what the rate would be on a tax-exempt bond) plus a small additional amount.

Resource References: Ways and Means Hearings, Volume 6.

Drop accelerated depreciation on speculative real estate

The Problem: Preferential tax treatment for real estate subsidizes commercial and industrial buildings, motels and hotels, shopping centers, office buildings, and rental housing operators. These preferences include accelerated depreciation (twice the rate the law presumes the property will actually deteriorate) and reduced or deferred taxation of gains.

Combining these provisions provides tax-free cash flow plus the opportunity to use excess real estate deductions in sheltering ordinary income from tax. Deferred tax liability is, in effect, an interest, free federal loan. Finally, the property is usually sold after a few years and a good portion of the accelerated depreciation is never returned to the tax base and escapes taxation entirely.

Present Law: Under accelerated formulas new buildings can be written off at twice normal or "straight line" rates and the cost of used buildings can be charged off at 1½ times normal depreciation rates. Since depreciation writeoffs are considered a cost, they are added to interest and other expenses subtracted from rental income and the income tax, if any, is paid on the remainder. Usually bookkeeping losses results and landlords use these to offset ordinary income. When these properties are sold, the profit is taxed at capital gains rates and the new buyer is eligible to start the accelerated depreciation routine all over again.

Pending Proposals: Proposals to eliminate accelerated depreciation are included in most tax reform bills pending in the House. H.R. 5250 (Reuss and others) would disallow depreciation in excess of straight line on all speculative real estate. Identical measures are H.R. 6206, 6770, 7040, 7045, 7346, 7585, 8144, 9195, 9759, 9852, and 10253.

Revenue Impact: Treasury estimates closing this loophole would save $750 million a year. Some $500 million of this now subsidizes motels, office buildings, shopping centers, and commercial and industrial construction of all kinds.

Proponents and Opponents: Opponents testifying against elimination of accelerated depreciation included representatives of the National Association of Home Builders, National Association of Real Estate Boards, Realty Committee on Taxation, American Hotel and Motel Association, National Apartment Association, Mortgage Bankers Association of America, Investing Builders & Owners Association, U.S. Chamber of Commerce, and the International Council of Shopping Centers, Inc.

The National League of Cities and U.S. Conference of Mayors filed a statement generally critical of preferential treatment of real estate. But they supported continuation of special provisions for new or rehabilitated housing. The AFL–CIO has taken a similar position, calling for continuing rapid depreciation for low and moderate income housing.

Administration Action: Depreciation on real estate would be subject to the Administration's proposed Limit on Tax Preference (LTP) to the extent that it exceeded deductions allowable under a straight line formula. LTP is a minimum tax approach to certain income that now escapes taxation.

House Action: The House bill would preserve 200% declining balance depreciation for apartment house construction and allow only 150% straight line on commercial and industrial construction. Apartment houses no longer held by original owners would be cut back to the straight line rate. A new feature would encourage rehabilitation of old residential properties by allowing amortization over a 5-year period. It also would make it easier for the government to recapture for tax purposes, when a building is sold, the excess depreciation that has been taken.

Resource References: See Ways and Means Hearings, Volume 8; Treasury Studies, Part 3.

Require allocation of deductions between taxable and nontaxable income

The Problem: Highly preferential treatment now allows billions of dollars in income to escape taxation entirely each year. Yet the tax-exempt status of this income is only part of the benefit. The deductions taken for personal and non-business expenses come off any taxable portion that is left, offsetting some of it and making even more of the total tax-free.

Present Law: Under present law an individual can receive two kinds of income: (1) income subject to tax such as salary and interest, and (2) income exempt from tax such as interest received on municipal bonds and one-half of long-term capital gains. The law allows an individual to reduce the amount of his income subject to tax by deductions for all his personal expenses, even though part of such expense is paid out of tax-exempt income.

In this situation, the present tax structure enables the taxpayer to receive a double benefit from his tax-exempt income. Such income is not included in his tax return. And he is permitted to reduce his other income subject to tax by the full amount of his deductible expenses.

Pending Proposals: Proposals to allocate deductions on a proportional basis between taxable and tax-exempt income were not included in the major reform bills introduced in the House this session.

Revenue Impact: Treasury estimates that revenue gained from allocation of deductions for individuals with $5,000 or more in exempt income would be about $405 million a year.

Proponents and Opponents: There was no organized opposition to the allocation of deductions approach. The AFL–CIO is a strong supporter.

Administration Action: Treasury, in its December recommendations, called for allocation of non-business itemized deductions between taxable and nontaxable income for individuals with at least $5,000 in tax-exempt income. The Nixon Administration proposal is basically the same except for a two-year phase-in provision.

House Action: The bill passed by the House provides an allocation approach similar to the Administration proposal. It would apply only to individuals with $1,000 or more in tax-exempt income and to these categories of tax-exempt income: (1) interest on state and local bonds; (2) the one-half of net long-term capital gains excluded from income; (3) appreciation in value of property donated to charity to the extent the appreciation was deducted as a charitable contribution but not included as income; (4) intangible drilling costs and a portion of percentage depletion; (5) real estate depreciation in excess of straight line, and (6) certain farm losses.

Resource References: Treasury Studies, Part 2.

Mr. METCALF. Mr. President, the final section of the Tax Reform Fact Book deals wtih four tax relief proposals. The Senate Committee on Finance has already reached agreement in one of these areas. The House-passed bill would have provided that the maximum marginal tax rate applicable to an individual's earned income is not to exceed 50 percent.

The effect of this would have been to provide an alternative tax computation for earned income under which earned income in the taxable income brackets where the tax rate would otherwise be greater than 50 percent would be subject to a flat 50-percent rate. On October 10 the Senate Committee on Finance agreed to delete this provision from the House bill.

On August 18 the staffs of the Joint Committee on Internal Revenue Taxation and the Committee on Finance made available a statistical table which lists the revenue effect of all the tax relief provisions contained in the House-passed bill.

Mr. President, I ask unanimous consent that both the table and the final section of the DSG Tax Reform Fact Book to be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 4.—TAX RELIEF PROVISIONS AFFECTING INDIVIDUALS AND TOTAL FOR ALL REFORM AND RELIEF PROVISIONS AFFECTING INDIVIDUALS, WHEN FULLY EFFECTIVE, BY ADJUSTED GROSS INCOME CLASS, 1969 LEVELS

[In millions of dollars]

AGI class	Reform provisions	Low income allowance	Elimination of phaseout	15-percent $2,000 standard deduction	General rate reductions	Maximum tax on earned income	Intermediate tax treatment	Total relief provisions	Total, all provisions
0 to $3,000	+16	−552	−202		−27		−10	−791	−775
$3,000 to $5,000	−3	−72	−788		−141		−45	−1,046	−1,049
$5,000 to $7,000	+3	−1	−594		−329		−75	−999	−996
$7,000 to $10,000	+7		−335	−228	−663		−130	−1,356	−1,349
$10,000 to $15,000	+26		−83	−789	−975		−111	−1,958	−1,932
$15,000 to $20,000	+23		−16	−231	−496		−55	−798	−775
$20,000 to $50,000	+90		−8	−117	−806		−135	−1,066	−976
$50,000 to $100,000	+137		−1	−7	−420	−20	−54	−502	−365
$100,000 and over	+1,081			−1	−641	−80	−35	−757	+324
Total	+1,380	−625	−2,027	−1,373	−4,498	−100	−650	−9,273	−7,893

DSG TAX REFORM TAX BOOK

SECTION 7—TAX RELIEF

Increase regular standard deduction

The Problem: The regular standard deduction was introduced in 1944 as an option for taxpayers who did not want to keep detailed records and itemize returns. It gave them the option of subtracting 10% of their adjusted gross income, up to $1,000, and paying taxes on the remainder. The 10% figure was high enough then to dissuade 82% of all taxpayers from itemizing.

By 1965, however, it was obvious the 10% figure was too low because only 59% used the optional deduction rather than itemizing. An estimated 42% used it this year. The drop is blamed on growing deductions for state and local taxes and home ownership interest and on the fact that it continues to cover only the first $10,000 of taxable income.

The standard deduction also provides some tax relief for those with less than 10% in allowable deductions. An increase would provide substantial tax reduction for many low-income taxpayers.

Present Law: Taxable income is computed by subtracting allowable deductions for personal expenses and personal exemptions from adjusted gross income. As an alternative to itemizing deductions, a taxpayer may elect to claim a standard deduction equal to 10% of his adjusted gross income, up to $1,000 ($500 for married persons filing separately). The standard deduction added to personal exemptions is subtracted from adjusted gross income to get the taxable income figure.

Pending Proposals: Several reform bills introduced this session call for increases in the regular standard deduction. H.R. 9680 (Fraser) would increase it to 14% with an $1,800 maximum. Similar or identical measures are H.R. 9762, 10090, 10135, and 9936.

Revenue Impact: Treasury estimates raising the $1,000 standard deduction ceiling to $1,800 would provide $1.4 billion in tax relief to about 14.6 million families and individuals. Nearly all would be in the $5,000 to $20,000 income range.

Proponents and Opponents: The AFL–CIO, UAW and Longshoremen's Union were among those testifying for higher standard deduction ceilings. Mortimer Caplin, former Internal Revenue commissioner, also supoprted an increase. There was no organized opposition.

Administration Action: The Treasury, in its December recommendations, called for raising the regular standard deduction to 14% with a new $1,800 ceiling. It estimated the new deduction would be used in 80% of the returns by taxpayers who would no longer find it advantageous to itemize.

The Nixon Administration did not recommend a regular standard deduction increase.

House Action: The House voted to raise the standard deduction to 13% with a $1,400 ceiling in 1970, to 14% with a $1,700 ceiling in 1971, and to 15% with a $2,000 ceiling in 1972.

Resource References: Ways and Means hearings, Volumes 5 and 7; Treasury Studies, Parts 1 and 2.

Reduce rates for the bottom income tax brackets to 9 percent and 13 percent

The Problem: Many inequities of present tax law are related to the use of marginal tax rates on taxable income. These rates are blind to financial circumstance and apply equally to all taxpayers. Both rich and poor, as a result, pay 14% or $140 on the first $1,000 of taxable income, 15% or $150 on the second, and so on. The effect is the same with each higher bracket.

It is possible, however, to reduce the proportionate tax burden on low-income families and individuals by cutting the bottom rates. Studies show that about 95% of the relief from cuts in the two bottom brackets would go to those with taxable incomes under $20,000.

Present Law: Present marginal tax rates begin at 14% on the first $1,000 of taxable income and range up to a 70% top bracket maximum.

Pending Proposals: None of the tax reform bills introduced in the House this session included an income tax-rate-cutting provision.

Revenue Impact: Cost to the Treasury of a proposal reducing the present 14% and 15% rate brackets to 9% and 13% is estimated at $3.4 billion a year.

Proponents and Opponents: The main supporter of this tax relief approach is the AFL–CIO. The proposal did not attract much attention during the Ways and Means hearings. It also did not draw any important opposition.

Administration Action: The Nixon Administration did not propose rate cuts.

House Action: The House included a two-stage rate cut provision in the bill that would provide reduction of at least 5% when fully effective in calendar 1972. The top rate would be cut from the current 70% to 65% and the lowest rate cut from 14% to 13%.

Resource References: Ways and Means hearings, Volume 12.

Raise minimum standard deduction

The Problem: Recent studies show 2.2 million families and individuals with incomes below officially-designated poverty levels have to pay federal income taxes. Many others with comparatively low incomes pay substantial amounts. Included are hundreds of thousands of students who have sizable sums withheld from wages. They end up paying $100 a year or more in federal income taxes on summer or part-time work, yet operate at a financial deficit to continue in school.

The difficulty in meeting this problem is devising a plan that would (1) be simple to administer; (2) make the proper allowance for family size, and (3) phase out in such a way that its impact would go to those needing relief the most.

Present Law: Taxpayers who do not itemize deductions now are entitled to a minimum standard deduction of $200 plus $100 for each family member up to an overall limit of $1,000.

Pending Proposals: Among the many tax relief bills introduced in the House this session is H.R. 9523 (Culver), which would increase the minimum standard deduction to $600 plus $100 for each exemption. Similar or identical measures are H.R. 9680, 9762, 10090, 10135, 12181. and 9253.

A low income allowance, a form of minimum standard deduction, was a major provision of H.R. 12290, the bill to extend the surtax that passed the House, 210–205, on June 30.

Revenue Impact: Treasury estimates the plan in H.R. 12290 would cost $665 million in Fiscal 1971, its first full year in operation. Its studies show an estimated 12.7 million low-income taxable returns would have tax cuts under this provision, with 6 million of these made nontaxable.

The Treasury estimate for the cost of raising the minimum standard deduction to $600 plus $100 for each deduction with a $1,000 limit is $1.1 billion a year.

Proponents and Opponents: The AFL–CIO supported the Treasury's December recommendation ($600 plus $100 per exemption and a $1,000 limit) in its testimony. The UAW supported it in principle but told the Committee the $1,000 limit was too low.

Administration Action: Treasury, in its recommendations last December, suggested raising the level of the minimum deduction to $600, plus $100 for each personal exemption, up to a maximum of $1,000.

The Administration, in its proposals submitted in April, asked for a low income allowance (See H.R. 12290 passed by the House) designed to disappear as income rises beyond officially designated poverty levels.

The low income allowance provision works this way: It is a variable amount that, when added to the minimum standard deduction, totals $1,100. This, added to the $600 exemption per person, almost exactly matches the federal poverty standard for each family size. Above a certain cutoff point tied to the poverty level, the allowance is gradually phased out by reducing it by $1 for each $2 of added income. For the single person it would disappear at $3,300; for the family of four, at $4,500.

House Action: The House bill included the low income allowance which had passed previously as a part of H.R. 12290. It did not include the allowance phaseout provision included in H.R. 12290 and backed by the Administration, however. This means it would provide as much as $2.7 billion in tax relief when fully effective.

Resource References: See Ways and Means hearings, Volumes 7 and 9; Treasury Studies, Part 2.

Increase the personal exemption

The Problem: The $600 personal exemption has been in effect since 1948, unchanged despite inflation and cost-of-living increases in intervening years. Treasury estimates a comparable 1969 figure, reflecting these increases in line with changes in government economic indexes, would be $891.

An increase in the exemption has been criticized as a tax change because each $100 increase means much more to the rich than to the poor. For example, it would mean only $14 in tax relief for the low-income taxpayer in the 14% bracket and $70 for the wealthy individual at the 70% level.

Present Law: Exemptions are allowed against adjusted gross income of all taxpayers, regardless of whether they itemize deductions, take the 10% standard deduction, or use the minimum standard deduction. A taxpayer is entitled to one $600 exemption for himself and each dependent. An additional $600 exemption is allowed for each person over 65. And an additional $600 exemption is allowed for blindness.

Pending Proposals: More than 200 bills calling for personal exemption increases were introduced in this session. They called for increases to $700, $750, $850, $900, $1,000, $1,200, $1,500 and $2,000. Several of the proposals also called for extending the exemption for blindness to other handicapped persons.

Revenue Impact: Treasury estimated increasing the personal exemption from $600 to $1,200, based on 1969 earnings levels, would cost $17.3 billion.

Proponents and Opponents: Most of the support has come from Members of Congress. There is no organized opposition to an increase.

Administration Action: The Treasury, in its December recommendations, proposed a higher exemption for those over 65 but did not call for changes applying to other dependents.

The Nixon Administration has not called for any exemption changes.

House Action: The House took no action on personal exemptions.

Resource References: Ways and Means Hearings, Volume 5; Treasury Studies, Part 2.

Mr. METCALF. Mr. President, on October 16, I made available that section of the Tax Reform Fact Book which discusses the taxation of oil, gas, and minerals. By way of addition, I have since discovered that the Representative from Florida, Mr. Gibbons, has previously introduced a bill, H.R. 9735, that deals directly with the subject of mineral production payments.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

VETERANS EDUCATION AND TRAINING ASSISTANCE AMENDMENTS ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business, which the clerk will state.

The Legislative Clerk. H.R. 11959, to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters.

AMENDMENT OF THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 487, S. 1455.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. S. 1455, to amend section 8(c)(2)(A) of the Agricultural Marketing Act of 1937, as amended, so as to include Colorado, Utah, New Mexico, Illinois, and Ohio among the specified States which are eligible to participate in marketing agreement and order programs with respect to apples.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none and it is so ordered.

Thereupon, the Senate proceeded to consider the bill which had been reported from the Committee on Agriculture and Forestry with amendments, on page 1, line 3, after the word "That", strike out "the first sentence of section 8c(2)(A) of the Agricultural Marketing Agreement Act of 1937, as amended," and insert "clause (A) of the first sentence of section 8c(2) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation,"; and on page 2, line 3, after the word "and", strike out "Ohio.'"; and insert "Ohio".";
so as to make the bill read:

S. 1455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (A) of the first sentence of section 8c(2) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, is amended by striking out "and Connecticut" and inserting in lieu thereof "Connecticut, Colorado, Utah, New Mexico, Illinois, and Ohio".

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1455) was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "An act to amend section 8c(2)(A) of the Agricultural Adjustment Act to provide for marketing orders for apples produced in Colorado, Utah, New Mexico, Illinois, and Ohio."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-491), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF BILL

This bill extends authority for marketing orders to apples produced in the States of Colorado, Utah, New Mexico, Illinois, and Ohio (including those for canning or freezing) and their products (other than canned or frozen products). Similar authority now exists for apples produced in the States of New York, Michigan, Maryland, New Jersey, Indiana, California, Maine, Vermont, New Hampshire, Rhode Island, Massachusetts, and Connecticut; and, except as to those for canning or freezing, to apples produced in the States of Washington, Oregon, and Idaho.

The bill is identical to section 804 of S. 3590, as passed by the Senate on July 20, 1968.

COMMITTEE AMENDMENTS

The committee amendments merely correct the citation of the provision being amended, and the punctuation.

BACKGROUND INFORMATION

Marketing orders are designed to improve returns to growers through orderly marketing. Orders may (1) regulate the quality of the commodity shipped in order to keep inferior products from depressing prices; (2) regulate the quantity of the commodity marketed by rate of flow or by total quantity; (3) provide for stndardized containers or packs; (4) provide for marketing research and development projects; (5) prohibit unfair trade practices; (6) require price posting; and (7) authorize the collection and dissemination of marketing information.

Orders are issued only after notice, hearing, and determinations by the Secretary that the order will effectuate the purpose of the act and that it is favored by two-thirds of the producers (by number or volume of production).

While not required by statute, orders are always initiated by the producers of the commodity to be regulated, and orders regulating fruits and vegetables are almost always accompanied by handler agreements providing for identical regulation and signed by handlers of 50 percent of the volume of the commodity.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A REBUTTAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that "A Rebuttal," subheaded above, "Point of View," a commentary by Ward Just, relative to the situation existing in Vietnam and the difficulties confronting both this country and the South Vietnamese as well as the North Vietnamese and the Vietcong, be incorporated in the RECORD at this point.

Before the Chair rules, let me say that, in my opinion, Ward Just is one of the fairest and most competent reporters and commentators about the situation in Vietnam. That does not necessarily mean I approve all he has said in this commentary, but I do think it is worthwhile for the Senate's consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the commentary was ordered to be printed in the RECORD, as follows:

A REBUTTAL

(A commentary by Ward Just)

I suspect that Nicholas von Hoffman is right when he says that people in their heart of hearts don't care whether we bug out, run out, march out, stumble out, crawl out or fade out of South Vietnam. Who wants to negotiate about cancer? He is talking about a substantial minority in this country, people who have had it, as the President once said in another connection, up to *here;* thus frustrated, convinced the nation is acting immorally, they want to quit.

It would not be difficult to do, and sure as shooting there is a paper in the White House describing the scenario, how Kennedy and Johnson were responsible for the war, how Nixon, Kissinger and Company gave it the good college try but saddled with an impossible Saigon government and an intransigent and seemingly inexhaustible enemy, had concluded, for the good of the country, that losses must be cut. Add a few juicy charges of past mismanagement of the war (God knows there is enough evidence of it), and conclude that the South Vietnamese must now proceed on their own. America has done all it could, and Godspeed to the survivors. And the kids and their parents are pacified. They won't have to go to war in South Vietnam.

It is a pointless exercise to argue the politics of it, whether or not the loss of Vietnam will lead to the loss of Waikiki or even of Bangkok. Even so, that's a detail—arguable either way with most thoughtful men probably believing that yes, a loss in Vietnam probably means the "loss" of Southeast Asia, but if it did, which it might, so what. Southeast Asia, like China, is not our's to lose. "In the last analysis it's *their* war," President Kennedy said, blah blah blah. So it is necessary to set up the argument another way, to make it relevant, as they say, to what's happening now. This is to speak of the war in terms of its morals, and to do that is to examine it from the perspective of the Vietnamese.

Many of the Americans who so vehemently oppose the war do so from the position that the United States has virtually destroyed what it has tried to save. It is a fair point and an accurate one, far fairer and more accurate than they might suspect.

The Vietcong had all but won the war in early 1965, before the introduction of American combat troops. The test of strength was decently fair, with the indigenous Southern army with American support fighting the indigenous Southern guerrillas with North Vietnamese support. It seemed clear then that the Communists had the support of the people of South Vietnam. Theirs was the strong tide, and in that Buddhist nation, a nation with an ear tuned to the flow of history (in American political argot it means riding with the winner), the strong tide was the one that would win. The ordinary citizen, not wishing to be out of harmony, would go along; to refuse was to commit an unusual act of defiance. Defiance in that sense is not the Vietnamese way. So in 1965 the Saigon government was playing out a very weak hand, with little support in the country.

The Americans changed all that, first with the money and the men and then, in 1966, by taking charge of the prosecution of the war. What that did was free the South Vietnamese from the necessity for choice. The Americans ran the war now, and the South Vietnamese were obliged to go along with it—whether they wanted to or not. Many of them did. Others did not. Some of those who had managed to sit on the razor's edge were now forced to ante in with the allies. In a society as astoundingly resilient as South Vietnam's, many more continued to play both ends. But it became increasingly more difficult as 100,000 men became 200,000 men and finally half a million and $30 billion a year. What this means is very simple. It is that the responsibility for prolonging the war is this country's, not Saigon's nor Hanoi's.

The problem is that the tragedy is much, much deeper than Nicholas von Hoffman and others would have it. It would be wonderful if we could just walk away from it, pull the boats up to Camranh Bay and steal away into the night, leaving Saigon and Hanoi to work things out their own way. But if you did that you would want the journalists to leave along with the soldiers because the stories that would come with the Communist victory would be pretty grim stories, 20 years of scores to settle.

Our responsibility is not to Thieu or Ky or any of the other generals or merchants, nor is it to the South Vietnamese constitution nor to Freedom, nor even to the Americans who have died there, almost 40,000 now and 250,000 wounded. The responsibility is to those South Vietnamese who have been obliged to fight or otherwise resist the Communists because the Americans disturbed the normal course of events and changed the war. That is why the responsibility goes so deep, and it is a responsibility that will not be discharged by importing three million Vietnamese and parking them in the middle of Utah. But it is either that or stand by and watch the slaughter. Of course there may be no slaughter. Possibly not, but I know of no one who would make a bet on that. Twenty years of scores to settle.

That is not an argument bound to find much favor anywhere, because the Vietnamese are not nature's noblemen and we have had them around our necks for too long. For God's sake, for how much longer are we going to pick up the morning paper and find Vietnam all over page one? Whoever heard of Danang before 1965? The bitterness and anger sifts down and finally people say the hell with it. Get out, get out; get out, and we don't care how; get out, and get out right now; get out, or we'll blow the house down. And we don't care what happens later. What happens in the future doesn't matter, because nothing could be worse than the present.

But huh uh, kiddies; it won't work. This particular tragedy isn't going to go away because American college students are excused from duty in the rice fields. It's there with us now, and is going to be there for a generation and the question the moralists ought to ask themselves is where they intend to assign the responsibility for the blood left in the wake of the American boats, pulled up there in such haste at Camranh Bay. When the newspaper displays the photographs of those killed, what do we do then? Avert our eyes? Blame Lyndon Johnson? Perhaps pretend it isn't as bad as it looks, that the victims are war profiteers, or corrupt generals, or pimps or double agents. To the neurotic young it won't matter; American imperialism will be to blame, and that will be that. But what of the rest of us?

All we can do now is play out the tragedy, and try to learn the right lessons. On the ground in South Vietnam, revise the rules

of engagement, initiate a cease-fire, keep withdrawing troops, but keep security as well; try to keep people alive, ours and theirs; wind all of it down, but in the winding be mindful that there are people whose lives are at the mercy of the Americans. What is entirely misunderstood in the current flight from reality is that this war is not Kennedy's war or Johnson's war or Nixon's war, it's America's war and we all bear some responsibility for it, and for its decent resolution. And the heroes of it are not in Sweden. The heroes are dead.

Our accountability to the South Vietnamese is not without end, but it is there for the immediate future. That is the price you pay for undertaking the direction of someone else's life. What extraordinary courage and toughness it will take now for Americans to be decent.

VETERANS EDUCATION AND TRAINING ASSISTANCE AMENDMENTS ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 11959) to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the committee amendment, in the nature of a substitute, to the pending measure be agreed to at this time and that it be considered as original text for the purpose of amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California?

Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I also ask unanimous consent that the staff members of the Committee on Labor and Public Welfare be authorized to be in the Chamber during consideration of H.R. 11959.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, before presenting my floor statement describing and discussing H.R. 11959 in detail, I will make a few comments on some of its most salient aspects.

The critical problem which the bill is designed to remedy is the low participation rate under the current GI bill educational assistance program.

Today, achievement in school is substantially more important to an individual than it was at the time of the Korean conflict.

Whereas at that time the median level of education achieved by a person 25 years and older was 9.3 years, by 1967 it had risen to 12 years.

Today it is even higher.

Nevertheless, during the first 3 years of operation of the present GI bill program, the overall participation rate is fully 25 percent lower than it was after 3 such years under the prior two programs.

This means that today's veteran who needs a higher level of education and training because of the sophistication of today's requirements are not finding it possible to upgrade their skills and education under the GI bill.

And most unfortunately, those veterans in the greatest need of further education and training are precisely those taking the very least advantage of that program.

Whereas 23 percent of the enlisted separatees from military service are high school dropouts, only 6.1 percent of all eligible high school dropout veterans have taken advantage of their educational benefits under the current program. This is 6.1 percent of a total population of 1.7 million post-Korean conflict high school dropout veterans.

Disturbing as this is, even more disturbing is the fact that after the first 3 years of operation of the prior two GI bill programs, the proportion of high school dropout veterans taking advantage of the GI bill education benefits was three times as great as the present rate.

The committee sought to remedy this participation rate problem in two basic ways.

First, by giving our present-day veterans an allowance rate covering the same proportion of education costs as were covered by the allowance paid Korean conflict veterans. This is title I of the bill.

And second, by providing for specially designed programs to prepare and assist high school dropout veterans in furthering their education and training. This is title II.

Title II is well described by its name: "Special assistance for educationally disadvantaged veterans; predischarge education program; veterans' outreach services program; miscellaneous amendments to veterans' and dependents' education programs."

I will describe these measures in some detail later.

Regarding the rate increase, which was proposed by Senator YARBOROUGH originally in S. 338, each Senator has on his desk a fact sheet which clearly shows the enormous disparity between the amount of comprehensive education costs covered by the Korean conflict GI bill and those covered presently.

For example, let us focus upon the allowance paid a veteran with no dependents pursuing an undergraduate college course.

At present he receives $130 per month. Under the Korean conflict program, he received $110 per month.

That $110 covered approximately 98 percent of the average tuition, board and room costs at that time.

The $130 paid today covers only about 67 percent of the costs.

This is because those comprehensive education costs have increased more than 75 percent since enactment of the Korean conflict GI bill, whereas the educational assistance allowance has been increased by only about 18 percent.

This means that in terms of Korean conflict dollars, today's veteran is receiving only about $74 to cover the costs of his education.

This amount is even less than a World War II veteran received solely for subsistence 21 years ago, and his tuition, fees and book costs were paid for directly over and above this $75.

The reported bill would restore the 98-percent coverage of education costs that existed under the Korean conflict program by raising the present $130 rate to $190.

This should be contrasted with the House-passed increase to only $165 which would cover only about 85 percent of present-day education costs.

In a letter to Senator YARBOROUGH, made public on October 21, the President expressed his "extreme concern" about what he termed the inflationary impact of the rate increase proposed by the committee to restore comparability of Korean conflict coverage for our present veterans.

Instead, the President endorsed a wholly inadequate increase of only 13 percent based on the rates established in 1967. This would raise the allowance from $130 to $147, less than half of the House-passed increase which itself fails to accomplish the necessary job.

I find the President's position entirely untenable.

First, the rates in the post-Korean conflict GI bill enacted in 1966 were plainly inadequate to begin with.

They were $100 a month which was $10 less than the rate enacted 14 years earlier in the Korean conflict bill.

This disparity was only slightly corrected when in 1967 the rate was increased to $130 which made it just equal to the figure which had already been established 2 years earlier—in 1965—as the allowance for war orphans and widows.

I share the President's concern over inflation. But, I reject the notion that expenditures to build better educated and more productive citizens are really inflationary.

If we fail to provide this essential education and training to so many of our veterans, who need it so badly, we will have to pay the costs in the future.

We will pay in terms of disbursements of unemployment compensation and welfare payments.

We will pay in terms of greater Veterans' Administration medical and hospital care expenditures.

We will pay in terms of lost production of goods and services.

And we will pay in terms of lost gross national product and tax revenues.

Moreover, it is essential that we recognize that, just as we must provide ammunition and armaments for our servicemen, an integral part of the cost of the war we are waging is the cost of assisting those servicemen to adjust to civilian life and succeed in it after their service.

When they return to civilian life, they are the victims of the inflationary situation which all of us are concerned about rectifying and from which all of us suffer.

But we must not victimize them still further by shortchanging them on the level of benefits which they need and deserve to help them in their education and training.

The resources of a young man returning from Vietnam are already meager, and we need not and must not compound his difficulties by making only a token change in an antiquated and grossly inequitable rate structure.

Our veterans must not be sacrificed on the altar of efforts to combat inflation.

In speaking about inflation last week, the President referred to the "bitter medicine" that many citizens would have to swallow if the effort to combat inflation was to succeed.

If such medicine is to be the prescription for some of us in this country, it would be sinking to the very depths of ingratitude and injustice to administer such a potentially destructive dose to those men who have risked their lives and limbs in the service of their country.

Now I will describe the committee action and the reported bill—H.R. 11959—in greater detail.

H.R. 11959 was reported, and the Labor and Public Welfare Committee report on it was filed, on October 21, 1969. The measures in the reported bill were the subject of 5 days of hearings before the Subcommittee on Veterans' Affairs, which I am privileged to chair.

Testimony was presented by spokesmen of the administration, veterans organizations, numerous educational institutions and organizations, Senators, and other concerned parties. Except for the position of the administration, the testimony in support of the measures included in the reported bill was virtually unanimous. I will describe the administration's current position later on in this statement.

The bill reported by the Labor and Public Welfare Committee contains an amendment in the nature of a substitute including the provisions of eight bills as follows: It incorporates the principal provisions of S. 338 and a proposed amendment to it, introduced by Senator YARBOROUGH; S. 1998, introduced by Senator YARBOROUGH; S. 2036, introduced by Senator DOMINICK; S. 2361, introduced by Senator KENNEDY; and S. 2506, and a proposed amendment to it, S. 2668, and S. 2700, the three of which I introduced. The committee substitute also incorporates the essential features of S. 1088, introduced by Senator JAVITS; most sections of H.R. 6808; and retains section 3 of H.R.11959.

On the basis of extensive testimony regarding the disturbingly low participation rate in the present GI bill program and executive session consideration of the many bills I have just mentioned by the subcommittee and full committee, the committee concluded that a consolidated bill was necessary in order to present a coordinated and interconnected package of measures to bring about a substantially increased rate of participation in the GI bill education program by eligible veterans and eligible dependents.

The actions of the subcommittee and the full committee in reporting these measures were unanimous, evidencing broad bipartisan support for strong legislative action to provide our present-day veterans with the same degree of GI bill coverage as was provided veterans of the Korea conflict and also to attack the extremely low participation rate in the GI bill program by high school dropout veterans. And I wish to thank my fellow subcommittee and full committee members for their full and expeditious consideration of these measures so vital to our veterans and our Nation.

The reported H.R. 11959 is broken down into two titles. Title I contains the provisions of S. 338, the proposed amendment to it, and S. 1998, with certain relatively minor amendments described in the committee report on pages 19–26. Those measures were all introduced by the distinguished chairman of the Labor and Public Welfare Committee, Senator RALPH W. YARBOROUGH of Texas, who is also the ranking majority member of the Veterans' Affairs Subcommittee. Senator YARBOROUGH served with great dedication and distinction as chairman of that subcommittee longer than any other chairman—for 7 years. During this time, he battled mightily with three administrations to enact a post-Korean conflict GI bill. He was finally successful in achieving this landmark goal when the Congress enacted the Veterans Readjustment Benefits Act of 1966.

I have already spoken about the provisions of title I of the reported bill, and I expect that Senator YARBOROUGH, as the author of those provisions, will be discussing them in great detail in this statement.

Title II of the bill incorporates the provisions of the eight other bills to which I referred earlier. It also includes two amendments offered in committee—contained in section 201(a) and section 208—which are discussed on pages 26–29 and 65 and 66, respectively, of the committee report.

With the exception of some relatively minor provisions in the reported bill, the administration had not until the day before yesterday taken a position on the merits of any of these programs. Rather it had recommended that any legislative action be delayed until the President's Cabinet Committee on the Vietnam Veteran, appointed on June 5, 1969, had completed its study and submitted its recommendations. Although that committee on October 20 transmitted to the President an interim report, it appears quite certain that its final report will not be available for at least another month. And after that no timetable has been set for submission to the Congress of Presidential recommendations for legislative action.

In light of the extensive testimony before the Veterans' Affairs Subcommittee demonstrating the urgency of prompt and favorable action on virtually all the legislation under consideration, the committee determined that it must proceed to act on these important legislative proposals. Thus, on October 9, H.R. 11959, with amendments, was ordered reported by the committee.

Turning now to the specific measures in the reported bill, the five principal programs in the committee's comprehensive education and training proposal are described in the committee report, as follows:

(1) Increasing GI bill allowance rates under chapters 31, 34, and 35 of title 38, United States Code, by approximately 46 percent in all programs, including those for war orphans and widows;

(2) Establishing a new farm cooperative program, similar to the one which was previously in effect under the Korean conflict GI bill, which stresses on-farm training rather than institutional instruction;

(3) Establishing a number of new education and training programs designed especially for high school and elementary school dropouts and other educationally disadvantaged veterans, including a pre-discharge education program, special assistance for the educationally disadvantaged veteran to facilitate achievement of college admission, special supplementary assistance for veterans in school to assist them in completing their courses of education, grants and contracts to educational institutions for special educational programs for veterans, and permitting the counting of deficiency and remedial courses toward total college semester hours for the purposes of determining full-time or part-time educational assistance allowance rates;

(4) Providing for a reduction in the number of semester credit hours required for payment of full-time and part-time educational assistance allowance rates; and

(5) Providing for a newly oriented and greatly expanded veterans outreach services program designed to search out recently discharged veterans, especially the educationally disadvantaged, to advise them of the benefits to which they are entitled and assist them in obtaining them.

Now I would like to describe briefly the special education and training programs which are proposed in title II.

The bill would add three major subchapters to title 38 of the United States Code.

The first new program that would be established as a new subchapter V in the chapter 34 veterans' educational assistance program would provide for special assistance for the educationally disadvanged veteran through essentially three different programs.

First, it would permit GI bill allowances to be paid to a veteran taking college preparatory courses in other than a secondary school; for example, on a college or junior college campus. This idea was originally proposed by Senator KENNEDY in S. 2361 and was carried over in S. 2668 which I introduced. The purpose is to enable such college preparatory work to be offered to a 22- or 23-year-old veteran in an atmosphere that he would find most acceptable and comfortable. Such preparatory programs could be very flexible in terms of including both instruction class hours and other supervised program work. This new subchapter would also include in GI bill coverage education at the elementary school level, which was proposed in S. 2036, introduced by Senator DOMINICK.

The second new program in this new subchapter would provide special supplementary assistance to veterans already in school under the GI bill. This assistance would take the form of direct payments to educational institutions—up to $100 per veteran per month—for the provision of special remedial, tutorial, or counseling assistance to enable the educationally disadvantaged veteran to perform satisfactorily in the course he is pursuing. Payment of this supplementary assistance would not count against the veteran's full entitlement to regular GI bill benefits.

The third new program would provide for the authorization of appropriations for the Veterans' Administration to make grants and contracts with schools for two purposes: First, to develop programs providing the special educational and supplementary assistance which I have just described and, second, to develop and implement special programs for veterans such as public service training programs, including the training of innercity teachers, policemen, firemen, and medical technicians.

The second new subchapter would also be part of the chapter 34 veterans' educational assistance program in title 38. This would establish a predischarge education program called PREP, designed to involve the preveteran during the last 12 months of his military service in education or training to prepare him to pursue GI bill education or training after his discharge. It is estimated that as many as 430,000 enlistees discharged yearly are in dire need of additional education or training in order to compete at all successfully in the job market. Yet, as I have already indicated, these very men have been taking advantage of their GI bill benefits the very least.

The PREP program would operate as an adjunct of the present Department of Defense transition program which reaches only 60,000 separatees annually. Unfortunately, very few educational institutions have been able to participate in that program because the cost of providing instruction is not able to be borne under any Department of Defense appropriations. It is this gap that PREP would fill by requiring the Veterans' Administration to pay, on behalf of a preveteran, the costs of education or training provided by a school at or near a military base for GI bill preparation. Payments would be limited to $150 per month per preveteran, which should generally be sufficient to cover the costs of recruiting, counseling, books, instruction, and placement.

Participation in the PREP program would not be charged against a preveteran's total period of eligibility for regular GI bill benefits after discharge. The committee believes that this PREP program would draw into the regular GI bill program a substantial number of veterans who would otherwise not take advantage of those benefits—either because of lack of ability, inertia, or lack of confidence.

The third new subchapter would be added to chapter 3 of title 38. It would provide for a newly oriented and expanded veterans outreach services program in the Veterans' Administration. Under this program, the Veterans' Administration would be charged with the congressionally sanctioned obligation of seeking out and offering a wide range of assistance to recently discharged veterans, especially those who are educationally disadvantaged.

The reasons for this new approach are fully discussed in the committee report on pages 58 through 63. It seems sufficient at this point to cite a few statistics about the U.S. veterans assistance centers program, called USVAC's, which the Veterans' Administration has administered for the last year or so.

This program has successfully motivated only 6.5 percent of the 216,200 high school dropout veterans discharged during that period, the prime target for the program. It has resulted in interviews with only about 17 percent of that population and in successfully inducing less than half of those interviewed even to file an application for GI bill benefits.

Although the concept behind the outreach effort, initiated by President Johnson last year, is a good one, it needs drastic expansion and overhaul to make it more fully responsive and relevant to the needs of the Vietnam veteran, especially the educationally disadvantaged veteran. We need more centers. We need them in rural areas, perhaps through use of mobile units. We need them in neighborhoods in urban areas, not in downtown office buildings. And we need more Vietnam veterans working for the Veterans' Administration to provide these outreach services.

All of these changes would be called for under the new outreach services program. The types of benefits provided to eligible veterans and eligible war orphans and widows would specifically include:

First, providing full information about available VA and non-VA benefits, services, and training programs.

Second, conducting interviews to answer questions and planning programs of education and employment.

Third, providing job and other referrals and appropriate job placements assistance, with special stress on matching qualifications with available jobs and training programs, including, when none are available locally, those in other localities.

Fourth, providing social services, such as professional counseling, to assist them in obtaining maximum assistance from the available benefits and services.

Fifth, assisting in preparation of a claim for any such benefit or service.

Sixth, maintaining complete records and conducting periodic followup.

In addition, the program would provide for payment of reasonable interview and relocation expenses for veterans and eligible persons assisted by the outreach services when these persons could not find suitable jobs or training opportunities in their home communities. This provision was proposed by Senator JAVITS in S. 1088.

In addition to the three new subchapters proposed in title I of the reported bill, there are several other features designed to assist veterans pursuing education under the GI bill, particularly those having difficulty meeting full-time or part-time minimum requirements. Under these new provisions, the minimum number of semester credit hours required for payment of a full-time and part-time educational assistance allowance would be reduced substantially at many schools, and veterans could also have counted certain numbers of noncredit remedial courses toward these minimum requirements for purposes of payment of allowances.

Two amendments to title I were adopted in committee, one proposed by Senator MONDALE to require timely notification of war orphans regarding their entitlement to educational assistance benefits; the other proposed by Senator DOMINICK to liberalize the definition of a vocational program of education to include more than one predetermined and identified vocational objective.

Finally, title II of the reported bill also includes a number of noncontroversial, relatively minor measures included in H.R. 11959 and H.R. 6808 as passed by the other body. These include programs for a new high school study definition; for expediting first allowance checks for veterans in below-college-level courses; to liberalize commencing dates of dependents' GI bill eligibility; and to eliminate most of the remaining bars to duplication of benefits.

This recapitulation of title II should make clear the comprehensive nature of the programs proposed in the reported bill. I have reviewed the interim report of the President's Committee on the Vietnam Veteran released publicly on Tuesday. Eight of the 10 proposals in that report are already implemented fully by title II of the reported bill. Thus, I urge the Senate to pass H.R. 11959 as amended by the committee to bring about the type of GI bill participation that our veterans deserve and our Nation requires and to give post-Korean veterans the fair shake to which they are fully entitled.

I wish again to thank Senator YARBOROUGH, the chairman of the full Labor and Public Welfare Committee, the author of the rate increase proposals in title I, and the father of the post-Korean GI bill program, for his great cooperation and assistance in the subcommitee, in the full committee, and in planning for floor consideration.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. CRANSTON. I am happy to yield.

Mr. ELLENDER. As I understand, the Government pays whatever expense there is in connection with tuition and fees; is that changed any?

Mr. CRANSTON. That is not correct. That was true following World War II. The basic point now is that we are simply not giving them enough to survive on. We are no longer paying their tuition directly and we are not giving them enough money to live on and pay for their education. Inflation is eating up their benefits very rapidly.

Mr. ELLENDER. So this bill provides not only money to sustain him, that is, his room and board, but also to pay whatever additional amount is necessary to the college he attends?

Mr. CRANSTON. That is correct.

Mr. ELLENDER. And that amounts to what?

Mr. CRANSTON. It will go up to $190 a month, which will cover about 98 percent of the present comprehensive education costs.

Mr. ELLENDER. Now, as to the tuition and fees, how does the Senator take care of that in his bill? Is it fixed, or is it arranged so that no matter what college he goes to——

Mr. CRANSTON. No, the veteran has to pay the tuition and fees out of that $190. He has to pay directly his tuition costs, his room, his board, his clothing, and any other expense that he has.

Mr. ELLENDER. Well, that is a very small additional amount.

Mr. CRANSTON. It most certainly is.

Mr. ELLENDER. Because I happen to have a few grandsons in college now, and I know what it costs. It has tripled in the last 7 or 8 years.

I compliment the Senator for the statement he has made, and I hope to be able to be here to vote for the measure when it comes up for a vote.

Mr. CRANSTON. For the Senator's information, I should like to add that under the World War II program a veteran's full tuition, fees, book costs were paid for directly and he was given $75 a month additional for living expenses.

Mr. ELLENDER. Mr. President, I thought that was still the law in respect to other veterans. I was under that impression. Has this been changed?

Mr. CRANSTON. Yes. That was changed at the time of Korea so that we no longer did what we did for World War II veterans.

Mr. ELLENDER. If the tuition increases, the veteran may still be short of funds.

Mr. CRANSTON. The Senator is correct.

Mr. ELLENDER. Nothing is contained in the bill to arrange it so that in the event the tuition increases, the Government would put up more funds?

Mr. CRANSTON. That would not be done. We would have to come back for more money.

Mr. President, I would like to mention one other point that astounded me. This will be of special interest to the Senator from Louisiana. It involves the failure of the program to attract the veterans to take advantage of the farm cooperative program.

There is an appalling shortage of farmers today. While 785,000 veterans participated in prior farm cooperative programs which enabled them to go back to the farms, under the present program, only 411 had taken advantage of the program as of June 30, 1969. It is to improve that situation that we have included in this omnibus bill provisions, originally sponsored by Senator YARBOROUGH in S. 1998, designed to induce more veterans to go back to farming.

Mr. ELLENDER. Mr. President, I presume that the reason for that was the increased cost of land and equipment.

Mr. CRANSTON. All sorts of problems were involved. However, direct aid to veterans who wish to go back to the farms has been devoured by inflation. We are not able to get information to them to advise them of their opportunities. That will be covered in the pending bill by the new outreach services program.

Mr. ELLENDER. Has the Senator any idea of how much the bill would cost?

Mr. CRANSTON. The expenditures the first year would be $383 million.

Mr. ELLENDER. And, of course, that might increase.

Mr. CRANSTON. It would be expected to increase. If, however, we are able to achieve peace in Vietnam and do not have the onflowing very great number of veterans, the cost will not increase.

Mr. ELLENDER. We would be protected if it were to increase?

Mr. CRANSTON. The Senator is correct. The total cost of this bill amounts to only 2 percent of the cost of the war. To cut back here and fight inflation by this means and have those who have sacrificed overseas for us make further sacrifices when they come home is unconscionable.

Mr. ELLENDER. Mr. President, I thank the Senator.

Mr. CRANSTON. Mr. President, I thank the Senator from Louisiana.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield.

Mr. YARBOROUGH. Mr. President, I thank my friend, the distinguished Senator from California, the chairman of the Veterans' Affairs Subcommittee for yielding to me.

He has been very diligent in his first year as chairman of the Veterans' Affairs Subcommittee in conducting the hearings on the pending bill.

As the record shows, the hearings ran until the 12th of August. The day after the hearings were concluded, Congress took a 3-week recess. I point this out because of the criticism that has been leveled at the Veterans' Affairs Subcommittee for not being diligent. I have never seen a committee act more diligently in the discharge of its duties. Those hearings ran for more than 2 months, from June to August.

There were many changes in the membership of the Senate this year, and the chairmanship of every subcommittee of the full Committee of Labor and Public Welfare has changed because of the loss of three members of the committee this past year.

Senator Lister Hill left because of the illness of his wife. Senator Wayne Morse and Senator Joe Clark were not reelected. This caused changes in the chairmanship of the subcommittees.

The Senator from California took over as the chairman of the subcommittee and worked most diligently.

As the record shows, nine different bills are combined in this measure. The Senator from California incorporated all these measures into one bill. He did this with great skill and ability. The hearings were diligent. The executive sessions were handled in a superb fashion.

As you know that if there is an objection by any Senator, the bill cannot be reported to the Senate until we have a printed record.

We proceeded promptly with these bills. The Veterans' Affairs Subcommittee, on which I have the honor to serve under the distinguished Senator from California, worked very hard on this measure. The day the printed record was received, October 9, the Committee on Labor and Public Welfare unanimously voted to report the bill to the Senate. Every member of the committee of both political parties voted to favorably report the bill.

It was a bipartisan approach. There never was any partisanship involved. The only partisanship was in favor of the veterans, not for or against any political party.

The only question was what could we do to give our veterans a fair chance in life. This is not a bonus bill. It is a bill to readjust the assistance to the veterans under the cold war GI bill and bring it in line with the Korean conflict GI bill.

After World War I, we had an unfortunate experience with the bonus for the veterans. So in the middle of World War II, because of the vast number of veterans who would be returning home, wise men worked hard to devise the World War II GI bill. It was an all-encompassing measure for veterans, the best such measure ever passed by any nation for the purpose of permitting the veterans returning from war to obtain educational assistance.

The measure covered not only college training, but also high school, technical, office, and flight training.

The pending bill attempts to do for the veterans of the cold war and the Vietnam war periods what the earlier bills did for the veterans of World War II and the Korean conflict.

As pointed out in the exchange between the senior Senator from Louisiana and the Senator from California, the pending bill does not do as much as was done for the veterans as the prior two bills did.

The measure passed after World War II not only paid a certain stipend to the veterans for their maintenance, but it also paid all of their tuition. A veteran could pick out the most expensive college in the land and the Government would pay the tuition and a stipend in addition.

After that bill, the subsequent bills have given the veterans a flat sum per month and the veterans have had to pay their tuition out of that sum.

Mr. President, as chairman of the Labor and Public Welfare Committee, I am proud to recommend to my colleagues a comprehensive package of veterans education and training bills. These eight Senate bills and one House bill which have been combined into one bill and substituted for the House bill as H.R. 11959, are specifically designed to stimulate greater participation by veterans in the education and training programs provided by the cold war GI bill off 1966.

Participation in the cold war GI education and training programs has been considerably lower than under the World War II and Korean conflict programs. Over 50 percent of the eligible veterans of World War II used their education benefits.

There were more than 15.6 million veterans in World War II. Of those, 7.8 million used the training and educaton benefits. Due to the so-called tightening up of the bill for the Korean conflict veterans, fewer have gone to school.

The administration said, "we are tightening up. We are taking the water out." What they did was to keep 8 million veterans from enjoying their benefits.

The level of participation in such programs under the Korean GI bill was 42 percent. Under the present bill, only 1,303,977 of the over 6 million eligible veterans have made use of their hard-earned and well-deserved rights. This represents a participation level of only 20.7 percent.

One veteran out of every two in World War II went to school under the GI bill. Two out of every five after the Korean war went to school under that bill. Now, with more than 6 million veterans, only one out of five would have gone to school.

One aspect of the veterans' education and training program which has suffered the sharpest decline in participation is in farm cooperative training. Since the enactment of the present bill in 1966, only 411 veterans have taken farm cooperative training in comparison to the 785,000 veterans who participated in this type of training under the World War II and Korean conflict GI programs.

The pending bill, H.R. 11959, represents the committee's efforts to proposed legislation which will reverse this low participation trend. The bill does this by:

First, increasing GI bill education and training allowances by 46 percent over the rates provided by the present law;

Second, expanding the existing flight programs so as to permit a veteran to obtain a low-interest loan for the purpose of receiving a private pilot license;

Third, establishing a new and broader farm cooperative training program;

Fourth, establishing new education and training programs to prepare high school and elementary school dropouts and other educationally disadvantaged for higher education;

Fifth, reducing the number of semester credit hours required for receipt of full-time and part-time allowances; and

Sixth, providing for a new far-reaching veterans outreach program which would counsel veterans of their rights under the GI bill and encourage and assist them in obtaining them.

H.R. 11959 is the end product of many hours of hard and devoted work by the Subcommittee on Veterans' Affairs and particularly the chairman of that subcommittee, the Senator from California (Mr. CRANSTON). Senator CRANSTON's subcommittee held hearings on these bills and other important veterans health-care bills—which the Senate passed unanimously on October 21—from June 24 to August 12. These hearings comprise three volumes and contain more than 630 pages of testimony.

After the completion of these hearings, the subcommittee took the action I previously described and reported these bills favorably to the full committee on October 2. On October 9, the full Labor and Public Welfare Committee unanimously reported this important comprehensive bill to the Senate with the recommendation that it receive prompt approval.

I am proud of the work by the Subcommittee on Veterans' Affairs. The members of the subcommittee, both Democrats and Republicans, recognized how vital these measures are to our country's veterans and set-aside partisan consideration. They came to constitute a quorum at each meeting so that these bills could be moved, and they acted with diligence on them. I wish to commend all the members of the Labor and Public Welfare Committee for their efforts on behalf of our veterans and especially Senator CRANSTON for his leadership in this matter. I thank and congratulate my Republican colleagues for helping to give us the quorum that enabled us to move the proposed legislation.

As I have stated, H.R. 11959, as reported by my committee, is a combination of many important bills. However, I will devote the remainder of my remarks to title I only. This title embodies two bills, S. 338 and S. 1998, which I introduced, and they are to amend the cold war GI bill, which I had sponsored from 1958 on. The bills which comprise title II, most of which I am a cosponsor of, will be discussed in detail by the distinguished chairman of the Subcommittee on Veterans' Affairs and other members of the subcommittee. They are the principal authors. Senator CRANSTON is the principal author of the second title to that composite part, while I am the author of title I.

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield to the distinguished Senator from New Mexico, who has long been a champion of veterans' rights in this body, and who has introduced a number of veterans bills in his own right.

Mr. MONTOYA. Mr. President, I thank my good friend the Senator from Texas for yielding to me.

The distinguished Senator from Texas has been a great leader in the field of education. He has been a great champion not only of those who are veterans but also of those who need educational opportunity in this country. In the short time he has served in the Senate, he has carved for himself a great niche in history as being one of the great champions of education and a great champion of the underprivileged.

Mr. President, my distinguished colleague, Senator YARBOROUGH, and distinguished colleagues from both sides of the aisle today and in the hearings conducted have applauded the long overdue increase in veterans educational benefits. We have to frankly face the fact that the most onerous and dangerous task of our youth—fighting—increasingly falls upon our most disadvantaged men. The very least we can do for those who have been refused the fewest benefits of our society as children, and then again as young men, some of its greatest burdens, is to help them readjust to civilian life by giving them the necessary basic allowances in order to acquire the education needed to compete successfully in our modern society.

Education is more than a necessity; it is a right of all Americans—and for veterans who have served honorably in the defense of our country we should go out of our way to help them acquire a higher education.

Yesterday morning I became aware of the President's opposition to the committee's recommendations to increase by $60 veterans' educational benefits. The President's position is an unfortunate position, especially in light of the fact that both Republicans and Democrats have wholeheartedly endorsed the necessity for the committee's recommended increases, which is in fact merely an adjustment to the inflationary increase in the cost of obtaining an education. Should we allow our fighting men in Vietnam to come back and bear the burden of the inflationary trend in the costs of obtaining an education and in the cost of living? I say to you all here now that it is high time that we gave full support to our fighting men in their attempts to return to civilian life and to move forward in their careers. There is no alternative. For if we deny them that necessary increase, we shall in fact fail to repay them for services rendered in defense of our country.

The pending bill has been reported by his committee and by the subcommittee headed by my good friend the Senator from California (Mr. CRANSTON). It is a good bill. It is a bill that should be passed by Congress with great expedition, because it is sorely needed.

As the Senator from Texas has stated, the number of GI's who have availed themselves of the bill as it is now are lower in number or proportion than the GI's who availed themselves of the previous GI bill of rights. I was the prime sponsor of the Vietnam veterans' GI bill, and at that time we thought that $130 would be sufficient. I agree with the committee that, although the sum of $190 provided in this bill is not sufficient, it is a more realistic figure and would enable many GI's to avail themselves of the privileges under this bill.

The bill is sorely needed, and while some may say that in this day or year of great inflation we should try to constrict governmental expenditures, I do not believe that trying to deprive our GI's of educational opportunity would be in order. I believe that inflation has hit the educational field more than any other field, because the table shown in the report clearly reflects that even the meager sum of $190 will not be adequate to enable these GI's to go to school. They will have to seek supplemental funds in order to do so.

After the Korean conflict, the GI's did not have to resort to supplemental funds. After World War II, the GI's did not have to resort to supplemental funding. The cost of education then was at a lower and more realistic level in conformity with the allowance made under the GI bill of those days.

So, Mr. President, I take this opportunity to commend my good friend, the Senator from Texas, and to commend my good friend, the Senator from California, for bringing this bill to the floor of the Senate. I am hopeful that this Congress will endorse the bill as quickly as possible, so that we can tell our veterans that this country is thinking about them, that this Congress is mindful of the need for educational opportunity as they are discharged from the service.

I thank the distinguished Senator from Texas for yielding to me.

Mr. YARBOROUGH. I thank the distinguished Senator from New Mexico.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. CRANSTON. Mr. President, I should like to express my thanks to the Senator from New Mexico for the remarks he has just made on this vital matter; but, more than that, for the leadership he has offered and the hard work he has done in this field. This subject is of prime concern to him because of his deep concern for justice for all Americans, and the importance of doing this work relates directly to justice for the veterans of our Nation.

At this time, and while the Senator from New Mexico is on the floor, I ask unanimous consent that, at the next printing, the name of the Senator from New Mexico (Mr. MONTOYA) be added as a cosponsor of S. 2993, a bill introduced on October 6, which contains some concepts on which we have been working together and which are incorporated in title II of the bill we are considering.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. At this time, I should also like to express my thanks to the Senator from Texas (Mr. YARBOROUGH), the chairman of the Committee on Labor and Public Welfare, for his great leadership over many years in veterans' legislation. His landmark bill, the cold war GI bill of rights, was a monumental accomplishment. He has rendered great leadership and service in moving the present bills to this point where we can have confidence that we will achieve some truly great legislation in behalf of veterans. His cooperation in the committee work on this bill has been invaluable.

I should like also to point out that the Senator introduced S. 338 on January 16 of this year, which embodied much of title I of the bill—most importantly the increase in the educational assistance allowance rate.

The bill we are considering today was not introduced in the House until June. In order to expedite the enactment of legislation to aid veterans, the Senator from Texas sacrificed his right, which he could have claimed, to have his bill with his name passed by the Senate, and instead we are now dealing with the House bill. That is symbolic to me of the dedication of the distinguished Senator from Texas (Mr. YARBOROUGH), who is the chairman of the committee, to achieve and not to seek glory. I compliment him for that, above all else, and praise him for it, and there is much for which he deserves praise.

Mr. YARBOROUGH. Mr. President, I thank the Senator. In my 12½ years in the Senate, I have found that if we were to wait to get credit for the work we do, veterans would not be in college.

The goal of greater educational benefits for veterans has been pursued under three Presidents, and it has been a hard fight every step of the way. The Department of Defense fought it for years, and the Bureau of the Budget fought it for years. Senate after Senate passed similar bills until the opponents of the legislation were forced to accept it. We improved the bill in 1967, we improved it again in 1968, and we are adding another improvement to it today. I take my hat off to my colleagues, those who are now serving in this body and those who have served here in past sessions. This is a Senate accomplishment. This body's action is the only reason that today's veterans have a GI bill. The Senate persisted in sending bills to the House and going on the stump all over the country until people become aware of the problem.

S. 338, which I introduced in the Senate in January of 1969, is aimed at remedying the principal cause of low participation in the GI education program—unrealistically low allowance rates. In the years since the enactment of the original cold war GI bill in 1966, the cost of living in the United States has skyrocketed. This increase in the cost of living is due in large measure to the ever rising cost of the Vietnam war. In addition to overall increase in the cost of public and private education has also reached an alltime high. Unfortunately, the education and training allowances under the cold war GI bill have fallen considerably behind the rapidly increasing cost of education and cost of living, thus making it extremely difficult for veterans to continue their education and training.

A comparison of the present allowances with those paid under the Korean GI bill clearly demonstrates the problem. Under the Korean GI bill, the allowances paid to veterans accounted for about 98 percent of the average tuition, board and room costs at public and private institutions of higher learning

The table which is printed on pages 16 and 17 of the report sets out the exact figures. This is no "guesstimate." These figures are from the Office of Education. The table sets out the average cost of tuition, board, and room in public and private schools, for the public and private universities and colleges, for 4-year schools and 2-year schools. The table covers the period of 1952 to 1969 with projections into the future as far as 1977.

The present allowances cover only 67 percent of these costs. To place the cold war GI program on equal footing with the Korean GI program, it will take an increase of 46 percent in the allowance rates. This is what my bill, S. 338, is intended to do.

The House version of H.R. 11959 provides for only a 27-percent increase in the educational allowances. The House bill also applies only to veterans enrolled in college training and ignores the many veterans in vocational and apprenticeship programs. In the opinion of the committee, the House bill provides too little and is much too limited in its coverage. It is also 10 years too late. This is why the committee adopted my bill which provides for a 46-percent increase not only for veterans in college programs but also for those enrolled in apprentice and on-the-job training, vocational, and farm training.

Furthermore, my bill, S. 338, makes these allowance increases retroactive to September 1. The House version of H.R. 11959 did not contain a retroactive provision. I was glad that the committee adopted this retroactive provision as part of its bill.

There was a statement in the press from the Veterans' Administration in August that veterans would have to borrow money to get in school in September because they could not receive payments until November. They are owed that money and it is only fair that that money be paid as of September 1.

In addition to the important allowance increases, S. 338, also expands the present flight program by creating a loan program whereby a veteran my obtain a low-interest loan of up to $1,000 to pay the cost of obtaining a private pilots' license. This would provide veterans with a means of obtaining a pilot's license which would be of assistance to them in their profession. I am pleased that the committee included this portion of S. 338 in title I of H.R. 11959.

Title I of H.R. 11959, also embodies my bill, S. 1998, which would replace the present farm cooperative program, which so far has been unsuccessful in attracting participants, with a new farm program similar to the program established under the Korean GI bill. The advantages to the program provided by my bill are, first, it requires less classroom work and provides for more on-the-farm training. This is accomplished by replacing the present requirements of 12 hours of classwork a week for 44 weeks a year with a requirement of a total of 200 hours a year at an educational institution with a minimum of 8 hours per month; and, second, it eliminates the previous requirement that the veteran own or control the farm on which he takes his training.

Previously, a student had to own control or control a farm before he could take his training.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. CRANSTON. I am reluctant to interrupt the Senator, but so that we may have a rollcall vote on this matter, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER (Mr. HUGHES in the chair). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. YARBOROUGH. Mr. President, I believe that this new farm cooperative program will greatly encourage young men to return to farm and pursue agriculture as a vocation.

During the hearings on my bills and the other important bills which comprise title II of H.R. 11959, the Veterans' Administration repeatedly requested that the Senate take no action on these bills or any other veterans' legislation until President Nixon's Committee on the Vietnam Veteran, which was appointed on June 5, 1969, could complete its study of existing veterans' programs. In testimony before the Subcommittee on Veterans' Affairs, Mr. Donald E. Johnson, Administrator of the Veterans' Administration, advised the subcommittee that the target date for the report of the President's Committee would be October 1, with an absolute limit of October 15. As of this date, this report has still not been rendered. All that President Nixon's Committee has produced is an interim report of five or six pages which deals with only the allowance increases in my bill. This interim report charges these increases with being excessive and inflationary and suggests only a 10-percent to 15-percent increase in these allowances. This interim report demonstrates, that the President's Committee either does not comprehend the reason for the 46-percent increase in allowances or is completely insensitive to the importance of GI education and training programs.

The President seems to believe that to curb inflation we must cut spending in such areas as veterans' programs. I submit that this approach does not cure the real cause of inflation—the Vietnam war—and penalizes the will of young men who were called on to risk their lives in that conflict. As much as I share the President's desire to stop inflation, I cannot accept an approach which cuts the heart out of this Nation's health, education, and veterans' programs.

Let me point out that total casualties in the Korean conflict were approximately 157,000. Total casualties in the Vietnam war to date are between 290,000 and 300,000—almost double those of the Korean war. If the present rate in casualties continues in Vietnam, the casualty will soon equal those of World War II, which was a worldwide conflict involving millions of American troops in Europe and Asia.

In conclusion, Mr. President, I want again to commend the members of my committee and Senator CRANSTON for their work on these bills. This bill, H.R. 11959, is one we can all take pride in. It is a composite of the Senate bills, given the House bill number in order to expedite matters. Its passage will clearly show the many young men whose lives and plans have been disrupted by the war, that we in Congress are sensitive to their needs and intend to make their interests our most important business.

I urge all my colleagues to give their support to this important legislation.

Mr. President, this is a modest bill which will bring veterans' benefits up only to the level of the Korean conflict GI bill. It is not excessive. We respectfully submit that the cost is only 1 percent of the cost of the war in Vietnam. It is not inflationary.

Mr. President, I yield the floor.

Mr. JAVITS. Mr. President, the bill before the Senate, the Veterans Education and Training Assistance Amendments Act of 1969, was reported by the committee without opposition and represents a bipartisan effort to meet the education and training needs of the Nation's more than 27 million veterans.

The Senator from California (Mr. CRANSTON) deserves great credit for the way he handled his duties. So does the distinguished chairman, the Senator from Texas (Mr. YARBOROUGH), for his long-standing and indefatigable advocacy of GI education, employment, and other opportunities, as demonstrated by his cold war GI bill. Both cooperated with Senators of the minority in order to produce this measure.

The bill before us includes a number of features of bills introduced by majority and minority Members which seek to raise veterans' education and assistance allowances and to provide new educational programs.

It also allows GI benefits to be provided for elementary school, a much-needed reform, creates special education programs for high school dropouts, which should have an effect on the problems of soldiers drafted from the ghettos of the United States and the slums, expands and redirects the veterans' outreach services program, and seeks to assist veterans in locating jobs and paying their moving expenses when relocation is necessary.

I speak on the last program with pardonable pride, as it is based on a bill of my own. I will say more about that program later.

Mr. President, we might as well grasp the nettle immediately. It is proper that I, as the ranking Member on the minority side, and with a Republican President in the White House, should note at this point that we are up against a serious budgetary situation and bring to our attention the serious concerns on the part of the President. His heart, I think I can say with absolute assurance, is entirely in the same place as that of the Senator from California (Mr. CRANSTON), the Senator from Texas (Mr. YARBOROUGH), and mine, as well as all the other members of the committee, with respect to the veteran and the opportunities that should be extended to him, but the President faces a trying situation.

The President is bound by an expenditure ceiling which the Congress has passed and with which he thoroughly agrees. He signed the bill and believes that we must adhere to the ceiling. Hence, he is absolutely bound to find another place to cut.

If we increase expenditures in this program, then we must act with our eyes wide open, because it is only fair to the President of the United States that this be made clear. We all feel deeply that nothing is too good for the man who has laid his life on the line.

The Senator from Texas (Mr. YARBOROUGH) has said, with understandable eloquence, that this is no place to cut. The President's problem and the country's problem is undeniable.

If we pass the pending bill—and we undoubtedly will—what we add must be taken from somewhere else. We should all understand that. It may be that it will come from a program which might make many Members extremely unhappy. It might be a program we dearly prize. But the President and we must face that problem.

I believe that, considering the situation in which we find ourselves, the parliamentary situation, the unanimity of the committee in reporting the bill, and the urgency of the need, it is desirable to pass this bill.

It is a difficult situation to face and a difficult decision to make, but I believe that the best interests of the Nation, of the veterans, and even of the President himself, in terms of the dilemma which he faces, will be served by passing the bill and going to conference with the House, and then doing our utmost to reconcile the views in a creditable manner which will meet the need.

In the meantime, there will be opportunity to take an overall view of the situation and see what it really amounts to. I think it is fair to say that heavier expenditures will come farther in the future and that of all the claims which will be made on the so-called end of Vietnam dividend, we would certainly place this kind of measure for veterans at the very top of the list of priorities. I think we have a right to contemplate that, as we survey the total financial situation.

I think, in fairness to the deeply held views of the President, his letter should be read into the RECORD. I ask unanimous consent that the letter of the President, which was sent to the Senator from Texas (Mr. YARBOROUGH), as well as to me, may be made a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, October 21, 1969.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR JACK: In line with my talk last Friday on the rising cost of living, I must tell you of my deep concern regarding certain provisions of H.R. 11959, now pending Senate consideration.

Title I of this measure, as amended by the Senate Committee on Labor and Public Welfare, would raise veteran's educational assistance allowances by an average of 46% over current rates. Such increases would be retroactive to September 1, and would mean added expenditures of more than 323 million dollars over present costs in the remainder of this fiscal year. Together with the costs of the bill's Title II provisions, total extra spending through June 30, 1970, would be nearly 393 million dollars.

The average additional outlay for each of the next four full fiscal years would be approximately 550 million dollars.

I am in sympathy with a justifiable increase in educational allowances for post-Korean and Vietnam Era veterans. Yet, I consider the magnitude of the increases contained in H.R. 11959 to require reconsideration for two reasons. The proposed rates are excessive and their effect would be inflationary.

In comparison to the actual rise in the cost of living since these allowances were last increased, just two years ago, a 46% increase at this time is unrealistic and excessive. And, if we are to stay within the expenditure limit for fiscal 1970, the cost of H.R. 11959 as now drawn could not be borne without imposing severe cuts in other also important programs.

It is not easy to criticize the pending bill for it promises some appealing benefits to a most deserving group. But our veterans have long known that they must be champions of responsible government. They know the basic truth that a veterans' program not good for the nation as a whole cannot ultimately be of benefit to veterans themselves.

This summer I appointed a Committee consisting of agency heads having responsibility for programs bearing on the welfare and readjustment of returning veterans. I have received an interim report from its Chairman, Mr. Donald E. Johnson, the Administrator of Veterans Affairs. A copy is attached, inasmuch as the Committee's main recommendation bears directly on the subject matter of this letter.

The Committee on the Vietnam Veteran addressed the issue as follows:

"Educational assistance allowances were last increased October 1, 1967. Since that date the cost of living has risen approximately ten percent. Included in that increase is an even more dramatic rise in one of its components, the cost of education. Since the last increase in educational assistance allowances, colleges have increased their charges by roughly 15 percent. This means that today tuition and fees for an academic year are higher by an average of $94.

"Therefore, your Committee recommends an immediate increase in educational assistance allowance rates commensurate with the rise in education and living costs cited above."

I fully support this recommendation. For this reason and those expressed above, I seek your support in urging the Senate to recognize the inflationary impact that enactment of H.R. 11959 would have. The consequences flowing from its enactment would in the long run more than outweigh any temporary gain that may be realized. As President, I have no option but to view with extreme concern the possible enactment of this measure.

I have sent an identical letter to Senator Yarborough.

Sincerely,

RICHARD NIXON.

Mr. JAVITS. Mr. President, I also ask unanimous consent to have printed in the RECORD the interim report of the President's Committee on the Vietnam Veteran, which accompanied his letter to me.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[From the Office of the White House Press Secretary, Oct. 21, 1969]

LETTER TO THE PRESIDENT FROM DONALD E. JOHNSON, ADMINISTRATOR, VETERANS ADMINISTRATION

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Your Committee on the Vietnam Veteran has been actively engaged in finding answers to the readjustment needs of returning veterans. We will give you a final report just as soon as all of our material has been reviewed and our final conclusions have been reached.

In the meantime, by reason of circumstances referred to therein, we deem it appropriate and desirable to transmit to you this interim report.

Respectfully yours,

DONALD E. JOHNSON,
Administrator.

PRESIDENT'S COMMITTEE ON THE VIETNAM VETERAN INTERIM REPORT

Your Committee on the Vietnam Veteran is considering suggestions solicited from the Nation's leadership in government, management, labor, and education, and all of the Veterans organizations to aid us in finding answers to the questions you posed in your message of June 5, 1969, establishing the Committee:

How can we help more veterans to benefit from existing programs?

How can we design programs to help those veterans who need help the most—the undereducated, ill-trained, hitherto unemployed or underemployed?

How can we improve the overall program of veterans benefits so that it meets the specific challenges of our society and the needs of the veterans?

Ultimate conclusions will depend, in part, upon the results of the study of disadvantaged veterans and other studies currently in progress. It is anticipated that analysis of data from these studies will form a basis for sound and meaningful answers to your questions.

Recommendations and suggestions received by the Committee, while differing in their approach to the many aspects of the veterans readjustment problem, are unanimous in one respect—the existing education assistance allowance rates are inadequate. This Committee agrees with that conclusion.

Educational assistance allowances were last increased October 1, 1967. Since that date the cost of living has risen approximately 10%. Included in that increase is an even more dramatic rise in one of its components, the cost of education. Since the last increase in educational assistance allowances, colleges have increased their charges by roughly 15%. This means that today tuition and fees for an academic year are higher by an average of $94.

Therefore, your Committee recommends an immediate increase in educational assistance allowance rates commensurate with the rise in education and living costs cited above.

Beyond this recommendation which requires legislative action, the Committee is agreed that other suggestions which can be administratively accomplished now should not be deferred until the final report.

Accordingly we recommend:

That industry be encouraged to set up computerized job banks to match the skills of returning Vietnam Veterans to available jobs in the private sector. As job banks are installed by State Employment Services in 54 major cities by this year, the Secretary of Labor should take special steps to see that these improved job finding services are made available to each returning Veteran.

That counseling services now being provided by the Veterans Administration in seven locations in Vietnam be extended to additional overseas commands throughout the world. Trained counselor teams should be readied on a standby basis for dispatch to any area needing such services.

That those who have gained valuable skills in the military service, particularly in the paramedical field, should be actively encouraged to make use of their experience when they return to the private sector. To this end the Federal Government should intensify its own recruitment efforts while working with private groups to adopt new certification procedures which will take military training into consideration.

That there should be developed on-the-job training programs in the public service field, particularly paramedical and community services. Federal, state, and local agencies should be encouraged to provide opportunities for the veteran willing to train for a career in health, youth work, social work, and other critically needed service occupations.

That there be instituted, on an experimental basis, computerized job matching of servicemen returning to a particular area. An inventory of veterans' talent would thus be established which can be utilized in both the public and private sector.

The establishment on a pilot basis of a military based training center for servicemen who volunteer to extend their service for the sole purpose of gaining a particular skill or a high school diploma.

That despite reductions in employment in certain sectors of the Federal Government because of turnover and retirements, there should be recognition that there are many job opportunities in entry level positions in the Federal Service. To ensure that Vietnam Era Veterans are aware of these opportunities, agencies of the Federal Government should intensify their recruiting activities at military separation centers, Veterans Assistance Centers and through community action agency programs.

That transition stateside military counseling services should be expanded to overseas commands.

That the Office of Education and Office of Economic Opportunity assist the educational community in developing special programs for educationally disadvantaged veterans.

That the Department of Health, Education, and Welfare and other Federal Departments work closely with education and training institutions to recruit, enroll, and give priority consideration in the allocation of assistance to returning Vietnam Veterans.

Respectfully yours,

Donald E. Johnson, Chairman, Administrator of Veterans Affairs; Melvin R. Laird, Secretary of Defense; Robert H. Finch, Secretary of Health, Education, and Welfare; Robert E. Hampton, Chairman, Civil Service Commission; George P. Shultz, Secretary of Labor; Donald Rumsfeld, Director, Office of Economic Opportunity; Winton M. Blount, Postmaster General, Post Office Department.

Mr. YARBOROUGH subsequently said: Mr. President, the distinguished Senator from New York placed in the RECORD the President's letter to me about this legislation dated October 21, 1969, and delivered to me that same day.

I answered that letter the next day, on October 22, and had the letter delivered to the White House immediately afterward. I received a letter from the President's secretary this morning acknowledging receipt.

I ask unanimous consent that my reply to the President, dated October 22, 1969, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
October 22, 1969.

Hon. RICHARD NIXON,
The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Your letter of October 21, 1969, concerning H.R. 11959, as amended by the Senate Labor and Public Welfare Committee, has been studied very carefully by me, as befits consideration due a communication from the Chief Executive of the Nation.

I share your concern for protecting the economy from the potentially damaging effects of runaway inflation and I agree that all of us should aid in combating this problem. However, I do not believe that we should begin by depriving our returning veterans of the just readjustment educational training under the G.I. Bill. Neither do I agree that attendance at school at the poverty level payments of the Cold War G.I. Bill would have an inflationary effect.

After World War II, 50% of the 15,600,000 veterans of that conflict, or a total of approximately 7,800,000, received educational readjustment assistance under the G.I. Bill. Under the Korean Conflict G.I. Bill, 42% participated in veterans training programs. From the data in the record before us, only about 1¼ million of the more than six million discharged eligible veterans of the Cold War-Viet Nam period, or about 20.7% have taken training under the Cold War G.I. Bill. A reason often assigned for this shocking failure of the Cold War veterans to take educational readjustment training under the present law has been the low scale of monthly payments, which are inadequate in light of the increasing costs of living and obtaining an education. These low payments make it so difficult for veterans to make ends meet that they are losing their chance in life by being denied the oppportunity that World War II and Korean conflict veterans received for readjustment training.

My bill, S. 338, which I introduced January 16, 1969, and is now incorporated into H.R. 11959 as Title I, provides for a 46% increase in educational and training allowances under the Cold War G.I. Bill. My purpose in introducing this bill and for suggesting such increases is to stimulate and broaden the participation by Cold War veterans in this important educatioanl program. The original Cold War bill of 1966 was a compromise bill; the allowances were too low—they were lower than the Korean Conflict G.I. Bill, and far lower in purchasing power.

The allowances presently being paid to veterans cover only 67% of the cost of education whereas the allowances paid under the Korean Conflict bill covered approximately 98% of the cost of the veteran's education. If, therefore, allowances rates are to be brought in line with those paid under the Korean Conflict bill, it is necessary that they be increased by at least 46%. Such an increase would hopefully insure that 97.7% of the costs of the veteran's education would be paid, based on present costs.

Your letter raises two objectives to this bill, namely that it would be excessively costly and that it would have an inflationary effect on our economy.

First, the cost of this change in the existing veterans educational benefits is not at all inflationary, particularly when compared with the cost of the war. The War is inflationary; these veterans student allowances are miniscule in comparison.

Second, the increases which I propose are not excessive because, as I pointed out earlier, the veterans benefits now provided for are not even on a level with those provided for in earlier bills. Furthermore, the 10% increase which your Committee recommends in its October 20 interim report is based on these prior inadequate allowances.

The estimate of the additional cost of this Cold War G.I. Bill, given in the second paragraph of your letter, of $323 million dollars for the rest of this fiscal year is only slightly over 1% of the annual cost of the War in Viet Nam. Surely it is worth 1% of the cost of the War to educate these millions of returning veterans who have fought it for all of us.

I think, Mr. President, that the place to begin controlling inflation is by reducing excessive War costs, not by penalizing the men who have borne in their lives and persons the awful burden of that conflict. Several million more of these veterans should be in school or in training. The nation, in the long run, will pay a price too great if they are denied their fair chance in life.

I shall support your goal of combatting inflation, but I cannot in good conscience agree to lay this additional hardship on the backs of the men who have already served our nation with such great courage.

Sincerely yours,

RALPH W. YARBOROUGH.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. GRIFFIN. Mr. President, I should like to commend the Senator from New York on his statement, and associate myself particularly with his expression of concern on behalf of the President as to the impact of this legislation upon the budget and inflationary pressures.

I had the opportunity to go to college under the GI bill of rights following World War II. Accordingly, I am deeply conscious, in a very personal way, of the importance of this legislation and what it means to veterans of the Vietnam war.

Obviously, a 46 percent increase is a very substantial increase over the existing allowance. I call attention to the fact that in 1967, President Johnson sent a message to the Congress in connection with this program, and I should like to read it in part:

> The time has also come to increase the educational assistance allowance under the GI bill. A single veteran pursuing a full-time course receives $100 a month to help him finance his education. This amount is less than the $130 a month paid to the child of a deceased or disabled veteran who may be taking the same courses at the same school.
>
> The veteran going to school is usually older and may bear heavier responsibilities. I recommend an increase in the monthly educational assistance allowance under the GI bill from $100 monthly to $130 for a veteran.
>
> In accord with the present scale of benefits, a married veteran with children receives $150 monthly under the GI bill, regardless of the number of children he has. To help veterans with families who wish to continue a full-time educational program, I recommend that the monthly payment be increased by $10 a month for the second child and $10 a month for each additional child.

I am sure President Johnson and the distinguished members of the Committee on Labor and Public Welfare, when they moved in 1967 to increase the allowance from $100 a month for a single veteran to $130 a month they felt then that Congress was doing the right thing on behalf of Vietnam veterans.

It should be noted that since 1967 the cost of living has increased about 10 percent. As I understand it, the average cost of college tuition and books has gone up about 15 percent in that period. Accordingly, the increase of 27 percent provided for in the House-passed bill is very generous.

Despite that fact, of course, the Senate bill would increase the allowances, not by 27 percent, but by 46 percent.

I am glad the distinguished ranking Republican member of the committee, who will serve on the conference committee, is so conscious of the President's position and of the administration's concern. I hope that he and others on the conference committee will give great weight to the reasoning set forth by the President in his letter to Senator YARBOROUGH, read into the record by the Senator from New York.

Again I commend the distinguished Senator from New York for his statement and for his keen awareness of the problems it poses for the administration.

Mr. JAVITS. Mr. President, in response to the Senator, may I point out that one of the things that has not been considered, and which I think the President must consider in due course, is that when we increased the payment to $130 a month, it was inadequate. I think our committee recognized that.

I do not think it is fair to lay at our door the allegation that we are making a sensational increase of 46 percent. I think what we have been doing is laboring under a serious deficiency, and that deficiency has resulted in the significant underutilization of the veterans education program. It must make us ashamed that we are offering a program of which less than one quarter of the veterans are taking advantage.

Hence, there is a very strong case for our attitude, and for the attitude of the other body, in terms of the very material increase we are proposing—and I admit it is very material. I recognize the President's difficult position, and I think he has a right to be correctly appraised. He faces a grave dilemma. We will probably resolve the dilemma at a higher level than he favors. Nevertheless, I think it is fair to say, in the context of the argument, that the administration faces a very serious problem in this regard.

In fairness to the President, I want to point out that he himself took personal cognizance of the situation, and said he was "shocked and surprised" at the low participation rates. He named a Cabinet-level committee to look into the matter. Indeed, with respect to what we are doing in this bill, we have taken into account the problems which caused the creation of that Cabinet level committee.

So, as the saying goes here on the Senate floor, it is a tough situation. We have done the best we could with it. So has the other body. We will do our best to reconcile our differences. There is also the possibility that the President may veto it. Other Presidents have had to veto other bills for veterans, notwithstanding their support for veterans.

I am hopeful that I may be a conferee, although I am not on the subcommittee, and that we will find a way of working out a bill that, although it may not be the optimum for us or for the President, will be adequate.

I deeply believe that the inadequacy of benefits has been contributing to the low rates of participation. I think we are on the right track to solving the problem, at least partially, by increasing benefits. I might also say, with particular compliments to the chairman of the subcommittee, that many of the things we are doing in this bill are much more gifted than the rather naked approach of just more money for education. Other Members have also contributed their thinking to the bill, which has resulted in an interesting and innovative measure.

Finally, may I say that, considering the number of men involved, and the fact that so many men not otherwise motivated have gone through military service and, we have a right to believe, have thereby attained a greater motivation, this bill will hopefully prove to be an instrument that will bring into higher educational levels many men whom we otherwise would not have reached even with added money for higher education or elementary and secondary education. I think that is an important consideration as we review this particular subject.

So, for myself, I favor the bill, and I am standing up for it here. But I think it is only fair to take account of the dilemma of the President, and to lay his view before us so the country can understand that this measure has not just been shoved aside and disrespected, but, on the contrary, has been deeply respected and considered; that we are as troubled as he is, but we feel the situation requires a very material increase of this character.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CRANSTON. I wish to thank the Senator from New York for giving us a fine, fair, and forceful argument on this important measure. It is of particular value because he is the ranking minority member of the full committee which supported this measure. His support for the committee's position and for the present bill, with the present figures in the bill, is symbolic of the strong bipartisan strength behind the effort to do justice to the Nation's veterans of the Vietnam era.

I think it was very appropriate that the Senator from New York placed in the Record the message from the President on this matter. It does reflect a contrary view that the Senate is well aware of and that the Senate has considered, but which I feel the Senate will show by its vote later today that it simply feels it cannot accept, in view of the great need, in the long run, to save money, save lives, and save resources by doing justice to veterans of the Vietnam conflict.

I also feel that the Senate position will be shown to be so strongly in favor of the current bill with the current figures that we will have a mandate in the conference to stand very strongly behind what we do here. It seems to me that to do any less for the Vietnam veterans than we have done for veterans of prior conflicts is an injustice that the country should not and will not work.

Mr. JAVITS. Mr. President, I thank the Senator very much for his intervention.

Just to continue with a word of analysis about the bill itself, the differences between the percentages of eligible veterans taking advantage of their education and training benefits now, and under the GI bills of World War II and the Korean conflict have already been noted. The figures are 50 percent participation for World War II, 42 percent for the Korean conflict, and 21 percent at the present. As I have already pointed out, the President himself said he was "shocked and surprised" at that situation.

In addition, of course, we have these absolutely unbelievable increases in the costs of an education. Anyone who is a father knows this from his own experience. It has been estimated that since the Korean war, the average cost of public and private college education has risen about 75 percent; and, over that same period, veterans' education benefits have risen only 18 percent.

GI benefits during the Korea conflict covered about 98 percent of the average tuition, room, and board costs in the early 1950's; GI benefits now cover only about two-thirds of those costs.

The need to achieve comparability is what the Senator from California meant, I think, when he said there is really no room for us, once we adopt the principle of trying to achieve comparability, to do anything less than what is provided in the Senate bill.

The point has been made repeatedly, of course, that money spent on veterans' education comes back to the Federal Treasury ultimately, indeed several times over, in the form of increased gross national product and tax revenues. I might remind the Senate, too, that this very morning the three members of the Council of Economic Advisers appeared before the Joint Economic Committee, of which I am also ranking minority member, and I asked them about the danger of a recession based on the rather strong restraints in monetary policies which we have undertaken.

All three of them emphasized the fact that the manpower programs must go hand-in-hand with anti-inflationary restraints. It seems to me, therefore, Mr. President, that this area where we have such a remarkably fine pool of manpower deserves a high proirity, even now, in terms of the skills for which we can train these men.

Finally, Mr. President, the bill includes the essential aspects of what I consider to be a rather innovative effort to provide employment and relocation assistance for veterans. These features are based on S. 1088, which I introduced last year and reintroduced again this year. Under this program, the Administrator is directed to assist veterans and eligible dependents in finding suitable employment, first in the veteran's home area and then, if an appropriate position cannot be found nearby, in other areas of the country. The Administrator is also directed to pay the reasonable moving expenses for the veteran and his family if he accepts the job.

I would like to point out that there were a number of recommendations made by the President's Committee on the Vietnam Veteran, which will tie into this new program. The program, I might add, is quite desirable and yet does not cost a great deal—$20 million a year, at the maximum.

Among the recommendations of the President's committee are that industry be encouraged to set up computerized job banks to match the skills of returning Vietnam veterans to available jobs in the private sector; that those who have gained valuable skills, particularly in the paramedical field, the so-called "medics," should be actively encouraged to make use of their experience when they return to the private sector; and that there be instituted, on an experimental basis, computerized job matching of servicemen returning to a particular area.

I should like to say an additional word about the medics. There is a tremendous personnel shortage in the health professions field. There are some 30,000 medics discharged a year. We today attract only a very small proportion of them into the health professions. One of the great opportunities in this bill, of which I strongly urge the administrators to avail themselves, is a real drive to keep as many as possible of those 30,000 in the health professions field. I know of no single source of manpower that could be more effectively employed in that respect than this particular source, and I would hope very much that special attention will be directed toward that point.

Mr. President, I think that about sums up the situation with respect to this bill. I do hope very much, because I realize the dangers which the bill faces, that we will find a way to produce a bill in which both the President and Congress can join. I shall do my utmost, consistent with my obligations and with the principles which are involved, to see if that can be carried through effectively, as we bring the bill to enactment into law.

Mr. GRIFFIN. Mr. President, will the distinguished Senator yield to me once again?

Mr. JAVITS. I yield.

Mr. GRIFFIN. The ranking minority member of the committee has read into the Record the President's letter to the chairman of the committee.

The President appointed a Committee on Vietnam Veterans, chaired by the Administrator of Veterans' Affairs, Donald E. Johnson, and including the Secretary of Defense, the Secretary of Health, Education, and Welfare, the Chairman of the Civil Service Commission, the Secretary of Labor, the Director of the Office of Economic Opportunity, and the Postmaster General.

That committee has made an interim report to the President concerning the legislation before us, and I wish to read that report:

President's Committee on the Vietnam Veteran Interim Report

Your Committee on the Vietnam Veteran is considering suggestions solicited from the Nation's leadership in government, management, labor, and education, and all of the Veterans organizations to aid us in finding answers to the questions you posed in your message of June 5, 1969, establishing the Committee:

How can we help more veterans to benefit from existing programs?

How can we design programs to help those veterans who need help the most—the undereducated, ill-trained, hitherto unemployed or underemployed?

How can we improve the overall program of veterans benefits so that it meets the specific challenges of our society and the needs of the veterans?

Ultimate conclusions will depend, in part, upon the results of the study of disadvantaged veterans and other studies currently in progress. It is anticipated that analysis of data from these studies will form a basis for sound and meaningful answers to your questions.

Recommendations and suggestions received by the Committee, while differing in their approach to the many aspects of the veterans readjustment problem, are unanimous in one respect—the existing education assistance allowance rates are inadequate. This Committee agrees with that conclusion.

Educational assistance allowances were last increased October 1, 1967. Since that date the cost of living has risen approximately 10%. Included in that increase is an even more dramatic rise in one of its components, the cost of education. Since the last increase in educational assistance allowances, colleges have increased their charges by roughly 15%. This means that today tuition and fees for an academic year are higher by an average of $94.

Therefore, your Committee recommends an immediate increase in educational assistance allowance rates commensurate with the rise in education and living costs cited above.

Beyond this recommendation which requires legislative action, the Committee is agreed that other suggestions which can be administratively accomplished now should not be deferred until the final report.

Accordingly we recommend:

That industry be encouraged to set up computerized job banks to match the skills of returning Vietnam Veterans to available jobs in the private sector. As job banks are installed by State Employment Services in 54 major cities by this year, the Secretary of Labor should take special steps to see that these improved job finding services are made available to each returning Veteran.

That counseling services now being provided by the Veterans Administration in seven locations in Vietnam be extended to additional overseas commands throughout the world. Trained counselor teams should be readied on a standby basis for dispatch to any area needing such services.

That those who have gained valuable skills in the military service, particularly in the paramedical field, should be actively encouraged to make use of their experience when they return to the private sector. To this end the Federal Government should intensify its own recruitment efforts while working with private groups to adopt new certification procedures which will take military training into consideration.

That there should be developed on-the-job training programs in the public service field, particularly paramedical and community services. Federal, state, and local agencies should be encouraged to provide opportunities for the veteran willing to train for a career in health, youth work, social work, and other critically needed service occupations.

That there be instituted, on an experimental basis, computerized job matching of servicemen returning to a particular area. An inventory of veterans' talent would thus be established which can be utilized in both the public and private sector.

The establishment on a pilot basis of a military based training center for servicemen who volunteer to extend their service for the sole purpose of gaining a particular skill or a high school diploma.

That despite reductions in employment in certain sectors of the Federal Government because of turnover and retirements, there should be recognition that there are many job opportunities in entry level positions in the Federal Service. To ensure that Vietnam Era Veterans are aware of these opportunities, agencies of the Federal Government should intensify their recruiting activities at military separation centers, Veterans Assistance Centers and through community action agency programs.

That transition stateside military counseling services should be expanded to overseas commands.

That the Office of Education and Office of Economic Opportunity assist the educational community in developing special programs for educationally disadvantaged veterans.

That the Department of Health, Education, and Welfare and other Federal Departments work closely with education and training institutions to recruit, enroll, and give priority consideration in the allocation of assistance to returning Vietnam Veterans.

Respectfully yours,

Donald E. Johnson, Chairman, Administrator of Veterans Affairs; Melvin R. Laird, Secretary of Defense; Robert H. Finch, Secretary of Health, Education, and Welfare; Robert E. Hampton, Chairman, Civil Service Commission; George P. Shultz, Secretary of Labor; Donald Rumsfeld, Director, Office of Economic Opportunity; Winton M. Blount, Postmaster General, Post Office Department.

Mr. YARBOROUGH. Mr. President, on this matter of the President's Commission to which the distinguished Senator from Michigan referred, I point out that that Commission kept begging the committee to do nothing until it finished its report. At the same time, the Commission was begging us to wait until it could finish its report, some agency—and it seems to me that it was the VA—apparently fed the Army Times a story attacking me and my committee. They said that I was stalling the passage of this bill. They said that the Senator from California (Mr. Cranston) was stalling the passage of the bill.

They made this attack on October 1, 1969.

The bill was moving as fast as it could move. They were feeding this attack to the paper and at the same time they were testifying that we should take no action until the President's Commission finished its report. They had promised that it would be ready by the first of October. However, they had not completed it. They did not have it by the 15th of October. They gave us the interim report which suggested a mere 10- to 15-percent increase in education and training allowances; it did not deal with the rest of the bill. They did that on the 20th of October.

The pending bill has been ordered reported to the Senate. We have already read into the Record, the record of the diligent hearings held by the able Senator from California and the prompt action taken by the Veterans' Affairs Subcommittee and the full committee.

Mr. President, to show the action of the VA, which I think is largely responsible—probably under prodding by the Bureau of the Budget—for keeping the veterans out of school, I ask unanimous consent to have printed at this point in the Record an editorial entitled "GI Bill Delay," published in the Army Times on October 1, 1969. It is a personal attack on the Senator from California (Mr. (Cranston) and me. I do this to show the falsity of this editorial.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

GI Bill Delay

Sen. Ralph Yarborough (D., Tex.) chairman of the Senate Labor and Public Welfare Committee which has jurisdiction over GI Bill legislation, seems to be placing the blame at the wrong door for delay in advancing that program.

And while he's doing so, the more than 635,000 GI Bill beneficiaries who had planned on a raise in educational allowances this fall aren't likely to get one now until next semester—thanks to foot-dragging by the Senate committee.

The fault can be found closer to the old homestead.

Some of the blame for delay in raising GI Bill allowances rests with Sen. Alan Cranston (D., Calif.), chairman of the Labor Committee's subcommittee on veterans affairs.

His group began hearings on the legislation on June 24. Here we are, going into October and the subcommittee still hasn't come up with a rate increase proposal to present to the full committee.

The best guess is that if and when the smaller body does act its recommendations won't receive full committee consideration until some time after mid-October.

In addition to its own recommendations, the subcommittee has before it legislation already approved by the House which would raise GI Bill allowances by 27 percent. Under the House-approved legislation, allowances for single veterans would go from $130 to $165 monthly; for married veterans from $155 to $197 monthly, and for men with two dependents from $175 to $222.

Now it's up to the Senate Labor Committee and to Senators Cranston and Yarborough to get something started—and real soon—on their side of the national legislature.

Senator Yarborough also ought to put aside some of his politically-motivated and unsoundly-based charges against the Veterans Administration and the Department of Defense. In numerous speeches recently, he has accused these two government agencies of "deliberately" holding down GI Bill enrollment, charging that they want to "spend money on a war in Southeast Asia worse than they want to educate our young people."

We feel that GI Bill enrollments aren't as woefully low as Senator Yarborough would like people to believe. The VA expects a 22 percent gain in GI Bill enrollment this fall over last year, a record for the three-year-old program. This would bring enrollment up to 635,000 compared to 520,524 last fall and 380,037 in 1967.

It is true that enrollment figures among the disadvantaged veteran aren't what they should be. Only one out of 10 veterans without high school diplomas have taken advantage of GI Bill educational opportunities. The VA through its "outreach" program is making a bigger effort to get more of these veterans into school.

But unless Congress approves an increase in allowances, and soon, all of these efforts will be to small avail. Now is the time for action on a GI Bill rate increase.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that my letter to the editor of Army Times, dated October 22, 1969, be printed in full in the Record. It is an answer to the editorial in the Army Times of October 1, which attacks my committee for alleged, but wrongly alleged, inaction.

There being no objection, the letter was ordered to be printed in the Record, as follows:

October 22, 1969.

Mr. Tony March,
Editor, Army Times,
Washington, D.C.

Dear Editor: On October 1, 1969, you published an editorial which accuses me and my committee of delaying the passage of legislation to raise G.I. educational and training allowances. Nothing could be farther from the truth.

On January 16, 1969, I introduced a bill, S. 338, which would increase the educational and training allowances provided by the Cold War G.I. Bill by 46 percent. Because of the rise in the cost of education and the cost of living, it is necessary that these allowances be increased by 46 percent to make them comparable to the allowances provided by the Korean Conflict G.I. Bill. Furthermore, my bill would also increase the allowances for apprentice and on-the-job training, vocational rehabilitation and farm training. I believe that a 46 percent increase is imperative if veterans are to be encouraged to use their hard earned and well deserved G.I. educational benefits. My bill is also retroactive to September 1. Thus, all veterans presently enrolled in educational and training programs would receive the full benefit of these increases for this semester as well as next semester.

The Subcomittee on Veterans Affairs held public hearings on my bill, as well as many other important veterans bills, from June 24 to August 12. During these hearings, three days, June 24, 25 and 26, were devoted to my bill, S. 338, and eleven witnesses, including every major veterans organization in the United States, expressly endorsed my bill. The only opposition to my bill came from the Nixon Administration which insisted that the Subcommittee take no action on my bill or any other veterans measure until the Veterans Administration could complete a study of veterans programs. The Veterans Administration first stated that this study would be completed on October 1. Later, this date was changed to October 15. As of this date, the long waited and often promised study by the Nixon Administration has still not been completed. Shortly, after the completion of these hearings, both Houses of Congress went into recess from August 13 until

September 3, which precluded any further action on these bills at that time.

The transcript of these two months of hearings was published on October 9. The transcript is in three volumes and contains more than 630 pages of testimony. The importance of the transcript of hearings on a bill cannot be overemphasized. It is one of the prime sources from which the legislative history and intent behind a bill can be determined. A bill cannot be presented to the Senate unless the transcript has been published.

Despite the objections of the Veterans Administration, the Subcommittee on Veterans Affairs, under the chairmanship of Senator Alan Cranston, took action and unanimously reported out favorably my bill, together with seven other major veterans bills. On October 9, the day that the transcript of the hearings was published, the Labor and Public Welfare Committee, under my chairmanship, reported S. 338 and these other important veterans bills to the Senate without one dissenting vote. On October 21, 1969, the Committee's report was filed with the Senate and I expect final passage of all these bills soon.

The House bill was not passed until August 4, and referred to the Senate on August 5. This House bill provided for only 27 percent increase in educational allowances for veterans in college programs. It did not provide anything for the many veterans enrolled in vocational and farm training programs. In my opinion, the House bill provides too little and is too limited in its coverage.

I am proud of the hard work of the members of my Committee and especially the great efforts of Senator Cranston and the members of the Veterans Affairs Subcommittee. These Senators, both Democrats and Republicans, put aside partisan considerations and moved with diligence to produce a group of bills that would be meaningful to all veterans.

In my twelve and one-half years in the Senate, I have worked hard for meaningful veterans legislation. Therefore, I wish to assure your many readers that no one is more anxious for the passage of S. 338 and the other veterans bills reported by my Committee than I.

Sincerely,

Ralph W. Yarborough.

Mr. YARBOROUGH. Mr. President, I also ask unanimous consent that Senator Mondale's answer, of October 16, 1969, to the Army Times' attack on the Senate committee's "inaction," be printed in the Record.

I also ask unanimous consent that Senator Cranston's letter to the Army Times concerning the October 1 editorial be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

GI Bill Action in Senate

Mr. Mondale. Mr. President, on October 8, the gentleman from Pennsylvania, Congressman Saylor, placed in the Record an editorial from the Army Times charging the Senate Labor and Public Welfare Committee, and specifically its Subcommittee on Veterans' Affairs, with "foot-dragging" on the proposed GI bill rate increases.

I feel that such a charge is very unfair in light of the most commendable and diligent record of the Veterans' Affairs Subcommittee under the chairmanship of the Senator from California, Senator Alan Cranston. As a member of that subcommittee, I speak from firsthand experience in pointing out the great amount of veterans legislation considered and favorably acted upon during this session by the subcommittee and the full Labor and Public Welfare Committee, on the basis of 6 days of hearings.

At the full committee level, the Senator from Texas, Senator Ralph W. Yarborough, chairman of the Labor and Public Welfare Committee, a member of the Veterans' Affairs Subcommittee, and its former chairman of 7 years, has most expeditiously moved this legislation to the floor with the vigorous leadership he has always displayed on veterans education and training measures.

I think that the unfortunate Army Times editorial is fully rebutted by an October 15, 1969, article in the Army Times entitled, "Senate Unit Ups GI Bill" and a letter to the editor from Senator Cranston published in the October 22 edition of the Army Times entitled, "Cranston Group Drags No Feet."

[From the Army Times, Oct. 22, 1969]

Cranston Group Drags No Feet

Dear Editor: In your Oct. 1 edition, you published an editorial stating that the Senate Labor and Public Welfare Committee, and its Veterans Affairs Subcommittee, of which I am chairman, had been guilty of "foot-dragging" on important veterans education and training legislation.

I think the record of the subcommittee and the full committee amply rebuts that charge.

The subcommittee has conducted six days of hearings in eight months, equal to the combined number of hearing days by the subcommittee during both sessions of the last Congress. These hearings have been published in three volumes containing more than 630 printed pages of testimony from 54 witnesses, again substantially more than the last two sessions combined.

On the day your editorial appeared, the subcommittee had already been scheduled to meet the next day, Oct. 2, on these bills in executive session, which it did.

On Oct. 9, based on the subcommittee's unanimous recommendation, the Labor and Public Welfare Committee unanimously ordered reported to the Senate eight veterans bills—two consolidated education and training bills and six hospital and medical care bills.

The Senate action represents the most comprehensive approach to the G.I. bill since it was originally enacted. First, it calls for a far larger and more realistic increase in G.I. bill education rates—46 percent—than the House bill—27 percent. Moreover, it proposes a new comprehensive education and training program, with an estimated first-year cost of almost 150 million dollars.

This comprehensive package of provisions from eight other bills would seek to encourage and assist veterans to make the maximum use of their G.I. bill benefits under the following circumstances.

For those still in service, the bill would authorize direct payment to schools to encourage their participation in a predischarge education program (PREP) conducted on or near military bases for servicemen shortly before discharge.

The bill would extend G.I. bill allowances to veterans in elementary as well as high school level courses.

It would also extend allowances to veterans in college preparatory courses on college and junior college campuses including courses for correcting academic deficiencies before entering college.

It would supplement educational coverage under the regular G.I. bill, regardless of the educational level, through direct payment to schools providing veterans with remedial tutorial, counselling or other special supplementary assistance to improve educational performance.

The bill would authorize grants to schools to establish special educational programs for veterans, including public service-oriented programs such as for the training of policemen, firemen, medical technicians, and inner-city teachers.

It would permit reduction of minimum college semester-hour requirements for full-time and part-time G.I. bill eligibility.

It would offer veterans the option of counting non-credit hour courses toward their eligibility for full-time allowances.

The bill would greatly expand and provide new orientation for the outreach services program to search out Vietnam veterans and counsel them regarding their benefits and assist them in obtaining them. Included would be payment of reasonable interview and relocation expenses when a veteran so assisted must move to enter a job or training program.

The bill contains some house-passed provisions as follows: (a) to eliminate most of the bars to so-called duplication of education and training benefits; (b) to liberalize measurement of high school courses; (c) to tighten up the prerequisites for pursuing G.I bill flight training; (d) to permit more rapid payment of the initial G.I. bill allowance to veterans in non-college courses; (e) to make more flexible the measures of widows' and war orphans' eligibility for G.I. bill benefits; (f) and to permit V.A. approval of interstate transportation apprenticeship programs.

I hope this serves to set the record straight and I trust you will publish this letter.

Senator Alan Cranston,
Chairman, Subcommittee on Veterans Affairs.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the article from the Army Times of October 15, 1969, by Larry Carney, under the title "Senate Unit Ups GI Bill," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Army Times, Oct. 15, 1969]

Senate Unit Ups GI Bill

(By Larry Carney)

Washington.—A Senate subcommittee has approved legislation to raise GI Bill education and training allowances by 46 percent and make the increased payments retroactive to September.

The measure—approved by the veterans affairs subcommittee of the Senate Labor and Public Welfare Committee—is much more liberal than a similar proposal passed by the House early this summer. The House measure would raise GI Bill allowances an average of only 27 percent. Effective upon enactment.

Full committee action is expected some time around mid-October. Cost for the entire package is estimated at more than $500 million the first year.

Subcommittee chairman Sen. Alan Cranston (D., Calif.) said the GI Bill hike increase measure was among 19 veterans education and medical bills approved by his group last week.

Three of the bills are designed to encourage more veterans without high school diplomas to get their diplomas under the GI Bill.

To accomplish this, the subcommittee proposes establishment of a new pre-discharge education program for active duty personnel in their last 12 months of service. The subcommittee hopes to tie the program in with Defense Department's Project Transition which trains servicemen approaching separation for civilian skills.

Under the subcommittee bill, the government would pay up to $150 monthly directly to the school towards education and training costs of servicemen enrolled in duty-hour or off-duty study.

Aid would be limited to servicemen with at least 12 months' service. Those who take advantage of benefits would not have it counted against GI Bill entitlement.

The education program would be in addition to GI Bill benefits already available to servicemen with two or more years' active duty but the legislation would preclude servicemen from taking advantage of both programs at the same time.

Full Senate Labor Committee chairman Sen. Ralph Yarborough (D., Tex.) promises speedy action on the veterans package, hoping to get it to the Senate floor "by the end of October or early November."

The subcommittee bill would raise monthly GI Bill allowances from $130 to $190 for single veterans; from $155 to $218 for married veterans, and from $175 to $240 monthly for veterans with two dependents. Veterans with more than two dependents would get $15 additional in allowances per child. They now receive $10 additional per child.

Under the House-passed bill, monthly allowances for single veterans would go to $165 monthly; to $197 monthly for veterans with one dependent; and to $222 monthly for veterans with two dependents. It would provide $13 additional monthly per child to veterans with more than two dependents.

Other bills approved by the subcommittee would:

Pay special grants to colleges and universities which establish special training projects and tutorial services for disadvantaged veterans.

Provide a 46 percent increase in allowances for orphans and widows taking training under the VA-administered dependents assistance program. Allowances for service-connected disabled veterans taking instruction under the veterans vocational rehabilitation program would be raised to similar levels. Vocational rehabilitation training is generally limited to veterans with disabilities rated 30 percent or more.

Broaden on-the-farm instruction for veterans under the GI Bill.

Permit veterans to borrow up to $1000 for flight training lessons.

Give unlimited community nursing home care to veterans hospitalized because of a service-connected disability.

Provide hospital and outpatient care to veterans totally and permanently disabled for their non-service-connected ailments.

Entitle veterans drawing non-service-connected disability pensions admittance to VA hospitals without having to take a pauper's oath of inability to pay. A comparable House bill would drop the pauper's oath requirement only for veterans 72 years of age or older. The Senate bill would drop the age limitation and bring an additional 67,000 veterans under its provisions.

Pay for drugs and medical care for permanently housebound veterans, regardless of whether their disability is service-connected.

Increase per diem rates the VA pays state nursing homes for hospital care from the present $3.50 to $7.

Mr. YARBOROUGH. Mr. President, furthermore, a public relations agency in Texas, with the cooperation of a House colleague of the opposite party, made an attack on me and put this editorial in the Record on the 8th of October.

That shows the double game that is being played here. This article was put in the Record by Representative Saylor.

I point out that had Representative Saylor been a member of the Committee on Labor and Public Welfare and known how diligently we worked under the able chairmanship of the distinguished Senator from California on this bill, he would not have put this erroneous editorial in the Record.

Mr. President, this clearly shows the double nature of their operation.

I called the Bureau of the Budget and asked, "Why are you trying to keep these veterans from getting an education?"

They said, "The Defense Department does not want it."

I said, "I feel it is the duty of the Defense Department to give these men an education."

They fought this measure on a number of occasions. They told the county service officers that the GI bill applied only to those men who served in Vietnam.

I think the monetary trouble with the bill is the fault of the VA. When I asked them about it, they said the allowances were too low and that is why the men were not going to school.

They fought to keep the allowances low.

This has been going on for the 11 years since I first introduced a GI bill in 1958.

The Defense Department and the Bureau of the Budget came over and testified against all of the bills. There would have been no veterans education bill if we had listened to the Defense Department, the Bureau of the Budget, and the Veterans' Administration. They fought all of the bills.

That is why we have provided for only a 46-percent increase. We got too little money each time. We got what we could in the conferences.

I hope that when the conferees are appointed, there will be no surrender to the House. We have gone long enough in keeping 4.75 million veterans out of school.

The funds will be denied again. We must not reduce this modest increase in the allowances that will bring the veterans back in line with the payments made to the Korean GI's. It does no more. It gives them no bonus.

I hope that when the bill is passed and goes to conference with the House, the Senate will stand firm.

We accepted limited bills in the past because the House was going along with the VA and the Budget Bureau and the Defense Department. The Defense Department would call the terms, and the VA and the Bureau of the Budget went along with them.

Mr. President, I ask unanimous consent that there be printed in the Record a letter to the editor of the News, Weslaco, Tex., under date of October 9, 1969.

There being no objection, the letter was ordered to be printed in the Record, as follows:

University of Texas Vietnam Vets,
Austin, Tex., October 10, 1969.

Editor, News,
Weslaco, Tex.

Dear Sir: I am a Vietnam veteran trying to make ends meet under the GI Bill. Allowances under the current law are woefully inadequate as both the cost of living and education have skyrocketed since the rates were set several years ago.

Senator Ralph Yarborough, who claims to be the veterans friend, has been sitting on a House passed bill since August 5th to raise the rates by about 27%. He has publicly complained about the lack of participation of Vietnam veterans in the GI education program—and yet when he has a chance to do something about the biggest stumbling block standing in the way of greater participation, he does nothing.

Why doesn't Senator Yarborough get his Committee together and act? He has already killed chances for our getting a raise during the first semester and hasn't shown much interest in getting help for us during the next.

I'm enclosing a recent editorial from Army Times which explains the problem in detail. I hope all Texas GI's will write Senator Yarborough and tell him to get with it! His inaction is disgusting.

Sincerely,

——— ———.

Mr. YARBOROUGH. Mr. President, this is an effort by a public relations firm in Texas, acting in coordination with others, to attack me. They had this mailed to every one of the more than 600 newspapers in Texas.

They got several hundred of these letters signed by veterans to make an attack on the committee for not moving ahead with the measure.

We asked them why they signed the letter. They said that they went to a Naval Reserve meeting and someone told them to sign the letters and turn them in.

The letters were then mailed all over Texas. I point out the devious game that is being played with respect to this matter.

Such a letter has been printed in the Austin Statesman and in many of the other newspapers all over the State of Texas.

While they have been telling us to wait until the President's Commission completes its report, they have also been making these attacks in the newspapers in my State. They have been claiming that Ralph Yarborough, the chairman of the Labor and Public Welfare Committee, and the Senator from California (Mr. Cranston) should get started with their work on this bill. They charged us with deliberately delaying this matter.

This material was placed in the Record by Representative Saylor and distributed to every newspaper in my State. I have had this material printed in the Record as proof of the falsity of the accusations.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. WILLIAMS of Delaware. Mr. President, the pending bill, as is the case with many other worthy projects, concerns the question of how much we can afford to do.

The letter from the President which was printed in the Record earlier by the senior Senator from New York points out that the bill passed by the House provides for an increase in benefits of 23 percent and that the bill now pending in the Senate would provide for an average increase of 46 percent. This represents an increase in expenditures of nearly $400 million above budget estimates.

If we consider the merits of this one bill alone we could argue better for these increased expenditures; however, we must consider this bill and all other bills on the manner they affect the overall budget. We are already operating this Government at a deficit of around a half billion dollars per month. The cost of living is at an alltime high, and inflation is a real threat. Taxes are as high as the American people can afford to pay, and those who are proposing these ever-expanding expenditures should begin explaining to their constituents just how they plan to pay for them.

Mr. President, I ask unanimous consent to have printed in the RECORD a tabulation of the bills that have been acted on by either one House or the other up to this point. The tabulation includes the pending bill. The tabulation shows how the amounts have been increased substantially over the budget estimates.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

PENDING POTENTIAL CONGRESSIONAL INCREASES TO 1970 BUDGET OUTLAYS

[Amounts in millions]

Description	Increase over request	
	Authority	Outlays
Appropriation bills:		
Agriculture and related agencies, as passed by Senate (July 7, 1969), excluding administration's amended increase of $270 for food stanps	$405	$313
House bill (May 27, 1969)	(−161)	(+173)
Labor-HEW, as passed by House (July 31, 1969)—Increase mainly for education	1,078	+539
Public works and AEC, as passed by House (Oct. 8, 1969)—Increase mainly water pollution grants	301	16
Other legislation:		
H.R. 13000—raises Federal civilian and military pay effective Oct. 1, 1969, for post office and Jan. 1, 1970 for remainder; full year cost in 1971 about $4,300,000,000. Passed by House Oct. 14, 1969; 1970 cost will be	1,550	1,550
Social security benefits—Proposal to make effective January 1970 instead of March 1970 as recommended	(1)	465
Proposal to raise benefits by 15 percent (instead of 10 percent as recommended) and make effective January 1970; in addition to amount immediately above	(1)	580
H.R. 11959—GI bill for veterans education assistance, as passed by House Aug. 4, 1969	400	400
S. 2547—Food stamp amendments, as passed by Senate Sept. 24, 1969	640	600
Other legislation—Continued		
H.R. 11651—School lunch amendments for child nutrition, as passed by House July 21, 1969	(1)	$100
H.R. 13194 and S. 2721—Increases authorization for national defense education loans, work-study grants, and educational opportunity grants. Passed by Senate Sept. 16, 1969; passed by House Sept. 15, 1969; in conference	$333	239
H.R. 514 and S. 2218—Expands impacted area education aid for public housing children. Passed by House Apr. 23, 1969; Senate has held hearings	230	115
Potential nonenactment of recommendations to reduce spending:		
Postal rate increase (H.R. 10877)—Original proposal for July 1 effective date would save $591; it is still possible to make a Jan. 1 effective date and save about	300	300
Farmers Home Administration—Proposal to permit certain operating loans and to provide that certain insured loans to public bodies could be sold as taxable instruments; this could save	(1)	292
Veterans' Administration (H.R. 11703)—Proposal to permit sale of direct loans at more than a 2-percentage point discount could cut outlays by	(1)	128
Total, all items above	5,237	5,637

[1] Means not applicable. The specific budget authority for fiscal 1970 is not necessarily related to the specific 1970 outlay effect.

Note: The above listing covers only major increases that are still pending in the Congress. The estimates were prepared by Bureau of the Budget examiners, sometimes in consultation with agency staffers, and are not precisely the same as those carried in the "1970 Budget scorekeeping report" of the Joint Committee on Reduction of Federal Expenditures.

Mr. WILLIAMS of Delaware. If these bills are approved in the form in which they are being reported by the committee, it would require $5,637 million of extra expenditures in the fiscal year 1970.

I repeat, we are already operating the Government at a deficit of between $5 and $6 billion a year. If this Congress returns to the position of operating the Government at a level beyond our income by $1 billion a month we shall never get inflation under control. We have to start somewhere, and the place to start is right here.

I think that what we should do is to stand by the House proposal, which provides for a 23-percent increase.

Mr. President, I send to the desk an amendment which would substitute the House bill for title I. It does not deal with the other titles of the bill, but it would restore the House provisions of title I which would increase these benefits, even then, to about 26 percent over the amount in the present law. I think we would have a much better chance of getting this bill in its final form approved by the President if we approved this amendment. After all, a bill passed by the Senate which ultimately may not become law is not really as much to the veterans as a bill with lesser benefits which could become the law. Certainly, a 26-percent increase is not too unreasonable.

I ask that the clerk state the amendment.

The **PRESIDING OFFICER** (Mr. SPONG in the chair). The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered; and without objection, the amendment will be printed in the RECORD.

The amendment was on page 6, strike out line 22 and all that follows through and including line 9 on page 14, and insert in lieu thereof the following:

That section 1504(b) of chapter 31 of title 38, United States Code, is amended to read as follows:

"(b) The subsistence allowance of a veteran-trainee is to be determined in accordance with the following table, and shall be the monthly amount shown in column II, III, or IV (whichever is applicable as determined by the veteran's dependency status) opposite the appropriate type of training as specified in column I:

"Column I	Column II	Column III	Column IV
Type of training	No dependents	One dependent	Two or more dependents
Institutional:			
Full-time	$127	$173	$201
Three-quarters time	92	127	150
Half time	63	86	98
Institutional on-farm, apprentice or other on-job training: Full time	109	144	173

Where any full-time trainee has more than two dependents and is not eligible to receive additional compensation as provided by section 315 or section 355 (whichever is applicable) of this title, the subsistence allowance prescribed in column IV of the foregoing table shall be increased by an additional $6 per month for each dependent in excess of two."

SEC. 2. Chapter 34 of title 38, United States Code, is amended as follows:

(a) by deleting in the last sentence of section 1677(b) "$130" and inserting in lieu thereof "165";

(b) the table contained in paragraph (1) of section 1682(a) is amended to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional:				
Full time	$165	$197	$222	$13
Three-quarter time	121	147	170	9
Half time	78	96	109	7
Cooperative	133	159	184	9.";

(c) by deleting in section 1682(b) "$130" and inserting in lieu thereof "$165";

(d) by deleting in section 1682(c)(2) "$130" and inserting in lieu thereof "$165";

(e) the table contained in section 1682(d) (2) is amended to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Basis	No dependents	One dependent	Two dependents	More than two dependents
				The amount in Column IV, plus the following for each dependent in excess of two:
Full time	$133	$159	$184	$9
Three-quarter time	96	116	134	6
Half-time	64	77	90	4.";

and

(f) the table contained in section 1683(b) is amended to read as follows:

"Periods of training	No dependents	One dependent	Two or more dependents
First 6 months	$102	$114	$127
Second 6 months	76	89	102
Third 6 months	51	64	76
Fourth and any succeeding 6 month periods	25	38	51."

SEC. 3. Section 1684(a) of title 38, United States Code, is amended as follows:

(a) by deleting in paragraph (2) immediately after the semicolon the word "and";

(b) by deleting the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(c) by adding at the end thereof the following new paragraph:

"(4) an academic high school course requiring sixteen units for a full course shall be considered a full-time course when a minimum of four units per year is required. For the purpose of this paragraph, a unit is defined to be not less than one hundred and twenty sixty-minute hours or their equivalent of study in any subject in one year."

SEC. 4. Chapter 35 of title 38, United States Code is amended as follows:

(a) by amending section 1732(a) to read as follows:

"(a) The educational assistance allowance on behalf of an eligible person who is pursuing a program of education consisting of institutional courses shall be computed at the rate of (1) $165 per month if pursued on a full-time basis, (2) $121 per month if pursued on a three-quarters time basis, and (3) $76 per month if pursued on a half-time basis."

(b) by deleting in section 1732(b) "$105" and inserting in lieu thereof "$133"; and

(c) by amending section 1742(a) to read as follows:

"(a) While the eligible person is enrolled in and pursuing a full-time course of special restorative training, the parent or guardian shall be entitled to receive on his behalf a special training allowance computed at the basic rate of $165 per month. If the charges for tuition and fees applicable to any such course are more than $50 per calendar month the basic monthly allowance may be increased by the amount that such charges exceed $50 a month, upon election by the parent or guardian of the eligible person to have such person's period of entitlement reduced by one day for each $5.30 that the special training allowance paid exceeds the basic monthly allowance."

SEC. 5. The amendments made by this Act shall take effect on the first day of September, 1969.

Mr. WILLIAMS of Delaware. Mr. President, I state for the information of the Senate and as I have pointed out to the Senator from California, that the amendment does embrace the House language of the bill in title I and that that is all it does change.

Mr. CRANSTON. Mr. President, I oppose the amendment. These figures were considered in the committee. They were rejected unanimously by all members of the committee, of both parties, on the ground that the increases of 2 years ago were totally inadequate, and did not bring payments at that time to the level that veterans of prior wars had received. The payments are even more inequitable now, as inflation has devoured the dollars and increased the cost of education.

The only just and proper thing to do is to hold to the Senate language, which will insure that veterans of the Vietnam conflict are given the same educational opportunities, the same assistance in adjusting to civilian life, that veterans of other wars have received; no less the abominable and deploring figures showing how few veterans are able to take advantage of GI educational benefits now, because allowance rates are so wholly inadequate, indicate what we must do. We must hold to the Senate language.

Mr. WILLIAMS of Delaware. Mr. President, the House bill does recognize that as a result of inflation some increase is necessary, and it does increase the benefits by approximately 26 percent. What I object to is the Senate's effort to increase further these benefits by 46 percent. This is nearly $400 million over budget estimates.

My only point is that if these increases continue along this line we will have a staggering deficit. Earlier I placed in the RECORD a tabulation showing some of these proposed increases in other pending bills. Do we want to launch again on a road of heavy deficit spending? If so we shall in effect not be giving these veterans any increase, because inflation will soon take it away from them.

We saw the statistics this morning which indicate that the cost of living last month rose .5 percent, and that is an average of 6 percent a year.

The reason why the present benefits are inadequate is that the erosion of inflation has destroyed the purchasing power of the dollar. I realize, and I agree with the Senator from California, that a good argument can be made for almost any increase on a program for our veterans. A good argument can be made for any one of these bills taken alone. But in my opinion we must consider these increases as a cumulative total. Congress has asked the President of the United States to hold expenditures for this fiscal year to $192.9 billion, and the President has sent a letter to Congress in which he promised that he will do just that. If this bill increasing expenditures between $375 and $400 million beyond that which is provided for in that budget is passed the President will have no choice but to expend the money, and that will automatically raise the expenditure ceiling. The President cannot hold that ceiling if Congress itself is going to continue these increases.

I ask unanimous consent that the letter which the President sent to Congress a couple of months ago, in which he promised to hold this ceiling, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, July 16, 1969.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: I am aware of the concern over extension of the surtax and repeal of the investment credit unless expenditure controls are made clearly effective. Possibly some of this concern arises from the flexibility of the expenditure control provision of H.R. 11400 just passed by the Congress.

In this legislation the limit on expenditures for fiscal year 1970 would appear to be $191.9 billion—one billion below the $192.9 billion projected in my revised budget. However, the actual language (1) authorizes me to exceed this ceiling by two billion dollars for increases in specified items of uncontrollable spending, thereby raising the ceiling potentially to $193.9 billion; and (2) enables Congress to raise expenditures by any amount for any program, thereby permitting automatic Congressional increases in the ceiling.

There is an obvious advantage in having a precise ceiling—one which clearly specifies the maximum allowable expenditures. I therefore assure you and your colleagues that I accept in good faith the $191.9 billion ceiling as passed by Congress. More than this, barring a plainly critical and presently unforeseeable emergency, I will hold total expenditures for fiscal 1970 within the $192.9 billion indicated in my April budget proposals.

I will regard this $192.9 billion maximum as a ceiling on fiscal 1970 expenditures, on this premise—that when an increase is approved by Congress or develops in one program it will be offset by a corresponding decrease in another program, thereby keeping the total budget within the $192.9 billion maximum.

For the Executive Branch this means that if uncontrollable spending, such as interest on the public debt and social security benefits, should exceed the April estimates, or if other spending essential to the national welfare is approved, the additional spending will have to be offset by reductions elsewhere. Further it means that, if the Congress should vote expenditures above those provided for in the breakdown of the $192.9 billion total, it will also need to impose compensating reductions in other programs. Failure to establish such priorities in allocating funds within the $192.9 billion total will compel the Executive Branch either to impose offsetting reductions itself in programs approved by Congress or to refrain from spending the increase.

I believe this firm expenditure control, prompt extension of the surtax and the excises, and repeal of the investment tax credit will give us the tools our country needs to brake and stop inflation. It is my understanding that the Ways and Means Committee and the Finance Committee will follow this action with prompt consideration of a major tax revision package which will include many of the reform proposals I recommended to Congress last April.

Working together, I am confident that the Congress and the Administration can establish sound priorities and keep within a $192.9 billion expenditure total for 1970. I assure you that I intend to see that this is done.

Sincerely,

RICHARD NIXON.

Mr. COTTON. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS of Delaware. I yield.

Mr. COTTON. Is the application of the provisions the Senator is discussing in this bill limited only to veterans of Vietnam? Does it extend to other veterans?

Mr. WILLIAMS of Delaware. It is limited to title I of the bill alone—just title I. It does not deal with the other titles of this bill. It is not limited to just veterans of the Vietnam war.

Mr. COTTON. But is that title limited to veterans of Vietnam only?

Mr. CRANSTON. No. It applies to all post-Korean conflict veterans.

Mr. COTTON. It is the same meaning. That is practically synonymous, is it not?

Mr. CRANSTON. Veterans who served for any period after January 31, 1955, would be covered. So it applies to people who served prior to Vietnam, but may be called "Vietnam," because this is the war at the particular time.

Mr. COTTON. Even those veterans who did not serve during any hostilities?

Mr. WILLIAMS of Delaware. Yes.

Mr. COTTON. It applies to them?

Mr. CRANSTON. That is correct.

Mr. WILLIAMS of Delaware. Yes.

Mr. President, I will not debate this matter further. I am ready to vote. But as the Senators vote I urge them to remember that they have gone on record earlier this year as requesting the President to hold total expenditures for fiscal 1969 not to exceed $192.9 billion. Personally, I meant it, and that is why I am supporting the pending amendment. Unless the cost of this bill is reduced here in the Senate or in the conference, the President will have little choice but to veto the measure.

ORDER OF BUSINESS

Mr. McGOVERN. Mr. President, I ask unanimous consent that I be permitted to proceed for 5 minutes out of order.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ADMINISTRATION POLICY ON VIETNAM

Mr. McGOVERN. Mr. President, yesterday I spoke briefly on the Senate floor with respect to the issue of Vietnam, with special reference to statements that had been made by the Vice President of the United States. After I left the floor, several of our colleagues, in commenting on my remarks, made statements to which I would like to refer now.

I recognize the differences that have existed from the very beginning on this issue within the Senate, and we all have our various reasons for the stands we take. But I was astounded to read these words in the remarks of the Senator from Arizona (Mr. FANNIN). He said:

> Where was the Senator's righteous indignation—

Meaning my righteous indignation—

> during the Kennedy years and the Johnson years?
>
> We have a right to have an answer to that question. It is indeed strange to watch how strongly indignation waxes when the President is a member of the other party.

Then the Senator from California (Mr. MURPHY), in commenting in a similar vein on my remarks of yesterday, said:

> Certainly, if the Senator from South Dakota feels that the entire intervention in Vietnam was a mistake, I think that he has waited an extremely long time to express himself.

I must say, Mr. President, that this is a very discouraging thing to read. It is really very hard on the ego of a Senator who has been speaking out on this issue for 5 or 6 years to discover that two of the illustrious Members of this body were not aware that I had said anything about it until yesterday.

I have never felt that the Vietnam issue was a partisan matter. The debate on this issue began years ago in the Senate, when we did have a President from my party in the White House. I think my remarks have been not only numerous but also rather blunt on this issue for a long time.

For example, during the Kennedy years, on September 24, 1963, I called for our disengagement from Vietnam then and the removal of our forces; and I warned that if we proceeded further down that road, we would be attaching ourselves to a government in South Vietnam that did not have the support and the respect of the people of that country, and that it was a self-defeating road for us to follow.

During the Presidency of former President Johnson, I took the floor time after time to make remarks that were just as blunt and just as candid as anything I said yesterday, warning at one time some 3 years ago that our continued involvement in this war represented the most tragic military, moral, and political blunder in our national history.

Mr. President, I repeat all those things—which, personally, I am almost getting a little tired of hearing—to make sure that the Senator from California (Mr. MURPHY), the Senator from Arizona (Mr. FANNIN), and others who spoke yesterday understand that my criticism today is neither new or partisan. This has been a long-time concern of mine.

I do not criticize Mr. AGNEW or the President of the United States because they are Republicans. I take issue with them because I believe that, like their predecessors, they are following a mistaken course.

I have one or two other points on the comments that were raised yesterday by the Senators to whom I have referred. The Senator from Wyoming (Mr. HANSEN), in commenting on my suggestion for disengagement, referred to the American prisoners of war in Vietnam. He said: "What about those prisoners?"

He asked whether we are going to walk out and leave them.

In the resolution I have offered for the consideration of the Senate is a provision that the disengagement would not take place until we had secured the release of American prisoners. The Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. HUGHES), and others are cosponsors of that resolution; and we have made provision that American forces are not to be withdrawn until the release of American prisoners has been carried out.

We have also made provision in that resolution for the Vietnamese who would feel threatened by our disengagement, to give them time to take advantage of the opportunity to go to friendly countries which would be willing to open their borders to them for that purpose.

We have tried to be sure that maximum arrangements are made for the security of our forces during disengagement.

This is not a surrender, as it has been characterized by some critics. We are leaving behind 1 million South Vietnamese forces which we have equipped and trained. They outnumber the enemy in the field by a ratio of 5 to 1. That is not exactly a surrender. It would be a trained and equipped army of 1 million men in South Vietnam, where we have spent billions of dollars and tens of thousands of American lives. For us to say at long last the time has come for the people of South Vietnam to resolve this struggle with their own effort and dedication, to me is not a surrender.

I wish to make one other point. In today's Washington Post there appears an erroneous statement attributed to me which I wish to correct while I have the floor. The article was written by Mr. Peter Osnos, who is a Washington Post staff writer. In the article it is stated:

> In refusing to take a firm stand on the November events, McGovern reportedly asked a group of Moratorium leaders on Tuesday: "Can I really be seen on the same platform with David Dellinger?"

This is not too important, other than for me to say there is not a grain of truth in that statement. I never mentioned Mr. Dellinger's name. I did not know he had anything to do with the November events. I am not going to make my judgment on criteria of that kind. I was opposed to our policy in Vietnam long before the moratorium and long before the mobilization of November. If someone with whom I disagree comes out against smallpox that is not going to be reason for me to dislike smallpox.

I am going to continue to oppose the policy and make my judgment not on the basis of who agrees or disagrees with me, but on the basis of what is in the national interest.

I did tell the moratorium leaders I thought they should be cautious and prudent about the sponsorship and the manner in which they conduct the November moratorium. They did a thoughtful, constructive, nonviolent job in October. If they continue in that vein I have the feeling that increasing numbers of people will be standing with them as we move along.

I think in all fairness to the President we should give him an opportunity to enunciate any change in policy he has in mind for November 3, and perhaps after that date all of us will be in a better position to make a judgment on where we go from that date on.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. DOLE. I wish to ask the Senator a question. The Senator does feel there are certain conditions which must be met before we walk away from South Vietnam. Is that right?

Mr. McGOVERN. Absolutely, and I have incorporated them in the disengagement resolution which is pending.

Mr. DOLE. Based on that, if Hanoi

and the National Liberation Front would not agree with those conditions, the Senator would agree we could not walk away?

Mr. McGOVERN. Yes, I would have to alter my position. I do not agree we have to have 500,000 troops there, but I do not agree we can walk out on prisoners that are still held there.

Mr. DOLE. And the other side has made it clear that they will release prisoners only when we take everybody out of South Vietnam.

Mr. McGOVERN. They said they are willing to discuss that issue when it becomes clear we are disengaging. I think those are matters that can be discussed. That is the kind of issue we should be trying to discuss with them in Paris now, and I hope we are.

Mr. DOLE. I agree that we are all opposed to war everywhere and particularly now in Vietnam. But I happen to believe that President Nixon is embarked on a strategy for peace and that he is making progress.

The Senator says his criticism is not new. Maybe it should be new; maybe it should be changed, as we have a new policy in Vietnam.

Mr. McGOVERN. I hope the Senator is correct. I joined the majortly leader yesterday in expressing the hope that we might be embarked on a ceasefire. I hope we move in that direction.

I want to give the President credit for whatever troops have been withdrawn and for whatever lessening of violence he has brought about. I do not want to take away from the steps he has taken.

I want to say to the Senator it is my judgment that those steps were taken in part because of the steady concern that has been expressed by some of us who have been speaking out over the last few years. I think that served to help President Nixon take the steps he has taken.

Mr. DOLE. I wish to say to the Senator I am not certain of that, but it is good to hear the Senator from South Dakota give the President credit, since he has been a strong critic of President Nixon, and who criticized President Kennedy and President Johnson. It should be encouraging to know that the Senator from South Dakota thinks President Nixon is going in the right direction, though perhaps not as quickly as the Senator would like.

Mr. McGOVERN. That is the question.

Mr. DOLE. I think President Nixon is. Maybe he is not, according to the Senator from South Dakota; but he is, according to me.

Mr. McGOVERN. That is where we disagree.

Mr. DOLE. But we have to recognize that the enemy is not South Vietnam or this Government, but the National Liberation Front and the North Vietnamese Government. Perhaps we give the wrong impression by harping about what we are doing and what the South Vietnamese are doing, and not about what the enemy is doing.

Mr. McGOVERN. The reason the debate develops in that form is that we do not have much influence in Hanoi or with the Vietcong, but presumably we have some influence over the policy in Saigon and in our Government. I think it is proper that the major force of our criticism is directed at our policymakers and the government in Saigon. Presumably that is where we can be effective.

Mr. DOLE. In addition, we do not have the facts with respect to what is happening in North Vietnam or with the Vietcong. We expose our cards; they do not. It is easy to criticize what we do or do not do, but we do not know what they are doing on the other side and do not criticize as we should.

Mr. McGOVERN. I have criticized the North Vietnamese Government in the past, and today on their prisoner policy. They will not tell our Government or the relatives of prisoners if those who are held are alive, dead, or wounded. That is in violation of the Geneva Convention. I deplore it and it is a barbaric practice. I think it is a self-defeating exercise on their part and it hurts them in world public opinion. I have objected to it on the floor of the Senate before and I shall continue to do so. I do not paint them as saints in this bitter and tragic war, but I am trying to direct my criticism where I think it is relevant and that is toward the policymakers of our Government and our illustrious ally in Saigon.

Mr. DOLE. I note the Senator emphasizes the term "illustrious." Nonetheless, there is a change for the better in the war.

The Senator pointed out yesterday that he had experience in World War II and I recognize this.

Mr. McGOVERN. One has to keep saying that or people say he is not patriotic. It is a little self-serving but it seems to have become more and more necessary to show that one is a patriot in order to speak his convictions on matters of public policy.

Mr. DOLE. I have been here only long enough to assume we are all patriots in the Senate. We all have the same ultimate goal and that is disengagement in Vietnam as quickly as we can with honor.

I hope the Senator agrees after November 3 that President Nixon is getting us out of this war.

Mr. McGOVERN. I hope that will be the case and I shall applaud the President if he moves in that direction.

VETERANS EDUCATION AND TRAINING ASSISTANCE AMENDMENTS ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 11959) to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware (putting the question).

The amendment was rejected.

Mr. CURTIS. Mr. President, I want to say to the distinguished Senator from Delaware (Mr. WILLIAMS) that I supported his amendment. I thought it was the best for all concerned. Probably the 20-some-odd million veterans in America are the largest group of taxpayers we have. There is no bloc larger than our veterans and their families. They have more stake in the welfare and perpetuation of this Government. They have more stake in the prevention and retarding of inflation.

I would have liked very much to have voted for the larger bill, but I believe that the President, having made a recommendation for a certain amount for veterans' benefit increases, and the House having added to that about $400 million, we should not go beyond the House figure. The committee bill was substantially more than that.

I voted for the House version because I am for the veteran. I feel that that is the best way to serve him and his family.

Mr. WILLIAMS of Delaware. I thank the Senator from Nebraska for his remarks, and I agree with him completely.

VIETNAM—THE RESULTS OF PRESIDENT JOHNSON'S BOMBING HALT 18 MONTHS AGO

Mr. BYRD of Virginia. Mr. President, it was little more than 18 months ago that the then President, Lyndon B. Johnson, restricted and subsequently eliminated all bombing of North Vietnam. President Johnson did this with the expectation that it would bring about productive peace talks in Paris.

Now, what has happened during that 18-month period?

The Paris peace talks have produced zero results.

There is no evidence that we are any closer to a negotiated settlement of the Vietnam war today than we were 18 months ago.

What has been the result on the battlefront of President Johnson's decision to restrict and then eliminate all bombing of North Vietnam?

The result on the battlefront has been this: During that 18-month period—April 1, 1968 through October 18, 1969—the United States has suffered 147,571 battle casualties, dead and wounded.

This figure of 147,571 U.S. battle casualties represents 50.1 percent of all the casualties we have suffered in this long Vietnam war.

Yes, during the past 18 months—since the bombing of North Vietnam was restricted and then halted—half of all our casualties have occurred. Through last Saturday, our Vietnam casualties totaled 294,578.

This week's casualty count is 78 dead and 684 wounded. This is the third week of relatively low casualty figures. But there is no evidence that this means a permanent reduction in the level of fighting.

From the beginning, Mr. President, I have felt, and have stated many times on the floor of the Senate, that it was a grave error of judgment to become involved in a ground war in Asia. But then we compounded that error by the way the war was conducted.

The record shows that regardless of the concessions made by the United States, the enemy has given nothing in return and has continued to demand that North Vietnam and the Vietcong be awarded a total political victory.

Mr. President, I submit that the American people should not be lulled into a false sense of security by fruitless peace talks and an occasional low casualty week.

The end of the war is not in sight and the casualties continue. There should be no sense of security so long as American lives are being lost.

Mr. President, I am convinced that President Nixon is sincerely attempting to bring this war to an honorable conclusion.

While I do not see an early ending to it, I do believe that we can best reach the earliest conclusion of the war by supporting our Commander in Chief in this hour of crisis.

THE NEED TO UPGRADE THE NATION'S MARITIME FORCES

Mr. THURMOND. Mr. President, as a member of the Armed Services Committee, I have been alerted to the importance of our merchant marine fleet for some time, and unfortunately the past history and present condition of America's maritime strength is a sorry record.

A simple examination of the facts clearly shows the low point to which we have allowed our merchant marine fleet to sink, and it is therefore quite reassuring to me that President Nixon has submitted to the Congress today some proposals to correct this situation.

It is felt they will provide dynamic and far-reaching programs to return American-flag vessels to the prominence they once enjoyed on the high seas.

The Nixon maritime program will certainly receive my close attention and study. Many of us here in the Senate recognize the need for progressive action in this area as our national security is deeply involved.

In recent years, the Defense Department has failed to give our merchant marine the type of support it has deserved. The Defense Department has a real stake in our commercial shipping program, but its failure to act more affirmatively has resulted in continued slippage of our merchant fleet and low morale among those who are engaged in its activities.

A similar situation has existed in the Department of Commerce, where the Maritime Administration is located, mainly because of an unfortunate administrative organization which places the maritime functions outside the mainstream of activity. The establishment of the Maritime Administration as an independent agency should be given careful consideration.

Mr. President, the guilt for our failures in the merchant marine field are not limited to these two Departments by any means—they lie here in the Congress, at the White House, and elsewhere.

The important thing is for this complacency to be dispelled through the efforts of all concerned working together to hammer out a plan and a program to correct this deficiency. Perhaps we need some of President Nixon's "bring us together" philosophy applied to this problem.

One of my main reasons for concern in this area is the aspect of national security. My fellow South Carolinian, the Honorable MENDEL RIVERS, chairman of the House Armed Services Committee, shares this concern. The interim report of Mr. RIVERS' Sea Power Subcommittee should be studied by all of us here in the Congress.

To understand this situation, we must first address ourselves to the current status of our maritime forces. A few well chosen facts amply make the point. They are:

First. The United States is carrying only about 5 percent of its total foreign commerce in American-flag ships while Russian ships are carrying 50 percent.

Second. The American merchant marine has declined from 1,900 ships in 1950 to 1,100 ships in 1968.

Third. During the same 1950 to 1968 period, the Soviet fleet increased from 1.9 million tons to 1,400 ships of 10.4 million tons.

Fourth. Eighty percent of the U.S. merchant fleet is over 20 years old and ranks sixth in world status.

Fifth. Modern air travel has made great strides but 98 percent of our trade continues to move by ship and 99 percent of the beans, bullets, and other supplies going to Vietnam travel by sea.

Sixth. The United States relies on foreign-flag ships to carry 95 percent of some 66 strategic and critical commodities imported here.

Seventh. A study has shown that had our merchant fleet remained as strong as prior to World War II, we could have counted a positive balance of payments of $5 billion instead of a deficit of $23 billion.

Eighth. While U.S. merchant presence declines, Soviet ships are visiting nearly 900 ports in about 100 countries annually. The first Soviet ship to sail through the Golden Gate in 21 years visited the port of San Francisco in early September.

Mr. President, privately owned U.S. merchant vessels now number less than 1,000. Twenty-five of these are passenger cargo ships, around 650 are freighters and about 275 are tankers. Of these, about a third are subsidized. About 15 new ships a year are being built. While the Government does have some ships in reserve, less than 200 of them are in condition to make their activation economically feasible. Most of them are barely worth scrapping.

Another important factor in our maritime picture is that our aging fleet is not configured to compete in today's trading environment. Most of our fleet consists of general cargo vessels while today's merchant ships carrying 80 percent of the world's cargo are bulk carriers such as tankers and grain and ore carriers.

Mr. President, the importance of restoring our merchant marine fleet relates directly to two key areas, defense and economic.

We must never forget some seven-tenths of the earth's surface is covered by water. When Britain ruled the oceans, and most of the world, it was through the power of her merchant fleet as much as anything else. They could turn off or increase imports and thus use this economic factor in a political sense.

Many believe the showdown with communism will come on the economic front. We are so dependent on foreign merchant ships today that our Nation's economy and defense could be greatly weakened through the force of economic sanctions by an unfriendly nation or group of nations.

The Soviets are very much aware of these facts. They are not adding to their merchant fleets for economic reasons alone, they have an eye on the military and political reasons as well. However, it has been only in the past two decades that the Soviets have recognized the inseparability of the various functions of a strong merchant fleet.

With the Soviets moving so rapidly in this field, what is to stop them from taking the trade routes away from the ships of other countries? Remember, these are the same countries we are depending upon to import 87 percent of the bauxite we use, 100 percent of the chromite, 88 percent of the cobalt, 33 percent of the iron ore, 54 percent of the primary lead, 99 percent of the manganese ore, 94 percent of the mica sheet, 90 percent of the nickel, 100 percent of the natural rubber, 48 percent of the sugar, 99 percent of the tin, and so on.

Russia is now handling 50 percent of its foreign commerce versus our 5 percent. Japan has prescribed that their merchant marine carry 60 percent of her exports and 70 percent of her imports.

But it is the scope and the momentum of the Russian program which gives us all cause to give this problem more attention. In the long term, the Soviets might well gain a position which would enable them to dictate shipping rates in shipping conferences and radically restructure them in the interests of Soviet objectives.

Mr. President, this issue of declining maritime strength for the United States is not a new one. Its solution is complex, many elements are involved, and many forces within the industry are pulling at one another. Added to this you have the Government subsidy problem, cheap foreign shipyards, and not the least by any means is lack of understanding by the American public.

Some means must be found to inform the American people of this problem. I dare say today more is known about the yachts of Aristotle Onassis than our merchant marine fleet. But for the most part, the American people are landbound in their thinking. The Navy League and other groups are trying to overcome this problem, but more must be done. Young men in my State often turn down opportunities to obtain a free education at the Merchant Marine Academy because they do not understand the importance of the seas nor see any great future in this area.

Mr. President, we Americans are basking in the pride of our moon landing. It was a magnificent achievement, but one which the Russians launched when they sent Sputnik whirling around mother earth. Our children are going to better schools, better because the Soviets challenged us in producing minds which could direct our course in the complex times ahead. Maybe the Russians will do us another service when the American people wake up to the fact they are driving fast in an effort to control the seas—with merchant ships, and submarines. If we can get this message to the American people, they will respond.

The future situation is even more foreboding when you take into account a recent survey which shows Russians are building six times more new ships than this Nation.

Had the maritime concept been understood in America, our people might have understood and accepted the need to block Haiphong Harbor to the Communist ships which carry the arms used to kill our soldiers in South Vietnam.

Make no mistake, Mr. President, America's future depends upon a presence on the seas. We must orient a part of our national strategy toward the seas. The security and prosperity of America depends to an increasing degree on the military, economic, and political exploitation of the oceans of the world. We can take an important step in that direction by moving to restore America as a maritime power.

VETERANS EDUCATION AND TRAINING ASSISTANCE AMENDMENTS ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 11959) to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. CRANSTON. Mr. President, I ask for the third reading.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 11959) was read the third time.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from California has the floor.

Mr. CRANSTON. Mr. President, before we proceed, I want to point out that the action of the Senate, in rejecting the amendment which was before us, which was to adopt the House version in place of title I of the bill, made very plain the rejection of the House position and the Senate's will to give to veterans of this era the same educational benefits that were made available to veterans of other times and other wars.

Mr. HARRIS. Mr. President, I strongly support the Senate increase over what the administration had asked for the post-Korea veterans' education and other benefits, because I believe that we ought to help these young men who have fought in Vietnam in every way we can in getting re-established and getting a better life for themselves.

Experience has shown that investments like this in the past in veterans' education, training and other programs has brought into the Treasury much more than they ever cost because of the greatly increased earnings they produced on the part of the veterans served.

Young men who have fought and are fighting in Vietnam are entitled to our gratitude, our support and the very best we can do to assist them in getting better education and training and improving their earning capabilities. Therefore, I hope the Senate will pass the bill as amended and reported by the committee.

Mr. DOMINICK. Mr. President, the veterans education bill we are debating today is an omnibus bill, combining proposals of several Senators.

I am delighted that two of my bills have been included. The first opens new curriculums to veterans in business, trade, and technical schools. The second makes GI bill benefits available to the 129,000 recently discharged veterans who have less than an eighth grade education.

In view of the controversy surrounding the cost of the omnibus bill, I would point out for the record that the Veterans' Administration estimates the cost of both of my proposals will be "nominal."

CURRICULUMS IN BUSINESS, TRADE, AND TECHNICAL SCHOOLS

Under existing law there is a rather unusual restriction which might be called the "dual objective syndrome." It is outmoded, at least 17 years out of date. It is discriminatory in that it does not apply to educational institutions which grant degrees, but strikes at our business, trade, and technical schools. It has lost all relevance to modern education. It has achieved unintended results.

In a nutshell, the dual objective prohibition means that a student with a "vocational objective" must study for a single identifiable objective. This is to be distinguished from the student with an "educational objective"—a degree—who is permitted to have a major and minor field of study concurrently, or even a diversified major.

The text of my amendment to remedy this appears in title II, section 201(a) of the omnibus bill. Our committee report sets out the background of the dual objective prohibition, some examples of the practical impact, and our intent in correcting the situation. I ask unanimous consent that this portion of the report, pages 26 to 29, be printed at this point in my remarks.

There being no objection, the excerpt was ordered to be printed in the Record as follows:

LIBERALIZED VOCATIONAL OBJECTIVE DEFINITION

Section 201. Subsection (*a*) contains an amendment offered by Senator Dominick to amend 38 U.S.C. 1652(b) more nearly to equate the eligibility of curricula offered by business, trade, or technical schools with those offered by educational institutions empowered to confer degrees.

Whether a curriculum of any type of educational institution may be approved, under existing law, for purposes of the veterans' educational assistance programs depends first upon whether it meets the following definition of "program of education" in 38 U.S.C. 1652(b):

"The term 'program of education' means any curriculum or any combination of unit courses or subjects pursued at an educational institution which is generally accepted as necessary to fulfill requirements for the attainment of a predetermined and identified educational, professional, or vocational objective."

Under Veterans' Administration regulations, an "educational, professional, or vocational objective" is defined as follows:

"An educational objective is one that leads to the awarding of a diploma, degree, or certificate which reflects educational attainment. . . . A professional or vocational objective is one that leads to an occupation. It may include educational objectives essential to prepare for the chosen occupation. When a program consists of a series of courses not leading to an educational objective, such courses must be directed toward attainment of a designated professional or vocational objective."

The definition of "program of education" was included for the first time in the Korean conflict GI bill in order to preclude certain abuses which had taken place under the World War II program. Some veterans allegedly had been moving from one course to another without making a genuine effort to prepare for an educational, vocational, or professional objective which would enable them to earn a living. Thus, a definition of "program of education" was added, and provision was made that a veteran could make not more than one change of program. According to the House report (H. Rept. No. 82–1943), these changes were "intended to bar the taking of courses for the obvious purpose of receiving an educational allowance and of continually changing from one program to another without any relation to benefit to be derived by the veteran."

The definition of "program of education" has not been altered in 17 years, but substantial changes have taken place in the field of education and curriculum design so that there presently exists what the committee believes to be an unintended result.

Students who identify an "educational objective"—a degree—and attend accredited academic institutions may pursue major and minor subjects of concentration, or even a diversified major. In contrast, the student with a "vocational objective" is limited to a single identifiable objective.

The most prevalent example of a vocational curriculum which is not permitted under existing law—on the theory that it has more than one objective—is one which contains courses in accounting as well as data processing or computer programing. The Veterans' Administration has ruled, in reviewing vocational curricula, that secretarial training, accounting, and data processing are separate and distinct areas, and such courses may not be mixed, intermingled, or pursued concurrently. Another example of a curriculum which has been held to be "dual objective" is electronics with the addition of instructions in drafting for preparation of schematic diagrams. These are illustrative of the problems that section 201(a) is intended to correct.

The practical impact of the present distinction is amply demonstrated in a letter to the committee from Mr. R. A. Fulton, executive director and general counsel of the United Business Schools Association. Mr. Fulton states:

"In contrast with the great leeway and flexibility permitted the GI student in a baccalaureate program the GI student in a post-secondary vocationally oriented business school is, in our opinion, unnecessarily constrained by a rigidly narrow interpretation of what constitutes a "vocational objective." In many situations this is a particularly specific job title narrowly categorized by the Dictionary of Occupational Titles published by the U.S. Department of Labor.

"We feel that the Dominick amendment will permit to the veteran's benefit a more generic treatment in his attainment of a predetermined vocational objective. In this time of "sequential careers" we feel that vocational education can ill afford to remain entrapped by a philosophy of dead-end training for limited objectives. In all other Federal programs of vocational education (i.e., vocational rehabilitation, MDTA, etc.) the thrust is to broaden the training objective to permit total job comprehension and potential for career development.

"This of course has been the long-time approach at the college level whereby a veteran can identify his attainment of a predetermined "educational" objective as merely a "bachelor's or master's degree." He can change his major three times without loss of GI benefits. Within the college of business administration, he may change his major from personnel to marketing to accounting or study subjects in all three concurrently.

"In contrast, the veteran in a business school is often prohibited from selecting a "program of education" which includes courses in accounting along with data processing. Despite the connexity of these courses or units as constituting a reasonable "program of education" for the world of work the prohibition is presently justified as being a "dual objective." This is in the face of a crying need for qualified business data processors who must, by the nature of their work, have a knowledge of accounting (the very language of business) and data processing (the necessary quantitator and repository of business information).

"This objection or prohibition of "dual objective" is not found in any of the host of other Federal programs which might be assisting the student seated in a desk next to the veteran. These programs would range from dependent survivors of social security, civil service, railroad retirement, FECA to MDTA, and vocational rehabilitation."

The amendment in section 201(a) would remove the restriction confining a vocational curriculum to a single objective by providing that a program of education may include more than one predetermined and identified educational, professional, or vocational objective if all the objectives pursued are generally recognized as being reasonably related to a single career field. This will permit some diversification and breadth of training in skills which complement each other. The requirement that multiple objectives be within a single career field, coupled with the authority of the Veterans' Administration to issue regulations, should provide adequate safeguards against abuse. At the same time, the new language overcomes an unjustified inequity between the treatment of veterans attending vocational schools and those attending academic institutions under the present GI bill.

In the implementation of this section, it is the intention of the committee that the Veterans' Administration exercise greater flexibility in curriculum review. A curriculum should not be disapproved solely because it could reasonably be divided into two or more separate curricula or objectives. In determining whether all the objectives pursued are generally recognized as being reasonably related to a single career field, the presence or absence of a specific objective or career field in the Dictionary of Occupational Titles (published by the Department of Labor) should not be controlling. Rather such presence or absence in the DOT should be considered on an equal level with information from curriculum guides and materials recommended by the U.S. Office of Education and information obtained by the Administrator after consultation with State and Federal educational agencies, the appropriate nationally recognized accrediting agencies, and other qualified bodies.

Mr. DOMINICK. Mr. President, as Senators will note, the so-called dual objective which has arisen most often is in the case of curricula offered by these schools which contain a mixture of accounting and computer programing or data processing. Present law has been interpreted to preclude these combinations on the theory that they are separate and distinct areas, and such courses may not be mixed, intermingled, or pursued concurrently.

Mr. Bernard Ehrlich, legal counsel for the National Association of Trade and Technical Schools, advised me that member schools of NATTS have run into the dual objective barrier with curricula which couple electronics courses with some instruction in drafting—particularly schematic diagrams.

Ten schools in Colorado have been plagued with the restriction. Mr. Robert Perry, the Colorado supervisor for proprietary schools and veterans' education of our State board for community colleges and occupational education reviewed the difficulties we have had in this area. I ask unanimous consent that this letter be printed at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION,
Denver, Colo., October 10, 1969.

Attention: Mr. Richard J. Spelts, legislative assistant to Senator Dominick.

Hon. PETER H. DOMINICK,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR DOMINICK: I have today received with the staff of the Colorado Veterans Approving Agency the matter of restrictions of multiple objective curriculums which presently exists in the Veterans Administration regulations.

We have agreed that the amendment which Senator Dominick is proposing to Section 1652 B "Program of Education" would be a desirable change in the regulations and we desire to go on record as supporting this amendment. Of course, you are aware of the difficulties that we in Colorado have had with respect to this problem with Parks School of Business which is located in Denver. A number of schools in Colorado have either been denied veterans' approval by the State Approving Agency or the Veterans Administration has denied approval due to the multiple objective restriction. We have had problems regarding this matter with the following schools: Parks School of Business, Denver; Southwest Data Institute, Durango; Denver Technical College, Denver; Engineering Drafting School, Denver; Seible School of Drafting, Denver; Midwest Business College, Pueblo and Colorado Spring; Airlines Training School, Denver; Colorado Electronic Training Center, Colorado Springs; Western Technical College, Denver; Barnes School of Commerce, Denver.

We feel that this amendment would be most helpful in relieving the problem of restrictions on multiple objective curriculums.

Sincerely yours,

ROBERT L. PERRY,
Supervisor, Proprietary Schools and Veterans Education.

Mr. DOMINICK. For the purpose of developing the legislative history as to our intent today, I think it would be helpful if I listed a few examples of other multiple-objective problems which Mr. Perry has forwarded to me. In these cases, the school seeking approval of a curriculum was turned down either by the Veterans' Administration or the State approving agency.

ELECTRONICS

There have been courses offered in Colorado where the first quarter of study was devoted to becoming a radio repairman, the second quarter an industrial repairman, and the third quarter an electronic technician. Obviously, this was a progressive program with qualification depending upon how long the student remained in school.

Drafting: The first quarter of study concentrated on basic drafting techniques. The second quarter was utilized to develop a specialty such as mechanical or architectural drafting. The third quarter focused on technical drafting and illustrations.

There are other examples, Mr. President, but I believe these demonstrate the general tenor of the problem which my proposal is intended to correct.

The dual objective syndrome has been a real barrier to schools around the country. The director of education at Parks School of Business in Denver, Mr. Max Wakefield, wrote to me as follows:

> I think we could go to most any state and find the same type of situation. I could refer you more specifically to New York, Michigan, California, and Washington that I personally know of.

The importance of that statement is underscored by the support and very able assistance I have received for this provision from the United Business Schools Association which has 484 member schools in 48 States—and the National Association of Trade and Technical Schools—which has 190 member schools in 35 States.

I believe the vocational-trained veteran should have an opportunity which is equal to that of the academically trained veteran to utilize his training for advancement in a career which is truly responsive to the needs of the modern business and technical world. That is what my amendment is all about. It is, therefore, my intent that the term "single career field" be construed in the broad, rather than the narrow, sense in order that we might achieve that goal.

ELEMENTARY LEVEL EDUCATION

In the efforts to provide educational assistance to servicemen who want to complete high school and go to college, a sizable group of men was dropped at the wayside in the 1966 GI bill. I am referring to the 129,000 veterans separated from service during the post-Korean period who have not finished 8th grade.

Some 20,000 of them left the military service within the last 3 years.

Under existing law, these men do not qualify for GI education benefits.

This, in itself, is shocking. But even more so is the fact that the Korean GI bill specifically included benefits for elementary education.

In short, the Korean veteran is eligible; the Vietnam veteran is not.

I am very pleased that the committee has approved S. 2036, my bill restoring the authority which the Veterans' Administration had before 1966 to help these men. It appears in title II, section 201(b), and to some extent has also been interwoven with section 202, containing special assistance for the educationally disadvantaged and the new predischarge education program. My elementary education proposal is, however, separable from these new programs. I want to emphasize that I believe my proposal can stand on its own merits in conference with the House.

Not without significance is the fact that the Veterans' Administration estimates the cost of the elementary program will be negligible.

Colorado veterans, and I am confident veterans in other areas of the country, have applied for educational assistance below the secondary level and have been rejected.

When he was before our subcommittee, Dr. James Allen, Jr., U.S. Commissioner of Education, testified:

> Not all military personnel have completed the eighth grade; those that have not are not eligible to receive elementary level training under current law.
>
> It seems totally reasonable to me that they should receive federal assistance to complete their elementary education, as Korean War veterans did. . . . This proposal, which would be of little cost to the Federal Government, could be of significant importance to extremely educationally disadvantaged veterans.

Other witnesses who testified in support of this measure were representatives of the American Legion, AMVETS, Disabled American Veterans, National Urban League, and the VFW. There was no adverse testimony.

Mr. President, I urge the Senate to approve both the curriculum and elementary education portions of the omnibus bill, and I am hopeful the House will look favorably on these provisions.

I ask unanimous consent that pages 29 to 30 of the committee report, explaining the elementary education provision be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

ELEMENTARY LEVEL EDUCATION INCLUSION

Subsection (*b*) of section 201 incorporates section 1 of S. 2036, deleting section 2 of that bill which becomes unnecessary in light of the new subchapter V contained in section 202(a) of the committee substitute amendment (see sec. 1691(a)(1) under which elementary level training would be available). This provision would permit education and training at the elementary school level under the post-Korean conflict GI bill; such training was covered under the Korean program. Also, elementary level training, as is the case presently with high school level training, would not be counted against the veteran's total period of entitlement to GI bill benefits. It is estimated that since the inception of the post-Korean conflict GI bill, 129,000 veterans have been discharged who had not completed elementary school, approximately 20,000 of whom left military service within the last 3 years.

The failure to cover elementary education in the original post-Korean conflict GI bill was not remedied in 1967 when a special provision for the educationally disadvantaged veteran was added to permit such a veteran to complete high school without losing any of his eligibility for regular GI bill benefits.

The Korean conflict GI bill and the Senate version of the 1966 GI bill defined "educational institution" as follows:

"The term 'educational institution' means any public or private elementary school, secondary school, vocational school, correspondence school, business school, junior college, teachers college, college, normal school, professional school, university, scientific or technical institution, or other institution furnishing education for adults."

The 1966 House definition which became law, however, changed the definition by deleting the words "elementary school" and substituting at the end of the phrase "any other institution if it furnishes education at the secondary school level or above" for the phrase "other institution furnishing education for adults." This has been interpreted by the Veterans' Administration to cut off assistance below the high school level. There was no discussion of the change in public hearings or during the House floor debate. The only explanation given is a single sentence in the House report (H. Rept. No. 89–1258):

"This definition follows that applicable to war orphans' educational assistance with the addition of correspondence schools."

Although the Veterans' Administration took no position regarding this provision, there was strong support from other witnesses and no adverse testimony.

The committee believes that the educational level of some servicemen being discharged continues to necessitate the availability of assistance below the secondary level. Without this assistance, the variety of other educational programs administered by the Veterans' Administration would continue to be meaningless to these men.

Mr. KENNEDY. Mr. President, H.R. 11959 will substantially help veterans to receive a good education and to take advantage of their benefits. I support the bill as it has been reported from the Committee on Labor and Public Welfare.

As a former chairman of the Subcommittee on Veterans' Affairs, I feel strongly that this Nation has a fundamental obligation to the men and women who have served so well in the Armed Forces, risking their lives and sacrificing opportunities. There are over 26 million living veterans in the United States today, and veterans and their families make up close to half of our population. In addition, thousands of servicemen are discharged every day to rejoin civilian life. This year, over 1 million GI's who have seen service during the Vietnam conflict will return as civilians.

My own State of Massachusetts has more than 800,000 veterans. Seventy thousand of them have served during the Vietnam era. In 1968, approximately 20,000 GI's returned to civilian life in Massachusetts, and the figure will be even higher for 1969.

This Nation has long recognized the commitment to assist all veterans. Over 100 years ago, Abraham Lincoln stressed the duty of the United States:

> To care for him who shall have borne the battle, and for his widow, and his orphan.

We must assure adequate benefits for all veterans—the returning servicemen of today and the dedicated veterans of yesterday.

Earlier this week, the Senate passed a number of bills relating to medical and hospital benefits for veterans. I strongly supported those bills.

Today, we are again considering important veterans legislation—relating to education and training. H.R. 11959 is a just, fair, farsighted bill to help veterans receive better education. The need is certainly great.

This country has long recognized the importance of education for all citizens. It makes us more productive and constructive members of society, and enhances personal development.

From a financial point of view, there is a direct general relationship between number of years of schooling and level of income. According to figures from the Bureau of Census, college graduates earn twice as much in their lifetimes as high school dropouts and three times as much as grade school dropouts. The Bureau has estimated lifetime incomes for men in terms of the number of years of formal education:

Less than 8 years of grade school	$189,000
Eight years of grade school	247,000
One to 3 years of high school	284,000
Four years of high school	341,000
One to 3 years of college	394,000
Four years of college	508,000
Five or more years of college	587,000

Between 1950 and 1967, median years of education completed by a person 25 years and older rose from 9.3 to 12 years. The average educational attainment level of employed persons in 1967 was 12.3 years, as compared with 8.6 years in 1959. The unemployment rate among high school dropouts and those with no more than a high school degree is close to three times the national average.

In light of the increasing importance of education, I am greatly disturbed that veterans eligible under the cold war GI bill, passed in 1966, have not been taking advantage of their educational opportunities. After World War II, 50 percent of the eligible veterans utilized the college and vocational training which was available. After the Korean war, 42 percent of its veterans benefited from the educational and training programs.

But of the Vietnam veterans discharged to date, only slightly more than 20 percent have utilized their benefits.

Many factors, of course, contribute to this low level of participation. One deterrent, and inequity, is the relatively low-level of support which we give our post-Korean and Vietnam veterans.

During the Korean conflict, allowances under the GI bill covered about 98 percent of the average tuition, board and room costs for public and nonpublic colleges. The present rate of coverage under the cold war GI bill, however, is only 67 percent of these costs. H.R. 11959, as amended by the Senate Committee on Labor and Public Welfare, would increase payments to a level comparable to the coverage under the Korean conflict GI bill.

I support the higher payments. I do not feel that veterans of today should be second-class citizens. They are making great sacrifices for their Nation. They deserve benefits comparable to those which we gave to veterans of earlier eras.

Mr. President, the first part of title II of H.R. 11959 contains a number of proposals from S. 2361, which I introduced on June 9, and from other legislation which I worked on closely with Senator CRANSTON. These proposals would provide special assistance for educationally disadvantaged veterans.

The need is shockingly clear. Over 20 percent of our discharged veterans are high school dropouts—approximately 230,000 in fiscal year 1970. Yet only 6.1 percent of the eligible high school dropouts have taken advantage of the post-Korean conflict educational programs. This rate is only one-third of the participation rate for the Korean conflict and World War II programs in the comparable first 3 years of operation of those programs. At the present time, nine out of 10 new veterans who have not completed high school simply do not use the GI bill. To me, Mr. President, this is a tragically wasted opportunity, and we should do all we can to encourage veterans with weak academic backgrounds to continue their education.

Section 202 of H.R. 11959 represents a two-pronged approach. First, it seeks to make education more attractive to veterans with academic deficiencies by offering improved attention in a more comfortable environment. Second, it seeks to encourage colleges and other educational institutions to admit veterans and develop special programs for them, thereby expanding their educational opportunities.

As expressed in the bill, the purpose is:

> (1) To encourage and assist veterans who have academic deficiencies to attain a high school education or its equivalent and to qualify for and pursue courses of higher education, (2) to encourage and assist institutions of higher education and other educational institutions in the development of programs which provide special instruction, counseling, tutorial, and other educational and supplementary assistance to such veterans, and (3) to encourage and assist institutions of higher education and other education institutions in the development of special educational programs and projects for such veterans.

The new subchapter V calls for a system of grants, contracts, and special supplementary assistance to be paid to institutions of higher education and other educational institutions to develop programs consistent with this goal.

The basis for the new programs is that even though a veteran may have dropped out of high school or had a mediocre record, presumably in his years in the service he has developed maturity and responsibility. If he does have the motivation to continue his education, we should recognize that he is a good prospect and that his high school performance is an inaccurate indication of his ability and potential. We want to assure that he has chance to develop fully and swiftly in the most conducive educational environment.

One motion would be for postsecondary or other schools to give special preparatory training to veterans, right on the campus, strengthening their background so that they can gain admission to an institution of higher education. They could eventually attend the school which gave them the training, or they could go elsewhere.

Once a veteran with academic deficiencies is admitted and attending school he still may need special tutoring in order to succeed in his studies. Such assistance could be supported under this bill.

Colleges and other schools could be encouraged to develop accelerated and concentrated programs of education for veterans enabling them to earn a bachelor's degree in 2½ to 3 years, for example, rather than the usual 4 years. For a person starting school at the age of 22 or 23 or older, perhaps with dependents and with a need to start earning money as soon as possible, this would be a tremendous help.

Institutions of higher education also might establish a 5- or 6-year program of study for veterans—with an easier course load for those who do not have the background for more concentrated study or those who need to work full time while pursuing their education.

Postsecondary schools also could develop programs to encourage and train veterans to pursue public service occupations to meet community needs. They could offer special incentives and courses to become teachers in disadvantaged areas, or to work in social action programs, or to join undermanned police departments, or to use their training as medics, and so on.

One idea which might be incorporated into some of these programs would be to hire older veterans, in their later years of college, to help the incoming students.

Mr. President, I am pleased and honored that the Subcommittee on Veterans' Affairs and the full Committee on Labor and Public Welfare have acted favorably on my own proposals to help educationally disadvantaged veterans. I think that this represents a new emphasis and recognition of the importance of assisting those with poor educations. I certainly hope that the Senate and the full Congress will approve these long-overdue programs.

A number of other proposals in H.R. 11959 would help disadvantaged veterans and veterans in general. The pre-discharge educational program—PREP—developed by Senator CRANSTON, for example, is an exciting new idea to reach veterans even before they leave the service. The strengthening of one-stop service centers should enable far more veterans to take advantage of their rights. I certainly support these and other sections of the bill which are all designed to help veterans receive a good education and effectively use their benefits.

Mr. President, the Nation has a rare opportunity both to assist and to gain from those who have broken out of disadvantaged backgrounds and matured in the service.

If we follow through with full veterans programs, including special assistance for the educationally disadvantaged, we can ensure that returning veterans will not revert to unproductive lives in ghetto or other areas. Rather, veterans whose horizons and aspirations have been broadened in the service can continue to contribute to our national welfare as constructive, well-educated citizens.

We have an obligation both to the men and women as individuals and to society as a whole to give them the chance.

Mr. FULBRIGHT. Mr. President, I am very pleased to support the Veterans Education and Training Assistance Amendments Act of 1969.

I understand that President Nixon has indicated that he might veto this bill because he believes that its provisions are too generous and inflationary. This bill would provide a 46-percent increase in educational benefits for Vietnam war veterans. The 13-percent increase suggested by President Nixon seems inadequate, particularly considering the greatly increased educational costs today.

Certainly we need to be concerned about inflation, which has been greatly heightened by the war in Vietnam. However, limiting the educational opportunities available to those who carried the burden in the Vietnam war hardly seems the proper way to combat inflation.

I have actively supported previous measures of this nature, strongly believing that we have an obligation to those who have disrupted their lives and educations to serve in our Armed Forces. Our Government sent these people to war and our Government owes them an obligation to assist them in readjusting.

I believe these veterans must be given every opportunity to complete their education. It is vital that they be able to compete in and contribute to our society.

I understand that this bill is designed to remedy the low participation rate under the current GI bill and that it includes a program to advise the veterans of the educational benefits available. According to the report of the Committee on Labor and Public Welfare, the low participation today is in large part due to the enormously increased cost of education over the past 15 years. The committee cites a 55-percent increase in the cost of public education and a 96-percent increase in the cost of private education since 1952–53.

I think all of us stand to benefit from insuring that these veterans, many of them very young, have every opportunity to pursue a higher education with adequate compensation.

Mr. SCHWEIKER. Mr. President, I rise in support of the Veterans Education and Training Assistance Amendments Act of 1969, H.R. 11959 as amended by the Committee on Labor and Public Welfare.

As ranking minority member of the Subcommittee on Veterans' Affairs, I commend this bill as a strong and comprehensive response to the educational needs of the returning war veteran in the 1970's.

This bill has taken shape within the Subcommittee on Veterans' Affairs and the full Committee on Labor and Public Welfare as a truly bipartison measure, interested only in the welfare of the American veteran. I am deeply grateful to the chairman of the subcommittee, the able junior Senator from California (Mr. CRANSTON) for his unfailing cooperation with the minority. There can be no doubt that this bill, in its objectives and in the manner it would achieve them, deserves the full support of every Member of this body, regardless of his party or particular political viewpoint.

Perhaps the part of the bill that has received the most attention has been the 46-percent increase in the GI bill educational allowances. I am one who believes this increase is long overdue. After the Korean war, in the years 1952 through 1955, the benefit for a single veteran in college was $110 a month for a 9-month college year. This covered 98.8 percent of the average tuition, room and board charges at American colleges.

Today we pay a single veteran in college only $130 a month for a 9-month school year. The percentage of college costs that this represents has shrunk from 98.8 percent after the Korean war to only 67 percent today. So this is why we must enact the increases set forth on the bill. They would raise a single veteran's monthly benefit to $190 a month, and would raise accordingly the allowances for veterans who are married with dependents.

I support this level of increase in GI benefits out of a sense of equity for the veteran of post-Korean war service. But in addition, there is disturbing evidence that far fewer veterans today are taking advantage of this program than took advantage of it after World War II or the Korean conflict.

In gross figures, half of all the eligible World War II veterans used their GI benefits. After the Korean war, 42 percent of those eligible used them. Since 1966, when the post-Korean war GI bill began, only 20.7 percent of the eligible veterans have used the program. Clearly we need to make this program more attractive to veterans today, and raising the benefits to a realistic level—on a par with the program when it was offered to Korean veterans—is the first step.

The bill before the Senate, however, does not confine itself to increases in the GI benefits. It has a number of other key provisions which affect the whole range of educational opportunities for returning veterans.

It sets up a new cooperative training program in farming for veterans, stressing on-the-farm training.

It establishes new education and training programs for educationally disadvantaged veterans, programs that will apply potentially to the 23 percent of returning veterans who were high school dropouts. These programs include:

GI bill benefits for veterans who take refresher and remedial courses on a college campus to enable them to enter the regular college program;

A supplementary assistance allowance of up to $100 a month per veteran paid to educational institutions that are offering special services to veterans who are educationally disadvantaged;

Authority for the Veterans' Administration to award grants and contracts to educational institutions for special veterans' training programs; and

A pre-discharge education program—PREP—that would reach the about-to-be-discharged serviceman during his last year of duty.

In addition, the bill will extend GI education benefits to those returning veterans whose formal education stopped before the eighth grade and who want to make up this education. This will correct a lapse in the law which, since 1966, has given GI benefits for high school study and beyond but has not included elementary school work. This part of the committee's bill is based on S. 2036, a bill introduced by the junior Senator from Colorado (Mr. DOMINICK).

The bill also recognizes changes which have taken place in the course schedules at many colleges and universities, and thus reduces the number of semester credit hours a veteran must carry in college to receive "full-time student" benefits from 14 hours down to 12, in most cases.

It puts the Veterans' Administration outreach activities on a stronger footing to help advise and counsel returning veterans of the opportunities open to them.

And, finally, the veteran who is moving out of his home area to be interviewed for a job or to take a job, the bill would provide payment by the Veterans' Administration of his reasonable travel and moving expenses. This provision of the committee's bill is based on S. 1088, a bill sponsored by the senior Senator from New York, and the distinguished ranking minority member of the committee (Mr. JAVITS).

Mr. President, just as I have strongly endorsed the increase in basic GI educational benefits in title I of this bill, so do I have great faith in the innovative programs and amendments under title II, particularly those programs designed specifically for the veteran with educational handicaps.

I personally cosponsored a number of the separate bills that went into title II of the omnibus bill: S. 2506, the bill to liberalize college credit hour requirements for veterans; S. 2668, the bill to set up the PREP program and extend GI education benefits to college refresher and remedial courses; S. 2700, the bill to strengthen veterans outreach services, and S. 1088, the Javits bill to provide job relocation assistance to veterans.

While title I provides the basic underpinning of veterans educational opportunities through a realistic level of benefits, title II programs are going to focus resources on the problems of the most educationally deprived veterans. Of the 1 million veterans coming home each year 23 percent have not completed high school. We must not forget the needs of this large segment of the veteran population. We must design programs for their needs, not simply offer programs that "skim off the cream" of the best qualified veterans. I submit that this bill, in its title II programs, can do the job if we support it.

The bill H.R. 11959, as amended by the committee, also contains a number of more technical provisions previously passed by the House in H.R. 6808.

One of the provisions passed by the House was section 2(b) of H.R. 6808, which would prohibit Veterans' Administration approval of a veteran's apprenticeship training where the Administrator "finds that by reason or prior training or experience such veteran is performing or is capable of performing the job operations of his objective at the same performance level as the journeyman in the occupation."

However, our committee did not report out this provision because, as the committee report states at page 68:

> The committee did not find either in the hearings or House report sufficient justification for this provision.

The International Union of Barbers, Hairdressers, Cosmetologists, and Proprietors and its affiliate, the Pennsylvania State Association of Journeymen Barbers, Hairdressers, Cosmetologists, and Proprietors, strongly oppose this provision. They believed that it would be used to discriminate against and withhold VA benefits from barber apprentices who have graduated from a barber college but who are still doing their necessary apprenticeship in order to qualify for a journeyman barber's license.

I agree that this might be a consequence of such a provision in the law, and I support the position of the barbers' organizations. In Pennsylvania, for example, a barber cannot become licensed unless he has trained for 24 months. Usually this means 9 months of training in one of Pennsylvania's 11 schools of barbering, followed by 15 months of apprenticeship training on the job in a barber shop.

Barber apprentices are not free to go into business for themselves during the apprenticeship period. They must work for an established barber until they are licensed. They must build their own clientele, even though they usually find it difficut to attract customers during this period when they are still learning their craft. I think it is unfair to single out these apprentice barbers for any discriminatory treatment in the awarding of GI apprenticeship benefits.

Mr. President, I strongly urge that the Senate act favorably on this vital measure, H.R. 11959, as amended by the committee.

Mr. RANDOLPH. Mr. President, this legislation in behalf of our many veterans who are and have recently returned from active duty in the Armed Forces of our country is greatly needed in terms of a realistic thank you for services rendered. It is an assist to each serviceman as he returns to civilian life. There is also provided an upgrading of the qualifications of those entering the employment market.

The value of the educational benefits which were begun after World War II has been well evidenced. These programs have provided incentive and valuable crease payments to a level comparable to the coverage under the Korean conflict GI bill.

I support the higher payments. I do not feel that veterans of today should be second-class citizens. They are making great sacrifices for their Nation. They deserve benefits comparable to those which we gave to veterans of earlier eras.

Mr. President, the first part of title II of H.R. 11959 contains a number of proposals from S. 2361, which I introduced on June 9, and from other legislation which I worked on closely with Senator CRANSTON. These proposals would provide special assistance for educationally disadvantaged veterans.

The need is shockingly clear. Over 20 percent of our discharged veterans are high school dropouts—approximately 230,000 in fiscal year 1970. Yet only 6.1 percent of the eligible high school dropouts have taken advantage of the post-Korean conflict educational programs. This rate is only one-third of the participation rate for the Korean conflict and World War II programs in the comparable first 3 years of operation of those programs. At the present time, nine out of 10 new veterans who have not completed high school simply do not use the GI bill. To me, Mr. President, this is a tragically wasted opportunity, and we should do all we can to encourage veterans with weak academic backgrounds to continue their education.

Section 202 of H.R. 11959 represents a two-pronged approach. First, it seeks to make education more attractive to veterans with academic deficiencies by offering improved attention in a more comfortable environment. Second, it seeks to encourage colleges and other educational institutions to admit veterans and develop special programs for them, thereby expanding their educational opportunities.

As expressed in the bill, the purpose is:

> (1) To encourage and assist veterans who have academic deficiencies to attain a high school education or its equivalent and to qualify for and pursue courses of higher education, (2) to encourage and assist institutions of higher education and other educational institutions in the development of programs which provide special instruction, counseling, tutorial, and other educational and supplementary assistance to such veterans, and (3) to encourage and assist institutions of higher education and other education institutions in the development of special educational programs and projects for such veterans.

The new subchapter V calls for a system of grants, contracts, and special supplementary assistance to be paid to institutions of higher education and other educational institutions to develop programs consistent with this goal.

The basis for the new programs is that even though a veteran may have dropped out of high school or had a mediocre record, presumably in his years in the service he has developed maturity and responsibility. If he does have the motivation to continue his education, we should recognize that he is a good prospect and that his high school performance is an inaccurate indication of his ability and potential. We want to assure that he has chance to develop fully and swiftly in the most conducive educational environment.

One motion would be for postsecondary or other schools to give special preparatory training to veterans, right on the campus, strengthening their background so that they can gain admission to an institution of higher education. They could eventually attend the school which gave them the training, or they could go elsewhere.

Once a veteran with academic deficiencies is admitted and attending school he still may need special tutoring in order to succeed in his studies. Such assistance could be supported under this bill.

Colleges and other schools could be encouraged to develop accelerated and concentrated programs of education for veterans enabling them to earn a bachelor's degree in 2½ to 3 years, for example, rather than the usual 4 years. For a person starting school at the age of 22 or 23 or older, perhaps with dependents and with a need to start earning money as soon as possible, this would be a tremendous help.

Institutions of higher education also might establish a 5- or 6-year program of study for veterans—with an easier course load for those who do not have the background for more concentrated study or those who need to work full time while pursuing their education.

Postsecondary schools also could develop programs to encourage and train veterans to pursue public service occupations to meet community needs. They could offer special incentives and courses to become teachers in disadvantaged areas, or to work in social action programs, or to join undermanned police departments, or to use their training as medics, and so on.

One idea which might be incorporated into some of these programs would be to hire older veterans, in their later years of college, to help the incoming students.

Mr. President, I am pleased and honored that the Subcommittee on Veterans' Affairs and the full Committee on Labor and Public Welfare have acted favorably on my own proposals to help educationally disadvantaged veterans. I think that this represents a new emphasis and recognition of the importance of assisting those with poor educations. I certainly hope that the Senate and the full Congress will approve these long-overdue programs.

A number of other proposals in H.R. 11959 would help disadvantaged veterans and veterans in general. The pre-discharge educational program—PREP—developed by Senator CRANSTON, for example, is an exciting new idea to reach veterans even before they leave the service. The strengthening of one-stop service centers should enable far more veterans to take advantage of their rights. I certainly support these and other sections of the bill which are all designed to help veterans receive a good education and effectively use their benefits.

Mr. President, the Nation has a rare opportunity both to assist and to gain from those who have broken out of disadvantaged backgrounds and matured in the service.

If we follow through with full veterans programs, including special assistance for the educationally disadvantaged, we can ensure that returning veterans will not revert to unproductive lives in ghetto or other areas. Rather, veterans whose horizons and aspirations have been broadened in the service can continue to contribute to our national welfare as constructive, well-educated citizens.

We have an obligation both to the men and women as individuals and to society as a whole to give them the chance.

Mr. FULBRIGHT. Mr. President, I am very pleased to support the Veterans Education and Training Assistance Amendments Act of 1969.

I understand that President Nixon has indicated that he might veto this bill because he believes that its provisions are too generous and inflationary. This bill would provide a 46-percent increase in educational benefits for Vietnam war veterans. The 13-percent increase suggested by President Nixon seems inadequate, particularly considering the greatly increased educational costs today.

Certainly we need to be concerned about inflation, which has been greatly heightened by the war in Vietnam. However, limiting the educational opportunities available to those who carried the burden in the Vietnam war hardly seems the proper way to combat inflation.

I have actively supported previous measures of this nature, strongly believing that we have an obligation to those who have disrupted their lives and educations to serve in our Armed Forces. Our Government sent these people to war and our Government owes them an obligation to assist them in readjusting.

I believe these veterans must be given every opportunity to complete their education. It is vital that they be able to compete in and contribute to our society.

I understand that this bill is designed to remedy the low participation rate under the current GI bill and that it includes a program to advise the veterans of the educational benefits available. According to the report of the Committee on Labor and Public Welfare, the low participation today is in large part due to the enormously increased cost of education over the past 15 years. The committee cites a 55-percent increase in the cost of public education and a 96-percent increase in the cost of private education since 1952–53.

I think all of us stand to benefit from insuring that these veterans, many of them very young, have every opportunity to pursue a higher education with adequate compensation.

Mr. SCHWEIKER. Mr. President, I rise in support of the Veterans Education and Training Assistance Amendments Act of 1969, H.R. 11959 as amended by the Committee on Labor and Public Welfare.

As ranking minority member of the Subcommittee on Veterans' Affairs, I commend this bill as a strong and comprehensive response to the educational needs of the returning war veteran in the 1970's.

This bill has taken shape within the Subcommittee on Veterans' Affairs and the full Committee on Labor and Public Welfare as a truly bipartison measure, interested only in the welfare of the American veteran. I am deeply grateful to the chairman of the subcommittee, the able junior Senator from California (Mr. CRANSTON) for his unfailing cooperation with the minority. There can be no doubt that this bill, in its objectives and in the manner it would achieve them, deserves the full support of every Member of this body, regardless of his party or particular political viewpoint.

Perhaps the part of the bill that has received the most attention has been the 46-percent increase in the GI bill educational allowances. I am one who believes this increase is long overdue. After the Korean war, in the years 1952 through 1955, the benefit for a single veteran in college was $110 a month for a 9-month college year. This covered 98.8 percent of the average tuition, room and board charges at American colleges.

Today we pay a single veteran in college only $130 a month for a 9-month school year. The percentage of college costs that this represents has shrunk from 98.8 percent after the Korean war to only 67 percent today. So this is why we must enact the increases set forth on the bill. They would raise a single veteran's monthly benefit to $190 a month, and would raise accordingly the allowances for veterans who are married with dependents.

I support this level of increase in GI benefits out of a sense of equity for the veteran of post-Korean war service. But in addition, there is disturbing evidence that far fewer veterans today are taking advantage of this program than took advantage of it after World War II or the Korean conflict.

In gross figures, half of all the eligible World War II veterans used their GI benefits. After the Korean war, 42 percent of those eligible used them. Since 1966, when the post-Korean war GI bill began, only 20.7 percent of the eligible veterans have used the program. Clearly we need to make this program more attractive to veterans today, and raising the benefits to a realistic level—on a par with the program when it was offered to Korean veterans—is the first step.

The bill before the Senate, however, does not confine itself to increases in the GI benefits. It has a number of other key provisions which affect the whole range of educational opportunities for returning veterans.

It sets up a new cooperative training program in farming for veterans, stressing on-the-farm training.

It establishes new education and training programs for educationally disadvantaged veterans, programs that will apply potentially to the 23 percent of returning veterans who were high school dropouts. These programs include:

GI bill benefits for veterans who take refresher and remedial courses on a college campus to enable them to enter the regular college program;

A supplementary assistance allowance of up to $100 a month per veteran paid to educational institutions that are offering special services to veterans who are educationally disadvantaged;

Authority for the Veterans' Administration to award grants and contracts to educational institutions for special veterans' training programs; and

A pre-discharge education program—PREP—that would reach the about-to-be-discharged serviceman during his last year of duty.

In addition, the bill will extend GI education benefits to those returning veterans whose formal education stopped before the eighth grade and who want to make up this education. This will correct a lapse in the law which, since 1966, has given GI benefits for high school study and beyond but has not included elementary school work. This part of the committee's bill is based on S. 2036, a bill introduced by the junior Senator from Colorado (Mr. DOMINICK).

The bill also recognizes changes which have taken place in the course schedules at many colleges and universities, and thus reduces the number of semester credit hours a veteran must carry in college to receive "full-time student" benefits from 14 hours down to 12, in most cases.

It puts the Veterans' Administration outreach activities on a stronger footing to help advise and counsel returning veterans of the opportunities open to them.

And, finally, the veteran who is moving out of his home area to be interviewed for a job or to take a job, the bill would provide payment by the Veterans' Administration of his reasonable travel and moving expenses. This provision of the committee's bill is based on S. 1088, a bill sponsored by the senior Senator from New York, and the distinguished ranking minority member of the committee (Mr. JAVITS).

Mr. President, just as I have strongly endorsed the increase in basic GI educational benefits in title I of this bill, so do I have great faith in the innovative programs and amendments under title II, particularly those programs designed specifically for the veteran with educational handicaps.

I personally cosponsored a number of the separate bills that went into title II of the omnibus bill: S. 2506, the bill to liberalize college credit hour requirements for veterans; S. 2668, the bill to set up the PREP program and extend GI education benefits to college refresher and remedial courses; S. 2700, the bill to strengthen veterans outreach services, and S. 1088, the Javits bill to provide job relocation assistance to veterans.

While title I provides the basic underpinning of veterans educational opportunities through a realistic level of benefits, title II programs are going to focus resources on the problems of the most educationally deprived veterans. Of the 1 million veterans coming home each year 23 percent have not completed high school. We must not forget the needs of this large segment of the veteran population. We must design programs for their needs, not simply offer programs that "skim off the cream" of the best qualified veterans. I submit that this bill, in its title II programs, can do the job if we support it.

The bill H.R. 11959, as amended by the committee, also contains a number of more technical provisions previously passed by the House in H.R. 6808.

One of the provisions passed by the House was section 2(b) of H.R. 6808, which would prohibit Veterans' Administration approval of a veteran's apprenticeship training where the Administrator "finds that by reason or prior training or experience such veteran is performing or is capable of performing the job operations of his objective at the same performance level as the journeyman in the occupation."

However, our committee did not report out this provision because, as the committee report states at page 68:

> The committee did not find either in the hearings or House report sufficient justification for this provision.

The International Union of Barbers, Hairdressers, Cosmetologists, and Proprietors and its affiliate, the Pennsylvania State Association of Journeymen Barbers, Hairdressers, Cosmetologists, and Proprietors, strongly oppose this provision. They believed that it would be used to discriminate against and withhold VA benefits from barber apprentices who have graduated from a barber college but who are still doing their necessary apprenticeship in order to qualify for a journeyman barber's license.

I agree that this might be a consequence of such a provision in the law, and I support the position of the barbers' organizations. In Pennsylvania, for example, a barber cannot become licensed unless he has trained for 24 months. Usually this means 9 months of training in one of Pennsylvania's 11 schools of barbering, followed by 15 months of apprenticeship training on the job in a barber shop.

Barber apprentices are not free to go into business for themselves during the apprenticeship period. They must work for an established barber until they are licensed. They must build their own clientele, even though they usually find it difficut to attract customers during this period when they are still learning their craft. I think it is unfair to single out these apprentice barbers for any discriminatory treatment in the awarding of GI apprenticeship benefits.

Mr. President, I strongly urge that the Senate act favorably on this vital measure, H.R. 11959, as amended by the committee.

Mr. RANDOLPH. Mr. President, this legislation in behalf of our many veterans who are and have recently returned from active duty in the Armed Forces of our country is greatly needed in terms of a realistic thank you for services rendered. It is an assist to each serviceman as he returns to civilian life. There is also provided an upgrading of the qualifications of those entering the employment market.

The value of the educational benefits which were begun after World War II has been well evidenced. These programs have provided incentive and valuable training to many young men and women. However, there have been many changes in our society which necessitate reforms in our educational and training assistance programs—increases in educational expenses, rise in living costs, requirements for skilled labor, demands for trained technicians, and more stringent higher education entrance requirements. These were well documented in the testimony before our Veterans' Affairs Subcommittee.

After spending an average of 3 years in military service, it is difficult for a young man to reenter civilian life and spend several additional years outside the regular employment market in pursuit of education and training. This has been well evidenced in the apparent lack of enthusiasm for participating in the education benefits programs of our Vietnam era veterans. We have only a 20.7 percent participation record.

It is particularly difficult for a 22- or 23-year-old man or older to go back to pick up the remedial work necessary to complete elementary or secondary education requirements which are necessary prior to entering fields of higher endeavor. We must provide the incentive and the necessary counseling to involve our veterans in these opportunities. This legislation we have developed will provide this encouragement.

The increases in the educational allowances for all types of training are certainly more in line with present-day costs. A full-time college student with no dependents would receive $190 a month or $1,710 for a 9 month—two semester—school year. This is adequate but no luxury with today's higher education costs. Those with the same status in the vocational rehabilitation program would be eligible for $160 a month, in farm cooperative educational programs it is $153, and apprenticeship training is $116 a month for the first 6 months.

Important new additions to our veterans' benefits programs are contained in title II of the bill which is aimed at providing more flexibility in vocational education programs, elementary level education assistance without loss of entitlement to regular benefits, predischarge educational programs, special programs for educationally disadvantaged, and incentive for schools to provide special education programs for veterans. These are significant new supplements to our Government's effort in behalf of our veterans.

This fiscal year 230,000 of the approximately 1 million servicemen to be discharged will be high school dropouts. It is important that we make a special effort now to involve these young men and women in programs which will multiply many times over their future employment opportunities and will greatly enhance their role in America's development and, consequently, the return America will receive from them.

The young men and women who are giving so much of their time during this special period of their youth richly deserve this financial assistance and attention. As a member and a former chairman of the Senate Veterans' Affairs Subcommittee, I am well aware of the services performed by our veterans both as members of the Armed Forces and as civilians. I want to commend the chairman of the Senate Labor and Public Welfare Committee, Senator Yarborough, who is also a former chairman of the Veterans' Affairs Subcommittee, for his continued outstanding leadership in behalf of programs for our returning servicemen. His efforts are well recorded in the GI benefits programs which have been approved by the Congress in the last decade. I would also like to congratulate the new chairman of the Veterans' Affairs Subcommittee, Senator Cranston, for his effective work in reporting this updated, meaningful program. He has performed an outstanding service, as have other committee members, to our veterans, and, therefore, to all Americans.

Mr. CRANSTON. Mr. President, I believe we are ready for a vote.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Cannon), the Senator from Louisiana (Mr. Ellender), the Senator from North Carolina (Mr. Ervin), the Senator from Tennessee (Mr. Gore), the Senator from Michigan (Mr. Hart), the Senator from Minnesota (Mr. McCarthy), the Senator from Wyoming (Mr. McGee), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I also announce that the Senator from Nevada (Mr. Bible), the Senator from Missouri (Mr. Eagleton), the Senator from Alaska (Mr. Gravel), the Senator from Rhode Island (Mr. Pell), and the Senator from Alabama (Mr. Sparkman) are absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Cannon), the Senator from Louisiana (Mr. Ellender), the Senator from Missouri (Mr. Eagleton), the Senator from North Carolina (Mr. Ervin), the Senator from Tennessee (Mr. Gore), the Senator from Alaska (Mr. Gravel), the Senator from Michigan (Mr. Hart), the Senator from Wyoming (Mr. McGee), the Senator from Maine (Mr. Muskie), and the Senator from Rhode Island (Mr. Pell) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Massachusetts (Mr. Brooke), the Senator from New Jersey (Mr. Case), the Senator from Florida (Mr. Gurney), the Senator from Pennsylvania (Mr. Scott), the Senator from Illinois (Mr. Smith), the Senator from Alaska (Mr. Stevens), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Oklahoma (Mr. Bellmon) is detained on official business.

If present and voting, the Senator from Oklahoma (Mr. Bellmon), the Senator from Massachusetts (Mr. Brooke), the Senator from New Jersey (Mr. Case), the Senator from Florida (Mr. Gurney), the Senator from Pennsylvania (Mr. Scott), the Senator from Illinois (Mr. Smith), the Senator from Alaska (Mr. Stevens), and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 77, nays 0, as follows:

[No. 134 Leg.]

YEAS—77

Aiken
Allen
Anderson
Baker
Bennett
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eastland
Fannin
Fong
Fulbright
Goldwater
Goodell
Griffin
Hansen
Harris
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Mundt
Murphy
Nelson
Packwood
Pastore
Pearson
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Saxbe
Schweiker
Smith, Maine
Spong
Stennis
Symington
Talmadge
Thurmond
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—23

Allott
Bayh
Bellmon
Bible
Brooke
Cannon
Case
Eagleton
Ellender
Ervin
Gore
Gravel
Gurney
Hart
McCarthy
McGee
Muskie
Pell
Scott
Smith, Ill.
Sparkman
Stevens
Tower

So the bill (H.R. 11959) was passed.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, the Senate has acted most wisely, equitably, and appropriately in passing this legislation today.

It will be of direct assistance to well over one and a quarter million veterans, war orphans, and widows, and their families over the next year.

The increases in educational and training benefits and the new expanded programs to reach and assist the educationally disadvantaged, contained in this bill, are simple justice—and are long overdue—in light of the past sacrifices and future promise of these veterans.

For an annual cost of about 2 percent of our yearly expenditures to wage the Vietnam war, we will be able to meet the education and training needs of a significant segment of our population.

Many of our present veterans are in desperate need of encouragement and assistance at this critical time in their lives. And virtually all of the more than 80,000 new veterans each month are college age and are highly susceptible to encouragement and assistance in improving and acquiring the knowledge and skill which will enable them to compete successfully in today's increasingly specialized and competitive job market.

I wish to thank the distinguished majority and minority leaders for their outstanding cooperation in securing such speedy passage of this omnibus bill—H.R. 11959.

I am extremely grateful to all of my colleagues on the Veterans' Affairs Subcommittee and on the full Labor and Public Welfare Committee for their outstanding bipartisan cooperation and support in the consideration of the 10 bills which have been included, in part or in whole, in this omnibus veterans education and training bill.

I wish to congratulate Senator YARBOROUGH on his great achievement represented by the passage of these major education and training allowance rate increases and the other proposals in title I of the bill.

He is owed the praise and tribute of all the veterans of this Nation for his unswerving leadership on these vital measures.

I would also like to commend the veterans' organizations for their valuable work on behalf of these measures.

Finally, and certainly not least in my gratitude, I wish to thank the Senator from Pennsylvania (Mr. SCHWEIKER); the ranking minority member of the Veterans' Affairs Subcommittee.

In all of the work of the subcommittee, Senator SCHWEIKER has been of the greatest assistance in our bipartisan effort to secure enactment of legislation to provide our veterans with the kind of education and training programs which they richly deserve and badly need.

The title was amended, so as to read: "An act to amend title 38, United States Code, to increase the rates of vocational rehabilitation, educational, and special training assistance allowances paid to eligible veterans and eligible persons under such title; to improve the flight training and farm cooperative programs; to provide educational assistance to veterans attending elementary school; to provide special assistance to educationally disadvantaged veterans; to provide for a predischarge education program and a veterans' outreach services program; to reduce under certain circumstances the number of semester hours that a veteran must carry in an institutional undergraduate college course in order to qualify for a full-time educational assistance allowance; and for other purposes."

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. MANSFIELD. Mr. President, who has the floor?

The PRESIDING OFFICER (Mr. GOLDWATER in the chair). The Senator from California.

Mr. CRANSTON. I yield to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, I am grateful to the Senator from California for his kind words about my effort on this bill; but, as shown by the unanimous vote of the Senate, this was not the work of any one man nor even of our committee, as able as that work was, under the leadership of the Senator from California in the Subcommittee on Veterans' Affairs. Many people, in both parties, have worked on this bill. It was reported by our committee with a unanimous vote—members of both parties—because of the very low payments to the veterans of the cold war and Vietnam war, which have resulted in only one veteran out of five going to school.

I think the allowances the Senate has voted should be held in conference to the last penny. Anything else would be a denial of even a semblance of justice to these veterans who have borne the brunt of this conflict for so long.

I am especially thankful for the able work of the subcommittee. We had quorums constantly. We never called for executive sessions of the full committee or subcommittee without a quorum being present. That took united effort of Senators on both sides of the aisle. I am grateful to them, and I am thankful that this measure of justice for more than six million discharged veterans of the cold war, eligible under this bill to go to school, has been written into partial passage by the Senate passing the bill.

I am hopeful that the House will accept this and not call for a conference. If they will accept justice, they will accept this bill.

Mr. MANSFIELD obtained the floor.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MANSFIELD. Does the Senator wish to speak on the bill which was just passed?

Mr. HOLLAND. Yes.

Mr. MANSFIELD. I yield to the distinguished Senator from Florida.

Mr. HOLLAND. Mr President, I voted for this bill when it passed. It was the only recorded vote I was given a chance to cast. I cast it because I think that the facts require a substantial improvement in the level of payments to veterans of the Vietnam war and of the cold war.

I am not, however, in accord with the level of payments prescribed by this bill. I would have gladly voted for the amendment offered by my distinguished friend, the Senator from Delaware (Mr. WILLIAMS), if a rollcall vote had been required. I was busy on other business of the Senate and did not know that there was not to be a rollcall vote on that amendment.

Mr. President, I hope that in conference we will get a bill more in accord, in my opinion, with the needs of the veterans, their widows and dependents, and more in accord with the treatment given uniformly by our Nation—and given gratefully—to its veterans of further wars.

I wanted the RECORD to be clear on this because, while not only I but also others voted for this bill under the conditions which confronted us, I am sure a great many Senators do not feel that the level of payments permitted by this bill is in accord with the real situation now existing.

I thank the majority leader for yielding.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HANSEN. Mr. President, I, too, rise, as did the senior Senator from Florida, to point out my feelings. Had there been a rollcall vote on the amendment of the Senator from Delaware (Mr. WILLIAMS), I would have joined my distinguished and respected colleague from Florida. I say this, fully aware of the contribution that the GI bill has made to this country throughout the years. But I am not unmindful, in saying that, of the concerted effort that is presently being made in order to try to dampen the fires of inflation.

It is in that context that I am most disturbed over the action that has been taken by the Senate this afternoon. As the vote has disclosed, I supported the passage of this bill. I would hope, though, that as the bill goes to conference, our conferees will be keenly aware of the great concern that the President of the United States must give our country's fiscal position. I hope we will not make it necessary for the President to have to veto a bill that has such a great deal of merit. I am told that if the action taken by the Senate should prevail, then he will have little choice except to veto this measure; and, in my opinion, that would be most unfortunate. It would be unfortunate because it would deny needed aid that can go to veterans in order to enable them to continue their education, and I know how important that is.

But it is equally important that we take cognizance of the fact that a great many people in the country today on fixed incomes are sorely strapped because of inflation; they are caught up in a situation that makes it extremely difficult for them to stretch their funds far enough to buy even the basic necessities of life in order to support their families. We must keep this in mind as we deal with measures which can badly unbalance the budget.

With that stark fact before us, I simply want to record my hope about the responsible position that I think should be taken by our conferees when they meet with the representatives of the other body in trying to resolve the differences between the cost of these two bills.

I thank the distinguished majority leader for yielding to me.

Mr. MANSFIELD. Mr. President, I yield to the distinguished senior Senator from Iowa (Mr. MILLER) at this time, and at the conclusion of his remarks, I will yield automatically to the distinguished senior Senator from Delaware (Mr. WILLIAMS).

Mr. MILLER. I thank the Senator from Montana.

Mr. President, I, too, joined in voting for the bill which has just been passed by the Senate. At the same time, I think I should truthfully state that I am deeply concerned about the percentage of increases reflected in the bill.

The President of the United States appointed a commission to look into the scale of benefits and recommend the increases that would be indicated, not only to take into account the inflation that has occurred during the last 2 years, since the last increase in veterans' benefits was passed, but also to provide a hedge against future inflation. That commission came out with a recommendation which was relatively modest.

The House, in turn, increased the scale of benefits considerably over the commission's and the President's recommendation. I would prefer it if the Senate had kept within the House framework on these benefits. But instead of doing so, the committee of the Senate reported the bill with a great increase over and above what the House itself had set.

When the bill goes to conference, I hope that the Senate conferees will take into account that the House rates of increase are not only more than enough to take care of inflation that has occurred but also very substantial as a hedge against future inflation, and that if they do not go along with the House rates, there is likelihood that the President will veto this bill. If the President should not veto the bill, the very least he would have to do would be to cut back in some other programs where there is some administrative discretion. There already has been a cutback in some programs. Others have been held level. I am afraid that some of the people who voted for the large increase in this bill failed to take into account that Congress, earlier this year, set a maximum spending level for the President of the United States to keep within. In order to do so, he will have to squeeze other programs which other Members of Congress do not want squeezed. In other words, Mr. President, we cannot have our cake and eat it, and I hope the conferees will operate accordingly.

Mr. WILLIAMS of Delaware. Mr. President, I thank my colleagues for their remarks.

Those of us who supported the lower figure in the House bill took the only possible course we had in this instance, and that is to send this bill to conference. Having failed in our objective of rolling the increases back to the level as originally provided in the House bill we were confronted with the choice of defeating the bill in its entirety or of sending it to conference in the hope that we could have it readjusted.

I stated earlier, and the Senator from Iowa has pointed out, that since we have placed the President in a straitjacket of expenditure ceilings, we in Congress have a responsibility to do our part and either hold within those ceilings or spell out those areas in which it plans to make reductions. Thus far all that the Senate has done is to outline its plans for more spending.

The approval of the bill by conference in the form it has just passed the Senate would not help veterans because it would leave the President no choice but to veto the bill. I think the veto would be sustained, and in that event no benefits would go to the veterans.

I hope the conferees recognize this point and that they will try to bring back a bill in line with the budget estimate and more nearly what we can afford. It is with that thought in mind that I joined Senators in sending the bill to conference so that we could have another chance of getting a reasonable bill.

The fact the bill passed without any dissenting votes should not mislead the conferees.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, I think the debate made very clear the degree to which we understood the President's problem, and we ask him also to understand our problem. I am the ranking minority member of the committee, as Members of the Senate know. I hope very much we will be able to produce a result that the President can sign into law. I know that will be one of the objectives of the conferees. Mr. President, I assure Senators that as far as I am concerned I will make every effort in this regard.

Several Senators addressed the Chair.

Mr. MANSFIELD. Mr. President, I think I have the floor.

There has been much discussion on this bill.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. MANSFIELD. I will yield once more, briefly.

Mr. YARBOROUGH. Mr. President, this discussion has come up after the bill has been passed by a vote of 77 to nothing. It has been said that the President will veto the bill. I do not believe that for 1 minute. If these gentlemen have been told that by the President, certainly I believe it, but we have had only opinions.

The President has said the cost will be $393 million. The Vietnam war is costing us $30 billion. My estimate from various committee members is that we are spending $36 billion.

It is inconceivable to me that the President would veto a bill that is only 1 percent of the cost of the war in Vietnam, and which would mean so much to these veterans who are shedding their blood in fighting this war for all of us. It is inconceivable to me that the President would not spend 1 percent more in order to let them go to school. I believe he will sign the bill. He is a veteran himself of World War II. He has had wide experience and I do not believe he would turn his back on the veterans. I shall stand by this bill in conference. I do not believe the President would veto the bill.

Mr. HOLLAND. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield to the Senator from Florida.

Mr. HOLLAND. I thank the Senator.

I think that the very point made by my distinguished friend from Texas is the point of several of us on the floor of the Senate, and the subject of discussion of many more Senators in the cloakroom, with respect to what was needed to correct this situation. Many of us voted for the bill because we recognized the fact that the present level of payments is entirely inadequate and that it should be raised. However, this is the only rollcall vote on which we have had a chance to cast our votes.

I want the RECORD to show what at least one Senator, who was not in touch with the President and does not know his thinking or plans, and who makes no pretense in that regard, thinks what he regards are much too high levels included in the bill. I hope we do get remedial legislation to help veterans. I am a veteran and both of my sons are veterans. They got their law degrees under this kind of help in the first GI bill.

But I think we are entitled to be heard and I would not have satisfied my conscience if I had not been heard on what I regard as the too-high levels incorporated in the provisions of the bill we have just passed. I hope those levels will be substantially reduced to a more acceptable figure in conference.

Mr. MANSFIELD. Mr. President, I have a few words to speak on this bill at this time. At the outset, I do wish to say I think this is a good bill, that it is long overdue, and that it achieves parity at long last for veterans.

I want to commend the Senator from California (Mr. CRANSTON) and the distinguished chairman of the committee, the Senator from Texas (Mr. YARBOROUGH).

May I say that the Senate owes a deep debt of gratitude to the able and distinguished Senator from Texas (Mr. YARBOROUGH), the chairman of the Committee on Labor and Public Welfare. His unstinting devotion to the causes of our veterans and to the assistance they need in gaining an education has been exemplary. His record in this area is unsurpassed. Over the years Senator YARBOROUGH has distinguished himself so much in both the fields of veterans assistance and education assistance. Of course he is the author of the original cold war GI bill. And it is no wonder that here in the Senate RALPH YARBOROUGH has been referred to for years as "Mr. Veteran." Today's success—the Senate's improvement of the cold war GI bill benefits—should serve to enhance that reputation measurably.

I must say as well that the distinguished Senator from California (Mr. CRANSTON), the able chairman of the Veterans' Affairs Subcommittee, deserves equally high praise for his outstanding effort in behalf of this measure. His careful presentation, his strong and able advocacy assured its unanimous approval by the Senate. The veterans of this Nation, indeed, all Americans are in his debt.

The distinguished Senator from New York (Mr. JAVITS) must be commended also for his splendid cooperation and support. Our commendation goes as well to the distinguished Senator from Michigan (Mr. GRIFFIN), the distinguished Senator from Pennsylvania (Mr. SCHWEIKER), the distinguished Senator from Delaware (Mr. WILLIAMS) and to the many others who joined to offer their views, their support and their assistance.

The Senate may be proud of another fine achievement obtained efficiently and with full regard for the views of all Members. I think that returning veterans who have been going to college have been operating under a handicap, and certainly have not reached parity with those veterans who served in World War II, the Korean war, and after the Korean war. This is especially true in view of the tremendous increase in the cost of tuition at colleges today and, even further in light of the cost of living as well. This measure has been long overdue.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar, beginning with Calendar No. 488, and that the rest of the calendar be considered in sequence.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will proceed to state items on the calendar, beginning with Calendar No. 488.

PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930, AMENDMENTS

The bill (H.R. 9857) to amend the provisions of the Perishable Agricultural Commodities Act, 1930, to authorize an increase in license fee, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–490), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SHORT EXPLANATION

This bill would amend the Perishable Agricultural Commodities Act to—

(1) Increase the maximum annual license fee to $100 (from $50); and

(2) Extend the retailer and frozen food broker exemptions to those doing less than $100,000 worth of covered business annually (now $90,000).

BACKGROUND

The basic objective of the Perishable Agricultural Commodities Act is to establish a code of fair trading practices governing the marketing in interstate and foreign commerce of fresh and frozen fruits and vegetables and cherries in brine and to aid in the enforcement of contracts for marketing these commodities. Under this act, it is unlawful for any commission merchant, dealer, or broker in connection with any transaction in interstate or foreign commerce to engage in certain unfair trade practices. Among these are:

(1) To reject or fail to deliver in accordance with terms of his contract, without reasonable cause;

(2) To dump, discharge, or destroy without reasonable cause any lot received on consignment;

(3) To fail or refuse to account correctly and to pay promptly for any lot;

(4) To fail to perform any specification or duty arising out of a contract without reasonable cause;

(5) To misrepresent or misbrand as to character, kind, grade, quality, quantity, size, pack, weight, condition, degree of maturity or State, country, or region of origin; and

(6) To fail to maintain adequate records and accounts.

Enforcement is through a system of licenses. Every commission merchant, broker, and dealer, including certain retailers and processors, operating subject to the act is required to be licensed. Most applicants encounter no problems in obtaining licenses. However, the Secretary may deny licenses to certain individuals for specific reasons spelled out in the law, including false or misleading statements in the application, a history of repeated violations of the act, the criminal record of the applicant, the failure to pay reparation awards, or the failure to furnish required surety bonds. Licenses may be suspended or revoked for violations of the act.

There are two main phases of activity in administering the act. First, the Secretary is authorized to hear and decide disputes which involve claims for damages resulting from any violation of the fair trading principles. Complaints are filed with the Secretary; investigations are made as warranted; and, if possible, amicable settlements are worked out between the parties. If a dispute cannot be settled informally, it may become a formal proceeding in which the parties are given an opportunity to submit evidence in support of their positions, either at an oral hearing or by written submissions of evidence. If the Secretary concludes that a violation has occurred, he determines the amount of damages sustained and issues an order requiring the offender to pay such damages to the injured party by a specified date. The offender's license is automatically suspended unless he pays the amount of the award or appeals the Secretary's decision to a district court of the United States, as provided in the act.

The second main phase of activity relates to disciplinary measures. These include administrative proceedings by the Secretary to suspend or revoke licenses for violations of the act, and court actions to collect civil penalties for operating without a license, together with injunctions to restrain further operations.

The act is self-supporting from annual license fees. These fees are deposited in a special PACA fund and all costs of administration of the act—except for legal services—are financed from these fees.

The Secretary is authorized to set the level of the annual license fee, within the maximum provided in the act, at an amount sufficient to provide the revenue to meet anticipated expenses for administering the act. Before the license fee has been raised, the Secretary has published the proposed rate and given all interested persons an opportunity to file their comments or objections. The present maximum fee authorization of $50 was established in an amendment to the act of October 1, 1962. Under this authorization, the annual license fee was increased to $36 on January 1, 1963, to $42 on January 1, 1965, and to $50 on January 1, 1969.

NEED FOR INCREASE IN MAXIMUM LICENSE FEE

The statutory ceiling on license fees must be raised because of (1) the declining number of firms operating subject to license, and (2) the increasing cost of administering the act. At present, the number of firms licensed is approximately 19,285, compared with an alltime peak of about 27,000 in 1956. This trend toward fewer licensees results from the continuing mergers and consolidations in the fruit and vegetable industry and the closing of many small firms. During the past 5 years, for example, the net decline in the number of firms licensed has averaged over 670 per year.

Despite the decline in number of firms licensed, the number of complaints filed under the act and the requests for advice and assistance have remained relatively constant. During the past fiscal year, for example, a total of 2,272 reparation complaints were handled by the Department under this act. Informal amicable settlements were arranged in 930 such cases resulting in payments to the parties of approximately $2.3 million. In addition, 341 formal orders were issued by the Department's judicial officer awarding reparations amounting to over $777,000. The Department makes no charge for the handling of these complaints.

Also, more than 9,800 requests for advice were received last year from members of the industry seeking assistance, mostly with problems concerning marketing contracts. Many disputes are settled on the basis of these informal recommendations by the Department and the necessity of filing complaints is avoided. The Department also conducted 15 marketing seminars for various trade groups during this period to encourage compliance with the law, minimize marketing disputes, and discuss procedures followed in administering the act.

Costs of administration have been increasing, largely because of adjustments in employees' salary scales and fringe benefits which account for over 80 percent of the expenditures under this act. The costs have increased even though there has been a reduction in the number of employees engaged in the administration of the act, and this number now is at the lowest level in over 10 years.

The PACA fund incurred a deficit of over $12,000 in fiscal year 1968 and a deficit of approximately $58,000 during the first 6 months of fiscal year 1969. With the increase in the license fee that became effective January 1, 1969, it is estimated that income and expenditures for fiscal year 1969 as a whole about balanced out. With continued decline in numbers of licensees it is likely that deficits will occur in fiscal years 1970 and 1971. The Department estimates it will be necessary to increase the license fee again in the amount of approximately $10 about January 1, 1971, in order to obtain sufficient revenue to meet the anticipated costs of administration. The small reserve in the PACA fund would soon be depleted if such deficits continue.

NEED TO INCREASE THE EXEMPTION FOR RETAILERS AND FROZEN FOOD BROKERS

Since the Perishable Agricultural Commodities Act was enacted in 1930, the great majority of food retailers have always been exempt from the licensing provisions. From 1930 to 1962 this exemption was expressed in terms of tonnage of perishable agricultural commodities purchased by retailers. When the act was amended in 1962, the exemption was broadened and was converted from a tonnage to a dollar volume basis. At present, all retailers are exempt whose purchases of perishable agricultural commodities amount to $90,000 or less per year.

Also, in 1962 an exemption from license was added for the first time for frozen food brokers who negotiate sales for and on behalf of vendors and whose sales of frozen fruits and vegetables have an invoice value of $90,000 or less per year.

H.R. 9857 would raise the exemption for both retailers and frozen food brokers to $100,000. The proposed increase in the amount of the exemption would approximate the increase in the index of wholesale food prices that has taken place since 1962 when the $90,000 exemption was established.

There are an estimated 200,000 retail food firms operating at present. Only approximately 4,000 of these firms currently are licensed under PACA in view of the exemption which excludes all those whose purchases of perishable agricultural commodities total less than $90,000 per year. Since fresh and frozen fruits and vegetables account, on the average, for about 9 percent of retail food store gross sales, this means that raising the exemption to $100,000 would exclude most retail firms with gross sales of less than $1.5 million per year. Therefore, it is estimated that fewer than 2 percent of all food retail firms would be subject to license under the bill as proposed.

The Department's records indicate that there are fewer than 300 frozen food brokers currently subject to license under PACA. Consequently, an increase in the exemption for these brokers from $90,000 to $100,000 would affect a relatively small number of such firms.

COST

This bill involves no additional cost to the Government. In fact, its enactment would continue the self-financing principle that has been followed under the PACA program since its inception. Conversely, the failure to enact this bill would result in a continued deficit in the PACA fund which would in time require an appropriation by the Congress.

RESOLUTION PASSED OVER

The resolution (S. Res. 277) to refer the bill (S. 202) entitled "A bill to provide that the United States disclaims any interest in a certain tract of land" to the chief commissioner of the Court of Claims for a report thereon was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

FRANCIS ASBURY STATUE

The bill (S. 1968) to authorize the Secretary of the Interior to permit the removal of the Francis Asbury statue, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to permit the removal of the statue of Francis Asbury erected, pursuant to the Act of February 28, 1919 (40 Stat. 1213), on lands in the District of Columbia now under the administrative jurisdiction of the National Park Service, and to convey without compensation title to said statue to the Methodist Corporation, a religious corporation duly organized and existing under the laws of the District of Columbia, upon such terms and conditions as the Secretary deems necessary. The removal of the statue and restoration of the site to the satisfaction of the Secretary shall be without cost to the United States.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–493), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

HISTORY

The bronze, equestrian statue of this pioneer Bishop of the Methodist Church was erected by the Francis Asbury Memorial Association, and was dedicated on October 15, 1924. Its present location, at 16th and Mt. Pleasant Streets NW., was selected because of its proximity to the Francis Asbury Methodist Church, erected to the memory of the Bishop. This church has since moved, so that the original purpose in erecting the statue on this site would no longer be served.

The original legislation authorized the erection of the statue on public grounds in the District of Columbia. Therefore, the statue cannot now, by administrative action, be moved and placed on private grounds. Such action was requested by the presiding Bishop, and the committee for the development of the new Methodist Center. Further, the statue is the property of the United States and, as such, permanent disposition by gift or otherwise requires congressional authorization. S. 5968 would provide the necessary authorization both for the removal of the statue to private grounds and for conveyance of title to the Methodist Corp. It provides that the removal of the statue and restoration of the site shall be at no cost to the United States.

Enactment would result in a minor saving to the United States for semiannual cleanings of the statue.

COST

The measure specifically provides that removal of the statue and restoration of the site to the satisfaction of the Secretary shall be without cost to the United States.

GREAT SMOKY MOUNTAINS NATIONAL PARK

The bill (H.R. 11609) to amend the act of September 9, 1963, authorizing the construction of an entrance road at Great Smoky Mountains National Park in the State of North Carolina, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 232) to promote the economic development of the Trust Territory of the Pacific Islands was announced as next in order.

Mr. MANSFIELD. Over, momentarily.

The PRESIDING OFFICER. The bill will be passed over.

FREDERICK DOUGLASS HOME

The bill (H.R. 5968) to amend the act entitled "An act to provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, and for other purposes," approved September 5, 1962, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–496), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

LEGISLATIVE BACKGROUND

In 1962, the Congress considered and enacted legislation authorizing the Secretary of the Interior to designate the former home of Frederick Douglass, known as Cedar Hill, for preservation as a part of the park system of the National Capital (Public Law 87–633, 76 Stat. 435). Subsequently, on June 25, 1964, the house, located at 1411 W Street SE., and approximately 8 acres of land were deeded, without cost, to the Federal Government by the Frederick Douglass Memorial and Historical Association.

At the time of the authorization, it was recognized that extensive repairs might be necessary. The committee report on the legislation (H. Rept. 2190—87th Cong.) stated that "Cedar Hill appears to be structurally sound but it is badly in need of repairs"; however, the funds authorized to be appropriated to rehabilitate and refurbish it were limited to $25,000. It was anticipated that additional costs might very likely be incurred, but it was hoped that they could be absorbed from donated funds expected to be raised for this purpose. Unfortunately, both premises upon which the modest authorization was founded proved faulty. First, an intensive study revealed extensive deterioration of the structure due to damage caused by water and insects, and second, the anticipated donations never materialized.

The result of these regrettable, but unforeseeable, circumstances has been that Cedar Hill has been closed to the public, that it is continuing to deteriorate, and that the objective of the Congress in making it a part of the national park system has been thwarted. If enacted, H.R. 5968 will rectify the situation and enable the National Park Service to make it a meaningful and useful park facility.

NEED

No action which the Congress can take can make a place in history for any man. That, he must do for himself. But the Congress can, by legislative action such as this, recognize the significance of a man's contributions and, in so doing, it can help to make them meaningful examples for the guidance and inspiration of generations to follow. It is highly appropriate that the Congress should commemorate the memory of Frederick Douglass. He was the kind of man who should be remembered.

Frederick Douglass was born a slave; he struggled for his liberty. A Negro, he suffered all of the torments of the people of his race, but he converted his frustrations into constructive energy which was the driving force of his character. Raised in ignorance, he educated himself; reared in complete poverty, his industry brought him wealth and independence; lacking in social standing, he became one of the foremost orators and powerful writers of his age. Facing all of the prejudices against his race in his times, he became a champion in the political arena. All of this did not come without effort or hardship, but it came because his ideals were unimpeachable and his methods of achieving them were compatible with the American system.

Cedar Hill is symbolic of the achievements of this 19th century leader. It sits on the crest of a hill in a residential neighborhood of the Anacostia section of the District of Columbia. With proper development of appropriate visitor facilities (including a visitor contact station, parking space, and the like, it could be a significant unit of the park system in the National Capital region. Through interpretive devices, this man and his contributions could assume their proper place in the historic panorama depicted by the various historic sites located throughout the Nation and visitors of all ages and races could benefit from the experience associated with a tour of the home.

Although the extensive restoration contemplated by H.R. 5968 was not the objective of the original act in 1962, it is apparent that minor repairs, will not adequately improve the property to make it useful as an interpretive historic facility. It is now unsafe for visitors to enter the house, because of the deterioration of the structural members, and most of the furnishings and memorabilia associated with Frederick Douglass have been removed to protect them from destruction. If the site is to be useful, a new approach is essential; a smaller investment would be inadequate to accomplish the objective.

EDUCATIONAL AND CULTURAL BENEFITS

In addition to being symbolic of Frederick Douglass' achievements, Cedar Hill will create a living memorial to this outstanding American. A memorial which will also be functional by providing both educational and cultural benefits.

As presently planned, the home will contain more than 1,300 books and over 500 artifacts; along with Mr. Douglass' personal papers, his speeches, and his writings. The visitors center, as planned, will contain a room suitable for community and educational purposes. By equipping and furnishing Cedar Hill in such a manner, the National Park Service believes that maximum use may be obtained of the home. Students will be allowed to study and conduct research in the extensive library, while groups will be able to use the visitors center.

The committee was assured that the Park Service had adequate existing authority to implement the functional as well as the interpretive use concept.

The committee was further assured that the home would "indeed be a first-rate memorial" in commemorating this outstanding man.

COST

To provide a meaningful facility, it will be necessary to restore completely the buildings and grounds so that they reflect Cedar Hill as Frederick Douglass knew it. This will involve the reconstruction of the carriage approach to the house, the installation of new heating and utility systems, and the general restoration of the interior and exterior of the home. In addition, the plan for the site includes the construction of a visitor contact station and the installation of modern interpretive devices.

All of these undertakings require substantial sums of money. H.R. 5968, as recommended, increases the authorization for this purpose from the present $25,000 limitation to $413,000—an increase of $388,000. On the basis of current estimates, this should make the Frederick Douglass home a most attractive memorial to an outstanding American.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends the enactment of H.R. 5968.

PACIFIC ISLANDS TRUST TERRITORY

Mr. MANSFIELD. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 492, S. 232.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 232) to promote the economic development of the Trust Territory of the Pacific Islands.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 2, line 23, after the word "on", strike out "outstanding and insert "comparable"; and on page 3, line 20, after the word "of", where it appears the second time, insert "the outstanding amount of"; so as to make the bill read:

S. 232

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited, as the "Trust Territory of the Pacific Islands Economic Development Fund Act of 1969."

SEC. 2. For the purpose of promoting economic development in the Trust Territory of the Pacific Islands, there is hereby authorized to be appropriated to the Secretary of the Interior to be paid to the government of the Trust Territory of the Pacific Islands for the purpose of this Act such amount as will result in a Trust Territory Economic Development Loan Fund of $5,000,000. The Trust Territory Economic Development Loan Fund means the fund established pursuant to section 3 of Public Law 88–487, as augmented by further Federal grants prior to the date of enactment of this Act.

SEC. 3. Prior to receiving any funds pursuant to this Act the government of the Trust Territory of the Pacific Islands shall submit to the Secretary of the Interior a plan for the use of such funds which meets the requirements of this section and is approved by the Secretary. The plan shall set forth the policies and procedures to be followed in furthering the economic development of the Trust Territory of the Pacific Islands through a program which shall include and make provision for loans and loan guarantees to promote the development of private enterprise and private industry therein through a revolving fund for such purposes: *Provided,* That the term of any loan made pursuant to the plan shall not exceed twenty-five years; that such loans shall bear interest (exclusive of premium charges for insurance, and service charges, if any) at such rate per annum as is determined to be reasonable and as approved by the Secretary, but in no event less than a rate equal to the average yield on comparable marketable obligations of the United States as of the last day of the month preceding the date of the loan, adjusted to the nearest one-eighth of 1 per centum, which rate shall be determined by the Secretary of the Treasury upon the request of the authorized agency or agencies of the government of the Trust Territory of the Pacific Islands; and that premium charges for the insurance and guarantee of loans shall be established at rates which will be adequate to cover expenses and probable losses related to the loan guarantee program.

SEC. 4. No loan or loan guarantee shall be made under this Act to any applicant who does not satisfy the agency or agencies administering the plan that financing is otherwise unavailable on reasonable terms and conditions. The maximum participation in the funds made available under section 2 of this Act shall be limited (a) with respect to all loans, to that degree of participation prudent under the circumstances of individual loan but directly related to the minimum essential participation necessary to accomplish the purposes of this Act, but in no event shall more than 25 per centum of the funds actually appropriated by the Congress be devoted to any single project, (b) with respect to loan guarantees, to a guarantee of 90 per centum of the outstanding amount of any loan: *Provided,* That, with respect to loan guarantees, the reserves maintained by the agency or agencies for the guarantee shall not be less than 25 per centum of the guarantee.

SEC. 5. The plan provided for in section 3 of this Act shall set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement, repayment, and accounting for such funds.

SEC. 6. The High Commissioner of the Trust Territory of the Pacific Islands shall make an annual report to the Secretary of the Interior on the administration of this Act.

SEC. 7. The Comptroller General of the United States, or any of his duly authorized representatives, shall have access, for the purpose of audit and examination, to the books, documents, papers, and records of the agency, or agencies, of the government of the Trust Territory of the Pacific Islands administering the plan that are pertinent to the funds received under this Act.

Mr. MANSFIELD. Mr. President, this is a long overdue piece of legislation affecting the authority and the responsibility which rests on the Government of the United States in all the Trust Territory of the Pacific Islands. It is my belief that we have neglected this most important area. It is my belief also that we should go to extraordinary lengths to make sure that the inhabitants of these islands, who are few in number occupying a tremendously large area, are given every possible attention and every consideration.

It is my hope that the lack of care and consideration which has marked our jurisdiction of the Trust Territory in the Pacific Islands since we assumed control of that area at the end of World War II will be recognized and that in the future we will develop deeper, more personal, and better interests in the welfare of these people. They deserve to be treated as Americans even if they are not so considered in name.

This measure is designed to focus our attention on this long neglected responsibility. Strengthening the economic well-being of this area is only the beginning. We must do more and we shall.

Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–495), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 232, introduced by Senators Burdick, Metcalf, Moss, Stevens, and Bellmon, as amended, is to establish a Trust Territory of the Pacific Islands Economic Development Loan Fund to promote the development of private enterprise and private industry in the trust territory. It would bring the total economic development authorization fund to a $5 million level.

This fund would be outside the ceiling limitation imposed on the trust territory by the act of June 30, 1954, as amended.

BACKGROUND

The Trust Territory of the Pacific Islands consists of the Caroline and Marshall Islands and all of the Marianas except Guam. Though it comprises 2,100 islands scattered over a 3 million-square-mile area its total land area is only 687 square miles. It has 90,000 inhabitants. The territory is administered by the United States under a trusteeship agreement with the Security Council of the United Nations approved by the President under authority granted by the Congress on July 18, 1947 (61 Stat. 397). The terms of that agreement (61 Stat. 3301) give the United States "full powers of administration, legislation, and jurisdiction" over the former Japanese-administered territory and obligate it to (1) "foster the development of such political institutions as are suited to the Trust Territory and * * * promote the development of the inhabitants of the Trust Territory towards self-government or independence," (2) "promote the economic advancement and self-sufficiency of the inhabitants," (3) "promote the social advancement of the inhabitants, and * * * protect the health of the inhabitants," and (4) "promote the educational advancement of the inhabitants." The U.S. authority is presently vested in a High Commissioner appointed by the President.

Public Law 88–487, among other things, granted approximately $369,000, which represented the balance in a federally financed has been followed under the PACA program since its inception. Conversely, the failure to enact this bill would result in a continued deficit in the PACA fund which would in time require an appropriation by the Congress.

RESOLUTION PASSED OVER

The resolution (S. Res. 277) to refer the bill (S. 202) entitled "A bill to provide that the United States disclaims any interest in a certain tract of land" to the chief commissioner of the Court of Claims for a report thereon was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

FRANCIS ASBURY STATUE

The bill (S. 1968) to authorize the Secretary of the Interior to permit the removal of the Francis Asbury statue, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to permit the removal of the statue of Francis Asbury erected, pursuant to the Act of February 28, 1919 (40 Stat. 1213), on lands in the District of Columbia now under the administrative jurisdiction of the National Park Service, and to convey without compensation title to said statue to the Methodist Corporation, a religious corporation duly organized and existing under the laws of the District of Columbia, upon such terms and conditions as the Secretary deems necessary. The removal of the statue and restoration of the site to the satisfaction of the Secretary shall be without cost to the United States.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–493), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

HISTORY

The bronze, equestrian statue of this pioneer Bishop of the Methodist Church was erected by the Francis Asbury Memorial Association, and was dedicated on October 15, 1924. Its present location, at 16th and Mt. Pleasant Streets NW., was selected because of its proximity to the Francis Asbury Methodist Church, erected to the memory of the Bishop. This church has since moved, so that the original purpose in erecting the statue on this site would no longer be served.

The original legislation authorized the erection of the statue on public grounds in the District of Columbia. Therefore, the statue cannot now, by administrative action, be moved and placed on private grounds. Such action was requested by the presiding Bishop, and the committee for the development of the new Methodist Center. Further, the statue is the property of the United States and, as such, permanent disposition by gift or otherwise requires congressional authorization. S. 5968 would provide the necessary authorization both for the removal of the statue to private grounds and for conveyance of title to the Methodist Corp. It provides that the removal of the statue and restoration of the site shall be at no cost to the United States.

Enactment would result in a minor saving to the United States for semiannual cleanings of the statue.

COST

The measure specifically provides that removal of the statue and restoration of the site to the satisfaction of the Secretary shall be without cost to the United States.

GREAT SMOKY MOUNTAINS NATIONAL PARK

The bill (H.R. 11609) to amend the act of September 9, 1963, authorizing the construction of an entrance road at Great Smoky Mountains National Park in the State of North Carolina, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 232) to promote the economic development of the Trust Territory of the Pacific Islands was announced as next in order.

Mr. MANSFIELD. Over, momentarily.

The PRESIDING OFFICER. The bill will be passed over.

FREDERICK DOUGLASS HOME

The bill (H.R. 5968) to amend the act entitled "An act to provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, and for other purposes," approved September 5, 1962, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–496), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

LEGISLATIVE BACKGROUND

In 1962, the Congress considered and enacted legislation authorizing the Secretary of the Interior to designate the former home of Frederick Douglass, known as Cedar Hill, for preservation as a part of the park system of the National Capital (Public Law 87–633, 76 Stat. 435). Subsequently, on June 25, 1964, the house, located at 1411 W Street SE., and approximately 8 acres of land were deeded, without cost, to the Federal Government by the Frederick Douglass Memorial and Historical Association.

At the time of the authorization, it was recognized that extensive repairs might be necessary. The committee report on the legislation (H. Rept. 2190—87th Cong.) stated that "Cedar Hill appears to be structurally sound but it is badly in need of repairs"; however, the funds authorized to be appropriated to rehabilitate and refurbish it were limited to $25,000. It was anticipated that additional costs might very likely be incurred, but it was hoped that they could be absorbed from donated funds expected to be raised for this purpose. Unfortunately, both premises upon which the modest authorization was founded proved faulty. First, an intensive study revealed extensive deterioration of the structure due to damage caused by water and insects, and second, the anticipated donations never materialized.

The result of these regrettable, but unforeseeable, circumstances has been that Cedar Hill has been closed to the public, that it is continuing to deteriorate, and that the objective of the Congress in making it a part of the national park system has been thwarted. If enacted, H.R. 5968 will rectify the situation and enable the National Park Service to make it a meaningful and useful park facility.

NEED

No action which the Congress can take can make a place in history for any man. That, he must do for himself. But the Congress can, by legislative action such as this, recognize the significance of a man's contributions and, in so doing, it can help to make them meaningful examples for the guidance and inspiration of generations to follow. It is highly appropriate that the Congress should commemorate the memory of Frederick Douglass. He was the kind of man who should be remembered.

Frederick Douglass was born a slave; he struggled for his liberty. A Negro, he suffered all of the torments of the people of his race, but he converted his frustrations into constructive energy which was the driving force of his character. Raised in ignorance, he educated himself; reared in complete poverty, his industry brought him wealth and independence; lacking in social standing, he became one of the foremost orators and powerful writers of his age. Facing all of the prejudices against his race in his times, he became a champion in the political arena. All of this did not come without effort or hardship, but it came because his ideals were unimpeachable and his methods of achieving them were compatible with the American system.

Cedar Hill is symbolic of the achievements of this 19th century leader. It sits on the crest of a hill in a residential neighborhood of the Anacostia section of the District of Columbia. With proper development of appropriate visitor facilities (including a visitor contact station, parking space, and the like, it could be a significant unit of the park system in the National Capital region. Through interpretive devices, this man and his contributions could assume their proper place in the historic panorama depicted by the various historic sites located throughout the Nation and visitors of all ages and races could benefit from the experience associated with a tour of the home.

Although the extensive restoration contemplated by H.R. 5968 was not the objective of the original act in 1962, it is apparent that minor repairs, will not adequately improve the property to make it useful as an interpretive historic facility. It is now unsafe for visitors to enter the house, because of the deterioration of the structural members, and most of the furnishings and memorabilia associated with Frederick Douglass have been removed to protect them from destruction. If the site is to be useful, a new approach is essential; a smaller investment would be inadequate to accomplish the objective.

EDUCATIONAL AND CULTURAL BENEFITS

In addition to being symbolic of Frederick Douglass' achievements, Cedar Hill will create a living memorial to this outstanding American. A memorial which will also be functional by providing both educational and cultural benefits.

As presently planned, the home will contain more than 1,300 books and over 500 artifacts; along with Mr. Douglass' personal papers, his speeches, and his writings. The visitors center, as planned, will contain a room suitable for community and educational purposes. By equipping and furnishing Cedar Hill in such a manner, the National Park Service believes that maximum use may be obtained of the home. Students will be allowed to study and conduct research in the extensive library, while groups will be able to use the visitors center.

The committee was assured that the Park Service had adequate existing authority to implement the functional as well as the interpretive use concept.

The committee was further assured that the home would "indeed be a first-rate memorial" in commemorating this outstanding man.

COST

To provide a meaningful facility, it will be necessary to restore completely the buildings and grounds so that they reflect Cedar Hill as Frederick Douglass knew it. This will involve the reconstruction of the carriage approach to the house, the installation of new heating and utility systems, and the general restoration of the interior and exterior of the home. In addition, the plan for the site includes the construction of a visitor contact station and the installation of modern interpretive devices.

All of these undertakings require substantial sums of money. H.R. 5968, as recommended, increases the authorization for this purpose from the present $25,000 limitation to $413,000—an increase of $388,000. On the basis of current estimates, this should make the Frederick Douglass home a most attractive memorial to an outstanding American.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends the enactment of H.R. 5968.

PACIFIC ISLANDS TRUST TERRITORY

Mr. MANSFIELD. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 492, S. 232.

The PRESIDING OFFICER. The bill will be stated by title.

The Assistant Legislative Clerk. A bill (S. 232) to promote the economic development of the Trust Territory of the Pacific Islands.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 2, line 23, after the word "on", strike out "outstanding and insert "comparable"; and on page 3, line 20, after the word "of", where it appears the second time, insert "the outstanding amount of"; so as to make the bill read:

S. 232

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. This Act may be cited, as the "Trust Territory of the Pacific Islands Economic Development Fund Act of 1969."

Sec. 2. For the purpose of promoting economic development in the Trust Territory of the Pacific Islands, there is hereby authorized to be appropriated to the Secretary of the Interior to be paid to the government of the Trust Territory of the Pacific Islands for the purpose of this Act such amount as will result in a Trust Territory Economic Development Loan Fund of $5,000,000. The Trust Territory Economic Development Loan Fund means the fund established pursuant to section 3 of Public Law 88-487, as augmented by further Federal grants prior to the date of enactment of this Act.

Sec. 3. Prior to receiving any funds pursuant to this Act the government of the Trust Territory of the Pacific Islands shall submit to the Secretary of the Interior a plan for the use of such funds which meets the requirements of this section and is approved by the Secretary. The plan shall set forth the policies and procedures to be followed in furthering the economic development of the Trust Territory of the Pacific Islands through a program which shall include and make provision for loans and loan guarantees to promote the development of private enterprise and private industry therein through a revolving fund for such purposes: *Provided,* That the term of any loan made pursuant to the plan shall not exceed twenty-five years; that such loans shall bear interest (exclusive of premium charges for insurance, and service charges, if any) at such rate per annum as is determined to be reasonable and as approved by the Secretary, but in no event less than a rate equal to the average yield on comparable marketable obligations of the United States as of the last day of the month preceding the date of the loan, adjusted to the nearest one-eighth of 1 per centum, which rate shall be determined by the Secretary of the Treasury upon the request of the authorized agency or agencies of the government of the Trust Territory of the Pacific Islands; and that premium charges for the insurance and guarantee of loans shall be established at rates which will be adequate to cover expenses and probable losses related to the loan guarantee program.

Sec. 4. No loan or loan guarantee shall be made under this Act to any applicant who does not satisfy the agency or agencies administering the plan that financing is otherwise unavailable on reasonable terms and conditions. The maximum participation in the funds made available under section 2 of this Act shall be limited (a) with respect to all loans, to that degree of participation prudent under the circumstances of individual loan but directly related to the minimum essential participation necessary to accomplish the purposes of this Act, but in no event shall more than 25 per centum of the funds actually appropriated by the Congress be devoted to any single project, (b) with respect to loan guarantees, to a guarantee of 90 per centum of the outstanding amount of any loan: *Provided,* That, with respect to loan guarantees, the reserves maintained by the agency or agencies for the guarantee shall not be less than 25 per centum of the guarantee.

Sec. 5. The plan provided for in section 3 of this Act shall set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement, repayment, and accounting for such funds.

Sec. 6. The High Commissioner of the Trust Territory of the Pacific Islands shall make an annual report to the Secretary of the Interior on the administration of this Act.

Sec. 7. The Comptroller General of the United States, or any of his duly authorized representatives, shall have access, for the purpose of audit and examination, to the books, documents, papers, and records of the agency, or agencies, of the government of the Trust Territory of the Pacific Islands administering the plan that are pertinent to the funds received under this Act.

Mr. MANSFIELD. Mr. President, this is a long overdue piece of legislation affecting the authority and the responsibility which rests on the Government of the United States in all the Trust Territory of the Pacific Islands. It is my belief that we have neglected this most important area. It is my belief also that we should go to extraordinary lengths to make sure that the inhabitants of these islands, who are few in number occupying a tremendously large area, are given every possible attention and every consideration.

It is my hope that the lack of care and consideration which has marked our jurisdiction of the Trust Territory in the Pacific Islands since we assumed control of that area at the end of World War II will be recognized and that in the future we will develop deeper, more personal, and better interests in the welfare of these people. They deserve to be treated as Americans even if they are not so considered in name.

This measure is designed to focus our attention on this long neglected responsibility. Strengthening the economic well-being of this area is only the beginning. We must do more and we shall.

Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-495), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of S. 232, introduced by Senators Burdick, Metcalf, Moss, Stevens, and Bellmon, as amended, is to establish a Trust Territory of the Pacific Islands Economic Development Loan Fund to promote the development of private enterprise and private industry in the trust territory. It would bring the total economic development authorization fund to a $5 million level.

This fund would be outside the ceiling limitation imposed on the trust territory by the act of June 30, 1954, as amended.

BACKGROUND

The Trust Territory of the Pacific Islands consists of the Caroline and Marshall Islands and all of the Marianas except Guam. Though it comprises 2,100 islands scattered over a 3 million-square-mile area its total land area is only 687 square miles. It has 90,000 inhabitants. The territory is administered by the United States under a trusteeship agreement with the Security Council of the United Nations approved by the President under authority granted by the Congress on July 18, 1947 (61 Stat. 397). The terms of that agreement (61 Stat. 3301) give the United States "full powers of administration, legislation, and jurisdiction" over the former Japanese-administered territory and obligate it to (1) "foster the development of such political institutions as are suited to the Trust Territory and * * * promote the development of the inhabitants of the Trust Territory towards self-government or independence," (2) "promote the economic advancement and self-sufficiency of the inhabitants," (3) "promote the social advancement of the inhabitants, and * * * protect the health of the inhabitants," and (4) "promote the educational advancement of the inhabitants." The U.S. authority is presently vested in a High Commissioner appointed by the President.

Public Law 88-487, among other things, granted approximately $369,000, which represented the balance in a federally financed revolving fund for loans to private trading companies in the territory, to the local government "for use as a development fund within the trust territory of the Pacific Islands." This fund, assisted by subsequent grants totaling $550,000, has undertaken an economic development program of limited proportions.

NEED

In February 1967, a comprehensive economic study of the trust territory, prepared by the internationally known economic consulting firm of Robert Nathan Associates, was submitted to the High Commissioner. This study shows that economic resources of the trust territory are limited, yet with suitable guidance and assistance the potentials that exist can be developed. At the present time most of the population is in a subsistence economy. However, at least in the district centers and on Ebeye in the Marshall Island district, this pattern is changing and there is a significant movement into a limited cash economy.

During January 1968, Senator Burdick, chairman of the Territories Subcommittee, along with Senators Metcalf and Moss, made an inspection trip through Micronesia. Aside from a new fish freezing plant in the Palau district, a large cattle ranching enterprise on Tinian and a new first-rate tourist hotel on Saipan, both in the Mariana district, the subcommittee found almost no economic development in the territory. For the most part, the people of Micronesia rely on a subsistence agricultural and fishing economy, or on government input for cash. Economic resources in Micronesia are not large, however, opportunities for development do exist in agriculture, fishing, construction, wholesale and retail trade and services, tourism and travel, and air and sea transportation. These possibilities can only be realized if capital is made available with which to develop them.

The economic consultants who recently studied the trust territory have pointed out that local private capital from savings or from present private or governmental borrowing cannot meet the total needs. Nor are prospects of obtaining outside capital investment good, in view of the uncertainty of the political future of Micronesia. Thus, there is a definite need for a revolving loan fund such as that provided in the bill.

S. 232 is patterned after S. 1763, the Guam development loan fund bill, which passed the Senate on August 30, 1967.

A bill similar to S. 232 (S. 3073) passed the Senate in 1968 but was not acted upon by the House of Representatives.

UNIFORM RELOCATION ASSISTANCE AND LAND ACQUISITION POLICIES ACT OF 1969

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 485, S. 1. I do this so that the bill may be the pending business.

The **PRESIDING OFFICER**. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1) to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform equitable land acquisition policies for Federal and federally assisted programs.

The **PRESIDING OFFICER**. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Government Operations, with amendments on page 2, line 6, after the word "Government", insert "(except the National Capital Housing Authority); in line 14, after the word "States," insert "the Trust Territories of the Pacific Islands,"; in line 17, after the word "means", insert "the National Capital Housing Authority,"; in line 19, after the word "and", insert "any State"; on page 3, after line 6, strike out:

> (1) any person who is the owner of a business which moves from real property or is discontinued on or after the effective date of this Act prescribed in section 253(a) as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency;.

And, in lieu thereof, insert:

> (1) any person who is the owner of a business, as defined by section 106 of this Act, and who, on or after the effective date prescribed in section 253(a), (A) moves or discontinues such business or an establishment of such business or (B) moves any outdoor advertising display, as a result of the acquisition or reasonable expectation of acquisition of real property, in whole or in part, by a Federal or State agency;.

In line 23, after the word "date", strike out "of this Act" and insert "prescribed in section 253(a);".

On page 4, line 6, after the word "date", strike out "of this Act," and insert "prescribed in section 253(a),"; in line 9, after the word "agency", strike out the comma and "or which moves from such dwelling as a result of the acquisition or reasonable expectation of acquisition by such Federal or State agency of other real property on which such family conducts a business or farm operation;" in line 16, after the word "date", strike out "of this Act," and insert "prescribed in section 253(a)"; in line 19, after the word "agency", strike out the comma and "or who moves from such dwelling as a result of the acquisition or reasonable expectation of acquisition by such Federal or State agency or other real property on which such individual conducts a business or farm operation"; in line 24, after "(5)" insert "a nonprofit organization which moves from real property on or after the effective date prescribed in section 253 (a) as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part by a Federal or State agency, or,".

On page 5, in line 6, after the word "date", strike out "of this Act" and insert "prescribed in section 253(a)"; after line 16, strike out:

> SEC. 106. The term "business" means any lawful activity conducted primarily (1) for the purchase and resale of products, commodities, or any other personal property; (2) for the manufacture, processing, or marketing of any such property; (3) for the cultivation, processing, and marketing of timber; or (4) for the sale of services to the public. Such term does not include a farm operation or the activity of an investor in acquiring or holding real property for resale for gain.

And, in lieu thereof, insert:

> SEC. 106. The term "business" means any lawful entity conducted primarily (1) for the purchase and resale of products, commodities, or any other personal property; (2) for the manufacture, processing, or marketing of any such property; (3) for the cultivation, processing, and marketing of timber; (4) for the sale of services; or (5) for assisting in the sale, resale, or marketing of products, commodities, personal property, or services by the erection and maintenance of outdoor advertising displays. Such term does not include a farm operation or the business of an investor in acquiring or holding real property for resale for gain.

On page 7, line 6, after the word "date", strike out "of this Act" and insert "prescribed in section 253(a)"; in line 15, after the word "profit", insert "or any Indian tribe, band, or group."; on page 8, line 16, after the word "Act." insert:

> Notwithstanding any other provision of this Act, any business, as defined by section 106 of this Act, which is not being displaced shall be eligible for actual moving expenses with respect to its outdoor advertising displays being moved as a result of the acquisition or reasonable expectation of acquisition of real property, in whole or in part, by a Federal or State agency. No other payment therefor shall be made under subsections (b)–(f) of this section.

On page 9, line 5, after the word "established", strike out "by the head of the Federal agency," and insert "in accordance with the President's regulations issued under section 241 of this Act,"; in line 16, after the word "the", where it appears the first time, strike out "business or $5,000, whichever is the lesser. In", and insert "business, except that such payment shall not be less than $2,500 nor more than $5,000. Notwithstanding the preceding sentence, in"; in line 19, after the word "is", strike out sixty two" and insert "sixty"; in line 20, after the word "be", strike out "increased by" and insert "in"; in line 21, after the word "to", strike out "twice" and insert "three times"; in line 22, after the word "or", strike out "$5,000," and insert "$6,000,"; in line 23, after the word "is", strike out "the lesser", and insert "less"; on page 10, line 18, after the word "payment", strike out "in the amount of $1,000"; in line 21, after "$10,000", strike out "a" and insert "per"; in the same line, after the word "year." insert:

> This payment shall be in an amount equal to the average annual net earnings of the farm operation, except that such payment shall not be less than $2,500 nor more than $5,000. Notwithstanding the preceding sentence, in the case of a displaced person who is sixty years of age or over, this payment shall be in an amount equal to three times the average annual net earnings of the business or $6,000, whichever is less.

In line 8, after the word "longer", strike out "a viable" and insert "an"; in line 19, after the word "to", insert "a displaced person who is"; on page 12, line 5, after the word "chases", strike out "and occupies"; in line 19, after the word "property" insert "(except that this provision requiring occupation of a dwelling ninety days prior to initiation of negotiations shall not apply to a displaced person within the meaning of section 233 of this Act)." in line 22, after the word "Act).", strike out "The additional" and insert "Such"; in line 24, after the word "amount", strike out "which" and insert "which—"; at the top of page 13, insert:

(A) is necessary to make the down payment on the purchase of; or

(B)

On page 13, line 11, after the word "facilities", strike out "Such payment" and insert "A payment made pursuant to subparagraph (B) of this paragraph"; in line 14, after the word "in", strike out "a"; in the same line, after the word "housing", strike out "project"; on page 14, line 3, after the word "section", insert "or under section 231 of this Act"; after line 8, insert:

(h) The payments provided for in this section shall be made administratively by the head of the Federal agency acquiring real property, and none of the provisions of this section shall in any way affect any condemnation action or the just compensation to be determined or paid to the landowner in such action.

On page 15, line 8, after the word "include", strike out the comma and "to the maximum extent practicable,"; in line 25, after the word "displaced", strike out "business and displaced", and insert "businesses, nonprofit organizations, and"; on page 16, at the beginning of line 5, strike out "Housing Administration home acquisition program of the National Housing Acts," and insert "housing programs,"; on page 17, line 4, after the word "contribute", strike out "the first $25,000 of the cost of providing such payments and assistance to any person displaced prior to July 1, 1972." and insert "to the cost of providing such payments and assistance to any person displaced prior to July 1, 1972, an amount not to exceed (1) the first $25,000 of such cost if the displaced person, at the time of displacement, lives in a State which is contiguous to at least one other State, or (2) the first $27,500 if the displaced person, at the time of displacement, lives in a State which is not contiguous to any other State."

On page 17, after line 13, strike out:

FUND AVAILABILITY

SEC. 214. Funds appropriated or otherwise available to any Federal agency for the acquisition of real property or any interest therein shall be available also for obligation and expenditure to carry out the provisions of this title.

On page 18, line 14, after "211(a)", insert "including actual moving expenses for moving outdoor advertising displays,"; at the beginning of line 21, strike out "and (d)(2)" and insert "(d), (e) (2), and (f)"; on page 19, line 2, after the word "available", strike out the comma and "to the extent that can reasonably be accomplished,"; in line 13, after "211", strike out "(d)" and insert "(e)"; in line 19, after "211", strike out "(d)" and insert "(e)"; on page 20, line 1, after the word "of", strike out "persons," and insert "families and individuals," at the beginning of line 17, strike out "contribute the first $25,000 of the cost of providing such payments to any person displaced prior to July 1, 1972." and insert: "contribute, to the cost of providing such payments to any person displaced prior to July 1, 1972, an amount not to exceed (1) the first $25,000 of such cost if the displaced person, at the time of displacement, lives in a State which is contiguous to at least one other State, or (2) the first $27,500 if the displaced person, at the time of displacement, lives in a State which is not contiguous to any other State.".

On page 21, line 4, after the word "subsection", strike out "No State agency need agree to make any relocation payment in excess of $25,000 to any displaced person in order to receive the assistance authorized by this subsection."; and insert "In order to receive the assistance authorized by this subsection, no State agency need agree to make any relocation payment in excess of (1) $25,000 to a displaced person if, at the time of displacement, the person lives in a State which is continguous to at least on other State, or (2) $27,500 to a displaced person if, at the time of displacement, the person lives in a State which is not contiguous to any other State."

On page 22, after line 23, insert:

(g) The provisions of this section shall not be applicable to any situation which comes within the provisions of the first sentence of paragraph (8` of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415(8)).

On page 23, line 5, after the word "AMENDED" insert "AND TITLE I OF THE DEMONSTRATION CITIES AND METROPOLITAN DEVELOPMENT ACT OF 1966".

In line 13, after the word "or" insert "as a result of carrying out a comprehensive city demonstration program under title I of"; after line 17, insert:

DISPLACEMENT BY CERTAIN OTHER PROGRAMS

SEC. 233. Notwithstanding any other provision of this title, a person—

(1) who moves or discontinues his business, moves other personal property, or moves form his dwelling on or after January 1, 1969, and before the effective date prescribed in section 253(a), as the result of the contemplated demoltion of structures or the construction of improvements on real property acquired, in whole or in part, by a Federal agency; and

(2) who has lived on, or conducted a business on, such real property for at least one year prior to the date of enactment of this Act;

may be considered a displaced person, for purposes of sections 211 and 212 of this title, by the head of the agency acquiring the real property if—

(A) the head of the agency determines that such person has suffered undue hardship as the result of displacement from the real property; and

(B) the Federal Government acquired and held such property for at least 5 years prior to the effective date prescribed in section 253(a).

On page 24, line 16, after the word "of", strike out "this title," and insert "title II of this Act,"; on page 25, line 7, after the word "moving", strike out "or discontinuing"; in line 8, after the word "operation", strike out "at a price which is less than its replacement value, the amount of the difference between such price and such value" and insert "and replaces such property at the new location at a price exceeding any sum received from disposing of such property, the amount of the difference between such prices not to exceed the estimated cost of moving the property or its market value, whichever is less"; on page 26, line 4, after the word "the", insert "Federal"; on page 28, line 13, after "107", insert "(b) and (c)"; in line 24, after "Sec. 253.", strike out "This" and insert "(a) Except as provided in subsection (b), this title"; on page 29, line 2, after the word "its", strike out "enactment, except that sections 231, 232," and insert "enactment."; at the beginning of line 4, insert "(b) Sections 231, 232,"; in line 5, after "(9)", strike out "and (10)", and insert "(10), and (11)"; after line 14, insert:

FUND AVAILABILITY

SEC. 254. Funds appropriated or otherwise available to any Federal agency for the acquisition of real property or any interest therein shall be available also for obligation and expenditure to carry out the provisions of this title.

On page 30, line 17, after the word "property.", insert "A copy of the appraisel report shall be furnished the landowner."; in line 25, after the word "decrease", insert "or increase"; on page 31, line 8, after "(5)", strike out "No" and insert "Unless the head of the Federal agency determines that an emergency exists and severe or irreparable damages or injury may be caused by complying with this subsection, no"; in line 15, after "26," strike out "1961" and insert "1931"; on page 33, line 9, after the word "of", strike out "1933" and insert "1933, as amended"; in the same line, after "(48 Stat. 70", strike out the comma and "as amended"; on page 36, line 24, after the word "the" strike out "earlier." and insert "earlier, unless such pro rata portion of the taxes may be cancelled under State or local laws."; on page 39, line 22, after the word "the", strike out "earlier" and insert "earlier, unless such pro rata portion of the taxes may be cancelled under State or local laws;"; in line 25, after the word "decrease", insert "or increase"; on page 41, line 5, after the word "this", strike out the word "subsection" and insert "paragraph"; at the beginning of line 15, strike out "Sec. 323. This" and insert "Sec 323. (a) Except as provided in subsection (b), this"; in line 17, after the word "enactment", strike out the comma and "except that sections"; at the beginning of line 18, insert "(b) Sections"; in line 24, after the word "law", strike out "government" and insert "governing"; and on page 42, after line 2, insert a new title, as follows:

TITLE IV—JUDICIAL REVIEW

SEC. 401. The provisions of sections 551–553, 559, and 701–706 of title 5, United States Code, shall apply to an action of a Federal agency under titles II and III. For purposes of this title, the definition of "person" contained in section 551(2) of title 5, United States Code, shall be deemed to include a State as defined by section 102 of this Act.

SEC. 402. Any person or State adversely affected or aggrieved by a final action of a Federal agency under title II or title III of this Act may seek judicial review of such final agency action and demand appropriate relief in a judicial district of the United States as follows:

(1) if the agency action pertains to property or any interest therein acquired or being acquired by the United States, or the ownership or right of the United States to possession of property, by an action in the judicial district in which the property is situated; and

(2) in all other matters, by an action in a judicial district as provided for in section 1391(e) of title 28, United States Code.

So as to make the bill read:

S. 1

A bill to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uniform Relocation Assistance and Land Acquisition Policies Act of 1969".

TITLE I—DEFINITIONS

As used in this Act—

FEDERAL AGENCY

SEC. 101. The term "Federal agency" means any department, agency, or instrumentality in the executive branch of the Government (except the National Capital Housing Authority), any wholly owned Government corporation (except the District of Columbia Redevelopment Land Agency), and the Architect of the Capitol.

STATE

SEC. 102. The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territories of the Pacific Islands, and any political subdivision thereof.

STATE AGENCY

SEC. 103. The term "State agency" means *the National Capital Housing Authority,* the District of Columbia Redevelopment Land Agency and *any State,* any public body, agency, or instrumentality of a State or of a political subdivision of a State, or any public agency or instrumentality of two or more States or of two or more political subdivisions of a State or States.

HEAD OF AGENCY

SEC. 104. The term "head of a Federal agency" or "head of a State agency" includes a duly designated delegate of such agency head.

DISPLACED PERSON

SEC. 105. The term "displaced person" means—

(1) any person who is the owner of a business, as defined by section 106 of this Act, and who, on or after the effective date prescribed in section 253(a), (A) moves or discontinues such business or an establishment of such business or (B) moves any outdoor advertising display, as a result of the acquisition or reasonable expectation of acquisition of real property, in whole or in part, by a Federal or State agency;

(2) any person who is the operator of a farm operation which moves from real property or is discontinued on or after the effective date prescribed in section 253(a) as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency;

(3) any individual who is the head of a family which moves from real property occupied as a dwelling on or after the effective date prescribed in section 253(a), as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency;

(4) any individual, not a member of a family, who moves from real property occupied as a dwelling on or after the effective date prescribed in section 253(a), as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency; or

(5) a nonprofit organization which moves from real property on or after the effective date prescribed in section 253(a) as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part by a Federal or State agency, or, any person, not described in paragraph (1), (2), (3), or (4) of this section, who moves his personal property from real property on or after the effective date prescribed in section 253(a) as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency. Under this paragraph, the term "displaced person" shall not include the owner of personal property on the premises of another under a lease or licensing arrangement where such owner is required pursuant to such lease or license to move such property at his own expense.

BUSINESS

SEC. 106. The term "business" means any lawfully entity conducted primarily (1) for the purchase and resale of products, commodities, or any other personal property; (2) for the manufacture, processing, or marketing of any such property: (3) for the cultivation, processing, and marketing of timber; (4) for the sale of services; or (5) for assisting in the sale, resale, or marketing of products, commodities, personal property, or services by the erection and maintenance of outdoor advertising displays. Such term does not include a farm operation or the business of an investor in acquiring or holding real property for resale for gain.

FARM OPERATION

SEC. 107. The term "farm operation" means any activity conducted solely or primarily for the production for sale or for home use, of one or more agricultural products or commodities other than timber, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

FARM OPERATOR

SEC. 108. The term "farm operator" means any owner, part owner, tenant, or sharecropper who operates a farm.

FAMILY

SEC. 109. The term "family" means two or more individuals living together in the same dwelling unit who are related to each other by blood, marriage, adoption, or guardianship.

DISPLACED

SEC. 110. The term "displaced," when used in relation to any person, means any person moved or to be moved from real property on or after the effective date prescribed in section 253(c) as a result of the acquisition or reasonable expectation of acquisition of such property for a public improvement constructed or developed by or with funds provided in whole or in part by the Federal Government.

OWNER AND PERSON

SEC. 111. The terms "owner" and "person" include any individual, or any partnership, corporation, or association, whether organized for profit or not for profit or any Indian tribe, band, or group.

REAL PROPERTY

SEC. 112. The term "real property" as used in this Act shall include land, and any interest in land, including but not limited to, easements, rights-of-way, water rights, and mineral interests.

TITLE II.—UNIFORM RELOCATION ASSISTANCE

DECLARATION OF POLICY

SEC. 201. The purpose of this title is to establish a uniform policy for the fair and equitable treatment of owners, tenants, and other persons displaced by the acquisition of real property in Federal and federally assisted programs to the end that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole. Such a policy shall be as uniform as practicable as to (1) relocation payments, (2) advisory assistance, (3) assurance of availability of standard housing, and (4) Federal reimbursement for relocation payments under federally assisted programs.

PART A—FEDERAL PROGRAMS

RELOCATION PAYMENTS

SEC. 211. (a) If the head of any Federal agency acquires real property for public use in a State, he shall make fair and reasonable relocation payments to displaced persons in accordance with the regulations established by the President under section 241 of this Act. Notwithstanding any other provision of this Act, any business, as defined by section 106 of this Act, which is not being displaced shall be eligible for actual moving expenses with respect to its outdoor advertising displays being moved as a result of the acquisition or reasonable expectation of acquisition of real property, in whole or in part, by a Federal or State agency. No other payment therefore shall be made under subsections (b)–(f) of this section.

(b) Any displaced person who moves from a dwelling who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section may receive—

(1) a moving expense allowance, determined according to a schedule established in accordance with the President's regulations issued under section 241 of this Act, not to exceed $200; and

(2) a dislocation allowance of $100.

(c)(1) In addition to amounts otherwise authorized by this section, the head of the Federal agency shall make a payment to any displaced person who moves or discontinues his business provided the average annual net earnings of the business are less than $10,000 per year. This payment shall be in an amount equal to the average annual net earnings of the business, except that such payment shall not be less than $2,500 nor more than $5,000. Notwithstanding the preceding sentence, in the case of a displaced person who is sixty years of age or over, this payment shall be in an amount equal to three times the average annual net earnings of the business or $6,000, whichever is less.

(2) No payment shall be made under this subsection unless the head of the Federal agency is satisfied that the business—

(A) cannot be relocated without a substantial loss of its existing patronage; and

(B) is not part of a commercial enterprise having at least one other establishment, not being acquired, which is engaged in the same or similar business.

(3) For purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the business, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business moves from the real property acquired, and includes any compensation paid by the business to the owner, his spouse, or his dependents during such two-year period.

(d)(1) In addition to amounts otherwise authorized in this section, the head of the Federal agency shall make a payment to any displaced person who moves or discontinues a farm operation, provided the average annual net earnings of the farm operation are less than $10,000 per year. This payment shall be in an amount equal to the average annual net earnings of the farm operation, except that such payment shall not be less than $2,500 nor more than $5,000. Notwithstanding the preceding sentence, in the case of a displaced person who is sixty years of age or over, this payment shall be in an amount equal to three times the average annual net earnings of the business or $6,000, whichever is less.

(2) In the case where the entire farm operation is not acquired by such Federal agency, the payment authorized by this subsection shall be made only if the head of such agency determines that the property not acquired is no longer an economic unit.

(3) For purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the farm operation, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which such farm operation moves from the real property acquired, and includes any compensation paid by the farm operation to the owner, his spouse, or his dependents during such two-year period.

(e)(1) In addition to amounts otherwise authorized by this section, the head of the Federal agency shall make a payment to a displaced person who is the owner of real property which is improved by a single-, two-, or three-family dwelling actually owned and occupied by the owner for not less than one year prior to the initiation of negotiations for the acquisition of such property. Such payment, not to exceed $5,000, shall be the amount, if any, which, when added to the acquisition payment, equals the average price required for a decent, safe, and sanitary dwelling of modest standards adequate to accommodate the displaced owner, reasonably accessible to public services and places of employment. Such payment shall be made only to a displaced owner who purchases another dwelling within one year after the date on which he is required to move from the dwelling acquired for the project.

(2) The Secretary of Housing and Urban Development shall determine the prices prevailing in the locality for dwellings meeting the requirements of paragraph (1) of this subsection for all agencies making such payments.

(f)(1) In addition to amounts otherwise authorized by this section the head of the Federal agency shall make a payment to any individual or family displaced from a dwelling and not eligible to receive a payment under subsection (e)(1) of this section, provided such dwelling was actually and lawfully occupied by such individual or family for not less than ninety days prior to the initiation of negotiations for acquisition of such property (except that this provision requiring occupation of a dwelling ninety days prior to initiation of negotiations shall not apply to a displaced person within the meaning of section 233 of this Act). Such payment, not to exceed $1,500, shall be an amount which—

(A) is necessary to make the down payment on the purchase of; or

(B) when added to 20 per centum of the income of the displaced individual or family during the two-year period immediately preceding displacement, equals the average rental required for a two-year period for a decent, safe, and sanitary dwelling of modest standards adequate in the size of accommodate the displaced individual or family in areas not generally less desirable in regard to public utilities and public and commercial facilities. A payment made pursuant to subparagraph (B) of this paragraph shall be made only to an individual or family who is unable to secure a dwelling in low-rent housing assisted under the United States Housing Act of 1937, or under a State or local program found by the Secretary of Housing and Urban Development to have the same general purposes as the Federal program under such Act, or a dwelling unit assisted under section 101 of the Housing and Urban Development Act of 1965.

(2) The Secretary of Housing and Urban Development shall determine the amount of assistance under this subsection according to family size, family or individual income, average rents required, or similar consideration for all agencies making such payments.

(g) No payment received under this section or under section 231 of this Act shall be considered as income for the purposes of the Internal Revenue Code of 1954, or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

(h) The payments provided for in this section shall be made administratively by the head of the Federal agency acquiring real property, and none of the provisions of this section shall in any way affect any condemnation action or the just compensation to be determined or paid to the landowner in such action.

RELOCATION ASSISTANCE PROGRAMS

SEC. 212. (a) If the head of any Federal agency acquires real property for public use in a State, he shall provide a relocation assistance program for displaced persons which shall offer the services described in subsection (c) of this section. If the head of such agency determines that persons occupying property immediately adjacent to the real property acquired are caused substantial economic injury because of the acquisition of real property for public use, he may offer such persons relocation services under such program.

(b) Federal agencies administering programs which may be of assistance to displaced persons covered by this Act shall cooperate to the maximum extent feasible with the Federal or State agency causing the displacement to assure that such displaced persons receive the maximum assistance available to them.

(c) Each relocation assistance program required by subsection (a) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order—

(1) to determine the need, if any, of displaced families, individuals, business concerns, and farm operators for relocation assistance;

(2) to assure that, within a reasonable period of time, prior to displacement there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, equal in number to the number of and available to such displaced families and individuals and reasonably accessible to their places of employment except that the President may prescribe by regulation situations when such assurances may be waived;

(3) to assist owners of displaced businesses, nonprofit organizations, and farm operators in obtaining and becoming established in suitable locations;

(4) to supply information concerning the Federal housing programs, the small business disaster loan program under section 7(b)(3) of the Small Business Act, and other State or Federal programs offering assistance to displaced persons;

(5) to assist in minimizing hardships to displaced persons in adjusting to relocation; and

(6) to assure, to the greatest extent practicable, the coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of the relocation program.

STATES FURNISHING REAL PROPERTY INCIDENT TO FEDERAL ASSISTANCE

SEC. 213. Whenever real property is acquired by a State agency and furnished as a required contribution incident to a Federal project to improve a locality, the Federal agency may not accept such property unless the acquiring State agency has made relocation payments, provided relocation assistance, and provided assurance of availability of housing as required in the case of acquisitions of real property by a Federal agency. The State agency shall bear the costs of relocation payments and assistance as a part of the real property acquisition cost, except that the Federal agency having authority over the project shall contribute to the cost of providing such payments and assistance to any person displaced prior to July 1, 1972, an amount not to exceed (1) the first $25,000 of such cost if the displaced person, at the time of displacement, lives in a State which is contiguous to at least one other State, or (2) the first $27,500 if the displaced person, at the time of displacement, lives in a State which is not contiguous to any other State.

PART B—FEDERALLY ASSISTED PROGRAMS

RELOCATION PAYMENTS AND ASSISTANCE; ASSURANCE OF AVAILABILITY OF HOUSING

SEC. 231. (a) Notwithstanding any other provision of law, on and after the effective date of this section, no grant to, or contract or agreement with a State agency, under which Federal financial assistance will be available to pay all or part of the cost of (1) the acquisition of real property, (2) a public improvement for which real property is to be acquired, or (3) a program which will otherwise result in the displacement of persons may be approved by the head of the Federal agency responsible for the administration of such Federal financial assistance unless such State agency has entered into an agreement with the head of such Federal agency to provide to displaced persons for moves from such real property—

(1) fair and reasonable relocation payments in the same amounts and under the same terms and conditions as are required to be made by a Federal agency by section 211 (a), including actual moving expenses for moving outdoor advertising displays, of this title and in accordance with regulations established by the President under section 241 of this title;

(2) relocation payments in the same amounts and under the same terms and conditions as are required to be made by a Federal agency by section 211 (b), (c), (d), (e)(2), and (f) of this title;

(3) relocation assistance programs offering the services described in section 212(c) of this title;

(4) a feasible method for the temporary relocation of families and individuals displaced from the property acquired, and assurance that within a reasonable period of time prior to displacement, there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings equal in number to the number of and available to such displaced families and individuals and reasonably accessible to their places of employment; and

(5) a payment for owner-occupants under the same terms and conditions as are required to be made by Federal agencies by subsection 211(e)(1) of this Act, except that no such payment shall be required or included as a project cost under subsection 231(c) if the owner-occupant receives a payment required by the State law of eminent domain which is determined by the head of the Federal agency to have substantially the same purpose and effect as subsection 211(e)(1) and to be part of the cost of the project for which Federal financial assistance is available.

(b) As a condition to further assistance to a State agency for (1) part or all of the cost of real property acquisition, (2) part or all of the cost of a public improvement for which real property is to be acquired, or (3) a program which will otherwise result in the displacement of families and individuals, the head of the Federal agency shall require, within a reasonable time prior to actual displacement, satisfactory assurance by the State agency that decent, safe, and sanitary dwellings as required by subsection 231(a)(4) are available for the relocation of each such individual or family.

(c) The cost to a State agency of providing the payments and services described in subsection (a) of this section may be included as part of the cost of the project for which Federal financial assistance is available to such State agency, and such State agency shall be eligible for Federal financial assistance with respect to such payments and services in the same manner and to the same extent as with respect to other project costs. Notwithstanding any other law, the Federal agency providing such assistance shall contribute, to the cost of providing such payments to any person displaced prior to July 1, 1972, an amount not to exceed (1) the first $25,000 of such cost if the displaced person, at the time of displacement, lives in a State which is contiguous to at least one other State, or (2) the first $27,500 if the displaced person, at the time of displacement, lives in a State which is not contiguous to any other State. Any funds appropriated or otherwise available to a Federal agency for assistance to State agencies for such projects shall be available also for obligation and expenditure to carry out the provisions of this subsection. In order to receive the assistance authorized by this subsection, no State agency need agree to make any relocation payment in excess of (1) $25,000 to a displaced person if, at the time of displacement, the person lives in a State which is contiguous to at least one other State, or (2) $27,500 to a displaced person if, at the time of displacement, the person lives in a State which is not contiguous to any other State.

(d) In order to prevent unnecessary expenses and duplication of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons, any agreement by a State agency under subsection (a) of this section shall provide that such agency may make relocation payments or provide relocation assistance or otherwise carry out its functions under this title by utilizing the facilities, personnel, and services of any other State agency having an established organization for conducting relocation assistance programs.

(e) Any grant to, or contract or agreement with a State agency executed before the effective date of this section, under which Federal financial assistance is available to pay the cost in connection with the acquisition of real property, or of the improvement for which such property is acquired, may be amended to include the terms and conditions required by subsection (a) of this section.

(f) If the head of a Federal agency determines that it is necessary for the expeditious completion of a public improvement for which a State agency has entered into agreement, as described in subsection (a) of this section, to make relocation payments to displaced persons, or to provide the funds necessary to meet the requirements of section 321(b)(1) of this Act, he may advance to the State agency the Federal share of such relocation payments and an amount necessary to make the required payments under section 321(b)(1). Upon determination by the head of such Federal agency that any part of the funds advanced to a State agency under this subsection are no longer required, the amount which he determines not to be required shall be repaid upon demand. Any sum advanced and not repaid on demand shall be deducted from sums otherwise available to such State agency from Federal sources.

(g) The provisions of this section shall not be applicable to any situation which comes within the provisions of the first sentence of paragraph (8) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415(8)).

DISPLACEMENT BY CERTAIN PROGRAMS RECEIVING ASSISTANCE UNDER TITLE I OF THE HOUSING ACT OF 1949, AS AMENDED, AND TITLE I OF THE DEMONSTRATION CITIES AND METROPOLITAN DEVELOPMENT ACT OF 1966

Sec. 232. A person who moves or discontinues his business, or moves other personal property, or moves from his dwelling on or after the effective date of this Act, as a direct result of any project or program which receives Federal financial assistance under title I of the Housing Act of 1949, as amended, or as a result of carrying out a comprehensive city demonstration program under title I of the Demonstration Cities and Metropolitan Development Act of 1966 shall, for the purposes of this title, be deemed to be a displaced person.

DISPLACEMENT BY CERTAIN OTHER PROGRAMS

Sec. 233. Notwithstanding any other provisions of this title, a person—

(1) who moves or discontinues his business, moves other personal property, or moves from his dwelling on or after January 1, 1969, and before the effective date prescribed in section 253(a), as the result of the contemplated demolition of structures or the construction of improvements on real property acquired, in whole or in part, by a Federal agency; and

(2) who has lived on, or conducted a business on, such real property for at least one year prior to the date of enactment of this Act;

may be considered a displaced person, for purposes of sections 221 and 212 of this title, by the head of the agency acquiring the real property if—

(A) the head of the agency determines that such person has suffered undue hardship as the result of displacement from the real property; and

(B) the Federal Government acquired and held such property for at least 5 years prior to the effective date prescribed in section 253(a).

Part C—Authority of the President

Sec. 241. (a) To carry out the provisions of title II of this Act, the President is authorized to make such rules and regulations as he may determine to be necessary to assure—

(1) that relocation payments authorized by section 211 shall be fair and reasonable and as uniform as practicable;

(2) that a displaced person entitled to a relocation payment under section 211(a) shall be reimbursed for or paid—

(A) his reasonable and necessary expenses in moving himself, his family, his business, farm operation, or other personal property, and for his reasonable and necessary expenses in searching for a replacement property;

(B) if he disposes of personal property on moving his business or farm operation and replaces such property at the new location at a price exceeding any sum received from disposing of such property, the amount of the difference between such prices not to exceed the estimated cost of moving the property or its market value, whichever is less; and

(C) such other expenses authorized by section 211(a) as may be provided for in regulations issued under this section;

(3) that a displaced person who makes proper application for a relocation payment authorized for such person by this title shall be paid promptly after a move or, in certain hardship cases, the President may, by regulation, authorize advance payment of certain relocation costs;

(4) that any person aggrieved by a determination as to eligibility for a relocation payment authorized by this title, or the amount of a payment, may have his application reviewed by the head of the Federal agency; and

(5) that a displaced person shall have a reasonable time in which to apply for a relocation payment authorized by this title.

(b) The President may, by regulation, establish a limitation on the amount of a relocation payment authorized by section 211(a) with due consideration for the declaration of policy of this title and the provisions of subsection (a) of this section and section 231(c).

(c) In order to prevent unnecessary expense and duplication of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons, the President is authorized to require that any Federal agency make relocation payments or provide relocation services, or otherwise carry out its functions under this title, by utilizing the facilites, personnel, and servces of any other Federal agency, or by entering into appropriate contracts or agreements with any State agency having an established organization for conducting relocation assistance programs.

(d) The President may make such other rules and regulations consistent with the provisioan of this title as he deems necessary or appropriate to carry out this title.

Part D—General Provisions

SEVERABILITY

Sec. 251. If any provision of this title, or the application thereof to any person or circumstance is held invalid, the remainder of this title and the application of the provision to other persons or circumstances shall not be affected thereby.

REPEALER

Sec. 252. (a) The following laws and parts of laws are hereby repealed:

(1) the Act entitled "An Act to authorize the Secretary of the Interior to reimburse owners of lands required for development under his jurisdiction for their moving expenses, and for other purposes," approved May 29, 1958 (43 U.S.C. 1231–1234);

(2) paragraph 14 of section 203(b) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473);

(3) section 2680 of title 10, United States Code;

(4) section 133 of title 23, United States Code;

(5) section 7(b) of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1606(b));

(6) section 105(c) of the Housing Act of 1949 (42 U.S.C. 1455(c));

(7) section 114 of the Housing Act of 1949 (42 U.S.C. 1465);

(8) paragraph (7)(b)(iii) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415(7)(b)(iii));

(9) paragraph (8) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415(8)), except the first sentence of such paragraph;

(10) section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074);

(11) section 107 (b) and (c) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3307);

(12) chapter 5 of title 23, United States Code; and

(13) sections 32 and 33 of the Federal Aid Highway Act of 1968 (Public Law 90–495).

(b) Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Acts or portions thereof under subsection (a) of this section.

EFFECTIVE DATE

Sec. 253. (a) Except as provided in subsection (b), this title and the amendments made by this title shall become effective one hundred and eighty days after the date of its enactment.

(b) Sections 231, 232, and 252 (a) (4), (5), (6), (7), (8), (9), (10), and (11) shall take effect on July 1, 1971, except that commencing one hundred and eighty days after enactment, the provisions of sections 231 and 232 shall be applicable with respect to any grant to or contract or agreement with a State agency to the extent it is able under its laws to comply with such sections and the provisions of Federal law governing relocation payments and assistance otherwise applicable to grants to or contracts or agreements with such agency shall be superseded by this title.

FUND AVAILABILITY

SEC. 254. Funds appropriated or otherwise available to any Federal agency for the acquisition of real property or any interest therein shall be available also for obligation and expenditure to carry out the provisions of this title.

TITLE III—UNIFORM LAND ACQUISITION POLICY

PART A—FEDERAL PROGRAMS

UNIFORM POLICY ON LAND ACQUISITION PRACTICES

SEC. 301. (a) In order to encourage the acquisition of real property by amicable agreements with owners, to relieve congestion in the courts, to assure consistent treatment for owners in the many Federal programs, and to promote public confidence in Federal land acquisition practices, heads of Federal agencies shall be governed by the following policies:

(1) The head of a Federal agency shall conduct transactions for the acquisition of real property in such a manner as to assure to the extent possible that persons whose property is acquired shall not be worse off economically than they were before the property was acquired.

(2) The head of a Federal agency shall make every reasonable effort to acquire real property by negotiated purchase.

(3) Real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property. A copy of the appraisal report shall be furnished the landowner.

(4) Before the initiation of negotiations for real property, the head of the Federal agency concerned shall establish an amount which he believes to be just compensation, such amount not to be less than the appraised value of the property as approved by such agency head, and shall make a prompt offer to acquire the property for the full amount so established. Any decrease or increase in the value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for the proposed public improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property.

(5) Unless the head of the Federal agency determines that an emergency exists and severe or irreparable damages or injury may be caused by complying with this subsection, no owner shall be required to surrender possession of real property before the head of the Federal agency concerned pays the agreed purchase price, or deposits with the court in accordance with section 1 of the Act of February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), for the benefit of the owner an amount not less than the appraised fair value of such property as determined by such agency head, or the amount of the award of compensation in the condemnation proceeding for such property.

(6) The construction or development of public improvements shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying the real property shall be required to move from his home, farm, or business location without at least ninety days' written notice from the head of the Federal agency concerned.

(7) If the head of the Federal agency concerned does not require a building, structure, or other improvement acquired as a part of the real property, he shall, where practicable, offer to permit its owner to remove it. As a condition of removal, an appropriate agreement shall be required whereby the fair value of such building, structure, or improvement for removal from the real property, as determined by such agency head, will be deducted from the compensation otherwise to be paid for the real property, however such compensation may be determined.

(8) If the head of a Federal agency permits an owner or tenant to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the Government on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.

(9) In no event shall the head of a Federal agency either advance the time of condemnation, or defer the condemnation and the deposit of funds in court for the use of the owner, in order to compel an agreement on the price to be paid for the property. If any agency head cannot reach an agreement with the owner, after negotiations have continued for a reasonable time, he shall promptly institute condemnation proceedings and, at the same time or as soon thereafter as practicable, file a declaration of taking and deposit funds with the court in accordance with the Act of February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), if possession is required prior to the entry of the judgment in the condemnation proceeding.

(10) If an interest in real property is to be acquired by exercise of the power of eminent domain, the head of the Federal agency concerned shall, except as to property to be acquired under section 25 of the Tennessee Valley Authority Act of 1933, as amended (48 Stat. 70; 16 U.S.C. 831x), require the Attorney General to institute formal condemnation proceedings. No Federal agency head shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his property.

(11) If only a portion of a parcel of real property is to be acquired, thereby leaving the unacquired portion without economic use, the head of the Federal agency concerned shall offer to acquire the entire property.

(12) In determining the boundaries of a proposed public improvement, the head of the Federal agency concerned shall take into account human considerations, including the economic and social effects of such determination on the owners and tenants of real property in the area, in addition to engineering and other factors.

(b) The provisions of this section shall not affect the validity of any property acquisitions by purchase or condemnation.

BUILDINGS, STRUCTURES, AND IMPROVEMENTS

SEC. 302. (a) Notwithstanding any other provisions of law, if the head of a Federal agency acquires land or any interest in land for public use in a State, he shall acquire a like interest, or greater interest, in all buildings, structures, or other improvements on the land so acquired which are required to be removed from the land or which, in the opinion of such agency head, will be adversely affected by such public use, if such improvements are not required to be removed.

(b) As used in this section, the term "real property" means land, or any interest in land, and (1) any building, structure, or other improvement imbedded in or affixed to land, and any article so affixed or attached to such building, structure, or improvement as to be an essential and integral part thereof; (2) any article affixed or attached to such real property in such manner that it cannot be removed without material injury to itself or the real property; and (3) any article so designed, constructed, or specially adapted for the purpose for which such real property is used that (A) it is an essential accessory or part of such real property, (B) it is not capable of use elsewhere, and (C) it would lose substantially all its value if removed from the real property.

(c) (1) For the purpose of determining the extent of the acquisition of real property and the valuation thereof, no building, structure, or other improvement shall be deemed to be other than a part of the real property solely because of the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove such building, structure, or improvement at the expiration of his term, and the head of the Federal agency shall pay to the tenant the fair value of the building, structure, or improvement, which fair value shall be determined by such agency head as the greatest of (A) the contributive value of the improvement to the present use of the entirety, (B) the current cost of replacement less depreciation of the improvement, or (C) the value of the improvement for removal from the property.

(2) Payment under this subsection shall not result in duplication of any payments otherwise authorized by law. No such payment shall be made unless the fee owner of the land involved disclaims any interest in the improvements of the lessee. In consideration for any such payment, the lessee shall assign, transfer, and release to the United States all his right, title, and interest in and to such improvements. No provision of this subsection shall be construed to deprive the lessee of his right to reject the payments hereunder and to obtain payment for his property interests of just compensation as otherwise defined by law.

EXPENSES INCIDENTAL TO TRANSFER OF TITLE TO UNITED STATES

SEC. 303. The head of a Federal agency as soon as practicable after the date of payment of the purchase price or the date of deposit of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, shall reimburse the owner for necessary and reasonable expenses incurred for—

(1) recording fees, transfer taxes, and similar expenses incidental to conveying such real property;

(2) penalty costs for prepayment of any mortgage entered into in good faith encumbering such real property if such mortgage is on record or has been filed for record under applicable State law on the date the official announcement of the project is made by the authorized Federal agency; and

(3) the pro rata portion of real property taxes allocable to a period subsequent to the date of vesting title in the United States or the effective date of a court order of possession, whichever is the earlier, unless such pro rata portion of the taxes may be cancelled under State or local laws.

PART B—FEDERALLY ASSISTED PROGRAMS

REQUIREMENTS FOR APPROVAL OF CONTRACTS OR AGREEMENTS FOR FEDERAL ASSISTANCE

SEC. 321. (a) Notwithstanding any other provision of law, on and after the date of enactment of this section no grant to or contract or agreement with a State agency, under which Federal financial assistance will be available to pay in whole or in part the cost of the acquisition of real property or of a public improvement for which real property is to be acquired, may be approved by the head of the Federal agency responsible for the administration of such Federal financial assistance unless such State agency has entered into an agreement which shall provide—

(1) that every reasonable effort shall be made to acquire the real property by negotiated purchase;

(2) that the construction or development of the public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying the real property shall be required to move from his home, farm, or business location without at least ninety days' written notice from such State agency; and

(3) that it shall be the policy of the head of the State agency, before initiating negotiations for real property, to establish an amount which he believes to be just compensation, under the laws of the State, such amount not to be less than the appraised value of the property as approved by such State agency head, and to make a prompt offer to acquire the property for the full amount so established.

(b) Notwithstanding any other provision of law, no grant to, or contract or agreement with, a State agency, under which Federal financial assistance will be available to pay in whole or in part the cost of the acquisition of real property, or of a public improvement for which real property is to be acquired, may be approved by the head of the Federal agency responsible for the administration of such Federal financial assistance, unless such State agency has entered into the agreements described in subsection (a) of this section and has also agreed—

(1) that no owner will be required to surrender possession of real property before the head of the State agency (A) pays the agreed purchase price. (B) makes available to the owner, by court deposit or otherwise, an amount not less than the appraised fair value of such property, as approved by such State agency head, without prejudice to the right of the owner to contest the amount of compensation due for the property, or (C) deposits or pays the final award of compensation in the condemnation proceeding for such property;

(2) that the head of the State agency, as soon as practicable after the date of payment of the purchase price or the date of deposit of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, shall reimburse the owner for necessary and reasonable expenses incurred for—

(A) recording fees, transfer taxes, and similar expenses incidental to conveying such real property;

(B) penalty costs for prepayment of any mortgage entered into in good faith encumbering such real property if such mortgage is on record or has been filed for record under applicable State law on the date the official announcement of the project is made by the State agency; and

(C) the pro rata portion of real property taxes allocable to a period subsequent to the date of vesting title in the State or the effective date of a court order of possession, whichever is the earlier, unless such pro rata portion of the taxes may be canceled under State or local laws;

(3) that any decrease or increase in the value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for the proposed public improvements, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property; and

(4) that for the purpose of determining the extent of the acquisition of real property and the valuation thereof, no building structure, or other improvement shall be deemed to be other than a part of the real property solely because of the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove such building structure, or improvement at the expiration of his term, and the head of the State agency shall pay to the tenant the fair value of the building, structure, or improvement, which fair value shall be determined by such agency head as the greatest of (1) the contributive value of the improvement to the present use of the entirety, (2) the current cost of reproduction less depreciation of the improvement, or (3) the value of the improvement for removal from the property, except that (1) payment hereunder will not result in duplication of any payments otherwise authorized by law; (2) the fee owner of the land involved disclaims any interest in the improvements of the lessee; and (3) the lessee in consideration for such payment shall assign, transfer, and release to the State agency all his right, title, and interest in and to such improvements. No provision of this paragraph shall be construed to deprive the lessee of his right to reject the payments hereunder and to obtain payment for his property interests of just compensation as otherwise defined by law.

PROVISIONS REPEALED

SEC. 322. Sections 401, 402 and 403 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071–3073) and section 35 of the Federal Aid Highway Act of 1968 (Public Law 90–495) are hereby repealed.

EFFECTIVE DATE

SEC. 323. (a) Except as provided in subsection (b), this title shall become effective one hundred and eighty days after enactment.

(b) Sections 321 (b) and 322 shall take effect on July 1, 1971, except that commencing one hundred and eighty days after enactment, the provisions of section 321 (b) shall be applicable with respect to any grant to or contract or agreement with a State agency to the extent it is able under its laws to comply with such sections and the provisions of Federal law governing acquisition of real property otherwise applicable to grants to or contracts or agreements with such agency shall be superseded by this title.

TITLE IV—JUDICIAL REVIEW

SEC. 401. The provisions of sections 551–553, 559, and 701–706 of title 5, United States Code, shall apply to an action of a Federal agency under titles II and III. For purpose of this title, the definition of "person" contained in section 551(2) of title 5, United States Code, shall be deemed to include a State as defined by section 102 of this Act.

SEC. 402. Any person or State adversely affected or aggrieved by a final action of a Federal agency under title II or title III of this Act may seek judicial review of such final agency action and demand appropriate relief in a judicial district of the United States as follows:

(1) if the agency action pertains to property or any interest therein acquired or being acquired by the United States, or the ownership or right of the United States to possession of property, by an action in the judicial district in which the property is situated; and

(2) in all other matters, by an action in a judicial district as provided for in section 1391(e) of title 28, United States Code.

Mr. MANSFIELD. Mr. President, no further action will be taken this afternoon. There will be no further votes, but if Senators wish to enlighten the Senate, there is plenty of time at their disposal.

ORDER FOR ADJOURNMENT TO MONDAY, OCTOBER 27, 1969

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 o'clock meridian Monday next.

The PRESIDING OFFICER (Mr. SAXBE in the chair). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is ordered.

ADJOURNMENT TO MONDAY, OCTOBER 27, 1969

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 3 o'clock and 22 minutes p.m.) the Senate adjourned until Monday, October 27, 1969, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate October 23, 1969:

U.S. DISTRICT JUDGE

Philip C. Wilkins of California to be U.S. district judge for the eastern district of California vice Sherrill Halbert, retired.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 23, 1969:

DEPARTMENT OF COMMERCE

Harold C. Passer, of New York, to be an Assistant Secretary of Commerce.

FEDERAL POWER COMMISSION

Albert Bushong Brooke, Jr., of Maryland, to be a member of the Federal Power Commission for the term of 5 years expiring June 22, 1974.

FEDERAL MARITIME COMMISSION

James V. Day, of Maine, to be a Federal Maritime Commissioner for the term expiring June 30, 1974.

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the Environmental Science Services Administration:

To be captains

Jack E. Guth
Robert E. Williams
Robert C. Munson
Gerald E. Haraden

To be lieutenant

Robert D. Hickson, Jr.

EXTENSIONS OF REMARKS

PORTSMOUTH NAVAL SHIPYARD COMMENDED

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. WYMAN. Mr. Speaker, at the recent commissioning ceremonies for the Portsmouth-built nuclear attack submarine *Grayling*—SSN646—Rear Adm. Walter F. Schlech, Jr., commended the Portsmouth Naval Shipyard's skilled craftsmen. Admiral Schlech told the assembled audience:

> The skilled efforts of the people here at Portsmouth Naval Shipyard have earned the Navy's confidence over the years. This Yard is a credit to the Navy and to this Nation. I take great pleasure, Captain Kern, in expressing for the Navy, to you and to your associates, my heartiest well done.

Admiral Schlech also said:

> The building of a ship and its crew is a very delicate operation. This amalgam requires that both be ready for sea at the same time, and that each must be intimately familiar with the other. The officers and men of *Grayling* have completed the best submarine schooling in the world. Only the best—the cream—have made it here. I am pleased to single out the pre-commissioning accomplishments of the officers and men of *Grayling* in preparing this ship for its Naval role.
>
> Nowhere in the Navy is the pre-commissioning inspection procedure more rigorous and demanding than when working toward the final 'thumbs up' on a submarine. Commander Baron, you and your men of *Grayling* can take great pride in achieving today's payoff.
>
> The commissioning of USS *Grayling* provides an opportunity which I welcome to return here . . . twenty-five years ago I married my lovely wife right here in the Chapel. So my memories of Portsmouth are forever dear and personal.
>
> This Yard has built ships for the old Navy, for today's Navy and now, in the *Grayling*, Portsmouth Yard builds for the Navy of the future.
>
> I sailed on Portsmouth's ships of old. My second submarine was the Portsmouth-built *Halibut*. I joined her here in early 1942 as her Engineering Officer and served her later as Executive Officer. While I was aboard, she completed five war patrols in the Northern Pacific and she brought me back safely each time.
>
> As commander of a submarine division, of two submarine squadrons and of Submarine Flotilla Six at Charleston, I have had many Portsmouth-built vessels under my command, and they performed with distinction.
>
> The name *Grayling* has appeared on Navy subs since early in this century. The first in this series was Hull number SS18. The second and third *Graylings* were not submarines but patrol boats . . . While I was training for my own submariner's rating in 1940 and 1941, the fourth *Grayling* was under construction here in Portsmouth Yard.
>
> She was commissioned in March 1941. On December 7, 1941, she was in port in San Diego, and sailed 10 days later for Pearl Harbor. On December 31, 1941, at Pearl Harbor, Admiral Chester W. Nimitz raised his Flag on *Grayling* as Commander, Pacific Fleet, and symbolically there began the Navy's long fighting road back to victory at sea in the Pacific.
>
> In April of 1942 *Grayling* drew her first blood and sank a 6,000 ton Japanese cargo ship—the twenty-eighth ship sunk in the Pacific in that war. She sank three more ships on patrols during the following year, while taking part in an extraordinary amount of action at sea in support of the American movement westward across the Pacific. She began her eighth Pacific patrol in July 1943, delivering supplies to guerrilla forces in the Philippines. She was not heard from after September 9, and was declared "lost with all hands" September 30, 1943.
>
> The Commander of that *Grayling*, Lieut. Commander Robert M. Brinker, went down with his ship. He and his men gave their lives in the best tradition of the Naval service, in the heat of combat, in defense of their country. Mrs. Lee Cullen, daughter of that gallant officer, sponsored this new *Grayling* when this namesake of her father's ship was launched at Portsmouth in June 1967. I am pleased that Mrs. Cullen is with us now for the commissioning of this namesake of her father's gallant ship. Today *Grayling* rejoins the Fleet under command of Commander Charles R. Baron.
>
> *Grayling* in World War II was among a relatively small group of submarines in the Pacific area which broke the back of a determined enemy.
>
> More than 2,000 merchant ships, comprising almost eight million tons of shipping, were lost by the enemy in the Pacific. Sixty per cent of that loss was accounted for by this Submarine Force . . . which General Tojo later described as one of the main factors that brought final victory to the United States.
>
> Our submarine history is one of brilliance—forged by the Navy men who operate such ships and by the technicians who have designed and built them. The present day brand of submarines and submarine builders have written a new book in the business of going to sea underwater.
>
> In the years since the first *Grayling* joined the Fleet, submarines have leaped the technological barriers into the realm of the true submersible: the submarine which is at home in the undersea environment as much as the fish that dwell in the deep. These developments are exciting, especially when one considers the time frame in which they have been achieved, and the promise which such an advancing rate of development holds for us in the future.
>
> From my own experience as one-time Commander of the Submarine School, I frequently point out to audiences the very technical and highly specialized nature of Naval ships, equipment and operation epitomized by the submarine . . . and the commensurate need to have so many good, qualified people to man them. The modern submarine is a prime example of how technically advanced a weapons system can become. Building such a system, as this Yard does, is a high achievement. The officers and men who operate these systems make an effective contribution to the security of this Nation which I feel is beyond compare.
>
> The commissioning is only the beginning. Now you prepare for further tests of *Grayling*'s material condition and operational readiness. I know these challenges are not easy ones, but the Navy is confident of your abilities to assure excellence in handling the complexities of modern submarine operation.
>
> At the Annual Fleet Reserve Association meeting last month, the Secretary of the Navy, the Honorable John H. Chafee, talked of a better "quality Navy." He said that the Navy of the future would be smaller in numbers of men and ships, but of even higher quality than we have today. Firm, outspoken leadership is important to all of us in the Navy, as it is to the Nation, for we have tough competition from abroad. The Soviet Navy is ambitious to become the best Navy afloat, and is working very hard to achieve that goal. If we were in the automobile rental business, perhaps we could accept being number two. In this business number two becomes zero. Our Nation and our Navy can't tolerate that. Our future security depends on the vitality and the strength of American seapower.
>
> The *Grayling* is a game fish, even though of the fresh water species. This submarine *Grayling* is a fighter. The strong character of the ship's namesake will be the present and future trademark for those submariners who man *Grayling*.
>
> You are a new ship in a new era. I would like to wish you smooth sailing, good luck and God bless you all.

TRIBUTE TO DOC

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. BARING. Mr. Speaker, September 5, 1969, Frank Christian "Doc" Jensen of Boulder City, Nev., officially retired from his position as first aid attendant on the Boulder Canyon project. This was the massive construction project of the famous Hoover Dam near Las Vegas, Nev., on the Colorado River. Since 1932, Doc dedicated himself to this arduous task, first with Six Companies, Inc., and later with the U.S. Bureau of Reclamation.

The son of Danish immigrants, Frank, or Doc as he later became affectionately known, at first sought a clerical career, attending Norwegian-Danish Theological Seminary in Minneosta. He also worked in the grain fields in the farming season and learned the newspaper trade inside and out. He devoted himself finally to the field of medicine, and attended medical school until the economic strain of the depression years forced him on the road again, a road which lead to the Boulder Canyon project. His enlistment there was the beginning of the longest career held by any one man on this project. As he recounted in his diary, he worked a 24-hour day, and a 6½-day week for the duration of his active career.

During World War II and the Korean war, Doc served Uncle Sam as an assistant flight surgeon, and received a citation from the Secretary of the Navy James A. Forrestal. A naval Reservist until 1965, Doc Jensen constantly enrolled himself in Navy correspondence courses, completing his service commitment with the highest cumulative scores of any man ever so enrolled.

A highly civic-minded man, Doc is a member of the Knights of Pythias, the

Elks, the Odd Fellows, and the American Legion. He has taught first aid to Boy Scouts and Sea Scouts. At last count, he had earned two 1,000-hour pins for volunteer duty at the Boulder City Hospital, and served on the Boulder City Hospital board for 2 years.

This year marks his retirement from the official rolls of Boulder Canyon project personnel. But Doc will continue to serve the people of Nevada, in his dedicated manner.

CONGRESS NEGLECTING PROBLEMS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the San Diego Union, Oct. 17, 1969]

PRESIDENT ASKS ACTION—CONGRESS NEGLECTING PROBLEMS

During his inaugural address nine months ago, President Nixon urged people of the United States of America to lower their voices so they could hear each other better.

Showing remarkable restraint more recently, the President followed his own advice when he asked Congress to accelerate action on executive legislative proposals.

It would have been easy for the President to pursue the same formula that was employed by President Truman—who won reelection in 1948 partially by campaigning against a "do-nothing" Congress.

But President Nixon chose not to follow this path. Instead he appealed to Congress with candor and calmness. In doing so, the President showed that his primary concern is for the welfare of the nation rather than the narrow matter of the 1970 congressional elections.

As President Nixon aptly noted, the majority of the people of the United States are more interested in positive accomplishments than in political posturing.

At the same time he would have been remiss not to note that this Congress has really little to show for nine months of session.

Only one of the major appropriations measures has been passed. And Congress has increased its own salaries substantially.

But the people of the United States have far deeper concerns.

A raging inflation has yet to be quenched. The crime rate is rising, pornography is flooding the mails, the post office is inefficient, selective service hangs over the heads of young men for half a decade, welfare costs are almost out of sight and schools are wondering where their next dollar is coming from.

The lethargy of Congress has failed to speak to these problems. It also has created new problems for all three branches of government.

At the Supreme Court the calendar has been adjusted to slow the pace because Congress has yet to confirm the court's ninth member.

The chief executive can hardly be charged with inaction when he does not know how much money he will have, what the congressional limitations will be on his programs, or even what he can plan on in the way of foreign aid. He is trying to run a government household without the assurance of a paycheck.

And because so much time has already been wasted, Congress will now either face a logjam as it approaches adjournment, or it will have to establish a set of rigid priorities to meet the obvious needs. To assure cogent legislation we recommended the latter.

For the welfare of the nation, Congress should accept the President's challenge for mutual action. That is the best kind of politics.

CLEVELAND WILL MISS BILL GORDON

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. MINSHALL. Mr. Speaker, Cleveland is losing one of its most talented entertainers and Clevelanders are losing a good friend as Bill Gordon prepares to leave our city and go west. I have known Bill over the years as a dynamic and unique personality and I join with his thousands of other fans in saying that he will be missed on the airwaves. May he fare well in all his future endeavors. His own goodbye to Cleveland was eloquently spoken in an article in last Sunday's Plain Dealer, which follows:

[From the Cleveland (Ohio) Plain Dealer, Oct. 19, 1969]

THANKS FOR THE MEMORIES AND GOODBYE—STAY SMOOCHIE

Fare thee well! It is difficult to say when you really mean it. Today, due to over-usage, phrases and words drift through the air having neither substance nor meaning. "Good night," "good morning," "how are you?" and "good to see you" are empty sounds that pass among ourselves without carrying thoughts. For once, however, the meaning should be received as it is sent—fare thee well.

All too sadly, I am leaving Cleveland and truly wish each of you well. Read this and know it to be a note of appreciation to all the wonderful people who have been so kind, so good, so friendly to me.

When I returned last year and the Mayor proclaimed "Bill Gordon Day" in an official proclamation, I felt proud, very proud and happy and now, as I leave, I must thank you all in return.

I am moving west to Southern California and I am going to try to find a medium that hasn't heard of "format" or "middle of the road" or "hard rock" or "top 40." I am looking for a station that wants an individual—me, Bill Gordon. I'm the Bill Gordon who enjoys being on the air and communicating in the truest sense of the word with you, the listener. A personal type of broadcasting with an individual who is recognizable and distinctive.

I have no quarrel with the automated radio that seems to be creeping into our lives if that is what you want. I think, however, that almost anyone can read a cue card and say, "the time is now 8 o'clock and here's another great record from our new-oldies stack" or "with the ole thermometer at 56 degrees, we'll listen to the Deviated Septums singing 'Ain't Lake Erie eerie?' "

I really don't want to leave. I have so many, many friends here but, sadly, the radio and TV media seem to be copying one another in blind homage to surveys. The absentee owners of the stations are concerned less with the sound and more with the ratings. They equate loose surveys with sales proceeds. This is so wrong. A strong, single, individual effort is neither needed nor required.

Local managers look to the overall sound or, if you will, "Image" as reflective of the entire station during all broadcast hours. These formats are so similar that you—the consumer, the buyer, the listener—often cannot tell to which station you are listening. This is the numbers game that is now being played. When the numbers turn up against the local management, they find shelter in explaining that the format is being followed and, if it is not making money, it isn't their fault. And so it goes. And so go I.

I am grateful that I am being permitted to say goodbye in this way. I have so many wonderful letters on my desk and I'll never have the ability to answer—the wonderful lady who sent me a check and asked me to use the money to stay in Cleveland a little longer. The check returned—the thought retained. I want to thank all of you who remember "Stay Smoochie," "Has he gone yet?", "Apartment 13," "Dorothy and Bill" and "I'm not crazy, I'm listening to Bill Gordon." I will miss you, Cleveland.

I will miss being greeted and greeting all of you up and down Euclid Avenue and wherever we go. There is so much greatness here, more in Cleveland than the Orchestra, the Museum, the Browns, the Indians and the Terminal. As my friend George Condon noted in his book "Cleveland, the Best Kept Secret," it is obvious that there is potential for getting out of the rut we are in. This is a town of individual people. Why is it that we are on dead center and things are not progressing?

Everyone has the idea of how to solve it, but somehow the thought does not become deed. A strip of trees down the wide expanse of Superior—do it! The inflammable river should be cleansed—be it by City, State or Federal authority—do it! Stop the refuse from accumulating on the streets! Revitalize downtown! Don't fall into the format rut! Reach up and reach out and dare to do something because you know it is right. Don't listen to those who say it can't be done, or say it has never been done before. Format—status quo—death!

I only wish that I could have found a medium here and remained. I have been looking and searching and finally old Smoochie has had it. I'm not leaving Cleveland for greener pastures in California, for I have nothing of any substance out there. Yes, it will be warm and yes, it will be pretty, but I know I will miss each one of you, and I will think of you and thank you all for listening to me over all the years passed.

It has been wonderful for me and I appreciate it. Without sounding maudlin and just because it's true, thank you, thank you, thank you for the good years, the good times and the good memories that we have had together. Fare each of thee well! Stay Smoochie.

POSTAL REFORM

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, I believe all those interested in postal reform will agree with the Sheboygan Press in their editorial of October 14, 1969, entitled "Postal Plan Rebuffed." I think the Press continues to reflect the sentiment of Sixth District residents on this important issue, and I include the text of their editorial as part of my remarks, as follows:

POSTAL PLAN REBUFFED

Sad to relate, it appears that the U.S. Postal Department is due to struggle through another year with the usual complaints about poor service and the ever-present deficit at the close of the fiscal year. For the House Post Office Committee in a 13 to 13 tie vote, failed to endorse President Nixon's request for a semi-independent postal corporation. Instead the committee favors some revision of the present system in the form of an alternate plan by Chairman Thaddeus Dulski, D-N.Y., to reshuffle the Post Office Department in its present framework.

But judging from past performances, we are not too optimistic about that kind of an arrangement. As years went by, new postmaster generals have come, each with a new broom to sweep out the inefficiencies of the present system, but none has succeeded.

Postmaster General Winston M. Blount said that Dulski's bill was inadequate. "I am concerned that some members of the committee continue to ignore the will of the overwhelming majority of voters in their own districts, as demonstrated in poll after poll," he said.

However, all hope for the Nixon proposal is not gone. Said Rep. Morris K. Udall, D-Ariz., "This was certainly not a victory for the corporation concept, but I don't think you can write the death certificate yet." Also, President Nixon lists the corporation plan as one of his major legislative targets, and its backers insist it remain alive.

The present system having failed so consistently in the past, we believe the time has come to try something new. For that reason we hope that President Nixon persists in his proposal, as he apparently intends to do.

NATIONAL BUSINESS WOMEN'S WEEK

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. BUSH. Mr. Speaker, as October 19–25, 1969, will be recognized as National Business Women's Week, I think it particularly timely that the activities and achievements of the National Federation of Business and Professional Women's Clubs, Inc., be acknowledged.

With over 180,000 members living in every congressional district in the United States, women of the national federation have continually distinguished themselves and their organization in a broad manner of ways.

For the past 50 years, members of this outstanding organization have maintained an informed awareness on all manner of legislation. We have all benefited from their timely responses to indicated needs of the future, responses which have been representative of the sort of citizenship that has made our country strong.

This moment in time—today—is a critical period for all of us. It is one of those periods calling for leadership with the ability to motivate and unify us even stronger in behalf of our country. Such leadership is represented in the membership of the National Federation of Business and Professional Women's Clubs, Inc.

Its members are among us everywhere today. They are women possessing the capabilities required to deal with the complex and urgent circumstances of these times.

As we salute National Business Women's Week, let us similarly applaud the National Federation of Business and Professional Women's Clubs, Inc. Their search for truth in these times of vast paradox and change, has been a notable one.

ANNUAL CONVENTION OF THE AMERICAN ASSOCIATION OF ATTORNEY-CERTIFIED PUBLIC ACCOUNTANTS, INC.

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. KEITH. Mr. Speaker, there is meeting, in Boston, at this time, a very important group of professional people—members of the American Association of Attorney-Certified Public Accountants, Inc., gathered at its annual convention to exchange ideas, thoughts, and information and to further the interests of the two professions in which each is licensed; law and accountancy.

The important stature of this association is clearly shown by the presence at the convention, as keynote speaker, of Morris B. Abram, president of Brandeis University, and by the participation of three other distinguished individuals in the convention's educational seminar, Prof. John F. Sutton, Jr., of the University of Texas, Dr. Paul Vatter, Harvard professor, and Andrew Barr, chief accountant of the Securities and Exchange Commission.

It happens that this convention also commemorates the fifth anniversary of the founding of the organization, which was created in October 1964, to safeguard and advance the professional interests of all men and women in the United States who are qualified and licensed both as attorneys and certified public accountants; to protect the right of the public to select individuals so qualified if they choose; to advance the professions of law and accountancy; to promote and maintain and to guide members in observing the highest professional and ethical standards in service to clients, and the public at large where so required; and to aid the public in general and the members of the legal and accounting professions in particular by publication and dissemination of discussions of technical problems which the members of the association may be particularly well qualified to discuss. Because there are in all of the 50 States fewer than 3,000 people who fulfill both qualifications, they constitute a group of individuals who are recognized as highly skilled and competent in their chosen fields.

That the association, in its relatively short history, has been successful in accomplishing one of its prime objectives can be demonstrated by its collaboration during the development stage of the new code of professional responsibility, in working with the American Bar Association in the formulation of the rules with respect to the dual practice of law and accountancy. A committee of the ABA had previously issued opinions that no attorney could hold himself out as also being a certified public accountant, which has been interpreted by some State and local bar associations as a denial of the individual's right to claim both licenses, even though he had earned them. The new code of professional responsibility of the American Bar Association, however, does not specify accountancy by name, but recognizes the right of an attorney to engage in another profession or business, asking only that he observe certain rules concerning letterheads, business cards, door signs, and listings.

This was a major victory for the American Association of Attorney-Certified Public Accountants, Inc., and the American public, but the association's work is only commencing.

At this convention, the members will be charged with the responsibility of expanding their public service program, of seeking new ways in which they can utilize their combined and unique talents in behalf of the American people.

In addition to the ethical considerations, the association has made progress in other areas. The national organization is comprised of 14 regional associations covering 15 States and the District of Columbia, and there are members in practically every State of the Union. Many of these regional associations have already organized public service programs, such as serving on State tax boards, assisting minority business enterprises, and serving as arbitrator for the American Arbitration Association. The organization is presently voting to create scholarship programs at the Nation's leading universities to involve young law students in accounting, and vice versa, and has already made a grant to one such university.

More time will be devoted to programs involving the public welfare. Also, the association is stepping up its professional and intellectual development programs through forums, publications, and seminars in order that its members may better serve the people of this country.

Becoming a member of the American Association of Attorney-Certified Public Accountants is not an easy task. An individual must be licensed to practice not only as an attorney but also as a certified public accountant. When one considers what is involved in achieving both of these licenses—the long hours of study, training, and apprenticeship, and diligent dedication to two disciplined and important professions—it is a wonder that as many as 3,000 have achieved the goal. It is a truly dedicated individual who strives and completes all that is required to acquire both skills.

It is in this light that I offer congratulations to the members of the American Association of Attorney-Certified Public Accountants, Inc., on the occasion of its fifth anniversary. The American public indeed is indebted to these individuals for their service to the Nation, and we all join in wishing the American Association of Attorney-Certified Public Accountants, Inc., a long, useful, and successful life.

RURAL AMERICA STANDS UP FOR PEACE

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. LEGGETT. Mr. Speaker, on October 15 a broad spectrum of America stood up for a new policy in Southeast Asia.

Political and news commentators have noted the involvement of the poor, the well-to-do, the disenfranchised, the men who once held power and the men who currently hold power. But no one has noticed or spoken about the feelings engendered by the moratorium in rural America.

Rural America was involved on October 15. The Vietnam moratorium involved small towns across America like Meridian, Calif., in my congressional district. With a population of 400, the people of Meridian decided to add their small voice to the voices being heard from the big cities and many campuses. The people of Meridian circulated a petition calling for an immediate and complete withdrawal of U.S. troops from Vietnam by the end of 1970.

It is refreshing to see Meridian, Calif., stand up and be counted among those desiring peace, even though the ambitious timetable would be difficult to achieve. It was refreshing to see students nonviolently protesting on October 15 on their views toward peace balancing BARRY GOLDWATER before the National Convention of Old Crows last night pleading to end the war by bombing the dikes and the railroad lines in Hanoi. I believe that peaceful protest solution by the students, the middle aged and the folk of rural America is more reflective of majority national opinion than the nationally defeated Senator GOLDWATER. The Meridian petition follows:

OCTOBER 15, 1969.

DEAR CONGRESSMAN LEGGETT: It is our purpose to bring to your attention the deep concern over the Vietnam conflict that has spread to all facets of American life.

Meridian is a small community about sixty miles north of Sacramento. On October 15, which was nationally designated as Vietnam Moritorium Day, we circulated a petition which called for a complete and immediate withdrawal of U.S. troops from Vietnam. Enclosed is this petition.

It must be hard for you to realize the importance of a petition, that, compared to others you have received, seems to contain very few signatures. You must take into consideration, however, that the total population of the town, is only 400.

Voices have been heard from the big cities and many campuses, while rural America has remained virtually silent. We realize we have no one but ourselves to blame for this silence. As members of one such community, we have shouldered the responsibility of arousing our town in hopes it will spur other silent towns into decisive action.

It is our sincere hopes, that our hard work and dedication in the interest of rural America will not be ignored.

Our government was originally designed with the idea that through the voices of the people, the majority would be heard. If these conditions exist, the obvious outcome is withdrawal of U.S. troops from Vietnam by a reasonable date—December, 1970.

Sincerely,

LINDA WILLIAMS,
HILA NEWTON.

MERIDIAN, CALIF.

We, the below signed, feel the fighting in Vietnam to be immoral and unjust and call for an immediate and complete withdrawal of U.S. troops.

Hila Newton, Linda Williams, Linette Lynch, Florence Brown, Gloria Reische, Sally A. Bisby, Joyce Upton, Glenda Dornan, Mabel Phillips, E. Imfress, E. C. Webb, Fred Nigsch, T. J. Pague, Doris E. Lynch, Isabell Fleharty, Ira Nichols.

Mildred Briscoe, Maxine Longwill, Randy Longwill, Mamie Bielar, Mary Self, Chet Self, Thelma Coleman, Judie Gillespie, Pauline Phillips, Carolyn Crumby, Ron Banning, Cornelia Nichols, Linda Lomis, Fred Ray, Violet Shipp.

Norman M. Sanorn, Ellen Parrish, Louise Rohleder, Gordon Rohleder, Jane Olivera, Terry Fleshman, Mrs. Fred Heitman, Harold O. Reische, Jeannette Reische, Marilyn Reische, Nolan Said, Patricia Said, Beverly Christensen, Andy Christensen, Marilyn Ette.

Daryl Ette, Diane Tarke, Anna Tarke, Richard Tarke, Elaine Tarke, Leo Carothers, Frances Hensen, Thomas Hensen.

THE INTERNAL REVENUE SERVICE: A SERVICE FOR THE JUNK MAILER

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. VANIK. Mr. Speaker, I was very disturbed by a news item which appeared in today's Washington Post reporting:

> The Internal Revenue Service is considering changing its rules to allow direct mail advertisers to pinpoint the neighborhoods they want to send their mail to—the rich, the poor, or the middle class.
>
> This could be done by furnishing complete zip code numbers from the IRS' published income tax data.
>
> The IRS data is sold to anyone who wants to pay the cost.

It is true that this IRS data can be a very useful aid to State and local governments in the formulation of public policy. I object, however, to this information being compiled for the use of advertisers seeking to fill our mailboxes with unsolicited advertisements and junk mail. Confidential economic data compiled by the Government is being distributed to profitmaking groups so that they may pinpoint prime markets. The distribution of this economic data for private purposes is, in a very real sense, a violation of privacy of the individual resident and the communities within the zip code area.

Further, these "mailing lists" will be sold at a price intended to cover the cost of compiling them to the Internal Revenue Service—but will it even begin to cover the cost to the Post Office of increased junk mail and magazines? It is my understanding that publishers' mail, largely magazines, currently carried under second-class mail are subsidized to the tune of approximately $267.1 million per year.

It is my hope that the IRS will carefully reconsider this plan and abandon it in the public interest.

IN DEFENSE OF BLACK STUDIES

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. CONYERS. Mr. Speaker, one of the most important statements I have read is contained in the paper I wish to introduce into the RECORD. It is important because it drives to the very heart of the domestic crisis that confronts this Nation today. It is that black Americans do not demand handouts of bread, but equitable distribution of power. They are powerless in a society that respects only power.

Make no mistake about it, they are out to change that society, once they have achieved an equity in power. They will not rest until it respects other values, such as the dignity of human life, and the brotherhood of man, goals not very disparate from those inscribed in this Nation's Declaration of Independence.

I do not mean to imply that this Nation should scrap its distribution of food stamps or its programs for open housing, equal opportunity, and improvement of schools, for until black Americans have power over their own lives, they will never be able to provide these for themselves, and it will remain incumbent on the powerful to assure these protections for the powerless. Non-black America should remember, however, that without a sincere and equitable redistribution of power, these other programs total up to paternalism that does not erase the oppression of racism.

In the face of demands for power, the powerful have responded with their usual tokenism. It has become patently clear that its power is the one thing white America is most reluctant to share. It has consistently refused to accept the fact that this is at the root of the turmoil. For where is the confrontation over power most visible but on the white campuses, where white America learns how to build and use its power, where black America wants in, and where white America refuses most vehemently to yield? The outcry of white America is loudest over black student demands for studies that are relevant to the experience of being black in white America. At last, white and black America have joined the central issue.

It is for that reason that this paper should be studied by my colleagues. Its author, Dr. James Allen Moss, is an eminent educator who is serving as chairman of the Select Committee on Equal Opportunity at the State University of New York at Buffalo. In a dispassionate but clear voice he states the case for black studies and the demands by black students that they be allowed to build black communities at the white citadels of learning. Without black community, they remain socially ostracized and their chances of relevant black experience—the phrase most often heard in all of the angry discourse over black studies—is destroyed. If their just demands are not met, our Nation's traditional white education will continue what it has always done, turning black students into whitened sepulchers to assure the stability of the status quo and deny black Americans the opportunity ever to exercise power over their own lives.

As Mr. Moss points out, today's black students are not seeking a return to segregation, nor are they seeking to destory the quality of education. They ask only to expand that education so that it might provide them an understanding of their roles as black Americans, not the roles that have been defined by white America, but roles they themselves define, as masters of their own destinies, in the best traditions of democracy.

The paper previously mentioned, follows:

IN DEFENSE OF BLACK STUDIES

(By James Allen Moss)

Not since Stokely Carmichael issued his call for Black Power some three years ago, have the Black Establishment and White liberals been so up in arms as they are today. Only today, the issue is not Black Power, but Black Studies programs and Black militant action on the campuses of American colleges and universities. It is striking, however, that the anxiety and concern currently expressed over Black Studies programs does not extend to predominantly Negro colleges. Student demonstrations, regardless of how serious or minor at Cheyney State College, Bowie State, Howard University, Tuskegee Institute, Prairie View, Central State University, Atlanta University and a host of other institutions, receive only scant attention outside of their own institutional environments. It is Black Student demands on predominantly White campuses that are being subjected to often intemperate criticism, faulty and inaccurate subjective assessments, and in more extreme cases, to counterdemands for legal action or governmental intervention on behalf of the dissolution or drastic revision of such programs. Why is this so? A recently issued report by the Southern Regional Educational Board affirms the fact that predominantly Negro colleges have been equally as negligent as White institutions in the matter of curricular attention to the background and educational needs of Black students.[1] To be sure this is what the Black student revolt is about on most college campuses—Black and White. I would hope that we are not witnessing reverse racism in this instance. Most of us raised in Black communities remember the double standard of law enforcement in the cities in which we lived. If crime occurred in the Black community, involving only Black people, then one could expect to get off with a light sentence or no sentence at all. But if the same crime was committed in the White community or committed by a Black person against a White, then one might expect to pay the full penalties of the law. We do not need a double standard in either the quality, substance or accessibility to higher educational facilities in the United States. If Black Study programs are threatening to the educational process in predominantly White schools, they should be equally so in Black schools as well.

For the past year and a half, I have been intimately involved in the development of Black student programs at the State University of New York at Buffalo. President Martin Meyerson, speaking at a memorial service for Matin Luther King in the Spring of 1968, called for a re-dedication of the University to both the principles and practices of equal opportunity for all citizens, as a living testimonial to the causes for which Martin L. King lived and died. Shortly thereafter, President Meyerson appointed a Select Committee for Equal Opportunity to assist him in formulating policies in support of expanded opportunities for minorities, both on campus and in campus-related activities within the community. President Meyerson gave the following charges to the committee:

First, "to enlarge substantially, the proportion of non-white and Spanish-speaking students attending our University."

Second, "the Committee and the Office must review our employment practices and the composition of our personnel, to find ways of training, hiring and upgrading non-white workers at all levels of our employment roster."

Third, "the Committee and the Office must explore channels through which we can dramatically enlarge the non-white members of our faculty."

Fourth, "the Committee and the Office must explore and develop other channels through which the University can better serve the needs of the Negro community."

Finally, "we must determine how we can bring the influence of the University to bear upon the attitudes, and the fears of a white community, which is just beginning to sense the urgency and the importance of achieving understanding and rapport with our non-white brothers."

I was asked by President Myerson to serve as the Chairman for the Select Committee. Other members of the Committee were drawn from the ranks of administration, students (black and white), faculty and the Black and Puerto Rican Communities. While formal appointments to the Committee numbered 14, there has seldom been a Select Committee meeting with fewer than 20 people present. The meetings which for most of the first year were weekly, but most recently biweekly, were open to all who chose to come. For most of this past year, the meeting place for the Committee has alternated between the campus and various locations within the Black and Puerto Rican communities.

The University established simultaneously with the appointment of the Select Committee, an Office of Equal Opportunity, with a former Dean of the School of Education at the University as its first Director. The Office serves as the administrative arm of the Select Committee, with the power to initiate action on its own within the spirit and intent of the Committee and to implement proposals acted upon favorably by the Committee and originating either within or from outside of the University. Those of us working with the Equal Opportunity program at the University are very cautious about giving external publicity to our accomplishments which I think have been considerable and to our failures of which we have had our share. First of all, we have accepted the notion that having so far to go in bringing Blacks and Puerto Ricans into our University Community, no matter how much we do, it will be insufficient to close the gap. Then, too, we feel that we are in a continuing experimental effort—an effort which seeks to involve in a partnership, diverse elements within the University and the City of Buffalo, on a basis of mutual support and trust. It seems to us then, that to boast of each new accomplishment, and perhaps, to gloss over our failures, would be to engage in gamemenship of the most cruel and insensitive nature. I think with few exceptions, those of us at the University of Buffalo feel that we are earning the confidence and support of the Black and Puerto Rican communities, both off and on campus, and that this trip together is a very challenging and rewarding one indeed. We have not nor are we operating in an atmosphere of fear, but in an atmosphere of innovation and exciting change. We have come to admire the dedication, the sense of timing and strategy, and the commitment to both a high quality and relevant education reflected in the programmatic goals and accomplishments of our Black students.

My experience with Black Students on other campuses recently, limited to be sure, has not been substantially different. Although they may be studying in different educational milieu and come from slightly different socio-economic backgrounds, the demands that they are making upon their respective institutions to be relevant to the kind of world in which they will live and justify the high purposes that these institutions claim for themselves, has been almost uniformly the same. During this past year, I have come to know well students at Howard University, where I taught two courses in African Research Methods, served as discussant or consultant on Black study programs at such varied kinds of institutions as Vassar, the State University of New York at New Paltz, the State University of New York at Stony Brook, and very recently have had the occasion to become familiar with the Black students and their projected program at Harvard University. The most notable thing that marks off this generation of Black students from any that I have known previously is their singleness of purpose with respect to full inclusion within the University communities of this country and their close links and identity with the Black communities in which they live or study, and black communities elsewhere in the world. It is because I see Black students through these kinds of lenses—tinted I am sure—that I find it hard to comprehend the plethora of criticism and abuse which is increasingly being mounted against them and their programs. Because of the growing attacks on Black Studies programs, and a deafening silence from those who support them, I have decided to stand up and be counted among those who strongly endorse the underlying motives for such programs, the predominant direction which they have taken, and the present and potential contribution that these programs are making to a re-evaluation of the purposes to be served by higher education in a democratic society.

The kinds of criticism lodged against Black Studies are cast in legal, emotional, intellectual, racial and, indeed, comical molds. Similarly, the attacks touch upon curricular, cultural, social, political and personnel aspects of these programs. I would like to discuss first the kinds of criticism read and heard most frequently about Black Study programs.

The first legal assault upon Black Studies programs has been threatened by the National Association for the Advancement of Colored People in response to the establishment this past academic year of separate social and living facilities by Black Students at Antioch College in Ohio. At about the same time Black students had successfully negotiated similar arrangements at Northwestern, Cornell and Harvard Universities among others. Roy Wilkins, Executive Secretary of the NAACP, addressing his remarks to the demands of Black students for separate social and study facilities, labels these facilities "Jim Crow Schools" and charges colleges and universities that permit such arrangements with encouraging and supporting racial segregation:

"The system of segregated education must not be revived. It must not be invited back at the request, nay, the ultimatum of black

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Footnotes at end of article.

students themselves . . . The key word in the current spate . . . of demands of black students is 'autonomous.' No university administration faithful to its trust can grant this. There is substantial informed opinion that tax money cannot be used to set up racial enclaves within campuses. I am sure that sooner or later a court test would arise." [3]

Indeed it is reported that Mr. Wilkens has threatened to file suits to block the establishment of autonomous Black Studies departments on the ground that they are unconstitutional.[4] The first concrete step in this direction, however, has been taken by the Office of Civil Rights of the U.S. Department of Health, Education and Welfare in a memorandum issued on March 5, 1969. In the memorandum the Office warned that separate housing, social activity, space and separate Colleges, Schools and Institutions stand in violation of Title VI of the Civil Rights Act of 1964.[5] The Office warned colleges and universities that HEW "must enforce the Congressional intent of prohibiting federally assisted institutions from offering services and benefits which result in segregation on the basis of race." Thus, the stage has been set for the initiation of legal action against any federally assisted college or university that establishes separate black student facilities.

A more didactic, but no less tautologically incorrect position on separate black facilities is that expressed by Sir W. Arthur Lewis in an article published in the *New York Times Magazine* section in May, 1969.[6] Professor Lewis views the role of education for Blacks in America as serving the technical and managerial leadership requirements for a predominantly White American society. In Professor Lewis' view, about fifty American colleges and universities turn out nearly all of the top people in American corporations and other leading institutions. If Blacks want to move into this top stratum of the power structure of American society, he argues, they cannot do so in isolation from the Whites who now control these positions. Thus, writes Professor Lewis:

"Blacks in America are *inevitably and perpetually* a minority. This means that in all administrative and leadership positions, we are going to be outnumbered by white folks, *and will have to compete with them not on our terms but on theirs*. The only way to win this game is to know them so thoroughly that we can outpace them. For us to turn our backs on this opportunity, by insisting on mingling only with other black students in college is folly of the highest order." [7]

Professor Lewis, however, is evidently not opposed to segregated higher education *per se*, but only to segregated higher education in predominantly White institutions. Neither the NAACP nor Professor Lewis seem prepared to carry the case of segregated Black colleges and universities into the courts, although only a token number of white students attend these institutions:

Alabama A & M College, 6 White students of 1900 Blacks.

Miles College, Alabama, 4 White students of 1000 Blacks.

Arkansas A & M, 7 White students of 3000 Blacks.[8]

In fact, Professor Lewis is quite prepared not only to accept the fact of segregated Black colleges and universities, but he is equally prepared to assign to them the training of Black students for more limited, mediocre roles strictly within the Black community. In this regard, he asks the question:

"What can the good white college do for its black students that Howard, or Lincoln or Fisk cannot do? It can open the road into the top jobs . . . To put it in unpopular language, it can train them to become top members of the establishment . . . if what one wants is people trained to live and work in black neighborhoods, they will do much better to go to the black colleges, of which there are, after all, more than 100, which know much better than Yale or Princeton or Dartmouth, what the problems of black neighborhoods are, and how people should be trained to handle them." [9]

The point that I am emphasizing is that the goals of Black students in predominantly Black institutions are not substantially different from those in White colleges and universities. Perhaps the Black colleges differ in only one particular—segregated spatial, social and instructional facilities—for these they already have—without anybody's complaints. Some comments from a Black Fisk student suggest that he perceives his present educational objectives and future objectives through different eyes than those of Professor Lewis:

"The goal of this black program (Fisk University) on campus is simple: make this educational institution speak to the needs of the black community; *that is structure the curriculum so that it educates and frees the black mind to deal with the system. The goals are limited and are a step in the process of changing the total society.*" [10]

Black students, North and South, in the community and on campus know full well that the dividing line between themselves and their economically less fortunate brothers and sisters is as thin and fragile as a thread. These students are sophisticated and knowledgeable enough to know that they are both the products and victims of a racist society, and that to survive in that system calls for societal structuring and transformation in the direction of unbargained, nonnegotiable equal opportunity for all Blacks. The anger and rage of Black students is no less at Fisk, Howard and Atlanta Universities than at Harvard, Cornell or the University of Buffalo. A Fisk student summarizes the mood on Fisk's Campus: "As a black student at Fisk, I don't feel that we have been quiescent at all. The fact that we have not sought publicity in the white news media, however, might have indicated this." [11] I doubt seriously that apparent deafness is at the heart of the White media's ignoring of black student protest within the context of Black educational and cultural experience. More than that, I see the scant attention devoted to activities on the predominantly Black campuses by the white media as clear indication that they perceive the Negro colleges as of little consequence for the current changes taking place in race relations in this country, and of even lesser significance to those in position to determine the major directions in which American society is to move in the decades ahead. Thus, the criticism lodged against Black Studies in predominantly white colleges and universities takes on more than casual importance. Those who oppose such programs on White campuses have a ready audience—a growing population, fearful of the threats to the status quo that these programs pose on the major campuses, and by inference generalizing these criticisms where they suit their purposes to Black student programs across the country—black and white.

Thus, Professor Lewis capsules a variety of descriptions of Black Studies programs in two relatively short paragraphs:

"In its most extreme form, what is asked is that the college should set aside a special part of itself which is to be the black part. There will be a separate building for black studies, and separate dormitories and living accommodations for blacks. There will be seprate teachers, all black, teaching classes open only to blacks. *The teachers are to be chosen by the students, and will for the most part be men whom no African or Indian or Chinese university would recognize as scholars, or be willing to hire as teachers.*" [12]

Since I know of no Black Studies Program in the country that fits Professor Lewis' example, I not only consider it arrant nonsense, but an affront to the Black students who have and are devoting their time and energy to developing curricula of cultural and intellectual significance with an admirable respect for academic integrity. Their demands for separate social, educational and cultural facilities are no different in kind than those presently available to Jewish students in Hillel Houses or to Catholic students in Newman Clubs (and one could cite other examples where exclusion is based upon such accidental features as class or sex) on college campuses across the country. Directors of Black Studies Programs such as Hollis Lynch, an African Historian, my colleague at Buffalo last year, but who now joins the faculty of Columbia; Charles Hamilton, a political scientist, and St. Clair Drake, who contributed so much to the program at Roosevelt, and the distinguished roster of Black scholars suggested by Black students to direct the program at Harvard—may not be known by "African or Indian or Chinese Universities . . . as scholars," but these universities would, or should be honored by their presence. I consider, therefore, Professor Lewis' description of black faculty members associated with operating Black Studies programs of which I have knowledge, equally as gratuitous as his remarks about black students.

If it is "bewildering" to Professor Lewis that proponents of Black Studies programs should favor Black faculty over Whites in teaching subjects of significant interest to Black students, and that in their rhetoric, at least, some Black Studies programs exclude Whites from their courses dealing with various aspects of the "Black Experience." I'm afraid I do not find it so. If the scholars in the fifty major colleges and universities to which he refers have in good conscience and with the intellectual rigor fashioned and interpreted American history and the role of Blacks in American culture in such a way as to either exclude or demean Black contributions, then let these same distinguished scholars and their students with equal objectivity and passion rewrite the history and culture of American Negroes as it should have been and as it is. They do not need either the encouragement or presence of Black students or faculty to do this. Indeed, it is a special obligation which truth and candour imposes upon them to do this on their own. Black students, and, I would think even Black artists, writers, and just plain Black common folk, are tired of trying to be sensitively viewed and seriously heard by Whites who are both blind and deaf to the beauty of their souls and to the anguished cries from their heart. While I, personally, feel that if White students and faculty want to sit in on special courses for Black students, and can sit quietly and learn and absorb much of what they know little (and few Whites can do this), then I would favor permitting them to share in this search by Black students and scholars for an integrated perspective on what life in America can and does mean for the life chances and hopes of its Black citizens. I cannot, however, share the venom that the critics of Black Studies programs feel about this issue, nor can I assign the importance to this aspect of the program as do they.

Professor Lewis continues:

"I yield to none in thinking that every respectable university should give courses on African life and on Afro-American life, which are of course two entirely different subjects, and I am very anxious to see such courses developed. It is, however, my hope that they will be attended mostly by white students, and that the majority of black students will find more important uses for their time; that they may attend one or two such courses, but will reject any suggestion that black studies

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Footnotes at end of article.

must be the major focus of their programs."[13]

This same delusion that Black Studies programs seek to supplant substantive courses required for successful pursuit of traditional vocational and professional careers is shared by other critics of these programs: Martin Kilson, Assistant Professor of Government at Harvard University, himself a Negro, describes Black Studies programs as exercises in "ethnocentric manipulation" and supporters of such programs as "blissfully unaware that their bigoted and paranoid outlook makes shambles of scholarship and learning."[14] More acrid, bitter and crude denunciation of Black Studies programs has been made by Bayard Rustin, prominent labor and civil rights leader: Rustin in a recent interview accused American colleges of taking "a cheap way out by agreeing to Negro students' demands for Black Studies programs." He views it as "tragic" that Black students, instead of taking advantage of their opportunity for learning . . . are reducing the situation to a series of courses that cannot really prepare them for the kind of life they have to live."[15]

Elaborating on this same theme, Rustin, in a commencement address to the College of the Virgin Islands, inveighed against Black student militance and what he called "confrontation tactics." The kinds of changes that Black people seek to effect in present day America can only be achieved he argues "through honest politics and . . . those youngsters who are wasting their time in college, learning how to cook pigs feet are going to be in very serious trouble."[16]

While all of the foregoing critics of Black Studies Programs are Black, grumblings from Whites are similarly in vogue. They too, like most of their Black counterparts have had little or no direct experience with Black Studies programs, but this fact does not seem to them to suggest qualified assessments nor sensitive questioning of these programs. In a recent article entitled *Black Studies: Trouble Ahead*, Eugene Genovese categorically states the problem:

"No problem so agitates the campuses today as that posed by the growing pressure for Black Studies Programs and department . . . The universities must now choose between three courses: a principled but flexible response to legitimate black demands: a dogmatic, repressive adherence to traditional, liberal and essentially racist policies; and a cowardly surrender to all black demands, no matter how destructive to the university as an institution of higher learning or to American and Afro-American society in general. This last option, which has been taken in a notable number of places, ironically reflects as much racism in its assumptions and implications as the second, and it takes little skill in prophecy to realize that its conclusion will be a bloodbath in which blacks are once again the chief victims."[17]

While moderate in tone as compared with other pieces written on the same subject, Professor Genovese does not instruct us as to what are the "notable number of places" which have fully surrendered to Black student demands and how such surrender has destroyed the fabric of both American Institutions of higher learning and Afro-American society in general. One would even hope that the Black and White opponents of Black Studies Programs would "get themselves together." It is ludicrous for Rustin as a Black, to make the absurd statement that "There is no Italian history of the United States. There's no Jewish history, there's no black history, there is American history . . .[18]

It is less than perceptive for Oscar Handlin—although not a vocal opponent to Black Study programs—to equate the experiences of Blacks in America, brought here against their will and left bereft of any family and cultural ties to the countries of origin, with European immigrants who came to this country of their own free will and permitted to build upon sustaining skills, traditions and social foundations while moving into the mainstream of American life.[19] On this issue, Genovese appears more sensitive to the Black Studies impulse than either Rustin or Handlin when he writes:

"The demand for Black Studies and for special black studies departments needs no elaborate explanation or defense. It rests on an awareness of the unique and dual nature of the black experience in the United States. Unlike European immigrants, *blacks came here involuntarily, were enslaved and excluded from access to the mainstream of American life, and as a result have had a special history* with a profoundly national-cultural dimension. Unlike, say, Italo-Americans, Afro-Americans have within their history the elements of a distinct nationality at the same time that they have participated in and contributed immensely to a common American nationality. Despite the effort of many black and some white scholars, this paradoxical experience has yet to be explored with the respect and intellectual rigor it deserves."[20]

But, while generally open to the possible legitimacy of Black Studies programs, Genovese raises also the familiar spectre of the intellectual mediocrity of Black students and consequently any programs proposed by them; the irresponsibility of Black students for proposing courses and departments that would exclude white students and faculty, and thereby imposing a racist cast on American universities inconsistent with their high purpose and obligation to society. He bemoans the "shortage" of well-trained Black scholars and views as unfair the imposition upon American universities the major responsibility for closing the educational gap between Whites and Blacks. Finally, while making the same laudable effort to weigh the pros and cons of Black Studies programs, Fred M. Hechinger nevertheless concludes:

"The drive toward separatism in black studies is a reaction to the all-white history that has often been academia's standard fare. The 'black is beautiful' approach in history, as elsewhere is an absurdity comparable to, say, the 'white man's burden' concept. It is of little help in the task of weaving an honest non-racist pattern of history, research and teaching."[21]

One is prompted to ask how can supposedly knowledgeable people about Black America stray so far from reality in their assessments of Black Studies Programs? Is it naivete? Is it a lack of sophistication about what is happening in current American race relations? Is it purposeful distortion of the truth about Black American scholars in order to forestall what to many of us seems inevitable, namely a demand for a reordering of society in such a way that all men, regardless of color or condition of birth will and can experience the reality of the democratic experience? Whatever the answer, the charges hurled against Black Studies programs are far removed from what I have discerned to be the general pattern of their development. First of all, Black students are no more in revolt against the inequities of the system than are White students both in this country and abroad. If White students are calling for a return of scholars to the classroom so that they may both experience human contact with their professors and challenge them to relate learning to the cumulative knowledge of man about himself and his environment, so are Black students calling for the same measure of relevance with regard to the particular life experiences of Black people in America. If White students are calling for increased participation in the decision making process on issues that directly affect their life and their life chances, so are Black students calling for the same rights. If White students are increasingly looking beyond their own shores for clues to the universality of human oppression and human challenge, so are Black students becoming internationalized in their orientation. If White students feel frustrated about their chances for effecting change within the existing social system because of the imbalance of power between the "haves" and the have-nots" so are Black students selecting the universities and colleges of this country as testing grounds for proof of America's integrity and worth as the major democratic power in the world today. These are aspirations which Black students share not only with White students in America, but with "have-not" students in other parts of the world as well. But there are particular, *legitimate* aspirations which Black students seek to satisfy as Black students over and above the communality of concerns that they share with white students. Let me try to enumerate some of them.

Black students drawing upon a legacy from the past of educational, cultural and psychic damage imposed by Whites upon the Black community refuse to accept any longer fragmentary, pollyannish solutions to the very serious racial ills in this country. Whether they look at their older siblings or back upon the life experiences of their parents, they observe with bitterness and anger that their own chances for survival are not substantially better than it has been for other members of their family. Token integration and piecemeal improvements in the social and economic spheres are seen for just what they are—an insult to the intelligence and role perceptions of Black people who are supposed to be grateful for gradual progress.

The professional nigrah experts (white and negro) are fighting each other, each one trying to be the first to board the plane to Washington in order to testify about *our* problem . . . 'What we need is more housing, jobs, schooling, etc.,' is the expert's stock answer to what they perceive to be our problem. What these dumb hustlers refuse to understand is that many of the freedom fighters came out of the so-called better ghetto housing, better known as 'the projects' and also off the college campuses and that they in many instances were not hurting for lack of bread. We do *not* want housing, we do *not* want handouts—we want real (economic and political) power. Power with which we can build our own houses, design our own environment.[22]

The demand for a more equitable distribution of power within the Black and White communities in this country lies at the core of Black Studies programs regardless of the predominant racial population of the University involved. Black students know: That in order to confront the White power structures in their campuses, in their community, in their nation, and in their world, they need to see their survival as a function of their own organized strength and unity, thus the demand for more Black Study Programs, centers, Black Students and faculty.

Black students (and I consider myself a Black student as well as teacher), both past and present, know that next to the corporate structure, universities are perhaps the most racist enclaves within our social system. If one teaches or studies in a predominantly Black institution, he knows that the White professor on that campus is likely to enjoy a faster rise in the structure as well as earn higher pay than his Black colleague in the same institution. My experience, over recent years at Howard University, suggests that there is very little social or intellectual intercourse between White and Black faculty on staff. Nor is the picture brighter at predominantly White colleges and universities. During my freshman year at Fordham University, I was the only Black student enrolled, and I took an oath of no association with any of my classmates after they refused to permit me to attend our freshman class

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Footnotes at end of article.

dance. In later years while teaching at Union College in Schenectady—where, somehow, Union could only manage to accept one Black student a year—I asked a Black student what was his social life like that year. He replied, "Dr. Moss, you know there is only one Negro girl at Skidmore (an all-girl college 50 miles away) and I'm the only Negro freshman at Union, so you know who I'm dating." Only up to recently, if a Black student, enrolled in a predominantly White institution, elected to live on campus, he had no choice but to live in practically all-white dormitories, where social tastes, events, and interaction was shaped and dominated by White students. The Black student had no alternative to this arrangement unless he chose to move off campus. Since Black students have seen the proportion of Black to White students in predominantly White colleges and universities move dramatically since the founding of the Republic from 0% to about .03% ten years ago to something slightly better than .05% this year, the possibility of any kind of Black cultural experience on the White campus is almost nil.

Is it any wonder then that Black students on white college and university campuses are calling for a substantial increase in the enrollment of Black and Puerto Rican students. Yet, I know of no major civil rights organization or leader—Black or White, who has even *threatened* to sue American institutions of higher learning for the social and cultural isolation which has been the Black students' lot to endure. If facts are needed to substantiate the pitifully small number of Blacks or Whites who attend integrated institutions of higher learning, one needs only to refer to recent statistics compiled and published in the *Chronicle of Higher Education,* April 21, 1969:

THE ENROLLMENT OF BLACK STUDENTS IN PREDOMINANTLY WHITE INSTITUTIONS

University of Alabama, 128 of 10,000.
Arizona State, 141 of 1,400.
University of Arkansas, 80 out of 7,000.
University of California at Berkeley, 381 of 16,000.
UCLA, 421 of 18,000.
University of Connecticut, 167 of 9,000.
University of Illinois, 690 of 22,000.
University of Iowa, 84 of 13,000.
University of Massachusetts, 158 of 12,000.
University of Chicago, 104 of 2,700.
Harvard University, 154 of 4,000.
University of Michigan, 546 of 21,000.
Princeton University, 95 of 3,000.
State University of N.Y. at Albany, 104 of 6,000.
State University of N.Y. at Binghamton, 40 of 3,000.
State University of N.Y. at Buffalo, 400 of 11,000.
State University of N.Y. at Stony Brook, 125 of 5,000.
Brooklyn College, 450 of 10,000.
Queens College, 222 of 11,000.
Hunter College, 270 of 5,000.
City College, 500 of 10,000.

What these statistics tell us is that even in the large State Universities, Black students comprise even less than one per cent of the total student population. The presence of Black faculty in these same institutions is miniscule.

I think that the all but token presence of Black Faculty on the campuses of predominantly White colleges and universities has been a particularly painful thorn in the side of Black students and scholars. Throughout my entire college career—Fordham University, The New School for Social Research, and Columbia University—I never had the experience of studying with or under a Black professor. Since my research for the Ph.D. was on Black Professors in predominantly White colleges in New York State, it was felt proper that a Black scholar experienced in research on racial integration should at least sit on my committee. Dr. Kenneth Clark of City University generously agreed to undertake the assignment that should have fallen within the province of a regularly appointed professor in the Sociology Department of Columbia University. I have always felt that research areas close to my heart—much influenced by the exposures and experiences I have had as an American Negro—were not those that fell within the professional concerns and interests of my peers or professors. Incidentally, throughout my whole tenure as a Ph.D. candidate at Columbia, I was the only Black student in residence. So the sociology that I learned, and the concepts which I intellectually internalized were all cast within the framework of white perceptions and white interpretations. Indeed, while many will dispute this, the sociology which I brought away with me from Columbia was the sociology of the White experience with its Anglo-Saxon and Teutonic roots. It certainly did not nor does it now touch, except peripherally, upon the sociology of the Black experience either in this country, in Africa or the Caribbean. I don't think the experience has been substantially different for most other Black scholars in America: Dr. Charles Hamilton of Columbia University recalls his experiences:

"I graduated from Roosevelt, I got a law degree from Loyola University and I got a Ph.D. from the University of Chicago. And I'm going to tell you very clearly that my education over that twelve to fifteen year period was geared toward making me a middle-class Black Sambo. Nothing devious in that, and I'm not blaming my professors. It's just that that was their orientation. They were saying to me in no uncertain terms that in order to succeed, I would have to orient myself to a Western Anglo-Saxon culture."

The White stereotyping of subject matter in the social sciences is strengthened and reinforced by White stereotyping of the "ideal" college or university professor. The middle-class, White, Anglo-Saxon, Protestant, male prototype of the university professor and administrator in the predominantly white college, is too well known to elaborately document here. But for purposes of this paper, he certainly is not Black. In fact, he is not even faintly brown. When the writer asked Dr. W. E. B. DuBois, the distinguished historian and sociologist, what he thought the role and contribution of the Black teacher in the White college to be, and this was over a decade ago, his reply was, "none, he's not even there." Ten years ago there were not more than 40 Black teachers in positions leading to tenure in all of the colleges and universities in New York State. This was about one third of the total number of Black teachers employed in predominantly White institutions across the country. Five years ago in a repeat survey, the number of Black teachers in New York State had increased to 70. Given the pitifully small number of Negroes who go on to complete the Ph.D. (the minimal entry requirement for permanent appointments in major colleges and universities), one can anticipate that there will not be a substantial increase in the overall supply of Black candidates for teaching positions in predominantly white institutions at any time in the near future. Ironically, however, although almost without exception, Negro holders of the Ph.D. degree received their degrees from major white institutions, they are almost universally confined to predominantly Black schools. I recall the remark made to me seven or eight years ago by a Black scholar who had just received an appointment as chairman of a department in a large Eastern university. When I asked him had he anticipated the possibility of such an appointment, his reply was: "I have earned an international reputation as a scholar in my field, and I was determined not to solicit or seek appointments elsewhere. If America was content to restrict my professional career to teaching within the predominantly Negro College, that was where I was prepared to remain."

More recently, I had the opportunity to discuss with the Dean of a professional school in a predominantly Black university the possibility of assuming a similar post at the University of Buffalo. When I asked him how he felt about leaving the university where he had demonstrated remarkable leadership in developing a school with a national reputation for excellence, he replied: "I am still relatively young in my professional career and I have gone as far as I can go where I am. I need new and more demanding intellectual and professional challenge if I'm to continue to set increasingly higher standards of performance for myself." In spite of the hue and cry raised by those critics of Black Studies programs who argue that there is a shortage of competent Black faculty to man such programs without raiding the staffs of predominantly Black institutions, there is still shameful underutilization of Black faculty who are able and willing to advance themselves through transfer to larger and more prestigious colleges and universities. The faculty recruitment standards of the State University of New York at Buffalo are high when compared with other major public or private universities in this country. The Select Committee for Equal Opportunity, anticipating Black Student demands for a larger number of Black faculty at the university, met with disappointing failure in its efforts to intensify Black faculty recruitment and appointment by individual departments within the university. When, however, the administration of the University set up a Black faculty recruitment task force, in late May of this year, and freed ten lines for such appointments, within two weeks the task force received more than sixty recommendations for new Black faculty appointments—mostly from within the university itself. Without damage to either traditional criteria or customary high standards, our ten slots were filled within a two month period. If predominantly White universities want to enlarge the number of Black teachers on their faculties, they can take steps immediately to enter into joint appointments with very able Black scholars in predominantly Black schools, sharing the expertise of these scholars between the two institutions. Since there are, perhaps, not more than two dozen Black scholars holding full professorships in major white institutions, they can include in their competition for such slots more Black professors locked in at the lower ranks in lesser White colleges and universities.

These institutions can begin to seriously look at their present cohort of Black graduate students to see what additional financial help and professional encouragement is needed in order to expedite their completing their Ph.D. work and thereby qualify for faculty appointment in their own institutions. Finally, graduate schools should tax their resources and recruit in larger numbers Black graduates from predominantly Negro schools and, with financial help where necessary and intensive academic support, enlarge the pool of Black graduate students from which Black teaching personnel may subsequently be drawn. Despite the almost total absence of Black teachers on White faculties in the United States, I know of no major civil rights organizations—Black or White—that have systematically sought to remedy this situation, or even threatened to do so. Black students need and should have the psychological perspective and dimension of a Grier and Cobbs, a Kenneth Clark and an Alvin Pouissaint as much as they need the insights and intellectual contributions of a Freud, Fromm or a Kurt Lewin. Black students deserve the sociological excitement of a C. Eric Lincoln, a Hugh Smythe, an Andrew Billingsley, a Hylan Lewis and an Oliver Cox as much as they can flourish and grow on the contributions of a

Talcott Parsons, a Robert Merton, a Paul Lazardsfeld or a Seymour Martin Lipset. Black students should be able to question the relevance of the anthropological teachings of an Elliott Skinner or a James Gibbs, as much as they are encouraged to test the theories of a Margaret Mead or a Carlton Coon. I do not want to be caught in the verbal trap as to whether or not there is such a thing as a Black psychology, or a Black sociology, or indeed, a Black anthropology. I do contend, however, that there are widening vistas of knowledge about human experience, that shaped and modified by varying cultural, social and even physical milieu can and do suggest possible recasting and reformulating existing theortical constructs and concepts about human behavior. That is what Black professors focusing on the Black experience in the Social Sciences can do for us and we should welcome it. Thus, the alienation and isolation of Black students from all but a mere semblance of their cultural roots and experiences makes their demands for substantial increases in the number of Black students, faculty and staff legitimate and compelling. I took the position earlier in the paper that current Black student demands reflect the long and unmet insistence of the Black community in America for full inclusion into the American social system. Dr. Gloria Joseph states the Black student position well:

"The black students' problems at the universities are largely based on the fact that White America has not included Black America in its mainstream of life. Now that numbers of intelligent, militant and dedicated black youths are demanding a first-class role, the institutions of higher learning should embrace them jubilantly. For in so doing universities have an opportunity to rectify one of our most glaring problems . . . If one were to examine the 'demands' made by Black students to their colleges, one would be hard pressed to find an unreasonable or irrational request. The vast majority of these demands and requests are things that the university should have implemented years ago."

Let's look at a sampling of the "demands" that have variously been described as "folly," "ridiculous," "fascistic," "stupid," "bigoted" and "paranoidal."

The Black Studies program at the University of Buffalo was conceived and designed by members of the Black Students' Union. It's chief architects were two Black Ph. D. candidates in History. The original proposal, though approved in principle by the Select Committee in the Summer of 1968, underwent several revisions before becoming the present working document for the program. With student consultation, Dr. Hollis Lynch, newly appointed as Associate Professor of History, was named as the first director of the program. Faculty members, both Black and White, teaching courses pertinent to Negroes were asked by the Black Studies Committee to consider reorienting their courses where feasible to take into account some of the more current issues and problems facing the Black community. Some professors were asked if they would be willing to initiate new courses that would focus upon one or more dimensions of the Black experience. Support from the faculty was quite gratifying. Twenty-four professors, mostly from the social sciences and the humanities joined the program as Associates. This Fall these men will be strengthened by the addition of 10 half-time faculty who will divide their time between teaching assignments in their respective disciplines and serving as core faculty in the Black Studies Program. Students can major or minor in Black Studies social sciences or Black Studies Humanities; with two courses required for admission into the Program:

Black Studies 100: The African Background: An introduction to the History and Culture of traditional Africa. Also to be surveyed are the slave trade, the black diaspora, survival of Africanisms in the New World and the attitude of New World Blacks to Africa.

Black Studies 200: The Afro-American Today: Problems and Prospects.

There is a strong international dimension to the Black Studies program at the University. The Black Studies Program in cooperation with the Council for International Studies at the University sponsored this past Spring one of three conferences on the subject of Africa and Afro-Americans, with participants drawn from the United States, Africa and the Caribbean. A second conference is scheduled for late Fall or early Spring in Ghana and a third for the latter part of 1970 in the Caribbean. Further inter-ethnic cooperation and support has been assured by the assignment of one of the most attractive buildings on the campus by the University as a Center for Inter-Ethnic Studies. The Building will house in addition to the Black Studies Program, a Black Student Lounge, an International Student's Lounge, Offices of the Experimental Program for Black and Puerto Rican minority students, the offices of the Select Committee for Equal Opportunity, library and research facilities for the Center for the Comparative Study of Race and Ethnicity, the African, Latin American, Pacific and European Research Committees, and the Offices for Foreign Student Affairs. The Black Studies Program is integrally tied in with a facility located within the Black community of Buffalo, formally identified as the Educational Service Center, but more popularly known as the "University of the Streets". At the Center, courses for credit and non-credit are offered on subjects of immediate bearing and interest to Black Students and members of the Black community.

I had come to know some of the Black women at Vassar fairly well during two visits on campus to discuss with them and the administration a proposed Black Studies Program. But the high point of my visits there was a session which I attended where the Students Afro-American Society (SAS) came in a body to present their "demands" to the Dean of the College: The slightly less than fifty students accompanied by a community leader and Ossie Davis, the Black actor, whose daughter was in the group, displayed a quiet dignity, calm and sense of determination that is so often the occasion of adult pride in this generation of young people. The students called for the establishment of a center for black studies in downtown Poughkeepsie. The center, for which funds will be sought independently, will engage in research into and offer courses "on the experience of being black as well as the education of black students in their history, their present situation in America, and the positive steps necessary for the betterment of their lives in the future." Study at the center will focus on such specific areas of action, as Black Philosophy, psychology of racism, Black religion and contemporary Black art. Although students will receive credit for work carried out in the Center, most of their college work will continue to fall within regular Vassar courses. The Director of the center may either be appointed as a member of an existing department, employing the traditional criteria for faculty appointments or may be appointed as an administrative officer upon recommendation of the Dean of the Faculty and the Faculty committee of the urban center. In either case the appointment would be made in consultation with the members of SAS.

Black students at Vassar have also proposed the creation of a black center on the main Vassar campus. This center will provide housing accommodations for a limited number of Black students and also serve as a cultural and social facility for other Black students. Finally, Vassar students have asked for the appointment of a Black advisor for black students, and a budget to support black-oriented cultural and educational activities on campus and in the community.

Harvard offers a final illustration of Black student maturity to which I would like to refer. At the invitation of a committee of Black students representing the Association of African and Afro-American Students of Harvard and Radcliffe, I spent a day on the Harvard campus discussing their plans for an Afro-American Studies Program. For one and a half hours, I enjoyed one of the most intellectually stimulating and provocative discussions that I have ever had barring age, race, sex or level of educational attainment. The topics ranged from political ideologies to parameters of Black student action within the Harvard structure, the Black communities adjacent to Harvard and the Black communities from which they come and to which many of them hope to return. As I discussed with them requisite qualifications for their first senior appointment to their program, it was evident that they had given much thought to this search. One student, a freshmen, remarked to me, "We want a man who is not only intellectually sharp in his discipline, but one whom we can be proud of when he stands up to speak for our program and for us before the faculty." The following are pertinent excerpts from the Harvard Report on American Negro Studies:

"Black students feel alienated from, even neglected within Harvard; but so, as we know, do many whites. Black students seek and expect 'relevance' from their Harvard education, but obviously they are not alone, at this time, in voicing such an expectation.

"However, the black experience is not simply a mode of the general student experience, it is different, and not merely in degree of intensity, from that of Harvard's white students . . . The absence of course offerings in many areas of Afro-American culture is emphatically a matter of more than academic or pedagogical concern to black students. Indeed, it seems likely that the absence of such offerings is the single most potent source of black student's discontent at Harvard . . ."

"Among black students there is a strong and definite, indeed presumably unanimous, desire for the creation of a social and cultural center for black students. Such a center is conceived as something of a counterpart of Hillel House, the Newman Center or the International Center."

The University Committee charged with responding to the above Black student concerns offered the following recommendations:

1. Development of undergraduate and graduate degrees in Afro-American Studies.
2. Appointment of new faculty members—term, tenure, and visiting—in Afro-American studies and other degree granting programs within the university to conduct these degree programs and offer appropriate courses.
3. Greater emphasis on the experience of Afro-Americans in courses offered by departments and committees.
4. Stimulation of increased research in Afro-American studies, throughout the university.
5. The establishment of a research center or institute concerned with Afro-American studies.
6. Among black students there is a strong and definite desire for the creation of a social and cultural center for black students. It is recommended that the dean urge all appropriate elements of the university to use their good offices in securing and financing a building and providing continued support to the activities of such a social and cultural center.

One can only conclude from the excerpts cited above that Black students are not asking for any diminution in the quality of education demanded by all students in American universities. Rather, they are calling for increments to the higher educational process previously overlooked or ignored.

This generation of Black students in their demands upon our colleges and universities for an education relevant to their quest for equality in America, continues a tradition that spans over 200 or more years. Denied any meaningful role in the economic sector for American Blacks, education has been traditionally viewed as the most salient instrumentality for upward economic and social mobility in the United States. For some, like Phyllis Wheatley and Sojournor Truth, education was obtained through the paternal benevolence of a charitable slave master. Others such as John Chavis and Henry Russwurm secured their education in leading White universities, although their life's work was to be spent in behalf of enslaved Black peoples. Still others were to be first students, then teachers and finally administrators of the more than 200 predominantly Black colleges and universities located mainly in the South. Finally, Black students and faculty began the emotional and intellectual push into predominantly White institutions of higher learning. Out of this historic educational search for a wider, deeper, cultural and social outreach into American life, at no mean economic and personal sacrifice, have come the major core of Black leadership in this country, past and present. They worked against almost insuperable odds. They frequently made inhuman demands upon themselves in performance and goals—but they made it. It is in this same spirit and tradition that I view Black student development in the present period. They are telling us that they are prepared to come from some of the worst housing of any major minority group in the United States; that they have sustained some of the most serious educational damage, in some of the worst educational systems in our country; that they have had to run faster to catch up with advantaged Whites than any other disadvantaged minority; and that regardless of the cost in social tension and stress, there is no turning back for them. Nor is there any turning back for their universities either.

The presence of black students in the white college communities has been a jolt to many people who thought that the scholarly world would be immune to the problem of racism. It has brought some academic practices and habits of mind to the surface where they can and must be examined. Our universities and colleges are in an excellent position to help us understand and deal with the racial problem. There is no rigid formula to present to universities that would enable them to solve the problems that their institutions must confront and meet. Primarily, the colleges must realize that there is no overnight cure and that things cannot be swept under the rug. Indeed, to try to do so may be to guarantee a social explosion of incalculable dimensions. Rather, the task of the university is to face these problems squarely, openly, and compassionately . . . The problem of achieving a truly democratic campus may seem impossibly intricate, but there is no turning back.

While Black students deserve much more than they are demanding, they cannot, nor should not be asked to settle for any less.

FOOTNOTES

[1] "Black Studies Programs and Civil Rights Violations," American Council on Education, Special Report, April 8, 1969.

[2] *The Gazette,* State University of New York at Buffalo, May 10, 1968, pps. 2 and 3.

[3] "The Black Mood on Campus," *Newsweek,* February 10, 1969, p. 57.

[4] *Buffalo Evening News,* February 8, 1969.

[5] *Op. cit.,* A.C.E. Special Report, p. 1.

[6] "The Road to the Top is Through Higher Education—Not Black Studies," W. Arthur Lewis, *New York Times,* May 11, 1969, p. 1.

[7] *Ibid.,* p.

[8] *Chronicle of Higher Education,* Department of Health, Education, and Welfare, April 21, 1969.

[9] *Op. cit.,* W. Arthur Lewis, p. 44.

[10] *Op. cit., Newsweek,* February 10, 1969.

[11] *Ibid.,* p. 55.

[12] *Ibid.,* p. 46.

[13] *Ibid.,* p. 46.

[14] *Op. cit., Newsweek,* February 10, 1969, p. 59.

[15] *Congressional Record,* May 13, 1969.

[16] *The Daily News,* St. Thomas, V.I., June 11, 1969.

[17] "Black Studies Ahead," Eugene D. Genovese, *The Atlantic,* June, 1969, p. 37.

[18] *Op. cit.* Rustin, *Congressional Record.*

[19] See article, "Historian Says Negro is Gaining as Migrants from Europe Did," *New York Times,* June 1, 1969, p. 47.

[20] *Op cit.,* Genovese, p. 38.

[21] *New York Times,* January 19, 1969.

[22] *Liberator,* Vol. 7, No. 8, August 1967, p. 3.

MISREADING THE RECORD

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. JACOBS. Mr. Speaker, I found the following editorial from the Milwaukee Journal to be most incisive:

> MISREADING THE RECORD
>
> Richard Nixon came to the presidency asking people to lower their voices, to speak softly, calmly, responsibly. Yet at times he ignores his own advice.
>
> At the recent Governors' conference he said of federal social programs during the Kennedy-Johnson era that, "far from solving our problems, these expenditures have reaped a harvest of dissatisfaction, frustration and bitter division." Then he declared: "Never in human history has so much been spent by so many for such a negative result."
>
> What were the elements of this supposed disaster? They were things like medicare for the elderly; medicaid for poor families; aid to education that helped millions of grade, high school and college students; housing programs for millions of low- and middle-income families; spending for cleaner air and water, for hospital construction and health manpower, for libraries, for vocational rehabilitation, for attacks on cancer, heart disease, mental retardation, mental illness, street crime, juvenile delinquency.
>
> Not all programs have worked well. Many mistakes have been made. Too many promises were uttered and not kept. But to characterize these and other federal efforts in the social field as a kind of collective catastrophe is nonsense. An enormous amount of good has been done. Significantly, the Governors, after politely listening to Nixon, came out in favor of enlarged federal programs in vital areas.
>
> As for expenditures, they may appear relatively large, but often they have been tragically inadequate. Too many programs, such as the "war on poverty," were given enough funds to falter, but not enough to achieve dramatic breakthroughs. Despite howls about the cost of welfare grants to the poor, the nation spends at least twice as much on alcoholic beverages. The total outlay of the Department of Health, Education and Welfare in 1968 for over 250 programs (including social security) came to only 4.8 per cent of the nation's gross national product; defense took a bite twice as large.
>
> Nixon, to be sure, has inherited troubles. But to attribute them so heavily to the activism of the Kennedy-Johnson era is to forget what matters would be like if the federal government had been docile and indifferent. Surely Nixon is not suggesting a return to the leisurely Eisenhower period, when a President would do such things as seek elimination of federal grants for water pollution control at precisely the time the problem was moving into the acute stage.

RURAL HOUSING—AN AID TO URBAN HOUSING

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. ZWACH. Mr. Speaker, in the committee report for H.R. 13827, the Housing and Urban Development Act of 1969, the following is stated:

> The Census Bureau projections for 1970 and other studies indicate that there are a total of 5.9 million substandard housing units in the Nation and that 4.2 million of them, more than two-thirds, are in rural areas.

Throughout my district, indeed, throughout many of my colleagues' districts, there is a crying need for housing. There is no question about it. And yet, could not our housing problems be contained if we would direct our priorities to solving the rural housing situation as well as the urban. All areas of our Nation need improved housing and we must begin today to give it. It is my belief that if housing in the rural area is improved the pressure on our cities will be proportionately reduced in this area.

Mr. Speaker, section 411 of H.R. 13827 covers rural housing in this bill. I support this section and hereby insert it in the RECORD so that all may know that we are moving in the right direction:

> RURAL HOUSING
>
> Section 411(a) would extend for a 1-year period from October 1, 1969, to October 1, 1970, the various rural housing authorities which would otherwise expire this year.
>
> Section (b) removes the $100 million ceiling applying to the amount of unsold insured mortgages that can be held at one time by the Secretary of Agriculture.
>
> The fund was taxed to capacity last year to make about 50,000 insured home loans, a volume which can be classed as only tokenism in terms of the Nation's rural housing needs, indicated by a backlog of 70,000 loan applications on hand at Farmers Home Administration in May of this year.
>
> The Census Bureau projections for 1970 and other studies indicate that there are a total of 5.9 million substandard housing units in the Nation and that 4.2 million of them—more than two-thirds—are in rural areas. Moreover, this rural housing recession is even more severe when it is viewed beside census data showing that 46 percent of the Nation's poverty stricken—11 million people—live in rural areas despite the fact that rural America has only 30 percent of the Nation's total population.
>
> Rural America suffers from a chronic shortage of adequate housing. In many rural communities the only source of loan funds, outside of Farmers Home, is the local bank. More often than not the bank's resources are too limited for it to extend long-term credit for housing while trying to meet other credit demands of the area it serves. The result is that Farmers Home has been—and is—the only vehicle consistently supplying mortgage funds at reasonable rates in most of rural America for credit worthy families

who cannot obtain loans from any other source.

Farmers Home Administrator, James V. Smith, testified before the House Banking and Currency Committee Housing Subcommittee that 300,000 assisted housing units must be supplied annually in rural America if the Nation's housing goals are to be met within the 10-year period established by Congress in the 1968 Housing Act. His estimate is one-half of the total assisted housing required annually for the entire Nation.

Meeting the assisted housing needs for rural areas alone will require an annual investment of at least $3.6 billion, or $36 billion for the 10-year period—and this is a conservative estimate when it is assumed that the average cost of assisted housing would be $12,000 per unit.

Again utilizing the $12,000 per unit figure, a conservative estimate for rural America's entire housing needs would be 780,000 units a year, or 7,800,000 units in 10 years. This in turn would require a total investment of $10.9 billion a year or $109 billion for the 10 years.

At first glance, such estimates may seem to be unrealistically high, but they are supported by data developed by the Commission on Mortgage Interest Rates which reported the average annual cost of the investment required to meet the Nation's housing goals is $49.4 billion. To say the least, this parade of figures makes it imperative that every effort must be made to marshal the resources needed to meet rural housing needs, which are far more severe on a proportionate basis than those of urban centers.

This is particularly true in terms of expanding the capacity of Farmers Home Administration since it is the only vehicle which has consistently supplied mortgage credit in rural areas and, under the present circumstances, it is the only vehicle which can be expected to do so in the future.

By the same token, there should be no hesitancy to recognize and respond to the needs of Farmers Home through the special assistance fund of the Government National Mortgage Association. Farmers Home should receive treatment proportionately equal to that afforded to all other Government housing programs.

Section (c) would amend the Rural Housing Act to enable the Secretary of Agriculture to sell insured notes in blocks, as well as individually. These transactions are to be treated as the sale of assets for budgetary purposes. Proceeds from the sale of such notes would be invested in insured mortgages, or part interest therein, so that the investment of the purchaser would remain constant over a period of time.

At present Farmers Home is restricted to the sale of individual mortgage notes to investors. Under the best of circumstances, this arrangement must be described as awkward. The nonstandard character of the paper now requires that purchasers keep records on the notes, which are subject to return to Farmers Home for periodic servicing as well as liquidation. They also create the task of continual reinvesting of the proceeds by the investor.

These circumstances are viewed as troublesome by investors, with the result that Farmers Home must pay ¼ to ¾ of 1 percent more in interest rates as compared to other Government agencies when it sells its paper on the open market.

These conditions contributed to a crisis in Farmers Home last spring when it had a very large backlog of unsold paper which could not be moved on the open market—beset then, as it is now, with a high interest-tight money situation. The amendment is proposed to streamline the structure under which Farmers Home sells its notes so that its paper can be purchased and handled as similar obligations normally are.

Section (d) amends the act to allow Farmers Home to make advance commitments to builders so that a number of homes can be constructed at one time where a definite market exists. Thus, a far greater number of homes, possibly at lower costs due to volume construction, can be provided in a given time period. As it stands now, Farmers Home is authorized to obligate funds only after a loan is approved and the contractor starts construction only after the loan is closed, with the result that building is done on a single-unit-at-a-time basis. Volume construction is made virtually impossible. Under this amendment, Farmers Home could agree in advance to make home ownership loans to qualified families for houses built in accordance with approved plans and specifications and for sale prices that do not exceed the appraised value and other specified limitations. The builder would understand that the house is his responsibility until all Farmers Home conditions have been met and the sale has been completed.

Section (e) amends the act to merge the Farmers Home Administration direct home loan program with the insured home loan program.

Until 1965 Farmers Home was restricted to making direct loans only. In that year Congress, in order to significantly expand the home loan capacity of the agency without a corresponding increase in annual appropriations, created the insured loan program with an allocation of $100 million. The insured loan program was inaugurated through establishment of a revolving fund with the sale of insured notes on individual mortgages in the open money market, bring private money into the program. Specifications governing the operation of the insured loan program have meant that, from 1965 on, almost all the home loans approved by Farmers Home for low and moderate income families were made through the insured loan account which, as stated earlier, is totally inadequate to meet rural housing needs. Since that date, the main focus of the direct loan program has been on the issuance of relatively small loans to low income families for home repair purposes, and for loans to persons whose homes were damaged or destroyed as a result of a natural disaster. During the following years the payback on outstanding direct home loans, coupled with the appropriation that was made in preceding years, has produced about $250 million in uncommitted funds in the direct home loan account. These funds are desperately needed for the insured home loan program because almost all home loans are being made from it. Merging the direct home loan fund into the insured home loan fund will assure the utilization of money which was specifically appropriated for home loan purposes. In addition, the amendment would serve to streamline the Farmers Home loan program.

All Farmers Home Administration loans being made are, in essence, direct loans, whether they are insured or not because borrowers receive the funds from the agency. The difference between the two rests on the fact that, in the case of direct loans, a number of years pass before the borrower is able to refinance the loan and retire the obligation to Farmers Home whereas, in the case of insured loans, the money is replaced within a year through the sale of notes on the open market. Over the years it has become apparent that there is little logic in having two separate housing loan accounts.

It should be emphasized that the amendment in no way diminishes the authority of Farmers Home to continue making direct home loans. The importance of such loans cannot be overemphasized since they provide the only avenue for many low-income rural families to finance improvements that move them toward adequate housing.

Section (f) repeals the 5,500 population limitation which applies to areas in which Farmers Home now serves. In effect, the Secretary of Agriculture is left to determine what areas of the country are basically rural in nature and, therefore, can be served by the agency.

The rural housing programs of the Farmers Home Administration have reached with increasing effectiveness into most of our small rural communities. But because of the arbitrary 5500 population limit in section 520 of the act, many families living in other areas which are just as truly rural have not had access to credit needed for decent and adequate housing.

The committee's purpose in proposing the repeal of section 520 is to remove an arbitrary fixed barrier and, instead, entrust to the agency which has had 20 years of experience in administering rural housing loans, the responsibility of defining rural areas in a manner consistent with the basic purpose and limitations of the title V program. Rural areas should be defined by the agency so that the program will be able to serve families living in a community which is truly rural even though its population exceeds 5500 or it lies within the boundaries of a municipality containing a total population in excess of 5500.

The committee does not intend that rural areas be defined so as to permit rural housing loans to be made in a community which is geographically or economically part of or closely associated with an urban or suburban center or complex or in any other urban-type community where home mortgage credit is normally available to low and moderate income families in adequate supply.

It should be clearly recognized that even with the expanded capacity of its insured home loan program proposed in this act, Farmers Home will, at best, be able to finance little more than half the assisted home loans required to meet the Nation's housing goals as they apply to low- and moderate-income rural families.

The gap between need and response is even more pronounced if the requirements of families at or below the poverty level are viewed alone. Over the past 20 years Farmers Home Administration has provided financial assistance for approximately a quarter of a million rural families through its housing programs but there still are some [illegible] million families living in substandard homes in rural areas.

None of this is meant to slight Farmers Home, which has done an excellent job despite the restrictions of inadequate loan funds, administrative budget, and staff. Nevertheless, these restrictions, even with some expansion of the insured home loan program, gives rise to the question of whether this agency can realistically be expected to meet the housing needs of rural America.

It was never the intent of Congress to make Farmers Home responsible for all the insured and assisted housing loan requirements of rural areas. But it clearly was the intent of Congress that the Department of Housing and Urban Development is to serve the entire Nation, both rural and urban and that in fact HUD was created to be the Nation's housing department.

An analysis of cumulative figures supplied by HUD for its low rent public housing projects, 221 housing program and water and sewage programs leaves no doubt that the vast bulk of that Department's resources have been concentrated in the Nation's urban centers and that rural America has been virtually excluded from the assistance that it by law is supposed to provide.

As of December 31, 1967, HUD had provided a total of 680,664 low rent public housing units for the Nation, but only 100,090 units, or 14 percent of the total, were for rural communities of 25,000 population or less.

As of March 31, 1969, HUD has provided 150,285 units under its 221 assisted housing program, but only 4,847 units, or 3.23 percent of the the total have gone into rural America.

The conclusion to be drawn here is that the Nation has two housing programs, neither of which is even approaching adequacy in terms of rural housing requirements. If the Nation's housing goals are to be met—including those of rural America—then the structure, funding, and operational procedures of both HUD and Farmers Home should be closely examined from the point of view of developing necessary improvements.

PARTNERS OF THE ALLIANCE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. OTTINGER. Mr. Speaker, one of today's most impressive and energetic overseas programs is the Partners of the Alliance—a unique and successful conception joining States of the United States with similar areas in Latin America. They are united by the common goal and desire of working together to attain social and economic development through a people-to-people relationship.

An article describing the Partners' activities in Latin America recently appeared in the National League Journal and I am pleased to insert it herewith for inclusion in the RECORD:

THE ALLIANCE HAS MANY PARTNERS

On May 14, 1969, in Salt Lake City, 350 delegates from 17 hemispheric nations rose to their feet and cheered as they unanimously adopted a special resolution requesting air transport assistance for the movement of program volunteers and donated equipment in grassroots projects of the Partners of the Alliance program.

Their action was not the result of convention platitudes and resolution-passing, but of a demonstrated need.

In 1968, funds provided through the National Association of the Partners of the Alliance by A.I.D. enabled 350 program volunteers to work on Partners projects. During the same period, private donations in the United States enabled 1200 project volunteers to travel in Latin America, and funding from Latin America enabled 560 Latin American volunteers to work on activities in the United States.

Last year, more than 660 tons of new and carefully screened used equipment were shipped to Latin American Partners through privately arranged means.

The tragedy, however, is that the Partners committees in the United States could have made available several hundred more professional and technical volunteers and literally thousands of tons of hospital equipment for rural hospitals; tractors and other implements for agricultural schools or cooperatives; educational equipment and supplies; steel cable for suspension bridges to bring isolated villages into national life; generators; engines; new books for libraries; rice hullers for Amazonian settlements; and countless other types of commodities for people-oriented projects.

The problem was transportation.

This was the setting in Salt Lake City when the private sector leaders from throughout the hemisphere sprang to their feet and cheered in support of the resolution which called for the assignment of one airplane to the Partners of the Alliance . . . one airplane to be devoted to bringing together the citizens of the Americas in an action program dedicated to the cause of understanding and peace.

The airplane—and the program itself—can be justified by the cost-benefit ratio in terms of dollars, but the real value of the Partners of the Alliance and the contribution which could be made by the assignment of the air transport is to be found in the intangibles which come from people working together with people in a spirit of partnership.

After the resolution was passed, a petition was presented to the Assistant Secretary of State for Inter-American Affairs, Charles Meyer, by action of the delegates to the IV Interamerican Conference of the Partners of the Alliance.

But what is the Partners of the Alliance? Who are the people who met in Salt Lake City, and what are they trying to do?

The Partners are people . . . people doing something about hemispheric understanding by working together in an action program. They are men and women of many fields of interest bound together by a common determination to help make the hemisphere a better place in which to live.

They are such men as Rex Baker of Houston and Arthur Tonsmeire of Mobile; Royden Derrick of Salt Lake City and Hickman Price of Washington, D.C.; Will Pirkey of Denver and Edgar Ribas of Curitiba, Brazil. They and thousands of their private sector colleagues from throughout the hemisphere are working in the cause of orderly development and hemispheric peace.

In its early days, the Alliance for Progress was little understood by people throughout the hemisphere, and while its goals were nobly expressed in the Charter of Punta del Este, its translations in terms of citizen participation was lost in the organizational drive of government-to-government programs.

To the rural campesino or to the citizen living in the barrio of an urban area, there was little understanding and little visibility in the early stages of building a savings and loan system even though such a system would help meet the basic need of housing and ultimately have high visibility. The expansion of institutions of higher education, the development of distant ports, the improvement of communications, and the effect of agricultural research were lost in the maze of day-to-day problems of the campesino or barrio dweller.

To them, the Alliance for Progress had meaning to the degree to which there was response to their own self-help efforts . . . a roof for a school which they had constructed of adobe; a pump for the well they had dug; hand tools with which to convert a trail into a farm-to-market road; or a loan to a cooperative for the purchase of a truck to haul products to market.

These high-impact but economically low-priority activities could not fit into the nation's economic development plan. The citizen level initiative, however, reflected the spirit of the Alliance for Progress at its best.

While a need existed to respond to local level self-help activities in Latin America, many citizens and private organizations in the United States were ready and willing to help. In the early days of the Alliance, those who were working in the government-to-government programs were asked by highly skilled and motivated individuals, "What can I do? Is there a constructive way in which I or my organization may give of time or means to the Alliance?"

The answer could have been, "Write your congressman and ask him to support the foreign aid bill." This, however, would have been neither effective nor appropriate.

While support of the AID appropriations was vital, the people wanted to be involved directly. No means existed, however, to articulate that interest in the form of an operational program of private citizens.

In bringing about involvement of people at the grassroots level, another factor had to be considered, the factor of human dignity. The people of Latin America, just as the people of the United States, strongly resent and properly reject any program which is put forward in a patronizing way. While real and recognized needs in the economic and social areas were receiving attention, very little thought was being given to the contribution which Latin America could make to the United States.

A need existed to bring the people of Latin America into the role of participants, rather than recipients. Combining this principle with the fact that the people of other American Republics have much to contribute to the United States, we had the elements of "partnership" activities which give full recognition to importance of "dignidad." Private sector groups in the United States can respond to local self-help efforts in Latin America, but they can also receive contributions from their Partners in the form of touring art collections, visiting teachers in language, music, art, history, and other fields.

Thus, the Partners of the Alliance was born of a set of opportunities, as well as needs.

First conceived on a cold and bouncy train ride from Puno to Arequipa on the high plains of the Peruvian Andes, the Partners of the Alliance now involves citizens in 37 states and 37 areas in 16 Latin American nations. The goal: to bring people into the action orbit of the Alliance for Progress, and by so doing establish friendships that transcend not only official national borders, but national differences in terms of official policies on trade or aid.

The Partners of the Alliance office in AID was established to serve as the initial catalyst to bring together private citizen groups in the United States and Latin America. Partners of the Alliance committees are formed on a state-wide basis by interested leaders in the fields of education, business, health, labor, agriculture, and finance. Civic clubs, student groups, trade associations, and individual citizens can participate through the instrument the Partners committees.

Following the formation of the counterpart committees and after basic information has been exchanged, funds provided by the Agency for International Development are made available for the transportation and per diem expenses of a "program development team" representing the U.S. Partners committee to meet with the Latin American Partners organization.

For approximately two weeks, the U.S. team visits schools, hospitals, agriculture projects, rural medical posts and hospitals. They eat the dust and wade in the backwash of the rivers. The final two days of the team visit are given to discussions from which evolve mutually identified projects of a self-help nature which the Partners will implement from private resources.

Most Partners projects fall into the categories of: (1) education, (2) public health and medicine, (3) agriculture and rural development, (4) business and industry, and (5) cultural exchanges.

By March of 1969, the U.S. Partners had been responsible for a flow of more than $13,000,000 in hard contributions to their Latin American partners. This figure does not include another $2,000,000-plus from Partners-inspired foundation assistance.

Nor does it include very significant contributions in the form of packing, shipping to port, transporting donated equipment by sea or air, room and board for students on scholarships or for volunteer participants from Latin America, or local administrative costs and a significant amount of local and international travel.

As the resolution says, one airplane—designed for purposes for war to be converted to serve the cause of peace and understanding in the hemisphere—is wanted by the Alliance for Progress Partners of the Alliance.

POINT REYES NATIONAL SEASHORE

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mrs. HANSEN of Washington. Mr. Speaker, much has been written and said during the past several weeks with regard to the preservation of the Point Reyes National Seashore as a unique and pleasant recreation area to be enjoyed by the people of this Nation.

The Point Reyes National Seashore was authorized by Public Law 87–657, enacted September 13, 1962. This legislation provided an authorization for the appropriation of $14,000,000 for the acquisition of land and waters and improvements thereon, and interest therein, and incidental costs relating thereto in accordance with the provisions of the act.

Approximately 4 years later, Public Law 89–666, enacted October 15, 1966, increased the authorized appropriation from $14,000,000 to $19,135,000.

To date, a total of $19,135,000 has been appropriated pursuant to the provisions of the authorizing legislation for Point Reyes.

In the meantime, Mr. Speaker, for various reasons, principally the escalation of land prices in this area, it has been determined that an additional appropriation of funds for land acquisition of between $47,000,000 and $57,000,000 is urgently required for the acquisition of the remaining acreage at Point Reyes. According to information furnished the House Appropriations Committee, approximately 20,000 acres have been acquired of the total 53,000 acres authorized for acquisition.

The current crisis is caused by the fact that much of the acreage still to be acquired by the Federal Government is facing the immediate threat of development by various construction contractors. Naturally, if this should occur, the price of the developed acreage could increase to the extent that the Federal Government would be unable to acquire it.

The House Committee on Appropriations on numerous occasions has been implored to "do something to save Point Reyes." Mr. Speaker, I take this opportunity today to make the record clear that there is not much we can do through the appropriations process at this time and place to alleviate the current predicament.

The full amount of the authorization has been appropriated. We cannot appropriate additional funds for Point Reyes until the authorization has been increased. In view of the current position taken by the Bureau of the Budget, even if we did have the additional authorization and additional funds were appropriated, I cannot be certain such action would ease the Point Reyes situation. The Bureau of the Budget says it is necessary to limit expenditures in view of the current budgetary situation, and that priorities must be drawn.

The recent amendment of the Land and Water Conservation Fund Act provided that a total of $200 million would be available each year for 5 years for the acquisition of recreation areas. The budget estimate we received for fiscal year 1970 was for $124 million. That was the amount appropriated. Previous experience has shown that when the executive branch is disinclined to use funds for a particular activity, even though the Congress may appropriate additional funds, the excess appropriation is very likely to be placed in budgetary reserve.

I have followed very closely the dialog my colleague, the esteemed chairman of the Interior and Insular Affairs Committee has had with the Bureau of the Budget with regard to the use of land and water conservation funds. I must say that I am in agreement with his philosophy, that it is useless for Congress to authorize new parks and recreation areas if the executive branch is not willing to allocate funds for their acquisition.

So that there will be complete understanding of the problem involved, I am inserting in the RECORD a copy of the letter of September 10, 1969, to Hon. WAYNE N. ASPINALL, chairman, Committee on Interior and Insular Affairs, from Mr. Robert P. Mayo, Director, Bureau of the Budget.

BUREAU OF THE BUDGET,
Washington, D.C., September 10, 1969.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter reflects the separate views of the Bureau of the Budget which the Department of the Interior advised your Committee we would be transmitting in regard to several bills establishing new Federal park and recreation areas or increasing the monetary authorization for such areas.

As you know we have been deeply concerned over land acquisition problems and particularly the problem of escalating land costs as they have related to the acquisition of areas for Federal park and recreation purposes. We know that your Committee has fully shared our concern.

We believe there is general agreement that agencies should acquire parks and recreation areas as promptly as possible after authorization in order to (1) avoid the cost of prolonged land price escalation; (2) avoid the possibility of adverse developments in the authorized areas; and (3) minimize the period during which property owners are adversely affected by imminent Federal acquisition. However, despite a substantial increase in the funds available for parks and recreation land acquisition through the Land and Water Conservation Fund, in many cases it has not been possible to acquire the properties necessary for properly administrable areas.

While our concern extends to all three Federal agencies for which amounts are budgeted under the Land and Water Conservation Fund, the National Park Service accounts for the largest and most specific share of the commitments against the fund and typifies the problem that concerns us. We can illustrate the problem and its implications by discussing the acquisition program for the National Park Service.

The acquisition program for the National Park Service after FY 1970 would cost about $275 million assuming no new areas are added and assuming current land prices. While we do not know at this time what the 1971 fund availability for the National Park Service land acquisition program will be, we see little likelihood of the FY 1971 program being larger than the FY 1970 program. In fact, even to maintain the 1970 level of program obligations will require substantially increased budget authority, since the 1970 acquisition program is being financed in substantial part by balances carried over from prior years, all of which will be used during 1970.

If budget constraints approximately equal to the present ones continue in 1971, 1972, and 1973, and *at current prices,* the Department of the Interior will not be able to complete its program for land acquisition in existing areas by the end of fiscal year 1973, when the current augmented fund authority expires. Thus, even without authorization of new areas and under optimistic assumptions about the stability of land prices, deferrals in the Park Service land acquisition program in recently authorized areas or a reduction in the amounts proposed for acquisition of inholdings in older areas, or both, will probably be necessary. The allocation of funds for acquisition of areas yet to be authorized would require still greater reductions in funds for acquisition of existing areas or inholdings. This would also be the case if funds were allocated under proposed increases in land acquisition authorizations, as for Point Reyes.

Even if the 1970 budget authority for the National Park Service were doubled in 1971, 1972, and 1973 to $75 million annually—which would utilize less than the total authorization available—not more than $44 million would be available for not yet authorized Park Service areas. (Some additional amount would be available for acquisition of not yet authorized Park Service areas if it is unnecessary to use the full amount authorized for appropriation for the Redwood National Park.) However, in order to have as much as $44 million available for such new areas the present constrained levels of inholding acquisition by the National Park Service would have to be maintained during those years. Also, to the extent land prices increase above their present levels some part of the $44 million would be absorbed just to complete acquisition of already authorized areas.

This difficult situation, which has continued despite augmentation of the funds available for land acquisition purposes, has led us to give a great deal of thought to the possibility of developing and establishing generally acceptable priorities for proposed areas. We have been unable to accomplish this within a time frame that would avoid unduly delaying Congressional consideration of pending legislation.

The priority of a particular area seems to us to be a complex product of perhaps six principal and several additional factors, most of them highly judgmental. These six principal factors are: (1) the priority of the principal Federal purpose to be served by the area (bearing in mind that areas are authorized for a wide variety of purposes), (2) the overall quality of the area for its principal purpose (recognizing that most areas are authorized for more than a single purpose), (3) the relative supply of other areas serving a similar purpose for potential users as well as the number of such users and the proximity and accessibility of the area to them, (4) the relative cost of the area compared with other areas which would serve a similar purpose, (5) the threat to the area by conflicting purposes or adverse development, and (6) price escalation potential, particularly as escalation might be affected by authorization.

While we believe these are the key factors, we have not as yet been able to apply them in sufficiently precise fashion to provide a clear and objective basis for allocating a higher or lower priority, for example, to Point Reyes acquisition than to Cape Cod, or to give a seashore recreational area higher or lower priority than areas with other principal purposes. We believe, however, that these criteria are appropriate ones for both authorizations and appropriations involving land acquisition for park, monument, and recreational purposes. We intend, therefore, to work further on this difficult task with Interior and other interested agencies, especially through the Environmental Quality Council.

While in the circumstances we would have no objection to enactment of H.R. 3786, increasing the authorization ceiling at Point Reyes National Seashore, H.R. 1187 and H.R. 5246, increasing the authorization ceiling at Cape Cod National Seashore, or S. 853, establishing the Sawtooth National Recreation Area, we must reiterate that funds likely to become available will not be sufficient to permit acquisition of such areas without extensive curtailment in already programmed land acquisition.

Sincerely,

ROBERT P. MAYO,
Director.

WAS THIS TRIP REALLY NECESSARY

HON. JOHN KYL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. KYL. Mr. Speaker, the following article was written by Reporter Tom Kuncl for the Davenport, Iowa, Times-Democrat. I believe the story should have wide distribution.

IOWA BOY'S "TRIP" PROVES NEARLY FATAL

(By Tom Kuncl)

He didn't answer roll call at Davenport West High School last Wednesday morning.

The boy was "off on a trip."

A drug trip, that filled four days with terror and pain, and nearly killed him.

When they found him last Saturday in Blue Grass he wasn't a boy anymore. He was like a whimpering animal, only half conscious, sobbing mindlessly in pain.

Wearing only undershorts and socks, he had run through the timber for a day, maybe two days. He doesn't know for sure.

Hundreds of cuts criss-cross his arms and chest. His hands and legs are gashed and swollen with infection. His knees look like raw hamburger because for some part of his tortured journey he crawled through rough country on his hands and knees.

Much of the skin from both his ears has been torn away. From his nose, too. Even his eyelids are cut above his vacant and staring blue eyes.

He ran through barbed wire, through brush and corn and bumped into trees and limbs, but doesn't remember much of it.

What he can remember is being patiently drawn out piece by piece by Scott County deputy sheriffs who have been with him in the intensive care unit of Mercy Hospital, Davenport, for many hours since he was found.

Saturday night, Deputy Ken Paulsen was sure that what had happened would never be known.

"The doctor said we were going to lose him because of what the pills had done. So we prepared to try for a dying declaration from him, to try and find out where he had got the stuff," Paulsen said.

"I'd rather have taken a beating. I didn't know how to tell a 15-year-old kid he was going to die," Paulsen said.

To take the dying declaration, and satisfy the law, Paulsen would have had to give it to him straight—that he was going to die.

Someone pulled a miracle, and the boy lived. Monday a Times-Democrat reporter listened at his bedside as he tried again to put the story together for Sheriff William Strout and Paulsen.

He headed for school Wednesday morning and met a friend outside. They didn't go in, but hitchhiked to Blue Grass and went to the house of another boy whom they both knew. There was another guy there, too. He had some pills.

"He had some that were black and yellow and some that were green and yellow. He had some more that were white and red.

"He was high and said he had some real good stuff, and it wouldn't hurt you unless you got an overdose.

"He said he could build me up to the right level and then taper it off," the boy in the hospital bed said.

Through the first day he remembers taking 10 of the capsules which he guessed contained a drug the junkies call "Speed." After that he doesn't remember another thing until three or four days later when he found himself in the woods, with most of his clothing gone.

"It started to rain and I hollered and hollered for help, but nobody could hear me. I was on my knees and I couldn't make my legs get me up.

"I tried counting to three and then pulling myself up, but I couldn't

"I crawled out of there on my hands and knees and finally I was in front of this house and I tried to get in.

"The woman who came to the door must have been alone and she must have been afraid when she saw how I looked, she wouldn't let me in," he said.

The woman called police and the boy continued to crawl on his hands and knees into a nearby garage. They found him there and took him to the hospital.

His mother and father were stunned. They had reported the boy missing when he failed to come home from school. They were sure that something had happened, but nothing could prepare them for what they saw at the hospital.

"We were sure he was going to die, it just didn't look like he could make it," his father said.

"We'd talked to him about drugs before. His brother had been in California and seen what it could do. We thought we'd told him all the right things," his mother said.

Did they think something like this could ever happen to their son?

"You want to believe they have more sense," his father said.

"Every parent must be afraid it could happen. Now we know it can happen," his mother said.

The anguished mother said that when her son became able to speak again he told her he thought God had deserted him, out in the timber, when he couldn't get to his feet.

"I told him maybe it was the other way around," she said.

"We've tried to be religious people," his father added.

In the hospital room. Strout asked the boy, "Why?"

"I didn't think anything like this could happen. He said it would be a good trip. Then I was in the woods and I thought 'I'm going to die down here, and no one is ever going to find me.' "

"Never again," he said, "Never again. I know it all now. I know all about it. There's nothing in it. Nothing for anybody."

Strout said Monday his department is continuing to put the pieces together.

One of the major problems in such cases is getting solid enough evidence against "dope pushers" to make a criminal charge stick.

"It's got to be stopped and stopped fast," Strout said, "or it's going to be out of control here.

"The youth is still in a dazed condition and efforts to question him about the identity of those responsible are slow at this point," Strout said today.

The investigation is continuing as the sheriff's offices seek those responsible for supplying the drugs.

"I wish every parent of teenagers could see the terrible condition of this boy to be convinced of the danger in use of drugs," Strout said.

"There's got to be more education. The government has got to get behind it; these kids have got to know what this stuff can do to them," he added.

For the boy's shaken parents there is anger and sorrow in the wake of what happened to their son.

"If I ever saw the kid that gave him those pills I would kill him, and I'd do it slowly," the boy's father said.

But in their shock the parents want also to help.

"You tell the real story," his father said. "Our boy has learned his lesson, but how many other kids are playing with drugs?"

"If I didn't think it would hurt his recovery I'd ask the high schools to send every one of their classes to the hospital to take a look at him," his mother said.

"They couldn't want to take a chance with their lives after that."

M-DAY FROWNED UPON BY MAJORITY IN SURVEY

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the Los Angeles Times, Oct. 18, 1969]

M-DAY FROWNED UPON BY MAJORITY IN SURVEY—SINDLINGER POLL OF 995 PERSONS FINDS RISE IN SUPPORT FOR NIXON'S VIET POLICY

NEW YORK.—A majority of Americans polled following national moratorium day were unsympathetic to the antiwar demonstrations and an even larger percentage endorsed President Nixon's Vietnam policies, it was reported Friday.

Sindlinger & Co., a marketing and opinion research organization in Norwood, Pa., conducted the survey by telephone Thursday, the day after the moratorium observance, questioning 995 persons throughout the country. Most of those questioned were over 25.

NIXON BACKED BY 68.5 PERCENT

The firm said that of the 78.6% who knew about moratorium day, 57.4% thought it was "an overall bad idea," 31.7% thought it was an "overall good idea" and 10.9% had no opinion.

Asked whether they believed Mr. Nixon "is doing all he can to settle the war in Vietnam," 68.5% said "yes," 20.9% said "no" and 10.6% had no opinion.

This was a rise in support for Mr. Nixon's Vietnam policies since a similar Sindlinger poll conducted in September. In that poll 61.5% of those questioned supported Mr. Nixon on Vietnam and 23.3% thought he could do more.

The support did not, however, reach the level of a Sindlinger poll in June when 72% backed Mr. Nixon and only 13.4% thought he could do more to end the war.

Albert E. Sindlinger, president of the firm, said it was significant that the percentage of persons with no opinion dropped from 15.2 in September to 10.6 in the latest poll.

"I think the moratorium actually solidified support for Nixon," he said, "The people we questioned were more vocal on this than on any survey we have ever done before."

Of those who did not endorse Mr. Nixon's Vietnam policies in the new poll, 67.9% wanted the war stopped with an immediate troop withdrawal and 27.6% wanted the war stepped up to "get it over with." The remaining 4.5% believed that Mr. Nixon should concentrate on domestic problems which they considered more important than the war.

NO LITTLE PROBLEM—NICKEL

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. MONAGAN. Mr. Speaker, I am deeply disturbed with a problem that confronts a large number of small manufacturers in Connecticut, attributable to prolonged strikes of Canadian nickel producers.

I have called upon the Secretary of the Treasury, the Honorable David M. Kennedy, to take immediate action to release nickel from the Treasury Department's reserve supply in the interest of the economic welfare of manufacturing firms and their employees who rely upon a normal nickel market. I have called upon the Treasury Department to release nickel because it is my understanding that there is on hand 40 million pounds of nickel, an accumulation equal to 4 years' supply for coinage.

There are strong indications that settlement of the Canadian strikes is imminent. However, it is anticipated that following settlement of the strikes there will be a period of several months before the nickel market can be expected to return to normal. For this reason I have asked the Secretary of the Treasury to act immediately and I urge my colleagues who recognize the urgency of the situation to join with me in this effort.

I enclose herewith a copy of my letter to Secretary Kennedy.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 21, 1969.

Hon. DAVID M. KENNEDY,
Secretary of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: I am writing to you in the interest of a large number of metal products firms in the State of Connecticut which face serious financial difficulties because of the high cost of nickel and the difficulty of obtaining supplies. I am hopeful that the settlement of the STELCO of Canada strike will serve as a pattern for other settlements and help restore the nickel market to normalcy.

Despite this one settlement and the prospect of others, however, it is apparent that there will be several months delay before the nickel shortage is eased.

In the interest of the economic welfare of the manufacturing firms and their employees who rely upon a normal nickel market, I urge that you take immediate steps to release nickel from the Treasury Department's reserve supply. I am informed by official sources that the Treasury Department currently has 40 million pounds of nickel in reserve which, I understand, is a four-year supply.

I am hopeful that action to release nickel may be completed administratively, but if Congressional action is necessary I am immediately available to cooperate with you toward that end. It is urgent that immediate action be taken.

Sincerely yours,
JOHN S. MONAGAN,
Member of Congress.

KINGMAN BREWSTER'S VIETNAM MORATORIUM ADDRESS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. OTTINGER. Mr. Speaker, much has been said and written about last week's Vietnam moratorium and those who planned and participated in it. On reflection I was impressed not only with the order and decorum of those events I attended and at which I spoke but the many profound statements made by a good number of speakers at observances throughout the country. One of the most impressive was the speech by Yale's Kingman Brewster at New Haven.

The New York Times' Anthony Lewis has captured the spirit and intent of the moratorium and, particularly, Brewster's remarks and I am pleased to insert his article in the RECORD:

[From the New York Times, Oct. 17, 1969]

A THOUGHTFUL ANSWER TO HARD QUESTIONS

(By Anthony Lewis)

NEW HAVEN, CONN., October 16.—There was no ambiguity in this city about the effectiveness of the Vietnam Moratorium. It was a moving, an unforgettable expression of deep public desire to get the United States out of the war.

The police said there were 50,000 people at the meeting on the Green, which would be a third of New Haven's population. It was a mixed crowd, old and young, square and hip. And the speakers also covered the spectrum, old-style politicians and reformers, white and black, leaders of business and labor. For two hours they sounded the theme that we must get out.

But even in New Haven, one could not forget that there are Americans on the other side. A sound-truck filled with counter-demonstrators circled the Green, bearing a savagely simple sign: "Destroy, Not Appease."

And in Washington it is clear that the politicians worry about the other side. They fear that if things go wrong after an American withdrawal—if people in South Vietnam are killed, if respect for our other world commitments is eroded—there may be a delayed and damaging public reaction. Some call this fear the Weimar syndrome, one aroused by memory of the German feeling after World War I that victory had been frustrated by a stab in the back.

KINGMAN BREWSTER'S SPEECH

That is why the most impressive speech on the Green in New Haven yesterday was one that lasted barely five minutes. It came at the end, and it was by the president of Yale, Kingman Brewster Jr.

In a dozen paragraphs of understated rhetoric, he addressed himself to the basic political concerns that held Lyndon Johnson in Vietnam and that obviously inhibit Richard Nixon in his search for a way out. Eschewing the simple emotion of righteous anger, he told those who understood him that hard political questions had to be faced if the war was now to be brought to an end.

"Let us not make the mistake of saying that defeat is easy to take," he said. "If our country is to survive this wound, let us be more honest in the pursuit of peace than we have been in the pursuit of this war.

"Let us admit that it is not easy to stop short of victory in a cause for which so many have fallen.

"Let us say simply that we cannot tolerate the abuse of their memory as a justification for continuation of the killing and the dying at the behest of a corrupt Saigon Government which rejects both democracy and peace.

"Let us admit that it is not easy to abandon the anonymous masses of South Vietnamese who have relied upon us.

"Let us say simply that their interest as well as ours can no longer be served by the perpetuation of terror and death.

THE POLITICAL RISKS

"Let us admit that the retreat of our power in the face of a persistent enemy might invite other aggressors to doubt—and doubting, to test—our will to help keep the peace, in Europe, in the Middle East, in Asia.

"Let use say simply and proudly that our ability to keep the peace also requires above all that America once again become a symbol of decency and hope, fully deserving the trust and respect of all mankind."

Kingman Brewster would not pretend that his answers are a program; he has separately offered specific suggestions for a cease-fire and a timetable of withdrawal. But what he said on the Green—in those few phrases, almost Gettysburg-like in their simplicity after so much oratory—should have significance for both President Nixon and his critics.

He admitted to supporters of present policy, and reminded its critics, that there is a political risk in a bold program to withdraw on a fixed schedule and thus put the Saigon government at hazard. But there always is a risk in hard political choices, and Mr. Brewster's argument was that to temporize further in Vietnam carries even more terrible risks. Perhaps, because he recognized the difficulties, the Administration will listen.

DICK CASEY

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. O'NEILL of Massachusetts. Mr. Speaker, this week joyously ended the 1969 baseball season with "Mets" day in New York City. I would like to add to the long list of accolades in this extraordinary season. Bernard "Dick" Casey, a lifelong Red Sox fan was greatly honored by the city of Boston a few weeks ago when the Town Field at Fields Corner was renamed in his honor—the Dick Casey Field.

Dick Casey has had a long career serving the public in many areas. He served for many years in the Great and General Court of Massachusetts with my good friends and colleagues, EDDIE BOLAND, JIM BURKE, and myself. Yet Dick Casey's most lasting and vital contribution to the citizens of Boston was his work pursuing his favorite hobby, baseball. He formed the Dick Casey Club and in 1934 joined the Boston Park League and subsequently helped the league gain its status as the best known semipro league in the Nation. Mr. Casey, therefore, was able to provide good and wholesome recreation for the young men of Boston. He has always been one of the Boston Red Sox best fans. He started working at Fenway Park as an usher in 1915 and has continued to attend most of the Red Sox games since then.

Baseball has always been America's favorite sport. As we all witnessed last week, New York City, a city of much diversity, was united under the Mets banner.

Dick Casey had added copiously to the world of baseball and, through his efforts in this area, to the basic fibers of this great country. I am proud and grateful that Dick Casey comes from the great city of Boston.

SECRETARY FINCH TAKES STRONG STAND ON QUESTION OF PUBLIC HEALTH

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. SCHWENGEL. Mr. Speaker, the Christian Science Monitor carried a fine editorial today with respect to the actions of Secretary Finch on the question of cyclamates. I concur wholeheartedly in the comments contained in the editorial. Secretary Finch is certainly to be commended for taking this forthright action. I hope this type of action continues to be a hallmark not only at Health, Education, and Welfare, but throughout President Nixon's administration. The editorial follows:

From Cyclamates to Pollution

The United States Government's ban on the use of cyclamate artificial sweeteners is bold, far-reaching, and first-rate. It:

Demonstrates a federal readiness to move swiftly and decisively to protect the public health.

Raises hopes that Washington will also begin to move with like toughness against other health and comfort threats, above all the sundry kinds of air and water pollution now besetting life in America.

Lifts the standard of federal concern over whatever can be clearly shown to be inimical to the public interest.

This newspaper has never advocated or accepted the theory that public authorities, particularly health authorities, have the right or the duty to regulate individual treatment of the human body. Such interference should be kept to a minimum. But the banning from sale of a product which can be shown to carry physical danger does not constitute interference. It is a normal measure of protection.

Health, Education, and Welfare Secretary Robert H. Finch's order to withdraw all products using cyclamates (other than with a physician's prescription) is a justified use of federal policing power.

Furthermore, it shows considerable governmental boldness when it is recalled that the cyclamate industry is reckoned to be a billion-dollar one and the products affected have been highly popular and sought-after.

We hope that, where it is right and fitting, the government will act with equal boldness in other fields where only broad governmental action can do away with a continuing threat to human well-being. The foremost of such fields is that of pollution.

As is well known, the American public is now fully ready to give strong support to measures to end the disgraceful befouling of the nation's air and waterways. In fact, there is an increasingly sharp note in the public's demand to know why more is not being done on this crucial challenge. This public dissatisfaction is heightened by the feeling (supported by official studies) that air pollution (and indeed water pollution as well) is still rising. One federal study reckons that 140 million tons of contaminants are being loosed into the American air every year compared with 130 million tons just two years ago.

HEW has acted bravely and well in the matter of cyclamates. Let us hope that it will find the legal means to act with like boldness where pollution is concerned. There is one thing of which the government can be sure. And that is that the public will heartily back it in any such efforts.

A LACK OF FAITH NEIGHBORHOOD DEVELOPMENT PROGRAM

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. BURTON of Utah. Mr. Speaker, an editorial appeared recently in the Ogden Standard-Examiner of Ogden, Utah, regarding the neighborhood development program of the Department of Housing and Urban Development. Since the situation described in the editorial is of considerable consequence to the city of Ogden, and I am sure of considerable importance to those other cities which have made NDP applications, I wanted to share this editorial with you:

Ogden's Neighborhood Development: Bogged Down by Inactive Congress

The authorities operating the Neighborhood Development Program (NDP) of the Department of Housing and Urban Development (HUD) are almost like a mother hen who has but one worm to pop into open mouths of 10 hungry chicks.

There's one important difference.

Mother HUD doesn't have the worm—yet. We're worried.

Ogden's among the hungry chicks.

Unless Congress gets off its inactve, politically glue seat the NDP in Ogden and at least 299 other U.S. cities will die of starvation.

If it does succumb, it'll be next to impossible to revive.

The story, like the tale of Mother Hubbard and her renowned bare cupboard, is long and sad.

Ogden voters earlier this year enthusiastically responded to the call of a citizen's committee, the Ogden City Council and administration and this newspaper by voting to participate in a Neighborhood Development Program.

The Ogden vote was in defiance of the previous trend in Utah, Salt Lake City had turned down an ambitious urban renewal program. Provo had done the same.

Instead of being No. 2 in Utah our city, for a change, was going to be No. 1 in the long-overdue movement of upgrading the housing of its less fortunate residents.

We "bought" the NDP program on the promise of HUD representatives that for every dollar our municipality spent there would be matching federal funds.

"Great," Ogden voters said as they went to the polls.

But they didn't realize (Who did?) how the Democratic majorities in both the House and Senate and Washington would go to almost any length to embarrass the Republican administration of President Richard M. Nixon.

Historically, the appropriations for the fiscal year beginning July 1 are voted by the Congress just before or just after that year begins.

It's different this year.

The calendar insists it is now Oct. 19. But most of the departmental appropriations for fiscal 1970—the financial year that began three months and 19 days ago—are still hung up along the winding tracks of the congressional route.

HUD's one of the casualties.

Like the other departments who don't know what they'll be able to spend this year for sure, HUD has been operating on a basis of assuming—with Congress' permission—that it will get as much as it did in fiscal 1969 for basic missions.

The Neighborhood Development Program's not quite basic.

The requests by Ogden and 299 other cities for funds can't be honored until the actual appropriation is in hand. HUD and the administration asked for $1 billion for all urban renewal activity in fiscal year 1970. This is $63 million less than appropriated for fiscal 1969. But the House, following the recommendation of its appropriation committee, approved only $850 million. The Senate hasn't voted yet so anything can happen there.

Even if the administration-HUD request for $1 billion had been doubled and been granted by Congress, all 30 requests for neighborhood development funds couldn't have been satisfied.

If the House figure holds, that worm Mother HUD will get for those hungry chicks will be skinny and not capable of providing nourishment for all the communities that have their mouths open.

A spokesman for HUD, calling us at the request of Rep. Laurence J. Burton, told the Standard-Examiner on Thursday that all 300 NDP applications were "under review" pending some determination of what the final policy will be.

Ogden's is among them.

"The requests we have on hand far exceed," he said in a masterful understatement, "the amount of money likely to become available."

That's bad.

But there's one thing good, comparatively.

Both the House and Senate are considering legislation, in different forms, that would extend the deadline for credits to be granted for local improvements. Without such an extension the matching fund credit for the thousands of dollars spent on the new Weber County Library wouldn't count, if and when regular funds become available.

The Senate has already passed a bill that extends from three to four years the period of eligibility for matching funds in NDP applications filed before last Aug. 11—about the time our library credit ran out under the three-year limitation.

A House version, reported out by the Banking and Currency Committee, would give a similar extra year for both NDP and urban renewal credits for "which pending applications were filed on or before the date of enactment of the bill."

This is even better—for Ogden—than the Senate proposal.

Our HUD source predicted that favorable action on a compromise extension should come soon.

That's only a temporary victory, however.

In the first year of NDP projects, only 35 cities were approved for funding. And that was when HUD actually had funds.

So, if and when Congress finally passes the overdue HUD appropriation for fiscal

1970, our odds on getting our matching funds are around 10 to 1. Or less.

We think we should get the grant so we can show the way to better housing in Utah. After all, Ogden voters did believe the federal authorities when they said "approve this legislation and you'll get better housing." If we don't get the HUD funds, it'll be a cold day in Utah before we believe any word from Washington again.

STIFFER LAW URGENTLY NEEDED TO KEEP SMUT FROM MAILS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. DULSKI. Mr. Speaker, the Postal Operations Subcommittee of our committee is continuing its hearings on legislation to ban smut mail from being sent to homes where minors reside. The bill I introduced some weeks ago is among those being considered.

In today's session under the leadership of the able subcommittee chairman, the gentleman from Pennsylvania (Mr. NIX), there was further impressive testimony in behalf of enabling legislation. Full study of the problem and possible remedies is essential.

Among those testifying were two other members of our full Committee on Post Office and Civil Service, our vice chairman, the gentleman from North Carolina (Mr. HENDERSON), and the gentleman from Montana (Mr. OLSEN).

Others who gave their views were Mario Procaccino, comptroller of the city of New York; Lawrence Speiser, director of the Washington office of the American Civil Liberties Union; and Randel Shake, director of the American Legion's National Child Welfare Commission.

Mr. Speaker, today's testimony of my colleagues, Mr. HENDERSON and Mr. OLSEN, merits the attention of all Members and I include their texts with my remarks:

TESTIMONY OF THE HONORABLE DAVID N. HENDERSON AT HEARING ON CONTROL OF SMUT MAIL

Mr. Chairman: First of all, I want to commend this subcommittee for the interest it has shown in moving to take prompt action to restrict smut mailers.

The press release issued by Chairman Nix on October 6 was, I am sure, welcome news to thousands and thousands of citizens who have been outraged by the receipt, unsolicited, through the mails of pandering advertisements with pictures and descriptions lurid almost beyond belief.

All of us know the background which has brought us to our present state of affairs. Obviously, we do not all agree on what is and is not obscene and pornographic.

It has been pointed out that the Venus de Milo and Michaelangelo's David might be considered obscene by some. It has been pointed out that Shakespeare and the Holy Bible use four-letter words and describe sexual activity.

And seizing upon this fact and the ruling by the Supreme Court that not only must material, to be obscene and pornographic under the meaning of present statutes, be designed to appeal primarily to prurient interests, but must also be utterly without redeeming social value; smut mailers have been able, virtually with impunity, to flood the mails with unsolicited advertisements that almost literally would make your hair stand on end.

I believe that no matter what this committee and this Congress do, the question of what is and is not obscene and pornographic is going to continue to be raised in the Courts and is going to continue to plague us for a long time.

And as we all know, the House Judiciary Committee is going into this question in a broad and general way.

ANTIPANDERING LAW GOOD START

Our full committee reported; the Congress adopted and the President signed into law the present antipandering law. It is good, as far as it goes, but it does not go far enough.

It provides a tool by which a recipient of offensive mail can sign a form which the local Postmaster will send to the mailer and have the recipient's name taken off the list of that particular mailer.

The weakness here is that the protection is only after-the-fact protection and protection against only a particular mailer.

In the President's proposal on this subject, which many of us have introduced, is a provision for a nationwide list to be made up of persons who do not want to receive pandering advertisements.

The list would be sold, at cost, to those intending to mail out such advertisements, and the mailer would subject himself to penalty if anyone whose name had been on the list for as long as thirty days received any such material.

This is a step in the right direction, but in my judgment after considerable thought and study, it has three serious drawbacks.

The first is that it is cumbersome, complicated and would undoubtedly result both in administrative headaches and considerable expense to the Post Office Department.

The second is that there is a 30-day time lapse between the placing of the name on the list and the affording of protection. Revised lists would have to be issued every month.

The third is that the smut mailer would be delighted to get his hands on such a list as he would save a lot of expense by deleting those names.

COMMISSION MADE INTERIM REPORT

Last year the Congress created a Commission on Obscenity and Pornography and directed it to report back to us and to the President in January, 1970 its findings and recommendations with regard to this vital subject.

Although not directed to do so, this body filed an interim report in August of this year, and the only specific recommendation it made for action now is the provision incorporated into HR 13585 and related bills.

HR 13585 takes the approach of the President in establishing a list of mail patrons who do not wish to receive sexually-oriented materials, but makes it a local list to be maintained at each local post office. The procedure is quite simple and should not involve any serious administrative burden or much cost.

The bill directs that the Postmaster General, through normal administrative action, devise a symbol. This symbol would be required to be placed on the cover of any piece of mail containing sexually-oriented matter as such matter is described in the bill.

Then it provides that any mail patron can advise his local Postmaster that he would like his name and the names of minor members of his household placed on a local list to be maintained in the local Post Office. Then any mail received bearing the designated symbol simply would not be delivered to anyone whose name was on the local list.

The bill does not attempt to declare that sexually-oriented mail is obscene or pornographic. It does not attempt to declare that such material cannot be sent through the mails. It does not attempt to prohibit a transaction between consenting adults involving such material. For these reasons, I believe that the Constitutional arguments involving the First Amendment and freedom of expression do not come into play at all.

AIMED AT UNSOLICITED MAIL

All the bill does is provide the mail patron with a mechanism for exercising his right *not* to receive any such mail unsolicited.

It is superior to the President's nationwide list in that:

(1) It is much less of an administrative burden and much less expensive.

(2) It affords the patron immediate protection from the time his name goes on the list.

(3) It does not do the smut mailer a favor by forewarning him not to send his materials to certain persons.

To guard against a mailer pleading that placing the symbol on the cover violates his Constitutional rights against self-incrimination, the bill specifically provides that compliance by a mailer with this law cannot be used as evidence against him or as a basis for initiating or pursuing an investigation against him.

It does not, of course, grant him immunity from prosecution under the basic laws governing obscenity, but it does guarantee him that the compliance with the law involving the symbol shall not be a basis for such prosecution.

We need other laws, such as the one so many of us have introduced providing for the protection of minors.

ONE MORE STEP—AND NEEDED

But this one bill, which goes a step beyond the present antipandering law, but which avoids the bramble thicket of what constitutes pornography and obscenity is one which we should enact separately and without delay.

It is one in which this subcommittee and our full committee has unquestioned jurisdiction since it relates only to the use of the mails.

It has been co-sponsored by a substantial majority of the members of our full committee, both Democrats and Republicans and thus would be assured of favorable consideration by the full committee if reported by this subcommittee.

Mr. Chairman, I urge this subcommittee report HR 13585 and its companion bills promptly as a separate measure; one which does not bog down in complications as so many of the other measures do, and one which we can use as the vehicle of fulfilling the pledge so many of us have made to give to our postal patrons some real protection against receiving unsolicited smut mail.

STATEMENT BY THE HONORABLE ARNOLD OLSEN BEFORE POSTAL OPERATIONS SUBCOMMITTEE

Mr. Chairman: I want to take this opportunity to endorse the work of this Subcommittee in taking up the matter of obscenity legislation.

The subject is an emotional one. Those who express their opposition to any regulation of pornography do so by means of ridicule rather than meeting the issues.

Over 250 thousand Americans have applied for postal orders banning erotic advertising from their homes under the pandering law passed during the 90th Congress as the result of hearings held by this Subcommittee and as a result of an amendment to the postal rates bill.

The pandering law authored by Congressman Cunningham went into effect a year and a half ago. It was a courageous first step on a long road.

But much needs to be done and the quarter of a million Americans who have complained to the Post Office Department, and the thousands of outraged constituents who have complained to the Congress want more help and their voice will not be silenced by ridicule.

I am confident that this Subcommittee will answer their indignation with sensible and constitutional legislation.

MUCH MISUNDERSTANDING OF RULINGS

There has been a great deal of misunderstanding about the position of the Supreme Court of the United States on the subject of obscenity regulation.

The Court's basic position in the case of Roth v. United States 254 U.S. 476, 1957 was a common sense one. This decision reversed a 100-year old English case, Regina v. Hicklin, which held that the basis of obscenity legislation was the protection of weak persons from themselves by keeping pornography out of their hands.

It made the standard for all reading matter childlike in order to protect children and the immature. What is more, under the decision a book could be judged not only by its cover but by portions of it rather than as a whole.

This decision, while establishing a more restricted standard for obscenity regulation, should not have interfered with obscenity prosecutions. It did interfere because law enforcement officers prefer to proceed against a book or thing rather than the person selling pornography.

Because of the conflict over procedure, the method of prosecution, Court decisions became confusing in that the Court itself, as stated by Justice Marshall in Redrup v. New York 386 U.S. 767, split into 5 schools of thought over the definition of obscenity on a 9 member court.

THERE IS COMMON FRONT ON COURT

What has emerged, however, is a common front on the part of a majority of the Court on matters they do agree on and that agreement covers considerable territory.

The Court in the Redrup case pointed out that the State and Government in general had an interest in protecting the morals of children, in protecting the privacy of the home and individuals from offensive salesmanship and in protecting the public from what the Supreme Court had defined as pandering advertising in Ginzburg v. United States 383 U.S. 463, 1963.

This Subcommittee has before it bills which specifically define nonmailable matter in medical terms, places the administrative burden for keeping pornography away from the homes of those who specifically request that the Government so protect them, and protects children through provisions based on a New York State statute discussed in Ginsburg v. New York 390 U.S. 629, 1968.

This is the approach taken in H.R. 10867, a bill by Mr. Dulski, the distinguished Chairman of our Committee. I agree with this approach and I support it.

ABOUT DENMARK SITUATION

I know that in the near future we are going to hear that Denmark has abolished its obscenity laws. The implication will be drawn that Denmark has little or no obscenity regulation. I disagree.

A staff study based on personal discussions with the Subcommittee Staff reveals that Denmark has extensive local regulation of obscenity. Shops, for instance, are not allowed to display erotic matter in shop windows. In addition, there is no third class mail advertising industry.

As a result, the Denmark example has no bearing on the hearings today which are aimed at mail advertising and establishing protection for the privacy of individuals.

The problem we are all interested in is a specific one. It is a Federal problem and it deals with a Federal instrumentality—the United States Postal Service.

I congratulate the Chairman of the Subcommittee, Mr. Nix, in his effort to keep the issue specific. His diligence will overcome the defense of those who will attempt to escape from the need for sensible action by wrapping themselves in the flag and the constitution.

AMERICAN PEOPLE WANT ACTION

Such individuals have their constituents and we have ours—the American people. I don't believe that 250 thousand Americans are wrong, and I believe that literally millions more want action to protect the family mailbox and their children from smut mail.

Mr. Chairman, at this time I would like to have submitted for the record examples of the kind of material that my constituents have received and to also submit an outstanding article on the subject of obscenity generally.

The article by Larry Elison of the University of Montana Law School entitled "Obscenity: A Compromise Proposal," suggests that what needs to be done is to establish firmly the right of privacy by providing a tort right for citizens so that they can protect themselves against any pornographer, no matter how important in the publishing industry, through litigation.

I would like to request that your staff look into the matter of providing a means of court action in our Federal courts so that citizens do not have to rely entirely on the criminal law. Whether or not such a provision is added to legislation recommended by this Committee, the very fact that such a study is taking place should give smut mailers cause for concern. Thank you.

MacARTHUR'S RETURN TO THE PHILIPPINES—25 YEARS AGO

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. PELLY. Mr. Speaker, October 20 marked the 25th anniversary of Gen. Douglas MacArthur's return to Leyte in the Philippines, and this is a fitting time to take a moment for reflection on this great turning point in the war in the Pacific.

General MacArthur splashed ashore from a landing craft onto the shores of Leyte and issued his rallying cry to the people of the Philippine Islands. He said:

> I have returned . . . Rally to me . . . Rise and strike!

The seizure of Leyte, in the center of the Philippine archipelago, meant the splitting of this island chain and with it the immobilization of the main Japanese forces on Mindanao and Luzon.

By day's end, Allied forces were ashore in force in spite of enemy resistance, difficult terrain and terrible heat. General MacArthur and the free world forces had returned. Before another year had passed, the entire Philippines would be liberated.

It was the promise of this return that kept up the resistance of the Phillipine people for 2½ years, Mr. Speaker, and maintained the morale, spirit and loyalty of the people.

Mr. Speaker, I urge the Citizens Stamp Advisory Committee of the Post Office Department to begin work on a commemorative stamp in honor of the service given his country by General MacArthur and time the release of this stamp to coincide with the anniversary of the general's birth.

NATIONAL BUSINESS WOMEN'S WEEK

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. GAYDOS. Mr. Speaker, the Nation this week is observing National Business Women's Week, October 19 through 25. Across the country more than 3,800 member clubs of the National Federation of Business and Professional Women will spotlight the role of women in today's world.

This is an annual observance that has special significance this year since the federation is marking its 50th anniversary. During the past half century, the federation has worked constantly, not only to achieve equal rights as citizens for women, but to elevate standards for them in business and professional life; to promote their interests and bring about a spirit of cooperation; to extend opportunities to them through education in industrial, scientific, and vocational activities.

The federation's success can be measured by its enormous growth since its founding July 16, 1919, in St. Louis, Mo., by 212 women representing 42 of the 45 States then in existence. Today the federation numbers 180,000 members from every State, the District of Columbia, Puerto Rico, and the Virgin Islands. It has made its voice heard on legislation in the past and this year, during its annual convention, it outlined a five-point program for the future which includes the following items:

Support of legislation to amend the Constitution of the United States to provide equality of rights under the law will not be denied or abridged because of sex.

To work actively for pending legislation to provide a broadened head-of-household benefit under the Internal Revenue Code; to increase personal exemption and credit for dependents and to provide a more equitable distribution of the tax burden.

To propose and support legislation providing uniform working hours, conditions, pay, and opportunities for men and women; equal treatment for them in survivor and retirement benefits and increased child care education.

To propose and support State legislation for uniform jury services and qualifications in the selection of men and women for jury duty.

To propose and support legislation for more effective crime control and law enforcement.

Mr. Speaker, I am proud to note the Pennsylvania branch of the national federation met this past weekend in Harrisburg and honored three of my constituents in the 20th Congressional District for their services and efforts on behalf of the organization's ideals and objectives. Cited by the State group were O. Jean Hoffman of Dravosburg, a member of the McKeesport Area School Board; M. Rigby Hill, now retired as administrative secretary of the school board but still treasurer of the teachers' pension fund, and Irene M. Atwater, a past president of the McKeesport BPW

Club and the assistant to the solicitor of the city of McKeesport.

I salute these women, Mr. Speaker, and I extend my congratulations to the national federation on the occasion of its 50th anniversary.

TRUTH MUST RISE ABOVE CLAMOR

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the San Diego Union, Oct. 9, 1969]

TRUTH MUST RISE ABOVE CLAMOR

Again there is a strong riptide of activity in the United States of America which seeks to induce President Nixon simply to abandon South Vietnam.

The riptide is visible in Congress where, individually and in small groups, legislators are urging a condemnation of the American commitment in Southeast Asia.

The riptide is also visible in the national agitation—professional or naive—for a demonstration Oct. 15 to force President Nixon to make a more firm but generally undefined commitment to retreat.

Amid the clamor of the claques, there are some things that are evident and even more that are not—things that Americans would do well to keep in mind as they try to distill some truth from the confusion.

The first is that whatever the mistakes of the past, the United States cannot roll back the calendar in South Vietnam. We have to deal with the war on the basis of the present realities.

And we must, in seeking the truth, challenge the depth of thinking as well as the credentials of the experts, be they self-styled or real.

It is a truth and a reality that the United States is diminishing its Vietnam commitment at a rate deemed prudent by the person upon whose shoulders falls the responsibility for making the awesome judgment—the President of the United States.

What exactly do the critics of our current actions want? More rapid withdrawal? How rapid? Is open retreat their real object?

Do the critics of the war know whether it is possible to move our men home from Vietnam more rapidly simply from the standpoint of logistics?

Would those who favor pellmell withdrawal be willing to endorse the inevitable bloodbath in Southeast Asia that such a retreat would create?

Are those who urge our surrender in Vietnam prepared to accept the responsibility for its effect upon the hundreds of our young men being held prisoners by North Vietnam? Several already have been executed and Hanoi says it may "try" the remainder as war criminals.

Is the Greek chorus baying at the heels of the President prepared to face the worldwide implications of a United States' surrender?

The fact is they advocate nothing but the negative—get out. Has anybody heard acceptable positive programs from these self-styled experts to preserve the seedling of self determination in Vietnam and prevent the writing of an ignominious, bloody chapter in our history?

We have not heard them.

All that we have heard so far is that if we vaporize the American presence in Vietnam immediately, somehow everything will turn out all right despite the obvious and imminent dangers. It will not.

Americans should view with suspicion the thought that there is an instant solution in instant surrender.

SOUTH AFRICA ADVERTISES LEGALIZED RACISM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. FRASER. Mr. Speaker, Mr. Leslie H. Whitten in "South Africa on Madison Avenue," which appears in the October 1969 issue of the Progressive, writes that the racist South African Government has allocated more than $1.75 million in 3 years to the propagandizing of the American people. During a similar period, Mr. Whitten estimates that black South Africans spent about $8,000.

This disparity in public relations investment, fortunately, is not reflected in the editorial treatment the South African Government usually receives in our mass media. The first requisite of a successful public relations campaign is a good product. And modern advertising techniques cannot hide the true face of the apartheid system.

I introduce the Whitten article into the RECORD because it illustrates the great effort the South Africans make to give a positive image to their social system. While they may score minor successes, the vast majority of the American people recognize apartheid for what it is—legalized racism.

The article follows:

SOUTH AFRICA ON MADISON AVENUE

(By Leslie H. Whitten)

(NOTE.—Leslie H. Whitten is assistant bureau chief of Hearst Newspapers in Washington. Previously he was on the staff of The Washington Post, United Press International, and Radio Free Europe. He has specialized in investigative reporting, and he is visiting associate professor at Lehigh University.)

In Washington's Montgomery county suburbs, "apartheid" is losing ground—one $20,000 Negro breadwinner at a time. The laws of country and county, a generally liberal outlook, and the high cost of housing have combined to make integration possible, marginal, and middle-class.

But the schools, during the unpleasantness of the 1968 elections, sprouted a dragon's teeth minority of Wallaceites, animating a number of teachers to try to find the dragon—either by plain talk on American racism or, indirectly, by asking students to explore race in other parts of the world.

At Northwood High School, where my sixteen-year-old son goes, an imaginative history teacher proffered South African race policies as one subject for the final essay examination. My son, apple of an ACLU tree, had shown some soft spots toward Wallace, and my wife and I cooed approvingly when he opted for an essay on apartheid, the official policy of racial segregation in the Republic of South Africa to promote and maintain white domination. A newspaperman, I plied him with our office "morgue" files, made up mainly of critical articles from *The New York Times* and *The Washington Post*. He also chewed through the *Encyclopedia Britannica*, which gave South Africa a slower but equally hot roasting on such things as the Sharpeville massacre.

The preliminary results—which he allowed us to read—were gratifying in a prima facie way. They reflected his sources. But, conscience-panged, I suggested he get the other side of the story from the South African embassy in Washington.

He made the arrangements. I drove to the chancery, a gracious mansion in the grand Washington diplomatic style across Massachusetts Avenue's "Embassy Row" from the larger British Embassy.

The blonde receptionist, pneumatically Dutch, dirndl pretty, seemed honestly touched that anyone would voluntarily seek out South Africa's official version of apartheid. She left me only a breath's span to thank her between her own "thank you's." I drove home with the apartheid packet, already impressed with its weight and variety, and turned the expensively-printed material over to my son. He balanced out his essay, managed to extract a "B" from it, and was subsequently able to debate us creditably on every one of our anti-apartheid points but this one:

"If you believe that one human being ought to have the same basic rights as another, then how come 3.6 million whites, minus a scattering of dissidents, are dictating much of the lives of more than fifteen million non-whites?"

When the dialogue was done, we wondered why he had not gotten an "A." Intrigued that anything could prevail with my independent-minded son where eleven years of educators had only endured, I browsed through the packet's thirteen separate articles, books, and pamphlets. Someone was spending a great deal of money to get the South African government's story told—and told expertly.

The 583 pages of material had something for us all.

The prestige-minded curious get a *Foreign Affairs* article (though surely there was something fresher than October, 1964 of the same distinguished kidney). The writer, Charles A. W. Manning, London School of Economics professor emeritus, born and educated in South Africa, describes his theory of the source of bad publicity about apartheid: "In few cases, if any, can a Communist-encouraged, if not necessarily Communist-inspired, campaign of systematic moral-engineering have met with comparable success in the Western world . . ."

For the lumpen bourgeois, there is a *Reader's Digest* reprint, also vintage, Pleasantville 1963 in this case. In it, industrialist and former Presidential adviser, the late Clarence B. Randall, concluded that "the white people of South Africa are charged with a great responsibility toward the black people, and they know it. In the end, they will do right . . ."

The packet has a mixed bag for the businessman, including a leaflet of the conservative American Security Council which both soothes ("the flag of the United States is not subject to insult" in South Africa) and incites ("the Communists are trying to use the issue of apartheid in South Africa to accomplish their ever-present purpose of splitting the Free World's united front").

For the culture buff, there are 128 pages of "cultural and art" with striking native graphics and summaries of South African writing and poetry, both black and white. The poet D. J. Opperman, a white poet little known outside South Africa, is much praised. The internationally-respected novelists, Alan Paton and Doris Lessing, get also-ran notice. Both novelists deplore the plight of the blacks.

There is much more: a fact book telling that each white South African family pays

$280 a year for Bantu education and development; a 114-page apartheid white paper called "Progress Through Separate Development," and, most beautiful, eighty-one pages on "Photogenic South Africa," with frameable pictures of elephants, klipspringers, impala, and Ndebele tribesmen.

The aggregate effect of all this is, at the least, to wonder whether one has been fair. True, there is a patronizing quality to the picture of the black doctor surprising white surgeons in a Bantu hospital with his agility. True, there is an uncharitable moment of confused recall over a fatherly white among the many smiling young of Transkei (a native reserve): Stalin, was it, with the Ukrainian kids? Hitler collecting a bouquet from a rosy Gretchen? But the total is enormously winning—until, and unless, one is burned by the saving fact that this stuff is prepared by white men for white men. The authentic voice of the fifteen million non-whites is nowhere heard. The thoughts of South Africa's Nobel Prize winning chief, the late A. J. Luthuli, are missing. So is the harsh yawp of Mangaliso Robert Sobukwe of the proscribed Pan Africanist Congress. So are the political ideals of countless others in that vast mute or gagged or exiled majority. They are being witnessed for by the 3.6 million whites.

Weeks later, as part of my regular newspaper checks, I went by the Foreign Agents registration section of the Justice Department where non-diplomats working for foreign governments must register and detail their activities. I leafed through the recent reports.

When I reached the items on South Africa, my sixteen-year-old's packet about apartheid surfaced on my mind. How much was South Africa's government spending to convince us that apartheid was the humanitarian final solution for the country's non-whites—Xhosas, Zulus, "Cape Coloreds," Bapedi, Indians, Tswanas, Shangaans, and so many others who, since they do not qualify as whites, do not qualify as full citizens?

The files, ably tended and far more complete than those for domestic lobbyists kept by the House Clerk in Congress, gave this answer:

Through the South African Information Service, the South African Tourist Corporation, and the South Africa Foundation, its three main organs in the United States, the Republic has allocated more than $1.75 million, in less than three years, to publicize the country's natural, social, and political wonders.

The other side of this substantial coin, clearly, is how much the black South Africans are spending to tell *their* story. There are five of their organizations registered with the Justice Department. Assuming their filed reports are equally correct, they have spent less than $8,000 during the same three years.

Eight thousand dollars against $1.75 million! The David and Goliath character of this communications contest would be musical comedy material were it not that even this tiny pebble in David's slingshot, this $8,000, has produced some pamphlets—included in the files—that raise nasty, weltish questions. Is it true, as one of the minuscule black African groups claims, that South African police and troops cold-bloodedly murdered people demonstrating peacefully against a relocation program in South West Africa? (This is a territory held by the Republic under a 1920 League of Nations mandate, now in dispute.) I found no record of this incident—in which it was reported that some blacks were killed—in the government's apartheid packet. There were no dead bodies among the klipspringers and impala.

My son's packet, I soon discovered from the Justice Department filings, is only a fragment of the South African government effort. The Tourist Corporation, with offices in Rockefeller Center, describes some of its activities for just one six months period:

"Tourism promotional tours were undertaken by staff members to travel agents in the following cities: Boston, Hartford, Chicago, Detroit, Cleveland, Columbus, Houston, Dallas, Miami, Palm Beach, Pensacola, Clermonth, Gainesville, Fort Walton and Louisville.

"The South African Tourist Corporation in conjunction with South African Airways, South African Railways, and the South African Commercial Consul in New Orleans, had a joint exhibition at the Texas State Fair in Dallas . . .

"Film show presentations were held at the following cities: Boston, Hartford, New York, Chicago, Detroit, Cleveland, Columbus, Houston, Dallas, Miami, Pensacola, and Palm Beach."

There were also 969 telecasts with an estimated combined audience of more than thirty mililon. One travel film, with unthinking irony, was named "Portrait in Color." There was a guest trip for a magazine writer; almost 100,000 pieces of travel literature for agencies, individuals, and newspapers were distributed, and 6,867 telephone and mail inquiriies were handled.

While this flood of good news from the South African government was reaching a considerable percentage of the American people, the black African National Congress (whose president for many years was Chief Luthuli) was mailing out fifty copies of its monthly to libraries and to a newspaper or two. Its U.S. representative, Bethuel Pitori Setai, a thirty-year-old student, was speaking to a small gathering of Presbyterian ministers on apartheid and to a group of Quakers on "non-violence in South Africa."

The contrasts go far deeper than the volume of word-flow.

Setai, whose headquarters in New York has no telephone, operates with no budget. His only big contributions totaled $6,252, given more than two years ago so the office could be set up. South African born, Setai fled to Tanzania and entered the United States in 1962.

Poverty being relative, Setai's group is the plutocrat among the black South African organizations in the U.S. The four others, the Pan Africanist Congress, the South West Africa People's Organization, the South West Africa National Union, and the South West Africa National United Front, reported a total intake of $1,350 in the last three years. The figure may be somewhat higher because of the irregularity of their reporting—much of it without benefit of typewriter.

For comparison with the five minigroups, the Information Service of South Africa, with offices on Madison Avenue, spent $209,417 in one six month period last year, almost all of it for films, printing, and related costs.

The director, Lourens Erasmus Smit de Villiers, like his countrymen in the minigroups, is in his thirties—thirty-four to be exact—and born in South Africa. Unlike them, when he came to this country he stayed first at New York City's St. Moritz and then moved into the fashionable East Sixties. His salary (reported only as on the scale of South African diplomats), unlike the uncertain income of the black Africans, need not be plowed back into his cause. For the fiscal year ending March 31, the South African government has allocated $381,318 to the Information Service.

De Villiers accurately points out that this total cannot be broken down to reveal expenses to defend apartheid. In a telephone interview, he said there is trade publicity and other information turned out by his office and staff which have nothing to do with apartheid. But the same is true on a pathetically smaller scale for the Pan Africanist Congress, for example. Its representative, Peter H. Molotsi, forty, laid out $93 between January and March, 1969, to help clothe and feed some of his colleagues.

The South Africa Foundation opened its government-sponsored office in New York late last year "to promote international understanding of South Africa, her achievements, her problems and her potential, and by so doing, to advance the welfare of all her peoples."

A Durban-born South African, John H. Chettle, thirty-one, was named head of the office at $19,800 a year plus housing. Some $18,000 was advanced by the government to set up shop, and Chettle reports he paid out $2,400 in a six months period, ending this May, for "entertainment, travel, and hotel." This is twice what all five of the black South African groups say they received in the past two years.

The result of this chasm in funding is apparent. Few Americans remember reading of Sharpeville, where South African forces shot scores of natives. Few Americans see the Justice Department files, or receive one of those fifty African National Congress mailings, or are Presbyterian ministers who heard that lecture by Setai.

The atrocities of South Africa get small lineage even in newspapers otherwise serving their communities well. Who knows, for example, that the International Commission of Jurists has urged a United Nations investigation of jail "suicides" in South Africa that smell of torture and police murder? Who knows of the 119 executions by hanging that took place in South Africa last year (forty-seven per cent of all executions recorded in the "free world," according to a University of South Africa study)? In the Republic, capital punishment can be imposed under a number of laws including the Suppression of Communism Act and the Terrorism Act.

Midnight arrests, months of solitary detention without habeas corpus rights or any court intervention, and judicial ostracism of prominent anti-apartheid individuals have all been testified to by responsible South Africans. The limited coverage given to such horrors generally is accorded whites—such as the gallant newspaperman Laurence Gandar who exposed prison barbarism and was convicted. Deeds against the black man, in South Africa as in America, seldom emerge from the darkness in which they are committed.

Meanwhile, the American investments in South Africa bubble along merrily: up from $450 million in 1965 to $750 million in 1968, according to South African figures. General Motors, Ford, Goodyear, Coca-Cola, and the Chase Manhattan bank are among the 275 or more U.S. firms with interests in South Africa.

The investment by Americans in telling what the blacks, "coloreds," Indians, and other non-whites suffer from apartheid is, however, not in the hundred-millions, but in the tens of thousands. Not many know the literature of the American Committee on Africa, a private group backing black Africans and supported by Americans. Nor do most know of its opponent, the American-Southern Africa Council which promotes the white government and was built up by former Youth for Wallace chairman John Acord.

The Committee spent $165,000 in fiscal 1968, concentrated on events in Rhodesia and Portuguese colonies in South Africa as well as the Republic of South Africa. The right-wing Council spent $200,000 in 1967.

A fact sheet distributed by the South West Africa People's Organization, which describes apartheid as "sordid, inhuman, and undemocratic," did not achieve 969 television showings to thirty million people. It did not make it into my son's packet.

And yet, to believe in America is to believe that there are outrages which will be disclosed, even when the odds are $1.75 million to $8,000. Setai, in conversation, tried to explain why.

"Well, we don't have a budget! We spend our own money. But I work at it because I can *feel* the struggle inside Africa. I'd feel guilty to get paid for it." In the 583 pages of the apartheid packet I found no topper for that.

JOSEPH W. BARR NAMED PRESIDENT OF AMERICAN SECURITY & TRUST CO.

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. HANNA. Mr. Speaker, the Washington Post reported this morning that former Secretary of the Treasury, Joseph W. Barr, has been named as president of American Security & Trust Co.

I have known Mr. Barr for a number of years and have always been impressed by his great abilities and brilliant personality. I wish to take this opportunity to publicly congratulate him on his new position. American Security is indeed fortunate to have such an outstanding leader of the Nation's financial community at its helm.

I insert the Washington Post article in the RECORD, as follows:

A.S. & T. SELECTS BARR AS BANK PRESIDENT—ALMOST SURE TO SUCCEED BAKER

(By Robert J. Samuelson)

Joseph W. Barr, former secretary and under secretary of the Treasury, was named yesterday president of the American Security and Trust Co., a position from which he should ultimately become the head of the city's second largest bank.

Barr, 51, now vice chairman of the bank's board of directors, will almost certainly be appointed to succeed Robert C. Baker, the bank's chairman and chief executive officer, when he retires. The mandatory retirement age is 68, and Baker is now 67.

As head of the bank, Barr would automatically become one of the most prominent and important men in Washington's financial elite.

Since he joined the bank earlier this year, Barr has helped guide Washington bankers' efforts to allow the city's 14 banks to move beyond the city limits and establish branches in the nearby suburbs.

He has consistently argued that Congress must allow the expansion if the District banks are to attract the necessary deposits to maintain a healthy rate of growth. A bill authorizing the change, which has been vehemently opposed by suburban banks, is currently pending before a Congressional committee.

In a short interview yesterday, Barr indicated that the additional deposits of the suburban areas could help Washington move more aggressively into financing international trade.

"It seems to me that this is a logical center for a lot of international business," he said.

Many of the world's major international financial institutions—the International Monetary Fund, and the World Bank—are located here, Barr noted. Moreover, he said, "We're equidistant between the Baltimore and Norfolk ports, and we're near Dulles Airport, which should be one of the major centers for air freight in the next five years."

Most international business is now diverted to New York, according to Barr. Any increase here, he said, would naturally result in additional deposits.

Barr actually served as secretary of the Treasury for less than a month before the Nixon administration took office in January. However, he held high government posts for eight years during both the Kennedy and Johnson administrations.

A former Indiana Congressman who was defeated in 1960, Barr first became the assistant to the secretary of the Treasury for congressional relations, then moved to the Federal Deposit Insurance Corp., where he was chairman, and finally received the No. 2 job at Treasury, under secretary, in 1965.

During these years, Barr earned a reputation for candor. In 1968, when Congress was debating whether the United States could afford both "guns and butter," Barr bluntly told a Congressional committee that the country could not—contradicting the administration's official policy.

"I'll either get fired or impeached before I get out—and either is not too bad," Barr said after that session.

Early this year, when he was secretary of the Treasury, Barr coined a phrase—"taxpayers revolt"—to explain the rising sentiment, both in and out of Congress, for tax reform. Barr's statement immediately attracted attention and was widely quoted in the press.

Before coming to Congress in 1958, Barr worked in a variety of businesses in Indiana.

In size, American Security and Trust is surpassed only by Riggs National Bank within the District. As the end of last year, American Security and Trust had $624.9 million in deposits, and Riggs had $830.9 million.

THE NAME McCORMACK DEFINES CREDIBILITY

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. SLACK. Mr. Speaker, current events have brought to our attention the difficult position in which our eminent Speaker JOHN MCCORMACK finds himself as a result of an apparent error of judgment by one of his staff members. All of the facts in this case have yet to be revealed, but I am confident that nothing will be discovered which casts the slightest shadow on the Speaker himself.

In any congressional office there are dozens of decisions made each day, and since the decisions are made by fallible human beings, occasionally some of these are bad decisions. At one time or another, every Member of Congress has found himself in hostage to a decision made by a staff member. At that point a Congressman pays in embarrassment in proportion to his prominence, and for this reason Speaker MCCORMACK has been required to stand public scrutiny far beyond any suggestion of actual implication in the events recently reported.

I would not dignify this whole affair by lengthy comment in support of the Speaker. I would simply say that during my years in the House I have learned from experience that the word of JOHN MCCORMACK defines the word "credibility." Anything further that may be said from whatever source must be measured against the word of JOHN MCCORMACK, and his word is more than enough for me.

FARM PROGRAM RECOMMENDATIONS

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. FOREMAN. Mr. Speaker, the New Mexico Farm and Livestock Bureau is one of the most active, effective industry organizations in the State of New Mexico. Their membership is made up of a broad cross section of our citizens including farmers, ranchers, manufacturers, retailers, suppliers, and various others.

They are good, solid, honest, down-to-earth individuals who work for a living and they are not ashamed of it. They are willing to shoulder their share of responsibility and they expect others to do the same.

During a visit to New Mexico last week to meet with some of the county groups of the New Mexico Farm and Livestock Bureau, I was presented this list of suggestions and recommendations for consideration as we develop an agriculture program. I am pleased to present it for the review and comments of our colleagues:

Be it Resolved that the New Mexico Farm & Livestock Bureau go on record in favor of the following:

Farm Program—General: 1. If it is determined that land retirement should be part of any agricultural program, it is recommended that the producer be given a choice of:

a. no grazing with a higher payment rate.

b. limited grazing permitted with less payment rate, provided permanent cover is not damaged.

2. Any land retirement program should have provisions that would assure land renters a fair share of the retirement payments.

3. Establish and strengthen the advice and participation of the agricultural industry in the administrative decisions made with respect to the federal agricultural programs.

Farm Credit—Be it Resolved that the New Mexico Farm and Livestock Bureau urge federal legislation to increase present limitations on farm operating loans ($35,000) and ownership loans ($60,000) for the purpose of encouraging individuals to become established in agricultural production on a scale large enough to be economically feasible.

Tax Laws—Whereas, it is almost impossible for a young person to buy a farm or ranch and recognizing that many older people that own land would prefer to sell if the tax was not so great; Therefore, Be it Resolved that it is recommended that the tax laws be changed to provide that older people could sell their farms and ranches and collect all the money if the money is invested in stocks, bonds, other securities, deposited or loaned out to draw interest and not be subjected to the present tax regulations. This would permit the transfer of agricultural property to individuals that desire to continue in agricultural production. This arrangement would allow older farm and ranch people to retire in dignity and have the satisfaction of living off the proceeds of their accumulated savings.

Be it Resolved that the New Mexico Farm & Livestock Bureau go on record in favor of the following:

1. Cotton Research—Promote legislation to increase funds for production, harvesting, and marketing research and education to lower the costs of production and improve the quality of cotton that is demanded by the industry.

2. *Cotton Program*—Until the cotton industry can recover from the present cost and price squeeze, it is necessary that some form of cost adjustment be provided, similar to the cost-of-living index reflecting wage adjustments, in order for producers to sell at competitive prices and receive a reasonable return for labor, management and investment; that such cost adjustment be made to the commodity rather than to the producer.

3. *Payment Limitations*—Oppose limitations on any farmer's benefits from a price support or payment program.

4. *Cotton transfer*—Recommend that no limit be placed on the acreage allotment which may be transferred from farm to farm; that transfers be permitted between any farms in a cotton-producing state, and that the transfer period be permitted as long as practical.

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1. *Gun Laws*—Be it Resolved that the New Mexico Farm & Livestock Bureau is opposed to any new gun registration laws and go on record to repeal present gun registration laws.

2. *Federal Income Tax*—Be it Resolved that the New Mexico Farm and Livestock Bureau support the present system of federal income tax reporting as regards the choice of a cash of an accrual basis and we oppose removal of the present exemptions on fertilizer, seed, feeds, insecticides, chemicals, and other materials that are used in production of agricultural products, and we also oppose the removal of any exemptions that promote industry.

3. *Fiscal Irresponsibility.*—Whereas, we have expended countless billions in foreign aid with little benefits to the recipients and none to ourselves and have wasted many more billions in innumerable boondoggles at home and, Whereas our public debt has increased to such a staggering sum that the interest for the year starting July 1, 1968, is likely to be more than 16 billion; Be it Resolved that the New Mexico Farm & Livestock Bureau go on record as favoring a substantial reduction in domestic and defense spending and stopping foreign aid

4. Be it Resolved that the New Mexico Farm & Livestock Bureau notify the American Farm Bureau that we oppose the Excess Deductions Account section of H.R. 13270 which the American Farm Bureau has endorsed and strongly urge their reconsideration of their endorsement of this section of the bill.

5. Be it Resolved that the New Mexico Farm & Livestock Bureau is opposed to the H.R. 13270 as passed by the House and urge its defeat by the Senate. We direct that copies of this resolution be sent to our four Congressmen.

HAZELWOOD MARINE IS DEAD IN VIETNAM

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. GAYDOS. Mr. Speaker, it is with deep regret that I announce the death of another of our brave fighting men, Pfc. Patrick McClintic, of Hazelwood, Pa., who was killed in Vietnam.

We owe a profound debt of gratitude and appreciation to our dedicated servicemen who sacrificed their lives for this great country. In tribute to Private First Class McClintic for his heroic actions, I wish to honor his memory and commend his courage and valor, by placing in the RECORD the following article:

HAZELWOOD MARINE IS DEAD IN VIETNAM

Marine Pfc. Patrick McClintic, a son of Mr. and Mrs. Hunter McClintic of 215½ Glen Caladh St., Hazelwood, died of complications from malaria in Vietnam, the Defense Department told his parents yesterday.

Pfc. McClintic, 19, had enlisted in the Marines seven months ago, and was in Vietnam not quite two months.

A graduate of Boyle High School, Homestead, last June, he attended Hiram Scott College in Nebraska and worked at Kaufmann's store part-time during the holiday season last year before enlisting.

While at Boyle he was a fullback on the football squad. He also played Pony, Colt and Little League baseball.

Her son, who loved the Marines, enlisted because he felt it was his duty to be in service, his mother said.

In addition to his parents, Pfc. McClintic is survived by a brother, James, and his grandmother, Mrs. Helen Brenn, at home.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorial for today is from the Portland Evening Express, Portland, Maine, in the State of Maine. The editorial follows:

[From the Portland (Maine) Evening Express, July 24, 1969]

BIGGER TRUCKS TO THUNDER DOWN ROADS IF BILL PASSES

(By Richard L. Lyons)

WASHINGTON.—To the motorist who shudders when he sees a big tractor-trailer truck pounding down a hill from behind or approaching on a narrow road ahead, take heed.

The bill to permit even bigger trucks on the highways, which nearly slipped through Congress last year until public outcry killed it, is back again.

A House public works subcommittee headed by Rep. John C. Kluczynski (D-Ill.), a former truck driver and an enthusiastic sponsor, is conducting hearings on the measure to permit wider, longer and heavier trucks on the interstate highway system. The bill won committee approval last year, but some members now appear to be having second thoughts because of public criticism.

The bill was denounced as an "antisafety bill" by the American Automobile Association. It was defended by trucking interests as a means of enabling construction of safer trucks and as a long overdue unfreezing of truck size limits set by the 1956 Highway Act. For truckers, bigger vehicles mean bigger loads and more profits.

The measure is called a permissive bill, as it would merely permit the states to authorize larger truck sizes on interstate highways within their borders. But in the past states have been quick to go along with the trucking interests. And inasmuch as trucks have to get off the big interstate highways to make pickups and deliveries, they presumably would be permitted on smaller roads as well.

The bill would allow an increase in maximum width from 8 to 8½ feet (plus side mirrors and other outcroppings), and it contains a formula that would increase maximum loaded weight from 73,280 pounds to 108,500 pounds.

For the first time the bill contains a length limit—of 70 feet. Only two of the 48 contiguous states now permit trucks that long in general use, though larger trucks operate under special use permit in several states. Rep. Fred Schwengel (R-Iowa), who has led the fight against the bill, said expert testimony showed a "grandfather clause" in the bill makes the length limit meaningless and would permit use of triple-trailer trucks 105 feet long in some states.

Last year the Bureau of Public Roads predicted that the wear and tear of an estimated 300,000 bigger trucks would add $8.5 billion in repair and construction costs to the interstate highway system during the first 10 years.

Rep. Richard D. McCarthy (D-N.Y.), another leading House opponent of the bill, said, "8.5 billion dollars to benefit one-third of one per cent of the nation's vehicles is a steal. I wouldn't believe it if I weren't here."

During the campaign last fall, President Nixon promised to "take a hard new look" at the trucking bill to "make certain that the interest of the traveling public and also the life of our highways are fully protected." The Administration will testify to conclude the hearings the first week in August. Both sides are waiting to hear what officials have decided.

The American Trucking Association said the bill would mean safer trucks—for instance, bigger tires gripping larger segments of pavement. William A. Bresnahan, ATA's managing director, said truck technology has been frozen since 1956 at levels of another era and added it would be "gross injustice" not to permit the larger dimensions.

THE FEDERAL GOVERNMENT AND HIGHER EDUCATION

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, on September 20, 1969, Health, Education, and Welfare Secretary Robert Finch addressed the "Presidents to Presidents" conference of the Association of Student Governments.

Speaking on the topic "The Federal Government and Higher Education," the Secretary first outlined the traditional role of the Federal Government in the field of higher education—increasing knowledge and skills, assisting institutions in meeting growth problems, helping to make the option of higher education available to all Americans, and pervading all of these—striving for quality education.

But Mr. Finch pointed out:

> What is not settled is the Federal role with respect to the new political life emerging on college and university campuses.

In rejecting the role of policeman as appropriate for the Federal Government, the Secretary challenges us to look for a positive response which will serve us not only now but in the future.

The Secretary's insight into this issue as well as his observations on how our decisions with regard to student involvement can and will affect the future will, I believe, be of interest and value to my colleagues, and I include the text of the Secretary's statement as part of my remarks at this point:

REMARKS OF THE HONORABLE ROBERT H. FINCH, SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Presidents, all, I am honored to be here tonight . . . and rather intimidated. It's hard enough to collect my thoughts on a topic like "The Federal Government and Higher Education" and on the ongoing problems of education at every level when I report to just one President. Tonight, I have to report to a whole host of Presidents.

I'm sure you were struck today in your visit with President Nixon, even in the brief minutes you had together, by the deep concern he has in this area. This concern is profound and is a constant daily subject of our conversations. I know that your sessions today with him and with each other are going to be most helpful to the President and to members of Congress on the range of problems we must confront, generally, on the Federal level.

The lecture system, I gather, is subject increasingly to question. In that spirit I want to move rapidly to the dialogue . . . to questions and answers. My operating premise is simply this—that if the young ever decide the old are perfectly right . . . we all are lost—and so I hope we will have had as much discourse as possible before my portion of the evening is over.

Let me begin with a few brief observations—to help structure the dialogue. I want to give you some sense of how those of us with official responsibilities in the field of higher education see our job, and our roles.

We are launched, at least, into a series of programs designed to achieve three broad goals relating to higher education. The first is to assist in increasing the fund of knowledge and the reservoir of skills upon which our society depends, today more than ever. The second is to assist in the process of growth—growth in the numbers of students attending institutions of higher education, and parallel growth in the capacity of these institutions to receive them. And the third is to make the option of higher education available to all Americans—and to broaden the varieties of approaches, and curricula such as the community college and an improved elementary and secondary system within this option.

These, then, are settled policies—settled goals with respect to the Federal Government's commitments in higher education. What is not settled is the Federal role with respect to the new political life emerging on college and university campuses. And I have at least two strong misgivings about defining in a very precise way a Federal role or a Federal presence in the area of "student unrest" so-called.

First: from all the data we have available, from session after session this summer, from surveys, and from common-sense observation—the phenomenon of unrest . . . the syndrome of discontent obviously goes far beyond "students." It embraces all young people—and it also embraces much of the adult population at whatever socio-economic level. Indeed, for all the emphasis on "the generation gap," the differences within the youth community may be greater even than differences between parents and children. There is no single cleavage of opinion—neither is there a particular ideological polarity in the discontent that unquestionably pervades our national life.

My second misgiving follows from the fact that one of the most honored traditions of our free society is the autonomy . . . the pluralism . . . of its higher educational institutions. Campus governance must be the proper concern of each institution, and of every component—faculty, students, administration, alumni, and governing boards—within that community.

It is my strong conviction that the Federal intrusion onto the campus in the guise of policeman as has been suggested by so much in the way of legislative proposals is no more desirable than authoritarian intervention in any form. If some of the bills pending before Congress were enacted . . . we would have, in effect, a national code of student conduct—and this I utterly reject . . . along with all the conformity and authoritarianism it implies.

One bill which has been proposed would, in effect, have the Secretary of HEW place a man on each campus. It proposes that if X percent of the students at the campus engage in disruptive activities, then the Secretary of HEW is to cut off all funds flowing to that institution. And so I get a picture of a man standing out there—my man on X campus—and he's counting, you know—"8, 9 . . ." and he can't tell whether that's a student or a teaching assistant or a graduate student or some guy wandering through the campus—but he hits a certain magic number and he calls me and says, "cut off the money" and there we are. Administratively, it just can't work. We cannot create that kind of apparatus—we cannot create that kind of Federal presence and still maintain the integrity of higher education in this country as we know it today.

Our response has to be tempered by our responsibilities—and our allegiance to academic freedom and the integrity of each institution must and will continue.

We are looking carefully, then, to the positive response—over the long range—which is appropriate for the Federal role. Particularly because of budgetary constraints, we are seeking responses which can be replicated as widely as possible.

The new orientation in HEW toward higher education will increasingly be on innovation . . . quality. And we seek also student involvement in higher education . . . involvement not only in the processes of higher education, but also in the areas of broader social concern to today's student. We want not merely to maximize the numbers of students who reach the college gates—we are particularly concerned about the quality of educational experience that awaits them once they have passed through the gates.

And this must be particularly so when the gates—the symbolic boundary between community and campus, town and gown, if you will—are less and less of a boundary at all. Like it or not, we do seem to inhabit Marshall McLuhan's "global village"—with instant communication . . . instant participation. Much indeed is falsified and distorted by this life process. But in such a context, we have to ask ourselves anew—what does the educational experience mean? How is it imparted? How do we make it more viable?

The opportunity to confront these questions is, it seems to me, the unique value of sessions such as this. Our dialogue has only begun. One of the exciting things about the campus visits undertaken in an unannounced way last spring by Congressman Brock, Congressman Steiger and their colleagues—and by the sessions we have had since—is the opportunity for dialogue and a learning experience that for all of us has not stopped. All of us recognize this commitment. We see, too, that the concerns extend beyond the campus to larger social issues in community and nation. And I was struck in my visit last night to Harvard that we must also mobilize this concern to go to some of the less visible, less glamorous issues affecting our national existence, such as the whole ecological-environmental spectrum. The extension of that same commitment and involvement must be engaged with a whole new range of qualitative problems.

We recognize and seek to tap the commitment of college youth. In the resolution of our social problems, I suspect the major contribution our universities can make is the time, intelligence, and dedication of their students. There is fruitful interaction here, too, because non-academic experience may well be a crucial component of quality education.

When I talk about involvement . . . and encourage young people in particular to join the fray . . . I'm not talking about what a friend of mine calls 'the Joshua effect"—certainly not only this. It is easy enough to grab a trumpet . . . stake out a position in the middle of the campus quad . . . and blast away and seek whatever constituency can be held together—but this doesn't really get us very far toward problem-solving. Politics is an infinitely slower, more subtle process than that, and those who want to make a real difference will have to do more than just blow trumpets.

I suppose I would put all I have said tonight about the University into perspective by pointing out a simple fact which is so obvious that we don't give it the thought it deserves. That fact is the level of expectations we impose on the university. America puts more burdens on the university—and charges its educational institutions generally with more fundamental tasks—than perhaps any other institution in our society. We ask that it serve many masters—government, business, the church, to name but a few—and consequently it probably serves none as it really should, while at the same time protecting its basic integrity.

In the context of all these burdens on our institutions, we see developing today another set of burdens—the burdens of an escalated political rhetoric.

The young charge that their elders are hypocrites. They confront the plethora of America's unsolved social problems—its unmet needs, against the context of incredible abundance—and the criteria of economic success seem to turn them off. Some observe those at the top of the material heap and seem to say, "I don't want to be that kind of person." "I want a different 'life style'."

On the other hand, their elders urge them to treat existing institutions with respect and with affection, and to initiate change with mature and reasoned judgment. And the young reply—"this is not maturity but senescence." The counsels of caution represent, to them, the atrophy of their elders' moral sense.

Their elders reply, in turn, that the young fail to apply the ethical standards they claim for themselves to their own modes of operation.

They observe the confrontation tactics of some—the violence calculated to "politicize" and "radicalize" their peers—and elders conclude that cynicism, hypocricy, and manipulative politics are not the exclusive domain of those over thirty.

In a sense, I am not surprised that the campuses are the focal point for all of the rhetoric, deplorable as its excesses unquestionably are. I sometimes suspect that the late-night radio talk shows in all of our cities around the Nation have increased so dramatically in popularity because the talk show is about the only modern analogue to the town meeting of our early history. It attempts to do for us what the ubiquitous coffee houses did for 18th Century London . . . or the country-store crackerbarrel for 19th Century mid-America. It provides a place for the confrontation of ideas.

But what a faceless, impersonal, synthetic medium we have today . . . what a sad and bloodless substitute for face-to-face dialogue.

And this is one more reason, one more critical reason, to preserve our universities as open forums. That is why they must always remain open to all viewpoints, the arena for the confrontation of ideas.

We really have almost no alternatives. Otherwise, we might as well fold up shop as a free pluralistic society.

My predecessor, John Gardner, stated our problem eloquently in his recent Godkin Lectures:

"There are many ways in which a nation can die. It can die from internal strife, tearing itself apart. It can die of indifference, of an unwillingness to face its problems, an incapacity to respond to the suffering of its people. Or a nation can die of old age, not chronological so much as psychological old age, a waning of energy and an incapacity to learn new ways."

It is the unending process of renewal, institutional and self-renewal, then, to which we must all be dedicated. Although the process of formal education sometimes creates a facade, an artificial feeling of removal from the world's concerns, I urge you, those who are still in school, not to be misled. You are not preparing for life; you are already living it. As Bob Dylan says, "If you're not busy being born, you're busy dying."

Life—renewal—challenge—opportunity—these are not things as persons, or as a society, that we can put off. You're a part of it all; it's happening here—and now—and we either make a difference—or we don't. But it's a matter of choosing.

As John Gardner put it:

"A nation is never finished. You can't build it and leave it standing as the Pharaohs did the pyramids. It has to be recreated in each generation by believing, caring men and women. It is now our turn. If we don't believe or don't care, nothing can save this nation. If we believe and care, nothing can stop us."

LEGAL SERVICES AMENDMENT

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. TUNNEY. Mr. Speaker, Senator Murphy's October 14, 1969, legal services amendment which grants to Governors absolute veto power over specific legal service programs and in effect permits one man in the State capitol to dictate the nature and extent of legal advice to be provided to thousands of individual clients, was intended to prohibit the continuation of a specific California legal service program, California Rural Legal Assistance.

The Senator's opposition to this program was predicated on what he contended were its law reform activities, such as its successful prohibition upon the importation of illegal foreign labor and its requirement that the U.S. Department of Agriculture provide food to hungry children in 19 California counties.

Mr. Murphy's amendment is a classic example of overkill. In effect it is an anticivil rights amendment and constitutes an interference with the canons of ethics and a lawyer's relationships with his client. Whatever may be Congress position in regard to the role of legal service programs, two issues should be considered.

First, the effect, albeit unintentional, of Senator Murphy's amendment, is to eliminate all southern legal service programs that vigorously represent Negroes. Virtually every southern legal service program that has vigorously represented Negroes in the area of civil rights has been under attack by both southern Governors and southern Senators.

At present the Mississippi legal service program is the object of just such anti-Negro attacks by local political figures. To give absolute veto power to a Governor will mean the termination of legal service programs for Negroes in most Southern States. That this is the hoped-for effect of the Murphy amendment is best illustrated by the unanimous and vigorous support provided by southern Senators to Senator Murphy. Not one southern Senator voted in opposition to the Murphy amendment. Florida's Senator Holland, for example, who recently failed along with Florida Governor Kirk to block the refunding of south Florida's migrant legal service program, was the most vigorous supporter of the Murphy amendment. Thus, the present amendment is an anti-civil-rights amendment whose effect will be to discourage Negroes from using the courts and to inadvertently encourage the use of the streets.

Second, the amendment is intended to and has the clear effect of interfering with the historical independence of the lawyer and the relationship of trust that he has with his client. Canon 15 of the American Bar Association's canons of ethics which have been adopted in virtually every State and are presently embraced in revised canon 7:

> The lawyer owes entire devotion to the interest of the client, warm zeal in the maintenance and defense of his rights and the exertion of his utmost learning and ability, to the end that nothing be taken or be withheld from him, save by the rules of the law, legally applied. No fear of judicial disfavor or public unpopularity should restrain him from the full discharge of his duty. In the judicial forum the client is entitled to the benefit of any and every remedy and defense that is authorized by the law of the land, and he may expect his lawyer to assert every such remedy or defense.

The American Bar Association on October 13, 1969, asserted this very position in a letter to the Honorable Senator Yarborough, the chairman of the Committee on Labor and Public Welfare and that appeared in the Congressional Record S12569.

In the judicial forum the client is entitled to the benefit of any and every remedy and defense that is authorized by the law. To encourage any less and in effect to prohibit the most effective remedies, could place each of the 2,000 OEO legal service lawyers in the dilemma of violating the canons of ethics they are pledged to uphold. Moreover, it could open a Pandora's box of malpractice and disbarment proceedings against such lawyers, should they, in seeking to preserve their legal service programs from political attack by Governors, fail to seek every remedy and defense authorized by the law.

I, therefore, call upon the Members of this body to show to the poor the same commitment to the law that we ask of them. If respect for the law is to have any meaning we must first see that the poor are permitted to effectively use the legal system. With this in mind, I believe that the Murphy anti-civil-rights amendment should be rejected and that the eventual decisionmaking power for legal service programs should rest with the President's appointee, the OEO Director. Only he can effectively judge the efficiency and the effectiveness of legal service programs.

As Chief Justice Burger stated to the Tenth Circuit Judicial Conference on July 1 of this year, legal services for the poor can only be effective if wholly removed from political conflicts and from Executive control.

It seems especially ironic that we should permit a Governor to dictate the extent and nature of legal advice to a client while at the same time seeking to encourage the poor to use the courts rather than the streets.

DANGERS OF INVOLVEMENT IN ASIA

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, October 23, 1969

Mr. METCALF. Mr. President, the distinguished Senator from Montana (Mr. Mansfield), the majority leader, has warned us repeatedly of the dangers that could flow from our deepening involvement in Laos. Senator Mansfield is once again speaking out directly, telling it, as the young people say, like it is. I profoundly hope that our Government will take heed this time.

For years my distinguished colleague from Montana has warned while others have soothed. No alarmist, rather a realist and a man of peace, Senator Mansfield has tried to show us how badly our Vietnam policy has served our own interests, even if we could ignore its cost in men and resources.

In an article published recently in the Great Falls Tribune, William D. James, the executive editor, described Senator Mansfield's position and cited his many warnings about Vietnam. Mr. James has also drawn a parallel with our situation in Laos. In the hope that it will reinforce his warnings of additional tragedies there and so that all Senators may have the advantage of this recapitulation of Mike Mansfield for the right statements, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Great Falls Tribune, Sept. 28, 1969]

MAJORITY LEADER MANSFIELD WARNS UNITED STATES ABOUT FURTHER INVOLVEMENT IN ASIA

(By William D. James)

A warning Sen. Mike Mansfield made last week that a deeper U.S. involvement in Laos could develop into a Vietnam-style military entanglement is drawing national and international attention because of the accuracy of his grim predictions about the course of the Vietnam war.

The Senate Majority Leader based his warning about Laos on a trip he made to Southeast Asia in August at the request of President Nixon.

The trip was his sixth fact-finding trip to Southeast Asia in the last 16 years. He made such trips in 1953, 1954, 1955, 1962, 1965 and 1969.

Mansfield, who has investigated conditions in Asia at the request of Presidents Roosevelt, Truman, Eisenhower, Kennedy, Johnson and Nixon, has been consistent in warnings that the U.S. should avoid getting lured into the quicksand of Asiatic wars.

The Montana senator has been lauded frequently by national correspondents for analyzing Vietnam events accurately. Clayton Fritchey, nationally-syndicated columnist, complimented Mansfield last year for being "the one man, who from the beginning, has been uncannily right about U.S. involvement in Vietnam."

After investigating conditions in Indochina in 1953, when the French were still fighting, Mansfield recommended that the U.S. should improve its Vietnam programs. Noting that we then were spending about $25 million a year there, he stressed that the aim of our programs should be to build up the self-reliance of the people.

Mansfield has maintained consistently since 1953 that it would be better to have the Southeast Asians solve their own problems than to have U.S. military forces involved.

"The situation in Vietnam and in a larger sense in Indochina, is grim and discouraging," he reported after his 1954 visit. (On that trip, he also attended the conference of the Southeast Asia Treaty Organization (SEATO) in the Philippines at the request of President Eisenhower.)

"It would be misleading and futile," he said in his 1954 report, to tell the Senate or the people of the U.S. that conditions were other than grim and discouraging.

The need, he explained, "is not to bury the realities of this situation but to face them, however grim and discouraging they may be. If we do so, it is possible that the reversal which has been sustained in Indochina may yield experience which has application elsewhere in Asia."

"This experience could be useful in avoiding still other setbacks and damaging waste of untold millions of dollars of the resources of the citizens of the U.S.," he said.

Mansfield pointed out in 1954, when discussing the French defeat in Vietnam, that there had been a general tendency to "make the wish father to the thought and consistently and seriously underestimate the strength" of the forces fighting the French.

"If there was one overriding cause of the failure, however," he said, "it is to be found in the distorted emphasis given to the capacity of military measures alone to bring about an end to the Communist advance in Indochina."

He said it would be difficult to see what more the U.S. could have done to avert a Communist victory over the French, "short of some foolhardy commitment of American troops on the Asian mainland."

After a visit to Vietnam in 1955, Mansfield again accented the need to encourage the Vietnamese to take care of their own affairs.

"What is at stake is the active loyalty of the preponderance of the population of South Vietnam. That can be won and held only by a Vietnamese government which alone can understand and respond to the needs of the people."

Mansfield urged the U.S. to concentrate on helping with economic recovery and development programs. He said that ought to be done with a view to creating over a set period of time a self-sustaining Vietnam free from further direct reliance on U.S. assistance.

After visiting Vietnam in 1962, Mansfield expressed serious doubts about U.S. policies there. He said there were about 12,000 Americans there and that U.S. spending totaled hundreds of millions annually there.

"It would be a disservice to my country not to voice a deep concern over the trend of events, since my last visit," he said in his 1962 report.

It was seven years and $2 billion of U.S. aid later but yet, substantially, the same difficulties remained if, indeed, they have not been compounded, he reported.

He expressed fears about having the U.S. intensify support of the Vietnamese armed forces.

"This intensification, however, inevitably has carried us to the start of the road which leads to the point at which conflict in Vietnam could become of greater concern and greater responsibility to the U.S. than it is to the government and people of South Vietnam," he said.

"In present circumstances," he cautioned, "pursuit of that course could involve an expenditure of American lives and resources on a scale which would bear little relationship to the interests of the U.S., or, indeed, to the interests of the people of Vietnam."

To avoid that course, he asserted, it should be clear to ourselves as well as to the Vietnamese where the primary responsibility was in this situation:

"It must rest, as it has rested, with the Vietnamese government and people."

Concerned with the possibility that the war would be converted into an American one, fought primarily with American lives, he said:

"It should be noted in all frankness that our own bureaucratic tendencies to act in uniform and enlarging patterns have resulted in an expansion of the U.S. commitment in some places to an extent which would appear to bear only the remotest relationship to what is essential or even desirable in terms of U.S. interests."

Mansfield and congressional colleagues who accompanied him on the 1962 trip agreed that the U.S. should make a thorough reassessment of its security requirements.

Such security requirements could be met, they indicated, without any further extension of the U.S. commitment in Southeast Asia.

Pointing out the perils of having the U.S. assume too strong a role in Southeast Asiatic policies, Mansfield said in his 1962 report:

"It is doubtful that it is the best way in any Southeast Asian nation, if the responsibility for its independent survival were to come to rest more heavily with the U.S. than with indigenous leadership because of the failure or inadequacies of that leadership in meeting its own responsibilities to its people."

The Montana senator's warning of the "open-end danger of an expanding war" received worldwide attention following his 1965 trip to Southeast Asia.

Mansfield was pessimistic about chances for an early end of the war—in sharp contrast to optimistic views of top U.S. military and civilian officials.

"A rapid solution to the conflict in Vietnam is not in immediate prospect," he cautioned.

Mansfield contended that despite the great increase in American military commitment, it was doubtful, in view of the acceleration of Viet Cong efforts, that the Saigon government's position could be held without more U.S. forces.

He said there was no assurance as to what ultimate increase in U.S. military forces would be required.

The question, he said, was not one of applying increased U.S. pressure to a defined military situation, but rather of "pressing against a military situation which is, in effect, open-ended.

"How open is dependent on the extent to which North Vietnam and its supporters are willing and able to meet increased force by increased force," he said.

The senator's "open-ended" warning was discussed frequently in the next three years as the U.S. saw its military forces in Vietnam grow to 560,000 and fatalities go over the 30,000 mark.

At the conclusion of his trip in August, Mansfield recommended to President Nixon that the U.S. place an immediate ban on increases in U.S. personnel in Southeast Asia.

In a report to the Senate Foreign Relations Committee, of which he is one of the ranking members, Mansfield noted that our involvement in Laos already has cost hundreds of millions of dollars and hundreds of lives.

The involvement in Laos carries the threat of even a deeper commitment by the U.S., he said.

Congressional colleagues of Mansfield, who regard him as their leading authority on Southeast Asia, have been impressed by the accuracy of his scholarly reports after each of his fact-finding trips. Many of his Senate friends say it is tragic that his advice and warnings were ignored.

The record shows clearly that Mansfield was correct in his grim warnings about the dangers of a growing U.S. involvement in Vietnam.

The senator now is warning the nation of what might develop if the U.S. makes the same mistakes in Laos it did in Vietnam.

Overly Optimistic Vietnam Quotations

(Editor's note.—There have been so many optimistic statements about the Vietnam war that Philip Geyelin, editorial page editor of the Washington Post, made a collection of them. Geyelin published his list in the summer after Defense Secretary Laird declared, "We have certainly turned the corner in the war."

(Since then, he probably has added a comment by President Nixon. The President described the war as possibly "one of America's finest hours, because we took a difficult task and we succeeded."

(We are reprinting the article to show the difference in views between the men quoted by Geyelin and those of Sen. Mike Mansfield appearing on this page.)

"We have never been in a better relative position."—General Westmoreland, April 10, 1968.

"We have reached an important point when the end begins to come into view. . . . The enemy has many problems: He is losing control of the scattered population under his influence . . . He sees the strength of his forces steadily declining . . . His monsoon offensives have been failures. He was dealt a mortal blow by the installation of a freely elected representative government . . . the enemy's hopes are bankrupt."—General Westmoreland, Nov. 21, 1967.

"We are generally pleased . . . we are very sure we are on the right tack"—President Johnson, July 13, 1967.

"Progress has been made . . . We have pushed the enemy farther and farther into the jungles . . . We have succeeded in attaining our objectives."—General Westmoreland, July 13, 1967.

"I expect the . . . war to achieve very sensational results in 1967."—Ambassador Lodge, Jan. 9, 1967.

"We are beginning to see some signs of success . . . There is an erosion of (enemy) morale."—Secretary of State Rusk, Aug. 25, 1966.

"We have stopped losing the war."—Secretary of Defense McNamara, October, 1965.

"We are not about to send American boys nine or ten thousand miles from home to do what Asian boys ought to be doing for themselves."—President Johnson, Oct. 21, 1964.

"The war in Vietnam is on the right track."—Ambassador Lodge, June 30, 1964.

"I think the number (of U.S. personnel) in Vietnam is not likely to increase substantially."—Secretary of Defense McNamara, May 14, 1964.

"The Vietnamese . . . themselves can handle this problem with their own effort."—Secretary of State Rusk, Feb. 24, 1964.

"The United States still hopes to withdraw its troops from South Vietnam by the end of 1965."—Secretray of Defense McNamara, Feb. 19, 1964.

"I am hopeful we can bring back additional . . . men . . . because I personally believe this is a war the Vietnamese must fight. "I don't believe we can take on that combat task for them."—Secretary of Defense McNamara, Feb. 3, 1964.

"Victory . . . is just months away, and the reduction of American advisors can begin any time now . . . I can safely say the end of the war is in sight."—Gen. Paul D. Markins, commander of the Military Assistance Command in Saigon, Oct. 31, 1963.

"Secretary McNamara and Gen. (Maxwell) Taylor reported their judgment that the major part of the U.S. military task can be completed by the end of 1965 . . ."—White House statement, Oct. 2, 1963.

"I feel we shall achieve victory in 1964."—Tram Van Dong, South Vietnamese general, Oct. 1, 1963.

"South Vietnam is on its way to victory . . ."—Frederick E. Nolting, U.S. ambassador to South Vietnam, June 12, 1963.

"The South Vietnamese themselves are fighting their own battle, fighting well."—Secretary of State Rusk, April, 1963.

"(The struggle) is turning an important corner."—Secretary of State Rusk, March 8, 1963.

"The corner has definitely been turned toward victory in South Vietnam."—Arthur Sylvester, Assistant Secretary of Defense, March 8, 1963.

"There are definitely encouraging elements . . . the ratio of casualties . . . indicates some turning in the situation."—Secretary of State Rusk, Feb. 1, 1963.

"The war in Vietnam is going well and will succeed."—Secretary McNamara, Jan. 31, 1963.

"The South Vietnamese should achieve victory in three years . . . I am confident the Vietnamese are going to win the war. (The Viet Cong) face inevitable defeat."—Adm. Harry D. Felt, U.S. Commander-in-Chief of Pacific Forces, Jan. 12, 1963.

"Every quantitative measurement shows we're winning the war . . . U.S. aid to Vietnam has reached a peak and will start to level off."—Secretary of Defense McNamara, 1962.

"The Communists now realize they can never conquer free Vietnam."—Gen. J. W. Daniel, official military aide to Vietnam, Jan. 8, 1961.

"The American aid program in Vietnam has proved an enormous success, one of the major victories of American policy . . ."—Gen. J. W. Daniel, official military aide to Vietnam, Sept. 7, 1959.

CHILDREN'S PRAYERS

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. ROUDEBUSH. Mr. Speaker, one of the most incredible decisions ever rendered by the Supreme Court outlawed voluntary prayer in the public schools of America.

Defenders of this outrage like to split hairs and advance the argument that only "prescribed" prayers were outlawed.

This is fiction, of course, because, as all of our educators are well aware, the interpretation of the decision has had the devastating effect of banishing all word of God, prayer, and the Bible from our public schools.

Some people see great danger in allowing a group of schoolchildren to start their day with a simple, child's prayer.

But the same people applaud Supreme Court decisions which have given every pornographer in the Nation the green light to flood our mailboxes and magazine stands with filthy books and magazines.

For the past several weeks we have been inserting five children's prayers weekly into the CONGRESSIONAL RECORD which may be used by our public schools if they so choose.

The Supreme Court would ban all religious aspects from American public life, but I do not believe the American people desire this, nor will they allow such action.

This week's children's prayers include the following:

I

We thank you, God,
For meat and drink;
We thank You for
Each happy day;
We thank You for
Long hours of play;
We thank You for
Bright butterflies;
We thank you for
Our own two eyes;
We thank You for
The birds that sing;
We thank You for
Just everything.

II

O send out Thy
Light and Thy truth:
Let them lead me
Let them bring me
Unto Thy holy hill.
(Forty-third Psalm.)

III

Jesus, from Thy throne on high,
Far above that bright blue sky,
Look on me with loving eye;
Hear me, Holy Jesus.

IV

Be Thou with me every day,
In my work and in my play,
When I learn and when I pray;
Hear me, Holy Jesus.

V

I will praise Thee, O Lord,
With my whole heart;
I will show forth all
Thy marvelous works.
I will be glad and rejoice
In Thee: I will sing
Praise to Thy name
O Thou most high.
(Ninth Psalm.)

FORMER POSTMASTER GENERAL DAY OPPOSES POSTAL CORPORATION AND SHOWS THAT NO CASE HAS BEEN PROVEN FOR DESTRUCTION OF THE POST OFFICE DEPARTMENT

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Thursday, October 23, 1969

Mr. YARBOROUGH. Mr. President, last Thursday morning, October 16, Mr. J. Edward Day appeared before the Senate Committee on Post Office and Civil Service to give his views on the administration's Postal Corporation proposal, H.R. 11750.

Mr. Day is particularly well qualified to speak on this subject not only because he served as President John F. Kennedy's Postmaster General from January 21, 1961, until September 9, 1963, but also because it is widely agreed by former Post Office associates and Washingtonians generally that he was one of the best administrators to ever serve in that vital Cabinet position.

Examples of his progressive and innovative services are legion. He conceived and inaugurated Zip Code service, he began A. B. C. D. business service—a service recently abandoned for so-called economy reasons—and he was the first Postmaster General to come before Congress himself and recommend a salary increase for the postal employees.

Aside from Mr. Day's direct experience as Postmaster General, his illustrious background in both business and public service lend even greater weight to his views regarding this corporation proposal. Admitted to the Illinois bar in 1938, he served as legislative assistant to Gov. Adlai Stevenson in 1949 and was Illinois Commissioner of Insurance from 1950 to 1953.

His business career with the Prudential Insurance Co. of America began when he was made associate general solicitor of that firm in 1953. He was later to serve as associate general counsel and then as vice president in charge of western operations—Los Angeles 1957–60—before President Kennedy virtually drafted this highly capable citizen for duty as our Nation's Postmaster General.

The administration's corporation proposal is quite complicated and Mr. Day's statement before the Post Office Committee was therefore of some length—but it was direct and to the point and it brought with it the depth of experience and good judgment that J. Edward Day has always been known for.

In his statement, he covered every facet of the corporate proposal. Highlighting his remarks, Day pointed out that H.R. 11750 recommends, among other things, that a postal corporation, entirely owned by the Federal Government, be chartered by the Congress to operate the postal service on a self-supporting basis. Yet there is no clear and convincing argument why reform cannot be accomplished within the framework of the present structure.

Day went on to conclude that a departure from congressional control of Federal activities should be made only where it is clearly demonstrated the activities can be more efficiently and economically operated through the corporate structure, and a net advance to the Government will result. There is no evidence to that effect in the case of the postal service.

The basic contention of critics is that the Post Office is "on the verge of collapse." Nothing could be further from the truth. The so-called deficit in "real" dollars is less per capita today than in 1950. We have fewer employees in proportion to mail volume than does Great Britain, Switzerland, the Netherlands, Belgium, West Germany, Italy, and Japan. In truth, we operate the most efficient postal service in the world.

The unusual Chicago tie-up of October 1966 is also cited as a symptom of impending disaster—yet critics fail to mention there has been no reoccurrence in the 3 years since.

The postal service is compared unfavorably to TVA, yet such a comparison is really not valid. TVA is geographically concentrated, capital intensive, and employs less than 20,000 people. The postal service is a sprawling, labor intensive giant employing three-quarters of a million people, and offering a variety of services to the public throughout the United States.

The Post Office has a history of working relationships and traditions that would be destroyed through a reorganization, whereas TVA began as a Government corporation. In fact, TVA, like the Rural Electrification Agency, was created in an area where private enterprise failed to do the job and it was necessary for the Federal Government to step in.

With the proposed corporation's break-even obsession, we would probably see skyrocketing postal rates as such costs as depreciation of facilities, debt retirement, and public service costs were incorporated in postal rates. Yet there is no objective reason why the postal service should retrieve all of its costs from charges. The post office serves all the people—and since these users are taxpayers, it is entirely appropriate that Federal tax revenues should provide a significant part of the postal budget. However, the proposed corporation concept would, with its system of incremental costing, in all probability put the vast burden of these additional expenses on the first-class mailer, the person least able to afford such an increase.

Under the administration's bill, the Post Office would not necessarily be responsive to the desires of the people and the Congress would be almost powerless to force it to comply with its wishes. Congress should not abdicate its role as overseer of this vast Department. There is too much at stake.

Day goes on to point out that while there is a need for meaningful postal reform, it can and should be carried out within the present structure of the Post Office Department whereby control of the Post Office would remain in the hands of the people through their elected representatives in the Congress.

Reorganization is, to a large extent, an avoidance of the real problems that plague the postal service. The postal service will always be a labor intensive organization, as are most service industries, and it is unrealistic to assume that all, or even a major part, of the mythical billion dollar savings projected under the administration's bill would ever materialize.

The real problem is not so much one of reorganization but one of bringing the postal service into the 20th century. In the past, funds have actually been turned back to the Treasury for lack of knowing what was needed. The problems that should be attacked are those of personnel, facilities, and mechanism—both large and small scale. When these questions are answered to the satisfaction of the Congress, moneys should be appropriated and corrective action taken.

Mr. President, the case against this proposal is a strong one and it was eloquently presented by former Postmaster Day. I therefore ask that this important message be printed in the Extensions of Remarks with the hope that it will receive the consideration it deserves from Congress and the American people.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PROPOSAL FOR POSTAL CORPORATION

(By J. Edward Day)

I had decidedly mixed feelings about the invitation from the Committee to appear today to give my views on the proposals for post office reorganization and for a postal corporation.

I certainly don't want to appear to be in some kind of a cat and dog fight with as fine a man as Mr. Blount. I don't want to be misunderstood as being infatuated with the *status quo*. I don't want to be misunderstood as seeming to favor politics in the Post Office, because I certainly don't. In a way I wish I could just ride along with all the slogans and over-simplifications and accept the corporation proposal as the cure for everything that isn't perfect about the Post Office.

But I think the best way for the Congress to make an objective analysis of this proposal is to hear both sides. I don't particularly relish the role in which this casts me because I much prefer to be a nice noncontroversial type. But I feel very strongly that this corporation bill for so-called total reform would in fact mean total disarray.

First, I want to bring the Committee up-to-date on some of my background, so far as it bears on this subject, and on some of my current activities.

When I resigned as Postmaster General in August, 1963, I became a partner in the law firm of Sidley & Austin. This is a large Chicago corporation law firm with which I began practice 30 years ago, and I am in charge of their Washington office. On July 1, 1968, our firm began representing as one of its clients the Associated Third Class Mail Users and I am the General Counsel of that organization. However, many of the points involved in the postal corporation proposal are of no direct concern to ATCMU as such. Since my opinions on each of the endless separate points involved in this far reaching proposal of course could not be passed upon by the ATCMU Board of Directors, the views I will give today should be treated as my personal opinions. Many of the members of the Associated Third Class Mail Users might be expected to agree, in general, with my views on the postal reorganization proposals. However, it is difficult for an organization with a diverse membership of people who cannot follow all the details of postal legislation to be expected to have an agreed position on each of the many separate features of a complicated proposal such as the postal reorganization and postal corporation plans.

In April 1967, when Larry O'Brien first announced his proposal for a postal corporation, I wrote a nationally syndicated article at the request of the North American Newspaper Alliance explaining the reasons why I opposed the idea. That was a year before I or our firm had any connection with ATCMU. That article started out as follows:

"With all due respect to my good friend Larry O'Brien, I feel that his much publicized speech about turning the Post Office over to a non-profit government corporation revives an old and unrealistic suggestion at a very bad time.

"The impending lengthy discussion and study of this plan will, in my opinion, only postpone facing up to some urgent but achievable needs of the Post Office. In addition the speech has provided ammunition from a surprising source for those who delude themselves by believing that business has a monopoly on brains and efficiency and that government employees and managers are lazy incompetents.

"The fouled-up Post Office Mr. O'Brien describes in his speech is a Department I never knew."

North American Newspaper Alliance republished the article in an up-dated form a year ago when the Kappel Commission Report was first issued.

I realize that your Committee is principally interested today in hearing about the bond financing provisions of the Administration's corporation proposal. I will try to concentrate on that aspect. But the bond provisions can't be isolated and dealt with in a vacuum. The bond financing provisions of the bill would necessarily and unavoidably require forcing our postal service into a break-even straitjacket. Supporting the bonds would be the first and foremost goal—the be-all and end-all of postal policy. Everything else would have to give way. Considerations of full service to the public, reasonable postal rates, public service allowance, and all the rest would have to come second. Supporting the bonds would become the new Postal Policy.

To me, it is quite remarkable that, in spite of the many objections which can be made to the corporation proposal, there has been very little published notice of these objections. On the contrary, there has been a barrage of one-sided propaganda and Chamber of Commerce slogans put forward in support of the Kappel proposal, much of it—I am afraid—by people who have limited qualifications as experts on the Post Office or even as experts on operation of large organizations generally.

To qualify myself a bit, I might mention that prior to my 929 days as Postmaster General, I was for eight years one of the top senior officers of the Prudential Insurance Company of America, which, in terms of assets, is the largest private corporation in the world. In a remarkable number of respects, Prudential is similar to the Post Office. Both have offices and personnel in every part of the country; both have a need for giving good service and establishing favorable relations with the public; both have regional offices, with continuing problems of the degree of autonomy to give to regions and to local offices; both have major real estate responsibilities in building or leasing buildings large and small; both handle large amounts of money; both have employees who are organized in highly aggressive unions; both are basically paperwork operations; both have an inspection service; both have complex problems of levels of management, chains of command, and internal communications; both are highly regulated as to their policies and operations by detailed legislation; both are faced with problems of turnover and the necessity of competing in the labor market for rank and file personnel (in contrast with earlier years when there was a situation of highly stable and dedicated employment of people for whom employment security was the major incentive). In addition, both organizations have for years experienced the headaches associated with attempting to automate and mechanize operations. Both have even had several changes in the top chief executive just in the past 8½ years.

I may seem to be overdoing the close comparison between these two giant organizations, one public and one private, but it is a fact that when I came from Prudential to the Post Office in 1961 I often felt that I had merely moved to a different desk in the same organization.

As a matter of fact, and only partly in jest, I have frequently pointed out that a very large private bureaucracy even has another feature which is often thought of as associated only with government. This is illustrated by an apocryphal story about a top officer of a large life insurance company who was asked to run for United States Senator. After thinking it over, he declined, saying, "I don't want to leave the Metropolitan Life. I like politics too much." It is definitely a fact that there is a certain amount of politics in all large organizations, public or private.

I mention all this background because of the fact that I did have an unusual experience in acquiring a top level inside familiarity with one of the largest public organizations in the world and one of the largest private organizations. This is important because too many of the editorials and columns commenting on the postal corporation idea have indicated that—

(a) anyone who understands business management will necessarily be an all-out advocate of the postal corporation idea, and

(b) that business management is *a fortiori* better than government management.

There are thousands of pages in the Kappel Commission Report and its supporting volumes and thousands more pages have been written about the Report and about related or alternative proposals. Therefore, in a statement of this kind, one can only touch on some of the highlights.

THE KAPPEL COMMISSION

I agree with most of what appears in the statement made before the House Committee by former Deputy Postmaster General Fred Belen on this subject on May 20. I am convinced that even if the post office—corporation or not—could pay six figure salaries, they could not get a better executive than Fred. It is regrettable that he was not even consulted before the postal corporation proposal was launched by Mr. O'Brien in April, 1967. It is equally regrettable that someone with his long and deep knowledge of postal problems was not a member of the Kappel Commission. The members of the Commission were, of course, all important men. However, I think it a remarkable fact that not one of them had any background in postal matters. I doubt if the President of Campbell Soup Company—who was a member of the Commission—would have been impressed by the results of a critical survey of his company by a group that did not include even one person with the slightest experience in the food business.

The same can be said about the President of General Electric, of the Bank of America, and of Cummins Engine Company—all members of the Commission. The same is even true of AT&T—a company for which I have the most intense personal and professional respect. Some might think that there are many parallels to the Post Office in a telephone system because both involve communications. However, electronic communications are, by their nature, readily susceptible to a most far-reaching degree of standardization and automation. Electronic switching makes it possible to have the customer get his individual call through to its destination without any direct participation by a telephone company employee. On the other hand, regardless of all the superficial ideas that some may have, any postal system will necessarily remain to a large degree a manual operation. As one example, 42% of Post Office cost is for delivery service and it is certainly never going to be possible to have mail delivered door-to-door by clanking robots.

Similarly, there are over 30,000 post offices and only two or three hundred of them at the very most are large enough to justify a high degree of mechanization.

Although no person having any post office background was included on the Commission, one of the 10 commissioners was a former Director of the Bureau of the Budget. I have no hesitancy in saying that I think the Bureau of the Budget is the No. 1 enemy of the Post Office and accountable more than any other one reason for Post Office difficulties.

Federal money generally is handed out to the glamourous or politically potent agencies, such as Defense and Space. Nearly all of the old-line, non-glamourous agencies such as the Post Office, Customs Bureau and the regulatory agencies are strangled to death for funds to try to do a decent job. The Post Office problem is lack of money and that problem can't be solved by re-shuffling the organization chart or giving new titles to the people in charge.

ASSUMPTIONS BEHIND THE PROPOSAL

My objections to the Kappel approach largely relate to the premises and assumptions on which the proposal is based. I disagree with nearly all of them. Some of these premises and assumptions, which are either explicit in the Report or implicit in its tone and recommendations, are as follows:

(1) The Post Office is generally a mess.

(2) The difficulties in the Chicago Post Office in October 1966 were a symptom of an approaching catastrophe in the Post Office generally.

(3) Participation by Congress in postal policy, postal rates and postal pay represents intolerable interference and has fouled up the Department's operations.

(4) Huge savings on the order of $1 billion a year can be achieved by adopting the Kappel recommendations.

(5) There is some magic of efficiency, economy and error-free management in a corporate form of organization. (I might mention here that it was not a federal department that brought out the Edsel automobile, or the Convair 880 airplane, or that hired the private detectives to tail Ralph Nader.)

(6) An organization is political only when Congress has a major say in its affairs and is pure and pristinely non-political when presidential appointees run things.

(7) The first and foremost goal of the Post Office should be a break-even operation.

(8) There is a better chance of continuing the Post Office's long history of strike free labor management relations by halting the program of having postal pay set by Congress and to, instead, have it determined by collective bargaining. In my opinion, this collective bargaining would, at best end up almost every time with arbitration and a decision by one or two men on the pay level of over 700,000 employees.

(9) Postal employees can and should be separated from and treated differently from other federal employees on job status, fringe benefits and other features of employment.

THE BREAK-EVEN OBSESSION

To go back to number 7 on this list of premises, I feel that the greatest flaw in the Kappel approach is the adoption of what I call the break-even obsession about the Post Office.

If a state university were run on the philosophy that its educational program was limited to what it could pay for out of tuition it collected, it wouldn't be expected to be much of a university. The goal of a great public university is to provide an educational program of top quality. Consideration of the relationship of financial outgo to amounts collected from the students is purely secondary.

The same should be true of the Post Office—and will be if historical policy is followed in setting Post Office goals and priorities. The Post Office receives part—at the moment a very large part—of the amount it needs to pay its costs from charges by users. But since it serves all the people—and since those users are taxpayers—there is no objective reason why it should retrieve all of its costs from postal charges.

Charges for postage are really just another tax. Taxpayers are already paying for government services. The Post Office provides one of the most vital and widely needed and used of government services. It is entirely appropriate, therefore, that federal tax revenues should provide a significant part of the postal budget.

Chamber of Commerce groups, conservative newspaper editorial writers and others, have talked for years about the need for a break-even operation in the Post Office. Their speeches and articles assume that the desirability—even the necessity—for a break-even operation needs no proof, in fact does not even leave room for argument. They talk as though the proposition were carved in stone on Sinai. A remarkable job has been done of turning slogans for a particular point of view into something approaching gospel.

All of this talk, usually unanswered talk—has tended to balloon the break-even philosophy into a break-even obsession. From time to time certain postal officials, nearly all Budget Bureau officials and many so-called analysts of the Post Office, fall victim to this break-even obsession and come to regard it as the be-all and end-all of postal goals and thinking.

From a financial standpoint the Post Office is much like a metropolitan public transit system. Since nearly everybody uses it, it makes little difference whether it is paid for by user charges or, to a substantial degree, by general tax revenue. The fact that the Post Office has a so-called deficit is no more relevant to judging its effectiveness and goals than the "deficit" of the Department of Commerce, the Veterans' Administration, or the Department of the Interior.

Yet the reason the Post Office has this so-called deficit is purely and simply because its costs continue to go up with all other costs and Congress has used common sense and regard for the public interest in avoiding overly frequent and overly precipitous rate increases.

ATTACKS ON THE POST OFFICE

Nonetheless, the existence of the so-called deficit is used in the Kappel Report and by others as supposed proof that the Post Office is archaic, inefficient, poorly managed and all the rest. This is perhaps understandable in view of the fact that we live in an age where scoffing, criticism, carping and cynicism are the order of the day. It is not fashionable to see the good side of much of anything or to be understanding about work situations where occasional human errors make it difficult to achieve 100% perfection. In our frenzied, impersonal society it is popular to find fault, and the Post Office and its employees are natural targets. Add to this the human quality of nearly all of us to think of his own problem as the really big problem, so that every mistake or delay as to his own mail by the Post Office, no matter how isolated or infrequent, is magnified into a sweeping generalization that the Post Office is poorly organized and poorly run. It is hard for any individual to think of the occasional delay in one of his own letters in the context of delivering 80 billion pieces of mail a year—which number is considerably more than the number of *seconds* which have ticked by since the death of Julius Caesar.

My principal argument, therefore, with the Kappel proposal is its top priority emphasis on the break-even goal, rather than on service as the top consideration.

If the corporation were established, as proposed, with the rigid break-even requirement, with participation by Congress in the rate-making process diluted almost to the vanishing point, and with the proposed bond issue authority, the result would be that rates for all classes of mail would have to go up as much as 100%. We have seen what has happened to the parcel post system as the result of giving rate-making power to the Executive Branch, rather than to Congress. The rates have been raised so frequently and so precipitately that the whole system is on the verge of being wrecked and parcel service at moderate rates is no longer available to the general public from the Post Office.

UNREALISTIC PREDICTIONS OF SAVINGS

I feel that the Kappel predictions of savings which can be achieved by adopting its recommendations are so unrealistic as to be strictly of an ivory tower nature. The biggest single saving is to come from mechanization for superseding certain activities of city letter carriers. The Report says that 15% of the cost of delivery operations can be saved by this means. This figures out to about $450 million in view of the fact that the delivery operation accounts for 42% of Post Office costs. This idea of trying to mechanize the change of address and casing work which the letter carrier performs when he first comes on duty is an old idea. It has been thoroughly tested in the past and found to be completely unworkable. If it would work, it could be instituted immediately and certainly would not have to wait for reorganization of the Department. This, and other suggestions relating to increased mechanization, cannot fairly be described as savings related to having a corporation take over.

Unrealistic statements by study committees that the Post Office could save hundreds of millions of dollars a year are nothing new. Back in 1954 a 10 member Advisory Council claimed that "economies totaling hundreds of millions of dollars are possible" in the Post Office. Mr. Summerfield had a detailed analysis of this Council's recommendations made by the Department and by outside experts including Mr. Maurice Stans, and issued a 350 page report which, among other things, demonstrated in detail that any claim of great potential short term savings was totally unrealistic.

RATES WOULD SKYROCKET

Since I am convinced that no one billion dollars of real, near term savings, or anything close to it is possible, it seems clear to me that the break-even policy prescribed by the Administration Bill could be carried out only by financial shock treatment in the form of drastic rate increases and continuing cutbacks in service.

As a lawyer I believe that radical general rate increases could, under this Bill, be made entirely by administrative action by the Corporation and could then remain in effect for two years or more, without any power in *either* the Congress or the courts to veto or even modify the increases during those two or more years. This is possible under the temporary rate authority in Sec. 1253(d) and Sec. 1257(e) of H.R. 11750 and is something new that the Kappel Report did not recommend. I think the Post Office Department is realistic in recognizing that if break-even is to be achieved in order to support the bonds, then the Corporation must have this unprecedented, unrestricted "temporary rate" power. This one feature of H.R. 11750 alone dramatizes how the whole concept of postal policy would be dislocated by this proposal.

My prediction is that adoption in toto of H.R. 11750 would bring us a 12 cent first class rate in just a few years and enormous rate increases for each of the other classes, too.

Here are just some of my reasons for this prediction:

First, despite all the glowing statements about the saleability of the proposed non-government-guaranteed bonds, I am convinced they would be saleable only at sky high interest rates—10 or 12 percent—and even then only with extremely generous sinking fund and mortgage lien provisions. Even now the commercial mortgage rate for fully secured loans to profitable corporations is 9.5 percent. Sound business concerns are paying an effective rate of 10.4 percent for bank loans. I would expect the servicing—combined interest and principal amortization—of the projected $10 billion of postal bonds to cost the Corporation as much as $2 billion a year. This would be an entirely new direct cost to the postal service to be paid for from postal rate increases.

(It must be borne in mind that a general rate increase affecting first, second and third class, such as is now being proposed by the Post Office Department, brings in about $660 million a year, assuming no loss in volume.)

Second, the backers of the corporation proposal say much about the lack of opportunities for promotion for rank and file postal employees. I would assume that these backers therefore contemplate tens of thousands of new higher level jobs. This could cost hundreds of millions of dollars annually.

Third, the Department has committed itself to an improved cost ascertainment system. This is bound to show that too much postal cost is now being assigned to some of the non-priority classes of mail. This would mean a further increase for first class. I am not so naive as to think that a corporation or Congress or anyone else is going to institute these staggering increases for first class mail without increases at the same time for other classes, regardless of what proper cost ascertainment shows. When I predict 12 cents for first class, I am assuming huge increases for other classes too.

Fourth, Mr. Blount has pointed out quite realistically in testimony before the House Subcommittee on Postal Rates, that the Post Office "faces the loss of some of its more lucrative third class mail business" to private carriers. He then stated: "Loss of third class mail [volume] ultimately works to increase the postage required of first class mail." This is just what I contemplate would happen as a result of the drastic rate increases for all classes which I foresee resulting from the bond financing proposal.

Fifth, the existing level of the public service allowance would, under the Administration Bill, be sharply reduced. This means rates would have to go higher.

Sixth, the special carrying charge and imputed charge features for parcel post ratemaking included in Section 1203 of H.R. 11750 is bound to mean even further acceleration of rate increases for that class, further cream skimming by competitors and more huge losses of the profitable portion of parcel post volume. Parcel post makes a big contribution to post office institutional cost. When parcel post volume plummets, this institutional cost has to be picked up by the other classes.

Seventh, the Kappel Commission (Report. p. 82) recommended that "the Corporation fix its rates to earn its projected costs, including interest and appreciation, plus about 3 to 5 percent to cover unanticipated costs." This is a recommendation that would in all likelihood be followed by a postal corporation determined to meet a break-even goal, and, particularly, to try to provide adequate support for servicing its bonds. Sec. 1201 of H.R. 11750 says that "costs", which, with limited exceptions, are to be covered by postal revenue, shall include "a reasonable provision for contingencies." Five percent of postal costs would come to several hundred million dollars.

Eighth, Section 1201 of H.R. 11750 also says that "costs" to be covered shall include "depreciation on capital facilities and equipment." The Kappel Report Annex material indicates depreciation should be $35 million per $1 billion of capital investment. (Annex I, Sec. II, p. 30.)

Ninth, it is unrealistic to assume that all or even the major part of projected capital improvements to be acquired with the bond proceeds are going to save dollars, particularly on a near term basis. If a postal building is antiquated and poorly ventilated and crowded it should be replaced regardless of whether a dollar saving can be claimed. If the capital improvement program is well balanced and service oriented, it should include many facilities directed toward faster delivery which facilities could not be expected to result in significant savings in operating costs. Hamburg, Germany, has a three foot diameter large capacity pneumatic tube system for carrying mail under its streets. London has a special subway system just for carrying mail. New York City, Chicago, Boston and eventually Washington should have hundreds of millions in federal money spent on adaptation of the subway systems for carrying mail. As an aisde, let me say that I think any federal financial support for an urban rapid transit system should be conditioned upon that system being adapted to carrying mail. A mail truck can't move any faster in Mnahattan crosstown traffic snarls than your taxi can.

Tenth, one of the earliest and most prestigious backers of the postal corporation plan, Mr. Gronouski, told the House Committee: "I support the postal corporation idea, also, because * * * I would look for a substantial improvement in postal worker wages and fringe benefits" under that system. I doubt if that prediction was foremost in the minds of those who gave overwhelming support to the corporation proposal in the U.S. Chamber of Commerce poll among its members. But because of Mr. Gronouski's experience and good judgment, we must accept this prediction as at least a possibility and it certainly would not result in dollar savings for the corporation.

These are just some highlights of why first class rates would, in my judgment, skyrocket under the corporation proposal. First class is where the money is—particularly in view of the very real competitiev situation which must be faced in pricing other classes of mail.

I have attached to this statement as Exhibit A an itemized schedule of estimated increases in postal costs under this corporation proposal. The total is $2,419,000,000 which I believe is a most conservative figure.

SERVICES WOULD BE CURTAILED

In my opinion the break-even policy and the break-even obsession would also result in service curtailment by the corporation. Just in the past nine months we have seen repeated announcements of reduced servic by a highly capable but definitely break-even oriented postal administration. For example, in these nine months there has been announcement (a) of abandonment of the ABCD program for same day delivery in business areas, (b) of reduction of weekday business area deliveries from three to two, (c) of reduction of Saturday business area deliveries from two to one, (d) of curtailment of special delivery service and (e) of proposals to require detached address cards for merchandise samples.

It also seems a near certainty that under the pressure of the break-even obsession the corporation would drastically curtail rural routes and rural post offices. Under H.R. 11750 Congress would have no veto power over this. The story of what happens to service to less densely populated areas when an intense cost squeeze is on can be seen in the recent history of REA.

Now, in view of the special focus the Committee wishes to achieve at today's hearing. I will turn to an analysis of the bond financing provisions of the bill.

ANALYSIS OF THE FINANCE PROVISIONS OF H.R. 11750

The provisions of H.R. 11750 relating to finance are found in Sections 1001–1008 of the proposed Bill. The Bill, in Section 1005, authorizes the Postal Service to issue up to $10 billion in obligations. In any one fiscal year, the net increase in the amount of obligations outstanding issued for the purpose of capital improvemetns may not exceed $1.5 billion. Under Section 1006 of the Bill, the Postal Service may require the Secretary of the Treasuyr to purchase up to $2 billion of Postal Service obligations. There is no provision for the Postal Service bonds to be guaranteed by the United States Government. The General Accounting Office, in its testimony before the House Post Office and Civil Service Committee, criticized many of the main features of the finance provisions of H.R. 11750. (See House Hearngs, pp. 1115–1116, 1134–1139.) The following is a detailed analysis of the essential parts of the finance provisions of H.R. 11750. It covers these basic points:

(1) The finance provisions of H.R. 11750 do not contain adequate controls over the borrowing power of the Postal Service.

(2) The finance provisions of H.R. 11750 do not explain what would happen to the Postal Service in the event of default on the bonds.

(3) Since the Postal Service bonds would not be guaranteed by the United States Government, acceptable interest rates could not be obtained.

(4) Since there is only limited authority requiring the Secretary of the Treasury to buy the bonds, large amounts of the bonds could be sold only at very high interest rates.

At the outset, it should be noted that the Kappel Commission Report did not make a detailed study of the feasibility of finance provisions similar to those contained in H.R. 11750. One of the staff studies of the Kappel Commission prepared by Price, Waterhouse & Co. makes the naive and unrealistic statement that "variations in interest rates would have a relatively minor effect on overall operating costs . . ." (Vol. I, Section II, p. 29.) The question of whether or not a U.S. Government guarantee would be necessary was discussed but not resolved. (Vol. I, Section II, p. 38). The Report of the Commission did recommend that the Postal Corporation be authorized to float up to $2 billion in revenue bonds and possibly a larger authorization for secured bonds (Report, p. 81).

H.R. 11750 does not contain adequate controls over the borrowing power of the postal service

H.R. 11750 does not contain any limitations as to what the proceeds from Postal Service bonds could be used for. While most of the discussion of the legislation has been related to the use of the borrowing power to build new post offices and modernize facilities and equipment, there is no requirement in the Bill that the bonds be used for any such purpose. Mr. Blount, in his testimony before the House Committee, conceded that the bond proceeds can be used for *operating expenses* (Hearings, p. 339). It also can be noted that Section 1005(a) of H.R. 11750 provides that the net increase in bonds in any one fiscal year *"for the purpose of capital improvements"* may not exceed $1.5 billion. There is absolutely *no limitation* on the net increase of bonds used for purposes *other than* capital improvements.

Even if the proceeds of the bonds were used only for capital improvements, the Postal Service could have a net increase of $1.5 billion in bonds each year. At that rate, the entire authority for new borrowing for the Postal Service could be exhausted in 7 years. The experience with other government corporations has been that the borrowing authority has been, at later dates, increased tremendously over the original authorization. For example, TVA obtained increases of their borrowing authority in 1959 and 1966. The Commodity Credit Corporation started with a borrowing authority of $500 million in 1938. Since then there have been 10 increases in its borrowing authority and the Commodity Credit Corporation is now authorized to borrow $14,500,000,000—twenty-nine times its original authorization.

H.R. 11750 also contains a provision—Section 1006(b)—which would enable the Postal Service to require the Secretary of the Treasury to purchase up to $2 billion of the obligations of the Postal Service. Since the Postal Service could not be expected to achieve a self-sustaining operation for a number of years, it is likely that the $2 billion borrowing authority from the Treasury would be used up in the first few years of the Postal Corporation. See testimony of Postmaster General Blount, House Committee, pp. 177–78.

If the Postal Service did attempt to offer its bonds to the public, there are no controls that the Secretary of the Treasury could exert over the issuance of the bonds. Section 1006(a) of H.R. 11750 states in pertinent part:

"If the Secretary does not purchase such obligations, the Postal Service may proceed to issue and sell them to a party or parties other than the Secretary upon *notice* to the Secretary and upon *consultation* as to the date of issuance, maximum rates of interest, and other terms and conditions" (emphasis supplied).

The above provision requires only that the Postal Service give "notice" to the Secretary of the Treasury and engage in "consultation" with him. The section does *not* require the *approval* of the Secretary of the Treasury in order to sell bonds to the public. It should be noted that the issuance of TVA bonds is subject to control by the Secretary of the Treasury (Section 16 U.S.C. § 831n–4(c)).

Section 209(3) of H.R. 11750 states that "Chapter 14 of title 31, the Government Corporation Control Act" shall apply to the Postal Service "except as otherwise expressly provided in this title."

Section 868(a) of the Government Corporation Control Act, 31 U.S.C. § 868(a) provides that all bonds and other obligations issued by the government corporations and offered to the public "shall be in such forms and denominations, shall have such maturities, shall bear such rates of interest, shall be subject to such terms and conditions, shall be issued in such manner and at such times and sold at such prices as have been or as may be *approved* by the Secretary of the Treasury" (emphasis added). However, the language already quoted from Section 1006(a) of H.R. 11750 providing for "notice" and "consultation" is the only provision which would give any control over the public issuance of postal corporation bonds to the Secretary of the Treasury. Section 1005(b) of H.R. 11750 states:

"The issue of obligations by the Postal Service shall be subject to the requirements of Section 847–849 of title 31 *and of no other law*" (emphasis supplied).

Since Section 1005(b) of H.R. 11750 only refers to Sections 847–849 of the Government Corporation Control Act, it is evident that Section 868(a) of the Government Corporation Control Act, which requires that the Secretary of the Treasury approve the terms and conditions relating to the issuance of bonds to the public, would not apply to the Postal Service. Robert F. Keller, Acting Comptroller of the United States, pointed out in his testimony before the House Committee that "The Corporation . . . would be subject to less congressional control than most other wholly owned Government Corporations subject to the Government Corporation Control Act." (House Hearings, p. 1115.)

It should be noted that Section 1005(b) gives the Postal Service wide discretion to make "binding covenants" with the bondholders. Such covenants could cover such matters as "application and use of revenues and receipts of the Postal Service" and "such other matters as the Postal Service may deem necessary or desirable to enhance the marketability of said obligations." Under this authority, the Postal Service might even try to make "binding covenants" with respect to postal rates and other important matters of postal policy. There is no provision for an independent review and approval of the covenants contained in the bonds by the Secretary of the Treasury or by anyone else.

If bonds of the Postal Service can be offered to the public without approval of the Secretary of the Treasury, it would enable the Postal Service to make bond offerings in such a way as to impair the saleability of Treasury bonds. It also gives the Postal Service a right that *no other wholly owned government corporation would have*—the right to sell bonds to the public *without any control by the Secertary of the Treasury*. Consequently, on the absis of a careful analysis of the finance provisions of H.R. 11750, it is evident that the Postal Service could issue large amounts of bonds without effective or adequate controls.

The finance provisions of H.R. 11750 do not explain what would happen to the Postal Service in the event of default on the bonds of breach of the covenants contained in the bonds

Section 1005 (b) of H.R. 11750 provides that the Postal Service may "pledge its assets and pledge and use its revenues and receipts" for the payment of the principal or interest on Postal Service bonds. The Postal Service is authorized to enter into "binding covenants with the holders of said obligations . . . as the Postal Service may deem necessary or desirable to enhance the marketability of said obligations." Section 1005(c)(7) states that the obligations "may be entitled to such relative priorities of claim on the assets of the Postal Service without respect to principal and interest payments . . . as the Postal Service determines."

H.R. 11750 and the Kappel Commission Report (Vol. I, Part 3, p. 37) both contemplate that obligations *secured by assets of the Postal Service* may be issued and that "binding covenants" imposing various conditions on the oPstal Service could be used to enhance the marketability of the securities. Postmaster General Blount, in his testimony before the House Committee (p. 335), stated that "the Act gives the Board of Directors broad authority in his area. They could encumber specific properties . . . or they might furnish more general security." However, the mere existence of such security provisions and covenants in the Postal Service obligations is meaningless unless there is some mechanism to enforce the covenants if they are not kept. Investors are not likely to buy these ungauaranteed bonds if they do not have complete assurance that the "binding covenants" would be enforced.

Nevertheless, the Bill does not specify what would happen if the postal corporation were unable to meet the interest on the debt. Would major postal buildings actually be foreclosed and turned over to the creditors? The Post Office Department has now conceded that a debtor could foreclose on a postal facility. (See House Hearings, p. 1271.) Could the Postal Service Fund be attached? If it were attached, would the secured creditors have priority over salary payments to postal employees? It can be noted that Section 1005(b) of H.R. 11750 states that the issuance of obligations by the Postal Service shall be "subject to the requirements of Sections 847–849 of title 31 and *of no other law.*"

Thus, there is no legal provision which would prevent the attachment of the Postal Service Fund, and if the Postal Service Fund were depleted as a result of the attachment, the oPstal Service might be unable to pay its employees and meet its current bills. Under what law would there be a bankruptcy proceeding or a reorganization plan? Could the postal corpoartion, and the government, lose control of Post Office finances and facilities? What wuld be the remedies available to bondholders in case of default? What would be the remedies of the bondholders if one of the "binding covenants" were breached? These and other questions are not answered by the finance provisions of H.R. 11750.

Since H.R. 11750 does contain provisions providing for liens on Postal Service assets and for covenants with the bondholders, these are logical and reasonable questions to ask. When you have a Post Office with a long history of losses amounting to billions of dollars, the possibility of action by the bondholders is not remote. In these circumstances, if the bondholders are to rely on covenants and representations that they have a prior claim to the assets, there must be a means for assuring that the Postal Service would keep its commitments. If there were no means for enforcing the covenants and the obligation to repay the bonds, there is no reason why anyone would want to take the risk of purchasing these unguaranteed bonds.

Acceptable interest rates could not be obtained unless the bonds were guaranteed by the United States Government

In discussing the potential marketability of the Postal Service bonds, it is revealing to examine the actual facts as to the experience of TVA. The Tennessee Valley Authority was established in 1933. Much of the initial financing consisted of substantial appropriations from Congress. The original Act authorized the sale of up to $50 million in bonds and in 1935 and in 1939 the statute was amended to authorize additional borrowing. All of these bond issues were *fully and unconditionally guaranteed* both as to interest and principal by the United States. See 16 U.S.C. § 831n–1 and § 831n–3. Moreover, *all* of these bond issues were sold either to the Reconstruction Finance Corporation or the U.S. Treasury. It was not until November, 1960—twenty-seven years after TVA was first established—that TVA first obtained financing from private investors. At this point, the bonds were no longer guaranteed by the U.S. Government. TVA still issues short-term notes to the U.S. Treasury and currently there are about $100 million of such notes outstanding.

It was only when TVA had been operating for many years on a successful basis that its bonds were issued to private investors for the first time. TVA bonds have the highest rating by the investment services, and the principal purchasers of TVA bonds are pension and retirement funds of state and local governments. Not long ago, $100 million of TVA bonds, noncallable and due in 1994, were sold at an interest rate of 8.25 percent. A rate covenant in the TVA bond resolution provides in part that TVA shall charge rates sufficient to cover all operating costs (excluding depreciation), debt service on the bonds, payments to the Treasury for repayment of the appropriation investment and such additional margin for other purposes as the Board may determine. The resolution further provides that rates shall be sufficient to cover such requirements if there were substituted for "debt service" for any fiscal year an amount which, if applied annually for 35 years, would retire, with interest, originally issued amounts of all bonds outstanding on July 1 of that year. TVA has escalator provisions in its rate schedules which provide for rate increases in proportion to the interest that TVA has to pay. It was recently announced that TVA was utilizing these escalator provisions for the third time in two years. Thus, TVA has used the automatic escalator provisions in its rate schedules to increase rates 27% in two years.

If TVA bonds are currently offered at an interest rate of 8.5%, one can well speculate as to what rate of interest the Postal Service would have to pay. The Post Office has a long history of large gaps between postal income and outgo. Its rate schedules could not contain any automatic escalator provisions such as TVA has. In additon, it is highly doubtful that the Postal Service could properly make any covenant in its bonds covering postal rates, because its rates are subject to approval by the Rate Commissioners and the Board of Directors as well as the theoretical possibility of a veto by Congress. There is also the strong possibility that the postal rates would be subject to judicial review. In contrast, TVA rates are not subject to review by any other government agency and rate increases can be promptly implemented by the use of an automatic escalator provision in the rate schedules. In light of all the difficulties which confront the Post Office, it undoubtedly would take a number of years to determine if the Postal Corporation experiment were going to succeed. Prudent investors would probably select bonds of proven soundness unless the interest paid by the Postal Service bonds were sky high.

It is significant that Paul A. Volcker, Under Secretary of the Treasury for Monetary Affairs, conceded in his testimony before the House Committee that unguaranteed Postal Service bonds would not sell as readily in the open market and at the same interest rate as guaranteed bonds. See House Hearings, p. 1168. I have a letter from a top partner in one of the largest and most prestigious investment banking firms in New York and here is what he says:

"I have talked over the Post Office bond situation with several of my Partners and we are rather amazed that anyone contemplated selling such bonds to the public unless they were guaranteed as to principal and interest by the government. As we understood the situation, the government itself was going to buy the entire issue and then possibly at some later date have a public issue. We see no good reason for an institution or an individual buying the bonds without, as mentioned, some form of guarantee."

While the Postmaster General did submit to the House Post Office and Civil Service Committee a number of letters from investment firms, it is clear that these letters discussed primarily the relative merits of H.R. 4 (the Dulski Bill) and H.R. 11750 and concluded that H.R. 11750 provides a more acceptable basis for financing than H.R. 4. See House Hearings, pp. 1204–1206. These letters do not contain any comments on the desirability of a government guarantee of the bonds or a requirement that the Treasury Department purchase all of the bonds, as the General Accounting Office recommended in its testimony before the House Committee. See House Hearings, pp. 1115–1116. Moreover, these investment firms indicate that the Postal Service would be subject to the same disciplines and credit restraints as other securities and would have to demonstrate during a suitable seasoning period that it could operate on a basis that at least covers its cost.

There is another factor that would make it difficult for the Postal Service to obtain reasonable interest rates: overloading of the market. H.R. 11750 contemplates that the Postal Service would borrow $10 billion. In comparison, TVA is authorized to borrow up to $1.750 billion and only about $845 million of this authorization is outstanding at the present time.

TVA has never issued more than $100 million in bonds at any one time. There has never been an offering of bonds by any private company that exceeded $300 million at one time. Therefore, if the Postal Service tried to sell a large amount of bonds at any one time, it would undoubtedly have difficulty in unloading the bonds becaues of the size of the offering. If the Postal Service had a poor rating by the investment services—and it would seem a poor rating would be inevitable—these difficulties would be compounded.

A recent example should illustrate the problem. Wisconsin Gas Company not long ago offered $16 million of 25-year 8½% first mortgage bonds. The bonds had five years of refunding protection. However, the bonds had mediocre credit ratings, Baa-1 from Moody's and triple B from Standard & Poor's, and as a result, only 50% of the issue was sold on the first day, which is typically a sign of poor public acceptance of a bond offering.

Wisconsin Gas Company was only offering $16 million in bonds. If the Postal Service were trying to make an offering of $100 million or more, or if it repeatedly entered the bond market (as it would have to do to use a $10 billion authorization) its chances of success would be even more limited—unless the interest rate were so high that investors were willing to take the risks involved. When Mr. Kappel was asked by Congressman Corbett whether he would buy these Postal Service bonds which were not guaranteed by the government, Mr. Kappel responded (p. 261):

"Without the guarantee of the Government? I doubt if you could, until their house was in order. . . . It is a good question to ask—would you buy any of these bonds—and I would say it depended on whether it was a good buy."

It can be noted that the Commodity Credit Corporation, a government corporation which borrows money on the scale contemplated by the Postal Corporation, does have its obligations fully and unconditionally guaranteed both as to interest and principal by the United States. See 15 U.S.C. § 713a–4. The Commodity Credit Corporation presently has over $12 billion in outstanding obligations.

It may be that the advocates of H.R. 11750 feel that the inclusion of sinking fund provisions in the public bond offering would eliminate the necessity for a U.S. Government guarantee of the bonds. However, the use of a sinking fund, as contemplated by Section 1005(b), would require regular deposits for paying off the principal. Section 1201(b), which sets forth the basic policy for rate-making, states that costs shall include "provision for sinking funds or other retirements of obligations to the extent that such provision exceeds applicable depreciation charges." Thus, it would be necessary to have the rates high enough to cover any sinking fund costs, which could be substantial. It is interesting to point out that TVA bonds contain no provision for sinking funds.

For all these reasons, it is clear that the marketability of the bonds would be significantly impaired and the interest rates on the bonds would have to be unreasonably high if the Postal Service bonds are not fully guaranteed by the U.S. Government.

Large amounts of postal service bonds could be sold at acceptable interest rates only if the Secretary of the Treasury purchased them

Section 1006(b) of H.R. 11750 enables the Postal Service to require the Secretary of the Treasury to purchase Postal Service obligations up to $2 billion. Section 1006(a) provides that the Secretary of the Treasury has the first opportunity to purchase any Postal Service obligations. The fact that the Secretary of the Treasury is given the first opportunity to purchase all Postal Service bonds is a recognition of the fact that such obligations may be difficult to sell to the public. It can be noted that TVA sold its bonds only to government agencies in the first 27 years of its existence. The bulk of the obligations of the Commodity Credit Corporation, which has shown consistent losses in its operations, were purchased by the United States Treasury, even though the bonds are fully guaranteed by the United States. The bonds of the Saint Lawrence Seaway Development Corporation were never offered to private investors, but were issued solely to the Secretary of the Treasury. See 33 U.S.C. § 985. The Export-Import Bank of the United States is authorized to issue up to $6 billion in obligations, and the Secretary of the Treasury is "authorized and directed" to purchase any obligations of the Bank. See 12 U.S.C. § 635d. It is interesting to note that the obligations of the Bank must be purchased by the Secretary of the Treasury even though it has been in successful operation for over 34 years, its earnings have been running in excess of $100 million annually, and it pays yearly dividends of $50 million to the U.S. Treasury.

The testimony of the Acting Comptroller General of the United States, Robert F. Keller, before the House Committee fully confirms the conclusion that large amounts of Postal Service bonds could be sold at acceptable interest rates only if the Secretary of the Treasury purchased them. Mr. Keller stated as follows:

"We are concerned that the sale of bonds to the public by the corporation would result in higher financing costs than would be incurred if the corporation used the financing facilities of the Treasury Department. Studies made by our office have disclosed that interest costs are generally higher when agencies obtain financing directly from the public rather than through the facilities of the Treasury Department."

"If borrowing authority is to be granted, we recommend that the corporation borrow all of its funds from the Treasury rather than borrow directly from the public." (House Hearings, pp. 1115–1116)

In addition to the more acceptable interest rates which could be obtained by selling the obligations to the Secretary of the Treasury, there are other advantages to borrowing from the Treasury. In order to keep interest costs reduced to a minimum, the Commodity Credit Corporation borrows each day the amount required to finance the net of the prior day's activity. Based upon daily wires from all Federal Reserve banks and branches, plus Washington activity, the Commodity Credit Corporation computes the net amount required to cover the excess of disbursements over deposits for the prior day. This amount is borrowed from the Treasury. When deposits exceed disbursements, CCC makes a payment to the Treasury against its notes. This method not only reduces interest costs, but keeps cash on hand at a minimum level. Also, when bonds are purchased by the Treasury, there is no conflict with the marketing of other government securities. On the other hand, if Postal Service bonds were offered directly to the public in large amounts, the regular offerings of Treasury securities for other purposes could be adversely affected.

Thus, it should be evident that large amounts of Postal Service bonds could be purchased at acceptable interest rates only if the Secretary of the Treasury purchased them.

If the Treasury purchases them, what is the point of having the elaborate bond issuing authority. All this complicated machinery would merely be an indirect way of getting money needed for postal purposes out of the Treasury. It is far more realistic and sensible to get it out direct—by appropriations.

I mentioned in my list of premises behind the Kappel Report the great emphasis in that report on the problems in the Chicago Post Office in October 1966, which have been picked up and magnified by many of the columnists and editorial writers as though that one situation showed that the entire Post Office was on the verge of collapse. The fact is that there was just one big problem there which resulted from a well-meaning but disastrous error in management decision making. A new postmaster had taken over at a time when an unusually heavy volume of mail hit the office. He needed overtime to cope with the work load. It was denied him. That was the whole trouble.

It is a really remarkable fact to me, and an indication of a pre-judgment of the Post Office problem by the Kappel Commission staff, that even though this 1966 Chicago problem was used as the lead off horror story in the Kappel Report, no one on the Kappel Commission or staff ever sat down with that new Postmaster of Chicago and got his explanation of what the problem really was. To me, that is just as unfair as it would be to take the isolated case of the Consolidated Edison power blackout in New York a few years ago and to conclude from that that the entire privately operated electric utility system in the country was poorly managed and on the verge of catastrophe.

During the hearing on June 5, 1969, before the House Committee on the postal corporation plan recommended by the Kappel Commission, Mr. Kappel insisted that because the Post Office Department does not operate in the black, business is being "subsidized."

But would he feel that the businessman who goes to the Department of Commerce for advice or information is being subsidized because the Department does not make him pay a fee? Of course not. Mr. Kappel would readily recognize that service from the Department of Commerce is something he pays for with his tax money and is entitled to get as a taxpayer.

A man who takes his family to Yellowstone National Park is certainly not being "subsidized" merely because the entrance fee he pays is small in relation to what it costs the government to make the facilities available.

The simplistic talk about subsidies to users of the mail is based entirely upon the unproven and unprovable assumption that the taxpayer is entitled to nothing whatever for his tax money where the Post Office is concerned, but is entitled to all kinds of free services—very often much less essential—from other federal agencies.

The Post Office furnishes a service which practically everyone wants and uses and is glad to have. Because of this, taxpayers today should, more clearly than ever before, be entitled to have their taxes pay for some of the service they get from the Post Office. With taxes at sky high levels many taxpayers are getting less and less that they really want for their tax dollars. They are getting Viet Nam. They may, according to a high administration source, be paying for a trip to Mars. Many of the things the rank and file taxpayers pay for never come to them at all: farm price support payments, foreign aid grants, rent supplements, and much, much more.

Let us first ask ourselves what per cent of the total federal spending is for things the average taxpayer really wants and would ask for if the government weren't already providing them. It could be a rather modest per cent. The service provided by the Post Office would, however, certainly be included in this per cent, even if it were small. And yet there are those who say this average taxpayer is not entitled to have his tax dollars pay for *any* part of his postal service.

It is a strange thing how, in the eyes of many, delivery of a letter is a "business" type activity for which a taxpayer should pay in full through user charges, while other types of government activity, even when performed by the Post Office, is a service which a taxpayer is entitled to get for this tax dollar. For example, if a householder complains to the Post Office about receiving an advertisement for obscene material he is not expected to pay the Post Office for its efforts—often extensive—in investigating the case.

If a businessman asks the Post Office to check into and prosecute a scheme to use the mails to defraud, no one thinks he is being subsidized because he does not reimburse the Post Office for the expense it incurs.

So what is it about the government delivering a piece of mail which is so different? Nothing but custom. It has been traditional to make a charge. But there is nothing in logic that decrees that that charge must pay the full cost. There is certainly nothing in common sense or orderly thinking that compels the conclusion that, if that charge does not pay the full cost, the agency handling the transaction is archaic, inept, inefficient, unmanaged, or unmanageable.

There are other things done by government for which it is easy to make a charge, but which by equally accidental custom, no charge is made. Public libraries could easily charge everyone a rental fee. But they don't. They operate as a service to taxpayers. True, they may charge a daily fee for certain much-in-demand recent books. But the fact they obtain some of their revenue from user charges certainly isn't used by the editorial writers to "prove" that public libraries are unbusinesslike and poorly managed because they do not set their charges so they will operate in the black.

It is easy to assign a user charge for sewer service or trash collection service. But most cities don't.

It is easy to charge for use of highways. We have some roads for which a toll is charged, even though the motorists using them have already paid gasoline taxes for road building. But toll roads are the exception.

There is a simple explanation for all these examples. All levels of government are hard up for money. They have tapped nearly every source of tax revenue. They like to call taxes by euphemistic labels. But nonetheless user charges, such as tolls for using highways, or monthly fees for sewer service or trash collection service, or tuition for attending state colleges, are merely different forms of taxes. It is really immaterial—from the standpoint of showing whether or not the activity is "efficient"—that a user charge pays all, or only a part, or none at all of the cost to provide the service to taxpayers.

Some of the statements which are made about how much prouder the postal employees will feel, and how much higher their morale will be, if user charges pay the full costs of the Post Office, are of doubtful validity. Does anyone really think crews who work on repairing toll roads are happier and prouder than crews that work on roads that have no user charges?

A positive thing that could be done for the morale of postal employees is to stop the endless sloganeering about how the Department is supposedly a mess because it doesn't operate in the black. Once it is frankly and clearly recognized that the Post Office provides a service to taxpayers the cost of which should be paid in part by tax dollars, the so-called "deficit" of the Post Office will be as irrelevant as the deficit of the Department of Interior or of the Veterans Administration.

There are many things which should be and are being done to improve the Post Office. But "total" reform—if it means embracing the break-even obsession—will mean regression rather than improvement. "Piecemeal" is not a popular word. People want instant solutions to every problem. But piecemeal progress is what reasonable men learn to hope for. This Committee has certainly shown a willingness over the years to try to help the Post Office do its job better.

I favor many parts of the postal reform proposals. I favor greater continuity in the top positions at the Department—I was myself part of the problem on that score. But continuity like everything else can be overdone. I don't favor having a General Hershey at the head of the Post Office. I favor taking postmaster appointments out of politics. I favor generally the provisions on postal transportation in both the Administration Bill and H.R. 4.

I personally favor most of the employee relations provisions of H.R. 4. I favor strong provisions for control of pornography. I favor more opportunities for advancement of postal personnel—such as having most of the regional directors and the chief postal inspector come from the career postal service. I favor sensible, proven mechanization. I favor better, larger, cleaner, more modern postal facilities.

But I don't think any of this should come through the stranglehold of a rigid break-even policy. I don't think it should come about with post office assets turned over at an artificially low original cost figure to a new corporation while onerous postal liabilities would be left behind for the general government to bear. I feel the Post Office needs a 15% annual increase in its budget to be earmarked for acquiring modern buildings and mechanization. The money should best come from a reassessment of our national priorities. But until that happens, any indebtedness resulting should be part of the overall federal debt.

In an effort to be helpful to this Committee I want to make a suggestion as to a major step you should consider taking before making a decision on any of the variations of the major postal reform bills. This suggestion applies not only to the bills, such as the Administration Bill, which would turn the Post Office over to a corporation, but it also applies to any of the bills which provide for the setting of rates by an agency other than the Congress or which provide for the issuance of a large amount of bonds, the interest and principal of which would be payable out of postal revenues.

It is impossible for me to convey to you adequately what complex problems are involved in consideration of these rate-making and bond issue provisions. You have an unusually capable staff working for this Committee. However, even in a large law firm such as ours where we have specialized familiarity with problems of public utility rate-making and corporate bond financing, we have found the attempt to adequately analyze these provisions of the pending bills so overwhelming that we feel we have only been able to scratch the surface. I feel that you need the services of both a qualified and well staffed law firm and a qualified and well staffed investment banking firm to assist in analyzing these provisions. I hasten to take our law firm out of the running so that no one might think I am trying to propose that we get in on something. We already have enough to do and because of our representation of a major segment of business mailers and our work on parcel post rates and various postal problems for some of our other clients, someone might claim we could not be completely objective—although in this statement I certainly have tried to be.

This isn't a proposal for a two or three weeks job from each of these specialized firms resulting in a brief opinion of law or financial analysis. This will require the same type of extensive and in-depth study by specialists which the Kappel Commission obtained on a great variety of points from other types of specialists: principally accountants and management consultants. The Congress of the United States not long ago undertook to pay to a large New York City law firm hundreds of thousands of dollars as a fee for representing Congress in connection with an unusual and complex case. Similar use of outside firms—legal and financial—is needed here in order to see where these unprecedented proposals for non-Congressional postal rate setting and for issuance of huge amounts of non-guaranteed postal bonds would lead us.

No one can now do any more than speculate as to what would happen if the postal corporation or the postal authority were unable to meet the interest on the bonds. Would major postal buildings actually be foreclosed and taken over by the creditors to be used as bowling alleys and warehouses? If that happened, where would the mail be handled? If there would not be actual foreclosures, under what law would there be a bankruptcy proceeding or a reorganization plan? Could the postal corporation, and the government, lose control of Post Office finances and facilities?

To make the bond saleable, what would the provisions of the proposed bonds have to be as to interest rate, redemption penalties, sinking fund, liens on specific properties and other features? What would be the remedies available to bondholders in case of default?

In my opinion, government guarantee of the bonds would not help because that would mean, under other laws, the Secretary of the Treasury would have control over whether the bonds could be issued and I am convinced he would conclude he could not give his consent. However, in the meantime, in the hope of making the bonds acceptable, postal rates would have been raised to sky high levels.

It simply isn't sound business judgment to move ahead with something this monumental on the basis of statements that if it doesn't work, we won't be any worse off than we are now. My conviction is we would be many, many times worse off and that no one would know how to untangle the mess.

The expense to the government of hiring experts at such a time of possible financial disaster would, in my opinion, be many, many times what the expense would be now to get an objective, deliberate, expert look at the legal and financial aspects of just these two particular aspects of the proposal: rate-making and bond financing.

Various ones of you gentlemen may or may not be enthusiastic about the efforts and methods of large law firms and investment banking firms. However, the fact is that there are certain types of situations, much less complex than proposed here, where it takes literally years to work out all of the legal and financial ramifications. A merger of two major railroads takes six or eight years of legal proceedings before it can be consummated. A bankruptcy reorganization of a major corporation often takes years of the work of lawyers and experts.

Government agencies and departments cannot be expected to do the technical analysis job required here. The President has endorsed this proposal. How could his subordinates presume to pick it apart?

The mammoth size and variety of the legal and financial problems involved in these proposals cannot be exaggerated. I have tried to make a start on at least sorting out the questions, but it has not been possible to get to the bottom of these thorny issues.

There have been dozens of references in testimony on the corporation proposal to the TVA, for example. Yet as I have pointed out, the differences are far greater than the similarities. Neither the TVA nor any of the other government type corporations were set up to take over an existing government agency. They have all been set up from scratch to start something new. TVA is basically just another electric utility and electric utilities have been operated both by private corporations and by government agencies—such as the consumer power districts in Nebraska—for decades. There is no great problem in an electric utility producing revenue to fully cover cost. Electric utilities are not labor intensive and cost of electricity is one of the few items in our list of goods and services that have actually been holding still or going down during these years of inflation. TVA has rate escalation covenants in its bonds and automatic rate increase provisions in its contracts with its power customers.

CONCLUSION

In summary, it is clear that the finance provisons of H.R. 11750 do not contain adequate controls over the borrowing power of the Postal Service. The bonds could be used to pay operating expenses without any limitation as to the amount that could be issued in one year. The Secretary of the Treasury would not be required to approve any of the terms relating to the sale of bonds to the public. Moreover, the lack of a guarantee by the U.S. Government and the limited authority of the Postal Service to require the Secretary of the Treasury to buy the bonds would make it very difficult to sell the bonds at favorable interest rates. The end result of these problems would be to saddle the mail users with the high costs of debt service and it would necessitate substantial rate increases to achieve the breakeven requirements of H.R. 11750.

I hope the material in this statement on the bond issuing authority provisions will be of assistance to the Committee. But I think my comments only make a start on analyzing the innumerable tricky problems involved. Therefore I urge the Committee to retain the two types of top experts I have referred to and to have them make full-scale, in-depth studies before any action is taken on these "total reform" proposals.

I am honored by the opportunity to testify today.

HOW POSTAL COSTS WOULD INCREASE UNDER H.R. 11750

Inclusion of interest as required by § 1201; assuming $10 billion outstanding debt, with average interest rate of 8½%	$850,000,000
Inclusion of depreciation on capital facilities and equipment as required by § 1201 (b); assuming $10 billion in assets with depreciation computed in accordance with Vol. I, Sect. II, p. 30, Exhibit A of Price, Waterhouse & Co. Study for Kappel Commission	359,000,000
Inclusion of public service costs as required by section 1202, including 10% of costs of operation of third class post offices and star route system and 20% of gross cost of operation of fourth class post offices and rural routes using figures from Postmaster General Blount's Testimony, June 24, 1969	122,800,000
Inclusion of Public Service Costs as required by section 1202 for special services and non-postal services	162,000,000
Inclusion of provision for amortization of debt and provision for sinking funds or other retirements of obligations minus computed depreciation charges as required by § 1201(b); assumed retirement of $500 million in bonds per year	141,000,000
Inclusion of reasonable provision for contingencies as required by § 1201(b); contingency allowance is computed at three percent as recommended by Kappel Commission Report, p. 82, and based on adjusted costs of Post Office according to Postmaster General Blount's Testimony, June 24, 1969	221,295,000
Recovery of deficit as indicated by Postmaster General Blount, June 24, 1969	563,400,000
Grand total	2,419,495,000

PRIORITIES NEEDED TO HALT INFLATION, SAYS FRANCIS E. FERGUSON

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. REUSS. Mr. Speaker, Francis E. Ferguson, president of the Northwestern

Mutual Life Insurance Co., of Milwaukee, recently addressed Northwestern Mutual's 22d all-Western meeting at the Fairmont Hotel in San Francisco. Portions of Mr. Ferguson's timely remarks follow:

> Hedging against inflation through investment in the stock market provides no basic, permanent answer for anybody. The only real answer to inflation is control.
>
> We're going to have to establish national priorities, and let those objectives with low priorities wait. We know we can't have guns and butter, and we know we can't do everything we want to do at once.
>
> Uncontrolled inflation will swamp the short-term advantages gained by hedging, if large pools of capital turned away from fixed dollar investments in favor of equities.
>
> The first effect would be to bid up prices, as a great many more dollars began chasing a limited number of equities.
>
> The next effect would be to push interest rates on money still available for borrowing to such heights that the orderly capital markets presently existing would be destroyed.
>
> Once the shortage of money and prohibitive interest rates foreclosed corporations from borrowing capital, they would have to raise it through common stock issues. That would dilute the equity values and drive share prices down. Even the common stock of blue-chip corporations has significant value mainly because of the leverage provided by large proportions of borrowed money in the corporations' capital structures.

UTILITY RATE INCREASES

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, October 23, 1969

Mr. METCALF. Mr. President, we are all familiar with the oft-repeated slogan of the electric utility industry; while the price of everything else is going up, the price of electricity is going down.

Both parts of the slogan are untrue. The price of some other principal items is going down. For example, I know of no one whose livelihood depends on the price of wheat—as do many families in Montana and a number of other States—who has detected a rising trend in wheat prices over the past 20 years.

The other part of the slogan is equally fallacious. The price of electricity is not going down. It is going up. This is a national trend. It applies to telephone and gas utilities as well as electric utilities. The major utility corporations are enjoying substantial profits, as they always do, despite recessions which affect agriculture and other risk enterprises that do not enjoy the protection of commission regulation.

The Federal Communications Commission has been conducting closed meeting with the American Telephone and Telegraph Co. which could result in additional costs, running into hundreds of millions of dollars, for telephone subscribers. These costs would be borne principally by residential customers, who are regularly overcharged by A.T. & T. in order to permit the company to offer lower rates to industrial customers who might otherwise obtain communications service from A.T. & T. competitors.

As of June 1, approximately $1 billion in proposed rate increased by investor-owned utilities were pending before State utility commissions. A survey of the State commissions, conducted by the Senate Subcommittee on Intergovernmental Relations, presided over by the distinguished junior Senator from Maine (Mr. MUSKIE), showed that as of June 1, rate increases pending before them amounted to $961,160,505, not including a number of pending cases where a specific dollar amount was not stated. Of the $961,160,530 total, $317,411,571 was requested by electric utilities, $175,742,171 by gas utilities and $468,006,763 by telephone utilities.

Since June 1, the investor-owned utilities have asked another half a billion dollars annually of the State commissions. In settlements announced during the past 4 months the utilities have received more than 75 percent of what they asked. Sixteen requests totaling $312 million a year, were settled for $239 million. At least 182 rate increase requests are pending, and in 60 of those cases the utilities are asking from $1 million to $175 million more annually.

The rate increases, if granted will be equivalent in a number of States to substantial tax increases. For example, as of June 1, according to the State commission's report to the subcommittee, rate increases pending before the New York Public Service included $175,000,000 by a telephone utility, New York Bell, $1,300,000 by two gas companies and $21,800,000 by an electric utility, Niagara Mohawk. Subsequently, as reported by Electrical World, Consolidated Edison filed a request for a $117,500,000 rate increase. The New York Commission said it would not give Niagara Mohawk $21.8 million, but would give it $18 million more a year. Thus in New York State, pending rate increases amount to about $300,000,000 a year. The stakes are especially high in Michigan and California, as will be seen from tables I shall subsequently insert in the RECORD.

Mr. President, this huge and unprecedented wave of rate increase requests comes at a time when inflation is seriously eroding the paycheck of the ordinary residential consumers who would bear the increased cost. And they come at a time when the utilities are doing well financially.

I do not wish to minimize increased costs, for utilities, as for other businesses, in certain areas, such as interest. The utilities themselves do an excellent job of emphasizing these cost increases. What they tend to minimize is the fact that their average interest costs on long-term debt are low, averaging—in the case of electric utilities—4.3 percent in 1968. That is not much more than it was 30 years ago, when it was 4.1 percent. At that time, the electric utilities averaged 6.9 percent return on their common stock equity. By 1948 return on common stock had risen to 9.7 percent, by 1958—a wonderful year for electric utilities—it had risen to 10.7 percent. But 1968 was beautiful. They averaged 12.3 percent on their common stock last year. I find it difficult to justify the highly inflationary escalation of utility rates in the light of high profits by the IOU's.

Unfortunately, significant data on the natural gas industry is even more difficult to obtain than electric utility data. However, the return on common stock equity of gas utilities appears to be increasing at approximately the same rate as for electric utilities. The industry-wide average return on common stock equity of gas distribution systems—not including transmission companies—according to computations by the American Gas Association, has been as follows, during recent years selected by AGA:

	Percent
1955	9.63
1960	10.08
1965	12.18
1967	12.63

The trade literature of the telephone industry alternates between dark observations on the deadly menace of consumerism and reports of record gains. Allied Telephone of Little Rock, Ark., reported record operating revenues for the first half of 1969. Its operating revenue almost doubled and its net income more than doubled over the first half of 1968. During the same period Central Telephone & Utilities' revenues rose a record $20 million, with net income rising from $1.21 per share to $1.29 per share. Net income of Rochester Telephone rose from $0.99 to $1.09 per share. For Continental Telephone—which this summer picked up six more independent companies, four community antenna television systems and a cable products distributor—net income increase from $0.50 to $0.57 per share. United Utilities reported a 10-percent increase in earnings, amounting to $0.59 per share as compared with $0.53 per share during the first half of 1968.

Mr. President, it is possible that some of the requests by utilities for rate increases can be justified. However, because of the generally excellent financial condition of utilities, substantial doubt exists whether many of the proposed increases are merited. The rate increases need to be challenged, on behalf of the public. For it is the public that pays, not only the increased rates, but also the cost of the utilities' expensive presentations for rate increases and the utilities' misleading advertisements.

But nowhere, through either the rate or tax structure, does the public provide for adequate presentation of its own case in utility matters. Nor is the public provided with much of the basic information needed, on the performance of each utility, to permit reasoned judgments on the validity of rate increase requests.

The small staffs of the State utility commissions and the commissioners themselves, encumbered by the constant and tender loving care of utility officials, are in no position to be tough advocates for the consumer in the crucial issues of rates, reliable service, and environmental protection. These most serious gaps in regulatory procedure could be rectified through passage of S. 607, the Utility Consumers' Counsel Act, on which hearings have been completed by the Senate Subcommittee on Intergovernmental Relations. S. 607 would provide the public and regulators with the facts they need to know about utility performance, and provide meaningful adversary proceedings in utility hearings.

Mr. President, I ask unanimous consent to have printed in the RECORD the tables prepared by the Subcommittee on Intergovernmental Relations from information supplied by the State utility commissions, showing rate increase requests pending as of June 1, 1969, a table showing requests filed since that date, as reported by Electrical World, Public Utilities Fortnightly, and the weekly NARUC bulletin, and a table, based on the same three sources, which shows actions taken during the past 3 months on rate increase requests pending before State utility commissions.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

TABLE 1.—UTILITY RATE INCREASES PENDING, BY STATE COMMISSION, JUNE 1, 1969, AND RELATED DATA

Commission	Increases pending	Name of company	Category	Amount	Date requested	Status of request
Alabama Public Service Commission	None					
Alaska Public Service Commission	3	Golden Valley Electric Association, Inc.	Electric	$82,000 (estimated) (2 percent of current annual revenue).	Apr. 23, 1969	On basis of staff protest, commission suspended proposed tariff for 60 days.
		Alaska Electric Light & Power Co.	do	$130,000 (estimated) (8 percent of current annual revenue).	May 8, 1969	Will become effective June 8, 1969, unless protest is filed.
		Glacier Highway Electric Association, Inc.	do	$7,000 per year (4 percent of current annual revenue).	June 2, 1969	Pending—no action on filing taken as yet.
Arizona Corporation Commission	1	Citizens Utility Rural Co.	Telephone	To 8 percent rate of return on fair value.		Under advisement—hearings on the matter have been held.
Arkansas Public Service Commission	2	Western Arkansas Telephone Co.	do	$493,600, or approximately 32.35 percent increase.	Oct. 31, 1968	Formal order issued Apr. 11, 1969. Granted increases totaling $83,000 subject to filing of new tariffs by the company and acceptance of same by the commission, contingent upon the company meeting certain requirements of the commission.
		Arkansas Western Gas Co.	Natural gas	$1,062,877, or approximately 13.78 percent increase.	May 29, 1969	Investigation in process as to propriety.
California Public Utilities Commission	11	Southern California Edison Co.	Electric	$60,137,000	July 1, 1968	Submitted. Reply briefs due June 23, 1969.
		Pacific Gas & Electric Co.	Gas	$33,050,000	Dec. 27, 1968	Hearings in progress.
		Pacific Lighting Service Co.	do	$5,705,000	May 5, 1969	Hearings scheduled.
		Southern California Gas Co.	do	$5,939,000	do	Do.
		Southern Counties Gas Co.	do	$4,310,000	do	Do.
		Southwest Gas Corp.:				
		Placer County	do	$90,000	Oct. 2, 1967	Hearings in progress.
		San Bernardino County:				
		Phase I	do	$33,000	Feb. 6, 1969	Submitted.
		Phase II	do	$26,000		Hearings to be scheduled.
		California-Pacific Utilities Co.	Telephone	$98,000	Jan. 2, 1969	Hearings scheduled.
		General Telephone Co.	do	$46,300,000	Dec. 1, 1967	Submitted.
		California-Oregon Telephone Co.	do	$26,000	Apr. 7, 1969	Hearings scheduled.
Colorado Public Utilities Commission	1	Mountain States Telephone & Telegraph Co.	do	Not specifically stated, but between $30,000,000 and $33,000,000 annually.	Apr. 1968	Commission order issued granting increase $5,878,000. Hearing held on spread of the rates but turned down by the commission. 2d hearing held on spread of the rates week of June 16, but to date no order issued.
Connecticut Public Utilities Commission	2	Pequot Gas Co.	Gas	$50,600 per year	Mar. 28, 1969	Hearings being held.
		Greenwich Gas Co.	do	$290,000 per year	Apr. 1, 1969	Do.
Delaware Public Service Commission	None					
District of Columbia Public Service Commission.	2	The Chesapeake & Potomac Telephone Co. of Washington, D.C.	Telephone	$13,282,000	Dec. 8, 1968	Hearings begin June 9, 1969.
		Potomac Electric Power Co.	Electric	$24,900,000	Feb. 27, 1969	As of June 3, 1969, no date set for hearings.
Florida Public Service Commission	7	General Telephone Co. of Florida.	Telephone	$7,751,000	Mar. 4, 1968	Temporary increases in the amount of $4,269,854 were granted under bond, on Nov. 26, 1968. A further hearing has been set for July 29, 1969, for a final determination in this matter.
		Southern Bell Telephone & Telegraph Co.	do	$5,775,625	Aug. 15, 1968	Pending hearing now set for June 24, 1969 to determine final disposition. Requested increases were granted under bond on Nov. 26, 1968, subject to refund if not made permanent. The increases granted were based on the 10 percent Federal income tax surcharge imposed by Congress in 1968 and was calculated to restore the previously allowed return. During the past 10 years the commission reduced the rates of this utility approximately $20,000,000 on an annual basis. Its last increase was in 1961 and was for only $1,600,000. The bulk of its rate reductions were subsequent to 1961.
		United Telephone Co. of Florida.	do	$2,800,000	Oct. 15, 1968	Temporary increases in the amount of $1,872,359 were granted under bond on Nov. 1, 1968. The matter is now pending further hearings to determine what final disposition shall be made of the requested increases. At the time the temporary increases were granted the company's rate of return had dropped to 3.15 percent. Further hearings are awaiting completion of separation studies so that a proper apportionment can be made of investment, revenues, and expenses to interstate and intrastate operations.

Footnotes at end of table.

TABLE 1.—UTILITY RATE INCREASES PENDING, BY STATE COMMISSION, JUNE 1, 1969, AND RELATED DATA—Continued

Commission	Increases pending	Name of company	Category	Amount	Date requested	Status of request
Florida Public Service Commission—Con.		Florida Public Utilities Co.:				
		Deland Division	Gas	$20,692	Dec. 19,1968	Docket is presently pending further hearing for the purpose of allowing the company's attorneys to cross-examine commission staff witnesses. The further hearing has not been set as of this date.
		Sanford Division	do	$14,128	do	Same as above.
		Winter Park Telephone Co	Telephone	$600,000	Feb. 17, 1969	Hearings have been completed and the matter is now ready for decision by the commission.
		Florida State Telephone Co	do	$143,923	Mar. 4, 1969	Pending further hearing to receive further testimony from the utility.
Georgia Public Service Commission	5	General Telephone Co. of the Southeast (Georgia operations).	do	$1,548,632 (7.18 percent—resulting rate of return on net investment.)	Mar. 26, 1969	In process of being heard.
		General Telephone Co. of Georgia.	do	$1,326,491 (8.12 percent—resulting rate of return on net investment.)	do	Do.
		Mutual Telephone Co	do	$65,675 (6.77 percent—resulting rate of return on net investment.)	do	Do.
		General Telephone Co. of Georgia (for EAS).	do	$42,291 (Resulting rate of return on net investment—not available.)	Apr. 16, 1969	Assigned to be heard June 25, 1969.
		Pembroke Telephone Co., Inc	do	Not available at this time	May 19, 1969	Do.
Hawaii Public Utilities Commission	3	Kauai Electric Co., Ltd	Electric	$691,000	Sept. 19, 1968, amended Nov. 1, 1968.	Application pending before commission. Hearings have not been held on said application because of other legal problems, involving this company. As soon as these problems, which are now in process of being disposed of, are acted upon the rate application will then be heard.
		Maui Electric Co., Ltd. (Lanai division).	do	$60,400	Apr. 8, 1965, amended Apr. 16, 1969.	Application was not acted upon because information regarding the cost of power was not submitted to the commission. The Lanai Division of Maui Electric Co. is a distributing company and has no generating capability of its own. The Lanai Division purchases all its power from Dole Corp. and pays said corporation for the power.
		Hilo Electric Light Co., Ltd	do	$870,000	Nov. 21, 1968	This application is now in the process of being disposed of. Public hearings on this application have already been held.
Idaho Public Utilities Commission	3	Albion Telephone Co	Telephone	$7,864	Mar. 17, 1969	Order pending.
		Cambridge Telephone Co	do	$6,576	Oct. 2, 1968	Pending hearing.
		General Telephone Co. of the Northwest, Inc.	do	Filed complaint requesting commission find reasonable rate of return, and therefore no set amount was requested.	Jan. 7, 1969	Hearings scheduled June 25–30, 1969.
Illinois Commerce Commission	5	Union Electric Co. (St. Louis, Mo.).	Electric	$2,150,000 (6.55 percent per year).	Nov. 6, 1968	Currently under hearing.
		Central Illinois Light Co. (Peoria, Ill.).	Gas	$1,472,000 (5 percent per year).	Apr. 1, 1969	Do.
		Lakeside Telephone Co. (Champaign, Ill.).	Telephone	$12,000 (17 percent per year)	May 8, 1969	Currently waiting for hearing.
		Prairie Telephone Co	do	$18,000 (21.3 percent per year)	do	Do.
		Rossville Telephone Co	do	$20,000	Aug. 1, 1968	Currently pending decision by Commission.
Indiana Public Service Commission	12	Boonville Natural Gas Co	Gas	$64,000	Feb. 3, 1969	Awaiting order.
		Clay County Rural Telephone Co	Telephone	$90,000	Feb. 21, 1969	Do.
		Hendricks Telephone Co	do	$161,000	Mar. 7, 1969	Do.
		Uniondale Telephone Co., Inc	do	$55,000	Mar. 11, 1969	Do.
		Hoosier Telephone Co	do	$60,000	Mar. 27, 1969	Hearing Sept. 3, 1969.
		Thontown Telephone Co	do	Undetermined	Apr. 1, 1969	Hearing July 30, 1969.
		Ohio Valley Gas Corp	Gas	do	Apr. 10, 1969	Hearing Sept. 15, 1969.
		Ohio Valley Gas, Inc	do	do	do	Hearing Sept. 16, 1969.
		Dome Gas, Inc	do	do	do	Hearing Sept. 17, 1969.
		Richmond Gas Corp	do	$644,000	Apr. 24, 1969	Hearing Aug. 4, 1969.
		Northern Public Service Co	do	Undetermined	Apr. 30, 1969	Hearing Oct. 20, 1969.
		Indiana Telephone Co	Telephone	do	do	Hearing not set.
Iowa State Commerce Commission	3	Iowa Telephone Co	Telephone	$135, 346	Apr. 20, 1967	Audit staff examining books and records of company and conferences between staff and company representatives have been held in an attempt to limit areas covered at hearing.
		Hawkeye State Telephone Co	do	$210,004	Dec. 16, 1968	Audit staff examining books and records of company prior to setting hearing date.
		Union Electric Co	Electric	$450,000	Feb. 21, 1969	Application was rejected by order of the commission dated Mar. 17, 1969, for noncompliance with rules of the commission.
Kansas State Corporation Commission	2	Cuba Telephone Co	Telephone	$4,053	Nov. 8, 1968	Matter was partially heard on Feb. 25, 1969, and at said hearing applicant requested a continuance to a date to be determined. The status as of June 1, 1969, is that said matter was scheduled for further hearing for June 4, 1969.
		Salemsborg Farmers Telephone Co.	do	$2,061	May 12, 1969	This matter is scheduled for formal hearing on July 1, 1969.

Footnotes at end of table.

TABLE 1.—UTILITY RATE INCREASES PENDING, BY STATE COMMISSION, JUNE 1, 1969, AND RELATED DATA—Continued

Commission	Increases pending	Name of company	Category	Amount	Date requested	Status of request
Kentucky Public Service Commission	1	South Central Bell Telephone Co.	Telephone	$920,052	Feb. 11, 1969	Commission granted increase totaling $839,662.
Louisiana Public Service Commission	1	do	do	$17,000,000		Scheduled for hearing.
Maine Public Utilities Commission	None					
Maryland Public Service Commission	3	The Chesapeake & Potomac Telephone Co. of Maryland.	do	$34,000,000 (involves 3 jurisdictions).	Oct. 18, 1968	Company completed its direct case, reserving the right to introduce new separations testimony. All company witnesses were cross examined. People's counsel will present its direct case beginning June 12, 1969.
		Potomac Electric Power Co	Electric	$24,900,000 (involves 3 jurisdictions).	Feb. 27, 1969, amended May 15, 1969.	Not assigned for hearing as of this date.
		Columbia Gas of Maryland	Gas	Undeterminable at this time	Apr. 1, 1969	Company will present its direct case on June 11, 1969.
Massachusetts Department of Public Utilities	9	Boston Gas Co	do	$3,500,000 (estimated)	Feb. 12, 1969	Suspended.
		Lawrence Gas Co	do	$184,500 (estimated)	Dec. 26, 1968	Do.
		North Shore Gas Co	do	$322,400 (estimated)	do	Do.
		Northampton Gas Light Co	do	$98,700 (estimated)	do	Do.
		Wachusetts Gas Co	do	$53,100 (estimated)	do	Do.
		Central Massachusetts Gas Co	do	$115,500 (estimated)	do	Do.
		Mystic Valley Gas Co	do	$994,900 (estimated)	Dec. 19, 1968	Do.
		Lynn Gas Co	do	$252,800 (estimated)	Dec. 26, 1968	Do.
		New England Telephone & Telegraph Co.	Telephone	$3,120,000 (estimated) increase in message toll.	Dec. 17, 1968	Do.
				$2,000,000 (estimated) increase in service toll.	Dec. 23, 1968	Do.
Michigan Public Service Commission	12	Climax Telephone Co	Telephone	$16,520 (approximate)	May 15, 1969	Hearing scheduled June 10, 1969.
		Consumers Power Co	Gas	$37,972,900	Apr. 19, 1968	Hearing combined. Some hearings completed and further hearings scheduled for late June 1969.
			Electric	$70,934,000	July 15, 1968	
		Detroit Edison Co	do	$48,000,000	July 22, 1968	Some hearings completed and further hearings scheduled.
		Michigan Bell Telephone Co	Telephone	Not specified	Aug. 1, 1968	Hearings scheduled for mid-June 1969.
		Michigan Consolidated Gas Co	Gas	$26,986,000	Apr. 11, 1968	Hearings completed and decision pending.
		Michigan Gas Utilities Co	do	$2,150,000	Sept. 18, 1968	Some hearings completed with further hearings scheduled. Interim relief of $642,547 granted Apr. 16, 1969.
		Tri-County Electric Co-op	Electric	$100,725 (approximate)	Apr. 30, 1969	Hearings to be scheduled.
		Upper Peninsula Power Co	do	Not specified	Nov. 15, 1968	Do.
		Whiteford Telephone Co	Telephone	$122,935 (approximate)	Dec. 14, 1967	Hearing held, but case rescheduled nearer June 1969.
		Wisconsin Public Service Corp	Gas and electric.	Not specified	Aug. 7, 1968	Hearing to be scheduled.
		Wisconsin Michigan Power Co	Electric	Full amount not specified, but requests emergency rate relief of $1,600,000 immediately.	Sept. 5, 1968	Do.
Minnesota Public Service Commission (does not regulate electric or gas utilities).	2	Gopher State Telephone Co	Telephone	Not available	Mar. 21, 1969	Hearings completed—order not yet issued.
		Pioneer-United Telephone Co	do	do	June 4, 1969	Hearing scheduled July 1, 1969.
Mississippi Public Service Commission	None					
Missouri Public Service Commission	7	Missouri Public Service Co	Electric	$5,300,000	Apr. 3, 1969	Submitted on record for final determination.
		The Gas Service Co	Gas	$4, 020, 000	Oct. 30, 1968	Case to be heard.
		Union Electric Co	Electric	$12,200,000	Nov. 6, 1968	Do.
		Missouri Telephone Co	Telephone	$521,500	Nov. 12, 1968	Submitted on record for final determination.
		Southwestern Bell Telephone Co	do	$44,500,000	Nov. 15, 1968	Case to be heard.
		Laclede Gas Co	Gas	$6,870,000	Jan. 10, 1969	Do.
		Missouri Utilities Co	do	$135,000	Jan. 15, 1969	Do.
Montana Public Service Commission	None					
Nebraska State Railway Commission (does not regulate electric and gas utilities).	None					
Nevada Public Service Commission	None					
New Hampshire Public Utilities Commission	None					
New Jersey Board of Public Utility Commissioners.	None					
New Mexico Public Service Commission	4	Southwestern Public Service Co	Electric	$711,662	Oct. 10, 1968	Granted.
		Public Service Co. of New Mexico	do	$2,700,000	Oct. 24, 1968	Denied.[1]
		Southern Union Gas Co	Gas	$4,309,772	Jan. 28, 1969	Hearing held.
		Rio Grande Gas Co	do	$67,929	Apr. 1, 1969	Granted.
New York State Public Service Commission	5	Niagara Mohawk Power Corp	Electric	$22,000,000 (approximately)	Oct. 7, 1968	Suspended to and including Oct. 2, 1969, unless otherwise ordered by the commission. Hearings are closed.
		Corning Natural Gas Corp	Gas	$100,000 (approximately)	May 12, 1969	Proposed effective date July 1, 1969. Under investigation.
		Columbia Gas of New York, Inc	do	$1,200,000 (approximately)	May 1, 1969	Suspended to and including Oct. 1, 1969, unless otherwise ordered by the commission. First hearing scheduled for June 19, 1969.
		General Telephone Co. of Upstate New York, Inc.	Telephone	$81,000	May 29, 1969	The proposed effective date is July 1, 1969. The matter is under investigation.
		New York Telephone Co	do	$175,000,000	Mar. 20, 1969	Schedules suspended and hearings are in progress.
North Carolina Utilities Commission	4	Lee Telephone Co	do	$239,013	Oct. 2, 1968	Hearings completed. Briefs filed Ready for decision and order.
		Southern Bell Telephone & Telegraph Co.	do	$3,135,100	Nov. 29, 1968	Hearing completed. Order being filed.
		Denton Telephone Co	do	$29,571	Jan. 6, 1969	Hearing completed. Order being written.
		Eastern Rowan Telephone Co	do	$45,986	do	Hearing completed. Order being filed.
North Dakota Public Service Commission	2	Northwestern Bell Telephone Co.	do	$3,000,000 (approximately)	Mar. 27, 1969	Application was filed and hearings were completed on May 13, 1969. No order as yet issued.
		Montana-Dakota Utilities Co	Gas	$1,208,783	May 19, 1969	Application is filed and hearing has been scheduled.

Footnotes at end of table.

TABLE 1.—UTILITY RATE INCREASES PENDING, BY STATE COMMISSION, JUNE 1, 1969, AND RELATED DATA—Continued

Commission	Increases pending	Name of company	Category	Amount	Date requested	Status of request
Ohio Public Utilities Commission	5	Farmers Mutual Telephone Co.	Telephone	$3,168	Dec. 17, 1968	Staff report issued May 15, 1969.
		North Creek Mutual Telephone Co.	do	$1,278	Jan. 27, 1969	Staff report issued May 1, 1969.
						(The above companies are small and were in violation of the commission's rules and regulations which had to be corrected before a staff report could be issued.)
		The Champaign Telephone Co.	do	$123,293	Mar. 13, 1969	Staff report issued May 22, 1969.
		The Ohio Valley Gas Co	Gas	(Cannot be determined until staff report is completed.)	Mar. 17, 1969	Staff report in process.
		The Ohio Valley Gas Co., East Liverpool, Ohio.	do	$238,088	Dec. 13, 1968	Staff report issued.
Oklahoma Corporation Commission	1	Southwestern Public Service Co., Amarillo, Tex.	Electric	$360,000	1969	Pending audit examination.
Oregon Public Utility Commission	1	Pacific Northwest Bell Telephone Co.	Telephone	$11,804,400	Feb. 21, 1969	Continued hearings to be held August 1969.
Pennsylvania Public Service Commission	3	Philadelphia Electric Co	Electric	$29,707,184	Dec. 5, 1968	Suspended Feb. 3, 1969, for 6 months to Aug. 3, 1969. Prehearing conference Mar. 14, 1969, in Philadelphia. Hearings in progress.
		Equitable Gas Co	Gas	$762,500	May 16, 1969	Permitted to become effective July 15, 1969. This increase only offsets the increase in rates that Equitable must pay one of its wholesale suppliers. The latter's rates were increased by FPC.
		Mercer Gas Co., The	do	$17,261	Dec. 3, 1968	Permitted to become effective Mar. 1, 1969. Noncommission case pending before commission.
Puerto Rico Public Service Commission	None					Prehearing conference continued.
Rhode Island Department of Business Regulation.	3	New England Telephone Co	Telephone	$9,200,000	Apr. 1, 1969	Suspended pending investigation.
		Newport Gas Light Co	Gas	$239,000	July 15, 1969	Suspended.
		Bristol & Warren Gas Co	do	$140,000	Apr. 28, 1969	Do.
South Carolina Public Service Commission	3	Greenwood United Telephone Co.	Telephone	$803,998	Dec. 9, 1968	Hearings completed. Matter will be taken under consideration as soon as briefs are filed in July by the parties involved.
		The Bowman Telephone Co	do	$31,008	May 14, 1969	In process of audit.
		The Elloree Telephone Co	do	$59,485	do	Do.
South Dakota Public Utilities Commission (does not regulate electric and gas utilities).	2	Sioux Valley Telephone Co	Telephone	$21,269 (13.9 percent) increase in local service revenue).	May 21, 1969	Request filed. Conference held. Public notice being given.
		Armour Independent Telephone Co., Inc.	do	$8,148 (26.8 percent) increase in local service revenue—includes conversion to dial operation).	do	Do.
Tennessee Public Service Commission	1	United Inter-Mountain Telephone Co.	do	$2,052,212	Dec. 31, 1968	Heard May 6, 1969, order pending.
Texas Railroad Commission (does not regulate electric and gas utilities).	3	Lone Star Gas Co	Gas	$10,848,253	May 2, 1969	Pending.
		High Plains Natural Gas Co	do	$48,849	Dec. 3, 1968	Do.
		Houston Pipe ine Co	do	$5,236,539	Apr. 25, 1969	Do.
Utah Public Service Commission	1	Utah Telephone Co	Telephone	Unknown—claim insufficient revenue. Ask increase without specifying amount.	Apr. 14, 1969	Hearing set for June 10 and 11, 1969.
Vermont Public Service Board	1	Citizens Utilities Co	Electric	$2,364,000	March 1969	Due for hearing on remand from Vermont Supreme Court.
Virginia State Corporation Commission	1	United Inter-Mountain Telephone Co.	Telephone	$822,526	Dec. 10, 1968	Hearings concluded; decision pending.
Washington Utilities and Transportation Commission.	1	Pacific Northwest Bell Telephone Co.	do	$26,700,000	Dec. 12, 1968	Concluding hearings are set to begin June 9, 1969.
West Virginia Public Service Commission	9	Consolidated Gas Supply Corp. (Hope Natural).	Gas	$2,000,000	Oct. 30, 1967	Completion of audit and set for hearing.
		Cabot Corp	do	$791,000	May 1, 1968	Do.
		Wayne Gas Co	do	$25,000	July 30, 1968	Awaiting commission decision.
		Holden Gas Co	do	$15,000	Sept. 10, 1968	Do.
		Logan Gas Co	do	$9,000	do	Do.
		Independent Gas Co	do	$17,000	Oct. 6, 1968	Do.
		Spencer Gas Co	do	$20,000	Nov. 20, 1968	Completion of audit and set for hearing.
		Telephone Utilities of West Virginia.	Telephone	$61,600	Oct. 29, 1968	Awaiting commission decision.
		Preston County Light & Power Co.	Electric	$36,600	May 28, 1969	Completion of audit and set for hearing.
Wisconsin Public Service Commission	26	Wisconsin Gas Co	Gas	$6,447,000	July 25, 1968	Hearings held; briefs being filed.
		Wisconsin Public Service Corp.	Electric and gas.	$5,167,000	Aug. 8, 1968	Hearings held.
		Natural Gas, Inc	Gas	(2)	Aug. 12, 1968	Do.
		Northern States Power Co	Electric	$1,427,000	Oct. 14, 1968	Hearings held; adjourned hearings scheduled.
		Universal Telephone Co. of Northern Wisconsin.	Telephone	$27,000	Nov. 15, 1968	Hearing held.
		Wisconsin Natural Gas Co	Gas	$4,660,000	Dec. 4, 1968	Hearing held. Adjourned hearings are scheduled.
		Central State Telephone Co	Telephone	$63,100	do	Hearing held. Staff investigation in progress.
		Mount Vernon Telephone Co	do	$37,500	do	Do.
		Wisconsin Telephone Co	do	$21,600,000	Dec. 30, 1968	Hearing held. Staff examination of Company's exhibits, working papers, and underlying records to commence shortly.
		American Gas Co. of Wisconsin, Inc.	Gas	(2)	Jan. 7, 1969	Held in abeyance at request of company.
		Wisconsin Michigan Power Co	do	$269,000	Jan. 14, 1969	Hearings held. Adjourned hearings scheduled.
		Wisconsin Fuel and Light Co	do	(3)	Jan. 15, 1969	Hearing held.
		Headwaters Telephone Co	Telephone	$11,800	Feb. 14, 1969	Do.
		Kaukauna, Wis	Electric	$232,000	Mar. 6, 1969	Do.
		United Telephone Co	Telephone	$212,000	Mar. 14, 1969	Interim order issued May 22, 1969. Staff investigation in progress.
		Casco Telephone Co	do	$11,500	Mar. 20, 1969	Hearing Apr. 30, 1969. Staff investigation in progress.

Footnotes at end of table.

TABLE 1.—UTILITY RATE INCREASES PENDING, BY STATE COMMISSION, JUNE 1, 1969, AND RELATED DATA—Continued

Commission	Increases pending	Name of company	Category	Amount	Date requested	Status of request
Wisconsin Public Service Commission—Con.						
		Wisconsin Telephone Co	Telephone	$1,000	Mar. 24, 1969	Hearing held.
		General Telephone Co. of Wisconsin.	do	$2,800	Apr. 7, 1969	Do.
		Dodge County Telephone Co	do	(2)	Apr. 8, 1969	Hearing pending
		Valders Telephone Co	do	(2)	Apr. 14, 1969	Do.
		Muny Natural Gas Utility	Gas	$4,700	Apr. 16, 1969	Do.
		Chippewa County Telephone Co., Inc.	Telephone	$44,100	Apr. 25, 1969	Do.
		Waunakee Telephone Co	do	(2)	May 19, 1969	Do.
		Black Earth Telephone Co	do	(2)	do	Do.
		Shawano, Wis	Electric	(2)	May 23, 1969	Do.
		Madison Gas & Electric Co	Gas	$500,000	May 29, 1969	Do.
Wyoming Public Service Commission	2	Cheyenne Light, Fuel & Power Co.	Electric	$168,000	Nov. 7, 1968	Commission's order entered June 13, 1969, rejecting company's proposal and requiring refiling tariffs permitting a total increase as follows: Electric, $48,419; gas, $50,852.
			Gas	$142,000		

[1] See footnote 2, table 2, below.

[2] Cases for which no amount of revenue requirement is indicated represent either small companies or instances where actual additional revenue requirements have not been indicated at the present stage of the proceeding.

TABLE 2.—TABULATION OF UTILITY RATE INCREASES PENDING AS OF JUNE 1, 1969, BY STATE AND CATEGORY

State	Electric	Gas	Telephone
Alabama	None	None	None
Alaska	$219,000	None	None
Arizona	None	None	(1)
Arkansas	None	$1,062,877	$493,600
California	60,137,000	49,153,000	46,424,000
Colorado	None	None	31,500,000
Connecticut	None	340,600	None
Delaware	None	None	None
District of Columbia	24,900,000	None	13,282,000
Florida	None	34,820	17,070,548
Georgia	None	None	[1] 2,983,089
Hawaii	1,621,400	None	None
Idaho	None	None	[1] 14,440
Illinois	2,150,000	1,472,000	50,000
Indiana	None	708,000	[1] 366,000
Iowa	450,000	None	345,350
Kansas	None	None	6,114
Kentucky	None	None	920,052
Louisiana	None	None	17,000,000
Maine	None	None	None
Maryland	24,900,000	(1)	34,000,000
Massachusetts	None	5,521,900	3,120,000
Michigan	[1] 120,634,725	[1] 67,108,000	[1] 139,435
Minnesota	(2)	(2)	(1)
Mississippi	None	None	None
Missouri	17,500,000	11,025,000	45,021,500
Montana	None	None	None
Nebraska	(2)	(2)	None
Nevada	None	None	None
New Hampshire	None	None	None
New Jersey	None	None	None
New Mexico [3]	$3,411,662	$4,377,701	None
New York	22,000,000	1,300,000	$175,081,000
North Carolina	None	None	3,449,850
North Dakota	None	1,208,783	3,000,000
Ohio	None	[1] 238,088	127,739
Oklahoma	360,000	None	None
Oregon	None	None	11,804,400
Pennsylvania	29,707,184	779,761	None
Puerto Rico	None	None	None
Rhode Island	None	379,000	9,200,000
South Carolina	None	None	894,491
South Dakota	(2)	(2)	29,417
Tennessee	None	None	2,052,212
Texas	(2)	16,133,641	(2)
Utah	None	None	(1)
Vermont	2,364,000	None	None
Virginia	None	None	822,526
Washington	None	None	26,700,000
West Virginia	36,600	2,877,000	98,200
Wisconsin	[1] 6,852,000	[1] 11,880,000	[1] 22,010,800
Wyoming	168,000	142,000	None
Subtotal	317,411,571	175,742,171	468,006,763
Grand total		[4] 961,160,505	

[1] Other increase(s) pending with no set dollar amount requested or established. See table 1 above.

[2] No regulation.

[3] On July 30, 1969, Public Service Co. of New Mexico filed for an electric rate increase of $4,219,547.

[4] Does not reflect 25 applications for which no dollar amount was available.

UTILITY RATE INCREASE REQUESTS FILED WITH STATE UTILITY COMMISSIONS SUBSEQUENT TO JUNE 1, 1969

[In millions of dollars]

Company	Category	Amount
COLORADO		
Public Service Co. of Colorado	Electric-gas	$1.9
CONNECTICUT		
Connecticut Natural Gas	Gas	4.4
FLORIDA		
Southern Bell Telephone	Telephone	32.0
GEORGIA		
Southern Bell Telephone	do	29.7
IDAHO		
Idaho Power	Electric	8.4
ILLINOIS		
Commonwealth Edison	do	45.0
MASSACHUSETTS		
New England Telephone & Telegraph.	Telephone	52.0
MINNESOTA		
Northern States Power	Electric	2.7
MISSOURI		
Kansas City Power & Light	do	7.3
NEW JERSEY		
Jersey Central Power & Light	Electric	12.7
New Jersey Power & Light	do	5.8
NEW MEXICO		
Community Public Service	Electric	$0.3
Public Service of New Mexico	do	4.2
Southwestern Public Service	do	1.9
NEW YORK		
Consolidated Edison	do	117.5
Iroquois Gas Corp	Gas	8.8
OHIO		
Ohio Bell Telephone	Telephone	80.0
United Telephone of Ohio	do	14.0
Cleveland Electric	Electric	17.5
PENNSYLVANIA		
Duquesne Light	do	19.0
Metropolitan Edison	do	20.7
TENNESSEE		
South Central Bell Telephone	Telephone	4.6
TEXAS		
Lone Star Gas	Gas	3.1
WISCONSIN		
Wisconsin Public Service	Electric	5.1
Total		498.6

ACTION ON RATE REQUESTS BY STATE UTILITY COMMISSIONS JUNE-SEPTEMBER 1969

Company	Amount requested	Amount approved
CALIFORNIA		
General Telephone of California	$46,300,000	$46,300,000
Southern California Edison	60,137,000	46,668,000
Southern California Gas	5,939,000	(1)
Southern Counties Gas	4,310,000	(1)
CONNECTICUT		
Southern New England Telephone	23,900,000	[2] 23,900,000
FLORIDA		
Southern Bell	5,775,625	[3] 3,701,500
MICHIGAN		
Consumers Power	[4] 57,700,000	37,822,000
Michigan Consolidated Gas	27,000,000	[5] 4,200,000 [6] 2,800,000
MISSOURI		
Missouri Public Service	5,300,000	5,100,000
NEW YORK		
Niagara Mohawk	21,800,000	(7)
NORTH CAROLINA		
Lee Telephone Co	239,000	100,000

Footnotes at end of tables.

ACTION ON RATE REQUESTS BY STATE UTILITY COMMISSIONS, JUNE–SEPTEMBER 1969—Continued

Company	Amount requested	Amount approved
PENNSYLVANIA		
Pennsylvania Gas & Water	$2,200,000	$1,800,000
Philadelphia Electric	29,707,184	29,707,184
TEXAS		
Lone Star Gas	10,818,253	6,961,445
WISCONSIN		
Wisconsin Public Service	5,167,000	2,000,000
Wisconsin Gas Co	6,447,000	4,021,000
Total	312,770,062	239,581,129

[1] Jointly received rate increases totaling $6,500,000 plus opportunity to obtain additional $7,700,000.

[2] Note: $13,157 granted in April by State commission, full $23,900,000 granted in July by Supreme Court.

[3] Note: 3 weeks after Florida Commission approved $3,700,000 increase, Southern Bell filed request for $32,000,000 rate increase.

[4] Note: Consumers Power reported request totalled $57,000,000. Michigan Public Service Commission reported to subcommittee request had totaled $108,900,000.

[5] In June.

[6] In July.

[7] New York Public Service Commission has advised company it will accept revised request for $18,000,000.

MRS. LOUISE BOWKER, PRESIDENT, NEWSPAPER ASSOCIATION MANAGERS, INC.

HON. J. W. FULBRIGHT

OF ARKANSAS

IN THE SENATE OF THE UNITED STATES

Thursday, October 23, 1969

Mr. FULBRIGHT. Mr. President, I was pleased to learn that Mrs. Louise Bowker, of my State, recently has added to her many accomplishments her election as president of the Newspaper Association Managers, Inc. The NAM is fortunate to have the talents and industry of this Arkansan leading this organization.

I ask unanimous consent to have printed in the Extensions of Remarks an article published in the Missouri Press News outlining some of Mrs. Bowker's civic and professional contributions.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Missouri Press News, October 1969]

ASSOCIATION MANAGERS ELECT ARKANSAS WOMAN PRESIDENT

Mrs. Louise Bowker, secretary-manager of the Arkansas Press Association, was elected president of Newspaper Association Managers, Inc. at the group's 46th annual meeting August 22, in Williamsburg, Virginia. NAM is an association composed of managers of state, regional and national newspaper organizations. She is the first woman ever elected to the NAM board, having been chosen secretary-treasurer in 1967 and moving to the vice presidency in 1968.

She joined the Arkansas Press Association as office manager in April 1956, was promoted to assistant manager in 1961 and became the first woman to head the 97 year old association in 1962.

In 1962 she was chosen APA's "Man of the Year" an award bestowed on the person considered to have made the greatest contribution to the programs and progress of the Arkansas Press Association. She was elected Woman of Achievement in 1963 by Arkansas Press Women, Inc.

She is currently serving as secretary of the Arkansas Highway Users Conference; vice president of the Arkansas Council on Children & Youth; and vice president of the Mid-America Newspaper Mechanical Conference, the first woman in the country to be elected to such a board. She is a member of the Little Rock Advertising Club and is active on its legislative committee; the Salvation Army Auxiliary; North Little Rock Boys Club, and other civic organizations.

She is a native of Jonesboro, where she was graduated from the public schools and Jonesboro Baptist College, majoring in business administration. Mr. Bowker is married to S. W. Bowker, an insurance executive of North Little Rock, Arkansas.

Other officers and board members elected were: Vice President, Robert M. Shaw, Minnesota Press Association; Secretary-Treasurer, Richard W. Cardwell, Hoosier State Press Association; and Director, Ray Hamley, Maryland-Delaware-D.C. Press Association.

GREEK REGIME TOKENISM

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. CONYERS. Mr. Speaker, a recent dispatch in the New York Times reports that the military government of Greece is undertaking a liberalization program. The press is now free—except there is a two-page list of banned topics. Summary arrests and imprisonment are barred—except in cases involving "the public order and security." Military courts will no longer have jurisdiction over civilians—except in cases of treason, espionage, sedition, disturbing the peace, spreading false information, and arousing discord. In short, the people of Greece are now free—as long as they do not do or say anything the colonels do not want them to.

Verily, the junta is preserving Greece as a bastion of freedom.

I include the article entitled "Greek Regime Eases Martial-Law Curbs, but With Exceptions" from the New York Times of October 4, 1968, in the RECORD at this point:

GREEK REGIME EASES MARTIAL-LAW CURBS, BUT WITH EXCEPTIONS

ATHENS, October 3.—Greece's Army-backed regime today modified three martial-law rules—on press censorship, arbitrary arrest and trial by military courts—but the new measures contained a number of qualifications, assuring that controls would continue.

Greek newspaper editors were told today that the press was now free. But they were handed a two-page list of banned topics and were told that although they no longer needed to submit galley proofs to the censors, a copy of each paper must still be submitted for approval before it goes to the newsstands.

At the same time, summary arrests and imprisonment were barred "except in cases involving crimes against public order and security" and the jurisdiction of special military courts was narrowed.

ANNOUNCED AT NEWS TALK

The new measures were announced by Premier George Papadopoulos at a news conference in the marble-walled Senate chamber in downtown Athens.

The timing of the measures puzzled foreign diplomats in Athens.

Some noted that that they came 24 hours after George Tsistopoulos, an Under Secretary in the foreign office, returned from the United States, where he had talks with Secretary of State William P. Rogers, and passed on to the Greek leaders the strength of feeling in Washington in favor of substantial liberalization in Greece.

It is also possible that the announcement was intended to counteract a statement in Paris Tuesday by former Premier Constantine Caramanlis, who said that the regime was making no progress toward democracy and intended to perpetuate its oppressive rule.

It came a day too late to prevent the approval of a resolution by the Consultative Assembly of the Council of Europe in Strasbourg condemning the regime.

The list of taboo newspaper topics included these:

All news and comments "directed against public order, security and national integrity," such as "slogans or statements of outlawed parties or organizations aiming at the violent overthrow of the prevailing lawful order."

Topics of a subversive nature, including incitement to ctizens or the armed forces to violate orders and laws, or instigating demonstrations, mass meetings or strikes.

Publications directed against the national economy, including rumors likely to provoke anxiety on the progress of the economy or the stability of the currency, or divulging state economic secrets.

Reports likely to revive political passions and feuds.

The 50-year-old Premier said the new measures were justified by a substantial improvement of the domestic situation since the coup of 29 months ago and by the support his regime enjoyed from the Greek people.

"The patient is no longer in the plaster cast," he said, using his favorite analogy in which Greece is the patient and he the surgeon. "The patient is now in small splints. Let's hope he won't break his limbs again."

Mr. Papadopoulos told reporters he had issued orders, effective at once, abolishing press controls as well as banning arbitrary arrests and trials of civilians by special military courts. These controls had been authorized under the martial law in force since the coup.

"FREEDOM IS INVIOLABLE"

"Personal freedom is inviolable," the Premier declared. All arrests and imprisonments from now on will be carried out in accordance with the Constitution—"except in cases involving crimes against public order and security," he said.

EXPLAINS EXCEPTIONS

The jurisdiction of special military courts, set up by the regime to punish security offenses, will now try only cases of treason, espionage and sedition, including charges of disturbing the peace, spreading false information and arousing discord, he said.

Most of the cases tried by special military tribunals since the coup have involved charges of sedition.

Mr. Papadopoulos said the regime was negotiating with the International Red Cross for investigating allegations of torture of Greek political prisoners. He said, "This should put an end to the infuriating campaign of lies about tortures in Greece."

Mr. Papadopoulos, asked to comment on the statement by Mr. Caramanlis, said he was not prepared to discuss the future of Greece with "anyone except the Greek people."

Mr. Caramanlis, a rightist whose attack on the regime drew wide support from most Greek political groups warned the Athens rulers to make way for democracy or face violent overthrow.

Mr. Papadopoulos said that he, as a citizen who had voted in the past so that Mr. Caramanlis could become Premier, could only say: "Pity, I regret."

Commenting on elections, he said: "We, and only we, shall decide when they will be held in Greece."

Asked if, in view of the fact that he had announced the freedom of the press, he would now allow the Greek papers to publish Mr. Caramanlis' statement, Mr. Papadopoulos replied: "I will not."

BRIG. GEN. FRED W. VETTER, JR.

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Thursday, October 23, 1969

Mr. BOGGS. Mr. President, it has often been said that "little things mean so much." And I am certain that the commander of the Dover, Del., Air Force Base believes it, for his example at the base illustrates that phrase accurately.

In January of this year, Brig. Gen. Fred W. Vetter, Jr., assumed the top post at one of the Military Airlift Command's largest installations.

Initially, the general expressed a desire to improve and maintain the physical appearance of the property and to strengthen the ties to surrounding communities. This ambitious officer set a personal example for all to follow.

In the quest of better community relations, the air base recently hosted a "Salute to Delaware," a daylong program of aircraft displays, parades, demonstrations, and a performance by the precision flying team, the Thunderbirds. Attendance was in the thousands despite the fact that it was a weekday.

Delawareans are proud of this military base. I am confident that all Delawareans join me in commending and thanking General Vetter for the fine job he is doing.

An Associated Press article written concerning General Vetter, by Edgar Miller, was published recently in the Delaware State News. I feel it is an excellent character sketch and illustrates quite well why those under his command and the citizens of the first State appreciate this fine officer and the job he is doing.

Mr. President, I ask unanimous consent that the article published in the Delaware State News of October 17 be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

GENERAL PUTS SELF ON SPOT AT AIR BASE

(By Edgar Miller)

DOVER.—Brig. Gen. Fred W. Vetter Jr. left himself wide open shortly after taking command of the 436th Military Airlift Wing at Dover Air Force Base last January.

"Put me on the spot," he challenged the base's 25,000 officers, enlisted men and dependents in an unusual—for a general—column in the base's weekly newspaper, The Airlifter.

One of his first takers did just that.

The writer was a sergeant with two children who said that with a third straight hardship assignment staring him in the face—this time in Greenland after previous tours in Korea and Vietnam—his wife was threatening to divorce him if he didn't give up his Air Force career.

Vetter investigated, found the man's complaint was indeed legitimate and replied:

"The assignment of this man was carefully investigated and discussed with higher headquarters. He has been released from the assignment . . ."

Such swift, decisive action made the column an immediate hit and Vetter now is deluged with mail, so much that he can only publish a representative selection. But he gives personal attention to all letters and each writer gets a personal reply.

The letters have had results in several areas, from film processing at the post exchange to spraying for Japanese beetles in flower gardens.

While there are a few which are "petty and self-serving," most letters serve a useful purpose, Vetter says.

"It's amazing the number of good and practical suggestions we are picking up", the general says.

Some of the letters really do put him on the spot and "can be utter dynamite" if not handled right, Vetter says.

Of course, Vetter's reaction to a given letter might not always be what the writer had in mind.

Take the case of the three lieutenants who complained that officer of the day duty offered "very little in the way of a sense of job accomplishment" and suggested it be discontinued.

Vetter agreed that junior officers weren't getting enough out of the long, tedious hours of OD duty at night and on weekends so he expanded their chores to include "educational as well as meaningful responsibilities" so they wouldn't be bored any more.

The column has done much to give Vetter a reputation on the base as a man who gets things done—in a hurry.

He has particularly emphasized spit and polish—often to the anguished groans of many airmen—at all levels of base life, from his own office down the base housing area.

As a result, the base has taken on a neat and trim appearance. Housing area roads have been resurfaced and buildings are being painted throughout the base. "The men look smart and one senses a new feeling of urgency and pride," one staff officer, Lt. Col. Maurice G. Steele, said.

Vetter begins his day with a brisk mile run at 6:30 a.m. through the housing area. During the run he takes note of any unkempt lawns or houses. If he spots one he jots down the address and the occupant gets a call from him later. He also calls those who have done a particularly good job of keeping up their quarters.

Vetter's hobby is big game hunting and his office walls are covered with trophies from hunts on several continents. His latest trophy is still being mounted—the 61-inch antlers of a moose shot in Alaska.

A native of Snohomish, Wash., who now calls Houston, Tex., home, Vetter began his career as an aviation cadet in 1942. He was promoted to general in April 1968.

Vetter's lean, 5-foot-11 frame, his dashing salt and pepper mustache and graying temples and his straight military bearing led one newsman to write in a biographical sketch:

"If Hollywood were type-casting for an Air Force wing commander, Fred Vetter Jr. would get the role."

JIM COMSTOCK, WEST VIRGINIA'S AMBASSADOR EXTRAORDINARY, PORTRAYS STATE WITH IMAGINATION IN UNIQUE NEWSPAPER

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, October 23, 1969

Mr. RANDOLPH. Mr. President, West Virginia is fortunate to have within its borders a journalist of the talent and capacity of Jim Comstock, whose base of operations is Richwood in the forest lands of my State.

His keen powers of observation and his ability to find new insights in nearly every situation make the West Virginia Hillbilly a most popular and eagerly awaited weekly newspaper. Under the guidance of Comstock, his partner, Bronson McClung, and their erudite master of the print shop, C. Donnee Cook, the Hillbilly has become an institution known across the United States and overseas.

It is more than just a weekly newspaper. It devotes itself primarily to the discussion of life in West Virginia, its strengths, it weaknesses, its heritage, and it's future. Hillbilly likewise is ever alert to ways in which West Virginia can be improved.

But it is also a light-hearted publication, filled with humor and Comstock's own, often-irreverent comments on events of the day.

In the course of bringing Hillbilly to its present state of journalistic eminence, Jim Comstock himself has become a sought-after personality who frequently graces speakers' platforms in West Virginia and other States. He reports on his travels and observations weekly in a lengthy column called the Comstock Load.

Elsewhere in the publication there may be discussions of many subjects under intriguing headlines such as these from recent editions of Hillbilly: "West Virginia Cole Slaw Signs As American As Apple Pie," "Memories of a B. & O. Dispatching Man," "A Mighty Mingo Chieftan," "How the Teacher Nipped a Riot," "All You Need Is a Peach Tree Limb To Find Water," "By Rail Up Shaver's Fork River," "Look What a Big Dog Dragged In," "In the Land of Buckwheat Cakes," "Hillbilly Ramblings," "The Man in the Henhouse," "Have Sleeping Bag, Will Travel," and "Old Likker in a New Jug," a regular compilation of quotations and poetry. Hillbilly also features a regular heritage page, a lively exchange of letters from readers and periodic reviews of various industries that contribute to the West Virginia economy. A picture of a pretty West Virginia girl always brightens Hillbilly's pages.

Mr. President, Jim Comstock recently spoke at Salem College, my beloved alma mater, telling of the trials and tribulations of an editor. His appearance was reported in the September issue of the Salem College Bulletin, and I ask unanimous consent that excerpts from the article be printed in the Record.

There being no objection, the excerpts were ordered printed in the Record, as follows:

EDITOR JIM COMSTOCK GIVES ADDRESS AT SALEM COLLEGE

"I founded The West Virginia Hillbilly because I wanted to tell the world that West Virginia is a notch above the other states," Editor Jim Comstock told the Salem College students.

Comstock, West Virginia "ambassador extraordinary," spoke at Salem College and was received by the students with enthusiasm.

He told of his special "ramp edition which caused quite a stink with the subscribers and especially with the Post Office Department." He explained that the stunt drew national attention on the wire services and resulted in The National Geographic doing an article about the paper, ramps and Richwood—the home of the Comstock and McClung publications.

"Every Monday morning I have 16 blank pages in front of me to fill," Comstock said. "To a literate person that paper, when published, has meaning. I ask myself, 'Is there some little thing in it that will lift the world?'"

READERS HAVE POWER

The West Virginia Hillbilly really belongs to the readers, and the readers have the power, he declared. Among the many things which Hillbilly readers have done are—founding a "Past 80 Club," building a hospital in Richwood, sending a boy to Williamsburg, Pa., for rehabilitation, saving the scenic Cass steam railroad—the last of its kind in the country—for a tourist attraction, starting the drive to buy Pearl Buck's birthplace home in Hillsboro for West Virginia.

MELVIN MILLER

Comstock told the story of Hillbilly's collapse a couple of years after its birth and of Melvin Miller who came to Richwood to encourage the two publishers to start again. Miller, who had just graduated from Bethany College, was on his way back when his small sports car failed to make a curve and he was killed.

Inspired by Melvin Miller's faith, Comstock and McClung started the publication again. The first issue of the reborn paper was dedicated to Miller in Comstock's story, "Here, Melvin Miller, Is Your Paper."

"Each week I ask myself, 'Have I done something good? Have I been true to the dreams of a boy who wanted to start a paper?'"

PRESS AGENT FOR STATE

Comstock is one of the state's best press agents. He has publicized its writers, sculptors, painters and musicians; worked to bring in new industries; and plugged its tourist attractions.

In Hillbilly he has satirized West Virginia's politics, described its beauties in glowing words, and kept alive its rich folk heritage.

AUTHORITY ON APPALACHIA

Otto Whittaker, who compiled and edited the recent book, Best of "Hillbilly," says that Comstock probably knows more than any man alive about the yesterdays and todays of Appalachia and how it got that way, and for the past year he has been enlarging this knowledge with a fellowship from the Ford Foundation.

In addition to editing the Newsleader and Hillbilly, Comstock is compiling and editing a 25-volume encyclopedia on West Virginia. "In this encyclopedia we hope to preserve West Virginia's heritage which is rapidly being lost," he said.

THE 75TH ANNIVERSARY OF THE UNION OF POLES IN AMERICA

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. STOKES. Mr. Speaker, October 26, 1969, marks the 75th anniversary of the Union of Poles in America. A fraternal service organization, the Union of Poles in America was founded in Cleveland, Ohio, in 1894 and has since provided innumerable benefits to the Polish-Americans of Ohio. But more noteworthy is the great service this organization has provided to our community through its many juvenile and adult social programs. The Union of Poles is headquartered in Cleveland and its national president, Mr. Richard E. Jablonski, also resides in that city. As a Representative for the city of Cleveland, I commend the Union of Poles for their 75 years of unselfish service and I wish them continuing success for the future.

In saluting this organization, I would like to provide my colleagues with the following historical review of the Union of Poles in America prepared by Mr. Richard E. Jablonski:

The Union of Poles in America, under the protection of our Blessed Mother, came into being as a result of the merging of two Unions, The Polish Roman Catholic Union under the protection of the Immaculate Heart of Mary and The Polish Roman Catholic Union, under the protection of Our Lady of Czestochowa. This merger occurred at the joint convention in Cleveland, Ohio on May 30, 1939.

The Polish Roman Catholic Union, under the protection of the Immaculate Heart of Mary, was organized on July 1, 1894, in Cleveland, Ohio. Its first president was A. Skarupski.

The Polish Roman Catholic Union, under the protection of Our Lady of Czestochowa, was organized on March 11, 1898, in Cleveland, Ohio. Its first president was Francis Szemplachowski.

Both of the unions, after many preliminary discussions, held special conventions during the month of May 1938. Finally it was decided to hold a common convention on May 30, 1939 in Cleveland, for the purpose of finalizing the merger. Its first president was Joseph Missal.

During the 30 years of existence, the Union of Poles has considerably increased its membership and financial resources. The financial resources are now approaching the $4,000,000 mark. The entire organization stands on a firm financial basis and is one of the leading fraternal organizations in America.

From an earned surplus, dividends have been paid to its members every year for the past 25 years.

During World War II, the Korean War and the present War in Vietnam, the Union of Poles has guaranteed the entire payment of life insurance in case of death of an insured member serving in the Armed Forces—not excepting the policy with war reservations.

The Union of Poles is a participating member in the Polish American Congress and for many years has taken an active part in the social, cultural, and economic affairs of the "Polonia."

The Union of Poles in America, a fraternal organization, strongly believes in serving its country; and taking an active part in helping the free world emerge a very great power in the service of mankind, for a better, stronger, and happier society of Free and Independent Nations.

Today, we observe, together with the "Polonia," the Diamond Jubilee, the 75th year of the founding of the Union.

STUDENTS FOR WHAT?

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. DERWINSKI. Mr. Speaker, I have repeatedly called the attention of the Members to the rampage perpetrated in Chicago on October 9, 10, and 11 by militant members of the SDS.

It is important that people around the country understand the developments in Chicago and therefore I insert into the RECORD a very effective commentary carried in the Sunday, October 19, Chicago Heights Star, a publication whose staff kept very close to the situation:

STUDENTS FOR WHAT?

By all accounts, militants of the self-styled Students for a Democratic Society alienated or at least embarrassed all but the most knuckle-headed of their admirers during the group's most recent descent upon Chicago. They came to tear the city apart, and they remained to demonstrate how badly decent people would fare if they indeed achieved whatever brand of society they really want.

Emerging as heroes, ironically, were the very Chicago policemen whom the anarchists proposed to discredit. Much has been said and written about the professionalism and restraint which characterized the police work. The praise was deserved. It is reasonable, meanwhile, to pay some attention to the cost of the soft approach in dealing with mad-dog tactics, exemplary and well-reasoned as that course proved to be.

Reports indicate that virtually all injuries of consequence were suffered by policemen—although some members of the liberal establishment might have risked mishap in the rush to back away from identification with the SDS. In any case, it can be assumed that the policemen not only acted in a most temperate manner, but did so at their own considerable peril.

A less serious but nevertheless significant aspect of these confrontations is the question of whether citizens are to be denied the use of their streets and sidewalks if they don't choose to be trapped on the rim or in the midst of a revolution.

But at least when the scum surfaced in Chicago this time, there were no non-militant idealists on the scene to blue the image; the true nature of the demonstrators was laid bare. The next time revolutionaries boast of their intent to bring a major city to its knees, the authorities should again be ready for them. And with real luck, the television cameras will grind as feverishly as they did when it was considered stylish to represent that only policemen break the law.

MORATORIUM DAY

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. McKNEALLY. Mr. Speaker, under leave to extend my remarks in the RECORD, I am pleased to include the following statement by a former distinguished Member of the House, Hon. Hamilton Fish, Sr., with reference to the recent moratorium day.

Mr. Fish has been opposing communism for more than 40 years and is a strong supporter of our divine heritage of constitutional and free government. He always has an interesting point of view.

The statement follows:

For a quarter of a century in Congress, I supported every move to promote and maintain peace. I join with all Americans who want an honorable peace and favor an immediate Cease Fire to be followed by peace negotiations.

The police and firemen are the guardians of order and security in New York City. The best way to fight crime would be to take the handcuffs off the police.

God bless the police and firemen for refusing to lower the American Flag in support of the proposed cowardly, dishonorable, and

treasonable total withdrawal from Vietnam; thereby aiding and abetting our Communist enemies. This would make the United States a constant target for ridicule and abuse in both the Communist and the Free Nations, and be a mockery of the heroic sacrifices by our Armed Forces in Vietnam.

SUEZ CANAL CLOSING: EFFECTS ON SHIPPING

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. FLOOD. Mr. Speaker, one of the consequences of major geopolitical significance resulting from the closure of the Suez Canal in the 1967 Arab-Israeli war was the diversion of interoceanic commerce around Southern Africa. Another was the stimulation of the construction of super tankers that can transport oil more economically by this route than by the Suez Canal. This means that this canal has permanently lost a large part of its traffic even if the Suez Canal should be opened.

An informative article on the effect of the closure of the Suez Canal on South Africa follows:

[From the Chicago Tribune, Oct. 19, 1969]

SUEZ CLOSING IS A BOON FOR SOUTH AFRICA

JOHANNESBURG, SOUTH AFRICA.—October 18.—Closing of the Suez canal following the six day Israeli-Arab war in 1967 has been a boon to South Africa's harbors.

Since 1967 ships have sailed around the Cape of Good Hope into South African ports at a rate that has reached about 1,000 a month, with resulting far-reaching economic and strategic implications for this country.

The number of ships rounding the cape and calling at one of the country's major ports—Durban, Cape Town, Port Elizabeth and East London—has nearly doubled since June, 1967.

SOUTH AFRICA CONFIDENT

And while some ship owners may still be looking toward the Suez canal and wondering about the possibility of it reopening, shipping authorities in South Africa are confident the Suez will never again become one of the world's major waterways.

Many shipping people agree that Suez has seen its best days. For as ships grow in size, they say, the canal will become too small. It also is a fact that altho the canal has been closed for more than two years, there has been remarkably little disruption of world trade.

Figures for immediately before and after the closing of the Suez canal show a phenomenal jump in the number of ships rounding the cape and the amount of tonnage handled. In the year June, 1966, to June, 1967, 7,370 ships rounded the cape, and the gross tonnage handled at Cape Town harbor was 46,487,000. Then from June 1967, to June, 1968, the number of ships rose to 12,268, and cargo handled at Cape Town harbor was 95,337,000 tons.

SEE NO SLACK

The latest figures available for the year 1968–69 indicate there will be no slack in the activity that has gripped South African ports—especially Durban and Cape Town, the two biggest. At the end of April this year 13,890 ships already had used the cape sea route.

According to one shipping source, the revenue to South Africa from ships entering its harbors can be calculated on an average of between $560 to $700 per ship. Since June, 1967, 3,000 diverted ships called at Cape Town and 4,000 at Durban Harbor. This gives an estimated extra revenue of 4.5 million dollars in berthing fees alone to which must be added income from food and provisions and other trade.

STOP OUTSIDE HARBOR

According to a spokesman for Cape Town's office of the port captain, several thousand other ships stopped outside harbor limits for stores and mail to be taken to them by launch and helicopter, thus escaping harbor charges.

The decision taken in March, 1968, by the major oil companies never again to rely heavily on the Suez canal for transporting oil has had a major impact on South Africa. Since they were forced to use the cape route, oil companies have found that oil can be transported via the cape in super tankers at a saving of up to 20 cents a barrel.

Shipyards already have orders for about 200 new tankers of which more than half are more than 200,000 tons and the rest more than 100,000 tons. None of these tankers will be able to get thru the Suez canal.

TOURIST BOOM

Apart from these considerations the closing of Suez also has resulted in a South African tourist boom. It is estimated that about 170,000 tourists have passed thru either Durban or Cape Town from rerouted liners on their way to the far east or Australia. It is estimated further that they have spent in the vicinity of 1 million dollars on sightseeing and shopping excursions.

Lord Chalfont, Britain's minister of state, reported that the number of British registered ships passing around the Cape of Good Hope had more than tripled since the closing of the Suez canal.

Russia's use of the route also has risen dramatically. According to the Cape Town port captain more than one-third of the 13,980 vessels that passed during the year ending April, 1969, were from communist countries, and of the 5,500 communist ships, nearly 3,900 were Russian.

"TURNING THE CORNER"—THE WRONG CORNER

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. HANNA. Mr. Speaker, an optimistic administration spokesman has cited as "encouraging" the most recently reported rise in the Consumer Price Index the Washington Post reported this morning. Another Presidential spokesman was quoted as saying September's rise means we are "turning the corner."

Is it possible that there is some statistic these fellows are looking at that the rest of us have not been made privy to? I am under the distinct impression that this morning's paper reported a 0.5-percent increase in the Consumer Price Index. If this half percent rise is "encouraging" and "turning the corner" then I suggest we have turned the wrong corner, and are encouraging the wrong policy.

It seems to me one can seriously question the credibility of a "spokesman" who is "encouraged" by a half percent rise in the Consumer Price Index. According to the Washington Post:

> The bellwether industrial commodities component, considered by some analysts as the best measure of inflation, jumped 0.4 percent. It matched the August increase, which had been the largest since March.

The September rate gives no indication that there is any slowdown in the record 4.5 percent rate of increase in the Consumer Price Index for 1969. The rate for this year is up 1.1 percent from 1968, and the "encouraging" September figure suggests no decrease in this record annual rate.

I have no doubt that few if any Americans will feel "encouraged" when they read the Associated Press report that—

> Clothing prices rose at about double the usual increase for September . . . Food prices failed to show their usual decline for the month, (and) housing costs continued to rise and there were increases for all kinds of consumer services.

Who is being kidded? Certainly not the public, and hopefully not the Congress. Is it not time the administration dealt candidly with this issue, instead of feeding us this meaningless pablum? We do not need self-serving statements so obviously out of kilter with the real circumstances. What we do need is some honest analysis and some responsible discussion about solutions.

GREAT HARDSHIP TO OUR FARMERS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. HUNGATE. Mr. Speaker, Congressmen whose districts include large rural areas as mine does are greatly concerned about the affects inflationary trends are having on farmers. I believe all the Members will share our concern as they read the following speech being delivered today by Hon. W. R. POAGE which clearly points out the problems causing great hardship to our farmers:

REMARKS OF CONGRESSMAN W. R. POAGE AT FARMERS UNION APPRECIATION DINNER, GATESVILLE, TEX., OCT. 23, 1969

Mr. Chairman: It is always a pleasure to meet with my friends. It is especially a pleasure to meet with them when they have gathered to do me honor. I recognize that I am not worthy of the kind of exaggerations which have been indulged but I do appreciate the spirit of friendship which has prompted my friends of Coryell County to arrange this dinner, and I especially appreciate the fact that my friends in the Farmers Union have made this dinner possible.

I feel a special responsibility for the welfare of agriculture, just as does the Farmers Union, and I realize that the problems of agriculture are probably the most serious and the least understood of the problems of any substantial segment of our economy.

Like all other Americans, farmers are vitally affected by the inroads of inflation. The first evidences of inflation are always welcomed by the overwhelming majority of our people because cheaper money makes it possible for them to pay their debts more easily, and higher wages put more money in circulation and for a time provide a higher standard of living. People begin to feel a sense of prosperity, but as inflation progresses costs soon catch up with increased income and there are demands for a new round of wage increases. Then there is a new round of higher prices, a substantial reduction in the buying power of our money, and shortly a lowering of our living standards.

Our economy in general is, I believe, just now entering this stage of the inflationary spiral. The farmers entered it some time ago. Your costs have gone up far faster than your income, and this is really the thing which hurts in connection with inflation. Most everyone knows that the cost of things farmers buy, like the cost of things city people buy, has increased rapidly. A tractor which cost $2000 twenty years ago costs about $8000 today. Barbed wire which sold for eight dollars a roll twenty years ago now costs around twelve dollars a roll.

The public generally concedes that the cost of farming has increased but they say, "So have our costs." The thing the public does not generally recognize is that the price of the farmers' products have not increased. Wages have gone up and again the public says, "The farmer is a wage earner as well as an investor so he has benefited." They do not realize that the farmer receives practically nothing in payment as wages from his farming operations. True, farmers devote their time, but their time must be paid for out of the proceeds of what they produce and what they produce is today very often bringing less per unit than it brought twenty years ago.

For instance, corn sells for a little more than a dollar a bushel. A little over twenty years ago it sold for $2.00 a bushel. Wheat, which with the government payments, averages out at about $1.50 a bushel was bringing over $2.00 a bushel twenty years ago. Middling inch cotton, which very few of us were able to raise this year is worth, with all the government payments, around 29 cents. Twenty years ago, it brought nearly 33 cents in the open market, without payments.

There has been an especially loud complaint about the price of beef. It is true that round steak went up to $1.60 a pound in Washington a short time ago, but on the same day choice steers were bringing just over 30 cents a pound in Omaha. That was approximately 15% less than they brought twenty years before.

Certainly it was not the price cattlemen were receiving which forced the price of beef to its present levels, but even with all of the costs which have been added after the food leaves the farm, the American housewife is still buying the greatest bargain available in any country at any time in history. In the Far East many people spend two-thirds to three-fourths of all they earn throughout their lives just to secure a very meager diet. The people of the Soviet Union today spend nearly one-half of their disposable income on food. In Western Europe the figures are from 25 to 30%. In the United States we enjoy a far more varied diet and actually buy a tremendous amount of "Built-in maid service" at the grocery store but last year our people spent only 17.2% of their disposable income in the grocery store, and a substantial portion of these expenditures were for non-food items, and of the food the farmer was paid only about one-third of the retail price. By any standard, food in America is one of the world's greatest bargains.

Let us keep this one point in mind—the American people are not being overcharged for food and fiber. On the contrary, they are receiving more for their dollar—that is, in buying food and fiber they are getting more of somebody else's labor and investment—for fewer dollars than they are in almost any other segment of our economy.

Just who in America, other than the farmer, is today taking less for what he produces than he got twenty years ago? Oh, I know that there are those who would immediately point out that the efficiency of production has increased on our farms, and this is certainly true, but the efficiency of production has increased in the General Motors plant, the Bell Telephone Company, United Airlines, and all of the rest of our great corporations, but their unit prices are all up. The farmer's is down.

This is the great difference which I think cries out for rectification, but I don't want to take your time simply to discuss the inequities of our agricultural price system. You are familiar with them just as well as I am. We need not tell ourselves of our troubles, although we do need to tell this story to city people. I think the American people are basically fair when they understand the facts, and I have been trying to give them the facts, but it is extremely difficult to get a city audience to listen to the facts.

What you want to know and what I need to know is how can we change this situation. How can we improve farm income? When we ask these questions we involve ourselves in far more complications than most of us realize. It is not enough to know the simple laws of economics. Most of us know that if we reduce the supply of goods, other things remaining equal, prices will tend to go up. It is, of course, on this fundamental truth that most of our farm programs are based, whether they be land retirement programs, grain storage programs, cotton allotment programs, or any other variation of supply control.

But we are faced with all kinds of related influences and activities. A massive land retirement program certainly involves the destruction of community life across broad areas, and the bankruptcy of many small-town businesses. An arbitrary, mandatory reduction of any kind involves the use of governmental controls which most of us resent. The use of the present "carrot" type program of inducements, as contrasted with the "stick" of compulsory controls, requires the cooperation of large land holders to be effective, and this in turn opens the door for what seems to me to be some of the most effective demogoguery, such as we have seen in connection with the advocacy of limitation of agricultural payments. Demagogues or not, these advocates of limitations have enough votes that we must devise a program which will not involve such large payments—and most important of all, no farm program deserves to succeed which denies the American people of all of the food and fiber they need at reasonable prices. Now, I said "reasonable" prices, and that is what I mean. I mean prices which will enable the producer to enjoy the same kind of living standards in return for the same contributions of labor and capital which are enjoyed by other segments of our economy.

Parity is not an exact measure of such standards, but it is probably the best we have. I would therefore suggest that while we should seek to bring the price of farm products up to parity, we should also seek just as diligently to prevent the development of a price level in excess of parity. That is actually what our farm programs throughout the years have sought to achieve. They have not always achieved their objectives, but they have done much toward maintaining a higher standard of living on our farms and ranches.

I know that it is considered "smart" in some circles to say that if we had no farm programs we would all be better off. Well, it isn't but 250 miles from here to the Mexican Border. I suggest that any farmer in Coryell County who feels that he can do better without any farm programs ought to move across the river. He won't have any farm programs there, but he won't get as much for his cotton, his cattle, or his wool.

Then there is another group who like to say, "Just Look—cotton, wheat and feed grains are the major crops with farm programs and they are in far worse shape than some of the commodities without any programs; therefore, farm programs must destroy the value of our commodities." My wife was recently in Scott & White Hospital at Temple. There were hundreds of other people there. Most of them were in real bad shape but they were not in bad shape *because* they had gone to the hospital. They had gone to the hospital because they were sick. So it is with our crops. The crops which are in trouble are the ones which need and are getting the programs. Those of us who are well do not need hospitalization and those farm products which are in sound balance do not need farm programs.

For this reason, farm programs do not mean nearly as much in Coryell County as they do in some other parts of the country, but farm programs put enough money into this county during the past bad years to not only help a great many of our farmers but also to mean the difference between profit and loss to a great many merchants, businessmen, bankers and doctors. You would find it much harder to keep the City of Gatesville solvent if we had no farm program.

The existing farm program has many faults and shortcomings but on the whole it is probably the best we have yet devised. Anyway, I think it would be foolish to give it up until we get something better. I had hoped that we could maintain this program, and of course it was my bill of last year which gives us the program for next year, but with the end of the next crop year we will have practically no farm program unless we are able to pass a new bill. Our Committee has been trying for many months to reach some concensus on legislation which can be passed, because it is not sufficient to know what we should have. It is just as important to know what we *can* have—and I recognize that we cannot pass a bill through the Congress which does not have considerable support from both Republican and Democratic members. We can't pass a bill which is simply a Committee bill. We can't pass, simply a Farm Bureau bill, or even a coalition bill. We can't pass a bill which is simply a Departmental bill. But our Committee must work with all the farm organizations and with Secretary Hardin and the Department of Agriculture.

I have felt that the Secretary was a reasonable man, but he doesn't feel the urgency for new legislation which I think exists. I know that unless we have made considerable progress before the end of this year that our farm program will probably still be before the Congress as the end of the next session draws to a close. This is not the way to get good legislation, and it is no way to give farmers the opportunity to use good farming practices. I had hoped, and I still hope, that we will be able to get a bill through the Committee and to the Floor of the House before adjournment of Congress this fall—but time is running out and it was just last Monday night that the Secretary came up with the first specific language he has indicated he would accept, and this related only to feed grain. It was a start and I am glad we have made this start.

Our Committee has been meeting with the Secretary and his staff every Monday night in informal discussions which I think have been most helpful but we have a long way to go. The Secretary has indicated a large degree of flexibility on his part, and I think this is helpful. While we need suggestions of specific language, at the same time we need a willingness on the part of the Secretary, on the part of the farm organizations and Committee members to accept many details which are not a part of their own plans or programs. I have been pleased that the Farmers Union and most of the other major farm and commodity organizations have been able to get together on specific legislation. It is helpful that we can have this degree of unity.

On the other hand, I hope that this will not result in fixing their ideas in cement.

Neither the so-called Coalition Bill, the Poage Bill, the Farm Bureau Bill, or the Departmental Bill is going to be passed as it is introduced. There are going to be many modifications and once those of us who are especially interested in agriculture have come together in support of a program, we must still recognize that we must have the cooperation of the consumers. We are all consumers but about 90% of our people are consumers without any personal interest in production, and altogether too many of those people feel that their interests and those of agricultural producers are in conflict. I think this is a mistaken viewpoint. I think it is based upon a failure to understand the fundamental elements of agricultural production but people do not act upon the facts. They act upon what they believe the facts to be.

As I have pointed out, the American people are buying a bargain in food. The truth is they are getting this bargain because of the tremendous technological advances made by American agriculture. Our schools, our scientists, our extension service and our agribusiness firms have all teamed up to make modern technology available to our farmers, but it doesn't come free. Probably every farmer in this audience knows how to do a better job of farming than he has been doing, but in very few cases could he afford to do any better than he has done. Most of you know you could grow more if you applied more fertilizer, if you irrigated, if you used better machinery, etc., but in most cases you feel that it might not pay to make the expenditures necessary to get the increased production.

If the consuming public is unwilling to pay a fair price for agricultural products the volume of those products will in the long run decline—not because of the perversity of our farmers, but because they just wouldn't have the ability to use the expensive technology necessary to produce abundantly. If we are so foolish to restrict the ability of our farmers to produce cheaply and efficiently because of an inadequate income, we must be prepared to pay substantially higher prices for everything we eat and wear, and that within a matter of a relatively few years.

Admittedly, a policy of low farm prices and no production controls could bring about increased production for one, two or three years. Farmers, like everyone else, seeing their unit prices going down would seek to maintain their living standards by increasing the number of units they could offer for sale. As long as they had any reserves or could get any credit they could do this, but as existing machinery wore out and farm credit was restricted, as a lower price level would automatically restrict it, farmers would more frequently find it impossible to use the techniques which our modern science and research have made available and production would fall.

A failure to understand this relationship between cost of production and volume of production has, I think, been the basic error in the philosophy of so many who have in recent years been bemoaning the fact that the world could not feed itself. I want to make a categorical statement that the world can feed its present population with a very good diet but to do so farmers the world over are going to have to have a return which will allow them to share with other producers on a more comparable basis than they have done in recent years.

If they can't get such a share, obviously many more of our American farmers will be forced to leave the farm. Production will fall into fewer hands, and right here I want to make it clear that I am talking about what will happen—not what I would like to see happen. When we get to the point where we have no more agricultural producers than we have producers of gasoline, the price of agricultural products will respond as does the price of gasoline to the needs and wishes of those who control the production. I don't want to see this happen, I think it would be a tragedy for all America—just as much a tragedy for urban America as for rural America.

A HELPING HAND PAYS IN THE REPUBLIC OF CHINA

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. DE LA GARZA. Mr. Speaker, the United States extended a helping hand to the Republic of China after its government was forced off the Chinese mainland by Communist forces 20 years ago. The assistance paid off. In a few short years the Republic of China became self-sustaining and now it is extending help to other nations.

In 1960, a year in which no less than 17 African countries achieved independence, the Government of the Republic of China decided to strengthen its friendly relations with these newly independent countries. Considering the similarities in climatic conditions and the stage of economic development between Taiwan and most of the African countries, the Chinese Government felt that the valuable experience China had acquired in Taiwan in her rapid agricultural development might be of use to the African people.

Accordingly, a technical cooperation program for Africa in the field of agriculture was conceived. In November of 1961 the Chinese Government sent to Liberia its first farming demonstration team following the signing of a technical cooperative agreement between the two countries. Since then additional agricultural teams have been dispatched to all the newly independent African nations.

Responsible personnel of the cooperating countries have visited Taiwan to observe its agricultural development and the methods employed to increase farm production. Fellowships have been granted to technicians of friendly countries to attend seminars or to receive on-the-job training in Taiwan. Following the dispatch of agricultural specialists on survey teams to determine the needs of the countries concerned, farming demonstration missions and agricultural technical missions were sent to the cooperating countries. Assistance has been given in helping to set a general pattern for the development of a sound rural economy so that the host country can carry on future development on its own.

Mr. Speaker, this continuing effort by the Republic of China deserves high praise. In these African countries the key to the improvement of the economy and to raising the standard of living of the people lies in increased agricultural production. It is gratifying to know that the Republic of China for the last decade has thrown its energies and knowledge into extending precisely the kind of assistance the African peoples most need. We should cooperate with them in this endeavor and in everything which strengthens our friendship and solidarity.

NATIONAL BUSINESS WOMEN'S WEEK

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. KLEPPE. Mr. Speaker, it is a privilege to join with the National Federation of Business and Professional Women's Clubs, Inc., in saluting the business and professional women of America during National Business Women's Week, October 19–25.

The club has 180,000 members in the 50 States and in the District of Columbia, Puerto Rico, and the Virgin Islands. They comprise not only a vital and constructive force in the business and professional community but in the areas of civic responsibility and service as well. From the many letters I receive from club members, I know they take a deep interest in legislation and are extremely well informed.

Over the last half century, they have played a most important role in American public life.

I insert at this point in the RECORD the legislative platform of the National Federation of Business and Professional Women's Clubs:

NATIONAL LEGISLATIVE PLATFORM ADOPTED BY THE NATIONAL CONVENTION JULY 20–24, 1969, ST. LOUIS, MO.

ACTION ITEMS

Item 1. Constitutional Amendment. Support legislation to amend the Constitution of the United States to provide that equality of rights under the law shall not be denied or abridged on account of sex.

Item 2. Actively work for pending legislation providing for: (a) a broadened head-of-household benefit under the Internal Revenue Code; (b) increased personal exemption and credit for dependents under the Internal Revenue Code; and (c) a more equitable distribution of the tax burden.

Item 3. Propose and support legislation to provide: (a) uniform laws and regulations for men and women as to working hours, working conditions, rates of pay, equal employment opportunity, including retirement for age; (b) equal treatment for working men and women in the area of survivor and retirement benefits; and (c) increased child care deduction under the Internal Revenue Code.

Item 4. Propose and support state legislation to provide for uniform jury service and uniform qualifications in the selection of men and women to serve on grand or petit juries in any court.

Item 5. Propose and support legislation to bring about more effective crime control and law enforcement.

POLICY ITEM

Support measures within the framework of the Constitution of the United States that promote peace and strengthen national security and make more effective the United Nations and such other international organizations of which the United States is a participant, without relinquishment of our basic freedoms.

Special note is called to the United Nations Convention pending before the United States Senate on the political rights of women and to the long-standing support for ratification of this convention by the Federation.

PROCEDURE

State federations and clubs are urged to review the National Legislative Platform as published in *National Business Woman*.

Who May Submit Proposed Changes: National Legislation Committee, Executive Committee, National Board of Directors, State Federations. Clubs may also submit suggestions for changes in the National Legislative Platform, but such proposals must be submitted through their state federations for review and possible recommendation.

Procedure For Submitting Proposed Changes:

State federations shall submit proposed changes to the National Executive Offices within ten days after adjournment of their state conventions. Such proposals shall be signed by the state president and forwarded by certified mail with return receipt requested.

The Executive Committee, National Board of Directors and the National Legislation Committee shall submit proposed changes, properly signed, to the National Executive Offices at least 30 days prior to the date the National Legislation Committee convenes, except in cases of emergency. If such proposals are mailed, they shall be forwarded by certified mail with return receipt requested.

NATIONAL BUSINESS WOMEN'S WEEK

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. LONG of Maryland. Mr. Speaker, October 19 through 25 is National Business Women's Week. Thousands of America's business women are members of the National Federation of Business and Professional Women, and one of the most important interests that the federation's members share is legislation. I know this because some of my constituents are members of the Baltimore and Towson Clubs of the National Federation of Business and Professional Women.

At the 50th anniversary convention, the federation adopted a national legislative platform—which I have long supported—calling for action on legislation concerning women's rights. One item of legislation concerning women's rights includes a proposed constitutional amendment providing that "equality of rights under the law shall not be denied or abridged by the United States or any State on account of sex." A second item calls for broader head-of-household benefits under the Internal Revenue Code which the House of Representatives provided in the Tax Reform Act of 1969. A third item calls for equal treatment for working women and men in retirement and survivor benefits. In this area, I have sponsored legislation that would permit working couples to pool their Social Security credits and thus draw higher benefits. My bill would also permit widows with minor children to earn income without reducing their benefits.

No Congressman who manages to keep his job underestimates the power of a woman. During National Business Women's Week, I commend the National Federation of Business and Professional Women's Clubs on their continuing interest in legislation that is important to their members and to all other women in the United States.

PORNOGRAPHIC MATERIAL—A THREAT TO OUR YOUTH

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. MURPHY of New York. Mr. Speaker, the Honorable Mario A. Procaccino, the distinguished comptroller of the city of New York, testified before the House Postal Operations Subcommittee yesterday morning.

His remarks go to the substance of the pornographic and salacious material that plague our entire society, but particularly are a threat to our Nation's youth.

I insert in the RECORD today his testimony before the committee:

TESTIMONY FROM TRANSCRIPT OF COMMITTEE ON POST OFFICE AND CIVIL SERVICE HEARING ON PORNOGRAPHY, OCTOBER 22, 1969

Mr. NIX. Our next witness is the Honorable Mario A. Procaccino, distinguished Comptroller of the City of New York and the gentleman from Montana, our distinguished colleague on this committee, Mr. Olsen, will present Mr. Procaccino.

Mr. OLSEN. Thank you very much, Mr. Chairman, it is a real pleasure to present to the Committee the person, a very distinguished person, the Comptroller of New York City, Mario Procaccino. I know that he has long been strong in support of law and order and it is in keeping with his career that he would come here and support legislation that would protect people against the pandering of smut through the mails.

Mr. Chairman, it gives me great pleasure to present Mr. Mario Procaccino.

REMARKS BY NEW YORK CITY COMPTROLLER MARIO A. PROCACCINO AT HEARING BEFORE THE SUBCOMMITTEE ON POSTAL OPERATIONS AT THE HOUSE OF REPRESENTATIVES, WASHINGTON, D.C., OCTOBER 22, 1969

At the outset, let me thank you Mr. Chairman (Robert Nix) and the members of your Committee for giving me this chance to be here today. I want to congratulate the Committee on what it is doing to combat one of the most growing evils of our times, the peddling of smut through the mails.

I came to Washington from New York because I am deeply troubled over what is happening. I speak not only as a parent concerned for his own family, as a citizen concerned for his neighbors, but as an American concerned for the future of our country.

There is no question that the way to destroy our nation is to corrupt its youth, to capture the minds of the young, to enslave them to the evils of perversion. The easiest way to prey upon the unsuspecting and the innocent is through the mails.

The situation has become so bad that I have been stopped by people in the streets begging me to do something to curb this vicious assault upon the senses of their growing children. Pornography has become a mailbox menace.

This crime against society doesn't stop with youth. It promotes perversion in all people at all ages. It seeps poison into the minds of rich and poor. It reaches into all levels of society and destroys not only the morals but the principles of every person it touches.

Unbridled pornography is a disease that can ravage a nation, rob it of its strength, dissipate its talents, and lay waste its national heritage. History, itself, proves that either we must destroy it or it will destroy us.

There has been testimony of national importance to prove that American homes are being bombarded with the largest volume of sex oriented mail in history.

This mail is unsolicited, unwanted and deeply offensive to those who receive it.

There is no question that the law of our states and our nation must be strengthened to prevent this disease from spreading its infectious poison any further. Steps must be taken and ways must be found to deal with the people who make money out of pornography.

One of the things that moved me to take action myself against this menace was a note from a woman who refused to identify herself but just signed her plea "Desperate Mother."

She sent me a copy of a pornographic publication her 13 year old son had received through the mail illustrated with nude men and women in various poses called "Love's Picture Book."

Under it was the title—Love Lust and Pleasure. What startled me most was the fact that this unsolicited publication had come through the mail right out of my own city, the City of New York.

I am submitting this advertisement to this Committee for examination.

One may argue all he wishes about the right of free speech and the liberty of human expression but there are other rights involved. For example, the right of a person not to have his privacy invaded, the right of a parent to shield his child from what he may consider harmful, the right of a community to maintain high moral standards.

Sending obscene and lewd material through the mail benefits no one but the peddlers of smut. No one becomes richer except hoodlums and racketeers.

It is bad enough to see the newsstands cluttered with filth and perversion, on a scale never before known. It is difficult enough to find a theatre where one can take his child to see a good family movie.

However, in dealing with mail we have an even more serious problem because the mails reach everybody. It goes into every street, and every highway, and to every city, every region, every state.

I know the problem of control is difficult. I know there will be opposition to those of us who wish to stop this menace. We must be mindful of our constitutional guarantees, we must also respect our obligations to our families and the necessity of protecting our communities.

In the general distribution of smut liter- this Committee will come up with the kind of meaningful legislation that will stop the mails from being used to distribute this smut.

The bill pending before your Committee H.R. 10867 represents a new legislative weapon to be used in attacking this issue. I support the passage of this bill vigorously.

In the general distribution of smut literature our powers of control have become weak because the courts have had great difficulty in wrestling with this problem.

The mail, however, offers us the one field in which we can fight for regulation and protection to some extent. The mail which is under Federal control is the one area which we can take a giant step to combat pornography.

The law must be strengthened to stop promotion of the kind of advertising that goes through the mails, that reaches not only into the home, but into colleges, seminaries, churches, and even prisons. The peddlers and dealers of smut must be dealt with harshly and the punishment made severe enough to discourage those who would make a business of it.

Once the profit is taken out of smut, the evil of pornography will die or destroy itself.

I think the job of this Committee is not merely to find ways and means of combatting pornography in itself, but to help educate the public, the parent as well as the children and the need to maintain a vigorous and healthy society, and the need to conduct a higher state of well being.

I thank you Mr. Chairman and the members of your Committee for giving me this opportunity to express my views.

I think it is an obligation of every Mayor to do what he can in his own City to fight smut and thus help the Congress in this area.

Mr. Nix. Mr. Procaccino, let me say to you I think it is most encouraging to this Committee that because of your deep concern over the pernicious evil that we have under discussion that you come here at a time that I consider you are at your busiest period in life to give us the benefit of your views and give the American people the benefit of your deep concern.

And I particularly wish to express my deep appreciation for the fact that you have come.

Mr. Dulski. Thank you, Mr. Chairman. First of all I would like to apologize for being late, but as you know, Mr. Mayor, that we have many duties that we have to perform before we have a meeting, and I just want to join my friend from Pennsylvania who has been in the forefront as the chairman of this subcommittee, and the other members of this committee, leading the attack against smut that is being carried on in our mails today.

Of course, we had the privilege to be in New York City a few years ago when we were with quite a few members of a committee of citizens dedicated to removing smut from the mails and I just want to say that I am very happy that you have endorsed the bill before us and I am sure the testimony you have given us will give us a guiding light in a true way of dedicating ourselves to removal of smut from the mails.

I want to thank you and wish you every luck on November fourth.

Mr. Procaccino. I feel my trip has been worthwhile Mr. Chairman. Thank you, gentlemen, very much.

Mr. Olsen. I want to join both of these gentlemen in commending Mr. Procaccino on his taking time from a very, very busy time. It demonstrates a genuine dedication to his point of view that he would come down here and take his whole day out of his campaign and I congratulate the gentleman. I sincerely hope that your message gets to the people of New York City, in this field and in all other fields, that they have the wisdom to elect a fine, leading Democrat to be Mayor of the City of New York. Thank you very much.

Mr. Procaccino. Thank you very much. Gentlemen, I didn't expect this. Thank you very much.

NATIONAL BUSINESS WOMEN'S WEEK

HON. WILLIAM L. ST. ONGE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. ST. ONGE. Mr. Speaker, it is a pleasure to take note of the fact that the period of October 19 through 25 is National Business Women's Week. This event is being marked by the more than 3,800 Business and Professional Women's Clubs and their 180,000 members located in every State, the District of Columbia, Puerto Rico, and the Virgin Islands. During this special week the clubs will focus on the role of women in today's world by means of congresses of career women leaders.

The role of women in business and in the professions has grown tremendously in this century to the lasting benefit of every area in which women have become involved. In spite of the progress which has been made in eliminating the discrimination which has hindered their full participation in the past, much work remains to be done toward guaranteeing the equality of rights for women.

The Business and Professional Women's Clubs have made a most valuable contribution by building an active and informed electorate on the part of their members. Through these efforts we may look forward to an increasing participation of women in the political life of our Nation.

On the occasion of National Business Women's Week, I am glad to stress the role of women in the economic, political, and professional vitality of the United States. In addition, I commend to my colleagues the legislative platform of the Business and Professional Women's Clubs which contains many constructive recommendations worthy of our further consideration.

QUINCY WATER-INTAKE FACILITY

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. FINDLEY. Mr. Speaker, for over half a century the community of Quincy has gotten its water supply from the Mississippi River, which flows along the western border of the State of Illinois. Periodically, it has been necessary for the city to install new water-intake pipes at great expense and to repair and maintain existing ones, as the river has changed its course and as silt has covered up the pipes. Sometimes it was the meandering river which caused the problem. At other times it was due to relocation of the navigation channel by the Army Corps of Engineers, which was carried out as an aid to boats using the river.

From the turn of the century to 1959, the city was able to keep the water intakes functioning satisfactorily, but in that year the navigation channel was relocated and once again siltation began to cover up the last remaining intake pipe. The Corps of Engineers was responsible for relocating the channel, and one would think that therefore the Corps would also be responsible for the consequent siltation problem.

The citizens of Quincy cannot afford further delay. They must be able to plan for a new water intake facility, and they must begin that planning now. To wait any longer may bring on a severe and ironic water shortage in a city which is situated next to one of the largest rivers in the world. Therefore, I am today introducing special legislation which would authorize the Army Corps of Engineers to construct a new water-intake facility for Quincy residents.

SOCIAL SECURITY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. ROSENTHAL. Mr. Speaker, I introduce today an omnibus social security bill which tries to take proper measure of the enormous role this program plays in our society and which tries, correspondingly, to correct the many deficiencies in social security today.

I have tried frankly to incorporate in my bill every worthwhile improvement which has been suggested since Congress last amended the Social Security Act nearly 2 years ago.

Our goal today should be, as it was in 1935 when Congress created the social security system, to secure social justice for the aged, the handicapped, and the poor.

Today 25 millions of Americans depend on social security for their existence. As our concepts of social and economic justice improve, we should add many more millions under this program.

Today one out of every eight Americans—the elderly, the poor, and the mentally and physically disabled—count on their monthly social security check for the essentials of a decent life.

It is true that two-thirds of all social security beneficiaries are able to maintain a level of living somewhat above the minimum poverty line. But it is also true that 8 million social security beneficiaries still live in poverty, and many millions more are discovering that despite the failure of Government criteria to classify them as poor, they are in reality, living in poverty.

MEDICARE AND MEDICAID

It is true that we now have medicare and medicaid. But it is also true that medicare and medicaid met only 70 percent of all health care expenditures of the aged in fiscal 1968; and the amount paid privately by the aged remains higher per capita than for the nonaged.

It is true that the average social security benefit for retired workers has been increased to $98 a month; for aged couples to $166; for aged widows to $86; and for disabled workers to $122. But it is also true that many people still get lower amounts, and about 2.8 million beneficiaries get the minimum benefit—a meager $55 for single persons, and $82.50 for couples. And it is also true that nearly 30 percent of the 25.9 million persons counted as poor in 1967 lived in households headed by an aged or disable person.

In short, the progress we have made in recent years toward helping the aged, women who must support families, the disabled, and others who need governmental help to live at a minimal standard of living—shrinks under close inspection. It has been paper progress, harshly undermined by reality. Our expenditures for social security compare unfavorably with that of Western European countries.

An efficient, up-to-date, and compassionate social security system is needed to protect and improve the quality of human values for important segments of our population.

The legislation I am proposing today embodies the basic steps we must take toward this goal. Below are the highlights of my bill:

GENERAL BENEFIT INCREASE

I propose a 35-percent increase in retirement benefits with average monthly benefits of $133 for individuals, and $220 for couples, and minimum benefits of $100 and $150 respectively. Together with my plan for automatic cost of living increases to eliminate the effects of inflation, I could foresee a gradual total increase in monthly benefits amounting to 50 percent over the next few years. The key point is that the upward adjustment on monthly payments would be dependent on the general economic picture, and a tool to insure such flexibility would be built into the legislation.

Increasing the monthly benefits under social security is the heart of my bill. An aged couple or person living alone must no longer be asked to live on less than half the money available to a working couple or single person. We must reverse the shrinkage of social security benefits which met half of a couple average retirement budget in 1950 but which today meets less than one-third.

OLD AGE BENEFITS

My bill will allow anyone to retire at age 60 with full benefits. This proposed legislation will also restore to full benefits those who are already retired on early and reduced annuities. In addition, a woman with 120 quarters of work credit would be able to retire at age 55.

RETIREMENT TEST

My bill increases the ceiling on earned income for persons over 65—thus a person could receive social security benefits even if he earned $3,600 a year, and if he earned more, would have his benefits reduced only $1 for each $2 above $3,600.

DISABILITY INSURANCE BENEFITS

It liberalizes the definition of disability, eliminates unrealistically long time periods for disability insurance to become operative and in other important ways broadens the coverage for the blind and disabled.

MEDICARE

Medicare benefits will be extended and retained under my bill. The elderly spend three times as much on health care and service as other age groups—the greatest amount going to longterm care in hospitals or nursing homes, and out-of-hospital drugs. My bill reduces the age requirement for beneficiaries under medicare and removes the present limits on the number of days for which benefits may be paid for posthospital extended care services; for $1 per month, beneficiaries will be reimbursed for 80 percent of the cost of prescription drugs. Medicare coverage will be extended to Federal employees.

FINANCING

My bill would provide for Federal contributions from the general revenue to supplement the amounts now drawn from the funds earmarked for social security payments. The fact is that reasonable comfort cannot be provided to beneficiaries without this Federal participation.

OTHER FEATURES

There are a number of other features of my bill which have a significant impact on those affected. For example, full benefits would be provided to disabled widows and widowers regardless of age and to widows and dependent widowers at age 50. Parents of recipients and otherwise eligible widows who remarry would be eligible for benefits. Men and women at age 60 would be eligible for full benefits; women with 120 quarters of coverage could qualify for benefits at age 55. Single persons who support brothers and sisters, and unremarried widows and widowers, would have the same benefits rights as married persons. When a husband and wife both work, their earnings would be pooled to compute their benefits. States would be permitted, under Federal-State agreements, to provide coverage for hospital insurance benefits for the aged for certain State and local employees not covered by the insurance system established under the Social Security Act.

The changes in the social security system which I propose in my bill may sound generous, but actually make possible only a modest lifestyle for the elderly. The crucial point is that this legislation would reverse a disturbing trend; three out of 10 people 65 and older were living in property in 1966—and an additional one-tenth of the elderly in this country were on the brink of poverty. Many of these aged people did not become poor until they became old.

My bill will not eradicate poverty. But it will provide the retired, the widowed, the orphan, the disabled, the temporarily unemployed, with income sufficient to insure an adequate level of living. And that, to 25 million Americans may bring some comfort.

NATIONAL BUSINESS WOMEN'S WEEK

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. GIBBONS. Mr. Speaker, it is with great pleasure that I join my colleagues in saluting the National Federation of Business and Professional Women's Clubs and its 180,000 members as they observe National Business Women's Week.

Once again, this occasion gives us the opportunity to pay tribute to the millions of able and dedicated women who are making outstanding contributions in every segment of business and professional life in our Nation. Largely through their own determined efforts, American women have proved that ability and achievement need not be limited by sex. In recent years the doors of every profession have been opened to them, and they have been able to exercise their talents and capabilities to the maximum.

The National Federation of Business and Professional Women's Clubs has played a large part during the 50 years of its existence in raising the status of American women. It has sought to elevate the standards of women in business and professional fields, and has inspired many young women to leadership and outstanding community service.

I am proud to applaud the efforts of this fine organization as we celebrate National Business Women's Week.

REPORT TO CONSTITUENTS

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. BROWN of Michigan. Mr. Speaker, earlier this year I sent the residents of Michigan's Third Congressional District a questionnaire designed to elicit their opinion regarding the pressing problems confronting them and their Representative in Washington. I was most pleased to receive over 13,000 responses, many of which contained additional helpful comments. It is interesting to note that approximately 70 percent of the questionnaires returned favored direct election of the President.

I am reporting the results of my poll in my newsletter to constituents and thought other Members might be interested. I therefore am inserting at this point in the RECORD, my "Washington Report" and the results of my questionnaire stated in percentages:

WASHINGTON REPORT

DEAR FRIENDS: The 91st Congress is now a little over eight months old. Some political analysts are saying that, in that time, it has shown little sign of life. In my judgment their diagnosis is less than accurate. The first months following the organization of any new Congress are traditionally devoted to study, drafting of legislation, and hearings on pending bills. In turn, the speed with which legislative proposals are reported out of Committee and brought to a vote in the House depends upon the coordinated impetus supplied by the President and Committee Chairmen. When these latter forces are fellow partisans, the impediments to prompt action are easily brushed aside—when the politics and philosophy of the President are different from those of Committee Chairmen, messages from the White House proposing legislation do not receive the automatic "green light" from the "traffic officers"—the Committee Chairmen on the Hill.

It should, therefore, be constantly kept in mind that a new Administration in the White House does not effect a change of administration in the Halls of Congress. We have a new President, but we in Congress still have the same leadership, the same Chairmen.

Some may promptly criticize this fact of life as permitting "politics" to override public welfare. I cannot agree, although I do feel a more consistent, responsible government results when a President has a receptive ear in the leadership of the Congress. I think the Congress should take an independent look at what the President is proposing, but that look should not be a furtive glance, predisposed to reject what the President is suggesting.

The foregoing should not be interpreted as praise or censure of the present situation in Washington. But, it is a fact that many Presidential proposals have been sent to the Hill, yet few have been seriously and actively considered by the appropriate Committees.

This may be characterized by some as a do-nothing, disinterested attitude by the Congress. Still, it should be remembered that even members of the outgoing Administration said this new Congress and this new Administration should spend most of their time implementing the programs, laws, etc., passed during the previous Administration rather than enacting new legislation.

The Banking and Currency Committee, on which I serve, is typical. We have been busier this year than in either of the previous years I have served in the Congress. We have had Committee meetings almost daily and have even had Saturday sessions. We have sought answers to many problems, including the prime interest rate increase, skyrocketing lumber prices, irregularities in the operation of Small Business Administration programs, housing programs, one-bank holding companies, urban growth, state taxation of national banks, and export control policies; yet, the Committee has had only two rather insignificant bills before the House for its consideration. Obviously, we will have an active fall and winter session of the Congress.

Although few truly important legislative proposals have been acted on by the Congress, the Nixon Administration has urged action in several areas deserving of mention. The rather bold reform of the postal system advocated by President Nixon, Postmaster General Blount, and supported by me, provides the potential for a better postal service whether one is an employee of the system or only a customer. The steps toward deactivation of our participation in the Vietnam conflict, selective service reforms, and his recently announced welfare and Federal assistance programs, are examples of the President's responses to the challenges of today.

They may be viewed as too little or too much; too fast or too slow; too costly or too austere, but, they represent attempts at improvement in each case.

SURTAX—TAX REFORM

Despite lack of formal action on some of these proposals, several tough issues have been faced and favorably acted upon by the House of Representatives. Foremost of these issues was the surtax and the related matter of tax reform.

I supported the extension of the surtax primarily because I thought it was the only responsible thing to do to help curb inflation and to make possible a balanced Federal budget, an essential element in stabilizing the economy while meeting the domestic and foreign demands of Federal policies and programs. It should be remembered that a slight reduction in the rate of inflation would have almost the same beneficial impact as a surtax reduction with respect to spendable income. Whereas inflation eats away at your purchasing power at the rate of 4% to 5% presently, the surtax amounts to only 2% to 3% for the average taxpayer.

Most of you have informed me of your displeasure over the impact our present tax structure has on the middle-income taxpayer. The tax reform measure passed by the House recognizes this inequity and provides significant relief to this group of taxpayers as well as specific relief to the low-income person. Much too comprehensive to discuss here, the tax reform bill adjusted the tax liability or imposed new tax obligations with respect to private foundations, heretofore tax-exempt organizations, charitable contributions, farm losses, tax preferences, depletion and depreciation allowances, capital gains, and numerous other special tax treatment areas or "loopholes" as they have been called. Applauded by many, criticized by some, it is without doubt one of the most comprehensive tax revisions to have been acted upon by even one House of the Congress in many years.

Needless to say, it is not yet the "law of the land"; having been passed by the House of Representatives, it now must receive Senate approval. Those of you who feel changes should be made in the House-passed bill should contact Senator Griffin and Senator Hart. Not bound by the rules of our chamber, which prohibited the offering of amendments, the Senate can make such changes as it deems advisable.

I cannot conclude this part of these introductory remarks without commenting briefly on our over-all economy and fiscal situation. There are many indications that our economic well-being as a nation is improving and that the inflationary pressures may be subsiding. To the extent that government policies have contributed to those pressures in the past, it can be said that the caution and hold-the-line attitude of the new Administration have helped.

Stabilization of our economy still poses this nation's greatest domestic challenge because of its impact on the resolving of other critical homefront problems.

RESULTS OF THIRD LEGISLATIVE QUESTIONNAIRE

[In percent]

	His			Hers		
	Yes	No	No response	Yes	No	No response
I. 18-year-old vote, ABM, Welfare:						
1. Favor extension of vote to 18-year-olds	34	63	3	36	60	4
2. Support President's proposal on deployment of ABM	52	40	8	46	38	16
3. Favor national welfare standards	56	34	10	57	29	14

	His	Hers
II. The Nation's economy:		
4. Should 10 percent income tax surcharge be:		
(a) Extended 1 more year	18	14
(b) Extended 1 more year at reduced rate	12	14
(c) Extended as (a) or (b) above only if Federal spending is cut	56	56
No response	14	16
III. Electoral reform:		
5. Preferred method for electing President:		
(a) Direct popular vote	70	70
(b) Use State electoral vote with modification	16	15
(c) Continue present system	10	9
No response	4	6
III. Electoral reform—Continued		
6. (a) If (a) selected, should minimum be established	50	48
(b) If (b) selected, apportion electoral vote among candidates in relation to number of popular votes received	11	11
(c) Assignment of electoral vote in congressional districts by presidential plurality, and 2 "at large" electoral votes determined by total presidential vote in State	7	6
No response	32	35
IV. International trade:		
7. Extension of Export Control Act:		
(a) Renew without change	14	11
(b) Modify to accomplish a restrictive trade policy under which all free-world nations would apply same restrictions	43	41
(c) Liberalize trade policy to promote better trade and political relations with Eastern European bloc nations	25	23
No response	18	25
V. Vietnam:		
8. Vietnam policy:		
(a) Continue present negotiations	33	32
(b) Commence unilateral withdrawal of troops	29	34
(c) Increase military activity to effect military victory	32	25
No response	6	9
VI. Campus disorders:		
9. Solution to campus disorders:		
(a) Allow college administration complete jurisdiction	18	18
(b) Restrict Federal assistance to involved students	28	29
(c) Restrict Federal assistance to involved students and colleges where administrations do not take effective preventive steps	45	43
No response	9	10
VII. Social Security:		
10. Amendments to reform Social Security Law:		
(a) Liberalize outside income limitations	35	32
(b) Automatic cost of living increases	42	42
(c) Liberalize medicare benefits	3	4
No response	20	22

THE FORT CUSTER STORY

For the past two and one half years I have been working with Federal, State and local officials on resolving the problem of how to put surplus government-owned property at Fort Custer to the best possible use, both for now and in the future. Following is the status of the various proposals.

STATE PARK

I am most pleased to be able to announce that an exchange of land, under negotiation between the U.S. Forest Service and the State of Michigan for the past 18 months, has now been agreed upon. According to the terms, the State will obtain nearly 3,000 acres of Fort Custer land for public park and recreational use, and some 15,000 acres of undeveloped State forest land in the Upper Peninsula will be added to our National forests—a benefit for both governmental units. Although land appraisals in the UP will delay completion of the exchange for some months, arrangements are underway to make this land available under a license arrangement for hunting this fall and for other recreational purposes pending actual State acquisition.

NATIONAL CEMETERY

A lack of grave space in existing national cemeteries, and the non-existence of burial sites near urban population centers such as Detroit and Chicago, have created a national cemetery crisis of gigantic proportions. Recognizing the pressing need for expanding our present system, I have introduced legislation to establish a national cemetery at Fort Custer. However, this bill and similar ones have been locked in Committee until legislative action is taken to first consolidate Federal cemeteries into one system administered by the Veterans Administration.

Because both the State and Federal governments recognize the significance of this issue, the State has agreed to withhold its interest in some 600 acres of excess property surrounding the present Fort Custer Post Cemetery until such time as Congress acts upon the question of expanding our national cemetery system. Thus, the way has been cleared for the creation of a cemetery at Fort Custer when the basic policy decisions I have described above have been resolved.

REGIONAL AIRPORT

Another recommended use of Fort Custer acreage was to establish a regional airport. The rough, wooded terrain was, in my judgment, more ideally suited to recreational use than to airport construction. The report of the Burke Airport Consultants and the Federal Aviation Agency concurred with this reasoning. Both recommended a location south of I–94 between Galesburg and Climax as the best possible site. I believe few will disagree that a new airport facility will be needed in the near future and will attract industry and stimulate the regional economy. However, the decision to proceed is properly a decision to be made by the citizens of Kalamazoo and Calhoun Counties who will vote on the issue. Should their decision be to go ahead, you may be assured I will do all in my power to help obtain the needed Federal funding to make the proposed regional airport a reality.

INDUSTRIAL PARK

The closing of Fort Custer has also given the City of Battle Creek and surrounding townships the chance to acquire some 1,892 acres of surplus property at the eastern and northern—most portions of the Reservation. Battle Creek City and Bedford Township officials have responded and have taken steps to obtain this property for industrial and residential development. Consummation of this aspect of the utilization of Fort Custer lands is expected to be finalized in 60 to 90 days.

We have tried to look at the whole picture—the most advantageous use of Fort Custer. By keeping in mind the location and acreage requirements of all the proposed uses of the Fort Custer land, we have been able to assure that each will have its place in the non-military development of this historic site. As a result, the entire Third Congressional District will benefit whether one's interest is in park and recreational activities, development of a national cemetery or furtherance of housing and industrial projects. For myself, it has been gratifying to participate in a project like this which will help meet the needs and desires of today's residents and future generations.

NEW MILITARY "ID" SYSTEM

To initiate Congressional action on inquiries involving a member, or former member of the Armed Services, it is necessary to provide my office with complete identifying information.

On July 1, the Army and Air Force instituted a *new identification system* for all personnel on active duty, retired, and in the reserve components. Issuance of the traditional "serial number" was discontinued and replaced by their civilian *Social Security number*.

Because of this new system, I ask that all future inquiries include the following data: Full name, grade, social security number, MOS or branch, current duty station.

The use of Social Security numbers to identify servicemen applies only to *Army and Air Force personnel*. The Navy and Marine Corps will not adopt this procedure until 1972. Therefore, be sure to advise me of his *military serial number* when making an inquiry regarding a member of the *Navy* or *Marine Corps*.

"SAFEGUARD"—THE ABM ISSUE

The Administration's controversial Safeguard missile defense system will soon be up for consideration by the House now that the Senate debate has culminated in a close, approving vote. As the lines of battle are drawn it appears that in the House the margin of victory will not be razor-thin as occurred in the Senate. The Armed Services Committee has approved ABM deployment by a 10–7 vote and approval by the entire House is considered likely.

This will be one of the toughest decisions to properly analyze I have had to face. I am predisposed to accept the decision made during the Johnson Administration as restrictively modified, but reaffirmed, by the Nixon Administration regarding the ABM program. I feel both Administrations in arriving at their decisions assessed the considerations of cost, relative priority in the context of national goals and objectives, current technology and the impact upon arms limitation and international relations. Both Administrations have decided an ABM system is necessary in the interest of our national security.

I have not blindly accepted these decisions. I have tried to examine completely and carefully all of the arguments in opposition to the proposed ABM system. Although cogent and convincing, and voiced by very interested and sincere spokesmen, public and private, these arguments against the proposed ABM system have not to date overcome what I believe to be the more convincing arguments in support of the President's proposal.

Probably no recent issue has been as energetically debated, formally and informally, as the ABM issue. Although, as I have indicated, I intend to support the appropriation which is being asked for full fiscal year 1970 for the system, I commend the in-depth study and well-articulated position of those who oppose the system.

It is truly unfortunate that mankind has not reached a stage of development in relations among men and between nations that would make unnecessary the use of our resources for tools of destruction or for devices for defense of ourselves and our nation. I would hope that progress will be made in arms limitation talks and in international relations so that it will not be necessary in the years to come to agonize over the decision we make this year. I reject the proposition that a decision to initiate the steps toward deployment of an ABM system this year commits one to support a continuance of the program in succeeding years. Our government can only be as successful as it is flexible in recognizing changes in conditions, circumstances, and technology rather than steadfastly adhering to decisions of the past.

BROWN BILLS OF INTEREST IN THE 91ST CONGRESS

H.R. 3778. To limit the categories of questions required to be answered and subject to criminal penalties in the decennial census of population and housing.

H.R. 3860. To establish a catalog of Federal Assistance programs to aid potential beneficiaries in identifying types of aid available, determining eligibility, and making applications.

H.R. 8267. To amend Internal Revenue Code to increase the deduction allowable for expenses of medical care of persons over 65.

H.R. 8973. To improve the operation of the Legislative Branch of the Federal government by instituting congressional reforms.

H.R. 10208. To authorize Federal Credit Unions to provide employment disruption insurance to member-borrowers.

H.R. 10463. To increase the membership of the Advisory Commission on Intergovernmental Relations by two members who shall be elected town or township officials.

H.R. 11563. To make the Export Control Act more effective and to promote a trade policy under which all free-world nations apply the same restrictive guidelines on products sold to Eastern Europe.

H.R. 11752. To improve the postal system by removing the Post Office Department from the President's Cabinet and establishing a Postal Service public corporation, owned by the Federal Government.

H.R. 11902. To promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal government.

H.R. 12064. Directs the Government Accounting Office to provide regular, annual scrutiny of government contracts of all executive agencies with respect to cost increases and delivery delays.

H.R. 12222. To amend the Food Stamp Act of 1964 thereby providing for a more effective food stamp program.

H.R. 12341. To provide for a National Cemetery at Fort Custer.

H.R. 12440. To provide for the more efficient development and improved management of national timber land thereby promoting long-range lumber supply and price stability.

FIRST ANNUAL CONSERVATIVE AWARDS DINNER

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. ASHBROOK. Mr. Speaker, I was indeed pleased to participate in the First Annual Conservative Awards Dinner held at the Sheraton Park Hotel in Washington, D.C., on October 4, 1969.

Jointly sponsored by the two leading conservative national publications and the two major conservative political action groups, the dinner was a success from every point of view. This was the first occasion on which the four sponsors, the American Conservative Union, Human Events, National Review, and Young Americans for Freedom, have joined together in presenting such distinguished service awards to conservative leaders in Congress.

Those present included many officials of the Nixon administration and Members of Congress who joined in applauding the distinguished recipients of the awards, our colleagues, Hon. JOHN J. WILLIAMS, U.S. Senator from Delaware, and the dean of the Iowa delegation in the House, Hon. H. R. GROSS.

At this point I would like to include an article from the October 18, 1969, issue of Human Events which describes the First Annual Conservative Awards Dinner.

The article follows:

CONSERVATIVE AWARDS DINNER

More than 300 leaders of the American conservative movement turned out Saturday night, October 4, for the First Annual Conservative Awards Dinner at the Sheraton Park Hotel, Washington, D.C. The dinner was sponsored by the American Conservative Union, National Review, Young Americans for Freedom and Human Events.

The highlight of the dinner was the presentation of awards for outstanding congressional service to Sen. John Williams (R.-Del.) and Rep. H. R. Gross (R.-Iowa). The awards were bestowed by Rep. John Ashbrook (R.-Ohio), chairman of the ACU, who reminded the guests of how thankful Americans should be for the valiant work Sen. Williams and Rep. Gross have each performed in Congress for more than 20 years.

Sen. Williams, first elected in 1946, is planning to retire next year upon the conclusion of his fourth term and many times during the evening he was urged to reconsider. But the Delaware senator who has sparked so many important congressional investigations remained firm in his resolve not to run again now that he has reached age 65. The guests were disappointed, but had to admire a man who insists upon standing by his principles even if it means giving up a job he enjoys.

Rep. Gross, a conservative known nationally for the sharp "no" he so often hurls at various spending schemes, received perhaps the biggest ovation of the night when he turned to the subject of Viet Nam. "We should win that war," he said, "or get the hell out."

The evening's keynote address was delivered by columnist James J. Kilpatrick. While noting that opposition to foolish government programs was certainly necessary, Mr. Kilpatrick also urged conservatives to "apply their talents to affirmative answers to American problems"—problems like conservation, pollution, penal reform and low-cost housing. Conservatives have the proper principles at heart, he said, but "if I had only one political wish, conservatively speaking, I would wish to see us translate broad conservative principles more frequently into specific, affirmative action." Mr. Kilpatrick applauded those men and women who for so many years have volunteered their services to the conservative cause. He said that more than ever before their dedication was needed, because "there is much work to be done."

Other remarks at the dinner were delivered by William F. Buckley Jr., editor of National Review, and Robert Bauman, secretary of ACU and a former national chairman of YAF, who served as master of ceremonies for the evening.

Among the members of Congress who attended and joined in honoring two of their congressional colleagues were Sen. Strom Thurmond and Reps. Don Clausen, Jim Collins, John Hammerschmidt, Manuel Lujan, William Scherle, and E. Ross Adair.

Guests from the White House staff included presidential adviser Dr. Arthur Burns, speechwriter Patrick Buchanan, Special Presidential Assistant Dr. Martin Anderson, congressional liaison man Bill Timmons, "inspector-general" Clark Mallenhoff and presidential staff aides Mort Allin and Tom Huston. Among the other Administration appointees in attendance were USIA director Frank Shakespeare, Ted Humes of the Labor Department and Defense Department aides William Baroody Jr. and Jerry Friedheim. Other guests included John Mahan, chairman of the Subversive Activities Control Board, and Ken Towsey of the Rhodesian Information Service.

Also attending the dinner were such well-known conservatives as Holmes Alexander, Lemuel Boulware, Allan Brownfeld, Ralph de Toledano, Dr. Lev Dobriansky, Willard Edwards, Victor Lasky, Fulton Lewis III, Dean Clarence Manion, Neil McCaffrey, Stefan Possony, William A. Rusher, Phyllis Schlafly, George Schuyler, Paul Scott, Ken Thompson and Tom Van Sickle.

The sponsoring organizations hope that next year's dinner will be even better attended and that conservatives from all over the country will try to get to Washington to help honor two more members of Congress who, like Sen. Williams and Rep. Gross, have done so much to strengthen the conservative cause.

NATIONAL BUSINESS WOMEN'S WEEK

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. FRIEDEL. Mr. Speaker, the occasion of National Business Women's Week, October 19 through October 25, coming this year during the 50th anniversary of the National Federation of Business and Professional Women's Clubs, presents us with a most appropriate opportunity to pay tribute to those women who have made a particularly significant contribution to our communities.

For myself, the selection of a truly outstanding professional woman who deserves special recognition was made easy for me, when earlier this year President Nixon nominated Mrs. Helen Delich Bentley of Baltimore, Md., to be Chairman of the Federal Maritime Commission. Mrs. Bentley will be sworn in on Monday, October 27, 1969, when she will become the first woman ever to occupy this vitally important post.

I was proud to testify in favor of her nomination before the Commerce Committee of the United States Senate earlier this month, and I would like to share with my colleagues the remarks I made at that time:

STATEMENT OF HON. SAMUEL N. FRIEDEL

President Nixon has made a wise choice in his selection of Helen Delich Bentley to fill this important post. When the President announced Mrs. Bentley's nomination he stated, "she has established a record of professional excellence unsurpassed by any maritime expert in the country." In this judgment, I agree with the President one-hundred per cent.

During her distinguished career as Maritime Editor of the Baltimore Sun, Helen Bentley has been recognized throughout the world as one of our foremost contemporary writers on maritime affairs. She has gained this recognition and also gained the respect of the men who man the ships, the longshoremen on the docks, the ship owners, and Members of Congress, who are concerned with our Merchant Marine, because she works hard and is not afraid to go where the action is.

From the docks in Baltimore, to the military bases in South Vietnam, to the icy Northwest Passage, Helen Bentley goes where the ships go and writes about them from first-hand knowledge.

For many years she has warned us of the alarming decline in our Merchant Marine, and the growing threat to our commerce and trade, posed by the buildup of the Soviet merchant fleet. Although her primary concern as Chairman of the Federal Maritime Commission will be the regulation of services and the rates of our waterborne commerce, I am confident that she will work closely with the Federal Maritime Administrator in insuring a maximum effort to revitalize our Merchant Marine.

And while I normally am not a betting man, I am confident enough to make a small wager—that Mrs. Bentley will be wearing a brand new hat the day she is sworn in."

EDITORIAL PRAISING POST OFFICE

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. OLSEN. Mr. Speaker, on October 2 and 3, the CBS affiliated television station here in Washington, WTOP, Channel 9, carried an editorial critical of the part played by unnamed postal unions in opposing the administration's postal corporation plan. That editorial has been brought to the attention of the Members. However, Station WTOP, on October 3 and 4, carried an editorial of rebuttal by Don E. Dunn, national executive vice president of the United Federation of Postal Clerks. For the benefit of those Members who may have been back in their districts that weekend, I am inserting a copy of Mr. Dunn's editorial in the RECORD:

STATEMENT BY DON E. DUNN, NATIONAL EXECUTIVE VICE PRESIDENT, UNITED FEDERATION OF POSTAL CLERKS, AFL–CIO

Station WTOP poorly serves its public by scolding un-named postal unions for fighting the postal corporation scheme.

The postal service is not on the brink of disaster. And we in the United Federation of Postal Clerks think we know more about it than the author of the offending editorial.

Just today, for example, we moved 270 million pieces of mail. That's more letters and packages than there are people in the United States.

In the course of just one year our members will move 80 billion pieces of mail—a figure that exceeds the number of seconds that have ticked by since the death of Julius Caesar.

In the context of this enormous volume anyone who tries to translate occasional human error into sweeping generalizations of bad service just doesn't know what he's talking about. It's like saying that because direct dialing doesn't always work the phone company ought to be turned into a government monopoly.

WTOP also goofed when it claimed the administration has given us a major concession by agreeing to binding arbitration in postal labor disptues.

Not true. The administration would bar us—but not management—from initiating such arbitration unless a separate federal panel decides first that our complaint is justified. Even the New York Times in an editorial last month called our objections to this procedure "reasonable enough."

We see nothing reasonable either in depriving us of our right to appeal to Congress without some offset such as the right to strike. And that really is the heart of the issue right there.

There's nothing wrong with the postal service that can't be cured by paying decent wages and by treating its employes as human beings with rights equal to those of other American working people. Lacking these, nothing can save it.

SDS EXPERIMENTS WITH WORK AND CLEAN LIVING

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. RARICK. Mr. Speaker, the clairvoyance of the U.S. Supreme Court ruling that American citizens have a constitutional right to travel in Communist countries—although, apparently, not in Rhodesia—may prove fruitful on several accounts:

First. Further the education of recruits with a firsthand experience at work.

Second. Give the People's Volunteer Corps a firsthand encounter of living the clean life under a closed society under a Communist dictatorship which does not tolerate such progressive freedoms as marihuana and fornication.

Third. Castro can exploit for propaganda purposes our youth as examples of capitalist decadence.

Fourth. While they are out of the United States, the American people can enjoy a brief respite from their activities.

Perhaps someone should advise the sugar volunteers not to try to liberalize the power structure in Havana—lest the respite be permanent.

[From the Washington Evening Star, Oct. 22, 1969]

ONE HUNDRED AND FIFTY FROM THE UNITED STATES TO HELP IN CUBA

(By Michael Anders)

More than 150 Americans have registered so far to work for two months without pay in the Cuban sugar cane fields this winter.

Radical organizers of the "Youth Brigade" ultimately hope to sign 300 workers from across the nation for the work tour beginning Nov. 30. A second two-month work tour of 300 persons is set for Jan. 30.

The organizers said the harvesting invitation was extended by the Cuban government after such a work force had been suggested by several Americans there this summer. The Cuban government has agreed to provide housing, food and support facilities.

When the group leaves, it will be the largest batch of Americans to visit Cuba since Premier Fidel Castro knocked Fulgencio Batista out of power in January 1959. Castro is pushing for a sugar harvest of 10 million tons in "The Year of the Decisive Effort," symbolic of his decade as Cuba's leader.

The U.S. State Department, unaware of the planned trip until queried yesterday by a newsman, said it was powerless to interfere due to a recent U.S. Supreme Court decision allowing citizens the right of unrestricted travel. The Department formally still denies citizens, however, the privilege of franchising to certain Communist-bloc countries including Cuba.

The trips are being coordinated by a nameless, loosely-organized group with a six-man executive board. Members include Julie Nichamin, a member of Students for a Democratic Society and the North American Congress on Latin America; Carol Brightman, editor of Leviathan Magazine; Lucas Daumont of SDS, and Phil Hutchison of the Student National Coordinating Committee. Two seats are vacant.

Bruce Jacobs, a staff member, said in a telephone interview from his New York headquarters that the volunteers are being forewarned that they face hard work and that their living conditions will be the same as those of Cuban workers.

The application form states that volunteers must obey all Cuban laws and explicitly warns that marijuana and other drugs and narcotics will not be tolerated because of the "very stringent" drug laws there.

Dormitory facilities, consisting of huge tents and barracks, are to be sexually segregated at the request of the Cuban government, Jacobs said. There will be no accommodations for couples.

Jacobs said the group hopes to recruit an equal number of blacks, whites and Latin Americans for each trip. He said the trip is not for "politically sophisticated people" but for the average young American who "wants to see what a revolutionary and socialist society is like. . . ." Teenagers under 18 must have parental permission.

Still to be definitely settled, according to Jacobs, are the embarking point, mode of transportation and financing. The organizers are hoping the Cuban government will pick up the transportation tab but have raised several thousand dollars in the event Castro does not.

A State Department spokesman said although "we can still deny people the right to travel to certain countries, we can't prosecute them."

"If they want to go, the Department of State is not going to wring its hands," he added. "But suppose the kids get into trouble?

"They find themselves up to their eyeballs in trouble and then we have parent trouble and congressmen calling us."

In Washington, Bert Garskof, the local organizing chairman for the harvest, said the response has been excellent although the drive started only last week. He could not say how many persons have registered.

A SALUTE TO THE BUSINESS AND PROFESSIONAL WOMEN OF AMERICA

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. MATSUNAGA. Mr. Speaker, I consider it an unusual privilege for me to join in this well-deserved salute to the business and professional women of the Nation during the observance of National Businesswomen's Week.

Over the past 50 years, the pride and the promise of the National Federation of Business and Professional Women's Clubs have been reflected in the outstanding accomplishments of its members in the economic, social, cultural, business, and professional life of our Nation.

As the sponsor of House Joint Resolution 370, proposing an amendment to the Constitution of the United States relative to equal rights for women, I was pleased to note that the NFBPW endorsed this legislation at its 1969 national convention in St. Louis, Mo.

Mr. Speaker, I believe it is in order that we extend our congratulations to the 180,000 members of the federation throughout the United States, the District of Columbia, Puerto Rico, and the Virgin Islands. May the next 50 years of progress for the women of this Nation be as golden as those of the past half century.

NICKEL STOCKPILING

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. PETTIS. Mr. Speaker, I wish to express my support for the legislation proposed today by our colleague from Illinois (Mr. ANDERSON) aimed at ameliorating the present tight nickel supply situation confronting thousands of user firms in this Nation. To those fellow Members who might not have affected businesses in their districts, or to whom this problem is aline, let me emphasize that the nickel supply picture is indeed desperate. When I hear from companies in my own 33d California District that their very existence is threatened by the nickel shortage, I believe them because their cases are amply documented and I have to feel that there must be thousands of similar type firms around this country facing an equally uncertain, precarious future.

Allow me, please, to pass among just one pertinent quote from a letter which I have just recently received from a company in San Bernardino County. Here is what the head of a Pomona electrochemical company says about the shortage:

> If this severe condition continues we will not only have to pay a ridiculous premium, but we will not be able to obtain nickel, period. Being in the nickel-plating business this means we are out of business, unless we we are able to obtain some kind of relief in securing nickel supplies.

What that reflects, and what has been stated in previous correspondence, is a series of frustrations in trying to obtain nickel either from suppliers or from the national stockpile. I believe that our colleagues here will realize that this is not any lobby-inspired or frivolous letter. This is the plea of an individual company president who is virtually standing on the brink of financial disaster. And it is my hope that every Member will keep this in mind when the time comes for definitive action on this bill.

The provisions of this legislation pose no threat to our national defense supplies. What we are seeking, simply, is congressional approval for the immediate disposal of 15,000 short tons from the national stockpile. This would leave untouched 35,000 short tons, which is 15,000 more than what the Office of Emergency Preparedness considered essential from January 1967 up until May of this year. Furthermore, we would not tap the 2,000 additional tons available to the Treasury Department for coinage purposes. I will conclude with the ardent wish that our colleagues recognize the validity and worthiness of this proposal and give it the support it deserves.

URGENT NEEDS OF THE AGED

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. PEPPER. Mr. Speaker, it was my privilege to be the first Member to testify before the House Way and Means Committee at its opening public hearings on proposals to improve and expand our social security and medicare system. I feel most urgently the need to act now to meet the acute needs of our older citizens and I include my statement in the Record:

Statement of the Honorable Claude Pepper, a U.S. Representative From the 11th District of the State of Florida

Mr. Pepper. Thank you very much, Mr. Chairman, and members of the committee.

It is a great privilege and pleasure for me to appear before this very distinguished Committee on Ways and Means in behalf of the many thousands of older citizens in my congressional district and the many millions in our nation who depend upon the Social Security System for the hope of living out their remaining years with some measure of security and dignity.

I have always been an ardent supporter of this system, and I am proud to have had some part over the years in improving and expanding its provisions, especially into the area of hospital and medical care.

The Social Security System, although still far from perfect, is one of the major achievements of humanitarian social policy which the Congress has ever adopted. In its one-third of a century of existence, it has become the firm and indispensable foundation of our social defenses against the fear of poverty and dependency which so often has prevented the average citizen from approaching old age with any degree of hope and anticipation of repose and reward for a long life well lived.

Today, 92 per cent of all of our senior citizens, 65 and over, rely upon the old-age insurance program for a significant part of their incomes. Many millions more rely upon the provisions for early retirement, for total and permanent disability, and for the protection of surviving mothers and children.

You in this committee and we in the Congress, should not shrink, however, from the fact that an inadequate income is still the number one problem of one-third of the 20 million Americans now over 65 years of age, and we cannot hide from the reality that an inadequate income will continue to be the number one problem for years to come if we continue to allow inflation to outrun our best efforts to improve the Social Security System.

The fear of facing poverty in their retirement years also plagues new millions in the younger generation. They have but to look around them to see that the fundamental economic problems of old age are still unsolved.

I feel most strongly that we in the Congress must act now to remove the threat of poverty from our elderly and enable them to enjoy meaningful retirement years.

The economic events of this year have already outrun the principal provision of the bill, H.R. 1273, which I introduced early in this session. I proposed at that time a 15 per cent across-the-board increase in monthly benefits and an increase in the minimum primary benefit from $55 to $70 a month. I had hoped that in addition to compensating for some increase in the cost of living, we might give Social Security beneficiaries a real increase of some 10 per cent in their standard of living.

Now, I believe nothing less than a 25 per cent increase, effective immediately, will offset rising living costs and give a meaningful increase in real benefits. I have asked the Social Security Administration to give me a benefit table based upon a 25 per cent increase and a minimum primary benefit of $80. I have not yet received this table and have, therefore, not introduced new legislation incorporating this proposal. I intend to do so at the earliest possible date and make this information available, as it will be, of course, to the committee.

An immediate 25 percent increase in benefits is required to offset the nearly 10 per cent increase in the cost of living since the last benefit increase, which went into effect on February 1, 1968. This inflationary rise in the cost of living for our older citizens makes a 10 per cent benefit increase, effective April 1, as proposed by the Administration, totally inadequate to the needs of the aged or to our responsibilities as Members of the Congress.

I feel we should adopt a cost of living provision to raise Social Security benefits automatically in the future. But I do not feel we should lock our older citizens into benefits at their current standards of living. We must, I think, make significant improvements in the benefit level at the same time. Indeed, I believe we should incorporate provisions in legislation now which would provide for a real increase of at least 50 percent over the present level of benefits. This increase might well be staged over several years. But I favor making the decision to raise the living standards of our senior citizens now.

I also believe, as I mention later in discussing my bill, H.R. 5849, that we might well experiment with the principle of the guaranteed minimum income by appying it to our senior citizens who have little opportunity to work and who are not expected to compete in the labor market. We could begin, I feel, by guaranteeing a $100 a month income to our older citizens, supplementing Social Security and other incomes with direct payments from the Treasury.

Now, that is simply to guarantee that from all sources, Mr. Chairman and members of the committee, an older citizen would receive $100 a month, and I don't see how anybody can expect anybody to live in America today on less than $100 a month.

At this point, Mr. Chairman, I wish to urge, as I have urged previously, that you include in your legislation raising Social Security benefits provisions which would prevent the poorest of our Social Security beneficiaries from losing the supplementary payments made to them under the Public Assistance Program. I hope you will also provide that our veterans will not have their benefits diminished, but that they also will get the full benefits of any Social Security increases. We should not let the technical provisions of our public assistance and veterans programs deny to the poorest of our citizens and to our veterans the full benefits of the better living standards which I hope the Congress will approve at this time.

In H.R. 1273 I also recommend what I believe is a fairer system of computing benefits on the average of the five highest wage years rather than on the present basis using all years except the lowest five. And, incidentally, that precedent has been just established by the Congress in respect to Federal employees.

Another change I propose would help the 2½ million widows now receiving inadequate Social Security benefits. At this time the average benefit paid to widows is only $86 a month which is considerably lower than the $100 average monthly benefits paid to retirees. I do not understand why widow's benefits should be so much less. Therefore I am proposing that their benefits be increased to 100 percent of the deceased husband's benefits. These benefits should also be increased as the cost of living increases.

In addition, I introduced H.R. 10754 which amends Title II of the Social Security Act so that a widow or widower would retain a larger portion of insurance benefits when he or she remarries.

The social security program benefits more than just the aged. For years I have wanted changes in easing disability qualifications, and I remember, as do many of you who have been here a long time, the struggle we have had back over the years to try to get the benefits payable to the disabled at an age lower than the age at which they are entitled to Social Security. Under the present law a blind person under 55 years of age is not able to qualify for disability benefits on the same basis as older blind people. Older blind people who are unable to do a job calling for the skills they used in their previous work are eligible for benefits even though they can do other types of work. I feel that we must act now to liberalize the qualifications under Title II governing eligibility of blind persons so that every person who is blind and who has at least 6 months of coverage will receive disability insurance benefits.

What does age have to do with it, Mr. Chairman, and members of the committee, if a person is condemned to the eternal darkness of night?

In addition, as I provided for in H.R. 1273, the waiting period for receiving disability insurance should be reduced from the present 6 months to 3 months and the requirement that a disability must last for a continuous period of at least 12 months or consumate in death in order for a worker, widow or dependent widowers to receive benefits should be eliminated. People who are disabled need benefits immediately. All you need to do is to establish the character and assurance of the disability and not have the arbitrary waiting period.

I say people who are disabled need benefits immediately and any delay may complicate their disability and their rehabilitation.

I also introduced in the 90th Congress and have introduced in the 91st Congress in H.R. 1273 a necessary provision to make Medicare benefits available to all those receiving disability benefits. There is no doubt that disabled Social Security recipients have a great need for Medicare in view of the simple truth that medical costs are high and their incomes are too low to cover the costs. The Social Security Administration says that as many as 54 percent of the disabled receiving benefits today are without some kind of health insurance and that their costs are three times the comparable costs for older people now under Medicare. We must make it a right for the disabled to be eligible for Medicare. For many it would be their sole means of meeting medical costs.

Another serious problem concerns me, and I am sure every member of this committee, which is why I introduced a provision in this bill that would further amend the hospital insurance program. I would like to see Medicare cover the cost of prescription drugs for our elderly. Medicare is not fully meeting the needs of our elderly as long as they are burdened by the cost of prescription drugs. As I have emphasized over and over again the major item in medical expenses is the cost of drugs. I only have to repeat the statement by the August 1968 task force on prescription drugs set up by the Department of Health, Education, and Welfare to point out the severity of this problem. The task force concludes in a 1968 estimate "that 20 per cent of the elderly would have no drug expenses, while the costs would be less than $50 for 41.5 per cent, between $50 and $99 for 19 per cent, between $100 and $249 for 15.5 per cent, and $250 or more for 4 per cent."

In light of these figures we know that Social Security recipients could only afford adequate drugs if they were reimbursed under the Medicare program. I strongly feel that the cost of prescription drugs should be a reimbursable medical expense under the supplementary insurance program.

The last provision in H.R. 1273 would authorize the financing of the supplementary medical insurance program (Part B) from general revenues. I feel that the Social Security program has become such an integral part of our national economy that it should be fully integrated into the Federal budget. This step can begin by eliminating the monthly charge for medical insurance and transferring this charge to general revenues. This small change would aid poor people and at the same time only cost the Federal Government $940 million a year—not a large amount when its purpose is to rid the effects of poverty from our nation's citizens.

We in the Congress must also give firm attention to another principle which I have embodied in my bills. I introduced H.R. 5849 because I firmly believe that it is of immediate importance to this nation. Today's Social Security recipient who has the will and the ability to work is punished for his initiative, yet we continue nurturing this system.

I do not deny, Mr. Chairman, that under the economic conditions which prevailed in 1935, when this great measure of social security was inaugurated, the concept was the one that we have followed since that time, but I do respectfully submit that the time has come when the Social Security System must not be thought of as a way of getting people off the work rolls and into retirement so there can be jobs for the younger citizens. I think the Congress committed this country in 1946 to the principle that it was the duty of the Government of the United States not to provide everybody a job but to provide an economic climate in which everybody ready, willing, and able to work could work, and that did not exclude older people.

I know you have your problems in funding it, but I respectfully submit that the time has come for us to admit, as I think we should candidly, that any recipient of Social Security should be permitted to draw whatever the law allows and to work and derive as much from earned income as that individual can earn and not have his or her Social Security benefits diminished on account of whatever the earnings may be. They aren't going to earn too much, most of them, but it would simply enable them to have a higher standard of living.

Senior citizens must be able to work indefinitely and still reserve their social security benefits. And, as you know, I happen to be 69 years old. If anybody were to tell me that I had to quit work, that I couldn't be active and try to do something, I know life would fade in significance, in meaning to me and it is that way with a lot of other people who pass the age of 65.

Give them an incentive. If they want to work, give them an opportunity to work and, at the same time, don't deprive them of their Social Security benefits to which at least they have contributed half of the cost.

I commend this great committee and the Congress for the relaxation of those restrictions from time to time, but I have long believed that we should relax them entirely.

Just raising the income limits in the retirement test as proposed by the present Administration's bill is not enough nor is it at all acceptable to a nation that prides itself on hard work. I have been a long time advocate of supporting any system which encourages one's ambition to work for a decent living. I do not believe the Federal Government should implement any programs contrary to this ideal.

This is why I urge the passage of my bill H.R. 5849 which removes completely the limitation upon the amount of outside income an individual may earn while receiving benefits under the Old-Age, Survivors and Disability Insurance program. The retirement test for all Social Security beneficiaries and for all survivor annuitants under the Railroad Retirement Act must be eliminated.

In addition this bill provides a new title, Title XX, which is guaranteed minimum annual benefit for every person reaching 62 years of age who has an annual income of less than $2,400 in the case of a head of a family and $1,200 for an individual not supporting a family. This would mean providing a guaranteed minimum income of $100 a month per person or $200 a month per couple.

These benefits would be paid on a monthly basis unless benefits payable to an individual for any month is less than $5 in which another plan would be implemented. The amount of benefits received would be determined by the total amount of annual income any individual receives during a calendar year and benefits would come out of general revenue.

All I am suggesting is that we assure that every individual 62 years of age or over be able to receive from all sources, including Social Security, a minimum income of $100 a month.

In conclusion, I would like to say that the Congress over the years has taken great steps of improving the Social Security Act which so many citizens in this country depend upon for part or complete survival. There is still, however, an urgent need to do more. We must not rest until we assure Americans an opportunity for a good life. At a time when all Americans are concerned with priorities we must advise all our colleagues to reflect the needs of the real world by immediate passage of my very necessary amendments.

Mr. Chairman, and members, I add only this: A few weeks ago I went down to the southern part of Miami Beach, which is one of those typical American paradoxes where a lot of very rich people are living contiguous to a lot of very poor people. We had about three or four hundred, I suppose, in a hall which we were addressing and talking to them primarily about Social Security matters. I asked them, "All of you who are living on Social Security hold up your hands," and nearly every one of them held up their hands. All these were older people.

I said, "All of you living on less than $100 a month hold up your hands."

Well, I am sure at least 75 percent of them held up their hands.

I said, "All of you living on, getting less than $75 a month hold up your hands."

Well, I am sure between 50 and 60 percent of them held up their hands.

Now, the City of Miami Beach has just passed a rent control ordinance trying to protect those old people down there on South Beach, who are living in conditions that should be shameful to us. I am going from here to an appointment to see if we can't get some help for better housing for this area, but if they had a little bit better income they could pay a little bit more rent. It is just hard for us to realize how many people in this country in the midst of plenty are really living in poverty.

The great Chairman of this great Committee has done a marvelous job for the people of this country and I know you are going to continue to press forward, making things even better for these people so we can finally realize, in Browning's words, "Grow old along with me; The best is yet to be; the last of life, for which the first was made."

As a senior citizen, I salute you, Mr. Chairman, and members of the committee.

LEGAL AID PROGRAMS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. EDWARDS of California. Mr. Speaker, one of the most controversial, but most worthwhile programs in the antipoverty program, has been legal aid to the poor. The efforts of such organizations as the Legal Aid Society of Santa Clara County, California Rural Legal Assistance, and the Legal Assistance Center of Washington Township have been controversial because they have been effective. At one time the journalistic profession took as its motto the job of "comforting the afflicted while afflicting the comfortable," while many members of the legal profession took the role of "comforting the comfortable while afflicting the afflicted." Today, the legal profession, through such organizations as the Legal Aid Society, has reversed that role.

By taking up the challenge of providing everyone, including the poor and the minorities, with equal protection under the law, these lawyers are attacking a system which has long needed attack. We all know of the truth in the statement that the rich do not go to the gas chamber, or to jail for drunken driving. But the poor, without legal defense, have not been so lucky. They have no guarantee of equality under the law, acquittal when innocent, or protection from those with money enough to hire attorneys. It is natural that such a radical concept as equal protection under the law should come under attack. It is also natural that some of those in authority should be angered when their decisions, sometimes arbitrary, are put under attack.

A county board of supervisors, which denies hunger exists in a rural county, may well be incensed when another government agency challenges that fallacy and takes it to court in order to make it provide food-stamp programs. Equally, when a store has for years abused the collection provisions of the law, or a slum landlord has abused his tenants, then it comes as a rude shock when the rights of the poor are protected. Sadly, not all of the above examples are content with equal justice under the law and they have rallied powerful forces in support of their demand for more than equal protection under the law for the rich and powerful.

Yet, such organizations as the Legal Aid Society, Legal Assistance Center of Washington Township, and California Rural Legal Assistance have proved one of our best hopes for continuing and improving the society in which we live. The kind of conditions they are attempting to correct are the kind of conditions which breed revolutions and revolutionaries. Our problem today is not with those disenchanted with the system, but making the system work so that all can live under it. The keystone for bringing peace to this society is in providing and making work the guarantees which are written into our Constitution. Such talks may sound revolutionary, or too idealistic, or irrelevant, but I do not believe so. I am one who believes in the American system and I believe that it can be made to work. I am proud that fellow members of the legal profession are setting out on this task, and I am proud of this new generation of attorneys who are more interested in justice than in money.

I cite the work of the Legal Aid Society and the California Rural Legal Assistance as examples of this new breed and new concept.

Dick Flood, San Jose Mercury-News staff writer, an excellent reporter who has done much to make known the complexities and the problems of living in the Santa Clara Valley, reported on the activities of the Legal Aid Society in Sunday, October 19, 1969, edition of the Mercury-News. I include his report in this RECORD.

In addition, at the request of Marc Poché, a professor of law at the University of Santa Clara and my executive assistant, the California Rural Legal Assistance has reported on some of its most significant cases. I include that report in this RECORD.

The reports follow:

CALIFORNIA RURAL LEGAL ASSISTANCE,
Gilroy, Calif., August 6, 1969.

Hopefully the following will serve as a summary of some of the more significant cases this office has handled (for constituents of Mr. Edwards or persons representing a class including constituents of Mr. Edwards) since I became Directing Attorney on October 1, 1968:

(1) A class action against a major multistore California retailer. (The settlement agreement provides that neither the defendant's name nor the precise infraction involved may be publicly dicussed.) The terms of the settlement agreement bind the defendant to cease and desist from filing improper litigation and to set aside upwards of ten thousand judgments which it has irregularly obtained against its customers in the past five years.

(2) *Hernandez* v. *Hardin* U.S.D.C. #50333—as a result of a temporary restraining order issued against the Department of Agriculture in this action every California county now has a Food Stamp program.

(3) *Macias* v. *Finch* U.S.D.C. 50956—action to overturn welfare practice whereby persons fully employed (but making less than their actual needs as calculated by the Welfare Department) are not eligible for a welfare grant to supplement their income up to their minimum actual needs. Under this rule, a family can receive funds sufficient to meet its minimum actual needs only by refusing to work and going on welfare. Case is now under submission before a three-judge federal court.

(4) *Jenish* v. *State of California* U.S.D.C.—Action to challenge welfare rule by which families in need of Aid to Families with Dependant Children (because the father has deserted the family) are ineligible for welfare for three months from the date of the desertion unless the mother divorces the father. The rule is challenged as discriminatory against Catholics and as depriving women who desire to reunite their families of the opportunity to do so.

(5) *Cline* v. *Credit Bureau* Cal. Supreme Court—Action to challenge prejudgment wage attachment. Wisconsin prejudgment wage attachment statute (which is very similar to California's) was recently declared unconstitutional by the U.S. Supreme Court. The Court found that a statute allowing attachments without notice, hearing or preliminary finding of liability deprived low-income Defendants of due process, right to counsel and opportunity to defend themselves. Not being able to survive while their income is being attached, they are forced to compromise with alleged creditors.

(6) *Perez* v. *Russo; Russo* v. *Perez,* Santa Clara County Superior Court—Action to enjoin a slumlord from evicting a tenant because she complained to housing authorities and because she engaged an attorney; also seeks damages and return of rents because the premises were in massive violation of health and safety code requirements.

Although there are three or four other important cases, this letter has probably occupied too much of your time already. If you are interested, please phone me or drop me a note and I'll send a supplemental letter. Thank you very much for your kindness.

Yours very truly,
DON B. KATES, Jr.,
Attorney at Law.

LEGAL AID ATTORNEYS BRING EQUAL PROTECTION OF LAWS TO POOR

(By Dick Flood)

Equal protection of the laws, a byword of the social revolution, has become a reality for thousands of Santa Clara County residents through the efforts of a hard-working band of young attorneys.

The 11-member staff of the Legal Aid Society, headed by acting chief attorney Leon Poe, last year provided free legal help to no less than 5,216 county residents, 92 per cent of whom had incomes below the federal "poverty line" and 47 per cent of whom earned less than $1,500 a year.

Cases handled by Legal Aid attorneys ranged from consumer and domestic problems to major class suits designed to bring about peaceful change within government and educational institutions.

Beneath the froth of day-to-day legal problems of the poor, staff attorneys put in long hours advising community organizations, providing "Preventive education," and developing and pursuing legal, administrative and legislative reforms in areas adversely affecting the poor.

According to Poe, the salaried staff members put in an average 55-hour work week. A non-attorney, Dee Harris, was recently hired to take charge of community education and seven IBM Corp. attorneys have volunteered their evening hours to free regular staff to work on major issues.

Legal Aid offices are located at 235 E. Santa Clara St., San Jose; 222 S. Jackson St., Jose; 111 Willow St., San Jose; and 377 S. Murphy Ave., Sunnyvale.

Funded with a $300,000 anti-poverty grant and directed by the Legal Aid Society board, the program has been designated by federal officials as one of those which will be continued if the embattled Economic Opportunity Commission is disbanded.

Perhaps the most far-reaching action since the program started in June, 1967, is the society's attempt to abolish the tracking system in Santa Clara Unified School District and the ability grouping system in the East Side Union High School District.

A petition for injunction pending before the U.S. District Court in San Francisco declared that children of Mexican descent and their parents are denied equal protection of the law by the ability grouping system.

Disproportionately large numbers of children of Mexican descent are placed in "lower" ability groups, including those for "mentally retarded" and "educationally handicapped" children, and a disproportionately large number of them fail to complete high school or to go beyond the 12th grade as a result, the suit alleges.

It challenges the validity of group tests, given in standard English, to place students in ability groups. Such tests, the petition declares, "cannot provide meaningful or accurate information about the intelligence or learning capacity of pupils of Mexican descent."

The suit also alleges that East Side Union High School District service boundaries are drawn to segregate students of Mexican descent into a few schools, that counselors consistently fail to give them information to prepare them for college work and that disciplinary rules of the district are enforced in a "racially discriminatory fashion."

Legal Aid attorneys Steve Manley and Grace Kubota, the team that produced the school tracking suits, recently won another class action to prevent the San Jose Housing Authority from evicting a welfare mother with seven children.

The court granted their motion to quash the three-day eviction notice on grounds the woman had been denied her constitutional right to a hearing, an action certain to have far reaching effects on landlord-tenant relations.

Other "class" court actions pending include a federal court challenge of Article 34 of the State Constitution, which requires a referendum election for public housing programs.

Working with attorneys from California Rural Legal Assistance and the National Housing Center in Berkeley, Legal Aid attorneys are challenging Article 34 on the grounds it deprives low-income citizens equal protection of the laws in that they do not have equal access with middle and upper-income citizens to federal housing assistance.

The suit, pending before a three-judge panel in San Francisco, claims that California, with 10 per cent of the population, received 15 per cent of all FHA-insured housing and 14.9 per cent of all VA-insured mortgages from 1934 to 1966.

By way of contrast, the suit points out California has only 23.4 units of public housing per thousand population compared with 66.7 units per thousand in New York, 73.1 units per thousand in Illinois and a national average of 45 units per thousand.

Only 52 per cent of the public housing referendums placed before California voters during the past nine years have been approved, according to the suit.

On appeal before the State Supreme Court is a Legal Aid suit which would give juveniles the right to counsel whether their families can afford it or not.

The case involves a 17-year-old who was sentenced to the California Youth Authority after he waived his right to counsel because he did not want his father billed for the services of a public defender.

With the National Consumer Center at Boston College of Law, Legal Aid attorneys are opposing the uniform Consumer Credit Code proposed by the National Conference of Commissioners on Uniform State Laws.

According to Legal Aid attorney Richard Elbrecht, the proposed credit code would be a "disastrous step backward for the California consumer," providing for an increase in interest rates up to 36 per cent a year and higher in some cases.

The present limit in California is 12 per cent a year, with exceptions ranging up to 30 per cent.

The uniform credit code, now under joint hearings by the Assembly Judiciary and Insurance and Finance committees, would replace all existing California credit statutes.

Also in the consumer field, Legal Aid attorneys have processed 26 violations of the state's truth in lending laws.

VIETNAM—PEACE THIS YEAR

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1969

Mr. RARICK. Mr. Speaker, in the last few days there has been great discussion about ending the war in Vietnam. All Americans seem to be agreed that it should be ended as speedily as possible. The disagreement is over method and cost.

The loudest and most certainly voiced solution—immediate withdrawal—is advocated by those who know the least about war.

Our trained and experienced military commanders, whose profession is ending wars, have scarcely been heard.

Mr. Speaker, on May 1, 1968, at the request of 28 distinguished retired officers, I filed with the Clerk of the House their petition for redress of grievances.

Retired from active duty, and free to speak, their voices are worth listening to. They represent a cumulative total of more than 600 years service. They volunteer their advice which is not only professional but entirely unselfish, prompted only by love of country.

I am reminded of the admonition which was delivered with the presentation of the petition:

> This petition, we hope, will go just a little way toward attaining the victory of peace and overcome just calmly writing off our dead and maimed heroes and prisoners for nothing—as we did in Korea.

We should give weighted consideration to their experience and expert advice. It make sense to listen to Dr. Wernher Von Braun, rather than college freshmen or Dr. Benjamin Spock, on questions of space travel, but no one proposes to call Dr. Von Braun to treat a sick child.

These officers tell us that the way to bring peace in Vietnam is to end the war by winning it. They say unanimously that our Armed Forces can do this, with conventional weapons, within 6 to 8 weeks. All that is required is to free our fighting men from the political restrictions which forbid victory.

Had President Johnson followed their advice then, the war in Vietnam would have been over 14 months ago. If President Nixon follows their advice now the war will be over this year. And we will be able to bring home, not only our soldiers, but also our prisoners of war.

Mr. Speaker, I include the petition, together with an article from the March 1968 issue of Science & Mechanics magazine, setting forth the views of 12 other illustrious American officers, following my remarks:

Petition for Redress of Grievances by Retired Officers of Rank and Experience

Whereas we who have served our country long and faithfully are grieved and shocked at the manner in which the war in Vietnam is being conducted, wasting our blood and treasure without hope of victory, and

Whereas experienced professionals all agree that the control of the conduct of the war cannot be successfully concluded from Washington by civilian politicians not fitted by training or experience, and some of doubtful devotion to this country, and

Whereas many of our greatest former military leaders have publicly stated in Science & Mechanics Magazine of March 1968 that this war can be won in 6 or 8 weeks or less:

Therefore, we respectfully petition the Government of the United States, in accordance with the First Amendment of the Constitution of the United States of America, for a redress of these grievances:

1. That the Congress assert its constitutional right and duty by declaring war against North Vietnam.

2. That the Chief Executive mobilize our armed forces according to recommendations of the Joint Chiefs of Staff.

3. That the military commander in the theatre of war be given the responsibility and authority for its rapid and victorious conclusion.

4. That the U.S. Government inform all nations concerned that we are at war with North Vietnam and will consider any assistance in whatever form given to that country as an act of war against the U.S.A.

5. That the Government of the United States secure the services of the 600,000 Free Chinese Armed Forces for the prosecution of the war, as offered by Free China.

6. That P.L. 87–297, The Arms Control & Disarmament Act, be instantly repealed.

7. That every person in public office or military command whose loyalty to the United States and its Constitution is by their acts shown to be diluted by other loyalties inimical thereto, such as World Government or Limited World Government, be promptly cashiered or impeached as provided in the United States Constitution.

8. That the criminally insane policy of relaying our strategic and tactical plans for conduct of the war in Vietnam to the communist controlled Security Council of the United Nations be stopped instantly.

Signatures to Petition

Note.—General Cates, before signing the petition, deleted paragraph #5 and made the following comment concerning paragraph #1: "The time has come, in my opinion, to do one or two things. Either admit a defeat and execute a gradual withdrawal or declare war and prosecute it to the fullest. The latter is strongly recommended."

Gen. Clifton B. Cates, USMC (Ret.) Former Commandant, U.S. Marine Corps.

Gen. Edwin A. Pollock, USMC (Ret.), Battalion Commander, landing on Guadalcanal, Commanding General, 2nd Marine Division Commanding General, 1st Marine Division in Korea, 1962–1963, Commanding General, Marine Corps Recruit Depot, Parris Island, S.C., Commandant, Marine Corps Schools, Quantico, Virginia, Commanding General, Fleet Marine Forces, Pacific, Commanding General, Fleet Marine Forces, Atlantic.

Lt. Gen. P. A. del Valle, USMC (Ret.), Commanding Artillery, Guadacanal, Commanding Artillery, 3rd Amphibious Corps, Guam, Commanding, 1st Marine Division, Okinawa, Inspector General, U.S. Marine Corps, Director of Personnel, U.S. Marine Corps.

V. Adm. Ralph W. Christie, USN (Ret.), Commander Submarines, Southwest Pacific, W.W. II.

Lt. Gen. Ralph J. Mitchell, USMC (Ret.), Commander, Marine Air SOPAC, W.W. II, Commander, Air SOPAC, W.W. II, Commander, Air SOLS, W.W. II, Commander, Air NORSOLS, W.W. II.

Lt. Gen. James P. Riseley, USMC (Ret.), Forty-one years of military service; last troop command, 1 Prov. Corps, Army and 3rd Marine Division in Japan, 1954–55.

Lt. Gen. George E. Stratemeyer, USAF (Ret.), Commanding General, Far East Air Forces under General of the Army Douglas MacArthur.

Maj. Gen. Charles A. Willoughby, AUS (Ret.), Asst. Chief of Staff, G–2, to General of the Army Douglas MacArthur.

R. Adm. Chester Ward, USN (Ret.), Former Judge Advocate General of the Navy.

R. Adm. Joseph H. Nevins, Jr., USN (Ret.), Principal Command: Commanding Amphibious Attack Group wth Marines embarked in Sixth Fleet.

R. Adm. John G. Crommelin, USN (Ret.).

Brig. Gen. Hanson R. Thyng, USAF (Ret.), Air Defense Command.

Brig. Gen. William C. Lemly, USMC (Ret.), Last Command: Marine Air Defense Command One, Marine Air Wing Two, Okinawa, Ryukyus.

Brig. Gen. Eugene S. Bibb, AUS (Ret.).

Brig. Gen. Robert Lee Scott, Jr., USAF (Ret.), Former Director, Information, USAF; Fighter Commander for General C. L. Chennault in China 1942–43; Commanding Officer, 23rd Fighter Group in China, 388 combat missions; Fighter Ace with 13 confirmed victories in aerial combat. Author: "God Is My Co-Pilot" and a dozen other books; At present, Senior Vice-President American Triad Corp., Tacoma, Washington.

Brig. Gen. William L. Lee, USAF (Ret.), Commanded the 49th Bomb Wing in Italy during W.W. II and the 13th Force in the Philippines, 1954–56.

Capt. E. C. Beck, USN (Ret.).

Lt. Col. Charles Richardson, Jr., JAGC (Ret.).

Lt. Col. John L. Hitchings, AUS (Ret.), Flying instructor, W.W. I, Commanded Anti-Aircraft Group in S.W. Pacific, W.W. II.

Col. Charles Ellis, Cavalry AUS (Ret.), W.W. I, W.W. II, Comdg. 91st Cav., RCN Sqdn & 3 Task Forces W.W. II; Chairman, Nat. Def. Committee, Military Order of the World Wars.

Cmdr. Homer Brett, Jr., USNR (Ret.).

Capt. Frank Stoutenburgh, S.C., USN.

Col. H. A. Mathews, AUS (Ret.).

Capt. B. Y. Ramsey, Jr., USN (Ret.).

Lt. Col. Matthew P. McKeon, AUS (Ret.).

Capt. Medrick G. Johnson, USAF (Ret.).

Lt. John C. Williams, USN (Res.). Thirteen letters of commendation in thirteen years commissioned service.

Brig. Gen. Richard B. Moran, USA (Ret.).

SIGNATURES OF CIVILIANS

Mr. Thomas Crompton, Commander, MacArthur Post, V.F.W.

The Honorable John G. Schmit, State Senator, California.

We Can Win the War in 6 Weeks

(Note.—Why is the world's most powerful nation being frustrated in its attempt to defeat its relatively tiny Vietnamese foe? Science & Mechanics sent writer Lloyd Mallan to Washington to get the views of military experts on this question. His surprising and informative findings are reported here.)

(By Lloyd Mallan)

I spoke with a dozen top-ranking military officers, most of them at great length, as the basis for this exclusive article. Among these leaders are two former Chairmen of the Joint Chiefs of Staff, a famed Chief of Naval Operations, a retired Chief of Staff of the Army, two Vice Chiefs of Staff of the Air Force and the former Commander-in-Chief of the Strategic Air Command (SAC). Two of the dozen, still on active duty, cannot be named or even identified as to their military departments.

The others are identified by their ranks and positions below:

1. General Maxwell D. Taylor, former Chairman of the Joint Chiefs of Staff.

2. General Nathan F. Twining, former Chairman of the Joint Chiefs of Staff.

3. Anonymous, General, U.S. Army.

4. Admiral Arleigh A. Burke, former Chief of Naval Operations.

5. General George H. Decker, former Army Chief of Staff.

6. General Frederic H. Smith, Jr., Former Vice Chief of Staff, Air Force.

7. General Thomas S. Power, former Commander-in-Chief, Strategic Air Command.

8. Lieutenant General Ira C. Eaker, former Vice Chief of Staff, Air Force.

9. Lieutenant General Arthur G. Trudeau, former Army Chief of Research and Development.

10. Major General Gilbert L. Meyers, former Deputy Commander of both the Second Air Division, Pacific Air Force, and the Seventh Air Force in Vietnam.

11. Brigadier General Henry C. Huglin, former U.S. Representative to the NATO Military Committee and Standing Group and presently Senior Military Scientist with TEMPO, General Electric Company's Center for Advanced Studies.

12. Anonymous, Brigadier General, U.S. Army.

If you are a parent with draft-age sons, if you are any draft-age male, if you are simply a decent American who desires all peoples of the world to live in peace and freedom—then you will be happy to learn that the war against North Vietnam can be irrevocably won in six weeks. It may also make you happy to know that Communist intimidations and aggressions in the free areas of Asia can also be struck a paralyzing blow in that same brief frame of time.

And once the war in the North is ended, the remaining Vietcong guerrillas in the South could be conquered within six months—their tactics of terror and murder reduced to sporadic individual acts of desperation. Eventually, these, too, would vanish under pressure from the free Vietnamese people.

The foregoing time-estimates for victory in Vietnam are based on serious, lengthy discussions with some of the most experienced and astute military strategists in this country. Not one of these military authorities knew in advance what the others had told me. Yet every one of them was in strict agreement with every other one. They were also unanimous in their confidence that neither Russia nor Red China would dare step in physically to confront us—if we did what we have to do for victory.

Here are their recommendations for a quick victory in Vietnam:

Officially declare a state of war against the Hanoi Government.

Immediately close the port of Haiphong, through which Hanoi receives at least 70 percent of her war supplies.

Invade the North above the 17th Parallel.

Swiftly destroy all targets of consequence, after first warning the North Vietnamese people to get out of the target areas.

Warn Red China and Russia that we are now legally at war with North Vietnam—and that any attempt to supply the North with arms would be answered militarily as an overt act of war against us.

Harsh as these measures may appear to be, they are the only way abruptly to stop a war that may go on for another five, ten or more years—if it continues to be fought as at present.

The average person—no matter how well-informed he may be in other matters—cannot possibly know what goes on behind the scenes of Government. He cannot know the spurious political "reasoning" that determines why we are fighting a war in a weak-sister manner that is unprecedented throughout the history of military science—when we have the strength to squash North Vietnam in practically a single blow.

Feeling that the American public has an inalienable right to know why our Government is not doing just this, Science & Mechanics assigned me to the task of finding an answer. The task took three months of steady digging and interviewing for behind-the-scenes information.

My first bit of information was surprising; I tried the Pentagon and discovered that no military officer of either high or low rank was permitted to talk about why we are doing things the way we are in Vietnam. They are allowed to give you a "briefing" on the way things are going in the war, but they are not allowed to give you their personal criticisms—even "off-the-record." As one Public Affairs Officer in the Department of Defense explained it to me: "Even if you would not attribute your quotes to a specific officer, his name would be known after you published your article—because there would be a record here of the officers we cleared you with for interviews. That record is mandatory."

In other words, the press of this free nation does not have a right to inform the public about Government policies that could be wrong. I was effectively blocked by the Department of Defense at the very beginning—or so they thought. Since I happen to have a few old friends in the Pentagon who are willing to see me without the intervention of the DoD Public Affairs people, I went directly to one of them who had spent more than a year in Vietnam and was not long back in his new job. To make things "legal," I talked with him outside of the Pentagon. Although I cannot identify either him or the military department in which he works (otherwise he would be in deep trouble), I can say that he is a ranking officer with considerable experience. Here's what he told me:

"I can't understand the way we're fighting this war. We knew about the SAM (Russian Surface-to-Air Missile) sites at least five months before the first one was fired—and we did not knock them out for fear of killing Russians working on them! Now the SAMs are killing our boys. So now we attack those missile sites—after the enemy has had a chance to protect them with modern radar-controlled weapons.

"In fact, our slowpoke way of fighting this war has given the enemy the time and security to build up the most concentrated antiaircraft firepower in military history."

What would he suggest doing to win the war faster than we are now doing?

"Although the element of surprise is now gone," he answered, "the North could be paralyzed quickly with an all-out invasion by air, sea and land. Blockade all of Hanoi's harbors. We could do this effectively by filling some of our old Liberty Ships with cement, drive them on up there to the harbor-mouths and scuttle them—sink them in the shallow waters. Of course, they would have to be convoyed to their scuttling destination by our Navy and protected against enemy fire by both the Navy and our Air Force. But it can be done.

"I would also mine the Haiphong harbor. It would be comparatively easy to drop the mines from our aircraft. Hell, the enemy has mined the harbor at Saigon—and caused a lot of damage to our shipping. Why don't we do the same thing to North Vietnam?

"Meanwhile, an amphibious landing of our forces in the area surrounding Haiphong would be decisive. It would force Ho Chi Minh's hand. He would have to recall his troops from the South to fight for survival in his own homeland. And I might mention that our firepower is superior to that of the North Vietnamese Army. Another factor, an extremely vital one, in this kind of invasion is the psychological one. The people of North Vietnam would see that we meant business. It would shake them up. And Ho would be faced with internal dissent as well as with external military force.

'Add to this an invasion over the 17th Parallel and concentrated bombardment of every important target by air and sea—and the war in the North would be finished within six weeks."

"But how about the Vietcong in the South?" I asked. "Wouldn't they continue to fight their guerrilla war against Saigon?"

"They would—for awhile," he said. "But anyone who wants to fight effectively needs food as well as arms. Their major supply of both would be cut off with the defeat of Hanoi. Then you blockade the borders of Cambodia and Laos—and you cut off their minor sources of supply. The Vietcong couldn't last. They would just dry up and drop off the trees."

There remained a great big question: why are we not fighting the war in Vietnam the way it should be fought? I asked this of another officer, even higher in rank and broader in experience. Understandably he wants to remain anonymous. His answer was: "Politics, people who mistrust the military, naivete and fear resulting from misinformation. Another important quality involved is the concept of 'flexible response,' which was derived from the personal aspirations of a single individual."

This very high-ranking military officer then told me the following story:

"Just after the Air Force was disengaged from Army control and set up as a separate military department, the emphasis was being placed on air power. At the time, President Eisenhower saw the vital importance of building a powerful Air Force, second to none in the world. So the biggest portion of the Defense budget went into realizing this aim.

"General Maxwell Taylor, then Army Chief of Staff, resented this. He personally had two dislikes. Number one, with a vengeance, was the Air Force. Number two, with lesser intensity, was the Navy. He saw the Army being neglected, losing the elite prestige it had held during all the years before. He tried persistently to persuade the President to build up the Army rather than the Air Force. His reasoning was that, if a shooting war ever again got started, there would be a huge vacuum if the Army were not supported.

"Ike wouldn't buy this reasoning. There are some enemy armies—the Red Chinese, for instance, with their multitudes of potential conscripts—that you cannot effectively fight with a land army. But you can destroy an enemy's capability to support an army with superior firepower from the air and sea; you knock out his means of communication, industrial production and food production. Thereby you paralyze not only an enemy's capability but his will to wage war. So who cares about the vacuum? You can't step into it anyway.

"Nevertheless, General Taylor continued to badger General Eisenhower about the need to fill that vacuum. He finally went to his friends in the Congress, asking them to put pressure on the President. Ike got mad. He called Taylor in and very firmly demanded that Taylor stop hitting away at the subject on Capitol Hill and elsewhere.

"General Taylor was silenced until a new President was elected. Then he went to JFK with his old pitch. He also proposed a new approach to warfare—because he wanted to get some Army troops into Vietnam. (During Ike's Administration, a comparative handful of U.S. military advisors had been sent to Vietnam at the request for aid of the Saigon Government. And Ike had insisted that these advisors wear civilian clothes.) Taylor's new plan would be step one toward rebuilding the Army's prestige and power.

"He proposed the present system of minor escalations: hit an enemy, but not too hard, and stop and wait to see what he will do next. This was the theory of 'flexible response.' It is a slow-moving way to fight a war because it keeps you basically on the defensive. But it served its purpose for General Taylor.

"The idea appealed to President Kennedy and his intellectual advisers in the White House, Department of State and Department of Defense. Most of them mistrusted the military anyway. They thought that this would be a 'humane' way to show the enemy we were supporting the South Vietnamese Government—without any danger of an actual confrontation with Red China or the Soviet Union.

"After they bought the idea, General Taylor saw his Army gradually come to life again. The comparatively few American military advisers wearing civilian clothes in Vietnam under Eisenhower soon expanded to 16,000 troops in uniform under Kennedy. Because the 'flexible-response' technique actually bought time for the enemy to infiltrate more and more troops from the North into the South, the United States was forced to meet the challenge by sending an ever-increasing number of troops to Vietnam. As of right now (mid-November 1967), there are almost a half-million of our men in Vietnam, much more than half of them being troops of the U.S. Army. Little more than ten percent of them are Air Force and Navy personnel.

"So under LBJ, the war has escalated in terms of men and firepower But both are restricted to a 'flexible response'—which is not so flexible after all, because it places us in an unscientific straightjacket of limiting our objectives. In the minds of those civilian Government intellectual advisers to the President, the phrase 'Limited War' has been equated with 'Limited Warfare.' And this is a no-win policy."

After listening to this story, I was stunned. It just couldn't be true that a tiny group of intellectual advisers could control the destiny of the most powerful nation on Earth. Whether or not they were sincere in their beliefs is beside the point. I decided to check out the story at its source: I phoned General Maxwell D. Taylor, now retired from the Army, at his home in Washington, D.C. He was at work and his wife gave me the phone numbers for his two offices. One of these was in the White House. It was late in the afternoon and I could not reach him. But next morning I caught him in at home. Here's how our brief conversation went:

"I'm Lloyd Mallan from Davis Publications in New York."

"Yes. What can I do for you?"

"One of our magazines *Science & Mechanics*, is trying to do an objective article on the war in Vietnam, from a military point of view. I wonder if you'd mind answering a few questions?"

"No. I'm not for quotation, thank you."

"Well, at least, can you give me some background information?"

"No. Just read (he laughed) . . . Just read the record. (A pause.) Call General (Earl) Wheeler. He's on duty. I'm not."

"I did try the Pentagon. They won't talk."

"Well (another laugh), they're the people that ought to talk. I'm just another private citizen, out here reading the newspaper."

That was it. But I was curious about his having an office in the White House, so I phoned to ask for his title. General Taylor wears two hats in the White House. He is Special Consultant to the President and a member of the President's Foreign Intelligence Advisory Board. Some "private citizen"!

My two anonymous military friends had earlier given me an excellent suggestion: try to get in touch with general officers of outstanding experience and insight, who are now retired. No Pentagon restrictions can prevent them from talking and being quoted by name. They suggested a few names to start and this led me to others. Altogether I interviewed nine generals and an admiral. All of them took valuable time away from other work to talk with me for periods of one to two-and-a-half hours.

I will now present their cases for a quick end to the war in Vietnam, trying to list them in the order of their position and rank, as well as alphabetically in these terms wherever possible.

Air Force General Nathan F. Twining is a former Chairman of the Joint Chiefs of Staff and the recipient of 27 medals from the United States and numerous foreign governments in recognition of his skill and courage. During World War II, among many other duties, he was respectively Commander of the Mediterranean Allied Strategic Forces and Commander of the 20th Air Force in the Pacific.

General Twining feels most strongly that "either we should hit the North of Vietnam with everything we've got, bring them to their knees fast—or get out. My own opinion is that we should declare a state of war and invade the North. Then we could legally blockade the harbor of Haiphong—and sink any foreign shipping that attempts to violate the blockade. Running the blockade would be a tacit act of war against us—and the Russians as well as Red China and any other nation supplying the North well know this."

He is not worried one bit about China or Russia coming into a war against us. He is only worried that the longer we wait to finish the job, the more strength we're allowing the enemy to build. "I would tell them all that we're changing our strategy, that as of right now we are starting a new war. I'd ask them to get their people out of important target areas—and then I'd lower the boom on them! We'd win that kind of a war real fast."

Regarding the desultory way we are now fighting in Vietnam and the way in which we give Hanoi sanctuaries to build strength by stating that certain targets are off-limits to our flyers, General Twining has this to say: "I played a lot of football in my day. You are in there to win the game, so you don't ever tell the opposing team when you are going to try a pass or make an end run. But this is exactly what we *are* doing in Vietnam. We even tell Ho that we have no intention of destroying either his economy or Government. Therefore he *knows* that there are vitally important targets we cannot destroy."

General Twining told me an exceptionally interesting inside story to illustrate how Russia and Red China have our Government's civilian advisers hoodwinked—and how these same advisers can impress their views upon the highest office in the land, unless at least one person with ranking authority bothers to investigate all sides of the issue. The issue in this case was the crisis in Lebanon, when the Russians were preparing to send in their tanks and armies to take over that small Middle Eastern nation. If the Kremlin could take over Lebanon, they would feel confident to attempt other coups among the Cento (Central Treaty Organization) and even the NATO nations. President Eisenhower was worried about engaging us in a war with Russia if we took military steps to prevent a Kremlin invasion of Lebanon. Secretary of State John Foster Dulles was even more deeply disturbed because the President was depending upon his advice.

At two o'clock in the morning on the day of decision, General Twining received a phone call from the Secretary of State. The Chairman of the Joint Chiefs was asked to come over and discuss the situation from a military point of view. The Lebanese Government had requested American troops to thwart the Kremlin, but Dulles' civilian advisers had warned him that by making a show of force in Lebanon, World War III would be started.

Twining found Dulles pacing the floor when he arrived. The Secretary's first words were: "Nate, I want you to advise me about this. Is there any real danger that the presence of our troops in Lebanon would cause the Russians and their allies to go to war against us?"

The Chairman shook his head. "Negative. Not a chance," he answered. "They know our response would be massive—and our power is superior to theirs."

"Are you *absolutely* sure of this?" asked Dulles.

"Nobody can be *absolutely* sure of anything," said Twining. "But I am sure as anybody can be that it will not happen."

Dulles was still disturbed. "If that's the real truth, why are my advisers so worried?"

"I don't know," answered General Twining. "But maybe they misread the situation and underestimate our military strength—something that the Russians never do. But if you want, I'll phone the Chiefs of Staff and ask them to come over here and verify what I've just told you. They'll tell you, I'm sure, that the real danger to world peace would be to allow the Soviets to get away with this maneuver."

The Secretary of State smiled "That won't be necessary, Nate. I've known you for a number of years and asked your opinions on many serious questions. You've never let me down yet. Go back home and go to bed."

Not long after that early morning meeting, more than 3,000 Marines were landing on the shores of Lebanon. Khrushchev, who had been loudly rattling his tanks and rockets, never sent a single weapon to stop them.

According to General Nathan Twining, John Foster Dulles was one Secretary of State who *wanted* to stay on top of military matters. He frequently consulted with the Joint Chiefs of Staff for information about current opinions and strengths. He understood that the validity and effectiveness of any foreign policy are dependent upon the military force ready to back it up.

This is something that the civilian intellectual advisers in the White House, State Department, and Department of Defense have yet to learn. Their naivete not only promotes the concept of "flexible response" in Vietnam but goes even farther afield with another concept: that of military parity. They feel that by reducing our own military power to the level of our next most powerful enemy, we will gain the confidence of that enemy to the point where he will be content with a status-quo deadlock. In other words the Government civilian intellectual advisors feel that the destiny of this nation is in *their* hands, that world peace can be maintained only by reducing American superiority in arms to a parity with Russian military strength.

As General Twining put it to me: "I was never afraid of our military superiority causing a war. I *knew* that we had no intention of using it in an aggressive way. It was there solely as a deterrent, to discourage any other major power who is a potential enemy from attempting acts of aggression."

One thing that bothers the former Chairman of the Joint Chiefs most is the misuse of airpower in Vietnam: "What is going on there now might someday reduce our Air Force to a small ineffectual fighting force—when we will most sorely need it! In Vietnam, the role of airpower is being played down. Research and development of new aircraft is practically at a standstill. And everything in Vietnam is controlled from Washington—all the target-strike decisions are made here, none by commanders in the field—even down to the platoon level in the case of the Army and Marine Corps."

In full agreement with General Twining about the way the war in Vietnam is being mishandled is Admiral Arleigh A. Burke, the only man ever to hold the position of Chief of Naval Operations for three successive terms. During World War II in the Pacific, he became known as "31-knot Burke" because he pushed the destroyers under his command to their targets at just under boiler-bursting speed. The nickname is symbolic of how you win wars: strike fast, hard and with full force. Admiral Burke was a member of the United Nations Truce Delegation in Korea to negotiate with the Communists for a military armistice—so he is well-familiar with the sneaky and evasive tactics of the Reds. He has been decorated many times for "extraordinary heroism," for "conspicuous gallantry and intrepidity," for "exceptionally meritorious service to the Government of the United States" and for "exceptionally meritorious conduct." He has received three Distinguished Service Medals and three Legion of Merit awards.

At present, Admiral Burke is Director for the Center of Strategic Studies of Georgetown University. I spent more than two hours with him in his spacious oak-paneled office. Against the wall facing his desk are three flags: flanking each side of the centrally placed American Flag are the Navy Department Flag and his personal 4-Star Flag as Chief of Naval Operations. A large ashtray on his desk is filled with pipes. Shortly after we shook hands, he picked up a pipe, filled it with tobacco—and then forgot to light it as we talked.

Well over six feet tall, he stood up and paced the room to emphasize his answers to my questions. There was an interesting contradiction in his quietly philosophical attitude as he made emphatic points.

When I asked him: "What would you do to win the war in Vietnam? his answer was instantaneous.

"I would put our entire nation on a war footing. Mobilize the Army, Navy and Air Force. Go into mass-production of airplanes, take battleships out of mothballs (we are only just now beginning to use the "New Jersey"). I'd call up the reserves. Then I would attack the enemy on *all* fronts—and show him that we really *mean* what we are doing, that we *want* to win.

"Individuals always act on an emotional basis—not on the basis of logic. When an enemy sees that you *mean* to win, his emotional response will be to retreat. He may still try to harass you and come back at you on a small scale—but if you *convince* him that you are out to win he will psychologically know he is defeated. Provided you have superior war power—as we do.

"At no time in the entire history of warfare has a war been won through minor escalations. Yet this is what we are doing in Vietnam—using minor escalations. So the enemy *must* feel that he can hold out. His reasoning goes: 'We're not being hit as badly as we thought we would be. We can hold out this way long enough for the peace-doves in the United States to prevail.'

"So we escalate ten percent at a time—and each time the enemy feels that he's not being hit so hard after all that we're not hitting him as hard as we *can* hit him, *if* we wanted to.

"Of course, if you go all-out to convince an enemy that you *really mean* to win, it may at the moment appear to cost more money. But it's much better to have more men and equipment than you need—than to have too little.

"This is where Mr. McNamara makes a sad mistake. He is basically interested in 'cost-effectiveness': 'Do I get the maximum value for each dollar I spend? And does this value represent the minimum necessary force to maintain our military strength?' But he is so much concerned with minute details that he cannot see the broad picture. He is lost in a murky morass of details—yet he is absolutely self-assured that he is correct.

"Only God and McNamara *know* they are right.

"In fact, the reason that Mr. McNamara was chosen as Secretary of Defense by the Administration was precisely because of his attitude—his interest in saving money—and not in saving lives or equipment. His is truly a political job—and not a military one. To him, war is a game of showmanship, often of salesmanship but rarely of a deep desire to win.

"Then there's the matter of body-counts. I believe this was Mr. McNamara's idea—to release counts on the number of enemy dead versus our own dead. But body-counts don't mean a thing—they're barbaric to begin with—because you don't *want* to kill people; you want to paralyze an enemy to the point where he is *convinced* that he *must* lose if he continues the war.

"We are not doing this today in Vietnam. And as a result, our own people are becoming discouraged, tired, disinterested and disenchanted. Many of them want us to pull out of Vietnam—and that would be fatal now.

"We can't pull out, because if we do, the Communists—and the world—would think we are weak. But nobody in the Pentagon—particularly Mr. McNamara—among the civilian planners ever asks the question: 'If we fail with our present attitude in Vietnam, what is our alternative to win the war?' We have no alternate plan.

"At the present rate of minor escalations of the war, we'll be in Vietnam for another five or six years—or more. Maybe we'll eventually contradict the known facts of military history and win. We probably will. But the cost in lives, equipment and money will have been tremendous."

"Well," I ask, "if we take your approach toward winning the war, how about the Soviet Union and mainland China? There are a lot of intelligently thoughtful people who feel that a third global war would be started if we invaded North Vietnam.

Admiral Burke nodded and smiled. "You're right. Many people who know nothing about military science are afraid of what Mainland China and the Soviets would do if we invaded North Vietnam—and I *would* invade the North as well as mine the harbors, Haiphong and all the rest. In the case of Red China, they have their own internal political problems. Besides, their logistics to support an expeditionary force in Vietnam would be *formidable*. Our Navy and Air Force could strike and destroy vital targets anywhere inside the great Chinese land mass, thereby cutting off supplies from the Chinese Army in Vietnam. As for the USSR, their logistics would be also formidable—and their economy might be so strained in these conditions that they would just say to themselves: 'It's not worth it. Let's pull out altogether.'

"These are alternatives that the Administration and many of our people never seem to consider."

"Admiral Burke," I said, "if you were given full command of the war in Vietnam, how long do you think it would take you absolutely to defeat the enemy?"

He smiled again. "Nobody really can know how long it will take to win a war. There are too many variables and individuals involved. But considering the time required to mobilize and deploy the required forces, I would guess at from eight weeks to three months. At any rate, it would be a *much, much* shorter time than the years it will take using our present rate of minor escalation."

Supporting Admiral Burke's thesis that the war in Vietnam, if properly fought, could be won quickly is four-star General George H. Decker, a former Chief of Staff of the U.S. Army. Among his many important assignments, General Decker has been Deputy Commander-in-Chief, U.S. European Command; Commander-in-Chief, United Nations Command; Commander, United States Forces in Korea; and Commanding General, Eighth United States Army. He is a soft-spoken, earnest and intelligent man—a thoughtful person who is not given to snap judgments. Before our interview began, he asked me to emphasize that he was not on a soap box to promote his ideas, but any answer that he gave to my questions would be carefully considered. I spent a full hour talking with him.

My first question was: "What can we do, that we are not now doing, to win the war in Vietnam fast?"

His answer was: "Invade the North and blockade the port of Haiphong."

"Wouldn't that actively bring Red China and Russia into the battle?" I asked, to see whether or not his answer would match the answers of Admiral Burke and General Twining.

It did: "I am not afraid of mainland China or Russia. We are the most powerful nation on Earth today. We might not be able effectively to inactivate the Chinese foot armies, but we wouldn't have to. If we destroyed their strategic targets—notably their nuclear development installations—they would be defeated. They know this and it could be a strong deterrent to their entering a war against us. People around the world would cheer if we knocked out Red China's future potential as a nuclear power."

My next question was: "Then why don't we invade North Vietnam and blockade Haiphong?"

He grinned. "We try to build the illusion that this is *not* our war, that we are cooperating with friends—which we are. That illusion would be destroyed if we formally declared war against the North. But although this is essentially an Asian war, it is actually our war—a war to protect our national interests. A Communist-controlled Asia would be a real threat to those interests. Yet unless we do declare war against the North, we cannot *legally* invade or blockade.

"We do not have to fire shots to blockade. We merely tell the Soviet Union, Red China, Britain—whatever nation is delivering supplies to Hanoi—to keep their ships out of the area, if they do not want them damaged or sunk. This would be an effective deterrent.

"We have to be credible. Because of our present position of weakness, neither Hanoi, nor the Soviet Union, nor Red China believes us. They do not believe that we are *determined* to win.

"China entering the war physically would be abhorrent to Hanoi because they would overrun the North. They would probably pretend that their armies were comprised of volunteers, as they did in Korea, but this would make no difference if we were *legally* at war with the North.

"How about the Vietcong in the South?" I asked.

"They would dry up on the vine," answered General Decker. "Without supplies from the North and/or the Soviet Union and Red China, they could not continue to fight. Right now they have trouble getting recruits from among their own Southern people. They have had to draw on the North for 'recruits.'"

"Then you do believe that the only answer to sure and quick victory is to go 'all-out' to win right now?"

He nooded. "Now our stated policy is that we do not want to destroy the Government of North Vietnam. Invasion might do this—but not if we handled things as General MacArthur did in Japan. We could make a treaty with Hanoi and place restrictions on their aid to the Vietcong among other things. They would have to abide by that treaty, whether or not they wanted to, because we would police them."

"General Decker, would you mind elaborating a little more on why Red China would not enter a war against us if we invaded North Vietnam?"

"Well, there are a half-million Nationalist Chinese troops on the island of Taiwan. I saw them practice maneuvers—and they are excellently trained soldiers and airmen. They are eager to take a crack at the Red Chinese. In case of war, we, of course, would have to transport them to the mainland of China. But in the doubtful event that we are in a formal state of war with Red China, such a move would be routine.

"I don't know how nervous mainland China would be about this threat from Taiwan, but the threat is not inconsiderable—in a pracical physical sense."

General Decker's personal attitude is, in summary: "We have never won the war in Korea—because of our methods. We are not winning in Vietnam for the same reason. If we are going to fight a war—we should fight it."

General George Decker should certainly know whereof he speaks. As Commander of all United Nations troops, including those of the United States, in Korea for two years his experience is firsthand.

Another officer with great firsthand experience is Air Force General Thomas S. Power, who not too long ago was Commander-in-Chief of the Strategic Air Command. In fact, as Vice Commander of SAC under General Curtis E. LeMay, he was responsible, along with his boss, for building the command into the world's most powerful strategic force. This was accomplished within six short years. Today, SAC remains the world's most potent force for peace, since no potential enemy of the United States would dare to challenge its power.

Apart from his combat duty of North Africa and Italy as a B–24 pilot with the 305th Bomb Wing, during World War II General Power was also Commander of the 314th (Very Heavy) Bomb Wing in the Pacific. He directed the first large-scale B–29 fire-bomb raids on Tokyo. He was also Commander of the Air Research and Development Command (now the Air Force Systems Command). In 1959 he was presented the Air Force Association's H. H. Arnold Award as "Aviation's Man of the year."

His decorations include the Distinguished Service Medal, the Silver Star, the Legion of Merit with one cluster, the Distinguished Flying Cross, the Bronze Star Medal, the Air Medal with one oak-leaf cluster, the Commendation Ribbon with one cluster, and the French Croix de Guerre with palm.

I asked General Power: "What would you do to end the war in Vietnam—fast?"

"First I'd close the port of Haiphong," he answered, "and then I would keep going until the works of man were literally destroyed. At any time along the way, the North Vietnamese could end the war—if they wanted to. All they have to do is say: 'We will stop the killing in South Vietnam. We will get out of South Vietnam.' And the war would end at that minute. They have complete control over ending the war."

"So if you were in command, what specifically would you do to convince Hanoi that their goal was futile?"

Without hesitation, General Power said: "I'd destroy the works of man in North Vietnam."

"You mean, all strategic targets?" I asked.

"I mean *all* targets. *All* the works of man." He paused and then stated emphatically: "If you show them that you mean what you say, you're going to defeat them."

"Do you feel that they think we mean what we say right now?"

"Well, right now we're doing things in a very restrained and moral way—but in this way we lose the psychological impact. We cause the enemy to think he can survive, because someday we'll be forced to quit due to internal pressure.

"And of course all these damned fools here in this country who are creating the wrong image—one of weakness—cause Ho Chi Minh to think that he is going to win this war in Washington. And this is what keeps him going."

"How would *you* change his mind?"

"I think the thing to do is just increase the level of pressure on him—so that he'll be damned well convinced that these knotheads in the United States who are so loudly protesting for peace are not going to be able to stop our actions. Because those actions will be coming at him too fast for him to be encouraged.

"The worst thing you can do in a war is to fight it piecemeal—because then you encourage the enemy to keep going. And we're piecemealing the whole thing right now. I think we're winning, but very slowly. The enemy can't take all that pounding day after day and not be somewhat discouraged. But air power—and any other power—is not being used properly in North Vietnam. We're piecemealing it.

"One of the lessons we learned in World War II was: never go back to a target: In other words, you're going in to destroy it—so destroy it. For two reasons: one, it saves your life—you don't have to keep on going back into that flak again and again. But the second thing is: the psychological impact of destroying a target—all at once, for good. This has a tremendous impact. Now if the enemy survives an attack, this kind of gives him hope that he'll survive all attacks—which, psychologically, is bad."

"If our Government acted on your advice, how soon do you think the war would end?"

General Power paused. "It would depend upon the condition the North Vietnamese are left in. There's not too much in their country to begin with. But after all, they have to have something—they have to have food. So if you closed their ports and then *really* hammered them—that war would be over, but quick!

"My only point is this—and this is a crude example: if we leave Ho Chi Minh sitting on a broken down orange crate with his bare butt sticking out of his ragged trousers while he looks over his whole country in ruins, then he would have to ask himself: 'Well, Little Man, was it such a good idea after all to invade the South?'

"I think we ought to ask him if he'd like to be in that position.

"And if he *does* end up in that position, I think we ought to tell all other potential gangsters who are trying to grab countries, such as Thailand, for instance: 'Take a look at Ho!' This is what can happen to you. This is no child's play. We're just not going to let you get away with aggression. And if you try, here's what will happen to you. That's the way I feel about the war in Vietnam."

Another Air Force General, Frederick H. Smith, Jr., has equally strong feelings about the way the war in Vietnam is being fought. General Smith was Vice Chief of the Air Staff under General LeMay. His other credentials include: Chief of Staff, Strategic Air Command; Commanding General Eastern Air Defense Force; Vice Commander, Air Defense Command; Commander, Fifth Air Force; Commander, United States Forces in Japan; and Commander, United States Air Forces in Europe. He has been awarded 14 major decorations, several of them with clusters, and is a keen, earnest student of military history.

How does General Smith feel about our present tactics in Vietnam?

"The war could continue for years if it is carried on at the present rate. We allow the North Vietnamese to get used to our bombing each time before we step it up. Then they get used to the step-up. And so it will go for a long, long time. Using this approach, at the very beginning we lost the element-of-surprise advantage that is vital to winning a war. That war would have been over in less than a year—if we fought it correctly at the beginning."

"What would be the correct way to fight it?" I asked.

His answer matched the answers of every other knowledgeable military man I had spoken with: "Blockade or mine the port of Haiphong. At least seventy percent of all supplies to Hanoi come through Haiphong and ancillary ports. Once the ports are knocked out, the main supply-load would be placed on a couple of railroads from mainland China—which could easily be knocked out at strategic points.

"Then there are the dikes and canals in North Vietnam which feed the rice paddies. If we knocked them out, the people would soon be without food—and give up. Once they surrendered, we could supply them with food, of course, and help them rebuild their agriculture and industry."

I asked: "How soon would the war be over if we did as you suggest?"

"A couple, three months—maybe less," he answered immediately.

"Would this apply to the Vietcong in the South as well?"

"Well, they would be cut off from supplies because Hanoi was cut off. We could then go all-out to pacify the Vietcong—divide, 'splinter' them. When the Southern villagers saw that we meant business, when they *knew* that we were fighting for them, then they would not cooperate with the Vietcong—who get their support by intimidation and terrorism. The villagers really do not care for the Vietcong—but under the pressure of threat they really don't know what else to do but support and supply the Communist guerrillas."

The question of small nuclear weapons came up, since General Smith is an expert in this field. He does not recommend their use—but feels that if we did use them the war would be over in a week, without any radiation danger either to the people of Vietnam or of the world. As he put it:

"The radiation effects would be local, they would not spread if we used small two-tenths-of-a-kiloton bombs in air bursts. Only the dust kicked up would be radioactive and soon would be dissipated harmlessly to the atmosphere. A nuclear ground burst, of course, would create a 'hot spot' at the site of the explosion. But you could get away with air bursts for specific targets.

"The public, including the press in general, doesn't know the difference between tactical nuclear weapons of low yield and strategic weapons of megatonnage yield. They equate both—and our own Government has laid the foundation for this belief by years of 'abhorring' the use of nuclear weapons. Now this present Administration *cannot dare* to employ even the smallest tactical nuclear weapons. It would take a new Administration, using a solid educational program on the subject, to be able to build up to the use of small nuclear weapons.

"Of course, if we did employ these small 'nukes' there would be a big fuss kicked up by Russia and Red China. But neither would dare attack us. They would know that we meant business. The Russians would try to harass us in Europe, of course, as they did in the situation that caused the Berlin airlift—but they would not want to start a global war over our use of small nuclear weapons in Vietnam. Neither would China want to start such a war. They know that the odds would be against them. Peking is extremely sensitive to the well-trained half-million troops on Taiwan. Before employing any small tactical nuclear weapons, we could make a big show of getting those troops ready for an invasion of Red China; we could openly build their efficiency even further by giving them practice in war-games. We could have a number of landing barges sitting in the Taiwan harbors. This would intimidate the Red Chinese leaders—who would expect an invasion of their homeland if they entered the war against us in Vietnam. But I don't really advocate the use of nuclear weapons—except for their element of surprise and to clear out the Demilitarized Zone in Vietnam."

Regarding the so-called Demilitarized Zone, which is used as a staging area by the North Vietnamese Army, General Smith pointed out that a tremendous saving in time, American lives and equipment could be accomplished swiftly by the use of low-yield nuclear bombs. One 20-kiloton tactical nuclear bomb would be equivalent in its effect to 16,000 sorties of tactical aircraft each carrying two napalm-tanks under its wings. If Hanoi wants to fight dirty, he feels, so should we. But we can do it without any dirty fallout of radiation—even if we used tactical nuclear weapons.

Still another Air Force General, one with three stars this time, who is bitterly critical of the way that our Government is waging the war in Vietnam is Lt. General Ira C. Eaker. General Eaker is an oldtimer with considerable military experience and insights. He has assiduously kept himself current on all aspects of world affairs, and especially on the war in Vietnam. General Eaker was Vice Chief of the Air Staff under the famous and forward-looking General "Hap" Arnold, the man who founded and developed the science of air supremacy. General Eaker was Commander of the Eighth Air Force in England during World War II. Later, he became Commanding General of all U.S. Army Air Forces in the United Kingdom. Following this assignment, he was named Air Commander-in-Chief of the Mediterranean Allied Air Forces. He has also been Chief of the Air Staff.

One of General Eaker's many citations reads: "His contribution was of major importance in the successful prosecution of the war against the Axis."

As regards the prosecution of the war in Vietnam, I'll let General Eaker speak for himself:

"Without question, Ho Chi Minh is encouraged to continue his efforts against us by the Vietnam war-critics in this country. His continued aggression is now causing more than 2,000 U.S. casualties each week.

"Having a few of our people give aid and comfort to the enemy appears to be a price we pay for fighting an undeclared war. Such criticism of national policy was not tolerated in World Wars I and II—and it probably would be muted now if we were officially and legally at war.

"Our civilian leaders have also said that they do not wish to build up a war-psychology in this country. This might bring irresistible pressure upon them to use more force than they presently desire to employ. Well, they can't have it both ways. They can scarcely expect all-out popular support when they themselves are not sure whether we are really at war.

"The most serious form of dissent and criticism of our tactics in Vietnam is the constant expression, in some quarters, of a morbid fear that our effort there may bring Red Chinese or Russian forces into the conflict. This hand-wringing, craven attitude is an open invitation for such an intercession. If the Red Chinese become convinced that our national leadership is palsied with fear and can be deterred from our just purpose in Vietnam, they will certainly invade there as they did in Korea.

"The clearest lesson from fifty years of dealing with Communists must be this: negotiate only from strength and with firmness. Our leadership should now issue an unmistakable warning that any Russian or Chinese forces which invade South Vietnam will be destroyed promptly."

Among the many points made to me by General Eaker, the following are most pertinent to our quick success in Vietnam:

1. "After our determination to go to war, subsequent decisions involved the forces to be committed and the strategy and tactics to be employed. These have been made by our political leaders, sometimes without—or heedless of—military advice. These leaders made such frequent and pleading proposals to the enemy to come to the peace table that Ho Chi Minh drew the natural conclusion that he was winning. At times our political leaders have appeared to be palsied by fear of world opinion, or of what Russia and Red China would do. The Israelis recently demonstrated that these need not be controlling considerations."

2. "Our political leaders elected to fight a land war, where every advantage lay with the enemy, and to employ our vast sea and air superiority in very limited supporting roles only."

3. "Surprise, perhaps the greatest of the principles of war (confirmed by the Arab-Israeli conflict), was deliberately sacrificed when our leaders revealed our strategy and tactics to the enemy. For example, they told the enemy that he need not fear invasion of North Vietnam. Whether or not we ever intended to invade the North, we should have employed every ruse known to the military art to convince Ho Chi Minh that invasion was imminent."

4. "The enemy was told also that we would not bomb populated areas, heavy industry, canals, dams and other critical targets—and thus sanctuaries were established by us along the Chinese border and around Haiphong and Hanoi. This permitted the enemy to concentrate antiaircraft defenses around the North Vietnamese targets that our Air Force *was* permitted to attack—greatly increasing our casualties. Missiles, oil and ammunition were permitted to enter Haiphong harbor unmolested and without protest."

5. "Unified command in the war zone, a necessity for military success as demonstrated in World War II and Korea, has not been established in Vietnam."

6. "U.S. political leaders have said that we do not desire to eliminate a viable economy in North Vietnam. This is tantamount to foreswearing victory—since a prime essential for military success is a viable economy. If Allied leaders had pursued such a policy in World War II, Hitler and Tojo might now be in charge of Europe and the Pacific nations."

7. "The Vietnam war is costing Russia about one billion dollars a year (at the dubious Russian established rate-of-exchange). It is costing the Red Chinese even less. The United States is spending more than twenty-five billion dollars in Vietnam annually. And the Allies are suffering over ten thousand casualties a month, of which about seven-or-more thousand are Americans. The Kremlin and Peking obviously look upon Vietnam as a very profitable venture in the overall East-West conflict. They can be expected, therefore, to insure that it continues so long as it proves profitable."

8. "Our leaders have elected to remain on the defensive in Vietnam. If we had stayed on the defensive in Korea, we might still be fighting there. If the Israelis had remained on the defensive in the Arab War, they would not have won."

What is General Eaker's recommendation to end the war in Vietnam quickly? It is exactly the same as the recommendation of every other experienced military expert with whom I have spoken: invade the North, close Haiphong and destroy every target that permits Hanoi to continue carrying on the war against us and the South.

One of the most astute of the military experts I questioned is Lt. General Arthur G. Trudeau, former Army Chief of Research and Development. His earlier assignments of importance, to name only a few, include: Commandant, Army War College; Assistant Chief of Staff, Intelligence; Deputy Chief of Staff for Plans, Headquarters, United Nations Command and Far East Command; and Commanding General, Headquarters, First Corps, in Korea. At present, General Trudeau is President of the Gulf Research and Development Company, Gulf Oil Company. He has been awarded a dozen important decorations for heroism and distinguished service.

Regarding the "threat" of mainland China and the Soviet Union, he said: "Red China doesn't bother me. They won't enter the war. They have too many internal troubles. And to support a war today would be beyond their logistic capabilities. Soviet Russia would not overtly enter the war either. They might try to harass us in many ways—to divert our efforts and energies. But again, their logistic lines would be impossible for them to support a war against us in North Vietnam."

With that big bugaboo cleared away, General Trudeau then proceeded to analyze the war situation in Vietnam as it stands now: "Two years ago, we could have quickly defeated Hanoi. When you decide to apply force—as we have decided to do—then you must apply it once and on as massive a scale as possible.

"But the way we're doing it is like someone suffering from a long illness that gradually gets worse. The gradual development allows the victim to become accustomed to more and more pain—so he learns to bear it. While if he were in an accident and broke a leg, or suffered an even worse, more abrupt shock, his tendency would be to give up. It's an 'unbearing' situation—because he was not prepared for it. In warfare, the element of surprise shock is vitally important. And we have not used that element in Vietnam."

"Is there any possibility," I asked, "that we can still recover that advantage of surprise and shock. How would you do it now?"

General Trudeau was thoughtful for several moments. "What would I do to bring this element into being again—although now it's late and much tougher to achieve? One, I would close the port of Haiphong. Two, I would destroy the rail communications between Hanoi and Red China. Three, I would cross the Seventeenth Parallel and set up a land army at two positions above the line to command passes and roads to the South.

"This would not be easy to do, but it's possible—if we controlled access to the sea, we could supply our troops by sea. It appears to me that we are already in control of the sea—if we wanted to make a point of it."

General Trudeau picked up a pencil and drew a map for me. He pictured the Chinese island of Hainon, on which Russian MIG fighters are based, safe from our bombs because we are afraid to irritate Russia and the Red Chinese. From the sanctuary of Hainon, the MIGS fly out to engage our tactical bombers and fighters. They've shot down far too many of our pilots as of this writing. But General Trudeau was not talking about control of the sea. "Our ships pass by this island at will right now. The Chinese have done nothing to stop us."

Next he drew the Vietnamese seacoast and indicated the positions of Haiphong, Vinh and a small mountainous area with a high point of 3,000 feet. The area is 150 miles north of the Seventeenth Parallel. He continued to draw in the Ho Chi Minh Trail and the roads that branch from it into Laos and Cambodia. Over these roads come a percentage of war supplies for the Vietcong from the two "neutral" countries. He indicated the position of a pass along the Ho Chi Minh Trail, which lies south of the roads and just below the 3,000-foot high-ground area. Finally, he penciled in the railroad from the Port of Haiphong to Longson on the Chinese Border, as well as another railroad that branched off from it at Hanoi to No Cay in China.

"Now," said General Trudeau, "if we make an amphibious landing of troops and settle them in on the high ground, they can control that pass and prevent supplies from going south to the Vietcong. Then we close Haiphong and destroy those railroads—to prevent supplies from China and anywhere else from reaching Hanoi. If we do this, the war will be over fast."

"How fast?" was my natural question.

He paused long and thoughtfully. "That's tough to answer. But let me put it this way: if we close off the enemy's supply lines as I suggest starting now, it would be a great big boost to the Democrats' convention next August. I am not saying that it would take that long for the war to end. I am just giving you a time-envelope so you can make your own deductions.

"Personally, I am a Republican—and I would hate to see the Democrats gain such a boost. They would win the election, probably. But I would like to see them do this right now—for the good of our country. The security and survival of the United States must not depend upon partisanship. It must cut across all political considerations.

"The war in Vietnam is not merely an Asian war to give the South Vietnamese a chance to govern themselves. It is much bigger than that. It is a policy war to stop those behind *both* the Bamboo and Iron Curtains. It is aimed at preventing both Russia and Red China from gaining their stated objectives—which are to defeat their mightiest 'enemy', the U.S.A.

"In this sense, it is a war of survival for us. And the sooner the people of the United States understand this, the healthier *and safer* we will be."

As to closing the port of Haiphong, General Trudeau believes that the easiest way would be to sink the North Vietnamese barges that are continually clearing out and deepening the port's shallow channels. The barges could be sunk from the air.

General Trudeau punctuated our interview with an indignant postscript:

"McNamara claims that Haiphong supplies only a small percentage—he says about fifteen percent—of war materials to Hanoi. He is simply *not* correct. A major source of supply is Haiphong. It's more like seventy percent."

Neither General Trudeau nor Admiral Arleigh Burke is alone in their censure of the Secretary of Defense. One very high military authority, who doesn't want to be named, told me: "Mr. McNamara has never made a major military policy, decision or forecast about the war in Vietnam that has been correct." Still another authority said of the Defense Secretary: "He reasons from a conclusion to a hypothesis."

A more bitter critic of the Secretary is Air Force Maj. General Gilbert L. Meyers, a man who has been intimately associated with the Vietnamese war. In fact, until about a year ago, he ran the air war both inside and outside of Vietnam. As Deputy Commander of the Seventh Air Force, he had the practical nuts-and-bolts job of not only managing the air strikes over the North but also of directing the Thailand-based B-52s in their bombing of the South. One of my Pentagon friends says of him: "Gil Meyers is the most knowledgeable man you'll ever find regarding the war in Vietnam."

General Meyers himself says of Secretary McNamara: "If you can't come up with a numerical figure that proves we're going to win, why he won't buy any plan or suggestion. He's always looking for evidence. And you just can't look at a war on a facts-and-figure basis. For example, Mr. McNamara uses a figure to show why we don't have to knock out Haiphong. He claims that in South Vietnam the Vietcong and the North's regulars need only a relatively small tonnage of supplies to continue the war. And that if we knock out Haiphong, they could still bring in that minimum amount of tonnage without any difficulty."

"Is that true?" I asked.

"*No*, it isn't true!"

General Meyers continued. "I think the best description I've heard about the way Washington runs the war in Vietnam was General Eaker's. The sum and substance of his comment was that in the past, wars were fought by the civilians and managed by the professionals. But in this war, it's being fought by the professionals and managed by the amateurs."

General Meyers certainly has the professional background to speak out authoritatively. He is a fighter pilot with many important credits and 22 major decorations and medals. He was Commander of the First Fighter Group, the first jet fighter unit in the Air Force. For two years, during the Korean War, he was Director of Operations of the Fifth Air Force. Under his command, the 368th Fighter Group was the first Air Force unit to land in Normandy during World War II. More recently, before he was assigned to Vietnam, he was Commander of the USAF Tactical Air Warfare Center. His personal philosophy of life is: "Initiative and hard work will solve any problem." This is borne out by his survival of almost 60 tough combat missions on which he destroyed tanks and gun positions.

What does General Meyers think we should do to end the war in Vietnam quickly?

"You go after the lighters that unload the ships in Haiphong Harbor. The water is fairly shallow up there and the ships from Russia, China and Eastern Europe have to anchor some distance offshore—which means that the lighters have to travel a considerable distance. They can obviously be intercepted and destroyed by our Navy and some of them by air. I don't see any reason why we'd have to come in contact with the ships themselves—if we're afraid of angering the Russians and Chinese—in order to destroy their cargo.

"And I'd keep going after those lighters until the enemy ran out of them, could not build any more. Then there are other important targets I'd hit. There's the Command Headquarters in Hanoi. The Air Defense Headquarters are there too. These are the kinds of targets, for example, that we hit all the time in World War II. And all I'm suggesting is that we use the same kind of targets in North Vietnam."

"So why don't we?" I asked.

"Well, that question defeats me. Of course, in Washington, the big bugaboo they talk about is a fear that the Russians and the Chinese will come into the war. I think that's ridiculous! Our civilian planners in Washington always refer to the 'increased risk.' Now, I'll admit that there would be some increased risk. But you have to qualify that risk. It's a one-in-a-thousand kind of thing—which is a heck of a lot different than if it were one out of two. Nobody has ever attempted either to qualify *or* quantify it. And as you well know, our Secretary of Defense is a great man for quantifications. He quantifies many other things. Why not this risk?

"Personally, I think that the greatest risk we ever took in the war was our initial attack against the enemy in the Gulf of Tonkin. If the Russians and Red Chinese wanted to come in against us, that was the time to come. Obviously, today, in Vietnam, we're in a much better position to fight the Russians and the Chinese if they decided to come into the war. But if they were afraid to come in against us earlier, why would they want to come in against us now? There are too many reasons against it.

"As far as Russia is concerned, she'd have to bring her troops in through Chinese territory—and obviously, the Chinese wouldn't let Russian troops come into her territory, I know. Sure, China would permit the Russians to support the war—just as she's doing now, with supplies and instructors. But Russia couldn't *really* do much about fighting us—not much more than she could do about our confrontation with her over the Cuban missiles.

"On the other hand, China is so occupied at home that she needs all the troops she's got just to maintain law and order within the country. So when you add these two facts together, I just don't see how there can be any chance at all of those people coming into the war against us."

If we fought the war as General Meyers feels it should be fought, how long does he think it would take to victory?

"Well, I'm going to estimate this on the long side intentionally. It would probably be much shorter than this—but I'd say we'd have it over in six months, at the most."

Hypothetically, if General Meyers were given complete command of the situation, what would he do?

"In the air war, I'd hit the North with everything we had. And in the South, I would give Westmoreland the ground troops that he needs to win the ground war. He's never been given what he's asked for. And I know this, though it never comes out publicly. I know what he thinks: I've talked with him many, many times about this. What we're doing now violates every principle of warfare that we in the military have ever known. For comparison take the Israeli-Arab affair. Israel got there 'firstest with the mostest'—and the war was over in six days. That's because they went all-out.

"You can't win wars necessarily by killing people. You've got to *overwhelm* the enemy. And when you overwhelm him, you kill fewer people than you do by picking at him day after day—as we do now. This has been my feeling all along. And Westmoreland and the Army people certainly feel the same way about this as I do.

"But you never read this in our newspapers. This is why I feel so strongly about the situation. It really hurts me to see American people over there dying unnecessarily. You have to understand all the little details—how the targets are picked, for instance—to really know how closely this war is being run from the White House and the Department of Defense. Every target, of course, is cleared with the President. I don't think the general public knows this.

"Let me give you an illustration: when Lyndon Johnson was sick with his first operation a year ago, we didn't get any new targets. I'll give you the mans name who told me this, but please don't use it. (It was someone exceptionally high up in Government.) I met him in Vietnam on a visit. And I asked him: 'Why aren't we getting more air targets?' And he said: 'Gil, you've got to remember the President is sick—and nobody wants to bother him.'"

My final interview was with Brig. General Henry C. Huglin. General Huglin is a military-political scholar and a specialist in strategic warfare. He was Deputy U.S. Representative to the NATO Military Committee and Standing Group from 1959 to 1963. He is a graduate of the National War College and a member of the Council on Foreign Relations, New York, as well as the Institute for Strategic Studies, London. At present he is Senior Military Scientist with TEMPO, General Electric Company's Center for Advanced Studies.

General Huglin's is the objective scholarly approach. He feels that we're coming along fairly well now in the Vietnam War—but not well enough. He told me:

"I think that several years ago we should have put on a lot more concentrated pressure with our air strikes—and I think that would have helped to defeat the enemy. Right now I would like to see the port of Haiphong mined—or closed off. And I would like to see more overall pressure used against Hanoi.

"I also think that we would have had the results we were seeking if we hadn't had the dissent in this country that Hanoi has misread into thinking that they could hold on a little bit longer—until finally the dissenters would prevail."

"How about mainland China and the Soviet Union?" I asked him.

"I'm not worried a bit about them. Never have been.

"Why should Soviet Russia take us on over Vietnam, when she didn't take us on over Cuba—where she was directly concerned? And China—belligerent though she is verbally—has been extremely cautious in actual actions wherever our interests or commitments are involved. And rightly so. Because things are so much different now than they were during the Korean War—where we were relatively weak. We are so very much stronger now. And China isn't any stronger today than she was during the war in Korea. Politically, she's much weaker. The atom weapons that she may have don't make that much difference. And she's not about to give us an excuse to launch even conventional air strikes against key installations that we would choose to strike. Such as her nuclear research center or her transportation system—or anything.

"We wouldn't have to fight a land war with China. And I don't think we would choose to do it. So I don't think there ever has been any real chance of China coming into the Vietnam War—although, of course, a lot of people have been worried as hell about this. Many of these are really thoughtful people, not merely peaceniks. But they just don't assess the situation the way I think that the Chinese *have* to assess it—before taking any action."

Thus General Huglin, from the scholarly point of view, is in agreement with everyone else I interviewed regarding the tenuous "risk" we would be taking if we went all-out to win the war in Vietnam. So why don't we win it?

(EDITOR'S NOTE.—The foregoing represents a body of opinion which, we feel, deserves to be and should be heard by the American people, who for too long have been given piecemeal and confused reports on the causes, the meaning, and the conduct of our war effort in Vietnam. While we recognize it is our duty to give this opinion a medium of expression, we do not necessarily concur with the conclusions of these respected retired military leaders. We invite your attention to another article in this issue, in which a very wide range of views on the war are expressed by leaders in a variety of walks of life. We feel that only by weighing carefully all the informed opinions that are expressed on this matter, and judging them in the light of our own knowledge, can we firmly decide in our own minds on the wisdom, justice, and efficacy of our course in Asia.)

CEASE-FIRE

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. McKNEALLY. Mr. Speaker, under leave to extend my remarks in the RECORD I am pleased to include the following address delivered by a former distinguished Member of the House, Hon. Hamilton Fish, Sr., before the Oak Grove Grange on September 26, 1969. Many Members of the House know Mr. Fish and will be interested in his point of view:

CEASE-FIRE

(Speech of Hon. Hamilton Fish)

Fifteen years ago, in opposing the SEATO Treaty before the Senate Foreign Relations Committee, I stated that the signatories would run out on us and leave us holding the bag, which they did, including France and Britain. I further stated that if we became involved in a civil war in Southeast Asia, and sent our armed forces there, "that the Communist Politbureau and the Communist General Staff would get drunk for a week, as they would like to keep our armed forces in the jungles and swamps of Vietnam". And that is exactly what they have succeeded in doing by draining our financial resources, killing 36,000 Americans and wounding a quarter of a million while they are taking over economically, politically and militarily, the Arab Nations in the Eastern Mediterranean area.

I am convinced that the time has come for constructive action to end the war. I believe in the integrity and sincerity of President Nixon in his determined efforts to end the war in Vietnam on the basis of a fair and honorable peace. I commend him for taking the first step by the withdrawal of 25,000 American troops from Vietnam and believe that within a year, it will be reduced by 100,000. But why continue the killing of American soldiers, those of our allies in Vietnam for a single day in this tragic war; the longest in the history of the United States and the fourth deadliest.

I urge President Nixon to offer a cease fire by all our Armed Forces and those of the enemy without any reservation of any kind on the basis of the status quo. This should be done not later than November 11, 1969—Armistice Day. Such an offer by the President would be welcomed by most Americans, except a few militants who insist on all-out victory regardless of the cost in lives. It would be acclaimed by all neutral nations as a definite act by the United States to secure peace in Vietnam and to stop the bloodshed.

If North Vietnam and the Viet Cong turn down a peace offer based on cease fire, then all the neutral nations will place the stigma for any continued fighting and killing upon the Communists in North Vietnam and the Viet Cong. There may be some risks but there are always risks in war. But as a former member of Congress, I think they have been grossly exaggerated and am inclined to think that many of our top Generals would favor a cease fire. Actually, a cease fire may be a military advantage for us, as a major part of North Vietnam is a sanctuary against air bombing. If more North Vietnamese troops invade South Vietnam or Laos, they would be a constant target for our bombing if the war of attrition continues.

If President Nixon publicly urged a cease fire, it would stop all Vietnam War sniping going on in the United States and change overnight our prestige and influence with the free nations of the world. "Blessed are the peacemakers, for they shall be called the sons of God."

Speaking to one of the largest Granges in the Hudson River District, I know that all Grangers are interested in the preservation of freedom and peace. I urge the Congress to adopt a constructive policy that no American citizen or his family, shall go hungry, if he is willing and able to work. We have large surpluses of food available. Americans and their families should have preference over foreign hand-outs. If necessary, foreign aid should be reduced to provide food for our own under-fed citizens.

I disapprove of the recent proposal of Senator Goodell of N.Y. to have Congress cut the funds for our armed forces in Vietnam by the end of 1970. This proposal would be playing into the hands of the Communists and would undermine the peace conference at Paris.

If a Cease Fire is agreed on, it may take a year or more to finalize peace terms which will afford time to the armed forces of South Vietnam to be trained and equipped on a larger scale.

The American people want to stop the fighting and killing at the earliest possible time with honor. As a member of the Foreign Affairs Committee of the House of Representatives for 25 years, I hope President Nixon will give these suggestions his constructive approval to end the war on a fair basis. The greatest Christmas present that President Nixon could give to all Americans, regardless of partisanship, would be an immediate Cease Fire agreement in Vietnam.

THE ALASKAN NATIVE STORY: AN INDIAN CHIEF SPEAKS

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. EDMONDSON. Mr. Speaker, last week a subcommittee of the House Committee on Interior and Insular Affairs traveled more than 3,000 miles in and across Alaska, seeking facts regarding the Alaska native claims question.

An impressive witness was Alfred Ketzler, president of the Tanana Chiefs Conference.

The Ketzler statement tells a great deal about the origin of the native claims and the legislation now pending before the Congress. The text of that statement follows:

STATEMENT OF ALFRED KETZLER

My name is Alfred Ketzler. I was born and raised in Nenana, Alaska. I am president of the Tanana Chiefs Conference. First, I would like to tell about the Tanana Chiefs Conference.

The Conference was organized in 1962, shortly after statehood and long before the discovery of oil. A number of people in Fairbanks and Nenana got together and discussed the sure and gradual loss of the native land around the homes of people present at the meeting.

We asked ourselves: Was this the same all over Alaska? We had no way of knowing. We then decided to call a meeting of villages at Nenana. The Nenana Native Council had dog races and a potlatch scheduled for early March.

In mid-February, we wrote a letter of invitation to 30 villagers in Interior Alaska. Of these, 10 responded to the meeting which was held in early March.

At this meeting, we found the land problems to be similar in all the villages. It was decided that we would hold a meeting at Tanana and we would invite all villages to attend. At Tanana, where the Tanana and Yukon Rivers meet, Athabascan Indian chiefs traditionally met.

The Nuchulayya, meaning both the location and the meeting, was the seat of government for all the Interior Athabascan tribes.

We decided to revive the meetings and called the Tanana conference for late June of 1962.

Thirty villages responded to our invitation. At that time, I stated that main motive for the meeting was the land problems. Other topics under discussion included hunting, trapping, and fishing rights, as well as educational needs.

Each village attending the meeting was represented by the village chief or a representative appointed by him. A name, Dena Nena Henash, was selected. The Interior Athabascan Indians were once again joined into one central organization.

The name of the organization has since been anglicized, now being called the Tanana Chiefs Conference. When the Conference was formed, there was yet no statewide organization which would represent all the Alaska Native Peoples.

Four years passed by. Other regional associations were formed. As greater challenges were made to Native owned lands and subsistence rights held by Natives, the need also grew for a statewide organization.

This need was fulfilled with the organization of the Alaska Federation of Natives in 1966, with which we are affiliated and through which we seek a settlement of our native land claim.

The Tanana Chiefs Conference supports legislation proposed and authored by the AFN and their counsel.

We support all proposals included in the A.F.N. legislation: $500 million as compensation for lands lost prior to the enactment of the bill, 40 million acres in fee title, and retention of a two per cent overriding royalty, and the creation of native owned and native operated development corporations as specified in the A.F.N. legislation.

Although we support the proposals, we believe that our claims do not ask for the full measure of what we deserve. When Alaska Natives first began to push the claims, we thought that the figure of 80 million acres was not enough land to support our people. Should we have asked for as much land as each village historically used and occupied, the figure would have vastly exceeded 80 millions of acres.

When we began to discuss the 80 million acre figure, representatives of the Interior Department and the State of Alaska said that such a claim would be unacceptable; we compromised at 40 millions of acres. The attachment of the Native people to the land is so great that they would reject any of their leaders who attempted to compromise further.

Native people have been told that we do not have a title, a piece of paper which asserts our ownership to our lands.

We believe our ownership and our ties to our land far exceeds any deed. We never did need any document to tell us the land is ours. This we have always known.

It is true that we have fished, and hunted, and harvested our livelihoods from the land, as did countless generations of our people before us. This, with our instinctive feeling of ownership, tells us that the land belongs to us.

We need the land for other reasons, too. We would like to establish a very long-term economic base with our land. It is our belief that we must receive the amount of land which we request so that we may retain a share of the benefits from our land.

It is our belief, also, that we should receive a fair land settlement, so that what we receive will be equal to the true value of the land with respect to future development. In this way, we hope to insure a permanent settlement.

This is also why we ask for the two per cent overriding royalty. Our ancestors maintained a share in the land; we now claim a share to the land; we want our children and their children after them to retain a share in the land.

This we feel can be done if we receive a 2 per cent overriding royalty.

Should you render justice to the Alaska Native, in granting us the full amount of money, the full amount of land, and the overriding royalty, you must also allow us self-determination in managing our settlement.

We present our case to the Congress of the United States so that we might avoid the legal entanglements involved in going before the courts. To further avoid entanglements and the complications of federal bureaucracies, the administrative patterns of the settlement must be developed by Natives.

The major property interests must be held by Natives, and not by state or federal agencies. Those who are the owners must have the greatest say. The royalty benefits must be spread widely, but with full regard to private property concepts.

The legislation which we have authored and proposed through the AFN is designed to utilize modern corporate forms, so that we will be able to compete along with anybody else in a capitalistic society.

Among the most important aspects of our bill are the safeguards which are therein provided. The Alaska Native Commission is such an example.

You have heard other than myself who have told you of how our people used and occupied more land than that which we request. I hope that you can now understand, that even by the most conservative estimates, we request only from five to ten percent of the true worth of our claim.

Please give the matter of our claim the most serious consideration. It is the final opportunity for justice—both for the Nation and for our people.

Thank you for the opportunity to present you with this statement.

KENT UPHELD IN HANDLING SDS TROUBLE

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. LUKENS. Mr. Speaker, a recent survey conducted at Kent State University in Kent, Ohio, revealed that 81 percent of its students and 91 percent of its faculty approved firm handling of SDS disruption on their campus.

I think these are interesting statistics highlighting the fact that the broad body of students and faculty at Kent State are fed up with the radical tactics and goals of SDS. It is heartening news when one may wrongly interpret from the media that universities are ready to spawn revolution.

I include an article from the Cleveland Press on October 7 which details the results of the survey of Kent State University:

KENT UPHELD IN HANDLING SDS TROUBLE

(By Bud Weidenthal)

A survey at Kent State University shows 81% of its students and 91% of the faculty approved of calling police to put down a Student for a Democratic Society disruption on campus last spring.

The findings are contained in an opinion study conducted by a Columbus firm.

The cross section sample of more than 600 students showed that 54% approved of everything the KSU administration did in reacting to the SDS incidents.

The encounters came to a climax when about 50 student radicals smashed their way into a campus building to break up a disciplinary hearing involving some of their leaders. Fifty-two students and outsiders were arrested.

The firm of Goettler and Associates reported to KSU president Robert I. White that 64% of the students were critical of "communications between the administration and the students." But that 90% felt that the incidents were "primarily related to national problems and not specifically related to Kent."

Of campus activities protested by SDS, 87% of those interviewed favor continuing Reserve Officers Training Corps (ROTC) in some form on campus, 91% favored continuation of the law enforcement training courses and 80% had no objection to criminal investigation research projects.

The report said in general that "the overriding conclusion is that the majority of students and faculty are quite satisfied with Kent State University."

It found that students believe "racism, racial problems and racial prejudice are the most important issues facing the American people today." The Vietnam war was second.

A DAY FOR THE HISTORY BOOKS

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. UDALL. Mr. Speaker, it is obviously too early to know what long-range significance will attach to the Vietnam moratorium observance held on October 15. However, the assistant managing editor of the Tucson Daily Citizen sees it as possibly the beginning of a new force in American political action.

Three days after the event Tony Tselentis wrote an article for the Citizen which I think is eloquent in its description of what occurred in Tucson that day. I should like to call it to the attention of my colleagues. I insert it in the RECORD at this point:

A DAY FOR THE HISTORY BOOKS

(By Tony Tselentis)

"Beautiful, you're beautiful," the speakers told the crowd during the downtown segment of the Vietnam Moratorium.

And the predominantly student crowd indeed was beautiful in its behavior.

They came, several thousand strong, to make a peaceful protest and fulfilled their mission to a T.

They were dignified and disciplined. In view of much that has gone before, this does add up to beauty.

They exercized their rights of assembly and free speech without infringing on the rights of anyone else.

They said their aim is to preserve the nation—though many believe their action could lead the other way.

There's nothing wrong in arguing with their logic. But there's everything wrong in questioning their patriotism.

These participators in the Vietnam Moratorium were to a large degree the sons and daughters of Tucson.

When the day's activities were over, many of them went home out Broadway, out East 5th, out Speedway, out First Avenue, out Oracle Road, out South 6th Avenue and out the other routes that Tucsonians take home.

What did they and their counterparts throughout the country accomplish?

The answers are varied. The pros say it was a success—that the Vietnam Moratorium will lead to a greater national mandate for peace. The antis say that either nothing has been changed or that the days of peace has been retarded because the enemy will draw new strength from the moratorium.

Each person saw the day through his peculiar perspective. For some, it was dressed with sunshine and hope; for others, with darkness and foreboding; for others, mixed feelings; and still for others, puzzlement—detached questioning.

One conclusion is certain: Oct. 15 will not be forgotten.

Although there have been large-scale peaceful protests in this land before, there never has been any quite like last Wednesday's.

The jury will be out—perhaps for a long, long time—on what effect the Vietnam Moratorium has on the war.

When the answer is known, it will go into the history books.

Probably an even larger effect than what Oct. 15 meant to the Vietnam War will be what the day meant as the crucible of a new force in American political action.

SOUTHWEST WOMEN'S ASSOCIATION FOR FINE ARTS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. ZWACH. Mr. Speaker, too often in this day and age, many people think there is a lack of initiative in rural America. And yet this is not so. Rural Americans are doing more for themselves than ever before. A perfect example is the Southwest Women's Association for Fine Arts, which is located in my district, in southwestern Minnesota. This organization is working to bring exceptional talent to its communities.

So that all may know of how rural Americans are working to bring the arts to their communities, I hereby insert a letter to the editor of the Redwood Gazette written by Mrs. Thomas Ehlers, which explains the organization:

TO THE EDITOR:

A year and a half ago a group of women from 19 counties met to discuss how we could enrich our lives in rural America. Mrs. James Flinn and I represented Redwood county. All present agreed that our small communities guaranteed the most peaceful and rewarding mode of living in America, with the exception of live entertainment and enjoyment of the fine arts. Other than the impressive concert series held in most all of our communities, we had very little culturally to offer ourselves or our children.

The Hill Foundation had very generously offered to help fund a rural organization that would work to bring exceptional talent to rural communities. We found, also, that a certain percentage of our tax dollars on both a federal and state level were available for such activities. (Metropolitan areas had made use of these government funds for many years, while the money from the rural areas had sat untouched.) Thus, having the necessary funds, we organized together to form Southwest Women's Association for Fine Arts (SWAFA). We are the first such organization in America, and many communities, all over the United States, are watching the growth and success of SWAFA, hoping to copy our example.

The past year SWAFA has sponsored four presentations of the Minnesota Orchestra, 118 performances of professional theatre (the majority being given to high school audiences), and numerous art exhibitions. We have, thus, brought outstanding artists and talent to deserving communities all over southwestern Minnesota.

In May of this year, SWAFA held a charter membership drive, with 650 women joining. Seventy-five of these women joined the Redwood Falls SWAFA chapter. This month we are having a second membership drive, which will terminate with a big Redwood SWAFA kickoff, for all members, October 27. We wish to extend an invitation to join SWAFA to all of the women in this area, especially those that live in communities outside of Redwood Falls. We have many wonderful programs and opportunities planned for the months ahead, and we want our efforts to be enjoyed in every community, no matter the size.

Anyone interested in belonging to SWAFA may do so by contacting our membership chairmen, Mrs. James Wetherbee, 501 Veda drive, Redwood Falls. There is a $2 membership fee.

Sincerely,

MRS. TOM (SANDY) EHLERS,
Publicity Chairman.

NIXON ADMINISTRATION AND VIETNAM

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. CHAMBERLAIN. Mr. Speaker, two recent editorials broadcast by WJIM–TV of Lansing, Mich., were devoted to Richard Nixon's handling of the Presidency, both generally and with regard to the situation in Vietnam. I believe these two statements offer a particularly well balanced view of the first months of the new administration and deserve to be carefully noted by all observers of the national scene. I, therefore, insert them at this point in the RECORD:

EDITORIAL

SEPTEMBER 18, 1969.

The political columnists profess to be confused by the Presidential performance of Richard Nixon during his initial eight months in office. This, we believe, is a sure sign he must be doing something right.

Columnists like labels. They're handy and all-purpose and take thinking out of their work—thinking, they find, is difficult at best.

Try as they may, they can't put a label on the man currently occupying the White House.

Early in the game they tried out the "conservative" tag—then further confused them by proposing the most far reaching and liberalized tax reforms in the nation's history. So they went back to the thesaurus and trotted out the "hawk" label—then lo and behold, for the first time in this decade Nixon became a President who took troops *out* of Vietnam instead of putting more in.

Now, the Restons, the Alsops and the Novaks were really concerned—lights burned late in Georgetown libraries and overnight the word for Nixon became "flexible." Well, maybe this time they've hit it right. In desperation the pundits have settled on the non-label and admitted they just can't classify this President with their typical, simplistic transparency.

As far as we're concerned that's first rate. It's also what the country wants in a President in our estimation. A man who works hard at the job every day, who changes and shifts as conditions change—a man *for* all seasons, because he is a man *of* all seasons.

OCTOBER 9, 1969.

The nation's two major newsweeklies are on the stands declaring, as if with one voice, that the country is heading into a Winter of discontent. Indeed, there are indications aplenty that the coming months will vex, try and perhaps decisively test this nation and its President of less than a year . . . Richard M. Nixon.

On October 15, unless current predictions widely miss the mark, we will witness the greatest anti-war demonstration in America's history.

And now, finally, in this gold and crimson autumn, over a decade since the first fatal steps were taken in Southeast Asia . . . it is Vietnam that is "Topic A."

The latest polls demonstrate conclusively the majority opinion ranging across the troubled face of America is that ending the war is our major national concern. So while there is a wide spectrum of expression on *how* to bring the war to a conclusion there is no longer any doubt that Americans are united in saying "get it over with."

WJIM believes this singleness of purpose . . . this unity . . . can be a source of national strength, welding together, even in fiery disagreement, the frayed, steel nerve ends of a divided national purpose.

On October 15, in our judgment, the key word should be "Understand" . . . now that we know the goal is "end the war", each of us, and each group of us, should think on October 15 about trying to "understand" the point of view of those who approach the identical goal from a different direction.

President Nixon certainly wants to get this country out of Vietnam . . . and in our judgment, criticism of his policy has been immoderate and thoughtless. Eisenhower, Kennedy and Johnson each increased our commitment in Vietnam while failing to establish goals and priorities. Nixon has reversed that trend, he is taking American troops out of Southeast Asia and has clearly indicated his intention to keep doing so.

AMERICAN PROPERTY SEIZED BY BOLIVIA

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. THOMPSON of Georgia. Mr. Speaker, the news coming out of Bolivia over the weekend which indicated that the property of Gulf Oil Co. is being seized is a further indication of the continued deterioration of American prestige throughout the world. According to the chairman of the Subcommittee on Foreign Operations, the gentleman from Louisiana (Mr. PASSMAN), foreign aid has cost America more than $175 billion since 1946. And, yet, we allow countries such as Bolivia to seize American properties. These countries then set up a commission to determine the worth of the properties with the thought that at some indeterminable future date partial compensation will be paid. But in the meantime, those Americans who have had their property seized are the losers. I have today written the chairman of the House Foreign Affairs Committee and have asked that consideration be given to including a clause in the foreign aid bill which would require the immediate cessation of all American aid and loans to any country who seizes American property unless they have first made adequate compensation. The mere promise that at some indeterminable future date compensation would be made would not satisfy this requirement of law.

It is time, Mr. Speaker, that we stood up on our hind feet and told the nations of the world that we are not going to have our citizens kicked about and then continue to take taxpayer's money and give to these nations because of a device which holds out hope of payment for property seized.

THE ALASKAN NATIVE STORY: A YOUNG ESKIMO SPEAKS

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. EDMONDSON. Mr. Speaker, one of the most eloquent and moving witnesses to appear before the Subcommittee on Indian Affairs during hearings in Alaska last week was a young Eskimo by the name of Martha J. Sara.

A junior student at the University of Alaska, Martha Sara was a registered nurse at the age of 19 and director of an important State institution before reaching the age of 21.

Her statement was one of the most eloquent appeals for confidence in the young people of America that I have ever heard, and provides many convincing arguments in support of the native claims legislation.

The text of Martha Sara's statement follows:

DO NOT REFUSE US

(Statement of Martha J. Sara)

Mr. Chairman, members of the board, my name is Martha J. Sara. I'm an Eskimo. I was born and raised in Bethel. I'm a junior at the University of Alaska. My major is Sociology and I plan to go on and become a social worker.

On behalf of the Theata Club, which is an organization of native students on the University of Alaska campus, and on behalf of myself, I would like to say that I'm grateful for the right and am happy to take the responsibility to testify on behalf of the Native Land Claims.

Along with hundreds of other native young adults, I've taken the responsibility of becoming educated to better equip myself for our coming responsibilities in the management of our own affairs.

This is not an easy undertaking.

Although I am not the best example available, I will use myself. After high school I entered a school of nursing in Los Angeles. It was difficult for me because I had to overcome handicaps not faced by most American youths. I entered a different culture. Along with the dynamic process of learning what the school offered, I also had to adjust to new values and surroundings. I graduated and became a registered nurse at the age of nineteen. I was filled with a sense of accomplishment and I applied for employment at the Public Health Service Hospital in Bethel. Never before had they employed an Associate in Arts degree registered nurse—and so young. They had to get permission from Washington; permission was granted. I worked only one year when our community decided to open a Prenatal Home in Bethel through the assistance of the Office of Economic Opportunity. A Director was needed with the qualifications of a registered nurse. I enthusiastically wrote a letter of application even before applications were printed. I knew the people and a lot of the future clients having worked most of the year in the Maternity Ward in our hospital. To my delight I was hired. Complications arose, however, because someone pointed out that in order to be a Director of a Prenatal institution in the State of Alaska one had to be twenty-five years old, and I was not yet even twenty-one. Letters were written on my behalf and permission was granted from Juneau for me to keep and fill the position. The funding was unsure because the deadline for occupancy was nearing and the building was unfit for expectant mothers as far as the State Sanitarian, State Fire Marshall, and Child Welfare Institution Directors were concerned. Complete renovation of the physical plant and procurement of necessary equipment was urgent. Needless to say, I became an amateur painter, plumber, carpenter, electrician, diplomat, beggar, and petty larcenist. Local men did the plumbing, carpentry, and electrical work in conjunction with the BIA. Local boys under the Neighborhood Youth Program did the painting. Used furniture was procured from the hospital through GSA. Supplies were ordered and opening day saw us admitting our first lady! We struggled and worked for what we wanted and got it. Of course we had the assistance and backing of the agencies, but the native peoples involved made it work. We were competent and proved it.

I am here representing a body of eager, willing young adults ready to learn, work, and show our capability in the management of our own affairs. I am just one of many who are willing to struggle for an education, who are willing to work hard, the way we worked on the Bethel Prenatal Home.

We are not asking for all our land—just a portion of it and if you grant it to us, we will have to strive very hard because what we are asking for is less than what we believe is fair. But we are capable of striving very hard.

And how shall you refuse us? You who have centuries of learning, education, civilization, colonization, expansion, domination, exploitation behind you? How shall you refuse us?

Do not refuse us because we are young! In youth there is energy, drive, ambition, growth, and new ideas. Do not refuse us because we are young! For we shall mature!

Do not refuse us because we are undereducated! We are learning fast; and utilizing our newly gained knowledge, comparing and weighing the truths and benefits of this knowledge. We know that the 40,000,000 acres we are asking for will provide a minimum protection to hunting and fishing. We understand that we need the identification with, and the feeling for our *own land*. We also realize that we need this land as an economic base for our people. The land will be used as a commodity in our economic base. We can accomplish this with 40,000,000 acres. $500,000,000 is a lot of money. We understand what a vital role this can play in the economic base of our people. We realize that with proper and careful handling and investment of this money we can make it work for us. We do not plan to make improvements without first establishing a sound economic base which will provide for growth and return. After this is established, then we can begin our improvements. We will then be able to maintain and expand these improvements. We realize that we can not only benefit our people, but *all* of Alaska. All this for $500,000,000. Do not refuse us because we are still learning! For we are fast learning!

Do not refuse us the chance to progress! We too have a dream for the progress of our land. We hold a superior position to develop our country because it is our country, and we love it. We will be more cautious in its utilization—and I deliberately use the word "utilization" instead of "exploitation." We will weigh each prospect carefully to assure ourselves that we are making the best decision for our generation and those generations to come. We are not here to grab; we are here to live with the growth of our native land. Do not refuse us the chance for progress. For we too share the dream of progress.

Do not refuse us because you are afraid we don't have competent leaders! I represent a generation of paradoxes. We are paradoxes in the fact that we are the closest links to the parties farthest separated in this issue. One of these groups is our beloved elders whom we left back home only a short time ago, who, along with others, still cling to the old ways and depend upon the land for subsistence. Another group is made up of our able leaders, Native and White, who are presently in positions of decision. We are close to the old ones and the people back home because, having recently left them, their problems, worries, and fears burn deep in our hearts. We know what makes them happy; we know what can fill them with contentment; we know what gives them hope. At the same time we are close to our leaders in the fact that we are striving and aspiring to their positions of decision. Native young people are rising up to meet the demands and expectations of a foreign and sometimes hostile society. The day of our leadership is not too far off. When that day of fulfillment comes, I would like to think that we can proudly take our places side by side with the present leaders to direct the affairs of our own people. In their wisdom they can quell our fears, channel our energy, help shape our innovative ideas, direct our aggression, and interpret our anxieties. Together we can provide able leadership! Do not refuse us for fear of poor leadership! For we are capable leaders.

Do not refuse us simply because you purchased the sovereign right of our land! Our fathers since time began have paid dearly for our homeland every generation. They struggled against the harshest environment known to man and survived to teach us to do the same. Each generation paved the way for the next. Do not refuse us because you purchased this right! For our forefathers paid for it long before your forefathers had the money!

Do not refuse us because we are a minority! For this is America! We have proved in many ways that, not only do we take advantage of our rights and freedoms along with other Americans, but we are willing to, and have, fought equally for all its privileges. Our native soldiers fought and died for the United States in World War II, the Korean War, and in the present war in Viet Nam. As American citizens, we have equal rights and have taken on equal responsibility. So do not refuse us because we are a minority! For this is America!

In closing I would like to say that competence is something that has to be proven. And as young native adults we have demonstrated our abilities and are now proving it.

I would like to add that we are deeply grateful to you all for taking time out of your busy schedules to come and hear our testimonies. It is deeply appreciated. Thank you! Quyana caqneq!

HUNGARIAN REVOLT

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. CUNNINGHAM. Mr. Speaker, 13 years ago today, the world witnessed one of the most brutal episodes of modern times. The people of Hungary revolted against the Communist masters who held their nation in bondage.

While the world stood aside, the freedom fighters of Hungary—men, women, and children—were crushed beneath the treads of heavy Russian tanks.

The streets were red with blood of those whose crime was a longing to be free and a love of country. Some estimates of the slaughtered and executed reached 32,000. Another 200,000 fled.

Mr. Speaker, let us never forget these brave people who fought and died for freedom.

VIETNAM MORATORIUM AT THE UNIVERSITY OF IOWA

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. SCHWENGEL. Mr. Speaker, the Vietnam moratorium demonstrations on October 15 have evoked a good deal of emotion, both pro and con. Personally, I feel that peaceful dissent is part of our American tradition. Our Constitution gives us the right to make our views known through legal and reasonable methods. That right must be preserved.

Unlike the SDS demonstrations in Chicago recently, which were violent, illegal, and which cannot be tolerated, the demonstrations on October 15 were, for the most part, peaceful and legal. The right to dissent, however, should not be confused with the rightness of the dissenters. If they were demonstrating for peace, few people would argue. I want peace and I am sure all Americans do.

If the demonstrations were aimed at President Nixon's Vietnam policy, I think the dissenters were wrong, even though they have a right to say so. It is my belief that President Nixon is moving rapidly toward a peaceful solution to the Vietnam problem, and I support his policy, even though I feel we could move faster.

The moratorium resulted in a particularly delicate situation for the officials of our universities and colleges. The president of the State University of Iowa at Iowa City, Iowa, Willard L. Boyd, has done an excellent job of handling this problem and drawing a distinction between the right to dissent, and supporting the policy advocated by the dissenters. I would like to take this opportunity to share with my colleagues the memorandum which he issued on that occasion, together with an editorial from the Des Moines Register of October 9 respecting this policy:

OCTOBER 15, 1969: DAY OF INQUIRY

(Memo from the Office of the President—A statement to students, faculty, and friends of the university)

I believe that The University of Iowa should devote itself on October 15 to a discussion of the issues involved in the war in Vietnam. I urge departments, colleges and other University organizations to arrange for seminars and discussions throughout the University during that day. To facilitate such consideration of the issues, all University facilities not otherwise in use, including the Pentacrest area, will be available for these discussions. In this way, students and faculty members will have the opportunity to participate when they desire to do so.

I have been requested to suspend all classes on October 15. I decline to do so for two reasons:

(1) As a matter of practice, adherence to class schedules and the question of attendance have been primarily collegiate matters at this University. Neither has been a matter for the central administration in the past, and I do not feel that this practice should be altered at this time. The varying circumstances and needs of each college, in light of the special requirements of its diciplines, staffing, facilities and responsibilities, warrant the decentralization of such decision making in this University.

(2) Even if I felt that decisions of class schedules and attendance should be withdrawn from the colleges, I would not be inclined to suspend classes because of the internal civil liberties issue involved. Many faculty members wish to teach on October 15th, and many students wish to attend classes as usual on that date. They should not be denied an opportunity to do so. This institution has a special obligation to respect the rights of all of the many individuals on its campus with divers viewpoints and interests.

I believe that the existing scheduling practices of the colleges will permit widespread participation in the day-long collegiate and departmental discussions. By providing programs throughout the day, students will be able to attend sessions during their free hours. Because scheduling conflicts occur in a university of this size, faculty do on occasion cancel classes to permit students to attend important discussions which occur at the class hour. Makeup classes are provided for when the loss in time adversely affects the course plan.

The question of student class attendance is a matter determined individually by students and faculty members. Since October 15 is a day of personal conscience, I recommend that no student be penalized who fails to attend a class on that day because of his personal convictions. And where a faculty member cancels his classes and sets a future makeup date, I feel that none of his students should be penalized for inability to attend such a makeup class if he had been willing to attend class at the time originally scheduled.

It seems clear that October 15 cannot be considered as an isolated event, in light of announced intentions in the press with regard to moratorium action in November and December. Although I have been assured that there is very little likelihood that a two-day suspension of classes will be proposed for November, I feel we must face that possibility now. Moreover, there are other great issues which will face this country in the years ahead, and I believe that to cancel classes now would set a precedent with which we would have to reckon frequently.

At the same time, I believe that these great issues are the appropriate subjects of discussion on a university campus. Therefore, I urge the Faculty Senate, the University Calendar Committee, the Student Senate and the collegiate faculties to consider carefully in the period from now until November what the proper University policy should be which will afford opportunity for discussion of great issues and at the same time protect the rights of the individual members of the student body and the faculty.

Among the possible ways of affording discussion in the future would be to alter the University calendar in advance, so that one or more days would be set aside by the calendar each semester for discussion of national issues.

Another possibility would be to schedule an open hour once each week for this purpose.

Still another possibility is to increase the length of the academic year so that time for makeup classes can be provided. One problem posed by this alternative is that it would infringe upon the rights of faculty and students who wish to hold classes on the regularly scheduled day.

As with the agonizing question of Vietnam itself, there are no simple answers to these complex issues. They also cannot be realistically discussed without considering such factors as institutional autonomy and the politization of the University. Debate last week in the Faculty Senate, and letters and comment directed to me in recent days, clearly reveal great and sincere differences in opinion on such questions.

I urge not only the faculty and students of the University to listen to each other in the debate of October 15, but I urge everyone within and without the University to listen to the discussions.

WILLARD L. BOYD.

[From the Des Moines Register, Oct. 9, 1969]

MORATORIUM DAY AT THE UNIVERSITY OF IOWA

University of Iowa President Williard Boyd has done a commendable job of sorting out the issues in deciding what the university's role should be on the Oct. 15 Vietnam War Moratorium Day.

Boyd said he will not suspend classes. In this, he overrode a close 27–23 vote of the Faculty Senate which favored a one-day suspension. He said, however, that all university facilities not otherwise in use would be available for seminars and discussions about the war. He urged faculty members and students to take part in these meetings. He said no student would be penalized for not attending classes "because of his personal convictions."

This moderate policy probably won't satisfy extreme doves or hawks. The sharpest critics of the war may see the university as against them, because classes will be held. The stoutest defenders of the war will be unhappy with any university concession to the anti-war Moratorium Day.

The U. of I. president gave one strong argument against suspending classes. A civil liberties issue is involved, he said. Many faculty members want to teach, and many students want to attend classes. They should not be denied these opportunities.

The university is an institution which fosters the scholarly pursuit of truth. The scholarly goal often is in conflict with political goals, such as those of the war's critics. Scholarship requires the hesitant statement of opinions, the careful evaluation of alternatives and the qualified assertion of conclusions. Politics requires the quick retort, the brusque dismissal of criticism and the dramatic overstatement of one's platform.

Students and faculty members are both scholars and political actors. They should combine a reverence for scholarship and a zest for political action.

But they shouldn't confuse the two. They shouldn't distort the scholarly function of the university by seeking to make it an agent of political change.

U. of I. students and faculty members, as political men and women, should, if they choose to, take part vigorously in Moratorium Day activities. They should not demand, however, that the university, the steward of scholarship, become a tool of their political action.

President Boyd's ruling shows a wise understanding of the separation of academic and political functions.

RECOGNITION OF NATIONAL BUSINESS WOMEN'S WEEK

HON. JOHN MELCHER

IN THE HOUSE OF REPRESENTATIVES

OF MONTANA

Thursday, October 23, 1969

Mr. MELCHER. Mr. Speaker, this week is National Business Women's Week. It is a week during which we mark the accomplishments of American women in business and the professions.

We have by no means yet fully recognized the value of our women, and we continue to exclude them from many occupations and professions. We need to assure women of the same occupational opportunities that are now provided to men.

We Montanans, and Westerners in general, feel a particular admiration for women, who provide sound judgment and persistent work in the development of a good environment and a better life for all of us.

LOWERING OF THE VOTING AGE

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. LUKENS. Mr. Speaker, this November the State of Ohio will vote on whether to lower the voting age from 21 to 19. It has been a topic of not only State concern but of national interest in the movement to enfranchise young people.

A particularly reasoned and convincing argument for lowering the voting age to 19 comes from Mr. Chester T. Cruze, who is a State representative to the Ohio General Assembly. I think my colleagues would benefit from learning of Mr. Cruze's remarks. His comments not only apply to the State of Ohio; they have relevance for any government body's consideration of lowering the voting age to 19, a move that I heartily endorse.

I include Mr. Cruze's statement for insertion in the RECORD in full:

AMERICA'S YOUTH—TOO YOUNG TO VOTE?

On November 4, 1969, the voters in Ohio and New Jersey will be given the opportunity to amend their respective state constitutions, in Ohio enfranchising young people at 19, and in New Jersey at 18[1]. It has been a long fight in those particular states, and is a fight that will spread across the country in years to come.[2]

The real issue is: "Are 18, 19 and 20-year-olds really incompetent," and should the older generation "show them" that they must "graduate," not only from high school, but "mature" for three years before they can claim citizenship—or shall the efforts of those in Ohio, New Jersey and those other states who have manifested their political maturity be rewarded with that valued prize—the vote.

The history of the American franchise has been one of constant expansion ever since President Andrew Jackson in 1830 advocated the abandonment of property ownership as a voting qualification. The expansion of the franchise continued after the Civil War and proponents of expanding the franchise saw the passage of the 14th and 15th amendment to the U.S. Constitution which finally brought suffrage for the American Negro. The 19th amendment, fought for in the 1920's, brought the franchise to the American women and in the 1960's Americans again acted to enlarge the franchise by eliminating the poll tax as a qualification for voting.

In preparing the legislation, the fight for Women's Suffrage was reviewed and noted; opponents claimed women were too emotional and too stupid to vote. The dire results predicted have not materialized. It is obvious that similar charges against young people are equally fallacious.

There are two basic issues that ought to govern qualifications for voting. The first is that voting is a public decision, not merely a personal right. It is the act by which the people choose men to occupy public offices and to govern the community. From this point of view, the question is whether lowering the voting age will tend to produce an electorate that is superior to the present one and better qualified to choose honest and capable public officials.

The other issue is this: No segment of the community should be excluded from the electorate, if its rights and interests cannot be adequately safeguarded by an electorate of which it does not form a part.

Pro and con discussions are waged on a number of levels; some appealing to the intellect and others not. "If you're old enough to fight, you're old enough to vote" is perhaps the number one phrase used by proponents of reduced voting age, not because they see it as a super-relevant statement, but because it sells.[3] That is the job to be done, to sell the idea, on a non-partisan basis.

President Nixon in March 1969 stated the more relevant Pro reason: "I favor voting at 18, not because, as many say, "if you're old enough to fight you're old enough to vote but because you are smart enough to vote."

Today's young people are smart enough to vote, not only because of their formal education, but because of the areas of political involvement that are open to them. The public media of television, radio, the increasing numbers of politically oriented reading matter, etc., factors omnipresent in everyone's lives, sometime give young people, I am ashamed to say, a better understanding of issues and problems than many of their elders.

The average 18 to 21 year old is a high school graduate.

He has extensive knowledge of the world around him, and the breath of his knowledge and even of experience is far more than the great majority of our populace had during any previous generation—certainly for more than previous generations. People should acknowledge the product of excellence in education by bringing youth into full participation in public decisions.

A prime pro argument, seldom heard, is that in the immediate post high school years a young man will decide just which way he will go in his life. The U.S. Census Bureau backs this idea up and terms the years from 18–25 as "the ages at which adult roles and responsibilities are assumed". Not only can the habit of voting be matured in those important years, but a young person can discover a way to vent his political feelings, in a sedate and peaceful way—the vote. For example, New York Senator Jacob Javits notes that the political activism among 18 to 21 year olds is "all happening outside the existing political framework." Therefore, he and others of his persuasion, feel that enfranchising 18 year olds would bring that activism within the acceptable democratic framework for instituting social and political change.

In the same vein, Dr. Thomas E. Shaffer, Professor of Pediatrics at Ohio State University, feels that "a lot of irresponsibility (among 18–21 year olds) is the result of not being given responsibility in the first place." Thus, in his estimation, giving the vote to 18 year olds would be a vote of confidence in their ability to assume political responsibility, thus encouraging them to exercise such responsibility wisely.

Also several million young women and more than one million young men 18 to 21 years old have established homes and families but have no vote on the issues at city hall, the courthouse, or the capitol.

A more basic argument is that 18, 19 and 20 year olds pay taxes and in numerous areas of law are considered adults at present. "Taxation without representation is tyranny" applies to the twentieth century as it did to the eighteenth century. Young adults pay heavily in sales, use, gasoline and income taxes. Beyond the idea that the young help support government monetarily, it is easily seen that there is a legal inconsistency—seeing law enforcement as an adult province, while the privilege to vote is withheld as being beyond youth's capabilities. A person is responsible to the law—but not responsible enough to make law in the representative sense.

Most, however, are committed to it, because of the therapeutic nature it will have upon this country. In a society that is adding to its longevity but also to its youth population, the average age 27.7. Yet the average voter's age is 45. How can a nation sustain itself when such a large share of its population has no voice in choosing its government?

Though no organized opposition has yet formed, the "silent vote" is feared by all supporters of a lowered voting age, and it is there task to dispel words such as "ungrateful and immature". These words are currently being leveled at the younger generation, while they should actually be directed at the less than – percent who have earned such a name.

The Con discussion invariably begins with those persons who are in the political activision of 18 year olds dangerous tendencies that should not be given political expression. For example, they fear that 18 years olds would tend to vote for extreme leftist parties and issues, and presumably their vote could not be balanced by the more conservative votes of their elders. Some even see such philosophies as "anti-adultism" being translated into political policy. There is a hesitancy to unleash a new tool to those people in our society who riot, disturb the peace generally, and appear ungrateful to the past generations who so painstakingly constructed this country to be the finest in the world.

These same people who will vote against the issue see the further consequence of allowing persons as young as 18 or 19 to hold office or be inconsistent suggesting less than true confidence in the work of majority rule. However, the Founding Fathers felt that a person should be 25 years of age to be a U.S. Representative, 30 to be a Senator, and 35 to be a President, which certainly indicates they saw no major problem with an "inconsistency" between being able to vote for an office and actually holding one.

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[1] The authority of the states to determine voting qualifications is embodied in the 10th amendment of the U.S. Constitution providing that any power not specifically granted to the federal government, nor denied to the states, is reserved to the respective states or to the people. The 14th amendment protects against the denial of suffrage to persons twenty-one years of age, but it does not purport to set twenty-one as the legal voting age.

Every state, except West Virginia, has a constitutional provision setting an age qualification upon suffrage. Therefore, any state changes in the age qualification to vote would require a constitutional amendment in the other forty-nine states.

[2] Mexico may beat the U.S. to the punch giving 18-year-olds the right to vote. The change is now under study. President Diaz Ordaz likes the idea. He says youngsters today are better prepared to vote at 18 than his generation was at 21. More than 58 percent of Mexico's population is under 21. With youth clamoring for change, the President says, the vote could head off possible future violence.

[3] U.S. News & World Report disclosed that of the 34,000 U.S. Servicemen killed in Vietnam since 1961, about half of them were too young to vote in most states.

Tied to the issue, is concern from both parties that the new voters would register more in one party than another, a thought which is easily dispelled by several polls.[4] Partisanships on the issue, nevertheless is better kept out, placing country above party or personal gain.

The political question is really neutralized since both parties support it, but you will still hear that it is generally recorded by political scientists that newly enfranchised voters are, for a period of time, grateful to the party that enfranchised them. The Whigs made a big thing of it during the 19th century in England, as did the Republicans and then the Democrats in the United States in vying for the Negro vote.

The drinking issue too is drawn into the discussion, many persons being hesitant to vote for Vote 18 or 19 if it allows people that young to drink hard liquor. The fact here, is that the drinking age is determined solely by statutory enactment, i.e. acts of the legislature.

The pocketbook certainly cannot remain divorced from any political issue and we find this true with the voting age discussion. Many persons fear that the young voters would vote unnecessary and additional taxes—a thought buried by political scientists in Kentucky and Georgia, both states with 18 year voting.

It remains only to be said, that the reasoning of those who favor the lowered voting age is extremely logical, they look at the increased responsibility; the de-facto situation of the young person in this modern, complicated society. They stare in wonder at the change of society as every newer and closer (to them) generation states responsibility and they wonder why they are excluded. Is the age of knighthood, *"21"* an extremely arbitrary determination, to remain the institution it is? Will those who ask for a change be successful in persuading a majority of the electorate that it will be a competent and equitable change or will we force them to the streets.

THE AMERICAN HUNGARIAN FEDERATION MEMORANDUM

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. HALPERN. Mr. Speaker, the American Hungarian Federation recently circularized a memorandum to some of us in which this time-honored organization of Americans of Hungarian descent, uniting in its ranks most American Hungarian churches and associations, called for a restoration of voluntary prayers in public schools.

Several of my colleagues led by the distinguished gentleman from Ohio (Mr. LUKENS) discussed both the memorandum and the various constitutional amendments pending before the House Judiciary Committee on this subject in the form of a special order last Monday.

In the meantime the American Hungarian Federation also sent me an article written by its chairman of the board of directors, Rt. Rev. Zoltan Beky, D.D. some years ago on the regents case in the New York State Court of Appeals, insofar as the issue which appeared in the July 30, 1962 issue of American Hungarian People's Voice—New York—was the same than in the later Board of Education against Schempp and Murray against Curlett, 1963, cases of the Supreme Court and the author at that time was the bishop of the Hungarian Reformed Church of America. I include the article in the RECORD at this point:

PRAYERS AND THE DECISION OF THE HIGHEST U.S. COURT

(By Bishop Dr. Zoltan Beky)

The Supreme Court of the United States decided by majority vote that prayers used in the elementary and high schools in the State of New York for commencing the school day is in violation of the Constitution of the United States. This court decision shocked many million American citizens and many, including two former Presidents, numerous Senators and Representatives and countless ecclesiastical leaders raised their voices in opposition to the decision. Though this decision wll probably be followed by others by the Supreme Court we must still analyze: what does the separation of church and state, guaranteed by the Constitution mean in the American society of the Twentieth Century?

Those Protestants in favor of the decision of the Supreme Court point out that the prayer used in the State of New York was not a definitely Christian prayer and that the decision only bars the state educational authorities from prescribing to the public schools prayers which must be said by the students.

This view cannot be shared by us, Reformed Christians, but it is also impossible for us as American citizens, to share it as an interpretation of the United States Constitution, for it is not based on valid arguments either in practice, or in the light of history. The constitutional provison expressed n the First Amendment was written in an age where eight of the thirteen original states had an "established" religion which had the characteristics of a "state religion" vis-a-vis the other existing religions. The state was supporting this denomination financially, guaranteed its rights by state legislation. The other Christian churches were allowed to function but without the above rights, support and advantages. At the end of the 18th century state churches were common in Europe and the minority churches were either tolerated, repressed and in some cases, even eradicated. In order to avoid any such abuses the United States Constitution wanted to guarantee the freedom of all churches.

We must state clearly that in light of this historical development the recent Supreme Court decision violates the true meaning of the Constitution by giving preference to the followers of secularism (agnosticism), a minority in the American nation and society as against the followers of Christianity, Judaism and Islam. . . .

In practice, too, the new dictum of the Court is incorrect. For every area of life which will play a decisive influence in the life of the coming generation must form an organic part of the instruction material of the schools. Church, religion and ethics form such an extensive area in the culture of humanity that they cannot be written off as unconstitutional instruction material at the expense of the coming generation in America.

As Reformed Christians we cannot admit that the state can live without recognizing God. Faith is not a private matter as disbelief and free thoughts are not private matters either as it was proven by the example of those few families in New York who fought their way successfully to the Supreme Court against the prayers to be recited in state schools. If, however, the state expresses its disinterest in God, and in public schools no prayers may be said to the Creator, it will soon become a problem of conscience for Reformed Christian parents: in what kind of school should he send his children?

MAN AND HIS ENVIRONMENT: FROM HERO TO MONSTER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. DINGELL. Mr. Speaker, my good friend and coconservationist from the State of Pennsylvania, the Honorable JOHN P. SAYLOR, recently echoed my sentiments and concern over the problems of water pollution before the Pennsylvania Governor's Conference on Water Pollution Control held in Harrisburg, Pa. In a speech before the conferees, Representative SAYLOR pointed out that man in his heroic role as the conqueror of nature, has also become a monster as the great polluter of the environment.

There are many examples of man's monstrous use of his environment, but the three which our colleague picked out to emphasize with respect to the Nation's water supply are of particular concern to us in the Congress because we can do something about reversing the pollution buildup from these causes. Congressman SAYLOR called attention to the pollution resulting from highway and road construction, from the increased use of waterways by commercial and recreational vessels, and from agricultural uses. In a short speech, he has outlined the magnitude of the problems we face and pointed the way we should take to begin the cleanup job.

I highly recommend that all Members concerned with the problems of water pollution give this speech close attention.

The speech follows:

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[4] A George Gallup poll revealed the following breakdown:

George Gallup poll

[In percent]

21–29 years:	
Republicans	22
Democrats	38
Independents	40
29–49 years:	
Republicans	25
Democrats	44
Independents	31
50 and older:	
Republicans	30
Democrats	46
Independents	24

An examination of the results by other groups among those 21 to 29 shows the democratic party with an advantage in each case except among persons with a college background, where party allegiance is evenly divided.

Independents among young voters are found more frequently among men than women, white persons than Negroes, and the college-trained than persons with less formal education. The political affiliation of persons in their early twenties (21 through 24) closely parallels the results for persons in their late twenties (25–29), although the proportion of Independents is slightly lower among the older group.

SPEECH BY U.S. REPRESENTATIVE JOHN P. SAYLOR

It is hard to believe that anyone reasonably aware of the world about him is not also aware of the growing menace to the Nation's health and welfare caused by the pollution of the great natural resources of air, land and water.

Here on this continent man has been the conqueror and adapter—utilizing an ever more complex technology to develop a rich and comfortably affluent economy.

But almost unwittingly man has made the transition from conquering hero to monster. The very technology which has created so much of material good, is also destroying the natural environment.

Man has interfered with the balance of nature, his waste products have become a threat to the capability of this planet to support life, not only of man, but all life. The pressure of world population growth is a major part of the current ecological crisis.

It has reached the stage where it is a question of whether we can survive in the unstable environment we have created. We must rid ourselves of the belief that we can arbitrarily change nature—without accepting some unusual, unwanted, unexpected, and unexplainable consequences.

Water of at least reasonably good quality is essential for almost every necessary use, but is becoming increasingly difficult to secure. If we are to survive, the quality of the Nation's water resources must be protected and improved.

Municipal and industrial sewage and other wastes polluting the Nation's waters have become so obvious that they have received the attention of Federal, State and local governments. The effect of this combined effort is that at least a start has been made at controlling this menace to the environment.

However, there are less obvious sources of pollution potentials of equal importance to the deterioration of the quality of the Nation's water resources. I would like to discuss a few of them and consider what must be done about them.

A major problem affecting the quality of water today is silt and sediment being deposited in the Nation's waterways as the result of earthmoving activities of the construction industry, in particular highways and building construction.

In most instances the natural vegetative cover is completely removed or altered and bare earth is left for extended periods of time. Consequently precipitation washes loose soil, debris, and rocks into streams. These substances cause turbidity and vastly increase the problems of water users downstream in addition to causing undesirable deposits of sediment and silt. Treatment for domestic and municipal use is more complex, costly and variable.

There are 3.7 million miles of highways in the nation of which fourteen percent are urban, twenty-four percent primary and sixty-two percent are secondary and rural roads. It is this latter category which poses the major pollution problem. Much of the suburban community is included.

Excavations and fills in highway constrution alter the natural drainage patterns. In many cases the water table or aquifers are penetrated or exposed. At road construction sites it has been found that during a rainstorm, sediment yield is ten times that of cultivated and, two hundred times that of grassland and two thousand times that of forested lands.

It is imperative that erosion control measures be provided at road construction sites and provision be made for future run-off.

The U.S. Bureau of Public Roads can play an important part in this by its administration of the Federal highway program. For lesser highways it is up to State and local road construction agencies together with planning and zoning bodies to cope with this prolific source of pollution. The Bureau of Public Roads and Federal Water Pollution Control Administration are engaged in research on the problem and developing guidelines for use in designing and constructing highways. Much remains to be done in this connection.

For example, only one State now has water quality standards for temporary turbidity which could be used as a basis for enforcement under the Federal Water Quality Act.

Urban area construction is an equally important contribution of pollution in the form of sediment and silt. In building construction the necessary excavations leave the surrounding surfaces bare of vegetation and normal drainage patterns are altered. The large areas paved for parking lots and new streets also tend to aggravate the situation. They prevent natural percolation of moisture and cause concentration many times in natural drainage areas far in excess of their capacity.

Planning and zoning bodies should be on the alert and require adequate preventive measures, so as to prevent these overloads, on drainage ways and on the local sewer system.

It is estimated that on at least three hundred thousand miles of the Nation's waterways, erosion is a serious problem—contributing to a deterioration of water quality.

The watershed protection program of the Department of Agriculture—Public Law 83-566—is directed to minimizing erosion of agricultural lands. This program is inestimable value in preserving farmland and in controlling sedimentation and should be accelerated to the point of complete coverage. Landowners' consent and cooperation are required for this to be effective. To be truly effective all land should be included in a nationwide program.

Sediment in water increases the cost of making it usable, it also has a damaging effect on aquatic life such as gamefish and shellfish, a serious economic loss.

Sediment also accelerates eutrophication by serving as the vehicle for harmful chemicals and minerals and by hindering the oxidation of organic pollutants. Ironically, however, turbidity may actually decrease algae growth by preventing the penetration of sunlight into the stream. This is a small gratification in comparison to the total harm done.

Silt deposited in rivers, lakes and reservoirs is a costly polluting agent. It has been estimated that the annual reduction in reservoir capacity can be evaluated at approximately one hundred million dollars annually and that silt in estuaries, harbors and navigation channels must be removed at an annual cost of one hundred and twenty-five million dollars.

Greater attention should be given to correction of the causes of erosion. Preventive measures to be developed by cooperation of Federal, State and local agencies should be stimulated to protect our vital water resources as well as to preserve land resources.

My next example is that of pollution from watercraft.

There are forty-six thousand federally registered commercial vessels, sixty-five thousand unregistered commercial fishing vessels, sixteen thousand federally owned vessels and eight million recreational watercraft using the navigable waters of the United States.

At the present time forty vessels operating on the Great Lakes, a hundred Coast Guard vessels and a slowly growing number of Corps of Engineers vessels are equipped with sewage treatment devices. Only a very small number of ocean going ships which use these waters treat their sewage prior to discharge. The remaining great majority of vessels have no means of treating sewage.

Besides the sewage, since practically all vessels are fueled by oil, there is the ever-present danger of oil leakage or breakage or emptying of bilge water or ballast tanks.

At the present time this potentially prolific and growing source of pollution is subject to almost no control whatsoever.

The estimated impact of the untreated sewage of five hundred thousand people derived from these sources is destined to grow as the use of waterways for recreation as well as commerce increases.

Few states have any control programs in effect. Many are holding legislation in abeyance until more uniform standards for equipment approval are available or more acceptable methods of disposal or treatment are developed. Meanwhile pollution from these sources is growing explosively.

Legislation is at present before the Congress to make a start controlling this source of pollution. Within a stated period of time all newly constructed vessels would be required to provide sewage treatment equipment and in a slightly longer period existing vessels would be required to install such equipment.

Standards and specifications would be subject to approval by Federal Agencies in cooperation.

Cost of such a program is subject to wide variation with estimates ranging between a half and one billion dollars over a period of several years; from one hundred dollars for small recreational vessels to sizeable amounts for large commercial ships. Nevertheless the caliber of the problem, and the damage to the nation's water resources which would be averted, make this a small burden to be willingly borne.

My next example is pollution from agriculture.

As technology applied to the nation's agriculture becomes more sophisticated and efficient it is unfortunate that an important by-product is a threat to our water resources. This is the pollution derived from the agricultural process, not only from soil erosion caused by faulty procedures but from fertilizers, pesticides, herbicides, animal wastes, inorganic salts and minerals and forest and crop residues which are in the run-off from the land into the nation's water courses.

An estimated 1.7 billion tons of waste results from livestock and poultry production. Until the recent development of corporation type concentrated farming, animal wastes were usually returned to the soil of the same farm. Now feed lots and poultry farms may be located far from grain fields so that the historical disposal methods are not practical.

The highly concentrated nature of these activities permits greater efficiency of production but results in a need for a new technology in handling and disposing of wastes in a manner that is compatible with public restrictions set up to avoid pollution.

Animal wastes are prolific sources of matter causing eutrophication of lakes, fish kills, nitrate contamination of soil and aquifers, annoying odors and dusts, depreciation of recreational values of rural land and streams, proliferation of insect pests and dissemination of agents infectious to animals and man.

Existing technology for control of animal wastes must be improved and new methods be developed. Establishment and enforcement of standards and criteria for land use planning must be developed to minimize the impact of pollution from this source.

Processing raw agricultural products to food, leather, pulp, paper, wood products and industrial chemicals results in inevitable losses of organic and inorganic matter, ranging up to twenty-five or even fifty percent of the raw material entering the plant.

Total pollutants resulting from the activities of these many thousands of processors have been estimated to equal the sewage load caused by a population of one hundred and sixty-eight million people, almost our entire country.

Farm products are processed by some eighteen thousand establishments. The pulp and paper industry is a large one and individual plants are themselves large and prolific sources of damaging pollution, difficult to cope with. Other major pollutant sources from agricultural-based industries are cotton and wool processing, leather and soap manufactures, and production of industrial chemicals from farm and forest products and by-products.

Pollution from these sources is of such major proportions that immediate and forceful procedures are called for. These must take the form of modernization of harvesting and processing to minimize waste in initial stages; more efficient recovery and utilization of by-products; treatment and disposal of processing plant wastes and changes to make agricultural raw materials more readily processed.

In a recent year it was estimated that thirty-nine million tons of chemical fertilizers were applied in the United States to supply nitrogen, phosphorous and potassium needed for the growing process. Too copious or inefficient application of these substances has resulted in deposition in surface waters of such quantities as to encourage excessive growth of algae and other aquatic plants, adversely affecting water quality for fish, recreational use and even human consumption. Some forms of nitrogen are highly mobile and contaminates ground as well as surface waters. Eroded material containing phosphorous and potassium is deposited in streams and surface water systems.

Control of these sources of pollution is mandatory. In order to accomplish this it will be necessary to develop programs of research and demonstration of the behavior and fate of applications of fertilizers, minimization of run-off and percolation of nutrients by more effective and efficient application. Excess plant nutrients must be controlled or removed from a surface or subsurface drainage to maintain the desired quality of receiving waters. Better knowledge should be developed on the effects of nutrients on algae and other noxious aquatic plants. Another possibility would be to develop some use for algae and other water plants.

Residues from forests and crops are also major sources of pollution in the form of plant diseases, insects and rodents. They are the result of harvesting operations and pest damage or natural deterioration. They are dangerous also because of fire hazards and as hosts for diseases and insects.

These sources are widespread and numerous and constitute major sources of pollution of air, soil and water, our most vital natural resources.

Control of this type of pollution requires minimizing production of undesirable crop and forest wastes, improved utilization of residues, treatment or removal of hazardous or excessive residues from the environment and the development of guidelines for local programs of control and disposal of these residues.

All streams contain some dissolved inorganic salts and minerals. Water diverted for irrigation and containing these substances is subject to concentration by evapotranspiration and either accumulates in the soil or returns to the stream in concentrated form. This has become a problem of major proportions throughout the vast irrigated areas of the West and Southwest.

A great deal of work must be done to minimize this problem. Programs must be undertaken or stimulated to reduce the salt concentration of irrigation water supplies, improve irrigation and drainage practices to minimize the effects of salts and minerals on soils and quality of returning water; possibly by treatment of return flows to remove salts and minerals and also by improvement of plant tolerance and utilization of salts and minerals.

Little is known of the nature and effect of many substances used as pesticides and herbicides. There are some such as DDT and dieldrin which are persistent and accumulate in the environment, be it soil, air, water or animal tissue. Some, after accomplishing their purpose or failing to do so, remain in the environment.

The actual effect of these substances still remains much of a mystery but they are justifiably believed to have a long range deleterious effect on some or all forms of life when in sufficient concentration or in accumulation.

Full cooperation of the best efforts of a number of Federal agencies as well as other entities should be directed to a concentrated effort to evaluate the nature, extent, significance and impact of pesticides in the ecosystem. This should be aimed at reducing the amount of hazardous or persistent pesticides, in the environment, at treating, controlling, or removing pesticides from soil, air and receiving waters. Pesticide wastes should be disposed of in a manner least detrimental to the environment. Finally uniform effective pesticide regulatory programs should be established.

Agricultural activities are prolific sources of water pollution and full recognition of this state of affairs must precede any effective means of control.

Some sources lend themselves to legislative control only to a limited degree. Primarily control would proceed from a concentrated program of research and establishment of guidelines, to be followed by a strong enforcement program.

Initially the Federal Government could expand its research program and in cooperation with State and local governments develop controls which will minimize if not eliminate many of these sources of pollution.

I realize that the picture I have presented is not a pretty one—but it is a factual one—one that must be forcibly brought to the attention of the public. The public must be made conscious of the threat—not to their children and grandchildren, but to the present generation.

The problems are present and the solutions are attainable—solutions which will be arduous and costly but if man is to retain his place in the eternal scheme they must be fulfilled.

PROFESSIONAL WOMEN

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. FLOWERS. Mr. Speaker, we are now celebrating National Business Women's Week and I am privileged to join with my colleagues in saluting the working women of America. The National Federation of Business and Professional Women's Clubs—which annually sponsors this special week of tribute—has for over 50 years given encouragement to women seeking a role in the professional, academic, and economic life of this Nation.

The State of Alabama is fortunate in having over 100 affiliated clubs with a total membership in excess of 4,000. Many of these clubs are located in the Fifth Congressional District and we are especially honored that Dr. Minnie Miles, professor of management at the University of Alabama, has served as past president of the National Federation.

The Business and Professional Women's Clubs that are located in the Fifth District of Alabama are as follows: Linden, Verbena, Tuscaloosa, Queen City, Northport, York, Chilton County, Aliceville, Bibb County, Marion, Montevallo, Moundville, Pickens County, Bessemer, Fairfield, and Hueytown.

It is indeed fitting that we should pause and pay tribute to the accomplishments of our business and professional women, for they are now more than 29 million strong, or one-third of this Nation's total work force.

COTTON PAYMENTS IN 1970

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. CONTE. Mr. Speaker, in U.S. Department of Agriculture press released 1352, issued October 15, Secretary Hardin increased the 1970 national cotton acreage allotment 1 million acres. This is an increase of more than 6 percent.

Under existing legislation, this announcement increases the 1970 cotton subsidy payments at the same time that it increases cotton acreage allotments. The domestic cotton allotment for each producer is set at 65 percent of his farm allotment and is increased by the October 15 announcement. Furthermore, the Secretary is required to support the price of cotton on the domestic allotment at 65 percent of parity.

Thus, cotton producers are being given larger allotments and larger payments in 1970. This might be considered fair and equitable for many small producers who have suffered a series of bad crops in the past three years.

Approximately a third of the cotton, however, is produced by 7,000 producers, who receive over $20,000 each in Government payments, with acreage allotments averaging several hundred acres per producer.

These 7,000 producers received approximately a third of the cotton subsidies totaling over $800 million in 1969. They will be permitted to grow more cotton per producer next year, at the same time that their payments are increased from an average of $34,000 in 1968 to $37,000 or $38,000 in 1970.

The extra bonus to the very large cotton producers is even more striking. Over 900 cotton producers received payments of $50,000 or more under the cotton program in 1968.

The October 15 announcement increases each of their 1970 cotton acreage allotments which already are several hundred acres per producer and increases their total payments several thousand dollars.

This is outrageous. I have written Secretary Hardin that this would be irresponsible administration of outdated legislation. I have called on him to propose emergency changes in the cotton legislation which will permit him to increase the 1970 cotton acreage allotment without at the same time increasing the subsidies to the large producers.

My letter to Secretary Hardin follows:

October 21, 1969.

Hon. Clifford M. Hardin,
Secretary of Agriculture,
Washington, D.C.

Dear Secretary Hardin: May I call your attention to the payment implications of your press release 3215 of October 15, 1969, increasing the 1970 national cotton acreage allotment by one million acres.

On the basis of your analysis of 1968 farm program payment data, some 7,000 cotton producers, who would have been affected by a $20,000 payment limitation, produced about a third of the cotton with acreage allotments averaging near 300 acres per producer. In addition to the market income from their cotton production, these 7,000 producers received government payments averaging about $34,000. As you know, several corporations received over $1 million in payments in 1967 and 1968 and are expected to again receive over $1 million each in 1969.

Taking into account the increase in the minimum price support level occasioned by the increase in the parity price and your announced increase in the domestic allotment, legislatively set at 65 percent of the farm allotment, these large corporations and other large producers will receive about a third of the increase in the national acreage allotment plus an increase in payments of 10 percent or more.

Except for the reduction in estimated yield per acre from 545 pounds in 1969 to 500 pounds in 1970, the increase in 1970 payments would have been even greater.

It appears that the 1970 cotton program, on the basis of your October 15 press release will permit the 7,000 largest producers to increase their production of cotton and they also will have their payments increased from an average of $34,000 in 1968 to $37,000 or $38,000. About 1,000 of the largest producers, most of which are corporations, who received over $50,000 in cotton program payments in 1968 will have their acreage allotments increased and their payments increased by more than $5,000 by your October 15 increase in the national allotment.

This is outrageous. It would be irresponsible administration of outdated legislation.

You opposed my amendment limiting 1970 farm program payments to an individual producer to $20,000. I now call on you to propose emergency changes in the cotton program legislation which will permit you to increase the 1970 national cotton acreage allotment without this built-in increase in subsidies to the large producers.

Perhaps this could be done most easily by amending section 350 of the Agricultural Act of 1938, as amended (7 U.S.C. 1350) by striking the second to the last sentence "Provided, that no farm domestic allotment shall be less than 65 percentum of such farm allotment" and inserting "Provided, that no farm domestic allotment shall be less than 65 percentum of such farm allotment set on the basis of a national allotment of 16,000,000 acres."

I am bringing this matter to the attention of the House of Representatives before it acts on the Agricultural Appropriations Act for 1970 and would appreciate an early reply.

With all my best wishes, I am
Cordially yours,
Silvio O. Conte,
Member of Congress.

MRS. BENTLEY: WHEN AMERICAN TRADE FLOURISHES, EVERYONE WINS

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mrs. HECKLER of Massachusetts. Mr. Speaker, today the President of the United States has announced his commitment to the challenge of rebuilding and expanding the U.S. merchant marine so that the American flag may again fly proudly in the shipping lanes of the world and so that the shipbuilding and ship operating industries may again achieve a vitality that will contribute to the industrial growth and the strength of of this Nation.

His message to the Congress echoes the philosophy and the thinking of the new chairman of the Federal Maritime Commission, Mrs. Helen Delich Bentley, who stated her allegiance to this same cause in an address to the National Press Club on October 17, 1969. Mrs. Bentley's dedication to the cause of a strong merchant marine was evidenced time and time again in her writing for the Baltimore Sun during the years when she was probably the Nation's best-known, and only woman maritime editor for a great metropolitan newspaper.

Her statement to the National Press Club that "when America trade flourishes, everyone wins," is a clear expression of the course she has chartered to renew the merchant marine. I am proud to have played a part in urging President Nixon to appoint her as Chairman of the Federal Maritime Commission, where she can be instrumental in achieving this desirable objective.

Mrs. Bentley's speech, which I submit for the Record, is a strong statement of the need for a revitalized shipping industry under the American flag. I urge my colleagues to read it:

Remarks of Mrs. Helen Delich Bentley, Chairman, Federal Maritime Commission, October 17, 1969

Mr. President, Members of the Board of Governors, Chairmen and Members of the various Committees, resident and non-resident members and associate members of the National Press Club wherever you are chasing news, uncovering malfeasance, misfeasance and nonfeasance throughout the world—I bring you greetings from your sisters down the elevator shaft on the fifth floor of the National Press Building, the Women's National Press Club.

I bring you greetings, too, from your counterparts in the American Newspaper Women's Club, and all other similar distaff organizations.

I must admit that I have no authorization to do so, but I think it nice to start off offering the olive branch of peace in a divided newsworld. I am not, however, taking a George McGovern or a McCarthy approach toward the settlement of the internecine war. I do not favor a cessation of all resistance on the part of newsdoves in the face of imperialist aggression of newshawks. I favor no unilateral action on our part looking toward the cessation of this class struggle in which your majority discriminates against our minority.

On the other hand, I do not hold, as some do, that there is no good in any newspaperman. I am sure there must be, if we could only find it. Nor do I believe that all newspaperwomen are good through and through, and even though we have not been able to uncover it yet, I say there must be *some* flaw in one of us.

In similar fashion, I know that there must be many fine, discriminating, distinguished, wise, knowledgeable, gentle men among you besides those few I know, the kind and thoughtful men who inhabit the Washington Bureau of the Baltimore Sunpapers. How it tears my heart to leave them, to know no more of their courtly ways, their stepping back from the water-fountain—I don't require that, but they insist—should I want a sip of water, and the dear fellows holding the door for us women members of the Sun staff to pass through, or doffing their hats in the elevators, undoubtedly the results of their early training in the City Room in Baltimore. How I shall miss it and them. How I shall miss the loud cry of "Copy" as some raucous male voice two feet away splits my eardrums.

I shall miss—if only for a period of time—being a member of the Fourth Estate.

Say what one will, damn it as our critics may, when they are caught in their own maneuverings and machinations by some alert newsman or newswoman, the news media of this Nation and those who comprise it serve our country and our society on a scale and on a depth and breadth of front unequalled by any other private industry or profession.

True, we are often the accuser, sometimes the defense attorney, too often the judge and jury, but most often the ombudsman, the conscience, of our people. We are a force for honesty, we are a form of social conscience, we are a means by which to attain justice and oppose injustice.

On the whole and by and large, we develop our stories from the facts, and stick to facts. There are always some, as in any profession, who do not let the facts stand in the way of a story, who substitute innuendo for proof, rumor for certainty, but they are few.

Newsmen or newswomen, by far the vast majority of us are high practitioners of the ethics of our profession. Oh, of course, there are accepted areas of open hunting—government officials—particularly newly appointed ones—are always fair game, as are all things having to do with the government at any level, be it national, state, or local. And, we newspaper people have our "hang-ups", each of his own kind, but we handle them, or try to, in such manner that the columns of our papers, pages of our magazines, our TV screens or our radio sets do give fair and honest coverage. I am sure you will agree that for most of us journalism is more than a business, a profession, a means of livelihood. If we would admit it, for most it is a love, a passion.

For me, it will not be easy to think of myself as being dubbed a "news source," rather than "Press." And I have already found that it is easier to make and throw balls than to have them coming at you. I already know that to the Press "the other side of the street" of Government is in reality "the other side of the tracks." I hope my newspaper experience will help me in the dealings with the Press on my new job. I must be even more like Caesar's wife in dealing with you. Certainly there can be no excuse for me to fall into the trap of withholding at the Federal Maritime Commission that which is in the public domain and that which the American public has a right to know. As the FMC's Chairman, I can promise you that in such areas the Press will find the Federal Maritime Commission will exist in a goldfish bowl.

As I look forward to my new job and its opportunity for accomplishment, I cannot help looking back over my shoulder at the world of the Press I leave.

You can understand this since my last major assignment was aboard the SS *Manhattan* trekking through the Northwest Passage. I am not going to say anything about the plug being pulled on communications because of four-letter words because I understand you have a question-and-answer period and that nobody worries about the questions being embarrassing.

The accomplishment of this newest and largest icebreaking tanker which crunched through more severe ice than any other vessel in history, will be recorded in the archives of history because the *Manhattan* opened the forbidden and awesome Northwest Passage to commercial operations and thus the door for real development of the mineral rich but frozen arctic areas of the North American Continent.

Roald Amundsen, the Norwegian explorer whose expedition in 1906 carved out its place in history by becoming the first to transmit the entire waterway east to west by ship—the 45-ton Gjoa—took three years to do so, by hugging the Canadian coastline along the mainland shore.

Sixty-three years later, the 155,000-displacement tonnage *Manhattan*, laden with modern technology and icebreaking assistance, plowed through ice floes ranging from four to fifty feet continuously and maintain a ten-day schedule for transiting the formidable passage between Baffin Bay and Amundsen Gulf, named after the famous explorer. The ten-day timing had been established many weeks before in conjunction with the $40 million over-all experiment arranged by Humble Oil and Refining Company.

Shortly before the 1005-foot long mass of steel entered Amundsen Gulf, the location where Roald Amundsen holed up for 18 months while also striving to locate the precise site of the magnetic North Pole, glasses of champagne were drunk aboard the *Manhattan*—on schedule.

The achievement is monumental. At this point, the feat indicates positively that the modern technology built into ships will permit the waterway to be used more economically than any other form of transport to haul out the untold billions in wealth of oil, copper, iron ore, zinc, tin, and other minerals of the Canadian Archipelago and Alaska's frozen north.

When one considers the many months it took the explorers of old to struggle even a nautical mile in their wooden-hulled ships fighting the elements of the treacherous waterway, the 10-day passage of the *Manhattan*, right on schedule, is a modern miracle, and recalls much of the old aura of romance and adventure of the sea, so much missing in our modern life.

But looking forward, there is a much more important matter for me to deal with than the nostalgic thoughts of a newspaperwoman.

Now, I know that in my new position I am not the Nation's shipping promoter but rather one of that industry's regulators.

To me, this opportunity to speak at the National Press Club offers the very thing I seek in joining the official family of President Nixon's Administration. That is, to focus attention on the American Merchant Marine, to alert the American public to the straits in which we find our shipping—half afloat on a sea of public indifference. If I can bring home to you—the Press—the bitter truths, the present and future dangers that exist for us as a Nation in letting our merchant fleet go down the drain, then I will have served my major purpose at the very beginning of my term of office. I ask you, then, to bear with me for a few more minutes while I spell out some of the cold, hard facts of life in an area of which I do have specific knowledge of shipping and its vital importance both to our country's commerce and its defense. If I can convince you that the concern I feel is justified and warrants further delving on your part, then you in turn will alert the American people to the dangers they face.

Let me start by plagiarising and paraphrasing a key phrase from another mode of transportation in its current massive promotional campaign. *"Who Needs Ships? You Do!"*

Why do you and I, and every other American need ships? The answer is simple—in raw materials we are a "have not" nation. Our whole economy, our prosperity, relies—and must continue to rely—on the raw materials we import from other nations, 96% of it aboard foreign ships. Our productive capacity, the jobs of tens of millions of our fellow Americans, are dependent upon the millions of tons of iron ore, bauxite, petroleum, manganese ore, tin, lead, copper, rubber, nickel, zinc and many other vital and strategic materials brought into this country annually to maintain our industrial output. Name any article in your everyday life—the aluminum chair on your patio, the electric light by which you read, your TV set and radio, the car in your garage—and the likelihood is that the imports of raw materials make them possible. Even much of the newsprint that goes into our daily papers is imported by ship. Our Astronauts could not have walked on the moon without these imports. Indeed, there would have been no space program. And, I have not even touched upon the essentiality of our import of raw materials to our defense industries.

The need for ships to maintain the flow of vital raw materials to our shores appears self-evident. What now of the need for ships in order to carry our exports, and to what extent are our exports important to us individually and collectively? Even apart from the defense aspects, I doubt that any would argue against the importance of our foreign trade to the peacetime economy of the Nation, or of its importance in linking the economies of other Free World nations with our own. The $65 billions of goods we export and import appreciably add to our own gross national product. The goods we export provide the wherewithal by which we are able to purchase raw materials and the goods of other nations. They are the major means by which we maintain our balance-of-payments. And, the production of the goods we export contributes directly to millions of jobs for our fellow Americans. Our economic well-being as a people is irrevocably tied to our foreign commerce, a fact on which I am certain there can be no point of dispute. And for the export of vast quantities of goods, of millions upon millions of tons of cargo, there is no other means than by ship.

And so we come to a further question, a question for which I hope to be able to provide an answer sufficient to develop the same concern on your part as I feel in regard to the serious state of our shipping, and its possible effect on our economy and our security.

Simply put, the question would probably go like this: Granted our foreign trade is essential, and that ships are required to carry it, why must they be our own? Most of our trade is now carried in foreign-flag ships anyway, so why worry?

The question is a simple one, and unfortunately, over the period of years by its very simplicity it has evoked no concern in the nation that over 94% of our foreign commerce is carried by the ships of other nations, and less than 6% by our own.

There has been too little concern that in the area of raw materials, upon which we are completely dependent, we in turn are completely dependent upon the ships of other nations for transport.

If we could count upon the world remaining static, the interests and policies of all nations the same forever as they are today, then the answer might be an echo of the question—why worry? But you know, and I know, that nothing remains static, certainly not the relationship between nations, nor their national interests.

Too often in the past we have been forced by harsh reality to recognize this fact where shipping is concerned. Even during this century we have had to resort to relying on our own shipping in more than one instance. Relying upon foreign ships to carry 90% of our commerce, we were caught short at the start of World War I. Our traditional carriers were the belligerents, and the belligerents withdrew their ships from our trade to serve their war efforts. The result was that shipping rates skyrocketed, and our economy wavered until we began producing war materials for the Allies. World War II was a repetition, except that we had wisely begun building ships a few years earlier, and our productive capacity had shifted early in the war to the production of materials of war for those opposing the Nazis. We were the arsenal of democracy before Pearl Harbor, and the builders of ships to replace the losses for the British and their allies. With Korea, we were fortunate, for we had the ships left over from World War II in reserve, and pulled out some 600 from lay-up to serve our troops in Asia and maintain our commerce. With Vietnam, we were also lucky, for we still had World War II ships that could limp into service to supply our military and essential civilian needs.

But let me note one fact, in regard to Vietnam. Our own aging ships have been impressed into serving our supply lines, while the ships of many of our friends go to Haiphong.

There have, in fact, been instances where ships of friendly nations have been denied us.

Just as we denied our ships the right to trade with belligerents prior to World War II, a Mexican ship was ordered by its government not to carry war supplies to South Vietnam.

In other instances, foreign-flag ships have been loaded with U.S. Defense supplies, and their crews have refused to sail them. And so, when the chips are down, upon whose ships can we be certain we can rely? Our own, with Americans crewing them. And to have them when you need them, you must build and crew them to serve your peacetime commerce, far in advance of any sudden national defense need.

Under President Kennedy and President Johnson, unfortunately the "Whiz Kids" reigned at the Pentagon. For some reason, they were turned off on seapower. They had persuaded Secretary of Defense McNamara that airlift was the future—that anything could be handled by air. The Air Force had a powerful lobby and a strong persuasive public relations program. They believed this. But when the Vietnam build-up began and McNamara turned around to ask about the airplanes and airlift capability, he learned to his horror it wasn't there. He was going to have to depend on sealift.

In the first two years of the build-up in Vietnam, more than two-thirds of the G.I.'s who were sent over were transported by ship. Some 98.6 per cent of the supplies were transported by the seas. Once the 500,000 basic troops were on hand in Vietnam, the military has been able to handle the replacements primarily by airlift because the numbers involved were only a hundred or two at a time.

More than 97 per cent of the supplies are still going by ship.

Apart from emergency need, however, a peacetime merchant marine composed of modern, productive ships of our own registry serves many purposes.

Among others, the carriage of our trade on our own ships enhances our balance-of-payments position. The British, for example, estimate that transportation of cargoes on their own ships constitutes the equivalent of 4% of their total exports, while the Russians speak glibly in capitalistic terms of the earnings in foreign exchange of their hammer-and-sickle ships.

American merchant ships contribute to the national gross product, and provide jobs both in their building and operation for tens of thousands of Americans. They provide the Treasury with tax revenue, both corporate and personal income tax on employees' wages. And, our own ships constitute a major customer for American suppliers and the products of our farms. Not so with foreign-flag ships, who purchase little and pay the bulk of their taxes at home.

Our shipping companies aid our exporters to develop foreign markets, thus increasing our foreign trade.

Finally, U.S.-flag ships guarantee access to our foreign markets and—if we had them in sufficient numbers—could guarantee our access to the raw materials essential to our economy and defense.

I will not take much more of your time, but let me turn to two final facts I would like to develop.

The first is this—history has shown that no nation achieves greatness nor maintains it without also being a major maritime power. History also shows that from time immemorial right up to the present, seapower—including merchant shipping—is an instrument of national policy. History also shows that a nation pays to achieve and maintain its seapower—or it pays the penalty for not having it!

Now, what do we have in the way of a merchant marine?

About as poor an example of one as can be imagined for the world's greatest trading nation!

Over two-thirds of our privately-owned merchant ships are pushing or are over 25 years old. They are slow, they are inefficient, they are wearing out, and expensive in repairs to keep them sailing. In other words, Gentlemen, well over 600 of the 975 ships under the U.S. flag are heading straight for the shipbreakers. We now have about 15,000,000 tons of privately-owned merchant ships under the U.S. flag. If we do not act now, by 1975 we will be down to about 9,500,000 tons, all also growing older. As for the Government's reserve of World War II ships, by that time it is estimated that only some 135 or so will be available for any emergency need. Our merchant marine is on the skids, and the skids are greased. Why, even today we are fifth in tonnage among nations, with Liberia, Norway, United Kingdom, and Japan ahead of us; while in numbers of ships, we rank sixth behind those countries and Russia.

In the shipping industry, there is a great body of international opinion that looks upon American regulation as highly unnecessary and definitely troublesome. Much of this criticism stems from our foreign friendly trading Allies.

I believe I can say to them at this juncture, that if they will just keep their eyes and ears open and watch the game that I intend to play at the Federal Maritime Commission, their apprehension might well be alleviated. I can assure them that as an umpire in the regulatory affairs that are going to come before me, I intend to carefully avoid even the appearance of a troublemaker.

They can be assured that I am going to call them as I see them.

Oceanborne United States foreign trade and commerce is at present running somewhere over the 40-billion dollar mark. According to very carefully kept statistics, the American Merchant Marine is carrying somewhere in the neighborhood of 5.4% of that total commerce. This means, in plain language, that the vast remainder of that cargo goes in foreign bottoms.

Let me say, that all of us in the United States should be grateful that the foreign merchant marines have the capacity to service our essential commerce, because certainly, nowhere in the near future could American-flag shipping hope to have the capacity to handle it all.

It is my hope that the foreign-flag shipping business community appreciates the opportunity to earn profits, at least to the same extent that we in America appreciate their service to our trade.

It strikes me that when the Congress of the United States drafts a law which grants foreign-flag enterprise the right to combine in a manner that might be improper under our anti-trust laws, and then Congress, through the Shipping Act of 1916, and through the Federal Maritime Commission, grants those foreign shipping lines immunity from our anti-trust laws, that everyone concerned should be grateful, and a great number of them are.

"Baiting" the Federal Maritime Commission has become sort of a fair game in foreign shipping circles, and has, in my belief, been costly and unrewarding to those who engage in it. As one of the umpires in this game of world trading, I believe it would profit us all to keep our eyes on the ball, and to ignore the heckling that arises on the coaching lines.

When American trade flourishes, everyone wins.

It is a paradox that this nation, once a major seapower, has turned from the sea; while Russia, traditionally a land power, has turned *to* the sea. Since the USSR is now our major competitor in the world for both the minds of men and their adherence to our economies and our divergent philosophies on freedom and the rights of the individual, a final look at our divergent attitudes toward a merchant marine will be of value.

One thing is certain, the Russians and ourselves are 180 degrees out of phase in regard to the importance we attach to a merchant marine. There is no in-between. Either they have been and are 100 per cent right, and we are 100 percent wrong, or we are right and they are wrong.

At the time of the Cuban confrontation, the Soviets paid through the nose for the lack of their own merchant ships, forced to charter the ships of other nations for their Cuban adventure. But, Cuba taught the Soviets a lesson, and from that day forward they have concentrated on building a merchant fleet second to none. Since that date, from about 5 million tons they have risen to 12 million, and they are continuing to build at the rate of one million tons a year. Russian officials themselves state—and I can *show* you the statements—that by 1975 they will have achieved 16.5 to 18 million tons of new merchant shipping. They speak of the profits made by their ships in trade with the world. They speak of the foreign exchange they make for "the motherland." They speak of the foreign ports they enter and boast of the fact that their seamen serve as ambassadors to the people of other countries, cementing friendship for Russia and advancing the Communist view among the people of foreign lands. They speak of the flag in world ports and the prestige it brings to the USSR. They speak of the use of their ships in developing trade ties with developing nations and others. What they do not speak of publicly, but what has become evident to maritime nations, is the extent to which they have now begun to undercut world shipping rates in competition with the ships of other nations. They have entered third-flag trade, their ships never touching Russian ports, between Japan and Canada, undercutting American-flag and other national shipping between Japan and the West Coast of the United States. In doing so, they provide a perfect example of what I mentioned earlier—the use of ships as an inherent instrument of national policy.

I now rest my case for the need for this nation to immediately reverse its position on the need for an American Merchant Marine, and begin the long haul up toward attaining a merchant fleet equal and adequate to our national needs, before our own stupidity and the Russians bury us at sea! I ask you of the Press to consider what I have said, check the facts and if you are convinced, then tell the American public, "and tell it like it is!"

And, just in case anyone should question how valid the comparison between Russia's massive maritime buildup is in relation to our own lack of effort, and whether any real weight should be given to these recent Russian publications, provides the answer to the question "why worry?" They indicate that the USSR's intention is not one of peaceful coexistence with the U.S.A. They recognize our Nation as the single major roadblock to achieving their worldwide goals, and merchant shipping as one of the major weapons for conquering the globe.

Thank you for hearing me out, and thank you for having invited me to appear. It is an honor of which I am fully aware, for I realize that a few days ago I would have had to be quietly sitting up in the gallery, a newsdove watching the newshawks feasting!

THE NEW MORALITY—SODOM AND GOMORRAH II

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. RARICK. Mr. Speaker, yesterday I called to the attention of the House two recent issues of "the Herald of Freedom," published by Mr. Frank Capell—31144. These publications summarized in an exceptional manner the moral deterioration which is taking place in our country, and the role of so-called "sex education" in this national tragedy.

Mr. Capell's articles related the connection between SEICUS, the Elysium Research and Development Institute, and its parent Elysium, Inc., the Los Angeles publisher of pornography. All three of these operations are engaged in dispensing pornography in the guise of education.

Sex education means many different things to Americans. It may be something as simple as instruction in biology or physical hygiene—or it may encompass such certainly moral, ethical, or religious fields as contraception, promiscuity, and homosexuality. Whether or not the subject belongs in our elementary and secondary schools depends entirely on clearly defining its scope.

I include in my remarks Mr. Capell's October 3, 1969, edition, entitled "Sex and Subversion," together with a published discussion of the sex education envisioned by Elysium, Inc., taken from its current pornographic publication, Nude Living—which promotes the Elysium Institute and SEICUS in the same issue:

[From the Herald of Freedom, Oct. 3, 1969]

SEX AND SUBVERSION

Of concern to many Americans is the wave of illicit and degenerate sex promotion which engulfs the land and saps the moral strength of Americans young and old. Many oldsters are accepting the "new morality," while the youngsters will have "sex education" forced upon them (if the "sexperts" have their way) and become well acquainted with sex long before they are old enough even to begin to think of marriage. If the older ones wish to become depraved, that is their own business except for the example they set for their children. Children, however, need to be protected from the forces which seek to destroy their self-respect and morality. Observers cannot fail to note that lack of morality and radical left-wing philosophy seem to go together. Love-ins have replaced love and protesters have replaced patriots, that is if you are in with the In-crowd.

A lost generation is being promoted and this is all that is necessary for the downfall of the United States. Congressman James Utt has stated:

"Leaders of the world-wide Communist conspiracy are too well aware of the great impetus given to their plans by the destruction of moral standards, and they have taken full advantage of it with amazing success in our country. . . .

"Pornography has been all but completely legalized and has pervaded every medium of communication. . . . Appealing to prurient interests is profitable, and pornography publishers are cashing in. What better . . . 'public relations' expenditures can they make than those which destroy moral values through the schools."

Rep. Utt links the promotion of "sex education" with Communism, stating:

"One of the basic activities of the Communists is their promotion of complete sex education in almost all school grades. . . .

"Throughout history, nations which deteriorated morally have experienced a simultaneous decline in economic and military strength. It is morality which elevates morale, which depends so much upon pride. Lacking moral discipline, one cannot have true pride in his accomplishments, nor can he have the altruistic motivations which combine with natural selfish incentives to render constructive progress possible.

"Anyone doubting the demoralizing effect of the degradation of ethical values need only consider that the Scandinavian countries have had compulsory sex education for two decades. A third of the brides in Denmark are pregnant at marriage. . . . Venereal diseases have reached catastrophic proportions. . . ."

The youth of America feels that it is being "liberated" and that it is building a brave new world which will arise from the ashes of the old one they seek to destroy. Testifying before the Senate Internal Security Sub-committee on the "Extent of Subversion in Campus Disorders," Ernesto E. Blanco, now an associate professor at Tufts University, formerly of Villanova University in Havana, Cuba, stated:

"As far as I can see, the influences I see active in the American universities are the ones I have presented here (in a chart outlining the Communist takeover of Havana University). The anarchists referred to in here involve some of the groups that are followers of Herbert Marcuse, professor of philosophy at the University of California, at San Diego . . . we have the intellectual leadership . . . composed of Fabian Socialists, Communists, and anarchists. The Fabian Socialists, as you probably know, are extremely active among intellectual groups in the United States, and they form that mass of the intellectual community which is inclined and sympathetic toward Marxist ideas, but they do not belong to the Communist Party. They pose themselves as 'progressive liberals,' and their ideas are to impose Marxism through nonrevolutionary methods. They feel that violent revolution could completely spoil the imposition of Marxism by creating a reaction; therefore, they try to intellectually subvert the population. That is, to have them willfully accept Marxism by education, by influence through the mass media and by exercising what I call the influence multiplier which consists in influencing a very influential person, and when you do that, that influential person, either a newspaperman or a respected college professor, can influence thousands of people without even belonging to the party or being known as a Marxist. . . .

The second leadership group, the Communists and Marxist-Leninists, of course, we know much better because they are more outspoken.

"In the third group we have the anarchists. The anarchists are violent destroyers; they are nihilists. We can include in this group some of the black radicals, black extremists, and also in this group we have the followers of Marcuse, the existentialists, the drug pushers, and so on. . . .

"The theories of Marcuse are that the youth should liberate themselves from any moral codes, that they should do anything they like; that the unrestrained satisfaction of their bodily tendencies and pleasures are entirely acceptable, and that they should try to get the most satisfaction out of life by doing things that are known to be debasing and immoral, which he claims are not really immoral but serve to purify the future society. He is essentially trying to enhance and reorient the lowest of human tendencies and direct them toward the destruction of society. The drives and the immaturity of youth are being oriented toward the satisfaction of lowly bodily pleasures, and in so doing youngsters become the moral destroyers of our society . . . (Marcuse) encourages promiscuity, intercourse with animals, absolutely anything that could destroy the fabric of morals and the dignity of the individual. The resulting moral anarchy fertilizes society for eventual totalitarianism."

J.G. Sourwine, chief counsel of the Senate Subcommittee interjected the following description of Marcuse:

"Marcuse preaches . . . that we must completely destroy the present society . . . he is a self-confessed anarchist and nihilist . . . He preaches that we must not have any goals, because the new society will shape itself on the basis of the conditions existing when this society is destroyed, and if we have any goals, we will be tempted to make compromises toward the attainment of those goals, and, therefore, our single goal must be the complete destruction of society . . . He also follows . . . what has been called the line of Freudian-Marxism that human drives originate in self-preservation and sex and have to be channeled in other directions in order for civilization to rise, and if we can channel those drives back into sex and violence, there will not be any drive left. We will have a generation that goes nowhere."

Anyone, looking at today's college campuses and the meadows full of freaked-out, dropped-out hippies and yippies turning on with pot and pop-music, who would place much of a bet on our country's chances for survival when it is up to such as these to guide it would be betting against very great odds, indeed. Pornography, pacifism, pot and promiscuity cannot nourish leaders with strength and integrity. When young America's idols are the Beatles and Andy Warhol, and books like "Portnoy's Complaint" can find publishers, much less become best sellers, things are really bad. Today's youth is not just "letting off steam," it is actually injuring itself irreparably. Drugs permanently damage minds and bodies as well as leave criminal records; promiscuous sex can also injure minds and bodies. Males are unmanly and females are unwomanly and they are getting harder and harder to tell apart. Advice and help of parents are spurned by children who believe the "generation gap" propaganda which alienates them.

When hearings on pornographic literature were held in California ten years ago, evidence revealed that the sale of sexy and "girlie" magazines constituted a multimillion dollar business; that in California alone some $500 million was spent for such material each year and that 75 percent of some 15,000,000 issues each month fell into the hands of teenagers. Efforts to stop such publications have not been fruitful, with the courts becoming more and more lenient with pornographers. In fact, the courts are deliberately challenged so that precedents may be set and, when action is taken against pornographers, powerful forces rush to the rescue. In the forefront of the defense of pornography and subversion is the American Civil Liberties Union. An article signed by clergymen of four religions who cooperated in an anti-pornography organization called Operation Yorkville, stated:

"In the area of pornography . . . which is recognizedly having a degenerative effect upon the mental and moral health of American children, the ACLU has consistently defended the pornographers' rights under the first amendment, ignoring the rights and liberties of children and their parents. The director of the New York Civil Liberties Union admitted that the $2 billion traffic in pornography could not exist without the union's defense of pornographers."

Another successful challenger of anti-pornography laws is publisher Barret Lee (Barney) Rosset of Grove Press. In a non-critical article by Albert Goldman, we are told:

"That's Barney Rosset, 'Grove Press' Rosset, the old smut peddler himself, turning his dubious attentions to home movies and the debauching of the American family. Good old Barney, always gnawing away at the props of middle-class morality. . . . First he changes the rules of the publishing game by winning the right to print Lady Chatterley's Lover. . . . Then he dips into real filth with . . . 120 Days of Sodom . . . Finally he pollutes the very shrine of American culture by smearing the silver screen with the meat-rack obscenities of I Am Curious (Yellow)."

Barney Rosset has made millions from his pornographic publications and has plans for bringing pornography into the home through cassettes, operating through TV sets. Rosset is the son of a Jewish banker father and an Irish Catholic mother and the product of permissive, progressive education. He became a millionaire when his father died and found his niche in life when he bought Grove Press and proceeded to publish and peddle pornography which was formerly unobtainable legally. He was the first to breach the censorship code with a "carefully planned and skillfully executed court battle."

Barney Rosset paid $25,000 to a Swedish firm for sole American rights to the pornographic movie, I Am Curious (Yellow) and his profits on this venture are expected to amount to $3 to 4 million. He actually has an empire of enterprises which consists of publishing books written by Communists and revolutionaries, and filthy sex books; distributing obscene type movies; operating a movie theatre; publishing a magazine and even college textbooks. Rosset has been described as "an enigma" and spent many years in psychoanalysis. He destroys his publicity man's efforts to make him appear to be a "solid businessman" by talking too freely about sex, drugs and political revolution, his interest in this being long-standing as shown by his having written a paper called "SOCOM" (Socialist-Communist) during his early school years. Continuing into the present, a recently published photograph of the Grove Press office shows Russian Communist posters on the walls.

Among the pro-Communist books Rosset has published are the reminiscences of Che Guevara, Edgar Snows; "Red Star Over

China" and Soviet spy Kim Philby's "My Silent War." He has also published books by Bishop James Pike, Dr. Joseph Fletcher (Situation Ethics) and Dr. Albert Ellis. The Sex Information and Education Council of the U.S. (SIECUS) lists Barney Rosset as a source of information. This is the organization which is leading the fight to introduce sex education courses into grammar schools across the country. They are also supplying the material to be used.

Phoebe Courtney states in her expose, The Sex Education Racket (Pornography in the Schools): "A large portion of the teaching materials presented to America's children in the schools today under the guise of sex education, is too disgusting to be reprinted in a book such as this. 'Pornographic' is the only adjective that can properly be applied to some aspects of the so-called sex education programs." Mrs. Courtney in her chapter on "The Communists' Stake in Sex Education" quotes many sources to show that there is a close tie-in between Communism and the present-day efforts to destroy morality in the United States. She states, "The similarity between the philosophy of Communist (William Z.) Foster and that being pushed by the sexologists in the schools, is not mere coincidence."

In the person of Isadore Rubin, Communism, pornography and sex-education are all tied up in one package. Rubin, an identified Communist, is editor of the pornographic magazine Sexology and, from its inception until unfavorable publicity forced him out, was treasurer of SIECUS. Sexology has started publishing a "plain-cover" edition, concealing its content formerly luridly advertised on the cover. Rubin is the champion of the homosexual and speaks annually at the New York Mattachine Society, a homophile organization. He has been active in trying to "liberalize public attitudes on homosexuality" and has been quoted as stating:

"For some men it is the only way they can have any emotional life at all. . . . We have no evidence whatever that homosexuality is an illness. We do a great disservice to these people by talking of curing them and implying they are sick."

The interest of the Communist Party in pushing pornography was shown when one of the most important pornographic publishers in the United States, Samuel Roth, was indicted by a Federal Grand Jury in New York in July 1955. The indictment read:

"1. That from in or about March 1951, and continuously thereafter up to and including the date of the filing of this indictment, in the southern district of New York and elsewhere; Samuel Roth, the defendant herein, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree with Chief Miller G.I. Distributors, Inc., Morris Sorkin, Philip F. Foner, Remainder Book Co., Abraham Lieberman, Book Sales, Inc., and diverse other persons to the grand jury unknown, to commit offenses against the United States in violation of title 18, United States Code, section 1461.

"2. It was part of said conspiracy that said defendant and co-conspirators would publish, print, distribute, deposit, and cause to be deposited for mailing and delivery obscene, lewd, lascivious, and filthy books, pamphlets, pictures, papers, letters, writings, prints, packets, packages, articles, and other publications and things of an indecent character."

Roth was convicted and jailed. Foner and Sorkin were partners in the ownership of Remainder Book Co. and Foner was an identified Communist who was also associated with Sorkin in the Citadel Press which published books by such Communists as John Howard Lawson and Herbert Aptheker. As an indoctrinated Communist, Foner would not be likely to do anything not ordered by the Communist Party.

The latest New York City telephone book still lists Foner's Citadel Press and Remainder Book Co. at 222 Park Avenue South, New York City. It also lists Samuel Roth and Seven Sirens Press, Book Awards, Bridgehead Books and Continental Books at 458 Broadway in New York. The old pornographers go on and on and the not-so-old ones do likewise. An example of the latter is Ralph Ginzburg who has progressed from publishing Eros and Fact to his newest effort, Avant Garde. Although Ginzburg was convicted on obscenity charges in 1963 he has yet to serve his first day in jail because of it. The conviction was upheld by the Supreme Court in March, 1966 but legal maneuvering allows Ginzburg to continue operating his poronography business.

Legal moves have been made to have the five year sentence suspended with judges being shifted around and one judge even testifying in Ginzburg's behalf. Civil Court Judge Irving Younger appeared as a witness in Ginzburg's behalf at a hearing in Philadelphia on April 9, 1969, praising Ginzburg's "exemplary" moral character. Judge Younger was well acquainted with Ginzburg, having been corporate counsel to Fact and Avant Garde and ceasing his representation of Ginzburg only after ascending the bench in January, 1969.

It is obvious that Ginzburg is a big time operator and has important friends. In promoting his pornographic publication Eros he sent out nine million pieces of advertising which resulted in 150,000 subscribers and $3 million in revenue. His magazine Fact published a libelous article on Sen. Barry Goldwater at the time he was the Republican nominee for president of the U.S. Senator Goldwater sued and obtained a libel judgment against Ginzburg for the article which questioned Goldwater's sanity and undoubtedly had a disastrous effect upon his election campaign. Ginzburg is much in evidence with the "kids" of the "New Left" and his Avant Garde is an expensively and elegantly produced "underground press" type magazine. Drawings by the same artist, Ron Cobb, appear in Avant Garde and the cheap shoddy underground papers. Ginzburg gives his writers an opportunity to promote anti-American and atheistic propaganda.

In an uphill fight to protect the youth of America an anti-smut law was finally allowed to stand by the U.S. Supreme Court in 1968. This New York law has encouraged other efforts and at present there are 187 bills pending in Congress to control the tidal wave of pornography. For the first time since the Warren Court began "liberalizing" the obscenity laws in the early 1950's, there reportedly is hope of passing legislation which the Supreme Court will approve. The bill which has the most support is that of Rep. Charles E. Bennett (D., Fla) who describes it as follows: "It would be a violation of federal law to knowingly sell, offer for sale, loan, deliver, distribute or provide to a minor in interstate commerce or through the mails material which is defined as 'harmful to minors' under the bill." The same test would be applied to movies and the graphic arts. He stated that "the spread of smut literature and other materials through the mail, on newsstands and other places is a great national problem." The American Civil Liberties Union is expected to testify against all the bills.

Pornography is big business and a big problem. There is in existence an 18-member commission established by Congress (the Commission on Obscenity and Pornography) which has been investigating the situation since 1967 and has come up with no results as yet. It is scheduled to report its findings next summer but dissent, reportedly, has made progress almost impossible. One of their major points of disagreement is the effect of pornography on conduct. Concerning this J. Edgar Hoover has stated: "The increasing number of sex crimes is due precisely to sex literature presented in certain magazines." Postal authorities received 167,792 complaints concerning pornographic material in the mails during 1968, and 234,072 during the fiscal year 1969.

The effect of the constant preoccupation with sex which today's youth cannot escape is not only dangerous, it is sad. They are missing out on the happiness which can come from love and marriage now that sex has become the scientific satisfaction of physical needs, rather than the climax of love. Dr. E. Merrill Root in his article in American Opinion magazine, entitled "On Love," states:

"Ours is not an age of the liberation of sex; it is the age of the destruction of the sexes. . . . We (who oppose the sex-mongers) would save the rapture and the bliss from being made cheap and promiscuous and slight and easy and vulgar and crass, we would save its quality and value by seeing it not as fireworks-in-the-glands, but as a fugue of Bach's or a symphony of Beethoven's."

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SCHOOLS FOR SEX: A PSYCHOLOGICAL NECESSITY

(By Iris Bancroft)

Webster defines education as "the action or process of educating or of being educated." Hardly much help. It isn't until we reach the word teach that we find a definition that gets to the heart of the matter. Here Webster is most definite. Teach is defined as meaning: "To instruct by precept, example, or experience." Most good educators will accept that definition as adequate, and will attempt to act upon it in a teaching situation. They will be especially careful to provide opportunities for experience.

This emphasis on practice has been proven pedagogically sound, and good schools provide opportunities for the learning individual to experience a skill to be learned. Educators insist that this is necessary. That is, they insist until the act to be learned becomes sexual in nature. Then, suddenly, great resistance develops against any form of personal practice at all! It is as if a growing human is expected to learn this most important function subliminally.

It is unnecessary to explore in depth the reasons for this illogical attitude. All of us are aware of the taboos and regulations that, in our society, surround the entire sex act. We know the religious, the "moral," the conditioned emotional reactions that are evoked when the subject arises. Unfortunately, many of us are willing to accept these controls without question. We simply accept the "fact" that sex is different. It "cannot" be taught by educator-approved methods. We "must" leave it to the grey area of "by-gosh-and-by-golly."

It is my contention that this timidity and foolishness is the cause of many of the personal emotional problems that we face today. It also is my contention that, until we face up to the situation, we will not appreciably improve the mental health of our people.

Let us look at the problem as dispassionately as we can. Ideal learning and teaching conditions require that instruction be given by skilled persons, and that practice be permitted on the part of the students until they master the subject involved. Daily, we see the effects of following such procedures—in the fields of music arts, graphic arts, reading, writing, athletics—in fact, in all of the areas of living that people encounter—except in that of sex.

Daughters learn to cook by helping their mothers until they are capable of doing it alone. Then mothers step aside and watch while the daughters practice. The same procedure is used when a son learns to repair a car, cut a lawn, build a set of shelves—literally everything he ever will have to do as a grown man. Everything, we must reiterate, except the sex act. Then no one instructs, no one permits practice, no one watches and corrects as the practice takes place. The children who are so carefully tutored in general housekeeping chores are never taught how to perform with competence the most vital act of marriage.

The results of this one-sided instruction are myriad. Women who are considered to be "good wives" are divorced or abandoned by husbands starved for sex. Men who are "excellent providers" lose their wives to more exciting men who promise sexual pleasures. Millions of others live lives of dull boredom. And the terrible fact is that few people even dare to admit that such problems exist.

That, of course, isn't literally true. Society has reached the point where most people acknowledge that married couples should be helped. "Marriage clinics" and "marriage counselors" are available, so that couples can discuss their problems. This is some improvement over the past, when no one would admit that there were problems to be solved. But it still is a most unbalanced situation. Compare it with the following:

What would be thought of an orchestra director who hired 100 men and women to form an orchestra but did not concern himself with their performing skills? Instead of seeking polished musicians, this imaginary director would hire all who applied, set them down before music stands, put instruments into their hands, and then—only then—begin to "discuss" the techniques of playing the various instruments and producing the desired ensemble effects. What's more, he would do this experimentation on stage before a full house, and with an assortment of music that would challenge polished musicians!

Insane? I'm sure you would agree that such a conductor would have to be! The audience would laugh him off the stage. And if some leader in the community insisted that it was "morally wrong" to teach music skills to musicians before they gathered on stage for a performance, he would be considered a raving fool!

But change the circumstances: Limit the "performers" to two and put them in a marriage bed and, somehow, the whole situation becomes distorted. Now we are willing to accept all these impossible requirements, and to agree that it would be "morally wrong" to prepare the two young people for the vital activity. We accept without question a decision that it would be "bad" to provide the "performers" with adequate training and instruction. This, too, is in every sense of the word, ridiculous!

Such a situation must be corrected! We have no right to deny instruction in sex to our children, when sexual pleasure and sexual ability are so vital to happiness and successful living. And vital they are. For a man or a woman who feels incapable or "cheated" sexually is bitter, unhappy, and basically maladjusted.

A possible solution is presented in the works of some modern anthropologists. They have discovered communities of people for whom sex instruction, in the best sense of the word, is an accepted practice. The Samoans, natives of New Guinea, are such a group. In their society, sex education begins with puberty, when the child is taken in hand by one of the older relatives of the opposite sex. He is carefully instructed, through actual doing, in the sex act. These are not lessons in words only—nor are they vague "birds and bees" tales. The child learns through practice, guided by an experienced, mature teacher. Only when the lessons are mastered is the teen-ager ready to marry and to thereby establish sexual relations with his peers.

I propose that this is the form of procedure that we must follow. Obviously, because we are not a simple primitive society, we will have to alter the details. For one thing, until some time has passed, we cannot assume that immediate relatives are equipped to serve as teachers. We will have to look elsewhere for the skilled instructors.

For this reason and, because it fits in with our established behavior patterns, I suggest that we establish "schools for sex." Many of the teachers would have to be accepted on the recommendation of others—until we could establish some standards. But such "good lovers" would be likely to be superior teachers.

I recognize that, to our prudish ears, such a system of sex instruction sounds strange. It certainly lacks the intimacy that surrounds sex education in Samoa. But it is in keeping with our general societal standards. We don't permit parents to instruct in subjects in which they are not qualified. The child learns from specially-prepared instructors who have mastered the subjects to be taught and who are acquainted with the most approved teaching techniques. Why not include sex in the list of important subjects to be learned? Why leave sex to chance?

Because this formal establishment would be difficult to start, I propose that we permit sex schools to be started as were our "regular" schools. As soon as possible, we should permit individuals to open tutoring establishments in sex. Naturally, for health reasons, they should be required to be examined regularly, as should the students who enroll. In fact, it might be wise to require that pupils refrain from all outside experimentation for the duration of the lessons, in order to protect the teachers.

Certainly important changes would occur were such a step to be taken. Those persons who graduated would be capable of teaching their chosen mates—if they wished to—though they probably would choose to marry other graduates. As more people became skilled, more elaborate schools could be set up. It probably would be advisable to limit the age of teachers to between 30 and 50, in order that advanced age or extreme youth would not interfere with proper instruction procedures.

It is obvious that such a drastic change in social behavior would not be simple to effect. There would be some people who, due to archaic morality, would object to such instruction for themselves or for their children. But there are already established channels for handling such situations. Educational hold-outs are around today.

I do not deny that sex instruction would be better administered on the personal level found in Samoa. But this, we must admit, is not possible here. We cannot permit the blind to lead the blind. And, at present, it is the abysmal ignorance of the adult population that has precipitated our problems.

I can hear critics of this proposal now: "What she's talking about is pure-and-simple legalized prostitution!" But this just is not so. A prostitute considers it her job to behave in a manner that satisfies the desires of her customer. She is there to please him, not to educate. The teachers I propose would instruct, conveying knowledge and skill to their pupils.

Such instruction, in which actual practice would be possible would produce graduates better able to act successfully in the area of sex than before they entered the school. A learning situation would have been in effect. This is no more prostitution of the body of the instructor in sex than a standard classroom is prostitution of the mental capacities of an instructor in music.

A wild dream? Possibly. But one which, if realized, would result in a society free from many of the sexual hangups and fears that now shroud our minds and inhibit our living as joyful members of a successful human society.

THE PSEUDO MAJORITY: THE TYRANNY OF THE LOUDEST VOICE

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. ZABLOCKI. Mr. Speaker, the recurring chant of "Peace Now" echoed across the Nation last Wednesday, moratorium day. The moratorium was intended to demonstrate in the words of Nicholas von Hoffman of the Washington Post, that the American people do not care whether we "bug out, run out, march out, stumble out, crawl out, or fade out of South Vietnam."

There are undoubtedly some Americans who do indeed feel this way. However, I would seriously contest any assertion that they are anywhere near a majority, even though they shout the loudest.

And the shouting is what I fear, what we—the representatives of all the American people—must fear. We must not let those who shout the loudest become a pseudo majority. We must beware of the tyranny of the loudest voice.

Even more importantly, with respect to the war in Vietnam, we must not be moved to act irrationally in response to the irrational, emotional cries of "Peace Now."

Instead, we must maintain a rational perspective. Such a perspective was shown in an article which appeared in this morning's Washington Post as a rebuttal to Mr. von Hoffman's article on the moratorium.

The article, entitled "A Rebuttal," was writen by Mr. Ward Just, an editorial writer for the Post. Mr. Just covered the war in Vietnam for 2 years as a correspondent for the Post. Because he exhibits both historical insights and a responsible position, I submit his article to the attention of my colleagues and recommend it to their careful reading:

A REBUTTAL

(By Ward Just)

I suspect that Nicholas von Hoffman is right when he says that people in their heart of hearts don't care whether we bug out, run out, march out, stumble out, crawl out or fade out of South Vietnam. Who wants to negotiate about cancer? He is talking about a substantial minority in this country, people who have had it, as the President once said in another connection, up to *here;* thus frustrated, convinced the nation is acting immorally, they want to quit.

It would not be difficult to do, and sure as shooting there is a paper in the White House describing the scenario, how Kennedy and Johnson were responsible for the war, how Nixon, Kissinger and Company gave it the good college try but saddled with an impossible Saigon government and an intransigent and seemingly inexhaustible enemy, had concluded, for the good of the country, that losses must be cut. Add a few juicy charges of past mismanagement of the war (God knows there is enough evidence of it), and conclude that the South Vietnamese must now proceed on their own. America has done all it could, and Godspeed to the survivors. And the kids and their parents are pacified. They won't have to go to war in South Vietnam.

It is a pointless exercise to argue the politics of it, whether or not the loss of Vietnam will lead to the loss of Waikiki or even of Bankok. Even so, that's a detail—arguable either way with most thoughtful men probably believing that yes, a loss in Vietnam probably means the "loss" of Southeast Asia, but if it did, which it might, so what. Southeast Asia, like China, is not our's to lose. "In the last analysis it's *their* war," President Kennedy said, blah blah blah. So it is necessary to set up the argument another way, to make it relevant, as they say, to what's happening now. This is to speak of the war in terms of its morals, and to do that is to examine it from the perspective of the Vietnamese.

Many of the Americans who so vehemently oppose the war do so from the position that the United States has virtually destroyed what it has tried to save. It is a fair point and an accurate one, far fairer and more accurate than they might suspect.

The Vietcong had all but won the war in early 1965, before the introduction of American combat troops. The test of strength was decently fair, with the indigenous Southern army with American support fighting the indigenous Southern guerrillas with North Vietnamese support. It seemed clear then that the Communists had the support of the people of South Vietnam. Theirs was the strong tide, and in that Buddhist nation, a nation with an ear tuned to the flow of history (in American political argot it means riding with the winner), the strong tide was the one that would win. The ordinary citizen, not wishing to be out of harmony, would go along; to refuse was to commit an unusual act of defiance. Defiance in that sense is not the Vietnamese way. So in 1965 the Saigon government was playing out a very weak hand, with little support in the country.

The Americans changed all that, first with the money and the men and then, in 1966, by taking charge of the prosecution of the war. What that did was free the South Vietnamese from the necessity for choice. The Americans ran the war now, and the South Vietnamese were obliged to go along with it—whether they wanted to or not. Many of them did. Others did not. Some of those who had managed to sit on the razor's edge were now forced to ante in with the allies. In a society as astoundingly resilient as South Vietnam's, many more continued to play both ends. But it became increasingly more difficult as 100,000 men became 200,000 men and finally half a million and $30 billion a year. What this means is very simple. It is that the responsibility for prolonging the war is this country's, not Saigon's nor Hanoi's.

The problem is that the tragedy is much, much deeper than Nicholas von Hoffman and others would have it. It would be wonderful if we could just walk away from it, pull the boats up to Camranh Bay and steal away into the night, leaving Saigon and Hanoi to work things out their own way. But if you did that you would want the journalists to leave along with the soldiers because the stories that would come with the Communist victory would be pretty grim stories, 20 years of scores to settle.

Our responsibility is not to Thieu or Ky or any of the other generals or merchants, nor is it to the South Vietnamese constitution nor to Freedom, nor even to the Americans who have died there, almost 40,000 now and 250,000 wounded. The responsibility is to those South Vietnamese who have been obliged to fight or otherwise resist the Communists because the Americans disturbed the normal course of events and changed the war. That is why the responsibility goes so deep, and it is a responsibility that will not be discharged by importing three million Vietnamese and parking them in the middle of Utah. But it is either that or stand by and watch the slaughter. Of course there may be no slaughter. Possibly not, but I know of no one who would make a bet on that. Twenty years of scores to settle.

That is not an argument bound to find much favor anywhere, because the Vietnamese are not nature's noblemen and we have had them around our necks for too long. For God's sake, for how much longer are we going to pick up the morning paper and find Vietnam all over page one? Whoever heard of Danang before 1965? The bitterness and anger sifts down and finally people say the hell with it. Get out, get out; get out, and we don't care how; get out, and get out right now; get out, or we'll blow the house down. And we don't care what happens later. What happens in the future doesn't matter, because nothing could be worse than the present.

But huh uh, kiddies; it won't work. This particular tragedy isn't going to go away because American college students are excused from duty in the rice fields. It's there with us now, and is going to be there for a generation and the question the moralists ought to ask themselves is where they intend to assign the responsibility for the blood left in the wake of the American boats, pulled up there in such haste at Camranh Bay. When the newspaper displays the photographs of those killed, what do we do then? Avert our eyes? Blame Lyndon Johnson? Perhaps pretend it isn't as bad as it looks, that the victims are war profiteers, or corrupt generals, or pimps or double agents. To the neurotic young it won't matter; American imperialism will be to blame, and that will be that. But what of the rest of us?

All we can do now is play out the tragedy, and try to learn the right lessons. On the ground in South Vietnam, revise the rules of engagement, initiate a cease-fire, keep withdrawing troops, but keep security as well; try to keep people alive, ours and theirs; wind all of it down, but in the winding be mindful that there are people whose lives are at the mercy of the Americans. What is entirely misunderstood in the current flight from reality is that this war is not Kennedy's war or Johnson's war or Nixon's war, it's America's war and we all bear some responsibility for it, and for its decent resolution. And the heroes of it are not in Sweden. The heroes are dead.

Our accountability to the South Vietnamese is not without end, but it is there for the immediate future. That is the price you pay for undertaking the direction of someone else's life. What extraordinary courage and toughness it will take now for Americans to be decent.

NATIONAL BUSINESS WOMEN'S WEEK

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mrs. HECKLER of Massachusetts. Mr. Speaker, a most distinguished organization, the National Federation of Business and Professional Women's Clubs, is focusing attention on woman's role in today's world through the observance of National Business Women's Week, October 19 through 25.

Since its founding in 1919, the National Federation of Business and Professional Women's Clubs has played a leading role in seeking to advance women's rights and secure fair and equal treatment for men and women alike in various fields of employment. Further, it has worked for beneficial legislation to advance these causes. In addition, aware of its responsibilities to improve or assist in improving world conditions and conditions of our society, the federation has worked on behalf of significant international and national causes.

At its national convention last July in St. Louis, the federation stated as policy its support for measures within the framework of the Constitution of the United States which will promote peace, strengthen national security, and make more effective the United Nations and such other international organizations of which the United States is a participant, without relinquishment of our basic freedoms.

It adopted a strong legislative program which seeks to end discrimination against working women and to advance efforts to bring about more effective crime control and law enforcement.

Copies of the federation's legislative platform have been sent to each Member of Congress. I would strongly urge each Member, as I will, to carefully review and consider the recommendations proposed by the legislative platform so that many of these just and reasonable proposals may soon be translated into law.

In my own Commonwealth of Massachusetts, and the 10th Congressional District which I represent, I have long been aware of the leadership exerted by local federation groups. I commend National President Myra Ruth Harmon for her succinct and admirable statement of the federation's purposes:

> Our members are imbued with the importance of an informed, active electorate; with the necessity for civic responsibility and service. Accordingly, our members endeavor to be knowledgeable about and to influence

legislation . . . We look to the Congress for leadership and support in our legislative aims.

National Business Women's Week is an appropriate time to consider the vast and unrealized potential which women can offer our society, given the opportunity, and to resolve to eradicate the unfortunate discrimination which has wasted this source of strength and leadership to our Nation's great disadvantage.

LEAD POISONING DRAFT

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. RYAN. Mr. Speaker, lead poisoning is a serious problem in our Nation's cities.

This disease, the nature and effects of which were largely ignored until recently, plagues an estimated 25,000 to 30,000 children in New York City alone.

Children get lead poisoning by eating bits of old lead-based paint which falls off the interior surfaces in the substandard housing of our urban centers.

Often, the disease is not detected until it has reached its most serious stages. At this point, lead poisoning results in epilepsy, cerebral palsy, permanent mental retardation, and death.

I have introduced three bills, H.R. 9191, H.R. 9192, and H.R. 11699, which are aimed at combating this silent epidemic. These bills were reintroduced in July with 18 cosponsors as H.R. 13256, H.R. 13254, and H.R. 13255.

I include in the RECORD an article which appeared in the October issue of The Sciences, published by the New York Academy of Sciences. The article was written by Estie Stoll and titled "Lead Poisoning: Price of Poverty?"

I urge my colleagues to read this article, and to support legislation which will combat and eradicate this unnecessary children's disease.

The article follows:

LEAD POISONING: PRICE OF POVERTY?

(By Estie Stoll)

For ghetto children, home may be more deathtrap than sanctuary. Largely unsupervised, with a high craving for non-foods, between 10 and 35 per cent of the East Coast slum children are estimated to have high blood levels of lead, caused by ingesting lead-base paint and plaster that flakes off the walls of their homes. Two to five per cent of these children develop symptomatic lead poisoning; a fourth of those who go on to develop lead encephalopathy suffer irreversible brain damage. (Medical Tribune, April 7, 1969.)

Permitting lead paint to constitute this health hazard in deprived areas "is a social crime and should be punishable as a crime," Dr. René J. Dubos told a Conference on Lead Poisoning at Rockefeller University. Professor of Environmental Medicine and Chairman of the Conference, Dr. Dubos insisted that a more concerned citizenry could force effective legislation to eliminate lead-poisoning just as it eliminated contamination of unpasteurized milk at the beginning of the century.

Lead paint is illegal in many cities, including New York, but the fines for failure to remove old lead paint are sometimes less than the cost of removal. Although medically unsafe, partial paint removal is often legally acceptable. The primary obstacle to successful treatment of plumbism is re-exposure to a lead-filled environment, Dr. J. Julian Chisholm, Jr., Associate Professor of Pediatrics at Johns Hopkins University, told the Conference. For surviving encephalopathy patients return to a high-lead environment, the chance of permanent brain damage increases from 25 to 100 per cent, he estimated. In Baltimore, a highly successful program against lead poisoning resulted from the combined efforts of physicians and city agencies to seek out patients for treatment and prevent their re-entry into unsafe homes. After in-hospital therapy is completed, a patient goes to a convalescent home while lead paint is removed from his old home, or new housing is found for the family. "Fifteen years ago, before the program began, most of our cases of lead intoxication were at the encephalopathy stage before the time of hospitalization," Dr. Chisholm said. "Now most are asymptomatic, and we see only two or three encephalopathy cases a year."

Other cities have been less successful in solving the lead poisoning problem. In New York's major lead belts—the South Bronx and Brooklyn—400 to 700 people per 100,000 are affected each year. Of these, about 500 are hospitalized yearly, and 30 to 60 of them already have encephalopathy, according to Dr. Joseph A. Cimino, Medical Director of the Department of Health's Poison Control Center. Returned to an unaltered situation, Dr. Cimino estimates, these children have a 10 per cent chance of being poisoned again.

Because the pocketbook is often more vulnerable than the conscience, Dr. Chisholm points out that prevention of lead poisoning is cheaper than victim care. In Baltimore, more than $220,000 is needed to treat each permanently brain-damaged individual; estimated costs for paint removal, or door and window replacement, are only $300 and $600–$1,200, respectively. Where prevention is not possible, a new urinalysis technique being tested in New York which measures δ-aminolevulinic concentration may help screen asymptomatic victims before they progress to more acute stages.

CALL TO ACTION BY DR. DUBOS

A Congressional bill for a national program to assist cities in eliminating lead paint in inner-city housing, and to treat patients, has already been introduced by Rep. William F. Ryan, New York Democrat. A bill pending in the New York State legislature would allocate funds to detect asymptomatic children. "If we do not act ruthlessly to control this simple problem," says Dr. Dubos, "it is an admission that our society is socially and intellectually dishonest, and it will deserve all the disaster that will come to it."

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorials for today are from the Hillsdale, Mich., News and the Midland, Mich., News of August 13 and September 12, 1969, in the State of Michigan. The editorials follow:

[From the Hillsdale (Mich.) News, July 28, 1969]

BIG ENOUGH NOW

Public opinion last year set up a roadblock against a Senate-passed bill permitting states to increase the weight and width of buses and trucks operating on the interstate highway system.

Now the bill has turned up again in the House public works subcommittee on roads, and trucking and bus interests are attempting to get a favorable recommendation.

The Senate-approved bill would allow states to increase the maximum weight of single-axle trucks from 18,000 to 20,000 pounds; of tandem-axle trucks from 32,000 to 34,000 pounds; and to replace the existing gross weight limit of 73,280 pounds with a sliding scale formula based on the distance between the front and rear axles and the number of axles on the vehicle. The maximum width would be increased from 96 to 102 inches.

The American Automobile Association has charged that the 1968 legislation would open the door to triple-trailer trucks on the interstate system. Motorists who find it difficult to pass the mammoth trucks on highways today would be up in arms if triple-trailer trucks were permitted.

Even a six-inch increase in the width of trucks would increase the safety hazard. The problem exists mainly on highways and streets removed from the interstate system. Drivers of many of the huge trucks already find it difficult to make turns at right-angle intersections.

Even though the federal legislation permits states to raise the limits, the bill should be blocked in the House. Citizens are all too familiar with the success of the trucking lobby in heading off increases in license fees and in diesel fuel taxes, and getting its way on other legislation.

[From the Midland (Mich.) News, Aug. 13, 1969]

TRUCK "SAFETY" NEEDS SCRUTINY

When the trucking industry talks about "safety" and "economy," the words mean something quite different than they do to the general public. The industry is talking about trucks, not about the rest of the traffic.

In testimony before the House public works committee, William A. Bresnahan, managing director of the American Trucking Association, said that permitting longer (70 feet), wider (8½ feet), heavier (a ton more per axle) trucks would "provide a family of trucks which would be safer than the existing units."

The story goes that wider trucks could have more adequate tires, more space between tires, for cooler running and use of chains, more adequate springs and bigger brakes. The proposed length—which states would be empowered to adopt, and Wisconsin's limit now is 55 feet—would permit greater cubic and weight capacity "without any additional stress on roads and bridges," the spokesman went on.

Fogging up the safety issue further was the association's research counsel, Edward V. Kiley, who cited Bureau of Public Roads figures to show 26.8 passenger cars are involved in accidents each million miles of travel, compared to only 3.23 trucks. How this speaks for bigger trucks was not explained.

A private study done for the Automobile Manufacturers Association shows .3 fatalities per hundred persons in collisions of passenger cars and pickup trucks, 7.1 in collisions of cars and tractor-trailer combinations and 13.3 in tractor-two-trailer combinations, the so-called double bottoms encouraged by the bill.

The American Automobile Association, which introduced the latter statistics to the committee, noted that, when a truck collides with a car, those in the smaller vehicle are more liable to injury or death.

The truckers' statements on road and bridge wear also can stand no close scrutiny. The American Association of State Highway

Officials has reported that increasing single axle loads by 2,000 pounds adds the effect of 1.6 applications of the present 18,000 pound limit and cuts remaining life of pavement 25 to 40 percent. If tandem axles were increased from 32,000 to 34,000 pounds, federal highway maintenance might jump $1.6 billion, and the "overstress" in bridges would increase.

The kind of "safety" and "economy" the trucking industry is talking about we can do without.

Do the Big Trucks Pay Enough?

Whether the biggest trucks put as much into highway taxes as they add to the cost of road building continues to be a lively question.

It has been asked for years without an answer that ends the questioning. For lack of convincing proof it is still a drag on those who lobby for bigger trucks.

They were shouted down by letters from the public to members of Congress a year ago, but the big-truck interests are trying again.

The question is back in this year's record.

The authoritative voice of Douglas B. Fugate, first vice president of the American Association of State Highway Officials, was heard by the House subcommittee on public works.

He said larger trucks already on the roads pay less than their share of highway costs. Mr. Fugate said that studies made by these men who build and maintain the highways show that allowing axle weights to increase only one ton from the present nine-ton limit would reduce the life of pavement 25 to 40 per cent.

This is a fresh statement from an engineering viewpoint of an attitude that has been around continuously since the interstate system was begun.

In the discussion preceding adoption of the law in 1956, there was a House Ways and Means * * * J. S. Giles, chairman of the highway committee of the American Automobile Association said heavy trucks then were paying less than "an equitable share of Federal-aid highway costs."

One of the compromises was that the interstate program was to be started while the heavy truck portion of the taxes was still undetermined.

Millions of dollars were used for a pavement-testing program at Ottawa, Ill. Technically, it was a "highway cost allocation study."

After many months of intense interest on the part of truck fleet owners, a voluminous report was issued. It said: "There is a definite indication . . . that the heavier trucks and combinations (particularly the latter) should be paying considerably more, in relation to the payments by the lighter vehicle groups, than they do now."

NATIONAL BUSINESS WOMEN'S WEEK

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. PUCINSKI. Mr. Speaker, 50 years ago, the National Federation of Business and Professional Women's Clubs was formed, which has become one of the largest and most outstanding organizations in all 50 States, the District of Columbia, Puerto Rico, and the Virgin Islands, with a membership of 180,000.

During the week of October 19–25, they are observing National Business Women's Week in recognition of the innumerable contributions made by the professional and business women of this country and the world.

Mr. Speaker, I would like to honor these ladies who from all walks of life have contributed so much in all fields of human endeavor. I have stated before this House the fact that exclusion of women from responsible positions, jobs with good pay and good prospects can be traced largely to myths and generalizations about women as a class. For that reason I introduced House Joint Resolution 801 which would permit a constitutional amendment to provide equal rights for women in America.

Title VII of the Civil Rights Act of 1964 has been a most forceful step in the direction of securing equal rights for women, but the realities of sex discrimination still exist in many facets of our society. The national federation has done an outstanding job in removing many of the barriers in our society by providing leadership, guidance, and inspiration.

I would like especially to pay tribute to the Jefferson-Norwood Business and Professional Women's Club in my district, which has just celebrated their 10th year as a member club of the national federation.

Jefferson-Norwood BPW Club has diligently pursued the objectives set forth by the federation, to elevate standards for women in the professions and business, to promote women in business and professions through scientific, industrial, and educational opportunities; several scholarships have been awarded to female students of the junior level in college who are top-grade students in need of financial support. A foster girl-child has been supported in Hong Kong, through PLAN. The support of Chinese Nurses Home in Formosa and the Ramallah School for Girls in Jordan have been projects of the club as well as support of the national federation foundation and the Illinois State headquarters building. Other charitable projects have included contributions to the Klingberg School of Mentally Retarded and the New Horizons Retarded Foundation.

This club can quite properly boast of its many outstanding career women, one of whom is the current president, Miss Lois Altmann, who held the same position in 1966–67.

Another outstanding career woman is Dr. Fonda Stewart, a Naprapath, and a past president of the club. Dr. Stewart is in her second 2-year term as president of the Illinois Naprapathic Association and a director of the American Naprapathic Association. She is a faculty member of the profession's college, chief librarian of the college and cochairman of the department of naprapathy of the college, and holds the distinction of being the first woman to have held the office of president of her professional association. Dr. Stewart has served in many community projects and is presently serving as recording secretary and legislation chairman of the BPW Club, and has been a delegate to all National and State BPW conventions.

Many professions are represented in the Jefferson-Norwood BPW Club, including law, education, nursing, dental technicians, natural healing arts, and engineering; salaried accountants, secretaries, bookkeepers, and personnel workers, owners of secretarial services, beauty shops, realty and insurance firms, and gift shops.

I take great pride, Mr. Speaker, in saluting these wonderful and outstanding women.

NEWSPAPER FAVORS FEDERAL PAY BILL

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. UDALL. Mr. Speaker, in the October 29 edition of the Federal Times there appeared an editorial supporting the House of Representatives' recent action in passing H.R. 13000. This editorial correctly noted that Federal employees are the victims of inflation rather than the cause of it. In order to share this with my colleagues, I insert it in the RECORD, as follows:

The Pay Bill

The threat of a Presidential veto has failed to deter the House of Representatives from passing a pay raise bill for federal employes.

Whether the threat will be carried out or not remains to be seen.

In an obvious last-minute effort to block passage of the bill the President has warned that it would create the need for cuts in personnel and services.

We can sympathize with his concern over inflation. We can agree that the raise will add to the inflationary pressures in the country.

But, we fail to see why the government workers always are elected to be the ones to make the sacrifice.

The same considerations should have prevailed when the Congress voted its own huge pay raise; but they were strangely lacking.

A few years ago an experiment was conducted in the use of wage guidelines. Government employe organizations went along with the test and settled for a smaller raise than they would have sought normally.

They got the smaller raise. But, industry ignored the guidelines and the comparability gap grew larger.

This is a year in which we have seen workers in some crafts granted wage increases which are truly inflationary. In the meantime, living costs have continued to rise.

Yet, once again, the government worker is asked to hold back and set the pattern for the rest of the nation. Of what use is a pattern if no one follows it?

The plea to help fight inflation is indiscriminately coupled with suggestions that there is laxity and much "fat" to be cut from government.

If there is, in fact, undue waste in government, then this should be stopped. If this makes possible a cut in the size of the work force—without dropping essential services—then the cut should be made. If inefficiency is rampant, then it should be corrected.

The poorest way to handle the wage increase request is to tell the government worker he risks cutbacks or other reprisals if he seeks a fair return for his efforts.

That there is room for increased economy in government is no secret. That there are other ways to achieve it besides threatening cuts in service and personnel also is no secret.

The biggest need right now is for the government to stop using the federal employe payroll as a political football.

Honest dealing with the problem, instead of the constant maneuvering for political advantage would be a far better solution.

Threats, even against children, soon lose their value. They are neither an effective motivator for good nor a long-range deterrent to evil.

We have said repeatedly that we believe the people of the United States can afford and are willing to pay for good government.

It is time to stop treating the government employe like a child and afford him the same status he could expect working in industry.

WASHINGTON STATE REPUBLICANS SUPPORT PRESIDENT'S PEACE EFFORTS

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. PELLY. Mr. Speaker, the King County Republican Central Committee has adopted a resolution in support of President Nixon's efforts to reach a conclusion of the Vietnam war. This resolution was passed by the more than 500 precinct committeemen in a special meeting October 16, 1969, in Seattle.

Under unanimous consent I include this resolution at this point in the RECORD:

RESOLUTION

We, citizens of the State of Washington and these United States in public assembly on this 16th day of October, 1969, having a great concern for the security of our nation and the welfare of our people, do hereby declare the following to be the expression of our disposition toward the conduct of our public affairs by the leaders of this Republic.

We take note that in the course of the affairs of man and nations there occur crises which can neither be evaded nor avoided and we understand that we are now living in such a period and as a people and as a nation are confronted by just such a crisis.

We understand this crisis to be one of the spirit and of the will which is now testing our resolution as a people and a nation to defend and preserve those principles of self-government upon which this nation was founded.

We accept that this nation and its institutions are under attack by a militant enemy both foreign and domestic and we here declare that it is our considered and deliberate intention to resist these attacks with all the strength and resources at our command.

We have just witnessed within the preceding 48 hours, demonstrations which, in their effect if not in their intent, have served the cause of those forces which would destroy our nation, its institutions and the liberty of its people.

We here express ourselves in full and complete disapproval of the actions of our fellow citizens who would have us desert our allies in battle, repudiate our national commitments or withdraw into the illusory world of isolation. We will not allow the world to fall prey to the predatory forces of international communism, despotism or reaction.

We declare our full and complete confidence in President Nixon, our nation's leaders, and our gallant fighting men to bring this engagement in Vietnam to a successful conclusion; a conclusion which will strengthen and preserve the interests of this nation and the forces of liberty for all mankind.

We congratulate President Nixon on his demonstrated determination to resolve this painful conflict in Vietnam on an honorable and reasonable basis. We declare our confidence in him and his policies. We know that peace in this hostile world will come and be kept when the forces of freedom are strong and when those who command have the will to use that strength.

We ask God to strengthen and guide us all through these perils of our times.

AMERICA'S YOUTH—STILL THE SPEARHEAD OF CHANGE

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. O'NEILL of Massachusetts. Mr. Speaker, last week we witnessed one of the most impressive and peaceful demonstrations in this great Nation's history. Moratorium Day was a nationwide outpouring of dissent in the best tradition of democracy and it was led by thousands of our young men and women.

On October 14, the day previous to this thoughtful and constructive event, Ambassador George Feldman delivered a speech at the National Industry Leader Award Dinner of B'nai B'rith. He took this occasion to speak about America's youth—their sometimes violent dissent, which, as he pointed out is the expression of a small minority and their great promise to the Nation and the world.

George Feldman has served the United States as Ambassador to the great and soverign nations of Malta and Luxembourg. He is a brilliant attorney whose work with the House Subcommittee on Space and the Federal Trade Commission was innovative and outstanding. He has a beautiful and loving family which is a pride to this country.

Mr. Speaker, I submit Ambassador Feldman's speech so that you and my colleagues in the House may benefit from his wise and cogent ideas on "America's Youth—Still the Spearhead of Change":

AMERICA'S YOUTH—STILL THE SPEARHEAD OF CHANGE

(Address by the Honorable George J. Feldman)

I am honored by the opportunity to take part in this tribute to a great industrial statesman. Individual enterprise and private industry are under constant attack today, even in this highly developed nation of ours. The contributions of corporate enterprise to our economy in terms of employment, taxes and goods and services must be supplemented with a direct concern for the problems that beset our society.

Kendrick Wilson, whom it has been my pleasure to know for many years, typifies that kind of corporate responsibility. In his personal life as well as in his business leadership, his genial manner is matched by an awareness of key problems and a strong will in finding solutions.

He symbolizes the enlightened outlook of the corporation he heads, a company that has been in the forefront of corporate efforts to train and bring job opportunities to the seriously disadvantaged people in our society. In conducting Avco Corporation's business affairs and in leading its enlightened, businesslike programs in the areas of human and urban problems, Mr. Wilson measures up to every criterion for statesmanlike industrial leadership.

His career typifies the best qualities of the leaders of our generation. If our nation can continue to produce men and women of Kendrick Wilson's calibre, its future will be in good hands. In view of some of the activities of today's young generation, many people are worried that that may not be the case.

American youth, they say, want either to drop out of our society or to tear it down. Since my return to the United States I have been troubled by the alarmist nature of our concern over youthful unrest. An excerpt from one angry letter to an editor especially stays in my mind. Quote:

"A great many of the students of today are the most self-centered, self-pitying, confused generation of parasites in history." Unquote. When we ponder the destruction of college offices, the shrilling of "non-negotiable demands," the chanted obscenities and the evidence of drug use, it is easy to nod our heads in sad agreement.

And so the stereotype is hardened. "The new generation is decadent; they can't pick up the torch," we lament, as we repeat a cry that has rung down the ages.

We do have many self-centered young people today. Many *are* confused. Many are indeed parasites. But how many is many? Can we generalize, can we sustain that stereotype about 23 million young men and women in this complex country of ours?

What does the boy from a Scarsdale mansion have in common with the son of a jobless ghetto family? Does either of them share in any common outlooks with the lower-middle class workingman's son? Being young, they share in the desire for change, but not always the same kinds of change.

I think that in talking about America's young people we can use the old analogy of the iceberg, with nine-tenths of its mass invisible from the surface. The vast majority of American youth may not be totally content with our society—I hope they are not—but their desire for change does not lead to loud demonstrations, destruction or bizarre modes of living.

That's why they don't catch our eye. Conflict and noise get news coverage, make headlines and earn appearances on the nightly TV newscasts.

But the national meeting of the moderate, rational Association of Student Governments in Washington, D.C. went relatively unnoticed in the press, even though their leaders met with President Nixon. I did see an editorial on that convention in *The New York Times* and I warmly concur with its conclusion about the basic soundness of America's college students. It said, and I quote:

"The majority is neither revolutionary nor contemptuous of American institutions, on and off campus. Only a lunatic fringe has embraced nihilist chaos or hedonistic escapism." End of quote.

But is it merely wishful thinking to say that moderate, sensible students comprise the relatively invisible nine-tenths of our iceberg? Am I whistling in the dark because I don't want to believe what I have seen and read since my return from Europe?

No, my friends. We in this country have a passion for facts. We do research to find out what a problem really looks like. The major American opinion research firms have been hard at work interviewing college students and other young people all over America. Thorough studies have been made. And here is one of the principal conclusions: True revolutionaries and violence-prone youth on campus comprise no more than three to five percent. American youth remains basically reformist rather than revolutionary. After studying survey results, *Fortune* magazine commented that, "Eighty-eight percent of young adults agree . . . that there are legitimate channels for reform . . ."

Don't think for one moment that I am saying everything is just fine. We all know that it is not. Dissidence is growing and it is spreading beyond the campus. But is that really so surprising? Our society is not perfect. We have been patching and reworking and adapting it to change since 1791, when the first ten amendments to our Constitution took force.

In the mid-1960's the time was ripe for a big change. Societies adjust themselves in spurts and cycles to relieve stresses that build up gradually, like the sporadic movements of earth alongside a geological fault. By the mid-1960's virtually one generation had elapsed since the veterans of World War II, who had matured during the Depression, began building a prosperous economy in the shadow of the Cold War. Their big challenge was an economic one—to make a decent living, to provide security and comfort for their families. And they succeeded on a scale never before seen in the history of the world.

That is why many of their children are able to look for different challenges. Many of today's generation are free from single-minded concentration upon money and security, free to be idealistic, even free to be irresponsible without having to pay severe economic penalties.

During that same World War II-post-war era we created the greatest change of all. We let the Geni out of the bottle for all time: we brought about the technological revolution. Nuclear energy, electronic computers, automated factories, television, space exploration—Benefactors of mankind, all of them, yet each has its dark underside, its capacity for evil, for despoliation, for waste of human resources or insult to human sensibilities, if it is not properly used and controlled.

So a major problem concerning today's youth is not a "youth problem" after all. It is a problem for our entire nation, old and young alike. Technology has advanced so fast that our political structure, our educational system, our social forms have not been able to keep up. We see technicians emerging as leaders in business, in government, in education, because traditional sources of such leadership do not produce the specialized technical knowledge necessary to understand how this awesome new machinery functions.

Technology has revolutionized communications and transportation. For the first time in history news events can be seen while they are actually happening, at virtually any spot on the globe. Ideas, modes of dress and action travel literally with the speed of light into homes throughout the nation and around the world. Jet aircraft have brought any spot in the world within a day's travel. Our affluent young people consider foreign travel for recreation and education as a normal part of their experience. So technological change has brought people into one vast community, and young people sense this and react to it.

Then, we are faced with what is probably the greatest single cause of unease and dissent among the young. The tragic war in Viet Nam obsesses their thoughts. For many of them it has been part of the world ever since they emerged from childhood. The skepticism and bitterness about the war are shared by college and non-college students alike.

So the problem of youth, dissent, generation gap, call it what we will—is upon us.

A new generation has emerged in the midst of a revolution in technology and a cruel, controversial war. The result has been a churning among young Americans that makes parents sick with anxiety. Let us look quickly at the rash of symptoms we find so upsetting:

The violence, the protests, the dress, the drugs are symptoms of a basic dissatisfaction with American society and the individual's place in it. A sizeable majority of young people in college and out see a need to improve our basic institutions—our system of business and industry, our politics, our judicial system, our higher education.

And herein lies the outstanding characteristic of today's student dissent. It is the young person's *concern* over inequities and injustices in our society. Naturally, there is a good deal of self-seeking in the protest and dissent. But there is more than selfish complaining. Our young people *are* concerned about others and about society as a whole. It is one of the healthiest signs of our times.

And here again I would like to cite a statistic, because so many unfounded assumptions permeate discussion of youthful dissent. Dr. Gallup reports that 51 percent of college students have done social work. He goes on to make this interesting point, and I quote: "It wasn't so long ago that doing extracurricular social work while in college was considered in some quarters to be 'square.' Now it is frequently a normal and effective part of one's college experience." Unquote.

When concerned but affluent young people scold their elders because of injustices in our society, how can we look them in the eye and say, "Why are you so ungrateful when you have been given so much?"

Yes, as a nation we have developed and prospered, but we have left many things undone. We have strenuous work to do on problems of poverty, job opportunities, education, housing, the environment, and so many others. The young critics accuse our society of tolerating injustices because we have not eliminated them. No doubt there is some basis for the charge, but history shows that a society's basic problems can never be solved quickly and neatly, and that a fast-growing nation inevitably creates new problems as it evolves.

America has a long heritage of problem-solving. Just 100 years ago the nation was torn by a dissent so widespread and so bitter that those Reconstruction days were known as "The Age of Hate." Whites and Blacks rioted against one another. The Ku Klux Klan was born. The president was impeached. Yet the nation survived, knitted itself together and resumed its progress.

In our own time the United States survived the Depression, then went on to build unparalleled prosperity for most of her people. In World War II America and her Allies put down the effort to impose a new Age of Darkness on all of Western civilization.

Looking to the future, I see still another cause for optimism. It lies in the technological revolution which helped to foster so much of today's dissent. When our three astronauts landed on the moon, people throughout the world, from sheepherder to statesmen, were caught up in the emotional impact.

Communications satellites carry events around the world in a fraction of a second, linking peoples to watch together as a president is inaugurated or an Olympics champion is crowned. And that is but the beginning. In 1972, millions of villagers in India will see, on community TV sets, shows about planting and cultivating, pesticides and other valuable information. Those programs will be beamed from an orbiting satellite.

I admit to a strong parental interest in communications satellites. And as one who has represented our country abroad I am fascinated by the prospect of daily face-to-face diplomatic contacts via satellite TV and picture phone.

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Their number includes agitators who want chaos for chaos' sake, but it includes far, far more of tomorrow's scientists and engineers, doctors and executives, professors and statesmen. Many of them will fight to bring change and reform to the professions they enter. Their concern, their new perspective and their advanced education are needed by America.

As always in the past, the emerging generation will be the source of renewal of America's heritage. *Our* generation still has much hard work to do on problems that trouble the young and sap our national strength.

We must extricate the United States from the war in Viet Nam, which, more than any other issue of the day, has caused dissention and grief in our nation.

We must put an end to the cruelty and sheer waste of discrimination.

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Our responsibility as business leaders, governmental leaders and professional men and women is to recognize that we are in an era of convulsive change, to recognize our own increasing obsolescence. We must be prepared to assign to the most capable members of this new generation a heavy burden or responsibility and leadership.

In closing, I think it is appropriate to emphasize to you in this mature audience, the same thoughts I have expressed to a class of graduating college seniors: Don't you lose faith in America! Our nation's people have a history of turning restlessness and dissatisfaction into progress. Overcoming obstacles lifts us to new levels of achievement.

SLOVENIAN FESTIVAL DAY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

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Hon. Richard J. Daley, mayor of the city of Chicago, has declared October 25 as "Slovenian Day" in Chicago and has urged all citizens to join in observance of the day and to take part in the festivities planned for the celebration. Additionally, Gov. Richard B. Ogilvie has proclaimed October 25 as "Slovenian Day" in Illinois.

The festivities will begin with a dinner at 7 p.m. at the St. Stephen Hall, 1835 22d Place, Chicago, Ill. More than 1,200 people are expected to attend the dinner at which the winner of the 1969 Slovenian Award will be announced. This award has been given annually for the last 17 years to an outstanding Slovenian-American for his work and his achievements in the community. Last year's winner of this award was Mr. Anton Udovich, 2623 South Springfield Avenue, Chicago, Ill.

The festival will include a performance by Korotan, a 50-voice mixed chorus from Cleveland, which will present folksongs and classical songs in the Slovenian language, and the orchestra of Hanez Arko which will play dance music.

Master of ceremonies for the program will be Dr. Ludwig Leskovar, and among the distinguished guests will be Congressman Roman C. Pucinski of the 11th District of Illinois, and Alderman Vito Marzullo, of the 25th ward, who will be representing the city council of Chicago.

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The Slovenian Americans, over 400,000 strong in the United States, have much of which they can be proud. Through hard work, dedication, and loyalty, they have achieved high and honored positions in public life. Among such outstanding individuals are Congressman John A. Blatnik of Minnesota, and Ludwig J. Andolsek, Commissioner of the U.S. Civil Service Commission.

Not only as public servants, but as artisans and artists, as laborers and tradesmen, as men of letters and of science, and in many other occupations and professions, the Slovenian-Americans have made an outstanding contribution to the cultural advancement of our great country.

Slovenia forms one of the six South-Slavic groups, known as People's Republics, which make up today's Yugoslavia, and has a territory at present of about 8,000 miles and a population of about 1,500,000. Throughout their history, which goes back more than 1,000 years, the courageous Slovenians have always been indomitable fighters for freedom and for their national traditions. Therefore, they have never been totally submerged in the sea of other peoples which surrounds their country.

Their spiritual and intellectual attainments have been second to none in that part of the world. As an example, the Slovenians succeeded in printing the first book in the year 1550 in the Slovenian language which was also the first printed book in any Slavic language.

The first Slovenian immigrants came to the United States as early as 1750. Among the immigrants who came here was Bishop Frederic Baraga, a great missionary figure in the history of America. He was born in Slovenia in 1797 and came to the United States in 1830 to devote his life to the Indians of the Upper Great Lakes. He is called the Apostle of the Lakelands and for 37 years served the Indians in that territory. He died in 1868 and was buried in Marquette, Mich. Father Baraga's contributions to the people were so exceptional that today a canonical investigation is being made into his life and labors in order to promote his beatification.

As Congressman for the Seventh Congressional District of Illinois, where hundreds of Slovenian-Americans reside, I take great pleasure in congratulating and extending best wishes to the Americans of Slovenian heritage who reside in my district as well as to all those across our Nation who are joining in this celebration of Slovenian Festival Day.

Hon. Vito Marzullo, the alderman, and committeeman of the 25th ward, which is part of the Seventh District and where many, many Slovenians reside, joins me in extending his greetings to the Slovenian people on this happy occasion.

Mr. Speaker, at this point in the Congressional Record I would like to include the text of the mayor's proclamation, which follows:

Proclamation

Whereas, thousands of Americans of Slovenian descent living in this City for generations, have contributed much to the progress and development of Chicago; and

Whereas, Slovenians of Chicago have taken an active part in the growth of our American culture, contributing notably in the field of music, as exemplified so well by the production of the Slovenian Radio Program, under the direction of Doctor Ludwig A. Leskovar, which is celebrating its nineteenth consecutive year of broadcasting; and

Whereas, Slovenians throughout the world are celebrating the 51st Anniversary of their independence gained from the Austro-Hungarian Empire on October 29, 1918:

Now, therefore, I, Richard J. Daley, Mayor of the City of Chicago, do hereby declare Saturday, October 25, 1969 as "Slovenian Day in Chicago" and urge all citizens to join in observance of the day and to take part in the programs to be presented by the Slovenian Radio Program of Chicago.

Dated this twelfth day of September, A.D., 1969.

Richard J. Daley,
Mayor.

WEIZMANN INSTITUTE OF SCIENCE HONORED AT INTERNATIONAL TRIBUTE DINNER IN CHICAGO

HON. ROMAN C. PUCINSKI

OF ILLINOIS

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Mr. PUCINSKI. Mr. Speaker, last weekend marked a most memorable occasion for the citizens of Chicago as the city paid tribute to the Weizmann Institute of Science at Rehovot, Israel.

The Weizmann Institute of Science is one of the truly great research institutions in the world and is attracting ever-increasing respect and attention for the great strides it is making in scientific pursuits.

In a most inspiring dinner held at the Conrad Hilton Hotel, a series of speakers paid tribute to the institute and also to the late Senator Everett Dirksen, who had been a strong supporter of the institute and in whose honor a chair is dedicated for continued research in cancer.

I should like to place in the Record today some of the inspiring remarks delivered at the dinner.

We were all thrilled to hear Dr. Albert B. Sabin, president-elect of the Weizmann Institute of Science, relate his views on the impressive responsibilities which he will soon assume.

We were also moved by the stirring invocation by Rabbi Benzion C. Kaganoff of the Congregation Ezras Israel.

The Israeli Consul General, Shaul Ramati, placed the entire evening into proper perspective.

We were inspired by the remarks of former Supreme Court Justice Arthur Goldberg who related some of his experiences with Senator Dirksen.

And, finally, Mr. Speaker, the excellent presentation to Mrs. Everett McKinley Dirksen delivered by former Ambassador Phil Klutznick, who captured the import of the Weizmann Institute of Science.

Chicago's favorite columnist, Irv Kupcinet, did an outstanding job as master of ceremonies, and I believe the highest gratitude goes to Lester Crown, general chairman of the evening, and Dr. William Novick, who was executive director of the banquet and who does such an inspiring job as director of the Chicago Committee for the Weizmann Institute of Science. We were most grateful to Mr. Philip D. Sang, one of the principal supporters of the Weizmann Institute for his generous contribution to the success of the evening.

Mr. Speaker, the remarks of these distinguished speakers in the order in which they were presented, follow:

Invocation at Senator Dirksen Memorial Tribute Dinner of the Weizmann Institute of Science, Conrad Hilton Hotel, October 12, 1969

(By Rabbi Benzion C. Kaganoff, Congregation Ezras Israel, Chicago)

Almighty God—We invoke Thy blessings upon all assembled here tonight in behalf of the Weizmann Institute of Science in Israel, an Institution dedicated to learning, to re-

Don't think for one moment that I am saying everything is just fine. We all know that it is not. Dissidence is growing and it is spreading beyond the campus. But is that really so surprising? Our society is not perfect. We have been patching and reworking and adapting it to change since 1791, when the first ten amendments to our Constitution took force.

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Mr. PUCINSKI. Mr. Speaker, last weekend marked a most memorable occasion for the citizens of Chicago as the city paid tribute to the Weizmann Institute of Science at Rehovot, Israel.

The Weizmann Institute of Science is one of the truly great research institutions in the world and is attracting ever-increasing respect and attention for the great strides it is making in scientific pursuits.

In a most inspiring dinner held at the Conrad Hilton Hotel, a series of speakers paid tribute to the institute and also to the late Senator Everett Dirksen, who had been a strong supporter of the institute and in whose honor a chair is dedicated for continued research in cancer.

I should like to place in the Record today some of the inspiring remarks delivered at the dinner.

We were all thrilled to hear Dr. Albert B. Sabin, president-elect of the Weizmann Institute of Science, relate his views on the impressive responsibilities which he will soon assume.

We were also moved by the stirring invocation by Rabbi Benzion C. Kaganoff of the Congregation Ezras Israel.

The Israeli Consul General, Shaul Ramati, placed the entire evening into proper perspective.

We were inspired by the remarks of former Supreme Court Justice Arthur Goldberg who related some of his experiences with Senator Dirksen.

And, finally, Mr. Speaker, the excellent presentation to Mrs. Everett McKinley Dirksen delivered by former Ambassador Phil Klutznick, who captured the import of the Weizmann Institute of Science.

Chicago's favorite columnist, Irv Kupcinet, did an outstanding job as master of ceremonies, and I believe the highest gratitude goes to Lester Crown, general chairman of the evening, and Dr. William Novick, who was executive director of the banquet and who does such an inspiring job as director of the Chicago Committee for the Weizmann Institute of Science. We were most grateful to Mr. Philip D. Sang, one of the principal supporters of the Weizmann Institute for his generous contribution to the success of the evening.

Mr. Speaker, the remarks of these distinguished speakers in the order in which they were presented, follow:

INVOCATION AT SENATOR DIRKSEN MEMORIAL TRIBUTE DINNER OF THE WEIZMANN INSTITUTE OF SCIENCE, CONRAD HILTON HOTEL, OCTOBER 12, 1969

(By Rabbi Benzion C. Kaganoff, Congregation Ezras Israel, Chicago)

Almighty God—We invoke Thy blessings upon all assembled here tonight in behalf of the Weizmann Institute of Science in Israel, an Institution dedicated to learning, to research, and to reverence for life, to honor the memory of a distinguished son of Illinois—the late Senator Everett McKinley Dirksen.

We honor his memory by re-affirming those principles of God and country and the highest values of humanity to which our city, our state, and our nation are committed.

"For what makes a state and its people great and strong?
Not architecture's graceful strength
Not factories' extended length
But men who will tolerate no wrong
And give their lives to make it right
To turn all darkness into light.

"What makes a State that man can love?
Not things charm the outward sense—
Not mere display of opulence;
But Right that no wrong can remove—
And Faith that no power on earth will turn—
And Truth and God and Honor for which men will yearn.

"This is the State that shall forever stand
As a light upon a nation's hill
A voice that evil cannot still
A source of blessing to the land.
Its strength—not brick, nor stone, nor wood
But Justice, Love, and Brotherhood."

May all of us witness the fulfillment of the vision of Thy ancient prophets:—"Nation shall not lift up sword against Nation—neither shall they learn War anymore, and the glory of the Lord shall be revealed, and all men shall see it together". Amen.

Remarks of the Honorable Shaul Ramati, Consul General of Israel

Mr. Chairman, Mrs. Dirksen, Distinguished Guests: We are gathered here to honour the memory of Senator Everett McKinley Dirksen who stood for the old fashioned values that made this country great. Fortunately for this country and for mankind the mass of the people of this country still hold these values dear. This is the unbreakable bond between the United States of America and Israel, which cherishes them equally. These silent Americans, the unpublicized Americans, God fearing, untouched by big city vices. They who fearlessly and wholeheartedly support liberty for the individual a just society, the rule of law, the democratic system, equality of opportunity. No nation, race or class is their enemy. Their foes are tyranny, oppression, disease and poverty, ignorance and prejudice. They are moderate, honest, hardworking, observe the Ten Commandments, they are self reliant, still pioneers at heart, proud of their heritage, devoted to peace and progress. If the image of the United States in the World is very different to this, it is because these normal Americans are so unnewsworthy as far as the mass media and major newspapers are concerned. But Senator Dirksen, who embodied these qualities, because of his leadership, personality and eloquence, was always newsworthy and it was natural for him to support a land and people from which many of these ideals had sprung, which was doing its level best to live by them today in a region in which these ideals were rejected and spurned, which even whilst under bloody siege was beginning once against to make a unique contribution to the betterment of mankind.

No wonder that the mainstream of American opinion for which Dirksen often spoke supported the righting of a historic wrong in 1948; rejected a discredited opportunistic policy which had permitted the Soviet Union to establish bridgeheads in the Middle East after their clients were defeated in 1956. No wonder that he favoured the new policies, of which Ambassador Arthur Goldberg was such an important architect to maintain the 1967 cease fire situation until it could be superceded by a true and lasting peace. Senator Dirksen assured them the bipartisan support required for the effective continuity. He was convinced that American interest demanded denial of success to Soviet Imperialism, to tyrannical military dictatorships, to those whose minds were set on mass murder and the denial of those same rights of self-determination, independence and freedom to others which they claimed for themselves. In 1967 Israel had shown that it could defend not only itself but also the interests of all who love freedom in the Middle East. By their own unaided efforts against great odds they had saved the President of the United States and its Congress from having to make an almost impossibly difficult decision. No wonder that the Senator felt that Israel should receive the military aid and economic and diplomatic support, to assure its defence, to prevent war, and give the attainment of peace a chance, as well as to prevent a situation arising where the U.S. Government might be faced with the necessity of making the same agonising decision they had only so recently been enabled so narrowly to avoid.

Yet Dirksen realised Israel had much more to offer to the world than a demonstration of the power of free men defending their lives and liberty. He watched Israel's cooperation with the developing nations of Africa, Asia and Latin America, the alternative this offered to the panaceas promised by the Soviets and the Chinese. He watched their experimentation in making the desert bloom, of desalting sea water, frontiers that had to be conquered and conquered quickly if the calamity of mass starvation was not to engulf the world. He saw the efforts to harness solar energy to man's service, to find social forms and cultural expressions acceptable to men who brought with them the ways of life of the 100 lands from which they had come to Israel. Could it be that another great boon could come to mankind from Israel, the cure of cancer? And so, before he was himself struck down by this dread disease he singled out the Weizmann Institute and its Cancer Research for his particular project. Here the bi-annual Rehovoth Conferences of political leaders and scientists of how to make science serve rapid progress in the developing countries are held. Here promising scientists from the world over are brought to study and return to their countries with the keys to their progress. Here the use of isotopes is studied in medicine, in agriculture, and in the exploitation of ground water. Here advances were being made towards the discovery of the secrets of life and its enemies such as old age and cancer. He could not have chosen anything more worth while to support in Israel for the Weizmann Institute is serving all mankind. And neither could you ladies and gentlemen assembled here. And for this I congratulate you and I thank you.

Speech of the Honorable Arthur J. Goldberg

Mr. Crown, Mr. Kupcinet, Your Excellency the Counsel General, Mrs. Dirksen and Rabbis and guests, ladies and gentlemen:

I should like to address my first comments to Mrs. Dirksen. Luella, when we planned this affair and I was invited to come, your husband was very much alive. And we looked forward to this occasion as a fine celebration where old friends would get together and share the pleasure of his and your company in a cause to which he was dedicated and to which this very fine audience of friends of yours and his would gather together to really thank him for all that he has done as the Chairman has said in the Congress for this State which means so much to the Jewish people and to all freedom-loving people.

Now he is not with us. It is very hard to believe that he is not with us. You and I were talking before as we gathered at a dinner just a few weeks ago where Dorothy and I and you and Everett were at the German Embassy in Washington at a festive occasion and we visited together. Now, it would not be in keeping with Everett Dirksen's spirit for us to make a memorial out of this occasion. You and I agreed about that earlier this evening. If there ever was a happy warrior, it was Everett Dirksen. If there ever was a man who loved life, it was Everett Dirksen and we shall not make a memorial out of this affair. Rather it will be an occasion for happy reminiscence about this wonderful man, great friend, outstanding American, great friend of Israel so that you can carry with you a feeling of how high our regard was for him and maybe that is the best thing any of us can leave to our families when the inevitable happens to all of us.

I would like to share with this audience a few reminiscences about Everett Dirksen. I knew him for quite a long time as some of you know and I was the beneficiary very much of great acts of friendship on his part—acts of friendship which were very characteristic about the man. I would like to relate a few of them and then I'd like to point up the unique role that he has played in our body politic.

When President Kennedy asked me to assume the office of Secretary of Labor, the first thing that you are supposed to do is to make sure that Congress will confirm your appointment and therefore what you do is you immediately get in touch with the important people in the Congress. That is what you are supposed to do by the Congressional advisors of the President. I was a new Secretary of Labor. I was about to do it but I did not have time to do it, because the very first telephone call I received after my appointment was announced on the Georgetown steps in September of 1960, was from Senator Dirksen who called me, congratulated me and said. "Would it be convenient for you to come to my office to have lunch with me tomorrow." And, of course, when the high-ranking Senator says would it be convenient it's like a command performance for a queen or president. You say, certainly. By the way my Democratic friend had not yet called, although I had campaigned for him very vigorously as Jack Arvey knows.

I came to the Senator's office and found to my surprise there was gathered together in his office all of the Republican members of the Senate-Labor Committee, of which Senator Dirksen was the ranking member. We had a very convivial lunch with all that helps make a lunch convivial. You would expect that in Everett's office. We had no speeches. We just sat there with all of the Senator Republican colleagues and at the very end just as we were about to break up, as though it was an afterthought, Senator Dirksen got up and said, "Well, gentlemen, I just forgot something." He said, "Arthur Goldberg has been my friend for twenty-five years." Then he looked around and said, "Need I say more."

Then the lunch was adjourned.

The second bit of reminiscence I would like to point out is on that occasion when my nomination was reported out as on the Senate-Judiciary Committee unanimously, an art which seems to have been lost these days. I found the normal course under those circumstances, since it was submitted by a Democratic President, is for the Chairman of the committee, or the Chairman of the subcommittee, who is our friend at that time, Estes Kefauver, to report out the nomination to the Senate. But, without any consultation with me but to my great pleasure and gratification, my nomination was reported to the Senate by Senator Dirksen which may have had something to do with my nomination by the Senate, also confirmed unanimously.

And then there is a third reminiscence. My wife and I, like many in this audience, give an annual Seder. And I remember, Luella, you remember too, when Dorothy and I had a Seder and we invited our two Senators—Senator Dirksen and Senator Douglas among other friends. It is our custom to sing songs which is the tradition of conducting a Seder to sing songs. All kinds of songs at the Seder, not only the traditional liturgy, but anything that anyone wants to sing. Well, having represented the labor movement for a long time, among the songs that we traditionally sing at our Seder are songs that come out of the labor movement from the songbook that is published by the AFL–CIO. I wondered about how that would do with Everett, who at that time was having a few problems with the AFL–CIO. So we went out and bought another songbook and at that particular Seder we alternated songs—from the NAM songbook and from the AFL–CIO songbook. And we had, as you will recall, Luella, a very fine time indeed.

Now, Senator Dirksen embodied something very important in American life. He was not only a very congenial man, with no malice in his system toward anyone. He had great friends like myself who differed with him on many issues, but he was also a man who understood the important role and limitations of the opposition in American political life.

Now, it is extremely important that the role of an opposition and the limitations of an opposition both be preserved if we are to have a healthy democratic country. And sometimes people forget this.

I am a great believer in an opposition. Of course, I like to be in the majority party but I am a great believer that it is extremely healthy for a country and for the administration in power to have a strong vigorous, articulate and determined opposition. Everett Dirksen played that role in two administrations—Democratic administration that I had to do with, and it was a very important role indeed because the party in power is not always right. And a party in power needs to be reminded that in our country, happily a country that is a two-party system, that in the opposition there is a repository of knowledge and understanding and suggestions and ideas which the majority party and the administration power may sometimes be deficient in. And, therefore, if we watch the show on television, and it often was a great show indeed—Kup, I think you will agree, the Senator's show—you had a man who understood that whatever his personal relations were with the Presidents, he had a role to play in representing the opposition viewpoint.

The Senator also knew what the limitations were on opposition and there is one paramount rule about what the essential limitation is and that is that the country comes before political parties.

And I would carry that even further, and am afraid to do this in front of Colonel Arvey's presence, but the country comes before political parties, the state comes before political parties, the city comes before political parties. We are Americans first. That's our first loyalty. A loyalty to a political party comes second, and Everett Dirksen understood that. I knew that when I was Secretary of Labor and U.S. Ambassador to the United Nations I could always come to Everett Dirksen and tell him frankly what the problems of the country were, and I knew that he would either agree or disagree and his agreement or disagreement would be fundamentally based ultimately on what he conceived to be the best interest of the country as a whole. I might not agree, as I said I often did not, but I never had any doubt that that was the basis upon which he made his decision as to the role that he ought to occupy.

I can tell you very frankly that the two Democratic Presidents under whom I served had the greatest amount of affection for him and sometimes I wonder whether he didn't feel that he could play a better role under the two Democratic Presidents than under a Republican President. But perhaps a new Republican President had to get the full measure of what type of man Everett Dirksen was.

Now, he's being honored in a very great cause—a cause of a great scientific educational institution in Israel. Israel could not be the country that it is if high in the list of priorities there was not the fact that it had to develop great institutions of education and knowledge and research—great universities and a great scientific institute named after the beloved Chaim Weizmann.

Last year my wife and I had the great honor of going to Israel for the 50th Anniversary of Hebrew University, and I thought back as I stood on Mt. Scopus that that University was established at the time the guns were still firing in World War I. And when the concept that there could be a Jewish State seemed like a concept utterly lacking in reality, those who were working towards the establishment started this to be the supreme act of realism; that they should, even though poor, impoverished and lacking in support, create a great university. And it is quite interesting that here before the establishment of the Jewish State, 25 years ago, it was conceived in Rehovoth that there ought to be a great scientific institute to contribute not solely, or indeed even primarily, to the problems of Israel but that Israel could be the type of country that had an institution devoted to scientific research which could benefit all of mankind. And this is what the Weizmann Institute has done and now I think the embodiment of that supreme realism is the fact that one of our great Americans, a great scientist of world-renowned who has contributed so much to the alleviation of disease for all people everywhere has assumed the Presidency of the Weizmann Institute in Dr. Sabin.

Israel has great problems. This is not the occasion to talk about them. It has the problem of survival—a problem which every nation must put first in all of its priorities. But I am sure were the Prime Minister of Israel here today, she would strongly second what I say to you—that all of the priorities of this country have to be met. There is no single priority which cannot be met. All of them have to be met if this country is to be the type of country that it must be and stand as a symbol of a democratic country dedicated to all of the great ideals and above all the great ideal that if there is to be peace it will be founded on the quality of its society.

I am personally very pleased, Luella, that Everett's name will be linked with this very distinguished and fine institution. I know that you would want it so and those of us who were his friends and are your friends want it so, too.

Thank you very much.

Remarks of Dr. Albert B. Sabin, President-Elect of the Weizmann Institute of Science

I look forward to my new job as President of the Weizmann Institute because I see in it an opportunity to participate in the fulfillment of Weizmann's original goals to serve Israel, to serve science, and to serve humanity.

Weizmann's vision included not only a return of Jews to their ancestral home after 19 centuries of frequently tragic exile but also the creation in the reborn nation of a culture and scientific tradition that hopefully would achieve something more than the fulfillment of its own needs. In biblical times the tiny land of Israel with its teachers and prophets contributed cultural and religious concepts that had an influence far beyond its borders on the people who embraced Christianity and Islam. In modern times science is the force that has the greatest potential for influencing the shape of things to come. The great economic progress of the past in the U.S.A. and other economically advanced countries was based to a large extent on the exploitation of natural resources. Economic progress in the future must depend more and more on science as the most important resource. Good science should be supported by all wherever this important resource needs help—and the Weizmann Institute is general acknowledged by those who are competent to judge as a unique and outstanding scientific resource not only of Israel but of the world.

The Weizmann Institute, like all other great achievements in Israel, was built on faith—the faith that the men who came to work there would bring it the eminence it has achieved—and the faith that the tens of millions of dollars that had to be borrowed to make it the excellent scientific resource it has come to be would ultimately be provided not only by the Jews of the world but also by others who will benefit from the new knowledge that the Weizmann Institute has already created and will continue to create. The Weizmann Institute is in great need not only of support for its regular operating expenses, which are already in excess of 10 million dollars per annum, but also for the repayment of the 30 million dollar debt on which interest is now being paid annually. I have faith that the dedicated friends of the Weizmann Institute throughout the world will be even more generous in the future than they have been in the past.

During my stay in Rehovot last July, bomb shelters were being built on the campus of the Weizmann Institute. To me this was symbolic of Israel—work for the best without neglecting to prepare for the worst. If Israel is now living in a precarious balance of terror so is the rest of the world. Israel is in the process of creating the most heroic era in the history of the Jews, and as a Jew I shall derive a very deep gratification from the opportunity that I shall now have to play some small direct part in it. Israel is also a pilot plant for the hundreds of millions of people living in ever greater poverty and misery in the economically undeveloped countries of the world, and as a human being I also look forward to being a part of that important enterprise. And I hope that I shall live to see the day when the leaders of the Arab governments will accept a sovereign state of Israel in their midst and let their people work together with the people of Israel for the benefit of all who inhabit this historic region of the world.

Presentation to Mrs. Everett McKinley Dirksen

It was my first thought to use these moments to relate a few personal incidents. I would like to tell you when I first met the Congressman in Washington in 1941 shortly after I had arrived for sixty days' government service. The sixty days matured to nearly six years. Throughout I received at Congressman Dirksen's hands understanding and aid, which I sorely needed, especially since he was a member of the Sub-committee on Appropriations which concerned itself with my agency's budget.

Or, I could dwell on a critical moment in 1962 when following excruciating toil in the United Nations to save it financially and the outlook in the Senate was dreary, I appealed Senator Dirksen, as a heartsick and discouraged constituent rather than a public official. One should read and reread his eloquent speech endorsing the United Nations bond issue delivered on the floor of the Senate, which alone won the day and made a year's work a pleasant page in my own personal history.

Or, I could refer to moments only last fall when behind the scenes, his persistence as-search, and to reverence for life, to honor the memory of a distinguished son of Illinois—the late Senator Everett McKinley Dirksen.

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Speech of the Honorable Arthur J. Goldberg

Mr. Crown, Mr. Kupcinet, Your Excellency the Counsel General, Mrs. Dirksen and Rabbis and guests, ladies and gentlemen:

I should like to address my first comments to Mrs. Dirksen. Luella, when we planned this affair and I was invited to come, your husband was very much alive. And we looked forward to this occasion as a fine celebration where old friends would get together and share the pleasure of his and your company in a cause to which he was dedicated and to which this very fine audience of friends of yours and his would gather together to really thank him for all that he has done as the Chairman has said in the Congress for this State which means so much to the Jewish people and to all freedom-loving people.

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I am a great believer in an opposition. Of course, I like to be in the majority party but I am a great believer that it is extremely healthy for a country and for the administration in power to have a strong vigorous, articulate and determined opposition. Everett Dirksen played that role in two administrations—Democratic administration that I had to do with, and it was a very important role indeed because the party in power is not always right. And a party in power needs to be reminded that in our country, happily a country that is a two-party system, that in the opposition there is a repository of knowledge and understanding and suggestions and ideas which the majority party and the administration power may sometimes be deficient in. And, therefore, if we watch the show on television, and it often was a great show indeed—Kup, I think you will agree, the Senator's show—you had a man who understood that whatever his personal relations were with the Presidents, he had a role to play in representing the opposition viewpoint.

The Senator also knew what the limitations were on opposition and there is one paramount rule about what the essential limitation is and that is that the country comes before political parties.

And I would carry that even further, and am afraid to do this in front of Colonel Arvey's presence, but the country comes before political parties, the state comes before political parties, the city comes before political parties. We are Americans first. That's our first loyalty. A loyalty to a political party comes second, and Everett Dirksen understood that. I knew that when I was Secretary of Labor and U.S. Ambassador to the United Nations I could always come to Everett Dirksen and tell him frankly what the problems of the country were, and I knew that he would either agree or disagree and his agreement or disagreement would be fundamentally based ultimately on what he conceived to be the best interest of the country as a whole. I might not agree, as I said I often did not, but I never had any doubt that that was the basis upon which he made his decision as to the role that he ought to occupy.

I can tell you very frankly that the two Democratic Presidents under whom I served had the greatest amount of affection for him and sometimes I wonder whether he didn't feel that he could play a better role under the two Democratic Presidents than under a Republican President. But perhaps a new Republican President had to get the full measure of what type of man Everett Dirksen was.

Now, he's being honored in a very great cause—a cause of a great scientific educational institution in Israel. Israel could not be the country that it is if high in the list of priorities there was not the fact that it had to develop great institutions of education and knowledge and research—great universities and a great scientific institute named after the beloved Chaim Weizmann.

Last year my wife and I had the great honor of going to Israel for the 50th Anniversary of Hebrew University, and I thought back as I stood on Mt. Scopus that that University was established at the time the guns were still firing in World War I. And when the concept that there could be a Jewish State seemed like a concept utterly lacking in reality, those who were working towards the establishment started this to be the supreme act of realism; that they should, even though poor, impoverished and lacking in support, create a great university. And it is quite interesting that here before the establishment of the Jewish State, 25 years ago, it was conceived in Rehohoth that there ought to be a great scientific institute to contribute not solely, or indeed even primarily, to the problems of Israel but that Israel could be the type of country that had an institution devoted to scientific research which could benefit all of mankind. And this is what the Weizmann Institute has done and now I think the embodiment of that supreme realism is the fact that one of our great Americans, a great scientist of world-renowned who has contributed so much to the alleviation of disease for all people everywhere has assumed the Presidency of the Weizmann Institute in Dr. Sabin.

Israel has great problems. This is not the occasion to talk about them. It has the problem of survival—a problem which every nation must put first in all of its priorities. But I am sure were the Prime Minister of Israel here today, she would strongly second what I say to you—that all of the priorities of this country have to be met. There is no single priority which cannot be met. All of them have to be met if this country is to be the type of country that it must be and stand as a symbol of a democratic country dedicated to all of the great ideals and above all the great ideal that if there is to be peace it will be founded on the quality of its society.

I am personally very pleased, Luella, that Everett's name will be linked with this very distinguished and fine institution. I know that you would want it so and those of us who were his friends and are your friends want it so, too.

Thank you very much.

Remarks of Dr. Albert B. Sabin, President-Elect of the Weizmann Institute of Science

I look forward to my new job as President of the Weizmann Institute because I see in it an opportunity to participate in the fulfillment of Weizmann's original goals to serve Israel, to serve science, and to serve humanity.

Weizmann's vision included not only a return of Jews to their ancestral home after 19 centuries of frequently tragic exile but also the creation in the reborn nation of a culture and scientific tradition that hopefully would achieve something more than the fulfillment of its own needs. In biblical times the tiny land of Israel with its teachers and prophets contributed cultural and religious concepts that had an influence far beyond its borders on the people who embraced Christianity and Islam. In modern times science is the force that has the greatest potential for influencing the shape of things to come. The great economic progress of the past in the U.S.A. and other economically advanced countries was based to a large extent on the exploitation of natural resources. Economic progress in the future must depend more and more on science as the most important resource. Good science should be supported by all wherever this important resource needs help—and the Weizmann Institute is general acknowledged by those who are competent to judge as a unique and outstanding scientific resource not only of Israel but of the world.

The Weizmann Institute, like all other great achievements in Israel, was built on faith—the faith that the men who came to work there would bring it the eminence it has achieved—and the faith that the tens of millions of dollars that had to be borrowed to make it the excellent scientific resource it has come to be would ultimately be provided not only by the Jews of the world but also by others who will benefit from the new knowledge that the Weizmann Institute has already created and will continue to create. The Weizmann Institute is in great need not only of support for its regular operating expenses, which are already in excess of 10 million dollars per annum, but also for the repayment of the 30 million dollar debt on which interest is now being paid annually. I have faith that the dedicated friends of the Weizmann Institute throughout the world will be even more generous in the future than they have been in the past.

During my stay in Rehovot last July, bomb shelters were being built on the campus of the Weizmann Institute. To me this was symbolic of Israel—work for the best without neglecting to prepare for the worst. If Israel is now living in a precarious balance of terror so is the rest of the world. Israel is in the process of creating the most heroic era in the history of the Jews, and as a Jew I shall derive a very deep gratification from the opportunity that I shall now have to play some small direct part in it. Israel is also a pilot plant for the hundreds of millions of people living in ever greater poverty and misery in the economically undeveloped countries of the world, and as a human being I also look forward to being a part of that important enterprise. And I hope that I shall live to see the day when the leaders of the Arab governments will accept a sovereign state of Israel in their midst and let their people work together with the people of Israel for the benefit of all who inhabit this historic region of the world.

Presentation to Mrs. Everett McKinley Dirksen

It was my first thought to use these moments to relate a few personal incidents. I would like to tell you when I first met the Congressman in Washington in 1941 shortly after I had arrived for sixty days' government service. The sixty days matured to nearly six years. Throughout I received at Congressman Dirksen's hands understanding and aid, which I sorely needed, especially since he was a member of the Sub-committee on Appropriations which concerned itself with my agency's budget.

Or, I could dwell on a critical moment in 1962 when following excruciating toil in the United Nations to save it financially and the outlook in the Senate was dreary, I appealed Senator Dirksen, as a heartsick and discouraged constituent rather than a public official. One should read and reread his eloquent speech endorsing the United Nations bond issue delivered on the floor of the Senate, which alone won the day and made a year's work a pleasant page in my own personal history.

Or, I could refer to moments only last fall when behind the scenes, his persistence assured General Moshe Dayan's meeting with President-Elect Nixon. When I conveyed the General's appreciation to the Senator, he told me that all he would like to have happen is to be able to visit the General in Jerusalem soon—a hope which he never realized.

Or, I could fill several times my quota of minutes in documenting the incidents when he ignored all and sundry political considerations to come to the support of Israel as well as many causes in which our people had vital interests here and abroad. But this record needs no summary at my hands. If it were not so, we would not be gathered here tonight.

How good it would be if what has been said and what I am about to say could have been spoken in the presence of that unusual, personable and powerful leader of our day, the late Senator Everett McKinley Dirksen. But, in true Jewish tradition, we are not here to mourn a loss we are here to give thanks to the Almighty for the years that He gave us with our friend, counselor and leader. It is in this spirit I would make this presentation.

Tonight we entwine two names of history—Chaim Weizmann and Everett McKinley Dirksen. The scientist who traveled from obscurity in the little stetl of Motel in Russia to join the political struggle of Zionism and then as representative of a political minority—to emerge as the first President of Israel—thereby helping to unite a small and struggling nation. And the man from another small town who traveled from the obscurity of Pekin, Illinois to the Congress and to the Senate in Washington, D.C. where he emerged in critical days as the Senate minority leader to help unite the varied peoples of this most powerful nation in the world.

One was first a deeply committed Jew with an overwhelming love for science, a devotion which he sublimated to enter the brawling, contentious and, at times, bitter struggle with and among his fellow Jews and the world at large seeking an age old dream—a national Jewish homeland.

The other, by his own admission a country boy, with love of drama and of words, who forsook the comfort of his environment for the brawling, contentious and sometimes bitter struggles of political life in our embattled nation.

I knew both men in their lesser as well as greater moments. Above all, they had one trait in common—they put love of nation and ideals above their own personal feelings. There was a dignity and a majesty as each rose time and again above narrow partisanship to superb patriotism. Smaller minds challenged each in turn because they changed their positions on occasions, but history will acknowledge that what they did was in the interest of a greater good. Only narrow, self-centered and fearful men stand pat irrespective of the changes about them. Big and courageous men can forget their own portraits long enough to place the nation and the people they serve above self.

When we recall the compatability of a Republican minority leader with Democratic as well as Republican Presidents; when we recall the numerous times when a Republican minority leader made possible a Democratic administration program, it should be with the reverence accorded a stalwart and honorable opponent who forgot partisan advantage in the interest of the nation's hopes and its needs.

Oh, how much this reminds me of Chaim Weizmann's moment of trial at the birth of a State, an idea to which he had given his life and his health only to see his political opponent of many years take over the helm. It must have been with unbelievable anguish that he pondered the offer of the ceremonial office of the Presidency that would effectively sideline Weizmann in the declining years of his life. At that poignant moment when Weizmann accepted, David Ben-Gurion uttered a sentiment that was in the hearts of most Israelis and Jews all over the world:

"I doubt whether the Presidency is necessary to Dr. Weizmann, but the Presidency of Dr. Weizmann is a moral necessity for the State of Israel."

Mrs. Dirksen, as we present to you this evidence of the action taken to eternally enshrine the name of your late husband in the Institute that bears a hallowed name in Israel, we are conscious of a sobering parallel. We doubt that the minority leadership was necessary to Everett McKinley Dirksen, but it was a vital necessity to keep a sense of balance and sanity in the midst of divisive, shrill and bitter challenges and partisanship in our beloved nation. No one can equate our loss with yours—but we, Democrats and Republicans, Americans all, will miss his quieting and eloquent optimism and his unique and unforgettable capacity to rise above personal and partisan consideration to help "heal the wounds of a nation" and to bring it closer to its true destiny.

How appropriate to our recollection of him are the words of Lord Byron: "Immortal, though no more; though fallen, great!"

NATIONAL BUSINESS WOMEN'S WEEK

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. FOUNTAIN. Mr. Speaker, since women gained the right to vote, the National Federation of Business and Professional Women's Clubs has worked steadily to expand the role of women in all segments of our national life. It is with particular pride and pleasure that I salute this fine group as the Nation once again celebrates National Business Women's Week.

This annual observance gives all of us an opportunity to salute anew the millions of women in our national labor force and calls attention to the increasingly important role being played by women in all fields of endeavor today. Due to the increase in life span, decrease in time required for home and child care, economic independence, women now have the time and desire to use their abilities and capacities to their maximum potential. And our Nation needs women to be involved in all segments of our national life.

Only when we recognize that women comprise a third of today's labor force and that most of the increase has occurred since World War II, can we realize the tremendous advances women have made in every segment of our society. The doors to every profession have been opened to women in recent years, largely through their own determined efforts. Today, women doctors, lawyers, scientists, and business executives are making lasting contributions in their respective fields. At the same time, organizations such as the National Federation of Business and Professional Women's Clubs—B. & P.W.—still perform yeoman service in their endeavors to elevate the status of all women.

The Federation itself has an impressive membership of more than 180,000 than 3,800 chapters are promoting the district in the United States. Its more than 3,800 chapters are promoting the interests of business and professional women who have organized to extend opportunities to an even greater number of women at every level. Through its scholarships and awards, it gives many young women the opportunity to fulfill their ambitions in the business and professional community. The spirit of cooperation and understanding which the B. & P.W. has advanced among working women is illustrative of what can be accomplished by a determined organization with a worthwhile purpose.

The Federation has an outstanding national program calling for action beneficial to our entire Nation. Its interest extends to all areas of national concern, including air and water pollution control, conserving human and natural resources, improving safety conditions on our highways, and seeking ways to promote national security and peace. Exciting national aims are strengthened by local activities. To the individual, the organization offers encouragement to seek new channels of expression, needed information and sincere fellowship.

More and more, we are being made aware of the important contributions made to our Federal, State, and local governments, to our Nation's economy, to our own local communities and to the private business world by the American woman. She is meeting our Nation's manpower shortages and offering a new dignity to the affairs of this country by her inspiring presence, her dependability, and her many worthwhile contributions and activities.

The aims and ideals of career women everywhere, including such areas as equal employment opportunity, uniform taxation, and retirement laws, and equitable jury representation, are in perfect harmony with the precepts and traditions of our American democratic society. I am proud to acknowledge the endeavors of these courageous women especially in my own congressional district and throughout North Carolina as we celebrate National Business Women's Week and urge all concerned citizens from every strata of our society to give support and recognition to their worthwhile cause.

POSSIBLE FLAW IN H.R. 14195

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. BINGHAM. Mr. Speaker, I have been impressed with the statements made by my colleague from New York (Mr. RYAN) calling attention to a possible flaw in H.R. 14195 with regard to the institution of a contest by one who has been wrongfully kept off the ballot in a State where there is no write-in procedure under State law.

This potential flaw could undoubtedly have been taken care of readily by an amendment to the bill, but no such amendment could be presented under the suspension of the rules procedure in effect here.

It seems to me that such a significant and complex bill as this one should be brought up under a rule, so that perfecting amendments can be proposed and considered.

Accordingly, I voted "no" on the motion to suspend the rules and pass the bill.

CHANGE WITHIN THE UNCHANGING

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. TEAGUE of Texas. Mr. Speaker, my good friend Mr. Tim Paulsell of Fort Worth, Tex., is a member of the board of trustees of Baylor University, Waco, Tex. During their recent session which incidentally was the 125th annual session of the board of trustees, Abner V. McCall, president of Baylor made an address which I believe to be one of the finest of the times. Under leave to extend my remarks in the RECORD, I include President McCall's address:

CHANGE WITHIN THE UNCHANGING

(Address by Baylor University President Abner V. McCall)

CHANGE WITHIN THE UNCHANGING

We are beginning the 125th year of the life of Baylor University. It is the custom of all men to resort to ceremony to emphasize the importance of certain occasions. We put on different apparel, gather together, solemnly march about, and make speeches on such occasions. Thus, at christenings, weddings, inititaions, inaugurations, coronations, commencements, and other such important events, we put on special robes, gather, march, and speak in order to say to our fellows, "Stop and take note. This is an extraordinary and significant occasion." For this reason we have marched hither in these hot black robes and colorful hoods. So pause and take note at this the beginning of the 125th year of the life of Baylor University.

In this part of the world, Baylor is comparatively old; and some say that she is old fashioned. Indeed, the basic principles for which this University stands are old. They were proclaimed clearly about 2,000 years ago but indeed are far older than 2,000 years. We believe they are eternal. We believe that they are eternal truths which existed from the beginning and are related to the eternal Creator who is the same yesterday, today, and tomorrow. This aspect of Baylor University is unchanging and is the chief reason that this University was established, has operated for 125 years, and will continue to operate tomorrow.

WE BELIEVE IN A PERSONAL GOD

We believe in an infinite, eternal, omnipotent, omniscient God as revealed in His son Jesus Christ through Whom we are offered salvation. We believe in a personal God who created man uniquely in His own image, Who has an inalienable and infinite compassion for every man, and in Whose sight man is of inestimable value. We may study the history, sociology, economics, languages, art, anatomy, and psychology of man, but man is worth studying only because he is specially related to God. We believe that God has a purpose and a will for man and that this purpose and will is embodied in the Great Commandment to worship God with all thy heart, soul, and mind, and to love thy neighbor as thyself. We believe it is the divine will that man do justly, love mercy, and walk humbly with God. We believe there is a divine stamp on personal integrity, morality, and responsibility, upon respect, compassion, and concern for all fellowmen, upon justice, courage and freedom. We recognize that there must be a constant search for proper and effective implementation of these with differences of opinion thereon, but we regard the principles as immutable.

ETERNAL UNCHANGING TRUTHS

We know that there are many in the world who do not believe in our God, in His special concern for man, in man's unique nature, or in God's purpose and will for man. We know that many in our time have doubts as to these principles; and while all these matters may properly be discussed at this University, this University was established and still operates on the basis that these are not open questions but are eternal and unchanging truths, and the policies of the University shall not vary therefrom nor the University cease proclaiming them.

There are many who claim that there are no eternal unchanging truths, that such truths are relative and changing with the time, place, and people; and that all questions remain forever open, and the search for truth on every point is endless. They claim that the primary purpose of the university is to seek forever for the truth and that no restrictions or obstacles should ever be placed on this search.

There are over 2,000 accredited colleges and universities in the United States. There are junior colleges, four-year liberal arts colleges, and large complex universities. Some are public and tax-supported, and others are private and independent. Some of the latter are secular, and others are church-related. They differ vastly in philosophy and program. This pluralism is in accord with our traditional freedom in every area of American life. In the field of higher education, the student has a wide and varied field from which to select a school compatible with his personal philosophy and need. In the exercise of their freedom, Texas Baptists have established and operate Baylor University as a private, independent denominational university with policies and programs whch reflect their religious tenets. They invite those in fundamental agreement to come to teach and to learn. Those not in fundamental agreement should exercise their freedom by selecting one of the other 2,000 colleges or universities in accord with their philosophy and need.

PERSONAL FREEDOM, INTEGRITY, AND DIGNITY

In the Christian religion, certain fundamental truths are regarded as absolute, and these absolutes place restrictions on the search for truth in other areas. Our recognition of the inalienable right of man to personal freedom, integrity, and dignity places limits upon the search for truth in all areas. The medical researcher in his search for truth is not permitted to experiment upon human beings. We denounced the Nazis for doing so. The police official in seeking the truth concerning a violation of the law is not perimtted to use physical or psychological coercion to compel the accused to speak against himself. The right of man to be let alone in his own home and in his family and associations without unreasonable intrusions and invasions is, in our culture, accorded a greater value than the search for truth. This University subscribes to unchanging Christian values that are superior to the unrestricted search for truth.

Those who disagree often quote our Lord, "Ye shall know the truth, and the truth shall make you free." This is a quotation lifted out of context; and as in most cases, when removed from its context, has a much different meaning. The full text is found in the Gospel of John, Chapter 8, Verses 31–36:

"Then said Jesus to those Jews which believed on him, 'If ye continue in my word, then ye are my disciples indeed;

" 'And ye shall know the truth, and the truth shall make you free.'

"Then answered him, 'We be Abraham's seed, and were never in bondage to any man: how sayest thou, 'Ye shall be made free'?'

"Jesus answered them, 'Verily, verily, I say unto you, Whosoever committeth sin is the servant of sin.

" 'And the servant abideth not in the house for ever; but the Son abideth ever. If the Son therefore shall make you free, ye shall be free indeed.' "

Our Lord on this occasion was not talking of scientific truth, secular truth of and about the world, but eternal spiritual truth which frees men from the slavery and burden of sin. Certainly knowledge of scientific or secular truth may free man from the burdens of ignorance and superstition and give him power over nature and natural forces which may give him freedom from certain physical suffering and want. But the history of mankind contains no proof that scientific or secular knowledge alone makes men spiritually or politically free or makes them appreciate freedom. The fine scientific education afforded in the universities in Nazi Germany and Communist Russia equaled that found anywhere, but certainly did not bring freedom to the citizens of those countries. Truth in the sense of knowledge of facts does not alone make men just, merciful, or compassionate. It does not make them follow in the word of Jesus.

REAL FREEDOM

This University is founded on the belief that only the truth proclaimed by our Lord gives real freedom and that this truth is unchanging. An educational program that emphasizes this truth we believe is ever modern and ever relevant to the life of the student in the university and outside the university in the future.

It has been often said, however, that change is the chief characteristic of this age and that the rate of change is ever accelerating. A character in the Negro spiritual musical *Green Pastures* reported to the Lord, "Everything which is nailed down on earth is coming loose." We are experiencing an explosion of scientific knowledge. As much has been learned about the physical world since World War II as was learned in all the preceding history of man. The instruments for the discovery, collecting, storing, retrieving, and communication of scientific knowledge have become vastly more sophisticated and effective. The total sum and incredible complexity of discovered facts dwarfs that of a generation ago. The computer, television, recorder, and other electronic devices are revolutionizing the "knowledge industry." In these areas a university must be constantly changing to keep pace. The faculty, curriculum, facilities, and instruments must constantly change. This is a costly process and grows ever more costly as more specialized teachers are demanded and more complicated equipment is required. Baylor University must continue to be flexible, changing, and progressive in these areas.

We should note, however, that the basic traditional liberal arts courses are not irrelevant today. The courses on language and literature designed to teach a person to listen or read with understanding and comprehension and to speak or write with clarity and force are just as necessary for the education of a free man today as in the days of Socrates. The study of history is as essential to the understanding of the present and the planning of the future as it was a century ago. The same can be said of courses in economics, political science, sociology, psychology, biology, geology, art, religion, and other basic disciplines. The ability to gather and analyze related facts and draw rational conclusions therefrom is still a prime end of education and is more essential to effective living today than ever before. Some current demands by student groups and others that these courses be abandoned in favor of social and political involvement and activism for credit are self-defeating. Meaningful and effective social and political involvement in the long run are possible only for those properly prepared with the basic background knowledge and insights and the basic skills of thinking and communicating. The chief contribution to social and political action a university can make is the preparation of its students by providing them with the basic knowledge and skills required therefor. The function of a university as an instrument of immediate social or political action is secondary and auxiliary to the basic educational purpose. This is one of the major areas of change in university programs today, and Baylor University must keep aware of such developments, but we should keep in mind that our function is primarily to operate an educational institution with order and deliberation and not a political party or a social action movement.

THE LIVING TEACHER REMAINS INDISPENSABLE

It should also be noted that, while all the new and rapidly changing educational equipment will produce changes in the educational processes, the combined effect of all of them will not be as revolutioanry in education as the advent of the book. The printed book was and still is the teacher's chief instrument. Theoretically, the book and all the other modern devices and facilities to record and communicate knowledge should make the teacher superfluous; but it has not been so.

The living teacher remains indispensable to effective education. A teacher with a genuine human concern for the student is indispensable to stimulating inspiration and dedication in a student. Particularly in the field of spiritual eternal values, computers, recorders, and other electronic equipment cannot replace the dedicated, compassionate Christian teacher. While this University must strive to provide its faculty with the best of such modern devices, let us keep firmly in mind that the quality of our educational program will continue to depend upon the quality and conviction of our faculty, and it is here we should continue to devote our main attention and our resources in the coming years.

GROW A FOREST IN 3 YEARS

HON. MASTON O'NEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. O'NEAL of Georgia. Mr. Speaker, a revolutionary new concept in forestry is being explored in Georgia, and the U.S. Information Agency is spreading the good news around the world.

Forestry scientists in Georgia have been experimenting with a new method of planting sycamore trees at a very close spacing and then harvesting crops of sprouts with a silage cutter every 2 to 3 years. Harvesting trees for pulpwood every 2 to 3 years as compared to the present 20 to 40 years is indeed revolutionary.

This new system will help the United States and other nations meet their growing needs for wood-based products.

Dean A. H. Herrick of the University of Georgia School of Forest Resources has prepared a feature article on the subject for distribution by USIA to publications in Latin America, the Near East, Europe, and Africa.

I would like to share this most interesting article with my colleagues:

GROW A FOREST IN 3 YEARS

(By A. H. Herrick)

Harvesting trees for pulpwood every two to three years—compared to the present 20 to 40 years—is a revolutionary new concept being explored by forestry scientists in Georgia.

It holds promise of helping the United States and other nations meet growing needs for timber, pulp, and other wood-based products. And costs would be greatly reduced.

The new system, called "silage sycamore," consists of planting sycamore trees at a very close spacing and then harvesting crops of sprouts with a silage cutter every two to three years. Time and space savings are comparable to conventional wide-spaced tree plantations for pulpwood or other wood products. And higher yields of wood fiber per acre of land are expected. Trees are now harvested for pulpwood every 20 to 40 years.

Regeneration of forests by sprouts is not new. Willow shoots have been grown for basket weaving since the dawn of civilization. But bulk production of fiber or cellulose, by harvesting young sprout growth of trees, would be a real innovation. What we need for our two- or three-year forest is a tree that has the fiber properties sought by industry to make reconstituted products such as particleboard and paper.

Ten years of sycamore studies by the U.S. Forest Service at Athens, Georgia, proved the great versatility of that species. It occurs naturally in all states east of the Great Plains except Minnesota and grows on a wide range of soils and sites. Under reasonably good sunlight, soil and moisture conditions, sycamore grows fast. It sprouts prolifically from a low stump and responds well to fertilization. Then, too, it has relatively few insects and disease enemies in the South.

Not to be overlooked are other species such as sweetgum, yellow-popular, and cottonwood. Even boxelder is a possibility because of its rapid early growth, light wood color, seeding characteristics, and possibilities for direct seeding. But sycamore is favored.

In the beginning, the new sycamore forest should be planted on a well-prepared site by using seed, seedlings or cuttings. Use of cuttings is particularly attractive since genetic gains are realized quickly; superior stock can be selected in one or two years and reproduced vegetatively.

Mechanical weed control and cultivation improve survival and growth. Repeated croppings will require fertilizer applications, and intensive management may call for irrigation. Possibly both irrigation and fertilization can be accomplished by applying discharges from sewage treatment plants to the forest crop.

Fertilizers, and pesticides if necessary, can be applied from aircraft. Likewise, when the product to be manufactured will not tolerate leaves, an aerial spray can be used for defoliation during the growing season. It would be nice to do all the harvesting in the dormant season when the leaves have fallen but mills need supplies of chips the year around. The two- or three-year forest will replace itself by sprouting after each harvest cutting.

Sprout stands differ from annual crops which must be harvested when ripe and then stored. The sycamore tree silage can be stored on the stump for one or more years when harvesting needs to be delayed for any reason.

Experimentation so far suggests that initial growing space should equal the square of as many feet as there are years in the harvest interval. For example, in a planting designed for a three-year cutting cycle, the trees would be given nine square feet (.837 square meters) initially. The close spacings make full use of the site almost immediately. In conventional cuttings at eight-by-eight-foot (2.4-by-2.4-meter) or wider spacings, the three crowns do not fully shade the ground for several years.

Two-year-old rootstocks in a nursery planting of sycamore placed one foot (.3 meter) apart in four-foot (1.2-meter) rows produced an average of more than 17 tons of one-year-old sprouts per acre (42 tons per hectare). When a similar planting was harvested after six years, only a few of the trees had died, but growth was drastically reduced during the last four years. At the end of six years, 42 tons of green material were produced per acre (104 per hectare). This equals seven tons or a respectable 2.3 cords per acre (17 tons per hectare) per year. However, if the sprouts had been harvested each year for six years, the total yield probably would have exceeded 100 tons per acre (247 tons per hectare) or about two and a half times the total of the single cutting.

A rig like a forage harvester is used to convert the forest of sprouts to chips. In one pass, the machine severs the stem three or four inches (7.6 to 10 centimeters) above the ground, chips up the entire miniature tree, and blows the "silage" into a trailer towed behind. When full, the trailer is hauled to a loading dock or transport terminal for dumping. Chips are either stored or sent to the mill for processing.

Foresters are not the only ones pleasantly surprised with sycamore as a short-term wood producer. Pulp and paper technologists have been amazed to discover that this "upstart" of the timber world has excellent characteristics for making certain types of products. Its very thin bark permits use of the whole tree and eliminates the cost of debarking before chemical conversion.

Fresh samples of paper made from unbeaten pulp show green flecks from the chlorophyll in the leaves that were cooked with wood and bark just as the sprouts came out of the silage chopper. Yet, the strength properties, bleaching qualities and printability of whole-tree young sycamore sprouts command the respectful attention of the paper industry.

A vast variety of paper products, fiberboards and hardboards or molded articles for building and other purposes, can be manufactured from seedling-sprout silage, as is now being done from wood grown the conventional way. Soon, entire wall units as well as floor and deck units for homes and other small buildings may be molded in pairs, with a dead-air space in between to serve as insulation. These units would be light in weight and structurally very strong. The wall units would be ready to receive completed door and window units. Such buildings could be erected quickly at low cost.

With the silage sycamore concept, some tremendous cost savings in wood production can be expected. Gains are accomplished by cashing in on both biologic and economic principles. Every square foot of growing space is used. Yields are near capacity, and rotations (number of years between crops) are minimized. Consequently, both time and space are conserved.

Our sprout forest continually renews itself and yields heavy crops, thanks to close spacings and rapid growth. Rootstocks not only replace the newly-harvested stems by sprouting, but also stimulate new growth by giving the sprouts carbohydrates stored in root tissues. Yields per acre are tremendous. The young stems are easy to harvest and chip with fairly simple and light equipment. The young wood is relatively uniform in its characteristics. Bark and leaves are not considered trash in the manufacture of some products.

Maybe the young forest of sprouts will mass-produce raw material for mass-produced housing to help shelter exploding populations. What about the other two necessities of life—clothing and food? Rayon, along with other chemical converts, may also be an end product of the new forest, helping to clothe people in generations to come.

Sugar, molasses and yeast can also be derived from wood. They could help considerably to provide the world with vital and urgently needed foods and proteins at low cost.

MAYOR PAGE AND MAYOR KNIGHT RECOMMEND SOCIAL SECURITY INCREASE

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, on Thursday, October 23, 1969, Mayor Peter Page of Bethel Park, chairman of the legislative committee of the Pennsylvania State Mayors Association made the following statement before the House Ways and Means Committee regarding an increase in social security. Mayor Page was accompanied by Mayor William Knight of Munhall, president of the Pennsylvania State Mayors Association, and Mr. Leo Kostman, State solicitor.

It is a pleasure to place this fine statement in the CONGRESSIONAL RECORD, as I believe my colleagues, as well as the American people will find it interesting and to the point:

WILBUR D. MILLS,
Chairman, House Ways and Means Committee, New Rayburn Building, Washington, D.C.

GENTLEMEN: Today, more than ever before, the United States is taking bold strides in many areas—in the field of science, in our vast space programs, in our changing system of attitudes toward the world in which we live. Much of what we have known as our "way of life" is severely tested, and in some instances, is being found inadequate in light of today's needs. Our method of provisioning for, and administering the federal insurance program known as Social Security is one such area of inadequacy. For some unknown reason, we still treat this plan, which is nothing more than a publicly operated, privately funded retirement program, as if it were simply another governmental dole, subject to the application of minimal concern and political expediency.

I think it is a generally recognized fact that partial revisions of the Social Security program can no longer be tolerated. If the plan is to function successfully for millions of our citizens dependent upon its benefits, a total re-structuring must take place without further delay. The following data sets forth what is felt could be certain meaningful changes in the basic concept of the Law. While they do not offer a Utopian approach to the problem, consideration of these measures, by this Committee, should at least provide a basis from which some answers may be found.

1. *An immediate increase of 15% in existing benefits*—There is little doubt that present benefits levels must be increased. Existing payments, in most cases, fail to provide even minimal subsistence standards. It is inconceivable to expect 25,000,000 people, all totally dependent upon Social Security to exist on incomes at or near the poverty level. While an immediate increase of 15% in present benefits would by no means provide a complete answer to the problem, it would at least offer a more responsible approach to this need.

The Pennsylvania State Association of Mayors, the people it represents, and our Nation's citizens who now receive Social Security recognize that a 15% increase in existing benefits is necessary now. They do not concur with the administration restrictive ceiling of 10%. They do not agree that such an increase will add to inflationary pressures. These people are totally disappointed and thoroughly confused by the President's recent pronouncement that he would veto any increase in excess of 10%. They feel, as do many of our country's leading economists and Social experts, that a Federally-enforced poverty level cannot be tolerated. They feel, and rightly so, that a 15% increase will not grant to each recipient an excess of disposable income; rather, it will serve to bring their meager existence more in line with their needs. In a great many cases, it will mean a very basic difference between an adequate existence, or life at a near starvation level.

2. *A revision of the Supplemental Earnings Ceiling*—At present a recipient of Social Security benefits can earn no more than $1,680.00 annually without forfeiting a disproportionate share of those benefits. Such a restriction not only imposes a severe hardship on those able to supplement their retirement, but it also places them in the rather dubious position of accepting a Federally-enforced guardianship, one that offers a sub-standard subsistence with no opportunity to improve their lot. The net result legislates against individual initiative and self-reliance, at a time when such qualities could prove most valuable, both to the recipient and our Nation.

There is no basis, in theory or in fact, to the retention of such a grossly restrictive penalty feature. There are few conceivable reasons to penalize a man or woman who earns more than the present allowable ceiling $1,680.00 yearly. Such a measure takes $1.00 from the recipient for every $2.00 he or she may earn. It makes little social, moral, or economic sense to prod a group of people to expand their energies and utilize their time with pronouncements of usefulness, on one side, and to literally "pick their pockets" once they have attained a degree of usefulness.

A more practical approach would be to revise this penalty feature of the program to a ceiling level of at least $4,800.00 before benefits would be adversely affected. Such a revision would enable the insured to maintain a better standard of existence, characteristics that are necessary but often lacking among our able bodied senior citizens once their initiative has been removed.

3. *A reduction in the Tax-Free Age*—Under the tenets of the present Social Security Law, the recipient may earn all of which he is capable without forfeiture of benefits, once he has reached 72 years of age. I am certain that many of our citizens are more than able to support themselves at 72, or even at 82 years of age. Realistically, however, these people comprise a minority. It would be far more practical to allow the individual to begin such penalty-free earnings at age 65. At this age, a vast number of professional and management people who are forced to retire by Company Policy, could move into similar areas, and continue their productivity without interruption. It is absurd to retire a life long contributor to our Society at 65 years of age, and then force him into further retirement, as mandated by the present law. If a man or woman is capable of subsidizing his Social Security benefits, he should not be penalized by virtue of this totally unjust measure.

4. One of the more critical benefits of Social Security, but one that, like the rest of the program, has been allowed to fall into a state of complete neglect, is the funeral and burial allowance. For many of the twenty-five (25) million recipients, the present $255.00 burial payment represents their total ability to pay the final costs involved in laying to rest themselves or their loved ones. In today's inflated economy, few burial arrangements can be made for less than $800.00 to $1,000.00. The present $255.00 allowance simply resigns a portion of those people to the disgrace and humiliation of a pauper's grave. This amount must be increased for the sake of practicality and in the name of humanity!

The Pennsylvania State Mayors' Association, acting in behalf of the seven (7) million people of Pennsylvania that it represents, is firmly convinced that actions of this Committee cannot and must not be swayed by partisan politics, administrative pressure, or personal expediency. It must act swiftly, directly, and humanely to correct the tragic faults now found in our out-dated and dangerously inadequate Social Security Program. We realize that such far-reaching changes will not come overnight. We also realize, however, that a purpose of service to our Senior Citizens must arise from this Committee. It must overshadow any easy or piece-meal answers that may be found in simply patching the existing law. The time for total revision is long overdue. It must come now, for many of our Senior Citizens live in a now world—in many cases, tomorrow will be a day too late—I urge this Committee to move in a way that will leave no doubt in the minds of these Americans as to whether or not our nation cares. Let your actions prove your concern.

Sincerely,

P. J. PAGE,
Mayor, Chairman Pennsylvania State Mayors Legislative Committee.

NATIONAL BUSINESS WOMEN'S WEEK

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. FEIGHAN. Mr. Speaker, this week marks the 41st observance of National Business Women's Week. At this time we salute American business and professional women who have contributed time, effort, and ingenuity to business communities. Their successes have come only after a long struggle for recognition and equality.

Women have had to overcome the stigma of being the weaker sex and have had to prove their worth as productive working citizens. At the turn of the century the typical working girl was characterized as someone from the lower class who worked out of necessity. Education did not train women for jobs, rather it prepared them for social ends. The female labor force was largely unskilled. They had little job security and generally suffered from poor working conditions.

Conditions have improved since 1900 due to persistant efforts on the part of working women to improve their professional status. They now work to provide additional income for their families and often turn to business and professional fields for self-fulfillment. Moreover, they have proven themselves competent in business and professional endeavors and have tackled jobs which traditionally were handled only by men.

With the aid of an ever-growing female labor force today's industry has achieved monumental feats. Presently women are entitled to equal opportunities in hiring, training, pay, and promotion because they have merited equal status in the business world.

This week we salute American business and professional women for their industrial revolution and recognize their contributions to business and society through their untiring efforts and their unquestionable competency in what was once "a man's world."

"CALL FOR ACTION"—NEW VOICE FOR THE PEOPLE

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. RYAN. Mr. Speaker, a major problem in municipal government is the difficulty citizens have in getting help when they need it. Too often the maze of bureaucracy prevents such simple things as garbage being removed or a traffic light being installed.

In New York City since 1963 radio station WMCA has sponsored a unique social service program called "Call for Action," which has permitted New Yorkers with problems to call a number, be told what agency they should call, and get action. The project combines two elements:

One is a staff of volunteers who know what agencies offer certain services and then man the telephone calls from citizens who need help. The other is WMCA, a community-minded radio station which has been sponsoring the project. It provides desks and telephones for the "Call for Action" volunteers.

Similar programs have been encouraged by the urban coalition. Such programs have sprung up in Washington and Philadelphia, and will start soon in Chicago, Cleveland, Denver, Fresno, New Haven, Utica, San Antonio, and Altoona.

Mrs. Ellen Straus, the wife of WMCA's president and owner, R. Peter Straus, has been the inspiration behind the concept. With imagination and drive she has created a program which is a model for others to emulate. She and her band of volunteers deserve the gratitude of their fellow New Yorkers.

I include in the RECORD an article describing the project which appeared in the October Reader's Digest entitled "Call for Action—New Voice for the People," written by James Daniel:

"CALL FOR ACTION"—NEW VOICE FOR THE PEOPLE

(By James Daniel)

For two months, every time she looked out of her front window, Mrs. Georgia B. counted three abandoned cars, usually almost hidden under swarms of children. For two months, the New York City Sanitation Department promised to remove them "next week." Finally, when her small son cut himself on broken glass from one of the cars, Mrs. B. telephoned a number she had heard about over her favorite radio station. A volunteer taking the call gave Mrs. B. another number to call and the name of the person to talk to. Mrs. B. made the call—and next day the junk cars were gone.

Jacqueline C., 19, trustingly signed a contract with a correspondence school that guaranteed her a job as an airline hostess for a tuition fee of $700, of which $100 was payable in advance to the salesman. Because of her age, her father co-signed. When she discovered that the correspondence "school" was only a post-office box number, she tried to get out of her obligation. But the finance company holding the contract threatened to sue her father for the $600, plus court costs. Jacqueline, in anguish, called the same number recommended by the radio station and soon was put in touch with a Legal Aid Society lawyer. Though he was unable to catch up with the fast-talking salesman, he persuaded the finance company to drop its claim.

Mrs. B. and Jacqueline C. are just two of the 120,000 New Yorkers who in the past six years have received a sympathetic hearing and practical assistance from a unique social-service organization named Call for Action. This one-stop clearinghouse puts individuals with a problem in touch with the public or private agencies most likely to have a solution. If the problem is complicated, or if there is any suspicion that the agency will fail to do its job, Call for Action will itself make a call to a key person in the agency who can expedite service. Periodically—to see how well the agencies are functioning and whether its own referrals are on target—Call for Action checks out the end results of all the calls it has received for a day or a week. The checks reveal that four out of five callers are helped.

While Call for Action projects are now being initiated in several cities, the concept began and has been most fully tested in New York City. Here, as elsewhere, its effectiveness depends upon two distinct sources of support. One is the staff of 50 volunteers—mostly young housewives—who first survey the agencies of the community to find out what kind of help each is equipped to offer, and thereafter man the telephones. In New York, each works at least one day a week, from 11 a.m. to 1 p.m. Monday through Friday.

The other source of support is a sponsoring radio station. In New York the sponsor since the project began in 1963 has been WMCA, a rock-'n'-roll station with many free-wheeling "talk" shows. WMCA provides Call for Action with desk space and telephones. And at regular intervals it reviews Call for Action's cases to find topics for documentary shows and editorials which keep public and private agencies intensely aware that their services are being watched. (Callers are also urged to tell agencies that "WMCA–Call for Action said for me to call *you*.")

The range of problems handled by Call for Action is impressively diverse. Of 11,388 recent calls, 20 percent dealt with housing, 13 percent with consumer frauds, 10 percent with health problems. Others ranged from employment and schooling to traffic, police, Social Security, narcotics, racial and religious discrimination and air pollution.

Behind most of these calls lies a small but intensely human drama:

When a large public-housing complex suddenly experienced an inordinate number of burglaries, the rumor spread that a master key had been stolen. The tenants were near panic until one thought to telephone Call for Action. A series of phone calls led to an official determination that no master key was missing—but that after 18 years of service the lock cylinders were so worn that it was child's play to pick them. With a gentle nudge from Call for Action, housing-project officials agreed to install new cylinders in all the tenants' doors.

A blind man with four children was talked by a con man into selling merchandise over the phone. All he had to do was use his own phone, to which the con man attached a tape recorder. The promoter said that he would then take the tapes, make the sales and pay the blind man commissions, plus his phone charges. Instead, after picking up the tapes, the promoter made the sales and vanished. The phone company then disconnected the man's line because of an unpaid bill for more than $100. Call for Action persuaded the welfare department to pay the phone bill, and currently is pushing for tighter laws against such selling practices.

An expectant mother became hooked on drugs, and was deserted by her husband. Fearing that the child would be born defective, a neighbor phoned Call for Action. Volunteers located an agency willing to take on the multiple problem of abandonment, addiction and pregnancy, and the neighbor signed commitment papers to get the girl in a hospital. In due time this Good Samaritan was able to report the birth of a perfect baby and the reconciliation of husband and wife.

Not all cases have happy endings, of course, Call for Action volunteers still grieve for a 12-year-old boy whose mother reported that he was staying out all night drinking, stealing and experimenting with drugs. The mother went from agency to agency trying to get help. Finally, the boy was arrested. "Now," said the mother bitterly, "*everybody* wants to help. Why couldn't they before?" Call for Action and WMCA put the mother's recorded question on the air to dramatize the need for more community facilities.

Observers of Call for Action feel that it has social significance beyond the resolving of tens of thousands of domestic tragedies and near tragedies. First, it reinforces in poor people both the habit of making their grievances known and the expectation that if they have a just claim it will be resolved. Many of the callers have never before had the experience of really being listened to. They are astounded when they discover that you can fight City Hall—and win. It shows them that there are better ways of getting attention than starting riots or burning down buildings.

Second, it raises the quality of administration. While trying to find jobs for people in Harlem, for instance, Call for Action learned that there was no local employment office in the area of New York with the densest population and the highest incidence of unemployment. Call for Action leaned on officials until such an office was opened.

Perhaps the greatest victory over bureaucratic bungling came when R. Peter Straus, owner-president of WMCA, asked Call for Action volunteers to look into the reasons for the steady deterioration of much of New York's older housing. An invitation over the air to phone in about broken stairs, lack of heat, uncollected garbage and rats brought a flood of calls. In trying to refer callers to the appropriate city departments, Call for Action discovered incredible overlaps in bureaucratic jurisdictional lines. For example, the health department had charge of complaints about lack of hot water in faucets—while the buildings department had charge of complaints about the lack of hot water in radiators.

Unable to make city officials take notice, half a dozen volunteers, led by Straus's wife, Ellen, appeared one morning at the main city housing office and were accepted by the regular help as new employes. Proceeding to the files, they gathered facts about cases which eventually led to the flushing out of a syndicate of slumlords who milk properties dry, then abandon them. Two long-range results were the establishment of a central complaint number for housing calls in City Hall, and a joint city-federal project to investigate the possibility of computerizing property ownership records.

Currently, Call for Action is being expanded in two directions. In New York, WMCA, which has won nine public-service awards for its sponsorship of the program, is encouraging the New York volunteers to double the time that the phones are kept open each day (from two hours to four), and to extend their coverage from New York City to surrounding suburban areas.

Nationally, the Urban Coalition, a group of businessmen activists who work closely with community groups to bring about peaceable change in the big cities, is encouraging Call for Action programs in other cities, and has arranged with Mrs. Straus to share her volunteer-group experience with others wishing to start Call for Action projects. In recent months, programs similar to the New York project have started up in Washington and Philadelphia, and are expected to begin soon in Chicago, Cleveland, Denver, Fresno, New Haven, Utica, San Antonio and Altoona, among other cities.

John Gardner, head of the Coalition and former Secretary of Health, Education and Welfare, believes that Call for Action has a major national role to play. "When I was in government," he recalls, "I was struck by the need for some procedure that would enable people to place their grievances before those in authority and get prompt action. Call for Action can do this because it stands apart from government or any other vested interest and thus is able to concentrate on getting results. It is an enormously constructive idea which can help all kinds of people cope with all kinds of problems. More importantly, it can help combat the sense of powerlessness that is so prevalent in our large cities."

MOST REV. MICHAEL KIEN, ARCHBISHOP OF THAILAND, SPEAKS OUT ON THE RECENT VIETNAM MORATORIUM ACTIVITIES

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. CUNNINGHAM. Mr. Speaker, I think the following article which appeared in the Omaha World-Herald, bearing upon the recent Vietnam moratorium, will be of interest to the Members.

The Most Reverend Michael Kien, Archbishop of Thailand, should be in a position to know what effect the moratorium demonstrations would have upon our quest for peace.

The article follows:

THAI BISHOP: PROTEST HURT WAR PULL-OUT

Activities such as the Vietnam moratorium may actually slow United States withdrawal from Vietnam, the Most Rev. Michael Kien, Archbishop of Thailand, said Friday.

Archbishop Kien stopped briefly in Omaha to visit the Revs. James R. Cain, Anthony B. Mickells and Anthony Petrusic who visited him in Thailand last year.

He has been in the United States since June raising funds for Catholic missions in Thailand and is returning to Thailand after stopping in New York City.

"I don't blame the moratorium because I know the ways of American democracy." Archbishop Kien said in an interview. "But I wonder if this was the proper time for it. President Nixon is doing his best for American society and the American people."

The native of Thailand said events like the moratorium and other protest demonstrations will "make the North Vietnamese more intransigent and less willing to yield." He added:

"Patience is the key word. If you try to take things easier, you will get what you want quicker."

He predicted that the Vietnamese will be able to take over the war in a year or two, permitting the complete withdrawal of American troops.

He urged the United States to pull out of both Vietnam and Thailand gradually and said the presence of American troops in Thailand is "welcome."

THE ALASKAN NATIVE STORY: A BIT OF ESKIMO HISTORY

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. EDMONDSON. Mr. Speaker, some interesting testimony concerning the early history of Alaska and the position of the Eskimo people who live on the Bering Sea was provided the Subcommittee on Indian Affairs last week by Jerome Trigg, Sr., president of the Arctic Native Brotherhood.

The Trigg statement told us much about the Eskimo people and about their view of the transaction by which the United States purchased Alaska from the Czar of Russia.

I believe the Trigg statement will make interesting reading for all Americans, and the full text of it follows:

TESTIMONY REGARDING ALASKA NATIVE LAND CLAIMS

(By Jerome Trigg, Sr.)

Mr. Chairman, Honorable Members of the Committee, Ladies and Gentlemen, on behalf of the Alaska native, I should like to welcome you to Alaska, and to thank you for this opportunity to enter testimony concerning issues vital to survival of our people, "The Alaska Natives." I am Jerome Trigg, Sr., President of the Arctic Native Brotherhood. Our organization's office is in Nome, Alaska, which is located on the Bering Sea coast of Seward Peninsula. My people are called in English the Kowaruk Nation of Eskimo.

It is proper and fitting that a brief history of our past as it relates to the issues before us today be included in this testimony. We have recorded the history in the memory of our people, and what we know to be true has been proven by the research of scientists.

Our people in the beginning lived in caves when Alaska was tropical. Later after a disaster of three days and nights of eclipse of the sun we started having seasons. We have used our land wisely since time before the coming of the white man. We of the Seward Peninsula were an organized nation, proud and unconquered. We didn't waste anything for we needed everything for survival. Both from the land and the sea, we had our hunting and fishing areas.

One could not infringe on others unless permission was given. Once yearly there were meetings of chiefs from all the villages to map out agreements. In time of trouble, all villages assisted those who were being attacked. We drove the warlike Siberian natives back, though there were others that were friendly and traded with us.

We didn't know of the Russians, much less that they were in our part of the world. Nor did we know about the United States. We were strong and proud, and today we still feel that we own the Seward Peninsula.

We have traded the products of the sea: seal oil, seal skins, dried meat, dried fish, rawhide ropes, and many other items to the inland natives for caribou hides, squirrel skins, copper, jade slate and other items. We crisscross the peninsula in search of game and fish and to trade with each other. Due to the short season and long winter, it takes a vast area of land to produce the game and fish the native needs.

Before the white man, the natives lived in sod huts, partially underground and warm. Today the Eskimo lives in cardboard shacks in the worst poverty in the nation.

I have briefly described a nation of people who live wisely and carefully. We are peaceful hard-working tax-paying people, able to make what we have go a long way. Our deep loyalty to the United States is well known. The graves of our men killed in the arctic on patrols of World War II and other graves from later wars in other parts of the world speak for us.

We have been isolated and forgotten because we are a quiet people who must work constantly to stay alive. Some of our people have been left behind the times, as things changed and the riches of our lands were needed by this nation and other countries of the world.

We did not invent the wheel, but the wheel does not work on tundra and snow. We developed sleds instead, and the skin boats. We have learned to adapt to new things if they are useful: outboard motor, snow machine and other items.

I would like to give a few reasons why we desire and need a full and just settlement. First, I would like to point out that we are permanent residents. Even after our land was exploited we remained. We love our land. We have united with the Alaska Federation of Natives. We are proud to be part of that organization.

We are in need of housing with utilities. We have Eskimo kids that never have baths. We have much skin disease and ear problems. Many related health problems due to poor housing and water problems.

We have one of the lowest death ages of any group in the nation.

We cannot borrow from banks to build houses, for you must have an adequate income to pay a loan back. Our children are going to school in distant places. We want them home. We would like to improve our villages to meet modern living conditions with running water. We would like to send our children to institutions of higher learning of our choice. We would like job training for the workers of our area.

We do not want to always live off the taxes that other people pay. We want to earn our own way and pay taxes to support public services we all need, and to have the same freedom to make the choices in our lives that other people do.

The single greatest cause for our present situation, as second-class citizens, is too much dependence on welfare and decision-making by government agencies.

The gold rush, even for all the gold taken from native lands, left the native worse off. Will the oil rush trample us too, and destroy the game and resources of the wide areas of land we still must depend on for food and clothing? The native, too, desires to benefit from development of the resources of the land but we wish, for once, to guide this development so that our children will never have to suffer the hardships that absentee exploitation brought to my generation and older generations.

We are prepared to take on the job of managing a large sum of money and to invest that money in our people, the future generations of our people, and in the good of our state and our nation.

If the settlement is too small we will only be able to attack the symptoms of our problems. This is all that tax money spent so far has been able to do. There must be large settlements in the beginning to establish the system and the means of accomplishing all that must be done. There must be a regular amount of money which can be expected and planned for.

We think that the Federation's proposal for 40 million acres and $500 million with a two percent overriding royalty is a reasonable and just solution to our land claims. This combination of ownership in land and settlement money will allow the native people to promote and guide development of the land. This proposal will allow us to meet the demands of the future.

We believe that our Eskimo lands were illegally sold without our knowledge or consent by a country which had not conquered or lived on those lands. We also believe that our lands were sold by Russia to the United States when neither country had true knowledge of their use, occupation or ownership. We believe we are justly entitled to payments for non-renewable resources which were removed without benefit to our people and for the lands which are now occupied by the descendants of others.

We have here in Alaska native bank officers, commercial airline pilots, commercial boat and barge operators, airline managers, and other executives, air station managers, military officers, and school teachers. We have members of our people in other states who occupy a wide range of occupation. We have some native corporations.

The money received in the final settlement will provide the capital to enable us to obtain education, advice, and technical assistance for ourselves and our children. It will provide money for building safe, sanitary and adequate housing for our people. It will provide the foundation and support for private ownership of property and business. It will equip us to compete for jobs and to obtain funds for major construction in our communities, and give us the freedom to make our own choices and mistakes and to profit from them.

We are proud of our citizenship but not the limits that are placed upon it. We are proud of our willingness and ability to serve in our nation's defense. We now wish to contribute to its economy by becoming self-sufficient and independent people. We expect to use the money to which we are justly entitled to prepare our coming generation to take advantage of the opportunities and the choices which this nation can offer to them. We want our children and our children's children to be proud of their past and their heritage as American Eskimos, American Aleuts or American Alaskan Indians.

Thank you.

SENATE—*Monday, October 27, 1969*

The Senate met at 12 o'clock meridian and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God and Father of all mankind, whose promise is to bless that nation whose people strive to do Thy will, make known to us the way we should think and work and live to fulfill the divine intention. Let Thy greatness overrule our mistakes and strengthen our weakness. Hasten the day when Thy purposes are fulfilled, not only in the hearts of a few wise and brave men but throughout the whole Nation, in Congress and court, in workshop and office, in field and forest, in city and in country. Draw us together in this Senate in unity of spirit and in the bonds of peace that the words of our mouths and the work of our minds may be acceptable in Thy sight, O Lord, our strength and our Redeemer. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 27, 1969.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, October 23, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT ON U.S. PARTICIPATION IN THE UNITED NATIONS—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the provisions of the United Nations Participation Act of 1945, I am transmitting the 23d annual report, covering the calendar year 1968, on United States participation in the United Nations.

The large number of topics covered, the number of U.N. agencies involved, and the increasing contributions of the United States to U.N. programs all show how important the United Nations has become to the peace, security, and welfare of the world. In the United States, support of the United Nations and participation in its many activities have always been nonpartisan.

I therefore take pleasure in transmitting to the Congress this report of the President on our participation in the United Nations.

RICHARD NIXON.

THE WHITE HOUSE, *October 27, 1969.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to sundry committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, notified the Senate that Mr. WINN, of Kansas, had been appointed as a manager on the part of the House at the conference on the bill (S. 1857) to authorize appropriations for activities of the National Science Foundation, pursuant to Public Law 81-507, as amended, vice Mr. BELL, of California, excused.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1689) to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 9946) to authorize and direct the Secretary of Agriculture to quitclaim retained rights in certain tracts of land to the board of education of Lee County, S.C.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 13763) making appropriations for the legislative branch for the fiscal year ending June 30, 1970, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ANDREWS of Alabama, Mr. STEED, Mr. KIRWAN, Mr. YATES, Mr. CASEY, Mr. MAHON, Mr. ANDREWS of North Dakota, Mr. LANGEN, Mr. REIFEL, Mr. WYMAN, and Mr. BOW were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H.R. 14020) to amend the Second Liberty Bond Act to increase the maximum interest rate permitted on U.S. savings bonds, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 14020) to amend the Second Liberty Bond Act to increase the maximum interest rate permitted on U.S. savings bonds, was read twice by its title and referred to the Committee on Finance.

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Secretary's desk.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations will be stated.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—MARINE CORPS

The bill clerk proceeded to read sundry nominations in the Marine Corps which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE COST CRISIS IN MEDICARE

Mr. AIKEN. Mr. President, The October 13 issue of American Medical News, a weekly newspaper published by the American Medical Association, contains a front page story as well as an editorial on the subject of the costs crisis in medicare.

Both story and editorial are based upon a sobering statement of facts made by the chairman of the Committee on Finance, Senator Long. In his disclosures, Senator Long makes crystal clear the overwhelming dimensions of the problems confronting Congress with respect to medicare's skyrocketing costs and the need for heavily increased taxes if the program is to be brought into actuarial balance. But, it is also made equally crystal clear that the Finance Committee—indeed, the entire Senate—is going to thoroughly explore means and mechanisms to bring the runaway medicare program under control.

I want to say that I share Senator Long's concern over the careening course taken by medicare thus far. I agree with him that we cannot simply rubberstamp a "yes" vote on the request for an additional $126 billion tax increase to meet medicare's anticipated deficit over the next 25 years. A long, hard look by Congress is in order before the Nation's taxpayers are saddled with any new burden of that dimension.

The fact that the American Medical Association gave such prominent attention to Senator Long's statement indicates a sharing of concern over medicare's difficulties as well as, hopefully, a desire on the part of organized medicine to play a direct and responsible role in helping solve those problems.

I ask unanimous consent that the article and the editorial which appeared in the American Medical News be printed at this pointed in the Record.

There being no objection, the article and the editorial were ordered to be printed in the Record, as follows:

Medicare—The Hard Facts

The financial facts of life are forcing the Administration to reduce Medicare benefits and raise premiums paid by the elderly. Speeches of protest greeted the news in Congress where lawmakers pledged every effort to brake costs.

Though inflation has been the major cause of the rise in hospital and medical fees, hospitals and physicians have not escaped the wrath of lawmakers eager to pin the blame on someone.

The Medicare Part B premium next year will have to rise from the present $4 a month paid by the elderly to at least $5, a move that will cost the government an additional $280 million for its contributions from general revenues.

The previously-announced increase in deductibles the aged must pay for their hospital costs, in order to comply with the law's requirements tying the deductible to average costs of hospital stays, also did not sit well in Congress.

Senator Russell Long (D., La.), chairman of the finance committee, said the Medicare program, under present financing, would cost $126 billion more in benefits than it would collect in taxes. He told the Senate this is why the Administration recommended to Congress that Medicare taxes must be increased.

Long also stated it was his hope the investigation of the Medicare program, now underway by the finance committee, would point the way to a solution to many of the problems contributing to the sharp rise in costs of the program. Such action, he said could reduce the need for the large tax hikes now considered necessary.

"There are some very hard and sobering facts of life about Medicare which the Congress, every taxpayer, and every Social Security beneficiary should know," the senator declared. He listed, among other items:

The Medicare hospital plan's funds will be completely exhausted by 1973 under present financing—despite a 25% tax increase in 1967.

Under present financing, the costs of the hospital plan (Part A) will exceed income by $126 billion over the next 25 years.

Additional general revenues—above previous estimates—totaling $820 million will be required to pay Part A costs for uninsured persons during the period 1971 through 1975.

It is estimated that an increase in Part B (medical insurance plan) monthly premium per beneficiary from the present $4 to at least $5.20 will be necessary to bring that plan into actuarial balance. The government would match that $5.20 from general revenues. Total increased annual Part B premium costs would be about $560 million—of which general revenues would have to come up with $280 million.

Medicaid costs will also be substantially increased by the effects of increases in the Medicare Part A deductibles as well as the jump in the Part B premium.

Added Long:

"Very simply, this senator is just not willing to vote to impose new Medicare taxes of $126 billion over the next 25 years, without first trying to control the programs we now have. This senator is not willing to saddle 20 million older people with another $280 million a year in premium charges, without first trying to cut the fat out of the Part B program as we know it."

"I do not believe Congress will just sit by and finance a $126 billion Medicare mortgage, without first trying to get a responsible, hard-headed businessman's attitude into the administration of these important health programs."

Full-scale hearings on the Administration's request for increase in Social Security cash benefits, taxes, and its Medicare proposals are scheduled to begin about Oct. 15 before the House Ways and Means Committee. Administration witnesses are down for at least the first two days of testimony, to be followed Oct. 22 by other interested organizations, including the American Medical Association and other medical organizations. The hearings are expected to continue through year's end and possibly beyond. Proposals to extend Medicare to everyone, a national health program, will be heard.

Senate Finance Committee hearings, meantime, may concentrate on ways of reducing costs through more stringent physician fee regulations, review, and hospital cost cutting.

One of the reasons for the sharp jump in the Medicare Part B premium was the decision last year of former Health, Education and Welfare Secretary Wilbur Cohen to keep the premium fixed at its current $4 a month level through the fiscal year that ends next June. He said voluntary price freezing by physicians should make such restraint possible. The experience so far shows that a premium of at least $4.50 was needed. Thus, the rate next June will have to be set not only to meet future costs but to make up for deficits rung up due to Cohen's decision and rising medical care costs.

In an exchange on the Senate floor, Sen. George Aiken (R., Vt.) told Sen. Long that "instead of putting the doctors and hospitals first, maybe we should turn our attention to the old folks and have Medicare set all the fees without reference to Blue Cross and Blue Shield schedules."

Meanwhile, Sen. Abraham Ribicoff (D., Conn.) who has been scolding the sloppy administration of the nation's health programs, introduced legislation to allow state governments to buy Medicare coverage for employees who have their own state-sponsored retirement but do not pay into Social Security. Another provision would give better tax treatment to those whose retirement income is taxable because it comes from private plans rather than tax-free Social Security.

Medicare's Costs

In July, 1965, as Congress was about to pass the Social Security Amendments establishing the Medicare and Medicaid programs, this newspaper warned:

"There is good reason to believe that those who drafted the program have underestimated its cost and its potential growth."

When the bill passed, Sen. Russell Long (D., La.), chief Senate conferee in the House-Senate committee which worked out the final details, said, "It's the most significant Social Security and public welfare legislation ever passed by Congress."

Now, the Administration says it'll have to reduce Medicare benefits and raise the premiums paid by the elderly.

And Senator Long says that the Medicare hospital plan's funds will be exhausted by 1973, despite a 1967 tax increase; that costs of Part A will exceed income by $126 billion in the next 25 years; and that the Part B monthly premiums will have to be increased to at least $5.20 per month, from $4 to bring that program into actuarial balance (the government matches that figure from general revenues).

And he says, "This senator is just not willing to vote to impose new Medicare taxes of $126 billion over the next 25 years, without first trying to control the programs we now have. This senator is not willing to saddle 20 million older people with another $280 million a year in premium charges with out first trying to control the programs we now have."

It would be easy for the medical profession to sit back smugly and say "I told you so."

But this cannot be allowed to happen. Medicare is now the law, and millions of the elderly depend on it to finance their health care. If physicians and others in the health professions do not expend every effort to make the program work and to hold the costs down, they face the possibility of even more government regulations and controls.

THE PHILADELPHIA PLAN

Mr. JAVITS. Mr. President, this morning I appeared before the Subcommittee on Separation of Powers of the Committee on the Judiciary, on behalf of eight other Senators and myself, and read a statement on the so-called Philadelphia plan, relating to equal employment opportunity, which has been promulgated by the Department of Labor, sustained by the Attorney General, but objected to by the Comptroller General of the United States on the grounds of legality.

The Senators joing in this statement, in addition to myself, are Senators Bayh, Brooke, Case, Goodell, Griffin, Harris, Hart, and Kennedy. Senator Brooke also appeared and read an individual statement.

I ask unanimous consent that Senator Brooke's statement and the statement I made be printed at this point in the Record.

There being no objection, the statements were ordered to be printed in the Record, as follows:

Excerpts From Testimony of Senator Brooke Before the Senate Judiciary Committee in Favor of the Philadelphia Plan

The Philadelphia Plan, as you know, was designed to implement the intent of Executive Order 11246, promulgated by President Johnson on September 24, 1965. Under this order, all Federal government contracts and federally-assisted construction contracts were required to contain specific language obligating the contractor and his subcontractors not to discriminate in employment because of race, color, religion, sex or national origin.

This was no new concept in American jurisprudence. Evidence of this intent is clear in the Constitution, which talks not only about the general principles of Justice, the Blessings of Liberty, and the General Welfare, but which also speaks specifically of freedom of religion, due process of law, equal protection, and the privileges and immunities of all citizens. It is clear in the various civil rights acts passed since 1957, which provide protection specifically against discrimination in accommodations, voting, and employment. It is embodied in the National Labor Relations Act which forbids discrimination by labor unions and employers, and in the regulations issued by the Department of Labor pertaining to applicants, trainees and apprentices. The Government of the United States *does not condone* discrimination on the basis of external factors unrelated to individual capabilities.

Since 1965, however, we have learned that simple prohibition of discrimination is not enough. Overt acts of discrimination not only are becoming less common; they were never the heart of the problem to begin with.

The real problem of discrimination in America is what the Civil Rights Commission has referred to as "systematic discrimination," but what I prefer to call "systemic" or "intrinsic" discrimination. Discrimination against minorities, particularly in the employment field, is built into the very structure of American society. Three black children in *four* in America attends an essentially segregated school from the day he enters kindergarten. Negro children, on an average, complete little more than 10 years of school, as compared to 11.5 for white children. Their schools are for the most part of poorer quality—they are older and lack the facilities enjoyed by students in predominantly white institutions. Funds for job training equipment, for laboratory facilities, for typewriters and teaching aids, simply are not available in many of the schools attended by blacks. A Negro student is more likely than his white counterpart to find his formal education irrelevant to his surroundings. It goes without saying that it does not, in far too many cases, prepare him to compete for jobs or for higher educational opportunities. These circumstances are changing, to be sure, but for the vast majority of non-white youngsters in America they are still a tragic fact of life.

The policy of assigning minority employees to "traditional" jobs or departments is also an informal, systemic barrier to full opportunity in employment. This has been true throughout our society: Negroes have been clerks and custodians, nurses aides but not nurses, teachers in black schools but not in white ones, security guards but never supervisors. These conditions are slowly changing, but even now a past history of discrimination on the part of some employers deters many qualified minority persons from applying for positions.

These are the kinds of situations which the Philadelphia Plan is designed to overcome. Prohibition of discrimination is not enough; positive action is necessary.

In considering what kind of positive action might be employed without hurting present employees or dealing with them unfairly, the drafters of the Philadelphia Plan have come up with a simple yet effective formula. Present employees will not be affected at all by the plan; their jobs will be as secure as they have always been. The Plan does, however, seek to establish a formula for hiring minority members on future jobs. It has been determined by the Department of Labor that each construction craft should have approximately 7.5 percent new job openings annually due to death, disability, retirement, and loss of workers for any other reason. Operating solely on the basis of these anticipated new job openings, the Office of Federal Contract Compliance, working in conjunction with the Federal contracting agency, will devise a set of criteria for minority employment for each contract. These standards will be clearly spelled out in the bids and each contractor who desires to bid on the government contract in question will be obligated to include in his proposal a statement of his goals for attaining these standards. Once the contract is awarded, checks will be conducted to determine whether the employer is in fact living up to his obligation.

I favor this approach for two basic reasons. First, because, as I have stated above, I believe that *positive* efforts to eliminate discrimination are essential. But secondly, I appreciate the fact that there is no question of the Federal government dictating to the states, the cities, or the local contractors. There are, in fact, no Federal standards involved. There is simply a statement of Federal intent, embodied in Executive Order 11246, with the mechanics to be worked out on the local level, taking into account local factors such as: the current extent of minority group participation in the particular trade; the availability of minority group persons for employment in such trade; the need for training programs in the area; and the impact of the program upon the existing labor force. Even then, after all these criteria have been taken into account, the contractor and subcontractors are still allowed leeway in meeting the minority employment targets, and need only demonstrate that they have made a good faith effort to do so.

Mr. Chairman, nothing could be fairer, or more equitable, or ultimately more beneficial for all concerned. The spirit of the law has for too long been ignored in the field of equal employment opportunity. I welcome the promulgation of the Philadelphia Plan, I applaud the Administration's unequivocal support of it, and I hope to see similar plans worked out to achieve similar results in Boston and other communities all across the country. Only in this way can we truly make America a land of opportunity for all our people.

Statement by Senator Javits

We welcome this opportunity to reiterate our support for Executive Order 11246 and the Department of Labor's decision, based on the opinion of the Attorney General, to implement the Philadelphia Plan, notwithstanding the adverse ruling on the Plan by the Comptroller General.

Despite the passage of the Civil Rights Act of 1964, equal employment opportunity remains far from a reality in America today. Notwithstanding the efforts which have been made by the Federal government and private litigants, historic patterns of discrimination persist among employers and among unions, even though many trade unionists have been the victims of discrimination in the past. A vigorous program of action by the Federal government is, therefore, still essential to assure to members of minority groups the full participation in our economic system to which they are morally and legally entitled.

The federal program must include, if it is to be effective, a firm policy of requiring all federal contractors to insure that equality of employment opportunity exists for their employees, as well as the type of remedy made available through individual suits under Title VII of the Civil Rights Act of 1964.

We are thus directly in accord with the principles underlying Executive Order 11246, which requires each government contractor to agree that he "will not discriminate against any employee because of race, color, religion, sex, or national origin" and also that he "will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin."

The contract compliance program governed by Executive Order 11246 antedates the Civil Rights Act of 1964 and has received the recognition and support of Congress, through appropriations to the Office of Federal Contract Compliance, and its predecessor, the President's Committee on Equal Employment Opportunity for many years. In addition, it is to be noted that the Senate itself, during the debate on Title VII of the bill that became the Civil Rights Act of 1964, rejected an amendment offered by Senator Tower that would have made Title VII the exclusive remedy for ending discriminatory employment practices. Had the amendment been adopted, the contract compliance program would, of course, have ended. The vote on the amendment, in effect, approved continuance of the contract compliance program as separate and apart from the program under Title VII.

It is thus far too late in the day to maintain, as some are now doing, that Title VII of the Civil Rights Act of 1964 preempts the Executive Order program, or that the President may not require more, in the way of "affirmative action" by federal contractors as a condition of doing business with the government, than Title VII requires of operations in the private sector.

We recognize of course, that under no circumstances may the Federal government require anyone to violate Title VII of the Civil Rights Act of 1964, or any other law duly enacted by Congress. Insofar as the Philadelphia Plan is concerned, however, the Attorney General, who has the primary governmental responsibility for enforcing Title VII, has expressly ruled that the Plan does not require any contractor to violate Title VII. That is also what the Plan, itself, states on its face.

As we understand the Philadelphia Plan, and the Attorney General's opinion sustaining its legality, the goals which it establishes are to be used only as criteria to establish performance of the contractor's duty to take affirmative action to provide equal employment opportunity. If the goals are met, adequate performance will be assumed, absent other proof to the contrary. On the other hand, failure to meet the goals will not be presumed to establish non-performance if the contractor can demonstrate that he attempted, in good faith, to meet the goals. Such good faith does not include practicing "reverse discrimination," which is expressly forbidden by the Plan.

What the Philadelphia Plan really does, then, is to anticipate the result which should ensue from a good faith affirmative action program. If the result is achieved, compliance will be assumed; if the result is not achieved, it is still open to the contractor to show why not. If, for example, the contractor can show that to meet the goal he would have had to practice reverse discrimination, his failure to meet the goal could not be used as a ground for terminating his contract.

One virtue of the Philadelphia Plan in its revised form which deserves special emphasis is that it will remove a great deal of the uncertainty and confusion which have so far plagued the contract compliance program. Indeed, goals which the Plan establishes are the result of earlier criticism of the Plan by the Comptroller General on the ground that it was not specific enough to enable contractors to frame their bids intelligently. In the past, many contractors have voiced legitimate complaints that they simply did not know what was expected of them under the program. Little or no coordination seems to have existed among the different contracting agencies, the OFCC, the EEOC and State and local agencies concerned with equal employment opportunity. The result was bound to produce frustration among minority groups, and overlap, duplication, and confusion for businessmen and union officials who found themselves caught in the crossfire. The Philadelphia Plan, coupled with the interagency liaison and coordinating procedures which have recently been established, offers real promise of ending this anomolous situation, and at the same time, of demonstrating that the contract compliance program is more than the paper pledge it has been up to now in far too many cases.

We cannot stress too strongly the need for the Federal government to demonstrate this kind of unqualified commitment to the goal of equal employment opportunity to those millions of black and brown Americans to whom it has been denied for so long. As recent events in Chicago and Pittsburgh have shown, those who have suffered the brunt of exclusionary and discriminatory employment practices are willing to wait no longer to see the pattern of the past changed. The Philadelphia Plan is a way to meet these legitimate demands, and it certainly will prove far more satisfactory than the sort of "street demonstrations" we have witnessed in Chicago and Pittsburgh.

In sum, we believe that it is incorrect to characterize the Philadelphia Plan as a "quota System" and that the Labor Department was right in relying on the Attorney General's Opinion sustaining the legality of the Plan. We believe, also, that if there are any questions concerning the legality of the Plan, or its implementation, they should be settled in the Courts, which have the final authority to determine the application of Title VII of the Civil Rights Act of 1964 to Executive Order 11246.

Mr. JAVITS. Mr. President, the fundamental question involved in this matter is a legal one. In that regard I would prefer to let the memorandums speak for themselves, as to whether we are dealing with quotas or goals. I deeply believe, and so do my colleagues who joined in the statement, that we are dealing with goals and that all legalities are fully preserved.

The sociological and governmental problem involved is, Shall we give an opportunity to those who contract with the Government to use good faith efforts to deal with a very nettling and frustrating problem? This problem has very revolutionary implications, as shown by the experience of both Pittsburgh and Chicago, where groups marched on each side. It is a problem of the real limitation of educational opportunity which apparently exists in given areas for members of minority groups in the building trades. It involves a union problem and an employer problem, and the situation is one where both the employers and the unions seem to be satisfied, but where, in effect, members of minority groups who ought to have openings into these trades, are effectively deprived of those openings. There are also some grave arguments about the sufficiency of operatives to have an expanded building program in the United States.

For all those reasons, I welcome the hearings which are now being conducted by the Senator from North Carolina (Mr. ERVIN) before the Subcommittee on Separation of Powers of the Committee on the Judiciary.

Inasmuch as I believe that the matter will ultimately, through some amendment, find its way to the floor—though it could very properly and should be settled in the courts—I think it is desirable for Senators to have some concept of the legal questions which are involved, as well as the governmental questions. I believe Senators must think through whether the Federal Government is not in this case—and I give great credit to the administration for this—doing its utmost to find a realistic and imaginative way to deal with this very serious question of labor-management relations and employment opportunity in a peaceful, orderly, legal, fair and practical manner.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. KENNEDY. Mr. President, I commend the Senator from New York for bringing this matter to the attention of the Senate. I serve as chairman of the Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary. In the early part of the year we held hearings on the entire question of contract compliance and the very significant problems that are posed in connection therewith for employers and employees.

I think the administration is to be commended for the courage it has demonstrated in developing the Philadelphia program and for refining it. I think the Attorney General, with whom I have disagreed on a number of occasions, deserves commendation for the position he has taken in support of the program.

I think the administration, by taking a clear position on this question, has provided an example for various contractors around the country. It is a position which contractors can take as a model. It was a bold position taken in the early part of the administration. It has been fired at and hammered at since it was announced.

Again, I think the Senator from New York has performed a useful service in this area, and I commend him.

Mr. JAVITS. Mr. President, I greatly appreciate the statement of the Senator. It illustrates the genius of our system, for the distinguished majority whip feels free to give credit where he feels credit is due.

Mr. GRIFFIN. Mr. President, will the Senator yield?

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized for 2 additional minutes.

Mr. JAVITS. I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I thank the Senator from New York. The distinguished majority whip has given my speech; and I would much rather that he give it. I appreciate very much having those remarks come from the other side of the aisle, recognition of the policies which this administration is pursuing vigorously in this very difficult, controversial, and complex field. We recognize that from time to time the administration is criticized, but it is good to hear the recognition from both sides of the aisle in that particular field, especially, the administration is moving in the right direction.

I particularly wish to join the distinguished majority whip in commending the distinguished senior Senator from New York for his leadership because I feel confident his leadership is a very important factor both with respect to Congress and the administration.

Mr. JAVITS. Mr. President, I am grateful to my colleagues. This is the first time that this plan has been exposed in a hearing to the give and take of debate, both on the law and the facts. I deeply believe we have presented a very credible position. The strength added by Senators who joined is critically important. Without them it could not be done.

I thank the Senators.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report of Receipts and Disbursements to Appropriations From Disposal of Military Supplies, Equipment and Material and Lumber and Timber Products

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and material, for expenses involving the production of lumber and timber products during the fiscal year 1969 (with an accompanying report); to the Committee on Appropriations.

Proposed Amendment of the Central Intelligence Agency Retirement Act

A letter from the Director, Central Intelligence Agency, transmitting a draft of proposed legislation to amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (with an accompanying paper); to the Committee on Armed Services.

Sales of Firm Electric Power for Resale

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a publication entitled "Sales of Firm Electric Power for Resale, 1965–1967" (with an accompanying publication); to the Committee on Commerce.

Proposed Amendment of Title 38, United States Code

A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to permit the furnishing of benefits to certain individuals conditionally discharged or released from active military, naval, or air service (with an accompanying paper); to the Committee on Finance.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on foreign aid provided through the operations of the U.S. Sugar Act and the International Coffee Agreement, Department of Agriculture, Department of State, Agency for International Development, dated October 23, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administration efficiency of the Neighborhood Youth Corps program under title IB of the Economic Opportunity Act of 1964, Chicago, Ill., Department of Labor, dated October 24, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administrative efficiency of the concentrated employment program under title IB of the Economic Opportunity Act of 1964, Los Angeles, Calif., Department of Labor, dated October 24, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administrative efficiency of the concentrated employment program under title IB of the Economic Opportunity Act of 1964, Detroit, Mich., Department of Labor, dated October 27, 1969 (with an accompanying report); to the Committee on Government Operations.

Report on Receipts and Expenditures Under Outer Continental Shelf Lands Act of 1953

A letter from the Assistant Secretary for Administration, Department of the Interior, reporting, pursuant to law, the receipts and expenditures of the Department in connection with the administration of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

Report of Personnel Claims Paid by the Veterans' Administration

A letter from the Administrator, Veterans' Administration, transmitting, pursuant to law, a report of the personnel claims paid by the Veterans' Administration during the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on the Judiciary.

Proposed Amendment of the Atomic Energy Act of 1954

A letter from the Chairman, Atomic Energy Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to charge Federal agencies fees for the licensing of nuclear power reactors (with accompanying papers); to the Joint Committee on Atomic Energy.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A resolution adopted by the township of Princeton, Mercer County, N.J., praying for the end of the war in Vietnam and to redirect all the resources to urgent domestic priorities; to the Committee on Foreign Relations.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

S. Res. 143. A resolution to refer the bill (S. 1343) entitled "A bill to relinquish and disclaim any title to certain lands situated in Yuma County, Ariz.", to the Chief Commissioner of the Court of Claims for a report thereon (Rept. No. 91–498).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 2062. A bill to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes (Rept. No. 91–499).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. STENNIS, from the Committee on Armed Services: Brig. Gen. Ross Ayers, general of the line, Army National Guard of the United States, for promotion to major general; and

Col. Jackson Bogle, Adjutant General's Corps, Army National Guard of the United States, for promotion to brigadier general.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TYDINGS (for himself, Mr. Bayh, Mr. Bible, Mr. Eagleton, Mr. Goldwater, Mr. Goodell, Mr. Inouye, Mr. Mathias, Mr. Packwood, Mr. Prouty, Mr. Randolph, Mr. Spong, and Mr. Hollings):

S. 3071. A bill to provide a comprehensive program for the control of drug abuse and drug related crime through improved law enforcement, strict regulation of the distribution of controlled drugs, and prevention, treatment, and study of drug abuse and drug dependence in the District of Columbia; to the Committtee on the District of Columbia.

(The remarks of Mr. Tydings when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MAGNUSON (for himself, Mr. Jackson and Mr. Muskie):

S. 3072. A bill to stimulate the development production, and distribution in interstate commerce of low-emission motor vehicles in order to provide the public increased protection against the hazards of vehicular exhaust emission, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. Magnuson when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MAGNUSON:

S. 3073. A bill to amend section 117 of the Internal Revenue Code of 1954 to exclude from gross income up to $300 per month of scholarships and fellowship grants for which the performances of services is required; to the Committee on Finance.

(The remarks of Mr. Magnuson when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MAGNUSON (for himself and Mr. Moss):

S. 3074. A bill to provide minimum standards for guaranties covering consumer products which have electrical, mechanical, or thermal components, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. Magnuson when he introduced the bill appear later in the Record under the appropriate heading.)

S. 3071—INTRODUCTION OF THE DISTRICT OF COLUMBIA COMPREHENSIVE DRUG ABUSE AND NARCOTICS CRIME CONTROL ACT OF 1969

Mr. TYDINGS. Mr. President, I introduce for appropriate reference, a bill, sponsored by myself, Mr. Bayh, Mr. Bible, Mr. Eagleton, Mr. Goldwater, Mr. Goodell, Mr. Inouye, Mr. Mathias, Mr. Packwood, Mr. Prouty, Mr. Randolph, Mr. Spong, and Mr. Hollings, entitled "The District of Columbia Comprehensive Drug Abuse and Narcotics Crime Control Act of 1969."

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3071) to provide a comprehensive program for the control of drug abuse and drug related crime through improved law enforcement, strict regulation of the distribution of controlled drugs, and prevention, treatment, and study of drug abuse and drug dependence in the District of Columbia, introduced by Mr. TYDINGS, for himself and other Senators, was received, read twice by its title, and referred to the Committee on the District of Columbia.

Mr. TYDINGS. Mr. President, this legislation will create a comprehensive program to control drug abuse in the National Capital by strengthening criminal penalties against narcotics traffickers, applying realistic penalties and providing treatment for narcotics users, keeping drug addicts who commit crimes off the streets until they are no longer dangerous, and offering preventive programs.

That illegal narcotics traffic flourishes across the Nation today is a monument to the failure of existing drug laws to stop it.

Though the distribution and possession of narcotic drugs have been against the law for more than half a century, there is no indication that under present law the drug abuse problem will ever be controlled.

Illegal drug traffic is a most intricate system of transactions. It poses difficult and complex problems of law-enforcement officers. It involves both some of the most notorious kingpins of organized crime and the most uncriminal-like children of some of the Nation's most respected and trusted families.

Solving the drug abuse problem requires a comprehensive approach. Though there is a direct relationship between addiction to narcotics and crime, a drug addict cannot be treated the same as other criminals because extended incarceration does not reduce the likelihood of his returning to addiction and continuing to commit drug-related crime upon his release.

The National Capital might be expected to have developed model solutions to the problems of narcotics traffic and narcotics related crime. Unfortunately, it has not. In fact, the drug abuse crisis in Washington is a national disgrace.

In March and April of this year, my Senate Committee on the District of Columbia conducted oversight hearings on the drug crisis in the Washington area. In an additional day of hearings in June, the committee compared the efforts made in Baltimore to curb drug traffic with the efforts made here.

Those hearings painted a dismal picture of a drug abuse and drug-related crime crisis in the National Capital. I would like to relate some of the committee's findings:

Illegal narcotics traffic in Washington is increasing. Reliable estimates indicate that there are 10,000 or more drug addicts in the Nation's Capital. Drug abuse is increasing in both the low- and upper-income sections of the city.

The use of illegal narcotics is a principal cause of crime in the Nation's Capital and its metropolitan area. Between half and three-fourths of the serious crime in this area is drug related. Drug-related crime costs the law-abiding citizens of the metropolitan area upward of $30 million a year. There is absolutely no way an addict can secure money to buy drugs without resorting to crime.

Illegal drug traffic is clearly a metropolitan problem. The drug abuse problem is increasing in the suburban counties of Maryland and Virginia—and nearly all the illegal drugs flowing into those counties come out of the District of Columbia. In addition, suburban residents are continually victimized by narcotics addicts from Washington who come outside the city to commit drug-related crimes. If the suburbs are ever to be safe from drug abuse and drug-related crime, drug traffic in the District of Columbia must be controlled.

The illegal drug traffic—particularly the heroin traffic—feeds on itself. One of the principal ways heroin addicts make money to pay for their drugs is to sell drugs themselves. As a result, heroin addicts are constantly trying to hook new persons on drugs in order to increase the market for the heroin they sell. In some cases, addicts are known to give away drugs to nonusers in the hopes of hooking them.

Until the past few months, the police have been enforcing the narcotics laws more effectively against the minor violators than against the major traffickers. The result has been that marihuana-smoking youngsters and smalltime heroin pushers have felt the brunt of the enforcement efforts rather than the big-time dealers. When the new U.S. Attorney Thomas Flannery cracked a major narcotics ring 2 months ago, it had been 17 years since the last major trafficker had been arrested.

Many youngsters who experiment with marihuana are being led to experiment with heroin and other more dangerous drugs, often because the archaic laws on marihuana and more dangerous drugs result in one distribution system for all drugs.

Treatment of narcotics addicts by the Department of Public Health and in the criminal justice system has been wholly inadequate. The Health Department's sole drug treatment program, the Drug Addiction Treatment and Rehabilitation Center, is strictly an outpatient program and has been largely ineffective in its first year. Treatment for criminal addicts within the criminal justice system is virtually nonexistent. There is no program for pretrial treatment of drug addicts. Only 6 percent of the known addict prisoners in District of Columbia correctional institutions receive any kind of treatment at all for their addiction.

There is currently no protection for the law-abiding public from drug addicts who continuously commit crimes. Under current procedures, an addict arrested for a drug-related crime is immediately upon his arrest released back to the community to commit more crimes. Since the addict receives no treatment upon his arrest when he is released on bail or personal recognizance, he is still addicted and extremely likely to commit crimes to buy drugs. It is likely that several hundred addict criminals are freed each month to await trial.

District of Columbia officials have relied solely on law-enforcement efforts to control the narcotics and narcotics-crime problem, despite incontrovertible evidence that both a law-enforcement and treatment approach is needed. The District has ignored the conclusions of three Presidential Commissions that comprehensive treatment of criminal drug addicts is essential to reduce drug-related crime. In the words of the President's Commission on Crime for the District of Columbia:

> In view of the District's experience this Commission is persuaded that a successful program of prevention and rehabilitation of drug addicts would contribute substantially to a reduction of serious crime.

The District's civil commitment statute is hopelessly outdated, and as a result is seldom used by prosecutors or the courts. The Federal Narcotic Addict Rehabilitation Act is not available for use by the court of general sessions and is too limited to be much use in treating addicts and combating drug-related crime.

No program has been developed for providing badly needed counseling and assistance in the area of drug addiction for law-enforcement, welfare, and vocational rehabilitation officials who encounter addicts and potential addicts every day in the course of their duties. The addiction problem is overwhelming all of our public agencies, with little or no effort to confront and deal with it.

The District has no education program about dangerous drugs for juveniles or adults.

There is no training program for lay professional workers in the field of dangerous drugs, in spite of the fact that it is a principal public problem in the District today.

Finally, the District of Columbia has no plan for dealing with the problem. No one knows where to begin, or what to do.

We can no longer afford to live with this national disgrace at the doorstep of our National Government. Every day we fail to enact a comprehensive narcotics program for the National Capital more persons are becoming addicted to narcotics and committing drug-related crime.

President Nixon's crime program for the National Capital contains nothing specific on the narcotics traffic or narcotics-related crime. Likewise, the Federal narcotics legislation sent to Capitol Hill by the administration contains no provisions to deal with the cancerous problem of drug-related crime.

I am introducing today the District of Columbia Comprehensive Drug Abuse and Narcotics Crime Control Act of 1969 to reduce both narcotics traffic and narcotics-related crime in the National Capital.

There are numerous reasons this legislation is vitally needed. First, it is frightfully clear that existing narcotics laws simply have not worked. Despite the fact that existing laws have outlawed the use of dangerous drugs for more than 50 years, drug abuse today is more prevalent in America than ever before. Nowhere is that fact more clear than in the case of marihuana. Despite existing laws that make possession of marihuana illegal, it is estimated that as many as 10 million Americans have smoked marihuana, and it is acknowledged that a high percentage of high school and college age youngsters use it regularly.

Second, new legislation is needed because existing laws have failed to control the distribution and use of heroin—the drug that causes most drug-related crime—because they emphasize enforcement against drug users rather than against the traffickers. In other words, existing law hits as hard or harder at the victim of narcotics traffic as it does the perpetrators of this insidious activity. Legislation is sorely needed that puts the focus of law enforcement where it should be—on apprehending and convicting the major traffickers.

Third, new legislation is needed because existing District of Columbia law fails to provide strong enough penalties to deter major traffickers from engaging in illegal drug traffic. Current District of Columbia law calls for imprisonment of only 1 year for trafficking on the first offense and only for imprisonment up to 10 years on subsequent convictions of traffickers. Clearly, those penalties are insufficient to keep major traffickers out of the drug business.

Fourth, existing laws must be changed so they can deal more effectively with drug-related crime. They must, for example, be amended to permit the kind of comprehensive treatment for criminal addicts as recommended by three Presidential commissions. There is nothing in present drug laws—Federal or District of Columbia—to deal with the problem of drug addicts who commit drug-related crimes. For example, an addict who commits an armed robbery is likely, under existing law, to be returned to the streets still an addict and still in need of committing other crimes to support his habit.

My legislation is intended to make the approach to the drug abuse problem in the National Capital a model for the Nation.

Specifically, this legislation will strengthen the law enforcement and treatment efforts against narcotics in the National Capital.

The legislation will place major emphasis on narcotics law enforcement where it belongs—on the wholesalers and retailers who supply this area with drugs. In 1963, the President's Advisory Commission on Narcotics and Drug Abuse warned:

> The illegal traffic in drugs should be attacked with the full power of the federal government. The price for participation in this traffic should be prohibitive. It should be made too dangerous to be attractive.

The bill will make the price for trafficking drugs in the National Capital prohibitive.

Under this legislation, any person who is convicted of wholesale distribution can be sentenced to life in prison and fined an amount large enough to make him divest himself of his drug business. Just 2 months ago, U.S. Attorney Flannery indicted members of a major drug ring, including several underworld figures. Under the bill an underworld figure convicted of wholesale distribution of narcotics could be sentenced to life imprisonment and he would be mandatorily fined an amount large enough to divest him of any profits he made from drug traffic and any investments he made with those profits. In other words, if an underworld figure purchased a legitimate business with profits from his drug traffic, the court would have to fine him the value of that company.

Existing law makes the penalties for dealing in narcotics far less prohibitive. The Federal legislation proposed by the Nixon administration calls for penalties for distributing illegal drugs no harsher than those in the existing law that the Advisory Commission on Narcotics and Drug Abuse indicated were not strong enough to make participating in drug traffic "too dangerous to be attractive." Present penalties for distribution of either hard drugs or marihuana are on the first offense imprisonment of 5 to 20 years and a fine of $20,000 and on the second and subsequent offenses imprisonment of 10 to 40 years and a fine of $20,000. None of the alternative penalty schemes suggested by the administration for its narcotics bill increases those penalties for narcotics traffickers.

This legislation will give prosecutors and law enforcement officials additional investigative tools needed to stop narcotics traffic. In addition, it will give prosecutors and the courts flexibility in dealing with offenders they do not now enjoy. Specifically, my bill includes four provisions requested by the Metropolitan Police Department when police officials testified at our hearings. They are:

First. A provision that allows commitment of addict suspects to treatment before their release on bond.

Second. A "no knock" provision for officers in the confiscation of contraband drugs.

Third. A workable civil commitment procedure that will allow police to aid in the treatment and rehabilitation process.

Fourth. A provision to regulate the sale and use of gelatin capsules which are often used to package illegal drugs.

This legislation will deal directly with the problem of drug-related crime because, under my bill, an addict who commits a drug-related crime will be committed to treatment on the order of the U.S. attorney rather than released on bond or personal recognizance to prey on his community. Once committed to treatment, an addict will not be released from that commitment until he no longer poses a danger to his community.

Under the bill, an addict who commits an armed robbery, for example, could be detained for treatment before his trial. Then, if the judge so orders, he can be sent to prison to serve his sentence like any other felon who commits armed robbery. But the bill will allow the prosecutor and the judge option of committing the addict to treatment if they feel curing his addiction is the best way to prevent him from committing another armed robbery. If the treatment alternative is chosen, the addict will not be released from treatment until he is no longer dangerous. In other words, an addict can be held in treatment for the rest of his life if he continues to pose a danger to his community. A person detained under that bill can only be released when his medical officer decides, based on his record during treatment, that he is no longer dangerous or when the court orders his release based on the testimony of the medical officer and other witnesses.

The bill emphasizes the treatment of addict criminals. Unless we cure these sick people of their addiction, we can never expect them to stop committing crimes. I agree with the District of Columbia Crime Commission when it reported:

> In view of the District's experience this Commission is persuaded that a successful program of prevention and rehabilitation of drug addicts would contribute substantially to a reduction of serious crime.

This legislation will fill the treatment and rehabilitation void in the Nation's Capital. It recognizes that addiction, itself, is an illness that must be treated by medical professionals. The bill establishes a Bureau of Drug Abuse within the District government and authorizes it to develop immediately a comprehensive program of inpatient and outpatient treatment for addicts, including joint projects with the Department of Correction for inmate addicts. In addition, the bill creates a workable civil commitment procedure—something that has been badly needed here for more than a decade. And it will create an extensive drug education program to warn youngsters of the danger of experimenting with drugs.

The bill acknowledges the metropolitan aspects of the narcotics problem. There are specific provisions in my legislation requiring cooperation between the District and the Maryland and Virginia suburbs so that an areawide drug abuse program can be developed. Specifically, my bill will create a Drug Abuse Council with members from the District, Maryland, and Virginia to make sure the District's drug efforts are coordinated with those of the surrounding jurisdictions.

While under the bill, all dangerous drugs remain against the law, my legislation does differentiate among those drugs. I was disturbed during my recent committee hearings to hear witness after witness testify about the spread of heroin to high school and even grade school age youngsters. What disturbed me most was that several witnesses testified that because under present laws the penalties for using marihuana are as severe as the penalties for heroin, youngsters felt no particular risk in graduating from marihuana to heroin. Not only that but the present laws practically encourage a person selling even small quantities of marihuana to also sell heroin, since he risks no additional penalty.

Because in my view use of heroin is a far more serious habit and results in more dangerous antisocial behavior than does use of marihuana, the bill calls for stiffer penalties for use of heroin than for use of marihuana. I want to make it clear: Marihuana is and should remain illegal and its use is still punishable under my bill by a criminal penalty, but a less severe penalty than for using heroin. I want to make every youngster who experiments with drugs aware that playing with heroin is considerably more dangerous to himself and to his community than experimenting with marihuana.

My view on this question is supported by both Dr. Roger Egeberg, the highest health official in the Nixon administration, and Dr. Stanley Yolles, the Director of the National Institute of Mental Health, the Government agency responsible for research on drug abuse. In his testimony before the Senate Subcommittee to Investigate Juvenile Delinquency, Dr. Yolles said:

> I do not, at this time, advocate the removal of all restrictions on the use of marijuana. I believe that until we know more than we now do about the long-term effects of marijuana and other forms of *Cannabis* that use of the drug should continue to be controlled—Medically speaking, I cannot give it a clean "bill of health." But, penalties for its use should be lowered, in proportion to the danger and risk to the individual and society of this drug.

The bill recognizes that a high percentage of our high school age youngsters are experimenting with illegal drugs. I feel that these misguided youngsters should be discouraged from using drugs—and the greatest discouragement is a criminal penalty. Therefore, this legislation calls for a criminal penalty for every drug offense. But my bill contains a probation without verdict provision to give the judge an alternative to impose a criminal sentence on a first offender. If a judge feels jail is not the best way to deal with a drug offender, he can invoke the probation without verdict provision of my bill.

Probation without verdict is advantageous both to the defendant and to law-enforcement officers. It is advantageous to the defendant because it allows him to avoid going to jail and having a criminal record if he does not violate his probation. It is advantageous to law-enforcement officers because the defendant can be automatically put in jail if he violates the terms of his probation. In other words, a person given probation without verdict who continues to use drugs and gets caught can be sentenced to jail for his first offense.

My thinking of this subject is shared by others in the law-enforcement community. Every law-enforcement officer—policeman, prosecutor, or judge—who testified at my drug abuse hearings endorsed probation without verdict for first offenders. So did the President in the administration's narcotics bill. In fact, the probation without verdict provision in my bill is practically verbatim to that in the President's bill.

At the recent juvenile delinquency subcommittee, hearings, Attorney General Mitchell endorsed a flexible policy toward dealing with drug offenders. He said:

> I personally believe in sentences which are reasonably calculated to be deterrents to crime and which also will give judges sufficient flexibility to tailor the sentences to the requirements of the drug violator or narcotic addict.
>
> Prison is not the only logical alternative. In some cases, it may be advisable to use federal rehabilitation programs, halfway houses and private medical treatment while on probation or parole. Perhaps the most promising alternative is to approach the narcotics violator in relation to his function; the professional trafficker who should be given as severe a sentence as possible; the casual and intermittent user who is perhaps only experimenting out of curiosity; or the mentally or physically ill addict who, without additional help, cannot break a confirmed habit.

Expanding on the Attorney General's statement at that same hearing, John E. Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, said:

> The casual user or intermittent experimenter of drugs, usually of the non-addicting variety such as LSD, marijuana, and other hallucinogens, who, for a variety of reasons starts exploring the drug scene, is the second type of person that must be identified in any penalty structure. This type of person is far different from the professional criminal mentioned above. This is the group that is possessing, or giving away these drugs, usually among its own peer group. For these reasons the penalty structure should be more flexible and open-ended as these persons seem most likely to respond to rehabilitative efforts and the court should not have imposed on it rigid requirements. The penalties should be flexible enough to deter and, if deterrence fails, flexible enough to allow the judge, based on his observations of the defendant, to tailor the penalty to the nature of the crime and the person committing that crime. This type of person forms a major segment of the defendant population and for the penalties to be effective and rational, they must be geared to fit the punishment to this person with fairness.

I believe that this legislation is a most comprehensive and most progressive approach to the narcotics problem. I realize it encompasses new approaches to the narcotics problem. I, like the members of those three Presidential Commissions, think they will work. For too long we have sat back and watched old methods fail. Now is the time for action, not words—legislation, not messages. We must utilize the new methods and make an all-out effort to solve this old and evermore complex problem.

I ask unanimous consent that a section-by-section analysis and questions and answers about this bill be printed in the Record.

There being no objection, the section-by-section analysis and questions and answers, were ordered to be printed in the Record, as follows:

Section-by-Section Analysis—District of Columbia Comprehensive Drug Abuse and Narcotics Crime Control Act of 1969

TITLE I—FINDINGS AND DECLARATION OF PURPOSES

Section 101 relates that the Congress finds that drug abuse and illegal narcotics traffic are increasing in the District of Columbia, posing safety, health and welfare problems to the citizens of the District. This section also relates that the Congress finds that drug abuse is a metropolitan problem and that drug abusers commit a high percentage of the serious crime in the Washington Metropolitan Area.

Since drug dependence is an illness, properly treated by medical, health, welfare and rehabilitative services, the Congress finds the best way to decrease drug abuse is a combination of improved law enforcement against traffickers in controlled drugs and increased education, treatment and rehabilitation for drug dependent persons.

Finally, in this section, the Congress concludes that control of drug abuse requires a major commitment of health and law enforcement resources in the District, which has not been the case in the past.

In Section 102, the Congress declares that there shall be a comprehensive program for the control of drug abuse and drug-related crime in the District of Columbia through improved law enforcement, strict regulation of the distribution of controlled drugs, and prevention, treatment, and study of drug abuse and drug dependence.

Law enforcement will be aimed primarily at the major traffic of controlled drugs and the serious drug related crime. Drug dependent persons will be provided education, treatment and rehabilitation services under this act.

Those drug dependent persons who are likely to commit drug related crimes and constitute a danger to the public safety may be detained for treatment indefinitely, until such time as they no longer constitute a danger to their community.

Under this act, the Congress declares that all available law enforcement and health resources shall be brought to bear on controlling drug abuse and drug related crime in the District of Columia.

TITLE II—DEFINITIONS

Title II sets out the definitions that apply throughout the bill. They incorporate, or bring up to date, the definitions in prior or related Federal legislation.

A "controlled drug" includes any narcotic drug, marijuana, or any depressant or stimulant drug. Of particular importance, the definition of a "narcotic drug" and of "marijuana" are revised to bring them into line with the latest thinking of the National Institute of Mental Health and the Department of Justice's Bureau of Narcotics and Dangerous Drugs. The definition of a "depressant or stimulant drug", which includes all hallucinogens other than marijuana, is adopted by reference directly from the Federal Drug Abuse Control Amendments of 1965.

A "drug dependent person" is defined as any drug user who is so far dependent upon the use of a controlled drug as to have lost the power of self-control over the use of such drug. This is intended to include both physical addiction and psychological habituation. Whether a drug abuser has become dependent upon a drug will depend upon expert medical diagnosis in each individual case. A "drug-related offense" is defined to include both crimes committed by drug dependent persons to obtain funds to satisfy that dependence, and crimes committed while under the influence of a controlled drug.

The terms "courts" and "government attorney" are broadly defined to make it clear that the bill is intended to apply in both District of Columbia and Federal courts, and is to be enforced by both the Corporation Counsel's Office and the United States Attorney's Office.

The remaining definitions are routine, and are included primarily to make certain that there is no misunderstanding about the intended application of the bill's provisions.

TITLE III—REGULATION OF THE DISTRIBUTION OF CONTROLLED DRUGS

Title III establishes the legitimate and illegitimate channels of distribution for all controlled drugs, and the penalties for illegal distribution and use. Section 301 provides for the licensing of producers, manufacturers, and wholesale distributors of any controlled drug. Without such a license, no person may engage in any of those practices. No such license may be granted without proof that the applicant has registered pursuant to applicable Federal laws. Upon such proof, a license will be issued for $10 per year. The Commissioner has the right under this section to suspend or revoke any license issued for failure to comply with the requirements of this Act.

Section 302 sets out the channels of legitimate distribution and possession of controlled drugs. Subsection (a) lists the persons to whom, and for what purposes, a controlled drug may be lawfully distributed. Subsection (b) lists the persons who may lawfully possess such a drug. Subsection (c) then provides that no person who may lawfully possess a controlled drug, other than an ultimate user, may divert it to his own personal use.

Section 303 specifies the conditions under which a controlled drug may be prescribed, administered and dispensed. This section provides that a pharmacist may dispense a controlled drug only upon the written prescription of a practitioner. As under Federal law, a prescription for any other controlled drug may be refilled no more than 5 times.

This section further provides that a physician or dentist may prescribe a controlled drug only in good faith in the course of his professional practice, within the scope of the patient relationship, and in accordance with treatment principles accepted by a responsible segment of the medical profession. Under this section a veterinarian may prescribe, administer or dispense a controlled drug in good faith in the course of his professional practice and not for use by a human being. This section also places stringent requirements on the dispensing of controlled drugs by pharmacists pursuant to a written prescription.

Section 304 allows for investigational use of controlled drugs in compliance with the requirements of federal law.

Section 305 prohibits the receipt of any controlled drug as a result of fraud or deceit.

Section 306 provides that every person who may lawfully possess a controlled drug except an ultimate user must keep certain records relating to the inventory and distribution of such products. Any loss or theft of these drugs must be reported promptly. The bill requires that these records be made available to law enforcement officers and that any such records that are to be made public must be divulged in such a way as not to reveal the identity of ultimate users of the drugs.

Section 307 contains prohibited acts and penalties.

Section 307(a) sets the penalties for the failure of any otherwise legitimate person to obtain a license for production, manufacture, or wholesale distribution of a controlled drug, or for distribution of gelatin capsules suitable for packaging a controlled drug as follows:

1. First offense is punishable by imprisonment of not more than 6 months or a fine of not more than $10,000, or both.

2. Second and subsequent offenses are punishable by imprisonment of not more than 2 years or fines not more than $40,000 or both.

Section 307(b) establishes five degrees of illegal trafficking and sets the penalties for each.

Trafficking in the first degree includes wholesale distribution of any controlled drug except marijuana and carries penalties as follows:

1. First offense carries a penalty of imprisonment for 5 years to life, at least a part of which must be served, and a fine without limitation of an amount sufficient to exhaust the assets utilized in and the profits obtained by the illegal activity.

2. Second offense carries a penalty of imprisonment for 10 years to life, at least part of which must be served, and a fine without limitation of an amount sufficient to exhaust the assets utilized in and the profits obtained by the illegal activity.

Trafficking in the second degree includes retail distribution of any controlled drug except marijuana and carries penalties as follows:

1. First offense is punishable by imprisonment for 2–20 years, at least part of which must be served, and a fine without limitation of an amount sufficient to exhaust the assets utilized in and the profits obtained by the illegal activity.

2. Second and subsequent offenses are punishable by imprisonment for 4–40 years, at least part of which must be served, and a fine without limitation of an amount sufficient to exhaust the assets utilized in and the profits obtained by the illegal activity.

Trafficking in the third degree includes persons under 26 who distribute small amounts of any controlled drug except marijuana for small remuneration as incidental to their own experimentation and not as a regular source of income or for the purpose of making another dependent upon the drug and carries penalties as follows:

1. First offense is punishable by required education, or imprisonment for up to 4 years, or a fine not exceeding $20,000, or any of these.

2. Second and subsequent offenses are punishable under the provisions for trafficking in the first or second degree.

Trafficking in the fourth degree includes any distribution of marijuana and carries penalties as follows:

1. First offense is punishable by imprisonment for 1–10 years, at least part of which must be served, and a fine without limitation of an amount sufficient to exhaust the assets utilized in and the profits obtained by the illegal activity.

2. Second and subsequent offenses are punishable by imprisonment for 2–20 years, at least part of which must be served, and a fine without limitation of an amount sufficient to exhaust the assets utilized in and the profits obtained by the illegal activity.

Trafficking in the fifth degree includes persons under 26 who distribute small amounts of marijuana for small remuneration as incidental to their own experimentation and not as a regular source of income and carries penalties as follows:

1. First offense is punishable by required education, imprisonment of not more than 1 year, or a fine not exceeding $2,000, or any of these.

2. Second and subsequent offenses are punishable under the provision for trafficking in the fourth degree.

Under a proviso in this section, any person who sells drugs only to feed his own drug habit, other than large distributors, shall be handled under the civil commitment procedures of this act, except that the court may in its discretion order the defendant to stand trial and sentence him to not more than six months in prison before his being civilly committed to custody with treatment for as long as he remains a danger to his community. The six months imprisonment provision is not applicable to persons who volunteer for civil commitment.

Section 307(c) provides the following penalties for any person who acquires a controlled drug in violation of this act and subsequently places it in legitimate channels of distribution:

1. First offense is punishable by imprisonment of not more than four years, or a fine not exceeding $20,000, or having his license revoked for not more than six months, or any of these.

2. Second and subsequent offenses are punishable by imprisonment not exceeding 10 years, or fines not exceeding $50,000, or having his license suspended or revoked, or any of these.

Section 307(d) establishes the penalties for illegal possession of controlled drugs for personal use and distribution of controlled drugs without remuneration.

Possession in the first degree includes possession of any controlled drug except marijuana and is punishable on the first offense by required attendance at a drug abuse school, imprisonment of not more than 2 years, or a fine not exceeding $10,000, or any of these.

Possession in the second degree includes possession of marijuana and is punishable upon the first and each subsequent offense by required attendance at a drug abuse school, or imprisonment of not more than 30 days, or a fine not exceeding $500, or any of these.

This section also provides that any person, except for a large distributor, in possession of a controlled drug in violation of this act for the purpose of his personal use to satisfy his drug dependence shall be handled only pursuant to the civil commitment procedures of this act.

Section 307(e) contains penalties for illegal prescription, administration, dispensing, or investigation of any controlled drug as follows:

1. First and second offenses are punishable by imprisonment not more than one year, or a fine not more than $5,000, or have his license revoked for not exceeding three months, or any of these.

2. Third and subsequent offenses are punishable by imprisonment of not more than 10 years, or a fine not exceeding $30,000, or having his license revoked for not more than five years, or any of these.

Section 307(f) provides penalties for the illegal receipt of a controlled drug by fraud or deceit as follows:

1. First offense is punishable by imprisonment for not more than one year, or a fine not more than $5,000, or both.

2. Second and subsequent offenses are punishable by imprisonment not more than two years, or a fine of not more than $10,000 or both.

This section provides that a drug dependent person, except for a large distributor, who illegally receives a controlled drug by fraud or deceit to satisfy his own habit shall be handled only pursuant to the civil commitment sections of this act.

Section 307(g) contains penalties for failure to maintain or permit inspection of records as follows:

1. The first offense is punishable by imprisonment for not exceeding two years, or a fine not exceeding $10,000, or having his license revoked for not exceeding one year, or any of these.

2. Second and subsequent of such offenses are punishable by imprisonment for not exceeding ten years, or a fine not exceeding $30,000, or having his license revoked for not exceeding five years, or any of these.

Section 307(h) contains the penalties for manufacture or distribution of a counterfeit controlled drug as follows:

1. First offense is punishable by imprisonment for not exceeding five years and a mandatory fine without limitation of an amount sufficient to exhaust the assets utilized in and the profits obtained by the illegal activity.

2. Second and subsequent offenses are punishable by a mandatory imprisonment of not less than five years nor more than thirty years, and a mandatory fine without limitation of an amount sufficient to exhaust the assets utilized in and the profits obtained by the illegal activity.

Section 307(i) sets out certain criteria for guiding the judge in determining the severity of any penalty to be imposed under Section 307. These criteria include:

1. The degree of potential harm to the user of the controlled drug involved.

2. The degree of potential harm to society as a result of the use of the drug.

3. In cases involving illegal distribution, whether the controlled drug was distributed to an experimenter or to an experienced drug abuser, and whether the distributor was part of an organized or professional system of distribution or operated independently.

This section also provides that the Bureau of Drug Abuse of the District of Columbia Department of Mental Health shall prepare a list of controlled drugs, broken down according to the degree of potential harm to the user and to society, for the guidance of the courts.

Section 307(j) provides that there will be no accumulation of penalty under Section 307 of this Act if more than one offense is charged.

Section 307(k) provides that any adjudication of violation or conviction under any related provision of law with respect to controlled drug, other than a juvenile violation, shall constitute a prior offense for purposes of this act.

Section 307(l) provides for the execution of any license revocation ordered by a court.

Section 307(m) provides that a defendant may be convicted of an offense under this Section if he knew that he was engaged in the prescribed act, but his knowledge that the act was a violation of the law is not required for his conviction.

Section 307(n) provides that imprisonment may be imposed for failure to pay a fine only when the offender has the funds and refuses to pay.

Section 307(o) provides that all fines collected under the criminal provisions of this act will be utilized for the treatment and rehabilitation services established under this act.

Section 307(p) authorizes periodic urine analyses as a condition upon which probation, parole, or other conditional release may be granted for a person convicted of an offense under this act. This provision states that neither a relapse into drug abuse nor the failure to conform to a set schedule for rehabilitation shall be sufficient, in and of themselves, to require that the persons' status must be revoked or treatment denied. This provision was requested by officials of the Department of Corrections to permit a flexibility in the treatment program, in accordance with rehabilitative objectives.

Section 307(q) provides that the "implements of crime" provision under present law would not apply if the only criminal activity that could be committed by using such implements would be one or more of the offenses set out in this act.

Section 307(r) calls for a court to hold a fair and full hearing without jury for the purpose of setting the amount of fines under the provisions of this section which call for unlimited fines.

Section 307(s) provides for probation without verdict, in the discretion of the court, for a first-time offender under the Act. Reasonable terms and conditions of probation may be imposed.

Section 308 provides for the regulation of gelatin capsules suitable for packaging any controlled drug. This section requires that a license be obtained for distribution of such capsules and records of that distribution must be kept in order to permit public officials to trace their use.

Section 309 provides that search warrants may be issued for the gathering of evidence involving the violation of sections of this act except with respect to the personal possession and minor marijuana distribution provisions. This section also contains a "no knock" provision, which permits the court, when good cause is shown, to authorize an officer to break down a door without previously announcing his presence if the property sought by the warrant is likely to be destroyed or disposed of, or if danger to the officer may result. This section also sets out the standard provisions of permitting an aggrieved person to contest the warrant and to have the property returned and have any damage repaired.

Section 310 provides for the agencies charged with the responsibility of enforcing the provisions of this act to cooperate with all other Federal and State officials charged with the regulation of the distribution of controlled drugs.

Section 311 provides for the expunging of criminal records upon a showing, after a specified period of time, that the individual involved has reformed his activities and has not engaged in further criminal conduct. This provision is retroactive. This section provides, however, that in the event the expunged conviction may be exceeded by another conviction, the expunged conviction will still count as a prior offense for purposes of any penalty to be imposed for that subsequent offense.

Section 312 provides a mechanism by which the government may require the testimony of any witness, or the production of any evidence, concerning a violation of this act, as a result of granting immunity. Any person who refused to give testimony after obtaining immunity would be in contempt of court and subject to a continuing court penalty.

TITLE IV—PREVENTION, TREATMENT, STUDY, AND CONTROL OF DRUG ABUSE

Title IV of the bill contains all of the prevention and treatment provisions. It represents a major change in emphasis with respect to the drug problem in the District of Columbia, and requires a correspondingly major allocation of public resources.

Section 401 establishes a Bureau of Drug Abuse Control in the District of Columbia Department of Mental Health. The Bureau is delegated full responsibility for all scientific, medical, treatment, and other related functions with respect to drug abuse in the District. The Bureau is also directed to coordinate all efforts to combat problems of drug abuse and drug dependence with the State and local governments in Maryland and Virginia.

Section 402 of the bill outlines the treatment and rehabilitation program of the Bureau. This aspect of the Bureau's program must include three types of treatment modalties: emergency medical care and withdrawal services, inpatient extended care services, and outpatient, intermediate care, and aftercare services. Persons assisted under the bill can be required to contribute toward the cost of the treatment.

The bill also provides that some of the Bureau's personnel may formerly have been drug abusers or drug dependent persons.

Section 403 of the bill relates to emergency medical care and withdrawal services.

Subsection 403(a) provides that any person who appears to be under the influence of a drug may be taken for emergency medical care services. The bill specifies such a person may be detained for purposes of involuntary withdrawal from drugs for no longer than ten days.

Once he has gone through withdrawal and is otherwise in control of his faculties, he is free to leave if no criminal charges are pending against him.

Subsection 403(b) deals with the person charged with a misdemeanor, who is either under the influence of a drug or taken into custody for what appears to be a drug-related offense. Once withdrawal is complete, the individual may be detained for a diagnosis for possible drug dependence, and possible civil commitment.

If the person is diagnosed as drug dependent, the government attorney will decide, with the recommendation of the medical officer, whether the person should be prosecuted, civilly committed, or permitted to follow voluntary treatment. If the person is not diagnosed as drug dependent, the government attorney, with the recommendation of the medical officer, will decide whether he should be prosecuted, or permitted to follow voluntary education and treatment for drug abuse. Even if he is prosecuted and convicted, he may still receive a suspended sentence, or be placed on probation for treatment, or civilly committed for treatment, rather than being criminally sentenced.

The bill provides that the medical officer shall make his recommendations to the government attorney at every stage of the decision-making process with respect to such an individual. In all instances, however, the government attorney has the ultimate decision, and can either accept or reject the medical officer's recommendation. Similiarly, the judge is free to accept or reject the recommendations made by the medical officer.

Subsection 403(c) contains similar provisions relating to a person taken into custody by the police for a felony who either appears to be under the influence of a drug or is charged with a drug-related felony. After any necessary withdrawal, he may be detained for diagnosis for possible drug dependence. If he is diagnosed as drug dependent, the government attorney, with the recommendations of the medical officer, must decide whether to institute civil commitment proceedings or to prosecute the criminal charges. If he is not diagnosed as drug dependent, the criminal charges are prosecuted, and if he is convicted, he may also receive treatment through civil commitment.

Subsection 403(d) provides that the government attorney shall institute involuntary civil commitment proceedings for short-term emergency medical care treatment pursuant to Section 406 whenever possible.

Subsection 403(e) provides that civil commitment proceedings for treatment for drug dependence should be instituted by the government attorney pursuant to Section 407 whenever appropriate under the provisos in Title III which states that a drug dependent person shall be handled under the treatment rather than the criminal provisions of the law. If the medical officer and the government attorney should disagree on the applicability of the proviso, however, the judgment of the government attorney shall prevail. Under these circumstances, the medical officer's report would also go to the court, which in many instances would be obligated under applicable case precedents to raise the issue of criminal responsibility *sua sponte*, or at least bring it to the attention of the defendant's counsel.

Subsection 403(f) makes certain that any police officer, government or defense attorney, court, probation officer, or parole officer must refer any person who appears to be under the influence of drugs for diagnosis. The medical officer must be given the complete records and all available information with respect to any person sent for diagnosis by a law enforcement officer.

Subsection 403(g) provides that the police shall make every reasonable effort to protect the health and safety of any person under the influence of a drug.

Subsection 403(h) provides that no entry shall be made on a person's arrest or other criminal record if no criminal charge is prosecuted against him.

Subsection 404 of the bill outlines the inpatient extended care services established under the Bureau's program. Admission for such services is in the professional judgment of the medical officer. Involuntary treatment may be required only pursuant to Sections 406 and 407 of the bill. If civil commitment is not instituted, voluntary treatment will be encouraged. No patient may be detained for inpatient services without his consent unless he is committed under the civil commitment procedure of this act.

Section 405 of the bill outlines the outpatient, intermediate care, and after-care services. The bill recognizes that a drug dependent person must be expected to relapse into drug abuse one or more times after the onset of therapy. Such relapses, without more, need not result in any punishment, or elimination from outpatient treatment under this section. In some cases, where the prognosis for recovery of a drug dependent person is poor, emphasis may be given to supportive services and residential facilities so that they may live in a decent manner. In addition, under this section, all public and private, supportive community services will be part of the outpatient program. Except when under civil commitment, no person may be required to remain in the outpatient program.

Section 406 permits a court to order up to 30 days of emergency medical care services for a drug dependent person who, even after the withdrawal period, is in imminent danger of sustaining substantial physical harm and is not in a position to exercise a rational judgment about accepting assistance. Any such person must be released, without court permission, as soon as he is again able to make a rational decision about accepting assistance, and chooses to leave, unless he is charged with a criminal offense.

Section 407 of the bill sets out in detail the conditions under which civil commitment for involuntary treatment of drug dependence may be imposed upon drug dependent persons. Prior to any commitment under this section, the court must conduct a full and fair hearing without a jury.

There are two forms of commitment for treatment of drug dependence. The first relates to a person charged with an offense, who voluntarily requests treatment in lieu of criminal prosecution, or to a person who has already been convicted of an offense. For either of these persons, the court must find that he is a drug dependent person and that adequate and appropriate treatment is available for him. Commitment for this person cannot be longer than the sentence that could have been imposed, or actually was imposed. Voluntary treatment may be provided for as long as the medical officer believes warranted.

The second category of civil commitment for treatment of drug dependence relates to a person who is acquitted of a drug-related offense on the grounds of drug dependence, or is the subject of a civil commitment petition. In either of these cases, the court must find that he is a drug dependent person, that adequate and appropriate treatment is available, and that he constitutes an immediate and continuing danger to the safety of other persons or property. In either case, there is a limitation upon the maximum term of commitment.

Subsection 407(a)(3) provides that a person who volunteers for civil commitment shall be given preferential consideration for treatment over a person who chooses to stand trial and is convicted.

Consistent with the primary objective of protecting the public, the bill provides that no person shall fail to be committed, or shall be released, who continues to represent a substantial danger to other persons or property. Such persons shall be retained in custody until there is good reason to believe that they no longer represent such a danger.

The bill permits little possibility of abuse of the provision requiring detention of dangerous persons. Under the bill, every individual is entitled to intermediate care or outpatient status as soon as possible. It can be anticipated that an individual will have an opportunity to prove himself in this way long before the maximum period of commitment is up.

This section contains procedural safeguards with respect to committed persons. A committed person must be released immediately when he is shown to be rehabilitated. He is, moreover, entitled to a court review of his status every six months. He is entitled to appointed counsel, and retains all of his civil rights and liberties.

The bill emphasizes individualized treatment for committed persons, rather than routine and inflexible treatment. A specific treatment plan, adapted to each individual, must be prepared and maintained on a current basis.

Section 408 contains provisions under which a person who is dependent for his financial support upon a drug dependent person may obtain the appointment of a conservator to manage an estate. Before a conservator is appointed, the court must find that the petitioner is in fact dependent for financial support upon the person alleged to be incompetent, and that the person alleged to be incompetent is a drug dependent person who is in fact incompetent to manage his estate to the extent that the estate is likely to be substantially diminished.

Section 409 provides that a drug abuser or drug dependent person who has been adjudged mentally ill shall be governed by the provisions of the District's Hospitalization for the Mentally Ill statute. However, under this section, the services provided by this act will also be available to any mentally ill drug abuser or drug dependent person.

Section 410 provides that a person treated under the provisions of this bill retains his civil rights and liberties.

Section 411 sets out various provisions with respect to confidentiality of records. It provides that a person treated under the bill is entitled to the confidentiality of the physician-patient relationship, and therefore that no records may be disclosed without a court order, or used against him.

Section 412 permits the Commissioner to contract with other agencies to carry out the purposes of the bill. Such other agencies must provide proper and adequate facilities, services, and personnel.

Section 413 sets out a new drug abuse policy for highway safety. The section provides that rehabilitation shall be sufficient to justify issuance of a motor vehicle operator's license. A person convicted of driving under the influence of drugs is to be treated.

Section 414 provides that drug abusers among Government employees shall be treated rather than summarily punished by dismissal. The Bureau is given the responsibility for fostering drug abuse services in private industry.

Under this section, prior drug dependence is not sufficient to disqualify an individual for any governmental or private employment, or any professional or other license.

Section 415 requires the establishment of a drug abuse program in the Department of Corrections, and coordinates the work of corrections and Mental Health with respect to drug abuse in the District of Columbia. The bill gives the Bureau primary responsibility for establishing all such programs, and provides that the Department of Corrections shall cooperate in utilizing the Bureau's programs and services for correctional inmates and persons on probation and parole. The Bureau, in turn, will provide periodic reports to the Department of Corrections and probation and parole personnel so that these officials may keep abreast of the progress of the persons entrusted to the Bureau's care.

Section 416 establishes a drug abuse program for juveniles. Of particular importance, it requires an educational campaign among young school students designed to warn about misuse of drugs.

Under the bill, any juvenile drug abuser or drug dependent person is still subject to the jurisdiction of the District of Columbia Juvenile Court. The Juvenile Court is required to handle such persons in a manner consistent with the policy of the bill. The services established in the bill are, moreover, available to the Juvenile Court with respect to any particular case.

Section 417 makes the services of the Bureau available to all law enforcement officials in the District of Columbia. The Bureau will serve in a consulting capacity to all courts, and shall be available with respect to any cases involving drug abuse or drug dependence coming before the courts.

Section 418 provides for basically the same services for the Department of Welfare and Vocational Rehabilitation.

Section 419 requires that any health and disability plans offered for sale within the District of Columbia must cover drug dependence in the same way as other major disabling diseases. Funds for treatment of drug dependence will therefore become available from non-public sources.

Section 420 requires that all private hospitals must admit drug abusers and drug dependent persons for treatment without discrimination.

Secion 421 provides that the Bureau is responsible for the organizing and fostering of training of professional and non-professional workers in the field of drug abuse.

Section 422 requires the Bureau to establish a comprehensive public education program with respect to drug abuse.

Section 423 requires annual reports from the Bureau. These reports must specify the action taken and services provided under each provision of the bill. The Bureau may also submit additional recommendations and requests to the Commissioner and to Congress, whenever appropriate.

This bill will authorize the Bureau to obtain its own statistics in the areas of drug abuse and drug related crime, as well as to promulgate regulations specifying uniform statistics to be obtained and reports to be submitted by other public and private agencies.

Section 424 establishes a Drug Abuse Advisory Committee consisting of 9 qualified persons—5 from the District of Columbia, 2 from Maryland, and 2 from Virginia. The Committee will be charged with assisting the Commissioner and the Bureau in carrying out the provisions of the bill. It may establish its own technical consulting committees, and it shall remain independent of the Bureau and the District of Columbia Government. The purpose of this Advisory Committee is to make certain that there is an independent overview of the entire drug abuse program. The Advisory Committee shall employ a full-time executive director with a secretary to assist the Committee and coordinate its activities. They shall not be employees of the Bureau.

Section 425 establishes an Interdepartmental Drug Abuse Coordinating Committee within the District of Columbia Government. This Committee will be responsible for coordinating all District of Columbia efforts with respect to drug abuse and assisting the Bureau in coordinating its drug abuse efforts with those of Maryland and Virginia.

TITLE V—COMPREHENSIVE DRUG ABUSE AND DRUG DEPENDENCE CONTROL PLAN

Title V requires the development of a detailed and comprehensive drug abuse and drug dependence control plan for the District of Columbia to implement the bill.

Section 501 requires the plan to be developed within six months after enactment of the bill, and that it be revised and submitted to Congress annually. As soon as the plan is approved, this section requires all efforts to be directed toward implementing it.

Section 502 requires the Commissioners to consult with all public and private agencies in developing the plan. The plan must, moreover, specify how all of these public and private resources are to be utilized, and how District of Columbia efforts are to be coordinated with Maryland and Virginia efforts.

The Drug Abuse Advisory Committee, the Metropolitan Washington Council of Governments, and the National Institute of Mental Health will be requested to review a final draft of the complete plan, and any comments shall be given full consideration.

The plan must be coordinated with comprehensive health planning in the District of Columbia, pursuant to Federal statutes. All Federal funding will be utilized wherever possible.

The plan shall specify how District efforts will be coordinated with those of Maryland and Virginia.

TITLE VI—MISCELLANEOUS PROVISIONS

Title VI of the bill contains a number of miscellaneous provisions.

Section 601 authorizes promulgation of regulations, which will be subject to the requirements of the District of Columbia Administrative Procedure Act. It also permits the Commissioner to delegate his responsibilities under the bill.

Section 602 is a separability clause, in the event that a provision is declared invalid.

Section 603 repeals the prior criminal and civil law provisions relating to drug abuse and narcotics crime in the District of Columbia.

Section 604 amends two provisions to delete obsolete references to narcotic drugs.

Section 605 provides that the Act shall take effect 90 days after date of enactment, except that Title V—relating to a comprehensive plan—shall take effect immediately.

QUESTIONS AND ANSWERS—TYDINGS NARCOTICS BILL

1. Are drugs and crime related?

Narcotic drugs and crime are directly related. A high percentage of the serious crime in our cities today is committed by narcotic addicts in search of funds to buy drugs. The reason is obvious. To support a heroin habit may cost $50 or $75 a day. There is simply no other way for an addict to get that money without resorting to crime. As the President's Commission on Law Enforcement and the Administration of Justice reported:

"The price of the drug . . . is never low enough to permit the typical addict to obtain it by lawful means. So he turns to crime."

The National Capital is no exception. Testimony before the District Committee hearings on drug abuse revealed that up to three-fourths of the serious crime in the District is committed by drug addicts. A recent study by the D.C. Department of Corrections revealed that 45 percent of the inmates booked into D.C. Jail during the month of August showed up on a urine test as having used narcotics within 48 hours of their incarceration.

There is no doubt drugs and crime are related. As the President's Commission on Crime in the District of Columbia reported: "The law-abiding citizens of the District become victims of drug abuse as addicts shoplift, rob and burglarize to pay for their habit."

2. Why do we need any new narcotics legislation?

We need new narcotics legislation because the present legislation has *not* worked. Despite the fact that heroin has been illegal for more than half a century, and marijuana for nearly that long, there is more drug abuse now than ever before. Nowhere is that more clear than in the case of marijuana. Despite existing laws that outlaw possession of it, it is estimated that as many as 10,000,000 Americans have used marijuana and it is acknowledged that a high percentage of high school and college age youngsters smoke it regularly.

Existing laws, too, have failed to control the use of heroin, primarily because they emphasize law enforcement against the drug users rather than against the traffickers. In other words, existing law hits as hard at the victims of narcotics traffic as it does at the perpetuators of this insidious activity. What is sorely needed is new legislation that effectively focuses the law enforcement effort on stopping the major traffickers from distributing illegal drugs.

Also, existing laws deal ineffectively with the matter of drug-related crime. As long as there are narcotic addicts, there will be drug-related crime, and present law does nothing to cure addicts of their addiction. What is drastically needed, as the President's D.C. Crime Commission recommended, is legislation authorizing an effective treatment program within the criminal justice system. Only that way can addicts be rid of their habit and their necessity to commit more crimes.

Finally, existing laws must be changed in order to strengthen the criminal penalties against illegal narcotics trafficking in the District of Columbia. Under current D.C. law, trafficking is only punishable by imprisonment up to a year on the first offense and up to 10 years on the second. Such penalties are clearly inadequate to deal with major traffickers and must be strengthened. The Tydings bill will strengthen them.

3. Is the Tydings bill more comprehensive than existing drugs laws?

Yes. The Tydings bill is far more comprehensive than any existing federal or state drug legislation. No current piece of drug legislation deals with the problems of illegal drug traffic, drug related crime and rehabilitation of addicts as comprehensively as the Tydings bill.

4. Will the Tydings bill affect the existing federal laws on narcotics, like the Harrison Act?

No. The Tydings bill will in no way affect existing federal legislation, but will simply replace the inadequate existing narcotics statutes in the D.C. Code. After the enactment of the Tydings legislation, however, it is intended that the U.S. Attorney will utilize the new law rather than existing obsolete federal legislation.

5. Does the Tydings bill get at the major narcotics traffickers?

The Tydings bill hits directly at the major traffickers. In fact, the Tydings bill may be the strongest and most effective narcotics legislation ever written to get at the major trafficker. It is designed specifically to knock major traffickers out of the narcotics business.

In 1963, the President's Advisory Commission on Narcotics and Drug Abuse recommended:

"The illegal traffic in drugs should be attacked with the full power of the federal government. The price of participation in this traffic should be prohibitive. It should be made too dangerous to be attractive."

The Tydings bill adopts that philosophy. Specifically, it calls for sentences of up to life imprisonment for wholesale distribution of narcotics, even on the first offense. In addition, the bill requires the judge to fine any narcotics dealer, wholesaler or retailer, an amount great enough to exhaust his assets in the drug business and the profits he obtained from dealing drugs. That means, for example, if an underworld figure placed his profits from selling drugs into a legitimate campany, under the Tydings bill, the judge would mandatorily have to fine him the value of that company.

No current legislation makes the price so prohibitive for dealing in narcotics traffic.

6. How do the penalties of the Tydings bill compare with existing law?

The penalties in the Tydings bill will substantially strengthen the penalties in the law it will replace, the D.C. Uniform Narcotics Act. In fact, the penalties in the Tydings bill against narcotics trafficking are considerably stronger than existing federal law.

Here's how the Tydings bill penalties compare specifically to the penalties in the Uniform Narcotics Act. Under the UNA, trafficking of narcotics—whether hard narcotics or marijuana or wholesale or casual—is penalized on the first offense by imprisonment of not more than one year and a fine of $100 to $1,000. The second offense is penalized by up to 10 years in prison and a fine of $500 to $5,000. Possession of illegal drugs is subject to the same penalties under the UNA.

The Tydings bill will substantially strengthen the penalties for trafficking both hard drugs and marijuana under District of Columbia law. Under the Tydings bill, for example, trafficking of hard drugs will be subject to a penalty of up to 20 years in prison—or twice the existing law. In addition, in either case the trafficker would mandatorily be fined an amount large enough to exhaust the assets utilized in and the profits obtained by his drug traffic.

The Tydings bill also strengthens the penalty for possession of hard narcotics, making it punishable on the first offense by up to two years in prison—twice the existing law—and a fine up to $10,000. The only area where the penalty in the Tydings bill is less than existing D.C. law is for possession of marijuana for personal use, where the Tydings bill calls for a penalty of up to 30 days in prison and a fine of up to $500.

In the case of possession of marijuana, the Tydings bills is in complete accord with the ideas expressed by Dr. Roger Egberg, the government's highest medical officer, and Dr. Stanley Yolles, the Director of the National Institute of Mental Health, the agency charged with the responsibility of handling the health side of the drug problem. At a recent Senate hearing, Dr. Yolles testified on the subject:

"I do not, at this time, advocate the removal of all restrictions on the use of marijuana. I believe that until we know more about the long-term effects of marijuana and other forms of *Cannabis* that use of the drug should continue to be controlled—medically speaking, I cannot give it a clean 'bill of health.' But, penalties for its use should be lowered, in proportion to the danger and risk to the individual and society of this drug."

7. How about kids and others who simply experiment with drugs?

Under the Tydings bill, a person who experiments with drugs and has no previous record of involvement with illegal drugs would be eligible for probation without verdict—as he would be in the Nixon Administration Narcotics Bill—if the judge agrees to follow that course. In other words, in such a case, the experimenter would neither have to go to jail nor have a felony on his record for the rest of his life. It must be stressed, however, that it is left to the discretion of the judge. The judge has the option of imposing a criminal penalty or granting probation without verdict.

Probation without verdict is advantageous both to the defendant and to law enforcement officers. It is advantageous to the defendant because it allows him to avoid going to jail and having a criminal record if he does not violate his probation. It is advantageous to law enforcement officers because if the defendant violates his probation, he can still be sentenced for that offense. In other words, by granting probation without verdict the judge is giving the defendant a second chance. If the defendant muffs that chance, he can be sentenced to jail for that offense.

8. What does President Nixon think about penalties for drug offenders?

The Administration's narcotics bill as originally submitted to the Congress in July called for virtually the same penalties as the existing federal narcotics laws. On October 20, the Administration, through John E. Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, suggested three schemes of alternatives to the penalties in the original bill.

All three of the Administration's alternative penalty schemes and its original bill call for softer penalties for drug traffickers than does the Tydings bill. Under the harshest of the President's alternatives, for example, a major trafficker arrested for the first time should be given only 20 years in jail and a $25,000 fine, even if he had been operating for years and law enforcement officers had spent years trying to crack him. Under two of the President's suggested alternatives, a major narcotics wholesaler could get no more than 12 years in jail. Under the Tydings bill, a major supplier of hard narcotics could get up to life imprisonment and a fine large enough to knock him out of the drug business.

Concerning possession of illegal drugs for personal use, in the suggested revision to its narcotics bill, the Administration called for the first-possession offense of hard drugs and marijuana to be a misdemeanor. Thus, the newly proposed Administration penalties for possession of hard drugs are softer than those in the Tydings bill. Possession of marijuana is also a misdemeanor in the Tydings bill.

9. What do other government officials think of mandatory minimum sentences for people who experiment with narcotics, but commit no other crime?

Other top government officials have supported more flexibility in dealing with offenders of this type. At a recent Senate hearing, Attorney General John Mitchell expressed this view about sentencing narcotics offenders:

"Prison is not the only logical alternative. In some cases, it may be advisable to use federal rehabilitation programs, halfway houses and private medical treatment while on probation or parole. Perhaps the most promising alternative is to approach the narcotics violator in relation to his function; the professional trafficker who should be given as severe a sentence as possible; the casual and intermittent user who is perhaps only experimenting out of curiosity; or the mentally or physically ill addict who, without additional help, cannot break a confirmed habit."

Expanding on the Attorney General's statement at that same hearing, John E. Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, said:

"The casual user or intermittent experimenter of drugs, usually of the non-addicting variety such as LSD, marijuana, and other hallucinogens, who, for a variety of reasons starts exploring the drug scene, is the second type of person that must be identified in any penalty structure. This type of person is far different from the professional criminal mentioned above. This is the group that is possessing, or giving away these drugs, usually among its own peer group. For these reasons the penalty structure should be more flexible and open-minded as these persons seem most likely to respond to rehabilitative efforts and the court should not have imposed on its rigid requirements. The penalties should be flexible enough to deter and, if deterrence fails, flexible enough to allow the judge, based on his observations of the defendant, to tailor the penalty to the nature of the crime and the person committing that crime. This type of person forms a major segment of the defendant population and for the penalties to be effective and rational, they must be geared to fit the punishment to this person with fairness.

10. Does this new bill provide for the treatment of drug addicts?

Yes. The Tydings bill provides, perhaps, the most comprehensive treatment of drug addicts ever written into legislation. It authorizes both inpatient and outpatient treatment for either short or extended periods. It authorizes treatment programs for addicts both inside and outside the criminal justice system. In addition, it puts into law an operative civil commitment procedure for narcotics addicts in the National Capital.

11. Does existing legislation provide any effective treatment?

No. There is a great void in the area of treatment of drug addicts in existing legislation. Present narcotics laws deal only with the criminal aspects of sale and possession and not with treatment. The federal treatment statute—the Narcotic Addict Rehabilitation Act of 1966—currently has only about 700 beds for addicts in the entire country. Prosecutors in both Washington and Baltimore have complained that it is difficult to get a person committed under NARA because the program is not large enough. Though there is a civil commitment law for the District of Columbia, it is inoperable and has seldom been used.

12. Why is treatment important?

Treatment of narcotics addicts is vital because it is one of our most powerful weapons in our war against crime. The D.C. Crime Commission reported:

"Federal and local laws must be revised so as to encourage treatment and rehabilitation. . . . Otherwise there is little hope of reducing illegal drug traffic or the significant amount of crime which it spawns."

There is no question that the failure to treat criminal addicts has contributed substantially to the escalating crime rate. If a criminal addict merely goes to prison and receives no treatment, he is almost certain to revert to drugs and crime as soon as he is released. That situation, in the words of the D.C. Crime Commission, "almost guarantees return to serious crime for such addict prisoners upon release."

The consequences of failing to treat criminal addicts were graphically described by Kenneth L. Hardy, Director of the D.C. Department of Corrections. at this spring's hearings of the Senate District Committee:

"We may hold these people for nine months on a misdemeanor charge, or five years on a felony charge. But within a few hours, or a few days, or a few weeks after release, they will have gone back to narcotics. We may punish them by locking them up, we may instruct them, or we may counsel them—individually or in groups. When we follow up later to learn how they have adjusted in the community, we almost invariably find that they have gone back to the needle, or the reefer, or the pill."

In addition to its importance as a weapon against crime, treatment is important because drug addiction is an illness and, as such, can only be cured by effective long-range treatment and rehabilitation.

13. How does the Tydings bill affect drug users who commit no other crimes?

Under the Tydings bill a drug user who is arrested for possession of an illegal drug would be committed to treatment for his addiction under the civil commitment procedures of the bill. In that way, the drug addict will not be released from commitment until he has been cured of his addiction that is likely to lead him to other crimes in the future.

14. How does the Tydings bill affect drug users who commit other crimes?

Under the Tydings bill, an addict who commits a drug-related crime will not be released from commitment until he is no longer a danger to his community. He can, at the option of the prosecuting attorney or the judge, either by treated as any other criminal case or be civilly committed for treatment.

Under the Tydings bill, as soon as a suspect is arrested who either appears to be a drug user or for committing a drug-related crime, he must be diagnosed immediately to determine if he is drug dependent.

If he is an addict, it is then up to the prosecuting attorney to decide whether he should face the criminal charge or be civilly committed to treatment. If the prosecutor decides to prosecute the charge, the judge then has the option upon a guilty finding of sentencing him to prison or ordering him civilly committed to treatment. The judge has the option also of placing him on probation on the condition he accepts treatment.

If he is committed to treatment, he will remain in treatment until he is no longer a danger to his community.

Also under the Tydings bill, the prosecutor may have an addict arrested for a drug-related crime civilly committed for treatment rather than released on bond while awaiting trial, so that he can be cured of the addiction that caused him to commit the crime in the first place.

15. Does the Tydings bill tie the hands of the police, prosecutors and judge?

No, in fact, the Tydings bill gives the police and prosecutors additional investigative tools needed to stop narcotics traffic. And it gives the courts much more flexibility than they now have in dealing with drug offenders.

Specifically, the Tydings bill includes four provisions requested by the Metropolitan Police Department when they testified before the District Committee this spirng. They are:

1. A provision that allows for the commitment of addict suspects to treatment before their release on bond.

2. A "no knock" provision for officers in the confiscation of contraband drugs.

3. A workable civil commitment procedure that will allow police to aid in the rehabilitation process.

4. A provision to regulate the sale and use of gelatin capsules which are often used to package illegal drugs.

The Tydings bill will aid prosecutorial investigations because it contains an immunity provision that will allow prosecutors to grant immunity to persons offering information about narcotics traffic. This has proved an invaluable tool in cracking narcotics conspiracies in the past.

The Tydings legislation generally gives law enforcement officials and the courts considerally more flexibility than any existing legislation in dealing with narcotics offenders. Under the Tydings legislation, prosecutors and judges will have options as to whether to deal with addict criminals through traditional criminal channels or whether to civilly commit them to treatment. In addition, the Tydings legislation gives the judge the flexibility to sentence a narcotics offender in accordance with the severity of his offense.

The flexibility in sentencing was a specific recommendation of the D.C. Crime Commission: "The mandatory sentencing provisions of the federal narcotics statutes should be revised to permit more flexible sentencing, especially for youthful offenders."

S. 3072—INTRODUCTION OF THE FEDERAL LOW-EMISSION VEHICLE PROCUREMENT ACT

Mr. MAGNUSON. Mr. President, I introduce, on behalf of myself and Senators JACKSON and MUSKIE, the proposed Federal Low-Emission Vehicle Procurement Act, a bill to stimulate the development, production, and distribution in interstate commerce of low-emission motor vehicles in order to provide the public increased protection against the hazards of vehicular exhaust emission, and for other purposes.

The air pollution problem in the United States has reached crisis proportions. We are all aware of air pollution's symptoms. Witness the flecks of dirt we smear from our faces, the choking fumes spewed at us by passing buses and cars, or opaque curtains of smog which shroud and blacken our skyscrapers. But these are only the symptoms of a problem which now seriously threatens the life systems of each and every one of us. Air pollution is a significant contributing factor to the rising incidence of chronic respiratory diseases—lung cancer, emphysema, chronic bronchitis, and asthma. In some sections of the country the problem has become acute. For example, in a single year doctors in Los Angeles advised more than 10,000 to flee from the death dealing smog.

One of the great tasks for us in what remains of the 20th century is the control of air pollution. It will not be enough to stand still, to accept present levels. We must roll back the cloud of pollution and sharply reduce present levels. To do this, we must attack air pollution at its source.

What are the primary sources? Many people see smoke spewing forth from factories and mills, and point an accusatory finger. In my own State, the noxious odors emanating from various pulp mills permeate the nostrils and bring tears to the eyes. But ironically, the most obvious polluters are not the core villains—this, of course, does not suggest that such sources of pollution should not be brought under more stringent control.

Automobiles are the grossest villains in air pollution. They account for at least 60 percent of the total air pollution in the United States—as much as 85 percent in some urban areas. Each year vehicles which all of us operate spew over 70 tons of pollutants into the atmosphere; this is twice as much as any other single contributor. If air pollution is to be curtailed, dangerous emissions from automobiles must be substantially curtailed.

Some would have us believe that "the automobile industry has won the main battle against air pollution." In recent months all auto manufacturers have joined in making such claims. Let us look at the facts.

In the first place, it is rather presumptuous of the automobile industry to take credit for improvements in the air pollution problem. Not until State and Federal legislation forced them to bring the internal combustion engine under control in 1968 did they even start the fight, which has really just begun. Existing emission standards only require Detroit auto makers to control carbon monoxide and hydrocarbon emissions. A third type of pollutants, oxides of nitrogen, has not been controlled—although California has enacted emission standards for oxides of nitrogen beginning in 1971. Manufacturers presently control hydrocarbon and carbon monoxide emission by combusting fuels at high temperatures; this high temperature combustion reduces hydrocarbon and carbon monoxide pollution but increases oxides of nitrogen emission. The auto makers still are battling to bring oxides of nitrogen under control. At this time there is no guarantee that they will win that battle.

It is true that present automobiles produce far less pollution than their uncontrolled predecessors, but air pollution gains in many parts of the country will only be temporary. Total emissions may go from 80 million tons per year to 55 tons per year by 1980 before starting to climb again, but this overall reduction is not going to help such areas as the Pacific Northwest very much. For example, in the next 15 years the Northwest will experience a population growth of 40 percent, whereas the national average will be 20 percent. As suburbia sprawls out from the urban center, people will have to drive their cars more miles and consume more fuel, and the prospects for rapid transit in the immediate future are dim. The influx of people and their cars promises to wipe out in the Northwest any possible gains in vehicular air pollution.

What is the solution? We must find an automobile that does not pollute. Any new approach must be directed toward the development of a low-emission vehicle.

For almost 3 years the Senate Commerce Committee, in joint hearings with the Air and Water Pollution Subcommittee of the Public Works Committee, has been searching for a low-emission vehicle. In the spring of 1967 joint hearings explored the potential for electric cars. A year later hearings on steamcars were held. This March a comprehensive staff report entitled "The Search for a Low-Emission Vehicle" was published by the Senate Commerce Committee.

Some progress has been made. At the urging of the Senate Commerce Committee, the Department of Transportation has sponsored several steam bus demonstration projects. The Department of Health, Education, and Welfare has let a passenger car steam engine design contract, and Congress is about to authorize funds for additional research and development of low-emission vehicles and alternative fuels. But more must be done.

The automobile companies appear unwilling or incapable of transcending the internal combustion engine. They have announced that the main battle against automobile air pollution has been won, but this is not the case. The existing internal combustion engine may not give us the type of air we need or want. The time has come to launch a Government program which will stimulate the development, production, and distribution of low-emission vehicles. Hearings and sponsorship of research and development projects are not enough. Legislative action is necessary.

Therefore, today I propose the Federal Low-Emission Vehicle Procurement Act of 1969. Here is the bill's rationale: In order to foster the development, production, and distribution of low-emission vehicles, Congress should create a legislatively guaranteed market for innovative developers.

Here is how the legislation would work. A low-emission vehicle developer makes application to the Low-Emission Vehicle Certification Board composed of the Secretary of Transportation, Secretary of Health, Education, and Welfare, the Director of the National Highway Safety Bureau, the General Services Administrator, and a Presidential appointee. The Secretary of Health, Education, and Welfare determines whether the vehicle is a low-emission vehicle. For a passenger car such vehicle would probably have exhaust emissions in the range of 0.5 grams per mile of hydrocarbons, 11 grams per mile of carbon monoxide, and 0.75 grams per mile of oxides of nitrogen. The Board then determines whether or not the vehicle is suitable for use as a substitute for a class or model of vehicles presently in use by agencies of the United States. In making that determination it considers such things as the safety of the vehicle, its performance characteristics, its reliability potential, its serviceability, and its fuel availability. Any low-emission vehicle certified by the Board is then eligible for purchase if its procurement and maintenance costs are no more than 125 percent of the procurement and maintenance costs of the vehicle for which it can substitute. The General Services Administrator is required to purchase such vehicles in lieu of other vehicles if the costs are within the prescribed limitations.

The costs for this program will be minimal. In fiscal 1968 the Federal Government spent approximately $128 million for 46,430 buses, trucks, and ambulances and about $26 million for 15,706 passenger cars. If the Government were to start tomorrow and purchase only low-emission vehicles, the yearly add on cost could not exceed $35 million. Of course, the actual costs would be much lower, particularly during the early stages of procurement when few low-emission vehicles would be available. In my opinion, this is a small price to pay for curbing the air pollution epidemic and preserving a life-sustaining environment.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a very thoughtful letter from the Administrator of the General Services Administration endorsing in principle the proposed legislation.

I also ask unanimous consent to have the full text of the bill printed in the RECORD following that letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., May 16, 1969.
Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letter of April 25, 1969, regarding proposed legislation for the procurement of low-emission vehicles.

The General Services Administration strongly endorses your proposed legislation for curbing pollution. Therefore, we are in accord with the philosophy that this legislation would most certainly foster independent and perhaps innovative development of low-emission vehicles and provide initial guaranteed markets for these vehicles in the Federal Government.

From the onset, with the publication of Federal Standard No. 515, Standard Safety Devices for Automotive Vehicles, promulgated by Public Law 88–515, August 30, 1964, we used the exhaust emission limits as well as the test procedures established by the State of California (California Test Procedure and Criteria for Motor Vehicle Exhaust Emission Control). Our detailed Federal Standard No. 515/14, Exhaust Emission Control System for Automotive Vehicles, is enclosed. We subsequently published a revised detailed Federal Standard No. 515/14a, Control of Air Pollution from Automotive Vehicles, dated July 15, 1966, also enclosed. In this revised detailed standard, we referred to the standard established by the Department of Health, Education, and Welfare, Control of Air Pollution from New Motor Vehicles and New Motor Engines, 45 CFR Part 85. However, this standard never became effective as we found it prudent to revoke Federal Standard No. 515 in its entirety on September 29, 1967 (Federal Register, Volume 32, No. 189). This revocation was in favor of the issuances promulgated by Department of Transportation (DOT) for Motor Vehicle Safety Standards and the issuances on emission control by the Department of Health, Education, and Welfare.

For practical purposes, all of the motor vehicles purchased by the General Services Administration are procured on a competitive basis in accordance with Federal specifications which are under our cognizance. Our current passenger and applicable light truck vehicle specifications provide for positive crankcase ventilation as a means of controlling exhaust emission. However, all vehicles furnished the Government must, of course, comply with the standards issued by the Department of Health, Education, and Welfare. In our new proposed passenger and applicable truck vehicle specifications, which have been distributed to Federal agencies and industry for comments, we have specifically referenced the standard for emission control issued by the Department of Health, Education, and Welfare.

We are unable to furnish any additional information concerning the establishment of performance criteria and the cost framework in connection thereto with emission control performance standards for passenger vehicles and applicable light trucks since we accomplished no basic research in this area. We used the State of California criteria for our initial requirements followed by those standards issued by the Department of Health, Education, and Welfare as we indicated above.

The legislation requiring the Federal Government to procure low-emission vehicles contemplates that some additional costs would be involved in the procurement and operation of the motor vehicles. Since we are experiencing difficulty in obtaining passenger vehicles within the current statutory limitation imposed upon the procurement of sedans, any legislation which is developed should provide that procurements of low-emission vehicles may be made without regard to the existing statutory price limitations.

We would also suggest that your legislation specify the agencies which would be required to use these vehicles. Although the General Services Administration procures most commercial vehicles for use by the Government agencies, the specific and intended use of these vehicles remains with the requesting agency. It is our opinion that without specific statutory authority, it would be impossible for the General Services Administration to require an agency to accept any particular type of vehicle.

With regard to representation on the proposed Certification Board, we recommend representatives from the following organizations:

National Air Pollution Control Administration.

Department of Health, Education, and Welfare.

General Services Administration.

National Highway Safety Bureau, DOT.

State Governments.

In addition, we recommend that the responsibility for certifying these low-emission vehicles be assigned to the National Highway Safety Bureau in view of their current responsibility for certifying that passenger vehicles comply with the Federal Motor Vehicle Safety Standards.

We wish to thank you for the opportunity of reviewing this proposed legislation. If we can be of further assistance, we shall be pleased to do so.

Sincerely,

ROBERT L. KUNZIG,
Administrator.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3072) to stimulate the development, production, and distribution in interstate commerce of low-emission motor vehicles in order to provide the public increased protection against the hazards of vehicular exhaust emission, and for other purposes, introduced by Mr. MAGNUSON, for himself and other Senators, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3072

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Low-emission Vehicle Procurement Act of 1969".

DEFINITIONS

SEC. 2. For the purpose of this Act—

(1) "Board" means the Low-emission Vehicle Certification Board;

(2) "Federal Government" includes the legislative, executive, and judicial branches of the Government of the United States, and the government of the District of Columbia;

(3) "motor vehicle" means any vehicle, self-propelled or drawn by mechanical or electrical power, designed for use on the highways principally for the transportation of passengers except any vehicle designed or used for military field training, combat, or tactical purposes;

(4) "low-emission vehicle" means any motor vehicle which produces significantly less pollution that the class or model of vehicles for which the Board may certify it as a suitable substitute.

LOW-EMISSION VEHICLE CERTIFICATION BOARD

SEC. 3. (a) There is established a Low-Emission Vehicle Certification Board to be composed of the Secretary of Transportation or his designee, the Secretary of Health, Education, and Welfare or his designee, the Director of the National Highway Safety Bureau in the Department of Transportation, the Administrator of the General Services Administration, and one member appointed by the President. The Secretary of Transportation or his designee shall be the Chairman of the Board.

(b) Any member of the Board not employed by the United States may receive compensation at the rate of $125 for each day such member is engaged upon work of the Board. Each member of the Board shall be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

(c)(1) The Chairman, with the concurrence of the members of the Board, may employ and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Board, but no individual so appointed shall receive compensation in excess of the rate authorized for GS–18 by section 5332 of title 5, United States Code.

(2) The Chairman may fix time and place of such meetings as may be required.

(3) The Board is granted all other powers necessary for meeting its responsibilities under this Act.

CERTIFICATION

SEC. 4. (a) The Secretary of Health, Education and Welfare shall determine which models or classes of motor vehicles qualify as low-emission vehicles in accordance with the provisions of this Act.

(b) The Board shall certify any class or model of motor vehicles—

(1) for which a certification application has been filed in accordance with subsection (d) of this section;

(2) which is a low-emission vehicle as determined by the Secretary of Health, Education and Welfare; and

(3) which it determines is suitable for use as a substitute for a class or model of vehicles presently in use by agencies of the United States.

The Board shall specify with particularity the class or model of vehicles for which the class or model of vehicles described in the application is a suitable substitute. In making the determination under this subsection the Board shall consider the following criteria:

(1) the safety of the vehicle;
(2) its performance characteristics;
(3) its reliability potential;
(4) its serviceability; and
(5) its fuel availability.

(c) Certification under this section shall be effective for a period of two years from the date of issuance.

(d)(1) Any party seeking to have a class or model of vehicles certified under this Act shall file a certification application in accordance with rules established by the Board and published in the Federal Register.

(2) The Board shall publish a notice of each application received in the Federal Register.

(3) The Board shall determine whether or not the vehicle for which application has been properly made is a low-emission vehicle in accordance with procedures established by it and published in the Federal Register.

(4) The Board shall conduct whatever investigation necessary, including actual inspection of the vehicle at a place designated by the Board in the certification application rules established under this section.

(5) The Board shall receive and evaluate written comments and documents from interested parties in support of, or in opposition to, certification of the class or model of vehicle under consideration.

(6) Within 90 days after the receipt of a properly filed certification application, the Board shall reach a decision by majority vote as to whether such class or model of vehicle is a low-emission vehicle and is a suitable substitute for any class or classes of vehicles presently being purchased by the Federal Government for use by its agencies.

(7) The Board shall publish in the Federal Register, within 90 days after the receipt of a properly filed certification application, a report of its decision on such application which sets forth with particularity the reasons for granting or denying certification, together with dissenting views.

PROCUREMENT OF LOW-EMISSION VEHICLES

SEC. 5. Certified low-emission vehicles shall be acquired by purchase by the Federal Government for use by the Federal Government in lieu of other vehicles if the General Services Administrator determines that such certified vehicles have procurement and maintenance costs which are no more than 125 per centum of the procurement and maintenance costs of the class or model of motor vehicles for which they are certified substitutes.

WAIVER

SEC. 6. For the purposes of this Act any statutory price limitations shall be waived, and the procuring agency shall be required to purchase available certified low-emission vehicles which are eligible for purchase before purchasing any other vehicles for which the low-emission vehicle is a certified substitute.

APPROPRIATIONS AUTHORIZED

SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

EFFECTIVE DATE

SEC. 8. This Act shall take effect immediately upon signing by the President and the Board shall promulgate the procedures required to implement this Act within 90 days thereafter.

S. 3073—INTRODUCTION OF A BILL AMENDING THE INTERNAL REVENUE CODE OF 1954

Mr. MAGNUSON. Mr. President, I introduce today a bill which provides for the amendment of section 117(b) of the Internal Revenue Code of 1954. This amendment is to be effective for taxable years beginning after December 31, 1965.

This amendment is offered in hopes of correcting a misunderstanding that has existed since the original enactment of section 117 in 1954. I believe that Congress intended a relatively broad interpretation of "scholarships" and "fellowship grants" as used in section 117 so as to encourage a well-educated citizenry by excluding from ordinary income amounts which were within the meaning of these words. Instead, the Internal Revenue Service has given the words a narrow interpretation and hence many graduate students who are required to perform teaching, research, or other services as a condition to receiving financial assistance from educational institutions are being subjected to extreme financial hardship. These students and those faculty members who are in direct contact with them view the amounts received for performing such services as "scholarships" or "fellowship grants" irrespective of certain administrative regulations which necessitate performance of services.

The proposed amendment creates a presumption that minimal amounts are to be excluded from gross income as within the meaning of the terms "scholarship" or "fellowship grant" despite the fact that recipients are required to perform certain services. This will insure a broader interpretation of these terms and place the burden on the Internal Revenue Service to establish that compensation for teaching, research, or other services is truly amounts which are received as wages. Where degree requirements are such that teaching, research, or other services must necessarily be performed to qualify for the receipt, then all amounts received for so performing are to be excluded.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3073) to amend section 117 of the Internal Revenue Code of 1954 to exclude from gross income up to $300 per month of scholarships and fellowship grants for which the performance of services is required, introduced by Mr. MAGNUSON, was received, read twice by its title, and referred to the Committee on Finance.

S. 3074—INTRODUCTION OF THE CONSUMER PRODUCTS GUARANTY ACT

Mr. MAGNUSON. Mr. President, I introduce on behalf of myself and the Senator from Utah (Mr. MOSS), for appropriate reference, the proposed Consumer Products Guaranty Act, a bill to provide minimum standards for guaranties covering consumer products which have electrical, mechanical, or thermal components, and for other purposes.

The philosophy behind this proposed bill is simple. When a manufacturer or retailer purports to guaranty the performance of a consumer product, he should, in fact, provide a meaningful assurance of performance. The manufacturer or retailer should not hide behind mountains of fine print which negate the very essence of a "guaranty." No maker of a guaranty should provide coverage for the replacement of a defective part which might cost $1 and charge the consumer $30 for the labor to replace it; and no maker should require a consumer to return a heavy appliance to a repair center in order to have it repaired "free of charge"; and no maker should disclaim all implied warranties while purporting to give the consumer an express guaranty of performance.

This bill would not force a manufacturer or retailer to guaranty a consumer product. He could sell it "as is," or he could sell a service contract instead of issuing a guaranty. But if the manufacturer or retailer did guaranty the performance of his product, he would have to stand directly behind that guaranty. He could not sidestep his apparent obligations by riddling the guaranty with page after page of fine print exclusions.

If the consumer is led to believe through a guaranty that manufacturer or dealer stand behind the product, then manufacturer or dealer should be required to do just that. Congress has often provided for the setting of minimum safety standards for hazardous products. In this bill we propose setting minimum standards of guaranty performance. The word "guaranty" has for too long been abused, twisted, and debased. Manufacturers and retailers must begin meeting consumer expectations they, themselves, have fostered.

This bill would require every manufacturer or retailer who guaranteed a consumer product to play by the same rules. No longer could a manufacturer or retailer offer the consumer a product with an illustory guaranty. By requiring everyone to play by the same rules—by imposing minimum guaranty standards—companies would have to compete with each other by lengthening guaranty periods, not by adding a few fine print exclusions or imposing several more burdens. Competitive advantage would accure to those companies producing the most reliable products, not those with the cleverest or most conniving legal draftsmen.

The Consumer Products Guaranty Act, then, could stimulate the "unplanning" of any planned obsolescence and could help focus America's engineering talents on product reliability. It would pay companies to produce more reliable products rather than concentrate on cosmetic frills.

The extent to which American manufacturers are concerned with such frills was brought home to me very vividly by an article which appeared in a recent issue of Time magazine. In that article automobile manufacturers were reported to be very concerned—almost preoccupied—with the sound or "thunk" that closing car doors make. In one instance a group of engineers stole a car from a plant, took it to a nearby field, and carefully listened with stethoscopes to the lingering vibrations accompanying each door slamming. One company's chief of body engineering was quoted as saying:

> There is very little to go on when you buy a car these days. If the glove box opens, the seats are soft and the doors *thunk*, that's all you have over the competition.

That same person employs 250 engineers to work on doors, and every year U.S. auto makers invest millions of dollars and countless man hours trying to produce the "thunk that sells." It is my hope that this proposed guaranty bill will redirect the production genius of U.S. manufacturers away from the "thunking" sounds of doors and toward enhanced soundness of functional design and performance reliability.

Let me discuss with you some of the specifics of the proposed bill. It covers consumer products which have electrical, mechanical, or thermal components—those things that "work" or "do not work." When a manufacturer or retailer makes any promise related to the performance of such a product, by operation of law he immediately is obliged to repair—or replace if repair is not possible or cannot be timely made—any malfunctioning guaranteed component, within a reasonable time, and without charge. The maker of a guaranty cannot impose any duty other than notification upon the consumer as a precondition of securing repair or replacement unless the maker can show that such a duty is reasonable.

Guaranty makers, of course, are afforded protection under the bill. If a maker can show that damage or unreasonable use caused any guaranteed component to malfunction, then he is excused from his duty to repair or replace the consumer product. But the burden of proof is on him; the consumer does not have to prove "no damage" or "reasonable use."

Under section 6 of the proposed bill, the use of the word "guaranty" is expressly reserved. No manufacturer or retailer can use the word "guaranty" to designate any promises except those relating to the performance of consumer products having electrical, mechanical or thermal components. A manufacturer or retailer of other products who wants to give the consumer assurances will have to use some other word such as "warranty." This provision in the proposed bill is designed to let the consumer know when the manufacturer or retailer is required by law to assure the performance of the product he is selling.

Section 12 of the proposed bill prohibits the maker of a guaranty from disclaiming implied warranties that normally accompany the sale of consumer goods. No longer can an express guaranty be used to deny the consumer rights which he would ordinarily have but for that guaranty.

To facilitate the operation of the proposed legislation, the Federal Trade Commission is given authority to issue trade regulation rules which will clarify guarantors' duties under the act. Any violation of such rules or other provisions of the bill are to be treated as violations of section 5 of the Federal Trade Commission Act, but action by the FTC is not the bill's exclusive enforcement tool.

Section 16 of the bill declares it to be the policy of Congress, "to encourage guarantors to establish procedures whereby consumer disputes related to performance guarantees are fairly and expeditiously settled through informal dispute settlement mechanisms." Industry is encouraged to set up fair and responsive procedures for hearing and settling guaranty disputes. If such procedures are not available or if the informal procedures are unsuccessful in resolving the case, the consumer may seek redress of any alleged wrong by going to court. In order to make his recourse to court economically viable, a successful consumer plaintiff can recover the costs of prosecuting his case—including reasonable attorneys fees—through provisions in section 19 of the proposed bill.

In my opinion the legislative approach outlined above is desperately needed. Senate Commerce Committee correspondence files testify to the high level of consumer frustration generated by unreliable products guaranteed in name, but not in fact. A law requiring minimum guaranty standards will greatly relieve existing consumer frustration by providing meaningful guaranties—guaranties which will cause manufacturers to produce more reliable products.

The proposed legislation would also benefit those existing companies who now produce reliable products and stand behind them. No longer would a reputable firm have to compete on an apparently equal basis with those who hold out false assurances of performance to the buying public. Unguaranteed products could still be sold, but the consumer would know what he was getting. The $279 appliance without a guaranty might turn out to be more expensive in the long run than the $300 guaranteed product. Because of the proposed legislation, the consumer for the first time would be able to consider the product reliability cost factor when making his purchasing decision.

I look forward to participating with Senator Moss in hearings on this bill and welcome the constructive comments of my colleagues, consumers, industry representatives, and product reliability experts.

Mr. President, I ask unanimous consent to have the text of the bill printed in the RECORD at the conclusion of these remarks.

The **ACTING PRESIDENT** pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3074) to provide minimum standards for guaranties covering consumer products which have electrical, mechanical, or thermal components, and for other purposes, introduced by Mr. MAGNUSON, for himself and Mr. Moss, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Products Guaranty Act."

DEFINITIONS

SEC. 2. For the purposes of this Act—

(1) A "consumer product" is one normally used for personal, family or household purposes.

(2) An "electrical component" is one with an assemblage of parts which conducts a flow of electrons from one point to another in a predetermined manner in order to perform an intended function.

(3) A "mechanical component" is one with an assemblage of parts which transmits mechanical forces or energy from one point to another in a predetermined manner in order to perform an intended function.

(4) A "thermal component" is one with an assemblage of parts which conducts heat energy from one point to another in a predetermined manner in order to perform an intended function.

(5) A "malfunctioning component" is one in which the assemblage of parts is not properly transmitting mechanical, electrical, or thermal forces in a predetermined manner, and, therefore, not performing its intended function.

(6) The term "without charge" means that the guarantor(s) cannot assess the owner for any costs the guarantor or his representative incur in connection with the required repair or replacement of guaranteed components. The term does not mean that the guarantor must compensate the owner for incidental expenses unless such expenses were incurred because the repair or replacement was not made within a reasonable time or because the guarantor imposed an unreasonable duty upon the owner as a condition of securing repair or replacement.

(7) "Reasonable and necessary maintenance" consists of those operations which the consumer reasonably can be expected to perform or have performed which are necessary to keep any thermal, mechanical, or electrical component operating in a predetermined manner and performing its intended function.

(8) The term "replacement" shall include the refunding of the purchase price of the product less reasonable depreciation based upon use prior to malfunctioning if the guarantor is unable to effect replacement, or if the owner is willing to accept such refund in lieu of replacement or repair.

(9) An "express guaranty" is one created as follows:

(a) Any affirmation of fact or promise made by the seller to the buyer which relates to the consumer product or any of its components and becomes part of the basis of the bargain creates an express guaranty.

(b) Any description of the consumer product or any of its components which is made part of the bargain creates an express guaranty.

(c) Any sample or model which is made part of the basis of the bargain creates an express guaranty.

It is not necessary to the creation of an express guaranty that the seller use formal words such as "warrant" or "guarantee" or that he have a specific intention to make a guaranty, but an affirmation merely of the value of the goods or a statement purporting to be merely the seller's opinion or commendation of the goods does not create a guaranty.

DUTIES OF GUARANTORS

SEC. 3. In the sale of consumer products which are distributed in or which affect interstate commerce and which have electrical, mechanical, or thermal components, any express guaranty related to the performance of such products imposes upon the maker or makers of such guaranty the duties—

(a) to repair, or replace if repair is not possible or cannot be timely made, any malfunctioning guaranteed components,

(b) within a reasonable time, and

(c) without charge.

In fulfilling the above duties the maker shall not impose any duty other than notification upon owners as a condition of securing repair or replacement of a malfunctioning guaranteed component unless the maker can show that such a duty is reasonable. In a determination of whether or not the additional duty or duties are reasonable, the magnitude of the economic burden necessarily imposed upon the maker and purchaser shall be weighed against the magnitude of the trouble and annoyance caused owners of malfunctioning guaranteed products.

The above duties extend from the maker to the first purchaser and any subsequent owners for the duration of the guaranty period stated, or if no period is stated, for a reasonable time.

DEFENSES AVAILABLE TO GUARANTORS

SEC. 4. The duties enumerated in section 3 shall not be imposed upon the maker of any performance guaranty if the maker can show that damage or unreasonable use (including failure to provide reasonable and necessary maintenance) caused any guaranteed components to malfunction.

REQUIREMENTS OF WRITTEN GUARANTEES

SEC. 5. Whenever a guaranty described in section 3 is made in writing, the maker of the guaranty shall cause it to be labelled "performance guaranty" and shall cause the following information to be provided to the first purchaser prior to the time of purchase:

(a) The duration of the guaranty period measured either by time, or where practical, by some measure of usage such as mileage.

(b) Any reasonable and necessary maintenance required as a condition of the guaranty.

(c) The costs of such maintenance if required to be performed by a designated representative of the maker.

The maker shall also provide the following information to the first purchaser:

(a) A recital of the maker's duties to the purchaser or subsequent owners during the guaranty period.

(b) The step-by-step procedure which the owner should take in order to obtain repair or replacement of a malfunctioning guaranteed component.

(c) Any means available for quick informal settlement of any guaranty dispute.

(d) A recital that legal remedies are available to any owner if the guarantor has not fulfilled the terms of the performance guaranty.

(e) A recital that any consumer who successfully pursues his legal remedies may recover the reasonable costs incurred, including reasonable attorney's fees.

EXCLUSIVE USE OF THE WORD "GUARANTY"

SEC. 6. One year after the date of enactment of this Act, no guarantor shall characterize any promise or affirmation which relates to consumer products by the word "guaranty" unless such promise or affirmation relates to the performance of consumer products which have electrical, mechanical, or thermal components.

SEPARATE GUARANTY PERIODS

SEC. 7. Nothing in this Act shall prohibit the maker of a performance guaranty from assigning separate guaranty periods to separate components of a consumer product, provided that any varying coverages are clearly stated and reasonable in number.

PARTS WARRANTY

SEC. 8. Nothing in this Act shall prohibit the maker of a performance guaranty from warranting parts and not labor after the expiration of a performance guaranty period if that period is of reasonable duration.

SERVICE CONTRACTS

SEC. 9. Nothing in this Act shall be construed to prevent a manufacturer, distributor, or retailer who does not give a performance guaranty on consumer products which have mechanical, electrical, or thermal components from selling a service contract covering parts and labor to the first purchaser at the time of sale.

DESIGNATION OF REPRESENTATIVES

SEC. 10. Nothing in this Act shall be construed to prevent the maker of any performance guaranty from designating representatives to perform the duties required under this Act, but no such designation shall relieve the maker of his direct responsibilities to the consumer.

RELATION OF THIS ACT TO STATE LAW

SEC. 11. Except as provided by section 12, State law is not preempted by this Act.

SEC. 12. State law is modified to the extent that there may be no express disclaimer of implied warranties if any performance guaranty is given.

SEC. 13. Remedies for breach of implied warranties may be limited, liquidated, or contractually modified in accordance with applicable provisions of State law.

SEC. 14. Nothing in this Act shall be construed to limit implied warranties to durations coincidental with express performance guarantees.

FEDERAL TRADE COMMISSION

SEC. 15. (a) The Federal Trade Commission shall establish such trade regulation rules as it shall determine are necessary for implementing sections 2–10 of this Act.

(b) It shall be a violation of section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 45(a)) for any person or corporation subject to the provisions of this Act to fail to comply with any requirement imposed on such person or corporation by or pursuant to this Act or to violate any prohibition contained in this Act.

(c) Nothing in this section shall be construed as impairing the rights of owners, to seek, individually or as a class, any remedy available for any breach of any duty imposed by law.

REMEDIES

SEC. 16. Congress hereby declares it to be its policy to encourage guarantors to establish procedures whereby consumer disputes related to performance guarantees are fairly and expeditious settled through informal dispute settlement mechanisms. Such informal dispute settlement procedures should be created by guarantors in cooperation with independent and governmental entities and should be supervised by some governmental or public body.

SEC. 17. Any owner, individually or as a class, may sue in any United States, State, or District of Columbia court of competent jurisdiction for any breach of a performance guaranty.

SEC. 18. The guarantor shall be liable to the owner for any breach of a performance guaranty and shall be under a duty to perform as required under this Act and to compensate the owner for all reasonable expenses incurred by the owner because of the guarantor's initial failure to perform.

SEC. 19. If any owner shall finally prevail in any suit or proceeding involving a performance guaranty, he shall be allowed to recover as part of the judgment a sum equal to the aggregate amount of cost and expenses (including attorneys' fees) determined by the court to have been reasonable incurred by such owner for or in connection with the institution and prosecution of such suit or proceeding.

EFFECTIVE DATE

SEC. 20. This Act shall take effect six months after the date of its enactment.

Mr. MOSS. Mr. President, I am pleased to join my distinguished colleague from Washington (Mr. MAGNUSON) in introducing the Consumer Products Guaranty Act, a bill to provide minimum standards for guarantees covering consumer products which have electrical, mechanical, and thermal hazards.

As chairman of the Subcommittee for Consumers of the Senate Commerce Committee I daily receive complaints from American consumers. Many letters often register consumer frustration—almost disgust—resulting from experiences with unreliable products whose guarantees are worthless or whose repairs are ineffectual. The following excerpt from a recent letter is typical:

> MEQUEN, WIS.,
> *October 17, 1969.*
>
> DEAR SENATOR MOSS: The following is another "tale of woe" regarding shabby treatment of a consumer:
>
> 1. In April of 1966, we bought a new home, which, among other things, contained a new . . . dishwasher.
>
> 2. For two years, we gave this machine normal (two-three loads per day) usage and then it began to fall apart starting in April of 1968.
>
> 3. In the next 16 months, we had to pay for:
>
> a. a new water valve
> b. a new main control system
> c. another water valve
> d. a new safety switch for the door
> Total cost $91.95.
>
> So here we are with a three-and-one-half-year-old dishwasher, $112.94 in repairs, two rusting racks and a great sense of being "had."
>
> Sincerely,
>
> JAMES M. GUINAN.

The letters received are not of the "crank" variety. They are not from the poor and discontented by and large. In the last 3 weeks I have received two letters from irate owners of Cadillacs complaining about the problems they have been having with their recent purchases. One Cadillac owner enclosed a detailed time sheet showing how he had spent 30 hours over the last 3 months trying to get "an uncomfortable and distracting rhythmic vibration" out of his car. I wonder how much that time was worth to him?

The following excerpts from a letter written by a retired Army colonel are also instructive:

> OCTOBER 7, 1969.
>
> DEAR SENATOR MAGNUSON: Understanding that your esteemed committee plans to inquire into the subject of product warranties I beg to submit this brief report and documentation on my experience with a . . . warranty for your consideration.
>
> When it is realized that the replacement cost of a picture tube amounts almost to one-half of the original cost of the set, and that the unit without a serviceable tube has no resale or turn-in value, the public risk seems disproportionate to the warranty . . . for only one year.
>
> While I do not plead any such distressing impact, I do think that probably a large number of purchasers, who stretch family budgets to enjoy this refined entertainment, may be hopelessly subjected to a total loss of original investment by being unable to meet this enormous tube replacement cost . . .
>
> Sincerely yours,
>
> GAYLORD B. KIDWELL.
>
> ARLINGTON, VA.

In my opinion, product reliability legislation is desperately needed to protect the consumer's rights. The American consumer has the right to purchase a reliable, high-quality product. Unfortunately, in today's society of planned obsolescence and elusive promises, no individual consumer is able to exercise that right.

"Let the buyer beware." That seems to be the attitude of manufacturers, even though they know full well that the typical consumer is in no position to evaluate the intricate maze of gadgetry involved in today's appliances, much less ascertain a product's reliability potential.

"If you want a more reliable product, pay more" these industrialists urge. Well, the recent recall of a batch of Rolls Royce cars certainly explodes the "pay more for reliability" myth.

Warranties and guaranties at the present time often mean nothing. They too often serve to limit rather than expand the obligations of manufacturer and retailer. Of course, honest disclosure in warranties and guarantees helps the situation, but more technical honesty in disclosure is nowhere near enough to protect the consumer. This is why I strongly support the Consumer Products Guaranty Act which standardizes guaranties so that no manufacturer or retailer can relieve himself of the fundamental burden of standing behind a guaranteed product.

For those who scream that such legislation would make the cost of many products prohibitive, I say let the consumer know the real cost of a purchase at the time he makes it. He is entitled to that in my opinion. A standardization of guaranties, in some ways, is the other side of the truth-in-lending coin. The consumer should know what the costs of the product he is purchasing are—not only should he know what his finance and interest costs are, he should also know how much product reliability will cost.

I look forward to participating in hearings on the bill introduced today by Senator MAGNUSON and cosponsored by me. I believe that such a bill—refined in the legislative process—is a consumer priority in the 91st Congress. I pledge that I will work hard to see that such legislation is given careful consideration.

SENATE CONCURRENT RESOLUTION 43—SUBMISSION OF A CONCURRENT RESOLUTION ON RED CROSS PRISONER OF WAR DECLARATION

Mr. McGOVERN. Mr. President, last month representatives of 77 governments and 91 national Red Cross societies attended the quadrennial International Conference of the Red Cross, in Istanbul.

On the agenda of the convention was a resolution proposed by the American society, urging a renewed commitment to the benefits and protections owing to prisoners of war under the Geneva Convention. The resolution was adopted unanimously, with the hope that all governments be thereby persuaded that the mistreatment of prisoners of war lends no support to the political and military causes they espouse.

Mr. President, this effort merits the strong support of the American people and their elected representatives. We have a special stake in the international standards for treatment of prisoners of war.

Our military involvement in Southeast Asia has produced over 400 known American prisoners, with another 900 missing and believed captured. And, in violation of the 1949 Geneva Convention, the Government of North Vietnam has refused to provide the names of American prisoners and to permit the flow of mail between prisoners and their families.

This is a matter which has nothing to do with the wisdom of U.S. policies in Vietnam. No American, irrespective of his views on the war, can condone the North Vietnamese handling of prisoners of war.

With an emphatic endorsement of the Red Cross declaration, I think we can make it clear to Hanoi that their continued mistreatment of prisoners of war can only result in public contempt for North Vietnam and in a stiffened U.S. attitude toward possible negotiations or withdrawals.

To this end, I am submitting a concurrent resolution making it the sense of the Congress to approve and endorse the resolution adopted at the 21st international conference of the Red Cross.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 43) which reads as follows, was referred to the Committee on Foreign Relations:

S. Con. Res. 43

Resolved by the Senate (the House of Representatives concurring), Whereas the 31st International Conference of the Red Cross has approved the following resolution: "Recalling the Geneva Convention of 1949 on the protection of prisoners of war and the historic role of the Red Cross as a protector of victims of war;

Considering that the Convention applies to each armed conflict between two or more parties to the Convention without regard to how the conflict may be characterized;

Recognizing that, even apart from the Convention, the International community has consistently demanded humane treatment for prisoners of war, including identification and accounting for all prisoners, provision of an adequate diet and medical care, that prisoners be permitted to communicate with each other and with the exterior, that seriously sick and wounded prisoners be promptly repatriated, and that at all times prisoners be protected from physical and mental torture, abuse and reprisals;

Requests each party to the Convention to take all appropriate measures to ensure humane treatment and prevent violations of the Convention;

Calls upon all parties to abide by the obligations set forth in the Convention and upon all authorities involved in the armed conflict to ensure that all uniformed members of the regular armed forces of another party to the conflict and all other persons entitled to prisoner of war status are treated humanely and given the fullest measure of protection prescribed by the Convention; and further calls upon all parties to provide free access to the prisoner of war and to all places of their detention by a protecting Power or by the International Committee of the Red Cross; and

Whereas efforts to improve treatment of prisoners of war merit support of all men of good will: Now, therefore, be it resolved by the Senate (the House of Representatives concurring), that it is the sense of the Congress of the United States that—

To approve and endorse the resolution adopted at the 21st International Conference of the Red Cross, to ensure humane treatment of prisoners of war.

TAX REFORM ACT OF 1969—AMENDMENTS

AMENDMENT NO. 254

Mr. MOSS. Mr. President, on behalf of myself and Senators Cannon, Cranston, Dodd, Gravel, Gurney, Harris, Hart, Hollings, Hruska, Inouye, Magnuson, Mathias, McGee, Mondale, Nelson, Packwood, Pell, Proxmire, Scott, Stevens, Thurmond, Harrison A. Williams, Yarborough, and Stephen Young I submit an amendment to H.R. 13270, the Tax Reform Act of 1967, which should correct the unfairness of the withholding provisions toward students. This amendment will permit students to have their withholding rates set on the basis of their total expected income rather than the present formula which assumes that they will be employed full time the year round.

Many students, of course, are employed only during the summer, but their withholding rates are based on a year-round income. Thus many students have much more withheld from their paychecks than they will eventually owe in taxes. Yet they must wait until the next year before filing for a refund.

Many students need the money in the fall and should not, in any event, be forced, in effect, to "lend" the Government their money interest free.

To qualify under this amendment, a student would have to file a certificate with his employer certifying that he is a student. The certificate would also contain a statement of the student's expected total wages for the taxable year. The Secretary of the Treasury would have the authority to prescribe regulations concerning this certificate.

I ask unanimous consent that the amendment be printed in the Record.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment will be printed in the Record.

The amendment (No. 254) was referred to the Committee on Finance, as follows:

At the proper place insert the following new section:

"Sec. —. Withholding of Income Tax in the Case of Students

"(a) Withholding Based on Expected Wages for Taxable Year.—Section 3402 (relating to collection of income tax at source) is amended by adding at the end thereof the following new subsection:

" '(n) Special Rule for Students.—

" '(1) Withholding based on expected total annual wages.—In the case of an employee who—

" '(A) files with his employer a certificate that he will qualify as a student (as defined in section 151(e)(4) for his taxable year, and

" '(B) sets forth in such certificate the total amount of wages which he expects to receive from all employers during his taxable year,

the amount of tax required to be deducted and withheld under this section upon the wages paid by such employer to such employee for each payroll period during such taxable year shall be the amount which would be required to be deducted and withheld if the amount of wages paid by such employer for such payroll period were the payroll-period equivalent of the total amount of expected wages set forth in such certificate.

" '(2) Certificate.—A certificate filed under paragraph (1) shall be in such form and contain such information, and shall be filed subject to such terms and conditions, as the Secretary or his delegate may prescribe by regulations.' "

"(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to wages paid on or after the first day of the first month which begins more than 30 days after the date of the enactment of this Act."

AMENDMENT NO. 255

Mr. McGOVERN (for himself, Mr. Burdick, Mr. Bayh, Mr. Nelson, Mr. Metcalf, Mr. Young of Ohio, and Mr. Mondale) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 13270) to reform the income tax laws, which was referred to the Committee on Finance and ordered to be printed.

CALIFORNIANS KILLED IN THE VIETNAM WAR

Mr. CRANSTON. Mr. President, between Monday, October 20, 1969, and Friday, October 24, 1969; the Pentagon has notified eight more California families of the death of a loved one in Vietnam.

Those killed were:

Sp5c. Allen B. Cecil, son of Colonel and Mrs. Thomas J. Cecil, of Edwards Air Force Base.

Pfc. Alan T. Gee, son of Mr. and Mrs. Richard H. Gee, of Baldwin Park.

Pfc. Dennis W. Kipp, son of Mr. and Mrs. Georgie Shoudy, of Fallbrook.

Pfc. Timothy E. Larmon, son of Mr. and Mrs. Elton W. Larmon, of Santa Paula.

Pvt. William A. Ruddan, son of Mr. and Mrs. Andrew W. Ruddan, of Dublin.

Sgt. Valentine B. Suarez, husband of Mrs. Virginia B. Suarez, of Vista.

Pfc. Clyde W. Van Valkenburg, Jr., son of Mr. and Mrs. Clyde W. Van Valkenburg, Sr., of Tulare.

Lt. Comdr. Paul E. Wall, husband of Mrs. Joan M. Wall, of Valley.

They bring to 3,847 the total number of Californians killed in the Vietnam war.

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FOUNDATIONS

Mr. CRANSTON. Mr. President, just a few years ago, our children and grandchildren were miraculously freed from the terrible scourge of polio that had wracked and worried our own generation and centuries of generations before us.

Remember how relieved and thankful we parents and grandparents felt at the time?

Remember, too, how there were signs of relief among our children, who felt that one of the many, many threats to their sense of security had vanished?

And remember how we felt especially grateful to the young genius who developed the vaccine that had made the miracle possible?

But while we were thankful to Dr. Jonas Salk, he, in turn, was giving much of the credit for his success to philanthropy.

Dr. Salk told the Senate Finance Committee just this month that he was able to succeed only because of "the American system of private philanthropy." He said the foundation grants he received enabled him to work in ways "that would not have been possible" if private philanthropy did not exist and he either had to do without or depend solely on Government tax money.

Actually, he went even further. He said that, in many ways, Government was more of a hindrance than a help to him when he was engaged in the work that led to his great discovery.

Now Dr. Salk is engaged in new research in California that may lead to the conquest of cancer. This work, too, is being made possible only by philanthropy, through our American system of foundations.

Speaking of the achievements of others, Dr. Salk told the Finance Committee that private philanthropy and private foundations also provided the freedom and the funds that led to man's victories over yellow fever, influenza and measles.

Now this very American system of private philanthropy is under attack. Its future is seriously endangered by the tax bill recently passed by the House of Representatives and now before the Senate Finance Committee.

The bill contains many necessary reforms, but I believe there is reason for grave concern over the provisions dealing with charitable gifts and nonprofit, private foundations.

Fortunately, our Senate Finance Committee, under the leadership of its exceptionally able chairman, Senator RUSSELL LONG, has devoted a great amount of attention—considering the time pressures it is working under—to this aspect of the House bill. Happily, the Senate committee has modified the House provisions relating to the taxation of appreciated gifts to charity.

While the House version of the Tax Reform Act would require the inclusion of the appreciated value of a charitable gift in a taxpayer's income, the Senate Finance Committee would require that only half of the appreciated value of such gift be included in a taxpayer's income.

The committee also has removed gifts of future interest in property from the type of property to which the appreciation rules apply.

There are all too many proposals in the House bill that, ostensibly intended to help the taxpayer, would actually cost the American taxpayer a great deal of money while setting back a unique American tradition—private, charitable giving.

The pending tax bill constitutes a punitive rather than a reform approach to foundations.

Taxes should not be used for punishment. Nor should they be used to impose conformity of views.

I believe private foundations, as private enterprises, should not be unduly restricted. Foundations form an essential part of the private sector in a free society. Their growth and creativity should be encouraged by the Government, not thwarted.

National philanthropic institutions pioneer in the public interest in medical research, foreign area studies and foreign aid, population control, agricultural modernization, urban development and revitalization, and the ever-widening field of educational innovation and enrichment.

Government is unable to do much of what private foundations have done and can do.

In fact, foundations often finance projects which the public sector cannot, or should not—or sometimes even dare not—undertake at a particular time.

Undue, unwise restrictions on foundations could mean that much-needed work of a public nature would be left undone altogether.

The restrictions would also mean that Government—at the taxpayer's expense and at the cost of creativity and diversity—would soon be doing, within the scope of its limited abilities to do these things, some of the things now done and paid for by foundations.

The proposed tax of 7½ percent on foundation investment income would inevitably increase public dependence on direct Government support in areas where individual, family, and corporate foundations now contribute so much.

Foundations spend many millions of dollars every year on academic, scientific, and social advances, thus saving the Government vast sums.

But the less private money foundations can supply, the more public money will be required from Government.

All this is folly.

Thirty percent of foundation money today goes into higher education. Foundation matching grant projects have attracted huge private sums to the support of curriculum reform, science building construction, and higher faculty salaries.

Often the Federal Government itself has required matching grant money from private foundations before granting aid to universities and colleges.

But the Federal Government cannot bring about the change we need on the campuses of our Nation. The last thing we want is Federal interference and intervention in our schools. We know how likely it is that the following step would be domination of State and local education by Washington. Yet the new tax bill, by cutting off private funds from education, will result in greater demand on the Government for more money, and greater and greater dependency by education upon Washington.

Also hit, and hit hard, would be the already overburdened property owner who traditionally finances education at the State and local level. The California taxpayer already contributes a third of his tax dollar to education. How much more can we load on him?

A vast variety of services are now provided by voluntary charities to hundreds of thousands of orphans, emotionally disturbed and retarded children, the aged, individuals, and families needing counseling or medical attention. Charities support beneficial educational, cultural, and recreational activities. They work on behalf of civil liberties and the rights of minorities.

But 85 of the country's most generous philanthropists have told the Finance Committee that the tax bill would force them to cut their charitable donations in half.

What would happen then? Obviously, the burden of supporting charitable activities would shift from voluntary contributions to Government subsidies.

Charitable gifts should be encouraged, not discouraged. Tax incentives for philanthropy are not loopholes benefiting only the taxpayer. They reflect the American commitment to voluntary support of welfare, health, and educational programs.

Because they are discretionary expenditures, charitable contributions are constructive, unselfish acts of citizenship designed to help other human beings.

Taxing charities would not only add to the Government's financial burdens, it would severely reduce citizen participation in welfare programs. That would be a particularly unfortunate development at this time, when the administration is advocating, and community leaders across our land are seeking, increased voluntary citizen efforts in various activities at the local level.

The new tax bill also threatens a hallmark of our society—freedom and diversity—by stifling foundation experimentation and pioneering with the daring, the new, the imaginative.

The pending measure, for instance, would bar foundations from attempts to influence legislation directly or indirectly.

The foremost problem with this is the difficulty of defining what constitutes "influencing legislation." The proposed restriction is too broad, too uncertain, too vague. It raises substantial threats to first amendment guarantees of freedom to publish, to speak, and to petition the Government.

Prohibiting foundations from any attempt to influence legislation through an attempt to affect the opinion of the general public or any segment thereof could very well put out of business many eminent and worthy institutions that have measurably contributed over the years to political, economic, and social research which has wisely and constructively affected vital legislative decisions: Institutions like the world-famous Brookings Institution in Washington, D.C., or the Hudson Institute of New York, headed by Herman Kahn.

The citizens conference on State legislators, funded by industrial foundations like Sears, Roebuck along with 12 private foundations like Ford, Carnegie, and others, has appreciably advanced the modernization of State government.

The California Legislature, for example, has taken the lead in implementing reform measures recommended by the conference. The conference has been the prime source of support for approximately 15 citizens' commissions seeking to strengthen their legislatures.

In 40 of our 50 States, the conference has built a constituency for legislative reform.

Much of its work involves marshaling public interest in reforms of State legislatures through press conferences, magazine articles, and reports.

The whole purpose of the conference is to strengthen government at the State level. The language of the House tax bill would presumably prohibit the work of the conference.

The Carnegie Foundation now sponsors a $210,000 project exploring how 13 cities in the San Gabriel Valley can share a complex, expensive computer system. Carnegie people met repeatedly with city officials to work out design and personnel training, and to advise them on problem solving.

Government simply does not have the money for this kind of experiment; foundations do. If the project works, it will establish a pattern for other cluster cities throughout the United States. Yet it may now be aborted as an attempt to influence public officials.

Public television is an important need in California, as it is throughout the country. Private foundation grants, especially from the Ford Foundation, have been vital to the experimental programing of educational television stations in Los Angeles and San Francisco.

This important project may have to be discontinued under the tax proposal.

Similarly endangered is NET's new "Children's Television Workshops," which will combine education and entertainment. Foundations conducted the research for this new approach to TV that will show no violence, and that will carry commercials designed to teach children the alphabet and how to count and reason logically.

This project, too, will be unlikely to survive if the present text of the tax measure is not changed.

If the foundations, in John W. Gardner's words, are instruments of "private initiative for the public good," the fine name and effectiveness of the majority of those who diligently carry out their mandate must not be undermined by the few who betray their trust through bad management or unscrupulous exploitation of personal tax advantages.

The Government should keep an eye on what foundations do, of course.

The Nixon administration has recommended a 2-percent supervisory charge to finance tightened Government audits and regulations of foundations. This is a reasonable regulation. It would do no damage. In fact, it could be invigorating. I believe most foundations will favor, and will benefit from, a form of better auditing by the Internal Revenue Service.

Government monitoring is completely compatible, however, with self-policing by the foundations, along with referral to Government agencies of any foundations found in violation of the law.

Potentially of great value, too, would be the denial of public accreditation to a foundation failing to satisfy codes of ethics and procedures established by the foundations themselves, working together.

Such a code, first recommended 5 years ago by Mr. F. Emerson Andrews, then president of the Foundation Center, would oblige all foundations to make full public disclosure of their assets and activities. Many major foundations already are doing this. Some do not. All should.

This policy would strike at shoddy management of foundation funds. It would expose profiteering and personal aggrandizement through improper or badly supervised grants.

The accreditation system has long been applied with considerable success to the Nation's schools, colleges, and universities. There have been flaws, of course. But imperfections are inevitable in any policing system, whether private or public.

Surely, in the long run, continuing scrutiny by a better informed public plus self-policing by a joint committee of well-informed foundation experts and independent, public-spirited citizens can best assure foundations that their record of contributing so much to social progress will not be spoiled by selfish, fraudulent defilers.

Some people have likened foundations in our society to army scouts who probe unfamiliar territory and thus protect the main body of troops from the dangers of plunging blindly into the unknown, and perhaps suffering great loss.

I like to think of foundations as a form of philanthropic federalism, testing, probing, experimenting, scouting out untried ground so the rest of us might safely follow.

It would be a serious mistake, indeed a terrible loss, if, because of the sins of a few, we were to punish all foundations.

We need them too much for that.

The stakes are very high.

To dampen nonprofit foundation initiative could seriously threaten the autonomy, vitality, and quality of the controversial and often risky tasks of searching for an unknown truth, of helping others help themselves at home and abroad, of unlocking the mysteries of medical science, and of training each oncoming generation to build a stronger, more far-reaching society.

DECLARATION THAT CERTAIN FEDERALLY OWNED LANDS ARE HELD BY THE UNITED STATES IN TRUST FOR THE INDIANS OF THE PUEBLO OF LAGUNA

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 210.

The legislative clerk laid before the Senate the amendment of the House of Representatives to the bill (S. 210) to declare that certain federally owned lands are held by the United States in trust for the Indians of the Pueblo of Laguna, which was, on page 4, line 6, strike out "while" and insert "which".

Mr. MANSFIELD. Mr. President, on August 13, the Senate passed S. 210, declaring that the United States holds approximately 1,016 acres of excess federally owned land in trust for the Laguna Pueblo in New Mexico.

In the printing of the bill as reported to the Senate, a typographical error was made on page 4, line 6, the word "which" being printed as the word "while". This printing error was noted by the House, and the correction has been made. This in no way alters the bill, its intent, or its purpose, and I move that the Senate concur in the House amendment.

The motion was agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAMS OF IMMUNIZATION AGAINST GERMAN MEASLES

Mr. KENNEDY. Mr. President, last week the Senate unanimously approved S. 2264, the Communicable Disease Control and Vaccination Assistance Amendments of 1969. The bill is a measure of major significance in our continuing efforts to eradicate infectious disease from the Nation, and I am hopeful that it will soon be enacted.

One of the important factors behind the strong support for the bill in the Senate was the awareness of the need for additional Federal financial assistance for an intensive immunization campaign against rubella, or German measles as it is commonly called.

In recent months, medical experts have increasingly warned of the prospect of an epidemic of German measles in 1970, 1971, or 1972. Today in the United States, it is estimated that 50 million children and women of child-bearing age are unprotected against this disease. Unless a massive nationwide immunization is undertaken at the earliest opportunity, thousands of American children will be born blind, deaf, or with severe heart disease or mental retardation because their mothers contracted the disease during pregnancy.

Mr. President, yesterday the Washington Post published a significant article written by William Hines, of the Chicago Sun Times, on the current state of our preparations to combat the anticipated German measles epidemic. Mr. Hines reports that in most parts of the United States preparations are being hindered because of lack of funds in the current fiscal crisis. I am pleased to note that the District of Columbia is one of the few places in the Nation where an adequate immunization program is underway, but I am distressed to hear that at this late date preparations are inadequate in many other parts of the Nation.

Mr. President, the communicable disease control and vaccination assistance amendments recently approved by the Senate are designed to provide the sort of Federal assistance that is needed if our vaccination campaign against German measles is to be successful. I believe that Mr. Hines' article helps to demonstrate the need for such legislation. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GERMAN MEASLES MAY RAMPAGE

(By William Hines)

Thousands of American women may bear dead, deformed or retarded children in 1972 because a nationwide immunization campaign against rubella ("German measles") is not getting off the ground, except in a few states, New York City and the District of Columbia.

Plans to vaccinate an estimated 40,000,000 children between now and early 1971 have been shelved, and public health officials who a year ago sounded alarms about the consequences of another rubella epidemic like that of 1964 are now applying the soft pedal.

An estimated 20,000 babies were born with brain damage and at least an equal number were crippled or stillborn after their mothers contracted rubella in the early months of pregnancy during the outbreak. Health authorities had hoped to avert or at least blunt the effects of the next big epidemic of this cyclic disease in 1971 through an immunization campaign equal in scope to that against polio.

A vaccine was cleared for use by the U.S. Public Health Service earlier this year after a series of tests, trials and scientific huddles carried out in an atmosphere of urgency. Then—just about the time the first big push for mass vaccinations should have begun at the start of the fall school term—things started to slow down.

The basic reason seems to be the economy drive that is touching virtually all non-military echelons of the federal government, although administration officials deny that this is the case.

Dr. James H. Cavanaugh, assistant secretary for health in the Department of Health, Education and Welfare, even denies that the program is slowing down. "I think it's moving right along," Cavanaugh said this weekend. "We're going along right on schedule."

But subordinates responsible for carrying out the immunization program acknowledge that it is lagging and that money is at the root of the problem. An official of the Public Health Service's National Communicable Disease Center was asked whether financial restrictions were not posing an otherwise avoidable peril to thousands of children yet unborn.

"I don't think you can argue with that," he replied. "It's obvious that if you had the money you could do a whole lot to cut way down or even eliminate rubella."

Because of the insidious way German measles works on the unborn, a strategy was carefully devised to wipe out the "pool of infection" carried by pre-school and school-age children. Women of child-bearing age and adolescent girls old enough to conceive would not receive the vaccine.

Guidelines to this effect were distributed to health agencies and private doctors throughout the United States, and all indications were that the federal Public Health Service would follow through with a massive educational campaign like that organized by the National Foundation Against Polio in the 1950s and early '60s.

This educational barrage has not materialized, however, and expenditures that the Public Health Service hoped last year might top $50,000,000 have been held below $20,000,000.

"We couldn't spend $50,000,000 if we had it," Cavanaugh now asserts. "There isn't nearly the amount of vaccine we would need, we haven't got the personnel to administer it, and anyway this isn't something where you can line up kids and distribute it like Sabin vaccine in a sugar cube."

Precisely the things that Cavanaugh now says could not be done were being planned a year ago, with the difference that the vaccine would be administered subcutaneously by pressure gun rather than orally.

As far as availability of vaccine is concerned, there is also controversy. The drug industry says it could produce all the vaccine needed for a 40,000,000-unit campaign over the next 18 months, if only the government would issue additional licenses.

The only approved vaccine at present is prepared by Merck, Sharp and Dohme from virus grown on duck embryo. M, S and D has a production schedule of 18,000,000 doses by May, 1970, with a monthly production rate of 2,000,000 doses thereafter. By the end of 1970 at this rate this single supplier could turn out 80 per cent of the vaccine needed for the campaign.

The other drug makers stand ready to produce vaccine as soon as another type nurtured on dog kidney is licensed. One of these, Philips Roxane Laboratories, is said to have a production capacity equal to Merck, Sharp and Dohme's.

The federal government has acquired only 1,200,000 doses to date and apparently has decided to let private doctors have first crack at the vaccine.

This will help individual families to pay for shots, but will not go far toward giving the kind of protection the rubella vaccine is intended to give. Not children now living but their unborn brothers and sisters are the principal beneficiaries of rubella immunization.

In the view of most public health experts, the only way to wipe out rubella is through a universal, free program of shots. Doctors will probably charge $10 for an office visit with rubella immunization; even a large medical co-operative here with 50,000 members says it must charge $4.10, a price many low-income families cannot afford.

According to drug industry sources, only four states and two cities have "full-fledged programs" to immunize children against rubella. These are New Hampshire, Michigan, Massachusetts, New Jersey, New York City and Washington, D.C. In all these jurisdictions, including even the national capital, federal funds have provided only partial support.

The District Public Health Department will begin vaccinating kindergarteners through sixth graders in public and parochial schools Nov. 3. The Merck vaccine will be administered in the upper arm by jet injection. It is expected that at least 80,000 children will be immunized during a three-week period.

Evening clinics will be opened later to permit parents to bring children from one year to pre-school age for vaccinations. The health department allocated $100,000 and personnel for the program. The U.S. Public Health Service added $50,000 to purchase vaccine.

Virginia families will have to wait for free shots or else patronize private physicians. The whole state's allotment would barely cover all the children living in Northern Virginia alone, an Arlington health official explained.

Maryland is in a similar situation. With about 300,000 kindergarteners through third graders the state has an allocation of only about 70,000 doses of vaccine. It is being left up to individual counties to finance the purchase of additional vaccine.

Because of the mobility of the American people, most specialists in epidemic-fighting believe it is impossible to stamp out a national scourge with piecemeal statewide or regional programs.

To date the federal government has allocated $19,200,000 for the rubella campaign and has earmarked $6,800,000 more that will become available when and if Congress appropriates it.

THE OCEANS, MAN'S LAST GREAT RESOURCE

Mr. FULBRIGHT. Mr. President, the distinguished Senator from Rhode Island (Mr. PELL) has written for the Saturday Review of October 11 an article entitled "The Oceans, Man's Last Great Resource." Senator PELL has given a great deal of study to the subject of oceans, and his article is extremely well written and informative. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Saturday Review, Oct. 11, 1969]

THE OCEANS—MAN'S LAST GREAT RESOURCE

(By Senator CLAIBORNE PELL)

After millenniums of exploiting and often destroying the riches of the land, man is now hovering acquisitively over the wealth of the oceans that cover three-quarters of the Earth. In the no man's land of the seabed, a scramble for minerals and oil, for new underwater empires secured by advancing armies of technology, could well set a new and wider stage of world conflict.

Even the most conservative estimates of resources in the seabed stagger the imagination of a world grown used to dire predictions of incipient famine and exhausted mineral resources. In the millions of miles of ocean that touch a hundred nations live four out of five living things on Earth. In the seabed, minerals and oil have been proved to exist in lavish supply. The oceans are a source of pure water and food protein; of drugs and building materials; even possibly a habitat for man himself and a key to survival for the doubling population on the land.

Man may yet learn to use a tiny fraction of this wealth. Unless international law soon determines how it shall be shared, that fraction alone could set off a new age of colonial war. Is the deep seabed, like the high seas, common to all, or is it, like the once wilderness areas on land, open to national claim by use and occupation by the first or the strongest pioneer? The question of what is to be done to regulate and control exploitation of the seabeds is no longer an exercise for academics and global thinkers. At stake is not just the prize of great wealth; pollution or geologic accident in the ocean deeps is no respecter of national boundaries.

A few years ago, "practical" men dismissed speculations about wealth in the sea as economic foolishness. It would never, they said, be economically profitable to exploit the seabeds no matter how great the riches to be found there. They underestimated the lure of gold as the mother of invention. Yet such pessimists may well be proved right in a fashion they did not anticipate. In these pioneer years of the ocean age, the damage done sometimes seems to exceed the benefit reaped. Beaches from England to Puerto Rico to California have been soaked in oily slime. Fish and wildlife have been destroyed. Insecticides, dispersed in the Rhine River, killed fish and revived fears of other lethal legacies that may emerge from our casual use of waterways as garbage dumps. The U.S. Army, until deterred recently by a few alert legislators, was disposing containers of chemical agents in the Atlantic despite some predictions that severe damage to the marine environment could not be ruled out, because of either deterioration of the containers or unforeseen underwater accidents. The future disposal of increasing amounts of atomic waste is an unresolved problem. Millions of acres of offshore seabed have been leased for drilling. Largely in ignorance, we are tinkering with our greatest source of life.

The incredible magnitude of the oceans' resources can be measured by just one isolated example: the metal content of manganese nodules, for years a curiosity with no realizable value. One study of reserves in the Pacific Ocean alone came up with an estimate that the nodules contained 358 billion tons of manganese, equivalent, at present rates of consumption, to reserves of 400,000 years, compared to known land reserves of only 100 years. The nodules contain equally staggering amounts of aluminum, nickel, cobalt, and other metals. Most of these resources exist at great depths of 5,000 to more than 15,000 feet, yet within five to ten years the technology will exist for commercial mining operations, a development that will open to exploitation virtually unlimited metal reserves. Closer to home, the University of Wisconsin discovered a deposit of manganese worth an estimated $15-million in the shallow waters of Green Bay in Lake Michigan.

More familiar to most of us is the accelerated pace of offshore oil drilling that now extends more than fifty miles out to sea and accounts for 15 per cent of U.S. oil production. In the twelve years between 1955 and 1967, offshore production of crude oil increased from seven million to 222 million barrels. Estimates of known reserves of natural gas have more than tripled in the past fifteen years, and each advance of scientific exploration of the ocean beds brings to light new finds that would gladden the eye of the most hardened veteran of the California gold rush.

Perhaps the least developed resource, and one of critical importance to spiraling population figures, is the use of the seas for farming techniques or "aquaculture." Present methods of fishing can only be compared with primitive hunting with a bow and arrow; if fish were cultivated like livestock, the present world fish catch could easily be multiplied by five- or as much as tenfold. The production of protein concentrate and the distillation of fresh water are still experimental in an economic sense; there is no reason to believe that they too cannot become both useful and profitable. Aquaculture could also be applied to a variety of marine plant life.

Nor is the potential confined to what we can extract from the seas or the seabed. In crowded England, serious plans have been developed to build entire cities just off the coast. Offshore airports may solve the demand for large tracts of jet-age space near such large coastal cities as New York and Los Angeles. Some Americans, quick to take advantage of the legal confusion that reigns beyond coastal waters, have planned to build independent islands atop seamounts and reefs outside the three-mile limit. Indeed, a romantic notion, but one with, it is suspected, the more prosaic aim of avoiding the constrictions of domestic law concerning gambling and taxes. One such venture has been restrained by the courts on the grounds that the reefs and seamounts attach to the seabed on the continental shelf, and are, therefore, under U.S. jurisdiction. In another case, a year or so ago, the United Nations was presented with an application for permission to extract minerals from the bed of the Red Sea in an area fifty miles from the coastal states. The Secretariat dodged this thorny question, citing lack of authority to act.

Such claims are no longer isolated or frivolous. Much of the wealth of the oceans is now both proved and exploitable beyond that part of the continental shelf once considered to mark the practical limit of exploitation and national claims. This Pandora's box is as full of political hazards as it is of manganese. Parts of the Gulf of Mexico became such a forest of drilling rigs that an agreement was necessary to clear shipping lanes. This spring, the Dominican Republic granted a single oil concession covering some three-quarters of a million acres of offshore seabed, and many other small coastal nations are looking for an economic bonanza in the leasing of drilling rights. Under what safety and pollution regulations will such developments take place? How far out may any nation grant such leases or undertake such exploitation?

In short, diplomats and politicians who five years ago looked backward to the slow evolution of mining the sea and found nothing to engage their immediate concern have been overtaken, as is frequently the case in this day, by the less stately pace of technological change. If the know-how of ocean exploitation has gathered momentum of its own, the same cannot be said for any reasoned approach to orderly development under a regime of law.

Two years ago, faced with the prospect of orbiting weapons in the legal void of space, nations did agree on a treaty to limit the uses of outer space. Similar concern has not been so evident in the realm of ocean space, perhaps because people are so used to taking marine environment for granted.

A less charitable view might suggest that one of the inhibiting factors is the prospect of making a good deal of money, an incentive not present at the moment in space, except for the manufacturers of hardware here on Earth.

Yet, the oceans offer no less a fearsome stage for escalation of the arms race. The seabed already abounds with a multiplicity of sounding devices and other defensive technology. High "mountain" ridges in the ocean bed offer tempting sites for the deployment of nuclear weapons, and there is no reason why the Soviet Union and the U.S. might not soon be planning ABMs eyeball to eyeball on the Atlantic ridge. Thanks in large part to initiatives in the United Nations, the question of arms control in the seabed is under discussion at the Conference of the Committee on Disarmament in Geneva. Last spring both the Soviet Union and the U.S. offered differing proposals to ban the emplacement of weapons of mass destruction on the seabed; proposals that hopefully could forestall this new escalation of the nuclear race.

If the prospect of a new arms race on the ocean floor precipitated efforts to focus world attention on the problem, there is no lack of other and equally explosive possibilities for conflict. How far may the claims and undertakings of coastal states extend seaward? By whose permission, if any, is exploitation of the ocean deeps undertaken? Who is entitled to the proceeds, and who is to establish and enforce rules governing the safety of such exploitation? There have not been, as yet, any murders or muggings on the ocean floor. If there were, what law would apply? No one knows. The laws of the high seas, which have evolved over so many centuries of our coastal passage across their surface, are not wholly applicable by extension to the ocean floor.

In a study of the full range of our national interests in marine resources, made public early this year, a special Presidential Commission on Marine Science, Engineering, and Resources noted, rather matter-of-factly, that the threat of "unbridled international competition for the seas' resources may provoke conflict," and recommended a series of international agreements that would create new legal political frameworks for the exploitation of the mineral resources underlying the deep seas. There is no lack of proposals for such a regime; their specifics are as various as the magnitude of the interests involved.

As could be expected, the differences among nations reflect political power and geographic accident. In a letter to the Spanish ambassador in 1580, the first Queen Elizabeth of England wrote that "the use of the sea and air is common to all, neither can a title to the ocean belong to any people or private person, forasmuch as neither nature nor public use and custom permit any possession thereof." The Queen may have had in mind the Treaty of Tordesillas, signed a little more than a century earlier by Spain and Portugal, dividing all the world's oceans between them. That treaty did not survive the emergence of a superior naval power, and the Queen's views of freedom of the seas prevailed.

Four centuries later, the same dispute has been revived beneath the seas. There are those who would carve up the shelf and the seabed among the major maritime powers, and there are others who would insure freedom of the ocean beds beyond a narrow claim of national jurisdiction equivalent to the customary three-mile or twelve-mile claim of jurisdiction over territorial waters on the surface.

The three-mile limit claimed by the U.S. is the measure of a cannon shot in the eighteenth century. It may be regrettable that nothing so simple as a cannon shot was used to determine an equivalent measure on the seabed, since efforts to date—with more sophisticated standards—have only compounded the confusion that began in 1945 when the U.S., largely at the behest of the oil industry, unilaterally extended its sovereignty to include the bed of the continental shelf (that portion of the submerged land mass that extends at relatively shallow depths seaward, in some places for more than a hundred miles). Other nations followed, and in 1958 an international Convention on the Continental Shelf declared that a nation's jurisdiction over the shelf extends to a depth of 200 meters (about 650 feet) or "beyond that limit to where the depth of the superjacent waters admits of the exploitation of the natural resources." For coastal nations with extensive shelves, it was the most painless territorial conquest in history. Few then suspected that effective exploitation of resources would soon take place far deeper than 200 meters, or that the "exploitability" clause of the convention—as interpreted by the oil industry and others—would, in effect, grant a license to move in the ocean beds to the limits of a nation's power to defend its claims.

Strategic interest in what goes on in the seabeds off our shores further complicated efforts to decide whether our national interests would be best served by limited claims—as in the waters above—or by a more expansive goal. Yet the same rationale of maximum maneuverability, which is the basis of the jealously guarded right of freedom of the seas, argues equally strongly for a narrow claim of jurisdiction on the seabed. Beyond that narrow band, our own military, like their opposite numbers in the Kremlin, would prefer to trust to luck and muscle in making the best of all possibilities. The oil industry has no such dual interest; it wants to carry the flag as far as effective exploration permits.

And what of the small nations who believe, not unreasonably, that the riches of the seas should not be left up for grabs by the already rich and powerful?

It was this prospect, as well as the looming threat of a new weapons race, that two years ago brought forth two different proposals for an international regime for the seabed. In the United Nations, the government of Malta introduced a resolution that would place the riches of the sea under international administration to be used for the benefit of mankind. In the U.S. Senate, I introduced a treaty, based in part upon the Treaty on Outer Space, and one that would, in my judgment, deal more realistically than does the Maltese proposal with the competing economic and political interests in ocean space.

Other detailed proposals have been made—by the National Petroleum Council at one end of the spectrum and by the Commission to Study the Organization of Peace, the World Peace Through Law group, and the Center for the Study of Democratic Institutions in Santa Barbara at the other. Neither of these opposing views, whether favoring unilateral action by the U.S. or advocating extensive internationalization of the seabed, is entirely practicable.

The oil industry advises a clubby agreement among the major maritime powers extending their jurisdiction by their own actions to the limits of their technological capacity for exploitation at least to that point where the continental slope meets the abyssal ocean floor. Such a claim would encompass most of the known wealth and would, they argue, neatly delimit the lines of jurisdiction and so insure maximum stability. What might happen in the event of the emergence of a powerful nonmember of the club is not clear, but history provides some clues. In advocating such an approach, the National Petroleum Council piously noted that it "is in the best interest of the United States whether or not it is in the best interests of the American oil and gas industries." So pleased is the industry with this act of statesmanship that the publisher of the *Oil Daily* felt impelled to comment editorially that "we rather doubt there is a record of a more high-minded, patriotic, and statesman-like position involving comparable interests in the whole range of the industrial economy."

Those proposals that advocate international administration of the resources of the sea, or of the profits from their exploitation, also suffer from practical defects, however useful their purpose may appear in theory. Only a few nations, most particularly the U.S., possess both the technology and the financial capability to proceed with the exploitation of the oceans. The financial risks and investments are enormous, and it is unlikely—and unreasonable—to expect that they would be assumed for altruistic purposes. It is clearly essential that any exploiting company be assured of security of tenure and the right to profits.

Adequate protection of economic incentive and investment security is not, however, irreconcilable with the thought that these resources should also provide some revenues for the common benefit of mankind. Ambassador Arvid Pardo of Malta once estimated that at the present rate of development, annual revenues could reach $6-billion by 1975, if a regime such as he proposed were established by 1970. His figures assume that the fees paid would be the equivalent of those now paid to national governments for offshore drilling leases, and that they would cover all exploitation beyond the relatively narrow confines of a 200-meter depth or a lateral distance from the shore of twelve miles. Such a sweeping concept of internationalization, is not likely to prove acceptable, but his estimate paints a tantalizing picture of the measure of funds that could be generated by licensing fees even on a much more limited scale.

Another practical defect in some of the proposals for international administration of the ocean beds, and one even closer to the bedrock of practicality in the present political climate of the world, is that it is simply not realistic to expect any great power to surrender to an international body control of a resource in which its national security interests are so substantially involved unless those interests are fully recognized and protected. Any international regime must be responsive to the realities of power or be doomed to failure.

Despite substantial and specific differences, most advocates of some international regime share a common purpose: to avoid an underseas land grab; to forestall a new nuclear arms race; to control marine pollution and, by extension, other actions that might upset the ecology of the oceans; and to insure some equitable distribution of the wealth for the common benefit of mankind. The same philosophy was stated earlier by President Johnson when he said, "Under no circumstances, we believe, must we ever allow the prospects of a rich harvest in mineral wealth to create a new form of colonial competition among the maritime nations. We must be careful to avoid a race to grab and to hold the lands under the high seas. We must ensure that the deep seas and the ocean bottoms are, and remain, the legacy of all human beings."

As a result of the initiative of Malta, the United Nations created a temporary, and now permanent, forty-two nation subcommittee of the General Assembly to deal with the seabed. Meetings of the subcommittee and its working groups have focused attention on the need to know more about our marine environment; gradually there has been a distillation of basic principles that seem essential to the orderly evolution of a body of law, however minimal. But it is evident that the sea that divides has yet to unite mankind, to paraphrase Longfellow. Except for occasional propaganda forays among the developing nations, the Soviet Union has taken the view that the least done, the better. Some Latin American states have made claims of jurisdiction extending out 200 miles on the seabed as they have also claimed a 200-mile territorial sea in the water above. Other small coastal nations, once in favor of internationalization, are now hoping to get richer quicker by leasing drilling rights off their coasts.

Technology, however, does not await the resolution of political differences, and we are fast approaching a point where the pace of exploitation may govern, rather than be governed by, sound political judgments. If there are, as seems likely, fewer risks in supporting at least a minimal international regime than in a wide-open scramble for control of the seas, it is necessary that we soon agree on some basic principles to serve as guidelines until a treaty can be negotiated.

First among these principles, and one that is embodied in the treaty I have proposed, is the recognition that the seas shall remain the heritage of mankind, open to all nations for peaceful purposes, and not subject to national appropriation by any.

To resolve the boundary problem, the treaty would set the limits of national jurisdiction at a depth of 550 meters or a lateral distance from the shoreline of fifty miles, whichever is greater. The depth measure encompasses most of the geographic shelf. The lateral measure assures those nations with little or no shelf, the security of determining what goes on in the ocean depths within that distance of their shores.

The treaty further proposes that exploitation of the seabeds beyond this limit be licensed by an independent international body to be established by the United Nations. Such a body would be constituted to reflect the realities of power and interest of the major nations. The World Bank is one example of an international body not directly under the aegis of the U.N. and in which both political power and technical expertise are adequately represented so decisions may be both informed and enforceable in terms of practical support. Licenses would be granted for extensive periods to insure security of tenure; the fees paid for the licenses would be used for an agreed international purpose.

Provision is also made in this treaty for the settlement of disputes by a panel appointed by the International Court of Justice, and the treaty draft also envisions an international sea guard, the equivalent of our Coast Guard, to which nations might contribute or lend research and scientific vessels for exploration and to supervise the observance of established standards of safety and pollution controls. Finally, the treaty proposes international regulation of the disposal of atomic waste.

In sum, the treaty provides a sensible and practical means of regulating a resource that is no respecter of national boundaries any more than are the air waves; it ensures a limit on national territorial claims as we have already done in Antarctica; it limits the nature of activities in an area of common danger as we have done in outer space; and it should, someday, become as unremarkable as all the many international agreements that now govern air traffic, maritime lanes, radio frequencies, international mails, and all the incidents of everyday living now taken for granted.

Perhaps most important, it assures incentive for development by technologically advanced nations, while making available a source of funds to benefit poor nations. If there is any single critical issue on this planet, it is not nuclear bombs or ABMs; it is the vastly greater explosive force of billions of men living ever closer to the edge of famine.

It is inconceivable that this last great resource of our planet should not ease the grip of poverty and hunger on much of the Earth. And how tragic it will be if a few centuries hence, these vast oceans that nourish life should become the instrument of our death, a not impossible end. Could those of our early settlers who first viewed the Great Lakes possibly imagine a day—a few short years in the sweep of history—when Lake Erie would become a lifeless testament to the unbridled depredations of men and machines? And, if they had foreseen such consequences, would they then have sought a rule of law to control the license of man? As we view the now abundant oceans around us, it is something to think about. The answers, one way or the other, may not be long in coming.

COMMENT ON VIETNAM MORATORIUM

Mr. ALLEN. Mr. President, on October 17, 1969, the Montgomery Advertiser commented editorially on the elaborately staged and nationally promoted Vietnam moratorium celebration. The newspaper pronounced the affair a massive flop. The reasoning advanced in support of the conclusion is interesting and persuasive. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Montgomery (Ala.) Advertiser, Oct. 17, 1969]

THE GREAT FLOP

The Boston businessman, who with divinity student Sam Brown conceived the Vietnam Moratorium Day, said he was delighted with the response.

Jerome Grossman, president of the Massachusetts Envelope Co., said: "We are overwhelmed . . . *We don't see how President Nixon can fail to change his policies.*"

Hold on, Grossman. The Associated Press, in a nationwide guess, said some 500,000 took part. In a later estimate, the highest we've seen, the AP said as many as 1,000,000 "may" have taken part.

Taking the higher guess, which would include the curious, those who showed up with no sympathy whatever for the movement, or those who merely came out for the "happening" or the entertainment, this was a pathetic turnout.

The moratorium was, by any numerical assessment, a flop, although the publicity build-up was masterful.

In a nation of more than 200,000,000, a half-million or even a million is the barest token. Dr. King's Washington March in 1968 attracted about 250,000—in a single city. The Woodstock folk festival in August attracted at least as many as AP's lower figure and approached, according to some figures, the higher estimate—counting all those who couldn't get near the pasture. And this too was in one location.

Grossman and Brown call it a mandate for Nixon. Ridiculous. More than nine times as many as AP's highest estimate went to the polls and voted for George Wallace last November, and George certainly didn't claim he'd won.

In all, more than 73,000,000 Americans voted last November. Do a few thousand kids, students, idlers, curiosity-seekers, draft-dodgers and the like speak for them? By what strange non-Euclidian mathematics is it that this small number—small in both individual city turnouts and the wildest national estimates—can conceivably be said to represent 200,000,000 Americans, some 122,000,000 of them of voting age?

It was a massive flop, despite all the feature attractions, the speakers, the entertainers, etc. We would have confidently predicted in advance that quite a few million would have massed across the nation. They didn't.

The result is inescapable—a backfire. The TV cameras and reporters didn't see the millions of Americans who went about their business and dismissed the whole thing in disgust. But if the number of those who bothered to put out flags at full staff, burned their headlights, or otherwise demonstrated their support of the Administration were counted, we believe even this number—a small portion of those who don't subscribe to surrender—would have vastly outnumbered the pacifists.

A great and powerful nation was more interested in the fate of the New York Mets than even bothering to tell the demonstrators to go fly a kite.

But saying that it was a bust, which it was, does not alter the fact that such crowds as did gather helped Hanoi immensely in its determination to yield nothing in Paris. The propaganda uses of the films will be evident all over the world to make it appear (falsely) that Americans have staged a mass revolution against their elected leaders.

This is a lie. But it may be a successful lie, because the skillful use of film clips of crowds can make it *appear* that an entire nation is up in arms against the Administration's policy.

Nothing could be further from the truth. Many of those who did turn out oppose immediate withdrawal or unilateral retrenchment without communist quid pro quos. Many who listened to speeches, and more who stayed at home, are sick of the war, but they are more nauseated by the demand for surrender.

Nixon has not been handed anything approaching a plebiscite to alter the course he has chosen, weighing all the risks and imponderables. On the contrary, he has been given a highly articulate, silent mandate to continue on course. He was given this by more than 199,000,000 Americans who *didn't* turn out for what was suggested by some wire services and newspapers, with reckless abandon, to be an overwhelming expression for immediate withdrawal.

It wasn't. It was a microscopic show in terms of numbers. Still, it served the communists well. It will almost certainly complicate Nixon's peace plans, and may well cost the lives of many more brave Americans.

But we hope the message is communicated to our fighting men: the surrender crowd gave a party and almost nobody came.

Those that did are hardly worth a moment's anger in Vietnam—except for the knowledge that they have made an honorable end more difficult and more distant.

THE CASE AGAINST PREVENTIVE DETENTION

Mr. ERVIN. Mr. President, during the year in which the United States began its existence as a Republic, namely, 1789, Congress passed the Judiciary Act of 1789 and thereby established a practice which has prevailed throughout the intervening 172 years, namely, that all persons charged with noncapital crimes have an absolute right to be released on bail pending their trial and conviction. At the instance of the administration, a legislative proposal, which is designated as H.R. 12803 in the House and S. 2600 in the Senate, has been submitted to Congress asking that this 172-year tradition be abrogated and that courts be authorized to imprison persons charged with crime prior to trial and conviction if they are charged with specified crimes designated as either dangerous crimes or crimes of violence in case the court predicts that they may commit some crime if freed on bail.

Manifestly, this proposal, which is known as preventive detention, would authorize the imprisonment and punishment of persons for crimes which they have not yet committed and may never commit. It is not only repugnant to our traditions but handicaps an accused and his lawyer in preparing his case for trial and will result in the incarceration of many innocent persons.

If America is to remain a free society, it will have to take certain risks, such as the risk that a person admitted to bail may flee and the risk that a person admitted to bail may commit crime while free on bail.

Surely it is better for our country to take these risks and remain a free society than it is for it to adopt a tyrannical practice of imprisoning men for crimes which they have not committed and may never commit merely because some court may peer into the future and surmise that they may commit crimes if allowed freedom prior to trial and conviction.

On October 16, 1969, I was privileged to appear before Subcommittee No. 4 of the House Committee on the Judiciary and make a statement in opposition to this legislative proposal. I undertook at that time to state the case against preventive detention. I ask unanimous consent that the statement be printed in the RECORD.

Mr. KENNEDY. Mr. President, I believe that Senator ERVIN's analysis of the constitutional and practical dangers of the proposed legislation is so cogent that it should be brought to the attention of all concerned Americans. Accordingly, I join the Senator from North Carolina in asking unanimous consent that his statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR SAM J. ERVIN, JR.

I wish to thank the Chairman of the Judiciary Committee and Chairman Rogers of this Subcommittee for inviting me to appear today at your hearings on H.R. 12806 and other proposals to authorize the preventive detention of alleged dangerous suspects awaiting trial. These measures trouble me greatly for I am convinced that they are unconstitutional and would initiate a dangerous and unfortunate policy in the administration of criminal justice.

Initially, I want to make it clear that I am deeply concerned about the crime problem in this country and about the safety of our law-abiding citizens. The increasing rate of criminal activity in our land is appalling. I am especially disturbed by the crime problems besetting us each day here in the District of Columbia. The existence of these problems, however, should not prompt Congress towards enacting unconstitutional and unwise and deceptively appealing legislation. Rather, it should provide us with the opportunity to make those difficult legislative decisions which are essential if our court and corrective systems are to cope with the demands of modern society.

Proponents of preventive detention legislation assert that it is the only realistic and efficient way to attack the problem of crime by persons free on bail while awaiting trial. In my judgment, the supporters of preventive detention are seriously mistaken in that assertion. Although it is difficult to obtain complete statistics, the available figures indicate that offenses committed by persons released on bail are approximately 6% of the total crime figure. In addition, well over half the crimes on bail are not committed until more than 60 days after release. While any crime by bailees is serious, we should recognize that only a slight portion of our overall crime problem can be attributed to those on bail. That portion could be substantially reduced by providing for speedy trial and by other measures which would not involve such drastic infringement of civil liberties as does this legislation.

Advocates of preventive detention generally attribute the need for preventive detention legislation to problems caused by the Bail Reform Act of 1966. Again, I am constrained to say that they are in error. As members of this Committee well know, the Bail Reform Act revised Federal bail law for the first time since 1789. Its purpose is to implement the two fundamental principles which have always been at the foundation of American bail law—first, that a criminal suspect shall be released pending trial unless there are good reasons to believe he will flee rather than appear for trial; and second, that a person's financial inability to post monetary bond shall not preclude his right to pretrial release. These principles constitute the American ideal of bail—one which we have always sought but had never achieved until 1966. We should not recklessly repudiate these principles by enacting a preventive detention law.

In fairness to the members of the Senate and the House who worked diligently for the Bail Reform Act, I should point out that the Act has not made the problem of crime on bail any more acute nor increased the danger to our law-abiding citizens. A D.C. Crime Commission survey prior to passage of the Bail Reform Act of 1966 showed a reindictment rate among those on bail of 9.2%. No reliable reindictment statistics since the Act was passed reflect a percentage any higher than that, and most show rates of under 5%.

The clamor for repudiation of the Bail Reform Act and for rejection of the constitutional right to pretrial release in non-capital cases rests on a handful of highly emotional and highly publicized cases. Inflammatory statements have made it appear that this city's crime problem is wholly due to the Bail Act. It was suggested recently that pretrial imprisonment of a few offenders—between 300 and 800—will solve the city's crime problems and usher in the millennium. This is not so. Despite the claims, neither the Justice Department nor any other supporter has produced reliable figures which prove the need for preventive detention.

The Administration recently commissioned the Bureau of Standards to undertake for the first time a scientific study of the rate of crime on bail. All of us who are concerned about that problem anxiously await the outcome. That study is still unfinished. However, if the initial results are indicative of a trend, then the problem of crime on bail may be even smaller than anyone heretofore realized. I submit that this Committee should resist demands for precipitous action and demand instead hard evidence before it takes the serious step of recommending preventive detention.

I believe our search for a solution to the problem of crime on bail should begin with an acknowledgement of three facts. First, crime on bail, though the exact extent is uncertain, represents but a small part of the overall crime problem. Second, the problem, irrespective of its precise magnitude, could be substantially eradicated if trials were conducted between 30 and 60 days following arrest and release. Third, the Bail Reform Act of 1966 has been inaccurately and unfairly cited as the villain responsible for crime on bail. It is in that perspective that we should examine preventive detention and especially H.R. 12806 (S. 2600), the Administration's solution to crime on bail.

The Administration proposal would authorize judges to consider a defendant's "danger to the community" as well as the "likelihood of flight", in setting release conditions. If no condition of release is considered adequate to protect the community, the judge could order a detention hearing for defendants charged with a "dangerous crime" or a "crime of violence." To be subject to detention, the "crime of violence" must have been committed while on bail, probation, or parole, or within 10 years of a prior conviction of a crime of violence. Persons charged with "dangerous crimes" could be detained even if they had no prior record of involvement with the law. It has been estimated that the bill encompasses between 40 and 75% of all persons charged with felonies in Washington.

To order detention, the judge must find "clear and convincing evidence" that the defendant has committed a "dangerous crime" or a "crime of violence", that there is "substantial probability" of his guilt, and that no release conditions will assure the safety of the community. Right to counsel and other rights of an adversary criminal proceeding apply, except that the rules of evidence will not govern. Testimony of the defendant at the hearing may not be introduced later at trial, except for impeachment purposes and perjury and bail violation proceedings.

Detention is nominally limited to 60 days, but it can be extended indefinitely if the trial is in progress or if the defendant has asked for an extension. The detained suspect is given a series of severely qualified "rights"—he is to be confined separately from convicted criminals "to the extent practical;" he is to be given "reasonable opportunity" to consult with counsel; he may be released, in the custody of a U.S. Marshal, for the purpose of aiding his defense when he shows "good cause"; he is to be given an expedited trial "to the extent practicable."

Other provisions of the bill provide mandatory penalties for bail-jumping and for failure to appear at trial, which are presumptively "willful" unless the defendant can show otherwise. Mandatory imprisonment is provided for conviction of an offense committed while on bail.

In my view, the provisions of H.R. 12806 (S. 2600) raise grave constitutional questions when considered in light of the Eighth Amendment's guarantee of reasonable bail, the due process clause of the Fifth Amendment, the Sixth Amendment's guarantee of access to counsel, and the opportunity to participate in preparation of a defense.

The historical purpose of bail is to insure the appearance at trial of a criminal suspect and not to detain him in the hope that such detention will impede the possibility of his further criminal activity. The Eighth Amendment prohibits excessive bail. Clearly, if bail is set at a level higher than necessary to insure appearance, it is excessive and is serving a function not consonant with its historical purpose. The result of excessive bail is pretrial detention violative of the Eighth Amendment. In my judgment, the Eighth Amendment implicitly guarantees a right to bail in all non-capital cases.

Moreover, the right to bail was explicitly provided by the Judiciary Act of 1789, which preceded adoption of the Eighth Amendment. It is evident that the founders of our country adopted the Eighth Amendment's prohibition against excessive bail as a means of securing the pre-existing right established by the same Congress only months previously. An especially significant manifestation of that intent is the presence of an absolute right to bail in noncapital cases in the great majority of our state constitutions. I have just received the memorandum on constitutionality which the Justice Department promised to prepare in defense of this legislation almost 6 months ago. In the memo, the Department argues that the Eighth Amendment guarantees a right to reasonable bail only in those cases where Congress authorizes bail. According to this argument, Congress could define away the right to bail and leave the Eighth Amendment meaningless.

While arguments may be mounted on both sides of the Eighth Amendment issue, it is generally agreed that existing case law is not dispositive. Although I am personally satisfied that preventive detention prostitutes the purpose of bail and runs afoul of the Eighth Amendment, the constitutional implications would remain unclear until a case raising them reached the Supreme Court. At best, preventive detention is a constitutionally questionable device whose survival depends on a frontal assault on the Eighth Amendment as it has been understood from its enactment.

The constitutional difficulty of this proposal does not end, however, even if the Eighth Amendment is overcome. In my opinion, preventive detention proposals are fraught with even greater difficulty when viewed in light of the Fifth Amendment guarantee of due process.

Prior to ordering preventive detention, a judicial officer must find, among other things, that there is a "substantial probability" that the individual committed the offense charged. This provision allows the government to deprive a suspect of his liberty on the basis of a vague and uncertain standard of proof. I do not believe the standard "substantial probability of guilt" comports with due process.

Fundamental to due process of law is the tenet that a man is presumed innocent until proven guilty beyond a reasonable doubt. Preventive detention proponents argue that the presumption of innocence is merely a technical rule of evidence assigning the burden of proof to the government at the actual trial. To the contrary, I believe that the presumption inheres in due process. Under our system of justice the government cannot deprive a man of his liberty on the basis of a mere accusation or assumption that he has committed a crime or is likely to do so. In practical effect, preventive detention legislation convicts individuals of "probable" guilt and "dangerousness" and sentences them to 60 days imprisonment without trial and conviction of a crime. Such flagrant violation of due process smacks of a police state rather than a democracy under law. It is reminiscent of similar devices in other countries which have proved all too useful as tools of political repression.

The Administration's bill attempts to avoid the due process argument by providing for a preventive detention hearing. That hearing is ostensibly designed to protect the accused, but in reality it does him irreparable harm without satisfying due process.

While the preventive detention hearing is adversary in nature, the rules of evidence do not apply. Thus, it appears that hearsay and other incompetent evidence would be admissible and that the hearing would not be a truly evidentiary one. Notwithstanding that fact, the accused's testimony at the detention hearing may be used pursuant to provisions of the bill for his impeachment in any subsequent proceeding. I doubt both the wisdom and constitutionality of that provision.

Under our system of criminal justice, the prosecution must come forward with evidence of guilt at trial. The defendant may reserve his case pending establishment by the prosecution of a prima facie case. This procedure also protects the defendant's privilege against self-incrimination and does not put him to his election on whether or not to testify at least until after the prosecution has gone forward with evidence of a prime facie case.

The procedure for a preventive detention hearing would constitute a radical departure from our traditional procedure in criminal cases and would place a defendant in an untenable position. If he wishes to avoid preventive detention, he must present his defense, including perhaps his own testimony, at this very early stage of the proceedings. The procedure prescribed by H.R. 12806 (S. 2600) thereby strikes a serious blow at two fundamental privileges traditionally reserved to a defendant at the time of his trial.

Notwithstanding the supposed safeguard of the required preventive detention hearing, it should be noted that a suspect could be detained under the Administration's bill for at least eight days without a hearing of any sort. For good cause shown, the U.S. Attorney may secure a continuance of three days while the suspect's attorney may obtain one for five additional days or more in event of extenuating circumstances. Here again we are confronted with the question of whether due process is accorded an individual as required by the Fifth Amendment.

Preventive detention hearing procedures also raise a double jeopardy issue under the Fifth Amendment. If, at the preventive detention hearing, the judicial officer finds no "substantial probability" that a suspect committed the crime, may that suspect successfully plead *res judicata* and double jeopardy at the subsequent trial? It would seem that having failed to meet the standard of "substantial probability," the government should not thereafter be allowed to try to prove guilt beyond a reasonable doubt.

In considering the constitutional problems posed by H.R. 12806 (S. 2066), we must not overlook the Sixth Amendment right of an accused to have the effective assistance of counsel for his defense. Pretrial detention clearly militates against access to counsel and the opportunity to participate in preparing a defense. While the bill provides for a suspect's temporary release "for good cause", that privilege is diluted, if not totally devoid of meaning, because the release is in the custody of a U.S. Marshal and at the pleasure of the custodial official. The presence of a U.S. Marshal is hardly conducive to contacting prospective defense witnesses. Thus, preventive detention, even with a temporary release provision, substantially infringes upon a defendant's ability to assist in his defense and severely impairs his right to the effective assistance of counsel.

It is difficult to exhaust the list of constitutional questions this legislation raises. Plainly, findings of "dangerousness to the community" and "likelihood to commit serious crime" are not petty matters. Nor is a preliminary sentence of 60 days imprisonment. Does the Fifth Amendment provision regarding grand jury indictment apply to preventive detention? Is the guarantee of trial by jury secured by the Sixth Amendment applicable? Can a defendant convicted of "probable guilt" receive a fair and unprejudiced jury trial thereafter? The constitutional defects in this legislation, as I have indicated, are many and not to be dismissed lightly.

There are other equally cogent and persuasive factors, some with constitutional implications, which require Congressional attention. Perhaps the foremost of these is the fact that preventive detention rests on an untested theory of predictability. A judicial officer must be able to pick out with precision the suspect who will commit new crime while on bail. Yet there are no standards for determining dangerousness and no statistical guidelines on which to base the prediction which must be made under the proposed law. Nor will any statistics become available if preventive detention is the law because suspects who are detained will not then be able to demonstrate that they would not recidivate. A legislative judgment of predictability which does not rest on an adequate factual foundation may not be constitutionally valid where the consequences to personal freedom and a fair trial are so serious.

Throughout any consideration of the theory of predictability, on which preventive detention is based, we should remember that only a small percentage and number of suspects actually commit crime while on bail. When that fact is coupled with the fact that judges have nothing to guide them other than some enigmatic power of prophecy, the law will most assuredly result in the imprisonment without trial of many persons who are not dangerous and who are innocent of the charges. If the preventive detention law is judged by its susceptibility to abuse, plainly it is an evil law.

Another policy factor we must consider is the administrative effect of this proposed preventive detention measure. I must confess that I have great difficulty with this matter. The need for preventive detention legislation concededly rests on the inability to provide speedy trials for criminal suspects. It is an attempt to compensate for a progressive breakdown in our law enforcement structure and especially our over-burdened courts. Yet, the proposed solution would impose heavy additional administrative burdens on the already heavily backlogged courts.

The required full adversary hearing and the need to make informed decisions on predictability would, in many instances, take as much time as would actual trial of the principal case. The judicial and prosecutional manpower required by this legislation has not been estimated, but it is no doubt great. Court congestion would get worse. Delays in criminal trials, now running 10–12 months, would increase.

Under the terms of the bill, those detained must be released after 60 days. Measured by present delays, which will be worse because of this bill, the suspect will be in the streets 8–10 months awaiting trial after his 60 days detention period is over. Thus we have the curious situation where our failure to give defendants and the public their constitutional right to speedy trial has spawned legislation which will further burden the judges, and make speedy trials even less likely than at present. Yet the professed goal of protecting the public will still remain unrealized.

As with any legislation affecting the freedom and livelihood of the individual, we should examine the impact of that law upon the individual with the utmost care. It is obvious that 60 days preventive detention will cost the detained individual his job. Loss of employment plus physical absence from his home will unquestionably have a detrimental effect upon his family. The taxpayers will probably be required to contribute to the financial support of his family and will certainly pay the costs of his detention. It is interesting to note that testimony during bail reform hearings a few years ago estimated that the public cost of pretrial detention before the Bail Reform Act was $2 million.

Probably the most serious blows to be dealt the individual will stem from his subjection to the physical and psychological deprivations and degradations of prison life. It is true that H.R. 12806 (S. 2600) does provide that an individual preventively detained under the bill will be confined separately, if "practicable". That provision, however, constitutes another example of the meaningless "rights" the bill offers those subjected to preventive detention.

Approximately 40% of all Federal criminal cases in the country are tried in the District of Columbia. Criminal suspects in the District of Columbia will bear the brunt of the preventive detention law. Consequently, we ought to ask where individuals selected by prophetic judges for preventive detention in the District will be incarcerated pending trial.

The D.C. Corrections Department already wrestles each day with the problems of assault, narcotics, and homosexual rape, as well as general turmoil and unrest, all of which result primarily from overcrowding and inadequate supervision. The jails of this city are already a national disgrace. Yet the advocates of preventive detention would inject untold additional individuals, many of them innocent, into our problem-ridden, overcrowded, prison system. The probability that separate confinement facilies will be available for detainees under H.R. 12806 (S. 2600) is simply non-existent.

A period of sixty days or more of preventive detention in such a system is not likely to improve an individual's reputation. It will make securing employment difficult. It will, in all probability, exacerbate rather than reduce any existing criminal tendencies. And it will sharply detract from the defendant's ability to secure a fair trial, or a probationary or suspended sentence in the event of conviction.

Although I have not exhausted either the constitutional ramifications of H.R. 12806 (S. 2600) or the implications of instituting preventive detention as the policy of our government in the realm of criminal justice, I hope that I have demonstrated, at the very least, the need for great care in your examination of the pending legislation. On the basis of our Senate hearings earlier this year in the Constitutional Rights Subcommittee and my study of proposed preventive detention legislation, I stand firmly convinced that the legislation is unconstitutional on its face and would initiate a disastrous policy in criminal justice. Furthermore, no compelling evidence has been presented to prove the need for such drastic legislation. Preventive detention will not solve the problem at hand. Yet I fear that enactment of the pending Legislation would merely relax the mounting public pressure for a real and lasting solution to our crime problem.

In my judgment, the real answer to the immediate problem of crime committed by persons on bail, and, indeed, the solution to the general problem of crime, lies not in the preventive detention of individuals presumed innocent but in the speedy trial of the accused and the swift and sure punishment of the guilty. To attain that objective we must bring major improvements, long overdue, into our system of criminal justice. We must have more judges with adequate staffs and facilities, more prosecutors with sufficient supporting personnel, a more efficient system of defense for suspects financially unable to obtain counsel, and a more enlightened approach to penal reform.

As you know, the House and the Senate are both considering a variety of legislative proposals designed to achieve those ends. We must proceed with dispatch to enact carefully thought-through legislation in each of the areas affecting our criminal justice system. While working toward such long range reform, we can, I am convinced, meet our immediate problem by greater effort on the part of our judges and prosecutors to bring about speedy trials, by the advancement of cases involving defendants believed dangerous, and by wider use of the procedures established in the Bail Reform Act of 1966 and the D.C. Bail Agency Act to supervise and control the conduct of defendants on bail.

Given the choice between a course of action fraught with constitutional perils and one clearly constitutional, let us choose the latter. Let us reject this facile and desperate detention device which repudiates our traditional concepts of liberty and pursue instead the goal of speedy trial of criminal suspects. That objective does not depend upon constitutional affront but rather plainly preserves and enhances the rights of us all under the Constitution.

I wish to thank the Chairman of the House Judiciary Committee and the Chairman of this Subcommittee for the opportunity to testify here today on this important matter. It is always a pleasure for me to come before my distinguished colleagues in the House and I am grateful for your kind attention to my remarks.

TAX REFORM ACT OF 1969—ACTION OF COMMITTEE ON FINANCE

Mr. LONG. Mr. President, on Thursday, October 23, the Committee on Finance met in executive session and announced decisions with respect to that portion of the House tax reform bill which affects the tax treatment of natural resources under the percentage depletion rules. Also, decisions were made regarding the provisions concerning mineral production payments and mining exploration expenditures.

So that Senators might follow the progress of these executive sessions, I ask unanimous consent that a press release be printed in the Record.

There being no objection, the press release was ordered to be printed in the Record, as follows:

[A press release from the Committee on Finance, U.S. Senate, Oct. 23, 1969]

Tax Reform Act of 1969—Natural Resources Committee Decisions

The Honorable Russell B. Long (D., La.), Chairman of the Committee on Finance, announced today that the Committee on Finance had concluded its work on that portion of the House tax reform bill dealing with the treatment of natural resources. The important question in this area concerned the 27½ percent allowance for depletion of oil and gas wells. The Chairman reported that the Committee had resolved this matter by reducing the allowance to 23 percent.

A complete description of the actions taken at today's meeting follows:

Oil and gas.—The Committee agreed to reduce the percentage depletion rate for oil and gas from the present rate of 27½ percent to 23 percent, with respect to both

domestically and foreign produced minerals. The House-passed bill would have reduced the percentage depletion rate for oil and gas produced in the United States to 20 percent, and would have repealed it entirely for oil and gas produced in foreign countries.

The Committee also agreed that in the case of oil and gas producers with less than $3 million of gross income from oil and gas production the present limitation on the allowance for depletion—50 percent of the net income from the property—will be increased to 65 percent. The House bill did not deal with this matter.

***Other minerals.*—The Committee agreed that in the case of all other minerals, the provisions of the House bill, which would have reduced the applicable depletion allowances by approximately one-fourth, should be deleted. This action had the effect of retaining the depletion allowances provided by present law. These allowances range from 5 percent for sand and gravel to 23 percent for uranium and sulphur and for certain strategic minerals.**

***Special limitation on depletion for gold, silver, and copper.*—Under present law the allowance for percentage depletion is based upon a specified percent of gross income from the mineral property, except that the deduction could not exceed 50 percent of the *net* income from that mineral property. In addition to the change described above in the case of small oil and gas producers, the Committee agreed that with respect to gold, silver and copper, the 50 percent limitation should be increased to 70 percent.**

***Great Salt Lake.*—The Committee further agreed to an amendment clarifying the treatment, for percentage depletion purposes, of minerals extracted from saline lakes within the United States. Under present law, percentage depletion is not allowed with respect to minerals extracted from sea water or from "similar inexhaustible sources." This latter phrase has been interpreted to prevent a depletion allowance for minerals extracted from the Great Salt Lake. The Committee amendment provides that except for salt and water the regular allowances will be provided for minerals extracted from the Great Salt Lake and other saline lakes in the United States.**

***Mineral production payments.*—The Committee approved the provisions of the House bill which restrict the tax benefits of carved-out production payments and so-called ABC transactions. However, it moved the effective date from April 22, 1969 to October 9, 1969 and provided two transitional rules. The first of these would permit a taxpayer who had sold a production payment in 1968 to elect to treat that transaction as a loan in the same manner as a production payment sold after the effective date. Under the second transitional rule the Committee provided that except for percentage depletion and foreign tax credit purposes, the new provision would not apply to carved-out production payments sold during that part of the taxpayer's taxable year which occurs after October 9, 1969, to the extent that the production payments offset a net operating loss which would otherwise occur in the taxable year in the absence of the carve-out. In this latter case, however, the amount of the carved-out payments qualifying for this treatment would not be allowed to exceed the amount of carved-out payments sold by the taxpayer during his preceding taxable year.**

***Mining exploration expenditures.*—The Committee agreed to adopt the provisions of the House-passed tax bill relating to mining exploration expenditures. This provision amends present law to provide that insofar as future mining exploration expenditures are concerned, the general recapture rules will apply in all cases. However, the Committee provided that this provision would be applicable only to mining exploration expenditures made after December 31, 1969. The House bill would have applied to mining exploration expenditures made after July 22, 1969.**

Further, the Committee provided that taxpayers who have elected to deduct mining exploration expenditures under the limited provision of present law will be deemed to have made an election, with respect to expenditures made after December 31, 1969, to deduct the expenditures under the unlimited provision, unless the taxpayer notifies the Treasury that he does not desire to be so treated. The Committee also agreed that it would clarify the treatment of expenditures which are incurred during the development or producing stage of a mine. The intention of the Committee was that a taxpayer should deduct all expenditures incurred in bringing a mine into production, either as exploration expenditures during the exploration stage, or as development expenditures or operating expenses during the development and production stage. The Internal Revenue Service has at times taken the view that these expenditures are not to be treated as development or operating expenses, but rather, they are to be treated as exploration expenditures which must be capitalized, since they are incurred after the development stage of the mine has been reached. The Committee will make it clear that this is not the position it intended in enacting the law.

***Oil shale.*—The Committee also agreed to adopt the provisions of the House-passed tax bill relating to treatment processes in the case of oil shale. The effect of the House bill generally is to extend the point at which percentage depletion is computed in the case of this mineral to the point at which the oil is extracted from the rock. (Under present law percentage depletion is computed generally on the basis of the value of the shale as it comes from the mine.)**

TAX REFORM ACT OF 1969—ACTION OF COMMITTEE ON FINANCE

Mr. LONG. Mr. President, on Friday, October 24, the Committee on Finance met in executive session and announced that it had adopted a new simplified minimum tax—applying to both individuals and corporations with tax preference income—in lieu of the provisions contained in the House bill concerning the limit on tax preferences and the allocation of deductions. Additionally, the committee approved that portion of the House bill which extends the excise tax on passenger automobiles and on telephone services.

So that Senators might follow the progress of these executive sessions, I ask unanimous consent that a press release be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

[A press release from the Committee on Finance, U.S. Senate, Oct. 24, 1969]

TAX REFORM ACT OF 1969—MINIMUM TAX COMMITTEE DECISIONS

The Honorable Russell B. Long (D., La.), Chairman of the Committee on Finance, announced today that the Committee had adopted a new comprehensive minimum tax to apply to both individuals and corporations with tax preference income which now escapes Federal tax. He reported that the new provision replaces the limit on tax preferences and the allocation of deductions features of the House-passed Tax Reform Act. The Chairman noted that these House provisions were unusually complex in their operation and had been sharply criticized during the month-long hearings on the tax reform bill. He stated that the Finance Committee substitute not only was far simpler than the House provisions but also produced more revenue, in large part because of its extension to corporations.

Senator Long also reported that the Committee had approved the House language extending the 7 percent excise tax on passenger automobiles, and the 10 percent excise tax on telephone services for another year. He noted that the Committee had previously taken identical action when it reported H.R. 12290 to the Senate in July. The full description of the Committee's action follows:

***5 percent minimum tax.*—The Committee approved a substitute for the Allocation of Deduction Rule and the Limit on Tax Preferences provision of the House bill. The substitute involves the imposition of a 5 percent tax on preference income in excess of $30,000.**

Under the Finance Committee provisions, individuals and corporations would total their tax preference income, subtract an exemption of $30,000 and apply a 5 percent rate to find the minimum tax. (For married couples filing separate returns the exemption would be $15,000.) This minimum tax would be in addition to the regular individual income tax, and the regular corporation income tax.

***Tax preference income.*—The minimum tax under the Finance Committee provision applies to a total of twelve tax preference items. The covered tax preference items are as follows:**

(1) *Capital gain.*—One-half of long-term capital gains of individuals. In the case of corporations, the tax preference is three-eighths of long-term capital gains (based on the difference between the 30 percent rate that would apply to long-term capital gains and the 48 percent corporate tax rate.)

(2) *Accelerated depreciation.*—The excess of accelerated depreciation (or amortization) over straight-line depreciation on:

(a) Real property;

(b) Section 1245 property (equipment and machinery) where the property is leased on a net lease basis;

(c) Property receiving 5-year amortization for rehabilitation expenses;

(d) Anti-pollution facilities which would qualify for 5-year amortization under section 704 of the bill; [1]

(e) Railroad rolling stock which would qualify for rapid amortization under section 705 of the bill.[1]

(3) *Intangible drilling and development expenses.*—The excess of intangible drilling expenses over the amount that would be recovered through straight line depreciation and cost depletion.

(4) *Percentage depletion.*—The excess of percentage depletion over cost depletion.

(5) *Western-Hemisphere Trade Corporations.*—The tax savings received by Western Hemisphere corporations because their income is taxed at 34 percent instead of the 48 percent regular corporate income tax rate.

(6) *Financial institutions; bed debt reserves.*— Bad debt deductions of financial institutions in excess of actual loss experience.

(7) *Investment interest.*—Interest on indebtedness incurred to purchase, or carry investment property to the extent that such interest exceeds the net investment income received and reported as ordinary income during the year.

(8) *Stock options.*—The difference between the option price and the fair market

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[1] The Committee has not yet taken up that part of the Tax Reform Act which provides for this amortization. The final decision on the inclusion of these items in the minimum tax will depend on the Committee's decision with respect to the sections providing the amortization.

value of qualified stock options at the time the option is exercised.

Exemptions from tax preference income.—The 5 percent minimum tax does not apply to tax exempt interest on State and local bonds, unrealized appreciation in the value of property deducted as a charitable contribution, and farm losses.

Treatment of losses.—If a taxpayer sustains a loss or has loss carryovers or carrybacks to the taxable year, then he may elect to offset the loss against the preference income used in the minimum income tax computation. However, to the extent he uses the loss to offset preference income then the loss may not later be used in the regular tax computation.

Revenue effect.—This new minimum tax would increase revenues by an estimated $700 million a year with about half the additional revenue coming from individuals and half from corporations.

Excise tax on autos and communications.—The Committee also approved a provision to continue the 7 percent manufacturers automobile excise tax until January 1, 1971. In addition, the reductions in the automobile excise tax scheduled under present law for future years are postponed for one additional year in each case. Similarly, the Finance Committee's action provided for the continuation of the communication services tax on local and toll telephone, and teletype writer exchange services. The present 10 percent tax on these items will be continued until January 1, 1971, and future scheduled reductions will occur one year later than provided under present law.

ADDRESS BY SENATOR KENNEDY BEFORE WORLD AFFAIRS COUNCIL

Mr. FULBRIGHT. Mr. President, on October 15, the distinguished assistant majority leader, the distinguished Senator from Massachusetts (Mr. KENNEDY), delivered an address to the World Affairs Council in Boston. His remarks are thoughtful, timely, and impressive. I ask unanimous consent that his address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR EDWARD M. KENNEDY BEFORE THE WORLD AFFAIRS COUNCIL, BOSTON, MASS., OCTOBER 15, 1969

It is a pleasure for me to have the opportunity to appear before this distinguished audience once again.

We meet to discuss the war in Vietnam. But we meet in a far different climate than before. The promises and hopes of years of self-deception have now gone the way of history. The policies of the past—strategic hamlets, the winning of hearts and minds," search and destroy, bombing in the North, the storming of countless Hamburger Hills, have all been discredited or discarded.

We meet on a day when millions of Americans are letting it be known that they, too, feel the war must end. They seek open discussion. They seek to persuade. They wish to involve as many as possible in renewed deliberation. In the tradition of those who brought the force of humanity to the abolition of slavery, they are meeting on Boston Common and at a hundred other places, to peacefully petition their government and their fellow citizens.

I am familiar with those who set this day apart, and regardless of the day's success I know them to be moderate, sensitive, and deeply concerned. When these young people were in elementary school the Viet Minh took Dien Bien Phu. As they entered high school, their parents supported President Kennedy's decision to send American military advisors to assist the makeshift government of South Vietnam. During their college years they watched as President Johnson committed first thousands, then hundreds of thousands of young men to the jungles and deltas of Southeast Asia.

But now these young people are adults. Now they expect to be heard. They do not choose to be the silent servants of decisions made in the past—and they have lost a good deal of their faith in the wisdom and righteousness of experts who sit in the safety of Cabinet rooms. They feel they can make a difference, having done so last year. Today they feel they can bring about change to better their nation.

And so today Americans of all ages meet to talk again of the war in Vietnam. That is fitting, for it is we, not the young, who are responsible for the war. But it is they, not we, who will live a full lifetime with the consequences of peace. All elements in America are thus involved, and all should discuss this war's conclusion.

We talk with greater frankness now about Vietnam. The harshness of the real world has finally overtaken us. Finally there is light at the end of the tunnel—but it is not the pleasant glow of victory. It is the glare of difficult compromise. For a time criticism of our Vietnam policy was stilled as we waited for a new President to carry out the promises he made and the mandate he received. And the President has taken action. He has clearly stated that he wishes peace and the extrication of America from the war. On two occasions he announced the total withdrawal of 60,000 American troops. Recent U.S. casualty figures are the lowest in three years—following the issuance of new orders to our field commanders.

Yet impatience grows across the country. For we detect in our government more improvisation than policy, more steps taken in reaction to pressures than out of leadership. The final question of political compromise remains: Are we willing as a nation to accept the fact that the ultimate solution to Vietnam will require the presence of unfriendly elements in the future government of South Vietnam—a solution not totally satisfactory to us? Are we willing as a nation to accept the fact that whatever the future government of the South, it will not be the present government, nor will it be totally free of participation by members of the National Liberation Front. If we are not willing to respond on this issue today the alternative, clear and horrible, is simply to fight on—with more bloodshed, more deaths, more war. For the cold fact is—we have not defeated the enemy in Vietnam nor will we. We are not in a position then to impose the form of government we wish. The matter must be decided by the competing political interests in South Vietnam. But no political change can effectively take place as long as the might of the United States stands between the current regime and those other nationalistic groups that would compete with it.

We have properly rejected, for moral reasons, the option of total destruction of all life in Vietnam. We have fought to a standstill. We cannot remove our adversaries by firepower, they cannot remove us by sporadic assault. We are left with a stalemate costly in lives and resources. Now we must face the final accommodation. Yet we have had no indication from this Administration, either in their public statements or activities in Paris, that they are prepared to compromise for a real settlement.

To be sure, the decisions we must make would be easier if our adversaries were more reasonable, if our allies in Saigon were more flexible, and if Americans were united in support of an agreed upon course of action. But none of these conditions are real. If we are ever to come to grips with reality on Vietnam we must distinguish that reality from our fondest hopes.

Hanoi is not and has not been reasonable. It is to their great discredit that even in matters of simple human decency, such as comforting the families of American prisoners of war, they have refused to yield. But whether we view her leaders and people to be misguided, evil, aggressive or simply wrong, the fact remains that they believe their course to be righteous. They have been willing to undergo twenty years of warfare, staggering losses among their soldiers, and the destruction of a scant industrial base by bombing. They speak and act with the zeal that accompanies a sense of mission and patriotism. To them, it is we, not they, who have intruded into the South, for they make no distinction between the two Vietnams. And having withstood the firepower of the most powerful nation on earth, they must also believe that they have succeeded in their efforts so far.

Reality also demands that we see the Saigon government for what it is. The government of President Thieu and Vice President Ky is not and has not been flexible in the move toward peace. In many major respects their best interests and our best interests are not consistent. They wish no compromise with the National Liberation Front or Hanoi for they see the North as an invader and the Viet Cong as an insurgent minority. But an even greater barrier to peace is the fear of the current leaders in Saigon that they will lose personal power. Their fear of losing power has caused them to turn away from all forms of democratic procedures. In the elections of 1967 not only were Communists forbidden to participate, but no man could run for office who favored a "neutral" South Vietnam or negotiations with the National Liberation Front. Even with this control over candidates and polling places they received only 34 per cent of the vote, and the runner-up languishes in jail to this day, as do hundreds of other political prisoners. As is the case with the Viet Cong, the Thieu regime also represents a distinct minority in the South. The United States has repeatedly stressed to them the need to broaden their base by allowing representatives of other South Vietnamese nationalist groups to share in the power. President Thieu responded recently by reorganizing his government on an even narrower basis. They silence all critics, shut down newspapers they consider offensive, expel American journalists, allow corruption to continue unabated, and presume to tell us what they interpret our obligations to be. In essence the government of South Vietnam has little more claim to democracy than the government in Hanoi, and has exhibited about as little regard for the exercise of self-determination among the people.

Finally, reality demands that we face our conditions here at home. We are a patient people, strong in resolve and firm in our beliefs. We have always been prepared to work, to sacrifice, to meet any test demanded by the national interests of our country. But the American people are also aware, informed, and far more sensitive to the genuine security interests of the United States than many in Washington are willing to believe. The cost of this war is not lost on our citizens. They know how many have died. They know how many more will die. They are aware of social discontent and the growing alienation of our children and under-privileged. We know our cities are distressed, there are diseases to conquer, the poor to assist, the young to educate. The prolongation of this war has created a national malaise, severe discontent and acrimony. The unity of a people has been periled. But now the ledger is before us and, I feel, the balance has been struck. If it ever was the case, continuance of the war in Vietnam is no longer felt to be in the national interest of the United States. Hence the impatience, hence the dissent.

What conclusions then can we draw from this view of the war?

First—North Vietnam will remain committed and adhere to its political goals. Their bargaining stance has not been weakened by increased U.S. military pressure, as we have seen. On the contrary, it has been the easing of our pressures that has accounted for the small steps toward peace. The North now seeks, and will continue to seek, the end of U.S. influence in the South. They care little about striking the political bargain with us. For we are not Vietnamese, we will never be the government in the South. To attribute their strength or rigidity in Paris to the level of dissent here at home is a convincing but empty argument that is not supported by the history of this war. There was relatively little protest here at home during years of escalation, bombing, and massive troop actions, yet the North remained intransigent. For their bargaining position has largely been determined by years of war, by success, by failures, by their own internal demands—not by disagreements in this country.

Second—The government in Saigon will do all in its power to keep us involved in the conflict, thus avoiding the necessity of dealing with the National Liberation Front, the North, or anyone else. To President Thieu, unchallenged power is equated with our presence, and peace is not worth risking a challenge to this power. And, I am afraid, this condition will prevail absent any action on our part.

Finally—The United States has taken the position that we will not seek a military solution in the field. Our military power has gained one result—it prevented a military conquest of the South by the North. But it has also installed and now retains an unrepresentative government in power. Since we have not won and cannot win this war in the traditional military sense, and since our adversaries have not won and cannot win the war, the only course available to reasonable men is to seek the hard compromise that will stop the violence and end the killing.

The combined armed forces of South Vietnam now number approximately one million men. These men are as well equipped as the adversaries. If they are ever to hold their own, they should be capable of doing so now. And we, no longer dedicated to a military solution, should remove our military presence as soon as possible. But we should do this not because we wish to pass on the war to the South, but because a political settlement is not possible as long as we remain.

Ultimately the future of Vietnam is in the hands of the Vietnamese. They have to make the settlement, not us. And it is the best interest of their people, of the United States and the world community, that they do it now.

Accordingly, I would propose that the United States announce a schedule of U.S. troop withdrawals—an irrevocable decision to remove our ground combat forces as soon as possible, but no later than one year from now, and our air and support troops promptly thereafter but no later than the end of 1972. The Administration may have such a schedule in mind. If so, it should be announced for two important reasons:

First—This unconditional statement of intent would force the government in Saigon, as nothing else will, to begin making the political accommodations for the future. There are many groups that form a majority in the South anxious for peace and anxious to negotiate the peace. But the Thieu regime will never delegate this responsibility to other South Vietnamese as long as they feel they can manipulate the power of the United States. So it is that we must drastically alter our diplomatic position with the South Vietnamese government. They must be convinced that we have not fought for them as individuals, but for larger aims. If they are not willing or able to participate in the formation of a broad-based government, others are, and it is those groups that we will look to for the future.

Secondly—The announcement of withdrawal would have a radical effect on the Paris negotiations. For the first time we would be demonstrating to Hanoi, as well, that we are absolutely serious in our desire for a political settlement, thus giving Hanoi, as well as Saigon, the choice between continued warfare among Vietnamese or accepting a compromise settlement. That opportunity should be used to lay on the table in earnest a proposal for a standstill cease fire while our troops are withdrawn and the Vietnamese negotiate. By so doing we would be making clear our desire that our decision to withdraw would result in an end to the killing and violence.

Finally—I wish to conclude on a more personal note. I feel, as a result of past relationships, that I have some knowledge of the burdens of the Presidency. I speak with some awareness of the enormous challenges that face a President in a time when his nation is at war. I also speak as one who supported earlier decisions that so deeply involved us in this conflict. Whether yesterday's decisions were right or wrong in the context of their time is not the issue. I and many others either agreed or were silent when certain steps were taken that led us deeper into this war. And so it should be apparent that my criticism of Vietnam and that of many others is not directed personally at this or any other President of the United States. It is simply an objection to a national policy that allows a conflict to continue disastrous to us as a country.

I do not believe that President Nixon is committed to continuing the war in Vietnam. But I do believe that this Administration is in danger of committing itself to goals and personalities that guarantee the war's continuance. If we continue to assume that one more year's casualties is worth the possibility of a political breakthrough in the peace talks; if we assume that renewed military power will affect the bargaining position of our enemies; if we cling to the myth that the Thieu regime is so legitimate that it must be retained with American lives, if we rely on Saigon to initiate a move toward peace, or if we hope for a truly representative government to be elected in South Vietnam under the repressions of the current regime—if we commit ourselves to these hopes, the war will continue. We have travelled these paths before, we know them to be empty of promise.

I believe what I and most Americans this day are asking of the President is that he not commit himself to things which will not and cannot occur. We ask him not to shoulder the errors of past policy nor the rhetoric of different times. What is being respectfully suggested is that he develop and speak to us of his own policy—not one based on conditions beyond our control, not one whose success is subject to veto by Hanoi or Saigon. But a United States policy—one that puts our government, our people, our national interest in the forefront. To leave Vietnam only *if* there is progress in Paris, only *if* the battle subsides in the field, only *if* the army of the South is ready, places our men and our future in the hands of others. And at this late date, at this moment in our history, that cannot be considered acceptable.

The last time I addressed the World Affairs Council I had just returned from Vietnam—and I spoke to you of that war and all its tragedy and pain. Almost two years later we meet again to speak about the war—and all its tragedy and all its pain. I can only pray, and I know you join with me in the hope, that we will not have to meet again on this matter.

Yet that possibility remains. It remains as long as you and I, and the leaders of our nation shy from facing the realities before us. It remains as long as we cling to hopes long gone, to cliches and assumptions devoid of meaning—as long as in anticipation of the judgment of the future, we avoid the hard current decisions. This time next year, and the year after, and the year after that, we could still be fighting in Vietnam—still in the pit, killing and being killed, seeking to justify past errors, waiting for something to happen that would justify an ending of the war in the old terms of past wars and past policies.

But if we do that, we will wait in vain. For what we should have learned, at the price of blood and suffering, is that this has been unlike any other war in our history. We have a chance, by ridding ourselves of its burden, to renew ourselves as a nation: to make ourselves better able to shoulder our real responsibilities here and around the world. This process must begin for the good of the nation. I hope that the policies we discuss in this room powered by the moral weight of opinion being expressed outside will cause the process to begin today.

RETENTION OF WEATHER BUREAU STATION AT LYNCHBURG MUNICIPAL AIRPORT

Mr. BYRD of Virginia. Mr. President, the city council of Lynchburg, Va., adopted a resolution at its October 14 meeting, asking that the U.S. Weather Bureau keep its station at Lynchburg Municipal Airport open on a 24-hour basis.

I support this request from Lynchburg. The need for a 24-hour weather watch in the Lynchburg area was clearly shown at the time of the disastrous floods of August 19.

During the night, recordbreaking rains fell on the area and caused considerable loss of life and millions of dollars worth of property damage. This tragedy might have been less serious had adequate warning been available from the Weather Bureau.

In addition, air traffic at the Lynchburg Airport has been increasing, particularly during late night and early morning hours, furnishing another reason for a 24-hour weather station.

Mr. President, I ask unanimous consent that the resolution of the Lynchburg City Council, adopted October 14, 1969, be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution

Whereas, many interests in the area of Central Virginia are served by the Weather Bureau station located at the Lynchburg Municipal Airport; and

Whereas, the increase in the air traffic using the facilities at said airport, and particularly the late night or early morning traffic, demonstrates a definite need for weather information on a 24-hour schedule; and

Whereas, it appearing that the Weather Bureau Station at Lynchburg is the only such station in Virginia not now operating on a full 24-hour schedule each day, and

Whereas, the great need for a 24 hour weather watch in this area was shown recently when in the late night or early morning hours when the local weather station was closed disastrous rainfall and subsequent flooding came without warning to this area, inflicting a great loss of life and property damage in the millions of dollars, some of which may have been prevented or minimized had adequate warnings been given.

Now, therefore, be it resolved by the Council of the City of Lynchburg, Virginia:

(1) That a request is hereby made to the U.S. Weather Bureau, that the Weather Bureau Station, located at Lynchburg Municipal Airport, Lynchburg, Virginia be restored as soon as possible to its former operating schedule of 24 hours each day, and

(2) That a copy of this resolution be sent to the proper officials of the U.S. Weather Bureau, Washington, D.C.

EDWARD T. PETTIGREW, Jr.,
Clerk of Council.

Attest:

BESSIE B. AREAS,
Deputy Clerk of Council.

THE VOTING AGE SHOULD BE 18

Mr. SYMINGTON. Mr. President, for a number of years many Members of Congress have urged that there be submitted to the States a constitutional amendment which would establish a minimum voting age of 18 years throughout the United States.

In a democracy such as ours, it appears desirable that the obligations of Federal citizenship be accompanied by rights to participate in the election of political representatives who establish policies that impose those obligations. Certainly the well-informed young men and women in America today have demonstrated their interest in participating in the decisionmaking processes of their Government.

In this Congress, as in the last, I am a cosponsor of one of a number of such proposals. Senate Joint Resolution 147 provides that:

> The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age. The Congress shall have power to enforce this article by appropriate legislation.
>
> This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

Sixty-nine Senators have endorsed a voting-age amendment.

So far, we in the Senate have never had an opportunity to vote on such a proposal. An editorial published recently in the Kansas City Times puts this problem in perspective. I ask unanimous consent that it be printed in the RECORD. I would hope that Congress, before it adjourns next year, would vote to submit a constitutional amendment to the States.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NIL IS THE WORD ON 18-YEAR-OLD VOTING RIGHTS IN CONGRESS

If there was ever broad support in Congress for lowering the minimum voting age, it has now faded. Of the 30 or so pieces of legislation on the subject that have been introduced since the 91st began last January, none is moving. Not only have committee hearings not been scheduled, but congressional sources report that no action is forecast. We think it is time for Congress to act.

As a candidate for the presidency, Richard M. Nixon said he supported letting youths between 18 and 21 years old vote "not because they are old enough to fight (in war), but because they are smart enough to vote." As President he directed the attorney general last February to study the issue. A report has been completed but not made public.

Mr. Nixon's point might signal a shift in the argument for reducing the voting age. For years, the leading edge went like this: If 18-year-olds are old enough to fight in a war, they are old enough to vote. Unfortunately, that approach, legitimate though it may have been, took on a kind of self-righteous fervor that struck at emotional chords rather than logical reasoning. It is now generally conceded that the oncoming generations of youths are better informed, better educated and far more concerned than those of just a few years ago.

Legislation to lower the voting age from 21 has been floating around in Congress for years. In 1954, for example, the Senate killed a constitutional amendment proposed by President Eisenhower to reduce the age to 18. Hearings were held by the Senate judiciary committee during the last Congress, but there was no further action.

Now the best guess around Washington is that too many lawmakers have had adverse reaction to the student unrest on college campuses, and general rejection of the bearded, unkempt image of youth that seems to prevail. That is an expected, though not necessarily well-based sentiment, since much of the trouble has been touched off by a small minority of students. Then too, lowering the voting age to 18-year-olds would mean that those who form the main source of military draft (18-, 19- and 20-year-olds) would be eligible to vote for or against the congressmen who have kept the conscription system intact.

There is another recent development in Congress, however, that should focus new and serious attention on the voting age. A proposed constitutional amendment for a popular-vote presidential election has passed the House and is expected to clear the Senate, possibly this year. That means choosing a President would be, for the first time, a truly national determination. Right now, states control their own election laws and the presidential electors are based on the size of their congressional delegations.

Statutes vary, and one of the differences among the states is the minimum voting age levels. Persons under 21 are allowed to vote in at least four states, a variance that surely would raise constitutional questions. It is our opinion the minimum age should be adjusted downward. Several states will have the issue on the ballot this year and in 1970.

As things stand, youths between 18 and 21 can participate in the political process—hand out literature at the polls, and the like—but the great bulk of them cannot vote. For the many who are aware and disenchanted with the country's course, the frustration is rawer. They are denied a voice within the framework of the system—at the ballot box.

They should be allowed to vote. The direct-vote presidential election no doubt will help force the issue. But Congress can be responsive and responsible by getting at the problem right now.

INTERNATIONAL COOPERATIVE TRAINING CENTER—A BIG PLUS IN OUR RELATIONS WITH THE UNDERDEVELOPED WORLD

Mr. PROXMIRE. Mr. President, I am proud to report that a U.S. institution located in my State has been responsible for training more than 1,600 leaders from 91 developing nations of the world in the past 7 years. I refer to the International Cooperative Training Center at the University of Wisconsin—a joint effort between cooperatives of the United States and the Agency for International Development.

Coming from all over the world to learn about the operations of cooperatives, most of these trainees come to the International Cooperative Training Center for several weeks of classroom instruction, followed by practical field training with cooperatives in the United States. Participating cooperatives provide this field training, as well as several scholarships to help bring a limited number of people from developing countries to ICTC for training, as their contribution to development programs. These trainees then return to their countries to adapt and put into operation what they have learned at the Center and through their experience in the field with U.S. cooperatives.

Returning trainees are making a significant contribution to the economic and social development of their own nations by working with self-help cooperatives and actually organizing many of them. They are found working in agricultural cooperatives, credit unions, housing cooperatives, rural electric cooperatives, handicraft cooperatives, consumer cooperatives, and agricultural credit cooperatives. They are helping to organize new cooperatives and strengthen older ones, with the aim of increasing income or savings to members.

Followup reports on former trainees tell of increased leadership responsibility in their own countries, development of new cooperative departments in government, and other evidence of progress. One former trainee is helping the banana farmers of Jamaica to organize cooperative banana boxing plants, which will result in uniform quality and improved farm income. Several in Uganda and Tanzania are members of parliament or congress in their home country, where their cooperative training can be utilized very effectively. Another is director of a cooperative training center in Nigeria. Still another is in charge of cooperative education and training in India. The numbers of trainees and positions they hold indicate how effective the ICTC training has been.

The International Cooperative Training Center was established in response to a need, recognized by the U.S. Government and by U.S. cooperatives, for an institution that could provide in-depth study of our cooperative development and teach participants how to relate this knowledge and information to economic and social development in their own countries. Prior to the establishment of the center, many people came from developing countries receiving U.S. technical assistance, to study our cooperatives. However, the U.S. cooperatives were not prepared to provide the kind of comprehensive training these "visitors" expected. Consequently they were given little more than a tour of cooperative facilities.

Center accomplishments have been outstanding. Short and longer term training programs have been developed, and are continually being improved to provide the kind of in-depth training which participants expect to receive. The center now is an institution known around the world as one of the best in the field of cooperative training and education. Teaching staff members have, in addition to their regular teaching assignments at the center gone to several countries as consultants, research workers and trainers to extend the services of the center and to multiply their own effectiveness.

Trainees are particularly appreciative of the opportunity they have of participating in community activities, of being invited into the homes of staff members and the families they meet during their field training period.

After the students return to their own countries, continued rapport is maintained and new information given to former trainees by a quarterly professional journal, the International Cooperative Training Journal, and a newsletter, each with a circulation of more than 5,000. These publications are mailed to every country represented by former trainees as well as to visitors who have registered at the Center.

From the beginning the Center has been almost wholly supported financially by AID funds. AID almost literally has built this outstanding training institution, intending that it should be available to those from developing countries or to dedicated Americans who will go to work in developing countries to assist in cooperative development. Training is the most important factor in successful cooperative development—training of management and members—because this training not only provides expertise in economic development, but also teaches democratic principles and practices. No better investment could be made than that which encourages the practical application of sound democratic principles in developing the economic strength of a nation, allowing a people to determine their own destiny and improve their own level of living.

Although AID built this Center for cooperative training the numbers of AID-supported trainees attending the Center have been declining during the past 2 years. This does not seem to be an efficient utilization of a very important investment at a time in the world's history when the need for developing native leadership for both economic and democratic programs is so vital. Why does not AID urge its mission representatives to send more participants for stateside training? It is true that not all people who need to be trained ought to come to the United States. Some can be trained just as effectively in their own countries. But those who will train others in their home countries and who will be indigenous cooperative leaders have a tremendous advantage if taught in the United States, where they can acquire not only the technical know-how they need, but also can benefit from the extension of their horizons offered by the activities of U.S. cooperatives.

U.S. cooperatives have shown a remarkable interest in the field training of these international students and simultaneously seem to be developing a very heartwarming people-to-people relationship that goes on long after the technical training is over. The Center itself offers the informational groundwork needed to develop strong leaders and trainers for cooperative development. U.S. cooperatives offer their management and administrative skills to show how technical training can be applied.

It seems clear that every effort should be made by AID, both here in the United States and abroad, to make use of this valuable resource, already developed, and to send increasing numbers of people for training at ICTC, at the same time utilizing the voluntary contribution made by U.S. cooperatives.

INTERVIEW OF GENERAL NGUYEN CAO KY

Mr. FULBRIGHT. Mr. President, in April of 1968, an Italian newspaperman had an interview with Gen. Nguyen Cao Ky, of South Vietnam. The report was published in the Washington Post, but it was so long ago that I think most of us have forgotten what General Ky said on that occasion.

Inasmuch as we are spending so much money and losing so many lives to support the government of which General Ky is an important part, it seems to me it would be of interest to the Senate to have the article printed in the RECORD. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

GENERAL KY CATALOGUES ALL HIS HATES

(By Oriana Fallaci)

SAIGON.—He is the most famous man in South Vietnam, and the most hated. Reactionaries hate him because he is the most hostile enemy of the reactionaries. Liberals hate him because he is the most hostile enemy of the liberals. Americans hate him because he is the most hostile enemy of the Americans. And there are many who think he will not die of old age; that someone will try to eliminate him very soon—which he knows. Not by chance, he likes to define himself as uncomfortable, dangerous, without friends.

At first you wouldn't say it. He is a Vietnamese like many others, neither tall nor short, neither strong nor too fragile. Physically, he distinguishes himself from the others only by his mustache. (Vietnamese don't usually wear them) and by a certain air with which he seems to oblige you to remember that he is Nguyen Cao Ky, general of the Air Force, Vice President of the Republic.

He is not cordial. He smiles very rarely and he is always in a bad mood, filled with preoccupation, a detachment which skims the arrogance. When he shakes your hand (he has very beautiful hands, rather feminine), he looks at you so distractedly that you would say he is not even looking at you. Yet when you go looking for news about him, you learn with surprise that beyond that severe scowling, discouraging appearance there is a personality very colorful indeed, one of those that popular magazines emphasize, women's magazines in particular.

A ROMANTIC ADVENTURER

They will tell you, for instance, that he is a real ladies' man. Before he married his second wife, no one in Saigon could compete with him in certain adventures. Until three years ago, this was his principal "virtue," and he did not deny it. On the contrary, he acknowledged it with pride, explaining that every woman loves pilots, "perhaps because flying represents in her eyes somethink new, a daring way of life."

They will tell you that, besides this, he was a playboy, a heavy drinker, always frequenting night clubs, and you can see it from the way he combs his hair, the way he wears the mauve satin scarf around his neck, an unstudied, casual look to his uniform, yet always so ironed—too ironed.

He even wears it when dressed as a parachutist, the same suit, he used when he jumped at night on North Vietnam on secret missions; all black and close-fitting. With such a suit, he seems a bat with a giant rose at his neck, but what an elegant bat.

Others instead will tell you that no, inside he's a sentimentalist. He abandons himself to these harmless characteristics because of an old despair, the disappointment he had from his first wife, who was French and took advantage of him. When married to her, he was such a good boy; he became a playboy when she left him with five children and he went to live with that show girl. Think of it; a Prime Minister who goes to live with a show girl, committing to her his children. If you understand such a drama, they say, then you will also believe how tender he is, and kind and thirsty for a real, normal family, and that for this very reason he married his second wife, as good as beautiful, 11 years younger yet wise, met on an Air Vietnam flight to Bangkok when she was a hostess who studied mathematics at the University of Natrang.

You will believe that in Bangkok he invited her to dinner along with the entire crew; that seven days later he introduced her to his children to make clear that it was not only a wife he wanted, he also wanted a mother for them. Besides, his wife will confirm such a story; she'll even add that he is a good father; a good husband.

Since the day they got married, he never gave her a reason to doubt his fidelity. It is not true what people tell about the day he flew to Hue on a sentimental journey and she followed him on a military plane but he ordered the control tower to forbid her landing. "Such an order was given because the weather was bad, the landing was dangerous. She was joining him because he wished to spend the weekend with his family. People are so nasty."

THE LUCKY DAUGHTER

Finally, others will tell you that he's superstitious, believes in horoscopes in a fanatical way, questions the astrologers before serious decisions and was very happy when the second wife gave birth to a girl because he already had four sons.

As you don't know, in Vietnam four sons mean good luck, five mean misfortune, and the astrologer had announced to him that a daughter would bring him a future full of good promises, a son would bring him disasters, and because of this he called his daughter Duyen, which means "strange magic."

He denies it with indignation. But he does not deny that his fondest amusements, his real relaxation, is watching cockfights. In his house at Tansonnhut he keeps 100 cocks, and every Sunday afternoon he organizes a show that ends in a hecatomb of blood, feathers strewn all over, breasts and necks and legs torn in pieces.

Not satisfied, he goes looking for cockfights wherever they take place. He can cross half Vietnam by plane and jeep, and enter Vietcong zones without escort, just for that. He admits it, explaining that cockfights are a pretext; in reality, those trips are useful to him to make contact with the peasants.

He likes peasants. With them, he has not a distant relationship; with them, he smiles jovially and shows all his teeth, which are white and strong and scary as the teeth of a wolf. With them, he shakes hands very friendly. He believes in them as Ho Chi Minh and Mao Tse-tung do.

He claims that Vietnam's renaissance depends on the peasants, not the intellectuals. The latter are not able to fight because they are not able to suffer, and they are not able to suffer because they have never been hungry. Before becoming a pilot, his dream was to be a farmer, although he comes from a family of mandarins of Hanoi. In other words, he is of aristocratic descent.

From his tastes, you wouldn't guess it. He doesn't love what we consider good music. He listens to Brahms or Beethoven when he wants to get sleepy; while awake, he prefers the Twist, rock and the Beatles.

He obviously doesn't go to the movie theater, such an easy place to get killed—but he often projects moving pictures in his house, and they certainly are not very deep. They are Westerns and James Bond stories. For books, it's the same. All that he reads is detective stories, his wife says that he possesses an entire library of them.

The French journalist Francois Pelou visited him at the Independence Palace and saw, over his Vice President's desk, two detective stories and a Bible. "Congratulations, I see you are dedicated to serious literature," the journalist said, pointing to the Bible. "Someone just gave it to me," he answered with irritation then took the Bible and threw it away.

He is not religious; he's a confessed atheist. He tells that when he was a soldier, his mother prayed to Buddha for him, and he made fun of her. He says he has never faced the problem of the existence of God and adds that he couldn't care less to know if God existed or not.

A LEADER NONETHELESS

In the light of these anecdotes, therefore, nobody would dare to judge him as a representative character, a man whose destiny was and is to enter into the history of this war, the only possible leader in a country painfully poor in leaders. Yet he is. And you realize it, with astonishment, when you listen to him for more than ten minutes.

The man is not stupid. He has something to say and he says it without fear. To begin with is the fact that he is a socialist, but not a pink socialist, undecided between reforms and compromises. I mean a Marxist socialist, exactly like his enemy Ho Chi Minh.

Like Ho Chi Minh, he does not believe in democracy as we accept it, in freedom as we interpret it. To his eyes, the rich are undebatably corrupt, the poor are undebatably innocent, the social revolution is the only answer to the problems of Vietnam. And not a pacific revolution: a violent, bloody one, if necessary.

The most extraordinary thing is that he expresses this belief without pronouncing the formulas "capitalist," "class struggle," "dialectric." He never read Marx and hasn't the slightest idea of what Marxism means. To those ideological conclusions he has arrived all alone, by instinct, confusedly, between a detective story and a cockfight, and it would be difficult to explain to him that such ideas are not new because someone wrote them a hundred years ago.

Things being like that, it's a mystery how he could become the Prime Minister of Vietnam, then the Vice President of the government most hated by any Marxist. And if "mystery" is not the right word, then we must admit to have understood really nothing about Vietnam and what boils there. Not at random, when you say to a responsible person in Vietnam that Nguyen Cao Ky speaks like a Vietcong, you get this answer. "But most of the Ky generation speaks like a Vietcong."

And perhaps the most dangerous enemy that the Americans have in Vietnam is not the ascetic old man who studied in Moscow and whom the Vietcong tenderly call Uncle Ho; it is this young man with a mauve silk scarf and a past of verve, this pilot whom they hosted during eight months at the air base of Maxwell Field, Ala., and whom Henry Cabot Lodge referred to as "my second son."

SLEEPS AT OFFICE

The interview that follows took place in a house of Rue Cong Ly where the Vice President lives daytimes with his family. At night, they all transfer to the Independence Palace, where they sleep in a room adjacent to his office, on mattresses placed on the floor. Armed guards control their security. The atmosphere around them is tense, suspicious. The children have learned to keep their heads down and get covered as soon as they hear a gun shot. When Mme. Ky says, "We live like soldiers," her porcelain face seems the portrait of sadness.

Ky's face instead stays imperturbable. For him, the risk is normality, the death threat is routine. And a blind faith holds him: the faith that he can walk through that death threat like an invulnerable god. Maybe he's a visionary; maybe he knows very well what he's doing. Maybe he will end as a Lumumba; maybe he will win as a little Napoleon. Others as ignorant as he is, and as debatable, were able to succeed.

Without judging, your reporter limits herself to telling you what he said. Ky spoke to her for hours, with steady voice and hard eyes. It was a Sunday afternoon in March, 1968, and the artillery thundered around Saigon.

THE CLOSER EVIL

MISS FALLACI—Gen. Ky, many disconcerting things are told about you, but the most disconcerting is the one you said a few days ago: "I know that someone is trying to kill me. But this someone will not be a Communist."

GEN. KY—Exactly so. If someone kills me it will not be a Communist. It will be someone on the other side, someone for whom I am much more uncomfortable than I am for the Communists.

Not all the evil is on the Communist side. The corruption is among us, among our leaders. Nine out of ten are corrupted. And as I am the only one to recognize it, to admit it, many people obviously hate me and have their interest to eliminate me.

Politicians don't like me because I am not a politician, because I am not a diplomat, because I denounce this regime as an inefficient one, an incapable one, and because I say that democracy exists in it only as a name.

Americans don't like me because I tell them what I think, and I accuse them of lying. Americans claim to be here in the name of their principles of democracy and freedom. I do not believe them; at the best, I believe them 50 per cent.

Americans are not here for democracy or freedom; they are here to defend their interests. And not always do their interests coincide with the interests of Vietnam. Americans are here because they want to stay in Asia, to fight communism in Asia, not because they care for us. They do not understand what we need; they do not understand our tragedy.

Look at that Robert Kennedy who says: "Democracy, freedom." Words. His concept of democracy and freedom is simply ridiculous to me, because it is always these big powerful countries talking about democracy and freedom which create colonialism. They begin with saying: "We are here to help you." And then they become bosses, and then they become colonialists. Enough with that.

MISS FALLACI—Gen. Ky, are you speaking about revolution?

GEN. KY—I sure am. What Americans do not understand is that South Vietnam needs a revolution to counter the ideal of revolution from North Vietnam, to demonstrate that not only in North Vietnam there is a need for justice.

Americans want to institute in South Vietnam a kind of democratic regime they have in mind; respect for the laws, freedom of speech and so on. Elections. But what does it mean to speak of elections to someone who dies of starvation? What does it mean to talk about legislative power, executive power, when all that you need is a bowl of rice for your children?

When you go in the villages and you speak to the peasants about voting, they answer by telling you that they're hungry. They don't care about democracy; they care about social justice. So for me, democracy means social justice—that is, distribution of the land, building of houses and schools, no more starvation.

In most of the cases, the men who have been elected in South Vietnam are not the men that people want; they do not represent the people. The people voted for them because someone told them to vote. Our last elections were of loss of time and money, a mockery. They were only useful to elect a regime which is wrong and corrupted and weak and would fall immediately with a revolution.

It is hard for me to say so because I share the responsibility of those elections, I have been voted in them and I am the Vice President of such a regime. But at least I recognize the evil where the evil is and I say that laws must be changed, because what we now have are laws that defend the rich. We need new laws to defend the poor.

MISS FALLACI—Gen. Ky, this is what Ho Chi Minh says, and what the Vietcong say. This is socialism, Marxism.

GEN. KY—Who denies it? I am not afraid of the word socialism. It is the Americans who pronounce the word socialism as if it were a dirty word.

You say I am a Marxist. It is not the first time that a European says this to me. So maybe I am a Marxist. Who cares? I don't know Marx, nor Engels nor any of these white people who were born in Europe. They wrote theories, and I have no time to lose with theories.

Frankly, I don't read. I am not even ashamed to admit that my education is rather poor. I only studied in high school and stopped studying when I was 18 years old and the French closed the schools to send us to the war.

I am a pilot. I have spent my life with airplanes, not reading the books of this Marx and this Engels. I couldn't care less to know that this Marx discovered that the poor must not be poor. I don't need his discovery to know such an elementary thing. I am a yellow man, I am an Asiatic, and I know what my country needs much better than all those white people writing books.

MISS FALLACI—The fact remains, Gen. Ky, that had you read those books, you would realize they say the same things as those people that you are fighting. Could you tell me why you fight the Communists?

GEN. KY—Well, as I told you, I only know what I see here in my country. And what I see about the Communists in my country, well, I don't like it. I mean I don't like to see a son who condemns his mother in the name of the party; I don't like a party that in the name of an ideology destroys the family and the sentiments; I don't like a society where a man becomes a member of the party. Because it is true, that I am against the freedom which causes disorders and prevents social justice, but it is also true that I am against the dictatorship.

I don't know how to explain. Maybe I can explain it so: I don't like the Catholics and the Communists resemble the Catholics so much. They belong to the party exactly as the Catholics belong to the Church. Fanatically. So this is why I fight the Communists.

But I certainly don't reproach them for their program of distributing richness and I perfectly agree with them when they take the land of the rich and give it to the poor. I perfectly agree with them when they give a rifle to a peasant and say to him: "Fight for a better life." I perfectly agree with them when they abolish the privileged classes and when they say that the system of division of classes is wrong. As Confucius says, we must raise the poor and lower the rich until they meet at a level where everybody can live harmoniously, totally integrated.

MISS FALLACI—Gen. Ky, did it never occur to you to doubt whether you are on the wrong side of the barricade? Did it ever occur you to think that you could well stay with Ho Chi Minh?

Gen. Ky—Well, if my destiny had been different, I could have been on his side. But what would I be today? I would be a little functionary lost in the cadres of the party as thousands of others, completely silenced by them, and I wouldn't be able to do a thing. Staying on this side on the barricade instead, I am Nguyen Cao Ky and I can do something. Because if it is true that a swallow does not make the spring, it is also true that a swallow announces the spring.

Of course, everything would have been easier for me at the other side of the barricade. Probably I would be less unhappy, too. But I also would be more impotent, and I could not dream my revolution.

Miss Fallaci—However, Gen. Ky, should you one day understand that you were unable to achieve your revolution and that you had chosen the wrong side of the barricade, would you be ready to go to the other side?

Gen. Ky—No. When a man chooses an ideal, or a way to realize an ideal, he must follow it until the end without changing system. Should I understand, sooner or later, that I had chosen the wrong way and the wrong side of the barricade, I would prefer to die.

I know very well that my choice is not easy and will be very painful. I know very well that the Communists and I have many dreams in common, common targets, common aims. I know very well that the system of this side of the barricade is wrong, but it wouldn't make any sense to abandon a wrong system for another wrong system.

No, I will never go with them. I'd better die than admit to have chosen the wrong way. The only thing that I can admit now is that my choice is not very practical.

Miss Fallaci—Do you really believe you'll succeed or you only dream to succeed?

Gen. Ky—I believe in my destiny so I believe I'll succeed. Unless they kill me. If they don't kill me, I should win, because I am not with the minority. The mass of the people that is, the poor, the peasants, are with me. And it is on the poor, on the peasants, that one must count for a revolution, not on the intellectuals, on the middle-class people. He who is not hungry does not shoot well, or does not shoot at all. My revolution must be done with the peasants and by the peasants and for the peasants.

Miss Fallaci—This is what Mao Tse-tung says.

Gen. Ky—Mao Tse-tung is a Chinese, and the Chinese have been our enemies for 4000 years. All our history demonstrates that the Chinese only want to absorb us, destroy us, and what a Chinese says can never agree with what a Vietnamese says.

We hate them, in the South as well as in the North. And when some Americans say that Ho Chi Minh will ask the Chinese to intervene in this war, with their troops. I answer: You are crazy. Ho Chi Minh is a Vietnamese, and he hates the Chinese as I hate them, and he knows that calling on the Chinese would be the mistake of his life. Should the Chinese come to Vietnam, we all would reunite, the South and the North, Communists and Nationalists, and we would fight them together and all our problems would be finally resolved and our country would not be divided any more.

Miss Fallaci—Gen. Ky, what do you think of the Vietcong? What do you think of this fight between brothers? Can you consider the Vietcong as brothers?

Gen. Ky—A brother is a man who is with me when I am sad and when I am happy. A brother is a man who thinks like me and the Vietcong don't think like me. They speak my language, they have my same blood, my country, but they are not my brothers. The most I can do is to feel pity for them when I see them dead.

This may scandalize you, but should you have put the same question to the Americans during their Civil War, they would have answered the same thing. Now the Americans are united. A day will come when my country will be united, too, like America, and I will not shoot what you call my brothers any more; they will not shoot me any more.

This is our destiny and the destiny I am fighting for. Until that day, don't ask me to like them. I leave this privilege to you Europeans. You Europeans have fallen in love with the Vietcong. All that they do is good for you; all that we do is bad for you. We are the villains and they are the heroes, like in the Western movies. You admire them for parti pris.

Should we attack the North, the whole world would arise against us, like they infiltrate to the South, and the whole world accepts this. I have not yet understood if yours is romanticism or idiocy.

Miss Fallaci—Maybe it's only respect, Gen. Ky; for instance, respect for their courage, their faith. You must admit that it takes a lot of courage, of faith, to go barefoot against the tanks.

Gen. Ky—Who denies that they are brave, that they have faith? Sure they have it. A lot. They are Vietnamese. But our soldiers also have guts. It is you Europeans who accuse them of being cowards—I don't know on what base.

When you follow a combat, you always follow it with the Americans, never with the Vietnamese, as if the war were done only by the Americans. All right, Americans do it, and I thank them for this. But they are not alone, and if the North Vietnamese didn't infiltrate between us, we would not need the Americans and we could finally settle our business without the Americans.

We have not less guts than the Vietcong. I personally am not less courageous than a Vietcong. Oh, you have admired the Vietcong so much for their Tet offensive. Well, it certainly was a brave offensive and an intelligent one. I would call it a rather respectable offensive. But we were not less than them. They only have more discipline than we have, more training because they have kept themselves organized since 1954 and we started only three years ago.

Miss Fallaci—Gen. Ky, in your judgment, why did they lose?

Gen. Ky—They have lost because they have trusted what the American press and the Vietnamese press have been saying for years, that we are the cowards, they are the lions. They have lost because they thought that our soldiers would not react and the populations would immediately pass to their side. They have lost because they have wrong information and they have not understood that the mass of the population does not stay with Ho Chi Minh, neither with me; it only stays with its bowl of rice.

They have lost because they had not me to guide them. Should I have guided the Tet offensive, I would have won because I know what is necessary to shake the indifference of my people. You have to wake up their conscience. And to wake up their conscience, you have to recognize their right to the bowl of rice. You have to make them fight for that bowl of rice, and then no army or atomic bomb can stop them.

They have lost because their leaders are old and make the revolution in an old-fashioned way, using the books which were written a hundred years ago by the white people. Their leaders reason like the Americans: interrogating computers, not the common sense.

And then, militarily speaking, they have lost because of a few stupid mistakes. First of all, they had not enough troops. Second, their troops were not sufficiently armed nor sufficiently trained. They did not occupy the right places at the right time. They wasted time with the American Embassy, for instance. Who cares about the American Embassy? How can you waste energies and lives for the American Embassy?

They should have conquered the Tansonnhut Airport, they should have conquered the radio stations, they should have spoken to raise the people: "Here we are, in Saigon. No more Ky, no more Thieu, no more Americans. We are the government now, we are your friends." I would have done like that.

Miss Fallaci—Maybe they will next time. Gen. Ky, do you think they will attack again?

Gen. Ky—Sure they will. As soon as they have recovered from their terrible losses—they have lost around 50,000 men all around the country—they will attack again. And this will happen very soon. In my judgment, let's say in May or June. They will attack Saigon, because the decisive battle will take place in Saigon and nowhere else.

It is the Americans who publicize Khesanh and the places like Khesanh. The North Vietnamese are not stupid. They know very well that Khesanh has no importance, not militarily nor strategically nor politically. They have no intention to lose energy in transforming Khesanh into a Dienbienphu.

Miss Fallaci—Gen. Ky, are you not tired of this war?

Gen. Ky—No, it is you Europeans, you Americans, you white people who think that Vietnamese are tired of this war, both South and North. It is not true. And the reason is that we never knew the peace or the happiness, and the death is a habitude for us and we are not afraid of it.

Every day for us is the day that we could die. We are ready for it. We are Asiatic—that is, fatalistic. We believe in destiny and we are used to the sufferings. You white people cannot understand. You white people give too much importance to life to the length of life, to the comforts of life. You are not ready to sacrifice yourselves for a dream. Should you have been in a war as long as this one, you would have given up a long time since.

Miss Fallaci. You don't love the white people, Gen. Ky, do you?

General Ky. I don't. I am too proud to love you. I am too proud to be a Vietnamese, an Asiatic, a yellow. I never thought that the white race would be a superior race; on the contrary. Should I be religious, which I am not, I would say, "I am the son of Buddha, I am the son of God, I am God. I am the man that God sent to save this country and unify it and give it one day the role it has to have in Asia."

Put into your mind that the future is here among us, not among you white. Europe is old, tired, dusty, and America should not be called any more "the New World"; it should be called "the Old World." Its time, your time, is over. Which is why I couldn't care less for your criticisms about us and about me.

Like all that noise for Gen. Loan's episode. I mean when he shot the Vietcong. Of course I blame him, though I understand him: his gesture was the gesture of a man who loses his control after having seen many of his men killed. But I want to have the right to judge a Vietnamese who kills another Vietnamese and I don't transfer such a right to anybody else. I don't recognize you that right.

Miss Fallaci. You don't, but we take it, Gen. Ky. And the result is not always very positive for you. Are you aware of how hated you are?

General Ky. Yes. People always seem to expect the worse from me, abroad especially. I remember when I went to Australia and the posters defined me "Butcher, murderer, dictator." When they realized that I was not that bad, they reacted in total amazement. "We waited for a butcher and we find a small, nice gentleman," the newspaper wrote.

Miss Fallaci. Gen. Ky, is there anybody in the world that you admire apart from yourself?"

General Ky. I don't admire anybody except the poor who fight, for their bowl of rice. So let's use the word respect instead of the word admiration.

Well, I respect de Gaulle, for the way he fought during the Resistance and the way he brought back prestige to France. I respect Churchill for the way he fought during the Second World War. Then Stalin, for the same reason. But maybe, instead of Stalin, I should say the Russian people, for their patriotism, their courage. Ho Chi Minh, I don't know: it's difficult for me to judge Ho Chi Minh objectively.

And then I respect my cocks when they fight.

Miss Fallaci. You are a man in trouble. Gen. Ky; you could lose also staying alive.

General Ky. Well, for a man like me, there are only two solutions: to win or to be eliminated. So you may be right when you say that I am a man in trouble. But perhaps it is righter to say that I am tragic man.

The fact is that it is always tragic to be a Vietnamese. Being a Vietnamese means to be in the middle of a struggle between two giants—or three giants—who don't give a damn for you and use you as a bullet to shoot each other. America and Russia. America and China. Russia and China. We are the pretext for their vanity, which only looks at the conquest of the power, of the supremacy. And in such a struggle, we risk being quashed without pity.

Even Ho Chi Minh knows this plain truth. Even you Europeans. Everybody knows. Everybody but the Americans. But trying to explain this to the Americans would be as hard as to explain to them that the word socialism is not a dirty word and there is no other answer to the civilization that they propose to us. Their civilization of robots.

It is impossible to talk with the Americans, not because they don't want to talk; because they don't understand. Once I tried with a specialist in foreign aid. He wanted to know why Americans are so much hated today in the world in spite of all the help they give.

So I said: "Because it is not what you give; it is how you give it." And he asked, "How should we give it?" So I said, "I could teach it to you. But it would take tens and tens of years. Better, generations and generatons. Better, a civilization of thousands of years."

He did not understand. He could not. He was too much a product of a world dominated by the computers, the technology, the three giants who use us Vietnamese and the small countries like the Vietnamese as instruments of their fight. If I will not be be able to win, it will be only because a man alone can no more win in a world dominated by those giants, those computers, that technology. It is all.

Miss Fallaci. Thanks, Gen. Ky.

Gen. Ky. Thanks to you for having listened to me. You see. I am a very lonely man. Very lonely. Really Lonely. It happens so rarely to me to talk with someone, I mean someone who really listens to me. And when it happens, I feel almost happy, because I feel less alone.

RESPONSE TO EDITORIAL ON VIETNAM MORATORIUM, BROADCAST BY WAJM–FM, MONTGOMERY, ALA.

Mr. ALLEN. Mr. President, I have been favored with a copy of a letter written to President Nixon by Mr. Boyd E. Quate, president of radio station WAJM–FM, Montgomery, Ala., on the subject of the Vietnam moratorium. The letter tells of a tremendous response from the people of Montgomery to an editorial broadcast by the station on the subject of the moratorium. The response to the editorial was suck that it makes me extremely proud to be an Alabamian. I believe that the attitudes revealed are both significant and instructive.

I ask unanimous consent that the letter and the editorial be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

WAJM–FM,
Montgomery, Ala., October 21, 1969.
President Richard M. Nixon,
The White House,
Washington, D.C.

Dear President Nixon: We thought you might be interested in the attitude of some Alabamians in regard to the Moratorium held October 15, 1969.

We broadcasted an editorial on the radio station all day on the 15th and the response was so gratifying that we have decided to pass the information on to you. Each time we broadcasted the editorial we asked for comments and as a result the phone rang constantly from 6:00 A.M. until 11:00 P.M., with an average of one call every three minutes. Of the phone calls 98.3% were against the Moratorium and for our editorial (a copy is enclosed). In summary, in Alabama at least, for every person that is against you, there are 50 on your side, as far as the war in Viet Nam is concerned.

The following is typical of the comments that were made:

Hooray for your station. My husband was in World War II. Thank God that he came back. The dead from all the wars that involved America, to see how some Americans are acting today, must be looking down and weeping for them.

May God be with the wounded and the brave people who died and the men in the world who are still fighting to save our country from the evils of other countries.

Thank you again for your program on this day.

Sincerely yours,
Boyd E. Quate,
President.

A WAJM Editorial, October 15, 1969

Today there is something going on called Viet Nam Moratorium. We at WAJM are very much against this Moratorium. We think it is stupid, if not out right treason. We believe we should remember the Alabama boys who died in North Viet Nam. We believe we should remember our fighting men who are still prisoners of North Viet Nam. We believe we should do what is best for the fighting men who are still in Viet Nam. If you agree, we suggest you drive with your lights on today and fly the flag. Let the world know that in Alabama "good old-fashioned patriotism" is not dead. If you believe the President should do what is best for the U.S.A., and not what North Viet Nam wants us to do, then we ask you to join thousands of other patriotic Alabamians in protesting today's Moratorium action. If you would like to comment for or against the Moratorium today, please phone us at 269–2506. Thank you.

CYCLAMATES VERSUS CIGARETTES

Mr. MOSS. Mr. President, a letter to the editor, published in a recent issue of the New York Times asks: If cyclamates which are suspected of causing cancer are to be removed from the market, how about cigarettes, which have been proved to cause cancer. Well, why not?

I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

[From the New York Times, Oct. 22, 1969]

Double Standard

To the Editor:

A perfect example of a double standard:

Cyclamates (which in theory may cause disease in human beings) are to be removed from the market. Probably a proper precaution.

Cigarettes, which, beyond any shadow of a doubt, are responsible for thousands of deaths each year, remain on the market. In fact those who produce tobacco receive substantial Government subsidies.

Sheer hypocrisy! A most blatant example of how supposedly responsible Government officials bow to pressure groups with vested interests.

Richard R. Bass, M.D.
Karl Neumann, M.D.
Reuben H. Reiman, M.D.
Joseph Soloway, M.D.
Forest Hills, N.Y., *October 18, 1969.*

NATIONAL BUSINESS WOMEN'S WEEK

Mr. BENNETT. Mr. President, during the week of October 19 through the 25th, 180,000 members of the Business and Professional Women's Clubs, Inc., celebrated National Business Women's Week.

During this week, the more than 3,800 member clubs located in every State in the Nation as well as the District of Columbia, Puerto Rico, and the Virgin Islands, have turned their spotlights upon outstanding women in their communities and the role of women in today's world.

In honor of the working women of the United States and on the 50th anniversary of this outstanding organization, I think it is fitting that we note the strides made by women in this Nation during the half century.

In 1920, when many mothers of today's teenagers were born, a woman's life expectancy was 55 years. In 1967, it was 74 years. In 1920, for every 100 girls 17 years old in the population, only 20 were graduated from high schools: in 1968, the comparable figure was 78. Finally, in 1920, only 23 percent of all women were in the labor force, and the occupational choices were generally very limited. In 1968, 42 percent were in the labor force in nearly 500 different occupations.

The number of women earning college degrees has risen significantly in recent years, for a record high of 345,068 in the 1967–68 school year. In 1968, they received 41.5 percent of the bachelor's or first professional degrees; 35.8 percent of the master's degrees and 12.6 percent of the doctorates.

Although the primary role of the woman has traditionally been in the home as a wife, mother, and homemaker, the role of the woman as a working person will undoubtedly continue to grow. Only recently, it was estimated that by 1980 49 percent of all women 18 to 64 years of age would be in the labor force. But this figure has already been reached—49 percent of all women of these ages were in the labor force in April 1969.

The woman has made great strides in last half century. She has been given the franchise and, in fact, has become an important political factor that no aspiring candidate for election takes for granted.

She has been, to a significant degree, empancipated from many of the drudgeries of housekeeping through the miracles of industrial advancement which leave her more time to devote to her family and outside work and other interests.

Although I believe there are still significant areas in which American women will yet become involved as discrimination continues to give way to genuine ability regardless of sex, the American woman has come a long way.

PENALTIES FOR VIOLATIONS OF DRUG ABUSE LAWS

Mr. HUGHES. Mr. President, Dr. Stanley F. Yolles, Director, National Institute of Mental Health, recently made a statement in defense of his position in favor of removing minimum mandatory penalties for violations of the drug abuse laws. I believe this to be a clear and informed statement on an extremely important subject.

I ask unanimous consent, that this statement of one of our Government's respected public servants be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY DR. STANLEY F. YOLLES

I believe along with many physicians, judges, law-enforcement officials, probation officers, and other persons who deal with law breakers that the principle and effects of mandatory minimum penalties defeats the whole purpose of treatment and rehabilitation of drug users; it unnecessarily limits the courts and negates the traditional American expectancy that each individual will be heard by a court of law in terms of his intent, the circumstances of his alleged offense, and his potential ability to be rehabilitated.

In response to the specific question asked by Congressman Watson my reply in favor of removing minimum mandatory penalties was in the context that most "pushers", or sellers, of narcotics are addicts themselves and therefore an unqualified yes or no answer was impossible. I *emphasize* that each violation of drug abuse laws must be decided on its merits to allow the judge to: fit the penalty to the crime; give a maximum sentence; suspend sentence; give an indeterminate sentence; or to see to it that the addict gets treatment.

I would not favor adoption of many legislative proposals in their current form, without further consideration of medical and scientific data, as well as further consideration of statements made by judges, probation officers, prison officials and others who oppose mandatory minimum penalties for drug offenders.

If mandatory minimum sentences really were deterrents to criminal conduct, then there would be little justification for limiting them only to narcotic and marihuana offenders.

Mandatory minimum sentences bear little or no relationship to the public good, to public health or to mental health.

TENNESSEE WALKING HORSE

Mr. TYDINGS. Mr. President, I have introduced and held a hearing on a bill designed to terminate the longstanding practice of deliberately making sore the feet of Tennessee walking horses in order to alter their natural gait.

"Soring," as the practice is known, is both cruel and inhumane.

At present, the bill is being rewritten to insure that horse shows which make an honest effort to exclude sored walking horses from the ring are not unfairly penalized. Other changes are being contemplated, although no final decisions have been made.

The bill, if reported and enacted, will be an improved piece of legislation and will go a long way toward putting an end to a barbaric practice.

I recently received a fine letter from a young girl, Ceci Carmichael, who is 9 years old. Miss Carmichael asks a question that I have often asked myself:

> Why do they have to put horses in agony to train for some shows?

I ask unanimous consent that Ceci's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.

DEAR SENATOR TYDINGS: Why do they have to put horses in agony to train for some shows? They should just put a stop to this so that these horses won't be in agony.

There *has* to be some other way that won't hurt the horse.

CECI CARMICHAEL,
Horselover.

FRAMINGHAM HEART STUDY FALSE ECONOMY

Mr. KENNEDY. Mr. President, on October 3, 1969, officials of the National Heart Institute confirmed that the Institute's support for the Framingham heart study, in Framingham, Mass., would be phased out at the end of the current fiscal year because of the lack of funds. I am deeply concerned about the imminent termination of this important program. In recent weeks, I have strongly protested what I believe are false economies in the proposed cutbacks in Federal funds for medical research. Once again, with the closing of the Framingham heart study, we see the high price we are paying for the war in Vietnam abroad and the fight against inflation at home.

The closing of the Framingham heart study is especially difficult to justify in light of reports that eminent scientific review panels have repeatedly recommended continuation of the study. The sole reason for the termination, as stated by the National Heart Institute, is the lack of about $400,000 and about 20 staff positions needed to continue the study.

Since its inception in 1949, the Framingham heart study has established an international reputation for its detailed investigation of heart disease in the 5,000 members of the Framingham population group who have participated in the study. In the 20 years of its existence, a remarkably low number of the participants—only 2 percent—have dropped out of the study. The data accumulated over the years now represent an unparalleled source of information on the etiology not only of heart disease, but also of a wide variety of other conditions, such as stroke, arthritis, diabetes, lung disease, high blood pressure, and blood cholesterol. Indeed, as described by Dr. Abraham Lilienfield, professor of chronic diseases at Johns Hopkins University and the head of a review panel that recommended a 10-year continuation of the project, the Framingham study population is a "national research resource."

At the time the closing of the Framingham heart study was first announced, I wrote to the Director of the National Heart Institute, urging him to restore the funds for the study. Since the original announcement, the plans to terminate the program have attracted wide concern. Yesterday's Washington Post, for example, contains an excellent and informative article by Mal Schechter on the history of the program and its potential for the future. I am hopeful, therefore, that the decision to phase out the program will be reviewed, so that this important national health resource will not be lost to the Nation.

Mr. President, I believe that Mr. Schechter's article will be of interest to all Members of Congress who are concerned with our Nation's health priorities.

I ask unanimous consent that it be printed in the RECORD. I also ask unanimous consent that a news report published in the New York Times of October 3, 1969, announcing the closing of the Framingham program, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Oct. 25, 1969]

PURSE STRINGS STRANGLING A MAJOR HEART OPERATION

(By Mal Schechter, free-lance medical writer)

In 1949, some 5,200 men and women aged 30 to 62 joined the federal government in an unusual undertaking: the study of heart disease as it would develop in a defined population apparently healthy at the start. The dropout rate among the 5,200 has been an amazingly low 2 percent; only 100 or so have given up. But a single additional dropout threatens to end the project. That quitter is the federal government.

Obeying orders from on high to economize on money and manpower, the National Institutes of Health have quietly ordered a phasing out of the work, with termination in mid-1971. The $400,000 and 27 "slots" it takes to run Framingham annually will be deployed at NIH's home campus in Bethesda. To keep Framingham going would hurt core functions, NIH says.

To kill Framingham would be "criminal," says Dr. Abraham Lilienfeld. The professor of chronic diseases at Johns Hopkins University headed one of several NIH review groups that recommended continuation of Framingham on grounds of scientific merit and promise. "Framingham is a national research resource," Dr. Lilienfeld declares, saying that the study population has implications in other research than heart disease. His group urged NIH to continue Framingham for another decade as a stroke study and possibly as a study of senile dementia, pulmonary disease, arthritis, diabetes and hearing and sight impairment. Indeed, Framingham could serve in a general study of aging; many of its participants are entering the 50-to-80 age range.

"If the program were to be terminated and studies of these important areas of human biology and public health were to be initiated elsewhere, the costs would be many times greater than that necessary for the continued maintenance of this study population," said the Lilienfeld report, made available by a government source. "More important, there would be a long delay in obtaining the necessary data."

A PREVENTIVE ROLE

Framingham's record gives weight to the Lilienfeld perspectives. The big harvest of the 20 years study has been the definition of factors that predispose an individual to having a heart attack. The "coronary-prone'" person has high blood cholesterol, has high blood pressure, smokes cigarettes heavily and lives a sedentary life. These are a few of the factors that must be considered by a physician working to lower the probability of an attack in a coronary-prone person. In this way, Framingham holds an enduring place in the research underlying preventive medicine.

Framingham provided a model for studying chronic diseases in general. Classic epidemiology, which is the study of disease in a population, was devoted to the acute infectious diseases such as malaria, typhoid and diphtheria. A defined infectious agent could be detected by the illness it caused as it moved through a population. By eliminating a source of infection (such as polluted water) or the vector of the infectious agent (such as mosquitoes), the disease could be prevented.

The epidemiology of chronic diseases is different, if not more complex, because often no infectious agent is seen. There is no single obvious cause. Probably there are several interacting factors, none predominating. Some may be biological but some may be psychological and behavioral. And it is hard to find the beginning of a disease process that takes many years to reach a dramatic expression, such as a heart attack.

ISOLATING THE FACTORS

In revolutionizing the epidemiology of heart disease, Framingham demonstrated the power of what scientists call a prospective study. A population in which heart disease had yet to become epidemic was picked. Its members were studied in many ways, not just biologically. The periodic examinations build up baselines for various psychobiological functions. These were watched for changes.

When an individual had a heart attack, he could be compared with his peers in the study group—both those who had had an attack and those who had not. The factors making for heart attacks could be ferreted out.

This kind of study is prospective because no one knows who will be a heart attack victim. In a retrospective study, the victim is the starting point. He is studied intensively after the attack. But preattack measurements of, say blood components may be not available. Moreover, if they are available, they probably are not available on a standardized basis. Not only comparison between victims but also comparison between victims and nonvictims is impossible for lack of data systematically collected beforehand.

Framingham can do this. In its refrigerators, containing 34,000 frozen blood specimens, Framingham has the capability of going back to blood first stored in 1951 to see if a constituent discovered or first deemed important in 1969, for example, existed in a volunteer's blood a decade before he had an attack. NIH once described Framingham's files as containing baselines for "irreplaceable" experiments of nature.

Some 22 volumes of data and analysis have been put out by the Framingham investigators. They cover heart disease and some other diseases, for Framingham found, as time marched on, that it had marched beyond coronary heart disease. In addition to the 334 volunteers who suffered heart attacks, some 160 have had strokes.

"The study of stroke itself," said the Lilienfeld review group, "would be of sufficient importance to justify continuation of the follow-up of the Framingham cohort for another 10 years." Looking even further, it recommended consideration of the feasibility of monitoring the deaths of offspring and siblings of volunteers as part of an attempt to define familial patterns associated with chronic diseases.

A DOUBTFUL ALTERNATIVE

All of this suggests that Framingham has outgrown its 1949 origins in the National Heart Institute as a coronary disease study. If this is true, as Dr. Lilienfeld thinks, then NIH's argument for the phaseout—that Framingham has pretty much accomplished its original mission—is beside the point.

The NIH administration says it would be happy to have a Boston medical school take Framingham under its wing as a stroke study, but the school would have to win a grant priority from an NIH study section composed of nongovernment scientists. Would a study section be inclined to vote support for a project on a grant basis when that project had been killed as an NIH intramural function?

NIH grants are on short fiscal rations. Even if a grant priority were obtained, it probably would not be high. Typically, NIH gives low priority to epidemiology studies, Dr. Lilienfeld says.

The possibility of a consortium of intramural sponsors has been raised. The National Institute of Neurological Diseases and Stroke, the National Institute of Mental Health and the National Institute of Child Health and Human Development might be able to put together enough money to continue Framingham. However, all institutes are said to be short of "slots" because of government-wide restrictions on replacing departing employees. (The heart institute was particularly hard hit on this score.)

NICHD, for example, is hard put to fund and staff adequately its own prospective study at the Gerontology Research Center in Baltimore. A House appropriations subcommittee recently noted that this study of aging in more than 600 men is conducted in a specially built structure that is one-third unused because of budget austerity.

A PRESIDENTIAL PREROGATIVE

In sum, then, Framingham's future appears "iffy." The study population seems likely to outlive the study unless Congress steps in. Under Sen. Warren Magnuson (D-Wash.), a Senate appropriations subcommittee may heed cries of Dr. Lilienfeld, the American Heart Association, the American College of Cardiology and the American Patients Association to keep Framingham alive.

In the long run, however, Framingham's fate is up to President Nixon. He can refuse to spend the money even if Congress earmarks it. Although emphasizing a need for preventive services to minimize high-cost hospitalization, the Nixon administration apparently has been unimpressed by the relationship of Framingham to the development of preventive medicine.

In testifying before Sen. Magnuson, Secretary Robert H. Finch of the Department of Health, Educaton and Welfare loosely referred to Framingham in his prepared text as "a long-term study of heart disease among middleage males." Actually, Framingham is the largest study of heart disease in women as well as men.

Finch said the decision to phase it out was NIH's. But that decision was not made until the Nixon administration decided last spring to pare $38 million from the Johnson NIH budget of $1.484 billion. In addition, the hold on staff replacements became tougher at that time. All told, NIH ends up with $217 million less than it asked for fiscal 1970. And its staff is 5 per cent under the June, 1968, level.

Dr. Lilienfeld says that "in terms of national priorities and its own role in research, NIH has a great contribution to make in epidemiology. It should do those things that other institutions cannot do as well—the conduct of expensive, long-term studies." These require long-term commitments from staffers and from the funding source, he adds.

"These studies are more within the province of NIH than are laboratory research projects that academic institutions can handle. Nobody else can do these epidemiology studies as well as government," he says. "But government wants to drop out."

[From the New York Times, Oct. 3, 1969]

BIG STUDY PROGRAM ON HEART ATTACKS TO CLOSE BECAUSE OF FUND SHORTAGE

(By Harold M. Schmeck Jr.)

WASHINGTON, October 2.—A major study program of the National Heart Institute, which has collected invaluable data on heart attack, rests for almost 20 years, is being closed down for lack of about $400,000 and about 20 staff positions.

The program, the Framingham heart disease epidemiology study in Framingham, Mass., is internationally known for its work. Stringent budget and manpower limits are forcing the institute to close it down, a spokesman confirmed today.

The decision was made recently in the course of budget reviews.

Since 1949 the program's scientists have been collecting data on about 5,000 men and women in their 30's, 40's and 50's who live in Framingham.

It is believed there is no comparable study population in the United States on which a like amount of data has been collected. There are other community studies of heart disease, but most of them concentrate on men in specific occupation groups.

The Framingham study had provided important data on such factors as high blood pressure, cigarette smoking, obesity and the concentration of cholesterol in the blood as indexes of the risk of serious heart disease.

Generally speaking, the risk of heart attack and death from coronary heart disease rises with these factors and with combinations of them. This kind of information has helped doctors identify high-risk patients early so that corrective measures can be taken.

For example, if a middle-age patient smokes heavily, has high blood pressure and is seriously overweight, the doctor can tell him what the odds of a heart attack are and how they may be improved.

Much of the data that could be expected on heart disease have been obtained by now. In recent years, data of the same sort have been accumulating on stroke and other circulatory problems because strokes tend to occur later in life than heart attacks.

The Framingham program is scheduled to be phased out by June 30, 1970.

After that, a small staff will be maintained to compile records on members of the study population who die or are hospitalized, but it will not be possible to collect the thorough data obtained in the past.

Since 1949 each person in the group of Framingham residents has been given a thorough physical examination every two years so that the scientists can observe the progression of health and disease as the individual grows older.

The closing seems to preclude the possibility of collecting data on stroke comparable to those collected on heart disease since 1949.

Dr. Robert L. Ringler, deputy director of the Heart Institute said today that the study would be a source of valuable information on strokes, which kill an estimated total of 200,000 Americans every year.

"Our position is that we recognize this," he said in answer to a query, "but we also recognize the dollar and personnel constraints."

Dr. Ringler said it cost roughly $400,000 a year to operate the program, which has a staff of about 27. He said the Federal ceiling on manpower was at least as important in the institution's decision as the limit on funds

The plan to close the program was not announced formally, but was noted briefly today in a newsletter called American Patient, published by the American Patents Association, a consumer group. Officials at the Heart Institute confirmed the report.

IMPROVED OPERATION OF FEDERAL-STATE-LOCAL SYSTEM OF GOVERNMENT

Mr. HUGHES. Mr. President, we are all aware that if our federal system is to function at the optimum level and adapt satisfactorily to changing times and needs, our concept of it must be continually reexamined and renewed. There is no more useful commentary than a thoughtful analysis of what is required to improve the operation of our federal-state-local system of government.

One of the most thoughtful recent statements on this subject was made by William G. Colman, Executive Director of the Advisory Committee on Intergovernmental Relations, in an address before the meeting of the American Bar Association Section of Local Government Law at Dallas, Tex. I ask unanimous consent that this provocative address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

MAKING OUR FEDERAL SYSTEM WORK: A CHALLENGE FOR THE 1970's

(By Wm. G. Colman, Executive Director, Advisory Commission on Intergovernmental Relations, Washington, D.C.)

"We shall be as a City upon a Hill, the Eies of all people are upon us"—From a sermon by John Winthrop, aboard the *Lady Arbella*, 1630.

Our ideal from the beginning was an exemplary system, a "City upon a Hill." But many of our inner cities at present are little better than mudsills of our society. Indeed, they have become the great mirror reflecting much—if not most—of what is ugly, urgent, and fearful in our governmental system.

The crisis of our cities in truth has become the crisis of our federal system, for the agonizing agenda facing us domestically faces our cities initially and most insistently. Seething racial unrest and civil disorder, burgeoning crime and delinquency, alarming differences in individual chances for a good education, and wide variations in housing and employment opportunities—these are the big issues being fought out at the local level. Yet, the manner in which we meet these challenges in the long run will largely determine the fate of the American political system. It will determine if we can maintain a form of government marked by partnership and wholesome competition among national, State, and local levels. It serves as the great "Challenge for the 70's."

Because these problems are so deep, complex, and intertwined with one another; because they involve more than the fate of our localities but that of federalism as well, it is proper at the outset to look briefly at the range of issues that beset local America—especially urban America.

THE AGONIZING AGENDA

The basic intergovernmental problems besetting urban localities form a five sided pattern. *First and foremostly*, political and fiscal fragmentation at this level has resulted in a monstrous mismatch of needs and resources. Yet, as Mr. Justice White noted in the *Midland County, Texas*, case, ". . . In a word, institutions of local government have always been a major aspect of our system, and their responsible and responsive operation is today of increasing importance to the quality of life of more and more of our citizens . . ." [1]

Within metropolitan areas, over 80 percent of the nation's bank accounts are located; over three-quarters of Federal personal income taxes are collected; and 80 percent or more of the value added by manufacture occurs. At the same time, in these same areas local government faces its fiercest challenge with increased crime and delinquency; schools that are becoming jungles of terror; neighborhoods that are blighted; poverty and disease that are rampant and with millions of our citizens feeling completely alienated from their local government. Above all, in these metropolitan areas, the doctrine of ordered liberty is most seriously challenged. How many of our urban citizens, in fact, accept the soundness of Charles Evans Hughes' precept that:

> . . . Liberty in each of its phases has its history and connotation. But the liberty safeguarded is liberty in a social organization which requires the protection of law against the evils which menace the health, safety, welfare, and morals of the people. Liberty under the Constitution is thus necessarily subject to the restraints of due process, and regulation which is reasonable in relation to its subject and is adopted in the interest of the community is due process . . .[2]

When historically tested tenents like this are in doubt then meaningful freedom is in doubt. Overall then, most of America's wealth and most of America's domestic problems, including a frontal challenge to freedom itself, now reside side by side in metropolitan areas.

Why then cannot this vast wealth be applied through vigorous social measures to meet the growing problems? Because, as every local, State, and Federal official knows, the resources exist in metropolitan jurisdictions other than those having most of the problems—or they exist in forms that localities cannot reach. Through a large portion of the country, this gap between needs and resources is a gap between central city and suburbs. Here the fact of jurisdictional fragmentation accentuates the problem of fiscal disparities. Local governments typically denote the power to tax and the power to spend for public purposes. With a jungle of jurisdictions in most metropolitan areas, we achieve a parallel pattern of fragmentation of the local tax base. Since the major source of revenue for most local functions is the property tax—especially for education—the fiscal disadvantage for the core city is all too clear. Increasingly populated by low income, nonwhite people, marked by a continuing exodus of businesses and moderate and upper income people to the suburbs, America's central cities are faced with the necessity of spending abnormal amounts per pupil for education and abnormal amounts per capita for such functions as sanitation, law enforcement, and welfare.

Second, the overall pattern of urban development generally has followed a disorderly, destructive, and distasteful course. It is a product of a relative *laissez-faire* land use policy on the part of larger jurisdictions and a generally potent but parochial interventionism or a purposive abstentionism on the part of local jurisdictions. The overall result of these policies, if such they can be called, has been a passivity on the part of government with respect to the migration of people, the concentration and location of industrial development, and the forging of urban growth policies.

Local governmental activities are marked largely by economic competition, exclusionary zoning, and building code anarchy. State governments usually have been indifferent to urban needs and rarely willing to challenge the parochial land use practices of their localities. The Federal role has been wholly confused and ambivalent. On the one hand, Congress enacts areawide planning requirements, strengthens representative regional bodies, adopts programs to assist the rehabilitation of central cities. On the other hand, the Federal-State highway program, FHA's activities, the failure to adopt an equitable relocation program, and various location decisions of the Department of Defense and other Federal agencies have not always given adequate consideration to overall urban development policies (and that is an understatement).

The result of all this at all levels has been to accentuate wrong-way migrational patterns of people and business; to forge a white- and high-income noose around increasingly black and poor inner cities; and to chain much of the rural America to a continuing course of gradual erosion.

Third, most, but not all, State governments have been hesitant if not fearful in grasping the urban nettle. As the road to the present urban hell was paved, many major sins of omission and commission can be ascribed to the States. Cities and suburbs, counties, townships, and boroughs alike are, after all, legal creations of the State. The deadly combination of restricted annexation and unrestricted incorporation; the chaotic and uncontrolled mushrooming of special districts; the limitation of municipal taxing and borrowing powers; the abdication of the all important police powers of zoning, land use and building regulation into the hands of thousands of fragmented and competing local governments—these are but a few of the byproducts of decades of State government's nonfeasance and malfeasance concerning urban affairs.

Some describe the States as "the great arch" in our federal system. In a strictly legal sense, this is an accurate description—insofar as localities are concerned. Yet more often from the local vantage point, the State has appeared like an infrequent visitor, slinking through back alleys, and blind to the real problems marching up the zesty thoroughfare of municipal life. A decade ago, Earl Warren explained all too well the results of State inaction and ineptitude:

"When the state governments fail to satisfy the needs of the people, the people appeal to the Federal Government. Whether the question is one of the advancement of human knowledge through research, of law and order, or the right of all persons to equal protection of the law, the Federal Government need become involved only when the states fail to act." [3]

Fourth, the imbalance of the intergovernmental revenue system has further complicated the life of local government officials. Yes, even State officials are not without this worry. Both the States and localities have been laboring under increasing handicaps as more of them strive to meet their growing responsibilities. The Federal income tax has funded a rapidly rising scale of domestic expenditures from the Federal budget since 1950 despite net decreases in rates over this period. State governments, dependent upon consumption taxes and moderate-to-low rate income taxes, have had to raise rates and impose new taxes time after time in order to keep abreast with increasing education and other domestic expenditures. Local governments have had to do likewise with property taxes and miscellaneous nuisance taxes. The political landscape has been strewn with defeated Governors, mayors, and county officials courageously committing suicide at the polls in doing what had to be done to increase the resources of government to meet, in part at least, the escalating service demands from an insatiable (and unappreciative) public. Yet, as former Governor Terry Sanford has observed: "Taxes, so unpleasant and so politically hazardous, constitute the red corpuscles of government."

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[1] *Avery* v. *Midland County*, No. 93, October Term, April 1, 1968.

[2] *West Coast Hotel Co.* v. *Parrish*, 300 U.S. 379 (1937).

[3] Mason and Beaney, *The Supreme Court in a Free Society*, page 310 (1959).

Fifth and finally, a phenomenal growth in what we might call "functional" government has occurred in recent years as a result of greater intergovernmental activity in areas like welfare, health, housing, education, and transportation and of a static or supine position on the part of top policymakers at the Federal-State-local levels vis-a-vis the administrators and pressure group supporters of the individual programs. Functional government reached its zenith in the mid-and late 1960's when Federal categorical grant programs passed the 400 mark. With each new category and subcategory, a new crop of specialists and subspecialists was spawned to administer and propagandize and few, if any, counterbalancing efforts were made to strengthen the position of the department secretaries, the governors, or mayors.

Functional specialists in each aided field typically consult with one another in the formulation of regulations for the aided program. Similar consultations produce draft amendments to enabling legislation and draft bills for completely new programs. The bypassing of general political leadership is not so marked at the Federal level because plans of the specialists must receive the approval of Cabinet officers and the Budget Bureau before transmittal to the Congress. In State and local government the story is different—with political executives being told that a grant is available if matching money can be raised and the accompanying package of regulations adopted. The lure of "50 cent dollars" is usually impossible to resist.

A MULTI-FACETED PROGRAM WITH A SINGLE PURPOSE

These then are five major factors that have generated an incredible and seemingly insoluble array of difficulties for local governments generally and especially for those in urban areas. These factors, however, also reveal the overall institutional agony of our entire intergovernmental system. Moreover, they serve as a stark reminder that even in this age of lunar exploration we have yet to enshrine the precepts of Jefferson's Declaration of Independence within the firm foundations and practices of Madison's constitutional order. From a historical, sociological, political, and certainly a legal vantagepoint, the quagmire of our cities is the major problem of the hour and each of these disciplines has its contribution to offer.

Let us focus then on the governmental and specifically the intergovernmental aspects of the problem. Over the past nine years, the Advisory Commission on Intergovernmental Relations has grappled with these and many other tension-ridden topics that impede effective Federal-State-local relations. As a bipartisan Commission, composed of 26 members from the public-at-large and all levels of government, it is actually a national body representing all levels and is not dominated by any one level of government.

In its several probes of the urban crisis, the Commission has developed an interrelated program of new intergovernmental initiatives—in short, a "Program for the Seventies." This program involves recommendations that seek to civilize local government's jurisdictional jungle; to restore fiscal balance in our federal system; to achieve a strong State urban commitment; to curb the vertical "functional autocracies"; and to achieve explicit overall national and State urbanization policies.

1. Facing up to fragmentation

Only the States have the power to rationalize and to render less harmful the complex array of overlapping governments found at the local level. To discharge this Herculean assignment, a wide variety of State and Federal statutory changes will be necessary, along the following major lines:

An "Arsenal of Weapons" in Permissive Authority Should be Provided to Local Governments to permit them to cope with the spread of population beyond jurisdictional boundaries. Such an arsenal should include authority to establish metropolitan area charter commissions, regional councils of government and multi-purpose areawide functional authorities; to annex more easily unincorporated territory; and to authorize counties to perform urban functions and to establish subordinate urban and rural service and taxing areas.

States Should Take Direct Action and Control to modernize local government, such as reducing numbers of special districts, arbitrating local boundary conflicts and regulating new incorporations. State or regional agencies should be empowered to order the dissolution or consolidation of local units of urban government that fail to meet certain statutory standards of economic, geographic, and political viability. Of the various proposals relating to improving the structure and pattern of urban local government, none is as far-reaching as this, and none spells out more clearly the State's responsibility for bringing greater order to the chaotic map of metropolitan America. The Federal Government, after all, can do little in this field. The Fourteenth Amendment stretches far but it seems doubtful that it extends quite this far.

Federal Incentives for local government modernization in the form of requirements for regional or metropolitanwide review of applications from individual local governments for Federal grants and bonus percentages in Federal matching where projects are tailored to a regional rather than a strictly local need.

2. Building fiscal balance in the American Federal system

Turning to the matter of money, the Commission finds that a massive rearrangement in the scale of fiscal resources available to the three levels of government is absolutely essential if the federal system is to remain viable. A strong partnership, after all, requires each of the partners to be strong, and this condition cannot be met if one partner has the bulk of the resources and the other two have the bulk of expenditures to meet. The realignment proposed by the Commission has four key elements:

Sharing of a percentage of the Federal personal income tax base with States and major localities (at a current scale of $5 billion annually) and with distribution according to population and tax effort. This would "federalize the Federal income tax," and is basically reflected in Title I of the Intergovernmental Revenue Act (S. 2483—91st Congress).

Assumption by the Federal Government of all costs of public welfare and medicaid ($6 billion in additional Federal costs). Welfare has become so interstate in nature and so dominated by Federal policy that only complete Federal financing makes sense.

Assumption by State governments of substantially all local costs of elementary and secondary education. This would help assure equality of educational opportunity, would release the local property tax for use in meeting growing noneducational costs, would halt much of the existing interlocal competition for industry and would mitigate exclusionary zoning practices directed against large, low-income families.

Encouragement of a high-quality, high-yield State tax system through a Federal income tax credit for State income taxes paid (at a current Federal cost of $4–6 billion annually). This would provide a strong incentive for more intensive use of the income tax by State governments and for a better integrated State-local tax system resting upon a strong income tax, a strong sales tax and an equitable and productive local property tax.

The cost in Federal revenues for restoring fiscal balance to the federal system would approximate $15–20 billion at current levels of expenditure. Federal categorical grants have risen by this amount over the past eight years. The Commission's proposals favor a restoration of balance and restoring a strong Federal-State-local partnership over a further willy-nilly massive growth in increasingly narrow categorical grants which already have become so dense a jungle that only the most sophisticated "grantsman" in State and local government can enter with any confidence. All this is not to say that revamped categorical grants have no place in the system. They do, and our strong sponsorship of the Intergovernmental Cooperation Act of 1968 (P.L. 90–577) as well as the proposed ICA of 1969 (H.R. 7366) underscore this belief.

3. More State muscle for solving metropolitan problems

A major part of the Commission's concern since its establishment in 1959 has been to urge an awakening by the States of their inescapable responsibilities for urban affairs, an awakening by the Federal Establishment to the fact that the country simply cannot be run from Washington, and recognition of the inescapable necessity of increased reliance upon those States ready to move ahead on the urban front.

Specifically, we have sought *Establishment of State Departments of Urban or Community Affairs.* Only by first providing administratively for a continuing concern and activity regarding urban affairs can the State government hope to manage a large-scale involvement in the problems of its cities. Such departments can also provide a focus of technical assistance to smaller municipalities and counties within the State. Some 20 States now have established such an administrative unit.

We have sought State Financial Underwriting of Urban Functions. The States must begin to pay part of the bill for urban redevelopment, housing code enforcement, mass transit, and other major urban functions just as they have been paying for years a part of the bill for State agricultural experiment stations, county agents, and rural roads. This, of course, requires a politically painful realignment of expenditure priorities within the State, but until it is done, "one man-one vote" is an empty phrase, and the chances for a strong State role in the federal system diminish.

—We have called for *Channeling of Federal Urban Grants Through the States* under certain circumstances. The Congress and the Federal executive branch must become selective in laying down patterns of intergovernmental relations surrounding Federal grants and must stop treating States like New York, Pennsylvania, and California in an identical fashion with Alabama, New Hampshire, and Wyoming. The Commission has proposed that Federal funds for urban purposes flow through the State where, and only where, two basic conditions are met: the provision of adequate administrative machinery and the provision from State general revenues of at least half the non-Federal share of the required funds. If the State chooses not to meet these two conditions, a Federal-local relationship should obtain with respect to the particular program. If it chooses affirmatively, then the existing Federal-local relationship would be changed to a Federal-State relationship.

—We have sought *Revitalization of State Legislatures.* In order for States to take timely and effective action on urban problems, highly important, complex, and controversial legislation must be enacted and continually amended. Yet relatively few legislatures are equipped constitutionally or administratively to do this, although progress in the past few years has been considerable. The Commission's proposals (paralleling those of several other organizations) call for annual sessions, year-round professional staffing and adequate facilities and compensation. Strong legislatures are an absolute prerequisite for strong State government and strong States are essential if the nation itself is to be strong.

More than a half a century ago, a great constitutional lawyer, Elihu Root declared:

"I submit to your judgment, and I desire to press upon you with all the earnestness I possess, that there is but one way in which the States of the Union can maintain their power and authority under the conditions which are now before us, and that way is by an awakening on the part of the States to a realization of their own duties to the country at large. Under the conditions which now exist, no State can live unto itself alone and regulate its affairs with sole reference to its own treasury, its own convenience, its own special interest."[4]

The Advisory Commission, in its various proposals relating to strengthening the States, has simply been applying this Root doctrine in a later period.

4. Political and functional autocracies: Seedbed of a new federalism?

A common theme associated with many of the Commission proposals is a move away from categorical programs and functional, and special purpose governmental institutions toward stronger general purpose government and political executives and legislators at Federal, State, and local levels. This theme is characterized by recommendations for revenue sharing and grant consolidation at the Federal level; shortening the ballot and strengthening the budget and planning processes at the State level; and curbing and consolidating special purpose districts and authorities at the local levels. It is also marked by proposals for a reorganization authority for the Governor, local planning staffs responsible directly to political governing bodies instead of independent commissions, and channeling of State aid funds in such a way as not to prop up or perpetuate small special purpose units of government.

The overall theme of strong legislative branches also relates to this attack on the New Feudalists. The call for periodic Congressional review of grants-in-aid, increased capability of State legislatures in the fields of legislative oversight and State planning—while directed primarily to other objectives—are also geared to ensuring that functional specialists discharge their responsibilities in a governmentwide and agencywide context.

All of these steps and more are necessary if top policymakers at all levels—the President and the Congress, the Governor and the legislature, the mayor and the council—are to be strengthened in a fashion that will permit them to withstand the mounting, parochial pressures that swirl around them. Top policymakers at all levels must be empowered to plan, pass, implement, and fund the vital programs that this and future generations of Americans demand. Effective Intergovernmental management innovations are crucial to both the executive and legislative branches and efforts to strengthen them on an interbranch, interagency, and interlevel basis should and must be examined, debated, and where meritorious enacted and executed.

5. Hammering out national and state urbanization policies

Increasingly apparent to political leadership and the business community is the necessity for some conscious public policies within which can be accommodated the tremendous scale of urbanization and redevelopment bound to occur in the final third of this century. To leave this pattern to chance—to competitive and contradicting policies of thousands of local governments—is to invite economic and social chaos. The Advisory Commission has proposed a large variety of individual measures at all levels of government to begin to fill this vacuum. They can be summarized as follows:

Formulation of a National Urbanization Policy. Institutional responsibility would be vested in the Executive Office of the President with an annual urbanization report from the President to the Congress and the people. At a minimum, such a policy would assure that individual Federal programs did not operate converse to national goals. Some possible new components for such a policy are suggested including: Financial incentives for industrial location in large city poverty areas and rural growth centers; migration allowances to facilitate population movement from labor surplus to labor shortage areas; preference in the award of Federal contracts to areas to which it is desired to attract population and similar preferences in the location of public buildings and other facilities; expansion of governmental assistance for family planning information to low income families; and initiation of new types of Federal support, under certain conditions, to large scale urban development and to the creation of new communities.

Formulation of an Urbanization Policy by Each Industrial State. State urbanization policies would be expected to include components comparable to those suggested for a national policy with the critical addition of a State land development agency empowered to acquire, hold, site develop and sell off land to private developers for use in accordance with a State's urbanization policy and with State, regional, and local land use plans.

Federal and State Action for Equitable Relocation of People and Businesses Displaced by Governmental Activity. One of the fuses leading to social explosion in urban ghettos has been the ruthless bulldozing of homes and small businesses for highway, urban renewal and other public works projects without adequate provision for relocation. Federal and State legislation is needed to assure the availability of standard housing, prior to the beginning of demolition and to provide adequate financial assistance and advisory services to those being relocated.

Increased State Rule in Building Regulation. The States must begin to bring order out of chaos in building codes through such means as State model codes available for local adoption without deviations, by licensing and training of building inspectors and by State assumption of these functions where qualified local personnel are not available.

Escalation to County Level of Local Zoning Authority. Authority to zone is quite often a major incentive to governmental fragmentation in metropolitan areas and use of this State police power by small local units has often resulted in widening fiscal and social disparities between central cities and suburbs.

CONCLUSION

A great act of collective affirmation placed us on the moon. A comparable series of acts—of even greater affirmation and involving far more people and officials—will be necessary if this "Challenge for the 70's" is to be surmounted. The multi-faceted agenda for the future of federalism—that I have laid before you—will test the creativity, the credibility, and the courage of this and future generations of American policymakers.

Whether their response will match those involed in the Apollo program depends in large measure on whether professions and associations like yours make this national challenge their top priority problem. To put it another way, let us join:

In revising radically the meandering maps of local governmental America;

In achieving substantial balance in our intergovernmental fiscal arrangements;

In converting our States into genuine commonwealths;

In curbing the parochialism of program specialists, pressure groups, and special purpose government and agencies; and

In beginning the tough task of devising relevant, realistic, and farsighted urban growth policies.

When grappling with this arduous assignment, let us be mindful that though we may never have been—nor ever will be—a "City upon a Hill," visualized by John Winthrop "the Eies" of succeeding generations of Americans certainly will focus on how well we face this urban challenge. Given what we know now of the spirit of the next generation, there is absolutely no reason to believe that they will be charitable in their assessment, if we falter, temporize, or stand frozen in fright.

Indeed, why should they? If, in this era, we can reach the moon, why can we not reach agreement on at least a minimum program to salvage Urban America? Our individual and collective response to this question will—in the long run—determine whether our constitutional heritage of ordered liberty, balanced government, and a geographic division of power can endure.

INDIVIDUAL RIGHTS AND INTERNATIONAL LAW

Mr. PROXMIRE. Mr. President, one of the most profound developments in 20th century international law is the increasing recognition of the human rights of the individual in international law. As the world has grown smaller through the development of rapid means of transportation and communication, concern for guaranteeing human rights all over the world has grown. The recent growth of concern for human rights in international law can be traced to the political developments attending the end of World War I.

In the Allied Powers' treaty of peace with Poland, that country resolved to protect certain racial, religious, and linguistic minorities within its boundaries. This was required of Poland as part of the Allies' determination to advance friendly relations between nations. Mistreatment of minorities by a state might antagonize its neighbors or other states, and thus provoke unnecessary wars. The most important precedent set by this treaty was that it recognized the obligations undertaken by Poland to protect its minorities were "obligations of international concern," not simply of national concern.

The pattern of the Polish Convention was followed in other peace treaties formally concluding the First World War and in several similar declarations and conventions. The responsibility for implementing the minorities treaties was lodged with the Council of the League of Nations.

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[4] Elihu Root, address delivered December 12, 1906, before the Pennsylvania Society of New York.

Following World War II and the establishment of the United Nations, concern for human rights became even greater. The Universal Declaration of Human Rights became the cornerstone for the promotion of international human rights by the United Nations. The importance of this declaration has been considerable. In the peace treaty with Japan signed in 1951 Japan promised to strive to realize the aims of the Universal Declaration. In 1954, Italy and Yugoslavia undertook to govern Trieste in accordance with the provisions of the Universal Declaration. More than 30 countries have adopted sections of the declaration as a part of their constitutions.

Mr. President, the United States cannot afford to stand in the way of further progress in promoting human rights. Great strides have already been made, but new guarantees are needed. Ratification of the three conventions covering genocide, forced labor, and political rights for women will represent a great advance. The United States cannot allow itself to be labeled as unconcerned about human rights. We can seize the leadership in this area once again if the Senate acts now. Further delay is simply unjustified.

THE DAVID LAWRENCE COLUMN ON VICE PRESIDENT AGNEW

Mr. THURMOND. Mr. President, the dean of American columnists, Mr. David Lawrence, published some extremely interesting remarks in the Evening Star of October 23, 1969, about the Vice President's right to free speech. Mr. Lawrence writes:

> Some of the so-called "liberals" may unwittingly be creating the impression that, while their kind of dissent comes under the heading of "free speech," the outspoken remarks of Vice President Agnew in recent days are not covered by the same kind of Constitutional privilege.

Mr. Lawrence has come right to the point. There is a kind of double standard prevailing today. Leaders of the Vietnam demonstrations have made the most extreme expressions of hatred and hostility toward the United States, statements which are lauded by their elders as mature and significant statements of dissent, as veritable outpourings of just moral indignation. Anybody who disagrees with this evaluation is characterized as somehow lacking in moral principles and social consciousness. According to this view, one is supposed to sympathize emotionally with the protesters, even if he does not accept their statements fully.

In my judgment, the shrill minority that has been played up by much of the news media does not represent the opinion of the majority of our youth. The Vice President, in his remarks about the protesters, was careful to distinguish between the hard-core militants and the misguided followers. His critics do not care about distinctions. They apparently wish to make it appear that the minority of deviants truly represent our American youth. Moreover, the Vice President's critics appear to identify with this adolescent protest themselves. They object to his characterization of the protesters because they like to think of themselves as part of the self-appointed elite which he is criticizing. I find it difficult to understand what grown men think they can accomplish by aiding and abetting adolescent rebellion.

In this morning's newspaper, an article says that the Vice President refused permission to his 14-year-old daughter Kim to participate in the October 15 marches. The Vice President is quoted as saying that she got over her displeasure in a day or so. Thousands of other adolescents would have gotten over their displeasure in a day or so if their parents had displayed a like assertion of their proper parental authority. Psychologists tell us that many rebellious adolescents are actually rebelling against the lack of firm authority which they need for proper development. I commend the Vice President for his example, and I would hope that more parents would follow it.

Nevertheless, the adult supporters of the youthful protesters are in the same position as parents who abrogate their proper role. How can our youth respect an authority which shirks its duty? When we have national leaders encouraging mindless rebellion, and indeed manipulating it for purely political purposes, without regard for this Nation's welfare, then we can have no reason to expect either superficial peace in the Nation, or the enduring law and order which is the free and voluntary expression of the human heart.

I, for one, believe that the Vice President's remarks generated such an emotional reaction in some quarters simply because he was accurate and correct in his observations. In other words, he hit the nail on the head. Those who took exception to them were strangely offended and left revealed by his candor and perception.

Mr. Lawrence's column discusses the double standards involved with great precision. I recommend it to all Senators.

Mr. President, I ask unanimous consent that the David Lawrence column entitled "Agnew's Right to Free Speech," published in the Evening Star of October 23, 1969, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AGNEW'S RIGHT TO FREE SPEECH

(By David Lawrence)

Some of the so-called "liberals" may unwittingly be creating the impression that, while their kind of dissent comes under the heading of "free speech," the outspoken remarks of Vice President Agnew in recent days are not covered by the same kind of constitutional privilege.

One Democratic senator now says that when Mr. Agnew, in a speech in Mississippi, declared that school officials had made "a strong case" for delaying desegregation in certain districts, this was an "unwarranted, unethical and grossly improper" attempt to influence the Supreme Court. He suggests that the vice president should devote his time to his "only constitutional duty"—namely, presiding over the Senate.

But the vice president of the United States has additional duties. He has the task of understudying the President and training himself for a job that fate may suddenly require him to take over.

Spiro Agnew announced immediately after election that he was an independent-minded person who would say what he believes, whether or not it agreed with the views of the President. He has the right, of course, to make speeches, and surely it will be conceded at least that he can talk on any subject that a senator can tackle in a public speech.

Only this week, Sen. Sam J. Ervin Jr., D-N.C., declared that constitutional government would perish in the United States if trends set by the Warren Court are not reversed. He prepared a detailed criticism of the legal course set by the Supreme Court and made a public address about it.

The vice president, as presiding officer of the Senate under the Constitution, would seem to be permitted the same rights as any member of the upper house. Senators have never put a limit on the topics they discuss in public speeches, and the vice president certainly has a similar privilege to delve into any subject, however controversial it may be.

Agnew made a speech, for instance, in New Orleans last week that aroused nationwide attention. He condemned the proponents of the Vietnam "Moratorium" and said that the demonstrations were encouraged by "an effete corps of impudent snobs who characterize themselves as intellectuals."

The vice president, speaking at a fund-raising dinner for the Republican party, was endeavoring to defend the Republican administration against the attacks of political opponents. Agnew said that today "subtlety is lost and fine distinctions based on acute reasoning are carelessly ignored in a headlong jump to a predetermined conclusion." He added:

"Thousands of well-motivated young people, conditioned since childhood to respond to great emotional appeals, saw fit to demonstrate for peace. Most did not stop to consider that the leaders of the Moratorium had billed it as a massive public outpouring of sentiment against the foreign policy of the President of the United States.

"Most did not care to be reminded that the leaders of the Moratorium refused to disassociate themselves from the objective enunciated by the enemy in Hanoi."

Agnew is the kind of man who doesn't mind criticism. But he also doesn't hesitate to respond as he pleases to those who make what he deems fallacious and ill-founded attacks on the foreign policy of the United States.

As for "putting pressure" on the Supreme Court through public speeches, many senators have expressed themselves frankly about the departure of the high court from the proper exercise of judicial authority. President Nixon himself said recently there is a need for justices who will interpret the Constitution strictly and not assume legislative functions.

President Franklin D. Roosevelt in the 1930s not only discussed what he felt were the shortcomings of the Supreme Court of that period, but sought from Congress the enactment of legislation which would enlarge the court from nine to possibly fifteen members and enable him to pick justices whose views were in accord with his own and thus attain a "liberal" majority.

It hardly seems consistent for the "liberals" today to deny either Vice President Agnew or anybody else the right to discuss public issues on which the Supreme Court may have to rule or the right to make speeches denouncing protest movements, especially those which have the effect of giving aid and comfort to the enemy in the midst of a war.

CYCLAMATES AND MONOSODIUM GLUTAMATE

Mr. McGOVERN. Mr. President, I ask unanimous consent to have printed in the RECORD a number of news items published recently relating to the Food and Drug Administration's regulation of food additives, particularly the cases of cyclamates and monosodium glutamate in baby food. During hearings of the Select Committee on Nutrition and Human Needs this past summer, extensive testimony was heard about the FDA's management of its Generally Regarded As Safe—GRAS—food additive list and about the uses of cyclamates and monosodium glutamate.

After the testimony had been taken, I expressed considerable concern to the FDA Commissioner, Dr. Herbert Ley, that the question of using monosodium glutamate in baby food should be further examined as quickly as possible and that until the question was resolved that the substance be removed from baby food either voluntarily by the companies or at the request of the FDA. The Commissioner responded that the question would be studied by the National Academy of Sciences but that no immediate action would be taken. The companies also responded that they would await the findings of the Academy.

During the last several weeks, however, the situation changed. First, there was Secretary Finch's action to remove cyclamates from the GRAS list. Then there was extensive coverage—by the major television networks and some of our leading daily papers—of the question of monosodium glutamate in baby food. This resulted, last Friday, in an announcement by the FDA and the major baby food companies that they were removing monosodium glutamate from their products until tests on its safety were completed. I applaud that action by the FDA and the companies. I only wish it had come sooner. I also applaud the television and press people for the public service they rendered.

I hope that these actions in regard to cyclamates and monosodium glutamate and the GRAS list in general, mark the opening of a whole new approach to the issue of food additives. From now on, I hope that the FDA will follow a policy of approving additives for use only after they have been tested and proved safe. This is a matter of great importance affecting the health and well-being of all Americans. It is a matter to which the select committee will continue to give attention and on which I feel certain that it will make some important recommendations.

I also ask unanimous consent to have printed in the RECORD, along with the news article, a statement I made on the GRAS list last Friday.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

FDA TO RESTUDY FOUR SUBSTANCES—SACCHARIN, SALT, MSG AND STARCH TO BE EXAMINED

(By Harold M. Schmeck, Jr.)

WASHINGTON, October 22.—The Food and Drug Administration is restudying saccharin, monosodium glutamate and two components of baby food in the aftermath of the decision to halt general use of the cyclamates, widely used artificial sweeteners.

The drug agency has asked its experts to go through the entire list of food additives that are generally regarded as safe and report, as soon as possible, whether further testing will be needed on any of them.

Saccharin, the only remaining nonnutritive sweetener on the list now that cyclamate has been removed from it; monosodium glutamate, a flavor-enhancer, and modified starch and common salt, which are used in baby foods are high-priority items on the second-look roster.

When the announcement was made last week that cyclamate would be withdrawn from general use, Dr. Herbert L. Ley, Jr., Commissioner of Food and Drugs, noted that very little valid information was available on saccharin, although it has been in wide use for about 50 years.

Today, Winton B. Rankin, deputy commissioner, said it seemed probable that some further testing would be needed to insure that saccharin merits its present clean bill of health. This will not be determined, however, until the F.D.A. experts have gone through all the scientific literature pertaining to the substance to see what testing has been done already and what gaps in knowledge may exist.

NEW DIET ADDITIONS

He said that monosodium glutamate and modified starch were more recent additions to the American diet and it was possible that all the necessary testing had already been done on them. Again, the drug agency staff will search the literature to find out whether or not this is true.

Modified starch is ordinary starch that has been altered chemically to modify such properties as its thickening or jelling characteristics. It is used in prepared foods for adults as well as in baby food, but the F.D.A. is particularly concerned over its safety in the latter use.

Mr. Rankin said some of a baby's organs were not entirely developed and could be affected differently from those of an adult. Furthermore, giving any food item to a baby raises the possibility that it will be used throughout his entire lifetime. Such potential long-term use raised safety issues distinct from those of shorter-term adult use.

Opponents of the use of salt in baby food have argued that babies cannot taste the salt and that it is put in the product to make the food taste better to the mother. Some nutritionists believe that Americans use more salt than is good for their health and that starting to consume it in babyhood simply makes the situation worse.

In recent years there has been some controversy over the safety of monosodium glutamate. It is used widely in oriental foods and has been linked to the so-called Chinese restaurant syndrome—burning sensations, a tightness in the head, occasional headaches and chest pain experienced sometimes by some persons who eat in Chinese restaurants.

Altogether there are several hundred items on the F.D.A.'s lists of substances generally recognized as safe for their intended use. These range from aluminum calcium silicate, used as an anticaking agent in table salt, to caffeine and ordinary sodium bicarbonate.

NUMBER IS NOT KNOWN

The drug agency is uncertain how many of the items will have to undergo further testing. Mr. Rankin said he expects that the number will be small. Not until the newly started literature search has produced some results will it be known what kind of tests will be required or who will do them.

One standard procedure is to feed the substance being tested to at least two species of laboratory animals during the animals' normal lifespan and compare their health and growth with animals fed the same diets minus the key item.

What does seem clear, however, is that any new nonnutritive sweetener that becomes a candidate to replace the cyclamates will have to undergo thorough and extensive testing before it goes into use. Several artificial sweeteners have been under development in recent years. At least two such items have been developed from citrus fruit extracts, according to an article in Chemical and Engineering News.

One of these was developed from a bitter substance in grapefruit. Far more powerful, however, is the other one extracted from Seville oranges. It is said to be 2,400 times as sweet as ordinary table sugar.

The article, by Howard J. Sanders, a senior editor of the magazine, said more than a dozen artificial sweeteners had been the subject of active research. None could be used in food without long and expensive safety testing first.

DOSES OF MONOSODIUM GLUTAMATE FOUND TO AFFECT BRAINS OF MICE

(By Harold M. Schmeck, Jr.)

WASHINGTON, October 23—A scientist in St. Louis said today that he had fed infant mice monosodium glutamate in amounts greater than those in baby food and had produced brain damage in the portions of the mice's brains regulating appetite.

Monosodium glutamate is a food enhancer.

The area in the rodents' brains that was affected, according to the scientist, was the hypothalamus. Among other things, the hypothalamus has the function of controlling the desire for food and water.

Dr. John W. Olney, assistant professor of psychiatry at the Washington University School of Medicine, said this new evidence, added to research he has done previously, had convinced him that the widely used substance should be removed from baby food. The same view was expressed independently today by Dr. Jean Mayer, internationally known nutritionist.

However, two executives of companies that manufacture baby food entered demurrers.

The first, Imri J. Hutchings, general manager for research of J. H. Heinz Company, said he doubted that Dr. Olney's research was applicable to man.

Daniel F. Gerber, chief executive officer of Gerber Products Company, also expressed doubt that monosodium glutamate had any potential harm for human beings.

Dr. Mayer is director of the first White House Conference on Food, Nutrition and Health. It will be held here in December.

Asked about monosodium glutamate at a luncheon today at the Women's National Press Club, he said that there had not been any evidence that the flavor enhancer, usually called MSG, had any dangerous effects on man. High concentrations of it do have effects on baby animals, he said, causing damage to the part of the brain called the hypothalamus. Among other functions this regulates food and water intake.

The scientist, a professor of nutrition at Harvard, said he would favor taking the substance out of baby food if there was the "slightest presumption of guilt," even though unproven. In answer to a question, he said bluntly: "I would take the damn stuff out of baby food."

During a telephone interview, Dr. Olney said he had tube-fed mice an amount of sodium glutamate about five times as great as that found in a 4½ ounce battle of baby food and he found brain damage in seven of nine animals.

At higher dosages he got substantially higher percentages of brain damage.

CELLS ARE KILLED

Specifically, he said, cells were killed in the hypothalamus. If this kind of damage occurred in a human infant, he said, it might pass unnoticed, but later the individual might have obesity problems or impaired fertility.

Dr. Olney said he had been attracted to research in this area by the observation that infant animals injected with MSG often become obese later in life. Last spring he reported that injections of the substance under the skin of baby mice produced brain damage. Testimony on this point was presented to the Senate Select Committee on Nutrition and Human Needs.

A logical step was to see whether or not the same effect could be produced in a primate, because these animals are far closer to man, genetically, than are mice. Dr. Olney and a co-worker, Lawrence G. Sharpe, published a report confirming that this can be done, in the current issue of Science, weekly journal of the American Association for the Advancement of Science.

Damage to nerve cells in the hypothalamus of an infant rhesus monkey were produced after an injection of a relatively heavy dose of MSG, the report said.

The details of the production of similar lesions by the feeding of infant animals has not yet been published although it has been submitted to a scientific journal. Dr. Olney said the research had already been reviewed by a pathologist of the Food and Drug Administration.

Today this was confirmed by the pathologist, Dr. Howard Richardson of the F.D.A. Bureau of Science. He said the evidence he was shown clearly showed brain damage.

Dr. Richardson said the fact that the effect was attributed to a single feeding of the substance was particularly interesting because it showed that "a single insult" to the infant animal body from the chemical could produce such a result.

Dr. Olney said the 10-day-old mice were tube fed because they had not yet been weaned. He said their development age is about that of a three-month-old human infant. The dose of MSG with which he produced nerve cell death in seven of nine of the baby animals was one half gram per one kilogram of body weight. This is a small amount that he said is about five times the amount of monosodium glutamate to be expected in a 4½ ounce jar of some baby foods.

This afternoon Mr. Hutchings said he was familiar in general with Dr. Olney's research, but did not consider it at all applicable to man.

He said infants were not likely to get baby food that contained MSG before the age of five months because the substance is used primarily in vegetable and meat mixture. At that age, he said, the human brain is far more developed and thus, presumably is less likely to be harmed.

Furthermore, even at that age, he said, the amount of MSG a baby would eat would be extremely small in relation to the amounts the animals received.

Mr. Gerber also expressed doubt that the substance had any potential for harm to human beings.

"We want to find out the truth whether it is harmful or not," he said. "If we find that it is harmful we certainly will eliminate it. We don't feel, at the levels we are now using, that there is any indication that it is harmful."

Mr. Gerber said he thought industry in general would stop using the substance if there was any valid evidence that it is harmful.

[From the New York Times, Oct. 25, 1969]

Makers of Baby Foods Curtail Use of Monosodium Glutamate

(By Sandra Blakeslee)

The makers of Gerber, H. J. Heinz and Beechnut baby foods announced yesterday that they would no longer put monosodium glutamate, a popular food flavor enhancer, into their products pending further study of the chemical's safety.

The safety of monosodium glutamate was called to question Wednesday by Winton B. Raskin, deputy commissioner of the Food and Drug Administration. At that time Mr. Raskin announced the agency's intention to review at least four food additives, monosodium glutamate among them, that have been widely regarded as what are known as GRAS food additives—"Generally Recognized As Safe."

It may be that monosodium glutamate is not so safe after all, Mr. Raskin said. A St. Louis researcher has found that large doses of the substance fed to infant mice causes damage to that part of the rodent's brain that controls appetite.

In announcing their moratorium on the use of monosodium glutamate, the three largest producers of baby food in the United States were all critical of recent publicity about the substance. They said that the public had been unnecessarily alarmed and confused by the "unconfirmed body of evidence" against the chemical's use.

The Heinz Company, for example, said it planned to discontinue the use of monosodium glutamate in current packs "in full confidence that industry practice will be vindicated by scientific findings of a more valid order than those that have been used to promote the current controversy."

The study implicating monosodium glutamate and brain damage in mice was carried out by Dr. John W. Olney, an assistant professor of psychiatry at the Washington University School of Medicine.

A further criticism of the chemical was voiced yesterday by Senator George S. McGovern, who heads the Senate's Select Committee on Nutrition and Human Needs.

"MSG does not serve any nutritional purposes in baby food," the Senator said, "and there is no need to take any risk with a child's health until it has been proven safe."

It is generally recognized that monosodium glutamate is added to baby food to make it more palatable to the mother.

Senator McGovern also criticized the Food and Drug Administration for taking a "timid" approach to the question of the safety of food additives.

"Food additives are permitted for use without advance proof of safety and manufacturers are allowed to decide for themselves whether they have to prove products are safe before selling them," he said.

"What we really need," the Senator said, "is to change the name of the GRAS list to the PAS list instead—Proven As Safe."

SIX HUNDRED EIGHTY INGREDIENTS ON LIST

There are currently 680 food ingredients, including monosodium glutamate, on the GRAS list. That is, they are considered safe enough by the F.D.A. to be used by food manufacturers in any desired amount. Other GRAS additives are salt, pepper, cinnamon, cloves and a wide range of spices and organic chemicals.

Another 2,000 food additives are liberally used in food production but must meet Government regulations and minimum standards after a long testing procedure.

Monosodium glutamate was put on the GRAS list nine years ago when the F.D.A. revised its system of reviewing food additives. Experts reviewing the list of GRAS additives at that time believed the chemical to be a harmless substance that had proved itself to be safe after thousands of years of use by cooks throughout the world.

No one knows when monosodium glutamate was first found to enliven the taste of foods—especially meat and vegetables—although the Chinese have cooked with it since antiquity.

FOUND IN SEAWEED

Then, in 1908, Dr. Kikunae Ikeda of Tokyo University recognized that a chemical he had isolated from a certain type of seaweed—monosodium glutamate—was the active agent that enhanced food flavors. The Japanese had been crushing the seaweed for centuries to obtain the flavor enhancer.

After Dr. Ikeda made his discovery, scientists began to look for ways to extract the substance from natural foods, generally found in those rich in carbohydrates, and purify it for later addition to foods.

A process of extraction was used for many years and then replaced by a fermentation process, which is how most of the monosodium glutamate is manufactured in the United States today.

American housewives and food manufacturers purchased approximately 43 million pounds of monosodium glutamate last year, which is only a small part of the total world consumption of 180 million pounds. The average American ate less than the two ounces of the chemical last year, which is one-fourth the amount consumed in a year by most Asians.

Monosodium glutamate, which is a naturally occurring chemical substance that a chemist also calls a sodium salt of an amino acid, has baffled scientists trying to figure out precisely how it works to enhance food flavor. What they know is that when it is added to food, food tastes better.

According to many experts, it might be that the substance stimulates sections of the taste buds or that it stimulates saliva flow.

Although monosodium glutamate is tasteless in small amounts, it can have a slightly meaty flavor when eaten in larger doses. The flavor may result from impurities in processing but the scientists are not even sure of this. Perhaps the meaty flavor, some scientists have said, that causes the substance to make food taste better.

Researchers know that monosodium glutamate works best to enhance the flavor of foods high in protein, and it is fairly useless in starchier foods. They guess that the chemical acts to replace glutamate, which is found in highest concentrations in high protein foods, when it is cooked or processed out of such foods.

Baby-Food Makers Halt Use of Additive—Gerber, Beechnut, Heinz Respond to Demand by McGovern on Monosodium Glutamate

WASHINGTON, October 24—Senator George S. McGovern (D., S.D.), chairman of the Senate Committee on Nutrition, today recommended an overhaul of government practices which permit sale of more than 680 everyday food additives without requiring safety tests.

The special, government-exempt list of additives included cyclamates until last week, when this type of artificial sweetener was banned because of a high incidence of animal cancer found in laboratory experiments.

EXPECT VINDICATION

Gerber Products Company, the nation's largest maker of baby foods, said it is discontinuing the use of monosodium glutamate, "because a tremendous amount of unwarranted publicity has served to confuse the consumer."

Meanwhile, Beechnut, Inc., announced it had discontinued the use of monosodium glutamate in all products "pending the outcome of the studies just initiated by the Food and Drug Administration." A spokesman for the firm said only a minimal amount of the substance was included in a few of the company's baby foods.

The H. J. Heinz Company announced that "in deference to public concern" it would discontinue the use of MSG "in the limited number of its baby-food products" in which it was used. A company spokesman said the firm had "full confidence that the industry use of MSG will be vindicated by more accurate and scientific findings than those now available."

In making his recommendation, Senator McGovarn termed the exempt list of additives "a never-never land of non-regulation."

"Food additives are permitted for use without advance proof of safety," he said in a prepared statement. "And manufacturers are allowed to decide for themselves whether products are safe before selling them."

ALL TYPES OF ADDITIVES

The long used additives on the list—ranging from the well-known monosodium glutamate to the little-known preservative butylated hydroxytoluene—enjoy congressional exemption from animal safety tests required for government approval of most new additives.

Representative Paul G. Rogers (D., Fla.), a ranking member of the House public health subcommittee, said today and added that a panel of the World Food and Drug Administration examination of the list is insufficient.

He called instead for an "immediate and systematic review in clinical testing of all chemicals" on the exempt list. And the Health Organization has reported "possible harmful effects" from two color additives now on the exempt list—benzyl violet and Ponceau SX or Red No. 4, used in maraschino cherries.

Benzyl violet is possibly linked with cancer, Mr. Rogers claimed.

SPICES NO DANGER

The safety of most additives on the list, some of them century-old cooking aids such as spices, never has been seriously challenged. But cyclamates were on the market for 17 years before tests showed they increased the incidence of cancer in rats.

A high-ranking official of the Food and Drug Administration agreed with Senator McGovern's description of the exempt list.

"The list is indeed a land of non-regulation," the official said.

"It is bad first because it permits additives in foods without advance proof of safety, and second because it allows additive makers to decide for themselves whether they must prove their products safe before they sell them."

Commissioner Herbert L. Ley, Jr. of the FDA followed up last week's cyclamate ban with a promise to examine the special additives list and conduct any laboratory tests that seem necessary.

The FDA will focus on MSG, the widely used taste-enhancer found in baby foods, among other places. MSG in high dosage has been found to cause brain damage in infant animals.

Earlier, Senator McGovern * * * about MSG are resolved, it "should be removed from baby food or the amounts in baby food drastically reduced."

Dr. Jean Mayer, President Nixon's chief nutrition adviser, has said yesterday that the "stuff should be removed" from baby food.

Mr. Ley, however, believes MSG still has a place in baby food: "Our present position is based on the lack of adequate data that would implicate MSG as being harmful to human infants when ingested in amounts currently in use."

Senator McGovern said the action against cyclamates "opened a Pandora's box in the food additive field.

PROVE ALL SAFE

"Now that the box is open it should not be closed until every food additive in it is proven safe beyond doubt for human consumption," he said.

"If the FDA needs more authority or resources to do that job, Congress should give either or both.

"In the last analysis, the FDA should apply the same test to food additives as to drugs. They should be proven safe before they are approved for public use."

The National Academy of Sciences estimates that 2,000 chemicals are employed as additives. They are generally intended to retard spoilage, add nutritives, enhance flavor and make foods look better.

RISE AND FALL OF CYCLAMATES

(By Morton Mintz)

Cyclamates have been "more widely and thoroughly studied than any of the . . . food additives in present use . . . more widely studied than any other food substance—natural or synthetic—with the possible exception of the amino acids."

—Joseph C. Lowey, an Abbott Laboratories marketing executive, at a seminar on non-nutritive sweeteners, Oct. 8, 1969.

"If there is slightest presumption of guilt" about a food additive, "I just would not put it in the food."

—Dr. Jean Mayer, special consultant to the President on nutrition, at the Women's National Press Club, Oct. 23, 1969.

The bittersweet saga of cyclamates began in 1937 when Michael Sveda, a chemistry student, decided to satisfy his curiosity about why there was a sweet taste in a cigarette he had laid down on a laboratory bench at the University of Illinois. Eventually Sveda traced the sweet taste to the salts of what came to be called cyclamates.

About 1950—a time when pre-marketing clearance for safety was not required for additives under the food and drug law—Abbott Laboratories, a North Chicago, Ill., firm which would become far and away the largest producer of cyclamates—introduced the first commercial cyclamate product. This was a 125-milligram tablet for sale by druggists.

With this cyclamates became a competitor to saccharin, the first synthetic sweetener, which was discovered in 1879. Although saccharin has a sweetening power 350 times that of sugar (and more than 10 times that of cyclamates), its popularity was limited by the objectionable after taste it left in the mouths of some users.

During the 1950s, cyclamates became popular in commercially produced foods and beverages intended for patients with diabetes and high blood pressure.

Not until about 1963, however, did the cyclamates—by then freely available for general use—achieve wide acceptance among the general public. In 1963 about 5 million pounds were produced. Last year, with 12 million pounds produced, cyclamates were in three out of four households.

Sales of products containing cyclamates soared, exceeding $1 billion last year.

A week ago, the whole structure toppled. At a press conference, Robert H. Finch, Secretary of Health, Education and Welfare, confirmed earlier rumors with a stunning announcement: He was ordering an immediate stop to production of cyclamate-sweetened products.

He also set deadlines for a phased recall of such products from distribution pipelines: Jan. 1 for beverages (which contain the highest levels of cyclamates), Feb. 1 for foods (ranging from frozen desserts to pickles) and July 1 for vitamins (so casual has the attitude toward cyclamates been that the Food and Drug Administration admits it failed to enforce requirements that the presence of cyclamates be disclosed on the label of vitamin containers) and drugs (mainly antibiotics).

CANCER IN RATS

The reason was a surprise discovery of bladder cancer in rats treated with massive doses of the chemicals.

The cyclamates are only one among possibly hundreds of food additives whose safety has been taken for granted. But there are troubling reports about others, particularly monosodium glutamate (MSG). The concern has focused on the use of MSG to enchance the flavor of processed baby foods, which may please mother but is a matter of indifference to infants with undeveloped taste-buds.

A key date in the cyclamate study in the late 1940s when three FDA scientists began to feed a large number of rats a mixture of cyclamates and saccharin over their two-year lifespan.

In a report published in 1951, the scientists—Drs. O. Garth Fitzhugh, Arthur A. Nelson, and John P. Frawley—concluded that there was no cause for concern. This study is of special interest because of the reliance placed upon it in the succeeding two decades.

In a report last November, for example, the Ad Hoc Committee on Non-Nutritive Sweeteners, a unit of the Food Protection Committee of the National Academy of Sciences-National Research Council, termed the study "wholly satisfactory." And went on to conclude that there was "no evidence" that either cyclamates or saccharin are carcinogenic (cancer-producing).

It now turns out that the NAS–NRC had never been given data on the incidence, variety and other specific findings involving possible tumors in the rats.

In contrast, anyone wishing to market an additive not on the GRAS list must provide extensive safety studies, including, if the FDA deems it necessary, feeding trials in man.

In 1962, the NAS–NRC Committee, in a second review, noted that there was "no clear justification for the use of artificial sweeteners by the general public as a weight-reducing procedure.

NO HELP FOR DIETERS

This observation has been bolstered by clinical evidence that cyclamates commonly stimulate the appetite.

In 1965, the FDA in a public statement said there was no evidence that cyclamates are a hazard to health.

In 1966, two events, superficially unrelated, raised warning signals about additives:

In Quebec City and in Omaha, Neb., 38 long-time and very heavy beer drinkers died. Their hearts were found grossly enlarged. The cause was a mystery. Finally, Canadian scientists traced the deaths to the use of cobaltous salts, an additive that controls the gushing of beer from containers and foaming. The threat, apparently, was only to certain vulnerable individuals. All brewers in the United States and Canada that had been using the pink powders immediately abandoned the practice.

RATS AND CHICKS

In Japan, two scientists at Kunamoto University reported that cyclamates are converted in the digestive tracts of some persons at a rate of about 0.8 per cent into a toxic "breakdown" or metabolic byproduct called cyclohexylamine (CHA).

The significance of the Japanese finding remains disputed and uncertain. However, about a year ago, the FDA's Dr. Marvin S. Legator reported that unlike cyclamates, CHA caused breakage in rat chromosomes. These contain the genes, the transmitters of heriditary characteristics.

CANCER IS KEY

Under the Delaney legislation enacted a decade ago, the government is required to stop production of foods containing an additive only if the chemical has been demonstrated to cause cancer in animals or humans. That law was the basis for the order of Oct. 18 with which HEW Secretary Finch stopped production of products containing cyclamates.

However, the government is not required to act on the basis of animal studies indicating a threat from diseases other than cancer.

The law governing the regulation of medicines puts the burden of proof on manufacturers, who must demonstrate—before their products go on sale—that they are safe in the uses to which they are to be put.

The food industry, in contrast, generally has preferred to put the burden of proof on government—make the regulators show that a product is unsafe.

In March, 1968, the FDA requested the

NAS–NRC's Ad Hoc Committee take yet another look at the evidence on the safety of cyclamates.

In a report last November, the committee concluded that there was no basis for prohibiting use of the synthetic sweeteners.

NEW LOOK AT OLD DATA

But just a couple of weeks ago, Drs. Howard L. and Mary E. Richardson, a husband and wife team of pathologists in the FDA's Bureau of Science, concluded from a new analysis of the original data and microscopic tissue slides that there had been, after all, reason for concern about a possible cancer potential in cyclamates.

Challenges by the sugar industry contributed to decisions to undertake periodic reviews of the evidence of safety for the cyclamates, according to a comprehensive report prepared by the FDA's Bureaus of Science and Medicine for a recent meeting of the NAS-NRC's Food Protection Committee.

Thus, in 1955, the Committee took a look at available data and concluded that there was no hazard in the carefully regulated use of cyclamates in special purpose foods.

Only if a person's daily intake exceeded five grams—the equivalent of 100 tablets of the type used to sweeten coffee—would there be a problem, and the problem would be merely a softening of the stool, the NAS-NRC scientists said.

In 1958—over strong opposition of the chemical industry—Congress enacted food additive legislation sponsored principally by Rep. James J. Delaney (D-N.Y.).

Under this law, the FDA compiled a list of food additives, ranging from salt and pepper to cyclamates and saccharin, that it proposed to classify legally as GRAS (generally regarded as safe).

The proposed GRAS list was circulated among about 900 outside experts. Of the 355 who commented to the FDA, none objected to cyclamates. And so they were locked into the GRAS list from Nov. 20, 1959, the date it became legally effective, until last Tuesday, when the agency published an order to remove them in the Federal Register.

The presence of an additive—there are an estimated 680—on the GRAS list confers a wondrous advantage on the manufacturers. Safety is presumed. "Periodic review of the list is not a present feature of our implementation of this program."

By last December, Dr. Jacqueline Verrett, also an FDA scientist, had gathered data showing a "very firm" cause-effect relation in chicken embryos between CHA and severe deformities at rates approaching 100 per cent. The rates for unconverted cyclamates were in the 15 per cent range.

Adding to the concern is a recent national survey in which the FDA, using newly developed, sensitive detection techniques, found that CHA was, mainly as a result of processing, present in 174 out of 232 samples of cyclamate-sweetened products.

Neither the Legator nor the Verrett findings could be extrapolated to man.

At the same time, no one could say with certainty that the findings of the FDA scientists ultimately might not be proved to be pertinent to human beings.

Even if the scientific implications were obscure, the regulatory implications, in the eyes of many scientists inside and outside of FDA, were clear: The cyclamates should have been removed from the GRAS list, so as to halt sales until Abbott Laboratories and other producers demonstrated safety with scientific evidence.

MSG IN BABY FOOD

Precisely the same point was made about MSG after its safety as a flavor-accenter in processed baby foods became suspect.

As late as last July, FDA Commissioner Ley was telling the Senate Select Committee on Nutrition and Human Needs that MSG was safe for this purpose, which, as has been noted, appealed to the tastes of mothers, not infants. In support of his position, Dr. Ley cited four scientific studies.

Last month, consumer advocate Ralph Nader charged that two of the studies did not exist in the form claimed and that the other two were preliminary. Dr. Ley, in a letter to Committee Chairman George S. McGovern (D-S.D.), then acknowledged that there indeed had been grievous errors in his testimony.

On Thursday in St. Louis, Dr. John W. Olney, a Washington University psychiatrist, reported that infant mice fed MSG, in quantities proportionately greater than in baby foods, suffered brain damage. He urged Commissioner Ley to remove MSG from the GRAS list.

The same day, by coincidence, Dr. Mayer, President Nixon's nutrition adviser, told a questioner at the Women's National Press Club, "I think the damned stuff should be removed."

But on Friday, the leading producers—Gerber Food Products, H. J. Heinz and Beech-Nut—reacted to the heat with an announcement that they no longer will add MSG to baby foods.

CRITICAL REPORT

Although it had not been known until now, the NAS-NRC report was sharply criticized in a detailed, eight-page analysis prepared for Commissioner Ley by Drs. John J. Schrogie of the Bureau of Medicine and Herman F. Kraybill of the Bureau of Science.

In an internal memo dated last Dec. 11, which was obtained by James S. Turner, director of a "Nader's Raiders" task force on FDA, the agency scientists said that the ad hoc committee report suggests a level of knowledge of many aspects of this topic which simply does not exist.

"It should have pointed more critically to the current deficiencies in information as a basis for further action," the scientists said.

However, Drs. Schrogie and Kraybill particularly exempted from criticism the NAS-NRC judgment that the data on CHA and possible cancer-causing potential were inadequate, despite the committee's praise for the FDA rat study reported in 1951.

The committee said that cancer studies of cyclamates in species other than the rat "are either incomplete, or of relatively short duration, or involved too few animals."

Publicly, the FDA said merely that consumers should use cyclamates in moderation.

IMMEDIATE ACTION ASKED

Last January, Dr. Legator, the FDA scientist whose laboratory studies revealed chromosomal breakage, said in an internal memo, "The use of cyclamates should be immediately curtailed pending the outcome of additional studies."

This sentence, it is revealed in documents obtained by James Turner of Nader's Center for Study of Responsive Law, was deleted by Dr. Edwin L. Hove, acting director of FDA's Department of Nutrition, before it was passed up to top echelons of the agency.

In April, citing the acknowledged potential of mild diarrhea, the FDA formally proposed a regulation intended to encourage limits on the intake of cyclamates.

The reports offered evidence that, in addition to causing deformities in chick embryos, chromosome breakage in test-tube cultures of rat germs, and circulatory disease in hamsters, cyclamates in humans could interfere with the action of oral antidiabetic drugs, make insulin more toxic, decrease normal absorption of an antibiotic called Lincocin, and distort laboratory tests so as to cause erroneous medical diagnoses.

And in June, experiments at the University of Wisconsin showed that pellets combining cholesterol and a high content (20 per cent) of sodium cyclamate produced abnormally large numbers of tumors in the bladders of Swiss mice. Because the technique used—injection of the pellets into the cavity of the bladder—was controversial, the significance of the findings is obscure.

DR. VERRETT ON TV

On Sept. 30, Dr. Verrett was interviewed by NBC–TV about her chick-embryo studies. This set off a new wave of concern which resulted, three days later, in Commissioner Ley asking the NAS–NRC to review not only her data, but all other evidence as well. For this purpose, the agency's Bureaus of Science and Medicine assembled a report that Dr. Ley would later call "magnificent."

On Oct. 3 at a Chicago hotel called Hyatt House, Abbott Laboratories convened a seminar on non-nutritive sweeteners for 200 representatives of food and beverage makers.

"The American housewife need have no hesitancy about using artificial sweeteners," Dr. Karl Beck, an Abbott marketing executive said.

A colleague, Joseph C. Lowey traced the "alarm" about safety principally to the sugar industry. "Cyclamate sweeteners are safe," he said.

But by an apparent, sheer coincidence, a phone call came to company's offices in North Chicago on the very morning of the seminar that completely undermined the assurances being given at Hyatt House.

According to Dr. Jesse L. Steinfeld, HEW's Deputy Assistant Secretary for Health and Scientific Affairs, the phone call was made by Food and Drug Research Laboratories in Long Island, N.Y.

This company, under contract with Abbott, had started experiments in May, 1967, primarily to determine the effects of long-term feeding of mixtures of cyclamates and saccharin.

The principal concern was with possible ill effects on the liver, kidney and blood supply. But because of the Swiss mice studies, the FDA and the National Cancer Institute requested the Long Island researchers to focus on the bladder. This organ had been considered so unlikely a site for cancer that microscopic examination of tissues from it almost never was undertaken by researchers.

In the phone call to Abbott Laboratories, the Long Island firm reported finding bladder tumors in six of 12 rats that were alive at the end of the experiment.

At the recent press conference called by Secretary Finch, Dr. Steinfeld gave this account of subsequent events:

On Friday, Oct. 10, Abbott scientists went to Long Island to examine the slides. Confirming the findings, they alerted the FDA on Monday. On Tuesday, Dr. Steinfeld asked for a review by Cancer Institute specialists Umberto Saffiotti, Roger O'Gara and Catherine Snell. They were joined on Thursday by a world-famous authority on bladder cancer, Dr. Gilbert Friedell. All agreed the rats had bladder tumors.

Meeting with reporters, Dr. Steinfeld said, "I must emphasize that this result was obtained only by feeding at high dosages for the entire life of the animals." The dosages were 50 times normal maximums.

On Thursday, while the Cancer Institute review was being completed, the Ad Hoc Committee of the NAS–NRC began a previously scheduled two-day meeting.

The committee had before it the summary prepared by the FDA's Bureaus of Science and Medicine. A major part of it was the review of data and slides gathered in the agency's rat study of 1948–49.

The initial impetus to this "re-look" had come several months earlier from Dr. Kraybill, assistant director of the Bureau of Science for biological science research. But when the new report of bladder cancer came in Commissioner Ley put the Drs. Richardson—the husband-and-wife team of pathologists—on a seven-day "crash" project which ended when they wrote up their work just in time for the Ad Hoc Committee meeting.

OLD SLIDES RE-EXAMINED

The Richardsons discovered a highly suspicious frequency of lung tumors in the old data—a discovery made possible by the relatively recent, sophisticated analytical tools, such as the electron microscope, and to today's warier, "different philosophy."

The Ad Hoc Committee did not regard the "re-look" as sufficient in itself to warrant a conclusion that cyclamates could cause cancer in rats. But one member, Dr. F. R. Blood of Vanderbilt University, said that against the unexpected backdrop of the report on bladder cancer, the Richardsons' work assumed significant back-up importance.

On Oct. 17, the Ad Hoc Committee unanimously recommended removal of cyclamates from the GRAS list.

On Saturday morning, Oct. 18, Secretary Finch convened a press conference to announce his order halting production of general purpose cyclamate-sweetened products.

Dr. Steinfeld emphasized that there is "no indication that human bladder cancer from whatever cause is increasing to any significant degree." At the same time, he noted that this form of cancer has "an extremely long latent period" of up to 20 years.

Commissioner Ley told the press conference that the FDA was beginning an urgent new review of additives—including saccharin—on the GRAS list. Secretary Finch said that "if we had greater manpower and more dollars from the Congress, we could accelerate those efforts . . ."

Immediately, Sen. Warren G. Magnuson (D-Wash.), chairman of the Senate Appropriations subcommittee for HEW, announced that he expected Finch to submit a request for funds to review the GRAS list.

Finch pointed out that his action on cyclamates was required not only by the Delaney law, but also "because it is important to follow a prudent course in all matters concerning public health."

This "prudent" view has far-reaching implications, because the possible hazards in the chemical environment of man exist not merely in certain food additives, but also, for example, in pesticides.

Finch may have jolted the public into awareness that human beings have been possible—and unintended—victims of what consumer advocate Nader called "chemical and biological warfare" in the food supply.

[From the office of Senator George McGovern, Oct. 24, 1969]

McGovern Calls for Complete Overhaul of Additive Regulation

The removal by HEW Secretary Robert Finch of cyclamates from the Generally Regarded As Safe Food additive list has opened a Pandora's Box in the food additive field. Now that the box is opened, it should not be closed until every food additive in it is proven safe beyond doubt for human consumption.

Hearings last summer of the Select Committee on Nutrition and Human Needs raised serious questions about this GRAS list and the procedures that the Food and Drug Administration uses in approving food additives. Perhaps the most disturbing aspect, as shown in the case of cyclamates, is that the FDA has apparently been following the line of "approve for use now and test later."

This is obviously not the best way to proceed when dealing with matters affecting the health and well-being of all Americans.

The truth about the GRAS list, as it is presently managed, is that it is a never-never land of non-regulation. Food additives are permitted for use without advance proof of safety and manufacturers are allowed to decide for themselves whether they have to prove products are safe before selling them. What we really need to do is change the name of the GRAS list to the PAS list—instead of Generally Regarded as Safe, it should be *Proven as Safe*. If this situation cannot be corrected administratively within the Executive Branch, then some legislative action is obviously in order.

One question that the Committee probed deeply in its hearings was the use of additives in baby food, particularly monosodium glutamate. A number of independent investigators, including Dr. John Olney, testified in regard to MSG that there were reasons to doubt its safety. That doubt has not been resolved.

I think until it is resolved that, at the very least, it should be moved from baby food or the amounts in baby food drastically reduced. Either the FDA should ask the companies to do this or the companies should do it on their own initiative. I agree fully with the President's Consultant on Nutrition, Dr. Jean Mayer, that MSG doesn't serve any nutritional purpose in baby food and there is no reason to take any risk with a child's health until it has been proved safe.

Whether it should be removed entirely from the GRAS list is less clear. This obviously needs further investigation as quickly as possible. In the future it would be far better to investigate before the fact of public concern, rather than after. It isn't fair to the public or the manufacturers or the companies that use these materials to wait until after they have gone on the market to fully investigate their safety.

Finally, I think, this whole system needs to be reformed. The FDA, I believe, has been timid in attacking this problem despite the urging of some of the very best scientists within it. If the FDA needs more authority or resources to do the job then I think the Congress should provide either or both. In the last analysis, the FDA should apply the same test to food additives that it applies to drugs; they should be proved safe before they are approved for use.

MORATORIUM DAY ADDRESS BY SENATOR McGOVERN

Mr. HUGHES. Mr. President, among the powerful statements made by public leaders of the recent Vietnam moratorium day, one of the most memorable and moving was made by the distinguished Senator from South Dakota (Mr. McGovern).

Senator McGovern delivered versions of these remarks from three platforms on October 15—American University, Washington, D.C.; Boston Common, Boston; and the University of Maine, at Bangor. I need not remind anyone that the Senator from South Dakota was in the vanguard of those pressing for disengagement from the Vietnam war, years ago. He is properly recognized as one of the Nation's foremost spokesmen for peace.

I ask unanimous consent that his address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Ending the War in Vietnam

(Moratorium Day remarks of Senator McGovern, Democrat, of South Dakota)

We meet today for the purpose of putting an end to the most tragic mistake in our national history—the cruel and futile war in Vietnam. We meet today to call our government away from folly into the paths that lead to peace.

This is a day both of regret and affirmation. This is a day not of name calling or violence or destruction. This is a day that calls not for the politics of revenge; but the politics of reconciliation—both at home and abroad.

We seek not to break the President, but to lift the terrible burden of war from his shoulders and from the American people. To do that we must accelerate the agonizingly slow pace of withdrawal from this hopeless conflict. That withdrawal will not be entirely free from pain and embarrassment, but it will be no easier a year from now or two years or five years after more thousands have died and our own society has been further eroded. The President has described Vietnam as our finest hour; it is not, it is our worst hour. The most urgent and responsible act of American citizenship in 1969 is to bring all possible pressure to bear on the Administration to order our troops out of Vietnam *now*. We are here to assert the claims of life over the further claims of death.

I think if Charles Dickens were writing today, he might say of our age as he did of an earlier age: "It is the best of times; it is the worst of times." He would see in Vietnam the tragic loss of some 40,000 young American lives, another 250,000 maimed or wounded; perhaps 2 million Vietnamese slaughtered, another 3 million driven out of their homes into miserable refugee camps, and they too are the children of God. He would see all the tragedy, the heartache, the bloodshed of that war, and he would say this is indeed the worst of times. But perhaps the American people are looking beyond this war to some of the painful lessons it has to teach us. As the first United States Senator to take issue with the sending of American troops into Southeast Asia—in September of 1963—I nevertheless think there may be one enduring benefit that could come from that involvement, if we meet our responsibilities of learning what that war has to teach us. Perhaps it can prevent an even more costly and hopeless venture elsewhere in Asia or the developing world.

My thoughts today are especially with the young Americans still tied to that bitter jungle and those who have left their blood there. We owe it to these brave young men to learn well the lessons purchased with their lives. Otherwise, their all too great sacrifice will have been for naught.

The great historian, Charles Beard, when asked to cite the most profound lesson he had learned in a lifetime of historical study replied: "The sky is darkest just before the stars come out."

Vietnam has taught us that we are capable of wandering away from the great traditions of our nation. But we have also demonstrated that we cannot surrender the ideals of Jefferson and Lincoln and the great moral principles of our society without setting in motion the forces of dissent and redemption.

So perhaps out of the blood-soaked jungles of Southeast Asia will come the humility and the national wisdom that will lead us into the light of a new day. This is the faith that brings us together this moratorium day—a day of conscience and commitment.

The President has said that his concern at this point is not how we got into Vietnam, but how we bring the war to an honorable conclusion. To me the most honorable way to end the war is to relax our embrace of General Thieu and begin the systematic withdrawal of our troops. But I think a community of moral men have a further responsibility to know how we became drawn into this conflict, to learn what lessons that experience has for us, and to apply that wisdom to produce a new foreign policy more calculated toward peace and less likely to involve us in hopeless ventures of this kind that destroy others in the name of freedom while poisoning the well springs of our own national life. We must learn that it is madness—not security—to devote 70% of our controllable federal budget to armaments and only 11% to the quality of life. It is not national defense to spend $25 billion for a worthless Anti-ballistic missile defense and then render 15 million Americans defenseless by malnutrition. We must stop permitting the economy of death to starve the economy of life. We must stop trying to be the policeman of a revolutionary world!

Any understanding of the forces that brought us to where we are today, with half a million young Americans still fighting and still dying in Southeast Asia, must go back at least 25 years. For nearly a century prior to the second world war, this area was a colony of the French and had been ruled and exploited to that purpose. With the Japanese invasion of 1940, French power was temporarily shattered.

Unfortunately, a new American president coming into office in the closing weeks of World War II, concentrating his major attention on seemingly more urgent questions, permitted a gradual drift in American policy to support the French effort to restore their colonial control over French Indo-China. That effort, in spite of the sacrifice of the cream of the French army and an expenditure of some $2½ billion in American funds in 8 years of bloody struggle, ended in disaster at Dien Bien Phu.

That was the first tragic mistake on the part of our government—the desertion of our time-honored commitment to self-determination and anti-colonialism. We supported instead a self-defeating French effort to reassert empire in an area where empire was doomed.

Mistake number two occurred between 1954 and 1956 when we joined with the Saigon regime—largely our own creation—to block the election called for by the Geneva Accords to decide the future of North and South Vietnam.

We blocked the election of 1956 for one reason. We were afraid Ho Chi Minh would win it. Indeed, President Eisenhower said Ho would have received 80% of the vote in both North and South Vietnam. How ironical it is that 15 years later, President Nixon is now saying that the one issue we will not negotiate is the right of the Vietnamese to determine their own future. The hypocrisy of all this is that so long as our men and money are in Vietnam they prevent—not advance—self-determination.

Mistake number three came when after conditioning our aid on the necessity of substantial reforms, we permitted the Saigon regime to ignore the necessity of those reforms.

With each new failure, with each new corruption of South Vietnamese generals and politicians, we tried to compensate by increasing inputs of American military power.

If there is one dominant lesson from this bitter experience that we ought never to forget, it is this: we do not have the right or the capacity to save a political regime abroad that lacks the respect of its own people.

There are problems around this world that we cannot solve with military power—even with napalm and B–52's.

I served along with millions of my generation in World War II, in my case as a bomber pilot operating against the Nazi war machine. But what is one to say about the tangle of Southeast Asia, where on one little jungle strip we have dropped more bombs than all the bombs that fell on Japan and Germany in World War II—where a war that began as a struggle over the minds and the hearts of the people of that area has degenerated into a massive bombardment on a scale seldom seen in the history of warfare. Does anyone, even the most ardent hawk, still believe that all of this effort has increased the chances for dignity and freedom and peace. We went in, after all, to reduce the terror in the countryside, to reduce the isolated incidents of guerrilla terrorism that was evident in the 1950's. And we ended up with a young American Major saying sadly after the destruction of a South Vietnamese city of 35,000 people. "We had to destroy the city in order to save it."

And this, it seems to me, underscores the self-defeating nature of our military operations in Vietnam.

Mistake number four—perhaps the most costly of all—is not what we have done to Vietnam but what we have done to ourselves. While we have fought the Viet Cong, we have neglected the enemies within our own society—the blight of our cities, the ugly scars of racism, the pollutions of air, water and land, the joblessness, the bad housing, the ill health, the dull schools, and the hungry of the poor. In short, we have waged war abroad while surrendering to those enemies seizing our own land.

Our plea today is that our government get out of this war that breeds violence both at home and abroad. The Thieu-Ky regime is not worth the 40,000 young Americans who have died. It is not worth the 8,000 who have died in 1969. It is not worth the scores who will die this week. It is not worth one additional young life. Let's stop saving face and begin saving lives. Let us stop killing Asians and begin the healing of our own land.

In his fine play, *"Incident at Vichy,"* Arthur Miller has von Berg express his deep guilt over the terrible atrocities of the Nazis toward the Jews; he threatens to commit suicide. But recognizing that von Berg, while deploring the atrocities, is doing nothing to stop them, Leduc replies indignantly: "It's not your guilt I want, it's your responsibility."

And so it is with Vietnam. It is not enough to beat our breasts, to confess our guilt—we must *act* as responsible men and women.

I believe that the students and citizens across the land who have declared this peaceful moratorium deserve the active support of us all.

This is the highest patriotism. It is carried out by Americans who love their country enough to call her to a higher standard. I regret that the President has said he will pay no attention to this effort. If he holds to that course, he will learn as his predecessor learned, that American foreign policy cannot be formed in defiance of the conscience and the common sense of the American people. We have been requested instead to maintain silence for 60 days. But we need not a moratorium of freedom of speech in America but a moratorium on killing in Vietnam. If we are to recapture the American dream, we need not a conspiracy of silence; we need to hear a new call to "life, liberty and the pursuit of happiness."

So I support the moratorium and whatever similar events follow, so long as the war continues. Having fought against our war policy for six years, I don't intend to quit fighting this evil until we have ended it once and for all. And there is no way to end it except to remove our troops! To those who say this will cause a bloodbath in Vietnam, I say there is a bloodbath now. But let us and other friendly countries around the world open our borders to any Vietnamese who might feel threatened by our disengagement. Let us arrange for the mutual exchange of prisoners and provide for the defensive deployment and security of our troops. And then let us remove every last American soldier from Vietnam. Let us bring our youth home from the bloodshed in Asia to join us in the redemption of our own beloved but deeply troubled land.

To challenge the mistaken policies of our country is to pay it a high compliment—because it is based on the faith that we can do better.

"This," said Camus in one of his *Letters to A German Friend*, "is what separated us from you; we made demands. You were satisfied to serve the power of your nation, and we dreamed of giving ours her truth."

So let us do our nation the high honor of serving not her power, but condemning her evil and giving her the truth. For it is still the truth that sets both men and nations free.

IRS CONDONES SHELL'S ABUSE OF EMPLOYEES' RIGHTS

Mr. **PROXMIRE**. Mr. President, the Shell Oil Co. has been forcing its employees to listen to its views on oil depletion and oil imports, and the Internal Revenue Service is apparently going to allow Shell to deduct the cost of this lobbying from its taxable income.

Shell has been requiring its employees during working time to attend lectures at which the company's position on the oil depletion allowance and the oil import program was presented. Not only were the employees forced to listen to the oil industry's position, but Shell, apparently with the blessings of the Internal Revenue Service, is going to deduct the cost of these brainwashing sessions.

I am all for well-informed citizens, but forcing a group of employees to listen to only one side of an issue is surely not the hallmark of a free democratic society. Communist China may believe in forced indoctrination, but we in the United States certainly do not. What possible use of this information can the employees of Shell make except to write to their Congressmen?

Section 162(e)(2)(B) of the Internal Revenue Code is quite clear that such lobbying activities are not deductible expense. Yet the IRS wrote to me that such "lectures" did not "appear" to be lobbying activity. If these propaganda sessions are not, to use the code, an "attempt to influence the general public or segments thereof, with respect to legislative matters," I do not know what is.

I am going to request the IRS to reconsider its decision and am going to call upon Shell to pledge not to indulge in any further propaganda sessions unless they allow opposing views to be heard.

THE READER'S DIGEST ARTICLE ON AMERICAN PRISONERS IN VIETNAM

Mr. **THURMOND**. Mr. President, in the recent Vietnam demonstrations, little concern was exhibited for the 401 American servicemen known to have been captured by the enemy. We do not know whether most of them are dead or alive. Hanoi has signed the Geneva Convention on Prisoners of War, but refuses to acknowledge that these men are prisoners of war. Hanoi will allow no international inspection team to visit the prison camps or to make inquiries about the welfare of the men involved.

In the November Reader's Digest, released yesterday, the plight of these prisoners—and their families—is detailed with great feeling. The article cites examples of mistreatment and inhuman conduct. For example, Reader's Digest says:

> Prisoners are fed little but rice, and many suffer from malnutrition. Some are afflicted with intestinal parasites. Except when allowed out to empty toilet pails, prisoners are confined in huts, often locked in wooden foot blocks or handcuffs. Barbaric treatment is not unusual. In Hanoi's prisons, men have been kept in a pitch-black room for more than a year, hung from ceilings by their arms, tied with ropes until they developed infected scars, and burned with cigarettes. At least one has had his fingernails ripped from his hands. The broken bones of another, set by communist doctors and still in casts, were rebroken by guards.

Mr. President, these barbarities were performed by the same enemy whose flag has been adopted by many American protesters.

However, such sentiments are expressed by only a handful of Americans. The vast majority want to know what they can do to help. Reader's Digest has come up with a plan. The article urges that an avalanche of letters should descend upon representatives of foreign nations, the Congress, and the chief North Vietnamese negotiator in Paris. The Digest reasons that continuing exposure of the plight of the Americans held prisoner will create a wave of indignation that the North Vietnamese cannot ignore.

Accordingly, the Digest has offered to send to its readers a list of Washington, D.C., addresses, of Ambassadors of the foreign nations whose assistance could be particularly vital; and a list of selected foreign newspapers. Anyone who wants this list need only send a postcard to Reprint Editor, The Reader's Digest, Pleasantville, N.Y. 10570.

Mr. President, I commend the Reader's Digest for its excellent plan, and I urge all Americans to follow it as far as they are able.

Mr. President, I ask unanimous consent that the article entitled "What You Can Do for American Prisoners in Vietnam," published in the November Reader's Digest, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Reader's Digest, Oct. 26, 1969]

WHAT YOU CAN DO FOR AMERICAN PRISONERS IN VIETNAM

(By Louis B. Stockstill[1])

Once a month from her apartment in Arlington, Va., Gloria Netherland walks down a long hallway to the mail chute and deposits a letter. She watches it drop from sight on the first leg of a journey into an unknown void halfway round the world. The letter begins "Dear Dutch." Whether Dutch will receive it is impossible to say.

Gloria and Dutch have been married 18 years, but she doesn't know whether he is alive or dead. For more than two years she has written the monthly letters—six lines each, according to current communist rules. None is answered; none is returned. But, in the pattern of "dreadful uncertainty" that characterizes her life, she never fails to write.

Capt. Roger M. Netherland, shot down over North Vietnam in May 1967, is officially "missing in action"; fliers reconnoitering the site where his plane plunged to the ground believe they heard his voice, but no word has come through since.

Gloria Netherland is but one of hundreds of American wives and parents whose husbands and sons are the forgotten men of the Vietnam war—approximately 1,400 men captured or missing and possibly in enemy hands. Most of the known captives are imprisoned in North Vietnam. Others are held by the Vietcong in the South. A few are interned in Laos and Red China.

On the shoddy pretext that these captives are "criminals," not POWs, Hanoi will not allow neutral inspections of its prisons—inspections required under the Geneva Conventions, ratified by North Vietnam in 1957 and by 119 other governments since the origination of the Conventions in 1949. In blatant disregard of international rules, Hanoi refuses even to identify the prisoners it holds, to release the sick and wounded, or to allow proper flow of letters and packages, though the Red Cross has tackled the problem again and again.

Evelyn Grubb's only knowledge of her husband, for example, has come from a Hanoi propaganda gesture. An unarmed reconnaissance aircraft, piloted by Maj. Wilmer "Newk" Grubb, was shot down in January 1966. Hanoi gloatingly publicized his capture. Each time Evelyn writes, she sends photographs of their four sons—stapled to the letter so that Newk will know if they have been removed. She doesn't know whether he has received a single photograph or letter. In almost four years, she has received no further official word of her husband.

Until recently, the American public has been provided scant information about American POWs in Vietnam. Now, for the first time, our officials are waging an open fight for the prisoners. The diplomatic maneuverings which previously shielded many aspects of the situation from public view—although perhaps right for that period—have been partially cast aside. The United States is speaking out. Yet, in order for the tough and forthright new policies to produce desired results, citizens must join the attack. Our assistance could be crucial.

Here, then, are the sobering facts about the prisoners—the way they are used and abused by Hanoi.

MISERY AND MALNUTRITION

The armed forces have been able to positively identify 401 men as captured (Air Force, 192; Navy, 140; Army, 46; Marine Corps, 23). Some intelligence about these men must be kept secret or couched in guarded language to protect them. Nevertheless, accounts of inhumane treatment have emerged. Consider Navy Lt. (j.g.) Dieter Dengler, who was taken by the Pathet Lao in 1966 and turned over to North Vietnamese soldiers. He was spread-eagled by his captors and left at night to the mercy of jungle insects, repeatedly beaten with sticks for refusing to sign a statement condemning the United States, and tied behind a water buffalo and dragged through the bush. The once 157-pound flier weighed 98 pounds following his escape and rescue.

Other escaped prisoners have told of similar maltreatment in Pathet Lao and Vietcong jungle camps. Prisoners are fed little but rice, and many suffer from malnutrition. Some are afflicted with intestinal parasites. Except when allowed out to empty toilet pails, prisoners are confined in huts, often locked in wooden foot blocks or handcuffs. Barbaric treatment is not unusual. In Hanoi's prisons, men have been kept in a pitch-black room for more than a year, hung from ceilings by their arms, tied with ropes until they developed infected scars, and burned with cigarettes. At least one has had his fingernails ripped from his hands. The broken bones of another, set by communist doctors and still in casts, were rebroken by guards.

Prisoner treatment varies, of course. North Vietnam operates its best-known prison camp—known as the "Hanoi Hilton"—in central Hanoi. Here prisoners are wakened between 5 and 6 a.m. by a gong, followed by a 30-minute Radio Hanoi English-language broadcast of propaganda piped into their cells. At mid-morning they are taken out to empty toilet buckets. At 11 a.m., as much as 19 hours after they last ate, they are fed. Food—picked up on a wooden tray and eaten in the individual cells—consists mainly of pumpkin or squash, pork fat, a vegetable resembling wild onion tops, and bread or rice. Then, prisoners may "nap" on their bare board bunks until two in the afternoon, when their cells are flooded with another half-hour Radio Hanoi broadcast. Between 4 and 6 p.m. they are fed the second and final meal of the day.

Prisoners generally are isolated from communication with more than one or two other prisoners. Many are kept in solitary. Certain prisoners have been allowed on occasion to write to their families, but few letters ever reach home. U.S. officials, with reasonable suspicion, regard the "Hanoi Hilton" as a propaganda showplace. It is the lone prison that foreign journalists have been allowed to enter.

PATTERNED RELEASE

To date, only a handful of Americans have been released: 16 by the Vietcong, nine by Hanoi. The releases by Hanoi—on two occasions last year and one this August—have all followed a disturbing pattern. First, just three men have been let out at a time, and always accompanied by blatant propaganda. Second, the names of the men to be freed have been withheld for periods of more than a month after the intention to release was announced, thus creating untold agony for thousands of hopeful next of kin. Third, releases are carried out via dissident Americans instead of through the International Committee of the Red Cross.

The release last August illustrates how completely Hanoi milks the prisoner situation for its own purposes. To begin with, it was carried out via a group of eight dissenting Americans—a pacifist, two members of the Students for a Democratic Society, a member of anti-war organizations, a man who had served a stockade sentence for refusing to fight in Vietnam, and three cameramen from an underground movie-making outfit. All but one went to North Vietnam, where they were solicitously entertained for a couple of weeks.

Finally, on August 4, Hanoi named the men who were to be freed. Two were Navy men (Lt. Robert F. Frishman, captured 21 months earlier; and Seaman Douglas B. Hegdahl, imprisoned for two years and four months); the third was Air Force Capt. Wesley L. Rumble, a prisoner for 15 months.

At an airport press conference in Vientiane, Laos, U.S. newsmen described the men as "pale and gaunt." Lieutenant Frishman, acting as spokesman for the prisoners, selected his words carefully. He said only that he was "happy to be returning home."

"How was the treatment you received while a prisoner?" he was asked.

"I received adequate food, clothing and housing," Frishman replied.

VIEW FROM THE SIDE

When the three men arrived at Kennedy International Airport in New York, I was there to see them for myself. To television audiences, the returning prisoners may have looked reasonably well cared for. But their appearance as they disembarked was deeply saddening. Frishman and Hegdahl were first off the plane. Rumble, ill, stooped, pale, was assisted down the steps, helped into a police car, and rushed to a waiting medical-evacuation plane.

The two Navy men were ashen. Their eyes were deep, hollow circles of darker gray, much like the exaggerated eyes of starving children. Frishman had been seriously wounded. The North Vietnamese doctors had removed his elbow and tied the muscles together. "I am glad to still have my arm," he said. It hung at his left side, the loose sleeve of his jacket emphasizing that the arm was terribly wasted.

A reporter asked Hegdahl how much weight he had lost. He had "no comment." But then Frishman addressed the microphones: "I lost 45 pounds. Seaman Hegdahl lost 60 pounds."

What about the welfare of the other prisoners still held by Hanoi?

"No comment."

As Frishman turned to leave, I saw him for the first time from the side. His shoulders were incredibly thin. The collar of his shirt hung loosely about his neck. The lines of his nose, his cheeks, his chin were sharply drawn, haggard. So were Hegdahl's. Their tightly stretched, almost translucent skin had a corpse-like pallor.

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[1] Louis R. Stockstill, in researching this article, talked to dozens of government officials and numerous wives of Vietnam prisoners. A free-lance writer in Washington, D.C., Stockstill was for 22 years a reporter for the *Armed Forces Journal*, covering Congress and the Department of Defense.

Their "escorts" had nothing but praise for what they had seen in North Vietnam, including Hanoi's "humane" treatment of prisoners. "How many prison camps did you visit?" I asked. After repeated evasions, their leader admitted that he had "no information at all" about any of the prison camps. Nor had they brought any hint that North Vietnam might consider changing its policy on prisoners.

THE PRISONERS TALK

Twenty-five days later, I saw Frishman and Hegdahl at Bethesda Naval Hospital in Maryland. Sunshine had improved their color; they had regained some weight. They were ready to open up.

Frishman recounted how he had been blindfolded after his capture and, despite serious injuries, driven in a truck to other locations, where he was stoned by the populace. When he reached the prison, he was refused medical treatment and told he was "going to die in four hours" unless he talked. When he passed out, he was taken to a hospital. "Then, even with my bad arm, they tied me up with ropes."

Doctors operated on his arm, but failed to remove missile fragments; so it was six months before the incision healed over. "I would wake up and find my arm stuck to the blankets. . . . The scab would come off. . . . The wound would drain again."

Hegdahl, too, had been subjected to solitary confinement for more than a year. He was permitted occasional mail, but the letters were rifled of enclosures (including money) sent by his parents. The lone package he was allowed had been plundered before he got it. For propaganda purposes he was photographed "reading" a U.S. magazine, which he was allowed to hold "just long enough for them to take the picture."

Frishman was cautioned before his release not to forget that "we still have hundreds of your buddies." But those still imprisoned want the facts out in the open, he said. As one prisoner said to him, "Don't worry about telling the truth. If it means more torture, at least we'll know why we're getting it. It will be worth the sacrifice."

Plan for Action. Hanoi's continued lack of compassion has brought rising anger in Congress. In August, 42 Senators banded together in a strong statement condemning North Vietnam for its cruel treatment of the prisoners and their families. The declaration, sponsored by two opponents of our Vietnam policies, Charles Goodell (R., N.Y.) and Alan Cranston (D. Calif.), says that if North Vietnam thinks it can "influence the policy of the United States toward the Vietnam conflict" through its intransigent position on the prisoners, it is "doomed to failure." Those signing the statement included both Democrats and Republicans, and represented 33 of the 50 states.[2]

This sort of initiative is helpful, but only full and continuing exposure of the plight of the prisoners and their families, together with relentless public pressure at home and abroad, is likely to produce action. A business-as-usual attitude on the part of the American public can only indicate to Hanoi that these men who have given so much to their country have indeed been forgotten.

In my interviews with numerous government officials, with representatives of the Red Cross, members of the armed forces and next of kin of the prisoners, I have asked each person what would be the most effective attack that could be launched. They agreed that dramatic results could come from a vigorous letter campaign directed to 1) representatives of foreign nations and the press of those nations; 2) your Congressmen; and 3) Xuan Thuy, chief North Vietnam negotiator in Paris.

The mail to the foreign nations should urge that pressure be brought to bear on Hanoi to live up to the "spirit" of the Geneva Conventions by putting into practice the Conventions' rules on the treatment of war prisoners.

The letters to Xuan Thùy should make the same demands. And those individuals who are not in sympathy with the war itself should make it clear that proper treatment of the prisoners is an overriding consideration. All should note that continued intransigence on the part of Hanoi will stiffen the resolve of the American public, not weaken it.

Letters to members of Congress should call for a joint resolution demanding proper treatment for the prisoners and missing men.

There is a chance—possibly a good chance—that world opinion might force Hanoi to honor basic codes of human decency.

"By any human standards" the position of North Vietnam is "totally inexcusable," says Secretary of State William P. Rogers. "I don't understand why we have not become more excited about the prisoner question."

The Secretary is telling the people of the United States that their concern is important. The rest is up to you. If you want to help the men whom many Americans have forgotten, you can. Your letter could be the one that spells the difference.

NOTE.—If you want to help, send a postcard to Reprint Editor, The Reader's Digest, Pleasantville, N.Y. 10570, giving your name and address; you will be mailed a list of Washington, D.C., addresses of ambassadors of the foreign nations whose assistance could be particularly vital; and a list of selected foreign newspapers. Letters to Xuan Thuy can be addressed to: Xuan Thuy, North Vietnam Delegation, Paris Peace Talks, Paris, France (airmail rate, 20 cents).

ADDRESSES BY GALO PLAZA ON LATIN AMERICA

Mr. KENNEDY. Mr. President, on successive days at the beginning of this month, Mr. Galo Plaza, Secretary General of the Organization of American States, delivered two major addresses on American policy toward Latin America and on the future of the Alliance for Progress. Mr. Plaza's remarks have special significance because of the close relationship between Mr. Plaza and Governor Rockefeller, who headed the administration's specific study missions to Latin America earlier this year. Indeed, a number of commentators have suggested that the addresses may be a partial preview of the major policy statement on Latin America that President Nixon will deliver at the end of this week.

In his statements, Mr. Plaza speaks eloquently of the needs of Latin America and discusses many of the recommendations that political and diplomatic leaders of Latin America have made in urging the United States to adopt a more progressive policy for the hemisphere. Mr. Plaza places special emphasis on more enlightened American trade and aid policies toward Latin America, including special trade concessions, more extensive public assistance programs, and greater private investment.

Mr. President, when Governor Rockefeller embarked last May on the first of his four study missions to Latin America, President Nixon emphasized that the purpose of the trip was to listen to the leaders of Latin America and bring back recommendations for new policies. In spite of the turbulence surrounding some aspects of the missions, many experts believe that the Governor was able to gather a broad range of meaningful impressions.

Because of the continuing concern of many of us in Congress for improving U.S. policy toward Latin America, I believe that Mr. Plaza's remarks will be of wide interest. I, therefore, ask unanimous consent that his recent addresses in New York City and in Hamilton, Bermuda, be printed in the RECORD.

There being no objection, the addresses were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM THE ADDRESS BY GALO PLAZA AT THE ANNUAL AWARD DINNER OF THE AMERICAS FOUNDATION, NEW YORK CITY, OCTOBER 6, 1969

I recently came across a sharp indictment of the trade and shipping policies of the developed countries written by an articulate young statesman of an underdeveloped country. He said that the states of his region of the globe must unite against certain powers which are naturally bent on—and I quote—"fostering divisions among us, depriving us of an active commerce in our own bottoms, . . . monopolizing the profits of our trade, and clipping the wings by which we might soar to greatness."

The words sound like they might be those of a nationalistic Latin American accusing the United States of economic aggression, but they were actually written in 1787 in *The Federalist* by Alexander Hamilton. The underdeveloped nation in danger of having its wings clipped was the United States.

Today the shoe is on the other foot. History has been kind to the United States, bringing it to a position of unparalleled economic preeminence, in which its action—or inaction—has repercussions around the globe. This position places a gigantic burden of responsibility on the United States.

Today it is the Latin America nations and the other developing nations of the world that are calling upon the United States for greater financial cooperation and trade liberalization, while at the same time seeking to assert their economic independence. On the basis of its own history, the United States should have no difficulty in understanding this position.

The most recent Latin American statement of the problems in inter-American economic relations is the Latin American consensus of Viña del Mar. It was approved by the Special Committee for Latin American Coordination (CECLA) in May of this year and subsequently presented to President Nixon and to the Inter-American Economic and Social Council at its meeting in Port-of-Spain. This significant document reflects a growing tide of nationalism, regional cohesion, and solidarity in Latin America.

Shorn of its diplomatic amenities, the Consensus declares that the United States should make a greater effort to fulfill its obligations and commitments in the inter-American system.

The Consensus reiterated the Latin American countries' conviction that economic growth and social progress are basically their own responsibility, but that they need the support of the developed countries.

Among the major obstacles which the Consensus cited as a brake on Latin American economic growth are the conditions on trade and aid. In the area of trade, the main concern is with tariff and nontariff restrictions that impede access to the principal world markets under equitable or favorable conditions for Latin American raw, semi-processed, and manufactured products. In the area of aid, the Consensus cites the progressive deterioration of the volume, terms, and conditions of international financing assistance.

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[2] On August 21, the North Vietnamese delegation in Paris vehemently rejected the protest as "slander" and an attempt "to deceive public opinion."

During the period of the Alliance for Progress Latin America has been contributing to a significant extent to strengthening the United States balance of payments position. When all factors are taken into account, including debt service, last year there was a net inflow of funds from Latin America to the United States of about $500 million. This naturally raises some questions in Latin America about who is aiding whom.

What is it that the Latin American countries expect from the United States? In the area of trade policy, they call for:

Reduction or elimination of tariff and non-tariff barriers to Latin American exports of all types.

Establishment of a system of generalized trade preferences for manufactures and semi-manufactures.

Consultation prior to the imposition of measures affecting Latin America's trade.

Establishment of national or inter-American systems of export credit.

Elimination of discrimination against Latin American vessels and cooperation in the creation of Latin American merchant fleets.

Stabilization of market fluctuations through commodity agreements, buffer stocks, and supplementary financing.

In the area of aid policy, the Latin American countries seek:

Expansion of the volume of financial cooperation so that Latin America can achieve a net inflow of funds of reasonable magnitude, rather than net outflows as at present.

An easing of lending conditions, with longer grace periods and lower interest rates, subsidized where necessary.

The untying of United States aid, at least within the Latin American region, and more concerned efforts within OECD to achieve an untying of credits by all industrialized countries.

Cooperation in achieving a shift in policy of international financial institutions to permit program or sectoral lending and the financing of local currency costs where needed.

None of these objectives in trade and aid is new. They have been reiterated time after time in the inter-American meetings of the past decade. Many of them are reflected in the economic standards of the amended Charter of the Organization of American States, which has been ratified so far by thirteen countries, including the United States. Latin America is calling upon the United States to put the principles of inter-American economic cooperation into full practice.

There is certainly no lack of excellent studies to assist the United States in formulating a new Latin American policy. There are even studies on the studies.

The studies are valuable, but they are no substitute for action. That is why the recent mission of Nelson Rockefeller is so important. It is not just one more study. It is a reflection of the actual needs and aspirations of the Latin American countries, and President Nixon has announced that a number of its recommendations will be adopted. This is a promising sign.

I believe that multilateralism deserves a much more substantial vote in inter-American relations. The political pitfalls of bilateral economic cooperation have been all too clear in recent years. It is difficult for any powerful country to avoid charges of intervention when it decides unilaterally which countries should get aid, how much they should get, and under what conditions it should be granted.

The multilateral framework for economic cooperation in the Americas already exists in the inter-American system. The organization of American States is a tried and tested vehicle for reconciliation of United States and Latin American views in the political sphere, and it is perfectly capable of performing the same function in the economic sphere, if the parties are willing.

The Inter-American System is stronger and more vigorous than ever. That vigor is reflected in the reform of the OAS Charter, the launching of massive new programs in the fields of education, science, and technology, and the settlement of the recent conflict between El Salvador and Honduras.

The General Secretariat of the OAS has been revitalized with the introduction of modern administrative techniques in order to provide more effective service to member states in accordance to each country's needs.

In other words, the Organization of American States can serve as both the forum for the elaboration of inter-American economic policy and the machinery for carrying out that policy, largely obviating the need for bilateral programs.

Two important inter-American meetings in the coming weeks will give the United States an opportunity to indicate the extent to which it is willing to revamp its Latin American policy and move toward multilateralism. In a few weeks a special Committee of the Inter-American Economic and Social Council at the expert level will meet in Washington to draft a new enocomic policy for the Americas.

The committee's recommendations will then come before a meeting of the IA-ECOSOC at the ministerial level in Caracas in December. The importance of these meetings cannot be overstressed. Let us hope, for the future of the Americas, that they achieve their objective.

Inter-American Cooperation for Development

(Address by **Galo Plaza**, Secretary General of the Organization of American States, at the National Conference of UPI Editors and Publishers, Hamilton, Bermuda, October 7, 1969)

In both the United States and Latin America there are symptoms of dissatisfaction with the current state of inter-American relations. This should alert us that the time has come to forge news bases for inter-American cooperation for development.

There are—to be sure—those who doubt that there is or should be any special relationship between the United States and Latin America. To me that is an unrealistic view, because the fate of the nations of the New World has become increasingly intertwined over the years and it is destined to become even more so in the future. This is recognized in the treaties of the inter-American system. It is a matter of geography and history.

I do not suggest that the unique relationship that links the United States and Latin America should be at the detriment of commercial, cultural, and political relations with other countries or regions. I merely suggest that United States cooperation in the development of Latin America should be a priority consideration for that country, based on considerations of enlightened self-interest rather than moral responsibility alone.

Hasn't the United States been doing more than its share? This is the attitude of many aid-weary Americans. The answer is no. It is true, as the Chairman of the Inter-American Committee on the Alliance for Progress has said that the contributions of the United States have been a real and noteworthy factor in advance made during the decade in all countries of the region, and without that cooperation Latin America would be in worse economic shape than it is.

THE NATURE OF U.S. AID

But let us take a closer look at U.S. aid. Since 1965 United States financial cooperation with Latin America has been shrinking, while the conditions on loans have become more onerous. Humiliating amendments have been made to the aid authorizations, inspired by internal political considerations. These have soured inter-American relations. The Hickenlooper Amendment, a supposed deterrent against nationalization, is a case in point.

Much is heard, even in sophisticated circles, of the crushing burden of aid on the American taxpayer. Those who lament the burden usually overlook three basic facts:

First, only one third of a cent of each taxpayer's dollar goes for economic cooperation with Latin America.

Second, around 80 percent of all official capital flow have been in the form of loans—not grants—and most of them are repayable in dollars. Fully half of the amount loaned during the sixties has already come back to the United States in the form of payments of principal and interest. Interest alone in the first seven years of the decade amounted to $734 million.

Third, of the loans made bilaterally by the United States Government as well as a large part of those extended by the Inter-American Development Bank, more than 90 cents of each dollar that is lent is spent in the United States, on United States goods and services. Tied loans mean the borrowing countries have no flexibility to shop around for the best buy.

The fact of the matter is, in other words, that the aid burden largely rests on the receiver rather than the donor.

In terms of net capital flow, Latin America is actually aiding the United States. In 1967 there was a net inflow of capital and service payments from Latin America to the United States amounting to some $500 million. Taking into account this fact, and the fact that United States aid has remained fully tied, it is clear that Latin America made a positive contribution to reducing the balance of payments deficits of the United States. Latin America, in effect, shared with the United States some of the sacrifices needed to safeguard the latter's external accounts.

It is imperative that these facts be brought out and publicized widely in the United States. The ignorance that has prevailed on this issue is a source of annoyance to Latin Americans whose debt repayment burden currently eats up about one third of their gross capital inflow. The bulk of the burden is on them, not the U.S. taxpayer.

LATIN AMERICA'S RECORD

Let us examine Latin America's record in the past decade.

Average annual growth in GNP per capita was 1.6 percent during 1961 to 1968. This is far short of the 2.5 percent goal of the Charter of Punta del Este. The 3.1 percent annual expansion of the population has prevented better results.

Between 1964 and 1968 government revenues increased 30 percent. Taxes as a percentage of GNP increased, reflecting the rising mobilization of domestic resources. More than 90 percent of the resources applied to development came from domestic sources.

In the countries plagued by inflation, the rate has tended to slow down in the past two years, especially in Argentina, Brasil, and Uruguay.

In the agricultural sector performance has been good, but not brilliant. Agricultural output increased markedly, keeping abreast of the population increase. Both the diversity of output and yields improved with more widespread use of fertilizer and improved technology, and some reforms in land tenure systems.

Industrial production has consistently outpaced total output during the sixties. In twelve countries industrial production rose by an average of nearly 50 percent. In Panama and El Salvador production more than doubled; in Peru and Mexico it increased about two-thirds.

The illiteracy rate is dropping as school enrollment has doubled in this decade, but the population has grown so fast that there are more school-age children without schools today than there were in 1960.

Considerable gains have also been recorded in health, particularly in the expansion of urban water supply systems and sewerage.

Apart from the quantifiable elements, there have been noteworthy institutional and administrative changes in Latin America. Economic growth in quantitative terms does not tell the full story of a nation's progress in the struggle for development. Some countries with high growth rates owe these mainly to fortuitous weather conditions or windfalls in export prices. On the other hand, some countries show lower growth rates because of the amount of resources being channeled into health or education, or because income is being redistributed more equitable and stabilization programs are in force. So we must consider not only the growth figures but the facts that modern management techniques are being introduced into the private and public sector, that economic development planning is becoming increasingly efficient and operational, and that institutions are being founded to mobilize savings, promote exports, stimulate industrialization, and strengthen agricultural extension. These institutions are having their effect on the framework of Latin American society.

PRIORITIES FOR THE NEXT DECADE

The number-one economic objective of Latin America in the seventies will be to penetrate foreign markets and increase and diversify its exports. Expansion of exports should be on the order of 6 or 7 percent per year—almost double the rate actually achieved in recent years. Without this, it will be impossible for Latin America to achieve economic growth rates required for adequate living standards, reasonably full employment, and industrialization. Granted, expansion of exports at the rate I have suggested is no easy task. It will require the concerted internal efforts of the Latin American countries, and it will also require a more liberal and far-sighted attitude on the part of the world's major industrialized powers, particularly the United States and the European countries.

If the United States were to relax its tariff and non-tariff obstacles to imports from Latin America this would have a tremendous impact on Latin America's overall capacity to import. It would do far more to boost U.S. sales to Latin America than tied aid.

Closely related to the problem of exports is the problem of unemployment. At least 25% of the labor force was unemployed or underemployed in 1960 and the figure today is believed to be even higher. No development policy can fail to take this into account. We must find ways to reconcile the need for technological innovations with the need to create jobs. I submit that one step in this regard would be a policy of intra-regional migration to match the labor force with the labor requirements of the region as a whole.

The farm people also deserve high priority in Latin America in the seventies. In most of the countries, agricultural policy should pursue not only increased efficiency in production but an increase in the area under cultivation. Rural unemployment and underemployment is every bit as serious as urban unemployment, and must be attacked with equal vigor. We must modernize our marketing techniques, integrate our markets, and ensure adequate remuneration for farm workers. Only by raising farm income can we hope to create the demand needed to sustain competitive industries, particularly in manufactured products.

As for direct foreign private investment in Latin America, there is a need for a clearer definition—without rigid or formal rules or codes—of the terms under which it is welcome. Latin America needs the capital, technology, and market connections that the foreign investor can offer, but it needs them on terms that provide maximum possible stimulation to its own future development and at least cost in terms of the balance of payments.

We must examine new forms of private foreign investment and create what I would call "naturalized" rather than nationalized enterprises—companies that would operate in the full interests of national development and conform to local conditions.

Even presuming more favorable international policies on trade and private investment, there will still be a substantial need in the seventies for public external financial cooperation for Latin American development. What part should come from the United States? The General Secretariat of the Organization of American States, in a technical study presented to the Inter-American Economic and Social Council in June, has suggested that the United States might furnish $1.1 billion to Latin America annually from 1970 through 1975. Although this is more than double the amount made available in recent years, it would not be unrealistic in terms of the commitment made by the United States at Punta del Este. The OAS proposal suggested that of that $1.1 billion, $475 million be reserved for bilateral programs. The rest, $650 million, would be a nonreimbursable contribution to the Inter-American Development Bank. It would enable the Bank to mobilize more funds elsewhere, and increase its Latin American lending operations to $1.3 billion per year and soften the terms for those loans. Adoption by the United States of a policy of this nature would be a tremendous boon to Latin American development. It would be a revolutionary breakthrough in inter-American relations.

MULTILATERALISM VERSUS BILATERALISM

To put inter-American relations on a new level of cohesion and solidarity, I would call for a major new forward step toward multilateralism, with decisions in the hands of multilateral bodies in which the national interests of each Latin American country are properly represented—bodies with the authority to assess the performance of the borrowers as well as the donors.

If the flow of aid is to be rationalized and performance monitoring is to become more meaningful and nonpolitical, an increasing share of external assistance must be multilateral rather than bilateral. Bilateral cooperation is a natural source of friction and annoyance, and whatever political advantages have been scored by the lender on occasion are generally more than offset by the disadvantages. The chances of abuse in aid and the imposition of myriad terms and conditions are infinitely less under multilateralism than under bilateralism.

I believe that the next phase of inter-American cooperation for development should be largely multilateral. To eliminate purely political considerations from the process, financial allocations in Latin America could be made in accordance with the Inter-American Committee on the Alliance for Progress—CIAP—on the basis of each country's performance. This was the intent of the Fulbright Amendment, which should be given more widespread application with emphasis on the multilateral approach. CIAP is the ideal organ for the job. It has no weighted votes, and only one of its ten members represents the United States. It has shown its competence in making annual assessments of internal and external resource needs and availability, and it has the technical backing of the OAS General Secretariat.

Multilateralism in technical assistance is equally as important as multilateralism in financial assistance. The OAS Program of Technical Cooperation, which was recently reorganized to meet the member states' designated priorities more effectively, is an ideal vehicle for this purpose.

LATIN AMERICA'S GOALS

Relations between the United States and Latin America in the seventies will have to take into account an emerging unity of purpose among the Latin American nations. Today Latin America is more united and more cohesive than ever before. The countries recognize an identity of interest and the need to negotiate and cooperate with the United States on the basis of equality, dignity, and reciprocity.

The hammering out of a common bargaining position by the Latin American countries acting in unity, as was done in the recent Consensus of Viña del Mar, can make negotiation within the inter-American system more meaningful. It can lead to a stranger partnership between the United States and Latin America, within the OAS. It is the OAS that offers the best possible means for solution of common problems. The OAS can be the cushion or shock absorber for reconciling the various interests and forces at play.

In the weeks ahead there is an excellent opportunity to lay the basis for a new era of multilateral economic cooperation in the Americas. A special committee of the Inter-American Economic and Social Council at the Expert Level will meet in Washington within a few weeks to work out details of the new policy. The Committee's recommendations will be acted upon by a special meeting of the Economic and Social Council in Caracas in December.

The Latin American countries seek cooperation, not charity; dignity, not dependence; and interest, not intervention. These desires are just and reasonable, and I firmly believe that they should guide our actions in the Americas in the coming decade. Action is what is called for now. The time for studies and resolutions is past.

AIR AGE EDUCATION

Mr. PEARSON. Mr. President, I recently had occasion to read a statement by Dwane L. Wallace, chairman of the board of Cessna Aircraft Co. in Wichita. I found Mr. Wallace's statement to be significant and extremely interesting. Mr. Wallace spoke on the relations between air age education and the future of aviation and particularly general aviation. Because his remarks are appropriate and worth while I ask unanimous consent that this statement by Mr. Wallace be printed in the Record at this point.

Mr. President, I also ask unanimous consent that a reprint of an article from the Wichita Eagle of March 23, 1969, be printed in the Record. This article relates how the introduction of a course in aeronautics at the Osage City High School ultimately had an impact on the redevelopment of the Osage City Airport.

There being no objection, the statement and article were ordered to be printed in the Record, as follows:

THE IMPORTANCE OF AIR AGE EDUCATION, THE PRESENT STATUS, AND FUTURE NEEDS FROM AN ENGINEERING STANDPOINT

(By Dwane L. Wallace)

When we think of a pioneer, we usually think of someone who has been around for ever and ever.

But this isn't necessarily true.

We can quickly think of people who qualify as pioneers in some field or another, but are still quite young.

The most obvious example is an astronaut. There just aren't any old astronauts as yet, but they all have to be classified as pioneers.

You know, we have a lot of young pioneers in the engineering side of general aviation.

There are a number of us who have been tinkering with airplanes for quite a while, but for the most part, we would have to say that any engineer who has been involved in general aviation for even twenty years would still have to be considered a pioneer. He's a guy who has really been around in this business, because it actually wasn't until the mid-1940's that general aviation began to take shape from a product engineering standpoint.

But no matter how long this pioneering engineer has been around, he has just been laying the groundwork for what is yet to come.

Even if a man is one of those 20-year pioneers in our business, he is still working on what we would have to call the early designs of general aviation vehicles.

And if that sounds strange, let me remind you that right now the year 1990 is the same distance away from us as the year 1948. And I submit to you that progress in our business will be multiplied between now and 1990 when compared to our progress since 1948.

Let me remind you also that most of you have children who will spend the most productive years of their lives in the 21st century.

We can't help but try to project ourselves over the next few years to 1990—or 2000—or 2010.

And we can't help but ask some questions: What will our general aviation products look like? How will they be powered? What human engineering factors will determine cabin design and layout? What affect will further development of electronics and guidance systems have on aircraft design and the operation of those airplanes?

These, of course, are engineering type questions—questions that you and I are likely to ask one another in business conversations or in meetings such as this.

But there are other questions we need to be asking also: Who is going to be *buying* our products in these years to come? What attitude is the public going to have about our business? How can we best *educate* people to the advantages and purposes of general aviation?

This last question—the one relating to education—has become a matter of great concern in our industry in recent years.

Most of the general aviation companies have become involved to one degree or another in the matter of air age education.

We aim our educational messages at a wide variety of audiences, but certainly one of the most important of these audiences consist of our young people.

The attitudes these people are forming right now during their schooling will determine the shape of our world for many years to come. Their opinions about business, science, technology, government, social programs—all are being determined by what they are studying today.

Likewise, their attitudes about aviation.

Our job is to help influence those attitudes favorably.

In speaking to these young people, we are trying to relate aviation to the world as it will be in their time. We are trying to show how aviation will affect such things as human communications, social traditions, cultural structures, economic principles, and business practices in years to come.

In short, we are trying to put aviation into the mainstream of their lives instead of letting them think of it as something apart from their normal activities.

To do this job, we have air age education programs aimed at all levels of schooling.

In literally thousands of elementary schools throughout the country, teachers are using special kits which help them work aviation examples into such diverse subjects as science, social studies, geography, and mathematics.

In hundreds of high schools, students are taking credit courses which not only cover the history of aviation but also give them enough practical study of airmanship that they are qualified to take an FAA private pilot's written examination at the end of the semester. Many of these high school courses also include some type of actual flight experience for the students.

In growing numbers of junior colleges and vocational schools, students are being taught the practical aspects of some career within aviation.

All of this air age education activity isn't just happening. It takes time, effort, money, ideas and people.

And you and I should be a part of this activity. You and I already know the story of aviation. If we *really* believe in it, then we have an obligation to help see that today's young people have the proper knowledge with which to put aviation in their own future.

And in the process of doing this, you and I will also be helping to educate ourselves. The fact that we are an integral part of the air transportation system—the growth of which will 'key' the economy of the 1970's.

We will be helping to remind ourselves of the great potential of the general aviation business.

We will be helping ourselves avoid the problem of tunnel vision, so that we can understand the big picture of general aviation.

We will be helping ourselves see through someone else's eyes that we are in an exciting, dynamic industry which needs new ideas and new ways of doing things, helping to inoculate ourselves against that costly disease—"Hardening of the Altitudes."

Air age education is a never-ending process for all of us—and involvement in it will be stimulating and rewarding.

[From the Wichita Eagle and the Beacon, Mar. 23, 1969]

HIGH SCHOOL COURSES HELP AIRPORTS

It was a similar bent prop incident that helped spark the people of Osage City, Kan. to action on their airport.

Seems a distinguished visitor landing his own plane at the airport for the first time had difficulty determining exactly where the runway was.

The wrong choice resulted in minor damage to the airplane and considerable local embarrassment.

It was about the same time that local school officials were organizing an aeronautics course in the high school after attending a summer workshop on the subject at Wichita State University.

That was a year ago, and through what was termed a "total commitment—a total community effort," the "Osage City Farm" is fast being reverted to its original status and use as the "Osage City Airport."

Following the minor mishap on the field, several concerned citizens—again mostly non-pilots—used the local chamber of commerce as a platform and expressed a desire to improve conditions at the airport.

"We wanted something we could be proud of and that would be safe," recalled Jack French, local optometrist and airport sparkplug.

"I spoke out too loudly at the chamber one day and they made me chairman of the committee," he said.

From the chamber, French and company went to the city council, which promptly agreed to spend some $4,000 that had accumulated from growing crops on the airport.

The real test, however, came when businessmen contributed another $5,000 for the airport improvement program.

Equipment and labor was donated by Clem Thompson, local earth moving contractor, whose son just happened to be a student pilot.

WEATHER MAJOR BAR

Only the weather is now holding up completion of the new runway—2,650 feet by 50 feet with a six-inch base. An oil surface is being used to avoid the expense of asphalt and the special equipment required to lay it.

"We hope it will keep its resiliency by reworking it every three years," French explained. City fathers have agreed to begin collecting that optional ½-mill levy this year for airport maintenance.

According to French, between 90 and 95 per cent of all the merchants in the community donated some funds and the board of education also chipped in as did a number of people from the farming community.

Federal funds were never sought since federal standards would have required about 3,800 feet by 60 feet of runway and the cost would have been much higher.

Much of the success of the Osage City project has been credited to the high school aeronautics course.

"I don't think the airport would be what it is without the course," commented Kenneth Kern, Osage City High School principal.

Fifteen students are enrolled in the course, started last year by science teacher-pilot Jim Buller and five adults are taking an adult education private pilot ground school class from Buller at night.

In addition, five high school students and four adults currently are taking flying lessons. Prior to the start of construction on the new runway, an Emporia, Kan. flying instructor would fly up to Osage City twice a week to give instruction.

Although there are now only two aircraft based on the field, Osage Citians are thinking of attracting aircraft owners from Topeka—25 miles north—with new T-hangars and improved facilities.

SENATOR HARRIS ON "MEET THE PRESS"

Mr. HART. Mr. President, I ask unanimous consent to insert in the RECORD at this point the text of NBC's "Meet the Press" of October 19, 1969, at which the distinguished Senator from Oklahoma (Mr. HARRIS) was the guest.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

MEET THE PRESS, OCTOBER 19, 1969

(Produced by Lawrence E. Spivak)

Guest: Senator FRED R. HARRIS, Chairman, Democratic National Committee.

Moderator: Lawrence E. Spivak.

Panel: Peter Lisagor, Chicago Daily News; Robert Semple, Jr., the New York Times; Paul Duke, NBC News; Russell Freeburg, Chicago Tribune.

Mr. SPIVAK. Our guest today on Meet the Press is the Chairman of the Democratic National Committee, Senator Fred R. Harris of Oklahoma. Senator Harris served as cochairman of the Hubert Humphrey presidential campaign.

Now we will have the first questions from Paul Duke of NBC News.

Mr. DUKE. Senator Harris, the man who is generally regarded as the leader of the Democratic party, Hubert Humphrey, recently said that he believes President Nixon is proceeding on a right path in Vietnam. Do you share that belief?

Senator HARRIS. Well, I don't have any right to speak for Vice President Humphrey or anyone else. I simply have felt, as we said in a bipartisan resolution which I co-sponsored with Senator Church and Senator Hatfield the other day, the President has indicated that this war is unwinnable militarily and that, therefore, we think he ought to get about getting us out of it on a much more rapid and systematic basis. That is my own personal view and, of course, I am the only person I am entitled to speak for.

Mr. DUKE. Well, about a year ago, Senator, you were regarded as a one hundred per cent supporter of Lyndon Johnson and his policies regarding Vietnam. Does this mean a change in your own personal position?

Senator HARRIS. Yes, it does, and I would just say this: I didn't change my mind, however, about this war during this administration. I spoke out against the war during the previous administration.

In August of last year, for example, prior to the Democratic National Convention, I called for, among other things, a unilateral, unconditional bombing halt, and, so, my own feeling about it now, the necessity for us to disengage more rapidly than we are presently doing is not a partisan matter as some would try to make it because, as I said, I spoke out during the last administration.

Mr. DUKE. But isn't it true, Senator, that President Nixon is taking many of the steps which you and other Democrats advocated six, nine months ago, a year ago? He is trying to reduce the level of the fighting, he is bringing the boys home, and there are now reports that the Administration is considering trying to bring home as many as 300,000 troops by sometime in 1970? Doesn't this show real progress?

Senator HARRIS. I think the key to what you have just said is that there are "reports" that the President wants to bring home 300,000 people by the end of 1970. We also saw Melvin Laird, the Secretary of Defense, in what one newspaper has said was somehow a misquoting of him, say something about residual forces and so forth, and we have seen the President of the United States say that he thought President Thieu was one of the four or five greatest statesmen of all time, that Vietnam may be one of our finest hours in history and so forth.

I think that what those of us who are speaking out now are saysing is, "Mr. President, when opposition to this war is at such a tremendous level and when you have had nine of ten months now, going on to ten months, to take a fresh look at this war—and even you have now said it is unwinnable militarily and you are going to get us home—I think we are entitled to more than vague "reports," and certainly more than conflicting statements on one side or another of this issue, and that is why I am so pleased to see the President is going on the air November 3rd, apparently, and I just hope he will articulate a policy, tell us what it is we are doing there and that that will mean a more speedy disengagement.

Mr. DUKE. Nonetheless, Senator Harris, to repeat the question, isn't it true that the President is taking many of the steps which many Democratcs had advocated?

Senator HARRIS. Yes. Yes, I think so, but the problem is about it—for example on withdrawals, it won't do to say "I am going to withdraw 25,000 troops now and then we will wait and see," and there are three or four conditions, what Saigon does and what Hanoi does and this and that before we decide. I think a key word is "systematic." Former Secretary of Defense Clark Clifford, for example, has said we must have systematic troop withdrawals and he laid down a time table for that. And I think the systematic nature of those withdrawals is very important because only then does he believe, and do I believe that President Thieu, for example, will begin to make the decisions in the South that have to be made if that government is going to be supported in the South and if they are to take on more of their own responsibility, and secondly if Hanoi is to feel any greater pressure for negotiations. The systematic troop withdrawal is what is important and I think we haven't seen that to date, plus we have not seen a plain statement for the people of this country of the common sense of what the President is doing or for that matter, what he is doing.

Mr. SEMPLE. Senator Harris, if President Nixon liquidates this war rapidly but fails to achieve an honorable settlement along the way, and the Viet Cong takes over, will he be fair game for Democratic charges of surrender in 1970 and 1972?

Senator HARRIS. Well, I think you have got some charged words there about "honorable" and so forth. Let me just say this: My own involvement in speaking out on this war has been for the reason which comes up in your question. That is, I think we ought to say to the President of the United States that "If you will move in that direction, then we are going to support you." And I think we are helping to create the climate within which the President can more rapidly and honorably disengage.

Mr. SEMPLE. I use the word "honorably" for a very particular reason. It seems to me that there will be a rather substantial counter-reaction in this country if, in fact, he liquidates the war and withdraws precipitously in such a way that the enemy does take over. There is a rather large emotional commitment to our stakes in Vietnam and what you seem to be suggesting is that the Democrats will not criticize him if that happens.

Senator HARRIS. Well, I don't think that has to happen. I do not accept that as what will happen, if he will do what we suggest.

I suggest: (1) A stand-still cease fire, which I earlier suggested we should accept on the death of Ho Chi Minh, and I think it tragic, we didn't do that, and (2) I suggest a more rapid systematic withdrawal of troops.

Now, I would not bind the President to an exact timetable. I think we should hold him to his press conference of June 19th of this year when he said he hoped to beat the schedule advocated by Secretary Clifford, but I just think now is the time when we must transfer more of the responsibility to the South Vietnamese people themselves and there is no time better than the present to do that.

Mr. SEMPLE. Well, isn't the President in effect embarking on a timetable at the moment?

Senator HARRIS. I hope so.

Mr. SEMPLE. I mean this is the only way I can read his original withdrawals of 25,000 and 35,000 troops. As I understand you, you would have him proceed faster?

Senator HARRIS. Yes, I would, and not only faster, but in a systematic way. I think that is what is important. It is only by that means that we can signal Hanoi and signal Saigon in a meaningful way that we are on the way to allowing the people of South Vietnam to achieve self-determination.

Mr. FREEBURG. Senator Harris, I'd like to ask you about your role in dissent in Vietnam. You were quoted recently as saying it is time to take the gloves off and you favored the moratorium last week.

Looking back to Johnson, President Johnson was sort of run out of office. Your own candidate last year started his lowest point after the demonstrations in Chicago.

Isn't there danger, after President Nixon has only been in office for ten months, of again breaking a President before he—and in this case, before he really has a chance to do something?

Senator HARRIS. I don't think it is a question, Mr. Freeburg, of breaking a President, and I think it is unfortunate that some people can't disassociate the issue from the personalities. You and I know that we got into this war through four administrations. I think there is enough blame to go all the way around, myself included, as I have made clear. I think all of us can take a part of the blame; those of us who supported this war and those of us who remained quiet while the policy unfolded.

What we are trying to do is create the climate within which the President can do the right thing and that is begin to get us out of there at a much more rapid rate, and I think we are doing that, and I just believe enough in the American system that it will respond and I am hopeful that in his statement on November 3d the President will spell out his policy to do that.

Mr. FREEBURG. Have you made up your mind yet whether you will back the November 14th to 15th anti-war demonstrations which are led by more militant people or are you going to wait until after November 3rd to see what he says?

Senator HARRIS. First of all, I am not involved. It is my understanding from the papers that a lot of people and different organizations are involved and apparently there is some disagreement among themselves. I read in the papers today about a disagreement on what they plan in November. I certainly have no plan to be involved in those and I am very interested in what the President does on November 3rd.

Mr. LISAGOR. Senator Harris, just one other question on Vietnam: Why should Hanoi negotiate at all if you want the President—and many people want the President, and even the President wants—to establish a system of systematic withdrawal from South Vietnam? If you were in Hanoi, wouldn't you just sit tight and wait?

Senator HARRIS. First of all, may I say, Mr. Lisagor, that if that is an argument to be made against my own position, it is a better argument against President Nixon's because he has come in now with a fresh look at this war and has decided against military victory and has started us on what I hope and believe is some irrevocable move to disengage.

Mr. LISAGOR. It is irreversible, is it not?

Senator HARRIS. It seems to me it has to be, but it has got to be more systematic and more rapid. At any rate, that is an argument to be made against his position and not against those of us who are calling for more rapid disengagement. But I would say this to you:

First of all, former Secretary of Defense, Clark Clifford, is convinced that only through the announcement of a systematic withdrawal of American troops will we have a chance—and there may not be a chance—but will we have a chance of getting Hanoi to bargain. If they are faced with the prospect that they are eventually going to have to deal with a purely indigenous, purely local, popularly-supported government in the South, that prospect has the better chance of getting them to negotiate.

The second thing is, former Ambassador and chief negotiator at Paris, Averell Harriman, feels that, if anything, the moratorium on balance helped the negotiations because it helped to show Hanoi that we really mean it when we say we are going to disengage.

Mr. LISAGOR. Senator, I'd like to switch you over to the economy. The President made a speech Friday in which he, in effect, blamed the Democrats for inflation, saying that they spent an awful lot more money than they collected in taxes over the past five or so years. Do you believe he has moved vigorously enough on this inflation front to halt the rise in wages and prices?

Senator Harris. I certainly don't. Again, you know, I think you can get into this "blame" business, but the truth of the matter is that the consumer price index on meat and fish and poultry, for example, has gone up during the first eight months of this administration more than in all the previous eight years combined. Interest rates have reached a one hundred year high level. We have seen copper and steel prices go up alarmingly at a time when the President has refused to use the moral persuasion of that office, and now he seems to be willing to try to come through the back door and try to do that, but I think the President of the United States has got to be a leader in working with management and with labor in working out wage-price guidelines and I think it doesn't help at all, when many of us are trying to cut down, for example, on unessential defense expenditures—as, for example, on ABM—it doesn't help for him to come along then and recommend an SST.

Mr. Lisagor. Do you think we can cure this problem of inflation or bring it into control without an increase in unemployment? We have already seen an increase, but don't you think that unemployment has to go higher than it is now, the rate, and also what should we do about it?

Senator Harris. No, I do not think that we have to say that, that some level of unemployment is acceptable. You know, unemployment is a euphemistic term which means that individual people, family heads, are out of work, and I thought it was appalling what Secretary Kennedy said before the committee the other day, that there was some level of acceptable unemployment and he refused to even say that six or seven per cent unemployment was unacceptable.

I think that what the Administration must do, as it tightens up, is to understand that it has to put a net under this fallout. If we are going to begin to tighten up and people are going to fall out of jobs, then we have to have a net to catch them. We have that in a bill by Jim O'Hara in the House, and one being perfected by Senator Gaylord Nelson in the Senate, and I just think that is the No. 1 thing that we need to be doing in this Congress.

Mr. Spivak. Senator Harris, you and other Democrats keep talking about a time table. What do you mean by a time table? Have you a time table?

Senator Harris. What I have said, Mr. Spivak, is that I think that what Secretary Clifford has recommended is a minimum. He has said that we ought to have 100,000 American troops out by the end of 1969 and all combat ground troops out by the end of 1970.

Mr. Spivak. Well, how do you know the President isn't planning to do that?

Senator Harris. Well, the President said twice on June 19 in his press conference in answer to two separate questions he hoped to beat that schedule. I just want to hold him to that.

Mr. Spivak. Do you want him to announce a monthly time table? I just don't quite understand what you mean by a time table.

Senator Harris. Not exactly monthly, but I think he must say what he systematically plans to do. Only by that way will he convince both Hanoi and Saigon that that is what we intend to do and only by that kind of systematic withdrawal will, it seems to me, the other good things that might flow from that occur.

Mr. Duke. Senator Harris, isn't it possible all this criticism will make it more difficult for Mr. Nixon to extricate us from Vietnam?

Senator Harris. No, I think not, Mr. Duke. I think we are going to make it easier for him and that is what I hope to do, and I think that is our responsibility as a responsible opposition party. We have to help to create the climate in which he can do the right thing.

Mr. Duke. I would like to go back to the economy for just a moment. Granted that we do have inflation today, isn't it also true that the Democrats must share a large part of the blame for inflation because it originated during a Democratic Administration?

Senator Harris. I think that is partly true. Nobody denies that. It is so funny to me that when people say "Well, maybe you are right, but you Democrats were just as bad or nearly as bad." Well, you know I like to think of Tennyson's line that Bob Kennedy used for that book "Come, my friend, 'tis not too late to seek a newer world."

Mr. Semple. Senator, I'd like to ask you a couple questions about the Democratic Party, if I may. The McGovern Commission has proposed some rather far-reaching reforms in the party, including the admission of 18 and 19 year olds, younger people to party affairs, even though they can't vote. What is your opinon of some of those proposed reforms?

Senator Harris. I think that is a very good idea. The Democratic Platform binds us to try to change the law for an 18-year-old vote. I think in the meantime it is a very good idea to open up the party's processes to those 18 years old or more. That is why, if I could just kind of expand the question to get back to Vietnam slightly, that is why I wanted in a positive way to lend the influence of my office as a Member of the Senate from Oklahoma to these kids who wanted in a peaceful, non-violent, lawful way to show what they thought about this war. Young people are the ones who primarily fight the wars, and yet most of them are too young to vote and I think it was unfortunate President Nixon said he wouldn't be affected by what they did. He later changed his mind, I think, and he is obviously affected, and Rogers Mortor endorsed it and so forth, but I think we have to open up the processes of the party and the country to those who are powerless and a group which is more powerless than some, are the young.

Mr. Semple. Well, as a related question I'd like to ask you whether the Democratic Party isn't moving very rapidly in the direction of becoming a party based largely on Northern liberal intellectuals, the blacks, and as you suggest, some of the young. Now that at least seems to be the direction Mr. Nixon is trying to push you in and I wonder if you are willing to settle for it either in the long run or the short run?

Senator Harris. No, we are not willing to settle for it, and I think the greatest comeback this year in addition to the New York Mets, may be the Democratic Party. We have had five Congressional elections, you know, in 1969, and prior to Mr. Nixon's election, four out of those five were held by Republicans and now four of the five are held by Democrats, including the one in Massachusetts where a Democrat hadn't been elected since 1820, and the one that was Mel Laird's old seat, where a great young fellow, David Obey was elected, the first time in all history a Democrat was elected there. I don't think you can overgeneralize from that, but I think if you have good candidates, if you speak to the issues, if you put together a responsible, middle ground—you know that is what we are trying to do, is to get the middle-ground people to respond to these issues that face the country—we can win.

Mr. Freeburg. Senator Harris, in connection with the party, Governor McNair of South Carolina recently warned the Democratic Party leaders the liberals were trying to force the Southern conservatives out of the party and then you have the new Democratic coalition on the other side.

How do you compare the Democratic Party now to a year ago, has it healed any, do you still have bad splits in the party, as I tried to point out here might be possible?

Senator Harris. Well, to coin a phrase or two, I think "we see the light at the end of the tunnel" and "we have begun to turn the corner" and we have seen a few "captured Republican documents" which indicate that we are making some headway. Those races, I said, that we had won this year, already, we have paid off $500,000 on the debt we owed since I became Chairman. We are building back toward the 1970 campaigns and I think that we are making some progress. There are a lot of people that confuse disagreement with hopeless division. I believe there is a great deal of dynamism in the party. For example, in the McGovern Commission, the spectacle of a party—and this is rather unusual—engaged in self-renewal, in reforming and rebuilding itself from within.

Mr. Lisagor. Speaking of splits in parties, Senator, what should the President do about the Judge Haynsworth appointment now?

Senator Harris. I think he ought to accept the advice of members of his own party, such as Senator Ed Brooke of Massachusetts and the Whip on the Republican side in the Senate, Bob Griffin of Michigan, and withdraw that name.

Mr. Lisagor. I'd like to ask you one other economy question. You are a member of the Senate Finance Committee and the President has said he will veto any tax reform bill that comes out with less revenue than he thinks it ought to contain. Will that bill come out with reduced revenues and what should it be?

Senator Harris. I don't know how to answer that because who knows yet what it may do?

I think that, first of all, we have got to have substantial tax reform in this country. We have got to collect more from a lot of people who are not paying their share. We have got to give tax reduction to the over-burdened middle and lower-income people and we are going to do that, but I think as of this moment we can't decide how much tax reduction there will be until we get a final look at that bill.

Mr. Spivak. Gentlemen, we have about three minutes.

Senator, may I ask you a question? You endorsed Tom Bradley for Mayor of Los Angeles because you said it was a race of national importance. Where do you stand on the race for Mayor in New York City, which is also of national importance?

Senator Harris. I am not going to get involved in the race in New York City. I did not endorse Tom Bradley for the reason you said. I endorsed Tom Bradley because the Los Angeles County Democratic Committee asked me to make a tape for him. I have had no such invitation on the New York race and, as you know, the Democrats are greatly split up there.

My two bosses on the National Committee from New York, the National Committman and woman, are split—well, not really split; the National Committeewoman has endorsed John Lindsay; the National Committeeman has not taken any position and therefore there is not anything that I can do and I don't intend to get involved in it.

Mr. Duke. Well, if the Democratic nominee for Mayor, Mr. Procaccino, if he asked your help, would you give him help?

Senator Harris. It would have to come from others and not just from Procaccino and I don't intend to get involved in that race for the reasons I have just said, but also I would just say I have got a lot of other things to do; we have other congressional races, governors' races, and so forth.

Mr. Duke. Do you think Senator Edward Kennedy could come back to capture the Democratic presidential nomination, if not in 1972, at some future date?

Senator Harris. I think that is certainly an open possibility. I was one of those who said very strongly and early that I thought Senator Kennedy ought to remain in the Senate and that he had been an outstanding leader in the Senate as Majority Whip. He himself has removed himself from the '72 race, but who knows after that?

Mr. Semple. What about your own ambitions in 1972, Senator? There have been a lot of rumors, as you well know.

Senator Harris. Right. I am not running for President or Vice President in 1972. That has caused me a lot of trouble and particularly since Ted Kennedy took himself out for 1972. That has put a lot of pressure on me and some people wonder if that is what I am using the Democratic National Committee to do. I would just say that I consulted with people like John Baily and Steve Mitchell and Clinton Anderson and others and they told me that this wasn't a very good stepping stone.

Mr. Freeburg. Do you see any role for Gene McCarthy in the party's future?

Senator Harris. I certainly do. I see Senator McCarthy quite often as a member of the Finance Committee. I have just read his latest book. He is very concerned about the issues that still confront this country and I hope that he will continue to feel that the Democratic party is the proper forum to help do something abut the issues.

Mr. Lisagor. Senator Harris, you have said that the Administration is like Noah's ark. It has two of everything. What did you mean by that?

Senator Harris. For example, on desegregation, you know, we have got the Mitchell line, which is a rather hard line, and we have got the Finch line, which is a line that is on the side of human rights it seems, and the President then took the middle course. As you know, he said he was not for instant integration and he was not for segregation forever—somewhere in between. I don't know how you can compromise a moral issue like that, but that is what has been happening with different kinds of spokesmen within the Administration.

Mr. Spivak. I am sorry to interrupt, but our time is up. Thank you, Senator Harris, for being with us today on "Meet the Press."

EXPRESSION OF SUPPORT FOR PRESIDENT NIXON

Mr. BENNETT. Mr. President, the Vietnam protest movement in the United States tends to give an unfair impression of American public opinion. Last October 15, when a very small group of Americans was marching in protest, a silent majority of our people went about their normal activities. One cannot deny the fact that vocal activists receive much more publicity than the quiet American who does not take to the streets.

However, the protest movement has prompted many Americans to write to their Senator or Congressman, expressing support for President Nixon's Vietnam policy.

I was very impressed when I received a copy of a telegram sent to the President by the Utah Student Body Presidents' Conference, held at the University of Utah, October 17 and 18, 1969. It was signed by seven of the nine college student body presidents in my State. It reflects, I think, the fact that most Americans still support the course being followed by our able President, and also reflects an understanding by these people that this is a very complicated and difficult war to terminate. They realize that the options of all-out war and immediate withdrawal are not acceptable to the American people.

I ask unanimous consent that the telegram sent to President Nixon be printed in the Record. In addition to the stand taken by the student body presidents, have received a petition from Frank C. Overfelt, student body president at the University of Utah, signed by many of his colleagues and expressing support for Mr. Nixon.

A third item which I find interesting is a Support-torium signed by 20 persons in the Salt Lake area, expressing a position similar to the students and the student body officers. I ask unanimous consent that the telegram from Frank Overfelt and the Support-torium with the accompanying signatures also be included in the Record.

There being no objection, the telegram and signatures were ordered to be printed in the Record, as follows:

[Telegram sent to President Nixon on Vietnam issue]

Resolutions of the Utah Student Body Presidents' Conference, Held At the University of Utah, October 17 and 18, 1969

President Richard Nixon,
Washington, D.C.

We, the undersigned Student Body Presidents of the universities and colleges in Utah, commend your efforts towards peace in Vietnam.

Frank C. Overfelt,
University of Utah.
Paul Neuenechwander,
Weber State University.
Raymond W. Pollard,
Dixie College.
Neil O. Gruwell,
Utah State University.
Richard Williams,
Snow College.
Don Marchant,
Southern Utah State College.
Ken Kartchner,
Brigham Young University.

[Telegram]

Richard M. Nixon,
President of the United States,
White House,
Washington, D.C.:

We, the undersigned students of the University of Utah wholly endorse your plans for peace in Vietnam, and heartily encourage your extended efforts in this regard.

Frank C. Overfelt, Student Body President, Associated Students of the University of Utah; Pete Dixon, James S. Jardine, Galen W. Williams, Craig K. Lambson, Ronald H. Cannegieter, Douglas P. Richards, Lannie Remmons Pace, Dan Hinmon, Andy Tralison.

Michael R. Weiler, Marjorie Meads, Jonathan A. Dibble, James S. Jackson, James Ashley Brinton, Mr. and Mrs. Michael Christensen, Lorraine Shanley, Pat Thomas, Roger Davis, Ted Adams, James M. Schutz, Leah F. Spencer, Harvey P. Cahoon, David F. Evans.

Deann E. Kenipner, Edward D. P. Lunt, Lynon H. Affiect, Stewart Karren, Diana Karren, Robert B. Ingebretson, Randy Kriten, Janet Allen, Jesse F. Cannon, David J. Hippen, Brian G. Mason, Lori Duncan, Gill Mulvay.

Kathy Wood, Debra D. Gardner, Vicki Jean Lewis, George G. Hollis, II, Lynn H. Gillette, John Lever, Shirley Moore, Kaye Lynne Pugh, Tamara Andrew, Brent Evans, Mike Miller, Blaine K. Sebring.

Janet Lee Matthews, Karl C. Rowe, Suzanne Dean, Lorin W. Brown, Alan Van Fleet, Rodger E. Brown, Kevin Brooke Taylor, Margie Faceo, Kent Jaffa, Lawrence Francis Cavanaugh, Jr.

Scott Anderson, Laszlo Preysz, J. Adrian Overlins, Lynette Timmerman, Jeri Rubisch, Richard Mott, Larry Hemingway, Cathy Daines, Steve Lowe.

Support-Torium, October 15, 1969

As citizens of the United States, we wish to express our support of President Nixon in an honorably negotiated withdrawal of troops in the Vietnam war. This should be done at the earliest possible time, but at his discretion of a lasting peace, and not by irresponsible pressure groups.

Edward E. Rabiger, Salt Lake City, Utah; June J. Rabiger, Salt Lake City, Utah; Maurice W. Hanks, Salt Lake City, Utah; Alexander L. Fortemoto, Tooele, Utah; Paul B. Masock, Salt Lake City, Utah; Gilbert B. Hamblin, Salt Lake City, Utah; Lt. Leander E. Woods, Tooele, Utah; Hiro Dwasaki, Salt Lake City, Utah; L. Dean Henson, Magna, Utah; Lloyd Gorep, Tooele, Utah.

Dennis R. Orgill, Grantsville, Utah; Terry Anthony, S.L.C., Utah; Donald V. Horrocks, Taylorsville, Utah; Thurmon Lee, Tooele, Utah; Kelland H. Willis, Salt Lake City, Utah; Zeff Burks, Tooele, Utah; Allen L. Taylor, Grantsville, Utah; Diana Jacobson, Tooele, Utah; Harold Ballard, Salt Lake City, Utah; Elizabeth Ballard, Salt Lake City, Utah.

NATIONAL GALLUP POLL FINDS MAJORITY OF AMERICANS SUPPORT S. 3000; FAVOR TOTAL IMMEDIATE WITHDRAWAL FROM VIETNAM

Mr. GOODELL. Mr. President, for most Americans the subject of the Vietnam war has evoked confusion, complexity, and frustration.

Despite all of the setbacks and disappointments we have suffered since our military involvement in Vietnam began in the early years of this decade, our people have long been optimistic.

They rallied behind a succession of American Presidents committing us to a continued American presence in Vietnam.

Mr. President, this optimism is no longer there. There is now mounting evidence that a growing majority of our people—young and old, from every segment of our society—no longer support the continuation of American military intervention in Vietnam.

An important indicator of this remarkable change in view is the recent Gallup poll released on October 12.

This survey was based on interviews conducted in over 300 localities across the Nation.

A clear majority of our citizens—57 percent—stated that they wanted Congress to enact S. 3000, "The Vietnam Disengagement Act."

Under the terms of this bill, which I introduced on October 7, no funds may be expended to support American military personnel in Vietnam after December 1, 1970.

The withdrawal would not be abrupt, but would be accomplished in an orderly fashion under a schedule determined by the President.

The South Vietnamese Government would then be required to take up the burden of the war on its own. We would continue to supply them with necessary military and economic aid.

Another important indicator of rising popular support for prompt and complete withdrawal of U.S. troops is to be found in the large number of people who rallied to the October 15 moratorium and signed petitions expressing this view.

In assessing the broad impact of moratorium day, the press has consistently reported that persons from all segments of our society participated.

In this connection, I direct the attention of the Congress to an article entitled "Patricia Wall's Enlistment," which appears in the October 24 issue of Time magazine.

Further evidence of the wide base of support for disengagement are two petitions which are currently being circulated in the Harvard Graduate School of Business.

The first, circulated by the Harvard Business School Vietnam Peace Committee, has been signed so far by 508 of the 1,500 students in the school. It "opposes further U.S. military involvement in the war in Vietnam."

The second, circulated by the Harvard Business School Resistance Group is signed by 133 students to date. It calls the war "a grave crime against humanity" and demands "immediate and unconditional withdrawal of all U.S. forces."

The median age of the entering class at the Harvard Business School is 25. About 37 percent are veterans and 41 percent are married.

Another important barometer of public opinion on this, as on other issues, is the mail from our constituents.

To date, I have received 12,873 individual pieces of mail in favor of the enactment of S. 3000. I have received 1,192 letters in opposition. This constitutes 12-to-1 support for the bill.

These expressions of opinion come from virtually every State in the Union. They represent the views of persons of all ages and of many different political persuasions and social backgrounds.

Mr. President, I ask unanimous consent that the texts of the Gallup poll, the Time magazine article, and the two petitions from the Harvard Business School be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE GALLUP POLL: 57 PERCENT BACK GOODELL PLAN TO WITHDRAW ALL TROOPS FROM VIETNAM BY END OF 1970

(By George Gallup)

PRINCETON, N.J., October 11.—A majority of citizens sampled throughout the nation—57 per cent—say they would like to have Congress pass the bill proposed by Sen. Charles Goodell to withdraw all U.S. troops from Vietnam by the end of 1970 and turn the fighting over to the South Vietnamese.

However, a sizable proportion of Americans—43 per cent—say they would like the proposed bill defeated or have yet to make up their minds about it.

A view commonly held by those who favor the bill is one expressed by a young construction worker from Pennsylvania: "We've started the ball rolling and pulled out some of our troops—why don't we go all the way?"

A 23-year old housewife said: "We have obligations to South Vietnam, but we're spending too much money and giving up too many lives for something that is not that important."

PLAN SEEN AS "UNREALISTIC"

Opposed to the bill is a youth worker from Red Bank, N.J., who commented: "The plan is unrealistic. You can't just pull out overnight and leave the South Vietnamese defenseless. The situation will have to be greatly improved before we can take all our forces out."

An Army captain from Georgia also opposes the bill: "It would limit the alternatives possible in Vietnam and tie the President's hands."

DETAILS OF SURVEY

Results of the current survey are based on interviews begun Friday, Oct. 3 and represent the views of a nearly completed sampling of 1478 adults interviewed to date. Interviews in the study are being conducted in person in over 300 localities across the nation. Each person is asked this question:

A U.S. Senator has proposed legislation to require the withdrawal of all United States troops from Vietnam by the end of next year. The fighting would be turned over entirely to the South Vietnamese, with the U.S. providing military supplies and financial help. Would you like to have Congress pass or defeat such a proposal?

Here are the results:

GOODELL PLAN

	Percent
Like to see Congress pass it	57
Defeat it	31
No opinion	12

Persons with a college background are less favorably disposed toward the bill (49 per cent express support) than are persons with less formal education. A larger proportion of Democrats (62 per cent) than Republicans (52 per cent) favor passage.

BASIC ATTITUDES ON VIETNAM WAR

Nationwide surveys in recent weeks have revealed these basic facts about U.S. public opinion on the Vietnam war:

1. As the war has continued, a growing number of Americans, now at a peak of 58 per cent, believe it was a mistake to have become involved in Vietnam with troops. The proportion who hold this opinion now clearly exceeds the proportion who in the early fifties felt our involvement in the Korean war was a mistake. This reached a high of 51 per cent in April, 1952.

2. The majority of Americans believe the war is primarily South Vietnam's and not ours and, for the last four years, have favored a policy of training and equipping more South Vietnamese soldiers and the phasing out of American troops as soon as the South Vietnamese could take over.

3. Despite these feelings about our military involvement, the public has at no time favored an abrupt and total withdrawal.

[From the Time magazine, Oct. 24, 1969]

PATRICIA WALL'S ENLISTMENT

Patricia Wall is not an activist. She is a Democrat of center-stripe conviction, a Roman Catholic, a young (31) suburban (Evanston, Ill.) mother of two and wife of a vice president at the First National Bank of Chicago. Her joiner's urge has been satisfied by participation in the 4-H Club. When she told her husband Bernard that she planned to attend a Moratorium observance at Mundelein College, he had a surprise for her too: he had decided to take part in a businessmen's discussion of the war at his downtown bank.

A year ago, Mrs. Wall, a petite, college-educated brunette, would have hung back. She was not a hawk, but neither was she a participant in the peace movement. "The whole problem is so complex," she explained, "that for a while it overwhelmed me. But then I began to realize that the complexity of a problem shouldn't be a reason not to do anything." There was another influence working as well: "As my husband and I have grown older, we have become increasingly aware of our Christian responsibilities and more deeply committed to our moral obligations, and this, too, led to my decision to participate."

Early Wednesday morning, Pat packed her children off to school and boarded the train to Mundelein, a Catholic girls' school run by the Sisters of Charity of the Blessed Virgin Mary. She entered Coffey Hall, picked up a black crepe armband and some pamphlets in the lobby and went inside to sit down.

About 100 people had shown up for the observance, including teachers, students, nuns and visitors like Pat Wall. They listened intently as Sister Ann Ida Gannon, the school's president, greeted them: "This day will be a failure if most of you let it stop at 4 or 5 o'clock. Today is only a beginning." It was a thoughtful group, not one inclined to swallow any spoon-fed dogmatism. When a bearded teacher began to criticize "our corrupt society" and "our bankrupt electoral system," one woman in the audience objected quietly but firmly that she was there to protest the war in Viet Nam, not the state of society or the electoral system.

Though silent during the discussion, Pat Wall was going through an internal process of decision. Soon a petition was passed around. One woman pointed out that it called for complete and immediate withdrawal of U.S. troops, and refused to sign. She argued that such precipitous action was impractical. When the petition reached Pat, she hesitated, started to pass it along, then got it back and signed.

Later she reflected: "When I went to that meeting this morning, I believe that I was emotionally committed. Now it is more than that. I've enlisted." How would she serve? "I really don't know what we might do next. I just can't tell. We are not the sort of people who picket and hand out pamphlets. But I do think we might have some of the people who spoke this morning over to our home. I'd like to have some of our neighbors in to hear them talk."

HARVARD BUSINESS SCHOOL VIETNAM PEACE COMMITTEE

We, students at the Harvard Business School, oppose further United States military involvement in the war in Vietnam. Our government has shown itself time and again unwilling to extricate itself from a fight which has never been ours. It has thus demonstrated a remarkable insensitivity to the wishes of many millions of Americans representing virtually every segment of our society. This constitutes in our belief a clear abdication of governmental responsibility that seriously impairs the ability of the United States to act effectively in its domestic crisis.

We therefore call upon the leaders of our private sector to marshal every resource, exercise every pressure, and implement every lawful means to make our government stop this war. We urge the leaders of industry and finance to take these steps in the long-run interest of the free enterprise system and of all Americans.

HARVARD BUSINESS SCHOOL RESISTANCE GROUP

We, the undersigned students at the Harvard Business School, are opposed to the American war in Vietnam. The foundation of our opposition does not lie in "practical" arguments of economic expediency.

Our opposition is rooted in our moral conviction that the war is a grave crime against humanity.

We condemn the systematic attacks against the Vietnamese people, the indiscriminate destruction of defenseless villages and the ruination of the countryside. The Vietnamese people have demonstrated, through a quarter century of struggle, that they are not intimidated by foreign powers and that they will not tolerate the rule of landlords and military cliques.

We demand the immediate and unconditional withdrawal of all U.S. forces from Southeast Asia.

WEST VIRGINIA UNIVERSITY PERCUSSION ENSEMBLE

Mr. BYRD of West Virginia. Mr. President, so much publicity has been focused on demonstrations and disorder on college and university campuses that constructive achievement by students may sometimes be overlooked.

Among outstanding achievements that deserve recognition and commendation, I believe, are those of the West Virginia University Percussion Ensemble, a 13-member group of unusually accomplished student musicians which is carrying the name of West Virginia and its university far beyond the borders of the Mountain State.

This ensemble—which recently performed in the Washington area and has other out-of-State performances scheduled for this season—was selected by the U.S. State Department to be the first percussion group in the United States to tour Latin America.

As a result of this outstanding honor, the ensemble, which is directed by Philip J. Faini, visited nine Latin American countries during the past summer and won high critical acclaim for its music. It is the only performing student group from West Virginia University ever to go abroad on such a mission.

The ensemble visited Haiti, Trinidad, Panama, Colombia, Ecuador, Paraguay, Uruguay, Argentina, and Brazil. It gave about six performances each week during its 8-week tour, made radio and television appearances, and conducted music workshops.

The group, a part of the WVU Creative Arts Center, was selected for the cultural tour by the Office of Cultural Presentations, Bureau of Educational and Cultural Affairs, U.S. Department of State. Traveling from June 26 to August 20, it performed at government embassies, theaters, universities, and cultural centers.

The honor given the ensemble, Mr. Faini said, was "recognition of the people of West Virginia who have supported a university in which the arts, along with other disciplines, are allowed the freedom and resources to research and develop new programs."

The State Department's cultural presentation program, started in 1954, I am told, annually sends abroad about 30 to 35 performing groups and individuals, both professional and academic, to increase international understanding through cultural exchange. In selecting performers to be sent abroad, panels of experts recommend groups in the fields of music, dance and drama to the State Department. The WVU unit was one of only six academic groups chosen in 1969.

Nearly 100 instruments, plus WVU's unique collection of African drums and other native instruments acquired by Faini on an African trip last summer, were taken along by the ensemble.

The group last winter presented a concert at WVU featuring authentic African music performed for the first time in concert in the United States. Mr. Faini tape-recorded the African music during a trip to Africa in the summer of 1968 and transcribed it into musical notation for the ensemble. Some of the selections were incorporated into the tour program. Although percussion instruments are as old as man himself, music written especially for this medium is a development of the 20th century.

The group has performed in the rotunda of the West Virginia State Capitol, at the Governor's Mansion for the State Legislature, and at schools and colleges throughout the Eastern United States. It has premiered 20 new works for percussion as well as being one of the few, if not the only, percussion ensemble in the Nation to perform the authentic African music as part of its repertoire.

It has also made an album, entitled, "Protest in Percussion," which is now in its third pressing.

Mr. Faini is a graduate of West Virginia University with high honors. He received his bachelor's degree in music in 1959, and his master's degree in theory and composition in 1966.

He attended the university on a Board of Governors scholarship, and was the recipient of a Presser Foundation award for excellence in music. While a student at WVU, he was one of the three original members of the first percussion ensemble at WVU, formed in 1956.

Mr. Faini has studied percussion with Roy C. Knapp, Jose Bethancourt, Irvin Honsa, Harvey Biscun, and Frank Lorince, and he has been a staff member of the Fred Waring Music Workshop at Delaware Water Gap, Pa., and has worked professionally in radio, television, with symphony orchestras, and with a number of name bands and singers.

A native of Masontown, Pa., Mr. Faini was a high school band instructor for 3 years prior to joining the staff of Potomac State College at Keyser, W. Va., in 1959 as an instructor in band and instrumental music. He joined the WVU faculty in 1961.

He is West Virginia chairman of the National Association of College Wind and Percussion Instructors, State chairman of the Percussive Arts Society, a member of the Music Educators National Conference, and a member of Phi Mu Alpha, professional music society.

Mr. President, it is a pleasure for me to add my commendation to the plaudits this fine group has already received. On its Latin America tour it performed to capacity crowds, received standing ovations, and was given excellent reviews, from some of which I quote the following excerpts:

> "Excellent concert," La Tribuna, Asuncion, Paraguay; "U.S. Percussion Group Great," Evening News, Port of Spain, Trinidad; "Magnificent performance," El Universo, Guayaquil, Ecuador.
>
> "A great musical experience," El Tiempo, Quito, Ecuador; "An extraordinary event in Haitian musical life," Le Nouvelliste, Port au Prince, Haiti.
>
> "The two performances were a veritable artistic banquet offered by the cultural ambassadors from the United States," Le Matin, Port au Prince, Haiti.
>
> "These students display magnificent musical training and instrumental skill," Panorama, Buenos Aires, Argentina.
>
> "The utmost in interpretative facility and versatility—the group impressively showed their elan and nimbleness," Buenos Aires Herald, Argentina.

I am happy to be able to add this recognition for Mr. Faini and his students. There is little doubt in my mind that this is one of the outstanding college groups of its sort in the United States, and I think West Virginians should be extremely proud of it. The Percussion Ensemble is one more evidence of the high quality educational opportunities West Virginia University offers in many fields.

WEST FRONT OF CAPITOL

Mr. CASE. Mr. President, last Tuesday the Senate struck down by 53 to 24 the recommendation of the Appropriations Committee that $1.75 million be provided for planning the extension of the west front of the U.S. Capitol.

I was glad to join in the successful effort to deny these funds which, I believe, would have been a downpayment on a large, expensive and probably unnecessary addition to our Nation's most important shrine.

Before any permanent work on the admittedly deteriorated west front is undertaken, we must know whether restoration is possible. The proposed extension would bury forever the last remaining walls of the Capitol that date back to the founding of the Republic.

Fortunately, the legislative appropriations bill as it passed the Senate does contain $250,000 for a needed study of restoration.

The Senate action now goes to conference with the House which, by contrast, provided $2 million solely for planning the west front extension.

The better than 2-to-1 Senate vote for delaying extension while the question of restoration is explored is a mandate to Senate conferees to hold fast to the position taken by our body in this matter. I am confident they will do so.

DAVIS AND ELKINS COLLEGE NAMES ITS LIBRARY JENNINGS RANDOLPH HALL IN HONOR OF SENATE COLLEAGUE

Mr. BYRD of West Virginia. Mr. President, it is infrequent that we in public service have the opportunity to serve with a man who possesses the rare qualities of my senior colleague from West Virginia.

Senator JENNINGS RANDOLPH has now added nearly 11 years of dedicated, energetic service in this body to a notable and helpful career, that included 14 years as a Member of the House of Representatives as well as achievements as an educator, writer, editor, and business executive.

JENNINGS RANDOLPH certainly must be regarded as one of the great humanitarians of the U.S. Senate. His interests range far beyond the vital concerns of the Committee on Public Works which he chairs with distinction and wisdom. Wherever there is an issue that affects people, there you will find Senator RANDOLPH as their advocate.

It was, therefore, immensely proper, Mr. President, for Davis and Elkins College in Elkins, W. Va., to name its library "Jennings Randolph Hall" in recognition of the many contributions to State and Nation made by this most distinguished former member of the college faculty.

The dedication of the Davis and Elkins Library took place on October 20 in connection with the college's Founders Day program at which Senator RANDOLPH received the Founders Award.

Many friends and associates were in Elkins that day to join in tribute to Senator RANDOLPH. The Honorable James E. Allen, Jr., U.S. Commissioner of Education, Assistant Secretary of Health, Education, and Welfare, and a former student of the Senator at Davis and Elkins, delivered a thoughtful address at the Founders Day program.

Dr. L. Quincy Mumford, Librarian of Congress, was the principal speaker at the library dedication.

The board of trustees of Salem College, Senator RANDOLPH's alma mater, which he still serves as a trustee, sent its own citation in appreciation of his work. Telegrams were received from many persons, including Gov. Arch A. Moore, Jr., West Virginia; the Senator's colleagues on the Public Works Committee; Senator RALPH W. YARBOROUGH, chairman of the Committee on Labor and Public Welfare, and Senator CLAIBORNE PELL, chairman of its Subcommittee on Education. Senator RANDOLPH is the ranking majority member of the committee and an active member of the subcommittee.

A bronze plaque in the library summarizes, succinctly and without embellishment, the inspiration for the college's action in these words:

> Jennings Randolph—Educator, Journalist, Orator, Corporation Executive, College and Foundation Trustee, Distinguished Public Servant. Member of the United States House of Representatives (1933 to 1947). Entered Senate of the United States in 1958.

The events of the Founders Day program and the dedication of Jennings Randolph Hall were reported in depth by the Elkins Inter-Mountain under the direction of its capable editor, Eldora M. Nuzum.

Mr. President, so that his colleagues may be aware of the esteem and affection which is felt for Senator RANDOLPH in West Virginia, I ask unanimous consent that articles and an editorial from the Elkins Inter-Mountain, the citation from Salem College, and excerpts from the addresses of Commissioner Allen and Dr. Mumford, be printed in the RECORD.

There being no objection, the material was ordered printed in the RECORD, as follows:

AN ELKIN'S INTER-MOUNTAIN EDITORIAL

A benchmark in the history of Davis and Elkins College was reached this week when the college trustees bestowed a double honor on U.S. senator Jennings Randolph, one of its more illustrious former faculty members and today an honorary trustee.

At the annual Founders Day Convocation, Sen. Randolph was given the coveted Founders Award, and immediately thereafter the college library was renamed Jennings Randolph Hall. This dual event was a fitting tribute to the senator. No single West Virginian, either past or present, has worked more tirelessly for the greater glory of his state and nation.

The list of Randolph's accomplishments are almost limitless. Starting with his post college days, when as athletic director he gave a special aura to D&E in the sports pages of the big city press and put Elkins on the map of touring America, to his present eminence in the Senate, where as floor manager of special legislation for Appalachia he brought new hope to the impoverished of 13 states, he has built a solid and enviable record of accomplishment.

In education, in aviation, in public welfare, in road building, in human rights, and in public health the name of Jennings Randolph is synonymous with "I will overcome." He is considered one of the great liberals of the past half century, and, as such, he has spent the greater part of his public career crying out against the apathy and indifference which have kept so many Americans trapped beyond the pale of first class citizenship. His has been a clear, incisive voice advocating dignity, equality and a full share in the American bounty for everybody, regardless of color, creed or station in life.

But on Monday, when Davis and Elkins College paused to honor him, it was typical of Jennings Randolph that he did not talk of past accomplishments in the time allotted him as speaker. He chose instead to speak of his mother, father and friends, and of the special parts they played in his life. While greatness has touched him, he is essentially a modest man who has never forgotten those who helped him along the way.

He was fittingly and eloquently eulogized by such illustrious compatriots as James E. Allen, U.S. commissioner of education, and Dr. L. Quincy Mumford, Librarian of Congress. But despite everything that was said, Randolph cannot be placed in any particular mold. His public and private works are so varied and complex, so diverse and diffused that when one speaker characterized him as "Mr. Small College," we suddenly realized Jennings Randolph is a man of all seasons and many descriptions.

Monday was a homecoming for him, a day of greeting old friends and recalling fond memories. But while it could easily have been the high point of an enviable career, we suspect it was a day of rededication for this man of high spirit and boundless energy. In spite of his years, he constantly toils at setting his sights on new goals, and undoubtedly Monday was one of those days of looking upward toward the new and brighter horizons.

We want to take this means of adding an amen to everything said about Jennings Randolph on Monday. But lest our efforts at commendation be construed as a valedictory, we hasten to say, "Hurry to it Jennings. For a man of your productive capacities, there are yet more mountains to cross and other streams to ford."

[From Salem (W. Va.) College]

The Honorable Jennings Randolph, distinguished son of the town of Salem, West Virginia, reared in Salem, graduated from Salem Academy and Salem College, is proudly recognized and warmly greeted this day of October 20, 1969, by Salem College, its students, faculty and Board of Trustees, on this Fourth Annual Founders' Day observance at Davis and Elkins College.

Whereas, the Honorable Jennings Randolph, a man of successful careers—practicing journalist, editor and newspaper owner; author; learned educator; business executive; and now public servant, has brought honor to Davis and Elkins College, which he served as professor for six years and as trustee several terms, and to his Alma Mater, Salem College, which he continues to serve as trustee;

Whereas, the Honorable Jennings Randolph has honored and served his fellowman through his unselfish devotion as a state official, his courageous and forthright leadership in the United States Congress as Congressman and now as Senior Senator of his beloved State of West Virginia;

Whereas, Senator Jennings Randolph has strived constantly for opportunity for all citizens and for social and economic progress for West Virginia and our nation, as evidenced by the many meaningful programs in health, education, training and public facilities, he has authored and floor-managed in the Senate of the United States;

It is my great privilege and honor as Chairman of the Board of Trustees of Salem College, by action taken by the Trustees assembled during the regular Board meeting of October 14, 1969, to recognize the honor this day accorded to Senator Jennings Randolph by Davis and Elkins College, which has named the college library, *Jennings Randolph Hall,* and to convey to our learned and honorable trustee, our expression of recognition and deeply-felt best wishes.

Signed, this 20th day of October, 1969.

HARRY R. HENSLEY,
Chairman, Board of Trustees.

DAVIS AND ELKINS AND THE FUTURE OF HIGHER EDUCATION

(By James E. Allen, Jr., Assistant Secretary for Education and U.S. Commissioner of Education)

It is a privilege to be here today. This is, of course, a standard opening for a speech, but on this occasion I can say it with a depth of meaning that far transcends the mere politeness of good manners.

For me, coming to Davis and Elkins College, and to Elkins, is coming home—coming home with all the joy and satisfaction of one who considers himself to have had here the happiest and best of childhoods and youth, in the most beautiful of surroundings.

Those who planned this program could, I am sure, have chosen better speakers, but I am equally sure that they could not have chosen anyone—except perhaps one of my four brothers—for whom a Founders Day Convocation of this College could have more genuine personal meaning.

A part of this meaning lies, of course, in the fact that Davis and Elkins is my Alma Mater. But even more it springs from the fact that my Father was the second President of Davis and Elkins, assuming that office only six years after the founding of the college in 1904, and holding it for twenty-five years.

There were only two buildings then—the College itself, completely housed in one building on the hill, and the President's home just below on the river. My Father was not only president and professor, but also had a hand in providing food for the students, gardening and sometimes milking the cows, or taking care of the tennis court—or whatever else might need doing.

The College was his life—and its successful future, his dream. I only wish he could be alive to see how magnificently his dream has been realized.

It is a great pleasure also to be here when Senator Randolph is receiving the Founders Day Award and the honor of having the new library bear his name. My friendship with Jennings Randolph began in our Elkins days when I first knew him as teacher and fellow tennis player. It has been a great satisfaction to follow his distinguished political career and to note his contribution to the progress not only of our home State but to that of the Nation as well.

In my own work as an educator, I have had special reason to appreciate his support and understanding of education's needs. Now that I too am in Washington, my more frequent contacts with him only serve to increase my appreciation and respect for his service to State and Nation.

Among the 2500 institutions of higher education in our Nation, Davis and Elkins is relatively young but in those years its rate of growth and its achievements have equaled and even surpassed many more venerable colleges and universities. Caught up in the period of rapid, general expansion to meet evergrowing numbers, the particular distinction of this institution is that it has managed to grow, yet to preserve the special feeling and atmosphere of a small college, to maintain a dedication to quality, and to continue that attention to moral and spiritual values, inherent in a church-related institution, which from the beginning was the essence of the spirit of Davis and Elkins.

I can but reflect on the satisfaction my Father would receive from this continuing emphasis on moral and spiritual values. In one of his speeches while President here he said:

"The morals of business and the government rest upon the morals of the people, the sovereign source of all power. The good man begets a good citizen; the bad man the bad citizen, and the morals of your community, state, or nation will depend upon what the community life of its citizens is.

"It would seem, therefore, that our so-called denominational schools have a responsibility which the state cannot assume, namely, Christian education, or the development of the spiritual life of our youth. No education can be complete without this for upon our spiritual development depends our moral nature, or character, and upon this, the stability of government and the welfare of the state and nation."

Certainly a time such as ours today—a time so characterized by conflict and tension, by the search for social justice for all, reinforces our need for moral and spiritual guidance in seeking solutions to the sensitive, complex and fundamental problems we face.

This Founders Day Convocation is enhanced with the knowledge that the Founders of this institution, Senator Henry Gassaway Davis and Senator Stephen B. Elkins, could now take pride not only in its physical growth but in the allegiance that is still given to those principles that prompted and determined its beginnings.

But the proper spirit of a Founders Day, its greatest benefit, its true purpose, is to look to the past to strengthen the future.

It is my hope that you students particularly, whether directly involved in education, or as interested, concerned, participating citizens, will, both now and in the future, accept the obligation of the educated for education and give your support at a time of unprecedented opportunity, hope and promise for the realization of our American goal of true equality of educational opportunity.

The relevance of higher education to the needs of our times, the broadening of the opportunities for this level of education, will play a major role in determining the conduct of all of education. Such a strengthening will also contribute to enriching the future of us all, making it not only more secure, but more exciting, more varied, more satisfying—and most important of all, a time more welcoming to the realization of the truest and finest aspirations of the human spirit.

On this Founders Day I am confident that Davis and Elkins will reaffirm its determination to continue to develop in honor to the principles on which it was begun and also to have a vigorous and significant part in assuring that higher education will continue to be a source of strength and power for our Nation.

Thank you for allowing me to share this day and for giving me the opportunity of coming home. Thomas Wolfe, in the title of one of his novels, asserts that "You Can't Go Home Again". He is right that you can't in expectation of recapturing bygone days or of finding things the same. But when you can come back to changes that are so constructive, so good, coming home can be the satisfying experience that it is for me today.

Once again my congratulations to Senator Randolph, and my best wishes to Davis and Elkins, a college that will always have a very special place in my memories, my affection and my concern for education.

Excerpts From Address by L. Quincy Mumford, Librarian of Congress

Although I have no formal ties with Davis and Elkins College, the time that I have spent on your campus has given me a deep appreciation of the history and tradition as well as the beauty of this fine college.

Special events in the life of an institution or of an individual are the time for a backward look, for indulgence in reminiscence, for a certain complacence in the comparison of *then* with *now*.

Some 50 years ago, Davis and Elkins College, according to its catalog for 1917–18, crested "a lofty ridge, a hundred feet or more above the immediate valley and two thousand feet above the sea," commanding "a magnificent view of the surrounding country." Down in the valley lay Elkins, described as a "thriving city" of seven thousand people.

Among the institutions in Elkins "worthy of special mention" the catalog told its readers were the Odd Fellows' Home, the Children's Home of the State, the Young Men's Christian Association. What interest the first two might hold for prospective students is unexplained, but about the third there can be no doubt. The Y.M.C.A. was clearly rendered "doubly attractive" because it had a swimming pool built through the generosity of Mr. Richard Chaffey.

Many a present-day university or college president might sympathize with the declaration, stated with forcible italics:

"The College *will not admit students in the hope of reforming them*. The regulations governing student conduct are such as ordinary conditions would require. We have no recourse in the matter of disciplining students who wilfully and repeatedly cause unnecessary noise or disturbance but to request them to leave the institution."

The writer adds, and we might wonder if he is only reassuring himself:

"It is taken for granted that students have learned self-control in a large measure before leaving home. . . ."

Life on campus a half century ago had little resemblance to present-day college life. Those enrolling at Davis and Elkins in 1918 were told without equivocation:

"No body of students shall participate in any public game, or contest, or entertainment, without previously obtaining the consent of the faculty."

Times and manners, philosophies and relationships change with the years and, in many cases, it is right that they do. But some things remain constant. One of the constants at Davis and Elkins has been the realization of the importance of the library in the life of a college. We have only to look about us today to see evidence that here this realization has not been lost but has developed as the college developed.

The 50-year-old catalog told its students and doubtless their parents that:

"One of the imperative needs of the College is, first, greater library floor space, and, secondly, more books. Our books cannot be properly protected as at present arranged. A fireproof library building must be had before the library can be further developed. The library now contains many excellent reference books, a large collection of publications from the various bureaus of the government, and a carefully selected list of representative magazines. Next year the library will be accessible at stated hours daily, but the reading room will be open until ten o'clock each night."

The plight of the college library a half century ago excites my sympathy, for the Library of Congress, too, finds that its "books cannot be properly protected as at present arranged" in cramped and crowded quarters. The Library of Congress is one of the world's largest libraries, adding more than one new item every second of every working day to the collections that already occupy 270 miles of shelves. We also need the "greater library floor space" for the Library's expanding programs and the growing collections in many formats—books, pamphlets, prints, music, photographs, periodicals, newspapers, maps, negatives, microforms, and motion pictures. We hope to find it in a long awaited third building.

The Library of Congress has a partnership with libraries. Through the generosity and vision of the Congress, the work of its Library is made available to all libraries, of all types, and in all parts of the United States. Almost everyone in this audience has at some time consciously or unconsciously used LC printed catalog cards as he searched his local public or college catalog for the material he wanted.

The mention of interlibrary loan reminds me of another bond between the Library of Congress and libraries and their users throughout the country. Its vast resources are national resources and are available to those who need them. Your college library here, for instance, may borrow materials not readily accessible within the area for persons engaged in advanced research. West Virginia libraries of all types—university, college, public, Federal and State—have made 70 interlibrary loan requests to the Library of Congress in the 3½ months since July 1 of this year.

Davis and Elkins College shares another bond with the Library of Congress—a high regard for Senator Randolph. Senator Randolph has long been a friend to libraries, books, and the cause of education. As a member of the James Madison Memorial Commission and as Chairman of the Public Works Committee he has been active in planning this much needed addition to alleviate the Library's space problems. The new Madison Memorial Building, for which Senator Randolph has worked so devotedly, is a necessity, and we value his interest and support in recognizing the need for its construction.

Senator Randolph has long been associated with interests of an educational nature. The legislation he has sponsored in these fields merits and receives the highest praise.

All of us at the Library of Congress congratulate Davis and Elkins College on its appreciation of the place of a library in the continuing education of men and women, on the fine new building to house that library, and on its choice of a name for that building. May the library and the one for whom it is named both continue to enjoy a happy and rewarding life.

[From the Elkins Inter-Mountain, Oct. 20, 1969]

D&E Pays Tribute to "Mr. Small College": Names Library in Honor of Sen. Randolph

A man a Senate colleague once described as "the best-informed member of the Senate on the problems of our small colleges" was honored at Davis and Elkins College today when the school library was named "Jennings Randolph Hall."

In pre-dedication remarks, Davis and Elkins College president, Dr. Gordon Hermanson pointed out former Senator Wayne Morse's tribute to Sen. Randolph as an expert on the problems of small colleges, and conferred the title of "Mr. Small College," on the former D&E athletic director and instructor.

Dr. Hermanson paid tribute to Sen. Randolph with these words:

"Senator Randolph was born at Salem, W. Va., just two years before the founding date of Davis and Elkins College.

"He was graduated from Salem Academy in 1920 and from Salem College in 1924. He is the recipient of numerous honorary degrees.

"Senator Randolph distinguished himself

in the field of journalism as a writer, editor, and newspaper owner; in business as an airlines executive, in education as an author, faculty member, administrator, and trustee at several institutions; and in philanthropy, as a foundation trustee and adviser.

"His ties with Davis and Elkins College have been particularly close since 1925. In that year he joined the faculty teaching public speaking and journalism; was faculty adviser to the student newspaper; coached the debating team; prepared news releases and was in charge of the College News Bureau. During the six years that he was associated with the College he is perhaps best remembered for his leadership as athletic director. Working closely with the athletic staff, he developed an intercollegiate program that became well-known throughout the United States. From 1938 through 1961 he was a member of the Board of Trustees, and since 1962 he has served as Honorary Trustee.

"Following his election to the House of Representatives in 1952, he left Davis and Elkins College to begin a long and distinguished career as a statesman and public servant.

"During his seven terms of office in the House of Representatives, he was noted for his support of liberal and progressive national legislation. Since 1958, when he was elected to the United States Senate, meaningful programs in health, education, training, and public facilities have been fashioned through the dedicated efforts of Senator Randolph, which reflect his humanitarian philosophy of life. He was the principal sponsor and Senate floor manager of the Appalachian Regional Development Act of 1965, which authorizes a program of regional economic development in all of West Virginia and parts of 11 other states.

"He has long been an active sponsor of legislation to develop increased educational and training opportunities and was a strong force in the passage of the Higher Education Facilities Act, Library Services and Construction Act, the Elementary and Secondary Education Act, the Manpower Development and Training Act, and the Economic Opportunity Act.

Davis and Elkins College is proud to honor the man who has come to be known as "Mr. Small College." As former Senator Wayne Morse recently said of Senator Randolph: "the entire Senate recognizes the Senior Senator from West Virginia as the best informed member of the State on the problems of our small colleges."

"We are honored to present to you the recipient of the Fourth Annual Founders Award, the Honorable Jennings Randolph, United States Senator from West Virginia."

Speaking today at the Founders Day ceremony of dedication of "Jennings Randolph Hall"—the Davis and Elkins College library with its new $140,000 addition—was Dr. L. Quincy Mumford, Librarian of Congress and an Eisenhower appointee who was continued in office through two Democratic administrations.

Dr. Mumford, the first professionally-trained librarian to fill the post of the nation's chief librarian, is a native North Carolina, graduate of Duke University and Columbia Universty School of Library Science.

He served as director of the Cleveland Public Library before his appointment as Librarian of Congress in 1954, and was president of the American Library Association the year he was selected by the late former President Dwight D. Eisenhower.

When Dr. Mumford was appointed Librarian of Congress in 1954, the Democratic Washington Post and Times Herald in Washington, D.C. observed, "This is manifestly a merit selection by the President and deserves the warmest public approbation. The Library of Congress is, in respect to the number of volumes it embraces, the world's greatest library today. It ranks among the greatest libraries of the world by every other standard as well . . ."

LEADER FOR LIBRARY LEGISLATION

All legislation introduced in Congress for the development of library services and construction since Sen. Randolph has been in Congress has had his leadership, sponsorship or support.

As a member of the Subcommittee on Education, the West Virginia Senator has participated in the formulation of the landmark measures for library assistance which have been approved by Congress in the 1960s.

In commenting on his advocacy of improved library facilities, Randolph said: "An equipped library is becoming with every passing day more indispensable. The challenges of our society are interrelated with the sheer magnitude of the information which is pouring forth, from every quarter of the globe in every tongue and dialect on every scientific and scholarly subject. There must be ready access to this knowledge if our problems are to have solutions."

"But," the Senator observed, "we must make the commitment to develop new library systems and to expand existing ones. This is a critical year of decision for the future of library programs, since the Budget Bureau request contains no funds for library construction and only a $44.2 million request for program development. This is extremely disappointing. The House of Representatives has approved $9 million for construction and $113 million for programs. I am hopeful that the Senate will concur in or increase the House level of funding. I shall work toward that end."

The laws providing assistance for libraries, in which Senator Randolph has been active, include: the Library Services and Construction Act, the Elementary and Secondary Education Act, the Higher Education Act, and the Higher Education Facilities Act.

SPECIAL GUESTS AT CEREMONY

Randolph's wife, Mary, and their two sons, Jay and Frank, and his sister, Mrs. Ernestine Carr of Washington, D.C., attended the Founders Day celebration today. Mrs. Randolph and Frank arrived from Washington Saturday accompanied by Miss Marie Lantz, administrative assistant to the Senator. Jay, a sportscaster for NBC, flew from Kansas City to Pittsburgh last night after broadcasting a game and arrived in Elkins just past midnight.

From Clarksburg came his cousins, Byron Randolph, West Virginia counsel and trustee for Benedum Foundation and Mrs. Jack Thrasher and her husband. Other relatives on hand were the Senator's aunt, Mrs. Myrtle Moore of Clarksburg and a cousin, Nelle Edgell of Salem, accompanied by Mr. and Mrs. Jean Lowther of Salem. Lowther was best man at Randolph's wedding.

In addition to Miss Lantz, other members of the Senator's staff here from Washington are James Harris, his executive assistant; Phillip McGance, legislative assistant; and Mrs. William Sargent, his personal secretary, accompanied by Mr. Sargent. They were joined by Mrs. Ruth McGraw of Clarksburg, his state secretary.

Representing the Senate Public Works committee of which Randolph is chairman was Richard Royce, staff director.

Senator Randolph spoke Sunday afternoon at the dedication of the Concord College Fine Arts Center and was accompanied from Bluefield to Elkins last night by former Gov. and Mrs. Hulett C. Smith who attended today's activities. Arriving late Sunday was Joseph E. Casey, former U.S. Representative from Massachusetts who entered the House of Representatives with Senator Randolph in 1933.

At least six college presidents were among the distinguished guests today: K. Duane Hurley, president of Salem College; Easton K. Feaster, president of Fairmont State College; Stanley Martin, president of West Virginia Wesleyan College; William J. L. Wallace, president of West Virginia State College and Dr. John P. Mauer, president of Southeastern University, Washington, D.C., where Senator Randolph was dean and a teacher.

Dr. David Johnson and Miss Betty Bailey represented the Benedum Foundation at Pittsburgh which contributed $40,000—the largest single gift—toward the construction of the new addition to the library.

Heading the list of industrial and business leaders were: John Jones, assistant to the president of Weirton Steel, Weirton; Charles Van Horn, assistant to the vice president, Baltimore and Ohio Railroad of Baltimore and a native of Harrison County, W. Va., and Herbert Richey, president of Valley Camp Coal Co., Cleveland, Ohio, whose company employs more than 2,000 West Virginians.

Other special guests were Arthur Dunlap, executive director of the W. Va. Foundation for Independent Colleges, and Mrs. Davis Ratliff of Foxsell, Va.

BEHAVIORAL SCIENCES SURVEY URGES SOCIAL REPORTING

Mr. MONDALE. Mr. President, as chairman of the Special Subcommittee on Social Program Planning and Evaluation of the Senate Committee on Labor and Public Welfare, I wish to discuss an extraordinarily important report that has just been issued, and which parallels and confirms findings that have emerged in the hearings my subcommittee is holding.

This report is entitled "The Behavioral and Social Sciences: Outlook and Needs." This report was produced under the auspices of the National Academy of Sciences and the Social Science Research Council, and was drafted by the Behavioral and Social Sciences Survey Committee. A more authoritative or impressive authorship and sponsorship of a report of this kind could hardly be imagined. The report is the product of about a score of the Nation's most eminent social scientists, representing every discipline in the social and behavioral sciences. The joint sponsorship of the National Academy of Sciences and the Social Science Research Council provide further testimony to the scientific importance and nonpartisan character of this report.

The first recommendation of the report is this:

> The Committee recommends that substantial support, both financial and intellectual, be given to the efforts under way to develop a system of social indicators and that legislation to encourage and assist this development be enacted by Congress.

I am happy to say that some time ago I introduced, with a score of my distinguished colleagues in this body, legislation that would in fact have specifically encouraged and assisted the development of social indicators, or measures of the quality of life. Our Full Opportunity Act, S. 5, specifically provides for the collection, analysis, and dissemination of social indicators. It is by no means surprising that this distinguished body of social scientists should emphasize the need for better information on our social problems and the extent to which—if at all—they are changing in response to changing public policies and different levels of public expenditure. Testimony before my subcommittee has suggested that the lack of information about what our programs accomplish is simply scandalous. We spend billions of dollars on public programs, but pennies, if anything at all, to learn what, if anything, they actually accomplish.

The report also advocates an annual social report, which would call public attention to changes in the condition of a society and analyze the policies the Nation faces. Again, the Full Opportunity Act would make such an annual report, prepared by a council of social advisers, mandatory. Whereas the bill, as presently worded, would call for the prompt establishment of a council of social advisers, and immediate attempts to begin preparing annual social reports, the behavioral and social science survey, with characteristic academic caution, recommends prior experiment with social reports issued by private foundations. Its authors argue that such privately issued social reports would help develop the social scientist's capabilities to make recommendations about concrete policy problems. From the perspective of the Senate, I am inclined to think that involvement in the policy process is the best way to insure that social scientists consider practical policy problems. I am also conscious of the immediacy of the Government's need for more information and analysis concerning policy alternatives. But this is merely a question of timing and tactics, on which a generally satisfactory compromise can easily be found. The basic point is the agreement on the need for social reporting, and that point has emerged, not only in the hearings I have been holding, but also in this distinguished and nonpartisan body of social scientists. The Department of Health, Education, and Welfare has indeed already taken the beginning step here. It issued "Toward a Social Report," the first step toward social reporting, in January of this year, and then recommended that the Federal Government begin issuing regular social reports within 2 years.

My subcommittee is also most interested in funding for basic research in the social sciences, and in this connection is most interested in the imaginative proposal, first put forth by my distinguished colleague FRED HARRIS, and which I have cosponsored along with other Senators. The report recommends that funding for research in the social science increase at 12 to 18 percent per year. Its members are divided on whether a separate social science foundation, or combined support for physical and social sciences through the National Science Foundation, would be best, but their recognition of the need for improved and expanded support for social science research is unmistakable.

In view of the importance of the report at issue, I ask unanimous consent that its "Summary and Major Recommendations," and the Washington Post article about it, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY AND MAJOR RECOMMENDATIONS

We are living in social crisis. There have been riots in our cities and in our universities. An unwanted war defies efforts to end it. Population expansion threatens to overwhelm our social institutions. Our advanced technology can destroy natural beauty and pollute the environment if we do not control its development and thus its effects. Even while scientific progress in biology and medicine helps to relieve pain and prolong life, it raises new problems relating to organ transplants, drugs that alter behavior, and the voluntary control of genetic inheritance.

At the root of many of these crises are perplexing problems of human behavior and relationships. The behavioral and social sciences, devoted to studying these problems, can help us survive current crises and avoid them in the future, provided that these sciences continue to make contributions of two kinds: first, in increased depth of understanding of human behavior and the institutions of society; and, second, in better ways to use this understanding in devising social policy and the management of our affairs. Recommendations for achieving such growth are the central concern of this survey and this report.

Social problems are most visible during crisis, but they persist even in relatively calm times, for the human needs that underlie them are continuous. Our concerns must include health and access to medical care, raising children to become effective and satisfied adults. We want a society that provides educational services in classrooms, museums, libraries, and the mass media, and that offers abundant opportunity for satisfying and productive work without fear of unemployment. People need pleasant, livable housing, efficient and economical means of transportation, and opportunities for esthetic outlets and the appreciation of nature. The social order must provide safety for citizens and freedom of movement without fear of attack or molestation. It must encourage individuality and cultural diversity, while reducing intergroup tensions; and it must progress toward international understanding and the elimination of war as an instrument of national policy.

These are large issues, involving values and goals as well as means. The job of the social scientist is clear. He can keep track of what is happening, work at understanding the sources of conflict and resistance to change, and try to determine both the intended and unintended consequences of problem-solving actions. Through the development of general scientific principles and the analysis of specific instances, social scientists seek to illuminate the ways in which the society is working.

This survey was undertaken to explain the behavioral and social sciences and to explore some of the ways these sciences could be developed and supported so that their potential usefulness to society can be realized. The survey is directed to two tasks: first, to assess the nature of the behavioral and social science enterprise in terms of its past growth, present size, and anticipated development; and second, to suggest ways in which these sciences might contribute both to basic understanding of human behavior and to effective social planning and policy-making.

THE SCOPE OF THE BEHAVIORAL AND SOCIAL SCIENCES

This survey embraces nine behavioral and social science disciplines: anthropology, economics, geography, history, linguistics, political science, psychiatry, psychology, and sociology. It also takes into account the social science aspects of statistics, mathematics, and computation. The survey recognizes the contributions to behavioral and social science by professionals in business, education, law, public health, medicine, and social work, although it does not cover these fields in detail. The importance of collaborative work in solving social problems emphasizes the links between these sciences and engineering, architecture, and the biological and physical sciences.

The behavioral and social sciences have shared in the rapid expansion of knowledge common to all fields of scholarship over the last decade and have attracted an increasing number of trained workers (Figure SR–1). Increasing proportions of bachelor's and master's degrees were granted in these fields between 1957 and 1967, and the trend will probably continue. The relative proportion of doctorates may decline slightly, not because of a slowing down in their production but because of very rapid increases in other fields, notably in engineering. Ironically, despite the increase in the number of degrees granted (Figure SR–2) [Not printed in the RECORD], the social sciences face manpower shortages because of the upsurge of interest in them.

FIGURE SR–1.—*Degree production in the behavioral and social sciences as percentages of degree production in all fields*

[In percent]

Bachelor's:	
1957	14
1967	21
1977[1]	31
Master's:	
1957	9
1967	12
1977[1]	15
Doctorates:	
1957	19
1967	19
1977[1]	17

[1] Projected.

Source: Tables 9–1, 9–3, 9–5.

Behavioral and social scientists are more inclined to pursue academic careers than are many other scientists, although a trend toward greater nonacademic employment is apparent. Approximately half of all professional behavioral and social scientists work in universities or four-year colleges. Many others work in other educational settings, such as junior colleges and secondary schools, and in public-school administration. The rest are employed in government, hospitals, research centers, and industry; economists and psychologists find more employment outside universities than do others.

SCIENCES OF BEHAVIOR AND THE PROBLEMS OF SOCIETY

All sciences make some distinctions between basic research, applied research, and the development of products, processes, or services based on research. The history of science shows that the relationship between basic and applied science is complex, with basic research sometimes lagging behind, and sometimes leading applied research. But the scientific method can be applied to problems of a practical nature, whether or not the applications can be derived from the basic science of the time.

The third category of scientific activity—development—is more difficult to define for the behavioral and social sciences. The result of development in the physical sciences or in engineering is usually a tangible product, such as a color television set or a space capsule, and it is relatively simple to determine developmental costs. Although there are some tangible products of behavioral and social science, such as computerized instructional systems, many useful ones are services or processes in the public domain, such as a parole system, a new form of welfare payments, or a form of psychotherapy.

If the usefulness of social-problem-relevant research is to grow, the scale of social science research will have to expand, because many problems can be studied only on a national or international level. As this scale increases, the basic sciences of human behavior should benefit, much as the natural sciences have benefited from increases in the scale of their own research.

The Committee has considered several steps to strengthen the behavioral and social sciences, both as sciences and as contributors to public policy.

One step is to develop improved *social indicators:* measures that reflect the quality of life, particularly in its noneconomic aspects. Some data for constructing social indicators now exist. We have data on educational opportunities, adequacy of housing, infant mortality, and other statistics bearing on health, highway accidents and deaths, violent crimes, civil disorders, reflections of cultural interests (library use, museum and theater attendance), and recreational activities. We now need a major effort to find indicators that can accurately reflect trends for the nation as a whole as well as differences among regional, sex, age, ethnic, and socioeconomic groups. Most social changes are gradual. A sensitive social indicator should tell us whether, in the area to which it pertains, things are getting better or worse, and to what degree.

Social indicators should help us measure the effects of social innovations and changes in social policy as well as assess their unintended by-products. New methods of construction as well as changes in building codes could be reflected in changes in indicators of the quality of housing. Broad programs for increasing highway safety might affect accident indicators and also the consumption of alcohol under certain circumstances.

Indicators that measure our economic state are in use, but they are not precisely analogous to the *social* indicators we are proposing. Economic values can be expressed in dollars, and economic indicators can be aggregated to produce a single economic unit, such as the gross national product (GNP). There is no corresponding unit of value by which to measure the quality of life. This is not an obstacle to the development and use of separate quantitative indicators, each of which measures some aspect of the quality of life, even though it may not be possible to combine them into a single number.

The development of a useful system of social indicators is not simply a matter of measuring many aspects of society. The central problem is to decide which among many measurable attributes most truly represent the fundamental characteristics with which we are concerned. Thus, progress toward valid indicators will depend largely on the understanding we obtain from research into the basic structure and processes of our society. Conceptual and theoretical work at the highest level is necessary if we are to interpret the changes taking place.

To expedite the development and use of a system of social indicators, we offer the following recommendation:

Recommendation: Social Indicators—The Committee recommends that substantial support, both financial and intellectual, be given to efforts under way to develop a system of social indicators and that legislation to encourage and assist this development be enacted by Congress.

We believe that the resources of the federal government will have to be called upon to develop successful indicators. The estimated annual cost of running an organization to carry on developmental work is $1.5 million. Access by such an organization to data routinely collected by federal agencies would facilitate its work. Because the effort would be in the national interest, we suggest that the task of developing social indicators be undertaken directly by the government; in Chapter 6 we discuss several alternatives for locating an indicator agency within the federal system.

If social indicators are to be useful to society, they will have to be interpreted and then considered in conjunction with the making of social policy. Just as the annual Economic Report of the President interprets economic indicators, an annual social report should eventually be produced that will call attention to the significance of changes in social indicators.

Because of the particular problems involved in developing sound, workable social indicators, we are hesitant to urge an official social report now. We favor, instead, a privately sponsored report during the next few years, perhaps through the initiative of either the National Research Council or the Social Science Research Council, or through a joint effort of the two.

If such an annual social report proves substantial after reasonable experimentation, it might then become a government responsibility like the annual economic and manpower reports now made for the President. This approach is also discussed in Chapter 6, where we offer the following recommendation.

Recommendation: A privately developed annual social report—The Committe recommends that behavioral and social scientists outside the government begin to prepare the equivalent of an "Annual Social Report to the Nation," to identify and expedite work toward the solution of problems connected with the eventual preparation of such a report on an official basis. Support for this endeavor should come from private foundations as well as from federal sources.

A natural next step would be to establish a council of social advisers to consider the policy implications of the report. We do not recommend the establishment of such a council until the annual social report shows that social indicators do indeed signal meaningful changes in the quality of life.

For the present, we urge full participation of behavioral and social scientists in the Office of Science and Technology and in the President's Science Advisory Committee, as well as in the numerous advisory bodies attached to administrative agencies and the Office of the President (see Chapter 5).

Behind the development of social indicators and an annual report lie some basic steps: to gather better social data and to store it in usable form, with the necessary safeguards against invasion of privacy. Fortunately, we have the experience of the Decennial Census and the Current Population Survey, without which a great deal of social science, particularly demography, could not have been developed. There are also many sample surveys that deal with employment and other economic factors and statistical reports on agriculture, health, and other aspects of life.

Even in a non-Census year, the federal government spends more than $118 million on statistical programs. Data are scattered through government agencies in many forms, and suggestions for centralizing those data in some form of national data system have been made several times. We see many problems in such plans and therefore recommend that the President appoint a special commission with a full-time professional staff and a broad-based advisory committee to make a detailed study with recommendations. Suggestions should come from data-collection agencies of government, from representatives of the various behavioral and social sciences, from computer specialists, and from the public.

Further specification of the task of the proposed commission is given in Chapter 7. We summarize our position in a recommendation:

Recommendation: A national data system—The Committee recommends that a special commission be established to investigate in detail the procedural and technical problems involved in devising a national data system designed for social scientific purposes; that it recommend solutions for these problems and propose methods for managing a system that will make data maximally useful, while protecting the anonymity of individuals.

Protecting respondents' anonymity is very important and may prove to be among the most difficult problems to be dealt with. We propose, therefore, that it be faced in advance of the report that the special commission on a national data system may issue, and that some method be found for continuing to monitor the data systems as new methods of data storage and retrieval are created. The benefits of having policy guided by accurate information about the welfare and quality of life of the citizen can be very great, but it would be a sad consequence if, in the process of obtaining this information, the availability of data about individuals became a limitation on their freedom. To this end we offer the following recommendation.

Recommendation: Protection of anonymity—The Committee recommends the establishment within an appropriate agency of the federal government, or as an interagency commission, of a high-level continuing body, including nongovernmental members, to investigate the problems of protecting the anonymity of respondents, to prescribe actions to resolve the problems, and to review the dangers that may arise as new techniques of data-matching are developed.

BEHAVIORAL AND SOCIAL SCIENCE RESEARCH IN UNIVERSITIES

In PhD-granting universities, research in the behavioral and social sciences is conducted in departments of colleges or arts and sciences, in profressional schools, and in institutes and research centers that exist outside the departments. Research funds are almost equally divided among these three administrative units, although departments employ more behavioral scientists because they have teaching responsibilities as well as research assignments (see Figure SR–3).

FIGURE SR–3.—*Distribution of behavioral and social science research funds and research personnel among departments, institutes, and professional schools, Ph. D.-granting universities, fiscal year 1967*

[In percent]

ALLOCATION OF ORGANIZED RESEARCH FUNDS, FISCAL YEAR 1966, $225,556,000	
Departments	34
Institutes [1]	35
Professional schools	31
BEHAVIORAL AND SOCIAL SCIENTISTS ON UNIVERSITY STAFFS, N = 18,498	
Departments	71
Institutes [2]	10
Professionals schools	19

[1] Multiple-discipline institutes account for 80% of the total institute research expenditures.

[2] Multiple-discipline institutes account for 75% of full-time research personnel within all institutes.

Source: Questionnaire survey.

Doctorate-granting departments are usually heavily committed to research, whereas professional schools are more variable in the extent to which they foster organized research in the behavioral and social sciences. Many schools of business, education, and medicine have fairly well established traditions of research relating to the behavioral and social sciences. Schools of law and schools of social work, however, give less attention to organized research in these sciences. Neither of these has anything like the behavioral and social science research expenditure per school that is found in schools of business, education, or medicine.

Law schools have not had sufficient access to research funds, their faculties have had little free time for research, and they have not developed a pattern of employing research technicians as schools of business, education, and medicine have. A growing number of law schools desire to change this state of affairs and to introduce more social science research; in Chapter 11 we offer a recommendation for inducements to aid them in doing so.

University institutes devoted wholly or in part to behavioral science research have proliferated for a number of reasons, including administrative convenience, exploration of interdisciplinary work, and concentration on research on social problems. Approximately a fourth of the scientists working in institutes and a fifth of the research money are in institutes representing only one discipline. The rest of the personnel and funds are in interdisciplinary institutes. Approximately one fifth of all institutes are oriented toward research contributing to the solution of social problems, as in the many urban institutes that have recently been formed in universities.

Despite the variety of administrative arrangements discussed above, universities are still often handicapped when trying to do fully satisfactory research into social problems.

Disciplinary departments in universities, which grant most of the PhD degrees, are often better suited to basic research than to applied research. Their faculties sometimes cooperate with other departments and institues on research, but such work usually lacks the continuity and staffing necessary for applied research. Furthermore, disciplinary values tend to favor research oriented toward problems of particular disciplines. Departments try to achieve a balance between specializations in the disciplines, which, while admirable in itself, presents problems in organization of large task forces to study significant social problems.

Institutes usually have limited full-time staffs and rely heavily on part-time workers from the disciplines. Consequently, they have little control over the education of most of their workers. The result is that much of their research leads back to disciplinary interests because that is where professional advancement lies. Moreover, the availability of research funds for institutes is unstable by nature, and the level and character of research fluctuates according to the money available.

Professional schools are concerned with particular kinds of applied research related to their professional foci; thus many general social problems tend to lie outside the sphere of any single school.

Professional schools also have the mixed blessing of a close relationship with client systems (such as hospitals, businesses, courts, or legislatures). This linkage is helpful in directing research to significant problems, but it also tends to limit the research to the interests of its clients. Further, research goals must compete with the primary task of training a body of professional workers. Often research suffers.

In view of these limitations, we believe a new university organization should be created for training and research on social problems. To clarify the essential elements of this organization, we have proposed a new school, which we call a Graduate School of Applied Behavioral Science.

Recommendation: A graduate school of applied behavioral science—The Committee recommends that universities consider the establishment of broadly based training and research programs in the form of a Graduate School of Applied Behavioral Science (or some local equivalent) under administrative arrangements that lie outside the established disciplines. Such training and research should be multi-disciplinary (going beyond the behavioral and social sciences as necessary), and the school should accept responsibility for contributing through its research both to a basic understanding of human relationships and behavior and to the solution of persistent social problems.

Such a recommendation should, of course, be adapted to local situations. However, such a school should be of scientific stature commensurate with that of the best medical and engineering schools. It should have a core faculty with tenure, like any professional school, and it should not be organized along disciplinary lines. Disciplinary departments would, of course, continue outside the new school. If the school develops topical subdivisions (such as urban research centers, or centers studying the development of new nations), these subdivisions should be terminated when they are no longer pertinent.

The new school should have its own PhD program, and it should attempt to educate its students for inventive development relevant to social problems. In other words, the school should do empirical research on significant social problems and train professionals to carry on this kind of research.

Such a school will require considerable planning, and it will face many obstacles. Among these is the problem of developing professional identity for its graduates. Many of them will probably be employed in nonacademic settings, and the university-professorship model of career aspirations will not serve. It may be necessary, therefore, to create a new professional society and new journals devoted to applied behavioral science in order to define a new professional identity.

The word "applied" in the title promises that the school will cover that end of the spectrum, but, of course, it must also be concerned with basic research. A high-level applied school will inevitably work on basic problems of data-collection and analysis, model-building, and simulation. Work on social indicators, even on a local scale, could improve the statistical basis of the indicators and investigate how to combine them or substitute one for another. Beyond such methodological problems, each Graduate School of Applied Behavioral Science should have some specialized areas of research, for the whole of applied behavioral science is too broad to tackle all at once. The problems of the cities, of poverty, of crime, of nation-building, of conservation, of regional governments, of individual growth and development, of early education—any one of a range of problems—could serve among the specialities in one school.

Instructive precedents in a number of universities exhibit many qualities of the proposed new type of school; Chapter 12 discusses these and the proposed school at greater length.

BEHAVIORAL AND SOCIAL SCIENCES OUTSIDE THE UNIVERSITY

Substantial numbers of social scientists work in nonacademic settings for federal, state, and local governments, for business and industry, and for nonprofit research organizations. Their functions, however, are not too different from those of their university colleagues.

The federal government estimates an 18.4 percent growth in federal social science employment from 1967 to 1971, and a similar growth is reported by state governments and nonprofit organizations. The percentage growth in federal social science employment is greater than the growth in overall federal employment and total federal scientific employment for the same period. Chapter 13 reports the limited data we have collected.

One indication of the amount of nonacademic research in the behavioral and social sciences is the amount of federal funds for nonacademic research performers, both to private research organizations and to the government. Roughly half of the federal funds go to nonuniversity research, and it is divided about equally between the government, on the one hand, and industrial firms and nonprofit institutions on the other (Table SR–1).

TABLE SR-1.—FEDERAL OBLIGATIONS FOR BASIC AND APPLIED RESEARCH IN BEHAVIORAL AND SOCIAL SCIENCES, FISCAL YEAR 1967, BY PERFORMER

[Dollar amounts in millions]

	Federal obligations for basic and applied research		
	All fields of science	Behavioral and social sciences	Behavioral and social sciences as percent of total obligations
Intramural (within Government departments and agencies)	$1,574	[1]$77	9
Extramural, nonuniversity:			
Industrial firms	1,437	[1]77	3
Nonprofit institutions	269		
Others	646		
Total, nonuniversity	3,925	154	4
Universities	1,348	[2]143	11
Grand total	5,273	297	6

[1] Estimated from residual funds after removing amounts to universities.

[2] Estimated from the Survey.

Source: Federal Funds for Research, Development, and Other Scientific Activities: Fiscal Years 1967, 1968, 1969, NSF 68-27 (Washington, D.C.: National Science Foundation, 1968), vol. 17, pp. 124, 130.

THE FINANCING OF RESEARCH

In 1966–1967, some 3.4 percent of the nation's total research and development expenditure was spent on the behavioral and social sciences—about $803 million. This was more than double the amount spent for social science research and development in 1961–1962 (Table SR–2).

TABLE SR-2.—SUPPORT OF RESEARCH AND DEVELOPMENT IN THE BEHAVIORAL AND SOCIAL SCIENCES, 1962, 1967 BY SOURCE

[Dollar amounts in millions]

Source of funds	1961–62	1966–67
Federal Government:		
Basic research	$46	$132
Applied research	74	159
Development	68	97
Subtotal	188	388
State governments	5	15
Industry	130	289
Colleges and universities	24	48
Foundations	23	24
Nonprofit institutions	14	39
Total, behavioral and social sciences	384	803
Total, all fields of science	15,604	23,686
Behavioral and social sciences as percent of total science	2.5	3.4

Source: Table 1–2 and table A–8, appendix.

Between 1959 and 1968, federal support of behavioral and social science research increased at an average rate of approximately 20 percent a year. Since today's social problems are so urgent, it is important to maintain growth at least close to this level. We distinguish between normal projected growth (no increase in the scale of research operations) and projected new programs (the addition of new large-scale research). In Chapter 14 we discuss the matter more fully and offer the following recommendation concerning normal research support.

Recommendation: Rate of Federal funding for normal research support—The Committee recommends an annual increase in funds available from the federal government for support of basic and applied research in the behavioral and social sciences of between 12 and 18 percent to sustain the normal growth of the research enterprise over the next decade.

To sustain normal growth in the behavioral and social sciences, the indicated increase in research funds will be needed, and a corresponding increase will also be needed for instructional funds, student aid, space, and equipment. Our recommendation also applies to funding for behavioral and social science research outside the universities.

The costs of projected new programs are not included in the normal-growth projections, for they are of a different character from the steady and gradual increase required by the increases in the number of social scientists and the growing sophistication of research techniques. However, the new programs require abrupt increases in funding, with each program having minimum start-up costs. The operating costs of the various new programs, when they are in full swing, are likely to total an additional $100 million annually, as explained in Chapter 14.

The agencies supporting the behavioral and social sciences are chiefly the Department of Health, Education, and Welfare (primarily through the Office of Education, the National Institutes of Health, and the National Institute of Mental Health), the Department of Defense, the Department of Agriculture, and the National Science Foundation. We welcome their continued support and believe that other agencies should expand their use of behavioral and social science research, through both intramural and extramural support. In short, we endorse the principle of pluralistic support for the social sciences.

Proposals to establish a national social science foundation pose some problems concerning the role of the National Science Foundation. The implication that social science is important enough to warrant a special foundation is gratifying, but the issues are complex, and the members of the Committee are somewhat divided in their views. Because the charter of the National Science Foundation has recently been enlarged to permit support of applied research, and explicitly to support the social sciences, we favor giving it the opportunity to exercise its new functions. However, we also suggest that, if the National Science Foundation is unable to exercise its new obligations in social sciences, then a new foundation may be needed. Recomemndations bearing on the National Science Foundation appear in Chapter 14.

Private foundations have been a significant source of support to the behavioral and social sciences through the years, frequently playing innovative roles and contributing in a variety of ways to the development of these sciences. The role of the foundations is discussed in Chapter 15.

WORLDWIDE DEVELOPMENT OF THE SOCIAL SCIENCES

Worldwide interest in the social sciences is growing, partly in response to the processes of development and modernization in new nations. Social scientists in other countries seek to strengthen their professional capabilities, and there is considerable American interest in study and research overseas.

Collaboration across national boundaries is especially important in the social sciences. Generalizations based on work in only one country may be too parochial and circumscribed, and some kinds of situations important to an understanding of human behavior cannot be studied satisfactorily in any one nation. In Chapter 16 we offer some suggestions about the relationships among social scientists on an international basis, and we discuss the strengthening of organizations devoted to furthering international social science.

OUTLOOK FOR THE BEHAVIORAL AND SOCIAL SCIENCES

As the sciences advance and research at their growing edges becomes more demanding of special knowledge and skills, the tendency toward specialization increases. This trend is important for the advancement of the frontiers of science, but it also runs counter to the demand for science to deal with problems of great complexity in an integrated way. While we recognize the legitimacy of specialization within disciplines, we recommend more attention to large-scale research concerning our rising social problems.

Our society cannot delay dealing with its major social problems. We cannot consume our resources and pollute our environment and then hope to replenish and restore them. We cannot permit international relations to deteriorate to the point of resorting to nuclear weapons. Social unrest, a result of rising expectations and frustrated hopes, will eventually reach a point of no return.

The social sciences will provide no easy solutions in the near future, but they are our best hope, in the long run, for understanding our problems in depth and for providing new means of lessening tensions and improving our common life.

[From the Washington Post, Oct. 27, 1969]

ANNUAL REPORTS URGED ON "SOCIAL CRISIS" IN UNITED STATES

(By Stuart Auerbach)

A high-powered group of social scientists is calling for an "annual social report" to the President that would explain the behavior of Americans.

This report would offer solutions to major social problems and predict future crisis in much the same way that the President's Council of Economic Advisers analyzes economic problems in its annual report.

The report would be established immediately by private social scientists under foundation and federal grants. But by 1976 it would be issued by a newly created President's Council of Social Advisers.

The recommendations are contained in a 320-page, 2½-year study to be released today.

The study, sponsored by the National Academy of Sciences and the Social Science Research Council, recommends appropriations of at least an additional $100 million a year for new social science projects and the establishment of a national data bank to provide the information they need.

"The social sciences will provide no easy solutions in the near future," the study concludes. "But they are our best hope, in the long run, for understanding our problems in depth and for providing new means of lessening tensions and improving our common life."

The study also reflects the twin desires of American social scientists: to help solve the nation's social problems and to boost themselves to the status that the physical biological and engineering scientists achieved in the post-Sputnik era.

Social and behavioral scientists work in the fields of anthropology, economics, geography, history, linguistics, political science, psychiatry, psychology and sociology as well as some aspects of statistics and mathematics.

"We are living in a social crisis," begins the study.

The report concludes that a full range of national crises—from urban riots and student rebellions to pollution and overpopulation—have roots in "perplexing problems of human behavior and relationships."

And, the study says, the advance of science and technology continually creates new problems—such as organ transplantation, genetic control of heredity and the use of mind-bending drugs—that social scientists can help solve.

The study acknowledges that shortcomings among social scientists now prevent them from contributing their full potential to the nation.

One flaw the study cites is the frequent inability of social research to cut across the narrow boundaries of the different fields. To correct this, the study recommends the establishment of a new kind of graduate school specializing in applied behavioral research.

Another is the lack of hard data on which social scientists can base their analysis. The study recommends "a major effort to develop improved social indicators: measures that reflect the quality of life."

This would cost about $1.5 million, the study estimates, and should be done by the federal government.

These indicators would be reported and explained in the annual social report. Because of the problems in developing these indicators, the study says the report should be privately produced until it is solid enough "to signal meaningful changes in the quality of life."

The next step would be the formation of the Council of Social Advisers to draw up the report for the President.

The study also calls for a National Data System, with safeguards for privacy, to collect information needed by the social scientists.

To provide this new dimension for government policy-makers, the study recommends a continued increase in the funds appropriated for social science research.

In 1967, the study says, public and private sources spent $803 million on social science research projects—double the amount spent five years earlier.

The federal share has increased about 20 per cent a year, and the study recommends that future increases should drop to about 12 to 18 per cent a year "to sustain normal growth."

Federal funding for social science research amounted to $297 million in 1967.

The new projects recommended in the report—amounting to about $100 million a year—would be added to the research funding.

The study was drafted by a 21-member committee, with representatives from all the social sciences, headed by Ernest R. Hilgard of Stanford University and Henry W. Riecken of Washington.

It is one of a series of studies prepared by the National Academy of Sciences surveying the status, needs and opportunities of the various sciences. The full study will be published as a book by Prentice-Hall Inc.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

UNIFORM RELOCATION ASSISTANCE AND LAND ACQUISITION POLICIES ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The Bill Clerk. A bill (S. 1) to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs.

The Senate resumed consideration of the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE ALBERT PARVIN FOUNDATION

Mr. WILLIAMS of Delaware. Mr. President, in the October 23 issue of the Washington Post there was published an article written by Jean Heller, entitled "Financing of Parvin Unit Traced."

This article calls attention to a hotel-casino sale arranged by gangster Meyer Lansky which helped finance a foundation that for 9 years was headed by Supreme Court Justice William O. Douglas.

During this period Justice Douglas was on the payroll as the top officer, and while the article quotes him as claiming he knew nothing about the deal it is hard to understand how the highest paid officer of the foundation would not be aware of its activities. To accept this explanation would be to proceed on the premise that the $12,000 annual payment to Justice Douglas was a gratuity for which no services were rendered or expected.

Under the circumstances I think the American people are entitled to a better explanation.

I ask unanimous consent that the article to which I have referred be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Financing of Parvin Unit Traced

(By Jean Heller)

Las Vegas, Nev., October 22.—A hotel-casino sale arranged by gangster Meyer Lansky helped finance a foundation headed for nine years by Supreme Court Justice William O. Douglas, who said today he knew nothing about the deal.

Douglas helped create and direct the Albert Parvin Foundation and served as its only salaried officer—president—until last May.

Douglas was asked if he were aware when he helped set up the foundation that one of the biggest chunks of its financial backbone would come from a business deal arranged by Lansky. His office said Tuesday he would have no comment.

But today after an Associated Press story about the deal appeared, Douglas said in a Washington statement: "I never had anything to do with the transaction and I never knew anything about it. I had no information whatever about it."

PARVIN WAS PRESIDENT

The deal was for the 1960 sale of the Flamingo Hotel-Casino here. Parvin was president and principal stockholder of Hotel Flamingo, Inc., the company which owned the hotel-casino. Parvin then used a portion of the money derived from the $10.5 million sale to finance his new foundation.

Under a contract signed by Parvin as company president, Lansky was paid $200,000 for acting as middleman in the sale of the Flamingo to a trio of Florida hotelmen. The contract read, in part:

"Flamingo acknowledges that Lansky has been the finder of the purchaser of the property belonging to it, and as a result of Lansky's services in supplying the information as to the purchaser and advising Flamingo thereof, that he is entitled to payment for the services thereon . . .

"Flamingo agrees to pay Lansky and Lansky agrees to accept as payment from Flamingo the sum of $200,000 . . ."

The agreement, also signed by Lansky, was dated May 12, 1960. More than a month before, the three Florida hotelmen, Samuel Cohen, Morris Lansburgh and Daniel Lifter, had applied to Nevada officials for approval of their purchase of the hotel-casino.

In May 1960, the Nevada Gaming Control Board approved the sale and the following month the Nevada Gaming Commission gave the final okay.

UNAWARE OF LANSKY

There is no mention in the hearing transcripts of either body of the involvement of Lansky as middleman in bringing buyer and seller together. Nevada sources said privately that neither the board nor the commission was aware of Lansky's role.

The terms of the contract with Lansky stipulated that if the sale was made, as it was, Parvin's company would pay Lansky the $200,000 fee in quarterly installments of $6,250 starting Jan. 2, 1961. That schedule would mean the last payment was made to Lansky in October 1968.

An attempt to contact Parvin for comment was unsuccessful.

Parvin is the former owner of the Parvin-Dohrmann Co., a multi-million-dollar-, a-year Los Angeles hotel supply business. Although Parvin has sold his interest in Parvin-Dohrmann, he still maintains his foundation.

A federal grand jury in New York is reported to be investigating the dealings of Parvin, Parvin-Dohrmann and other individuals and companies, but this investigation appearently is unreleated to the Flamingo sale.

CRITICIZED IN CONGRESS

In an interview several years ago, Parvin said he contacted Douglas in 1960 and sought help in setting up the foundation. Douglas agreed to help and later served as its $12,000-a-year president.

Douglas was sharply criticized by members of Congress last spring for his involvement with the foundation. He severed his ties with the organization in May.

It could not be determined how long Lansky knew Parvin, but Nevada records show Lansky had two attempted dealings with . the Cohen-Lansburgh-Lifter group prior to the Flamingo sale.

The three Florida hotelmen have been associates in such Miami Beach operations as the Sans Souci, Deauville, Sherry Frontenac, Casablanca, Versailles, Crown and Eden Roc hotels and the Waikiki Motel.

According to a report prepared by the Nevada Gaming Control Board's investigators, Lansky asked the trio if they would be interested in buying the Havana Riviera Hotel in Havana, Cuba. Two years later, he asked them if they would be interested in making a loan on a motel north of Miami Beach. Both times the Florida hotelmen declined.

Mr. WILLIAMS of Delaware. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CHILD PROTECTION AND TOY SAFETY ACT OF 1969—CONFERENCE REPORT

Mr. MOSS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1689) to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other purposes. I ask unanomous consent for the present consideration of the report.

The ACTING PRESIDENT pro tempore. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of October 21, 1969, pp. 30803–30804, Congressional Record.)

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MOSS. Mr. President, the conference has reported a substantially improved bill. Although Members of the other House, in considering the bill passed by this body some months ago, made some improvements in the Senate version, they also made some procedural changes that could have impeded the implementation of this important piece of legislation.

The main issue in conference was this: Given the need to protect children from articles which have electrical, mechanical, and thermal hazards, given the need to provide procedural safeguards for affected persons, and given the limited resources of the administering agency, what procedure for removing hazardous toys from the marketplace will best balance those interests?

Despite some misunderstanding on the part of the conferees, both the Senate and House procedures allowed the Secretary of Health, Education, and Welfare to summarily remove an article from the market. The House procedures provided for this upon a finding of "imminent hazard." The Senate procedures provided for this through section 553 of title 5, United States Code. Summary action provided for in clause (B) of the last sentence of subsection (b) of section 553.

The House procedure required a time-consuming formal hearing at all times before any order of the Secretary could become final. In other words, the House procedure which provided great procedural protection to industry was potentially so administratively burdensome that the Secretary of Health, Education, and Welfare might have been unnecessarily deterred from acting to protect our Nation's children. The Senate procedure on the other hand, did not unduly burden the administrative agency but provided fewer procedural safeguards for industry.

Although some might minimize the importance of procedures, they can spell the difference between agency action or inaction, particularly when an agency has limited resources and manpower. Congress cannot afford to pass legislation promising to protect the children of our Nation and then impose unreasonable administrative burdens that will negate its actual implementation. For this reason the Senate requested a conference on the House amendments to the Senate toy safety bill. I am satisfied that the procedures formulated in conference are workable and that they will facilitate the implementation of this bill, while still protecting the rights of affected parties. Therefore, because the Senate's aim in calling for a conference has been achieved, I recommend approval of the conference report.

The conferees who signed the conference report have unanimously agreed to it. I know of no reason why the matter should not now be agreed to by this body. It has been cleared with the minority members of the committee. I move its immediate adoption.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

Mr. MUSKIE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNIFORM RELOCATION ASSISTANCE AND LAND ACQUISITION POLICIES ACT OF 1969

The Senate resumed the consideration of the bill (S. 1) to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs.

Mr. MUSKIE. Mr. President, the Uniform Relocation Assistance and Land Acquisition Policies Act of 1969 will establish a uniform policy with respect to relocation assistance and land acquisition involving Federal and federally assisted programs. S. 1 came to the floor of the Senate with the sponsorship of 42 Senators, the endorsement of many public officials throughout the country and the strong support of citizen groups devoted to the public interest. Hearings were held on February 19, 20, 25, 26, and 27, and the bill was approved by the Subcommittee on Intergovernmental Relations on April 16, 1969. Favorable action was taken by the Committee on Government Operations on September 23, 1969.

This is as high priority a measure as stands before the Senate. There are more than 50 Federal programs which result in the condemning of land and quite literally, the bulldozing of hundreds of thousands of people from their homes and businesses annually. Many of these people are low-income families. Many are the elderly. They are small farmers and small businessmen. In most cases, their entire lives and economic and social well-being have centered around the property or neighborhoods which are being uprooted.

This is what we have been doing to them. The question that must be answered is: What are we to do for them?

Here, the record is clear. Nearly all federally assisted programs have differing, if not conflicting, provisions for helping those displaced. They range from no assistance in some cases to liberal benefits and protection in others. This lack of uniformity only provides irritation and confusion, as well as an unfortunate image of the Federal Government at the State and local level. It has served to undermine confidence in and support for many Federal programs.

The problem has been explored thoroughly by the Subcommittee on Intergovernmental Relations over the past 4 years. Building on the recommendation of the Select Subcommittee on Real Property Acquisition of the House Public Works Committee as well as a special report on the problem developed by ACIR, and on other basic studies in the field, legislation was developed and passed unanimously by the Senate during the 89th Congress. Again, during the 90th Congress, the legislation, as part of the Intergovernmental Cooperation Act of 1968, was improved and strengthened and passed by the Senate. At the same time, the Congress included in its Highway Act of 1968, a substantial part of the relocation provision developed through earlier efforts, and expanded HUD's relocation authorizations under the Housing Act of 1949.

Although the House passed the Intergovernmental Cooperation Act, it had not completed its consideration of the issue of relocation and land acquisition. Conferees on the bill were, however, in agreement regarding desirability of congressional action on the matter and recommended that it be taken up as soon as possible.

I understand that the House Public Works Committee plans hearings and active consideration of this legislation this session.

The primary objective of S. 1 is to establish a uniform policy among Federal agencies, and State and local recipients of Federal funds in their dealing with property owners and others displaced by Federal or federally aided land acquisitions.

Specifically, S. 1, does this in two ways: First, it provides for relocation payments, advisory assistance, assurance of available relocation housing, and economic adjustments and other assistance to owners, tenants and others displaced; and second, it establishes policies to guide all Federal and federally assisted agencies in negotiations with owners for the acqusition of real property for public use.

With regard to relocation assistance, the displaced person is entitled to payments including a moving expense and a dislocation allowance. The individual's need for readjustment allowance is covered by the bill's provision that he receive an amount equal to the average annual net earnings of his business or farm, or $5,000, whichever is less, if the enterprise had net earnings of less than $10,000. For the small farm operator with earnings of less than $1,000 annually, the bill provides payment of $1,000.

For the large number of individuals displaced from their homes, and not eligible for assistance as owners, the bill provides payment up to $1,500. For the owner-occupier, the bill provides for an amount, which when added to the acquisition payment, equals the price required for a decent, safe, and sanitary dwelling.

The bill further provides that the Federal Government will provide the first $25,000 of the cost of providing such payments and assistance to any person displaced prior to July 1, 1972.

Relocation policies of the past have failed to account for the need of advisory assistance for those being displaced by acquisitions for public improvements. The bill would require that steps be taken to assure that the displaced persons receive the maximum help necessary to make the move. These would include the following:

First, determination of the needs of the displaced families, individuals, business concerns, and farm operators for such assistance.

Second, assurance that there will be adequate services in the areas to which the affected persons will move, including utilities, commercial facilities, and housing, as well as accessibility to their places of employment.

Third, assistance to businesses and farm operators in obtaining and becoming established in suitable location.

Fourth, supplying of information concerning FHA home acquisition program benefits, and the small business disaster loan program and other such programs offering assistance to displaced persons.

Fifth, assistance in minimizing hardships incurred as a result of adjusting to dislocation.

Sixth, assurance that the coordination of relocation activities with other governmental actions undertaken in the community or nearby areas will be done.

With regard to uniform land acquisition policies and procedures, the bill sets forth a congressional mandate of 12 provisions which must be followed in the taking of property for Federal purposes. They are as follows:

First. Transactions must be carried out in a manner that will assure that the person whose property is taken is no worse off economically than before the property was taken.

Second. Every reasonable effort must be made to acquire the property at a negotiated price.

Third. Real property must be appraised before the negotiations begin, and the owner is given the opportunity to accompany the appraiser during his inspection of the property.

Fourth. Before negotiations begin, the Federal agency head involved will establish an amount he believes to be just compensation, but the amount cannot be less than the approved appraised value of the property. This provision is intended to assure that the Government will reimburse an owner in an amount which is fair and reasonable, and that its offer will not be less than the appraised value. It is not intended to preclude effective negotiation nor establish a one-price policy.

Fifth. No owner is required to surrender possession of real property before the agency concerned pays the agreed purchase price.

Sixth. Construction will be scheduled to provide the owner/occupant with at least 90 days' notice to move.

Seventh. If the structure is not required, he shall offer to permit its owner to remove it.

Eighth. Those who are permitted to occupy the property on a rental basis for a short term, are to be charged a fair rental value figure.

Ninth. Condemnation time cannot be advanced nor deferred. Every effort must be made to assure that the owner is given reasonable time to negotiate with the agency.

Tenth. No Federal agency shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his property.

Eleventh. If only a portion is to be acquired, leaving the unacquired portion without economic use, the Federal agency concerned shall offer to acquire the whole property.

Twelfth. In determining the boundaries of a proposed public improvement, the Federal agency is required to take into account human considerations including the economic and social effects on the owners and tenants of the property in the area.

The testimony of witnesses was overwhelmingly in support of the objectives of the legislation.

The problems created by the impact of such acquisitions have long been one of the Nation's top domestic burdens. Various estimates place the displacement figure, over the next 10 years, in excess of one million people, 180,000 businesses and 40,000 farms. Much of this problem will be covered by the present relocation and acquisition programs of HUD and the new programs authorized under the Highway Act of 1968. Yet, many other agencies and programs still lack consistency as well as identity with requirements of these programs.

The results of these inconsistencies have caused confusion and hardship—often of a very serious nature. They will continue to do so unless there is coordination of all operations.

The uprooting of an individual, his family, his business or farm, and the taking of his land is a very personal matter. We cannot make the process painless, but we can insure fair and evenhanded administration—consistent with protection of individual rights and community needs. To do less is to continue to exact a high price from people who are least able to absorb the burden of these Federal programs.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. MUNDT. Mr. President, I want to associate myself with the remarks of my colleague, the senior Senator from Maine, in support of passage of S. 1. This legislation would provide fair and just treatment for those whose home and businesses are taken for projects of the Federal Government or by State and local government with Federal financial assistance.

This bill has one basic purpose and that is to make these people so displaced "economically whole." Our Constitution provides that when property is taken for a public purpose that the owner will receive just compensation. However, when the fair price is paid for the property it does not provide for expenses that are incurred by the owner for being disrupted and in seeking a new location for his home or business. This bill would seek to compensate for these expenses and would seek to establish uniform land acquisition policies in the hope that the Government as buyer and the landowner as seller can arrive at a just price without going into condemnation court.

The effort to provide additional compensation was recognized by Congress when it approved the urban renewal legislation and more recently in the Highway Act of 1968. Our bill seeks to carry the benefit of these two statutes to all Federal and federally assisted land acquisition to provide uniformity of policy so badly needed in this area.

The Senate approved the essential language of S. 1 in both the 89th and 90th Congresses in recognition of this need and I hope it will see fit to do so again today.

Mr. JAVITS. Mr. President, it is a fact, is it not, that this legislation is really a landmark measure, and I ask that with real deference to the Senator from Maine, because so many of us have joined with him so often in legislative matters.

Mr. MUSKIE. It is a landmark measure. And I welcome the opportunity to express my appreciation to the distinguished Senator from New York and all the other cosponsors who have taken a real and active interest in the legislation.

The fact that the measure passed so easily is a reflection of the fact that over the past 3 years a great deal of time and effort has been devoted to it and many committee hearings have been held in which the Senator was involved.

I hope that this year the Senate action will be matched on the House side.

Mr. JAVITS. Mr. President, this matter has been and is of profound importance. It is so difficult for people to understand the structure of the inequities involved here in respect to housing and road construction when we are dealing with the homes of individuals. Under the leadership of the distinguished Senator from Maine (Mr. MUSKIE), this measure has been brought to passage. It is a matter that has been long overdue.

Mr. President, we all owe a debt of gratitude to the distinguished Senator from South Dakota (Mr. MUNDT), the ranking member of the committee.

Mr. MUSKIE. Mr. President, the distinguished Senator from South Dakota (Mr. MUNDT) has taken affirmative, positive, and a cooperative attitude toward the bill during the 3 or 4 years we have studied the measure and has made invaluable contributions to its structure. He has been of great assistance. I have welcomed his help and support over the years.

Mr. JAVITS. Mr. President, I think it is fair for us to express a deep feeling of grievance over the inequities which the bill seeks to cure. I hope very much for that reason that it will find a response in the other body.

The Senator from Maine, the Senator from South Dakota, and I and others will do our utmost in this endeavor.

Mr. President, relating to the so-called outdoor advertising industry amendment, this measure also dealt with moving expenses for billboards. I want to confirm that by collaboration between the majority and minority, the expenses of moving the billboards were limited to what they are really entitled to under the present Federal law, and that there is no expansion of anything but the concepts established by virtue of codification which is the inheritance from the old bill.

Mr. MUSKIE. The Senator is correct. I know that he has taken a special interest in this problem and with his help, the outdoor advertising business is helped to the extent of making it eligible for actual moving costs and no more. This is the sort of assistance which is available to many displaced businesses.

Mr. JAVITS. Mr. President, I thank the Senator.

Mr. President, I congratulate the Senator from Maine. It has been a longstanding fight. I think that really out of deference to him we ought to move heaven and earth to get this matter enacted into law.

Mr. MUSKIE. I thank the Senator from New York.

THE MOM AND POP AMENDMENT

Mr. TYDINGS. Mr. President, as a cosponsor of S. 1, the Uniform Relocation Assistance and Land Acquisition Policies Act of 1969, I am pleased that the Senate will shortly enact the bill and want to congratulate the junior Senator from Maine for his fine effort on the Intergovernmental Relations Subcommittee in preparing this legislation.

Providing for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal or federally assisted projects is only fair.

The disruptive impact on people as they are displaced is now all too familiar. Hearings held by the subcommittee have illustrated the damaging effects on individuals resulting from displacement. They brought out the confusion and unfairness caused by the basic inadequacy and inconsistency of the measures available to the public agencies to relieve the consequent hardship.

This bill will go a long way toward removing this inconsistency and inadequacy.

Mr. President, of special interest to me is the effect of land acquisition, clearance, and relocation of small businesses, particularly those owned by the elderly—such as the "mom and pop" grocery or candy store. The price of progress here in urban renewal is very high. It often means destruction of the livelihood of the small neighborhood storekeeper.

I know of a corner candy store owner in Baltimore who lived in the same location for 40 years. His store was a hub of neighborhood activity, part and parcel of the community. I lived nearby when I was a student at the University of Maryland and often stopped off at the store to chat and buy a newspaper or last-minute groceries.

An urban renewal project was begun in the neighborhood a number of years later, land was acquired and the store owner reimbursed for his property. But the amount was insufficient. The owner was too old to start again. His clientele was gone, his goodwill a thing of the past. He was set adrift at age 65 with little or no future.

I felt that such an individual deserved additional assistance.

I, therefore, offered an amendment which provided a lump-sum payment, in lieu of relocation and moving expenses, equal to three times the average annual net earnings of the business for the last 3 years to be made to a store owner over 50 years of age. This was known as the "mom and pop amendment" and provided for the small business proprietor who could not start over again.

The subcommittee accepted my amendment but changed the payment to twice the annual net earnings, limited the payments to not more than $5,000, and raised the age requirement to 62. I felt that, while a step in the right direction, this still fell short of what was really needed.

I thus urged the subcommittee at its hearings on February 20 of this year to increase the amount of the possible payment and, at the minimum, to lower the age limitation to 58 years. This would not substantially increase the cost of the program, but would soften significantly the impact of dislocation on our older, small businessmen.

The subcommittee agreed to increase the upper limitation of the payment to not more than $6,000, an increase of $1,000; to allow the payment to be equal to three times the average annual net earnings, as originally provided, rather than twice; and to lower the age requirements from 62 to 60. The amendment, the last sentence in section 211(c)(1) of the bill, now reads:

> Notwithstanding the preceding sentence, in the case of a displaced person who is sixty years of age or over, this payment shall be in an amount equal to three times the average annual net earnings of the business or $6,000, whichever is less.

The subcommittee deserves high marks for this action which demonstrates their continued concern for the Nation's older, small businessman. I am delighted that it has, to a very large extent, accepted my "mom and pop amendment" and want to call this amendment to the attention of my colleagues.

The "mom and pop amendment" will cushion the impact of federally necessitated relocation programs on many of our older citizens and ease the often difficult adjustment period that results. It is completely within the tradition of a government "for the people."

Mr. COOPER. Mr. President, last year when the Senate Committee on Public Works, on which I serve as the ranking minority member, extended the biennial highway authorizations and enacted one of the most constructive measures to be recommended to the Senate during my service on the committee, it included in the Federal-Aid Highway Act of 1968 a title II providing relocation assistance to families, farms and businesses displaced by road construction. The committee, under the leadership of our chairman, the Senator from West Virginia (Mr. RANDOLPH), and largely on the initiative of the Senator from Maine (Mr. MUSKIE), devoted a great deal of attention and the most careful consideration to the provisions of title II, which added a new chapter 5 to title 23 of the United States Code.

I think it fair to say that we considered at that time that this legislation could provide a model for relocation assistance in the programs of other Federal agencies which acquire property in carrying out Federal construction and Federal grant programs. In fact, in my statement of views, which were made a part of the committee report on the Highway Act of 1968, I called attention to the significance of this legislation in these words:

> Of great importance, title II will establish a comprehensive program of relocation assistance designed to assure fair treatment and reasonable help to those individuals, families, farms, and businesses displaced by highway construction projects. I consider these provisions fair, proper, and a great advance in compensating those who are uprooted and dislocated by Federal projects. The Intergovernmental Relations Subcommittee of the Committee on Government Operations has given leadership in this field, and I hope very much that the relocation assistance provided by this bill for the highway programs will be extended to the construction projects of the Corps of Engineers, and to the other Federal agencies.

I also spoke in the Senate in support of this wonderful new program—because I have been interested for many years in securing fair and better treatment for those who are displaced by great dam, highway or other projects, and I have had a good deal of experience with those problems as they have arisen in connection with projects in my own State of Kentucky. The Senators from Maine and from West Virginia will recall that I suggested at that time that these provisions ought to be extended to Corps of Engineers' projects, which are also under the jurisdiction of the Committee on Public Works.

As I understand, the bill now before the Senate, S. 1, which has come to us from the Committee on Government Operations, would extend to all Federal agencies and programs the land acquisition policy and relocation assistance program first applied to road construction by the 1968 Highway Act—and its purpose is to do so on a uniform basis. While S. 1 technically would repeal title II of the 1968 act, those provisions would be incorporated in this act, and applied to other programs as well as to the Federal-aid highway program.

The States are now implementing the provisions of the 1968 Highway Act, and as its provisions, or the provisions of S. 1 if adopted by the House of Representatives, are put into effect, no doubt some problems may arise, as is usually the case with any new program of such scope. But I hope very much that the experience under the Highway Act will prove helpful. If difficulties arise in applying these principles to highway or civil works projects, I am sure that our committee will want to be helpful.

Providing just compensation, and equitable assistance to those who are displaced, so that their lives are not unduly disrupted by public projects and they are kept "whole" as we say, is not simple or easy. But it is right and necessary, and I have been glad to support this measure. I commend the Senator from Maine, and his colleagues from South Dakota (Mr. MUNDT) and New York (Mr. JAVITS) for what I know was long and careful work in bringing this bill before the Senate for its approval.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment; if there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MUSKIE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion was agreed to.

INTERGOVERNMENTAL PERSONNEL ACT OF 1969

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 486.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 11) to reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernment cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on

Government Operations with amendments: On page 2, after the enacting clause, insert "That this act may be cited as the 'Intergovernmental Personnel Act of 1969' "; on page 3, line 22, after the word "as", insert "(1)"; in line 23, after the word "local", strike out "governments." and insert "governments, and (2) to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own systems of personnel administration."; on page 4, line 16, after the word "policy." insert "The President may terminate the council at any time after the expiration of three years following its establishment."; on page 7, line 21, after the word "to" where it appears the second time, strike out "States for up to 75 per centum of the costs of developing and of carrying out programs or projects which the Commission finds" and insert "a State for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects, on the certification of the Governor of that State that the programs or projects"; on page 11, line 7, after the word "to", strike out "general local governments, or combinations of such governments, that serve a population of fifty thousand or more, for up to 75 per centum of the cost of developing and carrying out programs or projects which the Commission finds" and insert "a general local government, or a combination of general local governments, that serve a population of fifty thousand or more, for up to 75 per centum (or with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects, on the certification of the Governor of that State that the programs or projects."

On page 12, line 6, after the word "grant" strike out "provisions, as provided in section 513" and insert "provisions"; at the beginning of line 24, strike out "provisions as provided in section 513" and insert "provisions"; on page 13, line 12, after the word "or", strike out "governments to the State office designated under section 202(b) (1) of this Act for review, except that, if no State office has been so designated, such application shall be submitted to the Governor for his review. Any comments and recommendations of the State office or of the Governor, as the case may be, and a statement by the general local government or governments that such comments and recommendations have been considered prior to its formal submission will accompany the application to the Commission. However, the application need not be accompanied by such comments and recommendations and by such a statement if the general local government or governments certify that the application has been before the State office or the Governor, as the case may be, for review for a period of sixty days without comments or recommendations on the application being made by that office," and insert "combination of such governments to the Governor for review and certification that the programs or projects are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act. The Governor may refer the application to the State office designated under section 202(b)(1) of this Act for review. Comments and recommendations (if any) made as a result of the review, a statement by the general local government or combination of such governments that it has considered the comments and recommendations, and the certification of the Governor shall accompany the application to the Commission. The application need not be accompanied by the certification of the Governor if the general local government or combination of such governments certifies to the Commission that the application has been before the Governor for review and certification for a period of sixty days without certification by the Governor. However, if during such sixty-day period the Governor (1) has found that the programs or projects are not consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act and (2) has set forth in writing the reasons, specifically and in detail, therefor, the application may not be submitted to, or be considered by, the Commission."

On page 15, line 20, after the word "may", strike out "accept from such governments payment, in whole or in part," and insert "waive, in whole or in part, payments from such governments"; on page 18, after line 2, strike out:

> (D) sections 2(a)(5), 402(a)(5), 503(a)(3), 513(a)(3), 1002(a)(5), 1402(a)(5), 1062(a)(5), and 1902(a)(4) of the Social Security Act (42 U.S.C. 302(a)(5), 602(a)(5), 703(a)(3), 713(a)(3), 1202(a)(5), 1352(a)(5), 1382(a)(5), and 1396a(a)(4)); and

And, in lieu thereof, insert:

> (D) sections 2(a)(5)(A), 402(a)(5)(A), 505(a)(3)(A), 1002(a)(5)(A), 1402(a)(5)(A), 1602(a)(5)(A), and 1902(a)(4)(A) of the Social Security Act (42 U.S.C. 302(a)(5)(A), 602(a)(5)(A), 705(a)(3)(A), 1202(a)(5)(A), 1352(a)(5)(A), 1382(a)(5)(A), and 1396a(a)(4)(A)); and

On page 22, line 8, after the word "agencies" strike out "are authorized to receive payments from, or on behalf of, State and local governments for the costs of training provided under this section, and to enter into agreements with them for this purpose. The head of the Federal agency concerned may waive all or part of such payments," and, in lieu thereof, insert "may waive, in whole or in part, payments from, or on behalf of, State and local governments for the costs of training provided under this section." in line 20, after the word "the" insert "initial"; on page 23, line 9, after the word "program," strike out "and, to the same extent provided in section 302(b) of this Act, receive or waive" and insert "and receive or waive, in whole or in part,"; on page 24, line 20, after the word "per centum", strike out "of the cost of developing and carrying out training and educational programs for their professional, administrative, and technical employees and officials, which the Commission finds are consistent with the applicable principles set forth in clauses (1)–(6) or the third paragraph of section 2 of this Act."; and insert "(or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs, on the certification of the Governor of that State that the programs are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to train and educate their professional, administrative, and technical employees and officials.".

On page 28, line 14, after the word "or", strike out "governments to the State office designated under section 304(b)(1) of this Act for review, except that, if no State office has been designated, such application shall be submitted to the Governor for his review. Any comments and recommendations of such State office or the Governor, as the case may be, and a statement by the general local government or governments that such comments and recommendations have been considered prior to its formal submission will accompany the application to the Commission. However, the application need not be accompanied by such comments and recommendations and by such a statement if the general local government or governments certify that the application has been before such State office or the Governor, as the case may be, for review for a period of sixty days without comments or recommendations on the application being made by that office." and, in lieu thereof, insert "combination of such governments to the Governor for review and certification that the programs or projects are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act. The Governor may refer the application to the State office designated under section 304(b)(1) of this Act for review. Comments and recommendations (if any) made as a result of the review, a statement by the general local government or combination of such governments that it has considered the comments and recommendations, and the certification of the Governor shall accompany the application to the Commission. The application need not be accompanied by the certification of the Governor if the general local government or combination of such government certifies to the Commission that the application has been before the Government for review and certification for a period of sixty days without certification by the Governor. However, if during such sixty-day period the Governor (1) has found that the programs or projects are not consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act and (2) has set forth in writing the reasons, specifically and in detail, therefor, the application may not be submitted to, or be considered by, the Commission.".

On page 30, line 6, after the word "per centum", strike the word "of" and insert "(or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, up to 50 per centum) of".

On page 39, line 15, after the word "subchapter," strike out "II" and insert "III"; on page 43, line 7, after "(A)," strike out "travel and per diem instead of subsistence" and insert "travel, including a per diem allowance"; in line 10, after "(B)," strike out "per diem instead of subsistence," and insert "a per diem allowance"; in line 13, after "(C)," strike out "travel and per diem instead of subsistence," and insert "travel, including a per diem allowance"; on page 49, line 23, after the word "allocate," insert "20 per centum of the total amount available for"; on page 50, after line 7, strike out:

(b) In each fiscal year, 15 per centum of the total amount available for grants under this Act shall be apportioned equally among the States and the amount apportioned for each State shall be reserved for programs or projects in that State. However, any amount so reserved but not used in any fiscal year shall be added to the total amount available for grants under this Act in the next succeeding fiscal year. For the purpose of this subsection, "State" means the several States of the United States, and the District of Columbia.

And, in lieu thereof, insert:

(b) (1) The Commission shall allocate 80 per centum of the total amount available for grants under this Act among the States on a weighted formula taking into consideration such factors as the size of population and the number of State and local government employees affected.

(2) The amount allocated for each State under paragraph (1) of this subsection shall be further allocated by the Commission to meet the needs of both the State government and the local governments within the State on a weighted formula taking into consideration such factors as the number of State and local government employees and the amount of State and local government expenditures. The Commission shall determine the categories of employees and expenditures to be included or excluded, as the case may be, in the number of employees and amount of expenditures. The minimum allocation for meeting needs of local governments in each State (other than the District of Columbia) shall be 50 per centum of the amount allocated for the State under paragraph (1) of this subsection.

(3) The amount of any allocation under paragraph (2) of this subsection which the Commission determines, on the basis of information available to it, will not be used to meet the needs for which allocated shall be available for use to meet the needs of the State government or local governments in that State, as the case may be, on such date or dates as the Commission may fix.

(4) The amount allocated for any State under paragraph (1) of this subsection which the Commission determines, on the basis of information available to it, will not be used shall be available for reallocation by the Commission from time to time, on such date or dates as it may fix, among other States with respect to which such a determination has not been made, in accordance with the formula set forth in paragraph (1) of this subsection, but with such amount for any of such other States being reduced to the extent it exceeds the sum the Commission estimates said State needs and will be able to use; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced.

(5) For the purposes of this subsection, "State" means the several States of the United States and the District of Columbia.

On page 53, line 23, after "Sec. 509.", strike out:

(a) To carry out the programs authorized by this Act, there are authorized to be appropriated at any time after its enactment not to exceed $20,000,000 for fiscal year 1970; $30,000,000 for fiscal year 1971; and $40,000,000 for fiscal year 1972.

(b) Any amounts appropriated under this section shall remain available until expended, and any amounts authorized for any fiscal year under this section but not appropriated may be appropriated for any succeeding fiscal year commencing prior to July 1, 1972.

And insert:

There are authorized to be appropriated, without fiscal year limitation, such sums as may be necessary to carry out the programs authorized by this Act.';

On page 54, line 12, after "Sec. 510(a)", strike out:

There is established a revolving fund, to be available without fiscal year limitation, for financing training and such other functions as are authorized or required to be performed by the Commission on a reimbursable basis by this Act and such other services as the Commission, with the approval of the Bureau of the Budget, determines may be performed more advantageously through such a fund.

(b) The capital of the fund shall consist of any appropriations made for the purpose of providing capital (which appropriations are hereby authorized), and such unexpended balances of appropriations or funds relating to the activities transferred to the fund and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Commission may transfer to the fund, less the related liabilities, unpaid obligations, and accrued annual leave of employees who are transferred to the activities financed by the fund at its inception.

(c) The fund shall be credited with—

(1) reimbursements or advance payments from available funds of the Commission, other Federal agencies, State or local governments, or other sources for supplies and services at rates which will approximate the expense of operations, including the accrual of annual leave, the depreciation of equipment, and the net losses on property transferred or donated; and

(2) receipts from sales or exchanges of property and payments for losses or damage to property accounted for under the fund.

(d) Any unobligated and unexpended balance in the fund that the Commission determines to be in excess of amounts needed for its operations shall be deposited in the Treasury as miscellaneous receipts.

And insert:

Section 1304(e) of title 5, United States Code, is amended to read as follows:

"(e) (1) A revolving fund is available to the Commission without fiscal year limitation for financing—

"(A) investigations, training, and such other functions and services as the Commission is authorized or required to perform on a reimbursable basis; and

"(B) such other functions and services as the Commission, with the approval of the Bureau of the Budget, determines may be financed more advantageously through the funds, and to the maximum extent feasible, each individual activity shall be conducted generally on an actual cost basis over a reasonable period of time.

"(2) The capital of the fund consists of the aggregate of—

"(A) appropriations made to provide capital for the fund, which appropriations are hereby authorized; and

"(B) the sum of the fair and reasonable value of such supplies, equipment, and other assets as the Commission from time to time transfers to the fund (including the amount of unexpended balances of appropriations or funds relating to activities the financing of which is transferred to the fund) less the amount of related liabilities, the amount of unpaid obligations, and the value of accrued annual leave of employees, which are attributable to the activities the financing of which is transferred to the fund.

"(3) The fund shall be credited with—

"(A) reimbursements and advance payments from available funds of the Commission, other agencies, or State or local governments, or from other sources, for those services and supplies provided at rates estimated by the Commission as adequate to recover expenses of operation, including provision for accrued annual leave of employees, the depreciation of equipment, and the net losses on property transferred or donated to the fund; and

"(B) receipts from sales or exchanges of property, and payments for loss or damage to property, accounted for under the fund.

"(4) Any unobligated and unexpended balances in the fund that the Commission determines to be in excess of the amounts needed for activities financed by the fund shall be deposited in the Treasury of the United States as miscellaneous receipts."

(b) Section 1304(f) of title 5, United States Code, is amended by striking out "investigations made" and inserting "investigations, training, and functions performed" in place thereof.

(c) The fund referred to in the amendment made by subsection (a) of this section shall be held and considered to be the same fund as that referred to in section 1304(e) of title 5, United States Code, as in existence immediately prior to such amendment, and the capital thereof immediately following such amendment shall be the same as that immediately prior to such amendment.

And on page 58, after line 20, insert a new section, as follows:

CONFLICTS OF INTEREST—EXEMPTION

Sec. 514. Section 207(b), title 18, United States Code, is amended by adding the following before the period at the end thereof: ": And provided further, That nothing in subsection (a) or (b) shall prevent a former officer or employee, including a special Government employee, from acting or appearing personally as agent or attorney for a unit of State or local government, or two or more such units, if (i) the former officer or employee is a full-time officer or employee of such unit or units; and (ii) the head of the department or agency concerned with the matter shall certify that in his opinion the interest of the Government will not be prejudiced by such action or appearance by the former officer or employee".

So as to make the bill read:

S. 11

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intergovernmental Personnel Act of 1969".

DECLARATION OF POLICY

Sec. 2. The Congress hereby finds and declares—

That effective State and local governmental institutions are essential in the maintenance and development of the federal system in an increasingly complex and interdependent society.

That, since numerous governmental activities administered by the State and local governments are related to national purpose and are financed in part by Federal funds, a national interest exists in a high caliber of public service in State and local governments.

That the quality of public service at all levels of government can be improved by the development of systems of personnel administration consistent with such merit principles as—

(1) recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;

(2) providing equitable and adequate compensation;

(3) training employees, as needed, to assure high-quality performance;

(4) retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;

(5) assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, or religious creed and with proper regard for their privacy and constitutional rights as citizens; and

(6) assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

That Federal financial and technical assistance to State and local governments for strengthening their personnel administration in a manner consistent with these principles is in the national interest.

SEC. 3. The authorities provided by this Act shall be administered in such manner as (1) to recognize fully the rights, powers, and responsibilities of State and local governments, and (2) to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own systems of personnel administration.

TITLE I—DEVELOPMENT OF POLICIES AND STANDARDS

DECLARATION OF PURPOSE

SEC. 101. The purpose of this title is to provide for intergovernmental cooperation in the development of policies and standards for the administration of programs authorized by this Act.

ADVISORY COUNCIL

SEC. 102. (a) Within one hundred and eighty days following the date of enactment of this Act, the President shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, an advisory council on intergovernmental personnel policy. The President may terminate the council at any time after the expiration of three years following its establishment.

(b) The advisory council of not to exceed fifteen members, shall be composed primarily of officials of the Federal Government and State and local governments, but shall also include members selected from educational and training institutions or organizations, public employee organizations, and the general public. At least half of the governmental members shall be officials of State and local governments. The President shall designate a Chairman and a Vice Chairman from among the members of the advisory council.

(c) It shall be the duty of the advisory council to study and make recommendations regarding personnel policies and programs for the purpose of—

(1) improving the quality of public administration at State and local levels of government, particularly in connection with programs that are financed in whole or in part from Federal funds;

(2) strengthening the capacity of State and local governments to deal with complex problems confronting them;

(3) aiding State and local governments in training their professional, administrative, and technical employees and officials;

(4) aiding State and local governments in developing systems of personnel administration that are responsive to the goals and needs of their programs and effective in attracting and retaining capable employees; and

(5) facilitating temporary assignments of personnel between the Federal Government and State and local governments and institutions of higher education.

(d) Members of the advisory council who are not regular full-time employees of the United States, while serving on the business of the council, including travel time, may receive compensation at rates not exceeding the daily rate for GS–18; and while so serving away from their homes or regular places of business, all members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

REPORTS OF ADVISORY COUNCIL

SEC. 103. (a) The advisory council on intergovernmental personnel policy shall from time to time report to the President and to the Congress its findings and recommendations.

(b) Not later than eighteen months after its establishment, the advisory council shall submit an initial report on its activities, which shall include its views and recommendations on—

(1) the feasibility and desirability of extending merit policies and standards to additional Federal-State grant-in-aid programs;

(2) the feasibility and desirability of extending merit policies and standards to grant-in-aid programs of a Federal-local character;

(3) appropriate standards for merit personnel administration, where applicable, including those established by regulations with respect to existing Federal grant-in-aid programs; and

(4) the feasibility and desirability of financial and other incentives to encourage State and local governments in the development of comprehensive systems of personnel administration based on merit principles.

(c) In transmitting to the Congress reports of the advisory council, the President shall submit to the Congress proposals of legislation which he deems desirable to carry out the recommendations of the advisory council.

TITLE II—STRENGTHENING STATE AND LOCAL PERSONNEL ADMINISTRATION

DECLARATION OF PURPOSE

SEC. 201. The purpose of this title is to assist State and local governments to strengthen their staffs by improving their personnel administration.

STATE GOVERNMENT AND STATEWIDE PROGRAMS AND GRANTS

SEC. 202. (a) The United States Civil Service Commission (hereinafter referred to as the "Commission") is authorized to make grants to a State for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects, on the certification of the Governor of that State that the programs or projects are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to strengthen State and local government personnel administration and to furnish needed personnel administration services to local governments in that State. The authority provided by this section shall be employed in such a manner as to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own systems of personnel administration.

(b) An application for a grant shall be made at such time or times, and contain such information, as the Commission may prescribe. The Commission may make a grant under subsection (a) of this section only if the application thereof—

(1) provides for designation, by the Governor or chief executive authority, of the State office that will have primary authority and responsibility for the development and administration of the approved program or project at the State level;

(2) provides for the establishment of merit personnel administration where appropriate and the further improvement of existing systems based on merit principles;

(3) provides for specific personnel administration improvement needs of the State government and, to the extent appropriate, of the local governments in that State, including State personnel administration services for local governments;

(4) provides assurance that the making of a Federal Government grant will not result in a reduction in relevant State or local government expenditures or the substitution of Federal funds for State or local funds previously made available for these purposes; and

(5) sets forth clear and practicable actions for the improvement of particular aspects of personnel administration such as—

(A) establishment of statewide personnel systems of general or special functional coverage to meet the needs of urban, suburban, or rural governmental jurisdictions that are not able to provide sound career services, opportunities for advancement, adequate retirement and leave systems, and other career inducements to well-qualified professional, administrative, and technical personnel;

(B) making State grants to local governments to strengthen their staffs by improving their personnel administration;

(C) assessment of State and local government needs for professional, administrative, and technical manpower, and the initiation of timely and appropriate action to meet such needs;

(D) strengthening one or more major areas of personnel administration, such as recruitment and selection, training and development, and pay administration;

(E) undertaking research and demonstration projects to develop and apply better personnel administration techniques, including both projects conducted by State and local government staffs and projects conducted by colleges or universities or other appropriate nonprofit organizations under grants or contracts;

(F) strengthening the recruitment, selection, assignment, and development of handicapped persons, women, and members of disadvantaged groups whose capacities are not being utilized fully;

(G) achieving the most effective use of scarce professional, administrative, and technical manpower; and

(H) increasing intergovernmental cooperation in personnel administration, with respect to such matters as recruiting, examining, pay studies, training, education, personnel interchange, manpower utilization, and fringe benefits.

LOCAL GOVERNMENT PROGRAMS AND GRANTS

SEC. 203. (a) The Commission is authorized to make grants to a general local government, or a combination of general local governments, that serve a population of fifty thousand or more, for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects, on the certification of the Governor of that State that the programs or projects are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to strengthen the personnel administration of such governments. Such a grant may be made only if, at the time of submission of an application, the State concerned does not then currently have an approved application for a grant adequately providing, in the judgment of the Commission, for assistance in strengthening the personnel administration of that local government or combination of local governments. However, such a grant, except as provided in subsection (b)(1) of this section, may not be made until the expiration of one year from the effective date of the grant provisions of this Act.

(b) An application for a grant from a general local government or a combination of general local governments shall be made at such time or times and shall contain such information as the Commission may prescribe. The Commission may make a grant under subsection (a) of this section only if the application therefor meets requirements similar to those established in section 202(b) of this Act for a State application for a grant, unless any such requirement is specifically waived by the Commission, and the requirements of subsection (c) of this section. Such a grant may cover the costs of developing the program or project covered by the application. The Commission may—

(1) waive, as the request of a general local government or combination of such governments, the one-year waiting period, unless the State concerned declares, within ninety days from the effective date of the grant provisions of this Act, an intent to file an application for a grant that will provide adequately for assistance to the local government or governments; and

(2) make grants to general local governments, or combinations of such governments, that serve a population of less than fifty thousand, if it finds that such grants will help meet essential needs in programs or projects of national interest and will assist general local governments experiencing special problems in personnel administration related to such programs or projects.

(c) An application to be submitted to the Commission under subsection (b) of this section shall first be submitted by the general local government or combination of such governments to the Governor for review and certification that the programs or projects are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act. The Governor may refer the application to the State Office designated under section 202(b)(1) of this Act for review. Comments and recommendations (if any) made as a result of the review, a statement by the general local government or combination of such governments that it has considered the comments and recommendations, and the certification of the Governor shall accompany the application to the Commission. The application need not be accompanied by the certification of the Governor if the general local government or combination of such governments certifies to the Commission that the application has been before the Governor for review and certification for a period of sixty days without certification by the Governor. However, if during such sixty-day period the Governor (1) has found that the programs or projects are not consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act and (2) has set forth in writing the reasons, specifically and in detail, therefor, the application may not be submitted to, or be considered by, the Commission.

INTERGOVERNMENTAL COOPERATION IN RECRUITING AND EXAMINING

SEC. 204. (a) The Commission may join, on a shared-costs basis, with State and local governments in cooperative recruiting and examining activities under such procedures and regulations as may jointly be agreed upon.

(b) The Commission also may, on the written request of a State or local government and under such procedures as may be jointly agreed upon, certify to such governments from appropriate Federal registers the names of potential employees. The State or local government making the request shall pay the Commission for the costs, as determined by the Commission, of performing the service, and such payments shall be credited to the appropriation or fund from which the expenses were or are to be paid.

TECHNICAL ASSISTANCE

SEC. 205. The Commission may furnish technical advice and assistance, on request, to State and general local governments seeking to improve their systems of personnel administration. The Commission may waive, in whole or in part, payments from such governments for the costs of furnishing such assistance. All such payments shall be credited to the appropriation or fund from which the expenses were or are to be paid.

COORDINATION OF FEDERAL PROGRAMS

SEC. 206. The Commission, after consultation with other agencies concerned, shall—

(1) coordinate the personnel administration support and technical assistance given to State and local governments and the support given State programs or projects to strengthen local government personnel administration, including the furnishing of needed personnel administration services and technical assistance, under authority of this Act with any such support given under other Federal programs; and

(2) make such arrangements, including the collection, maintenance, and dissemination of data on grants for strengthening State and local government personnel administration and on grants to States for furnishing needed personnel administration services and technical assistance to local governments, as needed to avoid duplication and insure consistent administration of related Federal activities.

INTERSTATE COMPACTS

SEC. 207. The consent of the Congress is hereby given to any two or more States to enter into compacts or other agreements, not in conflict with any law of the United States, for cooperative efforts and mutual assistance (including the establishment of appropriate agencies) in connection with the development and administration of personnel and training programs for employees and officials of State and local governments.

TRANSFER OF FUNCTIONS

SEC. 208. (a) There are hereby transferred to the Commission all functions, powers, and duties of—

(1) the Secretary of Agriculture under section 10(e)(2) of the Food Stamp Act of 1964 (7 U.S.C. 2019(e)(2));

(2) the Secretary of Labor under—

(A) the Act of June 6, 1933, as amended (29 U.S.C. 49 et seq.); and

(B) section 303(a)(1) of the Social Security Act (42 U.S.C. 503(a)(1));

(3) the Secretary of Health, Education, and Welfare under—

(A) sections 134(a)(6) and 204(a)(6) of the Mental Retardation Facilities and Community Health Centers Construction Act of 1963 (42 U.S.C. 2674(a)(6) and 2684(a)(6));

(B) section 303(a)(5) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)(5));

(C) sections 314(a)(2)(F) and (d)(2)(F) and 604(a)(8) of the Public Health Service Act (42 U.S.C. 246(a)(2)(F) and (d)(2)(F) and 291d(a)(8)); and

(D) sections 2(a)(5)(A), 402(a)(5)(A), 505(a)(3)(A), 1002(a)(5)(A), 1402(a)(5)(A), 1602(a)(5)(A), and 1902(a)(4)(A) of the Social Security Act (42 U.S.C. 302(a)(5)(A), 602(a)(5)(A), 705(a)(3)(A), 1202(a)(5)(A), 1352(a)(5)(A), 1382(a)(5)(A), and 1396a(a)(4)(A)); and

(4) any other department, agency, office, or officer (other than the President) under any other provision of law or regulation applicable to a program of grant-in-aid that specifically requires the establishment and maintenance of personnel standards on a merit basis with respect to the program;

insofar as the functions, powers, and duties relate to the prescription of personnel standards on a merit basis.

(b) The Commission shall—

(1) provide consultation and technical advice and assistance to State and local governments to aid them in complying with standards prescribed by the Commission under subsection (a) of this section; and

(2) advise Federal agencies administering programs of grants or financial assistance as to the application of required personnel administration standards, and recommend and coordinate the taking of such actions by the Federal agencies as the Commission considers will most effectively carry out the purpose of this title.

(c) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds of any Federal agency employed, used, held, available, or to be made available in connection with the functions, powers, and duties vested in the Commission by this section as the Director of the Bureau of the Budget shall determine shall be transferred to the Commission at such time or times as the Director shall direct.

(d) Personnel standards prescribed by Federal agencies under laws and regulations referred to in subsection (a) of this section shall continue in effect until modified or superseded by standards prescribed by the Commission under subsection (a) of this section.

(e) Any standards or regulations established pursuant to the provisions of this section shall be such as to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own individual systems of personnel administration.

(f) Nothing in this section or in section 202 or 203 of this Act shall be construed to—

(1) authorize any agency or official of the Federal Government to exercise any authority, direction, or control over the selection, assignment, advancement, retention, compensation, or other personnel action with respect to any individual State or local employee;

(2) authorize the application of personnel standards on a merit basis to the teaching personnel of educational institutions or school systems;

(3) prevent participation by employees or employee organizations in the formulation of policies and procedures affecting the conditions of their employment, subject to the laws and ordinances of the State or local government concerned;

(4) require or request any State or local government employee to disclose his race, religion, or national origin, or the race, religion, or national origin, of any of his forebears;

(5) require or request any State or local government employee, or any person applying for employment as a State or local government employee, to submit to any interrogation or examination or to take any psychological test or any polygraph test which is

designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters; or

(6) require or request any State or local government employee to participate in any way in any activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

(g) This section shall become effective sixty days after the date of enactment of this Act.

TITLE III—TRAINING AND DEVELOPING STATE AND LOCAL EMPLOYEES

DECLARATION OF PURPOSE

SEC. 301. The purpose of this title is to strengthen the training and development of State and local government employees and officials, particularly in professional, administrative, and technical fields.

ADMISSION TO FEDERAL EMPLOYEE TRAINING PROGRAMS

SEC. 302. (a) In accordance with such conditions as may be prescribed by the head of the Federal agency concerned, a Federal agency may admit State and local government employees and officials to agency training programs established for Federal professional, administrative, or technical personnel.

(b) Federal agencies may waive, in whole or in part, payments from, or on behalf of, State and local governments for the costs of training provided under this section. Payments received by the Federal agency concerned for training under this section shall be credited to the appropriation or fund used for paying the training costs.

(c) The Commission may use appropriations authorized by this Act to pay the initial additional developmental or overhead costs that are incurred by reason of admittance of State and local government employees to Federal training courses and to reimburse other Federal agencies for such costs.

TRAINING OF PERSONNEL ENGAGED IN GRANT-IN-AID PROGRAMS

SEC. 303. (a) Any Federal agency administering a program of grants or financial assistance to State or local governments may—

(1) establish, provide, and conduct training programs for employees and officials of State and local governments who have responsibilities related to the federally aided program, and receive or waive, in whole or in part, payments for such training and credit any such payments to the appropriation or fund used for paying the training costs; and

(2) authorize State and local governments—

(A) from Federal funds available for State or local program administration expenses under grants or financial assistance; or

(B) from other Federal grant or financial assistance funds when so provided in appropriation or other Acts;

to establish, conduct, provide, and support training and education programs for their employees and officials who have responsibilities related to the federally aided program, including internship, work-study, fellowship, and similar programs if approved by the Federal agency concerned, provided that full-time, graduate-level education supported under this subsection shall be consistent with provisions made for Government Service Fellowships under section 306 of this Act.

(b) The State or local government concerned shall—

(1) in accordance with eligibility criteria prescribed by the Federal agency concerned, select the individual employees and officials to receive education and training in programs established under this section; and

(2) during the period of the education or training, continue the full salary of the employee or official concerned and normal employment benefits such as credit for seniority, leave accrual, retirement, and insurance.

GRANTS TO STATE AND LOCAL GOVERNMENTS FOR TRAINING

SEC. 304. (a) If in its judgment training is not adequately provided for under grant-in-aid or other statutes, the Commission is authorized to make grants to State and general local governments for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs, on the certification of the Governor of that State that the programs are consistent with the applicable principles set forth in clauses (1)-(6) of the third paragraph of section 2 of this Act, to train and educate their professional, administrative, and technical employees and officials. Such grants may not be used to cover costs of full-time graduate-level study, provided for in section 306 of this Act, or the costs of the construction or acquisition of training facilities. The State and local government share of the cost of developing and carrying out training and education plans and programs may include, but shall not consist solely of, the reasonable value of facilities and of supervisory and other personal services made available by such governments. The authority provided by this section shall be employed in such a manner as to encourage innovation and allow for diversity on the part of State and local governments in developing and carrying out training and education programs for their personnel.

(b) An application for a grant from a State of general local government shall be made at such time or times, and shall contain such information, as the Commission may prescribe. The Commission may make a grant under subsection (a) of this section, only if the application therefor meets requirements established by this subsection unless any requirement is specifically waived by the Commission. Such grant to a State, or to a general local government under subsection (c) of this section, may cover the costs of developing the program covered by the application. The program covered by the application shall—

(1) provide for designation, by the Governor or chief executive authority, of the State office that will have primary authority and responsibility for the development and administration of the program at the State level;

(2) provide, to the extent feasible, for coordination with relevant training available under or supported by other Federal Government programs or grants;

(3) provide for training needs of the State government and of local governments in that State;

(4) provide, to the extent feasible, for intergovernmental cooperation in employee training matters, especially within metropolitan or regional areas; and

(5) provide assurance that the making of a Federal Government grant will not result in a reduction in relevant State or local government expenditures or the substitution of Federal funds for State or local funds previously made available for these purposes.

(c) A grant authorized by subsection (a) of this section may be made to a general local government, or a combination of such governments, that serves a population of fifty thousand or more only if, at the time of the submission of an application, the State concerned does not then currently have an approved application for a grant adequately providing, in judgment of the Commission, for training of employees of that local government or combination of local governments. However, such a grant, except as further provided in this subsection, may not be made until the expiration of one year from the effective date of the grant provisions of this Act. To be approved, an application for a grant under this subsection must meet requirements similar to those established in subsection (b) of this section for State applications, unless any such requirement is specifically waived by the Commission, and the requirements of subsection (d) of this section. The Commission may—

(1) waive, at the request of a general local government or a combination of such governments, the one-year waiting period provided under subsection (c) of this section unless the State concerned declares, within ninety days from the effective date of the grant provisions of this Act, an intent to file an application for a grant that will provide adequately for the training of employees of the general local government or governments; and

(2) make grants to general local governments, or combinations of such governments that serve a population of less than fifty thousand if it finds that such grants will help meet essential needs in programs or projects of national interest and will assist general local governments experiencing special needs for personnel training and education related to such programs or projects.

(d) An application to be submitted to the Commission under subsection (c) of this section shall first be submitted by the general local government or combination of such governments to the Governor for review and certification that the programs or projects are consistent with the applicable principles set forth in clauses (1)-(6) of the third paragraph of section 2 of this Act. The Governor may refer the application to the State office designated under section 304(b)(1) of this Act for review. Comments and recommendations (if any) made as a result of the review, a statement by the general local government or combination of such governments that it has considered the comments and recommendations, and the certification of the Governor shall accompany the application to the Commission. The application need not be accompanied by the certification of the Governor if the general local government or combination of such governments certifies to the Commission that the application has been before the Governor for review and certification for a period of sixty days without certification by the Governor. However, if during such sixty-day period the Governor (1) has found that the programs or projects are not consistent with the applicable principles set forth in clauses (1)-(6) of the third paragraph of section 2 of this Act and (2) has set forth in writing the reasons, specifically and in detail, therefor, the application may not be submitted to, or be considered by, the Commission.

GRANTS TO OTHER ORGANIZATIONS

SEC. 305. (a) The Commission is authorized to make grants to other organizations to pay up to 75 per centum of (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, up to 50 per centum) of the costs of providing training to professional, administrative, or technical employees and officials of State or local goverments if the Commission—

(1) finds substantial State and local government interest in the proposed program; and

(2) approves the program as meeting such requirements as may be prescribed by the Commission in its regulations pursuant to this Act.

(b) For the purpose of this section "other organization" means—

(1) a national, regional, statewide, areawide, or metropolitan organization, representing member State or local governments;

(2) an association of State or local public officials; or

(3) a nonprofit organization one of whose principal functions is to offer professional advisory, research, development, educational or related services to governments.

GOVERNMENT SERVICE FELLOWSHIPS

SEC. 306. (a) The Commission is authorized to make grants to State and general local governments to support programs approved by the Commission for providing Government Service Fellowships for State and local government personnel. The grants may cover—

(1) the necessary costs of the fellowship recipient's books, travel, and transportation, and such related expenses as may be authorized by the Commission;

(2) reimbursement to the State or local government for not to exceed one-fourth of the salary of each fellow during the period of the fellowship; and

(3) payment to the educational institutions involved of such amounts as the Commission determines to be consistent with prevailing practices under comparable federally supported programs for each fellow, less any amount charged the fellow for tuition and nonrefundable fees and deposits.

(b) Fellowships awarded under this section may not exceed two years of full-time graduate-level study for professional, administrative, and technical employees. The regulations of the Commission shall include eligibility criteria for the selection of fellowship recipients by State and local governments.

(c) The State or local government concerned shall—

(1) select the individual recipients of the fellowships;

(2) during the period of the fellowship, continue the full salary of the recipient and normal employment benefits such as credit for seniority, leave accrual, retirement and insurance; and

(3) make appropriate plans for the utilization and continuation in public service of employees completing fellowships and outline such plans in the application for the grant.

COORDINATION OF FEDERAL PROGRAMS

SEC. 307. The Commission, after consultation with other agencies concerned, shall—

(1) prescribe regulations concerning administration of training for employees and officials of State and local governments provided for in this title, including requirements for coordination of and reasonable consistency in such training programs;

(2) coordinate the training support given to State and local governments under authority of this Act with training support given such governments under other Federal programs; and

(3) make such arrangements, including the collection and maintenance of data on training grants and programs, as may be necessary to avoid duplication of programs providing for training and to insure consistent administration of related Federal training activities.

TITLE IV—MOBILITY OF FEDERAL, STATE, AND LOCAL EMPLOYEES

DECLARATION OF PURPOSE

SEC. 401. The purpose of this title is to provide for the temporary assignment of personnel between the Federal Government and State and local governments and institutions of higher education.

AMENDMENTS TO TITLE 5, UNITED STATES CODE

SEC. 402. (a) Chapter 33 of title 5, United States Code, is amended by inserting the following new subchapter at the end thereof:

"SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

"§ 3371. Definitions

"For the purpose of this subchapter—

"(1) 'State' means—

"(A) a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States; and

"(B) an instrumentality or authority of a State or States as defined in subparagraph (A) of this paragraph (1) and a Federal-State authority or instrumentality; and

"(2) 'local government' means—

"(A) any political subdivision, instrumentality, or authority of a State or States as defined in subparagraph (A) of paragraph (1); and

"(B) any general or special purpose agency of such a political subdivision, instrumentality, or authority.

"§ 3372. General provisions

"(a) On request from or with the concurrence of a State or local government, and with the consent of the employee concerned the head of an executive agency may arrange for the assignment of—

"(1) an employee of his agency to a State or local government; and

"(2) an employee of a State or local government to his agency;

for work of mutual concern to his agency and the State or local government that he determines will be beneficial to both. The period of an assignment under this subchapter may not exceed two years. However, the head of an executive agency may extend the period of assignment for not more than two additional years.

"(b) This subchapter is authority for and applies to the assignment of—

"(1) an employee of an executive agency to an institution of higher education; and

"(2) an employee of an institution of higher education to an executive agency.

"§ 3373. Assignment of employees to State and local governments

"(a) An employee of an executive agency assigned to a State or local government under this subchapter is deemed, during the assignment, to be either—

"(1) on detail to a regular work assignment in his agency; or

"(2) on leave without pay from his position in the agency.

An employee assigned either on detail or on leave without pay remains an employee of his agency. The Federal Tort Claims Act and any other Federal tort liability statute apply to an employee so assigned. The supervision of the duties of an employee on detail may be governed by agreement between the executive agency and the State or local government concerned.

"(b) The assignment of an employee of an executive agency either on detail or on leave without pay to a State or local government under this subchapter may be made with or without reimbursement by the State or local government for the travel and transportation expenses to or from the place of assignment and for the pay, or supplemental pay, or a part thereof, of the employee during assignment. Any reimbursements shall be credited to the appropriation of the executive agency used for paying the travel and transportation expenses or pay.

"(c) For an employee so assigned and on leave without pay—

"(1) if the rate of pay for his employment by the State or local government is less than the rate of pay he would have received had be continued in his regular assignment in the agency, he is entitled to receive supplemental pay from the agency in an amount equal to the difference between the State or local government rate and the agency rate;

"(2) he is entitled to annual and sick leave to the same extent as if he had continued in his regular assignment in the agency; and

"(3) he is entitled, notwithstanding other statutes—

"(A) to continuation of his insurance under chapter 87 of this title, and coverage under chapter 89 of this title or other applicable authority, so long as he pays currently into the Employee's Life Insurance Fund and the Employee's Health Benefits Fund or other applicable health benefits system (through his employing agency) the amount of the employee contributions;

"(B) to credit the period of his assignment under this subchapter toward periodic step-increases, retention, and leave accrual purposes, and, on payment into the Civil Service Retirement and Disability Fund or other applicable retirement system of the percentage of his State or local government pay, and of his supplemental pay, if any, that would have been deducted from a like agency pay for the period of the assignment and payment by the executive agency into the fund or system of the amount that would have been payable by the agency during the period of the assignment with respect to a like agency pay, to treat (notwithstanding section 8348(g) of this title) his service during that period as service of the type performed in the agency immediately before his assignment; and

"(C) for the purpose of subchapter I of chapter 85 of this title, to credit the service performed during the period of his assignment under this subchapter as Federal service, and to consider his State or local government pay (and his supplemental pay, if any as Federal wages. To the extent that the service could also be the basis for entitlement to unemployment compensation under a State law, the employee may elect to claim unemployment compensation on the basis of the service under either the State law or subchapter I of chapter 85 of this title.

However, an employee or his beneficiary may not receive benefits referred to in subparagraphs (A) and (B) of this paragraph (3), based on service during an assignment under this subchapter for which the employee or, if he dies without making such an election, his beneficiary elects to receive benefits, under any State or local government retirement or insurance law or program, which the Civil Service Commission determines to be similar. The executive agency shall deposit currently in the Employee's Life Insurance Fund, the Employee's Health Benefits Fund or other applicable health benefits system, respectively, the amount of the Government's contributions on account of service with respect to which employee contributions are collected as provided in subparagraphs (A) and (B) of this paragraph (3).

"(d)(1) An employee so assigned and on leave without pay who dies or suffers disability as a result of personal injury sustained while in the performance of his duty during an assignment under this subchapter shall be treated, for the purpose of subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of this title who had sustained the injury in the performance of duty. When an employee (or his dependents in case of death) entitled by reason of injury or death to benefits under subchapter I of chapter 81 of this title is also entitled to benefits from a State or local government for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. The election shall be made within one year after the injury or death, or such further time as the Secretary of Labor may allow for reasonable cause shown. When made, the election is irrevocable unless otherwise provided by law.

"(2) An employee who elects to receive benefits from a State or local government may not receive an annuity under subchapter III of chapter 83 of this title and benefits from the State or local government for injury or disability to himself covering the same period of time. This provision does not—

"(A) bar the right of a claimant to the greater benefit conferred by either the State or local government or subchapter III of chapter 83 of this title for any part of the same period of time;

"(B) deny to an employee an annuity accruing to him under subchapter III of chapter 83 of this title on account of service performed by him; or

"(C) deny any concurrent benefit to him from the State or local government on account of the death of another individual.

"§ 3374. Assignments of employees from State or local governments

"(a) An employee of a State or local government who is assigned to an executive agency under an arrangement under this subchapter may—

"(1) be appointed in the executive agency without regard to the provisions of this title governing appointment in the competitive service for the agreed period of the assignment; or

"(2) be deemed on detail to the executive agency.

"(b) An employee given an appointment is entitled to pay in accordance with chapter 51 and subchapter III of chapter 53 of this title or other applicable law, and is deemed an employee of the executive agency for all purposes except—

"(1) subchapter III of chapter 83 of this title or other applicable retirement system;

"(2) chapter 87 of this title; and

"(3) chapter 89 of this title or other applicable health benefits system unless his appointment results in the loss of coverage in a group health benefits plan the premium of which has been paid in whole or in part by a State or local government contribution.

"(c) During the period of assignment, a State or local government employee on detail to an executive agency—

"(1) is not entitled to pay from the agency;

"(2) is deemed an employee of the agency for the purpose of chapter 73 of this title, sections 203, 205, 207, 208, 209, 602, 603, 606, 607, 643, 654, 1905, and 1913 of title 18, section 638a of title 31, and the Federal Tort Claims Act and any other Federal tort liability statute; and

"(3) is subject to such regulations as the President may prescribe.

The supervision of the duties of such an employee may be governed by agreement between the executive agency and the State or local government concerned. A detail of a State or local government employee to an executive agency may be made with or without reimbursement by the executive agency for the pay, or a part thereof, of the employee during the period of assignment.

"(d) A State or local government employee who is given an appointment in an executive agency for the period of the assignment or who is on detail to an executive agency and who suffers disability or dies as a result of personal injury sustained while in the performance of his duty during the assignment shall be treated, for the purpose of subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of this title who had sustained the injury in the performance of duty. When an employee (or his dependents in case of death) entitled by reason of injury or death to benefits under subchapter I of chapter 81 of this title is also entitled to benefits from a State or local government for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. The election shall be made within 1 year after the injury or death, or such further time as the Secretary of Labor may allow for reasonable cause shown. When made, the election is irrevocable unless otherwise provided by law.

"(e) If a State or local government fails to continue the employer's contribution to State or local government retirement, life insurance, and health benefit plans for a State or local government employee who is given an appointment in an executive agency, the employer's contributions covering the State or local government employee's period of assignment, or any part thereof, may be made from the appropriations of the executive agency concerned.

"§ 3375. Travel expenses

"(a) Appropriations of an executive agency are available to pay, or reimburse, a Federal or State or local government employee in accordance with—

"(1) subchapter I of chapter 57 of this title, for the expenses of—

"(A) travel, including a per diem allowance, to and from the assignment location;

"(B) a per diem allowance at the assignment location during the period of the assignment; and

"(C) travel, including a per diem allowance, while traveling on official business away from his designated post of duty during the assignment when the head of the executive agency considers the travel in the interest of the United States;

"(2) section 5724 of this title, for the expenses of transportation of his immediate family and of his household goods and personal effects to and from the assignment location;

"(3) section 5724(a)(1) of this title, for the expenses of per diem allowances for the immediate family of the employee to and from the assignment location;

"(4) section 5724(a)(3) of this title, for subsistence expenses of the employee and his immediate family while occupying temporary quarters at the assignment location and on return to his former post of duty; and

"(5) section 5726(c) of this title, for the expenses of nontemporary storage of household goods and personal effects in connection with assignment at an isolated location.

"(b) Expenses specified in subsection (a) of this section, other than those in paragraph (1)(C), may not be allowed in connection with the assignment of a Federal or State or local government employee under this subchapter, unless and until the employee agrees in writing to complete the entire period of his assignment or one year, whichever is shorter, unless separated or reassigned for reasons beyond his control that are acceptable to the executive agency concerned. If the employee violates the agreement, the money spent by the United States for these expenses is recoverable from the employee as a debt due the United States. The head of the executive agency concerned may waive in whole or in part a right of recovery under this subsection with respect to a State or local government employee on assignment with the agency.

"(c) Appropriation of an executive agency are available to pay expenses under section 5742 of this title with respect to a Federal or State or local government employee assigned under this subchapter.

"§ 3376. Regulations

"The President may prescribe regulations for the administration of this subchapter."

(b) The analysis of chapter 33 of title 5, United States Code, is amended by inserting the following at the end thereof:

"SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

"Sec.
"3371. Definitions.
"3372. General provisions.
"3373. Assignments of employees to State or local governments.
"3374. Assignments of employees from State or local governments.
"3375. Travel expenses.
"3376. Regulations."

REPEAL OF SPECIAL AUTHORITIES

SEC. 403. The Act of August 2, 1956, as amended (7 U.S.C. 1881–1888), section 507 of the Act of April 11, 1965 (20 U.S.C. 867), and section 314(f) of the Public Health Service Act (42 U.S.C. 246(f)) (less applicability to commissioned officers of the Public Health Service) are hereby repealed.

SEC. 404. This title shall become effective sixty days after the date of enactment of this Act.

TITLE V—GENERAL PROVISIONS

DECLARATION OF PURPOSE

SEC. 501. The purpose of this title is to provide for the general administration of titles I, II, III, and V of this Act (hereinafter referred to as "this Act"), and to provide for the establishment of certain advisory committees.

DEFINITIONS

SEC. 502. For the purpose of this Act—

(1) "Commission" means the United States Civil Service Commission;

(2) "Federal agency" means an executive department, military department, independent establishment, or agency in the executive branch of the Government of the United States, including Government owned or controlled corporations;

(3) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States, and includes interstate and Federal-interstate agencies but does not include the governments of the political subdivisions of a State; and

(4) "local government" means a city, town, county, or other subdivision or district of a State, including agencies, instrumentalities, and authorities of any of the foregoing and any combination of such units or combination of such units and a State. A "general local government" means a city, town, county, or comparable general-purpose political subdivision of a State.

GENERAL ADMINISTRATIVE PROVISIONS

SEC. 503. (a) Unless otherwise specifically provided, the Commission shall administer this Act.

(b) The Commission shall furnish such advice and assistance to State and local governments as may be necessary to carry out the purposes of this Act.

(c) In the performance of, and with respect to, the functions, powers, and duties vested in it by this Act, the Commission may—

(1) issue such standards and regulations as may be necessary to carry out the purposes of this Act;

(2) consent to the modification of any contract entered into pursuant to this Act, such consent being subject to any specific limitations of this Act;

(3) include in any contract made pursuant to this Act such covenants, conditions, or provisions as it deems necessary to assure that the purposes of this Act will be achieved; and

(4) utilize the services and facilities of any Federal agency, any State or local government, and any other public or nonprofit agency or institution, on a reimbursable basis or otherwise, in accordance with agreements between the Commission and the head thereof.

(d) In the performance of, and with respect to the functions, powers, and duties vested in it by this Act, the Commission—

(1) may collect information from time to time with respect to State and local government training programs and personnel administration improvement programs and projects under this Act, and make such information available to interested groups, organizations, or agencies, public or private;

(2) may conduct such research and make such evaluation as needed for the efficient administration of this Act; and

(3) shall include in its annual report a report of the administration of this Act.

(e) The provisions of this Act are not a limitation on existing authorities, unless other statutes but are in addition to any such authorities, unless otherwise specifically provided in this Act.

REPORTING REQUIREMENTS

SEC. 504. (a) A State or local government office designated to administer a program or project under this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status and application of Federal funds and the operation of the approved program or project as the Commission may require, and shall keep and make available such records as may be required by the Commission for the verification of such reports and evaluations.

(b) An organization which receives a training grant under section 305 of this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status and application of Federal grant funds and the operation of the training program as the Commission may require, and shall keep and make available such records as may be required by the Commission for the verification of such reports and evaluations.

REVIEW AND AUDIT

SEC. 505. The Commission, the head of the Federal agency concerned, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of a grant recipient that are pertinent to the grant received.

DISTRIBUTION OF GRANTS

SEC. 506. (a) The Commission shall allocate 20 per centum of the total amount available for grants under this Act in such manner as will most nearly provide an equitable distribution of the grants among States and between State and local governments, taking into consideration such factors as the size of the population, number of employees affected, the urgency of the programs or projects, the need for funds to carry out the purposes of this Act, and the potential of the governmental jurisdictions concerned to use the funds most effectively.

(b) (1) The Commission shall allocate 80 per centum of the total amount available for grants under this Act among the States on a weighted formula taking into consideration such factors as the size of population and the number of State and local government employees affected.

(2) The amount allocated for each State under paragraph (1) of this subsection shall be further allocated by the Commission to meet the needs of both the State government and the local governments within the State on a weighted formula taking into consideration such factors as the number of State and local government employees and the amount of State and local government expenditures. The Commission shall determine the categories of employees and expenditures to be included or excluded, as the case may be, in the number of employees and amount of expenditures. The minimum allocation for meeting needs of local governments in each State (other than the District of Columbia) shall be 50 per centum of the amount allocated for the State under paragraph (1) of this subsection.

(3) The amount of any allocation under paragraph (2) of this subsection which the Commission determines, on the basis of information available to it, will not be used to meet needs for which allocated shall be available for use to meet the needs of the State government or local governments in that State, as the case may be, on such date as the Commission may fix.

(4) The amount allocated for any State under paragraph (1) of this subsection which the Commission determines, on the basis of information available to it, will not be used shall be available for reallocation by the Commission from time to time, on such date or dates as it may fix, among other States with respect to which such a determination has not been made, in accordance with the formula set forth in paragraph (1) of this subsection, but with such amount for any of such other States being reduced to the extent it exceeds the sum the Commission estimates said State needs and will be able to use; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced.

(5) For the purposes of this subsection, "State" means the several States of the United States and the District of Columbia.

(c) Notwithstanding the other provisions of this section, the total of the payments from the appropriations for any fiscal year under this Act made with respect to programs or projects in any one State may not exceed an amount equal to 12½ per centum of such appropriation.

TERMINATION OF GRANTS

SEC. 507. Whenever the Commission, after giving reasonable notice and opportunity for hearing to the State or general local government concerned, finds—

(1) that a program or project has been so changed that it no longer complies with the provisions of this Act; or

(2) that in the operation of the program or project there is a failure to comply substantially with any such provision;

the Commission shall notify the State or general local government of its findings and no further payments may be made to such government by the Commission until it is satisfied that such noncompliance has been, or will promptly be, corrected. However, the Commission may authorize the continuance of payments to those projects approved under this Act which are not involved in the noncompliance.

ADVISORY COMMITTEES

SEC. 508. (a) The Commission may appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such advisory committee or committees as it may determine to be necessary to facilitate the administration of this Act.

(b) Members of advisory committees who are not regular full-time employees of the United States, while serving on the business of the committees including traveltime may receive compensation at rates not exceeding the daily rate for GS–18; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

APPROPRIATION AUTHORIZATION

SEC. 509. There are authorized to be appropriated, without fiscal year limitation, such sums as may be necessary to carry out the programs authorized by this Act.

REVOLVING FUND

SEC. 510. (a) Section 1304(e) of title 5, United States Code, is amended to read as follows:

"(e) (1) A revolving fund is available to the Commission without fiscal year limitation for financing—

"(A) investigations, training, and such other functions and services as the Commission is authorized or required to perform on a reimbursable basis; and

"(B) such other functions and services as the Commission, with the approval of the Bureau of the Budget, determines may be financed more advantageously through the fund, and to the maximum extent feasible, each individual activity shall be conducted generally on an actual cost basis over a reasonable period of time.

"(2) The capital of the fund consists of the aggregate of—

"(A) appropriations made to provide capital for the fund, which appropriations are hereby authorized; and

"(B) the sum of the fair and reasonable value of such supplies, equipment, and other assets as the Commission from time to time transfers to the fund (including the amount of unexpended balances of appropriations or funds relating to activities the financing of which is transferred to the fund) less the amount of related liabilities, the amount of unpaid obligations, and the value of accrued annual leave of employees, which are attributable to the activities the financing of which is transferred to the fund.

"(3) The fund shall be credited with—

"(A) reimbursements and advance payments from available funds of the Commission, other agencies, or State or local governments, or from other sources, for those services and supplies provided at rates estimated by the Commission as adequate to recover expenses of operation, including provision for accrued annual leave of employees, the depreciation of equipment, and the net losses on property transferred or donated to the fund; and

"(B) receipts from sales or exchanges of property, and payments for loss or damage to property, accounted for under the fund.

"(4) Any unobligated and unexpended balances in the fund that the Commission determines to be in excess of the amounts needed for activities financed by the fund shall be deposited in the Treasury of the United States as miscellaneous receipts."

(b) Section 1304(f) of title 5, United States Code, is amended by striking out "investigations made" and inserting "investigations, training, and functions performed" in place thereof.

(3) The fund referred to in the amendment made by subsection (a) of this section shall be held and considered to be the same fund as that referred to in section 1304(e) of title 5, United States Code, as in existence immediately prior to such amendment, and the capital thereof immediately following such amendment shall be the same as that immediately prior to such amendment.

LIMITATIONS ON AVAILABILITY OF FUNDS FOR COST SHARING

SEC. 511. Federal funds made available to State or local governments under other programs may not be used by the State or local government for cost-sharing purposes under grant provisions of this Act, except that Federal funds of a program financed wholly by Federal funds may be used to pay a pro rata share of such cost sharing. State or local government funds used for cost sharing on other federally assisted programs may not be used for cost sharing under grant provisions of this Act.

METHOD OF PAYMENT

SEC. 512. Payments under this Act may be made in installments, and in advance or by way of reimbursement, as the Commission may determine, with necessary adjustments on account of overpayments or underpayments.

EFFECTIVE DATE OF GRANT PROVISIONS

SEC. 513. Grant provisions of this Act shall become effective one hundred and eighty days following the date of enactment of this Act.

CONFLICT OF INTEREST—EXEMPTION

SEC. 514. Section 207(b), title 18, United States Code, is amended by adding the following before the period at the end thereof: ": *And provided further*, That nothing in subsection (a) or (b) shall prevent a former officer or employee, including a special Government employee, from acting or appearing personally as agent or attorney for a unit of State or local government, or two or more such units, if (1) the former officer or employee is a full-time officer or employee of such unit or units; and (ii) the head of the department or agency concerned with the matter shall certify that in his opinion the interest of the Government will not be prejudiced by such action or appearance by the former officer or employee".

Mr. MUSKIE. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The question is on agreeing to the committee amendments.

The committee amendments were agreed to en bloc.

Mr. MUSKIE. Mr. President, the Intergovernmental Personnel Act of 1969 is a measure designed to help strengthen State and local governments through improved personnel administration and more efficient recruitment and training of personnel, particularly in the administrative, technical and professional categories of need. S. 11 came to the floor of the Senate with the sponsorship of 29 Senators, the endorsement of many Governors, mayors, and other public officials throughout the country, and the strong support of citizen groups devoted to the public interest.

This is proposed legislation equal in its potential effect upon the quality of American public administration to that initiated through the Pendleton Civil Service Act of 1883. It is crucial to the successful execution of programs of Federal aid to State and local governments which Congress has authorized. It is urgently necessary in order that government below the Federal level be able to assume its full share of responsibility for the public services demanded in this period of rapid growth and social change.

Specifically, the bill seeks to achieve the following purposes:

First, to provide for intergovernmental cooperation, through an advisory council appointed by the President, in the development of policies and standards for the administration of programs for the improvement of State and local personnel administration and training.

Second, to authorize the Civil Service Commission to make grants to State and local governments in order to plan and make improvements in their systems of personnel administration.

Third, to transfer to the Civil Service Commission responsibility for administration of existing Federal statutory provisions requiring merit personnel administration for State and local employees engaged in certain federally assisted programs.

Fourth, to authorize Federal agencies to admit State and local government officials and employees, particularly in administrative, professional, and technical occupations, to Federal training programs.

Fifth, to authorize Federal agencies administering programs of grants-in-aid to State or local governments, to provide special training for State and local government officials or employees who have responsibilities related to those programs.

Sixth, to authorize the Civil Service Commission to make grants to State and local governments and other appropriate organizations for carrying out plans for training State and local government employees, as well as for the development of such plans, and for Government service fellowships for employees selected for special graduate-level university training.

Seventh, to authorize the Civil Service Commission to join with State and local governments in cooperative recruitment and examining activities.

Eighth, to give the consent of Congress to interstate compacts designed to improve personnel administration as well as the training of State and local employees.

Ninth, to authorize the temporary exchange of personnel between and among the levels of government.

Tenth, to direct the Civil Service Commission to coordinate these activities, in order to avoid overlap and duplication of effort and thus insure maximum effectiveness of administration.

Mr. President, it is appropriate to recount the conditions that have brought about the need for the enactment of this measure.

A burgeoning population and increasing urbanization in America poses tremendous problems for government at all levels. The areas of need are well known—slums and commercial blight, substandard housing, environmental pollution, crime, delinquency, unemployment, traffic congestion, to mention only some of the major problem areas. Our citizens demand more effective government. They require better education for their children. They demand more and better roads, recreation facilities, hospitals and programs for safeguarding the economic and social security of their being.

The major burden for providing these public services rests with our States and local governments. But, as these demands have mushroomed, their capacity to meet them has not. This is especially the case in terms of the numbers of qualified administrative, professional and technical personnel needed by State and local governments to plan, organize and administer the wide variety of programs authorized by past Congresses.

Between 1955 and 1965, State and local government employment increased from 4.7 million to 7.7 million persons. It is estimated that this total will increase to 11.4 million by 1975. Total recruiting needs for these employees, other than for teachers, are estimated at 2.5 million over the 10-year period, or an average of 250,000 per year. This, just to stay abreast of replacement and growth needs.

Nothing similar to this critical manpower situation has ever been faced by State and local governments before. There can be little question, that now and in the future, State and local governments face a serious problem of obtaining and retaining large numbers of high quality personnel. There can be no question that the general shortage of such trained and talented people throughout the country will compound this problem.

S. 11 is intended to help strengthen State and local governments in their efforts to recruit and train personnel to meet these needs. It is almost identical with the bill (S.699) which passed the Senate in the 90th Congress by a substantial majority. House action did not take place and the measure died with adjournment.

Hearings were held on March 24, 25, and 26, and the bill was approved by the subcommittee on May 6, 1969. Favorable action was subsequently taken by the Committee on Government Operations.

The proposed legislation has now been considered in three Congresses. We have delayed much too long in dealing with the critical shortage of properly qualified personnel for the public service. Since the great expansion of public programs that occurred during the depression thirties, government has been chronically deficient in manpower. I quote from the report of the Commission of Inquiry on Public Service Personnel issued in 1933:

> In spite of the vital importance of government and governmental services, American national, State, and local governments do not at the present time attract to their service their full share of men and women of capacity and character. This is due primarily to our delay in adjusting our attitudes, institutions and public personnel policies to fit social and economic changes of the past seventy years.

Mr. President, this should be revised to read "the past 100 years," for three and a half decades have passed and we have still not taken the obviously needed steps.

Such conditions are deplorable from any point of view, but they are intolerable when we consider that the vast programs of Federal aid, costing in excess of $20 billion annually, are largely dependent upon State and local governments for their execution. The burden grows constantly. S. 11 is intended to help strengthen State and local governments in their quest for improved administration of these many programs and providing for meeting their responsibilities within the federal system.

Mr. MUNDT. Mr. President, S. 11 reported by the Government Operations Committee was considered by the Intergovernmental Relations Subcommittee in this Congress and in the 90th Congress.

There has never been any divergence of view that the purposes of this bill for improving personnel administration in State and local governments were needed to meet the growing demands placed on State and local governments for governmental services. This bill authorizes the Civil Service Commission to make grants to these governments for carrying out training programs of its employees, for inclusion of State and local employees in existing Federal training programs, and to provide fellowships for university and college graduate training.

In the last Congress when this legislation came to the floor of the Senate as S. 699, I led opposition on the floor to the manner in which funds authorized for a grant program for up to 75 percent of the cost of developing and carrying out programs and projects which the Civil Service Commission found were consistent with merit principles outlined in the bill.

In our hearings this year, Robert Hampton, Chairman of the Civil Service Commission, made suggestions for amending the bill to insure an important State voice in the developing and approval process by including a certification by the Governor that the State or local government's plan meets the merit principles of the bill. Chairman Hampton's proposals were agreed to by both the chairman and me and by other members of the committee.

For these reasons, I hope that the Senate will approve passage of S. 11 as an important step toward improvement of intergovernmental relations between the National, State, and local governments in providing services demanded by our citizens.

Mr. RIBICOFF. Mr. President, increasing demands for effective services are being made upon State and local governments across the country. The inability of local government to respond to these demands is becoming critical and should be of great concern to the Congress.

The Federal Government has helped expand State and local government programs without doing anything comparable to develop their professional, administrative, and technical capabilities.

If we are to appropriate billions of dollars each year to solve the problems confronting the Nation, it is surely sensible to spend a relatively small sum to insure that these programs will be properly administered.

The Government Operations Committee has now reported out S. 11, the Intergovernmental Personnel Act of 1969. This act is a meaningful first step toward developing effective State and local governments. As a member of the Subcommittee on Intergovernmental Relations, I am pleased to cosponsor this legislation.

When enacted, this bill will provide Federal grants to State and local governments to improve personnel administration and employee training. In addition, Federal assistance in training State and local employees will be available and the exchange of Federal, State, and local personnel will be encouraged and facilitated.

S. 11 is a comprehensive, carefully constructed approach to the problems of governmental efficiency. The bill has been reviewed and discussed extensively in the past by committees in both the House and Senate and the Senate last year passed, by a substantial margin, a basically similar measure. The House, however, did not act upon the bill.

S. 11 as now reported incorporates several changes made following testimony on earlier bills considered by the Congress. Several problems disclosed earlier have been remedied by the bill which has been called the first comprehensive plan for intergovernmental cooperation since the Pendleton Civil Service Act of 1887.

It is my hope that, before the end of this session, S. 11 will pass the Senate and the House and be enacted into law. We have had enough delay in this important area.

There can be no doubt about the need for passage of S. 11.

Citizens are demanding action from their local governments. They seek better education, better police and fire protection, better roads and public transportation, clean and abundant water, unpolluted air, and more and better recreation facilities, and more and better health services and hospitals.

The major burden of providing these and other such services rests on State and local governments. The demands made have far outrun the fiscal, administrative, and personnel capabilities of State and local governments.

The growth rates of State and local governments have been phenomenal. The number of Federal civilian employees rose from 2.4 million in 1946 to 3 million in October 1967—a 25-percent hike. On the other hand, State and local employee figures jumped in number from 3.6 million in 1946 to 9 million in 1967—an incredible 150 percent leap. Total recruiting needs for administrative, professional, and technical personnel at the local level are now estimated at 250,000 a year, and rapidly growing.

Linked with these developments has been an increase in intergovernmental assistance programs. Federal aid to States and localities amounted to $1.8 billion in 1948, and is expected to reach $25 billion for fiscal year 1970, a 1,290-percent increase.

Expanded Federal assistance has aggravated personnel problems at the local government level. Federal programs have moved local government into new and complex areas and programs which have seriously challenged the knowledge and competence of present employees.

James Sundquist and David Davis of the Brookings Institution have described the situation well in "Making Federalism Work":

> The irreversible nature of the changes wrought in the Federal system in the past decade gives special urgency to the administrative problems of federalism. While the Federal government will set objectives and allocate marginal resources available for new government programs to achieve the objective, it cannot administer the programs directly in most cases—and should not, even if it could. . . . Administration, perforce, is thrust upon the state and local governments through grant-in-aid programs of various types.

Existing local resources simply do not permit long-range plans for training programs and other personnel services. Recruiting programs are generally feeble, underfinanced, and unsuccessful. Perhaps no greater problem faces local government today than that of attracting and retaining an adequate number of competent employees.

According to a survey conducted by the Public Personnel Association, little more than half of the 346 local government personnel agencies covered gave any attention at all to employee training. The amounts budgeted for this activity were small, commonly ranging from 2 to 10 percent of the total personnel agency budget.

A survey of the International City Managers Association revealed that only 30 percent of the local governments and 40 percent of the States responding conducted regular training programs for their key staff, and many of the programs that were conducted proved inadequate.

What we now have is an ineffective and piecemeal approach for Federal training and technical assistance efforts. Most programs now relate to the needs of specific grants and to the specific State and local personnel administering them. Neglected has been the overall workings of central personnel management and training, which give local government its day-to-day thrust and capacity.

There is now talk of even greater decentralization of Federal programs. State and local governments should have more responsibility for making their own decisions about program priorities and then administering these same programs. Implementing such proposals will be disastrous, however, if we are not concerned at the same time with the qualifications, abilities, and training of the local government employees who are to run these new programs.

S. 11 provides the mechanism to solve these problems.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MUSKIE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. MUSKIE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). Without objection, it is so ordered.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF JUSTICES AND JUDGES OF THE UNITED STATES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 445, S. 1508. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1508) to improve judicial machinery by amending provisions of law relating to the retirement of justices and judges of the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment after line 6, to insert:

(b) The first paragraph of section 373 of title 28, United States Code, is amended by inserting immediately after the last comma therein the following: "or at any age after serving at least twenty years continuously or otherwise."

So as to make the bill read:

S. 1508

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 371(b) of title 28, United States Code, is amended by inserting immediately before the period at the end of the first sentence the following: ", or at any age after serving at least twenty years continuously or otherwise."

(b) The first paragraph of section 373 of title 28, United States Code, is amended by inserting immediately after the last comma therein the following: "or at any age after serving at least twenty years continuously or otherwise."

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PURPLE PRIDE—PURPLE POWER

Mr. DOLE. Mr. President, every day Members of this body rise to make pronouncements concerning our great country. For the most part, we are engaged in serious debate which directly or indirectly affects nearly every American, as well as millions of people throughout the world.

Now and then, something out of the ordinary happens which may not have a great impact on world affairs, but which should be called to the attention of the Members of this body.

I witnessed such an extraordinary happening on Saturday when the Kansas State University Wildcats overwhelmed the great Oklahoma Sooners in Manhattan, Kans., by a score of 59 to 21, the worst loss ever inflicted on an Oklahoma University team. This was a highly significant event and, frankly, one which defies adequate description because Kansas State had not tasted victory over Oklahoma in 35 years.

For years, the Kansas State football team was the "doormat" of the Big Eight Conference, but during all those years thousands of faithful Wilcat fans took defeat in stride and muttered to themselves, "Wait until next year."

This year, under the tutelage of Coach Vince Gibson, the Wildcats have arrived, and even the most casual observers are singing their praises.

"Purple Pride," a slogan initiated by Coach Gibson, has been converted to "Purple Power" in 3 short years. All Kansans, and particularly K-State fans, take great pride in this year's great football team, which for the first time in my memory is the No. 1 team in the Big Eight Conference.

With an overall season record of 5 victories and 1 defeat—and a narrow one at that—the enthusiastic Wildcat fans are certain the Wildcats will be playing in one of the major bowl games on New Year's Day. Certainly the Wildcats deserve a successful season, and I join hundreds and thousands of Kansans and sports fans all across America in wishing them every success in the weeks ahead.

ORDER OF BUSINESS

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT'S MESSAGE ON THE MERCHANT MARINE

Mr. BYRD of Virginia. Mr. President, I welcome President Nixon's message to Congress on the merchant marine.

This represents the first national commitment to a strong merchant fleet since the Second World War.

Just after that war, the United States was carrying more than 57 percent of its foreign trade in its own ships. Today, that figure has dropped to 6 percent.

Nearly 96 percent of imported raw materials—materials upon which our security and well-being depend—arrive in this country aboard foreign ships.

Our fleet is down to 950 ships. It ranks behind the fleets of the United Kingdom, Japan, the Soviet Union, Liberia, and Norway.

The United States is a maritime Nation by necessity. Unless we are content to become a second-rate nation, we must export and we must import.

We cannot afford to depend upon foreign fleets to haul our commerce. Experience has shown that these ships may not be available when they are most needed.

Our maritime needs demand that we weld together investments of public funds and private funds with the investment of the genius of American research. We need, too, an investment that is less tangible, namely, one that involves a joint commitment by Government and industry to the goal of a strong merchant fleet.

The President's message will do much to stimulate the needed commitment.

ORDER OF BUSINESS

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FANNIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PREVENT POLITICAL PAYOFFS

Mr. FANNIN. Mr. President, events of the past few weeks have caused me considerable concern in regard to the future exercise of democratic processes in our country. I am referring to a press report which appeared in one of the Washington papers to the effect that special interest groups are putting their most highly skilled lobbyists to work on making sure President Nixon's nominee to the Supreme Court, Clement F. Haynsworth, is not confirmed by the Senate.

On the same day this story appeared in Washington, Mr. President, the front page of the Toronto Telegram in Canada carried a banner story detailing some of the pressure brought to bear in this country last year on behalf of a convicted labor racketeer, Harold Chamberlain Banks, resulting in a so-called contribution of more than $100,000 to the campaign coffers of the Democratic Party.

Many Members of the Senate are familiar with the Hal Banks story. He is an American citizen, convicted of conspiracy to commit assault in Canada in a brutal waterfront war between rival unions. He skipped $25,000 bail and fled to the United States, where he was arrested aboard a yacht of the Seafarers International Union. Picked up by American authorities upon Canada's request to have him returned to face a perjury charge—the assault charge was not covered under our extradition treaty with Canada—he was bound over for return by the U.S. Commissioner in Brooklyn. This was early in November of 1967.

On December 26, 1967, two highly significant communications were directed to the then Secretary of State, Mr. Dean Rusk; one was a memorandum from the Secretary of Labor, Mr. Willard Wirtz, the other was a long letter from the president of the AFL-CIO, Mr. George Meany.

These missives, Mr. President, both dated the same day, December 26, 1967, urged Banks not be returned to Canada. In addition, Abraham Chayes, backed up by the then Undersecretary of State, Nicholas Katzenbach, urged Mr. Rusk not to send Banks back to Canada. Chayes, incidentally, had been the principal legal advisor to Mr. Rusk before leaving the State Department. At the time of this meeting with Mr. Rusk, Chayes was employed by Banks, or his agents, to plead his case in this highly unusual, secretive procedure before the Secretary, in the Secretary's office.

Mr. Rusk decided that Banks should not go back to Canada, nor should it even be submitted to an impartial international third party for arbitration.

Shortly after his decision, $5,000 checks began pouring into various Democratic presidential campaign committees around the country until the total contribution amounted to $100,000—which was reached within a few days.

Last year, as some of you may remember, I attempted to secure the release of the controversial memorandum from Secretary Wirtz. He would not release it. I think we now see the reasons why.

I ask unanimous consent, Mr. President, that the December 26 memorandum from Mr. Wirtz to Mr. Rusk along with the December 26 letter from Mr. Meany to Mr. Rusk be printed in the RECORD at the end of my remarks as exhibits 1 and 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. FANNIN. Mr. President, I do not think it is in the best interests of the American people to have such a bald exercise of the power of union officialdom, when George Meany can, with or without checking with union members, vow that Clement Haynsworth will not sit on the Supreme Court of the United States.

It is not right, Mr. President, for a union goon—who Mr. Meany himself states is a "controversial figure"—be allowed to roam free in the United States as the result of what appears to be a $100,000 political payoff.

Last April I went to see the new Secretary of State about this "Banks" matter. I simply asked him to look into it again and review the basis of the previous Secretary's decision, particularly in the light of events subsequent to that decision. Members of the administration in power at that time may well have been unaware of the fact that the Seafarers International Union was so willing to unzip its members' purses in return for Hal Banks' freedom. Nevertheless, the payments did take place. No one denies it—least of all the union leaders involved. I just asked the present Secretary to review the whole matter—$100,000 and all—and see if the Canadian claim that Banks was a labor goon, their Hoffa-in-exile, and ought to be returned to the authorities, was valid.

I have not as yet received a reply, but I think I know why. I am afraid that "holdovers," some of the people left over from the previous administration, are anxious to keep their skirts clean on this issue. I am afraid that the Secretary is a victim of some leftovers who are giving him poor advice. Naturally, a Cabinet officer cannot attend to every detail of his department. That is what a staff is for. I feel sure the Banks matter has come to his attention, Mr. President. I feel equally sure that he must question the complete objectivity of the advice given by some who were involved in the first decision. I am still hopeful that the whole matter can be solved in a way that is satisfactory to Canada and the United States, who should be good friends.

Any citizen, Mr. President, has a right to be heard. But union officials, through the exercise of the tremendous sums of money at their disposal, are apparently able to exercise power that borders on the dictatorial.

The opponents of Judge Haynsworth have manifestly failed to demonstrate their allegation that he is antilabor. In fact, one of the leaders of the fight against Haynsworth was quoted in the press last Wednesday as saying he felt that labor had a "weak case" in trying to substantiate such a theory. Even so, Mr. President, most of the vocal opponents of Judge Haynsworth here in the Senate have in this, as well as previous, Senate confirmation debates, said they do not feel a particular nominee's ideological bent is a legitimate cause for refusing him a seat.

Mr. President, I am sympathetic with some who have cringed before this awesome display. In my view, it is wishful thinking for Republicans to think they can buy the good will of Mr. Meany and his minions. I do not wish to be misunderstood, Mr. President; I consider George Meany a worthy opponent in this matter. He is fighting for what he considers best, as am I, but he is holding a club over the heads of some that is an intolerable threat to the exercise of democratic processes and has been brought about in large measure by the preferential treatment accorded unions under our internal revenue laws.

He has committed himself and the AFL–CIO treasury to the destruction of Judge Haynsworth just as labor tried to destroy Judge John Parker 40 years ago.

If Mr. Meany and his millions can destroy an honest man of integrity on a flimsy and irresponsible record of the nine-page bill of particulars presented by the Senator from Indiana, then no man in the U.S. Senate, or indeed in public life, is safe from their vindictive power.

In the Senate Finance Committee, Mr. President, we are wrestling with the problem of a tax reform bill. One of the items which most urgently needs reform is the section of the IRS code which permits union leaders to exercise this kind of political power and still retain their tax-exempt status. Such preferential treatment is simply not right. Union leaders, in the exercise of their office, should have to abide by the same rule of "no politics" as applies to all other tax-exempt organizations.

In the case I have laid before the Senate today, we have one of the most naked examples of the brash display of monetary power, exercised freely without any form of restraint. And it is made possible by the special status enjoyed by these union leaders under our tax laws.

On September 4, I introduced an amendment to H.R. 13270—amendment No. 145—to the tax bill which would correct this intolerable situation. I am trying to see that the amendment is incorporated in the tax bill. It should be supported by every fair-minded American. I am convinced by the private talks I have had with some rank and file union members, that they support this bill. Of course, it is opposed by union leaders.

What would my amendment do? Plainly and simply, it would require that unions abide by the same statutes that presently apply to other tax-exempt organizations. That is the extent of the amendment, Mr. President. It is simple. It is straightforward.

The events which have transpired over these past days and weeks have convinced me more than ever that the amendment should be a part of the tax laws. I think the majority of Americans, union and nonunion, agree on the restoration of this democratic process and the elimination of an inordinate amount of power in the hands of a few.

Mr. President, I am sure a cry will arise from the AFL headquarters that their political contributions are voluntary, and thus should not make them subject to paying taxes. In anticipation of this kind of argument, Mr. President, I refer to a transcript of oral arguments before the U.S. Supreme Court in which Mr. Joseph Rauh, Jr.—at that time in 1956, he was general counsel for the United Auto Workers—said:

> When he (a union member) pays his dues, he has paid for his political action.

Lest some say I am taking that statement out of context, Mr. President, I ask unanimous consent to have printed in the RECORD as exhibit 6 a summary of that case with appropriate appendixes. The exchange to which I refer will be found in appendix "C."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 6.)

Mr. FANNIN. Sixty-three years ago, Samuel Gompers, founder of the AFL, recognized this danger when he said:

> It is doubtful to my mind if the contributions and expenditures of vast sums of money in the nominations and elections for our public offices can continue to increase without endangering the endurance of our Republic in its purity and in its essence . . . the necessity for some law upon the subject is patent to every man who hopes for the maintenance of the institutions under which we live . . .

Mr. President. the idea that a union member can successfully withstand the pressures if he objects to the use of his dues for political ends with which he may not agree, is simply not in accordance with reality. It is for the maintenance of these rights of the individual that I am offering my amendment.

Mr. President, I ask unanimous consent that several newspaper articles which bear on this matter and to which I have referred, be printed in the RECORD as exhibits 3, 4, and 5.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 3, 4, and 5.)

EXHIBIT 1

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, December 26, 1967.

Memorandum to: The Secretary of State.
From: The Secretary of Labor.

You have before you a request from the Canadian Government for the extradition of Hal Banks, a former Canadian labor official affiliated with the Seafarers' International Union of North America.

The request for extradition is based on an (sic) information alleging that Banks committed perjury 4 years ago when he denied before a Royal Commission having participated in illegal conduct six years prior thereto, a matter for which he was subsequently tried and convicted.

This extradition proceeding is a small outcropping of a matter which has an over 10-year history of intermingling of government (Canadian, U.S., and international), labor-management, internal union, and individual affairs. Some parts of the record are sordid and ugly; others are a chronicle of awkwardness.

On several occasions during the past four years, Under Secretary Reynolds and I have been called on to try to straighten out one aspect or another of this situation. It was, until this extradition request, in a posture which offered fair promise of continued—and generally satisfactory—quiescence.

I am not in a position to express a judgment on either the technicalities of the extradition issue or the political implication of whatever action is taken regarding it.

I do note these two things:

1. It is wrong, in terms of human equities and basic democratic principles, for an individual to be used this way in this matter. Banks, as a particular person, presents no case for special consideration. But the relationship of "the system" to "the individual" is involved here—and this individual is being used as a pawn.

2. There is a possibility (which I cannot assess) of Banks' extradition reopening what has in the past been a disruptive situation.

I shall of course be glad to supply whatever background or detail on this matter you may consider pertinent.

WILLARD WIRTZ.

EXHIBIT 2

AFL–CIO,
Washington, D.C., December 26, 1967.

Hon. DEAN RUSK,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I am informed that there is now pending before you an application brought by the Province of Ontario for the extradition of Mr. Harold Chamberlain Banks. I hope you will not grant this application.

I have followed the career of Mr. Banks for a considerable number of years, beginning with his initial involvement in Canadian trade union affairs which came about in response to a request, by the Canadian and American governments, for American trade union assistance in dealing with a serious problem of Communist subversion in the Canadian maritime industry. I believe that I am familiar with all the forces which have conspired to place Banks in his current predicament. Certainly no principle of real justice or equity would be served by his extradition.

In the first place, it is abundantly clear that the efforts to pursue Mr. Banks in the Canadian courts have been politically motivated. The original charge of conspiracy to commit assault grew out of the Norris Commission investigation, which was itself a part of an attack upon the Seafarers International Union at a time when it was embroiled in a bitter dispute with a major shipowner. Furthermore, the perjury charge for which extradition is now sought is premised upon Banks' compelled testimony before the same Norris Commission which was no more than an industrial investigating body.

Secondly, although the evidence upon which the present perjury charge is based has been available for four and a half years, no extradition move was made until this past August, on the occasion of another S. I. U. economic strike in Canada. The connection, and the revival of the political issue, is obvious.

Third, as you may be aware, the whole question of Banks' fate—although he is an American citizen—has been debated incessantly in the Canadian Parliament as a political issue between the two major Canadian parties. It seems to me that their political issues should not be resolved, or accentuated—at the expense of real justice to an American citizen—by the United States.

Banks was convicted of conspiracy to commit assault in Canada in 1964, stemming from an incident alleged to have occurred *six* years previously in 1958. This was the only grounds for legal action found after an exhaustive investigation into all of Banks' personal and official conduct, designed for the clear purpose of finding grounds for "getting" him. He fled the jurisdiction of Canada, after an extraordinary harsh sentence considering the nature of the alleged offense and the relatively light sentences imposed upon those found guilty of actually committing the alleged assault, before his appeal was heard, forfeiting a $25,000 bond. He has already paid a very high price for whatever misconduct may be charged to him. In addition to the money he forfeited, he cannot again hold a leadership position in the labor movement. He has been held in prison since September of this year.

Conspiracy, as you know, is not a crime for which anyone can be extradited under our treaty with Canada. The Province of Ontario, therefore, brought the perjury action in order to avoid the limitations of the treaty. The attempt to extradite him for perjury is an effort to do by indirection what could not be done directly.

I know Mr. Banks has been a controversial figure. He has his enemies and he has his friends. Whatever may be said about him as a product of the waterfront environment, there is no doubt in my mind that he has, in his career, rendered substantial constructive service to the labor movement and to working seamen.

At the time of his arrest for extradition proceedings, he was employed by the Henry Lundberg School of Seamanship, a non-governmental, labor-management supported training school. This enterprise is engaged in training young men of all races, most of whom are drawn from underprivileged and deprived backgrounds, to equip them as seamen and to give them an opportunity in a meaningful and rewarding seagoing career. The function of this undertaking in filling the manpower needs of the Merchant Marine necessitated by the present Viet Nam conflict is also worthy of mention.

Banks has severed all relations with the Canadian labor movement and has no impact on or connection, directly or indirectly, with the organization he formerly represented in Canada, its officials or its members.

For all of these reasons it is my firm conviction that it would serve the interests of neither the United States nor Canada, nor of future relations between them, to extradite Mr. Banks. On the contrary, it would be a gross miscarriage of justice and a great inequity to grant the application.

Sincerely yours,

GEORGE MEANY,
President.

EXHIBIT 3

[From the Telegram, Oct. 16, 1969]

"SECRET" NOTES REVEALED IN HAL BANKS CASE

(By Robert MacDonald)

A renewed demand for the extradition to Canada of former Seafarers International Union boss Hal Banks was made today after The Telegram obtained copies of two confidential messages to former U.S. Secretary of State Dean Rusk.

Both messages were dated Dec. 26, 1967. One was a memorandum sent to Mr. Rusk by then U.S. Secretary of Labor Willard Wirtz. The second is a three-page letter from AFL–CIO president George Meany.

Both urged Rusk not to sign an order for Banks' extradition to Canada to face a perjury charge—despite the fact a U.S. Commissioner had so ordered after hearing all evidence.

Meany, in his letter, claimed the perjury charge had been trumped up to "get" Banks and that the five-year jail term handed out to Banks for conspiracy to assault was "extraordinarily harsh."

Wirtz wrote that the extradition proceedings "were a small outcropping" from a wave of terrorism on the Great Lakes.

U.S. Senator Paul Fannin said he would make a further request to U.S. Secretary of State Williams Rogers for a decision on whether Banks should be extradited.

And in Ottawa, Conservative MP George Hees said the messages "confirm irrefutably the tremendous pressure that was brought to bear to prevent Banks' extradition."

Mr. Hees said he will "have some tough questions for External Affairs Minister Mitchell Sharp and Justice Minister John Turner when Parliament re-opens next Wednesday.

"There seems little doubt that Hal Banks has let it be known that he will sing like a nightingale about his work in political campaigns in Montreal if he is brought back to Canada," he said.

Fannin was reached in Washington for comment. He had been attempting for over a year to gain a copy of the memo, but had not known the Meany letter existed.

"The documents show that such unions exert tremendous political power and are prepared to pay for it," said the senator.

"I am aware of the pressure both within and without the Johnson administration that was brought to bear on behalf of Harold Banks," he said.

He claimed the SIU spent at least $150,000 last year in contributions to the Democratic party's presidential campaign chest. Of the total, $100,000 went to the fund within 10 days after Rusk finally decided not to sign the extradition order.

Secretary of State Rogers is still reviewing the decision of Mr. Rusk.

In his memo, former labor secretary Wirtz warned that "there is a possibility (which I cannot assess) of Banks' extradition reopening what has in the past been a disruptive situation."

Wirtz termed the extradition attempt "a small outcropping" of the wave of terrorism in Great Lakes shipping circles that surrounded the SIU tactics.

He failed to mention that Banks had been convicted of conspiring to assault a ship captain and had been assessed a five-year jail sentence. He had jumped $25,000 bail and escaped to his native U.S.

However, the letter to Rusk from labor czar Meany claimed Banks had been originally involved in the Canadian labor scene "in response to a request, by the Canadian and American governments, for American trade union assistance in dealing with a serious problem of Communist subversion in the Canadian maritime industry."

"It is abundantly clear that the efforts to pursue Mr. Banks in the Canadian courts have been politically motivated," wrote Mr. Meany.

He also charged that the Norris Royal Commission that investigated the labor terrorism (and from which the perjury charge came) "was itself a part of an attack upon the Seafarers International Union at a time when it was embroiled in a bitter dispute with a major shipowner."

He even claimed the Norris commission "was no more than an industrial investigating body."

Mr. Meany also told Rusk:

"The whole question of Banks' fate—although he is an American citizen—has been debated incessantly in the Canadian parties. It seems to me that their political issues should not be resolved, or accentuated—at the expense of real justice to an American citizen—by the United States."

The perjury charge was designed solely for "getting" Banks, said Meany. The five-year sentence for conspiracy to commit assault was "extraordinarily harsh," he wrote.

He noted Banks had forfeited his $25,000 bail. "He has already paid a very high price for whatever misconduct may be charged to him," he claimed.

"I know Mr. Banks has been a controversial figure," stated the letter. "He has his enemies and he has his friends. Whatever may be said about him as a product of the waterfront environment, there is no doubt in my mind that he has, in his career, rendered substantial constructive service to the labor movement and to working seamen."

EXHIBIT 4

[From the Washington Post, Oct. 16, 1969]

AFL–CIO RATES HAYNSWORTH FOR "SPECIAL" FIGHT

(By Murray Seeger)

Sen. Thomas J. Dodd (D-Conn.) received a telephone call a few days ago from an old friend, Jay Lovestone, director of international affairs for the AFL–CIO.

The two men usually discuss their common interest in fighting communism, but this recent conversation was different. Lovestone was trying to get a commitment from Dodd that he would vote against confirming Clement F. Haynsworth Jr. as an associate justice of the U.S. Supreme Court.

"We don't usually use Jay on something like this," an AFL–CIO staff man said this week. "But the Haynsworth case is special."

The special nature of the Haynsworth case that it represents the first occasion since 1930 that the labor federation has actively opposed a Supreme Court nomination.

That nominee was John J. Parker of North Carolina, the last court appointee to lose a Senate confirmation vote.

As one of the 10 Democrats on the majority side of the Senate Judiciary Committee, Dodd warranted special attention in the view of the AFL–CIO. He voted to send the Haynsworth nomination to the Senate floor, but may vote against confirmation.

Another Democratic member of the committee, Sen. Joseph D. Tydings of Maryland, had an unusual visit from Al Barkan, director of the AFL–CIO Committee on Political Education before voting "no" on the nomination.

Sen. Hugh D. Scott of Pennsylvania, the minority leader of the Senate who is still uncommitted on the nomination, has been pressured to vote "no" by the only Republican in the AFL–CIO heirarchy, Lee W. Minton, of Philadelphia, president of the Glass Bottle Blowers' Association, and the United Steelworkers, biggest union in his state.

Haynsworth has become the biggest single issue for the AFL–CIO in this session of Congress and represents the first serious break between the federation and the nine-months-old Nixon administration.

The campaign against Haynsworth has also renewed the alliance between the AFL–CIO and major civil rights organizations at a time when local unions and minority groups are battling in several cities.

"This has already become part of the 1970 congressional elections," one union source said.

When Haynsworth's name first came through the Washington rumor mill, Tom Harris, the AFL–CIO associate general counsel, and Andrew J. Biemiller, legislative director, met with Joseph L. Rauh Jr., well-known Washington lawyer representing several civil rights groups.

They alerted George Meany, president of the AFL–CIO, and Clarence Mitchell of Baltimore, top lobbyist for the NAACP and other civil rights organizations.

The AFL–CIO had a file on Haynsworth because of his involvement in the long, tangled legal case involving the Darlington Manufacturing Co. and Textile Workers Union, his participation in Carolina Vend-a-Matic Co., and his civil rights record as a judge on the Federal Court of Appeals.

Harris telephoned Daniel J. Moynihan, urban affairs specialist on the White House staff who was with the President in California, and Jerris Leonard, Assistant Attorney General, on Aug. 15 and warned them of what the AFL–CIO considered Haynsworth's anti-labor and anti-civil rights record as well as issues involving his ethical conduct while on the bench.

In addition, Meany sent a telegram directly to the President raising the same issues.

"The President didn't reply, he didn't reply at all," Meany said recently. "His reply came a few days later when he announced the appointment of Judge Haynsworth."

EXHIBIT 5

[From the Washington Daily News, Oct. 22, 1969]

BAYH THE WAY: HAYNSWORTH ATTACK LABOR OF LOVE

(By Dan Thomasson)

Sen. Birch Bayh, D-Ind., received more than $68,000 last year from organized labor which is now allied with him in the fight to prevent Senate confirmation of Supreme Court nominee Clement F. Haynsworth, Jr.

But Sen. Bayh denied today that union support of his 1968 campaign for re-election affected his decision to lead the battle against Judge Haynsworth, who is accused of being anti-labor.

And Sen Bayh argued that labor's contribution to his campaign was small in light of the nearly $800,000 he spent to defeat his Republican opponent, William D. Ruckelshaus, now an assistant attorney general in the Justice Department.

Sen. Bayh conceded, however, that AFL–CIO leaders did approach him shortly after Judge Haynsworth's nomination, but before any question of a possible conflict of interest was raised about the judge, and asked him to look into Judge Haynsworth's record.

The Hoosier Senator, a member of the Judiciary Committee, said he told the labor leaders he would examine the record, but if what he found was only a question of philosophical differences, the "benefit of a doubt" belonged to the President.

Sen. Bayh said today that he believes labor may have a "weak case" in its argument that Judge Haynsworth's decisions as a member of the Fourth U.S. Circuit Court of Appeals show he generally opposed unionism.

In fact, he said, there are cases in which Judge Haynsworth obviously ruled for labor.

Sen Bayh would not deny that labor representatives have been in and out of his office all during the Haynsworth fight.

And he acknowledged that labor had helped with some research into the judge's financial background, even helping Sen. Bayh compile his controversial "bill of particulars," against Judge Haynsworth.

Pro-Haynsworth forces charge that the "bill of particulars" was misleading and full of factual error. Sen. Bayh admits to one error and has apologized to the Judiciary Committee for it.

But Sen. Bayh bristled at further charges by Judge Haynsworth's backers that his efforts to sidetrack the nomination on "ethical" grounds are merely a smokescreen to hide the fact that as a liberal dependent upon traditional liberal money sources, he really opposes appointment of any conservative to the Supreme Court.

"I would be asking the same questions about the propriety of his stock dealings even if he were pro-labor," Sen. Bayh said.

Haynsworth backers, however, challenged this today—charging that Sen. Bayh would have no support from labor for his questions about Judge Haynsworth's financial dealings if the judge were considered pro-labor.

Those pushing Judge Haynsworth's confirmation to a showdown on the Senate floor also have been privately citing what they call Sen. Bayh's "debt" to labor.

This includes, according to records in the House Clerk's office, some $42,000 given the Senator last year by the United Auto Workers of America. Sen. Bayh concedes this is the largest amount from any single contributor.

Sen. Bayh also received contributions from the United Steelworkers; Machinists Nonpartisan Political League; Trainmens Political Education League; Oil Chemical and Atomic Workers; AFL–CIO Committee on Political Education (COPE); International Brotherhood of Electrical Workers; International Ladies' Garment Workers Union; Teamsters Union (Drive); Brotherhood of Painters, Firemen and Oilers Political Fund.

He also was given a $400 contribution by the Textile Workers Union of America (TWU). The TWU first raised the Haynsworth storm by charging the judge shouldn't have sat on a labor relations case involving a textile firm because he had a one-seventh interest in a vending machine company doing business with the textile concern.

EXHIBIT 6

A SUMMARY OF UNITED STATES *v.* UAW-CIO, 352 U.S. 567 (1957)

This case is noteworthy for two reasons:

The decision itself holds that the Corrupt Practices Act, 18 USCA 610, prohibiting corporations and labor organizations from making "a contribution or expenditure in connection with" any election for Federal office, covers any use of corporate or union money for political purposes within the scope of its proscription. More specifically it holds that the use of union dues to sponsor commercial television broadcasts designed to influence the electorate to select candidates for Federal office is within the ban of the statute. Thus the Court said on page 585:

"To deny that such activity, either on the part of a corporation or a labor organization, constituted an 'expenditure in connection with any [federal] election' is to deny the long series of congressional efforts calculated to avoid the deleterious influences on federal elections resulting from the use of money by those who exercise control over large aggregations of capital. More particularly, this Court would have to ignore the history of the statute from the time it was first made applicable to labor organizations. As indicated by the reports of the Congressional Committees that investigated campaign expenditures, it was to embrace precisely the kind of indirect contribution alleged in the indictment that Congress amended § 313 to proscribe 'expenditures.' It is open to the Government to prove under this indictment activity by appellee that, except for an irrelevant difference in the medium of communication employed, is virtually indistinguishable from the Brotherhood of Railway Trainmen's purchase of radio time to sponsor candidates or the Ohio C.I.O.'s general distribution of pamphlets to oppose Senator Taft. Because such conduct was claimed to be merely 'an expenditure [by the union] of its own funds to state its position to the world,' the Senate and House Committees recommended and Congress enacted, as we have seen, the prohibition of 'expenditures' as well as 'contributions' to 'plug the existing loophole.' "

In reaching this conclusion as to what constitutes political activity on the part of a union, the Court quoted the 1945 Report of the House Special Committee to Investigate Campaign Expenditures. In this connection the Court said at pages 580–1:

"The 1945 Report of the House Special Committee to Investigate Campaign Expenditures expressed concern over the vast amounts that some labor organizations were devoting to politics:

" 'The scale of operations of some of these organizations is impressive. Without exception, they operate on a Nation-wide basis; and many of them have affiliated local organizations. One was found to have an annual budget for "educational" work approximating $1,500,000, and among other things regularly supplies over 500 radio stations with "briefs for broadcasters." Another, with an annual budget of over $300,000 for political "education," has distributed some 80,000,000 pieces of literature, including a quarter million copies of one article. Another, representing an organized labor membership of 5,000,000, has raised $700,000 for its national organizations in union contributions for political "education" in a few months, and a great deal more has been raised for the same purpose and expended by its local organizations.' H.R. Rep. No. 2093, 78th Cong., 2d Sess. 3.

"Like the Senate Committee, it advocated extension of § 313 to primaries and nominating conventions, *id.*, at 9, and noted the existence of a controversy over the score of 'contribution.' *Id.*, at 11. The following year the House Committee made a further study of the activities of organizations attempting to influence the outcome of federal elections. It found that the Brotherhood of Railway Trainmen and other groups employed professional political organizers, sponsored partisan radio programs and distributed campaign literature. H.R. Rep. No. 2739, 79th Cong., 2d Sess. 36–37."

Thus it is clear from this decision that the Court regards expenditures for political education, the writing, printing and distribution of political literature, the supplying of briefs for broadcasters to radio stations, the employment of professional political organizers, the sponsorship of partisan radio and television programs, all constitute political activity. Moreover, the Court found that not only contributions for such purposes, but also expenditures for such purposes, are within the ban of the statute.

The Court, it is true, refused to pass upon the constitutionality of the statute as thus construed. Instead it remanded the case back to the District Court for trial. The Court declined to decide the constitutional questions since the decision was not necessary at that stage of the proceedings. It referred to the fact that the case was before it on an appeal from an order sustaining a motion to dismiss an indictment, and remarked that "an adjudication on the merits cannot provide a concrete factual setting that sharpens the deliberative process especially demanded for constitutional decision." It finally observed that "by remanding the case for trial it may well be that the Court will not be called upon to pass on the questions now raised." This last was a prophetic observation. Upon remand the case was tried before a jury in the District Court and the defendant was acquitted.

The opinion of the Supreme Court on the questions of law, however, still stands. It not only declares that expenditures as well as contributions for political activities are within the prohibition of the Corrupt Practices Act, but also rather clearly defines what are political activities. Since the definition of political activities is one of the most vitally important issues in *Allen* v. *Southern Railway,* it seems to me that the case is of great significance. It shows that all of the manifold activities of the various union organizations—Brotherhoods, Railway Labor Political League, Railway Labor Executive Association, COPE and AFL–CIO—all constitute political activities. Everything would seem to constitute such an activity if it should be politically motivated, or if it should tend to produce political effect. Political activity is not confined to political contributions to candidates and to their committees. It also embraces all the ramifications of political education and other assistance rendered to political causes and political candidates.

The second significant thing about this case lies in some of the concessions made by Mr. Joseph L. Rauh, attorney for the UAW, in attacking the constitutionality of the Act before the Supreme Court on December 4, 1955. Mr. Rauh is one of the leading labor lawyers in the country and was formerly President of Americans for Democratic Action. I am attaching certain pertinent excerpts from his argument.

First. Mr. Rauh conceded under questioning from the bench that the prohibitions of political contributions and expenditures by the Corrupt Practices Act apply equally to corporations and unions. At first he tried to maintain that there were distinctions but wound up by conceding that they did not mount to much. He conceded the illegality of contributions, but maintained that expenditures for the purpose of stating the political position of the union are legal because within the constitutional protection of free speech. The most pertinent parts of the colloquy will be found in Appendix A attached.

Second. Mr. Rauh contended that the question whether the funds in the union treasury used for political purposes came from dues paid voluntarily or dues involuntarily under a union shop contract is irrelevant because the statute attempts no distinction between them. The colloquy is reproduced as Appendix B.

Third. Mr. Rauh volunteered that the union used money from general treasury funds derived from dues for political purposes because it could not raise sufficient funds by appealing to the membership for voluntary contributions for political campaigns. This is the most important part of his concession, and it is set forth in Appendix C.

Fourth. Justice Frankfurter suggested from the bench that voluntary contributions from union members do not fall within the ban of the statute because the union is a mere conduit in transmitting the individual's contribution to the political candidate or committee. Mr. Rauh agreed and said that this result also follows from the legislative history of the Corrupt Practices Act. The pertinent extract will be found in Appendix D.

APPENDIX A

Mr. RAUH. * * *.

What we are asking for here is simply to have the right to say the same things outside the labor movement that we have been given the right by the CIO case to say inside.

Justice FRANKFURTER. Mr. Rauh, do you make a distinction between the provisions of the statute limiting the conduct of a corporation and a labor organization?

Mr. RAUH. We believe that under many circumstances a corporation would be the same. There are legal differences.

Justice FRANKFURTER. How?

Mr. RAUH. There are legal differences, there are factual differences.

Justice FRANKFURTER. But I mean for this purpose.

Mr. RAUH. We see no reason why a corporation should not state its views to the public on political issues.

Justice FRANKFURTER. Because the question of freedom of speech considerations are equally applicable?

Mr. RAUH. Yes, sir. One might draw a distinction. We are not urging such a distinction.

Justice BLACK. Suppose a corporation is to buy all the stock of a newspaper, could the newspapers get away from this act?

Mr. RAUH. Under the government's interpretation they could not. Under ours, our interpretation makes everybody equal, the newspaper stating its views and the union stating its views. What does the government say about the difference between this and CIO? The government refers to literal language but it is the same. It refers to legislative history but it is even clear they intend no such extension. It says we are emasculating the statute but as my answer to Justice Harlan, there is plenty left and finally this is really the crux of the case.

The government says at page 17 of their brief at the bottom of page 17 that what we are doing differs but little from a direct contribution, the distinction lies only in the fact that in one instance the candidate would apply contributed funds to purchase television time and in the other the union would buy it for him.

No, we are not making a contribution, we are stating our position. It may or may not benefit the candidate. It may or may not be what he wants said.

It has none of the corrupting influences of a contribution and finally I would like to return to Mr. Justice Frankfurter's question of yesterday. I agree on reflection that there are 2 motives that we share in stating our position.

There is the motive of wanting to win the election and there is the motive of wanting to state your position. But I say it is relevant that there is the motive of sating your position which may be protected by the Constitution more likely than the motive of handing over money. Therefore having the two motives is not a negative factor such as was suggested yesterday but a positive factor.

* * * * *

Justice HARLAN. Do you say that the statute is also unconstitutional as it applies to a business corporation?

Mr. RAUH. There are differences, sir, between the union and a business corporation. A union is a group of men with a common interest. A business corporation has its control in the man who owns the most stock. It gets its money from a public which is completely disparate in views.

Therefore, one can make a distinction between a corporation and a union, and the decision of the corporation will have to come here some day if that case is raised.

I personally raise none, and our union takes the position publicly that we feel that democracy is best protected by corporations having the same right to state their position on candidates that we have.

I can only say, sir, that there are differences between corporations and unions which might at some future time create a difference in results. I urge none.

Justice FRANKFURTER. As to the—I suppose you don't because you would have a hard time differentiating between the right of a corporation to urge economic interests which bind those disparate members together.

Mr. RAUH. We urge no differentiation.

For a hundred years, if Your Honors please, we have been engaged in political activity. Our own union constitution, from its first day, urges it. One cannot draw a line between bargaining and politics. Bargaining is supplemented by legislation, and legislation is supplemented by bargaining.

Justice FRANKFURTER. Would you put a limit as to the amount of expenditures?

Mr. RAUH. I would say reasonable limitations. It would depend on whether it was a reasonable limitation on free speech. No effort was made to do any of these things.

Justice FRANKFURTER. I understand that, but I am trying to test this proposition. Can Congress say "You shan't spend more than 'X' thousand or 'X' hundred dollars"?

Mr. RAUH. They might try that on individuals.

Justice FRANKFURTER. But not on unions?

Mr. RAUH. I say if you had a general regulatory statute limiting expenditures, I see no reason why we shouldn't be part of it.

Justice FRANKFURTER. You would have to treat the corporation or labor organization the same way that you treat an individual, is that it?

Mr. RAUH. I would think that if you had a—yes, basically I would say there are rights to speak here that ought to be protected. I hadn't thought about this sheer matter of money limitation, because——

Justice FRANKFURTER. But it is very relevant, I should think.

Mr. RAUH. But it sounds, I would only suggest, sir, that is sounds rather artificial.

Justice FRANKFURTER. Why? You say you can't spend more than a million, if you collect the fund for other purposes, and then go into politics. We have put limits on corporations, haven't we?

Mr. RAUH. On expenditures. Well, you have now a bar, the same bar we are under, but there are no numerical limitations, sir. The limitations are on the candidates' expenditures, and it is absolutely historically a matter of record that they are not complied with. It is in the daily press that the expenditures——

Justice Frankfurter. That is a different problem.

Mr. Rauh. But there are no limitations of this type other than on candidates which have been placed.

Justice Reed. There is a limitation on personal contributions.

Mr. Rauh. Yes, sir, of $5,000, which is avoided by giving to each committee.

Justice Reed. To each committee.

Mr. Rauh. To each committee, yes, sir. Now, you cannot split legislation from bargaining. At the bargaining table we get Blue Cross and Blue Shield, and at the Congress we ask for national health insurance to supplement it.

In Congress we get unemployment compensation, and at the bargaining table we supplement it with supplementary unemployment payment.

This is as one, what you have there, the bargaining and the legislative process.

APPENDIX B

The Chief Justice. Mr. Rauh, before you get to constitutionality, would you mind elaborating just a little on what you said, to the effect that this was not a statute to protect the minority in the unions?

Mr. Rauh. Sir, it is——

The Chief Justice. You stated it, but you didn't elaborate on it. Would you mind doing that?

Mr. Rauh. Sir, I will do that right at this moment as part of the constitutional argument.

The Chief Justice. Oh. Well, if you are going to do it anyway, go right ahead in your own way.

Mr. Rauh. I can do it right now.

I was going to say, in the order that I was going to follow, I was going to say that the prime presentation of the Solicitor General yesterday can still be boiled down to that of a murder defendant who said, "We didn't do it, but we were justified in doing it."

I will leave aside "We didn't do it" for a moment, and come to "we were justified," because "we were justified" is based on this minority argument.

If Your Honor pleases, this statute has nothing whatever to do with minorities. This statute applies if every member of the union supports the expenditure. This statute applies if every member of the union supports the same candidate. This statute applies whether there is a union shop or not. This statute applies even if you have a contracting-out arrangement.

Now, by that I mean this, sir: Our union expends its funds in this area for political broadcasts out of a thing called the Citizenship Fund. We allow any member who wants to, to say he does not want this money spent for political activity, and it will go to some citizenship fund such as the American Heritage Society.

In other words, while the Government defends this statute on the ground that it was intended to protect minorities, it is not a protection of minorities, because you could have done that much simpler.

Why didn't they say, "Let the minorities, if they want to, have their right to contract out the fund," or why didn't they say "It is all right if there isn't any minority"?

Senator Taft made clear what they were doing. Senator Taft said the purpose of this bill was to take labor out of politics. And the Solicitor General yesterday, with commendable candor, said the purpose of the bill was to minimize the influence of labor at the time of an election. That was the purpose.

There was no purpose of protecting the minority, because the statute isn't aimed at the minority problem.

And in the area of free speech, where this Court has so many times made clear that the limitation on speech must be as narrow as the evil presented, if they were going to deal with the minority problem it was absolutely essential that they limit the matter to the minority problem instead of saying "Unions, you are out of political action."

And, as we say in our brief, and we have made a great deal of this point, "This statute was not aimed at minorities, because if it were unanimous, we can't act. If we have a contracting-out scheme, we can't act. If every member of the union wants to go for this, we can't act."

So that is what I meant by that, sir, when I said this does not deal with the minority problem.

Now, what we have here is a denial of access to the public of the collective views of union members, a denial of access to press, television, radio, magazines, public rallies, letter-writing campaigns.

What this statute does is to put in the hands of the opponents of labor the right to decide whether the voice of labor may be heard. If we want to put our position out, the decision then whether it shall be heard, if this statute is valid, becomes the decision of Hearst, Howard and Sarnoff. They control whether we get heard.

But if we can buy the time, then we decide whether we can be heard.

This statute, as I say, denies unions access to the media of communication except at the will of the opponents of labor, and it is a denial of free speech at the very heart of the democratic process.

The great decisions of this Court, in Stromberg, in Near, the great dissent in Whitney, are based upon the proposition that free government by free men depends upon full discussion of the great issues of political life.

APPENDIX C

Mr. Rauh. * * *.

In other words, what the Government was claiming was voluntary funds were perfectly clearly dues money. COPE, PAC, LLPE, was no substitute for dues money. No moneys have ever been raised for this kind of making actions, to the public mind, for making political actions of this kind.

This has never been a part of their work and, of course, we in the UAW have no such activity. Our activity in this field is carried out, and can only be carried out, with the dues money that we have available to us.

Now, the Government says they didn't do it, and I have answered that.

Justice Reed. I don't understand that statement, the only way you can do this——

Mr. Rauh. The only funds available to the union are those that come from dues for the purpose of buying radio time, television time, and newspaper advertising. The small amount, sir, that has been able to be collected as voluntary dollars has all gone as contributions to the very small contributions to the candidate. We have never had the type of funds on voluntary dollars——

Justice Reed. You can't get as much from voluntary dollars as you can from dues?

Mr. Rauh. Well, sir, a union man thinks he has paid, when he has paid his dues, he thinks he has paid for bargaining, for legislation, and for political activity. He doesn't feel he should pay a second time for political activity. That is why it is so hard to raise voluntary contributions.

Our constitution and the constitution of all unions set this up as a purpose, political action. When he pays his dues, he has paid for his political action. He may give another dollar or two to some candidate for an office, but he doesn't feel he is going to give another some more money.

We have collected a little, but never anything to do this job of making the public know our views.

Justice Frankfurter. Was it only the other day that unions went into politics? For years we had a great leader of labor who thought it was very bad to go into politics for the union.

Mr. Rauh. There was such a leader, sir.

Justice Frankfurter. So if you say a hundred years of history, there is a good deal of history the other way.

Mr. Rauh. There has been history the other way, but political life has—there is history back a hundred years. There was a period, as you suggest, when this was the view of some leading labor leaders. So what does the Government suggest that is justified?

It was trying to minimize the influence—these are the Solicitor General's commendable frankness—it was trying to minimize the influence of unions at elections.

APPENDIX D

Justice Black. What is the relevancy of the emphasis on the fact that it came out of union dues?

Mr. Rauh. Well, sir, if it came out of voluntary funds then everyone agrees that it is not a violation. There is nothing in the statute that says that.

For example, take COPE, that is the Committee on Political Education of the AFL-CIO. They get voluntary funds paid separately from union dues from a number of members. Everybody agrees that an expenditure or a contribution by COPE is legal. The reason everybody agrees to that is that I think the government is under some misunderstanding about the statute on this point but we agree as to the result.

They think the statute does not apply because COPE is not a labor organization In my judgment COPE is clearly a labor organization under the statute but it does not apply if Your Honors please because Senator Taft made clear on the floor of the Senate that voluntary funds not part of dues could be used for any purpose and whether you use the government's interpretation or ours the fact is that there has never been an indictment for voluntary monies——

Justice Frankfurter. You don't need Senator Taft's statement to reach that conclusion. If you will just read the statute, any labor organization that makes a contribution—if you are just the conduit of other people's money, then you are not making the contribution.

Mr. Rauh. That would be another interpretation to reach the same answer.

Justice Black. Is there any other fact which attempts to regulate the way unions shall spend their dues? I don't quite understand the difference. It sounds as though the theory is that union members are to be protected on how their dues are to be expended.

Mr. Rauh. The government is contending, sir, that that is the justification for this statute, that it is a protection of the minority members of the union.

Justice Black. Is there any statute which has attempted to regulate the way the unions must spend its money or dues?

Mr. Rauh. No. When I come to this point I would like to point out that this statute is not directed to the minority but is to take unions out of politics.

Mr. FANNIN. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

THE STRATEGIC ARMAMENTS LIMITATION TALKS

Mr. MATHIAS. Mr. President, the administration's decision to begin negotiations with the Soviet Union on limiting strategic armaments launches the hopes of the world once again on the difficult but redemptive road to peaceful cooperation among men.

President Nixon and Secretary of State William Rogers should be commended for acting on their oft-expressed recognition that the United States and the Soviet Union have a mutual interest in restricting the arms race and reordering national priorities. As an observer at the 18-nation disarmament talks in Geneva, however, I became aware of another equally important consideration. Most of the disarmament talks in the past have chiefly affected the smaller nations. The Nuclear Test Ban Treaty, for example, had little effect on the military capabilities of the great powers, which could test underground; but it virtually precluded advanced nuclear development by lesser powers. Similarly the Nuclear Nonproliferation Treaty in effect was designed to preserve the nuclear oligopoly. It is being signed by other nations at least in part because it also pledges the major powers to negotiate further disarmament among themselves.

I believe nuclear proliferation poses the greatest single threat of nuclear war by accident or miscalculation. The great powers have their nuclear forces under effective control; they are experienced in dealing with nuclear technology. But the primitive nuclear contrivances of small countries could become a new and unpredictable catalyst of incalculable dangers.

Yet the nuclear powers cannot expect the nonnuclear countries to accept permanent nuclear privation in the face of great power determination to steadily expand their nuclear capability. The fact is that unless the great powers move to end the arms race the lesser powers will move to join it. This Damoclean reality will overshadow all the talk in Helsinki.

So I can only urge the administration to act with the greatest sense of urgency. I would, however, at the same time offer a warning. Though the talks are urgent, they will be frustrating; and though agreement is imperative, it will not end the arms race unless it is accompanied by prudent strategic policies on the part of both great powers. For no treaty can be devised that can anticipate the advance of technology and channel it into peaceful uses. In the end, the arms race will be disciplined not because both sides sign a piece of paper but because both sides have previously decided they have no interest in reopening the competition at a higher and more dangerous level.

We should understand that the present high level of defense spending—and the resulting disorder of our national priorities—is not caused only by our past failures to negotiate an agreement with the Soviet Union. The largest surge in U.S. strategic spending—the surge that precipitated the current Soviet increases—came at the very time that the Test Ban Treaty was negotiated. Those who might normally have opposed the enormous unilateral expansion of our forces after Eisenhower's year of sensible restraint were completely diverted by the test ban.

Thus the importance of the treaty was exaggerated and led to the spirit of euphoria that was so rudely interrupted by the Cuban missile crisis. Meanwhile, our defense spending soared; the balance maintained by Eisenhower was upset; and the Russians massively responded with spending of their own. That is our position today. We should understand it clearly.

I celebrate the new negotiations—the SALT talks. I praise the administration's decision and particularly the effective role of the Secretary of State in achieving it. But we should understand that the success or failure of the negotiations will be decided not in Helsinki or Geneva but in Washington and in the Pentagon and on the floor of the Congress where new systems will be debated. It will depend on all our foreign and defense policies and on our resolution in the international quest for peace. It will take more than a paper curtain to hem in the holocaust.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUGHES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VISIT TO WASHINGTON BY DELEGATION OF JAPANESE GOVERNORS AND VICE GOVERNORS

Mr. HUGHES. Mr. President, it is my pleasure today to announce the visit in the Capital City of this great country of ours a delegation of Japanese Governors and Vice Governors.

As Members of the Senate are aware, we have a Japanese-American Governors' Conference which has been going on since 1961, I believe. Over that period of time several delegations of American Governors have visited our very friendly neighbor Japan, where we have had joint conferences and discussed mutual problems that exist within both of our very friendly nations.

It was my honor in 1965, as Governor of the great State of Iowa, to be a member of the International Governors' Conference held in Tokyo that year. As a result we visited a number of the prefectures in the nation of Japan. In 1966 I had the pleasure of taking an Iowa trade mission to the great nation of Japan for the purpose of negotiating and discussing possible trade potentials between the nation of Japan and my State of Iowa.

I would like to call to the attention of Members of the Senate that my State of Iowa has a sister-State relationship with the prefecture of Yamanashi, Japan; and there is a sister-city relationship between the capital city of Des Moines, Iowa, and the capital city of Kofu.

Many Members of the Senate are former Governors of their States. As I look around the Chamber, I see that a vast majority of Senators now present were Governors of their States.

They have, in the proceedings of those years, as Governors of their States, participated in the ongoing conference between our two great nations. The conference in 1967 happened to be conducted in the capital city of my State, Des Moines, and was a beneficial and fulfilling conference for both countries.

I might add, in the conference this year, our former colleagues in Japan visited a number of American States, beginning in Hawaii, and then coming to California. I know they visited Nebraska and South Carolina. They held this year's annual conference in the city of Cincinnati in the great State of Ohio.

Mr. President, there are visiting in this country today eight Governors and Vice Governors and some of their ladies. We have been pleased to have the opportunity to host them today at a luncheon at which the Japanese Ambassador, the majority and minority leaders of the Senate, the Speaker of the House, and many Senators and Representatives have had the opportunity for friendly and neighborly discussions between the Japanese Governors and ourselves.

I merely want to announce that this ongoing relationship between our two great nations has cemented our friendship further, as it has assisted us in the past. From this level of political leadership, many times surfaces much of the national leadership of both of our two great nations and has resulted in friendly relations being established on a personal basis between the Governors of the prefectures in Japan and the Governors of the United States.

We have many ongoing and continuing friendly relationships that enable us not only in private and business generally, but in public affairs, further to cement the warmth and understanding between our two great nations.

I merely wanted to call to the attention of Members of the Senate that this delegation of visitors from Japan is among us, that they are among us in the Capital City of Washington today, and that we are deeply grateful to have the opportunity once again to be their host and bid them officially welcome to the United States of America and to hope that this relationship will continue in the years ahead.

Mr. President, I ask unanimous consent to have printed in the RECORD the names of the members of the traveling party of Japanese Governors now visiting the United States.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

MEMBERS OF TRAVELING PARTY, VISIT OF GOVERNORS OF JAPAN TO UNITED STATES, OCTOBER 1969

Japanese Governors and Vice Governors (by order of precedence), and prefecture:

Governor Ryozo Okuda (Vice President of

the National Governors' Association and Leader of the Delegation), Nara.

Governor Shunkichi Takeuchi, Aomori.

Governor Satoru Tanaka and daughter, Masae, Mie.

Governor Gonichiro Nishizawa, Nagano.

Governor Saburo Kanemaru and wife, Sakae, Kagoshima.

Vice Governor Shigeichi Iwase, Aichi.

Vice Governor Tadashi Nakamura, Iwate.

Vice Governor Masaru Taki, Oita.

Aides to Japanese Governors: Mr. Ryoji Izuchi, Deputy Executive Secretary of National Governors' Association; Mr. Masakichi Ogawa, Chief, Foreign Affairs Division of National Governors' Association.

News Media: Mr. Takeshi Tagomori, Jijitsushin Press.

United States Department of State: Mr. Yukio Kawamoto, Escort Officer; Mr. Paul Tamura, Aide; Mrs. Paul Tamura, Aide.

National Governors' Conference: Mr. Brevard Crihfield, Secretary-Treasurer; Mr. Gene Minogue, Travel Consultant; Miss Lois Murphy, Assistant to Mr. Crihfield.

Mr. HUGHES. Mr. President, in conclusion, let me say that in the intervening years since the beginning of the Japanese-American Governors' Conference, as delegations of Governors have visited back and forth across the Pacific Ocean almost every year since the conferences began, we have had the opportunity to discuss issues such as juvenile delinquency in our respective countries, land recovery in our respective countries, air and water pollution, economic problems in our respective countries, as well as trade relationships between Japan and the United States.

I believe that such discussions are needed all over the face of the earth. This particular conference can serve as an example of what can be accomplished between two great nations, if we merely set about on a personal relationship basis between the executives of our States and the prefectures in Japan, as well as the congressional bodies of our two great countries, further continuing the warmth and sympathetic understanding of two great peoples—Japan and the United States of America.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADJOURNMENT

Mr. KENNEDY. Mr. President, if there is no further business to come before the Senate, I move, under the order previously entered, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 2 o'clock and 26 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, October 28, 1969, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate October 27, 1969:

IN THE COAST GUARD

The following-named regular officers of the Coast Guard for promotion to the grade of lieutenant (junior grade):

David A. Potter
Fred L. Ames
Walter F. Malec, Jr.,
William R. Hodges, Jr.
Normal V. Scurria, Jr.
Glenn J. Pruiksma
Thomas H. Jenkins
Larry V. Grant
Richard W. Schneider
James T. Ingham
Larry J. Olson
Richard J. Asaro
Terry R. Fondow
Normal C. Edwards
Nicholas Stramandi
Victor P. Primeaux
Michael J. Edwards
Joseph F. Olivo, Jr.
John T. Tozzi
Frank J. Scaraglino
Joseph E. Casaday
John H. Legwin, III
Dennis P. Purves
Mont J. Smith
Arthur W. McGrath, Jr.
Alexander T. T. Polasky
Kenneth B. Allen
Richard B. Meyer
Ralph W. Brown, Jr.
Michael E. Tovcimak
Ronald F. Schafer
James G. Soland
Stanley M. Phillips
Fedrick V. Minson
John A. Bastek
Robert J. Lachowicz
William F. Mueller
Kenneth J. McPartlin
John J. Mulligan, Jr.
Leighton T. Anderson
Peter A. Poerschke
William C. Hain III
James M. MacDonald
John R. Taylor
Daniel J. Schatte
Larry E. Parkin
Gregory T. Wilson
Brian P. M. Kelly
Dennis L. Bryant
Thomas S. Johnson III
Ronald K. Losch
Clifton K. Vogelsberg, Jr.
James T. Paskewich
William R. Johanek
David L. Powell
Stephen J. Delaney
Daniel B. McKinley
John R. Ryland
Theodore J. Sampson
Thomas H. Collins
Richard W. Hauschildt
George R. Perreault
Ronald S. Matthew
Stephen R. Welch
Ernest R. Riutta
Edmund I. Kiley
John A. Magiera
Peter M. A. Tennis
James W. Milas
Glendon L. Moyer
James L. Hested
Paul N. Fanolis
Edward C. Karnis
John K. Kastorff, Jr.
George H. Mercier
Richard L. Maguire
Walter R. Guest
James C. Haedt
Phillip J. Stager
James A. Smith
Juan T. Salas
Thomas E. Thompson
Paul Ibsen
Ronald L. Edmiston
Paul V. Gorman, Jr.
Robert B. Bower
John D. McDevitt
Richard R. Clark
James C. Clow
Douglas A. Macadam
Stephen L. Swann
Floyd W. Thomas
Victor E. Hipkiss
Robert P. Bender
Richard L. Swomley
Robert B. Vanasse
Arthur F. Shires
Michael F. Herman
Kenneth R. Riordan
Stanley C. Brobeck, Jr.
Kevin V. Feeney
Dennis M. Majerski
Peter D. Lish
Lonnie E. Steverson
Edward C. Cooke
Christopher F. John
Ronnie L. Sharp
Ronald F. Hough
Joel E. Karr
William J. Theroux
Graham J. Chynoweth
Robert E. Gronberg
Dennis R. Erlandson
Roger D. Mowery
Anthony H. Schieck
Jeffrey S. Wagner
Daniel A. Gary
Mark J. Costello
James L. Lambert
Frank P. Murray
Roy C. Samuelson, Jr.
Roger B. Streeter
Dennis L. McCord
Richard L. Cashdollar
Harold B. Dickey
Charles J. Hermann
Edward B. P. Kangter III
John R. Vitt, Jr.
Thomas D. Brennan
Kenneth D. Boyd
Jack W. Scarborough
Francis T. E. Marcotte
Bruce E. Weule
Terry L. Grindstaff
Wayne Young
John W. McBride
George T. Oakley
Wayne K. Six
Geoffrey M. Harben
David A. Fletcher
John A. Myntala, Jr.
Jay A. Creech
William F. Holt
John R. Hruska
Robert K. Jones
Olav R. Haneberg
Roger J. Beer
Michael W. Meehan
Ronald C. Hoover
William C. Eglit
Michael M. Storey
Robert B. Swart
Calvin F. Perkins, Jr.
Donald F. Walker
Theodore T. Musselman
Duane I. Preston
Richard A. Gelinas
Robert F. OToole
Paul J. McClendon
Gerald R. Murphy, Jr.
John S. Wenter
Stephen A. Dickerson
Robert A. Happel
William E. Pitt, Jr.
Jon C. Deichert
Harvey A. Hudson
Michael A. Haponik
Randall R. Winn

The following-named reserve officers to be permanent commissioned officers of the Coast Guard in the grade of lieutenant:

Alan B. Pell
Paul A. Dux
Michael J. Dewitt
Ican M. Lissauer
Edward B. Donnelly
Billy H. Baldwin
David F. Johnston
Daniel E. Struck

The following-named officers to be a member of the permanent commissioned teaching staff of the Coast Guard Academy as an assistant professor in the grade of lieutenant commander:

Louis K. Bragaw, Jr.
Bruce C. Skinner
Harlan D. Hanson

IN THE MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of major:

Peter F. Angle
Carl R. Ariola
Henry W. Austin
Willard F. Ayer
Thomas R. Baisley
Dennis D. Beckman
William D. Benner
Gale F. Benoit
Richard A. Blumenkrantz
Rodney W. Botelho
Gene W. Bowers
Philip S. Bradley
Frank D. Brady
David M. Brahms
Marx H. Branum
John P. Brickley
Richard L. Brown
Martin C. Brush
Elton N. Buesing Jr.
George Cadwalader
Charles S. Cahaskie
James F. Carney
David J. Cassady
Frank G. Castillo
John P. Caynak
Robert G. Clapp
David O. Clough
Charles W. Cobb Jr.
Edward M. Condra III
James J. Connell
James J. Coolican
Gary J. Cooper
Donald W. Dadisman
Paul G. Davenport
James M. Davis
Daniel G. Dempsey
John D. Dempsey
Donald H. Dewalt
Richard F. Diehl
James M. Driskell
Richard J. Dove
Michael P. Downs
James T. East
James D. Eckert
Richmond K. Ellis Jr.
Frank W. Evans
Joe B. Ezell
John J. Fallon Jr.
Frank E. Farmer
William D. Fish
Jon T. Flint
Kim E. Fox
Constantine Gofas
David B. Gregory
John J. Guenther
Allen C. Hadley
William A. Hall
Bartholomew G. Halliday
James G. Hanrahan
Myron C. Harrington Jr.
Phillip L. Harrington
Charles B. Hartzell
John H. Havel
Edward M. Healey
Thomas E. Hemingway
George F. Hoffman
Carl J. Horn
Arthur L. Houston Jr.
Gerald F. Huml
William F. Hurley
Lajon R. Hutton
Charles M. Isbell
Orville E. James Jr.
Kenneth W. Johnson
Donald W. Johnston
Raymond W. Kaim Jr.
Edmund M. Keefe Jr.
Thomas J. Kennedy
Richard T. Kerrigan
Philip R. Kruse
William P. Lakin
Raymond M. Lawseth
Otto J. Lehrack III
James W. Lent Jr.
James W. Livezey
Thomas J. Lyman Jr.
William D. Major
Frank Mann Jr.
Paul S. Marcani
Elliott R. Markell Jr.
Matt J. Marshall
Charles M. McCain
William O. McClellan Jr.
David J. McGraw
James P. McHenry
Kenneth A. McVay
Charles J. Mears Jr.
Antonio Mediavilla
Donald O. Meece
Richard H. Meydag
David C. Mills
Harry R. Mills
Gerry M. Mizer
Robert W. Molyneux Jr.
Raymond R. Moore
Harmon S. Morgan Jr.
Philip R. Morris
Michael P. Mulqueen
Donald J. Myers
Dominik G. Nargele
Ralph Nelms

Charles F. Norton
Richard A. O'Neil
Merton J. Oss
Arthur P. Padios Jr.
Rabun N. Patrick Jr.
Wilber E. Pernell Jr.
Joel N. Peterson
Joseph R. Phaneuf
Herbert E. Pierpan
Kenneth W. Pipes
Russell C. Prouty
Henry J. Radcliffe
Robert J. Regan Jr.
Kenneth L. Rider
Willie G. Roberson
Ronald C. Rook
Donald W. Rourke
William E. Russell
Robert E. Salisbury
William P. Schlotzhauer
Ronald W. Schmid
Adolfo P. Sgambelluri
Russell R. Sherzer
Troy T. Shirley
William N. Simmons
Robert W. Smith
James P. Smyth
Louis M. Spevetz
Bayliss L. Spivey Jr.
James L. Steele
Stanley R. Stewart
Leo J. Still Jr.
Marion F. Stone
Alan B. Stout
William C. Stroup
Andrew P. Taylor Jr.
Orville M. Thompson
Jack L. Throckmorton
George V. Thurmond
Thomas M. Truax
James B. Way
John L. Whaley
Roy Whitehead Jr.
James L. Williams
Ronald N. Wilson
Peter D. Winer
Joseph J. Yetter

CONFIRMATIONS

Executive nominations confirmed by the Senate October 27, 1969:

IN THE MARINE CORPS

The nominations beginning Joseph C. Abrams, to be captain, and ending John D. Wright, to be first lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on Sept. 25, 1969.

HOUSE OF REPRESENTATIVES—*Monday, October 27, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Lord will give strength to His people; the Lord will bless His people with peace.—Psalm 29: 11.

O Thou who art the Good Shepherd of our human hearts, restore our minds and renew our spirits as we wait upon Thee in this our morning prayer. We would linger silently and reverently in Thy presence until Thy spirit comes to new life within us. Then with courage, strength, and wisdom we would face the trying duties of this turbulent day.

To Thy loving care we commend our Nation. So guide our President, so bless our Speaker, so direct these Members of Congress that filled with Thy spirit they may lead our people in right paths, by just ways, and along the solid road that ultimately brings us to an honorable peace, an enduring good will, and a willingness to work for the welfare of all mankind.

"O Thou who dost the vision send
And givest each his task,
And with the task sufficient strength;
Show us Thy will we ask;
Give us a conscience bold and good;
Give us a purpose true,
That it may be our highest joy,
Our Father's work to do."

Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, October 23, 1969, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 5968. An act to amend the act entitled "An act to provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, and for other purposes", approved September 5, 1962;

H.R. 9857. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, to authorize an increase in license fee, and for other purposes; and

H.R. 11609. An act to amend the act of September 9, 1963, authorizing the construction of an entrance road at Great Smoky Mountains National Park in the State of North Carolina, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 232. An act to promote the economic development of the Trust Territory of the Pacific Islands;

S. 1455. An act to amend section 8c(2) (A) of the Agricultural Adjustment Act to provide for marketing orders for apples produced in Colorado, Utah, New Mexico, Illinois, and Ohio; and

S. 1968. An act to authorize the Secretary of the Interior to permit the removal of the Francis Asbury statue, and for other purposes.

The message also announced that the Vice President, pursuant to Public Law 83–420, appointed Mr. YARBOROUGH to be a member of the board of directors of Gallaudet College in lieu of Mr. Brewster.

THE LATE HONORABLE EDWARD H. REES

(Mr. SHRIVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHRIVER. Mr. Speaker, it is with a feeling of personal loss and sadness that I inform my colleagues in the House of the passing of a former distinguished Congressman, Edward H. Rees of Emporia, Kans., on Saturday, October 25, 1969. It was my privilege to succeed Ed Rees as Kansas' fourth district Congressman following his decision to retire in 1960 after 24 years of outstanding service in the House.

Funeral services for Ed Rees will be held this afternoon in his hometown of Emporia.

For 24 years he was a dedicated and courageous Member of this House. Ed Rees was a man of integrity and responsibility. He fought for what he believed in and for the people whom he represented. His belief in what was right was never subject to compromise.

Ed Rees was a warm and sympathetic person, interested in the problems of the people he served. He was deeply appreciated by his own people and everyone who knew him had a deep affection for him.

He was born on a farm near Emporia, Lyon County, Kans., and attended the public schools and the Kansas State College at Emporia.

Ed Rees' long career of public service began in 1912 when he became clerk of the court of Lyon County. He was later to be admitted to the bar. His legislative service began in 1925 when he was elected to the Kansas House of Representatives, and 4 years later became majority leader. He was elected to the Kansas Senate in 1933, and to Congress in 1936.

Ed Rees was a member of the Post Office and Civil Service Committee for 16 years, and twice was its chairman. He was responsible for many improvements in Government working conditions, particularly wage improvements.

He was sponsor of legislation signed by President Eisenhower establishing an annual Veterans' Day on November 11 to honor America's servicemen of all wars.

One of his final legislative achievements in Congress was the authorization of the Cheney Dam and Reservoir in Sedgwick County, Kans., which has provided much-needed water resources and development for the Wichita area.

Upon his retirement from Congress nearly 9 years ago, Ed Rees returned to his hometown of Emporia to practice law.

He will be greatly missed not only by all of us in Kansas who knew and admired him, but also by his friends here in Congress and the Nation as well.

Mrs. Shriver and I extend our heartfelt sympathy to his widow, Agnes; to his son, John; and his sister, Mary Jane Rees.

Mr. PELLY. Mr. Speaker, will the gentleman yield?

Mr. SHRIVER. I am glad to yield to the gentleman from Washington.

Mr. PELLY. Mr. Speaker, I am sure that all those of us who served with him will remember Ed Rees well. Everyone liked him. Everyone respected him. He was an able legislator.

I think of him as a gentle person; as kindly and helpful and patient.

Yet, I think of him as a person of great integrity and inward strength and firmness.

I have a group picture of some of us taken on the White House steps with President Eisenhower in 1953. It hangs on the wall of my office in the Rayburn Building. He is smiling, and that is the way many of us will remember him.

Meanwhile, history will record his public service and place him high in the ranks of those who served their country well.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, it is with a feeling of deep personal loss that I rise to join my colleagues in extending to Mrs. Rees and the family of Ed Rees our personal condolences and sympathy.

Mr. Speaker, I had the good fortune to grow up in the Fourth District of Kansas, and Ed Rees was my Congressman when I was growing up. I well remember the first campaign of his election—the primary campaign and the general election. I remember how impressed I was with this honest, sincere man who had offered himself to the people of Kansas as a Member of the House of Representatives. I was particularly attracted to him, because, having come from Emporia, as did my mother's family, he was an old family friend not only of mine but of my parents and grandparents. I watched him as a Member of the House grow in stature, and later, of course, it became my good fortune to join him here in the membership of the House of Representatives. He was always a kind man. He was particularly kind to me and solicitous of my welfare when I came here as a freshman. He was a distinguished Member of the House in every sense of the word; a true gentleman, and a man who took his legislative duties very seriously but never forgot the fact that the people of the 4th district of Kansas had sent him to this body. He was always a true representative of them and their beliefs.

The country will be a poorer place because of the loss of Ed Rees, but all of us who knew him and loved him can take comfort in the exemplary life that he led and the great heritage that he leaves not only to us but to his former constituents and family in the State of Kansas.

Mrs. Rhodes joins me in extending to Mrs. Rees and the family our very deepest condolences and personal sympathy.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. SHRIVER. I am happy to yield to the gentleman from Oklahoma, the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, the news which the gentleman from Kansas has brought to the House today saddens me very much. I had not previously known of the passing of my friend and former colleague, Ed Rees.

I first came to the Congress on January 3, 1947. Shortly after the organization of the House in the 80th Congress, Mr. Rees took over as chairman of the Committee on Post Office and Civil Service, and I was assigned to that committee. I worked closely with him during the time that I was a member of that committee.

I was always impressed with the qualities of this man. He was a Christian. He was a gentleman. He was a man of integrity. He was loyal to his country. He was true to his own principles. He was a devoted and dedicated legislator. He was my friend and I shall miss him. I shall remember as long as I live the many kindnesses he extended to me when I was a new Member of this House.

Mr. Speaker, I extend to his family and all of his loved ones my own deepest sympathies and the sympathy of Mrs. Albert who also knew him well.

Mr. SHRIVER. I thank the distinguished majority leader for those kind remarks.

Mr. SKUBITZ. Mr. Speaker, will the gentleman yield?

Mr. SHRIVER. I am glad to yield to the gentleman from Kansas.

Mr. SKUBITZ. Mr. Speaker, on November 11, all through this broad land of ours, Americans will pause for a moment to pay tribute to those living and dead who have nobly served their country.

In Kansas the day has added meaning because it was a Kansan who introduced the bill which expanded the significance of Armistice Day to Veterans Day.

That Kansan was Congressman Ed Rees, of Emporia, Kans. Ed Rees will not be with us this Veterans Day. He passed away Saturday night at his home in Emporia, leaving to mourn his passing his wonderful wife, Agnes, his son, John; three grandchildren and his sister, Mary.

For 24 years he served the Fourth District of Kansas ably and well. His was a dedicated life—dedicated to the country he revered, to the family he loved, and the people he respected and served. He was truly a Christian.

For me, the passing of Ed Rees is a personal loss. He was my friend in every sense of the word. I knew him long before I came to the Congress of the United States.

In 1962 when the State of Kansas was redistricted, Lyon County became a part of the Fifth District. That is the year that I decided to run for Congress. I asked his support and received it and through the years I sought his advice and counsel. I shall miss him as will his family and thousands of friends throughout Kansas and the Nation.

Ed Rees may have departed this earth but he is not dead. The spirit of Ed Rees will always be with us. Too much of what he did, what he stood for, what he believed in has become a part of us.

Thomas Curtis Clark said it much better than I when he wrote:

The Victor

He is not dead. Why should we weep
Because he takes an hour of sleep,
A rest before God's greater Morn
Answers a new world is born;
A world where he may do the things
He failed in here; where sorrow stings
And disappointment yield to joy;
Where cares and fears cannot destroy?
He is not dead. He hurried on
Ahead of us to greet the dawn
That he might meet the loved who left
Us yesterday. We are bereft—
But weep not—hail him where, afar,
He waits for us on some bright star.
He is not dead. Beyond all strife
At last he wins the prize of life.

Mrs. Skubitz joins me in extending our sympathies to Mrs. Rees and the family.

Mr. GROSS. Mr. Speaker, I deeply regret to learn of the death last week of the Honorable Edward H. Rees, of Kansas, one of the most conscientious and dedicated Members of Congress it has been my privilege to know.

Mr. Rees was the first chairman of the House Post Office and Civil Service Committee, having served in that capacity in the 80th Congress. When I came to the House in the 81st Congress he was the ranking Republican member of this, the first committee to which I was assigned. In the 82d Congress he was again the committee chairman.

Through the years that I served on the committee, and until his retirement at the end of the 84th Congress, it was my privilege to have the benefit of his counsel and experience.

Ed Rees was a man of sterling character and a hard worker who had little time for the social life of Washington. He left his imprint on much legislation and in so doing was a credit to his State and Nation.

I join with my colleagues in the House in extending sympathy to Mrs. Rees and the members of their family in this time of bereavement.

Mr. DULSKI. Mr. Speaker, I join with my colleagues in expressing sincere sorrow at the passing of the Honorable Edward H. Rees, a distinguished former Member of this House for 24 years and a member of the Committee on Post Office and Civil Service for 16 years.

Mr. Rees was the ranking minority member of this committee when I was elected to Congress and was named to this committee at the outset of my own congressional career.

He had twice served our committee as its chairman and had compiled an enviable record of service and dedication over the years.

In particular, I believe it appropriate to cite his conscientious and productive effort to expand the merit system among Federal employees. When he began his effort, only about 60 percent were included in the merit system, but before his effort was concluded the number had exceeded 90 percent.

The Federal Club honored Mr. Rees in 1954 for his work in strengthening management and the civil service merit system.

Two weeks from tomorrow—Tuesday, November 11—is Veterans Day. It is appropriate to recall on the eve of this year's observance that it was Mr. Rees who changed the name of that observance from Armistice Day by his legislation in 1954.

Edward H. Rees was a distinguished and well-liked Member of this body. He served his district, his Nation and our committee well until his voluntary retirement in 1960. I join in extending my sincere condolences to his family.

Mr. Speaker, as a part of my remarks, I include the text of the obituary which appeared Sunday, October 26, in the Washington, D.C., Sunday Star:

Edward H. Rees Dies—Former Representative

Edward H. Rees, 81, who served 24 years as a Republican congressman from the 4th District of Kansas, died yesterday at his home in Emporia, Kan., after a long illness.

Mr. Rees retired from the House in 1960. He was a member of the Post Office and Civil Service Committee for 16 years, and twice was its chairman.

He was born on a farm in Lyon County, Kan., and attended Kansas State Teachers College. He became a lawyer in 1915, entered the Kansas House of Representatives in 1927, and four years later became majority leader.

He was elected to the state senate in 1933 and to Congress in 1936.

Mr. Rees was a conservative who fought for balanced budgets and the civil service merit system. For many years he favored a return to prohibition "on a much broader scope than before" and, in the 1950s, helped lead the congressional campaign to root alleged Communists out of federal jobs.

Mr. Rees often criticized the Civil Service Commission's waste and inefficiency" and the "low morale" he said it fostered. At various times he urged speedy dismissal of government wartime employees, proposed revision of the federal salary structure and charged the commission with callously displacing career employees.

He was known as a committee "peacemaker" who could persuade conservative and liberal lawmakers to compromise. The Federal Club here named him Man of the Year in 1954.

GENERAL LEAVE

Mr. SHRIVER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the passing of our late colleague, Ed Rees.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

TRIBUTE TO B. J. SIGURDSEN, CHIEF CLERK, OFFICIAL REPORTERS OF DEBATES

(Mr. ROONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROONEY of New York. Mr. Speaker, 30 years ago a young man named Bjarne Sigurdsen came to work here in the office of the Official Reporters of Debates in the House of Representatives. Today we salute him as he concludes a career marked by hard work and devotion. It is a bad day for us but a good one for Johnny and so let us be happy with him and his lovely wife and fine family who are watching so proudly from the gallery today. Born in Oslo, Norway, he arrived in New York in 1924 at the age of 11. Upon arrival in New York he became a resident of the Sunset Park section of Brooklyn which I represented for many years and where Eighth Avenue was known as Oslo Boulevard. Yet only 13 years after arriving in this country, in 1937, he went to work with the Government Printing Office. Two years later he was assigned to the Official Reporters of Debates office here in the House of Representatives. In 1955, by resolution of the House, he was made assistant clerk of that office and for the past 5 years he has been its chief clerk. Mr. Speaker, I take the liberty to speak in behalf of my colleagues in saying a fond farewell to Bjarne Sigurdsen and wishing him the happiness and contentment in his retirement that he has so justly earned in his years of faithful and loyal service in the United States House of Representatives.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Speaker, I want to thank the gentleman from New York (Mr. Rooney) for yielding to me, and I want to express my appreciation to the gentleman for bringing to the attention not only of this House of Representatives, but to the people of this country today, what Johnny Sigurdsen has meant to the House of Representatives and to this country.

But while thanking the gentleman from New York for bringing this to our attention, I also want to thank from the bottom of my heart Johnny Sigurdsen for what he has done for this Congress and for this country—his country—in these many years of service.

Mr. Speaker, I was not in the House of Representatives when Johnny Sigurdsen first came here, although there are some Members who were here when he came to the Hill, but it is with the utmost regret that I am here to see Johnny leave. We all appreciate what he has done for us. No one would envy his successor in the task he inherits because it is going to take a big man to fill Johnny's shoes.

Johnny has been a personal friend of mine, as he has of every other Member of this House, throughout these many years, and it is with deep regret that we say goodbye to him today—but we have had too much of his time, and his country has, and now it is time for Johnny and his family to enjoy some of the things that he has helped provide.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Speaker, I thank my colleague for yielding, and take this opportunity to join with him in expressing my appreciation for the many extra services that Johnny Sigurdsen has rendered to me as a Member of the House. All too often we Members and the general public take the Congressional Record as a matter of course. It just does not come out of the Government Printing Office without a great deal of background preparation. If it had not been for the foresight and work over the years of Johnny Sigurdsen, the Congressional Record, insofar as the House of Representatives is concerned, would not have been the great publication that it is. We will all miss his presence and keen devotion to duty.

In addition to this background, John had some other attributes that many people do not know—he is a great cook. Let me tell you that with his Norwegian background he can do more things in preparing and cooking wild game than any person I know.

My genuine wish for John and the members of his family is the very best in the years to come.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman from New York for yielding to me. I join the other Members in the many kind things that have been said about Johnny Sigurdsen; the deserved tributes for his good work and for his personal dedication.

Wherever Johnny may go and whatever he may do in his retirement we all wish him well. He will be missed at his usual place at the front desk in the House of Representatives and I hope that he will return often so that we may visit and keep contact with him.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman.

Mr. RHODES. Mr. Speaker, I thank the gentleman from New York for yielding. I also thank him for informing the House of the imminent retirement of John Sigurdsen.

John has been a great public servant in every sense of the word. I am happy to have this opportunity to express to him my personal appreciation as well as the appreciation, I am sure, of all the Members of the House, both present and past, who have had the benefit of his intelligent public service. The House of Representatives will long miss him, but we certainly wish him the best of everything in his retirement.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman.

Mr. HAYS. Mr. Speaker, I wish to say that this announcement took me by surprise. I am sorry to hear that John Sigurdsen will leave the service of the House of Representatives.

I think it is fair to say that when the gentleman from Iowa (Mr. Gross) and I both praise somebody that he has got to be pretty good.

Mr. HAGAN. Mr. Speaker, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman.

Mr. HAGAN. Mr. Speaker, I would just like to add my accolade to this gentleman.

For 9 years now I have been somewhat close to him, worrying him from time to time. But if I had known he was such a good cook, I would have been a lot closer to him, I will tell you that. It is bad news when we learned of his imminent retirement and we hope for and wish him Godspeed from here out.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Speaker, our esteemed Official Reporter of Debates, John Sigurdsen, is retiring from public service at the end of this month. John Sigurdsen has been in the U.S. Government Service for 32 years. He was assigned to the position of Official Reporter of Debates in 1939. Our late beloved Speaker Sam Rayburn of Texas appointed him to the position of assistant clerk during 1954 and our distinguished Speaker John W. McCormack appointed John Sigurdsen to the position of chief clerk in 1963.

John has been a faithful and loyal public servant. Always on the job, very efficient, he always carried out his assignment in a graceful way. John is retiring to Cape May, N.J., with his lovely wife Louise. He has one son and one daughter and five grandchildren. I know I express the wishes of the entire membership when I wish him many years of happiness.

To John may I also say that I hope

he has many happy days with the sport of kings. As one who always had a deep and abiding interest in the development and breeding of horses I know he will have more time now to study this fascinating subject.

John does not look over 39 years of age. May he always remain young at heart and young in spirit. As a parting word may I use the Celtic expression and say to John, "God bless."

CITIES ANNOUNCED FOR GRASSROOTS HEARINGS ON THE U.S. ECONOMY

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PATMAN. Mr. Speaker, the Domestic Finance Subcommittee of the Banking and Currency Committee will go into the field during the next few months to obtain grassroots testimony on economic problems.

Today, we are announcing the first three cities which we will visit. They are—

Newark, N.J., Monday, November 10, and Tuesday, November 11.

Los Angeles, Calif., Monday, December 1, and Tuesday, December 2.

Atlanta, Ga., Monday, December 8, and Tuesday, December 9.

Additional cities and dates will be announced just as soon as they can be worked out. We plan to cover all sections of the Nation.

Mr. Speaker, this is an attempt to take Government to the people, to learn what the people are thinking on the key economic questions of the day. Issues involving high interest rates and tight money, consumer prices, housing credit, and small business problems.

Mr. Speaker, I am convinced that these hearings will be of great value as the Congress seeks solutions to these tremendous problems. We have heard much from the so-called experts on these subjects; now it is time that we heard from the people who are directly affected.

CONTINUING APPROPRIATIONS RESOLUTION

(Mr. MAHON asked and was given permission to address the House for 1 minute.)

Mr. MAHON. Mr. Speaker, at my request, the leadership has scheduled consideration of the continuing resolution tomorrow.

Especially in view of the summer recess, the existing continuing resolution was made to extend over a period of 4 months. It expires this coming Friday, October 31. We therefore have to enact another continuing resolution to take care of necessary functions for which the regular bills have not been enacted.

A number of additional appropriation bills have been passed by the House since July 1 when the present resolution went into effect. The other body has also moved some of the bills since that time, and we are hopeful and confident that some of the remaining bills will also move along.

There has been some indication of a controversy in regard to an appropriation which will be offered as an amendment to the continuing resolution. I am going to put a fact sheet in the Extensions of Remarks section of today's RECORD with regard to just what is involved in order that there may be no doubt among the Members as to just what the situation is with respect to the continuing resolution.

Information in regard to the proposed continuing resolution is available in the committee report, the resolution having been reported out of the Committee on Appropriations on Thursday of last week, and also statistical data is available in the Committee on Appropriations to Members who may wish additional information before we meet tomorrow.

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I am glad to yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Do I correctly understand that the continuing resolution to which the gentleman has referred would continue appropriations at the lowest level set out in the Nixon administration budget?

Mr. MAHON. The resolution would continue appropriations at last year's level or at the House-passed level, whichever is lower. For example, in the field of education, in which many Members have shown their interest, on July 1 the Labor-HEW bill had not passed the House; so the lower amount between the budget and last year's amount was the budget. But now the lower level would be last year's appropriation, which, however, would be about $600 million above the currently authorized level under the resolution that has been in effect since July 1.

Mr. ROGERS of Colorado. Would there be any objection to putting the amount at the level at which the House has heretofore approved the appropriation for education?

Mr. MAHON. The continuing resolution is not an appropriation bill. It is merely an interim measure to provide for the functions of the Government until the Congress makes its decisions on the regular bills. The appropriation bill involving HEW is now before the other body, and I was told today that it would be reported within about two weeks by the other body. I would hope that this can be done.

Mr. ROGERS of Colorado. Would the gentleman yield further?

Mr. MAHON. If I have the time.

Mr. ROGERS of Colorado. Does the gentleman realize that the money is not coming forth under Public Law 874 as we intended for the assistance of federally impacted areas, and does the gentleman propose to cure that situation in the resolution which he proposes to offer tomorrow?

Mr. MAHON. The resolution which we propose to offer tomorrow will provide $319 million in excess of the present level for impacted areas. The resolution in my opinion does a good job of taking care of the program for aid to federally impacted school districts. It will authorize a total of $506 million effective next Saturday. Final action on the appropriation for the whole fiscal year on this important matter will have to await action on the regular bill.

The SPEAKER. The time of the gentleman from Texas has expired.

THE 23D ANNUAL REPORT ON U.S. PARTICIPATION AT UNITED NATIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-118)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

In accordance with the provisions of the United Nations Participation Act of 1945, I am transmitting the 23d annual report, covering the calendar year 1968, on United States participation in the United Nations.

The large number of topics covered, the number of U.N. agencies involved, and the increasing contributions of the United States to U.N. programs all show how important the United Nations has become to the peace, security, and welfare of the world. In the United States, support of the United Nations and participation in its many activities have always been nonpartisan.

I therefore take pleasure in transmitting to the Congress this report of the President on our participation in the United Nations.

RICHARD NIXON.

THE WHITE HOUSE, *October 27, 1969.*

CALL OF THE HOUSE

Mr. PELLY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 244]

Abbitt
Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Andrews, N. Dak.
Arends
Ashbrook
Aspinall
Baring
Barrett
Bell, Calif.
Bevill
Biaggi
Bingham
Blatnik
Bolling
Brasco
Burton, Utah
Bush
Byrne, Pa.
Byrnes, Wis.
Cahill
Carey
Cederberg
Celler
Chamberlain
Chisholm
Clancy
Clark
Clay
Colmer
Conte
Corbett
Coughlin
Culver
Cunningham
Daddario
Daniel, Va.
Davis, Wis.
Dawson
Denney
Dickinson
Diggs
Downing
Edwards, La.
Fallon
Fascell
Findley
Fish
Ford, Gerald R.
Ford, William D.
Fountain
Gallagher
Gettys
Giaimo
Haley
Halpern
Hanna
Harrington
Harvey
Hosmer
Howard
Hull
Jarman
Jones, N.C.
King
Kirwan
Kleppe
Kluczynski
Landrum
Long, La.
Lowenstein
McCarthy
McClory
McCulloch
McDonald, Mich.
McKneally
MacGregor

Mann
Michel
Monagan
Moorhead
Morton
Moss
Murphy, N.Y.
Nix
O'Konski
O'Neill, Mass.
Pepper
Pettis
Pickle
Pike
Pirnie
Powell
Price, Tex.
Reifel
Robison
Rooney, Pa.
Roudebush
Ryan
St Germain
St. Onge
Sandman
Satterfield
Scheuer
Smith, Iowa
Staggers
Symington
Teague, Calif.
Thompson, N.J.
Tunney
Udall
Watkins
Watson
Whalley
Wiggins
Wilson, Charles H.
Wydler
Zablocki

The SPEAKER pro tempore (Mr. Boggs). On this rollcall 311 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

UNITED STATES MUST MAINTAIN SOVEREIGN RIGHTS OVER PANAMA CANAL

(Mr. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, this afternoon under special orders heretofore agreed to, time will be taken on a bipartisan basis by the gentleman from Pennsylvania (Mr. Flood), and the gentlewoman from Missouri (Mrs. Sullivan), and the gentleman from Ohio (Mr. Devine), and me on a resolution having to do with ceding of our territory and real estate to the Republic of Panama.

Mr. Speaker, this is a repetition of the resolution of 1967 which more than 135 Members cosponsored. I hope Members will join in cosponsoring this resolution which says in part:

> It is the sense of the House of Representatives that the Government of the United States maintain and protect its sovereign rights and jurisdiction over said canal and that the United States Government in no way forfeit, cede, negotiate, or transfer any of these sovereign rights or jurisdiction to any other sovereign nation or to any international organization.

Mr. Speaker, there are blank forms available for cosponsorship by those parties who wish to do so.

Real estate ceding and jurisdiction, and so on, pertain to the House of Representatives according to our U.S. Constitution, whereas treaties are advised and consented to by the other body. It is most appropriate, inasmuch as this involves a transfer of territory, that we get ourselves on record.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER pro tempore. This is District of Columbia day. The Chair recognizes the gentleman from South Carolina (Mr. McMillan), chairman of the Committee on the District of Columbia.

Mr. McMILLAN. Mr. Speaker, I yield to the gentleman from Florida (Mr. Fuqua), to call up bills considered by his subcommittee.

AMENDING THE DISTRICT OF COLUMBIA HEALING ARTS PRACTICE ACT

Mr. FUQUA. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 13837) to amend the Healing Arts Practice Act, District of Columbia, 1928, to revise the composition of the Committee on Licensure to Practice the Healing Art, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore (Mr. Boggs). Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

H.R. 13837

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. (a) Section 4 of the Healing Arts Practice Act, District of Columbia, 1928 (D.C. Code, sec. 2–103), is amended to read as follows:

"Sec. 4. (a) (1) There is established a commission to be known as the Commission on Licensure to Practice the Healing Art (hereafter in this Act referred to as the 'Commission'). The Commission shall be composed of eleven members. The Commissioner of the District of Columbia shall appoint nine members of the Commission as follows:

"(A) Three members shall be appointed from a panel of six physicians licensed under this Act who are in private practice in the District of Columbia and who are nominated by the Medical Society of the District of Columbia.

"(B) One member shall be appointed from a panel of two physicians licensed under this Act who are nominated by the dean of the Georgetown University Medical School.

"(C) One member shall be appointed from a panel of two physicians licensed under this Act who are nominated by the dean of the the George Washington University Medical School.

"(D) One member shall be appointed from a panel of two physicians licensed under this Act who are nominated by the dean of the Howard University Medical School.

"(E) One member shall be appointed from a panel of two osteopathic physicians licensed under this Act who are nominated by the Association of Osteopathic Physicians of the District of Columbia, Incorporated.

"(F) Two members shall be appointed from persons who are not physicians and who represent the community at large.

"(2) The Corporation Counsel of the District of Columbia (or his delegate) and the Director of the Department of Public Health of the District of Columbia (or his delegate) shall be ex officio members of the Commission.

"(3) A vacancy in the Commission shall be filled in the same manner as the original appointment was made.

"(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, members of the Commission (appointed under paragraph (1) of subsection (a)) shall be appointed for terms of three years.

"(2) Of the members first appointed to the Commission under such paragraph (1)—

"(A) three members shall be appointed for terms of one year,

"(B) three members shall be appointed for terms of two years, and

"(C) three members shall be appointed for terms of three years,

as designated by the Commissioner of the District of Columbia at the time of appointment.

"(3) Any member of the Commission appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member of the Commission may serve after the expiration of his term until his successor has taken office.

"(c) The Commission shall elect a President and a Vice President from among its members. The Director of the Department of Public Health of the District of Columbia (or his delegate shall be the Secretary of the Commission.

"(d) The Commission shall make, and may alter, such rules as it deems necessary to conduct its business. The Commission shall adopt a common seal and from time to time may alter it. The courts shall take judicial notice of the seal."

(b) The Commissioner of the District of Columbia shall appoint the first nine members of the Commission on Licensure to Practice the Healing Art, established by section 4 of the Healing Arts Practice Act, District of Columbia, 1928 (as amended by this Act), not later than 90 days after the date of the enactment of this Act.

Sec. 2. (a) The Healing Arts Practice Act, District of Columbia, 1928, is amended by redesignating section 25(a) (D.C. Code, sec. 2–122a) as section 25A and by adding after that section the following new section:

"Sec. 25B. (a) The Commission may issue, without examination, temporary licenses to persons holding the degree of doctor of medicine or doctor of osteopathy who wish to pursue or participate in residency or fellowship training programs in the District of Columbia. An applicant for a temporary license shall furnish to the Commission satisfactory proof that—

"(1) he is at least twenty-one years of age and is of good moral character;

"(2) he is a graduate of a medical school or an osteopathic school registered under section 5(a) of this Act or is otherwise qualified after examination by the Educational Council for Foreign Medical Graduates;

"(3) he has been accepted or appointed for residency or fellowship in an accredited program;

"(4) he will limit his practice and training to the confines of the hospitals or other facilities within such accredited program; and

"(5) he will practice only under the supervision of the attending medical staff of such hospitals, facilities, or affiliated institutions within such accredited program.

Each applicant for a license under this section must be nominated by the institution in which he is serving as a resident or fellow. An institution which nominates an applicant for a license under this section shall notify the Commission of the beginning and ending dates of the period for which such applicant has been accepted or appointed

"(b) A license issued under this section shall be valid for a period not to exceed one year. Such a license may be renewed upon application for a period not to exceed one year. A license issued under this section may not be renewed for periods aggregating more than four years.

"(c) The holder of a license under this section may sign birth and death certificates, prescriptions for narcotics, barbiturates, and other drugs, and other legal documents in compliance with existing laws, if the execution of such documents involves duties prescribed by or incident to his residency or fellowship program.

"(d) Within sixty days after appointment of any intern to any hospital or institution in the District of Columbia, such hospital or institution shall file with the Commission the name of each such intern and shall furnish such other information concerning such intern as the Commission may require."

(b) Sections 6 and 23 of such Act (D.C. Code, secs. 2–104, 2–119) are each amended by striking out "section 25(a)" and inserting in lieu thereof "section 25A".

Sec. 3. (a) Section 25 of the Healing Arts Practice Act, District of Columbia, 1928 (D.C. Code, sec. 2–121), is amended—

(1) by striking out in the first sentence "An applicant who desires to obtain a license

without examination" and inserting in lieu thereof "An applicant who desires to obtain a license by endorsement and without examination"; and

(2) by striking out the third and fourth sentences and inserting in lieu thereof "The Commission may issue a license by endorsement to an applicant under this section if it determines he has met the requirements of this section. A license issued to an applicant under this section shall correspond in scope as nearly as practicable to the license held by the applicant which is the basis for the issuance of a license under this section. No person may be licensed under this section who has been examined under authority of the Commission and who has failed."

(b) Sections 6, 11, and 23 of such Act (D.C. Code, secs. 2–104, 2–108, 2–119) are each amended by striking out "reciprocity" each place it appears in those sections and inserting in lieu thereof "endorsement".

SEC. 4. (a) (1) The first sentence of section 25A of the Healing Arts Practice Act, District of Columbia, 1928 (D.C. Code, sec. 2–122a) (as so redesignated by section 2 of this Act), is amended by striking out ": *Provided,* That the examination given by the national examining board" and inserting in lieu thereof the following: "or to anyone who has successfully completed the examination administered by the Federation of State Medical Boards of the United States if the Commission determines that the examination given by the national examining board or by such Federation, as the case may be,".

(2) The proviso in the last sentence of such section 25A is amended by inserting "or on the basis of successful completion of the examination administered by the Federation of State Medical Boards of the United States" immediately after "national examining board".

(b) (1) The second sentence of the first pargaraph of section 6 of such Act (D.C. Code, sec. 2–104) is amended by inserting "or by virtue of successful completion of the examination administered by the Federation of State Medical Boards of the United States as provided in such section," after "section 25A of this Act,".

(2) The sixth sentence of section 11 of such Act (D.C. Code, sec. 2–108) is amended by inserting "or by virtue of successful completion of the examination administered by the Federation of State Medical Boards of the United States." after "national examining board,".

(3) Clause (4) of the third sentence of section 23 of such Act (D.C. Code, sec. 2–119) is amended by inserting "or by virtue of successful completion of the examination administered by the Federation of State Medical Boards of the United States" after "national examining board."

(4) The fourth sentence of such section 23 is amended by inserting "or on the basis of successful completion of the examination administered by the Federation of State Medical Boards of the United States" immediately after "national examining board".

SEC. 5. (a) Section 50 of the Healing Acts Practice Act, District of Columbia, 1928 (D.C. Code, sec. 2–141), is repealed.

(b) The amendments made by this Act shall not be construed as affecting any provision of Reorganization Plan Number 3 of 1967, except that the Commissioner of the District of Columbia and the District of Columbia Council shall exercise their respective functions under the Healing Arts Practice Act, District of Columbia, 1928, through the Commission on Licensure to Practice the Healing Art established by section 4 of such Act (as amended by this Act).

(c) The members of the Commission on Licensure to Practice the Healing Art in office on the date of the enactment of this Act shall continue in office until at least four members have been appointed to that Commission under section 4(a)(1) of the Healing Arts Practice Act, District of Columbia, 1928 (as amended by this Act).

Mr. FUQUA. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the purpose of H.R. 13837 is to amend the District of Columbia Healing Arts Practice Act in three respects, as follows:

First, to revise the make of the Commission on Licensure, increasing the number of members from five to 11 and assuring a broad representation of the medical profession and other areas of the community's professional skills;

Second, to provide for temporary licensure of physicians and osteopaths who are engaged in residency and fellowship training programs in the District of Columbia; and

Third, to broaden the use of endorsement as a method of licensure, by eliminating the application of reciprocity as a barrier to the admission of competent physicians to practice in the District of Columbia.

PROVISIONS OF THE BILL

1. COMMISSION ON LICENSURE

Section 4 of the District of Columbia Healing Arts Practice Act of 1928 (D.C. Code, sec. 2–103; 45 Stat. 1327) presently provides for a five-member Commission on Licensure to Practice the Healing Art in the District of Columbia, consisting of the Commissioner of the District of Columbia, the U.S. Commissioner of Education, the U.S. attorney for the District of Columbia, the Superintendent of Public Schools of the District of Columbia, and the Director of the District of Columbia Department of Public Health. This Commission is responsible for the licensing of physicians, osteopaths, and others who practice the healing art in the District of Columbia. They are aided in this function by an examining board, whose duty is to examine the applicants for such licensure as provided by law, and to report their findings with respect to the candidates' qualifications to the Commission.

It will be noted that this Commission, as presently constituted, includes only one physician in its membership. Also, the lay members of the Commission are all officials with a heavy burden of time-consuming duties and responsibilities in other areas, for which reason they cannot be expected to take any great interest in the operation of this Commission on Licensure or to have any particular training or expertise in its vitally important work.

Section 1 of the bill, H.R. 13837, will provide for an 11-member Commission on Licensure To Practice the Healing Art. Nine of these members shall be appointed by the Commissioner of the District of Columbia, as follows:

Three members from among six physicians in private practice in the District, and who are nominated by the Medical Society of the District of Columbia.

Four members, consisting of one physician from each panel of two nominated by the deans of the three local medical schools and by the Association of Osteopathic Physicians of the District of Columbia, Inc.

Two members who are not physicians, and who represent the community at large.

The remaining two members of the Commission will be the District of Columbia Corporation Counsel or his delegate, and the Director of the District of Columbia Public Health Department, both ex officio. The nine members appointed by the District of Columbia Commissioner shall serve 3-year terms. However, the terms of the original appointees will be staggered so as to provide a continuity of membership.

It is obvious that the membership of this newly created Commission, which will include seven physicians representing a broad spectrum of the city's medical community, as well as a representative of the District of Columbia Department of Public Health and a legal representative from the District of Columbia Corporation Counsel's office, will assure a high degree of professional interest and competence. Further, the two lay members will presumably be selected for their demonstrated special interest in the city's health problems, and their presence on the Commission will provide added balance in the public interest. For these reasons, it is the opinion of your committee that such a body will constitute a far more effective agency for the licensing of medical and osteopathic physicians in the District of Columbia than can the Commission as presently constituted.

Our committee believes also that the system of nominations for membership, from which the District of Columbia Commissioner will select the medical appointees to the Commission, will be invaluable to the Commissioner by assuring the high caliber of his appointees and their proper distribution among the various segments of the medical community.

2. TEMPORARY LICENSURE FOR RESIDENTS AND FELLOWS

Section 2 of the bill authorizes the Commission to issue, without examination, temporary licenses to persons holding the degree of doctor of medicine or doctor of osteopathy who wish to participate in residency or fellowship trainship programs in the District of Columbia. These temporary licenses shall be valid for 1 year, and renewable for additional 1-year periods not exceeding a total of 4 additional years.

These residents and fellows will have completed their internship, and hence will be advanced trainees in the medical profession. However, they will be limited in their practice and training under this temporary license to the confines of the hospitals or other medical facilities in which they are employed, and will be permitted to practice only under the supervision of the attending medical staffs of these institutions. Thus, they will not be licensed to engage in the general practice of medicine.

The purpose of the temporary license is to enable these residents and fellows, in the course of their service as trainees, to sign birth and death certificates, prescriptions for narcotics, barbiturates, and other drugs, and other documents, all of which functions require medical licensure in the District of Columbia. This authority will of course greatly enhance the contribution of these residents and fellows to the institutions and to the attending medical staffs under whose supervision they will serve.

Our committee is informed that 37 States now require residents serving in hospitals to be licensed or registered, and seven of these require full licensure to practice medicine. It is the committee's opinion that the temporary license for limited practice, as provided in H.R. 13837, is desirable and appropriate for the District of Columbia.

The bill does not provide for the licensing of interns in the city's medical institutions, but it does require that the names of such interns be filed with the Commission.

3. WIDER USE OF LICENSE BY ENDORSEMENT

Section 25 of the District of Columbia Healing Arts Practice Act (D.C. Code, sec. 2–121; 45 Stat. 1335) presently provides for licensing by endorsement, without examination, of physicians or osteopaths who are licensed in other jurisdictions of the United States or in foreign countries, and who possess the qualifications required for licensure in the District of Columbia—provided, however, that the State in which the candidate is licensed maintains a policy of reciprocity with the District with respect to such licensure by endorsement. This limitation does not apply in the case of physicians licensed in foreign countries.

At this time, all State and territorial medical licensing boards do have such a reciprocal relationship with the District of Columbia, except for Florida, Hawaii, and the Virgin Islands. Hence, under existing law, a physician or an osteopath licensed in these jurisdictions and who wishes to practice in the District may obtain a license to do so only by taking the written examination, even though he may have been out of school for some years. All such applicants have previously been required to pass such examinations, of course.

Section 3 of the bill, H.R. 13837, remove this unrealistic barrier to the licensing, by endorsement and without examination, of applicants who meet all the requirements for a license to practice the healing art in the District of Columbia, with no limitation as to reciprocity between the District and other jurisdictions.

This section provides further however, that licensure by endorsement may not be allowed in the case of any applicant who has previously been examined under the authority of the Commission and failed. Thus, there will be no lowering of the present standards for licensure to practice the healing art in the District of Columbia.

PREVIOUS LEGISLATION

Public Law 115 of the 90th Congress, approved October 24, 1967 (81 Stat. 336; D.C. Code, sec. 2–133), waived the requirement of licensure to practice the healing art in the District of Columbia in the case of physicians or osteopaths practicing entirely within the confines of hospital or other medical facilities under the jurisdiction of the District of Columbia Department of Public Health. This proposed legislation, H.R. 13837, will not affect that provision of law in any way.

SUPPORT FOR THE BILL

At a public hearing conducted on September 4, 1969, spokesmen for the Medical Society of the District of Columbia expressed that group's unqualified endorsement of H.R. 13837 as reported by your committee. The bill is endorsed also by the respective deans of Howard University College of Medicine, Georgetown University School of Medicine, and George Washington University School of Medicine, and by the Osteopathic Association of the District of Columbia, Inc.

CONCLUSION

It is the opinion of our committee that the amendments to the District of Columbia Healing Arts Practice Art contained in H.R. 13837 will provide for a more realistic, effective, and desirable administration of that act, and that the enactment of this proposed legislation is therefore in the public interest.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. FUQUA. I am happy to yield to the gentleman from Minnesota.

Mr. NELSEN. This bill seemed to be a very needed piece of legislation. Recommendations came to the committee to put licensing procedures and authorities in the hands of the city council. It was the feeling of the committee that there needed to be some revision of our licensing provisions here in the District of Columbia patterned pretty much after the provision of the States.

I checked with my good colleague, Dr. HALL, who should know more about it than I. He indicated to me it was a good bill. I am sure he will want to comment about it, and I hope the gentleman will yield to him.

Mr. FUQUA. I am happy to yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's yielding and the remarks of my colleague from Minnesota.

I have studied the committee's report in detail on this bill, and I certainly would like to compliment the committee for the work it has done in presenting what should be an almost ideal Healing Arts Practice Act for the District of Columbia.

As the gentleman from Minnesota says, I have long been interested in this. Actually, I interned here—in the District of Columbia—some 35 or 36 years ago, and I was at that time personally interested in the Healing Arts and Registration Act of the District of Columbia; as a matter of fact, I took the Maryland exam in competition with the Johns Hopkins graduates in the wintertime of 1935, in lieu thereof because of the always present question of interstate reciprocity, expense, and so forth.

I am glad we are actually getting the District Healing Arts Practice Act straightened out. I believe the committee should be particularly commended on the perception and depth to which it has gone about getting actual practitioners who do know the problems of serving and selling their trained category of personal services in the quality care of human beings to the people of the District of Columbia.

I believe it is a good bill. I recommend it be passed.

Again I commend the committee for the report and the legislation.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise to commend to my colleagues for their favorable action the bill H.R. 13837, which I was pleased to cosponsor with my colleague from Florida (Mr. FUQUA).

This bill will amend the District of Columbia Healing Arts Practice Act in three major respects, as follows:

First. Establish new requirements for the appointment of a Commission on Licensure to Practice the Healing Art, which will increase the number of members of this Commission from 5 to 11, and also will provide broad representation of the healing arts profession and other areas of professional skill and interest in the city;

Second. Provide for temporary licensing, without examination but with certain requirements, of doctors of medicine or osteopathy who seek to participate in residency or fellowship training programs in medical institutions in the District; and

Third. Establish broader and more realistic criteria for licensing, by endorsement and without examination, of applicants who are licensed in other jurisdictions or have successfully passed standard examinations for such licensure, and who meet all the requirements for licensing as specified in the District of Columbia Healing Arts Practice Act.

Under existing law, the Commission on Licensure to Practice the Healing Art in the District of Columbia has only one physician in its membership, the Director of the District of Columbia Department of Public Health. The other members are the Commissioner of the District of Columbia, the U.S. Commissioner of Education, of the District of Columbia Superintendent of Schools, and the U.S. Attorney for the District of Columbia. It is obvious that the lay members of this Commission as presently constituted can have little interest in its operation, and because of their heavy burden of other duties and responsibilities can have little or no time to devote to its operation.

By contrast, the proposed new Commission on Licensure will include three physicians in private practice in the District of Columbia, three physicians representing each of the three local medical schools, one osteopathic physician in practice in the District, and a representative of the District of Columbia Health Department. In addition, there will be two nonphysician members representing the community at large, whom the Congress will expect to be appointed by reason of their special interest in the health problems of the city, and an attorney from the office of the District of Columbia Corporation Counsel.

There is no question that this new Commission, by virtue of its much greater representation from the medical profession itself, will provide a much more effective administration of licensure of medical and osteopathic practitioners in the District.

The bill will further modernize and update the District of Columbia Healing Arts Practice Act by authorizing the issuance of temporary licenses to physicians and osteopaths who wish to participate in residency and fellowship training programs in the various medical institutions in the District of Columbia. These licenses will be issued for a 1-year period, and will be renewable for additional 1-year periods not to exceed 4 years in the aggregate.

These temporary licenses will not permit these physicians to engage in the general practice of medicine. Instead, they will be restricted to practice only in the hospital or other medical institution in which they are engaged, and only under the supervision of the medical staffs of those institutions. The purpose of the temporary license is to enable these advanced trainees in the medical profession to perform such duties as signing birth and death certificates, prescriptions for narcotics—within the restrictions of the Federal Narcotics Act—barbiturates, and other drugs, as well as other legal documents incident to their training work. These residents and fellows are thoroughly capable of assuming these responsibilities, and by doing so will not only increase the scope of their own medical experience but also will be of greater service to the hospitals and the medical staffs by whom they are employed.

I am informed that temporary licensing of residents and fellows in training is now required by 37 medical licensing boards throughout the country, and it is obvious that this is a growing practice which is definitely in the public interest. The bill will not provide for such temporary licensing for interns, but will require that they be registered with the Commission by name.

The final major provision of H.R. 13837 will remove a legal impediment existing in present law, with respect to the licensing of physicians and osteopaths who are licensed in other jurisdictions, and who meet all the requirements of licensure prescribed in the District of Columbia Healing Arts Practice Act, by endorsement and without examination. At present, this licensure by endorsement is restricted to those applicants who can submit proof that the licensing agency of the jurisdictions from whence they come grants, without examination, to physicians licensed in the District of Columbia, licenses to practice within its jurisdiction. In other words, such licensure is granted to physicians only from jurisdictions which maintain a policy of reciprocity with the District of Columbia in this respect.

At the present time, all jurisdictions within the United States do maintain such a reciprocal relationship with the District of Columbia with the exception of Florida, Hawaii, and the Virgin Islands. Thus, physicians licensed to practice in those States and who wish to practice in the District of Columbia, cannot be licensed to do so without taking the written examination. Inasmuch as many of these applicants have been out of medical school for many years, and yet have a record of proven competency in the practice of the healing art, I regard this situation as ridiculous.

This proposed legislation will correct this inequity by abolishing this unrealistic barrier to the proper application of the issuance of licenses by endorsement to qualified physicians from other jurisdictions regardless of reciprocity. There is no reason whatever, in my judgment, to maintain the present ban on such licensure by endorsement for physicians or osteopaths who happen to be licensed in Florida, Hawaii, the Virgin Islands, or anywhere else.

I wish to point out that inasmuch as the bill will not permit licensing by endorsement, and without examination, to any candidate who has taken the written examinations required by the Commission and failed such examination, this amendment will in no way lower the standards now existing for the practice of the healing art in the District of Columbia.

This proposed legislation has the endorsement of the Medical Society of the District of Columbia, and also of all the local medical colleges. It is definitely in the public interest, and I solicit the support of my colleagues in behalf of its enactment.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO AUTHORIZE TRANSFER OF BLOOD COMPONENTS WITHIN THE DISTRICT OF COLUMBIA

Mr. FUQUA. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 12673) to authorize the transfer by licensed blood banks in the District of Columbia of blood components within the District of Columbia.

The Clerk read the bill, as follows:

H.R. 12673

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any blood bank in the District of Columbia, holding an unsuspended and unrevoked license issued under section 351 of the Public Health Service Act, may transfer, for use in the District of Columbia, platelets and other components of blood in general use in the States (as determined by the Commissioner of the District of Columbia), produced in such blood bank, to physicians licensed under the Healing Arts Practice Act, District of Columbia, 1928 (D.C. Code, sec. 2–101 et seq.), to District of Columbia hospitals, and to licensed private hospitals and other medical facilities in the District of Columbia.

(b) Section 351 of the Public Health Service Act shall not apply with respect to any transfer made in accordance with the first section of this Act.

The SPEAKER. The gentleman from Florida is recognized.

Mr. FUQUA. Mr. Speaker, the purpose of H.R. 12673 is to authorize the Commissioner of the District of Columbia to determine that blood platelets and other blood components in general use in the States may be transferred from local licensed blood banks in which they are produced to licensed physicians, to District of Columbia hospitals, and to licensed private hospitals and other medical facilities within the District of Columbia. This authority will place the District of Columbia in the same position as the States, all of which permit the intrastate transfer of blood components within their borders.

NEED FOR LEGISLATION

Section 351 of the Public Health Service Act (58 Stat. 702), as amended (42 U.S.C. 262), prohibits the transfer in interstate or foreign commerce, or within the boundaries of the District of Columbia, of certain biological products including blood platelets and other blood components, unless both the establishment in which these components are prepared and the products themselves are licensed under standards prescribed by the Secretary of Health, Education, and Welfare. Transfer of unlicensed such products is permitted, however, within the boundaries of the various States, for use in those States, whereas these same products cannot be exchanged between medical facilities in the District of Columbia.

At present, there are no acceptable standards in existence for many of the components of human blood, and therefore the license required under section 351 of the Public Health Service Act is not available. The basic problem involved, your committee is informed, is that no means has been developed for the preservation of certain blood components in such a condition that they may be used safely and effectively after an appreciable period of time following their preparation. Blood platelets, for example, will remain in a usable condition for not more than 6 to 8 hours. Until some solution to this problem is discovered, the transfer of these components in interstate or foreign commerce cannot safely be approved. The shortness of the shelf life of these products, however, even though it makes their use after long-distance transfer questionable, still is long enough to permit their successful local use where they can be utilized within a short time after their production in a blood bank. Such local uses are recognized by the American Association of Blood Banks in their brochure, "Technical Methods and Procedures of the Association of Blood Banks" (1966).

EFFECT OF LEGISLATION

The major blood components whose use will immediately be affected by the enactment of this proposed legislation are platelet concentrates, cryo-precipitates, and frozen red blood cells. It is known also that other blood components will become available from time to time. Also, it appears likely that in time some or all of these products will become licensed. However, the present legal barrier to such licensing prevents the proper treatment of patients in the District of Columbia with unlicensed blood components which are now in general use.

Many of these blood components are vital to proper patient care in a variety of blood disorders. For example, platelet concentrates are a valuable adjunct in the treatment of leukemia patients under chemotherapy, to prevent major bleeding. Also, cryo-precipitates are the accepted form of treatment for hemophilic patients, and frozen red blood cells are currently the best known method of storing blood for the rare blood types.

Our committee is informed that these blood products will probably be prepared locally by the American Red Cross or in blood banks which have been certified by the National Institutes of Health or the American Association of Blood Banks. At present, 59 Red Cross Blood Centers throughout the United States follow accepted procedures in the preparation of both licensed and unlicensed blood and blood components. These procedures are on file with the Division of Biologics Standards of the National Institutes of Health, which is the licensing agent for all blood banks under section 351 of the U.S. Public Health Service Act.

HEARING

A public hearing on this bill was conducted on September 4, 1969, at which time approval of the proposed legislation was expressed by or on behalf of the Commissioner of the District of Columbia, the District of Columbia Department of Public Health, the Committee on Blood of the Medical Society of the District of Columbia, the Division of Biological Standards of the National Institutes of Health, and the Washington Regional Chapter of the American Red Cross. No opposition to the enactment of the bill was expressed.

CONCLUSION

It is the opinion of our committee that this legislation is clearly needed to allow patients in the District of Columbia to enjoy the same advantages in the use of these unlicensed products as do patients in all the States, and thus to assure them the benefits of treatment with the most effective tools known to modern medical science. For this reason, we unanimously endorse its passage.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE DISTRICT OF COLUMBIA LAW WITH RESPECT TO COMMERCIAL FACILITIES FOR THE PARKING OR STORAGE OF MOTOR VEHICLES

Mr. FUQUA. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 9257) to amend the code of laws of the District of Columbia with respect to facilities for the parking or storage of motor vehicles.

The Clerk read the bill, as follows:

H.R. 9257

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 40 of the code of laws of the District of Columbia is amended by the addition of the following sections:

"218. (a) Any person who shall offer to park or store for a fee motor vehicles within the District of Columbia shall be required to post conspicuously, in a manner visible from street, sidewalk, or other public space at each place at which such offer is made, a sign setting forth the address and telephone number at which an agent or such person shall be available, at all hours of the day and night, to release, on reasonable identification of ownership, or of status as agent or servant of the owner, any vehicle parked or stored on the premises, upon payment of the published fee for such parking or storage.

"(b) It shall be the responsibility of the person described in subsection (a) of this section to insure that his agent will be available at the location described in the public notice required by subsection (a) of this section at all hours of the day and night during which the premises are not open, for dealing with the public.

"(c) The provisions of this section shall apply to any motor vehicle parking or storage facilities of the District of Columbia, or any instrumentality, for which a fee is charged, and to any person contracting with the District of Columbia for the operation on public space of facilities for the parking or storage of motor vehicles for a fee."

With the following committee amendments:

Page 1, strike out lines 3 through 5 and insert in lieu thereof the following: "That the District of Columbia Motor Vehicle Parking Facility Act of 1942 (District of Columbia Code, secs. 40-801—40-809a) is amended by redesignating section 11 as section 12 and by adding after section 10 the following new section:

"'SEC. 11. (a) Any person who shall offer to park or store".

Page 2, strike out the quotation mark at the end of line 17, and after line 17 insert the following:

"'(d) Any person who violates this section shall be fined not more than $100. If such violation is a continuing one, each day of such violation shall constitute a separate offense.'"

The committee amendments were agreed to.

Mr. FUQUA. Mr. Speaker, the purpose of the bill H.R. 9257, as amended and reported by our committee, is to require the owner or operator of a commercial facility for the parking or storage of automobiles to post conspicuously on the premises a sign setting forth the address and telephone number at which an agent of such owner or operator shall be available, at any hour when the facility is not open for business, to release any vehicle parked or stored on the premises, upon adequate identification of the claimant and the payment of any legitimate charges due.

Our committee is informed that most operators of motor vehicle parking facilities in the District of Columbia do post signs on the premises advising customers as to how they may reclaim their cars during the times when the facility is not open for business, and thus are in substantial voluntary compliance with the provisions of this bill. However, there are other such operators who apparently have not felt it necessary to display this concern for their customers' welfare, and this neglect sometimes poses serious inconvenience for the owners of the vehicles.

Examples of situations involving such inconvenience which have come to the attention of members of this committee, include the following:

1. That of the motorist who is delayed in the downtown area until after the closing hour of a parking facility, which may be earlier than that to which he has been accustomed.

2. That of the motorist who leaves his automobile at a parking facility overnight by intent, without realizing that the facility will not be open for business on the following day which happens to be a Saturday, a Sunday, or a holiday. Also in such circumstances, even though the motorist was aware of this, he may find an unexpected need for his car on that day.

Our committee is advised of one particular instance when a Member of Congress found it necessary to enlist the aid of the Metropolitan Police Department in freeing the automobile of a constituent who found it impossible to reclaim his car from a locked and unattended commercial parking facility. In this instance, the owner had left his car in the parking garage on a Friday, and when he returned the following day he found the premises closed. The operator of this garage also operated some other parking facilities, which were open for business on weekends. However, he had left no instructions with the attendants at any of those other facilities as to how he might be located by patrons in such emergencies, and in addition he had an unlisted telephone number at his residence.

Such incidents as these must be of particular concern to Members of Congress, by reason of the flow of visitors from their districts to the Nation's Capital each year, many of whom are not familiar with the local customs and practices involved in the commercial parking of motor vehicles here. This can lead to considerable inconvenience and distress, as in the case described above when all of this constituent's luggage and clothing were in his car.

Our committee has also heard reports of similar situations when area physicians have had difficulty in reclaiming their cars from parking facilities which they unexpectedly found locked, leaving them without prompt access to their medical kits.

IMPOUNDING OF VEHICLES

At a public hearing on this bill conducted on October 15, 1969, some questions arose as to whether under the provisions of section 40-810 of the District of Columbia Code, it would be legally possible for the operator of a commercial parking facility to have a customer's car impounded if left in the garage or lot after closing hours, to circumvent the new responsibility placed upon him by the enactment of this proposed legislation.

The above-cited section of the District of Columbia Code provides for, among other things, the impoundment by the police of motor vehicles which are parked on private property without the consent of the owner thereof.

Our committee wishes to make clear its intention that the provisions of section 40-810 of the District of Columbia Code shall not be used in any way to thwart the intended effect of this proposed new legislation.

COMMITTEE AMENDMENTS

The only substantive amendment to the bill is the addition of a provision for a penalty, not to exceed $100, for any violation of the provisions of the bill. It is further provided that if the violation is a continuing one, each day of such violation shall constitute a separate offense.

The other amendment is purely technical in nature.

CONCLUSION

It is the view of our committee that regardless of the hours of operation of a commercial parking facility, the parked or stored motor vehicle remains the property of the owner, and it should be returnable to the lawful owner at any time, upon the payment of the legitimate parking or storage charges due. Accordingly, the committee unanimously endorses the bill.

(Mr. MARSH asked and was given permission to revise and extend his remarks.)

Mr. MARSH. I am grateful to the committee, Mr. Speaker, for giving attention to the circumstances which prompted me to offer this bill.

This is not major legislation, but the situation it proposes to alleviate certainly is major to the citizen who encounters it.

It merely seeks to insure that the owner of a motor vehicle have access to his vehicle at all times convenient to him, irrespective of the hours of operation of a commercial parking facility to which he had entrusted the vehicle temporarily.

As set forth in the committee report, the bill would require that the operator of the commercial facility post a notice as to where the owner of the vehicle might find a person with authority to release his automobile during times in which the garage or lot is closed.

I should emphasize that there would be no requirement that an attendant be kept on duty at all times at the premises in question—an arrangement to permit reaching such a person by telephone would be sufficient.

It should be recognized that many garages and parking lots already are in substantial compliance with the provisions of the bill.

Additionally, the owner of the vehicle obviously would be expected to pay parking charges due when obtaining the release of the automobile.

I believe this bill would prove helpful, particularly, Mr. Speaker, to visitors to the Nation's Capital who might not take pains to ascertain the operating hours of a parking facility when leaving their vehicles.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO ELIMINATE STRAW PARTY DEEDS IN JOINT TENANCIES

Mr. FUQUA. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 13564) to provide that in the District of Columbia one or more grantors in a conveyance creating an estate in joint tenancy or tenancy by the entireties may also be one of the grantees.

The Clerk read the bill, as follows:

H.R. 13564

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1031 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 45-816), is amended (1) by adding at the end thereof the following: "An estate in joint tenancy or tenancy by the entireties may be created by a conveyance in which one or more of the grantors in the conveyance is also one of the grantees.", and (2) by striking out "and joint tenancies" in the side heading of such section and inserting in lieu thereof the following: ", tenancies by the entireties, and joint tenancies".

Mr. FUQUA. Mr. Speaker, the purpose of H.R. 13564 is to eliminate to the common law requirement, which is presently applicable in the District of Columbia; namely, that creation of a joint tenancy in real property by act of one of the parties thereto, must be accomplished through a third, a so-called "straw," party.

BACKGROUND

The Code of the District of Columbia makes no provision relating to the creation of joint tenancies in real property; consequently, the common law applies in such conveyances involving real property located in the District. A joint tenancy in real property is one in which the owners hold undivided interests which pass to the surviving tenants until the last surviving tenant takes the entire interest. A tenancy by the entirety is a joint tenancy between husband and wife.

Under the common law, a basic element of joint tenancy is that the interests of the grantees must arise *at the same time,* by the same purchase or grant, thus precluding the owner of real property from directly conveying a joint interest therein to another. It is necessary under this concept that a conveyance creating a joint tenancy be granted through a third party. To comply with the provisions of the common law, for example, a man wishing to give his wife such an interest in property owned by himself individually must first deed the property to another person, referred to as a straw party, who in turn deeds it back to the husband and wife.

PROVISIONS OF THE BILL

H.R. 13564 amends the act of March 3, 1901 (D.C. Code, sec. 45-816) to provide by statute that a joint tenancy in real property may be created by an owner's directly conveying title to himself and another or others in joint tenancy.

The bill also amends the heading of this section so that it properly indicates that tenancies by the entireties is also treated in the section.

REASONS FOR THE LEGISLATION

The use of a third person, the straw party, in the creation of a joint tenancy is a legal fiction. It involves a record holder of title who is actually a stranger to the intended chain of title, solely to meet a technical requirement of the law. The transaction under common law is encumbered by an additional deed and recording thereof. It has an additional disadvantage: the straw party may have filed against him a judgment or lien which may attach to and cloud the title of the property in which the straw is merely a conduit of title. This bill will protect the true interests of innocent parties in such situations.

The bill will eliminate the unnecessary intermediary and permit the owner of real property to create a joint tenancy with a single deed, granting an interest directly to a joint tenant or joint tenants.

HEARING

A public hearing on this proposed legislation was conducted on October 15, 1969. Testimony in favor of the bill was presented by representatives of the District of Columbia government and of local title companies. No opposition was expressed to the passage of the bill.

Mrs. SULLIVAN. Mr. Speaker, will the gentleman yield?

Mr. FUQUA. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Speaker, I wish to ask the chairman of the subcommittee or the chairman of the full committee some questions pertaining to this bill.

Can either one of them tell me whether the District law now requires the use of straw parties in connection with a joint tenancy?

Mr. FUQUA. Yes, it does.

Mrs. SULLIVAN. Then, if this bill passes, it will no longer be necessary for the parties to engage in a phantom or ghost transaction with a person who never actually owns the property?

Mr. FUQUA. Let me say that the gentlewoman is eminently correct. Many times ghost parties tend to cloud the deeds later on.

Mrs. SULLIVAN. Would there, if this bill is enacted, be any further legitimate need for straw parties in any other type of real estate transaction in the District?

Mr. FUQUA. To my knowledge, there would not be any other need. Of course, this particularly relates to joint tenancies between parties.

Mrs. SULLIVAN. I realize that this particular bill is restricted to joint tenancies in which straw parties are now required. But would the gentleman object to outlawing straw party deals in the District of Columbia altogether?

Mr. FUQUA. I see no real reason for them to exist. I think they are a nuisance and personally at this time I must say we have not held any hearings going that far particularly. However, as it related to joint tenancies we held hearings on it. I would be happy if the gentlewoman has a bill which we can have considered by the committee.

Mrs. SULLIVAN. The reason I have asked these questions is that in an investigation by an ad hoc subcommittee of the Committee on Banking and Currency we went into the question of speculative real estate deals in the Washington, D.C., area and we discovered that the straw party was the principal and essential ingredient in artificially marking up—kiting—the value of a house to provide a fictitiously high sales price on which a higher mortgage could then be based. This has been a vicious and unconscionable practice here in the District.

Did the gentleman's committee consider going into that aspect of it in considering this bill?

Mr. FIQUA. No, madam, we did not go that far. I assume this is a situation which probably is not confined alone to the District of Columbia, the straw party deals. This would be a national problem and not restricted solely to the District of Columbia.

Mrs. **SULLIVAN**. Mr. Speaker, I would like to say to the gentleman further, that if this ad hoc investigation on which we have yet to file our report should find this to be a bad situation as all the evidence indicates, perhaps we should delay action on this measure today until amendments could be prepared dealing with the general use of straw parties. If you do not wish to do that, I wonder if you would assure us that you will go into that aspect of it, in the District Committee, if our study finds that it is primarily a local problem rather than a national one. Straw parties are being used here in many transactions and they are never shown to be straws. The speculators transfer property to the straw party and sometimes from one straw to another, and nothing is ever shown on the deed that the property has changed hands in fictitious deals. This practice is artificially pushing up the sales prices on which higher mortgages can then be based. This practice virtually destroyed one savings and loan in the District.

Mr. **FUQUA**. I would say to the distinguished gentlewoman from Missouri that after the ad hoc committee completes its investigations and findings, certainly it would be an appropriate time when we could look into this matter and if legislation is needed I feel as though we could get proper hearings to do it and eliminate that, if it does represent a problem in the District of Columbia.

However, I would hope that we could go ahead with this bill as it relates to joint tenancies.

Mrs. **SULLIVAN**. I realize that this bill just deals with joint tenancies, but I will call the chairman's attention to this matter again when we have completed the work of the ad hoc subcommittee in the Committee on Banking and Currency on real estate speculation involving straw party transactions.

PROCEDURES FROM MIDDLE AGES

While I do not profess to be a real estate expert I believe we can simplify the transfer of real property. It has always been a source of wonderment to me that many of the procedures utilized in our modern mobile economy for the simple transfer of real estate, according to experts I have consulted, date back to the Middle Ages and the antiquated rules of the English common law.

It makes a great deal of sense to permit the joint owners of real estate to change title to that real estate through a simple single transfer, as H.R. 13564 would do, rather than go through all of the expense and confusion that results from transfer of the property to a straw party and then retransfer to the party intended to be the owner.

Therefore, I support H.R. 13564 as written.

But if we are going to address ourselves to the problem of eliminating abuses in residential property transfers, we should give serious thought to eliminating entirely the use of straw parties. This is where the evil exists.

Many of the members may recall a series of articles which appeared in the Washington Post last January, "Mortgaging the Ghetto." The articles outlined shocking and widespread real estate speculation in the District of Columbia where real estate operators would buy up properties at market, or below market, prices and then through a series of transactions using straw parties, fictitiously drive up the price of the property before unloading it on a poor family with a mortgage far more than the property was worth.

STRAW PARTY WAS ESSENTIAL INGREDIENT

The straw party device was an essential ingredient in all these transactions.

Shortly after this session of Congress convened, Chairman PATMAN of the House Banking Committee appointed me as chairman of a special ad hoc subcommittee consisting of five members of the full committee to inquire into the questions raised by these articles. The other members appointed were Representatives HANLEY, BRASCO, MIZE, and BEALL of Maryland.

The subcommittee held 5 days of hearings on real estate speculation in the District of Columbia, as part of our overall assignment. I can assure you that some of these things we found were scandalous.

Lusk's Real Estate Directory publishes all real estate transfers in the District of Columbia on a monthly, and on an annual, basis. You can pick up any of the annual volumes of this directory for the last 8 years and, with the help of a knowledgeable District of Columbia real estate man, you can pick out any number of these speculative deals. They were part and parcel of certain types of real estate activities in the inner city area of the District of Columbia.

The real estate speculator used a number of other devices or persons in accomplishing his objective of a quick and easy profit at the expense of the homeowner. He needed a cooperating appraiser for his phony appraisal, he needed a cooperating lending institution willing to lend money on the property on the basis of an inflated appraisal. He sometimes needed the cooperation of a settlement house, and sometimes a settlement company, perhaps to hold a worthless check or to provide an employee to serve as his straw party. These practices can occur, generally, only when there is a surplus of mortgage funds available, not during a period of tight money. So they are not going on now to any appreciable extent.

"TRUTH IN SETTLEMENT LAW" NEEDED

But when the subcommittee makes its report it will make a number of recommendations, I hope, which will deal effectively with the questions involved in real property transfer procedures, at least where the Federal Government is involved, and also here in the District where the local laws depend upon congressional action.

We should outlaw the use of straw parties altogether. Why should not the buyer of real estate, particularly the homeowner, know exactly who he is purchasing the property from, and how much the seller actually paid for it?

It used to be the case that the purchase price of a property could be roughly ascertained through a mathematical calculation based on the revenue stamps appearing on the deed. A recent revision of the revenue laws has made this all but impossible. Commonsense and fairness would dictate that the money paid for the property involved be set forth on the deed.

During our hearings one of our witnesses, in criticizing the vague, complex and confusing real estate procedures here, called for a "truth in settlement law." The District of Columbia is certainly in need of such a law.

I do not oppose this bill today but I wish it covered more of the problems of straw parties than it does.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VALIDATION OF DEFECTS IN LAND RECORDS

Mr. **FUQUA**. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 13565) to validate certain deeds improperly acknowledged or executed—or both—that are recorded in the land records of the Recorder of Deeds of the District of Columbia, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The **SPEAKER**. Is there objection to the request of the gentleman from Florida?

Mr. **SAYLOR**. Mr. Speaker, reserving the right to object, I would say to my colleague from Florida, Mr. FUQUA, that certain questions have been raised by a number of lawyers with reference to this particular bill. I think it would be the better part of wisdom to pass this bill over until the next District Day. The reasons for it are very simple. First, a number of lawyers disagree violently with the statement in the committee report saying:

> The instruments comprising such records serve not to vest legal title in property but to constitute notice to the public.

Many lawyers here in the District say that the deed itself conveys title.

Second, many of the lawyers are afraid that bringing this bill up to January 1, 1969, will eliminate many defects that could and should be corrected if notice was served that deeds on record are defective.

Therefore, if this bill is called up, it will be necessary for me to offer an amendment making the perfecting date several years earlier.

Mr. **FUQUA**. Mr. Speaker, if the gentleman will yield, I might state that we had open public hearings and the Title Association in the District of Columbia supported the legislation and we were told that the District of Columbia Bar Association supported this legislation. No one from the District of Columbia Bar appeared in opposition. The District of Columbia government supported this legislation with certain amendments which were incorporated into the bill.

We were not aware of any problems that had developed or may be caused by the passage of this. I understand that this is not unprecedented; that many States do this every so often, and pass a general law correcting errors that were made, and certainly not with criminal intent or illegal provisions, but honest errors that were made, and just correct them and remove those clouds that may exist on certain land transaction deeds.

Mr. SAYLOR. Mr. Speaker, I must say that I commend the committtee for the amendments that they offered. However, one of the objections is that it brings it up to January 1, 1969. The last bill was 1902. There are a lot of people who think that this bill, or a bill of this type, should be passed, but that it should not be brought up to January 1 of this year. I would suggest a date of January 1, 1962.

Mr. HUNGATE. Mr. Speaker, if the gentleman would yield, I think the gentleman from Pennsylvania raises some very valid problems that are inherent in this, and as one who was a practicing lawyer I agree with the gentleman from Florida that it would be wise to bring it up from 1902 or 1909, whatever date it is, but I would confirm the fear of the gentleman from Pennsylvania on bringing it up to 1969. For example, sometimes, as has happened in validating deeds, they have been incorrectly recorded without the seal of the notary public. Sometimes the notary public might say the deed did not have any seal because the grantor never came before me. So I think the suggestion of the gentleman from Pennsylvania is correct, that we should bring it up considerably, but maybe not up to yesterday, would be wise.

Mr. FUQUA. Mr. Speaker, if the gentleman would yield further, if the gentleman would offer such an amendment to change it to 1962 it will certainly be acceptable to me.

Mr. SAYLOR. Mr. Speaker, with that statement I withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

H.R. 13565

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 515 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 45–408), is amended—

(1) by striking out "prior to the adoption of this code" and inserting in lieu thereof "prior to January 1, 1968,", and

(2) by inserting "(1)" immediately after "in the District" in the paragraph of such section designated "Seventh" and by adding before the period at the end of such paragraph the following: ", (2) which may have been recorded without the seal of the notary public before whom the acknowledgment was taken having been first attached, (3) in which the certificate of acknowledgment is not in the prescribed form, (4) which may not have been acknowledged before a proper officer, or (5) in which the official character of the officer taking the acknowledgment is not set out in the body of the certificate".

With the following committee amendment:

Page 1, line 8, strike out "1968" and insert "1969" and strike out "and".

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. SAYLOR

Mr. SAYLOR. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. SAYLOR: On page 1, line 8, strike out "1969" and insert "1962".

The amendment to the committee amendment was agreed to.

The committee amendment, as amended, was agreed to.

COMMITTEE AMENDMENTS

The **SPEAKER.** The Clerk will report the remaining committee amendments.

The Clerk read as follows:

Committee amendments: Page 2, line 7, strike out "not" and immediately after "before" insert "a person who was not".

Page 2, line 10, strike out the period and insert a comma and "and".

Immediately following line 10 on page 2, insert the following:

"(3) By inserting '(a)' immediately after 'Defective acknowledgments.—' and by adding at the end of such section the following new subsection:

" '(b) This section shall not be construed to validate any deed with respect to which there was any misrepresentation, fraudulent act, or illegal provision in connection with its execution or acknowledgment.' "

The committee amendments were agreed to.

Mr. FUQUA. Mr. Speaker, the purpose of H.R. 13565 is to validate certain deeds and acknowledgments recorded in the land records of the District of Columbia prior to January 1, 1969.

Land records for the District of Columbia are kept by the Recorder of Deeds. The instruments comprising such records serve not to vest legal title in property but to constitute notice to the public. There are technical requirements for recordation, including acknowledgments and execution in prescribed form. A defect in either is a basis for objection to title.

Under present law, certain defective acknowledgments and executions in documents recorded prior to January 1, 1902, have been validated (D.C. Code, sec. 45–408). The seven classes of defects so validated include executions or acknowledgments by married women, by attorneys in fact, and before specified officials in foreign jurisdictions, as well as those wherein certain agents fail to declare the execution to be the act of the grantor; and those not having certain technicalities of acknowledgment.

There has been no curative legislation of defective acknowledgments and executions in the District of Columbia since 1902.

PROVISIONS OF THE BILL

H.R. 13565 provides for validation of the seven categories of defective acknowledgments and executions enumerated in existing law and recorded in the District of Columbia prior to January 1, 1968. In addition, it amends the category dealing with technicalities of acknowledgment. The present law in this respect relates only to omission of the legal certificate as to the official character of the person taking the acknowledgment. This provision is amended to include also omission of the seal of the notary public before whom the acknowledgment was taken; failure to follow the prescribed form in the certificate of acknowledgment; acknowledgment before persons not properly authorized; and omission of official designation of the person taking the oath.

The bill also provides a safeguard against abuse of such validations. An amendment to the bill as recommended by our committee specifically denies validation to misrepresentations or fraud in the acknowledgment or execution of a deed.

REASONS FOR THE LEGISLATION

Innocent parties to deeds or acknowledgments may offer for recording an instrument which is assumed to be properly acknowledged and executed, but which through inadvertence or misleading information fails to meet the prescribed technicalities for recordation. Defects may not be discovered for 10, 15, or 20 years, and when title is then challenged, it is costly, time consuming, and, in some cases, impossible to validate the instrument, as in the event of the death of one of the parties.

Although our committee believes that the Office of the Recorder of Deeds is careful in examination of documents offered for recordation, and regardless of the attention to detail given by persons preparing deeds, technical defects are occasionally overlooked and not found until someone is making a title search years later. Such defects may be minute—a misspelled or omitted word, or an illegible signature.

It is in the public interest that such defects not remain as a cloud on title to real property and that they be cured by appropriate legislation, such as the reported bill which follows the practice in many of the States.

HEARING

A public hearing on this proposed legislation was conducted on October 15, 1969. Testimony in favor of the bill was presented by representatives of the District of Columbia government and of a local title association. The District of Columba government proposed two amendments which are recommended by your committee. No opposition was expressed to the passage of the bill. Our committee is advised that both neighboring States, Maryland and Virginia, periodically and as often as every 2 years, enact similar curative legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks in explanation of the bill just passed and the other bills considered today from the Committee on the District of Columbia.

The **SPEAKER.** Is there objection to the request of the gentleman from Florida?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 13950, FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 584 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 584

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13950) to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes, and all points of order against section 401(c)(1) of said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 13950, it shall be in order in the House to take from the Speaker's table the bill S. 2917 and to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof of the provisions contained in H.R. 13950 as passed by the House.

The SPEAKER. The gentleman from Texas (Mr. Young) is recognized for 1 hour.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Tennessee (Mr. Quillen), pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 584 provides an open rule with 3 hours of general debate for consideration of H.R. 13950, the Federal Coal Mine Health and Safety Act of 1969. After passage of the House bill, it shall be in order to take S. 2917 from the Speaker's table, move to strike all after the enacting clause of the Senate bill and amend it with two House-passed language.

All points of order are waived against section 401(c)(1) of the bill because that particular section contains an appropriation.

The purpose of H.R. 13950 is to protect the health and safety of coal miners and to combat the steady toll of life, limb, and lung.

The bill establishes procedures for the promulgation of mandatory health and safety standards by the Secretary of the Interior, who is responsible for developing and revising only mandatory safety standards. The Secretary of Health, Education and Welfare is responsible for developing and revising mandatory health standards.

Health and safety requirements are set forth in detail in titles II and III of the bill.

The bill authorizes and requires that an underground mine be inspected at least four times a year, with no advance notice being given.

Procedural mechanisms are established for finding dangerous conditions or violations and for the issuance of notices and orders with respect to them. Application for review of an order may be made within 30 days of its receipt.

A Board of Review is established whose functions are: Review of violations of mandatory health and safety standards; review of penalties; review of proposed mandatory health and safety standards; establish research objectives; conduct special study into possible Federal-State cooperative arrangement.

The Board shall be subject to judicial review by the U.S. Circuit Court of Appeals.

An operator found in violation of a health or safety standard, or any provision of the act, shall be assessed a civil penalty of not more than $10,000 for each violation. Anyone convicted of violating any order shall be subject to a penalty of not more than $10,000 or 6 months, or both. The penalty for a repeat conviction is not more than $20,000 or 1 year, or both. Anyone convicted of making a false statement or representation relative to the act shall be subject to a penalty of not more than $10,000 or 6 months, or both. These provisions apply to directors, officers, or agents of corporate operators, as well as operators.

Pay guarantees are provided to miners idled by a closure order and to miners disabled from pneumoconiosis or their widows.

Title II of the bill sets out interim mandatory health standards with regard to dust and provides for medical examinations for the miners.

Title III of the bill sets out interim mandatory safety standards for underground mines and covers roof support, ventilation, electrical equipment, fire protection, maps, blasting and explosives, hoisting and mantrips, emergency shelters, communication, and miscellaneous requirements.

The bill would impose on the owner of every coal mine a royalty of 2 cents on each ton of coal produced for use or sale, to be used to finance the medical examinations for miners and for the research activities provided in the bill.

The bill would authorize an appropriation equal to 2 cents for each ton of coal produced for use or sale during the preceding fiscal year. In addition, there is authorized to the Board an amount equal to any amount granted by any State to the Board except the appropriation based on the State's grant may not exceed more than 1 cent per ton of coal produced for use or sale in such State during the preceding year.

Mr. Speaker, I urge the adoption of House Resolution 584 in order that H.R. 13950 may be considered.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. YOUNG. I am glad to yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, again we have all points of order waived against a specified section in a bill. I was listening but I apologize if I did not understand the gentleman from the Committee on Rules explanation for waiving points of order. Would the gentleman repeat that for Members now on the floor?

Mr. YOUNG. I will be glad to, Mr. Speaker. All points of order are waived against section 401(c)(1) of the bill because that particular section contains an appropriation, which makes this necessary.

Mr. HALL. In other words, that would be an appropriation on a legislative bill?

Mr. YOUNG. That is correct, Mr. Speaker.

Mr. HALL. I thank the gentleman.

The SPEAKER. The gentleman from Tennessee (Mr. Quillen) is recognized.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Texas (Mr. Young) has ably stated, House Resolution 584 makes in order for consideration H.R. 13950 under an open rule with 3 hours of general debate. Additionally, a waiver of all points of order was granted by the committee upon request of the Education and Labor Committee. This specific waiver covers the language of section 401(c)(1) of the bill on pages 108 and 109. This waiver was granted because this paragraph contains appropriating language in violation of the rules of the House.

The purpose of the bill is to improve the operations of the coal mines in the United States from two standpoints: the safety of operations and the health of those employed in the mines.

The bill authorizes the Secretary of the Interior to promulgate mandatory health and safety standards. He is responsible for developing only the mandatory safety standards. The Secretary of Health, Education, and Welfare is responsible for developing the health standards which shall be submitted to the Secretary of the Interior for promulgation.

The bill further authorizes the Secretary of the Interior, through his investigators, to inspect each underground coal mine at least four times a year without advance notice to the operator and to take whatever action he deems necessary consistent with section 104 of this bill to insure compliance with the mandatory health and safety standards.

Section 104 establishes procedural mechanisms for the finding of dangerous conditions or violations of the mandatory health and safety standards applicable to all underground coal mines, and the issuance by the Secretary of notices and orders with respect to such violations. In this area the Secretary will act through the Bureau of Mines, an agency within the Department of the Interior.

Upon the finding of a condition of imminent danger, the investigator shall immediately issue an order requiring the mine operator to withdraw all personnel until the danger is abated. Upon the finding of a violation of mandatory health or safety standard by the investigator, he shall immediately issue a notice fixing a reasonable time for the removal of the condition which gives rise to the violation. If such violation is not abated within the time period fixed, the investigator shall issue an order requiring the withdrawal of all persons until the violation has been abated. If the investigator finds a failure of an operator to comply with a mandatory health or safety standard, he shall issue a notice of the finding of the violation. Within 90 days the investigator shall reinspect the mine and if the violation is found to continue, he shall issue an order requiring the operator to withdraw all personnel until the violation has been abated.

Finally, section 104 provides for the finding of a violation of a health standard by atmospheric samples used to determine the amount of coal dust in the mine. Upon such a finding, the investigator shall fix a reasonable time within which to take corrective action. If, at the expiration of such time limit, the violation has not been abated, the investigator shall issue a withdrawal order of all personnel until the violation has been abated.

With respect to all orders mentioned previously, any operator or miner affected by such order may apply to the Secretary of the Interior for a review of such order within 30 days of its receipt. The Secretary shall make an investigation and provide an opportunity for a hearing; he is empowered to affirm, vacate, modify, or terminate orders.

The bill establishes the Federal Coal Mine Health and Safety Board of Review. Current members of the existing Federal Coal Mine Safety Board are retained until the expiration of their terms. New and additional members shall be appointed by the President with the advice and consent of the Senate. There will be five permanent members; one representing small mine operators, one representing large mine operators, one representing workers in small mines, one representing workers in large mines, and a chairman representing the general public. The Chairman shall have had no interest or association with the coal industry for the previous five years. When The Board if reviewing proposals for health and safety standards or carrying out its responsibilities under section 401—research programs—three additional members are added; one with a background in public health and two having backgrounds in coal mining technology.

Any operator served with an order section 104 may appeal directly to the Board for a review or, if he has appealed to the Secretary, he may ask the Board to review the decision of the Secretary. Applications for review must be made within 30 days of the receipt of the order by the investigator or the decision of the Secretary. Any decision issued by the Board is subject to judicial review by the U.S. Circuit Court of Appeals for the circuit in which the affected coal mine is located. The decision of the court is subject to the review by the Supreme Court.

The bill sets forth a series of penalties for a mine operator found in violation of a mandatory health and safety standard. He may be assessed a civil penalty of not more than $10,000 for each violation. Whoever knowingly violates or refuses to comply with an imminent danger withdrawal order issued by an inspector or with any other final decision shall be fined not more than $10,000 or imprisoned for 6 months, or both. The penalty for a repeat conviction is a fine of not more than $20,000 or imprisonment for not more than 1 year, or both. Anyone knowingly making any false statements or representations shall be fined not more than $10,000 or imprisoned for not more than 6 months, or both.

The bill requires each coal mine operator to take accurate samples of the amount of respirable dust in the mine atmosphere to which miners are exposed and to transmit such samples to the Secretary. The bill establishes standards covering the amount of dust permissible in the mine. Effective upon enactment each mine operator shall maintain an average concentration of respirable dust in the mine atmosphere at or below 4.5 milligrams per cubic meter of air. Effective 6 months after enactment the limit on the level of dust is reduced to 3 milligrams per cubic meter of air. The Secretary of Health, Education, and Welfare is authorized to further reduce the limit if he determines such reduction to be technologically feasible. The Secretary of the Interior may grant an extension of no more than 90 days with respect to the 4.5 milligram limit and no more than 6 months with respect to the 3 milligram limit. The committee believes these standards to be realistic although they are substantially below the limits which prevail in the British mines which the committee visited earlier this year.

The bill provides that each miner shall have an opportunity to have taken at least once every 5 years a chest roentgenogram to be paid for by the Federal Coal Mine Health and Safety Board. Any miner, who, in the judgment of the Secretary of Health, Education, and Welfare, has substantial evidence of the development of pneumoconiosis shall, at the option of the miner, be assigned by the coal mine operator in a relatively dust free area, and shall receive his regular rate of pay.

The measure provides for the setting of both interim and permanent mandatory health and safety standards in a number of categories. In addition to the dust level, they include such areas as roof support, ventilation, use of electrical equipment, fire protection, use of explosives and escape ways.

A system of payments to miners totally disabled from complicated pneumoconiosis is provided as well as to widows of miners who suffered from the disease at the time of their deaths. Payments are based upon a minimum monthly payment to a Federal employee in grade GS–2, at present this is approximately $136 per month.

The bill also requires the Board to establish objectives for the conduct of appropriate studies, research, experiments and demonstrations in the area of coal mine health to be carried out by the Secretary of Health, Education, and Welfare. Funds for such research as well as for the required chest roentgenogram are generated from payments required of the coal mine operators. Each operator is required to contribute an amount equal to 2 cents for each ton of coal he produces. This amount may be reduced by the Board if it determines it has sufficient funds from other sources with which to carry out its activities. Additionally, the Government will contribute an amount equal to 2 cents for each ton of coal and the States may also contribute.

Minority views are filed by the gentleman from Ohio (Mr. ASHBROOK), the gentleman from Iowa (Mr. SCHERLE), the gentleman from Texas (Mr. COLLINS), and the gentleman from Indiana (Mr. LANDGREBE). They oppose the bill because of two provisions: First, imposing on the owner of every coal mine a tax of 2 cents for every ton of coal he produces; and, second, establishing a system of Federal workmen's compensation for a relatively small group of workers. In the first instance they believe the Education and Labor Committee does not have jurisdiction to report a tax bill. As to the second, they do not believe the Federal Government should intrude upon the workmen's compensation programs now successfully operated by the several States.

Supplemental views are filed by the gentleman from Ohio (Mr. AYRES), the gentleman from Minnesota (Mr. QUIE), the gentleman from Illinois (Mr. ERLENBORN), the gentleman from Pennsylvania (Mr. ESHLEMAN), the gentleman from Indiana (Mr. LANDGREBE), and the gentleman from North Carolina (Mr. RUTH). They support the concept of the bill but find a number of weaknesses in it. They intend to propose a number of amendments. They do not believe that HEW should develop the health standards but rather that the Secretary of the Interior through the Bureau of Mines, which has experience in the field, should promulgate mine health standards. Nor do they believe that the bill should provide for the closing of mines for health standard violations when no imminent risk or danger is present. Since lung diseases due to dust in coal mines takes a number of years to develop, it seems wrong to them to permit a mine to be closed when the dust content of the atmosphere is at a high level at a particular time. They also point out that the dust levels set by the bill are substantially higher than those applicable in British mines. I might note that the reason the Education and Labor Committee went to Great Britain this year was to examine this very point and get information on what they considered to be the excellent British system. They also question the imposition of 2 cents on the owners for each ton of coal mined. It applies to all mines, underground as well as strip, taking no account of past health or safety records. They point out that other imminent danger industries are not so discriminated against—nuclear power—and that the bill will, in effect, discourage industries from conducting research and development by requiring the owners to pay for such Government projects.

Finally, they question whether the Government should enter the workmen's compensation field, now the exclusive prerogative of the several States.

Separate views are filed by the gentleman from California (Mr. BELL) and the gentleman from Idaho (Mr. HANSEN).

They support the supplemental views except with respect to the compensation provisions of the bill.

I have no further requests for time, but I reserve the balance of my time.

I urge the adoption of the rule.

Mr. YOUNG. Mr. Speaker, I yield 5 minutes to the gentleman from West Virginia (Mr. HECHLER) for purposes of debate.

Mr. HECHLER of West Virginia. Mr. Speaker, with the adoption of this rule we shall have an opportunity to vote the first comprehensive revision of the coal mine safety law since 1952. For the first time in history we have before Congress legislation relating to health.

I would like to commend the chairman of the full Committee on Education and Labor, the gentleman from Kentucky (Mr. PERKINS), and the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. DENT), for the leadership which they have exerted in coal mine health and safety legislation, and particularly for bringing this bill to the floor in the light of the many pressures which have come from outside.

Every Member of Congress received a scare letter from the National Coal Association, dated October 21, the complete text of which follows:

NATIONAL COAL ASSOCIATION,
Washington, D.C., October 21, 1969.

Re Federal coal mine health and safety legislation.

DEAR MR. CONGRESSMAN: The coal industry supports strong, workable legislation to protect the health and safety of coal miners. But the public health and safety is also important, and if Congress enacts a bill which closes many coal mines it will jeopardize the public welfare by bringing on a nationwide power and steel shortage. This is one of the hidden issues before you this week as you consider HR 13950.

The bill imposes increasingly rigid limits on the average dust content of mine atmosphere, and a critically short timetable for mines to attain these levels or be closed. Some mines may be able to reach these standards, but for hundreds—perhaps thousands—of others the technology simply will not be available.

Though the industry is operating at capacity, the nation faces a serious coal shortage—and coal generates more than half of the nation's electricity. Utility stockpiles are shrinking. Press reports say the Tennessee Valley Authority is beginning this week to truck coal supplies from one plant to another. Some TVA plants, we understand, are down to about one week's supply. If Congress forces the closing of coal mines, a serious shortage can become critical and the nation will face power blackouts.

This need not happen. There need not be *an either/or choice* between miners' health and adequate coal supply. The Congress should make clear that the Government need not close a mine in which the operator is doing his utmost to meet the dust standards but is unable to do so for lack of technology. The bill already requires that miners wear respirators or other equipment to protect their health when dust exceeds the standard. Giving the Government discretion to keep a mine open would be a reasonable provision, since the operator would be compelled to meet the dust standard when technology is available, since respirators and other equipment are now available to protect the health of the wearer, and since the health effects of coal dust are the cumulative result of years of exposure, not short-term highs.

Because mine operations vary from day to day, the dust reading should be averaged over several shifts. The multi-shift average is used by both Britain and Germany which have had dust standards for many years.

Britain has made remarkable progress in reducing the incidence of pneumoconiosis, but it has never closed a coal mine for excessive dust and its dust standard is an average of 5.7 milligrams per cubic meter—almost twice the standard which H.R. 13950 would impose one year after enactment. The British recognize that a higher dust level is not an imminent danger requiring quick action, simply an unsatisfactory condition to be corrected in an orderly fashion.

There are other important provisions in H.R. 13950. Its provisions are so far reaching that there must be recognition of the need for administrative and judicial appeal for all interested parties.

It also requires non-gassy mines to install permissible electrical equipment, which will be a great burden on many operators. If this provision is retained, the Congress should at least provide adequate time for obtaining the equipment; closing mines because of a bottleneck at a machinery factory would—again—intensify the critical shortage of coal.

The coal industry has been accused of crying "Wolf" about the threat of closed mines. We dont think we have been guilty of this in the past—but the point of the old story is that nobody believed the boy when the wolf finally showed up. Gentlemen, the wolf is here. The coal industry will not close its mines—it sincerely hopes that Congress will *not* do so!

Sincerely,

STEPHEN F. DUNN,
President.

Mr. Speaker, I would just like to point out that prior to the 1941 Federal law, Bureau of Mines inspectors had no power to enter any mine without the express permission of the owner. After years of going up to mines, hat in hand, asking if they could not please go in and inspect safety conditions, inspectors were finally authorized, in 1941, by that law to enter and inspect all coal mines. And yet this very simple provision was bitterly fought by the coal operators, who made all kinds of predictions of gloom and doom and disaster if this simple authority were granted.

Listen to the statement that was made before a Senate committee in June of 1939, 30 years ago, by the executive secretary of the National Coal Association. He said, in 1939:

> I predict now that whatever bureau should inherit this job as now prescribed in the bill, should it become law, will multiply itself by a hundred within a few years. Another bureau, another thousand jobs, more red tape, more reports, a higher cost of doing business, less tonnage produced, less work for all concerned in the mines and more relief funds, more unemployment. That is where this measure leads . . . The coal industry needs help from the Government rather than a law to further increase cost. . . Any increase in coal-mining costs will further reduce production and injure labor along with the coal-mine owners.

I would like to point out, Mr. Speaker, that the coal industry has never been as profitable as it is today. The prospects of the coal industry have never been as bright. The predictions of the National Coal Association are that production will increase 12.8 percent by 1973. Many new mines are opening up. There is no danger of the gloom and doom that is predicted every time a bill like this comes up.

I include articles from Barron's and the Magazine of Wall Street, and also a special report of the National Coal Association which dramatically illustrate the prosperity and bright future prospects in the coal industry:

[From Barron's, July 8, 1968]

FUEL OF THE FUTURE: LONG-RANGE PROSPECTS FOR COAL HAVE NEVER LOOKED BRIGHTER

(By Joseph V. Sherman)

Less than a decade ago, it was widely predicted that mounting competition from oil and natural gas had doomed the coal industry. But its demise, like the celebrated report of Mark Twain's death, has been highly exaggerated. In fact, oil companies, along with others, are rushing to get into the business via acquisitions and mergers. Within the past two years alone, the nation's three biggest coal producers have been taken over by outsiders: in 1966, Continental Oil Corp. acquired the No. 2 producer, Consolidation Coal Co.; last January, Occidental Petroleum Corp. bought Island Creek Coal Co., which ranks No. 3; and, in March, Kennecott Copper Corp. absorbed the leading producer, Peabody Coal Co.

BIGGER STAKE

A number of other firms are boosting their stake in coal. Proposed acquisitions include Old Ben Coal Corp. by Standard Oil Co. (Ohio); Hawley Fuel Corp. by Belco Petroleum Corp.; and Bear Coal Co. by Atlantic Richfield Co. Others either have acquired coal properties or rights or are developing or planning to develop such interests. Among them are Humble Oil & Refining Co., a wholly owned affiliate of Standard Oil Co. (New Jersey); Kerr-McGee Corp.; Shell Oil Co.; Sun Oil Co.; FMC Corp.; Bethlehem Steel Corp.; Jones & Laughlin Steel Corp.; and Reynolds Metals Co.

A big attraction for newcomers and older hands alike is rising demand from the electric utility industry, the No. 1 outlet for coal. The utilities have been doubling their output of power every 10 years and their fuel consumption almost as fast. Coal's second-largest customer is steel, which also stepped up consumption of the versatile mineral in recent years to make coke for blast furnaces as well as to generate steam and electric power for plant operations. Many other industries, including cement, chemical, food, paper, automobile, textile, ceramics and rubber, eat up large tonnages. Finally, U.S. exports of coal have been picking up, particularly to Japan and other industrialized countries which are short of the mineral.

The overall result is that coal consumption, which had been declining through 1961, has racked up a gain each year since then. U.S. production of 551 million tons in 1967 rose 3.2% above the previous year. Although output of 135 million tons in the first quarter of 1968 slightly lagged the corresponding year-earlier span, both domestic consumption and exports topped the level of March quarter of 1967 and are likely to continue to run ahead for the year as a whole.

SUSTAINED GROWTH

In short, the bituminous coal industry has made "a complete turnaround in recent years," Eastern Gas & Fuel Associates asserts, and "now looks forward to its greatest period of sustained growth in the next 20 years." While coal will face rising competition from the atom, such rivalry is not expected to hobble future growth. Kennecott, which made a careful study of the outlook before it took over Peabody Coal, is confident that "while a major portion of the new electric generating plants may be nuclear-powered, there will be a significant increase in the use of coal in electric power generating as well."

The roster of major producers of coal, with their 1967 output in thousands of tons, encompasses besides Peabody, 60,152, Consolidation, 48,700 and Island Creek, 25,880, Pittston Co., 19,081; Eastern Associated Coal Corp. (subsidiary of Eastern Gas & Fuel Associates), 12,250; Old Ben Coal, 10,521; Pittsburgh & Midway Coal Mining Co. (subsidiary of Gulf Oil Corp.), 8,974; Ayrshire Collieries Corp., 8,726; North American Coal Corp., 8,700; Westmoreland Coal Co., 6,337; Zeigler Coal & Coke Co., 4,063; and Rochester & Pittsburgh Coal Co., 3,873.

Rounding out the list are Elk Horn Coal Corp., Maust Coal & Coke Corp., Cannelton Coal Co. (subsidiary of Algoma Steel Corp. Ltd.), and Freeman Coal Mining Corp. and United Electric Coal Cos. (both subsidiaries of General Dynamics Corp.). Pickands Mather is important, too, and U.S. Steel Corp. mined 19 million tons of coal in 1967, almost all of which was used to make coke for its own use.

MORE STABLE

The importance of the acquisition of Peabody to Kennecott is evident from the fact that Peabody's 1967 revenues totaled $260 million and net income, $28 million. Moreover, Peabody promises to add stability to the rather volatile operations of Kennecott. Last year, for example, labor stoppages pared Kennecott's sales 37%, to $489.3 million, and net by 27%, to $3.35 a share.

The business and assets of Peabody were purchased, subject to a $300 million production payment, by a wholly owned Kennecott subsidiary, Peabody Coal Co. (Delaware) for approximately $285 million in cash, plus the assumption of certain liabilities of about $36.5 million. Peabody hopefully will contribute "substantially" to Kennecott's earnings, particularly after the liquidation of the production payment, which is expected to take about seven years.

Similarly, Island Creek Coal stands to add significantly to Occidental Petroleum. During the past five years, Island Creek doubled its tonnage of coal output and more than tripled operating earnings. In 1967, gross reached an all-time high of $140 million, up 2.4% over 1966. Net before federal income taxes amounted to $8.9 million, 14% ahead of the previous year. Cash flow exceeded $15 million last year, while the company spent $25 million for new equipment and construction of its five new mines.

Consolidation Coal (Consol) "greatly" hiked its coal output and capacity during 1967—its first full year of operation under the aegis of Continental. Consol turned out 48.7 million tons, up 13.2% from 1966. Moreover, Continental reported that profits from its coal operations rose during the first quarter of 1968, thanks to a gain in production and "slightly" higher prices.

A GOOD START

Pittston, which derived 55% of its net from coal in 1967, posted new highs in consolidated revenues and earnings for the fourth year in a row. Revenues of $387 million ran 23% ahead of 1966, while earnings rose to $3.50 a share, from $2.79. Moreover, the company is off to a good start this year: first quarter net advanced to 98 cents a share, from 95 cents (adjusted stock basis) as sales climbed $15 million, to $127.3 million. Over the past decade, Pittston's coal output has doubled, compared with a rise of 34% for the industry.

Eastern Gas & Fuel, which garners slightly more than half of its revenues from coal, also enjoyed higher sales and earnings in 1967, and in the opening three months of this year. Coal chipped in $103 million of last years total volume of $203 million and $7.7 million of the $9 million gain in sales over 1966. Adjusted for the 2-for-1 stock split this year, earnings amounted to $1.76 a share, comfortably above the $1.46 of 1966. Net in January-March advanced to 53 cents a share, from 50 cents a year earlier.

RED AND BLACK

Also scoring year-to-year gains in both sales and profits in 1967 were North American Coal Corp. and Westmoreland Coal Co. Zeigler Coal & Coke Co. reported higher earnings on lower sales. Maust Coal & Coke Corp. remained mired in the red in the fiscal year ended March 31, 1968. Rochester & Pittsburgh Coal Co. also suffered a loss in 1967, but sharply reduced its deficit in the first quarter of 1968: to $39,754, from $318,369.

A highly important development for the industry has been the rapid and widespread acceptance of long-term purchase contracts, both by electric utilities and by domestic and foreign steel concerns. As recently as five years ago, some utilities bought coal on a year-to-year basis from as many as 25 producers. Today, nearly all major power companies buy coal on long-term contracts—some stretching over 30 years—and often from only one or two suppliers.

As a result, the business has gained considerable stability. Long-term contracts have permitted debt financing of part of the cost of the new mines, substantial investment in modern production equipment and the training and organization of a stable work force.

While the aforementioned mergers and consolidations have removed some coal producers from the field of direct investment, their places have been taken by larger, stronger and more diversified firms. There are fewer publicly owned concerns deriving all of their sales from coal today but a greater number with interests in the mineral than ever before.

A basic reason for the long-term bullishness in the industry is that reserves of coal—estimated at 3.2 trillion tons for the U.S.—are greater in energy content that those of any other fuel. They represent four-fifths of the nation's storehouse of fuel in proved reserve and 75% of all the fuel believed likely to be found and recovered. Indeed, the National Coal Association calls coal "the fuel of the future," because "no other energy source now known is abundant enough to meet the future's demands."

GASOLINE FROM COAL

Moreover, research efforts are under way to convert coal into other fossil fuels—oil and gas. At Cresap, W. Va., Consolidation is working on a gasoline-from-coal process under a $20 million contract with the Department of Interior's Office of Coal Research. The plant is designed to process 20 to 25 tons of coal daily to produce 50 to 75 barrels of synthetic crude liquids ready for the refinery. Similar research is being carried on by at least two oil companies with coal interests: Humble Oil & Refinery Co. and Atlantic Richfield. Other research, backed by the natural gas industry, shows "great promise" of converting coal to pipeline-quality gas to supplement dwindling supplies of the latter.

As Kennecott points out, the coal business is becoming part of a much bigger energy industry committed to the most efficient utilization of all fuels—oil, gas and uranium as well as coal. Meanwhile, great strikes in production, transportation and marketing in recent years have created, in effect, a "new" coal industry.

An important factor in the growing use of coal by the electric utilities has been the development of minemouth generating stations. They receive coal by conveyor belt, truck or short barge hauls, convert it into electricity and then transmit it to distant cities over high-voltage lines, some carrying more than half a million volts. Several of these huge mine-mouth plants are located in the Appalachian coal fields and serve the heavily populated areas of the East. Similar plants are being developed to serve the burgeoning populations of the West, particularly Southern California.

A project which is expected to demonstrate the ability of the coal industry and the railroads to improve operating efficiency and lower costs in competition with other fuels is scheduled for completion in late 1971. Consolidation will supply West Virginia coal, under a 25-year contract, to a 1.5 million-kilowatt power plant under construction at Monroe, Mich. Initially, about four million tons annually will be transported by unit trains, each consisting of 130 specially designed cars and a power unit. Each train will carry 13,000 tons and make the 720-mile round trip between West Virginia and Michigan in three days, a significant reduction from previous coal-hauling schedules.

In another project, also slated for 1971, Peabody will begin using a coal slurry pipeline 275 miles long to carry crushed coal from northeastern Arizona to a generating plant to be built near Davis Dam, Nev. Peabody will supply a minimum of 117 million tons of coal over a 35-year period to that plant.

GIANT SHOVELS

Comparable advances have been made in mining coal. In strip mining for example, giant shovels now boast 140-cubic-yard capacity, twice the size of the largest ones available just a few years ago. Peabody Coal uses one piece of stripping equipment that stands as high as a 20-story building.

Although the long-pull outlook for the industry is bright, the expiration on September of the present United Mines Workers contract poses uncertainties over the near term. Producers differ as to the likelihood of a strike. One company expects a walkout before agreement is reached on a new contract and fears that profits will be affected. But another discounts the probability of a strike and believes that any wage boosts would be passed on to customers.

At any rate, strikes aside, the industry has high hopes for the future. Thus, the National Coal Association's Economics Committee estimates that by 1972 total consumption of U.S. bituminous coal will reach 643 million tons, of which the utilities will take 367 million tons. Others predict even greater gains.

Island Creek Coal Co., for instance, cites estimates that coal consumption nationally will rise by roughly 100 million tons at five-year intervals, and will exceed 800 million tons by 1980. Most of this gain will come in the electric utility market, which historically has grown at a rate of 7%–8% a year. This forecast, moreover, does not include any estimate for sales which may be generated by the development of entire new markets for coal, such as the commercial production of gasoline, pipeline gas and other hydrocarbons, although Island Creek believes such developments are "bound to come."

The successful completion of such projects could provide a substantial lift for the coal business. Trade sources point out that if coal captures 10% of the estimated 1980 market for gasoline, 175 million tons of coal would be required annually. To take over the same share of the 1980 natural gas market would require an additional 138 million tons of coal. If these potential new outlets are added to the projected 800 million tons for 1980, the total would run to 1.1 billion tons—twice the 1967 output. Even at that accelerated rate, U.S. coal reserves would last nearly 3,000 years.

[From the Magazine of Wall Street, Feb. 15, 1969]

Coal: Its Future Is Anything But Black

(By Harvey Ardman)

(Note.—Dramatic changes in technology and the economy have caused experts to reappraise the future of the industry. With unprecedented stability, borrowing power and modernization, coal looks very hot.)

The aura of doom that once characterized the coal industry has reversed totally—all because of some technological and economic developments that turned coal into the most modern fuel of all.

Time was, in the early 1960s, that the coal industry, viewed either by investors or by the producers themselves, was thought to be nearing the bottom of the pit.

In those days it seemed a sure bet that coal would sooner or later—and probably sooner—be blasted out of existence by nuclear power or some other, more modern fuel. (That was when the electric utilities, the main users of coal, had—with the help of the government and nuclear power plant makers—finally brought down the cost of atomic energy to a competitive level.)

Even earlier, of course, coal had lost almost all of its residential heating market to natural gas and oil.

Today, however, things have changed dramatically.

In the last five years, coal consumption in this country has risen at a rate of 4.4 per cent a year—after a long, steady decline. And industry officials and independent observers are predicting a long, glorious, growth-filled future for coal.

Not only are investors beginning to believe these predictions, so are officials of other energy-producing industries.

A STATISTICAL TURNABOUT

After World War II, coal production declined through 1961, when it bottomed out at 403 million short tons. Since then, the gains have been steady. In 1967, the last year for which complete figures are available, U.S. producers mined more than 550 million short tons of coal. Preliminary 1968 figures show a similar increase, and the National Coal Association's Economics Committee estimates that by 1972, total consumption of U.S. soft coal will reach 643 million tons. Many authorities predict even more.

Coal sales in this country now amount to more than $2.5 billion yearly, as compared to about $1.09 billion in 1940. More than 90 per cent of these sales are accounted for by soft, or bituminous coal.

During the same period, U.S. coal exports have risen from 16.5 million short tons to 49.3 million short tons, about 9 per cent of this country's total production.

STEEL USAGE

Although soft coal is still used to some extent in industrial heating, mainly it's used in making electricity and in the production of pig iron (one of the steps in the manufacture of steel). In 1940, utilities used about 49 million tons of coal. By 1967, they were using 264 million tons a year. The steel industry's usage during that period has remained relatively steady.

During this time, the average number of miners in soft-coal mines has dropped from 439,000 to 131,000. Simultaneously, output per man has risen from 5.19 tons a day in 1940 to nearly 19 tons a day in 1967.

SOME ECONOMIC FACTORS

Coal's bright future rests on several pillars. The first is the tremendous increase in the consumption of energy—from all sources—in this country. The electric utilities, for example, have been doubling their output of power every 10 years and, correspondingly, their consumption of fuel.

In the last 20 years of industrial expansion, many other industries have stepped up their demands for energy. This continuing increase in demand has caused experts to look at fuel reserves to see how future increases will be supplied. What they found is part of the reason the coal industry is so optimistic.

U.S. coal reserves, estimated at 3.2 trillion tons, are greater in energy content than those of any other fuel (including uranium). Further, they account for 80 per cent of America's proven energy reserves and at least 75 per cent of all the remaining fuel expected to be found and recovered in North America.

This means that at the current rate of consumption, the U.S. has enough coal to last for 1,500 years, enough natural gas for 16 years, enough untapped crude oil and easily recovered uranium for 11 years each.

Meanwhile, despite the attractions of nuclear power, the major users of coal were finding ways to increase efficiency of its use. For example, electric utilities now consume about .87 lbs. of coal per kilowatt hour of electricity—a 6 per cent decrease in 10 years. And, in 1967, the steel industry used an average of 1,262 lbs. of coal to make a ton of pig iron, a 25 per cent reduction since 1957.

The reserves and the increased efficiency lead to the most important economic advance in the history of the U.S. coal industry—the long-term contract. Just five years ago, electric utilities usually bought coal on a year-to-year basis and from a score of producers. Since then, the coal industry has convinced both the utilities and the major steel makers to sign contracts as much as 30 years in duration.

This has given the coal industry an unprecedented stability—plus the borrowing power, for the first time, to modernize mining operations and to develop a program of technological advance to assure the future of the industry. (It has also proved a bonanza for manufacturers of mining equipment, who have record backlogs.)

TECHNOLOGICAL ADVANCES

The industry has made many important technological advances, both to improve its profit possibilities and to keep competitive. It has automated and mechanized a large number of mining operations, increasing the productivity of the individual miner—which allows the industry to slash its work force while producing more coal. Much of this is recent; for example, in strip mining, giant shovels that can scoop out 140 cubic yards in one load are now available—twice the size of the biggest ones in use only a few years ago.

The industry has reduced its largest single nonmining expense: transportation. So-called *unit* trains, that do nothing but shuttle back-and-forth from mine mouth to user (usually a utility), may be replaced because some larger coal producers are experimenting with the *integral* train. This contains specially designed, permanently coupled cars that can carry as much as five times the ordinary load, that can be loaded and unloaded quickly and that have exceptionally powerful engines, to keep trip time to a minimum.

In addition, Peabody has revived the slurry pipeline concept. They're building a 275-mile pipeline to run from the coal fields in Arizona to a utility in Nevada.

Equally important, utilities now can be built near coal mines, and the power, rather than coal, can be transported.

COAL CONVERSION

Converting coal to oil is not a new idea: The Germans built the first such commercial plant in the late 1920s; and during World War II, cut off from natural crude, the Luftwaffe flew on synthetic gasoline. South Africa is still making oil from coal. But these processes had one tremendous drawback: oil so produced cost two to three times as much as natural oil drawn from the ground.

Still, considering the relative supplies of coal and oil in this country, it is worth working on the conversion process.

Probably the major impetus for coal-to-oil conversion experiments came from the Department of the Interior's Office of Coal Research (OCR), founded in 1961. Today, a number of companies are working vigorously on this problem:

At Cresap, W. Va., Consolidation Coal is working under a $20 million OCR contract; the plant has been designed to turn 20–25 tons of coal a day into 50–75 barrels of crude oil.

Hydrocarbon Research, now a subsidiary of Dynalectron Corp. of Washington, D.C., has been operating a three-ton-a-day plant for several years.

Humble Oil, a subsidiary of Standard of New Jersey, has invested some $20 million in coal research and coal reserves, backing up its stated belief that "coal can and will play a significant role in meeting the nation's future energy needs, both as a source of raw material for synthesis operations and as a direct fuel."

Esso Research and Engineering, another Standard Jersey affiliate, has formed a synthetic fuels research department. Its goal: to develop, within 10 years, a commercial conversion technique.

The FMC Corp. is building a 25-ton-a-day pilot plant for its Project COED (Char-Oil-Energy-Development).

Several of these processes are reaching the 11.5-cent-per-gallon figure needed for coal-oil to be competitive with natural oil.

OCR figures that the first major coal-to-oil plants will turn out 100,000 barrels of oil per day, or 33 million per year, from a total of 11.5 million tons of coal. Today, about 10 million barrels of oil are refined in the U.S. daily; therefore, one of these coal-to-oil conversion plants will account for 1 per cent of the nation's refining capacity.

CHEMICALLY SPEAKING

The concept is not scientifically complex. Coal is high in carbon molecules and low in hydrogen molecules; crude oil is just the opposite. Therefore, to create oil, just add hydrogen to coal at high temperatures and pressures. So hydrogen gas is pushed into coal at about 3,000 lbs. per square inch, at 800° F. in one promising process. The resulting liquified coal is distilled, where less volatile products are separated; these fractions can be further refined into gasoline, jet fuel, fuel oil, furnace oil and diesel oil.

In some conversion processes, it is possible to get natural gas as a by product; another very useful side effect is that sulfur is usually removed from the coal. Sulfur is the main cause of the pollution resulting from coal being burned: This year, about 27 million tons of sulfur dioxide will pollute the air, half of it as a direct result of burning coal.

For this reason, the industry is developing two processes to remove sulfur. The first—and seemingly most practical—is to remove the noxious chemicals in the smokestack, after the coal has been burned. Progress has been made—so much so in fact, that the removed sulfur can be sold at a net profit.

At the same time, OCR is spending $1.5 million a year to explore removing sulfur from unburned coal. Such coal would have a higher heating value, be pulverized and produce less ash. However, most existing methods are still too expensive, regardless of benefits.

Perhaps the last obstacle to successful commercial coal conversion is the cost of the equipment and the plants. Most authorities feel that only the largest firms will be able to handle the capital costs.

THE MERGER GAME

Fortunately, through a remarkable series of mergers, the coal industry has been positioning itself to be able to handle such costs. As of last year, these are the major American coal producers: 1. Peabody—60 million tons; 2. Consolidation—48.7 million; 3. Island Creek—25.8 million; 4. Pittston—19.6 million; 5. Eastern Associated Coal—12.2 million; 6. Old Ben Coal—10.5 million; 7. Pittsburgh & Midway—8.9 million; 8. Ayrshire Collieries—8.7 million; 9. North American Coal, 8.7 million; 10. Westmoreland Coal—6.3 million; 11. Ziegler Coal and Coke—4 million; 12. Rochester & Pittsburgh Coal—3.8 million.

Other important mining outfits include Elk Horn Coal, Maust Coal and Coke, Channelton Coal, Freeman Coal Mining, United Electric Coal—and U.S. Steel, which mines about 19 million tons of coal a year, for its own use.

A surprisingly large number of these companies have been involved in mergers. In 1966, Continental Oil bought Consolidation Coal. In January 1968, Occidental Petroleum bought Island Creek. In March 1968, Kennecott Copper bought Peabody Coal.

Eastern Associated Coal is owned by Eastern Gas and Fuel Associates. Pittsburgh & Midway is a subsidiary of Gulf Oil. Channelton is owned by Algoma Steel Corp. Ltd. General Dynamics owns both Freeman Coal and United Electric Coal. Standard of Ohio recently purchased Old Ben Coal. Atlantic Richfield took a one-year option to buy Bear Coal. Shell Oil has won exploratory rights to Crow Indian lands in Montana.

In addition, Humble Oil has purchased most of the coal lands in Southern Illinois, Air Reduction is buying Maust Coal, Kerr-McGee has been developing fairly extensive coal lands in Oklahoma, and Sun Oil, FMC, Bethlehem Steel, Jones & Laughlin Steel and Reynolds Metals are all reportedly interested in either coal companies or coal fields.

Of the some 6,800 coal mining companies in the U.S. today, four companies alone accounted for 26 per cent of this country's total coal output: Kennecott Copper (Peabody), 10.4 per cent; Continental Oil, 8.8 per cent; Pittston, 3.6 per cent and U.S. Steel, 3.4 per cent.

While these mergers and consolidations have removed some coal producers from the field of direct investment, they have been replaced by larger, stronger and more diversified firms.

THE OUTLOOK

"Coal may not look like a glamor industry," says Continental Oil President Andrew W. Tarkington, "but it has a growth potential that few other industries its age can match."

According to Eastern Gas and Fuel Associates, coal has made "a complete turnaround in recent years and now looks forward to its greatest period of sustained growth in the next 20 years."

Kennecott Copper, which made a careful study of the industry before acquiring Peabody, says that "while a major portion of new electric generating plants may be nuclear-powered, there will be a significant increase in the use of coal in electric power generating as well."

Island Creek Coal, now owned by Occidental Petroleum, estimates that coal consumption nationally will rise by roughly 100 million tons at five-year intervals, and will exceed 800 million tons by 1980. Most of this gain will come in the electric utility market, the firm says.

If coal conversion is commercially successful, it could easily capture 10 per cent of the 1980 gasoline market. If it does, an additional 175 million tons of coal would be required annually. If the same thing happens with natural gas, another 138 million tons of coal will be needed. All of this new production would be added to production now growing through conventional markets.

When all factors are taken into account, the coal industry will probably write itself a notable success story. For this reason, it is well worth close investigation by investors interested either in long- or short-term gains.

A 12.8 Percent Hike in Coal Use Seen by 1973

Washington.—Annual consumption of U.S. bituminous coal during the next five years will climb from 571 million tons to 644 millon tons—an increase of 12.8 per cent, the National Coal Association has forecast.

Coal consumption in 1968 was estimated at 552 million tons.

The five-year 1969–1973 forecast was released by Lester E. Langan, chairman of National Coal Association's 12-member Economics Committee, who said use of coal in 1969 was forecast at 571 million tons, up 18 million tons, or 3.4 per cent, over 1968. Bituminous coal consumption by 1973 will reach 644 million tons, a 73-million ton increase from 1969, he said.

The forecast showed substantial increases in most major coal markets. Total consumption was predicted at 594 million tons in 1970, 614 million tons in 1971, 630 million tons in 1972 and 644 million tons in 1973.

The greatest percentage increase in coal use during the five-year period was forecast for electric utilities which already burn more than half of all coal mined, NCA said. The utilities' use of coal will jump from 312 million tons in 1969 to 375 million tons by 1973—an increase of 20.2 per cent.

Use of coal to make coke—principally for the steel industry—is to increase from 93 million tons in 1969 to 97 million tons in 1973—an increase of 4.2 per cent. Other industries will use 99 million tons this year, and 102 million tons in 1973—a rise of 3 per cent.

Sale of coal in the retail market—mostly to heat homes and buildings—is expected to decline from 15 million tons this year to 13 million tons by 1973.

Coal exports, in which the U.S. leads the world, this year will remain constant with 1968 figures—17 million tons to Canada and 35 million overseas, NCA said. However, by 1973 these markets are forecast to climb to 20 million tons to Canada and 37 million tons overseas.

NCA does not forecast production of U.S. bituminous coal, however, under normal conditions production trends follow closely those of consumption.

The forecast did not allow for new markets from converting coal into gas and oil. Langan said the committee believes these processes now in pilot plant stage, will "involve substantial tonnages in the not too distant future."

The consumption forecast is based on economic trends and statistical data and a tolerance of 1 or 2 per cent should be allowed, Langan said.

ESTIMATED CONSUMPTION OF BITUMINOUS COAL, 1969–73

[Millions of net tons]

	1969	1970	1971	1972	1973	Percent increase 1973–1969
Electric utilities	312	332	349	364	375	20.2
Coking coal	93	94	95	96	97	4.3
General industry	99	100	101	101	102	3.0
Retail deliveries	15	15	14	13	13	(13.3)
Domestic consumption	519	541	559	574	587	13.1
Canada	17	17	18	19	20	17.6
Overseas	35	36	36	37	37	5.7
Total consumption	571	594	613	630	644	12.8

Therefore, I would hope that when this bill is debated and after this rule is passed, we concentrate not on the production and profits and how much this may cost, but rather on what it has cost in human life to the coal miners of this Nation and what we need to do in order to protect the lives of the coal miners. Let us begin with the premise that we must do everything necessary to protect the health and safety of the coal miner. No coal operator has any vested right to continue to kill, maim, gas and crush human beings.

Again I would like to add my commendation to all the members of the Committee on Education and Labor, to the chairman of the full committee, the gentleman from Kentucky (Mr. Perkins), and to the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. Dent), as well as the members on the minority side, all of whom have worked so hard to bring this bill out.

Mr. YOUNG. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 2864, AMENDING AND EXTENDING LAWS RELATING TO HOUSING AND URBAN DEVELOPMENT

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2864) to amend and extend laws relating to Housing and Urban Development, and for other purposes, with a House amendment thereto, insist on the House amendment and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. Patman and Barrett, Mrs. Sullivan, Messrs. Ashley and Widnall, Mrs. Dwyer, and Mr. Brown of Michigan.

PROVIDING FOR CONTINUATION OF AUTHORITY FOR REGULATION OF EXPORTS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4293) to provide for continuation of authority for regulation of exports, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Mr. Patman, Mrs. Sullivan, Messrs. Reuss, Ashley, Widnall, Mize, and Brown of Michigan.

CALL OF THE HOUSE

Mr. GRAY. Mr. Speaker, the Coal Mine Safety Act is a very important piece of legislation. Therefore, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. STEED. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 245]

Abbitt
Adams
Anderson, Calif.
Anderson, Tenn.
Andrews, N. Dak.
Arends
Ashbrook
Ashley
Aspinall
Baring
Barrett
Bell, Calif.
Bevill
Biaggi
Bingham
Boland
Bolling
Brasco
Burton, Utah
Bush
Byrne, Pa.
Byrnes, Wis.
Cahill
Carey
Cederberg
Celler
Chamberlain
Chisholm
Clancy
Clark
Clay
Colmer
Conte
Corbett
Culver
Cunningham
Daddario
Daniel, Va.
Davis, Ga.
Davis, Wis.
Dawson
Denney
Dickinson
Diggs
Downing
Edwards, La.
Fallon
Fascell
Findley
Fish
Ford, Gerald R.
Ford, William D.
Fulton, Tenn.
Gettys
Green, Oreg.
Haley
Halpern
Hanna
Hansen, Wash.
Harrington
Harvey
Hébert
Hogan
Horton
Hosmer
Howard
Hull
Jarman
Jones, N.C.
King
Kirwan
Kleppe
Kluczynski
Kyros
Leggett
Lipscomb
Long, La.
Lowenstein
McCarthy
McClory
McCulloch
McDonald, Mich.
McKneally
MacGregor
Madden
Mann
Michel
Mink
Monagan
Moorhead
Morton
Moss
Murphy, N.Y.
Nix
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Pepper
Pettis
Pirnie
Powell
Price, Tex.
Reid, N.Y.
Reifel
Robison
Rooney, Pa.
Roudebush
St Germain
Sandman
Satterfield
Scheuer
Smith, Calif.
Smith, Iowa
Stephens
Symington
Teague, Calif.
Thompson, N.J.
Tunney
Udall
Ullman
Watkins
Watson
Whalley
Wiggins
Wilson, Charles H.
Wydler
Yatron
Zablocki

The SPEAKER. On this rollcall 302 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13950) to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13950, with Mr. Steed in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Kentucky (Mr. Perkins) will be recognized for 1½ hours, and the gentleman from Illinois (Mr. Erlenborn) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, H.R. 13950, a bill to provide for the protection of the health and safety of persons working in the coal mining industry in this country, to my way of thinking, is one of the most important health safety measures ever brought before this Congress, if not the most important.

I certainly would be derelict in my responsibility if I did not pay tribute to the distinguished gentleman from Pennsylvania (Mr. Dent) and his entire subcommittee. Never in my time have I seen a committee work so untiringly and diligently and persevere on subject matter day in and day out as did John Dent and his General Labor Subcommittee.

Mr. Chairman, in taking up H.R. 13950—the Federal Coal Mine Health and Safety Act of 1969—we are considering major legislation which deals comprehensively with the health and safety problems of the Nation's most dangerous occupation.

As we proceed with our deliberations today, the safety and health of the men who work in the mines must at all times remain our prime consideration.

I envision ever expanding job opportunities for miners in the eastern Kentucky congressional district it is my privilege to represent. I have growing concern, however, that the people of this area and particularly the young people may not look upon work in the coal mines as an attractive opportunity because of the risks involved.

The work of the miner should be a highly rewarding lifetime occupation, one in which the worker in addition to a good income could take pride in making an important and substantial contribution to the growth and development of this Nation. The production of energy is basic to our wealth and economic growth and coal, a major source of that energy, must continue to play a significant role in the increasing productivity of this Nation. If the miner were not constantly faced with danger from roof falls, explosions, fires, and all manner of accidents, if each day in the mine did not increase the likelihood that his life would be choked off by the dreaded "black lung" disease, if, in short, his work could be made tolerably safe, more miners would stay with mining, and more importantly, miners and their wives will stop discouraging their sons from working in the mines.

Mr. Chairman, I believe that the legislation we consider today will make mining a safer and a healthier occupation. It will make mining more attractive particularly to the young people. It will increase the likelihood that experienced miners will remain in the industry. It will increase the likelihood that young people will enter it. If, on the other hand, we fail in the task we have set for ourselves, if coal mines are permitted to remain unhealthy and unsafe then the average age of miners will continue to rise and eventually there will be no men to work the mines. That would be a tragedy—for the miners, for the operators, and for the Nation.

HISTORY OF MINE SAFETY LAW

Like almost all legislation on this subject, the bill before us was triggered by a coal mine disaster—one in which 78 men lost their lives. Every significant advance in Federal coal mine safety law has required that men die—that they die dramatically and in substantial numbers—before the Congress would undertake to afford them a greater measure of protection.

The majority of coal miners killed on the job, however, do not lose their lives in dramatic disasters. They die by ones and twos in accidents that do not generate national headlines. And more, many more, are killed not on the job but by the job, victims of the insidious "black lung" disease that results from the daily breathing of coal dust.

Since the 78 miners died at Farmington, W. Va., last November—less than a year ago—another 144 have lost their lives in day-to-day, undramatic accidents. No one knows how many more have died, or will die, from black lung.

It took the deaths of more than 3,100 miners between 1900 and 1910 to move Congress to authorize the establishment of a Federal Bureau of Mines. Even then, for three full decades, the Bureau was equipped only with advisory powers. It was denied the most basic authority—to enter and inspect coal mines. When the right of entry finally was provided by law in 1941, it was not accompanied by any authority to establish safety standards, or to require compliance with an inspector's safety recommendations.

Even limited enforcement powers were not given to the Bureau until 1952, and, again, only after a major disaster in which 119 miners died. The law that gave those powers, once amended in 1966, is the law under which the Bureau operates today. When he signed it, former President Truman pointed out its glaring deficiencies. "A sham," he called it.

Those same deficiencies exist today.

The 1952 law was directed only at the prevention of major disasters. The day-to-day accidents, which still cause roughly 90 percent of all coal mine fatalities, were not to be a concern of the Federal Government. Despite a record which showed that the States were not discharging their responsibilities and were unlikely to do so, despite their weak standards and weaker enforcement, the chief responsibility for mine safety was left with the States.

Because of the procedural complexities with which it is burdened relating to inspections, orders, and appeals, the law has proved to be extremely difficult to administer.

In the law's favor it may be said, however, that for the first time the Bureau could require that specific hazardous conditions be corrected, and that men be withdrawn from a mine if there were "imminent danger" of a disaster.

In 1966, the 1952 law was extended to cover small coal mines, which until then had been exempted from its mandatory provisions. The Bureau also received additional enforcement powers for use in instances where there was "unwarrantable failure" of an operator to comply with those provisions.

In spite of almost 60 years of periodic congressional concern, however, and in spite of past legislative efforts, all of us are painfully aware of the poor safety record of the coal mining industry in this country. From 1952 through 1968 nearly 5,000 men were killed and 200,000 injured in underground coal mines.

For much too long the cliche "coal mining is a dangerous business" has served as an excuse for inaction on the part of the industry and the States. It must no longer serve as an excuse for inaction on the part of the Congress. When the fatality rate for one industry is 10 or more times the rate for all industry, improvement must be considered not only desirable but mandatory. And that is the case with underground coal mining.

THE 1969 ACT

The Federal Coal Mine Health and Safety Act of 1969 which we are considering today deals comprehensively with both the health and safety problems of the mines. It corrects the deficiencies of the 1952 act, takes account of past experience and provides for the development and implementation of safeguards against hazards that may develop in the future.

The bill, H.R. 13950, establishes an extensive array of interim mandatory health and safety standards. The standards included in the bill are minimum standards. Necessary changes need not await statutory amendments for the bill permits and encourages administrative changes where experience proves them necessary and desirable. The bill expands coverage of the law to afford protection against all hazards to the miners—not just against those likely to kill five or more at a time.

Adequate enforcement is assured by provision of administrative and judicial processes of both civil and criminal nature. The rights of the operator and the miners are protected.

The bill also requires an expansion of the sadly deficient Bureau of Mines' safety and health research program.

INTERIM SAFETY STANDARDS

The bill would establish a set of interim safety standards, technical and detailed minimum and interim specifications dealing with such things as roof support, ventilation, combustible materials, rock-dusting, electrical equipment, trailing cables, fire protection, maps, explosives, and so forth.

Many of these standards contained in title III of the bill for years have been included in the voluntary Federal mine safety codes for bituminous coal and lignite and anthracite mines. Many of the suggestions of the industry, the union, and State experts on mines and mine safety have been included in this bill. These interim standards should be regarded as the minimums on the basis of which new and improved standards will be promulgated as a changing technology makes improvements in safety desirable or necessary. These interim standards will provide guidelines for planning and operation during the period of transition from the existing law to the time when new standards can be issued under the procedures prescribed in this bill.

Three features of the interim standards will serve as examples to members of the provisions of title III. Like other of the interim standards they are directed toward reducing the frequency of accidents and fatalities from the most common causes.

ROOF CONTROL

The standards require that a roof control plan be submitted by each operator and that each such plan be approved by the Secretary of the Interior. This provision, along with the other requirements for roof support contained in this bill, has been expressly designed to reduce fatalities from roof falls—the No. 1 killer in underground coal mines. The provisions of this bill, strictly enforced, should help greatly in controlling this hazard which each year causes more than half the fatalities in the industry.

The roof control plan which the Secretary will require will be adopted within 5 months after this bill is passed and will show the type of support and spacing that has been approved by the Secretary. To insure that the plans will continue to provide safe roof conditions in the mine they will be reviewed at least every 6 months.

The bill further provides that no person may go beyond the last roof supports since this is the area of the mine in which 70 percent of the roof fall fatalities occur. In order to insure that the miner can work under a safe roof the operator is required to provide an ample supply of the materials needed to make the roof secure. When roof bolts are permitted under the mining plan they must be tested according to that plan and may be recovered only under carefully prescribed rules, that are a part of this bill, in order to be certain that their recovery will not result in extra hazards to miners.

Finally the bill provides that the roof, face, and ribs will be thoroughly inspected before any work or machine is started and they will be inspected frequently thereafter as may be necessary to insure that dangerous conditions are corrected.

VENTILATION

Mine ventilation requirements have been greatly upgraded over the standards in the current law. For example, the minimum air flow required in the last open cross cut has been increased 50 percent, and line brattice must be used unless a specific exemption is granted by an authorized representative of the Secretary of the Interior. Such standards are necessary to reduce dangers from accumulations of explosive methane gas or to guard against adverse health effects from high concentrations of respirable coal dust.

ELECTRICAL EQUIPMENT

New and improved standards have been provided to reflect the growing sophistication of electrical systems in underground coal mining and the higher voltages used on machines that become larger each year. These new standards should help significantly to reduce electrocution accidents, which have been occurring in increasing numbers.

INTERIM HEALTH STANDARDS

The bill takes another major step forward. For the first time in any legislation concerning coal mining in the United States, we have prescribed health standards that will ultimately eliminate the insidious black lung disease.

For years there has been controversy as to whether coal dust was the cause of certain pulmonary disorders found among coal miners. There can no longer be any doubt that it is. Coal dust in the respirable-size range, breathed over many years, causes black lung. The clinical evidence is overwhelming. Furthermore, as productivity continues to rise—as it has so dramatically over the past 20 years—the dust exposure of miners will be even greater, with even more deadly consequences.

There is no cure for this disease. Prevention, by reducing the exposure levels, is the only known protective measure.

The statistical evidence that we have indicates that the likelihood of death from black lung is twice as great as that of being fatally injured in an underground coal mine accident. This bill will establish dust standards that can dramatically reduce the fatality rate from black lung. Dust concentration levels will be reduced to less than half the level now encountered by the average miner working at the face in an underground mine.

The bill would establish a statutory maximum level of coal dust permitted in a mine. That level would be reduced over time.

Title II thus provides that the average concentration of respirable coal dust to which each miner is exposed would be kept at or below 4.5 milligrams per cubic meter of air. Six months after the date of enactment that level is reduced to 3 milligrams per cubic meter of air. The operator will be granted a limited extension where he can prove he is doing his best to comply, but cannot for technical reasons beyond his control.

On the basis of British X-ray evidence, a coal miner exposed to the high concentrations of dust found in coal mines today has almost a 35 percent probability of contracting simple black lung during a 35-year working life. This bill can make it possible to reduce that probability to less than 10 percent.

Further reduction to a much lower probability level will be attainable with the X-ray program provided for in the bill. Such a program will permit the identification of miners who show susceptibility to black lung, so they can be relocated in parts of a mine where dust concentrations are lower.

Although the dust standard incorporated in the bill is designed to give the lowest concentrations possible with today's technology, we realize that even lower concentrations must be achieved if black lung is to be eliminated. We have left to the discretion of the Secretary of Health, Education, and Welfare the times when lower levels of dust concentration shall become mandatory. We have made it clear, however, that these lower levels shall be attained as quickly as possible.

ESTABLISHMENT OF MANDATORY HEALTH AND SAFETY STANDARDS

A major advance contained in this legislation is the authority given the Secretary of the Interior and the Secretary of Health, Education, and Welfare to develop, promulgate, and establish new standards for health and safety as they are needed.

For the first time, safety and health standards will be kept abreast of a constantly changing mining technology. Standards can be changed and updated as necessary to reflect new developments in mine technology, new methods and perhaps new hazards. Just as important, it will now be possible to speed up use of the latest and best in safety and health technology as it becomes available.

The flexibility afforded in the establishment of mandatory health and safety standard by title I of the bill is not accomplished at the expense of either the operator or the miner. An elaborate system of development, consultation, publication, notice, hearings, and review—administrative and judicial—is provided.

No standard promulgated through the process provided in title I may reduce the protection afforded miners by the interim mandatory health and safety standards provided in titles II and III.

ENFORCEMENT OF STANDARDS

Establishment of rigorous standards would be a meaningless gesture unless effective means for enforcing them were provided. The bill, therefore, authorizes both the Secretaries of Interior and Health, Education and Welfare, and their representatives to enter and inspect coal mines. Inspections would, in fact, occur at least four times a year and without notice.

A mine or portions of a mine may be closed down where an imminent danger exists or where violations of health and safety standards exist and persist.

Orders and directives relating to closures or violations are subject to review by the Secretary, the Board, and the courts.

The Secretary is authorized to seek injunctions against any who refuse to comply with the standards.

The bill also provides for fines for failures to adhere to the standards. Both fines and imprisonment may result from knowing violations of orders to withdraw men where an imminent danger exists or knowing refusal to obey other final orders.

ASSISTANCE TO THE OPERATORS

Because of possible economic hardship to mine operators that might result from the law's requirements with respect to the type of equipment that can be used underground and the possible economic dislocations in areas already depressed, the bill provides for loans to mine operators under favorable conditions. A loan would be made at the lower interest rates that are generally available to the Federal Government, and repayment may be scheduled over periods as long as 20 years.

COMPENSATION

Existing State compensation laws are in most instances inadequate to meet the real needs of miners disabled by black lung. Even where compensation payments are made, they are frequently below the minimum subsistence level, or miners disabled by the disease are ineligible on the basis of some technicality. For example, they may have worked in a State other than that in which they reside when the disease catches up to them, or the number of employers they worked for makes it difficult to assign the costs of compensation to those who might be held legally responsible for the disability.

One thing is clear, however. The coal produced by these victims of black lung was sold throughout the United States at prices lower than it could have been if compensation costs had been paid at the time that the disability was incurred. Consequently, compensation for past damage to a coal miner's health can, we believe, logically be considered a national responsibility. The bill provides for payments to miners where the State does not assume responsibility or where the payments are inadequate.

The level of benefits are low but they will be a help. A miner disabled by "black lung" would receive a benefit equal to one-half the amount paid a totally disabled Federal employee at a GS-2 rate—$136 per month. This amount would be offset by other income by way of State workmen's compensation, unemployment compensation, social security disability benefits, and so forth.

This bill provides for another essential complement to law, which is research and development aimed at eliminating hazards from the coal mining environment.

Historically, neither the coal industry nor the Federal Government has spent large sums of health and safety research. In fiscal year 1969 the Bureau of Mines was authorized to spend less than $3 million on all types of health and safety research, including that on metal and nonmetal mining operations. Moreover, much of this effort was devoted to relatively routine testing. At the same time the Department of the Interior was spending over $20 million in developing new uses for coal and on studies aimed at a better definition of the domestic coal resource base.

I would be among the first to agree that $20 million for mining and utilization research is less than is needed to bring the coal industry to the point where it can serve this Nation as it should. But, compared to that $20 million, the pitiful sums spent on research and development in health and safety would have to be considered ludicrous—if the results were not so tragic.

To assure that Federal research and development in this vital area are not starved for funds in the future, the bill that we are proposing provides for the assessment of up to 2 cents per ton on each ton of coal used or sold, and authorizes the appropriation from Federal funds, for each fiscal year, of an additional 2 cents per ton, along with an amount—up to 1 cent per ton—equal to that granted by any State for the support of Federal research and development. Under the bill, the sums appropriated and those paid by the industry will be administered by the Federal Coal Mine Health and Safety Board of Review to support Federal research and development.

The bill is long and complex, largely because of the numerous interim health and safety standards. I would like to emphasize, however, that legislation, no matter how well written and how rigorous, is only one of the means of achieving improved health and safety in this Nation's coal mines. The road to reduced injuries and fatalities is through the cooperation and motivation of both management and labor to work safely. Until there is an awareness that safety must always come first there can be no real and lasting improvement in safety records.

The coal industry must improve its health and safety record if it is to attract the manpower it needs. The industry no longer has a surplus of labor on which to draw. There are shortages of manpower at every level—the miner at the face, the foreman, the superintendent, and the mining engineer. Competition with other industries for manpower will become more keen. A continuation of the industry's poor safety record will not attract the needed workers. Unless there is a change in attitudes, based on a better image and record in the coal industry, this manpower shortage will continue. This as I have indicated, earlier could lead to serious economic consequences for the country. Economics and humanity alike dictate passage of H.R. 13950.

Mr. Chairman, at the appropriate time I shall offer a series of amendments relating to deletion of the Federal Coal Mine Health and Safety Board of Review. For the information of Members, the text of these amendments follows:

Page 5, strike out lines 5 and 6, and insert the following:

"(m) 'Panel' means the Interim Compliance Panel established by this Act."

Page 5, after line 13, insert the following:

"INTERIM COMPLIANCE PANEL

"SEC. 5. (a) There is hereby established the Interim Compliance Panel, which shall be composed of five members as follows:

"(1) Assistant Secretary of Labor for Labor Standards, Department of Labor, or his delegate;

"(2) Director of the Bureau of Standards, Department of Commerce, or his delegate;

"(3) Administrator of Consumer Protection and Environmental Health Service, Department of Health, Education, and Welfare, or his delegate;

"(4) Director of the Bureau of Mines, Department of the Interior, or his delegate;

"(5) Director of the National Science Foundation, or his delegate.

"(b) Members of the Panel shall serve without compensation in addition to that received in their regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of duties vested in the Panel.

"(c) Notwithstanding any other provision of law, the Secretary of Health, Education, and Welfare, Secretary of Commerce, the Secretary of Labor, and the Secretary of the Interior shall, upon request of the Panel, provide the Panel such personnel and other assistance as the Panel determines necessary to enable it to carry out its functions under this Act.

"(d) Three members of the Panel shall constitute a quorum for doing business. All decisions of the Panel shall be by majority vote. The chairman of the Panel shall be selected by the members from among the membership thereof.

"(e) The Panel is authorized to appoint as many hearing examiners as are necessary for proceedings required to be conducted in accordance with the provisions of this Act. The provisions applicable to hearing examiners appointed under section 3105 of title 5 of the United States Code shall be applicable to hearing examiners appointed pursuant to this subsection.

"(f)(1) It shall be the function of the Panel to carry out the duties imposed on it pursuant to sections 202 and 305 of this Act and to provide an opportunity for a hearing, after notice, at the request of an operator of the affected mine or the representative of the miners of such mine. Any operator or representative of miners aggrieved by a final decision of the Panel under this subsection may file a petition for review of such decision under section 106 of this Act. The provisions of this section shall terminate upon completion of the Panel's functions as set forth under sections 202 and 305 of this Act. Any hearing held pursuant to this subsection shall be of record and the Panel shall make findings of fact and shall issue a written decision incorporating its findings therein in accordance with section 554 of title 5 of the United States Code.

"(2) The Panel shall make an annual report, in writing, to the Secretary for transmittal by him to the Congress concerning the achievement of its purposes, and any other relevant information (including any recommendations) which it deems appropriate."

On page 6, line 4, strike "the Board, other".

On page 8, line 3, strike "by the Board".

On page 8, line 7, change the comma to a period and strike out all thereafter through the period of line 9.

On page 8, line 10, strike all through page 9, line 6, and substitute the following:

"(f) Promptly after any such notice is published in the Federal Register by the Secretary under subsection (e) of this section, the Secretary, in the case of mandatory safety standards, or the Secretary of Health, Education, and Welfare, in the case of mandatory health standards, shall issue notice of, and hold a public hearing for the purpose of receiving relevant evidence. Within sixty days after completion of the hearings, the Secretary who held the hearing shall make findings of fact which shall be public. In the case of mandatory safety standards, the Secretary may promulgate such standards with such modifications as he deems appropriate. In the case of mandatory health standards, th Secretary of Health, Education, and Welfare may direct the Secretary to promulgate the mandatory health standards with such modifications as the Secretary of Health, Education, and Welfare deems appropriate and the Secretary shall thereupon promulgate the mandatory health standards. In the event the Secretary or the Secretary of Health, Education, and Welfare determines that a proposed mandatory standard should not be promulgated or should be modified, he shall within a reasonable time publish his reasons for his determination."

Page 19, line 20, insert "(1)" after "(a)".

Page 20, after line 10, insert the following:

"(2) The operator and the representative of the miners shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code."

Beginning with line 15 on page 21, strike out everything down through line 24 on page 27.

And renumber the sections which follow accordingly.

Beginning with line 1 on page 28, strike out everything down through line 19 on page 30.

And renumber the sections which follow accordingly.

Beginning with page 30, line 21, strike all through page 31, line 14, and substitute the following:

"SEC. 108. (a) Any decision issued by the Panel under section 5 or the Secretary under section 105 of this Act shall be subject to judicial review by the United States court of appeals for the circuit in which the affected mine is located, upon the filing in such court within thirty days from the date of such decision of a petition by the operator or a representative of the miners aggrieved by the decision praying that the decision be modified or set asde in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the other party and to the Secretary of the Panel, as appropriate, and thereupon the Secretary or the Panel, as appropriate, shall certify and file in such court the record upon which the decision complained of was issued, as provided in section 2112, title 28, United States Code.

"(b) The Court shall hear such petition on the record made before the Secretary or the Panel, as appropriate. The findings of the Secretary or the Panel, as appropriate, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or modify any such decision or may remand the proceedings to the Secretary or the Panel, as appropriate, for such further action as it may direct."

Page 31, line 18, after "appeal" insert the following: "from a decision of the Secretary or the Panel, as appropriate, except a decision from an order issued under section 104(a) of this title,".

Page 32, line 2, strike out "Board's" and insert "Secretary's or Panel's".

Page 36, line 3, strike out "Board" and insert "Secretary".

Page 44, line 25, strike out "sections 105, 107, and 108 of".

Page 46, in lines 13 and 16, strike out "Secretary" and insert "Panel".

Page 47, in lines 5 and 8, strike out "Secretary" and insert "Panel".

Page 48, in lines 10 and 14, strike out "Board" and insert "Secretary of Health, Education, and Welfare".

Page 49, line 9, strike out ", the Board,".

On page 51, lines 22 and 23, strike "sections 105, 107, and 108 of".

Page 72, line 15, strike out "Secretary" and insert "Panel".

Page 72, lines 16 and 19, strike out "he" and insert "it".

Page 73, lines 8, 11, and 23, strike out "Secretary" and insert "Panel".

Page 73, lines 10 and 13, strike out "he" and insert "it".

Page 73, beginning in line 11, strike out "The Secretary may also" and insert "Also, the Secretary may".

On page 106, line 5, strike all through line 7, and substitute the following:

"SEC. 401. (a) The Secretary and the Secretary of Health, Education, and Welfare, as appropriate, shall conduct such studies, research, experiments, and demonstrations as may be appropriate."

Page 108, strike out lines 2, 3, 4, and 5 and insert the following: "tion (a), the Secretary shall distribute funds available to him under this section as equally as practicable between himself and the Secretary of Health, Education, and Welfare. Activities under this sec- ".

Page 108, beginning in line 13, strike out "Such Secretaries shall consult and cooperate with the Board on specific projects and programs."

Page 108, line 24, strike out "Board" and insert "Secretary".

Page 109, in line 1, strike out "Board" and insert "Secretary", and strike out "it" and insert "him".

Page 109, line 2, after "sufficient" insert "for the Secretary of Health, Education, and Welfare".

Page 109, line 4, strike out "it" and insert "he".

Page 109, line 5, strike out "it" and insert "he".

Page 109, in line 7, strike out "Board" and insert "Secretary", and strike out "it" and insert "him".

Page 109, line 11, strike out "Board" and insert "Secretary".

Page 109, line 16, strike out "Board" and insert "Secretary".

Page 109, line 18, strike out "it" and insert "him and the Secretary of Health, Education, and Welfare".

Page 109, line 20, strike out "Board" and insert "Secretary", and strike out "it" and insert "him and the Secretary of Health, Education, and Welfare".

Page 109, line 22, strike out "Board" and insert "Secretary".

Page 114, line 22, strike out "The" and insert "Except as otherwise provided in this Act, the".

Page 117, line 8, strike out "Board" and insert "Secretary".

Page 117, line 15, strike out "Board" and insert "Secretary".

Page 117, line 16, strike "its" and insert "his".

Mr. Chairman, these amendments strike the Board of Review from the bill and make the following other related changes in the bill:

An Interim compliance panel would be created for the purpose of reviewing and acting upon requests by mines for waiver of dust standards and the use of permissible—nonspark—mining equipment.

REVIEW OF STANDARDS

Under the amendment, once objections are received from any person, the Secretary must hold a public hearing. Within 60 days after the hearing is completed, the Secretary must publicize his findings in the Federal Register. As in the bill, the Secretary, in the case of safety standards, may promulgate them finally with such modifications as he deems appropriate, and, in the case of health standards, these are developed by the Secretary of Health, Education, and Welfare who then transmits to the Secretary to promulgate them formally.

The standards, of course, are subject to review in court as part of any appeal in an enforcement proceeding.

REVIEW OF CLOSING ORDERS

The amendment provides for an appeal from any closing order issued by a Federal inspector to the Secretary or on the modification or termination of an order at the request of either the operator or the representative of the miners. The amendment specifically makes the adjudication provisions of title 5 of the United States Code, formally known as the Administrative Procedures Act, applicable to this appeal and the hearing on the appeal. Under title 5, hearing examiners would be appointed to adjudicate these appeals promptly.

After the hearing, the Secretary must issue his findings of fact which are incorporated in his decision vacating, affirming, modifying, or terminating the appealed order.

TEMPORARY RELIEF PENDING APPEALS

Finally, the amendment permits, on a very limited basis, temporary relief from any closing order, except imminent danger closing orders while an appeal is being taken. H.R. 13950, on the other hand, permits the Board to grant temporary relief from imminent danger orders, as well as other orders, with no specified safeguards.

I want my colleagues to understand what the implications of this provision are. Remember, imminent danger orders are only issued when, in fact, conditions in a mine are so serious that, unless the miners are withdrawn immediately, disaster will strike.

JUDICIAL REVIEW

Under the amendment, an operator or the representative of the miners may appeal to the U.S. Court of Appeals in the circuit in which the mine is located, or for the District of Columbia, from any decision of the Secretary relative to a closing order. As in the case of appeals from Board decisions under H.R. 13950, the findings of the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or modify the Secretary's decision or remand the proceedings to the Secretary. The court may, on request, grant temporary relief for limited purposes from such decisions, except those pertaining to an imminent danger order.

CIVIL PENALTIES

Under H.R. 13950, with the amendment, the Secretary is directed to assess civil penalties for violations of the mandatory standards. On request, under my amendment, the Secretary must hold a public hearing on the violation and the amount of the penalty and issue a decision thereon. If the operator, under the bill and the amendment, fails to pay the penalty, the Secretary would have to institute a civil action in the U.S. district court to collect the penalty. The record of the proceedings before the Secretary or his decision are not binding on the court. The trial in the court is de novo—that is, the court hears all the evidence afresh. Thus, the operator is fully protected.

OTHER MATTERS

Under the amendment, the Secretary of Health, Education, and Welfare would oversee the X-ray program and both the Secretary and the Secretary of Health, Education, and Welfare shall carry out the health and safety research program prescribed in the bill. The royalty payments would be available to both Secretaries for the X-ray program and research. Finally, the study required by section 412 of the bill would be carried out by the Secretary.

Mr. Chairman, at this point I would like to insert in the Record amendments to title III of H.R. 13950, that I am advised by the distinguished chairman of the subcommittee, the gentleman from Pennsylvania (Mr. Dent) will offer at the appropriate time. The insertion which follows is in such form that language not changed by the amendment is shown in roman type, the portions which the amendments would eliminate are enclosed in black brackets, and new language is shown in italic. These amendamendments are acceptable to me and it is my understanding that they are likewise acceptable to Members on both sides of the aisle:

Proposed Amendments To Be Offered to Title III H.R. 13950 (The Federal Coal Mine Health and Safety Act of 1969) Showing Changes Made in the Bill as Reported by the Committee on Education and Labor

TITLE III—INTERIM MANDATORY SAFETY STANDARDS FOR UNDERGROUND COAL MINES

COVERAGE

Sec. 301. (a) The provisions of sections 302 through 317 of this title shall be interim mandatory safety standards applicable to all underground coal mines until superseded in whole or in part by mandatory safety standards promulgated by the Secretary under the provisions of section 101 of title I of this Act, and shall be enforced in the same manner and to the same extent as any mandatory safety standard promulgated under title I of this Act. Any orders issued in the enforcement of the interim standards set forth in this title shall be subject to review as provided in sections 105, 107, and 108 of title I of this Act.

(b) The Secretary may, upon petition by the operator, waive or modify the application of any mandatory safety standard to a mine when he determines such application will result in a diminution of safety to workers in such mine, but any action taken by the Secretary under this subsection shall be consistent with the purposes of this Act and shall not reduce the protection afforded miners by it.

(c) Upon petition by the operator, the Secretary may modify the application of any mandatory safety standard to a mine. Such petition shall state that an alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded miners by such standard. Upon receipt of such petition the Secretary shall publish notice thereof and give notice to the representative, if any, of persons working in the affected mine and shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a hearing, at the request of such representative or other interested party, to enable the applicant and the representative of persons working in such mine or other interested party to present information relating to the modification of such standard. The Secretary shall make findings of fact and publish them in the Federal Register.

ROOF SUPPORT

Sec. 302. (a) Each operator shall undertake to carry out on a continuing basis a program to improve the roof control system of each mine and the means and measures to accomplish such system. The roof and ribs of all active underground roadways, travelways, and working places shall be supported or otherwise controlled adequately to protect persons from falls of the roof or ribs. A roof-control plan and revisions thereof suitable to the roof conditions and mining system of each mine and approved by the Secretary shall be adopted and set out in printed form within sixty days after the operative date of this title. The plan shall show the type of support and spacing approved by the Secretary. Such plan shall be reviewed periodically, at least every six months by the Secretary, taking into consideration any falls of roof or ribs or inadequacy of support of roof or ribs. No person shall proceed beyond the last permanent support unless adequate temporary support is provided or unless such temporary support is not required under the approved roof control plan. A copy of the plan shall be furnished the Secretary or his authorized representative and shall be available to the miners or their authorized representatives.

(b) The method of mining followed in any mine shall not expose the miner to unusual dangers from roof falls caused by excessive widths of rooms and entries or faulty pillar recovery methods.

(c) The operator shall provide at or near the working face an ample supply of suitable materials of proper size with which to secure the roof of all working places in a safe manner. Safety posts, jacks, or other approved devices shall be used to protect the workmen when roof material is being taken down, crossbars are being installed, roof boltholes are being drilled, roof bolts are being installed, and in such other circumstances as may be appropriate. Loose roof and overhanging or loose faces and ribs shall be taken down or supported. Supports knocked out, except in recovery, shall be replaced promptly.

(d) When permitted, installed roof bolts shall be tested in accordance with the approved roof control plan. Roof bolts shall not be recovered where complete extractions of pillars are attempted, where adjacent to clay veins, or at the locations of other irregularities whether natural or otherwise that induce abnormal hazards. Where roof bolt recovery is permitted, it shall be conducted only in accordance with methods prescribed in the approved roof control plan, and shall be conducted by experienced miners and only where adequate temporary support is provided.

(e) Where miners are exposed to danger from falls of roof, face, and ribs the operator shall require that examinations and tests of the roof, face, and ribs be made before any work or machine is started, and as frequently thereafter as may be necessary to insure safety. When dangerous conditions are found, they shall be corrected immediately.

VENTILATION

Sec. 303. (a) All coal mines shall be ventilated by mechanical ventilation equipment installed and operated in a manner approved by an authorized representative of the Secretary and such equipment shall be examined daily and a record shall be kept of such examination.

(b) All active underground workings shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current of air shall be sufficient to dilute, render harmless, and to carry away, flammable or harmful gases and smoke and fumes. The minimum quantity of air in any mine reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be nine thousand cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be nine thousand cubic feet a minute. *The minimum quantity of air in any mine reaching each working face shall be three thousand cubic feet a minute and, in the case of a mechanized mine, there shall also be a minimum velocity of one hundred feet per minute passing over any miner operating electrical equipment at the working face.* The Secretary or his authorized representative may require in any coal mine a greater quantity *and velocity* of air when he finds it necessary to protect the *health and* safety of miners. *Within three years after the operative date of this title, the dust level in intake aircourses shall not exceed 0.25 milligrams per cubic meter of air.* In robbing areas of anthracite mines, where the air currents cannot be controlled and measurements of the air cannot be obtained, the air shall have perceptible movement.

(c) (1) Properly installed and adequately maintained line brattice or other approved devices shall be used from the last open crosscut of an entry or room of each working section to provide adequate ventilation to the working faces for the miners and to remove [gases, dust, and expolsive fumes,] *flammable, explosive, and noxious gases, dust, and explosive fumes,* unless the Secretary or his authorized representative permits an exception to this requirement. When damaged by falls or otherwise, they shall be repaired promptly.

(2) The space between the line brattice or other approved device and the rib shall be large enough to permit the flow of a sufficient volume of air to keep the working face clear of flammable, *explosive,* and noxious gases, *dust and explosive fumes.*

(3) Brattice cloth used underground shall be of flame-resistant material.

(d)(1) Within three hours immediately preceding the beginning of a coal-producing shift, and before any workmen in such shift enter the underground areas of the mine, certified persons designated by the operator of the mine shall examine a definite underground area of the mine. Each such examiner shall examine every underground working place in that area and shall make tests in each such working place for accumulations of explosive gases with means approved by the Secretary for detecting explosive gases and shall make tests for oxygen deficiency with a permissible flame safety lamp or other means approved by the Secretary; examine seals and doors to determine whether they are functioning properly; examine and test the roof, face, and rib conditions in the underground working places; examine active roadways, travelways, and all belt conveyors on which men are carried, approaches to abandoned workings, and accessible falls in sections for hazards; examine by means of an anemometer or other device approved by the Secretary to determine whether the air in each split is traveling in its proper course and in normal volume; and examine for such other hazards and violations of the mandatory health safety standards, as an authorized representative of the Secretary may from time to time require. Belt conveyors on which coal is carried shall be examined after each coal-producing shift has begun. Such mine examiner shall place his initials and the date at all places he examines. If such mine examiner finds a condition which constitutes a violation of a mandatory health or safety standard or any condition which is hazardous to persons who may enter or be in such area, he shall indicate such hazardous place by posting a "DANGER" sign conspicuously at all points which persons entering such hazardous place would be required to pass, and shall notify the operator of the mine. No person, other than an authorized representative of the Secretary or a State mine inspector or persons authorized by the mine operator to enter such place for the purpose of eliminating the hazardous condition therein, shall enter such place while such sign is so posted. Upon completing his examination such mine examiner shall report the results of his examination to a person, designated by the mine operator to receive such reports at a designated station on the surface of the mine, before other persons enter the underground areas of such mine to work in such coal-producing shift. Each such mine examiner shall also record the results of his examination with ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard.

(2) No person (other than certified persons designated under this subsection) shall enter any underground area, except during a coal-producing shift, unless an examination of such area as prescribed in this subsection has been made within eight hours immediately preceding his entrance into such area.

(e) At least once during each coal-producing shift, or more often if necessary for safety, each underground working section shall be examined for hazardous conditions by certified persons designated by the mine operator to do so. Such examination shall include tests with means approved by the Secretary for detecting explosive gases and with a permissible flame safety lamp or other means approved by the Secretary for detecting oxygen deficiency.

(f) Examination for hazardous conditions, including tests for explosive gases, and for compliance with the standards established by, or promulgated pursuant to, this title shall be made at least once each week, by a certified person designated by the operator of the mine, in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return aircourse in its entirety, idle workings, and, insofar as safety considerations permit, abandoned workings. Such weekly examination need not be made during any week in which the mine is idle for the entire week; except that such examination shall be made before any other miner returns to the mine. The person making such examinations and tests shall place his initials and the date at the places examined, and if hazardous conditions are found, such conditions shall be reported promptly. Any hazardous conditions shall be corrected immediately. If a hazardous condition cannot be corrected immediately, the operator shall withdraw all persons from the area affected by the hazardous condition except those persons whose presence is required to correct the conditions. A record of these examinations, tests, and actions taken shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

(g) At least once each week, a qualified person shall measure the volume of air entering the main intakes and leaving the main returns, the volume passing through the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms, the volume being delivered to the intake end of each pillar line, and the volume at the intake and return of each split of air. A record of such measurements shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

(h)(1) At the start of each coal-producing shift, test for explosive gases shall be made at the face of each working place immediately before electrically operated equipment is energized. Such tests shall be made by qualified persons. If more than 1.0 volume per centum *or more* of explosive gas is detected, electrical equipment shall not be energized, taken into, or operated in, such working place until such explosive gas content is [no more] *less* than 1.0 volume per centum of explosive gas. Examinations for explosive gases shall be made during such operations at intervals of not more than twenty minutes during each shift, unless more frequent examinations are required by an authorized representative of the Secretary. In conducting such tests, such person shall use means approved by the Secretary for detecting explosive gases.

(2) If the air at an underground working place, when tested at a point not less than twelve inches from the roof, face, or rib, contains [more than] 1.0 volume per centum *or more* of explosive gas, changes or adjustments shall be made at once in the ventilation in such mines so that such air shall [not] contain [more] *less* than 1.0 volume per centum of explosive gas. While such ventilation improvement is underway and until it has been achieved, power to face equipment located in such place shall be cut off, no other work shall be permitted in such place, and due precautions will be carried out under the direction of the agent of the operator so as not to endanger other active workings.

If such air, when tested as outlined above contains 1.5 volume per centum *or more* of explosive gas, all persons shall be withdrawn from the portion of the mine endangered thereby, and all electric power shall be cut off from such portion of the mine, until the air in such working place shall [not] contain [more] *less* than 1.0 volume per centum of explosive gas.

(i) If, when tested, a split of air returning from active underground workings contains [more than] 1.0 volume per centum *or more* of explosive gas, changes or adjustments shall be made at once in the ventilation in the mine so that such returning air shall [not contain more] *contain less* than 1.0 volume per centum of explosive gas. Such tests shall be made at four-hour intervals during each shift by a qualified person designated by the operator of the mine. In making such tests, such person shall use means approved by the Secretary for detecting explosive gases.

(j) If a split of air returning from active underground workings contains 1.5 volume per centum *or more* of explosive gas, all persons shall be withdrawn from the portion of the mine endangered thereby, and all electric power shall be cut off from such portion of the mine, until the air in such split shall [not contain more] *contain less* than 1.0 volume per centum of explosive gas. In virgin territory, if the quantity of air in a split ventilating the active workings in such territory equals or exceeds twice the minimum volume of air prescribed in subsection (b) of this section, if the air in the split returning from such workings does not pass over trolley or power feeder wires, and if a certified person designated by the mine operator is continually testing the explosive gas content of the air in such split during mining operations in such workings, it shall be necessary to withdraw all persons and cut off all electric power from the portion of the mine endangered by explosive gases only when the air returning from such workings contains [more than] 2.0 volume per centum *or more of explosive gas.*

(k) Air which has passed by an opening of any abandoned area shall not be used to ventilate any active working place in the mine if such air contains 0.25 volume per centum or more of explosive gas. Examinations of such air shall be made during the pre-shift examination required by subsection (d) of this section. In making such tests, a certified person designated by the operator of the mine shall use means approved by the Secretary for detecting explosive gases. For the purposes of this subsection, an area within a panel shall not be deemed to be abandoned until such panel is abandoned.

(l) Air that has passed through an abandoned panel or area which is inaccessible or unsafe for inspection shall not be used to ventilate any active working place in such mine. No air which has been used to ventilate an area from which the pillars have been removed shall be used to ventilate any active working place in such mine, except that such air, if it does not contain 0.25 volume per centum or more of explosive gases, may be used to ventilate enough advancing working places immediately adjacent to the line of retreat to maintain an orderly sequence of pillar recovery on a set of entries.

(m) A methane monitor approved by the Secretary shall be installed and be kept operative and in operation on all electric face cutting equipment, continuous miners, longwall face equipment, and loading machines, and such other electric face equipment as an authorized representative of the Secretary may require. Such monitor shall be set to deenergize automatically any electric face equipment on which it is required when such monitor is not operating properly. The sensing device of any such monitor shall be installed as close to the working face as possible. An authorized representative of the Secretary may require any such monitor to be set to give a warning automatically when the concentration to explosive gas reaches 1.0 volume per centum and automatically to deenergize equipment on which it is installed when such concentration reaches 2.0 volume per centum.

(n) Idle and abandoned areas shall be inspected for explosive gases and for oxygen deficiency and other dangerous conditions by a certified person with means approved by the Secretary as soon as possible, but not more than three hours, before other employees are permitted to enter or work in such areas. However, persons, such as pumpmen, who are required regularly to enter such areas in the performance of their duties, and who are trained and qualified in the use of means approved by the Secretary for detecting explosive gases and in the use of a permissible flame safety lamp or other means for detecting oxygen deficiency are authorized to make such examinations for themselves, and each such person shall be properly equipped and shall make such examinations upon entering any such area.

(o) Immediately before an intentional roof fall is made, pillar workings shall be examined by a qualified person designated by the operator to ascertain whether explosive gas is present, such person shall use means approved by the Secretary for detecting explosive gases. If in such examination explosive gas is found in amounts of more than 1.0 volume per centum *or more*, such roof fall shall not be made until changes or adjustments are made in the ventilation so that the air shall not contain more *contain less* than 1.0 volume per centum of explosive gas.

(p) [Within six months after the operative date of this title, and thereafter, all areas in all mines in which the pillars have been extracted or areas which have been abandoned for other reasons shall be effectively sealed or shall be effectively ventilated by bleeder entries, or by bleeder systems or an equivalent means. Such sealing or ventilation shall be approved by an authorized representative of the Secretary.] *A ventilation system and explosive gas—and dust-control plan and revisions thereof suitable to the conditions and the mining system of the mine and approved by the Secretary shall be adopted by the operator and set out in printed form within ninety days after the operative date of this title. The plan shall show the type and location of mechanical ventilation equipment installed and operated in the mine and such other information as the Secretary may require. Such plan shall be reviewed by the operator and the Secretary at least every six months.*

[(q) Pillared areas ventilated by means of bleeder entries, or by bleeder systems or an equivalent means, shall have sufficient air coursed through the area so that the return split of air shall not contain more than 2.0 volume per centum of explosive gas before entering another split of air.]

(*q*) *Each operator of a coal mine shall provide for the proper maintenance and care of the permissible flame safety lamp by a person trained in such maintenance and befor each shift care shall be taken to insure that such lamp is in a permissible condition.*

(r) Where areas are being pillared on the operative date of this title without bleeder entries, or without bleeder systems or an equivalent means, pillar recovery may be completed in the area to the extent approved by an authorized representative of the Secretary if the edges of pillar lines adjacent to active workings are ventilated with sufficient air to keep the air in open areas along the pillar lines below 1.0 volume per centum of explosive gas.

(s) Each mechanized mining section shall be ventilated with a separate split of intake air directed by overcasts, undercasts, or the equivalent, except an extension of time, not in excess of six months may be permitted by the Secretary, under such conditions as he may prescribe, whenever he determines that this subsection cannot be complied with on the operative date of this title.

(t) In all underground areas of a mine, immediately before firing each shot or group of multiple shots and after blasting is completed, examinations for explosive gases shall be made by a qualified person with means approved by the Secretary for detecting explosive gases. If explosive gas is found in amounts of [more than] 1.0 volume per centum *or more*, changes or adjustments shall be made at once in the ventilation so that the air shall [not contain more] *contain less* than 1.0 volume per centum of explosive gas. No shots shall be fired until the air contains [not more] *less* than 1.0 volume per centum of explosive gas.

(u) Each operator of a coal mine shall adopt a plan within sixty days after the operative date of this title which shall provide that when any mine fan stops, immediate action shall be taken by the operator or his agent (1) to withdraw all persons from the working sections, (2) to cut off the power in the mine in a timely manner, (3) to provide for restoration of power and resumption of work if ventilation is restored within a reasonable period as set forth in the plan after the working places and other workings where explosive gas is likely to accumulate are reexamined by a certified person to determine if explosive gas in amounts of [more than] 1.0 volume per centum *or more* exists therein, and (4) to provide for withdrawal of all persons from the mine if ventilation cannot be restored within such reasonable time. The plan and revisions thereof approved by the Secretary shall be set out in printed form and a copy shall be furnished to the Secretary or his authorized representative.

(v) Changes in ventilation which materially affect the main air current or any split thereof and which may affect the safety of persons in the coal mine shall be made only when the mine is idle. Only those persons engaged in making such changes shall be permitted in the mine during the change. Power shall be removed from the areas affected by the change before work starts to make the change and shall not be restored until the effect of the change has been ascertained and the affected areas determined to be safe by a certified person.

(w) The mine foreman shall read and countersign promptly the daily reports of the preshift examiner and assistant mine foremen, and he shall read and countersign promptly the weekly report covering the examinations for hazardous conditions. Where such reports disclose hazardous conditions, the mine foreman shall take prompt action to have such conditions corrected. The mine superintendent or assistant superintendent of the mine shall also read and countersign the daily and weekly reports of such persons.

(x) Each day, the mine foreman and each of his assistants shall enter plainly and sign with ink or indelible pencil in a book provided for that purpose a report of the condition of the mine or portion thereof under his supervision which report shall state clearly the location and nature of any hazardous condition observed by them or reported to them during the day and what action was taken to remedy such condition. Such book shall be kept in an area on the surface of the mine chosen by the operator to minimize the danger of destruction by fire or other hazard.

(y) Before a mine is reopened after having been abandoned, the Secretary shall be notified and an inspection made of the entire mine by an authorized representative of the Secretary before mining operations commence.

(z) (*1*) In any coal mine opened after the operative date of this title, the entries used as intake and return air-courses shall be separated from belt [and trolley] haulage entries, and each operator of such mine shall limit the velocity of the air coursed through belt [and trolley] haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall [not] contain [more than 1.0 volume per centum of explosive gas.] *less than 1.0 volume per centum of explosive gas, and such air shall not be used to ventilate active working places.* Whenever an authorized representative of the Secretary finds, in the case of any coal mine opened on or prior to the operative date of this title which has been developed with more than two entries, that the conditions in the entries, other than *belt* haulage entries, are such as to adequately permit the coursing of intake or return air through such entries, (1) the belt [and trolley] haulage entries shall not be used to ventilate, unless such entries are necessary to ventilate active working places, and (2) when the belt [and trolley] haulage entries are not necessary to ventilate the active working faces, the operator of such mine shall limit the velocity of the air coursed through the belt [and trolley] haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall [not] contain [more] *less* than 1.0 volume per centum of [methane] *explosive gas.*

(2) *In any coal mine opened on or after the operative date of this title, or in any new working section of a coal mine opened prior to such date, where trolley haulage systems are maintained and where trolley or trolley feeder wires are installed, an authorized representative of the Secretary shall require a sufficient number of entries or rooms as intake air courses in order to limit, as prescribed by the Secretary, the velocity of air currents on such haulageways for the purpose of minimizing the hazards associated with fires and dust explosions in such haulageways.*

COMBUSTIBLE MATERIALS AND ROCK DUSTING

SEC. 304. (a) Coal dust, including float coal dust deposited on rock-dusted surfaces, loose coal, and other combustible materials, shall be cleaned up and not be permitted to accumulate in active underground workings or on electric equipment therein.

(b) Where underground mining operations create or raise excessive amounts of dust, water, or water with a wetting agent added to it, or other effective methods approved by an authorized representative of the Secretary, shall be used to abate such dust. In working places, particularly in distances less than forty feet from the face, water, with or without a wetting agent, or other effective methods approved by an authorized representative of the Secretary, shall be applied to coal dust on the ribs, roof, and floor to reduce dispersibility and to minimize the explosion hazard.

(c) All underground areas of a mine, except those areas in which the dust is too wet or too high in incombustible content to propagate an explosion, shall be rock dusted to within forty feet of all faces, unless such areas are inaccessible or unsafe to enter or unless an authorized representative of the Secretary permits an exception. All crosscuts that are less than forty feet from a working face shall also be rock dusted.

(d) Where rock dust is required to be applied, it shall be distributed upon the top, floor, and sides of all underground areas of a mine and maintained in such quantities that the incombustible contents of the combined coal dust, rock dust, and other dust shall be not less than 65 per centum, but the incombustible content in the return aircourses shall be no less than 80 per centum. Where explosive gas is present in any ventilating current, the per centum of incombustible content of such combined dusts shall be increased 1 and 0.4 per centum for each 0.1 per centum of explosive gas, where 65 and 80 per centum, respectively, of incombustibles are required.

(e) Subparagraphs (b) through (d) of this paragraph shall not apply to underground anthracite mines subject to this Act.

ELECTRICAL EQUIPMENT

Sec. 305. (a) One year after the operative date of this title—

(1) all electric face equipment used in a coal mine shall be permissible and shall be maintained in a permissible condition, except that the Secretary may permit, under such conditions as he may prescribe, nonpermissible or open-type electric face equipment in use in such mine on the date of enactment of this Act, to continue in use for such period (not in excess of one year) as he deems necessary to obtain such permissible equipment: *Provided, however,* That the provisions of this paragraph shall not apply to any mine which is not classified as gassy; and

(2) only permissible junction or distribution boxes shall be used for making multiple power connections inby the last open crosscut or in any other place where dangerous quantities of explosive gases may be present or may enter the air current.

(b)(1) Four years after the operative date of this title all electric face equipment used in mines exempted from the provisions of section 305(a)(1) of this Act shall be permissible and shall be maintained in a permissible condition, except that the Secretary may, upon petition, waive the requirements of this paragraph on an individual mine basis for a period not in excess of two years if, after investigation, he determines that such waiver is warranted. The Secretary may also, upon petition, waive the requirements of this paragraph on an individual mine basis if he determines that the permissible equipment for which the waiver is sought is not available to such mine.

(2) One year after the operative date of this title all replacement equipment acquired for use in any mine referred to in this subsection shall be permissible and shall be maintained in a permissible condition, and in the event of any major overhaul of any item of equipment in use one year from the operative date of this title such equipment shall be put in and thereafter maintained in a permissible condition, if, in the opinion of the Secretary, such equipment or necessary replacement parts are available.

(3) One year after the operative date of this title all hand held electric drills, blowers and exhaust fans, electric pumps, and other such low-horsepower electric face equipment as the Secretary may designate which are taken into or used in by the last open crosscut of any coal mine shall be permissible and thereafter maintained in a permissible condition.

(4) During the term of the use of any nonpermissible electric face equipment permitted under this subsection the Secretary may by regulation provide for use of methane monitoring devices, under such conditions as he shall prescribe, which will automatically deenergize electrical circuits providing power to electrical face equipment when the concentration of explosive gas in the atmosphere of the active workings permits, in the opinion of the Secretary, a condition in which an ignition or explosion may occur.

(c) A copy of any permit granted under this [paragraph] *section* shall be mailed immediately to a duly designated representative of the employees of the mine to which it pertains, and to the public official or agency of the State charged with administering State laws relating to coal mine health and safety in such mine. *After the operative date of this title, whoever knowingly, in the case of a manufacturer, distributes, sells, offers for sale, introduces, or delivers in commerce any new electrical equipment used in coal mines, including, but not limited to, components and accessories of such equipment which fails to comply with the specifications or regulations of the Secretary, or, in the case of any other person, removes, alters, modifies, or renders inoperative any such equipment prior to its sale and delivery in commerce to the ultimate purchaser, shall, upon conviction, be subject to the sanctions in section 111(f) of this Act.*

(d) Any coal mine which, prior to the operative date of this title, was classed gassy and was required to use permissible electric face equipment and to maintain such equipment in a permissible condition shall continue to use such equipment and to maintain such equipment in such condition.

(e) All power-connection points, except where permissible power connection units are used, outby the last open crosscut shall be in intake air.

(f) The location and the electrical rating of all stationary electric apparatus in connection with the mine electric system, including permanent cables, switchgear, rectifying substations, transformers, permanent pumps and trolley wires and trolley feeders, and settings of all direct-current circuit breakers protecting underground trolley circuits, shall be shown on a mine map. Any changes made in a location, electric rating, or setting shall be promptly shown on the map when the change is made. Such map shall be available to an authorized representative of the Secretary and to the miners in such mine.

(g) All power circuits and electric equipment shall be deenergized before work is done on such circuits and equipment, [except, when necessary, a person may repair energized trolley wires if he wears insulated shoes and lineman's gloves.] *except when necessary for trouble shooting or testing. Energized trolley wires may be repaired only by a person qualified to perform such repairs and the operator of such mine shall require that such person wear approved and tested insulated shoes and wireman's gloves.* No work shall be performed on medium and high-voltage distribution circuits or equipment except by or under the direct supervision of a [competent electrician. Switches shall be locked out and suitable warning signs posted by the persons who are to do the work. Locks shall be removed only by the persons who installed them.] *qualified person. Disconnecting devices shall be locked out and suitably tagged by the persons who perform such work, except that, in cases where locking out is not possible, such devices shall be opened and suitably tagged by such persons. Locks or tags shall be removed only by the persons who installed them or, if such persons are unavailable, by persons authorized by an agent of the operator.*

[(h) Electric equipment shall be frequently examined by a competent electrician to] *(h) All electrical equipment shall be frequently examined, tested, and properly maintained by a qualified person to* assure safe operating conditions. When a potentially dangerous condition is found on electric equipment, such equipment shall be removed from service until such condition is corrected. A record of such examinations shall be kept and made available to an authorized representative of the Secretary and to the miners in such mine.

(i) All electric conductors shall be sufficient in size and have adequate current-carrying capacity and be of such construction that the rise in temperature resulting from normal operation will not damage the insulating materials.

(j) All [joints] *electrical connections* or splices in conductors shall be mechanically and electrically efficient and suitable connectors shall be used. All [joints] *electrical connections or splices* in insulated wire shall be reinsulated at least to the same degree of protection as the remainder of the wire.

(k) Cables shall enter metal frames of motors, splice boxes, and electric compartments only through proper fittings. When insulated wires other than cables pass through metal frames the holes shall be substantially bushed with insulated bushings.

(l) All power wires (except trailing cables on mobile equipment, specially designed cables conducting high-voltage power to underground rectifying equipment or transformers, or bare or insulated ground and return wires) shall be supported on well-installed insulators and shall not contact combustible material, roof, or ribs.

(m) Except trolley wires, trolley feeder and bare signal wires, power wires and cables installed shall be insulated adequately and fully protected.

(n) Automatic circuit-breaking devices or fuses of the correct type and capacity shall be installed so as to protect all electric equipment and circuits against short circuit and overloads. Three-phase motors on all electric equipment shall be provided with overload protection that will deenergize all three phases in the event that any phase is overloaded.

(o) In all main power circuits disconnecting switches shall be installed underground within five hundred feet of the bottoms of shafts and boreholes through which main power circuits enter the underground portion of the mine and at all other places where main power circuits enter the underground portion of the mine.

(p) All electric equipment shall be provided with switches or other controls that are safely designed, constructed, and installed.

(q) Each ungrounded, exposed power conductor that leads underground shall be equipped with lightning arresters of approved type within one hundred feet of the point where the circuit enters the mine. Lightning arresters shall be connected to a low resistance grounding medium on the surface which shall be separated from neutral grounds by a distance of not less than twenty-five feet.

(r) No device for the purpose of lighting any underground coal mine or flame which has not been approved by the Secretary or his authorized representative shall be permitted in any underground coal mine, except under the provisions of section 311(d) of this title.

(s) An authorized representative of the Secretary may require in any coal mine that face equipment be provided with devices that will permit the equipment to be deenergized quickly in the event of an emergency.

TRAILING CABLES

Sec. 306. (a) Trailing cables used underground shall meet the requirements established by the Secretary for flame-resistant cables.

(b) Short-circuit protection for trailing cables shall be provided by an automatic circuit breaker or other no less effective device approved by the Secretary of adequate current interrupting capacity in each ungrounded conductor. Disconnecting devices used to disconnect power from trailing cables shall be plainly marked and identified and such devices shall be equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected.

(c) When two or more trailing cables junction to the same distribution center, means shall be provided to assure against connecting a trailing cable to the wrong size circuit breaker.

(d) No more than two temporary splices shall be made in any trailing cable, except that if a third splice is needed during a shift it may be made during such shift, but such cable shall not be used after that shift until a permanent splice is made. In any case in which a temporary splice is made pursuant to this subsection such splice shall, within five working days thereafter, be replaced by a permanent splice. No temporary splice shall be made in a trailing cable within twenty-five feet of the machine, except cable reel equipment. Temporary splices in trailing cables shall be made in a workmanlike manner and shall be mechanically strong and well insulated. Trailing cables or hand cables which have exposed wires or which have splices that heat or spark under load shall not be used. As used in this subsection, the term "splice" means the mechanical joining of one or more conductors that have been severed.

(e) When permanent splices in trailing cables are made, they shall be—

(1) mechanically strong with adequate electrical conductivity and flexibility;

(2) effectively insulated and sealed so as to exclude moisture; and

(3) vulcanized or otherwise treated with suitable materials to provide flame-resistant qualities and good bonding to the outer jacket.

(f) Trailing cables shall be clamped to machines in a manner to protect the cables from damage and to prevent strain on the electrical connections. Trailing cables shall be adequately protected to prevent damage by mobile machinery.

(g) Trailing cable and power cable connections to junction boxes shall not be made or broken under load.

GROUNDING

SEC. 307. (a) All metallic sheaths, armors, and conduits enclosing power conductors shall be electrically continuous throughout and shall be grounded. Metallic frames, casing, and other enclosures of electric equipment that can become "alive" through failure of insulation or by contact with energized parts shall be grounded effectively. Methods other than grounding which provide equivalent protection may be permitted by the Secretary.

(b) The frames of all offtrack direct current machines and the enclosures of related detached components shall be effectively grounded or otherwise maintained at safe voltages by methods approved by an authorized representative of the Secretary.

[(c) The frames of all high voltage switchgear, transformers, and other high voltage equipment shall be grounded to the high voltage system ground.]

(c) The frames of all stationary high-voltage equipment receiving power from ungrounded delta systems shall be grounded by methods approved by an authorized representative of the Secretary.

(d) High-voltage lines, both on the surface and underground, shall be deenergized and grounded before work is performed on them [.], *except that repairs may be permitted, in the case of energized surface high-voltage lines, if such repairs are made by a qualified person in accordance with procedures and safeguards, including, but not limited to, a requirement that the operator of such mine provide, test, and maintain protective devices in making such repairs, to be prescribed by the Secretary prior to the operative date of this title.*

(e) When not in use, power circuits underground shall be deenergized on idle days and idle shifts, except that rectifiers and transformers may remain energized.

UNDERGROUND HIGH-VOLTAGE DISTRIBUTION

SEC. 308. (a) High-voltage circuits entering the underground portion of the mine shall be protected by suitable circuit breakers of adequate interrupting [capacity. Such breakers shall be equipped with relaying circuits to protect against overcurrent, ground fault, a loss of ground continuity, short circuit, and under voltage.] *capacity which are properly tested and maintained as prescribed by the Secretary. Such breakers shall be equipped with devices to provide protection against under-voltage, grounded phase, short circuit, and overcurrent.*

(b) High-voltage circuits extending underground *and supplying portable, mobile, or stationary high-voltage equipment* shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the source transformers, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all high-voltage equipment supplied power [from that circuit. At the point where high-voltage circuits enter the underground portion of the mine, disconnecting devices shall be installed out by the automatic breaker and such devices shall be equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected.] *from that circuit, except that the Secretary or his authorized representative may permit ungrounded high-voltage circuits to be extended underground to feed stationary electrical equipment if such circuits are either steel armored or installed in grounded, rigid steel conduit throughout their entire length. Within one hundred feet of the point on the surface where high-voltage circuits enter the underground portion of the mine, disconnecting devices shall be installed and so equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected, except that the Secretary or his authorized representative may permit such devices to be installed at a greater distance from such portion of the mine if he determines, based on existing physical conditions, that such installation will be more accessible at a greater distance and will not pose any hazard to the miners.*

(c) The grounding resistor, *where required*, shall be of the proper ohmic value to limit the voltage drop in the grounding circuit external to the resistor to not more than 100 volts under fault conditions. The grounding resistor shall be rated for maximum fault current continuously and insulated from ground for a voltage equal to the phase-to-phase voltage of the system.

(d) High-voltage, *resistance grounded, wye-connected* systems shall include a fail safe ground check circuit to monitor continuously the grounding circuit to assure continuity and the fail safe ground check circuit shall cause the circuit breaker to open when either the ground or pilot check wire is broken.

[(e) Underground high-voltage cables shall be equipped with metallic shields around each power conductor. One or more ground conductors shall be provided having a cross-sectional area of not less than one-half the power conductor or capable of carrying twice the maximum fault current. There shall also be provided an insulated conductor not smaller than No. 8 (AWG) for the ground continuity check circuit. Cables shall be adequate for the intended current and voltage. Splices made in the cable shall provide continuity of all components and shall be made in accordance with cable manufacturers' recommendation.]

(e)(1) Underground high-voltage cables used in resistance grounded, wye-connected systems shall be equipped with metallic shields around each power conductor, with one or more ground conductors having a total cross-sectional area of not less than one-half the power conductor, and with an insulated internal or external conductor not smaller than No. 8 (AWG) for the ground continuity check circuit.

(2) All such cables shall be adequate for the intended current and voltage. Splices made in such cables shall provide continuity of all components.

(f) Couplers that are used with high-voltage power circuits shall be of the three-phase type with a full metallic shell, except that the Secretary may permit, under such guidelines as he may prescribe, couplers constructed of materials other than metal. Couplers shall be adequate for the voltage and current expected. All exposed metal on the metallic couplers shall be grounded to the ground conductor in the cable. The coupler shall be constructed so that the ground check continuity conductor shall be broken first and the ground conductors shall be broken last when the coupler is being uncoupled.

(g) Single-phase loads such as transformer primaries shall be connected phase to phase.

(h) All underground high-voltage transmission cables shall be installed only in regularly inspected aircourses and haulageways, and shall be covered, buried, or placed so as to afford protection against damage, guarded where men regularly work or pass under them unless they are six and one-half feet or more above the floor or rail, securely anchored, properly insulated, and guarded at ends, and covered, insulated, or placed to prevent contact with trolley and other low-voltage circuits.

(i) Disconnecting devices shall be installed at the beginning of branch lines in high-voltage circuits and equipped or designed in such a manner that it can be determined by visual observation that the circuit is deenergized when the switches are open.

(j) Circuit breakers and disconnecting switches underground shall be marked for identification.

[(k) Terminations and splices of high voltage cable shall be made in accordance with manufacturer's specifications.]

(k) In the case of high-voltage cables used as trailing cables, temporary splices shall not be used and all permanent splices shall be made in accordance with section 306(e) of this title. Terminations and splices in all other high-voltage cables shall be made in accordance with the manufacturer's specifications.

(l) Frames, supporting structures, and enclosures of [substation or switching station apparatus] *portable or mobile underground high-voltage equipment and all high-voltage equipment supplying power to such equipment* shall be effectively grounded to the high-voltage ground.

[(m) Power centers and portable transformers shall be deenergized before they are moved from one location to another. High voltage cables, other than trailing cables, shall not be moved or handled while energized.]

(m) Power centers and portable transformers shall be deenergized before they are moved from one location to another, except that, when equipment powered by sources other than such centers or transformers is not available, the Secretary may permit such centers and transformers to be moved while energized, if he determines that another equivalent or greater hazard may otherwise be created, and if they are moved under the supervision of a qualified person, and if such centers and transformers are examined prior to such movement by such person and found to be grounded by methods approved by an authorized representative of the Secretary and otherwise protected from hazards to the miner. A record shall be kept of such examinations. High-voltage cables, other than

trailing cables, shall not be moved or handled at any time while energized, except that, when such centers and transformers are moved while energized as permitted under this subsection, energized high-voltage cables attached to such centers and transformers may be moved only by a qualified person and the operator of such mine shall require that such person wear approved and tested insulated wireman's gloves.

UNDERGROUND LOW- AND MEDIUM-VOLTAGE ALTERNATING CURRENT CIRCUITS

SEC. 309. (a) Low- and medium-voltage power circuits serving three-phase alternating current equipment shall be protected by suitable circuit breakers of adequate interrupting [capacity. Such breakers shall provide protection for the circuit against overcurrent, ground fault, short circuits, and loss of ground circuit continuity.] *capacity which are properly tested and maintained as prescribed by the Secretary. Such breakers shall be equipped with devices to provide protection against under-voltage, grounded phase, short circuit, and overcurrent.*

(b) Low- and medium-voltage *three-phase alternating-current* circuits used underground shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the power center, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all the electrical equipment supplied power from that [circuit. The grounding resistor shall be of the proper ohmic value to limit the ground fault current to 25 amperes. The grounding resistor shall be rated for maximum fault current continuously.] *circuit, except that the Secretary or his authorized representative may permit ungrounded low- and medium-voltage circuits to be used underground to feed such stationary electrical equipment if such circuits are either steel armored or installed in grounded rigid steel conduit throughout their entire length. The grounding resistor, where required, shall be of the proper ohmic value to limit the ground fault current to 25 amperes. The grounding resistor shall be rated for maximum fault current continuously and insulated from ground for a voltage equal to the phase-to-phase voltage of the system.*

[(c) Low and medium voltage circuits] *(c) Six months after the operative date of this title, low- and medium-voltage resistance grounded, wye-connected systems* shall include a fail safe ground check circuit to monitor continuously the grounding circuit to assure continuity and the fail safe ground check circuit shall cause the circuit breaker to open when either the ground or pilot check wire is broken. *Cable couplers shall be constructed so that the ground check continuity conductor shall be broken first and the ground conductors shall be broken last when the coupler is being uncoupled.*

(d) Disconnecting devices shall be installed in conjunction with the circuit breaker to provide visual evidence that the power is disconnected. Trailing cables for mobile equipment shall contain one or more ground conductors having a cross sectional area of not less than one half the power conductor and *six months after the operative date of this title,* an insulated conductor for the ground continuity check circuit. Splices made in the cables shall provide continuity of all components.

(e) Single phase loads shall be connected phase to phase.

(f) Circuit breakers shall be marked for identification.

(g) Trailing cable for medium voltage circuits shall include grounding conductors, a ground check conductor, and ground metallic shields around each power conductor or a grounded metallic shield over the assembly; except that on machines, employing cable reels, cables without shields may be used if the insulation is rated 2,000 volts or more.

TROLLEY AND TROLLEY FEEDER WIRES

SEC. 310. (a) Trolley wires and trolley feeder wires shall be provided with cutout switches at intervals of not more than 2,000 feet and near the beginning of all branch lines.

(b) Trolley wires and trolley feeder wires shall be provided with overcurrent protection.

(c) Trolley and trolley feeder wires, high-voltage cables and transformers shall not be located inby the last open crosscut and shall be kept at least 150 feet from pillar workings.

(d) Trolley wires, trolley feeder wires, and bare signal wires shall be insulated adequately where they pass through doors and stoppings, and where they cross other power wires and cables. Trolley wires and trolley feeder wires shall be guarded adequately (1) at all points where men are required to work or pass regularly under the wires [, unless the wires are placed 10 feet or more above the top of the rail]; (2) on both sides of all doors and stoppings, and (3) at man-trip stations. The Secretary or his authorized representatives shall specify other conditions where trolley wires and trolley feeder wires shall be adequately protected to prevent contact by any person, or shall require the use of improved methods to prevent such contact. Temporary guards shall be provided where trackmen and other persons work in proximity to trolley wires and trolley feeder wires.

FIRE PROTECTION

SEC. 311 (a) Each coal mine shall be provided with suitable firefighting equipment adapted for the size and conditions of the mine. The Secretary shall establish minimum requirements for the type, quality, and quantity of such equipment, and the interpretations of the Secretary relating to such equipment in effect on the operative date of this title shall continue in effect until modified or superseded by the Secretary. After every blasting operation performed on a shift, an examination shall be made to determine whether fires have been started.

(b) Underground storage places for lubricating oil and grease shall be of fireproof construction. Except for specially prepared materials approved by the Secretary, lubricating oil and grease kept in face areas or other underground working places in a mine shall be in portable, fire proof, closed metal containers.

(c) Underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps shall be housed in fireproof structures or areas. Air currents used to ventilate structures or areas enclosing electrical installations shall be coursed directly into the return. All other underground structures installed in a mine shall be of fireproof construction.

(d) All welding, cutting, or soldering with arc or flame in all underground areas of a mine shall, whenever practicable, be conducted in fireproof enclosures. Welding, cutting, or soldering with arc or flame in other than a fireproof enclosure shall be done under the supervision of a qualified person who shall make a diligent search for fire during and after such operations and shall immediately before and during such operations, continuously test for explosive gas with means approved by the Secretary for detecting explosive gas. Welding, cutting, or soldering shall not be conducted in air that contains [more than 1 volume per centum] *1.0 volume per centum or more* of explosive gas. Rock dust or suitable fire extinguishers shall be immediately available during such welding, cutting, or soldering.

(e) Within one year after the operative date of this title, fire suppression devices meeting specifications prescribed by the Secretary shall be installed on unattended underground equipment and suitable fire-resistant hydraulic funds approved by the Secretary shall be used in the hydraulic systems of such equipment. Such fluids shall be used in the hydraulic systems of other underground equipment unless fire suppression devices meeting specifications prescribed by the Secretary are installed on such equipment.

(f) Deluge-type water sprays or foam generators, automatically actuated by rise in temperature, or other effective means of controlling fire shall be installed at main and secondary belt conveyor drives. Such sprays or foam generators shall be supplied with a sufficient quantity of water to control fires.

(g) Underground belt conveyors shall be equipped with slippage and sequence switches. *The Secretary shall, within sixty days after the operative date of this title, require that devices be installed on all such belts which will give a warning automatically when a fire occurs on or near such belt. The Secretary shall prescribe a schedule for installing fire suppression devices on belt haulageways.*

(h) On or after the operative date of this title, all conveyor belts acquired for use underground shall meet the requirements established by the Secretary for flame-resistant conveyor belts.

MAPS

SEC. 312. (a) The operator of an active underground coal mine shall have, in a surface location chosen to minimize the danger of destruction by fire or other hazard, an accurate and up-to-date map of such mine drawn on such scale as the Secretary may require. Such map shall show the active workings, all worked out and abandoned areas, excluding those areas which have been worked out or abandoned before the effective date of this paragraph which are inaccessible or cannot be entered safely and on which no information is available, entries and aircourses with the direction of airflow indicated by arrows, elevations, dip of the coalbed, escapeways, adjacent mine workings within one thousand feet, mines above or below, water pools above, and oil and gas wells, either producing or abandoned, located within five hundred feet of such mine, and such other information as the Secretary may require. Such map shall be made or certified by a registered engineer or a registered surveyor of the State in which the mine is located. As the Secretary may by regulation require, such map shall be kept up to date by temporary notations, and such map shall be revised and supplemented at intervals on the basis of a survey made or certified by such engineer or surveyor.

(b) The coal mine map and any revision and supplement thereof shall be available for inspection by the Secretary or his authorized representative, by coal mine inspectors of the State in which the mine is located, and by persons working in the mine and their authorized representatives and by operators of adjacent coal mines. The operator shall furnish to the Secretary or his authorized representative, or to the Secretary of Housing and Urban Development, upon request, one or more copies of such map and any revision and supplement thereof.

(c) Whenever an operator permanently closes such mine, or temporarily closes such mine for a period of more than ninety days, he shall promptly notify the Secretary of such closure. Within sixty days of the permanent closure of the mine, or, when the mine is temporarily closed, upon the expiration of a period of ninety days from the date of closure, the operator shall file with the Secretary a copy of the mine map revised and supplemented to the date of the closure. Such copy of the mine map shall be certified as true and correct by a registered surveyor or registered engineer of the State in which the mine is located and shall be available for public inspection.

BLASTING AND EXPLOSIVES

SEC. 313. (a) Black blasting powder shall not be stored or used underground. Mudcaps (adobes) or other unconfined shots shall not be fired underground.

(b) Explosives and detonators shall be kept in separate containers until immediately before use at the working faces. In underground anthracite mines, (1) mudcaps or other open, unconfined shake shots may be fired, if restricted to battery starting when no explosive gas or a fire hazard is present, and if it is otherwise impracticable to start the battery; (2) open, unconfined shake shots in pitching veins may be fired, when no explosive gas or a fire hazard is present, if the taking down of loose hanging coal by other means is too hazardous; and (3) tests for explosive gas shall be made immediately before such shots are fired and if explosive gas is present when tested in 1 volume per centum, such shot shall not be made until the explosive gas content is reduced below 1 per centum.

(c) Except as provided in this subsection, in all underground areas of a mine only permissible explosives, electric detonators of proper strength, and permissible blasting devices shall be used and all explosives and blasting devices shall be used in a permissible manner. Permissible explosives shall be fired only with permissible shot firing units. Only incombustible materials shall be used for stemming boreholes. The Secretary may, under such safeguards as he may prescribe, permit the firing of more than twenty shots and allow the use of nonpermissible explosives in sinking shafts and slopes from the surface in rock. This section shall not prohibit the use of compressed air blasting.

(d) Explosives or detonators carried anywhere underground by any person shall be in containers constructed of nonconductive material, maintained in good condition, and kept closed.

(e) Explosives or detonators shall be transported in special closed containers (1) in cars moved by means of a locomotive or rope, (2) on belts, (3) in shuttle cars, or (4) in equipment designed especially to transport such explosives or detonators.

(f) When supplies of explosives and detonators for use in one or more working sections are stored underground, they shall be kept in section boxes or magazines of substantial construction with no metal exposed on the inside, located at least twenty-five feet from roadways and power wires, and in a dry, well rock-dusted location protected from falls of roof, except in pitching beds, where it is not possible to comply with the location requirement, such boxes shall be placed in niches cut into the solid coal or rock.

(g) Explosives and detonators stored in the working places shall be kept in separate closed containers, which shall be located out of the line of blast and not less than fifty feet from the working face and fifteen feet from any pipeline, powerline, rail, or conveyor, except that, if kept in niches in the rib, the distance from any pipeline, powerline, rail, or conveyor shall be at least five feet. Such explosives and detonators, when stored, shall be separated by a distance of at least five feet.

HOISTING AND MANTRIPS

SEC. 314. (a) Every hoist used to transport persons at an underground coal mine shall be equipped with overspeed, overwind, and automatic stop controls. Every hoist used to transport persons shall be equipped with brakes capable of stopping the fully loaded platform, cage, or other device used for transporting persons, and with hoisting cable adequately strong to sustain the fully loaded platform, cage, or other device for transporting persons, and have a proper margin of safety. Cages, platforms, or other devices which are used to transport persons in vertical shafts shall be equipped with safety catches that act quickly and effectively in an emergency, and the safety catches shall be tested at least once every two months. Hoisting equipment, including automatic elevators, that is used to transport persons shall be examined daily. Where persons are regularly transported into or out of a coal mine by hoists, a qualified hoisting engineer shall be on duty while any person is underground, except that no such engineer shall be required for automatically operated cages, platforms, or elevators.

(b) Safeguards adequate, in the judgment of an authorized representative of the Secretary, to minimize hazards with respect to transportation of men and materials shall be provided.

(c) Hoists shall have rated capacities consistent with the loads handled and the recommended safety factors of the ropes used. An accurate and reliable indicator of the position of the cage, platform, skip, bucket, or cars shall be provided.

(d) There shall be at least two effective methods approved by the Secretary of signaling between each of the shaft stations and the hoist room, on of which shall be a telephone or speaking tube.

(e) In order to be capable of stopping with the proper margin of safety each locomotive and haulage cars used in an underground coal mine shall be equipped with automatic brakes, or shall be subject to speed reductions or other safeguards approved by the Secretary.

EMERGENCY SHELTERS

SEC. 315. The Secretary or an authorized representative of the Secretary may require in any coal mine that rescue chambers, properly sealed and ventilated, be erected at suitable locations in the mine to which men could go in case of an emergency for protection against hazards. Such chambers shall be properly equipped with first aid materials, an adequate supply of air and self-contained breathing equipment, an independent communication system to the surface, and proper accommodations for the men while awaiting rescue, and such other equipment as the Secretary may require. A plan for the erection, maintenance, and revisions of such chambers shall be submitted by the operator to the Secretary for his approval.

COMMUNICATIONS

SEC. 316. A two-way communication system, approved by the Secretary, shall be provided between the surface and each landing of main shafts and slopes and between the surface and each working section that is more than two hundred feet from a portal.

MISCELLANEOUS

[SEC. 317. (a) No coal mine shall be operated in any coal seam where the coal has been or is being removed from the said seam within five hundred feet of a known gas or oil well whether producing or abandoned, except that the Secretary may permit such operation within three hundred feet of such well under regulations prescribing conditions which will assure the complete safety of all miners engaged in such operation.]

Sec. 317. (a) While pillars are being extracted in any area of a mine, such area shall be ventilated in a manner approved by the Secretary or his authorized representative. Within six months after the operative date of this title, all areas which are or have been abandoned in all mines, as determined by the Secretary or his authorized representative, shall be ventilated by bleeder entries or by bleeder systems or equivalent means or sealed, as determined by the Secretary or his authorized representative, except that the Secretary may permit, on a mine-by-mine basis, an extension of time of not to exceed six months to complete such work. Ventilation of such areas shall be approved only where the Secretary or his authorized representative is satisfied that such ventilation can be maintained so as to, continuously, dilute, render harmless, and carry away explosive gases within such areas and to protect the active workings of the mine from the hazards of such gases. When sealing is required, such seals shall be made in an approved manner so as to isolate with explosion-proof bulkheads such areas from the active workings of the mine. In the case of mines opened on or after the operative date of this title or in the case of working sections opened on or after such date in mines opened prior to such date, the mining system shall be designed, in accordance with a plan and revisions thereof approved by the Secretary and adopted by such operator, so that, as each working section of the mine is abandoned, it can be isolated from the active workings of the mine with explosion-proof seals or bulkheads. For the purpose of this paragraph, the term "abandoned" as applied to any area of a mine shall include, but not be limited to, areas of a mine which are not ventilated and inspected regularly, areas where mining has been started but not completed, areas where future mining is still possible, and areas that are deserted.

(2) Each operator of a coal mine shall take reasonable measures to locate oil and gas wells penetrating coalbeds or any underground area of a coal mine. When located, such operator shall establish and maintain barriers around such oil and gas wells in accordance with State laws and regulations, except that such barriers shall not be less than three hundred feet in diameter, unless the Secretary or his authorized representative permits a lesser barrier consistent with the applicable State laws and regulations where such lesser barrier will be adequate to protect against hazards from such wells to the miners in such mine, or unless the Secretary or his authorized representative requires a greater barrier where the depth of the mine, other geologic conditions, or other factors warrant such a greater barrier.

(b) Whenever any working place approaches within fifty feet of abandoned workings in the mine as shown by surveys made and certified by a registered engineer or surveyor, or within two hundred feet of any other abandoned workings of the mine which cannot be inspected and which may contain dangerous accumulations of water or gas, or within two hundred feet of any workings of an adjacent mine, a borehole or boreholes shall be drilled to a distance of at least twenty feet in advance of the face of such working place and shall be continually maintained to a distance of at least ten feet in advance of the advancing working face. When there is more than one borehole, they shall be drilled sufficiently close to each other to insure that the advancing face will not accidentally hole through into abandoned workings or adjacent mines. Boreholes shall also be drilled not more than eight feet apart in the rib of such working place to a distance of at least twenty feet and at an angle of forty-five degrees. Such rib holes shall be drilled in one or both ribs of such working place as may be necessary for adequate protection of persons working in such place.

(c) Smoking shall not be permitted underground, nor shall any person carry smoking materials, matches, or lighters underground. Smoking shall be prohibited in or around oil houses, explosives magazines, or other surface areas where such practice may cause a fire or explosion. The operator of a coal mine shall institute a program, approved by the Secretary, at each mine to insure that any person entering the underground portion of the mine does not carry smoking materials, matches, or lighters.

(d) Persons underground shall use only permissible electric lamps approved by the Secretary for portable illumination. No open flame shall be permitted in any underground mine except as specifically authorized by this Act.

(e) The Secretary shall prescribe the manner in which all underground working places in a mine shall be illuminated by permissible lighting while persons are working in such places.

(f)(1) At least two separate and distinct travelable passageways *which are maintained to insure passage at all times of any person, including disabled persons, and which are* to be designated as escapeways, at least one of which is ventilated with intake air, shall be provided from [each mine working section continuous to the surface, and] *each working section of a mine continuous to the surface escape drift opening, or continuous to the escape shaft or slope facilities to the surface, as appropriate, and* shall be maintained in safe condition and properly marked. Mine openings shall be adequately protected to prevent the entrance into the underground portion of the mine of surface fires, fumes, smoke, and flood water. [Adequate facilities approved by the Secretary or his authorized representative shall be provided in each escape shaft or slope to allow persons to escape quickly to the surface in event of emergency.] *Adequate and readily accessible escape facilities approved by the Secretary or his authorized representative, properly maintained, and frequently tested shall be immediately present at or in each escape shaft or slope to allow persons, including disabled persons, to escape quickly to the surface in the event of an emergency.*

(2) Not more than twenty miners shall be allowed at any one time in any mine until a connection has been made between the two mine openings, and such work shall be prosecuted with reasonable diligence.

(3) When only one main opening is available, owing to final mining of pillars, not more than twenty miners shall be allowed in such mine at any one time, except that the distance between the mine opening and working face shall not exceed five hundred feet.

[(4) In the case of all coal mines opened after the operative date of this title the escapeway required by paragraph (1) of this subsection to be ventilated with intake air, shall be separated from the belt and trolley haulage entries of the mine.]

(4) In the case of all coal mines opened on or after the operative date of this title, and in the case of all new working sections opened on or after such date in coal mines opened prior to such date, the escapeway required by this subsection to be ventilated with intake air shall be separated from the belt and trolley haulage entries of the mine for the entire length of such entries to the beginning of each working section, except that the Secretary or his authorized representative may permit such separation to be extended for a greater or lesser distance so long as the safety of the miners is assured.

(g) After the operative date of this title, all structures erected on the surface within one hundred feet of any mine opening shall be of fireproof construction. Unless structures existing on or prior to such date located within one hundred feet of any mine opening are of such construction, fire doors shall be erected at effective points in mine openings to prevent smoke or fire from outside sources endangering men working underground. These doors shall be tested at least monthly to insure effective operation. A record of such tests shall be kept and shall be available for inspection by interested persons.

(h) Adequate measures shall be taken to prevent explosive gases and coal dust from accumulating in excessive concentrations in or on surface coal-handling facilities, but in no event shall explosive gases be permitted to accumulate in concentrations in or on surface coal-handling facilities in excess of limits established for explosive gases by the Secretary within one year of the operative date of this title, and coal dust shall not accumulate in excess of limits prescribed by or under this Act. Where coal is dumped at or near air-intake openings, provisions shall be made to prevent the dust from entering the mine.

(i) Every operator of a coal mine shall provide a program, approved by the Secretary, of training and retraining of both qualified and certified persons needed to carry out functions prescribed in this title.

[(j) In any mine that liberates excessive quantities of explosive gases, and if in the opinion of the Secretary such excessive liberations present or are likely to present explosion dangers, a Federal inspector shall be present at such mine, for the purpose of making mine inspections on each and every day such mine is producing coal.]

(j) Whenever the Secretary finds that a mine liberates excessive quantities of explosive gases during its operations, or that a gas ignition or explosion has occurred in such mine which resulted in death or serious injury at any time during the previous five years, or that there exists in such mine other especially hazardous conditions, he shall provide a minimum of twenty-six spot inspections of all or part of such mine each year at irregular intervals by his authorized representative.

(k) An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that the face equipment, including shuttle cars, be provided with substantially constructed canopies or cabs to protect the operators of such equipment from roof falls and from rib and face rolls.

(l) The opening of any mine that is declared inactive by its operator or is abandoned for more than ninety days, after the operative date of this title, shall be sealed in a manner prescribed by the Secretary. Openings to all active coal mines shall be adequately protected to prevent entrance by unauthorized persons.

(m) Each mine shall provide adequate facilities for the miners to change from the clothes worn underground, to provide the storage of such clothes from shift to shift, and to provide sanitary and bathing facilities. Sanitary toilet facilities shall be provided in the active workings of the mine when such surface facilities are not readily accessible to the active workings.

(n) Arrangements shall be made in advance for obtaining emergency medical assistance and transportation for injured persons. Emergency communications shall be provided to the nearest point of assistance. Selected agents of the operator shall be trained in first aid and first aid training shall be made available to all miners. Each mine shall have an adequate supply of first aid equipment located on the surface, at the bottom of shafts and slopes, and at other strategic locations near the working faces. In fulfilling each of the requirements in this subsection, the operator shall meet at least minimum standards established by the Surgeon General. Each operator shall file with the Secretary a plan setting forth in such detail as the Secretary may require the manner in which such operator has fulfilled the requirements in this section.

(o) A self-rescue device approved by the Secretary shall be made available to each miner by the operator which shall be adequate to protect such miner for one hour or longer. Each operator shall train each miner in the use of such device.

(p) The Secretary shall prescribe improved methods of assuring that miners are not exposed to atmospheres that are deficient in oxygen.

(q) Each operator of a coal mine shall establish a check-in and check-out system which will provide positive identification of every person underground and will provide an accurate record of the miners in the mine kept on the surface in a place chosen to minimize the danger of destruction by fire or other hazard. Such record shall bear a number identical to an identification check that is securely fastened to the lamp belt worn by the person underground. The identification check shall be made of a rust resistant metal of not less than sixteen gauge.

(r) The Secretary shall require, when technologically feasible, that devices to suppress ignitions be installed on electric face cutting equipment.

(s) Whenever an operator mines coal in a manner that requires the construction, operation, and maintenance of tunnels under any river, stream, lake, or other body of water, such operator shall obtain a permit from the Secretary which shall include such terms and conditions as he deems appropriate to protect the safety of men working or passing through such tunnels from cave-ins and other hazards. Such permits shall require, in accordance with a plan to be approved by the Secretary, that a safety zone be established beneath and adjacent to any such body of water that is, in the judgment of the Secretary, sufficiently large to constitute a hazard. No plan shall be approved unless there is a minimum of rock cover to be determined by the Secretary based on test holes drilled by the operator in a manner to be prescribed by the Secretary.

(t) The Secretary shall require that developed and improved devices and systems for the monitoring and detection of mine safety conditions and for the protection of the individual miner be acquired by each operator of a coal mine and that such devices and systems be used as soon as they become available.

(u) All haulage equipment acquired by an operator of a coal mine on or after one year after the operative date of this title shall be equipped with automatic couplers which shall couple by impact and uncouple without the necessity of men going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on the operative date of this title shall also be so equipped within four years after the operative date of this title.

(v) An adequate supply of potable water shall be provided for drinking purposes in the active workings of the mine, and such water shall be carried, stored, and otherwise protected in sanitary facilities.

(w) The Secretary shall send a copy of every proposed standard or regulation at the time of publication in the Federal Register to the operator of each coal mine and the representative of the miners at such mine and such copy shall be immediately posted on the bulletin board of the mine by the operator or his agent, but failure to receive such notice shall not relieve anyone of the obligation to comply with such standard or regulation.

(x) An employee, the duties of whose position are primarily the inspection of coal mines, including an employee engaged in this activity and transferred to a supervisory or administrative position, who attains the age of fifty years and completes twenty years of service in the performance of those duties may, if the Secretary recommends his retirement and the Civil Service Commission approves, voluntarily retire and be paid an annuity. Any such employee who attains the age of sixty years and completes fifteen years of service may voluntarily retire on an annuity, unless the Secretary determines that such retirement would not be in the best interests of the program and, in such case, the Secretary may extend such employee's service on an annual basis. An employee who retires under this subsection shall be entitled to an annuity of 2½ per centum of his average pay multiplied by his total service, except that the annuities shall not exceed 80 per centum of his average pay. As used in this

subsection, the terms "employee", "average pay", and "service" have the meaning ascribed to those terms in subchapter III, chapter 83, title 5, United States Code, and the provisions of that subchapter respecting payment and adjustment of annuity, survivor annuities, and related matters, shall apply with respect to employees retiring under this subsection.

(y) (1) No person shall discharge or in any other way discriminate against or cause to be discharged or discriminated against any miner or any authorized representative of miners by reason of the fact that such miner or representative (A) has notified the Secretary or his authorized representative of any alleged violation or danger pursuant to section 103(g) of this title, (B) has filed, instituted, or caused to be instituted any proceeding under this Act, or (C) has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(2) Any miner or a representative of miners who believes that he has been discharged or otherwise discriminated against by any person in violation of paragraph (1) of this subsection may, within thirty days after such violation occurs, apply to the Secretary for a review of such alleged discharge or discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party, to enable the parties to present information relating to such violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code.

Upon receiving the report of such investigation, the Secretary shall make findings of fact. If he finds that such violation did occur, he shall issue an order requiring the person committing such violation to take such affirmative action to abate the violation as the Secretary deems appropriate, including, but not limited to, the rehiring or reinstatement of the miner or representative of miners to his former position with back pay. If he finds that there was no such violation, he shall issue an order denying the application. Such order shall incorporate the Secretary's findings therein. Any decision issued by the Secretary under this paragraph shall be subject to judicial review in accordance with the provisions of this Act. Violations by any person of paragraph (1) of this subsection shall be subject to the civil penalties provisions of this title.

(3) Whenever an order is issued under this subsection, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) as determined by the Secretary to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

DEFINITIONS

SEC. 318. For the purpose of this title and title II of this Act, the term—

(a) "certified person" means a person certified by the State in which the coal mine is located to perform duties prescribed by such sections, except that, in a State where no program of certification is provided or where the program does not meet at least minimum Federal standards established by the Secretary, such certification shall be by the Secretary;

[(b) "qualified person" means an individual deemed qualified by the Secretary to make tests for measurements, as appropriate, required by this Act;]

(b) "Qualified person" means, as the context requires, an individual deemed qualified by the Secretary to make tests and examinations required by this Act; and an individual deemed, in accordance with minimum requirements to be established by the Secretary, qualified by training, education, and experience, to perform electrical work, to maintain electrical equipment, and to conduct examinations and tests of all electrical equipment.

(c) "permissible" as applied to—

(1) equipment used in the operation of a coal mine, means equipment to which an approval plate, label, or other device is attached as authorized by the Secretary and which meets specifications which are prescribed by the Secretary for the construction and maintenance of such equipment and are designed to assure that such equipment will not cause a mine explosion or a mine fire,

(2) explosives, shot firing units, or blasting devices used in such mine, means explosives, shot firing units, or blasting devices which meet specifications which are prescribed by the Secretary, and

(3) the manner of use of equipment or explosives, shot firing units, and blasting devices, means the manner of use prescribed by the Secretary;

(d) "rock dust" means pulverized limestone, dolomite, gypsum, anhydrite, shale, talc, adobe, or other inert material, preferably light colored, 100 per centum of which will pass through a sieve having twenty meshes per linear inch and 70 per centum or more of which will pass through a sieve having two hundred meshes per linear inch; the particles of which when wetted and dried will not cohere to form a cake which will not be dispersed into separate particles by a light blast of air; and which does not contain more than 5 per centum of combustible matter or [more than a total of 5 per centum of free and combined silica (SiO_2);] *more than a total of 3 per centum of free and combined silica (SiO_2) or, where the Secretary finds that such silica concentrations are not available, up to 5 per centum of free and combined silica;*

(e) "coal mine" includes areas of adjoining mines connected underground;

(f) "anthracite" means coals with a volatile ratio equal to 0.12 or less;

(g) "volatile ratio" means volatile matter content divided by the volatile matter plus the fixed carbon;

(h) (1) "working face" means any place in a coal mine in which work of extracting coal from its natural deposit in the earth is done,

(2) "working place" means the area of a coal mine inby the last open crosscut,

(3) "working section" means all areas of the coal mine from the loading point of the section to and including the working faces,

(4) "active workings" means any place in a coal mine where miners are normally required to work or travel;

(i) "abandoned areas" means sections, panels, and other areas that are not ventilated and examined in the manner required for active underground working places;

(j) "electric face equipment" means electric equipment that is installed or used in the last open crosscut in an entry or a room;

(k) "registered engineer" or "registered surveyor" means an engineer or surveyor registered by the State pursuant to standards established by the State meeting at least minimum Federal requirements established by the Secretary, or if no such standards are in effect, registered by the Secretary;

(l) "low voltage" means up to and including 660 volts; "medium voltage" means voltages from 661 to 1,000 volts; and "high voltage" means more than 1,000 volts;

(m) "average concentration" means a determination which accurately represents the atmospheric conditions with regard to respirable dust during a full working shift; such determination shall be the result of applying valid statistical techniques to the minimum necessary measurements of respirable dust; and

(n) "respirable dust" means only dust particulates 5 microns or less in size.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished gentleman from Wisconsin, a member of the subcommittee, who has worked diligently on this legislation.

Mr. STEIGER. of Wisconsin. I appreciate the gentleman from Kentucky yielding to me.

In your remarks you directed the attention of the Members of the House to the question of compensation for persons suffering from black lung disease, about which there will be some controversy. The chairman knows that I supported the inclusion of this compensation section, but I simply want to see if the distinguished chairman of the full committee agrees with the statement appearing in the committee report:

> It is clearly not intended to establish a Federal prerogative or precedent in the area of payments for the death, injury, or illness of workers.

Does the gentleman agree with that statement.

Mr. PERKINS. Let me follow the gentleman a little closer. Let me get the report. I want to make sure that that is not intermingled with other sentences.

Mr. STEIGER of Wisconsin. It is on page 13.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. PERKINS. Mr. Chairman, I yield myself 1 additional minute.

The CHAIRMAN. The gentleman is recognized for 1 additional minute.

Mr. PERKINS. On page 13? Where on page 13?

Mr. STEIGER of Wisconsin. The middle of the page.

It starts out by saying:

> This program of payments——

Mr. PERKINS. All right, "This program of payments"——

Mr. STEIGER of Wisconsin. It states:

> This program of payments—maintained in the bill by a committee vote of 25 to 9—is not a workmen's compensation plan.

I am sure that the chairman would clearly agree with that statement.

Mr. PERKINS. It is not a workmen's compensation plan even though it is included in the bill because the committee found workmen's compensation statutes in various States totally inadequate to compensate the victims of black lung. It is a special compensation plan because of the hazardous nature of the employment of coal miners.

Mr. STEIGER of Wisconsin. I understand.

Mr. PERKINS. There is no other occupation to my knowledge or thinking as hazardous and as dangerous. It is for this reason, because of the insidious nature of this disease, that we wrote the compensation provisions into this bill—knowing that many of the States would never provide compensation for the coal miners when they may have contracted the disease in those States—they would never write a statute.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. PERKINS. Mr. Chairman, I yield myself 1 additional minute.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield further?

Mr. PERKINS. I yield further to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I simply want to again point to the one sentence that I think is the key and I want to make sure that the legislative record is clear for all to see, that this is not intended to serve as a precedent. It is on that point that I have asked the gentleman from Kentucky to make his comment about that sentence in the committee report.

Mr. PERKINS. This is intended—let me put it in my own words—as a Federal compensation statute to take care of a group of employees that has been ostracized by most of the State workmen's compensation statutes. It is a special statute because of the hazardous nature of the work.

Mr. STEIGER of Wisconsin. I appreciate the gentleman yielding.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. ERLENBORN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are here today considering H.R. 13950, the Federal Coal Mine Health and Safety Act of 1969 in an atmosphere of some emotion as a result of the terrible disaster in West Virginia's Consolidation Coal Co.'s No. 9 mine near Farmington, W. Va.

It is unfortunate that this would be true, that one of the major reasons that this bill comes out onto the floor for consideration and that we are presently considering the health and safety of the coal miners is as the result of such a disaster.

It does make it more difficult as well in considering this bill to make the kind of dispassionate valid judgments that one must make in order to legislate effectively.

Mr. Chairman, a little over a year ago 78 miners were killed in an explosion and fire at the Farmington mine. As was pointed out by the chairman of our committee (Mr. PERKINS), the one thing that goes unheralded is that over 170 men have died in coal mine accidents since the Farmington disaster, more than double the number that died in that disaster.

Mr. Chairman, this points up, I think, the fact that this is an extremely hazardous occupation.

But unfortunately we do not look at the hazards that exist day by day. Most people are not aware, except when there are demonstrations or strikes against the State legislatures, most people are not aware of the disease pneumoconiosis—which I could not even pronounce at the beginning of this session, and was not aware of it. It comes trippingly off my tongue now because I have talked about pneumoconiosis and studied it for the better part of this year—but most people are not aware of this disabling disease, how it comes about, and what we might do to see that miners are protected from the onset of this disease.

I believe it is a sad commentary that we here in the United States, being one of the greatest coal-producing nations in the world, have not done the job of research that should have been done years ago into the causes and prevention of the disease pneumoconiosis. Because of this, our subcommittee while considering this legislation felt that we should go to the source of valid information since it was not available through our own research, and some members of our subcommittee did go to England where for the last 20 or 30 years they have made a very detailed study of pneumoconiosis. They have taken readings over a period of a number of years on the concentration of respirable dust in the coal mines, and have developed the relationship between the concentration of respirable dust and the length of time a miner is exposed to it, and the possibility or probability that the miner would contract the disease pneumoconiosis.

We had some difficulty in relating the information we got there to our situation in the United States for several reasons.

One is that historically the British had made a particle count to determine the prevalence of respirable dust. In other words, they would take a measurable amount of air and actually count the particles that were deposited upon a filter. We in the United States had used what is called a gravimetric measurement, that is, we gathered the particles within a measured volume of air, and weighed them. So we talked about milligrams of a certain weight of respirable dust in a cubic meter of air, and the English were talking about hundreds of particles in a given volume of air.

Since our trip the English have changed over to the type of measurement that we have, the gravimetric measurement, and they have for the first time promulgated standards of dust concentration for the purpose of limiting the chance of contracting the disease pneumoconiosis. I think it has a real bearing on what we are proposing to do in this bill, as to the interim mandatory standards which appear in title II, and I will talk about that later.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am very much interested in the standards of respirable dust promulgated and fixed in England recently, what is that standard at the present time?

Mr. ERLENBORN. The English have just recently established a standard of 5.7. It would relate in the same terms to what we use of 5.7 milligrams per cubic meter of air, whereas the standards proposed to be established upon the operative date of this bill will be 4.5 milligrams, and within a year this would be reduced to 3 milligrams.

Mr. CARTER. In a recent letter from the Mining Board in England I believe I read that a standard of 8 milligrams per cubic meter would be required this year.

Mr. ERLENBORN. The gentleman is right. The standard set is 8 milligrams per cubic meter in England, but they measure at a different point than we do, and I think relating this to the standards and the method of measurement in the United States, if the gentleman will look at page 91 of the report of the committee, in the supplemental views, the gentleman will see that this would correspond to 5.7 milligrams concentration of coal dust.

Mr. CARTER. Is it not true that England has done a great deal more research work in this field than we have up to the present time?

Mr. ERLENBORN. There is no question about that. Up until a few years ago we had done practically no research in the United States. In the last 25 years or more extensive research has been conducted in England.

Mr. CARTER. Then, with an amount of research, less than that of England, we are setting a standard today in the United States which is lower than that of England; is that not true?

Mr. ERLENBORN. The gentleman is correct.

Mr. CARTER. I thank the distinguished gentleman.

Mr. ERLENBORN. I intend to address myself to that later in my remarks.

Mr. CARTER. I thank the gentleman.

Mr. ERLENBORN. Mr. Chairman, the history of coal mine legislation at the Federal level relates itself to safety legislation only. This bill will, for the first time put the Federal Government into the business that they should be in, in my opinion, and that is looking to the health of the coal miners.

As I say, over the years, actually over 100 years, we have had some legislation in the field of coal mine safety. The first real authority, I think, to inspect mines and to go into the business of safety for coal miners occurred in 1941.

In 1951 additional legislation was adopted that extended this authority.

In 1966 for the first time all of the mines were covered, and we brought in the smaller mines under the authority of this coal mine safety legislation.

At that time it was made quite clear that a valid distinction existed between the gassy mines, those liberating large amounts of methane gas and other mines that were not liberating excessive amounts of methane gas or enough methane gas to cause an explosive combination in the mine atmosphere.

An exemption was made for these nongassy mines so they would not have to comply with the very expensive requirement for permissible equipment, that is equipment designed according to specifications required by the Secretary of the Interior and the Bureau of Mines in such a way that it would not cause sparks or cause an ignition. It is contemplated under this bill to eliminate the nongassy classification and to bring all mines under the same requirement for the use of permissible equipment.

But to follow the historic progression of the legislative efforts of the Congress, as I say, in 1966 the last amendment was made bringing the small mines under the Federal legislation.

Then in 1968, we had the Farmington disaster and here in 1969 we are considering the question of coal mine health and safety legislation.

One of the first items in the bill, section 101, relates to the setting of standards—interim standards for health are established in title II and interim standards for safety are established in title III.

But these are meant only to be interim standards until the Secretary through investigation and through advancements in technology decides that different standards should apply—more rigid standards should apply—that will help eliminate accidents and health problems.

I might mention again for reemphasis that we have never been in the field of health in the Federal jurisdiction in this area and this bill, for the first time, puts us in the area of health. But to make this clear, what we are talking about in the field of health for coal miners, is the disease of pneumoconiosis and the concentration of respirable dust.

This is a very technical field. The majority of the subcommittee and the majority of our full committee felt it was one which was within the unique expertise and knowledge of the Secretary of Health, Education, and Welfare.

I admit that the research that has been taking place now and what research has been conducted is under the auspices of the Secretary of Health, Education, and Welfare. I admit that the Secretary of Health, Education, and Welfare is uniquely qualified through the Surgeon General and through the National Institutes of Health to further this research.

But I have maintained and I continue to maintain and reiterate, and I hope the majority of Members of the House will agree with me, that the Secretary of the Interior, through the Bureau of Mines, is uniquely qualified to know what is technologically and technically freasible in the setting of standards and in the enforcement of those standards. In this bill the majority of our committee has provided a most unique procedure, I think an unprecedented procedure, for the establishment of health standards, giving the authority to the Secretary of Health, Education, and Welfare to develop these standards, and then the Secretary of Health, Education, and Welfare will direct the Secretary of the Interior to promulgate and to enforce those standards. That puts us in the most unique position—I think ridiculous position—of having one Cabinet-level Secretary dictating to another Cabinet-level Secretary, having one Cabinet-level Secretary developing standards, those standards being mandatory, and then the enforcement of the standards put in the hands of the Secretary of the Interior, a different authority.

At the proper time I intend to offer an amendment which would recognize the role that HEW can play in this field. It would provide that the Secretary of Health, Education, and Welfare would recommend the standards, but the actual development and promulgation of those standards would be by the Secretary of the Interior, who knows what is desirable from the reports given to him by the Secretary of Health, Education, and Welfare, but also will be armed with the knowledge as to what is possible, and he could relate the two together, so that the standards that would be promulgated would be really attainable, because the Secretary of the Interior knows that he is going to have to enforce them.

For the first time this bill also puts the Secretary of the Interior and the Bureau of Mines in the field of day-by-day safety. Up until this time the Secretary of the Interior and the Bureau of Mines have had no real authority in the field of the day-by-day accident—the roof falls and the other things that occur—which really account for many more lives than the great disasters. Those have not been within the jurisdiction of the Bureau of Mines, and this bill will expand the Secretary's authority so that he can really get into the most important field of day-by-day safety regulations.

The bill also provides carefully drawn provisions for judicial review of the decisions that are made by the Secretary of the Interior. The Secretary has some rather broad authority in the enforcement of interim health and safety standards, in the closure of mines, in the imposition of criminal penalties of up to $10,000, and 6 months in jail, in seeking the closure of a mine through an order of the Secretary. All of this should be subject to review. The Secretary can also enforce many of the provisions of this act through the use of injunctions. If the operator violates or refuses to comply with a valid order of the Secretary, the Secretary can go into the Federal District Court and get an injunction to enforce compliance. If the operator hinders or delays the representative of the Secretary or the mine inspector—refuses to allow him into the mine or will not show him his books and records—again the Secretary can go into the Federal District Court and obtain an injunction to enforce compliance.

I have mentioned penalties. The penalties are stiff. The penalties include not only closing a mine and getting injunctions, but, as I mentioned before, criminal penalties of up to $10,000 and 6 months in jail, and civil penalties will be up to $10,000 and for a repeated violation, a fine of not more than $20,000 a year and/or imprisonment for not more than 1 year.

The interim mandatory health standards, as they are called—again, I reiterate this really does not get into any broad questions of health—only the one question of respirable dust and the onset from which could be caused pneumoconiosis.

As has been pointed out already in the colloquy with the gentleman from Kentucky, England has conducted research in this field and they have come up with standards, which measured in the same places, would relate to the standards set in this bill of 5.7 milligrams per cubic meter. We are requiring in this bill, within 6 months after the passage of the bill, that is, the operative date of title II, 4.5 milligrams, a much lower standard than the English. Then 6 months thereafter, in other words, 1 year after the passage of the bill, we require 3 milligrams. Then we require the Secretary to reduce that even further as the technology becomes available.

These are very harsh limitations. They are meant really for the protection of the health of the miners. We should have very stringent standards.

I doubt whether anyone really knows if we can obtain the standards set in the act. I know it is desirable to do so. It is desirable that we have the toughest standards that are attainable.

My own inclination originally was to hold out for higher figures, those which would be more in keeping with what the English have established, but what is even more important—and this is something Members should realize—there is no imminent danger to the health or safety of the miners because of an extra large concentration of dust in the mine. Many people relate the dust standards to such things as concentration of methane. If we have a concentration above 5 percent, between 5 percent and 15 percent of methane in the atmosphere of a mine, it is an explosive situation. A spark can set it off. People can be killed in a disaster. But the concentration of coal dust in a mine constitutes no imminent danger to the mine, the mine operator, or the owner.

The fact is, a person would have to be subjected day in and day out to exposure over 15 or 20 years or more before evidence of pneumoconiosis would even begin to be ascertainable by X-ray and lung function tests.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, first I compliment the distinguished gentleman from Illinois (Mr. ERLENBORN) for the outstanding job he has done, for being so diligent in his efforts to try to write a coal mine safety bill.

However, I do feel the 4.5 dust level figure in the House bill requires reduction to the 3.0 dust level within 12 months, with waivers for an additional 6 months. Based on recent tests that the gentleman heard discussed this morning, does the gentleman not think that timetable is achievable?

Mr. ERLENBORN. Mr. Chairman, first of all, I thank the chairman of the committee for his contribution. As the gentleman from Kentucky knows, we did have a meeting with representatives of the Bureau of Mines. They detailed for us some investigations they have made in the last few months that make it very hopeful these standards would be attained. I feel, as a result of that meeting, that, although it may not be entirely certain, it is more hopeful that these standards can be reached within the period of time set forth in this bill.

I was about to say that even though I think our standards are harsh and maybe not attainable, I am not going to attack the standards and try to increase the 4.5 to some higher number or to reduce it.

Mr. PERKINS. Mr. Chairman, I am glad to hear the gentleman make that statement. We set no time in the bill as to the time when the 3.0 should be reached, but we leave that to the discretion of the Secretary, as I think it should be. I am glad the gentleman makes the observation that he does not intend to try to amend the standards.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, I listened with great interest to the remarks of the gentleman from Illinois.

I do not want this time to pass without noting for the benefit of Members of the House the fantastic contribution made by the gentleman in the well. On our side we consider this a subject in which many of us have at least a peripheral interest, but clearly the gentleman from Illinois (Mr. ERLENBORN) has been the man who has spent the time and effort and energy and intelligence to do the most detailed and exhaustive study on the question of coal mine safety. He has spent hour after hour in studying what is a very complex and detailed piece of legislation. He has been extremely influential in shaping and forming the bill that is before the House today.

I believe it is important to note that the gentleman from Illinois has no coal mines in his district. This is not a subject in which, representing his constituency, he might have an interest. But as a member of the Committee on Education and Labor and as the ranking minority member on this subcommittee he has done his job, which he has handled, I believe, exceptionally well, in making sure the bill before us came to us, in the first place, and is in the shape it is in, in the second place.

I intend to support a number of the amendments he has talked about. I do not intend to support all of the amendments the gentleman from Illinois or others might offer, as he knows.

But I want to make sure that the record is here, and I wish to express my tribute to the work of the gentleman in the well, who has contributed so much to this kind of bill. If it passes, as I hope it will in the shape the gentleman from Illinois discussed in most details, it will be in large part due to the efforts of the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Illinois (Mr. ERLENBORN) who together have done a magnificent job.

Mr. ERLENBORN. I thank the gentleman for that kind endorsement.

Mr. BROTZMAN. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I am happy to yield to the gentleman from Colorado.

Mr. BROTZMAN. Mr. Chairman, I do not have the privilege of serving on the committee, as does the prior speaker, but I have been sitting here on the House floor today listening to the very lucid explanation of a very complex subject by the gentleman from Illinois.

I represent a State that does have coal mining. In fact, I do have some coal mines in my particular district.

On behalf of those people who expose themselves to great risks on a daily basis to mine coal, I should like to congratulate the gentleman not only on qualifying himself so expertly but also on explaining, as he has today, to the Members of this House this complicated proposal.

I should like to take this opportunity to express my gratitude and say that I too, intend to support this particular bill. I will have to listen to all the debate relative to the various amendments.

Mr. ERLENBORN. I thank the gentleman for his kind remarks.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I am happy to yield to my colleague from Illinois.

Mr. PUCINSKI. Is it the gentleman's intention to place the proposed amendments in the RECORD today, so that there will be an opportunity to study them tomorrow as we begin debating the various amendments? I know they are undoubtedly very complicated amendments. This is a very complicated bill.

I believe it would be helpful to all of us to have an opportunity to review them in the RECORD tomorrow as we go into the discussion of them.

Mr. ERLENBORN. I thank the gentleman for that suggestion. I may well do that. My amendments are not very complicated. For the most part they are very simple.

Mr. PUCINSKI. The gentleman knows that we on the subcommittee who wrote this bill, with his very good help and assistance, have learned over the past year that everything we touch in this bill is of immense complexity. There are no easy provisions in the bill. I believe this was one of the toughest bills we have ever had to work with.

I myself feel it is a good bill as it is. I am going to be very reluctant to support any amendments. That is why I suggested to the gentleman he might place his amendments in the RECORD, so that we could have an opportunity to study them.

Mr. ERLENBORN. Again I thank the gentleman for that suggestion.

I am encouraged by the gentleman's observation that this was the most complicated bill we had to consider. Because of my limited experience on the committee, I did not realize that. This was one of the most complicated bills I would care to handle, and I am happy to know there will not be others that are worse.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I commend the gentleman from Illinois for his presentation and for his obvious knowledge of this subject.

The gentleman from Illinois mentioned that he has an amendment which would transfer jurisdiction back to the Department of the Interior for the control of dust standards and recommendations for control of pneumoconiosis.

What disturbs me in this whole area of coal mine health and safety is the fact that if the Bureau of Mines and the Department of the Interior had been doing their job over the years we would not have to be debating at such great length the measure we are debating today and tomorrow. Because the Bureau of Mines and the Department of the Interior are production oriented in their approach and the emphasis in the expenditure of their funds has been almost entirely on production rather than health and safety, I wonder if the gentleman would not support an amendment to transfer jurisdiction to the Department of Labor, which is more sympathetic toward employees and coal miners.

Mr. ERLENBORN. Mr. Chairman, first of all let me say that I respectfully disagree with the gentleman about his observation concerning the Bureau of Mines.

My colleagues on the subcommittee know that I am not an apologist for the Bureau of Mines. I have had my differences with them. But the gentleman's assertion that if the Bureau of Mines had done their job over the years we would not be in the situation of having to give them the additional powers I do not think recognizes the facts.

As a matter of fact, we never gave them jurisdiction to go into anything except major disaster situations. We never gave the Bureau of Mines jurisdiction to go into any health-related situation. This bill, I believe, represents a great step forward in giving jurisdiction to the Bureau of Mines. It has not been a matter of emphasis, or a lack of their desire. We have not given them the funds to hire a sufficient number of inspectors to do the job that they should do. We have not given them the jurisdiction necessary to protect the coal miners. That is exactly what we intend to do with this bill.

The point that I make about setting of mandatory standards I still consider to be a very valid point. Whether you are talking about the Department of the Interior or HEW or any other department in this Government, you should not have one Secretary dictating to another Secretary. You should not have this conflict within the President's Cabinet. You should not have one department of the executive branch setting standards without any need to relate this to the achievability of those standards and without having to stand up in the final analysis and apply those standards. HEW, even though I am sure they will try to act in the most reasonable manner, has no jurisdiction and has no responsibility to enforce the standards that they will dictate to the Secretary of the Interior. This is bad from an organizational standpoint. It will not be good for the miners or the mines, and I hope my amendment on this will be adopted.

Mr. HECHLER of West Virginia. Mr. Chairman, recognizing our disagreement, if the gentleman will yield briefly, I will join the gentleman in supporting adequate funding for those additional responsibilities that we are placing on the departments.

I thank the gentleman for yielding.

Mr. ERLENBORN. I thank the gentleman for his contribution.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I am happy to yield to the gentleman from Pennsylvania.

Mr. MORGAN. I am interested in section 317(j), the section dealing with Government inspectors in certain mines. I represent a district that has many gaseous mines. In the last 50 years we have had at least five or six major mine explosions in my district. I just read the supplemental views, and I see one of the reasons given for opposing this is these provisions will not only be costly but difficult to administer. Do you intend to offer in your series of amendments one amendment which will be an amendment to 317(j)?

Mr. ERLENBORN. An amendment to 317(j) will be offered to make it more workable. As the gentleman is probably aware from reading the report, it requires a mine inspector or a representative of the Bureau of Mines to be present on every working shift in the mine. There are just not enough Federal inspectors to do this job. In the second place, it turns the attention of the mine operators and the miners away from what is really their basic job, to see that safe rules are followed and standards are followed to avoid explosions, injuries, and deaths.

Mr. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. Yes. I yield to the gentleman from California.

Mr. BURTON of California. Is it not the case that the requirement that a mine inspector be present every single day mandates the utilization of the already limited inspector manpower? It precludes the Bureau of Mines from using those inspectors in situations that on the facts may be more hazardous yet given the current requirement that there be an inspection every quarter may make that mandate impossible to comply with? And it also runs the unhealthy risk that the inspector will no longer be able to maintain an arm's length relationship with those operating the mines, because he will be there day in and day out and will virtually become a part of the management and thereby run the risk that management might default in its responsibility and turn over to the inspector every decision affecting mine safety which should essentially be a management function?

Mr. ERLENBORN. I agree with everything that the gentleman from California has said. This is one of those things that at first blush appears to be a great thing for safety, but as a matter of fact upon sober consideration my view of this is that it will not increase safety. It will probably do just the opposite. It will use up this limited manpower. There are many other inspections which should be made for the general safety of the miners.

Mr. BURTON of California. Mr. Chairman, if the gentleman will yield further, is it not the case that virtually every safety expert in the field agrees that a regular spot check procedure is infinitely more desirable on all counts than this permanent stationing of a mine inspector at a mine?

Mr. ERLENBORN. The gentleman is correct.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. Yes, I yield to the gentleman from Kentucky.

Mr. PERKINS. Did I understand the gentleman from Illinois to say that he intended to offer an amendment to divest the Department of Health, Education, and Welfare of the authority to promulgate health standards?

Mr. ERLENBORN. Yes.

Mr. PERKINS. And place that authority with the Secretary of the Interior?

Mr. ERLENBORN. Yes. I would be happy to repeat that and then I will have to move along with the balance of my statement.

Mr. PERKINS. Let me just make this observation: I personally feel that the provision in the bill is sound. I cannot see any conflict. We simply provide in the bill that the Secretary of the Interior shall promulgate health standards that are called to his attention and approved by the Secretary of Health, Education, and Welfare.

Now, the Secretary of Health, Education, and Welfare is in a position to promulgate the health standards and the Secretary of the Interior does not have that know-how around him.

Mr. ERLENBORN. I cannot yield further to the gentleman. I am running short of time. However, I would like to explain my position.

Mr. PERKINS. Well, I shall be glad to yield the gentleman 1 additional minute if he needs it.

Mr. ERLENBORN. I yield to the gentleman.

Mr. PERKINS. Let me say to the gentleman that there is no conflict between the Secretaries here. We just require the Secretary of the Interior to publish those standards in the Federal Register promulgated by the Secretary of Health, Education, and Welfare. We are not going to have any division of authority here anywhere along the line. That is the point I want to get across.

I certainly hope that the gentleman, if he presently intends to offer the amendment, will reconsider and not offer it, because I feel we have taken the best approach.

Mr. ERLENBORN. Well, I do intend to offer the amendment. I hope my good chairman will in the meantime reconsider his position and support my amendment.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I cannot yield any further at this time because we just do not have the time. There are other Members on my side who are seeking time and I do not wish to use all of it. However, I would like to proceed with my statement.

Mr. Chairman, before the colloquy with several Members we were talking about the dust standards, and to finish my thought on that, it is not my intention to vary the numbers in the bill. But I would call to the attention of the Members the fact that there is no other coal mining country in the world that closes mines because of dust. Those who have had their attention called to this know that the concentration of dust is harmful and they require that standards be set and that the operators try to attain those standards. Unless there is an imminent danger situation they do not close the coal mines. So, I intend to offer an amendment that will give the Secretary greater latitude in working with the operators to achieve these standards rather than closing the mines, which is not going to be of any use whatever to the coal miners.

If they are working in a dusty situation they will have two choices, either to lose their job because the mine is closed, or to work with the Secretary of the Interior and the operator to reduce the dust concentration so that they can work in a healthful atmosphere. I think that latter objective is what we should seek.

On the interim safety standards, the most plagueing question before our subcommittee and the full committee was the question of the limination of the nongassy classification. Suffice it to say that after an awful lot of effort on the part of all of those who were concerned we have come up in the bill that is before the House with a provision that will soften the impact of this. It takes into consideration the fact that you cannot overnight acquire all of the expensive permissible equipment necessary to equip all of the mines in the United States, some 4,500 mines. Even if the manufacturers of this equipment began tomorrow to produce at the fastest rate possible all of the permissible equipment that would be required, it would take years, and the Bureau of Mines has told us this, it would take 4 or 5 or 6 years within which to acquire all of the permissible equipment necessary to equip all of these mines.

So, taking this practical consideration into consideration, we worked out an extended period of time, taking into consideration the safety of the miners. We have immediately eliminated any open flame equipment. We eliminated the use of nonpermissible small hand drills and other of the small and easily acquired permissible equipment. We eliminated the use of this nonpermissible equipment from being used at the coal mine face, and we have taken into consideration the safety of the miners and the practicalities of the situation, and hope that this agreement will be maintained in the bill.

Another very important part of the consideration of our committee, and it was the result, really, of the efforts of our subcommittee, it was not recommended either by the administration or by others interested, is the provision for pneumoconiosis research. It provides for periodic chest X-rays of the miners.

The bill of the other body requires an X-ray every year. Medical evidence is that this would be not only useless but I think we might be killing our miners with radiation rather than pneumoconiosis. I think the most practical approach is the one in our bill which requires every 5 years a full chest X-ray of all of the miners. And under the agreement that has been reached recently the cost of these X-rays will be borne by the mine operators, and not by the miners or not by the general public.

In conclusion, let me say that I feel that on the whole this bill not only is necessary because of the inattention in the past to the day-by-day safety consideration of the coal miners. But in addition we will be going into the whole area of health research and control of the atmosphere in the mines that is very necessary, and which we should have done years ago. Instead of that, we have let other countries get way ahead of us in this field, and I think it is a disgrace that we did not do this many years before.

I intend to support this bill. I did when it was reported from our full committee. I hope some of the amendments that I have discussed and others that I will discuss in more detail under the 5-minute rule will be adopted to make this a better bill.

I want all of you to know that that is my sole intention—to see that we get the best possible workable bill out of the House, and one that can be sustained in conference with the other body.

Mr. PERKINS. Mr. Chairman, I yield to the distinguished chairman of the subcommittee, the gentleman from Pennsylvania (Mr. DENT), such time as he may consume.

Mr. DENT. Mr. Chairman, before I say too much I would like to thank those who served with me in some of the longest hours of work that I have put in in my 37 years as a legislator.

Mr. Chairman, this legislation while it has been considered before, having held some hearings on it last year and the year before, and having passed a bill in 1966 including the title I mines for the first time under Federal regulations, the impetus for action at this time came about during the early hours of the morning of November 20 last year when an explosion rocked the Consolidation Coal Co.'s No. 9 mine at Farmington, W. Va., when 78 men lost their lives.

The first body was removed just last Thursday.

Those of us who feel responsible for legislating a law—the best law we can—are very much aware of the atmosphere that we had to operate in. We knew the minute this mine exploded that it would give rise to demagogues and those who prior to this time had done little or nothing or said anything concerning mine safety and that they would soon be frontrunning as great leaders for a mine safety law.

Those of us who have records of some 30-odd years of working in the area of mine safety have tried to do the job that had to be done, namely, to pass legislation that would be economically sound to the country and the industry and the communities in which the mines are situated and, yet, would give the greatest measure of safety of life and limb and safety of lungs to the miners of this country of ours.

While the Farmington disaster was a great disaster and the shock, I know, created a great deal of feeling in this area, we know that 78 miners lost their lives and we also know that over 170 miners have lost their lives from that day to this in other accidents that have not been so well publicized as the catastrophies that happen in a disaster-type accident.

The largest mine disaster that I knew about personally was in my own community of Mammoth, Pa., when 210 miners lost their lives in one explosion. But these 210 are just a small number in that community who died in comparison to those I can recall over the years from roof falls, haulage accidents, and the normal accidents that go into the production of any particular product, and especially so in the mines.

There has been talks about the safety features of this act. I believe at this moment, that with some departmental amendments that will be asked for tomorrow, that we have written the best type of safety promoting legislation that has been written anywhere in the world.

Your general subcommittee on labor, accompanied by members of the United Mine Workers and accompanied by members of the industry and Department officials from the Department of Health, Education, and Welfare, and the Department officials from the Department of the Interior and its Bureau of Mines, visited Great Britain for 5 days. These members went down into the coal mines, 3,200 feet deep in Wales, and they visited coal mines in this country from 28- to 7-inch coal—from Cadillac type mines that have all of the safety features available today, to mines that are still running with the oldtime timbering and shooting from the solid into coal.

We have in this country some 4,000 mines and we are producing coal today to the tune of 600-odd million tons a year with 135,000 miners where not too long ago we had about 600,000 miners producing less than 400 million tons of coal.

While I am on that subject, let me state the basic argument for the pneumoconiosis payment provision contained in the bill. First, I should say that I know of only one State that has adequately tried to meet the problems arising as a result of the pneumoconiosis disease scourge. Our State of Pennsylvania passed a bill which made pneumoconiosis an occupational disease back in the days when I was a State senator. I had the privilege of introducing that legislation.

Scattered all over the United States are 300,000 miners who no longer work in the mines. Some of them are in Western States which have no coal or coal problems. Yet those men are crippled with a lung disease, and there is no place to which they can go to claim any kind of compensation. The coal-mining States have neglected to pass legislation that would provide them with compensation. So these men, and in many cases now, their widows, are living on nothing but direct relief. Every other kind of injury is compensable.

One of the reasons the States could not get around to passing legislation on the subject was that until this decade the experts had never been able to isolate pneumoconiosis so that they could, with absolute certainty, say that the disease stems from coal mining.

Many of us in our communities thought that black lung was a form of cancer. It has been known by various names throughout my lifetime. It has been known as night disease, black damp in the lungs, black lung, silicosis, anthracosis, and all kinds of other names. Finally, it was discovered to be a disease peculiar to coal mining, and was nothing more or less than a deposit of actual coal dust within the lungs.

This disease proceeds in four stages. There is a Stage 1, a Stage 2, and a Stage 3 of simple pneumoconiosis. However, none of those stages are related to each other nor are those three stages usually progressive. It is only when the victim reaches the fourth stage, known as progressive massive fibrosis or complicated pneumoconiosis, that he has a fatal, uncurable and irreversible disease. At that time he is destined to die from the disease. In some cases the men live a longer time. In some cases they live a shorter time, depending, I guess, on their constitution and how badly involved their lungs are.

So now we know the conditions in this area. We have studied the British figures and the history of mining in Britain, where they have had a history of 30 years of pneumoconiosis research. And, contrary to what I believe is the understanding of my good friend from Illinois, the Secretary of the Interior has had the absolute right, authority, and mandate since 1941 to do what he could in promoting inspections and investigations into occupational diseases and injuries in the mining industry. This was reemphasized in 1966, and the Federal Coal Mining Safety Act carries in it such language as this, and this is the original language:

> For the purpose of obtaining information relating to health and safety conditions in such mines and the various causes of accidents involving bodily injury or the causes of occupational diseases originating in such mines.

That language has been in the law since 1941, when the first mine inspection law was passed. However, when we passed that inspection law we were not able to give the mine inspectors any authority to enforce any of the rules.

Mr. CARTER. Mr. Chairman, will the distinguished gentleman yield?

Mr. DENT. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Chairman, I thank the distinguished gentleman for yielding.

Certainly I agree that we do have thousands of people who suffer from pneumoconiosis who are living throughout our country. Further, I do think they should be compensated. As I go through the mining areas I find it not too difficult to recognize people who have this condition. It can be seen in their poor breathing, in their gasping efforts.

Certainly these people have been unfortunate because when they were working in the mines, they were not covered by workmen's compensation. Neither have the unions taken them on. They were not members of a union at that time.

I feel, as the distinguished gentleman from Pennsylvania does, that we must do something to help these people who are not helped at this time by our Government or any other agency.

Mr. DENT. Mr. Chairman, I thank the gentleman from Kentucky for his contribution.

Mr. Chairman, this is a one-shot effort. This is not a continuing compensation arrangement to establish Federal-based compensation for this or any other industry. We are only taking on those who are now afflicted with pneumoconiosis in the fourth stage—complicated pneumoconiosis. In the first three stages, or simple pneumoconiosis, those afflicted are debilitated and are often disabled, but not with the same devastating frequency as are those with complicated pneumoconiosis.

However, what are we doing in this law? We are doing something that has never even been thought of before. We are giving the new miner, who applies for a job, a medical examination. We require an examination of his lungs by the best-known method that has been found to be such by the British, and that is by X-ray examination and whatever other supplemental tests may be required. Then if the new miner is acceptable, he goes into the mine, and within a year he is given another examination to see if during that year there has been any change in his lung structure. Then he goes from that time to the next period. The British have said it should be every 5 years—and I have every reason to believe them, especially after I have been to the laboratory where they have 30,000 specimens of miners' lungs from autopsies. I am convinced they made every human effort to find out what they could about the lungs of a human being, especially those of a coal miner.

Based on their experience, we require that every 5 years the miner shall have an examination, because they found that changes generally take place in 5-year periods.

We cannot force an old miner against his wishes to undergo an X-ray examination. However, we can so force the new miner.

If a miner who is presently working in the mines refuses to take an examination to determine whether he has pneumoconiosis, then a year from the date he was offered the opportunity to take that examination, and he has not done so, he is not eligible for the compensation payments provided by the bill.

Those already out of the mines have a period of 3 years within which to make their claims, because they may as ex-miners be in the State of California or Colorado or some other State, so they have 3 years. The widow has 1 year after the death of her husband or 3 years after the date of enactment of this act, whichever is the later date.

However, this is only one shot. I want to say this today and I want to have it placed in the record indelibly. I sincerely believe if the criteria of this act are followed, if the Bureau of Mines and the Secretary of Health, Education, and Welfare do their duty as prescribed in this act, there will never be a new case of pneumoconiosis in the coal mines of America, because prevention is the answer and examination is the answer, and we provide for both.

Remember, we have established in this particular act that if a miner is found to have substantial pneumoconiosis, he must be offered an opportunity to work in an area of the mine that has relatively little dust. When that miner may be moved from what might be a mine face job at higher pay and he is moved into a lower pay but dust-free area, he must be paid the higher rate. Certainly, this is a burden on the industry, but black lung is a scourge to the people who have it.

Do Members know why we cannot get miners to agree to examination? It is just a simple matter of their not wanting their neighbors and family or anyone else to know—when he already knows he has pneumoconiosis in a progressive stage.

In some of the coal mining communities they think it is a cancer, so he does not want his family to know he has it, so many of them will refuse to have the examination. We cannot force them to.

But we have said to them, "If you want relief, you can get it under this act."

I pray that whatever we do in this Congress we will not destroy this section of the bill.

There are three sections of this bill that have more value to the coal miners and to the mining industry than all the rest of the language put together. One is on the lung disease compensation; another is the section dealing with the mine dust standard; and another is the section dealing with the safety standards.

Warning is what we need in the coal mine. Given an opportunity to get out, the miner knows how to get out. Given an opportunity to know there is imminent danger, that miner knows how to get out, and he will get out.

We have set in motion necessary legislation, even additions in this law, to make it possible for the miner to get out.

There is one feature of this act that I am especially proud of. I am proud of the committee for taking it. I want to say to the gentleman from Illinois, not once did he question this particular feature of the act, never contained in any legislation before, yet it was highly controversial at the time because of the cost.

I am talking about a piece of machinery developed by the Bureau of Mines that is known as an automatic methane monitor. This particular piece of machinery is continuously working, always constantly on guard. After there is an accumulation of methane gas to a trigger point below the explosion point of that gas, this monitor flashes lights as a warning to the miner that there is excess gas in the mine. It also deenergizes the equipment in order that no spark can come from the equipment that may ignite the gas.

We have tried to write law that will be at least as safe as legislation can make coal mining, which is the most hazardous industry in our country.

Insofar as this old piece of machinery is concerned, we believe we now have outmoded it. It is cumbersome. It is not accurate. It does not always function. But it has been something of an early warning system.

We now have in our possession another piece of equipment. I had it here a while ago, but, as is said, "There is many a slip twixt the cup and the lip." Somebody turned the battery on over the weekend, and I will have to go out and get another battery. But I will show the Members this great piece of equipment, developed, I understand, since we started talking about methane monitors and all the equipment working in the coal mines.

The cost of this old equipment is between $1,800 and $2,000, or in that area, and we can understand the tremendous cost to these 4,000 mines being put under this new status in coal mining, that will be compelled under this law to put this kind of equipment in. We can imagine the cost to a mine producing a very small tonnage of coal.

We have been lucky enough to find in our research something that will take the place of this, where the cost is not exorbitant.

We have also increased the flow of air from 6,000 to 9,000 cubic feet. We have gone further than that, and for the first time intend to have a requirement of 100 feet per minute of velocity, of wind and clean air across the miner operating machinery, and 3,000 cubic feet of air at the working face.

In examinations already made by our own Bureau of Mines of recent date, and in my State of Pennsylvania of recent date, we are not disturbed about reaching the 3 milligram level of mine dust in the mines of this country within a reasonable time, and we are hopeful we can do so within less than the time prescribed in the bill.

I have before me a list of some 23 mines that were examined. These mines have made little or no effort in this area because the law is not yet in being. Here we have a continuous miner producing as low as 2.4 milligrams of dust at its face. We are requiring 4.5 milligrams after the first 6 months and 3 milligrams after the next 6 months, and also from then on lower levels to be set by the Secretary of Health, Education, and Welfare, who under this bill does have the authority to do what it has been said he did not have. He has the authority to send inspectors into the mines with authority to act. He may set the standard lower as the technology and equipment and methods of operation in the mines warrant his setting it.

Mr. Chairman, the British told us that when mine dust reaches a level of 2.2 milligrams per cubic meter of air, there is virtually a zero probability of a miner with 35 years of exposure to that level contracting stage 2 or above of pneumoconiosis. We are hoping that this is right and we are praying that it is right.

Once we can lower the methane gas danger in the mine by having an early warning system and circuitbreakers and deenergizers on all working equipment and make all the mines in the country come under the law of a gassy mine just by the presumption that they are a gassy mine—if we can do all these things, then we are reducing the dangers when it comes to deaths caused by explosions and fire in mines. By changing the law on roof bolting—and I want to show you a picture of this, because some people wonder what roof bolting is—we can help to cure this situation also. There are now innovations that have come into this rather recently. Roof bolting is the latest, up until recently, method of holding the roof up above the workers' heads. In the old days there was nothing but cross timbers sitting on posts.

Now they send a pattern, a copy of their diagram of that working area with a description of the kind of overburden that will be above the coal, and they then set a pattern for how many bolts there will have to be and the spacing and at what intervals it will have to be and how deep the bolt will go into the overburden, and all of this is subject to approval by the Secretary. There is a flanged nut at the end of a large bolt with a 8 by 10 or a 2 by 12 piece of hardwood, and the bolt is put through it after the hole is drilled, and they tighten the nut underneath. That acts as a hanging strap to hold up the roof. They have developed a new crossbar type which will be bolted into the side next to the roof, and with a turnbuckle arrangement it will pull the roof this way. So you have the stress both ways to keep the mine roof up. If they can lift the mine roof, they will not only cut down the deaths by all of these causes that occur in the mines now, but they will make coal mining a little safer and more respectable for the fellow who values his life.

Mr. Chairman, it is my humble opinion that coal mining today is on the verge of an explosion of activity. It is still the cheapest source of fuel in the United States per B.t.u. or, for that matter, anywhere else in the world. It is without a doubt the whole energy impulse of our entire industrial complex. We are going to mine 600 million tons and we can even reach 700 million tons in the near future. I have been told by reliable sources that there is going to be a need for about 15,000 new coal miners within the next 2 years.

And, a third generation of immigrant coal miners is not going into the mines any more. What you have to do is pass this kind of legislation, or better if you can conceive of better legislation, in order to give these men a reasonable hope that they can live from the beginning of the shift to the end of the shift and that their life will not be plagued with the lung disease that sends them to an early grave or a miserable life in their elderly years.

So, I say to you insofar as the legislation itself is concerned I was grieved to learn where some said that there were giant loopholes in the bill. Well, the loopholes we are talking about are figments of the imagination. I would put it kindly that way.

I read one particular item quite a bit and oh—well, as first I was a little hot, being a fellow that has a little temper I get a little hot—but when I considered all of the ramifications as to why the statements were made and who was interested in the statements and realized that we had this bill up for consideration during a very difficult time when there is a fight on between the mineworkers as to who is going to be the president of that great international union and because in those campaigns a lot of things are generated and there is great latitude of expression. In other words, we do not always mean what we say and we do not always say what we mean in our campaign.

However, I am sorry to say I defy anyone to find in this legislation now pending before you a loophole that in any way endangers the life or hurts the miner, and if it can be made better within the conditions under which we are working, I do not know how but I will support the effort.

It has been said that we gave 4 years for the acquisition of the necessary so-called permissible equipment. This committee held the hearings. Every witness who appeared before us, representing either the mines or the manufacturers of the permissible equipment stated that they would have to have 7 to 12 years during which to provide the equipment.

Well, let us look at it now upon a realistic basis. There are about 500 mines in the country today which are using permissible equipment and the manufacturers of this particular type of equipment are tooled to produce for that many mines. In some instances with reference to certain types of equipment, due to the expansion of the coal industry, it will take anywhere from 6 months to a year and a half or better. We will have many mines for these manufacturers to produce equipment. It is just commonsense that it is going to take time to acquire the equipment. What do we do in order to safeguard the miners? We say that no replacement of the present nonpermissible equipment can be made, unless it is made with permissible equipment. And, we state that the small equipment which is in use every day shall be permissible because it is available and can be bought now.

So, Mr. Chairman, we have covered the nongassy mines and put them into the so-called permissible equipment state of operation to make sure that no more accidents of ignition or explosion will be caused by the use of nonpermissible equipment in those mines.

We believe we have proceeded correctly. We have given 4 years on an industry basis. But the Secretary knows that every 6 months he has to report to the mines and to this committee on the progress of making all equipment in these mines permissible.

I honestly believe that the nonpermissible equipment manufacturers will swing over and make permissible equipment and that thereby we can probably have equipment for all the mines in the country in a period of less than 4 years. But I do not believe in asking you to vote for legislation that I cannot honestly say to you is feasible. We have allowed some time because until now this type of mine was not even under the act insofar as permissible equipment is concerned.

In 1966 when I had the title I bill up, I was defeated in trying to classify all mines as nongassy and thereby require all mines to use permissible equipment.

I said at that time that the issue would be back within 5 years, and that you would have to have permissible equipment or you would not be able to hire any coal miners, and that is exactly what has happened in this country of ours. They are not able to hire coal miners. Why, even some of the Members—and I will not mention who they are—whom I have invited to go with me into a coal mine, they will not even go to the tipple, let alone go into the entranceway, because mining is dangerous. You are walking into an unknown quantity.

Let me tell you this about mining: When I was a boy I never saw my father until Sunday morning. When he went to work in the morning it was before I got up, and when he got back in the evening it was after I had gone to bed. It was not an easy life. It was a hard life, and if they could produce a ton and a half of coal in a day in those days they were doing a good job.

Today it has come to the point where one machine working on a 24-hour shift has produced something like 4,000 tons of coal in that 24-hour shift.

So machinery has come into the mines and that is what has produced the dust. Because in the old days when they would shoot the coal in the mines, the lump coal would come out in large sizes and it was not broken up into small pieces. and therefore did not liberate the same quantity of methane gas. Methane gas comes from mining coal. Dust comes from mining coal. Methane gas blows up the coal mines, kills the miners. Dust also kills miners though in a more subtle way. So with all of our technology we have failed to take into consideration the health of the miners for too many years, and in many instances the safety of the miners. Now we have come face to face and square on the problem—what do we do about it? We pass legislation that, as I said, is not economically unsound for the community or the operator, but it is the best kind of legislation that we have been able to conceive of—and I am here to buy any amendment that will better it so as to protect the lives of our miners and to improve their working conditions.

Mr. Chairman, I want to thank my subcommittee for their patience and for the many hours that they have put in, both those on the minority side and on the majority side. I also want to thank the chairman of our full committee for his tolerance and understanding, and in allowing me to have as much time as we had, and to put in as much effort as we put in our effort without any criticism on his part.

He would say to me, "When can you have it? What is your target date?" And I would tell him, and then if we could not make it I would go back and tell the chairman, and he always understood that we were trying to write the kind of legislation that would help the miners. And he has always been for that.

For the information of the minority who asked the question, I would refer them to page 19 of the committee report, and they will see the number of mines meeting the criteria levels based on occupation of the miners, and they will be surprised at the number of occupations within the mines today where the level of dust is less than that which we have set forth in the act. I believe we can live with it.

I have some doubts as to whether we are doing the right thing in eliminating the board. I do not know that it is best to go for your authority to one man, and then have to go to the courts. Let me cite you one example of what happened when we went to the courts before we had the Review Board.

On January 19, 1953, the judge of the district court of the State of Iowa in and for Monroe County handed down a temporary injunction forbidding two Federal employees from going into the Lavilla Coal Co. mine, and restraining that miner from operating or enforcing their closure order. They later appealed, and asked that the jurisdiction be taken—or, rather, they asked that the case be taken before a Federal court. The U.S. district court sustained the motion to dismiss and dissolve the restraining order, and the injunction. That was done on March 30, 1953, some 2½ months after the injunction order was handed down by the local court.

On that day, March 30, when the Federal court dissolved the injunction and ordered the coal operator to allow these men to enforce the rule—that mine blew up and five men were killed. I do not know how you are going to get around it, but so far as I am concerned, I have never been wedded to the Board in this bill. Virtually the same Board has been in existence since 1953. So I have no pride of authorship in it. I do say though, do not force these miners, either the operators or the coal miners, to have to go directly to the court and petition the Federal court with its backlog of cases on a closure order.

When imminent danger is involved, you cannot wait for time scheduling of the case before a judge. At least in a review proceeding of some kind, I do not care how you write it and if you do not like the characters in it, then get rid of them—but let us not jump into this thing without giving it some careful consideration.

I also ask you to study carefully the proposal to take out of the hands of the Secretary of Health, Education, and Welfare the writing of criteria and the promulgating of rules for the dust standards or health measures in the mines.

The Secretary of the Interior has had that responsibility for so many years. He has never used it. I found that once we started to get the Health Department into it, we have here the only information on dust standards and lung disease anywhere in our country only of recent date because the Health Department went into Appalachia and made a study not too long ago and has now been working on dust standards.

In all these years the Department of the Interior has had millions of dollars under the Saylor-Dent mine research bill to spend on research and specifically spell out research for health standards. They spent most of that money developing how to make oil out of coal. Pretty soon oil will be running out and we will be making oil out of coal.

The CHAIRMAN. Will the gentleman from Pennsylvania (Mr. DENT) yield so that the Committee may rise and the House receive a message from the President?

Mr. DENT. Yes, Mr. Chairman.

Accordingly the Committee rose; and the Speaker resumed the chair.

The SPEAKER. The Chair will receive a message from the President of the United States.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

The SPEAKER. The Committee will resume its sitting.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Mr. DENT. Mr. Chairman, the only dust contract that was given to my knowledge by the Department of the Interior was given within the last 2 weeks and it was given to a firm in California to study mine dust standards. I do not know how we are going to get the dust out there; pipe it out or what we are going to do.

But I think the Department of Health has in fact the expertise and they will be disassociated with the economics of coal mining. The Bureau cannot be disassociated from the economics of coal mining.

The whole duty of HEW will be nothing but consideration of the health of the miner and trying to lower the dust levels in an effort to protect their health. Their jurisdiction is the dust levels in the mines, the examinations, and keeping of records.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. DENT. I am happy to yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, I wish to commend the very distinguished gentleman in the well for a brilliant statement. He referred to page 2 of the report where it says:

> The death of 119 miners in an explosion at West Frankfort, Illinois, late in December 1951, aroused public concern against and led to the enactment of Public Law 552, 82d Congress, in 1952.

West Frankfort, Ill., happens to be my hometown. I drove an ambulance hauling people out of that mine, and anyone who has not really experienced a mine disaster does not know just how deadly methane gas and coal dust can be. So I want to subscribe from personal experience, having seen 119 miners lose their lives in one accident, to what the gentleman has said. He is implicitly correct in his statement of the dangers inherent in coal mining. I hope this legislation can be passed by this House without a dissenting vote, because the most we do here will not be enough to protect the lives and welfare of the miners, particularly those suffering from black lung.

I want to commend my distinguished friend, the gentleman from Pennsylvania (Mr. DENT), the gentleman from Kentucky (Mr. PERKINS), and the gentleman from Illinois, and others, for their very fine work in bringing out this piece of legislation. Representing a coal-mining district, I can assure you it is badly needed and long overdue.

Mr. DENT. Mr. Chairman, with your permission, I would like to demonstrate the difference between what has been developed up to now and what I think is probably the greatest little piece of equipment yet devised, which will save more lives than any other instrument ever developed. I showed you what we are now using in the mines. That is this two-box job on top of the coal-cutting machine shown in the picture I hold in my hands. It weighs hundreds of pounds. As I said before, it is nothing but a flashing light. It is worked in conjunction with the lamp that is sitting on top. That has a light in it, and as methane gas concentrates in a place, the flame gets longer, and an experienced fire boss or even a foreman or a worker at the face knows what it means. Most of the miners can tell when that flame starts and when it goes past the curved lines, there is a danger and they have to get out of the mine. That is a visual signal. One must see it. You have to be looking. You have to be on constant watch.

Now I hold in my hand a device that may be described as an early warning system. This, I believe, will be responsible for saving many lives.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Illinois.

Mr. ERLENBORN. May I inquire whether the gentleman intends to activate that instrument?

Mr. DENT. Yes, only for a few seconds.

Mr. ERLENBORN. I would only caution the gentleman that maybe he ought to warn the Members in the Chamber and those in the gallery and, more importantly, the guards, that he intends to do so, so they do not think we have an air raid.

Mr. DENT. I will explain the principle of this device.

This is methane gas out of a coal mine. The law that you have before you sets the activating requirement point at 1.0 volume per centum. The instrument goes down as low as 0.005 volume per centum. Yet, with that low a concentration—the explosion point is 5 volume per centum—with that low a concentration of methane gas, there is an audible signal. That is all there is to it. You have a flashing light in this instance which shows a visible recognition of danger. On the other hand, you have this small siren, and on every one of these machines—this case is made for the foreman, so it is soft—but on these machines there is a three-legged fixture or connection which ties into the control boxes on the machines, and the machine is deenergized the minute the little bit of concentrated gas hits it. It can also be rigged up, and it is rigged up so that it breaks the circuit of power coming into the mine.

This older device costs about $2,000, and this, so far as I understand it, costs about $300. I think that between this device, the dust standards, the new added velocity of air required, and the volume of air across the working face, the new Department amendments which we will offer tomorrow on electrical equipment, and so forth, will, in my humble opinion, give this country the safest coal-mining law in existence anywhere in the world.

Mr. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman from California.

Mr. BURTON of California. Mr. Chairman, I commend the gentleman in the well, the very distinguished chairman of our subcommittee, the gentleman from Pennsylvania (Mr. DENT). He has been working in this field for more than 20 years, and he brings to the House more expertise in this area, I think we all will admit, than is normally our good fortune to have in a bill manager. The gentleman from Pennsylvania has been subjected to all of the difficulties that any chairman is subjected to, and then some, in his effort to see that the subcommittee and the full committee and the House pass the best possible bill to improve the health and safety of those who work in the Nation's coal mines.

I think when the history of this legislation is written, it will be very clear in the eyes of any objective observer that its passage was due to the superb and superior legislative skill of the gentleman from Pennsylvania (Mr. DENT) and his determination to see to it that all parties have an opportunity to be heard effectively in the development of the bill and, perhaps most important of all, rather than accept the notion advanced by some, that this is as a result of the lamentable disaster in Farmington, and that Congress should embark on a course of punishment in terms of the operators, instead, the gentleman from Pennsylvania continued to insist that our exclusive yardstick should be the health and safety of those who work in the Nation's mines.

Because of this exclusive yardstick, the legislation is brought to the floor. As on some occasions, the legislation, to be charitable, has been misunderstood, but to be a little more precise, it has been misrepresented.

But I salute the gentleman from Pennsylvania for his unique role. It so seldom happens that we had the right man managing the right bill to implement an idea whose time has come. If the gentleman from Pennsylvania does nothing else throughout the balance of his distinguished political career, this act will be a magnificent monument to that career, and literally hundreds of thousands of those who work in the mines and their families will owe an undying debt of gratitude to that marvelous and gentle and compassionate and concerned colleague of ours, the gentleman from Pennsylvania, JOHN DENT.

Mr. DENT. Mr. Chairman, I wish the gentleman had not said all that. I would like to say that whatever credit lies in this comes to all of us who have worked on it. I want particularly to pay the strongest possible compliment to the gentleman from California, who comes from an area where there are no mines, and no black lung disease developing. From the first day this legislation appeared before our subcommittee the gentleman from California made it his strong suit, and while he gave attention to other things as they came before us, he never lost sight of one thing in this bill that was his and his alone.

For any of us to take any credit other than supporting it along the way would not be fair and would not be honest. PHIL BURTON is the father of the pneumoconiosis payment feature in this bill, following the great leadership and understanding of the gentleman from New Jersey (Mr. DANIELS), who held the hearings on it.

I will say that there were many moments when I was ready to give it up because of the opposition from all sources against including this feature in the bill. Many a time I was ready to "chuck it" in order to get the safety features and the dust standard I wanted so badly. PHIL, with a very gentle bellow that would nearly tear my head off, would say, "All deals are off. There will be no mining bill at all unless we give these widows some relief and these miners some help."

So, PHIL, I say to you before this House, you and you alone are responsible for keeping this provision in this bill to this moment.

Mr. PERKINS. Mr. Chairman, will the distinguished gentleman yield to me?

Mr. DENT. I yield to the chairman of the committee.

Mr. PERKINS. I doubt that any Member of the House of Representatives is more affected by reason of this mine safety bill than I am in the district I am privileged to represent. The mining of coal and the employment of miners in my district will expand. With the passage of this bill I believe they will enter a much safer occupational field.

In the 81st and 82d Congresses I dedicated myself, just like the gentleman from Pennsylvania did this year, to the passage of a mine safety bill. But never in my career has any Member demonstrated such ability and such knowledge on a subject matter so complex as mine safety. The gentleman from Pennsylvania has contributed much to the safety of the coal miners.

I recognized earlier in the year, and discussed it with the gentleman from Pennsylvania and the gentleman from New Jersey, that unless we took the pneumoconiosis compensation provisions of the bill I introduced in February, H.R. 6780 to the mine safety bill I had fears that we would be solving the problems of miners for the future and would be ignoring the plight of those now afflicted with "black lung" disease. The gentleman from Pennsylvania, the gentleman from New Jersey and the gentleman from California worked this out.

We all owe to this distinguished chairman of this subcommittee a great debt of gratitude. I believe the whole country will be proud of the legislation of which the gentleman from Pennsylvania is the chief sponsor. I believe we also should commend the UMW and its leadership for its insistence that legislative effort concentrate on assuring maximum safety and health standards.

Mr. DENT. The gentleman from Kentucky is too modest. The House ought to know that he was the cosponsor of the 1952 law which gave authority to the coal inspectors for the first time in history. So his work in the vineyard of mine safety has not been of late; it has been for a long time.

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. I rise in full support and enthusiastic support of this legislation.

As chairman of the Select Subcommittee on Labor, I cannot let this occasion go by without paying tribute to the gentleman from Kentucky, the distinguished chairman of the Committee on Education and Labor, for the role he played in developing this legislation. I know he must have "kept on top of" the gentleman, and he "kept on top of" me, to get out the pneumoconiosis provisions with reference to the payment of benefits to miners who suffer from black lung or to the widows and dependent children of miners who died from that disease.

With all due respect to all of the Members of this House who come from coal mining States, I do not think there is any Member in this body who is as knowledgeable and who possesses the understanding of the problems that exist in the coal mines as the gentleman in the well, the chairman of the general Subcommittee on Labor.

I know from my conversations with you over the years, having served on this subcommittee for the past 11 years with you, that you worked in the mines as a young man and subsequently you owned a mine as a young man, and that during your term of public life in the State of Pennsylvania as a minority leader in the State senate I am sure you have dealt time and time again with the problems of mining legislation. Today you gave a really wonderful exhibition of your knowledge of this subject. So I wish to salute you for your full knowledge and understanding of it. I am sure if any other Member of this body undertook to handle this legislation, with all of the problems and intricacies involved in legislation of this type, they would have an awfully difficult job in trying to get this legislation through the House. However, I am quite sure under your leadership and that of our able chairman, I can predict now that this legislation will pass and it will do so by an overwhelming majority.

I would also like to take this opportunity, Mr. Chairman, to pay tribute to the gentleman from California to whom the gentleman from Pennsylvania referred, PHIL BURTON. Likewise he came into my office and I had to shut the doors because he almost blew the girls out into the corridor with his insistence on the pneumoconiosis benefits contained in this bill. Of course, sometimes his language and voice were very loud. I cannot say what else they were, but with all due respect to him, I will say that if it were not for his persistence, his tenacity, and his courage, perhaps, we would not have the benefit of these provisions in this bill.

Mr. SLACK. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman from West Virginia.

Mr. SLACK. Mr. Chairman, I just wish to compliment the gentleman from Pennsylvania (Mr. DENT) for a most detailed and comprehensive statement regarding this very complex subject matter. I certainly support this legislation.

As Representative from a district ranking among the leaders in coal tonnage production I have watched with great interest the efforts of the committee to draw together a sensible, balanced proposal which can be enacted into law for the greater protection of our coal miners. After listening to the detailed and comprehensive statement of Chairman DENT, I must compliment him and the members of the subcommittee on a proposal which I was pleased to have the opportunity to cosponsor. They have separated fact from fantasy and by sheer diligence have arrived at a satisfactory middle ground. The coal miners of this country will have a great deal for which to be grateful to all of them, and as a native of the No. 1 mining State with many friends throughout the coalfields, I want to be among the first to express gratitude and appreciation for the masterful way in which they have discharged a most serious responsibility.

Mr. GAYDOS. Mr. Chairman, will the gentleman yield?

Mr. DENT. I am glad to yield to the gentleman from Pennsylvania.

Mr. GAYDOS. Mr. Chairman, I thank the gentleman for yielding to me.

I wish to add my compliments to those of the other gentlemen for his having a first-hand personal knowledge and for having the dedication which he has to miners and their problems. I am very proud that the gentleman in the well represents the congressional district next to the one that I represent. It was my personal pleasure and a very informative and educational one to serve with him on the subcommittee. I am personally proud to associate myself with his remarks.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. DENT. I am happy to yield to the gentleman.

Mr. HECHLER of West Virginia. Mr. Chairman, I would like to compliment the gentleman in the well for the really outstanding job he and his subcommittee and the other members of the full committee have done in clarifying the provisions of this bill. On behalf of thousands of coal miners from the State of West Virginia, which is the largest coal-producing State in the Union, I would like to express our deep and heartfelt thanks particularly for the provision that has been written into this bill for benefits for miners and their widows from pneumoconiosis disability. I think the gentleman in the well should be complimented for his determination, as well as the gentleman from New Jersey (Mr. DANIELS) and the gentleman from California (Mr. BURTON) as well for having done Herculean work in bringing this provision out and insisting that it remain in the bill. It is a monument which I know will long stand to the hard work which they put in on the bill.

I would like to ask the gentleman this question: Does he recall earlier in the year when there were forces at work trying to get us to separate the health and safety provisions of this bill?

Mr. DENT. Oh, yes. Many of them, from different angles and sometimes hard-to-understand areas, who were also opposing pneumoconiosis benefit payments in this legislation.

Mr. HECHLER of West Virginia. Yet the gentleman persisted and the committee, as well as the chairman of the full committee, the gentleman from Kentucky (Mr. PERKINS), and others persisted. I commend them for their courage.

Mr. DENT. Mr. Chairman, it is with a great sense of both personal satisfaction and relief that I speak in favor of H.R. 13950. I am satisfied because I know this bill is one we can all take pride in supporting, and relieved because the arduous task of getting it to this point is completed.

Mr. Chairman, this bill has nearly 100 cosponsors and I am privileged to be prime sponsor as well as chairman of the subcommittee that gave it birth. The bill is better than good. And I am confident that when we act favorably on it, the bill will be refined and improved to an even greater extent.

I say all of this with a feeling of gratitude to my colleagues on my committee, for I am well aware of the positive contributions and tireless efforts made by so many who, like myself, are committed to making our Nation's coal mines safer places to work.

There have been interferences with our work, and I find it somewhat remarkable that we were able to bring this quality of legislation before the House today. One interference has been the struggle underway for the presidency of the United Mine Workers of America; a contest into which this bill has become inextricably and unfortunately injected. Another has been a misunderstanding of the bill by some who have been misled by inaccurate statements about the subject matter and misrepresentations and exaggerations about the provisions of the bill.

The fact is, however, that this bill has emerged untouched by it all. Many of us have agonized over it to insure it would. It is time that these individuals, who have remained behind the public spotlight so as to work more effectively, were recognized for the credit they so richly deserve.

First among them is the gentleman from California (Mr. BURTON). One does not think of San Francisco as a great coal-producing section of the country, and it is not. But is represented by a man with a great compassion for people, particularly those whose voices are not always heard with ringing clarity. The gentleman has labored over this bill with a deep and responsible concern for them.

This feeling on his part led to the existence of section 112(b) of the bill—the subsection dealing with payments to miners who suffer from and the widows of miners who died with complicated pneumoconiosis, a disease which is terminal and irreversible. The gentleman from California developed this subsection and in doing so met every objection to the proposal from many of those who initially opposed it. His tenacity with reason is why the subsection is now the benefactor of widespread support. It is also the reason why these afflicted individuals will now be afforded a measure of relief and dignity.

There are now some who embrace this subsection as though it were their own creation. But history should have the benefit of a clear statement of facts at the time the facts are known. And the simple fact is that PHIL BURTON, more than any other single individual, deserves the thanks of us all for this provision of the bill. He is entitled to this because this provision will help people; people for whom life has taken on an added and heavy burden.

Particular recognition and appreciation is also especially due the gentleman from New Jersey (Mr. DANIELS). The gentleman is chairman of the Select Subcommittee on Labor, the subcommittee which has jurisdiction over legislation dealing with payments to injured workers. Section 112(b) of the bill was first engendered in legislation in the gentleman's subcommittee, and he held several days of hearings on the various proposals relating to payments for miners suffering from an occupationally caused disease. The gentleman was determined to meet the urgent need of these miners and, in the case of deceased miners, their widows. I am confident that, under his leadership and guidance, section 112(b) of this bill would have become a public law apart from this bill had he not allowed it to become such an integral part. But there was no selfishness on his part and no false pride to be derived from retaining the legislation as his personal domain. The gentleman's only concern was getting relief to afflicted people at the earliest possible moment. I salute him for that quality which I have always known was so much a part of his character. I also thank him for his invaluable assistance in the formation of this legislation. He certainly deserves a special "thank you and well done" from us all.

If there is one person whom I can never praise too highly, it is the distinguished chairman of the Committee on on Education and Labor, the gentleman from Kentucky (Mr. PERKINS). Our chairman was most gracious in permitting the "exchange of legislative provisions," if you will, between subcommittees. Of course, we all know this conciliation is based on his deep concern and desire to do the very best for our coal miners. When the subcommittee bill was considered in full committee executive sessions, our chairman could not have been more accommodating nor cooperative. Indeed, his leadership in guiding the bill through committee was nothing less than vital.

Also, I wish to acknowledge the excellent work and fine cooperation of the ranking minority member of my subcommittee, the gentleman from Illinois (Mr. ERLENBORN). On many points the gentleman expressed what he felt were valid and sincere objections. But, never was he unreasonable. And as a result we were able to produce a good, bipartisan subcommittee bill.

Special thanks are also due to three other minority members of my subcommittee; the gentleman from California (Mr. BELL), the gentleman from Michigan (Mr. ESCH), and the gentleman from Idaho (Mr. HANSEN). Their attendance at the hearings and executive meetings and their contributions to the discussions were particularly noteworthy.

In singling out those I have just mentioned, I do not, in any way, intend to disparage the roles of the other committee members. If we had not had the additional comments and worthy suggestions of those members, I dare say we may not have had as good a bill as the one we present here today.

There is one other tribute I must extend, Mr. Chairman, and that is to my colleague and neighbor back home, who has been so helpful to me and the committee on this legislation. I refer to my good friend and the tireless worker for the coal miners—the gentleman from

Pennsylvania (Mr. SAYLOR). The gentleman and I have worked side by side for many years to improve the working conditions in the most hazardous industry in our Nation. And I know the gentleman fully concurs with me when I say that coal mining can be made a safer occupation.

Mr. Chairman, I am sure it is well known how some of us here have been pressing for more effective mine safety laws for so long. But it is ironic and lamentable that a major coal mine disaster must occur before public indignation is aroused and the Congress is prodded into enacting better safety laws. Regrettably, that is the case with respect to the bill before us today.

The public cry for better mine safety laws was again heard on November 20, 1968, a few hours after the announcement that an explosion had rocked Consolidation Coal Co.'s No. 9 mine near Farmington, W. Va. When the mine was sealed several days later, it became the tomb for 78 miners working that tragic midnight shift who could not escape and for whom no rescue operation could succeed. Since Farmington, over 170 additional miners have lost their lives in much less publicized—yet equally outrageous—accidents that continue to make coal mining the most hazardous occupation in the United States.

Some recognition of the dangers inherent in coal mining came at the Federal level as long ago as 1865, when a bill to create a Federal Mining Bureau was introduced in the Congress. Little more was done, however, until a series of serious coal mine disasters after the turn of the century aroused public demand for Federal action. Consequently, the Bureau of Mines was created within the Department of the Interior on July 1, 1910, and was charged with making "diligent investigation of the methods of mining, especially in relation to the safety of miners, and the appliances best adapted to prevent accidents, the possible improvement of conditions under which mining operations are carried on, the treatment of ores and other mineral substances, the use of explosives and electricity, the prevention of accidents, and other inquiries and technologic investigations pertinent to said industries."

A glaring but deliberate omission in the new Bureau's spectrum of responsibility was the lack of authority to conduct mine inspections. In fact, the act specifically denied "any right or authority in connection with the inspection or supervision of mines in any State" by any Bureau employee.

This significant inadequacy was recognized by the Congress and Public Law 49, 77th Congress, was enacted in 1941. Federal inspectors were given authority to enter and inspect for health and safety hazards all anthracite, bituminous coal, and lignite mines in the United States.

Despite this new authority to make "annual or necessary inspections and investigations," however, the Bureau lacked authority to establish standards for coal mines or to enforce compliance with the standards and recommendations of the Secretary of the Interior.

The death of 119 miners in an explosion at West Frankfort, Ill., late in December 1951, aroused public concern again and led to the enactment of Public Law 552, 82d Congress, in 1952.

This act, which refined further the machinery for approaching mine safety, left much to be desired. President Truman said as much in signing the bill when he commented:

> This measure is a significant step in the direction of preventing the appalling toll of death and injury to miners in underground mines.
>
> Nevertheless, the legislation falls short of the recommendations I submitted to the Congress to meet the urgent problems in this field.

There were many deficiencies in the 1952 law and legislative attempts to correct them were made during the ensuing years. The prime objective was the elimination of the exemption enjoyed by small mines—those employing 14 or fewer persons underground.

Continuing mine disasters inspired the establishment of a task force to investigate mine safety and make recommendations. The report of the task force was submitted in August 1963.

Public Law 89-376—1966—was a response to yet another mine disaster and incorporated some of the recommendations of the task force. The most significant change made by the 1966 law was the deletion of the exemption of small mines from the act.

Even after the 1966 amendments, however, the larger number of causes of fatalities and accidents remain beyond the reach of the Federal statute. This broader, non-Federal area of coal mine safety was left by the Congress in 1952 to be embraced by State laws and the Federal Mine Safety Code. By doing so, the Congress intended to attack fatalities by major disaster. The remaining 90 percent of accident occurrences resulting in death or injury were left covered only by State law and the safety code.

The death of 222 miners in 1967, 311 in 1968, the Farmington disaster, and the death of over 170 miners in nondisaster type accidents since Farmington now surrounds the consideration of this legislation.

Mr. Chairman, my subcommittee—the General Subcommittee on Labor—has never expended more time or energy in the formulation of any other legislation proposed. The subcommittee held 10 days of public hearings on coal mine health and safety proposals. Included in the hearing record are the views of representatives of operators of large coal mines; operators of small coal mines; the mine workers' union; individual mine workers; interested parties; and administration personnel. The hearings are further enhanced by testimony on coal workers' pneumoconiosis presented by several medical researchers, all of whom are internationally recognized experts in their field. In addition to the presentations of public witnesses, statements and supplementary materials were submitted to the subcommittee and inserted in the record.

Two investigatory trips were made by the subcommittee to observe coal mining operations and the atmosphere in mines; and to learn what the British Government—the leading nation in pneumoconiosis research—had concluded from its studies of the relationship between pneumoconosis and exposure to excessive coal dust and its recommendations on controlling dust, protecting miners from dust exposure, and the treatment of miners who have contracted the disease.

On February 27, the subcommittee toured two coal mines—a deep shaft mine and a smaller drift mine—in western Pennsylvania. The tours consisted of surface and underground observations of mining opeartions and discussions with company officials and workers. Members indicated the tours resulted in their better understanding of the unique conditions that make coal mine health and safety requirements different from those of any other industry.

The subcommittee devoted 4 days—May 12 through 15—in Great Britain engaged in consultations with officials of the National Coal Board and medical research staffs. The members attended several seminars at the National Coal Board where they were apprised of the medical problems involved in pneumoconiosis research and treatment; details of the Board's studies; medical and scientific control, including dust standards and evaluations; and engineering problems of dust control methods. During field trips to several pneumoconiosis research laboratories, further information was elicited relative to dust control procedures, medical evaluations, and procedures for medical and engineering control. A visit was also made to an English colliery.

After the subcommittee hearings were officialy closed and the hearing record printed, representatives of certain small coal mine operators requested an additional hearing to assure understanding of their viewpoint of certain sections of the subcommittee proposal. To accommodate them, the full Committee on Education and Labor was convened on September 9, to receive the additional testimony.

The subcommittee held 8 days of executive sessions to consider a subcommittee print which was a composite of the major proposals, with amendments based on recommendations from the hearings and investigatory trips.

On August 6, the subcommittee voted to amend H.R. 1047—a coal mine health and safety bill introduced by the subcommittee chairman—by substituting the approved language of the subcommittee print, and to report the bill to the full committee.

The committee met 3 days in open session and on September 18, by a 29-to-3 vote, ordered H.R. 1047, as amended, reported to the House as a clean bill. On September 24, the committee met, pro forma, and voted 30 to 4 to report the clean bill, H.R. 13950, to the House.

Mr. Chairman, in September 1968, President Johnson proposed a strong new Federal Coal Mine Health and Safety Act. In March, President Nixon submitted a proposal which was similar to that of his predecessor. In doing so, President Nixon said:

> Coal is our most abundant fuel resource. Right now, it supplies nearly a fourth of our total energy demand and every forecast, whether by Government or the private sector, indicates that coal must continue to play a significant role if this country's future energy requirements are to be satisfied.
>
> At the same time, it is clear that our society can no longer tolerate the exorbitant cost in human life and human misery that is exacted in the mining of this essential fuel. Unless we find ways to eliminate that intolerable cost, we must inevitably limit our access to a resource that has an almost inexhaustible potential for industrial, economic, and social good.
>
> The adequacy of a major industry's work force is at stake here. If we cannot today assure coal miners a safe and healthful working environment and educate them in the practices that will keep it safe and healthful, our mines tomorrow will be unable to attract the workers they need, and the industry will sicken for want of qualified manpower.
>
> Already, as you know, real difficulties are being encountered in recruiting young men as coal miners. Let this trend continue and our future energy supplies, along with all the benefits that are implicit in them, will be jeopardized.
>
> As a people we have always placed human values at the summit of our esteem. We pride ourselves on our resourcefulness and our efficiency. Yet, the way that we mine coal today is not humanitarian, resourceful, or efficient. It is inexcusably wasteful of our most precious asset—the human being.

Following Secretary Hickel, John F. O'Leary, Director of the Bureau of Mines, testified. In discussing the fatality rate in coal mines, he said:

> The workers in the coal mining industry and their families have too long endured the constant threat and often sudden reality of disaster, disease, and death. This great industry has strengthened our Nation with raw material of power. But it has also frequently saddened our Nation with news of crippled men, grieving widows, and fatherless children.
>
> Death in the mines can be as sudden as an explosion or a collapse of a roof and ribs, or it comes insidiously from pneumoconiosis or black lung disease. When a miner leaves his home for work, he and his family must live with the unspoken but always present fear that before the working day is over, he may be crushed or burned to death or suffocated. This acceptance of the possibility of death in the mines has become almost as much a part of the job as the tools and the tunnels.
>
> The time has come to replace this fatalism with hope by substituting action for words. Catastrophes in the coal mines are not inevitable. They can be prevented, and they must be prevented.

Secretary of the Interior Walter J. Hickel testified in support of the administration proposal before the general Subcommittee on Labor on March 4. At that time, the Secretary said:

> The need for this legislation is unmistakable—there has been no improvement in the overall fatality rate since 1947. On the other hand, since passage of the Federal Coal Mine Safety Act with its antidisaster provisions in 1952, the fatality rate from major disasters has been cut by about 50 percent. This should provide some idea of the potential inherent in enforceable laws.
>
> Clearly, if we are to have any impact on the day-to-day accidents that cause most of our coal mine injuries and deaths, we need a law that gives broader enforcement powers to the inspector and thereby provides stronger incentives for management and labor to think safety at all times. We must reduce injuries and eliminate the accidents that kill miners by the ones, twos, or threes as well as prevent major disasters.
>
> To us, it seems that the cold, statistical, day-to-day record of death and disease among our coal miners is reason enough for positive and immediate action, and in the proposal I have just outlined our convictions have been clearly voiced.
>
> There is more at stake here than the lives and health of 144,000 coal miners, though they surely merit our most strenuous efforts on their behalf. The problems that we are wrestling with have an impact that extends beyond any coal mine. If we fail, those problems can weaken the physical and moral fiber of our whole society.
>
> Whereas that rate did drop following the enactment of the 1941 law—from an average of 1.5 per million man-hours between 1932 and 1941, to an average of 1.2 million man-hours between 1942 and 1951—the downward trend in the rate stopped in 1947 and there has been virtually no detectable improvement since then.

When discussing the code, which is not enforceable by the Bureau, Director O'Leary said:

> In this context it is significant to note that while we are able to achieve virtually 100-percent compliance with the mandatory provisions of the Federal Coal Mine Safety Act, compliance during the inspections with the nonenforceable code provisions leaves much to be desired. Although such compliance ranges as high as 90 percent in some of the captive mines of the steel companies, the average is about 65 percent for large coal mines. At the small coal-producing operations, compliance with code provisions was as high as 33 percent in one State, but was as low as 7 percent in another.
>
> For these reasons we are convinced that conditions in our coal mines cannot be significantly improved without new and stronger health and safety legislation. The Bureau needs broader authority, and it needs it now, in order to bring coal mine injury and fatality rates into line with those of other major industries, and to assure that our coal miners do not escape accidental injuries only to fall victim to an insidious occupational disease. * * *

Mr. Chairman, I fully subscribe to the foregoing positions and I believe H.R. 13950 is a testament to that.

For too long the Congress has countenanced the passage of piecemeal measures which have failed to provide the Bureau with the enforcement power it needs. Too many injuries and too many lives have filled the gap left by inadequate laws. A strong law is necessary to protect the men who extract one of our Nation's most vital resources. Our coal miners deserve the safest, healthiest work environment our technology will enable us to provide.

Mr. Chairman, I would now like to discuss the major provisions of the bill. I feel I should first emphasize that this bill has a twofold, inseparable purpose—to protect the health and safety of coal miners.

TITLE I—GENERAL

ESTABLISHMENT OF MANDATORY HEALTH AND SAFETY STANDARDS

Section 101 establishes the procedures for the promulgation of mandatory health and safety standards by the Secretary of the Interior—hereinafter referred to as the "Secretary." The Secretary promulgates all mandatory standards, but is responsible for developing and revising only mandatory safety standards. The Secretary of Health, Education, and Welfare is responsible for developing and revising mandatory health standards. All proposed standards are required to be published in the Federal Register and are subject to review by the Federal Coal Mine Health and Safety Board of Review—established in section 106—prior to promulgation by the Secretary. No standard promulgated by the Secretary shall reduce the protection afforded miners below that afforded by the interim mandatory health and safety standards contained in title II and title III, respectively. These interim standards apply to underground coal mines. Standards for surface coal mines shall be proposed by the Secretary not later than 12 months after the date of enactment of this act.

The committee was easily persuaded to vest authority for the promulgation of mandatory standards in the executive branch. Any law establishing health and safety requirements for an industry as complex and as subject to constant technological change as coal mining, certainly demands flexibility. Too often, standards are enacted only to become almost immediately inadequate in the face of changing conditions.

The committee has, however, provided detailed interim health and safety requirements which are delineated in titles II and III, respectively. It has also stated clearly the health and safety goals to be achieved.

The committee originally considered placing the responsibility for developing revising, and promulgating both mandatory health and safety standards within the Department of the Interior, but ultimately decided the Department of Health, Education, and Welfare should develop and revise all health standards. It was felt the latter could bring more expertise to bear on the problems of miners health and the goals related thereto. Although the Secretary of the Interior is responsible for promulgating all mandatory standards, in the case of mandatory health standards he acts only to give official status to those developed and revised by the Secretary of Health, Education, and Welfare.

In the case of all proposed standards, however, interested persons have the right of filing objections and requesting a public hearing on such objections.

INSPECTIONS AND INVESTIGATIONS

Section 103 authorizes and requires representatives of the Secretary to make frequent inspections and investigations in coal mines each year for information retrieval and enforcement purposes. Each underground mine shall be inspected at least four times a year. The Secretary of Health, Education, and Welfare is also authorized entry to coal mines to enable him to carry out his functions and responsibilities under the act.

Section 103 also empowers the Secretary or his authorized representative with authority, in the event of an accident, to take whatever action he deems appropriate to protect the life of any person and to be consulted regarding any plan to recover any person in the mine.

This section further provides opportunity for a miner to request the Secretary to conduct a special investigation to determine if an imminent danger or violation of a standard exists in a mine, and for the representative of miners at a mine to accompany an authorized representative of the Secretary—at no loss in pay—on any inspection of the mine.

During any inspection of a mine by the Secretary or his authorized representative, no advance notice of such inspection shall be given to the operator or the representative of miners at the mine.

When affording the representative of miners at a mine the opportunity to accompany him on an inspection of the mine, the authorized representative of the Secretary shall first notify a member of the mine's safety committee working during the shift such inspection is to be made in the case of a mine which has such a committee.

FINDINGS, NOTICES, AND ORDERS

Section 104 establishes improved procedural mechanisms for finding dangerous conditions or violations of standards in a mine, and for the issuance of notices and orders relative to such.

Subsection (a) deals with the finding of a condition of imminent danger by an authorized representative of the Secretary during an inspection. When this occurs, the representative will determine the area where the danger exists and immediately issue an order requiring the mine operator to withdraw all persons, except those necessary to take corrective action, from the affected area until the danger is abated.

Subsection (b) deals with the finding of a violation of a mandatory health or safety standard during an inspection. When this occurs, the representative will immediately issue a notice fixing a reasonable time for the abatement of the violation. If the violation is not abated at the end of that period, and if the representative finds that the period should not be extended, he shall issue an order requiring the operator to withdraw all persons, except those necessary to take corrective action, from the area affected by the violation until the violation has been abated.

Subsection (c) deals with the unwarrantable failure of an operator to comply with a mandatory health or safety standard. When a representative finds a violation of a standard and further finds that the violation is caused by an unwarrantable failure on the part of the operator in complying with the particular standard, he includes such additional finding in the notice issued under subsection (b). Within 90 days of the time the notice is issued, the mine is reinspected to determine if the violation continues to exist. If it does, and the operator has again unwarrantably failed to comply with the standard, the withdrawal procedures described in subsection (b) will be followed. If such withdrawal order has been once issued, it will continue to be issued upon the finding of similar violations during subsequent inspections. Once an inspection is made which discloses no such similar violation, the continuous closure provisions of subsection (c) no longer apply and the initial procedures are again applicable.

Subsection (h) deals with the finding, upon inspection, of conditions in a mine which have not yet resulted in imminent danger but which cannot be effectively abated through the use of existing technology and which may result in imminent danger. When this occurs, the representative will determine the area in which the conditions exist, and issue a notice to the operator with copies to the Secretary and the miners. The Secretary shall thereupon cause such further investigation to be made as he deems appropriate and provide an opportunity for a hearing. The Secretary will then make findings of fact and require that either the notice issued be canceled, or an order be issued causing all persons, except those necessary to take corrective action, to be withdrawn from and prohibited from entering the affected area until he determines—after a hearing—that the conditions responsible for the order have been abated.

Subsection (i) deals with the finding of a violation of a health standard by atmospheric samples taken as required by section 202(a). When such sample discloses a violation, the Secretary or his authorized representative shall find a reasonable time within which to take corrective action and shall immediately issue a notice fixing a reasonable time for the abatement of the violation. If at the expiration of the period of time originally fixed or subsequently extended the violation has not been abated, and if it is found that the period of time for compliance should not be further extended, a withdrawal order shall be issued and continue in effect until the violation has been abated. If it is found that the period of time for compliance should be further extended, another notice of violation must be issued.

REVIEW BY THE SECRETARY

An operator or miner affected by an order issued under section 104 may apply to the Secretary for review of the order within 30 days of its receipt. The Secretary will then make whatever investigation he deems appropriate as well as provide an opportunity for a hearing. He will make findings of fact and issue a written decision vacating, affirming, modifying, or terminating the order complained of. Pending completion of his investigation, the Secretary may, upon application and after a hearing, grant temporary relief from an order.

FEDERAL COAL MINE HEALTH AND SAFETY BOARD OF REVIEW

Section 106 establishes the Board. Current members of the existing Federal Coal Mine Safety Board of Review would be members of the new Board until the expiration of their terms. New and additional members will be appointed by the President, by and with the advice and consent of the Senate.

For the purpose of reviewing orders and penalties, the Board is composed of five regular members. One member shall be representative of the viewpoint of the operators of small mines; one of the operators of large mines; one of the workers in small mines; and one of the workers in large mines. The Chairman shall be drawn from the public generally and shall not have had any interest in or association with the coal industry for 5 years prior to his appointment.

For the purpose of carrying out the review of proposed mandatory health and safety standards, and for carrying out the provisions of section 401—research—and 412—special report—the Board is composed of eight members. In addition to the five regular members, there will be one member with a public health background, and two others who have a background in coal-mining technology. The additional members shall not have had any interest in or association with the coal-mining industry for 1 year prior to their appointment.

REVIEW BY THE BOARD

An operator may apply to the Board for review of an order issued under section 104 or for review of a decision made by the Secretary pursuant to section 105. Such application must be made within 30 days of receipt of the order or decision. If an appeal to the Board is made from the Secretary's review, the evidence is considered to establish a prima facie case against the operator although either side may produce additional evidence. When an appeal is made directly from an order issued under section 104, the Board is not bound by any previous findings of fact and the burden of proof is on the Secretary. After a hearing, the Board shall make findings of fact and issue a written decision affirming, vacating, modifying, or terminating the order or decision complained of. Pending completion of the hearing, the Board may, upon application, grant temporary relief from an order or decision.

Mr. Chairman, the Board has been the subject of much controversy. Its critics charge that it represents a giant "loophole" through which operators will escape enforcement of the act. It is essential in debating the merits of the Board, however, to understand exactly its powers. They may be simply stated as follows:

First, review of withdrawal orders;

Second, review of penalties;

Third, review of proposed mandatory health and safety standards;

Fourth, establish research objectives; and

Fifth, conduct special study into possible Federal-State cooperative arrangement.

Only in the first and second case does the Board have any authority. In the third case, fourth, and fifth, the Board's capacity is purely advisory and procedural.

Although the existing Federal Coal Mine Safety Board of Review has no authority to review penalties—no penalty provisions exist in the present law—it does have authority to review violations on appeal. The record of the Board in the conduct of this responsibilty is interesting.

Since 1952, when the existing Board was created, until the present, there have been 22 litigated cases. The Board fully upheld the Bureau of Mines in 10, upheld in part in one, reversed in five, and six cases were settled upon agreement of the parties after a hearing. Of the cases fully litigated and decided therefore, the

Bureau was upheld in whole or in part in 69 percent, and reversed in 31 percent of the cases. Five of these cases were appealed to the U.S. courts of appeals—three by operators and two by the Bureau—and the Board's decisions were affirmed in four cases, and in one case the appeal by the Bureau was dismissed as untimely filed. All decisions of the Board were unanimous, except in Princess Elkhorn, 1955, in which a worker representative dissented, and in St. Mary's Sewer Pipe, 1958, in which an operator representative dissented; both majority decisions were affirmed unanimously by the courts of appeals.

There were, of course, a number of other cases involving disputes which were filed formally or informally, and which were resolved without a hearing. There were also a large number of State plan cases which were decided upon stipulation and without dispute of the parties.

Mr. Chairman, when the subcommittee conducted hearings on coal mine health and safety proposals, the administration, the Mine Workers Union, and the operators' organization testified in favor of a board of review substantially identical to the Board established by this bill. The subcommittee found considerable merit in the Board, and maintained it in the bill reported to the full committee.

We recognized the advantages of a panel composed with equal representation of an industry's management and labor force, as well as a public member. Such a panel could be a very useful instrument in participating in the enforcement of uniform standards and requirements applicable to the industry. This procedure has worked very effectively and efficiently in other industries, particularly in the electrical contractor industry.

But this procedure is only valid when all parties to the tripartite agreement are willing to participate. Until only recently, all parties to the Board were willing to do so.

In a telegram to Senator HARRISON A. WILLIAMS, JR., chairman of the Subcommittee on Labor, dated October 1, Mr. W. A. Boyle, president of the United Mine Workers of America, said labor's "support of the Federal Coal Mine Safety Board of Review was predicated upon the position the Board would be retained in its present form." The Board established by this bill is substantially like the existing Board.

In a letter of October 9 to all Members, however, Mr. Boyle said the United Mine Workers of America "are entirely opposed to provisions vesting any board of review with the right to overrule the decisions of the Secretary of the Interior."

The significance of this is not the change of position in 8 days, but the fact that one very essential party to the tripartite Board is no longer willing to participate and, indeed, now opposes the arrangement. In my mind, that renders the Board invalid as a useful functionary in the administration of this bill.

JUDICIAL REVIEW

Any decision issued by the Board upon review of an order or decision by the Secretary shall be subject to judicial review by the U.S. court of appeals for the circuit in which the affected coal mine is located. The court shall hear the appeal on the record made before the Board. The findings of the Board, if supported by substantial evidence on the record considered as a whole, shall be conclusive and the court may affirm, vacate, or modify any decision or may remand the proceedings to the Board for further action as it directs. The court may also grant such temporary relief as may be appropriate pending final determination of the appeal. The judgment of the court shall be subject only to review by the Supreme Court of the United States.

INJUNCTIONS

The Secretary may request the Attorney General to institute a civil action for relief against an operator who impedes the execution of the act or refuses to comply with its provisions and requirements.

PENALTIES

The operator of a mine in which a violation occurs of a mandatory health or safety standard or who violates any provision of the act shall be assessed a civil penalty by the Secretary of not more than $10,000 for each violation. Whoever knowingly violates or fails or refuses to comply with an imminent danger withdrawal order or with any final decision on any other order shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 6 months, or by both. The penalty for a repeat conviction is a fine of not more than $20,000 and/or imprisonment for not more than 1 year. The same provisions apply to directors, officers, or agents of corporate operators who authorize, order, or carry out the violation. In addition, whoever knowingly makes any false statements or representations relative to this act shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 6 months, or by both.

Any penalty assessed under this section is, upon request, subject to review by the Board. The Secretary may initiate the collection of any penalty by civil action in the appropriate district court of the United States.

The committee expended considerable time and energy in discussing the role of an agent of a corporate operator and the extent to which he should be penalized and punished for his violations of the act. At one point, it was agreed to hold the corporate operator responsible for any fines levied against an agent. It was ultimately decided to let the agent stand on his own and be personally responsible for any penalties or punishment meted out to him.

The committee recognizes, however, the awkward situation of the agent with respect to the act and his supervisor, the corporate operator, and his position somewhere between the two. The committee chose to qualify the agent as one who could be penalized and punished for violations, because it did not want to break the chain of responsibility for such violations after penetrating the corporate shield. The committee does not, however, intend that the agent should bear the brunt of corporate violations. It is presumed that the agent is often acting with some higher authority when he chooses to violate a mandatory health or safety standard or any other provision of the act, or worse, when he knowingly violates or fails or refuses to comply with an imminent danger withdrawal order or any final decision on any other order.

ENTITLEMENT OF MINERS

Section 112(a) provides for limited pay guarantees to miners idled by a closure order issued under section 104. All miners working during the shift when the order is issued who are idled by the order are entitled to full compensation by the operator at their regular rates of pay for the balance of the shift. If the order is not terminated prior to the next working shift, all miners idled by the order on that shift are entitled to such compensation for 4 hours of the shift. Whenever an operator violates or fails or refuses to comply with a withdrawal order issued under section 104, all miners who would be idled by the order are entitled to such compensation, in addition to pay received for work performed after the order is issued, for the period beginning when the order is issued and ending when it is complied with, vacated, or terminated.

Subsection (b) provides payments to miners totally disabled from complicated pneumoconiosis and to the widows of miners who suffered from complicated pneumoconiosis at the time of death. The disease must have arisen out of or in the course of the individual's employment in a coal mine. If he was so employed for 10 years or more, there is a rebuttable presumption that the disease so arose; if he was not, the individual must demonstrate that his disease so arose.

Payments are based upon the minimum monthly payment to which a Federal employee in grade GS–2, who is totally disabled, is entitled at the time of payment under provisions of Federal law relating to Federal employees—section 8112, title 5, United States Code. In the case of total disability, the disabled individual is entitled to payment at a rate equal to 50 percent of such minimum monthly amount. The widow of a miner entitled to payment would be eligible to receive the same amount. This represents approximately $136 per month. The payment would be increased to allow for up to three dependents. The first dependent would increase the basic payment by 50 percent; the second dependent by 75 percent; and the third dependent by 100 percent. The maximum monthly payment, therefore, to which an eligible individual is entitled under this subsection is equal to the minimum monthly payment such Federal employee is entitled to.

Payments made under this subsection shall be reduced by any amount the individual receives under the workmen's compensation, unemployment compensation, or disability insurance laws of his State, and the amount by which the payment would be reduced on account of excess earnings under section 203 (b) through (l) of the Social Security Act if the amount paid were a benefit payable under section 202 of that act.

The Secretary of Labor will enter into agreements with the Governors of the States under which the State will receive and adjudicate claims under this subsection from its residents and under which the payments will be made. Each Governor will implement the agreement in any manner he determines will best effectuate the provisions of this subsection. If the Secretary of Labor is unable to enter into an agreement with a Governor or if a Governor requests him to do so, the Secretary may make payments directly. When the Secretary of Labor has an agreement with a State, he will make a grant to the State for the purpose of making the individual payments.

Payments under this subsection are for retroactive claims only, and not for prospective claims. No claim will be considered unless it is filed, first, within 1 year after the date an employed miner received the results of his first chest roentgenogram as provided under section 203, or, if he did not receive such a chest roentgenogram, the date he was first afforded an opportunity to do so under that section, or, second, in the case of any other claimant, within 3 years from the date of enactment of this act, or, in the case of a claimant who is a widow, within 1 year after the death of her husband or within 3 years from the date of enactment of this act, whichever is the later.

No payments shall be made under this subsection to the residents of any State which, after the date of enactment of this act, reduces the benefits payable to persons eligible to receive payments under this subsection, under its State laws which are applicable to its general work force with regard to workmen's compensation, unemployment compensation, or disability insurance.

This program of payments—maintained in the bill by a committee vote of 25 to 9—is not a workmen's compensation plan. It is not intended to be so and it contains none of the characteristic features which mark any workmen's compensation plan. Moreover, it is clearly not intended to establish a Federal prerogative or precedent in the area of payments for the death, injury, or illness of workers.

Rather, it is a limited response in the form of emergency assistance to the miners who suffer from, and the widows of those who have died with, complicated pneumoconiosis.

Complicated pneumoconiosis is a serious disease of the lungs caused by the excessive inhalation of coal dust. The patient incurs progressive massive fibrosis as a complex reaction to dust and other factors, which may include tuberculosis and other infections. The disease in this form usually produces marked pulmonary impairment and considerable respiratory disability.

Such respiratory disability severely limits the physical capabilities of the individual, can induce death by cardiac failure, and may contribute to other causes of death. Once the disease is contracted, it is progressive and irreversible.

One of the compelling reasons the committee found it necessary to include this program in the bill was the failure of the States to assume compensation responsibilities for the miners covered by this program. State laws are generally remiss in providing compensation for individuals who suffer from an occupational disease as it is, and only one State—Pennsylvania—provides retroactive benefits to individuals disabled by pneumoconiosis.

Also, it is understandable that States which are not coal producing have no wish to assume responsibility for residents who may have contracted the ailment mining coal in another State. The substantial reduction in the number of miners actually employed in mines following World War II caused a dispersal of men throughout the country—many into States which have few, if any, mines. These men took with them an irreversible disease, but because of their present location are denied benefits.

The committee also recognizes the possible inequities inherent in requiring employers to assume the cost of compensating individuals for occupational diseases contracted in years past.

Many miners have worked in more than one coal mine and for more than one employer. Who can determine precisely when that miner contracted pneumoconiosis and for whom he was working?

The resolution of this dilemma, consistent with the desperate financial need of individuals eligible to receive payments under this bill, was the inevitable inclusion of section 112(b), and the requirement that the payments be made from general revenues.

Hopefully, the health standards prescribed in title II will eliminate conditions in mines which cause the disease. Also, it is expected that the States will assume responsibility in their respective compensation plans for miners who contract the disease in the future.

The miners for whom this program is intended became victims of pneumoconiosis many years ago. They were mining coal for national consumption, and for an industry under intense Federal pressure to keep the cost of the fuel low. The entire Nation benefited from the use of coal and its low cost. The entire Nation, then, has an obligation to the miners who became the unfortunate recipients of an insidious disease in the process, and to their widows and minor children.

REPORTS

All accidents are required to be investigated by the operator, and records of such accidents and investigations required to be kept by the operator. The operator is also required to establish and maintain such records and make such reports as the Secretary may reasonably require.

TITLE II—INTERIM MANDATORY HEALTH STANDARDS

COVERAGE

The interim health standards contained in this title are mandatory and applicable to all underground coal mines until superseded by standards promulgated by the Secretary pursuant to section 101.

DUST STANDARD AND RESPIRATORS

Section 202(a) requires each operator to take accurate samples of the amount of respirable dust in the mine atmosphere to which the miners in the active workings of the mine are exposed. The samples are transmitted to the Secretary and analyzed and recorded by him.

Subsection (b) establishes the dust standard. Effective on the operative date of this title, each operator shall maintain the average concentration of respirable dust in the mine atmophere to which each miner in the active workings of the mine is exposed at or below 4.5 milligrams per cubic meter of air. Effective 6 months after the operative date of this title, the limit on the level of dust concentration is 3 milligrams of respirable dust per cubic meter of air. Beyond that, the Secretary of Health, Education, and Welfare shall reduce the limit as he determines such reductions become technologically attainable.

An extension of time within which to comply with the prescribed limits is available to an operator who demonstrates to the satisfaction of the Secretary that he is undertaking maximum efforts to reduce the level of dust concentration but is unable to do so because it is not technologically feasible for him to do so. In such cases, the Secretary may grant an extension of no more than 90 days with regard to the 4.5 milligram limit, and no more than 6 months with regard to the 3 milligram limit.

Respirators or other approved breathing devices must be made available to all persons exposed to dust concentrations in excess of the applicable limit.

When reference in this report is made to dust readings which yield results in terms of milligrams per cubic meter of air—mg/m^3—such determinations are measured with an MRE instrument. As used in this title, the term "MRE instrument" means the gravimetric dust sampler with four channel horizontal elutriator development by the Mining Research Establishment of the National Coal Board, London, England. When using the MRE instrument to measure the dust, such measurement would be taken over several production, as distinguished from cleanup, shifts in order to assure a valid statistical sample. Measurements may also, however, be made with any other instrument approved by the Secretary and the Secretary of Health, Education, and Welfare.

The personal atomic sampler is one such device, and existing and future technology will undoubtedly produce more. In these eventualities, determinations of the dust level in a mine will be in terms of another yield. It is intended—and the bill states—that a yield other than one in terms of mg/m^3 be mathematically equivalent to the latter, and interpreted as such, for the purpose of enforcing the dust standard.

The bill expressly prohibits the use of personal respirators as a substitute for environmental control of the active workings of a mine. Respirators to date have been of such a nature as to be extremely uncomfortable to the workers and impracticable for the type of operations he must generally perform. It is for this reason, as well as the knowledge that some States have placed restrictions on the use of such respirators, that the committee chose to preclude their use.

The bill permits the use of personal respirators, however, in specified instances.

JUSTIFICATION FOR DUST STANDARDS

On March 26, Charles C. Johnson, Jr., Administrator, Consumer Protection and Environmental Health Service, Public Health Service, U.S. Department of Health, Education, and Welfare, testified before the subcommittee and presented the following remarks of the Surgeon General:

> Pneumoconiosis is a pathological condition of the lung induced by inhalation of small particles.
>
> There are many types of pneumoconiosis caused by specific kinds of dusty materials, as, for example, silica and cotton fibers. Coal miners' pneumoconiosis is a chronic chest disease, caused by the accumulation of fine coal dust particles in the human lung. In its advanced forms, it leads to severe disability and premature death.
>
> Coal miners' pneumoconiosis was recognized, in Great Britain as early as 1943, as a disease entity separate from silicosis. It was not generally recognized as such in the United States until the 1950's. Prevalence studies by the Pennsylvania Department of Health (1959–61) and by the Public Health Service (1963–65) confirmed the existence of the disease entity documented its prevalence among coal miners and showed that it is a widespread problem.
>
> Coal miners' pneumoconiosis is a distinct clinical entity, resulting from inhalation of coal dust. Physicians diagnose it on the basis of X-ray evidence of nodules in the lungs of a patient with a history of long exposure to coal dust. However, it should be pointed out that data from postmortem examinations indicate a higher prevalence of the disease than can be diagnosed from X-ray examinations.
>
> Physicians classify coal miners' pneumoconiosis as simple or complicated, depending on the degree of evidence in the X-ray picture. In the simple form, pinpoint, micronodular or nodular lesions distributed throughout the lungs show up in the X-ray picture.
>
> The physician decides the radiological category of simple pneumoconiosis on the basis of the extent of the opacities. There are no specific symptoms, and pulmonary function tests seldom enable the physician to say whether or not the patient has the disease. It is generally accepted by physicians that simple pneumoconiosis seldom produced significant ventilatory impairment, but, the pinpoint type may reduce the diffusing capacity, the ability to transfer oxygen into the blood.
>
> Complicated pneumoconiosis is a more serious disease. The patient incurs progressive massive fibrosis as a complex reaction to dust and other factors, which may include tuberculosis and other infections. The disease in this form usually produced marked pulmonary impairment and considerable respiratory disability.
>
> Such respiratory disability severely limits the physical capabilities of the individual, can induce death by cardiac failure, and may contribute to other causes of death.
>
> Medical researchers in both Britain and the United States have repeatedly shown that coal miners suffer from more respiratory impairment and respiratory disability than does the general population. These respiratory problems are frequently accentuated by chronic bronchitis and emphysema, the causative factors of which remain to be clarified.
>
> There is no specific therapy for pneumoconiosis in either its simple or complicated form. Adequate environmental dust controls, use of respirators, or removing the miners from the dusty environment as soon as they show minimal effects appear to be, under present technology, the only helpful preventive procedures.
>
> For over 30 years, the Public Health Service has undertaken cooperative studies with the Bureau of Mines on coal miners health problems. Not until 1963, however, did the Department first receive funds for the specific support of operations in this area. Our first major project was a prevalence study of pneumoconiosis in soft coal miners in Appalachia and other coal mining areas.
>
> This study established pneumoconiosis among soft coal workers in the United States as an occupational respiratory disease of serious and previously unrecognized magnitude. Our research showed that 1 in 10 men in the mines and 1 in 5 of the former miners in Appalachia showed X-ray evidence of this chronic respiratory disease. Data from post-mortem examinations would indicate an even higher prevalence of this disease.
>
> For work periods less than 15 years underground, the occurrence of pneumoconiosis among miners appeared to be spotty and showed no particular trend. For work periods greater than 15 years underground, there was a linear increase in the prevalence of the disease with years spent underground.
>
> * * * * *
>
> The United States is the only major coal-producing nation in the world which does not have an official Government standard for coal mine dust. Since Great Britain began requiring dust control efforts in the coal mines—which resulted in reduced concentration levels—there has been a substantial reduction there in the prevalence of coal miners' pneumoconiosis.
>
> Thus, the incidence of new cases in miners has decreased from 8.1 new cases per 1,000 miners in 1955 to 1.9 new cases per 1,000 miners in 1967; the age specific prevalence of simple coal miners' pnuemoconiosis has also decreased as has the overall prevalence, from 12.5 percent in 1959–62 as compared with 10.9 in 1964–67.
>
> An official respirable dust standards for coal mines could, in our opinion, if properly enforced, make a significant reduction in new cases of pneumoconiosis and decrease the rate of progression of old cases. Last year, we concluded that sufficient data were available to recommend the adoption of an interim coal dust exposure standard for miners, pending further refinement of technical knowledge. After careful analysis of the British and Pennsylvania experiences, and after consultation with many authorities, we concluded that:
>
> An interim standard should represent no more than a reasonable degree of risk to our miners, given our present technology, and be one that would significantly reduce the rate at which new cases of pneumoconiosis would develop in the future and old cases would progress.
>
> On the basis of those conclusions, last December, the Secretary of Health, Education, and Welfare recommended to the Department of the Interior a Federal standard which could be used to lower respirable dust levels in coal mines. This standard called for a respirable dust level not to exceed 3.0 milligrams per cubic meter, as measured by the Mining Research Establishment horizontal elutriator instrument.
>
> We recommended this standard in the conviction that it could, if adopted, and properly enforced throughout the coal-mining industry, make a significant reduction in coal miners' pneumoconiosis. This standard, if adopted and enforced, would place the United States along with other major coal-producing nations which have set health standards for dust exposures in the coal mining industry.

Approximately 100,000 active and retired coal miners are presently afflicted with pneumoconiosis, and about half that number are disabled from the ailment. It is apparent from all sources of information that the prevalence of pneumoconiosis among coal miners in the United States can certainly be reduced through effective dust control and other measures. Other nations have concluded this beyond any doubt.

When the subcommittee visited Great Britain, it did so in the expectation that it would observe the procedure and application of what had been hailed as the most effective dust control program of any nation. This was partially true, but the subcommittee took greater confidence in the information it derived from the visit with respect to the medical aspects of the problem. The subcommittee was also impressed with the significant reductions in the prevalence of pneumoconiosis since the inception of the control measures in Great Britain.

It was surprising to learn, however, that the British have achieved this relative success without the benefit of a mandatory program and without the benefit of established dust standards which reflect even their own notion of what the level should be from the standpoint of miners' health.

The British program does not, for instance, entail the withdrawal of men from a mine when the standard is exceeded. In actual practice, only about 80 percent of all British active working faces conform to the standard at any given time.

Also, the British have recently issued new standards which suggest an average exposure of 5.7 mg/m^3—if measured with an MRE instrument—to the face worker. This amount of exposure, incidentally, has little relevance to the health data the British themselves have accumulated.

The British advances against pneumoconiosis by the control of coal dust, then, have been made under a program somewhat deficient in comparison to that established in this bill. Obviously, the experience in the United States should prove to be considerably better. This is especially true since the mining methods used in this country do not generate the same amount of dust as those in Great Britain. Other controls of pneumoconiosis also exist, and they will be referred to in the next section, "Medical Examinations."

The British utilize several techniques for controlling dust in the mine atmosphere, all of which are applicable to U.S. mines. Among them are water infusion, machine design, dust collection, cutting speed, and ventilation techniques.

The British have also amassed an enormous amount of impressive medical data relative to the problem, which also is applicable to conditions in the United States. The British have concluded, from statistical analysis, that the probability of a miner contracting pneumoconiosis—ILO category 1 or greater—after 35 years of exposure to a mean total respirable dust concentration of 3 mg/m^3, is about 5 percent. The probability of a miner contracting pneumoconiosis—ILO category 2 or greater—after the same period of exposure in the same mine environment is about 2 percent. In a dust environment below about 2.2 mg/m^3, there is virtually no probability of a miner contracting pneumoconiosis—ILO category 2 or greater, even after 35 years of exposure to such concentration. It is significant that simple pneumoconiosis below ILO category 2 is not disabling.

The committee bill, then, establishes a dust limit of 3 mg/m^3 1 year after enactment of this act, but provides a procedure whereby the Secretary of Health, Education, and Welfare shall thereafter reduce such limit as reductions become technologically feasible. The ideal mine environment is a dust-free environment, but the committee recognizes the present inconceivability of this attainment, given the state of existing technology. The committee expects the Secretary of Health, Education, and Welfare, however, to prescribe the limit of at least 2.2 mg/m^3 as soon as he deems it attainable, and to prescribe limits below that level in a final attempt to eliminate even simple pneumoconiosis — ILO category 1—through dust control.

The state of existing technology can achieve a reduction in the concentration of dust in U.S. mines to at least 3 mg/m^3 after 1 year. The greatest possible stimulus to this achievement is the establishment of that level as a required standards, with concomitant enforcement procedures. This bill prescribes both.

The committee obviously believes a realistic standard of 4.5 mg/m^3 after 6 months, and a standard of 3 mg/m^3 after 1 year, is realistic. There is no disagreement with the 4.5 mg/m^3 standard, and the initial criticism of the 3 mg/m^3 standard has been noticeably diffused.

During 1968 and early 1969, the Bureau of Mines determined respirable dust concentrations in 29 selected large mines. In this investigation, a total of 280 sections were sampled. The criteria for selecting mines were, first, the mine must employ more than 20 men underground, and, second, the mine should have sufficient coal reserves to last at least 10 years. As a result, it cannot be presumed that the data are representative of the entire industry. Care, however, was taken to select mines with typical mining methods and machines, in a wide range of coal seams and in a number of different States.

The following table gives the results for the 29 large mines sampled. The data are presented by the type of occupation underground, the number of mines for each occupation, the number of samples taken for each occupation, and the number of mines for each occupation that averaged the 3, 4.5, and the 5.5 mg/m^3, and higher level standards:

NUMBER OF MINES MEETING CRITERIA LEVELS BASED ON OCCUPATIONS

Occupation	Number of mines	Number of samples	Less than 3	3.1 to 4.5	4.6 to 5.5	+5.5
Cont. miner operator	21	178	2	2	4	13
Cont. miner helper	19	131	4	3	2	10
Cutting machine operator	15	98	1	6	2	6
Cutting machine helper	8	37	1	3	----------	4
Coal drill operator	9	59	3	----------	1	5
Loading machine operator	18	98	2	1	2	13
Loading machine helper	6	31	----------	3	----------	3
Roof bolter operator	25	296	6	9	6	4
Shuttle car operator	27	463	17	7	3	----------
Beltman	7	32	2	3	1	1
Boomboy	6	20	5	----------	----------	1
Timberman	12	49	7	1	----------	4
Shotfirer	12	83	5	2	2	3
Supplyman	8	24	5	1	1	1
Mechanic	19	142	17	2	----------	----------
Section foreman	28	236	19	4	2	3
Total			96	47	26	71
Total	29	1,976	[1]40	[1]19	[1]11	[1]30

[1] In percent.

Based on these data, 40 percent of the mines for these 16 occupations had an average full-shift exposure of less than 3 mg/m^3, 19 percent were between 3.1 and 4.5 mg/m^3, 11 percent were between 4.6 and 5.5 mg/m^3, and 30 percent were greater than 5.5 mg/m^3.

The significance of these results is that 40 percent of the mines for the specified occupations had an average full-shift exposure of less than 3 mg/m^3.

This has already been accomplished without any concentrated attempt to reduce the dust levels in the mines, and without the requirement of complying with a Federal law establishing standards for permissible concentrations of respirable dust in the mine atmosphere.

MEDICAL EXAMINATION

Section 203 requires that each miner have an opportunity to have taken, at least once every 5 years, a chest roentgenogram to be paid for by the Board. Each worker who begins work in a coal mine for the first time shall be given such a chest roentgenogram at the commencement of his employment and again 3 years later. If the second such chest roentgenogram shows evidence of the development of pneumoconiosis, the worker shall be given an additional chest roentgenogram 2 years later. The Secretary of Health, Education, and Welfare is responsible for reading, classifying, and recording all readings for each miner, and may prescribe such other supplemental tests as he deems necessary.

Any miner who, in the judgment of the Secretary of Health, Education, and Welfare, shows substantial evidence of the development of pneumoconiosis, shall, at the option of the miner, be assigned by the operator to work in a relatively dust-free area of the mine, or in any other area provided he wears respiratory equipment. Any miner so assigned shall not receive less than his regular rate of pay.

The committee considers this section of the bill equal in importance to the dust control section for decreasing the incidence and development of pneumoconiosis. Three facets of medical service are prescribed:

Examination of new entrants: The required chest roentgenograms (X-rays) for new entrants should be supplemented by whatever other tests the Secretary of Health, Education, and Welfare deems necessary. Early detection can stop the employment of the small proportion of new entrants with pulmonary damage.

Periodic chest X-rays: The 5-year chest X-ray requirement for each miner conforms to the best medical evidence on pneumoconiosis. Because the ailment progresses at a relatively slow pace, an X-ray every 5 years is more than adequate. The Secretary of Health, Education, and Welfare may also require other tests to supplement X-rays.

The committee intends that large film be used in taking X-rays. It also expects the Secretary of Health, Education, and Welfare to advise the miner of conditions other than pneumoconiosis which may appear in an analysis of the miner's X-ray.

Supervision of pneumoconiosis cases: The development of simple pneumoconiosis may be impeded if the afflicted individual is removed from a dusty to a relatively dust-free atmosphere or if he is equipped with approved respiratory equipment. The bill provides for this type of supervision, subject to the choice of the individual miner.

TITLE III—INTERIM MANDATORY SAFETY STANDARDS FOR UNDERGROUND COAL MINES

COVERAGE

The interim safety standards contained in this title are mandatory and applicable to all underground coal mines until superseded by standards promulgated by the Secretary pursuant to section 101.

SAFETY STANDARDS

Sections 302 through 317 establish detailed requirements to provide for safer working conditions in underground coal mines. These include requirements with regard to roof support, ventilation, combustible materials and rock dusting, electrical equipment, trailing cables, grounding, underground high-voltage distribution, underground low- and medium-voltage alternating current circuits, trolley and trolley feeder wires, fire protection, maps, blasting and explosives, hoisting and mantrips, emergency shelters, communications, escapeways, and other miscellaneous matters.

The standards in this title are largely the result of recommendations by the Bureau of Mines. In the case of every standard, however, the committee challenged the Bureau to defend its recommendation. In the case of many, the committee adopted a standard other than one recommended by the Bureau. In those instances, the committee relied upon expert opinion from technicians outside the Bureau.

A number of the mandatory safety standards in this title are written in broad general language, such as those relating to the transportation of men and materials, fire protection, permissibility, and welding. The committee considered it unnecessary, at this time, to write into the bill detailed requirements in these cases, since present provisions of the Bureau's code, interpretations, regulations, and instructions which cover these matters in very great detail will still be preserved under this act so long as they do not conflict or are not inconsistent with the provisions of this act. The committee, however, expects that the Bureau of Mines will carefully review all of these and quickly improve and revise them, and publish them as mandatory standards in order to insure adequate safety to the miners. This comment is of particular importance in the case of the code which has not been revised since 1953. Further, if a particular item in the code or any of these other publications is of significance from a safety standpoint it should be published as a standard.

Several of the standards deserve elaboration in this summary, and some require clarification as to legislative intent.

ROOF CONTROL

Section 302 includes some very detailed provisions relative to the control of the roof and ribs in the active workings of the mine, including the face areas where 70 percent of roof fall fatalities occurred in 1967 and 1968. One of the most important of these provisions is the requirement that a roof control plan be adopted by the operator and kept up to date. This plan should form the basis for systematic upgrading of all roof control practices in this industry. The death and injury rate from roof falls is shocking. The industry and the Bureau of Mines have been remiss in attempting to solve this problem. The Committee expects that an effort will be mounted by both on an accelerated basis using the services and expertise of other Federal agencies and other organizations to overcome it.

PILLARED AND ABANDONED AREAS

The most hazardous condition that can exist in a coal mine, and lead to disaster-type accidents, is the accumulation of methane gas in explosive amounts. Methane can be ignited with relatively little energy and there are, even under the best mining conditions, numerous potential ignition sources always present.

There is a general awareness by coal mining personnel of the existence of this hazard. Men working in the face areas where coal is being mined and where fresh methane can be emitted in large volumes due to the disturbance of the coal bed, are required to take numerous safety precautions to insure that methane is not present in explosive amounts. All equipment in by the last open crosscut must be of a permissible type, and frequent examinations, both preshift and onshift, are made to determine methane concentrations. The present bill requires examinations for methane onshift at least once each coal producing shift, at the start of each coal producing shift before electrical equipment is energized, at least every 20 minutes during a shift when electrically operated equipment is energized, before intentional roof falls are made, before explosives are fired, and before welding is done. When, on examination, methane concentrations exceed 1 volume per centum, changes must be made in the ventilation to reduce the methane content. When the methane concentration exceeds 1.5 volume per centum, the electricity must be shut off in the section affected, and men withdrawn from the section until the methane content is reduced.

Methane, however, also accumulates in areas from which pillars have been removed and in other abandoned areas of a mine. These areas are often inaccessible because the roof has been deliberately allowed to fall or caving has otherwise occurred. In these cases, it is not usually possible to determine methane concentrations without great physical risk, and in many instances, the areas are completely inaccessible. In addition, during the time pillars are being removed and the roof permitted to fall in a planned sequence, ventilation of the area can best be accomplished with present technology by ventilating the area in a systematic manner.

These pillared and abandoned areas that are no longer being mined are not tested as frequently as working places, nor can they be given the same attention a working place receives. Consequently, these areas represent a great potential source of explosions, which can lead to widespread underground destruction with attendant loss of life.

Sections 303 (p), (q), and (r) are all directed toward solving this difficult problem. It is the intent of these three sections to require that the areas of mines described above be made as safe as present technology will permit so that the possibility of disasters from this source can be reduced or eliminated. There is general agreement among mining and safety engineers that bleeder systems are difficult to maintain in satisfactory condition over long periods of time and they do not eliminate explosive concentrations of gas in the gob because of bypassing of air when the gob area extends over long distances. Sections 303 (p), (q), and (r) require that when bleeder entries or systems or equivalent means are permitted instead of sealing, they shall be effective. This means that, where no superior method of ventilation is available, one of these may be approved by an authorized representative of the Secretary. When bleeder entries or systems are approved, they shall be used only under conditions where they can be adequately maintained, over short distances. Bleeder air shall not contain more than 2 volume per centum of explosive gases when sampled at a point immediately before entering another split of air.

Seals or bulkheads shall be used to isolate in an explosion-proof manner all abandoned areas in existing mines. In addition, wherever possible, new areas of existing mines will be "sectionalized" with explosive-proof sealing when abandoned, that is, isolated from active sections. In new mines, opened after the operative date of the act, it is intended that the mining system be such as to permit isolation by explosion-proof bulkheads of each section of a mine as it is abandoned.

ROCK DUSTING

Section 304(c) requires that all underground areas of a coal mine be rock dusted to within 40 feet of all face areas. It also requires all crosscuts less than 40 feet from such faces to be rock dusted. Where rock dusting is required, it must be applied and maintained in accordance with subsection (d) of this section. There are three exceptions, however, to this general rock dusting requirement.

The first provides that such rock dusting is not necessary in those underground areas of a mine that are, in fact, too wet or too high in incombustible content to propagate an explosion. Artificial wetting of such underground areas of mines is not acceptable in lieu of rock dusting, except as such wetting is done on the floors of active roadways used by mobile equipment, between the working face and the section loading points. Rock dusting would still be required for the top and sides of such roadways.

Water, when properly applied and maintained, can be effective in preventing the initiation of coal dust explosions and propagation of ignitions and explosions caused by gas or other means. In order to be effective, however, the coal dust along the floor of the mine must be properly wetted and maintained wet. All too often, the coal dust dries up unless there is constant attention given to insuring that it is, in fact, "too wet." It is incumbent upon the operator to insure such attention, and upon the authorized representative of the Secretary to satisfy himself that, when water is relied on as an inert by the operator, it results in the same degree of safety that would be obtained if rock dusting were required.

The second exception is that such rock dusting is not required in areas determined by an authorized representative of the Secretary to be unsafe to enter or inaccessible.

The third relates to cases where an authorized representative of the Secretary permits an exception to this general requirement. In granting this exception for some areas of the mine, such as in the case of back entries, the authorized representative of the Secretary should, among other factors, take into consideration the conditions of the mine, the adequacy, based on past performance, of the rock dusting program at the mine, relevant research findings, and, most importantly, the potential hazards to the miners that could result when an exception is granted. The miner's safety must, in all of these exceptions, be considered to be of foremost concern to the operator and the authorized representative of the Secretary.

ELECTRICAL EQUIPMENT

Section 305 establishes the requirements for electrical equipment. Effective 1 year after the operative date of this title, only permissible junction or distribution boxes shall be used for making multiple power connections inby the last open crosscut or in any other place where dangerous quantities of explosive gases may be present or may enter the air current. Also effective 1 year after the operative date of this title is the requirement that all electric face equipment used in a mine be permissible and be maintained in a permissible condition, except that the Secretary may permit the continued use of nonpermissible or open-type electric face equipment in use on the date of enactment of this act for such period—not in excess of 1 year—as he deems necessary to obtain permissible equipment. This provision does not apply to any mine which is not classified as gassy.

In the case of a mine which is not classified as gassy, all hand held electric drills, blowers and exhaust fans, electric pumps, and other such low-horsepower electric face equipment as the Secretary may designate, shall be permissible and be maintained in a permissible condition 1 year after the operative date of this title. All other electric face equipment used in such mines shall be permissible and be maintained in a permissible condition 4 years after the operative date of this title, except that the Secretary may, upon petition, waive this requirement on an individual mine basis for a period not in excess of 2 additional years if, after investigation, he determines that such waiver is warranted. The Secretary may also, upon petition, waive these requirements on an individual mine basis if he determines that the permissible equipment for which the waiver is sought is not available. Effective 1 year after the operative date of this title, however, all replacement equipment and equipment for which a major overhaul is necessary in such mines, shall be installed as permissible and be maintained in a permissible condition. The Secretary also has the authority to require, on any nonpermissible equipment in use in such mines during these waiver periods, the use of methane monitors which will automatically deenergize electrical circuits providing power to electric face equipment when the concentration of explosive gas in the mine may permit a condition in which an ignition or explosion may occur.

Before proceeding with a further discussion of this section, it is important to first understand the issue which underlies it; namely, the gassy, nongassy issue. The following is excerpted from a memorandum used as background information by the committee when discussing the issue:

I. HISTORY OF GASSY CLASSIFICATION

Methane gas, because of its explosive characteristics, presents one of the most serious hazards during coal mining. Methane occurs most often in the coal itself, but may occur in strata below or above the coal seam. When the strata adjacent to the coal ore is disturbed by the mining operations, the methane migrates into the mine atmosphere.

Explosive mixtures are formed when the methane concentrations range from 5 to 15 percent. The energy required for ignition is minute. For example, frictional sparks considerably less intense than those produced by an ordinary cigarette lighter cause ignition. The ignited mixture produces flame and pressure. The resulting disturbance to the atmosphere, even from a poorly mixed body of gas, will dispense coal dust from mine surfaces and, if insufficient rock dust is present, a serious coal dust explosion will occur. The records of the Bureau of Mines show that most mine disasters are caused by ignition of a localized body of gas.

The Bureau first recognized the distinction between gassy and non-gassy mines in 1926. The Mine Safety Board of the Bureau at that time stated:

"The U.S. Bureau of Mines believes that *all mines are potentially gassy;* but for purposes of administration in respect to prevention of explosions and fires the Bureau recommends the following classification."

The Bureau then classified mines into three types: (1) *Nongassy*—when all samples of mine air contains less than 0.05 percent methane; (2) *slightly gassy*—a classification that could be determined in four different ways depending upon the ventilation and the amount of methane found (one of the four ways included a methane content more than 0.25 percent in a split of the ventilating current); and (3) *gassy*—a classification applied to all other mines.

In 1941, the Mine Safety Board decided the use of the three classifications was unsatisfactory. The new decision provided only two classes—gassy and nongassy mines. The gassy classification was applied to "any coal mine where methane or any other combustible gas can be detected in amounts as much as 0.25 percent or more, frequent systematic searches * * *."

The Mine Safety Board also noted that:

"In the 30 years of investigating mine accidents by the Bureau of Mines, it is noteworthy that many serious gas explosions have occurred in mines in which methane had not been reported prior to the disaster."

Under the present Federal Coal Mine Safety Act, mines are classified by the Bureau either as gassy or nongassy. A coal mine is considered gassy if:

1. A state mining bureau classified the mine as gassy.
2. A gas ignition or gas explosion occurred in the mine.
3. A sample taken in a prescribed way shows 0.25 percent methane or more when analyzed.

Once a mine is classified as gassy, it is never reclassified as nongassy.

II. ALL MINES ARE POTENTIALLY GASSY

A. Some 210 active mines now classified as gassy were once classified as nongassy.

Number of years operated nongassy:	*Number of mines*
0 to 5 years	131
6 to 10 years	35
11 to 15 years	18
Over 15 years	26
Total	210

B. Sixty years of experience has shown that a large number of gas explosion disasters have occurred in nongassy mines. In fact, nongassy mines may actually be more dangerous than gassy mines because of the false sense of security the classification gives.

C. The following is an analysis of selected mines which were once classified as nongassy and are now classified as gassy, and the reason for the classification change:

Date of gassy classification	State	Size of mine	Type of opening	Reason for gassy classification	Air analysis (methane) 2 previous inspections	
					Quantity	Quantity
Sept. 16, 1964	Pennsylvania	Large	Drift	1.05	0.21	0.09
May 3, 1966	do	Small	Slope	.83	.00	.00
May 20, 1966	do	Large	Drift	1.34	.08	.00
Sept. 9, 1966	do	do	do	.40	.00	.00
Sept. 26, 1967	do	Small	Slope	.66	.00	.00
May 21, 1964	Ohio	Large	Drift	1.76	.00	.00
Dec. 22, 1966	do	Small	Shaft	.50	.05	.07
June 8, 1964	West Virginia	do	Drift	.26	.06	.05
Aug. 31, 1964	do	do	do	.29	.20	.06
June 14, 1966	do	Large	Shaft	1.46	.00	.00
Dec. 8, 1966	do	Small	Drift	.43	.22	.08
July 1, 1966	Alabama	do	do	.37	.10	.16
July 31, 1967	Tennessee	do	do	.56	.14	.05
July 15, 1968	do	do	do	.51	.07	.05
Apr. 21, 1965	Kentucky	Large	do	1.72	.07	.00
Feb. 16, 1966	do	Small	do	.44	.00	.00
Aug. 15, 1968	do	do	do	(1)	.15	.00
July 17, 1965	do	Large	Slope	.47	.14	.05
July 4, 1966	do	Small	Shaft	.53	.00	.00
July 6, 1966	do	do	do	.39	.00	.03
May 1, 1967	Virginia	do	Drift	.44	.00	.07
May 25, 1967	do	do	do	.56	.00	.03
Aug. 31, 1967	do	do	do	1.49	.00	.15
Oct. 11, 1967	do	Large	do	2.09	.09	.05
Do	do	do	do	1.26	.10	.00
Nov. 9, 1967	do	Small	do	.47	.00	.00
Jan. 22, 1968	do	do	do	.53	.00	.00
Mar. 19, 1968	do	Large	do	.75	.00	.00
May 15, 1968	do	Small	do	.25	.00	.00
June 18, 1968	do	do	do	.47	.00	.00
Sept. 11, 1968	do	do	do	.26	.00	.00
Do	do	do	do	.51	.03	.03
Aug. 18, 1967	Illinois	Large	do	.45	.05	.07
Nov. 8, 1968	do	do	Shaft	.28	.08	.09

[1] Ignition.

This represents only a partial listing of mines recently classified as gassy and the reason they were so classified. It is obvious, however, that a high methane content may be found in any size or type of mine, whether it be large or small, or whether it be shaft, slope, or drift. It is also obvious that methane may be liberated in dangerous quantities in any mine at any given time. Many mines whose atmosphere had a methane content of 0.00 percent in previous readings were classified as gassy because that content exceeded the 0.25 percent limit.

III. INADEQUACY OF THE PRESENT CRITERIA FOR CLASSIFYING MINES

The three methods of classifying mines gassy are wholly inadequate.

The State method is unsatisfactory because definitions of the gassy classification vary from State-to-State, as do methods used by the States to classify a mine.

Classifying a mine as gassy after an explosion has occurred is a classic example of "locking the barn door after the horse has been stolen." While such an action helps to prevent future explosions, it does not do much for those who have been killed or injured.

The third requires that air samples be taken and, under the present law, the sample must be taken at a point not less than 12 inches from the roof, rib, or face, and must show less than 0.25 percent methane. If a sample were to be taken closer to the coal face than 12 inches, the atmosphere could contain high percentages of methane without affecting classification. In addition, the amount of ventilation of air passing the sampling point is not specified. Obviously, the quantity of air passing the point will have a direct effect on the methane content of the sample. In practice, this air quantity may vary considerably. If a mine which has adequate ventilation and is not classified as gassy were to be sealed for several days, it might yield an air sample with a methane content greatly in excess of the 0.25 percent specified in the law.

In some mines where gas generally occurs in small quantities, the mining operation may unexpectedly tap relatively large pockets of methane gas. Experience has shown that such occurrences have caused serious disasters. Unless a sample were taken at a particular moment when the methane was released, the mine would continue to be classified as nongassy. A sample taken properly and at the right time when methane was released from the pocket would show high percentages of gas. One wonders whether all mines would be classified as gassy were it not for the physical impossibility of having a Federal inspector present in all areas of every mine constantly measuring for methane. It is unfortunate that coincidence apparently has a greater role in determining which mines are to be classified as gassy than does reality.

In his testimony before the subcommittee, Secretary Hickel called for an elimination of the present distinction between gassy and nongassy mines. He said:

"There is another provision of the bill which I want to call to your attention—the elimination of the nongassy classification for certain mines. The experts in the Bureau of Mines have for more than 30 years urged the elimination of this classification because in their opinion all mines are potentially gassy. On numerous occasions there have been gas explosions in so-called nongassy mines killing and injuring workers."

The Director of the Bureau of Mines expressed concern over the distinction: "* * * we are convinced that the accident records of so-called nongassy mines, and the numbers of such mines in which explosive concentrations of methane are found even after years of operation in the nongassy category, strongly support the provision in the administration's bill that all coal mines be classed as gassy."

The committee bill eliminates the artificial distinction between gassy and so-called nongassy mines, and classifies all mines as gassy by requiring permissible electric equipment in all underground mines 1 year after the operative date of this title. In the case of mines not classified as gassy, however, waivers to part of this requirement are permitted for specified periods of time.

In the case of such mines, low-horsepower electric face equipment such as hand held electric drills, blowers and exhaust fans, and electric pumps, are required to be permissible and maintained in a permissible condition 1 year after operative date of this title. The same requirement is made of all replacement equipment acquired for use in such mines, and equipment for which a major overhaul is necessary.

The remaining electric face equipment not specifically required to be permissible 1 year after the operative date of this title, which is used in such mines, must be permissible and maintained in a permissible condition 4 years after the operative date of the title, except that the Secretary may, upon petition, waive this requirement on a mine-by-mine basis for an additional period not in excess of 2 years if, after investigation, he determines such waiver is warranted. The committee intends that the Secretary use his discretion in determining if such waivers are warranted for mines, requesting them, but expects his first consideration to be the availability of permissible replacement equipment.

The Secretary also has the authority to grant, upon petition, an additional waiver on a mine-by-mine basis if he determines the permissible equipment for which the additional waiver is sought is not available to the petitioning mine. The committee intends here that the Secretary administer this authority with extreme care and adhere literally to the language of the bill which spells out precisely the only reason for granting such additional waiver. The committee does not in any way intend for this additional waiver to represent an "open end" to the requirement for permissible electric face equipment.

The Department of the Interior has indicated a period of 5 years will be required for the mine equipment manufacturing industry to produce permissible replacement equipment in sufficient quntities for all underground mines. If the Department alters its present policy of requiring all inspections of permissible equipment to be made in Pittsburgh, and permits field inspections, the period necessary to produce sufficient equipment will be reduced.

The committee believes the time allowances in the bill therefore, to be exceedingly generous, and expects the most judicious consideration by the Secretary of additional waiver requests. Further, the committee expects the Secretary to begin surveying the availability of permissible replacement equipment immediately following enactment of this act and to continue such surveys—making the results of such surveys known to those mines using equipment which is not permissible—on a regular basis (at least every six months) until the electric face equipment in all underground mines is permissible.

During the term use of any electric face equipment which is not required to be permissible, pursuant to section 305(b), the Secretary may by regulation require the use of methane monitors on such equipment, which monitors will automatically deenergize electrical circuits providing power to electric face equipment when the concentration of explosive gas in the active working permits, in the opinion of the Secretary, a condition in which an ignition or explosion may occur. When the Secretary believes conditions in these mines are such that an ignition or explosion may occur, the committee expects him to require the use of methane monitors which act to deenergize the equipment when the explosive gas content in the mine atmosphere reaches a level to be determined by him. The committee believes the explosive gas content of 0.25 volume per centum to be a level the Secretary might very well choose, as that level is currently used as a level of distinction between gassy and nongassy mines.

It should be noted here that a considerable segment of the committee did not feel the additional time period granted for nongassy mines to obtain permissible electric face equipment was justified. It was felt that the arguments made by representatives of such mines to retain the present distinction were wholly inadequate. When it became obvious the committee was not inclined to retain the present distinction, the representatives of the nongassy mines then sought time beyond that prescribed in the bill reported by the subcommittee within which to obtain permissible equipment. The bill permits such additional time, and such time was granted in the interest of the total bill.

The committee does not believe that this concession was made at the cost of sacrificing the safety of miners in nongassy mines. Since 1953, there have been 55 ignitions or explosions in nongassy coal mines. Some 28 miners were killed and 62 injured because of them. Twelve of the 28 deaths were caused by the use of equipment which was not permissible. All of that equipment was of low horsepower, such as that required to be permissible in all mines—regardless of their gassy status—1 year after the operative date of this title.

None of the equipment causing the ignitions or explosions was of the type for which the waiver periods are permitted. Although this is somewhat mollifying, the committee recognizes that the ignitions and explosions could have conceivably and eventually been caused by the larger electric face equipment (for which the waiver periods are permitted), had not the smaller equipment first ignited the source of explosive gas.

EMERGENCY SHELTERS

Section 305 permits the Secretary or his authorized representative to require the erection of mine rescue chambers to which miners could go in the event of an emergency.

The committee is cognizant of a study being conducted by the National Academy of Engineering, pursuant to a contract with the Department of the Interior, to determine improved means of survival after mine accidents. The committee expects the Secretary to promptly institute requirements for rescue chambers in mines if the study concludes such rescue chambers are indeed an effective method of insuring survival after a mine accident.

INSPECTOR PRESENT IN SELECTED MINES

Section 317(j) requires the Secretary to insure that his authorized representative is present daily to make inspections at a mine the Secretary determines liberates "excessive quantities of explosive gases."

Despite opposition to this provision by the Secretary, the committee found the following statement by W. A. Boyle, president of the United Mine Workers of America, a most compelling reason for its inclusion in the bill:

> Certainly if this Government can spend money on game wardens far in excess of Federal coal mine inspectors, commonly known as "rabbit shepherds," protecting the lives of rabbits, deer, antelope, elk; certainly we can have a Federal mine inspector in each one of these mines who will make these inspections when necessary every day that the mine operates, and that Federal inspector should be required to be there.

The committee appreciates the Secretary's concern about the cost of detailing inspectors to such mines on a regular basis, but believes the advantages of such surveillance far exceed any suggested disadvantages.

In administering this provision, the committee expects the Secretary to rotate inspectors among the mines he believes liberate "excessive quantity of explosive gases," and not station the same inspector at the same mine for an extended period of time.

TITLE IV—ADMINISTRATION

RESEARCH

Section 401 requires the Board to establish objectives for the conduct of appropriate studies, research, experiments, and demonstrations. Activities to meet the objectives in the area of coal mine health will be carried out by the Secretary of Health, Education, and Welfare. Those in the area of coal mine safety will be carried out by the Secretary of the Interior. No research may be carried out unless the results of it are available to the general public.

Funds for the research shall be distributed to the Secretaries from moneys the Board shall receive from operators, appropriations, and the States. Each operator is required to contribute an amount equal to 2 cents for each ton of coal he produces. The Board may reduce this amount when it determines it has sufficient funds from other sources with which to carry out its activities.

In addition, the Federal Government will contribute an amount equal to 2 cents for each ton of coal produced by operators. States may also contribute and the Federal Government will match such contributions up to an amount equal to 1 cent per ton of coal produced in the respective State.

Prior to distributing any funds derived under this section, the Board must first assure the payment of the chest roentgenograms and other tests provided for under section 203(a).

The committee believes the Board should consider, as the first priority item in establishing objectives for the conduct of studies, research, experiments, and demonstrations, the establishment of a respiratory disease center. The medical information gathered in Great Britain is comprehensive and impressive, and was derived largely because a central repository for the collection and interpretation of relevant data was established.

Before the Farmington tragedy of last year, the record of the Department of the Interior and the Bureau of Mines since 1952 with respect to health and safety in this industry left a great deal to be desired. Many of the weaknesses in the 1952 act were well known years ago, yet little has been done to seek appropriate changes in the law. Similarly, the 1953 code, which is a part of labor-management contracts in this industry, and violations of which are often cited by inspectors, has not been revised despite known changes in technology and mining practices. Considering the injury and fatality rate of this industry, the committee was shocked to learn that in the past several years the annual budget for the Bureau of Mine's health and safety functions, including the coal and metals industries, has been about $10 million, while the Bureau's total annual budget is about $80 million.

Since Farmington, the record of the Bureau of Mines has shown marked improvement. But more still needs to be done if the coal miners of this Nation are going to receive the protection they deserve and, indeed, demand.

The legislation recommended by the committee abandons the old, worn-out and ineffective provisions of the present law and provides a new and comprehensive approach to the problem of coal mine health and safety. To be effective, however, the Secretary of the Interior and the Bureau of Mines must be provided with the needed personnel who are vigorous and well-trained in this field, and funds to carry out this program.

The committee recognizes that the many interim health and safety standards and extensive new requirements of this legislation can become mockery if enforcement of this law is lax. Strict enforcement which the committee in its oversight responsibility will insist upon, is impossible without frequent inspections—both regular and spot inspections.

The lack of trained inspecting personnel requires that special programs be developed to assure that the law can be properly enforced. New facilities will be required along with funds to operate them, in order to train the needed Federal inspectors and, when appropriate, possibly State inspectors too.

For the first time, inspections for violation of health standards in order to insure that the samples taken by the operator are truely representative of the mine atmosphere will be required. The thousands of samples sent to the Bureau by the operators and the samples which are collected by the Bureau must be analyzed and recorded and a procedure developed which will alert the laboratory to conditions that exceed the standards in the bill. New personnel will be needed to perform both the sampling and analytical work and new facilities will be needed to carry out these new responsibilities.

In addition, the committee considers research vital to improved health and safety conditions in coal mines. The health and safety hazards afflicted upon the miners of this industry are directly related to the fast developing production technology for which this industry is known. In many areas, the industry has improved its methods for producing coal by leaps and bounds. But this same drive and energy has not shown itself in health and safety research and development efforts in this industry. Rather, many, including the Bureau of Mines, have followed the fatalistic attitude so prevalent in the industry that coal mining is a "hazardous" occupation and these hazards cannot really be overcome. The committee is not willing to adopt this attitude. Neither will the American public or the miners themselves accept this unreal situation. We know that 311 miners were killed in this industry last year. Over 170 have been killed so far this year. Over 100,000 miners are afflicted with pneumoconiosis. Many are disabled from it. Certainly, a nation with know-how in so many other technology complex areas can improve this situation with a little more effort.

The committee is aware that the British expenditure for coal mine health and safety alone, exceeds $20 million annually. This has enabled the British to adduce relevant conclusions from their research effort; especially in the area of health. Surely, the United States effort should be no less intense. Some of the research programs needed in the Bureau are: First, new instrumentation for measuring respirable dust concentrations; second, dust suppression technology which may range from redesign of cutting bits on cutting machines to water infusion of the coal seam in advance of mining; third, methane drainage methods which will reduce the dangers from methane—one of the greatest hazards in mining coal; fourth, new methods for strata control that will prevent roof fall accidents that account for more than 50 percent of fatalities each year; and fifth, development of a system approach to the mining problem that will increase safety and reduce health hazards. Many other research opportunities exist.

The committee also is aware that the industry has not always contributed its fair share to improving health and safety. In 16 years, the industry has invested about $195 million on commercial research, while Government has spent over $165 million for production research and development. Secretary Hickel estimates that less than $15 million was spent on health and safety research in the past 16 years. It is time that the industry—the beneficiary of all this research—make an even greater effort toward further research and development.

The industry must develop and intensify its own health and safety research and development program and spend greater amounts than have heretofore been spent. Even now, after these many months of public discussion there is little overt evidence of industry expenditures on controlling dust, for example. Yet, within a few months they will be required to meet a dust standard of 4.5 mg/m^3 and soon thereafter 3 mg/m^3.

The committee is also concerned that, while there have been improvements since Farmington by the Bureau and the Department in the administration of this program, much needs to be done. Greater efforts by the officials of the Department must be made to assure that the objectives of this legislation will be fulfilled. The present uncertainties regarding personnel should be resolved quickly. For once this legislation is finally enacted into law this year, the leadership of the Bureau will need to devote full time to carrying out the provisions of this legislation. The improvements of the past few months must be doubled and carried over under this new legislation which will require personnel familiar with its background and the intent of the Congress.

The committee also believes the Secretary should review the administration of the Holmes safety award program. Too many mines to which such safety awards have been made have had a relatively poor accident record and a history of violations of the existing law. Moreover, the full time of several inspectors has been taken in administering this program when that time could be better spent in making actual mine inspections. This is especially true in view of the greater demands placed upon the inspectorate by this bill.

ASSISTANCE TO STATES

The Secretary is authorized to make grants to any State in which coal mining takes place to conduct research, first, and planning studies and to carry out plans designed to improve workmen's compensation and occupational disease laws and programs, as they relate to compensation for pneumoconiosis and injuries in coal mine employment; and second, to assist the States in planning and implementing other programs for the advancement of health and safety in coal mines.

For this purpose there is authorized to be appropriated for the fiscal year ending June 30, 1970, and each of the succeeding fiscal years, the sum of $1 million.

EQUIPMENT

Under section 404, the Secretary is authorized to make loans to operators of coal mines to enable them to procure or convert equipment needed by them to comply with the provisions of this act. The loans shall not have maturities beyond 20 years and shall bear interest at a rate adequate to cover, first, the cost of the funds to the Treasury; second, the cost of administering the loans; and third, probable losses. The Secretary shall use the services of the Small Business Administration to the greatest extent possible in carrying out this section.

INSPECTORS; QUALIFICATION; TRAINING

Section 405 establishes qualifications for inspectors and requires the Secretary to provide for the adequate training and continuing education of such personnel.

The committee fully expects the Secretary to undertake a comprehensive and exhaustive program of recruiting, training, and continually educating persons employed as his authorized representatives or in other capacities. The Secretary should also initiate programs for the training and retraining of inspectors by appropriate educational institutions and operators.

SPECIAL REPORT

The Board shall make a study to determine the best manner to coordinate Federal and State activities in the field of coal mine health and safety and report to the Congress as soon as practicable on the results of its study.

In conducting this study, the committee expects the Board to review existing Federal-State cooperative agreements. The committee bill does not contain a provision—like that in existing law—for a continuation of a State plan arrangement. The existing law is totally inadequate in that respect and all related proposals considered by the committee were unacceptable. A testament to the inadequacy of the present law in this respect is the fact that only one major coal-producing State—the Commonwealth of Virginia—is a participant to it. The Board would be wise to first review that agreement to determine the relevance and adequacy of proposing a similar agreement on a national scale.

OPERATIVE DATE AND REPEAL

The provisions of titles I and III of this act become operative 90 days after enactment. The provisions of title II become operative 6 months after enactment. The provisions of the Federal Coal Mine Safety Act are repealed on the operative date of titles I and III of this act.

Mr. Chairman, I referred in my opening remarks to the explosion which, during the early hours of November 20, 1968, killed 78 miners in Consolidation Coal Co's No. 9 mine near Farmington, W. Va. Well, the early hours of Thursday, October 23, brought back the harsh reality of that disaster and underscored the urgent need for this legislation. It was then when the first of the 78 bodies were found by the recovery team at the mine.

I will not be macabre and expand on that news. But this bill is desperately needed to help prevent future Farmington's, as well as the daily toll of human sacrifice to the mines. The miners need the bill for their own and their families' protection. The industry needs the bill to clean its own house and to attract new miners to an industry in which young and potential mine workers have no confidence. And the public needs the bill, if only to be spared the horror that comes in hearing news broadcasts announcing yet another disaster.

Mr. Chairman, I hope we will act quickly and favorably on H.R. 13950.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. DENT. I shall be happy to yield to my distinguished colleague, the gentleman from Pennsylvania (Mr. FLOOD).

The CHAIRMAN. The gentleman from Pennsylvania has consumed 1 hour.

Mr. PERKINS. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. FLOOD. I may say, Mr. Chairman, that I never thought I would live to see the day when this bill would be before this House. I am the only spokesman left in the House of Representatives who represents a hard coal district. But I want you soft coal miners to know that we have collie dogs in the anthracite section of the State of Pennsylvania, which it is my honor to represent, with hind legs farther apart than most of your soft coal mines.

Mr. Chairman, when I came here we had 30,000 men working in the anthracite district. Now we have 3,000. However, we have 23,000 suffering from anthracosilicosis. Some have talked about pneumoconiosis and black lung. We have known about that miner hazard for a long time. Both sides of my family have worked and died in the mines from anthracosilicosis and members of my wife's family on both sides have worked under these conditions for a hundred years.

If one were to review the history of workmen's compensation for occupational diseases in this country, one would find that these laws, for the most part, have been inadequate and so inflexible that they have not been able to deal with new disease problems. Many of our early occupational disease compensation laws recognized only a specified list of diseases which were largely based on English law. Originally, this list, in most laws, omitted the diseases caused by the inhalation of dust, such as silica. In the early 1930's the now famous Gauley Bridge incident in West Virginia focused the attention of a shocked Nation in the inadequacies of its compensation law. Gauley Bridge was a power tunnel being driven through highly siliceous rock and, in the absence of dust control procedures, many workers quickly developed silicosis and many others died due to lungs overburdened with silica dust. Because silicosis was not a compensable disease, the only recourse these workers had for recovery was under common law—a most inadequate and unsatisfactory procedure.

The incident led to the calling of the National Conference on Silicosis by the Secretary of Labor in 1937. Out of the conference came certain recommendations to the States on procedures for compensating for silicosis. These laws were built around social concepts which existed at that time and I am fearful, in our modern concepts, that these laws tended to overprotect the employer and penalize the worker. For example, the worker had to prove exposure to hazardous concentrations of silica dust, even though medical testimony left little doubt that the worker was afflicted with classical silicosis. To be eligible for compensation, he must have had complete disability. Thus, men were encouraged to continue working in a dusty trade until they were completely disabled. Other difficulties included unreasonable statutes of limitations, the "last employer responsibility" concept, and inadequate medical procedures. The States were slow to adopt the concept of compensation for silicosis. Only within the last decade has one of our major mining States recognized silicosis as a compensable disease.

Thus, when coal pneumoconiosis, or black lung, became a major health problem several years ago, our State compensation laws were totally unprepared to deal with this disease because State laws were, for the most part, limited to providing compensation for silicosis which did not fit either the legal or medical definition of coal workers' pneumoconiosis. Thus, many coal miners were denied or found ineligible for compensation even though there was little doubt that the disease was an occupational one.

Mr. Chairman, in our present-day situation we have reached another "Gauley Bridge" in terms of recognizing the inadequacies of our compensation laws for dust diseases. Other coal mining countries, especially those in western Europe have reexamined their compensation concepts for the dust diseases, especially coal workers' pneumoconiosis, and have applied modern knowledge and techniques in their evaluation and in establishing legal and medical procedures. Maybe it would not be out of order for the Secretary of Labor to call another conference similar to the 1937 one to reexamine our compensation practices for dust diseases. For example, there is no uniform criteria for the diagnosis of coal workers' pneumoconiosis; there is no standard method for assessing disability and few, if any, of the States encourage prevention over compensation. In other words, our present compensation procedures are based on knowledge which was developed almost 50 years ago.

In recent years, several States, notably Alabama, Virginia, Pennsylvania, and more recently West Virginia, have modified their laws to include coal workers' pneumoconiosis. However, in doing so they, for the most part, have modified antequated laws and procedures and have failed to take advantage of applying new concepts of compensation, medical evaluation and prevention.

Various studies by the Public Health Service provide some insight as to the incidence of pneumoconiosis among coal workers. Medical examination of active and inactive coal miners in the Appalachian area, which includes anthracite coal region, revealed that 6.5 percent of the active miners had evidence of simple pneumoconiosis and 3 percent had evidence of complicated pneumoconiosis. Whereas, of the inactive miners, the percentages were 9.2 percent and 9.4 percent respectively. The estimates of the total number of new coal pneumoconiosis cases range from a low of 30,000 to more than 100,000. In the State of Pennsylvania alone, there have been 25,000 cases of pneumoconiosis compensated since January 1966 under terms of a new law which permitted payment of $75 per month to those men with pneumoconiosis but who had been ruled ineligible for compensation under existing workmen's compensation laws.

Statistical studies indicate that the death rate for bituminous coal miners is about twice that of the general working male population and same is true in anthracite coal fields. Death rates attributed to respiratory diseases, however, were five times that of the general male population. I am sure that other data and studies are available to further substantiate the magnitude of this problem.

Coal pneumoconiosis is a relatively new disease on the American scene. Although anthracosilicosis was known in the anthracite industry, it had been generally assumed up until the early part of this decade that bituminous coal did not cause a disabling pneumoconiosis. However, the introduction of mechanical mining equipment, which caused an increase in the dust concentrations in underground mines, has been responsible for the development of pneumoconiosis by thousands of workers. Even prior to 1950, the disease had been recognized in certain European countries, so we were not without forewarning that a similar situation could occur in the United States. Agreeing on compensation procedures for this disease is not going to be a simple matter. For instance, the early stages of the disease, recognizable by X-ray, result in little if any pulmonary disability. However, the continued exposure of men to even low levels of coal mine dust will doubtlessly cause the disease to progress to its complicated form which is disabling and results in a shortened life expectancy. Although there are no therapeutic measures available at this time, there are palliative measures which can be provided the individual which at least would alleviate the period of disability.

Mr. Chairman, H.R. 10259 does attempt to deal with the basic problems involved in the compensation of coal workers' pneumoconiosis. It does, however, recognize financial responsibility on the part of the Federal Government to those individuals disabled as a result of pneumoconiosis and anthracosilicosis which was contracted in the coal mining industry and who are not entitled to compensation under existing workmen's compensation laws. This bill, or any other bill of a similar nature, should be viewed as a bridge between the present chaotic situation and the time when the States can readjust their compensation laws to reflect modern-day practices and place the compensation laws in accordance with our present concepts of social responsibility. This bill does not attempt to take away from the States their responsibility for administration of compensation laws and place it in the hands of the Federal Government; on the contrary it maintains administration of aid at the State level by providing full measure of financial support to the States.

Mr. Chairman, one of the great injustices today under the compensation laws of the States is the inability of the States to give aid to miners suffering from "black lung" and "miners' asthma" who are not receiving compensation either because their claims for benefits have been denied, or because their claims have expired. This bill would apply benefits and coverage retroactively, and thus help thousands of coal miners disabled by black lung and miners' asthma who have never been eligible to receive benefits or who have been given partial aid for a limited time only. This bill would be of tremendous aid to the States which cannot pay retroactive benefits because such payments would be prohibited under their constitution as an impairment of contracts. My State of Pennsylvania is an exception in that payments are being made out of general revenue, and is, therefore, not in violation of the Commonwealth's constitution but we are straining out tax revenues to do so.

First, the oft-declared purpose of this bill is to encourage the States to improve their workman's compensation laws; and to provide necessary immediate financial relief to the employees disabled in the mining industry until the States workmen's compensation laws provide adequate coverage and benefits.

Second, to establish minimum standards of coverage and benefits and provide Federal funding for these benefits is a commendable and necessary step in the immediate implementation of the intent of Congress.

Third, Federal grants to reimburse, in part, progressive States with comprehensive workmen's compensation laws will indeed "encourage the States to improve their workmen's compensation laws."

Fourth, however, H.R. 13950, in its present form—section 112, subparagraph (B)—will penalize the States already providing benefits by reducing the Federal payments to individuals by an amount equal to the amount currently being paid by the State. This provision will act as a deterrent instead of an encouragement for States to improve their workmen's compensation laws.

Fifth, the taxpayers in the States with a comprehensive workmen's compensation law in effect or to come will be burdened with a double taxation; providing revenue for the State benefits and also providing the revenue for the Federal benefits, while the beneficiaries of these benefits receive the same amount as beneficiaries in States with no coverage on the State level.

Sixth, Pennsylvania, the State with the most comprehensive compensation laws and the largest number of claimants will be affected the most by this provision.

Seventh, in the anthracite region, the efforts of all the State legislators, mine workers union, and the Pensioned Miners Protest Committee will be completely undermined and the current benefits—$75 per month—and any increase they are successful in obtaining from the State will be deducted from the benefits provided by H.R. 13950.

Eighth, the effect of this bill on the future enactment of workmen's compensation laws or improvements thereof, is rather obvious; States failing to enact or improve such laws can offer industries a healthier financial climate to operate in, they will not directly or indirectly burden their taxpayers with a State-supported law and at the same time, coverage for the employees will be provided by the Federal Government.

Mr. Chairman, I have been at the mouth of a mine after it had been flooded or after an explosion and have seen death and grief and disaster. So, I knew JOHN DENT when he was in the Senate in Pennsylavnia. He led the fight then. For 25 years, when I first came here, I have been trying to get something like this but was not able to do it.

So I come here today as an old friend and old neighbor representing the hard coal miners. I never worked in the mines myself. I worked outside, but I lived over them and I know of them. I thank God for this House of Representatives and for the efforts of this committee and especially those of the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Thank you very kindly.

Mr. ERLENBORN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I take this additional time to also pay my compliments to the gentleman from Pennsylvania although I thought I would be able to do that on my own time.

Mr. Chairman, the gentleman from Pennsylvania has, of course, broad and deep knowledge of coal mining legislation, going back many years. Through the course of the consideration of this bill, he has been most helpful to me while I learned something about coal mining legislation. He has been persistent in getting legislation that is workable and legislation that will really help toward protecting the health and safety of coal miners.

I want also to express my compliments to the gentleman from California who has likewise been realistic in his approach to this legislation. There have been those who have made suggestions as to the provisions in this bill which sounded good and which had the appearance of helping the safety and health of the miners. But these two gentlemen have consistently insisted that this legislation not have simply the appearance of adding to the health of the miners, but that this bill have provisions of substance to it. I commend both of them for the work they have done, as well as the chairman of the full committee, the gentleman from Kentucky (Mr. PERKINS), who was most helpful in the very difficult section of this bill relating to the compliance with the permissible equipment and in helping us reach the agreement that we did in a compromise, recognizing the fact that many small mines would be closed had the provisions of the original bills that were introduced been enacted. A compromise was reached as I have mentioned before, a realistic compromise, and one which will help us over the trying period of going from the nongaseous classification to a situation where nongassy situations no longer exist and all mines will have to have permissive equipment.

I further compliment the gentlemen upon the job they have done. I disagree with them upon a few points, but I hope to remedy that situation during the amendment process.

Mr. Chairman, I yield 5 minutes to the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN of Idaho. Mr. Chairman, the bill before us, H.R. 13950, is undoubtedly the most important and far-reaching coal mine health and safety bill ever to come before the Congress. It is the product of the diligent efforts over a long period of time by many people—members of the General Labor Subcommittee and the full Committee on Education and Labor, many of our other colleagues, representatives of the coal miners, the coal mine industry, various State governments, agencies of the Federal Government, and even experts from the British coal mining industry, whose experience and advice have been so helpful in the development of this legislation.

I would like to pay particular tribute to two of my colleagues for their outstanding leadership and painstaking effort that have resulted in the substantial agreement on the main features of the bill before us today. A great deal of the credit for the giant step forward that this bill represents goes to the gentleman from Pennsylvania (Mr. DENT) chairman of the General Labor Subcommittee, and to the gentleman from Illinois (Mr. ERLENBORN) the ranking minority member. Both have demonstrated great skill and patience in an effective and good faith effort to compare and search out areas of agreement on provisions of this bill that have been the subject of sharp but honest difference of opinion.

This is a tough bill, but I do not believe that it is too tough. While I expect to support some amendments that will improve the bill and make it more workable, I believe that the rather rigid standards it proposes to establish are both reasonable and attainable.

This bill is, at least in part, a response to the disaster at Farmington, W. Va., nearly a year ago. The tragedy that took the lives of 78 miners serves as a grim reminder that our efforts to make the Nation's coal mines safer and more healthful places to work must be a continuing one. The threat and all too often the sudden reality of disaster, death, and disease have confronted our coal miners and their families for too long.

Our coal mine industry has added a great economic strength to our Nation, but it has all too frequently been the source of great sadness with news of crippled men, grieving widows, and fatherless children.

Death in the coal mines can come very suddenly as a result of an explosion or collapse of a roof. Death or broken health can also come more slowly but surely as the result of pneumoconiosis. The coal miner must live and work under a constant uncertainty, not knowing when he leaves for work in the morning that he will return home before the end of the day.

In his message to Congress earlier this year, President Nixon said:

> The time has come to replace this fatalism with hope by substituting action for words. Catastrophes in the coal mines are not inevitable. They can be prevented and they must be prevented.

The bill before us properly acknowledges that the most valuable resource in the Nation's coal mining industry is the coal miner. The bill is properly concerned first and foremost with the health and safety of the miner. It responds to a clearly demonstrated need to provide more effective means for improving the working conditions in the Nation's coal mines in order to prevent death and injury and in order to effectively control the conditions that cause occupational diseases in the mines.

The bill before us corrects some obvious deficiencies in the present law. It established procedures for the promulgation of mandatory health and safety standards and makes provision for interim health standards.

Among the most significant achievements of the bill is the establishment of dust standards. Very fine coal dust produced during mining operations has always been a major health hazard for those working in the mines. This country has never established by law the permissible limits of dust concentrations. This bill will give the United States an official standard for the first time.

Effective with the enactment of this bill into law each operator will be required to maintain the average concentration of respirable dust in the mine atmosphere to which each miner in the active workings of the mine is exposed at or below 4.5 milligrams per cubic meter of air. Effective 6 months after the operative date of this title, the limit on the level of dust concentration will be 3.0 milligrams of respirable dust per cubic meter of air. That limit shall be further reduced when such reductions are determined to be technologically attainable.

Already there is encouraging evidence that the pendency of this legislation has provided a stimulus for effective research in the area of dust control that strengthens our belief in the validity of the assumption made in this bill that ultimately a standard below 3.0 milligrams per cubic meter is realistic and attainable. The passage of this bill will provide a powerful stimulus for further research and development resulting in greater improvements in health and safety conditions in our coal mines.

Mr. Chairman, passage of this bill will go far to protect the health and prolong the lives of the Nation's coal miners. It may very well be one of the most constructive and far-reaching pieces of legislation to emerge from the 91st Congress.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. HANSEN of Idaho. I yield to the gentleman.

Mr. HECHLER of West Virginia. Mr. Chairman, I commend the gentleman from Idaho for his presentation and particularly for his separate views. The very last page of the committee report contains the support of the gentleman from Idaho and the gentleman from California (Mr. BELL) for the compensation feature. I do hope and trust that he may bring many of his colleagues on that side of the aisle to the support of this feature of the bill which I think is one of the better parts of the bill. On behalf of thousands of West Virginia coal miners, I thank the gentleman from Idaho for his support.

Mr. HANSEN of Idaho. I thank the gentleman for his kind remarks.

Mr. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. HANSEN of Idaho. I yield to the gentleman from California.

Mr. BURTON of California. Mr. Chairman, our distinguished colleague, the gentleman from Idaho (Mr. HANSEN), already impressed every member of the Committee on Education and Labor on both sides of the aisle for his appetite for doing his political homework and his concern that any action that the committee takes be based on fact and not on fancy and his determination in this particular area to see that we emerge with a strong and responsible bill protecting the health and safety of the coal miners of this country.

Mr. HANSEN of Idaho. I thank the gentleman for his kind remarks.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. HANSEN of Idaho. I yield to the gentleman.

Mr. DENT. I just happened to be looking at a picture here which shows a group of Members of Congress down in a coal mine. The gentleman now in the well is one of the Members of Congress in this picture. In every instance he has never asked any questions when the committee was going to go down into mines or was going to make a visit to some hospital or something. He was always out front as a volunteer and, in fact, he was one of the few volunteers to go into the Welsh mine 3,200 feet deep with an 85° temperature. If sometime you get the gentleman in the mood when he feels like talking about it, he will tell you how they dress in the British mines.

Mr. HANSEN of Idaho. I thank the gentleman for his kind remarks.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. HANSEN of Idaho. I am delighted to yield to the distinguished chairman of the Committee on Education and Labor.

Mr. PERKINS. Mr. Chairman, I wish to take this opportunity to pay tribute to the distinguished gentleman from Idaho for his great service to the Committee on Education and Labor. We do not have a member who is more attentive and stays more on the job. He has made a great contribution not only in the area of mine safety but in the area of education legislation. I am delighted to have the opportunity to pay tribute to such an outstanding legislator.

Mr. HANSEN of Idaho. I thank the gentleman for those kind remarks.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. HANSEN of Idaho. I am happy to yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Chairman, mines in Kentucky have been, up until this year, generally classified as nongassy.

The large operators, because of their wealth, can afford the cost of all permissible equipment. However, the small operators, who employ smaller groups of men, would have great difficulty in buying permissible equipment.

Purchase of such equipment seems unnecessary in nongassy mines, since there have been only 52 ignitions in the past 16 years in all the nongassy mines in our

country, and 43 of these have been the result of smoking, lighting matches, or by use of an open-flame lamp.

Only nine of these ignitions, over this 16-year period, could have been prevented by the use of permissible machinery. The methane monitor the distinguished gentleman speaks of would be extremely helpful. It would eliminate much expensive equipment.

An added burden placed upon the small operators is the low level of dust concentration promulgated by the present bill. We have based much of our legislation upon that of England, where it has been generally understood there has been more research on methods of controlling dust in mines, and also more work has been done on the cause of pneumoconiosis, progressive massive fibrosis, or black lung disease.

Let me state here that I support the present bill, but feel that many small operators will be unable to reach the low dust concentrations required by law.

A few weeks ago, at my own expense, I visited England and interviewed Dr. John Rogan, chief medical officer of the national coal board. At that time, England had a different standard for determining the concentration of dust, based upon the number of particles of dust in the air per cubic meter.

Dr. Rogan stated that it was impossible to keep dust concentration at a certain level at all times, because of many factors: one, the concentration of dust would naturally be much higher after a blast; and two, at the cutting edge on the coal face.

He explained that the level—concentration in milligrams per cubic meter—would vary and that a certain level should be selected as a guideline.

In the past few weeks I have received, as have many of you, information from the Ministry of Power in England to the effect that a standard has been accepted which is set at 8 milligrams per cubic meter. As the capabilities of operators improve, then the level is to be diminished.

I have talked with operators throughout Kentucky and it is their feeling that they cannot reach the 4.5 millimeter concentration at this time. For this reason, today I am offering an amendment which would fix the level for the first 12 months at 6 millimeters per cubic meter, which is 2 millimeters below the present English standard; and commencing with the second year, would fix it at 4.5 millimeters per cubic meter; and after that time would be lowered as the Secretary of the Interior would determine it feasible and possible.

In my conversation with Dr. Rogan, pneumoconiosis was discussed at length, including the study of X-rays of various stages of this disease. In the discussion, Dr. Rogan stated that factors other than ingestion of coal dust caused the later stages of this disease. He stated that in the first three stages of pneumoconiosis miners were not outwardly affected, but that in the stages which included consolidation, passive massive fibrosis, the miners became totally and permanently disabled.

Mr. Chairman, there are many hundreds of thousands of miners who suffer from pneumoconiosis and who have not been compensated. For the disabled miners, I feel that the Federal Government should compensate them. These men are not eligible for pensions from their union, neither are they eligible for workmen's compensation.

At the appropriate time, I shall offer the amendment which would fix the permissible level at 6 milligrams per cubic meter for the first year, 4.5 milligrams for the second year, and thereafter at the discretion of the Secretary of the Interior.

I shall offer a second amendment, since we are all interested in safety and in the protection of the miners throughout our area, that any coal mine which has experienced two or more ignitions or explosions due to methane should be ordered by a representative of the Secretary to close and cease mining operations in such mine within 60 days following such order.

A mine which is once gassy almost always remains so, even if permissible equipment is used. The cutting edge of a continuous miner often strikes inclusion bodies and causes showers of sparks, which can easily set off further explosions and cause more severe disasters.

If we really believe in mine safety, we must concentrate on the mines in which explosions occur, and these occur in gassy mines.

Mr. ERLENBORN. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania (Mr. Saylor).

Mr. SAYLOR. Mr. Chairman, first let me say that the Members of the House are deeply indebted to the House Committee on Education and Labor for presenting this bill to us for consideration today. There are a number of individuals who I think deserve special mention. They are the chairman of the full committee, the gentleman from Kentucky (Mr. Perkins), the gentleman from Pennsylvania (Mr. Dent), the gentleman from California (Mr. Burton), and the gentleman from New Jersey (Mr. Daniels). On our side of the aisle there are four men that I think also deserve special mention. There are our good friends and the ranking member of the subcommittee, the gentleman from Illinois (Mr. Erlenborn), the gentleman from Idaho (Mr. Hansen), the gentleman from California (Mr. Bell), and the gentleman from Wisconsin (Mr. Steiger).

I want to pay particular credit to Mr. Erlenborn, Mr. Burton, and Mr. Daniels, because none of them have coal mines in their districts. They could have taken the easy way out. They could have said that this is a matter which does not immediately concern their congressional districts and turned the matter over to someone else. But these three men in particular dedicated days, weeks, and months to ironing out one of the most difficult pieces of legislation that has been presented to this Congress in this or any other recent session.

The reason it is difficult is that there are large coal mines and small coal mines. There are big operators and little operators. There is a labor union that does not agree among itself as to what should be in this bill. There are those that manufacture mining equipment that have honest differences as to what kind of equipment should be in the bill.

Last, but not least, downtown we have the U.S. Bureau of Mines that sometimes cannot agree with anybody in the industry or anybody who manufactures equipment or with the Members of Congress.

Out of all of this disagreement this committee has presented a bill which can be described as a strong bill. It is a strong bill because it does not satisfy the coal miners in every respect. It is a strong bill because it does not satisfy the operators in every respect. And it is a strong bill because it does not satisfy the Bureau of Mines in every respect. When you have the three groups that are interested in the bill unable to agree on parts of the legislation, then I say it must be a pretty good bill. And the important thing about their disagreement is that no two of the groups disagree on the same provision.

I went back and looked up the Record of a speech I made on the floor of this House in 1952. I followed the gentleman from Kentucky (Mr. Perkins) when we had before us a bill at that time to give to the Federal mine inspectors the right to close down mines.

I might just have cut out that speech and brought it in here, because what we said then we might well say today, because we have not changed our tune.

The most important thing we have to face is to provide a bill which is workable, which will give safety protection to the men, and which will cover them as far as their health is concerned.

For those who do not live in coal-mining areas or who do not come from areas where there have been coal mines, it might be startling to realize that 20 years ago there were about 250,00 to 300,000 men mining coal. Today the number is down to about 150,000 persons mining coal. More coal is being produced today per man than ever before—with less miners it is true, but now few people want to go into the mines.

It is hard to believe, and I never thought I would see the day when in the daily newspapers in my area ran the following ads:

> WANTED MINE WORKERS
>
> Certified or apprentices (All U.M.W.A. Benefits).
>
> Assistant Mine Foreman (First Grade Assistant Foreman Certificate) Salaried supervisory benefit program (Pension—Insurance—Hospitalization, Etc.).
>
> Steady employment, 2 New Mines in Armstrong Co.
>
> Call: Area Code 412-465-5621, and Ask for R. H. Darr, or write R & P Coal Co., P.O. Box 279, Indiana, Pa. 15701.

This company needs 1,000 miners today and cannot get them. I am hoping as a result of this legislation that men might be induced once more to look to mining as a profession they can follow.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the chairman of the committee.

Mr. PERKINS. Mr. Chairman, I feel I would be derelict if I failed to mention the great job that the distinguished gentleman from Pennsylvania (Mr.

Saylor) has done in behalf of mine safety all through the years.

I well recall the great speech the Congressman from Pennsylvania (Mr. Saylor) made in behalf of the 1952 act, requesting that the Federal Government have the right to police mines and to close them down when danger existed. That was in 1952.

But he did not stop there. It was necessary to get appropriations for the Bureau of Mines inspectors, in order to give meaning to the legislation. No Member in this body made a greater contribution than that made by the gentleman from Pennsylvania (Mr. Saylor) in appealing to the Appropriations Committee and to the membership of this House to increase appropriations for the Bureau of Mines.

The gentleman from Pennsylvania has been untiring in behalf of mine safety, and he has made a great contribution insofar as improving working conditions in the mines. It might observe that the gentleman from Pennsylvania does not confine his interest in natural resources to coal alone but he also is concerned about the whole area of conservation in this country, and for this we all owe the gentleman from Pennsylvania a great debt of gratitude.

Mr. SAYLOR. Mr. Chairman, I thank the gentleman from Kentucky.

Mr. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from California.

Mr. BURTON of California. Mr. Chairman, first I thank the gentleman from Pennsylvania for his kind observations about me.

One of the very little-known facts about the temporary, one-shot black lung pay provision is that this provision ripened as a result of a conversation held between the gentleman from Pennsylvania and me.

It was the gentleman from Pennsylvania who advanced one of the essential concepts of the bill, in order to avoid what was the justifiable concern expressed in the very early days of this black lung payment idea, that we might be running the risk of federalizing in some way the workman's compensation program.

As the gentleman from Pennsylvania and I know full well, it was the concept advanced by the gentleman from Pennsylvania, embodied in this bill, that avoids that which all of us at least at this stage are delighted we have avoided; that is, that we would be creating any unnecessary or unhealthy precedent.

In that particular I want to now spread on the public record that of which the gentleman from Pennsylvania is so clearly aware as part of the background of this measure.

I would think the gentleman from Pennsylvania, in addition to that, deserves great credit along with others I shall mention during the course of my statement, for bringing virtually all the men representing the coal areas into very full and vigorous support of this amendment.

Mr. SAYLOR. I thank my colleague.

Let me digress for just a moment, for those who do not come from the coal mine areas. I put this in the Record now because I have lived with miners all my life. I am old enough to remember when, as a little boy, the men who were in the mines had what was described then as miners' cough.

The **CHAIRMAN.** The time of the gentleman from Pennsylvania has expired.

Mr. ERLENBORN. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. SAYLOR. It was thought to be consumption. Nobody liked to use that word, because it was a dirty word. They did not know it was curable. They did not realize that it was not tuberculosis.

Then, when they found out it was not tuberculosis, those living in the mining communities gave it a new name—they called it miners' asthma. Unless one lived in one of those towns and could actually see the men come out of the mine and try to walk home, see them sit down on the curb or sit down in the mud along the way home, fighting to get their own breath, one cannot really understand.

Then people realized it was not asthma, because they found some things that would help asthma which did not help these miners.

Then they called it silicosis.

Then they discovered that silicosis was not the same as what the miners seemed to have. Yes, there were men in other industries who seemed to have something called silicosis because they did some work with rock dust in the mine.

Then they got a new name, a high-class name. The doctors got into it then and the medical profession gave it the name of anthracosilicosis.

Now they have come up with a name I cannot even spell, and they now call it pneumoconiosis.

Whether we call it the original name of miners' cough or pneumoconiosis, it is the same dreadful disease that strikes some of the men who work in the mines.

The worst part of it all is that the medical profession cannot tell us why it strikes some people and does not strike others. We have had cases where father and son worked in a mine, together in the same room, and one would get it and the other would not. We have had cases where whole families would get it and cases where neighbors did not.

These several hundred thousand people no longer in the mines are now spread out all over the country. They are in the 50 States of the Union.

What this bill does is to give these people who have had this mining experience and suffering from the disease, a one-shot operation to be taken care of. I am delighted with the fact that a few of the States, such as Pennsylvania, that have tried to take care of men with the disease, are also taken care of in this bill. Their contribution has been recognized.

I want to say that this is a strong bill. People have said they wanted to get a strong bill, and this is a strong bill. I hope that we can stand with the committee on it. There are going to be a few amendments offered. These amendments will deal with whether or not the Department of Health, Education, and Welfare should handle this matter or whether or not it should be a separate mine board composed of doctors. That is the one point of difference.

The **CHAIRMAN.** The time of the gentleman has expired.

Mr. ERLENBORN. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. SAYLOR. Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. Dent).

Mr. DENT. Mr. Chairman, the gentleman in the well and myself started working together on this type of legislation a number of years ago. When I first came to Washington in 1958 we were cosponsors of that legislation which set up the Mine Research Bureau. During the time in 1965 when we were working on the title I mines it was his strong support that gave us the kind of a bill which we received on final passage. It was his strong support now in collaboration with the chairman of the full committee, the gentleman from Kentucky (Mr. Perkins) and the gentleman from New Jersey (Mr. Daniels) who was holding the hearings, and the gentleman from California (Mr. Burton) who was doing all of the leg work on the pneumoconiosis, that we were able to retain pneumoconiosis in the bill as it was originally written. This is because the gentleman (Mr. Saylor) understood then and understands now that this need be only a one-shot proposition. The reason for this is that we believe if they live up to the law as we hope to write it, there will be no more disease in the mines.

Mr. ERLENBORN. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. Collins).

Mr. COLLINS. Mr. Chairman, where the Federal Coal Mine and Safety Act of 1969 covers the field of safety everyone is in complete agreement. But, in this bill we enter a new region which involves Federal workmen's compensation. This program will add billions to the Federal budget at the time we are trying to achieve a balanced budget so as to halt the inflation facing the country.

In this bill we are taking over a function of Government that has been reserved in the past for the States. Workmen's compensation is not a Federal function. Conditions differ in every section of the country. In one section, folks are concerned with the coal miners, in another section problems relate to cotton mill workers; and in another area it is automobile factories.

On the average, maximum weekly compensation by the States for temporary total disability is 68 percent of average take-home pay after allowing for Federal income and social security taxes, and most States have unlimited medicare benefits to go with this. States are moving forward to meet the workers' compensation needs. We are all concerned with pneumoconiosis, but the inadequacies of workers' compensation for workers concerned with coal dust is just as applicable to workers employed in other industries and trades. Why should we concern ourselves in this bill with coal when many factory jobs are very high risk. What about Federal workmen's compensation for building construction? It is very dangerous, and let us also get into materials. For example, beryllium is a highly toxic metal which has been used in the manufacture of fluorescent light bulbs until chronic beryllium poisoning was recognized as a workers' health hazard.

Asbestos is widely used. There are 3½ million workers who are exposed to it in their jobs. Asbestosis is recognized as a serious respiratory ailment and a cause of lung cancer, and half of the men who had worked in the trade had X-ray evidence of asbestosis. We are all aware of the sensitivity of uranium and yet we do nothing for uranium workers. What of the many people who are exposed to silica dust in their handling of rocks, dust, sands, and clay? My wife says beauty shop operators have a lung problem with hair spray. We all know of paint fumes and especially spray paint.

For many years inhaling cotton dust by textile workers was overlooked, but now we know that byssinosis—the lung disease—is affecting the health of hundreds of thousands of cotton textile workers. This is not only a factor in the cotton mills but out in the cotton fields where we have open air cotton gins the lint is even more severe.

Lung dangers come in many forms from talc, diatomite, carborundum, sugarcane fiber, moldy silage, and also in many natural and fabricated materials. But, in this bill we are dealing solely with coal dust pneumoconiosis and providing only the coal miners with Federal disability compensation.

And, even in the coal mining industry itself, this bill is discriminatory as it provides for workers disabled by coal dust but does nothing for disability in the coal mines from any other cause. A coal miner who is totally disabled because of the loss of his arms or his legs gets nothing, but a man who has the coal dust problem is fully covered.

This is not only a situation of inequity between miners, but complete inequity between coal miners and every other industrial worker in the Nation.

It is necessary that we delete this unfair section 112 from this Coal Mine Health and Safety Act.

Mr. ERLENBORN. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Burton).

Mr. BURTON of California. Mr. Chairman, in earlier discussion I mentioned what I believe to be a very accurate description of the role of our very distinguished subcommittee chairman (Mr. Dent). I also make note of Mr. Saylor's contribution to the resolution of the one-time payment issue. I would also like to commend the most distinguished chairman of our committee which had jurisdiction over the payment issue, Mr. Dom Daniels of New Jersey. Because of his initiative, foresight, and determination we were able to move that matter along rapidly and he was able to get his committee to approve of it. I think the Record should also note this: Because of the persistence of the gentleman from Illinois (Mr. Erlenborn) we were able to refine many of the sections of the bill so that they addressed themselves to the stated problem rather than accepting the statement of the problem and then proceeding to solve the problem in a blunderbuss and in many instances unduly expensive manner. I think it is in the finest tradition of legislative debate and give and take that the gentleman from Illinois forced the majority in all instances to justify, with the facts on the Record not only the statement of the problem but also the proposed solution advanced. In addition to the number of improvements directly offered by the gentleman from Illinois, there were a number of administrative subcommittee recommendations that were strengthened as a result of this give and take.

I think also the Record should reflect, if I may, Mr. Chairman, the prodigious efforts which were made by the gentleman from California (Mr. Bell) with reference to the development of the full committee resolution of the rather difficult so-called gassy-nongassy issue. I think the Record should also show, while we are at this late stage of the debate, that Mr. John F. O'Leary, the Director of the Bureau of the Mines; Mr. Harry Perry, Research Adviser, Assistant Secretary of Mineral Resources; and Cecil "Lucky" Lester, Herschel Potter, and Harry Weaver, all Federal coal mine inspectors, played a very important role in developing not only the thrust and tone of this legislation but some of the more difficult technical aspects of the bill.

And, last but not least, there have been three or four or five or six men who worked for us during the course of the preparation of this legislation. I make specific reference to Mr. Bob Vagely, the tireless, energetic, and superb staff counsel to Chairman Dent. Bob has given this legislation more staff attention than I have ever witnessed given a single bill, and certainly more than we would expect from this most conscientious committee counsel. His schedule with it has been daily, without regard to evening or weekend. His purpose was always single-minded and in the interest of the miner. He, too, was a focal point for intense pressures from all directions, and he withstood them to the credit of us all. Add it all up, and you have a brilliant effort.

From my personal standpoint, I make reference to a young man who has been of so much assistance to all of us and particularly to me, Mr. Gary Sellers. Gary came to us at a time when there was a paucity of expertise in this complex field and gave unselfishly of himself so that coal miners might work under conditions of relative safety. That humanitarian concern was his only one, and he should take great pride in his contribution. I have certainly benefited from it, but those he sought to help will be the most grateful benefactors in the years to come. His consummate dedication to the task, and concomitant skill and energy, is genuinely appreciated.

Also, I would like to acknowledge the efforts of Dan Krivit, who works for Chairman Daniels, and Dave Finnegan who has been so enormously helpful during the course of this legislation since he left the Department of the Interior where he also worked on the legislation; as well as Don Baker and Jack Reed and Austin Sullivan who work for our distinguished chairman of the full committee.

Mr. Chairman, these are the men who truly devoted their efforts to the formulation of this legislation, along with Mike Bernstein who carefully looked out for the interests of the minority. They all deserve the approval and the plaudits of all of us who were ultimately faced with the responsibility of making policy judgments.

But, Mr. Chairman, perhaps a point about the chairman of our full committee, the gentleman from Kentucky (Mr. Perkins). Carl is an old war horse in the finest meaning of the term.

He kept very close rein on our two friends, Daniels and Dent, who always seem to work in tandem and whenever any of us on our side got a little out of line he was there to remind us to keep our eye on the ball. I think, as I stated earlier, when the history of this legislation is written, the fundamental difference that permeates the legislation before this House—and this can be distinguished from some of the ideas advanced by others—is that we rejected the concept that sound health and safety legislation to protect coal mine workers inevitably also had to be punitive legislation as it affected the industry.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. ERLENBORN. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. BURTON of California. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, although the distinguished gentleman from California (Mr. Burton) has no coal in his congressional district, the interest he has taken in this legislation will mean much to the health and safety of coal miners and their families throughout America. The gentleman from California (Mr. Burton) has worked day and night—and I say "day and night" because he has called me at midnight, and other Members on both sides of the aisle to clarify and resolve the issues in this complex and technical legislative field. I certainly want to compliment the gentleman for his untiring efforts in seeing to it that this legislation goes through the Congress—that we pass a strong mine safety bill, one that is meaningful in terms of the health and safety of our miners.

Mr. BURTON of California. I thank the chairman of our committee.

Mr. ERLENBORN. Mr. Chairman, I have no further requests for time.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New Jersey (Mr. Daniels).

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. DANIELS of New Jersey. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise to support this bill and commend the distinguished chairman of our subcommittee (Mr. Dent) for the extremely competent job he has done in preparing this measure, and for so successfully guiding it through our full committee, with the aid and assistance of our distinguished chairman (Mr. PERKINS).

We are all aware of the genesis of this legislation. The horrifying tragedy at Farmington last winter shocked the conscience of the Nation and lifted public concern about coal mine safety from almost two decades of lethargic inaction.

Your committee has, I feel, responded well to this outcry. For over 9 months we have heard testimony and collated the enormous amount of data available on safety practices. In addition, we observed the procedures used in the mines of Great Britain—procedures which were of great assistance to us in the preparation of our own bill.

The results of this effort are before you. It is a good, tough bill. My distinguished chairman (Mr. DENT) will offer some technical amendments tomorrow which will further strengthen the safety standards laid out in the bill. These amendments should be supported. Basically, however, the bill in its present form accomplished well its purposes. Whenever doubt arose in our discussions, it was resolved, as it should be, on the side of safety for our miners.

I strongly recommend, therefore, that the House adopt the measure, and consequently give a resounding endorsement to the concept of maximum safety in our country's mines.

Mr. ANNUNZIO. Mr. Chairman, will the gentleman yield?

Mr. DANIELS of New Jersey. I yield to the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Chairman, I deeply appreciate my distinguished colleague, the gentleman from New Jersey (Mr. DANIELS), yielding me this time.

Mr. Chairman, as a cosponsor of H.R. 13950, I, of course, am pleased to add my voice in support of passage of the Federal Coal Mine Health and Safety Act of 1969.

I note in a recent issue of the United Mine Workers Journal that in the first 8 months of 1969 no less than 141 coal miners have been killed in mine accidents. This is what has happened in the mines while we have been considering this bill. This was no new disaster. This happens day by day, in twos and threes. One hundred and forty-one men, most of them family heads, are dead.

One cannot legislate overnight. I have followed closely the work of the House Committee on Education and Labor in preparing H.R. 13950. In particular I have been impressed with the devotion to writing a strong, sound bill shown by the General Subcommittee on Labor, under the chairmanship of Representative JOHN H. DENT. Mr. DENT not only comes from a coal-mining State, but has been himself engaged in coal mining. He understands the problems of this industry, an industry with many unique conditions, which make its problems with respect to safety and health unlike those of any other industry. Mr. DENT has made an outstanding contribution in his work of drafting H.R. 13950.

The subcommittee not only has held extensive hearings, 10 days in all, but has also visited coal mines in the United States. It has gone to England to consult with officials of the National Coal Board there and with their medical research staffs. This was done especially to seek information on the problem of the "black lung" disease, coal miners' pneumoconiosis. While in England, the subcommittee also visited a British coal mine.

Subsequently the subcommittee spent 8 days in open and executive session writing the bill now before us. When it was referred to the full committee, hearings were held an additional day by Chairman PERKINS to permit the consideration of issues which had arisen subsequent to the completion of action by the subcommittee.

Thus when taking up, as we do here, the result of these deliberations we have no reason to think that we can easily write on the floor of this House improvements in the work of the committee. The subject matter of H.R. 13950 is outside the experience of most Members of the Congress. Few of us have ever been in a coal mine. He must rely on the expertise developed by the members of the committee.

It is they who have consulted with authorities on mine health and mine safety, here and abroad. They have listened to the views of and questioned representatives of operators of large coal mines, operators of small coal mines, mine union officials, individual coal mines, interested members of the public and, administration officials, including the Departments of Interior; Labor; and Health, Education, and Welfare. They have talked with mining engineers and doctors. They have talked with State officials concerned with coal mine safety. They heard from the very lips of the coal miners telling what it is like to go through a mine accident and survive.

We need have no doubts of the soundness of the proposal before us. I believe, Mr. Chairman, it is time to vote this bill, up or down—and there is little question but that it will be passed by this body overwhelmingly, as was the Senate bill by the Senate.

It is time—and past time. Only last month, in a mine owned by the Consolidation Coal Co., a fire swept through one section. There were at the time over 100 miners at work in the mine. Fortunately none were trapped in the area of the mine where the fire erupted. This mine was the Loveridge mine of the Consolidation Co. It is located in the same area as the Farmington No. 9 of this company where 78 men died last fall. Indeed, it is separated from No. 9 by only a 160-foot barrier of coal.

Let it not be said that while we talked here another disaster took place like the Farmington disaster. We have had at least this one close call. But let us not forget the real mine safety problem. While it is the major disasters which catch the attention of the American public and lead to demand for, and support of, congressional action, the real problem is to prevent the small accidents, where one, two, or three men are injured or killed. Ninety percent of the injuries and deaths in coal mines are in these small accidents, not in the major disasters. It was these small accidents which killed 141 men in 8 months; there have been, fortunately, no major mine disasters since Farmington, last fall.

This legislation will not end all coal mine accidents. We cannot make the work of coal mining other than dirty, arduous, and dark. But at least we should try to make it as safe and as healthful as it can be made. It will never be pleasant work. It probably can never be made wholly safe or healthful. But it need not continue to be work where all too many workers have a choice only between dying young from diseased lungs, or dying even younger from a rock fall, a fire, or an explosion.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in support of H.R. 13950, a bill to provide for the health and safety of persons working in the coal mining industry of the United States

At the outset, I again must hail the valiant efforts of my colleague, the gentleman from Pennsylvania (Mr. DENT) the chairman of the General Subcommittee on Labor, for his magnificent work on behalf of the coal miners of America and praise equally the leadership of our distinguished chairman, the gentleman from Kentucky (Mr. PERKINS). Also, I wish to compliment all the members of my Select Subcommittee on Labor, and in particular the gentleman from California (Mr. BURTON) for his invaluable contributions in developing this legislation.

Although the Federal coal mine health and safety bill is primarily directed toward prevention and control, it also provides for grants to the States to pay benefits to miners totally disabled from complicated pneumoconiosis and to the widows of miners who suffered from complicated pneumoconiosis at the time of death.

Although the passage of H.R. 13950 is of overwhelming importance, I particularly want to address my remarks to section 112(b), "entitlement to miners." The crucial section is needed to save thousands of miners and their widows and children from a life of despair, illness, and poverty.

While the number of people involved in coal mining has fallen from 650,000 in the late forties to a current figure of about 150,000, in the last 20 years approximately 1 million miners have been exposed to hazards of coal dust. As a reresult, some experts estimate that in this country there are now about 100,000 cases of miners' pneumoconiosis.

According to the public health service, 20 percent of all inactive, and 10 percent of all active miners show X-ray evidence of the disease; and of these, 9 percent of the inactive—18,000—and 3 percent of the active—4,320—miners have progressive massive fibrosis—the complicated form of the disease that causes severe disability and ultimately death.

At the turn of the century, the British became suspicious of the effects of inhalation of coal dust and began a rather thorough investigation of the problem. Thus, coal workers' pneumoconiosis was recognized in Great Britain as early as 1943. Unfortunately, the medical profession in the United States has been extremely reluctant to accept the British findings, and consequently, coal workers' pneumoconiosis, until the last couple of years, was not widely accepted as a disease entity in this country.

The impact of the reluctance of the American scientists and doctors to accept the validity of the findings of their British counterparts had several unfortunate consequences.

First, it precluded attempts by private enterprise to control coal dust in the mines in order to prevent the effects of this insidious disease.

Second, it caused States to neglect the problem when it was in its inception and the cost of prevention could still be economically borne by State governments or private enterprise.

Third, it operated to prevent disabled coal miners from obtaining workmen's compensation, proper medical care, and other remedial action.

Thus, many thousands of miners have died before their claims were processed, or the expiration of the statute of limitations has prevented miners from proving their claims in time to receive benefits.

Today, it is economically impossible for most States to provide funds for retroactive claims and unconstitutional to make private employers pick up these claims. It is also understandable that States which are not coal producing have no wish to assume responsibility for residents who may have contracted the ailment mining coal in another State.

The substantial reduction in the number of miners actually employed in mines following World War II caused a dispersal of men throughout the country—many into States which have few, if any, mines. These men took with them an irreversible disease, but because of their present location they are denied benefits.

So we find ourselves with this problem. How do we get the States to pass laws to aid these victims when these victims contracted the disease of "black lung" years ago while working in a coal mine in another State?

The answer is clear—States are either unable to act or are not sufficiently motivated to act. But, we in Congress must concern ourselves with the unmet needs of the disabled miner and his family when his State, his employer, and his union have not met their responsibilities.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. DANIELS) has expired.

Mr. PERKINS. Mr. Chairman, we have several Members who are requesting time, but let me yield another minute to the distinguished gentleman from New Jersey (Mr. DANIELS), who has done so much to put this compensation feature together and which would not have been put together but for the gentleman from New Jersey.

Mr. DANIELS of New Jersey. I thank my chairman.

Mr. Chairman, for us to fail to provide for the future health, safety, and protection of coal miners and at the same time deny aid to the worker who has already given up precious years of life in this, our Nation's most hazardous occupation, would be both callous and unforgivable on our part.

Section 112(b) directs payment of compensation to an individual rendered totally disabled from complicated pneumoconiosis and to the widows of miners who suffered from complicated pneumoconiosis at the time of death. The disease must have arisen out of or in the course of the individual's employment in a coal mine. Work in a coal mine for 10 years establishes a rebuttable presumption—less than 10 years in a coal mine does not foreclose recovery, but without the benefit of a presumption.

Payments are based upon 50 percent of the minimum monthly payment to which a Federal employee, grade GS-2, is entitled who is totally disabled at the time of payment. This amount is approximately $136 monthly. In case of death, a widow would receive the same amount.

Payments would be increased as follows:

Fifty percent for one dependent, or approximately $204 per month.

Seventy-five percent for two dependents, or approximately $238 per month.

One hundred percent for three or more dependents, or approximately $272 per month.

Payment under this provision is reduced by any amount the payee receives under workmen's compensation, unemployment compensation, disability laws of a State, and excess earnings under section 203 (b) through (L) of the Social Security Act.

No claim shall be considered unless it is filed:

First. One year after the date an employed miner received the results of his X-ray provided under section 203 of the Federal Coal Mine Health and Safety Act, or if he did not receive such X-ray, 1 year from the date he received such opportunity to do so under section 203.

Second. In case of other claimants, 3 years from the date of enactment.

Third. In the case of a widow, 1 year after death or 3 years after date of enactment, whichever is the later.

No payment shall be made to residents of a State which after the date of enactment of this act reduces its State workmen's compensation or disability insurance laws to persons eligible to receive payment under this act.

We have made every effort to relieve the concern that we are trampling on the States' right to administer this particular payment—on page 40 of H.R. 13950, starting on line 21, you will note the following language:

> Such Governor shall implement the agreement in such manner as he shall determine to best effectuate the provisions of this subsection.

The Select Subcommittee on Labor, of which I am chairman, held 7 days of hearings on legislation to provide benefits for persons who have contracted pneumoconiosis. As a result, on August 5, our subcommittee reported a bill to provide benefit payments to coal miners suffering from complicated pneumoconiosis. This program of payments was maintained in the bill by the Committee on Education and Labor by a vote of 25 to 9.

On September 30, the Senate also recognized the need for a similar provision and enacted as part of their coal mine health and safety bill an amendment modeled after section 112(b). This provision passed the Senate 91 to 0.

Section 112(b) is clearly not intended to establish a Federal prerogative or precedent in the area of payments for the death, injury, or illness of workers. However, coal miners' pneumoconiosis is one of our Nation's most critical occupational health problems. I am sure none of us would want to excuse inaction here by pointing to the necessity of action elsewhere. We must make progress where we can, and whenever we can.

The CHAIRMAN. The time of the gentleman from New Jersey has again expired.

Mr. PERKINS. Mr. Chairman, how much time do we have?

The CHAIRMAN. The gentleman has 2 minutes remaining.

Mr. PERKINS. Mr. Chairman, I yield to the distinguished gentleman from Illinois (Mr. PUCINSKI) 1.5 minutes.

Mr. PUCINSKI. Mr. Chairman, I rise in support of this legislation.

I would like to point out this is the most significant coal mine safety bill ever written by Congress. I regret that times does not permit us to go deeper into this subject.

I congratulate my colleague, the gentleman from Pennsylvania (Mr. DENT), for the tremendous job he has done. He has fought back every special interest group and every selfish interest group in this country which tried to water down this bill. They are working overtime right now still trying to stop this bill from bringing meaningful safety standards to the coal mining industry.

I say to you that when you have 90,000 deaths in the coal mines of America since the beginning of this century and 170 deaths occurring in the coal mines since the disaster in Farmington alone, as good as this bill is, it still does not go far enough.

The 135,000 coal miners who produce 600 million tons of coal a year in this country demonstrate that they are the most productive workers in America.

I do not think we can go too far in raising safety standards to give these men the kind of protection that they are entitled to. That is the least the Congress can do for men who risk their lives every day so that the wheels of American industry can keep turning.

I shall view with grave concern any amendments that are offered on either side tomorrow as we go into the amending stage of this bill because I tell you the committee has done a good job. It is a good and sound piece of legislation. The fact that there are those who would have Congress respond to their own narrow, special interests is of no interest to me. I shall do everything possible to retain the high standards of safety written into this bill by the committee.

As a member of the subcommittee which wrote the legislation, I can tell you every means possible was used to thwart our efforts. I am proud that the committee rejected these efforts and wrote a strong bill. I have one concern and that is to have a good safe-mining bill before this Congress, and tomorrow I shall resist amendments if they are going to weaken this bill. As a member of the subcommittee, I know how hard this committee labored to get us a good bill, and I intend to have a good safety bill come out of this House tomorrow when the smoke clears.

Mr. PERKINS. Mr. Chairman, I yield to the gentleman from New Jersey (Mr. MINISH).

Mr. MINISH. Mr. Chairman, I rise in support of this legislation.

During the last 100 years, approximately 120,000 fatalities have occurred in coal mines. The figure, of course, does not include the hundreds of thousands of additional miners who met early death due to black lung and other coal mining related diseases. I believe I am able to speak with some expertise on this important subject. I grew up in the coal mining region of northeastern Pennsylvania. Many of my relatives worked in the mines. My father died of black lung disease at the age of 36.

Passage of the Federal Coal Mine Health and Safety Act of 1969 will result in better protection against injury and death for the Nation's 130,000 coal miners. However, while the bill is an obvious improvement over present law in many respects, it still falls far short of providing for the maximum health and safety of miners.

On the plus side, the measure before us today includes both comprehensive safety standards for mine facilities, equipment, and operations, and improved procedural mechanism to detect and redress health and safety violations in the mines. It authorizes the Secretaries of Interior and Health, Education, and Welfare to inspect and investigate mines without prior notice to mine operators and to assign full-time inspectors to excessively gassy mines. Injunctive powers are granted to insure compliance with safety regulations, and penalties ranging from $10,000 for a first violation to $20,000 and/or 1 year in prison for repeated convictions are established.

The legislation would provide Federal compensation for victims of pneumoconiosis or black lung disease. Miners suffering from severe stages of incurable black lung could be compensated up to $272 a month. In order to prevent the occurrence of this dreaded disease, the concentration of dust in mines would not be permitted to exceed 4.5 milligrams of respirable dust per cubic meter of air 6 months after enactment. One year after enactment the maximum allowable dust level would be reduced to 3 milligrams. The Secretary of Health, Education, and Welfare then assumes authority to further lower this standard.

Additionally, all miners will be given the opportunity to be X-rayed periodically for signs of black lung. Miners showing traces of the disease will be allowed to shift to less dusty sections of the mine at no loss in pay. A levy of 2 cents per ton of coal produced is imposed on mine operators to support research into mine health and safety.

While the coal dust level provided in the bill is generally fair and will assure much safer mining conditions, the method of computing the dust level leaves much to be desired and should be revised. Dust levels should be measured over each work shift, rather than derived from the average level over a number of shifts as proposed in the bill now before us. Moreover, a definite timetable should be established for reducing the allowable dust standard to a lower, safer figure.

I hope the House will act also to eliminate the other glaring loopholes contained in the mine safety bill as reported. I refer specifically to provisions which would encourage delays in buying safe equipment for certain mines and increase the powers of the industry-dominated board of review to review health and safety standards for mines.

Exemptions written into this bill at the last moment would permit operators of so-called nongassy mines, numbering about 3,000 across the United States, to put off the installation of vital spark-free electrical equipment for up to 6 years and even, at the discretion of the Secretary of the Interior, forever.

There is no need for a board, traditionally controlled by special interests, to review the carefully drawn conclusions of public officials charged with insuring the health and safety of miners. Under the pending legislation, this board of review would be empowered both to overrule a closing order by a qualified Bureau of Mines inspector and to annul penalties imposed on violators of safety regulations. For the purposes of review, in fact, the board is not "bound by an previous findings of fact" by the Secretary of the Interior or by a Federal mine inspector.

Lastly, I believe we should adopt a provision similar to that section of the Senate passed bill which protects miners who report safety violations from discharge or discrimination.

Mr. Chairman, unless these loopholes are closed, we will not have done our best to protect the health and safety of thousands of coal miners. We cannot, and must not, allow certain mine operators to place a higher value on profit than on human life.

Mr. PERKINS. Mr. Chairman, I yield to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, coal mining is a barbarous business. Yet one of the most heartening developments of the past year is that the people of every State in the Union have become aroused about the conditions under which coal miners work and try to live.

The conscience of the Nation has been stirred. From State after State comes the determined cry: Stop this slaughter in the coal mines.

You do not have to be a longtime expert to understand the human aspects of coal mining. It is right in front of your eyes. Charles Dickens wrote about Coketown in his classic novel "Hard Times" and painted the picture very accurately. Conditions a century ago were well described by Emile Zola in "Germinal," one passage of which goes like this:

> "Have you been working long at the mine?" He flung open both arms.
>
> "Long? I should think so. I was not eight when I went down and I am now fifty-eight. They tell me to rest, but I'm not going to; I'm not such a fool. I can get on for two years longer, to my sixtieth, so as to get the pension."
>
> A spasm of coughing interrupted him again.
>
> "I never used to cough; now I can't get rid of it. And the queer thing is that I spit, that I spit."
>
> The rasping was again heard in his throat, followed by the black expectoration.
>
> "Is it blood?"
>
> He slowly wiped his mouth with the back of his hand.
>
> "No, it's coal. I've got enough in my carcass to warm me till I die. And it's five years since I put a foot down below. I stored it up, it seems, without knowing it."
>
> "And is your company rich?"
>
> "Ah, yes . . . an output of 5,000 tons a day. Ah, yes, there's money there."

In the century which has elapsed since Emile Zola wrote the words I have quoted, very little has changed in the coal mines except the modernized machinery. Coal miners live and die in a system which can only be characterized as feudal. Profits and dividends in the coal industry, according to Moody's, more than doubled from $56 million in 1959 to $130 million in 1965—and they are still going up, as the major oil companies are eagerly purchasing coal properties. Against this background of rising profits, what is happening to the men who work in the mines? Listen to these grim statistics:

One and one-half million men injured in coal mines since the early 1930's.

Seven times as many coal miners are killed and injured as the average industrial occupation.

Between the ages of 60 and 64, eight times as many coal miners and retired miners die as compared to the average in any other occupation.

One hundred and twenty-five thousand coal miners wheezing, breathless, disabled by pneumoconiosis.

More than twice as many coal miners killed since Farmington—182, to be exact—as compared to the 78 who are still buried in their gassy grave at Farmington.

Since the Farmington disaster, 5,465 coal miners injured.

The last major revision of our coal mine safety law was in 1952, and since that law was passed over 6,000 coal miners have been killed and more than a quarter of a million injured.

Here is a headline on Columbus Day in the Huntington, West Virginia newspaper: "More Miners Were Killed, But Less Coal Was Mined."

The Associated Press dispatch starts:

> More miners were killed during the first six months of this year than in 1968, yet fewer tons of coal were mined, the West Virginia State Mines Department said.

The shock of the Farmington disaster, which occurred almost a year ago, on November 20, 1968, awakened the Nation to demand action to protect the men who work in the most hazardous job in the United States. I think it is accurate to state that we would not be debating this bill today, nor would some of the provisions of the bill be so strong, had it not been for the explosion which killed 78 men at Farmington. But the important point about the effect of Farmington is that very little has changed since November 20, 1968, in the stark picture of death, injury, and disease in the coal mines. In a flurry of activity following the Farmington disaster, the able Director of the Bureau of Mines, John F. O'Leary, cracked down on safety violations, ordered that many mines be closed until their unsafe practices were corrected, made it easier for miners to call attention to safety violations by notifying him directly, and issued stern orders against mine inspectors tipping off the coal operators before making their spot inspections. All these measures should be marked down as pluses for the protection of the coal miner. One can only speculate about how many more deaths and injuries would have occurred in the coal mines had John F. O'Leary and the Bureau of Mines not put into effect these aggressive new measures.

But still there have been over twice as many killed since Farmington, as died in that disaster. And over 5,000 coal miners have been injured since Farmington—5,465 to be exact. Every day that passes sees more and more men crippled either by accident or by the breathing of coal dust. In West Virginia, which is the largest coal-producing State in the Union, where we mine over one-quarter of the Nation's total tonnage of coal, one out of every 300 men who went into the mines lost his life and one out of 10 suffered a lost-time injury in the mines. Did you hear that figure? One out of 10 injured; we have a little more than 40,000 coal miners in West Virginia, and over 4,000 of them were injured during 1 year, not to mention the thousands suffering from the crippling effects of black coal dust encrusting their lungs.

I appeal to you, Mr. Chairman, to make this bill we vote on tomorrow a tough bill, a bill which is effective, and a bill which does not cut corners in protecting the health and safety of the coal miners. There are enough people worrying about the economic health of the coal industry; you can see them running around Capitol Hill. They have been here doing some very effective lobbying every time this Congress has considered coal-mine legislation. The coal operators are shedding tears that this bill might force the closing down of mines. They threaten power blackouts. They say stockpiles are running low. A letter from the National Coal Association to all Members states:

> The Congress should make clear that the Government need not close a mine in which the operator is doing his utmost to meet the dust standards but is unable to do so for lack of technology.

Mr. Chairman, we have heard this cry, this threat, this form of insensitive and implacable opposition for a long, long time. When are we going to start placing the priority where it belongs—on the value of a human life? When are we going to declare that the threat of closing down a mine is not nearly as serious as the threat of closing down a man?

Yes, there will be compromises offered during the course of this debate. There will be many amendments designed to weaken and water down the otherwise strong provisions of this bill. I find this prospect very depressing. I know that legislation involves the fine art of compromise. I know that in an effort to gain support for this bill it is felt necessary to indulge in the good, old-fashioned parliamentary game of give and take. But we are dealing with men's lives here today. We are dealing with the most hazardous occupation in this Nation. We are dealing with an industry whose social attiudes are medieval, and whose union leadership has failed to stand up and fight for the protection of the rank and file. The coal industry has fought every step of the way against measures to protect health and safety, and I am sorry to say that the union leadership has been insensitive to the needs of the men. There is no profit incentive in health and safety, and there is plenty of profit incentive in high production, high wages, high coal dust levels which produce a high rate of industrial murder.

How can we talk of compromise in this situation? Can you compromise a man's life, can you afford to compromise his limbs, can you afford to compromise his lungs? Death is a very certain phenomenon. You cannot compromise it. When you get coal dust in your lungs, you cannot reverse the process and flush it out like you can a man's stomach. Once a coal miner contracts this disease, the effects are progressive.

So I appeal to you, Mr. Chairman, in this first chance in 17 years to make a comprehensive revision in the coal mine health and safety law, let us not compromise with a man's life, or his limbs or his lungs. This slaughter in the coal mines must stop.

There follows the text of amendments which I feel would strengthen the bill. I also contemplate further amendments in the areas of dust standards, firmer inspection guidelines in extrahazardous mines, and a clarification of judicial procedures and remedies.

AMENDMENTS TO H.R. 13950 OFFERED BY MR. HECHLER OF WEST VIRGINIA

(Section 3)

AMENDMENT NO. 1—THE BOARD

On page 4, line 24, after the semi-colon insert "and".

On page 5, line 4, change the semi-colon to a period and strike "and".

On page 5, strike lines 5 and 6.

(Section 101)

On page 6, line 4, strike "the Board, other".

On page 8, line 3, strike "by the Board".

On page 8, line 7, change the comma to a period and strike out all thereafter through the period on line 9.

On page 8, line 10, strike all through page 9, line 6, and substitute the following:

"(f) Promptly after any such notice is published in the Federal Register by the Secretary under subsection (e) of this section, the Secretary shall issue notice of, and hold a public hearing for, the purpose of receiving relevant evidence. Within sixty days after completion of the hearings, the Secretary shall make findings of fact which shall be public. In the case of mandatory safety standards, the Secretary may promulgate such standards with such modifications as he deems appropriate. In the case of mandatory health standards, the Secretary shall transmit his findings to the Secretary of Health, Education, and Welfare who may, upon consideration of the Secretary's findings of fact, direct the Secretary to promulgate the mandatory health standards with such modifications as the Secretary of Health, Education, and Welfare deems appropriate and the Secretary shall thereafter promulgate the mandatory health standards."

(Section 105)

On page 20, line 1, strike after the period through page 21, line 14, and substitute the following:

"The applicant shall send a copy of such application to the representative of miners in the affected mine, or the operator, as appropriate. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate and shall promptly hold a public hearing for the purpose of receiving relevant evidence relating to the issuance and continuance of such order. The operator and the representative of the miners shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code.

"(b) Upon completion of the hearing, the Secretary shall make findings of fact, and he shall issue a written decision vacating, affirming, modifying, or terminating the order complained of, or the modification or termination of such order, and incorporate his findings therein.

"(c) In view of the urgent need for prompt decision of matters submitted to the Secretary under this section, all actions which the Secretary takes under this section shall be taken as promptly as practicable, consistent with the adequate consideration of the issues involved.

"(d) Pending completion of the proceedings required by this section, the applicant may file with the Secretary a written request that the Secretary grant temporary relief from any order issued under section 104 of this Act, except section 104(a) of this Act, or from any modification or termination of any order issued under section 104(g) of this Act, together with a detailed statement giving reasons for granting such relief. The Secretary may grant such relief, under such conditions as he may prescribe, if—

"(1) a hearing has been held in which all parties were given an opportunity to be heard;

"(2) the applicant shows that there is substantial likelihood that the findings of the Secretary will be favorable to the applicant; and

"(3) such relief will not adversely affect the health and safety of miners in the affected coal mine."

(Section 106)

On page 21, line 15, strike all through page 30, line 19.

(Section 108)

On page 30, line 21, strike all through page 31, line 20, and substitute the following:

"SEC. 108. (a) Any decision issued by the Secretary under section 105 of this Act shall be subject to judicial review by the United States court of appeals for the circuit in which the affected mine is located, or the United States Court of Appeals for the District of Columbia Circuit, upon the filing in such court within thirty days from the date of such decision of a petition by the operator or a representative of the miners in any such mine aggrieved by the decision praying that the decision be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the other party and to the Secretary and thereupon the Secretary shall certify and file in such court the record upon which the decision complained of was issued, as provided in section 2112 of title 28, United States Code.

"(b) The Court shall hear such petition on the record made before the Secretary. The findings of the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or modify any such decision or may remand the proceedings to the Secretary for such further action as it may direct.

"(c) Pending review of any decision issued by the Secretary under section 105 of this Act, except a decision pertaining to an order issued under section 104(a) of this Act, the court upon request, may, under such conditions as it may prescribe, grant such temporary relief as it deems appropriate pending final determination of the proceeding if—

"(1) all parties to the proceeding have been notified and given an opportunity to be heard on a request for temporary relief;

"(2) the person requesting such relief shows that there is a substantial likelihood that he will prevail on the merits of the final determination of the proceedings; and

"(3) such relief will not affect the health and safety of miners in the coal mine."

On page 32, line 2, strike "Board's" and insert "Secretary's."

On page 32, line 4, strike "Sec. 109" and insert "Sec. 107".

On pge 34, line 2, strike "Sec. 110" and insert "Sec. 108".

On page 35, line 9, strike "Sec. 111" and insert "Sec. 109".

On page 37, line 22, strike "Sec. 112" and insert "Sec. 110".

On page 43, line 11, strike "Sec. 113" and insert "Sec. 111".

(Section 111)

Page 36, line 3, strike out "Board" and insert "Secretary".

(Section 201)

Page 44, line 25, strike out "sections 105, 107, and 108 of".

On page 48, lines 10 and 14, strike "the Board" and insert "the Secretary of Health, Education and Welfare".

On page 49, line 9, strike the comma after "Secretary" and strike "the Board".

(Section 301)

On page 51, lines 22 and 23, strike "sections 105, 107, and 108 of".

(Section 401)

On page 106, line 5, strike all through line 17, and substitute the following:

"Sec. 401. (a) The Secretary and the Secretary of Health, Education and Welfare, as appropriate, shall conduct such studies, research, experiments, and demonstrations as may be appropriate."

On page 108, line 1, strike all after "(b)" through the period on line 5.

On page 108, line 13, strike all after the period through the period on line 15.

On page 108, line 24, strike "the Board" and insert "the Secretary".

On page 109, lines 1, 7, 11, 16, 20 and 22, strike "Board" and insert "Secretary".

On page 109, lines 1, 4, and 5 strike "it" and insert "the Secretary".

On page 109, lines 7, 18. and 20, strike "it" and insert "the Secretary".

On page 109, lines 7, 18, and 20, strike "it" and insert "the Secretary and the Secretary of Health, Education and Welfare".

(Section 407)

On page 115, line 2, strike the period and insert a comma and the following "except as otherwise provided in section 105 of this Act".

(Section 412)

On page 117, lines 8 and 15, strike "Board" and insert "Secretary".

AMENDMENT NO. 2—DISCHARGE OF MINERS

(Section 104)

On page 19, between lines 18 and 19, insert:

"(j) (1) No person shall discharge or in any other way discriminate against or cause to be discharged or discriminated against any miner or any authorized representative of miners by reason of the fact that such miner or representative (A) has notified the Secretary or his authorized representative of any alleged violation or danger pusuant to section 103(g) of this title, (B) has filed, instituted, or caused to be instituted any proceeding under this Act, or (C) has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

"(2) Any miner or a representative of miners who believes that he has been discharged or otherwise discriminated against by any person in violation of paragraph (1) of this subsection may, within thirty days after such violation occurs, apply to the Secretary for a review of such alleged discharge or discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party, to enable the parties to present information relating to such violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code.

"Upon receiving the report of such investigation, the Secretary shall make findings of fact. If he finds that such violation did occur, he shall issue an order requiring the persons committing such violation to take such affirmative action to abate the violation as the Secretary deems appropriate, including, but not limited to, the rehiring or reinstatement of the miner or representative of miners to his former position with back pay. If he finds that there was no such violation, he shall issue an order denying the application. Such order shall incorporate the Secretary's findings therein. Any decision issued by the Secretary under this paragraph shall be subject to judicial review in accordance with the provisions of section 106 of this Act. Violations by any person of paragraph (1) of this subsection shall be subject to the judicial review and civil penalties provisions of this title.

"(3) Whenever an order is issued under this subsection, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) as determined by the Secretary to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation."

AMENDMENT NO. 3—CRIMINAL SANCTIONS ON CLOSING ORDERS

(Section 111)

On page 36, line 16, strike "(a)".

AMENDMENT NO. 4—SINGLE SHIFT MEASUREMENTS

(Section 202)

On page 46, lines 6 and 22, and on page 47, line 14, strike "over several shifts".

AMENDMENT NO. 5—MOVING MINER TO LOWER DUST AREA

(Section 203)

On page 49, line 16, strike all through the period on page 50, line 9, and substitute the following: "shows evidence of the development of pneumoconiosis shall be assigned by the operator for such period or periods as may be necessary to prevent further development of such disease, to work, at the option of the miner, in any working section or other area of the mine, where the average concentration of respirable dust in the mine atmosphere to which the miner is exposed during each shift is at or below 1.0 milligrams of dust per cubic meter of air."

AMENDMENT NO. 6—MINE NOISE

(Section 203)

On page 50, between lines 11 and 12, insert:

"(c) Beginning six months after the operative date of this title, and at intervals of at least every six months thereafter, the operator of each mine shall conduct tests by a qualified person of the noise level at the mine in a manner prescribed by the Secretary and certify the results to the Secretary. If the Secretary determines, based on such tests or any conducted by his authorized representative, that the standards on noise prescribed under the Walsh-Healey Public Contracts Act, as amended, or such improved standards as the Secretary may prescribe, are exceeded, such operator shall immediately undertake to install protective devices or other means of protection to reduce the noise level in the affected area of the mine, except that the operator shall not require the use of any protective device or system which the Secretary or his authorized representative finds will be hazardous or cause a hazard to the miners in such mine."

AMENDMENT NO. 7—PERMISSIBLE EQUIPMENT

(Section 305)

On page 72, line 11, strike all through page 74, line 17, and substitute the following:

"ELECTRICAL EQUIPMENT

"Sec. 305. (a) Effective one year after the operative date of this title—

"(1) all junction or distribution boxes used for making multiple power connections in the active workings of a coal mine shall be permissible;

"(2) all handheld electric drills, blower and exhaust fans, electric pumps, and other such low horsepower electric face equipment as the Secretary may designate within two months after the operative date of this title, which are taken into, or used in, the working section of any coal mine shall be permissible; and

"(3) all electric face equipment which is taken into, or used in, the working section of any coal mine classified as gassy under any provision of law prior to the operative date of this title shall be permissible.

"(b) (1) Effective one year after the operative date of this title, all electric face equipment not referred to, or designated under, subsection (a) (2) of this section which is taken into, or used in, the working section of any coal mine, except a coal mine subject to the requirements of subsection (a) (3) of this section or paragraph (2) of this subsection, shall be permissible.

"(2) Effective two years after the operative date of this title, all electric face equipment not referred to, or designated under, subsection (a)(2) of this section which is taken into, or used in, the working section of any coal mine, except a coal mine subject to the requirements of subsection (a)(3) of this section, which is operated entirely in coal seams located above the watertable with one or more openings made prior to the date of enactment of this Act, and with a total production of coal that does not exceed fifty thousand tons annually, based on the mine's production records for three calendar years prior to such date, shall be permissible.

"(3) In the case of any coal mine subject to the requirements of paragraph (1) of this subsection, if the operator of such mine is unable to comply with such requirements on such effective date, he may file an application for a permit for noncompliance with the Secretary ninety days prior to such date. If the Secretary determines that such application satisfies the requirements of paragraph (6) of this subsection, he shall issue to such operator a permit for noncompliance. Such permit shall entitle the permittee to an extension of time to comply with such requirements of not to exceed twelve months, as determined by the Secretary, from such effective date.

"(4) In the case of a coal mine subject to the requirements of paragraph (2) of this subsection, if the operator of such mine is unable to comply with such requirements on such date, he may file an application for a permit for noncompliance with the Secretary ninety days prior to such date. If the Secretary determines, after notice to all interested persons and an opportunity for a hearing, that such application satisfies the requirements of paragraph (6) of this subsection, and that such operator, despite his diligent efforts will be unable to comply with such requirements, the Secretary may issue to such operator a permit for noncompliance. Such permit shall entitle the permittee to an additional extension of time to comply with such requirement of not to exceed twelve months, as determined by the Secretary, from the date such compliance is required.

"(5)(A) Any operator of a coal mine issued a permit under paragraphs (3) and (4) of this subsection who, ninety days prior to the termination of such permit, determines that he will be unable to comply with the requirements of said paragraphs upon the expiration of such permit may file with the Secretary an application for renewal thereof. Upon receipt of such application, the Secretary, if he determines, after notice to all interested persons and an opportunity for a hearing that such application satisfies the requirements of paragraph (6) of this subsection and that such operator, despite his diligent efforts, will be unable to comply with such requirements, may renew the permit for a period not exceeding twelve months. Any hearing held pursuant to this paragraph shall be of record and the Secretary shall make findings of fact and shall issue a written decision incorporating his findings therein.

"(B) Any permit issued pursuant to this subsection shall entitle the permittee to use nonpermissible electric face equipment, as specified in the permit, during the term of such permit. Permits issued under this subsection to operators who must comply with the requirements of paragraph (1) of this subsection shall, in the aggregate, not extend the period of noncompliance more than thirty-six months after the date of enactment of this Act. Permits issued under this subsection to operators who must comply with the requirements of paragraph (2) of this subsection shall, in the aggregate, not extend the period of noncompliance more than forty-eight months after the date of enactment of this Act.

"(6) Any application for a permit of noncompliance filed under this subsection shall contain a statement by the operator—

"(A) that he is unable to comply with paragraphs (1) or (2) of this subsection, as appropriate, within the time prescribed;

"(B) listing the nonpermissible electric face equipment by type and manufacturer being used by such operator in connection with mining operations in such mine on the operative date of this title and on the date of the application for which a noncompliance permit is requested and stating whether such equipment had ever been rated as permissible;

"(C) setting forth the actions taken from and after the operative date of this title to comply with such paragraphs, together with a plan setting forth a schedule of compliance with the appropriate paragraphs for the equipment referred to in such paragraphs and being used by the operator in connection with mining operations in such mine with respect to which such permit is required and the means and measures to be employed to achieve compliance; and

"(D) include such other information as the Secretary may require.

"(7) One year after the operative date of this title all replacement equipment acquired for use in any mine referred to in this subsection shall be permissible and shall be maintained in a permissible condition, and in the event of any major overhaul of any item of equipment in use one year after the operative date of this title such equipment shall be put in, and thereafter maintained in, a permissible condition, if, in the opinion of the Secretary, such equipment or necessary replacement parts are available.

"(8) The operator of each coal mine shall maintain in permissible condition all electric free equipment, required by this subsection and subsection (a) of this section to be permissible.

"(9) Each operator of a coal mine shall, within two months after the operative date of this title, file with the Secretary a statement listing all electric face equipment by type and manufacturer being used by such operator in connection with mining operations in the working section of such mine as of the date of such filing, and stating whether such equipment is permissible and maintained in permissible condition or nonpermissible on such date of filing, and, if nonpermissible, whether such nonpermissible equipment has ever been rated as permissible, and such other information as the Secretary may require.

"(10) The Secretary shall promptly conduct a survey as to the total availability of new or rebuilt permissible electric face equipment and replacement parts for such equipment and, within six months after the operative date of this title, publish the results of such survey.

"(11) No permit for noncompliance shall be issued under this subsection for any nonpermissible electric face equipment, unless such equipment was being used by an operator in connection with the mining operations in a coal mine on the operative date of this title.

"(12) As used in this title, the term 'permissible electric face equipment' means all electrically operated equipment taken into or used in the working section of any coal mine the electrical parts of which, including, but not limited to, associated electrical equipment, components, and accessories, are designed, constructed, and installed, in accordance with the Secretary's specification, to assure that such machines will not cause a mine explosion or mine fire, and the other features of which are designed and constructed, in accordance with the Secretary's specifications, to prevent, to the greatest extent possible, other accidents in the use of such equipment. The regulations of the Secretary in effect on the operative date of this title relating to the requirements for investigation, testing, approval, certification, and acceptance of such equipment as permissible shall continue in effect until modified or superseded by the Secretary, except that the Secretary shall promptly provide procedures, including, where feasible, field testing, approval, certification, and acceptance by an authorized representative of the Secretary, to facilitate compliance by an operator with the permissibility requirements of this subsection within the periods prescribed.

"(13) Any operator or representative of miners aggrieved by a final decision of the Secretary under this subsection may file a petition for review of such decision in accordance with the provisions of this Act.

"(c) A copy of any permit granted under this section shall be mailed immediately to a duly designated"

AMENDMENT NO. 8—AUTOPSIES OF MINERS

(Section 401)

On page 107, after line 23, insert:

"In furtherance of research on the incidence and prevalence of pneumoconiosis, if the death of any active miner occurs in any coal mine, or if the death of any active or inactive miner occurs in any other place, the Secretary of Health, Education, and Welfare is authorized to provide for an autopsy to be performed on such miner, with the consent of his surviving widow or, if he has no such widow, with the consent of his next of kin. The results of such autopsy shall be submitted to the Secretary of Health, Education, and Welfare and, with the consent of such survivor, to the miner's physician or other interested person. Such autopsy shall be paid for by the Secretary of Health, Education, and Welfare."

Mr. ERLENBORN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. All time having expired, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Coal Mine Health and Safety Act of 1969".

Mr. PERKINS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. STEED, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 13950) to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes, had come to no resolution thereon.

CERTAIN TECHNICAL AMENDMENTS AND MODIFICATIONS PROPOSED BY THE BUREAU OF MINES TO H.R. 13950

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that certain technical amendments and modifications as proposed by the Bureau of Mines to the Federal Coal Mine Health and Safety Act of 1969 be printed in the RECORD. It is a new section for title III, as proposed to be amended.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. PUCINSKI. Mr. Speaker, reserving the right to object, and I do so only to clarify the record for a point of information, the request would in no way preclude full discussion on these amendments tomorrow, nor would it preclude a separation of these amendments when they come up for voting.

Mr. PERKINS. Mr. Speaker, the only purpose of putting the modifications to title III in the RECORD is so Members may have access to those modifications tomorrow when they receive the CONGRESSIONAL RECORD.

Mr. PUCINSKI. Mr. Speaker, I thank the gentleman from Kentucky.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON S. 1857, NATIONAL SCIENCE FOUNDATION ACT AMENDMENTS OF 1969

Mr. MILLER of California submitted the following conference report and statement on the bill (S. 1857) to authorize appropriations for activities of the National Science Foundation pursuant to Public Law 81-507, as amended:

CONFERENCE REPORT (H. REPT. NO. 91-600)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1857) to authorize appropriations for activities of the National Science Foundation pursuant to Public Law 81-507, as amended, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1970, to enable it to carry out its powers and duties under the National Science Foundation Act of 1950, as amended, and under title IX of the National Defense Education Act of 1958, out of any money in the Treasury not otherwise appropriated, $477,605,000.

"Sec. 2. Appropriations made pursuant to authority provided in section 1 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

"Sec. 3. Section 14 of the National Science Foundation Act of 1950, as amended by Public Law 90-407 (82 Stat. 360), is amended by adding at the end thereof the following new subsection:

" '(1) Notwithstanding any other provision of law, the authorization of any appropriation to the Foundation shall expire (unless an earlier expiration is specifically provided) at the close of the second fiscal year following the fiscal year for which the authorization was enacted, to the extent that such appropriation has not theretofore actually been made.'

"Sec. 4. Appropriations made pursuant to this Act may be used, but not to exceed $2,500, for official reception and representation expenses upon the approval or authority of the Director, and his determination shall be final and conclusive upon the accounting officers of the Government.

"Sec. 5. In addition to such sums as are authorized by section 1 hereof, not to exceed $3,000,000 is authorized to be appropriated for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

"Sec. 6. Notwithstanding any provision of the National Science Foundation Act of 1950, or any other provision of law, the Director of the National Science Foundation shall keep the Committee on Science and Astronautics of the House of Representatives and the Committee on Labor and Public Welfare of the Senate fully and currently informed with respect to all of the activities of the National Science Foundation.

"Sec. 7. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c). If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

"(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

"(c) The programs referred to in subsections (a) and (b) are as follows:

"(1) the programs authorized by the National Science Foundation Act of 1950; and

"(2) the programs authorized under title IX of the National Defense Education Act of 1958 relating to establishing the Science Information Service.

"(d)(1) Nothing in this Act, or any Act amended by this Act, shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

"(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

"(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

"Sec. 8. This Act may be cited as the 'National Science Foundation Authorization Act, 1970.' "

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same.

George P. Miller,
Emilio Q. Daddario,
John W. Davis,
George E. Brown, Jr.
James G. Fulton,
Larry Winn, Jr.,
Charles A. Mosher,
Managers on the Part of the House.

Edward Kennedy,
Claiborne Pell,
Tom Eagleton,
Gaylord Nelson,
Winston L. Prouty,
Peter H. Dominick,
Richard S. Schweiker,
Managers on the Part of the Senate.

STATEMENT

The Managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S-1857) to authorize appropriations for activities of the National Science Foundation and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

The amendment of the House struck out all after the enacting clause in the Senate bill and substituted new language. The committee of conference agreed to accept the House amendment with certain amendments proposed by the Managers on the part of the Senate.

The differences are explained as follows:

For fiscal year 1970 the National Science Foundation requested authorization in the amount of $487,000,000. (This figure is exclusive of the $10,000,000 Sea Grant program which is authorized independently and of $3,000,000 to be made available in excess foreign currencies.)

The Senate increased this request to $487,150,000.

The total appropriations authorized by the House amendment were $474,305,000. This represented a decrease from the Senate bill of $12,845,000. As a result of the conference, the total amount of appropriations to be authorized was adjusted to $477,605,000. To this sum, the Managers on the part of the House agreed.

FUNDING ACTION

The differences reflected by this total from that carried in the bill as passed by the House are as follows:

(1) A sum of $2,000,000 to permit the construction of an Oceanographic Research Vessel was restored, as originally requested by the National Science Foundation. This item had been deferred by the House on the basis of long-range scheduling and pending completion of further study. Evidence adduced by the Senate convinced the conferees that conditions do not now warrant delay of the ship construction.

(2) A sum of $300,000 to permit the acquisition of a small research aircraft by the National Center for Atmospheric Research at Boulder, Colorado, was restored as originally requested by the National Science Foundation. This plane is to replace a similar aircraft lost in an accident over Lake Superior in 1968. House conferees concurred that it would be more economical to purchase the aircraft than to continue to lease and equip a privately owned one.

(3) A sum of $1,000,000, part of a $3,000,000 block of unobligated appropriations carryover from fiscal year 1969 which the House had deleted, was restored by the conference. House conferees concurred in the view that authorization of this amount would provide the National Science Foundation with at least minimal leeway in program planning for fiscal year 1970, particularly in view of the requests being made on the Foundation by other Government agencies for research assistance.

Total restoration of funds in the bill thus amount to $3,300,000.

ARECIBO IONOSPHERIC OBSERVATORY

The bill as passed by the House eliminated again on the basis of deferral, $3,300,000 for the resurfacing of the Arecibo Radio Telescope. The reason for the deferral was largely a matter of priorities. The House felt that, since the telescope could operate usefully using the present surface, these funds were needed to a greater extent elsewhere. The reason for the deferral did not indicate any disagreement on the part of the House over the desirability of resurfacing.

This matter was the subject of considerable discussion by the committee of conference. The conferees agreed to make it clear that while they accepted the House position, they were strongly in support of the continued activity of the Arecibo facility as planned and of its upgrading. It was emphasized that the proposals of the Foundation in regard to the Arecibo facility should be considered sympathetically in the future.

EXPIRATION OF UNFUNDED AUTHORIZATION

The bill as passed by the House carried a proviso that all outstanding unfunded authorization accruing to the National Science Foundation should henceforth expire at the close of the first fiscal year after the fiscal year for which the authorization was enacted. The Senate bill had originally provided that such authorization should expire at the close of the third fiscal year following the year of authorization.

The conference agreed to require that such authorization expire at the close of the second fiscal year following the year of authorization.

"STUDENT UNREST" PROVISION

The bill as passed by the Senate contained no provision relating to restraints to be applied to persons attending or employed by institutions receiving funds thereunder who violate the law or the regulations of the institution.

The House amended the bill to include such a provision. In essence, that provision stated that no funds under the Act could be paid by the institution to such persons if they

(a) willfully refused to obey a lawful regulation or order of such institution and such refusal was of a serious nature and contributed to the disruption of the administration of such institution; or

(b) had been convicted in any Federal, State, or local court of competent jurisdiction of inciting, promoting, or carrying on a riot, or convicted of any group activity resulting in material damage to property, or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

The committee of conference chose to substitute a similar provision, but one which is already law in connection with five major Federal programs of higher education. The committee of conference has thus included in the bill, with appropriate technical changes, the eligibility-for-student-assistance clause of the Higher Education Amendments of 1968. (P.L. 90–575. Sec. 504)

The intended effect of the two versions is the same. The major difference is that the provision adopted by the conference, when evoked, is effective against violators for two years. The effective life of the provision in the bill as passed the House might be interpreted in one of several ways, from a single year to an indefinite period.

The over-riding factor, however, is that the provision approved by the conferees has already been studied and approved by the Congress in regard to other similar situations.

GEORGE P. MILLER,
EMILIO Q. DADDARIO,
JOHN W. DAVIS,
GEORGE E. BROWN, Jr.
JAMES G. FULTON,
LARRY WINN, Jr.
CHARLES A. MOSHER,
Managers on the Part of the House.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE REPORT ON H.R. 14465, EXPANSION AND IMPROVEMENT OF NATION'S AIRPORT AND AIRWAYS SYSTEM

Mr. PERKINS. Mr. Speaker, I ask unanimous consent, on behalf of the gentleman from West Virginia (Mr. STAGGERS) that the Committee on Interstate and Foreign Commerce may have until midnight tonight, October 27, to file a report on the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airways system for the imposition of airport and airway user charges, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

THE 10TH ANNUAL REPORT ON WEATHER MODIFICATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–186)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed with illustrations:

To the Congress of the United States:

In recent months many American communities were ravaged by storms that were among the most violent and destructive in our history. Although our civilization has been able to perform the incredible feat of placing a man upon the moon and returning him to earth, we have only a very incomplete understanding of the forces which shape our weather and almost no power to control or change them. That is why this Tenth Annual Report on Weather Modification, as submitted by the National Science Foundation for Fiscal Year 1968, is of special interest.

This report tells of the important progress that is taking place in the field of weather modification—on projects ranging from augmenting precipitation and dissipating fog to simulating the life cycle of hurricanes. Such advances may someday permit us to manipulate our weather in ways which protect us from natural disasters and substantially improve the quality of our environment.

I congratulate those Americans who, in cooperation with scientists of other nations, are doing so much to achieve these goals.

RICHARD NIXON.

THE WHITE HOUSE, *October 27, 1969.*

ROGERS SAYS "GRAS LIST" SHOULD BE INSPECTED, ELIMINATED

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, for many years now, the American public has visited the marketplace and selected foods without thought of possible danger. The enactment of the Federal Food, Drug, and Cosmetic Act in 1938 and the activity of the Federal Government in the area of food inspection gave the American public a feeling of complete security from harmful and dangerous foods.

Mr. Speaker, the turn of events over the past 2 weeks indicate that the confidence the public has placed in the Food and Drug Administration may have been shaken.

First there was cyclamate, a sweetener which is believed to represent a possible cancer cause. Then came monosodium glutamate. Brain damage in animals fed MSG has caused concern for that portion of the public which uses products with MSG, including baby food.

The one thing which both these items have in common is that they both are additives and have been placed on a list called generally recognized as safe. The novel thing about this list is that none of the more than 600 items on it have been subjected to FDA laboratory testing. They are in the marketplace, but FDA has not run any tests on them nor has testing been required by industry.

It it my feeling that any additives which are used in food products should first be tested. And there should be no type of list which is generally recognized as safe. Either the additive is safe or it is not and the FDA has the responsibility for deciding this.

I think the GRAS list may be compared to an unloaded gun. Both are generally recognized as safe until someone is killed.

Last week I wrote HEW Secretary Finch and asked that he immediately order testing on all items on the GRAS list. If FDA personnel is not adequate to this task, then he should press the National Academy of Sciences into the crash program.

When the testing is completed and the additives are approved, then the list of items generally recognized as safe should be abolished. All additives from then on should be thoroughly tested.

The FDA is supposed to be the Government's consumer protector, but the cyclamate and monosodium glutamate cases indicate that the credibility of this agency has been severely compromised.

THE AMERICAN SECURITY COUNCIL IDENTIFIES MORATORIUM REDS

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous mattter.)

Mr. WAGGONNER. Mr. Speaker, to supplement the mounting evidence that the recent moratorium was a handmade product of domestic and foreign Communists and their agents and dupes, and there were dupes, the American Security Council has just issued a documentation entitled "Mobilization for Surrender," which should be made required reading for all who, ill advisedly, supported the moratorium or who might want to reconsider participating in the next one.

It is one thing to be guilty of misplaced emotions; it is quite another to be guilty of participation in something conceived to support the Communists in general and the Vietcong in particular.

The report prepared by the American Security Council follows:

MOBILIZATION FOR SURRENDER

As protests against the war in Vietnam rise across the country, Americans should become aware of the origins of these protests.

During the late Spring of 1969, a group of approximately 30 radical leaders of anti-war organizations issued a Call to a National Anti-War Conference to be held in Cleveland, Ohio, July 4–5, 1969. The Call was initiated for the most part by individuals associated with the National Mobilization Committee to End the War in Vietnam (MOBE), an organization which has functioned as a coalition for numerous anti-war groups operating throughout the country. Included among those persons who endorsed the Conference Call were such MOBE leaders as David Dellinger, Robert Greenblatt, Donald Kalish, Sidney Lens, Sidney Peck and Maxwell Primack.

Functioning as the lineal descendant of A. J. Muste's November 8 Mobilization Committee for Peace in Vietnam, MOBE has a three-year history involving violence and civil disobedience. MOBE sponsored the October 21–22, 1967 demonstrations in Washington, D.C., during which time repeated attempts were made to close down the Pentagon. It also jointly planned and executed the disruption of the 1968 Democratic Party National Convention held in Chicago, and sponsored the demonstrations in the Nation's Capital on January 18–20, 1969 in protest over the inauguration of President Nixon.

In a determined effort to revive and strengthen agitational protest activities against U.S. military involvement in Vietnam, MOBE-oriented initiators of the Cleveland Conference believed that a more extensive formation of MOBE was required in order to establish an effective anti-war program. According to the published Call, the purpose of the Conference was to "broaden and unify the anti-war forces in this country and to plan co-ordinated national anti-war actions for the fall." The Conference was hosted by a MOBE-affiliated organization called the Cleveland Area Peace Action Council (CAPAC), a coordinating body of several dozen anti-war groups in Cleveland, in cooperation with the University Circle Teach-In Committee at Case Western Reserve University. The meetings were held during the entire two-day period at the University's Strosacker Auditorium. Publicity for the Conference was arranged by several organizations including the Student Mobilization Committee to End the War in Vietnam, a group dominated by the Trotskyist Socialist Workers Party.

The Conference was attended by approximately 900 persons, many of whom were delegates from anti-war groups comprising individuals identified in sworn testimony as Communists, well-known Communist sympathizers, and radical pacifists in their leadership. Among the more notorious organizations represented at the Conference, in addition to MOBE and CAPAC, were the Communist Party, U.S.A., W.E.B. DuBois Clubs of America, National Lawyers Guild, Chicago Peace Council, Southern California Peace Action Council, Veterans for Peace in Vietnam, Socialist Workers Party, Young Socialist Alliance, Student Mobilization Committee To End the War in Vietnam, Youth Against War and Fascism, Fifth Avenue Vietnam Peace Parade Committee, Women's Strike for Peace, and the Students for a Democratic Society. There were also in attendance persons representing so-called "GI underground newspapers" which are devoted to disseminating anti-war propaganda and to discrediting the U.S. Armed Forces.

A Steering Committee of about 20 to 30 members formed the ruling clique at the Conference. In effect, the Steering Committee was a self-appointed group composed mostly of Communists and radical pacifists with pro-Communist leanings who have participated in MOBE action projects in varying degrees. Members of the Steering Committee with Communist backgrounds included the following: Arnold Johnson, Public Relations Director and legislative representative of the Communist Party, U.S.A. (CPUSA); Irving Sarnoff, who has served as a member of the District Council, Southern California CPUSA; Sidney M. Peck, a former State Committeeman, Wisconsin CPUSA; Dorothy Hayes of the Chicago Branch, Women's International League For Peace and Freedom, who has been identified in sworn testimony in 1965 as a Communist Party member; Sidney Lens (Sidney Okun), leader of the now defunct Revolutionary Workers League; and Fred Halstead, 1968 presidential candidate of the Socialist Workers Party. Moreover, Steering Committee member David Dellinger, MOBE Chairman, declared in a May 1963 speech: "I am a communist, but I am not the Soviet-type communist."

The first day of activity was mainly devoted to speeches by MOBE officials and representatives of various groups. Among those who participated in the deliberations on July 4, 1969, were Jerry Gordon, Chairman, Cleveland Area Peace Action Council; Sidney Peck, MOBE Co-Chairman; Irving Sarnoff, Dellinger, LeRoy Wolins, leader of the Chicago branch, Veterans for Peace in Vietnam; Stewart Meacham, Peace Secretary, American Friends Service Committee; Mark W. Rudd, National Secretary, Students for a Democratic Society (SDS); Bill Ayers, SDS Educations Secretary; Arnold Johnson, of the CPUSA; Jack Spiegel, once a Communist Party candidate for Congress in Illinois; David Hawk, Co-Coordinator, Vietnam Moratorium Committee; Douglas Dowd, New University Conference; and several persons representing Trotskyist organizations. In addition to Peck, Sarnoff and Johnson, Wolins and Spiegel have been identified as members of the Communist Party.

There were a number of other individuals attending the Conference, in addition to those previously identified, who have been closely linked with activities of the Communist Party, U.S.A. or its front apparatuses. Some of these persons were Phil Bart, newly appointed Chairman, Ohio CPUSA; Jay Schaffner, W.E.B. DuBois Clubs of America; Charles Wilson of Chicago; Ishmael Flory, Afro-American Heritage Association; Gene Tournour, National Secretary, W.E.B. DuBois Clubs of America; and Sylvia Kushner, leader of the Chicago Peace Council.

The Conference was well represented by a number of functionaries of the Socialist Workers Party (SWP) and its youth arm, Young Socialist Alliance (YSA). It is noteworthy that the Conference itself was marked by periods of dissension. At the outset of the Conference, it became apparent that the majority of those in attendance were affiliated with numerous anti-war groups operating under the domination of the Trotskyist SWP or YSA.

There were two principal issues at the Conference which were vigorously debated with respect to the nature of Fall anti-war demonstrations. First, the SWP essentially held that a Fall anti-war action should comprise only a massive, legal as well as peaceful march on Washington, with the sole demand of immediate withdrawal of the U.S. Armed Forces from Vietnam. This proposal brought about a split in the Steering Committee; however, it was defeated. David Dellinger and Douglas Dowd presented the majority proposal which called for the Steering Committee's support of a "Washington action" project together with the endorsement of the scheduled "Chicago action" originally planned by SDS for September 27, 1969. Interestingly, the SDS project extended the "Washington action" demand beyond troop withdrawals and advocated civil disobedience as a necessary part of the demonstrations.

Secondly, the other main source of disagreement which occurred at the Conference involved a proposal by SDS National Secretary Mark Rudd to plan the Fall anti-war actions to center around the Marxist-Leninist theme of an "anti-imperialist struggle." The SDS proposal was disapproved by the majority of the delegates who took the position that the Fall demonstrations should concern only the issue of the Vietnam War.

During part of the second and final day of the Conference the delegates and observers attended workshop sessions which were devoted to the following topics in connection with proposed demonstration tactics: "November Washington Action," "September Chicago Action," "September Washington Action," "August 17 Summer White House Action," "October 15th Vietnam Moratorium," "GI's and Vets," and "Third World."

The plenary session reconvened during the afternoon of July 5, 1969 at which time the Steering Committee introduced a "majority-minority" resolution for approval. The Communist-oriented Guardian of July 12, 1969 stated that the resolution was "vague" and gave "support" to "all factions and covered up all political differences. The resolution said next to nothing about the Chicago demonstration except that negotiations would be held. The unity resolution was accepted with little discussion." The Conference resolution agreed to endorse or assist in organizing a series of anti-Vietnam war action projects commencing during the month of August and terminating with the November 15, 1969 demonstration in Washington, D.C.

The Conference resolution specifically adopted the following actions:

(1) Support a mass march on President Nixon's Summer White House at San Clemente, California on August 17, 1969.

(2) Endorse an enlarged "reading of the war dead" demonstration in Washington, D.C. in early September 1969.

(3) Support plans of the Vietnam Moratorium Committee for a "moratorium on campuses" on October 15, 1969.

(4) Support the September 27, 1969 demonstration in Chicago sponsored by SDS in opposition to the Vietnam War and to protest the trial of "The Conspiracy" scheduled to commence on that day.

(5) Support a "broad mass legal" demonstration around the White House in Washington, D.C. on November 15, 1969 which will include a march and rally in other areas of the city. An associated demonstration will be planned for the same date on the West Coast.

The Conference agreed to form a bicameral organization to effectively launch the Chicago and Washington actions. Two Co-Chairmen and two project directors were designated to be responsible for the Chicago demonstration slated for September 27, 1969. They were: Sidney Lens and Douglas Dowd, Co-Chairmen; and Renard (Rennie) C. Davis and Sylvia Kushner, Project Directors. With respect to the Washington action scheduled for November 15, 1969, the Conference selected Sidney Peck and Stewart Meacham to administer that project; Fay Knopp and Abe Bloom were to be Project Directors. In an effort to develop both the Chicago and Washington actions in a related manner, David Dellinger was selected by the Cleveland Conference to be a liaison coordinator between both proposed demonstrations.

The Conference claimed that it selected a "new, broadly-based" National Steering Committee of approximately 30 individuals to "implement the program of action." Prior to adjourning, the Steering Committee adopted a new name for the organization which was to be responsible for planning and directing the Fall demonstrations. It was designated the New Mobilization Committee to End the War in Vietnam. However, in actuality, the MOBE-oriented Steering Committee composed of key MOBE officials, simply decided to drop the name National Mobilization Committee and substitute a new but similar title. Therefore, the New MOBE succeeded the "old" National MOBE with the leadership of the latter remaining virtually intact. The New MOBE has characterized itself as a "new anti-war coalition" which will "carry forward the work of the old National Mobilization Committee" to "affect the inclusion of a wider social base among GI's, high school students, labor, clergy and third world communities." It simply added overt support from the Communist Party and Socialist Workers Party to create a "united front" approach.

Since the staging of the National Anti-War Conference in Cleveland in July 1969, New MOE has increased the size of its Steering Committee. It has also instituted a number of organizational changes in planning for the Fall demonstrations. One such change brought about the withdrawal of New MOBE support for the SDS-sponsored Chicago action which was re-scheduled from September 27 to October 11, 1969. New MOBE re-scheduled its Chicago action to October 25, 1969. The reason for this change was the fact that New MOBE leadership felt apprehension over the SDS project which they deemed foolhardly and destined for a collision course with the Chicago Police Department. In effect, New MOBE viewed that its participation in such an "adventurous" project of outright confrontation would be detrimental to both New MOBE and the entire anti-war movement at this time.

An evaluation of the Conference by the Socialist Workers Party provided a revealing insight into the effectiveness of the Conference from a Communist viewpoint. The SWP declared: "The attendance at the conference, the serious political debate, the program mapped out and the spirited note on which the sessions ended offer every promise that the anti-war movement is on the road to one of the biggest things this country has ever seen."

The distinguished Senators and Congressmen, TV commentators, newsmen, columnists, professors and others who have described the Vietnam Moratorium as "responsible dissent" have, in fact, lent Moratorium whatever "responsibility" it has. In most cases, they have acted from the laudable desire for peace but without first checking the facts. They have failed to ask the key question, "What kind of peace?"

North Vietnam's Prime Minister, Pham Van Dong, has no illusions. He knew precisely what he was saying when he addressed his letter in support of the Moratorium to his "Dear American Friends."

THE EXPORT CONTROL BILL

(Mr. WIDNALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WIDNALL. Mr. Speaker, on Thursday, October 16, by vote of 272 to 7, the House reported out H.R. 4293, with amendments, a bill to provide for continuation of authority to regulate exports. On Wednesday, October 22, the Senate Chamber reported out S. 2696, cited as the "Export Expansion and Regulation Act of 1949" which differed substantially from the House action. Both bills must now go to conference for resolution.

The existing Export Control Act of 1949 expired June 30 and due to congressional inaction we have been forced to resort to two 60-day resolutions. The current resolution expires Friday, October 31, just a few days away.

Mr. Speaker, this important piece of legislation has been moving through Congress at a snail's pace and the time has come for us to take immediate action. We are being characterized as a "do-nothing Congress" and this is one area where the label fits. We should take fast remedial action. Let us get this piece of legislation into conference now; let us avoid long and unnecessary discussions and disputes, and get on with the business at hand.

Both the House and Senate versions of the export control bill recognize, the House clearly, and the Senate vaguely, the need in the interest of national security and foreign policy to regulate exports. H.R. 4293 is a good bill—straightforward and easily understood. It goes a long way toward meeting the two main points of concern contained in the Senate bill—consideration of the availability of products from countries other than the United States and the removal of the requirement to deny a license application where the shipment in question contributes to the economic as opposed to strategic potential of Communist countries. H.R. 4293 is a bill the administration supports and it passed the House by an overwhelming vote.

The Senate bill, however, is neither clear nor easily understood. In fact, during the course of debate on this bill, there has arisen substantial confusion as to the bill's intent among the business community, the press, and even among the bill's proponents. Some Senate advocates during floor debate implied that the Senate bill would reduce controls over some 1,100 items leaving under control a small list of 200 products. This statement was widely reported in the press. However, Senator Muskie himself, the bill's cosponsor, had to correct this misconception. He admitted that the Senate bill decontrolled nothing. In fact, it is difficult to identify even the origin of the figures cited, for commodity definitions appearing on the Department of Commerce's commodity control list vary significantly and are not susceptible to simple characterization. Many are extremely broad and cover a variety of items; others are quite specific. We should not be deluded during our deliberation by accepting any estimate or statement as to the number of items under control, the number of items over which we might not have effective control because such are also available from foreign sources, and most importantly, what number of products which may or may not be described as strategic. Too many products fall in the "gray area" of having dual potential—depending on how or when they are used.

During the testimony, the administration has pointed out repeatedly the need in administering export controls for flexibility and careful analysis on a case-by-case basis. The current legislation provides such flexibility. The administration recognizes changing circumstances. For example, the Secretary of Commerce has already announced significant steps to simplify export documentation.

Mr. Speaker, it is H.R. 4293 that should be considered and approved immediately by the conference committee. Let us get on with this job.

VIETNAM MORATORIUM DAY

(Mr. HAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAGAN. Mr. Speaker, there have been a lot of speeches on the Vietnam moratorium day and as I have listened and read an uneasy feeling has been growing in me and I am convinced that this nationwide demonstration has done more to help the North Vietnamese and less to bring about peace than even the originators may have thought possible. When a letter such as the one written by the Premier of North Vietnam to the American people can be called by him "their fall offensive," we are surely doing something that is very pleasing to the enemy and it is not costing him a man or a gun. What will the cost be to us, to the United States?

I would be one of the first to defend our right to freedom of speech and the freedom to dissent. They are the privileges of a free country and should not be abused. With those privileges go responsibility—responsibility to our country, our leaders, and to our fighting men. Everyone has a responsibility to our men serving overseas. Any indication on our part that will aid the enemy should and must be avoided. One of my colleagues has said that we should be careful that we do not fall into a trap because of this recent so-called moratorium. Our responsibility is to our fighting men and the need to back them up while the war continues, not to give comfort to the enemy through a misunderstood peace demonstration or a denunciation of our leaders.

Walk down the streets of America today, and who will tell you he does not want peace? Who will say they do not want our troops to come home? These same people will be unwilling to compromise our men and our policies for "peace at any price." They trust and believe that our duly elected leaders will at all times have uppermost in their thinking and planning the desire of the American people for an end to the war, an early and honorable end. An end that will not leave one more country in the hands of the Communists, an end that will give people who wish the freedom to govern themselves, the opportunity to do so. That is what it is all about. We have a responsibility, those participating in moratorium days have a responsibility and it is not to the enemy. We must assume that this enemy is not stupid and if we let this vocal element mislead the enemy without standing up and being counted then we, too, share in the irresponsibility of these demonstrations.

The letter written by the Premier of North Vietnam to the American public was almost gleeful. It shows clearly how this is playing into their hands and will no doubt help delay peace talks in Paris and will encourage the North Vietnamese to wait for more demonstrations and more concessions brought on by the pressure of these groups.

Recently, a House resolution was introduced by the leaders from both sides of the aisle relating to demonstrations for peace. I supported this resolution calling upon all Americans to disassociate themselves from any efforts of the North Vietnam Premier to use these demonstrations to undercut the United States. The right of dissent must not and should not be considered assent to the enemy's cause.

I sincerely hope that every American will carefully weigh this entire situation before participating in similar demonstrations scheduled for the future.

AMERICA'S YELLOW BELLY

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, in the last few weeks many voices have been heard about American posture in Vietnam. Some of our "bug-out" colleagues are helping to create an international image somewhat strange to patriotic basic American philosophy. The London, England, Daily Telegraph of October 15, 1969, had an editorial that should create some real second thoughts for these vocal, inexperienced foreign policy "experts."

The editorial follows:

America's Yellow Belly

How is America going to behave today? It threatens to provide a spectacle to turn the stomach—a great nation in a delirium of treason and shame. Let us hope this turns out not to be the case. The omens are not good. It is the first day of the so-called "moratorium" nationwide anti-Vietnam war campaign. Thousands, perhaps millions of Americans of all kinds and all ages have been induced by rising anti-war hysteria to demonstrate for an abdication from responsibility. Other countries, in particular those of Western Europe, cannot simply sit by and regard this phenomenon with cold objectivity. America is top of the pile in material resources. What she does with her moral resources is therefore a matter of literally vital concern to the rest of us.

All this madness is naturally being watched in Hanoi with undisguised glee—no doubt with some stupefaction too. The North Vietnamese minister of culture, who also holds the post of chairman of the Vietnamese Committee of Solidarity with the American People (how often does this committee meet?), has addressed words of gratitude and encouragement to the "dear friends" of the Vietnamese in America.

President Nixon has summed up the situation correctly in his letter to a student. It would be, he wrote, "an act of gross irresponsibility" on his part to abandon his policy because of public demonstration. It is precisely this irresponsibility which today's "Get out now" demonstrators will be pleading for. The Americans set their hand to Vietnam and things have not worked out for them. That is no reason to make matters a hundred times worse by scuttling like a beaten rabble.

INACCURATE SONIC-BOOM TALK

(Mr. PELLY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PELLY. Mr. Speaker, there is considerable discussion, and often emotional, concerning the effect of a sonic boom from an airplane passing overhead in excess of the speed of sound. The noise emitted, or the boom, is inevitable when an aircraft is flying supersonically, but the noise that is being heard regarding that boom often is erroneous.

The actual experience most people say they have experienced with the boom, Mr. Speaker, is from an accidental, low-level military sonic boom. The supersonic transport that is planned by the United States will fly at altitudes of 70,000 feet, thus dissipating the boom, according to engineers. In addition, present plans call for banning the SST overland should there be complaints.

The SST, by present reckoning, would be used over water, and it is important to remember that our earth is mostly covered by our oceans.

In my judgment, the supersonic transport is the only ongoing technological achievement we are working on in the field of air transport, and if we are going to continue our leadership in the field of air transportation, we had better get going. Without the supersonic transport, American dominance in this field will come to an end.

The Seattle Times on October 20, presented an editorial on the matter of the sonic boom, and I insert it at this point in the RECORD:

INACCURATE SONIC-BOOM TALK

Critics of the supersonic transport who enaged in scare talk about sonic booms would be well advised to lower their own noise level until they get their facts straight.

This conclusion is inescapable if one considers the central facts about the SST sonic boom as reviewed in Seattle last week by John H. Shaffer, head of the Federal Aviation Administration.

The plain truth is that the American people are never going to be subjected to the SST's sonic boom, Shaffer made clear. The SST will fly in and out of land-locked airports all over the country at subsonic—not supersonic—speeds.

When the giant craft approaches faster-than-sound speeds, it will be over the ocean and flying at a height that dissipates the boom effect as far as the surface of the earth is concerned.

"People who are talking about the boom never will be subjected to it," Shaffer said.

And yet the government expects at least 500 of the Boeing-built planes to be sold by 1990, enabling the Treasury to recover its investment in the SST, providing jobs for tens of thousands of skilled workers in all parts of the country, and retaining for the United States its present position as world leader in commercial aviation.

Shaffer pointed out that commercial aircraft are "the one product with which we successfully compete with other countries, regardless of the cost of labor."

Now that President Nixon's request for continued SST financing is before Congress, informed members of that body ought to make certain that the essential facts about this project—so vital to this nation's international balance of payments—are not obscured by irresponsible talk about a sonic boom to which the public will not, in fact, be exposed.

SDS WORKERS GROUPS TO CUBA CIRCUMVENT U.S. ECONOMIC SANCTIONS

(Mr. ADAIR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAIR. Mr. Speaker, it has come to my attention that plans are going forward by the Students for a Democratic Society to send two groups of 150 "workers" each to aid the Cuban Government harvest its 1970 sugar crop. Since June of this year radical organizers of the "youth brigade" have been conducting a national campaign to enlist young persons to this cause. It concerns me greatly that recent Supreme Court decisions prevent the application and enforcement of area travel restrictions to these radicals. By allowing this movement to go forward, we are permitting the economic sanctions we have imposed on the Communist government of Cuba to be circumvented and are also giving Castro more economic freedom to pursue and instigate guerrilla wars throughout Latin America.

It is instructive to read the resolution printed in the SDS publication, New Left Notes, in June 1969, which sets forth the reasons for this project:

> (1) To give political, moral, and material support to Cuba for the critical sugar harvest in 1970;
>
> (2) To educate people about the international revolution against imperialism; and
>
> (3) To gain a practical understanding of creative application of communist principles on a day to day basis.

SDS organizers claim to be receiving 20 applications per day to harvest sugar for Cuba.

When our embargo on trade with Cuba and the blacklisting of all ships visiting Cuban ports is just beginning to achieve the desired result of placing such a burden on the Cuban economy that it is incapable of exporting Communist revolutions elsewhere in Latin America, it seems most self-defeating to permit Americans to lend assistance in the harvesting of the 1970 sugar crop, which is considered critical both for the economy of the country and for the survival of Castro's regime. Castro himself has described the goal of 10 million tons of sugar to be produced in 1970—4,500,000 tons were produced in 1969—as "a test of the honor and merit of the revolution." If this goal is realized, Castro will be able to supply all the needed sugar for barter with the Soviet Union and then sell substantial amounts on the world market for good foreign exchange with which Cuba can purchase goods from Western Europe and Japan.

If this planned trip of initially 300 young radicals and possibly a great many more later in the year goes forward, it will be the largest group of Americans to visit Cuba since Castro took over in 1959. This, in my opinion, is sufficient justification for the introduction and passage of legislation which for the first time gives the Secretary of State authority to impose and enforce area travel restrictions. Recent Supreme Court and court of appeals decisions, including *Lynd* v. *Rusk*, 389 F2d 940, and *United States* v. *Laub*, 385 US 475 (1967), prohibit the enforcement of these area restrictions and also the imposition of sanctions for their violation. Essentially, these cases have held that it would be a violation of due process to enforce these restrictions as there is at present no statutory authorization for their imposition or enforcement. Thus, Mr. Speaker, I will soon introduce legislation providing such authorization in the hope that such expeditions as the one I have just described can be avoided in the future.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Speaker, I appreciate the gentleman from Indiana (Mr. ADAIR) yielding to me.

Mr. Speaker, it is good the gentleman has brought this to the attention of the House today, because looking as we do to what is proposed on November 15, this Congress and this Nation need to know what some of us know about this movement, which has used good Americans as dupes, and is directed from Hanoi.

There is one good thing about these groups going to Cuba, and that is for the first time in their lives if they do help in the Cuban sugar harvest, most of them will be doing the first work in their lives, because they have not contributed anything to this economy.

The gentleman from Indiana is eminently correct. They should not be allowed to go, but if they do they should not be allowed to return.

PRESIDENT'S NEW MARITIME PROPOSALS

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Alabama. Mr. Speaker, the New York Times over the weekend made a typically impetuous editorial comment on the President's new maritime proposals. In their usual manner of viewing only the immediate effects of events, they failed to see the long-range results that would be brought about by the President's well-formulated plan for restructuring the maritime industry.

The Times—quick to find fault—points out that the President failed to apply the "same hardheaded principles" underlying most of his proposals to his plan for subsidy of 300 new vessels. They argue that the President's decision was based on "politics alone" and that he failed to consider the fact that "by applying new technology, American shipbuilders ought to be able to compete, without a massive Government crutch, in the wide-open market for new container ships and giant tankers."

Without purporting to be able to read the President's thoughts, it is rather clear to me that Mr. Nixon had just this idea of eventual world competitive ability through American technology in mind. His entire proposals speak of a challenge to the shipbuilding industry to become competitive and stop relying on the "Government crutch."

Every aspect of the program including the underwriting of the 300 new ships is carefully designed to help the maritime shipbuilding industry back into a posture of world competition.

The problem he faced, in this area, however, was that the lack of any substantial long-range Government commitment in the past caused the shipbuilding industry to fall behind in the application of new technological developments. He, therefore, devised a plan that would give the industry the long-range Government backing needed to develop and apply new technological ideas and start the industry on the road away from dependence on Government subsidy.

The fact is, that in every capital-intensive industry the Government has found it necessary to help in the development of new technological skills. The railroads were greatly aided by direct and indirect subsidies in the early years of the industry. Even today, the Department of Transportation is actively engaged in the development of the "Metroliner' as the answer to some of our transportation problems. The airlines are receiving a big boost from the Government in the development of the SST. To apply the New York Times standards to all industries equally, the Government should stop underwriting development of new rapid rail transit and of supersonic air transports. In fact, maybe the Government should get out of the business of granting any subsidies. And maybe we should start by cutting out the second-class mail subsidy granted to the New York Times. What is fair for one is fair for all.

Mr. Speaker, I guess it just depends on whose ox is being gored.

DRUG ABUSE EDUCATION ACT

(Mr. GUDE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. GUDE. Mr. Speaker, Art Linkletter's visit to the White House last week to discuss the tragic death of his daughter has added a dramatic urgency to deal with the problem of drug abuse that we all know surrounds us.

If a private citizen can come forward so selflessly, at a time of such personal grief, to add emphasis to our fight against drug abuse, then it behooves us, as public servants, to act in equal good faith.

I therefore urge, no; I implore my colleagues to consider and swiftly pass the Drug Abuse Education Act, when it comes before the House tomorrow. This act will provide comprehensive support for the establishment of effective drug abuse educational programs in our schools. Our youngsters and our schools have become a principal focal point of this problem, and it is there that we should concentrate our efforts in prevention. The few dollars we spend for the prevention of drug abuse is nothing compared to the thousands of dollars needed to rehabilitate someone who is hooked, and no amount of money can buy back the life of one Diane Linkletter.

LINKLETTER TELLS OF DAUGHTER'S SUICIDE: DRUG DEATH DRAMA UNFOLDS AT WHITE HOUSE

(By Garnett D. Horner)

Art Linkletter recited the personal tragedy of his daughter's suicide to a White House conference today in an effort to alert parents that their children will be tempted to take drugs.

President Nixon, administration officials concerned with the dangerous drug problem and congressional leaders of both parties listened in rapt silence as Linkletter told how LSD had taken the life of his daughter Diane.

At the end of the nearly 2-hour meeting, there was general agreement among the senators and congressmen that the administration's proposals for a new law to tighten up efforts to wipe out traffic in dangerous drugs and to provide flexible penalties for marijuana users and first offenders in particular would be spurred to passage.

Linkletter, a television personality and old friend of Nixon, told the group that "two weeks ago my beautiful 20-year-old daughter leaped to her death from her apartment while in a depressed, suicidal frame of mind, in a panic believing she was losing her mind from recurring bad trips as a result of LSD experiments some six months before."

Linkletter said he decided that "this tragic death would not be hushed up" and that he would "speak out to shock the nation—that this wasn't happening to some other people's children in some poor part of town—that this could happen to a well-educated, intelligent girl" of a traditionally Christian and "straight" family.

He emphasized that Diane was not a hippie, not a drug addict, but "had everything to live for and no problems not normal growing up problems."

Linkletter said one of the dangers of LSD is that it "works in the bloodstream like a tiger—you never know when it is going to hit."

He said his daughter had told him months ago that she had experimented with LSD and found "bum trips" frightened her. She thought use of LSD was ridiculous and that she was not going to do it again.

But, even though she took no more LSD "those trips kept recurring," and led her to think she was losing her mind, Linkletter said.

During the last 10 days, he said he has received "an alarming number" of letters from parents who say they know this is happening in their families and asked him what they should do.

"I was horrified," Linkletter told the group in the White House Cabinet Room, "to find out that I don't know what to tell them."

He said the trouble is that children are reacting to the "drug society." He said they see people on television "popping things into their mouths whether they want to get thin or fat or happy or go to sleep or wake up or erase tensions or take away headaches, or whatever.

He said children in the fourth, fifth and sixth grades should be taught that "you no more put something into your mouth or bloodstream than you walk in front of an automobile or set fire to your dress."

PROPOSED LAW ENDORSED

Endorsing the proposed legislation, particularly the provision for flexible penalties for marijuana users, Linkletter said it is as bad to make the use of marijuana a felony, as present law does, as it would be to have no law at all.

He also endorsed in particular provisions for stricter government inspections and control from manufacturers through distributors of depressant and stimulant drugs, saying most of the illicit supply is diverted from legitimate trade channels.

Sen. Jacob Javits, R.–N.Y., raised a question of why marijuana should not be legalized if medical research shows it is no more harmful than alcohol.

Linkletter said that the country probably would not accept such action and that while marijuana is not physically addictive, at least in some cases it is psychologically addictive and "makes things seem what they are not."

"REALLY DON'T KNOW"

Health, Education and Welfare Secretary Robert H. Finch also said that at present "we really don't know" whether marijuana is addictive or has other physically harmful affects.

Nixon said there are "some real dangers" in the use of marijuana, one being that it may lead an individual to other drugs.

And Sen. Harold E. Hughes, D-Iowa, interjected that he thought all those present know "I am a recovered alcoholic." He suggested that it would be helpful "to at least tell the truth about (effects of) alcohol."

Linkletter said he thought Hughes' suggestion would "answer the charge of the kids that we are hypocritical."

SEES PLUGS IN RECORDS

Turning to what he called the media, Linkletter said that "almost everytime a 'top 40' record is played on radio, it is an ad for marijuana."

He said the lyrics to rock 'n' roll songs have symbols and words that kids understand and which "campaign for the thrills of trips."

Nixon interjected to ask Linkletter if he thinks television is doing an adequate job and went on to suggest that the networks show exciting programs to get the message across.

Though he doesn't think that is being done now, Linkletter said "it is being planned" and that he is personally involved.

PLEDGES TO ACT

Senate Democratic Leader Mike Mansfield, thanking Linkletter for "in effect opening up a new world to me," told the President that if the senate committee clears the proposed legislation," "we will act expeditiously and we will get it passed."

House Speaker John McCormack said "We will do the same thing." and members of committees handling the legislation promised prompt action.

Nixon said, "We're going to keep entirely above partisanship."

PANAMA CANAL ZONE RESOLUTION

The SPEAKER. Under a previous order of the House, the gentleman from Missouri (Mr. Hall) is recognized for 60 minutes.

(Mr. HALL asked and was given permission to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, it is certainly a pleasure to join with the distinguished gentlewoman from Missouri, the distinguished gentleman from Pennsylvania and the distinguished gentleman from Ohio in introducing into this House a resolution that would arm the President with the sentiment of the House of Representatives—and that of the American people—in any future negotiations with the Republic of Panama Government over the status of our Canal Zone. It is essential that this be done so that a reoccurrence of the abortive proposed 1967 "treaty" does not come back to haunt us. As many may remember this proposed 1967 treaty contained provisions that ceded additional rights of the Canal Zone to Panama, gave Panama joint administration, increased our annual payments to Panama, raised tolls, and forced the United States to share its defense and police powers with Panama.

When the text of this treaty was published there was a hue and cry throughout the United States opposing its provisions. I am sure that Theodore Roosevelt turned over many times in his grave. As we celebrate his birthday today, I am hopeful this resolution will quiet the eternal rest that is so highly deserved by the man whose foresight and energy produced the canal. In 1967 about 150 Members of Congress introduced or cosponsored resolutions expressing the sense of the House that it was the desire of the American people that the United States maintain its sovereignty and jurisdiction over the Canal Zone. The same language exists in the resolution we are introducing today. Public indignation ran so high that the 1967 draft treaty was never sent to the other body for ratification. It even failed consideration in Panama's parliamentary body.

Mr. Speaker, it is now over 2 years later. Much has transpired. A military junta is now ruling Panama. A new administration has taken over the reins here in Washington. We have a new Ambassador to Panama. On the other hand, much has remained the same, Castro is still preaching and exporting revolution and communism in Latin America. American property is still being expropriated "south of the border."

Many people both here and abroad call for the surrender of American bases and rights throughout the world. The Panamanian Government is aware of this and is now willing to make another attempt to negotiate a new treaty. They know that they have nothing to lose, and everything to gain. They no doubt feel that if they obtain concessions from us as they did in the negotiations for the 1967 treaty, they can obtain them again in any new round of negotiations. I am confident that this House resolution we are introducing today, will have a dissuasive effect.

I am also confident that the citizenry of this country know and comprehend the strategic importance of the Canal Zone. As a member of the House Committee on Armed Services I was particularly concerned about the possible effect of the 1967 treaty on both the subjects of national security and hemispheric defense. The importance of the Canal Zone as a bastion on our "southern flank" cannot be overrated. This importance has heightened since 1967, because now the loss and give-away of Okinawa seems eminent. Without our control of the Canal Zone the possibility of a potentially hostile regime in Panama denying access of the transferring of our naval forces from ocean to ocean ever grow. The loss of this access would destroy a link in our defense chain and could produce a disaster.

Mr. Speaker, intertwined with the aspect of national security, is the equally important area of hemisphere defense. The Canal Zone under our control and jurisdiction serves as an outpost, thwarting the perverted ambitions of Castro, Moscow, and Peking. Our presence serves as a constant reminder of our determination to stop subversion in Latin America. I ask, would the presence of Panamanian control of the canal serve a like purpose? I think the answer is obvious.

Beside military considerations, the commercial considerations must also be examined. A Communist or hostile government of any "ism," could completely close the canal to all U.S. shipping. Over 65 percent of all U.S. shipping passing through the canal annually, either originates or terminates in U.S. ports. The added shipping costs, as well as the curtailment of shipping would be astronomical in the event this facility was denied our use.

Besides paying the price for increased shipping costs the U.S. taxpayers could possibly be forced to surrender this aggregate investment of over $5 billion which would constitute the biggest single "give-away" in recorded history. I cannot envision our hard-working taxpayers wishing to write off this huge public asset without some reasonable and tangible compensation in return.

Finally, Mr. Speaker, I am delighted and gratified that so many of my colleagues have cosponsored our resolution today. They represent all sections of this great country and the entire political spectrum. This in turn represents the grassroots, for as we well know no other branch of Government is as representative as the House.

I am equally gratified that my distinguished colleague from Missouri has announced that the Subcommittee on the Panama Canal of the House Committee on Merchant Marine and Fisheries, of which she is chairman, will soon begin hearings on this most important and vital subject. I sincerely hope that the House Committee on Foreign Affairs will follow suit, and hold hearings on our resolution. It is imperative that this body make known the desires, feelings, and opinions of the people so that any future negotiations will reflect these desires, feelings, and opinions. We cannot, as the distinguished gentleman from Pennsylvania (Mr. Flood), once said, "afford to see Panama another Cuba and the Panama Canal another Suez."

Mr. Speaker, I am delighted to yield to the gentlewoman from Missouri (Mrs. Sullivan), my colleague.

(Mrs. SULLIVAN asked and was given permission to revise and extend her remarks and include extraneous matter.)

Mrs. SULLIVAN. Mr. Speaker, once again the House must assume a leadership role in the protection of American rights to, and in, the Canal Zone and the Panama Canal.

Although the House has no prerogatives under the Constitution in the ratification of treaties, we do have vital responsibilities in connection with the implementation of any treaty which surrenders U.S. rights to territory or property. We have exercised those responsibilities—with responsibility—in numerous historic situations resulting from negotiation and ratification of treaties in which we had no voice until the time came to enact the necessary legislation to implement those treaties.

Before we blunder into, or stumble into, or fall into, or deliberately create a new crisis with the Republic of Panama over the ownership and operation of the Panama Canal and the administration of the Canal Zone, the House must now demonstrate to a new administration what we repeatedly made clear to the previous one, and that is that this body is adamantly opposed to giving away the Panama Canal to the Republic of Panama, or surrendering our rights in the Canal Zone.

An opportunity to express this view—which I know is the overwhelming sentiment of the House of Representatives—is being provided today through the introduction by me and other Members of a House resolution as follows:

H. Res. 592

Whereas it is the policy of the House of Representatives and the desire of the people of the United States that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; and

Whereas under the Hay-Pauncefote Treaty of 1901 between Great Britain and the United States, the United States adopted the principles of the Convention of Constantinople of 1888 as the rules for the operation, regulation, and management of said canal; and

Whereas by the terms of the Hay-Bunau-Varilla Treaty of 1903, between the Republic of Panama and the United States, under the authority of the perpetuity of use, occupation, control construction, maintenance, operation, sanitation and protection for said canal was granted to the United States; and

Whereas the United States has paid the Republic of Panama almost $50,000,000 in the form of a gratuity; and

Whereas the United States has made an aggregate investment in said canal in an amount of over $5,000,000,000; and

Whereas said investment or any part thereof could never be recovered in the event of Panamanian seizure or United States abandonment; and

Whereas under Article IV, Section 3, Clause 2 of the United States Constitution, the power to dispose of territory or other property of the United States is specifically vested in the Congress; and

Whereas 70 per centum of the Canal Zone traffic either originates or terminates in United States ports; and

Whereas said canal is of vital strategic importance and imperative to the hemispheric defense and to the security of the United States; and

Whereas, during the preceding administration, the United States conducted negotiations with the Republic of Panama which resulted in a proposed treaty under the terms of which the United States would shortly relinquish its control over the Canal; and

Whereas there is reason to believe that the present dictatorship in control of the Government of Panama seeks to renew negotiations with the United States looking toward a similar treaty; and

Whereas the present study being conducted by the Atlantic-Pacific Interoceanic Canal Study Commission may result in a decision to utilize the present canal as a part of a new sea level canal; and

Whereas any action looking toward an agreement with the Government of Panama which would affect the interest of the United States in the Canal would be premature prior to the submission of the report of the Commission in any event;

Resolved by the House of Representatives, that it is the sense of the House of Representatives that the Government of the United States maintain and protect its sovereign rights and jurisdiction over said canal and that the United States Government in no way forfeit, cede, negotiate, or transfer any of these sovereign rights or jurisdiction to any other sovereign nation or to any international organization.

Similar resolutions were introduced in the last Congress, with the support and cosponsorship of about 150 Members of the House of Representatives. Hearings were conducted by the Subcommittee on Inter-American Affairs of the House Committee on Foreign Affairs, during which the prevailing sentiment of House Members was clearly established in favor of such a declaration.

However, the legislation was not acted on for the simple reason that, officially, no treaty or proposed treaty actually existed. All we had before us was an unofficial draft as printed in a newspaper of a treaty said to have been worked out by negotiators from the United States and the Republic of Panama. Neither country officially acknowledged that the draft was authentic. Officials of the Republic of Panama said they were not satisfied with this draft and wanted to make changes. Our country took no steps to arrange for additional meetings of the negotiators. Hence the Committee on Foreign Affairs decided that, until it had formal knowledge of the existence of a treaty draft, it would be premature to pass legislation condemning its purported terms.

Nevertheless, behind all of the State Department's diplomatic doubletalk about the terms of the proposed treaty, or even its existence, I think all of us recognized the fact that our negotiators had entered into commitments which could have been destructive to national policy objectives, and that a blunder of great magnitude had been committed.

Let us make sure we do not repeat that blunder. Extremist elements in the Republic of Panama have insisted for years—for generations—that the United States is a criminal exploiter of a poor and small and weak neighbor and an imperialist power grinding the poor people of Panama into abject servitude to the Yankee octopus. The truly unfortunate concessions offered—or said to have been offered—by our negotiators seemed to bear out these charges. By agreeing to give up our ownership of the canal and our administration of the Canal Zone, our negotiators were placed in the position, I maintain, of acknowledging we never should have taken over the Canal Zone in the first place, or built the canal, or retained it all these years. If a treaty were to be agreed upon carrying out these ideas, and the Senate should ratify it, I am convinced the House would be confronted with a most serious constitutional issue, and the possible—or probable—refusal of the House to pass the necessary legislation providing for a giveaway of the Canal Zone and of the canal would create the most far-reaching problems in our international relations.

Why should we go out of our way as a nation looking for, or inviting, a crisis of this nature? Yet the expressed willingness of the Department of State to engage in new discussions with the military junta now in control of Panama with a possible view toward negotiating a new treaty holds out to the Panamanians a tantalizing prize which I do not think is going to be awarded in our lifetimes, at least, if ever.

Mr. Speaker, as chairman of the Subcommittee on the Panama Canal of the House Committee on Merchant Marine and Fisheries, I have gone through this issue—and various crises related to it—on numerous occasions. One of my first assignments as subcommittee chairman was to guide through to passage in 1957 a bill implementing the treaty of 1956—one which gave away to Panama about $24 million worth of real estate owned by, and used by, the Panama Canal Company in the Republic of Panama, outside the Canal Zone. That treaty also upped the annual contribution to Panama for use of the Canal Zone from $450,000 a year to $1,950,000 a year. These actions were supposed to "ease tensions" and mollify nationalist aspirations in Panama for dreamed-of riches from the canal.

The results are well known: all the 1956 treaty did was whet the appetite of Panama for more. The real estate we turned over in 1957 was vandalized and virtually destroyed while the powers-that-be in that country argued and disagreed over which family or firm, or family firm, would obtain the best parcels. Your heart would ache, Mr. Speaker, from seeing what happened to well-built, well-maintained, pleasant apartment buildings turned over in 1957, only to rot and decay and become uninhabitable.

The seeds sown in the 1956 treaty led to armed attacks upon our people in the Canal Zone only a few years later.

These attacks were based on the determination of extremist groups in the Republic to seize the Canal Zone, and the canal. To meet this situation, President Johnson invited discussions with Panama on the development of a new treaty with no restrictions on the issues to be negotiated. The result was the draft which, in effect, ceded back the Canal Zone area and gave the canal away.

Mr. Speaker, I am not in the habit of writing to the President every time I object to some administration policy or every time I have some idea which I think might merit some consideration. Usually, I call such ideas to the attention of the Cabinet Secretary or other official having the responsibility for policymaking in a particular field.

When I do write to the President, it is only in those situations which involve some special problem only he can solve and with which I might have some special familiarity. Under those circumstances, when I write to a President, it is for his information and any help or guidance I could provide—not for the purpose of announcing to the press what I think the President should do. Hence, I did not make public a letter I wrote to him on September 24 on this issue.

However, in view of the discussions here this afternoon, and the deep concern of those of us who are introducing legislation dealing with the subject of a possible new treaty with Panama, I include herewith, a copy of my letter to the President outlining my sincere fears about the mischievous results which could flow from a reopening of negotiations at this time for a new treaty with Panama, and a reply from the White House.

The letters are as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 24, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As Chairman of the Subcommittee on the Panama Canal of the House Committee on Merchant Marine and Fisheries, I have been deeply disturbed by press reports originating with unnamed "State Department officials" inviting the military Junta now ruling Panama to begin negotiations for new treaties dealing with the same subject matter as the unfortunate proposals worked out by special teams of negotiators from the two countries in 1967. My purpose in writing to you is to urge the utmost caution and restraint in raising once again false hopes among Panamanian nationalists that we are about to surrender the Canal Zone and the Canal.

More than one hundred Members of Congress joined me several years ago in introducing resolutions strongly opposing the 1967 treaty drafts made public in the Republic of Panama. The issue is an explosive one and the consequences of its further discussion at this time could be serious indeed to the continued efficient operations of the Canal, and to our international relations in the entire hemisphere.

The apparent conflicts of position within the State Department were dramatized by the publication of two news articles earlier this month. On September 2, a report appeared in the *New York Times* attributing to "unnamed State Department officials" a statement that the United States cannot engage in long-term commitments on militarily and politically sensitive issues with the "military-type provisional" government which has assumed power in Panama. Two days later a UPI dispatch from Washington stated that the Department of State had announced on September 3 that the United States will accept any initiative of Panama to reopen "stalled conversations on the proposed treaties". Five days later, the Junta government of Panama responded to this implied invitation by announcing the appointment of negotiators to work on new treaty drafts.

In view of the near disastrous nature of the negotiations of 1967, insofar as American interests were concerned, I sincerely hope that you will impose and maintain firm control over activities within the Department of State directed toward the reopening of negotiations. The Provisional Government of Panama has made no claims whatsoever of being a constitutional government. It holds only by military force. It has publicly promised that elections would be held next year to create a constitutional government. Unless that promise is an empty one, any treaties negotiated with the Junta would be in danger of repudiation by a constitutionally elected National Assembly.

Furthermore, the whole concept of the 1967 approach is now questionable. The possibility of construction of a sea-level canal to replace the existing canal becomes increasingly remote. So does the possibility that Panama will grant permanent United States bases in that country.

May I respectfully remind you that the 1967 treaty drafts were negotiated on the assumption that the construction of a sea-level canal was necessary, practical, and urgent and that we would need Panama's acquiescence and assistance in constructing it. Events since 1967 throw these assumptions into great doubt.

In the meantime, we have blundered into lending a semblance of respectability to—in effect, official American concurrence with—extremist Panamanian claims that our presence in the Canal Zone is imperialistic and morally indefensible. In introducing resolutions strongly opposing the 1967 draft treaty proposals, more than one hundred Members of Congress refused to accept for this country any such taint on the legitimacy of our role in the Canal Zone. I hope you concur with us in that conviction and will exercise firm leadership in preventing mischievous actions within the Department of State which would tend to jeopardize our moral and legal rights in the continued operation of one of the greatest instruments of world trade, which we have operated in strict conformance with international law and in the highest traditions of international cooperation.

Respectfully,
(Mrs. John B.) LEONOR K. SULLIVAN,
Member of Congress, Third District, Missouri.

THE WHITE HOUSE,
Washington, D.C., Sept. 30, 1969.

Hon. LEONOR K. SULLIVAN,
House of Representatives,
Washington, D.C.

DEAR MRS. SULLIVAN: Thank you for letter to the President bringing to his attention your interest and concern over any negotiations pertaining to proposals for new treaties with the Republic of Panama.

I know the President will be especially interested in having this thoughtful analysis, writing as you do as Chairman of the Subcommittee on the Panama Canal of the House Committee on Merchant Marine and Fisheries. You may be assured your letter will be given careful consideration.

With cordial regard,
Sincerely,
WILLIAM E. TIMMONS,
Deputy Assistant to the President.

Mr. HALL. Mr. Speaker, I certainly thank the gentlewoman from Missouri (Mrs. SULLIVAN), who has served as chairman of the subcommittee of the distinguished Committee on Merchant Marine and Fisheries, and who has made it a personal goal and followed through in making personal trips to the Canal Zone and the Republic of Panama through the years before arriving at her position, which she defended so well in the unpublished hearings of the Committee on Foreign Affairs to which this resolution was referred 2 years ago. There was sufficient and good reason for not publishing these hearings, perhaps, but her position has been well known, and she has been a stalwart in maintaining this area through which we have a corridor. Despite various treaties, there has never been established a corridor of land which we controlled with the same soveriegnty that we do the zone in Panama. I cannot conceive our hard-working taxpayers wishing to write off this huge public asset without some reasonable and tangible compensation in return.

Finally, Mr. Speaker, I am delighted and gratified that so many of our colleagues have cosponsored this or a similar resolution today that represents all sections of this great country and the entire political spectrum. This, in turn, represents the grassroots to which as we well know no other branch of Government is as responsive as the House of Representatives.

I am equally gratified that my distinguished college, the gentlewoman from Missouri (Mrs. SULLIVAN), has announced that the Subcommittee on the Panama Canal of the House Committee on Merchant Marine and Fisheries of which she is chairman will soon begin hearings on this most important and vital subject.

I sincerely hope that the House Committee on Foreign Affairs will follow suit and hold hearings on our resolution.

I think this is particularly important because as our colleague from Tennessee pointed out in 1967 so effectively, the Constitution requires both Houses of the Congress act if territory is to be ceded or revert to another country where we have sovereign and fee simple control. It is, therefore, most imperative that this body make known the desires and the feelings and opinions of the people so that any future negotiations will reflect these desires, feelings, and opinions. We cannot, as the distinguished gentleman from Pennsylvania, Mr. DANIEL FLOOD, so ably once said, "afford to see Panama another Cuba and the Panama Canal another Suez."

Mr. FLOOD. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am delighted to yield to my colleague, the gentleman from Pennsylvania.

(Mr. FLOOD asked and was given permission to revise and extend his remarks.)

Mr. FLOOD. Mr. Speaker, I am very grateful to my distinguished colleague, the gentleman from Missouri (Mr. HALL).

As the doctor has suggested, I am not unknown in this House and in Panama on this subject. I have the unique distinction by Act of the Congress of Panama unanimously declaring me several years ago persona non grata to visit that beautiful and lovely country.

Mr. Speaker, when the Eisenhower administration was first considering this matter and the House was about to adjourn sine die, I indicated that it was my judgment that within a certain number of days after sine die adjournment, the administration would act, vis-a-vis, the treaty of negotiation and, of course, that happened.

In the Johnson administration we were confronted with very much the same thing. It was at that time, as my colleague from Missouri has indicated, that at this very spot I suggested that if and when the great Committee on Foreign Relations in the other body would hold a hearing, I would advise the chairman that there would meet here in the Chamber of the House 200 Members who would march four abreast to the other Chamber and request that one by one we be heard in opposition to ratification of a proposed treaty if and when, God forbid, that it came.

I may add, Mr. Speaker, that I have introduced a bill calling for an amendment to the Constitution which will give to the House—Dr. HALL and Mrs. SULLIVAN—give to the House by constitutional amendment the same prerogative which is reserved to the Senate in the ratification of treaties which become the law of the land.

I just cannot conceive that the historic reason for that provision of the Constitution exists any longer. It does not. And, I cannot conceive in this day of our Lord 1969 from now on that other body of the Congress constitutionally can impose upon this Nation what is a law without equal action by the other body.

I would just say this, Mr. Speaker, as a person acquainted with the subject—and as you know I serve upon the great Committee on Appropriations for the Department of Defense, and so became involved deeply in the last 20 years with Western Hemisphere defense.

This involves the canal. The canal is our jugular vein for Western Hemispheric defense. We found that out at the end of V–E Day when we had divisions moving to the Pacific. We found out how important was the canal.

But one of the greatest inspirations of my life was hearing from former President Teddy Roosevelt while he was a guest in our home in Wilkes-Barre, Pa.—how long ago that is is none of your business, it was some time ago—and I heard Teddy Roosevelt explain to my father and my grandfather the problem that he faced in the acquisition of the Canal Zone and the construction of the Panama Canal. He viewed this extension of the U.S. territory in 1903 and the launching of the canal in 1904 as the most important contribution of his administration, comparable in its consequences with the Louisiana Purchase of 1803.

Mr. Speaker, I am so happy today to have as my ally the distinguished gentlewoman from Missouri (Mrs. SULLIVAN), and the distinguished gentleman from Missouri (Mr. HALL) in this great cause for our country.

Mr. Speaker, it is, indeed, historically fitting that a significant number of Members of this body have introduced today, October 27, the birthday of Theodore Roosevelt, a resolution to protect this important legacy that he passed on to future generations. I can think of no better tribute to that great American than for this body of the Congress, which reflects the will of the people of the United States, to adopt the resolution.

To assist in its consideration, I wish to invite attention to the following facts that are basic to understanding the present Canal Zone sovereignty situation:

First, that the Canal Zone and Panama Canal are constitutionally acquired territory and property of the United States;

Second, that the validity of the U.S. title has been upheld in a long series of court decisions;

Third, that the net total investment of the U.S. taxpayers—1904–68—in the canal enterprise and its defense is more than $5 billion;

Fourth, that, under article IV, section 3, clause 2, of the U.S. Constitution, only the Congress is vested with the power to dispose of territory and other property of the United States;

Fifth, that the Congress has not authorized the disposal of the Canal Zone territory and canal;

Sixth, that, in formulating the proposed 1967 treaties, our negotiators disregarded the above-mentioned important constitutional limitation as regards the disposal of U.S. territory and property.

Seventh, that, if the President with the approval of two-thirds of the Senate can cede U.S. sovereignty and ownership over the Canal Zone territory, it could do likewise for Texas, California, and Alaska;

Eighth, that the cause for much of the trouble at Panama is the failure on the part of high officials of our Government since Secretary of State Hughes, to make unequivocal statements of our just rights at Panama;

Ninth, that the current situation requires the House of Representatives to assume leadership in clarifying and making definite what are the rights, power, and authority of the United States over the Canal Zone and canal;

Tenth, that the history of Panama, both before and after the U.S. occupation of the Canal Zone in 1904 shows conclusively that it is a land of endemic revolution and endless political instability; and

Eleventh, that, in addition to our treaty obligations for the efficient operation of the Panama Canal, experience during both its construction and subsequent operations has repeatedly confirmed that full sovereign control over the Canal Zone territory is indispensable for the continued efficient operation of the vital interoceanic link.

In addition, Mr. Speaker, I would quote a recent article by Harold Lord Varney, president of the Committee on Pan American Policy of New York. In connection with Mr. Varney's remarks about the newly appointed U.S. Ambassador to Panama, Robert M. Sayre, I wrote the President on July 29, 1969, protesting Mr. Sayre's appointment and published it in an extension of my remarks in the Congressional Record of September 9, 1969.

The indicated article by Mr. Varney follows:

[From American Opinion, November 1969]

Panama, S.O.S.—Mr. Nixon Is Sinking in the Canal

Anybody who still entertains the hope that the Nixon Administration is going to scrap President Johnson's pending treaty with Panama to give away our Canal Zone is due for a sad awakening. The last possibility of forthright action on the matter was dashed when the Associated Press announced recently that President Nixon is going to appoint Robert M. Sayre as his Ambassador to Panama. This surprising appointment is a slap in the face to those Americans, both Republicans and Democrats, who have done their best since 1964 to preserve U.S. sovereignty over the Panama Canal. It includes many who gave Mr. Nixon important support in 1968.

Throughout his career, Robert M. Sayre has been a member of the State Department ring which has counselled appeasement and retreat in our foreign policy for the Hemisphere. He cut his eyeteeth in the Department as executive secretary to the Adolf A. Berle "task force" of 1961, which drew President Kennedy into the phony Alliance for Progress that has already cost the American people more than $5 billion.

Under President Johnson, Sayre was a member of the staff of the Anderson-Irwin group which in 1967 negotiated the infamous Canal Zone treaty now pending. Sayre was, in fact, one of those who drafted the treaty. Peripherally, it is significant that President Nixon has singled out another member of this group, John I. Irwin, for appointment as has personal envoy to Peru, where Irwin distinguished himself by suspending the Hickenlooper Amendment which would have ended U.S. aid to that Communist Government when it confiscated property belonging to American citizens. This, despite the fact that enforcement of the Hickenlooper moratorium was, by law, obligatory.

The Panama Ambassadorship is particularly important since, under the disturbed political conditions there over the last decade, the American Ambassador has assumed an ex-officio authority little short of that of a pro-consul. Sayre's predecessor, Charles W. Adair, manipulated the election to the Presidency of Arnulfo Arias in the riotous campaign of 1968. He ensured victory for Arias by persuading the strongly pro-American General Bolivar Villarino, a life-long opponent of Arnulfo Arias and Commandant of the National Guard, to declare Arias the winner after the election was contested. Ambassador Adair's ineptitude was demonstrated when the National Guard, turning against Villarino, forced Arias from office after only eleven days and established a military dictatorship. Yet, despite this serious failure in Panama, President Nixon has elevated Charles Adair to be U.S. Ambassador to Uruguay, another hot spot under the Communist gun.

In an effort to win national popularity, General Omar Torrijos, head of Panama's ruling junta, is now trying earnestly to revive the treaty negotiations with Washington, in abeyance since 1967. Recently Torrijos announced that he was thinking in terms of prolonging the suspension; if he plays his cards skillfully, he can refuse even to consider a Canal treaty until after a new national election in Panama.

Unfortuntely, President Nixon is so surrounded by Leftists that he may prefer to wobble. Certainly, his personal position on the Panama treaties has been an ambivalent one. On January 16, 1964, immediately after the Communist riots, he declared in Philadelphia that the United States "must stand firm on the right of the U.S. to control the Canal Zone." He added that "if the U.S. retreats one inch in this respect, we will have raised serious doubts about our bases throughout the world." But in 1966, when the Committee on Pan American Policy urged him to reiterate this statement as an aid to the forces fighting President Johnson's efforts to give away the Canal Zone, he remained silent. Mr. Nixon maintained this silence throughout the campaign of 1968; and the Republican Party platform, drafted by his supporters, conspicuously omitted any indictment of the Johnson Administration on this extremely important issue.

Fortunately, not all the news from Panama is bad. Dictator Torrijos has just won a shattering victory over Panama's Communists at the National University. For years, Communist control of the student organizations at the University provided the base for the Communist movement in Panama. Torrijos's two Liberal Party predecessors, Roberto F. Chiari and Marco A. Robles, did not make a serious attempt to root out Communist there because their policy was to use the Communist students as shock troops in the frequent anti-gringo street demonstrations which they encouraged to force American surrender on the matter of U.S. sovereignty over the Canal Zone.

General Torrijos has demonstrated how easily a Government which means business, and is willing to disregard the yelps of the Left, can wipe out the Communist apparatus. His first step was to appoint Edwin Fabrega as Administrator of the University, with full Government support. Señor Fabrega found that the Communist cadre on campus was made up almost entirely of "professional students," many of them middle-aged, who had enrolled for courses in order to enjoy the sanctuary for Communist agitation provided by the University. It was these "professionals" who had recruited sizable student followings and won control of student organizations.

Since they had paid little attention to their courses, the professional students proved vulnerable to expulsion for low marks. Previous University chancellors had been afraid to invoke academic discipline, but Administrator Fabrega ruled that all those who had not maintained an average of "C" in the three previous semesters were to be expelled. The ruling caught the "professionals" flat-footed. Of the eight thousand students at the University, two thousand were expelled. Fabrega also dropped forty professors who had flagrantly encouraged the Communists. He instituted a further rule that only honor students could represent the student body. Señor Fabrega struck at the Communist jugular, and as a result the voice of Communism has been hushed to a whisper among students and University organizations in Panama. The scouring of the University has removed the core of organized Communism in the Republic. And, the success of General Torrijos could well supply a guideline for anti-Communists who have faced violence and terrorism among students this past year in Mexico City, Rio, Cordoba, Montevideo, and elsewhere.

Mr. DORN. Mr. Speaker, will the gentleman yield?

Mr. HALL. Mr. Speaker, I will be delighted to yield to the gentleman from South Carolina after just one remark.

Mr. Speaker, I certainly appreciate the comments of my colleague, the gentleman from Pennsylvania (Mr. Flood). The gentleman has long been preeminent in his perception of the problem and his implementation of the remedy. I hope that I will be like other stouthearted people, and one of those in the front ranks of those four abreast who go to that body that does advise and consent. Like the gentleman from Pennsylvania (Mr. Flood) and the gentlewoman from Missouri (Mrs. Sullivan), who have taken such interest in this subject and who have expressed such considered judgment on it, I have long been interested in the Panama Canal. As a boy one of the first books that I recall my family acquiring was "The Panama Canal Zone." We still have that book in our library.

Our town was likewise favored with a visit by the former President Theodore Roosevelt. But in addition to all of that in later years, as one of the Assistant Surgeon General of the Army, I came to know Dr. Cummings personally, and of course read and reread the history of the contractor Goethals, and the experiments of Walter Reed, and those things which made sure, in spite of malaria, blackwater fever, yellowjack, dengue, and many others, the construction of this monolithic engineering feat that was accomplished. I have read in great detail in preparing testimony before the Committee on Foreign Affairs 2 years ago on the background and the history of the Panama Canal. All of us know as a fact, had we not interceded and had we not made possible that which other great sovereign nations failed in matters of construction, that there would indeed have been reversion of this area perhaps to another sovereign territory juxtaposed and contiguous to the Republic of Panama.

This threat still remains but we will leave that to the Department of State and to the distinguished Committee on Foreign Affairs.

I do hope that we can be heard and the lending of credence and background and the long years of support by those and others who join us today, strengthen the resolution, the intent of Congress, and the will of the people.

I certainly thank the distinguished gentlewoman from Missouri (Mrs. Sullivan) and the gentleman from Pennsylvania for their contribution.

Mr. DORN. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am delighted to yield to the distinguished gentleman from South Carolina (Mr. Dorn).

Mr. DORN. Mr. Speaker, I want to commend the distinguished and able gentleman from Missouri and my distinguished colleague, the gentleman from Pennsylvania (Mr. Flood) and the gentlewoman from Missouri (Mrs. Sullivan) for this enlightening discussion here today, not only enlightening but I think pointing out to this House and to the people of this country the danger, which seems to be constant, although I had hoped that it would go away, the danger of this vital link in the Western World, as the gentleman so ably put it, the jugular vein, the Panama Canal of falling perhaps into alien hands.

I commend the gentleman today for calling this to the attention of the House and warning that this threat is still there.

I might point out that ships, that is, transportation by water, going from the Southeastern United States to the western ports of South America originating from Charleston and Savannah to go through the Panama Canal and then to the western coast of South America travel a shorter distance than ships going from San Francisco to the western coast of South America.

This is a great link and it would hinder the development of the southeastern part of our country and certainly be a threat and a great threat to the defense of the western world should it fall into enemy hands.

So I commend the gentleman and want to associate myself with him and with the gentleman from Pennsylvania (Mr. Flood) here today in your warning to this Nation and to the American people about this.

I might remind the Members of the House as the gentleman from Pennsylvania (Mr. Flood) so ably did here several years ago that there was a full-scale attack here several years ago on the Panama Canal by mobs and it was only through the coolheadedness of the major general, the commander in the Canal Zone, that prevented perhaps the blowing up of the canal and the destruction of this vital link between the Pacific and the Atlantic.

I wish again to commend the gentleman.

Mr. HALL. I thank the distinguished gentleman. I certainly agree with him and with the gentleman from Pennsylvania that this is not only a jugular vein of our commerce, our defense, and of our hemisphere; but it is indeed the carotid artery, and why we need to have it reamed out occasionally from the obstructing of those who would give a good thing away, owned in complete fee and sovereignty by us as this is, as well as many of the other giveaways of today, is beyond my comprehension.

I think we must realize that capability and gold are, like the words of the poet:

Not gold, but only men can make a nation
great and free.
Men who for truth and honor's sake stand
fast for all to see
Brave men, who work while others sleep
They build a nation's pillar deep and lift her
to the sky.

So again, Mr. Speaker, I commend this resolution to all Members of the House, Indeed, I commend it to the other body.

Mr. Speaker, I ask unanimous consent that a copy of the resolution may appear following the remarks made here today in the body of the Record.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The resolution referred to is as follows:

H. Res. 593

Whereas it is the policy of the House of Representatives and the desire of the people of the United States that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; and

Whereas under the Hay-Pauncefote Treaty of 1901 between Great Britain and the United States, the United States adopted the principles of the Convention of Constantinople of 1888 as the rules for the operation, regulation, and management of said canal; and

Whereas by the terms of the Hay-Bunau-Varilla Treaty of 1903, between the Republic of Panama and the United States, under the authority of the perpetuity of use, occupation, control construction, maintenance, operation, sanitation and protection for said canal was granted to the United States; and

Whereas the United States has paid the Republic of Panama almost $50,000,000 in the form of a gratuity; and

Whereas the United States has made an aggregate investment in said canal in an amount of over $5,000,000,000; and

Whereas said investment or any part thereof could never be recovered in the event of Panamanian seizure or United States abandonment; and

Whereas under Article IV, Section 3, Clause 2 of the United States Constitution, the power to dispose of territory or other property of the United States is specifically vested in the Congress; and

Whereas 70 per centum of the Canal Zone traffic either originates or terminates in United States ports; and

Whereas said canal is of vital strategic importance and imperative to the hemispheric defense and to the security of the United States; and

Whereas, during the preceding administration, the United States conducted negotiations with the Republic of Panama which resulted in a proposed treaty under the terms of which the United States would shortly relinquish its control over the Canal; and

Whereas there is reason to believe that the present dictatorship in control of the Government of Panama seeks to renew negotiations with the United States looking toward a similar treaty; and

Whereas the present study being conducted by the Atlantic-Pacific Interoceanic Canal Study Commission may result in a decision to utilize the present canal as a part of a new sea level canal; and

Whereas any action looking toward an agreement with the Government of Panama which would affect the interest of the United States in the Canal would be premature prior to the submission of the report of the Commission in any event;

Resolved by the House tof Representatives, that it is the sense of the House of Representatives that the Government of the United States maintain and protect its sovereign rights and jurisdiction over said canal and that the United States Government in no way forfeit, cede, negotiate, or transfer any of these sovereign rights or jurisdictions to any other sovereign nation or to any international organization.

Mr. RARICK. Mr. Speaker, the Panama Canal is one of the great works of man—an enduring monument to American ingenuity and initiative—vital not only for interoceanic commerce, but also for hemispheric defense. Thousands of vessels of all nations transit the canal each year. Its services during World Wars I and II, the Korean war, the Cuban missile crisis, and the Vietnam war reflect the vision of our statesmen, who formulated U.S. Isthmian Canal policy and brought about the acquisition of the Canal Zone and construction of the canal.

Of all who contributed toward the success of this great engineering project, no one is deserving of greater recognition than President Theodore Roosevelt. It was his statesmanship that effected perpetual U.S. sovereignty over the Canal Zone Territory and ownership of the canal. It was he who made the critical decision for the high level lake and locks at Panama against strong opposition. It was his determination which propelled the project on to success.

Today, the House has before it a measure that will perpetuate and retain what Theodore Roosevelt felt was the greatest accomplishment of his administration. The introduction today of these resolutions, setting forth the views of this body, and their adoption is in the best interests of our Nation and the highest tribute that we can pay to the great American who had the vision and vigor to start the Panama Canal.

THE PANAMA CANAL

Mr. RANDALL. Mr. Speaker, I regret that it was not possible to be on the floor during the special order participated in by two of my fellow Missourians, the gentlelady from St. Louis (Mrs. Sullivan) and the gentleman from Springfield, Dr. Hall, on the subject of the Panama Canal.

Because of my required absence away from the Hill during this special order, I was denied the privilege to hear what was said concerning the retention of one of our most valuable possessions, the Panama Canal, and the zone of land which surrounds it. Although I was denied the pleasure of hearing my fellow Missourians and the gentleman from Pennsylvania (Mr. FLOOD) as well as those who participated, it is an honor to associate myself with their remarks and to compliment each of them upon taking the time to emphasize this vital issue. Accordingly some of the things I say may be repetitious, but if I am not grossly in error our colleagues need to hear repeated many times the great concern some of us may have that, if we are not vigilant, the United States may lose its sovereignty and jurisdiction over the Canal Zone.

In the 90th Congress I joined with other Members in House Concurrent Resolution 390 introduced in June 1967. The resolution introduced today, and its former counterpart, resolved that it is the sense of the House of Representatives that the Government of the United States maintain its sovereign rights and jurisdiction over the Panama Canal. It is also resolved that the United States in no way forfeit, concede, negotiate, or transfer any of these sovereign rights or jurisdiction to any other sovereign or international organization.

Now, Mr. Speaker, there may be those who would wonder why a Member of Congress from the very heart of America would take such an interest in the Panama Canal. The gentlelady from St. Louis is, of course, a member of the Committee on Merchant Marine and Fisheries. Because it is my honor to be a member of the House Committee on Armed Services, I realize the strategic importance of this priceless possession. But regardless of the location of my home district or regardless of my membership of any committee of the Congress, the Panama Canal belongs to the United States and because it is ours we should not lose it by any concession or negotiated transfer.

Certainly the canal belongs to us as a matter of right because of the Hay Treaty of 1901 between Great Britain and the United States, and because of the treaty of 1903 between the United States and the Republic of Panama. That last treaty granted to the United States in perpetuity the use, control, operation, and protection of the said canal.

The United States has an investment in the canal of over $5 billion. This is money that was invested when the American dollar was worth many times its present value. It would be difficult, if not impossible, to estimate the replacement cost or the cost to build the canal at today's level of inflation.

Our country has already paid gratuities to the Republic of Panama in the amount of over $50 million. Seventy percent of the traffic through the canal either originates or terminates in U.S. ports.

Most unfortunately, there is no way we could ever recover our investment except by use of the canal. Again, most unfortunately, there was a treaty proposed in 1967 which would give additional rights of the Canal Zone to Panama and give Panama joint administration, increasing our annual payments, raising tolls and forcing us to some degree to share the defense and police powers with the Republic of Panama.

Put in different language, these were all preliminary steps which would, taken one step at a time, force the United States to relinquish its control over the canal.

Mr. Speaker, the Panama Canal belongs to the United States. We paid for it. It is of strategic importance for our hemispheric defense and the security of the United States. It belongs to us as if we had bought and paid for a piece of land in fee simple. We cannot, we must not, become so apathetic and indifferent to the value and importance of this strategic and also economically important piece of real estate that we let a military ruling junta of Panama maneuver us into negotiations or any kind of bargaining that would affect our sovereignty over the Canal Zone.

We should not wait until it is too late. The time for the Members of the Congress to express their concern about the canal is now. It is my hope that enough voices will be raised that the present administration will get the message that Members of the Congress are concerned about our Panama Canal.

GENERAL LEAVE TO EXTEND REMARKS

Mr. HALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to comment on this subject.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

VICTIMS OF NAZI PERSECUTION FAIL TO GET FULL JUSTICE IN THEIR CLAIMS FOR COMPENSATION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois (Mr. PUCINSKI) is recognized for 60 minutes.

Mr. PUCINSKI. Mr. Speaker, I wish to call attention today to the plight of former Polish nationals still living in Germany who are entitled to just compensation because they were victims of Nazi terror but are not getting such compensation.

The compensation law passed by the German Republic divides victims into several categories according to whether they were persecuted on political, racial, religious, or nationality grounds. The last category comprises mainly Poles, Czechs and others who were liberated at the end of the war from prisons, concentration camps and forced labor in Germany but could not or would not return to their own countries for fear of Communist persecution; they therefore became stateless, and some of them, after a period of years, adopted American, British, or some other nationality.

German law clearly discriminates against those victims who were persecuted on "national grounds." Unlike those who suffered for their political views or racial origin, the victims of national persecution are not assigned compensation in respect of loss of life in captivity, and they do not enjoy the same rights as others as regards compensation for loss of health, ability to work et cetera. It is impossible to understand on what principle a legislature, motivated by good will, could make such a distinction between different categories of victims. How can it be said that, in the eyes of a democratic Germany, compensation is due a man because he was an ideological opponent of nazism, but denying a victim of nazism the same compensation under the same circumstances because he was a Pole? Why is it that a man persecuted on racial grounds is deemed to deserve compensation for loss of ability to work if his disability exceeds the level of 15 percent, whereas if he was persecuted on national grounds, compensation only begins at 30 percent? Are people different? Were the crimes committed against them of a different order, even though they resulted in death or in the same degree of disability?

There is another important respect in which the German law discriminates against victims of national persecution as opposed to others. In the event of their death, the judicial procedure lapses and their heirs have in principle no right to inherit their claim. Such discrimination is odious in itself and tragic in its effects if one considers that these are people who were grievously injured in health and that the German compensation procedure is still dragging on, despite the fact the 25 years have elapsed after the end of the war.

By the 1st of December 1968, out of 36,383 claims for compensation, German authorities have examined only the substance of 12,074. Another 15,729 were waiting to be dealth with, while the remainder had been rejected out of hand as unfounded. At this rate of progress, we may expect that the bulk of the outstanding claims will be settled in the simplest manner, by the death of the claimants. Is this the intention of the democratic German law, and the reason for the disgraceful delay in handling the compensation claims of victims of nazism?

What is at stake here in financial terms?

According to the unchallenged estimate in the memorandum presented to the German Parliament by the German Catholic Bureau, from which my figures are drawn, if German authorities were to give satisfaction to 18,000 or 20,000 claims, it would involve an annual charge on the German treasury of DM60 million—a charge which, as the Catholic Bureau observes "would not be intolerable for the German state." Indeed, for a country suffering from overvaluation of its currency, it would seem acceptable to spend $15 million a year on the preservation of its good name.

In practice, however, it appears that

out of the 12,074 claims so far examined, only 2,065, or slightly over 15 percent, have been decided favorably. If we take into account the claims rejected out of hand, the proportion of the total number who have received compensation is barely 9 percent.

This being so, I have examined the grounds advanced for some decisions of the German courts rejecting claims for compensation by the victims of persecution on national grounds.

I would like to cite 13 decisions which I believe indicate the scope of unjustice being perpetuated on these tragic victims of Nazi oppression 25 years ago.

I confess that I was shocked when I first read details of grounds for the decisions taken in these cases. More than once, I had to assure myself that I really was reading about decisions of the German Federal authorities in 1966, 1967, and 1968, and not by Nazi courts and institutions in 1943, 1944, and 1945. For the decisions, in effect, constitute an apologia for the basic principles of nazism.

Consider this: a man was publicly hanged for daring to have sexual relations with a German woman. The German court tells us that his punishment was not reprehensible because it was meted out according to law. If he had been a gypsy it might have been a case of racial persecution, but since he was a Pole it was not and compensation to his heirs was denied.

Again, an institution of the democratic German state tells us that it was not persecution to deport boys of 15 and 16, as some of the victims were, to forced labor in mines and ammunition factories. This, it appears, was done simply because the Germans were short of labor to carry on the war, and anyway the imprisonment was not severe—only barbed wire around the labor camp, and only a single armed sentry at the gate.

The German bureau shows especial cynicism in defending Nazi ideas of justice in the matter of collective responsibility. A youth is arrested and held in prison and concentration camps for years, merely because the Gestapo wanted to lay hands on his father—but this is not persecution, only a military measure. Another boy whose father, brothers, and sisters were murdered is kept in concentration camps till the end of the war, and the German bureau tells us that this was required by the security of the German armed forces: if he had been allowed to go free, he might have sought revenge.

During the war, the Nazis closed all secondary schools and universities in Poland. The law in force was that the Polish nation was to become a nation of pariahs. Anyone who dared to teach, or help to teach, arithmetic, geography, or the Polish language in a private house is judged today by the German bureau to have been a criminal and not a person who suffered persecution on national grounds. In this fashion the German authorities have rejected claims of many Poles who, at the age of 14 or 16, spent years in prisons and camps and suffered permanent loss of health.

An especially typical example of this Nazi reasoning is given by the decision of the German compensation bureau which I have quoted and which declared that a Ukrainian woman who was made to do heavier work than the German railway regulations allowed, and whose health broke down in consequence, was not a victim of discrimination, because Ukrainian women were accustomed in their own country to much heavier work than German women.

Mr. Chairman, we cannot remain silent and passive in the face of such decisions by Federal German institutions. We must speak out, not only because the United States has a formal duty to protest this injustice on the basis of the act that the United States acknowledged the sovereignty of the FGR; but also for moral reason because victims of Nazi terror are being grievously wronged and are defenseless against rejection of their claims by German authorities. Over and above these reasons, we must speak because the vital interests of our own country are affected. We cannot be talking about human dignity while we witness this injustice with impunity.

It is time to draw attention to remaining traces of Nazi injustice still lingering in some quarters of the FGR, which are so blatantly manifested in the decisions I have cited. The tendencies they reveal are more alarming even than the perceptible growth in influence of the extreme nationalist party. They represent the source and basis of a movement which may be dangerous to peace in Europe and the whole world.

The German Catholic Bureau has properly called this indefensible practice to the attention of the Bundestag in its recent memo.

It is a favorable sign that treatment of claims for damages in respect to Nazi persecution on national grounds has aroused protests on the part of German Catholic opinion, the German league of victims of nazism and other organs of public life. Last year the Union Internationale de la Résistance et de la Déportation adopted a unanimous resolution, supported by representatives of 17 countries including those of the German associations, which expressed regret that the Cologne compensation bureau and the German courts "had taken decisions on the claims of those persecuted on national grounds, in a manner contrary to the spirit of the law." But the fact remains that all these protests have had no effect and the injustice continues.

It is an open secret that the unyielding attitude of the FGR in this matter is dictated by a few senior officials of the Finance Ministry. It is they who, by their instructions and binding commentaries on the compensation law, have given a discriminatory character to the decisions of the German bureau and courts. That is why no result has been achieved by the interventions of the U.N. High Commissioner for Refugees or by periodical changes in the terms of the law. In the absence of good will, every version of the law in turn is distorted so as to make out that there was no real persecution on grounds of foreign nationality, but only crimes committed by foreign nationals—men, women, and children who broke Nazi laws and were imprisoned, kept in camps, and subjected to forced labor because such measures were required by the interests of the German state, which needed labor for the victorious prosecution of the war, or by the security of the armed forces which were occupying their countries.

Directly or indirectly, it is the Government of the FGR itself which bears political and moral responsibility for the manner in which the obligation to compensate the victims of persecution is discharged. We should not permit a situation in which hostile propaganda, or the nations which were once conquered by Hitler and are now living under Communist terror, are able to accuse the United States of acquiescing by its silence, to conditions I have described, whether from opportunism or any other motive. For, as I said at the outset, our moral respect in the world rests on the fact that we defend the rights of mankind to freedom, dignity, and justice to the utmost of our power and wherever they are violated.

For these reasons, it occurs to me we must urge the Federal German Government:

First. That victims of nazism who were persecuted on national grounds should be equated as regards compensation rights to those persecuted on any other grounds such as race, religion, or political views; and in particular, that their heirs should be entitled to inherit their compensation.

Second. That all compensation claims should be settled at the latest by December 31, 1970, or in the shortest possible time.

Third. That German authorities should be permitted to deny compensation to victims of Nazi prisons and concentration camps and forced labor in Germany, only in cases where it is proved that they had been convicted for taking an active part in armed action against occupation forces.

Fourth. That minors who were deported to Germany for forced labor should automatically be compensated for persecution on national grounds, especially if they suffered loss of health or ability to work as a result of such labor.

Fifth. That claimants should be permitted to invoke the lapse of time as a valid defense to the objection that they have not submitted adequate formal evidence in support of their claim: for instance, in the case of a witness having died or being untraceable, or documents being lost, if it appears from the circumstances of the case that the claimants were, in fact, deprived of freedom, confined in concentration camps, or deported for forced labor.

Sixth. That all claims for compensation which have been rejected by the German authorities and courts on the ground that the victims were not persecuted on national grounds should be retried in accordance with the above principles.

Seventh. That these regulations regarding compensation should not be distorted in their practical application by the administrative authorities, such as the Ministry of Finance, whose duty it is to supervise the compensation procedure.

There is no doubt that the State Department and the U.S. Embassy in Bonn are fully informed of German practice in regard to compensation for those persecuted on national grounds. Nor can I presume that the State Department has not complied with its duty to intervene in these matters with the Government of the FGR. But it must have done so within the limits of diplomatic discretion, for up to the present, no authoritative declaration on this shameful subject has come from the U.S. Government.

Since diplomatic methods have been fruitless, it is time to invoke public opinion. The need for this has been voiced even by some in Germany who declare that for their part they have exhausted every method of persuading their government to alter its treatment of those persecuted on national grounds.

Unless in the very near future there is a radical change for the better, I shall be obliged to ask that public hearings be arranged before an appropriate committee of the House in order:

First. To investigate thoroughly the state of affairs that I have described today;

Second. To ascertain what steps have been taken by the U.S. administration, and why it has not succeeded in convincing the Federal German Government of the harm done by its present practice as regards compensation for the victims of Nazi persecution on grounds of nationality;

Third. To consider what attitude the House should adopt in order to guarantee to the victims of nazism the rights which were reserved at the time of the recognition of the sovereignty of the FGR.

It is my hope my colleagues would join me in redressing this tragic wrong being perpetrated against former victims of Nazi persecution.

On the occasion of the 30th anniversary of the Nazi invasion of Poland, President Heinemann of the FGR made a speech in which he declared that the bridging of the gulf between Germans and Poles, brought about by that invasion, is a major condition for lasting peace in Europe. We share his view, and heed with much respect the declaration which has come from so high a source. But words cannot replace deeds. If we could expect a sincere and generous settlement of the claims of the Polish victims of cruel Nazi persecution—a matter so trifling in its financial aspect and yet so important from the moral point of view—would this not be the first step, a small but practical one, on the road to German-Polish reconciliation, the need for which was stressed by President Heinemann?

Perhaps Germany's new chancellor Willy Brandt, who has a long and impressive record of concern for his fellow man, will want to interest himself in this tragic miscarriage of justice being perpetrated on these unfortunate victims of the war.

Following are details of the more glaring examples of injustice.

I quote some decisions of the German compensation court in Cologne and of other German courts. Copies of these are in the archives of the State Department.

First. The case of Frank Wilk. Wilk was arrested by the Gestapo in 1943, when he was still under age, together with his sister, who was murdered then and there, and his father and brother, who were murdered later. His claim for compensation for loss of health and ability to work as a result of his detention in a concentration camp has been rejected by the German authorities on the following ground: It was proved that the members of the family offered resistance, and the safety of the German forces thus required that he be isolated. He was, therefore, not persecuted on national grounds.

Second. The case of Barbara Emisarska, arrested in connection with the Warsaw rising. The German authorities rejected her claim for compensation for loss of health and ability to work as a result of her detention in a concentration camp, their grounds being as follows: In the heat of events it was not possible to distinguish those who took an active part in the fighting against the forces of occupation, and those who were merely civilians. This is, therefore, a case of preventive military measures and not of persecution on national grounds. Such measures cannot be equated with the extreme methods adopted at Oradour.

Third. The case of Stefan Bobak. Bobak had sexual relations with a German woman while he was engaged on forced labor in Germany, and was publicly hanged for the crime of "Rassenschande." The son born of this union claimed compensation on the ground of racial persection. His claim was rejected on the ground that the Nazi laws discriminated racially only against Jews and gipsies, so that Bobak was hanged not as an act of racial persecution but only for violation of the law.

Fourth. The case of Jan Wasilewski, arrested in his native village in 1942. The compensation court took the view that his removal to Germany for forced labor was not due to his nationality but to the shortage of laborers, so that there was no question of persecution on national grounds; nor was there any violent element of compulsion, since the camp in which he was confined was enclosed only by a wire fence, with a single sentry at the gate.

Fifth. The case of Janina Lukaszyk, aged 16, who was taken to a concentration camp after the Warsaw rising. The court decided that, in spite of her youth, she might have spread the spirit of rebellion to other Polish cities, and that the motive of her imprisonment was, therefore, security and not national persecution.

Sixth. The case of Krystyn Ostrowski, from whose mansion valuable personal property was removed to Berlin between November 1939 and April 1940. The court ruled that as the anti-Polish "AB" action had not come into effect until the spring of 1940, and the plan to destroy Polish national life in the Lublin area did not come into operation until the winter of 1942–43, the measures in respect of Ostrowski's property were not an instance of national persecution but only of requisition for military purposes.

Seventh. The case of Jan Stolarski. Stolarski was 15 years old when deported to Germany for forced labor. He was arrested in 1943, and held in prison and a concentration camp until he was liberated at the end of the war. He was accused of having incited his countrymen to keep up Polish traditions and to sing Polish songs, as well as voicing anti-Nazi opinions. He suffered permanent damage to body and health as a result of his ordeal in Germany.

The claim has been rejected by the Germans with the following explanation:

> The claimant was not injured . . . as part of the Nazi rule of terror and in contempt of human rights. His deportation for forced labor was not due to his being of non-German race or a national of a foreign state. It was a measure taken to relieve the shortage of labor caused by the war, which affected people of all nationalities.
>
> The claimant's arrest and imprisonment were not the consequence of his nationality but of his attitude and anti-Nazi utterances, which must have seemed to the then authorities an incitement of the Polish laborers. From 1943 onwards, German nationals, too, were severely punished for expressing anti-Nazi opinions.

I will quote some further examples of decisions on claims for compensation. These are referred to in a memorandum drawn up by the German Catholic Bureau, a body officially representing the Catholic Church in the Federal German republic, and submitted to the Federal Parliament. Its title is "Das Problem der National-geschadigten—ein brennendes Anliegen der Friedensarbeit"—The problem of those injured on national grounds: a matter of crucial concern in the work for peace.

Eighth. The wife of a Polish officer, mother of a nine-year-old daughter, was arrested by the Gestapo in 1940. She was detained in Germany for nearly 5 years in a prison and concentration camp, losing 50 percent of her ability to work. The ground for her arrest was the discovery in her house, during a search, of some copies of a periodical designed for the education of children, as the Gestapo had closed all schools in Poland.

The German compensation bureau rejected her claim for damages on the ground that she had been persecuted not on account of her nationality but merely because she had supported an illegal periodical, thus constituting a threat to the German occupation forces in Poland.

Ninth. A 17-year-old youth was arrested in Warsaw in 1942 and sentenced to imprisonment and later to a concentration camp. In May 1945 he was put on board the SS *Cap Arcona*, and was one of the few who survived when the vessel sank.

The reason for his arrest was that his father was an active member of the socialist movement in Poland, and the Gestapo, being unable to lay hands on him, adopted this method of blackmail. During their investigation it came to light that the son was being educated at a clandestine school organized by the socialist-influenced educational society known as Tur.

The German compensation bureau rejected his claim for damages on the ground that he was not persecuted for his nationality but only on account of his father's illegal activity, and that in addition he took part in the forbidden courses arranged by Tur. School activities organized by a political party bore the character of a resistance movement against the forces of occupation.

Tenth. A 16-year-old girl was taken from her parents' home in Lwów in 1942. She was held in prison and in concentration camps and was made to do heavy work in an ammunition factory in Germany, as a result of which her health broke down. At the end of the war she was rescued and taken to Sweden by the Swedish Red Cross.

She was never told the reason for her arrest, but she suspected that her persecution was due to the fact that two elder brothers of hers were resistance fighters and were shot by the Germans.

The German bureau refused compensation for loss of health on the ground that she was not persecuted on national grounds but because she represented a definite danger to the German forces of occupation. There was no doubt that the military or police authorities at the time had taken account of her partisan associations.

Eleventh. A 14-year-old boy was held in the worst concentration camps from 1943 to the end of the war on the ground that he belonged to the Polish scouts' organization.

The German bureau in 1967 rejected his claim for compensation for loss of health on the ground that he was not persecuted for reasons of nationality but for the sole reason that the scouting organization was markedly anti-German in sentiment and that its activity thus represented a definite danger to the German occupying forces.

Twelfth. The Nazi regime in Poland closed all secondary schools and higher academic institutions. Consequently teachers and pupils organized themselves into societies and tuition continued in private homes. In 1944, all the teachers and pupils of an "illegal" school of this type at Malogoszcz were arrested and held in prison and later in concentration camps. One of the pupils recently applied to the German authorities for compensation for loss of health and ability to work.

His claim was rejected on the ground that the persecution took place not on national grounds but by reason of activities which constituted a definite danger to the German occupying forces.

Thirteenth. A Ukrainian woman applied to the German bureau for compensation in respect of her loss of health due to forced labor in Germany, when she had been made to load heavy stones onto railway trucks, to lift rails, and so forth. The bureau rejected her claim on the following ground:

> Although the claimant was as a matter of fact obliged to perform heavier labor than was to be expected under the regulations governing work on the railway, it does not follow that this was a case of discrimination. The railway administration at Cologne has correctly pointed out in its letter of 13 December 1967 that Ukrainian women were in general more suited to railway work because they were much stronger than German women and those of other nationalities, being accustomed in their own country to far harder physical labor.

HOW TO REPLENISH THE LAND AND WATER CONSERVATION FUND: CHARGE FOR FEDERAL LANDFILL PERMITS, DO NOT GIVE THEM AWAY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, on behalf of myself, Mr. DINGELL, Mr. GUDE, Mr. MCCLOSKEY, JR., Mr. MOORHEAD, Mr. MOSS, Mr. SAYLOR, Mr. VANDER JAGT, and Mr. WRIGHT, I introduced H.R. 14526, a bill to amend the Federal Property and Administrative Services Act of 1949 to provide for sale of relinquishments of the navigation servitude.

The people of this country are fed up with the filling in of our shallow waters by real estate speculators, airport and highway builders, and garbagemen.

Most of our commercial fish and shellfish, and most of our sport fish, inhabit these shallow waters during all or part of their life cycle. Many species spawn here, and when the waters are filled, they cannot survive. Likewise, many of our water birds feed and rear their young here. Filling in rivers almost always increases the flood danger, and frequently causes pollution of the remaining waterway. All filling destroys open space, which is essential to our spiritual refreshment in the age or megalopolis. It destroys the view to the water of householders behind the filled area, and inevitably depresses their property values. It diminishes the areas available for boating and swimming and other forms of public recreation. It may alter the entire ecology of the area.

In the 20 years prior to 1967, over 7 percent of the important fish and wildlife estuarine habitat of the United States—568,800 acres—has been lost by filling and dredging. In one State, California, 67 percent of the habitat has been lost. Already 40 percent of San Francisco Bay has been filled in. Many more acres—no one has the total figure—of navigable water which was not important fish and wildlife habitat or not in an estuary have been filled in.

Most filling of shallow waters in no way enhances the quality of man's life on earth. When our food and sport fishes disappear, and flights of waterfowl no longer streak the sky, it is humanity—people—who are impoverished by the loss.

Present Federal law actually encourages filling shallow waters. Because it gives away, for nothing, the right to fill, and because fill is cheap, it is always cheaper to make filled land in shallow water than to buy nearby dry land.

Land submerged by navigable water of the United States is subject to the navigation servitude of the United States.

What happens is someone wants to fill in submerged land and erect on it a high-rise building or an airport runway? Does he buy a relinquishment of this Federal navigation servitude, paying full value? Far from it. He gets a filler permit, free, gratis, from the Corps of Engineers. If harbor lines have been established by the corps, he may not even need a permit. He just fills away. The value of the navigation servitude, your property and mine, the property of all the people of the United States, becomes his windfall profit.

The monetary values being grabbed from the public are enormous.

Let me give an example, discovered by the Conservation and Natural Resources Subcommittee of the Government Operations Committee in its investigation of the proposed Hunting Creek landfill just across the Potomac River, south of Alexandria, Va. One Francis T. Murtha recently bought 4.84 acres of land fronting on Hunting Creek, for $700,000, somewhat over $144,000 per acre. Then he got the Virginia legislature to pass an act authorizing the sale to him of 18.8734 acres of the submerged land just in front of his land, for "not less than $30,000"—about $1,590 per acre. The $1,590 an acre is perhaps a fair value for the submerged land encumbered by the navigation servitude of the United States. But when it is filled it will clearly be worth just as much per acre as the adjacent fast land, that is $144,000 an acre. The profit, unadjusted for the minimal cost of filling—Hunting Creek is only 3 feet deep—would be $142,410 per acre or a total of $2,700,000 for the whole 18-plus acres proposed to be filled. This amount is, roughly, the value of the navigation servitude, the property of the people of the United States, that would be conferred on Mr. Murtha for free by a Corps of Engineers permit to fill Hunting Creek.

Hunting Creek has not been filled. It is not in the public interest to fill that historic body of water, the nearest place to the Capitol dome where citizens can go to see myriads of waterfowl in season. A permit was issued, through official neglect in the Interior Department, to fill 9½ acres of the creek. This permit is now facing revocation by the Army Corps of Engineers.

The bill I introduce today will stop this land-grabbing at the public expense.

The Federal navigation servitude over areas of water not needed for navigation or any other public purpose, including the preservation of open space, is in fact surplus property of the United States. Like other surplus property, it should be sold, not given away to speculators for the asking. H.R. 14526 will provide for sales of relinquishments of the navigation servitude, for full market value, as determined by appraisal.

Net proceeds of sales of the navigation servitude, like proceeds of other sales of Federal real estate, will be placed in the land and water conservation fund. The purpose of this fund is to buy lands and waters for public recreation and fish and wildlife preservation. Thus, today's bill will, for the first time, provide for replacement in kind of water areas lost to filling and dumping.

Every fiscal year since its establishment until this year, the land and water conservation fund has gone broke. Its revenues were clearly insufficient to do the job it was created for. The last Congress provided that sufficient Outer Continental Shelf oil revenues be placed in the fund, in addition to its other revenues, to make the total annual income $200 million. However, this year the administration has recommended appropriation out of the fund of only $124 million. The administration wants the oil revenues for other purposes. An alternate source of revenue for the land and water conservation fund is urgent. H.R. 14526 will provide needed revenues of hundreds of millions that are now being given away.

H.R. 14526 will therefore serve two purposes. By raising the price of submerged land to full market value, it will remove the present economic incentive to fill in our shallow waters. And it will replenish the land and water conservation fund and provide for eventual replacement in kind of areas lost to filling and dumping.

Giveaways of the Federal navigation servitude will no longer be authorized. State and local public bodies as well as private speculators have raided our shallow waters. The harm they do to fish and wildlife, esthetics, and the general quality of the human environment is just as devastating as the harm done by private greed. Public bodies also must be discouraged from landgrabbing, by a requirement of paying full market value for the submerged areas they preempt for airports, freeways, and dumps.

An exemption in favor of public bodies from paying full value for release of the navigation servitude would simply continue existing geographic discrimination in our grant-in-aid programs. For example, the Federal Airport Act authorizes grants ranging from 50 to 62½ percent for land acquisition. If a city builds an airport by filling a river, without paying the United States for release of the navigation servitude, as it can under existing law, the city is actually receiving a Federal grant greatly in excess of 62½ percent. Such a grant is available only because of the geographic accident that the city is near navigable water, and is denied to all landlocked communities. The requirement in H.R. 14526 for payment of full appraised value by public bodies and private speculators alike is thus necessary to correct injustice, as well as to protect our waters, and augment the conservation fund.

At the turn of the 20th century, as today, we in Congress were allowing the navigation servitude to be given away gratis, piece by piece. The grabbers then were power companies, who lobbied through special acts making perpetual free grants of water power rights in our flowing rivers. President Theodore Roosevelt stopped this scandal with his historic James River Dam veto message. He wrote:

> Through lack of foresight we have formed the habit of granting without compensation extremely valuable rights, amounting to monopolies, on navigable streams and on the public domain . . . A reasonable charge should, of course, be made for valuable rights and privileges which they obtain from the National Government.
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> * * * * *
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> I will sign no bill granting a privilege of this character which does not contain the substance of these conditions. I consider myself bound, as far as exercise of my executive power will allow, to do for the people, in prevention of monopoly of their resources, what I believe they would do for themselves if they were in a position to act.

Today the raid on the navigation servitude is led by real estate speculators, airport authorities, freeway builders, and garbagemen. What they seek to convert to their selfish and short-sighted use is still the property, of enormous value, of all the people. The people, through their representatives in Congress, must stop this raid in irreplaceable resources of the Nation, just as Theodore Roosevelt stopped the power interests' raid of 60 years ago. H.R. 14526 will do the job.

IS IT TOO LATE TO SAVE AMERICA?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 30 minutes.

Mr. RARICK. Mr. Speaker, a concerned American patriot, whose lifetime of devoted service to his country speaks for itself, recently journeyed from his home in Annapolis, Md., to deliver a significant address to a group of other patriots in Los Angeles, Calif.

Lt. Gen. P. A. del Valle, U.S. Marine Corps, retired, has abundantly earned the right to comment on the problems of the day, and I commend his forthright talk to this House and to all Americans.

Asking, "Is it too late to save America?"—the general concludes that it is not, if we use the brains God gave us, renounce anti-Christian materialism, and return to God.

I include in my remarks an extract from the "U.S. Marine Corps Biographical Dictionary," the citation accompanying General del Valle's Distinguished Service Medal, and the full text of his thought-provoking address:

[From the U.S. Marine Corps Biographical Dictionary]

LT. GEN. PEDRO A. DEL VALLE, RETIRED

Commanding General, 1st Mar. Div. during the attack and occupation of Okinawa, Apr. 1 to July 21, 1945: b. San Juan, Puerto Rico, Aug. 28, 1893. Upon graduation from the U.S. Naval Academy in June 1915, Pedro Del Valle was commissioned a Marine second lieutenant on June 5, 1915. After finishing a course of instruction at the Marine Officers' School, Norfolk, Va., he went on foreign shore duty with the 1st Prov. Mar. Brig. in the Republic of Haiti.

In May 1916, he landed from the USS *Prairie* and participated in the capture of Santo Domingo City and the subsequent campaign in the Republic of Santo Domingo. A tour of sea duty followed as CO, Marine Detachment, USS *Texas*, serving with the British Grand Fleet under Admiral Beatty during the surrender of the German High Seas Fleet.

In Feb. 1919, he was detached to the MB, Quantico, Va. After another tour of sea duty, on this occasion aboard the USS *Wyoming*, he was assigned as Aide-de-Camp to Maj. Gen. J. H. Pendleton and accompanied the general in an inspection tour of the West Indies. In 1924, he went to HQMC, Washington, D.C. While stationed there he was Marine Corps Representative on the Federal Traffic Board.

In 1926, he was ordered to foreign shore duty with the Gendarmerie d' Haiti for three years and upon his return to the States in 1928, attended the Field Officers' Course at the MCS, Quantico, Va. Upon graduation he became an instructor, then served on temporary duty with the U.S. Electoral Mission in Nicaragua. After a tour of sea duty as Squadron Marine Officer on board the USS *Richmond*, during which tour he participated in the operations resulting from the Cuban Revolution in 1933, he was ordered to HQMC.

From Oct. 1935, to June 1937, he was Assistant Naval Attaché, attached to the American Embassy at Rome, Italy, and on duty as an observer with the Italian Forces during the Ethiopian War. He returned to the States to attend the Army War College, Washington, D.C., and, following graduation, was assigned to HQMC where he was Executive Officer, Division of Plans and Policies. He became CO, 11th Marines (Artillery) in Mar. 1941. He was serving in this capacity when the U.S. entered WW II. He remained as the regiment's CO, and led it overseas in 1942, participating in the seizure and defense of Guadalcanal as part of the 1st Mar. Div. (Reinforced) from Aug. 7 to Dec. 9, of that year.

From May to July 1943, he served as Commander of Marine Forces (less aviation), on Guadalcanal, Tulagi, Russell, and Florida Is. He returned to the States to become President of the Marine Corps Equipment Board. He went again to the Pacific in Apr. 1944, this time as CG, 2rd Corps Artillery, 3rd Amphibious Corps, and took part in the Guam operation in July and Aug. of 1944. He became CG, 1st Mar. Div. and was awarded a Distinguished Service Medal for his leadership of that organization on Okinawa from Apr. 1 to July 1945. At war's end, he was ordered back to HQMC to become Inspector General and was assigned duties as the Director of Personnel, Oct. 1, 1946, a post which he held until his retirement. He was transferred to the retired list on Jan. 1, 1948. Having been specially commended for the performance of duty in combat, he was advanced to lieutenant general on the retired list. His retirement climaxed more than 30 years of active service.

CITATION ACCOMPANYING GENERAL DEL VALLE'S DISTINGUISHED SERVICE MEDAL

Del Valle, Pedro A., major general, USMC: "For exceptionally meritorious service to the Government of the United States in a duty of great responsibility as Commanding General of the First Marine Division during the attack and occupation of Okinawa Shima in the Ryukyu Chain, from 1 April to 21 June 1945. A brilliant tactician, Major General Del Valle effected the strategic landing of his units on the western shores of Okinawa on 1 April and immediately initiated a vigorous offensive, slashing through Japanese resistance and cutting across the island to seize, in 72 hours of swift, aggressive action, a segment of enemy held territory extending from the west to the east coast. Turning southward, he advanced his forces toward the formidable system of natural and man-made defenses comprising the ramparts of the hostile stronghold at Shuri to find that heavy mud precluded the use of many supporting weapons and made supply almost impossible except by air. Analyzing the situation with keen military acumen, he organized his attack plans with unerring judgment and laid constant, bitter seige to the enemy until the defending garrison was reduced and the elaborate bastion destroyed. An indomitable leader, he continued to wage a relentless battle, attacking and violently overthrowing a series of heavily fortified, mutually supporting ridge positions to the extreme southern most tip of the island. Undaunted by the deadly accuracy of enemy gunfire, he repeatedly visited the fighting fronts, maintaining close tactical control of operations and rallying his weary but stout-hearted Marines to heroic effort during critical phases of the long and arduous campaign. By his superb general-ship, outstanding valor and tenacious perseverance in the face of overwhelming opposition, Major General Del Valle contributed essentially to the conquest of this fiercely defended outpost of the Japanese Empire and his decisive conduct throughout the savage hostilities reflects the highest credit upon himself, his gallant command and the United States Naval Service."

IS IT TOO LATE TO SAVE AMERICA?

(Speech of Lt. Gen. P. A. del Valle before Western Front, Los Angeles, Calif.)

Mr. Chairman, Ladies and Gentlemen: You honor me greatly in coming here tonight. And I shall do my poor best to discuss with you this all important question: Is It Too Late To Save America?

I am no oracle. But I dare to venture this as an answer: "Not if this nation turns its back upon the Golden Calf and, asking God's mercy, comes back to Him in humble prayer." For this is the basic reason that we are in such a state of chaotic confusion that it is pertinent to ask that question. God provided us with a brain and if we do not use it, allowing the anti-Christian worshippers of Mammon to lead us into their miserable materialism, then we must accept the blame.

That we have been drifting into this condition for a long time is shown by the words of Abe Lincoln upon this subject: "We have been the recipients of the choicest bounties of Heaven; we have grown in numbers, wealth and power as no other nation has ever grown. But we have forgotten God. We have forgotten the gracious hand that preserved us in peace and multiplied and enriched and strengthened us and we have vainly imagined, in the deceitfulness of our hearts, that all these blessings were produced by some superior wisdom and virtue of our own. Intoxicated with unbroken success, we have become too self sufficient to feel the need of redeeming and preserving grace, too proud to pray to the God that made us."

Ladies and gentlemen, what would old Abe Lincoln say of the mess we are in today?

That our enemies are also the enemies of God is too obvious to admit of doubt. That they have been at it a long time is proven by the words of Alexander Addison depicting the French Revolution and pointing out its authors in a booklet published in Philadelphia in 1801. It has been reprinted and may be obtained from the Christian Book Club of America, P.O. Box 638, Hawthorne, California. I quote: "Lucifer conspired to dethrone God; and drew down on his and his deluded followers' heads everlasting destruction. . . . The pride of the Jews to govern themselves made them reject the Government of God; and discontent with His dispensations made them rebel against His Providence; and these distractions brought on them calamity and ruin."

"The slightest observation will show us that God hath set bounds to human liberty and rendered equality impossible." (This is an obvious reference to the slogan of the French Revolution "Liberty, Equality, Fraternity.")

"The Revolutions now operating in Europe sprung not from the impulse of a day, nor a sudden concurrence of random passions and circumstances. Their foundations were long laid, deep and wide, in an extensive and systematic operation on public opinion." (Here he describes a similar process of brainwashing as is being done on our own public opinion by the controlled news media.)

The author then refers us to Barruel's History of Jacobinism, which describes the objectives of this conspiracy as the destruction of Christianity, monarchical government, and all principles of civil society. They successfully propagated the abolition of the belief in Christ, then abolished Heaven and Hell. Having prostrated the altars they then attacked the Throne.

I will quote one more interesting paragraph: "It will be observed that the principles which led to the destruction of the French Monarchy led equally to the destruction of all government of whatever description . . . But the philosophers had employed the Jacobins as executioners of their vengeance on the Altar and the Throne; and these agents became their masters, silenced or murdered the Philosophers and proceeded in their own way . . . How little do men see, who promote insurrection or revolution, and hope to lead it, that they must soon sink under its force and be among the first victims of the fury which they excite!"

Ladies and gentlemen, if we substitute the word Liberal for the word Philosophers, and focus on the last sentence, you will realize how closely this fits our own situation. Indeed the violent deaths of some of these liberals here of late may well indicate that our Jacobins have already begun to take charge. Let those responsible for letting loose the revolutionaries here, profiting financially and expecting to be the leaders in their One World Government dreamed up in the Protocols by the Elders of Zion, beware lest their shipmates turn on them as the Jacobins did on the "philosophers".

My friend, Mr. Myron Fagan, has tackled the exposition of the so-called Illuminati today. In his pamphlets and records he does a great job. But in the end, the Council On Foreign Relations will be found to be a collection of highly placed suckers. The inner group has no intention of sharing this One World with anyone, certainly no traitorous dupes who would sacrifice God and Country for self and power, are going to share anything except the guillotine. God will not be mocked, and His hand cannot be stayed, except by faith and humility and prayer and works.

It is difficult to pin point who are the members of this inner circle, but Mr. Ned Touchstone of Shreveport, Louisiana, publisher of the patriot paper called "The Councillor" has a photograph alleging to be of their ancestors in the May 24th, 1969 number. It would appear that they are a group of financiers and bankers, and this brings us to the subject of the Federal Reserve Corporation.

My authority is chiefly Congressman Louis T. McFadden of Pennsylvania, now deceased, whose remarks in Congress on the Federal Reserve Corporation in 1934 appear in a booklet entitled "Congressman McFadden on the Federal Reserve Corporation." (Forum Publishing Co., 324 Newberry Street, Boston 15, Mass.) McFadden was for ten years Chairman of the Banking and Currency Committee of the House of Representatives, hence in position to speak with authority upon this subject. For an introduction I will quote the intrepid McFadden as follows: "Mr. Chairman, we have in this country one of the most corrupt institutions the world has ever known. I refer to the Federal Reserve Board and the Federal Reserve Banks, hereinafter called the Fed. The Fed has cheated the Government of the United States and the people of the United States out of enough money to pay the Nation's debt. The depredations and iniquities of the Fed have cost this Country enough money to pay the National debt several times over.

"This evil institution has impoverished and ruined the people of these United States, has bankrupted itself, and has practically bankrupted our Government. It was done through the defects of the law under which it operates, through the maladministration of that law by the Feds and through the corrupt practices of the moneyed vultures who control it.

"Some people think they are United States Government institutions. They are not Government institutions, they are private monopolies which prey upon the people of the United States for the benefit of themselves and their foreign customers; foreign and domestic speculators and swindlers; and rich and predatory money lenders. In that dark crew of financial pirates there are those who would cut a man's throat to get a dollar out of his pocket; there are those who send money into the states to buy votes to control our legislatures; there are those who maintain international propaganda for the purpose of deceiving us into granting of new concessions which will permit them to cover up their past misdeeds and set again in motion their gigantic train of crime."

My friends, after this introduction, if there are still some who doubt that the Fed is a private monopoly, the Fed has admitted as much. The present Chairman of the Board of the Federal Reserve Corporation, Mr. Wm. McChesney Martin, stated before a congressional committee, under oath, that the only control the Congress has over the Fed is that they can repeal the Federal Reserve Act.

You may wonder how and when this Frankenstein's Monster was foisted upon the once sovereign people of these United States. I shall now quote from a great booklet of 76 pages written by my good friend and fellow patriot, Mary Davison, Council for Statehood, P. O. Box 5435, Lighthouse Point, Florida 33064. "In 1909 a group of international bankers, headed by Jacob Schiff, Warburg, Lehman, J. P. Morgan, Drexel Biddle, Nelson Aldrich, Rockefeller, etc. met in secret at Jekyll Island, Ga. Their purpose was to create a Federal Reserve System for the United States and take our money system out of control of Congress and transfer it to a group of private individuals, the International Bankers, and thus enable them to steal the wealth of our nation."

Now, these conspirators knew that, even if they could get Congress to pass a Federal Reserve Act, the then President, Wm. Howard Taft, would veto it. So they waited until 1913, when their man, Woodrow Wilson, got into the White House.

Then, at 4 P.M. on December 24, when all but three Senators had gone home for Christmas, those three called themselves into session, they didn't even bother to call it a quorum. They submitted The Federal Reserve Act and two of the Senators, Carter Glass and Nelson Aldrich, voted yes and the act was "passed", and within an hour on that Christmas Eve, President Wilson signed it into law . . . and ever since then the gang that owns the Fed, as it is now called, many of them foreigners, whose names are unknown, have been looting us of our wealth. The Federal Reserve Act must be repealed before we ever have peace.

Another good friend and fellow patriot, Colonel Arch E. Roberts, Committee To Restore The Constitution, P.O. Box 986, Fort Collins, Colorado 80521, has written a revealing article, which first appeared in Mary Cain's The Woman Constitutionalist, entitled "The Anatomy of a Revolution". His "prelude" takes us back, if you will recall, to the situation during the French Revolution as described by Addison in 1801, and I quote:

"At the turn of the century, an ambitious and morally degenerate group of financiers and industrialists in America fixed upon a long-range plan which would ultimately deliver control of the world's people and resources into their hands.

"The basic objective was to dismantle the Constitution of the United States and erect in its place a world government covenant which the industrial-financial cartel would command.

The F/I cabala, to achieve its objective, adopted an operational procedure of infiltration, subversion and rebellion, aimed at the religious, economic and social disciplines of the existing order. By amassing their wealth and influence to secretly sponsor nihilistic doctrine, it was thought that they might capture the intellectual leadership of church and college. Domination of pulpit and professional chair, they reasoned, would lead to mastery of the entire spiritual-educational process, the corruption of mass-communication media, and the creation of a fractured, rudderless society which would serve their purposes.

"Achieving political authority was an obvious prerequisite to success. The cartel, therefore, in 1912, forced a major penetration of the United States political structure by the elevation of Woodrow Wilson to the presidency.

"Quick to capitalize on this advantage, the cabala, in the closing days of the 1913 Congress, effected passage of three legislative acts which emasculated the Constitution and established a political base for their operations. These acts were: a. the Sixteenth Amendment to the Constitution; b. the Seventeenth Amendment to the Constitution; and c. The Federal Reserve Act.

"At one blow the cabala thus attained: a.—Unlimited financing via unlimited taxation; b.—Control of Congress by eliminating State supervision of legislation; and c.—Transfer of (the power of) coinage from Congress to their private bank, the Federal Reserve System."

I hope my listeners have noted how much the colonel compresses into small compass, *multum in parvo!* This two-page "Prelude" winds up as follows: "An in-depth study of the roots of rebellion, and an examination of those who perpetrate over throw of the American civilization, will be found in the following pages." And on the back of the booklet appears the price of this priceless gem . . . 20 cents each, 100 copies for $12.00! The author, by the way, is at this time engaged in a debate in New York. He will shortly initiate a campaign here in California in order to persuade the Governor and Legislature to use their constitutional powers to liberate this state from bondage to the United Nations.

Coming back to our discussion of the Fed, I shall quote from the most intrepid and persistent enemy of that evil institution, Wickliffe B. Vennard, Sr. of Houston, Texas, author of several books exposing it: "The Federal Reserve Hoax", "Conquest or Consent", "U.S. Rulers are Undiscoverable", "The Solution to the Federal Reserve Fraud" among others. I quote from the latter book, under the heading: *License to Steal:* "How would you like to step into the Bureau of Engraving, authorize the printing of a $50,000.00 bill, walk out with it, and leave a tab of ⅔ of a cent?"

Fantastic, isn't it? But that is just the beginning. Now you step into the Treasury Department and purchase $50,000.00 interest-bearing U.S. Bond with said bill. This is the manner in which the Treasury finances the budget. In most cases the Fed merely credits Government account, and hands the Government a book of checkbook currency, thereby saving the cost of printing the Federal Reserve Bank note $.0084 per note, regardless of denomination.

Then deposit the Bond with the Comptroller of the Currency, and he will give you $50,000.00 in currency. Remember, you retain ownership of the Bond, and the interest on the bond is payable to you.

Now you hoard the $50,000 currency in your bank vault as reserve for the creation of $1,500,000.00 of check-book currency which you can lend to John Q. Public at 6% interest, under the fractional reserve system.

The bond pays 4% annual interest and matures in 30 years, at which time the Fed will receive a second cash payment of $50,000 from the Treasury.

Now, remember, by law all Federal Reserve notes are obligations of the Federal Government.

We summarize the transaction: Treasury has received $50,000 cash, whereas the Federal Reserve has received and will receive within 30 years:

From the Bureau of Engraving	$50,000
From Treasury when the bond matures	50,000
Interest from the bond	60,000
Interest on loans to John Q. Public (at going interest rates)	3,000,000
Total	3,160,000

And all tax exempt (for a fraction of a penny).

This calculation was made when interest was at 6% and much lower, but, calculating this at 8% interest, the total would be $3,760,000. Fantastic, isn't it? Well, while you slept, Congress ratified this, the greatest fraud in the history of the world, on December 23, two days before Christmas 1913, when many of our loyal Representatives were home for the holidays.

Mr. Clarence Martin puts it this way: "Their program entails the enslavement of one-time free people of the world through the vicious 'usury cycle' of increased borrowing, increased interest, and increased taxation as practiced by them in this our country by the foreign bred and internationally controlled Federal Reserve Corporation, fallaciously called system, whose Class 'A' stockholders steal well over one million dollars from us every hour of every day of every year in 'interest' on 'illegal' Federal Rserve Notes which should have been issued by Congress as United States Notes, Gold or Silver Certificates—interest free".

If the Congress is too far gone, and in the hands of the Cabala, then they will not have the courage to repeal the act of a previous Congress. There is no other recourse but to demand that they take the only other course. The Federal Reserve Act has a clause which permits the Congress to buy back the Federal Reserve Corporation for the present market value, less than half a billion dollars. If they do not have the courage to do this, then we must revert to the Declaration of Independence which tells us in the second paragraph that it is the right and the duty of the people to, and I quote: "It is the right of the people to alter or abolish it." There's yet one possible course of action remaining, short of violence. The States, from whom the powers of the Federal agencies of government are derived, could simply declare by statute, passed by the Legislature and signed by the Governor, that the Federal Reserve Act, being in violation of Article 1, Section 8, Paragraph 5 of the Constitution, is not the law within its boundaries and fix suitable punishment for any who would attempt to enforce it. For the legislature of a state is supreme, except where prohibited by its own or the U.S. Constitution, and there is no power granted any federal agency to review or overrule such lawful statutes. For the U.S. Constitution is a solemn contract made by sovereign states by which these states surrendered only such powers as are written therein, and under contract law, the parties to a contract have the right and duty to police it, and to see that its employees, the federal agencies of government, do not usurp powers remaining with the states.

But alas! here again we run into the same snag in the state governments as with the national government. The power of the Fed's immense wealth reaches out and controls the Conference of Governors and likewise many of the state legislators. But some of us are trying. We worked on Alabama for a number of years unsuccessfully, but managed to get the statute through the legislature on the fourth try, only to have the governor chicken out. We are now engaged in a similar campaign in Georgia. Hope springs eternal in the human breast!

Here are two things which a very wise political advisor to a Member of Congress suggested we might do:

1. The new tax bill is now before the Senate. Demand of your senators that they vote to tax the Federal Reserve Corporation or give you a good reason why not, since it is a private corporation, that takes 15 billions from the borrowing public. Such a tax would relieve the voters of the country of a good percentage of their now unbearable taxes.

And: 2. Since the theory appears to be that it's all right for the government to be in debt, 'because we only owe it to ourselves," insist that your senators insert an amendment to the new tax bill providing for the purchase of the Federal Reserve Corporation by the U.S. Government as provided in the Federal Reserve Act of 1913. Then we literally would owe it to ourselves, thus automatically reducing our annual budget by at least 15 billions. The present market value of the Federal Reserve Corporation is less than half a billion. This would credit the Senators who voted for it with a great reduction in our taxes.

And this brings us to the discussion of what may well be the final step in the conspiracy of the "morally degenerate financiers" to destroy us as a nation and establish their one world government. The control of the cabala over our government is now so complete, that it no longer obeys the Constitution, but the United Nations Charter. Article 25 of the Charter reads as follows: "The members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter."

At this point it will be noted that:

a. The Executive Council is, and always has been, under the authority of a communist officer, by agreement between Alger Hiss and Gromyko at San Francisco. This, in my book, comes under the name of treason. For under the Charter it made it possible for the Russians to know our plans in both Korea and Vietnam beforehand.

b. We have surrendered our sovereign right to make our own domestic and foreign policies, for we agree to carry out the decisions of the Security Council of the U.N. This explains our race-mixing decisions and civil rights laws at home, as well as our behavior in the infamous cases of the USS Liberty, the USS Pueblo, and the Korean shooting down of our un-armed reconnaissance plane, and the no-win wars in Korea and Vietnam. We are "carrying out the decisions of the United Nations."

Our entry into the United Nations was as sneaky as the passage of the Federal Reserve Act. It was foisted upon us as a treaty, so the cabala had only to line up President Truman and the Senate. We are the only nation hooked up with the U.N. by treaty. In the formulation of this Charter, which is in fact a Constitution for World Government dressed up as a document dedicated to "international peace and security", there were some prime security risks, such as Isaiah Bowman, Benjamin Cohen, Leo Pasvolski, and Alger Hiss. No sooner had the deed been written up at San Francisco, then Hiss and Pasvolski flew to Washington to convince the Senate to approve this treaty. With the exception of just two senators, Langer and Shipsted, the only ones who had read the Charter, the Senate ratified the U.N. Charter as a "treaty". The ground had been prepared by a twisted interpretation of the treaty clause in the Constitution in Article VI. "The Constitution, and the laws which shall be made in pursuance thereof; and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land." This article was inserted to keep states from dodging treaty obligations incurred while they were separate sovereign states. But these two facts remain: 1. that the U.N. is not a sovereign, and treaties can only be made between sovereigns; and, 2. that no authority is granted any agency of government to surrender our sovereignty as was done in accepting the Charter. The Supreme Court of California has ruled the U.N. Charter is the law of the land, superseding the Constitution!

Those wishing to get a good, quick understanding of the United Nations may do so by reading Colonel Roberts' "Invisible Government Behind the United Nations Organization", appearing in a coming number of The American Mercury.

I have a copy of this excellent and short indictment of the United Nations and its protagonists, and principal architects Leo Pasvolsky and Alger Hiss. This is what he says about them: ". . . Mr. Pasvolsky, although born in Russia of communist revolutionary parents, achieved phenomenal success in the U.S. Department of State. He rose to a key position which ultimately led to the transfer of U.S. sovereignty to the U.N.O. Alger Hiss, his assistant and co-author of the first draft of the Charter and later U.N. General Secretary at the San Francisco Conference, was at the same time a member of the Harold Ware communist cell in Washington, D.C., a Soviet agent, and a member of the Council on Foreign Relations."

The final draft of the Charter was approved by Truman 26 June, 1943. On 28 July the Senate, following a reading in the Senate Chamber by Leo Pasvolsky, ratified this extraordinary treaty by a vote of 89 to 2. The 2 were Senators Langer and Shipstead, the only ones who had actually read the Charter.

"In the words of the U.S. Senate", says Colonel Roberts, "The Charter of the United Nations thus became the supreme law of the land, and the Constitution of the United States of America passed into history."

At the end of the article are printed the 10 impeccable sources from which the article was taken. If any of my listeners would like to see my copy, I have it here with me. It is of great importance here and now, because Roberts will soon be in California to convince the government of this great state to lead the nation in the extirpation of this cancer which has deleted our sovereignty.

The significance of this is of transcendent importance and concern to every person who calls himself an American Citizen. The Senate's assumption that the U.N.O. Charter supersedes the Constitution places what we call the Government of the United States in the peculiar position of being a government without law, a government de facto, but not de jure. Since the powers of this government were only those ceded to it by the sovereign states in writing in the U.S. Constitution; and since the U.N. Charter gives this government no powers whatsoever, then, when they embraced the Charter and rejected the Constitution, they voluntarily surrendered the powers they legitimately exercised under the Constitution. They continue to exercise these powers only in usurpation of the sovereign powers they no longer lawfully possess, and in gross violation of their oath of office. Only by means of the controlled news media have they been able to keep the people from knowing the truth you are now hearing.

Our Declaration of Independence has this to say on what the people should do about a government which no longer secures to them their inalienable rights of life, liberty, and pursuit of happiness conferred upon all men by Providence: "That whenever a government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government, laying the foundations on such principles and organizing its powers in such form as to them seems most likely to effect their safety and happiness."

This is a clear indication of *what* must be done. Other factors in the problem presented are the "when, where, why and how". I think if we look about us at the shambles of our former orderly country under the U.S. Constitution, the time, or *when*, is now. The *where*, it would seem has to be in the governments of the sovereign states. The *why* is in order to regain our lost security and happiness. The *how* is a sticky problem. If the State of California should enact appropriate statutes, after formally investigating the U.N. situation, providing for the enforcement of the U.S. Constitution with regard to the United Nations Organization within the bounds of the State of California as per Article IV of the U.S. Constitution, this is where the landslide against United Nations slavery and the restoration of Constitutional Liberty will begin to roll. If no state will do this, then, in historical sequence, we shall go through a period of chaos, terror, and revolution followed by a dictatorship such as exists in Russia, which is simply slavery. The only alternative to that sort of dictatorship would be a Napoleonic one, a military dictatorship.

If the inner circle of the Council on Foreign Relations are indeed the ones seeking to enslave us by means of the United Nations, which is meant by them to be a world government, then, "Why do we stand here idle?" This is the target towards which our wrath as a Christian Nation should instinctively aim our heaviest artillery. The C.F.R. has already been declared subversive by the American Legion. The United Nations, so-called, are not only Godless, but anti-Christian, anti the Caucasian race, and have suppressed the Constitution. We face the Jacobins of the French Revolution, the Sons of Jacob, the destroyers and assassins who slaughter our young men in useless wars and will make slaves of us. Arise, Americans, we can still save America! Let no man or woman here forget that each one of us counts, and that God will hear our cry for help if we ask him. Let us go forth from here determined to spread God's truth and restore God's law. If God be with us, then none can prevail against us.

Thank you kindly.

AMENDMENT TO. H.R. 14001 TO REPEAL THE DRAFT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, I intend to offer an amendment to the draft reform bill, H.R. 14001, when it comes before the House on Wednesday, which will put Congress on record in favor of abolishing and reinstating it, only upon a formal declaration of war.

More than any other single item, the draft has become the symbol of the gap between the generations and the major source of friction in that area. This was demonstrated dramatically in the September Harris poll which reported an overwhelming belief among those under 30 that the draft was wrong.

The draft is not at issue only because of the war in Vietnam, but because of its disruption of so many lives. Most places of business refuse to hire men who have not fulfilled their draft requirement. Vulnerability lasts for 8 years. That is a terrible bite out of a young man's life.

The proposed reform of the military manpower selection system, which would substitute a lottery—and vulnerability for only 1 year—for the current system is a step in the right direction. But still more equitable would be the total abolition of the draft.

Any system which requires some and not others to serve is inherently unfair. President Nixon has himself told the American people that the draft should be repealed. He has recognized that what General Hershey once said, "No draft can be fair," is true. Every reform, however called for, creates new injustices, even as it attempts to erase old ones. H.R. 14001 is understandable, therefore, only as a temporary measure urged by the President until conscription can be ended altogether. While it does attempt a greater equity in that the final selection will be a random one, and in that boys will know early in order to plan their lives, it is clearly inadequate and leaves untouched many of the basic inequities of the system. This is bound to be so simply because the draft means choosing from a large pool a few boys who will be forced to fight, to kill and to die against their wills. The lottery will create new problems for a large number of 17- and 18-year-olds. The Bureau of the Census reveals that the typical high school graduate is now 17, not 18. Especially for young working people not going to college, the President's plan will increase the hardship. Employers are hesitant not to hire this age group, but if they know the call will come for sure in the 19th year, they will simply stop hiring 17- and 18-year-olds at all.

The President has said he recognizes the basic injustice of the whole draft. He called upon the Nation's youth this summer to help him make decisions on the draft. In a press conference he announced creation of youth advisory committees in every State to assist him. But the President did not consult the youth.

In fact, the draft reform proposal to come before us received no public hearing, nor will this bill alone allow us a full public debate on the basic issues of the draft. Since the President favors draft repeal and seeks public and particularly youth opinion on the matter, I would hope he would welcome my amendment. Last week I wrote him concerning the draft.

The amendment gives the President full congressional support for ending the draft. It does not take hasty steps, but urges early action. Its intent will be clear to young people—without the confusing limitations of most of the reform proposals. The amendment calls for the complete abolition of all the draft laws—not just induction, but the entire Selective Service System. It further states that such laws should be reinstated only after a formal declaration of war. This clause is particularly welcome since it states more clearly than in any other measure before the Congress the principle of congressional control of military manpower, and the intent to exercise the Congress' right to induct only in wartime, as indicated in the Constitution.

If H.R. 14001 passes without the amendment, the gap between the generations will be widened. It will indicate that all the President and others have been saying about the draft was misleading. If, on the other hand, we give youth a clear indication of our firm intent to get rid of the draft—which a majority of those under 30 now holds to be an infraction of our democracy—we will have begun the process of bringing youth squarely back into accepted political activity.

Because I believe we should have a full and open discussion of the draft, I intend to support the move by Congressman BOLLING to bring about an open rule. But should his motion be defeated, and the modified open rule be passed, I still intend to offer my amendment; for I believe it is contextually germane.

The extent of public support for the abolition of the draft is suggested by the following list of some of the individuals and groups which support ending the draft:

Draft repeal is supported by such individuals as:

Former Senator Ernest Gruening; Mrs. Martin Luther King, Jr.; Lewis Mumford; Maj. Gen. LeRoy H. Anderson, retired; Rabbi Arthur J. Lelyveld; Dr. George Wald; Dr. James Dixon; Emil Mazey; Rev. Channing E. Phillips; Dr. Harvey Cox; George A. Wiley; Right Rev. William Davidson; and Rear Adm. Arnold E. True, retired.

Draft repeal is also supported by several dozen labor, church, women's peace, civil rights, and students organizations. Representatives of one national group, whose object is the abolition of the draft, the National Council to Repeal the Draft, come from such organizational backgrounds as:

U.S. National Students Association;

United Presbyterian Church;

U.S. Catholic Conference;

Union of American Hebrew Congregations;

American Friends Service Committee;

United Christian Missionary Society of Christian Church;

B'nai B'rith Hillel Foundation;

Mennonite Central Committee;

American Jewish Congress;

Jewish Peace Fellowship;

Division of Social Responsibility of the Unitarian Universalist Association; and

The Board of Christian Social Concerns of the United Methodist Church.

Groups endorsing draft repeal include:

The executive council of Local 1199 of the Drug and Hospital Union;

Student World Federalists;

Ford Local 600 of the United Automobile Workers;

Americans for Democratic Action;

The House of Bishops of the Episcopal Church; and

The Unitarian Universalist Association.

One example of the widespread support draft repeal has is the collection in 1 day of 7,200 petition signatures in two Cleveland suburban shopping centers.

LANDMARK FIGHT IN THE MAKING: AEC VERSUS THE STATE OF MINNESOTA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 10 minutes.

Mr. SAYLOR. Mr. Speaker, over the years I, along with a determined band of Members, have questioned the "untouchableness" of the Atomic Energy Commission. To date, our voices have been overwhelmed by the AEC's publicity wind generated with public money. At last, the public will begin to see the other side of the question concerning the proliferation of atomic plants when the Joint Committee on Atomic Energy opens hearings tomorrow on the "Minnesota case."

The issue before the committee is straightforward; that is, shall a State be allowed to protect its environment and people through the issuance of regulations which may be more stringent than those of the Federal Government? The impetus for this historic confrontation is the AEC's scheduled construction of a nuclear plant near Monticello Minn.

On Sunday, October 26, Victor Cohn of the Philadelphia Inquirer, examined the issues involved in the AEC-Minnesota fight and his excellent summary of a complex problem is worthy of close scrutiny by all Members.

The article follows:

MINNESOTA VERSUS THE AEC—A "LANDMARK FIGHT"—IS ATOMIC POWER WORTH THE PRICE?

(By Victor Cohn)

MINNEAPOLIS.—Minnesota has looked at the atom and found it partly evil.

On the verge of what seems an evitable age of nuclear power, citizens here—citizens in several states—are staring afresh at this form of energy.

They are rediscovering the fact, known in bomb-testing, that using it has a price. The price is an inevitable addition, "slight" or "great" depending on whom you ask, to the quiet violence that modern man does to air, water, land and himself.

The price has led the state of Minnesota into a grim legal confrontation with the U.S. Atomic Energy Commission. It is a fight—"a landmark fight," say federal and power industry officials—that threatens the growth of atomic power, threatens AEC regulatory authority all over the country and challenges the AEC's very doubleheaded structure as both promoter and protecter in atomic matters.

Minnesota simply wants to be tougher than the AEC in regulating release of radioactive wastes into the air and water. Minnesota Gov. Harold Levander—a rather lackluster middle-road conservative who is far from a crusader in other areas, is deeply committed to this. At a recent national governors conference, he won the unanimous support of fellow governors, Republican and Democratic.

HEARINGS TO START

The issue will be examined by the Joint Senate-House Committee on Atomic Energy at six days of hearings in Washington starting Oct. 28. But it is already being examined by state officials and many citizens in Minnesota, Maryland, Vermont, New York state and the metropolitan New York area, Illinois, Oregon and Colorado.

Since the Nov. 9, 1965, New York power blackout—"Black Tuesday"—a handful of people have successfully delayed or blocked every major power plant proposed for the New York area, complained a recent double-page ad in the New York Times. The ad was inserted by the McGraw-Hill power industry magazine, Electrical World, which complains, with the industry, that power-makers are suddenly caught in America's new awareness that pollution imperils man's survival.

The public AEC chairman Dr. Glenn T. Seaborg points out, is "uptight about the environment." At the same time, the U.S. is growing so fast and using so much electricity—for air conditioning, electronic computing and home hair drying—that generating capacity, more than doubled just since 1950, must double again by 1980 and more than triple by 1990.

At the same time nuclear energy, until recently an expensive experiment, finally seems to be coming into its own. Today only 1 percent of U.S. electricity is nuclear-generated—the AEC says the figure will be 50 percent by the year 2000. Seventy-nine civilian A-power plants are now on order or building.

What one AEC commissioner terms the "anti-nuclear movement" began in this state of lakes and streams when Northern States Power Co.—slogan, "Electricity is penny cheap"—began building a big 560 megawatt atomic plant near Monticello, on the fresh-flowing Mississippi River just north of Minneapolis-St. Paul.

At first all went swimmingly. Then NSP sought a waste disposal permit from the new Minnesota Pollution Control Agency. The MCPA, needled by a set of young University of Minnesota biologists, engaged Dr. Ernest C. Tsivoglou, professor of sanitary engineering at Georgia Tech, as a consultant.

CONTAMINANT RATIO

Tsivoglou, chief of radiological water pollution control, U.S. Public Health Service, 1956–66, acknowledged that nuclear plants in the U.S. commonly discharged only a few percent of the radioactive contaminants that the AEC would permit. NSP, in fact, said it would discharge no more radioactivity than 1 to 4 percent of what the AEC would allow.

Tsivoglou also acknowledged that the AEC has prudently set its standards in accordance with recommendations of both the Federal Radiation Council (FRC) representing several federal agencies and international bodies.

But he argued that knowledge of the effects of low-level radiation is highly imperfect, and future research may turn up new harm.

In effect, therefore, Tsivoglou recommended a set of standards at about 2 percent of the AEC level, and in May the MPCA issued NSP an operating permit specifying such standards.

STATE FUND

NSP said it would meet the new standards almost all the time, but occasionally might have to exceed them. It said it would have to modify its plant and shut it down more frequently to adjust to them, and additional annual operating expense would be a prohibitive $3.5 million a year, making future electricity slightly more than penny cheap in the upper Midwest.

NSP has sued the state of Minnesota in both state and federal courts, charging that its restrictions are unjustified and illegal. Nuclear power plant builders like Westinghouse and GE and even publicly managed utilities like TVA have rallied to NSP's support.

And leaders of the congressional Joint Committee on Atomic Energy—in particular, Rep. Chet Holifield (D., Calif.), chairman, and Rep. Craig Hosmer (R., Ill.), ranking minority member—have sharply and impatiently questioned Minnesota's action.

Hosmer, appearing on the University of Minnesota power conference platform, firmly said Congress has "pre-empted" the field of nuclear regulation for the Federal Government, as one too complicated for state-by-state action. He and others said that where states have exercised radiation controls—as in Colorado uranium mining and in medical X-raying—they have done miserably.

But also, he charged, the Minnesota issue is "a big political football—certainly it is among the Minnesota delegation in Congress."

NOT FOR PUBLIC?

He said any complaints about radiation standards should go to the Federal Radiation Council—"they're not a subject for public rallies and placard making" and "you can't have 200 million people deciding" them.

In reply, Dr. Barry Commoner of St. Louis—Washington University biologist and environmental crusader—said "informed public opinion" should indeed rule, even to accepting or rejecting a particular plant.

"The public is entitled to this vote," agreed Prof. Harold Green of George Washington University's National Law Center, a former AEC associate general counsel. "Why, in a democracy, should the public not have the full opportunity to decide for itself, rationally or irrationally, what benefits it wants and what price it is willing to pay?"

Conference discussion then centered on that price: power plant radiation's alleged hazards or virtual lack of hazards, with scientists on both sides.

Commoner and Dr. Arthur Tamplin of the University of California's Lawrence Radiation Laboratory at Livermore, emphasized hazards. Commoner saw a possible U.S. increase in thyroid cancer of several hundred cases a year from power plant radiation escaping into the environment. Tamplin said nuclear plants now measure only over-all radioactivity. But particular radionuclides—individual elements or their radiation-produced daughters—may cause greater than average harm.

TRITIUM CITED

He pointed to tritium, a heavy form of hydrogen, chemically inseparable from ordinary hydrogen. Once in human cells, it becomes part of the human heritage—incorporated into the DNA that tells future cells and future children how to grow. He said AEC standards should be lowered; individual radionuclides should be monitored; and almost no plant wastes should be discharged into rivers, but all should be buried in atomic graveyards.

Other possible power plant dangers were discussed: their considerable thermal pollution, of discharges or hot water; possible plant accidents, "a remote danger," it was generally agreed, but a horrendous one. On each point some speakers saw little problem, others peril.

When scientists disagree, concluded lawyer Green, the public and public bodies must decide. But the AEC, he maintained, has "a bifurcated interest," a "conflict of interest" in acting by congressional mandate as both A-power's developer and salesman and its government regulator.

He told how AEC officials, once they decide a plant is safe, becomes its enthusiastic supporters and defenders. "Clearly," said Commoner, "standard-setting belongs in the hands of an agency concerned with all aspects of the environment," such as the Department of Health, Education and Welfare's Consumer Protection and Environmental Health Services.

S. David Freeman, director of energy policy for Dr. Lee Dubridge, President Nixon's science adviser, agreed that this policy issue "deserves thoughtful consideration."

NUCLEAR MAFIA

Again and again at the Minnesota conference, Rep. Hosmer bristled. "It is time," he said, "that people quit painting the AEC as some kind of a nuclear Mafia engaged in a vast conspiracy." Even gentlemanly AEC Commissioner James T. Ramey said Minnesota "is making a mountain out of a molehill."

Yet out of the Minnesota fight there may come some agreements or at least some new directions for nuclear power:

Commoner, Hosmer and Freeman agreed that environmental licensing and monitoring ought to encompass all kinds of power plants, not just A-plants. The AEC can now consider only radiation, not heat effects. Legislation now under consideration would partly remedy this, but still not create an "energy" agency.

Radiation standards in one way or another will probably be toughened. NSP and the state of Minnesota are talking compromise—this would in effect establish the right of a state to talk tough to powermakers.

This high-energy civilization needs to keep looking at other sources of power, not just the atom. Unless more and more power is provided us, we will flick the switch one day soon, but nothing will happen.

MANY TARGETS

The concern of the "new militant" environmentalists has only begun. "I assure you, gentlemen of the atomic power industry, you are not the targets," said Prof. Commoner. "All polluters are." One of the placarding and protesting Minnesota groups—MECCA or Minnesota Environmental Control Citizens Association—says, "We are a fighting group. Our members are willing to go to court, to work in the legislature and protest at hearings."

Gov. Tom McCall of Oregon has announced a nuclear power conference for Dec. 4–5. "I expect there will be a need for additional ones," patiently said Atom Commissioner Ramey. "We are," Commoner thought, "in the midst of a revolution in public attitude toward the moral acceptability of a level of environmental deterioration which has for a long time been accepted without general complaint." If this is true, the future will see more and more placarding about DDT, offshore drilling, gigantic accident-prone oil tankers and even, it may be, pollution-belching cars.

It may even see placards about people. The Minnesota conference's oldest speaker was white-haired M. King Hubbert, U.S. Geological Survey research geophysicist, respected world authority on man's resources. He spoke for developing new, advanced forms of nuclear reactors—breeder reactors—to conserve man's richest atomic fuels. But he pointed out that the nuclear fight, like the pollution fight, depends ultimately on control of man himself; "It is mandatory that we stabilize human population at some level we can live with—and we may even have to drop the population back to some livable level."

ARTHUR BURNS SHOULD BE GIVEN A CHANCE AS FEDERAL RESERVE BOARD CHAIRMAN

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, over the past 10 days I have often been asked my opinion of President Nixon's nomination of Arthur F. Burns as the new Chairman of the Federal Reserve Board.

Arthur Burns is a man of the highest integrity; a dedicated, hard working, and extremely honest public official. From this standpoint, President Nixon has chosen well.

However, I do not feel capable of divining what Mr. Burns may or may not do as Federal Reserve Chairman. It would not serve Mr. Burns or the Nation well to engage in the endless "guessing" game about his possible performance.

All of us should give Mr. Arthur Burns a full chance to prove himself on his merits as Federal Reserve Board Chairman. Down the road, I may well disagree—and disagree strongly—with Mr. Burns, but for the time being I view the appointment with an open mind. I say, "give him his chance."

From my knowledge of Mr. Burns, I think he has a good understanding of the dangers of the concentration of power in the hands of banks and other economic giants. I think he has a good understanding of the need to keep the banking business separated from nonbanking enterprises. I also believe he knows how destructive Federal Reserve monetary policy can be on various sectors of the economy, such as housing.

How he approaches and deals with these problems will be the big test. I may disagree with his methods, but I believe he comes into office with, at least, an understanding of the magnitude of the monetary and banking problems and with knowledge of the tremendous power of the Federal Reserve to do "good or evil" for the people.

Mr. Burns has impeccable credentials as an economist and he has worked in this field his entire life. He cannot be faulted for lack of experience.

This is a contrast to his predecessor, Mr. William McChesney Martin. The son of a banker, Mr. Martin came to Washington from the New York Stock Exchange with a bagful of cliches about monetary policy. He had no experience in the field and the country has suffered as a result.

Mr. Martin will go down as one of Washington's greatest all-time "drum beaters" and "public relations" pitchmen. In this area he has rivaled the best that Barnum and Bailey could produce.

His rolling cliches have brought him some wonderful plaudits and laudatory newspaper columns. But press clippings do not make monetary policy and the sad record of Mr. Martin is now part of the economic history. The historians will look behind the beautiful—if contradictory—Martin cliches and see the hard evidence. The evidence will indict Mr. Martin as a failure; a man whose prime contribution was that he made the word "inflation" a national fetish.

But, I will discuss Mr. Martin's 18-year tenure more fully later this session.

Today, I want to emphaize the need to give the new Federal Reserve Board Chairman a chance to start with a fresh book. He cannot be held responsible for the Martin mess.

In this regard, I think it is deplorable that certain characters in the administration have attempted to undercut Mr. Burns even before he takes office. I refer specifically to the Treasury Department's frenzied attempt to sell a plan to strip the Federal Reserve of all its regulatory power over banks, leaving it only with authority in the monetary field. The plan would give all these powers to the Federal Deposit Insurance Corporation and the Comptroller of the Currency, two agencies well known for their banker-bias.

More importantly, an effort is being made to push this through the back door under the Reorganization Act in an attempt to bypass the Congress to the maximum extent possible.

From information I have received, this plan has no currency outside of certain offices in the Treasury Department and special committees of the American Bankers Association. These promoters have been attempting to sell their plan to the press as an administration idea.

It would seem strange, indeed, for the administration to name Mr. Burns as Federal Reserve Board Chairman and then announce a plan to take away a substantial part of his powers. I hope the administration will clarify this situation and make it clear that the Treasury Department is not running the Government.

Of course, there are many things that need to be coordinated and strengthened in the bank regulatory field and I intend to introduce legislation to accomplish this. But this should be done in an orderly fashion, with full hearings before the Banking and Currency Committees, and not through some hurried attempt just as a new Chairman is being installed at the Federal Reserve.

As this legislation goes forward, the Federal Reserve and its new Chairman should have a full opportunity to present their ideas. Some changes may be needed, but these should not come from some half-baked scheme which has all the earmarks of an intramural power play.

TIMES HAVE CHANGED—NOW TIME TO ESCALATE OR WITHDRAW FROM VIETNAM

(Mr. JOHNSON of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JOHNSON of California. Mr. Speaker, during recent days we have heard much discussion about our past, our present, and our future role in Vietnam. Throughout this debate I have listened attentively—and I might mention that I was among those present and voting against adjournment the night of October 14 for I believe firmly that this Nation can only benefit from full, open debate of the difficult issues which face this Congress.

We were in Vietnam when I first came to Congress 11 years ago and in the years that I have served in this House of Representatives I have sought out a diversity of thought on this issue, both here and throughout the 20 counties which make up the Second Congressional District of California. Constituents whose views I have solicited and to whom I have listened range from the most vigorous and early opponents of our involvement there to the fine young, much decorated helicopter pilot—a son of a very good friend of mine—who voluntarily returned for an extra tour of duty in Vietnam because he is so impressed with the value of what this Nation is trying to do in Vietnam.

What are we doing there?

When we first sent advisers to Vietnam we were seeking to give the Republic of South Vietnam the guidance and assistance to withstand Communist aggression from the North and, most important, to preserve the right of self-determination which we as a Nation value so highly, and have treasured for two centuries for this is one of the basic tenents on which this Nation of ours was founded. It should be remembered that we had assistance from other nations as we fought for our own independence.

The war, as we all know so well, escalated steadily as we countered action with reaction. This Nation plunged deeper and deeper into the quagmire of war on the Asian continent. Eventually we had more than a half million troops fighting in that small, Southeast Asian nation no larger in area than my own State of California. The toll was tremendous—more than 40,000 American lives lost, more than a quarter million American servicemen wounded, more than $100 billion spent.

Throughout this process of escalation, the United States maintained a firm conviction that the people of Southeast Asia, who had turned to us for help in an hour of need as we had turned to other nations two centuries ago, must be allowed the privilege of self-determination. After all, this is a privilege which we in our daily lives accept as a right—the right to determine our own destiny through the orderly process of law rather than through aggression, raw force, and violence.

I cannot and I will not challenge the integrity or the sincerity of those who made the difficult choices which led to each step up the combat escalator, for I am convinced that they were honest, dedicated men who were doing only what they thought best for the security of this Nation and for the cause of freedom throughout the world.

But I can and will say today that the time has come to reverse this process with all possible speed.

Times have changed.

The decisions to escalate must be recalled in the light of the circumstances in which they were made, not in the light of subsequent developments. The initial attacks against North Vietnam came as a response to a direct attack upon American military vessels sailing in international waters.

Escalation came at a time of apparent solidarity in the Communist-bloc nations, at a time when the so-called domino theory appeared to have substantial validity. It could well have been true that other free nations of that critical part of the world would have fallen under the Communist scythe if the Republic of South Vietnam had been abandoned.

Because of our assistance, South Vietnam was not overrun by the aggressors from the north. Red China became embroiled in its own bloody revolution which was put down only after thousands upon thousands of Chinese were slaughtered in the Red Guard purges. Moscow experienced trouble in its own backyard, as is shown by the events in Czechoslovakia and Rumania.

During the long years that the United States has actively engaged in the fighting in Vietnam, other Southeast Asia nations have had an opportunity to strengthen their defenses and today with the two giants of the Communist world—China and Russia—engaged in a bitter dispute over their mutual border, the "domino" threat has diminished.

During these same long years during which the United States carried a substantial burden of the fighting, the Republic of South Vietnam has had an adequate opportunity to take the first steps toward self-determination through the election of its own legislature.

During these same long years of our active military participation, the Republic of South Vietnam has had an adequate opportunity to train a military force capable of defending its own right of self-determination.

The time has come for the Republic of Vietnam to accept the responsibility of its own defense.

Further delay will result only in ever greater reliance by that nation upon the crutch of our military manpower. This, in turn, can only atrophy the will of the South Vietnamese to fight for their own self-determination. It is time for this crutch to be cast aside and for the South Vietnamese to stand upon their own feet.

In fact, it is my belief that this is now long overdue. It was on March 26 of this year that I joined with several Representatives in Congress in the introduction of a congressional resolution declaring that it is the sense of Congress that the United States should begin to reduce its military involvement in Vietnam.

In recent weeks, many proposals have been made as how best to accomplish this goal. In considering all of these, it must be understood fully that under our system of government the conduct of our foreign policy is in the hands of the President and his appointees in the executive branch of Government.

With this fundamental principle in mind, I joined in a later congressional resolution declaring "that the substantial reductions in U.S. ground combat forces in Vietnam already directed are in the national interest and that the President be supported in his expressed determination to withdraw our remaining such forces at the earliest practicable date."

We have made a small start in troop reductions. It is my fervent hope and prayer that this can be "escalated" and the pace of our orderly troop withdrawal speeded so that all of our servicemen, including those who are held prisoners of war, may be brought home.

In the meantime, I would encourage what appears to be the new U.S. military policy of "protective reaction," a standfast policy which replaces the search and destroy strategy of maximum pressure. This new strategy hopefully will lead to a true cease-fire which can halt the bloodshed which has gone on so long.

This prayer is expressed, not for those strident young people who shout "Hell, no, I won't go," for they are the minority, a tiny minority in every way, except possibly for volume of noise. This prayer is said for the vast majority of our young people who have faced up to a dirty job by setting aside their hopes and aspirations for 2 or 3 or 4 years to serve their country.

They do not like war. No one in his right mind likes war. But they have quietly met their obligations to this great Nation of ours, and we can be proud of them.

For some, like 20-year-old David Edward Freesone, of Rough and Ready, Calif., a cease-fire will come too late. A few hours after receiving word of David's death, his father wrote the following letter to the Grass Valley-Nevada City Union, expressing the anguish and pain which has been repeated more than 40,000 times throughout this Nation of ours during these long, long years:

> Only hours ago, I received the shocking news that my son had been killed in action. David, a big strapping boy, a paramedic assigned to the 1st Infantry Division who only the day before he died, wrote "Don't worry Dad, this is a big base, eight or nine miles across where nothing ever happens."
>
> Less than 24 hours later he was dead. Dead because of a system, a condition, or perhaps a military order. Dead because of a commitment made by this government to a foreign power, that we the American people would bolster small defenseless nations against Communist aggression.
>
> Since the early days of Vietnam, particularly where America has been involved, 38,590 fine young Americans have died. Mind you, these aren't the "Flower Kids" or the addicts or the perverts. These aren't the rioters, the looters or the hate mongers, and these aren't the Black Panthers. The number I quote constitute the finest representation of mankind this world has ever known . . . or ever will know. Ironically, 99 per cent of these tragic fatalities evolve around those boys who are too young to have tasted life or true love; too young to have tasted success or to have entered a voting booth, but old enough mind you—to die as only men can die.
>
> We are a sick race of people when we allow this to happen for we are a Democracy where the power is vested in the people. How is it then that we allow our sons to become tools of politicians? Haven't we got the sand to stand up on a united front to be counted? Why can't we say to anyone we choose to accost: "You're not telling us . . . we're telling you!"
>
> I do not believe in anarchy or in rebellion. I despise any way of life contrary to the American dream as envisioned and contained in both the Declaration of Independence and the Bill of Rights. I believe it is the duty of any man to defend his country in the event we are attacked. The significant fact is however, we were never attacked by the Vietnamese. Nor were we attacked by the Koreans. Neither of these two conflicts come under the category of a "declared war".
>
> And yet, the mortality rate spirals higher and higher.
>
> Our beloved son is dead. We shall never see him again . . . nor shall we hear his voice. The day he left Sacramento for Vietnam, February 15, 1969, he stood tall and handsome in his uniform. We shook hands. I wanted to say: "David I love you . . ." but I couldn't. He was my boy but father and son just do not express themselves in this manner. So it was a warm handshake and a smile. "Do take good care of yourself, son." "I'll do that," he grinned.
>
> My wife and I watched the plane until it was out of sight. I didn't look at her—but I knew she was weeping.
>
> But . . . your sons. They're still alive . . . probably still at home with you. I want to say to you—how important—how precious they are. You never know just how short lived happiness can be. I do not imply that everyone who goes to Vietnam will die . . . but he will stand high on the roster of expendables.
>
> I am furious with the cold dispatch of military endeavor. I despise the necessity for artificial limbs and eyes, and I detest most of all . . . the sound of 'taps' ending on a high note, for war is a condition of ignorance, just as profanity is a substitute for intelligence. I dislike intensely the camps that turn good boys into killers; to perform acts against humanity that in times of peace would bring a death sentence in any court in the land.
>
> I must go on—I can't quit, for I must carry out the dream that gave my son—hope and enthusiasm. I must rededicate myself, to attain at least the stature he would expect of me. Additionally I must renew my faith in God, for it has been according to His promise that we are able to bear up under these tragic days.
>
> Again I say, look at your children. Love them . . . guard them . . . protect them, and determine for yourself that they shall not be lifted from a battlefield in a canvas tarp or a plastic bag, and they shall not come home in a steel casket.
>
> God be with you all.

So that this young life was not lost in vain, let us rededicate ourselves as this father has done to carry out the dream of his son and achieve peace, not only in Vietnam, not only in Southeast Asia, but throughout the world so that the family of man can live in harmony.

CONTRIBUTIONS TO CITIZENS' COMMITTEE FOR POSTAL REFORM

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GROSS. Mr. Speaker, for the benefit of the Members who may have missed them, I call attention to the remarks by the gentleman from Montana (Mr. OLSEN) starting on page 29321 of the RECORD of October 9.

There the gentleman lists the numerous contributors to an outfit known as Citizens' Committee for Postal Reform, Inc., which was formed for the purpose of drumming up support for conversion of the Post Office Department into a Government-owned corporation.

I will not reprint the long list, but particularly intriguing are the substantial contributions, ranging up to the $6,920 by McGraw-Hill, Inc., and from other big publishers throughout the Nation. It is unnecessary to point out that publishers are the beneficiaries of highly subsidized mail rates.

In commenting on these contributions, the gentleman from Montana properly expressed an interest "in just what type of activities are conducted with these sums."

After checking the third quarterly report filed by the Citizens' Committee for Postal Reform, Inc., with the Clerk of the House pursuant to the Federal Regulation of Lobbying Act, I can now enlighten the gentleman, at least in part. It might also be of some interest to the contributors to know how their money is being spent.

The report shows that "dues and assessments" received through September 30, 1969, total $226,761.24. Spending has totaled $43,944.35, which leaves a nice nest egg of $182,816.89 for the committee to play with.

With this huge amount available to the committee, Members of Congress ought to be put on notice to expect a massive propaganda campaign over the next several weeks in support of a Postal Corporation—a plan already rejected by the House Post Office and Civil Service Committee.

As a longtime member of the Post Office Committee and strong advocate of postal reform, it is my sincere hope that my colleagues will resist this pressure, for a postal corporation simply is not the cure-all it is alleged to be.

On the expenditure side, the citizens committee report shows that "wages, salaries, fees, and commissions" for the third quarter amount to $16,208.43. One of the principal beneficiaries is Claude J. Desautels, who is listed as the committee's executive director. He receives a biweekly salary of $961.54, or $25,000 a year.

Desautels, it should be pointed out, was a top assistant to former Postmaster General Lawrence O'Brien at the White House and the Post Office Department during the Kennedy-Johnson administrations. It is more than coincidence that O'Brien just happens to be the co-chairman of the citizens committee.

Running a close second to Desautels is James J. Marshall, who is listed as the committee's public affairs director. He receives a biweekly salary of $769.23, or $20,000 a year. In all fairness, I should mention that Marshall is a Republican, having been on the staff of the Republican Governors' Association prior to his present employment.

The report shows that the citizens committee has been strong on "travel, food, lodging, and entertainment"—to the tune of $3,060.02 for the third quarter only. There is another category of "all other expenditures," totaling $1,967.24. I have no idea of what "all other expenditures" might entail.

In the breakdown of individual expenditures, particularly interesting are those in behalf of one Jerry Bruno, of De Witt, N.Y. This is the same Gerald J. "Jerry" Bruno who served as the late Senator Robert Kennedy's top advance man and one of eight former Kennedy aides who received almost simultaneous grants from the giant, tax-exempt Ford Foundation following the Senator's death last year.

The Ford grant to Bruno was for a 7-month period, ending March 5, 1969, and totaled $19,450. With this money, Bruno supposedly studied presidential campaign techniques. After this venture, it obviously did not take Bruno long to catch on with the Citizens Committee for Postal Reform and his old friend, Larry O'Brien, but I am not sure how he qualifies as an expert on postal reform.

Be that as it may, Bruno has done all right for himself. For the months of August and September, he is listed as receiving $2,375.53 in consultant fees from the citizens committee, and $842.39 for travel.

At another point in the committee's report, Eastern Airlines is listed as being paid $185.85 for travel for Jerry Bruno. The Mayflower Hotel is shown to have received $83.29 for "J. Bruno," and in the same line the hotel is listed as receiving $317.38 for "L. F. O'Brien" and $119.48 for "dinner."

The committee paid $50 to National Postal Forum III with the notation, "registration fee for J. Bruno." And the Washington Hilton Hotel received $81.44 for "room for Jerry Bruno."

Here are a few of the other interesting expenditures by the citizens committee:

American Airlines, travel for L. F. O'Brien, $69.30.

The Federal City Club, 923 16th Street NW., Washington, D.C., luncheon for Post Office Department officials, $58.79. There is no explanation as to why it was considered necessary to lobby the hierarchy at the Post Office Department in behalf of a plan this same hierarchy is lobbying for, perhaps illegally.

Robert L. Hardesty, 3431 Monte Vista Drive, Austin, Tex., fee for draft of speech, $300. At that price, it must have been a dandy speech, but there is no clue as to who delivered it or where.

Hardesty, let it be noted, served at the Post Office Department and the White House during the last administration.

The former Senator Thruston Morton—cochairman of the citizens committee—reimbursement for travel, $406.59.

James Marshall, reimbursement for travel, $413.25.

The Newporter Inn, Newport, Calif., rooms for Desautels, O'Brien, Morton, $75.01.

O'Brien plane ticket, $147.

United Airlines, deposit, $425.

Last but not least, we find an item of $166.40 for "rental of limousine." Even in status-conscious Washington, is it really necessary for a lobbyist to come equipped with limousine?

All and all, it is a very interesting report and I call attention to it solely for the enlightenment of my colleagues and those who have contributed to the citizens committee. With an unspent nest egg of $182,816.89, I await with interest the committee's fourth quarterly report.

In the meantime, I will continue to work to the best of my ability for the enactment of meaningful and total postal reform legislation. It is an objective which can be achieved—and without the help of a high-powered lobbying group which has raised most of its revenue from giant corporations and big publishing houses.

FRESHMAN ECONOMICS NO. 9—SINKING THE GOOD SHIP PROSPERITY

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, the rate of inflation continues relatively unchecked, interest rates remain stratospherically high, unemployment increases, and our Nation's leaders calmly observe the phenomena. When the market crashed in 1929, no one pretended to know why, at the time it actually transpired. Today no such excuse exists. In this case, Government is actually the major culprit.

All the storm signals are flying practically in our faces. Unemployment has jumped drastically to 4 percent, and I have no doubt that this is just a beginning. Personal income rates are slowing significantly. Most ominous of all, inventories are rising and warehouses filling. When they bulge full, assembly lines will halt, and the fat will truly be in the fire. Last weekend, the Business Council spoke of decreasing consumer demand which will show more fully in times to come.

In the face of such ominous revelations, an increasingly isolated and uncommunicative administration sits tightly, screwing down the lid even harder on the average consumer and working person. Minority unemployment increases, credit supply weakens, and certain segments of industry resemble miniature disaster areas already. The elderly are a tragedy in and of themselves. Yet all we hear are Hoover-type platitudes which resemble wishful thinking more than economic certitude.

Nothing is being done about price hikes by major industries, which continue to come in a regular stream. Worthington Turbines raises prices 10 percent. Titanium Metals Corp. hikes its prices an average of 50 percent. Union Carbide chimes in with raises on polyethylene films. Allied Chemical announces aniline oil hikes. DuPont raises packaging film prices 2 to 5 cents per pound. Beaunit tosses in a 4-percent rise in rayon tire cord, and Olin's aluminum division jumps on the bandwagon with a 3-percent rise in electrical conductor products. Teledyne raises all its tungsten products 31 cents per pound. B. F. Goodrich hikes its prices 2.5 percent on all tires.

Monsanto, Continental Can, Norton Co., and Kaiser Aluminum all decided to be altruistic and raised prices on a variety of products, ranging from plastic dairy containers, polyethylene bottles, and vacuum equipment to panels of aluminum for mobile homes. Good old American competition in the race for the shrinking consumer dollar, pounded meanwhile to a shadow by a Government which allows such hikes while pursuing an anticonsumer policy.

Quarterly machine tool orders have just sunk to their lowest levels of the year, a prime indicator of how business views the coming business year.

Manufacturing capacity use is declining, along with industrial production. Our annual growth rate is slowing to a snail-like 2 percent in real terms. Since the last recession of 1960, the average was 5 percent. The money squeeze on the housing industry is growing tighter, as only 55 percent of Federal Housing Administration regional offices reported an adequate fund supply. Average interest yield on secondary sales of 7½-percent FHA mortgages is up to 8.4 percent. The composite index of stock prices, new orders, industrial materials prices, housing starts, and after-tax profits has been falling since April. Further, this set of signals has warned us of every recession since the end of World War II.

The utilities, both gas and electric, stand ready in the economic wings, armed with a staggering series of requests for rate increases, which this administration is doing nothing to warn against or show disapproval toward. More than three dozen of them in 30 States have filed for hikes, ranging from 5 to 16 percent. If approved, they would add a whopping $400 million to our utility bills. Consolidated Edison alone wants a $117 million hike, which would raise residential rates 14 percent, adding $1.50 monthly to average apartment dweller's $9.85 bill. The Federal Power Commission is already making permissive noises in their direction, inviting them to press the point. All the while, the administration howls about holding the line, damning the average working man and woman for spending. Labor is asking for too much, they whine. But the big boys? Why they are as innocent as so many lambs. And after all, Government cannot stand by and let these helpless corporations be victimized by the bloodthirsty consumer. So all hikes will probably go through, to be followed by others. Ah, well, once you have seen one price hike, you have seen them all.

While new car sales declined 2.43 percent in mid-October. While the major corporations plan new price rises. While tax reform dies aborning. While we thunder down recession road. The time of reckoning will come, and there will not be an excuse in a carload. Where will all the economic powerhouses be then? I wonder. People will listen until they are out of work. Then they will not listen.

SLANT OF THE MIND'S EYE

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, on Saturday evening, October 11, it was my privilege to welcome to Missouri President Robert R. Mallicoat of Sertoma International, who gave the principal address of the evening at Sertoma's Missouri Conference.

The scene was the beautiful Elms Hotel in Excelsior Springs, Mo., which is a short drive from my home city of Independence, Mo. Present were dozens of my constituents from Independence and the Raytown area to share in this welcome for a truly distinguished leader of one of our great national service clubs. Founded in Kansas City in 1912 as the Cooperative Club, today it has grown into one of the most active service clubs of the Nation. The name was changed in 1950 to Sertoma coined from the slogan "Service to Mankind."

Although I am not a member of Sertoma, I was treated as warmly as if I were a member. I came away convinced that this conference was brought together and these clubs held together by the finest kind of common denominators; that is, the desire to be of significant help to someone else. People with such a philosophy generally make pretty good company. My evening was most rewarding because it was spent with members of an organization and their wives that were truly dedicated to the motto, "Service to Mankind."

President Mallicoat spoke without notes. Everyone present listened intently. I was so impressed, or rather inspired is the proper word, that I asked him would he please take the time to dictate his remarks to a secretary in order that more than the limited number who heard him might benefit from the philosophy of his speech.

The subject of International President Mallicoat's speech, "The Slant of the

Mind's Eye," emphasizes that how we look at the world is all in our own mind's eye. Even more important, Mr. Mallicoat brings out the point that how the world looks back at us as individuals depends quite a lot on how we look at the world. He says it is important we be concerned about our point of view because, although a day may have a few gray clouds in the sky, if we see it as a beautiful day and then all that day we will be able to open doors we can step through. Put differently, he says this means a dream grows from man's imagination and a dream is the first stage toward the full realization of our potential.

The reference to Islam's classification of four kinds of man is one that all of us could use to apply to our own lives.

Finally, the intriguing reversal of the letters of Sertoma into AMO TRES was a most fitting climax to his speech.

The address of President Mallicoat which I am delighted to share with my colleagues follows:

The Slant of the Mind's Eye

(Speech of President Robert R. Mallicoat, of Sertoma International)

It's a beautiful day; there's a gray cloud in the sky. The grass is a lovely green; I'll have to mow it tomorrow. He's a grand fellow; he has his faults. Her hair-do is exquisite—it must take her forever to put it up.

It's the slant of the mind's eye—our point of view. How does the world look to us? What's the complexion of the things about us? How do we look to the world? It's all in our own mind's eye.

A man and his wife lived by the New England coast and she had been told by her doctor that the climate was too damp and they'd have to move to higher ground. He traveled into the Vermont hills to find a new place to settle. He chanced upon an old gentleman in a pleasant little town. He told the old gentleman what he was about and asked him "what are the people like up here"? "What are they like where you come from, son"? "That's what troubles us most. They're so very friendly; if you ever need help, they're quick to do whatever they can. There's a smile and a warm greeting whenever we meet. We can't bear moving away from these wonderful people". "Well, son," said the old man, "the people up here are pretty much the same."

A little later another fellow stopped to talk with the old gentleman and asked the same question, "What are the people like up here?" And the old gentleman asked the same question, "What are they like down your way, son?" The younger man told him that where he lived the people were just people, not particularly friendly. If you borrowed something from them, they wanted it back almost immediately. They rarely ever smiled and even less often had a good word to say to you. The old gentleman replied, "Well, son, the people up here are about the same."

Why should we be concerned about our point of view? You might say that if all you can see is the gray cloud in the sky, you may never venture out. But if you see it as a beautiful day, the door will open, you will step through, and be a part of all you can behold. Man's dreams grow from man's imagination. And a dream must be the first stage in the full realization of our own potential.

We've made a decision—a decision to be a part of Sertoma. And in so doing to be looked upon as the people in our community who care and who want a part in the shaping of the future. Yes, we consider ourselves as the responsible citizens. With this decision to be involved actively in matters concerning our fellow man, we've accepted an obligation. An obligation to lead. To provide the guidance which will assure a better community tomorrow and the future of our American heritage of responsible freedom and free enterprise. We choose to accept this opportunity of community leadership in an atmosphere made warm by the good friends who share our concerns and our desires.

In the words of Islam, there are four men.

He who knows not and knows not that he knows not is a fool—shun him.

He who knows not and knows that he knows not is a child—teach him.

He who knows and knows not that he knows is asleep—wake him.

He who knows and knows that he knows is a leader—follow him.

I choose to believe that we in Sertoma properly belong in the last. Knowing our own potential is the first step in fully serving this quality of leadership.

Point of view. The world must look its brightest or imagination is stifled and the dream is never born. Without a dream there is nothing for the leader to realize. But, by truly knowing his own potential, the leader can see the vista beyond and chart his course. When a man knows where he is going, there are always many to follow. The path of the true leader is well paved with compassion for those about him.

In the lore of the Orient there's a tale of a good and very successful man of commerce with many years on his shoulders. His only relatives were three stalwart nephews. He would leave his business to one of them, but could not choose among them. He called the young men to him one day and gave them each a coin. He told them to go into the market place and return at sundown with something which would best fill this room, but spend no more than this coin. He who fills it best shall have my business.

They went into the market place and among the tradesmen in search of their purchase. At sundown the three lads returned and were greeted at the door by the old gentleman. He asked the first, "and what have you brought"? With this the first lad brought forth a huge bale of straw which when untied covered most of two walls of the room. The others applauded as the straw was taken away. The second young man brought forth two gabs of thistledown which, when untied, filled half of the room. The others congratulated him as the old gentleman turned to his third nephew and said, "and what have you, my son"?

With his head bowed, he replied "I gave half my coin to a hungry child and most of what remained I gave in alms to the church and asked God to forgive my sins. With the farthing which remained, I bought this candle and this flint."

How do we see the world? And well we might ask how does the world see us?

A task is a job to one man, and an opportunity to another. Our choice is the task of leadership. Let it be our opportunity in service to mankind.

Some years ago, one of our Sertomans in Mexico told me that the letters of Sertoma in their country were sometimes reversed—amo tres, Three loves; amistad, friendship; libertad, freedom; el servicio a la humanidad, and service to mankind.

These are the three ideals of good men everywhere. Let us serve them well.

AMERICAN MERCHANT MARINE ENDORSES PRESIDENT'S FAR-REACHING REVITALIZATION PROGRAM

(Mr. RHODES asked and was given permission to extend his remarks at this point in the Record and to include extaneous matter.)

Mr. RHODES. Mr. Speaker, President Nixon's far-reaching program for the revitalization of the American merchant marine has been received with ringing endorsement by a broad spectrum of concerned citizens in the maritime field. I insert here for the information of my colleagues the texts of a telegram sent the President by Mr. Paul Hall, president of the Seafarers International Union of North America; a letter to the President from Mr. James M. Hannan of Michigan, president of the Navy League of the United States; and a statement by Mr. Edwin M. Hood, president of the Shipbuilders Council of America. Speaking for millions of members of national organizations with labor, industry, and national defense interests, these communications have a common theme—that there is not a moment to lose in putting the administration's comprehensive and challenging maritime policy into effect; I would hope this Congress can act upon it with minimum delay.

The telegram, letter, and statement referred to above, follow:

[Text of telegram sent Oct. 23, 1969]

Hon. Richard M. Nixon,
White House,
Washington, D.C.:

The Seafarers International Union of North America today has issued the following statement relative to your maritime message to the Congress:

"The maritime program submitted to Congress by President Nixon marks the first time in a third of a century that proposals have been made by the government to overhaul the out-of-date Merchant Marine Act of 1936.

The proposed legislation is a landmark in still another direction: It is the first proposal that has been made that takes into consideration the needs of the entire merchant marine—not only the one-third of this industry which has been the beneficiary of federal assistance since 1936, but also the two-thirds of this industry which has operated independently of government subsidy during this period.

President Nixon's proposals form the most substantial basis to date for a revitalization of the American Merchant Marine. It may be that Congress will feel that some amendments are necessary in order to make this program achieve its maximum effectiveness in terms of our balance of payments, the growth of our shipping and shipbuilding capabilities, the realization of our potential for sealift in time of emergency and the enhancement of our prestige around the world. What is important, however, is the fact that the President has enunciated a policy that, for the first time, should lead to the full development of our merchant marine."

We look forward to working with your Administration in achieving these goals.

Paul Hall,
President.

Navy League of the United States,
Washington, D.C., October 23, 1969.

The President,
The White House,
Washington, D.C.

My Dear Mr. President: Your proposal to the Congress for the rebuilding of the United States Merchant Marine, reflecting as it does both your vision and the requisite long-term corrective measures, has provided a source of profound encouragement to the entire membership of the Navy League.

I wish to express my sincerest congratulations on your proposed action as one of primary economic and security interest to this nation. At the same time, I pledge my fullest support toward gaining the broadest bipartisan support for the significant measure you propose.

You have, for the first time in American history, provided a comprehensive and long-range program to gain the concerted effort essential to an achievement of national oceanic purpose. I am confident that your challenge will encourage the various segments of the maritime industry to move cooperatively toward the goals which you have set.

In expressing my congratulations, I can assure you that the entire membership of the Navy League is committed to fulfilling our educational mission through continuing support of your "Maritime Program for the Seventies."

I have the honor to remain,
Yours faithfully,
JAMES M. HANNAN.

STATEMENT ISSUED OCTOBER 23, 1969, BY EDWIN M. HOOD, PRESIDENT, SHIPBUILDERS COUNCIL OF AMERICA

The American shipyard industry is gratified and encouraged by the maritime policy and program released today by The White House.

In scope and direction, these recommendations point the way toward restoration of the United States as a first-class maritime power. We are confident that the Congress will endorse President Nixon's maritime message and promptly enact the legislation needed to pursue the realistic objectives he expressed.

At long last, then, the indecision, hesitancy, tokenism and budgetary expediencies at the Federal level—which, over the years, have undermined and depleted America's maritime strength—will be ended. At long last, the highest office in the land has called for a national commitment with attendant priorities and levels of funding to develop the kind of modern merchant marine necessary for national well-being.

The President's program comes not a moment too soon. Precious time has been lost by the failure of previous Administrations to contend with the ever-accelerating obsolescence of the American merchant marine. Nearly five years ago, President Johnson promised to come forward with a plan and program to remedy our maritime deficiencies. He failed to fulfill that promise—and five years of inaction have compounded the fleet modernization problems that confront us today.

That time will have to be made up, and the burden falls on the American shipyards to compensate for the years of neglect by greater and more rapid production of the required ships in the years immediately ahead. I have unswerving confidence that the American shipyards will respond to the production challenges set forth in the Nixon program.

My confidence in the industry is based on past performances. During World War II in the four year period 1942–1945, the American yards turned out nearly 5,000 large merchant ships, 1,500 naval ships plus tens of thousands of service craft. This prolific output established a production record that will probably stand for all time. That was wartime, but it demonstrates what can be done when a national commitment and high priorities are assigned to shipbuilding.

Peacetime production by the yards during the post-war period also refutes the contention that the production of 30 merchant ships per year would overtax our facilities. The yards delivered 31 ships in 1952, 45 in 1953 and 38 in 1954—averaging 38 ships per year for this 3 year period. Between 1958 and 1963, 174 merchant ships were delivered—averaging 29 ships per year for this six year period.

Our shipyards have consistently maintained that if a program developed that exceeded the capabilities of their existing facilities, they would enlarge and expand their plants to meet the demands whatever the numbers might be. The only qualification they have made is that the program be of a size and duration to justify the additional capital expenditures. That view still prevails today.

A BAD SITUATION CONCERNING SMUT AND OTHER PORNOGRAPHIC LITERATURE

(Mr. SCHADEBERG asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHADEBERG. Mr. Speaker, for my 7 years as a Member of this House, I have been trying diligently to get some measure of legislative action to control, and hopefully, to diminish and ultimately eradicate completely, the distribution of smut and other pornographic materials among those who do not ask for it; do not want it in their homes; are offended by having it sent to them without their permission; and are outraged by having it sent to their children who are the innocent victims of this obnoxious trade.

In my first year in Congress, I took a special order to bring to the attention of my colleagues my concern about this matter and included in the RECORD—not the material sent to a 13-year-old lad, but the advertisements of books and magazines available for purchase along with the table of contents of some of them. This young man took the materials he had received to his dad, who in turn contacted me. To be sure the titles were shocking, but they did not consist of four-letter words, the use of which we seem so reluctant to stop.

I was asked to expunge these verbal advertisements from the permanent RECORD since quote, "They are not suitable to be placed in the RECORD." Naturally, I abided by the request, but could not help question why it was unfit for the CONGRESSIONAL RECORD, but not unfit for a 13-year-old boy to receive them.

I took other occasions to stress the necessity to do something about this unrestricted trade in smut—a trade designed to corrupt the soul of America. I introduced several bills, cosponsored others designed to prevent the expansion of this program of corruption for profit, but to no avail.

I felt that the one solution, which admittedly has some legitimate objectionable aspects, was to prevent the sale or distribution of a person's name without his permission. This would help stem the tide of the reckless use of mailing lists. This procedure would make the users of the mailing lists responsible for respecting the wishes of any individual whose name might be used. It would also prohibit, under penalty of fine and/or imprisonment the use of a minor's name without the consent of the parents—or legal guardian. In other words, it would deny the indiscriminate use of another's name by anyone, either for profit or for any other motive. It would require a license of those who are in the business of selling mailing lists, and would set up guidelines to be followed by those who would operate legitimately.

The details, of course, have to be worked out by the appropriate House committee, after the holding of the official hearings. Not being a lawyer, I have had to rely on the advice of House attorneys. The trouble is that while everyone insists that my approach as related to the use of mailing lists is impossible, no one comes up with any constructive alternatives. I get the impression that there is little desire to take realistic action in this area. The time to act is now. We must leave no stone unturned to try to correct the deteriorating moral climate in our society.

Legislation alone will not solve the problem, because this—as all our major problems—is a "people problem," the solution of which will require dedicated and continued effort of every concerned citizen as well as the dedicated concern of every Member of Congress.

I congratulate President Nixon on his determination to take effective measures through his Commission on Obscenity to carry out the wishes of the American people to protect the sanctity of their homes and the integrity of the mails. However, all is not well. There is a great deal of work to be done and I assure this House that I will do my utmost to assist President Nixon in this very important program. A nation which is morally weak is in just as vital danger of tyranny as a nation which is militarily weak and unable to effectively meet threats from without.

Mr. Speaker, in order to assess my colleages of some of the problems concerning us in the strengthening of the moral fiber of this Nation, I submit for serious consideration by my colleagues two articles, one by the Reverend Morton A. Hill, S.J., a member of the Presidential Obscenity Commission, as printed in the October 1969 issue of Morality in Media, Inc. The other is from the Postal Record, a publication of the National Association of Letter Carriers.

The articles follow:

[From Morality in Media, October 1969]

FATHER HILL CRITICIZES OBSCENITY COMMISSION

Rev. Morton A. Hill, S.J., said late this Summer that if the Presidential Commission on Obscenity and Pornography continues in the direction in which its chairman, William B. Lockhart, is leading it, it will wind up merely applying a bandaid to the festering, cancerous sore of obscenity in this country.

Hill criticized the orientation of the Commission's work, saying that it is concentrating the largest proportion of effort and funds on studies of effects which will be undoubtedly incomplete and admittedly inconclusive. He said this is primarily a legal problem, but that studies in the legal area are suffering because of this overemphasis on effects.

Lockhart has long been an advocate of scientific research into the effects of pornography. Hill noted that effects studies are only one of the Commission's mandates from Congress. The others include analysis of laws pertaining to the control of obscenity and pornography, and evaluation and recommendation of definitions—all with the aid of leading constitutional law authorities; the ascertainment of methods employed in the distribution of obscene materials, and the exploration of the nature and volume of the traffic in such materials; finally, the recommendation of legislative, administrative or other appropriate action to regulate effectively the flow of such traffic, without in any way interfering with constitutional rights.

Hill said that not one leading constitutional law authority had been hired, although the Commission had been operative for eleven months. The Executive Director of the Commission had testified before the House Subcommittee on Appropriations last April that of the $1,249,000 appropriation asked for, $750,000 would go for research. Of the $750,000 allocated for research, $75,000 would be devoted to legal studies. When asked if this 10% would be for hiring lawyers, he said, "No. Some of them will be social scientists who will be hired to work on the national survey kind of research."

Father Hill is a member of the 18-man Commission appointed by President Johnson. Early in June, President Nixon named Cincinnati lawyer Charles H. Keating to succeed Ambassador Kenneth Keating on the Commission. Hill called the appointment "heartening."

The Jesuit priest submitted separate remarks to the President and Congress. They accompany the Commission's interim Progress Report, issued August 12, the day before the Summer recess of the Congress began. Congressman John Ashbrook of Ohio read the remarks into the Congressional Record for August 13. The separate remarks are reprinted here in full:

SEPARATE REMARKS COMMISSIONER MORTON A. HILL, S.J.

"The foregoing report accurately and appropriately states that the Commission on Obscenity and Pornography has no recommendations to make at this time. It also states that it relates the directions in which the Commission is moving.

"The report is not complete, however, because it does not record the vigorous dissent of Commissioner Hill, precisely on the subject of the direction in which the Commission is moving. It is becoming an 'effects' commission, and this is not what Congress intended.

"Public Law 90–100 states, as reported here, 'after a thorough study, which shall include a study of the causal relationship of such materials to antisocial behavior, to recommend advisable, appropriate, effective and constitutional means to deal effectively with such traffic in obscenity and pornography.' Congress did not intend that the study of effects be the principal task of this Commission, and that all recommendations be contingent upon the results of this study. Congress did not mandate us to prove that there must be a 'clear and present danger' of anti-social behavior before we make recommendations. Congress is concerned about the traffic in obscenity and pornography. Effects studies are only one of the tasks of the Commission.

"Even a cursory examination of the foregoing report, and the amount of space devoted to the section on effects, as compared to other areas, indicates that the greatest proportion of the Commission's efforts is being expended on effects studies. The major portion of funds allocated to contract studies will be channeled into effects studies.

"Now, behavioral scientists who have worked in this area concede that causal relationship is extremely difficult, if not impossible to prove.

"If the Commission continues in the direction in which it is going, i.e., expending the major portion of effort and funds on effects studies and making recommendations contingent on these studies, it will come full circle, and the traffic in obscenity will continue to flow. It must be repeated: this is not what Congress intended.

"Legal research is suffering because of the overemphasis on effects studies. For example:

"(1) The foregoing report states that obscenity statutes of the Federal Government and of the fifty (50) states have been assembled and are under review. Congress mandated that analysis of these laws and evaluation and recommendation of definitions be carried out with the aid of 'leading constitutional law authorities.' To my knowledge no 'leading constitutional law authority' has been hired. In fact, the phrase itself was omitted, in the listing of Commission duties, from every draft of the foregoing report, including the final draft which was approved by the Commission on June 5. It was inserted as a 'stylistic change,' after these separate remarks were presented, at or after a subcommittee meeting convened June 23.

"(2) The nagging problem of 'utterly without redeeming social value' should be analyzed and studied. I maintain that this is not a constitutional standard, since it was the opinion of merely three justices and not of the Court majority. Yet, it is being applied in lower courts as a test and being adopted into the language of state statutes. This is open to serious study, for this 'utterly without redeeming social value' so-called 'test' has led to an enormous increase in the traffic in pornography in all media. This question is not being thoroughly studied, and after six weeks of debate was included incidentally in the questionnaire to prosecutors. An oral commentary on the issue, delivered by a staff member at a legal panel meeting after my request for study, was based on the incorrect proposition that 'utterly without redeeming social value' is a constitutional decision of the Court. I repeat, it is simply the opinion of three justices. Thorough analysis of this issue could lead to a re-definition of obscenity. However, the decision was made that redefinition should await 'The outcome of our effects research.'.

"(3) Reported 'descriptive' reviews of activities of Post Office and Customs Departments are in actuality editorial-type articles written in law review article style, somewhat critical of both departments, and so of little objective assistance.

"(4) In the area of traffic and distribution, which is a matter for intensive investigation as well as academic research: to my knowledge no investigators have been hired. One lawyer has joined the staff to work in this area.

"(5) Public hearings have not been planned. Hearings would be invaluable, in the ascertainment of methods of distribution as well as in the ascertainment of community standards for legal research.

"In general, I believe the foregoing report could be misleading, for it leaves the public with the impression that programs initiated are geared toward resolving the problem of the traffic in obscenity. A careful reading will show quite clearly that there is no program pointing in the direction of regulating this traffic. Of the three directions for additional effective legislative action pointed to, those dealing with obscene material and the adult community are in the areas of pandering and invasion of privacy. (Item (2) above makes one wonder if we are leaving open the possibility of other types of legislation). In other words, under the present chairmanship, the Commission appears to be moving toward permitting obscenity for adults, and therefore, will not provide constitutional 'means to deal effectively with such traffic in obscenity and pornography.' How can children be prevented from exposure if this situation prevails? With this in mind, I make the following recommendations:

"1. That each commissioner, under the direction of the Chairman, with the aid of staff, undertake a personal content analysis of one area of obscene material, so that the entire Commission will be aware of the rapidly changing situation. The expertise of commissioners has not been adequately utilized in this area, and this could lead to redefinition.

"2. That the Commission cut back on contract research into effect, and allocate—over and above staff and expenses—one-third of its appropriation to legal research, one-third to research and investigation into traffic and distribution and one-third into effects.

"3. That the Commission retain leading constitutional law authorities to guide us as to how we can constitutionally present legislation to Congress which will reverse the mislabeled Supreme Court 'test' of 'utterly without redeeming social value.' Roth is the only case (except for the recent Stanley v. Georgia decision on the invasion of privacy) in which a majority of the Supreme Court agreed. In that case the Court said:

" 'The unconditional phrasing of the First Amendment was not intended to protect every utterance . . . All ideas . . . having even the slightest redeeming social importance have the full protection of the guarantee . . . but implicit in the First Amendment is the rejection of obscenity as utterly without redeeming social importance. This rejection for that reason is mirrored in the universal judgment that obscenity should be restrained, reflected in the international agreement of all 48 states, and in the 20 obscenity laws enacted by the Congress from 1842 to 1956. This is the same judgment expressed by this Court in Chaplinsky v. New Hampshire . . .

" 'There are certain well-defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any Constitutional problem. These include the lewd and obscene . . . such utterances . . . are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality, . . . We hold that obscenity is not within the area of constitutionally protected speech or press . . . The test (is): whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to the prurient interest.'

"Justice Clark, in dissenting opinion in Fanny Hill, called the 'utterly without redeeming social value' so-called 'test' novel and noted that only three members of the Court held to it. He maintained that it rejects the basic holding of Roth.

"4. That the Commission plan public hearings to assist in ascertaining methods employed in the distribution of obscene materials and exploring the nature and volume of traffic; and, in ascertaining from the American public themselves, what community standards are.

"5. That the Commission work diligently to recommend definitions of obscenity and pornography, as mandated by Congress in creating this Commission; noting particularly, that we are not restricted to the opinions of individual members of the Court, which are mistakenly called tests.

"6. That the Commission work to recommend legislation when the above have been completed—not awaiting the results of effects studies which will be admittedly incomplete, undoubtedly inconclusive, and unnecessary under the Roth decision.

"In the matter of effects, the Court said in Roth:

"It is insisted that the constitutional guarantees are violated because convictions may be had without proof either that obscene material will perceptibly create a clear and present danger of anti-social conduct, or will probably induce its recipients to such conduct. But, in light of our holding that obscenity is not protected speech, the complete answer to this argument is in the holding of this Court in Beauharnais v. Illinois . . . Libelous utterances not being within the area of constitutionally protected speech, it is unnecessary, either for us or for the State courts, to consider the issues be-

hind the phrase 'clear and present danger.' Certainly no one would contend that obscene speech, for example, may be punished only upon a showing of such circumstances.

"7. That the Commission move more practically to fulfill our mandate to 'recommend such legislative, administrative, or other advisable and appropriate action . . . to regulate effectively the flow of such traffic, without in any way interfering with constitutional rights.'

"Failing action on these recommendations, it is difficult to see how the Commission, under its present leadership, can produce the results Congress intended. If the Commission continues in the direction in which it is now moving, it will simply propose laws on pandering, invasion of privacy and sales to minors. Congress does not need a Commission to recommend legislation of this sort. Such limited proposals will not 'regulate effectively the flow of such traffic'."

[From Postal Record]

LET'S CLEAN UP THE MAILS

"Elsewhere in this issue there is reproduced the testimony which your national President delivered before a House Sub-Committee on the subject of pornography in the mails. We are against it. Our national conventions on several occasions notably in 1968, have passed strong resolutions asking relief from the disgusting duty of delivering moral poison to the homes of America, and particularly to the youngsters in those homes.

"The Federal Government has been troubled about this increasing problem for a long while. In October, 1967, the Ninetieth Congress passed a law attacking the problem and creating a Commission to study the entire subject and make recommendations. In January, 1968, President Lyndon B. Johnson appointed seventeen persons to the Commission and the anti-pornography movement was, supposedly in business.

"Last month, after 18 months, the Commission published its first (20-page) "Progress Report." After having read it we can only shake our heads and quote Horace to the effect that 'the mountains have been in labor and have brought forth a ridiculous mouse.' The 'Progress' Report makes no findings and it makes no recommendations. As a matter of fact the Commissioners (with one notable exception) seems to take pride in this fact. The emphasis of the Report, it seems to us, deals more in the area of the 'effects' of pornography than on the methods of dealing with it. It is somewhat as if a medical journal were to publish articles on how cancer kills the patient instead of zeroing in on the problem of how to kill cancer.

"It announces that 'exploratory and feasibility studies' are under way in such fields as 'the relationship between availability of pornography and sex crimes,' 'the consequences of exposure to erotic materials among college students,' 'potentially erotic stimuli associated with the dating experience of junior college girls and of unwed pregnant high school girls.' We may be overly harsh in our judgment, but we get the impression that the Commission is interested in first finding out whether or not pornography is a bad thing, and then, perhaps, suggesting some means of slowing its growth.

"The notable dissenter from the majority opinion, Rev. Morton A. Hill, S.J., points out that there is no need for a Commission to make studies such as these. The need is for action, and for positive guidance, not for fruitless exploration. The average American knows that pornography especially in relation to the young is an evil thing and he wants it driven out of the mails.

"We recommend that the Congress disregard the faltering leadership of the Commission and pass a tough anti-pornography law with teeth in it. We also recommend that the Congress pay less attention than it has to the possibility of a reversal by the Supreme Court. The Supreme Court of 1969 will, we think, prove to be far less permissive in this area than was the Court of the earlier 1960's which held, almost literally, that 'everything goes.'

"The American people want to have this flow of filth stopped. The letter carriers of America are sick and tired of having to handle and deliver to the homes of their patrons the degrading material that presently pollutes the mails. We want it stopped, too. And we want it stopped now.

"Postal employees, in their desire for economic and social justice, have been victimized for generations by dilatory Commissions and Committees making studies that last forever and which serve only as an excuse for not taking appropriate and obvious remedial action.

"We recognize a stalling act when we see one, and we feel the 'President's Commission on Obscenity and Pornography' is engaging in a classic example of this technique. Meanwhile, a whole generation of American youth is in danger of being corrupted and perverted by this steady stream of poison.

"We don't need any more studies; we need action. Now."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MANN (at the request of Mr. GIBBONS), for today and October 28, on account of official business.

Mr. PIRNIE (at the request of Mr. GERALD R. FORD), for October 27 through November 7, on account of official business as U.S. delegate to the Interparliamentary Conference.

Mr. MCCLORY (at the request of Mr. GERALD R. FORD), for October 27 through November 7, on account of official business as U.S. delegate to the Interparliamentary Conference.

Mr. BYRNE of Pennsylvania (at the request of Mr. DENT), for Monday, October 27, 1969, on account of illness.

Mr. FOUNTAIN (at the request of Mr. WAGGONNER), for today, October 27, 1969, until 1:45 p.m. on account of official business in Asheville, N.C., before the North Carolina League of Municipalities.

Mr. FALLON (at the request of Mr. GARMATZ), for October 27 and 28, on account of official business.

Mr. KLUCZYNSKI (at the request of Mr. BOGGS), for October 27 and 28, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PUCINSKI, for 60 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. STOKES) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.
Mr. REUSS, for 30 minutes, today.
Mr. RARICK, for 30 minutes, today.
Mr. FARBSTEIN, for 20 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MAHON and to include certain data and extraneous matter.

Mr. MADDEN in two instances and to include extraneous matter.

Mr. EDMONDSON in four instances and to include extraneous matter.

Mr. GRAY in two instances and to include extraneous matter.

Mr. HECHLER of West Virginia to revise and extend his remarks and include extraneous matter in connection with general debate on coal mine safety bill.

(The following Members (at the request of Mr. MILLER of Ohio) and to include extraneous matter:)

Mr. MESKILL.
Mr. RIEGLE.
Mr. ESCH.
Mr. SCHWENGEL.
Mr. ZWACH.
Mr. UTT in two instances.
Mrs. MAY in two instances.
Mr. SCHADEBERG.
Mr. WYMAN in two instances.
Mr. DERWINSKI.
Mrs. HECKLER of Massachusetts.
Mr. GUDE.
Mr. GOLDWATER.
Mr. ASHBROOK.
Mr. KEITH in six instances.
Mr. BROCK.
Mr. STEIGER of Wisconsin.
Mr. BRAY in two instances.
Mr. DUNCAN in three instances.
Mr. SHRIVER.
Mr. TALCOTT.
Mr. BUTTON.
Mr. FINDLEY.

(The following Members (at the request of Mr. STOKES) and to include extraneous matter:)

Mr. CORMAN.
Mr. ROONEY of Pennsylvania.
Mrs. CHISHOLM in two instances.
Mr. EDWARDS of California in two instances.
Mr. ANDERSON of California in two instances.
Mr. ALBERT.
Mr. COHELAN.
Mr. EILBERG.
Mr. ANDREWS of Alabama.
Mr. EVINS of Tennessee.
Mr. GIAIMO.
Mr. HUNGATE in two instances.
Mr. MOORHEAD in two instances.
Mr. JONES of Tennessee in two instances.
Mr. LEGGETT.
Mr. O'HARA.
Mr. GONZALEZ.
Mr. RARICK in three instances.
Mr. STEPHENS.
Mr. FISHER in two instances.
Mr. VANIK in two instances.
Mr. WOLFF.
Mr. BROWN of California in four instances.
Mrs. SULLIVAN in two instances.
Mr. PICKLE in two instances.
Mr. WILLIAM D. FORD in two instances.
Mr. CONYERS in five instances.
Mr. PODELL in six instances.
Mr. JACOBS.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 232. An act to promote the economic development of the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

S. 1455. An act to amend section 8c(2)(A) of the Agricultural Adjustment Act to provide for marketing orders for apples produced in Colorado, Utah, New Mexico, Illinois, and Ohio; to the Committee on Agriculture.

S. 1968. An act to authorize the Secretary of the Interior to permit the removal of the Francis Asbury statue, and for other purposes; to the Committee on House Administration.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committe had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5968. An act to amend the act entitled "An act to provide for the establishment of the Frederick Douglass home as a part of the Park System in the National Capital, and for other purposes," approved September 5, 1962;

H.R. 9857. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, to authorize an increase in license fee, and for other purposes;

H.R. 9946. An act to authorize and direct the Secretary of Agriculture to execute a subordination agreement with respect to certain lands in Lee County, S.C.; and

H.R. 11609. An act to amend the act of September 9, 1963, authorizing the construction of an entrance road at Great Smoky Mountains National Park in the State of North Carolina, and for other purposes.

ADJOURNMENT

Mr. STOKES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Tuesday, October 28, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1280. A letter from the Secretary of the Air Force, transmitting a report of the facts and the justification for the proposed closure of certain military installations in the United States, pursuant to the provisions of section 613 of Public Law 89–568; to the Committee on Armed Services.

1281. A letter from the Director, Central Intelligence Agency, transmitting a draft of proposed legislation to amend the Central Intelligence Agency Retirement Act of 1964 for certain employees, as amended, and for other purposes; to the Committee on Armed Services.

1282. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administrative efficiency of the concentrated employment program under title IB of the Economic Opportunity Act of 1964, Los Angeles, Calif., Department of Labor; to the Committee on Education and Labor.

1283. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administrative efficiency of the concentrated employment program under title IB of the Economic Opportunity Act of 1964, Detroit, Mich., Department of Labor; to the Committee on Education and Labor.

1284. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administrative efficiency of the Neighborhood Youth Corps program under title IB of the Economic Opportunity Act of 1964, Chicago, Ill., Department of Labor; to the Committee on Education and Labor.

1285. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication "Sales of Firm Electric Power for Resale, 1965–67"; to the Committee on Interstate and Foreign Commerce.

1286. A letter from the Secretary of State, transmitting a draft of proposed legislation to amend the Immigration and Nationality Act to facilitate the entry of foreign tourists into the United States, and for other purposes; to the Committee on the Judiciary.

1287. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1288. A letter from the Administrator of Veterans' Affairs, transmitting a report of the personnel claims paid by the Veterans' Administration during the fiscal year ended June 30, 1969; to the Committee on the Judiciary.

1289. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to permit the furnishing of benefits to certain individuals conditionally discharged or released from active military, naval, or air service; to the Committee on Veterans' Affairs.

1290. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to charge Federal agencies fees for the licensing of nuclear power reactors; to the Joint Committee on Atomic Energy.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted Oct. 24, 1969]

Mr. McMILLAN: Committee on the District of Columbia. H.R. 10335. A bill to revise certain provisions of the criminal laws of the District of Columbia relating to offenses against hotels, motels, and other commercial lodgings, and for other purposes; with amendments (Rept. No. 91–596). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. S. 2056. An act to amend title 11 of the District of Columbia Code to permit unmarried judges of the courts of the District of Columbia who have no dependent children to terminate their payments for survivors annuity and to receive a refund of amounts paid for such annuity (Rept. No. 91–597). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 10336. A bill to revise certain laws relating to the liability of hotels, motels, and similar establishments in the District of Columbia to their guests; with amendments (Rept. No. 91–598). Referred to the House Calendar.

[Submitted Oct. 27, 1969]

Mr. PERKINS: Committee on Education and Labor. H.R. 14252. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes (Rept. No. 91–599). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee of conference. Conference report on S. 1857 (Rept. No. 91–600). Ordered to be printed.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 14465. A bill to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes (Rept. No. 91–601). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLATNIK (for himself, Mr. Holifield, Mr. Jones of Alabama, Mr. Reuss, Mr. Rosenthal, Mrs. Dwyer, Mr. Erlenborn, Mr. Brown of Ohio, and Mr. Findley):

H.R. 14517. A bill to provide temporary authority to expedite procedures for consideration and approval of projects drawing upon more than one Federal assistance program, to simplify requirements for the operation of those projects, and for other purposes; to the Committee on Government Operations.

By Mr. BROTZMAN (for himself, Mr. Denney, Mr. Burton of Utah, Mr. Fish, Mr. Mize, Mr. Flowers, Mrs. Heckler of Massachusetts, Mr. Corbett, Mr. McKneally, Mr. Ruppe, Mr. McCloskey, Mr. Lujan, Mr. Derwinski, Mr. Winn, Mr. Williams, Mr. Mann, Mr. Robison, Mr. Pollock, Mr. Cleveland, Mr. Pucinski, Mr. Cowger, Mr. Findley, Mr. Carter, Mr. Feighan, and Mr. Sebelius):

H.R. 14518. A bill to require the Bureau of the Budget to submit to the Congress certain monthly estimates concerning national income and expenditures; to the Committee on Government Operations.

By Mrs. DWYER (for herself, Mr. Ashley, Mr. Broomfield, Mr. Button, Mr. Dent, Mr. Donohue, Mr. Hunt, Mr. McDonald of Michigan, Mr. McKneally, Mr. Morgan, Mr. Myers, Mr. Stanton, and Mr. Whitehurst):

H.R. 14519. A bill to establish an Office of Consumer Affairs in order to provide within the Federal Government for the representation of the interests of consumers, to coordinate Federal programs and activities affecting consumers, to assure that the interests of consumers are timely presented and considered by Federal agencies, to represent the interests of consumers before Federal agencies, and to serve as a clearinghouse for consumer information; to establish a Consumer Advisory Council to oversee and evaluate Federal activities relating to consumers; to authorize the National Bureau of Standards, at the request of businesses, to conduct product standard tests and for other purposes; to the Committee on Government Operations.

By Mr. EDWARDS of California:

H.R. 14520. A bill to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GILBERT (for himself, Mr. Bingham, Mr. Brown of California, Mr. Burke of Massachusetts, Mr. Daddario, Mr. Fulton of Tennessee, Mr. Harrington, Mr. Lowenstein, Mr. Ryan, Mr. St. Onge, and Mr. Thompson of New Jersey):

H.R. 14521. A bill to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled, and for other purposes; to the Committee on Ways and Means.

By Mr. McDADE:

H.R. 14522. A bill to amend the Food Stamp Act of 1964; to the Committee on Agriculture.

By Mr. POAGE:

H.R. 14523. A bill to amend the Communications Act of 1934 so as to prohibit the granting of authority to broadcast pay television programs; to the Committee on Interstate and Foreign Commerce.

By Mr. POFF:

H.R. 14524. A bill to modify ammunition recordkeeping requirements; to the Committee on Ways and Means.

By Mr. RANDALL:

H.R. 14525. A bill to amend title 39, United States Code, to exclude from the U.S. mails unsolicited offers to sell, loan or rent certain obscene materials, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. REUSS (for himself, Mr. Dingell, Mr. Gude, Mr. McCloskey, Mr. Moorhead, Mr. Moss, Mr. Saylor, Mr. Vander Jagt, and Mr. Wright):

H.R. 14526. A bill to amend the Federal Property and Administrative Services Act of 1949 to provide for the sale as surplus property of relinquishments of the Federal navigation servitude over particular areas, and for other purposes; to the Committee on Government Operations.

By Mr. ROSENTHAL:

H.R. 14527. A bill to ban the mailing of unsolocited credit cards and require that solicited credit cards sent through the mails be sent by registered or certified mail; to the Committee on the Judiciary.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 14528. A bill to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health; to the Committee on Interstate and Foreign Commerce.

By Mr. ULLMAN:

H.R. 14529. A bill to amend the Military Selective Service Act of 1967 to provide for a random system for selecting individuals for induction into the Armed Forces, to eliminate inequities in the deferment procedures, to suspend the operation of such act after December 31, 1972, and for other puposes; to the Committee on Armed Services.

By Mr. VANDER JAGT:

H.R. 14530. A bill to amend the Internal Revenue Code of 1954 to permit an employer corporation to establish a plan under which its employees may purchase and hold stock in such corporation; to the Committee on Ways and Means.

By Mr. BINGHAM:

H.R. 14531. A bill to reorganize the functions of the executive branch of the Government which relate to the regulation of commercial uses of nuclear power, except those which relate to source materials, by transferring such functions from the Atomic Energy Commission to the Secretary of Health, Education, and Welfare to be administered through the Public Health Service subject (in certain cases) to disapproval by the Federal Power Commission or the Secretary of the Interior; to the Joint Committee on Atomic Energy.

H.R. 14532. A bill to amend the Atomic Energy Act of 1954 to permit a State, under its agreement with the Atomic Energy Commission for the control of radiation hazards, to impose standards (including standards regulating the discharge of radioactive waste materials from nuclear facilities) which are more restrictive than the corresponding standards imposed by the Commission; to the Joint Committee on Atomic Energy.

By Mr. COHELAN (for himself, Mr. McCloskey, and Mr. McFall):

H.R. 14533. A bill to amend the Land and Water Conservation Act of 1965 to provide that authority to enter into certain mineral leases with respect to the Outer Continental Shelf shall be suspended during any period when amounts in the land and water conservation fund are impounded or otherwise withheld from expenditure, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FOLEY (for himself, Mr. McCloskey, Mr. Anderson of California, Mr. Barrett, Mr. Conte, Mr. Conyers, Mr. Dellenback, Mr. Frelinghuysen, Mr. Green of Pennsylvania, Mr. Harrington, Mrs. Heckler of Massachusetts, Mr. Karth, Mr. Matsunaga, Mr. Meeds, Mr. Morse, Mr. Ottinger, Mr. Podell, Mr. Rees, Mr. Reid of New York, Mr. St Germain, Mr. Saylor, Mr. Waldie, and Mr. White):

H.R. 14534. A bill to stimulate the development, production, and distribution in interstate commerce of low-emission motor vehicles in order to provide the public increased protection against the hazards of vehicular exhaust emission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FOLEY (for himself, Mr. McCloskey, Mr. Adams, Mr. Bell of California, Mr. McCarthy, Mr. Burton of California, Mr. Corman, Mr. Daddario, Mr. Edwards of California, Mr. Farbstein, Mr. Gude, Mr. Hechler of West Virginia, Mr. Hosmer, Mr. Koch, Mr. Lowenstein, Mr. Mikva, Mrs. Mink, Mr. Moss, Mr. Pollock, Mr. Ryan, Mr. Scheuer, Mr. Symington, Mr. Tunney, Mr. Udall, and Mr. Yates):

H.R. 14535. A bill to stimulate the development, production, and distribution in interstate commerce of low-emission motor vehicles in order to provide the public increased protection against the hazards of vehicular exhaust emission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HUTCHINSON:

H.R. 14536. A bill to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 14537. A bill to amend the Federal Water Pollution Control Act, as amended; 'to the Committee on Public Works.

By Mr. PURCELL:

H.R. 14538. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. SCHEUER:

H.R. 14539. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. MORSE:

H.J. Res. 972. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. WATSON:

H.J. Res. 973. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111, which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. COHELAN (for himself and Mr. Keith):

H.J. Res. 974. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education, and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111 which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. BROTZMAN (for himself, Mr. Denney, Mr. Burton of Utah, Mr. Fish, Mr. Mize, Mr. Flowers, Mrs. Heckler of Massachusetts, Mr. Corbett, Mr. McKneally, Mr. Ruppe, Mr. McCloskey, Mr. Lujan, Mr. Derwinski, Mr. Winn, Mr. Williams, Mr. Mann, Mr. Robison, Mr. Pollock, Mr. Cleveland, Mr. Pucinski, Mr. Cowger, Mr. Findley, Mr. Carter, Mr. Feighan, and Mr. Sebelius):

H. Res. 591. Resolution to amend the Rules of the House of Representatives; to the Committee on Rules.

By Mrs. SULLIVAN (for herself, Mr. Addabbo, Mr. Annunzio, Mr. Byrne of Pennsylvania, Mr. Dulski, Mr. Edwards of Louisiana, Mr. Evins of Tennessee, Mr. Hull, Mr. Ichord, Mr. Johnson of California, Mr. Mollohan, Mr. Poage, Mr. Price of Illinois, Mr. Randall, Mr. Sikes, and Mr. Smith of California):

H. Res. 592. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. FLOOD (for himself, and Mr. Carter, Mr. Collins, Mr. Dowdy, Mr. Fisher, Mr. Flynt, Mr. Fountain, Mr. Fulton of Pennsylvania, Mr. Goodling, Mr. Hosmer, Mr. Lukens, Mr. Mann, Mr. Rarick, Mr. Roberts, and Mr. Wold):

H. Res. 593. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. DEVINE (for himself, and Mr. Williams, Mr. McClure, Mr. Wyman, Mr. Lipscomb, Mr. Michel, Mr. Wylie, Mr. Meskill, Mr. Scherle, Mr. Schadeberg, Mr. Buchanan, and Mr. McKneally):

H. Res. 594. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. HUNT (for himself, Mr. Dellenback, Mr. Myers, Mr. Dennis, Mr. Landgrebe, Mr. Goodling, Mr. Johnson of Pennsylvania, Mr. Pelley, Mr. Sebelius, Mr. Camp, Mr. Carter, Mr. Quillen, Mr. Kuykendall, Mr. Bray, Mr. Snyder, Mr. Kyl, Mr. Duncan, Mr. Wyatt, and Mr. McClure):

H. Res. 595. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. WAGGONNER (for himself, Mr. Passman, Mr. Caffery, Mr. Griffin, Mr. Lennon, Mr. Taylor, Mr. Hagan, Mr. Brinkley, Mr. Jones of Tennessee, Mr. Fuqua, and Mr. Dowdy):

H. Res. 596. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Penama Canal Zone; to the Committee on Foreign Affairs.

By Mr. DEL CLAWSON (for himself, Mr. Hammerschmidt, Mr. Ruth, Mr. Skubitz, and Mr. Whitehurst):

H. Res. 597. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. DENT (for himself, Mr. Belcher, Mr. Mizell, and Mr. Miller of Ohio):

H. Res. 598. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. HALL (for himself, Mr. Gross, Mr. Johnson of Pennsylvania, Mr. Scott, Mr. Rhodes, Mr. Hunt, Mr. Talcott, Mr. Dickinson, Mr. King, Mr. Hutchinson, Mr. Thompson of Georgia, Mr. Del Clawson, Mr. Betts, and Mr. Saylor):

H. Res. 599. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GREEN of Pennsylvania:

H.R. 14540. A bill for the relief of Helena Janina Kuropatwa; to the Committee on the Judiciary.

By Mr. HENDERSON:

H.R. 14541. A bill for the relief of Jimmie R. Pope; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 14542. A bill for the relief of Maria Rosa Occhino, Felipe Occhino, Franco Militello, and Anna Maria Militello; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 14543. A bill for the relief of Mrs. Rolando C. Dayao; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and refered as follows:

307. By the SPEAKER: Petition of the Princeton Township Committee, Mercer County, N.J., relative to ending the war in Vietnam; to the Committee on Foreign Affairs.

308. Also, petition of Sister Terrence Marie, Caldwell, N.J., relative to establishment of a Department of Peace; to the Committee on Government Operations.

309. Also, petition of Henry Stoner, York Pa., relative to review of statutes; to the Committee on the Judiciary.

310. Also, petition of A. W. Anderson, South Laguna, Calif., et al., relative to pensions for veterans of World War I; to the Committee on Veterans Affairs.

EXTENSIONS OF REMARKS

FACT SHEET ON CONTINUING RESOLUTION FROM COMMITTEE ON APPROPRIATIONS

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. MAHON. Mr. Speaker, on tomorrow the House is scheduled to consider House Joint Resolution 966, making continuing appropriations for November for those departments and agencies whose regular appropriation bills for fiscal year 1970 have not been enacted.

There is considerable interest among Members as to the provisions of the resolution in comparison to the one under which most of the Government has operated since July 1, and particularly the effect of the resolution on authorized funding levels for certain education programs—more specifically the one for "category A" and "category B" aid for schools in Federally impacted areas.

I have prepared a fact sheet on the committee resolution in general and its effect in this respect on the education programs. Copies will be available during consideration on the House floor.

I include a copy of the fact sheet and a supporting tabulation:

Committee Continuing Resolution Fact Sheet—House Joint Resolution 966

(Note.—For impacted aid and other education programs, see items 10 and 11.)

A. THE PURPOSES OF CONTINUING RESOLUTIONS

1. *Continuing resolutions are not appropriation bills* in the usual sense. They do not make *additional* appropriations. They merely make interim advances that are chargeable against whatever amounts the two Houses of Congress finally appropriate in the regular annual bills.

2. *Continuing resolutions are nothing but interim, stop-gap measures* necessary to keep government functions operating on a rationally minimum basis between July 1 and enactment of the regular authorization and appropriation bills. They are designed to preserve the integrity and options of the regular authorizations and appropriations processes in the committees and in both Houses.

3. *Continuing resolutions were never designed and never intended to* "get ahead of the regular order", i.e., to resolve weighty, substantive, legislative or appropriation issues outside the framework of the regular bills. (If they were so used, a Pandora's box of disruptive and disorderly actions could well result.)

4. *Continuing resolutions have always been designed to avoid controversy so as to secure prompt enactment,* else they would jeopardize orderly processes and orderly continuation of essential governmental functions.

5. *Continuing resolutions are thus a growth, born of long—and successful—experience.* They have become standardized in their concepts and specific provisions. They apply universally, and consistently, to all departments and agencies. The basic concept over the years is this:

Legislative status of an appropriation bill when Continuing Resolution becomes effective:	Continuing Resolution funding level is always:
When neither House has acted.	The budget estimate or last year's level, whichever is lower.
When passed House but not Senate.	Last year's level, or House level, whichever is lower.
When passed both House and Senate.	The action of the two Houses; or if in disagreement, the lower of the two.

B. THE COMMITTEE RESOLUTION (HOUSE JOINT RESOLUTION 966)

6. *The committee resolution* follows the *basic concepts* of past resolutions. It is a 30-day resolution—for November only.

7. *The committee resolution* makes a change in the *application* of the concept and thus in the *effect* on some operations, by taking account of congressional actions on appropriation bills *since July 1* when the current resolution went into effect.

8. *The committee resolution* makes no change at all in 6 of the regular bills; they occupy the same position they did on July 1. It will have some limited effect on the Agriculture and Legislative bills which have moved to the conference stage, and on the Labor-HEW, State-Justice-Commerce, and Public Works bills which have moved to the Senate since July 1.

9. *The committee resolution, replacing the existing resolution effective November 1st, will produce* little or no change in authorized rates of interim spending levels for many programs and activities. But it will permit *significant changes in a handful of items in the Department of HEW, especially in the Hill-Burton hospital grants* (*about $100 million more*) *and in certain education programs* (*about $600 million more*).

C. EFFECT OF COMMITTEE ON EDUCATION PROGRAMS

10. *The committee resolution adds about $600 million* to the authorized spending level for education programs, as *shown on the attached table.* $319 million additional is for impacted area school aid (P.L. 874).

11. *For schools in Federally impacted areas,* the committee resolution would authorize funds at the 1969 level for both categories "A" and "B"; a total of $506,000,000—some $319,000,000 *above* the currently authorized rate. There would be no special restrictions with regard to "category B".

Payments are made periodically during the fiscal year but the final payments are not usually made until late September or October. i.e., *after* the fiscal year for which they are appropriated. Thus an increase in these funds at this time would have no practical effect different from that of providing them when the regular HEW bill is enacted.

EFFECT OF CONTINUING RESOLUTION ON EDUCATION PROGRAMS

[In millions]

	1969 level	1970 budget	1970 House bill	1970 continuing resolution: Present version effective July 1 (Public Law 91–33)	1970 continuing resolution: Committee version effective Nov. 1 (H.J. Res. 966)	1970 continuing resolution: Increase over present version
Supplementary educational centers (title III, ESEA)[1]	$165	$116	$165	$116	$165	+$49
Library resources (title II, ESEA)[1]	50	0	50	(2)	50	+50
Guidance, counseling, and testing (title V, NDEA)[1]	17	0	17	(2)	17	+17
Equipment and minor remodeling (title III, NDEA)[1]	79	0	79	(2)	79	+79
Impacted area aid (Public Law 874)[1]	506	187	585	187	506	+319
Higher education facilities construction grants, 4-year undergraduate facilities[1]	33	0	33	0	33	+33
NDEA student loans[1]	193	162	229	162	193	+31
Library assistance:						
Services	41	23	41	23	42	+19
Construction	9	0	9	0	9	+9
Title I, ESEA[1]	1,123	1,216	1,397	1,123	1,123	
Vocational education[1]	248	279	489	248	248	
Education for the handicapped	80	86	100	80	80	
Subtotal	2,544	2,069	3,194	1,939	2,545	+606
Other education programs	1,073	1,111	1,029	950	945	−5
Total, Office of Education	3,617	3,180	4,223	2,889	3,490	+601

[1] Joelson amendment items.

[2] Sec. 101(d) of the present continuing resolution made special provision for continuing State administrative activities only. Under the committee version funds for both State administration and program grants would become available effective Nov. 1.

RETIREMENT OF PHILLIP S. HUGHES

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. TEAGUE of Texas. Mr. Speaker, I want to call to the attention of this House the departure from Government service of the Deputy Director of the Bureau of the Budget, Mr. Phillip S. Hughes—known to his friends as Sam.

I first met Sam Hughes shortly after I came to Congress. I came to know him intimately when the Korean GI bill of rights was formulated and later in the outstanding work that he performed in connection with the Survivor Benefits Act, Public Law 881 of the 84th Congress.

Sam Hughes is one of those rare individuals who has absolute integrity, who can give you an answer which you completely disagree with but which at the same time forces you to see the logic of his position and know that his view is based upon considerable thought and a lot of plain ordinary horsesense.

Sam Hughes, in the few moments that he has had of vacation, likes to climb mountains. Perhaps this is one of the reasons why he has had the ability to see so far ahead in regard to Government programs. Certainly he has never lived in a rarefied atmosphere which one associates with heights, but has certainly been able to see clearly and much more so than many of us.

The Federal Government is losing, in my judgment, one of the ablest men who ever served it. An individual with rather keen insight once wrote "hindsight tends to etch deeply the clear lines of leadership that appeared blurry close at hand." Sam Hughes' actions were never blurry and he always showed positive leadership.

Sam carries with him the best wishes of all of those of us on the Hill who have had the good fortune to know him. We shall sorely miss his counsel and we wish him well in whatever endeavor he desires to pursue after the 21 years of distinguished service that he gave to the Bureau of the Budget.

SOCIAL SECURITY REFORMS: BRINGING THE SYSTEM UP TO DATE

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, among all the victims of inflation, none are more deserving of urgent attention and relief than the beneficiaries of social security. They have invested part of their earnings in the promise of a continuing income—and the Congress must act now to fulfill that promise, in pace with realities.

The President has taken the lead. His recommendation to increase basic benefits by 10 percent is nothing less than a positive obligation—and it is the level of increase that is actuarially sound. His recommendation to attach the future schedule of benefits to cost of living will go far to eliminate the repeated experience of playing catch-up, as benefits lag behind living-cost increases—and it will take the political gamesmanship out of this process.

Both recommendations are essential. Both are, in the broadest sense, nonpartisan. And both deserve the support, now, of the Congress.

Of equal importance is the President's recommendation that the "earnings test" be raised from $1,680 to $1,800—the amount beneficiaries may earn without any loss of benefits. He also would eliminate the 100-percent tax, the outright confiscation of all earnings beyond the $3,000 level. For all earnings beyond the exempt amount, he would substitute a 50-percent tax and thus maintain an incentive for earnings at any level within the capability of the beneficiary. To say that the Nation needs the experience and productivity of its older citizens is clear beyond question—yet, under present law, we penalize them for their enterprise. This irrationality must be eliminated, and the President has recognized the urgency of such a reform.

URGENCY OF ELECTORAL REFORM

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. HUNGATE. Mr. Speaker, I would like to call to the attention of my colleagues the following article which appeared in the St. Louis Globe-Democrat on October 22, 1969:

URGENCY OF ELECTORAL REFORM

The proposal for abandoning the antiquated Electoral College system and adopting direct election of the President and Vice President was gathering cobwebs for discouraging months. Congress now seems in a mood to pass the amendment for popular election and submit it to the states.

This is what should be done without growing any more moss on the issue. There is every evidence the great majority of the people want the constitutional amendment providing direct vote for the President.

The nation should be afforded the right to decide, by submission of the change to legislative plebiscite in all states. Shucking the archaic, frustrating Electoral College from the Constitution should have been effected long ago. Further temporizing and indecision on Capitol Hill cannot be justified.

The need for dumping the undemocratic Electoral College process was trenchantly impressed on the country last November, when it appeared the choice of a President might be thrown into the House of Congress with attendant smelly political deals. In modern America it is utterly unacceptable that Congressmen might elect a President.

But when the danger of a House presidential selection was over, and Richard Nixon elected, apathy set in. Now that apathy appears to have lifted.

The House recently passed the amendment proposition by a whopping vote—339 to 70, or 66 ballots more than the required two-thirds for an amendment to the Constitution.

This has given the program a sudden, big impetus. So thumping a majority for the re- in the Senate. The House was overwhelm- form in the House should carry great weight ingly willing to divest itself of a 188-year-old constitutional right.

Another influence toward approval of the amendment by the Senate Judiciary Committee—the obvious first hurdle in the upper house—was the appointment of Sen. Robert P. Griffin, Michigan Republican, to replace the late Sen. Everett M. Dirksen.

Mr. Dirksen favored the so-called "district plan", less satisfactory than popular election. Senator Griffin has declared he will support direct election.

The President has sensibly shifted his attitude on this reform. For some time he was lukewarm, even mildly antagonistic, toward dropping the Electoral College, which he thought could not be effected before 1972, the next presidential election. Now he thinks it can.

There is no reason to believe it can't. It should. Present public sentiment indicates it will be approved if it comes out of Congress

As in the House, a two-thirds majority ballot in the Senate is necessary for approving a constitutional amendment. Then the question must be submitted to the 50 state legislatures of the nation, where, 38 must ratify the proposal to place it in the Constitution and junk the Electoral College.

The House stipulated that the complete ratification process—by Congress and three-fourths of the states—must be completed by Jan. 2, 1971, if it is to be effective for the 1972 national elections. There is no reason this cannot be done.

The measure will have to be acted on however, with reasonable dispatch. It has been in the Senate committee about a month. If it is permitted to grow moldy there, this needed reform could be lost. Should it fail of adoption now, it likely will be pigeonholed many more years, as President Nixon observed when he called on the Senate Sept. 30 to indorse the revision.

A report published last April by Newsweek magazine said one reason the President now wished to abolish the presidential elector system is that he had personal knowledge of how electors sought to bargain away their votes.

The report stated several electors on the Wallace slate offered to trade their votes to Nixon in return "for presidential favors." Other similar offers were rumored; all were turned down.

One reason for reluctance in Congress over dumping the Electoral College was a feeling states would not approve the amendment.

There is growing evidence they would. A New York Times survey recently indicated 30 legislatures already have evidenced determination to ratify, or lean in that direction. As only 38 are necessary, it looms as no insuperable task to persuade the remaining fence-sitter legislatures. The prospect that a President could ever again be elected by a minority or by logrolling deals in Congress, can be eradicated before the next presidential campaign in '72.

NEW INDIANAPOLIS POLICE PATROL INNOVATION CUTS CRIME RATE

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. BRAY. Mr. Speaker, the war on crime is one that never ends, and its waging demands the initiative and inventiveness of all law enforcement agencies and individual citizens.

The city of Indianapolis, Ind., has come up with a plan, simple in concept yet effective in operation, that shows great promise. It is assigning personal patrol cars to policemen to drive off-duty as well as on. Indianapolis is the first major police department to utilize this, and the following story from the New York Times of Sunday, October 26, 1969, describes the practice, which could well be copied by other urban forces:

[From the New York Times, Oct. 26, 1969]

POLICE IN INDIANA DRIVE OWN CARS; NEW PATROL SYSTEM GIVEN CREDIT FOR CUT IN CRIME

INDIANAPOLIS, October 25.—In Indianapolis, policemen are assigned their own personal patrol cars to drive off-duty as well as on, and the system is given credit for helping to produce a pattern of reduced crime.

While the national average for the seven major crime categories in cities of half a million to a million increased by 13 per cent for the first nine months of this year, five of the seven categories showed a decrease in Indianapolis and all seven showed an average increase of only 1.2 per cent.

The record so far in Indianapolis this year is so encouraging to city officials that they are confident that the city's unusual pattern of big increases in most major categories may finally be broken.

Major crimes in Indianapolis increased at an average rate of 15.6 per cent in 1968 compared to 1967. Now, with the normally heavy crime months of June, July and August behind it, the Indianapolis police department thinks the average for 1969 may set a national example.

OFF-DUTY USE ENCOURAGED

Mayor Richard G. Lugar and Police Chief Winston Churchill give much of the credit to the system of individual patrol cars.

"Nearly all state police departments have assigned cars to individuals," says Raymond J. Stratton, deputy chief of operations, but we are the first police department to do so."

Under the Indianapolis plan, patrolmen are encouraged to use their cars, while off-duty for trips with the family to drive-in theaters or the grocery or church.

"As a result," says Maj. Frank Spallina, administrative assistant to Chief Churchill, "we may have as many as 400 cars on the street instead of the old 100 or so per shift."

Major Spallina says that "with all those cars running around or parked throughout the city" there is "more reluctance by juveniles to steal cars" and more hesitancy in general to commit crimes.

Several arrests have been made by off-duty policemen since the individual patrol car system went into effect in early June. Included were arrests made by off-duty policemen who stopped robberies or burglaries in progress.

A chief benefit of the program, according to Major Spallina, is the new spirit of pride it is giving the policemen, who have installed custom-fashioned equipment racks in their cars, or carpeted interiors, or who have spent their own money to improve such equipment as radios.

Major Spallina looks on the personal attention shown on the cars as healthy evidence of high morale.

In the first nine months of 1967, crime rose 16.1 per cent in Indianapolis compared to the previous year. In 1968, the increase was 21.2 per cent compared to 1967.

For nine months this year, only the categories of burglary and larceny showed increases—of 9.1 and 5.6 per cent respectively.

In the other major categories, murder was down 18.6 per cent; forceable rape was down 7.8 per cent; robbery was down 18.3 per cent; aggravated assault was down 6.6 per cent, and vehicle theft was down 12.3 per cent.

HIGHER EDUCATION IN A TIME OF CHANGE

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. JONES of Tennessee. Mr. Speaker, in this time of unrest in our Nation, especially on our college campuses, it is reassuring to know that sanity still prevails among some of our educators. One voice of reason which rings out clearly in the Eighth Congressional District of Tennessee is that of Dr. Archie R. Dykes, chancellor of the University of Tennessee at Martin.

At the beginning of the current academic year, Dr. Dykes, one of the Nations truly outstanding college administrators, addressed his faculty with an analysis of the challenge facing higher education and a propsal for meeting this challenge. I was deeply moved by the speech, and because I feel that all American leaders can benefit from the reasonableness of Chancellor Dykes' observations, I am including the entire text of the address:

HIGHER EDUCATION IN A TIME OF CHANGE

The circumstances surrounding high education today are not unlike those portrayed by Charles Dickens in the *Tale of Two Cities*, describing the era of the French Revolution. To paraphrase his classic language:

"It is the best of times, it is the worst of times,
It is the age of wisdom, it is the age of foolishness,
It is the epoch of belief, it is the epoch of incredulity,
It is the season of Light, it is the season of Darkness,
It is the spring of hope, it is the season of despair,
We have everything before us, we have nothing before us . . ."

Indeed, these are difficult and trying times in America, perhaps the most trying and most difficult of any period since the Civil War, more than a century ago. Yet, within our complex, frustrating, and perpelexing problems, there exist the greatest opportunities our nation or any nation has ever had before it. And these same circumstances characterize colleges and universities throughout our land. Perhaps never before has higher education generally and colleges and universities individually been confronted with problems which so clearly threaten destruction, while, simultaneously, unparalleled opportunities lie before them for progress toward undreamed of achievements.

Truly, we live in a time of unparalleled change. And no one would question, I believe, that these great changes going on about us have enormous implications for all of us, in our citizenship responsibilities, in our family obligations, but especially in our duties as faculty members in an institution of higher learning.

Some time ago, an article in *Fortune* magazine, seeking to dramatize the gap between our present era and the past, quoted Robert Oppenheimer as follows:

> This world of ours is a new world, in which the unity of knowledge, the nature of human communities, the order of society, the very notions of society and culture have changed, and will not return to what they have been in the past. What is new is new not because it has never been there before, but because it has changed in quality. One thing that is new is the prevalence of newness, the change in scale and scope of change itself, so that the world alters as we walk in it, so that the years of a man's life measure not some small growth or rearrangement or moderation of what he learned in childhood, but a great upheaval.

Change, then, pervasive and revolutionary change, is the dominant characteristic of our time. We are living through a series of concurrent and interacting revolutions in science, transportation, agriculture, communications, demography, civil rights, and, yes, education. Each of these revolutions has brought spectacular changes. Each has its train of tumultuous social consequences.

As a result of these great changes, we in education, like everyone else, are forever required to see our world through new eyes and to behave in accordance with new understandings and new concepts. In a world changing as rapidly as ours, ideas, understandings, beliefs, and ways of doing things rapidly become obsolete. Our best knowledge and our best understandings have an ever diminishing life before they are replaced with new knowledge and new understandings. In brief, we have intellectual obsolescence in shorter times than we have ever faced before in man's history. To persist in behaving and conducting our affairs as if change has not occurred can result in catastrophe.

For a few minutes this morning, I wanted to share with you some of my thoughts about the implications of these changes to those of us here in this room, the faculty and staff of The University of Tennessee at Martin. Let me mention just a few observations that may be relevant.

1. The first implication of these changing times has to do with what we are trying to accomplish in education. Traditionally, we have viewed the major function of education as the dissemination of information, the teaching of facts, the instilling of knowledge. This is and will continue to be an important function of education. But in the context of a world of revolutionary change, when knowledge is doubling every ten to fifteen years in some fields of study, when there is increasing finiteness to the length of time in which the best knowledge will hold true, when new facts and new information are coming into existence with unparalleled rapidity, I think we may well wonder if the primary function of education has not changed. If schooling is regarded primarily as a process of absorbing the funded knowledge of the past, it seems to me it may well lose its relevance to the world in which we live. And if teaching is regarded as simply the peddling of facts and information, its demise may come in the years immediately ahead.

The National Science Foundation now tells us that knowledge in science is doubling every ten years; that of all the research that has ever been published, more than half of it has been published since 1950; that more than half of all money spent on research has been spent in the last eight years; and that of all the scientists who have lived since the dawn of history, more than eighty percent are living and working today. We are told authoritatively that approximately 2,000 pages of printed materials are published every sixty seconds. If an individual attempted to keep informed by devoting his full time to reading, he would fall behind by more than one billion pages every year.

The explosion of knowledge, or the "information revolution," is probably the most important single factor forcing change upon education. So much has been learned in so many areas that it is no longer possible for students to learn even summaries of existing knowledge. The sheer bulk of knowledge defeats any effort to teach it as a body of facts. We can expect radical reorganization of a given body of knowledge not once in the coming century, but several times, at intervals of ten to twenty years.

It would seem, therefore, that the primary orientation of education today and in the future must be toward helping our young people assume responsibility for their own education and providing them with the knowledge, skills and understandings which will enable them to assume the responsibility effectively. In a world of rapid change, the students in our colleges and universities must become the kind of people who can continue to grow and change, who can make education a lifelong process.

The dimensions of the problem before us were well outlined by John Gardner, former Secretary of Health, Education, and Welfare:

"The task of the school is to develop skills, attitudes, habits of mind, and the kinds of knowledge and understanding that will be the instruments of continuous change and growth on the part of the young person. Then we shall have fashioned a system that provides for its own continuous renewal.

"This suggests a standard for judging the effectiveness of all education—and so judged, much education today is monumentally ineffective. All too often we are giving young people cut flowers when we should be teaching them to grow their own plants. We are stuffing their heads with the products of earlier innovation rather than teaching them how to innovate. We think of the mind as a storehouse to be filled rather than as an instrument to be used."

2. The second implication of our changing ambivalent era for those of us in education has to do with the value aspect of education. In a complex, uncertain, and rapidly changing age, values become increasingly important because they determine the focus of our lives and give meaning and substance to our daily activities. Dr. S. L. Halleck, a psychologist at the University of Wisconsin, in a paper presented at the American Association of Higher Education meeting last March, stated that our present lack of concern for the value aspects of education may well lead to an elimination of certain features of life which many have assumed to be essential to man's humanity. He says, "I doubt that man can live without intimacy, without compassion, without ideology, without beauty, and still be man."

In the complex, highly interdependent world in which we live, we must depend upon our fellow human beings to live by an acceptable code of ethics and moral responsibility. We simply cannot exist in any kind of satisfactory way unless we can trust our neighbor or our colleague, unless we can believe that he has some sense of concern for our welfare, unless we can place confidence in his honesty and integrity.

Yet, on many college and university campuses today, a certin cynicism prevails with respect to such attributes as truth, courage, integrity, generosity, compassion, honesty, love, and honor. In some places, students possessing such virtues are considered "old fashioned" or "odd," or something worse. Many of us, as adults, are possessed with a pervasive uncertainty about what it is we believe in. Many of us have no well-thought-out system of values; many of us have no commitments upon which we are willing to take a stand, or as some of the more radical critics have suggested, many of us have no commitments at all. We are thus pushed about willy-nilly by the events of daily life like a ship without a rudder.

We are unable or unwilling to be discriminating or selective with respect to what goes on about us, and horrendous circumstances are perpetrated upon us by a society that can't seem to distinguish between good and bad, right and wrong. Thus it is that newspapers, magazines, and television continue to give our young people a formidable display of violence, cruelty, dishonesty, and inhumanity to man, while our national leaders are, one by one, assassinated; while our minority groups continue to cry out for equality of opportunity that is not forthcoming; while our crime rate continues to spiral upward at an alarming pace; and while our basic intolerance, suspicion, and distrust of our fellow-man move us ever closer to open conflict within our own country, not to mention world-wide.

We must remind ourselves, I think, that no society can survive without a moral order sustained by the individual. As our social organization becomes more complex and interdependent, and the need for personal integrity and for commitment to human values becomes more imperative. As one writer has said:

"The strength of a nation lies not in armaments, but in the heart, mind, spirit, and conscience of its people. Its morality, not in laws and government, but in the honesty and moral responsibility of its citizens."

We must remind ourselves, too, that to give our young people the power which today's education and present knowledge can bring without appropriate values to guide them in its use can bring catastrophe. Let us remember that prior to World War II, the best educated people in the world, at least in a technical sense, were the citizens of Nazi Germany. Yet, what nation has perpetrated greater crimes of inhumanity on mankind or brought more grief to the world?

The Existentialist Movement, developed in Europe after World War II and so well articulated by Albert Camus and Jean-Paul Sartre, argues that man makes himself by his choices and that in choosing for himself, he inevitably chooses for everyone else, so interdependent, so interlocked, and so inextricably intertwined is our welfare. They pose a hypothetical question which they say should and must be answered by everyone who is genuinely interested in being a truly moral person. Their question is: "What would happen to man and to the world if everyone did as I am doing, if everyone lived his life as I live mine?"

The point I wish to make is, and I'm probably doing so very poorly, is that in our age we must educate people capable of imposing upon themselves values and morals necessary for us to live together in a highly complex, highly interdependent world of rapid change. The more complex and highly organized our society becomes, the more urgent will be the requirement for men to work together cooperatively in an atmosphere of mutual trust, confidence, and respect.

In our age, such basic values as honesty, integrity, concern for our fellow-man, and compassion become matters upon which our very existence as a civilized society depends. If we fail in our colleges and universities to foster these attributes, then much of the purpose of education is lost.

We should remember, as Richard Hofstadter, professor of history at Columbia University, said sometime ago, "that at any level, from the primary grades to the university, the teacher is not merely an instructor, but a potential personal model for his or her pupils and a living clue to the attitudes that prevail in the adult world."

The question before you and me as faculty members of this institution is whether we, as we go about our daily responsibilities, exemplify to our students models which are worthy of their emulation and which will help them become mature responsible citizens of a democratic society.

3. The third and final implication I see in these changing times for us is that we, students, faculty, administrative officers, and all other members of the university community, must learn how to interact with one another more sensitively, sympathetically, and democratically than we now do. The great changes going on in higher education today, deriving largely from the changing world about us, demand that we do so. I do not believe that there is any substantive difference between the goals and objectives of the students, the faculty, and the administration; the goals of one are the goals of the other. Ours is, or should be, a cooperative enterprise in which we work together for the achievement of common purposes. To the extent that we cannot work together in a cooperative manner, to the extent that one of us is suspicious or distrustful of the other, then to the extent our total welfare suffers. We cannot have a productive and stimulating educational environment, we cannot expect adequate financial support from the public treasury, and we cannot expect our University to progress unless we work together to bring these achievements about.

Here on this campus, as all of you know, important steps have been taken to secure greater and more effective involvement of all concerned in the affairs of the University. Steps have been taken to increase the effectiveness of various faculty committees, new ways of involving students in campus affairs have been developed, Student Government has been strengthened, and a dialogue has been created with student leaders which assures representation of student views in the most important decisions affecting the campus. Just recently, as a result of a two-day retreat of administrative officers and student government leaders, it has been recommended that each department head create a student advisory committee to work with him at the departmental level. But despite these important steps, more needs to be done toward making our campus a good model of democracy in action, and more will be done.

But while this progress is being made, while these steps are underway, universities must not permit themselves to be paralyzed by a tiny minority of anarchical students. There are processes, reasonable processes, through which change can be effected. We must insist that these processes be followed. The alternative to process is anarchy.

We in education sometimes seem bewildered by what has been happening on the campuses of our schools and colleges. We seem unwilling to speak out against lawlessness and anarchy because of fear of offending academic freedom or being labeled defenders of the status quo. But we must recognize that the basic freedoms of democracy can be destroyed by irresponsible action. Freedoms possessed by any person are precious, but they become obnoxious when one person encroaches on the freedom of another.

This is a principle we need to reiterate and emphasize today on every college campus through this land. For we live in a period when freedom is often equated with license to do as one wishes. Yet, we can have no freedom except within the context of laws and rules by which we are willing to live.

As an article in the *Washington Post* noted sometime ago, some of today's student radicals "are out of touch with and do not understand the principles of democracy. Their heroes are the modern revolutionaries and the language they talk is that of anarchy. Freedom of speech means nothing to them except as it protects their freedom to speak. The idea that differences are resolved through discussion and reason is irrelevant to them. The only thing that counts in their lexicon is power and the only way they believe power should be used is to enforce their belief on others. The more violent the action, the better it fits the rebels' purpose."

The historical parallels to this set of mind are only too easy to draw. It was Mussolini who used to distinguish between "a violence that liberates and a violence that enslaves . . . a violence that is moral and a violence that is immoral." And it was Hitler who wrote, "The very first essential for success is a perpetually constant and regular employment of violence." As Arthur Schlesinger has noted, "It is perfectly obvious why Mussolini and Hitler favored violence: It is because violence, by abolishing the procedures and civilities of society, opens the way for those who are most successful in the use of force."

No matter how worthy the goals, if they are sought through coercion and violence, the process of democracy itself may be destroyed. The abuses of freedom by a few could easily result in the loss of freedoms by us all.

I do not want my remarks to be misunderstood. Greater participation of students in university decisions, not only on our campus but elsewhere, is desirable and we should do what we can to bring that participation about. If we succeed, not only will the education of our students be enriched, but the quality of the decisions made will be enhanced. Faculty, students, and administration need to work together with greater resourcefulness than we have in the past to achieve a real partnership which will enhance the efficiency of the University as a real center of teaching and learning.

The subversion of the fragile structure of a university is all too easy, as we know from the events of recent months. That is why we must insist on a scrupulous and continued dedication to the conditions of orderly and peaceable discussion and dialogue in the decision-making process. Such strategies as sit-ins, occupation of buildings, the forceful blocking of university activities are not acceptable in an institution which holds as one of its highest values reasoned and intelligent discussion of problems of mutual concern. Such techniques are a thrust at the vitals of university life and will destroy any university where they are employed.

We are living through a period in which the need for teaching and learning and the use of intelligence and rational discussion in settling our problems—the services a university performs and the things it stands for—is greater than ever before. What kind of people would we be if we allowed this center of culture and hope to languish and fail?

These, then, my friends and colleagues, are some of the thoughts I have as we begin another academic year. What the year shall be and what it shall bring depends very largely on those of us assembled here in this room and our colleagues over the nation. Whether the months ahead shall be the best of times or the worst of times, a time of wisdom or a time of foolishness, a season of light or a season of darkness, the spring of hope or a time of despair, will depend upon what we do, day by day, as we fulfill our duties and responsibilities to the young people who come to us in search of education and learning.

I solicit your interest in and concern for the affairs of the University in the days and months ahead. In a democratic society, the responsibility for decisions and actions rests with all of us. The "they" we sometimes talk so much about is not an anonymous mass of faceless strangers, it is ourselves. What our University is and what it shall become will be determined by what we are and what we do in the weeks and months to come.

DR. DOMENICK IERARDO OF SOUTHERN CONNECTICUT STATE COLLEGE RECEIVES THE ELOY ALFARO GRAND CROSS

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. GIAIMO. Mr. Speaker, I am pleased to report that one of my distinguished constituents, Dr. Domenick Ierardo of Southern Connecticut State College, has received the highest award of the Eloy Alfaro International Foundation of the Republic of Panama.

This foundation, named after the great Latin American statesman, Gen. Eloy Alfaro of Ecuador, has awarded its coveted Grand Cross to outstanding Americans from all walks of life, including six former Presidents. I am gratified that Dr. Ierardo, an outstanding educator and humanitarian, has been included in this distinguished group.

It is therefore my pleasure to insert at this point in the RECORD the formal presentation address of Dr. Herman A. Bayern, American provost of the foundation; the investiture speech by Dr. L. Lester Beacher, American deputy provost and chancellor of Canada's Philathea College; the presentation by Dr. N. R. Caine, American deputy provost; and the acceptance speech by Dr. Ierardo:

PRESENTATION OF ELOY ALFARO GRAND CROSS TO DR. DOMENICK IERARDO

ADDRESS OF DR. HERMAN A. BAYERN

We are assembled here in New York today to honor an outstanding and distinguished Educator of reknown, Dr. Ierardo, Assistant Professor of Italian at Southern Connecticut State College, with the top honor of this Foundation—The Eloy Alfaro Grand Cross and Diploma.

We are here this morning to honor you in testimony; first, of our faith in the ideals of American democracy; secondly, in our devotion to the cause of universal education as the follower of these ideals; and thirdly, because of our confidence in the cooperation of all the peoples of the Western Hemisphere in the preservation of human freedom and peace of all the peoples of the world.

Such was the pattern of the life of our standard bearer, the immortal Eloy Alfaro, the great Democrat of Ecuador. As President of Ecuador at the turn of the century, he expanded and furthered educational institutions of his own country. He appealed to the Spanish Monarch to establish peace, and to grant the people of Cuba the freedom, for which they yearned and bled. Now, those people of Cuba pray once more that somehow, perhaps by Divine Guidance, they will again see their freedom restored—the freedom which Dr. Castro and the Soviet Union wrested from them, in direct violation of the Monroe Doctrine.

The Eloy Alfaro International Foundation of the Republic of Panama gathers and encourages the permanent political and moral values of the Americas. Elroy Alfaro was the most outstanding Ecuadorean in the Western Hemisphere. The action and thought which he placed at the service of his country were instrument and agency of the highest aspiration of half the globe. He worked for a broad land; he strove to raise the social level of the Indians; to spread education among his countrymen; to banish the exploitation of man by man; to act for the defense of liberty, regardless of frontiers; to create American public laws; and to free the flesh and the spirits from their chains.

The Eloy Alfaro International Foundation has neither political or lucrative purposes. The finality is to pay tribute to the memory of Eloy Alfaro, and make available all knowledge of his life and works, as a statesman and liberator. What Alvaro undertook and accomplished in half a century, constitutes the essential transformation of normal people.

Our guest of honor, Dr. Ierardo, was awarded the Eloy Alfaro Grand Cross and Diploma, by unanimous vote of the Board of Dignitaries, in recognition of his distinguished contribution to culture and humanity, and his outstanding merit and accomplishments in the field of education, in his work for worthwhile endeavors, and in further recognition of his efforts toward the establishment of international peace.

Eloy Alfaro was a citizen, not only of his native Ecuador, but of all the Americas. The personal integrity, the unwavering defense of the principles of truth, justice and friendship among nations; the self-control and self-sacrifice that marked one-quarter of a century of unflagging service to his fellow man, extended way beyond the confines of his own country, Ecuador.

He was a rebel and a conspirator, but his rebellion and conspiracy were directed against hatred, injustice, discord and tyranny. He was the leader of a generation fired with the hope and desire that responsible political action would enhance the prosperity of their country and the welfare of their people.

It is most fitting, therefore, for us this morning that we of the Eloy Alfaro International Foundation, have selected to present this highest award to a great American, Humanitarian, and Educator. None can ever doubt the limitless faith of Dr. Ierardo to the ideals of democracy and in the belief of our guest of honor that it was not from human hands, but from the Great Creator that every man, woman and child inherits the inherent right of life, human liberty, happiness, and equal opportunity, for learning, which has been the lifework of Dr. Ierardo, and with such opportunity the priceless possession of truth, which alone can make man free.

You know, my dear Dr. Ierardo, that you now join a very select and elite group of Americans who have been similarly honored in the past. They include former Presidents, John F. Kennedy, Franklin D. Roosevelt, Herbert Hoover, Dwight D. Eisenhower, Harry S. Truman, President Lyndon B. Johnson, Vice President Hubert H. Humphrey, and other dignitaries such as FBI Director J. Edgar Hoover, former Governor Averell Harriman, the late General of the Armies Douglas MacArthur, Senators Mansfield and Dirksen, Dr. Marie L. Fetsch, Governor Nelson A. Rockefeller, Lieut. Malcom Wilson, Congressmen Celler and Ford, Senators of the State of New York, Brydges and Zaretzki, Assembly speaker, Anthony J. Travia, the Hon. Charles J. Tobin, Jr., the U.S. Commissioner of Education, Harold Howe, II, and the Honorable Albert Conway, former Chief Judge of the Court of Appeals of the State of New York.

It now gives me great personal pleasure, and it is an honor and a privilege for me to call on that outstanding Scientist who did the original research and development in the field of contact lenses and applied Psychology and is the Chancellor of Philathea College. He has been honored by many nations and Universities in recognition of his achievements in his professional field.

I am sure that Dr. Beacher feels it now an honor to invest you, Dr. Ierardo, with the Eloy Alfaro Grand Cross and Diploma.

THE INVESTITURE SPEECH OF DR. L. LESTER BEACHER

I am aware of the achievements and accomplishments of Dr. Ierardo. He is highly regarded by many distinguished Educators and many of my colleagues.

In recognition of his outstanding service to his beloved country both in peace and war and service to mankind, in the fields of education and international relations, Dr. Ierardo's outstanding activities in behalf of humanitarian causes, through fraternal, civic and patriotic organizations, are in keeping with the aims, ideals and principles and purposes of this Foundation. Therefore, it gives me much happiness, particularly in light of my long interest in the field of education, and as a former recipient, to carry out the determination of the Board of Dignitaries. I hereby present him with the Eloy Alfaro Grand Cross and Diploma.

TRANSLATION OF THE DIPLOMA TO DR. IERARDO, FROM SPANISH INTO ENGLISH BY DR. N. R. CAINE

As a former recipient of this honor, I will now translate from Spanish into English the Diploma granted to you by this Foundation:

Thus one goes to the stars

The Eloy Alfaro International Foundation, recognizing the special value of the services rendered by Dr. Domenick Ierardo, in support of the objectives of this institution, he has been awarded the Cross of the Eloy Alfaro International Foundation. In witness whereof, this diploma, with the seal of the foundation, is presented in the city of Panama, Republic of Panama, on the 25th of June, 1968.

ACCEPTANCE OF DR. DOMENICK IERARDO

I would like to express my gratitude to the Eloy Alfaro Foundation for the great honor bestowed on me today, by including my name among the select list of distinguished Americans.

It is only fifteen years ago since I arrived in this country from Italy with great hopes and a strong belief to succeed in my future life. Thanks to the constant and wonderful support of my wife, I am now back into the field of education. Today is for me the realization of my life's ambitions. I am proud to be a recipient of this high honor and I accept it with gratitude and a deep sense of humility.

If we examine the activities of General Alfaro, they reveal an outstanding leader of his generation who gave freely of his imagination and energy to all people who sought his counsel and assistance. While Alfaro lived a life devoted to the struggle for liberty and American unity, in the minds of Americans he is most revered because of his love for freedom and for Bolivar's ideal of American unity which the great Ecuadorean took of his own.

As we view present-day society, both at home and abroad, we observe that many problems arise, and there will be no better solution than human understanding to consolidate the ideals of democracy. Therefore, as education proceeds and knowledge increases, thought will be clarified, understanding will reduce prejudice, good will replace hatred, and the problems of the many minorities will find a solution.

Men can bring pacem in terris. There is a tremendous amount of good will in the world locked within the hearts of men and women of every race, creed, and color. If each one began to express to the best of his abilities the good will that he feels, there would be a better world within a matter of days—not months or years or centuries.

I shall always cherish this award, and I again express my appreciation to the Organization, to all who spoke in my behalf, to the American Provost for his confidence in me, and to all of you for coming here.

And may I close with words which, in many languages, in many forms, in many religions, have brought comfort and strength. "May the peace of God, which passeth all understanding, be with us and remain with us always."

CAMPUS UNREST

HON. GEORGE W. ANDREWS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. ANDREWS of Alabama. Mr. Speaker, the wave of unrest and disorder sweeping our Nation's college campuses have provided a severe test of the determination and ability of college administrators to restore order and return their institutions to some semblance of sanity. Many have failed the test. They have confused criminal activity with legitimate dissent.

A thoughtful and most reasonable approach to the rights and limits of dissent and a reminder to incoming students of the seriousness of purpose with which they should approach higher education was made recently by Dr. Harry M. Philpott, president of Auburn University.

The great Auburn president addressed a freshman convocation on September 19, 1969, and the following are excerpts from his very timely and thought-provoking speech:

EXCERPTS FROM A SPEECH BY AUBURN UNIVERSITY PRESIDENT HARRY M. PHILPOTT, FRESHMAN CONVOCATION, SEPTEMBER 19, 1969

You must enjoy freedom if you are to gain an education but this does not mean freedom as it is defined by some today. I trust that you did not come to Auburn with the idea of finding here a place "where every person can do his own thing." If so, you are in for a rude shock Monday morning at seven or eight o'clock when we have some antiquated ideas about class attendance and "doing your own thing" calls for more sleep. Freedom does not exist in the absolute for anyone. If we are to have freedom in the university, we must have safeguards that will prevent its destruction, safeguards that inevitably limit its expression. No freedom can exist without order, and order requires that we surrender some of our freedom for the common good.

For example, the university welcomes and encourages differences of opinion, knowing that this is necessary for great understanding. You will be free to advocate your opinions in discussion, debate and peaceful demonstration. However, you will not be free to advocate them in such a fashion that you deny freedom or the right to learn to others. Even as you do not wish to have opinions forced on you by others, you must not expect to be allowed to force your opinions on someone else.

The university relies on cooperation and not power, on diversity with tolerant understanding and not disturbance. It also requires from you commitment and dedication to things which are greater than you—to the ideal. In a society where too many seem totally preoccupied with their petty needs, vanities, and grasping egos, to speak of ideals may sound strange or even novel. I am, however, convinced that the unattainable quest for the ideal, the true and the beautiful is as fundamental to education today as it was in the Agora of Athens where in the shadow of the Acropolis Socrates prodded his students to think on these things.

Because of this, I have a strange sounding final word of advice for you. It is simply this: "Get lost." It does not mean that I want you to disappear but rather a simple reminder of the words of Jesus: "He that would find his life must lose it, and he that loses his life shall find it." Do you want an education? Lose yourself in the pursuit of knowledge and understanding. Do you want to be a constructive member of the human race? Lose yourself in helpful service to others. Do you want to find security and happiness? Loss yourself in great causes and endeavors. Do you want to find meaning and purpose for your life? Lose yourself in the higher purpose of the God who made you. "Get lost."

IN SUPPORTING SCIENCE—PUT FIRST THINGS FIRST

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. EVINS of Tennessee. Mr. Speaker, the Nashville Banner in a recent editorial called attention to the importance of health research in the war on disease.

The Banner has some interesting and pertinent comments concerning the matter of priorities which involve decisions which the Congress must ultimately make.

Because of the interest of my colleagues and the American people in this most important subject, I herewith place the following Banner editorial of October 21, 1969, in the RECORD:

IN SUPPORTING SCIENCE—PUT FIRST THINGS FIRST

Research is the fulcrum on which the searching mind rests its lever, applying motive power to lift—as it were—the Earth. It is the essential forerunner of all scientific accomplishment; and there is both institutional and regional pride that much of the research that won the Nobel Prize in medicine for Dr. Max Delbruck, Dr. Salvadore E. Luria, and Dr. Alfred D. Hershey, was done at Vanderbilt University, where Dr. Delbruck was an associate professor of physics from 1940 to 1947.

Science is applied knowledge, and these men have applied it well in their discoveries concerning what technically is called the replication mechanism and the genetic structure of viruses. Discoveries by searching contribute to the gaining war on human diseases.

Research is the key to progress in every field of science—in the vast catalogue of which Vanderbilt figures have engaged in their several departments, served notably the cause to which their dedicated work was addressed, and gained distinguished recognition.

The progress through research there is a dividend on the investments made—in the time devoted by the scientists to that phase of their calling, and the grants made in its behalf, by individuals, corporations, foundations, and the federal government—more of which are needed in the light of its demonstrated potential.

The record in this Nobel Award illustrates the point—for much of the exploratory undertaking was done during Dr. Delbruck's tenure at Vanderbilt, the pioneering enterprise which Dr. Luria shared while working here on a Guggenheim Fellowship.

Friends and colleagues congratulate them. At the same time, interest centers on the case for research, itself; more of which can be done in its area of expanding need, grants permitting.

It is an ironic post-development occurring in connection with these three Nobel recipients, in the announcement that each has suffered a reduction in his federal grant for his particular research. By National Institutes of Health disclosure—regretfully noted by NIH officials even as the Department of Health, Education and Welfare was congratulating them on the award—Dr. Luria's grant was cut from $60,731 to $55,266; Dr. Hershey's from $45,399 to $40,860; and Dr. Delbruck's from $406,274 to $373,760.

These are grants, remember, relating to the war on disease—and involving work for the health of human beings; including 200 million American citizens. Instead of cutting investments for the laboratories and scientists at work in such a field, it should be increased. It would be false economy indeed that curtailed it, for enlarged expenditures in any other field. Without derogating space projects in the slightest, it can be noted that in the order of importance, the moon shot or a trip to Mars cannot compare with the work for human health.

Congress it is that has wielded this axe, resulting in the cuts occurring—a setback which in the public interest, present and future, cannot be countenanced. There are places for the federal government to substantially trim—saving billions; but not at the expense of valid life-saving operations; nor to the diminishment of scientific skills to that end.

The federal government should establish priorities respecting its own investment for research; and there is no question but that health work, involving these hundreds of millions of lives, should head the list.

CAN WE AFFORD TO LET RAILROADS JUNK SERVICE?

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. ZWACH. Mr. Speaker, I am deeply concerned over the curtailment of freight and passenger railroad service to our rural towns in Minnesota.

Curtailment of this service would be a severe blow to the ability of some of these towns to weather the crisis in which they already find themselves.

Many of these towns were established by the railroads themselves as a marshaling place for freight and passengers which provided the revenue for the railroads.

In order to be able to afford through countryside America, the railroads, in their founding days, were given huge tracts of land by the Government. The land not used for the right-of-way was parceled out in townsites and farms and sold to raise capital for railroad construction.

The railroads were very active in promoting immigration from Europe to settle these town and farmsites.

Today, the railroads find it more profitable not to stop at these small rural towns they helped to found, but rather to concentrate their efforts on long haul full car or full train load hauls, cross-continent, if possible.

And so the railroads are now abandoning service to countryside America. This is disturbing not only the small towns, but the cities as well.

Mr. Speaker, as an example of this concern in the cities, I would like, at this point, to insert in the CONGRESSIONAL RECORD, an editorial written by William Sumner in the St. Paul Dispatch in regard to this problem:

CAN WE AFFORD TO LET RAILROADS JUNK SERVICE?

(By William Sumner)

It is absurd to let a basic transportation system crumble about us without reaching about for solutions. That is exactly what is happening to our railroads, however, and the reactions to each abandonment of a line here or a service there are predictable: public servants protest, but in the end have very little to offer the railroads as a substitute for revenues. This last deals with the passenger business, of course.

Now our Minnesota Public Service Commission promises to take a "hard line" against the abandonment of branch freight lines in the state, which is the most recent push of the Chicago and North Western Railroad. This public spirited company seems to be dedicated to the creation of instant ghost towns and antiques in the state, these being the small communities which have depended on freight service and the railroad stations left without function.

No one can be too impressed with any such hard line, however. Since 1956, when the ICC took firm jurisdiction, around 130 trains have either been abandoned or permitted curtailment of service. The main emphasis of concern has been placed on the abandonment of passenger trains, which is happening all over and attracts the cries and protests of airplane riding sentimentalists. But the abandonment of freights serving some of our small rural communities gets us into a different ball game, a situation in which it has to be asked (1) if this is something we can permit and (2) what alternatives there are to letting a transportation system junk itself.

The Public Service Commission apparently can do little. It isn't even current with all of the recent requests for cancellations. But before the rails become abandoned, to be invented at a later day when our highways and airports have become unusable, this state ought to acquaint itself thoroughly with what (on the surface, at least) resembles a crisis and raise some hell at the federal level, with Congress, not the ICC. It does little good to appear before a hearing board to beat one's breast over a proposed abandonment, particularly when the public official caught up in such testimony can't really recall the last time he has taken the train.

There has been so much propagandizing on both sides of this issue that one is hard pressed to find the truth. The railroads obviously don't want to get out of the big freight picture, just abandon runs they deem inefficient or nuisances, but with this, as with the abandonment of passenger service, it seems that one can make profit and loss statements lie down and roll over at will. And while no one wants to force a private operation to lose money, there is a chicken and egg question at work here that hasn't been completely resolved in my mind.

I can't speak for the small-town freight services now in danger of abandonment. But which came first with passenger service: rotten service or the abandonment by the public? Not here, but elsewhere, with other railroads, there have been concrete examples of the actual discouragement of passenger use. But before getting sentimental to the point of tears about how fantastically good our own passenger lines are, I'll have to recall the round trip by rail last summer to the Democratic convention in Chicago. The train was fine, clean, fast and comfortable and even with a compartment it was cheap.

But at the Chicago end a passenger had to have divine guidance to find the right train or, as it turned out, the entrance to the station. Passengers riding "chair" had to wait in endless lines while conductors went through their mysterious 19th Century checking-in procedures. The old, the halt, those burdened with children were kept in sweaty procession while this endless foolishness was ground out in the filthy and very hot and humid lobby. Occasionally, someone could be heard to garble over the public address system, which was the railroads' way of telling us when a train was arriving or departing.

I bring this up, I think, because one day somebody will discover that the best and possibly fastest way to get to Chicago—or Milwaukee, or other medium-haul distances—will be by a modern rail system and because there is a possibility that those running the show may not believe this.

AMENDMENT TO BE OFFERED TO HOUSE JOINT RESOLUTION 966 TO PROVIDE ADEQUATE FUNDING FOR EDUCATIONAL PROGRAMS

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. COHELAN. Mr. Speaker, on Tuesday the House will consider continuing resolutions for a number of departments. Included in these resolutions will be one for HEW. As my colleagues are aware, the House passed the HEW appropriation that provided over $1 billion additional for the Office of Education. Together with 227 of my colleagues, I introduced a resolution that would enable OOE to expend funds at the House-passed levels to act as an interim measure until there is a final appropriation bill. The House Appropriations Committee has reported a continuing resolution that would decrease by $649 million funds available for OOE. I am including for the membership the breakdown of the figures for their own States. Each Member can compare the figures for 1969—approximately equal to the Appropriations Committee's resolution—and the figures for H.R. 13111 which was cosponsored by 227 House Members. You will see that your State will suffer considerable losses in vital educational revenues. It is for this reason—the loss of necessary educational funds—that I plan to offer an amendment to House Joint Resolution 966 to provide adequate funding for these educational programs.

The material referred to follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OBLIGATIONS IN THE STATE OF ALABAMA

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$37,773,357	$34,985,664	$38,198,857	$38,580,846	$44,504,965
State administrative expenses	377,734	349,908	381,989		
Grants to States for school library materials (ESEA II)	1,767,887	840,259	705,824	0	826,105
Supplementary educational centers and services (ESEA III)	3,343,000	2,927,740	3,072,424	2,040,343	2,904,233
Strengthening State departments of education (ESEA V):					
Grants to States	497,350	531,860	503,492	503,492	503,492
Grants for special projects					
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	1,918,412	1,888,098		0	34,770
Loans to nonprofit private schools		10,007			
State administration	36,897	35,243			
Guidance, counseling, and testing (NDEA V)	463,990	315,250	219,321	0	311,027
Subtotal, elementary and secondary education	46,178,627	41,884,029	43,081,907	41,124,681	49,084,592
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	9,155,000	9,530,000	6,177,000	2,362,000	11,075,000
Construction (Public Law 81-815)	617,391	681,900	328,000	328,000	328,000
Subtotal, school assistance in federally affected areas	9,772,391	10,211,900	6,505,000	2,690,000	11,403.000
Education professions development: Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		262,781	346,324	346,324	346,324
Training programs (EPDA, pts. C and D)	852,199			0	0
Subtotal, education professions development	852,199	262,781	346,324	346,324	346,324
Teacher Corps	5,116	71,204			
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	2,243,228			0	0
Colleges of agriculture and the meachanic arts (Bankhead-Jones)	227,647	224,435	227,680	227,680	227,680
Undergraduate instructional equipment and other resources (HEA VI-A)	238,807	240,381			
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	2,081,890	2,007,067	1,037,770		
Other undergraduate facilities (HEFA I, sec. 104)	3,525,974	2,092,086	1,367,691	0	510,083
Graduate facilities (HEFA II)	127,207				
State administration and planning (HEFA I, sec. 105)	119,484	97,938	97,938		
Student aid:					
Educational opportunity grants (HEA IV-A)	3,487,390	221,745	1,067,215		
Direct loans (NDEA II)	2,751,992	2,764,567	2,195,856	2,195,856	3,146,940
Insured loans:					
Advances for reserve funds	208,441	240,462			
Interest payments	(1)				
Work-study programs (HEA IV-C)	3,462,758	3,563,082	3,732,752	3,733,522	3,733,522
Special programs for disadvantaged students: Talent search					
Personnel development:					
College teacher fellowships (NDEA IV)	961,500			0	0
Training program (EPDA, pt. E)				0	0
Subtotal, higher education	19,436,318	11,451,763	9,726,902	6,157,058	7,618,225
Vocational education:					
Basic grants	5,730,515	5,755,151	5,493,553	5,493,553	8,442,754
Innovation			248,333	248,333	248,333
Work-study	197,787			0	197,686
Cooperative education			267,787	267,787	267,787
Consumer and homemaking education			346,640	346,640	346,640
Subtotal, vocational education	5,928,302	5,755,151	6,356,313	6,356,293	9,503,200
Libraries and community services:					
Grants for public library services (LSCA I)	633,492	633,492	633,492	319,145	633,492
Construction of public libraries (LSCA II)	600,801	397,777	168,825	0	168,825
Interlibrary cooperation (LSCA III)	42,443	42,892	42,892	42,892	42,892
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,251	25,251	25,251	25,251
College library resources (HEA II-A)	337,344			0	0
Librarian training (HEA II-B)				0	0
University community service programs (HEA I)	185,126	175,958	175,958	175,958	175,958
Adult basic education (Adult Education Act):					
Grants to States	901,330	1,072,101	1,199,378	1,199,378	1,199,378
Special projects and teacher education	185,000			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	2,947,286	2,386,980	2,285,305	1,802,133	2,285,305
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	263,547	571,029	571,028	571,028	571,028
Teacher education and recruitment	425,211			0	0
Research and innovation	27,111			0	0
Media services and captioned films for the deaf	7,151			0	0
Subtotal, education for the handicapped	723,020	571,028	571,028	571,028	571,028
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers	88,493			0	0
General education		49,600		0	0
Vocational education			17,866	17,866	17,866
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	88,493	49,600	17,866	17,866	17,866

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[1] Not available.

OBLIGATIONS IN THE STATE OF ALABAMA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education in foreign languages and world affairs				0	0
Civil rights education	$525,639			0	0
Colleges for agriculture and the mechanic arts (2d Morrill act)	50,000	$50,000	$50,000	$50,000	$50,000
Promotion of vocational education (Smith-Hughes act)	143,330	143,303			
Student loan insurance fund				0	0
Higher education facilities loan fund	2,820,000			0	0
Total, Office of Education	89,470,721	72,837,766	68,940,645	59,115,383	80,879,540

OBLIGATIONS IN THE STATE OF ALASKA

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$1,816,482	$1,725,848	$1,731,032	$1,731,032	$2,093,044
State administrative expenses	150,000	150,000	150,000		
Grants to States for school library materials (ESEA II)	124,897	66,568	55,918	0	70,860
Supplementary educational centers and services (ESEA III)	442,566	547,744	559,471	483,700	551,348
Strengthening State departments of education (ESEA V):					
Grants to States	171,800	242,131	239,911	0	0
Grants for special projects					
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	105,239	106,156		0	13,333
Loans to nonprofit private schools		818			
State administration	10,000	13,333			
Guidance, counseling, and testing (NDEA V)	49,999	50,000	50,000	0	50,000
Subtotal, elementary and secondary education	2,870,983	2,902,598	2,786,332	2,214,732	2,778,585
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	12,849,000	13,379,000	7,793,000	13,935,000	15,917,000
Construction (Public Law 81-815)	14,977	2,616,200	1,293,000	1,293,000	1,293,000
Subtotal, SAFA	12,863,977	15,995,200	9,086,000	15,228,000	17,210,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		112,896	119,515	119,515	119,515
Training programs (EPDA, pts. C and D)	188,325			0	0
Subtotal, education professions development	188,325	112,896	119,515	119,515	119,515
Teachers Corps				0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	95,455			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	155,376	152,468	155,378	155,378	155,378
Undergraduate instructional equipment and other resources (HEA VI-A)	7,522	8,119		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)		74,015	50,000	0	0
Other undergraduate facilities (HEFA I, sec. 104)	250,972	116,613	76,235	0	50,000
Graduate facilities (HEFA II)	600,000			0	0
State administration and planning (HEFA I, sec. 105)	36,480	33,660	33,660	33,660	33,660
Student aid:					
Educational opportunity grants (HEA IV-A)	62,580	6,680	32,147	32,147	23,675
Direct loans (NDEA II)	76,880	83,276	66,145	66,145	94,794
Insured loans:					
Advances for reserve funds	50,000	25,000		0	0
Interest payments	(1)				
Work-study programs (HEA IV-C)	114,209	123,734	129,626	129,653	129,653
Special programs for disadvantaged students:					
Talent search				0	0
Personnel development:					
College teacher fellowships (NDEA IV)	43,800			0	0
Training programs (EPDA, pt. E)				0	0
Subtotal, higher education	1,493,274	623,565	543,191	416,983	487,160
Vocational education:					
Basic grants	502,616	508,238	293,155	293,155	450,531
Innovation			203,530	203,530	203,530
Work-study	15,881			0	15,873
Cooperative education			204,951	204,951	204,951
Consumer and homemaking education			18,498	18,498	18,498
Subtotal, vocational education	518,497	508,238	720,134	720,133	893,383
Libraries and community services:					
Grants for public library services (LSCA I)	136,935	136,935	136,935	115,172	136,935
Construction of public libraries (LSCA II)	115,670	124,125	86,150	0	86,150
Interlibrary cooperation (LSCA III)	40,169	40,200	40,200	40,200	40,200
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,017	25,017	25,017	25,017
College library resources (HEA II-A)	39,905			0	0
Librarian training (HEA II-B)	45,069			0	0
University community service programs (HEA I)	106,520	105,733	105,733	105,733	105,733
Adult basic education (Adult Education Act):				0	0
Grants to States	126,288	131,891	136,550	136,550	136,550
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	572,306	603,410	570,094	462,181	570,277
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	100,000	100,000	100,000	100,000	100,000
Teacher education and recruitment	49,391			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	487			0	0
Subtotal, education for the handicapped	149,878	100,000	100,000	100,000	100,000

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[1] Not available.

OBLIGATIONS IN THE STATE OF ALASKA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	$10,723			0	0
Vocational education	46,835		$15,000	$15,000	$15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	57,558		15,000	15,000	15,000
Education in foreign languages and world affairs				0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	$50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	30,000	30,000			
Student loan insurance fund				0	0
Higher education facilities loan fund	950,000			0	0
Total, Office of Education	19,844,798	20,925,907	13,990,266	19,776,544	22,173,000

OBLIGATIONS IN THE STATE OF ARIZONA

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$9,976,695	$9,380,743	$9,528,554	$9,528,554	$9,882,769
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	816,510	422,604	354,990	354,990	425,551
Supplementary educational centers and services (ESEA III)	1,618,000	1,516,112	1,578,593	1,143,854	1,526,861
Strengthening State departments of education (ESEA V):					
Grants to States	300,954	368,490	361,205	361,205	361,205
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	774,785	784,359		0	800,812
Loans to nonprofit private schools		11,366		0	0
State administration	16,782	16,488		0	16,610
Guidance, couseling, and testing (NDEA V)	211,034	147,487	102,607	0	148,584
Subtotal, elementary and secondary education	13,864,760	12,797,649	12,076,349	11,538,603	13,162,392
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	8,700,000	9,059,000	5,139,000	6,526,000	10,825,000
Construction (Public Law 81-815)	1,832,067	1,417,300	175,000	175,000	175,000
Subtotal, SAFA	10,532,067	10,476,300	5,314,000	6,701,000	11,000,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		181,870	223,887	223,887	223,887
Training programs (EPDA, pts. C and D)	1,252,709			0	0
Subtotal, education professions development	1,252,709	181,870	223,887	223,887	223,887
Teacher Corps	49,981	140,935		0	0
Higher Education:					
Program assistance:					
Strengthening developing institutions (HEA III)				0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	180,951	177,936	180,964	180,964	180,964
Undergraduate instructional equipment and other resources (HEA VI-A)	166,905	166,461		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	640,961	804,224	415,830	415,830	415,830
Other undergraduate facilities (HEFA I, sec. 104)	1,877,254	1,228,671	803,238	0	323,980
Graduate facilities (HEFA II)	452,296			0	0
State administration and planning (HEFA I, sec. 105)	63,780	69,419	69,419	0	0
Student aid:					
Educational opportunity grants (HEA IV-A)	1,184,950	176,061	847,346	847,346	624,032
Direct loans (NDEA II)	1,834,280	2,195,009	1,743,464	1,743,464	2,498,605
Insured loans:					
Advances for reserve funds	3,759	95,735		0	0
Interest payments	(1)				
Work-study programs (HEA IV-C)	1,233,700	1,339,632	1,430,424	1,403,713	1,403,713
Special programs for disadvantaged students:					
Talent search	130,400			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,466,500			0	0
Training programs (EPDA, pt. E)				0	0
Subtotal higher education	9,235,736	6,253,148	5,463,685	4,591,317	5,447,124
Vocational education:					
Basic grants	2,122,115	2,133,895	2,237,119	2,237,119	3,438,112
Innovation			220,501	220,501	220,501
Work-study	83,735			0	83,692
Cooperative education			228,752	228,752	228,752
Consumer and homemaking education			141,161	141,161	141,161
Subtotal, vocational education	2,205,850	2,133,895	2,827,533	2,827,533	4,112,218
Libraries and community services:					
Grants for public library services (LSCA I)	312,656	312,656	312,656	187,354	312,656
Construction of public libraries (LSCA II)	144,289	215,407	115,407	115,407	115,407
Interlibrary cooperation (LSCA III)	40,974	41,153	41,153	41,153	41,153
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,100	25,100	25,100	25,100
College library resources (HEA II-A)	218,555			0	0
Librarian training (HEA II-B)	44,303			0	0
University community service programs (HEA I)	138,461	134,680	134,680	0	0

[1] Not available.

OBLIGATIONS IN THE STATE OF ARIZONA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Libraries and community services—Continued					
Adult basic education (Adult Education Act):					
Grants to States	$302, 940	$346, 188	$379, 898	0	0
Special projects and teacher education					
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1, 263, 928	1, 114. 693	1, 048, 403	$2, 827, 533	$4, 112, 218
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	103, 733	224, 757	224, 757	224, 757	224, 757
Teacher education and recruitment	410, 655			0	0
Research and innovation	10, 525			0	0
Media services and captioned films for the deaf	2, 591			0	0
Subtotal, education for the handicapped	527, 504	224, 757	224, 757	224, 757	224, 757
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	22, 048			0	0
Vocational education		50, 000	15, 000	15, 000	15, 000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	22, 048	50, 000	15, 000	15, 000	15, 000
Education in foreign languages and world affairs	83, 054			0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50, 000	50, 000	50, 000	50, 000	50, 000
Promotion of vocational education (Smith-Hughes Act)	51, 789	51, 789			
Student loan insurance fund	300			0	0
Higher education facilities loan fund				0	0
Total, Office of Education	39, 139, 726	33, 475, 036	27, 243, 614	28, 999, 630	38, 347, 596

OBLIGATIONS IN THE STATE OF ARKANSAS

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$23, 491, 781	$21, 806, 285	$23, 525, 257	$23, 525, 257	$27, 408, 955
State administrative expenses	234, 918	218, 117	235, 253	235, 253	
Grants to States for school library materials (ESEA II)	906, 017	453, 532	380, 971	0	447, 401
Supplementary educational centers and services (ESEA III)	1, 896, 000	1, 713, 497	1, 786, 306	1, 266, 286	1, 707, 779
Strengthening State departments of education (ESEA V):					
Grants to States	328, 124	388, 193	371, 742	371, 742	371, 342
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	1, 000, 044	991, 055		0	978, 829
Loans to nonprofit private schools		4, 368		0	0
State administration	19, 234	18, 499		0	18, 376
Guidance, counseling, and testing (NDEA V)	241, 869	165, 473	115, 120	0	164, 377
Subtotal, elementary, and secondary education	28, 117, 987	25, 759, 019	26, 415, 149	25, 398, 538	31, 097, 059
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	2, 650, 723	2, 696, 000	1, 530, 000	958, 000	3, 071, 000
Construction (Public Law 81-815)	100, 191	571, 300		0	0
Subtotal, SAFA	2, 750, 914	3, 267, 300	1, 530, 000	958, 000	3, 071, 000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		187, 861	232, 954	232, 954	232, 954
Training program (EPDA, pts. C and D)	538, 632			0	0
Subtotal, education professions development	538, 632	187, 861	232, 954	232, 954	232, 954
Teacher Corps	379, 669	251, 852		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	720, 212			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	192, 458	189, 394	192, 476	192, 476	192, 476
Undergraduate instructional equipment and other resources (HEA VI-A)	139, 008	136, 490		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	157, 505	1, 079, 144	557, 980	557, 980	557, 980
Other undergraduate facilities (HEFA I, sec. 104)	2, 424, 251	1, 167, 862	763, 483	0	283, 138
Graduate facilities (HEFA II)				0	0
State administration and planning (HEFA I, sec. 105)	80, 915	74, 344	74, 344	74, 344	74, 344
Student aid:					
Educational opportunity grants (HEA IV-A)	1, 660, 440	148, 326	713, 863	713, 863	525, 728
Direct loans (NDEA II)	1, 879, 706	1, 849, 227	1, 468, 814	1, 468, 814	2, 104, 996
Insured loans:					
Advances for reserve funds	7, 607	122, 516		0	0
Interest payments	([1])			0	0
Work-study programs (HEA IV-C)	3, 097, 662	2, 140, 576	2, 242, 508	2, 242, 971	2, 242, 971
Special programs for disadvantaged students:					
Talent search	30, 000			0	0
Personal development:					
College teacher fellowships (NDEA IV)	172, 600			0	0
Training programs (EPDA, pt. E)				0	0
Subtotal, higher education	10, 562, 364	6, 907, 879	6, 013, 468	5, 250, 448	5, 981, 633

[1] Not available.

OBLIGATIONS IN THE STATE OF ARKANSAS—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Vocational education:					
Basic grants	$3,273,753	$3,319,461	$2,963,572	$2,963,572	$4,554,559
Innovation			225,660	225,660	225,660
Work-study	105,390			0	105,337
Cooperative education			235,988	235,988	235,988
Consumer and homemaking education			187,000	187,000	187,000
Subtotal, vocational education	3,379,143	3,319,461	3,612,220	3,612,220	5,308,544
Libraries and community services:					
Grants for public library services (LSCA I)	319,716	391,716	391,716	219,830	391,716
Construction of public libraries (LSCA II)	398,255	346,970	128,570	0	128,570
Interlibrary cooperation (LSCA III)	41,336	41,581	41,581	41,581	41,581
State institutional library services (LSCA IV–A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV–B)	23,750	25,138	25,138	25,138	25,138
College library resources (HEA II–A)	211,575			0	0
Librarian training (HEA II–B)				0	0
University community service programs (HEA I)	147,398	142,316	142,316	142,316	142,316
Adult basic education (Adult Education Act):					
Grants to States	538,398	631,826	701,583	701,583	701,583
Special projects and teacher education	200,000			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1,990,428	1,619,056	1,470,413	1,169,957	1,470,413
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	137,460	297,836	297,836	297,836	297,836
Teacher education and recruitment	340,493			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	2,089			0	0
Subtotal, education for the handicapped	480,042	297,836	297,836	297,836	297,836
Research and training:					
Research and development:					
Educational laboratories	700,000			0	0
Research and development centers				0	0
General education	6,242			0	0
Vocational education	26,000	67,707	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Disssemination				0	0
Training				0	0
Statistical surveys				0	0
Construction	10,728			0	0
Subtotal research and training	742,970	67,707	15,000	15,000	15,000
Education in foreign languages and world affairs				0	0
Civil rights education	128,540	31,000		0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	85,107	85,107			
Student loan insurance fund				0	0
Higher education facilities loan fund	1,604,000			0	0
Total, Office of Education	50,809,796	41,844,078	39,637,040	36,984,953	47,524,439

OBLIGATIONS IN THE STATE OF CALIFORNIA

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$85,936,416	$80,215,617	$84,053,448	$84,053,448	$97,929,519
State administrative expenses	859,364	802,900	840,534	840,534	
Grants to States for school library materials (ESEA II)	9,337,909	4,786,011	4,020,285	0	4,801,557
Supplementary educational centers and services (ESEA III)	15,774,000	14,182,781	14,922,033	9,681,939	14,208,380
Strengthening State departments of education (ESEA V):					
Grants to States	1,895,749	1,908,448	1,847,729	1,847,729	1,847,729
Grants for special projects	41,491			0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	5,273,358	5,335,635		0	5,635,058
Loans to nonprofit private schools		148,476		0	0
State administration	177,666	174,462		0	175,073
Guidance, counseling, and testing (NDEA V)	2,234,188	1,560,552	1,085,684	0	1,566,092
Subtotal, elementary and secondary education	121,530,141	109,114,882	106,769,713	96,423,650	126,163,408
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81–874)	74,952,000	78,042,000	40,218,000	25,225,000	88,431,000
Construction (Public Law 81–815)		11,047,600	460,000	460,000	460,000
Subtotal, SAFA	74,952,000	89,089,600	40,678,000	25,685,000	88,891,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		1,027,178	1,503,032	1,503,032	1,503,032
Training programs (EPDA, pts. C and D)	6,493,971			0	0
Subtotal, education professions development	6,493,971	1,027,178	1,503,032	1,503,032	1,503,032
Teachers Corps	1,663,949	1,729,925		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	165,000			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	523,580	519,125	523,740	523,740	523,740
Undergraduate instructional equipment and other resources (HEA VI–A)	1,585,616	1,577,046		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	5,510,083	6,678,961	3,453,412	3,453,412	3,453,412
Other undergraduate facilities (HEFA I, sec. 104)	22,770,923	14,504,916	9,482,513	0	3,663,040
Graduate facilities (HEFA II)	2,598,126	600,000		0	0
State administration and planning (HEFA I, sec. 105)	303,385	377,971	377,971	0	0

OBLIGATIONS IN THE STATE OF CALIFORNIA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Higher education—Continued					
Student aid:					
Educational opportunity grants (HEA IV-A)	$8, 581, 990	$1, 570, 013	$7, 556, 158	$7, 556, 158	$5, 564, 771
Direct loans (NDEA II)	15, 775, 127	18, 828, 396	15, 547, 238	15, 547, 238	22, 181, 155
Insured loans:					
Advances for reserve funds	837, 865	1, 079, 211		0	0
Interest payments	[1]			0	0
Work-study programs (HEFA IV-C)	13, 991, 767	11, 874, 064	12, 439, 497	12, 442, 061	12, 442, 061
Special programs for disadvantaged students:					
Talent search	304, 399			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	7, 583, 700			0	0
Training programs (EPDA pt. E)	251, 828			0	0
Subtotal, higher education	80, 783, 389	57, 609, 703	49, 380, 529	39, 522, 609	47, 828, 179
Vocational education:					
Basic grants	17, 466, 034	17, 471, 789	18, 153, 766	18, 153, 766	27, 899, 577
Innovation			422, 522	422, 522	422, 522
Work-study	919, 639			0	919, 170
Cooperative education			512, 086	512, 086	512, 086
Consumer and homemaking education			1, 145, 491	1, 145, 491	1, 145, 491
Subtotal, vocational education	18, 385, 673	17, 471, 789	20, 233, 865	20, 233, 865	30, 898, 846
Libraries and community services:					
Grants for public library services (LSCA I)	2, 666, 778	2, 666, 778	2, 666, 778	1, 154, 367	2, 666, 778
Construction of public libraries (LSCA II)	2, 659, 255	1, 376, 957	507, 365	0	507, 365
Interlibrary cooperation (LSCA III)	51, 753	53, 915	53, 915	53, 915	53, 915
State institutional library services (LSCA IV-A)	38, 000	39, 509	39, 509	39, 509	39, 509
Library services for physically handicapped (LSCA IV-B)	23, 750	26, 210	26, 210	26, 210	26, 210
College library resources (HEA II-A)	2, 129, 062			0	0
Librarian training (HEA II-B)	724, 486			0	0
University community service programs (HEA I)	549, 363	506, 766	506, 765	506, 765	506, 765
Adult basic education (Adult Education Act):					
Grants to States	1, 590, 550	1, 908, 201	2, 137, 446	2, 137, 446	2, 137, 446
Special projects and teacher education	262, 500				
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	10, 695, 497	6, 578, 336	5, 937, 988	3, 918, 212	5, 937, 988
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	1, 106, 581	2, 397, 629	2, 397, 629	2, 397, 629	2, 397, 629
Teacher education and recruitment	1, 534, 379			0	0
Research and innovation	900, 600	288, 883		0	0
Media services and captioned films for the deaf	216, 828	151, 339		0	0
Subtotal, education for the handicapped	3, 758, 388	2, 837, 851	2, 397, 629	2, 397, 629	2, 397, 629
Research and training:					
Research and development:					
Educational laboratories	3, 485, 000	4, 171, 896		0	0
Research and development centers	4, 423, 833			0	0
General education	2, 737, 359	455, 000		0	0
Vocational education	1, 137, 169	241, 078	59, 037	59, 037	59, 037
Evaluations	16, 046			0	0
National achievement study				0	0
Dissemination	631, 725			0	0
Training	541, 312			0	0
Statistical surveys	125, 000			0	0
Construction	91, 492			0	0
Subtotal, research and training	13, 188, 936	4, 867, 974	59, 037	59, 037	59, 037
Education in foreign languages and world affairs	3, 116, 709			0	0
Civil rights education	414, 306			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50, 000	50, 000	50, 000	50, 000	50, 000
Promotion of vocational education (Smith-Hughes Act)	534, 067	534, 067			
Student loan insurance fund				0	0
Higher education facilities loan fund	1, 676, 000			0	0
Total, Office of Education	337, 243, 026	290, 911, 305	227, 009, 793	189, 793, 034	334, 627, 965

OBLIGATIONS IN THE STATE OF COLORADO

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$9, 606, 262	$8, 911, 750	$9, 087, 016	$9, 087, 016	$10, 655, 367
State administrative expenses	150, 000	150, 000	150, 000	150, 000	
Grants to States for school library materials (ESEA II)	1, 064, 689	541, 044	454, 481	454, 481	543, 947
Supplementary educational centers and services (ESEA III)	2, 044, 000	1, 744, 119	1, 819, 046	1, 307, 980	1, 769, 391
Strengthening State departments of education (ESEA V):					
Grants to States	347, 190	410, 474	401, 556	401, 556	401, 556
Grants for special projects	519, 924	258, 547		0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	812, 768	806, 722		0	837, 012
Loans to nonprofit private schools		14, 921		0	0
State administration	20, 077	19, 340		0	19, 673
Guidance, counseling, and testing (NDEA V)	252, 472	172, 995	120, 354	0	175, 980
Subtotal, elementary and secondary education	14, 817, 382	13, 029, 912	12, 032, 453	11, 401, 033	14, 402, 926
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	12, 765, 000	13, 291, 000	7, 539, 000	3, 109, 000	15, 522, 000
Construction (Public Law 81-815)	1, 099, 028	2, 525, 300		0	0
Subtotal, SAFA	13, 864, 028	15, 816, 300	7, 539, 000	3, 109, 000	15, 522, 000

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[1] Not available.

OBLIGATIONS IN THE STATE OF COLORADO—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education professions development: Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		$204,815	$258,608	$258,608	$258,608
Training programs (EPDA, pts. C and D)	$1,851,536			0	0
Subtotal, education professions development	1,851,536	204,815	258,608	258,608	258,608
Teachers Corps				0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	125,000			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	191,689	188,629	191,707	191,707	191,707
Undergraduate instructional equipment and other resources (HEA VI-A)	201,690	212,102		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	248,359	935,812	483,869	483,869	483,869
Other undergraduate facilities (HEFA I, sec. 104)	3,129,473	1,691,038	1,105,508	0	414,543
Graduate facilities (HEFA II)	317,181	200,000		0	0
State administration and planning (HEFA I, sec. 105)	91,749	80,092	80,092	80,092	80,092
Student aid:					
Educational opportunity grants (HEA IV-A)	1,982,840	228,321	1,098,863	1,098,863	809,263
Direct loans (NDEA II)	2,769,953	2,846,550	2,260,975	2,260,975	3,240,262
Insured loans:					
Advances for reserve funds		127,164		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	1,846,965	1,603,919	1,680,296	1,680,643	1,680,643
Special programs for disadvantaged students: Talent search	75,000			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,941,200			0	0
Training programs (EPDA, pt. E)	75,000			0	0
Subtotal, higher education	12,996,104	8,113,627	6,901,310	5,796,149	6,900,352
Vocational education:					
Basic grants	2,427,432	2,452,139	2,410,681	2,410,681	3,704,851
Innovation			224,710	224,710	224,710
Work-study	101,059			0	101,008
Cooperative education			234,655	234,655	234,655
Consumer and homemaking education			152,113	152,113	152,113
Subtotal, vocational education	2,528,491	2,452,139	3,022,159	3,022,159	1,087,337
Libraries and community services:					
Grants for public library services (LSCA I)	386,437	386,437	386,437	217,661	386,437
Construction of public libraries (LSCA II)	303,675	232,842	127,691	0	127,691
Interlibrary cooperation (LSCA III)	41,311	41,553	41,553	41,553	41,553
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,135	25,135	25,135	25,135
College library resources (HEA II-A)	441,349			0	0
Librarian training (HEA II-B)	127,425			0	0
University community service programs (HEA I)	147,594	142,295	142,295	142,495	142,495
Adult basic education (Adult Education Act):					
Grants to States	228,507	255,893	275,835	275,835	275,835
Special projects and teacher education	66,996			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1,805,044	1,123,664	1,038,455	742,188	1,038,655
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	131,656	285,258	285,258	285,258	285,258
Teacher education and recruitment	675,135			0	0
Research and innovation	1,135,525	240,113		0	0
Media services and captioned films for the deaf	30,589			0	0
Subtotal, education for the handicapped	1,972,905	525,371	285,528	285,258	285,258
Research and training:					
Research and development:					
Educational laboratories	514,039			0	0
Research and development centers				0	0
General education	291,383	30,002		0	0
Vocational education	48,230	49,982	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination	119,558			0	0
Training	98,475			0	0
Statistical surveys				0	0
Construction	71,250			0	0
Subtotal, research and training	1,142,935	79,984	15,000	15,000	15,000
Education in foreign languages and world affairs	103,826			0	0
Civil rights education	64,673			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	66,744	66,744			
Student loan insurance fund	3,000			0	0
Higher education facilities loan fund					
Total, Office of Education	51,266,668	41,462,556	31,142,243	24,679,395	9,560,136

OBLIGATIONS IN THE STATE OF CONNECTICUT

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$9,062,813	$8,698,660	$9,884,434	$9,884,434	$11,575,229
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	1,400,476	717,392	602,615	0	718,570
Supplementary educational centers and services (ESEA III)	2,775,726	2,333,909	2,447,224	1,687,122	2,343,122
Strengthening State departments of education (ESEA V):					
Grants to States	386,662	449,925	461,634	461,634	461,634
Grants for special projects				0	0

[1] Not available.

OBLIGATIONS IN THE STATE OF CONNECTICUT—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Elementary and secondary education—Continued					
Acquisition of equipment and miner remodeling (NDEA III):					
Grants to States	$718,891	$724,973		0	$734,201
Loans to nonprofit private schools	9,100	41,129		0	0
State administration	26,820	26,250		0	26,375
Guidance, couseling, and testing (NDEA V)	337,272	234,802	$163,353	0	235,929
Subtotal, elementary and secondary education	14,867,760	13,377,040	13,709,260	$12,183,190	16,095,060
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	3,293,000	3,429,000	1,945,000	1,503,000	3,974,000
Construction (Public Law 81-815)				0	0
Subtotal, SAFA	3,293,000	3,429,000	1,945,000	1,503,000	3,974,000
Education professions development: Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		238,978	310,305	310,305	310,305
Training programs (EPDA, pts. C and D)	782,618			0	0
Subtotal, education professions development	782,618	238,978	310,305	310,305	310,305
Teachers Corps				0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)				0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	210,260	207,121	210,285	210,285	210,285
Undergraduate instructional equipment and other resources (HEA VI-A)	164,566	163,167		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	763,269	875,107	452,481	452,481	452,481
Other undergraduate facilities (HEFA I, sec. 104)	2,676,180	1,784,439	1,166,568	0	454,530
Graduate facilities (HEFA II)	1,352,204			0	0
State administration and planning (HEFA I, sec. 105)	113,326	91,548	91,548	91,548	91,548
Student aid:					
Educational opportunity grants (HEA IV-A)	1,531,380	194,680	936,956	936,956	936,956
Direct loans (NDEA II)	2,417,182	2,427,138	1,927,841	1,927,841	1,927,841
Insured loans:					
Advances for reserve funds		146,810		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	1,463,032	1,505,555	1,577,248	1,577,573	1,577,573
Special programs for disadvantaged students: Talent search	231,240			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,840,300			0	0
Training programs (EPDA, pt. E)	19,000			0	0
Subtotal, higher education	12,781,939	7,395,565	6,362,927	5,196,684	5,651,214
Vocational education:					
Basic grants	2,643,558	2,634,697	2,613,726	2,613,726	4,016,898
Innovation			232,448	232,448	232,448
Work-study	132,821			0	132,753
Cooperative education			245,509	245,509	245,509
Consumer and homemaking education			164,925	164,925	164,925
Subtotal, vocational education	2,776,379	2,634,697	3,256,608	3,256,608	4,792,533
Libraries and community services:					
Grants for public library services (LSCA I)	514,029	514,029	514,029	270,073	514,029
Construction of public libraries (LSCA II)	290,157	274,398	148,935	0	148,935
Interlibrary cooperation (LSCA III)	41,896	42,244	42,244	42,244	42,244
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,195	25,195	25,195	25,195
College library resources (HEA II-A)	422,952			0	0
Librarian training (HEA II-B)				0	0
University community service programs (HEA I)	169,107	162,263	162,263	162,263	162,263
Adult basic education (Adult Education Act):					
Grants to States	394,974	457,836	503,143	503,143	503,143
Special projectc and teacher education	25,000			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1,919,865	1,515,474	1,435,318	1,042,427	1,435,318
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	170,519	369,463	369,463	369,463	369,463
Teacher education and recruitment	426,270			0	0
Research and innovation	9,324	22,500		0	0
Media services and captioned films for the deaf	87,627	8,520		0	0
Subtotal, education for the handicapped	693,740	400,483	369,463	369,463	369,463
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	134,237	23,770		0	0
Vocational education	114,322	75,000	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training	148,100			0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	396,659	98,770	15,000	15,000	15,000
Education in foreign languages and world affairs	571,134			0	0
Civil rights education	79,000			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	92,547	92,547			
Student loan insurance fund				0	0
Higher education facilities loan fund	2,183,000			0	0
Total, Office of Education	40,487,641	29,232,554	27,453,881	23,926,677	32,692,893

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[1] Not available.

OBLIGATIONS IN THE STATE OF DELAWARE

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$2,535,238	$2,520,451	$2,571,260	$2,571,260	$3,124,538
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	260,120	134,057	112,609	0	133,044
Supplementary educational centers and services (ESEA III)	644,000	715,180	735,751	597,711	719,823
Strengthening State departments of education (ESEA V):					
Grants to States	192,381	261,718	262,904	262,904	262,904
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	163,493	165,504		0	180,310
Loans to nonprofit private schools		6,777		0	0
State administration	10,000	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	65,045	50,000	50,000	0	50,000
Subtotal, elementary and secondary education	4,020,277	4,017,020	3,882,524	3,581,875	4,483,952
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	1,741,640	1,922,000	1,756,000	1,388,000	2,212,000
Construction (Public Law 81-815)	16	898,900	801,000	801,000	801,000
Subtotal, SAFA	1,741,656	2,820,900	2,557,000	2,189,000	3,013,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		125,971	139,299	139,299	139,299
Training programs (EPDA, pts. C and D)	77,870			0	0
Subtotal, education professions development	77,870	125,971	139,299	139,299	139,299
Teachers Corps				0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	82,908			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	160,608	157,678	160,612	160,612	160,612
Undergraduate instructional equipment and other resources (HEA VI-A)	26,440	26,175		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	139,307	163,085	84,324	84,324	84,324
Other undergraduate facilities (HEFA I, sec. 104)	516,926	316,172	206,696	0	85,158
Graduate facilities (HEFA II)				0	0
State administration and planning (HEFA I, sec. 105)	94,966	47,476	47,476	47,476	47,476
Student aid:					
Educational opportunity grants (HEA IV-A)	322,720	29,757	143,214	143,214	105,471
Direct loans (NDEA II)	216,403	370,989	294,671	294,671	422,301
Insured loans:					
Advances for reserve funds	10,000	29,209		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	271,172	293,787	307,777	307,840	307,840
Special programs for disadvantaged students:					
Talent search				0	0
Personnel development:					
College teacher fellowships (NDEA IV)	177,000			0	0
Training programs (EDPA, pt. E)				0	0
Subtotal, higher education	2,018,450	1,434,328	1,244,770	1,038,137	1,213,182
Vocational education:					
Basic grants	632,629	623,244	478,774	478,774	735,802
Innovation			206,110	206,110	206,110
Work-study	25,024			0	25,011
Cooperative education			208,568	208,568	208,568
Consumer and homemaking education			30,210	30,210	30,210
Subtotal, vocational education	657,653	623,244	923,662	922,662	1,205,701
Libraries and community services:					
Grants for public library services (LSCA I)	172,884	172,884	172,884	129,939	172,884
Construction of public libraries (LSCA II)	170,250	225,947	92,135	0	92,135
Interlibrary cooperation (LSCA III)	40,334	40,395	40,395	40,395	40,395
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	30,509	30,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,034	25,043	25,034	25,034
College library resources (HEA II-A)	33,726			0	0
Librarian training (HEA II-B)				0	0
University community service programs (HEA I)	112,283	111,098	111,098	111,098	111,098
Adult basic education (Adult Education Act):					
Grants to States	146,034	155,845	162,892	162,892	162,892
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	737,261	770,712	643,947	499,867	637,947
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	100,000	100,000	100,000	100,000	100,000
Teacher education and recruitment	105,723			0	0
Research and innovation		26,378		0	0
Media services and captioned films for the deaf	2,523			0	0
Subtotal, education for the handicapped	208,246	126,378	100,000	100,000	100,000
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General educations	22,231			0	0
Vocational education	60,000	40,000	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	82,231	40,000	15,000	15,000	15,000

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[1] Not available.

OBLIGATIONS IN THE STATE OF DELAWARE—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education in foreign languages and world affairs				0	0
Civil rights education	$99,224			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	$50,000	$50,000	$50,000	$50,000
Promotion of vocational education (Smith-Hughes Act)	30,000	30,000			
Student loan insurance fund				0	0
Higher education facilities loan fund	491,000			0	0
Total, Office of Education	10,213,868	10,038,553	9,556,202	8,535,840	10,858,081

OBLIGATIONS IN THE DISTRICT OF COLUMBIA

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$5,933,620	$5,655,271	$5,710,453	$5,710,453	$6,204,418
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	336,897	167,514	140,713	0	163,966
Supplementary educational centers and services (ESEA III)	841,000	874,098	903,065	705,509	879,117
Strengthening State departments of education (ESEA V):					
Grants to States	206,022	273,711	274,302	274,302	274,302
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	172,293	177,226		0	182,138
Loans to nonprofit private shcools		7,660		0	0
State administration	10,000	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	83,354	59,191	50,000	0	60,916
Subtotal, elementary and secondary education	7,733,186	7,378,004	7,228,533	6,840,264	7,778,190
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	5,747,400	5,984,400	3,396,000	374,000	6,744,000
Construction (Public Law 81-815)		908,400		0	0
Subtotal, SAFA	5,747,400	6,892,800	3,396,000	374,000	6,774,000
Education professions development: Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		132,452	149,107	149,107	149,107
Training programs (EPDA, pts. C and D)	827,729			0	0
Subtotal, education professions development	827,729	132,452	149,107	149,107	149,107
Teachers Corps	425,423	155,267		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)				0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)		165,197	168,166	168,166	168,166
Undergraduate instructional equipment and other resources (HEA VI-A)	108,295	101,716		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)		143,332	74,111	74,111	74,111
Other undergraduate facilities (HEFA I, sec. 104)	1,469,313	746,653	488,120	0	181,288
Graduate facilities (HEFA II)	237,225			0	0
State administration and planning (HEFA I, sec. 105)	31,542	64,151	64,151	64,151	64,151
Student aid:					
Educational opportunity grants (HEA IV-A)	915,250	132,064	635,596	635,596	468,088
Direct loans (NDEA II)	1,715,440	1,646,480	1,307,776	1,307,776	1,874,208
Insured loans:					
Advances for reserve funds	49,818	63,305		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	810,839	707,424	741,110	741,263	741,263
Special programs for disadvantaged students: Talent search	105,840			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,131,800			0	0
Training programs (EPDA, pt. E)	160,000			0	0
Subtotal, higher education	6,735,362	3,770,322	3,479,030	2,991,063	3,571,275
Vocational education:					
Basic grants	769,427	774,982	650,227	650,227	999,302
Innovation			207,739	207,739	207,739
Work-study	31,280			0	31,264
Cooperative education			210,853	210,853	210,853
Consumer and homemaking education			41,029	41,029	41,029
Subtotal, vocational education	800,707	774,982	1,109,848	1,109,848	1,490,187
Libraries and community services:					
Grants for public library services (LSCA I)	224,762	224,762	224,762	151,249	224,762
Construction of public libraries (LSCA II)	368,797	138,580	100,773	0	100,773
Interlibrary cooperation (LSCA III)	40,571	40,676	40,676	40,676	40,676
State institutional library services (LSCA IV-A)		39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)		25,059	25,059	25,059	25,059
College library resources (HEA II-A)	308,721			0	0
Librarian training (HEA II-B)	103,418			0	0
University community service programs (HEA I)	119,584	117,437	117,437	117,437	117,437
Adult basic education (Adult Education Act):					
Grants to States	196,191	216,690	231,310	231,310	231,310
Special projects and teacher education	1,279,897			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	2,641,941	802,713	779,526	605,240	779,526
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	100,000	100,397	100,397	100,397	100,397
Teacher education and recruitment	454,447			0	0
Research and innovation	1,287,431	858,792		0	0
Media services and captioned films for the deaf	527,094	560,414		0	0
Subtotal, education for the handicapped	2,368,972	1,519,603	100,397	100,397	100,397

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[1] Not available.

OBLIGATIONS IN THE DISTRICT OF COLUMBIA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Research and training:					
Research and development:					
Educational laboratories	$780,000	$390,000		0	0
Research and development centers				0	0
General education	1,836,048	949,292		0	0
Vocational education	618,982	243,293	$15,000	$15,000	$15,000
Evaluations	332,676			0	0
National achievement study				0	0
Dissemination	1,174,098	302,220		0	0
Training	201,919			0	0
Statistical surveys	53,475			0	0
Construction	15,948			0	0
Subtotal, research and training	5,013,146	1,884,805	15,000	15,000	15,000
Education in foreign languages and world affairs	541,059			0	0
Civil rights education	130,560	152,065		0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)		50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)					
Student loan insurance fund				0	0
Higher education facilities loan fund	814,000			0	0
Total, Office of Education	33,779,485	23,513,013	16,307,441	12,234,919	20,677,682

OBLIGATIONS IN THE STATE OF FLORIDA

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$32,933,155	$32,012,107	$32,717,727	$32,717,727	$33,044,904
State administrative expenses	329,332	320,928	327,177	327,177	
Grants to States for school library materials (ESEA II)	2,648,847	1,358,173	1,140,875	0	1,385,908
Supplementary educational centers and services (ESEA III)	4,898,000	4,530,189	4,759,524	3,182,146	4,603,634
Strengthening State departments of education (ESEA V):					
Grants to States	652,801	709,479	679,935	679,935	679,935
Grants for special projects	234,000			0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	2,266,670	2,281,979		0	2,313,878
Loans to nonprofit private schools	6,170	30,966		0	0
State administration	54,369	53,121		0	54,190
Guidance, counseling, and testing (NDEA V)	683,699	475,164	330,574	0	484,750
Subtotal, elementary and secondary education	44,707,043	41,772,106	39,955,812	36,906,985	42,567,199
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	16,684,000	17,351,000	10,201,000	5,013,000	20,056,000
Construction (Public Law 81-815)	554,293	2,615,300	17,000	17,000	17,000
Subtotal, SAFA	17,238,293	19,966,300	10,218,000	5,030,000	20,073,000
Education professions development: Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		363,114	498,152	498,152	498,152
Training programs (EPDA, pts. C and D)	2,584,068			0	0
Subtotal, education professions development	2,584,068	363,114	498,152	498,152	498,152
Teachers Corps	453,772	537,734		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	676,663			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	267,693	264,313	267,743	267,743	267,743
Undergraduate instructional equipment and other resources (HEA VI-A)	386,333	398,154		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	2,329,696	2,308,003	1,193,372	0	0
Other undergraduate facilities (HEFA I, sec. 104)	5,526,744	3,533,473	2,309,990	0	902,586
Graduate facilities (HEFA II)	440,164			0	0
State administration and planning (HEFA I, sec. 105)	135,710	125,891	125,891	125,891	125,891
Student aid:					
Educational opportunity grants (HEA IV-A)	3,133,560	[1] 370,462	1,782,958	1,782,958	1,313,069
Direct loans (NDEA II)	4,594,743	4,618,666	3,668,541	3,668,541	5,257,482
Insured loans:					
Advances for reserve funds	17,279	325,297		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	3,601,075	3,910,790	4,097,018	4,097,862	4,097,862
Special programs for disadvantaged students: Talent search	69,495			0	0
Personne, development:					
College teacher fellowships (NDE IV)	2,399,200			0	0
Training programs (EPDA, pt. E)	191,986			0	0
Subtotal, higher education	23,770,341	15,855,049	13,445,513	9,942,995	11,964,633
Vocational education:					
Basic grants	7,163,350	7,143,929	7,393,929	7,393,929	11,363,343
Innovation			266,390	266,390	266,390
Work-study	272,860			0	272,721
Cooperative education			293,111	293,111	293,111
Consumer and homemaking education			466,553	466,553	466,553
Subtota., vocational education	7,436,210	7,143,929	8,419,983	8,419,983	12,662,118
Libraries and community services:					
Grants for public library services (LSCA I)	908,640	908,640	908,640	432,168	908,640
Construction of public libraries (LSCA II)	1,300,823	551,144	214,637	0	214,637
Interlibrary cooperat on (LSCA III)	43,703	44,384	44,384	44,384	44,384
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,381	25,381	25,381	25,381
College library resources (HEA II-A)	566,810			0	0
Librarian training (HEA II-E)	166,482			0	0
University community service programs (HEA I)	241,536	227,490	227,491	227,491	227,491

[1] Not available.

OBLIGATIONS IN THE STATE OF FLORIDA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Libraries and community services—Continued					
Adult basic education (Adult Education Act):					
Grants to States	$874,905	$1,040,045	$1,159,832	$1,159,832	$1,159,832
Special projects and teacher education	516,000			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	4,680,649	2,836,593	2,619,874	1,928,765	2,619,877
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	339,800	736,246	736,246	736,246	736,246
Teacher education and recruitment	678,392			0	0
Research and innovation	210,447	233,751		0	0
Media services and captioned films for the deaf	9,840			0	0
Subtotal, education for the handicapped	1,238,479	969,997	736,246	736,246	736,246
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	1,290,341	44,338		0	0
Vocational education	323,795	50,000	24,046	24,046	24,046
Evaluations	700			0	0
National achievement study				0	0
Dissemination	118,405			0	0
Training	344,079			0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	2,077,320	49,338	24,046	24,046	24,046
Education in foreign languages and world affairs	337,479			0	0
Civil rights education	707,719	129,380		0	0
Colleges for agriculture and the mechanic arts (Second Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	187,558	187,558			
Student loan insurance fund				0	0
Higher education facilities loan fund	2,291,000				0
Total, office of education	107,759,931	89,906,098	75,967,626	63,537,172	91,195,269

OBLIGATIONS IN THE STATE OF GEORGIA

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$37,681,381	$34,744,894	$37,800,275	$37,800,275	$44,040,582
State administrative expenses	376,814	347,488	378,003	378,003	
Grants to States for school library materials (ESEA II)	2,152,555	1,089,383	915,090	0	1,086,360
Supplementary educational centers and services (ESEA III)	4,235,273	3,625,930	3,807,496	2,519,142	3,623,910
Strengthening State departments of education (ESEA V):					
Grants to States	577,997	628,796	588,363	588,363	588,363
Grants for special projects	483,412			0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	2,252,999	2,239,316		0	2,182,778
Loans to nonprofit private schools		9,660		0	0
State administration	45,633	44,018		0	43,958
Guidance, counseling, and testing (NDEA V)	573,845	393,735	273,924	0	393,215
Subtotal, elementary and secondary education	48,379,909	43,123,220	43,763,151	41,285,783	51,959,166
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	15,440,556	16,421,000	11,575,000	5,749,000	18,978,000
Construction (Public Law 81-815)	1,224,508	3,172,400	1,598,000	1,598,000	1,598,000
Subtotal, SAFA	16,665,064	19,593,400	13,173,000	7,347,000	20,576,000
Education professions development: Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		311,043	419,355	419,355	419,355
Training programs (EPDA, pts. C and D)	2,372,079			0	0
Subtotal, education professions development	2,372,079	311,043	419,355	419,355	419,355
Teachers Corps	251,055	261,751		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	2,444,284			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	243,723	240,444	243,763	243,763	243,763
Undergraduate instructional equipment and other resources (HEA VI-A)	254,839	252,462		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	430,589	2,056,751	1,063,460	0	0
Other undergraduate facilities (HEFA I, sec. 104)	5,553,318	2,476,634	1,619,087	0	615,620
Graduate facilities (HEFA II)	958,549	200,000		0	0
State administration and planning (HEFA I, sec. 105)	114,696	113,760	113,760	0	0
Student aid:					
Educational opportunity grants (HEA IV-A)	2,348,100	263,868	1,269,944	1,260,944	935,257
Direct loans (NDEA II)	2,962,869	3,289,729	2,612,985	2,612,985	3,744,737
Insured loans:					
Advances for reserve funds	129,249	306,131		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	1,946,249	3,976,902	4,166,278	4,167,138	4,167,138
Special programs for disadvantaged students: Talent search	60,000			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,929,600			0	0
Training programs (EPDA, pt. E)	221,200			0	0
Subtotal, higher education	19,597,265	13,176,681	11,089,277	8,284,830	9,706,515

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[1] Not available.

OBLIGATIONS IN THE STATE OF GEORGIA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Vocational educational:					
Basic grants	$7,106,953	$7,105,908	$6,961,237	$6,961,237	$10,698,362
Innovation			260,009	260,009	260,009
Work-study	247,836			0	247,709
Cooperative education			284,162	284,162	284,162
Consumer and homemaking education			439,251	439,251	439,251
Subtotal, vocational education	7,354,789	7,105,908	7,944,659	7,944,659	11,929,493
Libraries and community services:					
Grants for public library services (LSCA I)	743,951	743,951	743,951	364,518	743,951
Construction of public libraries (LSCA II)	899,816	519,170	187,217	0	187,217
Interlibrary cooperation (LSCA III)	42,949	43,491	43,491	43,491	43,491
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,304	25,304	25,304	25,304
College library resources (HEA II-A)	473,915			0	0
Librarian training (HEA II-B)	286,062			0	0
University community service programs (HEA I)	207,226	196,164	196,164	196,164	196,164
Adult basic education (Adult Education Act):					
Grants to States	1,132,351	1,352,356	1,515,610	1,515,610	1,515,610
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	3,848,020	2,919,945	2,751,246	2,184,596	2,751,246
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	314,971	682,447	682,447	682,447	682,447
Teacher education and recruitment	501,825			0	0
Research and innovation	13,103	9,549		0	0
Media services and captioned films for the deaf	6,476			0	0
Subtotal, education for the handicapped	836,375	691,996	682,447	682,447	682,447
Research and training:					
Research and development:					
Educational laboratories	670,000	670,000		0	0
Research and development centers	1,237,326			0	0
General education	499,686			0	0
Vocational education	216,400		22,639	22,639	22,639
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training	157,700			0	0
Statistical surveys				0	0
Construction	92,143			0	0
Subtotal, research and training	2,873,255	670,000	22,639	22,639	22,639
Education in foreign languages and world affairs				0	0
Civil rights education	562,105	319,299		0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	172,456	172,456		0	0
Student loan insurance fund				0	0
Higher education facilities loan fund	922,000			0	0
Total, Office of Education	103,884,372	88,395,699	79,895,774	68,221,309	98,096,861

OBLIGATIONS IN THE STATE OF HAWAII

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$2,430,762	$2,215,107	$2,633,771	$2,633,771	$3,211,221
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	386,217	193,833	162,821	0	192,394
Supplementary educational centers and services (ESEA III)	841,079	874,776	903,778	716,722	895,686
Strengthening State departments of education (ESEA V):					
Grants to States	213,704	281,390	283,268	283,268	283,268
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	298,618	301,047		0	325,337
Loans to nonprofit private schools	31,063	9,946		0	0
State administration	10,000	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	94,918	66,059	50,000	0	68,974
Subtotal, elementary and secondary education	4,456,361	4,105,491	4,183,638	3,783,761	4,990,213
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	8,756,000	9,117,000	5,172,000	5,741,000	10,735,000
Construction (Public Law 81-815)		1,785,000		0	0
Subtotal, SAFA	8,756,000	10,902,000	5,172,000	5,741,000	10,735,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		137,551	156,823	156,823	156,823
Training programs (EPDA, pts. C and D)	569,568			0	0
Subtotal, education professions development	569,568	137,551	156,823	156,823	156,823
Teachers Corps	161,025	211,201		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	139,266			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	165,040	162,092	165,047	165,047	156,047
Undergraduate instructional equipment and other resources (HEA VI-A)	51,362	58,366		0	0
Construction:					
Public community, colleges and technical institutes (HEFA I, sec. 103)	276,813	327,314	169,240	169,240	169,240
Other undergraduate facilities (HEFA I, sec. 104)	857,813	547,034	357,621	0	127,380
Graduate facilities (HEFA II)	841,520			0	0
State administration and planning (HEFA I, sec. 105)	20,269	51,522	51,522	51,522	51,522

OBLIGATIONS IN THE STATE OF HAWAII—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Higher education—Continued					
Student aid:					
Educational opportunity grants (HEA IV-A)	$196,000	$55,099	$265,182	$265,182	$195,295
Direct loans (NDEA II)	272,454	328,050	545,627	545,627	781,953
Insured loans:					
Advances for reserve funds	17,365	56,820		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	542,283	481,321	504,241	504,345	504,345
Special programs for disadvantaged students: Talent search	71,837			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	485,800			0	0
Training programs (EPDA, pt. E)				0	0
Subtotal, higher education	3,937,722	2,067,618	2,058,480	1,700,963	1,985,782
Vocational education:					
Basic grants	1,009,303	1,000,869	943,321	943,321	1,449,742
Innovation			210,047	210,047	210,047
Work-study	43,311			0	43,289
Cooperative education			214,090	214,090	214,090
Consumer and homemaking education			59,523	59,523	59,523
Subtotal, vocational education	1,052,614	1,000,869	1,426,981	1,426,981	1,976,691
Libraries and community services:					
Grants for public library services (LSCA I)	203,338	203,338	203,338	142,449	203,338
Construction of public libraries (LSCA II)	320,520	140,944	97,206	0	97,206
Interlibrary cooperation (LSCA III)	40,473	40,560	40,560	40,560	40,560
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,049	25,049	25,049	25,049
College library resources (HEA II-A)	55,822			0	0
Librarian training (HEA II-B)	141,163			0	0
University community service programs (HEA I)	117,338	115,728	115,728	115,728	115,728
Adult basic education (Adult Education Act):					
Grants to States	211,515	235,281	251,540	251,540	251,540
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community centers	1,151,919	800,409	772,930	614,835	773,118
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	100,000	113,023	113,023	113,023	113,023
Teacher education and recruitment	115,744			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	3,225			0	0
Subtotal, education for the handicapped	218,969	113,023	113,023	113,023	113,023
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	237,965			0	0
Vocational education	41,872	25,334	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	279,837	25,334	15,000	15,000	15,000
Education in foreign languages and world affairs	203,182			0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	31,661				
Student loan insurance fund	1,000			0	0
Higher education facilities loan fund				0	0
Total, Office of Education	20,869,858	19,413,496	13,948,875	13,602,386	20,795,650

OBLIGATIONS IN THE STATE OF IDAHO

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$3,095,753	$2,945,733	$3,006,605	$3,006,605	$3,488,547
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	360,311	180,728	151,813	0	180,068
Supplementary educational centers and services (ESEA III)	831,000	858,909	887,072	689,438	855,370
Strengthening State departments of education (ESEA V):					
Grants to States	217,211	283,917	278,803	278,803	278,803
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	360,587	358,140		0	356,734
Loans to nonprofit private schools		3,048		0	0
State administration	10,000	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	94,436	64,750	50,000	0	64,139
Subtotal, elementary and secondary education	5,119,298	4,858,558	4,524,293	4,403,649	5,236,994
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	2,551,000	2,656,000	1,507,000	1,044,000	3,225,000
Construction (Public Law, 81-815)		138,100		0	0
Subtotal, SAFA	2,551,000	2,794,100	1,507,000	1,044,000	3,225,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		135,012	152,981	152,981	152,981
Training programs (EPDA, pts. C and D)	142,113			0	0
Subtotal, education professions development	142,113	135,012	152,981	152,981	152,981
Teachers Corps				0	0

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[1] Not available.

OBLIGATIONS IN THE STATE OF IDAHO—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	$102,500			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	165,858	$162,907	$165,865	$165,865	$165,865
Undergraduate instructional equipment and other resources (HEA VI-A)	62,099	65,468		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	330,390	400,064	206,857	206,857	206,857
Other undergraduate facilities (HEFA I, sec. 104)	854,005	546,443	357,234	0	132,503
Graduate facilities (HEFA II)		800,000		0	0
State administration and planning (HEFA I, sec. 105)	72,046	55,294	55,294	55,294	55,294
Student aid:					
Educational opportunity grants (HEA IV-A)	491,250	64,941	312,549	312,549	230,178
Direct loans (NEDA II)	618,496	809,643	643,087	643,087	921,626
Insured loans:					
Advances for reserve funds		46,098		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	618,851	549,749	575,928	576,046	576,046
Special programs for disadvantaged students: Talent search				0	0
Personnel development:					
College teacher fellowships (NDEA IV)	192,700			0	0
Training programs (EPDA Pt. E)				0	0
Subtotal, higher education	3,508,195	3,500,607	2,316,814	1,959,698	2,288,369
Vocational education:					
Basic grants	1,191,853	1,202,766	1,032,903	10,32,903	1,587,417
Innovation			209,639	209,639	209,639
Work-study	38,980			0	38,960
Cooperative education			213,519	213,519	213,519
Consumer and homemaking education			65,176	65,176	65,176
Subtotal, vocational education	1,230,833	1,202,766	1,521,237	1,521,237	2,114,711
Libraries and community services:					
Grants for public library services (LSCA I)	208,959	208,959	208,959	144,758	208,959
Construction of public libraries (LSCA II)	247,786	131,159	98,141	0	98,141
Interlibrary cooperation (LSCA III)	40,499	40,591	40,591	40,591	40,591
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,051	25,051	25,051	25,051
College library resources (HEA II-A)	88,375			0	0
Librarian training (HEA II-B)	17,392			0	0
University community service programs (HEA I)	116,923	115,079	115,079	115,079	115,079
Adult basic education (Adult Education Act):					
Grants to States	138,479	146,680	153,041	153,041	153,041
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	920,163	707,028	680,371	518,029	680,371
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	100,000	116,982	116,982	116,982	116,982
Teacher education and recruitment	133,155			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	1,673			0	0
Subtotal, education for the handicapped	234,828	116,982	116,982	116,982	116,982
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	9,233			0	0
Vocational education		50,000	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	9,233	50,000	15,000	15,000	15,000
Education in foreign languages and world affairs				0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	39,430	39,430			0
Student loan insurance fund				0	0
Higher education facilities loan fund	12,000			0	0
Total, Office of Education	13,817,093	13,454,483	10,884,678	9,781,576	13,880,408

OBLIGATIONS IN THE STATE OF ILLINOIS

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$47,565,775	$44,407,826	$46,788,843	$46,788,843	$54,513,049
State administrative expenses	474,998	444,130	467,888	467,888	0
Grants to States for school library materials (ESEA II)	5,337,276	2,681,475	2,252,460	0	2,672,463
Supplementary educational centers and services (ESEA III)	9,382,000	8,223,590	8,648,036	5,650,541	8,251,199
Strengthening State departments of education (ESEA V):					
Grants to States	1,013,556	1,056,099	1,130,757	1,130,757	1,130,757
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	3,056,642	3,085,357		0	3,157,687
Loans to nonprofit private schools		181,753		0	0
State administration	102,071	99,990		0	100,742
Guidance, counseling, and testing (NDEA V)	1,283,562	894,406	622,243	0	901,171
Subtotal, elementary and secondary education	68,215,880	61,074,626	59,910,227	54,038,029	68,727,068

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[1] Not available.

OBLIGATIONS IN THE STATE OF ILLINOIS—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	$12,220,000	$12,724,000	$7,217,000	$4,280,000	$14,805,000
Construction (Public Law 81-815)	97,094	934,000		0	0
Subtotal, SAFA	12,317,094	13,658,000	7,217,000	4,280,000	14,805,000
Education professions development:					
Preschool elementary, and secondary:					
Grants to States (EPDA B-2)		619,473	886,082	886,082	886,082
Training programs (EPDA, pts. C and D)	3,468,409			0	0
Subtotal, education professions development	3,468,409	619,473	886,082	886,082	886,082
Teachers Corps	1,109,679	1,067,674		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	1,068,000			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	389,618	385,726	389,721	389,721	389,721
Undergraduate instructional equipment and other resources (HEA VI-A)	641,295	627,907		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	2,776,977	3,299,943	1,706,263	1,706,263	1,706,263
Other undergraduate facilities (HEFA I, sec. 104)	10,439,144	6,640,145	4,340,960	0	1,688,339
Graduate facilities (HEFA II)	1,500,000			0	0
State administration and planning (HEFA I, sec. 105)	244,312	215,020	215,020	215,020	215,020
Student aid:					
Educational opportunity grants (HEA IV-A)	6,429,725	770,306	3,707,326	3,707,326	2,730,279
Direct loans (NDEA II)	9,192,661	9,603,647	7,628,040	7,628,040	10,931,945
Insured loans:					
Advances for reserve funds	92,355	642,626		0	0
Interest payments	[1]			0	0
Work-study programs (HEA IV-C)	5,129,105	6,321,681	6,622,714	6,624,079	6,624,079
Special programs for disadvantaged students: Talent search	255,380			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	4,692,300			0	0
Training programs (EPDA, pt. E)	148,000			0	0
Subtotal, higher education	42,998,872	28,507,001	24,010,044	20,270,449	24,285,646
Vocational education:					
Basic grants	10,397,146	10,300,874	9,830,472	9,380,472	15,169,414
Innovation			324,227	0	0
Work-study	503,371			0	503,114
Cooperative education			374,227	374,227	374,227
Consumer and homemaking education			622,822	622,866	622,822
Subtotal, vocational education	10,900,517	10,300,874	11,151,748	10,377,565	16,669,577
Libraries and community services:					
Grants for public library services (LSCA I)	1,746,355	1,746,355	1,746,355	776,280	1,746,355
Construction of public libraries (LSCA II)	656,395	1,653,747	354,115	0	354,115
Interlibrary cooperation (LSCA III)	47,539	48,925	48,925	48,925	48,925
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,776	25,776	25,776	25,776
College library resources (HEA II-A)	1,532,824			0	0
Librarian training (HEA II-B)	666,077			0	0
University community service programs (HEA I)	359,848	333,347	333,346	333,346	333,346
Adult basic education (Adult Education Act):					
Grants to States	1,221,492	1,460,494	1,633,780	1,633,780	1,633,780
Special projects and teacher education	483,000			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	6,775,280	5,308,153	4,181,806	2,857,616	4,181,806
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	687,167	1,488,885	1,488,885	1,488,885	1,488,885
Teacher education and recruitment	1,211,167			0	0
Research and innovation	796,468	446,411		0	0
Media services and captioned films for the deaf	77,590	49,465		0	0
Subtotal, education for the handicapped	2,772,392	1,984,761	1,488,885	1,488,885	1,488,885
Research and training:					
Research and development:					
Educational laboratories	600,000	270,000		0	0
Research and development centers	1,465,500			0	0
General education	1,554,377	137,690		0	0
Vocational education	1,022,991	363,581	32,100	32,100	32,100
Evaluations				0	0
National achievement study				0	0
Dissemination	64,312			0	0
Training	314,657			0	0
Statistical surveys	23,400			0	0
Construction	22,000			0	0
Subtotal, research and training	5,067,237	771,271	32,100	32,100	32,100
Education in foreign languages and world affairs	1,305,133			0	0
Civil rights education	264,413			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	360,319	360,319			
Student loan insurance fund				0	0
Higher education facilities loan fund	6,875,000			0	0
Total, Office of Education	162,480,225	123,702,152	109,527,392	94,280,726	131,126,164

OBLIGATIONS IN THE STATE OF INDIANA

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$15,973,503	$15,013,815	$16,019,525	$16,019,525	$18,664,129
State administrative expenses	159,736	150,191	160,195	160,195	
Grants to States for school library materials (ESEA II)	2,534,729	1,286,642	1,080,789	0	1,282,958
Supplementary educational centers and services (ESEA III)	4,550,000	3,980,987	4,181,310	2,766,361	3,989,229

[1] Not available.

OBLIGATIONS IN THE STATE OF INDIANA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Elementary and secondary education—Continued					
Strengthening State departments of education (ESEA V):					
Grants to States	$540, 191	$664, 602	$655, 566	$655, 566	$655, 566
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	1, 946, 443	1, 950, 699		0	1, 941, 848
Loans to nonprofit private schools		46, 524		0	0
State administration	49, 541	48, 185		0	48, 281
Guidance, counseling, and testing (NDEA V)	622, 990	431, 016	299, 860	0	431, 892
Subtotal, elementary and secondary education	26, 377, 133	23, 572, 661	22, 397, 245	19, 601, 647	27, 013, 903
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81–874)	4, 217, 000	4, 391, 000	2, 491, 000	982, 000	4, 974, 000
Construction (Public Law 81–815)		157, 900		0	
Subtotal, SAFA	4, 217, 000	4, 548, 900	2, 491, 000	982, 000	4, 974, 000
Education professions development: Preschool, elementary, and secondary					
Grants to States (EPDAB-2)		349, 257	477, 138	477, 183	477, 183
Training programs (EPDA, pts. C and D)	3, 286, 966				0
Subtotal, education professions development	3, 286, 966	349, 257	477, 183	477, 183	477, 183
Teachers Corps	507, 039	244, 449		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	124, 715			0	0
Colleges of agriculture and the mechanic arts (Bankhead–Jones)	260, 822	257, 471	260, 870	260, 870	260, 870
Undergraduate instructional equipment and other resources	363, 716	360, 578		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	2, 991, 611	2, 031, 939	1, 050, 631	1, 050, 631	1, 050, 631
Other undergraduate facilities (HEFA I, sec. 104)	4, 606, 774	3, 386, 105	2, 213, 649	0	844, 564
Graduate facilities (HEFA II)	714, 815			0	0
State administration and planning (HEFA I, sec. 105)	150, 847	123, 421	123, 421	123, 421	123, 421
Student aid:					
Educational opportunity grants (HEA IV–A)	4, 029, 100	433, 744	2, 087, 523	2, 087, 523	1, 537, 367
Direct loans (NDEA II)	5, 726, 806	5, 407, 627	4, 295, 200	4, 295, 000	6, 155, 565
Insured loans:					
Advances for reserve funds		324, 610		0	0
Interest payments	(1)				0
Work-study programs (HEA IV–C)	2, 041, 745	3, 352, 294	3, 511, 927	3, 512, 652	3, 512, 652
Special programs for disadvantaged students: Talent search	57, 000			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	3, 028, 800			0	0
Training programs (EPDA, pt. E)	64, 128			0	0
Subtotal, higher education	24, 160, 879	15, 677, 789	13, 543, 221	11, 330, 097	13, 485, 070
Vocational education:					
Basic grants	6, 221, 801	6, 170, 769	5, 660, 581	5, 660, 581	8, 699, 450
Innovation			261, 231	261, 231	261, 231
Work-study	246, 873			0	246, 747
Cooperative education			285, 876	285, 876	285, 876
Consumer and homemaking education			357, 180	357, 180	357, 180
Subtotal, vocational education	6, 468, 674	6, 170, 769	6, 564, 868	6, 564, 868	9, 850, 484
Libraries and community services:					
Grants for public library services (LSCA I)	861, 433	861, 433	861, 433	412, 777	861, 433
Construction of public libraries (LSCA II)	775, 944	206, 881	206, 777	0	206, 777
Interlibrary cooperation (LSCA III)	43, 487	44, 128	44, 128	44, 128	44, 128
State institutional library services (LSCA IV–A)	38, 000	39, 509	39, 509	39, 509	39, 509
Library services for physically handicapped (LSCA IV–B)	23, 750	25, 359	25, 359	25, 359	25, 359
College library resources (HEA II–A)	498, 929			0	0
Librarian training (HEA II–B)	630, 727			0	0
University community service programs (HEA I)		207, 111	207, 110	207, 110	207, 110
Adult basic education (Adult Education Act):					
Grants to States	486, 403	568, 749	630, 936	630, 936	630, 936
Special projects and teacher education	20, 858			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	3, 379, 531	1, 953, 170	2, 015, 252	1, 359, 819	2, 015, 252
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	343, 940	745, 215	745, 215	745, 215	645, 215
Teacher education and recruitment	463, 072			0	0
Research and innovation	114, 982	94, 169		0	0
Media services and captioned films for the deaf	42, 493			0	0
Subtotal, education for the handicapped	964, 487	839, 384	745, 215	745, 215	745, 215
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	523, 919	107, 602		0	0
Vocational education	51, 882	73, 102	18, 409	18, 409	18, 409
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training	146, 557			0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	722, 358	180, 704	18, 409	18, 409	18, 409
Education in foreign languages and world affairs	697, 910			0	0
Civil rights education	42, 140	55, 608		0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50, 000	50, 000	50, 000	50, 000	50, 000
Promotion of vocational education (Smith-Hughes Act)	193, 488	193, 488			
Student loan insurance fund				0	0
Higher education facilities loan fund	9, 474, 000			0	0
Total, office of education	80, 541, 605	53, 836, 179	48, 302, 393	41, 129, 238	58, 629, 516

[1] Not available.

OBLIGATIONS IN THE STATE OF IOWA

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$15,674,581	$14,591,735	$14,644,700	$14,644,700	$16,671,027
State administrative expenses	156,746	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	1,448,999	722,942	607,277	0	720,857
Supplementary educational centers and services (ESEA III)	2,561,000	2,292,489	2,403,613	1,648,450	2,281,698
Strengthening State departments of education (ESEA V):					0
Grants to States	402,486	461,077	463,524	463,524	463,524
Grants for special projects	825,460			0	
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	1,130,606	1,119,359		0	1,062,143
Loans to nonprofit private schools		32,966		0	0
State administration	27,395	26,323		0	26,194
Guidance, counseling, and testing (NDEA V)	344,499	235,456	163,808	163,808	234,317
Subtotal, elementary and secondary education	22,571,772	19,632,347	18,432,922	17,070,482	21,459,760
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	3,258,294	2,605,000	1,478,000	310,000	3,033,000
Construction (Public Law 81-815)	113,030	240,500		0	0
Subtotal, SAFA	3,371,324	2,845,500	1,478,000	310,000	3,033,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		240,053	311,932	311,932	311,932
Training programs (EPDA, pts. C and D)	1,049,489			0	0
Subtotal, education professions development	1,049,489	240,053	311,932	311,932	311,932
Teachers Corps	26,584	339,668		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	723,345			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	215,543	212,383	215,572	215,572	215,572
Undergraduate instructional equipment and other resources (HEA VI-A)	257,081	244,835		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	1,185,139	1,378,575	712,803	712,803	712,803
Other undergraduate facilities (HEFA I, sec. 104)	3,445,771	2,136,021	1,396,413	0	515,496
Graduate facilities (HEFA II)	1,716,940			0	0
State administration and planning (HEFA I, sec. 105)	121,265	104,029	104,029	104,029	104,029
Student aid:					
Educational opportunity grants (HEA IV-A)	3,246,830	3,303,152	1,459,009	1,459,009	1,074,495
Direct loans (NDEA II)	3,799,627	3,779,492	3,001,996	3,001,996	3,402,240
Insured loans:					
Advances for reserve funds	25,899	180,209		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	1,742,555	2,425,315	2,540,806	2,541,330	2,541,330
Special programs for disadvantaged students:					
Talent search				0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,581,800			0	0
Training programs (EPDA, pt. E)				0	0
Subtotal, higher education	18,061,795	10,764,011	9,430,628	8,034,739	9,465,965
Vocational education:					
Basic grants	4,174,189	4,106,252	3,309,767	3,309,767	5,086,608
Innovation			234,892	0	0
Work-study	140,039			0	139,968
Cooperative education			248,936	248,936	248,936
Consumer and homemaking education			208,844	208,844	208,844
Subtotal, vocational education	4,314,228	4,106,252	4,002,439	3,767,547	5,684,356
Libraries and community services:					
Grants for public library services (LSCA I)	550,334	550,334	550,334	284,986	550,334
Construction of public libraries (LSCA II)	266,179	508,148	154,980	0	154,980
Interlibrary cooperation (LSCA III)	42,062	42,441	42,441	42,441	42,441
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,212	25,212	25,212	25,212
College library resources (HEA II-A)	491,770			0	0
Librarian training (HEA II-B)	24,960			0	0
University community service programs (HEA I)	167,349	159,710	159,710	159,710	159,710
Adult basic education (Adult Education Act):					
Grants to States	251,953	284,335	309,838	309,838	309,838
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1,856,357	1,609,689	1,282,024	864,696	1,282,024
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	199,790	432,885	432,885	432,885	432,885
Teacher education and recruitment	343,156			0	0
Research and innovation	176,203			0	0
Media services and captioned films for the deaf	3,869			0	0
Subtotal, education for the handicapped	723,018	432,885	432,885	432,885	432,885
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	162,277			0	0
Vocational education	196,286	50,000	15,000	15,000	15,000
Evaluations	79,034			0	0
National achievement study				0	0
Dissemination				0	0
Training	220,100			0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	657,697	50,000	15,000	15,000	15,000

[1] Not available.

OBLIGATIONS IN THE STATE OF IOWA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education in foreign languages and world affairs	$66, 990			0	0
Civil rights education	67, 182			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50, 000	$50, 000	$50, 000	$50, 000	$50, 000
Promotion of vocational education (Smith-Hughes Act)	122, 556	122, 556			
Student loan insurance fund				0	0
Higher education facilities loan fund	2, 285, 000			0	0
Total, Office of Education	55, 223, 992	40, 192, 961	35, 435, 830	30, 857, 281	41, 734, 892

OBLIGATIONS IN THE STATE OF KANSAS

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$10, 495, 541	$9, 783, 868	$9, 864, 608	$9, 864, 608	$10, 994, 247
State administrative expenses	150, 000	150, 000	150, 000	150, 000	
Grants to States for school library materials (ESEA II)	1, 115, 859	556, 782	467, 701	0	547, 184
Supplementary educational centers and services (ESEA III)	2, 169, 000	1, 942, 094	2, 027, 478	1, 422, 144	1, 938, 094
Strengthening State departments of education (ESEA V):					
Grants to States	354, 128	414, 425	406, 917	406, 917	406, 917
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	898, 884	898, 921		0	906, 782
Loans to nonprofit private schools		16, 870		0	0
State administration	22, 338	21, 680		0	21, 727
Guidance, counseling, and testing (NDEA V)	280, 900	193, 924	134, 914	0	194, 351
Subtotal, elementary and secondary education	15, 486, 650	13, 978, 564	13, 051, 618	11, 843, 669	15, 009, 302
School assistance on federally affected areas:					
Maintenance and operations (Public Law 81-874)	8, 195, 184	8, 534, 000	4, 849, 000	3, 302, 000	9, 836, 000
Construction (Public Law 81-815)		642, 400	63, 000	63, 000	63, 000
Subtotal, SAFA	8, 195, 184	9, 176, 400	4, 912, 000	3, 365, 000	9, 899, 000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		207, 864	263, 222	263, 222	263, 222
Training programs (EPDA, pts. C and D)	1, 391, 213			0	0
Subtotal, education professions development	1, 391, 213	207, 864	263, 222	263, 222	263, 222
Teachers Corps				0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	778, 032			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	201, 783	198, 680	201, 805	201, 805	201, 805
Undergraduate instructional equipment and other resources (HEA VI–A)	219, 145	211, 246		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	624, 135	1, 027, 111	531, 076	531, 076	531, 076
Other undergraduate facilities (HEFA I, sec. 104)	2, 908, 099	1, 725, 656	1, 128, 139	0	412, 235
Graduate facilities (HEFA II)				0	0
State administration and planning (HEFA I, sec. 105)	104, 673	94, 510	94, 510	94, 510	94, 510
Student aid:					
Educational opportunity grants (HEA IV–A)	2, 747, 810	265, 188	1, 276, 297	1, 276, 297	939, 935
Direct loans (NDEA II)	3, 561, 037	3, 306, 185	2, 626, 056	2, 626, 056	3, 763, 740
Insured loans:					
Advances for reserve funds	11, 157	147, 214		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV–C)	1, 726, 333	1, 840, 588	1, 928, 235	1, 928, 633	1, 928, 633
Special programs for disadvantaged students:					
Talent search	39, 488			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1, 296, 400			0	0
Training-programs (EPDA, pt. E)	63, 000			0	0
Subtotal, higher education	14, 281, 092	8, 816, 378	7, 786, 118	6, 648, 377	7, 880, 934
Vocational education:					
Basic grants	3, 110, 955	3, 089, 082	2, 789, 750	2, 789, 750	4, 287, 420
Innovation			228, 104	228, 104	228, 014
Work-study	114, 534			0	114, 475
Cooperative education			239, 415	239, 415	239, 415
Consumer and homemaking education			176, 032	176, 032	176, 032
Subtotal, vocational education	3, 225, 489	3, 089, 082	3, 433, 301	3, 433, 301	5, 045, 446
Libraries and community services:					
Grants for public library services (LSCA I)	455, 789	455, 789	455, 789	246, 149	455, 789
Construction of public libraries (LSCA II)	292, 693	211, 413	139, 238	0	139, 238
Interlibrary cooperation (LSCA III)		41, 929	41, 929	41, 929	41, 929
State institutional library services (LSCA IV–A)		39, 509	39, 509	39, 509	39, 509
Library services for physically handicapped (LSCA IV–B)		25, 168	25, 168	25, 168	25, 168
College library resources (HEA II–A)	467, 032			0	0
Librarian training (HEA II–B)	74, 880			0	0
University community service programs (HEA I)	154, 895	149, 218	149, 218	149, 128	149, 218
Adult basic education (Adult Education Act):					
Grants to States	232, 402	260, 619	292, 224	282, 224	282, 224
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1, 677, 691	1, 173, 645	1, 133, 075	784, 197	1, 133, 075
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	156, 308	338, 673	338, 673	338, 673	338, 673
Teacher education and recruitment	602, 658			0	0
Research and innovation	293, 077	248, 450		0	0
Media services and captioned films for the deaf	6, 302			0	0
Subtotal, education for the handicapped	1, 058, 345	587, 123	338, 673	338, 673	338, 673

[1] Not available.

OBLIGATIONS IN THE STATE OF KANSAS—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	$55,988			0	0
Vocational education	14,640	$69,374	$15,000	$15,000	$15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	70,628	69,374	15,000	15,000	15,000
Education in foreign languages and world affairs	305,220			0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	91,385	91,385		0	0
Student loan insurance fund	500			0	0
Higher education facilities loan fund	574,000			0	0
Total, Office of Education	46,407,397	37,239,815	30,983,007	26,741,439	39,634,652

OBLIGATIONS IN THE STATE OF KENTUCKY

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$32,855,018	$30,191,775	$33,776,949	$33,776,949	$39,353,059
State administrative expenses	328,716	301,923	337,769	337,769	
Grants to States for school library materials (ESEA II)	1,505,814	759,127	637,672	0	754,260
Supplementary educational centers and services (ESEA III)	3,008,000	2,622,860	2,751,437	1,849,465	2,601,011
Strengthening State departments of education (ESEA V):					
Grants to States	417,806	477,508	475,852	475,852	475,852
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	1,610,633	1,581,651		0	1,524,396
Loans to nonprofit private schools		30,783		0	0
State administration	32,184	30,673		0	30,230
Guidance, counseling, and testing (NDEA V)	404,727	274,372	190,882	0	270,416
Subtotal, elementary and secondary education	40,162,898	36,270,672	38,170,561	36,440,035	45,009,224
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81–874)	7,737,474	8,731,000	7,277,000	5,604,000	9,801,000
Construction (Public Law 81–815)	1,147,281	328,800	127,000	127,000	127,000
Subtotal, SAFA	8,884,755	9,059,800	7,404,000	5,731,000	9,928,000
Education professions development: Preschool, elementary, and secondary:					
Grants to States (EPDA B–2)		247,063	322,540	322,540	322,540
Training programs (EPDA, pts. C and D)	733,071			0	0
Subtotal, education professions development	733,071	247,063	322,540	322,540	322,540
Teacher Corps	517,563	432,631		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	786,310			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	222,214	219,025	222,244	222,244	222,244
Undergraduate instructional equipment and other resources (HEA VI–A)	237,717	233,537		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 108)	2,258,584	1,794,599	927,912	927,912	927,912
Other undergraduate facilities (HEFA I, sec. 104)	3,189,651	1,968,929	1,287,177	0	474,383
Graduate facilities (HEFA II)				0	0
State administration and planning (HEFA I, sec. 105)	39,165	98,154	98,154	98,154	98,154
Student aid:					
Educational opportunity grants (HEA IV–A)	2,689,605	243,132	1,170,144	1,170,144	861,758
Direct loans (NDEA II)	3,046,428	3,031,200	2,407,639	2,307,639	3,450,451
Insured loans:					
Advances for reserve funds	32,727	227,722		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV–C)	2,370,942	3,130,019	3,279,067	3,279,743	3,279,743
Special programs for disadvantaged students: Talent search	128,472			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	683,400			0	0
Training programs (EPDA, pt. E)				0	0
Subtotal, higher education	15,685,215	10,946,317	9,392,337	8,005,836	9,314,645
Vocational education:					
Basic grants	5,414,324	5,459,534	4,984,998	4,984,998	7,522,868
Innovation			242,902	242,902	242,902
Work-study	175,651			0	175,561
Cooperative education			260,170	260,170	260,170
Consumer and homemaking education			308,872	308,872	308,872
Subtotal, vocational education	5,589,975	5,459,534	5,796,942	5,796,942	8,510,191
Libraries and community services:					
Grants for public library services (LSCA I)	596,161	596,161	596,161	303,810	596,161
Construction of public libraries (LSCA II)	463,314	162,610	162,610	0	162,610
Interlibrary cooperation (LSCA III)	42,272	42,690	42,690	42,690	42,690
State institutional library services (LSCA IV–A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV–B)	23,750	25,234	25,234	25,234	25,234
College library resources (HEA II–A)	277,958			0	0
Librarian training (HEA II–B)	108,426			0	0
University community service programs (HEA I)	177,483	168,818	168,818	168,818	168,818

[1] Not available.

OBLIGATIONS IN THE STATE OF KENTUCKY—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Libraries and community services—Continued					
Adult basic education (Adult Education Act):					
Grants to States	$768,082	$910,457	$1,019,688	$1,019,688	$1,019,688
Special projects and teacher education	250,000			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	2,745,446	1,945,479	2,054,710	1,509,749	2,054,710
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	235,368	509,972	509,972	509,972	509,972
Teacher education and recruitment	248,413			0	0
Research and innovation	797,404	291,530		0	0
Media services and captioned films for the deaf	5,957			0	
Subtotal, education for the handicapped	1,287,142	801,502	509,972	509,972	509,972
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	38,097			0	0
Vocational education	52,047		15,919	15,919	15,919
Evaluations				0	0
National achievement study				0	0
Dissemination	38,400			0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	128,544		15,919	15,919	15,919
Education in foreign languages and world affairs				0	0
Civil rights education	372,735			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	143,135	143,135		0	0
Student loan insurance fund				0	0
Higher education facilities loan fund	9,632,000			0	0
Total, Office of Education	85,932,479	65,356,133	63,716,981	58,471,993	75,715,201

OBLIGATIONS IN THE STATE OF LOUISIANA

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$32,644,294	$30,427,822	$32,519,870	$32,519,870	$37,888,454
State administrative expenses	326,736	304,314	325,199	325,199	
Grants to States for school library materials (ESEA II)	1,902,770	954,621	801,889	0	957,137
Supplementary educational centers and services (ESEA III)	3,472,000	3,074,668	3,227,113	2,150,754	3,079,542
Strengthening State departments of education (ESEA V):					
Grants to States	473,475	535,430	542,453	542,453	542,453
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	2,009,273	2,016,264		0	1,992,135
Loans to nonprofit private schools		46,969		0	
State administration	38,966	37,949		0	37,976
Guidance, counseling, and testing (NDEA V)	490,008	339,449	236,156	0	399,712
Subtotal, elementary and secondary education	41,357,522	37,737,486	37,652,680	35,538,276	44,897,409
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	3,285,016	3,431,000	2,023,000	770,000	3,960,000
Construction (Public Law 81-815)	648,108	1,087,700	666,000	0	0
Subtotal, SAFA	3,933,114	4,518,700	2,689,000	770,000	3,960,000
Education professions development: Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		284,936	379,850	379,850	379,850
Training programs (EPDA, pts. C and D)	686,990			0	0
Subtotal, education professions development	686,990	284,936	379,850	379,850	379,850
Teachers Corps	94,458	148,999		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	915,864			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	227,416	224,205	227,449	227,449	227,449
Undergraduate instructional equipment and other resources (HEA VI–A)	277,165	272,955		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	1,478,016	1,817,845	939,932	939,932	939,932
Other undergraduate facilities (HEFA I, sec. 104)	3,676,876	2,317,459	1,515,027	0	564,669
Graduate facilities (HEFA II)		250,000		0	0
State administration and planning (HEFA I, sec. 105)	112,404	96,873	96,873	96,873	96,873
Student aid:					
Educational opportunity grants (HEA IV–A)	2,296,670	292,154	1,406,076	1,406,076	1,035,512
Direct loans (NDEA II)	3,327,824	3,642,372	2,893,084	2,893,084	4,146,155
Insured loans:					
Advances for reserve funds	257,898	238,413		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV–C)	2,685,140	3,569,906	3,739,902	3,740,672	3,740,672
Special programs for disadvantaged students: Talent search	37,825			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,497,900			0	0
Training programs (EPDA, pt. E)	31,800			0	0
Subtotal, higher education	16,824,798	12,722,182	10,818,343	9,304,086	10,751,262

[1] Not available.

OBLIGATIONS IN THE STATE OF LOUISIANA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Vocational education:					
Basic grants	$5,497,316	$5,453,039	$5,488,273	$5,488,273	$8,434,640
Innovation			248,605	248,605	248,605
Work-study	198,269			0	198,167
Cooperative education			268,167	268,167	268,167
Consumer and homemaking education			346,307	346,307	346,307
Subtotal, vocational education	5,695,585	5,453,039	6,351,352	6,351,352	9,495,886
Libraries and community services:					
Grants for public library services (LSCA I)	631,904	631,904	631,904	318,493	631,904
Construction of public libraries (LSCA II)	762,779	329,744	168,561	0	168,561
Interlibrary cooperation (LSCA III)	42,436	42,883	42,883	42,883	42,883
State institutional library services (LSCA IV–A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV–B)	23,750	25,251	25,251	25,251	25,251
College library resources (HEA II–A)	352,050			0	0
Librarian training (HEA II–B)	135,697			0	0
University community service programs (HEA I)	186,934	178,251	178,251	178,251	178,251
Adult basic education (Adult Education Act):					
Grants to States	1,061,473	1,266,373	1,414,980	1,414,980	1,414,980
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	3,235,023	2,513,915	2,501,339	2,019,367	2,501,339
Educational for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	263,543	570,824	570,824	570,824	570,824
Teacher education and recruitment	249,776			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	10,181			0	0
Subtotal, education for the handicapped	523,410	570,824	570,824	570,824	570,824
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	224,616	64,455		0	0
Vocational education	28,425	30,709	17,848	17,848	17,848
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	253,041	95,174	17,848	17,848	17,848
Education in foreign languages and world affairs	210,800			0	0
Civil rights education	229,904			0	0
Colleges for agriculture and the mechanic arts (Second Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	134,293	134,293			
Student loan insurance fund				0	0
Higher education facilities loan fund	13,473,000				
Total, Office of Education	86,701,948	64,229,538	61,031,236	55,001,612	72,624,418

OBLIGATIONS IN THE STATE OF MAINE

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$3,600,248	$3,351,971	$3,554,215	$3,554,215	$4,273,001
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	506,785	253,111	212,615	0	251,104
Supplementary educational centers and services (ESEA III)	1,057,000	1,031,142	1,068,404	804,617	3,079,542
Strengthening State departments of education (ESEA V):					
Grants to States	235,168	303,881	303,463	303,463	303,463
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	447,007	439,486		0	425,881
Loans to nonprofit private schools		10,385		0	0
State administration	10,000	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	121,900	82,737	57,561	0	81,866
Subtotal, elementary and secondary education	6,128,108	5,636,046	5,346,258	4,812,295	8,428,290
School assistance to federally affected areas:					
Maintenance and operations (Public Law 81–874)	2,928,000	3,049,000	1,730,000	2,213,000	3,593,000
Construction (Public Law 81–815)		25,500	22,000	22,000	22,000
Subtotal, SAFA	2,928,000	3,074,500	1,752,000	2,235,000	3,615,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B–2)		149,034	174,200	174,200	174,200
Training programs (EPDA, pts. C and D)	626,339			0	0
Subtotal, education professions development	626,339	149,034	174,200	174,200	174,200
Teachers Corps				0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)				0	8
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	173,038	170,056	173,048	173,048	173,040
Undergraduate instructional equipment and other resources (HEA VI–A)	60,131	59,256		0	
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)		548,214	283,459	283,459	283,459
Other undergraduate facilities (HEFA I, sec. 104)	1,353,033	595,828	389,519	0	152,426
Graduate facilities (HEFA II)				0	0
State administration and planning (HEFA I, sec. 105)	57,987	62,713	62,713	62,713	62,713

OBLIGATIONS IN THE STATE OF MAINE—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Higher education—Continued					
Student aid:					
Educational opportunity grants (HEA IV-A)	$579,900	$62,852	$302,492	$302,492	$222,772
Direct loans (NDEA II)	808,320	783,591	622,395	622,395	891,971
Insured loans:					
Advances for reserve funds	10,000	67,789		0	0
Interest payments	(1)				
Work-study programs (HEA IV-C)	628,421	703,264	736,753	736,905	736,905
Special programs for disadvantaged students: Talent search				0	0
Personnel development:					
College teacher fellowships (NDEA IV)	126,500			0	0
Training programs (EPDA, pt. E)				0	0
Subtotal, higher education	3,897,330	3,053,563	2,570,379	2,181,012	2,523,294
Vocational education:					
Basic grants	1,484,258	1,490,962	1,387,705	1,387,705	2,132,693
Innovation			212,626	212,626	212,626
Work-study	51,011			0	50,985
Cooperative education			217,708	217,708	217,708
Consumer and homemaking education			87,564	87,564	87,564
Subtotal, vocational education	1,535,269	1,490,962	1,905,603	1,905,603	2,701,576
Libraries and community services:					
Grants for public library services (LSCA I)	258,291	258,291	258,291	165,022	285,291
Construction of public libraries (LSCA II)	322,561	106,355	106,355	0	106,355
Interlibrary cooperation (LSCA III)	40,725	40,858	40,858	40,858	40,858
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,075	25,075	25,075	25,075
College library resources (HEA II-A)	150,755			0	0
Librarian training (HEA II-B)				0	0
University community service programs (HEA I)	124,078	121,158	121,158	121,158	121,158
Adult basic education (Adult Education Act):					
Grants to States	175,918	192,097	204,502	204,502	204,502
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1,134,478	783,343	795,748	596,124	822,752
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	100,000	153,967	153,967	153,967	153,967
Teacher education and recruitment	123,140			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	2,027			0	0
Subtotal, education for the handicapped	225,167	153,967	153,967	153,967	153,967
Research and Training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	6,400			0	0
Vocational education			15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	6,400		15,000	15,000	15,000
Education in foreign languages and world affairs				0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	48,182	48,182			
Student loan insurance fund				0	0
Higher education facilities loan fund	190,000			0	0
Total, Office of Education	16,769,273	14,439,597	12,763,155	12,123,201	18,619,079

OBLIGATIONS IN THE STATE OF MARYLAND

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$15,482,969	$14,445,385	$17,464,570	$17,464,570	$20,347,731
State administrative expenses	154,830	150,000	174,646	174,646	
Grants to States for school library materials (ESEA II)	1,830,047	936,620	786,768	0	947,722
Supplementary educational centers and services (ESEA III)	3,177,000	2,955,164	3,101,297	2,088,229	2,980,295
Strengthening State departments of education (ESEA V):					
Grants to States	462,140	529,969	536,320	536,320	536,320
Grants for special projects	359,217			0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	1,304,710	1,312,943		0	1,326,935
Loans to nonprofit private schools		45,595		0	0
State administration	35,824	34,987		0	35,310
Guidance, counseling, and testing (NDEA V)	450,499	312,960	217,728	0	315,861
Subtotal, elementary and secondary education	23,257,236	20,723,623	22,281,329	20,263,765	26,490,174
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	23,862,000	24,846,000	13,893,000	3,387,000	29,362,000
Construction (Public Law 81-815)	3,247	520,300	23,000	23,000	23,000
Subtotal, SAFA	23,865,247	25,366,300	13,916,000	3,410,000	29,385,000

[1] Not available.

OBLIGATIONS IN THE STATE OF MARYLAND—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		$281,448	$374,573	$374,573	$374,573
Training programs (EPDA, pts. C and D)	$739,788			0	0
Subtotal, education professions development	739,788	281,448	374,573	374,573	374,573
Teachers Corps				0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	655,541			0	
College of agriculture and the mechanic arts (Bankhead-Jones)	223,700	220,505	223,731	223,731	223,731
Undergraduate instructional equipment and other resources (HEA VI-A)	204,303	213,395		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	1,427,793	1,341,538	693,653	693,653	693,653
Other undergraduate facilities (HEFA I, sec. 104)	3,590,930	2,241,212	1,465,181	0	562,382
Graduate facilities (HEFA II)				0	0
State administration and planning (HEFA I, sec. 105)	85,371	101,785	101,785	101,785	101,785
Student aid:					
Educational opportunity grants (HEA IV-A)	1,319,350	230,937	1,111,453	1,111,453	818,535
Direct loans (NDEA II)	1,852,803	2,423,641	2,286,880	2,286,880	3,277,388
Insured loans:					
Advances for reserve funds	195,600	209,577		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	1,104,303	2,166,864	2,270,048	2,270,516	2,270,516
Special programs for disadvantage students: Talent search				0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,765,600			0	0
Training programs (EPDA, pt. E)				0	0
Subtotal, higher education	12,425,294	9,149,454	8.152,731	6,688,018	7,947,990
Vocational education:					
Basic grants	4,017,758	3,966,192	4,025,023	4,025,023	6,185,849
Innovation			244,939	0	0
Work-study	185,275			0	185,181
Cooperative education			263,026	263,026	263,026
Consumer and homemaking education			253,976	253,976	253,976
Subtotal, vocational education	4,203,033	3,966,192	4,786,964	4,542,025	6,888,032
Libraries and community services:					
Grants for public library services (LSCA I)	606,374	606,374	606,374	308,005	606,374
Construction of public libraries (LSCA II)	318,000	423,052	164,310	0	164,310
Interlibrary cooperation (LSCA III)	42,319	42,745	42,745	42,745	42,745
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,239	25,239	25,239	25,239
College library resources (HEA II-A)	371,245			0	0
Librarian training (HEA II-B)	120,581			0	0
University community service programs (HEA I)	186,299	178,121	178,121	178,121	178,121
Adult basic education (Adult Education Act):					
Grants to States	525,086	615,676	682,321	682,321	682,321
Special projects and teacher education				0	0
Educational broadcasting facilities					
Subtotal, libraries and community services	2,231,654	1,930,716	1,738,619	1,275,940	1,738,619
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	227,938	493,874	493,874	493,844	493,874
Teacher education and recruitment	356,610			0	0
Research and innovation	138,995			0	0
Media services and captioned films for the deaf	157,249	10,347		0	0
Subtotal, education for the handicapped	880,792	504,221	493,874	493,874	493,874
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers	741,618			0	0
General education	468,880	85,255		0	0
Vocational education	97,875	68,087	15,000	15,000	15,000
Evaluations	91,572			0	0
National achievement study				0	0
Dissemination	309,968	147,500		0	0
Training	99,000			0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	1,808,913	300,842	15,000	15,000	15,000
Education in foreign languages and world affairs	94,938			0	0
Civil rights education	36,000	131,508		0	00
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	118,672	118,672		0	0
Student loan insurance fund				0	0
Higher education facilities loan fund	680,000			0	0
Total, Office of Education	70,391,567	62,504,976	51,809,090	37,113,194	73,383,262

OBLIGATIONS IN THE STATE OF MASSACHUSETTS

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$17,913,388	$16,810,925	$18,838,375	$18,838,375	$21,948,332
State administrative expenses	179,143	168,132	188,384	188,384	0
Grants to States for school library materials (ESEA II)	2,658,619	1,296,227	1,088,840	0	1,297,768
Supplementary educational centers and services (ESEA III)	4,735,000	4,152,189	4,361,558	2,867,743	4,139,035
Strengthening State departments of education (ESEA V):					
Grants to States	566,428	626,114	658,831	658,831	658,831
Grants for special projects				0	0

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[1] Not available.

OBLIGATIONS IN THE STATE OF MASSACHUSETTS—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Elementary and secondary education—Continued					
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	$1,553,953	$1,557,326		0	$1,577,173
Loans to nonprofit private schools		84,801		0	0
State administration	49,579	48,222		0	48,101
Guidance, counseling, and testing (NDEA V)	623,472	431,343	$300,088	0	430,280
Subtotal, elementary and secondary education	28,279,582	25,175,279	25,436,076	$22,552,333	30,099,520
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	15,141,000	15,743,000	9,489,000	5,971,000	18,514,000
Construction (Public Law 81-815)	1,269	621,900	465,000	465,000	465,000
Subtotal, SAFA	15,142,269	16,364,900	9,954,000	6,436,000	18,979,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		351,113	479,993	479,993	479,993
Training programs (EPDA, pts C and D)	2,472,083			0	0
Subtotal, education professions development	2,472,083	351,113	479,993	479,993	479,993
Teachers Corps	460,699	639,692		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)				0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	272,376	268,977	272,428	272,428	272,428
Undergraduate instructional equipment and other resources (HEA VI-A)	505,184	507,779		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	1,732,775	2,156,180	1,114,870	1,114,870	1,114,870
Other undergraduate facilities (HEFA I, sec. 104)	6,379,032	4,253,422	2,708,652	0	1,038,447
Graduate facilities (HEFA II)	2,500,000	1,500,000		0	0
State administration and planning (HEFA I, sec. 105)	166,066	163,315	163,315	163,315	163,315
Student aid:					
Educational opportunity grants (HEA IV-A)	4,945,790	575,618	2,770,332	2,770,332	2,040,225
Direct loans (NDEA II)	7,240,532	7,176,411	5,700,121	5,700,121	8,168,993
Insured loans:					
Advances for reserve funds	143,679	335,071		0	0
Interest payments	(1)				
Work-study programs (HEA IV-C)	6,289,340	3,731,151	3,908,825	3,909,631	3,909,631
Special programs for disadvantaged students: Talent search	131,234			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	4,500,500			0	0
Training programs (EPDA, pt. E)	26,799			0	0
Subtotal, higher education	34,833,307	20,667,924	16,638,543	13,930,697	16,707,909
Vocational education:					
Basic grants	5,325,643	5,383,109	5,409,065	5,409,065	8,312,908
Innovation			261,910	261,910	261,910
Work-study	251,686			0	251,557
Cooperative education			286,828	286,828	286,828
Consumer and homemaking education			341,308	341,308	341,308
Subtotal, vocational education	5,577,329	5,383,109	6,299,111	6,299,111	9,454,511
Libraries and community services:					
Grants for public library services (LSCA I)	940,815	940,815	940,815	445,385	940,815
Construction of public libraries (LSCA II)	227,848	825,850	219,994	0	219,994
Interlibrary cooperation (LSCA III)	40,100	44,558	44,558	44,558	44,558
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,396	25,396	25,396	25,396
College library resources (HEA II-A)	839,866			0	0
Librarian training (HEA II-B)	282,954			0	0
University community service programs (HEA I)	230,913	216,889	216,889	216,889	216,889
Adult basic education (Adult Education Act):					
Grants to States	635,897	750,102	835,242	835,242	835,242
Special projects and teacher education	250,000			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	3,510,143	2,843,119	2,322,403	1,606,979	2,322,403
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	346,508	750,780	750,780	750,780	750,780
Teacher education and recruitment	936,824			0	0
Research and innovation	547,512	254,868		0	0
Media services and captioned films for the deaf	127,962	124,975		0	0
Subtotal, education for the handicapped	1,958,706	1,130,623	750,780	750,780	750,780
Research and training:					
Research and development:					
Educational laboratories	1,041,162	959,655		0	0
Research and development centers				0	0
General education	1,684,846	99,032		0	0
Vocational education	889,343	85,670	17,591	17,591	17,591
Evaluations				0	0
National achievement study				0	0
Dissemination	135,900			0	0
Training	488,048			0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	4,239,299	1,144,357	17,591	17,591	17,591
Education in foreign languages and world affairs	1,019,308			0	0
Civil rights education	77,104			0	0
Colleges for agriculture and mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	179,461	179,461			
Student loan insurance fund				0	0
Higher education facilities loan fund	716,000			0	0
Total, Office of Education	98,515,290	73,929,577	61,948,497	52,123,484	78,861,707

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[1] Not available.

OBLIGATIONS IN THE STATE OF MICHIGAN

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$34, 269, 334	$32, 388, 788	$36, 415, 621	$35, 415, 621	$42, 427, 340
State administrative expenses	342, 693	324, 175	364, 156	364, 156	0
Grants to States for school library materials (ESEA II)	4, 634, 860	2, 326, 201	1, 954, 026	0	2, 353, 365
Supplementary educational centers and services (ESEA III)	7, 720, 000	6, 801, 512	7, 150, 833	4, 691, 787	6, 834, 442
Strengthening State departments of education (ESEA V):					
Grants to States	955, 682	990, 466	1, 009, 723	1, 009, 723	1, 009, 723
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	3, 390, 106	3, 421, 788		0	3, 392, 504
Loans to nonprofit private schools	32, 670	116, 396		0	0
State administration	87, 856	86, 061		0	86, 366
Guidance, counseling, and testing (NDEA V)	1, 104, 807	769, 811	535, 562	0	722, 571
Subtotal, elementary and secondary education	52, 538, 008	47, 225, 198	47, 429, 921	40, 572, 287	56, 826, 311
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81–874)	4, 393, 000	4, 574, 000	2, 594, 000	2, 852, 000	5, 211, 000
Construction (Public Law 81–815)	8, 734	183, 300	3, 000	3, 000	3, 000
Subtotal, SAFA	4, 401, 734	4, 757, 300	2, 597, 000	2, 855, 000	5, 214, 000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B–2)		550, 647	781, 932	781, 932	781, 932
Training programs (EPDA, pts. C and D)	3, 260, 365			0	0
Subtotal, education professions development	3, 260, 365	550, 647	781, 932	781, 932	781, 932
Teacher Corps	646, 968	886, 855		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	222, 367			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	335, 949	332, 282	336, 028	336, 028	336, 028
Undergraduate instructional equipment and other resources (HEA VI–A)	642, 527	629, 980		0	0
Construction:					
Public community colleges and technical institutes (HEFA I—sec. 103)	6, 981, 435	3, 291, 573	1, 701, 935	1, 701, 935	1, 701, 935
Other undergraduate facilities (HEFA I, sec. 104)	5, 678, 517	6, 116, 396	3, 998, 561	0	1, 469, 623
Graduate facilities (HEFA II)				0	0
State administration and planning (HEFA I, sec. 105)	217, 585	187, 096	187, 096	187, 096	187, 096
Student aid:					
Educational opportunity grants (HEA IV–A)	6, 097, 311	707, 638	3, 405, 717	3, 405, 717	2, 508, 158
Direct loans (NDEA II)	8, 851, 398	8, 822, 344	7, 007, 462	7, 007, 462	10, 042, 578
Insured loans:					
Advances for reserve funds	75, 000	502, 588		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV–C)	3, 901, 908	5, 595, 807	5, 862, 274	5, 863, 483	5, 863, 483
Special programs for disadvantaged students: Talent search	82, 000			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	2, 817, 200			0	0
Training program (EPDA Part E)				0	0
Subtotal, higher education	35, 903, 197	26, 185, 704	22, 499, 073	18, 501, 821	22, 108, 901
Vocational education:					
Basic grants	9, 577, 289	9, 284, 246	9, 105, 044	9, 105, 044	13, 993, 069
Innovation			306, 305	306, 305	306, 305
Work study	427, 817			0	427, 599
Cooperative education			349, 093	349, 093	349, 093
Consumer and homemaking education			574, 525	574, 525	574, 525
Subtotal, vocational education	10, 005, 106	9, 284, 246	10, 334, 967	10, 334, 967	15, 650, 591
Libraries and community services:					
Grants for public library services (LSCA I)	1, 377, 606	1, 377, 606	1, 377, 606	624, 808	1, 377, 606
Construction of public libraries (LSCA II)	425, 120	945, 566	292, 719	0	292, 719
Interlibrary cooperation (LSCA III)	45, 850	46, 926	46, 926	46, 929	46, 926
State institutional library services (LSCA IV–A)	38, 000	39, 505	39, 509	39, 509	39, 509
Library services for physically handicapped (LSCA IV–B)	23, 750	25, 602	25, 602	25, 602	25, 602
College library resources (HEA II–A)	834, 073			0	0
Librarian training (HEA II–B)	539, 183			0	0
University community service programs (HEA I)	303, 097	283, 198	283, 198	283, 198	283, 198
Adult basic education (Adult Education Act):					
Grants to States	835, 165	991, 837	1, 106, 931	1, 106, 931	1, 106, 931
Special projects and teacher education	510, 000			0	0
Education broadcasting facilities				0	0
Subtotal, libraries and community services	4, 931, 844	3, 710, 244	3, 172, 491	2, 126, 974	3, 172, 491
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	585, 544	1, 268, 699	1, 268, 699	1, 268, 699	1, 268, 699
Teacher education and recruitment	1, 374, 884			0	0
Research and innovation	549, 900	249, 992		0	0
Media services and captioned films for the deaf	28, 809			0	0
Subtotal, education for the handicapped	2, 539, 137	1, 518, 691	1, 268, 699	1, 268, 699	1, 268, 699
Research and training:					
Research and development:					
Educational laboratories	800, 000			0	0
Research and development centers				0	0
General education	1, 200, 261	25, 399		0	0
Vocational education	730, 421	114, 979	29, 611	29, 611	29, 611
Evaluations				0	0
National achievement study	269, 073			0	0
Dissemination	6, 980			0	0
Training	338, 930	18, 675		0	0
Statistical surveys				0	0
Construction	52, 832			0	0
Subtotal, research and training	3, 398, 497	159, 053	29, 053	29, 611	29, 611

[1] Not available.

OBLIGATIONS IN THE STATE OF MICHIGAN—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education in foreign languages and world affairs	$1,789,401			0	0
Civil rights education	135,189			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	$50,000	$50,000	$50,000	$50,000
Promotion of vocational education (Smith-Hughes Act)	297,765	297,765			
Student loan insurance fund				0	0
Higher education facilities loan fund	2,473,000			0	0
Total, Office of Education	122,380,211	94,625,703	88,163,694	76,521,291	105,102,536
OBLIGATIONS IN THE STATE OF MINNESOTA					
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$20,020,502	$18,633,330	$19,301,245	$19,301,245	$22,487,615
State administrative expenses	200,205	186,360	193,012	193,012	
Grants to States for school library materials (ESEA II)	1,979,521	996,022	836,666	0	1,004,025
Supplementary educational centers and services (ESEA III)	3,405,000	2,976,706	3,123,975	2,097,802	2,995,509
Strengthening State departments of education (ESEA V):					
Grants to States	482,274	544,185	406,917	406,917	406,917
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	1,570,349	1,563,031		0	1,571,167
Loans to nonprofit private schools	1,630	53,581		0	0
State administration	37,165	35,901		0	36,211
Guidance, counseling, and testing (NDEA V)	467,363	321,136	223,416	0	323,919
Subtotal, elementary and secondary education	28,164,009	25,310,252	24,085,231	21,998,976	29,185,363
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	2,807,000	2,923,000	1,658,000	846,000	3,367,000
Construction (Public Law 81-815)				0	0
Subtotal, SAFA	2,807,000	2,923,000	1,658,000	846,000	3,367,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		292,956	391,986	391,986	391,986
Training programs (EPDA parts C and D)	1,110,830			0	0
Subtotal, education professions development	1,110,830	292,956	391,986	391,986	391,986
Teacher Corps	54,889	270,762		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	285,177			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	231,144	227,918	231,178	231,178	231,178
Undergraduate instructional equipment and other resources (HEA VI-A)	317,884	320,963		0	0
Construction:					
Public community colleges and technical institutes (HEFA I—Sec. 103)	1,515,629	1,840,248	951,515	951,515	951,515
Other undergraduate facilities (HEFA I—Sec. 104)	4,251,238	2,847,115	1,861,287	0	699,726
Graduate facilities (HEFA II)	1,383,086			0	0
State administration and planning (HEFA I—Sec. 105)	110,883	115,978	115,978	115,978	115,978
Student aid:					
Educational opportunity grants (HEA IV-A)	4,181,610	370,398	1,782,651	1,782,651	1,312,942
Direct loans (NDEA II)	4,782,904	4,617,870	3,667,909	3,667,909	5,256,576
Insured loans:					
Advances for reserve funds	20,286	223,911		0	0
Interest payments	[1]			0	0
Work-study programs (HEA IV-C)	2,869,480	2,935,632	3,075,424	3,076,058	3,076,058
Special programs for disadvantaged students: Talent search	94,121			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,262,300			0	0
Training programs (EPDA, Pt. E)	220,000			0	0
Subtotal, higher education	21,525,742	13,500,033	11,685,942	9,825,289	11,643,873
Vocational Education:					
Basic grants	4,953,529	4,942,203	4,346,673	4,346,673	6,680,177
Innovation			245,075	245,075	245,075
Work-study	180,944			0	180,852
Cooperative education			263,217	263,217	263,217
Consumer and homemaking education			274,274	274,274	274,274
Subtotal, vocational education	5,134,473	4,942,203	5,129,239	5,129,239	7,643,595
Libraries and community services:					
Grants for public library services (LSCA I)	657,518	657,518	657,518	329,014	657,518
Construction of public libraries (LSCA II)	511,078	177,371	172,826	0	172,826
Interlibrary cooperation (LSCA III)		43,022	43,022	43,011	43,011
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,263	25,263	25,263	25,263
College library resources (HEA II-A)	520,029			0	0
Librarian training (HEA II-B)	110,450			0	0
University community service programs (HEA I)	186,982	177,277	177,277	177,277	177,277
Adult basic education (Adult Education Act):					
Grants to States	314,574	360,302	393,947	393,947	393,947
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	2,362,381	1,480,262	1,509,362	1,008,021	1,509,351
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	255,057	552,623	552,633	552,633	552,633
Teacher education and recruitment	572,900			0	0
Research and innovation	131,620	51,643		0	0
Media services and captioned films for the deaf	8,500			0	0
Subtotal, education for the handicapped	968,077	604,276	552,633	552,633	552,633

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[1] Not available.

OBLIGATIONS IN THE STATE OF MINNESOTA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Research and training:					
Research and development:					
Educational laboratories	$678,000	$800,000		0	0
Research and development centers				0	0
General education	33,430			0	0
Vocational education	396,107	324,300	$15,000	$15,000	$15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training	132,359			0	0
Statistica surveys				0	0
Construction				0	0
Subtotal, research and training	1,239,896	1,124,300	15,000	15,000	15,000
Education in foreign languages and world affairs	361,562			0	0
Civil rights education	185,054			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	141,929	141,929		0	0
Student loan insurance fund	4,000			0	0
Higher education facilities loan fund	3,322,000			0	0
Total, Office of Education	67,431,842	50,639,973	45,077,393	39,817,144	54,308,801

OBLIGATIONS IN THE STATE OF MISSISSIPPI

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$39,559,828	$36,593,942	$39,842,067	$39,842,067	$46,419,446
State administrative expenses	395,598	366,015	398,421	398,421	
Grants to States for school library materials (ESEA II)	1,173,309	589,397	495,098	0	578,180
Supplementary educational centers and services (ESEA III)	1,746,000	2,072,827	2,166,252	1,502,449	2,056,765
Strengthening State departments of education (ESEA V):					
Grants to States	380,091	437,838	418,029	418,029	418,029
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	1,330,738	1,320,102		0	1,303,096
Loans to nonprofit private schools		7,100		0	0
State administration	25,594	24,641		0	24,357
Guidance, counseling, and testing (NDEA V)	321,854	220,413	153,342	0	217,880
Subtotal, elementary and secondary education	44,933,012	41,632,275	43,473,209	42,160,966	51,017,753
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	2,511,000	2,615,000	1,483,000	1,115,000	3,048,000
Construction (Public Law 81-815)	23,806	120,300		0	0
Subtotal, SAFA	2,534,806	2,735,300	1,483,000	1,115,000	3,048,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA, B-2)		214,182	272,783	272,783	272,783
Training programs (EPDA, pts. C and D)	1,107,084			0	0
Subtotal, education professions development	1,107,084	214,182	272,783	272,783	272,783
Teacher Corps	332,649	308,409		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	2,231,381			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	201,772	198,669	201,794	201,794	201,794
Undergraduate instructional equipment and other resources (HEA VI-A)	185,828	180,578		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	1,156,088	1,239,700	640,997	640,997	640,997
Other undergraduate facilities (HEFA I, sec. 104)	2,530,296	1,464,096	957,145	0	358,037
Graduate facilities (HEFA II)	445,096			0	0
State administration and planning (HEFA I, sec. 105)	103,486	88,867	88,867	88,867	88,867
Student aid:					
Educational opportunity grants (HEA IV-A)	2,313,960	187,115	900,547	900,547	663,213
Direct loans (NDEA II)	2,226,527	2,332,825	1,852,929	1,852,929	2,655,482
Insured loans:					
Advances for reserve funds		167,857		0	0
Interest payments	(1)				
Work-study programs (HEA IV-C)	3,142,390	3,012,946	3,156,420	3,157,070	3,157,070
Special programs for disadvantaged students: Talent search	102,000			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	370,700			0	0
Training programs (EPDA, pt. E)				0	0
Subtotal, higher education	15,009,524	8,872,653	7,798,699	6,842,204	7,765,460
Vocational education:					
Basic grants	4,301,054	4,298,675	3,755,696	3,755,696	5,771,934
Innovation			233,534	233,534	233,534
Work-study	137,633			0	137,563
Cooperative education			247,032	247,032	247,032
Consumer and homemaking education			236,982	236,982	236,983
Subtotal, vocational education	4,438,687	4,298,675	4,473,244	4,473,244	6,627,045
Libraries and community services:					
Grants for public library services (LSCA I)	455,712	455,712	455,712	246,118	455,712
Construction of public libraries (LSCA II)	354,809	139,226	139,226	0	139,226
Interlibrary cooperation (LSCA III)	41,629	41,928	41,928	41,928	41,928
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA) IV-B)	23,750	25,168	25,168	25,168	25,168

[1] Not available.

OBLIGATIONS IN THE STATE OF MISSISSIPPI—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Libraries and community services—Continued					
College library resources (HEA II-A)	$298, 450			0	0
Librarian training (HEA II-B)	104, 265			0	0
University community service programs (HEA I)	156, 385	$150, 559	$150, 559	$150, 559	$150, 559
Adult basic education (Adult Education Act):					
Grants to States	702, 974	831, 474	936, 895	936, 895	936, 895
Special projects and teacher education	580, 000			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	2, 755, 974	1, 683, 576	1, 788, 997	1, 440, 177	1, 788, 997
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	184, 471	399, 693	399, 693	399, 693	399, 693
Teacher education and recruitment	250, 817			0	0
Research and innovation	9, 560			0	0
Media services and captioned films for the deaf	2, 696			0	0
Subtotal, education for the handicapped	447, 544	399, 693	399, 693	399, 693	399, 693
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	23, 547			0	0
Vocational education		50, 000	15, 000	15, 000	15, 000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	23, 547	50, 000	15, 000	15, 000	15, 000
Education in foreign languages and world affairs				0	0
Civil rights education	255, 574	79, 971		0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50, 000	50, 000	50, 000	50, 000	50, 000
Promotion of vocational education (Smith-Hughes Act)	107, 308	107, 308		0	0
Student loan insurance fund				0	0
Higher education facilities loan fund	584, 000			0	0
Total, Office of Education	72, 579, 709	60, 432, 042	59, 754, 625	56, 769, 067	70, 984, 731

OBLIGATIONS IN THE STATE OF MISSOURI

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$24, 417, 125	$22, 894, 858	$23, 416, 581	$43, 416, 518	$27, 282, 338
State administrative expenses	244, 171	228, 982	234, 166	234, 166	
Grants to States for school library materials (ESEA II)	2, 236, 998	1, 144, 401	961, 306	0	1, 170, 511
Supplementary educational centers and services (ESEA III)	4, 128, 000	3, 576, 532	3, 755, 489	2, 481, 771	3, 568, 682
Strengthening State departments of education (ESEA V):					
Grants to States	533, 910	596, 859	607, 107	607, 107	607, 107
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	1, 639, 964	1, 655, 991		0	1, 688, 243
Loans to nonprofit private schools		57, 965		0	0
State administration	42, 491	41, 641		0	41, 652
Guidance, counseling, and testing (NDEA V)	534, 336	372, 479	259, 136	0	372, 587
Subtotal, elementary and secondary education	33, 776, 995	30, 569, 708	29, 233, 785	26, 739, 562	34, 731, 120
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	8, 054, 000	8, 386, 000	4, 757, 000	2, 176, 000	9, 617, 000
Construction (Public Law 81-815)	711, 947	1, 701, 000		0	0
Subtotal, SAFA	8, 765, 947	10, 087, 000	4, 757, 000	2, 176, 000	9, 617, 000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		321, 701	435, 484	435, 484	435, 484
Training programs (EPDA, pts. C and D)	1, 674, 432			0	0
Subtotal, education professions development	1, 674, 432	321, 701	435, 484	435, 484	435, 484
Teacher Corps	6, 211	464, 581		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	1, 257, 646			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	252, 677	249, 360	252, 721	252, 721	252, 721
Undergraduate instructional equipment and other resources (HEA, VI-A)	347, 294	343, 879		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	1, 628, 650	1, 967, 078	1, 017, 094	1, 017, 094	1, 017, 094
Other undergraduate facilities (HEFA I, sec. 104)	5, 129, 496	2, 975, 596	1, 945, 280	0	728, 823
Graduate facilities (HEFA II)	418, 033	400, 000		0	0
State administration and planning (HEFA I, sec. 105)	148, 193	126, 859	126, 859	126, 859	126, 859
Student aid:					
Educational opportunity grants (HEA, IV-A)	3, 551, 200	399, 142	1, 920, 990	1, 920, 990	1, 414, 723
Direct loans (NDEA II)	5, 001, 432	4, 976, 231	3, 952, 550	3, 952, 550	5, 664, 502
Insured loans:					
Advances for reserve funds	25, 980	286, 755		0	0
Interest payments	[1]			0	0
Work-study programs (HFA, IV-0)	2, 303, 117	3, 526, 985	3, 694, 937	3, 695, 699	3, 695, 699
Special programs for disadvantaged students: Talent search	143, 280			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	2, 708, 600			0	0
Training programs (EPDA pt. E)				0	0
Subtotal, higher education	22, 969, 598	15, 251, 885	12, 910, 431	10, 965, 913	12, 900, 421

[1] Not available.

OBLIGATIONS IN THE STATE OF MISSOURI—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Vocational education:					
Basic grants	$5,926,270	$5,909,451	$5,453,944	$5,454,944	$8,381,883
Innovation			253,221	253,221	253,221
Work-study	216,555			0	216,445
Cooperative education			274,461	274,641	274,641
Consumer and homemaking education			344,142	344,142	344,142
Subtotal, vocational education	6,142,825	5,909,451	6,325,948	6,326,948	9,470,332
Libraries and community services:					
Grants for public library services (LSCA I)	805,469	805,469	805,469	389,789	805,469
Construction of public libraries (LSCA II)	962,828	512,392	197,459	0	197,459
Interlibrary cooperation (LSCA III)		43,824	43,824	43,824	43,824
State institutional library services (LSCA IV–A)		39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV–B)		25,333	25,333	25,333	25,333
College library resources (HEA II–A)	618,535			0	0
Librarian training (HEA II–B)	59,106			0	0
University community service programs (HEA I)	209,693	198,738	198,739	198,739	198,739
Adult basic education (Adult Education Act):					
Grants to States	629,682	752,562	824,641	824,641	824,641
Special projects and teacher education	331,771				
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	3,617,084	2,377,827	2,134,974	1,521,835	2,134,974
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	296,211	641,800	641,800	641,800	641,800
Teacher education and recruitment	570,107			0	0
Research and innovation	151,444			0	0
Media services and captioned films for the deaf	20,956			0	0
Subtotal, education for the handicapped	1,038,718	641,800	641,800	641,800	641,800
Research and training:					
Research and development:					
Educational laboratories	2,080,000	2,637,713		0	0
Research and development centers				0	0
General education	411,591	233,564		0	0
Vocational education			17,737	17,737	17,737
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training	88,500			0	0
Statistical surveys				0	0
Construction	20,143			0	0
Subtotal, research and training	2,600,234	2,871,277	17,737	17,737	17,737
Education in foreign languages and world affairs	218,302			0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	173,605	173,605			
Student loan insurance fund				0	0
Higher education facilities loan fund	2,892,000			0	0
Total, Office of Education	83,925,951	68,718,835	56,507,159	875,279	69,998,868

OBLIGATIONS IN THE STATE OF MONTANA

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$3,666,149	$3,459,155	$3,521,648	$3,521,648	$3,710,421
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	371,750	185,736	156,019	0	182,895
Supplementary educational centers and services (ESEA III)	811,500	857,962	886,077	86,277	850,697
Strengthening State departments of education (ESEA V):					
Grants to States	214,585	282,290	280,509	280,509	280,509
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	339,695	335,693		0	333,279
Loans to nonprofit private schools	13,500	6,285		0	0
State administration	10,000	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	93,954	64,096	50,000	0	63,172
Subtotal, elementary and secondary education	5,671,133	5,354,550	5,044,253	4,638,434	5,434,306
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81–874)	4,268,000	4,444,000	2,521,000	3,690,000	5,453,000
Construction (Public Law 81–815)		831,000		0	0
Subtotal, SAFA	4,268,000	5,275,000	2,521,000	3,690,000	5,453,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B–2)		135,982	154,449	154,449	154,449
Training programs (EPDA pts. C and D)	380,383			0	0
Subtotal, education professions development	380,383	135,982	154,449	154,449	154,449
Teacher Corps				0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)				0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	166,038	163,086	166,045	166,045	166,045
Undergraduate instructional equipment and other resources (HEA VI–A)	59,288	59,639		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	292,342	365,857	189,170	189,170	189,170
Other undergraduate facilities (HEFA I, sec. 104)	1,237,001	520,832	340,491	0	129,444
Graduate facilities (HEFA II)	229,794			0	0
State administration and planning (HEFA I, sec. 105)	66,089	55,353	55,353	55,353	55,353

OBLIGATIONS IN THE STATE OF MONTANA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Higher education—Continued					
Student aid:					
Educational opportunity grants (HEA IV-A)	$762,650	$70,373	$338,689	$338,689	$249,429
Direct loans (NDEA II)	858,217	877,358	696,872	696,872	998,706
Insured loans:					
Advances for reserve funds		44,594		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	2,576,281	564,130	590,993	591,115	591,115
Special programs for disadvantaged students: Talent search	49,903			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	284,800			0	0
Training programs (EPDA pt. E)	57,489			0	0
Subtotal, higher education	6,639,892	2,721,222	2,377,613	2,037,244	2,379,262
Vocational education:					
Basic grants	1,102,142	1,116,404	971,393	971,393	1,492,881
Innovation			209,368	209,368	209,368
Work-study	38,018			0	37,998
Cooperative education			213,138	213,138	213,138
Consumer and homemaking education			61,295	61,295	61,295
Subtotal, vocational education	1,140,160	1,116,404	1,455,194	1,455,194	2,014,680
Libraries and community services:					
Grants for public library services (LSCA I)	210,196	210,196	210,196	145,266	210,196
Construction of public libraries (LSCA II)	345,689	98,347	98,347	0	98,347
Interlibrary cooperation (LSCA III)	40,505	40,597	40,597	40,597	40,597
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped LSCA IV-B)	23,750	25,052	25,052	25,052	25,052
College library resources (HEA II-A)	102,979			0	0
Librarian training (HEA II-B)	45,690			0	0
University community service programs (HEA I)	117,167	115,187	115,187	115,187	115,187
Adult basic education (Adult Education Act):					
Grants to States	146,759	156,723	164,109	164,109	164,109
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1,070,735	685,611	692,997	529,720	692,997
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	100,000	112,296	112,296	112,296	112,296
Teacher education and recruitment	172,096			0	0
Research and innovation		7,710		0	0
Media services and captioned films for the deaf	1,000			0	0
Subtotal, education for the handicapped	273,096	120,006	112,296	112,296	112,296
Research and training:					
Research and development:					
Educational laboratories					0
Research and development centers				0	0
General education	1,000			0	0
Vocational education			15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	1,000		15,000	15,000	15,000
Education in foreign languages and world affairs				0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	38,665	38,665			
Student loan insurance fund				0	0
Higher education facilities loan fund	492,000				
Total, Office of Education	20,025,064	15,497,440	12,422,802	12,682,337	16,128,694

OBLIGATIONS IN THE STATE OF NEBRASKA

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$6,029,159	$5,668,814	$6,994,964	$6,994,964	$8,242,079
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	742,427	374,367	314,472	0	368,323
Supplementary educational centers and services (ESEA III)	1,471,000	1,355,131	1,409,507	1,350,932	1,024,798
Strengthening State departments of education (ESEA V):					
Grants to States	274,980	340,817	344,772	344,772	344,772
Grants for special projects	152,605			0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	591,630	580,126			564,126
Loans to nonprofit private schools		19,509		0	0
State administration	14,368	13,673		0	13,656
Guidance, counseling, and testing (NDEA V)	180,680	122,306	85,089	0	122,154
Subtotal, elementary and secondary education	9,606,849	8,624,743	9,289,804	8,840,668	10,679,908
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	4,329,717	4,429,000	2,513,000	2,286,000	5,298,000
Construction (Public Law 81-815)		543,000		0	0
Subtotal, SAFA	4,329,717	4,972,000	2,513,000	2,286,000	5,298,000

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[1] Not available.

OBLIGATIONS IN THE STATE OF NEBRASKA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education professions development: Preschool elementary, and secondary:					
Grants to States (EPDA B-2)		$172, 525	$209, 747	$209, 747	$209, 747
Training programs (EPDA pts., C and D)	$1, 104, 853			0	0
Subtotal, education professions development	1, 104, 853	172, 525	209, 747	209, 747	209, 747
Teacher Corps	371, 553	482, 517		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)				0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	183, 546	180, 520	183, 560	183, 560	183, 560
Undergraduate instructional equipment and other resources (HEA VI-A)	128, 821	125, 481		0	0
Construction:					
Public community colleges and technical institutes (HEFA I—Sec. 103)	270, 275	694, 437	359, 064	359, 064	359, 064
Other undergraduate facilities (HEFA I—sec. 104)	1, 966, 169	1, 082, 752	707, 844	0	273, 714
Graduate facilities (HEFA II)		300, 000		0	0
State administration and planning (HEFA I—sec. 105)	81, 500	71, 072	71, 072	71, 072	71, 072
Student aid:					
Educational opportunity grants (HEA IV-A)	1, 400, 800	150, 368	723, 689	723, 689	532, 965
Direct loans (NDEA II)	1, 837, 691	1, 874, 681	1, 489, 033	1, 489, 033	2, 133, 972
Insured loans:					
Advances for reserve funds		44, 594		0	0
Interest payments	[1]			0	0
Work-study programs (HEA IV-C)	998, 419	1, 237, 427	1, 296, 352	1, 296, 620	1, 296, 620
Special programs for disadvantaged students: Talent search	60, 442			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	538, 900			0	0
Training programs (EPDA, pt. E)				0	0
Subtotal, higher education	7, 466, 563	5, 761, 332	4, 830, 614	4, 123, 038	4, 850, 967
Vocational education:					
Basic grants	2, 117, 322	2, 135, 304	1, 742, 754	1, 742, 754	2, 678, 348
Innovation			217, 650	217, 650	217, 650
Work-study	71, 223			0	71, 186
Cooperative education			224, 754	224, 754	224, 754
Consumer and homemaking education			109, 967	109, 967	109, 967
Subtotal, vocational education	2, 188, 545	2, 135, 304	2, 295, 125	2, 295, 125	3, 301, 905
Libraries and community services:					
Grants for public library services (LSCA I)	330, 484	330, 484	330, 484	194, 677	330, 484
Construction of public libraries (LSCA II)	239, 500	256, 938	118, 375	0	118, 375
Interlibrary cooperation (LSCA III)	41, 055	41, 249	41, 249	41, 249	41, 249
State institutional library services (LSCA IV-A)	38, 000	39, 509	39, 509	39, 509	39, 509
Library services for physically handicapped (LSCA IV-B)	23, 750	25, 109	25, 109	25, 109	25, 109
College library resources (HEA II-A)	199, 896			0	0
Librarian training (HEA II-B)				0	0
University community service programs (HEA I)	135, 628	131, 132	131, 132	131, 132	131, 132
Adult basic education (Adult Education Act):					
Grants to States	188, 955	207, 912	221, 891	221, 891	221, 891
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1, 197, 268	1, 032, 333	907, 749	653, 557	907, 749
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	100, 364	217, 458	217, 458	217, 458	217, 458
Teacher education and recruitment	183, 938			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	214, 214	250, 338		0	0
Subtotal, education for the handicapped	498, 516	467, 796	217, 458	217, 458	217, 458
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	26, 642			0	0
Vocational education	118, 212	50, 000	15, 000	15, 000	15, 000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	144, 854	50, 000	15, 000	15, 000	15, 000
Education in foreign languages and world affairs				0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50, 000	50, 000	50, 000	50, 000	50, 000
Promotion of vocational education (Smith-Hughes Act)	64, 271	64, 271			
Student loan insurance fund				0	0
Higher education facilities loan fund	829, 000			0	0
Total, Office of Education	27, 851, 989	23, 812, 821	20, 337, 497	8, 690, 593	25, 530, 734

OBLIGATIONS IN THE STATE OF NEVADA

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$960, 917	$887, 582	$893, 858	$893, 858	$1, 174, 544
State administrative expenses	150, 000	150, 000	150, 000	150, 000	
Grants to States for school library materials (ESEA II)	218, 847	113, 689	95, 499	0	117, 828
Supplementary educational centers and services (ESEA III)	568, 025	648, 828	665, 896	551, 066	650, 895
Strengthening State departments of education (ESEA V):					
Grants to States	186, 787	259, 550	255, 964	255, 964	255, 964
Grants for special projects				0	0

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[1] Not available.

OBLIGATIONS IN THE STATE OF NEVADA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Elementary and secondary education—Continued					
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	$115,302	$114,394		0	$134,580
Loans to nonprofit private schools	0	1,583		0	0
State administration	10,000	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	52,999	50,000	$50,000	0	50,000
Subtotal, elementary and secondary education	2,262,877	2,238,959	2,111,217	$1,850,888	2,397,414
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	3,320,000	3,457,000	1,961,000	1,426,000	4,130,000
Construction (Public Law 81-815)	1,520,744	233,700	14,000	14,000	14,000
Subtotal, SAFA	4,840,744	3,690,700	1,975,000	1,440,000	4,144,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		122,025	133,328	133,025	133,025
Training programs (EPDA pts. C and D)	86,885			0	0
Subtotal, education professions development	86,885	122,025	133,328	133,025	133,025
Teacher Corps				0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)				0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	156,781	153,867	156,784	156,784	156,784
Undergraduate instructional equipment and other resources (HEA VI-A)	14,966	14,561		0	0
Construction:					
Public community colleges and technical institutes (HEFA I—sec. 103)		118,399	61,219	61,219	61,219
Other undergraduate facilities (HEFA I—sec. 104)	421,948	216,563	141,577	0	60,539
Graduate facilities (HEFA II)				0	0
State administration and planning (HEFA I—sec. 105)	42,400	37,239	37,239	37,239	37,239
Student aid:					
Educational opportunity grants (HEA IV-A)	136,764	18,232	87,748	87,748	64,622
Direct loans (NDEA II)	217,624	227,307	180,546	180,546	258,746
Insured loans:					
Advances for reserve funds		25,000		0	0
Interest payments	[1]			0	0
Work-study programs (HEA IV-C)	230,375	182,457	191,145	191,185	191,185
Special programs for disadvantaged students: Talent search	22,971			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	123,400			0	0
Training programs (EPDA pt. E)	40,000			0	0
Subtotal, higher education	1,456,869	993,625	856,258	714,721	830,334
Vocational Education:					
Basic grants	554,165	566,052	390,324	390,324	599,871
Innovation			204,616	204,616	204,616
Work-study	19,249			0	19,240
Cooperative education			206,474	206,474	206,474
Consumer and homemaking education			24,630	24,630	24,630
Subtotal, vocational education	573,414	566,052	826,044	826,044	1,054,831
Libraries and community services:					
Grants for public library services (LSCA I)	146,589	146,589	146,589	119,137	146,589
Construction of public libraries (LSCA II)	127,559	129,580	87,757	0	87,757
Interlibrary cooperation (LSCA III)	40,213	40,253	40,253	40,253	40,253
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,022	25,022	25,022	25,044
College library resources (HEA II-A)	24,143			0	0
Librarian training (HEA II-B)				0	0
University community service programs (HEA I)	110,598	109,324	109,325	109,325	109,325
Adult basic education (Adult Education Act):					
Grants to States	117,374	121,076	123,829	123,829	123,829
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	648,226	611,353	572,284	457,075	572,284
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	100,000	100,000	100,000	100,000	100,000
Teacher education and recruitment	65,749			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	1,266			0	0
Subtotal, education for the handicapped	167,015	100,000	100,000	100,000	100,000
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	9,748			0	0
Vocational education	138,281		15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training	58,350			0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	206,379		15,000	15,000	15,000
Education in foreign languages and world affairs				0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	30,000	30,000			
Student loan insurance fund				0	0
Higher education facilities loan fund	318,000			0	0
Total, Office of Education	10,620,409	8,402,714	6,639,131	5,586,753	9,296,888

[1] Not available.

OBLIGATIONS IN THE STATE OF NEW HAMPSHIRE

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$1, 432, 268	$1, 441, 049	$1, 478, 145	$1, 478, 145	$1, 878, 148
State administrative expenses	150, 000	150, 000	150, 000	150, 000	
Grants to States for school library materials (ESEA II)	334, 087	168, 878	141, 859	0	171, 826
Supplementary educational centers and services (ESEA III)	779, 000	815, 216	841, 072	665, 545	820, 062
Strengthening State departments of education (ESEA V):					
Grants to States	198, 849	269, 677	274, 766	274, 766	274, 766
Grants for special projects		24, 600		0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	262, 364	259, 469		0	259, 521
Loans to nonprofit private schools	6, 790	11, 798		0	0
State administration	10, 000	13, 333		0	13, 333
Guidance, counseling, and testing (NDEA V)	81, 695	55, 921	50, 000	0	56, 404
Subtotal, elementary and secondary education	3, 255, 053	3, 209, 941	2, 935, 842	2, 368, 456	3, 474, 060
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	2, 053, 000	2, 138, 000	1, 213, 000	904, 000	2, 474, 000
Construction (Public Law 81-815)	22, 434	6, 400	6, 000	6, 000	6, 000
Subtotal, SAFA	2, 075, 434	2, 144, 400	1, 219, 000	910, 000	2, 480, 000
Education professions development: Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		122, 025	133, 328	133, 328	133, 328
Training programs (EPDA pts. C and D)	456, 959			0	0
Subtotal, education professions development	456, 959	122, 025	133, 328	133, 328	133, 328
Teacher Corps				0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	281, 257			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	164, 426	161, 480	164, 432		
Undergraduate instructional equipment and other resources (HEA VI-A)	62, 362	61, 584		0	0
Construction:					
Public community colleges and technical institutes (HEFA I—Section 103)	247, 537	326, 110	168, 618	168, 618	168, 618
Other undergraduate facilities (HEFA I—sec. 104)	856, 176	509, 125	332, 838	0	124, 716
Graduate facilities (HEFA II)	402, 384			0	0
State administration and planning (HEFA I—sec. 105)	49, 178	58, 152	58, 152	58, 152	58, 152
Student aid:					
Educational opportunity grants (HEA IV-A)	647, 590	65, 117	313, 393	313, 393	230, 800
Direct loans (NDEA II)	781, 493	811, 830	644, 825	644, 825	924, 115
Insured loans:					
Advances for reserve funds	10, 000	41, 218		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	601, 991	457, 694	479, 489	479, 588	479, 588
Special programs for disadvantaged students: Talent search				0	0
Personnel development:					
College teacher fellowships (NDEA IV)	315, 500			0	0
Training programs (EPDA, pt. E)				0	0
Subtotal, higher education	4, 420, 894	2, 492, 310	2, 161, 747	1, 664, 576	1, 985, 989
Vocational education:					
Basic grants	925, 718	941, 303	834, 902	834, 902	1, 283, 116
Innovation			208, 146	208, 146	208, 146
Work-study	32, 724			0	32, 707
Cooperative education			211, 425	211, 425	211, 425
Consumer and homemaking education			52, 683	52, 683	52, 683
Subtotal, vocational education	958, 442	941, 303	1, 307, 156	1, 307, 156	1, 788, 077
Libraries and community services:					
Grants for public library services (LSCA I)	199, 116	199, 116	199, 116	140, 714	199, 116
Construction of public libraries (LSCA II)	100, 968	152, 108	96, 503	0	96, 503
Interlibrary cooperation (LSCA III)	40, 454	40, 537	40, 537	40, 537	40, 537
State institutional library services (LSCA IV-A)	38, 000	39, 509	39, 509	39, 509	39, 503
Library services for physically handicapped (LSCA IV-B)	27, 750	25, 047	25, 047	25, 047	25, 047
College library resources (HEA II-A)	378, 499			0	0
Librarian training (HEA II-B)				0	0
University community service programs (HEA I)	116, 434	114, 625	114, 624	114, 624	114, 624
Adult basic education (Adult Education Act):					
Grants to States	143, 716	153, 033	160, 283	160, 283	160, 283
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1, 044, 937	723, 975	675, 619	520, 714	675, 613
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	100, 000	100, 000	100, 000	100, 000	100, 000
Teacher education and recruitment	61, 023			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	2, 845			0	0
Subtotal, education for the handicapped	163, 868	100, 000	100, 000	100, 000	100, 000
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	20, 113			0	0
Vocational education		44, 575	15, 000	15, 000	15, 000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training	36, 124			0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	56, 237	44, 575	15, 000	15, 000	15, 000

[1] Not available.

OBLIGATIONS IN THE STATE OF NEW HAMPSHIRE—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education in foreign languages and world affairs	$36,000			0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	$50,000	$50,000	$50,000	$50,000
Promotion of vocational education (Smith-Hughes Act)	34,050	34,050			
Student loan insurance fund				0	0
Higher education facilities loan fund				0	0
Total, Office of Education	12,551,874	9,862,579	8,597,692	7,069,230	10,702,067

OBLIGATIONS IN THE STATE OF NEW JERSEY

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$25,471,868	$24,484,252	$27,555,556	$27,555,556	$32,104,600
State administrative expenses	254,719	245,001	275,556	275,556	
Grants to States for school library materials (ESEA II)	3,214,941	1,652,599	1,388,195	0	1,655,018
Supplementary educational centers and services (ESEA III)	5,899,000	5,248,181	5,515,448	2,626,822	5,260,743
Strengthening State departments of education (ESEA V):					
Grants to States	679,227	738,898	780,240	780,240	780,240
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	1,792,228	1,807,039		0	1,886,094
Loans to nonprofit private schools	19,500	107,779		0	0
State administration	63,066	61,712		0	61,901
Guidance, counseling, and testing (NDEA V)	793,071	552,014	384,039	0	533,724
Subtotal, elementary and secondary education	38,187,620	34,897,475	35,899,034	32,238,174	42,282,320
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	11,461,000	11,933,000	6,771,000	4,251,000	13,835,000
Construction (Public Law 81-815)	802,899	798,300	27,000	27,000	27,000
Subtotal, SAFA	12,263,899	12,731,300	6,798,000	4,278,000	13,862,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		420,152	584,464	584,464	584,464
Training programs (EPDA pts. C and D)	1,154,424			0	0
Subtotal, education professions development	1,154,424	420,152	584,464	584,464	584,464
Teacher Corps	49,576	110,139		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)				0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	294,201	290,710	294,262	294,262	294,262
Undergraduate instructional equipment and other resources (HEA VI-A)	249,784	255,201		0	0
Construction:					
Public community colleges and technical institutes (HEFA I-sec. 103)	1,829,837	2,248,021	1,162,358	1,162,358	1,162,358
Other undergraduate facilities (HEFA I—sec. 104)	5,281,400	3,425,890	2,239,658	0	854,466
Graduate facilities (HEFA II)	1,196,850	1,000,000		0	0
State administration and planning (HEFA I—sec. 105)	142,687	123,643	123,643	123,643	132,643
Student aid:					
Educational opportunity grants (HEA IV-A)	2,509,000	276,163	1,329,115	1,329,115	978,833
Direct loans (NDEA II)	3,284,545	3,443,007	2,734,731	2,734,731	3,919,215
Insured loans:					
Advances for reserve funds	49,664	345,575		0	0
Interest payments	[1]			0	0
Work-study programs (HEA IV-C)	2,847,534	3,091,504	3,238,718	3,239,386	3,239,386
Special programs for disadvantaged students: Talent search	135,370			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,982,600			0	0
Training programs (EPDA pt. E)				0	0
Subtotal, higher education	19,803,472	14,499,714	11,122,485	8,883,495	10,572,163
Vocational education:					
Basic grants	6,207,329	6,246,915	6,497,533	6,497,533	9,985,719
Innovation			278,202	278,202	278,202
Work-study	320,983			0	320,820
Cooperative education			309,677	309,677	309,677
Consumer and homemaking education			409,991	409,991	409,991
Subtotal, vocational education	6,528,312	6,246,915	7,495,403	7,495,717	11,304,409
Libraries and community services:					
Grants for public library services (LSCA I)	1,090,767	1,090,767	1,090,767	506,982	1,090,767
Construction of public libraries (LSCA II)	611,734	545,193	244,961	0	244,961
Interlibrary cooperation (LSCA III)	44,537	45,371	45,371	45,371	45,371
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,467	25,467	25,467	25,467
College library resources (HEA II-A)	398,075			0	0
Librarian training (HEA II-B)	165,240			0	0
University community service programs (HEA I)	256,589	249,254	249,254	249,254	249,254
Adult basic education (Adult Education Act):					
Grants to States	888,911	1,057,036	1,177,851	1,177,851	1,177,851
Special projects and teacher education	523,145			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	4,040,748	3,052,597	2,873,180	2,044,434	2,873,180
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	400,066	866,823	866,823	866,823	866,823
Teacher education and recruitment	492,546			0	0
Research and innovation	3,900			0	0
Media services and captioned films for the deaf	7,513			0	0
Subtotal, education for the handicapped	904,025	866,823	866,823	866,823	866,823

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[1] Not available.

OBLIGATIONS IN THE STATE OF NEW JERSEY—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	$80,399			0	0
Vocational education	379,015	$53,000	$21,131	$21,131	$21,131
Evaluations	265,323			0	0
National achievement study				0	0
Dissemination				0	0
Training	21,000			0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	745,737	53,000	21,131	21,131	21,131
Education in foreign languages and world affairs	356,924			0	0
Civil rights education	151,928			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	201,903	201,903			
Student loan insurance fund	900			0	0
Higher education facilities loan fund	3,355,000			0	0
Total, Office of Education	87,794,468	73,130,018	65,710,520	56,462,238	82,416,490

OBLIGATIONS IN THE STATE OF NEW MEXICO

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$10,494,933	$9,792,738	$9,875,844	$9,875,844	$10,025,844
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	585,437	288,109	242,013	0	283,617
Supplementary educational centers and services (ESEA III)	1,176,000	1,112,240	1,153,785	860,486	1,108,128
Strengthening State departments of education (ESEA V):					
Grants to States	255,743	319,982	315,386	315,386	315,386
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	598,278	588,214		0	596,353
Loans to nonprofit private schools		8,085		0	0
State administration	11,763	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	147,918	100,396	69,846	0	100,238
Subtotal, elementary and secondary education	13,420,072	12,373,097	11,806,874	11,201,716	12,442,899
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	9,726,000	10,127,000	5,745,000	6,147,000	11,299,000
Construction (Public Law 81-815)	810,794	779,200		0	0
Subtotal, SAFA	10,536,794	10,906,200	5,745,000	6,147,000	11,299,000
Education professions development: Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		155,814	184,460	184,460	184,460
Training programs (EPDA pts. C and D)	231,260			0	0
Subtotal, education professions development	231,260	155,814	184,460	184,460	184,460
Teacher Corps	162,609	415,442		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	71,669			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	172,605	169,625	172,614	172,614	172,614
Undergraduate instructional equipment and other resources (HEA VI-A)	79,932	78,046		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	63,667	595,008	307,654	307,654	307,654
Other undergraduate facilities (HEFA I, sec. 104)	1,841,833	720,943	471,313	0	184,264
Graduate facilities (HEFA II)	380,666			0	0
State administration and planning (HEFA I, sec. 105)	67,280	59,379	59,379	59,379	59,379
Student aid:					
Educational opportunity grants (HEA IV-A)	1,045,970	83,504	401,890	401,890	295,974
Direct loans (NDEA II)	1,053,809	1,041,075	826,911	826,911	1,185,068
Insured loans:					
Advances for reserve funds		74,322		0	0
Interest payments	[1]			0	0
Work-study programs (HEA IV-C)	1,110,790	918,722	962,471	962,669	962,669
Special programs for disadvantaged students: Talent search	112,960			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	574,500			0	0
Training programs (EPDA pt. E)	24,000			0	0
Subtotal, higher education	6,600,081	3,740,624	3,202,232	2,731,117	3,167,622
Vocational education:					
Basic grants	1,513,307	1,547,049	1,524,933	1,524,933	2,343,590
Innovation			214,256	214,256	214,256
Work-study	57,748			0	57,719
Cooperative education			219,993	219,993	219,993
Consumer and homemaking education			96,223	96,223	96,223
Subtotal, vocational education	1,571,055	1,547,049	2,055,405	2,055,405	2,930,781
Libraries and community services:					
Grants for public library services (LSCA I)	255,312	255,312	255,312	163,798	255,312
Construction of public libraries (LSCA II)	247,602	287,295	105,859	0	105,859
Interlibrary cooperation (LSCA III)	40,711	41,842	40,842	40,842	40,842
State institutiona. library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,073	25,073	25,073	25,073
College library resources (HEA II-A)	129,463			0	0
Librarian training (HEA II-B)				0	0
University community service programs (HEA I)	124,761	121,677	121,677	121,677	121,677
Adu.t basic education (Adult Education Act):					
Grants to States	255,945	289,178	314,106	314,106	314,106
Special projects and teacher education	425,785			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1,541,329	1,059,886	902,373	705,005	902,378

[1] Not available.

OBLIGATIONS IN THE STATE OF NEW MEXICO—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	$100,000	$175,883	$175,883	$175,883	$175,883
Teacher education and recruitment	278,536			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	241,741	343,473		0	0
Subtotal, education for the handicapped	620,277	519,356	175,883	175,883	175,883
Research and training:					
Research and development:					
Educational laboratories	751,867	862,244		0	0
Research and development centers				0	0
General education	206,657			0	0
Vocataional education		50,000	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training	82,300			0	0
Statistical surveys				0	0
Construction	38,801			0	0
Subtotal, research and training	1,079,625	912,244	15,000	15,000	15,000
Education in foreign languages and world affairs	91,720			0	0
Civil rights education	40,450			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	43,107	43,107			
Student loan insurance fund				0	0
Higher education facilities loan fund	718,000			0	0
Total, Office of Education	36,706,379	31,722,819	24,137,232	23,265,586	31,168,023

OBLIGATIONS IN THE STATE OF NEW YORK

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$121,097,330	$120,384,848	$150,747,783	$150,747,783	$175,634,174
State administrative expenses	1,210,973	1,204,063	1,507,478	1,507,478	
Grants to States for school library materials (ESEA II)	8,122,336	4,090,893	3,436,381	0	4,076,563
Supplementary educational centers and services (ESEA III)	15,217,000	13,257,957	13,948,354	8,869,461	13,007,779
Strengthening State departments of education (ESEA V):					
Grants to States	1,450,224	1,474,815	1,610,917	1,610,917	1,610,917
Grants for special projects	157,882			0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	4,203,698	4,198,623		0	4,211,231
Loans to nonprofit private schools	105,472	297,422		0	0
State administration	161,727	156,767		0	153,851
Guidance, counseling, and testing (NDEA V)	2,033,751	1,402,273	975,568	0	1,376,253
Subtotal, elementary and secondary education	153,760,393	146,467,661	172,226,481	162,735,639	200,070,768
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	16,900,000	10,127,000	10,605,000	6,027,000	20,504,000
Construction (Public Law 81-815)	38,200	1,994,400	1,688,000	1,688,000	1,688,000
Subtotal, SAFA	16,938,200	12,121,400	14,293,000	7,715,000	22,192,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		892,515	1,299,257	1,299,257	1,299,257
Training programs (EPDA pts. C and D)	6,519,139			0	0
Subtotal, education professions development	6,519,139	892,515	1,299,257	1,299,257	1,299,257
Teachers Corps	930,097	986,175		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	157,742			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	548,897	544,335	549,067	549,067	549,067
Undergraduate instructional equipment and other resources (HEA VI-A)	1,131,523	1,170,283		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	1,309,379	5,073,163	2,623,120	2,623,120	2,623,120
Other undergraduate facilities (HEFA I, sec. 104)	17,906,116	11,355,730	7,423,750	0	2,780,466
Graduate facilities (HEFA II)	2,314,583			0	0
State administration and planning (HEFA I, sec. 105)	352,753	327,907	327,907	327,907	327,907
Student aid:					
Educational opportunity grants (HEA IV-A)	11,133,286	1,231,458	5,926,758	5,926,758	4,364,792
Direct loans (NDEA II)	15,013,651	15,352,980	12,194,653	12,194,653	17,476,477
Insured loans:					
Advances for reserve funds	1,530,833	1,010,476		0	
Interest payments	(1)			0	
Work-study programs (HEA IV-C)	10,634,606	9,750,536	10,214,847	10,216,954	10,216,954
Special programs for disadvantaged students: Talent search	309,701			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	9,164,800			0	0
Training programs (EPDA pt. E)				0	0
Subtotal, higher education	74,507,870	45,816,868	39,260,102	31,838,459	35,558,317
Vocational education:					
Basic grants	16,240,204	16,447,902	16,331,918	16,331,918	25,099,673
Innovation			401,206	401,206	401,206
Work-study	819,542			0	819,125
Cooperative education			482,191	482,191	482,191
Consumer and homemaking education			1,030,532	1,030,532	1,030,532
Subtotal, vocational education	17,059,746	16,447,902	18,245,847	18,245,847	27,832,727

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[1] Not available.

OBLIGATIONS IN THE STATE OF NEW YORK—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Libraries and community services:					
Grants for public library services (LSCA I)	$2,840,719	$2,840,719	$2,840,719	$1,225,816	$2,840,719
Construction of public libraries (LSCA II)	560,044	2,521,607	536,326	0	536,326
Interlibrary cooperation (LSCA III)	52,549	54,858	54,858	54,858	54,858
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	26,292	26,292	26,292	26,292
College library resources (HEA II-A)	1,862,939			0	0
Librarian training (HEA II-B)	699,272			0	0
University community service programs (HEA I)	542,140	493,850	493,849	493,849	493,849
Adult basic education (Adult Education Act):					
Grants to States	2,446,242	2,946,251	3,299,893	3,299,898	3,299,893
Special projects and teacher education	279,367			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	9,345,022	8,923,086	7,291,446	5,140,217	7,291,446
Education for the Handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	1,075,982	2,331,331	2,331,331	2,331,331	2,331,331
Teacher education and recruitment	2,220,227			0	0
Research and innovation	1,424,168	1,107,811		0	0
Media services and captioned films for the deaf	548,630	162,459		0	0
Subtotal, education for the handicapped	5,269,007	3,601,601	2,331,331	2,331,331	2,331,331
Research and training:					
Research and development:					
Educational laboratories	3,618,385	3,632,494		0	0
Research and development centers	595,154			0	0
General education	3,121,648	286,646		0	0
Vocational education	385,645	315,611	53,113	53,113	53,113
Evaluations	156,795			0	0
National achievement study				0	0
Dissemination	2,073,985	532,184		0	0
Training	986,522			0	0
Statistical surveys				0	0
Construction	3,955			0	0
Subtotal, research and training	10,942,089	4,766,935	53,113	53,113	53,113
Education in foreign languages and world affairs	2,785,841			0	0
Civil rights education	314,094			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	575,316	575,316			
Student loan insurance funds				0	0
Higher education facilities loan fund	10,782,000			0	0
Total, Office of Education	309,778,814	240,649,459	253,050,577	229,408,863	296,678,959

OBLIGATIONS IN THE STATE OF NORTH CAROLINA

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$52,715,243	$49,385,824	$53,482,397	$53,482,397	$62,311,607
State administrative expenses	531,238	493,970	534,824	524,824	
Grants to States for school library materials (ESEA II)	2,353,748	1,186,993	997,083	0	1,168,551
Supplementary educational centers and services (ESEA III)	4,527,000	4,011,337	4,213,264	2,787,844	4,020,973
Strengthening State departments of education (ESEA V):					
Grants to States	650,943	669,081	621,617	621,617	621,617
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	2,578,787	2,543,076		0	2,469,235
Loans to nonprofit private schools	2,632	7,435		0	0
State administration	50,920	48,734		0	48,642
Guidance, counseling, and testing (NDEA V)	640,335	435,921	303,273	0	435,115
Subtotal, elementary and secondary education	64,050,846	58,782,371	60,152,458	57,416,682	71,075,740
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	10,654,000	11,198,000	9,413,000	6,864,000	12,691,000
Construction (Public Law 81-815)	472,875	1,451,100	60,000	60,000	60,000
Subtotal, SAFA	11,126,875	12,649,000	9,473,000	6,924,000	12,651,000
Education professions development: Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		329,952	447,970	447,970	447,970
Training programs (EPDA pts. C and D)	1,368,284			0	0
Subtotal, education professions development	1,368,284	329,952	447,970	447,970	447,970
Teacher Corps	467,730	551,495		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	2,246,326			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	258,295	254,954	258,341	258,341	258,341
Undergraduate instructional equipment and other resources (HEA VI-A)	364,690	364,447		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	2,169,511	2,646,459	1,368,374	1,368,374	1,368,374
Other undergraduate facilities (HEFA I, sec. 104)	4,854,262	3,145,253	2,056,193	0	765,470
Graduate facilities (HEFA II)	1,000,000	400,000		0	0
State administration and planning (HEFA I, sec. 105)	144,075	132,027	132,027	132,027	123,027
Student aid:					
Educational opportunity grants (HEA IV-A)	4,092,130	370,255	1,781,960	1,781,960	1,312,334
Direct loans (NDEA II)	4,415,338	4,616,081	3,666,487	3,666,487	5,254,540
Insured loans:					
Advances for reserve funds	345,819	375,909		0	0
Interest payments	[1]			0	0
Work-study programs (HEA IV-C)	3,958,954	5,091,502	5,333,954	5,335,054	5,335,054
Special programs for disadvantaged students: Talent search	17,500			0	0

[1] Not available.

OBLIGATIONS IN THE STATE OF NORTH CAROLINA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Higher education—Continued					
Personnel development:					
College, teacher fellowships (NDEA IV)	$2,568,800			0	0
Training programs (EPDA, pt. E)	205,000			0	0
Subtotal, higher education	26,640,700	$17,396,887	$14,597,336	$12,542,243	$14,417,140
Vocational education:					
Basic grants	8,680,047	8,749,892	7,956,680	7,956,680	12,228,673
Innovation			268,562	268,562	268,562
Work study	283,447			0	283,302
Cooperative education			296,158	296,158	296,158
Consumer and homemaking education			502,062	502,062	502,062
Subtotal, vocational education	8,963,494	8,749,892	9,023,462	1,074,738	13 578,757
Libraries and community services:					
Grants for public library services (LSCA I)	844,066	844,066	844,066	405,643	844,066
Construction of public libraries (LSCA II)	1,057,319	414,534	203,886	0	203,886
Interlibrary cooperation (LSCA III)	43,407	44,033	44,033	44,033	44,033
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,351	25,351	25,351	25,351
College library resources (HEA II-A)	649,113			0	0
Librarian training (HEA II-B)	267,441			0	0
University community services programs (HEA I)	220,510	207,608	207,608	207,608	207,608
Adult basic education (Adult Education Act):					
Grants to States	1,250,671	1,495,891	1,677,851	1,677,851	1,677,851
Special projects and teacher education	379,996			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	4,774,273	3,070,992	3,042,304	2,389,995	3,032,304
Education for the Handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	371,623	805,195	805,195	805,195	805,195
Teacher education and recruitment	291,187			0	0
Research and innovation	37,348	135,136		0	0
Media services and captioned films for the deaf	6,966			0	0
Subtotal, education for the handicapped	707,124	940,331	805,195	805,195	805,195
Research and Training:					
Research and development:					
Educational laboratories	693,744	820,000		0	0
Research and development centers				0	0
General education	143,379			0	0
Vocational education	888,143		25,876	25,876	25,876
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction	4,134			0	0
Subtotal, research and training	1,729,400	820,000	25,876	25,876	25,876
Education in foreign languages and world affairs	123,048			0	0
Civil rights education	811,263	202,747		0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	221,793	221,793			
Student loan insurance fund				0	0
Higher education facilities loan fund	1,879,000			0	0
Total, Office of Education	122,913,830	103,765,560	97,617,601	81,676,699	116,083,982

OBLIGATIONS IN THE STATE OF NORTH DAKOTA

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$4,467,399	$4,033,581	$4,353,378	$4,353,378	$5,194,875
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	331,096	162,589	136,576	0	160,353
Supplementary educational centers and services (ESEA III)	790,000	815,806	841,693	653,528	802,305
Strengthening State departments of education (ESEA V):					
Grants to States	201,759	273,216	272,624	272,624	272,624
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	341,302	331,874		0	318,932
Loans to non-profit private schools		6,377		0	0
State administration	10,000	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	87,691	58,864	50,000	0	57,048
Subtotal, elementary and secondary education	6,379,247	5,845,640	5,804,271	5,429,530	6,819,470
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	2,402,000	2,501,000	1,419,000	2,664,000	2,886,000
Construction (Public Law 81-815)		600	1,000	1,000	1,000
Subtotal, school assistance in federally affected areas	2,402,000	2,501,600	1,420,000	2,665,000	2,887,000
Education Professions Development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		131,498	147,663	147,663	147,663
Training programs (EPDA pts. C and D)	996,248			0	0
Subtotal, education professions development	996,248	131,498	147,663	147,663	147,663
Teacher Corps				0	0
Higher Education:					
Program assistance:					
Strengthening developing institutions (HEA III)	511,740			0	6
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	165,032	162,084	165,039	165,039	165,030
Undergraduate instructional equipment and other resources (HEA VI-A)	67,127	71,130		0	0

OBLIGATIONS IN THE STATE OF NORTH DAKOTA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Higher education—Continued					
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	$402,759	$388,321	$200,784	$200,784	$200,784
Other undergraduate facilities (HEFA I, sec. 104)	525,545	538,486	352,032	0	129,049
Graduate facilities (HEFA II)				0	0
State administration and planning (HEFA I, sec. 105)	64,116	56,364	56,364	56,364	56,364
Student aid:					
Educational opportunity grants (HEA IV-A)	856,135	76,821	369,723	369,723	272,284
Direct loans (NBEA II)	973,480	957,750	760,727	760,727	1,090,218
Insured loans:					
Advances for reserve funds		43,942		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	792,307	661,478	692,977	693,120	693,120
Special programs for disadvantaged students:					
Talent search	37,000			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	333,000			0	0
Training programs (EPDA pt. E)	41,000			0	0
Subtotal, higher education	4,769,541	2,956,376	2,597,646	2,245,757	2,606,858
Vocational education:					
Basic grants	1,245,848	1,270,281	975,062	975,062	1,498,522
Innovation			208,689	208,689	208,689
Work study	35,611			0	35,593
Cooperative education			212,186	212,186	212,186
Consumer and homemaking education			61,526	61,526	61,526
Subtotal, vocational education	1,281,459	1,270,281	1,457,463	1,457,463	2,016,516
Libraries and community services:					
Grants for public library services (LSCA I)	203,285	203,285	203,285	142,427	203,285
Construction of public libraries (LASC II)	57,000	256,991	97,197	0	97,197
Interlibrary cooperation (LSCA III)	28,315	40,560	40,560	40,560	40,560
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,049	25,049	25,049	25,049
College library resources (HEA II-A)	126,024			0	0
Librarian training (HEA II-B)				0	0
University community service programs (HEA I)	115,922	113,911	113,911	113,911	113,911
Adult basic education (Adult Education Act):					
Grants to States	156,675	168,753	177,469	177,469	177,469
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	748,971	848,058	696,980	538,925	696,980
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	100,000	109,151	109,151	109,151	109,151
Teacher education and recruitment	170,326			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	1,178			0	0
Subtotal, education for the handicapped	271,504	109,151	109,151	109,151	109,151
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	98,983			0	0
Vocational education		50,000	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	98,983	50,000	15,000	15,000	15,000
Education in foreign languages and world affairs				0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	42,740	42,740		0	0
Student loan insurance fund	1,000			0	0
Higher education facilities loan fund	120,000			0	0
Total, Office of Education	17,161,693	13,805,344	12,298,174	12,658,489	15,348,638

OBLIGATIONS IN THE STATE OF OHIO

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$35,843,674	$33,370,827	$37,697,901	$37,697,901	$43,921,308
State administrative expenses	358,437	333,804	376,979	376,979	0
Grants to States for school library materials (ESEA II)	5,357,489	2,661,889	2,636,008	0	2,628,457
Supplementary education centers and services (ESEA III)	9,299,000	8,124,450	8,543,658	5,570,394	8,132,773
Strengthening State department of education (ESEA V):					
Grant to States	1,078,054	1,110,464	1,124,085	1,124,085	1,124,085
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	4,080,366	4,089,849		0	4,086,302
Loans to nonprofit private schools		125,561		0	0
State administration	104,331	101,489		0	101,499
Guidance, counseling, and testing (NDEA V)	1,311,989	907,814	631,571	0	907,940
Subtotal, elementary and secondary education	57,433,340	50,826,147	51,010,202	44,769,359	60,902,364
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	10,143,000	10,561,000	5,990,000	1,182,000	12,384,000
Construction (Public Law 81-815)		567,200		0	0
Subtotal, SAFA	10,143,000	11,128,200	5,990,000	1,182,000	12,384,000

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[1] Not available.

OBLIGATIONS IN THE STATE OF OHIO—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		$615,679	$880,340	$880,340	$880,340
Training programs (EPDA, pts. C and D)	$2,532,220			0	0
Subtotal, education professions development	2,532,220	615,679	880,340	880,340	880,340
Teacher Corps	610,589	537,214		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	844,660			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	380,710	376,856	380,809	380,809	380,809
Undergraduate instructional equipment and other resources (HEA VI-A)	665,912	655,184		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	4,077,474	4,271,348	2,208,535	2,208,535	2,208,535
Other undergraduate facilities (HEFA I, sec. 104)	11,149,073	6,588,302	4,307,068	0	1,642,921
Graduate facilities (HEFA II)		1,200,000		0	0
State administration and planning (HEFA I, sec. 105)	174,076	205,775	205,775	205,775	205,775
Student aid:					
Educational opportunity grants (HEA IV-A)	6,040,322	758,574	3,650,862	3,650,862	2,688,696
Direct loans (NDEA II)	9,231,770	9,457,380	7,511,862	7,511,862	10,765,447
Insured loans:					
Advances for reserve funds	896,259	639,023		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	4,051,356	6,464,602	6,772,440	6,773,836	6,773,836
Special programs for disadvantaged students: Talent search	221,664			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	3,300,500			0	0
Training programs (EPDA pt. E)				0	0
Subtotal, higher education	41,033,776	30,617,044	25,037,351	20,731,679	24,666,019
Vocational education:					
Basic grants	12,105,150	12,007,320	11,817,532	11,817,532	18,161,747
Innovation			328,571	328,571	328,571
Work-study	516,364			0	516,101
Cooperative education			380,320	380,320	380,320
Consumer and homemaking education			745,678	745,678	745,678
Subtotal, vocational education	12,621,514	12,007,320	13,272,101	13,272,191	20,132,507
Libraries and community services:					
Grants for public library services (LSCA I)	1,685,152	1,685,152	1,685,152	751,140	1,685,152
Construction of public libraries (LSCA II)	1,465,162	1,080,285	343,925	0	343,925
Interlibrary cooperation (LSCA III)	47,259	48,593	48,593	48,593	48,593
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicaped (LSCA IV-B)	23,750	25,747	25.747	25,747	25,747
College library resources (HEA II-A)	1,170,103			0	0
Librarian training (HEA II-B)	332,973			0	0
University community service programs (HEA I)	350,080	324,216	324,216	324,216	324,216
Adult basic education (Adult Education Act):					
Grants to States	1,013,522	1,208,203	1,351,381	1,351,381	1,351,381
Special projects and teacher education	200,000			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	6,326,001	4,411,705	3,818,523	2,540,586	3,818,523
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	701,492	1,519,923	1,519,923	1,519,923	1,519,923
Teacher education and recruitment	693,612			0	0
Research and innovation	84,821			0	0
Media services and captioned films for the deaf	37,261			0	0
Subtotal, education for the handicapped	1,517,186	1,519,923	1,519,923	1,519,923	1,519,923
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	604,576	350,000		0	0
Vocational education	2,366,013	1,491,513	38,432	38,432	38,342
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training	203,731	11,433		0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	3,174,320	1,852,936	38,432	38,432	38,432
Education in foreign languages and world affairs	269,925			0	0
Civil rights education	70,820			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	369,365	369,365			
Student loan insurance fund				0	0
Higher education facilities loan fund	4,758,000			0	0
Total, Office of Education	140,910,056	113,935,533	101,616,872	84,984,510	124,392,117

OBLIGATIONS IN THE STATE OF OKLAHOMA

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$18,106,545	$16,785,719	$18,182,598	$18,182,598	$21,184,295
State administrative expenses	181,065	167,913	181,826	181,826	0
Grants to States for school library materials (ESEA II)	1,211,458	596,823	501,336	0	596,784
Supplementary educational centers and services (ESEA III)	2,274,000	2,039,599	2,130,133	1,496,021	2,047,264
Strengthening State departments of education (ESEA V):					
Grants to States	387.284	441,825	420,559	420,559	420,559
Grants for special projects				0	0

[1] Not available.

OBLIGATIONS IN THE STATE OF OKLAHOMA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Elementary and secondary education—Continued					
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	$1,038,377	$1,034,408		0	$1,019,010
Loans to nonprofit private schools		6,094		0	0
State administration	23,180	22,411		0	22,483
Guidance, counseling, and testing (NDEA V)	291,500	200,465	$139,465	0	201,120
Subtotal, elementary and secondary education	23,513,409	21,295,257	21,555,917	$20,281,004	25,290,395
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	11,663,443	12,140,000	6,886,000	3,695,000	13,952,000
Construction (Public Law 81-815)	945,730	230,400	11,000	11,000	11,000
Subtotal, SAFA	12,609,173	12,370,400	6,897,000	3,706,000	13,963,000
Education Professions Development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		215,621	274,960	274,960	274,960
Training programs (EPDA pts. C and D)	470,173			0	0
Subtotal, education professions development	470,173	215,621	274,960	274,960	274,960
Teacher Corps				0	0
Higher Education:					
Program assistance:					
Strengthening developing institutions (HEA III)	750,374			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	205,341	202,223	205,364	205,364	205,364
Undergraduate instructional equipment and other resources (HEA VI-A)	243,931	243,359		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	557,267	1,262,585	652,830	652,830	652,830
Other undergraduate facilities (HEFA I, sec. 104)	3,218,986	1,865,480	1,219,548	0	453,759
Graduate facilities (HEFA II)	553,153			0	0
State administration and planning (HEFA I, sec. 105)	106,602	92,405	92,405	92,405	92,405
Student aid:					
Educational opportunity grants (HEA IV-A)	2,170,375	266,727	1,283,705	1,288,727	945,391
Direct loans (MDEA II)	3,456,196	3,325,376	2,641,299	2,641,299	3,785,314
Insured loans:					
Advances for reserve funds	13,910	166,372		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	2,161,525	2,264,220	2,372,040	2,372,529	2,372,529
Special programs for disadvantaged students:					
Talent search	40,000			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	946,300			0	0
Training programs (EPDA pt. E)	25,000			0	0
Subtotal, higher education	14,448,960	9,688,747	8,467,191	7,253,154	8,507,592
Vocational Education:					
Basic grants	3,705,261	3,699,294	3,531,214	3,531,214	5,426,939
Innovation			230,683	230,683	0
Work-study	126,083			0	126,019
Cooperative education			243,033	243,033	243,033
Consumer and homemaking education			222,817	222,817	222,817
Subtotal, vocational education	3,831,344	3,699,294	4,227,747	4,027,747	6,018,808
Libraries and Community Services:					
Grants for public library services (LSCA I)	480,232	480,232	480,232	256,190	480,232
Construction of public libraries (LSCS II)	494,640	485,060	143,308	0	366,917
Interlibrary cooperation (LSCS III)	41,741	42,061	42,061	42,061	42,061
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,179	25,179	25,179	25,179
College library resources (HEA II-A)	346,633			0	0
Librarian training (HEA II-B)	117,100			0	0
University community service programs (HEA I)	159,779	153,588	153,588	153,588	153,588
Adult basic education (Adult Education Act):					
Grants to States	415,620	482,882	531,447	531,447	531,447
Special projects and teacher education	39,996			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	2,157,491	1,708,511	1,415,324	1,047,974	1,638,933
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	169,344	366,917	366,917	366,917	366,917
Teacher education and recruitment	339,429			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	1,989			0	0
Subtotal, education for the handicapped	510,762	366,917	366,917	366,917	366,917
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	132,210			0	0
Vocational education		50,000	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	132,210	50,000	15,000	15,000	15,000
Education in foreign languages and world affairs				0	0
Civil rights education	506,748			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	96,258	96,258			
Student loan insurance fund				0	0
Higher education facilities loan fund				0	0
Total, Office of Education	56,326,528	49,541,005	43,270,056	37,022,756	56,125,605

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[1] Not available.

OBLIGATIONS IN THE STATE OF OREGON

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$8,417,750	$8,094,552	$8,243,687	$8,243,687	$9,133,814
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	998,243	485,416	407,753	0	501,940
Supplementary educational centers and services (ESEA III)	1,911,000	1,723,476	1,797,312	1,267,496	1,709,568
Strengthening State departments of education (ESEA V):					
Grants to States	332,551	392,527	382,604	382,604	382,604
Grants for special projects	30,000			0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	745,215	745,867		0	739,672
Loans to non-profit private schools		11,645		0	0
State administration	19,157	18,609		0	18,340
Guidance, counseling, and testing (NDEA V)	240,909	166,454	115,803	0	164,054
Subtotal, elementary and secondary education	12,844,825	11,788,546	11,097,159	10,043,787	12,649,992
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	2,430,000	2,535,000	1,453,000	791,000	3,076,000
Construction (Public Law 81-815)				0	0
Subtotal, SAFA	2,430,000	2,535,000	1,453,000	791,000	3,076,000
Education professions development: Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		194,038	242,301	242,301	242,301
Training programs (EPDA, pts. C and D)	2,123,269			0	0
Subtotal, education professions development	2,123,269	193,038	242,301	242,301	242,301
Teachers Corps	359,678	276,091		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	142,845			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	192,040	188,978	192,058	192,058	192,058
Undergraduate instructional equipment and other resources (HEA VI-A)	189,903	198,461		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	1,020,884	972,067	502,615	502,615	502,615
Other undergraduate facilities (HEFA I, sec. 104)	2,571,233	1,641,185	1,072,916	0	403,333
Graduate facilities (HEFA II)	1,859,065			0	0
State administration and planning (HEFA I, sec. 105)	104,015	84,837	84,837	84,837	84,837
Student aid:					
Educational opportunity grants (HEA IV-A)	1,901,170	206,165	992,230	992,230	730,733
Direct loans (NDEA II)	2,529,398	2,570,323	2,041,571	2,031,571	2,925,829
Insured loans:					
Advances for reserve funds	16,034	111,571		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	3,420,605	1,451,453	1,520,570	1,520,884	1,520,884
Special programs for disadvantaged students: Talent search	70,000			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,745,800			0	0
Training programs (EPDA pt. E)	50,000			0	0
Subtotal, higher education	15,812,992	7,425,040	6,406,797	5,324,195	6,360,289
Vocational education:					
Basic grants	2,500,861	2,503,962	2,410,600	2,410,600	3,704,727
Innovation			224,845	224,845	224,845
Work-study	100,578			0	100,527
Cooperative education			234,845	234,845	234,845
Consumer and homemaking education			152,108	152,108	152,108
Subtotal, vocational education	2,601,439	2,503,962	3,022,398	3,022,398	4,417,052
Libraries and community services:					
Grants for public library services (LSCA I)	388,844	388,844	388,844	218,650	388,844
Construction of public libraries (LSCA II)	217,203	387,922	128,092	0	128,092
Interlibrary cooperation (LSCA III)	41,323	41,566	41,566	41,566	41,566
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	4,735	25,136	25,136	25,136	25,136
College library resources (HEA II-A)	313,195			0	0
Librarian training (HEA II-B)	75,044			0	0
University community service programs (HEA I)	147,325	142,684	142,684	142,684	142,684
Adult basic-education (Adult Education Act):					
Grants to States	203,568	225,639	241,935	241,935	241,935
Special projects and teacher education	151,391			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1,580,628	1,251,300	1,007,766	709,480	1,007,766
Education for the Handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	128,794	279,058	279,058	279,058	279,058
Teacher education and recruitment	694,331			0	0
Research and innovation	429,454	363,867		0	0
Media services and captioned films for the deaf	4,699			0	0
Subtotal, education for the handicapped	1,257,278	642,925	279,058	279,058	279,058
Research and training:					
Research and development:					
Educational laboratories	1,543,500	1,690,000		0	0
Research and development centers				0	0
General education	907,859	64,723		0	0
Vocational education	281,229	50,000	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination	143,921			0	0
Training	81,898			0	0
Statistical surveys				0	0
Construction	21,825			0	0
Subtotal, research, and training	2,980,232	1,804,723	15,000	15,000	15,000

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[1] Not available.

OBLIGATIONS IN THE STATE OF OREGON—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education in foreign languages and world affairs	$107,350			0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	$50,000	$50,000	$50,000	$50,000
Promotion of vocational education (Smith-Hughes Act)	73,613	73,613			
Student loan insurance fund				0	0
Higher education facilities loan fund	1,910,000			0	0
Total, Office of Education	44,131,304	28,545,238	23,573,479	20,477,219	28,097,458

OBLIGATIONS IN THE STATE OF PENNSYLVANIA

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$49,346,231	$46,084,616	$48,891,851	$48,891,851	$56,963,224
State administrative expenses	493,462	460,885	488,918	488,918	
Grants to States for school library materials (ESEA II)	5,590,970	2,767,349	2,324,594	0	2,751,699
Supplementary educational centers and services (ESEA III)	10,055,000	8,707,724	9,157,744	5,928,233	8,661,553
Strengthening State departments of education (ESEA V):					
Grants to States	1,034,524	1,071,500	1,160,013	1,160,013	1,160,013
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	4,036,478	3,992,360		0	3,923,184
Loans to nonprofit private schools		197,971		0	0
State administration	108,853	104,487		0	103,732
Guidance counseling and testing (NDEA V)	1,368,841	934,630	650,227	0	927,923
Subtotal elementary and secondary education	72,034,359	64,321,522	62,673,347	56,469,015	74,451,328
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	8,556,000	8,953,000	5,365,000	856,000	10,184,000
Construction (Public Law 81-815)				0	0
Subtotal SAFA	8,556,000	8,953,000	5,365,000	856,000	10,184,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		636,109	911,256	911,256	911,256
Training programs (EPDA pts. C and D)	1,806,545			0	0
Subtotal, education professions development	1,806,545	636,109	911,256	911,256	911,256
Teacher Corps	1,039,054	975,908		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	677,364			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	419,049	415,033	419,164	419,164	419,164
Undergraduate instructional equipment and other resources (HEA VI-A)	744,731	738,408		0	0
Construction:					
Public community colleges and technical institutes (HEFA I—Sec. 103)	4,325,660	5,326,884	2,754,310	2,754,310	2,754,310
Other undergraduate facilities (HEFA I—sec. 104)	11,036,512	7,301,223	4,773,136	0	1,787,686
Graduate facilities (HEFA II)	3,910,055	750,000		0	0
State administration and planning (HEFA I—sec. 105)	275,771	242,374	242,374	242,374	242,374
Student aid:					
Educational opportunity grants (HEA IV-A)	6,784,490	785,323	3,779,604	3,997,604	2,783,509
Direct loans (NDEA II)	9,331,205	9,790,882	7,776,759	7,776,759	11,145,077
Insured loans:					
Advances for reserve funds	644,308	700,372		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	5,882,082	7,462,074	7,817,411	7,819,022	7,819,022
Special programs for disadvantaged students: Talent search	92,192			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	4,590,600			0	0
Training programs (EPDA pt. E)	85,900			0	0
Subtotal, higher education	48,799,919	33,512,573	27,562,758	23,009,233	26,951,142
Vocational Education:					
Basic grants	13,502,873	13,607,721	13,347,672	13,347,672	20,513,341
Innovation			337,124	337,124	337,124
Work-study	552,457			0	522,175
Cooperative education			392,317	392,317	392,317
Consumer and homemaking education			842,231	842,231	842,231
Subtotal, vocational education	14,055,330	13,607,721	14,919,344	14,919,344	22,607,188
Libraries and community services:					
Grants for public library services (LSCA I)	1,948,566	1,948,566	1,948,566	859,344	1,948,566
Construction of public libraries (LSCA II)	1,085,622	1,257,143	387,784	0	387,784
Interlibrary cooperation (LSCA III)	48,465	50,021	50,021	50,021	50,021
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,872	25,872	25,872	25,872
College library resources (HEA II-A)	1,245,906			0	0
Librarian training (HEA II-B)	323,037			0	0
University community service programs (HEA I)	382,852	350,978	350,977	350,977	350,977
Adult basic education (Adult Education Act):					
Grants to States	1,467,036	1,758,365	1,967,553	1,967,553	1,967,553
Special projects and teacher education	425,000			0	0
Educational broadcasting facilities				0	0
Subtotal, Libraries and Community Services	6,988,234	5,530,454	4,770,282	3,293,276	4,770,282
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	771,722	1,672,090	1,672,090	1,672,090	1,672,090
Teacher education and recruitment	1,151,743			0	0
Research and innovation	198,350	74,956		0	0
Media services and captioned films for the deaf	24,762	32,000		0	0
Subtotal, education for the handicapped	2,146,577	1,779,046	1,672,090	1,672,090	1,672,090

[1] Not available.

OBLIGATIONS IN THE STATE OF PENNSYLVANIA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Research and training:					
Research and development:					
Educational laboratories	$2,089,240	$2,700,000		0	0
Research and development centers	1,465,482			0	0
General education	492,481	43,934		0	0
Vocational education	897,690	319,539	$43,408	$43,408	$43,408
Evaluations	205,768			0	0
National achievement study	505,927			0	0
Dissemination	171,118			0	0
Training	534,541			0	0
Statistical surveys	19,633			0	0
Construction	5,095			0	0
Subtotal, research and training	6,386,975	3,063,473	43,408	43,408	43,408
Education in foreign languages and world affairs	952,446			0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	437,176	437,176			
Student loan insurance fund				0	0
Higher education facilities loan fund	11,862,000			0	0
Total, Office of Education	175,114,615	132,866,982	117,967,485	101,223,622	141,640,695

OBLIGATIONS IN THE STATE OF RHODE ISLAND

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$3,693,961	$3,427,736	$3,691,019	$3,691,019	$4,430,811
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	423,153	210,946	177,196	0	211,557
Supplementary educational centers and services (ESEA III)	948,000	950,675	983,688	751,529	947,120
Strengthening State departments of education (ESEA V):					
Grants to States	211,259	280,536	289,098	289,093	289,098
Grants for special projects	445,921	70,000		0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	286,848	283,347		0	1,438,032
Loans to nonprofit private schools		16,737		0	0
State administration	10,000	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	102,627	69,983	50,000	0	69,618
Subtotal, elementary and secondary education	6,271,769	5,473,293	5,341,001	4,881,646	7,399,569
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81–874)	3,436,000	3,578,000	2,030,000	1,585,000	4,048,000
Construction (Public Law 81–815)		125,400		0	0
Subtotal, SAFA	3,436,000	3,703,400	2,030,000	1,585,000	4,048,000
Education professions development: Preschool, elementary, and secondary:					
Grants to States (EPDA B–2)		140,866	161,839	161,839	161,839
Training programs (EPDA pts. C and D)	430,339			0	0
Subtotal, education professions development	430,339	140,866	161,839	161,839	161,839
Teacher Corps	134,130			0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	124,410			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	170,429	167,458	170,438	170,438	170,438
Undergraduate instructional equipment and other resources (HEA VI–A)	77,739	75,611		0	0
Construction:					
Public community colleges and technical institutes (HEFA I—Sec. 103)	306,428	366,701	189,606	189,606	189,606
Other undergraduate facilities (HEFA I—sec. 104)	1,048,887	626,354	409,476	0	158,643
Graduate facilities (HEFA II)				0	0
State administration and planning (HEFA I—sec. 105)	48,306	58,413	58,413	58,413	58,413
Student aid:					
Educational opportunity grants (HEA IV–A)	782,260	88,597	426,398	426,398	314,023
Direct loans (NDEA II)	1,051,909	1,104,564	877,340	877,340	1,257,338
Insured loans:					
Advances for reserve funds	10,000	65,219		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV–C)	404,658	632,631	662,757	662,893	662,893
Special programs for disadvantaged students: Talent search				0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,242,500			0	0
Training programs (EPDA pt. E)	98,700			0	0
Subtotal, higher education	5,386,226	3,185,548	2,794,428	2,385,088	2,811,354
Vocational education:					
Basic grants	1,092,424	1,087,186	1,031,291	1,031,291	1,584,937
Innovation			210,590	210,590	210,590
Work-study	43,792			0	43,770
Cooperative education			214,852	214,852	214,852
Consumer and homemaking education			65,074	65,074	65,074
Subtotal, vocational education	1,136,216	1,087,186	1,521,807	1,521,807	2,119,223
Libraries and community services:					
Grants for public library services (LSCA I)	240,363	240,363	240,363	157,658	240,363
Construction of public libraries (LSCA II)	241,676	145,913	103,370	0	103,370
Interlibrary cooperation (LSCA III)	40,643	40,761	40,761	40,761	40,761
State institutional library services (LSCA IV–A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV–B)	23,750	25,066	25,066	25,066	25,066
College library resources (HEA II–A)	210,264			0	0
Librarian training (HEA II–B)				0	0
University community service programs (HEA I)	121,758	119,427	119,427	119,427	119,427
Adult basic education (Adult Education Act):					
Grants to States	205,663	228,181	244,389	244,389	244,389
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1,122,117	839,220	812,885	626,830	812,885

[1] Not available.

OBLIGATIONS IN THE STATE OF RHODE ISLAND—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	$100,000	$127,696	$127,696	$127,696	$127,696
Teacher education and recruitment	134,799			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	2,853			0	0
Subtotal, education for the handicapped	237,652	127,696	127,696	127,696	127,696
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	279,569			0	0
Vocational education	20,000	133,069	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	299,569	133,069	15,000	15,000	15,000
Education in foreign languages and world affairs	49,975			0	0
Civil rights education	72,563			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	37,901	37,901			
Student loan insurance fund				0	0
Higher education facilities loan fund	106,000			0	0
Total, Office of Education	18,750,457	14,778,179	12,854,656	11,354,906	17,545,566

OBLIGATIONS IN THE STATE OF SOUTH CAROLINA

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$32,279,410	$29,996,824	$32,555,993	$32,555,993	$37,930,541
State administrative expenses	324,107	300,015	325,560	325,560	
Grants to States for school library materials (ESEA II)	1,286,889	647,442	543,856	0	637,976
Supplementary educational centers and services (ESEA III)	2,367,000	2,247,084	2,355,812	1,634,142	2,258,692
Strengthening State departments of education (ESEA V):					
Grants to States	404,942	462,194	437,803	437,803	437,803
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	1,454,248	1,435,659		0	1,438,032
Loans to nonprofit private schools		5,414		0	0
State administration	27,970	26,798		0	26,879
Guidance, counseling, and testing (NDEA V)	351,727	239,707	166,765	0	240,441
Subtotal, elementary and secondary education	38,496,293	35,361,137	36,385,789	34,953,498	42,970,364
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	7,899,000	8,446,000	5,432,000	3,589,000	9,872,000
Construction (Public Law 81-815)	7,787	1,583,100	559,000	559,000	559,000
Subtotal, SAFA	7,906,787	10,029,100	5,991,000	4,148,000	10,441,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		225,427	289,799	289,799	289,799
Training programs (EPDA pts. C and D)	363,538			0	0
Subtotal, education professions development	363,538	225,427	289,799	289,799	289,799
Teacher Corps	227,411	202,032		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	1,198,329			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	206,632	203,508	206,656	206,656	206,656
Undergraduate instructional equipment and other resources (HEA VI-A)	153,439	145,939		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	2,436,631	1,467,164	758,609	758,609	758,609
Other undergraduate facilities (HEFA I, sec. 104)	1,657,006	1,428,479	933,861	0	346,685
Graduate facilities (HEFA II)				0	0
State administration and planning (HEFA I, sec. 105)	50,300	84,457	84,457	84,457	84,457
Student aid:					
Educational opportunity grants (HEA IV-A)	1,340,940	148,015	712,366	712,336	524,625
Direct loans (NDEA II)	1,582,590	1,845,348	1,465,734	1,465,734	2,100,582
Insured loans:					
Advances for reserve funds	159,325	205,254		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	1,099,985	2,761,976	2,893,499	2,894,096	2,894,096
Special programs for disadvantaged students: Talent search	33,000			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	492,700			0	0
Training programs (EPDA, pt. E)				0	0
Subtotal, higher education	10,410,877	8,290,140	7,055,182	6,121,888	6,915,710
Vocational Education:					
Basic grants	4,613,057	4,590,788	4,356,478	4,356,478	6,695,242
Innovation			238,015	238,015	238,015
Work-study	158,326			0	158,245
Cooperative education			253,315	253,315	253,315
Consumer and homemaking education			274,891	274,891	274,891
Subtotal, vocational education	4,771,383	4,590,788	5,122,699	5,122,699	7,619,708

[1] Not available.

OBLIGATIONS IN THE STATE OF SOUTH CAROLINA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Libraries and community services:					
Grants for public library services (LSCA I)	$489, 102	$489, 102	$489, 102	$259, 833	$489, 102
Construction of public libraries (LSCA II)	606, 269	267, 614	144, 785	0	144, 785
Interlibrary cooperation (LSCA III)	41, 782	42, 109	42, 109	42, 109	42, 109
State institutional library services (LSCA IV-A)	38, 000	39, 509	39, 509	39, 509	39, 509
Library services for physically handicapped (LSCA IV-B)	23, 750	25, 183	25, 183	25, 183	25, 183
College library resources (HEA II-A)	376, 277			0	0
Librarian training (HEA II-B)				0	0
University community service programs (HEA I)	166, 270	156, 011	156, 011	156, 011	156, 011
Adult basic education (Adult Education Act):					
Grants to States	790, 803	938, 021	1, 056, 856	1, 056, 859	1, 056, 859
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	2, 532, 253	1, 957, 549	1, 953, 558	1, 579, 504	1, 953, 558
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	207, 146	448, 822	448, 822	448, 822	448, 822
Teacher education and recruitment	140, 119			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	8, 828			0	0
Subtotal, education for the handicapped	356, 093	448, 822	448, 822	448, 822	448, 822
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education				0	0
Vocational education	20, 000	38, 420	15, 000	15, 000	15, 000
Evaluation				0	0
National achievement study				0	0
Dissemination				0	0
Training	80, 200			0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	100, 200	38, 420	15, 000	15, 000	15, 000
Education in foreign languages and world affairs				0	0
Civil rights education	424, 613			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50, 000	50, 000	50, 000	50, 000	50, 000
Promotion of vocational education (Smith-Hughes Act)	114, 757	114, 757			
Student loan insurance fund				0	0
Higher education facilities loan fund	1, 343, 000			0	0
Total, Office of Education	67, 097, 205	61, 308, 172	57, 311, 849	52, 729, 210	70, 703, 961

OBLIGATIONS IN THE STATE OF SOUTH DAKOTA

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I)					$6, 919, 112
Basic grants	$5, 815, 575	$5, 384, 852	$5, 848, 099	$5, 848, 099	
State administrative expenses	150, 000	150, 000	150, 000	150, 000	
Grants to States for school library materials (ESEA II)	366, 853	181, 001	152, 042	0	177, 119
Supplementary educational centers and services (ESEA III)	813, 000	839, 155	866, 275	670, 038	826, 702
Strenghtening State departments of education (ESEA V):					
Grants to States	214, 536	280, 643	278, 896	278, 896	278, 896
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	361, 319	353, 360		0	331, 117
Loans to nonprofit private schools		6, 114		0	0
State administration	10, 000	13, 333		0	13, 333
Guidance, counseling, and testing (NDEA V)	91, 063	61, 480	50, 000	0	59, 949
Subtotal, elementary and secondary education	7, 822, 346	7, 269, 938	7, 345, 312	6, 947, 033	8, 606, 228
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	3, 445, 000	3, 587, 600	2, 039, 000	2, 697, 000	4, 216, 000
Construction (Public Law 81-815)	15, 130	593, 100	24, 000	24, 000	24, 000
Subtotal, school assistance in federally affected areas	3, 460, 130	4, 180, 700	2, 063, 000	2, 721, 000	4, 240, 000
Education professions development: Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		135, 065	153, 061	153, 061	153, 061
Training programs (EPDA, pts. C, and D)	278, 562			0	0
Subtotal, education professions development	278, 562	135, 065	153, 061	153, 061	153, 061
Teacher Corps		33, 037		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	274, 375			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	166, 175	163, 222	166, 182	166, 182	166, 182
Undergraduate instructional equipment and other resources (HEA VI-A)	71, 127	70, 545		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)		424, 274	219, 374	219, 374	219, 374
Other undergraduate facilities (HEFA I, sec. 104)	1, 185, 946	551, 808	360, 742	0	133, 587
Graduate facilities (HEFA II)				0	0
State administration and planning (HEFA I, sec. 105)	68, 989	58, 633	58, 633	58, 633	58, 633
Student aid:					
Educational opportunity grants (HEA IV-A)	923, 890	75, 090	361, 394	361, 394	266, 150
Direct loans (NDEA II)	974, 234	936, 172	743, 588	743, 588	1, 065, 656
Insured loans:					
Advances for reserve funds		44, 682		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	703, 731	721, 956	756, 335	756, 335	756, 335
Special programs for disadvantaged students: Talent search	30, 748			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	255, 100			0	0
Training programs (EPDA pt. E)	44, 406			0	0
Subtotal, higher education	4, 698, 721	3, 046, 382	2, 666, 248	2, 305, 506	2, 665, 917

[1] Not available.

OBLIGATIONS IN THE STATE OF SOUTH DAKOTA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Vocational education:					
Basic grants	$1,253,667	$1,271,620	$978,137	$978,137	$1,503,248
Innovation			208,961	208,961	208,961
Work-study	36,093			0	36,074
Cooperative education			212,567	212,567	212,567
Consumer and homemaking education			61,720	61,720	61,720
Subtotal, vocational education	1,289,760	1,271,620	1,461,385	1,461,385	2,022,570
Libraries and community services:					
Grants for public library services (LSCA I)	211,135	211,135	211,135	145,651	211,135
Construction of public libraries (LSCA II)	79,126	264,362	98,504	0	97,197
Interlibrary cooperation (LSCA III)	40,509	40,602	40,602	40,602	40,602
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,052	25,052	25,052	25,052
College library resources (HEA II-A)	126,038			0	0
Librarian training (HEA II-B)				0	0
University community service programs (HEA I)	116,752	114,690	114,690	114,690	114,690
Adult basic education (Adult Education Act):					
Grants to States	147,591	157,733	165,279	165,279	165,179
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	782,901	853,083	694,771	530,683	693,364
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	100,000	113,577	113,577	113,577	113,577
Teacher education and recruitment	106,906			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	2,425			0	0
Subtotal, education for the handicapped	209,331	113,577	113,577	113,577	113,577
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education				0	0
Vocational education			15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training			15,000	15,000	15,000
Education in foreign languages and world affairs				0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	42,940	42,940		0	0
Student loan insurance fund				0	0
Higher education facilities loan fund	716,000			0	0
Total, Office of Education	19,350,691	16,996,342	14,562,354	14,297,245	18,559,717

OBLIGATIONS IN THE STATE OF TENNESSEE

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$34,417,670	$32,040,222	$34,822,669	$34,822,669	$40,571,414
State administrative expenses	344,177	320,413	348,227	348,227	
Grants to States for school library materials (ESEA II)	1,823,769	887,491	745,499	0	880,651
Supplementary educational centers and services (ESEA III)	3,501,000	3,110,281	3,264,611	2,179,882	3,122,578
Strengthening State departments of education (ESEA V):					
Grants to States	497,987	548,312	519,583	519,583	519,583
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	1,912,391	1,880,219		0	1,829,702
Loans to nonprofit private schools	14,200	11,688		0	0
State administration	38,238	36,486		0	36,499
Guidance, counseling, and testing (NDEA V)	480,854	326,368	227,056	0	326,497
Subtotal, elementary and secondary education	43,030,286	39,161,480	39,927,645	37,870,361	47,286,924
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	6,306,000	6,566,000	3,725,000	705,000	7,703,000
Construction (Public Law 81-815)		227,000		0	0
Subtotal, SAFA	6,306,000	6,793,000	3,725,000	705,000	7,703,000
Education professions development:					
Preschool, elementary and secondary:					
Grants to States (EPDA B-2)		271,931	360,170	360,170	360,170
Training programs (EPDA, pts. C and D)	1,677,094			0	0
Subtotal, education professions development	1,677,094	271,931	360,170	360,170	360,170
Teachers Corps	318,367	654,374		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	1,467,120			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	234,786	231,544	234,822	234,822	234,822
Undergraduate instructional equipment and other resources (HEA VI-A)	303,624	293,417		0	0
Construction:					
Public community colleges and technical institutes (HEFA I—Sec. 103)	1,536,015	1,917,695	991,560	991,560	991,560
Other undergraduate facilities (HEFA I, sec. 104)	3,800,692	2,381,394	1,556,824	0	580,969
Graduate facilities (HEFA II)	441,872			0	0
State administration and planning (HEFA I, sec. 105)	127,776	110,157	110,157	110,157	110,157

OBLIGATIONS IN THE STATE OF TENNESSEE—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Higher education—Continued					
Student aid:					
Educational opportunity grants (HEA IV-A)	$3, 325, 040	$319, 486	$1, 537, 621	$1, 537, 621	$1, 132, 389
Direct loans (NDEA II)	4, 016, 640	3, 983, 133	3, 163, 746	3, 163, 746	4, 534, 047
Insured loans:					
Advances for reserve funds	53, 969	270, 825		0	0
Interest payments	[1]			0	0
Work-study programs (HEA IV-C)	3, 510, 350	3, 757, 566	3, 936, 497	3, 937, 309	3, 937, 309
Special programs for disadvantaged students: Talent search	33, 589			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1, 631, 900			0	0
Training programs (EPA, pt. E)				0	0
Subtotal, higher education	20, 483, 373	13, 265, 217	11, 531, 227	9, 975, 215	11, 521, 253
Vocational education:					
Basic grants	6, 308, 224	6, 385, 581	5, 843, 004	5, 843, 004	8, 979, 808
Innovation			250, 098	250, 098	250, 098
Work study	204, 525			0	204, 420
Cooperative education			270, 262	270, 262	270, 262
Consumer and homemaking education			368, 691	368, 691	368, 691
Subtotal, vocational education	6, 512, 749	6, 385, 581	6, 732, 055	6, 732, 055	10, 073, 279
Libraries and community services:					
Grants for public library services (LSCA I)	682, 542	682, 542	682, 542	339, 392	682, 542
Construction of public libraries (LSCA II)	791, 750	226, 194	176, 992	0	176, 992
Interlibrary cooperation (LSCA III)	42, 668	43, 158	43, 158	43, 158	43, 158
State institutional library services (LSCA IV-A)	38, 000	39, 509	39, 509	39, 509	39, 509
Library services for physically handicapped (LSCA IV-B)	23, 750	25, 275	25, 275	25, 275	25, 275
College library resources (HEA II-A))	662, 815			0	0
Librarian training (HEA II-B)	255, 831			0	0
University community service programs (HEA I)	194, 015	183, 638	183, 638	183, 638	182, 638
Adult basic education (Adult Education Act):					
Grants to States	934, 037	1, 111, 779	1, 243, 389	1, 234, 389	1, 243, 389
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	3, 625, 408	2, 312, 095	2, 394, 503	1, 874, 262	2, 393, 503
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	273, 483	592, 555	592, 555	592, 555	592, 555
Teacher education and recruitment	708, 656			0	0
Research and innovation	440, 118	110, 494		0	0
Media services and captioned films for the deaf	138, 615	211, 303		0	0
Subtotal, education for the handicapped	1, 550, 872	914, 352	592, 555	592, 555	592, 555
Research and Training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	266, 633	43, 947		0	0
Vocational education	158, 530		19, 002	19, 002	19, 002
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training	171, 820			0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research, and training	596, 983	42, 947	19, 002	19, 002	19, 002
Education in foreign languages and world affairs	150, 955			0	0
Civil rights education	338, 653	64, 100		0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50, 000	50, 000	50, 000	50, 000	50, 000
Promotion of vocational education (Smith-Hughes Act)	159, 386	159, 386			
Student loan insurance fund				0	0
Higher education facilities loan fund	1, 715, 000			0	0
Total, Office of Education	86, 515, 126	70, 075, 463	65, 332, 157	58, 178, 620	79, 999, 623

OBLIGATIONS IN THE STATE OF TEXAS

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$73, 883, 619	$73, 314, 190	$74, 534, 785	$74, 534, 785	$81, 072, 087
State administrative expenses	771, 220	734, 549	745, 348	745, 348	
Grants to States for school library materials (ESEA II)	5, 322, 514	2, 723, 308	2, 287, 600	0	2, 739, 956
Supplementary educational centers and services (ESEA III)	9, 581, 000	8, 478, 187	8, 916, 081	5, 817, 974	8, 498, 616
Strengthening State departments of education (ESEA V):					
Grants to States	1, 175, 595	1, 214, 477	1, 145, 009	1, 145, 009	1, 145, 009
Grants for special projects	167, 801	88, 900		0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	5, 073, 092	5, 083, 507		0	5, 081, 022
Loans to nonprofit private schools		52, 814		0	0
State administration	109, 811	106, 791		0	107, 263
Guidance, counseling, and testing (NDEA V)	1, 380, 889	955, 233	664, 561	0	959, 509
Subtotal, elementary and secondary education	97, 463, 541	92, 751, 956	88, 293, 384	76, 335, 939	99, 603, 462
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	29, 911, 398	29, 659, 000	16, 878, 000	7, 709, 000	34, 617, 000
Construction (Public Law 81-815)	401, 579	5, 347, 300	309, 000	309, 000	309, 000
Subtotal, SAFA	30, 312, 977	35, 006, 300	17, 187, 000	8, 018, 000	34, 926, 000

[1] Not available.

OBLIGATIONS IN THE STATE OF TEXAS—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		$627, 577	$898, 345	$898, 345	$898, 345
Training programs (EPDA pts. C and D)	$2, 540, 739			0	0
Subtotal, education professions development	2, 540, 739	627, 577	898, 345	898, 345	898, 345
Teacher Corps	763, 028	826, 165		0	0
Higher Education:					
Program assistance:					
Strengthening developing institutions (HEA III)	1, 871, 346			0	0
College of agriculture and the mechanic arts (Bankhead-Jones)	377, 698	373, 856	377, 795	377, 795	377, 795
Undergraduate instructional equipment and other resources (HEA VI-A)	815, 281	818, 531		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	3, 827, 937	4, 418, 353	2, 284, 545	2, 284, 545	2, 284, 545
Other undergraduate facilities (HEFA I, sec. 104)	12, 209, 445	7, 073, 695	4, 624, 391	0	1, 792, 795
Graduate facilities (HEFA II)	2, 186, 862	2, 800, 000		0	0
State administration and planning (HEFA I, sec. 105)	269, 709	217, 421	217, 421	217, 421	217, 421
Student aid:					
Educational opportunity grants (HEA IV-A)	7, 057, 490	860, 039	4, 139, 194	4, 139, 194	1, 132, 389
Direct loans (NDEA II)	7, 327, 310	8, 541, 379	8, 516, 635	8, 516, 635	12, 205, 414
Insured loans:					
Advances for reserve funds	611, 754	705, 733		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	7, 518, 505	8, 655, 045	9, 067, 190	9, 069, 059	9, 069, 059
Special programs for disadvantaged students:					
Talent search	161, 375			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	3, 018, 200			0	0
Training programs (EPDA pt. E)				0	0
Subtotal, higher education	47, 252, 912	34, 464, 052	29, 227, 171	24, 564, 649	27, 079, 418
Vocational education:					
Basic grants	15, 034, 097	14, 936, 466	15, 170, 553	15, 170, 553	23, 314, 833
Innovation			337, 125	337, 125	337, 125
Work-study	563, 525			0	563, 239
Cooperative education			392, 317	392, 217	392, 217
Consumer and homemaking education			957, 253	957, 253	957, 253
Subtotal, vocational education	15, 597, 622	14, 936, 466	16, 857, 248	16, 857, 148	25, 564, 667
Libraries and community services:					
Grants for public library services (LSCA I)	1, 664, 458	1, 664, 458	1, 664, 458	742, 639	1, 664, 458
Construction of public libraries (LSCA II)	1, 389, 404	1, 622, 353	340, 480	0	340, 480
Interlibrary cooperation (LSCA III)	47, 164	48, 481	48, 481	48, 481	48, 481
State institutional library services (LSCA IV-A)	38, 000	39, 509	39, 509	39, 509	39, 509
Library services for physically handicapped (LSCA IV-B)	23, 750	25, 737	25, 737	25, 737	25, 737
College library resources (HEA II-A)	1, 474, 050			0	0
Librarian training (HEA II-B)	456, 118			0	0
University community service programs (HEA I)	358, 627	332, 502	332, 503	332, 503	332, 503
Adult basic education (Adult Education Act):					
Grants to States	2, 082, 928	2, 505, 509	2, 823, 537	2, 823, 537	2, 823, 537
Special projects and teacher education	179, 749			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	7, 714, 248	6, 238, 549	5, 274, 705	4, 012, 406	5, 274, 705
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	737, 950	1, 598, 917	1, 598, 917	1, 598, 917	1, 598, 917
Teacher education and recuritment	1, 154, 437			0	0
Research and innovation	300, 364	255, 644		0	0
Media services and captioned films for the deaf	32, 636	6, 299		0	0
Subtotal, education for the handicapped	2, 225, 387	1, 860, 860	1, 598, 917	1, 598, 917	1, 598, 917
Research and training:					
Research and development:					
Educational laboratories	1, 400, 000	1, 700, 000		0	0
Research and development centers	1, 190, 419			0	0
General education	212, 512	2, 430		0	0
Vocational education	539, 717		49, 336	49, 336	49, 336
Evaluations				0	0
National achievement study	225, 000			0	0
Dissemination				0	0
Training	284, 958	3, 000		0	0
Statistical surveys				0	0
Construction	116, 771			0	0
Subtotal, research and training	3, 969, 377	1, 705, 430	49, 336	49, 336	49, 336
Education in foreign languages and world affairs	498, 436			0	0
Civil rights education	798, 496			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50, 000	50, 000	50, 000	50, 000	50, 000
Promotion of vocational education (Smith-Hughes Act)	359, 602	359, 602			
Student loan insurance fund				0	0
Higher education facilities loan fund	11, 440, 000			0	0
Total, Office of Education	220, 986, 365	188, 826, 957	159, 436, 106	132, 384, 740	195, 044, 850

OBLIGATIONS IN THE STATE OF UTAH

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$3, 181, 878	$3, 013, 489	$3, 356, 077	$3, 356, 077	$4, 044, 438
State administrative expenses	150, 000	150, 000	150, 000	150, 000	
Grants to States for school library materials (ESEA II)	582, 833	296, 752	249, 274	0	294, 968
Supplementary educational centers and services (ESEA III)	1, 165, 174	1, 113, 987	1, 155, 623	866, 965	1, 117, 701
Strengthening State departments of education (ESEA V):					
Grants to States	264, 277	329, 967	318, 330	318, 330	318, 330
Grants for special projects	336, 500			0	0

[1] Not available.

OBLIGATIONS IN THE STATE OF UTAH—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Elementary and secondary education—Continued					
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	$560,955	$562,511		0	$581,548
Loans to nonprofit private schools		2,067		0	0
State administration	11,533	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	145,027	100,396	$69,846	0	100,882
Subtotal, elementary and secondary education	6,398,177	5,582,502	5,299,150	$4,691,372	6,471,200
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	6,628,000	6,901,000	3,915,000	1,055,000	8,067,000
Construction (Public Law 81-815)	1,438,025	2,093,700	773,000	773,000	773,000
Subtotal, SAFA	8,066,025	8,994,700	4,688,000	1,828,000	8,480,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		157,489	186,994	186,994	186,994
Training programs (EPDA, pts. C and D)	890,057			0	0
Subtotal, education professions development	890,057	157,489	186,994	186,994	186,994
Teacher Corps				0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	45,000			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	171,169	168,195	171,178	171,178	171,178
Undergraduate instructional equipment and other resources (HEA VI-A)	159,410	189,561		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	32,901	650,607	313,134	313,134	313,134
Other undergraduate facilities (HEFA I, sec. 104)	2,428,883	1,213,583	793,374	0	264,246
Graduate facilities (HEFA II)	445,563			0	0
State administration and planning (HEFA I, sec. 105)	57,435	64,949	64,949	64,949	64,949
Student aid:					
Educational opportunity grants (HEA IV-A)	1,228,410	188,084	905,211	905,211	666,647
Direct loans (NDEA II)	1,123,561	1,221,118	1,862,525	1,862,515	2,669,234
Insured loans:					
Advances for reserve funds		70,182		0	0
Interest payments	(¹)			0	0
Work-study programs (HEA IV-C)	1,475,446	1,022,006	1,070,673	1,070,894	1,070,894
Special programs for disadvantaged students: Talent search	38,750			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,115,000			0	0
Training programs (EPDA pt. E)	142,000			0	0
Subtotal, higher education	8,463,528	4,743,285	5,181,044	4,387,981	5,220,282
Vocational education:					
Basic grants	1,411,118	1,439,960	1,445,921	1,445,921	2,222,161
Innovation			213,577	213,577	213,577
Work-study	54,861			0	54,833
Cooperative education			219,041	219,041	219,041
Consumer and homemaking education			91,238	1,238	91,238
Subtotal, vocational education	1,465,979	1,439,960	1,969,777	1,969,777	2,800,850
Libraries and community services:					
Grants for public library services (LSCA I)	245,448	245,448	245,448	159,746	245,448
Construction of public libraries (LSCA II)	307,796	243,914	104,217	0	104,217
Interlibrary cooperation (LSCA III)	40,666	40,788	40,788	40,788	40,788
State institutional library sevices LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,069	25,069	25,069	25,069
College library resources (HEA II-A)	132,181			0	0
Librarian training (HEA II-B)				0	0
University community service programs (HEA I)	124,273	121,786	121,786	121,786	121,786
Adult basic education (Adult Education Act):					
Grants to States	138,059	146,169	152,742	152,742	152,742
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1,050,173	862,683	729,559	539,640	729,559
Education for the Handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	100,000	165,614	165,614	165,614	165,614
Teacher education and recruitment	289,553			0	0
Research and innovation	9,291			0	0
Media services and captioned films for the deaf	4,751			0	0
Subtotal, education for the handicapped	403,595	165,614	165,614	165,614	165,614
Research and Training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	88,896	24,466		0	0
Vocational education	65,463	50,000	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research, and training	154,359	74,466	15,000	15,000	15,000
Education in foreign languages and world affairs	79,279			0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	38,478	38,478			
Student loan insurance fund	1,300			0	0
Higher education facilities loan fund				0	0
Total, Office of Education	27,060,950	22,109,177	18,285,138	13,834,378	24,749,299

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[1] Not available.

OBLIGATIONS IN THE STATE OF VERMONT

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and Secondary Education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$1,754,215	$1,654,401	$1,749,298	$1,749,298	$2,190,937
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	208,063	104,377	87,677	0	111,049
Supplementary educational centers and services (ESEA III)	550,756	637,800	654,286	543,738	640,054
Strengthening State departments of education (ESEA V):					
Grants to States	182,331	251,499	252,792	252,792	252,792
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	185,766	187,862		0	179,379
Loans to nonprofit private schools		5,611		0	0
State administration	10,000	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	50,591	50,000	50,000	0	50,000
Subtotal, elementary and secondary education	3,091,722	3,054,883	2,944,053	2,695,818	3,437,542
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	114,000	119,000	67,000	4,000	138,000
Construction (Public Law 81-815)				0	0
Subtotal, SAFA	114,000	119,000	67,000	4,000	138,000
Educational professions development:					
Preschool, elementary and secondary:					
Grants to States (EPDA B-2)		120,221	130,598	130,598	130,598
Training programs (EPDA, pts. C and D)	237,585			0	0
Subtotal, education professions development	237,585	120,221	130,598	130,598	130,598
Teacher Corps				0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)				0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	159,267	156,343	159,271	159,271	159,271
Undergraduate instructional equipment and other resources (HEA VI-A)	44,718	43,855		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	223,372	217,106	112,256	112,256	112,256
Other undergraduate facilities (HEFA I, sec. 104)	648,417	336,685	220,106	0	89,927
Graduate facilities (HEFA II)		800,000		0	0
State administration and planning (HEFA I, sec. 105)	61,298	54,115	54,115	54,115	54,115
Student aid:					
Educational opportunity grants (HEA IV-A)	526,980	49,560	238,524	238,524	175,662
Direct loans (NDEA II)	638,789	617,884	490,776	490,776	703,344
Insured loans:					
Advances for reserve funds	25,000	27,932		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	360,309	356,835	373,827	373,904	373,904
Special programs for disadvantaged students: Talent search	19,000			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	159,700			0	0
Training programs (EPDA pt. E)				0	0
Subtotal, higher education	2,866,850	2,660,315	1,648,875	1,428,846	1,668,479
Vocational education:					
Basic grants	708,154	704,708	563,453	563,453	865,942
Innovation			205,159	205,159	205,159
Work-study	20,693			0	20,683
Cooperative education			207,235	207,235	207,235
Consumer and homemaking education			35,554	35,554	35,554
Subtotal, vocational education	728,847	704,708	1,011,401	1,011,401	1,334,573
Libraries and community services:					
Grants for public library services (LSCA I)	163,671	163,671	163,671	126,155	163,671
Construction of public libraries (LSCA II)	148,391	90,601	90,601	0	90,601
Interlibrary cooperation (LSCA III)	40,292	40,345	40,345	40,345	40,345
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,030	25,030	25,030	25,030
College library resources (HEA II-A)	179,215			0	0
Librarian training (HEA II-B)				0	0
University community service programs (HEA I)	109,865	108,892	108,892	108,892	108,892
Adult basic education (Adult Education Act):					
Grants to States	125,774	131,267	135,709	135,709	135,709
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	828,958	599,315	603,757	475,010	603,757
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	100,000	100,000	100,000	100,000	100,000
Teacher education and recruitment	67,225			0	0
Research and innovation	36,556			0	0
Media services and captioned films for the deaf	1,506			0	0
Subtotal, education for the handicapped	205,287	100,000	100,000	100,000	100,000
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education				0	0
Vocational education			15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training			15,000	15,000	15,000

[1] Not available.

OBLIGATIONS IN THE STATE OF VERMONT—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education in foreign languages and world affairs	$30,645			0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	$50,000	$50,000	$50,000	$50,000
Promotion of vocational education (Smith-Hughes Act)	33,318	33,318			
Student loan insurance fund				0	0
Higher education facilities loan fund	615,000			0	0
Total, Office of Education	8,802,212	7,441,760	6,570,684	5,910,673	7,477,949

OBLIGATIONS IN THE STATE OF VIRGINIA

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$28,985,185	$27,068,572	$29,616,047	$29,616,047	$34,505,250
State administrative expenses	291,460	270,742	296,160	296,160	
Grants to States for school library materials (ESEA II)	2,076,258	1,057,993	888,722		1,070,540
Supplementary educational centers and services (ESEA III)	4,136,000	3,581,329	3,760,540	2,498,188	3,592,947
Strengthening State departments of education (ESEA V):					
Grants to States	518,142	604,339	577,670	577,670	577,670
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	1,974,056	1,960,992		0	1,927,258
Loans to nonprofit private schools		20,808		0	0
State administration	44,292	42,701		0	42,696
Guidance, counseling, and testing (NDEA V)	556,981	381,962	265,733	0	381,934
Subtotal, elementary and secondary education	38,582,374	34,989,433	35,404,872	32,988,065	42,098,295
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	32,880,000	34,531,000	21,328,000	7,442,000	39,352,000
Construction (Public Law 81-815)	32,753	4,709,700	635,000	635,000	635,000
Subtotal, SAFA	32,912,753	39,240,700	21,963,000	8,077,000	40,187,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		304,962	410,153	410,153	410,153
Training programs (EPDA, pts. C and D)	960,195			0	0
Subtotal, education professions development	960,195	304,962	410,153	410,153	410,153
Teacher Corps	106,134	295,747		0	0
Higher Education:					
Program assistance:					
Strengthening developing institutions (HEA III)	996,612			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	244,290	251,008	244,330	244,330	244,330
Undergraduate instructional equipment and other resources (HEA VI-A)	250,802	267,588		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	1,707,311	1,908,903	987,014	987,014	987,014
Other undergraduate facilities (HEFA I, sec. 104)	3,742,069	2,548,584	1,666,124	0	626,507
Graduate facilities (HEFA II)	350,000			0	0
State administration and planning (HEFA I, sec. 105)	120,886	109,974	109,974	109,974	109,974
Student aid:					
Educational opportunity grants (HEA IV-A)	2,012,260	253,931	1,222,117	1,222,117	900,034
Direct loans (NDEA II)	2,778,077	3,165,833	2,514,577	2,514,577	3,603,706
Insured loans:					
Advances for reserve funds	250,114	322,213		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	1,349,248	3,373,306	3,533,940	3,534,668	3,534,668
Special programs for disadvantaged students:					
Talent search				0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,447,700			0	0
Training programs (EPDA, pt. E)				0	0
Subtotal, higher education	15,249,369	12,191,340	10,278,076	8,612,680	10,006,233
Vocational education:					
Basic grants	6,724,762	6,700,866	6,456,132	6,456,132	9,922,095
Innovation			258,244	258,244	258,244
Work-study	243,023			0	242,899
Cooperative education			281,687	281,687	281,687
Consumer and homemaking education			407,378	407,378	407,378
Subtotal, vocational education	6,967,785	6,700,866	7,403,441	7,403,441	11,112,303
Libraries and community services:					
Grants for public library services (LSCA I)	747,843	747,843	747,843	366,117	747,843
Construction of public libraries (LSCA II)	956,718	294,128	187,865	0	187,865
Interlibrary cooperation (LSCA III)	42,966	43,512	43,512	43,512	43,512
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	49,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,305	25,305	25,305	25,305
College library resources (HEA II-A)	438,070			0	0
Librarian training (HEA II-B)				0	0
University community service programs (HEA I)	207,934	196,597	196,597	196,597	196,597
Adult basic education (Adult Education Act):					
Grants to States	951,508	1,132,973	1,272,206	1,272,206	1,272,206
Special projects and teacher education	456,550			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	3,863,339	2,479,867	2,512,837	1,930,246	2,512,837
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	304,744	660,289	660,289	660,289	660,289
Teacher education and recruitment	411,611			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	22,034	13,675		0	0
Subtotal, education for the handicapped	738,389	673,964	660,289	660,289	660,289

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[1] Not available.

OBLIGATIONS IN THE STATE OF VIRGINIA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	$90,824			0	0
Vocational education	18,862	$23,272	$20,996	$20,996	$20,996
Evaluations	50,250			0	0
National achievement study				0	0
Dissemination	177,872			0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	337,808	23,272	20,996	20,996	20,996
Education in foreign languages and world affairs	112,963			0	0
Civil rights education	366,131	20,795		0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	173,136	173,136			
Student loan insurance fund				0	0
Higher education facilities loan fund	3,198,000			0	0
Total, Office of Education	103,618,376	97,144,087	78,703,664	60,152,870	107,058,106

OBLIGATIONS IN THE STATE OF WASHINGTON

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$11,965,941	$11,514,239	$11,728,452	$11,728,452	$13,590,808
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	1,589,629	819,428	688,326	0	825,273
Supplementary educational centers and services (ESEA III)	2,806,000	2,506,213	2,628,629	1,854,696	2,609,323
Strengthening State departments of education (ESEA V):					
Grants to States	452,331	513,297	496,395	496,395	496,395
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	1,100,863	1,111,709		0	1,137,535
Loans to nonprofit private schools		19,520		0	0
State administration	29,656	29,065		0	30,374
Guidance, counseling, and testing (NDEA V)	372,927	259,983	180,872	0	271,705
Subtotal, elementary and secondary education	18,467,347	16,923,454	15,872,674	14,229,543	18,961,408
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	12,426,000	12,938,000	7,339,000	4,852,000	15,097,000
Construction (Public Law 81-815)		2,508,500	425,000	425,000	425,000
Subtotal, SAFA	12,426,000	15,446,500	7,764,000	5,277,000	15,522,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		258,745	340,217	340,217	340,217
Training programs (EPDA, pts. C and D)	1,456,175			0	0
Subtotal, education professions development	1,456,175	258,745	340,217	340,217	340,217
Teacher Corps	4,295	273,459		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	206,044			0	
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	217,818	214,648	217,847	217,847	217,847
Undergraduate instructional equipment and other resources (HEA VI-A)	303,774	312,641		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	1,358,537	1,372,312	709,565	709,565	709,565
Other undergraduate facilities (HEFA I, sec. 104)	3,916,035	2,618,385	1,711,756	0	618,724
Graduate facilities (HEFA II)				0	0
State administration and planning (HEFA I, sec. 305)	123,648	101,240	110,240	101,240	101,240
Student aid:					
Educational opportunity grants (HEA IV-A)	2,449,987	325,356	1,565,872	1,565,872	1,153,195
Direct loans (NDEA II)	3,983,053	4,056,316	3,221,874	3,221,874	4,617,352
Insured loans:					
Advances for reserve funds	17,321	191,187		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	2,684,129	2,244,596	2,351,481	2,351,966	2,351,966
Special programs for disadvantaged students:					
Talent search	35,000			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,692,500			0	0
Training programs (EPDA, pt. E)	35,000			0	0
Subtotal, higher education	17,022,846	11,436,681	9,879,635	8,168,364	9,769,889
Vocational education:					
Basic grants	3,679,098	3,610,797	3,519,602	3,519,602	5,409,092
Innovation			239,372	239,372	239,372
Work-study	161,213			0	161,131
Cooperative education			255,219	255,219	255,219
Consumer and homemaking education			222,085	222,085	222,085
Subtotal, vocational education	3,840,311	3,610,797	4,236,278	4,236,278	6,286,899
Libraries and community services:					
Grants for public library services (LSCA I)	565,959	565,959	565,959	291,404	565,959
Construction of public libraries (LSCA II)	867,052	323,350	157,581	0	157,581
Interlibrary cooperation (LSCA III)	42,134	42,526	42,526	42,526	42,526
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,220	25,220	25,220	25,220
College library resources (HEA II-A)	375,632			0	0
Librarian training (HEA II-B)	164,471			0	0
University community service programs (HEA I)	172,599	165,768	165,768	165,768	165,768

[1] Not available.

OBLIGATIONS IN THE STATE OF WASHINGTON—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Libraries and community services—Continued					
Adult basic education (Adult Education Act):					
Grants to States	$269,799	$305,985	$333,131	$333,131	$333,131
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	2,519,396	1,468,317	1,329,694	897,558	1,329,694
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	208,605	451,985	451,985	451,985	451,985
Teacher education and recruitment	297,990			0	0
Research and innovation	112,516	128,907		0	0
Media services and captioned films for the deaf	4,990			0	0
Subtotal, education for the handicapped	624,101	580,892	451,985	451,985	451,985
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	50,744			0	0
Vocational education	214,941		15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	265,685		15,000	15,000	15,000
Education in foreign languages and world affairs	385,911			0	0
Civil rights education	130,509			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	113,306	113,306			
Student loan insurance fund	640			0	0
Higher education facilities loan fund	3,769,000			0	0
Total, Office of Education	61,075,522	50,162,151	39,939,483	33,665,945	52,727,092

OBLIGATIONS IN THE STATE OF WEST VIRGINIA

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$17,457,612	$16,156,273	$18,819,284	$18,819,284	$21,926,089
State administrative expenses	174,644	161,563	188,193	188,193	
Grants to States for school library materials (ESEA II)	858,758	420,151	352,930	0	406,702
Supplementary educational centers and services (ESEA III)	1,759,000	1,615,011	1,683,117	1,186,348	1,589,655
Strengthening State departments of education (ESEA V):					
Grants to States	316,091	374,730	360,730	360,370	360,370
Grants for special projects	30,000			0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	928,179	897,323		0	851,102
Loans to nonprofit private schools		4,845		0	0
State administration	18,353	17,219		0	16,718
Guidance, counseling, and testing (NDEA V)	230,719	154,028	107,158	0	149,551
Subtotal, elementary and secondary education	21,773,428	19,801,143	21,511,052	20,554,195	25,300,187
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	397,000	413,000	234,000	18,000	490,000
Construction (Public Law 81-815)	8,575			0	0
Subtotal, SAFA	405,575	413,000	234,000	18,000	490,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		181,395	223,169	223,169	223,169
Training programs (EPDA pts. C and D)	464,504			0	0
Subtotal, education professions development	464,504	181,395	223,169	223,169	223,169
Teacher Corps	391,132	191,882		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	857,592			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	194,220	191,149	194,239	194,239	194,239
Undergraduate instructional equipment and other resources (HEA VI-A)	139,545	135,930		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	618,228	1,177,790	608,986	608,986	608,986
Other undergraduate facilities (HEFA I, sec. 104)	2,271,473	1,177,342	769,681	0	288,927
Graduate facilities (HEFA II)				0	0
State administration and planning (HEFA I, sec. 105)	85,914	75,790	75,790	75,790	75,790
Student aid:					
Educational opportunity grants (HEA IV-A)	1,417,090	148,226	713,383	713,383	525,374
Direct loans (NDEA II)	1,839,474	1,847,984	1,467,827	1,467,827	2,103,582
Insured loans:					
Advances for reserve funds	3,129	126,142		0	0
Interest payments	[1]			0	0
Work-study programs (HEA IV-C)	1,538,526	1,831,616	1,918,836	1,918,836	1,918,836
Special programs for disadvantaged students: Talent search	63,878			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	185,300			0	0
Training programs (EPDA, pt. E)	90,000			0	0
Subtotal, higher education	9,309,369	6,711,969	5,748,742	4,979,043	5,715,734

[1] Not available.

OBLIGATIONS IN THE STATE OF WEST VIRGINIA—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Vocational education:					
Basic grants	$2,974,705	$3,010,158	$2,836,702	$2,836,702	$4,359,578
Innovation			225,796	225,796	225,796
Work-study	103,465			0	103,413
Cooperative education			236,178	236,178	236,178
Consumer and homemaking education			178,995	178,995	178,995
Subtotal, vocational education	3,078,170	3,010,158	3,477,671	3,477,671	5,103,960
Libraries and community services:					
Grants for public library services (LSCA I)	403,825	403,825	403,825	224,804	403,825
Construction of public libraries (LSCA II)	302,540	314,186	130,586	0	130,586
Interlibrary cooperation (LSCA III)	41,391	41,647	41,647	41,647	41,647
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,143	25,143	25,143	25,143
College library resources (HEA II-A)	194,939			0	0
Librarian training (HEA II-B)				0	0
University community service programs (HEA I)	144,321	139,136	139,136	139,136	139,136
Adult basic education (Adult Education Act):					
Grants to States	427,880	497,755	550,582	550,582	550,582
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1,576,646	1,461,202	1,330,428	1,020,821	1,330,428
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	144,955	314,074	314,074	314,074	314,074
Teacher education and recruitment	183,643			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	2,314			0	0
Subtotal, education for the handicapped	330,912	314,074	314,074	314,074	314,074
Research and training:					
Research and development:					
Educational laboratories	993,795	895,478		0	0
Research and development centers				0	0
General education	9,127			0	0
Vocational education	10,000	55,277	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	1,012,922	950,755	15,000	15,000	15,000
Education in foreign languages and world affairs	13,920			0	0
Civil rights education	14,313			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	19,340	91,340			
Student loan insurance fund				0	0
Higher education facilities loan fund	2,347,000			0	0
Total, Office of Education	40,859,231	33,176,917	32,904,136	30,966,047	38,542,552

OBLIGATIONS IN THE STATE OF WISCONSIN

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$15,343,592	$14,387,918	$15,295,449	$15,295,449	$17,820,517
State administrative expenses	153,436	150,000	152,954	152,954	
Grants to States for school library materials (ESEA II)	2,277,841	1,513,770	969,176	0	1,144,828
Supplementary educational centers and services (ESEA III)	3,886,000	3,404,272	3,574,127	2,364,521	3,395,425
Strengthening State departments of education (ESEA V):					
Grants to States	504,462	565,995	610,299	610,299	610,299
Grants for special projects	467,687			0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	1,729,885	1,730,053		0	1,707,176
Loans to nonprofit private schools		89,251		0	0
State administration	42,300	41,056		0	40,967
Guidance, counseling, and testing (NDEA V)	351,987	297,500	255,495	0	366,463
Subtotal, elementary and secondary education	24,757,190	21,819,815	20,857,500	18,423,223	25,085,675
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	1,537,000	1,600,000	1,278,000	571,000	2,660,000
Construction (Public Law 81-815)	313,950	99,700		0	0
Subtotal, SAFA	1,850,950	1,699,700	1,278,000	571,000	2,660,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		323,516	438,231	438,231	438,231
Training programs (EPDA, pts. C and D)	1,169,147			0	0
Subtotal, education professions development	1,169,147	323,516	438,231	438,231	438,231
Teacher Corps	96,235	71,142		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	209,061			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	243,929	240,649	243,969	243,969	243,969
Undergraduate instructional equipment and other resources (HEA VI-A)	351,112	353,677		0	0
Construction:					
Public community colleges and technical institutes (HEFA I—sec. 103)	1,724,477	1,996,287	1,032,197	1,032,197	1,032,197
Other undergraduate facilities (HEFA I, sec. 104)	4,926,670	3,199,080	2,091,382	0	793,453
Graduate facilities (HEFA II)	2,308,427			0	0
State administration and planning (HEFA I, sec. 105)	158,763	127,798	127,798	127,798	127,798

OBLIGATIONS IN THE STATE OF WISCONSIN—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Higher education—Continued					
Student aid:					
Educational opportunity grants (HEA IV–A)	$4,128,840	$391,466	$1,884,045	$1,884,045	$1,387,514
Direct loans (NDEA II)	4,721,068	4,880,526	3,876,532	3,876,532	5,555,560
Insured loans:					
Advances for reserve funds	381,317	251,701		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV–C)	3,762,043	2,993,747	3,136,307	3,136,954	3,136,954
Special programs for disadvantaged students: Talent search	82,926			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,655,600			0	0
Training programs (DPEA, pt. E)				0	0
Subtotal, higher education	24,654,233	14,434,931	12,392,230	10,301,495	12,277,445
Vocational education:					
Basic grants	5,501,195	5,447,743	4,890,133	4,890,133	7,515,390
Innovation			251,591	251,591	251,591
Work-study	207,893			0	207,787
Cooperative education			272,356	272,356	272,356
Consumer and homemaking education			308,566	308,566	308,566
Subtotal, vocational education	5,709,088	5,447,743	5,722,646	5,722,646	8,555,690
Libraries and community services:					
Grants for public library services (LSCA I)	745,365	745,365	745,365	365,099	745,365
Construction of public libraries (LSCA II)	414,459	732,551	187,452	0	187,452
Interlibrary cooperation (LSCA III)	42,955	43,498	43,498	43,498	43,498
State institutional library services (LSCA IV–A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV–B)	23,750	25,304	25,304	25,304	25,304
College library resources (HEA II–A)	538,517			0	0
Librarian training (HEA II–B)	330,858			0	0
University community service programs (HEA I)	201,099	190,150	190,150	190,150	190,150
Adult basic education (Adult Education Act):					
Grants to States	465,302	543,151	600,765	600,765	600,765
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	2,800,303	2,319,528	1,832,043	1,264,325	1,832,043
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	288,659	625,438	625,438	625,438	526,433
Teacher education and recruitment	564,354			0	0
Research and innovation	360,371	276,372		0	0
Media services and captioned films for the deaf	15,484	290		0	0
Subtotal, education for the handicapped	1,228,868	902,100	625,438	625,438	625,438
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers	1,687,880			0	0
General education	637,920	19,994		0	0
Vocational education	224,845	50,000	15,903	15,903	15,903
Evaluations	40,650			0	0
National achievement study				0	0
Dissemination	276,916			0	0
Training	192,200	3,500		0	0
Statistical surveys				0	0
Construction	119,074			0	0
Subtotal, research and training	3,179,485	73,494	15,903	15,903	15,903
Education in foreign languages and world affairs	862,617			0	0
Civil rights education	53,840			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	162,247	162,247			
Student loan insurance fund				0	0
Higher education facilities loan fund	18,750,000			0	0
Total, Office of Education	85,324,203	47,304,216	43,211,991	37,412,261	51,540,425

OBLIGATIONS IN THE STATE OF WYOMING

OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$1,601,175	$1,363,918	$1,383,315	$1,383,315	$1,597,595
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	174,290	87,394	73,412	0	86,211
Supplementary educational centers and services (ESEA III)	494,231	580,075	593,510	501,223	577,243
Strengthening State departments of education (ESEA V):					
Grants to States	181,253	249,634	247,006	247,006	247,006
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	150,938	145,138		0	145,029
Loans to nonprofit private schools		1,334		0	0
State administration	10,000	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	50,000	50,000	50,000	0	50,000
Subtotal, elementary and secondary education	2,811,887	2,640,824	2,497,243	2,231,544	2,716,417
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81–874)	1,537,000	1,600,000	908,000	1,275,000	1,910,000
Construction (Public Law 81–815)	39,780			0	0
Subtotal, SAFA	1,576,780	1,600,000	908,000	1,275,000	1,910,000

[1] Not available.

OBLIGATIONS IN THE STATE OF WYOMING—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		$116,931	$125,620	$125,620	$125,620
Training programs (EPDA, pts. C and D)	$135,082			0	0
Subtotal, education professions development	135,082	116,931	125,620	125,620	125,620
Teacher Corps				0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	45,000			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	157,845	154,927	157,849	157,849	157,849
Undergraduate instructional equipment and other resources (HEA VI–A)	26,936	28,359		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	145,951	169,890	87,843	87,843	87,843
Other undergraduate facilities (HEFA I, sec. 104)	465,602	247,470	161,782	0	62,265
Graduate facilities (HEFA II)				0	0
State administration and planning (HEFA I, sec. 105)	45,412	45,214	45,214	45,214	45,214
Student aid:					
Educational opportunity grants (HEA IV–A)	382,740	33,374	160,621	160,621	118,291
Direct loans (NDEA II)	420,214	416,082	330,488	330,488	473,632
Insured loans:					
Advances for reserve funds		25,000		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV–C)	415,503	257,934	270,216	270,272	270,272
Special programs for disadvantaged students: Talent search				0	0
Personnel development:					
College teacher fellowships (NDEA IV)	233,100			0	0
Training programs (EPDA, pt. E)	22,500			0	0
Subtotal, higher education	2,360,803	1,378,250	1,214,013	1,052,287	1,215,366
Vocational education:					
Basic grants	569,245	590,814	416,792	416,792	640,547
Innovation			204,345	204,345	240,345
Work-study	17,324			0	17,316
Cooperative education			206,093	206,093	206,093
Consumer and homemaking education			26,299	26,299	26,299
Subtotal, vocational education	586,569	590,814	853,529	853,529	1,130,600
Libraries and community services:					
Grants for public library services (LSCA I)	153,903	153,903	153,903	122,142	153,903
Construction of public libraries (LSCA II)	177,906	105,309	88,975	0	88,975
Interlibrary cooperation (LSCA III)	40,247	40,292	40,292	40,292	40,292
State institutional library services (LSCA IV–A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV–B)	23,750	25,025	25,025	25,025	25,025
College library resources (HEA II–A)	51,567			0	0
Librarian training (HEA II–B)				0	0
University community service programs (HEA I)	108,058	106,901	106,902	106,902	106,902
Adult basic education (Adult Education Act):					
Grants to States	120,299	124,625	127,831	127,831	127,831
Special projects and teacher education	27,999			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	741,729	595,564	582,437	461,701	582,437
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	100,000	100,000	100,000	100,000	100,000
Teacher education and recruitment	84,580			0	0
Research and innovation	5,625			0	0
Media services and captioned films for the deaf	1,385			0	0
Subtotal, education for the handicapped	191,590	100,000	100,000	100,000	100,000
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education				0	0
Vocational education	68,865	34,049	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	68,865	34,049	15,000	15,000	15,000
Education in foreign languages and world affairs				0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	30,000	30,000			
Student loan insurance fund				0	0
Higher education facilities loan fund				0	0
Total, Office of Education	8,553,305	7,136,432	6,345,842	6,214,681	7,845,440

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[1] Not available.

CAN WE SAVE THE "QUEEN"?

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mrs. SULLIVAN. Mr. Speaker, it is possible that our "safety-at-sea" law has to apply to the only overnight passenger vessel left on our rivers—the *Delta Queen.*

The boat is never more than a few feet from the shore. She is the last of her class. She has put in every safety device possible. It would cost $10 million to replace her and this cost is beyond the amount that may be recovered with normal usage even though the *Queen* has been running with 90 to 99 percent capacity for the last 5 years or more.

What can be done to save the *Queen?*

I am inserting the story that appeared in the St. Louis Post-Dispatch on October 23. I am sorry that I cannot include the picture also, but I ask my colleagues to read the story, and if they have any solutions or suggestions, we would be glad to have them. Let the Merchant Marine and Fisheries Committee have your comments.

The story follows:

[From the St. Louis Post-Dispatch, Oct. 23, 1969]

Queen's Reign Near End

(By Toni Flannery)

Only Congress can save the Queen.

Only preservation can keep it as a landmark reminiscent of the era of floating palaces.

Unless favorable legislation is passed before November 1970, the Delta Queen—last of the overnight river boats—will be forced into retirement, and at this point retirement means either being put in mothballs or converted into a short-run excursion boat.

Ironically, the Queen is too old to qualify as a modern vessel and too young to be designated a historic landmark by the National Trust for Historic Preservation.

Last week the Civil Aeronautics Board approved an application by Overseas National Airways to purchase controlling stock of the Greene Line Steamers, Inc., operators of the Delta Queen. Greene will become a wholly owned subsidiary but will continue to operate the boat. No changes will be made in crew or land personnel, it was announced.

The Delta Queen, which makes frequently stops in St. Louis, (it was docked here today), will continue to carry passengers until the 1970 deadline.

Under terms of the sale, Overseas will build a new boat at a cost estimated at $10,000,000. It will not be a duplicate of the Queen, a California boat, but will be patterned after a typical Mississippi River boat, the Belle of Louisville (formerly the Avalon), with much more gingerbread and more ornate exterior.

The cause of the Queen's problem is the safety-at-sea law passed by Congress in 1966. It determines the safety requirements for passenger carriers and when interpreted strictly—as it is—applies to riverboats.

Capt. Clarke (Doc) Hawley, second master of the Delta Queen, pointed out on a recent stopover in St. Louis that riverboats are never out of sight of land. More specifically, the Queen is always within four minutes of land and can be debarking its passengers quicker than ships at sea can steer theirs into lifeboats.

Recently, William Muster, president of Greene Line, announced that the company had developed a design for a new riverboat. Shipbuilders were invited to bid, and it was discovered then that nineteenth-century riverboat elegance comes high.

Last November the low bid on a new boat was $10,000,000. Todd Shipyards, Houston, asked $8,500,000 and Bethlehem Steel, Beaumont, Tex., wanted $8,600,000, both stipulating that the owner would have to provide almost $1,500,000 in his own equipment.

A steam-powered paddlewheel was prohibitive in cost. Estimated figures include smoke stack $35,000, calliope with small steam boiler $25,000, gingerbread, $100,000, and interior wedding-cake staircase with brass risers and ornate metal grilles in handrails between the Texas deck and lounge, $100,000.

Plans for completion of this design are in the hands of Overseas Airways. Joan Evans of Greene Line said this week that the joint venture opened up new possibilities of providing one-way passage for many travelers who found the return trip by boat a little trying.

When the airline made application to CAB last August, the Greene Line president said that stockholders of his company had decided to sell so that the "passenger river trade can be perpetuated." Overseas president Steedman Hinckley said the Delta Queen probably would be preserved, perhaps to operate as a floating restaurant or day-excursion boat at Cincinnati, New Orleans, St. Louis and other cities. The airline said the purchase would open up new prospects in the civil charter market by combining air flights with riverboat tours.

ONA has plans for a plane-boat-resort tour package.

Should the Queen be converted into an excursion boat the entire passenger quarters area would be torn out. If it cannot remain in service the company hopes that some kind of historic preservation will be attained, possibly as a river museum.

Greene Line applied for recognition of the Queen as a historic landmark. It was told by the National Trust that anything declared a landmark had to be at least 50 years old.

The Trust, however, is interested in the Queen's fate and has chartered two cruises next spring for its members.

James Biddle, Trust president, said recently in the American Art Journal: "We hope that some group will manage to save the Delta Queen, last of the Great Mississippi River steamboats and a surviving symbol of a whole chapter in American History. The Delta Queen represents a pure American era, just as Casey Jones has no counterpart in any other country."

Hawley, associate of Capt. Ernest Wagner, said that it "represents a bit of Americana . . . and should be saved." The Queen is the essence of nineteenth-century riverboat splendor and, except for the wooden structure, is as modern a facility as any afloat, he said.

The Delta Queen has had a colorful career. It was built in Scotland in 1926. The cost was $875,000, highest price ever paid for a river steamer. When completed it was dismantled, crated and shipped to the United States where, at Stockton, Calif., it was reassembled and made ready for service between San Francisco and Sacramento.

It alternated ports with its sister ship, the Delta King, until the outbreak of World War II when both were turned over to the Federal Government and used as transport ferries in San Francisco Bay. Thousands of returning servicemen rode in them.

In 1947 the Queen was put on the market. Greene Line, with offices in Cincinnati, bought the boat but was faced with the problem of getting it to the Midwest. Federal authorities prohibited making the trip under its own power.

So the Queen was boarded up, towed through the Panama Canal and up the Mississippi. In Pittsburgh it was restored to its original grandeur.

Since then it has sailed the Mississippi, Ohio and other rivers from Cincinnati to New Orleans and St. Paul. It was here last week to take passengers for a three-day cruise and departed for another cruise on Monday.

Art Noveau elegance was built into the Queen, which accommodates 192 passengers and the crew. The brass is highly polished; most of the woodwork is mahogany, kept in high gloss; crystal chandeliers twinkle and the lavender and green copper lead-glass windows sparkle by the light of sun or moon. What was formerly the dining area is now converted to a lounge, and a former storage space near the galley is now the dining area with revamped decor, but the original ironbark floor.

Passenger quarters range from deluxe twin bed accommodations with carpet, shower and toilet to upper-lower single bunks. There is only one class, however, and every passenger is permitted full use of public facilities.

An elaborate sprinkler system automatically turns on when a preset temperature is reached. A big bell that has been part of the gear of five major steamboats is available to sound an alarm, and, as an additional safety measure, the Queen is equipped with an oversized gangplank that can be swung to shore from either side of the boat.

The Queen is inspected annually by the Coast Guard and is given four spot checks by the Coast Guard at different ports each season.

The boat is built on a steel hull in which each rivit hole is galvanized to prevent rust It is fitted with the largest cross compound steam engines ever built for a boat, and the original equipment is still turning the 26-ton paddlewheel.

The safety-at-sea law is the aftermath of a fire at sea aboard the 30-year-old Panamanian cruiser, Yarmouth Castle, in 1965. At that time legislation was before Congress to strengthen regulation of international passenger carriers, and the loss of 90 lives in the fire underlined the need for action. Shortly after, a fire at sea aboard the Norwegian Viking Princess and a fire in port on the German flagship Hanseatic, increased the demand for preventive measures.

The safety law was based in part on the Safety on Land and Sea Conventions—three multilateral treaties dealing with international safety standards—containing "grandfather clauses" that permitted ships built before 1936 to operate without complying with improved standards.

In 1967 a complementary measure was passed by Congress abolishing the clauses and prohibiting vessels from overnight service unless built of predominantly fire resistant materials. The Delta Queen's hull is steel but its superstructure is not.

The Delta Queen was granted a two-year reprieve, largely through the efforts of Representative Leonor K. Sullivan (Dem.) Missouri.

NATIONAL BUSINESS WOMEN'S WEEK

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mrs. MAY. Mr. Speaker, last week marked the 42d observance of National Business Women's Week, and I would like to take this opportunity to salute the thousands of professional and business women who are such a vital force in the life of every community in this land.

Perhaps one of the more significant signs of the progress American women have made during the past century is that so many women have achieved marked success in their chosen fields that those who are presidents of corporations, well-known lawyers, and respected public servants are no longer pointed out as unusual.

It is indeed an honor to join with the 180,000 members of the National Federation of Business and Professional Women's Clubs in extending well-deserved kudos to the American women who are making such remarkable contributions to the civic, professional, and business life of our Nation.

HE DID NOT SURRENDER

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. TEAGUE of Texas. Mr. Speaker, under leave to extend my remarks in the Record, I wish to include an Associated Press release which I have recently read in the Fort Worth Star-Telegram for October 17 from the father of a young 18-year-old Army private first class who was killed in Vietnam. I would hope that those in this body who have supported the Vietnam moratorium and those who plan on supporting future ones would read this item.

The article follows:

[From the Fort Worth Star-Telegram, Oct. 17, 1969]

"He Did Not Surrender"—Dad of War Victim Voices "Other Side"

Las Vegas, Nev.—"When they read my son's name to advocate peace at any price—the price being defeat, let them remember that he whose name they read did not surrender," wrote an anguished Malcolm Thompson.

"When they read the name of Gregory M. Thompson, let them realize that they are proving before the world the truth of the oft-repeated Communist claim that many Americans have become soft, decadent and yielding to any determined force which opposes them . . .

"When those hypocrites read the list of dead who defended South Vietnam, let them know that they have reached the ultimate low in the world record of human infamy, in that they willingly and cunningly utter a dead man's name to achieve the defeat of the cause for which he died."

Thompson's son, Gregory, was an 18-year-old Army Pfc. who was killed in combat in Vietnam May 17, 1969. The father's words, in a letter sent the Las Vegas Review-Journal the day after Moratorium Day, mirrored the other side of America's continuing Vietnam debate.

"It is the ones who saw his body returned in a flag-draped coffin who should be heard—not the protesters," Thompson wrote.

"These transparent propagandists were not there to see my son buried, nor do they accompany me on my trips to lay flowers on his grave . . .

"It is we the parents who said goodby to him when he went away to fight—not the peace agitators.

"It is we the parents who wrote long, anxious letters to him during his three months of almost continuous combat—not the agitators . . .

"My son was killed while fighting for his country.

"America cannot be permitted perpetually to persuade its citizens to instill in their sons a sense of patriotism, loyalty and a determination to defend the oppressed, and then, after the sons have died, suddenly change her mind and yield to those who killed him."

THE PRIVATE PLANE—MENACE OR WHIPPING BOY?

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. SHRIVER. Mr. Speaker, yesterday, the Sunday supplement, Parade magazine, carried an article written by Mr. Jack Anderson entitled "The Growing Menace of the Private Plane." It constituted a biased and unfair attack on general aviation. Mr. Anderson did not evidence knowledge of exactly what general aviation is and he obviously is not aware of the progress being made in recent years to establish a partnership between all segments of public and private aviation in behalf of maximum safety.

Mr. Arnold Lewis, aerospace editor of the Wichita Eagle and Beacon, has written a full and complete report on the nature and extent of the "Private Plane Menace." He has done a fine job of setting the record straight.

Under leave to extend my remarks in the Record, I want to call to the attention of House Members Mr. Lewis' article which should be "must" reading for those who have read the Parade magazine feature. The article follows:

The Private Plane—Menace or Whipping Boy?

(By Arnold Lewis)

Despite continuing progress toward developing and updating an antiquated national airport/airways system, the name-calling goes on.

Latest in the periodic verbal bursts of flak at so-called general aviation appears in the Parade Magazine Sunday supplement of The Wichita Eagle and The Beacon.

Authored by Drew Pearson's protege Jack Anderson, "The Growing Menace of the Private Plane" labels general aviation as primary villain in the turmoil created by overtaxed airports and navigational airways.

"His name is instant death," the article said of the private pilot hovering "unseen . . . in the crowded skies above the nation's airports."

To the private pilot, Parade gives credit for being present in four out of five in-flight near-misses over the nation's six busiest airports and for heavily financing a Washington lobby to preserve freeedom of the skies.

Apparently unknown to the writer is exactly what general aviation is and the progress being made through cooperative efforts of the entire aviation community and federal government toward a modern and workable national airport/airways system.

In 1968 there were more than 124,000 "private" planes in the U.S. civil fleet, ranging from small, two-place Cessna 150s in the $10,000 price range, on up to the $4 million to $5 million Boeing 737 business jet.

Serving some 10,000 U.S. airports, private planes annually carry as many or more people than all domestic commercial airlines using approximately 650 airports.

At the upper end of the general aviation fleet, the sophisticated business jet serves as just that, a business tool for corporations large and small, its value often being compared with that of a computer.

At the lower end, two-place trainers turn out an ever increasing number of pilots, many going on to serve as pilots for the nation's airlines.

In between uses to which general aviation aircraft are put are as wide and varied as the imagination of their owners.

They patrol petroleum pipelines, provide quick transportation for the sick and injured, haul freight, double the effectiveness and mobility of the businessman, serve as aerial taxicabs and provide recreation.

Crux of the problem facing aviation today, however, is capacity. Airport and airway navigational and control facilities just have not kept pace with increased aircraft fleets and increased utilization.

Contacted by the Wichita Eagle for their reaction to the Parade article were Frank E. Hedrick, president of Beech Aircraft; Dwane L. Wallace, chairman and chief executive of Cessna Aircraft Co.; and Malcolm Harned, executive vice president and general manager of Lear Jet Industries Inc.

All agreed that use of the nation's airspace was a partnership proposition and noted that considerable rapport had developed this year between general aviation and the public air carriers.

Industry and government officials are clearly aware of the solution; more concrete for existing airports, new satellite airports for general aviation, additional air traffic controllers, more modern radar and tracking equipment on the ground and in the air, improved navigation systems to provide better separation between aircraft, and specific approach and departure corridors at major airports to segregate aircraft according to class and performance.

Question being pursued by all parties involved is how to accomplish these goals and who is going to pay the bill—a ticklish and lengthy process when dealing with many and varied interest groups.

All sides in the issue understand, however, they will have to "give" a little, both in terms of dollars and in terms of some of the "freedoms" they now enjoy in operation of their aircraft.

Over the long range, the Nixon Administration's Airport/Airways bill currently before Congress would go far to relieve the congestion problem.

Based on user charges to finance a major portion of the program, the bill would assess general aviation nine cents per gallon on all aviation fuel, (currently two cents non-refundable), including jet fuel, which is not now taxed federally; it would impose an eight per cent tax on all airline tickets (currently five percent) and a five percent tax on all air freight way bills.

One alternate proposal has been made by the House Ways and Means Committee which would include an annual registration fee to all aircraft according to weight, in addition to a total seven-cents per gallon fuel tax for general aviation.

It appears now the Nixon bill, in one form or other will make it through Congress, possibly this year, according to Washington sources.

In the more immediate future, the Federal Aviation Administration (FAA) is attempting to formulate regulations which would segregate different classes of aircraft in high density hub airport areas to reduce possibility of in-flight and near in-flight collisions.

Included in a proposal that would require all aircraft landing at major airports be equipped with transponders—an electronic device which returns a positive signal from the aircraft to interrogating ground radar, thus facilitating positive air traffic control identification.

In-flight collisions such as that of Sept. 9, between an Allegany Airlines DC-9 and a

Piper Cherokee which claimed 83 lies, add new fuel to the airport/airways issues.

And, when a small general aviation aircraft is involved, the finger invariably is pointed toward the "little" plane by initial press reports.

Reaction holds the light aircraft had no right to be there, regardless who was at fault.

The Parade article declared: "It was a student with only 38 hours in the air, who rammed into an airliner in September over the Indianapolis airport while making a practice pass at the runway."

Actually the accident occurred some 20 miles southeast of the airport. Subsequent findings suggest it was the airliner that struck the light plane.

In an analysis of the 38 in-flight collisions occuring in the United States during 1968, the National Transportation Safety Board (NTSB), which investigates all fatal air accidents, found FAA's air traffic control system involved in at least seven.

And in all seven, traffic congestion, control tower visibility and human performance limitations, and inadequacy of VFR (aircraft operating under "see and be seen" visual flight rules) traffic flow procedures were found contributory to the chain of events leading up to collision.

"In-flight collisions are very rare at airports where traffic flow is directed in a positive and orderly manner," the NTSB declared.

In the analysis, NTSB said six of the 38 collisions occurred on or above an airport, 12 miles within the airport traffic pattern, five within two miles of the airport and 10 accidents more than five miles from the airport.

The collisions involved 76 individual aircraft and 71 fatalities, although total passengers and crew members totaled 246.

Of the aircraft, three were commercial airliners, one a military fighter and two were gliders—the remainder being powered general aviation aircraft. One collision, incidentally, involved two planes being used to herd horses in Wyoming.

Twenty-one aircraft were described as being on pleasure flights, while 20 were engaged in some form of flight instruction.

Concluded NTSB:

"While there was no evidence of adverse weather having been a significant factor in any of the 38 in-flight collision accidents, haze and/or smoke were likely to have been in the area in six instances; precipitation. showery in nature, was probably in the general area in 11 cases.

"All 38 collisions, however, occurred during daylight hours under VFR conditions (ceiling above 1,000 feet and visibility more than three miles).

"It was noted most collisions occurred in areas and periods of greatest general aviation activity and the most likely time and place for collisions to occur would be on bright clear Sunday afternoons in August at uncontrolled airports," NTSB said.

A common misconception among laymen, including the Parade writer, is that radar equipment on aircraft is used for spotting other aircraft.

Stated Parade: "Few private planes are equipped with radar, to act as extra eyes for the pilot."

Nor do any commercial airliners have these "extra eyes." Aircraft radar is for weather avoidance and does not detect other aircraft.

Parade also pointed out that the "private pilot who decides to go on a lark in the skies after drinking . . . is . . . probably the greatest threat to air safety."

It added that autopsies performed on pilots from the 692 fatal general aviation accidents during 1968 "indicate that as many as 200 had been drinking. Of these accidents, officials said that alcohol was the cause of 45 'beyond a shadow of a doubt.' "

As recently as September, however, Bernard Boyle, NTSB chief of the Safety Analysis Division, said he believed only a small percentage of private pilots fly after drinking.

In each of the past three years, he said alcohol has been attributed to 6½ to seven percent of fatal private plane crashes.

By way of comparison, National Safety Council states that alcohol probably is a factor in at least half of all fatal motor vehicle accidents.

Actually, the accident rate of general aviation aircraft is decreasing—5,069, or 1.36 accidents per every one million airplane miles flown in 1968 compared with 6,115, or 1.78 accidents per million miles flown in 1967.

The number of fatal accidents, however, increased from 603, or .18 per million miles flown, in 1967, to 692, or .19 per million miles flown in 1968.

At the same time there was a nine per cent increase in the general aviation fleet—from 114,186 in 1967, to 124,237 in 1968—and a corresponding nine per cent increase in the miles flown by general aviation aircraft, according to Aviation Data Service (ADS), Wichita.

Again for comparison, some 26 million (25.5 per cent) of the nation's 102.1 million motor vehicles in 1968 were involved in accidents accounting for 55,200 motor vehicle deaths, according to National Safety Council figures.

There were 12.5 accidents per one million miles driven by motor vehicles and .04 fatalities per million miles driven.

The FAA categorizes all non-airline and non-military aircraft in the United States as general aviation, or "private" aircraft. Its own fleet numbers more than 100.

Of the 24 million general aviation hours flown in 1968, as a point in fact, 69 per cent were for business purposes and 31 per cent could be labeled "personal use of aircraft," according to ADS.

The picture appearing at the top of the Parade article apparently was intended to depict the "private" plane menace.

A check by the Wichita Eagle of records maintained on each aircraft flown in the civil system revealed that all aircraft pictured have transponders, radar, distance measuring equipment, autopilots, redundant communications and navigation systems and, in essence, were equipped comparably or better than the two commercial jetliners shown in the background.

The five "private" aircraft in the picture represent a transportation investment by "private" businesses of $7.2 million, of which nearly $1 million is represented by the cost of electronic communication and navigation equipment alone.

Indeed, these private planes are waiting for the navigation, air traffic control and federal communications system to catch up so equipment they have installed can be used on any airport in the U.S.

Most businesses and corporations utilizing their own private aircraft today also are heavy users of the commercial airlines.

Whether public or private, air safety is a vital concern to all.

SALUTE TO GEORGIA COOPERATIVES

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. STEPHENS. Mr. Speaker, it has been brought to my attention that the month of October is "Co-Op Month." The theme this year is "Cooperatives: Progress Through People."

The State of Georgia is observing this "Co-Op Month," along with the rest of the Nation. As part of this observance, the Georgia Council of Farmer Cooperatives prepared a leaflet showing the diverse ways cooperatives serve their members in Georgia. I think this information will be of interest to the Members of Congress. I am, therefore, including the following summary of these interesting statistics.

In the marketing area in Georgia there are 23 cooperatives with 87,700 members. These cooperatives have 7,170 employees and do a gross volume of business of $329,100,000. The major products marketed by these cooperatives are poultry, peanuts, milk and milk products, and grain and soybeans.

In the area of production supplies there are 14 cooperatives with 84,000 members. These cooperatives have 470 employees and do a gross volume of business of $49,129,000.

In the area of services, credit is provided through Federal land bank associations and Production Credit Associations. Electric membership corporations provide electrical power and dairy herd improvement associations provide management services.

These are just some of the many services which are provided through cooperatives to aid farmers in nearly every aspect of their farm business. I join with the citizens of Georgia in saluting the fine work of our Georgia cooperatives.

It might also be of interest to point out that the first agricultural cooperative marketing association formed in Georgia was in our 10th District. This was in the early part of the 1930's when the Athens Cooperative Creamery was established in Athens, Ga., by my wife's father, A. P. Winston, Judge Henry West, L. M. Sheffer, Dr. Henry Fullilove, Dr. Harvey Cabaniss, and Emmett Cabaniss. It is still a successful operation, being now Better Maid Dairy Products, Inc.

SEEK MEASURES TO CONTROL PORNOGRAPHY

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. UTT. Mr. Speaker, I would like to include my statement on H.R. 6186 which would seek measures to control pornography, which I am cosponsoring:

STATEMENT OF JAMES B. UTT ON H.R. 6186

Mr. Chairman: I appreciate this opportunity of including some comments in the record of testimony on the various measures seeking to control pornography. I am a cosponsor of H.R. 6186 which would prohibit the dissemination through interstate commerce or the mails of materials harmful to persons under the age of eighteen years and would restrict the exhibition of movies to such persons.

My state of California has seen both a flood of the most vile presentations sent through the mails to the homes, and an expansion of the producers of the filth. Printing presses have run around the clock turning out the tons and tons of advertising material in full color and great detail. My constituents who are receiving such material are demanding that steps be taken to protect their loved ones from being exposed to the shock of seeing such trash.

There are now in effect laws that provide for imposing a prohibition on individual business firms against repeating a mailing to one who has objected to the post office, upon the receipt of what he considers objectionable material. This has only limited effect upon the pornographers. They can still make the first mailing with impunity. And furthermore, each separate filth peddler can make a first mailing to the same household.

H.R. 6186 details what would be considered pornographic and to be unlawful if sent to the home in which there is a minor. The broad interpretation of the word "knowingly" in the proposal would make it financially uneconomical for these depraved distributors to broadcast their filth on a mass basis. They would have to consider that any home could have minors present, and before making the first mailing, would have to determine in advance that such a condition did not exist.

I believe this would effectively stop this obnoxious practice without being subjected to the charge of censorship. I hope that the legislation can be approved by your committee at an early date.

A REPORT ON THE PRESENT GREEK SITUATION

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. EDWARDS of California. Mr. Speaker, the news from Greece shows a rising tide of protests against the military dictatorship there. Unfortunately, the same news shows that the U.S. Government continues to be linked with that dictatorship, resulting in a rising tide of anti-American feeling.

The current of events in Greece was recently studied by N. A. Stavrou, a professor at Howard University. He has been kind enough to provide me with a copy of his excellent report, one that details fully what is happening in Greece.

I insert this documented and first-hand study into this RECORD:

A REPORT ON THE PRESENT GREEK SITUATION

(By Prof. N. A. Stavrou)

The present report is based on facts assembled during a research trip to Greece which lasted from August 1 to September 13, 1969. This trip was made possible by a Research Grant given by the Social Science Division of Howard University and had as its primary objective the study of Protest Groups and their formation. A specific research plan had been worked out prior to my departure from the States. However, soon after my arrival in Greece I discovered that scientific research was impossible under a regime of martial law. I was given warnings by many people not to proceed with the idea of conducting a survey of public opinion by submitting questions to ordinary people, because they told me, "You don't know to whom you are talking." Consequently, I had to revise my research methodology in several ways. Systematic sampling of opinions had to be substituted by selective gauging of reactions to questions purposely made to provoke. To support such responses I sought to examine the behaviors of groups of discontented persons. I thought I would have a better understanding of what is happening in Greece if I concentrated on five sources of information: a) former political leaders now in active opposition; b) former high ranking military officers as well as officers in active duty when this was possible; c) former elected officials of small towns or private associations; d) plain people from all walks of life whose confidence I had to cultivate before they could talk as they felt, and e) the government's position which could easily be sampled from the censored press, or personal interviews when possible.

Some of the political leaders and personalities with whom I had extensive discussions on the subject matter of my study and the current Greek political situation are:

Hon. Panayotis Kanellopoulos, Former Prime Minister, Minister of Defense and Leader of the E.R.E. Party.

Hon. Stephanos Stephanopoulos, Former Prime Minister, Minister of Economic Coordination, Foreign Affairs, and leader of Liberal Party founded after his break with the Center Union (FDK).

Hon. Evangelos Averoff-Tositzas, Former Minister of Foreign Affairs (ERE).

Hon. Ioannis Zigdis, Former Minister of Industry (Center Union).

Hon. Emmanuel Kothris, Former Minister of Commerce, Deputy of Center Union.

Hon. Ioannis M. Tsouderos, Former Deputy of Center Union.

Hon. Spyros Markezinis, Former Minister of Economic Coordination and Leader of the Progressive Party.

Hon. Constantinos N. Rallis, Former Deputy and Minister of Information.

Hon. George Mavros, Former Minister of Defense and Interior, Governor of the Bank of Greece, presently considered as the leader of the Center Union.

Hon. George Rallis, Former Minister of Interior (ERE).

Hon. Harris Rentis, Former Deputy of Center Union, Minister.

Hon. Ioannis Varvitsiotis, Former Deputy of ERE.

Lt. Gen. Theodoros Griropoulos, Former Chief of Defense Staff, Chief of the Army, author (Retired).

Lt. General Petros Nikolopoulos, Former Chief of the C.I.A. of Greece, Former Chief of Staff of the Army.

Lt. Gen. Ioannis Sorokos, Deputy Chief of the Armed Forces (1969), Ambassador Appointe- to London.

Gen. Alexandros Hatzipetros, Chief of C.I.A. of Greece.*

Lt. Col. L. Mavraganas, C.I.A. of Greece.

Gen. George Thomopoulos, Chief of G.D.E.A. (General Directorate of National Security).

With General Sorokos I had a rather extensive and probing (on both sides) conversation, while with the latter three individuals I discussed no substantive matters. From Gen. Hatzipetros I requested information on Front Organizations functioning in Greece between 1955–1967. He introduced me to Lt. Col. Mavraganas, who was ordered by the General to assemble unclassified information available in the Agency and give it to me. At the same time, Gen. Hatzipetros said that most of such information is kept by G.D.E.A., where he introduced me to Gen. Thomopoulos. Lt. Col. Mavraganas, after I told him what I was looking for, promised to send all information available and unclassified "as soon as the Colonel who specializes in such matters returns from his leave." Gen. Thomopoulos requested a specific list of types of information and I submitted one to him. He, too, promised to mail available information as soon as it could be assembled. So far, I have received no material requested from either agency.

In addition to the above-mentioned personalities, I have met a number of formerly high-ranking officials, local leaders, Union personalities, newspapermen and former Ministers who wish anonymity. Through newspapermen and friends, I have tried to get some information on the role and fate of the 45 generals who have been arrested and kept under solitary confinement in a hotel outside of Athens. One high-ranking officer whom I was able to meet in his place of exile talked with me "freely" after I told him who informed me of his whereabouts. The only place where I found suitable for an exchange of views with the gentleman was by the sea, where we could swim and talk without being followed by his guard, a plain clothesman, never more than 10 feet away. The number of swimmers made it difficult for the guard to see anything unusual going on between the General and another swimmer who could not be identified as a foreigner in the water. The gentleman not only talked to me under such circumstances, but he was also kind enough to write an extensive analysis of the issues of Anti-Americanism and effectiveness of the Armed forces. I had to make special arrangements to get this document, which is now in my possession.

On the basis of information received from the above-mentioned individuals as well as from hundreds of plain people I have the following observations to make on the current Greek situation:

Political Process: There is almost unanimous agreement among the politicians, former Deputies and local leaders that Greece is in for an absolute dictatorial regime which will be more repressive as the time passes. In support of such arguments everyone points to the current developments, such as decrees promulgated, compulsory laws enacted and proposed (the Press Law was the conversation piece during the last three weeks of my stay in Greece) as well as public pronouncements by government leaders. They all believe that the Salonica speech of Mr. Papadopoulos should suffice to convince any extreme optimist of the fact that Greece is going rapidly backwards. In addition to this, they point to the day to day behavior of the government, always with specific and irrefutable examples of brutal actions and uncontrollable arrogance on the part of the authorities. It appears to them, they argue, that the regime becomes daily more insecure and more repressive. They feel, and know, they say, that a police state is rapidly being perfected and political persecution continues unabated. Personally, I had opportunities to observe the presence of the police state. Deputies and former Ministers who wanted to meet with me hesitated to do so because they were followed by plainclothesmen. At least three former Ministers who met with me were continuously being followed and I was a witness of this. They are Mr. George Mavros, followed by three men in a Volvo car; Mr. George Rallis and one former Minister who wishes his name not to be mentioned. All political leaders that I have talked to, with the exception of Mr. Evengellos Averoff-Tositzas, feel that compromise with the present regime is impossible and whoever suggests it must be naive. The government, they point out, does not have and never has had such intentions. They have impressive evidence to support their position.

Mr. Averrof feels that the government is of course unwilling to compromise, but a militant position by other political forces will prevent solutions from within or without the junta. "When you promise to court-martial them," he said, "they will fight and they will stick together." In line with this position, Mr. Averrof feels that "the Mevros-Kanellopoulos Political manifesto was a mistake." Another slight variation from the position of the political world as I understand it comes from Former Minister of Economic Coordination and leader of the Progressive Party Mr. Spyros Markezinis. Mr. Markezinis feels that the present leaders are inept and inevitably will need the help of experienced people, if they "properly care about Greece, as they claim." He is also willing to be the Prime Minister of a Transitional government. "After all," he said, "I was a successful Minister of Economic Coordination and do not wish to become a Minister again." However, he, too, is pessimistic about the prospect of the junta giving up or even sharing power with anyone, and he qualifies his willingness to be Prime Minister with important conditions.

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*Introduced to him by Gen. Sorokos.

Many feel that the junta will try occasionally to absorb political personalities of Pipinellis type and transform them into "Von Papens of Greece." Such occurrences will help the government in certain ways, but it will not break the front of opposition. Personally, I have the feeling that two or three such persons entertain the thought of entering the governmental fold, but it is also quite likely that others who are with the government will resign. One candidate for resignation is Prof. Kyriakopoulos, Minister of Justice, who, I was told, had nothing to do with the Press Law, nor was he properly consulted about it. I feel that the arrival of the new American Ambassador will be the catalyst of certain developments in the relations of the Junta with the opposition, *if the Ambassador comes with specific policies in mind*. However, no one believes that the American policy will change drastically and furthermore, those who could have helped to an orderly development, have reasons not to trust the Americans.

Prospects: Everyone feels that as the government becomes more repressive and the opposition more experienced, organized violence will increase. My survey indicates, and practically all political leaders I have talked to agree, that the government has reached the *point of almost complete separation from the people*. The present rulers of Greece have absolutely no appreciation of the importance of support from below. At least four Former Ministers suggested that violence is justified because the regime itself is *violence par excellence*. Furthermore, they argue, "the bombs are better heard by the State Department and the C.I.A. than the voices of reason." "The Americans," they say, "do not consider the Greek problem critical so as to stop doing certain things because it does not appear critical. They look in the night clubs and bouzoukia joints and conclude that here is a happy people. Perhaps few bombs will help them awaken and realize that we are in a deadly crisis." In conclusion, everyone feels that orderly developments with the present government as a partner are impossible. Violence is to be expected and in the long run it will be more extensive. I have asked many leaders why they don't make an opening for a dialogue with the government. Their answer was quite simple and pragmatic: "The Greek people will brand anyone who deals with the present government a traitor and quisling. After all," they say, "if elections were to be held tomorrow, the political parties of 1965–67 will receive the same number of votes as then. We have our following intact," they say, "the junta does not have any at all." I sought to check on this claim and asked a local leader who is quite familiar with the attitudes of the countryside. He agrees that the political forces are divided as they were before the coup, but "parts of those forces have become militant" and in any outbreak of violence they will move to the left regardless of where they belonged before April 21, 1967. Mr. Mavros said that "we made our offer. In the political proclamation with Kanellopoulos, we stated that we are ready to form or support a transitional government," he said. The offer has been laughed off by the junta, who keeps referring to them as the "Ex-politicians."

On Support: I indicated above that the present regime of Greece has absolutely no appreciation for popular support and in the two years of its presence has done more to alienate its supporters than increase them. It is commonly agreed that even those who granted them good intentions earlier regret it now. Consequently, the support they have does not come from the people in general but from the following categories of special groups:

(a) People who make their living from governmental employment, especially those who got their jobs after April 21, 1967. From this group, however, one must differentiate, a subgroup which actively opposes the regime. There is, for example, an active underground group made up of Civil Servants which circulates pamphlets with anti-regime material.

(b) People who make their living indirectly from the state and from whom support is extracted rather than offered.

(c) Several extremist groups made up of people who have been active in the period between 1944 (such as people who composed the organziation X, under George Grivas) and who have the stigma of cooperation with the Germans. These people are presently zealous informers for the regime and are being identified by the people as such. It is also a rather curious development to note that former Communists are among those who have become informers and supporters of the regime. The noted examples are, of course, Mr. Savas Constantopoulos', editor of the newspaper *Eleftheros Kosmos* (Free World) who was a high-ranking member of the Greek Communist Party and Mr. Th. Papakonstantinou, another high former ranking member of the Communist party who was Minister of Education and who has the distinction of having studied in the Marxist Schools of Moscow.

One serious problem with all those who are working for the state is that it is expected of them to prove their loyalty by concrete acts of support for the "National Government." This is more evident in the countryside where everyone knows everyone else.

(d) A fourth group which supports conditionally the present regime is Big Business. Their support, as usual, depends on benefits they get by governmental policies. However, their rivalry can have serious political implications. Shipping magnates who brought their ships under the Greek flag, for example, did so for a very simple reason: They do not as yet pay a single penny of taxes to the State. This was confirmed by a former Minister of Economic Coordination, who is furious of the fact that the government insists on collecting taxes from his writings (exorbitant in his view) while big business gets a free ride. The fact that the Greek shipowners do not pay any taxes at all is based on a little known decree issued by the government which classifies ships into several categories for purposes of taxation. Ships over twenty-five years old, for example, are free of taxation for several years. Newly-constructed ships are free for ten years; ships repaired in Greek shipyards are free of taxation at a rate of one year per one hundred thousand dollars worth of repairs.

This business group will continue to support the government as long as it promotes its interests. It will also increase the opposition because the workers will be forced eventually to oppose it actively and with it the government. As of now, no one can speak of trade unionism in Greece and it is expected that the workers who lost all gains of the last twenty-five years will join the active opposition, and the government relations with big business will be affected seriously.

Opposition: It is rather difficult to examine the makeup of the active opposition. However, it is my view that the present regime is rejected by the vast majority of the Greek people of which a minority is prepared to do something against it.

Potential opposition will come, many believe, and I agree, from all those people directly affected by the present regime. The number of such people is quite impressive and it is sufficient to make up a strong revolutionary force. Many feel it reaches the vicinity of half a million people. When challenged on this figure, they proceed to calculate. They claim that there were over one hundred thousand elected officials who lost their jobs, beginning with the Mayor of Athens and ending with the water distributor (an elective position in some places) of the remote village. Add to this, fired civil servants and dismissed officers as well as all those individuals who had a "file" in the Security Agencies, as well as their relatives and you come up with a larger not a smaller number. Furthermore, they say, practically more than three-fourths of the leaders of associations of all sorts have been forced out. Many believe that not only do we have sufficient forces for future violence and upheavals, but also opposition leadership with respect and following.

From this number of affected individuals one ought to deduct a smaller group which has been "revolutionized" by brutal violation of individual rights. They are the people arrested since April 21, 1967. Many say the often-mentioned figure of six thousand is incorrect. They put the number of persons arrested at 70,000 with detainment periods roughly from a few days to years. The figure of 70,000 arrested was supported by a former Lt. General who wishes his name not to be mentioned. He himself has been arrested and detained for a prolonged period. I sought to crosscheck this information. From further investigation, I found nothing to warrant rejection of the 70,000 figure. It is claimed by many, and I fully agree on this, that the forces of potentially extensive violence are all present in Greece. What is lacking is organization and this might take some time because the opposition functions under a severe police regime which is in many respects harsher than in Communist states.

Active Opposition: There are opposition groups from all three political groupings. However, so far the Right Wing and Center Forces are playing their role. Mostly the Right Wing. The Center Forces, I was told, have not yet played their role fully, while the Left is rubbing its hands with pleasure seeing the government effectively destroying institutions which they could not. A former Minister told me that in many cases leftists organizations have betrayed other opposition groups to the authorities. For doing such things, he said, they are rewarded with state employment thus achieving another goal: infiltration of state agencies. Other Deputies and former Ministers had specific cases of such occurrences to reveal.

It appears to me that the active opposition is presently structured in three layers with only the Royalists and the Right systematically active. The Center Forces which according to some encompass a wide spectrum of intellectuals is rapidly organizing and will come forward. In the Center, I include the forces of Andreas Papandreou. The percentage of his following is disputed by many. One former Minister placed the following of Andreas at 20% of the Greek voters. Others give invariably larger or smaller figures. A former Minister of the Interior stated: "Regardless of what the precise number of Andreas' following is, the Americans must realize that he is a force and any solution without him is difficult if not impossible."

Tortures of Prisoners: I was very much interested in examining the charges of torture by the police authorities in Greece. My findings confirm that there was both psychological and physical torture. I have asked many people to express themselves on such charges, both former officials and plain people. One Minister believed that there was no wide-scale torture, but definitely there was, and still is, taking place in "preventive cases." People identified as opposition leaders, or people who are suspected of having information on opposition groups are systematically tortured, he said. He further stated that he "knew of four such cases in which prisoners were brutally tortured." The same views have been expressed by a former Minister of Interior. This gentleman, whose honesty was never questioned, said, "It is repugnant to think that the Secretary General of the Ministry of the Interior and other high officials will themselves beat prisoners." He personally knows of prisoners beaten by Mr. Ladas. I have specifically checked on the case of Professor Mangakis, whose wife was court martialed and imprisoned for four years because she sought the help of foreign leaders for her husband. The government presented Professor Mangakis in a Press Conference in which he denied being tortured. Thus she was accused of slandering the authorities and a court martial sentenced her to four years in prison. It is widely believed, though, that the Conference itself was staged and at least five creditable people told me that the "correspondents" were intelligence officers. This I cannot confirm. I simply convey the allegations of people whose honesty I have no reason to doubt.

Besides the physical there is also psychological torture. It involves people who are repeatedly called into the police station for purposes of intimidation. One person, for example, told me of the pressures put upon his family a day after the constitutional referendum in which he voted "no." The man (in Northern Greece) returned in the evening from his fishing trip to find out that his entire family was in the police station for at least three hours, being drilled as to "why they voted no." Torture by police, I was told, does not involve only political crimes; it expands on any and all crimes. The individual has absolutely no protection and cannot complain anywhere, being afraid that he will be court-martialed for "slandering the authorities." There are two cases which I can refer to here. One involves a single Gendarm (horopfylakas policeman) who sent to court 10 percent of the population of a small town in three days. When I asked why several people didn't complain somewhere, the person who offered the information said: "No one is crazy to go to the Court Martial on top of it."

Another case which gives some indication of police behavior involved a person in the area of Thebe. Sometime ago a number of robberies and murders had been committed in Greece. The police naturally were looking for suspects. Finally they concentrated on one individual as the prime suspect. He was beaten so badly to "admit" the crimes, that he lost his sanity as well as his physical health. However, it was discovered later that all robberies and murders had been committed by a group of German tourists who have done the same in England and other European countries. They were tried and convicted, and their death penalty is now being appealed.

Economy: Not being an economist, I cannot offer an expert opinion on the subject. However, a comparative report of the state of the Greek economy composed by a number of former deputies and specialists signed by former Minister of Commerce Emmanuel Kothirs contradicts with figures the claims of the present government. Personally, I have the following observations to make:

For the time being there is economic stability in Greece about which I am not prepared to state how long it will last. The government is only doing patchwork with repeated loans and spending without control. Salaries of officers of all ranks have doubled in the last two years and the pesantry is offered "bribe-loans" and no one knows where the money comes from. There are definitely hidden dangers for an abrupt collapse of the Greek economy. This might be precipitated by the deadly struggle currently in progress between four economic giants: Onassis, Niarchos, Andreadis and Pappas. I can say definitely that the Niarchos-Onassis conflict had and will have political implications. A number of junta officers were furious, for example, when George Papadopoulos intervened in the refinery case in favor of Onassis after two expert Committees favored Niarchos. There is a group within the junta which is pressing for "moral purification" (ethiki apokatharsis) of the "Revolution" and this group was absolutely furious when Mr. Papadopoulos intervened in favor of Onassis after the two men had a man to man talk on the refinery contract. This group, apparently, is led by the commander of ESA (Greek Military Police), Col. Ioannidis, the man who sued Mrs. Mangakis for slandering his outfit. The Colonel was furious with Papadopoulos and his men when he learned that the leader who came to power to stop favoritism intervened personally in favor of Onassis. The Onassis-Niarchos feud brought to surface other disagreements among the junta officers. The "purists" pressed Papadopoulos to put an end to the question of monarchy "one way or another." They suggested that pressure ought to be put on the King to take a position, any position, on the issues of bombs and resistance movements, as well as on the question of his return which is favored by another group of officers.

The outcome of such pressures was a severe campaign against the monarchy during the first week of September in violation of Articles of the Constitution which have not been suspended. The same pressure was also behind the Papadopoulos speech in Salonica in which he rejects in toto the parliamentary system because he said "nowhere was progress achieved with Parliamentary system."

In conclusion, I would say that the struggle on economic giants in Greece will have serious political implications. Secondly, in the long run Greece is risking economic disaster and social discontent because so far all serious economic measures favor the big business. The repatriation of Shipping Magnates to Greece has no practical benefit for the Greek state and the collection of revenues, since no one pays any taxes for several years. Many claim that the return of Greek ships under the Greek flag provides for employment of Greek hands. This view is also erroneous. I was told authoritatively that the shipping magnates have been pressing and got tacit permission to hire as many as 25% foreign crewmen. This means that they are free to hire seamen from India and Pakistan at cheap salaries. From seamen, I learned that all benefits achieved during the last twenty-five years of unionization have been eliminated by daily decrees coming out of the Ministry of Merchant Marines. For example, now a seaman who works for a ship for less than two years, but who decides to return home before the two-year period, is obliged by law to pay his way back as well as the way of his replacement. Imagine what this means for a seaman who is in Japanese ports and wishes to return home. Seamen tell stories of daily posting of orders and memos in ships telling them what "they cannot do."

There are similar developments in other trade unions. For all practical reasons, one should consider free trade unionism as dead in Greece. Such organizations which are still formally in existence now have taken up another role totally unrelated to the interests of the membership: they have become the "transmission belts" or the regime and megaphones for propaganda. One example is the case of Professor Karageorgas who is imprisoned for his participation in resistance movements. During my stay in Greece, there were resolutions passed by many associations "condemning his activities with disgust," something that is totally unrelated with their official role.

Anti-Americanism: There is widespread anti-Americanism in Greece and it comes from all sides, including the Government. The opposition and the average Greek is anti-American because he believes that the present regime came to power with U.S. aid, and stays in power with their help. To my statements that they had a wrong view of the U.S. position invariably everyone would answer: "If the Americans did not like the present government, it could fall in 24 hours. They like it and they keep it." This answer was given to me by former Prime Ministers and by plain people. One Prime Minister said flatly, "The Americans can topple them in 24 hours. If they stop the jet fuel and other supplies, they cannot last long."

Another world-respected leader was bitter about the American role. "I don't say that the United States brought them to power as the average Greek does," he said, "what I am saying is that with your policies, you keep them in power."

I tried to rationalize with him, saying that the United States has a dilemma here as to what to do with an ally who fulfills its obligations to the alliance but whose regime the United States do not approve of. I mentioned to him the letter of the 50 Congressmen and Senators, and the answer of the Undersecretary of State as an example. He had many praising words for the Congressmen and Senators, but he insisted that "it is wrong to say that Greece fulfills her obligations to the alliance for several reasons: First, the alliance was set up to protect the Democratic way of life and the partners have undertaken the obligation to do that. Greece obviously violates the cardinal ideal of the alliance. Secondly," he said, "Greece's participation in NATO is only academic."

The Greek armed forces today have been transformed into a "politicized police force and the Greek people view NATO as the vehicle by which they were enslaved. Therefore, the armed forces do not fulfill their obligations to the alliance, as the Americans are led to believe. As for the occasional expression of concern about the prevailing Greek situation," he continued, "they are negated the day after they are made. Here is," he said, "the Secretary of State saying one thing the first day, and the next your government sends over an astronaut with an autograph for Mr. Papadopoulos, or Dr. von Braun, who is quoted as saying that 'Greece knows how to govern itself.' "

One high-ranking officer (I do not mention the service to avoid the likelihood of being identified by the authorities in Greece) who has been persecuted in a number of ways by the government, wrote an extensive analysis for me of the issue of anti-Americanism and its sources. "How can the Greek former Comrades-in-Arms not be anti-American, when the Americans are silent about their fate and when they are kept in prison." He, himself, returned several honors and resigned in protest from inter-ally associations.

A former Minister of Education told me that the issue of anti-Americanism is very serious and the government of Greece is responsible for this. "In their search for respectability," he said, "they sought accomplices for what they did on April 21. At first, the people were led to believe that the coup was the outcome of a collusion between three accomplices: the palace, the Americans, and the Army. The King, with his coup of December 13, proved to the nation that he was not an accomplice to this coup, at least. The Americans did not prove yet that they are not guilty. On the contrary, by their acts, they support the view that they are."

Origins and Make-up of the Junta: Authoritative information regarding the origins of the present military Junta contradict another myth: that they came to save Greece from Communism. Recent editorials in the "Eleftheros Kosmos"—a pro-government newspaper—places the origin of the Papadopoulos idea "to save the nation in 1958." My information supports the following:

(a) The conspiracy started as an idea in

1956, when the military organization, I.D.E.A., sought to convince a General to seize power and declare a personal dictatorship. The General reneged at the last moment and later became Minister in the Karamanlis government.

(b) In 1958 the "Idea" of Papadopoulos was taking the shape of an organization "within the I.D.E.A.," or the officers of the organization still in active duty.

(c) At least one General realized that "something was going on around Papadopoulos" and sought to disperse the key members of what appeared to him to be an organization. "I send," he told me, "Papadopoulos to Kilkis, Ladas to Filiates, etc." However, the General was accused by a prominent political leader of "persecuting officers friendly disposed towards E.R.E." (the rightist party). At one time, it said, the General raised the question of removing Papadopoulos from the Army for "medical reasons, since he was not old enough to be retired." However, during my interview, he avoided the question: "What was wrong with him?"

(d) Some of the key members of the present Junta, I was told by the same General, had political connections with political parties. Specifically, Ladas, Makarezos and a few others kept referring to Spyros Markezinis as "our leader." "I was teasing them," the General continued by referring to Markezinis as "their boss."

(e) The organization was tentatively identified as E.E.N.A. (standing for National Union of Young Officers).

(f) It is widely agreed, however—and there is substantial evidence to this—that the original members of the organization proceeded rapidly with the creation of power bases and satellite organizations of their own. This, they believe, will provide the seeds for developments from within. One such "satellite organization is the group of Col. Ioannidis, Chief of Military Police.

(g) It is also agreed and partially substantiated, that the government is rapidly promoting officers of trust and retires professional soldiers who were not members of the Junta but stayed with it for purely professional reasons. Newly promoted officers, when placed in key positions, tend to be "independent" of their leader Papadopoulos and the army is thoroughly splintered.

Solutions Proposed or Expected: The "best solution" proposed by former political leaders is a solution from the Army itself. They don't call it a counter-coup but there is no doubt about what they mean when they say, "The Army has a duty to vindicate itself in the eyes of the Greek people, and return to them what it has forcefully taken away."

A competent military leader suggests that out of 11,000 officers only a maximum of 2,500 ought to be considered committed Junta people. The rest remain professional soldiers whose effectiveness is jeopardized by a bad public image.

It is an undeniable fact that the officers corps is viewed upon as an "oppressive group and praetorian guard" by the people, and the element of time is important for a solution from within, i.e. before the officers condition themselves being also an elite group. A second solution supported by some is a "transitional government" which will prepare the nation for a return to Democratic procedures. This is not rejected by the political leaders as a "bad solution" but as "academic, because the present group has no such intention." The third "non-solution" will be violence and everybody agrees that it will increase as the time passes.

The element which will precipitate the first solution is commonly agreed to be a clear-cut declaration of opposition against the present government by the United States, or at least a clarification of the U.S. policy regarding the Greek problem. If the United States makes it clear and known that it is not happy with the prevailing conditions in Greece, there will be developments from within the junta. On the contrary, if we insist on a "business as usual policy," there will be an increase in violence from below. Furthermore, if we promote a "gimmick-solution" by insisting a compromise between the political world and the junta be made, then the violence will continue and it will be controlled by the left, while all those politicians who would cooperate with the present regime "will be isolated together with it."

As is evident from the present report, I do not propose any solution for the Greek problem. This is left to the policymakers. What I propose, however, is a clarification of the U.S. policy and a coordination of the activities of the U.S. missions in Athens. With such a clarification, the people and the Army will know what to expect and what to do other than what they are already doing.

MR. PRESIDENT: VIETNAM MORATORIUM SUPPORTED BY ESTABLISHMENT

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. LEGGETT. Mr. Speaker, last week the Nation expressed itself on American involvement in the Vietnam war. The President has made the decision to deinvolve, Vietnamize or deposture. There is little secret left with respect to American intentions. I pointed up yesterday that the students were not alone in their encouragement of the President's action—they were joined by a large portion of rural America.

Senator GOLDWATER and Gov. Ronald Reagan last night in Norfolk severely resented the moratorium expression of opinion to the President. They apparently think their hawkish, know-nothing views on nuclear bombardment of Hanoi should ring in a vacuum in the President's ears.

As further evidence of the broad support of the moratorium, I include at this point in the RECORD a letter from one of my Davis, Calif., constituents containing a published plea from the mayor of our town:

DAVIS, CALIF.,
October 19, 1969.

Congressman ROBERT L. LEGGETT,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN LEGGETT: The enclosures speak for themselves; however we hope this cover-letter will make it easier for you to receive the message of the 393 citizens of the city of Davis, California.

On October 8th Mr. Ralph Aronson wrote a letter to our local newspaper giving a personal statement of his sympathy for the Vietnam moratorium and his concern that the U.S. government not continue more-of-the-same in Vietnam. ("Vietnamization," in my own opinion is NOT a new solution—this having been what we originally set out to do from approximately 1954–55 on.)

The reaction to Mr. Aronson's letter was one of general agreement, but even more, it was a spur to try to communicate our own feelings as well. The 393 signees in the enclosed advertisement and attached sheet chose the method of a public advertisement as possibly a more effective form of "protest" than individual letters (that often exist in "intention") might have been. Not only do YOU receive the message, our community received it. There was no organized "push" for these signatures—people just passed the sheet from hand to hand from Friday, October 10 until Monday, October 13. The additional signatures are those of people who did not come in contact with a "sign-sheet" before the cut-off date for publication of the advertisement. They left their signatures at the editorial office of the local newspaper that they might be included with the "group" letter to you. High school and college students were not approached in this petition—we wanted to hear from the non-vocal part of our community and felt that student groups were making their own statement. Might I add that we were surprised to find a very wide cross-section of participation from conservative to liberal elements in our town.

Sincerely,

MRS. BERDYNE MUSOLF.

WE SUPPORT AND ENDORSE MAYOR ARONSON'S REQUEST FOR ". . . A MORE PROGRESSIVE AND POSITIVE ACTION TO THE WITHDRAWAL OF OUR TROOPS AND AN END TO THE (VIET NAM) WAR"

(The entire text of Mayor Aronson's letter follows.)

Youth should not be blamed for the restlessness regarding the commitment of funds for SST planes—their impatience for funds for ABM over funds for poverty—or their concern for funds for Mars over solutions to problems of people—or their concern for programs benefiting minorities or disadvantaged.

It is time some of their restlessness, impatience and concern is rubbed off on some, or all, of us and we take up the struggle, declare ourselves and take a stand. I cannot, in my own mind, be convinced of our leaders' statements that the cessation of the Vietnam war will not release funds toward the problems in this country. Since according to them, this money cannot, or will not, be forthcoming for use at home. Is this then to be construed as a valid reason to continue this war which, in all purposes, it and all its attached problems represent the greatest concern of all?

Up to now I have been silent and apathetic to the cause, believing our statesmen were progressing toward a solution. I have allowed myself to be lulled by the pre-campaign strategy of our honorable President of the "secret" solution to the end of the war. After six months I have been more convinced that the "secret" lies in other hands than our own President and our own military and political leaders. We are being asked to enter into a 60 day moratorium not to publicly protest or demonstrate or criticize our leaders regarding their progress concerning the Vietnam war. Our honorable President seems to have forgotten that it was this same criticism and demonstration against the past political party's policy that got him elected. We have already had six years of such a moratorium regarding the apathetic attitude of the American people and, rather than a 60 day moratorium against protesting the war. I favor a 60 day peaceful, responsible, protest with letters to congressional leaders advocating a more progressive and positive action to the withdrawal of our troops and an end to the war.

I have been soothed by the declaration we are training more South Vietnamese to take over their own cause. I cannot believe that this, in itself, is a solution either, since this seems to be only a method of perpetuating a war rather than a solution to peace. If the training of South Vietnamese is itself a solution, then let's do it—if we can train our own boys in California, Texas, Georgia to fight under conditions in Vietnam, then bring 25,000, or 50,000, or 100,000 South Vietnamese here and train them quickly, easily, for fighting in their own country.

I don't know if a Mayor of a community of 20,000 people can have an affect in this regard, but if all Mayors of cities of 20,000 can reach Mayors of larger cities, and citizens of larger cities can effectively reach their State officials to communicate this concern to our National officials, perhaps they will get the message.

No more, enough!

I am not affiliated in this proposal with any organization, local or national, radical or conventional, I take this stand as an individual and ask other concerned citizens to join me as individuals.

RALPH ARONSON,
Mayor of Davis.

We, the undersigned, subscribe to the spirit of Mayor Ralph Aronson's statement and agree to have our names appear with an advertisement in the Davis Enterprise stating this fact and to have the advertisement distributed to President Nixon and Senators George Murphy, Alan Cranston and Representative Robert C. Leggett.

Dr. and Mrs. Jack Major, Kay Ogasawara, Terry Lyon, Dorothy Dreyfus, Mr. and Mrs. Lloyd L. Ingraham, Mr. and Mrs. Horton M. Laude, Marion E. Small, Mrs. Beatrice B. Reynolds, Nora Sterling, Holley M. Grain, Christopher G. Grain, Mrs. R. Hands, Mr. and Mrs. Donald W. Kyhos, Mr. J. T. Leffingwell, Marjorie L. Dolcini, Donna Walter, Charles W. Walter, Mr. and Mrs. Don Brush, Maxine Schmalenberger, Dr. and Mrs. J. D. Wheat.

Mr. and Mrs. G. W. Dean, Mr. and Mrs. Q. Paris, Mr. and Mrs. C. E. Willis, Mr. and Mrs. R. A. Oliveira, Mr. and Mrs. R. B McKiesick, Duane Paul, Mr. and Mrs. Gordon C. Rausser, Mr. and Mrs. Harold Stults, Mr. and Mrs. Theodore P. Lianos, Elvi Toriclio, W. F. Trainor, Cynthia Hills, Juanita A. Hills, F. J. Hills, James R. Hutchinson, Patricia A. Hutchinson, Richard K. Creveling, Kay C. Burrill, Dona Lee Brandon, William G. Burrill.

Edwin L. Blackmore, Richard A. Crawford, David E. Lee, Thomas Cleveland, Joan Cleveland, Dr. and Mrs. Philip Yarnell, Dr. and Mrs. Andrew J. Gabor, Mr. and Mrs. Carl Renoud, Julia R. Kulmann, Beverly Farmer, Richard W. Kulmann, Mr. and Mrs. Tony Smith, Dean Karnopp, Grace Noda, Nancy Cutler, Sandy Gee, Karl M. Romstad, C. K. Shen, Harumi Kawatomari, Sylvia Lane.

Stanley Johnson, Beth Johnson, Marvin Fisher, Cecile Carter, James R. Douglas, Lindy F. Kumagai, Hisa A. Kumagai, Carroll E. Cross, Janet S. Cross, Wm. Hamner, Dave & Mary Lee, David & Jane Deamer, Ethel M. Espana, Carlos Espana, Elizabeth Meyer, Mr. and Mrs. Wilson Smith, Mary Cooper, Milton and Jeanne W. Gardner, Mr. and Mrs. Kinsell L. Coulson, Mr. and Mrs. James Biggar.

Mr. and Mrs. Glen Burch, Mr. Gerald Dickinson, Mr. and Mrs. Donald C. Swain, Mr. and Mrs. Isao Fujimoto, Mr. and Mrs. Roland Peterson, Mr. and Mrs. Arther Lilyblade, Mr. and Mrs. Theodore F. Gould, Lois L. Poppino, Mr. and Mrs. Paul Castelfranco, Roberta M. Kenney, Linda A. Fitzgerald, Joan Weschler, Colin G. King, Adrian A. Bennett, Cynthia B. Bennett, W. Eric Gustafson, Eric E. Conn, Louise K. Conn, Grant Noda, John E. Draper.

Deborah Poineau, Elizabeth Draper, James H. Balderston, Kathy Davis, Mr. and Mrs. Neal F. Peek, Mr. and Mrs. Don Christiansen, Janet L. Hall, Kenneth M. Hall, Calvin and Tippy Schwabe, Mrs. Betty J. Longshore, Ralph Stocking, Elsie Stocking, Jerome Rosen, Sylvia T. Rosen, Mrs. Jane K. Keller, Katie Keller, Anna Keller, Daniel S. Keller, Sam Smith, Otto Heck.

Shirley Kirkpatrick, Donald Ross, Peggy S. Eichorn, Jane Carey, Christine Hawthorne, Ginny Lee, Henry Hagedorn, Betty O'Neill, Charlotte Musker, Margaret Hill, Anne and Bud Steubing, Ron and Flo Holmes, Charles and Carol Van Alstine, Bob Fitzgerald, Bud and Laura Goodman, Madelon Pytel, Alan and Terry Klinger, Stephne F. Moore, Jinny Moore, James Ganzer.

Carol and Richard DeTar, Peggy Dougharty, Janet and Eill Weigt, Milton and Marie Morse, Susie Boyd, Erlean Hills, Betty Jane Polk, Elizabeth B. Gustafson, Dulores O. McColm, Douglas W. McColm, Louis F. Weschler, Dennis Barrett, Herman Fink, Martha Barcalow Barrett, Mr. and Mrs. Charles V. Moore, Mr. and Mrs. Allen J. Manzano, Mr. and Mrs. Frank C. Child, R. W. Harris, Vera M. Harris, Doug Waterman.

Donna Waterman, Roland Hoermann, John F. Pamperin, Phyllis Jacobs, Barbara D. Hoermann, Teri Wheat, Mr. and Mrs. Wm. J. Knox, Mr. and Mrs. L. L. Wade, Donald & Edith Rothchild, Celia Rabinowitz, Dick & Lois Grau, Donald M. Reynolds, P. R. Painter, Jeff Drowely, Judith P. Deyo, Viola and Frederick Peters, J. W. Osebold, Charles M. Hardin, Donald P. Keisler.

Dolores E. Rhode, E. A. Rhode, Mr. & Mrs. Richard F. Walters, Mr. and Mrs. K. Uriu, Mr. and Mrs. Robert S. Loomis, Mr. and Mrs. Paul K. Stumph, Mr. and Mrs. Arthur R. Spurr, J. G. Wheat, Amy L. Wheat, Margery M. Vasey, Mrs. H. J. Phaff, Olive G. Lorenz, Oscar A. Lorenz, Jeanne R. Enos, L. Reed Enos, Jan A. Stannard, Anthony A. Stannard, Dianne M. Sullivan, James J. Sullivan, Stephan Cohen.

Robert Miller, ElRoy L. Miller, Pat Collins, Bill Collins, Wayne Gerrard, Rodney Shepherd, Bonnie Shepherd, Albert A. Royval, Twila Royval, Hazel V. Gerrard, Mayme A. Butler, Sheila Day, D. C. Hudson, Ben and Merry Hart, W. C. Weir, Elizabeth R. Weir, Mr. and Mrs. Lloyd Musolf, Mrs. Max Rothe, Mary G. Scott, Betsy LeNoue.

Mr. and Mrs. John M. Simmons, Mr. and Mrs. Donald Sorensen, Ann E. Denny, Mr. and Mrs. D. C. Alderman, Mr. and Mrs. Marvin Zetterbaum, Dr. and Mrs. Robert K. Sarlos, Mr. and Mrs. L. Rappaport, Clarace J. Cooper, Bonnie Faria, Mr. and Mrs. Ed Costantine, The Rev. and Mrs. R. E. Senghas, Deborah E. Semerau, Ken Greider, Mr. and Mrs. Alvin D. Sokolow, Mrs. M. Goldman, Mr. and Mrs. Stephen Sosnick, Dr. and Mrs. Robert Maisel, Mr. and Mrs. Martin P. Oettinjer, Mr. and Mrs. David Volman, Mr. and Mrs. Sherman Stein.

Mr. and Mrs. James Valentine, Mrs. Margaret Seibel, Dorothy L. West, Dick Longenbaugh, Martin C. Hagan, Trude Parkinson, Margaret Neu, Pierre J. Neu, Mrs. Donna Mickle, Michael C. Hancock, Pleasant Gill, Marcella Eddy, Mrs. C. Assimachopoulos, Ronald D. Maus, Will Lotter, Jane B. Lotter, Shirley R. Maus, Thomas L. Allen, Patricia P. Allen, Robert M. Cello.

Patricia Bernauer, Irene M. Cello, Marian Hamilton, Sumner Morris, Joyce Morris, William Hamilton III, Kathleen M. Murphy, Alan Stambusky, Barbara Gunn, Dorothea Knowles, P. F. Knowles, Jerry Murphy, Rita T. Stambusky, Ruthann Seeley, John A. Seeley, Benjamin Lane, Robert E. Smith, Loren D. Carlson, Mr. and Mrs. Dennis C. Neu, David C. Lewis.

Harriet K. Lewis, Richard L. Manford, Yvonne A. Manford, Barbara R. McKinney, Charles L. McKinney, Marian G. Carlson, William F. Riddle Jr., Howard T. Nelson, Roy J. Hendrickson, Ronald D. Schechter, Gary O. Eumgio, Janice B. Belding, Mrs. Vernon Clift, Vernon Clift, Mr. and Mrs. Alden Crafts, M. J. Vepaska.

Susan C. Fegley, Sue Ellen Tatter, Pattism Tutton, Mr. and Mrs. Charles Metz, Mr. and Mrs. Mike Duckor, Dr. and Mrs. O. A. Leonard, Mr. and Mrs. James Neiswonger, Mr. and Mrs. Bickford O'Brien, Mr. and Mrs. Robert V. Hoagland, Mr. and Mrs. Donald Lindberg, John C. Wetzel, John Vanliat, Mr. and Mrs. Jim Neiswonger, Mr. and Mrs. Paul G. Smith, Barbara Larsen, Rose M. Jacobson.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorials for today are from the Worcester, Mass., Telegram and the Boston Herald Traveler, in the State of Massachusetts. The editorials follow:

[From the Worcester (Mass.) Telegram, Aug. 5, 1969]

BEWARE THE BEHEMOTHS

(By James J. Kilpatrick)

WASHINGTON.—At one time or another, every motorist has known the miserable experience—sometimes the terrifying experience—of trying to pass a tractor-trailer truck in foul weather conditions. The boxcar profile blocks the road ahead. One gropes through rain and flying spume, hands gripping the wheel. Just a couple of feet to the side, 35 tons of steel are rolling along at 60 miles an hour. At last you get around; and behold: Another truck ahead.

NEW MAXIMUMS

A House subcommittee resumes hearings this week on a bill that brings these recollections vividly to mind. The bill would set new permissible maximum width, weight, and length limits for the interstate highway system. Truck and bus companies are ardently supporting the bill; the American Automobile Association, representing passenger car drivers, is just as dead set against it. For my own part, I wish there were some way to find a compromise down a middle lane.

Proponents of the bill make an excellent case—up to a point. The present interstate width and load limits were fixed 13 years ago, according to standards laid down in 1946. Since then, the interstate highways have come into being. It is a plausible contention that these magnificent freeways are capable of handling wider and heavier loads than the old primary highways could take.

The bill would permit the states to authorize an increase in single-axle loads from 18,000 to 20,000 pounds; an increase in tandem-axle loads from 32,000 to 34,000 pounds; and an increase in the gross load limit from 73,280 pounds to a higher figure obtained from a length and axle formula. The maximum permissible width would be increased from 96 to 102 inches.

WIDER TRUCKS

These changes are recommended by the U.S. Bureau of Public Roads. They are not opposed by the American Association of State Highway Officials (AASHO). The point is made that roughly half the states already permit these higher load limits, under a grandfather clause inserted in the basic federal act of 1956. The proposed increase in maximum width would make it possible for trucks to carry cargoes (such as plyboard) that comes in multiples of eight feet; the extra six inches, it is said, also would contribute to greater stability and to greater safety.

So far, so good. The ordinary motorist may wince at the greater width, but it is hard to object to the proposed new limits on weight. At about this point in the debate, however, the proponents run out of gas; the remainder of their case is much less impressive.

The bill proposes a federal length limit of 70 feet. It's too much. Oregon now allows up to 75 feet on designated highways, and Nevada has a 70-foot limit, but 27 states hold to 65 feet, Iowa limits length to 60 feet, and 20 states have a 55-foot limit. Both the Bureau of Public Roads and AASHO recommend 65 feet. In asking for this added length, the truckers are getting grabby.

"ONLY PERMISSIVE"

Proponents of the bill emphasize that the bill is "only permissive"—no state would have to approve the higher limits; and they point out that the new dimensions would apply to the interstate highways only. The answer to this is, unh-hunh, or who's kidding whom? Once the higher limits were authorized, the truckers' lobby would roll into high gear; few legislatures would resist. And, as spokesmen for counties and cities have observed, the new behemoth trucks would have to get on and come off the interstate system by way of old highways and bridges not meant for the mastodon size.

The truckers say that larger trucks will produce economies in freight expenses, which economies in turn will be passed along to consumers. It seems doubtful. Consumers have not seen many such economies lately. The truth is that this bill would benefit truck and bus companies. Okay, but let's leave it at that.

Substantially this same bill passed the Senate last year, but died in the House when the 90th Congress ran out of time. On balance, the better arguments still lie against the bill. Unless a reasonable compromise can be found, the resurrected measure ought to be interred again.

[From the Boston Herald Traveler, Aug. 27, 1969]

LOAD LIMITS DO NOT EXCEED

When Congress reconvenes next week it will face more prospective legislation calling for increased limits in size and weight of tractor-trailer combinations permitted to travel the interstate highway system.

Congress will be asked to approve a vehicle length limit of 70 feet (most states allow 65 feet or less), increase allowable width from 96 to 102 inches, single-axle weight from 18,000 to 20,000 pounds and tandem-axle weight from 32,000 to 34,000 pounds.

Spokesmen for trucking associations and some users claim that the additional cargo allowances would impose no greater stress on existing highways or bridges, would enhance vehicle safety, would enable up to 10 per cent savings on consumer commodities and would afford truckers a more equitable return on their road-use taxes.

According to numerous studies, there is little if any truth to these claims. The Bureau of Public Roads reports that a 20,000-lb. axle weight causes 51 per cent more pavement deterioration than an 18,000-lb. one; and a 22,000-lb. axle weight (still under the Massachusetts limit) causes 118 per cent more wear than a 20,000-lb. one. Also, the Bureau indicates most of the country's half-a-million bridges would require reinforcement to take the increased poundage safely.

As for vehicle safety, American Automobile Association surveys reveal that heavy trucks—over 13 tons—are involved in a disproportionately large share of fatal accidents, and that in collisions with passenger cars, occupants of the latter are far more liable to suffer grievous injury or death.

Concerning transportation costs, it would be naively optimistic to assume that a 10 per cent saving would be passed intact to the consumer; such economy would in any case be erased by increased costs of highway reconstruction and maintenance, for even the higher road-use taxes currently paid by trucks do not offset the accelerated deterioration they cause.

The proposed legislation serves only special interests, not the public interest, and Congress should reject it on those grounds. Locally, the Massachusetts legislature would do its constituency a service to consider retrenchment of heavy-truck limitations along current federal lines.

CONGRESSIONAL DUTY TO KEEP COUNTRY MILITARILY STRONG

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. BRAY. Mr. Speaker, the current debate over defense spending, and at what level our defenses should be, has unfortunately generated in many instances more heat than light. Not only the military, but the Congress itself, has come under heavy and frequently unfair and prejudiced attack.

The following article by Mr. John R. Blandford, chief counsel of the House Committee on Armed Services, appeared in the October 1969 issue of Government Executive. As Russ Blandford makes the point, it is the duty of Congress to keep the country strong:

A CONGRESSIONAL REQUIREMENT: TO KEEP AMERICA MILITARILY STRONG

HIGHLIGHTS

1—Soviets could substantially surpass the U.S. in the number of ICBM launchers by 1972.

2—Three Soviet ballistic-missile submarines are on station 800 to 1,000 miles off the U.S. coast.

3—The Soviet Navy is strengthening quantumly as the U.S. Navy weakens with age and small ship construction authorizations.

4—Section 412 of the Military Construction Act of 1959 and its amendments insures that more members of Congress are knowledgeable about weapon systems procurement.

5—"Congress may have to revert to the days when it operated only with ad hoc committees or as a Committee of the Whole, with no legislative committees with jurisdiction created by law."

6—"Very little is said about the fact that other agencies of the Federal Government have increased their expenditures during 1964–70 by over $47 billion."

7—"The scapegoat of the year is the military-industrial complex."

8—"The Systems Analysis Office still exists in the Department of Defense, although there is reason to believe, or perhaps hope is a better expression, that to some extent the wings of the analysts have been clipped."

9—"In discussing cost overruns, some non-military Federal projects make interesting reading."

10—"The chairman of the House Armed Services Committee, L. Mendel Rivers of South Carolina, is accused of having an inordinate number of military facilities and defense contractors in his district."

(By John R. Blandford)

In the furor of debate over the *Safeguard* system and the size of the Defense budget, little attention was paid to a stark statement in the Soviet Armed Forces Communist Party Journal *Kommunist Vooruzhennikh Sil* that it is mandatory for young recruits in the Soviet armed forces to be educated in "hatred for the enemy and the enemy is led by the United States."

A recent article declares that Russia not only is closing the ICBM gap, but by 1972 could substantially surpass the United States in the number of intercontinental ballistic missile launchers. The charge has not been refuted. Some even claim the Soviets already have an ICBM superiority.

The published report on "Soviet Sea Power," by the Center for Strategic and International Studies, states categorically: "The new Soviet Navy is the most modern in the world—a very large percentage of the ships afloat being less than 20 years old. The submarine fleet is the world's largest, consisting of between 350 and 385 ships, of which more than 100 are missile-armed. Forty to 45 are nuclear-powered and, since 1962, Soviet submarines have been able to fire ballistic missiles while submerged. The USSR is presently developing a *Polaris*-type submarine with 16 missiles and a present range of 1,500 miles. Shipbuilding yards in the USSR have a present capacity to build one of these SSBNs a month, and the number of USSR submarine-based ballistic missiles could surpass the U.S. total by 1971. Already, the USSR keeps three ballistic missile submarines cruising on station 800 to 1,000 miles off the U.S. coast, a number which could increase rapidly as the Soviets improve their on-station replenishment and supply system.

"The Soviet surface fleet consists of two helicopter carriers, two to 24 cruisers, 110 to 120 destroyers and frigates, 92 ocean-going escorts, about 150 missile-armed patrol boats, 400 fast patrol boats, 270 coastal escorts, 250 or more landing ships and a large assortment of mine sweepers, as well as support and auxiliary vessels; these vessels, along with the submarines, are distributed in five fleets—totaling about 3,000 ships—in the oceans of the world. Warsaw Pact navies add to the potential strength of the Soviet fleets."

In contrast to the strength of the growing Soviet Navy, 58 percent of the combatant fleet of the U.S. Navy is over 20 years old.

But these frightening challenges to the survival of our Nation have been obscured by an attack, wittingly or unwittingly, upon the so-called U.S. military-industrial complex and military expenditures.

As former Secretary of State Dean Acheson succinctly stated: "One of our failings as people, I think, is a preoccupation with witches . . . the witch has changed and is now the military-industrial complex."

It has become very unpopular to defend our military. And those committees of Congress charged with the responsibility for legislation dealing with our national defense are under increasing attack, both within the Congress and by all forms of news media.

The underlying cause is undoubtedly the frustration many Americans feel with respect to the war in Vietnam. But the debate over defense spending, overrruns, revised estimates and the procurement of weapon systems overlooks the genesis of the authorization process which has made it possible for Congress to become more fully informed with respect to defense spending over the past eight years than ever before.

Prior to 1960, the great *Safeguard* debate might never have taken place or it might have been swallowed up by the magnitude of the entire defense budget. In 1959, the Congress amended Section 412 of the Military Construction Act of 1959 by providing that "no funds may be appropriated after December 31, 1960, to or for the use of any armed force of the United States for the procurement of aircraft, missiles or naval vessels unless the appropriation of such funds has been authorized by legislation enacted after such date."

Thus, since the beginning of 1961, two legislative committees of the Congress, specifically the House and Senate Armed Services Committees, have authorized all major weapon systems before funds could be appropriated for such systems.

In 1962, the Congress amended the new authorization procedures by adding research, development, test and evaluation with respect to aircraft, missiles and Naval vessels.

In 1963, the law was further amended to include all research, development, test and evaluation performed by the armed services.

In 1965, the law again was amended to include all tracked combat vehicles. It is not unlikly that the law may be further amended to include other major procurement expenditures.

The so-called "412" legislation, since 1961, has controlled authorization bills (and resultant expenditures) in sums ranging from $13 billion to $23 billion annually. By this action alone, many additional members of Congress have become increasingly knowledgeable about the weapon systems to be procured, their use, their cost and the process by which they are to be procured.

Prior to "412," only the Appropriations Committees were fully informed, except for information gleaned from posture briefings presented to legislative commitees for information purposes only.

DISAPPEARING MYSTIQUE

But now, the Congress no longer simply appropriates money in large "blank checks" for use by the armed services as they see fit. Specific sums are requested for aircraft, missiles, naval vessels, tracked combat vehicles and all research and development. During the classified hearings, so-called "below the line items" which make up the total lump sum requested for the major procurement items are presented to the Appropriations Committee.

The services may not later deviate from the numbers authorized by the Committees without prior approval of the appropriate committees, or without notifying the appropriate committees of their intention to do so. This procedure is called "reprograming" and is the process by which the services may change up or down the number of weapon systems to be procured by using funds authorized and appropriated for other items in the defense budget. It is carefully supervised and controlled.

Thus, in a period of eight years the mystique of defense spending has been slowly disappearing. There still are large expenditures which are not specifically authorized by the Congress annually for such things as ammunition, small arms, artillery, petroleum, uniforms, food and other military necessities. Nevertheless, the House and Senate Armed Services Committees have, with each passing year, delved more deeply into defense expenditures.

Study groups and task forces have been created in and out of the Congress to study the defense budget. It is not unlikely that several nongovernment organizations or groups may take it upon themselves to present independent defense budgets each year. This may well lead to similar study groups or task forces being created within the Congress—although not necessarily associated with the jurisdictional committees—to look into parity prices, foreign affairs, poverty programs, public works, Medicare, veterans benefits and many other matters involving substantial Federal expenditures. If this is carried to its logical extreme, the Congress may have to revert to the days when it operated only with ad hoc committees or as a Committee of the Whole, with no legislative committees with jurisdiction created by law. Whether this would be a healthy move is debatable, but the trend today might make it inevitable.

SPENDING ANALYZED

The present attack upon the standing committees of the Congress charged with the responsibility for writing the laws and authorization bills dealing with national defense (Legislative Reorganization Act of 1946) could well lead to a complete upheaval in the legislative process.

Defense spending is the target—or, perhaps, the committee system itself is under attack.

To the uninformed or to those dead set on reducing defense expenditures, regardless of the consequences, it might be well to analyze defense spending.

In spite of the size of the defense budget, defense spending, as presented by the present Administration for Fiscal Year 1970, is estimated at approximately $78 billion. This is an astronomical sum, but it only represents about eight percent of the Gross National Product.

In relation to the Federal budget, recommended defense spending amounts to approximately 39 percent of Fiscal Year 1970, compared to 42.5 percent in 1968, 41.8 percent in 1964 and 62 percent in 1953.

THE SCAPEGOAT

It also is interesting to note that from 1964 to 1970 defense expenditures have increased by $27 billion, which by itself may have led to the overdone and out-of-context military-industrial complex charge. Very little is said about the fact that the other agencies of the Federal Government have increased their expenditures during this same time period by over $47 billion.

Nor is that other part of President Eisenhower's now famous military-industrial complex address quoted very often in which he said: "We face a hostile ideology—global in scope, atheistic in character, ruthless in purpose and insidious in method. Unhappily the danger it poses promises to be of indefinite duration. . . . A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction."

Those who decry the military-industrial complex never refer to the fact that from Fiscal Year 1968 to Fiscal Year 1970 defense expenditures declined by $100 million, while other agencies of the Government increased their expenditures by $12.4 billion.

So the scapegoat of the year is the military industrial complex. But, those who attack it seldom if ever mention that more than half of the defense budget involves fixed charges that can only be reduced by drastically cutting back the size of the armed forces.

More than half of the defense budget, some $41 billion annually, is spent on people, including pay, allowances, transportation, retired pay and other costs which involve the procurement of no material things.

As Secretary of Defense Laird has said on many occasions, we spend over $41 billion annually, none of which buys a paint brush, a nail or a bullet.

PHILOSOPHY OF PARITY

Other parts of the defense budget involving operation and maintenance costs—including the cost of ammunition, fuel and the war in Southeast Asia—account for half the remainder, leaving about 25 percent of the defense budget for the procurement of weapon systems.

The House Committee on Armed Services is most conscious of this fact. When efforts are made to bring about reductions in defense spending, there are really only three areas subject to paring: the cost of the war in Vietnam, the cost of people and the cost for new weapon systems. And since new weapon systems, in most cases, replace aircraft and ships that simply wear out or are lost in operational or combat missions, it is significant to point out that our inventory of aircraft, ships, spares, guns, etc., is not increasing and, in some cases, is actually declining.

Even a substantial reduction in the size of the armed forces, for example, a reduction of approximately one million persons on active duty, would only reduce spending for people by some $8 billion annually. And if an all-volunteer force is the desire of the American people, then the $8 billion savings would be offset by the pay increases necessary to attain an all-volunteer force.

The House Committee on Armed Services looked for areas in which expenditures could be deferred for Fiscal Year 1970. One area was in the field of military construction. And here the Committee did defer programs.

Another area is in the field of research and development. But cuts here pose a more difficult problem. The Committee on Armed Services cannot ignore the fact that substantial cuts in research and development may lead to serious weapons gaps in the years ahead.

There appears to be an abiding faith in the minds of some that if we do not devise new weapon systems, devastating as they may be, the Soviet Union or Communist China will be happy to maintain a state of parity with us. Somewhere along the line, in the past few years, the philosophy of parity, as opposed to the philosophy of superiority, in the defense of the Nation, has crept into many decisions affecting our security.

But those members of the Committee on Armed Services who must deal daily with orders of battle, are not at ease when they realize that the Soviet Union has 350 submarines, as opposed to our 146. The Committee on Armed Services of the House is not happy about the fact that the Soviet Union has 25 surface-to-surface missile ships—destroyers and cruisers—and we have none. And we are well aware of the fact that the Soviet Union has 150 missile patrol boats, while we have none. But there are some who feel that, since we have 16 attack carriers and the Soviets have none, we no longer need to build new carriers.

The Soviets have at least 13 new fighters, eight of them prototypes. Our newest operational fighter is the F-4, first flown in 1956. With the exception of the F-111, the United States does not have a new fighter in production now. This serious gap will be bridged in part by the production of the F-14 for the Navy and the F-15 for the Air Force.

SYSTEMS ANALYSIS

But there are or were those in the Department of Defense, particularly in the Office of Systems Analysis, who believe it is a mistake to build the F-14 and F-15, based on the theory that the aircraft are too expensive and that there is no need for such sophisticated weapon systems, with all-weather capability and highly accurate bombing devices. This philosophy is most mystifying. It seems to be based on an assumption that any war involving the use of fighter aircraft will be conducted in Europe, in lovely weather and in the daytime only.

The Systems Analysis Office still exists in the Department of Defense, although there is reason to believe, or perhaps hope is a better expression, that to some extent the wings of the analysts have been clipped.

Because of the experience with the C-5A and F-111 and the cancellation of the *Navajo*, the MOL and the B-70 and other expensive programs, there are those who believe that vast amounts of money have been wasted by the Department of Defense and, thus, by the Congress for not anticipating the problems encountered in these programs.

A study of any of those programs will reveal, *however*, that the technical gains to the Nation in many cases far exceeded the entire cost of the program, including cancellation costs. The present inertial guidance system came from the *Navajo*. New wing structures and new metals came from the B-70 program. Miniaturization and new control methods came from the MOL program.

The so-called overruns of the C-5A program became newspaper headlines until a clear analysis established that the costs overruns were not nearly as great as advertised. Inflation, over which neither the Government nor the contractor had any control, accounted for a large portion of the overruns. There were unanticipated engineering difficulties and these led to the "milestone" approach for the new defense procurement programs. (The "milestone" approach provides for a scheduled periodic review and decision-making point in the development of a program to insure that the program is meeting quantity, cost and time factors.)

The "milestone" approach may also eliminate complex formulas for second runs, based upon the over-costs of the first runs. But there is hardly a defense program today that has not experienced some cost increase, simply because of the rising cost of living.

Those programs that are almost on target—such as the production of the Navy A-7E, the Air Force A-7D and the development of SAM-D by the Army—are not headline makers.

In discussing cost overruns, some non-military Federal projects make interesting reading.

The interstate highway system was originally estimated to cost $27.6 billion. Today, the cost estimate is $56.5 billion, a 104 percent increase. The Kennedy Cultural Center in Washington, D.C., was estimated to cost $46.4 million. Its present estimated cost is $66.4 million, a 46 percent cost overrun. The lunar module, in our space program, was estimated to cost $388 million. Its current estimate is $1.9 billion, a 389 percent increase. In 1958, Medicare costs were estimated to be $3.79 billion. The present estimate is $5.33 billion, a 40 percent increase.

These cost overruns are not particularly well advertised, but woe to the defense contractor who has to enter into a new field, for his cost overruns will be front page stories in the present atmosphere of downgrading the military and everything associated with it.

OTHER DISTRICTS VIEWED

The chairman of the House Armed Services Committee, L. Mendel Rivers of South Carolina, is accused of having an inordinate number of military facilities and defense contractors in his district. As of June 30, 1968, there were in Chairman Rivers' district 11,300 active duty military personnel and 14,790 civilian employees. The military payroll was $63 million annually and the Federal civilian payroll was $123 million annually. Prime contract awards involved $1 million in Fiscal Year 1968.

Let's look at eight other areas of the country during this same period:

San Antonio, Texas, had 53,000 active duty military personnel and 38,000 civilian employees. The estimated payroll for Fiscal Year 1969 was $284 million annually for military personnel and $324 million annually for the Federal civilian employees. Prime contract awards in San Antonio in Fiscal Year 1968 amounted to $96 million.

The Atlanta, Ga., area had 50,000 active duty military personnel and 14,000 civilian employees. The payroll of the military involved $250 million annually and the payroll for Federal civilian employees was over $122 million. The Atlanta area had $775 million worth of prime contract awards in Fiscal Year 1968.

The Pensacola, Fla., area had over 33,000 active duty military personnel and 14,000 Federal civilian employees. The military payroll is over $205 million and the payroll for Federal civilian employees exceeds $123 million annually. There were over $66 million in prime contract awards in Fiscal Year 1968 in the Pensacola area.

The Chicago area, including Great Lakes, had 35,000 military personnel on active duty and over 6,000 civilian employees. The military payroll is $159 million and the civilian payroll exceeds $48 million annually. There were $38 million in prime contract awards made in Fiscal Year 1968.

San Diego had over 95,000 military personnel and more than 24,000 civilians. The payroll for the military exceeded $401 million and the civilian payroll was over $229 million. Prime contract awards in Fiscal Year 1968 involving defense matters exceeded $391 million.

The Bremerton-Seattle-Tacoma area in the State of Washington had over 53,000 active duty military personnel and more than 24,000 civilian employees. The military payroll exceeded $259 million and the civilian payroll exceeded $218 million. Prime contract awards in Fiscal Year 1968 exceeded $470 million.

Fort Rucker in Alabama had 11,555 active duty military personnel and 3,205 civilian employees. The military payroll exceeds $68 million annually and the Federal civilian payroll exceeds $24 million annually. In 1968 there were over $37 million in prime contract awards.

The Norfolk-Portsmouth area of Virginia had more than 21,000 military personnel and nearly 35,000 civilians employed. The military payroll is almost $94 million annually and the civilian payroll is in excess of $271 million. Prime contract awards amounted to $68 million in Fiscal Year 1968.

But, depending upon which newspaper one reads, it would be easy to conclude that the vast bulk of defense spending is in the Charleston, S.C., area. The newspaper attacks made upon the House Armed Service Committee and some of its members make prophetic those words of Alexis de Tocqueville: "In order to enjoy the inestimable benefits that the liberty of the press ensures, it is necessary to submit to the inevitable evils that it creates."

And—sadly enough—defense spending and the much maligned military-industrial complex are not the only targets of those who would take over the functions of the Bureau of the Budget, the Department of Defense and the House and Senate Armed Services Committees.

MILITARY DISCIPLINE

From press reports and the *Congressional Record*, one gains the impression that the Nation is completely disenchanted with the present Selective Service System. Strangely enough, public opinion polls and the lack of complaints from those most vitally affected—the inductees—do not substantiate the charge of disenchantment. (This, however, should sound familiar, since the public opinion polls with respect to the ABM system throughout the Nation are almost universally two-to-one in support of the ABM system, notwithstanding the close vote in the Senate.)

And then there is the Uniform Code of Military Justice, which applies to our armed forces. It was written under the mandate of Article I, Section 8, of the Constitution, but is a favorite target for many courts, not excepting the Supreme Court. Perhaps discipline is not vital to a military organization, but no one has suggested a better alternative.

And in attempting to maintain discipline, the military must also assure justice. The two do not always coincide.

Perhaps the Constitutional rights so many Americans have fought so hard to preserve are now being very cleverly exploited to destroy us.

Only time will tell, but the United States of America cannot indulge the luxury of defeat, with the hope that her conquerors will be as generous as we have been to those we have defeated.

One thing is certain: So long as the present senior members of both the House and Senate Armed Services Committees are in the Congress, President George Washington's advice that "to be prepared for war is one of the most effectual means of preserving peace" will continue to be their watchword.

H.R. 5582

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. UTT. Mr. Speaker, I would like to include my statement on H.R. 5582 which would permit three additional judges for the southern district of California, which I am cosponsoring:

STATEMENT BY MR. UTT ON H.R. 5582

Mr. Chairman, I am a cosponsor of H.R. 5582 which would permit three additional judges for the Southern District of California, one of the fastest growing areas in the world.

Fast growth is always accompanied by problems of a legal nature, both criminal and evil, and Southern California is no exception. The two active judges now permanently assigned to this District are carrying a caseload, which in 1967, was 826 per judge as compared with the national average of 252.

Indicative of the growth of cases, in 1968 there were approximately 2,500 criminal cases filed in the District as compared with 2,094 in 1967. This heavy load requires that civil cases drag on interminably, with only a handful being processed annually. The problem is mitigated somewhat by the use of one and sometimes two visiting judges, but they seldom handle pleas, arraignments, pretrials, or motions.

Crime is on the increase throughout the nation, and it can only be helped to prosper when criminals fail to get quick and sure punishment for their transgressions. This is impossible when there is a shortage of judges in an area.

The Chief Judge of the District stated that "we are in desperate straits," and no more urgent plea can be made for the approval of this legislation at the earliest possible date.

CONGRESSMAN CARL ALBERT INVITES ATTENTION TO THE REMARKABLY FINE CONTRIBUTION OF GREEN THUMB, INC., TO IMPROVEMENT IN THE ECONOMIC STATUS OF ELDERLY CITIZENS IN RURAL AMERICA

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. ALBERT. Mr. Speaker, I have had occasion to visit the locations of projects in my home State by which Green Thumb, Inc., has brought increased income and new hope to elderly men in Oklahoma. I have read of its splendid work in other States.

On October 12 of this year there appeared in Oklahoma Ranch and Farm World an excellent and informative article concerning the work of Green Thumb in the State of Oklahoma. At this time I am presenting this article for publication in the CONGRESSIONAL RECORD so that all interested persons may learn what is being done by the National Farmers Union in cooperation with the Labor Department and local community action programs to advance the cause of elderly people in our rural communities. The article is as follows:

GREEN THUMB

(By Herb Karner)

"Green Thumb" may mean an extra amount of gardening skill to some, but to a growing army of old men, it means much more. It means a chance to retain the dignity of work; a chance to earn a half-way decent living in declining years; it means a way of avoiding the stigma of "welfare" and it means a chance to contribute something worthwhile to society.

What is "Green Thumb"? It's a program dreamed up and fought for, and now administered by, the National Farmers Union in cooperation with the Labor Department and local Community Action Programs (CAP) which in turn is part of the Office of Economic Opportunity (OEO).

Green Thumb would never have become a reality had it not been for leaders of National Farmers Union who fight battles of small farmers. They became enraged when they stood by and watched what was happening to old farmers, and launched a battle for their survival.

It's not an expensive program as most such self-help projects go. The amount of federal money is a pittance compared to others. But it does help and that's the big objective of NFU—helping old farmers.

Green Thumb provides supplemental income for needy rural residents with agricultural backgrounds. Originally Green Thumb workers were assigned to highway beautification projects but these activities have been extended to the development of roadside and community parks, landscape around public buildings and hospitals and emergency activities such as assisting school districts.

In the Southwest, Green Thumb has been most active in Arkansas, but is now being implemented in seven Oklahoma counties where needs are greatest. Oklahoma's program is headed by Chester Stone, staff member of the Oklahoma Farmers Union at Oklahoma City.

Nationally the project was given the green light in January of 1966 with funds provided by OEO through the Department of Labor.

Five Arkansas counties were selected to try the experiment. Pike, Cleveland, Fulton, Madison and Newton. More than half of the residents in these counties were far below the poverty income level. Lewis J. Johnson, Jr., is director of the program for the Arkansas Farmers Union; and Dr. Blue Carstensen, of the National Farmers Union Washington Office, is national director.

Since the beginning in Arkansas, not only has the program spread to other counties, 14 states have adopted Green Thumb. They are besides Oklahoma and Arkansas, Indiana, Kentucky, Minnesota, Nebraska, New Jersey, New York, Oregon, Pennsylvania, South Dakota, Utah, Virginia, and Wisconsin.

This year there will be more than 2,000 Green Thumbers doing gainful work. They'll average about 68 years old, and—get this—their average yearly income per couple averaged around $900 before getting Green Thumb work. The general criteria for Green Thumb jobs was to need supplemental income; be past 60 and be able to do outdoor work. Goal of Green Thumb leaders is to give old men an opportunity to earn up to $1,500 a year additional income. Green Thumbers earn the federal minimum wage of $1.60 an hour and work eight hours a day, but are limited to three days work weekly.

How's it working? The year the program began it provided work for about 140 men. In 1967 it was expanded to include 11 counties in Arkansas and employed about 236. Last year 537 were employed in 31 counties and it is hoped to include 35 counties with more than 600 working in Arkansas, according to Johnson.

Green Thumb started in Oklahoma last year and currently is active in Lincoln, Oklahoma, Sequoyah, Haskell and Leflore counties. Helping Stone as state supervisor, is Ronald Ragland who is field supervisor for the eastern part of the state.

Sooners who work on the project also must be older than 60 and follow the same regulations.

"We want to spread the funds as far as possible," Stone said. "To be eligible a person's income must be under $3,000 a year if he has a family, and below $1,700 if he's single. He's got to have a farm background, and need a job."

Surprisingly, there's a waiting list for old men wanting work. They are not on welfare rolls. Some get small Social Security checks, but are victims of economic inflation. They cannot compete with younger men for jobs, but they still have skills, energy, know-how and desire to do a day's work for a day's pay.

While money is important, it isn't everything to the Green Thumb crew. Take the case of John McKinney. He's a 78-year-old retired farmer living in Sallisaw.

"I'm sure thankful for the Green Thumb program. Gives me a chance to get out in the country. After all, I spent my life with cows, mules and horses and growing things.

"Oh, I've got a garden in town—have a city lot, and a good garden. Course, it's kinda burned out now, but a garden ain't the same as farming.

"Quit 'bout 10 years ago. Biggest mistake I ever made. Had about as good a 140 acre farm as you'd find, but my wife wanted to move to town, so I sold out and moved to town to please her.

"And, she's real well satisfied. But not me. Now, working three days a week gives me something to do beside sit in the house and stare at four walls," he said.

"Yessir! Never dreamed 10 years ago that land would get as high as it is . . . it was bringing around $25 to $30 an acre, and that's what I got for mine. But it didn't go far, and this extra I earn sure comes in handy," McKinney said.

Currently projects in Oklahoma involve city parks, and other municipal projects. Green Thumb officials work in cooperation with city officials who are in need of dependable labor, have the equipment and necessary funds for improvements. Green Thumb supplies the labor.

"Kinda like the old WPA days," one old-timer said who is working on the Vian City Park. "Back in them days we built a lot of things. Bridges, courthouses, roads—you name it, we built it. 'Made work' they called it, but by God, we at least gave 'em their money's worth."

And everyone concerned with Green Thumb today agrees that these old men—considered over the hill by society—are giving more than their money's worth to society.

"Without the assistance of the Green Thumb in the building of toilets, fireplaces, picnic tables, as well as the clearing of trees and brush burning, the development of these assets in Becker County (Minn.) would not have been possible, said Duane N. Winter, land commissioner.

And, Sister Mary Michael, administrator of the Eureka Springs Municipal Hospital at Eureka Springs, Ark., said "twice during the past year our hospital has benefitted by the work of the Green Thumb men. The first was a rock retaining wall along the street in front of the new wing. In December these good men transformed our dark, dingy basement in the old hospital building into a bright, clean sparkling place."

There's an added dividend. More than 100 Green Thumbers last year found jobs with other employers. Almost without exception what happens is this: The Green Thumb work proves to the world that age does not keep a person from doing a good job. But the most important thing is that it proves to the Green Thumber himself that he's not a "has-been." He finds out that he can still do a days work. Sometimes this is the most important part.

Green Thumb officials are encouraging and helping Green Thumbers find employment with private employers. For one thing, they can usually earn more money on such jobs. For another thing, when they move out to a new job, they make room for another old man to take their place.

So keep your eyes open as you drive around Oklahoma and Arkansas. If you see an old man cheerfully working away, and if he's wearing a shiny green hard hat, he's a member of a proud corps, the Green Thumb. Stop and get acquainted. He'll take time to tell you what he's doing, and how proud he is to be doing something worthwhile.

REFLECTIONS ON VIETNAM

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mrs. MAY. Mr. Speaker, a number of my colleagues know Robert W. Lucas, until recently assigned to the Washington press corps. Bob is a newspaperman of wide experience and I am happy to say is now executive director of the Yakima Herald-Republic in my hometown of Yakima, Wash.

Bob Lucas recently wrote an editorial entitled "Reflections on Vietnam." It is the finest piece of its kind and I, therefore, want to share it with my colleagues:

[From the Yakima Herald-Republic,
Sept. 18, 1969]

Reflections on Vietnam

(By Robert W. Lucas)

It is not easy to write with fairness and balance about the war in Vietnam. The more one knows about it, its political origins, the dismal chronology of faulty assumptions and indecisive and senseless engagements—the heroism and sacrifice, the corruption and waste, the suffering and grief associated with it—the more difficult it becomes to judge the war cooly and responsibly. But this is an effort to do just that.

President Nixon continues to support the general hypothesis of his predecessor on the rationale of the war, although with significant modifications of strategy designed to end it. Both the Johnson and the Nixon administrations may be right in justifying their commitment of United States power in Asia. But I have never seen it that way and do not now.

Since 1965 and until this summer. I had unusual opportunities in Washington to follow the course of decisions on the prosecution of the war. As a White House correspondent, in constant and close contact with both columnists and reporters, and the highest officials of the government. I watched the policy struggles at close hand. And on occasion I was privileged to meet and talk informally and off-the-record with, among others, Walter W. Rostow, Cyrus Vance, Robert S. McNamara, Dean Rusk, Ellsworth Bunker, Vice President Humphrey and President Johnson himself.

With great respect for the sincerity, the depth of commitment and the exhausting labor of those men who were carrying the lawful burdens of the conflict, I concluded that they were often victims of events almost beyond their control. They were forced to grapple with an inexplicably confusing challenge to free world interests in old Indochina, and do so coincidental with the eruption of serious troubles at home. And this mix of cause and effect led them into the blind alley called Vietnam.

When the scholars and the historians have had time to analyze events of the late decade, this is what I believe they will find:

What started as a hopefully pragmatic, idealistic and even inspired effort to help those Vietnamese who, for political or religious reasons, attempted to remain outside Ho Chi Minh's Communist dictatorship in Hanoi, was transformed by our political rhetoric and military pressure into quite something else. The rescue mission was enlarged to become a crusade against the flood of Red Communism into all Southeast Asia and, as an afterthought, to honor treaty pledges presumably valid under the SEATO pact.

Now, our modest adventure which started with the dispatch of 35 American military advisers in August, 1950, has become an essentially futile, unacceptably expensive and brutalizing misuse of American military power.

Why? Some people seriously believe the war could have been won and could still be won without setting off the holocaust of World War III. They may be right. But it seems clear to me that a majority of the American people do not want to take that chance.

Why, then, have we wandered so far into the trackless wilderness of Asia where General Eisenhower refused to go for the relief of the besieged French at Dien Bien Phu? Here are the reasons as I see them:

We did not give due regard to the history, character and traditions of the 30 million Vietnamese people.

We failed to pay intelligent respect for the struggle of those ancient, culturally distinctive and durable people to free themselves from the domination of invading Mongols, the Chinese, the Japanese and the French over the last 2,000 years.

We ignored the inherent and inescapable limitations of involving ourselves, with our machines of modern warfare, in the civil strife of an Asian society, 10,000 miles from home, at the vortex of a social upheaval that had within the last two decades thrown up a militant, menacing and dominant power of a half-billion people—Red China.

We did not reckon with the sophistication, independence and enlightenment of the college-age generation of Americans—the most worldly, best-informed and least tractable generation in our history.

We paid too little attention to the subsurface but powerful and prevalent abhorrence of modern weaponry and warfare as projections and instruments of foreign policy.

And finally, we did not anticipate the deadly fallout of distrust, contempt and suspicion for the word, the judgment and the motives of this country's leaders.

The staggering mood of frustration among so many people of this country arose from the war. But it was intensified by the convergence of other crises in our national life.

The shocking increase of crime—an offshoot of social mobility and the scandalously unfinished business of urban reconstruction and reform.

The explosion of the Negroes' aspirations and resentment, and their desperate catch-up quest for identity, social justice, and a fair chance as equal citizens of a free country.

Without the war and its byproducts of divisiveness and nihilism, our society would still be guilt-ridden and restless. With the war—its toll of blood and treasure and its forced tithe of resources—the American people are gravely threatened with loss of confidence in their system, a decline of faith in their constitutional principles and a dilution of trust in their institutions of government.

I personally observed a President of the United States reduced from a strong, optimistic, humane and immensely talented chief executive to a humbled, addled and rejected politician, Lyndon B. Johnson was badly informed. I think he was cut down and left vulnerable by the miscalculations of advisers in both the military and diplomatic cadres under his command.

I witnessed the slow and painful recognition of error among some of the men close to Mr. Johnson.

Proud, vain and at times overpowering, Lyndon Johnson listened to the rising chorus of dissent. But having tested and tested again the incomparable intelligence available to him, President Johnson—convinced of the weighted accuracy of that guidance, and deeply persuaded of the righteousness of his course—would not and could not measure the real scope and depth of that dissent. He clung to the belief that the protests were largely the work of Commies and their dupes, visionary academicians and their misled students and a mischievious press.

Now it is Mr. Nixon's war—to enlarge, to diminish or to end. I believe he is trying, as Mr. Johnson tried, to find a way out—and with results that are measurable if not sensational.

Those who are dogmatically demanding a precipitous and total withdrawal are ignoring dangerous consequences of such action to the internal political stability of this country, in my opinion. But Mr. Nixon should be aware that further deception, rationalization or manipulation of public opinion to sugar coat the bitter pill of American disengagement in Vietnam would be a cataclysmic mistake—not only for Mr. Nixon—just one expendable citizen among us—but for all the people of this nation. And the people, God bless 'em, are what count.

NEIGHBORHOOD LEGAL SERVICES PROGRAM SHOULD NOT HAVE GOVERNOR'S VETO

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. MOORHEAD. Mr. Speaker, someone once said, "Laws grind the poor, and rich men rule the law."

As legislators, I am sure most of us in Congress would not want this criticism leveled at us, and yet sometimes one has to wonder.

A recent move by the senior Senator from California would amend the antipoverty authorization bill to provide for a Governor's final veto over activities of the neighborhood legal services program.

Writer William Raspberry ably describes the havoc that would result across the Nation if this amendment is allowed to become law, in his column in the Washington Post of Friday, October 24.

The neighborhood legal services program was included in the war on poverty so that there would not be one law for the rich and one for the poor. It provides legal representation for the disadvantaged, research into the legal problems of poverty, education for the poor regarding their rights and responsibilities, and in general tries to help people improve their circumstances.

In Pittsburgh, specifically, a team of 24 attorneys assists an average of 1,700 clients in consumer problems, housing, bonding, social security, veterans', and family problems each quarter.

I certainly intend to express my opposition to the chairman of Education and Labor Committee concerning the Murphy amendment, and oppose it on the floor should it be offered when the House debates this legislation.

The Raspberry editorial is included herewith in the RECORD for the attention of my colleagues:

DEVELOPMENT OF POVERTY LAW IS THREATENED BY SENATOR MURPHY

(By William Raspberry)

It is easy to confuse the function of the Neighborhood Legal Services with that of other lawyers—say public defenders or court appointed attorneys—who handle legal matters for poor people.

Much of the NLS work is precisely like that of the old-line programs, providing routine legal representation for people who can't afford to purchase it.

But if that were all there was to it, NLS would not have become the vital force it is. Nor, of course, would it have aroused the hackles of Sen. George Murphy (R-Calif.).

Where NLS has made its mark is not so much in the routine practice of law as in the development of poverty law.

Take landlord-tenant law, which had undergone vitually no change at all over the past hundred years. Then came the Neighborhood Legal Services with its suits on behalf of poor tenants, suits which are beginning to clarify the rights of tenants in courts that have traditionally been the hand-maidens of landlords.

Much law is being made in the process. It is no longer, for example, just a matter of having a judge consider whether an eviction has been properly carried out in terms of sufficient notice and that sort of thing.

The courts had always acted on the assumption that a landlord could evict, absent a lease, anytime he chose to do so. They had never addressed themselves to such questions as retaliatory evictions against tenants who exercised their right to complain about housing code violations or to organize tenants' groups or otherwise "make trouble" for landlords.

Now it seems clear that there is underway a legal trend that will lead to unprecedented protection of tenants, rich as well as poor, against the whims of their landlords.

This sort of case law development is difficult enough for litigants who can pay for good legal counsel. It would be impossible for poor people except through something very much like the Neighborhood Legal Service.

Much of the work done by NLS attorneys has been directed at reform of state and local government institutions—the attack on welfare residency rules, for example.

And therein lies the real mischief of Sen. Murphy's amendment to the antipoverty authorization bill. The amendment would give governors final veto power over NLS activities. (Under present law, a governor's veto can be overridden by the Office of Economic Opportunity.)

Can you imagine the governor of New York (or the mayor of Washington, D.C., for that matter) not exercising his veto over NLS attempts to knock down the one-year residency requirement for welfare recipients? Or the governor of California holding still while NLS lawyers attacked his attempt to whack $16 million off the State's Medicaid program?

These are matters of vital interest to poor people, even when they run counter to what state officials see as their own best interest.

The Murphy amendment says it's all right for poverty lawyers to act so long as they don't interfere with the institutions and attitudes that are keeping poor people poor. If the amendment is adopted, it could reduce the NLS to the sort of bandaid legal assistance that court-appointed lawyers provide.

Fortunately, opposition to the Murphy proposal is coming from such irreproachable sources as the board of governors of the American Bar Association and the National Legal Aid and Defender Association.

Congress' choice is either to kill the Murphy amendment or to kill effective poverty law.

RELIGION REMAINS TARGET IN RUSSIA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. DERWINSKI. Mr. Speaker, as the Soviet propaganda machine labors to create an image of their being "the good guys in the white hats," it is necessary that an objective rather than dreamy attitude be maintained toward the Soviet Union. A column by the distinguished international correspondent of the Copley Press, Dumitru Danielopol, in the September 23 Elgin (Ill.) Daily Courier-News has just come to my attention. The information contained in the article is, I believe, essential to our understanding of true conditions in the Soviet Union.

The article follows:

[From the Elgin (Ill) Daily Courier-News, Sept. 23, 1969]

INTERNATIONAL SCENE: RELIGION REMAINS TARGET IN RUSSIA

(By Dumitru Danielopol)

WASHINGTON.—Religious persecution inside the Soviet Union no longer captures headlines, but it proceeds in grim inexorable fashion. From time to time we are reminded of this sordid Russian tragedy.

Two Baptist ministers, Trofim Feidak and Vladimir Vichinsky, leaders of a 500-member Baptist community, have been sent to labor camps for five years for conducting religious services.

In the Ukraine, Catholic Archbishop Vasyl Velychkovsky, who had been released after many years in prison camps, was arrested again last January along with numerous priests, monks and nuns.

The National Council of Churches recently reported that "the continuing harassment and persecution of Christians and Jews is an alarming reminder that freedom of religion in the Soviet Union is still under severe limitations."

Those "limitations" are increasing.

The Kremlin has apparently decided it must step up anti-religious efforts for its own survival.

A half century of preaching atheism and persecuting all forms of religion, Soviet leaders find has failed to uproot the Russian's convictions. Even the younger generations who were never supposed to hear about religion have shown a disturbing interest in the churches of their fathers.

The Soviets, of course, blame their failure on the West.

"During recent years the anti-Communists have noticeably increased their religious propaganda in the ideological battle against the Soviet Union and other Socialist countries," says one Moscow propagandist.

"Liars, provocateurs and falsifiers of all shades, coming from Imperialist centers of propaganda infringe Soviet laws and social standards by encouraging religious groups and individual fanatics."

V. Suyarko, writing in the government Nauka i Religia, says:

"It is of special importance to pursue the process of change and elimination of faith in God . . . the turning away from religion . . . and bring the Soviet citizens who are still living in captivity of religious illusions along the road of spiritual liberty . . ."

The Kremlin will learn that this resurgence of religion in the Soviet Union has nothing to do with "imperialism."

It springs from a deep religious strain in the peoples of Russia and it reflects their protest against the fossilized, reactionary tyranny which claims the right to think, to speak and to decide for all men.

The most significant return to Christianity is that Stalin's own daughter Svetlana Alleluyeva who was baptized into the Christian faith in May 1962 long before she ever thought of leaving the Soviet Union.

DR. JOHN A. GRONOUSKI

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. PICKLE. Mr. Speaker, the University of Texas has been fortunate to secure the services of Dr. John A. Gronouski as dean of the new Lyndon B. Johnson School of Public Affairs.

Dr. Gronouski, we will remember, is the former Postmaster General and Ambassador to Poland. I am certain my colleagues remember Dr. Gronouski's term as Postmaster General. We came to respect him as a man and administrator, and an outstanding educator. He brings to Texas a wealth of experience. In talking with public administrators, I have learned that this new school of public affairs holds the promise of becoming the Nation's top training ground in this vital field. We are, indeed, honored to have gained such a qualified dean as Dr. Gronouski.

I include in the RECORD the following article from Texas Times, a publication for the University of Texas system:

GRONOUSKI NAMED TO PUBLIC AFFAIRS DEANSHIP

Dr. John A. Gronouski, who has been U.S. postmaster general and ambassador to Poland, is the new dean of the Lyndon B. Johnson School of Public Affairs at The University of Texas at Austin.

Dr. Gronouski's appointment was approved Sept. 12 by the Board of Regents on recommendation by UT Austin President Norman Hackerman and Chancellor Harry Ransom of the UT System.

"The University and the School are indeed fortunate in Dr. Gronouski's acceptance of this appointment," Dr. Ransom said. "He brings excellent academic credentials to the post, combined with broad experience in administrative government at the state, national and international levels."

HOLDS JOINT APPOINTMENT

Dr. Hackerman said Dr. Gronouski's teaching experience in the academic community and his professional experience as postmaster general, ambassador to Poland, and tax commissioner for Wisconsin, give Dr. Gronouski a fine base from which to develop an excellent program and recruit faculty for outstanding students the school will attract.

Dr. Gronouski, 49, will hold a joint appointment as professor of economics at UT Austin. His appointment as dean and as professor of economics was effective Sept. 15.

The LBJ School of Public Affairs will offer graduate level programs in public administration and service. The school, which will be in the north Section of Sid W. Richardson Hall, is adjacent to the Lyndon B. Johnson Presidential Library.

FIRST STUDENTS IN 1970

The school will accept its first students in September, 1970. The Regents also approved a Master of Public Affairs degree program for the school, subject to approval of the Coordinating Board, Texas College and University System. The school will eventually have several hundred students.

Dr. Gronouski, a native of Dunbar, Wis., earned a bachelor's degree at the University of Wisconsin in 1942.

He entered the Army Air Corps in April, 1943, as a private. He became a navigator, flying 24 combat missions over Europe. He was discharged as a first lieutenant.

Dr. Gronouski returned to the University of Wisconsin, earning a master's degree in 1947. Prior to receiving a Ph.D. from the same institution in 1955, he taught at the University of Maine and served as a research associate for the Federal of Tax Administrators.

ARTICLES, STUDIES

The author of numerous articles and studies, Dr. Gronouski joined the faculty of Wayne State University in Detroit in 1957, teaching public finance, state and local finance, and money and banking.

Dr. Gronouski in 1959 won a Civil Service appointment as research director of Wisconsin's Department of Taxation. In October, 1959, he became executive director of the Revenue Survey Commission and in January, 1960, was named State Commissioner of Taxation.

The late President John F. Kennedy nominated Dr. Gronouski as postmaster general on Sept. 9, 1963.

He was reappointed by President Johnson as postmaster general and sworn in in February, 1965.

In August, 1965, President Johnson announced that he was naming Dr. Gronouski ambassador to Poland.

Warsaw has been the contact point for the U.S. with Communist China. In his role as ambassador, Dr. Gronouski was the United States' representative in the "Warsaw talks" held periodically with the Chinese ambassador in Warsaw. He also was as deeply involved in efforts of the U.S. government through the Polish government to induce North Vietnam to engage in peace negotiations. Warsaw contacts were used extensively during the bombing pause at the Christmas season, 1965, in the winter of 1966 and during the period early in 1968 leading up to the Paris peace talks.

HONORARY DOCTORATES

Dr. Gronouski, who holds honorary doctorates from Alliance College and Fairleigh Dickinson University, serves as a trustee of the John F. Kennedy Library. He also is a member of the Polish Institute of Arts and Sciences, honorary co-chairman of the committee for the endowed chair in Polish studies at the University of Chicago, and a member of the board of trustees of the National Urban League.

Dr. Gronouski is married to the former Mary Louise Metz. They have two daughters, Stacy and Julie.

ON REORGANIZING THE NAVY DEPARTMENT—ROBBING PETER TO PAY PAUL?

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mrs. CHISHOLM. Mr. Speaker, for the past several months I and several other Members have been waging a losing battle with the Navy Department over the transfer of activities from the Naval Applied Sciences Laboratory in Brooklyn to other areas of the country, notably California and Maryland.

Since the Navy failed to ever justify the transfer on fiscal grounds one must suspect that there were other reasons. The ad hoc Committee To Save the Naval Applied Sciences Laboratory has come up with some interesting statistics which show that while the Department of Defense employment figures have increased nationwide by 30 percent between the years 1960 and 1968, in New York State there has been a decrease of 40 percent. Those figures are submitted below for the RECORD:

DEPARTMENT OF DEFENSE EMPLOYEES, BY STATE

States	1960	1961	1962	1963	1964	1965	1966	1967	1968
Alabama	36,040	35,950	35,384	33,485	33,147	32,160	31,986	27,212	26,040
California	139,710	144,765	142,166	138,052	135,227	145,077	168,951	175,246	174,772
Colorado	14,002	14,716	14,813	14,577	14,427	14,985	16,716	17,576	17,439
Florida	23,589	24,246	24,147	24,407	24,475	25,708	30,301	31,624	32,468
Georgia	31,754	32,666	34,160	33,004	33,393	34,815	43,437	44,024	46,612
Hawaii	18,855	18,848	18,545	18,390	18,626	29,551	21,742	22,831	22,767
Illinois	27,978	28,495	30,059	28,332	28,479	27,544	29,972	30,711	31,083
Indiana	10,806	11,258	11,651	11,787	11,986	12,756	15,671	17,123	18,471
Kentucky	11,302	12,283	12,215	11,533	11,548	13,064	17,027	17,331	16,658
Maine	11,574	11,550	11,137	10,478	9,087	9,093	10,037	10,545	10, 32
Maryland	22,559	23,828	23,987	24,187	24,332	25,152	28,182	29,408	29,675
Massachusetts	25,400	27,488	26,495	25,610	23,310	22,336	22,652	23,190	21,688
Michigan	9,749	10,960	11,445	11,764	11,413	11,548	13,413	13,302	13,067
Missouri	14,317	14,123	14,990	15,057	15,944	18,091	21,717	22,921	23,099
New Jersey	26,434	26,841	26,651	24,560	24,674	25,677	29,648	30,554	29,691
New Mexico	11,440	11,394	11,200	10,758	10,640	10,857	11,670	10,903	11,287
New York	51,678	50,956	52,267	50,799	47,011	37,672	32,984	31,594	30,758
North Carolina	9,994	10,395	10,183	10,085	10,133	10,584	13,335	13,860	14,035
Ohio	37,968	38,490	38,758	38,193	36,639	36,805	38,997	38,134	37,816
Oklahoma	24,560	24,783	25,503	25,038	24,631	27,193	33,772	34,134	34,471
Pennsylvania	66,741	68,519	68,935	68,380	66,032	67,767	71,301	69,957	69,268
South Carolina	14,295	14,869	15,313	14,636	14,722	16,646	18,676	19,460	19,302
Texas	57,495	59,207	60,362	58,857	58,064	61,848	73,689	75,853	74,587
Utah	17,547	18,516	19,637	19,384	18,711	22,703	30,240	29,526	28,380
Virginia	44,388	46,558	46,636	45,497	44,273	45,221	52,337	54,084	53,350
Washington	23,424	23,649	23,099	21,238	21,486	22,342	26,036	27,117	26,522
Total, Department of Defense, 50 States	1,032,033	1,059,068	1,066,824	1,043,361	1,019,382	1,057.483	1,229,779	1,270,510	1,316,977

Note: For States having over 10,000 employees.

Source of information: U.S. Department of Commerce, Bureau of the Census Statistical Abstracts of the United States 1961–69.

DRAFT REFORM

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. DUNCAN. Mr. Speaker, the President's draft reform legislation gives us an opportunity to do something constructive for our young people—to minimize the disruption of the draft on individual lives and to make it as fair as possible.

Basically, the President proposes to reduce the period of prime vulnerability to the draft from up to 7 years to 12 months. And he proposes to select men for induction, from among those classified as available, on a fully random basis, giving all an equal chance.

It is my conviction that there is a broad national consensus as to the desirability of the so-called prime age group system, with prime vulnerability of 12 months. Under it, selections for inductions would be made each year from class I-A men aged 19 at the start of the year and those whose college or other deferments expire during the year.

We have got to recognize that there are more men available and qualified in each class of 19-year-olds—and those coming off deferment—than are needed for service. The fairest way to make the selection in these circumstances is by a fully random system.

Enactment of the President's legislation would permit him to provide for random selection—the fairest, the simplest and most understandable method of initiating a prime age group system in present and foreseeable circumstances.

DRAFT REFORM

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. BROCK. Mr. Speaker, I would like to add another thought in connection with the President's request for reform of our present draft system.

Not only does equity require a change from our present requirement of choosing the "oldest first," as the President noted in his message, but the history of the current GI bill education and training program also suggests that the older a veteran is, the less likely he is to take advantage of his education and training entitlement after he returns from service.

Young Americans should have their period of prime vulnerability to military service reduced from 7 years to 12 months. They should also know that, if they are called into service, they can look forward to resuming their education at a relatively young age when they return from service; an education provided them by a grateful Nation under the GI bill.

It seems to me that those young Americans liable for military service would prefer having their period of liability shortened. And I am certain that our young citizens who cannot afford to go to college would much prefer completing their service obligation at the youngest possible age so that they could enter college after service under the GI bill and still be competitively young with their contemporaries when they graduate.

This is just one additional reason the draft reform recommended by President Nixon should be enacted by the Congress.

AMERICAN LEGION SEEKS CURB ON FLOW OF SMUT TO MINORS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. DULSKI. Mr. Speaker, the need for action to curb the flow of smut to homes where minors reside is fully recognized by our Committee on Post Office and Civil Service.

Hearings on various proposals, including my own, now are underway before our Subcommittee on Postal Operations, whose chairman is the gentleman from Pennsylvania (Mr. NIX).

The demand for action is overwhelming. Every Member of Congress is receiving complaints almost daily from rightfully indignant constituents.

Because of the traditional privacy of first-class mail, effective law is not easy to develop.

PUT ONUS ON DISTRIBUTOR

What we need to do—and what I propose—is to put the onus and the responsibility directly upon the smut distributor.

I believe our approach will work and I appreciate the support which my proposal is receiving.

In particular, I am appreciative of the very helpful and well-prepared statement which was presented to the subcommittee the other day on behalf of the American Legion.

This organization—of which I am proud to be a member of one of its larger posts—has been in the forefront of this fight right along and once again has made a valuable contribution to our legislative deliberation.

Mr. Speaker, as part of my remarks, I include the text of the statement made to our subcommittee by Chairman Earl Franklin, Jr., of the Legion's National Child Welfare Commission:

STATEMENT OF EARL FRANKLIN, JR., CHAIRMAN, NATIONAL CHILD WELFARE COMMISSION, THE AMERICAN LEGION, BEFORE HOUSE SUBCOMMITTEE ON POSTAL OPERATION, OCTOBER 22, 1969

Mr. Chairman and Members of the Subcommittee:

On behalf of The American Legion I thank you for the opportunity to place on the record our views on the dissemination of obscene and pornographic materials.

And may we say at this point, gentlemen, we do have some understanding of the tremendous complexity and intricacy inherent in this subject.

Like many other groups, including the Congress of the United States, The American Legion has wrestled with this problem in its present context since 1946.

As an organization we have adopted no less than twenty resolutions since that time and have worked with many different civic groups in an attempt to find an appropriate solution to this vexing and needless scourge which has and is inflicting itself upon our society.

Yet, we find today's tide of filth defies description.

FAVOR PROSECUTION

The American Legion deplores the further extension of the printing, publishing and pandering by purveyors of these sexually provocative publications, whether they are distributed through the mails or in other ways.

We are in favor of prosecuting these merchants of filth.

We endorse the position of Professor Harry Clor who, is in a book published last spring titled "Obscenity and Public Morality," indicated true freedom of press must be preserved, but "obscenity is an evil of sufficient magnitude to require the attention of organized society."

Mr. Chairman, The American Legion, as an organization, does not assert that it qualifies as an expert in constitutional law, but we do not believe one has to be a expert in constitutional law to recognize and discuss pornography.

In order to save the time of this Subcommittee and to avoid repetitive testimony you have undoubtedly received from other sources, let us qualify ourselves as having at least some knowledge of the subject in this way.

LEGION HAS DONE HOMEWORK

We have reviewed the relevant sections of Title 18, United States Code Annotated. We have examined Federal law pertaining to the postal service in 39 U.S.C.A. We are acquainted with the series of decisions of the Supreme Court in this area.

We are familiar with the July 1969 Progress Report of the Commission on Obscenity and Pornography. We have read many treatises in various University Law Reviews. We have talked with postmasters of different sized cities and are aware of the constitutional lights and shadows involving First Amendment protection versus Federal censorship.

We realize that although some would make the Postal Department the "whipping boy" and others would make the same department the "nation's censor," the mailing of objectionable material is but one facet of the whole problem.

We have discussed the subject with literally thousands of people at our Child Welfare Conferences held annually in five different areas of the United States. We have examined many of the approximately 140 bills introduced by about 175 members of the Congress in this session.

We have read studies of "cause and effect" and have been unable to determine they are conclusive. We have read the testimony of the Postmaster General given on July 8, 1969, before a Subcommittee of House the Committee on Government Operations.

These, Mr. Chairman are some of the things The American Legion has done in order to have a better grasp and understanding of a very complex and intricate problem.

LEGION RECOMMENDATION

In order to contribute by way of active participation to the solution of this problem as an organization, The American Legion has in recent years tackled the problem in three specific ways:

First, we have recommended to our members and to the general public that when they receive unsolicited offensive and objectionable material, they immediately contact the post office with the request that they, as addressees, receive no further material of this nature through the mails.

The second recommendation that we have made to our members is that they give strong support to their police departments, their prosecuting attorneys, other law enforcement officials and the Postal Department and show a willingness to testify in cases in which they have first-hand knowledge.

We likewise suggest that our members encourage the prosecuting attorney in each of the states to take cases to the grand jury if he is undecided in the matter of "contemporary community standards."

The third thing we have done as an organization is to transmit to our various American Legion state officials a copy of New York Penal Law No. 484–h which has been declared constitutional by the United States Supreme Court.

CHILDREN AND YOUTH PRIMARY CONCERN

As I am sure this Subcommittee is aware, this law addresses itself to the exposing of minors to "harmful materials." As a National Child Welfare Commission, children and youth are our primary concern.

In our discussions with our members across the nation we find increasing concern, indignation and anger because so many advertisements which they consider obscene are mailed to juveniles.

We find an increasing hostility, not only to those who mail such material, but also to those, who in the judgment of some of our members, permit it to continue.

We find in discussions with postmasters of different sized locations that this is a problem faced by rural areas, small towns and large cities alike.

We find that in perhaps the last three years there is an increase of possibly 100 per cent in the amount of objectionable materials being mailed without solicitation.

We find, as this committee is undoubtedly aware, mass mailing techniques have been adopted by many distributors.

LAW ON BOOKS 100 YEARS

Under Federal law for more than one hundred years it has been a criminal offense to send obscene material through the mails.

On July 8, 1969, the Postmaster General testified that although some 400 commercial dealers were under investigation currently, an estimated 95 per cent of all complaints resulted from the indiscriminate direct mail advertising of perhaps 15 major promoters.

It is difficult to understand and to us it seems almost unbelievable that in a Nation of over 200 million people, many must suffer what to them is the indignity of unsolicited obscenity because of the actions of some 15 individuals or corporations.

These statistics cause one to wonder what has really happened to law enforcement in the United States.

It is not difficult to understand, however, after reading a number of the decisions of the United States Supreme Court, why there is confusion in the minds of postal officials, police officers, prosecuting attorneys and other law enforcement officials in the area of pornography and smut.

NEED TO DISPEL GRAY AREA

That there is confusion is, in our judgment, beyond debate.

It appears to us the apparent and obvious reason for this confusion is that insufficient guidelines have been developed to dispel the "no man's land"—"the gray area"—in the minds of both the general public and particularly those charged with law enforcement.

Frankly, we have about reached the conclusion that in matters of determining what is and what is not obscene, the Nation is not much further along than was chemistry in the days of alchemy.

In reading arguments both pro and con, we have many times been reminded of the medieval philosophers who, by repute, arduously debated how many angles could stand on the point of a pin.

We do not mean to be facetious for the fact remains that no official body has yet been willing to specifically define what is obscene and what is not. No one has been willing to delineate between what is constitutionally unlawful and what is morally sinful.

JOB FOR CONGRESS

Since to us it seems to be essential that such distinctions be made in order to establish guidelines for the direction of law enforcement officials, the courts and other agencies of Government, it would appear that the Congress—as the elected representatives of the people—would be the logical body to make this determination.

That this is a difficult job certainly goes without saying, but in the history of this great Nation, the Congress has debated and found solutions to many difficult issues that were acceptable to the majority of citizens.

It is the position of The American Legion that while it, too, may not be able to define hard core pornography, it, like Mr. Justice Potter Stewart, "knows it when it sees it."

A great many of the bills introduced on this subject in the Congress contain one or more sections which provide that any person who mails sexually oriented advertisements must place his name and address on the envelope or cover and "such mark, symbol or notice as the Postmaster General may prescribe."

VIOLATE FIFTH AMENDMENT?

Although some of the bills carry provisions for restrictive use of such information as may be provided by the special mark or symbol, we, as laymen in a lay organization, wonder if the courts might not take the position that such a requirement violates the Fifth Amendment.

Also in some of the bills that have been introduced is a provision for amending Chapter 51 of Title 39, United States Code.

Basically, such suggested amendment would make it possible for anyone on his own behalf or on behalf of children under 19 years of age who reside with him, to file a statement with the Postmaster General to the effect that he desires no sexually oriented advertisements to be sent to him through the mails from any source.

The Postmaster General would maintain a list of the names and addresses of such persons, such list to be made available to any person on conditions established by the Postmaster General including such service charges as he determines.

Any mailing of objectionable material to anyone whose name appears on the "prohibited" list would be cause for civil action.

ADMINISTRATIVELY FEASIBLE?

Mr. Chairman, we believe such amendment of the United States Code might be effective in helping stop the flood of material now being mailed.

However, we want to quickly point out that we are in no position to determine if such a plan would be administratively feasible.

We know from our own experience in mailing *The American Legion Magazine* to each member on a monthly basis that we have about 25,000 changes of address per month. Based on current membership figures this means that about .9 per cent of our members move each month.

Should about the same percentage of persons moving hold good for the population in general we would visualize a tremendous administrative job for the Post Office Department in keeping such "prohibited list" up to date.

If one assumes that such a list could administratively be established and maintained, we believe it would be of value in several ways.

First, it would remove many names from present mailing lists used by distributors for we feel sure many organizations such as The American Legion, religious groups and civic organizations would make a concerted effort to get families with minor children to place their names on the post office list.

PUTS BURDEN ON DISTRIBUTOR

It would also put the "burden of proof" on the distributor rather than the receiver. Under present regulations it is theoretically possible for one person who does not wish to receive such material to be forced to file several hundred complaints with the post office.

It would increase the administrative costs of the distributor for not only would he be charged a service fee to obtain the post office list but, likewise, he would have to check his own mailing lists against the post office list.

Regardless of whether the procedure we have been discussing is adopted as an amendment to Title 39, United States Code, we still believe, Mr. Chairman, that the first order of business is to specifically define what is and what is not obscene.

As we mentioned earlier, we believe this is the responsibility of the elected representatives of the people.

We recognize that Congress is confronting a time consuming job. We suspect, however, that the members of Congress on both sides of the aisle have been and are receiving a large volume of correspondence on this subject from their constituents.

As an organization, The American Legion believes that despite the difficulty of the subject matter it is not insoluble. We also believe that the Congress can develop guidelines and definitions that will be acceptable to the majority of the citizens of the United States.

Again, Mr. Chairman and Members of the Subcommittee, let me express the appreciation of The American Legion for the opportunity to place our views on the record.

OPERATION BETTER BLOCK

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. WOLFF. Mr. Speaker, American cities in recent years have found it increasingly difficult to be described in terms other than "urban blight." From this point of departure, observers then go on to cite rising crime, air pollution, traffic snarls, strikes, growing slums, and a host of other evils as proof that the destiny of American cities is irretrievably bleak.

This Mr. Speaker is both unfortunate and unfair. For as long as persons can find involvement in city betterment there is a future for our cities.

New York, as you know, has been particularly vulnerable to criticism. For as a world center, and heir to many titles, it has also gained a reputation for being a paragon of problems.

Surprisingly enough, and quite rewardingly I might point out, this very city has also given rise to the unique project which very well may lead to the rejuvenation of not only this city, but cities across the Nation as well. This is the renewal project called Operation One Better Block.

The plan, in effect, makes use of citizens' individual talents for the improvement of the particular neighborhood in which they live.

The remarkable success of this project should act as incentive to Congress to supply adequate funds for urban renewal and similar programs. For this Operation Better Block is testimony to citizen willingness to aid efforts to improve our cities.

A noted newspaper columnist and a close friend of mine for many years, has been very instrumental in the accomplishments achieved by this project. Miss Sylvia Porter, whose excellent column is read throughout the country, by continually reporting on the success of various neighborhood projects has spurred increased and dedicated efforts in Operation One Better Block.

Recently, another close and respected friend of mine, Ed Wimmer, a radio broadcaster for radio WPFB had a program dealing with this special urban renewal project. Since it warmly and comprehensively provides insight into the success of personal involvement in urban renewal, I would like to extend my remarks to include the transcript of Ed Wimmer's broadcast in the RECORD. I feel it confirms that our cities can survive as long as American citizens contribute their abilities to curing metropolitan ills.

The remarks follow:

"OPERATION ONE BETTER BLOCK"

(By Ed Wimmer)

In a recent broadcast over this microphone, I spoke to you about a Sylvia Porter column entitled "Operation One Better Block," praising a war going on in New York City against dirty streets, littered lots, ugly store and home fronts, open garbage cans, or any other kind of ugliness that individual citizens could attack.

According to Miss Porter (whose popular column is read by more men than women) "Operation One Better Block" is a clean-up, brighten-up drive that can start with one carpenter, one plumber, one clerk, housewife, teen-ager landlord, teacher, janitor, or businessman, making it individual, collective and contagious.

One Negro lady, Sylvia reports, spoke admiringly of her teen-agers who "cleaned up a vacant lot, and with a little financial help and guidance from guidance officials, turned it into a playground." Others pointed to flower boxes, neat fences and bright window panes. A start. Miss Porter says by the end of this year there should be "300 Operation One Better Blocks" in New York alone, if early enthusiasm and drive can be maintained.

Since 1947, our National Federation of Independent Business has been needling landlords, renters, small businessmen, taxing authorities, city planners, home builders, highway engineers, architects, building materials suppliers, painters, carpenters, plumbers, Chambers of Commerce, Congress, and local, state, and federal authorities all over the country, to institute programs aimed at ending blight. Ending it for the sake of people's health. For the sake of children—and as a means of saving countless thousands of small businesses so vital to the social and economic well-being of the nation.

New York is the biggest and has the worst problems of any city in America. Its budget approaches $7 billion. The air is so foul, reports one expert, that an average family spends $800 a year for medicine, cleaning, and hairdos. Crime records show homes robbed as if by schedule. Children are confined to their homes on Halloween, for other kids rob and mug them. Fifty per cent of known drug addicts are in New York. Jails are filled. Police protection has broken down. Courts are years behind in settling criminal cases. Teenagers roam the streets by the hundreds of thousands.

There are 1,000,000 on New York's relief rolls. Relief loads are increasing at the rate of 20,000 monthly. If the welfare recipients were moved out of New York City, they could become the *eighth* largest city in the U.S.

Behind these conditions, however, there is an enormous power for good in this great city. It can be found behind the wheel of a taxicab. In the vast office buildings and in the city's schools. On the police force. Millions of kids growing up who, if their intellectual capacities to meet new challenges are developed, will respond to such terms as Justice, Honor, Self-reliance, and Brotherhood, and to phrases like "Freedom of opportunity for all."

Where the biggest gap in New York's resistance to social, economic and political decay exists, I think, is in the colossal indifference of the people who head the giant corporate combines, huge banking institutions, chain stores, discount houses and international unions. They remind me of the biggest businesses of Calcutta, India, where only one per cent of $4 billion in profits in 1967, was given over to the social ills of a city where millions die of hunger, and in a country that has received some $10 billion in U.S. aid.

Imagine what could be achieved in social, economic and political reforms if the power represented in New York's corporate-banking and labor-union dynasties was directed against the evils threatening the city's very existence. Instead of devotion to people, however, there is only devotion to building bigger corporate combines, bigger bank mergers and holding companies, greater union power, and bigger skyscrapers to house them, so their emissaries can move across the nation, buying more farms, more corporations, more banks—creating bigger unions and greater centralization in government.

When we view the whole New York scene, and think about the power complex that the city represents, "Operation One Better Block" takes on a pitiful, insignificant resistance to the inevitable. So long as one human being is standing against the tide, however, resistance is never "pitiful or insignificant." It is magnificent, and it is for this reason that New York's press, city officials, educators, religious leaders and every other center of influence should give the movement support.

During the past ten years, the federal government has aided cities in bulldozing thousands of people out of home and business, letting the majority shift for themselves, many moving into fine neighborhoods where they create new slums, with only two out of five small businesses able to relocate and begin anew. An auto-dealer member of our organization decried this process and wondered why the urban renewal people didn't take a block or two at a time, weed out the worst and preserve the best, moving the displaced back into their neighborhoods as the projects proceeded.

Such a process may have been a little more costly. There may have been added disruption to rehabilitating large areas, but the people would have remained where they had chosen to live, and the small businesses could have held their clientele and continued to serve their community. It is true that the bulldozer theory is being abandoned in favor of "save the good and get rid of the bad" in slum or semi-slum housing, but the progress being made is so slow that, according to George Romney, it will take 40 years to make a dent in the problem.

Under such circumstances, what can self-reliant citizens do, but follow the example of "Operation One Better Block," and start on their own housing, on their own stores, factories, yards, streets, apartment buildings, sidewalks, churches, litter and weed-filled vacant lots, and thus begin millions of little projects that in the end may save us all from turning everything over to federal caretakers.

In one of our community beautification campaigns, a grouchy shoe dealer ready to throw in the towel was induced to put down a bright rug, modernize the front of his store, re-upholster his chairs in bright colors, and add some flowers and music. In thirty days he was smiling all over the place with a 300 per cent increase in his business. But this wasn't all. The steps he took led to modernization of the entire block.

The Secretary of a Chamber of Commerce in Pennsylvania writes:

"We see it, but we can't believe our eyes. After your talk the whole downtown came to life. There are seven modernization projects underway. Two vacant corners are being black-topped for parking. Arrangements have been made to flower-box the store fronts, and the hotel has a contractor beginning modernization next week. The press has gotten behind us for the first time we can remember."

Scores of communities report similar demonstrations of local initiative, begun by our Federation, and we have asked Congress and municipal governments to develop tax incentives. An incentive such as a city giving owners or renters a five-year moratorium on tax increases when they upgrade properties. There is also the almost disheartening job of getting contractors, painters, fixture companies, architects, unions, and others who depend on upgrading properties and businesses for a livelihood, to get out of their swivel chairs and show people what they can do for themselves.

Color has become a principal weapon of defense against decay. It is a way of life. It builds morale in the conduct of small businesses, wins customers for small business, attracts young people to old neighborhoods; and what family is happy in a drab, darkened household? What community is moving ahead that lacks color and light?

Jefferson once said that "all things should be planned wih an eye to its effect upon the human spirit; we should surround ourselves with a maximum of beauty." After a long and careful study, a French scientist claimed that "high tension, heart action, anxiety," et cetera, can be reduced in surroundings painted in the right colors.

Compare the inside of most commercial aircraft with the inside of a railroad passenger car, and you will see why brightly costumed airline hostesses have bright smiles, and why passenger service on trains has all but died. Even bad food doesn't taste as bad in a colorful restaurant as it does in most of the eating places that mark our older communities.

In advocating an all-out effort of this kind, I realize the obstacles in many cases seem insurmountable, but anyone can improve his surroundings by improving his attitudes, without first waiting for someone else to change his or her thinking.

After the so-called "war" in Vietnam is over (if we can avoid another involvement to which we have already agreed on some forty-odd fronts), and if we can prevent ourselves from being stampeded into more rounds of huge defense expenditures, there will be enormous sums available to attack the slum problem, build new cities already on the drawing board, and get other projects underway to employ the victims of peace.

Until such a change is upon us, however, we had better realize right now that the ghettos and the campuses aren't going to wait for "peace on earth, goodwill to man" promises to be fulfilled later. Agitators won't just fade away. All reasons *why* any self-help started in blighted areas must receive all the outside help we can muster, and now.

If private initiative is mustered in this same period for block-by-block attacks on property deterioration, we will have something going that can pick up steam without waiting for cessation of hostilities. Thousands upon thousands of business streets can be saved, can draw trade away from the huge chains taking over everything in sight, so we have a lot more at stake than the usual chatter of too many Chamber of Commerce officials about painting up for profits.

I've said all along, that when a small business dies because of run-down conditions, lack of community pride, or absence of personal ownership responsibility, a part of democracy dies with it. If the people who have sat back and watched local ownership shrink to skeleton proportions in a growing number of towns and cities will respond to the "Operation One Better Block"—now, who knows but what we may have a miracle by the tail.

Jane Jacobs, famous author of "Death and Life of Great American Cities", a longtime critic of the bulldozer theory, and friend of small business, defends the need of re-developing all areas of our older towns and cities, but she says that when a city heart stagnates or disintegrates, a city as a "social neighborhood" begins to suffer its worst setbacks. Her own words:

"Without a strong and inclusive heart, a city tends to become a collection of interests isolated from one another. It falters at producing something greater, socially, culturally and economically, than the sum of its separated parts."

There is much talk today about building great numbers of NEW cities, and of abandoning the old, but what kind of business will monopolize the new if not the chains, so what have we gained as "a nation"? We need a new tax structure, and an aroused, enlightened public opinion, and our chances of winning both will depend on how deserving we become.

PRIVATE POWER COMPANY PROVIDES CITY LEADERS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. COLLINS. Mr. Speaker, one of the greatest assets in any community is to have privately owned and operated public utilities. In our area, we are fortunate in having our light, gas, and telephone all owned and managed by private enterprise.

These leaders not only do an efficient job of operation, but they add so much in building stronger communities. During the past decade Dallas County has been one of the fastest growing areas in America. The privately owned and operated utilities in Dallas County have been able, through long range planning and forecasting, to meet the rapidly increasing demands on their systems.

Dallas Power & Light Co. is an investor-owned electric utility, served by four electric generating stations. These stations have a total generating capability of 2,206,000 kilowatts today compared to 1,131,000 kilowatts a decade ago, and two more plants are now under construction.

The average annual kilowatt-hour use per residential customer is considerably in excess of the national average, having reached 9,189 kilowatt-hours at the end of September 1969. This compares to 4,289 10 years ago. The average cost per residential kilowatt-hour at the end of September 1969 was 1.85 cents compared to 2.31 cents at the end of September 1959. In a period of rising costs, efficiency and good management have provided electricity savings.

And, in the power company, we see another strength that goes into community building. This week, I attended the meeting of the Oak Cliff Chamber of Commerce. This is the largest area chamber in the United States, representing over 1,200 Dallas firms. The president of the Oak Cliff Chamber is Bill Lewis who is the manager of the Dallas Power & Light Co. in the area.

This called to mind the fact that in Duncanville, the president of the chamber of commerce is Ray Shaver, who is the manager of Texas Power & Light.

We have a big campaign going to raise $7 million for the YMCA. The chairman of the YMCA board in Irving is Mark Gordon, the manager of Texas Power & Light there. Next door in Grand Prairie, the board chairman of the YMCA is Texas Electric Manager Tom Bracken.

Right now, Dallas is engaged in its united fund drive to provide the community's private needs for 70 agencies. The chairman of the United Fund Drive is Lee Turner, president of the Dallas Power & Light Co. Last year we had an endowment fund drive for Dallas Baptist College and the leader of this was Lewis Austin, president of Texas Power & Light. The year before I had worked with Lewis when he was chairman of a fund campaign to double the size of the hospital out in Irving.

C. A. Tatum, who is chairman of the board of Dallas Power & Light, serves the executive committee of SMU and has been chairman of every committee on the Dallas chamber. And Charles Watson, vice president of Dallas Power & Light has been president of the Council of Social Agencies and for 15 years has been the right arm of the county hospital board.

For building hospitals, building schools, industry, providing funds for private charity, building YMCA's, planning highways, strengthening law enforcement, and in every way that we build a better community in which to live, we find the leaders of public utilities giving generously of their time and efforts.

It would be well for the Members of Congress to consider transferring all types of Government operations, including utilities, post offices, and public services of every type, over to private corporations. They will operate more efficiently and at lower cost and even more, they can also aid immeasurably toward building stronger communities.

In Dallas today, we are using twice as much electricity as we did 10 years ago—at a lower price of 1.85 cents compared to 2.31 cents. And we are never short of power, good prices, good service because we have top leadership through private utilities.

WE ARE NOT RUNNING FOR OFFICE SO WE CAN SPEAK OUR MINDS

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. FISHER. Mr. Speaker, under leave to extend my remarks I include a statement contained in an advertisement which was carried in the October 27 issue of U.S. News & World Report. The article follows:

We're Not Running for Office So We Can Speak Our Minds

1. No taxpayer we know would allow anyone to go hungry, but he's getting tired of soaring relief rolls in this decade of all-time high prosperity, and he feels he's being

over-taxed to support people not willing to look very hard for jobs to support themselves.

2. We believe leaders who know far more about it than we do got us involved in Vietnam, and other leaders will get us out as soon as it is safe for America, but in the meantime we believe we should support our fighting men and not support our enemies by attacking our government.

3. We think every worker should be paid well for what he produces, but we object to the kind of inflation brought on by unions who demand more and more money for no more productivity.

4. Every American should get as much education as he can afford and absorb, but we think unkempt youngsters trying to tell a college what to do should be disciplined and sent home until they learn manners.

5. We believe this is the greatest nation in the world but that's in spite of—not because of—too many politicians who keep themselves in power by squandering the taxpayers' hard-earned money.

And we think the great majority of the 200 million Americans feel the same way we do.

We hope they'll say so.

DAY OF PRAYER PROCLAIMED FOR LOUISIANIANS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. RARICK. Mr. Speaker, this body on October 14, unanimously passed House Joint Resolution 910 calling for a "Day of Prayer" for our prisoners of war, those missing in action, and our fighting men in Vietnam.

I am hopeful that the other body will, in its wisdom, enact similar legislation and a Presidential proclamation will be issued.

I am proud that the Governor of my State, himself—like many of us—a combat veteran, has seen fit to proclaim November 9, 1969, as a "Day of Prayer" in Louisiana, urging each citizen to support his church in honor of those who are now defending our great United States and especially those who are among the missing in action and prisoners of war being held captive by the North Vietnamese.

The proclamation follows:

PROCLAMATION OF THE STATE OF LOUISIANA, EXECUTIVE DEPARTMENT, BATON ROUGE

Whereas, there are more than 1,355 United States servicemen listed as Missing in Action or Prisoners of War; and

Whereas, more than 200 United States servicemen have been listed as Missing in Action or Prisoners of War for three or more years, longer than any United States Prisoner of War of World War II; and

Whereas, it is our duty as American citizens to urge support of the joint resolution before Congress relative to the Geneva Convention; in that, all Prisoners of War receive humane treatment, and such resolution (S. Res. 245) found in the Congressional Record and referred to the Committee on Foreign Relations reads as follows:

"Whereas the Government of North Vietnam, the National Liberation Front of South Vietnam, and the Pathet Lao—

(1) have consistently refused to release the names of prisoners of war;

(2) have declined to release immediately sick and wounded prisoners;

(3) have refused to permit impartial inspection of their prisoner of war camps;

(4) have not guaranteed the proper treatment of all prisoners; and

(5) have not permitted a regular flow of mail between prisoners and their families; all such actions being in violation of the Geneva Convention and basic standards of human decency:

Now, therefore, be it resolved, That the Senate of the United States most urgently calls upon the President, the Department of State, the Department of Defense, and all other concerned departments or agencies of the executive branch, the United Nations, the peoples of the world, vigorously to use all means of peaceful persuasion at their disposal to bring the facts concerning treatment of prisoners of war by the Government of North Vietnam, the National Liberation Front of South Vietnam, and the Pathet Lao, to the attention of all other governments, with a view of eliciting international support and respect for such measures as may be undertaken by the President, or such departments or agencies, and the United Nations, to obtain the prompt release of all Americans so held as prisoners of war.

Whereas, the Governor of the State of Louisiana asks that every church in Louisiana have a Day of Prayer on Sunday, November 9, 1969, in remembrance to all the brave men who have given their lives for our country, but especially remembering those who are Missing in Action and those who are held captive by the North Vietnamese.

Now, therefore, I, John J. McKeithen, Governor of the State of Louisiana, do hereby proclaim the day of November 9, 1969 as a "Day of Prayer" in Louisiana and call upon each citizen of Louisiana to support his church in honor of those who are now defending our great United States and especially those who are among the Missing in Action or Prisoners of War being held captive by the North Vietnamese.

In witness whereof, I have hereunto set my hand and caused to have the Great Seal of the State of Louisiana affixed. Done and signed at the Capitol in the City of Baton Rouge on this the 17th day of October, A.D., 1969.

JOHN J. MCKEITHEN,
Governor of Louisiana.

Attest by the Governor:

WADE O. MARTIN, Jr.,
Secretary of State.

TASK FORCE ON AID

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. FRASER. Mr. Speaker, early this month L. Maynard Catchings, director for International Development, United Church of Christ, wrote to the New York Times concerning the makeup of President Nixon's task force to review the U.S. aid program. Mr. Catchings' views are worthy of our attention. I introduce them as they appeared in the Sunday Times, October 12, 1969:

OCTOBER 2, 1969.

TO THE EDITOR:

As reported in The Times, President Nixon has finally appointed the task force which was called for by the Javits Amendment to review the U.S. aid program. The line-up of this group is disturbing.

Over 50 per cent of the sixteen members **represent the business and banking community and 25 per cent are university professors or administrators. Notably absent are people who by their involvements and commitments are in touch with the aspirations of the poor.**

There is not a single black in the group who might have a sensitivity to the lot of the poor; there is not a single woman member who has struggled for women's freedom. There is not in the task force a single Protestant clergyman who has tried to respond to the claims of the ghetto, and there is not included a single youth who has reacted against the systematic exploitation of the poor by the Establishment.

Due to the built-in biases this task force cannot be expected to come up with bold new recommendations. It may be expected to further refine existing rationalizations for what obviously is an inadequate U.S. response to world needs.

It is indeed tragic in this day and time when we as a nation have the opportunity to lead the world out of the divisive state of affairs stemming from the gap between the rich and the poor countries that the Administration would call together such a task force. In its membership it has no unequivocating advocate for the poor nations of the world, yet we ask it to make recommendations for future directions of the U.S. foreign assistance program.

UCLA—EXTRAORDINARY JUBILEE

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. CORMAN. Mr. Speaker, the University of California at Los Angeles will celebrate the UCLA Extraordinary Jubilee at the Dorothy Chandler Pavilion of the Los Angeles Music Center on the evening of November 2. It is, to be sure, an extraordinary jubilee. The event signifies far more than the lighting of 50 candles on a birthday cake in honor of a great institution of learning. It signifies rather the lighting of many millions of candles against the darkness of ignorance. It demonstrates particularly the harmonious and productive manner in which a great university and a great community can work together and enrich each other. It is a success story that speaks well of the present, and bodes well for the future.

The story of the University of California at Los Angeles is the story of how higher education can combine its resources with the community for the common good. In addition to inspiring hundreds of thousands of students to achievement in higher education, UCLA has effectively played an added vital role. Programs for urban progress, cooperative effort with the Office of Economic Opportunity, summer camps for needy children sponsored by the student body—these are only a few of the ways UCLA has helped the community in building a better society for all its people. UCLA today is indeed an integral part of the community.

The American university system has become an essential factor in meeting many important national needs. Community involvement on the part of a university is as necessary today as the university's time-honored role of protecting and preserving the principles of freedom in learning. The value of a university is measured not only by its educators, its libraries, its research facilities, and as the birthplace of great ideas, but, just as importantly, by the contribution of its students and graduates to public service.

Nowhere is this blending of community involvement with academic achievements more dramatically told than in the 50-year history of UCLA. It is this special accomplishment that will be proudly celebrated by the UCLA Extraordinary Jubilee. As such, this event deserves attention and tribute from the Nation.

THE TOUGHEST CONSUMER PROTECTION CODE IN THE NATION

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. FASCELL. Mr. Speaker, in recent years, one of the most significant domestic developments has been the increased activity by both Government and the private sector in the area of consumer protection. Although no one will claim that the marketplace is now free of deceptive practices and underhanded dealings, most will agree that some governmental agencies, with notable exceptions, are at least more aware of their responsibility to assure fair dealing to the American consumer.

But mere awareness on the part of governmental agencies is not enough. What is needed is a spirited and conscientious discharge of obligations by those agencies charged with protecting the consumer. An agency which undertakes such a vigorous enforcement action is the Trade Standards Division of Metropolitan Dade County, Fla.

The following article from the October 12, 1969, Washington Post states that the division enforces the "toughest consumer code in the Nation" and has the power to prosecute lawbreakers:

MIAMI BUREAU KEEPS WATCH TO FOIL FRAUDS

(By Paul Ashdown)

MIAMI.—Mrs. Richard Schermer scraped together $290 to enroll her daughter in a computer programming school. The class was never held and after her fifth attempt to get her money back she dialed a telephone number embossed in red ink on a business card someone had handed her.

It was the consumer hot line number.

High in the aging Dade County Courthouse, in a cluttered dusty office next to the palatial suite occupied by metropolitan Mayor Chuck Hall, a red phone rang and John Mays reached across a paper strewn desk to answer it.

"Trade Standards Division," he announced and patiently listened to Mrs. Schermer's plea for assistance.

SCHOOL OVERSIGHT

Mays went to the school and demanded Mrs. Schermer's tuition money be returned.

"We don't have it and I don't know any Mrs. Schermer," a gruff attendant told him.

Mays reached into his pocket and pulled out his credentials as a deputy sheriff. He was quickly ushered into another office.

An hour later he presented Mrs. Schermer with a check for $290, which had been misplaced through an "oversight" by the school's management.

Mays is a warm, cherubic man who looks anything but a consumer's advocate armed with police powers to enforce the toughest consumer protection code in the nation.

FIFTY CALLS A DAY

He answers the red phone more than 50 times a day to field complaints from Dade countians who feel they've been gyped and want something done about it.

Calls range from the bizarre to the insane, and include the dramatic.

A light bulb guaranteed for five years burns out in a week. A size 42 bra becomes a size 38 after three washings. A baby almost chokes to death on a pacifier that is "guaranteed safe."

More than 4,000 complaints have been filed since opening day last October.

The division is entirely separate from, but in communion with the Better Business Bureau. The division gives no advice about the reputation or ethics of the business community, as does the BBB. But it has power to prosecute lawbreakers. The BBB does not.

TOUGH ORDINANCE

The division's bible is a sleek, 28-page ordinance written into the county's municipal statutes. It took a special enabling act of the state legislature to get the landmark code into operation.

It's a tough law. Violators may be fined up to $500 and jailed for 60 days.

Mays and his staff have police powers to investigate, arrest and prosecute fly-by-night operators and crooked businessmen. The office can, but seldom does, attack rackets and large-scale fraudulent operations such as the home repair racket. These are left to other law enforcement agencies.

HONEST MISTAKES

Peculiarly, the office's implied powers have been enough to make the hair bristle on the necks of the county's gyp-artists. Only 17 cases have been filed—four are pending—and only two convictions have been made. Hundreds of other grievances have been straightened out by a quick phone call.

Sometimes an honest mistake has been made and easily rectified.

A man who rented a car for which he was to pay a charge for each mile driven complained when he noticed the odometer whirling at a pretty good clip and became suspicious. A check showed the mileage meter running 60 percent faster than the car actually traveled.

"He was good and steamed up," Mays recalled, "and who could blame him."

Mays found, after much investigation, that the rented car had originally been manufactured for export and the odometer was set to register, not in miles—but in kilometers.

UNITED NATIONS DAY

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. MIKVA. Mr. Speaker, I am pleased to join with my distinguished colleague and friend, GEORGE E. BROWN, JR., of California, as a cosponsor of House Concurrent Resolution 367, which declares the support of the Congress for the establishment of October 24, United Nations Day, as a permanent international holiday.

During the last several years, all Americans, Congressmen, and voters alike, have become increasingly concerned about the level of violence in our country. We have discussed this problem at length. We have conducted extensive hearings, and we have provided for the establishment of national commissions on civil disorders on the causes and prevention of violence, and on law enforcement and crime prevention. Our concern has clearly been based on the premise that the use of violence in our social and political life is inappropriate and illegitimate. I believe that this premise is a proper one and that we should do everything within our power to minimize, if not eliminate, the use of violence in our domestic life.

At the same time our interest in domestic violence has increased. We seem to accept the use of violence in our international affairs as either natural or inevitable. This need not be true today, and it must not be true tomorrow. The same arguments which cause to deplore and seek to eliminate violence in our internal life clearly apply with equal rigor and even greater urgency to violence in our international life. As we muddle through from day to day, from one minor crisis to the next, I fear that we sometimes lose sight of the constant danger of immediate and absolute annihilation.

The possibility of nuclear disaster with which we have lived for 20 years has not yet caused us to reconsider and revise our conceptions of national interest and national security. I am pleased to note that this very necessary reexamination seems to be beginning. We have begun to recognize that the domestic violence we all deplore is, in part, a consequence of our concentration on military might, regardless of its impact on our domestic life. We have only begun a long overdue discussion of national priorities, and I hope that we are beginning to understand that "providing for the common defense" and "promoting the general welfare" are bound together inextricably, that we shall never be secure as a nation until all our fellow citizens are secure as individuals.

But even within the international arena, our traditional conception of national security is dangerously outmoded. Since the development of nuclear parity, we have relied on variants of a theory of deterrence. Our continued survival demonstrates that deterrence has worked—at least so far. And therein lies the danger. So long as we continue to equate military power with national security, the danger of ultimate international annihilation remains. Indeed, this danger increases as our military technology becomes more and more sophisticated. If the United States and the other nations of the world continue on their present course, I fear that we are only postponing the inevitable.

No, Mr. Speaker, our security must not continue to depend on our military prowess. Our ultimate security depends on our patient but continuous efforts to eliminate the need for our massive military strength. Just as we have sought to establish the rule of law in our national life, so too must we strive to establish the rule of law in our international life. Just as we cherish our traditions of discussion and compromise nationally, so too must we devote ourselves to the establishment of the same traditions internationally. Only in this way can we hope to eliminate what Raymond Aaron has called "the balance of terror." Only in this way can we ever hope to establish an international peace based not upon the constant threat of death, but on the continued assurance of international justice and equity.

The United Nations can be the instrument which will transform this vision into a reality. To date, however, our support for the principles of the U.N. Charter has been more profound in rhetoric than in practice. In the last decade particularly, we have not done all that we could have done to develop the U.N. as a forum for the peaceful discussion and settlement of international disputes.

All of our national holidays are in celebration of events in our past. We celebrate the events of 1776, 1918, and 1945, among others. I urge now that we should celebrate our hopes for a peaceful future, in addition to our pride in our past military achievements. I urge the passage of this resolution not only to praise what the U.N. has been, but to remind ourselves of what it must become.

VIETNAM MORATORIUM

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. GOLDWATER. Mr. Speaker, an editorial which appeared in the October 20 edition of the Los Angeles Herald-Examiner is an excellent commentary on the October 15 Vietnam moratorium. I believe it adequately discusses the attitudes of America's largest city toward the protest:

> Whatever else it showed, the so-called Vietnam moratorium must be considered a victory for President Richard M. Nixon.
>
> Called by its ill-advised sponsors for the avowed purpose of a public declaration of "no confidence" in the President's pursuit of an honorable solution to the Vietnam conflict, the day of protest was a fizzle.
>
> Outside the student community and a few dissidents, the nation was distinctly underwhelmed by the whole thing. The fact emerged that while everyone wants a just peace, there simply is no widespread dissatisfaction with our President's approach to the problem.
>
> This was particularly true in Southern California. Attempts by the protesters to halt, or slow down, work at area plants were promptly and properly rebuffed by workers. Rallies throughout the area drew little or no support from any one but students with time to fritter.
>
> Despite the hopes of its organizers the only fair evaluation of the day must be that, by and large, Americans support their President.
>
> The concern of the students over the war is understandable. They are the ones who may be called upon to fight it. We wish, however, that in a day when students cry for an increased role in our society, they could show more capacity for facing up to the hard responsibilities—such as fighting for one's country—as well as the easier tasks of participating in American society.
>
> While Los Angeles generally did not sympathize with the Vietnam moratorium, it was good to see the tolerance the community showed to those whom many felt were giving "aid and comfort to the enemy."
>
> A minor plus of the day was the clear evidence that the city can take dissent in its stride and, despite the plea of the protesters, maintain "business as usual."

YOU CAN KEEP THE CHANGE

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. SCHWENGEL. Mr. Speaker, this year at the Old Thresher's Celebration in Mount Pleasant, Iowa, it was my great privilege to be present at the evening festivities at which an outstanding play was presented that reminded us of the rich heritage of our farm people in Iowa and the interesting story of our early development. This program was all done by local people and in the typical farm setting of an earlier period. It was very much enjoyed and appreciated by the thousands of people there. As part of that program, Dr. George E. La More, Jr., was invited to speak and he spoke on the subject, "You Can Keep the Change."

Dr. La More is head of the department of religion at Wesleyan College in Mount Pleasant. He has been there for at least 16 years and has been a highly respected member of the facility. His reputation as a speaker is nationally known. He has been called upon hundreds of times for graduation exercises.

It is natural that he would be involved in this kind of program because he is the kind of a man that has been involved in all major projects that help to make a community more worthwhile.

His talk before the audience that evening had to do with the importance of recognizing our problems and seek solutions with the guidance of experience. Because I think there is something of great worth and an important message in what he said, I am placing it in the RECORD so it can be read by many Americans:

YOU CAN KEEP THE CHANGE—ARE WE A CITY OR A PARADE?

(By George E. La More, Jr.)

THE FEAR AND HOPE OF CHANGE

> All our hope and all our fear come packaged in the same event—the phenomenon of change. Change is the competition between yesterday and tomorrow, and every generation is locked into the tight challenge of negotiating some truce between memory and hope.
>
> It can be stated more simply. Men seem to see life two ways, and the difference between the two has recently been repackaged as something "brand-new"—the "generation gap." Some men see reality as very static and feel they must stimulate change. This point of view seems to characterize persons under thirty-five. Other men see life as constantly changing in all directions, and feel their noblest efforts should be to create some stability and permanence. These seem to be a little older. Clearly, both visitors are true, but whole generations seem to specialize in one or the other of these views. In fact, which of these two views a culture takes most seriously may well be the most influential thing about it. Just now, in a period radically attached to youth and change, we desperately need to restore a balanced view, for total change is chaos as surely as total stability is death.

THE CONVULSIVE ACCELERATION OF HISTORY

> The pace and acceptance of change in our time defies all previous historical comparison. John Gardner calls it an age of "change gone wild." It is a period of convulsive acceleration of the time process. The decade has replaced the century and the half decade is now replacing the decade. I mean that we now experience about a hundred years worth of historical change in a five year period, as measured by the clocks of yesteryear. The question is: Who can keep the pace? Who can keep sane?

A CALL FOR STABLE IDENTITY

> Sanity can be maintained only if we can add two dimensions to the change *stable identity and intentional direction*. By stable identity I mean you. If you keep changing with the cultural change you are not simply a chameleon, but you change personalities every Tuesday and Thursday and become a successive nobody. Change becomes growth only when you add continuity, and in this bean bag universe the continuity has to be you! The trouble is that most of our identity is from the past. Most of your identity is postmarked yesterday and we abhore yesterday.
>
> Lose your memory and you lose your name, rank and serial number. Just now we seem to be practicing what I call delibrate socialized amnesia, "Trust nobody over 35!" Beautiful. That should permit us to repeat the Nazi blunder twice in about seventy years. Hosea Ortegary Gassett once said—man has no identity, only a history. He is right, thus it is small wonder that a generation that rejects its past is confronted by an identity crisis.

A CALL FOR INTENTIONAL DIRECTION

> The second factor we must find to keep change sane, is intentional direction. The main reason why we fear and resent change is not that we don't know where it is going. It is where it is going. I mean that somebody else is calling the shots. Michael Harrington in the Accidental Century rightly points out the fact that somebody else, some unexpected stranger, is always calling in the latest change and we are constantly caught trotting with our habitual pants half down trying to catch up to his change.
>
> The only help for this comes when we begin to deliberately choose our future and steer our own change necessary to get from where we are to where we want to go.
>
> Change there will be, inevitably, but we have the choice of whether we shall change forgetfully, recklessly, grudgingly, or deliberately.

IS HISTORY A PARADE OR A CITY?

> Just now it is very, very difficult to get persons to commit themselves to an intentional future. Why? For many reasons—ranging from man's habit of cool, wait-and-see objectivity to the string of disappointments of our futuristic commitments have brought in this century.
>
> But our basic problem rises from a deeper source. Our notion of the shape of history. Essentially we have the mental picture that history is a Parade in which the latest is always somehow better (more modern, more advanced) than anything before it.
>
> We see how often man has committed himself to "sure things" in the past, only to be proved horribly wrong a little later. After we see that cycle repeated enough times we say, "Who am I to be committed to anything today—it will soon be disproved or overrun!"

Soon we take no age seriously, including our own. We live by a Kleenex calendar in which all pages are to be thrown away.

I suppose we got this notion from three major sources (besides our over-kill reporting of past failures). They are Darwin, Technology and Madison Avenue.

Darwin was not so naive as to believe in inevitable progress, but by the time Spencer peddled him we were told that each age is but cannon fodder to the better things to come! Who can take his own time seriously when it's what's up front that counts—a kind of futuristic, horizontal supernaturalism. This is receding carrot-on-the-stick hope!

The native assumption of technology has usually been inevitable progress. At least mouse traps are never expected to get worse. The newer the gadget, the better.

Of course, Madison Avenue has made its fortune on this model of history. The NEW is always better than the OLD on Madison Avenue, so be the first one in your block to buy a new —.

Out of all of this we have created a deliberate arrogance and scorn for our past. The first act of the barbarian in a literate society is to burn the books, so he can tell his lies retroactively. We are psychic book burners in a New Generation that uses the dateline the way people used to use the railroad tracks—"Trust nobody from the other side!"

The cruelest discrimination in our culture has nothing to do with race or poverty or peace. It is age! The ultimate disenfranchisement of man is to rub out his influence at death. Now we do it a little earlier—sixty-five at the latest! Try to get a job after you're fifty. Try to buy meat with your life savings—even your old value money is no good. Society builds for old people living mausoleums on the edge of town and thinks it a favor.

I have heard the Blacks properly fight their old image and absence in our radio, T.V. and magazines, but tell me, how must a forty year old listen to radio when it all sounds as if teenagers had taken over the transmitter? A Martian reading a Sears and Roebuck catalogue could only conclude that nobody lives past thirty in this country.

Someone will say, "Then organize the aged, they have fabulous voting power." Trying to organize the aged is like trying to stage a demonstration at a correspondence school. They are the only individuals we've got left.

Perhaps some will aim their remarks between my eyes: "LaMore, you're just showing your age." There is also a response for that: "You're next." You may not change colors but you are going to wrinkle!

There are deeper dangers, however, in our intergenerational discrimination. Nothing is more wasteful of man than for history to repeat itself. Now, history doesn't repeat itself automatically as the Greeks and certain Orientals said—*We* make it happen and we bring it about either of two ways: either by loving the fact too much and thus apeing it, or by loving it too little, thus forgetting it, and waddling out to repeat the same blunders, as Santayana warned, over and over—or to storm the same beaches generation after generation, when we could be getting on from that.

The other danger of scorn for yesterday is the one Etton Trueblood dubbed the "cut flower civilization". We live on the borrowed moral capital of the Puritans while laughing at them. Even Hugh Hefner depends on the afterglow of Puritan morality to give one that charming sin feeling when he unfolds his two dimensional woman in three places. Lose that feeling and nobody will buy the magazine.

We want the goodies without the founding faith—the free lunch without buying any beer. We like to recite "We hold these truths to be self-evident." When they aren't evident from a hole in the ground apart from the founding faith of Jefferson. We persuade the Hopi Indians that it is not the founding theology that justifies their rain dance but its usefulness for social cohesion. Then we wonder why they all stop dancing.

Today we love to laud the futuristic reformer. Well and good. But the authentic reformer does not break with the past. That's the burn-baby-burn rebel! Rather he builds on the best of the past. There was never more futuristic people than the Biblical Hebrews—always reaching for a promised land, a time beyond the Exile, the Messianic age, but while reaching for that future (on a landscape of radical change at the hands of Egyptians, Syrians, Assyrians, Babylonians, Greeks and Romans) they kept the strictest account of their part so as not to repeat it or forget who they were. Jesus was a profoundly Jewish innovator, and thus a conservative innovator, building on the best of the past, while very sharply purging it. "Think not that I have come to destroy the Law and the Prophets: (the best of yesterday). I have come to fulfill them"—build on them—carry them out a second mile!

In the book The Lessons of History, Will and Ariel Durant put it this way:—No one man, however brilliant or well informed can come in one lifetime to such fulness of understanding as to safely judge and dismiss the customs or institutions of his society for these are wisdoms of generations after centuries of experiment in the laboratory of life."

History is not a parade which keeps burning off its own tail because it is old and cold. It is a City. In this City of History there are old buildings, new buildings and middle age buildings as Robert Capon put it. In the course of a time some old buildings crumble, but some hold up, some should be renovated for the beauty and meaning they hold. A city of all new buildings is even more drab than one of all old buildings. If you don't believe it, go to Florence then compare it to certain total urban renewal jobs (in other substit).

A DEMOCRACY OF AGE AND YOUTH—THE LIVING AND THE DEAD

In other words I am calling for an intergenerational democracy of the living and the dead in which a man can dare to commit himself totally to visions of the current period, not held back because next year they'll think him a fool. No, in the city of history the insights that come from our failures are praised as much as our successes, for they save the future the trouble of finding this out themselves.

In this society of memory and hope Homer and Hemmingway are contemporaries, and so are Napoleon and Nixon, Jesus and John Glenn. Don't think this is etherial poetry. It is very tangible. Right now there are more people reading Homer than ever read Homer when he was alive. He is more alive today. Shakespeare is still the number one playwright, by number of performances in America. He is more alive than Tennessee Williams or Edward Albee. Mietzsche and Hitler said, "We are the new Master Race standing on the rubbish of old fools. So many slogans of youthful rebels today really cloak the belief, "History was a waste of time until we rolled in." On the other hand a fourteenth century scholar once said "We are dwarfs standing on the shoulders of giants." What vast historical commentary could be written around those two notions! I say we are fellow citizens with all ages.

Just now our old, live older, and our young dance earlier. We must reason together respectfully across the years. Change will destroy our every achievement and rub out our every hope unless we build this city.

You are a generation *gung ho* for reconciling man across divisions of race, poverty, ignorance, nationalism, denominations. You do a good job but now that you have built up some competence in crossing smaller streams I call upon you to bridge the great river—time—the adventure of change. I call you no longer to strut in a master-race parade, scornful of all those who passed before, but to build a city with spreading suburbs of memory and hope—a city which has come to terms with man's greatest adventure: the challenge of change.

CHESAPEAKE BAY STUDY

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. GUDE. Mr. Speaker, because of my very great interest in Maryland's greatest natural resource, the Chesapeake Bay, I wish to call attention to the recent remarks of Maryland Public Service Commission Chairman William O. Doub. In a letter to Dr. William Eaton, chairman of the Governor's task force on nuclear powerplants, Doub recommended an independent study and ecological research on the effects of nuclear powerplant operations on the bay. Early last month I called on the House Public Works Committee to consider prompt action for full funding of the Chesapeake Bay study and construction of the hydraulic bay model. One of the first tasks would be the study of the effects of the widening of the Chesapeake and Delaware Canal, a project now 80 percent complete, on the salinity of the bay.

Various construction projects along the bay raise many questions about the growth of marine life and the ecology of the bay.

Suggestions such as Chairman Doub's merit official and public attention and I wish to share with my colleagues his remarks as reported in the Washington Post of October 16, 1969:

OFFICIAL ASKS STUDY OF BAY ATOMIC PLANT

(By Hal Willard)

BALTIMORE, October 15.—The chairman of Maryland's Public Service Commission proposed today that an "independent, in depth" study be made of the effects of nuclear power plants on Chesapeake Bay ecology.

Chairman William O. Doub said that although the commission has ruled that it has no jurisdiction over the construction of the nuclear plants now being built on the bay at Calvert Cliffs, "I personally have a continuing concern over the operational (effects) . . ." on the bay environment.

He said, "We can anticipate that efforts will be made to construct additional plants on the shoreline of the bay" and the study should "consider the cumulative effect" because the bay is "Maryland's greatest natural resource."

Doub told this reporter he had been informed that two more nuclear plants are planned for the bay by the Baltimore Gas and Electric Company, builders of the one at Calvert Cliffs.

Austin E. Penn, chairman of BG&E, said in a telephone interview that the company has a site near Perryman in Harford County where it intends to build a nuclear plant, but no specific plans have been made and operation would not begin for another decade. He said it would have two reactor units, as will Calvert Cliffs, but that no other plants are planned.

The commission ruling that it does not have jurisdiction over the plant already under construction is being contested in court by plant opponents because a state law that took effect July 1, 1968, provides such jurisdiction.

But the company maintained, and the commission agreed, that its $50-million investment in the project at the time justified its claim that construction was underway before the law took effect.

Construction also was underway before any federal or state permits were issued or any public hearings held.

In that context, Doub sent a memorandum yesterday to all electric companies operating in Maryland asking that they start planning generating plants further ahead of the time they actually will be needed.

He told this reporter he was tired of having the commission "clubbed over the head" by operational deadlines that electric companies say are needed to prevent "the lights from going out." He said the commission should have more time for careful hearings without deadline pressures.

For example, the commission has jurisdiction over transmission lines for the plant under construction and hearings that began May 26 still are going on. (Other issues and other cases are being heard simultaneously.)

The company continually has pointed out that if delays force postponement of the January, 1973, operations date, some areas of Maryland could experience a shortage of electricity.

Doub also suggested in his study proposal that it be financed by private companies that will benefit economically from nuclear power plants. He said that in addition to Maryland electric companies, funds could come from member companies of the Pennsylvania-New Jersey-Maryland interconnection system and major industrial suppliers of nuclear equipment such as General Electric, Westinghouse, Babcock and Wilcox and Combustion Engineering. He also suggested that "certain charitable foundations" might contribute.

Penn indicated preliminary objections to BG&E sharing in the cost because "I'm not quite sure that studies by the state should be paid for by utility companies." BG&E has it own studies of bay ecology underway.

Doub's proposal was made in a letter to Dr. William Eaton, chairman of the governor's task force on nuclear power plants. Doub offered to meet with the 17-member task force to discuss the matter in detail.

Eaton said in commenting on the letter that although he had not yet discussed it with other members of the task force he feels "the question of further ecological research of the bay is important and merits serious consideration. The task force will give a report to the governor on the subject in the reasonably near future."

POLICE ARE DOING A GOOD JOB

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. PUCINSKI. Mr. Speaker, the following editorial appeared on Chicago's television station WBBM, which is a Columbia Broadcasting System affiliate.

Mr. Edward R. Kenefick, vice president and general manager, and Mr. Richard Westerkamp, editorial director, have performed a notable service in putting into proper focus the role of the Chicago police.

The editorial of September 25, 1969, follows:

POLICE ARE DOING A GOOD JOB

These are dangerous and explosive days in Chicago. They are days when the city's police are being called upon to maintain discipline and remain cool, even as their own safety is jeopardized.

They are doing their job well—they deserve praise. Yesterday at the Federal Building, a mob of youths attacked a police contingent. Ten policemen and two assistant corporation counsels were hurt. One of the injured policemen received severe cuts on his face as he was knocked to the ground and beaten. This violence was committed by men and women who were demonstrating in support of the eight being tried on charges of crossing state lines with the intention of committing a riot during the democratic convention.

Police then were accused of overreacting, of assaulting demonstrators, or taking part in what the Walker Report termed a police riot. The Chicago police today are acting intelligently and with great restraint. At the U.S. Customs Building this morning, there was another mob; this time an all white mob of some 3,000 building tradesmen who left their jobs to disrupt labor department hearings into charges of discrimination in the building trade unions. Again it was a mob control job for Chicago's police. Two more policemen were injured in a scuffle before that mob left the site.

Yes, these are dangerous days for policemen, and they are conducting themselves professionally—protecting the right of assembly and free speech under difficult circumstances.

We repeat, we support the rights of citizens to assemble, to demonstrate, to exercise their right of free speech. But we condemn mob action and we condemn attempts to provoke police with violence. We believe those who try this should be arrested and prosecuted to the full extent of the law.

FALMOUTH MORATORIUM

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. KEITH. Mr. Speaker, the recent Vietnam moratorium gathered citizens together all across our country, in impressive displays of national concern over the war in Vietnam. There were 100,000 in Boston; there were 50,000 here in Washington. But even more impressive, in some ways, were the smaller gatherings—in some of the villages and towns of our Nation.

One of many such gatherings took place in Falmouth, Mass. The Falmouth Enterprise has written an editorial that I think captured much of the essence of the occasion, and I would like to share it with my colleagues:

FALMOUTH'S VIETNAM MORATORIUM

The Vietnam Moratorium observance here on Wednesday was a moving thing for those who participated. It may, too, have moved some who, at the start, were hostile.

There was a touch of venom in the hostility, which was apparently due to an expectation of something distasteful, of something abhorrent to patriotism and decency.

The affair in the high school auditorium was about as decorous a meeting as this town has seen. The President's name, when it was used, was used with respect. The speakers were articulate and restrained. They were impressive because they spoke reasonably and with such deep conviction of the great issues of war and peace and the future of this country and of mankind.

It was one of those incredibly beautiful October afternoons. The procession from the high school through Main street to the Village Green was a stroll, rather than a march.

A policeman watching the marchers go past said scornfully to an onlooker, "You can tell them by the dirt on them."

It was a curious remark to make about fellow townspeople, surely a reflection of what the policeman wanted to see, rather than what he saw. Perhaps he regretted it after he said it.

The marchers sat on the grass around the base of the flagpole and listened to the Rev. Robert A. Mayo; sat in the circle of intimacy created when a person speaks to a group without the electric amplification of a microphone. Mr. Mayo speaks to the American spirit, to the faith that endures so sturdily in this country through the most awful discouragements.

When he had finished, the group sang "We Shall Overcome". The singing was so soft that it was inaudible a few yards beyond the circle of singers. It is a moving, a strangely buoyant song that makes a great many things seem possible when one hears it sung.

IN SUPPORT OF H.R. 14020

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. MONAGAN. Mr. Speaker, I support H.R. 14020, to raise the maximum allowable interest rate ceiling on U.S. savings bonds to 5 percent from its present level of 4¼ percent.

Under the terms of the bill the new interest rate will apply to all savings bonds issued on or after June 1, 1969, and to outstanding savings bonds for interest periods beginning on or after June 1, 1969.

The need for this legislation is obvious. The high interest rates being offered on competitive forms of savings have reduced the attractiveness of U.S. savings bonds to the point that redemptions now exceed sales. Since December 1968, the amount of savings bonds outstanding has decreased by more than $300 million. Because of the low volume of sales of bonds the Federal Government was recently forced to borrow funds on the open market at interest rates as high as 8 percent to meet its financial obligations.

No private financial institutions have voiced opposition to this legislation, and passage of the bill will have no appreciable effect on inflationary trends.

While enactment of this legislation will insure a stronger financial footing for management of the national debt, a failure to increase the interest rate would be a disservice to the 11 million people who buy bonds through the payroll savings plan.

Why should citizens who directly support the financial soundness of the Nation be penalized in the form of low returns on their investments?

I have been in frequent contact with the Treasury Department on the subject of noncompetitive interest rates on U.S. savings bonds, and many of my constituents have written me urging congressional action to rectify this unfortunate state of affairs.

I find the present situation intolerable and I urge immediate and favorable action on this critically needed measure.

JOHN GLENN HIGH SCHOOL STUDENTS SEND LETTERS ON VIETNAM MORATORIUM

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, I would like to bring to the attention of my colleagues the peaceful efforts of the John Glenn High School students in my district to participate in the recent Vietnam moratorium.

On October 16, Joseph Chin, the president of the high school student council, and James McLauglin, a Glenn faculty member, traveled to Washington to personally deliver over 1,500 letters written the previous day expressing the growing concern of the students over the war in Vietnam. In conjunction with the peaceful actions of those connected with the moratorium movement across the country, the students chose the means they felt would be most effective in presenting their ideas to the leaders of this Nation. Rather than participating in a boycott of classes or an organized demonstration, the students attended a formal faculty debate planned by Mr. Frank Higgins, principal of the Westland school, concerning the U.S. commitment to Vietnam. Following the presentation, each student wrote to me expressing his own feelings and suggesting policy changes.

According to Joseph Chin, the reaction was "overwhelmingly enthusiastic." The young people felt it was a constructive channel for student dissent while following the guidelines of the democratic process.

The student's letters ranged from humorous policy suggestions to poignant pleas for change, but in seven out of every 10 cases, the cry was the same: "Let us have Peace." As one student said:

> It seems impossible that Man, Human, Intelligent Man, can only find a destructive answer in a constructive world. I hate war. But I don't have another answer. Just God. Just Prayer. Just Hope.

Many of the opinions expressed were divided sharply along age lines. Most of the ninth graders had not yet developed definite opinions on the Vietnam conflict. The greatest number of supporters of the U.S. commitment to Vietnam were found in the 10th and 11th grades, while seniors generally had very pronounced feelings for an immediate U.S. pullout.

Quite often girls requested help in revising draft laws. As one young lady put it:

> Sending our boys to Viet Nam isn't helping our population any.

Another suggestion read:

> They should send all the old men from ages 40 to 50. Because they had already had their lives to live and they should put something to good use when they are old. Soon there won't be any boys left.

Although most of the letters reflected feelings for immediate peace, some of the students supported the Vietnamese conflict. Most expressed a concern for the welfare of the South Vietnamese people. The need for a new rise in patriotism was cited by many disillusioned students.

> I know we have the most democratic government around and I am glad that I live here.

One student wrote—

> But who is to say we can't better ourselves. I still stand behind my President, my Country, and my Flag.

The vast majority of letters expressed a desire for immediate peace. Following the example of moratorium participants across the country, the students made their pleas quietly, but emphatically. As one read:

> We love the people who are getting killed today.

Another student wrote:

> Let there be peace on earth, to men of good will. It is time for us to prove that we are men of good will.

These young people have shown that they are no longer a part of the silent majority. By petitioning the Government on a subject of their great concern, John Glenn students have given us the opportunity to welcome them into the democratic process. It is time to give our attention to the young people's cries for peace, for no one is more directly affected by the Vietnam war than the young men called upon to give their service, and perhaps their lives, for a cause they do not understand.

On the evening of October 14, the night before moratorium day, I joined in an attempt to keep the House in session for an all-night debate on the Vietnam issue. I felt then, and I believe now, that a full discussion of the Vietnam situation is long overdue.

The President has stated, clearly and unequivocally, that we are no longer seeking a military victory in Vietnam. In view of this, I see no point in a continued sacrifice of American lives and money. I think it is essential that President Nixon provide the American people with an outline of the steps he plans to take for an orderly and sensible troop withdrawal.

I am well aware that such a withdrawal can be made only after full consideration of all factors relating to the safety of our troops. In a speech before an "action teach-in" at Ann Arbor, Mich., recently, Robben W. Fleming, president of the University of Michigan, cited a plan for troop withdrawal including the following points:

> 1. An announced unilateral decision to withdraw from Viet Nam.
>
> 2. Massive troop withdrawals, by which I mean Clark Clifford's goal of 100,000 by the end of 1969, and McGeorge Bundy's formula for removing 100,000 to 150,000 per year for the next two years until we are ultimately down to 100,000 volunteers serving on a rotating basis.
>
> 3. Advice to our friends in both Viet Nam and Southeast Asia that we will make the above moves and that we must therefore re-evaluate, with them, our position in that area of the world.

I support President Fleming's suggestion for troop withdrawal, and, in light of the tremendous support of the American people for the recent Vietnam moratorium, encourage each Member of the House of Representatives to do the same. In the words of a John Glenn High School student:

> A policed world we are, but a policeman nation we should not be. Such a responsibility should not be on anyone's shoulders. Man is not as intelligent as he believes he is if he cannot find a better way, a better world, and a better peace.

LETTER FROM MOTHER OF VIETNAM CASUALTY

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. FINDLEY. Mr. Speaker, recently I received one of the most difficult letters I have had to answer since I came to Congress. It was from the mother of a boy who was killed in Vietnam. The questions she asked are ones which each of us in Congress has had to face time and time again. They are the questions which President Nixon faces daily. I am placing her letter to me, and my answer, into the RECORD, so that many Americans across the Nation may read this thoughtful, provocative letter:

> WHITE HALL, ILL.,
> *October 9, 1969.*
>
> Representative PAUL FINDLEY,
> *Washington, D.C.*
>
> DEAR SIR: The scrapbook we started when our only son was born 25 years ago has now ended. In it are clippings about his activities as A Boy Scout, his church work, when he was elected to the Honor Society, captain of the basketball team, president of the Student Council, when he entered the army and his marriage. The last entry in the book is when you had his name entered in the Congressional Record after he was killed almost a year ago in Vietnam. He was the last of the Tunison name and now the farm which has been in the Tunison name since 1821 will have none to carry on. He is the last of the five generations who have lived here.
>
> May I ask what did he accomplish by his death? What good has it done for all these 40,000 men to give their lives? He often wrote that they were fighting with about a third of their real capabilities. Now there is talk of bringing home some of the men. Do you really think that the Vietnam forces in the South can hold the line, and what about our boys who are left over there without adequate support? Bob thought he was doing something for his country. Did he die that now we give up and quit when we really have not proved anything? Do you think if we give the North Vietnamese all the concessions they ask without having a single concession from them, that when we withdraw they will not sweep the whole of Southeast Asia into the camp of the communists? Where will we attempt the next stand or will we just sit down and let them take the Philippine Islands, the Hawaiian Islands, and on to our own country?
>
> I am troubled for the future of a nation where the young men in college are so concerned as to how they can avoid the draft. We have degenerated a great deal from the days when Nathan Hale said he regretted that he had but one life to give for his country. Another twenty five years of drugs, agi-

tation, and draft-dodging and we will not even have a country. It is time that the people ended this racial strife, curbed the rising crime rate, supported our government at home and abroad while we still have a country. We have all heard it said that history repeats itself and signs are everywhere that if we want to remain strong, we had better change our course. Reducing our navy seemed a step in the wrong direction where our enemies become stronger every year. Arms reduction and limitation sound fine, but can be deadly unless both sides follow that line.

I would also like to know how many other places where we have our men stationed around the world can become future Vietnams? What have we learned that will prevent other Vietnams? I will say with Shakespeare: Beware of entrance to a quarrel: but being in, Bear't that the Opposed may beware of thee.

You have weighty problems to solve, and I hope you and your other Congressional leaders know the answers. But I would like to hope that we could eventually let our son know that his loss which was such a stunning catastrophe for us really did something for his country, and that it was not all wasted.

Sincerely,

Mrs. ENNIS TUNISON.

OCTOBER 23, 1969.

Mrs. ENNIS TUNISON,
White Hall,
Illinois.

DEAR MRS. TUNISON: If it were possible for me to share the burden of grief which you must feel over the tragic loss of your son, George, I would gladly. But that is a special burden which over 40,000 other American families have had to face in the last five years, and one which no degree of sympathy, no matter how genuine, can ever fully appreciate.

My burden is of a different kind. The people of Illinois have sent me to represent them in Washington in the Congress. Under the Constitution, it is the Congress which is charged with declaring war and raising and supporting an army. Yet we in Congress have not fulfilled that responsibility, and it is this burden which weighs heavily upon me. Ours is a duty which cannot be laid aside by inaction, for 40,000 men have died in Vietnam just as if Congress had acted to declare war back in 1964. That this has happened is unspeakable tragedy. Yet we must speak of it, we must learn from it, if we are to avoid a similar recurrence in a similar war in the future.

I am troubled by many of the same things which trouble you, and there are many things to which I do not have the answers. But of one thing I am certain. Your son did not die in vain. The price has been high, but America's sons will no longer have to go to war to settle brush-fire outbreaks of violence halfway around the world. Our own national security is not so infirm as to require our intervention every time there is an uprising on another continent. It is ironic indeed that we had to go to war in Vietnam to find out that we would not have to go to war in other "Vietnams." But the men who died there did not die in vain, because America will live on all the stronger, renewed and secure in the knowledge of her limited but vital role in the world.

A century ago, confronted with a similar tragedy which tore our nation apart, Abraham Lincoln pointed the way which we must follow today. Our duty, he said, is "that we here highly resolve that these dead shall not have died in vain; that this nation under God shall have a new birth of freedom."

The freedom we seek is one which will save thousands of our men from an untimely death in a far-off corner of the world. This is not freedom without responsibility, nor is it one which neglects our friends, when they most need us. Rather, it is freedom which recognizes the strengths and limitations of a great people, and by so recognizing them, becomes all the stronger.

Sincerely yours,

PAUL FINDLEY,
Representative in Congress.

NEW MARITIME POLICY

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. KEITH. Mr. Speaker, as a member of the Merchant Marine and Fisheries Committee, I have long been aware of and concerned with the perilous state of our merchant marine. Thus, it was with a great deal of pleasure that I learned of the President's new plan to revitalize the Nation's merchant shipping capabilities. It is a plan that I believe has wide support throughout the Nation. The Patriot-Ledger, a daily paper from Quincy, Mass., has printed an editorial that reflects this national sentiment, and I am pleased to be able to share it with my colleagues:

[From the Quincy (Mass.) Patriot-Ledger, Oct. 22, 1969]

MARITIME POLICY

President Nixon's decision to revitalize the declining U.S. merchant marine is welcome.

Following World War II, American flag ships carried 57.6 per cent of U.S. foreign trade. By 1968, the total had dwindled to 6.4 per cent. Among world maritime nations, the United States now ranks sixth in the number af cargo ships and fifth in cargo capacity.

Additionally, the fleet is old and is not being replaced rapidly enough to offset the pace of decline. Seventy per cent of the freighters, 90 per cent of the bulk carriers and 50 per cent of the tankers are more than 20 years old, adding to the high costs of the U.S. merchant marine by being expensive to operate and maintain.

The precise details of Mr. Nixon's program have yet to be announced. Yet the broad outlines are apparent. The President wants a stepped-up merchant vessel construction program—about 30 ships a year, triple the existing pace; and he wants to increase the portion of the nation's foreign commerce being carried in American-flag vessels from the current 6 per cent to a stable level of about 30 per cent.

At least this is a start towards a coherent merchant marine policy after years of talk and no action, and disputes among the shipping industry, labor and the federal government.

The United States has a continuing interest in having a modern, efficient, competitive merchant fleet carrying a substantial portion of its foreign commerce. In this effort to improve our merchant fleet, we should be making the most of technological advances and automation. Many of the new merchant vessels should be nuclear-powered. The United States built the world's first nuclear-powered merchant vessel, the NS *Savannah*. But we have not taken advantage of our headstart.

There should also be acceptance by the sea-faring unions of the necessity for utilizing automation. If a new vessel can be operated with a reduced crew because of automation, the unions must realize that this is an opportunity for stable employment with higher pay for such crews, and that an expanded merchant marine by itself will increase employment opportunities even if average crew sizes are reduced. And the prospect of higher pay, improved living and working conditions on modern vessels, and hopefully speedier turnover times and shortened voyages, can make the merchant marine a more attractive profession.

OIL DEPLETION—A POLITICAL FOOTBALL

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. FISHER. Mr. Speaker, the level at which depletion allowance for the oil industry should be set has become quite an emotional issue. There is an old statement which says: "Don't bother me with facts—my mind is made up." With respect to the depletion allowance matter I would hope that those who are interested will take the time to study the facts contained in an article prepared by George H. Fancher, Jr., which follows:

[From the Denver Post, Sept. 28, 1969]

OIL DEPLETION—A POLITICAL FOOTBALL

(By George H. Fancher, Jr.)

The 1969 tax revision bill has passed the House of Representatives and is now before a Senate committee for review. In this bill, Congress recommends, among other things, that the oil depletion allowance be reduced from 27½% to 20%, that percentage depletion on foreign oil and gas production be eliminated for tax purposes, and production payments will be treated essentially as loans.

The basic tax structure of the United States was devised with the idea of taxing income and not capital assets. In the case of a manufacturing company, ordinary capital assets are depreciated, i.e., regular deductions are allowed over the life of the equipment with the idea of returning the cost of the asset—tax free—so that it can be replaced when worn out. The principle, though sound for the manufacturing business and other depreciating items, does not apply to depleting assets such as oil and minerals.

Tax laws must be based on realities in order to provide equity in taxation. The original intention of percentage depletion was to return as a tax deduction the value of oil in the ground including, to some extent, the exploration costs of finding new oil reserves. The present 27½% depletion allowance provides on the average a deduction of only $0.85 per barrel. It is extremely doubtful that anyone can buy or find economic oil reserves in the ground today in the U.S. for $0.85 per barrel. A more realistic cost for oil reserves is $1.25 per barrel. Therefore, the 27½% depletion allowance, similar to depreciation, is an equitable means of returning the cost of the capital asset so that a well can be replaced after the oil has been produced.

Critics of the petroleum industry challenge the depletion allowance as a tax loophole. A review of the facts should clarify this misconception.

1. Current gasoline prices are only 6% above the 1957–59 level compared to a 21% increase in the Consumer Price Index for the same period.

2. Oil company profits for the 20 year period through 1966 were below all other industries.

3. The oil industry paid 5.1% of gross revenue in direct taxes in 1966 compared to 4.5% for all corporations in the United States.

4. Domestic oil production is vital for our national security.

5. Depletion is a necessary incentive to encourage exploration in order to reverse the

decreasing trend in reserves and to meet the increasing demand for petroleum products.

LOW PRICES

Percentage depletion is responsible for keeping the price of petroleum products at a low level. The price of crude oil has remained essentially constant for the past 10 years, although the average price of all items included in the Consumer Price Index has risen 21% over the same period. The reason the retail price of gasoline has increased at the pump is because gasoline taxes have increased 21%.

BELOW AVERAGE PROFITS

In the past 20 years the earnings of the U.S. petroleum companies averaged 12.5% of invested capital, compared to 12.7% for all industries. On the basis of sales, only seven of the top 25 U.S. corporations are petroleum companies. However, it is interesting to note that not one of the petroleum companies is in the first 75 on the basis of returns on invested capital.

FAIR TAXES

The petroleum industry pays their fair share of taxes. In addition to income taxes, oil companies pay other direct taxes, one of which is the severance tax, paid only by extractive industries. In 1966, the petroleum industry paid $2.5 billion in direct taxes or 5.1 cents for every dollar of gross revenue compared to 4.5 cents for each dollar of gross revenue for all U.S. corporations.

Many critics charge that percentage depletion allows oil producers to recover their costs many times over. The facts are that while the oil industry realizes approximately one billion a year through this provision, it invests about five billion a year in exploration and development of new reserves.

NATIONAL SECURITY

Domestic oil production is essential to our nation's security. Inadequate import controls would severely weaken the national economy. Various levels of local government would be deprived of vital tax revenue which would necessitate an increase in the tax burden of all concerned, including the individual taxpayer.

INCENTIVE

Percentage depletion provides an incentive for operators to accept the great risks involved in the exploration and development of all mineral resources so essential to our economy and national security. Continued incentive is vital. Exploratory drilling has declined nearly 50% in the past 10 years due, in part, to Federal regulations on interstate gas production, increased drilling and exploration costs, low crude prices and increases in state and federal taxes. As a result, the oil reserves in the United States have declined to new 10 year lows for the second consecutive year. Today the petroleum industry provides 75% of our total national energy requirements. Federal government estimates indicate that by 1980 the need for petroleum products will increase by 50%. The petroleum industry will not be able to meet these demands if exploratory drilling continues to decline.

Add these facts together and it should be readily apparent that the petroleum industry needs greater incentives to establish new reserves, not a reduction of those now in force.

PFC. TERRY L. BOOTH

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. GAYDOS. Mr. Speaker, it is with deep regret that I announce the death of another of our brave fighting men, Pfc. Terry L. Booth, of Clairton, Pa., who was killed in Vietnam on October 15, 1969.

We owe a profound debt of gratitude and appreciation to our dedicated servicemen who sacrificed their lives for this great country. In tribute to Private Booth for his heroic actions, I wish to honor his memory and commend his courage and valor, by placing in the RECORD the following article:

PFC. TERRY L. BOOTH

Marine PFC Terry L. Booth, 19, son of Mr. and Mrs. John Booth of 16A Woodland Terrace was killed in action Oct. 15 while serving with the First Marine Division in Quang Nam Province, South Vietnam, it was learned.

Pvt. Booth, a 1968 graduate of Clairton High School, had been in Vietnam only 45 days at the time of his death. The city Marine enlisted in the corps March 6 of this year.

CRISIS IN AIR TRAFFIC

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. FASCELL. Mr. Speaker, everyone is aware of the impending crisis in air traffic if constructive measures are not taken soon. Both the House Interstate and Foreign Commerce Committee and the Senate Commerce Committee have held hearings on this general subject regarding an Administration proposal. This proposal, the Aviation Facilities Expansion Act, is good; it would create additional airports, require a study of our airways by the Secretary of Transportation, propose a 10-year plan for adequate airport development. But, this bill fails to mention a vital part of any airport operation, the air traffic controllers.

Currently pending before both these committees of Congress is another proposal, one which would amend the Federal Aviation Act of 1958 in order to establish certain requirements with respect to air traffic controllers. Together with 28 of our colleagues, I have cosponsored legislation which would remedy serious weaknesses in our air traffic safety by upgrading the air traffic controller system. Senator HARTKE and 17 other Senators have introduced identical legislation, on which no action has been taken. Mr. Speaker, these bills which are endorsed by the Professional Air Traffic Controllers Organization, a professional group, concern essential aspects of the Nation's airports.

The Miami air traffic controllers have contacted me regarding the recent congressional hearings that have been held on airport development and airport safety. These men feel that testimony before congressional subcommittees by FAA officials has been less than equitable for all concerned. From the Miami Center, 150 air traffic controllers have requested me to enter in the RECORD the following letter which they wrote to FAA Administrator, John Shaffer. I do so at this time in order to bring the concern of the many air traffic controllers to the attention of our colleagues.

The letter follows:

MIAMI AIR ROUTE,
TRAFFIC CONTROL CENTER,
Miami, Fla.

Mr. JOHN H. SHAFFER,
Administrator, Federal Aviation Administration, Washington, D.C.

DEAR MR. SHAFFER: We are the one hundred and fifty Air Traffic Controllers that staff the Miami Air Route Traffic Control Center.

At this time there are one hundred and fifty confused and disappointed controllers at this facility. We have tried honestly and desperately to understand why you have undermined—without plausible cause—our every aspiration and failed to produce an alternate, workable solution to our problems. Perhaps if you knew the background of our dilemma, you would understand why we feel as we do.

For many years, Controllers all over the country could see the advent of the air traffic crisis. We lived through many years of promises made and broken by the FAA. During the Johnson administration we suffered major cutbacks in manpower and material. At this very time the airlines and aviation industry were building at a fantastic rate, but no allowances were made in air traffic control to compensate for this build-up in the sky. The Controllers' plea for help fell on deaf ears.

Finally in January of 1968, we, the Air Traffic Controllers of this country, united and formed our own professional organization in order to speak in unison to the layman and the Congress. This was done with our own time and money which we could ill afford but were eager to contribute for a better understanding of our cause. We were proud when we brought about Operation Air Safety, and to the best of our knowledge, not one Controller abused this operation. We merely stopped cutting corners—dangerous corners that would eventually lead to loss of lives. All Controllers had been extending themselves far beyond safe tolerance, trusting in their good judgments to cope with increasing work loads, but all Controllers feared the words, "relieve this man, he can't handle it." Yes, thank God for Operation Air Safety.

This organization we formed is called Professional Air Traffic Controllers Organization (PATCO). It was then, and is now, the only representative voice of the Controller. It *is* the Controller.

Other organizations represented the Controller before we organized PATCO. ATCA was the first. Today it is representative in FAA management and corporate membership only. It does not represent the Controller. AFGE and NAGE were taken on by the Controllers as the next step under executive order 10988. These did much for local policy but were never meant to be the voice of the Controller on professional matters. When these organizations began fighting PATCO, their memberships dropped sharply and will continue to do so. The Miami facility, which had exclusive NAGE membership, now has less than two dozen members, including teletype operators. Our PATCO membership is 97%. This, we believe, is the true picture throughout the country.

Now that it has been established that PATCO is the Controller, let us go on to what we have accomplished. We have brought out in the open, to all the public and the Congress, that there is an air traffic crisis. We remember vividly the words of our past Administrator, Mr. McKee—"You have done what no one else has been able to do; you have given us the vehicle with which we can approach Congress for assistance." We were getting somewhere. We then gathered all available data and, with the help of Congressmen, drafted a bill entitled "The Air Traffic Controller Bill" (S 1026; HR 7870). This Bill has as its background all the wisdom gained from years of study and all the best medical opinions available from extensive research. This truly was our salvation, and every Controller in this country placed all his confidence in its passage. We have written to Congressmen in the past year asking support of the legislation. The support was tremendous and we had faith—a faith in the Democratic process which has made our country great. Finally, after waiting a year and a half, legislative hearings began.

Just prior to the hearings, the Controllers in Miami hosted the PATCO convention. We describe it as having been a most dramatic and highly professional affair. At the banquet, we vowed to do our best to hold together this present air traffic system until conditions improved. Senator Vance Hartke, our guest, gave an excellent speech complimenting the Controllers and the FAA.

The fateful day when the hearings began was the day when you, Mr. Shaffer, sat before that Committee and by your testimony shattered the hopes of every Controller in the country. We all had been pressured from every direction—stress, tension, overwork, and yes, underpay. Naturally, the news media released your testimony and a few disheartened and embittered Controllers walked off their positions. We were all angered enough to do so, but only a few took this drastic measure. You blamed this on PATCO as a well organized plan of action whereas, in fact, if it were not for Mr. F. Lee Bailey's requesting that we not lose our heads and that we stay on our positions, the following days would have been a disaster.

Mr. Shaffer, you now say that you were quoted out of context by the news media, but that does not diminish the fact that Congress, the Controllers and the flying public have interpreted your testimony as antagonistic toward our legislation. In only four months you seemed to know better what was needed, regardless of what years of collective experience and research indicated in the views and proposals set forth in our Bill. If you gained your knowledge from FAA management, couldn't you realize that you were dealing with a very antagonistic group—a group that has long been bombarded by everyone concerned for allowing this system to become so antiquated? If a system is inadequate, we have to know why it is inadequate before we can remedy it. Somewhere the blame must be placed, and in this case it is FAA management.

We then learned that you had an eight point program that was better than our Bill. This restored some our our hopes and we began to regain faith in you. But then came the "witch hunts"—the interrogation by FAA Security Agents at Denver, Kansas City, New York, etc.—regarding the Controllers' absenteeism. You indicated that this was required procedure—a mere formality—and that nothing would come of it. But within two days, via a barrage of telegrams, you gave us a warning, the notice of punitive action to those involved in the walk-offs, and withdrawal of dues deductions and PATCO recognition. You say that you have the highest regard and respect for all Controllers and at the same time you try to kill PATCO which *is* the Controller.

We would like to know why the Professional Air Traffic Controller cannot help management solve the air traffic crisis. We would like to know why the Blue Ribbon Panel was instituted when it is common knowledge that for years every possible study has been made on the Air Traffic Controller. We would like to know why the Agency has seen fit to tell Congress that our salary is $18,000 to $22,000 a year when the average radar Controller with eleven years of service and overtime is actually making $14,000. We would like to know why Congress was informed that there are 18,000 Controllers when there are less than 10,000 tower and center Controllers. We assume you are including flight service specialists in this count and they do not control traffic. We would like to know what has happened to your package. And finally, we would like to know why the Agency is against the Controllers' Bill and is anxious to stall until the next session of Congress, as it appears.

Mr. Shaffer, mere words cannot appease us. If you would listen to and support our ideas as represented in our Bill, you could build a system that would be admirable and acceptable to all. In the past, you have listened to false prophets that envisioned an automated air traffic control system placing control back in the cockpit. Even ALPA cannot be taken in by such unrealistic procedures. The idealist who envisioned this piece of equipment forgot about weather factors and the assistance of radar vectoring around weather and traffic. Every pilot and Controller knows that the air space element in any Controller environment changes constantly. Listen to the wisdom of active pilots and Controllers rather than to those of the past who have lost the picture. Invite them to go into the field and talk with the present-day Controllers who can best convey the many needs associated with air traffic control, such as:

1. Operational NAS equipment at every center and approach complex
2. A workable ALPHA Numeric System within the NAS equipment
3. Radar at every facility that handles air carrier jets.
4. Better radar and how and where it can be obtained
5. More runways and airports and suggestions as to their locations
6. More Controllers of the highest caliber
7. Higher pay to compensate for the tremendous pressure, tension, and responsibility connected to air traffic control
8. Early retirement for depleted Controllers

We could go on. But now is the time for deeds rather than words. Now is the time for the voice of the Controller to be heard with sincerity and honesty. Headlines such as "Major Air Disaster Claims 500 Lives" are tragic announcements, but more tragic is the reluctance to take appropirate action for which we are fighting to eliminate such headlines.

Yours sincerely,
150 Air Traffic Controllers.

THE BAY AREA RAPID TRANSIT SYSTEM

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. MILLER of California. Mr. Speaker, the Bay Area Rapid Transit System that will be in effect in Alameda, Contra Costa, and San Francisco Counties withing the next few years will be one of the most advanced and sophisticated rapid transit systems in the country. The managers of the Bay Area Rapid Transit System were not inhibited, therefore, they have designed a system that will incorporate the most modern technology.

The cars for the system will be built by Rohr Corp. under the direction of Robert J. Rucci. Rohr's reputation has been well established. It has been a subcontractor in the space program, and has applied their know-how to its undertaking as the builder of BART cars.

The cars will substantially be built of aluminum, and will have a dual braking system; one system of brakes will be friction brakes on the wheels, and the other system will slow the electric motors that drive the wheels. It is expected that they can decelerate from a speed of 80 miles in 20 seconds as smoothly as an automatic elevator.

We, of the bay area that will be served by BART, are very proud of the initiative involved in trying to solve the massive transportation problems that confront all metropolitan areas. We are happy to know that the modern technology developed in the space effort is being applied in the design of the cars, the track, and all other facilities.

I congratulate the Rohr Corp. of San Diego on the great contribution it is making in this area.

A CONCERNED VICE PRESIDENT

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. WYMAN. Mr. Speaker, Vice President Spiro Agnew is a concerned American. Just why he is concerned and how he became concerned is outlined in part by the distinguished columnist Stewart Alsop in this week's issue of Newsweek. In light of the tremendous amount of controversy attendant upon some of the Vice President's remarks in recent days Mr. Alsop's remarks take on added significance:

Spiro Speaks

(By Stewart Alsop)

Washington.—What follows was excerpted from six double-spaced pages of notes on a talk last week with Vice President Spiro T. Agnew. It is an attempt to catch the flavor of the Vice President's manner of talking and thinking. The flavor seems worth trying to catch, and not only because Mr. Agnew is again in the news, with his famous speech about those "impudent snobs." There is another reason—the fact that Spiro T. Agnew could, quite conceivably, be President one day. There is a third reason, too.

Office in Old State, huge fireplace, gilded mirror, eagles on doorknobs, the works. Vice President reading blue-covered booklet with stars and seal, marked The President's Daily Briefing—the CIA intelligence summary. Face pink, healthy-looking, hands carefully manicured, French cuffs with gold cuff links, small, controlled smile. Talks easily with air of candor. Looks as though he'd been dieting. Rather Presidential-looking—a casting director would instantly choose Agnew over Nixon for role of Modern President.

He himself instantly brings up the subject of the "impudent snobs" speech:

"You know, there's a certain humor in the situation. They land on me for a few words out of context, but the other side can attack, and no matter what language they use, there's no criticism . . .

"Yes, I wrote the speech myself. I never submit my speeches to anyone. I did that speech on a Saturday, and there were not many people around . . . the trouble was, nobody paid any attention to what I really said . . .

"You have Ed Muskie asking why we won't stop testing MIRV's and Ed Brooke saying we're responsible for the strategic arms race. I was trying to answer that sort of thing . . . We've built no ICBM's since 1967, no nuclear submarines since 1965 . . . The Russians have 64 ABM's already, more than we'll have in 1974. They're building 100 ICBM's this year alone, and they're building nuclear submarines just as fast as they can. Yet you have these statesmen blaming *us* for the strategic-arms race. That's what I meant by masochism . . . I've seen dozens of editorials about my speech, and *not one line* about this subject.

"I suppose if you want to get a point across, you say it in exciting language, and then bland out everything else . . . Of course if you use punchy language, you're automatically attacked for intemperance. But that risk is counterbalanced by the attention you get for what you say. If you can get your thought through to people, it can be worth the risk . . . If I had it to do again, I'd still deliver the speech just as I wrote it."

Agnew on the young:

"There is a fascination among young people with demonstrations as a means of communication. I have a theory about that. There is a direct relationship between the popularity of confrontation with young people, and the fact that they were brought up on television, not books. They're conditioned to action and emotion, not words. This is a perfectly natural thing—every day, they see action, violence, confrontation on television, and they are naturally more conditioned to action than logic. But there is a danger there.

"Young people who become involved, often for very salutary reasons, in a demonstration or confrontation, tend to become caught up in the event itself, emotionally, tend to be carried away by mob psychology . . . that is the danger . . ."

Agnew on his own generation gap:

"My 14-year-old daughter, Kim, wanted to wear a black arm band to school, to demonstrate against the war. I told her I had no objections if she really understood the fact. So I took a lot of time to tell her how we got involved in Vietnam, and the situation there, and so on. She said 'I understand what you're saying, but I don't agree.' So I explained the whole situation again, about the 1954 accord, and the 1962 accord, and she said, 'All right, but why not just get all of them out of there?' So I said, 'Kim, I have given you the arguments for not just getting out, and you just haven't given me a logical argument against it. So [here voice rises in parental authority] *there will be no black arm band and no participation in a demonstration.*'

"Well, there was the usual crisis, and I guess some mutual trauma, but after that, I think, I was nicer than usual to her, and she was nicer to me . . . I think kids keep pushing these days, to find authority, that they need authority at some point, and when they don't get it they're unhappy . . ."

Agnew on politics, George Wallace, and the South:

"I hope I'm still a politician, though some people might dispute it [small smile]. I've just come back from the South, and I'm sure now most of the people in the South don't want George Wallace. They didn't really want George Wallace in 1968, but they felt they had no alternative. They didn't really know who Nixon was—all they knew was that he was a professional politician who'd been around the track before. Now they've seen the President in action, I'm sure they feel more confidence with Nixon than with Wallace.

"I made a speech the other day in Jackson, Mississippi—2,400 people at a hundred a plate, the biggest political gathering in the state's history . . . In the South, the politicians have been caught in a cross fire, between George Wallace on the right, and Ed Muskie or George McGovern on the left. In 1968, they felt they had no place else to go but Wallace. But that's no longer true. Most people in the South, as elsewhere, want to be somewhere near the middle of the spectrum.

"We've made it clear that we will not support a racist policy . . . But there have been steps taken which the South understands and appreciates. Revenue sharing, for example . . . And we recognize the Supreme Court decision against artificial segregation, but we also recognize that the decision does *not* mean artificial integration . . . Wallace can't get off the ground now . . . I think the President can retain his support in the South, and I think he can retain his general support in the rest of the country . . ."

More talk about Vietnam, politics, and daughter Kim (who must be a strong character) which the Vice President puts off the record, and talk ends.

The third reason it is worth trying to understand the way Spiro T. Agnew talks and thinks is that he is a more formidable political figure than those who laugh at him realize. What he says may not be particularly original or profound. But he is formidable, all the same, because his style of speech and thought precisely mirrors the style of the "Middle Americans" who make up the great majority of the American electorate, and who will therefore elect the next President. After all, a lot of them have their Kims to worry about, too.

A CONSTITUENCY IS HEARD

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. EILBERG. Mr. Speaker, all of us have found that representing our constituents becomes a more complicated business with each succeeding year. I return home as often as this body's busy calendar permits and on those weekend trips I try to speak with as many of my constituents as possible.

A handshake, however time-honored this political practice is, can hardly be a substitute for a meaningful discussion of the issues confronting the Nation and its legislature. If you speak with 100 people on a weekend, can you be certain that their views are truly representative of your nearly 500,000 constituents.

All of us have been elected certainly to use our judgment, particularly as the issues grow more complicated and technology seems to want to outstrip our comprehension. But the Federal system mandates that each of us represent our constituent views in the councils of this Government.

Like many of my colleagues, I have adopted use of the questionnaire to determine the views of the people back home. I have been most impressed by my constituents' mounting disenchantment with the war in Vietnam. It is obvious they have had enough of the war and are interested in disengagement leading to eventual and total disentanglement.

I will not presume to judge their motives. Some no doubt believe the war an immoral excess on the part of this Nation. Others are appalled by the war's expense, now $30 billion a year, and the fact that its conduct is distracting and dividing America at home. Others have lost sons or husbands. And many, no doubt, are exhausted by the conflict and the controversy and now believe it is time to withdraw.

But whatever the individual reasons, these citizens have coalesced into an impressive majority which now speaks to the Congress and the President and says, "Enough."

With the unanimous consent of my colleagues, I here enter in the RECORD my most recent newsletter which includes the results of my questionnaire:

A BETTER TAX BREAK FOR ALL

OCTOBER 1969.

DEAR FRIEND: If you have been following the news from Washington you know that a battle is underway in Congress on the vital issue of taxes and a better break for all.

In August, the House of Representatives passed a tax reform bill which provides relief for all taxpayers, including the home-owning job-holding middle class. The bill also makes a start on closing some of the unjust tax loopholes which allow special interests and the very rich to avoid paying their fair share of taxes.

Although I am still not satisfied that the bill passed by the House does all that needs doing, it is a good beginning. It incorporates many of the provisions of legislation I introduced and it will assure a tax reduction over the next three years for virtually everyone in the Northeast.

The tax relief in this bill take effect as money gained by closing loopholes and drawing on other sources becomes available. The reform bill closes some of the obsolete and unwarranted loopholes that we have led to so much tax gimmickry and unfairness. Other loopholes were tightened including the oil and gas depletion allowance, reduced from 27½ percent to 20 percent.

As approved by the House, the bill will provide a tax cut of at least five percent for every lower and middle-income taxpayer.

THE SENATE MUST CHOOSE

First, however, the mill must clear the Senate in its present form without that body watering down the reform and relief provisions it presently contains. It is my sad duty to report that the bill and its provisions for tax relief are under attack in the Senate.

The Administration is seeking to cut the House-approved tax reductions by an average of about 50 percent. The Administration also has asked that corporate income tax rates be reduced by two percentage points rather than increased or held at the currrent rate.

The Administration is trying to make a public case that the House bill would reduce revenues to the Federal government in a significantly, unacceptable way. The simple fact is there is no significant difference in the revenues the House reform bill would provide with revenues the Administration's tax package would produce. The difference is who would pay, the middle class or the corporate rich and privileged. The House bill would require that the rich and the privileged pay.

The Senate must choose between justice and equity as embodied in the House bill and favoritism and special privilege as proposed by the Administration.

YOUR OPINIONS ARE HEARD

In the late spring, I asked you to give me your views on the major issues of the day and legislative proposals before this Congress. I want to thank the many of you who took time from your busy schedules to answer the questionnaire. After a busy summer of studying the questionnaires and reading the letters that accompanied them, the results have been tabulated. Here are those results by percentage.

JOSHUA EILBERG.

1969 CONGRESSIONAL QUESTIONNAIRE

				Yes	No	Undecided	No response
1. (a) Do you favor the Nixon administration's proposal to retain the 10-percent surtax through 1969 to curb inflation?				54	27	6	3
(b) If you answered "Yes," would you at the time insist upon closing tax loopholes?				60	1	3	36
(c) If you answered the first question "Yes," would you also insist on substantial cuts in military spending?				33	21	7	39
(d) Do you favor my bill to raise the standard tax exemption from $600 to $1,000?				83	4	2	11
2 President Nixon has said he will deploy Safeguard, a limited antiballistic missile system. Which of these options do you support?							
(a) President's proposal			38				
(b) No ABM system			31				
(c) Thin system			7				
(d) Thick system			12				
No response			12				
3. Most people believe that nonessential Government spending must be cut. In which of these areas would you cut spending? (Check up to 3. Figures tally above 100 percent because of option of selecting 3.)							
(a) Defense budget			39				
(b) Aid to education			8				
(c) Aid to cities			9				
(d) Space program			40				
(e) Health			2				
(f) Welfare			33				
(g) Foreign aid			80				
(h) Poverty programs like Get Set, Job Corps			32				
4. Would you increase or cut Federal aid to:	Increase	Cut	No response				
(a) Private and parochial schools?	44	44	12				
(b) Elementary and secondary public schools?	67	12	21				
(c) Colleges and universities?	37	46	17				
5. When the Federal Government assists in building low and middle income housing, should the community involved be consulted about location, need, and type of structure?				86	6	3	5
6. (a) In view of the closeness of November's presidential election, do you think we should change the way we elect our Presidents				79	13	3	5
(b) Are you in favor of my proposal to abolish the electoral college and substitute direct popular election of the President?				77	12	5	6
7. Are you in favor of reducing the voting age?				43	49	3	5
8. (a) Do you think the present draft system is fair?				22	63	8	7
(b) Do you think the draft system should be changed or reformed?				67	16	6	10
(c) Do you think the draft should be abolished in favor of an all-volunteer Army?				26	57	9	8
9. We all want the war in Vietnam to end. Which of these possible courses of U.S. action in Vietnam do you now most support? (Check one.)							
(a) Immediate withdrawal of U.S. forces			16				
(b) Gradual withdrawal of U.S. forces			32				
(c) Immediate cease-fire as the basis for talks			10				
(d) Continue present levels of military action			3				
(e) Step up military activity			7				
(f) Resume bombing of North Vietnam			5				
(g) Invade North Vietnam			5				
(h) Use nuclear weapons against North Vietnam			2				
No response			20				
(i) Do you think the Paris talks will lead to peace?				19	51	23	7
(j) Do you think the Nixon administration is doing enough to end the Vietnam war?				22	48	23	7
10. (a) Which do you think possesses a greater threat to world peace?							
The war in Vietnam			29				
Tension in the Middle East			56				
No response			15				
(b) Who do you think is wrong in the Middle East?							
Israelis			4				
Arabs			41				
Both of them			47				
No response			8				
(c) Do you think the United States should help in imposing a Big Power settlement on the Middle East?				29	50	14	7
11. Do you believe additional Federal laws are needed to protect the consumer?				83	8	3	6
12. Do you think the Constitution should be amended to permit prayer in the schools?				64	24	6	6
13. Campus disorders have spread across the country. If you were a college president and 100 students sat in your office would you:							
(a) Try to talk to them?			37				
(b) Kick them out immediately?			24				
(c) Call police?			20				
No response			19				
14. What kind of job do you think President Nixon is doing?							
(a) Fine			18				
(b) All right			52				
(c) Poor			17				
No response			13				
15. What do you think are the three most important issues facing America today? Please list below in order of urgency. (Using a weighted point system, the following results were tabulated by percentage):							
(a) The war in Vietnam			26				
(b) Urban problems			21				
(c) Law and order			13				
(d) Campus disorders			9				
(e) The economy and inflation			9				

The remaining 22 percent went in descending order to foreign affairs, ethics in government and politics, the public spirit and morality, the Communist threat, the Middle East, the problems of senior citizens, education, the antiballistic missile system, national resources and pollution, big government, the population explosion, and finally, big business.

JOSEPH L. GERHART GIVES A PERSPECTIVE WHICH THE NEWS MEDIA NEGLECTS

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. TALCOTT. Mr. Speaker, every genuine American is "against war." Only the Communist aggressor who seeks to dominate other peoples and to acquire the land of other nations initiates war.

Most patriotic Americans, most citizens who believe in our representative system of government, most persons who truly want peace, most people who are concerned about the persistent inroads of communism, in this country and abroad, want to support President Nixon in his efforts to extricate us from this miserable war in Vietnam.

This huge majority in all walks of life, from every section of the country, regardless of race, color or creed, who support the President are frustrated and angered because they are not heard or seen to the same extent as those who oppose the President and our Government.

The overwhelming majority of American people are angry with the news media who consistently promote and glamorize the protesters, the demonstrators, and the anti-President crowds.

The great number of solid U.S. citizens who have contributed to the morality, stability and productiveness of this Nation are offended that a small number of hard core organizers whose objective is to destroy our reputation, our system and our institutions are given the greatest attention, time and space in the news media.

If you oppose the President, if you criticize the Congress, or if you want to bring down the Government or aid and abet the North Vietnamese or the Vietcong, you can always attract space and attention in the news media far beyond your numbers.

It would be helpful to provide balance, to help educate the curious and to fulfill the reportorial responsibility of the news media if all factions and all views were fairly reported.

Since the promotion of the October 15 moratorium began in earnest many months ago, during the demonstrations, and since, many constituents have written to me complaining about the disparate emphasis and the promotional effect of the news coverage.

Some resent the failure of the news media to give proportionate time, space or attention to groups or individuals who hold a different view.

Some ask why it is made so difficult for the majority to dissent from the dissenters. Some ask why the "straight and square," the decent and clean are rebuked whenever they try to speak out.

It is bad enough to believe that government ought to be pressured by mobs in the street, or that destruction or obscene behavior will receive more attention and consideration than polite, orderly importuning of the Government—but for the news media to aid and abet this behavior is alarming to many solid citizens who truly yearn and work for peace.

I insert a typical letter, one from Mr. Joseph L. Gerhart, the district superintendent of the northern California and Nevada district council of the Assemblies of God, who represents a large constituency.

His point is well taken. Three SDS members would be given more notice by the news media than 3,000 students who support a governmental official.

I believe Mr. Gerhart's letter deserves the attention of every Member of the Congress. It gives some much needed balance and perspective:

ASSEMBLIES OF GOD, NORTHERN CALIFORNIA & NEVADA DISTRICT COUNCIL, INC.,
Santa Cruz., Calif., October 15, 1969.

Hon. BURT L. TALCOTT,
Longworth House Office Building,
Washington, D.C.

MY DEAR MR. TALCOTT: I wish to express my very deep concern at the expression which is being voiced by some of our U.S. Government Officials in regard to the present policies and decisions of our President, Mr. Nixon.

It seems to me that this is the time when all Americans, regardless of personal opinions, would realize the necessity of standing with the President in endeavoring to save our Nation from Communism.

It is sad when uninformed people create great havoc and distress throughout the Nation but it is absolutely tragic when men who should be supporting the President are willing to stand against him most vocally by means of our news media.

We are all against war. . . . I am certain of that. We are also for America!

Who is going to give direction to millions of Americans who are distressed by what is going on but have no means of being heard? Is there any way to stem the tide of anti-Americanism which is being gushed out to us very day via the news media?

About a year ago when our District Youth held a Convention in Sacramento, more than 3,000 of them marched to the Capitol steps with posters and banners and songs, demonstrating their support of the Governor, the Nation and God. Did this make headlines? No! Not even the Sacramento newspapers gave prominent coverage. If it had been 3,000 SDS, it would have been on every national TV news release as well as all of the news media.

Very truly yours,

JOSEPH L. GERHART.

I WANT PEACE

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. JACOBS. Mr. Speaker, under leave to extend my remarks, I include an article written by a former Member of the House of Representatives and former Ambassador, the Honorable Herbert Pell:

I WANT PEACE

(By Herbert C. Pell)

(I know how easy it is for an ignorant politician to yell "Communist" when he is at a loss for an answer or desirous of covering himself with a smoke screen. That is why I write this personal note. I should be among the first to be destroyed by communism. I am nearly 70 and have never been in business. I have lived all my life on invested property as did my father and mother and my grandparents and most of my great-grandparents before me. Economically I represent everything to which communism is hostile. I am one of the comparatively few Americans every one of whose ancestors became a citizen of the United States on July 4, 1776. I have always loved and enjoyed liberty. Since the day of my first effort in politics I have worked for personal freedom for all. I have lived in totalitarian countries and loath what I saw there. I know that a Communist government will inevitably degenerate into a totalitarian autocracy which is the opposite and the implacable enemy of everything I have enjoyed, of every material policy that has served me, of everything I have respected and of everything I have loved.)

I am for peace. I am for minding our own business. I am particularly opposed to a policy which boils down to an effort to impose American ideas and customs on other nations. This does not mean that we should not recognize the duties and responsibilities of our position.

We must properly understand the situation of the United States. This country is the leader of the free world which is a very different thing from being the free leader of the world. We are the first of a group of associates. We cannot act as the owner of slaves, as the paymaster of hirelings or as the dominator of satellites. The nations on our side are weaker and poorer than we are either because they are smaller or because they have suffered more, but they are not slaves, servants, or sycophants; they are free nations and can be led by their willing consent or not at all. We cannot treat them as tools to be broken in our interest. When we assume the burden of leadership, we assume at the same time a responsibility for the interest of those whom we lead. We cannot offend their conscience or sacrifice them for our own gain.

Are we to rush by ourselves all alone on a course of military adventure without the assistance, without even the sympathy of other nations which might have supported us in a less dashing policy. It is, of course, true that a leader must lead but another essential of leadership is to have followers. We cannot wisely ask the world to look to us for guidance if we obviously intend to consider no counsel but our own. The career of the Kaiser and of Hitler, as well as the example of Stalin should have taught us to consider the inevitable end of the largest and strongest lone wolf.

Intelligently we must recognize that the United States cannot be alone in the world. It cannot long remain prosperous in a company of ruined nations. So much is obvious. For a good many years to come, the core of individualist economy—if that economy is to survive at all—must be a prosperous United States. It is manifest that we cannot as a Nation continue as the leader and the bulwark of a civilization based on the assumption that peace is the normal condition of mankind if we persist in a policy of military adventure or turn ourselves into an armed camp.

If the United States is to be the first Nation of the future, if we are entering on the American century, let us hope—and do what we can to make it so—that the period of our leadership will be a period of peace, amity, and prosperity rather than a time of subordination for the world under the rule of a people themselves oppressed by the tools of their dominance.

Peace is not always easy to maintain: At the present moment its maintenance is and will be for sometime extremely difficult. As Governor Dewey once said, "We must wage peace."

Twice in our time we have seen that total war (and there is really no other kind possible) decides nothing, settles nothing, answers nothing, and leads to nothing. Winner and loser, both are vanquished. Is there a single nation on earth that got, by any imaginable system of accounting, a net gain out of either of the two wars we have lived through?

War is not a natural thing. It is the bankruptcy of leadership. It is the final and glaring proof that the governors of the world are not fit for their positions. Hatred of a foreign and unknown country is a drummed-up thing, and above all it is no essential part of patriotism, any more than hatred of your neighbors is an essential part of family love.

Peace is the only possible base for our civilization. It was built on peace and without peace it will die. War will ineluctably end the customs and the outlook and the way of life, the ideals and the national purposes which we inherited from our fathers to be held as a sacred trust for our children.

The inevitable result of war will be the complete destruction of everything that we value and the cutting of the taproots of democracy in the world. Manifestly with the effective end of prosperous democracy in the United States all freedom on earth must inevitably perish.

Can we afford to antagonize all other countries which normally would support us?

I have lived in totalitarian countries; I have seen independent nations lose their spiritual strength. I suggest an illustration which may at first appear unimportant. When I was a boy I traveled a great deal in Italy before the first war. I remember going to cafes in the summer, where the people sat around in groups up to a dozen at a table, all talking freely. I don't suppose 1 conversation in 20 had anything to do with politics. In 1938, I drove my son from Naples to Vintimiglia. The people still sat outside of cafes in summer, but they were at tables of two or three and their conversation was in whispers. Again, I believe that only a small proportion of these conversations were political, but the habit of fear controlled the minds of the people.

War will certainly destroy many forms of private property and of private investment and will practically annihilate all private business. From five to ten million at least of the best and most effective workers will be withdrawn from peaceful production. From fifteen to twenty more will be forced to devote their energies to the manufacture of articles of war. This will come pretty near to cutting our productive labor force in two. War priorities will reduce the manufacture of automobiles, houses, electric goods, roads, schools, hospitals, and everything else that we consume to the lowest possible level.

I have lived in countries where just this thing happened. I have gone through cities which I remembered as prosperous and active and found them like ghost towns and empty shops, hungry people, no traffic and above all, no hope and no liberty.

Another war with its crushing taxes will certainly mark the end of capitalism. Private capitalism depends on private investments and private investments depend on the willingness of people to forego present pleasures for future security and income. When my father forewent the expenditure of $100, he thought he was getting $5 a year for the rest of his life and $5 a year to be divided among his descendants for an indefinite time. Today the Government takes a great part of this return for income taxes and a lot of the capital in inheritance taxes. The result is that people will be less willing to save; less willing to give up present enjoyment for a much smaller ultimate gain. In the meanwhile factories must be erected; houses must be built; electricity and water supplied to new developing districts. Where is the money to come from? As these are necessities of life, it must obviously come from the State, which means socialism, and the administration of an increasing part of our economic structure by the Government.

It is quite certain that the Government will be obliged willy-nilly to do much more than this. It must direct the energies of the people into the canals which it will select. A man will not be able to build a hotdog stand or toy shop unless he can get materials allocated to him by the Government which practically means permission to go into the business, and he will not be allowed to do so, if the Government believes that a drug store or a fountain pen factory are more needed. With this extension of Government control of the economic lives of the community, there will inevitably come a system of censorship and the loss of all freedom of expression. We will be further and further from that idea of American liberty once expressed by an unknown cowboy, who said that he wanted to be able to look any man in the eye and tell him to go to hell.

Shortages inevitably mean rationing and rationing means Government control. But things will, and everybody knows it, go much further than that. With insufficiencies everywhere, the allocation of every short supply must be—or at least certainly will be—in the hands of the Government. Officials—wise or unwise—probably good men but not all-knowing, will have to decide what buildings shall be erected and what goods are to be produced. This is so obvious that no one can suggest any other policy. If there should be, as in the case of war there certainly will be, not enough steel to go around it would be obscenely indecent to allow one man to build himself a yacht merely because he could outbid the community.

There will be no field day for labor. There will be no overtime and no holidays taken at will when pockets get full, no shopping around for pleasant profitable or interesting jobs. Labor will be drafted in an all-out war and the workman will have no more freedom than the soldier. He will go where he is sent and do what he is told and get what the Government chooses to pay him and whatever that may be, it will not buy him very much.

All the improvements in labor conditions which I have seen coming in the last 50 years—many of which I fought for during the course of my career—will fall like trees in a hurricane. Strikes of laborers in factories will be as impossible as strikes of soldiers at the front. Anyone who is willing to think for 5 minutes must know all this and nobody thinking for a month can suggest anything else. I have seen this in other countries and I do not want to see it here.

Independent thought, independent expression will be crushed. The self-respect of free and thoughtful citizens will be destroyed by the continued knowledge that it is only at their own risk that they dare whisper any criticism of the elected officials of the Government. These would be the consequences of a great war.

Today, does any sane person believe that a conflict with Russia will mean anything but mutual destruction and ruin? Do we hope to overrun Russia as Germany was overrun and occupy it as Germany was occupied, and then build it again, as we are doing Germany and Japan into something very like what it was before? What do we plan to do with a victory?

It is manifest that a war with Russia will end in a collapse of common exhaustion. The representatives of a shattered Russia will meet the emissaries of a worn and exhausted United States and devise a means by which both can survive without continuing mutual slaughter and destruction. Is there any person in the world who imagines any other result possible?

Thirty years ago we tried to establish a democracy in Germany. The Germans are an educated and industrious people, accustomed to cooperation, but having had no experience in the workings of a democratic government, they were unable to maintain the structure of freedom and found themselves like the man in the Bible whose devil left him and returned with seven other spirits worse than himself. Are we going to make this same mistake again in dealing with Russia?

We are often told that we cannot negotiate with Russia. The Russian Government will not keep its word. Its guarantees and solemn promises mean little or nothing. Does any sane person believe that after wrecking the Russian Army, destroying the structure of the Russian Government, there will emerge from Russia a group of negotiators of greater integrity who will be more desirous of keeping their agreements and what is equally important, will have the power to enforce them at home?

It would be absurd to imagine that such a negotiation would be an easy or routine affair.

Russia has experienced enormous changes in the last 30 years; it is certain that the course of change is not yet run. The centers of political power and economic interest are far from fixed. We cannot expect a treaty with the government of such a country to endure very long—the best that can be sensibly hoped is imperfect and temporary, but even a temporary calm will allow the billows raised by the earthquake of war to subside a little, and every bit of calm makes stronger the settlement and integralization which can be the foundation of something more solid.

Our negotiators will be in the position of Eliza crossing the river, Pursued by bloodhounds, she arrived at the Ohio. She jumped on a floating piece of ice which could give her no prolonged footing, but was at least solid enough to provide a place from which she could leap to a second and a third, hoping that a fourth would drift along and that eventually she would arrive on hard ground. The temporary security of a cake of ice, even though it only deferred ultimate disaster, kept open the possibility of at last reaching land. It was better than bloodhounds or cold water. She would of course have preferred to cross by a bridge or ferry boat, but no boat or bridge presenting itself, she took a poor chance rather than accept inevitable failure.

I am perfectly certain that our system—the American system which everybody knows and which no one can accurately define—is, of all social structures existing today, the one which is most capable of development; most able to maintain itself; and especially that it can with the fewest and least dangerous repercussions alter its course to meet the strains of changes in the social and economic balance. After all, it has lasted without fundamental alteration for a century and a half, which is more than can be said of any government in the history of the world—even those which like the British have accepted basic changes in time to avert bloody revolution.

One of the things which we have most certainly learned from history and from our own observation of Mussolini and of Hitler is that dictatorships are impermanent affairs. The only possible opposition to an autocrat is revolution. Therefore, it does not take long for every criticism to be suppressed as revolutionary. In a short time we hear of such absurdities as "capitalistic biology"—a recent Russian contribution, which shows that truth can always outrun satire.

Germany, in 1930, was as far ahead of the world in the study of Atomic fission as is the United States today. After only 8 years of Hitler's government, the old and well integrated scientific world of Germany was shattered, and when called on to develop the atomic bomb, its disorganization was such that no effective progress could be made.

No dictatorship has ever been able to provide for an orderly succession of power. A dictator does not dare to make use of the best and strongest men. He fears that they will be intriguing for his place; that is why every dictatorship is weakened by sycophancy, nepotism, and bureaucracy.

Bodies can be enslaved; intellect can only be suppressed.

That is why I believe that time is on our side. In spite of crises and economic waves, which Communists believe will overwhelm us, it seems to me that if we hold firmly to real liberty and strive to extend it, it will be we, and not the worshippers of organization, who will most thrive. In the long run a people which controls its government will outlast a government which owns its people.

Our only peril comes from within ourselves; we may forget that our strength is liberty, and liberty is our strength. Thirty years ago I put into a Democratic State platform this phrase: "If the rights of the meanest and the most unpopular are traversed, the rights of all are in danger." Liberty cannot be a private possession, nor can it long be partial. It is universal and entire, or it will soon be nothing.

The real difficulty lies in the fact that the negotiators on both sides fear disapproval by the politicians at home. You can't buy a second-hand bicycle without some bargaining. The offers gradually come together, but there will never be any agreement if the seller fears he will be hanged as a traitor if he accepts a dime less than the original demand, and the buyer knows that he will be pilloried as an appeaser if he raises the bid by a quarter.

I do not know how it is in Russia, but in the United States today every person who dares to express the obvious fact that compromise is better than the best conceivable result of any possible war—which is the real belief of thinking Americans—finds himself attacked and stabbed on all sides by men sitting safely in public offices, who know very well that come what may, they will be safe from any enemy. Here, there, and everywhere you hear them shouting against compromise, calling the world to witness that their only desire is to shoulder a musket and face the wicked foe. It is only the superior quality of their patriotism that prevents them from selfishly indulging this wish. They must for the good of the Nation remain in public office while they cheer on the envied heroes.

Every radio blares hatred for the simple reason that it is profitable to do so. A radio commentator is paid according to the number of people who will listen to him, and particularly according to the number of hearers he can attract who are stupid enough to believe that Thing-a-bob Soap, or Somebody's Toothpaste, or What's-his-name's Breakfast Food is better than any other on the market, simply because it hires a brighter comedian or a more exciting commentator.

As such people obviously will not think clearly in their own interest when buying soap, toothpaste or breakfast food, it is extremely doubtful if they will be willing to devote any serious thought to the public interest. They prefer phrases like "the best wash by gosh," or "hustle builds muscle" as guides to spending their own money, and want very little more for the formulation of their opinions. It is manifestly easier to excite such an audience than it is to force it to comprehend the simplest of reasoning.

This is why so many of the widely-heard commentators devote themselves to exaggeration and fear, and as far as I know, not one of them is advising calm consideration and certainly not one who dares to suggest asking the community to think for itself and answer the question—what we expect to do with a victory when we get one at enormous cost.

They have the effrontery to attack as cowards all who disagree with anything they shout.

The whole thing is contemptible. How much courage does it take for a Congressman or a Senator to yell for blood? Does a district attorney show a high quality of bravery when he howls against compromise? Right or wrong, no question of courage is involved. How much courage does anyone think it would take for me, 67 years old, living on an ample income quietly in the country, to clamor for gore, to demand the sacrifice of a million men 40 years younger than I am and then end my heroic address with a bitter note of regret that my years or my grapevines prevent me from joining the brave boys whom I envy. Such words do not come from the mouths of heroes or of patriots, but from the lips of self-seeking politicians hoping to ride into office on a wave of excitement that will conceal their own shortcomings. I have been in politics for 40 years. I was a Member of Congress 10 years before the oldest soldier drafted was born, and I know.

Most of the political shouters think they are backing a winning horse—that's all. Loathsome insects gather round anything that it rotten. Twenty-five years ago thousands of American politicians attacked the Catholics to get the Klan vote. Today they follow MCCARTHY. Twenty years ago they said as they drank their bootleg liquor, "There's one more election in prohibition." Today safe behind desks they think that war and hatred will keep their snouts in the public trough in 1952. It's as simple as that.

I am not one of those who appeal to fear, fear, fear. I say hope, hope, hope. In a speech which President Franklin Roosevelt prepared just before his death, he referred to "the impractical, unrealistic settlement of the differences between governments by the mass killings of people." We must hold to the old principles of our country which do not include fear of change, or mass terror, or dread of the future, or looking back to a golden age which is past forever. The people of this country need calmness and courage—not excitement and terror drummed into them by self-seeking politicians.

This is certainly a time for thought and not for emotion. In the most literal sense of the words I ask you for God's sake—for the sake of God, for the sake of your country if not for your own—to think.

I am for peace. I am on the side of the angels of God who sang "Peace on earth, good will to men." They were not popular with those who filled the inn and crowded Mary into the stables, but they were right all the same.

Why not negotiate now, while the young men are still alive?

TAX REFORM—OR TAX CHAOS?

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. RIEGLE. Mr. Speaker, several of my constituents in the Seventh District of Michigan have called my attention to a recent editorial in the U.S. News & World Report on the tax reform initiatives of this Congress. In his editorial "Tax 'Reform'—or Tax Chaos?", David Lawrence gives due credit to the Congress for taking up this long-needed reevaluation of our tax laws but criticizes some of the approaches toward "tax justice" and warns against a possible resulting chaos that can do more harm than its intended good.

While taking time to reflect on the way the Congress chose to handle this bill, he questions a system which gave Members of Congress so little time to adequately evaluate all the new provisions and thousands of pages of important committee testimony. Members of the Ways and Means Committee, who have worked so hard to get the ball rolling on tax reform, would be the first to urge all of us to understand the complexity of our tax system and to constructively focus public attention on fair and workable reform.

Mr. Speaker, I believe Mr. Lawrence's article fairly summarizes so many of the questions that my constituents, and other concerned people throughout this country, are asking—will this bill truly reform our tax laws in an equitable way, or will it create more fiscal havoc, dislocation of much-needed capital resources, and financial disincentive and disorganization. By thoughtfully evaluating current congressional efforts on tax reform, Mr. Lawrence offers a great deal to the ongoing efforts to formulate a more equitable tax system. Therefore, Mr. Speaker, I would like to enter Mr. Lawrence's editorial into the public dialog:

TAX "REFORM"—OR TAX CHAOS?

(By David Lawrence)

The House of Representatives has recently passed what it called the Tax Reform Act of 1969. The measure is so full of questionable provisions that the Senate is finding it necessary to revise the bill completely. The general impression at the Capitol is that the task cannot be finished during the present session.

Although it is the first tax revision of a comprehensive nature undertaken in 30 years, extensive hearings were not held by the House. It is evident that the bill adopted was the result of pressures, mostly political.

The Senate Finance Committee, which now has begun detailed hearings, is issuing the full text of the testimony as presented each day. Already there are ten reports, totaling more than 800,000 words.

One of the reports contains arguments about the taxing of "Single Persons"—both widowed and unmarried. Two take up "Tax Treatment of State and Local Bond Interest." Another covers "Farm Losses; Cooperatives." There is a report on "Charitable Contributions" and one on "Charitable Contributions; Stock Dividends; Moving Expenses." Another deals with "Capital Gains; Restricted Stock; Lump-Sum Distributions Under Pension and Profit-Sharing Plans," and a further report covers "Financial Institutions." One document is devoted to "Limit on Tax Preferences; Allocation of Deductions; Tax Treatment of State and Local Bond Interest; Income Averaging; Maximum Tax on Earned Income." Another is on "Real Estate, Depreciation Deductions and Recapture; Public Utilities Depreciation, Earnings and Profits, Etc."

There is much wisdom contained in this testimony. But how could any committee take the time in the next 30 days to read it all carefully and get opinions from specialists as to the proposed recommendations? Criticisms offered by various organizations representing groups most affected by the suggested changes should be studied. Many of the pages of the reports are printed in very small type and are very difficult to read.

Does anyone believe that these volumes will be perused by all the members of the Senate and the House? How, moreover, can the public fix responsibility on those legislators of the House who have disregarded the simple rules of equity and yielded to a viewpoint supposedly advantageous to one class of citizens while obviously discriminating against another class?

Basically, a tax law is one of the most important factors in the economic life of the nation. It can impair the incentive of the individual.

"Tax reform" in a period of serious inflation is even more dangerous than in normal times. When there is no stability in the economic system, higher taxes imposed on particular classes will not prevent further inflation of prices.

Charitable institutions, which have long benefited from the philanthropy of the American people, will find themselves restricted in their operations if the bill passed by the House becomes law.

Certainly a tax bill should be designed to produce adequate revenue for the Government. But fundamental changes in the tax system that are made precipitately and without an opportunity for certain types of modification to be absorbed over a period of time in the operations of businesses can only do more harm than good. The "remedy" could prove worse than the disease.

There is allegedly a nationwide sentiment today for "tax reform" founded upon the idea that rich men have been taking advantage of "loopholes." But what is a "loophole"? If a rich man has "capital gains," should he be treated differently than the citizen of moderate means who is given the benefit of lower rates? There is much talk of closing the "loophole" of tax-exempt interest on State and local bonds. Wealthy persons particularly have been making such investments. But, unless carefully planned, this would add to the costs of State and municipal governments, which in turn would have to increase their own taxes. Already the proposal has brought about a highly disorganized market in these securities. Can this be justified because a few individuals with big incomes pay little, if any, taxes?

Time is needed—time for careful revision of existing laws, and particularly time to examine the novel proposals that are being recommended and to appraise their possible effects on the national economy.

There are always controversial provisions in tax laws, and the rule that should be followed is one which takes into account the ultimate benefits or ill effects of a change in tax rates or deductions.

We hear much nowadays about "discrimination" and about "equal protection of the law" for every citizen under the Constitution. But if one group of taxpayers is penalized for success, then the time has come to recognize that the taxing power is being abused. Capital formation—the constant flow of more and more funds into investment—is a prerequisite to our free-enterprise system and to the avoidance of state socialism.

Tax reform can be constructive only if the principles of tax justice are applied. We doubtless need some tax reform, but certainly not tax chaos.

FLY THE FLAG

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. MESKILL. Mr. Speaker, while there were thousands of people who supported the moratorium on Vietnam, it has almost escaped notice that there were many thousands who supported the President in his attempts to bring peace to Southeast Asia. One of the most inspiring ways in which these patriots expressed their support was to fly the American flag.

Last week, I received a brief note from a former distinguished Member of Congress, Mr. Ellsworth Bishop Foote, of New Haven, Conn. Mr. Foote enclosed an editorial that appeared on page 1 of the New Haven Register on October 14. The editorial recommended that Americans fly the flag at every home and business on Moratorium Day. It is a good suggestion. If the moratorium is carried over to this month, I hope that patriotic Americans will not hesitate to fly their American flags to demonstrate their support for the steady course the American President is taking to end the conflict in Vietnam.

Mr. Speaker, I wish to commend the New Haven Register editorial, "Fly the Flag for Peace With Honor," to my colleagues, as follows:

FLY THE FLAG FOR PEACE WITH HONOR

Tomorrow get out your American flag and fly it high.

There is no better way of showing Hanoi—and millions of friends and foes in other countries—that we are not seeking "peace-at-any-price" but rather peace with honor in Vietnam.

This is a dirty and ugly war that nobody wanted. The Register said so when President Kennedy took the expanded military steps that first bogged us down in Vietnam. We said so when President Johnson failed to control our goals there. We say so now.

But a war that nobody wants is not necessarily a war that everyone can abandon. The pages of history are littered with examples of peace-at-any-price attempts which invariably led not to peace but to ever disastrous and widespread war. It takes two sides to make a peace pact and the present impasse stems from the North Vietnam refusal to recognize an American involvement that no responsible American can deny.

Tomorrow's "peace moratorium"—let's face it—was conceived by the same left-wing campus manipulators who curiously have shown more respect for Ho Chi Minh and Chairman Mao than for the President of the United States. But the goal of peace—an honorable peace—is not the exclusive property of the young or the establishment-baiters any more than it is exclusive with campus pedagogues and politicians. It is the honest goal of the overwhelming American majority. As the demonstration apparently widens to attract a broad range of American opinion there is hope that it may be lifted out of the rut of just one more protest and give us, instead, a chance to show that disappointment and debate do not necessarily mean disunity or national disarray.

So fly the flag tomorrow at every home and business.

Let every flag that City Hall can muster be on display.

Let every flag that Yale can fly be seen above the campus.

Let the flag express American tradition, and American responsibility in the never-ending quest for peace and freedom. Let the American flag express, as no words can, our overwhelming desire for peace with honor.

Let's not be Star Spangled Suckers. Rather, let's fly the Star Spangled Banner.

ADDRESS BY J. H. CROMWELL

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. ROONEY of Pennsylvania. Mr. Speaker, James H. Cromwell, vice president and director of public relations of General Acceptance Corp., Allentown, Pa., delivered some most interesting and pertinent remarks at the annual convention of the Indiana State Consumer Finance Association which I feel are worth repeating.

I am inserting Mr. Cromwell's speech at this point in the RECORD:

The events which will mark this summer for most creditors and debtors are two: First, the heights which interest rates reached are extraordinary where not unprecedented—the Treasury paying rates as high as banks charged on auto loans not long ago; tax exempts selling at rates which equal or exceed many of the usury rates in effect in some States for centuries until the 1960's; corporation bonds issued at interest rates that would have equaled a tolerable rate of profit on risk capital a few years back. Second, the disclosure of simple annual interest rates on consumer and farm credit has begun to clear away the jungle of conflicting, confusing, deceptive credit quotations and credit plans which have developed in recent decades.

The high rates of interest may bring profit to some lenders; but when the probable buying power of the interest and principal at time of repayment are considered, the yield is little above yields which were attained in less inflationary periods.

The high rates on interest seem pretty heavy to long term borrowers; for example, the interest on a 25 year monthly payment loan at 8 percent totals almost one and one-half times the principal amount. The rates will seem heavy to financial institutions, like consumer finance companies, which use several dollars of borrowed money for each dollar of equity, in making loans at legally limited rates.

But heavy as the burden of interest may be, the rates may not have much effect on borrowing. The limit on credit may come more from lack of supply rather than from lack of willingness to borrow. The largest commercial banks assert that this is so, and real estate salesmen contend that the shortage of money, rather than the rate charged on loans, is the obstacle to building and selling houses.

The other and unique event of the summer, the introduction of Truth in Lending on a national scale into consumer credit contracts, may act somewhat like the high rates of interest; it may result in some shifting of the source and types of credit, without much impact on the total amount of credit sought. The disclosures of the cost of credit offered by various retailers and financial institutions may tend to shift consumers away from certain lenders, and towards lower cost sources of credit. But that sort of trend has been evident for years, in the growing relative importance of the U.S. Government and credit unions as suppliers of credit to consumers.

The disclosure of annual percentage rates on personal loans—which are perhaps 80 percent of the loans made by consumer finance companies—would be expected to induce borrowers to seek credit at credit unions or other sources where rates are below the rates allowed to small loan—consumer finance—companies. But other trends may modify consumer reactions.

One possibility is that banks' efforts to push their credit cards and check credit plans may displace some or even a large part of their regular personal loan business, and may displace the personal loan business of their institutions. The card is more convenient to the debtor; and it saves the repeated credit investigations which the banks would have to make for a series of regular personal loans. The card is attractive to the banks because once widely established, it will bring revenues from the discounts which the bank charges for handling the retail customer accounts, and may offer a way to get business for data processing, bookkeeping, and other affiliates. The card is attractive also because it will often or, perhaps some day, usually lead into a revolving credit account, with charges to the customer at an annual 18 percent rate, on top of the discount charged to the retailer.

This is why the banks are fighting the proposed FTC regulation that would ban the unsolicited mailing of credit cards. Those who violate the proposed regulation would be subject to the FTC's cease and desist orders, which federal courts can enforce by imposing a fine up to $5,000 a day. Banks are concerned not only because the FTC regulation might lead to a similar restriction on them, but they also oppose it on principle, because they fear it could be a "foot in the door" that might lead to additional regulations and restrictions besides the ban on unsolicited mailings.

But card credit will have to expand greatly to displace the personal loan. Banks' personal installment loans, which may include part of their credit card business now, currently total about $8.7 billion. Small loan companies have a very slightly smaller total personal loans, $8.7 billion when rounded. Credit unions are third in this branch of lending, with roughly $5.7 billion of personal loans, and sales finance companies are fourth, with about $3.4 billion of personal loans.

Some savings and loan associations and mutual savings banks make personal loans, but the total is smaller than for the other institutions. If these thrift institutions obtain broader powers to lend to consumers, their comparatively low costs of money and their great number of depositors may be expected to make them strong competitors in the personal loan market.

However, through the combination of personal loans and loans for purchase of autos and other commodities, the credit unions have achieved greater total volume of business than the small loan companies. The credit unions now have outstanding about 20 percent more loans than are held by the consumer finance companies.

The credit unions have achieved the highest annual growth rate among the consumer lending institutions in the last dozen years. From 1956 through 1968, their annual growth rate was an average of 14.45 percent. For commercial banks, the average was 10 percent. For consumer finance companies, the average annual rate of growth was 9.68 percent. For sales finance companies, the average annual rate was 6.05 percent.

During the first half of 1969, the credit unions increased their loan volume about 7.5 percent, while the commercial banks attained a 5.3 percent rate, the sales finance companies a 4.1 percent rate, and the consumer finance companies a 2.6 percent rate.

In this year, the consumer finance or small loan company share of the consumer credit market has declined at a faster pace than in other recent years. In the past dozen years, the small loan companies share of total of personal loans made by financial institutions has fallen from 43 to 33 percent; while the commercial banks have increased from 31 to 33 percent; and the credit unions have advanced from less than one quarter to reach toward one third of the total of personal loans.

Will these tendencies continue, or accelerate? There are cost factors which for the present indicate a continued decline in the position of the personal loan made by the consumer finance company—but these do not necessarily indicate anything about the future relative position of the consumer finance companies, or the conglomerates of which they may be a part.

On May 16, 1967, appearing on page 12863 in the Congressional Record, Senator Williams of Delaware made a speech entitled the "World's Largest Banker". In the Senator's speech, he mentions 80 loan programs sponsored by various departments and agencies that promote large and small lending plans.

I wrote to Senator Schweiker and asked that he request the Comptroller General to review those departments and agencies mentioned in Senator Williams' speech to find out how much these loan programs cost the American taxpayer. He sent me a copy of a very detailed reply from Comptroller General Elmer Staats.

For fiscal year 1968, including all 80 programs, there was approximately $53 billion in various loans outstanding with the Federal Government writing off around $1.2 billion. The student loan program accounts for almost $1/20 billion in write-offs. So you can see the precedent for government subsidized "socially desirable" loans is full upon us. This, of course, reduces substantially our share of the consumer credit market although we seldom see the U.S. Government included in our statistics and projections.

Small loan company or personal finance company loans today are made under the disadvantage of two historical features—the maximum loan size and the interest rate limits. These limits originally were favorable. They induced capital to enter the small loan business, serve the needs of the working man, become the principal form of consumer credit for a while, and make the loan shark less familiar in many cities. But now they are often obstacles to competitive vigor.

The model statute for small loan companies initially allowed rates of 3 or 3½ percent per month, and maximum loans of $300. In three fourths of the States, the maximum loan has been raised to $1,000 or more. The average loan made by the largest consumer finance company two decades ago was almost $200; by the mid 1960's, it was three and three quarter times that large.

Maximum loan limits which have not kept pace with the increase in wage and salary levels—and the maximum would have to be several thousand dollars now to be as liberal as the $300 limit of 1910—work to the disadvantage of both small loan company and borrower. Maximum loan limits which are at the old historical levels compel borrowers to obtain multiple loans, at higher interest cost to themselves and at higher administrative costs to the lender.

If loan limits and maximum rates are revised as income scales rise, then small loan companies can remain competitive and their borrowers can save on financing charges. Independents often opposed this theory on grounds that higher ceilings lead to greater credit opportunities for the chains.

However, when money costs are at their present heights, and the trend is towards larger loans which for small loan companies are required by law to be made at lower rates of return, then the earning capacity of small loan companies from personal loans diminishes.

This cost feature which has worked to the disadvantage of the Chains as well as the Independents and works definitely to the advantage of the credit union, is the cost of borrowed money. Many credit unions have to borrow money to keep up their loan volume but for credit unions generally, interest is one of their smaller expenses, far behind salaries and insurance on borrowers and savers.

The advantage held by the credit union, in having a comparatively low cost source of capital and having the benefit of offering both an investment and a source of funds when needed, has led to a more rapid rate of growth in recent times than has been achieved by other lenders. This is a permanent advantage which will be magnified in the market by growing public familiarity with the credit unions—especially as it is aided by Government.

The concepts involving the growth of the cooperative movement into various areas of finance are not new. The Rural Electrification Administration has long been able to get 2% money from the Government and reloan it to cooperative members or potential members at reduced rates.

I am not here to discuss the pros and cons of these concepts, I just want to point out what is happening and how it should affect our government affairs operations. It is obvious the Government is becoming more interested in the appropriate roles of cash benefits as opposed to service benefits, so we should become more interested in Government fiscal policy.

This policy follows certain patterns. First, changing economic conditions create new demands upon existing enterprises; second, there is an attempt by these enterprises to meet such demands within existing governmental restrictions; and third, where such attempts are inadequate to the tasks of overcoming these restrictions, demanders' as well as suppliers' dissatisfaction mounts. Finally, a) the restrictions are relaxed or removed to enable the transformation of the existing enterprises in response to the changed demands; b) alternatively, a new type of enterprise, or the same type of enterprise under the guise of a different name, emerges in response to the changed demands.

One of the newest approaches to community credit expansion is Senator Proxmire's legislation (S2146) which would establish a new kind of financial institution, a "National Development Bank." These would be privately owned and wholly new banks or branches of existing banks. One-third of the directors of each bank would be required to live in the area served by the bank. Eighty percent of its consumer, mortgage or business loans would have to be for the benefit of persons living in rural or urban poverty pockets—of which there are about 800 throughout the country and in which 15 to 20 million Americans live.

This would be done by private enterprise, backed up by certain federal guarantees and a loosening of some of the current restrictions. Thomas R. Wilcox, Vice Chairman of First National City Bank of New York calls the Proxmire Bill a "sensible proposal," but if the Consumer Finance Industry, both Chains and Independents, do not or cannot meet the changed demands, the cooperatives will move in and we will go out of business together.

There are more credit unions in the United States than all other financial institutions combined—23,563 at the last count, with over 20 million members and assets of over $14 billion. Dr. Rudolph Modley, at the 1968 AIBA Convention, emphasized, "One of the most drastic differences between credit unions and other financial institutions is their ability to mobilize and use political power effectively."

On July 28 of this year, by a vote of 356–10, the House passed a measure establishing a separate Federal Credit Union Agency. The Senate recently completed hearings and this new agency should become a reality in the near future. It is obvious they have big plans.

And what else have the unions done to show us their power? Just this year their direct lobbying efforts with various Governors have resulted in vetoes of legislation favorable to us in Louisiana, New Mexico, Maine, Missouri, Michigan and they even forced a filibuster in Alabama.

But I am also not here to condemn the political activity of people with an axe to grind. I am suggesting that we do it on a grand scale for the unions have beaten us to the punch by at least a decade and the situation is out of balance.

To do the kind of job that is necessary, we must first eliminate the three cancers that are destroying our health and vitality: 1) lack of cooperation between Chains and Independents; 2) the bickering between our two largest companies; 3) lack of an effective lobbying effort because of two ineffective national trade associations.

I am going to say some things that perhaps have not been said before at any consumer finance meeting but they need saying. I want to make it eminently clear that I am not criticizing Carl Hawver and Max Denney, who are politically sophisticated and know what has to be done, but they can do only those things which are authorized by their Boards of Directors.

As we pointed out earlier, the Independents should recognize that higher loan limits do not necessarily mean greater credit opportunity for the Chains. The Independents should explore the possibilities in the Proxmire Bill. If One Bank Holding Company legislation is enacted as now drafted, and I am confident it will, a finance company will be considered "functionally related" to banking. Therefore, an Independent can form a "National Development Bank" and get a piece of the action. There are many other opportunities for Independents and Chains alike to increase their traffic in the Uniform Consumer Credit Code. We must work together for adoption of UCCC for in this omnibus bill, there is contained an exciting future for consumer credit.

U.C.C.C. provides for flexibility in local operations and the manager with ingenuity and initiative can find ways to implement additional income producing services. However, in the September 19 issue of Shop Talk, the AIBA legislative report, Congresswoman Leonor Sullivan is quoted as saying, "I would like to see such a Commission (National Commission on Consumer Finance) also investigate the possible need for a Federal consumer credit code." I hope the States get moving because a Federal UCCC may not be so exciting.

However, what is interesting to contemplate as a Federal law, is the concept of Federal Charters for finance companies. This would eliminate the criticism levied at UCCC for allowing indiscriminate licensing and at the same time abolish unrealistic C&A regulations. It could be an asset to Independents and Chains alike and my intuition tells me this will be a reality in the not too distant future.

Second, I have been deeply disturbed by the problems caused by the rivalry between Household and Beneficial. I am not aware of any problems here in Indiana, but in other States I receive reports too frequently from my men that one company refuses to participate significantly in a state legislative program because the other has a leadership role in drafting and promoting it. In New York, earlier this year, one actually walked out leaving the other companies holding the budget bag which meant another assessment. Because of these absurdities, the efficiency of a State Association is destroyed and unless corrected, there would be no point for GAC to continue paying dues into that Association.

Third, coming from Washington where I watched for ten years the streamlined efficiency of trade associations, I was appalled at the floundering of our two national trade associations. The big problems we are worrying about today are not, in the main, the big problems we were worrying about ten or fifteen years ago. As far as I can tell, almost no one forecasted what our present day problems would be. Moreover, the big problems we will face in the 1980's probably will be quite different from those we are facing today.

A strong trade association should today be engaged in research to name those problems of tomorrow and making preparations to lobby those they cannot name. The men that serve on the Boards of the AIBA and the NCFA, put together big deals every day. It seems odd that they cannot get their two Associations together. I will say that I understand that merger talks are underway and if these materialize, this will be a major step in the growth of the retarded power and influence of the Consumer Finance Industry.

Meanwhile, we all can add a new dimension in our public relations programs—utilizing sophisticated, executive leadership in guiding our employees into responsible political action. With the encouragement of S. Hayward Wills, Chairman and President of GAC, we have graduated three bipartisan political action courses made up of the senior officers. We are now making plans to start classes for all home office employees and hope eventually to have this morale building program into the field.

What if we don't do these things? Teddy Roosevelt once answered this question:

"In a republic like ours, the governing class is composed of the strong men who take the trouble to do the work of government and if you are too timid or too fastidious or too careless to do your part in this work, then you forfeit your right to be considered one of the governing and you become one of the governed instead."

SPEAKER JOHN McCORMACK

HON. WILLIAM T. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. MURPHY of Illinois. Mr. Speaker, I join with my colleagues on both sides of the aisle in paying a richly deserved tribute to Speaker JOHN McCORMACK.

JOHN McCORMACK's record needs no defense from me. In my many years of friendship with JOHN McCORMACK, I have found him to be a man of unassailable honor and unimpeachable integrity. During some of the most trying times in our Nation's history, he has compiled a brilliant record of intelligent leadership and legislative accomplishment.

Both his public and personal life have been marked by honesty, loyalty, and devotion to duty. He represents to the highest degree the finest qualities of this Nation.

I consider it a privilege and honor to serve under his great leadership in the House of Representatives.

IMPORTANCE OF APPLES NOTED

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. BUTTON. Mr. Speaker, upstate New York, especially the beautiful Hudson Valley, is justly renowned for its production of one of nature's most luscious fruits, the apple.

Appropriately, the apple harvesting season in that portion of the valley which falls within my congressional district was celebrated in a feature article published recently by the New York Times. The article, by Bill Kovach of the Times staff, focused on one orchard, but it could well be considered to apply in spirit to numerous other producers of apples within the area.

Because of the pride which I, along with all my constituents, have in this very vital phase of our agricultural economy, I take pleasure in directing the attention of my colleagues to Mr. Kovach's article describing the contribution of Albany County orchards to the dietary delights of all.

Under the title of "Appleknockers Upstate Reaping Fruit of Labor," the article follows:

ALTAMONT, N.Y.—In each region of the country a special sign confirms the beginning of a new season. In the south it is the first whiff of wood smoke that drifts across a burning blue sky; in the Midwest it is the rustling ranks of dry cornstalks. Here, in upstate New York, it is the apples.

"Maybe," said one Hudson Valley farmer, "it's just that apples tell my mouth what everything else has been telling me all along. Anyway, they're what mean fall to me."

Since the first Dutch settlers brought seeds and cuttings into the Hudson Valley, upstate New York and apples have been synonymous. While other regions have their "rednecks" and "clodbusters," New York has its "appleknockers."

This year, in the orchards in the Hudson Valley along the Catskills, in the Lake Champlain region and in the area between the Finger Lakes and Lake Ontario, the state is expected to produce 22 million bushels of apples to keep its place as the second largest apple producing state in the nation. Only the State of Washington should produce more.

For men like Joseph A. Gatto, the season progresses not in terms of turning leaves, but the ripening of fruit. Beginning in late July or early August with the early McIntosh and continuing in to early November with the Rome Beauty, the time between summer and winter is ticked off by the swelling, coloring and sweetening of apples.

ALWAYS SOMETHING TO LEARN

Mr. Gatto, who has spent enough years in the business to know "that when you think you've learned everything, you know you're just beginning to learn," is manager of the Indian Ladder Farms here.

With a potential production of 70,000 bushels, this farm spreads over rolling hills on the eastern side of the Heldeberg (Dutch for "clear") Mountains where air masses influenced by the mountains temper local weather and produce the warm sunny days and cool frost-free nights at harvest time that the production of apples requires.

"It's not the simple business of watching apples grow that it was when Adam and Eve first tasted that fruit," he says with only a hint of humor in his voice. "It gets to be more of a science every year."

Harvest was in full swing when Mr. Gatto took a turn around the farm with some visitors recently. It was almost as if he knew every tree. He handled them gently as if he was afraid he might destroy the potential developed over years of care.

To reach this time of harvest, the grower and his field crew have led the orchard through a maze of dangers.

In winter, when ice and snow cover the ground, special wire screens must be placed around the base of the trees to protect them from field mice, which gnaw through the bark to find the tender cambium layer (the "lifegiving cells of the tree").

Early spring begins a long season of spraying to control insects, fungus and disease that could destroy the crop. Bees are brought into the orchard to help cross-pollinate those trees. The resulting honey is an added product to be sold to supermarkets or at roadside stands. Other sprays contain hormones which, at blossom time, thin the production of the tree so a controlled number of large, well formed apples are produced rather than a profusion of stunted fruit.

SPRAYING IS TRICKY

This spraying, like another designed to keep ripened fruit from dropping to the ground, is a tricky business. The mixture that is just right for one variety would completely defruit another tree. A chance wind or a misdirected spray could eliminate the harvest.

By the end of July the harvest is about to begin with one variety after another ripening through November. On this farm the fruit is grown for table use and a successful year requires that each variety be picked at just the right time in the ripening process.

"I run a number of tests," Mr. Gatto explains, "to determine just when we have to pick, including: size, color, taste, the finish of the fruit [a ripe one is sort of satiny], the depth of the cutin [the natural wax coating that makes an apple shine] and, finally, the pressure test. Each variety builds up a specific pressure inside when it is at the peak of sweetness—that's the ultimate test."

By the time the season is coming in, Claude Tatum, a 38-year-old Negro migrant labor contractor who has worked the farm for a number of years has arrived from Winter Haven, Fla., with a crew of 25 migrant pickers.

His field boss, Carl Fladger, has also spent years in the business and carefully explains to new pickers that even human hands are too tough for apples.

"You got to cup them like this," he says as his long fingers curl up to form a nest around the apple. "You don't pick them with the tips of your fingers or you will bruise them." To emphasize the point, he picked out apples picked by the new men only 20 minutes before.

On each one, five brown, round bruises had formed where the fingers and thumb had pressed two hard against the skin. "These ain't good for nothin' now," he said, throwing them to the ground.

All across the state the harvest is in full swing now. From the Canadian border, down through the Hudson Valley mostly table fruit is being harvested in the huge orchards in the west, processing apples are picked and shipped for conversion into applesauce, apple butter, jelly, vinegar and apple juice.

CIDER QUALITY VARIES

And, at roadside stands, golden jugs of apple cider are on display. The cider has been out for some time now, but connoisseurs have waited until now to shop their favorite stands. Early cider, they say, is made mostly from early MacIntosh, which tend to make a watery cider. Now that Northern Spy and some Delicious varieties are in, they say, the "real" cider is on the market.

"It's got that musky taste that's really cider," says one elderly gentleman who stopped at a stand near here. "You young folks don't know about good apples. Everybody looks for the pretty red or yellow apple when right here is the best apple known to man."

He held up a large, hard green apple called the Pound Sweet. "It's the best eating and cooking apple ever grown. We used to steal them when I was young. Nobody hardly grows them anymore."

Fortunately for the young people today the country roads around here are dotted along the way with clumps of apple trees abandoned but still producing edible fruit. Some say they are the trees Johnny Appleseed set out on his way West. Others say they are remnants of the time when every farm had a moneymaking orchard before the growth of commercial farms pushed them out.

Whatever their origin, there are plenty of trees that young boys can shinny up on a clear, bright day and eat his fill. Or, maybe, just pick a few small, hard ones to throw at fence posts on the way home.

A DEMONSTRATION FOR THE UNIVERSITY OF NEVADA PRESIDENT

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. ESCH. Mr. Speaker, in an age in which college presidents are too often maligned rather than praised, it is especially refreshing to learn that one university had such high respect for their administrator that they deemed it appropriate to have a special tribute in his honor. Recently the University of Nevada in Reno paid this special tribute to President N. Edd Miller in a very unique way. It is especially gratifying to me, Mr. Speaker, to see President Miller recognized in such a way as he was a former mentor of mine and served on my doctoral committee. I am including a description of the events as published in the Washington Post on October 14:

RENO STUDENTS STUN PRESIDENT—DEMONSTRATION IS FOR HIM

RENO, NEV., Oct. 17.—Dr. N. Edd Miller, president of the University of Nevada at Reno, works a 11-hour day that starts at 6:30 a.m.

As he drove to work in the pre-dawn darkness today, he sensed something amiss.

When he reached the main gate of the campus, he saw a crowd of 2,000 students massed on the lawn. They carried bullhorns and picket signs and banged on garbage can lids. Fireworks crackled in the gloom.

In the din Miller heard people cheering. As the crowd surged forward he was able to make out the signs:

"N. Edd Miller Day."

Chanting, "We want Edd," the students took him to the administration building, where he stood blinking back tears while student body president Jim Hardesty said, "We want you to know the appreciation we have for you."

The students had been working in secrecy on "Edd Miller Day" for days.

An ROTC squad fired off a 24-gun salute. A thousand helium-filled balloons sailed into the sky as Miller went to lunch, where he was presented a plaque and his wife was given a bracelet.

Student leaders read dozens of telegrams they had solicited from friends and educators around the country. Harold's Club sent over a cake big enough to serve 400—but it was far too small.

Miller is "a giant of a man to those who know and work with him," the student news paper, Sagebrush, said in an editorial.

Miller, a 49-year-old former speech professor, came to the Reno campus in 1965 and became president in 1968. He has been a strong supporter of student government, which he feels helps prevent campus turmoil.

After the lunch, a police escort took Miller and his wife to the airport for a student-paid weekend in San Fancisco.

"Aside from being married, this is the nicest thing that ever happened to me," he said.

CREDIT CARD ABUSES

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. ROSENTHAL. Mr. Speaker, today, I am introducing legislation which would ban the mailing of unsolicited credit cards and require that all requested credit cards be sent by certified mail. My bill marks the first attempt to provide protection against the loss or theft of all credit cards sent through the mails.

The unparalled boom in the mailing of unsolicited credit cards is much more serious and sometimes more unsettling than pornography. The unsolicited credit card is far more costly to the recipient and to the Nation than other forms of unwanted mass mailings. To the individual it can mean high interest payments, an incentive to live beyond one's means, and one more neurosis—the fear that the card may be lost or stolen.

If this is the toll "plastic credit" takes on the individual, the toll on the Nation may be even greater. For spending with credit cards cancels out the effects of existing anti-inflationary restraints on our economy. And the annual interest rate on unpaid goods and services which ranges from 18 to 50 percent is itself an important factor in spiraling inflation.

Credit cards can be useful tools for consumers. After all credit cards enable people to be flexible in purchases—buying products as they are needed and, ideally, when they are on sale. Credit cards relieve individuals from having to carry around large sums of money.

But the question at hand is not whether credit cards are used wisely by people but whether unsolicited credit cards constitute an invasion of privacy, an unfair burden on the recipient, and a menace. If the credit card is lost or stolen—the fate of 1½ million of them each year—the intended recipient may be involved in costly litigation to disprove his responsibility for incurred charges. Credit card fraud losses amount to more than $100 million each year.

The Federal Trade Commission held hearings in September on a proposal to ban the mailing of unsolicited credit cards by companies under its jurisdiction. Even if this rule were adopted, however, it would exclude transportation companies and banks. The outstanding credit under bank cards alone, much of it unsolicited, was $1.3 billion at the end of last year.

With 300 million credit cards in circulation in the United States and 100 million being added each year, curbing credit card abuses is no easy task for law enforcement agencies and is a serious burden on the consuming public. Businesses, which indiscriminately distribute plastic credit to the nonsoliciting, unsuspecting public, have abdicated responsibility to consumers.

The only solution I believe acceptable is one which provides adequate protection for consumers against the hazards of unrequested credit cards. By combining both a ban on the mailing of unsolicited cards and a requirement that all other cards be sent by certified mail, my bill protects the consumer against the hazards he might encounter in receiving credit cards he asked for as well as ones he did not request. Obviously, requested credit cards can also be lost or stolen through the mails and the consumer needs protection against losses resulting from the fraudulent use of these credit cards as well.

Businesses which zealously bombard the public with credit cards will not be more discriminating until legislative action is taken. My bill will not cure all of the problems associated with credit cards but it will put an end to a few Excedrin headaches.

IMPORTANCE OF RESEARCH IN DRUG ABUSE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, in this session we have shown increasing recognition of the problem of drug abuse in this country. It is of direct concern to each one of us because it is a problem, to some degree, in each one of our constituencies. Drug abuse has penetrated every socioeconomic group and every age level. It poses a very real threat to the fabric of our society, especially because of its prevalence in the younger generation.

What have we done to manifest our concern? There have been a number of proposals relating to the control of the misuse of dangerous drugs and narcotics, relating to public education and revision of the existing penalty structure. These approaches to the problem are important ones but we cannot neglect the area of research.

We have been told time and again by experts in the drug abuse field appearing before our committees that there are simply too many unanswered questions about narcotic and dangerous drugs—questions regarding their properties;

their short- and long-range effects; their real danger to the individual and to society. Perhaps the greatest question of all is why are so many people turning to drugs, and how can this situation best be attacked? These questions can only be answered through exhaustive research. Only with such answers can we develop educational programs and revise drug control statutes in such ways that they will be most effective.

The National Institute of Mental Health has reorganized its structure in recognition of the need for concentrated research in this area, consolidating all units dealing with drug dependency into the Division of Narcotic Addiction and Drug Abuse. I am a cosponsor of H.R. 14479 introduced October 23, 1969, by my distinguished colleague from California. It provides for an authorization of $25 million to this division of NIMH—strictly for research purposes—for fiscal year 1970. Surely this is a minimal amount considering the amount of research that is yet to be done and the importance of this research to the welfare of our Nation.

Let us look at our priorities. In fiscal year 1969, NIMH's Division on Narcotic Addiction and Dangerous Drugs spent $4,549,000 for research, including extramural grants. We could practically say that this was all the money spent in the United States last year on drug abuse research because private contributions in this area are negligible. Over the same period we spent $350 million on research in chemical and biological warfare.

What are the prospects for this year? The Division on Narcotics and Dangerous Drugs expects no more funds than it received last year, but the amount spent on chemical and biological warfare research will most probably remain at the same high level.

Where are the budget cuts coming this year? Research and development obligations of the Department of Health, Education, and Welfare will decrease by $36 million. Such obligations for the Department of Defense will increase by $521 million; for atomic energy research programs there will be an increase of $16 million.

Do we claim that priorities for authorizations are based on the public welfare? If we do, then we had better give direct attention to one of our most serious and threatening domestic problems, which is drug abuse. We are talking about 8 to 12 million Americans who have experimented with or regularly used marihuana; we are talking about unknown thousands who have experimented with the dangerous drugs such as LSD, the amphetamines, and barbiturates. Many of them have died from their experience. We are talking about 67,000 known narcotic addicts who have not only ruined their own lives but have also undermined the society around them by committing crimes to support their habit. We are talking about schoolchildren, college students, servicemen, businessmen, and derelicts.

Finally we are talking about organized crime, which annually reaps approximately $300 million in profits from the illicit drug trade.

Mr. Speaker, I think that the authorization proposed in H.R. 14479 of $25 million for the Division of Narcotic Addiction and Drug Abuse will provide for the kind of immediate and intensive research we need in this vital area. I urge my colleagues to support this measure.

BLACK ECONOMIC DEVELOPMENT

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. RYAN. Mr. Speaker, in testimony before the House Select Committee on Small Business on July 25, 1969, Dr. Clifford C. Davis, president, Interracial Council for Business Opportunity, and Darwin W. Bolden, national executive director of that organization, made important proposals regarding minority economic development. If "black capitalism" is to be more than public relations talk, then it is essential for the administration to give full support to the Small Business Administration and the Office of Minority Enterprise.

Darwin Bolden pointed out three areas in need of executive and congressional action—the development of capital resources, the provision of management counseling services to minority entrepreneurs, and management education.

Dr. Davis recommended the creation of an Office of Federal Contract Services which would help minority entrepreneurs to obtain Federal procurement contracts.

The Interracial Council for Business Opportunity since 1963 has assisted more than 2,000 black business enterprises by providing free management consulting services. Over 1,500 men and women have attended management training courses sponsored by the council. The council has set up in cooperation with four New York City banks a fund to guarantee up to 50 percent of $3 million in soft loans.

The experience and advice of the Interracial Council for Business Opportunity should make it clear to the Congress and the administration that the powers of the Federal Government must be used to the fullest extent to free black America from economic bondage. The testimony of Dr. Clifford C. Davis and Darwin W. Bolden follows:

STATEMENT BY DR. CLIFFORD C. DAVIS

MR. CHAIRMAN: I want to thank you for giving me the opportunity to testify before this Committee in my capacity as President of the Interracial Council For Business Opportunity. I also want to thank you for inviting Mr. Darwin W. Bolden, the National Executive Director of that organization, to testify.

To save your time and simplify our presentation I would like to confine my statement to a review of the activities of the Interracial Council For Business Opportunity and to give some suggestions concerning Federal procurement policies. Mr. Bolden can then deal with some specifics of minority business enterprise. I hope that between us we can make a constructive contribution to your consideration of this urgent matter.

First, to qualify myself, let me tell you that I am the founder and chairman of the board of Riverton Laboratories, Inc., and Clifford Chemical Corporation in Newark, New Jersey. These two companies manufacture chemical and pharmaceutical products sold on the national and international markets. Both companies are multi-million dollar operations.

So, I am appearing here today both as a black businessman who has been able to break out of the confines of the ghetto to the mainstream of American business enterprise, and as the president of a national organization devoted to helping other black businessmen move in the same direction.

The Interracial Council For Business Opportunity was formed in 1963 by the Urban League of Greater New York and the Metropolitan Council of the American Jewish Congress. At first it operated only in New York City. In 1965, with the aid of a grant from the Ford Foundation, it was expanded into a national organization. Local councils were formed in Los Angeles, where it played a major role in helping black businessmen after the Watts riots, and in Newark . At that time, I became co-chaiman, together with former Governor Robert B. Meyner, of the Newark chapter. Since then local chapters have been opened in New Orleans, and here in Washington, D.C.

The National Co-Chairmen of the Interracial Council For Business Opportunity are Rodman C. Rockefeller, President of the International Basic Economy Corporation, and William R. Hudgins, President of Freedom National Bank. The Board of Directors includes over fifty nationally prominent businessmen, both black and white, from all parts of the country.

The core of the Council's program is the provision of free management consulting services to black business enterprises. In the simplest terms, we are a vehicle for bringing the black businessman who needs help together with a successful businessman who can give him that help. In the slightly over five years since the Council opened its doors more than 2,000 such businesses have been helped.

Many of those who come to the Council for help are, as you might expect, in need of management training. To meet this need the Council has developed training courses in the basics in business practice, and has worked with colleges and universities to develop management seminars in such subjects as accounting, business law, credit, sales promotion and marketing, production, advertising and personnel management. Over 1,500 men and women have attended management training courses sponsored by the Council.

A third aspect of the council program is the ICBO Fund which has been established in cooperation with four major New York City banks. Through this fund the council will guarantee up to 50 per cent of $3 million in so-called "soft" loans to minority businessmen.

Through another program the council is now assisting the development of twenty-five business ventures with a minimum capitalization of $100,000 designed to provide maximum opportunity for black employment. These range from a $100,000 computer systems corporation to a $400,000 cosmetics supply house to a $6 million hotel.

In addition, in New York City, the council has initiated a pilot program to facilitate the orderly transfer of profitable business enterprises from white to black ownership. It does so through an "internship fund" from which black businessmen receive grants-in-aid as they learn to operate businesses they will eventually purchase.

Finally, the Council has initiated a cooperative program involving major American corporations interested in aiding the growth and development of large black-owned businesses. It seeks to do so through diverting purchases to existing black-owned businesses, through aiding in the development of new black suppliers or service corporations. The aim of this program is to develop a limited number of multimillion dollar black-owned corporations which will be labor intensive and located in or on the fringe of black communities.

Underlying all that we have done at the Council have been two fundamental considerations:

First, that black-owned businesses must be a part of the total community—they cannot and must not be confined to the ghetto.

Second, that they must not be limited to so-called "mom and pop" service establishments.

We are firmly convinced that these considerations must also underlie the activities of government in encouraging minority business enterprise. And we believe that one area where government activity can be most important is in procurement.

If major United States corporations can introduce social factors into their buying considerations—and they are doing so in helping to encourage black businessmen—there is no reason that we should ask any less of the government.

The Federal government should allocate at least 10 per cent of all its purchases to black-owned businesses.

The Federal government should slice through the red tape of process—simplifying bidding and expediting payments, so the minority businessman can afford to compete.

The Federal government should provide management assistance to help black-owned businesses compete in the procurement process.

And, finally, the Federal government should stop being price-blind in its purchases. Why should differences of pennies or nickles or even quarters divert purchases from areas of significant social and economic need? Yet that is how the present procedures work.

On that point, let me say parenthetically, I have had some personal experience. In bidding on a Veterans Administration contract recently my company lost out, for a matter of nickels, to a European firm. I find it hard to believe that the saving of those nickels was worth the loss of that contract in Newark—not to mention the added burden for our balance of payments.

To accomplish these objectives, we recommend that an Office of Federal Contract Services be established, perhaps within the Department of Commerce.

The mission of such an Office would be to systematically identify minority-owned suppliers and service corporations throughout the country, using agencies like ICBO, the National Urban League, PACT, the National Business League and others as sources of information as to what these businesses are and where they are located.

In our view, the Office should act as a broker between minority entrepreneurs and the hundreds of government agencies awarding contracts.

It may well be that the Office of Federal Contract Services ought to set up a bonus point system for bidding on government contracts—in the same way as veterans are given point preferences under the civil service system.

There is little doubt in my mind that government itself could establish thousands and thousands of new enterprises if it went about the job properly but as with anything else there are pitfalls to be avoided and experience brings to mind two major ones:

Government contracts with minority manufacturers should provide for on-site federal inspectors so that contract specifications can be maintained during the entire production process. It has happened that after tremendous investment in capital equipment and labor the output of a small factory has been rejected by the government. The businessman, of course, is left holding the bag.

The second pitfall can be avoided by making contracts of appropriate length for the service to be rendered. For example, in one case I know of a Negro dry cleaner who was awarded a contract on a military base. The contract term was two years but to service the contract he was forced to take out a ten-year loan. As you might expect he went broke.

I have tried to briefly describe the operations of one outstanding successful privately sponsored economic development agency. I think that this is where the thrust belongs—not in government agencies; and secondly, I have tried to suggest a course of action the federal government might take which without additional federal expenditures—for the contracts are awarded anyway—can significantly strengthen minority economic development in this country and in so doing can enhance the quality of life in this nation for all its citizens.

Thank you.

STATEMENT BY DARWIN W. BOLDEN

Mr. Chairman: I want to join Dr. Davis in expressing appreciation to you for the opportunity to appear here on behalf of the Interracial Council for Business Opportunity. Dr. Davis has reviewed for you the activities of the Council and proposed a number of ways in which the Federal Government can encourage minority business enterprise through its procurement policies.

I would like now, as National Executive Director of the Council, to go into some specifics of the present situation and make some additional proposals.

First let me point out, without burdening you with examples, that the economic isolation of black men in this country is a by-product of the segregation which took place in this country after the Civil War.

Prior to the Civil War, free Negroes in this country moved in the mainstream of the economy and were prominent, successful entrepreneurs in every line of enterprise. There are even today, in many southern communities—as some members of this Committee know—black-controlled enterprises that have survived from that early period.

It was not until after emancipation and after reconstruction that black businessmen were driven out of the mainstream of the American economy and confined for all practical purposes to doing business within the black community.

During the period of northern migration, starting with the First World War, millions of blacks moved into communities where control of commercial activities—stores and service establishments—was firmly in the hands of the groups which preceded them. As a result, blacks were excluded even from these enterprises.

Now we have moved to a third stage of discrimination that is even more restrictive: the systematic destruction of black enterpirse by increasing white competition.

All of a sudden, in the past few years, the white businessman has discovered the "black market"—not the black market of wartime price and wage controls, but a market comprised of 25 million black Americans with $40 billions in purchasing power. And the white man has decided he wants this, too.

As a result, the 1960 census showed a 20 percent drop in the number of black businessmen in this country. Black-owned eating places fell off by a third. Other black-owned retail outlets declined 17 percent. The black-owned hotel-motel business slumped. Even the "special" markets developed by black cosmetic firms were invaded by white competitors.

And in the midst of all this there appeared white politicians who told us we could be saved by "black capitalism." Whatever it may have meant originally, that is now a term symbolizing nothing more than the creation of a few more "mom and pop" stores in the ghettoes—stores where black men and women are expected to work from dawn to dark, six or seven days a week, with the hope of extracting a meager existence by selling the products of a white economy.

The time has come when this Administration, the Congress and all Americans must understand that the cries of Negroes and other have-not Americans are not for black, brown or other shades of capitalism but rather for the economic development of minority communities across the land. By this I mean a marshalling of public and private resources to initiate programs for the economic empowerment of the have-nots of America both black and white; both urban and rural. Business development in this context is a way to economic empowerment but not an end in itself.

I shall not belabor you with concepts or strategies for economic development. The United States Government has financed a number of economic development studies and has funded massive economic development programs around the world, but not here at home.

Within the framework of business entrepreneurship and minority economic development, there are three principal concerns to which this Congress and this Administration should address themselves. They are the development of adequate capital resources; provision for management counseling services to minority entrepreneurs; and the expansion of existing management training programs.

Capital Resources: The two principal agencies for carrying out the Administration's program in business development are the Small Business Administration and the Office of Minority Business Enterprise in the Department of Commerce. While well-staffed, the Department of Commerce Office has practically no money and relatively little authority over the 115 federal programs that can potentially relate to minority business development. The SBA has only $18,000,000 for direct loans, $90,000,000 for guaranties, and nothing for 502 programs. This is a pittance contrasted with the total need.

We need, at the very least, a National Economic Development Fund to make capital available on a rotating basis to minority businessmen. This Fund should operate through minority lending institutions and through private organizations such as the Interracial Council for Business Opportunity.

It should not be government-administered but run through private or contract agencies that are part of the minority business community and competent to operate there. The Fund should provide direct loans, loan guaranties and equity funding for minority-owned businesses. And it should give priority to enterprises with high social impact: drugstores, supermarkets, radio, TV, press and labor-intensive light industry.

We know the loan guaranty concept works. ICBO has developed and is currently operating a flexible loan guaranty fund capitalized at $750,000. It generates loans up to $3,000,000 in participation with four major New York City banks.

We are now incorporating a National Venture Capital Fund to be inititally capitalized at $1,000,000. It will operate like a mutual fund pooling investments and sharing risks designed for rapid capital turnover. Both of these programs are private efforts which now involve no government support but could certainly use it if we are to have a substantial impact on the problem of getting credit and capital for minority businessmen.

Therefore, ICBO strongly recommends that this Committee call for the establishment of a task force composed of representatives of the Committee, the Office of Minority Business Enterprise, and private organizations such as the National Business League, the Harlem Commonwealth Corporation, and Interracial Council for Business Opportunity, and others.

This task force should be directed to carry back to the Committee proposed legislation necessary to establish a National Economic Development Fund, and this Committee should be prepared to recommend an initial appropriation of a billion dollars for this purpose. This is a not unrealistic amount when one remembers the aid advanced abroad for foreign economic programs.

Management Counseling: Money alone is not sufficient. Under racism in America, blacks and other minorities have been systematically excluded from business development and have sought jobs, rather than equity in America.

It is no secret that the black men in America, perceiving the closed doors of commerce and industry, entered the professions and government service rather than business. Those who went into the business arena were basically restricted to ghetto-based "mom and pop" operations. Those who now seek to enter business need and want technical assistance. ICBO, through its volunteer businessmen, provides free management consulting services.

Since its inception in 1963, we have provided management consulting services to more than 2,000 minority businessmen. Approximately 2,500 volunteer businessmen from all levels, both black and white, have provided free services to ICBO clients.

We believe that *only* the volunteer businessman, with experience and success in the market place, can provide the kind of technical assistance required. We believe that the best base for these services is in private agencies like ours. Volunteer businessmen seem unwilling to donate their services to government agencies hopelessly bogged down in red tape and operated by the bureaucratically inclined.

SBA's *Project Score* is a tragic failure for this very reason. What organization—public or private—can afford to have on its staff, in today's market, the diversity of skills required to assist business ventures ranging from a clothing retail outlet to a shopping center, to a television station, to a catfish cooperative? By using socially committed businessmen prepared to give freely what they know best, these services can and are being provided.

We propose that this Committee and this Congress consider ways and means of greatly expanding private initiative in this field to other urban and rural centers where it is urgently needed.

Management Education: The third area in which the government, cooperating with the private sector, can make a substantial contribution to minority economic development is that of management education.

One of the most difficult problems confronting the local ICBO offices is that of locating new minority entrepreneurs. The opportunities for small-and-medium-sized ventures today far exceed the supply of takers. We have already explained why this is so.

In each of the six ICBO cities, local staff using volunteer businessmen provide training programs to more than 1,500 persons annually. But these measures are modest and fall far short of what is really required: and that is additional management training programs designed to upgrade skills and develop new skills for existing and potential minority businessmen; and long-term business management training programs developed in cooperation with colleges and universities.

But not piecemeal training. One program recently undertaken by a university in New England provides summer training to *eight* trainees! There are two blacks in that community. I am talking about management training programs carried out in the minority communities where the people are!

Private agencies like ICBO should have federal money to help develop managers and owners of radio and television stations, trucking lines, general contracting firms, shopping centers, drugstores, substantial retail outlets, manufacturing units, etc.

Equally important are training services for the management of the 25 cooperatives now operating in the rural South. Under private aegis, a Southern cooperative management training and business center should be established in a key Southern city to aid those cooperatives already functioning as well as to help start new ones. Once again, we urge that government share in the funding but that such a facility be privately operated.

To undertake such ambitious programs will require partnership planning by federal agencies and private organizations such as the Urban League, National Business League, ICBO, and others, as well as carefully selected universities. Revolving scholarship funds, corporate internship programs and repayable tuition grants (perhaps patterned after ICBO's recoverable on-the-job internship grants) are all devices which can be used to minimize cost. They are critically important if we are to begin the flow of a substantial number of well-trained potential entrepreneurs.

I will not prolong the list of things that need to be done and which require federal participation. Certainly what I have mentioned should be enough to indicate where government should start. And we must start.

The present Administration has given only token support to the Small Business Administration and the New Office of Minority Business Enterprise. Both need money. Both need authority. And, above all, they need to be released from the superficial cosmetic concepts of this Administration.

I have tried to describe for this Committee three areas of minority economic development in which a much greater federal presence than now exists is essential if this nation is ever going to come to grips with the economic problems of a nation within a nation; a nation whose people are consigned to the outlands of what is best and most hopeful in American life; and a people whose threshhold for tolerance, frustration and despair sinks lower each day.

I have no doubt that the private and public sectors, acting in concert, can overcome *any* impediment to full participation in American life which now exists.

In fact, gentlemen, minority economic development is simply a matter of what priority we put upon the plight of this nation within a nation. And perhaps of how much time you think remains.

Thank you.

BELLAIRS, SINCERITY GO TOGETHER

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. PUCINSKI. Mr. Speaker, last week one of the most highly respected radio personalities in Chicago left his favorite spot at WBBM and moved on to his own radio station in Crystal Lake, Ill.

Mal Bellairs is a Chicago institution and we are very pleased that over the years because of the wide range of WBBM's coverage he had gained many friends in areas well beyond Chicago.

While we can well understand Mr. Bellairs desire to form his own programs on his own station in nearby Crystal Lake, I am sure I speak for many people when I say we wish him luck and great success in his new venture.

He and his wife, Jo, are two of radio's most highly respected personalities. It is comforting to know that Mal has not left radio but merely moving on to another facility.

I am sure that WBBM will miss him, but the change is understandable when one considers that WBBM is the CBS outlet in Chicago carrying an all news format.

While Mr. Bellairs proved to be an excellent newscaster in addition to all his other attributes, I believe it is safe to presume that he is more at home in his usual conversation and discussion format.

The Chicago Tribune's television and radio editor, Jerry Shnay, recently carried an excellent article about Mal Bellairs which I would like to include in the RECORD today and to take this occasion to wish Mr. Bellairs and his wife many years of happiness in their new adventure on WIVS in Crystal Lake, Ill.

The Tribune article follows:

BELLAIRS, SINCERITY GO TOGETHER

(By Jerry Shnay)

Mal Bellairs exudes an image of unvarnished, unadulterated, unmitigated, unabashed, 99 and 44-100ths per cent pure-sincerity. And ladies, really, very few folks can make that statement.

His big, butter-melting voice, one that has influenced housewives in Chicago for more than 20 years, is off the air. Friday Bellairs intoned his last carefully pearshaped words over station WBBM and headed for greener pastures allowing for even greater sincerity.

He and wife Jo [no Josephine or Joanna] are going to be the new owners of radio station WCLR in Crystal Lake. And WCLR is going to become sincere. It will be changed to WIVS [pronounced wives] and one is instantly aware to whom the audience and the commercials will be geared.

Bellairs is almost too true to be true. The unique Bellairs sound and pitch has been a hallmark of the station since May 1, 1955. For 14 years, Mal has used his "over the kitchen table" way of looking at you sincerely, while talking into a microphone. He is says one man "a perfect pitchman." In other words, Mal can sell you anything [well, almost anything] and make you enjoy it, yea, even yearn for it right now, so hurry up and get down to your store, real quick now.

Radio insiders tell you Bellairs never uses a script when he does a commercial. He doesn't need one, because he says, quite sincerely of course, that he or Jo ["my wife Jo"] has used the product. "Honest," he says sincerely, "I really do know about the product I sell. I've had difficulty only once. That was when I was doing commercials for a cigaret and after a couple of months they thought I wasn't doing a good job.

"'I [pause] know it,' I said. 'I know [pause-chuckle] it.' It's just that, well, you know, I really don't smoke, and I sort of didn't hit it off with the product."

Bellairs, from the Wyoming wilds, has been knocking around Chicago radio and TV for years. In 1946, young, married, and out of work, he came to Chicago looking for a big break. It came when he took over as an announcer at WCFL for the departing Jimmy Dudley who went to Cleveland to announce baseball games. And if you think that's an advancement, you've never been to Cleveland.

In 1950, Bellairs went to free lance work anywhere he could get a job. He did a man on the street program to a "Music Wagon" program with Art Van Damme, his accordian, and other top acts in the Chicago area.

In 1955, Bellairs came to WBBM as an announcer and also played music.

When WBBM went to a talk radio format, with Bellairs communicating with the audience via telephone, it was right up his sincere alley. His programs, like a swap shot and other afternoon shows, drew excellent response.

It didn't last. Along came news, all news on the station, and Bellairs wasn't happy. "Look," he said sincerely, "I'm really not a news announcer. I really enjoy talking to people. That's what I like to do best."

He'll have his chance and all the ladies in the north shore and northwest suburbs of Chicago will be in tune with the station. "It'll be what I think can both entertain and inform," he replied when asked what kind of programs he would have.

"In music we want all kinds. There is good rock, there are some good folk songs. We want things that have a little beat to them, not sooo, o, I guess you could call it schmaltzy."

The big changeover will come the first week in November, which gives Bellairs two weeks to sell the station. "I really didn't want to go out while I was still working for WBBM, Ethics, of course."

HORTON SALUTES NATIONAL BUSINESS WOMEN'S WEEK

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. HORTON. Mr. Speaker, today, Americans have become accustomed to thinking of equal rights movements solely in terms of civil rights for minorities, or rights of the poor, the underfed, the undereducated, and the less fortunate members of American society. There is no question that upgrading the rights and opportunities of these people carries the highest of priorities. But we cannot for a moment forget that the drive for the rights of an important majority in America is still far from complete.

During National Business Women's Week, I feel it is fitting to salute the achievements of all business and professional women. To me they represent the long road women have traveled since the days of Susan B. Anthony.

The National Federation of Business and Professional Women's Clubs of the United States of America includes 180,000 members and has federations in every State, in the District of Columbia, Puerto Rico, and the Virgin Islands.

These women are well informed and active participants in their communities. They are imbued with a sense of civic responsibility and service and have made vast contributions to the country.

The fight begun by my fellow upstate New Yorkers, Susan B. Anthony—who now has an active Rochester women's Republican group named after her—and Lucretia Mott to win equal stature for America's women is still being fought. I was proud, as Congress convened this January, to contribute to this fight by introducing the Women's Right's Amendment to the U.S. Constitution.

Excerpts from recent articles I have read I think pinpoint the status of the fight for women's rights in 1969.

In a succinct and unexaggerated statement of the attitudes of the past toward women in American society, president L. W. Moore of the American Oil Co., told a Chicago convention last year:

> I have been thinking a great deal lately about the way people treat other people—especially our relations with people who are different from ourselves. In an urban society that is already complex and becoming more so, we find this problem of interpersonal relationships increasingly difficult. How do we react to someone who is different?
>
> One of the officials of the probasketball club on which Wilt Chamberlain plays was asked whether he gives the star black athlete any special treatment. He answered quickly. "No," he said, "I treat him the same way I'd treat any other 7-foot millionaire."
>
> Unfortunately our ability to be that objective about others is too often weakened by the prejudices we inherit from the past. Dominant groups in a social structure have a way of perpetuating their status by creating myths about subordinate groups. I expect you will recognize some examples of such fictions—all widely quoted a century ago:
>
> "Their brains are smaller and, therefore, inferior. Their station in life is determined by their mental and physical limitations. These people do not need an education; in fact they are happier without it. We cannot permit them to own property, sign contracts, speak in public gatherings, or vote. If we do, we will undermine the basic strength of our society."
>
> Familiar examples of race prejudice? Surprising as it may be, these particular fictions were used by your great grandfathers to justify their discrimination, not against Negroes, but against women.
>
> The attitude toward women who dared to exert their individuality by leaving the hearthside and going to work was even more extreme. Consider what happened in the United States Treasury Department in 1869, during Grant's administration. George Boutwell began his term as Secretary of the Treasury by charging that the department employed too many female clerks and that most of them were not earning their pay. So he fired them, making virtually a clean sweep of the office. He let it be known that this was the first step in fulfilling a promise he had made—to reduce the national debt.
>
> Boutwell may not have succeeded in reaching his objective, but at least he reflected the common thinking of his time. A century ago, virtually no men and precious few women challenged the dominance of the male as a worker and breadwinner.

You will often hear today that all of these myths and prejudices of the past regarding women and their capabilities have long been wiped away—that women today are given equal opportunities with men. As we know, this is not quite the case, although much progress has been made—especially since World War II.

In today's highly technological and managerial American society which cries out for highly skilled and educated people to fill well salaried positions of responsibility, the movement toward giving women equal opportunity has been too slow. Let me read an excerpt from a Washington Star article which was published soon after the recommendations of the President's Advisory Council on the Status of Women were made public. The article is entitled, "New Mood on Women's Legal Rights"—but its highlight is the sad statistical showing of women's salaries compared to those of men:

> A major problem is that salaries for men and women are moving farther apart despite recent laws requiring equal pay for equal work. . . .
>
> It is a little like the school desegregation situation in some Deep South states; more schools are desegregated, but fewer Negroes are in classes with whites. . . .
>
> Over the past two decades, the number of women holding down jobs has jumped 70 percent, from 16 million to 28 million.
>
> Women's median annual salaries have increased from $3,008 to $3,973 in the past decade or so but men's comparative incomes have climbed from $4,713 to $6,848. The women who were $1,705 behind men, now are $2,875 behind.
>
> The reasons for this are difficult to pin down, but women are convinced a variety of forms of discrimination play a big part.
>
> One of the claims, that state laws limiting overtime hold women back, is headed toward the Supreme Court.

Perhaps the problems of employment and promotion discrimination against professional women are best expressed in the words of a woman who has been affected by such policies and who has long fought for equal status for her gender.

A constituent of mine from the Rochester area who, like her past counterparts from upstate New York in the women's rights struggle, places a high priority on woman power in the agenda for our Federal Government, wrote to me on this subject. I think you will gather from the tone of her letter that the seriousness of this problem has not escaped from her. She writes:

> My intense desire that the Nixon Administration be highly successful prompts this letter to you to focus attention on a problem nearing the boiling point just below the surface.
>
> Specifically, it is the problem of discrimination against women in opportunities for education and training, for positions other than at the lower levels, for promotions, and for executive posts. The Nation already knows there are few experiences more demoralizing than to continue to work below one's potential. Certainly the Nation no longer can afford this foolishness if its gross national product is to expand at desirable rates. And there is a rich potential in votes for the Republican Party if it will face this problem.
>
> Organizations such as the American Association of University Women, The National Federation of Business and Professional Women's Clubs, and the General Federation of Women's Clubs tend to think the problem can be solved by upgrading the training of women. As one of their members, I know they have been successful through the years in encouraging higher education of girls and women. Alas, all too often, the women with Master's degrees or even Doctorates then were offered beginning jobs as clerk typists, stenographers, or secretaries. Reputable activist groups such as the National Organization for Women, like all activist groups, tend to have more and more problems with extremists who prefer guerrilla theater to constructive dynamism. And horror of horrors, we now are witnessing an upsurge of extremist and militantly activist groups of very questionable repute which would just as soon rip the social structure asunder to gain selfish ends.
>
> Indeed, a whirlwind is a building and the Nixon Administration well might take action before its hand is forced. 1. It must look for the very able women where they are and it must give them a chance. It cannot expect to find many women for Cabinet or sub-

> Cabinet posts, Ambassadorial or other diplomatic posts, Judgeships, and the like from among women who already have held such posts any more than either political Party was able to put up a candidate for the Presidency of the United States in 1968 who already had been President.
>
> 2. The new Administration stands to reap rich rewards if it will abandon the practice of the last Administration which announced great plans to appoint women to high level posts and then made a few token appointments. The Nixon Administration might far better actually appoint more women and then do its bragging when the record will stand out in bold relief.
>
> 3. Women of minority races certainly should be included in the appointments. Hopefully, the Nixon Administration will avoid the political cynicism which developed when the attitude began to develop that "if we must find some woman for this position, let's find a woman who is a Negro, a Mexican-American, or an Indian and kill two birds with one stone," or "let's find a woman who won't ripple any waters."

Up to this point, I have focused on backward and discriminatory attitudes of society which have held back the progress of women. What about the attitudes and priorities of American women themselves. Although there are many active women's rights groups, it would not be fair or accurate to say that our women are "up in arms" about the present situation. Judging from the numbers and the education level of American females, their attempts to influence public and business policies toward women have been much feebler than the efforts of minority racial, religious, and nationality groups to win just and equal rights.

Some of you may have read recently about the new student group at Rutgers University which calls itself the M-A-F-I-A. The Modern Alliance for Italian Americans. In spoofing student black power groups, the MAFIA at Rutgers has demanded with tongue-in-cheek more Italian-Americans on the school's governing board, more efforts to recruit Italian-American students, more courses in Italian culture and history, and so on. It would seem that Italian-Americans, Irish-Americans, Jews, and other American minorities are pretty far along the road of full acceptance and equal rights in America—perhaps much further along it than are American women. Yet few groups, humorous or serious, have formed on U.S. campuses to stand up for guarantees of full participation and rights for females, with the possible exception of those at Columbia and Barnard College who won the right to coeds to inhabit male dormitories.

Despite the lack of militance on the part of the female sex, progress is being made in American female education. The trend toward separate education which grew up in the East and especially in New England over the last two centuries is slowly being eroded by the precedent of large, coeducational schools in the Midwest, West, and South. Even Vassar is about to accept male students. Yale and Princeton are turning toward coeducational programs.

But this progress seems to be having little effect on the attitudes of those women in America who are already educated, and who are in the best position to assert themselves to bring about an end to discrimination against women.

As long as large segments of the best educated and well-to-do suburban housewives place high priorities on canasta and bridge clubs and afteroon golf matches, instead of pursuing full- or part-time professional careers, real progress will wait until the generation of today's college girl reaches for higher and more ambitious career goals.

Other societies in the world have solved the childrearing barrier to a large degree for women who seek careers equal and parallel to men. They have much more extensive child care and day-care facilities than we do. Of course, their concepts of the role of women in the family and in the home have evolved considerably from the American concept—permitting women to seek professional employment while their children are cared for in very well-staffed schools or day-care centers. Women themselves will have to determine whether our country is to move in this direction. The pressure for more skilled workers and higher salaries for women will, I think, continue to draw more women into full-time careers. A publication entitled "Vital Issues" commented on the role of the housewife a few years back in an article entitled: "Full Partnership for Women—What Still Needs To Be Done." Let me quote from this piece:

> The homemaker falls far below the career woman, the guest panelist, the entertainer, the lady detective, and what-have-you, in countless movie and television dramas and even in the goals of education for women suffer the pangs of Walter Mitty when they fill out a blank labeled "Occupation" with the simple term "housewife."
>
> Many women fight the boredom and frustrations they feel in their role as homemakers by outside activities such as coffee klatches, social activities, church work, and sheer restless shopping and automobile driving. They find little which is meaningful and fulfilling.
>
> Many women today—particularly those with higher educations—are angered by the continued use of the old aphorism that "woman's place is in the home." Not only is it unrealistic under present employment conditions and at certain periods in a woman's life, but it indicates that old condition of servitude. Women recognize the fundamental responsibilities of mothers and homemakers and they realize society's high stake in a strong family system, but they see their own untapped capabilities and society's seeming inability or disinclination to use the full resources of its womanpower.
>
> Contrast, if you will, the helping hands available to a mother of a century ago with those available today. In the closely-knit family life of the horse and buggy days there was often under one roof—or at least in a small, clustered community—mother, grandmothers, aunts, and cousins who shared housework, baby care, and recurring but unexpected problems of the housewife.
>
> Today some women can still leave their young children for a time with women relatives or neighbors while they shop, visit, see a doctor, pay a bill, or perhaps go back to school to expand their learning or brush up on a skill. But a growing number of women are displaced persons who have moved with their husbands and children to new states and cities as the husband's employment demands. In many respects, they are almost completely alone. They must run down a list of strange names to find a person to "babysit" their most treasured possession. Available funds become the wherewithal for a woman's freedom to function.
>
> Let us suppose that, through divorce or death, this lone woman becomes the sole support for her offspring. Child care during the working day becomes imperative to her—and yet few urban centers provide adequate public or private facilities for such care.
>
> Publicly-operated child care centers in the United States bear the stigma of welfare state. A women of means should use private facilities.
>
> Child care facilities are essential for many women whether they work outside the home or not, and yet licensed day care is now available to only 185,000 American children. Meanwhile, at work and out of the home are three million mothers who are the sole family breadwinner, with children under six.
>
> Absence of adequate child care facilities forces many mothers to resort to unsuitable arrangements. In 1958, for example, no less than 400,000 children under 12 were completely unsupervised while other mothers worked fulltime.
>
> While the conditions exist, there is a reservoir of experienced women whose children have grown and who have no occupations for their many idle hours. Women with the potential to supply new services needed by homemakers would, with community encouragement, retain and upgrade their skills.
>
> Child care centers and after-school and vacation activities are needed in every community for children of all kinds of families. We need not produce these facilities in the manner of a socialist state. Facilities can be created under public and private auspices. Meanwhile, deductions for tax liability for working parents who pay for child care services might be increased and other measures taken until care centers are adequate.

Again let me emphasize that the fate of this new concept of women as occupational and professional equals to men lies in women's hands. Only if American women demand more and better public child care facilities will government respond. Only if more American women who are educated as doctors, lawyers, dentists, teachers, nurses, and secretaries decide to devote higher priorities to their careers will the Nation give higher priorities to opportunities for career women.

The constitutional amendment I have introduced will lay the legal groundwork for complete political and legal equality for women in the eyes of government. How much advantage will be taken of this new hoped-for status will be up to women themselves. Because they are in a position today of being more exposed to communications media than their husbands, American women are by far better informed citizens than men. They have an advantage in numbers, and in information about what is going on around them.

If they use this advantage to get more involved in the problems our Nation faces, particularly among the urban poor; if they use this advantage to gain career positions of greater responsibility; If they use this advantage to mold effective female voting power in America—these legal rights will be more than fulfilled. However, if politics and woman power are confided to country clubs,

card tables, and luncheons, these rights will develop far more slowly.

WASHINGTON REPORT

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. KEITH. Mr. Speaker, I would like to take this opportunity to provide for the readers of the RECORD the text of my most recent newsletter. It includes commentary on many of the important issues of the day, that I am sure will be of interest. It also includes a questionnaire, the results of which I will report at a later date, when tabulation is completed.

The material follows:

WASHINGTON REPORT, OCTOBER 1969

(By Congressman HASTINGS KEITH, 12th District, Massachusetts)

PERSPECTIVE: 1 YEAR LATER

At this time last year the country was filled with turmoil. The bloody scenes of Chicago were fresh in everyone's mind, the situation in Vietnam was getting worse and its opponents more desperate, the simple solutions of George Wallace were looking more and more attractive to many people, and a general sense of frustration pervaded the nation.

Today, there is still shouting, and still many needs unmet. But, more and more, I find, reason is replacing rhetoric, and realism is replacing righteousness in the national debates.

A good deal of the credit for this change in atmosphere must go to the Nixon Administration. Ten months after being elected by a slim plurality, Mr. Nixon now (according to the national polls) is considered to be doing a "good job" by well over half of the American people.

His campaign slogan was "Bring us together." I believe we are more together today, in every respect, than we were a year ago.

In my opinion—part of the change from the past several years is due to the fact that the Congress has returned to its proper role of initiator of legislation.

The years of executive dominance, when the White House was the source of all wisdom and the Congress a passive recipient, are gone.

There is, for example, a growing tendency—in defense, in conservation, in fiscal matters—for the people's representatives to take the lead in defining the nation's needs and priorities. Another example of Congress leading instead of following is the recent enactment of legislation creating an Environmental Quality Council—a watchdog agency for our environment.

This movement toward restoring the balance of power the Founding Fathers intended is, in my view, healthy.

MEETING WITH NIXON

Today, 28% of our shoes, 75% of our fish, and great quantities of our textiles are supplied from abroad—and 94% of our nation's shipping sails under foreign flags.

Workers thus displaced have been partially absorbed in defense industries. If, after Vietnam is resolved, our competitive position in world markets continues to deteriorate, it will be most difficult for older people, particularly in the textile, shoe, and shipbuilding industries to be retrained for other jobs.

Meeting with President Nixon at the White House, I found him willing to support voluntary ceilings on foreign imports.

SHARING RESPONSIBILITY

One of the most welcome changes in Washington is the new Administration's attitude toward the States. The two previous Administrations attempted to solve every problem by passing a new Federal law. But the Nixon idea is to work out acceptable standards with the States, and let it be the States' responsibility to meet them. That is the essence of "the New Federalism,"—sharing responsibility with the level of government best able to handle it, rather than concentrating all power in Washington.

AND SHARING REVENUES

To help the States and municipalities handle their share of the problems, the President has proposed a new concept for sharing Federal revenues with them.

Under his plan, an increasing amount of Federal revenues would be returned directly to the States and towns, with no strings attached, for implementing their own problems. For the first year this aid would reach $5 billion.

For too long the Federal government has pre-empted most tax dollars, leaving the towns only the over-burdened property tax for support. Now, hopefully, things may change.

BILLS FILED IN THIS CONGRESS

While it would take a newsletter twice this size to list and explain all the bills I have filed this year, let me list just a few, of particular interest to my District.

HR 486 Makes *Monomoy Island* a Wilderness Area.

HR 6495 Makes it illegal to *discharge oil* from a vessel or offshore structure into coastal waters.

HR 7696 Provides for *orderly trade in footwear* by limiting imports.

HR 8328 Gives a "cost-of-living" increase to *Merchant Marine* academies and students.

HR 10799 Eliminates *oil import* controls over a ten-year period.

HR 12549 Establishes a Council on *Environmental Quality.*

HR 11363 Provides further protection of *endangered species* of wildlife.

HR 6633 Provides for cost-of-living increases in *Social Security.*

HR 1189 Establishes a *Plymouth Rock* National Memorial.

HR 1188 Provides for Federal *taxsharing* with the States.

HR 11262 Provides for inspection of *fish products.*

HR 8527 Provides for a study of *conglomerates* and their effects on the economy.

SPACE

One of the truly momentous occasions in the history of mankind was the landing of American astronauts on the moon in July. I had the privilege of attending the launching of Apollo 11, and like the rest of the world, was thrilled beyond belief at watching the landing on TV.

The tremendous feeling of unity and harmony that this epochal event brought to the peoples of the world suggested to me that the time was ripe for the President to ask other nations with scientific abilities to join us in future space efforts.

So I filed a resolution to that effect, and was immediately joined by 34 Congressmen—a strong indication of Congressional sentiment that, I believe, was not lost on President Nixon.

VIETNAM

The new Nixon strategy in Vietnam has become clear in recent months. What the President has in mind is a "Vietnamization" of the conflict, with American troops being withdrawn as fast as South Vietnamese forces are capable of replacing them.

What his policy requires, however, is time—and that depends on the American people, and their patience. This has been a long and frustrating conflict, and many people feel that we should immediately withdraw and try to forget the whole thing.

Everyone concedes that we overlooked the long-range effects of entering the conflict in Vietnam. In my opinion, we should thoughtfully consider the equally far-reaching implications of the alternatives now open to us.

OIL SPOILS

The Cape Cod National Seashore . . . twice at Falmouth . . . three times at Weymouth . . . the dangers of oil spills are now coming close to home! At the time of the Torrey Canyon disaster in 1967, I filed a "marine sanctuaries" bill that would have protected areas like Georges Banks and the Santa Barbara channel from oil drilling. It's too late now for Santa Barbara, of course, but the disaster there had one beneficial effect: it focussed national attention on the problem.

Although the Congress has not completed action yet, I am encouraged by the Nixon Administration's tough approach to the problem in setting up strict new rules regarding oil drilling and in requiring that ecological and aesthetic interests be taken fully into account before issuing any new drilling permits.

Part of the problem, especially in regard to oil, is that there is no law licensing tugboat operators. I have sponsored legislation to remedy this—to prevent incidents like the one in Falmouth, where a tugboat towing an oil barge ran aground two miles off course.

POPULATION EXPLOSION BRINGS PROBLEMS

It took all of history, until 1930, for the world population to reach 2 billion . . . by 1975, it will double to 4 billion . . . and it will nearly double again by the year 2000. And will include 300 million Americans! There is not much time left to cope with the population explosion—we must pay more attention *now* to our resources and our environment.

This means—to overcome urban sprawl—more planning for open spaces . . . more intensive but balanced use of our resources . . . protecting our coastlines and our streams from pollution. It requires establishing new agencies—perhaps a Cabinet-level post on the environment.

It is reassuring to see the impetus the Administration and Congress are giving to these problems. They *must* have this high priority if the World in 2000 AD is going to be a fit place in which to live.

One thing must be kept in mind when discussing priorities—they all cost money!! To increase the government's financial commitment in any one area means one of three things—1) raising taxes to pay the additional cost . . . 2) curtailing expenditures for other programs . . . or 3) using deficit financing, which, in the end, feeds the inflationary spiral and continues to escalate the cost of living.

These are the kinds of things I have to keep in mind when I vote. The following questionnaire includes some of the most controversial Congressional issues. Your answers will help me get a better perspective on the issues of the day and will help me to legislate more intelligently.

Sincerely,

HASTINGS KEITH.

QUESTIONNAIRE

Priorities: Please number in the order you feel they deserve attention: Conservation —; Defense —; Education —; Housing —; Inflation —; Oceanography —; Poverty —; Space —.

Vietnam: Do you favor:

—An increase in our military effort in Vietnam?

—Gradual withdrawal as South Vietnam takes over?

—Immediate withdrawal of all U.S. forces?

Space: Do you favor:

—Increasing appropriations for space exploration?

—Keeping space spending at its current level?

—Reduction of funds for space activities?

Social security: (Bearing in mind that employer-employee contributions would have to go up to meet any increase): Do you favor:

—Keeping social security benefits at present levels?

—Increasing benefits by 10% (the Nixon proposal)?

—Increasing benefits at the same rate living costs rise?

Welfare: The President's plan provides minimum payments to families with dependent children—and for financial incentives and extended job-training programs for those able to work. Do you favor his plan? Yes —, No —.

How would you judge President Nixon's performance? Good —; fair —; poor —.

AMERICANS DO CARE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. WYMAN. Mr. Speaker, Peter Mannarini's background and message appearing recently in the Derry News is worthy of thoughtful consideration. I hope Mr. Mannarini understands that we do care and care deeply.

We are deeply grateful to the American fighting men of this and previous wars. Theirs is a status of justly deserved honor among their contemporaries and throughout our people. Long may they live with pride in their honor and with the deserved appreciation of all Americans.

The article follows:

HE ASKS: "WHO CARES ABOUT US?"

Peter Mannarini was born in Derry and attended local schools.

As a young lad he delivered the Derry News and went on to attend Pinkerton Academy. He enlisted in the army in February of this year and has been in training at Fort Dix, Fort Eustis, Virginia and Fort Stuart, Georgia. He is home on leave now, waiting to go overseas as a helicopter mechanic.

These are some thoughts and questions he has put into words:

"WHO CARES ABOUT US?

"Take a man, and put him away
Thousands of miles away from home;
Drain his heart of all but blood;
Make him live in sweat and mud;
This is the life I have to live,
My heart and soul to God I give.
You peace boys rant from your easy chairs,
But you don't know what it is like over here.
Burn your draft cards, march at dawn;
You chant your songs on the White House lawn.
All of you, you want to ban the bomb;
And forget our men in Korea, and 'Nam.
You use your drugs and have your fun,
And then you refuse to use a gun.
You haven't got anything better to do
While I'm supposed to die for you.
I'll hate you until the day I die!
You make me hear my buddy cry,
I saw his arm a bloody shred.
I can hear them say, 'this one is dead',
He had the guts to fight and die.
He paid the price, but what did he buy?
He let you live by losing his life,
When you should have died, and he should have lived;
It's a large price to pay—
Not to live another day—
But who cares what a soldier gives?
Whether he dies, or whether he lives?
His mother, his father, his wife, his sons—
These are the ones who pay for what you have done.
Now he rests in a grave with a marble stone,
Because of you the cowardly ones,
Draft dodgers and hippies; they shall not moan.
But God, he will guide us on;
And we, 'the American Soldier', give our lives
To keep the country we love from going to destruction."

—PETER MANNARINI, U.S. Army.

WHAT'S GOOD FOR CYCLAMATES IS GOOD FOR DDT

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. OBEY. Mr. Speaker, last week with little prior notice, but generating much fanfare, the public learned that within a relatively short time cyclamates will not be allowed as an additive in any of our foods because of potential danger to our health.

As an excellent editorial in the Washington Post recently asked, why should not the Federal Government halt the use of DDT for the same reasons.

Indications have been widespread for some time that DDT is causing havoc with our environment, and threatens the extinction of a number of fish and birds. But recent studies, as well as some done a number of years ago, have revealed startling findings which indicate that DDT may have an adverse effect on humans, and like cyclamates may have cancer-causing potential.

The Environmental Defense Fund has pointed out that as far back as 1947 a study by the Food and Drug Administration itself showed that when DDT was fed to rats there was an increased incidence of liver tumors.

Recently, Hungarian scientists examined more than 1,000 mice from five generations after adding three parts per million of DDT to their diets. They found that 28 percent of the mice getting DDT developed tumors, while only 3.8 percent of the mice on clean food had tumors. Leukemia appeared in 12.4 percent of the DDT mice, but only 2.5 percent of the others.

And, in a study by the University of Miami School of Medicine, it was found that the human victims of cancer had more than twice as much DDT in their fat as did victims of accidental death. We do not know if the increased amount of pesticides caused the cancer of these victims, or if there was any relationship between the two, but this is something which can hardly be ignored.

There is certainly enough evidence to make us question the effects of DDT on the public health and safety. The same questions raised about the effects cyclamates may have on humans can be raised about DDT. One has been removed by the Federal Government. Why not the other?

I submit the text of the above-mentioned Washington Post editorial of October 25, 1969, for the review of my colleagues:

BANNING CANCER-PRODUCING CHEMICALS

The country seems to have taken in stride the sudden abolition of cyclamates from its food supply. Commercial users of these artificial sweeteners as well as consumers promptly recognized that a potential menace to health had been identified. With remarkably little fuss and friction, cyclamates have been consigned to outer darkness even without any indication that they have caused cancer in man. The finding that they had produced cancer in rats, when taken in large doses over a long period, was enough.

The experience suggests a new sensitivity in commercial as well as official circles to potential hazards to health. If this attitude prevails, the elimination of cyclamates may be only the first of many steps to safeguard the public from chemicals that have previously escaped suspicion. Secretary Finch has ordered a review of other food additives heretofore deemed to be safe. And what about the vast number of substances known to be harmful to health which do not fall into the category of food additives? HEW's action in this case has opened a wide field of inquiry which may lead to new legislation as well as tighten administrative actions.

One immediate question is whether the Food and Drug Administration will act against DDT. This widely used insecticide has a long residual life and is known to produce cancer in mice and rats. Some scientists who have probed deeply into the hazards of DDT insist that the case for banning its use is much stronger than the case against the cyclamates.

The Environmental Defense Fund and California Rural Legal Assistance, representing five pregnant or nursing women, have petitioned the FDA to lower the tolerance limits on DDT residues in human food to zero. Their case is based on the provision in the Federal Food, Drug and Cosmetics Act which led to the undoing of the cyclamates. It says that "no additive shall be deemed to be safe if it is found to induce cancer when ingested by man or animal." Since the cause of cancer is not yet known, Congress decided not to take chances with substances known to contribute to it.

Most of the present tolerance levels for DDT on raw agricultural commodities were established on the basis of hearings in 1950. The certain recognition of DDT as a carcinogenic agent is of more recent origin. Scientists now know, not only that DDT causes cancer in some animals, but also that it accumulates in body tissues after being ingested. In part the petition now before the FDA in regard to DDT rests on the finding that reservoirs of DDT accumulated over months or years will appear in a woman's milk after she has borne a child. So, it is said, a breast-fed baby may ingest three times the quantity of DDT considered safe by the World Health Organization and five to seven times as much as is tolerated in cow's milk sold on the market.

As in the case of the cyclamates, DDT is not known to have caused cancer in any human being. But a study at the University of Miami School of Medicine showed that human victims who died of cancer had twice as much DDT in their fat as did the victims of accidental death. If the FDA is ready to apply its sound rule against cancer-producing chemicals—that they are "guilty until proved innocent"—a ban on the use of DDT in its present form may well be in the making.

OFFICIAL POSITION OF THE DISCIPLES OF CHRIST CHURCH CONCERNING MILITARY TRAINING AND SERVICE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. HUNGATE. Mr. Speaker, since we will be considering the Selective Service Act and amendments thereto in the near future, I bring to the attention of my colleagues the official position of the Disciples of Christ Church as adopted at their biennial general assembly in Seattle, Wash., this year:

CONCERNING MILITARY TRAINING AND SERVICE

Whereas, the Christian Church (Disciples of Christ) has historically opposed military conscription except in time of great national emergency and so declared its opposition in resolutions as follows:

"We affirm our opposition to the enactment of any legislation during the present war providing for compulsory military training and services in peacetime." (1944)

". . . that this International Convention of Disciples reaffirm our opposition to conscription for military training or service in time of peace, . . ." (1946)

". . . that we call upon the Congress and the President of the United States to procure the necessary armed forces through voluntary enlistment." (1948)

"That we express again our opposition to 'Universal Military Training' in the United States in whatever form since it tends to fasten upon our people a concept of the state totally foreign to our American tradition and a spirit futility with regard to the possibility of peace which may turn out to be one of the chief blocks to its achievement . . ." (1954); and,

[*Whereas, even though military conscription has been regarded as foreign to the American tradition, the present Selective Service Act has been renewed with little regard for its violation of this tradition or serious study of alternative methods of recruiting military personnel that might have proved conscription unnecessary; and*

Whereas, the two major political parties in their 1964 platforms declared:

". . . we pledge . . . re-evaluation of the armed forces' manpower procurement programs with a goal of replacing involuntary inductions as soon as possible by an efficient voluntary system, offering real career incentives," (Republicans, 1964)

"On August 25, the Democratic Convention promised in its platform to 'pursue our examination of the selective service program to make certain that it is continued only as long as it is necessary and that we meet our manpower needs without social or economic injustice." (Democrats, 1964, Cited in Congressional Record, September 29, 1964, S. 22348); and,]

Whereas, liberal and conservative Senators of both political parties (Hatfield, Goldwater, McGovern, Dole, Nelson, Packwood, Schweiker and Prouty) have introduced in the present (91st) Congress legislation which would end the military draft and substitute an all volunteer army but maintain registration and allow the President to request Congress to reinstitute the draft if any future emergency should require such action; and,

Whereas, President Richard M. Nixon has announced that he will seek an end to the draft as soon as the Vietnam War ends;

Therefore be it resolved that the Christian Church (Disciples of Christ) assembled at Seattle, Washington, August 15–20, 1969, reaffirms its opposition to conscription except in time of great national emergency and commends President Nixon for his decision to seek an end to the draft after the Vietnam war;

Be it further resolved that we urge our congregations, state and area associations and Brotherhood agencies to study the implications of permanent military conscription in the United States as it affects individual freedom and foreign policy; and,

Be it further resolved that we support members of Congress who seek an end to the draft and a review of military manpower practices, including recruitment policies, pay scales, living conditions and career appeal; and,

Be it further resolved that we ask the General Minister and President of the Christian Church (Disciples of Christ) to send copies of this resolution to the President of the United States of America, the Secretary of Defense, the relevant committees of Congress and the leadership in Congress of both major parties.

SUBMITTED BY THE DISCIPLES
PEACE FELLOWSHIP.

The General Board recommends approval of this resolution as amended.

The General Assembly APPROVED as amended.

SST—AN OPINION

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. KEITH. Mr. Speaker, the Standard-Times of New Bedford, Mass., has recently published an editorial which roundly criticizes the decision to proceed with development of an SST prototype at the taxpayers' expense.

In the opinion of this newspaper, proceeding with SST development at this time is analogous to climbing a mountain simply because it is there—with the notable exceptions that mountain climbing does not impoverish the taxpayers or create noise pollution.

In order that all Members might have the benefits of the Standard-Times' forthright views on this controversial subject, I am inserting the editorial under unanimous consent at this point in the RECORD:

NIXON BLUNDERED ON SST

In deciding to spend more federal money on the controversial supersonic transport program, President Nixon has made a serious and costly mistake.

His own 11-member interagency committee, named to review the SST program last March, failed to reach a consensus because so many of its members had reservations or were totally opposed to going ahead with the project.

There is not a single sound argument in favor of continuing this massive boondoggle that is expected to cost the government at least $1.2 billion before it is done.

The sonic boom produced underneath the plane's flight path may make overland flights unbearable for people (and wildlife) below, cutting only a few hours from already fast flights.

The plane will benefit only a few jetsetters and will require vast new outlays for airports and ground facilities.

Introduction of jumbo jets (stretchedout conventional jets with increased passenger capacity) will reduce the potential market for the SST, and thus the likelihood that the government will get its money back through royalties on sales.

The relatively short range of the SST (a New York-Rome flight would be impossible without refueling) is a major handicap.

The only thing that an SST can do that other planes cannot is cut three hours off the U.S.-Paris flight time. In a period of government belt-tightening, pressing urban needs, and nationwide inflation, to spend millions for such a superficial and unnecessary reason is reminiscent of the man who climbed the mountain simply because it was there.

There is one difference: The mountain-climbing did not harm anyone, but in going ahead with SST, Mr. Nixon is ignoring the fact that nobody needs it but the contractors who are building it. Those Americans who really could use the billion dollars are not going to get it.

ELECTRONIC LEADER

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. PICKLE. Mr. Speaker, the University of Texas is firmly establishing its place among the leaders in electronic teaching—and in the process has created a modshop using a variety of combinations of sight and sound in teaching. This new center will attract the attention of teachers from all over the world.

I include in the RECORD a descriptive article from the October 15 issue of the Daily Texan:

UNIVERSITY OF TEXAS BECOMING LEADER IN ELECTRONIC TEACHING

"The University is becoming a landmark institution and will establish education norms through its use of electronic equipment in teaching," Dr. Richard Byrne, radio-television-film and drama professor, said Tuesday.

Byrne assisted in preparing and coordinating the initial list of equipment installed in the Jester Center auditorium. He currently is involved in the designs for the multi-million dollar School of Communication complex for the University.

The auditorium in Jester was designed to produce "any kind of sound and image in any combination," Byrne said. "These facilities make teaching exciting and will attract professors from all over the world."

The equipment, of the highest quality available, includes four 2-by-2-inch Carrousel high intensity slide projectors, two 3-by-4-inch slide projectors, three 16mm motion picture projectors, a turntable, a video tape recorder, two overhead projectors and a stereophonic sound system.

An intercom connects the lecturn to the projection booth or backstage. There is rheostat control on house, stage and spotlights. That is, they can be dimmed or brightened at the will of the professor.

There are tentative plans to install a color television projection and a five-poll individual response system.

Byrne said $47,000 originally was allocated for this equipment but that it will easily save that much in a year by more efficient teaching of large groups.

One new concept in education is the initial design of classroom space for a specific purpose. The idea will be evident in the proposed communication complex.

The latest sets of drawings show a subterranean auditorium with sector seating. There is also continental seating and no center aisle.

Three rear projection screens cover the front wall and will produce no shadows, allowing the professor to walk freely from screen to screen. These screens can fly into the ceiling leaving a stage area to be used in speech interpretation courses.

Byrne said the complex will have a tandem classroom situation with a projection area encircling both rooms. This experimental project would allow projection into two classrooms at the same time by the use of mirrors.

There will be equipment which will be able to film audience reaction in the dark, and take skin responses. Byrne said this facility will be of physiological importance.

Plans for the lobby show a glass-encased room in which television sets showing all networks will be running simultaneously, at all times. The main purpose of this room will not be only for comparative R-T-F studies but to keep the communication students abreast of events.

One of the most unique attractions of the complex, Byrne said, will be an elongated octagonal room with 10 screens. There will be no seats, just carpeting extending five feet up the wall. This room is similar to an Expo exhibit, but is for academic purposes.

In this setting almost any environment can be produced in the 360 degree screen area. It can also be cycled to run automatically.

"Information will be dispersed in an exciting manner," Byrne said, referring to the coming age of electronic teaching.

Technology is advancing so rapidly that equipment for the complex will not be ordered until construction is well under way. Byrne said that much of the equipment that eventually will be used in the complex has not been invented yet.

THE CALLOUS BEHAVIOR OF NORTH VIETNAM IN ITS TREATMENT OF PRISONERS OF WAR

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mrs. HECKLER of Massachusetts. Mr. Speaker, about a month ago a delegation of courageous women visited Congress. They were the wives of men who are missing in action in Vietnam or known prisoners of war in North Vietnam. They came to us with a fervent plea that the POW's should not be forgotten and that the callous behavior of the North Vietnamese—in violating the minimum requirements of the Geneva Convention for Humane Treatment of Prisoners—should not be forgotten.

Despite the fact that North Vietnam, by its signature, agreed to abide by the provisions of the Geneva Convention, its behavior has demonstrated that nation's utter contempt for both international law and the laws of human decency. It has refused to abide by the convention's requirement that it should release the names of the prisoners of war; it has refused to release the sick and the seriously wounded; it has refused to permit impartial inspections of prisoner-of-war facilities, and it refuses to permit the free exchange of mail. In addition, from the lips of those brave wives and the prisoners who have been released, we have learned the true conditions existing in North Vietnamese prison camps.

Mental and physical torture has been applied freely to the American prisoners of war. Health conditions are deplorable. Their rights have been abused as they have been employed as instruments of propaganda—as, for example, when prisoners have been paraded through city streets and subjected to the insolent jeers, the stones and the spittle of onlookers. This should not be forgotten.

There is no question but that any agreement on Vietnam must provide for the release of the American prisoners of war.

There is pending before Congress a resolution which strongly urges that the President, the Department of State, the Defense Department, and all other concerned agencies of the Government, should appeal to North Vietnam to abide by the Geneva Convention and should take such other steps as to provide for humane treatment and release of the prisoners. I would hope that we will unanimously support this resolution.

One further point which we should keep in mind is suggested by an editorial in the Boston Globe of October 3, 1969, which I am submitting for the Record. This is the thought that such a resolution, additionally, might help break the negotiation deadlock by permitting the start of serious prisoner-of-war negotiations.

This, as the editorial notes, is what broke the deadlock in the long-stalled Korean negotiations at Panmunjom.

The text of the Boston Globe editorial reads as follows:

Let's Protest to Hanoi

Washington.— There ought to be another protest after students and professors devote Oct. 15 to contending that President Nixon is not getting the United States out of Vietnam fast enough to suit them.

We need a different kind of protest.

We propose that Congress and the country join in a massive protest to Hanoi against the continuing cruel, criminal and inhumane treatment of American prisoners of war.

We propose that the House and Senate pass a joint resolution at the earliest date demanding that North Vietnam cease violating the Geneva Convention, to which Hanoi is solemnly bound, against the maltreatment of enemy prisoners. One such resolution with 200 co-sponsors has already been introduced in the House.

We propose that special means be taken—by letter to the President and Congress by circulated petitions for signatures, by newspaper advertisements and other means—to show North Vietnam and the Viet Cong that American public opinion is both united and revolted by their heedless and heartless attitude toward the men who have fallen into their hands.

Hanoi has shown itself very sensitive to the state of opinion in the United States. It hopes to win a one-sided peace by playing on the disunity and impatience of the American people.

It would be useful to let Hanoi see something of the unity and the impatience of the American people over the long-standing proved mistreatment of U.S. men in North Vietnamese prison camps.

It would be useful to let the whole world know about these conditions.

It might do more. It might help break the deadlock over serious political negotiations to begin serious prisoner-of-war negotiations as it did in the long deadlocked Korean negotiations at Panmunjom.

There are 1332 U.S. servicemen listed as prisoners or missing in action, and many missing in action may be in prison camps. More than 200 U.S. servicemen have been held more than three and a half years—longer than any U.S. servicemen were held in World War II.

Here are the minimum obligations of the Geneva Convention, which North Vietnam signed in 1957—and Hanoi's nonperformance:

1. Identify prisoners whom they hold. Hanoi has refused to do so.
2. Release the sick and injured. Hanoi has refused to do so; its medical care has often been deliberately inadequate.
3. Permit impartial inspection of prisoner-of-war facilities. Hanoi has refused to do so.
4. Permit free exchange of mail. Hanoi has refused to do so.

Here is typical testimony of those who were released and returned to the United States (nine over a five-year period): One told of "rebreaking bones in solitary confinement, of being forced to sit on a hot stool in a hot room with no sleep . . . in two days your feet swell up and then it creeps up your legs until they are numb. How long can you last before giving some kind of statement? Some have gone 150 hours. Others have passed out from heat exhaustion in 48."

Since Hanoi is concerned about American opinion on ending the war, it ought to be given an authoritative word, through unanimously passed congressional resolution, about the American state of mind on ending its brutal prisoner-of-war crimes.

It could help end the war. It could help bring the peace.

NOVEMBER AT THE SMITHSONIAN

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure for me to place in the Congressional Record the schedule of events for the month of November at the Smithsonian Institution. Once again, the Smithsonian has planned a variety of programs and events all of which are interesting, informative, and entertaining.

I am happy to call these events to the attention of my colleagues and the American people, and strongly recommend they visit the Smithsonian during the coming month.

The schedule of events follows:

November at the Smithsonian

Tuesday, November 4, Animals in Sculpture.—Sales exhibition of 48 animals and birds created by sculptor Orvelo Wood in his New York studio. Museum shop, National Museum of Natural History. Through December 31.

Wednesday, November 5, The Holy Ghost People.—A 53-minute black-and-white Film Theatre presentation. In Scrapple Creek, West Virginia, religious fervor is a way of life; attendance at one of the almost daily 4- to 6-hour meeting reveals members approaching a hypnotic, transfixed state of singing and shaking. First prize winner, San Francisco International Film Festival, 1968, 2 p.m., auditorium, National Museum of History and Technology; 8 p.m., auditorium, National Museum of Natural History. Introduction by Irving Zaretsky, visiting research associate, Smithsonian Department of Anthropology.

Thursday, November 6, the Creative Screen.—The Music Rack. Wendell Castle, noted artist-craftsman, designs and constructs a music rack using the wood lamination process. *Reflections.* Enamelist Paul Hultberg illustrates his methods with sheets of gleaming copper and brilliantly colored enamels. Films will be shown every half hour from noon until 3 p.m. Free admission at the National Collection of Fine Arts.

The Holy Ghost People.—Film Theatre repeat. Noon, auditorium, National Museum of History and Technology.

Friday, November 7, Stained Glass Workshop.—Under direction of Clayton E. Anderson. Sponsored by the Smithsonian Associates. By subscription only. For information call 381–5159.

Saturday, November 8, the Creative Screen.—Repeat of *The Music Rack* and *Reflections.* See November 6 entry for details.

Stained Glass Workshop.—Repeat. See November 7 entry for details.

Sunday, November 9, Young People's Enameling Workshop.—Under direction of Mary Megee. Seven- and nine-year-old youngsters 9:30 a.m.-12:30 p.m.; 10- to 12-year-old children, 1:30 p.m.-4:30 p.m. Sponsored by the Smithsonian Associates. By subscription only. For information call 381–5159.

Monday, November 10, So Little Time and Birds of Prey of Northeastern United States.—Films sponsored by the Audubon Naturalist Society. The first is an environmental film that emphasizes the disappearance of our wetland habitats and their resident species. The second film portrays the raptors and their ecological importance to man. 5:15 p.m. and 8:30 p.m. in the auditorium, National Museum of Natural History.

Tuesday, November 11, Christmas in America—Sales exhibition featuring the arts, crafts and delicacies of the ethnic groups who have enriched our country with their varied celebrations at Christmastime. From Latin America and Europe, from Pennsylvania, New Mexico, North Carolina, and New England—a cornucopia of playthings, cookies, and adult gifts. Museum Shop, National Museum of History and Technology. Through December 31.

Wednesday, November 12, Movin' On—A 59-minute Black-and-white Film Theatre presentation. The story of railroading starting in 1830 is told by means of popular folk songs. The 1920's showed trains and trainmen treated as heroes in American movies. The 1930's proved to be the glorious years of the great passenger trains. 2 p.m., auditorium, National Museum of History and Technology; 8 p.m., auditorium, National Museum of Natural History. Introduction by John H. White, Jr., chairman, Smithsonian department of industries.

Thursday, November 13, The Portrait Reliefs of Augustus Saint-Gaudens—Through January 30, National Portrait Gallery, Saint-Gaudens (1848–1907), who dominated American sculpture during the last quarter of the 19th century, will be accorded the first major exhibition of his work anywhere since 1910. More than 60 portrait reliefs in marble, bronze, and plaster as well as cameos and medals are being borrowed from museums and private collections across the country for this nearly comprehensive exhibition.

Movin' On—Film theatre repeat. Noon, auditorium, National Museum of History and Technology.

Friday, November 14, People of the Horse—The influence of the nomads of the steppes on medieval European and Near Eastern art designs. Illustrated lecture by Ralph S. Yohe. Co-sponsored by the Rug Society of Washington and the Smithsonian Associates for members and guests. 8:30 p.m., Freer Gallery of Art auditorium. Public will be admitted at 8:25 as seats are available.

Contemporary Tapestries and Graphics: Yugoslavia—Exhibit in the Arts and Industries Building through February 2, 1970. The richness of Yugoslavia's cultural influences—Byzantine, Austrian, and Mediterranean—are reflected in the boldly colored contemporary designs of the 28 hand-woven tapestries in this exhibition. The 60 prints by 20 artists in serigraphy, linocut, intaglio, and lithography show the ferment of activity taking place in Yugoslavian graphic art today. The exhibition was organized by the Galley of Modern Art in Ljubljana for the Smithsonian Traveling Exhibition Service.

Sunday, November 16, Young People's Enameling Workshop—See November 9 entry for details on this Smithsonian Associate class.

Monday, November 17, Georges Melies, Creator of the Magic of Films—A comprehensive exhibition, with film showings, of the work of the great French film pioneer who first attempted dramatic themes and fantasy with the motion picture camera beginning in the 1890's. Daily film showings through January 1 in the National Museum of History and Technology at 10:30 a.m., 12:30, 2:30, and 4:00 p.m. Cosponsored by the Smithsonian Associates and Office of Exhibits.

Wednesday, November 19, Crafts From Pakistan—Sales exhibition of traditional tribal crafts from Sind and Baluchistan. Jewelry, baskets, rugs, musical instruments, toys, textiles, costumes, quilts, saddle blankets, brass, and furniture will be displayed under a brilliant applique tent; also a loan exhibition of selected Pakistani crafts from the collection of Mrs. Manuela Fuller. Museum Shop, Arts and Industries Building. Through December 31.

American and the Americans—A 52-minute color Film Theatre presentation. A blend of newsreels, enactments, live-action, old film footage, and paintings explores the paradoxes and national myths of America past and present as expressed by John Steinbeck with both love and anger. 2 p.m., auditorium, National Museum of History and Technology; 8 p.m., auditorium, National Museum of Natural History. Introduction by Harold Skramstad, Smithsonian American Studies Program.

Thursday, November 20, Encounter—The Chesapeake Bay a multi-use resource. Second in a series of panel discussions, in which the audience is asked to participate, on critical issues of today. Panel members, who will discuss the controversial nuclear power plant planned for the Bay, include: Dr. Donald W. Pritchard, Professor of Oceanography, Johns Hopkins University; Dr. Edward P. Radford, Professor of Environmental Medicine, Johns Hopkins; Dr. L. Eugene Cronin, Director, Natural Resources Institute, University of Maryland; and Robert W. Davies, Chief Mechanical Engineer, Baltimore Gas & Electric Company. 8:30 p.m., auditorium, National Museum of History and Technology.

America and the Americans—Film Theatre repeat. Noon, auditorium, National Museum of History and Technology.

The Creative Screen—Art of Seeing. Skillful and beautiful photography converts everyday objects and scenes into sources of stimulation and pleasure while developing keener insight into the world of visual arts. *A New Way of Gravure.* Stanley William Hayter, influential printmaker of the 20th Century, is shown in his famous Paris Atelier 17 where Picasso, Miro, and Calder came to learn printmaking. Free admission at the National Collection of Fine Arts. Films will be shown every half hour from noon until 3 p.m.

Saturday, November 22, The Paper Bag Players—Award-winning children's theatre from New York. Sponsored by the Smithsonian Associates, 1:30 and 3:30 p.m., auditorium, National Museum of Natural History. *By Ticket Only.* For information call 381-6158.

The Creative Screen—Repeat of *Art of Seeing and A New Way of Gravure.* See November 20 entry for details.

Advance Stained Glass Workshop—Under direction of Clayton E. Anderson. Sponsored by the Smithsonian Associates. By Subscription Only. For information call 381–5159.

Sunday, November 23, Young People's Enameling Workshop—See November 9 entry for details.

Advanced Stained Glass Workshop—Repeat of November 22 Smithsonian Associates class.

Tuesday, November 25, Reflections on Andrea Palladio's Life and Times—Illustrated lecture by noted photographer Donald Sultner-Welles. Sponsored by the Smithsonian Associates for members and their guests. 8:30 p.m., National Museum of Natural History auditorium. Public will be admitted at 8:25 p.m. as seats are available.

Wednesday, November 26, Watermen—an intimate portrait of the Chesapeake Oysterman. A 63-minute color Film Theatre presentation. The sailing oystermen who work the Bay skipjacks operate the last commercial sailing fleet in North America, a reminder of times past in a technological age. 2 p.m., auditorium, National Museum of History and Technology; 8 p.m., auditorium, National Museum of Natural History, Introduction by Howard I. Chapelle, Senior Historian, Smithsonian.

Thursday, November 27, Watermen—Film Theatre repeat. Noon, auditorium, National Museum of History and Technology.

Saturday, November 29, Last Saturday Jazz—featuring the Lee Morgan Quintet. National Museum of Natural History auditorium, 8:00 p.m. Tickets at $2.00 apiece may be purchased at the door. Presented by the Left Bank Jazz Society in cooperation with the Smithsonian Office of Performing Arts.

RADIO SMITHSONIAN

You can listen to the Smithsonian every Sunday night from 7:30 to 8:00 p.m. on radio station WGMS (570 AM & 103.5 FM). The weekly *Radio Smithsonian* program presents music and conversation growing out of the Institution's exhibits, research, and other activities—from moonshine on the Mall to a discussion with the British Ambassador about his country in the last third of the Twentieth Century, from the coral reefs of the South Pacific to sweet melody from an antique violin. Fred Gray is producer, Cynthia Hels special correspondent in this presentation by the Smithsonian's Office of Public Affairs.

RATS

A special exhibition on the ecology and control of rats, with emphasis on the immediate neighborhood. At the Anacostia Neighborhood Museum from November 16 until January 31. For a calendar of the special programs connected with this exhibit phone 582–1300.

CONTINUING EXHIBITIONS

Objects: USA.—Two hundred and ten American contemporary artist-craftsmen from 37 states contribute 315 objects to this major survey of U.S. crafts. Works in metal, fiber, ceramic, glass, wood, enameling, plastics, beads, mosaics, and leather are included. Objects cover a wide range from jewelry and silverware to furniture and fabrics. From the Johnson Wax Company collection. Through November 16 at the National Collection of Fine Arts.

Sales Exhibition—Objects: USA.—Selected craft work done by a group of the artisans included in the National Collection of Fine Arts show: Maurice Heaton, Stanley Lechtzin, Richard Marquis, and William Wyman. NCFA Museum Shop, through November 16.

Plastic as Plastic.—The first museum exhibition examining plastic's role as a unique man-made product widely adaptable for innovative design rather than as an imitator of wood, glass, and other material. Among the

246 objects to be exhibited—including a sprayed plastic foam "environment"—are furniture, jewelry, toys, industrial uses, sculpture, housewares, and appliances. Arts and Industries Building. Through January 19.

Landscapes and Seascapes by Whistler.—An exhibition of James McNeill Whistler's landscapes and marine paintings revealing his forgotten role as an avant garde artist whose experimental paintings were a major force in the emergence of abstract art. Some 40 paintings will be displayed. At the Freer Gallery of Art for an indeterminate period of time.

The Bhahar River Tiger.—Believed to be the largest tiger ever taken in India. From tail to paw the stuffed animal is 11 feet long. It is being presented to the National Museum of Natural History through the generosity of David J. Hasinger of Philadelphia and will be placed on a platform on the Constitution Avenue main entrance to the Museum, seemingly poised as though in the act of springing upon a Chital deer. Permanent exhibit.

Barbara Morgan: Women, Cameras, and Images IV.—More than 50 photographs, including photomontages, by famed photographer, author, critic, and designer Barbara Morgan. The subjects of the pictures are varied, but special emphasis is placed on Mrs. Morgan's classic photographs of Martha Graham and other dancers. Hall of Photography, National Museum of History and Technology. Through January 26, 1970.

Josiah K. Lilly Collection of Gold Coins.—More than 6,000 gold coins in a collection unequaled in historical and geographical scope typifying the endless number of gold coins circulated throughout the world over a period of about 26 centuries. National Museum of History and Technology. Through December 30.

Energy Conversion.—Historical development of various methods for transforming an available energy source to a needed energy product, including batteries, fuel cells, solar cells and steam engines. In the Hall of Electricity, National Museum of History and Technology, through March.

Napoleon Bonaparte.—Bicentennial of his birth, 1769. A medallic illustration of Napoleon's eventful life; the epic of his many battles which led him across Europe, from Spain to Russia and from the borders of the Elba to the waters of the Nile and into exile at St. Helena where he died, is illustrated by coins and medals that were produced by him and his adversaries. Hall of Numismatics, National Museum of History and Technology. Through February 1970.

Pharmacy in Prints.—A collection of portraits, caricatures, broadsides and labels ranging from the satiric and political to the social and ethical, these prints show the doctor-pharmacist-patient relationship. Figures shown include Napoleon, Gladstone, and Presidents McKinley and Cleveland. Through February. National Museum of History and Technology.

Hurricane Fighter Plane.—This plane commemorates the Battle of Britain and the participation of the American Eagle Squadron in that historic struggle. The Hurricane was one of the first and most numerous British fighter planes in World War II, but it is now an extremely rare type of aircraft. It is shown in the Arts and Industries Building.

Atomic Art.—An exhibition of art by Alyce Simon of New York. Controlled bombardment of acrylic plastic sheets by a particle accelerator combined with flat areas of color produces a unique art form. Hall of Nuclear Energy, first floor of the Museum of History and Technology. Closing indefinite.

CHRISTMAS CARDS

The Museum Shop in the National Collection of Fine Arts is currently offering Christmas cards featuring reproductions of paintings in the collection by James McNeill Whistler, Agnes Tait, Raphael Peale, Childe Hassam, John Twachtman, and Charles Burchfield.

MUSEUM TOURS

NATIONAL COLLECTION OF FINE ARTS

Daily tours at 11 a.m. and 1 p.m. Weekend tours 2 p.m., Saturday and Sunday. For advance reservations and full information, call 381-5188 or 381-6100 message 381-5180.

NATIONAL ZOO

Tours are available for groups on weekdays 10 a.m. to 12 noon. Arrangements may be made by calling—*two weeks in advance*—CO 5-1868 Extension 268.

Visitors may purchase animal artifacts and specially designed souvenirs and books at the KIOSK, which is operated by Friends of the Zoo volunteers as a public service and to raise funds for educational programs. Open daily 12 a.m. to 4 p.m.

THE SMITHSONIAN ASSOCIATES

You are invited to participate directly in the Institution's far-reaching education and research activities by becoming a member of the Smithsonian Associates. Through numerous programs for members, the Associates provide infinitely varied opportunities to explore the arts, sciences, and humanities. Call 381-5157 for information on fees and programs.

THE AMERICAN VETERANS COMMITTEE

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mrs. CHISHOLM. Mr. Speaker, I would like to bring to your attention and the attention of my colleagues the platform of the American Veterans Committee as adopted in June of 1969 at Atlantic City, N.J.

While I do not agree with all their resolutions, notably those concerning the draft and the Reserve Officers Training Corps, I do think that the overall platform is extremely commendable.

The American Veterans Committee, since its founding in 1943, has demonstrated that as an organization its major concern is for the welfare of our Nation as a whole, within the world context. The platform, which I now introduce as an extension of remarks, reflects that deep concern for our Nation:

[From the AVC Bulletin, July-August 1969]

PLATFORM OF THE AMERICAN VETERANS COMMITTEE, ADOPTED JUNE 13 THROUGH 15, 1969, ATLANTIC CITY, N.J.

VETERANS AND ARMED FORCES AFFAIRS

The American Veterans Committee has constantly reiterated, since its founding, its fundamental belief that rehabilitation and integration of veterans into the community is the proper scope and purpose of a veterans program. The achievement of economic security for veterans through sound economic planning for all citizens rather than through special grants or favors to veterans in basic AVC policy.

1. Compensation

For many years, AVC has pointed out the need for a thorough review and reappraisal of this Nation's policies on veterans as follows:

1. We oppose bonuses and general pensions as being class legislation and unrelated to the real needs of individual veterans and tending to set veterans apart from their fellow citizens.

In the matter of benefits, two basic standards should be applied.

(a) For death or disability incurred in military service: Are the benefits sufficient to provide a decent standard of living for the veteran, his family or survivors?

(b) For all veterans: Are the benefits so designed as to enable a readjustment from military service to civilian life with a minimum economic loss?

Since benefits are a Federal responsibility, uniform standards of administration and compensation should be applied nationally without regard to race, creed, color, sex, or national origin.

2. Draft

AVC recognizes the necessity for the United States to maintain adequate military forces in present world circumstances. It also recognizes the citizen's obligation to military service and recognizes a selective service system as an appropriate mode of raising military manpower. We object, however, to the inequalities of the draft system as presently administered, especially the deferment of students, the lack of uniform guidelines and the lack of fair representation of the citizenry, especially for minority groups, on the draft boards.

3. Reserve Programs

The world we live in, with its emphasis on speed of operation and technical superiority, demands standing Armed Forces of sufficient size, training and equipment and organization to be effective immediately for defense and counter attack. It is apparent that the Regular Armed Forces must remain our first line of defense. They must be of sufficient size and mobility for deployment anywhere on the globe within a minimum of time so that we may continue to provide when necessary, those forces needed for collective security under our international obligation in peripheral conflicts occurring in the strategic localities of the world.

AVC believes that the National Guard is ill-fitted to serve both roles which it is currently called upon to play. One role is that of assisting civil authorities in the United States in peace-time. Forces suited for that role should primarily consist of military police, possible infantry, with some supporting units (medical, signal, QM, etc.). The other role is that of forming a part of our highly complex and sophisticated Armed Forces with guided missiles, high mobility, heavy weapons and requirements for intensive technical training.

AVC regrets that the steps taken to integrate the National Guard have, so far, been far from adequate. While an office has been established in the National Guard Bureau to deal with equal opportunities, neither the staff nor the influence of that office are sufficient for the purpose.

Regrettably, while the percentage of minority group members in the regular Armed Forces is and remains relatively high, the percentage in the National Guard is low and has remained low despite certain recruiting efforts. We cannot afford to have a polarization within the Armed Forces as between the National Guard on one hand and the Regulars on the other. While the domestic peacetime tasks which the National Guard is called upon to perform tend to involve minority group civilian populations, the troops involved should not present the appearance of an army of occupation.

While a National Guard remains a part of the structure of our Armed Forces, incentives should be provided so that a larger number of minority group personnel with active duty experience will choose to enter and remain in the National Guard.

AVC is opposed to any policy whereby the Army Forces award discharges other than honorable to reserve personnel based upon the political or other activities in which these individuals may participate following separation from active service under the draft.

We believe that the conditions of discharge should be based solely upon the military activity and efficiency of the reservists.

4. Benefit dollar

AVC believes that provision should be made to maintain automatically the purchasing power of the benefit dollar and upward adjustments be made annually in accordance with the Bureau of Labor Statistics, Consumer Price Index.

5. Civil service

AVC believes that veterans point preference in the civil service be limited to the initial appointment only, and that no person should receive a position unless fully qualified to perform the duties involved.

We oppose the principle of granting absolute preference to veterans in state and local civil service.

6. GI bill

AVC applauds the passage of a permanent G.I. Bill of Rights as a resposible means of enabling servicemen and women to return to civilian life with facility and ease at the end of their service and become useful and productive members of their communities.

However, we urge the Congress to adjust the benefits more in line with the World War II and Korean G.I. Bills and the current cost of living so that the programs may be used by veterans without the financial stress they now entail. The G.I. Bill of Rights should be administered in such manner as to guarantee the absence of discrimination.

7. VA hospitalization

AVC urges that treatment of non-service-connected disabilities in VA hospitals be continued on a space-available basis, but that such treatment be charged at the full cost, if a patient has the means to pay for such service; certificates that a veteran is unable to pay should be investigated thoroughly to determine the true ability to meet the cost of hospitalization. Further that terms of coverage of all prepaid medical associations, plans and companies be amended by action of the legislatures, supervisory bodies or membership, so as to provide payment to VA hospitals for non-service-connected treatment on the same basis as payment to private voluntary and public hospitals.

8. Unification

AVC notes with satisfaction that the process of unification of the Armed Forces has been making progress. AVC commends the actions hitherto taken in this regard and urges that the Department of Defense continue these efforts vigorously.

9. Discrimination—Foreign and domestic

We maintain that no assignment of any military personnel should be made whether within the United States or overseas, for consideration on grounds of color, religion, ancestry or national origin.

Our goal is to insure that no member or employee of the Armed Forces, and no dependents of such persons shall be subjected to discriminatory treatment, on or off base within the United States or outside the United States, on the grounds of color, religion, ancestry or national origin, and that the power including the economic power, of the United States be consciously used to further this objective.

10. Information service

We owe the men of our armed services the best possible training to equip them for the rigors of modern combat under the most adverse conditions of weather, terrain, supply and enemy action. We further believe that an orientation program be instituted in order to acquaint the prospective draftee, at the time of registration, with the rights, privileges, benetfis and special training he and his family will be entitled to if and when he is inducted into the Armed Services.

11. Jurisdiction over ex-servicemen and civilians accompanying the Armed Forces overseas

We believe that the ex-servicemen, military dependents, and civilians accompanying the armed forces abroad should not escape punishment for serious offenses committed while in such status, but should be tried before civilian courts. By serious offenses we mean crimes of the same degree of seriousness as felonies at common law.

12. Awards and benefits

All laws of the United States pertaining to the granting of military medals or decorations, military disability retirement or compensation, dependents and survivors benefits, veterans benefits (including benefits to dependents or survivors), or other special benefits to military personnel or their dependents on the basis of wartime service of such military personnel shall apply in like manner to service performed in such areas and during such periods as proclaimed by the President where combat or combat conditions exist and the United States forces to which such person is attached are either engaged in the combat, engaged in military operations designed to carry out any treaty or other international obligation of the United States.

13. Expeditious naturalization of service personnel and dependents

AVC believes that any man who assumes the risks and responsibilities of entry into the Armed Forces, whether in wartime or time of peace, should be entitled to citizenship.

AVC therefore urges the enactment of legislation which provides in substance that:

Any person regardless of age who is serving, served, or hereafter serves honorably in the Armed Forces of the United States may be naturalized, irrespective of how he entered the United States. No period of residence within the United States shall be required; no residence within the jurisdiction of the naturalization court; the petitioner shall not be required to speak the English language, sign his petition in his own handwriting, or meet any educational tests; no fee shall be charged or collected for making, filing or docketing the petition for naturalization, or for final hearing thereon, or for the certificate of naturalization, if issued.

Since some aliens who enter the Armed Services are sent overseas before the naturalization processing can be completed, even though no prior period of residence may be required, AVC urges that, following the precedent set in former Section 702 of the Nationality Act of 1940, provision be made for such a person to be naturalized while outside the United States.

AVC further urges the Amendment of Section 319(a) of the Immigration and Nationality Act which shortens the residence requirement for aliens married to citizens from 5 to 3 years be deemed met even if the spouse dies while in active service or from service causes or because of the absence of the spouse from the United States or the state by reason of military service.

Resolutions

Military Justice

AVC strongly condemns the actions of the military services in response to recent demonstrations, expressions of dissent against military policies, and stockade incidents, which have resulted in placing charges against these individuals for the most serious offenses possible.

AVC has always recognized that a proper balance must be maintained between the demands of the military to maintain order and discipline and the rights of servicemen as they are guaranteed by the Bill of Rights. However, the possible deterrent effects of harsh punitive charges and sentences must not be allowed to be the sole factor in determining the reaction of military authorities to such incidents. The rights of servicemen must be protected just as much as the rights of civilians if the system of military justice, about which serious questions as to its procedures have been raised, is to command confidence.

AVC urges the military services to treat in a restrained and judicious manner these offenses, to retain confidence in the system of military justice.

Administrative Discharge

While AVC favors in principle the legislation now pending in Congress which is designed to:

1) Provide the statutory framework for the administrative discharge process.

2) Insure that those whose administrative discharge is proposed are given a fair hearing, have access to counsel who are members of the bar, have the right to have witnesses call on their behalf and are given other safeguards.

AVC also calls for the amendment of the legislation now pending so that the so-called "General Discharge under Honorable Conditions" will be treated as the mildest form of punitive or less-than-honorable discharge. Military personnel faced with the prospect of being awarded a General Discharge under Honorable Conditions should be given safeguards which substantially approach those now proposed for the lesser forms of discharge. The oft-repeated contention of the military services that the "General Discharge under Honorable Conditions" is merely another form of Honorable Discharge is not borne out by the experiences of those whose service has been so stigmatized, and the existing power of a single commander to impose a General Discharge must be curbed.

AVC further calls for the deletion from those copies of discharge certificates which are to be exhibited to prospective employers and others of references to service regulations which reveal the reason for discharge, if such reason can reflect on the individual. If it is necessary to delete the reason for discharge from all discharge certificates in order to prevent adverse comments to be drawn from the absence of an indication of the reason, then AVC supports deletion of all reasons for discharge.

ROTC

Whereas, the Reserve Officers Training Corps, by providing many needed and well-qualified officers to our Armed Services for over 40 years, has played an important role in strengthening our Nation's Defenses. It also has served the larger goals of our nation—as these officers, graduating from civilian colleges, have contributed significantly to maintaining a civilian and civilizing influence in our military establishment, so necessary to the maintenance of a true democracy. We also recognize the value of O.C.S. and various summer training Reserve Officer acquisition programs, and

Whereas, at the same time as ROTC serves the nation's needs, it also can be of great personal value to its students, and hence to the colleges they attend. Any student wishing to should have the right to serve his military obligation through the ROTC on an elective basis, and

Whereas, it has not been adequately recognized that most ROTC courses are as deserving of college credit as any applied courses in many academic fields and that most officers assigned to ROTC units would clearly qualify under normal appointment procedures for faculty status,

Now therefore, be it resolved:

1. AVC favors the continuation of ROTC, on a voluntary basis, wherever now established with consideration of additions limited only to those units which will increase equality of opportunity in the armed services.
2. AVC deplores the action of some of our

greatest colleges and Universities in acting to remove the Air-Military-Naval Science courses from their curriculum and the ROTC units from their campuses. AVC feels this is an irrational response to a short-sighted demand—a result of understandable feelings of frustration, protest and outrage against the War in Vietnam and Draft inequities. AVC believes the college faculties and administrations are wrong in giving in to and going along with this misplaced demand of some student activists—many of whom seem to make every military uniform a target of obloquy.

3. AVC applauds the Secretary of Defense's statement of April 29, 1969, indicating he was "prepared to consider changes" to improve the ROTC program, including the flexibility of having civilian subjects such as history and navigation taught by regular faculty members. We urge that negotiations be continued with colleges now having ROTC units to work out conditions which will not violate their academic integrity and still accomplish the military training objectives.

As guidelines for such negotiations, AVC believes the Services should not necessarily insist on full academic credit for all Air-Military-Naval Science courses or full faculty status for all officer-instructors, but they should have a right to insist that host colleges, as a minimum, allow:

a. ROTC program and courses to be mentioned in college catalogues.

b. Classes and administration to be carried on in college buildings (as are many "extracurricular" activities).

c. Drilling in uniform on or in college property.

d. Scholarship, uniform allowances and other benefits to be continued.

The controlling Statute, Title 10, U.S. Code, Chapter 103 should be amended if necessary to permit this flexibility.

The draft

AVC reaffirms its position on the draft as stated in our platform and as presented in detailed testimony before the House and Senate Armed Services Committees in 1967.

AVC also continues to deplore the lack of Congressional action for specific reforms of the draft law which have received wide public support, and which were endorsed by AVC, which are urgently needed.

Further;

1. AVC reiterates its position against a mercenary army, and will seek to testify before the "President's Commission on an All-Volunteer Armed Forces."

2. AVC supports provisions which will enable students who have begun their studies to delay their active duty until they have reached a reasonable point of completion of these studies, but which will not exempt them from service. In this connection, AVC suggests that consideration be given to an adaption of the Enlisted Reserve Corps program used during World War II.

3. AVC reiterates the position it has previously taken concerning the improvement of the legal rights of draftees, composition of draft boards, system of selection, etc.

4. AVC agrees with the line of court decisions on the subject of conscientious objection which has culminated with the recent decision by Judge Wyzanski and which no longer require a religious basis for total conscientious objection, and AVC asks for a uniform implementation of the principles contained in this line of cases. AVC urges that consideration be given to ways in which sincere selective conscientious objection can be recognized.

Nondiscrimination in the military medicare program

While AVC was greatly encouraged by the decision of June 10, 1968 of the Department of Defense to coordinate its efforts in achieving non-discrimination in the Military Medicare (CHAMPUS) Program with the Title VI enforcement effort in medical facilities being conducted by the Office of Civil Rights at HEW. . . .

AVC regrets that the plans for coordination have not been implemented (except with regard to some eight hospitals), due to the failure of the Department of Defense to authorize a very minor item of reimbursement to HEW.

Calls upon the Department of Defense to implement its policy and to launch coordination efforts so long delayed.

Retraining of military personnel reentering civilian life

AVC actively supports a program of retraining members of the Armed Forces about to return to civilian life in order to enhance their opportunities for employment. The retraining should be geared to the job market and should not result in the involuntary retention on active duty of the personnel involved.

Benefits for military personnel

AVC believes that the benefits which accrue to military personnel such as disability compensation, pensions, and survivor benefits should be equal to those payable for federal civilian service of equivalent duration, provided that savings provisions protect those individuals now receiving higher benefits based on military service.

Naming of VA hospital

AVC supports the bill introduced by Congressman Bingham, H.R. 745 to rename the VA hospital in Jackson, Mississippi as the Medgar Evers Hospital.

INTERNATIONAL AFFAIRS

We the members of the American Veterans Committee, believe that in international affairs the objective of the United States is the maintenance of peace. All else aside, the world must avoid the holocaust of nuclear war. Within that framework our foreign policy, like our domestic policy, must be oriented to enhance the welfare of the individual, be he black, white, brown, or yellow, so that he may eat and sleep in safety, live his life under government of his choice and realize to the fullest extent possible the measure of his aspirations.

I. The United Nations and world government

The United Nations continues to be man's best hope for peace. American support to the United Nations must be an essential part of our foreign policy. The authority of the United Nations must be progressively strengthened in a process which sees the selective yielding of the prerogatives of national sovereignty in a manner that will enhance the fundamental freedoms and the well-being of all the peoples of the world.

Recognition of the rule of law principle in international relations is an essential of action in reinforcing the United Nations role in the maintenance of peace and security. Appropriate means must be found to widen the area of internationally accepted standards and American compliance therewith. Prompt repeal of the Connally reservation by the United States Senate would be a step in this direction.

We believe that there must be an acceleration of progress in the ratification of existing international human rights conventions by the United States. Where necessary, enabling national legislation should be enacted to bring our laws into conformity with these conventions. United States action in this respect has hindered a greater assertion of American leadership which is required.

We regard the integrity and independence of the Secretary General's office as expressed in the Charter crucial to the existence and growth of the United Nations. We shall oppose any attempt which seeks to weaken the powers of this office.

We favor encouragement and aid to the formation of supranational authorities of a regional nature consistent with the U.N. Charter and of treaty arrangements which limit the sovereignty of the participating nations in order to secure mutual advantage, such as the European Common Market, Euratom and others. The United States should further encourage and support European initiatives through the European Economic Community, Euratom, the Council of Europe, or otherwise to create, consolidate and strengthen institutions which may lead to a politically stable and prosperous European entity.

We fully support the enlargement of the peace-keeping function of the United Nations. The use of peace-keeping forces by the United Nations should be supported financially on an obligatory basis by all members of the United Nations. The allocation of military forces on a standby basis should be encouraged and established systematically through the creation of a permanent planning mechanism in the United Nations.

We favor the ultimate establishment of democratic world government.

II. Nuclear testing and disarmament

Complete elimination of nuclear weapons testing and establishment of international controls on this most dangerous weapons technology should be the goal of American foreign policy. Our world finds itself in the unique and unenviable position where one generation can make life on earth unlivable for another generation.

The adoption of the United Nations of a non-proliferation Agreement is a significant advance despite the reservations of some member states. The United States as the foremost nuclear power, must move forward in this regard by ratifying the Agreement as rapidly as possible.

The new initiatives by the United States and the USSR to begin negotiations toward the limitation of offensive and defensive nuclear ballistic missile systems is an important next step. United Nations action to convoke meetings of the five nuclear powers—Britain, France, the Soviet Union, China and the United States is further movement toward the desirable goal of creating controls of these awesome weapons. Only by showing their good faith can the nuclear powers induce other states to forego development in this most dangerous area, lower international tension, and avoid the allocation of needed resources to essentially destructive and wasteful ends.

Complete and total disarmament is the ultimate summum bonum, but this is an objective remote in time and immediate achievement is not feasible. Efforts toward that goal, nonetheless should be made by the United States and should be encouraged in other nations. Mankind can never reach its true destiny if it must continue to allocate so high a percentage of its resources to forge the weapons of war.

III. The United States and its allies

Inevitably differences will arise between the United States and its Allies, but there are differences which can be resolved around the conference table. In its negotiations the United States should seek no more than the rights and privileges of a willing partner.

The North Atlantic Treaty Organization was formed in a world considerably different from the world of today. It is time for the NATO Nations to reassess the objectives and reformulate the NATO role. Its continued organization and operation should reflect its changing purpose.

In Latin America, the United States has uneasy allies, but allies nonetheless. We must bend every effort to erase the image of the United States as a prosperous, patronizing, and paternalistic benefactor. It should be the objective of the United States foreign policy to create instead an image of a United States that wants to be a good partner, as well as a good neighbor, in helping the peoples of Latin America work out their own destinies.

The United States should, at every turn, encourage the United Nations or the Organization of American States to be the forum in which to resolve differences and disagreements among or with our Latin American neighbors. We must show by word and deed that we have no desire to impose our own form of government or way of life upon any country of Latin America. At the same time we must make it clear that we will honor a call for help by any Latin American country whose existence and destiny is being threatened by external foreign directed activity.

IV. The United States and the world

The twentieth century is the era of the developing nations of Latin America, Africa, and of Asia. The United States must stand ready to help these nations and peoples, if they seek our help, to establish their way of life and direct their own destinies.

The forum of the United Nations must be held open to them in their efforts to develop responsible independence, and the services of the specialized agencies should be placed at their behest.

Our era is characterized by an ever-widening gap between the social and economic bases of the developed countries and those of the developing countries. This decline in the relative position of the developing countries, accompanied as it is by a population explosion, can lead to dangerous world tensions which could threaten world peace because of increased violence and disorder. New means must be found to close this gap through mobilization of efforts on a world-wide basis, including increased economic assistance from developed countries and greater self-help from the developing countries. The United States must be prepared to make greater contributions to the United Nations' efforts in this field, through other multilateral arrangements, and through bilateral aid. The goal of allotting 1% of the gross national product to this end as set by the United Nations is not unreasonable and well within the means of the United States.

United States foreign aid to developing countries should be utilized at points of greatest potential. In providing bilateral aid the United States should give priority to those countries which can make the most rational and productive use of such aid. In measuring the efficacy of United States aid, due weight should be given not only to economic considerations but also to the nation-building process including the strengthening of democratic institutions and the consolidation of efforts on a regional basis. The United States should use its financial and economic resources to help the people of weak and developing nations achieve self-government, and should, if requested, provide economic help to prevent them from engulfment or encroachment by foreign powers seeking to impose their own ideologies, disciplines or governments.

Only when asked and only when it is clear that armed force is necessary to thwart a takeover by powers inimical to the welfare of a weak and developing nation should the United States furnish military assistance. In these circumstances the United States should stand ready to give military aid to such a country to oppose imposition of an external power, and should make it clear that its military effort is directed toward that objective alone.

V. Soviet Union and Communist China

The years have shown that coexistence with the Union of Soviet Socialist Republics is not only possible but is also a necessity if the world is to remain at peace. This must be our modus vivendi for the foreseeable future. Every step should be taken to enhance, improve, and expand the spheres of coexistence whether by more frequent cultural exchanges, increased travel by United States citizens to the Soviet Union and the satellite countries, expanded trade beyond the Iron Curtain, or others. If we follow this policy and practice we shall find the areas of agreement becoming wider and the differences, narrower. The inevitable result, where people meet people, is that the government of the Soviet Union will no longer be able to insulate the Russians from the ways of the free world and disregard the yearnings of the Russian citizenry—which we believe to be the same as ours—for a world at peace and for good will to other peoples of the earth.

Communist China is the riddle wrapped up in the enigma that Russia used to be.

Any and all avenues that help us learn more about it or initiate exchange of ideas, must be explored. The forum of the United Nations is one primary means of increasing our knowledge. It should no longer be denied the Communist Chinese. We would not, however, deprive Nationalist China of its place in the United Nations.

VI. World trade

The path to world peace through world trade is long, torturous, and not always clearly marked. The United States should take the lead in, where possible, and encourage, where not, the movement toward freer trade among nations. Countries must export as well as import and stabilizing adjustment will have to be made. Where hardships are visited upon domestic industries, some form of temporary relief should be provided. AVC endorses the Trade Expansion Act of 1962 and urges its continued implementation by negotiations and agreements.

VII. The example of America

Events beginning with World War I and continuing in the post World War II world we live in have thrust upon the United States a position of power and responsibility it can neither avoid nor minimize. That position inevitably generates envy, jealousy, and hostility by less fortunate peoples of the earth. It is the difficult, but essential task of the United States to wear its mantle of world leadership gracefully, to use its power cautiously, and to exercise its responsibility wisely, striving to make the right decisions in order to preserve world peace and to enable the peoples of the world to work out their destinies in an atmosphere that accords the individual his basic human rights and permits him to achieve the fullest measure of self-expression.

Resolutions

ABM

The American Veterans Committee opposes the Anti-Ballistic Program for the following reasons:

1. The Anti-Ballistic Program tends to make armaments limitation agreement more difficult. It contributes to escalation of the nuclear armaments race and thereby heightens the balance of terror and increases the possibility of nuclear war.

2. As a matter of priorities the funds expended for the ABM Program and the additional funds that would be required by the escalation of the arms race are desperately needed for our domestic needs.

3. The Defense Department has not adequately demonstrated that the proposed ABM System will work. Our present deterrent without the ABM System is such that no country would consider that it could now launch a nuclear attack on us without suffering utter devastation and retaliation.

Arab-Israel Conflict

AVC views with concern the continued failure of existing efforts to terminate the Arab-Israeli conflict. The tenuous cease-fire has been punctuated by artillery duels, guerrilla raids and reprisals, and intermittent aerial conflict. Because renewed recourse to fighting can ignite the entire Middle East and raise the prospect of an immediate major conflict, all the major powers have a duty and an obligation to search for a peaceful resolution of the issues in dispute.

But even as the Four Powers meet to find common ground, they find themselves incapable of reaching agreement on an imposed peace because of their conflicting interests. Thus, the key to peace in the area is recognition of the need for direct negotiations between the parties that confront each other across frontiers of hostility. The historical record of three wars and the failure of third parties to maintain peace-keeping arrangements makes mandatory Arab-Israeli negotiations which alone can begin to provide a framework for peaceful settlement of their disputes.

AVC urges that American efforts in the current Four Power talks be devoted to the issuance of a joint declaration calling for such direct negotiations between the Arab States and Israel and taking the appropriate diplomatic measures to insure compliance thereto. In addition, appropriate steps to curb Great Power Rivalries would do much to contribute to peace in the area of the Middle East.

Vietnam

The war in Vietnam is far more than a military struggle taking place in one small distant country. The American presence in Vietnam is part of a continuing commitment by the United States to help maintain a structure of peace and stability in Southeast Asia as elsewhere in the world.

In attempting to halt a Communist takeover in South Vietnam, the United States has, with its allies, waged a limited war with corresponding limited objectives in an effort to control the spread of the Vietnamese conflict into a general Asian war or even another world war.

But the toll of human and material destruction wrought by the continuing conflict in Vietnam is repugnant to all people who are determined in pursue humanitarian objectives and to stop the process of killing and of destroying of property as avenues for settling disputes. The people of Vietnam have suffered severely for too long a time from controversies that had their genesis in colonialism and in ideological conflicts which most of this tortured people would surely prefer to solve through peaceful means.

AVC therefore welcomed the initiation of preparatory peace talks in Paris as a means of resolving the bloody conflict in Vietnam. We were heartened by the bombing halt of North Vietnam and the accompanying "understanding" which reestablished the Demilitarized Zone, provided limits on the fighting in South Vietnam, and saw Hanoi recognition of the Government of the Republic of Vietnam. Our hopes rose further with the Paris movement toward expanded negotiations in which the four major parties to the conflict are now represented.

Unfortunately, despite a progressive narrowing of the political differences on many matters which divided the two sides, the Paris negotiations seem to be at an impasse and have been overshadowed by an increase in the scope, size and barbarity of the war in Vietnam. Sterile propaganda debates feature the weekly meetings and underscore the tragedy of a war without issue that sees an ever increasing toll of military and civilian casualties as each side tries to reshape the destiny of Vietnam by force. This talk-talk, fight-fight strategy which seems to be the sole matter of agreement to which all parties at the conference table now subscribe can only contribute to continued exacerbation of the international situation and domestic difficulties in the United States. This intolerable situation must not be permitted to continue as it is in the best interests of the United States and of world peace to settle this conflict as quickly as possible through peaceful negotiations resulting in a political settlement of the issues in dispute.

A new initiative for peace is called for. The appeals of the Secretary General of the United Nations, U Thant, and Pope Paul VI, as well as statements of former President Johnson regarding the desirability of a cease-fire must be translated into official American policy at the Paris talk. World-wide pressure must be exerted to get the Communist side to accept an end to the fighting.

AVC therefore urges that the American peace negotiators be instructed as a matter of the highest priority to press for a multilateral cease-fire with a mutual standstill status for all military forces in Vietnam.

The cease-fire is only a first step in liquidating the costly conflict in Vietnam by shifting the emphasis to political bargaining. To ensure a peace with honor in Vietnam and stability in Southeast Asia, as the outcome of the Paris negotiations, AVC further calls on the Administration:

1. To ensure the success of the cease-fire arrangement, by constituting a Peace-keeping Corps based either on an expansion of the existing International Control Commission through the addition of representatives from Asian Nations and using majority rule to reach decisions or the creation of an alternative unit of international supervision. This Peace-keeping Corps can also be charged with the responsibility for the inspection of military withdrawal and political arrangements.

2. To maintain as the underlying basis for political settlement the principle of self-determination in the right of all the people of South Vietnam, through free elections in which persons of political persuasions shall be entitled to vote and run for election, to choose their leaders and create an elected representative government which would be charged with the tasks of national reconciliation and of negotiating progress toward reunification. The composition of the new government, and whether or not there should be a coalition, should not be imposed, either at the negotiating table or by the military forces of either side, but should be resolved by the Vietnamese people themselves in new elections at the earliest possible date following the standstill cease fire. All sides must agree to accept the results of such an election.

3. To favor the creation of an electoral commission to oversee free elections since neither the Saigon government nor the newly-designated "Provisional Revolutionary Government," replacing the National Liberation Front in the negotiations, would accept the jurisdiction of the other in administering fair and honest elections. This electoral commission should consist of representatives of the major political factions within South Vietnam, plus international representatives from the Peace-keeping Corps which can also play a role as an impartial overseer of free political competition.

4. To negotiate provision for the protection of minorities before the International Peace-keeping Corps leaves, the new government should make explicit assurances of protection of minorities against reprisals, to avert the moral and political problem of large numbers of refugees fleeing the country, as well as to prevent the killing or imprisonment of political opponents by those who win the election.

5. To arrange for the mutual withdrawal of American and allied foreign troops and North Vietnamese armed forces from South Vietnam within a brief and explicitly defined period of time.

6. To promote the peace, security and development of Southeast Asia by focusing upon objectives of neutralizing the area, reducing the incidence of great power conflict, and facilitating the multilateral improvement of indigenous living standards through a long range development program under international auspices.

While promoting the above program for a durable and lasting peace with honor and until a negotiated peace can be attained, AVC also urges the Administration to continue its support of the elected Vietnamese Government to the end that its representative and viable character be enhanced. In line with this objective AVC supports American policies designed:

(1) To continue equipping and retraining the expanded Vietnamese Army so that it can progressively take over the responsibility of defending South Vietnam. The rapid replacement of American troops by South Vietnamese forces is both politically necessary and desirable. It will demonstrate that American soldiers need not do what Vietnamese soldiers are capable of doing for themselves and constitute pressure for the withdrawal of all non-South Vietnamese forces from the conflict as major United States forces leave.

(2) To markedly expand the American effort for refugee relief and to revamp the administration of the Refugees Program in conjunction with the appropriate Vietnamese authorities so that there is no question that supplies and monies reach the people for whom they are intended.

(3) To facilitate the administration and success of the newly enacted comprehensive land reform program in South Vietnam to give the peasant a stake in the future.

(4) To continue to bring pressure on the Saigon government to cease repressive measures and effect the release of the arrested Buddhists and other Vietnamese Nationalist politicians so that they may be free to participate in political life and make their contribution to a peace of reconciliation and honor.

Czechoslovakia

AVC condemns the continuing intervention of the Soviet Union in the internal affairs of Czechoslovakia. But for the brutal assertion of the "Brezhnev doctrine" by the Soviet Army, the people of Czechoslovakia would be well on the road toward realizing their age-old aspirations in a freer variant of a "socialist society." Instead, the hopeful steps toward liberalization of their closed society have been reversed by the reemergent repressive leadership installed by Soviet tanks and guns.

At issue is not only the fate of a small nation at the hands of a new-type Soviet imperialism, but the very principles of the United Nations. Little wonder that even other Communist countries and Communist parties have called into question this assertion of Soviet overlordship in the "Socialist Camp." By its flagrant violation of the charter of the United Nations, the Soviet Union gives the lie to its call for "peaceful coexistence" and destroys its credibility among the nations of the world as the champion of "non-intervention, independence and the sovereign rights of nations."

Worse still, this Soviet action has contributed to raising tensions in Europe at a time when many were hopeful of a continuing detente that could lead to the restoration of European unity. True independence for the nations of Eastern Europe is a precondition for developing an all-European structure of peace and security in that vital area. We call upon the leadership of the Soviet Union to cease taking such actions which violate the internationally accepted norms of relations between states.

Prisoners of War

AVC wishes to reaffirm its solidarity with the American and allied prisoners of war who suffer in the Communist prison camps of North and South Vietnam. We extend our sympathy to the families of these men and pledge our continued efforts in an international campaign to effect their humane treatment.

AVC condemns the continued refusal of the Government of the Democratic Republic of Vietnam to live up to its pledges as a signator of the Geneva Convention to treat humanely prisoners of war. We regret that political issues have injected into an essentially humanitarian matter. We again appeal to the Hanoi government:

1. To provide a list of names of prisoners of war.

2. To allow visits by a neutral, impartial body such as the International Red Cross.

3. To end limitations on the right of prisoners to correspond with their families.

4. To engage in immediate conversations to effect the exchange of sick or wounded prisoners of war so that they may receive the best treatment available to them in their plight.

The Communist side in the Paris Peace Negotiations have repeatedly declared themselves as favoring a "democratic solution" for the war in Vietnam. A progressive stance and behavior on the prisoner of war issue could lead to progress on other matters. The recognition of the rights of war prisoners no matter which side is involved is an elementary human consideration transcending ideological differences.

AVC calls upon all Americans to unite in demanding that Hanoi comply with internationally accepted principles of law. In particular, the peace organizations that have access to Hanoi must make known their views toward the end that American and allied servicemen who are prisoners of war be treated humanely. AVC will continue its efforts in the V.F.W. and internationally to improve the status of American and allied prisoners of war held by the Democratic Republic of Vietnam.

NATIONAL AFFAIRS

AVC stands for the Bill of Rights as a living force animating the political life of our Nation and as a firm limitation on the arbitrariness of government.

AVC stands for the Bill of Rights as a guarantee of our freedom to speak, to assemble, to believe, and to dissent without fear from the conformities of the day.

AVC stands for equality for all, regardless of race, color, ancestry, national origin, religion, sex or age, and for the constitutional guarantees of such equality.

AVC stands for just legislative representation of the people of the United States, the States and their subdivisions, without poll taxes or other property qualifications for voting, with equal weight for each vote, and on a geographically fair basis, within the framework of the Constitution of the United States.

AVC stands for a policy of gainful, full employment and security for all, as outlined in the Employment Act of 1946.

AVC stands for responsible, efficient, and honest government and for the merit system in government employment.

AVC stands for a government possessing and willing to exercise all powers necessary to bring about a solution of our national problems.

AVC supports the active intervention of government, primarily of the Federal Government, in the economy and the general welfare of our country to stimulate and provide employment to improve the physical condition of our cities and towns, of our housing and our schools, to bring all the greatest benefits from the development and conservation of our natural and industrial resources and to provide for the general welfare and health of our country to stimulate and provide employment to improve the physical condition of our cities and towns, of our housing and our schools, to bring all the greatest benefits from the development and conservation of our natural and industrial resources and to provide for the general welfare and health of our people.

AVC supports a tax policy based on ability to pay and opposes regressive sales and excise taxes.

AVC stands for the recognition of equal rights for labor and management and for improved social benefits of employees.

AVC supports an educational system and a public health system which will give the American people, and America's youth in particular, the knowledge, skills, and training, and the physical and mental health and stamina, to continue their forward march toward America's democratic fulfillment.

Government and liberty

I. The Nation's freedom—The Bill of Rights

1. We affirm the basic right of all Americans to due process of law, the right to counsel and to freedom from unlawful search and seizure. We oppose all efforts to suppress freedoms to believe, speak, write, assemble, criticize, and dissent.

2. A. We urge strong and consistent enforcement of existing laws and regulations which will insure to the citizens of the United States and of the several States the full measure of their privileges and immunities of due process of law and the equal protection of the laws guaranteed to them by the Constitution, regardless of race, color, ancestry, national origin, religion, or sex, or wage, and urge the national, state and local governments to enact such further laws, ordinances and regulations as may be needed further to insure these ends.

B. We believe in the principles of the separation of church and state.

C. We favor freedom from censorship of newspapers, magazines, radio, television, motion pictures and other media by the Post Office, Customs Bureau, police departments, and other units of government as well as by private pressure groups.

D. We oppose the use of wiretapping and electronic and other forms of eavesdropping devices whether by private individuals or Government officials, elected or appointed.

E. We urge protection by Federal law of all members of the Armed Forces from physical violence because of race, color, ancestry, national origin or religion.

F. We urge making lynching a Federal crime, as well as making provisions for compensation to the families of lynching victims.

G. We favor Federal legislation making it a crime to bomb or to conspire to bomb school, church and other public and quasi-public property.

3. A. The right against self-incrimination. No inference should be drawn in regard to guilt in any legal proceeding of any person solely because he exercises this right.

B. The right to travel. The right of an American citizen to travel abroad should not be arbitrarily abridged by the Federal Government.

II. The Nation's Government

1. Freedom of information: The right of the people to full knowledge of government affairs must not be abridged, except where disclosure would imperil the national security or where disclosure would, without substantial public benefit, encroach on the right of the individual to personal liberty or freedom.

2. Congress: We urge proper changes in the rules of the Congress of the United States which will make it possible for the majority of the members to vote cloture or close debate on legislation after a reasonable period, and which will make merit, not tenure alone, the standard to be used in the selection of committee chairmen.

3. Federal-State Relations: We favor strict Federal standard-setting and enforcement in all federal grants in aid.

4. State and local government: We urge reapportionment within the States consistent with the principle "one man-one vote."

5. The Federal civil service:

A. Apart from discharges based on reorganization of Government activities or reduction in force, Government employees should be discharged only for cause and through due process of law. The employee should be presented with a written statement of charges, have the right to a hearing before an impartial board. He should have the right to present evidence, be confronted with adverse witnesses, cross-examine witnesses, and receive a transcript of the hearing free of charge. Action toward his separation from the Government service should be taken only on the basis thus made.

B. The rights granted to veterans in the Veterans Preference Act in regard to discharge procedures and appeals should be extended to all Government employees except those in probationary status.

6. District of Columbia: We urge that the District of Columbia receive, by legislation or by constitutional amendment where the matter cannot be handled by legislation:

A. The right to local self-government and;

B. The right to elect Senators and Representatives in Congress;

C. An equitable annual Federal contribution in lieu of taxes.

Economic security

III. Basic Economic Policy

1. We continue to support the Employment Act of 1946 which states it is the policy of the Government to create and maintain "conditions under which there will be afforded useful employment opportunities including self-employment for those able, willing and seeking to work and to promote maximum employment, production, and purchasing power."

2. To insure the interest of the consumer, we urge Congress to establish a Department of the Consumer, to be headed by a Secretary of Cabinet rank.

IV. Monetary Policy and Tax Policy

1. Monetary policy:

We urge the establishment of a Federal capital budget for reimbursable public works appropriations and to improve the accounting and budgetary operations of the Government.

2. Tax policy:

A. We urge elimination of special provisions in the internal revenue laws which are discriminatory in nature. As blatant examples, we point to the favored tax treatment of the extractive industries, the restricted stock options for corporate executives, the retirement income credit, the preferred tax treatment of profits on stock market transactions, and the dividend exclusion and credit provision.

B. We also call for an end to the abuse of the deductibility of business expenses to finance luxurious travel, vacations, and entertainment for business management, professional men and sales executives.

V. The Urban Crisis

AVC from its inception has been vitally concerned about the urban crisis, and we recognize the urgency of effective action to overcome the conditions which have caused it. These are many-faceted, including a shortage of jobs, of homes, of services, of educational incentives, of recreational opportunities. They also include environmental pollution and the citizen's increasing inability to influence or even participate in city government by democratic means. Many of these evils are most concentrated in the slums.

The concept embodied in the Model Cities program, of strengthening local government and the people it serves to solve these problems, offers a sensible approach to solution of the urban crisis itself. AVC urges expansion of this demonstration program to all communities which may benefit from it, with adequate financing for both the development of local plans and the federal programs which are expected to contribute to their implementation. We intend to be vigilant that the focus remains, under the new program guidelines, on the disadvantaged in the cities.

Citizen participation in the planning and administration, as provided for in Model Cities, Community Action and other programs, is the democratic means of assuring that resources intended to help the disadvantaged are not bargained away without the consent, or at least the understanding of the poor themselves. We urge the Congress to retain its requirements for citizen participation and extend them to additional programs which the federal government supports. We urge also that provision be made and funds be allocated for independent planning staff and facilities for citizens' groups and commissions.

An important aspect of the urban crisis is housing. Physical reclamation of the slums requires the provision of housing for those who now inhabit the slums, at rents or prices which are fair and which they can afford to pay. To bring this about, we favor flexible use and adequate funding of the variety of programs now in use, including rent supplements, eased purchase credit, reduced interest costs. We also recognize that it will be some time before the private housing industry will be able to play a significant role in such low-return activities, and we therefore call for the widest variety of public investments in housing, such as traditional public housing, turnkey housing, direct interest-free loans and leased housing. And we need serious thought about new approaches.

Beyond the creation of the necessary housing, our government must assure that access to housing is assured regardless of the race, color, creed, national origin, age or size of family of the prospective user. We call for vigorous enforcement of the Fair Housing provisions of the Civil Rights Act of 1968, which was a start toward elimination of the ghettos.

We also recognize that the urban crisis is affected by the rural crisis which has long been apparent but ignored. We therefore demand that the scantily-funded rural counterpart programs be revitalized and used toward stabilizing the life of our rural citizens in the countryside where they prefer to live instead of forcing them to migrate to the cities, often to be engulfed by the slums.

VI. Conservation and Development of Natural Resources

We accept as a cardinal principle of conservation policy that the natural resources of this land are given to us in trust for the people of this and subsequent generations. The benefits of these resources must be distributed widely and equitably and a share thereof must be preserved for future citizens.

Through comprehensive and coordinated national and regional planning and development, wise use, and enlightened conservation, this can be done. The very nature of the problem requires that Government play a major and controlling role in assuring that conservation.

1. Department of Natural Resources. We propose the organization of the Department of Natural Resources. Such a new department should provide for regionally decentralized opportunities for program formulation and execution, while clearly placing federal responsibility for resources development within the framework of a single agency. The regional multi-purpose concept may require that specific localities or projects be reserved or developed for one or more preferred uses.

2. Water and Air Conservation:

A. We reaffirm our strong support of comprehensive multi-purpose river basin development and urge the accelerated application of this principle to our river basins.

B. We similarly favor regional planning by the States and metropolitan areas as well as area redevelopment.

C. We urge the Federal Government to undertake the planning and construction of multi-purpose water and power projects similar to the one provided in the Tennessee Valley. Their very scope requires government development and precludes the short-term, piecemeal operations of private interests.

D. The conservation and development of adequate fresh water supplies to meet expanding needs for domestic agricultural, industrial, wildlife and recreational uses, and the protection and improvement of water quality, especially in relation to accumulated pesticides and other contaminating matters, are of increasingly urgent concern.

3. Energy resources conservation. We call for:

A. The maximum feasible development of our only renewable energy resource hydroelectric power including Federal construction of multi-purpose power dams and other waterpower, irrigation, flood control and navigation works using standards of feasibility and repayment schedules for such projects based upon their reasonably expected service life.

B. A continuation and acceleration of the Federal programs to develop and stimulate development of effective processes for the utilization of our immense reserves of oil, natural gas, shale and coal.

C. We urge a major increase in the scope and speed of air pollution prevention measures.

D. The development of atomic energy (both fission and fusion type) for power and other peaceful purposes.

4. Recreation and Wildlife:

The expansion in the demands for outdoor recreation opportunities requires that we add to our national park system and increase the recreational developments on our national forests, public lands, reservoirs and seashores.

We endorse legislation to control billboard erection in scenic areas. Urban planning and redevelopment should include provision of open spaces and outdoor recreation areas.

5. National Land Reserve.

We support the concept that our remaining public lands constitute a "National Land Reserve" to be administered for the benefit of the public with appropriate safeguards for future generations.

6. Pesticide Control.

We urge careful consideration and close supervision of pest control programs in recreational, farming, and urban areas.

VII. Agriculture

American agriculture is increasingly the victim of the owners of the new machines, themselves investors rather than farmers. Hired workers are displaced from jobs, and farm lands are being concentrated in fewer hands as farmers themselves are displaced.

AVC calls for a four-part approach to the resulting problems:

1. A reduction of subsidies to industrialized agriculture, those now being paid in proportion to production or for practices which, like some in other industries, are a normal part of the business;

2. New approaches to two problems of the sub-marginal farmers and the farm laborer, recognizing that their plight is closely related to that of the underemployed urban worker and is only in part agricultural.

3. Strengthening the economic family farm through greater attention to credit, service and marketing needs;

4. Providing for rural people the whole range of educational, cultural, recreational, health and other opportunities already accessible to dwellers in metropolitan areas.

VIII. Labor

We urge:

1. Periodic updating of the provisions of the Fair Labor Standards Act to insure the coverage of maximum numbers of categories of workers and a realistic and decent Federal minimum wage.

2. Enactment of laws for the full disclosure of the administration of pension and health and welfare plans, whether administered by unions or management or jointly by both. Federal law should follow existing Federal securities legislation and State laws such as that of the State of New York for the exemptions contained in the latter.

IX. Social Welfare

As veterans concerned with the social welfare of all citizens we urge:

1. Federal standards to increase unemployment insurance benefits, more realistic eligibility standards and lengthening of the period for which benefits are paid.

2. Development of a strong and unified child welfare program with the Department of Health, Education and Welfare.

3. Development of Federal services and grants-in-aid for the prevention and control of narcotics addiction, based on the premise that drug addiction is a disease to be treated.

X. Education

1. We recognize that "in the quality of education lies the fate of freedom itself." We urge the provision of educational opportunity for every American to the limits of his capacity, and the identification of the talented among us in order to challenge them to their highest achievement.

2. To improve and extend existing scholarship and loan programs for college and university students.

3. To extend scholarship and exchange programs for study by Americans abroad and by nationals of other countries in the United States.

4. To appropriate adequate Federal aid to communities impacted by Federal programs.

5. We oppose the use of public funds whether as grants or loans to non-public elementary and secondary schools.

XI. Public Health

We urge:

1. Increased Federal expenditures for research in the prevention and care of illness.

2. Expansion of medical insurance and group medical care plans, including a plan for national health insurance.

3. Expansion of public health facilities and services hospitals and nursing homes, without regard to race, color, ancestry, national origin, religion or sex.

XII. Indian Rights

We oppose revocation of commitments entered into by treaty between the U.S. Government or the Government of any state and the various Indian tribes.

We support all efforts (1) to safeguard Indian lands and resources from exploitation and expropriation in violation of treaty rights and (2) to make the Indian tribes capable of supporting themselves from the proper development of their resources.

We support adequate health and educational services for the Indian tribes capable of supporting themselves from the proper development of their resources. We support adequate health and educational services for the Indian reservation as well as training in modern industrial and management skills to enhance the opportunities for better living and the ability of the Indian tribes to manage their own affairs.

We also support social services to those Indians who desire to live outside their tribal reservations so as to assist them in adapting themselves especially to urban living and to protect them against discrimination and hostility in their new environment.

Resolutions

Voting Rights Legislation

AVC wholeheartedly endorses the extension of the voting rights legislation now in effect and slated to expire in 1970. In AVC's view, this legislation should be made permanent. But if this is not feasible, it should be extended for at least ten years rather than the five years now proposed. The extended legislation should uphold clearly existing bans on literacy and other special tests for voter qualification. In particular, it should not lessen existing provisions for their prohibition in the guise of making them applicable nationwide. The extent of state—or even county—or city-wide voter registration or actual voting is not a guaranty against vexatious state laws directed against participation in voting by segments of the voting population.

Tax Reform

I

AVC in its platform has called for tax reform; that is, the abolition of favored treatment of numerous types of business transactions and of the exemptions of broad classes of income from the burden of income taxation. Tax reform is NOT, however, the imposition of a token tax on a small group of very wealthy taxpayers whom the law presently enables to avoid all taxes or the repeal of the income tax which now hits some very small net income earners. If, as the Nixon Administration proposes, only these two steps were taken, it would be in effect a refusal to bring fundamental justice to our tax system. Even within this framework the Administration proposals reduce the proposed tax bite from the income of the very rich from $420,000,000 in earlier proposals to only $80,000,000 in their own current project and narrow relief for low income taxpayers to the very lowest group which pays minimal income tax in any event, and pays taxes primarily through sales taxes which some Administration leaders seem to favor on a nationwide scale under the guise of a "value added" tax. This reshuffling of income taxes would help the very low income earners very little and would certainly not relieve seriously their poverty. To this end, welfare policies must be revamped as we propose in a separate resolution. It is our hope that Congress, sensing the mood of taxpayers, will take the bit in its mouth and enact a program which will reshape our income tax to make it a fair instrument to raise the funds needed to finance national programs.

II

The areas of favored income and transactions are today well-known in their broad outlines to lay taxpayers and tax specialist alike. In general, in these areas, tax reform means the removal of the tax favored treatment. If some situations require special formulae, these would not be in the nature of exemptions, but of defining the application of the general principles imposing the income tax to particular sets of business facts.

The major classes of income which should be made fully taxable are:

1. Interest from tax-exempt state and local bonds, including industrial development bonds.

2. Capital gains, including unrealized capital gains on assets passing on their owners' deaths to his heirs or as the prinicpal of a trust upon the death of life tenant to the remaindermen.

3. Incomes from oil and gas properties and rights and other mineral and natural resources through application of depletion allowances.

Arrangements which should not give rise to tax-favored tretament include:

1. Stock options for corporate executives.

2. The splitting of a single business into multiple corporations to escape in part the surtax on corporate income.

3. Unlimited charitable contributions.

4. Charitable contributions of appreciated property.

5. Real estate transactions involving accelerated depreciation and other "tax-shelter" devices.

6. Interest paid on funds borrowed for certain types of bond purchases.

7. Farms operated primarily for loss deduction purposes by individuals and corpo-

rations engaged in non-farm callings or professions.

It has been estimated that the annual tax loss to the U.S. Treasury Department from the tax-favored treatment of these and other classes of income and transactions exceeds $20 billion at present tax rates. Obviously, many social programs for the relief of poverty and discrimination, for the improvement of housing and of our environment, and for the advancement of science and education could be financed and, in addition, relief be given to the lower and middle-bracket taxpayer.

III

The business activities and investments of charitable and educational and religious institutions, including private foundations, have grown to such an extent that the burden on the other taxpayers of the exemptions from income tax which their income from these sources largely enjoys, is seriously called into question. We endorse proposals to subject their income to taxation at a special lower rate, which recognizes implicitly the public benefit judged to flow from their activities.

We warn, however, against the misuse of the need for reform in this area, as well as in area of self-dealing and personal benefit between foundations and their founders, to impose upon foundations restrictions on the choice of their activities which reflect political prejudices of congressional majorities and bar them from innovative social projects which could not be undertaken without foundation support for the benefit of the American people.

IV

We urge immediate repeal of the investment credit provision in order to help stem present inflationary pressures.

EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

AVC expresses its grave concern over the recent actions of the Department of Defense in the handling of its Equal Employment Opportunity Program for Defense Contractors. The return to a practice of direct informal dealings between high Department of Defense officials and top officials of defense contractors, which in the past has proved barren of results in promoting effectively equal employment opportunities has seriously impaired the usefulness of this program. Such direct dealing not only in effect grants immunity for past violations and from regular enforcement procedures but also demoralizes the administrative staffs within the Department of Defense and of Labor charged with the administration of the program. For they find themselves bypassed and their authority undermined. Only a return to strict accounting for progress to be achieved under well-defined action programs and their enforcement through regular established procedures, where compliance lags, can restore the damage done by the Defense Department's handling of its program in its dealing with the big Textile firms of Burlington Mills, Cannon Mills and J. P. Stevens. Moreover, it is time that the Department of Defense publicity account for its stewardship of the equal employment opportunity program for defense contractors. Information on its activities and results in the form of detailed statistical data on initial hiring, upgrading and promotion of minority group employees have been unavailable to the public. General reassuring answers are no longer sufficient. We call on the new Secretaries of Defense and of the military departments to publish full data on the operation of the program so that the success or failure thereof can be assessed and steps taken to render it more effective. We call on the cognizant Congressional committees to obtain and publish relevant information and to exercise their influence to render the program truly useful.

We further urge that the Civil Service Commission of the United States take new steps not only to continue to combat or prevent discrimination against employees but also to foster the employment of minority group civil service employees, their promotion to higher positions in the career civil service, than has hitherto been attained, and the correction of earlier acts of discrimination which have prevented in numerous individual cases promotions and advancement of civil service employees belonging to minority groups in the same manner and to the same extent as their white majority fellow employees.

We protest the harassment by men such as Senator Dirksen of public servants who devote their best efforts to the promotion of equal employment opportunity in business, industry and Government for employees belonging to minority groups. Instead of senatorial censure they deserve the support and commendation of the National Administration, of Congress and of all citizens intent upon ending discrimination in employment and all other aspects of public and private life.

Medical Benefits

We ask for expansion and higher standards of medical care. In order to avoid a frittering away of limited available funds to pay for Medicare and Medicaid, we ask for strict controls over the performance of, and the fees paid doctors, pharamacists and paramedical personnel to avoid fraud or overreaching or slipshod handling of patients from taking root in the system wherever they may occur. We condemn those professionals and institutions which refuse to participate in public medical care and non-profit insurance programs and urge them to reconsider their stand. The welfare of the American people requires that all those engaged in rendering any kind of health service work together closely so as to enable every American, rich or poor, to obtain the medical care which he needs.

We object to the high prices charged by drug manufacturers for their labelled drugs. As a minimum step, we urge that all public agencies procuring medicines or drugs be instructed to order them only by generic name and not by the brand name of particular manufacturers, and that doctors, hospitals and other institutions providing service under Medicaid and Medicare do likewise.

Finally, we demand the strengthening of FDA so that it can effectively and fully perform its functions of keeping ineffective and dangerous drugs from reaching the public.

Federal Employee Security Legislation

We are convinced that present laws, regulations and procedures fully protect the United States against disloyalty among and against actual or threatened breaches of security by its employees. We, therefore, view with undisguised dismay legislative proposals, now being considered in the Senate of the United States, to expand or tighten existing procedures and to institute a centralized security system for all federal employees with the Chairman of the SACB acting as Grand Inquisitor. In our view, nothing in the present situation calls for new federal employee security legislation or for centralization of administrative action within the federal government. We, therefore, urge the Senate and House and their respective committees to defeat new legislative proposals in this area decisively either in committee or on the floor whenever the occasion arises.

Welfare Policy and Services

That our national welfare system requires a complete overhaul to enable it to perform its function of providing a minimum livelihood and services to the poor has become a truism which only the most hard-hearted can deny. Action, however, has been slow to follow insight.

What is now required, especially in the light of recent court decisions abolishing waiting periods for welfare applicants who have moved from one state to another, and what we, therefore, again demand is:

(1) a uniform, nationwide system of welfare standards and rules which ensure an adequate minimum standard of living to those unable to work for health or family reasons or for lack of jobs paying an adequate wage.

(2) a system by which welfare recipients are encouraged to improve their economic situation by retaining earnings from such work as they can find or perform and by which they are enabled to become independent of welfare support.

(3) the establishment of day care centers to enable welfare mothers to provide for the children necessary care and supervision while they are at work or seek training, if they so desire.

We condemn the new budgetary and social policies, put into effect in recent months by the Federal, state and local governments across the country, which reduce public benefits and services for the working poor and those unable to provide for themselves and endanger even the continuance of the level of services heretofore provided for them by public agencies.

Specifically we protest:

I

The abolition of the Job Corps centers which deprives thousands of young men and women of the opportunity to complete training for more highly skilled and paid jobs, to gain education and to escape at least temporarily from the evils of a poverty-stricken ghetto life.

II

The transfer, in the cause of alleged economy and efficiency, of Headstart to HEW for administration by generally unsympathetic State educational bureaucracies can only result in depriving numerous young children of the poor of the opportunity to learn early and to initiate the personal development which will help them benefit from education later on.

III

The cutting of medical and welfare benefits in order to balance local budgets or to avoid a heavier tax burden on business activities. All such actions contribute only to cutting off the escape of the poor from their poverty.

IV

We urge the institution of an extensive information program by HEW and local welfare authorities to effectively inform all persons entitled to welfare benefits of their rights.

Campus Protest and Academic Freedom

Campus unrest has placed in jeopardy the freedom and very existence of institutions of higher education in the United States. Some of this unrest is a concomitant of necessary adjustment in the American educational system as it adapts to the needs of a rapidly changing technological society, to the legitimate demands of all Americans, for new educational programs and to liberalize its structure of governance.

But some campus demonstrations and activities have clearly threatened civil liberties and academic freedom by destroying the ordered environment for teaching and learning that permits the educational process to produce trained men and women who can contribute to the solution of the problems of poverty, race and peace.

As veterans who have directly benefited from the opportunities of education made available to us in recognition of our service and as citizens who have consistently favored expansion of educational opportunity for all, we in AVC know the importance and strategic place in American life of the campus. That is all the more reason for our speaking out against those who seek to "revolutionize" the American university by destroying its essential function as an institution of free inquiry open to all by virtue of ability and not through birth, wealth or status and seek to transform it into an instrument of partisan political and social struggle.

For a Single American Society

As the second anniversary of the appointment of the Kerner Commission which laid out the road to an integrated and more democratic American society is drawing close, we cannot be proud of the progress made. For in many respects little has been accomplished toward the goals set out in its Report which we ringingly endorsed, when it was published. On the contrary, the recent voting trend in overwhelmingly white urban communities show that far too many white Americans refuse to accord equal consideration to the interests of the Negro minority as to their own or to treat without prejudice Negro candidates competing for public office in areas where Negroes do not predominate. We call upon the President to repudiate these racist attitudes, to rebuke sternly American racists, and to reject the support of racist politicians and voters regardless of party or electoral advantage. We urge the leaders of Congress and of political parties, and the Governors of the States to do likewise and to show unrelenting vigilance and fortitude in combating racist tendencies.

In the face of all difficulties we must not falter nor despair. As members of AVC, an organization devoted to the welfare of the American people and to the perfection of their right to participate actively in forging their own fate, we reaffirm our faith in the attainment of a truly integrated America in which all people, regardless of their ethnic or religious background, their sex, their age or the color of their skin, can share and enjoy a fruitful life as citizens, as productive members of society, as ordinary men, women and children.

Such a better America needs the help and concern of all its people. It gratefully recognizes the contribution which all Americans have made by their labor and their minds to the welfare of their country. It is proud of the heritage of all its sons and daughters. In this spirit we emphatically recognize and support the healthy desire of the Negro and Spanish-speaking and American Indian minorities to express their pride in their own past, to explore their historical and cultural background, to receive recognition for their cultural achievements and their contributions to America, and to achieve the kind of self-determination which our country vouchsaves to all other groups. We support their insistence that their culture and life become the subject of proper academic study—a demand which is, indeed, on the way to widespread realization. But these goals can be achieved only by participation and not by withdrawal or by a pseudo-revolutionary stance.

Therefore we reject the siren calls of those who assert:

that men and women of different ethnic backgrounds or skin color never in history could or cannot now live together in equality and join in cooperative behavior;

that the road of liberation for minority groups lies in withdrawal from the larger society and the conquest of a special place controlled by "nationalist" or "separatist" power seekers;

that the university and college student of negro or other minority background must limit himself exclusively to the study of his own group's condition and affairs and undergo nationalist indoctrination;

that the black and other minorities must assert its right through violence and, in particular, should attack religious or ethnic groups within the white majority, which are themselves vulnerable because they have only recently emerged, or are only now emerging, from the blight of discrimination and prejudice.

These are roads with no exit and, notwithstanding the momentary successes of spectacular or violent action, can only lead to defeat, to continued second class status and to the perpetuation of ghetto poverty and ignorance.

We are fully aware of the fact that on the road ahead we shall meet hardened resistance from many elements of the white majority. Many among its prosperous and influential business and professional segments do not desire to contribute through taxes the funds necessary to overcome the lack of jobs, bad housing and schools and all the other effects of past and present discrimination. Others feel that the rise of hitherto economically less-favored minority groups threatens their social and economic position and the job monopolies which they have secured. Obviously, there will be great resistance to make a place for rising minority group members in power, jobs, and other aspects of life. Only the ceaseless struggle of these minority groups and of all those allied with them in the battle for their rights and for freedom in the United States can win victory.

We pledge ourselves as AVCers, citizens first and veterans second, to continue the fights for social justice, freedom from discrimination, welfare and democratic rights for all Americans to whom these are denied, so that together we may attain the goal of a free, democratic and prosperous America.

MAN'S ENVIRONMENT

Whereas, a state of national and international emergency exists as a result of the accelerating destruction of man's environment, by reason of the massive and continuing pollution of air, water and other natural resources; and

Whereas, the magnitude of the factors responsible and the enormous efforts required to reverse these conditions call for action at the highest levels of every major sector of our society,

Now therefore, be it resolved that AVC, in accordance with its traditional role as a civic organization, should call upon the national administration to assemble and sponsor a White House conference of responsible leaders from the federal, state and municipal governments, from science and industry, and from the other organizations in the country, which are or should be working toward the amelioration of these horrifying and destructive conditions, to come together and start doing so.

SUPPORT GROWS FOR PUBLIC TRIAL IN SMOG ANTITRUST CASE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. BROWN of California. Mr. Speaker, the struggle for clean air reaches a climax tomorrow in Los Angeles when Federal District Court Judge Jesse W. Curtis conducts his hearing on settlement of the antitrust charges brought against automobile manufacturers accused of conspiring to retard development of smog controls.

Public clamour against the Justice Department's proposed closed-door settlement of these charges has grown in its intensity over the past month. The list of public bodies, organizations, and individuals protesting a consent decree and asking for an open trial is long and impressive.

The range of views contained in the documents filed before Judge Curtis vary somewhat—but all insist that the public be allowed access to the mass of investigatory work that went into the original charges.

Today, I am inserting into the Record another series of complaints and resolutions regarding this case. I commend the cities, organizations, and individuals for their recognition of the importance of this issue, and I hope that this show of public interest will be upheld by Judge Curtis.

The material follows:

Resolution 69–37

A resolution of the city council of the city of Commerce protesting settlement of the "smog" antitrust suit against the major automakers

Whereas, the problem of smog is undoubtedly the most serious domestic problem facing the residents of southern California, including the residents of the City of Commerce; and

Whereas, this menace has been increasing steadily over the last twenty years, in spite of vigorous efforts by state, local and federal officials to reduce the polluting factors; and

Whereas, the prime cause of this air pollution continues to be motor vehicle exhaust emissions; and

Whereas, a lawsuit was brought in the Federal Court by the Justice Department against the major automobile manufacturers and the Automobile Manufacturers Association to compel the development and production of effective anti-smog engines and control devices, under the anti-trust laws of the United States; and

Whereas, the Justice Department of the United States has announced a decision to settle said lawsuit by a Consent Decree, in a closed-door negotiated settlement, which will prevent the public hearing of all of the facts relating to this problem in a full and public trial;

Now, therefore, the city council of the city of Commerce does resolve as follows:

Section 1. The City Council, on behalf of the people of the City of Commerce, protests the ending of said lawsuit by a Consent Decree.

Section 2. The City Council urges that said lawsuit proceed to a full and public trial, so that the evidence which the grand jury has collected on this subject will be taken out of the secret files and into public view and so that the automakers may be required to defend their actions in the public courtroom.

Section 3. Local civic groups, and all who live, work or invest in the City of Commerce are urged to notify Attorney General John N. Mitchell and their United States senators and congressmen of their opposition to the said Consent Decree.

Section 4. The City Clerk is directed to transmit copies of this Resolution to President Richard M. Nixon, to Attorney General John N. Mitchell, to United States Senators George Murphy and Alan Cranston, and to Congressmen Del Clawson, Chet Holifield and George Brown.

Passed, approved and adopted this 6th day of October, 1969.

Maurice H. Quigley, *Mayor.*

Attest:

Lawrence W. O'Rourke,
City Clerk.

Resolution No. 160-69

A resolution requesting Department of Justice not to dismiss suit against major automobile manufacturers

Whereas, the City of Livermore is among those cities in Northern California having a very serious smog condition due to its proximity to the industrialized San Francisco Bay Area and the photosynthetic effect that the sun has on pollutants carried into the Livermore Valley; and

Whereas, the Department of Justice filed an anti-trust suit alleging that from the year 1953 major automobile manufacturers have conspired among each other to eliminate and restrict competition in regard to automobile air pollution devices; and

Whereas, the Department of Justice proposes to permit the dismissal of such suit; and

Whereas, this Council believes that it is completely in the public interest that said suit be maintained as a part of efforts on all fronts to obtain a solution to the ever-increasing problem of smog;

Now, therefore, be it resolved that this City Council does hereby request that the United States Department of Justice not proceed with the settlement of its anti-trust suit against the Automobile Manufacturers Association—Ford, General Motors, Chrysler and American Motors—and that said suit be prosecuted with vigor; and

Be it further resolved that the said automobile manufacturers be urged and they are hereby urged to proceed in free competition and as rapidly as possible with the development of pollution control devices in order to abate the smog problem which is rapidly becoming the major crisis of our American cities.

Be it further resolved that copies of this Resolution be sent to the Honorable John M. Mitchell, Attorney General of the United States, and to the Honorable George E. Brown, Representative 29th District, P.O. Box 69, Los Angeles, California 90028.

The foregoing Resolution was introduced by Councilman Miller, seconded by Councilman Uthe, on the 22nd day of September, 1969, and passed by the following vote:

Ayes: Councilmen Miller, Silva, Taylor, Uthe and Mayor Marguth.

Noes: None.

Absent: None.

Gilbert R. Marguth, Jr.,
Mayor, City of Livermore, Calif.

Attest:

Dorothy J. Hock,
City Clerk.

[U.S. District Court, Central District of California]

Marshall B. Grossman and S. Jerome Tamkin, Ph. D., Individually and on Behalf of All Others Similarly Situated, Plaintiffs, v. Automobile Manufacturers Association, Inc.; General Motors Corporation; Ford Motor Company; Chrysler Corporation; and American Motors Corporation, Defendants

(No 69-1855-IH—Complaint Class action—Sherman Antitrust Act—on behalf of all residents of the United States of America—Demand for jury trial)

Plaintiffs allege on information and belief, except for paragraphs 1-3, 9, 17, & 18 which are alleged on knowledge, as follows:

JURISDICTION AND VENUE

1. This is a complaint brought by plaintiffs each on their own behalf and also on behalf of other members of the class, and is more fully set forth hereinbelow, for violations of of the Antitrust Laws of the United States of America, and more particularly under Section 1 of the Act of Congress of July 2nd, 1890, as amended, entitled "An Act to Protect Trade and Commerce Against Unlawful Restraints and Monopolies", commonly known as the Sherman Act (15 U.S.C. Sec. 1). Jurisdiction is conferred on this Court by Section 4 of the Clayton Act (15 U.S.C. sec. 15).

2. Each of the defendants transacts business within the Central District of California and/or may be found herein and/or has agents herein.

THE CLASS ACTION

3. Plaintiffs bring this action each on their own behalf and also as the representatives of and on behalf of all members of a class as defined by Rule 23 (a) and (b) of the Federal Rules of Civil Procedure. The members of the class, who are so numerous so as to make it impractical to bring them all before the Court, are all residents of the United States of America who have sustained and will continue to sustain damage as a result of the unlawful acts herein alleged. The claims of the plaintiffs are typical of the claims of the members of the class; there are common questions of law or fact common to plaintiffs and the members of the class; and plaintiffs will fairly and adequately represent the interests of each member of the class.

DEFENDANTS

4. Automobile Manufacturers Association, Inc., a corporation organized and existing under the laws of the State of New York with its principal place of business in Detroit, Michigan, is made a defendant herein. Automobile Manufacturers Association, Inc., is a trade association whose membership consists mainly of firms engaged in the business of manufacturing and selling motor vehicles and component parts and accessories thereto in various states of the United States.

5. The Corporations named below are made defendants herein. Each of said corporations is organized and exists under the laws of the State indicated and has its principal place of business in the city indicated. Within the period of time covered by this complaint said defendants have primarily engaged in the business of manufacturing and selling motor vehicles in various states of the United States, and also manufacture and sell component parts and accessories thereto.

[Defendant corporation, State of incorporation, and principal place of business]

General Motors Corporation, Delaware, Detroit, Michigan.

Ford Motor Company, Delaware, Dearborn, Michigan.

Chrysler Corporation, Delaware, Highland Park, Michigan.

American Motors Corporation, Maryland, Detroit, Michigan.

6. Whenever in this complaint reference is made to any act, deed or transaction of a corporate defendant, such allegation shall be deemed to mean that said corporation engaged in said act, deed or transaction by or through its officer, directors, agents or employees while they were actively engaged in the management, direction or control of corporate business affairs.

CO-CONSPIRATORS

7. Each of the corporations listed below in this paragraph is not named a defendant herein but is named as a co-conspirator and has participated as a co-conspirator with the defendants in the offense charged and has performed acts and made statements in furtherance thereof.

[Corporation, State of incorporation, principal place of business]

Checker Motor Corporation (successor to Checker Cab Manufacturing Corporation), New Jersey, Kalamazoo, Michigan.

Dimond T Motor Car Company, Illinois, Cleveland.

International Harvester Company (a consolidation of International Harvester Company, a New Jersey Corporation, and International Harvester Corporation, a Delaware Corporation), Delaware, Chicago, Illinois.

Studebaker Corporation (successor to Studebaker-Packard Corporation), Michigan, South Bend, Indiana.

White Motor Corporation (successor to the White Motor Company), Ohio, Cleveland, Ohio.

Kaiser Jeep Corporation (successor to Willys Motors, Inc., a Pennsylvania Corporation), Nevada, Oakland, California.

Mack Trucks, Inc. (successor to Mack Manufacturing Corporation), New York, New York.

8. Various other persons, firms and corporations not made defendants herein have participated as co-conspirators with the defendants in the offense charged in this complaint and have performed acts and made statements in furtherance thereof.

DEFINITION

9. As used herein, the term "motor vehicle air pollution control equipment" means equipment, or any part thereof, designed for installation on a motor vehicle or any system or engine modification on a motor vehicle which is designed to cause a reduction of pollutants emitted from the vehicle, including, but not limited to, any device for the control of emissions of pollutants from the exhaust system, the crankcase, the carburetor, or the fuel tank.

TRADE AND COMMERCE

10. Automobiles for the most part are manufactured in the State of Michigan and are shipped therefrom to each of the fifty states of the United States. Some automobiles are assembled in various states of the United States from parts manufactured in the State of Michigan and other states. In 1966, 78,315,000 passenger cars and 15,864,000 trucks and buses, exclusive of off-the-road vehicles, were registered in the United States. In that year, 8,604,712 passenger cars valued at more than $17½ billion and 1,791,587 commercial vehicles valued at more than $3.9 billion were produced in this country. Of the trucks produced, 96,560 were built with diesel motors. These figures have each increased in each succeeding year.

11. The largest number of passenger cars registered and new cars sold in any state of the United States in 1966 was in the State of California where 7,621,792 cars were registered and 832,338 new cars sold. The largest number of passenger cars registered in any county of any state in the United States in 1966 was in Los Angeles County where 2,932,980 cars were registered. Similarly, in 1966 California accounted for the largest number of truck registrations and new truck sales with 1,542,984 trucks registered and 150,927 new trucks sold, and Los Angeles County accounted for the largest number of trucks registered, numbering 436,218.

12. Since at least 1952 it has been established that motor vehicles contribute to air pollution by the emission of hydrocarbons, carbon monoxide, oxides of nitrogen and other contaminants. For example, in Los Angeles County, as of January 1967, gasoline-powered motor vehicles accounted for 12,465 tons out of a total of 14,610 tons, or 85.3% of contaminants emitted into the ambient air daily. As a result of new and continuing requirements that automotive vehicles be equipped with air pollution control devices, a large and growing market for the production and installation of such devices has developed. Motor vehicle air pollution control devices are shipped in interstate commerce either as engine or system modifications or as equipment attached to automobiles, which are shipped from Michigan and other states to each of the fifty states of the United States.

OFFENSE ALLEGED

13. Beginning at least as early as 1953, and continuing thereafter up to and including the date of this complaint, the defendants and co-conspirators have been engaged in a combination and conspiracy in unreasonable restraint of the aforesaid interstate trade and commerce in motor vehicle air pollution control equipment in violation of

Section 1 of the Sherman Act (15 U.S.C. Sec. 1).

14. The aforesaid combination and conspiracy has consisted of a continuing agreement, understanding, and concert of action among the defendants and co-conspirators, the substantial terms of which have been and are:

(a) to eliminate all competition among themselves in the research, development, manufacture and installation of motor vehicle air pollution equipment; and

(b) to eliminate competition in the purchase of patents and patent rights from other parties covering motor vehicle air pollution control equipment.

15. For the purpose of forming and effectuating the aforesaid combination and conspiracy, the defendants and co-conspirators did those things which they combined and conspired to do, including, among other things, the following:

(a) agreed that all industry efforts directed at the research, development, manufacture and installation of motor vehicle air pollution control equipment should be undertaken on a non-competitive basis;

(b) agreed to seek joint appraisal of patents and patent rights submitted to any of them by persons not parties to a cross-licensing agreement entered into on July 1, 1955, and amended and renewed periodically, and to require "most-favored-purchaser" treatment of all parties to the cross-licensing agreement if any one were licensed by a person not a party to that agreement;

(c) agreed to install motor vehicle air pollution control equipment only upon a uniform date determined by agreement, and subsequently agreed on at least three separate occasions to attempt to delay the installation of motor vehicle air pollution control equipment:

(1) in 1961 the defendants agreed among themselves to delay installation of "positive crankcase ventilation" on vehicles for sale outside of California until the model year 1963, despite the fact that this antipollution device could have been installed nationally for the model year 1962 and that at least some automobile manufacturers expressed willingness to do so, in the absence of a contrary industry-wide agreement;

(2) in late 1962 and extending into 1963, the defendants agreed among themselves to delay installation of an improvement to the positive crankcase ventilation device, an improvement which the California Motor Vehicle Pollution Control Board had indicated it would make mandatory;

(3) in early 1964 the defendants agreed among themselves to attempt to delay the introduction of new exhaust pollution control measures on motor vehicles sold in California until the model year 1967; despite the fact that all were capable of installing the improvement for the model year 1966, the defendants agreed to tell California regulatory officials that installation of exhaust antipollution measures would be technologically impossible before 1967, and only under regulator pressure made possible by competing device manufacturers not in the automobile industry did the defendants agree to a California regulatory requirement that exhaust devices be installed for the model year 1966; and

(d) agreed to restrict publicity relating to research and development efforts concerning the motor vehicle air pollution problem.

EFFECTS

16. The aforesaid combination and conspiracy has had, among others, the following effects:

(a) hindering and delaying the research, development, and manufacture—both by the defendants and co-conspirator and by others not parties to the agreements alleged herein—and the installation of motor vehicle air pollution control equipment;

(b) restricting and suppressing competition among the defendants and co-conspirators in the research, development, manufacture and installation of motor vehicle air pollution control equipment;

(c) restricting and suppressing competition in the purchase of patents and patent rights covering motor vehicle air pollution control equipment; and

(d) poisoning of the thin envelope of air surrounding the planet earth and, in particular, the air over the United States of America.

GOVERNMENTAL PROCEEDINGS

17. On January 10, 1969, a civil proceeding for violation of Section 1 of the Sherman Act was filed against defendants in the United States District Court, Central District of California, *United States of America vs. Automobile Manufacturers Association, Inc., et al.*, No. 69–75–JWC. The charges contained in that complaint are substantially the same as those contained herein. If the government prevails in that civil action, pursuant to Section 5(a) of the Clayton Act, 15 U.S.C. Sec. 16 plaintiffs intend to rely upon the judgment to the extent applicable hereto.

THE PUBLIC INTEREST

18. The subject of the within conspiracy and its effect upon the air breathed by the residents of the United States of America is a matter of wide public concern and alarm. An editorial appearing in the September 9, 1969 edition of the Los Angeles Times, one of the nation's most prestigious newspapers, stated in material part as follows:

"The American people have a right to be fully informed of this outrageous corporate callousness by a full and open trial of the issues involved. If the defendants in this case are indeed culpable a consent decree of almost any kind would undermine the penalties of the antitrust laws designed to deter future adventures in collusion."

A full and complete copy of this editorial is annexed hereto, marked Exhibit "A," and made a part hereof.

A political cartoon appearing in the Los Angeles Times on September 15, 1969, speaks for itself. A true and correct copy thereof is annexed hereto, marked Exhibit "B," and made a part hereof. [Cartoon not printed in RECORD.]

Within the last several weeks, Time, the weekly news magazine, one of the most widely read and respected periodicals in the American press, introduced a permanent news section in its magazine entitled "Environment." In their introductory editorial, the editors stated:

"Even as the world celebrates the astronauts' triumphant return from the moon, more and more people are increasingly alarmed by man's abuse of his own earth. The concern is perhaps strongest in the U.S. where America the Beautiful can all too often be described as America the Polluted, and anxiety about the quality of life has become a rising political issue."

A true and correct copy of the full editorial is annexed hereto, marked Exhibit "C," and made a part hereof.

18. Every resident of the United States of America must breathe air in order to live. The quality of the air breathed by them has been poisoned and polluted by reason of the unlawful acts of defendants alleged herein. The consequences of the unlawful acts of defendants have created a national scandal.

DAMAGES TO PLAINTIFFS AND THE CLASS

19. As a result of the aforesaid illegal acts and conduct of the defendants, plaintiffs and each member of the class have suffered substantial damages, the exact amount of which is not now known, but is believed to be in the millions of dollars, and when ascertained, plaintiffs will pray leave of the Court to amend this complaint accordingly.

PRAYER

Wherefore, the plaintiffs pray judgment against each defendant as follows:

1. That the Court adjudge and decree that the defendants have engaged in a combination and conspiracy, in unreasonable restraint of the aforesaid interstate trade and commerce, in violation of Section 1 of the Sherman Act.

2. That each of the defendants named in this complaint, its successors, assignees and transferees, and the respective officers, directors, agents and employees thereof, and all persons acting or claiming to act on behalf thereof:

(a) be enjoined from continuing, maintaining or renewing, directly or indirectly, the combination or conspiracy hereinbefore alleged, or from engaging in any other practice, plan, program, or device having a similar effect;

(b) be enjoined from entering into any agreements, arrangements, understandings, plan or program with any other person, partnership, or corporation, directly or indirectly:

(1) to delay installation of air pollution control equipment or otherwise restrain individual decisions as to installation dates;

(2) to restrict individual publicity of research and development relating to air pollution control technology;

(3) to require joint assessment of the value of patents or patent rights relating to air pollution control equipment;

(4) to require that acquisition of patent rights relating to air pollution technology be conditioned upon availability of such rights to others upon a most-favored-purchaser basis; or

(5) to respond jointly to requests by government regulatory agencies for information or proposals concerning air pollution control technology unless such agency requests a joint response in a particular case; and

(c) be required to issue to any applicant interested in developing motor vehicle air pollution technology unrestricted, royalty-free licenses and production know-how under all United States patents owned, controlled or applied for to which the cross-licensing agreement dated July 1, 1955, as amended, has been applicable, and to make available to any such applicant all other know-how related to air pollution control technology which has been exchanged with any other defendant.

3. That judgment be entered in favor of plaintiffs and each member of the class against the defendants, and each of them, jointly and severally, for three-fold the damages determined at trial to be sustained by plaintiffs and each member of the class; and that the recovery be in the form of a common fund for the benefit of all residents of the United States of America with distribution to be made upon such terms and in such a manner as the Court believes to be fair, just and equitable.

4. That the plaintiffs have such other, further and different relief as the nature of the case may require and the Court may deem just and proper in the premises, including cancellation of the cross-licensing agreement dated July 1, 1955, as amended, and an injunction ensuring that all future joint arrangements relating to air pollution control technology be appropriately limited as to subject matter of joint effort and numbers of participants so as to maintain competition in the development of air pollution technology.

5. That the Court allow and that the defendants, and each of them, jointly and severally, be required to pay the full costs of suit incurred by plaintiffs and each member of the class, respectively, including as part thereof reasonable fees for the services of the attorneys for plaintiffs.

6. That plaintiffs and the members of the class be granted such other and further relief as the Court shall deem just and proper.

Schwartz & Alschuler,
Benjamin F. Schwartz,
Herbert A. Karzen,
(Signed) Benjamin F. Schwartz,
Attorneys for Plaintiffs.

A jury trial is herey demanded.

Schwartz & Alschuler,
Benjamin F. Schwartz,
Herbert A. Karzen,
(Signed) Benjamin F. Schwartz.
Attorneys for Plaintiffs.

Exhibit A

"Settlement" of the Smog Suit

Issue: Is the U.S. Department of Justice fully protecting California in its air pollution action against Detroit?

The nation's major auto manufacturers, according to the U.S. Department of Justice, entered into a series of conspiracies to delay the development and installation of smog control devices required by the State of California.

The companies "agreed among themselves to delay the introduction of new exhaust pollution-control measures on motor vehicles sold in California until the model year 1967," the government charged, "despite the fact that all were capable of installing the improvement for the model year 1966."

Filed earlier this year in U.S. District Court in Los Angeles, the antitrust action followed a prolonged Federal Grand Jury investigation of alleged foot-dragging by Detroit on pollution control.

The suit is still pending, but a number of congressmen are upset by the possibility that it may be settled out of court by means of a consent decree.

Most antitrust suits are resolved by such decrees, in which the defendant admits no liability for the alleged charges but agrees to certain specified conditions of conduct in the future.

But in a case so important to the health and welfore of California and other urban states, there is special concern over the kind of compromise that may be reached behind closed doors.

Los Angeles County officials have filed a $100 million damage suit against the auto manufacturers to prevent the settlement. And the attorney general's office is considering suing for damages on behalf of all the people of California.

If the charges against the auto companies, declared 19 congressmen, are correct, "the American people have a right to be fully informed of this outrageous corporate callousness by a full and open trial of the issues involved."

"If the defendants in this case are indeed culpable a consent decree of almost any kind would undermine the penalties of the antitrust laws designed to deter future adventures into collusion."

Since the Federal Grand Jury transcript is secret—not even California's attorney general has been apprised of its contents—it is difficult to speculate on the specifics of the federal government's case against Detroit.

In view of the very serious charges in its complaint, one must assume that there was considerable if not overwhelming supporting evidence.

We do not have all the details of the case. But we do know that millions of people suffer annually in the Los Angeles Basin from auto-caused polluted air.

We do know that agriculture has suffered tens of millions of dollars of smog damage each year.

The U.S. Department of Justice therefore should know that the people of California as well as Congress insist upon the strongest possible federal action against any who have been derelict in preventing the development and installation of devices to stop auto-caused pollution.

Exhibit C

A Letter From the Publisher of Time Magazine

(By James R. Shepley)

With this issue, Time introduces a new section: Environment.

Even as the world celebrates the astronauts' triumphant return from the moon, more and more people are increasingly alarmed by man's abuse of his own earth. The concern is perhaps strongest in the U.S., where America the Beautiful can all too often be described as America the Polluted, and anxiety about the quality of life has become a rising political issue. Yet the worries extend to every society around the globe where ever-growing industrialization has created a crisis of excessive waste that is poisoning—and not always slowly—plants, wildlife, and indeed man himself.

To what extent are the fears justified? What should business and government do? What role can the individual citizen play?

In seeking answers, we plan to clarify and explore man's long-ignored physical dependence on the biosphere —earth's thin envelope of air, water and soil in which life exists. Almost every week now brings new warnings of impending ecological upsets within our planet's infinitely interdependent chain of life processes: certain birds becoming extinct, hauls of inedible fish, mysterious animal sickness. Environment will tackle for example, the effects of such forms of pollution as DDT pesticides and radioactive waste, chemical fertilizers and hot water from nuclear power reactors; it will explore the cacophony of modern noises that grate on the nerves and damage living organisms; it will contemplate festering cityscapes as well as blighted landscapes; it will examine the visual pollution of ugliness that defiles the esthetic spirit and stunts man's ability to live in peace and harmony with nature.

Environment will undoubtedly contain its share of grim trends and events, but it will by no means be devoted only to gloomy news. Pessimists believe that much environmental destruction is irreversible. Optimists argue that technology and will power can salvage the situation. To that end, Environment will describe the exciting ideas of architects, city planners, ecologists, engineers, politicians and plain people. These ideas will include, among many others, dispersing glutted populations, building new experimental cities, designing steam and electric autos, restructuring mass transit, recycling all kinds of waste—and in general making this world a more liveable place.

[U.S. District Court, Central District of California]

No. 69–75–JWC

United States of America, plaintiff, *v* Automobile Manufacturers Association, Inc.; General Motors Corporation; Ford Motor Company; Chrysler Corporation; and American Motors Corporation, defendants

No. 69–1855–JWC—Memorandum of points and authorities in support of motion for consolidation and objections to proposed stipulation for entry of consent judgment

Marshall B. Grossman and S. Jerome Tamkin, Ph. D., Individually and on Behalf of All Others Similarly Situated, plaintiffs, *v* Automobile Manufacturers Association, Inc.; General Motors Corporation; Ford Motor Company; Chrysler Corporation; and American Motors Corporation, defendants

INTRODUCTION

1.

On January 10, 1969, the United States of America filed the within action (United States of America vs. Automobile Manufacturers Association, Inc., Case No. 69–75–JWC) ("The Government Action") against the "big four auto makers" and the Automobile Manufacturers Association, Inc. The action seeks equitable relief for violation of Section 1 of the Sherman Anti-Trust Act. The complaint charges that the defendants, together with others, have been engaged in a combination and conspiracy since at least as early as 1953 in unreasonable restraint of interstate trade and commerce in motor vehicle air pollution control equipment in violation of the Sherman Act (Government Complaint, para. 12, pp. 5–7). The Government stated that the substantial terms of the conspiracy have been and are:

"(a) to eliminate all competition among themselves in the research, development, manufacture and installation of motor vehicle air pollution control equipment; and

"(b) to eliminate competition in the purchase of patents and patent rights from other parties covering motor vehicle air pollution control equipment." (Government Complaint para. 13, p. 6.)

In perpetuation of this combination and conspiracy, the defendants are charged with several specific illegal acts, including that they:

(a) "agreed that all industry efforts directed at the research, development, manufacture and installation of motor vehicle air pollution control equipment should be undertaken on a non-competitive basis";

(b) "agreed to install motor vehicle air pollution control equipment only upon a uniform date determined by agreement . . .";

(c) "agreed on at least three separate ocassions to attempt to delay the installation of motor vehicle air pollution control equipment";

(d) "agreed to restrict publicity relating to research and development efforts concerning the motor vehicle air pollution problem." (Government Complaint, para. 14, pp. 6–8)

The Government's complaint further charges that the effect of this combination and conspiracy has hindered and delayed the research, development, manufacture, and installation of motor vehicle air pollution control equipment; has restricted and suppressed competition among the defendants and others in these areas, and has restricted and suppressed competition in the purchase of patents and patent rights covering motor vehicle air pollution control equipment.

2.

It is noted that the Government Complaint was filed during the last few days of the administration of President Lyndon B. Johnson. The proposed settlement, hereinafter discussed, is being advanced by the administration of a different President.

3.

The defendants have never been required to admit or deny the allegations of the Government's complaint in this action. Stipulations for extensions of time within which to plead were filed on February 7, 1969, March 10, 1969, April 10, 1969, May 8, 1969, June 11, 1969, July 8, 1969, and August 14, 1969. The Court's file indicates the Government conducted no discovery whatsoever. It served no interrogatories, served no requests for admissions, and took no depositions. There is absolutely no public record whatsoever wherein the defendants, or any of them, have admitted or denied under oath any of the Government's charges, in whole or in part.

4.

The Government action was not filed out of whim or fancy. It followed an eighteen month investigation by a grand jury panelled in Los Angeles during 1966–1967. The testimony adduced during these grand jury proceedings, the investigative reports of the United States Government, and the relevant documentary evidence, have never been made public.

5.

On September 11, 1969, a scant eight months after the Government's action was filed, and before the taking of any discovery or the filing of any answers by the defendants, as aforesaid, the parties filed herein their "Stipulation for Entry of Consent Judgment".

6.

The subject matter of this action, and, of course, of the consent judgment, is a matter of wide public concern. This litigation, perhaps, is of greater potential effect upon the lives and well-being of the people of the United States of America than any other lawsuit in the history of our country. We are, here, dealing with air and the polluting and poisoning of air. Without air, life as we know it would vanish from the face of this earth. Without clean air, the same results may follow. For years now, the American public has been told that things are getting better, that industry and government are working together in cooperating in such a manner as to cease the poisoning and polluting of the atmosphere and to cleanse the air. Now it turns out, that at least as to these defendants, the American public has been deceived. According to the charges of the Government's complaint, the defendants have combined and conspired, for their own personal and pecuniary gain, in such a manner as to assure the continuing pollution of the atmosphere. The effects upon the American people have been staggering. The cities throughout this land are virtual jungles. The essential ingredient of life, air, has become impregnated with visible and invisible poisons from the millions of automobiles in our midst. The children amongst us are herded into cafeterias and gymnasiums during "smog alerts" and the playgrounds have the look of a blacktopped desert. The well get sick and the aged and infirmed become ill and die. Travel throughout the country is rendered less enjoyable and less pleasurable as one journeys from smog belt to smog belt. One cannot go north, south, east or west without experiencing the same disastrous effects of air pollution. And all the while, unbeknown to but a few Americans, the executives of one of our largest industries were combining and conspiring to perpetuate the evil for their own personal pecuniary and economic selfish gain. Is this not a national scandal?

7.

The government and the defendants whom it sued but eight months ago propose to terminate this litigation and shut the door to the public by having the defendants say, "We're sorry. We won't do it again." But is this enough? We think not. We believe that any acceptance of the proposed consent decree will, for all intents and purposes, serve to render the defendants immune from personal liability to those who have suffered most, the people, and will serve as an inspiration to them, and others of their calibre, to design and perpetuate further evils for their own gain with the full realization that they can buy their peace by promising never to do it again.

8.

That the public interest will best be served by bringing the facts and the evidence out into the open and allowing the proceedings to go forward is clear.

Within the last several weeks, TIME, the weekly news magazine, introduced a permanent news section in its magazine titled, "Environment". In his introductory editorial, the publisher states:

"Even as the world celebrates the astronauts' triumphant return from the moon, more and more people are increasingly alarmed by man's abuse of his own earth. The concern is perhaps strongest in the U.S. where America the Beautiful can all too often be described as America the Polluted, and anxiety about the quality of life has become a rising political issue."

On September 4, 1969, the Los Angeles Times ran an editorial titled, "Smog: The 'Impatient' Public". The editorial stated in material part:

"Los Angeles should be ashamed.

"It seems that we have been too impatient in trying to get rid of smog. Too much 'passion' and 'emotionalism' have been displayed over the threat of auto-caused air pollution.

"'We can go along for another 10 to 15 years as we are now,' Kerryn King, an American Petroleum Institute official, told reporters Tuesday—as the smog outside was approaching a first-stage alert.

"After all, said King, it took 188 years for Los Angeles' current pollution problems to develop. The public thus should not expect solutions over night. Nor, he added, will an answer be found in passing new regulatory legislation in Sacramento.

"In one of the most remarkable statements yet made on smog, King made the oil industry appear to be as insensitive as auto makers to the air pollution situation.

* * * * *

"We cannot continue to tolerate air so polluted that ten thousand persons annually leave the Los Angeles basin on the advice of their physicans.

* * * * *

"Unfortunately Southern Calfornia may not survive that long [10 years] a wait for clean air. And certainly its citizens do not intend to put up with any such delay."

An editorial in the Los Angeles Times on September 15, 1969, was a satire on the proposed settlement with the following caption:

"That's a great anti-suit device . . . How effective is it against smog?"

An editorial in the September 9, 1969 edition of the Los Angeles Times reflected that publication's opinion of a consent decree in this action. The editorial stated in material part:

"If the charges against the auto companies, declared 19 congressmen, are correct, 'the American people have a right to be fully informed of this outrageous corporate callousness by a full and open trial of the issues involved.'

"'If the defendants in this case are indeed culpable a consent decree of almost any kind would undermine the penalties of the anti-trust laws designed to deter future adventures into collusion.'

"Since the Federal Grand Jury transcript is secret—not even California's attorney general has been appraised of its content—it is difficult to speculate on the specifics of the federal government's case against Detroit.

"In view of the very serious charges in its complaint, one must assume that there was considerable if not overwhelming supporting evidence.

"We do not have all the details of the case. But we know that millions of people suffer annually in the Los Angeles basin from auto-caused polluted air.

"We do know that agriculture has suffered tens of millions of dollars in smog damage each year.

"The U.S. Department of Justice therefore should know that the people of California as well as Congress insist upon the strongest possible federal action against any who have been derelict in preventing the development and installation of devices to stop auto-caused pollution."

9.

The following relief is respectfully requested of this Court:

1. The consent judgment proposed by the Stipulation for Entry of Consent Judgment should be disapproved by the Court;

2. If the consent judgment is approved, in whole or in part, it should be approved only after a finding by this Court that as to the people of the United States of America the consent decree is fair, reasonable and adequate and this finding should be reached, if at all, only after a consideration by this Court of all evidence in the possession of the Government, a consideration of the claims and defenses of the defendants, and only after the opportunity of cross-examining representatives of the Government and of the defendants is afforded to all interested persons.

3. If the consent decree is approved, then it should be approved only if it contains an express admission of liability on the part of the defendants which admission may be used in private treble damage civil anti-trust actions.

4. If the consent judgment is approved, then it should be approved only if it contains a provision guaranteeing to any civil anti-trust plaintiff full discovery of any and all evidence gathered and obtained by the Government in connection with this action.

I—THE PROPOSED CONSENT DECREE SHOULD BE DISAPPROVED OR MODIFIED TO CONTAIN A PROVISION FOR ADMISSION OF LIABILITY BY DEFENDANTS FOR THE PURPOSE OF PRIVATE DAMAGE SUITS AND FOR DISCOVERY BY PRIVATE LITIGANTS OF EVIDENCE GATHERED BY THE UNITED STATES

Under Section 5(a) of the Clayton Act, 15 U.S.C. Section 16(a), a final decree rendered in a proceeding brought by the United States is *prima facie* evidence in a suit subsequently brought by any other party—*except* where a consent decree is entered before any testimony has been taken. Accordingly, a consent decree does not provide civil treble damage claimants with the *prima facie* evidence of violation that Section 5(a) of the Clayton Act accords to a judgment decided adversely to a defendant in a litigated case.

Sherman Anti-Trust Act, §§ 1, 2, 15 U.S.C.A. §§ 1, 2; *Clayton Act*, Section 5(a), 15 U.S.C.A. § 16(a); *De Luxe Theatre Corp.* v. *Balaban & Katz Corp.*, 95 F. Supp. 983 (E.D. Ill. 1951).

The proposed consent decree contains no provision for the admission of liability by defendants for the purpose of private treble damage suits. This ignores the need for deterrence of future conspiratorial competition-reducing activities. In a complex case such as this, with issues of critical moment and national importance, the burdens on a private plaintiff in securing all over again the monumental amount of discovery already secured by the government prior to the filing of its complaint would be herculean. This evidence has been gathered by the government at great public effort and expense. The public should now benefit from it.

Were the proposed consent decree entered herein, it is not clear that this painfully-gathered evidence may be made available by the United States Department of Justice to any civil treble damage plaintiff in prosecuting a civil case against the defendants. Few civil plaintiffs, if any, have the resources to again gather this evidence. There is no good reason why, in a case of such great public interest, such evidence should be forever lost to plaintiffs who wish to seek redress for damages with the great deterrent of a civil treble damage suit, a procedure expressly provided by Congress.

It is respectfully submitted that the proposed consent decree should not be approved by the Court unless it contains a provision with substantially the following terms:

"Entry of this judgment shall be *prima facie* evidence of violation of the anti-trust laws on the part of defendants in a civil suit for treble damages for such violations brought by any other party under the provisions of the Clayton Act, 15 U.S.C.A. § 15 et seq."

It should be noted that recent cases have been more liberal than in the past in affording discovery of grand jury minutes or transcripts to private litigants, where those minutes have been primarily used by the government to prepare civil proceedings.

United States v. *Proctor & Gamble Co.*, 356 U.S. 677 (1958); *decision on remand*, 25 F.R.D. 485, 490 (D.N.J. 1960); and *United States* v. *Ben Grunstein & Sons Co.*, 137 F. Supp. 197 (D.N.J. 1955).

More particularly, discovery has recently been authorized in private treble damage actions under the anti-trust laws, of grand jury minutes obtained by the government in prior criminal investigations. *In re Special 1952 Grand Jury*, 22 F.R.D. 102 (E.D.Pa. 1958); *Herman Schwabe, Inc. v. United Shoe Machinery Corp.*, 194 F. Supp. 763 (D. Mass. 1958). Surely the same considerations which impelled a decision in those cases that the "need for secrecy" was outweighed by the public interest, are present in a case directly involving the physical health and well-being of every man, woman and child in the United States.

Accordingly, the proposed consent decree should not be approved unless it contains a provision with substantially the following terms:

"Any private party bringing an action against defendants for treble damages for or on account of those alleged acts of defendants complained of in the complaint herein, shall be entitled to full discovery of any and all evidence, documentary or otherwise, gathered, secured, or obtained by plaintiff United States of America in reparation for or in connection with this action, including, but not limited to, access to any and all federal grand jury minutes and transcripts of testimony."

II—NO CONSENT DECREE SHOULD BE APPROVED UNLESS IT IS PROVEN TO BE FAIR, REASONABLE AND ADEQUATE

No consent decree should be approved unless it is established to the satisfaction of the Court that it is fair, reasonable, and adequate. The Court is an indispensable party to any such decree. For the Court to effectively evaluate the proposed consent decree, it should be afforded the opportunity of hearing and considering the evidence upon which the Government's case is based, as well as the claims and defenses of the defendants and the evidence upon which they are based. Of equal significance, notice of the proceedings should be afforded to the public at large and that notice should rise to the dignity of notice required by the due process clause of the United States Constitution. It is respectfully submitted that the procedure adopted by the parties for the consideration of this consent decree fall short of due process requirements. Neither party has caused a notice of hearing to be published in such a manner as to receive nation-wide attention. Approval of the consent decree, as submitted, would effectively deprive every American of the benefits of an adverse judgment, or of an admission of liability, against the defendants. A denial of these rights, in such a fashion, is violative of due process of law.

III—THE TWO CASES SHOULD BE CONSOLIDATED UNDER RULE 42(a)

Rule 42(a). Federal Rules of Civil Procedure, provides as follows:

"Consolidation. When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs of delay."

Consolidation may be ordered before issues are joined where common questions are involved.

Schultz v. Manufacturers and Traders Trust Co., 29 F. Supp. 37 (W.D.N.Y. 1939).

Each of the two cases pending before this Court involves the same questions of law and fact and the same defendants. The action of the United States is a government anti-trust action under the provisions of the Sherman Anti-Trust Act. Plaintiffs' case is a civil treble damage action under the Clayton Act, predicated on the anti-trust provisions of the Sherman Anti-Trust Act. Plaintiffs in the *Grossman* case seek damages and the government seeks injunctive relief based on the same alleged acts of defendants, namely, the conspiracy to prevent the development of anti-pollution automotive smog control devices.

"The consolidation of an action brought by the United States with another action in which either the United States or a private person is plaintiff should be governed by the general principles underlying Rule 42, since the Federal Rules are generally applicable to the United States and these actions do not involve any problem of sovereign immunity from suit." 5 *Moore's Federal Practice*, para. 42.02, p. 1208 (2d ed. 1968);

See also *Gerber Products Co. v. Beech-Nut Life Savers, Inc.*, 25 F.R. Serv. 42a.1, Case 1 (Consolidation of two anti-trust cases against a common defendant, despite one unrelated issue in each case);

Atlanta Hydratane Gas, Inc., v. Lowry Tims Co., 41 F.R.D. 164 (N.D. Miss. 1966) (Four actions by different plaintiffs consolidated where all plaintiffs sought relief against common defendant for alleged discrimination in pricing practices in violation of Robinson-Patman Act).

The two cases pending before this Court are both anti-trust cases involving the same actions on the part of the defendants. The proof necessarily to be adduced at trial would be the same. The issues are complex and the testimony required would be lengthy. Accordingly, the time of the parties, their counsel and the court should be conserved by having common discovery and by trying both cases in one proceeding.

Wherefore, plaintiffs Marshall B. Grossman and S. Jerome Tamkin, Ph.D., individually, and on behalf of all others similarly situated, respectfully pray as follows:

1. The consent judgment proposed by the Stipulation for Entry of Consent Judgment should be disapproved by the Court;

2. If the consent judgment is approved, in whole or in part, it should be approved only after a finding by this Court that as to the people of the United States of America the consent decree is fair, reasonable and adequate and this finding should be reached, if at all, only after a consideration by this Court of all evidence in the possession of the Government, a consideration of the claims and defenses of the defendants, and only after the opportunity of cross-examining representatives of the Government and of the defendants is afforded to all interested persons.

3. If the consent decree is approved, then it should be approved only if it contains an express admission of liability on the part of the defendants which admission may be used in private treble damage civil anti-trust actions.

4. If the consent judgment is approved, then it should be approved only if it contains a provision guaranteeing to any civil anti-trust plaintiff full discovery of any and all evidence gathered and obtained by the Government in connection with this action.

5. For such other relief as the Court deems proper.

Dated: October 1, 1969.

Respectfully submitted,

Benjamin F. Schwartz,
Herbert A. Karzen,
Schwartz & Alschuler,
By Lawrence Kirk,
Attorneys for Plaintiffs and Objectors.

[U.S. District Court, Central District of California]

(No. 69-75-JWC)

United States of America, Plaintiff, *v.* Automobile Manufacturers Association, Inc.; General Motors Corporation; Ford Motor Company; Chrysler Corporation; and American Motors Corporation, Defendants

(No. 69-1855-JWC—1. Notice of motion and motion for consolidation of cases; 2. notice of appearance in opposition to proposed stipulation for entry of consent judgment; and 3. memorandum of points and authorities and objection to proposed stipulation for entry of consent judgment)

Marshall B. Grossman and S. Jerome Tamkin, Ph. D., Individually and on Behalf of All Others Similarly Situated, Plaintiffs, *v.* Automobile Manufacturers Association, Inc.; General Motors Corporation; Ford Motors Company; Chrysler Corporation; and American Motors Corporation, Defendants

To the following:

Raymond W. Philipps, Department of Justice, Antitrust Division, 1307 U.S. Court House, 312 North Spring Street, Los Angeles, California 90012. [Respectively, attorney for Plaintiff, United States of America.]

Gibson, Dunn & Crutcher, Julian O. von Kalinowski, Paul G. Bower, Robert E. Cooper, 634 South Spring Street, Los Angeles, California 90014. [Respectively, attorneys for Defendant, Automobile Manufacturers Association, Inc.]

Overton, Lyman & Prince, Carl J. Schuck, 550 South Flower Street, Suite 607, Los Angeles, California 90017. [Respectively, attorneys for Defendant, Ford Motor Company.]

Lawler, Felix & Hall, Marcus Mattson, Robert Henigson, 605 West Olympic Boulevard, Suite 800, Los Angeles, California 90015. [Respectively, attorneys for Defendant, General Motors Corporation.]

McCutchen, Black, Verleger & Shea, Philip K. Verleger, William G. Shea, 615 South Flower Street, Suite 1111, Los Angeles, California 90017. [Respectively, attorneys for Defendant, Chrysler Corporation.]

O'Melveny & Myers, Allyn O. Kreps, Girard E. Boudreau, 611 West 6th Street, Los Angeles, California 90017. [Respectively, attorneys for Defendant, American Motors Corporation.]

Please take notice that on October 28, 1969, at the hour of 10:00 A.M., or as soon thereafter as counsel may be heard, plaintiffs Marshall B. Grossman and S. Jerome Tamkin, Ph. D., individually and on behalf of all others similarly situated, will make formal motion in Courtroom 10, United States Courthouse, 312 North Spring Street, Los Angeles, California, for an order that both of the above entitled actions be consolidated on the following grounds:

1. The actions involve common questions of law and fact. The common questions of law and fact include whether the defendants engaged in a combination or conspiracy to prevent the development and distribution of motor air pollution control equipment. The lawsuit filed by the United States of America is predicated on the Sherman Act and seeks relief by way of injunction on the Clayton Act and is a civil treble damage suit. Both cases allege the identical acts on the part of defendants.

2. Consolidation will thus avoid expense and delay. A separate trial of each case would be an undue imposition on the time of the Court since each action arises out of the same acts of defendants. Virtually the same proof would have to be adduced at each separate trial. The law does not and ought not require idle acts.

Please take further notice that plaintiffs Marshall B. Grossman and S. Jerome Tamkin, Ph. D., individually, and on behalf of all others similarly situated, hereby file their presentation in writing, pursuant to the Order of this Court dated September 17, 1969, in opposition to the proposed "Stipulation for Entry of Consent Judgment" heretofore lodged in the action entitled "United States of America, Plaintiff, vs. Automobile Manufacturers Association, Inc., et al.," Civil Action No. 69-75-JWC. Said plaintiffs, individually, and on behalf of all others similarly situated, by their attorneys, will appear at the hearing on October 28, 1969, at 10:00 A.M., or as soon thereafter as counsel may be heard, to present such further evidence and argument, written and/or oral, as may be pertinent to the matters then pending before this Court.

Dated: October 1, 1969.

Benjamin F. Schwartz,
Herbert A. Karzen,
Schwartz & Alschuler,
By Lawrence Kirk,
Attorneys for Plaintiffs Marshall B. Grossman and S. Jerome Tamkin, Ph. D.

AFFIDAVIT OF SERVICE

STATE OF CALIFORNIA,
County of Los Angeles, ss:

Clairette Straussman, being sworn, says:

That affiant is a citizen of the United States, over the age of 18, residing in the County of Los Angeles and is not a party to the above entitled action; that affiant's business address is: 9808 Wilshire Boulevard, Suite 202, Beverly Hills, California 90212; that on October 3, 1969, the affiant served the within notice of motion and motion for consolidation or joint trial; notice of appearance in opposition to proposed stipulation for entry of consent judgment; memorandum of points and authorities and objections to proposed stipulation for entry of consent judgment by placing a true copy thereof in an envelope addressed to the following parties:

Raymond W. Philipps, Department of Justice, Antitrust Division, 1307 U.S. Court House, 312 North Spring Street, Los Angeles, California 90012. [Attorney for Plaintiff, United States of America.]

Gibson, Dunn & Crutcher, Julian O. von Kalinowski, Paul G. Bower, Robert E. Cooper, 634 South Spring Street, Los Angeles, California 90014. [Attorneys for Defendant, Automobile Manufacturers Association, Inc.]

Overton, Lymann & Prince, Carl J. Schuck, 550 South Flower Street, Suite 607, Los Angeles, California 90017. [Attorneys for Defendant, Ford Motor Company.]

John D. Maharg, County Counsel, David D. Mix, Assistant County Counsel, 648 Hall of Administration, Los Angeles, California 90012. [Attorneys for County of Los Angeles and APCD.]

Lawler, Felix & Hall, Marcus Mattson, Robert Henigson, 605 West Olympic Blvd., Suite 800, Los Angeles, California 90015. [Attorneys for Defendant, General Motors Corporation.]

McCutchen, Black, Verleger & Shea, Philip K. Verleger, William G. Shea, 615 South Flower St., Suite 1111, Los Angeles, California 90017. [Attorneys for Defendant, Chrysler Corporation.]

O'Melveny & Myers, Allyn O. Kreps, Girard E. Boudreau, 611 West 6th Street, Los Angeles, California 90017. [Attorneys for Defendant, American Motors Corporation.]

and by then sealing and depositing said envelopes, with postage thereon fully prepaid, in the United States mail at Beverly Hills, California, where is located the offices of the attorneys for the persons by and for whom said service was made. That there is delivery service by United States mail at the places so addressed and there is a regular communication by mail between the place of mailing and the places so addressed.

Clairette Straussman.

Subscribed and sworn to before me this 3rd day of October, 1969.

Frankie Fae Brill.

Dilworth, Paxson,
Kalish, Kohn & Levy,
Philadelphia, Pa., October 14, 1969.

Hon. George E. Brown, Jr.,
House of Representatives,
Washington, D.C.

Dear Representative Brown: I thought you would be interested in the Comments filed by Mayor Thomas J. Monaghan of Lancaster, Pennsylvania, and Mayor Louis J. Tullio of Erie, Pennsylvania, opposing the entry of the Consent Decree in the Automobile Air Pollution Antitrust case. Mayors Monaghan and Tullio are the first public officials in our Commonwealth to take a public stand against the entry of this unwise Decree. Both are public-spirited officials, with a deep and abiding interest in the very crucial problems relating to air pollution in our Commonwealth, and they are to be congratulated for taking this stand in the public interest.

As you will note from the second paragraph of the enclosed Motion for Leave to File Comments, Mayor Monaghan and Mayor Tullio first became aware of Judge Curtis' Order of September 17 from your action in reprinting that Order in the *Congressional Record.* On behalf of Mayor Monaghan and Mayor Tullio, let me express their appreciation for your catalytic concern. I hope you will continue to pursue your present course in opposing the entry of the Consent Decree.

Sincerely,

Edward F. Manning.

[U.S. District Court, Central District of California, Civil Action No. 69-75-JWC]

United States of America, Plaintiff, *v.* Automobile Manufacturers Association, Inc., et al., Defendants

Motion for leave to file comments; comments of Mayor Thomas J. Monaghan of Lancaster, Pennsylvania, and Mayor Louis J. Tullio of Erie, Pennsylvania; and affidavit of service.

MOTION FOR LEAVE TO FILE COMMENTS

Mayor Thomas J. Monaghan of Lancaster, Pennsylvania and Mayor Louis J. Tullio of Erie, Pennsylvania, (hereinafter "Movants") by their attorneys, hereby respectfully request this Honorable Court for leave to file the attached Comments opposing the entry of the Consent Decree proposed by the parties in the above-captioned case. In support of this request, Movants allege as follows:

1. The Cities of Lancaster, Pennsylvania, and Erie, Pennsylvania, have a direct interest in the resolution of this vital litigation. The Cities of Lancaster and Erie are the focal points of large and expanding metropolitan regions, with combined in-city populations of approximately 200,000, and a combined metropolitan regional population of approximately 549,000. Both Cities, in addition, experience significant problems of air pollution. As is the case with all large cities, the major portion of these problems in the Cities of Lancaster and Erie may be traced directly to the operation of motor vehicles. The allegations of the Complaint filed by the United States in this case, if proved, would establish that the Defendants have been responsible over a period of at least 15 years for preventing development of effective air pollution controls for such motor vehicles. As such, a full public trial in this case would serve the public interest by establishing the responsibility, both moral and legal, of the Defendants for the damages resulting to the citizens of Lancaster and Erie, Pennsylvania, from automobile air pollution.

2. Movants first learned of this Honorable Court's Order of September 17 upon receipt in the mail on October 3 of the September 30 daily edition of the Congressional Record, in which Representative Brown of California reprinted the said Order on Page 27842. Promptly thereafter, Movants prepared the attached Comments, and are presently submitting them to this Honorable Court for consideration.

3. No prejudice will result either to the parties to this litigation or to the Honorable Court if Movants are permitted leave to file the attached Comments. Movants will not oppose an extension of time until October 23 for any Defendant who might wish to file a Response to the attached Comments. Such an extension would neither inconvenience nor require the postponement of the Hearing presently set for October 28 on the proposed Consent Decree, and all Comments and Responses would be thus filed with this Honorable Court well in advance of that date.

Wherefore, Movants respectfully request that this Honorable Court enter an Order granting them leave to file the attached Comments of Mayor Thomas J. Monaghan of Lancaster, Pennsylvania, and Mayor Louis J. Tullio of Erie, Pennsylvania.

Respectfully submitted,

John M. Elliott,
Edward F. Mannino,
Attorneys for Movants,
Thomas J. Monaghan, Mayor of Lancaster, Pa., and Louis J. Tullio, Mayor of Erie, Pa.

[U.S. District Court, Central District of California, Civil Action No. 69-75-JWC]

United States of America, Plaintiff, *v.* Automobile Manufacturers Association, Inc., et al., Defendants

Comments of Mayor Thomas J. Monaghan of Lancaster, Pennsylvania and Mayor Louis J. Tullio, of Erie, Pennsylvania.

Pursuant to this Honorable Court's Order of September 17, 1969, inviting submission of "the views of all interested persons and public bodies," Mayor Thomas J. Monaghan of Lancaster, Pennsylvania, and Mayor Louis J. Tullio of Erie, Pennsylvania, hereby submit, through their attorneys, the following comments in opposition to the Consent Decree proposed by the parties in this case on September 11, 1969:

1. These Comments are filed on behalf of Mayor Thomas J. Monaghan of Lancaster, Pennsylvania, and Mayor Louis J. Tullio of Erie, Pennsylvania. The Cities of Lancaster and Erie are the focal points of large and expanding metropolitan regions in Pennsylvania, with combined in-city populations of approximately 200,000, and a combined metropolitan regional population of approximately 549,000. Both Cities experience significant problems of air pollution. As with all metropolitan areas, the major portion of these problems in Lancaster and Erie may be traced directly to the operation of motor vehicles. Indeed, the gravity of the automobile air pollution problem in Pennsylvania has recently been affirmed by the Joint State Government Commission of the General Assembly of the Commonwealth of Pennsylvania, which, after study, has concluded that "At the present time [1967], the air pollution originating with the motor vehicle is virtually uncontrolled in Pennsylvania." *Supplemental Report on Automotive Air Pollution*, pg. 12.

2. The substantial dangers to health posed by automobile air pollution have repeatedly been documented by state and federal agencies vested with the responsibility of safeguarding the public health and welfare. Thus, in his First Report to the United States Congress pursuant to the Air Quality Act of 1967, the Secretary of Health, Education, and Welfare reported (S. Doc. No. 92, 90th Cong., 2d Sess. (1968), at pp. 15-17):

"In terms of total quantity of pollutants, the automobile represents the most important single source of air pollution in the United States today. The nationwide contributions of the motor vehicle to five major air contaminants is shown in figure 4. It is the prime source of two of these pollutants, carbon monoxide and hydrocarbons, and it produces nearly half the total nitrogen oxides released. Carbon monoxide, which impairs the oxygen-carrying ability of the blood, can reduce visual acuity and motor ability in small concentrations and is fatal in large doses. Many of the hydrocarbons react with nitrogen oxides in the presence of sunlight to form secondary products which irritate the eyes and throat and can alter physical function and enhance respiratory disease." (Footnote and Figure omitted.)

3. The potential catastrophic impact of unchecked automobile air pollution is illustrated by numerous and increasingly recurring air pollution crises in metropolitan areas. In Donora, Pennsylvania, in 1948, for example, 20 people died and 6,000 were rendered seriously ill by air pollution, while in November 1966, a large portion of Southeastern Pennsylvania was victimized by a severe photochemical inversion. At this same time, the deaths of 100 citizens of New York City were directly related to air pollution.

4. Damage to property from air pollution is also of great magnitude. For example, cash crops losses related to air pollution are estimated to be on the order of $6 to $10 million annually in California alone, with $13 billion annually property damage from corrosive pollutants. *The Automobile and Air Pollution: A Program for Progress, Report of the Panel on Electrically Powered Vehicles to the United States Department of Commerce,* (October 1967), at pp. 13, 15.

5. The allegations of the Complaint in this action, if proved, would establish that the Defendants had exhibited a callous and synical disregard for human life and property rights by unlawfully conspiring to prevent development of effective air pollution controls for the motor vehicles manufactured over the past 15 years. As such, this is not an ordinary antitrust case, and an informed decision by this Honorable Court on whether to approve the proposed Consent Decree cannot be made without regard to the uniquely special context of this case.

6. Movants respectfully submit that approval of the proposed Consent Decree would run contrary to sharply defined and vital policies underlying state and federal air pollution legislation, discussed below, and also would violate settled federal policies, also discussed in detail below, in favor of vigorous enforcement of the federal antitrust laws.

7. The proposed Consent Decree is fatally defective in three major areas: (a) it fails to make available to potential public and private litigants the evidence gathered against the Defendants in the two-year investigation by the United States in the present case; (b) it deprives potential public and private antitrust treble-damage Plaintiffs of the collateral estoppel effect of a potential judgment in favor of the United States in this action; and (c) it imposes no adequate penalties upon Defendants commensurate with the allegations of the Complaint.

8. The vital interest in safeguarding the right of the public to clean air and a generally safe environment is manifested by the state and federal legislation set out in the following paragraphs.

9. It is clear that the United States is suing here not merely in its capacity as guardian of the public interest under the antitrust laws, but also to vindicate the important federal rights of all citizens of the United States to clean air, and to a generally safe environment. Thus, in the Air Quality Act of 1967, 42 U.S.C. § 1857(a)(2), Congress specifically found: "that the growth in the amount and complexity of air pollution brought about by urbanization, industrial development, and the increasing use of motor vehicles, has resulted in mounting dangers to the public health and welfare, including injury to agricultural crops and livestock, damage to and the deterioration of property, and hazards to air and ground transportation."

Moreover, Subchapter 2 of the Air Quality Act, 42 U.S.C. § 1857f–1–7, in recognition of the substantial acceleration of the air pollution hazard by the operation of motor vehicles, provides for motor vehicle emission standards, vesting the authority to prescribe such standards in the Secretary of Health, Education and Welfare.

10. A parallel policy determination has likewise been made by the legislature of the Commonwealth of Pennsylvania in a series of acts, *inter alia:*

(a) The Air Pollution Control Act of 1960, as amended, 35 Purdon's Pa. Stat. Annot. § 4001; *et seq.*, § 4002 of which broadens the definition of vehicular and other air pollution to include the discharge of any matter which *may* be inimical to the public health, safety, or welfare.

(b) The Metropolitan Transportation Authorities Act of 1963, as amended, 66 P.S. 2001, *et seq.*, clearly recognizes that potentially lethal air pollution is the by-product of traffic congestion and serious mass transportation problems, harmful to the economic and social well-being of the community. The Legislature mandated the sound replanning of metropolitan transportation systems and specifically manifested its concern that said replanning to the "maximum extent possible avoid vehicular air pollution." [See 66 Purdon's § 2004(28).]

(c) The Pennsylvania Urban Mass Transportation Assistance Law of 1967, [Act No. 8, 1968] found a further intensification of the traffic congestion, and attendant conditions against which the 1963 Act was directed—*inter alia,* automobile air pollution—and accordingly, for the first time funded mass transportation programs in the Commonwealth.

11. Even if the proposed Consent Decree is to be tested under ordinary principles of antitrust law, it is clear that it is inadequate to discharge the responsibilities of the United States in its capacity as trustee for potential private and public treble-damage Plaintiffs. The government has thus far expended two years and substantial sums of money in the investigation of this case. Yet the proposed Consent Decree is wasteful and ineffective in that it does not make any evidence thus gathered available to public or private bodies in subsequent litigation. In addition, said Decree would deprive such bodies of the collateral estoppel effect of a possible government judgment under Section 5(a) of the Clayton Act, 15 U.S.C. § 16 (a).

12. The significant federal interest in encouraging the enforcement of the antitrust laws by Plaintiff's treble-damage actions has long been recognized by both Congress and the Courts. It is this interest which underlies the very treble-damage provision itself, which has been an integral part of the antitrust laws since 1890 (Section 7 of the original Sherman Act, 26 Stat. 210) and is presently codified in Section 4 of the Clayton Act, 15 U.S.C. § 15. The legislative determination in 1955 to vest the United States with the right to receive actual damages plus the costs of suit from antitrust violators for harm sustained as a result of such violations further testifies to the importance of permitting effective enforcement of the antitrust laws by actions for damages. (Section 4(A) of the Clayton Act, 15 U.S.C. § 15a.)

13. In addition to these clear Congressional mandates, vigorous enforcement of the antitrust laws by private and public treble-damage litigation has repeatedly been sanctioned by the Supreme Court as an effective deterrent to violations. See, *e.g., Minnesota Mining & Mfg.* v. *New Jersey Wood Finishing Co.* 381 U.S. 311, 318–19 (1965); *Radovich* v. *National Football League,* 352 U.S. 445, 453–54 (1957); *Emich Motors Corp.* v. *General Motors Corp.,* 340 U.S. 558, 567–68 (1951); *Bruce's Juices, Inc.,* v. *American Can Co.,* 330 U.S. 743, 751–52 (1947).

14. The importance for potential private and public treble-damage litigants of a prior judgment after full trial by the United States against antitrust violators stems from the fact that Section 5(a) of the Clayton Act, 15 U.S.C. § 16(a), makes such judgments *prima facie* evidence of all matters covered therein in a subsequent treble-damage action, and this obviates the necessity for time-consuming and costly discovery procedures. Recognizing this policy of lightening the burden for the private litigant, the Courts have repeatedly articulated an expansive view of the collateral estoppel effect accorded such judgments. Thus, in *Emich Motors Corp.* v. *General Motors Corp.,* 340 U.S. 558, 568–569 (1951), a criminal judgment was held available to subsequent private litigants as *prima facie* evidence of "all matters of fact and law necessarily decided by the conviction and the verdict," since Section 5(a) of the Clayton Act was viewed as articulating a legislative policy "to confer, subject only to a defendant's enjoyment of his day in court against a new party, as large an advantage as the estoppel doctrine had the Government brought suit." In addition, in the recent *Hanover Shoe* litigation, the Supreme Court declared that the prior Government decree was available to establish not merely the precise points enumerated in the decree, but could be used also as proof of any issue "actually adjudicated" in an antitrust suit brought by the Government, provided that such issue could be shown to have been adjudicated "by reference to the findings, opinion, and decree," *Hanover Shoe, Inc.* v. *United Shoe Machinery Corp.,* 392 U.S. 481, 485 (1968).

15. The possibility in a complicated case such as the present one of a successful private prosecution under the antitrust laws, absent a government decree entitled to collateral estoppel effect under Section 5(a) of the Clayton Act, is extremely unlikely. In *Hanover Shoe,* for example, the private and public treble-damage Plaintiff eventually recovered $4,239,609 in damages, plus $650,000 in counsel fees. In that litigation, Hanover relied upon the government decree in the prior *United Shoe* case to establish the violations of the antitrust laws. *Hanover Shoe, Inc. v. United Shoe Machinery Corp.,* 392 U.S. 481 (1968). The complexity of the government case, suggesting the virtual impossibility of a private party establishing liability absent a government decree, is suggested by the trial judge's opinion in the government action against United Shoe.

"[T]he hearings took 121 days and covered 14,194 pages of transcript and included the offer of 5512 exhibits totalling 26,474 pages (in addition to approximately 150,000 pages of OMR's [records concerning machines in shoe factories as of a certain date] and over 6,000 soft copies of patents) and 47 depositions covering 2122 pages. At the close of the evidence, the Court asked for briefs and requested findings of fact and conclusions of law. The Government offered briefs totalling 653 pages and requests totalling 66 pages. United submitted briefs totalling 1240 pages, and requests totaling 409 pages." *United States v. United Shoe Machinery Corp.,* 110 F. Supp. 295, 299 (D. Mass. 1953), *aff'd,* 347 U.S. 521 (1954).

In order to properly implement the significant federal interest in vigorous private enforcement of the antitrust laws, your Movants respectfully submit that this Honorable Court should refuse to approve the Consent Decree proposed in this case and order the United States to proceed to trial, since such decree as presently formulated (a) would not be entitled to collateral estoppel effect under Section 5(a) of the Clayton Act, and (b) would prevent access by potential private and public treble-damage Plaintiffs to the extensive evidence thus far gathered by the United States in the two years it has spent on the present case.

In the alternative, if the Consent Decree is approved, your Movants respectfully submit that this Honorable Court should either order that all evidence gathered by the United States be made available to any private or public treble-damage litigant, once such litigant has withstood a Motion to Dismiss its Complaint on the merits, and has established a class, thus demonstrating its intent to vindicate the rights of the public in this vital litigation, or incorporate in the Consent Decree a provision declaring that Defendants have unlawfully conspired for 15 years to retard the development of effective air pollution controls for automobiles, and making such adjudication *prima facie* evidence of an antitrust violation for any subsequent treble-damage suits. See, *e.g., United States v. Lake Asphalt & Petroleum Co.*, 1960 Trade Cases ¶69,835 (D. Mass. 1960); *United States v. Bituminous Concrete Ass'n, Inc.*, 1960 Trade Cases ¶69,878 (D. Mass. 1960); *United States v. Allied Chemical Corp.*, 1961 Trade Cases ¶69,923 (D. Mass. 1960).

Respectfully submitted,

JOHN M. ELLIOTT,
EDWARD F. MANNINO,
Attorneys for Movants, Thomas J. Monaghan, Mayor of Lancaster, Pa., and Louis J. Tullio, Mayor of Erie, Pa.

AFFIDAVIT OF SERVICE BY MAIL

I hereby certify; under penalty of perjury, that I am and at all times herein mentioned have been a citizen of the United States and a resident of the County of Philadelphia, Commonwealth of Pennsylvania, over the age of eighteen years and not a party to nor interested in the within action; that my business address is 2600 The Fidelity Building, City of Philadelphia, County of Philadelphia, Commonwealth of Pennsylvania:

That on the 9th day of October, 1969, I served the attached Motion for Leave to File Comments and Comments of Mayor Thomas J. Monaghan of Lancaster, Pennsylvania, and Mayor Louis J. Tullio of Erie, Pennsylvania, upon attorneys of record for United States of America; Automobile Manufacturers Association, Inc.; General Motors Corporation; Ford Motor Company; Chrysler Corporation; and American Motors Corporation by depositing a copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in a United States mail box in Philadelphia, Pennsylvania, addressed as follows:

Raymond W. Phillips, Dept. of Justice, Antitrust Division, 1307 U.S. Court House, 312 North Spring St., Los Angeles, California 90012. (Attorneys for Plaintiff, United States of America).

Gibson, Dunn & Crutcher, Julian O. von Kalinowski, Paul G. Bower, Robert E. Cooper, 634 South Spring Street, Los Angeles, California 90014. (Attorneys for Defendant, Automobile Manufacturers Association, Inc.).

Overton, Lyman & Prince, Carl J. Schuck, 550 S. Flower St., Suite 607, Los Angeles, Calif. 90017 (Attorneys for Defendant, Ford Motor Company).

Lawler, Felix & Hall, Marcus Mattson, Robert Henigson, 605 W. Olympic Blvd., Suite 80, Los Angeles, Calif. 90015 (Attorneys for Defendant, General Motors Corporation).

McCutchen, Black, Verleger & Shea, Philip K. Verleger, William G. Shea, 615 S. Flower St., Suite 1111, Los Angeles, Calif. 90017 (Attorneys for Defendant, Chrysler Corporation).

O'Melveny & Myers, Allyn O. Kreps, Girard E. Boudreau, 611 West 6th Street, Los Angeles, Calif. 90017 (Attorneys for Defendant, American Motors Corporation).

and that the persons on whom said service was made have their offices at a place where there is a delivery service by United States mail, and that there is a regular communication by mail between the place of mailing and the place so addressed.

Dated: October 9, 1969.

JOHN M. ELLIOTT.

Sworn to and subscribed before me this 9th day of October, 1969.

CLAIRE BOWRON,
Notary Public.

My Commission expires: March 22, 1973.

SENATE—*Tuesday, October 28, 1969*

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore.

The Reverend Horace B. Lilley, associate rector, All Saints Episcopal Church, Chevy Chase, Md., offered the following prayer:

Almighty God, as we now invoke Thy blessing since by Thy grace we come to a new day, we give Thee humble thanks for past guidance to the Members of this responsible branch of our Government. Where it has been right, establish it, where in error, redirect it. Give us faith, courage, and strength to find the right solution to so many difficult problems.

Grant that in seeking to head our country in a turbulent and troubled world, in which many of our old securities have been shattered, our own hearts and minds may be tempered with steadfast spirit which finds its strength in Thee.

Show us how we may make the ideals of democracy a stronger force in our own land, and thereby in the places of the earth where men struggle for freedom and justice.

Give us the wisdom, strength, and courage to keep alive among our citizens, their children and their children's children the spirit of reform, where needed, and give us the insight for an effective purpose, based on intelligence, and the right responsibility.

All of which we ask in the name of Thy Son, Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, October 27, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORTS OF SECRETARY OF DEFENSE AND SECRETARY OF TRANSPORTATION, RELATING TO AWARDS FOR SUGGESTIONS, INVENTIONS, AND SCIENTIFIC ACHIEVEMENTS—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying reports, was referred to the Committee on Armed Services:

To the Congress of the United States:

Forwarded herewith in accordance with the provisions of 10 U.S.C. 1124 are reports of the Secretary of Defense and the Secretary of Transportation on awards made during the first six months of 1969 to members of the Armed Forces for suggestions, inventions, and scientific achievements.

The last previous report on the military awards program covered the calendar year 1968. Following the present six-month report, future annual reports will be submitted on a fiscal year basis. This will increase efficiency by facilitating the compilation of the report in conjunction with the Incentive Awards Program report which departments and agencies submit annually to the Civil Service Commission.

Participation by military personnel in the cash awards program was authorized by the Congress in September 1965. The success of the program in motivating military personnel to seek and suggest ways of reducing costs and improving efficiency is shown by the steadily increasing participation and the notable growth in measurable first-year benefits from adopted suggestions.

Tangible benefits from suggestions submitted by Department of Defense and Coast Guard military personnel that were adopted during the period from January 1 through June 30, 1969 totaled over $57,000,000. This figure, if projected for the entire year, would substantially exceed the total for calendar year 1968. Tangible first-year benefits derived from the suggestions of military personnel in the relatively short period since the program went into effect have now reached a total of more than $272,000,000.

130,861 suggestions were submitted by military personnel during the reporting period, and 20,757 were adopted. Cash awards totalling $924,742 were paid for these adopted suggestions, based not only on the tangible benefits cited above but also on many additional benefits and improvements of an intangible nature.

A substantial majority of the cash awards paid went to enlisted personnel at Grade E–6 and below. The size of the cash awards varied from the minimum of $15 to several awards in excess of $1,000.

Brief descriptions of some of the more noteworthy contributions made by military personnel through the suggestion program during the first six months of 1969 are contained in the attached reports of the Secretary of Defense and the Secretary of Transportation.

Richard Nixon.

The White House, *October 28, 1969.*

REPORT ON WEATHER MODIFICATION—MESSAGE FROM THE PRESIENT (H. DOC. NO. 91-186)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce:

To the Congress of the United States:

In recent months many American communities were ravaged by storms that were among the most violent and destructive in our history. Although our civilization has been able to perform the incredible feat of placing a man upon the moon and returning him to earth, we have only a very incomplete understanding of the forces which shape our weather and almost no power to control or change them. That is why this Tenth Annual Report on Weather Modification, as submitted by the National Science Foundation for Fiscal Year 1968, is of special interest.

This report tells of the important progress that is taking place in the field of weather modification—on projects ranging from augmenting precipitation and dissipating fog to simulating the life cycle of hurricanes. Such advances may someday permit us to manipulate our weather in ways which protect us from natural disasters and substantially improve the quality of our environment.

I congratulate those Americans who, in cooperation with scientists of other nations, are doing so much to achieve these goals.

Richard Nixon.

The White House, *October 27, 1969.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 2864) to amend and extend laws relating to housing and urban development, and for other purposes, with an amendment, in which it requested the concurrence of the Senate; that the House insisted upon its amendment to the bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Patman, Mr. Barrett, Mrs. Sullivan, Mr. Ashley, Mr. Widnall, Mrs. Dwyer, and Mr. Brown of Michigan were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 4293) to provide for continuation of authority for regulation of exports; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Patman, Mrs. Sullivan, Mr. Reuss, Mr. Ashley, Mr. Widnall, Mr. Mize, and Mr. Brown of Michigan were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 9257. An act to amend the code of laws of the District of Columbia with respect to facilities for the parking or storage of motor vehicles;

H.R. 12673. An act to authorize the transfer by licensed blood banks in the District of Columbia of blood components within the District of Columbia;

H.R. 13564. An act to provide that in the District of Columbia one or more grantors in a conveyance creating an estate in joint tenancy or tenancy by the entireties may also be one of the grantees;

H.R. 13565. An act to validate certain deeds improperly acknowledged or executed (or both) that are recorded in the land records of the Recorder of Deeds of the District of Columbia; and

H.R. 13837. An act to amend the Healing Arts Practice Act, District of Columbia, 1928, to revise the composition of the Commission on Licensure to Practice the Healing Art, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H.R. 5968. An act to amend the act entitled "An act to provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, and for other purposes," approved September 5, 1962;

H.R. 9857. An act to amend provisions of the Perishable Agricultural Commodities Act, 1930, to authorize an increase in license fee, and for other purposes;

H.R. 9946. An act to authorize and direct the Secretary of Agriculture to execute a subordination agreement with respect to certain lands in Lee County, S.C.; and

H.R. 11609. An act to amend the act of September 9, 1963, authorizing the construction of an entrance road at Great Smoky Mountains National Park in the State of North Carolina, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H.R. 9257. An act to amend the code of laws of the District of Columbia with respect to facilities for the parking or storage or motor vehicles;

H.R. 12673. An act to authorize the transfer by licensed blood banks in the District of Columbia of blood components within the District of Columbia;

H.R. 13564. An act to provide that in the District of Columbia one or more grantors in a conveyance creating an estate in joint tenancy or tenancy by the entireties may also be one of the grantees;

H.R. 13565. An act to validate certain deeds improperly acknowledged or executed (or both) that are recorded in the land records of the Recorder of Deeds of the District of Columbia; and

H.R. 13837. An act to amend the Healing Arts Practice Act, District of Columbia, 1928, to revise the composition of the Commission on Licensure to Practice the Healing Art, and for other purposes.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished senior Senator from Wisconsin (Mr. Proxmire) be recognized for a period of approximately 30 minutes, beginning about 12:30 p.m. today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

U.S. ARMY

The bill clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

NATIONAL COMMISSION ON MATERIALS POLICY

Mr. BOGGS. Mr. President, several weeks ago, I introduced an amendment to S. 2005, which is currently under consideration by the Public Works Committee. The amendment, cosponsored by 11 other Senators including eight members of the Subcommittee on Air and Water Pollution, would establish a National Commission on Materials Policy.

The Commission would be charged with examining the use and reuse of materials in our environment and with suggesting ways for the United States to use more effectively its resources and technology.

The concept would give our Nation a fresh look, from the outside, at the full scope of the materials-environmental relationship, not limiting our perspective to a closeup of rusty cans and dirty water. Such preventatives to the pollution of materials left in our environment, I believe, would enable our Nation to develop a more effective and rational process toward environmental enhancement.

While the Commission would have a limited life, its design would be to leave a legacy of planning for all Government. The study from which the Commission idea came, "Toward a National Materials Policy," declares:

> A commission appears to give the most reasonable chance for rapidly bringing into focus issues in materials policy on a timely basis which could then be given consideration by some more permanent institution of Government.

I was pleased that in recent hearings before the Subcommittee of Air and Water Pollution, Government witnesses testified of the need for such a policy. Since those hearings, I have sent copies of amendment 153, plus copies of "Toward a National Materials Policy," to a number of environmental and materials experts for their evaluation and thoughts. I am gratified, as I know the cosponsors of the amendment must be, with the enthusiastic response it has received.

Mr. President, in order to give the Senate some idea of the opinions and reception for this amendment, I ask unanimous consent that these letters, together with a copy of my questions, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL COMMISSION ON MATERIALS POLICY

There are several questions on which your comments would prove most helpful in a consideration of legislation to create a National Commission on Materials policy.

1. On the basis of your own experience, do you know of any important issue under the general heading of National Materials Policy that you believe is receiving insufficient attention today?

2. Should a commission, as proposed in this amendment, investigate the availability and use of materials? What limitations and restrictions, if any, should be placed on the consideration of the availability and use of materials by such a commission?

3. Do you believe that the directives in the amendment to such a commission are adequate? How might they be strengthened?

4. Do you believe that a 1½-year life and a $2,000,000 authorization is sufficient for an optimum contribution by such a commission?

5. Can you suggest other knowledgeable individuals whom the committee might profitably contact to gain a broader analysis of this amendment?

6. Do you believe the establishment of this Commission would serve a useful purpose?

7. Have you any suggestions for improvements to the amendment?

Any additional comments or thoughts you might wish to make would be greatly appreciated.

VIRGINIA POLYTECHNIC INSTITUTE,
October 3, 1969.

Senator J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR BOGGS: Thank you for your letter of October 1 regarding an amendment to S. 2005.

I was particularly impressed with Item 3 on page 3 of the amendment, which mentions recycling. Not enough attention has been given to this aspect of environmental quality control. We should direct our attention not only to the production and consumption of various items, but also to the restoration of used materials to some beneficial form. Virtually all of our technological efforts have been directed toward production, a luxury only permissible in frontier societies, if then. We should make every possible effort to redirecting technological development toward the problems of recycling various wastes.

Although I have not had the opportunity to read the report of the Materials Policy study group, I suspect that not enough attention has been paid to the sociological and educational problems of re-orientating an entire society from a use-discard way of life to a use-recycle way of life.

The problems of air pollution, water pollution, and solid waste disposal are so interrelated that I would hope the solid wastes problems would not be resolved in ways that would cause further environmental deterioration. The intent of the amendment to protect environmental quality in the larger sense is quite clear, but the ways in which the National Commission on Materials Policy activities would relate to those of other organizations charged with protecting the environment should probably be spelled out more clearly. Developing a workable system for general environmental protection will not be an easy task and yet, effective environmental quality control will probably not be workable if the various problems are considered in isolation.

In general, I feel that solid waste disposal legislation is desperately needed because we are destroying irreplaceable natural resources in the effort to avoid being buried in our own wastes. Reaching a harmonious relationship with our environment will probably require major changes in our way of life. Legislation that will enable us to make this transition with the least economic and social disruption is badly needed.

I am encouraged by your efforts and those of your colleagues toward the development of environmental quality control legislation that will enable us to enjoy the benefits of an industrial society without losing the privilege of communing with nature.

Sincerely yours,

JOHN CAIRNS, Jr.,
Research Professor, Department of Biology.

MISSOURI BOTANICAL GARDEN,
October 6, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR BOGGS: I wholeheartedly support the legislation you propose in the amendment for S. 2005. It is my conviction that the nation must have a careful assessment of its material resources and what it means to exploit them. How long will they last? How costly will they be? How much pollution will result from exploitation? How does the use of our resources relate to supply and demand elsewhere?

The one and a half year life sounds too short for such a commission. I believe two and a half or three years more realistic in order to accomplish a difficult job.

I am convinced that our present standard of living cannot be sustained for very many generations or if it is that the problems of wastes and pollutants will become impossible. There is a very important question to be answered which relates to: How much, for how many, for how long? An assessment of the answers to this question must be obtained.

The members of the Commission should receive compensation. I do not see consultants and others being paid and members of the Commission not paid, even though it is small.

Eventually we need to achieve a continuing study of the type proposed in your amendment. This can be judged better after this Commission has done its job.

Sincerely yours,

DAVID M. GATES,
Director.

CORNELL UNIVERSITY,
October 6, 1969.

Senator J. CALEB BOGGS,
Senate Office Building.

DEAR SENATOR BOGGS: Thank you for your good letter of October 1, inviting my comments on the Amendment to S. 2005. This calls for enhancing environmental quality and conserving materials, and I will offer a few general comments. As an ecologist I see our long term needs as going far beyond the provisions of this bill and, indeed, probably far beyond what it is reasonable to expect Congress to do very rapidly.

We are now being extremely wasteful of our natural resources and at the same time, accelerating deterioration of the environment. Without exception the situation could be greatly improved by legislation.

In the case of fuels, if we are looking to our long term needs, we should encourage imports and the development of more efficient means of utilization. This means, among other things, continual careful scrutiny of the entire transportation picture—internal combustion engines, mass transportation, etc. As regards power generation, engineers are confident that advanced systems, especially the magnetohydrodynamic generator (MHD) can greatly improve efficiency and reduce pollution. Proper incentives could hasten its development. Nuclear reactors of the present generation waste more than 99 percent of the energy in uranium and release frightening pollutants. Nuclear energy doesn't seem to have much future unless breeder reactors come along quickly. I regard the proposed fast breeders as exceedingly dangerous, but at Oak Ridge they have a prototype of a molten salt breeder reactor (MSBR) which will avoid both the main hazards and the contamination, and which will conserve our uranium and thorium. If it were my decision I would push development of the MSBR (and any equally promising systems I may not know of) and hold back on present day reactors.

As regards metals, present depletion allowances encourage mining with all its environmental effects. If it were made as expensive to mine and refine new ores as to reclaim used metal, the auto graveyards would disappear. Reuse should be encouraged—perhaps requiring deposits on aluminum cans would help.

The no deposit, no return glass bottle should be prohibited. Statistics show that deposit bottles make an average of 20 round trips so the present "one way" bottle will increase the waste disposal problem for glass twenty fold. In fact attention should be given to eliminating glass bottles almost entirely. However, very intense studies of alternatives is needed. In Europe, especially West Germany, there are some very advanced incineration systems that burn trash and garbage with minimal environmental pollution, and generate electricity in the process! However, they find some types of plastics damaging to the grates. Such side effects should be taken into account in seeking substitutes for glass bottles. But if man is to have a long time future it will be absolutely necessary to find ways of recycling all of our wastes. Current practices are, as usual, determined by very short term (and in my view short sighted) economic considerations. During World War II even tin cans and toothpaste tubes had salvage value.

So I think the type of Commission you propose would find plenty of things to look into and, if properly constituted and staffed, could produce an invaluable report to guide future policy. However, I personally doubt that the job can be done adequately in 18 months or two years by busy people devoting part time without compensation.

Respectfully,

LaMont C. Cole,
Professor of Ecology.

California Institute of Technology,
October 7, 1969.

Senator J. Caleb Boggs,
U.S. Senate.

Dear Senator Boggs: I respond herewith to your letter of 1 October 1969 concerning your amendment to create a National Commission on Materials Policy. Overall, in my view, it is a good amendment, and I endorse it. I offer herewith the following substantive comments.

The bill itself is concerned with solid waste disposal. It is an Act concerning this matter. It is important, I think, that the bill as a whole, including its amendments, concern itself mainly with matters pertaining to solid waste. Items 204: 1, 4 and 7, while perhaps desirable in themselves, are not directly to the point of solid waste disposal.

Item 204: 2 is a really great and good innovation. We have not, in our nation, heretofore concerned ourselves greatly with population matters. Increasing population will of course sink our whole nation in solid waste, as well as in other undesirable byproducts of civilization. Why should we not establish the Commission which you propose, to determine what is an optimum population size for the U.S., and methods for attaining and sustaining this optimum population? I do think that the proposed Commission could consider this matter, and that their findings would be really helpful to our country.

Responsive to your questions under the heading "There are several questions on which your comments would prove most helpful"—I offer my comments.

Question 1. "On the basis of your own experience, do you know of any important issue under the general heading of National Materials Policy that you believe is receiving insufficient attention today?"

I do indeed, particularly if we consider waste disposal. It is important, of course, that materials which can be recycled through our economic system be recycled. This is already considered in the bill as proposed, and in the amendment, as a suitable topic for discussion by the Commission. Even so, there is a certain irreducible minimum of waste which must be disposed of in some way. It is the opinion of many ecologists, and particularly of my colleague, Professor Norman Brooks, Civil Engineer of Caltech, that the best way to dispose of such irreducibly minimum wastes is at the bottom of the ocean. The bottom of the ocean is where nature has disposed of things for eons past. Let us continue this practice. Cut and fill is of limited good. Things leach out of cut and fill by rainfall, and pollute surrounding terrain. So let us dispose of the otherwise undisposable in the bottom of the ocean. Professor Brooks proposes to build a sewage canal from Chicago far out into the Gulf of Mexico, and drain the waste of the entire middle west through such a system. It is my estimate that this is a worthy enterprise to consider, and perhaps a solution in the long run to the problems of solid waste disposal in the middle west. I think that no one is seriously discussing this point, and that it should be discussed.

Question 2. You ask, "Should a commission, as proposed in this amendment, investigate the availability and use of materials?"

Yes, indeed they should. They should discuss in greatest detail the possible use of materials which are bio-degradable, or otherwise become unfit for use with age and easily disposable, preferably as sewage transported to the ocean, as noted above. Perhaps we should build our houses, not of brick, but of polyethylene, or so far as I know, of some more readily degradable material, so that houses as they become obsolete may be destroyed and degraded and transmuted into sewage. Perhaps sanctions should be imposed against the manufacture of aluminum foil, which, when transported into our out-of-doors, appears to last forever. Many such examples might be cited. The principle is, however, that the Commission, if proposed, and I think it should be, should consider and investigate.

Finally, you have outlined the directives in your amendment to the Commission on Materials Policy. I do think that the directives are sufficient. They are broad and all-inclusive. Successful operation of the Commission will depend mainly upon its personnel, upon the breadth with which they perceive their mandate. I do think the Commission can serve an enormously useful purpose. I have outlined several reasons for my belief above. Improvements for the amendment, so far as I can envisage them, would consist only in recommendations concerning the required high caliber of its personnel, and such recommendations, I realize, are politically infeasible. I hereby vote for your amendment. I think the Commission can perform a useful duty far over and above the direct purposes of its assignment.

Sincerely,

James Bonner,
Professor of Biology.

University of California,
Los Angeles,
October 7, 1969.

Senator J. Caleb Boggs,
U.S. Senate.
Washington, D.C.

Dear Senator Boggs: I have reviewed the S. 2005 and the questions raised in your letter of October 1 on the proposed National Commission on Materials Policy, as well as the report of the materials policy study group and their recommendations.

Although I agree with the objectives of S. 2005 I am not enthusiastic about the Commission approach proposed in this amendment. The subject of materials management is part of the much broader spectrum of environmental and resource studies which historically are undertaken by many agencies of the government in a "shot gun" fashion. The proposed objective for the Commission of developing a coordinated national policy for materials management would certainly be a constructive contributioin. However, because of the complexity of the detailed problems involved in implementing any action in this area, there will probably be a need for a continuous examination, refinement, and modification of policy. For this reason the suggested 1½ year lifetime for the Commission appears to me to be inadequate. Further, the implementation of policy recommendations requires the continuous attention of an overview group after broad policies are agreed upon.

I do not believe that a short-term commission can perform these functions. In Appendix K, of the April 1969 study group report to you, the performance of several past special commissions is summarized. In particular, I call attention to the criticism of the Paley Commission on page 75. This commission did a monumental job and certainly produced valuable insight to our national materials problem. However, it resulted in "no significant legislative enactments" and "no action on its main recommendation of a continuing central coordinating agency." The criticisms of the other committees reviewed in the appendix also deserve consideration as possible difficulties with the proposed Materials Commission.

If the objective of the Commission is to bring national prominence to the issue, then the suggested activity at the presidential level will, of course, be most effective. If, however, the purpose is to develop coordinated national policy, I do not believe this would be a productive approach. For this latter objective, one could utilize the overview capabilities of non-governmental bodies such as Resources for the Future or the National Academy of Engineering for bringing together the pertinent variety of individual expertise, and for coordinating specialized studies into a composite analysis of the national problem. The suggested sum of $2,000,000 could probably finance an in-depth program of this sort for a period of about five years in the National Academy of Engineering. The Academy could utilize its volunteer on-goings committees and sub-committees with some modification for handling this task. While the same type of operation can be conducted by a permanent Commission, it would have to establish the administrative mechanism and professional contacts that now exist within the Academy.

I hope these comments are useful to you.

Sincerely yours,

Chauncey Starr,
Dean, School of Engineering and Applied Science.

University of Minnesota,
October 7, 1969.

Hon. J. Caleb Boggs,
U.S. Senate,
Washington, D.C.

Dear Sir: I was pleased and honored to receive your letter of October 1 asking for an evaluation of the amendment you and your colleagues are proposing relating to the development of a "National Materials Policy." It is most urgent that our nation take meaningful steps to improve and conserve the quality of our environment. Inaction at this time will only result in a worsening state with the assurance that future generations will have occasion to deprecate the wisdom of their ancestors. I believe the following specific points should be made in relation to the questions you asked.

First, probably the most important single issue confronting the Nation in respect to a quality environment is the need to develop the technological know-how and economic feasibility to permit the degradation of fabricated materials so that their constituents can be used as elemental components in new manufacturing processes. I am sure you are aware that the most obvious scars on our landscape are a consequence of the fact that heretofore industry has had a relatively free hand (often with the concurrence of the citizenry) in the exploitation of the Nation's natural resources. This is a natural consequence of a free enterprise system. The challenge that now confronts us is to maintain this system in a minimally restricted fashion. I have long espoused the philosophy that what is really needed is a "compact" involving industry, government and the members of the scientific community, the philosophy of the compact being that it is in everyone's best interests to arrive at meaningful solutions in seeking a quality environment. Unfortunately, this procedure may require imbuing the populace with an "ecological ethic" and I'm afraid that such an educational process would require more time than we can afford.

Second, I believe the commission you have proposed should be established and that it should be guaranteed free access to materials from all government agencies and should not suffer restrictions associated with the classification of "sensitive" material. This remark is intended to apply specifically to the atomic energy industry (which is needlessly maligned because of its history) which will surely play a major role as an energy source for the future. Obviously, such a commission would have to be composed of responsible citizens whose sole purpose is to serve the best interests of the Nation.

Third, the principal way in which the directives to the commission might be strengthened would be to mandate rather than request the cooperation and assistance of other federal departments.

Fourth, if the commission were composed of individuals who were sincere of purpose, objective in their deliberations, and were duly sensitive to issues of national concern, I believe they would receive the necessary support of both industry and government and, therefore, could do an effective job in one and one-half years with a two million dollar authorization.

Fifth, the Nation includes a tremendous number of individuals who would be pleased to assist in analyzing the amendment. I believe that I will defer to Mr. Potter of the Environmental Clearinghouse and suggest that you request additional names from him. In so doing, I would like to make one point, however, and that is that, when the commission is established, it should include one or a few very prominent industrialists such as Henry Ford, Lawrence Rockefeller, etc., in addition to members of the scientific community and government.

Sixth, I wholeheartedly support the establishment of the commission and commend you and your colleagues for your action.

Seventh, the only suggestion I have for improving the amendment would be to emphasize the need for the commission having the broadest possible support from both the executive and legislative branches of government. It would be particularly significant if it could be specifically endorsed by the President so that there would be assurance of the cooperation of the government agencies with whom the commission would have to work.

I trust that these comments will be of use to you. Thank you for giving me the opportunity to respond.

Sincerely yours,

RICHARD S. CALDECOTT,
Dean, College of Biological Sciences.

INSTITUTE OF ECOLOGY,
UNIVERSITY OF GEORGIA,
October 7, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate,

DEAR SENATOR BOGGS: Ed Deevey, formerly of NSF, said that pollution was unused production. While this is an oversimplified statement of the case, it is essential that we learn to recycle materials more efficiently. In a mature, stable economy we will have to maximize recycling and reuse of resources and reduce flow-through of the environment to a minimum. This policy is true not only because pollution of the environment is inimical to our welfare, but also because resources are limited and we cannot afford the cost of reconcentrating widely spread used resources. I can see the day coming when sewage and trash for each dwelling passes through commercial or government reconcentration centers where the materials are repackaged for use in manufacturing, agriculture, construction, etc.

Clearly, a National Materials Policy is essential for economic as well as for ecological reasons. I would suggest that the proposed commission not restrict its attention to specific material or resources since the problem is very wide and complicated and concerns all aspects of our ecology.

The amendment as written seems to cover all of these areas. I suspect that we do not have the knowledge available to devise feasible methods of recycling materials. Further stress might be placed on the economic value of reusing materials and therefore, increasing independence from difficult sources of supply of essential resources. This is an area where tremendous advances are going to be made and your amendment is clearly on the right track.

Sincerely,

FRANK B. GOLLEY,
Executive Director.

WOODS HOLE OCEANOGRAPHIC
INSTITUTION,
October 8, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BOGGS: Thank you for sending me the copy of your proposed amendment, S. 2005, which would create a National Commission on Materials Policy. The problems of disposing of solid waste is a serious one, and one which will certainly become more acute as our population increases and concentrates more and more densely in urban areas. It is equally obvious that we are rapidly running out of space where solid waste can be accumulated without creating an unsightly mess, so that your amendment to provide a broad overview of the entire problem is timely.

There are increasing pressures to use the oceans as the ultimate repository for solid wastes. There have been some studies on the effects of artificial reefs on the marine biota, and it appears to be true that many solid waste materials can be used to concentrate fish, primarily sport fish, in the area of the reef. Whether this is an actual increase in the production of these fish or merely an attraction of them to one locality is still unknown. Commonly these reefs, which ordinarily consist of old car bodies or building rubble, are detrimental to the commercial fisheries since they tend to tear up the nets unless the fishermen know their locations and stay away from them. The disposal of sewage sludges off Long Island, New York, produced a sizable area in which the oxygen content of the water is reduced to zero, and all of the bottom populations have been eliminated. In general, therefore, the disposal of solid waste at sea has been done without regard to the consequences and should be considered a temporary expedient the justification for which is largely "out of sight, out of mind."

As an ecologist, I am firmly convinced that our civilization must completely re-orient its thinking towards the reuse and recycling of all waste materials. I am pleased to see this included among your list of duties of the Commission. For every waste material there will certainly be some residue which cannot be recycled or reused, but we must recognize the fact that the resources of this planet are not unlimited, and the recycling of as much as possible of our waste material is the only approach which offers hope for the ultimate solution to this general problem.

In response to your specific questions, I would like to offer the following comments:

1. Considerable attention is being given to various waste disposal problems, including solid wastes by federal and state agencies. It is not the quantity but the quality of attention that I find lacking. Many problems are considered by several agencies, each with its own viewpoint and with its own objectives. This inevitably produces conflicting interests, and such conflicts may even occur within a single Department. A Commission, such as your amendment proposes, could take a broad overview and recommend actions which would eliminate some of the conflicts. The main deficiencies of most of these governmental considerations, however, result because there is a strong tendency to use the technology of the last century in an effort to solve current problems and those of the next century. As mentioned above, in regard to all matters of waste disposal, I believe that this point of view must be drastically altered.

2. A Commission, as proposed in your amendment, must certainly investigate the availability and use of materials. This would be a necessary first step in order to approach an evaluation of the problem. I would not presume to suggest any limitations or restrictions on this part of the activities of the commission.

3. The duties of the Commission as outlined in the amendment appear to me to be adequate, and to permit sufficient scope so that the Commission could conduct an effective analysis of the problem.

4. I suspect that a life of 1½ years with the Commission is probably not sufficient time to permit a detailed evaluation of this problem. I find it difficult to evaluate whether the sum of $2,000,000.00 would be adequate, since this would depend on the composition of the Commission, upon whether they can obtain support and assistance from their agency (if they are government employees), and upon how much of a staff would be necessary to accumulate the necessary facts and information.

5. It is clear from your letter that you know the members of the Board of Advisors to the Ad Hoc Committee on the Environment of the Congress, and I presume that you have sent each of them a copy of this amendment for comment. I assume that you have also sent it to the appropriate personnel in the various agencies who would be directly involved, and I hope that you have also sent it to the Naval Academy of Sciences and the National Academy of Engineering for their comments. It might also be desirable to send this to the presidents or secretaries of the various scientific and engineering societies which might have an interest in the subject.

6. Such a Commission might well serve a useful purpose if its recommendations led to a consolidation of our national efforts in the approach to this problem, and especially, as emphasized above, if it brought to the attention of the appropriate federal and state agencies and the general public, the need for a reorientation of our thinking concerning the entire waste disposal problem.

7. I have no further suggestions for the improvement to the amendment.

Thank you again for sending me this amendment for comment. I hope that the above statements will be of use to you.

Sincerely yours,

BOSTWICK H. KETCHUM,
Associate Director.

YALE UNIVERSITY,
October 8, 1969.

Senator J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR BOGGS: Thank you for your letter of October 1 regarding your proposed amendment S. 2005 to the Solid Waste Disposal Act. Following are my comments to the specific questions accompanying your letter:

1. What is needed, but may be outside the terms of reference of the proposed commission, is a meaningful National Materials Policy that evaluates all of the following components: (a) population growth, (b) changes in rate of per capita consumption of different materials, (c) efficiency of utilization of materials, and (d) national and world material resources. There seems to me to be inadequate recognition of the implications of national and world population growth, that the total supply of both non-renewable and renewable resources is essentially finite, and inadequate study of ways to control the variables a–c to maximize long-term benefits.

2. Yes. No limit, aside from time and funds.

3. The directive should stress the need for long-range goals in terms of an ecological balance of population and resources.

4. The task of this commission is too great to accomplish its objectives in 1½ years. In that period of time and with the proposed allocation of two million, they should, however, succeed in defining the problem and building a model which could lead to an effective National Materials Policy.

5. Former Secretary of the Interior, Stewart L. Udall, would have a good deal to contribute by way of more recent perspectives on a bill which he was partly responsible for.

6. The establishment of such a commission is not only useful, it is essential to our urgent needs in this area.

7. None at the present time, although I would hope that it would lead to a permanent review and study and further legislation, where needed, regarding our use and waste of materials.

Sincerely,

RICHARD S. MILLER,
Oastler Professor of Wildlife Ecology.

UNIVERSITY OF WASHINGTON,
October 9, 1969.

Senator J. CALEB BOGGS,
U.S. Senate.

MY DEAR SIR: I have your communication of 1 October concerning S. 2005. I am pleased to comment on this amendment but hasten to point out that it concerns an area that is somewhat peripheral to my own competence.

In reply specifically to your questions:

1. An area that may not, although I am not certain, be receiving adequate attention is that of the disposal of plastic materials which, in general, decompose extremely slowly under natural environmental conditions. The rapid increase in the use of such materials, in my opinion, will make this soon a pressing problem.

2. I am not competent to comment.

3. Under Sec. 204(b) should there be a mechanism to facilitate the procurement of essential information from industry?

4. One and one-half years appears to be a bit too limited. I would suggest two years.

5. I would suggest that you consult the Environmental Studies Board of the National Academy of Sciences. The chairman is Doctor Harold Gershinowitz.

6. Yes, especially if it establishes adequate liaison with governmental components and non-governmental organizations concerned with the quality of environment.

7. None other than the suggestion in 3. Beyond this, Sir, I would make only one general comment. There is rightfully a growing concern about conservation and the quality of environment—within the Government and in the private sector. I find myself increasingly concerned with the patchiness and lack of integration of these well-intentioned efforts. It seems to me that it is now imperative that attention be given to some type of integrating scheme within the federal government.

If I can be of further assistance, please do not hesitate to inform me.

Sincerely yours,

DONALD S. FARNER,
Professor of Zoophysiology and Chairman, Department of Zoology.

COMMONWEALTH OF PENNSYLVANIA,
October 10, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR BOGGS: I am pleased to reply to your letter of October 1, 1969, concerning your amendment to pending solid waste legislation, S. 2005, which would create a National Commission on Materials Policy. I am sure that you will understand that I am not a materials expert but rather an administrator in the field of environmental protection, and my comments reflect that viewpoint.

It is obvious, of course, that the questions involved in a study of materials policy are considerably broader than the environmental-ecological aspects. But the concept embodied in Title II of S. 2005, in effect, would provide a new "window" through which to look at national materials policy—that is, it would add the environmental viewpoint to the many others which must be taken into consideration. In my opinion, this addition is not only important, it is essential and perhaps might be considered a matter of survival.

From my point of view, there is also an inherent hazard in this approach. The hazard is that the environmental ecological aspects might be considered in such a minor way as to get lost in the many complex and difficult aspects of national materials policy.

The average citizen hardly needs an additional committee or commission to tell him that the volumes of polluting wastes emanating from man's activities due to growing affluence, higher standards of living, exploitation of natural resources, increasing industrialization and technology are resulting in wholesale and sometimes irreversible degradation of our environment. But he would be benefitted by the exploration and generation of new approaches and policies which would reduce or stem this tide through better methods leading to reductions in materials use or increased re-cycling and re-use of otherwise waste materials. Unquestionably, there needs to be spelled out the ways in which public intervention and public investment need to be activated for the common good, that is, environmental protection.

The achievement of environmental quality unquestionably requires utilization of a great many different kinds of leverages. The proposed study by a National Commission on Materials Policy could add to the armamentarium for environmental protection if adequate emphasis is given to this aspect.

Sincerely yours,

WESLEY E. GILBERTSON, P.E.,
Deputy Secretary for Environmental Protection.

GEORGIA FOREST RESEARCH COUNCIL,
October 10, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate,

DEAR SENATOR BOGGS: Reference was made to your letter of October 3, 1969 to the Board of Advisors posing seven questions from which you would like to have the reaction of the advisors. I shall attempt to answer your questions in the order in which they were presented: .

1. No.

2. Yes, as this commission is an investigative and study commission I suggest that they not be bound by tight limitations and restrictions.

3. Yes, I believe that the directives are adequate.

4. Yes.

5. None.

6. Yes, definitely.

7. No.

Comments: I endorse the establishment of a Commission on National Materials Policy. If I had any suggestion it would be that S. 2005 should be passed by the Senate and that the Commission should be created at the earliest possible date so that they may begin their investigation and study without delay.

Sincerely,

H. E. RUARK,
Director.

THE UNIVERSITY OF MICHIGAN,
October 13, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate,

DEAR SENATOR BOGGS: The report, "Toward a National Materials Policy." which I should have received some days ago, reached me only shortly before my departure for two weeks as Adviser to the World Health Organization. Thus, I have time for only the briefest comments now. On my return, I hope to examine the report more closely, and I shall probably have more detailed comments at that time. Rather hurried answers to some of your questions are:

1. I believe that there is inadequate policy and governmental machinery for the disposal, redistribution, or whatever term is to be used, of materials after they have been used. Our culture is well equipped to *assemble* materials of many kinds into the areas of greatest concentration of people. We are very poor, however, at redistributing used materials over the earth. This redistribution will be an essential feature of any environmental improvement method.

2. I should have thought that the commission would have needed to investigate the availability and use of materials, in order to carry out the duties listed in the amendment. I am therefore not sure that I understand the full meaning of the question.

3. Yes.

4. The sum seems large and the time short, but I am by no means qualified to give an informed answer to this question.

5. All such individuals whom I know would already be members of the Board of Congressional Advisors.

6. Only if a need is felt within the administrative departments for the advice and recommendations of the proposed commission.

7. Only the general suggestion raised in answer to No. 1, above.

Yours sincerely,

NELSON G. HAIRSTON,
Director, Museum of Zoology.

INDIANA UNIVERSITY,
October 13, 1969.

Senator J. CALEB BOGGS,
U.S. Senate.

MY DEAR SENATOR: In response to your letter of October 1, 1969, may I offer the following reactions to Senate Bill 2005, The National Materials Policy Act of 1969. In attempting to be of some assistance on this matter, I will follow the list of questions mentioned with your letter.

1. The whole question of wasted materials and lack of provision for recycling of reusable materials has certainly received insufficient attention. It seems obvious that the enormous problem of waste being created by the manufacture of no return, no reuse containers, and by the manufacture of equipment which can not be repaired and can only be discarded when worn out or broken. I am convinced that material recycling will shortly become a national policy if not for reasons of material shortage, certainly then as a measure to relieve the ever mounting problem of waste disposal. I would hope that this aspect of materials policy would receive much greater emphasis in the future than it has received until now.

2. Should a commission be created as proposed in the bill I would not think it desirable to limit it's consideration of the availability of use of materials.

3. The directives in the proposed amendment to the bill seem adequate to me, although they perhaps could be strengthened by more emphasis on the relationship of a

materials policy to systems of waste management and disposal. It may be that the main body of the bill makes ample provision for this. I would be inclined to add to Paragraph 6, Section 204, a similar affirmation to effect coordination cooperation among non-governmental agencies engaged in the production, distribution and use of materials.

4. It would seem to me that the provisions of the amendment to the bill are sufficient with respect to its life and fund authorization.

5. I am not able to suggest at the moment persons other than those that would readily come to the attention of your committee who might be used in connection with the analysis of the amendment. You have no doubt been in touch with Mr. Richard Carpenter who is heading the new Environmental Policy Section in the Legislative Reference Service in the Library of Congress. I am confident that he could be very useful in this connection.

6. I believe the establishment of the commission would serve a useful purpose. There is no question but that the problems to which it would address its attention are of major and growing importance in our national economy and are major factors in the difficulties that we are now having with the management of environmental quality.

7. I do not have specific suggestions for the improvement of the amendment but it seems to me to be a desirable and constructive piece of legislation. As you know, I am hopeful that this session of the 91st Congress, or in any event, the second session can enact legislation establishing a national policy for the environment. I have followed with much interest the legislation enacted in both houses of Congress during the past several months. If the features of the several bills that have been front runners for consideration were combined in an appropriate manner I think we could have a very strong and effective piece of legislation that would be very well received throughout the country. It would seem to me that your proposed amendment to the Solid Waste Disposal Act would be a contribution to national environmental policy.

With all good wishes.

Very sincerely,

LYNTON K. CALDWELL,
Studies in Science, Technology & Public Policy.

THE UNIVERSITY OF TEXAS AT AUSTIN,
October 13, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate.

DEAR MR. BOGGS: I am indeed quite glad to respond to your request of October 1 for comments on the amendment which you and various of your colleagues are proposing to S. 2005. I am very much in sympathy with the objectives of your group. I will try to answer to the best of my ability some of the questions which you have posed.

With respect to question 1, I feel that we have an inadequate national policy with respect to materials today, if indeed one can say that we do have a general policy. It seems to me that the present need is one for a policy toward the total resources of the earth and toward these resources as viewed with respect to the size of the human population. As an ecologist, I am aware that there are limits to the potential growth of any population, including that of man. This means that the earth has a carrying capacity for man that is determined by the availability of the necessities which man requires. Therefore, I feel that any consideration of materials should also carry a consideration of the desirable limits to be put on the human population. The U.S. policy toward materials should be one that takes into account the totality of resources of the planet not just those available nationally.

In answer to question 2, I feel that a commission such as proposed in your amendment should have great freedom of action in investigating the availability and potential use of materials. As stated above, I feel that the commission should take an international view rather than a purely nationalistic one.

In answer to question 3, I believe that the directives to the proposed commission are quite broad, and I can make no useful suggestion for broadening of these directives. I am particularly enthusiastic about Item 7 regarding the feasibility and desirability of establishing computer inventories of national and international material requirement supplies and alternatives. I would only add that I would hope that again the question of human population size with relation to availability might also be fed into the computer. What I am saying is that the time has come and is actually past due when the world must look at population with respect to the ability of the earth's resources to support that population. Only by computer modeling and by the use of the modern technologies provided by the computer can the complex interaction of population and resources on a world-wide basis be gainfully analyzed.

With respect to question 4, I am rather dubious that a life of $1\frac{1}{2}$ years would be adequate to see the job completed as I see the job ahead.

I hope these comments have been of use to you.

Sincerely yours,

W. FRANK BLAIR,
Professor of Zoology.

TENNECO, INC.,
October 13, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR BOGGS: Your letter of October 1, 1969, in reference to S. 2005 was misdirected and has just now been received. I, therefore, regret the delay in my response.

For convenience, I will reply using the format of your attachment and my comments will relate to the number of the questions listed.

1. I am of the opinion that the Ad Hoc Committee Originated By The Legislative Reference Service Library of Congress has adequately defined the problem by stating it is the availability, use, and disposal of materials which should receive the attention of a National Commission to be established through legislation. It is my candid opinion that none of these areas are receiving adequate attention.

With reference to the availability of materials, I would call to your attention the impact which may result from success in the recovery of manganese nodules from the ocean floor. This is relevant to me at this point in time because Tenneco Inc., through their subsidiary Deepsea Ventures, Inc., is the first privately financed organization with a mission to economically recover manganese nodules from the deep ocean floor, i.e., 10,000 to 15,000 feet, and to process those nodules in order to extract the metals contained therein. This is just one technological activity currently under way which may have a substantial effect on the availability of certain metals currently in short supply.

Intuitively, I suspect that the United States, its Government, industry, and people are not wisely using those materials which are available and that waste may well result in material shortages which, if continued, may be strategically and economically intolerable. My point is that if such waste exists, then we as a country must recognize it and seek workable solutions which will result in the avoidance of such waste.

With reference to disposal, we have a paradox currently in existence where we have solid waste materials choking our very existence with an important percentage of this solid waste being useable fibre. While at the same time, the paper manufacturers of the United States are suffering from a lack of raw resources which could be offset by reclaiming waste fiber.

The point of these three examples is to stress the fact that all three elements of the materials problem, i.e., availability, use, and disposal, have not had the proper attention and may very well result in serious economic consequence to our country.

2. Yes, in my judgment the Commission should investigate not only the availability and use of materials but also their disposal. I have interpreted the amendment sponsored by you and your colleagues to result in the creation of a group of specialists who would, on a very broad basis, investigate the availability, use, and disposal of materials for the purpose of recommending a course of action for our Government to follow to assure a sound National materials policy. It would be my reaction that such a Commission be restricted to that function. The Commission should not be made permanent and neither should it have authority to create and/or implement National policy. I believe that each element of our material problem is inordinately complex and of a magnitude beyond the understanding of most individuals. It would seem, therefore, that in some point in time the Congress may find it necessary to establish a permanent organization which would be responsible for the development of plans and policies that would assure an intelligent National program in the materials field. I envision an organization something like the former N.A.C.A. This was an organization that contributed greatly to progress of aviation in the United States. It sponsored research internally and externally. It served as a repository for a vast array of technical information in the aeronautical sciences. It was objective, effective, and trusted by Government and industry alike. During its long history, it seemed to avoid politics in the conduct of its affairs. I see a similar organization required for material technology. There is a need to know what is being done in research, development, and standard practice; and similarly, what can be done. The former might be accomplished by the establishment of a central information repository which would include pertinent statistics, technical state of the art, procedures, technique, policy and laws. The latter may result from sponsored research and development programs within the Government organization as well as industry. On the disposal end of the material problem, we have activities fraught with politics from the township level right on through to the Federal Government. Not long past, the results of an important mayoralty race was strongly influenced by an emotional appeal related to whether or not a housewife should separate her garbage. I, therefore, believe in some way we must remove these problems from politics. We must permit science and economics to determine the proper course of action.

3. Yes, I find the directives in the amendment to be adequate. The Commission is authorized to investigate in a very broad area and I believe it should be confined to investigation and concomitant recommendations.

4. Yes, I believe the $1\frac{1}{2}$ year life is adequate for an optimum contribution by a Commission. I do not, however, feel that $2,000,000 authorized for that period of time is adequate. I believe that five times that amount would be required for the Commission to do what I think is required. I can envision their using Government and private industry research and development organizations for comprehensive analyses related to systems, engineering, economics, behavior patterns and other obvious areas which relate to this problem. To do this adequately, they are going to require money.

5. Yes, Mr. George Diesk, Senior Vice President, Packaging Corporation of America, 1632 Chicago Avenue, Evanston, Illinois 60204; Mr. Steven Brown, Environmental Science Coordinator, Tenneco Chemicals, Inc., 280 Park Avenue, New York, New York 10017.

6. Yes, the Commission can serve a useful purpose.

7. None, other than increase the amount of money authorized for the Commission.

I am concerned primarily with the disposal part of the materials problem. In my investigations to date, I find little or no imagination, innovation, or aggressiveness being used in the approch to a solution of this universal problem. In reviewing extracts on the grants which have been made by the Solid Waste Division of H.E.W., I find large sums of money being spent for the construction of *new* incinerators and the development of *new* land fills. I have not seen a grant which is in support of research or development directed to new ways of disposing of such material. I would expect to find some place in the Government a research grant in support of the development of biodegradable materials. It may, for instance, be possible to rearrange the molecular structure of polyvinyl chloride (PVC) to permit degradation at a given point in time or by the introduction of a catalyst. My point here is that in my judgment, the United States, its Government, and its people are not using imagination, resourcefulness, and inventiveness to solve this serious problem that confronts the world. Without question, we have the technical capability but we seem to lack the desire to confront and resolve this problem. The Commission that you and your colleagues envision may very well serve as the catalyst in our country to develop a constructive course of action in this vital area of National interest.

Sincerely yours,

ROBERT R. LENT,

Director, Corporate Research and Development and Marketing Services.

ECOLOGICAL SCIENCE CORP.,
Miami, Fla., October 14, 1969.

Senator J. CALEB BOGGS,
U.S. Senate.

DEAR SIR: Thank you for your nice letter of October 1st and the material on proposed amendments to S. 2005, a bill to amend the Solid Waste Disposal Act.

I compliment you and your Committee on Public Works on an excellent presentation. I support your proposal enthusiastically.

I am concerned about the lack of encouragement that our present administration is providing for creative technical talent to pioneer radically new concepts that can solve our material disposal problem economically. The challenge is upon us to find a way to dispose of our exploding volume of wet and dry garbage, solid refuse and miscellaneous liquid wastes. Present methods not only are uneconomic but are imperiling survival of human beings on this earth by drastically upsetting the ecological balance that nature for so many years has provided to sustain human life. We must move with haste to encourage the greatest natural resources that we have—creative technical talent—likely found in an embryo company such as Ecological Science Corporation—to apply advanced technology to dispose of such refuse in a manner that cycles the effluents back into the rhythmic pattern that nature's ecological system can handle.

Concerning the specific questions you raised:

I don't believe the Commission should investigate the availability and use of materials. Rather, the emphasis should be on the manner materials are integrated in terms of the ultimate disposal requirement. This is the area that has been completely neglected in our society.

I believe the directives in the amendment to the Commission on materials policy are adequate. I would suggest that it specifically be understood that the Chairman of such Commission would be an individual other than the President's Science Advisor.

I think the initial appropriation of $2 million for the first 18 months is an adequate start. I believe the purpose of the Commission should be primarily of a catalytic nature—one that deals in concepts and establishes ground rules that stimulate proper application of advanced technology to the various problems at hand.

Without question, the establishment of the Commission would serve a most needed and urgent purpose.

I would be happy to appear before your Committee, Senator Boggs, to testify my enthusiastic support of what you are proposing.

If I can be of any further help, please advise.

Cordially,

HAROLD P. KOENIG,
President.

AMERICAN GEOGRAPHICAL SOCIETY,
October 14, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR BOGGS: Replying to your letter of October 3rd, I have read the proposed amendment to your bill on environmental quality, and find it to be excellent.

Replying to the specific questions on materials policy, I have always felt that we should know more about the available inventory of materials before we considered programs, such as we have often considered, for distributing particular things to certain groups of persons. In some cases, we are quite clearly promising to distribute more than exists in all the world. This is particularly true about programs in under-developed countries.

In another one of the specific questions, I note that the proposed authorization is for a 1½ year life for the commission. Knowing of the many delays which beset any program, I wonder whether the 1½ year figure may not be too short. I also wonder whether the $2,000,000 figure is not perhaps a little too generous. I am not familiar with the details of the staffing of such a commission or its expenses, but I would hope that these could be held to a lower figure.

With best wishes,

Very sincerely yours,

SERGE A. KORFF,
President.

ILLINOIS NATURAL HISTORY SURVEY,
Urbana, Ill., October 14, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BOGGS: I have read and reread the Amendment, the report of the Committee on a Proposed Commission on National Materials Policy, and the list of questions on the same subject. While I wish I could be of some help to you, it would be presumptuous of me to even suggest that my knowledge includes the area of materials and our National requirements in that regard. One does not have to be an authority, of course, to recognize the necessity for intelligent use of our natural resources, and for maximum reduction in waste and wastes from such use. Where wastes cannot be eliminated, some means for disposal must be found which create minimum further deterioration of our environment. Thus, insofar as these matters are to be investigated by the proposed National Commission, even I can agree with some assurance to the desirability of the Commission being formed. Despite the goodness of your intentions, however, I suspect the findings of the Commission will not result in a lasting solution to these problems because of the lack of a vehicle for assuring the implementation of the Commission's recommendations.

Perhaps I have become a bit discouraged with this sort of thing in our State and National governments. If the Commission does its job properly and conducts a genuine indepth evaluation of materials-use as it concerns the ultimate and total welfare of mankind, the Commission's report will step on the toes of some pretty powerful organizations who, thus far, hold immediate economic profit to be more important than anything else. History does not suggest that either the Executive or the Legislative branches of our government will do anything with the report that is contrary to good practical politics. A few farsighted and genuinely conscientious individuals in the Congress will continue to try for something better, however, and I suspect that is why persons such as yourself keep pecking away at the problem in the hope that significant results will ultimately materialize.

It seems to some of us in the boondocks that the attitudes of Congress are gradually changing toward a greater realization of the consequences of mankind fouling its own nest. Now that the maintenance of environmental quality has begun to take on the aspects of a national fever, however, it is quite disheartening to note that really progressive legislation to this end is being stymied by the evident search for personal political gain by those very persons in whom we had begun to have confidence.

I apologize, Senator, for straying off on a tangent that doesn't really have considerable relationship to the questions you have asked of me. My impatience appears to be showing, perhaps, because the problem of environmental quality is becoming even more desperate while we maneuver and manipulate to satisfy other interests which, though now formidable in appearance, will prove ultimately to be of such little overall importance as to escape mention in the history of mankind.

Maybe we are attacking the environment and materials problems from the wrong direction. In my naive judgment, we might achieve greater and quicker success if, through some mechanism utilizing better perspective, a package of finite national goals could be developed—a sort of 10 Commandments which would determine the orientation of all the activities of our nation. But I would counsel that criteria for determining these goals must be—*not* the needs and pressures of national prestige whether economic development or military stature but rather—the needs revealed by a realistic and objective evaluation of the basic requirements of the physical and mental health and well-being of all mankind. Once such national goals or objectives are established and made inviolable by legislative action, we might be more effective in our search for means to achieve the goals.

Yes, I know the development of such hard and fast regulations of our national behavior is probably politically unrealistic at this time. However, if such were in force and if the improvement of environment quality was one of the highest priority national objectives, I suspect the membership of the *ad hoc* Committee on National Materials Goals and Objectives would have contained at least one individual whose basic training and experience was concerned with the components of environmental quality and that more than four lines of the proposed amendment to S. 2005 would have been devoted to treatment of this subject.

While I'm afraid I haven't been of much real help to you in this instance, please feel free to call upon me for assistance in matters where my competence may be greater.

Respectfully yours,

GEORGE SPRUGEL, Jr.,
Chief.

October 15, 1969.

Senator J. Caleb Boggs,
U.S. Senate.

Dear Senator Boggs: The fact that S. 2005 (with proposed Amendments) should have been introduced a generation ago does not alter its importance today. There is a bare chance yet that we may rescue our environment; S. 2005 could be one of the lifesaving instruments.

A national policy on materials is needed. Perhaps your Commission is the way to go about it. I would want some assurance that everything else in this area (and perhaps comprehended by other sections of S. 2005) will not come to a halt or be delayed while a Commission picks its way through this bristling minefield of interests. Specifically I hope that the research needed on recycling and such technical questions would not be frustrated or put off, since they are of essence. Prayer will do no good in this situation, only brains and perseverance.

Dr. Irving Bengelsdorf said in this morning's Los Angeles Times, "We must stop treating our planetary home as if we had a spare in the trunk. There not only is no spare, there is no trunk." Why not have this nice collection of words embossed on the membership certificates of your Commission?

I conclude this letter with brief comments on the seven questions attached to your letter of October 1:

1. No issue is yet receiving sufficient attention; that is why S. 2005 and the proposed amendment make so much sense.

2. No, in answer to first query. This would be diversionary. There are mountains of data that the Commission ought to be required to assimilate. In answer to the second query, the Commission ought not to be restricted in any way. It is being asked to provide guidance in a National Emergency, and should not be hobbled.

3. The language of the proposed Amendment is too placid for my taste. How to impart a sense of urgency? I don't like Sec. 203(a) ". . . demonstrated competence with regard to matters of materials policy . . ." This provision builds in back-scratching as a Commission principle. For once I'd like to see with a lively sense of the general welfare. The political process has not been enhanced in the minds of Santa Barbarans by the activities of those in and out of government with respect to the great Channel Oil spill. These are uniformly men of ". . . demonstrated competence, etc." but their competence is inevitably attached to the interests of the oil industry.

4. Yes. It will keep the Commission from horsing around.

5. Wallace Pratt (former oil geologist for Standard Oil Company (N.J.) now retired), 2820 North Torino Ave., Tuscon, Ariz. 85716; Prof. Norman Sanders, 130 Arroqui Road, Montecito, Calif. 93103.

6. Yes, as indicated above.

7. See comment on Question 3 above.

I am grateful to you for inviting my comments and wish you well.

W. H. Ferry.

Santa Barbara, Calif.

Warner Burns Toan Lunde,
October 15, 1969.

Re amendment to S. 2005.

Senator J. Caleb Boggs,
U.S. Senate.

Dear Senator Boggs: Thank you for your letter of October 1st.

I do not feel competent to answer some of the questions you have posed but in respect to the directive to the Commission, I would surely hope that the relationship of materials policy to land use would be a paramount policy question. It should clearly be the aim of national materials policy that the operations of all materials-extractive industries, *particularly terminal operations,* be conducted in a much more respectful attitude toward the land, water courses and water bodies. A positive policy toward encouraging innovation in land reclamation of such disturbed land should accompany regulatory legislation enforcing compliance with the overall requirement that the extractive industry render the land *usable* when extractive work ceases, rather than abandon the land in dereliction.

To that end may I suggest under Sec. 204 (a)(2), the insertion of a sub-para (c) as follows, "and (c) national land use policy", or some similar way of charging the Commission with the inclusion of land considerations in its social accounting approach toward materials policy.

I trust I have conveyed the significance of this point of view and, if not, please do not hesitate to contact me.

Sincerely,

Frithjof M. Lunde.

The Johns Hopkins University,
October 15, 1969.

Senator J. Caleb Boggs,
U.S. Senate.

Dear Senator Boggs: It is a pleasure to comment on your letter of 1 October and S. 2005. The lateness of this reply is due to my hospitalization with hepatitis, for which I apologize (both to you and to myself).

I believe S. 2005 hits at the heart of an extremely serious problem. Our "throw-away" economy particularly offends an ecologist, such as myself, whose training revolves around the necessity of recycling materials in order that the viability of the ecosystem upon which we depend be maintained. Even more offensive is our poisoning (with pollution) of ecosystems which is surely leading to the collapse of mechanisms which make recycling possible? Needless to say, I would hate to see the collapse of our nation as a result of ecological collapse—such as probably happened to the Maya, and to the Mediterranean nations of the Middle Ages, etc. We are not so far removed from these as we sometimes think!

Your summary questions are answered briefly, in order. (1) Disposal of nuclear waste is an unresolved matter and one which causes many of us to feel that the nuclear power industry is jumping the gun on public and environmental health. The highly-secret boats of all kinds need a thorough going-over here too. In fact, the military is a major pollutor and should be brought to task most severely. Garbage and cars are the major civilian concern; the packaging (throw-away bottle and plastic carton) industry can only be afforded by such nations as the U.S. and the result is a frightful mess and heavy financial disposal burden.

(2) Yes, a commission should be appointed. It should be broad, not limited. It should be based upon *recycling of materials* and in close cooperation with any Environmental Quality group(s) set up or perhaps under the direction of one such group. It should cooperate with the USPHS and the USDI and not be subject to DOD, AEC, or other restrictions.

(3) The directives appear good, but then I am no legislator! From the point of view of the ecologist, I would emphasize the inclusion of environmental scientists (p. 2, line 10) and recycling (p. 3, paragraph 3).

(4) One and a half years and $2 million *must* be adequate. This is a problem as critical as violence, though more technical. What were the time/costs there?

(5) I am passing copies of your letter, my answer, and S2005 to the following colleagues here at Hopkins:

Dr. E. P. Radford, Department of Environmental Medicine.

Dr. R. M. Herriott, Department of Biochemistry.

Dr. C. W. Krusé, Department of Environmental Health.

Dr. Radford's expertise is in environmental health; Dr. Herriott's is in biochemistry, genetics, and their relation to public health; and Dr. Krusé is our school's leading authority on waste disposal. All are quite cognizant with "advise and consent" within government.

(6) Yes—implied in the above—provided close ties are maintained with other Environmental Quality group(s).

(7) Answer is given in (3) above.

In conclusion, you see that I take the holistic, environmental view of the latter-day ecosystem ecologist. The surest route to disaster is to consider pollution, waste, and resource use piecemeal, plant by plant or resource by resource. Water, land, and people work and live together and the best legislation will recognize the need to use and regulate ecosystems rather than resources and waste products one at a time. In this regard, the Federal structure is weak, for it is set up to regulate piecemeal (health, wildlife, power, oil, etc.) which is proving to be folly in our crowded world.

My sincere good wishes.

Sincerely,

Carlton Ray,
Associate Professor,
Department of Pathobiology.

National Wildlife Federation,
October 16, 1969.

Hon. J. Caleb Boggs,
U.S. Senate.

Dear Senator Boggs: Thank you for inviting me to comment upon your proposal for a National Commission on Materials Policy as an amendment to pending legislation on solid waste disposal.

The establishment of this Commission and a National Policy on Materials will, in my view, have much merit, if its objectives are not going to be accomplished by the President's Environmental Council or with the framework of other proposals for over-all national policy on the environment which are being considered.

If a national policy relating to solid waste disposal is to be established, I would suggest it might be well to pattern it after the programs which have been set up for air and water pollution abatement. Responding specifically to the questions asked in the attachment to your October 1 letter, I would suggest the following:

1. Problem areas which merit special consideration are the location of city dumps in places where they disturb ecological areas, such as marshes and swamps, or pollute water; and the filling of fish spawning grounds. In short, any waste disposal proposals should receive full ecological consideration.

2. Research on self-destructing packaging to replace bottles, aluminum cans, etc., is strongly recommended and we believe this is provided for in Section 204(a)(3) of your proposal.

3. and 4. Yes to both questions.

5. If you have not already done so, we recommend you contact Mr. Allen H. Seed, Executive Vice President of Keep America Beautiful, 99 Park Avenue, New York, New York 10016.

6. We believe the establishment of this Commission would serve a most useful purpose, unless another group is already planning to do the same thing.

With all good wishes.

Sincerely,

Thomas L. Kimball,
Executive Director.

University of Rhode Island,
October 16, 1969.

Senator J. Caleb Boggs,
U.S. Senate.

Dear Senator Boggs: Thank you very much for your letter of October 1.

I am sorry to be late in replying, but I have been away for the past ten days, so I am behind in my correpondence.

I did have the pleasure of being in your state of Delaware on that trip.

With reference to your suggested amendment to document S. 2005, I heartily agree with its purpose, and look forward to its approval by the Congress. The only question I raise—and perhaps it's not proper to do so in the amendment—is that it may place primary emphasis upon technology rather than upon public policy. Section 4, page 3, does ask that opportunities and incentives be considered. The great difficulty in waste material management, is to get the individuals to accept the price of salvage or reclamation in the cost of the new product. If somehow conservation legislation could be enacted that would oblige producers to include disposal-salvage costs in the original price of their product, then funds for disposal and/or salvage would be collected automatically. To my mind the management of waste products—their disposal and/or conservation is more of a psychological problem than technological.

It is very encouraging to note the efforts that you and your good colleagues in the Senate are making to provide America with a more liveable environment.

Sincerely yours,
Edward Higbee,
Professor of Geography.

Connecticut College,
October 17, 1969.

Hon. J. Caleb Boggs,
U.S. Senate,

Dear Senator Boggs: I very much favor your proposed Amendments S. 2005 in reference to the Solid Waste Disposal Act. Any Commission that can be concerned with the holistic view in resource use will aid immeasurably. Unless we begin to look at our entire ecological base holistically we shall find ourselves in a trap waiting to be sprung. For example, California produces over 40% of the vegetables for our nation yet its first and second class agricultural lands are disappearing at a fantastic rate. Unless this trend is arrested people in New York or Florida will be seriously affected by food shortages, if the population continues to increase.

Who is seriously looking at this problem besides Dr. Watt at the University of California, a systems ecologist? Currently he is restricting his efforts to one county with a proposal to study California as a whole. We should be looking at all the States since they are interdependent. I merely mention this as representing one of many problems not receiving adequate attention on a national scale. The need for a Council of Ecological Advsisors and a National Institute of Ecology is absolutely essential.

With best regards,
Sincerely,
William A. Niering,
Professor of Botany.

Battelle Memorial Institute,
October 20, 1969.

Hon. J. Caleb Boggs,
U.S. Senate.

Dear Senator Boggs: I have examined your proposed amendment (S. 2005) to the Solid Waste Disposal Act and the report on a Proposed Commission on National Materials Policy which you so kindly sent to me. As a member of the Board of Advisors to the Ad Hoc Committee on the Environment, I am pleased to have the opportunity to comment on these matters and on the specific questions raised in the memorandum attached to your letter of October 1.

The ideas I have expressed in this letter are my personal opinions and do not necessarily reflect the position of Battelle or of any of its other staff members. As an ecologist, I have no special qualifications concerning the economic or technological aspects of materials production or utilization, but I am very much concerned by the ever increasing consumption of materials and the ever increasing need to develop methods of waste product disposal which will not lead to further environmental degradation. It seems ironic to me that we might so mismanage our natural resources that the short-term social benefits of technological advances could very well be canceled in the long run by increased environmental pollution and degradation.

In many cases, we already possess the technological know-how to avoid the undesirable, long-term consequences of waste product disposal. What seems to be needed now is a means of stimulating public interest, on both the local and the national level, in the application of existing technology to present problems and the development of even more effective methods of dealing with future problems of the same kind.

I agree wholeheartedly with the statement on page 2 of the above-mentioned report to the effect that: "There must be, somewhere, a mechanism for looking at the problem as a whole, for keeping track of changing situations and the interrelation of policies and programs." I personally am convinced that a comprehensive understanding of the entire process of materials production, utilization, and disposal, and the general diffusion of this understanding, are prerequisites for the development of a National Materials Policy. Establishment of a Commission such as the one described in your amendment should contribute substantially to the development of such an understanding. It would, in my opinion, be a significant step in the direction of developing a general understanding of our entire society as a system of interacting components and processes operating on a variety of time scales; and this approach, I believe to be the only feasible approach available to us if we hope to achieve the kind of stability required for long endurance of any kind of system.

The following comments are directed to the specific questions raised in the memorandum attached to your letter of October 1.

1. I don't know of any important issue under the general heading of National Materials Policy that *is* receiving sufficient attention today. This rather extreme statement results from my understanding (or misunderstanding) of what is meant by "sufficient attention". If "sufficient attention" means a continuing program of studies to insure an adequate supply of critical materials for present and future needs, an understanding of all stages of production, utilization, and waste product disposal, and an effective program of regulations and controls to minimize the undesirable effects of these processes on man and his environment, the statement stands. The only possible exception I can think of at the moment is the management of the production, use, and disposal of nuclear fuels by the United States Atomic Energy Commission. Since the nuclear industry is virtually a government monopoly, it may not be an entirely appropriate example in this particular case; but the methodology and procedures developed over the years by the AEC should provide a great deal of useful data for consideration by a National Commission on Materials Policy.

2. As already indicated, I believe a National Commission on Materials Policy, could perform an invaluable service to the Government but I feel it would be a mistake to impose any limitations or restrictions on such a Commission other than those specified in Sec. 204. I believe such a Commission would be most effective if it is free to establish its own goals and priorities. At the same time, it would probably be unrealistic to expect a two-year program to develop the "comprehensive understanding" I referred to earlier.

3. In my opinion, the directives in the amendment would be strengthened by the following revision:

Page 3, line 1: Delete "and".

Page 3, line 2: Change ";" to "," and add the following: "and (c) such other matters as they [the Commission] may determine to be important."

Also it seems important to me that an effort should be made to develop a set of criteria, quantitative criteria if possible, which would be useful in judging the merits of proposed policies with respect to specified objectives and current knowledge of the processes involved. Since the development of such criteria may prove to be so difficult that it could not be accomplished by a short-lived Commission, it would probably be unwise to include it as a directive; but the revision suggested above would at least permit such an objective to be included in the Commission's study.

4. The Commission is being asked to "make a full and complete investigation and study" of an extremely broad subject. On the basis of my own experience in attempting such studies I would guess that $2,000,000 should be an adequate level of funding, but at least two years would be required to do a thorough job of assimilating and interpreting even a fraction of the available information. For this reason, I suggest that line 16 on page 4 be revised by changing "June 30, 1971" to "December 31, 1971".

5. Since I have no special qualifications to comment on implications of the amendment other than ecological, I would suggest that you contact socioeconomists, business types, etc. to determine if they are willing to express additional points of view.

6. In my opinion, a National Commission on Materials Policy, as described in your amendment, could make a significant contribution to the development of a comprehensive understanding of the various processes involved in materials production, utilization, and disposal; and such an understanding is prerequisite to the development of national policies and management procedures which are needed (a) to optimize the economic and other benefits of these processes, and (b) to minimize their adverse effects on man's environment.

7. My suggestions for improving the amendment are given in paragraph 2, 3, and 4 above.

Since many of the matters to be investigated by the Commission [especially items (2), (3), and (5) under Sec. 204(a)] have to do with environmental quality and ecological processes related to waste disposal, I would strongly recommend that one or two members of the Commission should be chosen "for their outstanding qualifications and demonstrated competence" in the field of ecology. Many ecologists who would be eminently qualified to serve on such a Commission are members of the Board of Advisors to the Ad Hoc Committee on the Environment. I am sure that Dr. David Gates, Chairman of that Board of Advisors, or Dr. Herbert F. Bormann, President-Elect of the Ecological Society of America and also a member of the Board of Advisors, would be happy to suggest a number of possible candidates for such an appointment.

I hope you will find at least a few of these comments—I see they've grown rather voluminous—to be helpful in promoting your commendable amendment. If I can be of any further assistance in this or any related matter, please let me know.

Sincerely yours,
William E. Martin,
Associate Fellow.

Peter Hunt Associates,
October 20, 1969.

Senator J. Caleb Boggs,
U.S. Senate.

Dear Senator Boggs: I am gratified by your request for my review and comments on S. 2005. The subject is, without question, worthy of congressional attention and to your credit that its importance is being recognized and new approaches being sought.

Evidence of the need for a centralized group to anticipate and review problems, generate policy, and manage the nation's interest in physical materials appears in Appendix L of your Ad Hoc Committee's Report. There are 252 dots on that chart, each representing a specific organization and function related to material resource management. Even at this, the chart is incomplete. One can only wonder at the number of federal personnel engaged in some aspect of the problem, and speculate at the annual cost of maintaining these organizations. The potential duplication of effort and conflict in behavior of such a shotgun organization of managerial responsibility, demands a higher degree of centralized planning and policy formulation.

My response to your specific questions and additional considerations are attached. I hope they will be of some value to you in furthering the needed legislation.

In answer to your specific questions:

No. 6. Would the establishment of this Commission serve a useful purpose?

The very establishment of such an organization would serve to focus national attention on the subject which would be a useful purpose. Our material resources are finite and at our accelerating rate of nonrecoverable consumption, we are imposing severe limits on our future. The greatest benefit, however, would hopefully be realized once the Commission started identifying specific problems and stimulating corrective action.

No. 1. Related issues that are today receiving insufficient attention?

I am encouraged to see that you recognize the close inter-relationship between the quality problems of the physical environment and the management of materials. True, there are environmental problems that lie outside the field of materials such as the waste heat of atomic power plants, sonic booms, etc., but many like air and water pollution are directly related to the waste disposal aspect of material management. As far as disciplines or related technologies that have not had sufficient attention, I would like to see a greater emphasis on systems analysis and the decision making techniques of Cost Benefit analysis. I confess the bias of having these as my area of specialization but unless we expand our view of the problems and take into account what the classical economists call *external diseconomies*, few significant changes can be anticipated.

No. 2. Should the Commission investigate availability and use of materials? If so, what restrictions or limitations should be placed on these investigations?

The questions of supply and demand projections coupled with impact and alternative analyses are fundamental to the mission of the Commission. Without supply/demand information, the Commission would not have the data on which to formulate policy or make substantial recommendations. Most of the data currently available is out of date or of questionable accuracy so the organization will have to develop it themselves.

As far as any restrictions, I am sure that there are economic sectors that have a vested interest in the status quo and feel that they should be excluded, the oil, chemical and extractive industries, for example, but because of our technical capacity to generate inter-industry substitutes plus the current recognition of undesirable substitutes nothing should be insulated from scrutiny. In short, no restrictions or limitations seem warranted.

No. 3. How should the directives be strengthened?

There are several ways in which the Commission might be strengthened that occur to me:

(1) Although you have touched on the subject, extra emphasis might well be placed on finding secondary uses for what is now considered waste material from industrial systems. Any gains in this area have a double payoff in that you reduce the absolute requirements that we take from the natural supply and second, you reduce the cost of disposal. I suggest the development of a national inventory and clearinghouse function for these waste products.

(2) The Commission should be authorized to hold open hearings on subjects they choose to examine. In addition, monies should be provided to pay the cost of interested private citizens so that the general public will enjoy the same opportunity to testify as the financially interested industrial sector of the economy.

(3) The Commission should be encouraged to submit interim status reports and recommendations to the Congress and the President and not withhold actionable thoughts until their final report.

(4) Broaden the qualifications for Commission membership. To rely on government service or direct experience in the materials field is a mistake. Such backgrounds could well prove to be a liability to new approaches since intensive experience tends to limit rather than broaden, and what is needed is a wide perspective of the implications. Specific expertise is always available through the channel of consultants to the Commission for specific tasks. In essence, I feel that a Commission composed of generalists who have a deep concern for the subject and are capable of seeing the full-range economic, social and military complications of the policies would serve the purposes of the legislation best.

(5) I would eliminate the computer based data bank feasibility study from the activities. For an information system of this sort, it is of really questionable value and, if it belongs anywhere, should be something for consideration by a continuing on-going organization.

No. 4. Is $2 million and 18 months adequate for an optimum contribution?

I don't think so with such an open ended job ahead of them. After all the money will only cover about 40 professionals for this period of time, and the dimensions of the task in terms of research, are large. You might ask Resources for the Future how much they spent on their 1962 study which was weak, slow and narrow in terms of what you are asking for and done for far less expensive dollars. The time period is again too short when you consider it will take about six months to get staffed up with good people.

As a way out of this box of time and dollars, I would suggest that you phase the job into three sequential pieces with interim reports at 6, 18 and 30 months, and a new budget at the mid-point.

No. 5. Other knowledgeable people:

Bruce Wilburn, Principal, Peat Marwick & Mitchell, 2000 Tower Building, Prudential Center, Boston, Massachusetts. 02199

Area: *Systems Analysis.*

Thomas Lawler, Legislative Assistant, Senator Quentin Burdick area: *Solid Waste Management.*

Norman Wilder, Director, Delaware Game and Fish Commission, Dover, Delaware 19901, area: *Land Management.*

No. 7. Suggested improvements to the Amendment?

(1) Pay the seven commission members an adequate salary to have them work full-time on the problem. You do not want them as occasional overseers of the staff's work but as total participants and leaders of the effort. The job is of sufficient importance to deserve strong, continued management.

(2) Under the assumption that the Council on Environmental Quality Bill is passed (Dingell, Muskie, Jackson version) set up a Joint Committee to manage the council and have the Materials Policy Commission report to the same congressional body since their aims and scope are similar.

(3) Give serious consideration at the outset to making this commission and its job a continuing one. This could result in significant savings in federal expenditures by reducing the materials work now being done in many departments of government (see final chart in the report), and would result in a continually updated view of material availability and technology. The group could report annually to the Congress and to the President, and act as a central clearinghouse for materials data to the remainder of the nation. Making clear this intent at the beginning, would also relieve the onus of the Commission having to recommend this themselves.

(4) Define the term of office for commission members to increase its independence.

(5) Raise the rate of pay for the consultants. You cannot attract the best people for $100/day any more.

PETER S. HUNT.

OCTOBER 20, 1969.

Hon. J. CALEB BOGGS,
U.S. Senate.

DEAR SENATOR BOGGS: Although to the best of my knowledge I am not a member of the Board of Advisors to the Ad Hoc Committee on the Environment, I am very pleased to respond to your letter of October 1 concerning the proposal to establish a National Commission on Materials Policy.

Certainly a Commission on Materials Policy could increase public interest and awareness of some important problems in this area. We are, of course, getting into a great deal of this over the past few years as a result of dramatically changing demands for resources—recreation and environmental demands and those for preservation of wild areas are examples of continuing changes that will likely typify the future.

There is a danger with the establishment of a Commission that it could in fact slow down the adjustment to the changing demands, by centering attention almost exclusively upon long range projection of need. The focus of such efforts has often been on coming up with long range projections to the serious detriment of examining the policy and planning variables that make these numbers of extremely marginal worth. The real problem of course is to recognize that there may be competing demands for materials and to determine ways to reconcile these in the most efficient and equitable manner.

I would suggest that the emphasis should not be as strong on determining future requirements, but instead should be on the best means to accommodate the range of values important in materials policy. All too often studies of this nature concentrate on a determination of what are thought to be certain requirements and thereby rule out the consideration of precisely many of those things that we want to vary.

It seems to me the need is to make the allocative mechanisms, principally the market forces, more effective in providing for materials. At present these forces often do not provide what are thought to be proper allocations because of serious technical deficiencies in the incentives and restraints provided by the market. We need, for example, to look at the effect of taxes, the pervasive existence of externalities or spillover effects in providing for many materials, non-market considerations that preclude many values from being considered, and some serious problems of irreversability and discounting of future gains an losses. The total effect of all of these difficulties is that the social returns from current policies may often fall far short of what they could be with better recognition of the total range of values involved. We have cetainly seen evidence of these kinds of difficulties in the current efforts to deal with problems of waste disposal and pollution. Here non-market demands and the spillover effects are of paramount importance and we have now begun to design programs and policies to take them into account.

I feel that the role of the Commission, if one should be appointed, should be far more in the area of determining better ways of handling current demands than on endless projections of future requirements. I would also certainly agree with Professor Garnsey in calling for less of what he terms a commodity approach; that is, studies of any number of separate material commodities. The important problems are very much common to all and a focus on these will more likely lead to ways for making improvements.

I am very pleased to have had the opportunity to examine the proposal and to make these comments. If I can offer any further views, please do not hesitate to call on me.

Sincerely,

JACK L. KNETSCH,
Director and Professor of Economics, Natural Resources Policy Center, The George Washington University.

THE CINCINNATI MILLING MACHINE CO.,
October 21, 1969.

DEAR SENATOR BOGGS: Your letter and the enclosures dealing with your proposed amendment to S. 2005 arrived while I was out of the city and this has delayed my reply.

I cannot qualify as a specialist in the field of materials but rather as a generalist accustomed to handling the broader technical economic and planning aspects of problems. Many of these have involved plastics, metals, some ceramic materials, and more recently water management. However, one does not have to be an expert to see signs in many places of a rapidly growing problem in the effective management of our materials resources.

Thus your amendment proposing a commission for studying this whole area and recommending the elements to be included in the development of a national materials policy is very timely, particularly since the formulation and implementation of any such policy generally moves rather deliberately. The time for a beginning is now, especially since this particular task in the case of materials is a monumental one. The rapid advances in the technologies related to this very complex problem are in themselves sufficient to justify immediate and continuous action toward solutions which will be of maximum benefit to the public interest. Population growth is another factor which indicates urgency in getting under way.

To be effective the commission must learn to define and understand the many facets of the problem. Then the objectives need to be set up, clarified and defined. After that the tasks required in the technical, political, social and economic areas can be set up. The charge to the commission appears adequate for a beginning. As it becomes immersed in its task, the needs and priorities will become more sharply defined.

The remarkable advances which have been made in materials and the keen competition between some of them like plastics, metals and wood which result from the requirements of the market place, including better performance at lower cost, should be encouraged.

I wonder whether this tremendous job can be done in 1½ years. It will take time to gather the basic information which will be needed to begin the formulation of policy. A time of 2 years might be more realistic. This would raise the cost above $2,000,000.

The proposal of a commission of several members to be chosen from Government and the private sector is a good one. The members from the private sector could come both from universities and from industry. It is important to include men from industry who are accustomed to applying the latest techniques and technologies to multifaceted problems and who have an appreciation of economics and time in addition to technology. Men should also be chosen who can devote some real time to the study and are not subject to overfilled schedules in addition.

The provision for and the selection of an excellent staff are essential to the success of such a study. There is no substitute for competence here. It will also be necessary to call in consultants as is provided in the bill.

A serious defect in the effective use of commissions is that they have no authority. They make their investigations and write reports which are sometimes used but are more often filed and ignored. There are in the water field alone many excellent recommentations in government reports which have never been implemented. What is needed in the field of materials is a continuing effort which can keep abreast of technological and other changes. Otherwise, the program becomes crippled and out-of-date. There is no point in setting in motion the time and effort of a commission if there is little done later to act on its recommendations.

The implementation and refinement of a national policy will involve a huge effort in gathering, classifying, storing and interpreting the data which are already available.

Fortunately with the tremendous advances in computer technology and information handling during the last decade, the tools are at hand both for storing and processing the vast quantities of data required and in setting up computer simulations of the materials systems which will eventually furnish the basic information for decisions on the management of material resources.

A systems approach of this kind is essential in making sound headway on complex problems. It permits looking at such problems in totality rather than piecemeal and indicates the consequences of various alternatives.

The Subcommittee on Water Resources Research of the National Association of Manufacturers of which I am the chairman has recommended this approach for a demonstration project on a large river basin. It would indicate the effectiveness and the cost of the various alternatives which are available in water and waste treatment on the quality of the water at all points in the river and thus generate information for making decisions in water management. Similarly, mathematical models of the supply, processing, use and disposal of materials would indicate the alternatives available and the effects which can be expected on the environment, on the economy, on national defense, and other social and political areas.

I believe your amendment is a good one and wish you success in its adoption.

Sincerely,

P. WILLARD CRANE,
Consultant.

PRESIDENT NIXON SHOULD ACCELERATE THE WITHDRAWAL OF OUR GI'S FROM VIETNAM

Mr. YOUNG of Ohio. Mr. President, it has been reported in the public press that President Nixon has privately stated, "I am not about to be the first President of the United States to lose a war." Any student of American history knows that Richard Nixon could not possibly be the first President of the United States to lose a war. Could anyone claim that we Americans were not the losers when President Eisenhower, following his campaign statement that he would go to Korea, ended that war soon after taking office, on terms rejected by President Harry S. Truman? That war was ended on terms which were not a credit to the United States or to the United Nations, under whose flag the Korean conflict was fought. Of course, that was a war we Americans did not win.

In the War of 1812 against Great Britain, Gen. William Hull, at the outset of that war, surrendered the frontier post of Detroit without firing a gun; and his force of more than 1,000 American soldiers surrendered to 300 English and Canadians, with perhaps a couple of hundred Canadian Indian allies. Then, throughout that war, American forces sustained one defeat after another. There was cause for rejoicing when on September 10, 1813, Commodore Perry won the battle of Lake Erie. Except for heroic naval exploits in destroying and capturing English frigates, the War of 1812 was a most discouraging war from the standpoint of military victories. In the Battle of New Orleans, on January 8, 1815, one of the great victorious land battles in the history of the United States, the English forces lost 2,600 men, including their commanding officer, Sir Edward Packenham, a brother-in-law of the Duke of Wellington. Only 13 Americans were killed. That was a great victory for Americans, but it was fought and won after the treaty of peace had been signed with England, but before knowledge of that fact had reached the United States.

The truth is that our involvement in Vietnam in support of a militarist Saigon regime cannot be won by military victory if such victory means the abject surrender of the forces of the National Liberation Front, or VC. Even President Nixon acknowledged that in a speech last May when he stated that the United States does not seek a military victory in South Vietnam.

During the presidential campaign, Richard Nixon stated repeatedly that he had a secret plan to end the war in Vietnam. The simple truth is that his plan for ending that immoral, undeclared war, if indeed there was or is such a plan, is not working. At the present rate of troop withdrawal, it will take at least 10 years before all of our forces are brought home. There is little hope of accelerating that rate of withdrawal so long as the administration continues its policy of supporting the militarist regime in Saigon, which lacks any popular base whatever. At most, only 20 percent of the people of South Vietnam support the military clique now in power.

The Secretary of Defense repeatedly speaks of "Vietnamization" of the war; that is, turning the war over to the so-called friendly forces of Vietnam—too friendly to fight. Week after week more young Americans have been killed and wounded in combat than South Vietnamese soldiers. The ARVN forces, for the most part, cling to coastal areas safe from VC attacks. Successive regimes in Saigon have had one opportunity after another to "Vietnamize" the war. The fact is that after 8 years we have only succeeded in more thoroughly Americanizing it each year.

The very best that can be expected from the present administration policy is a slow and halting withdrawal of American combat forces, followed by permanent occupation of South Vietnam by 250,000 to 350,000 American troops and airmen and a permanent drain on our resources badly needed at home. Reducing the troop level in Vietnam from 535,000 men to a permanent garrison of 250,000 or 350,000 men is not what Americans had in mind when they elected Richard Nixon to end the war.

Defense Secretary Laird himself discussed as a "fallback" position the possibility of maintaining a 200,000-man garrison in South Vietnam indefinitely. Unfortunately, it appears that this is what the Joint Chiefs of Staff have in mind and are really talking about when their spokesmen renew their old, stale propaganda of the war being almost won or their promises that it will slowly fade away, or that they can see the light at the end of the tunnel.

Mr. President, is it the policy of this administration to seek an end to this immoral, unpopular, undeclared war or merely to reduce the casualties and the troop commitments to what it supposes to be politically tolerable levels?

Until the President begins to make a real effort to solve the central task of forming a coalition government in Saigon, he cannot begin to make good the pledge on which he was elected. The President needs a new policy aggressively directed to a realistic political settlement. The present administration policy is totally inadequate. It rests upon the concept of an election to be conducted and essentially controlled by the Saigon militarist regime while huge numbers of American troops remain in South Vietnam. The VC and the Hanoi Government quite obviously will not accept a rigged election of that sort. Indeed, they may not accept any settlement to which the present Thieu-Ky militarist regime is a party.

The President has never really faced up to this issue. His statements about not "imposing" a government in South Vietnam miss the point entirely. In fact, the administration is imposing the Thieu-Ky militarist regime on South Vietnam every day of the year. Were we to withdraw only our financial support from that dictatorship and the huge subsidy to meet the payroll of its troops, the Saigon Government would fall within a month. Thieu and Ky would then be forced to flee and rendezvous with their unlisted bank accounts in Hong Kong and Switzerland.

The fact is that while professing a desire for peace, the administration has failed to create political conditions in Vietnam under which peace is possible. The desire of those Saigon militarist leaders to remain in power is totally inconsistent with President Nixon's statement that "What is important is what the people of South Vietnam want." These incompatible policies hold out the prospect not of peace but of a prolonged military occupation which will continue indefinitely to drain American treasure and lives.

President Nixon and all responsible Americans want to get out of Vietnam as soon as possible. Walter Lippmann has stated that we are fighting a major war in South Vietnam in order to save face. It is true just as the Chinese sage Confucius said many centuries ago:

> A man who makes a mistake and does not correct it, makes another mistake.

The same is certainly true regarding nations.

It is now evident to practically all Americans that we do not have any mandate from Almighty God to police the world. There is a general realization that we never should have supported the French from 1946 to their defeat at Dienbienphu in 1954 in their attempt to reestablish their lush Indochinese colonial empire.

Then, it was a tragic mistake that we went into Vietnam with our Armed Forces and our tremendous air power and napalm bombed so many cities, villages, and hamlets in South Vietnam to "save them." We are compounding that mistake the longer our Armed Forces remain there.

Moratorium day, October 15, was the greatest peaceful mass demonstration in the history of our Republic. Americans paraded with dignity or remained away from work to show to administration leaders that Americans want the war to end without delay—that Americans demand a halt to the loss of priceless lives of recent high school graduates and the flower of the young manhood of America in a faraway little country of no importance to the defense of the United States.

Very definitely, we should bring home as quickly as possible by ship and plane, in the same manner our Armed Forces were sent, the more than 500,000 Americans in our Armed Forces now in South Vietnam. At the same time we should call on the North Vietnamese to withdraw without delay all of their forces now in South Vietnam. This total according to former Ambassador Averell Harriman, a truly great American and our most skilled and experienced negotiator, is estimated to number not more than 40,000.

I am hopeful that President Nixon will accelerate the withdrawal of American troops from South Vietnam. He should respond to the overwhelming will of the majority of Americans and immediately withdraw all of our Armed Forces from Vietnam.

The PRESIDING OFFICER. Is there further morning business?

Mr. PEARSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PEARSON in the chair). Without objection, it is so ordered.

ANNIVERSARY OF THE ENTRY OF GREECE INTO WORLD WAR II

Mr. PELL. Mr. President, today, October 28, marks the 29th anniversary of the entry of Greece into World War II. It is an important holiday in Greece for it marks the turning point in that country's struggle for liberty and freedom.

On October 28, 1940, the Greek people began a decade of fighting and sacrifice, marked by both triumph and tragedy, which encompassed some of Greece's most desperate moments and some of its finest hours. Those of us who care about the ideals for which the Greeks fought, and who care about the courageous people of that country, find it difficult to celebrate today, because of the fact that Greece is in the hands of a military regime which has made a mockery of the victories won by Greece during that turbulent 10-year period.

I have spoken many times on the floor of the Senate in recent months on this subject. I do not intend to repeat or recapitulate these comments today. Suffice it to say that the regime continues to be repressive. The Greek people do not enjoy the civil liberties which are the fundamental characteristic of a democracy. Reports of torture by reliable observers continue, despite official denials. In fact, the regime has been censored by the Consultative Assembly of the Council of Europe for violating the European Convention on Human Rights and a subcommission on human rights of the Council will present a report on this subject in December. Finally, there are persistent reports of a growing anti-American sentiment in the country based on the feeling that the United States is supporting the present regime.

The people of Greece should know that there are many in this Chamber, many in the House of Representatives, and millions of Americans who deplore the present situation in Greece. We are not only saddened by the apparent unwillingness of the Government to move toward the restoration of democracy, in the land in which democracy was born, but outraged by the violent methods being used by the regime toward those who question its principles and practices.

There is, of course, little that we can do to help the Greek people, for the character of their regime is, in the final analysis, their own internal affair. But there is something that we can do not to help the military dictatorship. To this end, I have proposed an amendment to the foreign aid bill which would curtail military aid to Greece by insuring that no additional aid is programed until the Congress so approves. I shall do all that I can and have that proposed amendment enacted into law.

The PRESIDING OFFICER. Is there further morning business?

NOMINATION OF CLEMENT F. HAYNSWORTH, JR., TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. BELLMON. Mr. President, since the nomination of Clement F. Haynsworth, Jr., for the position of Associate Justice of the Supreme Court on the 18th of August of this year, every Member of this body and particularly those Members who serve on the Committee on the Judiciary have been flooded with comments from their constituents, special interest groups, labor organizations, and from many of their colleagues, concerning this appointment.

Mr. President, every Member of this

body has heard of the "Darlington case" and the "Brunswick case." The facts of those cases and the judge's role in them have been repeated many times here on the floor of the Senate and any objective study of them can, in my opinion, only lead to the conclusion that the charges made are in fact not substantiated by any evidence before the committee or the Members of this body.

From my examination of the testimony presented at the hearings on Judge Haynsworth's confirmation, the committee was primarily interested in determining whether three basic criteria had been met by this nominee. First, is Judge Haynsworth a person of great integrity; second, has Judge Haynsworth demonstrated judicial temperament; and third, does Judge Haynsworth possess a high level of professional ability.

Using these basic criteria as guidelines upon which one should base his opinion in considering the nomination, I have found ample evidence that the nominee qualifies with flying colors.

Judge Haynsworth has made disclosures of his financial holdings in more detail than is required by any Member of this body and in much greater detail than most members of the judiciary who have previously been confirmed by the Senate.

Many members of the legal profession who have conducted cases before Judge Haynsworth as well as the organized bar, in the form of the American Bar Association, have expressed confidence in his ability as a judge to render a fair and just decision in any case appearing before him.

I would also like to point out that many of those expressing that view had, in fact, lost cases in the judge's court. However, it appears that they still hold to the opinion that the decisions were rendered fairly, using the cases decided in the past and the evidence which had been presented.

Mr. President, there is need for serious concern over the impact of this controversy on the Supreme Court.

I can find no reason to oppose a person solely because his philosophy is contrary to my own. I can find nothing which indicates that the judge has committed an unethical practice. Judge Haynsworth has been a distinguished circuit judge, and I believe he will be an outstanding addition to the U.S. Supreme Court.

Mr. President, a major confrontation over the nomination of Judge Haynsworth to the Supreme Court is coming up on the Senate floor in the near future. The public's interest in the Court, and the intense press coverage of the nomination hearings, and attacks against the nominee insure that the Nation will be watching closely as the Senate votes on this nomination.

The President has made it clear that he stands behind Judge Haynsworth's nomination. After reviewing all of the attacks made against the nominee on his civil rights record, his labor record, and on his integrity, the President reaffirmed his confidence in Judge Haynsworth. His letter of October 3, 1969, to the minority leader states:

> In order that there be no misunderstanding on the part of anyone, I send this letter to confirm that I steadfastly support this nomination and earnestly hope and trust that the Senate Judiciary Committee and the Senate will proceed with dispatch to approve the nomination.

It is equally clear that those who oppose the nomination are not ready to relent. The machinery to block confirmation has been set in motion and it is questionable if the attack could be stopped now even by those who started it.

Thus, notwithstanding the fact that a great deal of balance has been added to the whole discussion in the Senate by the efforts of the distinguished Senator from Nebraska (Mr. HRUSKA) and the distinguished Senator from Kentucky (Mr. COOK), thousands of labor union and union members and thousands of supporters of civil rights are writing and telegraphing their opposition to their Senators. Most of these communications reflect an understanding of, or exposure to, only one side of the issue. They represent the product of the massive effort that was begun several weeks ago when the entire story had not been presented. We are confronted, now, by thousands of people and organizations who have publicly committed themselves to fight the Haynsworth nomination, right or wrong.

There is another dimension to the "stop Haynsworth" effort: The outright lobbying of Senators by private interest groups. Lobbying is neither illegal or immoral. Private groups are entitled to their opinions on Supreme Court nominees as they are on any other subject. But, in the case of Court nominees, the Senate has a duty, under the Constitution, to consider their integrity, capability, and experience, and if they approve the nominee on this basis, to advise and consent to the nomination. I question what new insight into these issues will be provided by a powerful lobbying effort.

Mr. President, this lobbying effort is discussed in some detail in a Washington Post article of October 16, 1969, and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD. as follows:

AFL–CIO RATES HAYNSWORTH FOR "SPECIAL" FIGHT

(By Murray Seeger)

Sen. Thomas J. Dodd (D-Conn.) received a telephone call a few days ago from an old friend, Jay Lovestone, director of international affairs for the AFL–CIO.

The two men usually discuss their common interest in fighting communism, but this recent conversation was different. Lovestone was trying to get a commitment from Dodd that he would vote against confirming Clement F. Haynsworth Jr. as an associate justice of the U.S. Supreme Court.

"We don't usually use Jay on something like this," an AFL–CIO staff man said this week. "But the Haynsworth case is special."

The special nature of the Haynsworth case that it represents the first occasion since 1930 that the labor federation has actively opposed a Supreme Court nomination.

That nominee was John J. Parker of North Carolina, the last court appointee to lose a Senate confirmation vote.

As one of the 10 Democrats on the majority side of the Senate Judiciary Committee, Dodd warranted special attention in the view of the AFL–CIO. He voted to send the Haynsworth nomination to the Senate floor, but may vote against confirmation.

Another Democratic member of the committee, Sen. Joseph D. Tydings of Maryland, had an unusual visit from Al Barkan, director of the AFL–CIO Committee on Political Education before voting "no" on the nomination.

Sen Hugh D. Scott of Pennsylvania, the minority leader of the Senate who is still uncommitted on the nomination, has been pressured to vote "no" by the only Republican in the AFL–CIO hierarchy, Lee W. Minton, of Philadelphia, president of the Glass Bottle Blowers' Association, and the United Steelworkers, biggest union in his state.

Haynsworth has become the biggest single issue for the AFL–CIO in this session of Congress and represents the first serious break between the federation and the nine-months-old Nixon administration.

The campaign against Haynsworth has also renewed the alliance between the AFL–CIO and major civil right organizations at a time when local unions and minority groups are battling in several cities.

"This has already become part of the 1970 congressional elections," one union source said.

When Haynsworth's name first came through the Washington rumor mill, Tom Harris, the AFL–CIO associate general counsel, and Andrew J. Biemiller, legislative director, met with Joseph L. Rauh Jr., well-known Washington lawyer representing several civil rights groups.

They alerted George Meany, president of the AFL–CIO, and Clarence Mitchell of Baltimore, top lobbyist for the NAACP and other civil rights organizations.

The AFL–CIO had a file on Haynsworth because of his involvement in the long, tangled legal case involving the Darlington Manufacturing Co. and Textile Workers Union, his participation in Carolina Vend-a-Matic Co. and his civil rights record as a judge on the Federal Court of Appeals.

Harris telephoned Daniel J. Moynihan, urban affairs specialist on the White House staff who was with the President in California, and Jerris Leonard, Assistant Attorney General, on Aug. 15 and warned them of what the AFL–CIO, considered Haynsworth's anti-labor and anti-civil rights record as well as issues involving his ethical conduct while on the bench.

In addition, Meany sent a telegram directly to the President raising the same issues.

"The President didn't reply, he didn't reply at all," Meany said recently. "His reply came a few days later when he announced the appointment of Judge Haynsworth."

Mr. BELLMON. Mr. President, it is clear, in view of the President's position and the organized opposition, that there will be a major confrontation on the Senate floor over the nomination of Judge Haynsworth.

The question has been raised from several sources that profess only an abiding concern for the well-being of the Supreme Court: "Why does not the President withdraw the nomination and avoid the bloody confirmation fight?"

Mr. President, there is need for serious concern over the impact of this fight on the Supreme Court. The image of the Court has been tarnished recently by the resignation, under fire, of the Associate Justice whom Judge Haynsworth is supposed to replace. We need to be greatly concerned by the public's loss of confidence in the impartiality of this Court.

Concern for the Court, however, does not dictate the withdrawal of Judge Haynsworth's name by the President. Instead, it counsels those who attack Judge Haynsworth recklessly to consider and decide whether their pique over the choice of a man of his philosophy is sufficient to justify the lasting damage they may inflict on the Court.

The demands for withdrawal of Judge Haynsworth's name seem to rest on an argument that goes like this: While Judge Haynsworth has not done anything wrong, or anything that would disqualify him, he is an undistinguished choice and it would be better for the Court if another man were nominated.

Mr. President, the only part of that argument with which I can agree is that he has done nothing wrong, nothing that would disqualify him. Thereafter, my disagreement with those who make the argument is complete.

Judge Haynsworth has been a distinguished circuit court judge and it has been predicted that he will be an outstanding addition to the U.S. Supreme Court.

The public has shown little understanding of the qualities which fit Judge Haynsworth for his position. I think these qualities should be reviewed, because too many people are operating under serious misapprehension.

The nomination by President Nixon of Judge Clement Haynsworth, Jr., does not result in the Senate considering "just another Federal judge"; but rather an outstanding jurist who possesses in great measure the attributes needed for service on the Nation's Supreme Court: the intelligence, experience, character, intellectual and personal integrity, judiciousness, and proper temperament.

These qualities make for a professional qualification much needed and highly desirable in the highest court of the land.

These are the qualities which together with his personal characteristics will serve to make him an outstanding Justice. The hearings included testimony of many highly qualified witnesses in regard to the record and activities of the nominee. They studied, analyzed and considered, in detail, all aspects of this man's career, his works and his activities. They speak authoritatively on basis of fair, evenhanded appraisal.

President Nixon showed his judgment of Judge Haynsworth and confidence in him by reason of the nomination as originally made. He reaffirmed both on October 2, after the hearings were completed in a letter urging the Judiciary Committee, and the Senate to approve the nomination. The letter further read in part:

> I am conversant with the various allegations that have attended this nomination. I have most carefully examined the record. There is nothing whatsoever that impeaches the integrity of Judge Haynsworth. There is no question as to his competence as a Judge. There is not proper faulting of his posture vis-a-vis Civil Rights or Labor.
>
> It would be very wrong to allow unfounded allegations to deny this country of the distinguished service of Judge Haynsworth on the Supreme Court. I intend to do all that I can to secure his confirmation.

The American Bar Association Committee on Federal Judiciary, Lawrence Walsh, chairman—former Deputy U.S. Attorney General, former Federal district judge—reported that Judge Haynsworth was "highly acceptable from the viewpoint of professional qualification." It recited that it sought candid reports from a representative sample of the bar and bench of the fourth circuit. The report reads:

> All of the persons interviewed regarding Judge Haynsworth expressed confidence in his integrity, his intellectual honesty, his judicial temperament and his professional ability. A few regretted the appointment because of difference with Judge Haynsworth's ideological point of view, preferring someone less conservative. None of these gentlemen, however, expressed any doubts as to Judge Haynsworth's intellectual integrity or his capability as a jurist.

Mr. Norman Ramsey, of the Maryland and Baltimore bar, a member of the ABA Committee, testified that:

> In the opinion of the Board of Governors of the Maryland State Bar Association, he (Judge Haynsworth) is eminently well qualified to be a member of the Suprem Court. . . .

He explained that it was unvaryingly the opinion of the board that the overwhelming opinion of the lawyers of Maryland who have had any contact, direct or indirect, with Judge Haynsworth would be that he, regardless of his political philosophy or political allegiance or political registration, is competent and qualified to be a Justice of the Supreme Court.

Charles Alan Wright, professor of law at the University of Texas, specialist in Federal courts and in constitutional law, author of renown—a seven-volume revision of the Barron and Holtzoff; Treatise on Federal Practice and Procedure; one on civil litigation, "Wright on Federal Courts"; and other writings—since 1964, a member of the standing committee on "Rules of Practice and Procedure" of the Judicial Conference of the United States; American Law Institute Reporter for the "Study of Division of Jurisdiction Between State and Federal Courts"; in his statement to the committee, Professor Wright said:

> With his professional interest, and with these writing commitments, I necessarily study with care all of the decisions of the federal courts, and inevitably form judgments about the personnel of those courts. We are fortunate that federal judges are on the whole, men of very high caliber and great ability. Among even so able a group, Clement Haynsworth stands out. Long before I ever met him, I had come to admire him from his writings as I had seen them in *Federal Reporter*.

Professor Wright's original statement concludes as follows:

> History teaches us that it is folly to suppose that anyone can predict in advance what kind of a record a particular person will make as a Justice of the Supreme Court.
>
> All that one can properly undertake, in assessing a nominee to that Court, is to consider whether he has the intelligence, the ability, the character, the temperament, and the judiciousness that are essential in the important work he will be called upon to perform. Clement Haynsworth has shown in twelve years on the circuit court bench that he possesses all of these qualities in great measure. I hope that he will be quickly confirmed.

Later Professor Wright send a supplemental statement which consists of a thorough and scholarly analysis and comment of the cases in which Judge Haynsworth has participated, centering on the areas of criminal procedure and freedom of expression. The concluding paragraph of this supplement reads:

> I end as I began. I cannot predict the votes of Justice Haynsworth. . . . But I support his nomination, not because his views on these subjects or others are similar to mine, but because his overall record shows him to have the ability, character, temperament, and judiciousness that are needed to be an outstanding Justice of the United States Supreme Court.

Prof. G. W. Foster, Law School of University of Wisconsin since 1952, onetime administrative aide to Secretary of State Dean Acheson, and legislative assistant to U.S. Senator Francis J. Myers, Democrat, of Pennsylvania, at that time whip of the U.S. Senate, served from 1964 to 1967 as a consultant on problems of school segregation to the U.S. Office of Education. At one point in his statement he testified:

> In the area of racially sensitive cases I have followed closely the work of the federal courts in the South over the entire span of time Judge Haynsworth has been on the Court of Appeals for the Fourth Circuit. I have thought of his work, not as that of a segregationist-inclined judge, but as that of an intelligent, open-minded man with a practical knack for seeking workable answers to hard questions. Here and there, to be sure, were cases I probably would have decided another way. I am not aware, however, of a single opinion associated with Judge Haynsworth that could not be sustained by a reasonable man.

By way of conclusion, Professor Foster used these words:

> To sum up: Judge Haynsworth is an intelligent, sensitive, reasoning man. He does not fit among that small handful of front-running federal judges, who have consistently made new law in the racial area. He has earned a place, however, among those who serve in the best tradition of the system as pragmatic, open-minded men, neither dogmatic nor doctrinaire.
>
> Thus the question for me is not whether I would have made another nomination for the Supreme Court. It is rather the question whether Judge Haynsworth possesses the qualities required to become a fine Justice of the Supreme Court. My view is that he will make a first-rate Associate Justice.

It is clear, then, that we are dealing with demands to withdraw the name of a distinguished jurist who will be an outstanding Associate Justice. It is no trifling matter to turn such a man aside.

The attacks on Judge Haynsworth, as they have been presented to date, are ill conceived and founded more on fancy than on fact. I will not attempt to go into detail on these matters at this time. Memorandums have been distributed to all Senators discussing Judge Haynsworth's record as a judge. It is clear to me that at no time has he exhibited a bias toward any party that deprived that party of justice or that disqualified the judge from sitting in the case. His ethical conduct has been reviewed carefully and no violations of statute or canon have been substantiated. Throughout it all, Judge Haynsworth has been as cooperative and as candid and as patient as you could expect any man to be.

For the Senate to fail to confirm him now, despite the lack of substance in the attacks made upon him, would be to yield to coercive political pressure.

To look to expediency as the justification for defeating this nomination, in my opinion, would be to sacrifice Judge Haynsworth and ultimately the well-being of the Supreme Court.

The independence of the judiciary as a whole and the Supreme Court in particular is a vital element in our system of self-government. Judges are appointed to the bench for life and serve to interpret the law without depending upon a constituency that they must please. They are not expected to make "popular" decisions, they are charged with the duty of applying the law, as they see it, in as fair and careful a manner as humanly possible.

What happens to the independence of the Supreme Court if a nominee can be forced into defeat by powerful opponents not because he is unqualified, but because they oppose his philosophy?

What prospective nominee, who values his independence, will submit himself to a political litmus test controlled by special interest groups. The lessons of the Haynsworth nomination are apparent. If he fails the test, will another worthy nominee willingly submit their integrity and honor to attack? The importance of this case goes far beyond this single instance.

The defeat of Judge Haynsworth would have deep meaning to the public. It will be obvious that only nominees with particular views will be entitled to sit on the Court. The reason for the public to have confidence in the Court's independence will be sadly diminished.

Just as the Supreme Court cannot decide constitutional questions on the basis of expediency, Mr. President, the Senate cannot afford to select Justices on the basis of expediency.

Judge Haynsworth is a highly qualified and truly honorable man who will grace the Court.

I commend the President for his support of the nominee and urge the Senate to advise and consent to the nomination. I intend to give him my full and unqualified support.

Mr. HRUSKA. Mr. President, will the Senator from Oklahoma yield?

Mr. BELLMON. I yield.

Mr. HRUSKA. I commend the Senator from Oklahoma for the statement he has made on the subject he just discussed. It is apparent that the Senator has done a commendable thing; namely, he has gone into the record and determined for himself the facts upon the points he has canvassed in his remarks. This we all should do.

Mr. President, I speak as one who has been present at the bulk of the Haynsworth hearings and who has familiarized himself with all of the record. I believe that the points stressed and emphasized by the Senator from Oklahoma today should be taken to heart, not only for the instant case, but also because of the impact the decision in the matter of confirmation of Judge Haynsworth will have upon similar situations in the future. This is certainly something which will be of great influence, not only in the Supreme Court, but also in the inferior courts as well.

Again I want to say it is well that the Senator from Oklahoma has spoken as he has after the careful and studious attention he has given to the record.

Mr. BELLMON. Mr. President, I thank the Senator from Nebraska for his remarks.

Mr. STEVENS. Mr. President, will the Senator from Oklahoma yield?

Mr. BELLMON. I yield.

Mr. STEVENS. I have just arrived in the Chamber and assume that the Senator from Oklahoma has stated his position on Judge Haynsworth. We discussed this matter yesterday, and I want to congratulate him on reaching his decision.

Let me say that I have not yet reached mine but that the comments the Senator has made today, which we discussed yesterday, will have a great deal of impact, I think, on those of us who share freshman status with him.

I thank the Senator from Oklahoma very much.

Mr. BELLMON. I thank the Senator from Alaska.

ORDER OF BUSINESS

Mr. BELLMON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COOK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. INTERVENTION IN SOUTHEAST ASIA

Mr. COOK. Mr. President, I have probably received more mail on the Vietnam conflict than upon any other subject of national concern during my first year in the Senate. Of all the many hundreds, even thousands, of communications, two stand out in my memory. They came from men involved in the war as members of the U.S. Army.

Now, I have not broken with the administration in its conduct of the war because I sincerely believe that no one seeks a more rapid termination of the conflict than does the President. However, I have always believed our involvement in any land war in Southeast Asia is ill advised. This feeling applies not only to our initial decision to become involved in Vietnam, but also to any possible intervention in the future in Laos, Thailand, or other Southeast Asian countries.

The frustrations and heartbreak which would result from such interventions in the future can be anticipated by benefiting from the lessons of the past. These lessons can best be taught by those with the greatest experience; those who are called upon to fight and die for causes which they do not comprehend—the young American fighting men.

The greatest lesson any Senator can learn about the futility of any more Vietnams can be acquired by reading the following letters from two of my constituents. Mr. President, I ask unanimous consent that the letters I received this year from Sp4c. Raymond Clooney and Pfc. Ronald E. Bogle appear in the Record at this point.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Dear Senator Cooke: I have been asked by my husband to forward this letter to you. It reads as follows:

It's hard to begin because where did Vietnam begin, (or I should say this war in Vietnam)? Why did this war begin and when will it end? These are questions that so far have not been answered by our State Department. I don't really propose to attempt to answer these questions—that would be foolish. I simply wish to give a few of my impressions of this war from where I am right now. And right now I'm sitting damn close to a "foxhole" about five miles from the Cambodian border in what is called III Corps.

For six months now, I have been involved in search and destroy and night ambush missions. My unit searches for enemy bunker complexes during the day and sets ambushes on jungle trails by night. The ultimate mission is to kill the enemy. And we do. They also kill us. Boris Pasternak refers to this as a product of man's insane logic. In his novel, Doctor Zhivago, Pasternak refers to war as "mutual extermination." Most people sit back and say, "Yes, how true"—and yet are insulated from the torn flesh, screams and cries of the dying, and the eternal anxiety of those still alive who must carry this war to the next day.

The horrors of this war are as real as those of our past wars and it continues year after year without abate.

The people closest to the war are the "grunts." These are the young people drafted into the army and forced with the threat of imprisonment if they don't fight and kill. These are the same people who hate this war the most. These are the people who know their lives are at stake.

Right now I am tempted to quit writing this letter, it seems so useless. But the death of a friend several hours ago forces me to continue. His death was in vain, and perhaps, this will be too.

Maybe all this will be is a plea in the distance for the people here to come and say a sad prayer for those who have already died. This is a plea for you at home to put pressure on the elected representatives to fight for total disengagement from this battlefield.

It is time for the people of South Vietnam to take up this battle. They have the people, they would have our continued financial support, and have had a ten year period to organize an effective army. They should be able to take this battle from our shoulders, if they want to. If they don't want to take up the battle, how much longer can we sustain them in this present quasi military government? There's a crude saying in reference to a hesistant bowel movement that applies here.

I must end this letter now, dark is here. I hope the young people will read this letter (it has been sent to various newspapers) it's their lives as stake. As for the older people, your son's lives. Those of us over here have faith in our government at home and I hope we are not let down.

Do not accept Plato's philosophy that, "Only the dead have seen the end of war." Many people already are asking "Where have all the young men gone?"

Hope to see Kentucky again.

Sincerely,

Sp4c. Raymond Clooney,
1st Air Cavalry Division.

APO San Francisco.

DEPARTMENT OF THE ARMY,
APO San Francisco, July 7, 1969.

Senator MARLOW COOK,
Senate Office Building,
Washington, D.C.

DEAR SENATOR COOK: I hope you will excuse the informality of this letter, but I am writing this letter more on a personal basis. At the present time I am serving with the Armed Forces in the Republic of Vietnam. I am a Georgetown College graduate, and hopefully a future member of the Louisville and Kentucky State Bar Association. I am a staunch Republican and have worked faithfully for the Republican party, and you in particular. I have always been, and always will be, a loyal American. I have earnestly tried to support our President and our government in all matters, and that is the reason for my writing this letter. In particular I am referring to the war in Vietnam.

The time has come when I can no longer support the policies of our government in relation to Vietnam. I do not stand alone in this respect. The general feeling, from what I am able to gather, is one of great dissatisfaction. Perhaps that is the wrong word, but at the same time it is very appropriate. I can not speak for all of the men in Vietnam so I will limit the questions and opinions to those of my own.

At the present time both sides seem to be making some moves toward de-escalation. However, those of North Vietnam have not been fully interpreted. Secretary Rogers has admitted that infiltration and enemy action has greatly slowed down and this could affect decisions on troop withdrawals. Yet, he also states that a cease-fire does not appear PRACTICAL. How do you justify practicality to dead men and their grieving families. He further states that, "we're certainly willing to take some risks to end the war." What risks have been taken or will be taken other than by the men serving in Vietnam. Most leaders will readily admit this war should have ended long ago yet the war continues. It seems that our leaders, with the exception of a small minority, are content to keep quiet. Thank God for those who have the intestinal fortitude to say I am concerned about our American men in Vietnam, and I want them home. Unfortunately, these people seem to be a small minority.

How much longer are we going to allow President Thieu to dictate the course of action to be followed. You know as well as I do that this war could end very quickly if it were not for Thieu and his unwillingness to compromise. Don't misinterpret my statements and feelings. I am not willing to give up Vietnam at any cost, because then the many thousands of lives lost would have been in vain, but before many more thousands are lost this war must be ended.

While the diplomatic and political rhetoric continues men are dying because it's leaders remain silent. Because it's leaders refuse to make a firm decision. I would not be so ignorant as to label it unconcern or indifference. Everyone talks about it, but no one does anything about it. I make this appeal to you Senator Cook, not for myself but for the men of Vietnam, to exert what force you have to bring this war to an end. As long as our leaders remain silent the war will continue.

There are many suggestions being made to end the war. Many seem to be the answer to the war, but they remain only suggestions. It is up to people like yourself, our elected leaders, to bring forces to bear.

Perhaps I have not made myself entirely clear, but I wanted my voice and feelings to be heard and counted.

The irony of all of this seems to me that we are fighting the wrong war anyway. It seems to me that as long as we are in Vietnam that our purpose should be to improve the plight of the Vietnamese people. The vast majority are peasants. Will they be any different when this war is over and we have gone home. That should be our war—a war to improve the plight of these people. I pose this question in regard to the people—how much worse off would these people be under Communism than they are now? They do not have a democraic government now. How much does Thieu's government actually differ from forms of Communism. Why should our nation spend billions and billions to kill and be killed? We are supposedly here to save the people of South Vietnam—Why aren't we doing that. I don't mean militarily but economically and educationally. Otherwise, our years and lives have been in vain. That is my reason Senator Cook for writing this letter. If we are to save South Vietnam we must do it now. I beseech you and others to seek a rapid end to this war, and get down to the work at hand if saving the South Vietnamese is our main concern.

I hope you will take the time to to read this letter and perhaps answer some of these questions for me. If not I remain

Respectfully yours,
RONALD E. BOGLE.

Mr. COOK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NORTH VIETNAM IS RESPONSIVE TO WORLD OPINION

Mr. DOLE. Mr. President, I was gratified to see in the newspaper today that the North Vietnamese are responding to the longstanding pleas of Americans for information about our prisoners of war. The delay in making this information available is completely inexcusable, but the fact that the North Vietnamese are taking this step shows that the North Vietnamese are subject to the weight of world public opinion.

It is important to recognize and emphasize this fact. In debate on the floor last week, I urged that public criticism be directed at the North Vietnamese for failing to show a positive attitude at the Paris peace talks. I was answered that such crisicism did not have any effect and that all our criticism should be leveled at our Government and the South Vietnamese. Of course, the Communists are not going to admit that they are acting in response to world opinion, but in fact they do respond to it. This opinion needs to be stimulated and focused upon the North Vietnamese and Vietcong.

If sufficient attention is directed to their intransigence at Paris, they cannot afford to maintain their uncooperative attitude. If those who call for changed American policy and decry the errors and shortcomings of the Saigon government would devote some of their energies to pointing out the faults of the North Vietnamese who are our enemies, and who are killing Americans, the North Vietnamese would have to negotiate in earnest.

Mr. President, I would hope that everyone will see the underlying significance in the reelase of this information on American prisoners of war, and will seek to employ this political reality to reach an end to the conflict in Vietnam.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON AIR FORCE MILITARY CONSTRUCTION CONTRACTS AWARDED WITHOUT FORMAL ADVERTISEMENT

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report on the Air Force military construction contracts awarded by the Department of the Air Force without formal advertisement for the period January 1, 1969, through June 30, 1969 (with an accompanying report); to the Committee on Armed Services.

REPORT ON PROPOSED CLOSURE OF CERTAIN MILITARY INSTALLATIONS

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a full report of the facts, and the justification for the proposed closure of certain military installations in the United States (with an accompanying report); to the Committee on Armed Services.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting a report to the Committee on Finance, U.S. Senate, on the results of a review of medicare payments for services of supervisory and teaching physicians at Cook County Hospital, Chicago, Ill., Social Security Administration, Department of Health, Education, and Welfare, dated September 3, 1969 (with an accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION DESIGNED TO FACILITATE TRAVEL TO THE UNITED STATES BY FOREIGN TOURISTS AND BUSINESS VISITORS

A letter from the Secretary of State, transmitting a draft of proposed legislation designed to facilitate travel to the United States by foreign tourists and business visitors (with an accompanying paper); to the Committee on the Judiciary.

REPORT ON THE FEDERAL METAL AND NONMETALLIC MINE SAFETY ACT

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report on the Federal Metal and Nonmetallic Mine Safety Act for the period January 1 through December 31, 1968 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the County of Gogebic, Bessemer, Mich., praying for the enactment of legislation relating to the inclusion of county governments within the definition of "local governments," so as to participate in the Federal system; to the Committee on Finance.

A resolution adopted by Iron County, Crystal Falls, Mich., relating to the inclusion of counties within the definition of "local governments," so as to participate in the Federal system; to the Committee on Finance.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STEVENS (for himself and Mr. GRAVEL):

S. 3075. A bill to convey the interest of the United States in certain property in Fairbanks, Alaska, to Hillcrest, Inc.; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Stevens when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. KENNEDY:

S. 3076. A bill to amend title III of part I of the Foreign Assistance Act of 1961 to provide for a program of investment guaranties in Latin American countries to encourage local participation in agricultural credit and self-help community development projects, and for other purposes; to the Committee on Foreign Relations.

(The remarks of Mr. Kennedy when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. RIBICOFF (for himself, Mr. Baker, Mr. Boggs, Mr. Cannon, Mr. Curtis, Mr. Dodd, Mr. Gravel, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hollings, Mr. Magnuson, Mr. McGovern, Mr. Nelson, Mr. Proxmire, Mr. Randolph, Mr. Saxbe, Mr. Schweiker, Mr. Scott, Mr. Sparkman, and Mr. Thurmond):

S. 3077. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Finance.

(The remarks of Mr. Ribicoff when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. ANDERSON:

S. 3078. A bill to provide for the issuance of a special series of postage stamps in commemoration of Ernest "Ernie" Pyle; to the Committee on Post Office and Civil Service.

(The remarks of Mr. Anderson when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. BYRD of West Virginia:

S. 3079. A bill for the relief of Elizabeth Currado; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 3080. A bill to improve and clarify certain laws affecting the Coast Guard Reserve; and

S. 3081. A bill to improve and clarify certain laws affecting the Coast Guard; to the Committee on Commerce.

(The remarks of Mr. Magnuson when he introduced the bills appear in the Record under separate headings.)

By Mr. BROOKE:

S. 3082. A bill to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

S. 3083. A bill to authorize the disposal of corundum from the national stockpile;

S. 3084. A bill to authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

S. 3085. A bill to authorize the disposal of shellac from the national stockpile;

S. 3086. A bill to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile;

S. 3087. A bill to authorize the disposal of chrysotile asbestos from the national stockpile and the supplemental stockpile;

S. 3088. A bill to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile; and

S. 3089. A bill to authorize the disposal of castor oil from the national stockpile; to the Committee on Armed Services.

(The remarks of Mr. Brooke when he introduced the bills appear later in the Record under the appropriate heading.)

By Mr. KENNEDY:

S. 3090. A bill to amend the act of September 21, 1959 (73 Stat. 590) to increase the authorization for the Minute Man National Historical Park, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Kennedy when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MONTOYA (for himself, Mr. Pell, Mr. Randolph, Mr. Javits, Mr. Bayh, Mr. Burdick, Mr. Cannon, Mr. Church, Mr. Cook, Mr. Cranston, Mr. Eagleton, Mr. Goodell, Mr. Gore, Mr. Gravel, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hughes, Mr. Kennedy, Mr. Mathias, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Mondale, Mr. Moss, Mr. Nelson, Mr. Pastore, Mr. Ribicoff, Mr. Schweiker, Mr. Spong, Mr. Williams of New Jersey, Mr. Yarborough, Mr. Allen, Mr. Dodd, and Mr. Tower):

S.J. Res. 163. A joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education, and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111 which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

(The remarks of Mr. Montoya when he introduced the joint resolution appear later in the Record under the appropriate heading.)

S. 3075—INTRODUCTION OF A BILL CONVEYING THE INTEREST OF THE UNITED STATES IN CERTAIN PROPERTY IN FAIRBANKS, ALASKA, TO HILLCREST, INC.

Mr. STEVENS. Mr. President, for myself and my colleague, Mr. Gravel, I introduce, for appropriate reference, a bill which would authorize conveyance of all right, title, and interest of the United States reserved or retained in certain lands, in Fairbanks, Alaska, which were conveyed to the Hillcrest Home for Boys under the Recreation and Public Purposes Act of January 24, 1961.

Hillcrest Home for Boys was first organized at a meeting at the Eagle's Hall on September 11, 1958. Hillcrest, a home for boys without a home, is a community project and will accept all boys without regard to race, creed, or color. It is not a detention home nor a correctional institution. Rather, it is a home to live in during their 4 years of high school. Hillcrest will provide housing, school guidance, counseling, part-time opportunities for work, and the interest and care of a director who presides at Hillcrest.

Surveys have made apparent the need for Hillcrest, and Hillcrest has the support of both public and private agencies and service groups. Hillcrest plans to cooperate to the fullest degree possible with others in the field including Federal, State, and private organizations.

Hillcrest currently accommodates nine boys, and all available funds are needed to maintain the operation as is. Hillcrest wants to expand their facilities to accommodate up to 20 boys, a situation which is financially impossible now. If title were granted to Hillcrest for the land, a portion of the land could be sold to finance the desired expansion of their facilities. Currently, boys waiting to get into Hillcrest are housed in the State jail—a situation which is certainly not desirable. The entire concept of Hillcrest rests on taking disadvantaged youngsters and giving them the best possible environment and hope for the future.

Hillcrest is the only private institution in the State of Alaska which handles boys of this age group. These young men represent an important resource for Alaska and the Nation, and we should do our best to see that they are properly taken care of through the high school years.

The land in question, acquired under the Recreation and Public Purposes Act, can be used as income property if the bill I introduced today is favorably considered.

Mr. President, I ask unanimous consent that the full text of the bill be printed at this point in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3075) to convey the interest of the United States in certain property in Fairbanks, Alaska, to Hillcrest, Inc., introduced by Mr. Stevens, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 3075

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Interior is authorized and directed to convey to Hillcrest, Incorporated, without consideration, all of the right, title, and interest of the United States in and to the tract of land (together with any buildings or other improvements thereon) described as the southeast quarter, section 26, township 1 north, range 2 west, Fairbanks meridian, such tract being the tract conditionally patented to Hillcrest Incorporated, by patent numbered 1216565 under the Recreation and Public Purposes Act of June 14, 1926 (43 U.S.C. 869), for use as a home for juvenile boys.

S. 3076—INTRODUCTION OF A BILL AMENDING THE FOREIGN ASSISTANCE ACT OF 1961 TO PROVIDE FOR GUARANTEED COMMUNITY SELF-DEVELOPMENT LOANS FOR LATIN AMERICA

Mr. KENNEDY. Mr. President, I introduce for appropriate reference a bill to amend the Foreign Assistance Act of 1961 to establish a new program of guaranties for community self-development loans for Latin America. Similar legislation was introduced in the House of Representatives last May by Congressman John E. Moss of California.

The primary purpose of the proposed legislation is to fund a $25 million program under which the United States would guarantee loans by private Latin American banks and other financial institutions to low income groups who have no other reasonable source of credit to finance community self-development projects. Under the bill, guaranties of up to 25 percent would be available to encourage loans for a variety of urban and rural community development projects in Latin America. As illustrations of the types of projects that are intended to be encompassed by the program, the bill lists the following: Wells, pumps, farm machinery, small schoolhouses, short access roads, improved seed, fertilizer, pesticides, vocational training, improved breeding stock for farm animals, grain warehouses, sanitation facilities, looms, and other handicraft aids. These examples, however, are only a small part of the immense variety of community development projects for which assistance might be available under the bill.

As President Kennedy said in his address at the state dinner in the San Carlos Palace in Bogota in 1961:

> My real message is for millions of people in a thousand cities and villages throughout the mountains and plains of this majestic land. To you—to the workers, to the compesinos on the farms, to the women who toil wearily each day for the survival of their children—to you I bring a message of hope. Every day, every hour in far-off Washington and in the capital of your own country, dedicated men are struggling to bring nearer the day when you will have more to eat and a decent roof over your head and schools for your children—when you will have a better and more abundant life to accompany that great human dignity and love of freedom from which all of us have much to learn. And . . . I pledge to you that, with your help, that day will come.

The key feature of the bill is its emphasis on Latin American financing for Latin American development. By encouraging private Latin American institutions to lend funds for community development projects in their own nations, the bill is designed to promote a system of joint participation by both the rich and the poor in Latin American development.

In recent years, we have witnessed the birth of a remarkable precedent for the program proposed in the bill. Since 1966, the Pan American Development Foundation—PADF—has sponsored a similar type of program in a number of Latin American countries. The PADF, a private development foundation, was established in 1963 upon the recommendation of the Organization of American States. I am privileged to serve as a member of the board of trustees of PADF, along with some 30 other distinguished public officials and private citizens representing Latin America and the United States.

One of the primary goals of the PADF has been to encourage the private sector in Latin America to play a greater role in Latin American community development. To achieve this goal, the PADF has sponsored the establishment of local Latin American institutions known as "national development foundations—NDF." These local foundations are entirely autonomous. They serve to mobilize the personal energies and financial resources of all social and economic levels in Latin America in order to foster more extensive involvement in a broad spectrum of community self-help development projects. By stimulating the use of private nongovernmental resources, the foundations supplement official government efforts and accelerate the rate of local development.

The NDF program was a major new idea in Latin American economic development. The essence of the program—which is carried forward in the bill I am introducing today—is to provide credit in the form of small loans on reasonable terms to finance community projects in cases where conventional forms of bank credit are not available. Unlike the traditional U.S. foreign aid program, which provides grants to governments and loans and loan guaranties to wealthy developers, the NDF program reaches out directly to all the people. It thereby helps low-income groups in Latin America to become partners in the development process, rather than merely waiting for the benefits of capital development to "trickle down" to the lowest social level. For this reason, the NDF program has been widely acclaimed as the best new idea in foreign aid since the Marshall plan.

The NDF program has been a pioneering approach to development by the private sector in Latin America. Each National Development Foundation draws its board of directors and staff from within the country in which it is established, and determines its own policies and procedures. By relying on persons already active in each country to stimulate loan requests, such as agricultural extension agents, village priests, teachers, community development workers, Peace Corps volunteers, or government health workers, it has been possible for the foundations to function effectively on extremely low administrative budgets.

The first National Development Foundation was established in the Dominican Republic in July 1966. Since that time, similar foundations have been established in four other Latin American nations—Chile, Colombia, Ecuador, and Guatemala. In addition, National Development Foundations are now being organized in eight other nations—Argentina, Honduras, Mexico, Nicaragua, Panama, Peru, Uruguay, and Venezuela.

In the 3 years since the program was instituted, the existing National Development Foundations have extended over $1 million in loans to approximately 1,000 community groups in Latin America. Perhaps the most remarkable aspect of the program is that repayment of the loans is averaging better than 95 percent—in spite of the fact that the loans are largely unsecured in the traditional sense and are made to the most marginal sectors of the economy. Obvously, as the extraordinary high rate of repayment demonstrates, the loans have a higher security—the sense of new responsibility, pride, and integrity engendered in citizens who have become partners in development.

The flexibility of the NDF program has enabled it to operate at a level which neither commercial nor Government banks can presently reach. For example, loans have been made to finance projects such as a water pump, irrigation pipe, seed, fertilizer, and insecticide for a small agricultural cooperative; a truck or boat for moving farm produce; a diesel generator for village electricity or a pump for village water; oxen to replace hand labor, and tractors to replace oxen; rural health clinics to bring doctors and new medical techniques to isolated areas.

At the beginning of this month, 45 representatives of the 13 National Development Foundations already in existence or in the process of being organized held a series of seminars in Racine, Chicago, and the District of Columbia to document their past experience and plan for the future. It was my privilege to meet with these representatives during their seminar in Washington and to learn first hand of the remarkable success they have had.

As was frequently emphasized during the seminar, the history of the National Development Foundations is far more than the mere history of loans to the poor to take the first steps toward realizing their expectations for a better life. It is also the history of changing attitudes and motivations among both the rich and the poor of Latin America. It is a recognition of the emerging truth that effective development programs are not the special prerogative of a particular economic or social class, but must be carried out with the shared participation of all citizens.

It is time for us to begin to build on the experience of these National Development Foundations, and to foster the creation of similar programs wherever the need exists in Latin America. The legislation I am introducing today seeks to achieve this goal, and I am hopeful that it will receive early enactment.

I ask unanimous consent that the bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3076) to amend title III of part I of the Foreign Assistance Act of 1961 to provide for a program of investment guarantees in Latin American countries to encourage local participation in agricultural credit and self-help community development projects, and for other purposes, introduced by Mr. KENNEDY, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 3076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title III of part I of the Foreign Assistance Act of 1961, which relates to investment guaranties, is amended by adding at the end thereof the following new section:

"SEC. 225. Agricultural Credit and Self-help Community Development Projects—(a) It is the sense of the Congress that in order to stimulate the participation of the private sector of Latin American countries in the economic development of such countries, the authority conferred by this section should be used to establish a program to encourage private banks, credit institutions, similar private lending organizations, cooperatives, and private nonprofit development organizations to make loans on reasonable terms to organized groups and individuals residing in a community for the purpose of enabling such groups and individuals to carry out agricultural credit and self-help community development projects for which they are unable to obtain financial assistance from other sources on reasonable terms. Agricultural credit and self-help community development projects include, but are not limited to, material and such projects as wells, pumps, farm machinery, small schoolhouses, short access roads, improved seed, fertilizer, pesticides, vocational training, improved breeding stock for farm animals, grain warehouses, sanitation facilities, and looms and other handicraft aids.

"(b) To carry out the purpose of subsection (a), the President is authorized to issue guaranties, on such terms and conditions as he shall determine, to private lending institutions, cooperatives, and private nonprofit development organizations in Latin American countries assuring against loss of not to exceed 25 per centum of the portfolio of such loans made by any lender to organized groups or individuals residing in a community to enable such groups or individuals to carry out agricultural credit and self-help community development projects for which they are unable to obtain financial assistance from other sources on reasonable terms. In no event shall the liability of the United States exceed 75 per centum of any one loan.

"(c) The total face amount of guaranties issued under this section outstanding at any one time shall not exceed $25,000,000.

"(d) Notwithstanding the limitation contained in subsection (c) of this section, foreign currencies owned by the United States and determined by the Secretary of the Treasury to be excess to the needs of the United States may be utilized to carry out the purposes of this section, including the discharge of liabilities incurred under this section. The authority conferred by this subsection shall be in addition to authority conferred by any other provision of law to implement guaranty programs utilizing excess local currency.

"(e) The President shall, on or before January 15, 1972, make a detailed report to the Congress on the results of the program established under this section, together with such recommendations as he may deem appropriate.

"(f) The authority granted under this section shall terminate on June 30, 1972."

S. 3077—INTRODUCTION OF A BILL ALLOWING TAX CREDITS FOR HIGHER EDUCATION

Mr. RIBICOFF. Mr. President, I introduce, for appropriate reference, a bill creating a Federal income tax credit to offset the expenses of higher education tuition and fees.

Six years ago, I proposed legislation on the floor of the Senate which offered substantial tax relief to ease the growing financial burden of providing undergraduate and graduate education. Since 1963, the concept of a tuition tax credit has continued to gain support, and in 1967 the Senate approved this legislation in an amendment to the bill reinstating the investment tax credit. Regrettably, the amendment did not survive the conference with Members of the House of Representatives.

Today, the need for a tax credit is greater than ever before. Tuition costs have continued to climb. Federal, State, and local taxes have combined to squeeze the lower- and middle-income classes unmercifully. The opportunity to send a child to college without substantial scholarship assistance is rapidly disappearing.

About 7 million students are now working toward undergraduate or graduate degrees. While this is three times the number of students in 1955, we can look forward to another 2 million students by 1975.

Increasing enrollment has pushed tuition costs upward as colleges and universities seek to expand their crowded facilities and maintain a high standard of education.

The advancing frontiers of knowledge and technology have forced educational institutions to develop new teaching concepts and tools. Very simply, the cost of a good education is inflating.

In 1965, the average required tuition and fees at public and private universities were $200 and $812, respectively. At public institutions the average annual cost has risen by 50 percent to just under $300 in only 4 years. In the same period, at private universities, tuition fees and book costs have soared by 70 percent to $1,380.

This year the average minimum cost of 1 year of undergraduate education at a public university, including no other living expenses but room and board, will be $1,092. At a private university or college this basic minimum expense is $2,328. Thus, an American family with a son or daughter approaching college age, can look forward to a total expenditure of about $10,000 or more before graduation.

This inflationary spiral spells financial disaster for many Americans. The costs of education have become nearly unbearable.

For some families, of course, relief is available in the form of scholarships or educational loans. For many, however, especially in the middle-income brackets, financial assistance is nonexistent.

Our children's education is an investment in the future. We have made similar investments in the past, such as the GI bill, and the results have surpassed even our best expectations. We would do well to learn from these lessons.

As we face the necessity of finding solutions to the difficult and complex social problems facing this Nation we must recognize the essential role that education plays in our society. A better educated population is the primary tool for the continued growth and development of our Nation.

This bill proposes a maximum tax credit of $325 per student. The credit would be computed on the basis of 100 percent of the first $200 of qualifying expenditures for tuition, fees, and books; 25 percent of the next $300, and 5 percent of the subsequent $1,000. No credit would be allowed for student costs above $1,500.

The resulting credit would be allowed against the tax of any person who paid the expenses of education for himself or another person at a qualified educational institution. A qualified institution includes recognized colleges, universities, graduate schools, vocational, and business schools.

Mr. President, the bill is drafted to relieve the heavy burden of educational costs now borne by the average American citizen. It would not benefit, or provide a loophole, for wealthy individuals who can easily afford these costs.

The available credit would begin to be phased out when the taxpayer's adjusted gross income reached $15,000. One full credit would be phased out at each $10,000 level above $15,000. A family paying the expenses of one college-age child would be entitled to some tax credit up to an income level of $25,000. Similarly, only a taxpayer supporting two or more students would be entitled to a credit if his income was above $25,000. Similarly, only a taxpayer supporting three students could obtain a credit if his income was above $35,000. Thus, the effect of the credit is spread upward only in relation to true economic circumstances of the taxpayer.

This tax credit legislation will have a marked beneficial effect on the rapidly deteriorating ability of private individuals to finance the college education of a son or daughter. At the University of Connecticut, for instance, the cost of required tuition and books is $390. For the Connecticult resident who paid these fees and whose income was less than $15,000, the available credit would mean that his actual outlay would be reduced by $247.50, or two-thirds.

At a private institution where tuition alone may exceed $1,500 the full credit of $325 would be available to the same taxpayer, thus reducing the expenditures by more than 20 percent.

Mr. President, legislation of this type has received strong support from all segments of our society. Our ability to meet the problems and challenges of the future rests squarely on the strength of our educational institutions and the quality of education we are able to give all our citizens. This bill will substantially assist millions of Americans to meet the rising costs of providng qualty education. I urge that the Senate again give this legislation favorable consideration.

The **PRESIDING OFFICER**. The bill will be received and appropriately referred.

The bill (S. 3077) to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education, introduced by Mr. RIBICOFF, for himself and other Senators, was received, read twice by its title, and referred to the Committee on Finance.

S. 3078—INTRODUCTION OF A BILL TO PROVIDE FOR THE ISSUANCE OF A SPECIAL SERIES OF POSTAGE STAMPS IN COMMEMORATION OF ERNEST "ERNIE" PYLE

Mr. ANDERSON. Mr. President, on August 3, 1900, in an inconspicuous corner of the Midwest, a son was born to a plain-spoken, hardworking farm family. Neither of his parents got past the 8th grade. Their life was one of cutting broom corn, husking field corn, and jouncing along by buggy to church meetings and square dances. No one could have suspected that that son would grow up to become one of the most widely known figures, perhaps the most sensitive and thoughtful journalist, of his day. And yet that is what happened.

That son was named Ernest Taylor Pyle, later to be known by millions under the byline, "Ernie Pyle."

Mr. President, I am today introducing

legislation calling for the issuance of an Ernie Pyle memorial postage stamp, a fitting tribute to an honorable man and a respected journalist.

We in New Mexico have long held Ernie Pyle in high regard, and I am pleased to say that he felt the same about his adopted State. He was a resident of my own city of Albuquerque when, on April 18, 1945, on a tiny South Pacific island, he was killed by a Japanese bullet.

To this day, most people seem to remember Ernie Pyle as a war correspondent, but he was a great reporter and writer before the war came. It was his love of peace, of this land of ours, that caused him to be revered by all of us, caused him to write with such simple eloquence.

This is not my view alone, Mr. President. Let me quote from Ed Ainsworth, who wrote in the preface of one of Ernie Pyle's books:

> Many still think of Ernie almost entirely as the war correspondent who, through his courage and his understanding words, became the favorite not only of the public at home in the United States but also of the fighting men everywhere on far-flung battlefronts. Yet Ernie was world-famous for human, down-to-earth, sensitive columns about men, women, children and places long before World War II. And his love for the solitary places of the Southwest was part of his nature.

Or, perhaps best, let me turn to the great journalist himself, who, back in 1935 before we went to war, wrote this:

> From the Pecos to the Colorado, what a country! Its ancient history—Santa Fe was a thriving village long before the Pilgrims ever heard of Plymouth Rock; its modern history—the wild days of mining and cattle raising are an epic probably not duplicated anywhere in the world; its surface—the diverse and luxurious desert plants, beautiful in bloom, solemn and mysterious when bare; the land itself—spaceless, free, a land of humility and good taste. I love the Southwest.

Mr. President, there are volumes which testify to Ernie Pyle's humanity and eloquence, so I will not dwell on that.

I will simply note again his love for peace and for the land, the high esteem which we all held for him, and his affection for the Southwest and New Mexico. I think the issuance of a memorial postage stamp in his honor is fitting and necessary.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3078) to provide for the issuance of a special series of postage stamps in commemoration of Ernest "Ernie" Pyle, introduced by Mr. Anderson, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 3080—INTRODUCTION OF A BILL IMPROVING AND CLARIFYING CERTAIN LAWS AFFECTING THE COAST GUARD RESERVE

Mr. MAGNUSON. Mr. President, I introduce, by request, a bill to improve and clarify certain laws affecting the Coast Guard Reserve. I ask unanimous consent to have printed in the Record a letter from the Secretary of Transportation, together with a sectional analysis of the bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter and section analysis of the bill will be printed in the Record.

The bill (S. 3080) to improve and clarify certain laws affecting the Coast Guard Reserve, introduced by Mr. Magnuson, by request, was received, read twice by its title, and referred to the Commitee on Commerce.

The material presented by Mr. Magnuson is as follows:

The Secretary of Transportation,
Washington, D.C., September 2, 1969.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is transmitted herewith a draft of a proposal bill, "To improve and clarify certain laws affecting the Coast Guard Reserve."

The proposed bill would make changes to title 14, United States Code. Some of the changes clarify existing language or deal with minor areas where the existing statutory language does not completely cover a situation. These do not involve significant changes in substantive law.

The remainder of the changes would alter or add to substantive provisions in several areas. One major change in the proposal is that which would change the promotion system affecting Reserve officers to have it conform more closely with the promotion system applicable to Regular officers while providing for equality of treatment of officers of the Women's Reserve. In 1963, there was a comprehensive revamping of the system used to select for promotion, officers of the Regular Coast Guard. The fundamental change embodied in the new system required selection on a best-qualified basis for promotion to grades above lieutenant (junior grade) rather than on the basis of a modified seniority system under which all qualified officers were promoted.

The major purpose of the amendments to chapter 21 of title 14, is to adopt the best-qualified system for the promotion of Reserve officers. Such a system will not only permit the same standards to be maintained for the Reserve as are maintained for the Regular service, but will also aid in eliminating a severe stagnation problem in the grades of captain, commander, and lieutenant commander.

This stagnation results from the fact that upon the establishment of the Coast Guard Reserve in 1941, an extremely large number of Reserve officers entered the Reserve. The movement of these officers into the grades of captain, commander, and lieutenant commander has severely retarded the promotion of junior officers. The stagnation has been somewhat aggravated also by reason of the fact that more Reserve officers have become eligible for promotion as a result of the acceleration of promotion of Regular officers under best-qualified standards and the operation of the running-mate system. While Regular officers may expect to be promoted to captain, commander, and lieutenant commander in 22, 14, and 8 years, respectively, Reservists are 14, 4, and 2 years behind their running mates and the time lag is rapidly widening. This slowdown in promotion will have serious adverse effects upon the quality of leadership, morale, and interest of Coast Guard Reserve officers. It will also increase the difficulties of attracting and retaining high quality Reserve officers.

The proposed legislation is necessary to alleviate the present stagnation in the grades of captain, commander, and lieutenant commander and to prevent it from spreading to the lower grades. While this is the immediate need for this legislation, the more important and long range objective is to enhance the quality of the Coast Guard Reserve by increasing the quality of its officer corps. A best-qualified system will help to assure that those officers possessing the requisite degree of knowledge, judgment, and leadership ability to perform their duties efficiently in the light of an increasing emphasis on science, technology, and management will be selected. Adoption of the system will provide the means to control the flow of promotion, eliminate disparities, utilize manpower efficiently, and attract and retain officers of high capability.

Related to this major change are other provisions which would modify the Reserve officer structure by removing certain restrictions affecting officers of the Women's Reserve; by providing a modified, best-qualified promotion system for officers of the Women's Reserve; by eliminating the existing dual promotion system for officers serving on extended active duty, thus permitting actions taken in active duty status to be effective for Reserve status purposes; by providing for the elimination from an active status of those officers who have failed of selection for promotion to the next higher grade; by providing that a promotion appointment will be deemed accepted unless delivery cannot be effected; by modifying the running mate system; by stabilizing the precedence of officers; and by limiting the time in grade as a Reserve rear admiral.

Certain restrictions have been removed relative to officers of the Women's Reserve to incorporate some of the provisions applicable to women of the other Armed Services under Public Law 90–130. Because of extremely small numbers and maldistribution within year groups, it is impossible to provide for a best-qualified system of promotion with competition among themselves only, and still provide opportunity of promotion equal to that of male Reserve officers. For this reason, it is proposed to retain the fully qualified method of selection for officers of the Women's Reserve through the grade of lieutenant commander and to establish a best-qualified system for higher grades.

The dual system of promotion presently in effect for Reserve officers serving on active duty has resulted in duplication of effort and administrative delays. With the adoption of a best-qualified system of promotion for Reserve officers serving on inactive duty which parallels that presently employed for officers serving on active duty, the need for dual consideration would no longer exist. The proposal includes carry-over provisions to protect officers who have been selected for promotion while on active duty but could not be promoted before release to inactive duty, and vice versa.

The proposal to eliminate officers who have twice failed of selection to a higher grade and who had a full career is necessary to prevent officers who are no longer eligible for selection to a higher grade from filling billets which would impede the flow of promotion. It recognizes that the officers who are needed in an active status are those found to be best-qualified. At the same time there are provisions which protect the investment made in a Reserve career by those who are to be eliminated, and provide flexibility if it is necessary to retain individuals to meet mobilization requirements.

The proposal to assign an officer on the active duty promotion list, whether he is a Regular or Reserve officer, as the running mate of Reservists not on the active duty promotion list will effect an administrative improvement, by doing away with the necessity of assigning Regular officers to newly commissioned ensigns commencing their three-year tour of active duty, and will eliminate a superfluous action since active duty promotions are governed by provisions of law in chapter 11 of title 14.

Recently, some discrepancies in precedence were noted where because of operation of law, an officer either gained or lost precedence without cause. The legislative proposal would prevent such occurrences in the future and provide authority to rectify present injustices.

At present, there are no time in grade limitations concerning the retention in an active status of Reserve rear admirals except those pertaining to mandatory retirement for age. Although the lack of such limitations has not proved troublesome in the past, it is considered that with the advent of a best-qualified promotion system and an increased use of other methods of attrition, a definite time in grade limitation should be provided for to increase the opportunity for promotion of captains to flag rank. The proposal to limit service in an active status of Reserve rear admirals to five years is considered to be reasonable and, at the same time, adequate for the officers to gain the desired level of experience in the grade.

It is anticipated that the enactment of this legislation would involve little, if any, additional expenditure of funds for retired pay.

It would be appreciated if you would lay this proposal before the Senate. A similar bill has been submitted to the Speaker of the House of Representatives.

The Bureau of the Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely,

JAMES M. BEGGS,
Acting Secretary.

SECTIONAL ANALYSIS

The bill is divided into 2 sections. Section 1, comprising the major portion of the bill, contains extensive amendments to title 14, U.S. Code. These amendments (1) establish an entirely new system for the promotion of male Reserve officers above the rank of ensign and for officers of the Women's Reserve above the rank of lieutenant commander; (2) revise provisions relating to retention and elimination of Reserve officers; (3) revise the running mate system to conform more closely to that of the Naval Reserve; (4) amend the provisions relating to precedence of officers to stabilize their lineal position and (5) make other changes to adapt chapter 21 of title 14 to the provisions of the bill. Section 2 contains saving provisions to provide equitable transition from existing law to this new law.

Clause (1) amends subsection (b) of section 762 by removing the restriction on rank of women officers by deleting the words "but not above the grade of captain."

Clause (2) amends 770 by technical changes only to provide that the subchapter comprise sections 770 to 798, and that the active duty promotion list refers to that defined in section 41a of title 14.

Clause (3) amends section 772 by a technical change to provide for an excess of officer personnel above the authorized total or the authorized percentages in any grades due to operation of mandatory provisions of law.

Clause (4) amends section 774 by a technical change referencing provisions of section 787.

Clause (5) amends section 775 to add a provision that whenever women officers are being considered for promotion, there will be women officers appointed as members of the selection board.

Clause (6) amends subsections (c) and (d) of section 780 and adds subsection (i), to establish an entirely new promotion system for male officers in the grade of lieutenant (junior grade) and above, and officers of the Women's Reserve in the grade of lieutenant commander and above, not serving on active duty. It is designed to parallel as closely as possible the promotion system of the Regular Coast Guard established in 1963, and that under which the Naval Reserve has been operating for several years. The existing system of promoting all Coast Guard Reserve officers on inactive duty by seniority on a "fully qualified" basis is replaced by a system whereby male officers above the grade of ensign and officers of the Women's Reserve above the grade of lieutenant would be promoted on a "best qualified" basis. A "fully qualified" system for promotion to the next highest grade would be retained for all ensigns and officers of the Women's Reserve through the grade of lieutenant. Promotions of male and female officers differ slightly under Clause (6) because the wide disparity in year groups, sometimes involving only a single officer, make competition on a best qualified basis not feasible. Junior women officers are all direct commissioned, having no officer candidate school background nor active duty except for annual two week periods. If they were required to compete with male graduates of OCS, averaging three years active duty, they would virtually be denied promotion beyond lieutenant (junior grade). These provisions would deal more fairly with junior women officers and incorporate the spirit of P.L. 90–130 relating to the removal of career restrictions on women officers of the other Armed Services. The subsections are described in detail as follows:

Subsection (c) provides that a selection board shall recommend for promotion, from among the officers whose names are submitted to it, (1) those male officers above the grade of ensign whom it considers to be best qualified; (2) those officers of the Women's Reserve above the grade of lieutenant it considers to be best qualified; (3) those male ensigns whom it considers to be fully qualified; and (4) those officers of the Women's Reserve in the grades of ensign, lieutenant (junior grade), and lieutenant it considers to be fully qualified.

Subsection (d) requires the Secretary, before convening a selection board to recommend officers for promotion to any grade above lieutenant (junior grade), to determine the total number of officers to be selected for promotion to that grade. Unless the Secretary takes action under section 772(c) of this subchapter, this number shall be equal to the number of vacancies existing in the grade, plus the number of additional vacancies estimated for the next twelve months, less the number of officers previously selected for that grade but not yet promoted. Subsection (c) of section 772 referred to above allows the Secretary to determine the number of officers who may be promoted annually in order to provide an equitable promotional opportunity among succeeding groups of officers and to maintain an adequate continuing strength of Reserve officers in an active status.

Subsection (i) provides equivalent promotion selection opportunity for male and female officers.

Clause 7 amends section 781 to provide that Reserve officers hold rank and take precedence not only among themselves but with officers of the Regular Coast Guard including the permanent commissioned teaching staff at the Coast Guard Academy.

Clause 8 amends subsection (a) of section 782 to provide that any officer on the active duty promotion list, whether Regular or Reserve, may become the running mate of any Reserve officer in an active status who is not on the active duty promotion list. It also amends subsection (b) by expanding the reasons for assigning a new running mate and by providing a means for determining the new running mate such that no officer will gain or lose precedence without cause.

Subsection (c) will provide for the adjusting of dates of rank of those officers who have gained or lost precedence because the present law operated unfairly. Example: Three Reserve officers, X, Y, and Z, served 3 years on active duty after graduation from OCS, all having the same date of rank as lieutenants (junior grade) of 12/1/66. On 1/15/67 X, the senior officer remained on active duty and Y and Z were released to inactive duty. On 11/1/67 the running mate for all 3 officers was promoted to lieutenant. Y and Z were then promoted with date of rank 11/1/67. X, however, could not be promoted until a vacant billet occurred on the active duty promotion list. He subsequently was promoted as of 1/1/68. On 5/1/ 68 Y was recalled to extended active duty. Although once junior to X, he is now senior to him by 2 months. Subsection (c) will rectify this injustice

Clause (9) letters the present paragraph under section 7884 as "(a)" and adds a new paragraph (b) which provides that a Reserve rear admiral shall become entitled to the pay and allowances of the upper half for duty performed from the date his running mate becomes so entitled. This paragraph is added to delineate entitlement to such pay and allowances since there is no present provision of law contained in title 14, U.S. Code which specifically provides for such entitlement.

Clause (10) amends section 787 and covers failure of selection for promotion, and provides for a substantially different system of attrition.

Subsection (a) provides that a woman officer being considered for promotion on a "fully qualified" basis shall not be considered by ensuing selection boards if she fails of selection to grade of lieutenant or lieutenant commander when first considered. All ensigns plus those officers being considered on a "best qualified" basis shall not be considered again if they fail of selection twice.

Clause (11) amends section 790 by merely technical changes to adapt the present language to the new running mate system.

Clause (12) amends section 791 to eliminate the present dual systems of promotion for Reserve officers and to establish carry-over provisions to prevent duplication of effort and administrative delay. The various subsections are analyzed in detail as follows:

Subsection (a) provides that a Reserve officer serving on active duty other than active duty for training or other than for duty on a board shall not be eligible for consideration for promotion under the provisions of this subchapter. Instead, it provides that such an officer shall be considered for promotion and promoted pursuant to appropriate provisions of law contained elsewhere in title 14. This subsection further provides that if such an officer is so promoted, he shall be considered an extra number in the grade to which promoted for purposes of grade distribution prescribed in this subsection and shall not be counted in such distribution until he is released from active duty.

Subsection (b) provides that notwithstanding the provisions of subsection (a) of this section, a Reserve officer who, at the time he reports for active duty, has already been selected for promotion under the provisions of this subchapter shall be promoted as though he were selected while serving on active duty.

Subsection (c) provides that a Reserve officer who has been recommended for promotion at the time he is released from active duty shall be promoted under the provisions of this subchapter, as though he had been selected while not serving on active duty.

Subsection (d) provides that a failure of selection shall be counted for all purposes regardless of the officer's status at the time it occurred.

Clause (13) adds three new sections relative to failure of selection of officers; acceptance of promotion when tendered; and maximum time in grade as a rear admiral. The sections are treated individually as follows:

Section 796. Failure of selection for promotion.

Present provisions of law do not specifically enumerate the conditions which must exist to constitute a failure of selection although it is implied in sections 780 and 787 of this subchapter that if an officer is considered by the board and is not recommended for promotion, he has failed of selection. As a practical matter, officers so situated have been held to have failed of selection. The insertion of subsection (a) clarifies the intent of the subchapter.

Subsection (b) is a savings provision with respect to any officer who was not considered by a selection board because of administrative error. Such an officer shall not be considered to have failed of selection. If selected by the next succeeding selection board after the error is discovered and promoted, he will assume the date of rank and precedence which he would have held if he had been selected for promotion by the board which would have considered him but for the error.

Subsection (c) provides that when a selection board is considering women officers for promotion to a grade below commander, such officers shall be considered in the order of their seniority and that when the number of officers found to be qualified equals the number of vacancies to be filled, the board shall not consider any officers junior to the last one found to be qualified. Junior officers not considered are not deemed to have failed of selection and they are eligible to be considered by the next board convened.

Section 797 is inserted and entitled "Promotion; acceptance; oath of office". This new section provides that the effective date of a promotion appointment shall be deemed to be the date of its issuance unless delivery of the appointment cannot be effected. Further, it provides that an officer who has previously taken the prescribed oath of office and has served continuously thereafter need not repeat the oath upon issuance of a promotion appointment.

Section 798 contains a new provision which requires that a Reserve rear admiral must be eliminated from an active status or discharged on the date on which he completes five years of service in that grade unless he is retained until age 64 as provided for in section 789 of this title. At the present time, there are no sections of law requiring such action to be taken until mandatory retirement age of 62 or 64 is reached. It is considered desirable to prevent a possible stagnation of promotion to flag grade since only 2 flag officers are authorized for the Coast Guard Reserve.

Section 2 contains three savings provisions necessitated by the change from a "fully qualified" system to a "best qualified" system. These three savings provisions are analyzed in detail as follows:

Subsection (a) provides for the promotion of officers who have been recommended for promotion under the present system but who have not been promoted as of the effective date of the Act. This subsection provides the authority to promote such officers without further selection. Thus, there would be no interruption in promotions.

Subsection (b) provides that officers who have failed of selection for promotion under existing laws will be considered as having failed of selection under the provisions of this Act. This makes them subject to the mandatory attrition features prescribed by this Act for such officers.

Subsection (c) insures that enactment of this Act will not result in the termination of the promotion appointment of any officer even though such appointment may have been received pursuant to a section of law or as a result of a system of promotion that is changed by the provisions of this Act.

COMPARATIVE TYPE SHOWING CHANGES IN EXISTING LAW MADE BY THE PROPOSED BILL

(Matter proposed to be omitted is enclosed in brackets; new matter is italic)

* * * * *

CHAPTER 21.—COAST GUARD RESERVE

Sec.
751. Purpose and administration of Reserve.
751a. Organization.
752. Eligibility.
752a. Authorized strength.
753. Term; duty; training.
753a. Coast Guard Reserve Policy Board.
754. Grades and ratings; military authority.
755. Benefits.
756. Temporary membership; eligibility; compensation.
757. Exemption from military training and draft.
758. Discipline.
758a. Reserve student aviation pilots; reserve aviation pilots; appointments in commissioned grade.
759. Uniform allowance.
759a. Wartime appointments or promotions; retention of grade upon release from from active duty.
760. Disability or death benefits for temporary members.
761. Engaging in civil occupation; leave for training duty.
762. Women's Reserve.
763. Certificate of honorable service of temporary members.

COMMISSIONED OFFICERS

Sec.
770. Definitions.
771. Applicability of this subchapter.
772. Authorized number of officers.
773. Constructive credit upon initial appointment.
774. Eligibilty for promotion; retention in active status.
775. Selection boards; appointment.
776. Grade on entry upon active duty.
777. Recommendation for promotion of officers previously removed from active status.
778. Suspension of this subchapter in war or national emergency.

§ 770. Definitions.

As used in section 770–79[5]*8*, inclusive of this title—

* * * * *

(9) the "active duty promotion list" is as defined in section 41a of this title.

[9] (*10*) "this subchapter" means section 770 to 79[5]*8*, inclusive of this title.

* * * * *

§ 772. Authorized number of officers.

* * * * *

(b) The authorized number of officers of the Coast Guard Reserve in active status in each of the grades below the grade of rear admiral shall be a percentage of the total authorized number of such officers in active status below the grade of rear admiral, and shall be 1.5 percent in the grade of captain, 7.0 percent in the grade of commander, 22.0 percent in the grade of lieutenant commander, 37.0 percent in the grade of lieutenant, and 32.5 percent in the combined grades of lieutenant (junior grade) and ensign, except that when the actual number of Coast Guard Reserve officers in an active status in any grade is less than the number which is so authorized, the difference may be applied to increase the authorized number in any lower grade or grades. No Reserve officer shall be reduced in rank or grade solely because of a reduction in an authorized number provided in this subsection [.] *or because an excess results directly from the operation of mandatory provisions of this or other laws.* The authorized number of Coast Guard Reserve officers in an active status in the grade of rear admiral shall be two.

* * * * *

§ 774. Eligibility for promotion; retention in active status.

[To be eligible for consideration for promotion under this subchapter] *A* Reserve officer must be in an active status [.] *to be eligible for consideration for promotion and to be promoted under this subchapter. Officers retained in an active status and excluded from promotion by the provisions of section 787 of this title are not eligible for consideration for promotion.*

§ 775. Selection boards; appointment.

* * * * *

(f) *Whenever a selection board is convened to consider officers of the Women's Reserve not serving on active duty, membership of the board shall include, when reasonably available, not less than two members of the Women's Reserve not serving on active duty.*

* * * * *

§ 780. Promotion; recommendations of selection boards.

* * * * *

(c) Each selection board, from among those officers whose names are submitted to it as determined by section 783 of this title, [and without regard to existing precedence or seniority, shall recommend for promotion those officers whom it considers to be qualified to assume the duties of the next higher grade. Such officers shall receive consideration in the order of their relative seniority and when the number of officers found to be qualified equals the number of vacancies to be filled, the board need not consider any officers junior to the last officer found to be qualified and recommended for promotion.] *shall recommend for promotion to the next higher grade:*

(1) those male officers serving in the grade of lieutenant (junior grade) or above whom it considers to be best qualified;

(2) those male officers serving in the grade of ensign whom it considers to be fully qualified;

(3) those officers of the Women's Reserve serving in the grade of lieutenant or below whom it considers to be fully qualified; and

(4) those officers of the Women's Reserve serving in the grade of lieutenant commander or above whom it considers to be best qualified. The recommendation of a selection board shall be based on comparative fitness for the duties to which officers of the Women's Reserve are normally assigned.

(d) [Any such junior officers not considered pursuant to subsection (c) of this section shall not be considered to have failed of selection, and the names of such officers shall be again submitted to the next ensuing selection board.] *Before convening a board to recommend officers for promotion to any grade above lieutenant (junior grade), the Secretary shall determine the total number of officers to be selected for promotion to that grade. Unless the Secretary takes action pursuant to the provisions of subsection (c) of section 772 of this subchapter, this number shall be equal to the number of vacancies existing in the grade, plus the number of vacancies estimated for the next twelve months, less the number of officers on the promotion list for that grade.*

* * * * *

(i) *Vacancies in all grades shall be filled by the combined total of those officers, male and female, who have been selected for promotion. Selection opportunity for officers of* *the Women's Reserve to grades above lieutenant commander shall be equivalent to that prescribed for male officers of the same grades. Officers of the Women's Reserve being considered for promotion to the grades of lieutenant commander or below shall be considered and selected in their order of precedence up to the number designated to be selected.*

* * * * *

§ 781. Precedence.

Officers of the Reserve shall have rank and take precedence in their respective grades among themselves and with officers of the same grades [of the Regular Coast Guard respectively] *on the active duty promotion list and the permanent commissioned teaching staff* in accordance with the dates of rank as stated in their commissions. When Reserve officers and [Regular] officers *on the active duty promotion list or the permanent commissioned teaching staff* have the same date of rank in a grade, such officers shall take precedence as determined by the Secretary.

§ 782. Running mates.

(a) Each officer of the Reserve in an active status *not on the active duty promotion list* shall [have] *be assigned* a running mate who shall be the officer [of the Regular Coast Guard] of the same grade *on the active duty promotion list* [exclusive of extra numbers,] who is next senior to him in precedence as determined in the manner prescribed in section 781 of this title. *Officers who are extra numbers, who have twice failed of selection, or who have not been recommended for continuation under section 289 of this title shall not be assigned as running mates under this section.*

* * * * *

(1) If a running mate is [retired, dies, or otherwise is separated from the service,] *promoted from below the promotion zone, is removed from the active duty promotion list,* suffers loss of numbers, or fails to qualify for promotion, the new running mate shall be the officer of the [Regular Coast Guard of the] same grade *on the active duty promotion list* who was next senior to the old running mate, [exclusive of extra numbers,] or if there be no such [Regular] officer then the most senior [Regular] officer in [the] *that* grade [.] *on the active duty promotion list. If the old running mate was on a list of selectees for promotion the new running mate shall be on a list of selectees.*

(2) If an officer of the Reserve suffers loss of numbers, the new running mate, shall be the officer [of the Regular Coast Guard exclusive of extra numbers,] *on the active duty promotion list* who is the running mate of the Reserve officer next senior to the officer concerned after the loss of numbers has been effected.

(3) If an officer of the Reserve *is considered for promotion at approximately the same time as his running mate and* fails of selection [or], fails to qualify for promotion *after selection, or declines an appointment after having been selected for promotion* and his running mate is promoted, the new running mate shall be the *next* senior officer [of the Regular Coast Guard] remaining in [that grade,] *the same grade on the active duty promotion list,* [exclusive of extra numbers,] whose name is not on a [promotion] list [.] *of selectees and who is eligible for consideration for promotion.*

[(4) If a running mate is retarded in rate of promotion or has attained the highest rank to which he may be promoted, the new running mate shall be the officer of the Regular Coast Guard who is next senior to the old running mate, exclusive of extra numbers, or if there be no such Regular officer then the Regular officer of the same grade who is next eligible for promotion. An officer shall be considered to have been retarded when another officer in his grade junior to him is eligible for promotion ahead of him. If subsequently the old running mate is promoted and is restored to the precedence he would have held but for the retardation, he shall be reassigned as the running mate of the Reserve officer concerned.]

"(4) *If an officer of the Reserve was not considered for promotion at approximately the same time as his running mate, and the Reserve officer subsequently is considered and fails of selection or fails to qualify for promotion, such failure shall be deemed to have occurred at the same time as his running mate was considered. His new running mate shall be the next senior officer remaining in the same grade on the active duty promotion list, whose name was not on a list of selectees at the time the original running mate was selected.*"

"(5) *In any situation not expressly covered by this subsection or where the assignment of a running mate would result in an inequitable change in precedence, the Secretary may assign an appropriate running mate to effect the intent of this section that no unjust benefit or detriment will result to any officer from the operation of this section.*"

"(6) *A Reserve officer on the active duty promotion list shall become the running mate of all the inactive duty Reserve officers who are junior to him and had a running mate in common with him at the time of his being placed on the active duty promotion list.*"

"(c) *The Secretary is authorized to adjust, as necessary, the dates of rank of Reserve officers not on active duty so that the dates will correspond with those of the running mates assigned to them in accordance with the provisions of this section. However, the dates of rank of those Reserve officers whose names are on a list of selectees for promotion to the next higher grade at the time of enactment of this subsection, shall not be adjusted until such time as the officers have been promoted. If overpayments of pay and allowances will have resulted from the adjustment of dates of rank, such overpayments shall not be subject to recoupment.*"

§ 784. Date of rank upon promotion; entitlement to pay.

(*a*) When an officer of the Reserve is promoted to the next higher grade under the provisions of this subchapter either for temporary service or for service in permanent grade, he shall be assigned the same date of rank as that assigned to his running mate for either and/or both types of service and a Reserve officer so promoted shall be allowed pay and allowances of the higher grade for duty performed from the date of his appointment thereto.

"(b) *Notwithstanding any other provision of law, a Reserve rear admiral shall become entitled to the pay and allowances of the upper half for duty performed from the date his running mate becomes so entitled.*"

* * * * *

§ 787. Failure of selection and elimination.

"(a) [A Reserve officer not above the grade of lieutenant after failing of selection for promotion to the next higher grade for a second time may be retained in or eliminated from an active status in the discretion of the Secretary.] *Officers of the Women's Reserve in the grades of lieutenant (junior grade) and lieutenant failing of selection for promotion to the next higher grade, and all other Reserve officers after failing of selection for promotion to the next higher grade for a second time, may be retained in or eliminated from an active status in the discretion of the Secretary.* [Other] *Those* Reserve officers [whose names are not on a promotion list after failing of selection for promotion to the next higher grade a second time] *who are not retained in an active status* shall be given an opportunity to apply for transfer to the Retired Reserve if qualified, but unless so transferred shall be discharged on June 30 of the fiscal year in which they have completed the following periods of total commissioned service for the grades specified:

Grade:	*Total years of commission service*
Captain	30
Commander	26
Lieutenant commander	20

For the purpose of this subsection, the total commissioned service of an officer who shall have served continuously in the Coast Guard Reserve following appointment therein in the grade or rank of ensign shall be computed from June 30 of the fiscal year in which he accepted appointment. Each Reserve officer initially appointed in a grade above that of ensign shall be deemed to have for these purposes, as much total commissioned service as any officer of the Regular Coast Guard who has served continuously since original appointment as ensign, has not lost numbers or precedence and who is, or shall have been, junior to such Reserve officer, except that the total commissioned service that such Reserve officer shall be deemed to have shall not be less than the actual number of years he has served in commissioned officer status above the grade of commissioned warrant officer.

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§ 790. Type of promotion; temporary; permanent.

(a) Notwithstanding any other law, if a Reserve officer is promoted when his [or her] running mate [in the Regular Coast Guard] is promoted and such promotion of the [Regular] running mate is on a temporary basis, the promotion of the Reserve officer concerned shall be on a temporary basis, and if subsequently the [Regular] running mate is reverted to a lower grade (for reasons other than disciplinary or for incompetence or at his own request), the Reserve officer shall likewise revert to the same lower grade in the same manner as his running mate [in the Regular service] and take corresponding precedence.

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§ 791. Promotion of officers on active duty.

[While serving on extended active duty, an officer of the Reserve may be promoted in the same manner as an officer of the Regular Coast Guard. If so promoted by reason of being on active duty, the officer concerned will be considered an extra number in the higher grade of the Reserve and when released from such active duty, unless permanently promoted while on extended active duty, shall resume his permanent rank and status in the Reserve. Such officers shall also be considered by promotion boards for officers of the Reserve if they otherwise meet the requirements of this subchapter and the regulations of the Secretary and may be promoted in the normal manner for Reserve officers if qualified under the provisions of this subchapter.]

(*a*) *While serving on active duty other than active duty for training, or other than for duty on a board, a Reserve officer shall not be eligible for consideration for promotion or for promotion under the provisions of this subchapter. Such an officer shall be considered for promotion and promoted pursuant to appropriate provisions contained elsewhere in this title. If so promoted, such an officer shall be considered as having been promoted under this subchapter and shall be considered as an extra number in the grade to which promoted for the purpose of grade distribution prescribed in this subchapter and shall not be counted in such* *distribution until he is released from active duty.*

(b) Notwithstanding the provisions of subsection (a) of this section, a Reserve officer who, at the time he reports for active duty has been recommended for promotion to the next higher grade under the provisions of this subchapter, shall be promoted to such grade subject to the same conditions as though selected under provisions of law applicable to a Reserve officer serving on active duty.

(c) A Reserve officer who, at the time he is released from active duty, has been recommended for promotion to the next higher grade under provisions of law applicable to a Reserve officer serving on active duty, shall be promoted to such grade subject to the same conditions as though selected under provisions of this subchapter.

(d) A failure of selection for promotion to the next higher grade shall be counted for all purposes regardless of whether it occurred under the provisions of this subchapter or under other provisions of law.

* * * * *

§ 796. Failure of selection for promotion.

(a) A Reserve officer, other than an officer serving in the grade of captain, who is, or is senior to, the junior officer in the promotion zone established for his grade, fails of selection if he is not selected for promotion by the selection board which considered him, or if having been recommended for promotion by the board, his name is thereafter removed from the report of the board by the President.

(b) An officer shall not be considered to have failed of selection if he was not considered by a selection board because of administrative error. If he is selected by the next succeeding selection board after the error is discovered and is promoted, he shall be given the date of rank and precedence that he would have held if he had been recommended for promotion by the selection board which would have considered him but for the error.

(c) Those officers of the Women's Reserve in the grades of lieutenant and lieutenant (junior grade) who are junior to the last officer selected by a board pursuant to subsection (i) of section 780 of this title shall not be considered to have failed of selection, and the names of such officers shall be submitted to the next ensuing selection board.

§ 797. Promotion; acceptance; oath of office.

(a) An officer who has been appointed under the provisions of this subchapter is considered to have accepted such appointment unless delivery of the appointment cannot be effected.

(b) An officer who has served continuously since he subscribed to the oath of office prescribed in section 3331 of title 5, United States Code, is not required to take a new oath upon his appointment in a higher grade.

§ 798. Rear admiral; maximum service in grade.

A Reserve rear admiral, unless retained in or removed from an active status under other provisions of law, shall be removed from an active status on the date he completes five years of service in the permanent grade of rear admiral.

S. 3081—INTRODUCTION OF A BILL AND CLARIFYING CERTAIN LAWS AFFECTING THE COAST GUARD

Mr. MAGNUSON. Mr. President, I introduce, by request, a bill to improve and clarify certain laws affecting the Coast Guard. I ask unanimous consent to have printed in the Record a letter from the Secretary of Transportation, together with a statement showing changes in existing law made by the proposed bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter and statement will be printed in the Record.

The bill (S. 3081) to improve and clarify certain laws affecting the Coast Guard, introduced by Mr. Magnuson, by request, was received, read twice by its title and referred to the Committee on Commerce.

The material presented by Mr. Magnuson is as follows:

The Secretary of Transportation,
Washington, D.C., September 10, 1969.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is transmitted herewith a draft of a proposed bill, "To improve and clarify certain laws affecting the Coast Guard."

The proposed bill would make changes to title 14, title 10, and title 37, United States Code. Some of the changes are minor in nature and either clarify existing language or deal with minor areas where the existing statutory language does not completely cover a situation. These do not involve significant changes in substantive law. The remainder of the changes would alter or add to substantive provisions in several areas.

The Coast Guard Academy would be the subject of several substantive of changes. The first of these would increase the number of cadets authorized to be appointed annually from 400 to 600. Relief from the present ceiling is necessary to insure continued support by the Academy of service officer corps needs. Secondly, the bill would provide authority to order a cadet to active duty as a member of the Coast Guard Reserve in an appropriate enlisted grade for a period not to exceed four years, if he does not complete the course of instruction or if he refuses to accept a commission. The third change would authorize the instruction of not to exceed four cadets from the Republic of the Philippines at the Coast Guard Academy. The second and third provisions are similar to existing provisions of title 10, United States Code, applicable to the Naval Academy. A fourth change provides authority for a member of the permanent commissioned teaching staff to serve until age 64. This change would parallel existing authority for the Military and Air Force Academies, the other academies with permanent commissioned professors on the teaching staff.

Certain personnel provisions concerning the Regular Coast Guard would also be amended by the proposal. The bill seeks to authorize the promotion of ensigns to lieutenant (junior grade) after 12 months active service if desired. At the present time the Navy is effecting promotions after 12 months service in the grade of Ensign. Another change relating to personnel removes reserve officers assigned to the Selective Service System from the active duty promotion list. This modification will afford these officers opportunity for promotion commensurate with their background and assigned duties. A final change in this area seeks to authorize the recall of retired regular officers with their consent, regardless of their age.

Another area in which substantive authority would be added concerns housing and transportation of dependent school children.

The proposed addition would make permanent the temporary authority to lease housing for assignment as public quarters which was contained in Public Law 90–334 and which will expire on June 30, 1970. There is a continuing need for this authority in order to provide sufficient housing for Coast Guard personnel. In addition, authority would be provided for the Secretary of designate as rental housing certain government-owned housing which does not meet current standards for public quarters and, therefore, is inadequate. The rental charge would be set according to parameters set forth in the proposed amendment section. This authority would permit the continuance of a program which was commenced some years ago.

With the increased acquisition and construction of housing at Coast Guard units in recent years, a necessity has developed for providing for the transportation of dependent school children between the site of the housing and the schools serving the area. Frequently, Coast Guard units with public quarters attached are located at some distance from public transportation facilities, if they exist at all. There is no feasible method of getting the children to their schools. The proposed authority would allow the Coast Guard to provide this transportation, where necessary and would parallel similar procedures effective in the other armed forces.

Among the remaining changes is one which would permit obligations to be incurred against anticipated reimbursement to the Coast Guard Supply Fund as the Secretary, with the approval of the Director of the Bureau of the Budget, determines to be necessary. The funding capability of the Supply Fund has been considerably reduced in recent years due to increased inventory levels required by the expansion of Coast Guard activities, inflationary trends and increased lead time for material on order. The authority sought presently exists for the Department of Defense and is codified in 10 United States Code 2210(b).

The last significant change to title 14 concerns the existing limitation found in section 432(g) on the compensation of personnel of the former lighthouse service. This limitation of $5,100.00 has prevented the more senior employees from receiving the full benefits of pay increase legislation particularly in the past few years. Additionally, an adjustment in accordance with current directives of the Bureau of the Budget in rental charges for quarters furnished these employees will result in an increased charge against them which, in effect, will lower their effective level of compensation. The proposed increase in the maximum limitation to $7,500 will allow these employees to receive pay increases as they are enacted and will allow some flexibility in adjusting position levels to reflect the increased rental charge without reducing the take-home pay of the employees concerned.

The remaining changes to title 14 are technical changes to existing language to clarify it or to deal with minor problems. These include amendments to insure complete understanding as to Coast Guard responsibility for underwater research and rescue, maritime safety and law enforcement.

In addition to amendments to title 14, certain amendments to titles 10 and 37 of the United States Code are also included. The amendment to the Armed Forces title would add Coast Guard dependents to the existing authority for the training of dependents of members of the other armed forces in foreign language in anticipation of the members' permanent dusty assignment outside the United States.

The Pay and Allowances title would be amended to provide authority for the payment of Coast Guard aviation cadets similar to that for aviation cadets of the Navy, Air Force, and Marine Corps. Additionally, it would be amended to provide for the payment of a uniform allowance to enlisted members of the Coast Guard appointed to permanent warrant officer grade similar to the allowance provided enlisted members when appointed to temporary officer status. Finally, it would be amended to provide authority to increase the pay of a member of the permanent commissioned teaching staff at the Academy, at the thirty-sixth year of service, producing a pay comparable to that authorized at the other service academies with permanent commissioned professors on the teaching staff.

The additional expenses caused by this

legislation, if enacted, will depend, in great measure, upon the extent to which some of the authority granted is implemented. The impact of certain of the provisions can be estimated with some certainty. For example, the annual cost resulting from the increase in the limitation on the maximum compensation to be paid to personnel of the former lighthouse service would be about $1,500.

When the authority to train cadets from the Republic of the Philippines is fully implemented it will cost annually approximately $10,000 for the four cadets. The annual expenditure for transportation of dependent school children is not expected to be a significant amount. It is anticipated that some savings will result from the authority to require enlisted service from cadets who do not complete the course of instructions at the Academy. However, the amount of such savings is difficult to estimate.

It would be appreciated if you would lay this proposal before the Senate. A similar proposal has been submitted to the Speaker of the House of Representatives.

The Bureau of the Budget has advised that there would be no objection from the standpoint of the Administration's program to the submission of this draft legislation to the Congress.

Sincerely,

J. C. Wolff.

Comparative Type Showing Changes in Existing Law Made by the Proposed Bill

(Matter proposed to be omitted is enclosed in brackets; new matter is italic)

TITLE 41

§ 2. Primary duties.

The Coast Guard shall enforce or assist in the enforcement of all applicable Federal laws [upon] *on and under* the high seas and waters subject to the jurisdiction of the United States; shall administer laws and promulgate and enforce regulations for the promotion of safety of life and property on *and under* the high seas and [on] waters subject to the jurisdiction of the United States covering all matters not specifically delegated by law to some other executive department; shall develop, establish, maintain and operate, with due regard to the requirements of national defense, aids to maritime navigation, [ice-breaking] *icebreaking* facilities, and rescue facilities for the promotion of safety on, *under*, and over the high seas and waters subject to the jurisdiction of the United States; shall engage in oceanographic research on the high seas and in waters subject to the jurisdiction of the United States; and shall maintain a state of readiness to function as a specialized service in the Navy in time of war.

* * * * *

§ 41a. Active duty promotion list.

(a) The Secretary shall maintain a single active duty promotion list of officers of the Coast Guard on active duty in the grades of ensign and above. Retired officers, officers of the permanent commissioned teaching staff of the Coast Guard Academy, and officers of the Women's Reserve shall not be included on the active duty promotion list. Reserve officers on extended active duty, other than those serving in connection with organizing, administering, recruiting, instructing, or training the Reserve components [,] *or assigned to the Selective Service System,* shall be included on the active duty promotion list.

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§ 88. Saving life and property.

(a) In order to render aid to distressed persons, vessels, and aircraft on *and under* the high seas and on *and under* the waters over which the United States has jurisdiction and in order to render aid to persons and property imperiled by flood, the Coast Guard may:

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Chapter 9.—Coast Guard Academy

Sec.
181. Administration of Academy.
182. Cadets; number, appointment, obligation to serve.
183. Cadets; initial clothing allowance.
184. Cadets; degree of bachelor of science.
185. Cadets; appointment as ensign.
186. Civilian instructors.
187. Permanent commissioned teaching staff; composition.
188. Appointment of permanent commissioned teaching staff.
189. Grade of permanent commissioned teaching staff.
190. Retirement of permanent commissioned teaching staff.
191. Credit for service as member of civilian teaching staff.
192. Assignment of personnel as instructors.
193. Advisory Committee.
194. Annual Board of Visitors.
195. Admission of foreigners for instruction; restrictions; conditions.

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§ 182. Cadets; number, appointment, obligation to serve.

(*a*) The number of cadets appointed annually to the Academy shall be as determined by the Secretary but the number appointed in any one year shall not exceed [four] *six* hundred. Appointments to cadetships shall be made under regulations prescribed by the Secretary, who shall determine age limits, methods of selection of applicants, term of service as a cadet before graduation, and all other matters affecting such appointments. The Secretary may summarily dismiss from the Coast Guard any cadet who, during his cadetship, is found unsatisfactory in either studies or conduct, or may be deemed not adapted for a career in the Coast Guard. Previous to his admission each cadet shall obligate himself, in such manner as the Secretary shall prescribe, *to complete the course of instruction at the Coast Guard Academy and* to serve at least five years as an officer in the Coast Guard after graduation, if his service be so long required. Cadets shall be subject to rules governing discipline prescribed by the Commandant.

(*b*) *A cadet who does not fulfill his obligation to complete the course of instruction or refuses to accept an appointment as an officer in the Coast Guard may be transferred by the Secretary to the Coast Guard Reserve in an appropriate enlisted grade or rating, and, notwithstanding section 651 of title 10, United States Code, may be ordered to active duty to serve in that grade or rating for such period of time as the Secretary prescribes, but not for more than four years.*

§ 190. Retirement of permanent commissioned teaching staff

Professors, associate professors, assistant professors, and instructors in the Coast Guard shall be subject to retirement or discharge from active service for any cause on the same basis as other commissioned officers of the Coast Guard, except that they shall not be required to retire from active service under the provisions of section 288 of this title, nor shall they be subject to the provisions of section 289 of this title, *nor shall they be required to retire at age 62 but may be permitted to serve until age 64 at which time unless earlier retired or separated they shall be retired.* The Secretary may retire any member of the permanent commissioned teaching staff who has completed thirty years' active service. Service as a civilian member of the teaching staff at the Academy in addition to creditable service authorized by any other law in any of the military services rendered prior to an appointment as a professor, associate professor, assistant professor, or instructor shall be credited in computing length of service for retirement purposes. The provisions of law relating to retirement for disability in line of duty shall not apply in the case of a professor, associate professor, assistant professor, or instructor serving under a temporary appointment.

§ 195. Admission of foreigners for instruction; restrictions; conditions

(*a*) *Upon designation by the President, the Secretary may permit not to exceed four persons at a time from the Republic of the Philippines to receive instruction at the Academy.*

(*b*) *A person receiving instruction under this section is entitled to the same pay and allowances, to be paid from the same appropriations, as cadets at the Academy.*

(*c*) *Except as the Secretary determines, a person receiving instruction under this section is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as a cadet; however, a person receiving instruction under this section is not entitled to an appointment in the Coast Guard by reason of his graduation from the Academy.*

Chapter II.—Personnel

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§ 271. Promotions; appointments.

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(c) An officer serving on active duty in the grade of ensign may if found fully qualified for promotion in accordance with regulations prescribed by the Secretary, be promoted to the grade of lieutenant (junior grade) by appointment after he has completed [eighteen] *twelve* months' active service in grade. The date of rank of an officer promoted under this subsection shall be the date of his appointment in the grade of lieutenant (junior grade) as specified by the Secretary.

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§ 332. Recall to active duty with consent of officer

(a) Any regular officer on the retired list may, with his consent be assigned to such duties as he may be able to perform. [But no officer on the retired list who has reached the age of sixty-two years shall be recalled in time of peace.]

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§ 432. Personnel of former Lighthouse Service

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(g) The head of the department in which the Coast Guard is operating under regulations prescribed by him, may regulate the hours of duty and the pay of civilian keepers of lighthouses and civilians employed on lightships and other vessels of the Coast Guard, but such personnel may be called upon for duty in emergency circumstances or otherwise at any time or all times. The existing system governing the pay of such employees may be continued or changed except that overtime compensation, night differential, and extra pay for duty on holidays shall not be paid to such employees. In lieu thereof additional annual compensation may be authorized, which may be prescribed either as a fixed differential or as a percentage of the basic compensation otherwise applicable to such employees. In no case shall basic compensation exceed [$5,100] *$7,500* per annum, except that nothing contained in this subsection shall operate to decrease the basic compensation of any person employed by the Coast Guard on the date of enactment of this subsection, and in no case shall additions thereto exceed 25 per centum of such basic compensation. Provisions may be made for compensatory absence from duty when conditions of employment result in confinement because of isolation or in long periods of continuous duty, and provisions may likewise be made for extra allowance for service outside the continental limits of the United States.

Chapter 13.—Pay, allowances, awards, and other rights and benefits

Sec.
461. Pay and allowances; pay of officers indebted to the United States; remission of indebtedness of enlisted members.
462. Pay and allowances of rear admirals.
462a. Retired rear admirals; retired pay after two years of active duty.
464. Allotment of pay.
465. Advances to officers ordered to and from sea or shore duty beyond the seas.
466. Settlement of accounts of deceased officers and men.
467. Computation of length of service.
468. Procurement of personnel.
469. Training.
470. Special instruction at universities.
471. Attendance at professional meetings.
473. Allowances to under-age discharged persons.
474. Compensation for travel tolls and fares.
475. [Hiring of quarters for personnel.] *Leasing and hiring of quarters; rental of inadequate housing.*
476. Contingent expenses.
477. Equipment to prevent accidents.
478. Rations or commutation therefor in money.
479. Sales of ration supplies to messes.
480. Flight rations.

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[§ 475. Hiring of quarters for personnel

Where sufficient quarters are not possessed by the United States, the Commandant may hire quarters for personnel, including personnel on sea duty at such times as they may be deprived of their quarters on board ship due to repairs or other conditions which may render them uninhabitable. Such accommodations shall not be available for occupancy by the dependents of such personnel.]

§ 475. Leasing and hiring of quarters; rental of inadequate housing

(*a*) *The Secretary is authorized to lease housing facilities at or near Coast Guard installations, wherever located, for assignment as public quarters to military personnel and their dependents, if any, without rental charge upon a determination by the Secretary, or his designee, that there is a lack of adequate housing facilities at or near such Coast Guard installations. Such public housing facilities may be leased on an individual or multiple-unit basis. Expenditures for the rental of such housing facilities may not exceed the average authorized for the Department of Defense in any year.*

(b) *Notwithstanding the provisions of any other law, members of the Coast Guard, with dependents, may occupy on a rental basis, without loss of basic allowance for quarters, inadequate quarters under the jurisdiction of the Coast Guard notwithstanding that such quarters may have been constructed or converted for assignment as public quarters. The net difference between the basic allowance for quarters and the fair rental value of such quarters shall be paid from otherwise available appropriations; however, no rental charge for such quarters shall be made against the basic allowance for quarters of a member of the Coast Guard in excess of 75 percent of such allowance except that in no event shall the net rental value charged to the member's basic allowance for quarters be less than the cost of maintaining and operating the housing.*

(c) *The Secretary is authorized, subject to regulations approved by the President,*

(*1*) *to designate as rental housing such housing as he may determine to be inadequate as public quarters; and*

(*2*) *to lease inadequate housing to members of the Coast Guard for occupancy by them and their dependents.*

(d) *Where sufficient quarters are not possessed by the United States, the Commandant may hire quarters for personnel, including personnel on sea duty at such times as they may be deprived of their quarters on board ship due to repairs or other conditions which may render them uninhabitable. Such accommodations shall not be available for occupancy by the dependents of such personnel.*

Chapter 17. Administration

Sec.
631. Delegation of powers by the Secretary.
632. Functions and powers vested in the Commandant.
633. Regulations.
634. Officers holding certain offices.
635. Oaths required for boards.
636. Administration of oaths.
637. Stopping vessels; immunity of Coast Guard officer.
638. Coast Guard ensigns and pennants.
639. Penalty for unauthorized use of words "Coast Guard."
641. Disposal of certain material.
642. Deposit of damage payments.
643. Rewards for apprehension of persons interfering with aids to navigation.
644. Payment for the apprehension of stragglers.
645. Settlement of claims incident to activities of the Coast Guard.
646. Claims for damages occasioned by vessels.
647. Claims for damage to property of the United States.
648. Accounting for industrial work.
649. Supplies and equipment from stock.
650. Coast Guard Supply Fund.
651. Annual report.
652. Removing restrictions.
653. Employment of draftsmen and engineers.
654. Public and commercial vessels and other watercraft; sale of fuel, supplies, and services.
655. Arms and ammunition; immunity from taxation.
656. Use of appropriations to restore, replace, establish, or develop facilities.
657. *Dependent school children; transportation of.*

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§ 650. Coast Guard Supply Fund

(*a*) A Coast Guard Supply Fund is authorized. The Secretary may prescribe regulations for designating the classification of materials to be stocked. In such regulations, whenever the fund is extended to include items not previously stocked, the Secretary may authorize an increase in the existing capital of the fund by the value of such usable materials transferred thereto from Coast Guard inventories carried in other accounts. Except for the materials so transferred, the fund shall be charged with the cost of materials purchased or otherwise acquired. The fund shall be credited with the value of materials consumed, issued for use, sold, or otherwise disposed of, such values to be determined on a basis that will approximately cover the cost thereof.

(b) *Obligations may, without regard to fiscal year limitations, be incurred against anticipated reimbursements to the Coast Guard Supply Fund in such amount and for such period, as the Secretary, with approval of the Director of the Bureau of the Budget, may determine to be necessary to maintain stock levels consistently with planned operations for the next year.*

§ 657. Dependent school children; transportation of

Whenever the Secretary, under such regulations as he may prescribe, determines that schools located in the same area in which a Coast Guard facility is located are not accessible by public means of transportation on a regular basis, he may provide, out of funds appropriated to or for the use of the Coast Guard, for the transportation of dependents of Coast Guard personnel between the schools serving the area and the Coast Guard facility.

TITLE 10.—ARMED FORCES

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Chapter 101. Training generally

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Sec.
2002. [Dependents of members of Army, Navy, Air Force, or Marine Corps; language training.] *Dependents of members of armed forces: language training.*

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§ 2002. [Dependents of members of Army, Navy, Air Force, or Marine Corps: language training.] *Dependents of members of armed forces: language training.*

(a) Notwithstanding section 1041 of title 22 or any other provision of law, and under regulations to be prescribed by the Secretary of Defense [,] *or, with respect to the Coast Guard when it is not operating as a service in the Navy, the Secretary of Transportation,* language training may be provided in—

(1) a facility of the Department of Defense;

(2) a facility of the Foreign Service Institute established under section 1041 of title 22; or

(3) a civilian educational institution; to a dependent of a member of the [Army, Navy, Air Force, or Marine Corps] *armed forces* in anticipation of the member's assignment to permanent duty outside the United States.

(b) For the purpose of this section, the word "dependent" has the same meaning that it has under section 401 of title 37.

TITLE 37.—PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

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CHAPTER 3.—BASIC PAY

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§ 201. Pay grades: assignment to; general rules.

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(e) An aviation cadet of the Navy, Air Force, [or] Marine Corps, *or Coast Guard* is entitled to monthly basic pay at the rate of 50 percent of the basic pay of a commissioned officer in pay grade 0–1 with two or less years of service computed under section 205 of this title.

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§ 203. Rates.

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(b) While serving as a permanent professor at the United States Military Academy or the United States Air Force Academy, *or as a member of the permanent commissioned teaching staff at the United States Coast Guard Academy,* an officer who has over 36 years of service computed under section 205 of this title is, in addition to the pay and allowances to which he is otherwise entitled under this title, entitled to additional pay in the amount of $250 a month. This additional pay may not be used in the computation of retired pay.

Chapter 7—Allowances

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§ 415. Uniform allowances; officers; initial allowance.

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(e) An enlisted member of the Navy, Marine Corps, or Coast Guard who is initially appointed as a temporary officer under section 5596 or 5597 of title 10 or section 214 of title 14, *or a warrant officer under section 213 of title 14,* as the case may be, is entitled to a uniform allowance of $250.

S. 3082 THROUGH S. 3089—INTRODUCTION OF BILLS RELATING TO DISPOSAL OF CERTAIN EXCESS PRODUCTS FROM THE NATIONAL STOCKPILE

Mr. BROOKE. Mr. President, I introduce today, on behalf of the General Services Administration, eight bills for the disposal of certain excess products from our national stockpile.

Since authority for the release of these products has already been exhausted in some cases and is due to run out shortly in others, I urge that these bills receive prompt consideration.

For the information of my colleagues, I ask unanimous consent that the bills be printed at this point in the RECORD.

The PRESIDING OFFICER. The bills will be received and appropriately referred; and, without objection, the bills will be printed in the RECORD.

The bills, introduced by Mr. BROOKE, were received, read twice by their titles, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

S. 3082

A bill to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately sixty-five thousand, eight hundred short dry tons of type B, chemical grade manganese ore now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

S. 3083

A bill to authorize the disposal of corundum from the national stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately one thousand, nine hundred fifty-two short tons of nonstockpile grade corundum now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2(a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

S. 3084

A bill to authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately one hundred eleven thousand, nine hundred short dry tons of type A, chemical grade manganese ore now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2(a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

S. 3085

A bill to authorize the disposal of shellac from the national stockpile

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately four million, three hundred thousand pounds of shellac now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against available disruption of their usual markets.

SEC. 2 (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

S. 3086

A bill to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately seventeen million, nine hundred thousand carats of industrial diamond crushing bort now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2 (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

S. 3087

A bill to authorize the disposal of chrysotile asbestos from the national stockpile and the supplemental stockpile.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately two thousand eight hundred forty-four short tons of nonstockpile grade chrysotile asbestos now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Sec. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

S. 3088

A bill to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately one hundred million pounds (W content) of tungsten now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Pile Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Sec. 2(a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

S. 3089

A bill to authorize the disposal of castor oil from the national stockpile

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately eighteen million five hundred thousand pounds of castor oil now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Sec. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

S. 2228

Mr. **THURMOND**. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. Tower) be added as a cosponsor of the bill (S. 2228) to provide for the increase of capacity and the improvement of the operations of the Panama Canal, and for other purposes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

S. 2524

Mr. **MATHIAS**. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Pennsylvania (Mr. Schweiker) be added as a cosponsor of S. 2524, to adjust agricultural production, to provide a transitional program for farmers, and for other purposes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

S. 2636

Mr. **BOGGS**. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Utah (Mr. Bennett) be added as a cosponsor of S. 2636, a bill to make the provisions of the Vocational Educational Act of 1963 applicable to individuals preparing to be volunteer firemen.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 61

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, my name be added as a cosponsor of Senate Joint Resolution 61, proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF AMENDMENTS

AMENDMENT NO. 240

Mr. **PROXMIRE**. Mr. President, on behalf of the Senator from New Jersey (Mr. Williams), I ask unanimous consent that, at the next printing of amendment No. 240 to S. 2821, the Public Transportation Assistance Act, the name of the Senator from Massachusetts (Mr. Kennedy) be added as a cosponsor.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

AMENDMENT NO. 254

Mr. **PROXMIRE**. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Montana (Mr. Metcalf) be listed as a cosponsor of amendment No. 254 to H.R. 13270, to reform the income tax laws. His name was originally omitted through clerical error.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **KENNEDY**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **PROXMIRE**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

MILWAUKEE COMMISSIONER ZUBRENSKY FIGHTS FOR HELP FOR UPROOTED FAMILIES

Mr. **PROXMIRE**. Mr. President, one aspect of the Nation's highway program which has received far less attention than it deserves is the question of displaced families.

We spend a great deal of time worrying about the rising costs of highway construction, forecasts of traffic increases, automobile accidents and highway safety, and automobile air pollution. This is as it should be. But these concerns have, unfortunately, tended to eclipse another issue involved in highway construction, and one that is every bit as important; namely, what happens to the people whose homes are paved over with concrete?

The reaction of most people to this question is—'well, aren't they compensated?" The answer is yes; if—and this is a big if—they happen to own their own homes. Then there is compensation for the property that is taken, and possibly other reimbursement as well.

But what about those who rent dwelling space in the path of the highway onslaught? Who provides for them? Where do they go? Amazingly, no one has answers to these questions. These displaced tenants are forced to fend for themselves, to find new rental space elsewhere. And, in the housing crunch in which this country now finds itself, alternative housing is not always available.

I am pleased to report that in Wisconsin at least, someone is worrying about these problems, and attempting to do something about it. That someone is Leonard S. Zubrensky, a member of the Milwaukee expressway commission, and a man with some excellent ideas about how to solve these problems. Some of his ideas include an appeals tribunal which can recommend that displacees be given up to 6 months in homes taken for freeways, a county relocation agency to enable the State to take advantage of liberalized provisions of the 1968 Highway Act, and provisions which would give displacees up to 2 months rent free in homes bought for freeway purposes.

Mr. President, I think Mr. Zubrensky's efforts on behalf of displacees deserve both our commendation and our attention. His farsighted ideas which are now being tried in Milwaukee deserve to be tried on the Federal level as well. I hope they will be.

Mr. President, I ask unanimous consent that an article about Mr. Zubrensky in this Sunday's Milwaukee Journal be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FEW LOBBY FOR UPROOTED FAMILIES

(By Paul G. Hayes)

When one of Milwaukee's expressway commissioners views a freeway, it isn't cars he sees, but sacred cows moving at will, as in India, among the needy.

"The automobile," said Leonard S. Zubrensky last week, "has been a sacred cow in American life for so long because every politician knows that every voter owns at least one car.

"Whereas the displaced," he continued, "is all by himself. He's got no allies. He is living in his home and suddenly the boom is lowered on him and he learns he is going to lose his house whether he likes it or not.

"He has no political muscle. There aren't so many of him and there's nobody lobbying for him."

Well, almost nobody. For more than a year, Zubrensky has been the county's loudest voice in behalf of the thousands of people who have been, or may be, uprooted by freeway projects.

That voice will be muted Dec. 17, when Zubrensky's five year term on the commission ends. A liberal Democrat appointed by his former boss, Gov. John Reynolds, he says he has no illusions about being reappointed by Republican Gov. Knowles.

But he is not worried. He believes the relocation issue has enough momentum to run on its own now and points to progress made:

The expressway commission now allows displacees to live in the homes bought for freeway purposes for two months without paying rent.

His idea of an appeals tribunal, which can recommend that displacees be given an additional six months in homes taken for freeways, has been put into effect.

His proposal for a county relocation agency is moving successfully through the county's legislative machinery.

He helped draft the relocation bill of Assemblyman Dennis Conta (D-Milwaukee), which would enable the state to take advantage of the liberalized relocation payments authorized by the 1968 federal highway act.

Last week, in an interview in his downtown law office where he is surrounded by the mementos of his involvement in liberal and Democratic activities—a signed picture of LBJ, a painting of the state capitol, an award from the Wisconsin Civil Liberties Union—he talked about the commission and his role on it.

"In the first two years of my five year term, the expressway commissioners were really expected to come to the meetings and spend a cheerful hour being briefed by the staff on how to vote.

"Then the next hour we'd have just dozens of items thrown at us, many of which we really didn't understand very well, and we would cheerfully get a recommendation that the staff favored this or did not favor this.

UNANIMOUS ACCEPTANCE

"The chairman would say, 'Is there a motion?" and someone would say 'I move that we accept staff's recommendation' and someone else would say 'I second it' and all those in favor would say 'aye' and it would always pass unanimously."

"I realized," Zubrensky said, "that it's really an overwhelming job to disagree with the staff. You have to follow staff recommendations because, if you don't, you begin having to do the work by yourself that the staff has over a hundred people doing."

Thus ran Zubrensky's career on the commission for the first couple of years.

He traces his activism on the part of displacees to a single television program on channel 10 in which residents of Milwaukee's inner core participated.

"I was sitting in my living room one night and a black lady got up and—these were all informal settings on television—and she began denouncing the expressway commission, saying that she knew lots of people who were black like herself who had been dislocated by the expressways and there wasn't anyone doing a damned thing about it."

"CROWDED CONDITIONS"

"She said that people were doubling up and living in crowded conditions with other families and it was a disgrace," said Zubrensky.

"And, as I watched that program, I said: 'My God, that's me, I'm on the commission and I'm doing all this.' "

"It shook me up," he continued. "I began to look into it and I found a condition which was beyond my belief."

Not only were there no relocation provisions in the federal highway programs, as there were for urban renewal programs, but no records existed at the county of persons already displaced, he said.

"We don't even know whom we've displaced today, so that if we wanted to we couldn't find them to see whether they are still living doubled up, as I believe many families are," said Zubrensky.

IMPROVEMENT SOUGHT

Early in July, 1968, Zubrensky made a report to the expressway commission in which he called the relocation program "pitifully inadequate" and encouraged a slowdown on the freeway building program until aids were improved.

Such a condition was made possible, Zubrensky said, because "the expressway commissioners come once a month and these problems never confront them."

As for the staff he said, "these men are primarily engineers. I think the self-image of the engineers is that they have a job to do and that is to build highways."

However, he said, the staff helped him when he requested information and he had little trouble, when he could make a persuasive case for his proposals, in mustering a majority of votes on the commission.

HAS NO PLANS

For the first time in a long time Zubrensky, 47, has no plans for a public role after he leaves the commission.

His role as maverick on the expressway commission has brought the commission solidly into the relocation issue and perhaps caused it, in Zubrensky's words, to accept a broader responsibility than building freeways.

"I think my responsibilities go beyond that. They go to see to it that we don't damage a minority of people to benefit the majority. In a democratic society, this is often a tough job."

ADMINISTRATION POLICY REVIEW ON THE HUMAN RIGHTS CONVENTIONS—WHERE IS IT?

Mr. PROXMIRE. Mr. President, it has been reported that the Nixon administration earlier this year had begun a major review of policy on a series of treaties aimed at protecting human rights. These treaties were, of course, the Human Rights Conventions on Genocide, Political Rights of Women, Forced Labor and Racial Discrimination. This was disclosed in May by Mrs. Rita Hauser, who was appointed by the administration to the United Nations Commission on Human Rights. She referred to the policy review in a speech bitterly assailing the United States' record of refusing to approve the treaties.

Her position is very pleasing to me. I have been trying to do this daily for the last 2 years in an effort to persuade the Foreign Relations Committee to report these treaties to the floor of the U.S. Senate. This is the only obstacle in the way of ratifying treaties that our Presidents have very enthusiastically recommended. The treaties seem to be overwhelmingly approved by the American people, and there is every moral reason for us to support them.

In a speech before the annual meeting of the American Jewish Committee at the Waldorf-Astoria, Mrs. Hauser noted that the United States' failure to ratify these treaties has prompted questions about the Government's sincerity. She protested that the word "hypocritical" was frequently applied.

Since that time there has been no word from either the White House or the State Department on the administration's position of these treaties. Is there such a policy review? Has it been completed, or is it still underway? I would hope and request that the administration make known its position on these human rights treaties. And I would hope that the administration would lend its weight in behalf of these Conventions on Genocide, Political Rights of Women, Forced Labor, and Racial Discrimination.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Ribicoff in the chair). Without objection, it is so ordered.

THE BATTLE FOR VIETNAMESE SELF-DETERMINATION MUST BEGIN IN SAIGON

Mr. CHURCH. Mr. President, President Nixon has declared that our irreducible goal in Vietnam is to guarantee self-determination for the South Vietnamese people. At a recent press conference, the President declared that we are willing to negotiate on anything except, "the right of the South Vietnamese to choose their own leaders."

The Saigon government's feelings about free elections, however, differ greatly from our own. As I am sure other Members of the Senate remember, one of President Thieu's first official acts was to arrest the man who was the runnerup in the last Vietnamese election.

Mr. Truong Dinh Dzu, who campaigned on a peace platform in the September elections of 1967, was placed under house arrest shortly after election day—at a time when he was pressing charges of fraud in an effort to invalidate the results. In July 1968, he was tried on charges of "activities that weaken the anti-Communist spirit of the South Vietnamese armed forces and people." Specifically, Mr. Dzu's campaign had advocated negotiations with Hanoi and talks with the National Liberation Front, leading to a coalition government. Mr. Dzu was found guilty, and is now serving a sentence of 5 years at hard labor.

Mr. President, that trial went far toward revealing the absence of genuine freedom in South Vietnam. Today, when the negotiations that Mr. Dzu called for are supposedly underway, his continued imprisonment is a black blot upon the government we support.

I have recently received a letter from Mr. Dzu's son, David Truong, who is in this country searching for ways to obtain his father's release. I think publication of the letter can strengthen President Nixon's hand as he works for real self-determination for the South Vietnamese people. Accordingly, I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Vietnam Political
Freedom Committee,
New York, N.Y., October 5, 1969.

Hon. Frank Church,
Senate Office Building,
Washington, D.C.

Dear Senator: I have been seeking the release of my father, Truong Dinh Dzu, runner-up in the 1967 presidential elections in South Vietnam. He was sentenced to hard labor for his stand during his campaign, a stand now adopted by the Saigon regime. Recently, he suffered a serious heart attack resulting from deliberate starvation. He eventually received some medical help due to public and official pressure from the States.

As the anniversary of the Revolution, November 1st, comes nearer for South Vietnam, I hope that enough pressure would be generated here for his release. As usual, General Thieu has leaked false news to the effect that he would free Dzu with others. This has been the pattern for every Vietnamese holiday, merely a move to deflect any American pressure on this matter. We naturally are distressed over the conduct of the regime, and seek your help to redress the situation.

I sincerely hope that you would press on this issue beside the President for November 1st. The release of such prisoners surely gives much meaning to the President's emphasis on the right to self-determination of our people. I further believe that something could be done here to advance our common search for peace in Vietnam regardless of political stands.

I want to thank you very much for your consideration and assistance at a time so critical for both nations. I shall look forward to hearing from you.

Very truly yours,
David Truong D.H.

IT'S LUCKY MEN DON'T CONTROL EVENTS

Mr. CHURCH. Mr. President, possibly the chief lesson to be learned from our recent experience in world affairs is that ideology is less important than nationalism and popular aspirations for a better life. In a recent Washington Post article entitled "It's Lucky Men Don't Control Events," John Kenneth Galbraith points out that the problems of producing goods to meet the needs of populations dominate the policies of all countries, regardless of their particular creeds.

Modern industrial organization and super-power rivalry have combined to elevate the military to positions of eminence in both the United States and the Soviet Union. But unmet civilian needs plus the immense cost and questionable utility of advanced defense technology have brought the American military budget under close scrutiny. If the Galbraith logic holds true, the Soviets should be learning the same lessons.

Mr. Galbraith's article provides an excellent perspective for those who make our foreign policy. I ask unanimous consent that it be printed here in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

It's Lucky Men Don't Control Events

(By John Kenneth Galbraith)

It is perhaps natural that foreign policy should be peculiarly the domain of the pompous myth. In other walks of life, pomposity is an occupational hazard; in diplomacy it is commonly called high professionalism. And resort to myth as a disguise for the harsher truth undoubtedly has done much over the centuries to keep compulsively hostile states on speaking terms. Yet even the most benign of fairy tales gets in the way of reality.

One such is that individuals, those modestly billed as the masters of international statecraft, are a prime force in the making of foreign policy. The last quarter century has shown only how dreadfully they can be frustrated. Although Winston Churchill certainly did not become the king's first minister to preside over the liquidation of the Empire, he would surely have done so if he had been re-elected in 1945. And in degree he did when he returned to the office in 1951.

No man was more committed to the Cold War than John Foster Dulles; his speeches and perhaps even his convictions conjured up images of Pope Urban commanding Christians to the First Crusade. Yet the rollback of communism which he promised was never practical and, on the whole, he presided over a period of easing relations with that endemically wicked world. The Suez crisis even brought him briefly into alliance with the battalions of darkness.

The most determined disciple of the vintage Dulles was Dean Rusk. He came to office with an impressively developed view of a world Communist conspiracy, closely knit and tightly controlled, and a responding policy that would firmly blunt its probes wherever they might occur.

By the time he left office, having never quite renounced this vision, Moscow and Peking (the latter a regional office in his system which he had only recently ceased to call Peiping) were being held by some connoisseurs of violence to be contemplating each other's destruction. A course of action in Vietnam appropriate to the imperial and conspiratorial view of communism had become the worst disaster in the history of American foreign policy, rejected by the country and with a special vehemence by the more circumspect of its early defenders.

A TRANSIENT ROLE

The slight and transient role of individuals in foreign policy is a matter on which Gen. de Gaulle—overtaken by circumstance in the improbable form of Danny the Red and a few thousand followers—would bear witness. And it extends, of course, with special force to secondary figures—as those of us who have been such can also testify. It is a useful thing to bear in mind.

In these last months, like the rest of my compatriots, I have read with interest of the British reaction to Mr. Nixon's ambassador to the Court of St. James's. Although it is not always my tendency, I am disposed to defend the President. Walter Annenberg is, beyond doubt, a richly comic figure; anyone who would choose the platform of U.S. ambassador to attack young radicals in American colleges is intrinsically hilarious. But the damage done by the ambassador's eccentric expressions and erratic syntax is only to those Londoners who no longer find their self-esteem enhanced by an invitation out to Regent's Park. They are not nearly as important for Anglo-American relations as they imagine. For other purposes, an American ambassador is a man of negligible consequence.

The truth is that men do not dominate events, the oratory to the contrary. And they do not dominate bureaucracy, either. And it is circumstance that makes foreign policy and it is bureaucracy, overwhelmingly, that accommodates action to circumstance.

On the whole, we should be glad that this is so—especially if one is asked to look ahead. For it means, great accidents always apart, that foreign policy is much more predictable than if made by men. This is true of relations between the United States and the Soviet Union—a relationship which quite a few people in the world consider, not without reason, to be nearly all of the world's foreign policy. For here circumstance is very important and in both countries bureaucracy is a transcendent force.

THE LIMITS OF EVANGELISM

On the reassuring side, circumstance is forcing both of the superpowers to be far less evangelistic in both spirit and action than they were a mere 10 years ago. This is because both have learned, as Arthur Schlesinger has pointed out, that superpowers are infinitely less superior in their power than they once seemed.

Vietnam has been a superb lesson in this regard. A half million men and a trillion dollars have given us authority in that country only within mortar range. And as President Nguyen Van Thieu and his devious minions have an almost pedagogical genius for demonstrating, it is far from plenary even there. Even our own operations in Vietnam—the AID program, military construction, spying and the operation of the post exchanges—have, it often seems, been uncontrollably affected by the Vietnamese environment and the local talent for combining chaos with grand larceny.

But elsewhere in the natural area of competitive evangelism, now called the Third World, we have discovered how much we underestimated the problems of growth and development and therewith the importance of evangelism.

One lasting consequence of European recovery, aided by the Marshall Plan, was a wide-ranging optimism as to what could be accomplished by apparently similar effort in India, Pakistan, Indonesia, Africa and Latin America. Those associated with the Marshall Plan attributed European recovery not to the briefly latent vigor of Europe, its true source, but to the wonders of capital infusion combined with their own genius.

Since the resulting development would be rapid and the resulting nations powerful, it was important that they be committed to Western economic forms, not communism. And this calculation in its hard-headed realism greatly reassured those who would have been put off by any suspicion, however exiguous, of lurking idealism. It is fair to assume that the Western concern for a noncommunist development was matched by a Soviet anxiety for the opposite.

Now, alas, we know that it doesn't matter. We know that the development will be so slow that the question of what ultimately emerges is academic.

And in the interim a jungle, whether a capitalist jungle or a Communist jungle, is still a jungle, and the difference cannot be told by anyone walking through. And a desert, whether a capital or a Communist desert, is still most notably a desert. And a poor peasant society, whatever it calls itself, is subject to the same cruel parameters of overpopulation, insufficient land, insufficient capital, insufficient education and a technology that is limited by all these. And, to repeat, one cannot but imagine that the Soviets agree. Circumstances, if sufficiently obdurate and compelling, leaves little opening for ideological preference.

The danger in American-Soviet relations in the last quarter century has been thought a twofold one. One danger was that the two superpowers would meet in conflict in some third country as part of that struggle for the ideological soul. The other was that the inherent incompatibility of the systems would lead eventually to a direct clash as it became evident that the two incompatible systems could not survive on the same planet.

Coexistence, in the view of an extreme right wing in the United States and its left counterpart in the Soviet Union, was both immoral and impractical. Policy should be made on the assumption of inevitable conflict. And policy so made, needless to say, would then have many elements of a self-fulfilling prophecy. What of the prospect on this aspect of relations between the superpowers?

INDUSTRIALISM'S SIMILARITY

Although the purists on both sides greatly resist the evidence, there can be no real doubt that the two systems have a broadly convergent tendency.

This is not from choice. Nor is it from the Soviets discovering the magic of the market, in accordance with one simplistic Western view. Rather it is that both communities are subject to the common imperatives of large-scale industrial production with advanced technology.

So both systems repose large responsibilities on the industrial firm, the one inescapable instrument of industrialism. In both, men are subject to its social and mental disciplines. The Soviets have had to make concessions to the autonomy that the firm evolving from the market economy has enjoyed as a matter of course in Western economies. But industrialization also requires planning, and here the concessions have been made by the West.

The big industrial firm must control costs, prices and in substantial degree consumer behavior if it is to have the stable and planned environment that industrial success requires. The state must intervene to stabilize demand, provide trained manpower and underwrite risky technology—things the industrial firm cannot do for itself (the U.S. government far outstrips that of the Soviet Union in underwriting, subsidizing or otherwise socializing expensive technology). So there is movement to a similar central form.

Additionally, in both societies the guiding and directing force is not the individual but the organization. In consequence, a prime source of social tension in both is the seeming helplessness of the individual in his relation to the resulting industrial and public bureaucracy.

As I say, acceptance of these convergent tendencies is resisted on both sides. To those on the left who learned once and for all the difference between capitalism and Marxist-Leninist society, it dangerously implies heresy or anyhow the need for new thought. For older members of the military and diplomatic bureaucracy in the United States, the knowledge that communism and capitalism are very different, and the one wicked and the other good, is the only social information to which they are heir. Naturally, so precious a treasure must be safeguarded.

The Cold War brought into being in the United States a generation of columnists and news commentators whose test of political sophistication was the ability to see the total irreconcilability of democracy and communism. They are now aging; a few, Joseph Alsop in the featured case, have been casualties of the Vietnam war and the disastrous belief, relentlessly communicated, that generals could not be wrong and that victory could never be more than a few months distant. But others are still taken seriously; they continue gravely voluble in their commitment to enduring difference. Even the academic world has a substantial vested interest in the difference between planning and the market. It remains the last chapter in all the economics textbooks.

Yet the convergent power of industrialism and technology exists. One can easily, in enthusiasm, be carried away by these similarities, as those who find the tendency ideologically repugnant are never weary of warning. But one can hardly doubt that the cultural shock in passing from Magnetogorsk to Pittsburgh is infinitely less than in going from either of these cities to a typical farming village (the archetypal economic form) in China or India. Intellectual vested interest, however great, cannot stand against circumstance forever. And as the similarity becomes more and more evident, the notion of inevitable conflict erodes even among the most warlike.

MILITARY'S FUNCTIONAL ROLE

There remains, however, one legacy of the Cold War that is not enchanting. That is the strongly functional role that military expenditures, especially those for advanced technology, have come to play in the modern industrial economy.

That there is a vested interest in military expenditure in the Soviet Union we must assume. It would be astonishing if the Soviet defense establishment did not defend itself vigorously against competing claims on resources or proposals for disarmament. As in so many matters, absence of discussion gives the Soviet system a spuriously benign aspect. Because the Soviet military-industrial complex is not discussed, it is not absent. Because the Soviets do not much discuss the role of the military in their economy does not mean it is unimportant.

It is not unimportant in the United States. The military budget, in combination with the corporation income tax and the progressive income tax, is an integral part of the Keynesian stabilization apparatus—an apparatus which has served the American economy very efficiently since World War II.

It insures that a large and reliable flow of public expenditures is sustained by a tax system which increases more than proportionately with increases in income, and releases income when the rate of expansion slackens or stops. Of total Federal expenditure, arms outlays comprise about half.

For a long while it was a liberal economic cliche that military spending served no unique function. Public spending was homogeneous; if military spending subsided, civilian expenditures, public or private, could readily take its place. Now only hardened apologists would so argue.

It is recognized that military expenditures sustain a large and influential industry, that the military services themselves are bureaucratically entrenched and powerful and that, accordingly, military spending is far easier to come by than civilian spending. And no civilian spending, space exploration apart, sustains the same amount of technical expertise.

Moreover, at a certain stage in industrial development, much technical development becomes too expensive and too risky for the private industrial corporation. It must be socialized. So it was with atomic energy, air transport development, computer technology and advanced electronics. Military spending is our principal design for accomplishing this socialization without having to admit it.

LABELING A PORK BARREL

The military-industrial estate cannot be overtly for an arms race. But it can respond with crushing pressure to any Soviet action that seems to justify it. And it can, within limits, use its control of intelligence to invent justification.

And if one assumes that there is a counterpart power in the Soviet Union, then the necessary encouragement, real or indicative, will be forthcoming. The race will go on until some accident or action will precipitate the ultimate disaster. The problem of relations between the superpowers, not unpromising in their tendency in other respects, will then be solved by eliminating both powers and all between.

Yet even here, while there is no reason to be optimistic, there are rays of light. Increasingly in the United States, the arms race is being seen in the terms just described. As a result, military spending has recently become subject to unprecedented scrutiny.

It was not remarkable that the administration won the battle for the Safeguard antiballistic missile system. The remarkable achievement was that 50 votes, half the Senate, were mobilized against it.

The heavy claims of competing civilian needs had something to do with this opposition. So, of course, did the technical weaknesses of the Sentinel-Safeguard system. But for the first time many legislators, as Sen. George McGovern (D-S.D.) has said, were willing to say that it was a boondoggle—that military gadgetry had become the engineering, scientific and industrial successor to that most celebrated of our public pork barrels, the rivers and harbors appropriation.

LIBERALS OFF THE DEFENSIVE

Additionally, a still ill-appreciated shift in political alignments has altered the position of the military power in the United States with a much greater change in prospect.

In the two decades following World War II, on matters of foreign policy, American liberals were on the defensive. The wartime alliance with Stalin and his postwar reversion to type, the Chinese revolution, the spy episodes and the Korean war made them vulnerable to conservative attack or so to regard themselves. In consequence, they contracted the foreign policy of the Democratic Party out to the professionals in the State Department and military services—to the bureaucracy—and, for leadership and window-dressing, to the Republicans of the New York Establishment.

John J. McCloy, John Foster Dulles (who came into the State Department under President Truman), Allen Dulles, Douglas Dillon, Arthur Dean, McGeorge Bundy, Lucius Clay and, of course, Dean Rusk all served the Democrats in this fashion. All were Republicans except Rusk, who had been only marginally active in domestic politics. Since the same men with some exceptions also served President Eisenhower, it had come to be assumed, not the least by those involved, that they were the natural custodians of the foreign policy of the republic.

The only liberals who could similarly be trusted to deal with the Soviets without suspicion of appeasement were, in general, those who outdid them in cold war militancy. While these men on occasion restrained the generals, they were (with the eventual exception of Arthur Dean) unworried by the military power. A few, most notably Rusk, looked upon diplomacy as the servant of military convenience.

The Vietnam war, reinforced by events preceding the election last autumn, ended the association between the liberal Democrats and this group—one can safely assume forever. Both individual members and the broad point of view espoused are inextricably associated with the Vietnam debacle. In consequence, they have become not a political asset but a political liability.

Respectability in foreign policy is now, if anything, associated with those—Sens. J. W. Fulbright. Eugene McCarthy, Edward M. Kennedy, George McGovern, Frank Church—who opposed the war and who are anything but sanguine about the military power. In consequence, the military has lost the protection of those who, on a bipartisan basis, so effectively ran interference for it.

Prior to the election a year ago, it is now widely known, the State Department allowed President Thieu to stall the negotiations leading to the bombing halt—the action that Vice President Hubert Humphrey needed to win and which, when belatedly it came, almost allowed him to win.

Thieu, it is assumed, was hoping for the election of Mr. Nixon, who, on his hard-line record, could be expected to accord him even more support. Rusk and the State Department thus made themselves the silent allies of President Thieu and Mr. Nixon against the Democrats and Vice President Humphrey. This experience has further strengthened the belief among Democrats that foreign policy, the nemesis of both Johnson and Humphrey, must never again be allowed out of their control.

So long as the Democrats were in power and the foreign policy was contracted out to the bureaucracy and the Establishment, the party was divided between those who went along with the Executive Branch out of party loyalty (or conviction assisted by party loyalty) and those who felt that the policy left no alternative but opposition. Now the claims of party regularity can no longer be invoked against Democrats on behalf of the military. (It is, indeed, the liberal Republicans who get the pressure.)

In consequence, the opposition to militarily dominated arms policy and the support for arms control negotiations and an arrest of the arms race is more unified and far stronger than for many years.

A WELL-TIMED LESSON

There remains the question of the Soviet reaction. Although we can assume that the Soviet leaders have a realistic view of what nuclear weaponry can accomplish, no one knows how this relates to attitudes toward negotiation. All one can say for sure is that similar attitudes in the two countries are reciprocally reinforcing.

A moderate and forthcoming attitude by the Soviets greatly strengthens the position of American moderates. And their hard-liners are greatly helpful to ours. A relatively small number of threats and counterthreats, promises of first-strike destruction and counterpromises of first-strike destruction will do wonders to keep the arms race running.

Overt actions can be even more serviceable. One evening a year ago last August, having been briefly designated Sen. McCarthy's foreign policy spokesman, I had just finished testifying before the Democratic Resolutions (Platform) Committee. The Secretary of State had begun on what was already the much less agreeable task of defending the wisdom and more especially the righteousness of our policy in Vietnam. A messenger came in with the word that the Soviet army was moving into Czechoslovakia.

One could sense, almost tangibly, the pleasure of the opposition. (I do not include Rusk, who promptly left.) The Communists were behaving as they were meant to behave. Those who were questioning the wisdom of our resistance to them in Vietnam could not have had a better-timed instruction.

In the end, this was not, I would sense, the public judgment. It was rather that the Soviets had still to learn the obloquy that attaches to big countries that try to control the destinies of small ones. But that was far from clear that night.

On the decisive question of arms control, then, the issue is not between governments. It is between the political forces within the two powers as they react on each other and ultimately on public action. In the United States the portents are, if not favorable, better than in the past. As to the Soviet Union, one can only hope.

Here, of course, is the critical foreign policy relationship between the superpowers. It is not, as President Kennedy once said, that we live with a sword suspended over our head. Rather we live with many of them and with diverse hands struggling for contrary purposes to get hold of the string.

PRAYERS FOR PEACE

Mr. McINTYRE. Mr. President, today marks the 21st anniversary of a movement which got underway in Manchester, N.H., and without benefit of formal organization or calculated publicity over the years has attracted a considerable amount of support and participation.

I speak of the "Prayers for Peace" movement originated by a group of American veterans of World War I at Manchester on October 28, 1948, and championed for years by the late Herve J. L'Heureux, a U.S. Foreign Service officer and a native of Manchester.

Not an organization, Prayers for Peace is but a simple idea, an idea directed toward establishing a custom whereby men, women, and children would pause for 1 minute at noon each day and pray to God for protection of our servicemen, for a just and abiding peace, and for a world restored to tranquillity.

Appealing in its simplicity, the movement attracted the support of thousands of groups and individuals, organiizations of ex-servicemen and their auxiliaries, service clubs, fraternal societies, student bodies and alumni, church lay groups, business firms, and Government employees.

I am happy to report that the movement is still flourishing and still has its focal point in Manchester, N.H., where today the William Jutras Post of the American Legion in that city will mark the anniversary with a special program.

Mr. President, in our travail over Vietnam we should welcome the concentrated prayers for peace by millions of Americans.

We should welcome them in behalf of our troops in that beleaguered country, asking their safety and well-being until the conflict is resolved, and in behalf of the President as he labors for a just resolution of the conflict itself.

No other war has so divided the Nation. No other war since the War Between the States has concentrated so much human tragedy in psychological as well as physical terms. No other war in history has cried out so desperately for resolution.

Mr. President, I would urge all Americans to follow the lead of Manchester, N.H., in supplicating the Lord each day for the protection of our troops, the guidance of our President, and an end to this tragedy.

THE RESPONSIBILITY FOR INFLATION

Mr. SCOTT. Mr. President, President Nixon recently delivered to the Nation a well conceived address on the subject of inflation. In response to the President's call, and in support of it, the Philadelphia Inquirer recently published an excellent editorial entitled "The Responsibility for Inflation." I ask unanimous consent that it be printed in the RECORD:

There being no objection, the editorial was ordered to be printed in the RECORD) as follows:

THE RESPONSIBILTY FOR INFLATION

Who is responsible for inflation?

The clearest way to answer that question is to define who is not responsible for inflation.

The harried taxpayer, who is paying out more and more of his hard-earned money to support the wasteful extravagances of government at all levels, and who is growing weary of being told that high taxes are good for him, is not responsible for inflation. He is the victim of inflation.

The desperate housewife, trying to stretch a food budget that already has been stretched almost to the breaking point, as prices at the grocery store and the meat market keep skyrocketing, is not responsible for inflation. She is the victim of inflation.

The worried wage-earner, who sees every pay increase totally wiped out, and then some, by spiraling taxes and prices, and who is being pushed harder and harder against the financial wall, is not responsible for inflation. He is the victim of inflation.

The retired pensioner, trapped by a fixed income that keeps shrinking in buying power, is not responsible for inflation. He is the victim of inflation.

The frantic house or apartment hunter, staggered by the runaway rise in the cost of putting a roof over one's head, is not responsible for inflation. He is the victim of inflation.

The struggling businessman, hoping to hold the line on prices but overwhelmed by taxes and operating costs that keep going up and up, is not responsible for inflation. He is the victim of inflation.

The responsibility for inflation rests with big-taxing, big-borrowing, big-spending government—federal, state and local. Government in America has become an all-embracing, money-oriented giant dedicated to the proposition that the taxpayer is best separated from as much of his cash as it is possible to take from him. The inflation that grips the country today is the direct result of the big-tax, big-budget, big-debt philosophy that has prevailed for far too long in bureaucratic circles.

President Nixon, in his address to the American people Friday and in his follow-up message to the nation's business and labor leaders Saturday, zeroed in on the right target when he stated flatly that "it was past government policy that caused our present inflation" and when he placed "self-discipline by the government" ahead of self-discipline by anybody else as the essential cure for inflation.

The Nixon Administration, fighting against the big spenders on Capital Hill, is trying to put the brakes on inflation through a policy of fiscal responsibility at the federal level. It isn't going to be easy. In any event, the prospect of relief at state and local levels is exceedingly bleak.

The American taxpayer—the ordinary fellow caught in the inflationary squeeze and trying to keep body and soul and family together as the bills keep piling up and the dollar buys steadily less and less—needs help. Government, at all levels, can give him the kind of help he needs simply by getting off his back.

DAY OF BREAD

Mr. YOUNG of North Dakota. Mr. President, today, October 28, has been designated by President Nixon to be the Day of Bread in the United States. This occasion provides an excellent opportunity for us to reflect on the great bounty we, as Americans, enjoy and to consider the reasons for it and the importance of retaining this great national strength.

Americans today are the best fed people in the history of the world. This has been accomplished even though our people spend a smaller portion of their income for food than in any other nation. Too often, our newspaper headlines trumpet the word that the cost of living is up again—because of increases in the cost of food. Seldom does the true story get told—food is the greatest bargain of the American housewife today.

I could relate how this has come about because of improvements in efficiency on the part of the farmer. How he has adopted improved technology, how he has learned to better manage his operations, and how he is, in most cases, selling his commodities for the same price today as he did 20 or more years ago. This would help explain the situation. It would not be the entire story by any means.

Agriculture today is a vast, complex industry. It stretched from the farms and ranches of the American heartland to the centers of industry and finance. Production, transportation, processing, wholesaling, and retailing of farm commodities is our biggest industry. It is also our most important.

Between the North Dakota or Kansas farmer who raises wheat and the checkout girl at the local supermarket where the housewife buys a loaf of bread, there is a great story to be told. It is a success story unrivaled in history.

Plant breeders and geneticists have overcome disease threats that have threatened to wipe out our production. Engineers have developed equipment and facilities for the improved handling and storage of grain as well as improved production equipment.

Chemists have found new ways to improve yields and reduce production costs by permitting better weed, insect, and disease control. The farmer himself has applied all of these developments to his operations with the result that we have greater abundance and quality of food today than ever before.

This is but a part of the story. To detail all of it would require many, many hours.

I think it is particularly fitting that we should observe a Day of Bread. Bread, the staff of life, has been basic in the diet of man almost since the dawn of time. Ever since that prehistoric man found that he could improve his food supply by raising grain, bread has had a key role in man's history and development.

Great civilizations have risen and flourished where a reliable, stable supply of this basic grain was at hand. On the same note, we have seen them decline, when their agriculture declined.

North Dakotans are particularly cognizant of this Day of Bread. We are an agricultural State and wheat is central to that agriculture. Our farmers lead the Nation in the production of Hard Red Spring wheat and Durum wheat. Both of these classes of wheat are in strong demand both in the domestic and foreign markets. Hard Red Spring wheat, of course, is noted for its high protein and strong milling qualities. Durum produced in North Dakota provides the high quality semolina needed to produce the quality macaroni products demanded by today's housewife.

It is a pleasure for me to take this opportunity to recognize the many people and organizations that have so effectively contributed to the success of our food industry. The Day of Bread observance is a fitting occasion for this.

TAX REFORM ACT OF 1969—ACTION OF COMMITTEE ON FINANCE

Mr. LONG. Mr. President, yesterday, October 27, the Committee on Finance met in executive session and announced decisions made with respect to the proposed tax treatment of private foundations. Additionally, the committee reconsidered an earlier vote regarding charitable contribution deductions for gifts of appreciated tangible personal property and agreed to relieve gifts to museums from the tax on appreciation in value of the gift property.

So that Senators might follow the progress of these executive sessions, I ask unanimous consent that a press release be inserted in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

[A press release from the Committee on Finance, U.S. Senate, Oct. 27, 1969]

TAX REFORM ACT OF 1969—PRIVATE FOUNDATIONS, COMMITTEE DECISIONS

The Honorable Russell B. Long (D., La.), Chairman of the Committee on Finance, announced today that the Committee had reached further major decisions with respect to the Tax Reform Act of 1969. The subject before the Committee at today's executive session concerned the treatment of private foundations. The Chairman stated that the principal decision reached by the Committee would place a time limitation on the life of private foundations, which are not operating foundations. Under this action private foundations would have to dispose of their assets for charitable purposes, or to a public charity, and terminate existence within forty years. For foundations currently in existence, this new rule would require that they terminate not later than the year 2009.

A complete explanation of the actions taken by the Committee follows:

Limitation on Life of Foundations.—The Committee adopted an amendment to limit the life of a private non-operating foundation to forty years. (Existing foundations could continue in existence forty years from the date of enactment of the bill.) By the end of the forty-year period, the foundation must either become a public charity or an operating foundation or it must distribute all its assets to a public charity or an operating foundation.

Tax on Investment Income.—The Committee agreed to delete the portion of the House bill which provides for a $7\frac{1}{2}\%$ tax on private foundations' net investment income, and to assert in its stead a tax of $\frac{1}{5}$ of 1% based on the fair market value of the assets held by the foundation, or $100, whichever is greater. In doing so, the Committee indicated that the tax generally was intended as a supervisory fee to provide funds for proper administration of the Internal Revenue Code provisions relating to exempt foundations.

Prohibition on Self-dealing.—The Committee generally adopted the provisions of the House bill relating to self-dealing between a private foundation and "disqualified persons."

Substantial Contributor.—However, it amended the House bill by changing the definition of a "substantial contributor" to a person who contributes $5,000 or more than 2% of the total contributions previously made to the foundation, whichever is higher. In the case of a husband and wife their contributions would be treated as one unit.

Transitional Rules; Leases and Loans; Shared Facilities.—The Committee also adopted a transition rule in the case of leases and loans outstanding on October 9, 1969. Where the terms of the lease or loan is at least as favorable to the private foundation as it would be in an arms-length transaction, then the self-dealing rules would not be applicable for ten years from the date of the enactment of the bill. The Committee further agreed that where goods, services, or facilities are shared by disqualified persons and a private foundation under an arrangement in existence on October 9, 1969, which is beneficial to the private foundation, such an arrangement will not be subject to the self-dealing rules for a period of ten years from the effective date of the bill. This period will allow time for foundations to revise existing arrangements.

Sales Commissions.—In cases where a private foundation is permitted to sell stock to a disqualified person in order to comply with the divestiture rules the Committee indicated that this would not be self-dealing even if the sales price is reduced by the amount of the sales commissions which would have to be paid if the stock were sold in the open market.

Attribution Rules; Brothers, Sisters, Partners.—The Committee decided to remove brothers and sisters of substantial contributors and their descendents from the category of disqualified persons. It also agreed to remove partners of substantial contributors from the disqualified persons category unless their profits interest was 20% or more.

Penalties.—The Committee agreed to change the treatment of foundation managers who "knowingly" violate the self-dealing requirements of the House bill so that (1) the Internal Revenue Service would be permitted to waive the penalty where it finds that the foundation manager's violation is not willful and is due to reasonable cause, and (2) the burden of proving the "knowing" violation would be upon the Internal Revenue Service to the same extent as in the case of civil fraud under present law.

State Litigation, Abatement of Federal Tax.—The Internal Revenue Service would be authorized to abate Federal taxes imposed on private foundations (except the ⅕ of one percent supervisory tax), where it finds that the action by a State Attorney General to correct the violations satisfies the requirements of the bill.

Stock Transactions.—The Committee also agreed that it should be made clear that self-dealing may occur without the transfer of money or property between the private foundation and the disqualified person. For example, it would be self-dealing where stock is bought and sold by the Foundation in order to manipulate the stock's price for the benefit of the disqualified person.

Distribution of Income.—The Committee generally approved the rules in the House bill relating to the distribution of income. However, it agreed to the modifications listed below:

Phase-in of Five Percent Payout.—The Committee accepted the 5% payout requirement contained in the House bill, but allowed a transition period by providing that only 3½% need be paid for 1972, 4% for 1973, 4½% for 1974 and 5% for 1975 and following years. In taking this action the Committee noted further that the payout requirement could be satisfied by distributions of cash or other assets.

Deficiency Distributions.—The Committee decided to permit foundations to make deficiency distributions where they have not met the 5 percent pay-out requirement because of an incorrect valuation of assets that is not willful and is due to reasonable causes. This would avoid the payment of penalties in situations where the action was inadvertent.

Twelve-Month Pass-Through.—The Committee adopted a recommendation to amend the House bill by treating as a qualifying distribution a payment made by a private foundation to a private operating foundation or to another private foundation (even though controlled by the distributing foundation), if the money is spent or used for charitable purposes within one year of its receipt by the controlled organization. The donee organization would not be permitted, however, to pass the grant through to another private, non-operating foundation.

Expenses.—The Committee adopted a proposal which would treat as a qualifying distribution the supervisory tax imposed on investment income and the unrelated business income tax. This would reduce the amount that the foundation would otherwise have to distribute currently for charitable purposes. The Committee also provided that it should be made clear that the administrative expenses of operating a foundation should also be treated as a qualifying distribution.

Controlled Organization.—The Committee agreed to make it clear that a recipient organization is considered as "controlled" when disqualified persons of the granting foundations can, by aggregating their votes or positions of authority, require the organization to make a distribution or prevent it from making such a distribution. In adopting this rule, the Committee pointed out that if an organization has been created by several private foundations, all of which are independent of one another, none of the creating foundations would be said to control the other organizations, if each creating foundation has an equal vote on the Board of Trustees of the new foundation and the Board proceeds to operate the organization by majority vote.

Repayments of Prior Distributions.—The Committee adopted a rule that where a private foundation receives money or assets as a result of previous expenditures made by the foundation that were treated as qualifying distributions (e.g., student loans), such monies or assets will be considered income for minimum distribution purposes.

Transition Rule for Commitments.—The Committee agreed that where a private foundation had made a written commitment by October 9, 1969, that is binding upon it to make a grant to a non-controlled, non-operating private foundation, it will be allowed to treat the grant as a qualifying distribution if it is made to carry out the charitable, educational, or other purpose for which the organization is exempt. This rule would not operate to allow grants to be treated in this manner for a period any longer than five years from the date of the enactment of the bill.

Limitation on Use of Assets.—The Committee approved those provisions in the House bill forbidding a private foundation from investing its corpus in such a manner as to jeopardize the carrying out of its exempt purposes. However, it made the following modifications in these provisions of the House bill:

Sanctions.—The Committee decided to adopt an initial sanction on private foundations of five percent of the amount involved and an initial tax on the foundation manager, where he knowingly jeopardizes the carrying out of the foundation's exempt purposes, of five percent (up to a maximum of $5,000). It also agreed to a second level sanction, where the jeopardy situation is not corrected, of 25 percent on the foundation and five percent on the foundation manager who refuses to take action to correct the situation. (In the case of the foundation manager, the sanction cannot exceed more than $10,000.) In adopting these rules for the tax on the foundation and the manager, the Committee provided that, before the second-stage sanction is imposed, the State Attorney General should be given an opportunity to intervene in the case to exercise whatever powers he has to correct the situation. Where the situation is corrected, the second-level sanctions would not be imposed.

Program-Related Investment.—The Committee made it clear that a program-related investment—such as low-interest or interest-free loans to needy students, high-risk investments in low-income housing, and loans to small business where commercial sources of funds were unavailable—should be considered as being charitable expenditures and not investments which might jeopardize the foundation's carrying out of its exempt purposes. However, in order to qualify as a program-related investment treated in this way, the investment must be for charitable purposes and not for any major purpose of making profit for the foundation.

Limitation on Foundation Activities.—The Committee accepted the provisions of the House bill with certain modifications.

Voter Registration Drives.—It decided to delete that portion of the bill which would allow private foundation funds to be used for voter registration drives.

Lobbying.—It also adopted a recommendation which, in effect would use the tests applied under the present law respecting the influencing of legislation, except that it would drop the test of "substantiality," now in use. Hence, lobbying activities—both grassroots lobbying and the buttonholing of Government officials—would be prohibited. However, examination of broad problems that the Government would ultimately be expected to deal with would not be prohibited, although lobbying on matters that have been proposed for legislative action would still be forbidden. Also, the Committee's decision would permit the offering of advice and technical assistance in response to written governmental requests.

Educational Broadcasting.—The Committee noted that in establishing the rules respecting attempts to influence legislation, where non-commercial educational television and radio stations are involved, adherence to the FCC regulations and the "fairness doctrine" (which require balanced, fair, and objective presentations of issues and which forbid editorializing by such broadcasting stations), will constitute compliance with the provisions of the bill. Under this rule a private foundation would be able to make grants to non-commercial educational television and radio without any sanctions being applied under this provision.

Expenditure Responsibility.—The Committee accepted a recommendation that the provision of the House bill which places "expenditure responsibility" on private foundations be clarified so that it will not be interpreted as making the granting foundation an insurer of the activities of the recipient organization, so long as the private foundation making the grant uses reasonable efforts and establishes adequate procedures so that the funds will be used for proper charitable purposes.

Sanctions.—With respect to the sanctions imposed in the House bill on certain prohibited activities, the Committee agreed to provide an initial tax on the foundation of ten percent of the amount improperly spent and a second tax of 100 percent if the foundation failed to correct the earlier improper action. The Committee also decided that the initial tax on a foundation manager who knowingly made the improper expenditure should be 2½ percent, up to a maximum of $5,000, and the second tax should be 50 percent of the amount involved, if the manager refused to correct the earlier action.

Prizes and Awards.—The Committee decided to allow private foundations to make a grant to an individual in the form of a prize or award if the individual is selected from the general public on the basis of merit or unusual achievement. Under the House bill, awards could only be made to individuals in the form of scholarship or fellowship grants, or where the purpose of the grant is to achieve certain objectives such as the production of a report or improvement of certain skills.

Individual Grants.—The Committee decided to add to the provisions of the House bill permitting individual grants for various purposes an additional category of "teaching skills." It did not change the rule that the grant procedure must be approved in advance by the Internal Revenue Service.

Influencing the Outcome of Any Public Election.—The Committee decided to amend the language of the House bill which would prohibit expenditures "to influence the outcome of any public election." The Committee limited the language to any *specific* public election because it recognized that almost any statement or study or general educational activity might become an issue in an election at some future time. Under the Committee action, preparation of any materials designed to favor or hinder any particular candidate for public office or any particular viewpoint in the case of referendum would still be prohibited.

CHARITABLE CONTRIBUTIONS

Appreciated Gifts—Tangible Personal Property.—The Committee reconsidered an earlier vote with respect to charitable contribution deductions for gifts of appreciated tangible personal property (see press announcement of October 13, 1969). Upon reconsideration, the Committee removed gifts of tangible personal property—art objects, paintings, etc.—from the types of property the appreciation in value of which would have to be taken into account by the donor in computing his charitable contribution deduction. (Under the House bill, the donor of such property must either (a) reduce his charitable contribution deduction to the amount of his tax basis for the gift property, or (b) claim a charitable contribution deduction for the full fair market value of the property and include the amount of appreciation in value in his gross income for tax purposes.) This Committee amendment would not apply, however, unless gain from the sale of the appreciated asset would have been taxed as a long-term capital gain. This rule would allow a donor to continue to contribute works of art to museums, educational institutions, etc., and compute his deduction under the rules of present law.

RETREAT ON CIVIL RIGHTS

Mr. MONDALE. Mr. President, most interested Americans by now are well aware that the Nixon administration's record in the area of civil rights leaves much to be desired. Hardly a day goes by without articles in the press about departures by the Nixon administration which have had the effect of weakening civil rights and equal opportunity programs. As legislators who have been involved in the enactment of these programs, we should be concerned about what is happening—or perhaps more accurately, not happening—in this administration.

The October 13 issue of Congress Biweekly contains an article, written by Marvin Caplan, director of the Washington office of the Leadership Conference on Civil Rights and a legislative representative of the industrial union department of the AFL–CIO, chronicling the miserable record of this administration in civil rights. I urge all readers of the CONGRESSIONAL RECORD to take a few moments to read Mr. Caplan's article which documents the shocking and consistent civil rights retreats of the Nixon administration.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RETREAT ON CIVIL RIGHTS

(By Marvin Caplan)

Down here in Washington they're weakening the programs.

The modest advances in school desegregation, voting rights, equal employment, the war on poverty are being slowed or face the threat of slowdown. Such is the artistry of the performance that most people do not grasp the import of what is happening; there is even the illusion, sometimes, that we are making progress. Except for an occasional outburst—(Roy Wilkins, for instance, that gentle man, exclaiming at the policy statement on school desegregation, "It's almost enough to make you vomit"), scattered demonstrations at the cuts in anti-poverty funds, a threatened rebellion by Justice Department civil rights attorneys—there are few signs of public indignation. Most people are quietly, resignedly settling for less—how much less we may not know for some time yet. What is certain is that in spite of the occasional development that raises hope—a proposal for welfare reforms that has some promising features, a suit to stop housing discrimination—we are losing momentum in our attempt to deal with domestic problems.

The Nixon Administration's retreat on school desegregation provided the first portent of what was to come. Only ten days after President Nixon took office, Secretary of Health, Education and Welfare, Robert H. Finch, was confronted by five Southern school districts that were scheduled to lose their Federal aid money for stubbornly failing to desegregate their schools. He announced the cutoff—actually he had no choice—but in an unprecedented show of leniency gave the five diehard districts 60 days in which to come up with acceptable proposals for desegregation. He dispatched teams to help them develop plans and put the money in escrow in case something could be worked out.

It is a measure of the insensitivity to the politics and moral imperatives of school desegregation that Finch was reportedly hurt and surprised when civil rights groups angrily attacked him for his move and when the *Atlanta Constitution* said his action "slaps the face of every Southern school board and every Southern school superintendent who has moved with great difficulty to obey the law" and "strentghen the forces of defiance."

His announcements of the cutoff was a model for the sort of statement the Administration has issued in subsequent domestic crises, balancing the inescapable need to enforce the law ("When all of the alternatives have been exhausted") with an "however" (the dispatch of teams, the funds in escrow) that opens loopholes in the law and heartens opposition to it.

The truth is Mr. Finch did not have to issue a statement. He didn't have to do a thing. The fund cutoff, under HEW's procedures at that time, would have gone into effect automatically. His statement and his slight alteration in established policy, the rhetoric of upholding the law while yanking it down a bit, sets a pattern one can trace thereafter in other decisions on domestic policy. An outrageous deed is balanced with a palliative, or it is disclaimed until it is too late to do anything about its effect. This, at any rate, is the pattern that runs through the school desegregation moves.

In March, only a month after the furor over the five school districts, an HEW intra-agency memorandum was leaked to the press. Emanating from Robert C. Mardian, a conservative Republican who was scheduled to become the Department's General Counsel, it described how a statement "clarifying" HEW's guidelines for school desegregation could be used to relax those guidelines. Roy Wilkins, as chairman of the coalition Leadership Conference on Civil Rights, whose representatives only a week earlier had received personal assurance from Finch that there would be no erosion of the guidelines and no relaxation in enforcement, immediately demand to know from Mardian and Finch if the press reports on the memo were true. Neither answered him. But Finch issued a statement disavowing any official standing for the memorandum; it was "a working paper" representing Mr. Mardian's personal views.

Mardian was confirmed as General Counsel and went on to become one of the authors of a clarifying statement that *was* official, a joint pronouncement on school desegregation by Mr. Finch and U.S. Attorney General John Mitchell. Issued July 3, the statement was less blatant in its manipulation of the law than the Mardian "working paper." But in its ambiguity, its desire to placate everyone and its inability to satisfy anyone, it surpassed the Finch statement on the five districts. While avowing an unequivocal commitment to "ending racial discrimination in schools, steadily and speedily" it reinterpreted the guidelines in ways designed to dilute them. It broadened the base for granting extensions of time to districts that were expected to desegregate their schools in the 1969–70 school year or lose Federal aid. More seriously, it announced an important shift in enforcement, from administrative action to litigation. HEW's use of its ultimate sanction—the threat of a fund cutoff—had brought many Southern school districts into line. Henceforth, the July 3 statement said, enforcement would no longer rest so much with HEW but "to the extent practicable . . . would be handled by the Justice Department." Since court action in school cases generally takes longer than administrative action and results in less desegregation, this was an ominous change.

Events since July 3 strengthened such forebodings. As though anticipating the cries of rage from civil rights groups, Justice announced, shortly after the statement was issued, that it was undertaking a spate of desegregation suits, so many that the *Washington Post* was moved to say it was "a little like the finale of *Hellzapoppin*." There was more appearance than substance. Many of the court actions were not new; they were already in the pipeline. And one, the statewide suit against Georgia, affords a good example of how court action can undercut administrative remedy. For there is every likelihood that at least 36 Georgia districts, whose Federal funds were cut off for failing to comply with the law, may now have their money restored during the time it takes to move the suit through the courts.

Worse has followed from HEW's and Justice's closer collaboration. They went into court last month to ask that desegregation be delayed in some 30 Mississippi school districts. Even the *Wall Street Journal* felt that went too far. "The Mississippi delay opens a wide door for delay throughout the South," it said and hoped this was not the start of a trend. Forty Justice Department attorneys threatened to quit, but as yet have not.

The same consideration the Administration tends to show to violators of the law in school cases appears, at least in one notable instance, in the Administration's dealings with defense contractors. On February 7, the Defense Department awarded $9.4 million worth of contracts to three major textile companies—Dan River Mills, Inc., Burlington Industries and J. P. Stevens, Inc.—even though they were all in violation of Federal regulations prohibiting racial discrimination by firms doing government work. Deputy Secretary of Defense David Packard, in making the awards, ignored the requirement that such firms must submit, in writing, goals and timetables and assurances of compliance before they can be eligible for new contracts. He appears to have acted entirely on the basis of oral assurances he received in telephone conversations or talks with the officials of the three companies.

This insensitivity was further reflected, when Clifford Alexander, the Negro chairman of the Equal Employment Opportunity Commission, during a Senate subcommittee inquiry into the award of the textile contracts, was accused by the late Senator Everett M. Dirksen of "punitive harassment" of businessmen and was subsequently advised, in a public speech by Jerris Leonard, Assistant Attorney General for civil rights enforcement, to resign his chairmanship. That the President later mildly disavowed Leonard's suggestion did nothing to correct the slight and only increased the impression of confusion that seems to attend the Administration's handling of civil rights.

But confusion can be a charitable excuse. In testimony before Congress, Administration officials have shown how ringing statements in support of a law can accompany plans to sabotage it. An example of this is the Justice Department's stand on one of the crucial civil rights issues of this Congress—whether or not to continue the protections of the Voting Rights Act of 1965. In its brief history the law has shown its great value. More than 800,000 Negro voters have been registered under it and some 400 black officials have been elected in the South since its passage. But key provisions of the law, those that prohibit discriminatory litcracy tests and set up the system of Federal registrars, are scheduled to expire August 6, 1970. Considering how difficult it is to get civil rights legislation through Congress, proponents of the law support a bill that would simply extend the key features of the Act another five years. The South, of course, opposes this.

Justice wrestled with the matter a long time, Attorney General Mitchell postponing his testimony before a House Judiciary subcommittee four times. When he finally appeared it was to unveil a complicated bill of his own that under the guise of improving the law threatens to let it die. Echoing a familiar Southern criticism, he proposed that the ban on literacy tests, which under the present formula applies to 7 Southern states, be extended nationwide, even to the 13 states that have never used their tests to bar voters because of race. More dangerous still, he proposes eliminating the present requirement that states covered by the Act must clear new voting laws and practices with the Attorney General or the District Court of the District of Columbia before putting them into effect. Instead, states would be able to pass any election laws they pleased, leaving it to an understaffed Justice Department to catch up with them.

Republican and Democratic members of the subcommittee rejected Mr. Mitchell's proposals. Rep. William M. McCulloch, of Ohio, ranking Republican on the Judiciary Committee, said the Administration was aligning itself with the Attorney General of Mississppi who wants the law "scuttled" so that voting discrimination can "thrive again" in the South. Committee Chairman Emanuel Celler (D., N.Y.) likened Mr. Mitchell's proposal to an "apple of Sodom" which looks delicious until it is picked, when it turns to dust and ashes in the hand. Mr. Celler's committee reported out the simple five year extension and it will shortly become the pending business before the House.

Again, professing only to improve the law, the Administration has come forward with a plan to strengthen the EEOC that is, at least suspicious. Since its inception in 1964, the EEOC has suffered under many disadvantages, one of the gravest being its inability to order violators of the law to stop discriminating. To remedy this, 35 Republican and Democratic Senators have introduced a bill that would, among other things, give EEOC the customary power all regulatory agencies have to issue cease-and-desist orders. EEOC has repeatedly asked for this power. In fact its new chairman, William Brown III, who succeeded Cliff Alexander and is also a Negro, supported the cease-and-desist authority in a speech he gave the week before he appeared before a Senate Labor Subcommitte. There, he shifted ground and came out for an Administration bill that would do no more than allow the Commission to go into court, should conciliation fail, and seek to enjoin unlawful employment practices through litigation. EEOC now depends on Justice to carry its cases into court.

Hearings on the EEOC legislation continue, but the Administration's new proposal endangers the enactment of the cease-and-desist authority.

HOPE FOR THE FUTURE?

Sometimes the Administration can weaken enforcement by silence. Earlier this year, for instance, it was silent when Rep. Jamie Whitten (D. Miss.) succeeded in adding to the Labor-HEW appropriations bill, two amendments that would require HEW to accept "freedom of choice" plans for desegregating schools even though the Supreme Court has held such plans unacceptable unless they effectively end racially separate school systems. Attempts to strike or nullify the Whitten amendments failed on the House floor, on one occasion by four votes. Civil rights forces urged the Administration to speak out against the amendments. It did not. Republican House leader Gerald Ford, of Michigan, said nothing, but during the unrecorded "teller votes," when members walk up the center aisle of the House and are counted by tellers, he joined the Dixiecrats in support of the amendments.*

Since then, the Administration has had a change of heart. The night before the Civil Rights Commission issued its highly critical report on desegregation, Secretary Finch announced his opposition to the Whitten amendments; indeed, his press release said he "reiterated" it, though he had never officially expressed it before. It is up to the Senate, now, to try and lift this yoke from HEW's neck and it may do so, if the Administration will do more than issue statements.

There is, unfortunately, little to sustain such hope. The Administration has shown little disposition to fight for domestic programs even when it is announced in support of them. And its current economy drive can only inhibit it further, particularly in areas like education and anti-poverty where large sums are needed. So, though it professedly supports fair housing the Administration has done nothing to help the Department of Housing and Urban Development obtain enough money to adequately enforce the existent laws.

Alloting too little money is, of course, a traditional way Congress has of undermining programs it doesn't like. Asking too little money for programs is the Administration's way of weakening them. So is putting people in charge that have little sympathy for their assignments.

It is hard to estimate the effect the Administration's attitudes and practices have had on good men still in government. There are still good men of both parties in HEW, committed to strong enforcement of the law. They are under enormous pressure to conform to the Finch-Mitchell compromises and if they finally give up, disheartened, who can blame them?

DEFENSE SNAFUS

Mr. HATFIELD. Mr. President, being in Washington, where defense policies have been under scrutiny and criticism in recent months, one begins to wonder what impact the conglomerate of disclosures of questionable policies is having on the American public. While my home State of Oregon may be more than 3,000 miles away, there is little need for curiosity, for the repercussions and suspicions of the people there can be loudly heard.

It is with high regard for the startling compilation of defense-related "snafus" by Eric Allen, Jr., editor of the Medford Mail Tribune, that I ask unanimous consent that his review of discrepancies in military policies be printed in the RECORD. It indicates that the public, too, is questioning defense spending.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SNAFUS HAPPEN--BUT . . .

Few Americans expect perfection in their public servants.

But . . .

When a high officer sells confiscated guns for his own enrichment, then pays no income tax on the proceeds, the while protesting that he "meant no harm";

When the nation's "No. 1 enlisted man" is accused of criminal conspiracy to defraud for his own profit;

When Army Green Berets are accused of murder and then unaccused, all within weeks, and without the American people being told the truth;

When a Cuban jet fighter plane can get to within minutes of a major Air Force base (where the President's plane is being kept) before being detected;

When the Army tests deadly chemical-biological-bacteriological weapons in secret in at least two states (and winding up lying about the tests and about killing some thousands of sheep);

When the spy-ship U.S.S. *Pueblo* is sent unprotected on a secret mission, is captured by a 10th rate naval power, its crew is subjected to prison tortures and indignities, and when the U.S. has to lie publicly to get them home again;

When the Army ships deadly gas across country in trains with the intent of dumping it in the Atlantic Ocean, and is stopped only by a public outcry;

When a Navy submarine sinks at drydock;

When an Army tank, developed at the cost of millions of dollars, proves so faulty as to be unusable;

When an Army weapon jams repeatedly under combat conditions;

When cost over-runs of a new airplane approach a total estimated in the billions of dollars;

When the chief of Selective Service, an Army general, refuses to follow court orders not to use the draft as punishment for young draft-eligible men of whose conduct he disapproves;

When brutal physical punishment is regarded as standard procedure in a Marine Corps brig—

When all these things happen, one is entitled to wonder about the kind of returns we are getting for the dollars we pour into the military establishment.

Goof-ups happen, and "snafu" is a word with Army origins, and everyone understands this.

But for $80 billion a year aren't we entitled to something better than all this?

THE PESTICIDE PERIL—LXXI

Mr. NELSON. Mr. President, last week's U.S. News & World Report featured a comprehensive report on the controversy over the seriousness of the dangers to our environment and to human health from the use of persistent, toxic pesticides.

The article states that those who favor continued use of DDT and related pesticides note that "these chemicals have enhanced the world's health and food supply with virtually no evidence of harm to mankind."

Those advocating improved controls on DDT and other persistent pesticides acknowledge the role these chemicals have played in the past, but they believe that the evidenced destruction of fish and wildlife and potential links to cancer in man justify steps to eliminate the hazards of pesticides. The anti-DDT forces "see their accumulation in the environment as a time bomb that will explode at some future date with disastrous effects to mankind."

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*Democrats, too, must share the blame for this defeat. At least 50 Republicans voted against the Whitten amendments and did not follow Ford. The absence from the floor of many liberal Democrats (the hour was late) and the help of Rep. Edith Green (D., Ore.) who spoke in favor of the amendments, carried the day for Whitten.

Unfortunately, the article includes the shopworn claims of the pesticide industry that livestock and crop production would drop and consumer prices would increase without pesticides.

But it is not an all or nothing situation. Effective, economical, alternative means of pest control have been developed to make many currently used persistent pesticides obsolete.

For example, the U.S. Department of Agriculture suggests an effective alternative for DDT on virtually every crop on which this most persistent, most expendable pesticide is presently used. In addition, a host of nonchemical means of pest control have been applied with great success in many parts of the country, including the development of crop varieties that resist insect attack, the introduction of natural enemies into the pest's environment, insect sterilization, and integrated procedures which combine chemical and biological control measures.

Despite the recognized need to develop additional alternatives to DDT and other hard pesticides, the Department has failed to mount an all-out research effort in this area. A spokesman for the Agricultural Research Service has admitted to me that the Department's program for improved means of nonchemical pest control is presently underfunded by at least $4 million. These funds could be used this year by the Department but were not included in the budget submitted to Congress. The research areas being shortchanged include biological control, hormonal techniques, natural plant resistance, and cultural control.

I ask unanimous consent that the U.S. News & World Report article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

PESTICIDES: PRO AND CON

Across America, there is rising concern that man is befouling his environment. Much of this worry centers on widespread use of chemical insecticides—particularly DDT and other "persistent" pesticides.

These chemicals, say critics, have contaminated rivers, lakes and oceans, and they pose a danger to man.

DDT has been banned indefilintely in Michigan. Arizona has barred its use for a year. New York and Minnesota have restricted pesticide use, and other States are considering similar action. The U.S. Department of Agriculture has limited use of DDT and other similar pesticides in some Government spray programs.

Yet, despite these official actions and rising protests, respected scientists are urging continued use of DDT and other pesticides.

Without them, say these scientists, food production and human health would suffer greatly.

From authoritative sources, you get both sides of an important and growing debate.

THE CASE AGAINST CONTINUED USE OF PERSISTENT PESTICIDES

Those who would ban the use of DDT and similar pesticides admit that there is as yet no hard evidence that these chemicals, properly used, will cause death or serious injury to humans.

These critics do say, however, that there is enough evidence of death and sickness among lower animals related to widespread use of such pesticides to warrant a complete bar to their use.

DDT and its chemical relatives are nerve poisons. In lethal doses they bring on violent convulsions, followed by death from heart or lung failure.

DDT is a chlorinated hydrocarbon. In this same chemical family are such pesticides as lindane, dieldrin, aldrin, heptachlor and several others widely used. All are persistent chemicals. This means that when sprayed on crops to kill insects, or into swamps to kill mosquitoes, they do not break down readily into less potent forms.

These persistent chemicals have been carried down rivers and streams into the lakes and oceans of the world. DDT, the most widely used pesticide, has been found in the fatty tissues of birds and fish in the Arctic and Antarctic.

The average human being, scientists say, now carries 10 to 20 parts per million of DDT in his body. The chemical is transmitted to babies through mothers' milk. It has been shown to kill fish and birds and to cause cancer in laboratory animals.

Dr. James T. Grace, director of the Roswell Park Memorial Institute in Buffalo, recently told the Environmental Health Subcommittee of the New York State legislature that tests show "clearly" that chlorinated hydrocarbons can cause tumors in mice. Said Dr. Grace: "If we find these chemicals create problems in lower forms, then we must be extremely careful how we gamble on their use in our environment."

At hearings in Wisconsin, Dr. Richard W. Welch, a pharmacologist, reported that laboratory experiments showed that DDT will produce changes in sexual activity of both male and female rats. He suggested that this change "probably does occur is humans."

Dr. Goran Lofroth, a Swedish toxicologist, has warned that breast-fed infants throughout the world are ingesting twice the amount of DDT said by the World Health Organization to be safe.

Another finding, reported by Dr. William B. Deichmann of the University of Miami school of medicine: Persons afflicted with liver cancer, leukemia, high blood pressure and carcinoma had at death two to three times the residues of DDT and related pesticides stored in their body tissues as did persons who died accidental deaths.

Senator Gaylold Nelson (Dem.), of Wisconsin, one of several Congressmen demanding that use of DDT and similar pesticides be barred in the U.S., cited a study by the U.S. Bureau of Sport Fisheries and Wildlife. This research found DDT in 584 of 590 samples of fish taken from 45 U.S. rivers and lakes.

In June, 60 marine scientists formally petitioned California Governor Ronald Reagan to place an absolute ban on DDT in his State. They expressed fear of "wholesale damage to important world fisheries" and "loss of whole categories of animals" important to man. These scientists said:

"DDT is no longer an essential weapon in the battle for human health and food. It is less effective than it once was, for nearly 150 species of insect pests have developed resistance to it, and many other pesticides which are less destructive to man's environment are now available to take its place."

In May of this year, the National Research Council's Committee on Persistent Pesticides reported, after an 18-month study for the U.S. Department of Agriculture: ". . . There is an immediate need for worldwide attention to the problem of build-up of persistent pesticides in the total environment."

To some scientists, the problem is that DDT and other persistent chemicals in the modern environment may combine, with each other and with other factors, to upset human wellbeing. In this view, the fact that residual amounts of any one chemical are tiny, when measured, does not lessen their potential for harm to humanity over the long range.

THE CASE FOR CONTINUED USE OF PERSISTENT PESTICIDES

Opposing a ban on the use of DDT and similar pesticides are many top scientists in the U.S. and other countries. They say that, on balance, the report of the Committee on Persistent Pesticides supports their position. Cited are such statements as the following from that committee's report:

"Through use of these chemicals, spectacular control of diseases caused by insect-borne pathogens has been achieved, and agricultural productivity has been increased to an unprecedented level. No adequate alternative for the use of pesticides for either of these purposes is expected in the foreseeable future."

In July, Dr. M. G. Candau of Brazil, Director General of the World Health Organization, told the group's assembly in Boston: "The record of the safety of DDT to man has been outstanding during the last 20 years, and its low cost makes it irreplaceable in public health at the present time."

Samuel Rotrosen, president of Montrose Chemical Corporation, the largest U.S. manufacturer of DDT, cites these figures as evidence of the chemical's effectiveness against the malaria-carrying mosquito:

"In India, for example, before DDT there were 100 million cases of malaria, with 750,000 dying each year. Today, there are only 15,000 cases, with 1,500 dying a year."

The World Health Organization which is a United Nations agency, estimates that DDT saved 5 million lives and prevented 100 million illnesses in the first eight years of its employment.

"I think it is safe," says Dr. Wayland Hayes, former chief toxicologist of the National Communicable Disease Center in Atlanta. "Volunteers were fed doses 200 times what you and I get every day for 12 months, and they showed no ill effects."

A report of the American Chemical Society in September stated that "despite the vast increase in the availability and use of pesticides, the incidence of fatal poisoning in the U.S. has held virtually constant at 1 per 1 million population over a 25-year period."

Workers engaged in manufacture of persistent pesticides, say industry experts, carry many times the normal burden of these chemicals in their body tissues, yet suffer no ill effects.

Scientists who have studied effects of DDT on humans say that once a certain amount of the chemical accumulates in the body, added amounts are thrown off.

The 1966 "Yearbook of Agriculture," published by the U.S. Department of Agriculture, stated:

"Without insecticides, production of livestock would soon drop about 25 per cent. Food prices might then go up as much as 50 to 75 per cent, and the food still would not be of good quality."

At a recent symposium on the use of pesticides, Dr. Donald G. Crosby, toxicologist at the University of California, said:

"We're not talking about a cockroach in a bedroom. We're talking about insects that devour up to 80,000 tons per day—capable of stripping bare an area of the size of Rhode Island. . . . We should accept the self-interest of our species."

Actually, production of DDT in the U.S. is down by about 20 per cent since 1960. The U.S. Department of Agriculture, where officials deem it feasible, is substituting other pesticides in Government spray programs and urging private users to do likewise.

Other means are being sought to control pests—for example, parasites and predators that will kill harmful insects. There is promise, too, in new strains of crops that resist insects and plant diseases.

The big debate over persistent pesticides, in broad terms, comes down to this:

Those who would outlaw these chemicals see their accumulation in the environment as a time bomb that will explode at some future date with disastrous effects to mankind.

Those who urge continued use of the persistent pesticides say that these chemicals have enhanced the world's health and food supply with virtually no evidence of harm to mankind.

REVENUE SHARING ACT OF 1969

Mr. BAKER. Mr. President, on September 23, I introduced S. 2948, the Revenue Sharing Act of 1969, which had been recommended by the Nixon administration. I was joined by more than 30 other Senators in sponsoring this proposal, and many others have expressed interest in the concept set forth in this legislation.

A section-by-section analysis of this act has been prepared. For the information of Senators and others who may be interested, I ask unanimous consent that the analysis be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF REVENUE-SHARING ACT OF 1969

SECTION 101—SHORT TITLE

(a) *Short Title.*—Section 101 provides that the Act may be cited as the "Revenue-Sharing Act of 1969".

SECTION 201—DEFINITIONS

(a) *In general.*—Subsection (a) of section 201 provides general definitions for purposes of the Act.

Fiscal year

Paragraph (1) of section 201(a) provides that the term "fiscal year" means the fiscal year of the Federal Government of the United States.

General revenue

Paragraph (2) of section 201(a) provides that the term "general revenue" of State and local governments means general revenue from their own resources, as defined by the Bureau of the Census of the Department of Commerce, provided that in the case of the District of Columbia it includes the Federal payment authorized under 47 D.C. Code section 5201(a).

Governor

Paragraph (3) of section 201(a) provides that the term "Governor" means the chief executive officer of a State or his delegate.

Individual income tax returns

Paragraph (4) of section 201(a) provides that the term "individual income tax returns" means the returns of tax required to be filed on the income of individuals under the Internal Revenue laws.

Local government

Paragraph (5) of section 201(a) provides that the term "local government" means a municipality, country or township (but does not include independent school districts or special districts), as defined and used by the Bureau of the Census of the Department of Commerce.

Personal income

Paragraph (6) of section 201(a) provides that the term "personal income" means personal income as defined by the Office of Business Economics of the Department of Commerce.

Population

Paragraph (7) of section 201(a) provides that the term "population" means total resident population, as defined and used by the Bureau of the Census of the Department of Commerce.

Secretary

Paragraph (8) of section 201(a) provides that the term "Secretary" means the Secretary of the Treasury or his delegate.

State

Paragraph (9) of section 201(a) provides that the term "State" means the several States of the United States and the District of Columbia.

Taxable income

Paragraph (10) of section 201(a) provides that the term "taxable income" means taxable income as defined by the Internal Revenue laws.

Units of government

Paragraph (11) of section 201(a) provides that the term "units of government" means all units of local government (including independent school districts and special districts), as defined and used by the Bureau of the Census of the Department of Commerce.

(b) ***Changes and modifications in definitions.***—Subsection (b) of section 201 provides that the definitions in subsection (a) shall be based on the latest published reports available, and the Internal Revenue laws in effect, on the date of enactment of this Act. The Secretary may, by regulation, change or otherwise modify the definitions in subsection (a) (other than paragraphs 1, 3, 8 and 9) in order to reflect any change or modification thereof made subsequent to such date.

SECTION 301—REVENUE SHARING APPROPRIATION

(a) *Appropriation.*—Subsection (a) of section 301 provides that for each fiscal year beginning on or after July 1, 1970, there shall be appropriated an amount equal to the percentage provided in subsection (b) of section 301 multiplied by the total taxable income reported on Federal individual income returns for the calendar year for which the latest published statistical data are available from the Department of the Treasury at the beginning of such fiscal year.

(b) *Applicable percentages.*—The applicable percentages are—

(1) for the fiscal year beginning July 1, 1970, 2/12th of one percent;

(2) for the fiscal year beginning July 1, 1971, 5/12th of one percent;

(3) for the fiscal year beginning July 1, 1972, 7/12ths of one percent;

(4) for the fiscal year beginning July 1, 1973, 9/12ths of one percent;

(5) for the fiscal year beginning July 1, 1974, 11/12ths of one percent; and

(6) for each fiscal year beginning on or after July 1, 1975, one percent.

(c) *Fiscal year limitation.*—Subsection (c) of section 301 provides that amounts appropriated pursuant to this Act shall remain available without fiscal year limitation for the expenditures authorized by this Act.

SECTION 401—PAYMENTS TO STATES

(a) *In general.*—Subsection (a) of section 401 provides that for any fiscal year each State is entitled to an amount, determined by the Secretary, equal to the revenue-sharing appropriation for such year pursuant to section 301 multiplied by the factor for such State.

State factor

Paragraphs 1 and 2 of subsection (a) provide that each State's factor shall be obtained by (1) multiplying such State's population by its revenue effort, and (2) dividing the product obtained in paragraph 1 by the sum of such products for all States.

(b) *Payments.*—Subsection (b) of section 401 provides that the payments determined under subsection (a) of this section shall be paid by the Secretary to the Governor of each State at such times as the Secretary may determine during any fiscal year, but not less often than once each quarter.

(c) *Revenue effort.*—Subsection (c) of section 401 provides that the revenue effort of each State for any fiscal year is obtained by dividing the total general revenue derived by such State and all of its units of government from their own resources by the total personal income for such State.

(d) *Data determinations.*—Subsection (d) of section 401 provides that for each fiscal year, the Secretary shall, on the basis of the latest available data for all States furnished by the Department of Commerce, determine the population of each State referable to the same point in time, the total annual general revenues of each State (including all units of government), and the total annual personal income, for each State.

(e) ***Final and conclusive determinations.***—Subsection (c) of section 401 provides that all computations and determinations by the Secretary under sections 301 and 401 shall be final and conclusive.

SECTION 501—PAYMENTS BY STATES TO LOCAL GOVERNMENTS

(a) ***Computation of pass-through amount.***—Subsection (a) of section 501 provides that the local governments of each State are entitled to an amount equal to the payment to such State pursuant to section 401 multiplied by a distribution fraction computed on the basis of the latest data available from the Department of Commerce

Numerator

The numerator of the distribution fraction is the total general revenues derived by all local governments of such State from their own resources.

Denominator

The denominator of the distribution fraction is the total general revenues derived by such State and all of its units of government from their own resources.

(b) ***Payment to each local government.***—Subsection (b) of section 501 provides that, within 30 days after receipt of a payment pursuant to section 401, each State shall pay to each local government an amount equal to the amount determined under subsection (a) of section 501 multiplied by the ratio of such local government's general revenue from its own resources to the general revenues of all local governments in such State from their own resources.

(c) ***Alternative distribution formula.***—Subsection (c) of section 501 provides that the Secretary shall accept an alternative formula for the distribution of funds if requested by the State, provided such formula is approved by the State and by its local governments.

Approval

(1) *State.*—Paragraph (1) of subsection (c) provides that the alternative formula must be approved by the State in the same manner as authorized in such State's constitution for the enactment of its own laws.

(2) *Local governments.*—Paragraph (2) of subsection (c) provides that the alternative formula must be approved by a formal resolution of more than one-half of the governing bodies of the local governments, and it must be approved by a formal resolution of the governing bodies of the local governments which would be entitled to receive more than one-half of the payments otherwise required by this Act.

Filing

The alternative formula must be filed not later than 180 days preceding the fiscal year to which it would be applicable.

Period of effectiveness

The provisions of the formula are effective for the period provided in such alternative formula.

Modification of termination of formula

The alternative formula may be modified or terminated if such modification or termination is approved by the State and its local governments in the same manner as provided in this section for adopting such formula.

SECTION 601—QUALIFICATIONS

(a) *In general.*—Subsection (a) of section 601 provides that, in order to qualify for payments under this Act, a State Government must warrant to the Secretary that it waives immunity from suit by its local governments in the United States Court of Appeals under the provisions of this Act. The State must give the Secretary such assurances as he may require that the State and its local government account for such funds in accordance with this Act.

Governmental purposes

Paragraph (1) of subsection (a) provides that payments received pursuant to this Act shall be used for governmental purposes.

Accounting and disbursement

Paragraph (2) of subsection (a) provides that a State and its local governments shall use proper accounting procedures for payments received under this Act and that such State will use such fiscal and accounting procedures as may be necessary to assure that it properly disburses amounts to which the local governments are entitled.

Compliance

Paragraph (3) of subsection (a) provides that a State and its local governments must provide the Secretary, on reasonable notice, access to, and the right to examine, any book, document, paper or record that he may reasonably require for the purpose of reviewing compliance with this Act.

Reports

Paragraph (4) of subsection (a) provides that the State and its local governments shall make such reports to the Secretary in such form and containing such information as he may reasonably require, including in such reports any computations made pursuant to section 501.

(b) *Maintenance of Existing Payments.*—Subsection (b) of section 601 provides that, except when an alternative formula is adopted pursuant to section 501(c), a State's aggregate payments to all of its local governments for such State's fiscal year (from all sources other than amounts received under this Act) shall be an amount not less than the average proportion of such State's general revenues received by its local governments for the three fiscal years of such State next preceding the date of enactment of this Act.

SECTION 701—POWERS OF THE SECRETARY

(a) *Regulations.*—Subsection (a) of section 701 provides that the Scretary is authorized to prescribe reasonable rules and regulations for carrying out the provisions of this Act and to request from any Federal agency statistical data, reports and such other information as he may deem necessary for the purpose of carrying out his functions under this Act.

(b) *Failure of Compliance by State Govment.*—

In General: Subsection (b) of section 701 provides that if, after giving reasonable notice and an opportunity for a hearing to the Governor of a State, the Secretary determines that a State Government has failed to comply with any provision, rule or regulation of this Act, he shall proceed as specified in this section.

Notification: The Secretary shall notify the Governor that if the State Government fails to take corrective action within 60 days from the date of a determination that it has failed to comply with this Act, further payments to such State (in excess of the amounts to which the local governments of such state are entitled under section 501) will be withheld for the remainder of the fiscal year and for any subsequent fiscal year until such time as the Secretary is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied, the Secretary shall make no further payments.

(c) *Cancellation of Payments.* If a State Government fails to comply with the provisions of this Act for a period of six months after the expiration of a 60-day notice that its payments will be withheld, the Secretary shall cancel any payment withheld pursuant to subsection (b) for the current and for any subsequent fiscal year.

Reapportionment of payments: The Secretary shall reapportion any cancelled payments to all other States then entitled to receive payments under section 401 of this Act, in proportion to the original installments paid to such States for the fiscal year to which such cancelled payments pertain.

Distribution to local governments: Amounts redistributed to States pursuant to section 701 are considered payments made pursuant to section 401. The local governments of each State shall receive the amounts to which they are entitled pursuant to section 501.

(d) *Payments to local governments.* If payments to a State Government are withheld or cancelled pursuant to this section, the Secretary shall continue to pay to the Governor of such State the amount to which the local governments of such States are entitled pursuant to section 501 (computed as if the payment to such State had been made) and such State shall continue to distribute such amounts among its local governments.

(e) *Failure of Compliance by Local Government.*—

(1) *In General.*—The Governor shall be responsible for determining that local governments within his State have complied with the requirements of this Act and the rules and regulations issued pursuant thereto.

(2) *Notice of Failure of Compliance.* If after giving reasonable notice and an opportunity for a hearing to the chief executive officer of a local government, a Governor determines that a local government within his State has failed to comply with this Act, he shall notify such local government that if it fails to take corrective action within 60 days from the date of such determination, further payments to such local government will be withheld for the remainder of the fiscal and for any subsequent fiscal year, until such time as he is satisfied that appropriate corrective action has been taken.

Notification to Secretary.—The Governor shall notify the Secretary of his action.

Cancellation of Payments.—If a local government fails to comply for a period of six months after the expiration of the 60-day notice, the Governor shall cancel any payments withheld for the current and for any subsequent fiscal year.

Reapportionment. The Governor shall reapportion and pay any cancelled payment to all other local governments of such State then entitled to receive payments pursuant to section 501, in proportion to the original payments made to such local governments for the fiscal year to which the cancelled payments pertain.

SECTION 801—JUDICIAL REVIEW

(a) *In general. Filing of a Petition for Review.* Subsection (a) of section 801 provides that any State or local government which receives a 60-day notice pursuant to a determination that payments to it will be withheld may, within 60 days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State or local government is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. A copy of the petition shall be transmitted to the Secretary.

Record of Proceedings.—The Secretary shall file, in the appropriate Court, the record of the proceedings on which he based his action.

(b) *Objections to Secretary's Action.* Subsection (b) of section 801 provides that no objection to the action of the Secretary shall be considered by the Court unless such objection had been urged before the Secretary, or unless there were reasonable grounds for a failure to do so.

(c) *Jurisdiction of Court.* Subsection (c) of section 801 provides that the Court may affirm or modify the Secretary's action, or set it aside, in whole or in part.

Findings of Fact.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive. If any finding is not supported by substantial evidence, the Court may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new findings of fact and may modify his previous actions.

(d) *Review.* Subsection (d) of section 801 provides that the judgment of the Court shall be subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of Title 28 of the United States Code.

(e) *Cancellation of Payments.* Subsection (e) of section 801 provides that, in the event that judicial proceedings are instituted pursuant to this section, the Secretary shall, after the expiration of the six months period provided in section 701 or the point at which any judicial decision becomes final, whichever is later, cancel, reapportion, and pay any payments withheld pursuant to section 701 for the current and any subsequent fiscal year.

(f) *The Term "Secretary".* Subsection (f) of section 801 provides that, for the purposes of section 801, the term "Secretary" means the Secretary of the Treasury, or the Governor of a State, whichever is appropriate.

SECTION 901—REPORT BY THE SECRETARY

In General.—Section 901 provides that the Secretary of the Treasury shall report to the President of the United States and the Congress, as soon as is practicable after the end of the fisacl year, on the operation of this Act during the preceding fiscal year.

SECTION 1000—ADMINISTRATIVE EXPENSES

In General.—Section 1000 authorizes an appropriation of such sums as may be necessary for the administrative expenses required to carry out the functions of the Federal Government under this Act.

SECTION 1001—EFFECTIVE DATE

Section 1001 provides that the effective date of this Act shall be January 1, 1971.

WELFARE REFORM AND FEDERAL REVENUE SHARING

Mr. CRANSTON. Mr. President, on October 10 I had the pleasure of sharing with California county supervisors some thoughts on the relationship of President Nixon's new welfare reform proposal and the need for Federal revenue sharing by State and local agencies. Since I hope that these ideas may contribute to the continuing dialog on new solutions to these problems, I ask unanimous consent that my speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

Speech by Senator Alan Cranston Before the California Supervisors Association, Squaw Valley, October 10, 1969

With all of the incredibly complex problems which face a U.S. Senator, trying to decide what's best for the United States, I must say that I do not in the least envy the job of a California County supervisor.

On a daily and face-to-face basis, you must justify to the voters, including your own friends and neighbors, both the cost and the efficiency of county government and the tax rate you impose on their homes, their farms, their businesses.

One of your most difficult tasks, I know, stems from the major, immense responsibility you bear in administering a welfare program which aggravates instead of solves our poverty problem.

I realize, of course, that your burden is lightened and your task simplified because of the fact that you support this welfare program financially by taxing your friends, neighbors and constituents with the most unpopular and least equitable of all our levies—the property tax. In Washington and in California alike, we all know that we must find a solution to this problem.

I was greatly encouraged by President Nixon's recent message on welfare reform. Declaring candidly that "The present welfare system has failed us," the President outlined a bold and broad new program of family assistance. Under his plan, which is now before Congress, any family which can earn no income at all would receive a minimum of $1,600 of Federal funds.

If a family's earnings are below the poverty level, Federal funds would be available to bring its earnings up to acceptable minimums. Thus, no American would be discouraged from getting a job and earning a living. An end would come at long last to the sorry system—built into the present program—that penalizes initiative and holds back those who want to help themselves.

States would be required to supplement these payments from the Federal Treasury, depending on their present public assistance programs. Every state would be guaranteed at least a 10 percent decrease in its present level of welfare support. In addition, the President called for mandatory work incentives with training and job development programs.

I believe that the program needs strengthening in this aspect to insure that enough job opportunities are available. The Administration proposal would approximately double the Federal contribution to public assistance, from 4 to 8 billion dollars. I have no doubt there will be many changes in this new family assistance plan before it is enacted. Already, since the President's initial August message, the Administration has broadened its concept of the role of food stamps in the program, and made other improvements.

But after all the arguments about the sufficiency of the supports and the fairness of the work requirements have been resolved, the fact will remain that President Nixon deserves our nation's thanks for a comprehensive and constructive proposal. It is a proposal designed to get us out of the paternalistic and debilitating quagmire of our present welfare system.

One of the most important new precedents established by the proposal is that the problem of poverty and the need for public assistance are recognized formally by the President of the United States as a national problem requiring a national solution.

Californians should be in complete agreement with this principle. With the end of residence requirements for public assistance, our comfortable climate and magnificent environment, plus our high rate of welfare payments—which will be correspondingly high compared to other states under the Nixon Family Assistance Program—all of these attractions will make California an enticing home for many of our nation's poor people.

This in turn will add something to the burden of welfare on our California tax payers—although hopefully not enough to cancel out the initial 10 percent cut guaranteed us in the plan.

I feel that the best solution, and the only fair solution, to this threat of a discriminatory tax burden on citizens of California and other wealthy states is complete Federal support of our nation's welfare program.

In his August speech, President Nixon touched upon much more than welfare reform. He called for a "no-strings-attached" revenue sharing program which by fiscal 1976 would amount to 5 billion dollars to be returned to the states in block grants. While I have long supported the concept of Federal revenue sharing, I believe that total Federal support of our welfare system would accomplish the same ends as block grants without stirring up the violent battle which is the inevitable consequence of trying to get Congress to appropriate block grant funding.

If counties were completely relieved of the need to support welfare, they would be able to support schools, road construction, police and fire protection, and their other areas of responsibility just as if they were receiving free Federal funds. I believe there would be much more freedom of choice for local cities and counties under this kind of revenue sharing.

Frankly, I do not believe that Congress will be willing to give "no-strings-attached" money to the states or to local government. While there is substantial agreement on the need for Federal revenue sharing with state and local government, such sharing can well mean ear-marked funds with Federal regulations and restrictions on its use by state and local government.

This can mean the continued centralization of decision-making in Washington—and greater Federal intereference in our schools and other aspects of local government.

At a time when most Americans want to see government decentralized—brought closer to the people and made more responsive to their needs—any further restrictions on local and regional authority are clearly a mistake.

On the other hand, if the entire burden of welfare were shifted to the Federal government by extending President Nixon's welfare reform proposal, the local tax dollars freed from the welfare drain would be entirely in the jurisdiction of local officials to be spent without Federal regulations. Nationalizing our system of welfare supports would accomplish the same ends as the President's revenue sharing proposal.

It would protect local options and autonomy in other areas of spending.

It would remove the threat the existing situation poses to California taxpayers.

LETTERS TO CONGRESSMEN TABOO

Mr. HATFIELD. Mr. President, I was shocked to read recently in the Baltimore News-American a front-page article bearing the headline "Letters to Congressmen Taboo, Army Redtape Gags GI's," written by Leslie H. Whitten.

The story quotes a directive issued to enlisted men at Fort Bragg, N.C., as saying, among other things, that—

> The only effect a congressional (inquiry) has on the administrative process is to disrupt normal processing and delay other actions pertaining to your buddies.

Mr. President, the right of every American citizen to communicate with his elected representatives in Congress is clearly guaranteed by the Constitution. A man does not surrender that constitutional right when he dons a military uniform.

That is why I was genuinely distressed to see this news story of an apparent attempt by some clearly misguided Army officers to intimidate their men and discourage their communicating with us. I have since obtained a copy of the Army document in question and find that reporter Whitten has quoted it entirely accurately.

This is the kind of incident which gives rise to the derisive comments we sometimes hear about the "military mind." It is only mindless disregard for basic rights and for logic that gives rise to the kind of memorandum circulated at Fort Bragg.

I call upon Secretary of Defense Laird to reaffirm the clear policies of his Department guaranteeing to every member of the military the right to communicate freely with his Senators and Representatives without fearing retribution from his immediate superiors. The Secretary has the clear duty to put an end to the issuance of such outrageous memorandums as that uncovered by reporter Whitten.

Mr. President, I ask unanimous consent that the Baltimore News-American article and the so-called Personnel Information Letter issued at Fort Bragg be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Letters to Congressmen Taboo: Army Red Tape Gags GI's

(Leslie H. Whitten)

Washington, August 29—An Army intelligence center is trying to discourage servicemen from writing gripes to their congressmen because it contends the letters "disrupt normal processing."

A serviceman's right to communicate with his congressman is guaranteed by law and by Defense Department policy.

The Army unit seeking to restrain letter-writing to congressmen is the Continental Army Command Intelligence Center, Fort Bragg, N.C. In a July 18 letter to its 900-soldier members the headquarters of the unit, through its personnel office, said:

"Your personnel section has been slightly offended here lately. It seems that some of our customers have written to their elected representatives in Congress when the help and information was available here for them."

The letter then goes on to mention such matters as overseas assignments, hardship discharges and early release for school and seasonal employment as matters that are handled by the personnel office. It concludes:

"A congressional inquiry does not influence a commander's decision . . . the only effect a congressional (inquiry) has on the administrative process is to disrupt normal processing and delay other actions pertaining to your buddies."

The letter was signed by Chief Warrant Officer Alfred Leonardo Jr. His superior, the commanding officer of the center, Col. Charles A. Morris, conceded that he had "thrown out a grain of information" to get Leonardo started on the letter. He backed Leonardo all the way, Morris said.

Leonardo said he had written similar memoranda when he was with units in Vietnam and Germany. He estimated 40 to 50 inquiries from congressmen had been processed by the unit this year and each one took one to two extra hours of work.

Col. Morris insisted that it was not his aim to intimidate his men. Quite the contrary, he said, "What we're trying to get them to do is to first exhaust military channels. Then by all means they can write to their congressmen. They could and should."

The letter was obtained by Hearst Newspapers after it had been sent to an intermediary by a disgruntled army employe, who saw it as an effort to restrict Army gripes to the soldiers' elected representatives.

At the Defense Department, a spokesman explained that "sometimes people with legitimate gripes will not bother to talk to their first sergeants even. They'll go straight to God."

Another department spokesman, asked whether letters such as those sent out at Fort Bragg were part of Army policy, said obliquely that "the department has no restrictive policy concerning members of the armed forces community with a member of Congress."

Sen. Sam Ervin (D., N.C.) has said his constitutional rights subcommittee could never have pushed through its "GI Bill of Rights" without servicemen's complaints.

The Army center's letter does not bar servicemen from writing their congressmen, but the Ervin committee and other constitutional rights backers have pointed out that inclosed societies like the military, a hint of displeasure goes a long way.

Headquarters CONTIC,
Office of Unit Personnel,
Fort Bragg, N.C., July 18, 1969.

Subject: Personnel information letter.

1. Your Personnel Section has been slightly offended here lately. It seems that some of our customers have written to their elected representatives in Congress when the help and information was available here for them. By here we mean the Personnel Section at CONTIC, the Personnel Section in our battalions, and your unit orderly rooms. It is realized that there are many things that occupy a Personnel Officer or a Personnel Sergeant's time. To make it even easier to get information on personnel matters, anyone in this command desiring to know procedures, information, or just status of his particular action may write a note or letter to the Personnel Officer or Personnel Sergeant, HQ CONTIC, direct. We promise you our reply will be much faster, helpful, and in more detail. (However, there are things we cannot tell you. Items such as reasons for nonselection for promotions, leaves, etc, can only be obtained from your unit commander.)

2. Some of the reasons some personnel actions are delayed is that they are improperly prepared. We get them with missing documents, missing signatures, etc.

3. Following are typical types of various personnel actions that we normally process and the expected time frame to completion.

a. *Overseas assignments.* These take from 30 to 180 days for approval. If approved the individual will normally appear on a volunteer levy. In the event he has not heard anything in a 180-day period, we recommend that he try again if he still wants to go. NOTE: Do not be discouraged if your commander recommends disapproval. It still has to go to DA if you meet the requirements of AR 614–30, and many do go despite a commander's recommendation of disapproval. Personnel CONTIC will send you a note informing you when your application left our office and what recommendation CONTIC has made.

b. *Hardship discharges.* This type of action receives top priority in our office. The CG, XVIII Airborne Corps, has the approving authority; however, that HQ may send a doubtful case to DA for approval. Hardship Discharges that are based on medical conditions are referred to the Surgeon's Office WOMACK, for his recommendation. All cases are referred to the Selective Service Board serving your hometown for their recommendation, and this is where the delays occur. It is estimated that the hospital takes one (1) week (includes mailing time) and Selective Service anywhere from 30 to 60 days.

d. *Early release for school and seasonal employment*, CG XVIII Airborne Corps, has the authority for approval. Applications take from 15 to 30 days. IAW DA Message 915445, Dated 8 July 1969, Subject; Interim Change to AR 645–200, Separation to attend school will be effected not earlier than 15 days prior to the first day of the school term for which registered. Previous requirement was 10 days prior to last possible registration date. Date must still fall within last 90 days of service.

e. *OCS application.* A priority item with command emphasis. Selection process accomplished by Post Board and 3A Selection. Estimated to completion 25 to 60 days.

f. *Warrant officer applications.* Another priority item. Post Board required. Final selection by DA. Non MI Warrants take 3 to 9 months. MI Warrants take 6 to 24 months. Applicants for MI Warrants are required to undergo a brand new complete Background Investigation.

4. In summary, a congressional inquiry does not influence a commander's decision. A commander is charged with certain responsibilities and must act accordingly. The only effect a congressional has on the administrative process is to disrupt normal processing and delay other actions pertaining to your buddies. Your personnel actions are receiving the best possible care we can give it. All personnel actions are acknowledged. Our office will send each applicant a note letting you know what we did with your request and CONTIC's recommendation. We ask that you inform your parents and wives of the processing time. Bring your business to us. We are here to help you.

A. Leonardo, Jr.,
Personnel Officer.

THE OEO AND THE ELDERLY POOR

Mr. WILLIAMS of New Jersey. Mr. President, within recent weeks I have expressed my concern to OEO Director Donald Rumsfeld about the effects of recent organizational changes upon programs meant to help the elderly poor. However, I do not believe that the urgency of the situation has yet been recognized within the highest levels of OEO.

I, therefore, ask unanimous consent to have printed in the Record a letter and position paper presented to me today by the National Council of Senior Citizens. I think that both documents make a compelling case for action—at the earliest possible date—to deal with regressive developments of recent months.

As chairman of the Special Committee on Aging, I am especially concerned about the issues described in the material from the council. The Committee on Aging, in 1965 and 1966, conducted hearings which resulted in a strongly worded report pointing out that the Office of Economic Opportunity had paid scant attention to the elderly poor of this Nation. The committee also recommended "that there be established within the Office of Economic Opportunity a high-level position or positions charged with responsibility and authority to assure adequate consideration of the needs of the elderly in conducting the war on poverty, with tenure and security for the occupant of this position."

With strong support from the Senate Committee on Labor and Public Welfare, this position was later established. Senator Edward Kennedy, chairman of the Subcommittee on Aging in that committee, took an active and effective part in achieving that goal and in advancing other goals meant to make the war on poverty more responsive to the elderly.

It is my opinion, however, that all previous progress is now endangered. Furthermore, I believe that the OEO should give sympathetic attention to the views of the National Council of Senior Citizens and other national organizations which have expressed similar concern since Mr. Rumsfeld took office. I believe that the council statement is emphatic, timely, and significant. I commend it to the OEO and to everyone else who should be concerned about our elderly poor.

There being no objection, the items were ordered to be printed in the Record, as follows:

National Council of Senior Citizens, Inc.,
Washington, D.C., October 21, 1969.

Hon. Harrison A. Williams,
Chairman, Senate Special Committee on Aging, Washington, D.C.

Dear Senator Williams: The Executive Board of the National Council of Senior Citizens, meeting in Washington October 14 and 15, considered the plight of the elderly poor and the unfortunate consequences for them of the reorganization of the Office of Economic Opportunity.

The National Council of Senior Citizens represents 2,500,000 older persons in every State. The Executive Board has directed me to bring to your attention the contents of its anti-poverty resolution.

The elderly poor have been largely bypassed by the Office of Economic Opportunity up to now. But, in recent years, Congress made changes in the Economic Opportunity Act which were beginning to provide some new OEO focus on the problems of the elderly. Under the new reorganization ordered by the President, however, these changes are being completely ignored and the elderly programs are being reduced and downgraded.

The National Council of Senior Citizens recognizes the desperate need of the poor and disadvantaged of all ages. Older Americans are deeply concerned about the effects of poverty on youth and see the justice of placing heavy emphasis on anti-poverty programs for youth.

However, the National Council of Senior Citizens respectfully insists that the elderly poor are also entitled to a degree of assistance proportionate to their need.

Those 65 or over helped America win two world wars. They worked hard to provide the unprecedentedly high living standard enjoyed by the great majority of Americans.

Yet, it is a tragic fact that one-fourth of the U.S. poor are elderly and more than one-third of those 65 or over—7,000,000 in all—live in abject poverty while millions of others 65 or over live perilously close to the poverty line.

The elderly comprise one of the only two poverty categories to show an increase in the 1960's. (Families headed by women are the other category that has been increasing).

The National Council of Senior Citizens seeks to impress uopn the Administration the fearful plight of the elderly poor and the importance of developing anti-poverty programs adequate to their need.

Our 2,500,000 members ask that OEO appoint an Assistant OEO Director for Older Persons Programs (a statutory office that has remained unfilled since the departure of Genevieve Blatt last year) and re-establish an operating Office for Older Persons programs under the OEO Community Action Agency (this office has been so thoroughly downgraded there is no possibility it can generate innovative programs for the elderly in the future).

The National Council of Senior Citizens asks Congress to provide at least $20,000,000 for OEO Senior Opportunities and Services programs to fill the great demand for programs of this kind in hundreds of communities across the nation.

I am enclosing a copy of the position paper prepared by the National Council of Senior Citizens reporting in some detail on the OEO cutbacks in the programs for older Americans resulting from President Nixon's decision to reorganize the Office of Economic Opportunity.

With every good wish, I am

Sincerely,

WILLIAM R. HUTTON,
Executive Director.

NATIONAL COUNCIL OF SENIOR CITIZENS POSITION PAPER ON OEO

President Nixon's decision to reorganize the Office of Economic Opportunity, with the stated object of making it more effective in dealing with the problems of the U.S. poor, is of special concern to the low income elderly.

Up to now, the elderly have been largely ignored by the anti-poverty agency. Now, it seems likely they will be further by-passed.

Relatively few OEO programs have been designed to serve the elderly.

In 1968, the U.S. Senate Appropriations Committee reported that less than 5 per cent of OEO funds had gone for programs specifically directed toward meeting the problems of men and women age 55 or over.

Yet the poor in this age group represent more than a quarter of all Americans living in poverty.

The elderly constitute one of the only two poverty categories to show an increase in the 1960's. (Families headed by women are the other poverty category that has been increasing.)

The implications of this situation are most disturbing.

Older Americans generally must live on incomes that are substantially less than the incomes of younger people.[1]

This retirement income gap is steadily worsening.

At the same time, more Americans are spending more years in retirement.

Unless positive action is taken to reverse this trend, the economic position of the elderly will continue to deteriorate markedly in the years ahead.

From its inception, the OEO has evidenced little real regard for the plight of the elderly poor. Its youth-oriented attitude has greatly disappointed those with an understanding of the desperate financial crisis facing millions of the older generation.

The agency's record brings this clearly into focus.

The original OEO legislation contained no specific reference to the elderly poor.

In 1965, however, Congress noted the need for employment programs for older workers and added to the OTO legislation a section entitled Programs for the Elderly Poor. This section of the legislation stated: "It is the intention of Congress that, wherever feasible, the special problems of the elderly poor shall be considered in the development, conduct and administration of programs under this Act." [2]

In 1966, the report of the Senate Committee on Education and Labor on the operation of the OEO program asked that greater attention be given by OEO to problems of the elderly poor.

This report said: "The committee has found that the needs of the older person have not been appropriately considered. . . . This finding was reinforced by many hearings of the (Senate) Special Committee on Aging." [3]

In order to assure high priority for programs for the elderly, the Senate Committee ordered creation of an additional Assistant Director of the Office of Economic Opportunity.

The Committee's 1966 report states: "The Committee intends that this official will assist the Director with problems of the elderly poor, particularly with respect to the development of new programs and the coordination of programs related to the needs of the elderly.

"It is also the Committee's intention that this Assistant Director be provided with staff at the policy level . . ."

The 1967 amendments to the Economic Opportunity Act reemphasized congressional concern for the elderly poor by asking for new programs to be called Senior Opportunities and Services and to be maintained on a par with such major OEO programs as Head Start, Legal Services and Neighborhood Health Centers.

The Senate Appropriations Committee reviewed OEO's performance in 1968 and again found that, despite very specific legislative reference to the need for more programs for the elderly, "OEO has continued to relegate older persons programs and services to second, or less, priority with the result that 5 per cent of OEO funds have been directed to serve the 55 and over group which represents from 25 to 30 per cent of the poor." [4]

To highlight its concern for the elderly poor, the Committee's 1968 report said: "For the past four years, OEO has chosen to give only token acknowledgement to the problems of the elderly."

The report continued: "The Committee therefore feels it has no choice but to specifically require OEO to meet its statutory and programmatic mandate and earmarks $50 million in Title II funds to be channeled through Section 222 (a) 8 of the Act."

Also in 1968, several members of the OEO's Advisory Committee on Older Persons Programs resigned in a protest against the agency's refusal to fund more programs for the elderly." [5]

Clearly, the OEO's record in dealing with problems of the elderly poor has been disappointing.

Worse still, it now appears the comparatively few programs for the elderly that OEO has so far set up are threatened.

The OEO reorganization plan, dated August 11, 1969, states that the former offices of rural and older persons will be incorporated into OEO's new Office of Program Development.

Since then, the status of the older persons division as an operating division within the Office of Programs Development has been downgraded to the point of effectively removing older persons interest from OEO's operational scheme. The staff function as presently conceived provides no operational authority to initiate new developmental programs in the field of aging.

The obvious result of the reorganization plan will be to eliminate the statutory office of Older Persons Programs.

Moreover, the operational responsibilities of OEO's former Community Action Program Older Persons Branch are being abolished with respect to initiating innovative programs, monitoring ongoing research and development programs and guiding field-operated Senior Opportunities and Services programs.

Thus, the OEO reorganization plan, as it now stands, appears designed to eliminate the elderly poor as an OEO program concern.

In addition, existing OEO programs for the elderly face a highly uncertain future including 217 local Senior Opportunities and Services programs and other minor programs financed with anti-poverty funds.

Discussing his intention to reorganize OEO, the President in a nation-wide address on August 8 said: "The OEO reorganization to be announced next week will stress OEO's innovative role."

However, the actual reorganization plan extinguishes any likelihood of new programs for the elderly and casts a dark shadow over existing OEO programs for the elderly.

Accordingly, the following recommendations appear proper:

The Office of Economic Opportunity should adhere to the intent of Congress by incorporating a staff position of Assistant Director for Older Persons Programs in its reorganization plan.

The Assistant Director for Older Persons Programs should be given sufficient staff and budget to carry out programs responsive to the needs of the elderly poor.

The research and development functions previously assigned the OEO Community Action program's Office of Older Persons should be "carried through" by that office into the newly formed Office of Program Development.

In the future, more OEO resources should be used to meet the needs of the elderly poor.

Prompt action on these recommendations alone can guarantee decent consideration of the needs of the elderly poor by the OEO.

PROGRAMS FOR THE ELDERLY POOR

SEC. 610.[1] It is the intention of Congress that whenever feasible the special problems of the elderly poor shall be considered in the development, conduct, and administration of programs under this Act.

SUPPLEMENTAL REFERENCE

These members of the OEO Advisory Committee on Older People's Programs resigned in February, 1968, as a protest against the refusal of OEO to fund more programs for the elderly; John W. Edelman, then President of the National Council of Senior Citizens; William C. Fitch, the OEO Advisory Committee Chairman and then a consultant to the American Association of Retired Persons; Dr. Harold L. Sheppard, a sociologist with Upjohn Institute for Employment Research and former chairman of the OEO Advisory Committee; and Dr. Juanita Kreps, an economist on the staff of Duke University.

PROGRAMS FOR THE ELDERLY FINANCED WITH ANTI-POVERTY FUNDS

Project for repairing sub-standard housing in Kentucky.

Legal Research and Services for the Elderly, a program to identify legal problems of the aged and develop better methods of solving them. (operated by the National Council of Senior Citizens).

Employment of the elderly in community service under programs operated by the National Council of Senior Citizens, the National Council on the Aging, the National Retired Teachers Association.

Late Start, a program to test whether intervention through group experience can alter life problems or patterns.

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[1] Finding of the U.S. Senate Special Committee on Aging's 1969 task force on the economics of aging (attached).

[2] Section 610 of the Economic Opportunity Act.

[3] Report of the U.S. Senate Committee on Education and Labor dealing with the 1966 amendments to the Economic Opportunity Act (pp 24 and 25).

[4] Senate Committee on Appropriations, Departments of Labor and Health, Education and Welfare and Related Agencies Appropriation bill (p. 87.)

[5] See supplemental material for names of Advisory Committee members who resigned.

[1] This new section was added by sec. 28 of the Economic Opportunity Amendments of 1965, Public Law 89-253, October 9, 1965, 79 Stat. 973, 978.

Community Action Program-VISTA, a program to develop employment for the elderly poor.

Action for Housing in Cambridge, Mass., involving the elderly in efforts to improve local housing conditions.

Senior Opportunities and Services: 217 Community Action programs for employment of the elderly in community activities.

Green Thumb, a program to employ the elderly on beautification of highway right of way and other public property (operated by the National Farmers Union).

Foster Grandparents, a program for institutionalized children who are visited regularly by elderly persons (operated by the U.S. Administration on Aging).

Project FIND, an outreach program carried on at the local level to acquaint the isolated elderly with benefits available to them through public and non-profit community agencies.

NEW DIRECTIONS FOR AMERICAN FOREIGN POLICY

Mr. MATHIAS. Mr. President, on October 27, 1969, at Stephens College, Columbia, Mo., the Senator from Illinois (Mr. PERCY) delivered an important address entitled "New Directions for American Foreign Policy in the 1970's." In the address, Senator PERCY discusses the problems confronting the United States in Asia, Europe, and Latin America. I ask unanimous consent that the address, which contains important information, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

NEW DIRECTIONS FOR AMERICAN FOREIGN POLICY IN THE 1970's

T. S. Eliot once said: "Time present and time past are both present in time future. And time future is contained in time past." In looking together at the future of America's foreign policy, perhaps the best way to begin is to take a brief look at the past—the rear-view mirror known as "modern history."

As your generation came to maturity, American policy-makers began to worry less about a potential direct military clash with the Soviet Union and worried a great deal more about the real (though still undeclared) war in Vietnam.

Throughout the Johnson years, while we built up our military strength in Vietnam to more than half a million men, it was believed by those who were then making policy in Washington that military success was just around the corner. Somehow, it was held, if we spent enough money, if we sent enough men, if we expended our blood and treasure in that far-off Asian nation, we would prevail. The bombing of the North, in particular, was supposed to strangle the enemy and eventually force him to his knees.

Of course, in the end, all these estimates proved wrong. Late last year, President Johnson finally stopped bombing the North and the level of casualties actually fell.

When President Nixon took office, the policy in Washington still appeared to be to seek a military solution to the war. Military commanders were under orders to put maximum pressure on the enemy and the emphasis was clearly on offensive operations. In the meantime, not much attention was being paid to strengthening the South Vietnamese army and putting the main combat responsibility in their hands.

President Nixon wisely followed with a commitment to begin withdrawing substantial American forces from Vietnam while ordering his commanders in the field to use protective rather than aggressive tactics. This in turn has brought a still further dramatic decrease in the number of American dead within the last few months. In fact, I am reliably informed many of our field casualties today are being caused by land mines rather than by actual combat with the enemy.

While the Nixon Administration seeks a political settlement through negotiations in Paris, it has also undertaken steps to wind down the conflict. These steps are going forward despite the disappointing lack of progress at the peace table. On a policy level, we have offered to withdraw United States and allied forces over a 12-month period if the North Vietnamese also withdraw.

We have declared that we would retain no military bases in Vietnam.

And, most specifically, we have begun to reduce the American presence in South Vietnam by setting in motion the withdrawal of more than 60,000 American troops—which represents some 20 per cent of the total U.S. combat force in Vietnam. And, all along, the Administration has consistently emphasized that casualties should be held to an absolute minimum.

Now, I believe the time has come to take further concrete steps to end the fighting. The troop withdrawals should be speeded up and as soon as practicable no draftees, only volunteers and regular military personnel, should be sent to Vietnam.

The U.S. should take the initiative in ending offensive operations so long as the other side responds in kind. This will not only reduce battlefield deaths but also help create the kind of climate of reciprocity needed to yield meaningful peace talks and to end the killing permanently.

And, finally, the time has come to make it absolutely clear to the governments in Hanoi and Saigon that they cannot determine or influence American policy.

We must not allow Hanoi to succeed in its current attempt to polarize American opinion by seeking to embarrass those patriotic Americans who express their desire for an early end to the war.

And Saigon must understand firmly and unequivocally that we will not continue to spill our blood there indefinitely. For, in the last analysis, the future of the Saigon government depends not on American troops but rather on its own ability to gain and held the loyalty and support of the South Vietnamese people.

In Vietnam, as elsewhere in the world, we must act according to our best judgment of our best interests. We must determine our interest and do so not on the basis of what appears to be just good or bad for either Hanoi or Saigon. We have an overriding responsibility to do what is best for the United States and the American people. No matter how many men die in a war, it is always too many. Yet, by now, more than 40,000 Americans have died in the tragic Vietnam war.

There is a great lesson to be learned from Vietnam. This nation is not likely to pour its blood soon again in an undeclared war on behalf of a regime that lacks the support of its people.

Since we are a world power, we can expect to see more crisis and more confrontations in the 1970's. But it would take a forgetful people and a foolish government to repeat the mistake of Vietnam. We should not expect that to happen in the 1970's. I do not expect it to happen under the Nixon Administration. And, as a result, there is reason to hope for a better and more peaceful future for us all.

The post-Vietnam power balance also raises serious questions for the future. What Japan does in Asia in the 1970's may count for more than what the United States can or cannot do.

For Japan has become an economic power of the first-rank, a world leader in shipbuilding, second only to the United States in electronics, a larger producer of steel than Great Britain and West Germany put together.

Until now, the Japanese have been understandably cautious about assuming political leadership in Asia. But the enemies of another generation, the defeated powers of the 1940's—Germany in the heart of Europe and Japan in East Asia—are powers to be reckoned with in the 1970's. While neither nation is expected to again be a major military threat in our time, their political weight in world affairs will continue to increase with their prosperity. That is why in the next decade both Germany and Japan must be counted among the movers and shakers of the world.

Mainland China will undoubtedly also play a major role in Asia during the 1970's. While she will remain poor and not fully developed, we must strive for cultural, trade and constructive diplomatic contacts so that China and her 700,000,000 people will not be isolated and removed from normalizing influences. An outlawed nation and people are always potentially dangerous.

Meantime, much of the so-called Third World remains confused and chaotic, eager for development but uncertain of its relations with the developed world. In Africa we see tribal wars, hunger and frontier problems. In Asia, and particularly in India, we see self-sufficiency in food production and new efforts in population control.

In Latin America, more than half the population is under 16 years old and the average age will continue to fall in the 1970's. There aren't nearly enough doctors to care for them or schools to teach them to read and to write or jobs for them to grow into after school, if indeed, they have schools to go to. As a result, the vast majority of Latins are illiterate and many go to bed hungry every day. This is hardly the climate in which a responsible and popular democracy can flourish. In this setting, many countries of Latin America are ruled by military dictatorships.

I am convinced that the United States will have a major world role in the decade of the 1970's. In the post-Vietnam climate, we should take specific steps to reduce international tensions and maintain world peace. Let me cite a few concrete ideas that merit further attention.

U.N. PEACE CORPS

Until now, volunteer service to the community has been a national or at best a bilateral proposition. Governments and private groups help those who are willing to work for little or no pay among the poor of their own country or to aid developing nations overseas, sharing their skills in such tasks as increasing food output and educating the community.

While the achievement of these national and bilateral efforts is one of the bright spots of this decade, much more can be done. Multi-national teams could be sent to developing countries under UN auspices. No opposition party, suspicious power or heavy handed "protector" could level charges of imperialism against such UN volunteer teams.

MULTILATERAL AID

In the same way, certain aspects of the foreign aid program should be revised to provide for more multilateral help to developing nations. The record has clearly shown that bilateral aid programs, however well managed, are vulnerable to political pressure or to the equally damaging suspicion of political pressure. Indeed, many thoughtful Americans feel what is needed in the 1970's is a shift to a multilateral program vested in international agencies such as the World Bank. Such institutions can more easily impose objective standards in the granting of aid funds and, equally important, enter into an *institutional* rather than *political* relationship with the client country.

NUCLEAR ARMS CONTROL

More needs to be done to prevent the holocaust of a nuclear war sparked through the willy-nilly spiral of weapons of ultimate destruction. Certainly the extension of the nuclear test-ban treaty to mainland China and to France, as well as a ban on underground testing, are difficult but worthy goals for the coming decade.

Finally and perhaps most important of all, the United States and her people must come to a new realization of our proper role in the world. Our commitments abroad must be limited within our measure to meet them and clearly justified in terms of our national interest. New ways must be found to give our people more of a say in the shaping of policies that involve their very lives and the spending of billions of their tax dollars.

The American people must never again be dragged, inch by inch, unknowing and unaware, into the abyss of war. We must never again make war without the full knowledge and consent of the people and their elected representatives.

In sum, a renewal of participatory democracy must occur in our generation to keep ourselves true to the principles of our founding heritage. It can be done. Your active involvement will be essential to bring it about.

REDUCTION OF FUNDS FOR MEDICAL RESEARCH AND TRAINING

Mr. MONDALE. Mr. President, the drastic reductions in funds for medical research and training announced by the administration has precipitated an understandably bitter and perplexed reaction on the part of the medical community and informed citizenry of this Nation. Major cutbacks in areas such as chronic disease control, rehabilitation, research and training, and health professions scholarship and loan funds, represent an indefensible distortion of our national priorities.

A reduction of $290 million in NIH medical research funds, if approved by the Senate, will result in a 5-percent across-the-board reduction in NIH continuation grants, a 10-percent reduction in funds available for new grants, the phasing out of five major programs to attack chronic and crippling disease, the phasing out of 19 clinical research centers, the cancellation of a major heart research project, and the dismantling of a large number of unique medical research teams. These are but a few of the specific effects of this budget-slashing decision.

It seems incredible to me, and to many of my constituents, that a nation willing to expend billions of dollars on defense procurement and supersonic transports lacks the will to support desperately needed research on cancer, stroke, diabetes, arthritis, or heart, respiratory, and neurological disease. It seems equally incredible that we, as a nation, lack the resources to invest in the well-being of our citizens through supporting the educational development of every person capable of becoming a member of the health profession.

The issue of HEW appropriations is not simply one of applying short-term fiscal constraints as part of the fight against inflation. We must consider the more complex long-range implications of indiscriminate reductions in medical research and health professions personnel development on the quality of life in America. The level of HEW appropriations is directly related to the pressing need for an intelligent re-examination of our national priorities. Such an assessment would, it is hoped place human needs—those reflected at the Federal level in health, education, and welfare programs—above any and all competing Federal expenditure commitments.

Mr. President, as a representative of a State which is world-renowned as a center of medical and scientific research, with our Mayo Clinic and University of Minnesota health complex, I feel deeply obligated to support a continued Federal commitment toward improving the health of America's citizens. I ask unanimous consent that certain relevant letters from leaders of Minnesota's outstanding medical community be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD as follows:

UNIVERSITY OF MINNESOTA,
DEPARTMENT OF PHARMACOLOGY,
Minneapolis, Minn., October 1, 1969.
Hon. WALTER MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: I wish to express my deep concern about the cuts being made on research grants from the National Institutes of Health. My concern is specifically aimed at research and training in the basic medical sciences which include biochemistry, physiology, pharmacology, anatomy, microbiology, biophysics and other related fields. The basic sciences provide the main foundation on which modern science stands and from which it flourishes and advances.

The present governmental policy to sharply reduce the present level of support for basic medical sciences is several steps backward in the pursuit of new medical knowledge as well as in the training of scientific personnel. Our research and training grants produce faculty members and research workers for our medical and other health related schools and our governmental and industrial laboratories that deal with the health sciences. I wish to point out that at a time when our society is rightly demanding more medical schools, physicians and health care, cuts in our programs will acutely reduce the *only* immediate source for new and replacement faculty members of basic science departments in medical schools.

I am concerned that the yearly decrease in buying power will actually mean a drop in support of 5 to 10 percent even with *no* increase in support of basic medical sciences. Many of the research programs have been completely cut while others are straining to maintain their research activities. But by 1970 I think this situation will become critical. With no money to do research and train graduate students, the country is going to suffer an unthinkable and deplorable "dry spell" of well-educated scientific personnel for as many years as the support is withdrawn. I don't think I need to elaborate on the effect, qualitatively and quantitatively, this would have on health related schools as well as research laboratories in health sciences.

I would like to briefly illustrate what the budgetary cuts have meant personally. In my laboratory which consists of two postdoctoral fellows, two graduate students and two research technicians, we are faced with the possibility of spending our allotted funds by the end of this year. Since the fiscal year of the grant begins June 1st, this will mean that my scientific personnel may be sitting on their hands for a half year; what a waste of scientific talent and manpower! We could slow our pace to make the money last until June. This means we would forcibly impede scientific progress which is hypocritical in our business.

I can assure you that members of our department and those of other basic science departments join me in the hope that you and your congressional colleagues will seriously consider the matters I have mentioned above. I hope you will work toward the strengthening of our national programs in the basic medical sciences.

Sincerely yours,
A. E. TAKEMORI, Ph. D.,
Professor of Pharmacology.

UNIVERSITY OF MINNESOTA,
DEPARTMENT OF PHARMACOLOGY,
Minneapolis, Minn., October 7, 1969.
Hon. WALTER MONDALE,
House of Representatives,
Washington, D.C.

DEAR MR. MONDALE: I hope that there is still time to put a stop to this administration's irresponsible cutting of NIH funds for support of the basic medical sciences. Not only are these cuts delaying progress in important research projects, but without exaggeration are threatening abolishing basic research altogether. We research workers must at this time attempt to make it very clear to our representatives in Washington that the situation is critical and the nation is rapidly digressing scientifically to the pre-Sputnik era. This de-emphasis of basic research will eventually have a profound effect on us and will severely harm the "health" of this nation. Only through research at the subcellular and cellular level in experimental animals have the important advances in medical sciences been achieved. I consider our current ability to deal with disease through use of drugs and other medical procedures as only fair to good; we stand to improve greatly upon our medical knowledge and know-how if only basic research is permitted to continue unabated. The current stress on producing greater numbers of physicians to deal with medical problems in the urban centers can only succeed if basic research is also strengthened concurrently. The President and his advisers must be made to understand that the current domestic budget cutting with essentially no decreased defense spending is a great mistake which has to be rectified.

In past years the budget cuts and austerity programs which we have experienced were only bothersome to me personally and to my research program, but presently, partly because of the inflation, I am finding it very difficult to continue my usual research effort. I am also aware of how the recent cuts have affected my colleagues and their work. The people hurt most of all are those young investigators who are freshly trained and most enthusiastic, but who unfortunately are receiving little or no financial support for their research. I implore you and your fellow senators and congressmen to make President Nixon see the light.

Sincerely yours,
BEN G. ZIMMERMAN, Ph. D.,
Associate Professor of Pharmacology.

UNIVERSITY OF MINNESOTA,
DEPARTMENT OF PEDIATRICS,
Minneapolis, Minn., September 16, 1969.
Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: The most recent in a series of drastic reductions in the budgets of the National Institutes of Health for the categories of extramural research grants reflects serious misinterpretations of the history of support for academic medicine. We would like this opportunity to present information to you and to request a reply which jusifies the current programs while reflecting previous philosophies.

You are no doubt aware of the considerable escalation of efforts in bio-medical research since the middle 1950's. These were generously supported by funding from the NIH. Acknowledging the scientific merit of those efforts, let us consider the results of this era of enlightenment from the point of view of the mechanisms of medical education. During this period of time medical students have been exposed to a new science of medicine in which they became aware of the mechanism of the diseases confronting their patients. It has given them a sound basis upon which they can continue to build their knowledge throughout their practicing careers. For the first time in the history of medicine, logical rationale for applications of diagnostic techniques and therapeutic measures have been available. A "beginning" has been initiated. Only a fraction of practicing physicians is so fortunate as to have been so exposed. An urgent effort must still be initiated to bring this information to the groups of physicians not as fortunate. And what about the mechanisms for the continuation of the dissemination of this vast and extremely complex material? The basic structure for assuring continuing education within academic medicine has yet to be firmly established. Indeed the critical mass of academic medicine is threatened by the current and continuing financial squeeze which constricts and seriously limits medical research.

Now, in these contexts, we must urge you to recognize that the persons disseminating this information (the medical school faculties) are also actively engaged in research. First, *all* educators agree that the most effective teachers are those who have delved intensively into the mechanisms of disease.

Furthermore, support for research programs by academic personnel has never been adequate through any local sources. State funds are allocated solely for teaching and currently support only 17 percent of the faculty budget of the Department of Pediatrics of the University of Minnesota. Finances for the Bulk of the teaching efforts including such mundane matters as secretarial help, teaching materials and related patient care have come largely from research funds. Even the costs of such items as janitorial help and building maintenance are indirectly supported by research funds. In order to continue their patient care and teaching efforts, academic physicians have been very aggressive in justifying their funds for research by the excellence of their research productivity.

In addition, the same teachers and researchers have always taken on the additional burdens of the care of the medically indigent populations in this nation by whatever meager means were available. Many of these efforts have been centered within the structure of the large General Hospital systems, strongly supported by the University. They complained about the inadequacies of these means but who was there to listen or care? There was inadequate support at both the State and Federal level for teaching let alone the care of the poor! Documentation of the meager support of medical schools is readily available and widely disseminated but only rarely read by responsible persons with an eye to correcting the situation in a realistic or productive manner.

At a time when the shortage of medical personnel is most critical, the wherewithal to train physicians and allied personnel is being withdrawn. Please keep in mind the fact that one cannot discuss the support of the teachers without some assurance that their invaluable research efforts can continue. Who will be the new teachers in the expanded personnel training programs? It would be extremely unfortunate if one had to resort to justification of these programs by resorting to the logic of the Department fo Defense but so be it. Would one logically consider an order to produce a new weapons system without including the costs of its research development? It would be totally irrational and fruitless to pursue such an approach. How can we consider the case in the health field any less logical?

Please consider this letter as an inquiry. We appreciate your efforts, especially the recent struggle with the DOD, and the pressures of your work load, but plead for your indulgence and for your reply.

Thank you for your kind consideration.

Sincerely yours,

David M. Brown, M.D.,
Assistant Professor, Pediatrics and Laboratory Medicine.

Alfred F. Michael, M.D.,
Professor, Department of Pediatrics.

Robert L. Vernier, M.D.,
Professor, Department of Pediatrics.

University of Minnesota, Department of Physical Medicine and Rehabilitation,
Minneapolis, Minn., October 3, 1969.

Hon. Walter F. Mondale,
U.S. Senate,
Senate Office Building, Washington, D.C.

Dear Senator Mondale: I am enclosing a copy of a letter which I have just received from Dr. James F. Garrett, Assistant Administrator for Research, Demonstrations and Training, Social and Rehabilitation Service, stating that our Regional Rehabilitation Research and Training Center grant has been decreased 5 per cent below the budget of last year as an anti-inflationary measure.

I am both appalled and confused by this announcement. I am confused because it was my understanding that Congress had maintained the budget for the Rehabilitation Service Administration and the Regional Rehabilitation Research and Training Centers as one area of endeavor which they wish to maintain. I would appreciate learning from you whether it was Congressional intent to economize in this type of activity.

I am further confused because I thought the emphasis in H.E.W. was to increase activity to meet the health manpower shortage—more training of physicians, therapists, nurses, vocational counselors, social workers, and others working with the sick and dependent. It was my understanding that the intent was to emphasize the neglected areas of health care which result in the greatest dependency costs; this means primarily chronic disease, with which we are concerned.

I am confused regarding the concept of this reduction as an anti-inflationary measure because in the past three years we have not had an increase in our budget. Consequently we have been in no position to promote extravagances. Rather each year we have had to retrench to handle the problem of the rising cost of living. Now, in addition to the retrenchment forced on us again this year by increasing costs, we have received a further 5 per cent reduction in the budget.

An increasingly larger proportion of this budget has been devoted to training of personnel in the health professions, particularly those concerned with chronic disease, because we have attempted to maintain the training programs in spite of the increasing costs at the expense of curtailing our research activities. Direct reduction of the budget will require curtailment of training programs as well as research. Is it the intent of Congress to offer bonuses for the expansion of training programs on the one hand and curtail support for established and efficient training programs on the other?

I am appalled at the economy move of cutting back on support of education and research in health care for chronic disease, which has been a much neglected field, at the same time that President Nixon is calling for the multibillion dollar support of a supersonic transport plane which does not appear to have practicality nor usefulness and even is proposed merely as an ego symbol for the United States. Maybe the more honest and bigger factor is that this would assure continuing production, high salaries and overtime work in the aeronautic and electronic industries and a fat profit at the end of the line. The incongruity of failure to maintain training in the health professions where there is an admitted acute need and the advocacy of a machine which is expensive and useless is indeed appalling.

Is there anything that can be done to reverse this administrative decision to cut back on our grant for the Regional Rehabilitation Research and Training Center?

I would appreciate any suggestions or help

Sincerely,

Frederic J. Kottke, M.D.,
Professor and Head, Department of Physical Medicine and Rehabilitation.

Mayo Clinic,
Rochester, Minn., September 2, 1969.

Senator Walter Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: It has been called to my attention that restrictions in the forthcoming Federal Budget may result in a relative reduction of support for medical research and education from the National Institutes of Health and the National Science Foundation. My observations of medical practice and public health in the many foreign countries I have visited provides a sharp contrast to that in the United States and research is largely behind our continuing high level of medical services. Any retardation in the growth of the research and teaching activities pertaining to medicine will, I am certain, have serious consequences in the future. With increasing environmental contamination, medical scientists must find means of understanding the mechanism of action of many toxic agents and the soundest means of preventing ill effects. Similarly, a sizeable contribution to our medical problems by hereditary diseases can only be reduced if we understand their nature and mechanism. This has become possible in recent years in only a few areas but the pattern for understanding has been set.

It is my sincere hope that you and the members of the House and Senate Appropriations Committee will recognize the need for continuing the liberal support of our medical research programs which have been so effective through funding to the National Institutes of Health and the National Science Foundation. Certainly when one compares the benefits to the population of the numerous ways that the federal dollar can be spent, this is one that should need little justification, and one which has shown an outstanding return.

Sincerely,

Leonard T. Kurland, M.D.,
Professor of Epidemiology, Mayo Graduate School of Medicine and Head, Section of Medical Statistics, Epidemiology and Population Genetics.

Mayo Clinic,
Rochester, Minn., September 12, 1969.

Hon. Walter Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: It has recently come to my attention that the neurosurgical programs of the nation are in danger of being curtailed when the House of Representatives passed the House Appropriations Bill for the fiscal year 1970.

Although the neurosurgical training program in the Mayo Graduate School of Medicine has not been subsidized by any NIH grant, many of the fine programs in this country are dependent on such training grants. I am sure it is unnecessary for me to emphasize the necessity in training neurosurgeons, both for the academic world and for the practice of our specialty, particularly in view of the need for neurosurgeons to enter the academic environment of this time as well as to take care of the number of head injuries associated with the increasing accident rate on our nation's highways.

I therefore am speaking not only for myself but for the other training directors throughout the nation, and I hope that when the Senate acts on the bill in the next few weeks that the Senate will vote on the budget proposed by the Senate Committee and presented by Dr. David Daly and his colleagues.

Very truly yours,
Collin S. MacCarty, M.D.,
Professor of Neurologic Surgery, Mayo Graduate School of Medicine; Chairman, Department of Neurologic Surgery, Mayo Clinic, Mayo Foundation.

Veterans Administration Hospital,
Minneapolis, Minn., August 29, 1969.
Hon. Walter Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: It has been brought to my attention—and to that of others concerned—that the budget of the National Cancer Institute for the fiscal year 1970 has been lowered from $184.4 million to $180.7 million. The curtailment of funds for research in the health fields (including cancer research) and the various sciences basic thereto that was initiated by the last Administration is a very serious matter that without a doubt will have deplorable consequences. If this trend is continued under the current Administration, many productive on-going programs in the medical field of which cancer research is a vital sector may have to be terminated and, what is worse, no new ones will be initiated because of lack of funds. If this situation is allowed to prevail, it will discourage or prevent young scientists with new and creative ideas from entering medical and cancer research. It is obvious that unless this trend is reversed the growth of the medical and allied sciences will be stunted and the sources, upon which the health and welfare of the American and other people ultimately depend, will dry up. It is clearly a short-sighted approach to national problems to neglect the support of the health sciences which benefit all people in favor of spectacular and extremely costly programs in space and defense whose immediate, as well as long-range, benefits are questionable and, certainly, debatable. It is the American people that eventually stand to lose the most from this unbalanced choice of priorities and appropriations. Accordingly, it is imperative that the legislators who, by the appropriation of funds, have the final responsibility for these vital matters are clearly aware of the serious situation that confronts American medical science and, particularly cancer research. In the light of this, I would urge you most seriously to intercede with the members of the Senate subcommittee that handles the appropriations for the National Cancer Institute to restore the cuts in the 1970 budget of the Institute.

Thank you for your consideration.

Sincerely yours,
H. R. Gutmann,
Special Investigator, Cancer Research Lab., VA Hospital, and Professor of Biochemistry, University of Minnesota.

Mayo Clinic,
Rochester, Minn., September 22, 1969.
Senator Walter Mondale,
Senate Office Building,
Washington, D.C.

Dear Senator Mondale: May I continue our "dialogue" regarding the question of the creation of a National Lung Institute within the National Institutes of Health.

It has just come to my attention that one of the appropriation bills passed by the House of Representatives included an appropriation for the National Heart Institute for the fiscal year 1970 in the amount of $160,513,000. The appropriation for the fiscal year 1969 had been $166,927,500. This is a decrease of $6,414,500. Obviously, if there is to be any increased work on lung diseases by the National Heart Institute, there will have to be a decrease in their attention to the problems of heart disease. This does not seem to be a solution to the problem. In contrast, the appropriation bill passed by the House included an appropriation of $23,685,000 for the newly created National Eye Institute. It seems to me that this is at least suggestive evidence that a specific categorical institute is more apt to be adequately financed for a service to the American public than will occur when it is assumed that a problem will be tackled by an established institute with a primary interest in other problems.

I realize that changes may very well be made in the appropriations by the Senate and hope that it will be possible to increase the funds allocated to the National Heart Institute with a specific portion being designated for the work on pulmonary disease which will have to be conducted by the National Heart Institute until such time as a more adequate provision is made for the work of the National Institutes of Health in the battle against pulmonary disease.

With kindest regards.

Sincerely yours,
David T. Carr, M.D.

Diabetes Detection and Education Center,
Minneapolis, Minn., October 3, 1969.
Hon. Walter F. Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: I am greatly concerned with the recent indiscriminate federal budget cuts, particularly as they deal in the areas of health and specifically in the field of delivery of care such as cuts in the Regional Medical Program and the Chronic Disease Programs. There are certainly serious major deficits in the delivery of health service to individuals throughout the entire country and the decision to indiscriminately cut these has apparently been done by people who are more concerned about budget rather than by individuals who are knowledgeable in the area of health and health care needs.

We are obviously concerned about the alterations on chronic diseases which are the leading causes of death in this country. In the field of diabetes, which now affects over 4.4 million individuals in the United States, vital programs have been eliminated which will result in loss of a great deal of information through cancellation of studies and through the loss of large numbers of very valuable, knowledgeable personnel. I am certain you, too, are concerned about these matters. I would like to express my hope for your continued legislative support of health and health care programs in this country.

Sincerely,
Donnell D. Etzwiler, M.D.,
Project Director.

National Cystic Fibrosis Research Foundation,
Excelsior, Minn., October 7, 1969.
Hon. Walter F. Mondale,
Senate of the United States,
Senate Office Building,
Washington, D.C.

Dear Senator Mondale: It has come to my attention that the House of Representatives, on July 31st, voted the appropriation for Fiscal Year 1970 for the National Institute of Arthritis and Metabolic Diseases which includes the funds for cystic fibrosis programs. It cut the overall institute figure by $6,220,000—lowering it from the 1969 level of $143,888,000 to $137,668,000.

The recommendation for the appropriation by the voluntary health organizations involved was for $154,839,000. Medical authorities concerned with programs of arthritis, diabetes, kidney disease, and cystic fibrosis recommended this figure as the necessary amount to continue programs for which the institute is responsible.

Our Minnesota Chapter of the National Cystic Fibrosis Research Foundation is asking you to speak on our behalf to the members of the Subcommittee on Appropriations (chairman, Senator Warren Magnuson) before the Senate acts on the bill within a few weeks. We urge the adoption of the budget of $154,839,000.

The support we receive from the institute is the lifeblood of our basic research and training programs and, our medical department tells us, the answers to the puzzling disease of cystic fibrosis are just around the corner. To cut back now would be tragic for all of us. Please do what you can to insure a continuing program.

Yours very truly,
Mrs. Walter G. Burry,
National Trustee, Region Ten and Minnesota Chapter Board Member.

University of Minnesota,
The Hormel Institute,
Austin, Minn., September 19, 1969.
Senator Walter F. Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: This letter is being written in the interest of an important nationwide need. I know that you are constantly giving support and have initiated congressional actions that will best serve the needs and interests of this country (and mankind generally), including action on behalf of the health and welfare of the nation's people. However, some of the reductions in Federal spending have been especially damaging to some of the more important federally-supported programs, and one of these, among others, with which I am concerned at the moment is the reduction in Federal support for scientific research relating to the health of American people.

Specifically, the reduction in Federal support for scientific research conducted or administered by the National Institutes of Health has produced some serious adverse results.

At first glance, it might appear that the reduction in support for the National Institutes of Health would affect research programs adversely merely in proportion to the reduction in the amount of support. Actually, the adverse effects are much greater. It has been necessary to curtail many research programs that were nearing fruition in relation to benefiting the health of American people, with a concomitant waste of money and the time of research scientists that had already been expended. Although one cannot deny that it is desirable to effect economies in Federal expenditures whenever it is possible to do so without damaging results, the shortsighted manner in which Federal expenditures have been reduced in endeavors that are of great importance to the present and future health of the American people is little short of calamitous.

In addition to the adverse effects to which I have already alluded, there are a number of others, such as the disenchantment and loss of morale among scientists and technicians who are dedicated to solving problems of health. Because of this, the reduced research productivity will continue for an appreciable time beyond the point when Federal support of research in health-related problems is restored to previous levels, or even higher levels (taking into account the inflationary spiral which affects research costs as well as all other productive activities).

I hope that you will not only continue your supporting efforts to reinstate previous Federal expenditures for measures pertaining to the public health and welfare, but also that you will initiate legislation pertaining specifically to increased support for research programs of the National Institutes of Health. You may count on full support for any efforts that you make in this direction from thousands of scientists and technicians throughout the nation.

Kindest personal regards and best wishes.

Sincerely yours,
W. O. LUNDBERG,
Director.

ALCOHOLISM: A DRAIN ON THE COMMUNITY

Mr. WILLIAMS of New Jersey. Mr. President, the distinguished former Governor of New Jersey, Robert B. Meyner, has issued a statement which forcefully calls to our attention the need for action to combat one of the most serious illnesses in America: alcoholism. Mr. Meyner notes that this sickness, afflicting 220,000 persons in New Jersey alone, sharply reduces life expectancy and has a disastrous effect on family life. Alcoholism accounts for one of every three arrests in the United States and costs American business at least $4.3 billion annually.

Thanks to Bob Meyner's initiative during his gubernatorial term, New Jersey has a model program of alcoholism treatment centers connected with community hospitals. In his statement of October 11, entitled "Alcoholism: A Drain on the Community," he calls for detoxification centers to stop what he correctly describes as "the revolving-door cycle of drunk tank and jail which produces such a financial and manpower drain on our courts and police departments and serves no rehabilitative or preventive function." In addition, he proposes a comprehensive State educational and treatment program on alcoholism, utilizing State medical, psychiatric, and educational institutions.

These humane proposals for a war on alcoholism, reflecting an advanced understanding of the causes and proper treatment of this widespread illness, merit serious attention because of Robert Meyner's record of effective service to his State.

Mr. President, I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From the Meyner program paper No. 17, Oct. 11, 1969]

ALCOHOLISM: A DRAIN ON THE COMMUNITY

More than 220,000 New Jersey residents are afflicted with a disease which destroys careers, ruins family life, shatters personalities, and kills: alcoholism.

Contrary to the stereotype, the "average" alcoholic is *not* a Skid Row derelict. He is far more likely to be an established member of the community, typically between the ages of 30 and 55 and therefore at the peak of his productive powers. The great majority of alcoholics reside in respectable neighborhoods, live with their husbands or wives, earn a livelihood, pay taxes, attend church and try to send their children to college.

However, the health, social and economic losses due to alcoholism are enormous. Alcoholism is a major cause of death in America. The life expectancy of the alcoholic is estimated to be 10 to 12 years below the average. The alcoholic is seven times as likely to die in an accident as the average man and three times as likely to die of any other cause. The alcoholic on the highway means tragedy for others as well as for himself.

Given the alcoholic's typical age and employment record, this disease does enormous harm to our economy. The National Council on Alcoholism estimates that alcoholism costs American business at least $4.3 billion a year in lost manpower, inefficiency, replacements, fringe benefits, and lost investment in training. No price tage can be placed on lowered morale, damaged public relations, and unsound managerial decisions traceable to alcoholism.

One of every three arrests in America is for the offense of public drunkenness. A very large percentage of these arrests involve alcoholics. The great volume of these arrests places an extremely heavy load on the operations of the criminal system. It burdens police, clogs lower criminal courts and crowds penal institutions.

The present financial cost of dealing with alcoholics in the system of criminal justice is enormous. Effective measures to deal with alcoholism as a health and rehabilitation problem would free many police and judges to deal more effectively with crimes and other disorders and could in the long run save tax dollars.

Aside from the measurable effects of alcoholism on health, on our economy, and on the effectiveness of our law enforcement, there is the unmeasurable effect of this disease on human well-being. Typically, each alcoholic directly affects the lives of five other people. The destruction of family life is often disastrous, with the alcoholism of the parent leaving a crippling imprint upon the spouse and children.

A successful response to the problems of alcoholism requires the concern and cooperation of all levels of government and civic and private groups, such as Alcoholics Anonymous. If elected, I intend dramatically to expand State efforts to provide the coordination, staff and facilities necessary to deal more effectively with this debilitating disease. I propose an eight point program.

1. *Alcoholism Treatment Centers.* During my administration, outpatient treatment centers for alcoholics were established in six community hospitals. Since that time, three additional units have been created. These clinics are meant to serve as a primary community treatment resource. Working closely with Alcoholics Anonymous and other private and public groups, they are charged with the responsibility of providing medical and counseling help for the alcoholic and his family and information and referral services for the entire community.

I intend substantially to expand these centers to ensure a more vigorous, effective and extensive effort to combat alcoholism.

Substantially increased resources are necessary to permit more patients and family members to be seen, to provide follow-up services, to permit more adequate response to emergency situation, and to make possible a reaching out into the community.

I intend also to establish new centers. The nine alcoholism clinics currently in operation in New Jersey are well distributed geographically, but there are areas of the State which remain unserved. The establishment of clinic facilities in these areas, to be housed in existing community facilities, would put a specialized alcoholism resource within reasonable distance of nearly every New Jersey resident.

2. *Emergency Medical Attention.* Too many acutely sick alcoholics die in jail without medical help. We must take steps immediately in cooperation with counties and municipalities to ensure that, where appropriate, jails have several beds and a doctor on call 24 hours a day for the treatment of acutely sick individuals.

3. *Halfway Houses.* The President's Crime Commission has recognized that homeless alcoholics cannot be treated without supportive residential housing, which can be used as a base from which to reintegrate them into society. I propose to establish a series of halfway houses to serve this function. For some men this transitional facility would bridge the gap between in-patient institutional care and independent living in the community. Others would come directly to the half-way houses from the community. For many, the availability of such a resource would make costly institutionalization unnecessary. These facilities would work closely with Alcoholics Anonymous and other health and welfare agencies in the State.

4. *Detoxification Centers.* We must consider the establishment of detoxification centers in major urban areas. These would be centrally located medical-rehabilitation units serving as a first-line resource for persons in an acutely intoxicated condition. The detoxification center would replace the police station as an initial detention unit for many public inebriates and would provide an enlightened alternative to the revolving-door cycle of drunk tank and jail which produces such a financial and manpower drain on our courts and police departments and serves no rehabilitative or preventive function. These centers would provide initial intensive medical care during the "drying out" period and then other appropriate counseling and rehabilitation services including referral to community services prior to release of the patient.

Detoxification units would be located and operated in conjunction with a community general hospital, a municipal or county hospital, or as a separate facility, depending upon local circumstances. Many of the patients would be brought to the unit by the local police, but some would be referred by other community agencies and some on a self-referral basis. The operation of the Center would be closely coordinated with all existing health and welfare agencies in the area.

5. *A Comprehensive Program at the Martland Hospital Unit of the New Jersey College of Medicine and Dentistry.* I intend to establish a comprehensive alcoholism program at the New Jersey College of Medicine and Dentistry. This program will include not only in-patient and out-patient care but will provide special training of medical students who can bring the results of this training to other facilities throughout the State.

6. *Alcoholism Ward for Women at the Neuro-Psychiatric Institute.* The Department of Institutions and Agencies presently operates an intensive care in-patient program for male alcoholics at the Neuro-Psychiatric Institute near Princeton. There is no reason why this program should continue to be limited to male patients. More than one fourth of all alcoholics are women. My administration will supply the additional facilities and staff necessary to expand this unit to provide treatment for female alcoholics.

7. *Information, Evaluation & Education on Alcoholism.* The Center of Alcohol Studies at Rutgers is the Nation's foremost institute of alcohol studies. New Jersey must make greater use of this important asset for the development of more effective systems of reporting on the nature and extent of these problems, for continuing, objective evaluation of programs for rehabilitation, control and prevention, and for the training of professionals and lay citizens in teaching, therapy, counseling, and community organization and education. If elected, I will seek an expanded scholarship program for such training and will suport increased state assistance to further the expansion and development of local Councils on Alcoholism which play

a vital role in community education and action.

8. *Problem Drinking in Business and Industry.* In view of the alarming costs of problem drinking and alcoholism in business and industry, I will propose establishment of a high level task force, involving labor, management, the Rutger Center and appropriate government representatives to initiate a comprehensive and major attack upon this largely unnecessary and preventable drain upon the manpower resources of the State.

While the program I have described represents a major step forward, it is really a beginning of what we must do to cope effectively with this debilitating disease. We must ultimately ensure that adequate treatment is available for alcoholics at hospitals throughout the State.

The terrible economic, social and human toll of alcoholism in New Jersey can and must be reduced. A state administration sensitive to the problem can make great studies in that direction. I intend to conduct that type of administration.

INTERNATIONAL DAY OF BREAD OBSERVED IN THE UNITED STATES

Mr. DOLE. Mr. President, in accordance with a resolution of Congress, today has been proclaimed the "Day of Bread" my President Nixon. This day has been reserved to pay special tribute to the great benefits our way of life receives from wheat and the products and industries associated with it.

We Americans are the best nourished people in the world, and our high nutritional standards are in no small measure due to the great abundance and appeal of wheat-based food.

From that day when man first discovered tiny heads of edible grain in wild grasses, to the day he learned to cultivate the grain and then develop a variety of strains for different food purposes, wheat has played an increasingly important role.

Fields of the ripe, golden grain represent a way of life for the almost one billion consumers as well as the growers.

The Day of Bread in the United States is part of an international Day of Bread and Harvest Festival Week in observance of the economic, cultural, and nutritional importance of bread in the lives of people in every part of the world.

Wheat, the raw material of bread, provides more nourishment for more people than any other staple. Kansans are proud of their longstanding role as providers of wheat for the needs of America and the entire world.

I urge Senators to join with me in recognizing wheat and its importance to the people of the world.

SENATOR ELLENDER'S SERVICE CITED

Mr. TALMADGE. Mr. President, one of the most respected newsmen in the Nation's Capital is Edgar Allen Poe, who has represented the New Orleans Times-Picayune here for many years. He is one of the most senior correspondents in Washington. He writes with balance and insight and is a credit to New Orleans and the entire South.

Recently, Mr. Poe devoted a column to the outstanding service to the Nation of our colleague Senator Allen J. Ellender. I agree with much of what he has written concerning Senator Ellender and believe that this body is indeed fortunate to have the services of Louisiana's senior Senator.

I ask unanimous consent that the "Capital Panorama" column written by Mr. Poe and published in the New Orleans Times-Picayune of October 19 be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Capital Panorama: Senator's Service to Nation Cited

(By Edgar Poe)

Washington.—Sen. Allen J. Ellender, who came to the Senate in 1937 after serving as speaker of the Louisiana House of Representatives in the Huey P. Long era, has served longer in the Senate than any of his colleagues except ailing Sen. Richard A. Russell of Georgia.

Furthermore, Sen. Ellender, who is in good health at the age of 79, and is as active now as the day he first came to Washington to take office, does not have any intention at this time to step aside when his present term expires in 1972.

"I want to continue to serve the people of my state and country as long as the people of Louisiana will permit me to do so, and as long as I am capable," he said a few days ago at his office.

The Louisianian, who has made extensive tours abroad, including five trips to the Soviet Union, reiterated that there can be no world peace until the suspicion of fear between the United States and Russia is dispelled.

To point up Ellender's philosophy concerning our foreign policy and the Soviet Union, Sen. George McGovern, D.-S.D., said recently in a statement inserted in the Congressional Record:

"Sen. Ellender believes that much of our difficulty with the Soviet Union stems from the failure on our part to understand their legitimate fears of a rearmed Germany, the NATO bloc, and the ring of military bases with which we have surrounded Russia for the past 20 years."

HAS ADMIRATION

Sen. McGovern, a Democratic presidential aspirant in 1968, described the Louisianian as "one of the most remarkable and indeed one of the wisest men to serve in the Senate . . . Sen. Ellender and I have some differences of opinion in certain areas, but I have come to have a profound admiration for many of his perceptions and insights in the all-important field of American foreign policy and national security."

The South Dakotan said he is "tremendously impressed with his (Ellender's) early, acute perception of the weaknesses and dangers in our foreign policy, especially in our relationships to the Soviet Union and Southeast Asia. As early as 1955, Sen. Ellender saw clearly the self-defeating nature of much of the cold war rhetoric and policy involving the Soviet Union." Continuing, McGovern said:

"As he put it in one of his early (travel) reports to the Senate: 'It seems to me we have as much to fear from ignorance, prejudice, selfishness and bias in our own nation as we have from a similar condition on the part of the Russian leadership.'"

McGovern in pointing to Ellender's visit to Vietnam in 1956, and his observations in a report submitted to the Senate, said the war in Vietnam is perhaps the most regrettable overseas involvement in our national history.

VIEWS PULLOUT

In Sen. Ellender's report of his trip to Vietnam, the Lousianian said, among other things, that in Saigon that year, there were many dissidents who did not like President Diem's tactics. Ellender reported that boiling discontent threatened to erupt at any moment. He added:

"Some feel that we should send American troops here. I would not do so under any circumstances."

Reflecting on the report, Sen. Ellender now says that the United States cannot afford to arbitrarily pull out of South Vietnam.

"We simply cannot wash out of Vietnam all of the blood of our men that has been spilled there," he said. "It would greatly affect our future in Southeast Asia. I have only one criticism, once we got so deeply involved, and that is we should have gone all-out to win the war from the very beginning. The fear of China becoming involved kept us from going all out. The situation that developed was made to order for the Chinese."

CELEBRATION OF JAPANESE CENTENNIAL

Mr. HATFIELD. Mr. President, this year marks the 100th anniversary of the first immigration to this country of persons of Japanese ancestry. This group has made outstanding contributions to America's progress since their arrival here. In Oregon, we have been fortunate to have such individuals as Ray T. Yasui serving on the Hood River Board of Education and Roy Hirai serving on the State's potato commission.

It is with contributions such as these in mind that I ask unanimous consent to have printed in the Record a brief history of the Japanese in Hood River, Oreg., as we celebrate the centennial anniversary of the first Japanese immigration to the United States.

There being no objection the history was ordered to be printed in the Record as follows:

A Brief History of the Japanese in Hood River, Oreg.

One hundred years ago the first Japanese immigrants came to the United States and settled what is now called the "Wakamatsu Colony" in California. The colony did not prosper as some of the settlers died and others, discouraged, returned to their homeland. The failure of this group kept immigration from Japan at a relatively low level for decades to come.

By the 1890's a handful of hardy pioneers were again headed for our shores leaving the hardships they faced at home for unknown opportunities. Thus did the first Japanese come to Hood River valley.

They came, a few at first then hundreds strong, to a strange land where people spoke a strange tongue, to seek work and build new lives. They stayed on to learn the work of the sawmills and railroads and helped to clear land of timber and brush.

They worked and saved and by about 1910 a few of the 7–800 then working here had enough to buy some land of their own. Working from dawn to dusk they cleared and planted the land to fruit trees and strawberries.

After many lonesome years some went to Japan to find wives while others got "mail order picture brides". But all settled down here, in the land of their choice, to raise their families.

As the years rolled by, anti-oriental sentiment increased until in 1924 Congress passed the Oriental Exclusion Act and many states followed this act with an Alien Land Law that prevented immigrants that could not gain citizenship from owning land.

To circumvent this unfair law, which was in recent years declared unconstitutional, many bought land in the names of their minor sons and daughters.

They continued to work and save and buy land until they owned more than a thousand acres of farmland at the onset of World War II. The beginning of the war brought on a strong wave of anti-Japanese sentiment and in May 1942 the Japanese were forced to evacuate to detention camps, leaving behind their hard won lands, some never to return.

Of the over 500 Japanese that lived in Hood River valley prior to World War II, barely half returned after the war. Those that had previously leased their farms or had them partially paid for did not, in most cases, return. They scattered across the country and started life anew.

In 1952 Congress passed the Walter-McCarran Act. One of its provisions granted the right of citizenship to orientals for the first time since 1924. The issei, first generation Japanese immigrants, who had helped build this land and sent their sons off to fight for it, flocked to the Immigration offices and applied for their United States citizenship which had so long been denied them.

Today there are some 400 Japanese in the valley, but only a few of the pioneer immigrants still live, the youngest in their seventies and the oldest in the nineties. Their children and grandchildren carry on and now own and operate over 2500 acres of orchard or nearly 20 per cent of all orchard land in the valley.

They are rightfully proud of their achievements, but they are prouder still of their sons and daughters to whom they stressed, over and over, the importance of an education. They count amongst their children, doctors, lawyers, engineers, scientists, teachers, nurses and dentists. This to them is their biggest contribution to America, the land of their choice.

RURAL PRESS PERFORMS A SERVICE

Mr. BURDICK. Mr. President, long before the revulsion at worldwide tyranny prompted our development of the atomic bomb; long before the challenging beeps of the Russian Sputnik prodded us to place the first man on the moon; and long before the threat of an immense population explosion cast an awesome specter of famine across the world, America had a fundamental concept of government that has been providential to say the least. It can be stated as simply as, "only an informed republic is a strong republic." Our freedom of speech and freedom of the press are necessary corollaries to this concept. They have permitted our citizens to raise the alarm; they have permitted our government to respond to crisis.

In many ways, the promise of these United States has been fulfilled. As a nation of free men, we have grown and prospered beyond our founders' greatest dreams. High among our great accomplishments is the development of our agricultural science. As a matter of fact, it has been reported that before a hungry world, agriculture is our greatest success story.

For what, gentlemen, is more basic to national existence than food? As if heeding the Biblical admonition, we have built our granaries large and strong and filled them in our bountiful years. The essential building block in our national granary is research without which we could not have provided our present population of 200 million, nor the projected 300 million by the year 2000.

We have achieved a $50 billion agricultural industry because the Congress of the United States has made possible from the early days of this Nation an inexpensive means of encouraging the flow of scientific and technical farm data from the laboratory to the land. This is the secret of our success. The lack of this service in many foreign nations has contributed to the underdevelopment of their agricultural economies, and the high cost of food to their citizens.

Do we need more proof? The average American citizen spends a lower percent of his disposable income for food and fiber than any other person residing in foreign countries. We, in America, spend 16½ percent of our disposable income for food; in England it amounts to 26 percent; in France 31 percent; in Italy 35 percent; and in Russia 45 percent. In the very underdeveloped nations of the world, families must spend their entire income, often meager and inadequate, just to keep body and soul together.

Agricultural productivity in America, according to the U.S. Department of Agriculture is rising twice as fast that of industrial productivity. As such, it is a major deterrent to inflation. Our American farmers are producing over 20 percent more produce on 6 percent fewer acres than in 1957–59. In 1968, our American farms exported $6.3 billions in produce abroad. This included $4.7 billion commercial sales and $1.6 billion in food aid. It is estimated that our farm exports earned more than $5 billion worth of dollar exchange for that same year.

It seems to me that we can ill afford to permit farmers income to remain about one-half that of a skilled industrial worker, nor in a broader sense can we afford the great migration of our rural citizens to the cities. The day is coming when we shall need every farm and every skilled farmworker we can possibly assemble. Can we afford to lose 421,000 persons annually, which is the reported net decline in farm population between April 1967 and April 1968? I believe one of the major problems facing this Nation is to provide incentives to keep our people on the farms, pursuing their skills with the great knowledge and advice this Nation is able to provide. Above all, our farmers must share fully in our prosperity.

The U.S. Department of Agriculture has estimated that had farm prices kept pace with food prices for the 20-year period preceding 1966, the American people would have spent $104 billion for food in 1966 instead of $91 billion. Here is a real measure of farm productivity: The American consumer saved $13 billion in 1 year.

Earlier this year the U.S. Department of Agriculture stated that without many of the pesticides, herbicides, and fertilizers which we are presently using, we could scarcely provide adequate quantities of food and fibers on our current acreages for more than 40 percent of our population. Both the editorial and advertising content of farm magazines have supplied this technical information.

I could cite many more examples of our farming successes but I believe I have alluded to a sufficient number to relate the progress to the services of our agricultural magazine.

We must never fault the farmer for his abundance. We may be pleading for it in a few, short years. We should work on the farmer's behalf for greater rewards for the service he is rendering this Nation. Out across the Prairie States, the farmer, in survey after survey, has designated the farm magazine as a principal source of technical information. I believe we run a serious risk in this Nation if we take any action which will tend to impair the role of the farm magazine in our agricultural economy.

I am sure Senators are well aware that the circulation of these publications has declined by approximately 30 million copies a year since 1956. This is attributed, in part, to the decline of rural population and also, I am convinced, to rising costs of publication. The farmer and his family can ill afford rising costs for the elements that go into his production of food and fiber.

My late father, Representative Usher L. Burdick, served as a Member of the House of Representatives for many years. I have been told how he supported the farm papers and would on occasion carry copies of farm magazines onto the floor of the House, praise their value, and acknowledge their great source of vital information. I was brought up in the great farming State of North Dakota on the principle that reading was indispensable, and I can speak firsthand about the great scientific knowledge made available to the constituents of my State in our local and farm papers. Every piece of farm information from the weather to the latest farm technology is needed where agriculture is the backbone of a State such as mine.

As a member of the Committee on Post Office and Civil Service, I supported the action of the House in 1967 when it granted certain exemptions on advertising content to agricultural magazines in the first and second postal zones. As must have been recognized, the facts indicated that we had gone too far in the unequal adjustments on the pound advertising rates in these zones. Now, as I understand it, the administration's proposal of a three-tenths cent surcharge on copies of second class mail will completely wipe out the concession granted these publications in 1967. The new proposal already exempts within-county circulation. I urge a further exemption for magazines devoted to the building of our agricultural science.

Since farm magazines comprise about 1 percent of total second class mail volume and only one-tenth of 1 percent of the overall mail volume, I believe we should give very careful attention to their continued service to the farm people of the United States and take great precaution that they shall not be put out of business.

As we are faced with a world population explosion estimated to reach 6 billion persons by the year 2000, and a domestic explosion estimated to reach 300 million in the United States at the same time, Congress should carefully examine the vital role of the agricultural magazine. I believe that our research barely stands on the threshold of domestic and worldwide production requirements.

Our backlog of sciences is dwindling, we are told. There are some that believe we are using it up faster than we are developing it. We dare not foresake the role of research in this vital industry, and more importantly, we should not impair its flow to the land.

Finally, I believe Senators will agree that there is great precedent in American history for the exemption I have proposed here today, I am informed that early in the 19th century postmasters were permitted to enclose money for agricultural magazine subscriptions, free of postage. Our forefathers recognized the need, and a vital publishing industry was nurtured in an environment of rural free delivery, free-in-county, low within-county rates and a combined editorial and advertising rate of 1.5 cents per pound for many years. If there is one factor that has contributed to the greatness of our agricultural industry, I believe it has been the wisdom of Congress in recognizing the value of these publications, and making their wide availability possible.

In 1879, the Congress established the second-class category, which provided among other things, that the publication "is originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or a special industry"; agricultural publications have most certainly fulfilled their obligation in response to this privilege.

There has been much discussion in recent months about taking the U.S. Post Office Department out of the Cabinet and making it a government corporation. I support the best possible mail service, but at the same time I want to preserve its public service role. I would oppose changes in the postal system without strong evidence that there would be no reduction in service or unwarranted increase in costs, particularly in rural areas.

Public Law 87–793, the Postal Service and Federal Employees Salary Act of 1962, provides that 10 percent of the gross cost of operation of third-class post offices and the star route system and 20 percent of the gross cost of the operation of fourth-class post offices and rural routes shall be set aside as public services. This is in the national as well as the rural interest. Whatever form our postal operations take, I urge that rural delivery be protected, even if we must expand the present public service categories to benefit all rural mail. This, of course, would include the farm magazines.

Farm magazines have helped to build an industry second to none in the world. Let us recognize their service. Let us encourage their continued usefulness. Let us grant them these concessions before it is too late.

SOCIAL SECURITY BENEFITS FOR NONRETIREES

Mr. WILLIAMS of New Jersey. Mr. President, Congress is entering into a new phase in its examination of social security. The time has come for careful analysis of the system—its benefits, its costs, and its potential impact in the lives of millions of Americans.

Part of this careful, detailed study of social security must be a reintroduction to the features of the system that are sometimes overlooked. We cannot amend and improve social security until and unless we know, completely and without confusion, just what the system now contains.

To help clear up the record on social security, U.S. News & World Report for September 29, 1969, recently published a summary of benefits to those other than retirees. Under the general editorial heading "News You Can Use in Your Personal Planning," the article makes a timely addition to our dialog on social security.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEWS YOU CAN USE IN YOUR PERSONAL PLANNING

A widely overlooked fact about Social Security is that it not only provides income at retirement, but also gives family protection at all ages.

Social Security. Of 25 million Americans receiving cash payments under the system, 1 out of 4 is under age 60 and 1 out of 8 under 18.

Through Social Security contributions now, a young worker is building up insurance for his family that could pay off as much as $100,000 in benefits if he should become disabled or die before his children are grown.

Payments to young. Here are some types of benefit that are payable under Social Security before retirement age:

Three million young widows and children are receiving benefits based on earnings of deceased workers. The average is $245 a month, the maximum $434.

About 1.3 million disabled workers under 65, and 1 million dependents, are getting payments averaging $235 a month. The maximum is $434.

Some 500,000 students who are children of deceased, disabled or retired workers will receive 490 million dollars in benefits this year. These are young people who would have had payments cut off at age 18 but can continue to get them until age 22 as students. The average is nearly $1,000 a year.

Overlooked changes. Although monthly Social Security benefits have been paid for the past 29 years, many people still are unaware of changes that provide payments in early and middle years. For example, a worker disabled before age 24 needs only a year and a half of covered employment in the preceding three years to qualify. Children of a working mother who dies or becomes disabled are eligible for payments no matter how much the father earns.

Guide available. Young people can find out how the system affects them from a booklet available from any Social Security office. The title is "Social Security for Young Families," 35–B. It is free.

PUBLIC HOUSING UNITS FOR SPRINGFIELD, ILL.

Mr. PERCY. Mr. President, since the late 1930's, our public housing program has been considered the traditional vehicle for providing housing for families with insufficient income to afford to rent on the private market. The main advantage of this program is that since the Federal Government contributes a portion of the operating costs of public housing projects, the rentals for space in the projects may be set at a low price. Thus, families with even very low incomes are able to live in public housing projects.

In my home State of Illinois, a grant was recently approved by the Department of Housing and Urban Development which will provide for the immediate construction of 76 regular family public housing units. The prospect of a decent living environment is now a reality to many Springfield residents who were previously confined to a less desirable place. It was deeply gratifying for me to read a letter from Mayor Howarth of Springfield, Ill., expressing his appreciation for the grant. I ask unanimous consent that his letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CITY OF SPRINGFIELD, ILL.,
October 3, 1969.

Re: 76 General Public Housing Units for Springfield, Illinois, HUD No. Ill–4–5, $1,560,426.

Hon. CHARLES PERCY,
U.S. Senator,
Washington, D.C.

DEAR SENATOR: Please convey to your colleagues and to the personnel of HUD, and your associates, the deep appreciation of the Springfield community for the prompt and efficient approval of the above project resulting in prompt construction of 76 units of regular family public housing under the turnkey method, with 3, 4, and 5 bedroom apartments in 38 units.

This represents the first new general public housing units in Springfield in 30 years, and is the best news I have received during my 11 years as Mayor.

Springfield is not a poor community. It is a prosperous, wealthy Capital of the State of Illinois, with less than the average number of so-called "slum areas" for a community of our size. Yet, a recent survey, published last May by the Springfield Chapter League of Women Voters, states that the median family income in our City is only $6,523 per year. This median is acquired by including the 26 per cent of all Springfield families who earn less than $5,000.00 per year.

Applying a rule of thumb adopted by the banking fraternity limiting one to the purchase of a house costing no more than 2½ times his annual earnings, the report finds that the "average" Springfield family is not financially able to purchase and maintain a house costing more than $16,500; and thus, the League concludes that if Springfield builders and developers had constructed homes selling in the bracket of $15,000–$16,000—an additional 33 per cent of the community would be in the market to purchase a home; but, the League reports that the records show in the decade 1958–1968, 56 Springfield subdivisions with a total of 5,312 homes have been developed for residential purposes; but only 2 subdivisions containing some 70 lots even contemplate homes in this price bracket, *and in the 10 year period only 2 new homes in that price range have been built in all of Springfield.*

Thus, with our expanding population, and with no new public housing, it is most apparent that families in our bottom income brackets, have been forced into inadequate improper ghetto-type buildings; and of course, as we comply with the Federal workable programs, and strictly enforce proper housing codes we drive these families from pillar to port, sharpening their frustrations and planting the seeds of violence.

As the League of Women Voters reminded us in the aforesaid report:

"The importance of housing cannot be overemphasized. To the individual, housing is important because it affects his health, his well-being, and his ability to function effectively in society. To the community and to society, it is important because the area in which there is the most deteriorated, dilapidated, over-crowded and is sub-standard housing coincides with the areas of the greatest crime, disease, and discontent".

Thus, duplex style public housing for the larger families are absolutely essential in America and the turnkey method makes it profitable for private industry to seek out the land, develop and construct the building.

Very truly yours,

Nelson Howarth,
Mayor.

IMPORTANCE OF ARMS LIMITATION NEGOTIATIONS

Mr. MONDALE. Mr. President, the distinguished junior Senator from Maine (Mr. Muskie) made a thoughtful speech last week in New York on the importance of arms limitation negotiations. To promote the likelihood of this objective, Senator Muskie urged a moratorium on American development of the multiple independently targetable vehicles, the so-called MIRV's.

Senator Muskie's proposal is a constructive addition to the national dialog about the ways to achieve peace, at home and around the world. I commend Senator Muskie's remarks to the Senate and ask unanimous consent that they be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Statement by Senator Edmund S. Muskie

In paying tribute to Meyer Weisgal and the Weizmann Institute, we are honoring the spirit of Israel: courage in the face of danger, tenacity under continuing pressure, and humanitarian concern in spite of the demands of war.

Israel is more than a patch of real estate in the Middle East. It is a dream come true and a challenge to all those who believe in freedom and the rights of man. It deserves our continuing support in the preservation of its freedom and independence.

In one of his last speeches at the first session of Knesset in Jerusalem in February, 1949, Dr. Chaim Weizmann said:

"Let us build a new bridge between science and the spirit of man. Where there is no vision the people perish. We have seen what science leads to when it is not inspired by moral vision . . . All my life I have tried to make science and research the basis of our national endeavor, but I have always known fully well that there are values higher than science. The only values that offer healing for the ills of humanity are the supreme values of justice and righteousness, peace and love."

The Institute which bears Dr. Weizmann's name is a testament to his wisdom and vision. Amidst a virtually continuous period of war and near war, the Institute has devoted its energies and resources to the betterment of life for all mankind. Yet, while the Institute applies science to improve the human condition, too much of the world seems preoccupied with harnessing technology to develop newer and more destructive weapons.

Since the end of World War II the United State and the Soviet Union have engaged in competition to develop more powerful armaments.

No one questions that—under present circumstances—military power is an essential part of our security system; but there is a point where preoccupation with purely military strength may diminish rather than increase our security. I believe we are at that point.

We are already involved in a new cycle of an ever more costly and perilous competition for nuclear superiority. At the same time, we and the Soviet Union have within our grasp a way to restrain this competition and to reassert a saner ordering of our national priorities.

We rationalized development of a MIRV system as a response to a limited Soviet ABM system and its possible expansion. The Soviets, in turn, started development of a MIRV system to insure parity in intercontinental missile systems for themselves. We moved to develop an ABM system in response to the Soviet moves to develop and deploy MIRVs. And so the arms race continues, unrelated to the real security of either nation.

While the development of MIRV will not alter the strategic stalemate between the Soviet Union and the United States, it can make it less and less possible to reach a nuclear arms control agreement.

At the present time, we and the Soviet Union can, through our own surveillance systems, tell with great accuracy the number of missile launchers the other has in place. But we cannot detect the number of warheads fitted inside a single missile. Thus, if MIRV missiles—with their multiple warheads—are deployed, it will be virtually impossible to achieve genuine arms control arrangement without detailed on-site inspection rights.

If we can achieve a ban on testing and deployment of such multiple reentry missiles, both nations, on their own, could police the testing of such missiles. Halting the final testing of such missiles is, therefore, crucial to reaching a self-enforcing agreement with the Soviets to bar their deployment.

Early last summer Senator Brooke, supported by myself and forty other Senators, proposed that a mutual moratorium on MIRV testing and deployment be negotiated with the Soviets as soon as possible. At the time of the Brooke proposal, it appeared that after a series of delays by both powers, the Soviets and the United States were about ready to commence such talks. The talks have not begun, and no dates have been fixed.

A strategic stalemate exists between the United States and the Soviet Union today. Neither nation can launch an attack on the other without bringing on its own destruction. Neither nation can realistically hope to break this stalemate by developing a new generation of nuclear weapons. Each nation has the capacity to match any weapons developed by the other. Both sides tend to react to the potentialities as well as the actualities of action. It is precisely this cycle of action and reaction which fuels the arms race.

In spite of this fact, the public has been allowed—even encouraged—to believe that somehow there is safety in ever growing weapons strength and that it still means something to be ahead numerically in nuclear weapons.

These are assumptions which must be challenged if we are to slow down the arms race, contribute to a reduction in international tension and apply our resources to the restoration of our society.

We have a unique opportunity to slow the arms competition. The strategic stalemate and the costs of further weapons development make an agreement restraining the arms race attractive and in the self-interest of the United States and the Soviet Union alike.

If we fail to seize this opportunity, we can, in fact, jeopardize our national security. The diversion of resources from human needs to unnecessary weapons development is a tragic waste. At the same time, as weapons grow more complex and numerous, it becomes ever more difficult to establish adequate safeguards against the risk that such weapons may be unleashed by accident or miscalculation. The question is whether we are taking the initiatives we might take to reduce the pressures for new weapons development and avoid these consequences. Unfortunately, forces are now in motion which can undermine our chances for achieving a nuclear arms control agreement with the Soviets. The decision to proceed with the deployment of the ABM was a setback, but ever more serious is the fact that both the United States and the Soviet Union are rapidly developing the capacity to deploy multiple independently targetable re-entry vehicles—so called MIRV—missiles which can carry several warheads and launch them at separate targets. The MIRV–ABM development is a classic example of arms escalation which results in less, rather than more, national security.

There is some evidence that the Russians are not anxious to talk about substantive armaments control agreements with the United States until they have resolved their border dispute with Communist China. We should not let such delays prevent us from acting to keep MIRV missile development from jeopardizing chances of reaching an arms limitation agreement.

Let the United States unilaterally postpone the testing of all our multiple reentry missiles for a period of six months, announcing that we will not begin testing thereafter unless the Soviet Union initiates such tests.

It should be clearly understood that such a suspension in MIRV testing is not proposed as a step toward unilateral disarmament. It is not proposed as a unilateral commitment never to test MIRV. It is proposed as a meaningful step to stimulate mutual efforts by the United States and the Soviet Union to control the escalation of nuclear weapons systems before it is too late.

If the Soviet Union ignores our gesture and goes forward with testing their multiple reentry missiles, or if they expand the scope of their ABM system, we can promptly resume our own MIRV program. Since the time needed to complete our development of the MIRV is far less than it would take the Soviets to construct a massive ABM system, and since a six-month moratorium would not provide significant lead-time for the Soviets, a moratorium on testing our multiple reentry missiles would not involve any appreciable risk to our security.

Ralph Waldo Emerson observed over a hundred years ago: "Every act, every thought, every cause is bipolar, and in the act is contained the counteract. If I strike, I am struck. If I chase, I am pursued. If I push, I am resisted."

As in the case of the Nuclear Test Ban Treaty, the road to peace may require the United States to take the first step on its own. Hopefully, the Soviets would, in response to our action, act with similar restraint. If they did respond, and the two countries moved into the strategic arms limitation talks, the question of the MIRV and ABM systems could be taken up in the context of mutual efforts to reduce the level of terror.

To reverse Emerson's thought: "If we lead, the Soviets may follow," recognizing that the interests of their own people are served if man can be pulled back even one step from the brink of nuclear confrontation.

In this Twentieth Century the United States and the Soviet Union must break through the terrible cycle of distrust which breeds distrust, of action which produces reaction, of new weapons which beget newer weapons.

The overriding reality of our time is the interdependence of the human condition. Man has wrested from nature the power to make this earth an uninhabitable wasteland or to make it a fertile planet.

History demonstrates that conflict and hostility between nations is not immutable. Accommodation and compromise are possible. Our problems are man-made and can be solved by the imagination and wisdom of man.

I am not suggesting that national rivalry and hostility can be ended in our lifetime. At this moment it would be utopian to hope for the end of all conflict with the Soviet Union. However, we can realistically seek to remove some of the danger from the conflict when, to do so, is in the self-interest of each.

As Adlai Stevenson once wisely counselled: "We must never fear to negotiate with the Soviet Union, for to close the door to the conference room is to open a door to war."

The time has come to embrace a broader vision of the route to peace.

Let us look beyond our missiles and military alliances and make the pursuit of arms control and reduction in the size of national military forces the heart of our national security objectives.

Let this nation demonstrate not only prudent concern for its military defense but also leadership in moving the world away from the infamy of war.

GREAT SALT LAKE OIL SHALE AMENDMENTS AID TO MAJOR INDUSTRIES

Mr. BENNETT. Mr. President, I applaud the action taken a few days ago by the Committee on Finance in approving depletion allowances for oil shale and minerals in the Great Salt Lake. This is farsighted action indeed, and I express the appreciation of my State as well as my own to the committee.

It is no secret that in our highly industrialized economy we have a pressing need to find new sources of oil, minerals, and other raw materials. While I am not an alarmist, I wish to point out to the Senate that many sources of foreign oil are in a very questionable status at this time. It behooves us as a nation therefore to develop all of the potential oil reserves available to use within our own borders. It has been estimated that the oil shale deposits in the intermountain area of Utah, Colorado and Wyoming represent one of the greatest oil reserves in the world. Yet it is of no value unless it can be developed and a way found ultimately to market the oil. The Finance Committee action has taken a major step in that direction. It gives to the oil shale developers an equitable tax position in relationship to other industries which are constantly in search of new oil resources. It represents in this case a 15% depletion rate for oil extracted from shale. If accepted by the Senate—and I urge that it be adopted—then the developers of this vast resource can go to work now to meet the demands that are increasing yearly and which will reach staggering proportions by the year 2000.

Let us not kid ourselves about the oil shale reserves. Without a depletion allowance, we cannot expect the industries involved to assume the tremendous economic responsibilities and risks involved. The allowances will also be an indication that Congress is willing to proceed henceforth with the necessary research and development to perfect the necessary extraction processes. If we can orbit the moon and experience in our living rooms the miracle of man walking on the lunar surface, I am very confident that the oil extraction process can be perfected.

I should also point out the tremendous economic development that this would bring to the States in the Intermountain West. In many ways they are geographically isolated, and oil shale and mineral developments will give to them a sound economic base.

I also urge the Senate to accept the Finance Committee amendment which I offered, allowing a 10- to 23-percent depletion allowance for various minerals extracted from inland saline lakes. For many years we in Utah looked upon the Great Salt Lake as a dormant body of water. But we now know it contains a vast mineral supply which must be extracted and developed, and it will go far in meeting the heavy demands of chlorine, sodium, magnesium, lithium, bromine, silicone, boron, potassium, and calcium. There is no question that the minerals in the Great Salt Lake are a depletable source; consequently, they must be treated as such. I call upon the Senate, when the bill comes before it, to be farsighted and to accept the amendments which I have offered and which the committee has wisely accepted.

I ask unanimous consent that an editorial entitled "Fair Tax Treatment," published in the Salt Lake Tribune of October 25, 1969, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FAIR TAX TREATMENT

As the Senate Finance Committee works on depletion allowances for various extractive industries in the tax reform bill, it took the wise step of approving an amendment offered by Sen. Wallace F. Bennett of Utah to apply depletion allowances extracted from the waters of Great Salt Lake. These would include chlorine, sodium, magnesium, potassium, calcium, lithium, bromine, boron and silicon.

Under an Internal Revenue Service ruling, the waters of the lake are considered a nondepletable ore body. The decision is debatable. For while, in a sense, the lake is "renewed" by runoff waters bringing in minerals from the shores, the history of the lake indicates it is a shrinking body that will eventually disappear. It is also obvious that the minerals in the lake are a "body of ore," though not, perhaps, in the usual definition of the term.

The Senate has already made a number of changes in the tax reform bill as passed by the House. This week, for example, it voted to cut the oil depletion allowance to 23 percent. (The present figure is 27½ percent; the House figure, 20 percent.) The committee also approved, without change, a House section designed to provide an incentive for finding ways of extracting oil from shale by granting a depletion allowance based on the value of the oil recovered, instead of the shale. This means a substantial increase in the dollar value of the incentive. Utah, with its vast deposits of oil shale, should benefit materially from the long-range effects of the provision.

However, development of an oil shale industry is still some years away while development of a mineral extractive industry on the shores of the Great Salt Lake is already well under way. And this industry, in order to be fully competitive, should be given tax treatment similar to those industries which extract minerals from the earth.

When the House Ways and Means Committee began work on the tax reform bill in early 1969, the goal was final passage by the end of the year. The goal probably can't be met. First, the Senate Finance Committee must complete its version of the legislation. Then the bill goes to the Senate floor where numerous amendments are likely to be offered and approved. Finally, after differences between House and Senate measures are adjusted in conference committee, the bill must be approved by both chambers. As a consequence, there is no way now of predicting just what it will be like in its final form.

But this much is certain: An amendment made in Senate committee and retained by vote during consideration on the floor has an excellent chance of being retained. That is why the Senate Finance Committee did well to include the Utah senator's farsighted amendment. Committee approval at this time will go a long way toward assuring fair tax treatment for the new extractive industry on Great Salt Lake.

NOMINATION OF JUDGE CLEMENT F. HAYNSWORTH, JR., TO THE SUPREME COURT

Mr. BURDICK. Mr. President, before the Senator from Montana, (Mr. METCALF) left to represent the U.S. Senate as a delegate at an International Conference of Legislators, he asked that I place in the RECORD an editorial together with the result of a poll of the New York University Law School faculty regarding Judge Clement Haynsworth's nomination to the Supreme Court. If Senator METCALF were able to be here, he would have made this request himself.

Mr. President, I ask unanimous consent that the editorial and the article, both of which appeared in the Commentator of October 15, the student newspaper of the New York University Law Center, be printed in the RECORD. The article explains why 73 percent of the faculty is firmly opposed to Senate confirmation of the nomination of Judge Haynsworth.

There being no objection, the article and the editorial were ordered to be printed in the RECORD, as follows:

[From the Commentator, Oct. 15, 1969]

INSENSITIVITY

Last November President-elect Nixon promised the country that the theme of his Administration was going to be: "Bring Us Together." The emptiness of that promise has never been more dramatically revealed than in the ill-advised nomination of Judge Clement Haynsworth to the U.S. Supreme Court.

Contrary to the protestations of Haynsworth's supporters, the confrontation now brewing in the Senate is not essentially a question of liberals versus conservatives. Even Senator Barry Goldwater is having second thoughts about supporting Haynsworth since receiving stacks of mail from constituents Goldwater describes as "strict constitutionalists who write: 'Isn't there somebody else?' "

Neither is the Haynsworth controversy a question of Democrats versus Republicans. As Senator Robert Griffin, the assistant Republican leader, said last week, "The overriding consideration is public confidence in the Supreme Court as an institution."

As Haynsworth supporters try desperately to close ranks behind their candidate, they seem to have lost sight of the real issue in the case. Despite all the damaging evidence that has been uncovered, no one has ever accused Haynsworth of being dishonest. Nor has anyone called for his impeachment and removal from the Fourth Circuit Court of Appeals.

But what has been revealed by Haynsworth's actions in *Darlington, Brunswick, et al.*, is the portrait of a man curiously insensitive to the fundamental of judicial ethics, or sensitivity far too great for a nominee to the Supreme Court. This is the determining factor in Haynsworth's case and not the man's mediocre record as a jurist.

It is not suggested that when the nomination was made President Nixon had any knowledge of the many questionable areas in Haynsworth's background. On the contrary, the entire Haynsworth affair has the unmistakable imprint of being another blunder by Attorney General John Mitchell and his advisors. But the President's intransigence in the face of revelation after revelation only gives further credance to Nixon's so-called "Southern strategy." According to this theory, Nixon hopes to get key Southern support for the 1970 congressional elections and the 1972 presidential race in return for certain "favors" to Southern legislators such as the recent school integration slowdown.

The broad discretion of a President in the selection of ambassadors, cabinet members and federal judges is unquestioned. But it is frightening to think that appointments to the country's highest tribunal have been relegated to the level of political horse-trading between the President and people like Senator Strom Thurmond and his cronies.

During a meeting last week at the home of J. Edgar Hoover, Nixon was apparently convinced by Mitchell that opponents of the nomination are motivated by nothing more than political animosity. As if to confirm the fact that the "old" Richard Nixon is still with us, Republican Senators are now facing threats of political reprisal (e.g., holding up federally funded projects, etc.) unless they vote for confirmation.

Despite this, however, it is reliably estimated that as many as 50 Senators now plan to vote against confirmation. But even if Haynsworth were to squeak through the Senate, his victory would be a hollow one and a tragic blow for the Court.

If the President really wants to "bring us together," restore public confidence in the Supreme Court, and prevent a bloody showdown in the Senate, his only alternative is to immediately withdraw the nomination of Clement Haynsworth and nominate someone truly worthy of the Supreme Court seat formerly held by Justices Brandeis, Cardozo, Frankfurter and Goldberg.

[From the Commentator, Oct. 15, 1969]

Three-Quarters of Faculty Opposed to Haynsworth

(By Neal Arluck)

Seventy-three percent of the Law School faculty opposes Senate confirmation of Judge Clement Haynsworth's nomination to the Supreme Court, according to a poll taken by the Commentator last week. An equal percentage believes that Haynsworth's actions in the Brunswick case were "improper."

Questionnaires on various aspects of the Haynsworth nomination were distributed to the 50 members of the full faculty. Thirty-seven questionnaires were returned.

To the question, "Do you think the Senate should ratify the nomination of Judge Haynsworth for the Supreme Court?", 27 professors answered 'No,' eight answered 'Yes,' and two were undecided.

For purposes of analyzing the gross results, faculty members were asked to indicate their political affiliation. A break down on political lines surprisingly revealed that the vote against Haynsworth by Republicans was 7–1. Democrats voted 'No' by a margin of 15–5, and Independents voted 5–2 against confirmation.

Another interesting result was uncovered when the figures were broken down according to years of service on the faculty. Of the six professors on the faculty for more than twenty years, not one voted in favor of Haynsworth.

Of the eight professors supporting confirmation, several had serious reservations about the nominee. "I don't like Haynsworth's philosophy or his wheeling and dealing," wrote one respondent, "but it would be dangerous to disqualify a man on this basis. It would defeat a liberal also. We lost this one when we lost the election."

Another said, "I believe the Senate should ratify unless there are very substantial reasons for a refusal. While I would not select or support Haynsworth from any point of view, I don't know any facts which disqualify him." "Unfortunately, mediocrity is not a basis for judicial disqualification," said another proponent of confirmation.

Out of 37 participants in the poll, only one professor had anything really favorable to say about the nominee. Referring to Haynsworth's purchase of stock in the Brunswick Corporation after voting for a decision in the company's favor but before the decision was made public, one faculty member wrote, "I assume that Judge Haynsworth bought the stock with his own money—not mine, and certainly not yours. I also assume that the stock purchase, then in the future, could not or at least did not affect the Judge's decision made before the purchase. Perhaps I should add that I think the Haynsworth nomination to the Supreme Court has been the best one offered by a president since the appointment of Justice Robert H. Jackson."

The 27 opponents of Haynsworth's confirmation were far more firm in their convictions than the eight supporters. The following were some of their comments:

"I can accept conservatism in business areas, even in the criminal law area perhaps, but not in the civil rights area. The stakes are too high and the consequences too disastrous!"

"He is a 'wee mon.' "

"My chief objection is that he was making speculative investments when he should have been concentrating on judicial and scholarly matters. Furthermore, it is no longer enough to have an able and ethical judge, we must have the best available on a comparative basis."

"The public image of a member of the United States Supreme Court is extremely important. A Justice of that court should be completely above suspicion. His background should look right as well as be right."

Another question on the poll asked whether Haynsworth's actions in the Brunswick case were "improper." Twenty-seven thought they were. Only four voted 'No,' and six were undecided.

But the 27 respondents who voted 'Yes' were not identical with the 27 who opposed confirmation. From the latter group, 21 called Haynsworth's actions in Brunswick "improper." Two thought they weren't and four were uncertain.

Of the eight proponents of confirmation, five agreed that Haynsworth's actions were improper. Only one thought they were proper and two were uncertain.

"Haynsworth's behavior in the Darlington Mills case," wrote one professor, "was in my opinion clearly unethical and much more objectionable than his role in Brunswick.

Another question in the poll asked whether the Senate should "consider the judicial philosophy of a nominee in addition to his ethical background." Twenty-seven professors thought judicial philosophy should be considered. Six thought it shouldn't and four were undecided.

Thirteen faculty members responded to a question soliciting the names of candidates to fill the Supreme Court seat vacated by Abe Fortas.

The most popular was Judge Friendly of the Second Circuit Court of Appeals who received five recommendations. Paul Freund and Judge Traynor of California each received three.

Judges Fuld and Schaeffer were each cited twice, as was Bernard Segal.

NAB JOB-TRAINING PROGRAM

Mr. PERCY. Mr. President, the effort to eradicate poverty in our country necessitates the cooperation of both the Government and the private sector of our economy. The two, in concert, can develop and finance programs aimed at making all of our citizens contributing members of our society.

The National Alliance of Businessmen—NAB—and the Federal Government, largely through Outreach, have been working together for the past year on an NAB program to train the hard-core unemployed. Through this program, 229,679 previously unemployed men and women have received job training and been placed in jobs. Of these men and women, 54 percent have remained at work—a retention rate which approximates that for the working force as a whole.

On September 8, 1969, Newsweek published an article on the excellent work NAB has been doing through their training and employment program. I ask unanimous consent that the article be printed in the Record following my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Newsweek, Sept. 8, 1969]

How To Hire the Hard-Core

When the National Alliance of Businessmen (NAB) launched its widely heralded effort to provide jobs for the hard-core unemployed early last year, there were scoffers who suggested that NAB would endure about as long as yesterday's headlines. Indeed, the group's formation did have some of the earmarks of one of those government-industry love-ins that all too often produce little, or nothing in the way of meaningful results; President Johnson summoned 500 of the nation's top businessmen to a dinner meeting in Washington, spelled out some ambitious goals, tapped Henry Ford II to head the operation—then left NAB pretty much on its own.

Yet NAB has confounded its critics by starting up fast—and actually gaining momentum. Its original goal was the placement of 100,000 workers by June 30 of this year. But that goal was reached before the end of 1968, and in an updated tally released last week. NAB reported that it has so far placed a total of 229,679 men and women—white, black, red and yellow—from the nation's urban slums and rural poverty pockets. More important, of those hired, 124,935 are still on the job—a retention rate of 54 per cent. That is just about the rate for the nation's white- and blue-collar work force as a whole.

MIND OPENERS

To achieve these results, both employer and employee have had to change. The typical hard-core unemployed lives below the official poverty level of $3,553 a year for a nonfarm family of four; he is a high-school dropout with no skills and no regular job for at least eighteen months. As often as not, he has a police record. "Employers are a lot more open minded than they used to be," says Paul W. Kayser, vice president for industrial relations of Pepsi Co., Inc., who is now serving as NAB president. "Until recently, most of these people wouldn't have been permitted past the gatekeeper."

For his part, the worker has to be convinced that somebody actually wants him. "Often," Kayser said, "they will be offered a job and won't show up simply because they are terrified of interviews. So what you have to do is arrange not only the interview but the means to get them to it."

To handle this chore, NAB has enlisted members of the government's Outreach program who seek out job candidates in ghetto bars and tenement buildings and then help them through the employment procedure. The Ford Motor Co., for one, has set up inner-city hiring halls in an effort to bring the job opportunity to the worker, while other companies ask longtime employees to shepherd new recruits through the first difficult months on the job.

Aside from the sheer numbers hired, perhaps the most encouraging aspect of the NAB program is the effort made at upgrading workers through on-the-job traning. Even as Negroes in Chicago, Pittsburgh and other cities were demonstrating last week in an effort to gain more work in the building trades (page 34), NAB, with help from the Federal government, was expanding its in-plant, on-the-job training program to assist the hard-core.

During the present fiscal year, the government has set aside $420 million—by far the biggest slice of Federal manpower training funds—to finance programs at the 18,500 companies now participating in the NAB program. The average training grant is $3,000 per worker for an eighteen-month course. But in some cases the government will finance up to $5,000 in training. As one example, the Ford Motor Co. has hired some 2,800 workers at its inner-city employment centers at an average starting wage of $3.45 an hour. Already, "hundreds" of the new employees have moved up to higher-paying jobs through normal competition for better jobs. Currently, there are some 60,000 workers involved in training programs at NAB member plants and that number is certain to grow. Among other reasons, President Nixon's proposed new welfare program provides for an additional 150,000 job-training slots, many of which will presumably be in plants that are part of the NAB program.

Challenge: As far as most NAB leaders are concerned, the key to long-range success is training. As Donald M. Kendall, Pepsi Co. Inc., president and NAB chairman, explained last week: "Say it takes a company $1,000 to train a regular employee; well, it might cost them $2,000 to train one of the hard-core unemployed. The government puts up the additional $1,000, but in one large area we studied, the government got its money back within 21 months [because of the savings in welfare costs, unemployment compensation and the sudden contribution of payroll taxes.] That's not a bad investment for anyone."

For all of their progress over the past nineteen months, NAB leaders still face a challenge of stunning proportions. For one thing, most of the participation has been by big employers in big cities and the thousands of ten- and twenty-man shops that might be able to use an extra hand aren't sufficiently involved. "The little fellow just doesn't know how to go at it," says Chrysler chairman Lynn Townsend, who is NAB's vice chairman. Currently, NAB is working on a plan under which smaller companies can join in a consortium that would operate much like a large employer.

No one knows better than NAB that a great deal of work remains to be done. Estimates are that there are still 1 million to 2 million hard-core unemployed who haven't been reached by NAB. The health of the program also depends upon the continued health of the economy. As one Labor Department administrator observed: "If the economy takes a nose dive, this program is going to go to hell."

Still, for men like Pepsi Co., Kendall, the effort is well worth the risk of disappointment. "The response has been marvelous by both business and the unemployed," he summed up last week. "In fact, I never would have dreamt of the response we would get when I first took over the job. It's been the most rewarding experience I have ever had."

DUMP THE KOOKS

Mr. FANNIN. Mr. President, just a little over a week ago Mr. Jenkin Lloyd Jones, distinguished publisher and writer and president of the Chamber of Commerce of the United States, made an outstanding speech before the National Newspaper Association in Denver, Colo.

Mr. Jones is an articulate man. When he speaks, the sparks crackle and smoke curls from the edges of his target.

He has taken dead aim on one of the most pressing problems of our times, the problem of pollution. Not water pollution or environmental pollution, but that kind of pollution which is the most insidious of all—mind pollution. He speaks of the polluted airwaves in the Nation, taken over by the kooks and the programs designed to shock. He points to the magazine stands covered with filth that formerly was sold illegally in back rooms by shabby merchants. He speaks of the "cluck-smack" school of journalism which clucks its tongue over the sordid events which it reports in lip-smacking detail.

Mr. Jones puts the spotlight squarely on the problem of America in professing one thing and performing another, and calls it "new" morality.

Most important, he speaks to those who are in charge of a large segment of our public media and says:

> A mark of sophistication is to know when you are being used. And, gentlemen, we are being used.

Mr. Jones has valid points to make in our troubled times. I ask unanimous consent that his speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Let's De-Kookify the Media

(By Jenkin Lloyd Jones, president, Chamber of Commerce of the United States)

This evening I would like to touch on the Golden Age of Kookery in America and the responsibility that may be charged against the printed and electronic press, the motion picture and the stage.

Let me define kookery. It is that measure of departure from traditional codes of behavior that cannot be kissed off as a mere change of fashion or a search for new truths. Kookery is that mode of behavior in which hedonism (which is Greek for doing whatever you please) produces a confused and chaotic society.

Kookery is the effort to portray riot as a means of redressing wrongs, and plain bad manners as some sort of social action. It is the attempt to tell a generation that casual sex or mind-blowing drugs represent a bold effort to sweep away old shibboleths and to seek honesty and revelation.

In short, kookery is a revolt against self-discipline. It is a reaction against civilization. Our campuses are rocked by the irreducible demands of the ignorant and the violent. The fundamental civil right of citizens to walk their streets in safety has been repealed.

In Chicago we not only saw a direct assault upon the police, planned, detailed and boasted of by the New Left months before the Democratic convention, but now we are seeing a direct effort in the same city to intimidate the court for daring to react against this assault.

Mayor John Lindsay's "Fun City" is in shambles. In Philadelphia last month two high school football teams were led into buses and driven to unannounced stadiums where they played before no spectators. To do otherwise, school officials feared, would insure a riot. So much for the City of Brotherly Love.

We are drowning our kids in filth.

You can examine the files of the old Police Gazette of the 1870's and '80's where America's gee-whiz journalism was born.

You can read the dime novels of the Ned Buntline school of literature in which desperados were exposed and, in a measure, canonized in the same literary operation, if you could call it literary.

You can run through the microfilms of the Hearst and early Pulitzer press at the turn of the century when the term, "yellow journalism," was born.

You can follow the pungent spoor of Bernarr MacFaddenism, and the lurid love nest tales in the old Sunday supplements, and the heavy-breathing marathon-length embraces in the Theda Bara movies that brought the Hays Office into being.

And having examined all that was worse in the taste of times past I believe you will find nothing like the rain of scatology in which America stands today, and nothing like the elaborate rationalizations for misbehavior which our swingers are boldly advancing.

I think it is the boldness of the rationalization which is the essential difference.

We have always had users of drugs, but this is the first time we've heard the claim that swallowing L.S.D., inhaling pot and popping with heroin are the roads to holy insight.

The art of thievery and looting is as old as man, but this is the first time people who clean out liquor stores have claimed kinship to the patriots who hurled the tea into Boston harbor.

All this has been described as the "New Morality." The "New Morality" is based on something else called "situational ethics." Situational ethics simply means that ethical behavior is changeable according to the situation. And by situation one means the conditions of the moment that govern the self-interest of the individual.

This is, of course, the road to social chaos, and we are well on it. We have seen our marching preachers claim that law is not to be changed by orderly process, but is simply to be defied. We have seen our drop-outs sniff at the "squares" who work, although they do not hesitate to eat sandwiches made from wheat raised by the guy who got out of bed in Nebraska at 5 a.m.

We have seen our permissive courts—and particularly the Supreme Court of the United States—strip the classic definitions of pornography down to the bone and then boil the bones.

Of more immediate interest to the American family is the growing philosophy spreading through the high school corridors that anything you can get away with is okay. A society that is based on anything you can get away with and that, at the same time, seeks to weaken laws, water down moral restraints, and generally enlarge the get-away area is heading back to the cave.

In an article last year in The Intercollegiate Review, Dr. Will Herberg said:

"To violate moral standards while at the same time acknowledging their authority is one thing; to lose all sense of the moral claim, to repudiate all moral authority is something far more serious. It is this loss of moral sense, I would suggest to you, that constitutes the real challenge in our time."

How did we get this way?

The reasons, of course, are complex. But, perhaps, for one thing we got over-worried about frustration. A frustration is something you want and can't have—at least not right now.

Human character is built by overcoming frustration. The boy wants a bicycle. There are two ways he can get it lawfully—shake the dough out of Dad or mow enough lawns to raise the cash. The father may properly choose to exercise his beneficence, although give-aways don't exercise the muscles of self-reliance and self-respect.

But if the boy fails to obtain the gift and chooses not to work for the prize he has more devious alternatives. He may steal the bicycle directly, or he may break into enough cigarette machines to make the purchase. Thus, he passes into the field of anti-social behavior.

Psychiatrists, generally, seem to agree that a general characteristic of most juvenile delinquents is a low frustration-tolerance. They cannot stand to be thwarted. They cannot plan toward a desirable objective. They can only smash and grab and insulate themselves from reality by great blankets of self-justification and self-pity.

Many of these are the children of parents who remember well the privations and insecurities of the Great Depression and who have determined to give them all the "advantages." And they have been given all the advantages except an appreciation of the labor and devotion it takes to make a workable society.

Since babyhood they have heard the announcer urge them to "be the first kid on your block" with the new gizmo. All the power of advertising persuasion has been devoted to making them expect instant satisfaction. And so we have what calls itself the "New Generation."

Can we wonder too much that when it appears to them that Society has handed them less than a perfect world their reaction is either to drop out or bum down?

In our effort to eliminate a little healthy frustration at an age where it would build patience, tolerance and an appreciation of the attainable we may have condemned these kids to the worst frustration of all. Self-doubt, anger and unease are the endemic diseases of hippiedom.

Still, the human animal has changed very little. A strong tide of wistful idealism flows beneath turbulent waves of self-indulgence.

Last year I had a free hour in San Francisco, so I went out to the corner of Haight and Ashbury to see the animals. There I picked up several copies of the underground press, including something called the Berkeley Barb. And in the classified section, among all the ads of deviates, lesbians, sadists and masochists I came across the following from a post office box in Daly City:

"Wanted, attractive girl for uninhibited weekend fun at beach house by member of the male gender. I'm Caucasian, clean-cut, 25 and shy. Hope you don't normally answer ads like this."

I didn't know whether this ad was funny or tragic. The eternal male making the immoral proposition to what he hopes is a fairly moral girl. But I think in a way it expresses the dichotomy of the moment—young people with considerable idealism trying to find fulfillment in sleazy ways. It isn't going to work.

There is nothing new, of course, about the New Morality. One would have to cut a lot of history classes to imagine that humankind had not attempted to find happiness in utter animalism. Or that they would not attempt to rationalize misbehavior by claiming lofty, even spiritual motives.

The temple prostitutes of Astarte 3,500 years ago expressed a philosophy which Playboy seems to have just rediscovered. The hashish-maddened Thugs of India went through elaborate religious rites before they set forth to rob and strangle travelers.

But none of these noble experiments produced workable societies. Nations that wallowed in corruption found commercial strength hard to achieve, for you can't build bankable credits where bribery is the norm and graft and short-weight the custom. And where morals standards were abysmal there occurred, paradoxically, an emasculation of the male, for irresponsibility produces the incompetence to cope and it leads to the matriarchy which is the chief social headache of America's current ghetto societies.

Some people never recovered. Much of our foreign aid has sunk without a trace in social systems that cannot organize themselves for any degree of success. Other civilizations, more happily, eventually became nauseated and went through puritan renaissances, some of them carried to ridiculous extremes.

The popular view of the moralist is that of a dour bluenose who doesn't want people to have fun. There are, indeed, such people. But the best excuse for morality is a pragmatic excuse. Proper and reasonable morals produce a productive society in which the fruits of energy are protected and the seed of creativity are watered.

Our word "morals" came from the old Latin, "moralis," simply meaning a way of life. And our Greek word, "ethics," is defined by Webster as the ideal end of human action.

It is a human fact that man generally operates a considerable distance below his ideals. Where his ideals are low, his behavior will be lower still. And the jam we are in today is in large measure caused by the fact that in recent years our mass communications and entertainment media have publicized deviation for our traditional moral standards to the point where impressionable youth imagines that deviation is the norm.

Consider the mass circulation magazines, faced with ever rising costs, battered by TV and rendered pensive by the recent demise of the Saturday Evening Post. The circulation struggle is a bitter one, and shock sells copies.

The average issue of one leading woman's magazine now sounds like a clinical study of psychopathia sexualis. In how many slickly-printed and beautifully-written publications during the past two years have you read intriguing articles on the wonders of psychedelia?

One national magazine recently ran an admiring piece on three avant garde playwrights—one described as "a master of meaningless dialogue," another as "wallowing in filth, but writing like an angel," and a third as preaching that "up might as well be down, right might as well be wrong."

Thousands of books are being written in America each year. But have you analyzed the book reviews in the publications from which librarians draw many of their purchase ideas? How many excellently-written books with thoughtful and constructive themes are utterly ignored while the splashes go to the sensational, the odd-ball and damn-America schools? Check this out as you go through the book review sections.

We have seen the vast amount of publicity which any unmarried and defiantly cohabiting movie couple is guaranteed. There is money in blatant misbehavior.

And deviates who were once furtive are now open and in danger of becoming evangelical. The twisted have compulsion to twist others and recruitment is most effective and most devastating among the young. Thus, tolerance for the homosexual and the lesbian does not, as many liberals imagine, mean simply sympathetic understanding for those who many be hooked on a distressing aberration. It means, in addition, increasingly effective efforts to pervert adolescents of low sophistication and malleable habits.

A man is wise to learn from his enemies. Enemies can be good teachers. And the United States has, as its most implacable and tireless enemy, the communist theoreticians of Eastern Europe and Asia. However much Moscow and Peking may battle with each other over geopolitics, they are united in the hope and belief that western civilization will destroy itself.

Some first-time visitors to Russia are amazed at the enforced puritanism of the stage and literature. They are confused because most left-wing organizations in the United States are the preachers of the utmost liberatarianism and move quickly to the aid of purveyors of filth, practitioners of immorality and inciters to riot.

But there is no confusion at all in the mind of the dedicated communist. The quickest way to destroy what you consider a rotten civilization is to make it as rotten as possible. You give aid and comfort to the worst that is in it, counting on weakness and pruriency to rot it from within. You have to chop down a healthy tree, but a rotten one is a pushover.

Television entertainment is a new phenomenon in the world, and television entertainment that must be sustained by commercial advertising is a phenomenon of relatively few countries in which television is privately-owned.

Advertisers are attracted by head-counts and head-counts mean ratings. It is difficult to produce great literature, but easy to produce violence. Violence is action, which has particular attraction for the young.

As a result we in America have subjected an entire generation already to an almost unrelieved diet of shoot-'em-ups. In a single afternoon a child may see 50 people pistoled, strangled, stabbed, burnt, crushed and eliminated in even more exotic ways.

For a while, some psychiatrists expressed the hope that these vicarious murders would sublimate inner aggressions. But the water level of youthful violence has risen like a tidal bore. The report issued three weeks ago by the President's Commission on the Causes and Prevention of Violence stated flatly that much of the frightening savagery in the streets is a direct result of electronic mayhem, ground out in the quest for advertising profits.

The motion picture industry, dismayed at the inroads of television, discovered that it could lure back the teen-age crowd with great gobs of sex. With thousands of movie houses busy each evening pouring gasoline on the smoldering fires of normal, staminate youth the results were predictable. Why should we be surprised?

And now the movies that were designed to halt the inroads of television are beginning to appear on television. So now we have made the full circle.

But it is the stage that has sunk to the lowest depth. The muse has had her throat cut and the bare-bottom age is on us.

Where in New York today can you find a theater that would inspire your formative son and daughter with a sense of heroism and self-sacrifice and human triumph? No wonder Dave Merrick, the theatrical producer, said this summer that he was leaving for California until the filth clouds blow over. Let's hope he doesn't die in California.

I think it's time when the proprietors of the press, the publishers of popular magazines, the lords of television, the monguls of the screen and the producers of the stage looked upon the social wreckage around them and faced up to their own culpability.

We should have had about enough of cluck-smack journalism, the journalism that clucks piously over social misbehavior, portrays it in all its lip-smacking detail, and waits for the circulation figures to soar.

I think it's time that the great television tycoons and advertisers weighed the business of pulling sales figures up by pulling Young America down.

I see these gold-plated characters swaggering around the charity balls or rising at the banquets to mouth tired cliches about their concern for the disadvantaged and downtrodden.

But if, in their struggle for wealth and power, they help lower the quality of life in America I believe they have something to answer for.

I believe the TV commentator who fills his broadcasts with film clips of loud-mouthed revolutionaries demanding race warfare is not entirely guiltless of blood in the streets. Nor is his boss.

I believe the reporter who ignores the distinguished speaker invited to the university platform and who occupies himself with interviewing the storm troopers who tried to take over the stage is not entirely guiltless of a breakdown of the teaching system. Nor is his boss.

Let 20,000 patriotic Americans march down Fifth Avenue. Let 400,000 citizens cheer them from the curbs. And let 100 bearded Marxists try to block the march somewhere uptown. What happens? NBC, CBS and ABC and all the news reporters and photographers rush to the spot and give the impression that all New York erupted in fury that someone would dare show the flag.

Is this telling it like it is? Or is this a sucker game? The technique is calculated, polished and being used with increasing frequency. Isn't it time there was a statute of limitations on our stupidity?

I didn't often agree with LBJ, but I was right with him when he asked in bewilderment, "Why all this poor-mouthing of America?"

This goes far beyond the effort to improve and perfect our imperfect institutions. This is an effort to paralyze the nation with confusion and self-doubt. And it has been working far too well.

Gentlemen: we who run newspapers or radio or TV stations can sell things. Our ability to sell things keeps us eating.

We can sell soap, and we can sell misbehavior. We can sell automobiles, and we can sell treason. We can sell breakfast food, and we can sell addiction. We can sell ready-to-wear, and we can sell sex.

If we focus our cameras on and turn over our front pages to those whose aim is the destruction of the social responsibility that gives a people morale and dignity and the power to react against subversion—then, goodbye America!

If we permit the institution of a free press to be used by those who can hardly wait for the day when a free press will not be permitted, then we participate in our own execution.

If, in our quest for readers and viewers, we ignore all that has been right with our ideals and traditions and zero in on the cesspools and the pustules of our society then how can we blame our youth for wanting to blast it level.

Editing, gentlemen, as you all know, is selection. It is not merely the emphasis of that which is truly significant, but it is the emphasis of constructive and reasonable thoughts that point the way toward real solutions of real problems.

If in 1776 reports from Philadelphia had ignored the Continental Congress and covered only the busy bawdy houses we'd never have had a country. And if all the decent, honest citizens doing decent, , honest and courageous things get less show from us than the screamers and boppers we'll lose that country.

Editors and publishers are supposed to be sophisticated. A mark of sophistication is to know when you are being used.

And, gentlemen, we're being used!

TOWARD MORE ADEQUATE SOCIAL SECURITY—III

Mr. WILLIAMS of New Jersey. Mr. President, I have begun a campaign to place in the CONGRESSIONAL RECORD as much evidence as I can about the need for upward revision of social security benefits.

One of my reasons for doing so is that I believe that the social security proposals offered by the administration on September 30 are inadequate and misdirected.

Another reason is that the Special Committee on Aging, on which I serve as chairman, is conducting a far-reaching study entitled "Economics of Aging: Toward a Full Share in Abundance." From hearings conducted in Washington, D.C., and the field, we have already gathered ample evidence about the deepening retirement income crisis in the Nation.

Recently, for example, at hearings in Bergen County, N.J., the committee heard from elderly residents of communities generally regarded as comfortable, if not affluent. From the elderly themselves, we heard testimony about what it means to live on fixed incomes in municipalities where all costs keep going up perhaps even more rapidly than elsewhere.

I ask unanimous consent to have printed in the RECORD two excellent articles published in the Hackensack, N.J., Record. I think they vividly recount the problems faced by millions of Americans who find that poverty or near poverty among the elderly can cause intense suffering wherever it strikes, whether in the central city or the nearby suburb.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

EXPENSES OF AGED SKY HIGH

(By Roger Beirne)

Living costs for the elderly are rising more rapidly than living costs in general—and there is no end in sight.

Major factors contributing to the deteriorating economic status of elderly residents in Bergen County are likely to intensify in scope, according to a specialist in economic problems of the aging.

"The outlook for the elderly is dismal on at least three fronts. Housing and medical costs will continue to rise, as will local taxes," said the specialist, Dr. Gladys Ellenbogen, professor of economics at Montclair State College and a Hasbrouck Heights resident.

Housing and medical costs take a significant part of the older resident's spent dollar. At the same time, he fares poorly in the competition for the tax dollar in Bergen where school enrollment figures, for example, are ever on the rise. According to the economist, factors that make Bergen an affluent area—increasing population and high and rising family incomes—create exceptional economic pressures on older residents.

TWO PROPOSALS

In her talk at Senate special Committee hearing on "Economics of Aging" at Bergen Mall yesterday, Dr. Ellenbogen proposed, among other policies for relief for the elderly:

1. Special savings accounts in which interest earned on savings would not be taxed until withdrawn—at the lower rate of the nonearning years of later life.
2. Allow the employe's share of a contributory pension to be an itemized deduction from his adjusted gross income.

"My suggestions do not call for government spending—rather for less government income," the economist said.

Other policy suggestions considered by the committee—with which she is in agreement—include higher property tax exemptions, rent supplements, more extensive health protection and higher Social Security benefits.

Of her two suggestions, the economist, who calls for an eye-to-eye battle with the problems of the elderly today, said such measures would permit all to help plan for older age with their own money.

"Pensions should be portable," she also said. "As it is now each time we leave a job and start a new one, pension costs for the employe and the employer rise. Pensions should vest after a short number of years. With vesting and portability we should always be 21."

In her analysis, Dr. Ellenbogen said:

"The cost of living in the New York-Northeastern United States—that's us—has increased more in the last 10 years than in any other part of the country.

"So that we have had in New Jersey over the last 10 years, as contrasted with the rest of the country, proportionately more people; more people over 65, more school-age residents and the steepest rise in the cost of living anywhere in the United States."

Why the problems for the elderly will intensify, she said, that those costs on which the 65 and older spend their income—housing, medical care, and services—are rising more rapidly than living costs in general.

"There is no reason to expect the climb to slow down—on the contrary they will continue to rise sharply," she said. "If I may inject a cynical note—the only prices the administration has been successful in forcing down are stock market prices. I'm not sure I appreciate their anti-inflation efforts along these lines.

". . . In New York-Northeastern New Jersey, medical costs in the past 10 years have soared 63 per cent—this is as of June of this year—they've probably risen more in the last six weeks."

The increase in population 65 years and over spreads the problem of generally rising prices and upward pressures on local taxes, on real estate costs and on prices of goods and services. The area's rate of growth of population 65 years and over is increasing at a rate of 50 per cent greater than that of the nation as a whole. By their ever increasing numbers, the older residents become more identifiable in their common defenselessness against economic pressures.

"In Bergen County there are 15,984 homes on which the 65 or over taxpayers claim the $80 deduction on their property tax bill," Dr. Ellenbogen has reported in a paper on "The Economics of Aging in Bergen County." Since the homeowner's income must be $5,000 or less to qualify for this deduction, close to 8,000 homes and probably more have owners with $5,000 or less income. This is about 8 per cent of all nonmultiple residential properties in the county.

In nonpoverty metropolitan areas such as Bergen, according to the economist, nearly one out of every three elderly families is below the poverty level, whereas when the family head is, for example, in the age group of 55–64 the likelihood of falling into poverty classification is only one out of ten.

Commenting on medical care in her talk, she said:

"The increase in our population (Bergen) is largely in the younger and older groups, where medical care is more often sought than in other age groups . . . The demand for medical care has increased and will continue to increase faster than the supply of trained personnel and the supply of hospitals and nursing homes and medical schools. Therefore the price of medical care will continue to rise.

"We do not want instant medical education. We cannot have it. Nor can we instantly build medical schools or hospitals."

On rising housing costs in Bergen, she said:

"As a resident of one of the 70 communities I personally favor the one-family house and voted against apartments in my town. As an economist, I must admit, however, the cost of a dwelling unit will be higher if an acre is used for four single family homes than for 40 apartments. More than half of Bergen's 70 communities do not permit multiple dwellings.

"Older people seeking to sell their homes frequently find themselves priced out of both the smaller home market and the apartment. They are then faced with the rising cost of maintenance."

Costs of services will not stop rising. "Technological advantages cannot always be applied . . . We will continue to need more teachers and more policemen and others rendering services," Dr. Ellenbogen said.

AT 79, A HOUSE IS A HARDSHIP

(By Robert Armbruster)

Mrs. Anna P. Lucchesi was not afraid to tell Sen. Harrison A. Williams, Jr., D-N.J., her age.

She's 79. She also had quite a story to tell.

The Park Ridge resident, a widow since 1956, said she and her late husband bought their two-bedroom bungalow in Park Ridge in 1935 for $4,200. She recalls that her property tax was $98 in 1936.

This year her expected income is $1,958. Her property tax is $746. She also has to pay a $260 sewer assessment.

ATTACHED TO HOME

"I love my home so dearly," said Mrs. Lucchesi, one of approximately 20 speakers at the U.S. Senate Special Committee hearing on the "Economics of Aging." "It has so many memories. It's a comfortable home, easy to take care of. I'd be very upset (about having to sell it.)"

Mrs. Lucchesi, who earned $45 a week at a part-time job until she was 75, said her property tax jumped from $98 in 1936 to $129 in 1946, $182 in 1956, $462 in 1966, to $746 this year.

She noted that she also spends about $180 a year for medication, leaving her with slightly less than $800 for food, clothing, heat, and all other living expenses.

Mrs. Lucchesi was one of many speakers who told Sen. Williams at the hearing yesterday at Bergen Mall auditorium, Paramus, of the huge expense to senior citizens of property taxes, housing costs and medical expenses. Approximately 350 persons, including many public officials, attended the hearing.

SEEKS MORE BENEFITS

Sen. Williams told the press that armed with testimony he and other members of the committee have taken at hearings throughout the nation, he intends to introduce a bill that will increase Social Security payments to the elderly. After this action at the next session of Congress, he said, "We would hope to do the realistic job of making the payments in the future according to a cost-of-living escalating schedule, so we won't have to change the figures annually.

John Terhune, 78, of Park Ridge, described as desperate the plight of many elderly homeowners. "The property tax has now reached the point of confiscation," he declared.

Mrs. Mildred Krasnow, director of the Bergen County Office on Aging, also told Williams and the approximately 350 persons at the hearing:

"We must find a way to take the tax burden off the property owner."

Other speakers noted the small number of apartments available to senior citizens. One man called for ceilings on rent.

Ralph Van Syckle, Tenafly welfare director, said in his town, regarded as financially well-to-do, senior citizens are also afraid they will have to give up their homes.

"They do not want to move out of Tenafly," he said. "Because of their pride they told me they did not want to receive public assistance of any kind. Most aged have pride and do not want to be on relief roles."

He suggested the name "Old Age Assistance" be changed to "Old Age Pensions".

SLUM CONDITIONS

John Perry, director of the Englewood Neighborhood Center, suggested a federal Department on Aging, noted the special problems of the elderly in slum areas.

"Senior citizens living in slum areas are paying in excess of the worth of their rentals with little or no services," he said. "Premises are unkempt, overcrowded firetraps, unfit for human habitation. We should have more residences for senior citizens, and should establish discount centers for the aged."

He also advocated abolition by businesses and industry of mandatory retirement ages.

Irving Steinberg, president of the Golden Age Club of the Hackensack YMHA, called for low-cost public transportation for senior citizens.

"Between 9 and 4 we would like to get low-cost transportation," he said. "At that time, buses are running empty."

The senator replied he hopes this will come about in New Jersey. "Throughout the country there are enlightened bus companies that are reducing fares," Williams commented.

Other panel members included Rep. Henry Helstoski, D-N.J.; Freeholder William J. Dorgan; and State Senators Willard B. Knowlton and Joseph C. Woodcock, Jr.

TOWARD MORE ADEQUATE SOCIAL SECURITY—IV

Mr. WILLIAMS of New Jersey. Mr. President, many millions of elderly Americans are living on incomes that support neither comfort nor even basic needs.

For that reason, it is vital that Congress enact legislation which will raise overall social security benefits and will also raise minimum benefits to levels worthy of a great Nation.

For that reason, too, I am placing in the RECORD letters, statements, and other exhibits which show how intense the needs of our elders are.

The Special Committee on Aging—now conducting a study of the "Economics of Aging: Toward a Full Share in Abundance"—is systematically gathering information in Washington and in the field on all aspects of the retirement income crisis.

At one hearing held recently in New Jersey, the committee received direct evidence to the economic pressures upon the elderly in a county where large numbers of retirees had gathered in recent years. Many of them had saved for years for security in old age; many were willing to work even yet, if they could find jobs. They were not poor, but, on the other hand, they were not secure.

The Atlantic City Press provided a good account of the problems expressed at that hearing. I ask unanimous consent that the article be printed in the RECORD as one more argument for appropriate congressional action on social security at the earliest possible date.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENIOR CITIZENS' INCOMES "STUCK," SENATE UNIT TOLD

(By Jack Weigand)

CAPE MAY.—Senior citizens with "stuck" incomes are caught in the tentacles of rising costs, it was disclosed Friday at a hearing conducted here by the U.S. Senate Special Committee on Aging.

Some hoped-for solutions to the problems of senior citizens included fewer limitations on social security benefits, more diversified Medicare and Medicaid benefits, more low cost housing and adequate transportation facilities for the elderly.

"Our purpose," committee chairman Sen. Harrison A. Williams, (D-N.Y.) said, "is to learn first hand about the pressures upon the elderly in a community and county in which large numbers of persons have come for retirement."

Retirees have planned carefully for their later years and even the most careful plans can be disrupted by change and rising cost, he said.

"The best and most practical testimony comes from the people directly affected by government policy and actions," the senator said.

"Today we are in a county where many persons have come from elsewhere to retire in an area where 18 per cent of the population is more than 65 years of age."

The first of four panels to testify was made up of retired citizens who had either been born in Cape May County or had migrated here from other more populated areas.

One of the citizens who had retired to Cape May from the coal regions of Pennsylvania, Al Morgan, discussed the limitations of employment income on the retiree collecting federal pensions or social security.

"Using myself as an example, he said, "I had to turn down a position on a Department of Aging TV program because it would reduce my veteran's pension to a point where it would cost me money to work."

Wages and prices are continually on the rise and as wages go up so does the price of commodities and "the senior citizen with a fixed income is stuck," Morgan said. "Even the seven per cent increase in social security has been eaten up with taxation and prices," he said.

"The aged must live on a fixed income in a period of inflation," John Edmunds, another of the panel of retirees, said.

"How can the aged with an income fixed to low-cost living adjust themselves to an era of inflation when the city seeks to keep pace with other cities, and when schools strive to meet their requirements," he asked.

Some of the advantages in retiring in a seashore area were cited by Walter Measday.

A seashore community such as Cape May has a relatively moderate climate that makes fuel bills more modest. The clothing worn is more informal and less expensive. There is recreation in the form of fishing, bathing and boating or if you like gardening or bird watching, they're at your doorstep.

Even in a period of high building costs, you can build or buy a home for less than in a metropolitan area. Taxes are lower and temporary jobs during the summer months are available for older persons to supplement their income.

"On the other hand, there are disadvantages such as lack of permanent year-round employment and limited shopping facilities unless you own an automobile," Measday said.

After hearing the testimony of the first panel, Sen. Williams said, "I feel the population on retirees in Cape May will rise after the recommendation of this panel."

Some of the things being done to help the aged in Cape May were outlined by Mrs. Anne Zahora, executive director of the Cape May office on Aging.

"With the cooperation of the local merchants, we make discount purchasing cards available for the senior citizen which have been of great help especially in prescription needs," she said.

A monthly news letter for retirees, an information booth manned by the elderly on a voluntary basis, a local TV show aimed at the senior citizen, plus an informational and referral service for the retiree were some of the other services she outlined.

The second panel to testify before the senator consisted of city and county government officials led off by city manager Jack Needles who outlined some of the advantages retired persons offer a community.

"It has been our experience that these people bring with them a great deal of talent, vitality and clearness of thought in the approach to municipal matters, Needles said.

The experience and knowledge of the retiree leads to more comprehensive planning and insight in many of the cities important committees such as the planning board, the recreation committee and the mayor's advisory committee, he added.

Present legislation is inadequate by not providing the older person with the economic ability to integrate and participate in the community, Needles said.

"People living on fixed incomes become victims of the very programs that are intended to help them," David Heacock, director of Cape May Urban Renewal, said.

In federal assistance programs such as urban renewal, a plan of community improvement forces property owners to maintain their properties to comply with building and housing code requirements forcing debts upon the elderly to comply with the law, he added.

"A major problem is locating low cost housing near convenient shopping and other facilities within easy reach of senior citizens, Heacock said.

One of the solutions offered by Needles was to create state or regional agencies to assist local governments lacking expertise in developing housing projects for the elderly.

Once again the problem of transportation was brought to light by Jack Buchanan, director of the Cape May County Food Stamp Program.

"Many older persons have had to drop out of the program because they were unable to find transportation to get their food stamps," he said.

Although the program has proven to be highly worthwhile, Buchanan cited "pride" as one reason there are not more people involved in it.

First to speak on the third panel was Ruben R. Blane, district manager of the Social Security Administration of Atlantic and Cape May Counties.

"The state lists three resort areas as surplus labor areas during post-season with an employment rate far above the state average," he said.

However, Cape May and Atlantic counties ranked first and second of all the counties in the state with families having income of less than $3,000, Blane said, because of the large amount of retirees.

"As of the end of 1968, monthly benefits at the rate of more than $14 million, were being paid to residents of Cape May County, while those in Atlantic County added up to almost $34 million annually," he added.

One out of every five in Cape May County and one out of every six residents in Atlantic County receive social security benefits, Blane said.

"Like other parts of the social security program, medicare has become an accepted part of American life, contributing greatly to the health and security of our 35,000 older citizens in Cape May and Atlantic counties," he said.

The fundamental dilemma is the need for more medical care than the average younger person. The retiree's fixed income is much lower and they can't afford to pay the premium costs now charged for care, Blane added.

"Our older people are getting about 20 per cent more hospital care than they received before medicare, thus extending their lives," he said. "Still the increase in medical care costs are rising and we're giving this our primary attention," he said.

Restrictions under the present medicare law actually keep the most needy persons from receiving aid when they need it most, Mrs. Ann Magee, director of The Jersey Cape Visiting Homemakers Service, said.

"If a case is decided to be terminal, there are no benefits for unskilled assistance as is available with our agency," she said.

The need for better communications between the physician and the home health agency, the discontinuation of care payments before the person is completely recovered and the attitude of some professionals that if a patient appears successful, he should pay for his own care, were other problems outlined for the committee.

A panel of "green thumb" workers also spoke before the committee, reiterating the problems of the aged as they have encountered them.

The Department of Labor-sponsored group is now working in 15 states, including 10 counties of New Jersey employing 143 men, the oldest of which is 95.

TOWARD MORE ADEQUATE SOCIAL SECURITY—V

Mr. **WILLIAMS** of New Jersey. Mr. President, the evidence mounts every day on the need for more adequate social security benefits.

As I have said on these pages within recent days, Congress should act at the earliest possible date to raise minimum benefits and to make a really substantial across-the-board increase. The 10 percent general increase proposed by President Nixon is inadequate, unrealistic, and off-target. It fails, for example, to raise the $55 minimum benefit to a higher level before adding the 10-percent increase.

The Special Committee on Aging has already issued reports indicating that more than 7 million older Americans live in poverty or near-poverty. It has reprinted data showing that 50 percent of elderly single people living alone have incomes of less than $1,480, and one-fourth have $1,000 or less. Also, the committee has tried to emphasize that economic insecurity among the elderly should be of concern to all generations.

The national statistics on need among the elderly are worthy of considerable concern, but the problem is even more severe in certain geographical regions.

The New York Times of October 23, for example, contains a front-page story which declared that a retired couple in the New York City area needs to spend 11 percent more than retired couples in other cities to maintain a moderate standard of living. I ask unanimous consent that the Times article and statistical tables be printed in the RECORD. I commend the sponsors of the rally described in that story including the National Council of Senior Citizens. The elders of New York City provided moving, personal testimony about the daily struggle they face in attempting to pay for daily necessities.

I also point out, as emphatically as I can, that the problems described in the New York Times are not limited to the central urban areas. Recently, the Special Committee on Aging conducted a hearing in Bergen County, N.J., just across the Hudson River from upper Manhattan. There we heard about the economic pressures upon the elderly in suburban areas. Elderly individuals who had lived for decades in a community were finding out that rising real estate taxes and other costs are causing widespread despair and desperation.

For that hearing, the committee was fortunate in having a working paper prepared by Dr. Gladys Ellenbogen, professor of economics at Montclair State College. She, too, discussed the high cost-of-living in the New York City-Northern New Jersey metropolitan area, and she provided the following report on the outlook for the elderly in Bergen County:

> Briefly, the outlook is dismal on at least three fronts: housing and medical costs will continue to rise and local taxes will rise. Any help for the elderly can only come from levels of government above the municipal level. With the exception of greater property tax deductions for the elderly, which is a matter for the New Jersey legislature, other help must come from the Federal government through raising social security and through greater income tax relief.
>
> Housing costs will continue to rise because of the intensified demand for housing in Bergen County and because of the slow rate of growth of housing units. For the first quarter of 1969 the total authorized dwelling units in Bergen County amounted to 469, a sharp decrease from the 1,447 in the first three months of 1968 or the 1,000 units of the first three months of 1967. This failure to keep up with past years cannot be attributed to tight money because many counties in the State sharply increased their authorized dwelling units in the first three months of 1969 over previous years.
>
> Medical costs will continue to rise because of the inadequate supply relative to the demand for medical services. Even if an extensive health insurance program were to be enacted at the Federal government level there can be no instant increase in the number of trained professional personnel nor can there be an instant increase in the number of health care facilities such as hospitals and nursing homes.

Local taxes will continue to rise because of increasing school enrollments and because a rising population, regardless of age, requires more municipal services such as sewage disposal, police and fire protection and construction and maintenance of local streets. The costs of municipal government necessary to administer large population densities have risen and will continue to rise.

In suburbs and in the central city, the circumstances may vary, but the end result is the same: the majority of elderly in our Nation live in economic insecurity, and their problem is worsening. The case is clear for raising social security benefits as the first step in a really comprehensive effort to change the situation for today's elderly and all the elderly of the future.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times,
Oct. 23, 1969]

RETIRED COUPLES IN CITY FIND LIVING MORE COSTLY

A retired couple in the New York City area needs to spend 11 per cent more than retired couples in other major cities to maintain a moderate standard of living.

The regional office of the United States Bureau of Labor Statistics issued a survey yesterday that showed that for retired couples, keeping up with the Joneses means keeping a close watch on every dollar.

To maintain what people generally consider a moderate standard of living, a retired couple here needs $4,407 a year, $398 a year more than they needed in 1967, according to the Federal agency.

The statistics had real meaning yesterday for more than 4,000 old people who gathered at a Manhattan Center rally to protest what one speaker called "the Scylla and Charybdis of a fixed income and rising prices."

Wearing blue and white "senior power" buttons, the old people made it clear that they felt the survey's budget for a low standard of living—$2,947—was very low indeed.

David Landinberg, an 82-year-old great-grandfather who keeps house for himself and his wife, who is ill, said: "Everytime I go to the supermarket the prices are higher. We haven't been to a movie in years, except once in a while to Radio City. The prices are still reasonable there."

Philip Berman, a 76-year-old retired insurance salesman, noted, "You gotta cut here, cut there, and finally decide that you're going to make do."

He and his wife live primarily on his $188-a-month Social Security check, which provides in a year less than the low-income budget compiled by the Bureau of Labor Statistics.

Mr. Berman noted, "Entertainment is completely out for us now. My wife and I have cut all the way back on clothing."

The budget estimates, which reflect prices in the spring of this year, are supposed to reflect a reasonable manner of living, not mere subsistence.

FOOD AND HOUSING HIGH

The average couple was described as a husband, age 65 or over, and his wife, who are self-supporting, living alone, enjoying fairly good health, receiving hospital and medical care protection under Medicare, and occupying a five-room or six-room mortgage-free house or a two-or-three-room rented apartment.

The couple also possesses an "average inventory of clothing, home furnishings, major durables and other equipment," according to the report.

The survey said that if the couple wanted to maintain a higher than moderate standard of living, which might include using air-conditioning, perhaps a car, and more paid services, a total of $6,623 a year would be needed in the New York area.

The higher figure is about $800 a year more than in the national urban average. But Boston requires a budget of $6,761 to maintain a similar standard.

The biggest cost items for retired couples were, as expected, food and housing. The lower standard budget allowed only $34 a year for transportation for the couple.

The biggest cheers at the older people's rally came for a bill introduced in the House of Representatives yesterday by Representative Jacob H. Gilbert, Bronx Democrat, which would raise the minimum Social Security payment from $55 a month to $90 by 1970 and to $120 by 1972.

President Nixon recently proposed a 10 per cent increase in Social Security benefits and noted that the average retired couple now receives $2,040 a year in benefits and is allowed to earn another $1,600 without any loss of benefits.

Mayor Lindsay was the only one of the three mayoral candidates to accept an invitation from the sponsoring organizations to address the gathering. He cited what he said were his achievements on behalf of the elderly, noting the half-fare subway and bus fare, rent rollbacks and increased police protection.

COSTS FOR RETIRED ARE UP SHARPLY

A chart compiled by the U.S. Bureau of Labor Statistics showing the annual cost of consumer goods for retired couples at 3 standards of living in the New York area and urban areas as a whole

	New York area cost			Urban U.S. cost		
	1969	1967	Percent rise	1969	1967	Percent rise
Lower budget:						
Total family costs	$2,947	$2,683	9.8	$2,777	$2,556	7.9
Food	919	845	8.8	851	789	7.6
Housing	1,239	1,142	8.5	1,010	939	7.3
Transport	34	33	3.0	205	191	10.6
Clothing and personal care	249	223	11.7	240	217	13.6
Medical care	353	301	17.3	334	294	8.7
Other	153	139	10.1	137	126	8.6
Intermediate budget:						
Total family costs	4,407	4,009	9.9	3,940	3,626	7.9
Food	1,277	1,173	8.9	1,131	1,048	7.7
Housing	1,835	1,682	9.1	1,433	1,330	7.9
Transport	269	247	8.9	412	382	10.9
Clothing and personal care	412	368	12.0	396	357	13.9
Medical care	355	303	17.2	337	296	8.5
Other	259	236	9.8	231	213	8.7
Higher budget:						
Total family costs	6,623	6,012	10.2	5,803	5,335	7.9
Food	1,543	1,418	8.8	1,387	1,285	8.4
Housing	2,858	2,609	9.5	2,239	2,066	7.8
Transport	685	617	11.0	735	682	10.7
Clothing and personal care	617	550	12.2	608	549	13.4
Medical care	357	304	17.4	339	299	9.0
Other	563	514	9.5	495	454	8.8

TAX REFORM ACT OF 1969: REVENUE GAIN AND LOSS

Mr. HART. Mr. President, the House-approved version of the Tax Reform Act of 1969, according to a report prepared by the staffs of the Joint Committee on Internal Revenue Taxation and the Committee on Finance, grants $9.273 billion in tax relief while picking up $6.855 billion in new revenue from loophole closings. These figures are for 1979, when all provisions of the bill would be in effect.

In other words, the House-approved bill would mean a reduction in Federal revenues of $2.418 billion in 1979.

It is my view that the Tax Reform Act should balance or come close to balancing revenue lost through tax relief with revenue gained through loophole closings, and that tax relief should flow primarily to middle- and low-income families.

Looking ahead, I can see no lessening in demands on the Federal dollar.

If we are to solve the housing shortage, establish some sort of revenue-sharing program with State and local governments, clean the air and water, eradicate hunger and malnutrition, rejuvenate our cities, we should not act at this time to reduce Federal revenues.

Because of existing loopholes, we can grant tax relief where it is needed most and still pick up even new revenue to offset that loss.

It seemed to me that it might be useful to summarize the daily actions of the Finance Committee as they affect the balance between tax relief and tax reform.

The figures, which may well be on the conservative side, have been developed by the AFL–CIO.

My intent in publicizing these figures is not to endorse or oppose any particular section of the bill, but merely to note any increases or decreases in the revenue lost which result if the House bill became law.

The figures are listed by the date the Finance Committee made public its actions on a particular section of the House bill. These figures indicate that as of October 24, actions by the Committee on Finance would reduce Federal revenues by $455 million more than the House-approved bill.

I ask unanimous consent that the table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARISON OF HOUSE, ADMINISTRATION, AND SENATE FINANCE TAX-REFORM PROPOSALS

Provision	House bill	Administration proposal	Senate action	Revenue difference between House and Senate when provisions fully effective (millions)
Oct. 9: Municipal bonds	Subsidize interest for municipality issuing taxable bonds. Interest income would be included in LTP and allocation of deduction. Revenue gain, $80,000,000.	Delete subsidy. Deleted bonds from LTP, kept in allocation. Revenue gain, $45,000,000.	Deleted subsidy proposal. Deleted inclusion of interest in LTP and allocation. Revenue gain, $0.	−$80
Oct. 10:				
50 percent maximum tax on earned income.	Reduce maximum tax on earned income to 50-percent rate. Revenue loss, −$100,000,000.	Support House bill. Revenue loss, −$100,000,000.	Delete provision	+100
Gasoline-tax deduction	No provision	Eliminate deductibility. Revenue gain $390,000,000.	No provision	
Capital gains holding period	Extend from 6 months to 1 year. Revenue gain, $150,000,000.	Retain present law 6-month holding period. Revenue gain, $0.	Retain present law 6-month holding period. Revenue gain, $0.	−150
Deferred compensation	Tax deferred compensation when received at rate equivalent to rate in year earned. Revenue gain, $25,000,000.	Deleted House provision. Revenue gain, $0	Deleted House provision. Revenue gain, $0	−25
Investment tax credit	Repeal with some exceptions and amortization liberalizations. Revenue gain, $2,800,000,000.	Supported House with some exceptions. Revenue gain, $3,100,000,000.	Accepted House with exception for railroad rolling stock. Revenue gain, $3,100,000,000.	0
Oct. 13:				
Charitable contributions	Increase deduction limit to 50 percent. Revenue loss, −$30,000,000.	Support with some changes. Revenue loss, −$30,000,000.	Accepted House bill plus administration modifications. Revenue loss, −$30,000,000.	
Unlimited charitable-contribution deduction.	Repeal with a 5-year phaseout rule. Revenue gain, $50,000,000.	House plan. Revenue gain, $50,000,000	House plan with some exceptions in phaseout. Revenue gain, slightly less than $50,000,000.	(1)
Oct. 14:				
Income averaging	Extend income averaging to capital gains, wagering, and gift income; and liberalize rate. Revenue loss, $300,000,000.	Supported House. Revenue loss, $300,000,000	Delete capital gains, wagering, and gift income from income eligible for averaging. Retain House rate liberalization. Revenue loss, $110,000,000.	+$190
Moving expenses	Liberalize moving-expense deduction. Revenue loss, $100,000,000.	Supported House. Revenue loss, $100,000,000	Accepted House. Added self-employed. Revenue loss, $110,000,000.	−10
Interest deductions	Limit deduction of interest on funds borrowed to carry investments. Revenue gain, $20,000,000.	Delete. Revenue gain, $0	Put over	
Oct. 15:				
Accumulation trusts	Tax trust income as if earned by beneficiaries. Revenue gain, $70,000,000.	Support House. Revenue gain, $70,000,000	Accepted and slightly strengthened. Revenue gain, $80,000,000.	+10
Foreign tax credits	Limit income-tax credits for foreign losses and trim tax advantages of foreign royalties. Revenue gain, $65,000,000.	Support House with change in treatment of foreign royalties. Revenue gain, $50,000,000.	Delete House provision	−65
Multiple corporations	Limit corporations to one $25,000 surtax exemption—8-year transition. Revenue gain, $235,000,000.	Supported House. Revenue gain, $235,000,000	Strengthened phaseout and weakened effective date. Revenue gain, $235,000,000.	0
Conglomerates	Deny interest deduction in certain corporate merger activities. Revenue gain, $70,000,000.	Support House. Revenue gain, $70,000,000	Put over	
Oct. 16:				
Surtax	5 percent surtax to June 30, 1970. Revenue gain, $3,100,000,000.	Accepted House. Revenue gain, $3,100,000,000	Accepted House. Revenue gain, $3,100,000,000	0
Financial institutions	Limit bad-debt deduction; tax gain on sale of securities as income, not capital gains; limit tax exemption of foreign depositors. Revenue gain $460,000,000.	Support House bill with some changes. Revenue gain, $410,000,000.	Substantially weakened House-placed limitations on bad-debt deduction and certain transition rules. Revenue gain, $210,000,000.	−250
Oct. 17: Farm losses	Limit tax advantages of certain farm losses, through the establishment of excess-deduction account; tighten depreciation recapture rules, capital-gains provisions applying to livestock, and hobby-loss provisions. Revenue gain, $20,000,000.	Strengthen House bill so that EDA rules apply to taxpayers with nonfarm income of $25,000—House uses $50,000. Revenue gain, $50,000,000.	Adopted substitute provision which would disallow 50 percent of excess deduction. Weakened livestock, capital-gains, and hobby-loss provisions. Revenue gain, $20,000,000.	0
Oct. 20: Real estate	Limit double depreciation to new housing. Other real estate limited to 150 percent, and used property to straight line. Allow 5-year amortization for rehabilitation on low-cost housing and provide full recapture upon sale of property. Revenue gain, $1,005,000,000.	Supports House bill but suggests more favorable recapture provisions on residential housing and certain federally assisted projects. Revenue gain, $1,005,000,000.	Accepted House bill with administration suggestions and other minor changes. Revenue gain, $980,000,000.	−25
Oct. 21:				
Capital gains maximum tax—individuals.	Eliminate 25 percent maximum. Revenue gain $360,000,000.	Eliminate maximum tax only for persons with large amounts of capital gains. Revenue gain, $300,000,000.	Deny maximum to those with other preferred income over $10,000 and married couples with capital gains of over $140,000. Revenue gain, $300,000,000.	−60
Capital gains maximum tax—corporations.	Raise alternative rate from the present 25 percent to 30 percent. Revenue gain $175,000,000.	Supports House. Revenue gain, $175,000,000	Accepted House. Reveune gain, $175,000,000	0
Oct. 23: Percentage depletion	Reduce depletion to 20 percent for gas and oil and comparable reductions in depletion for other minerals. Revenue gain, $400,000,000.	Accept House proposal. Revenue gain, $400,000,000.	Reduce depletion to 23 percent for oil and gas; retain present rates for other mineral industries. Raise present law 50 percent of earnings ceiling on depletion to 65 percent for firms with $3,000,000 or less in revenue. Revenue gain, $155,000,000.	−245
Oct. 24: Limit on tax preferences and allocation of deductions.	Provide a minimum tax and require deduction be allocated between taxable and nontaxable income. (Corporations not included.) Revenue gain, $545,000,000.	Supported House—recommended some changes in items considered as preferred income. Revenue gain, $540,000,000.	Adopted alternate proposal to tax preferred income of individuals and corporations at 5 percent after first $30,000. Revenue gain, $700,000,000.	+155
Other actions to Oct. 24	Revenue gain, $400,000,000	Revenue gain, $400,000,000	Revenue gain, $400,000,000	0
Total				−455

[1] Slight loss.

TAX POLICY AND TAX REFORM

Mr. KENNEDY. Mr. President, at the end of September, Prof. Stanley S. Surrey of the Harvard Law School delivered a major address on Federal tax and fiscal policy before the 62d annual conference of the National Tax Association, which was meeting in Boston. As Members of the Senate are aware, Professor Surrey is one of the most eminent authorities on tax law and tax policy in the Nation, having served for 8 years with distinction as Assistant Secretary of the Treasury under President Kennedy and President Johnson.

In his address, Professor Surrey discusses at length the current trend in Congress and the Nation toward tax equity and tax reform, and he notes the favorable atmosphere that now exists for the cause of tax justice. Most important, he emphasizes that, at bottom, the struggle for tax reform is a moral struggle, and that it would be immoral for us to continue the existing inequities of our Federal income tax laws.

Professor Surrey also deals with several other important aspects of tax philosophy, including the role of tax incentives, the concept of the "tax expenditures budget," and their relation to the major new incentives adopted in the

House tax reform bill in the areas of pollution control, housing, and transportation. In addition, in the final portion of his address, he discusses a number of other issues of tax policy, such as the negative income tax, social security financing, the use of tax policy for economic stabilization, and the value-added tax.

Mr. President, I believe that Professor Surrey's comprehensive address will be of interest to all of us concerned with tax reform and future developments in Federal tax policy and philosophy. I therefore ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

FEDERAL TAX AND FISCAL POLICY—SOME ASPECTS OF FUTURE DEVELOPMENTS

(By Stanley S. Surrey, Harvard Law School)

The subject we are discussing today has much of the elements of a topic entitled "The Federal Tax System Twenty-Five Years From Now—What Will it Look Like." It would be interesting to place this discussion back twenty-five years—just about the end of World War II—and reflect on what would have been said at that time on such a topic. We could thus compare what were the principles, policies and predictions then set forth with where we are today. I have not engaged in that research. But some brief thinking about 1969 compared with 1945 does give us a few points of perspective.

The main features of the Federal tax system appear to change very slowly in peacetime. The public finance specialist who left the U.S. in 1945 and returned in 1969 would not feel much of a handicap in getting the sense of the present system and renewing his viewpoints and criticisms. He would have seen a persistent current of changes pushed in the post-World War II period by various industry groups, investors and executives seeking to increase their tax benefits and in the process to weaken the equity of the tax system. He also would have seen, in what we hope will always be the swing of this particular pendulum, a persistent current moving the other way in the last decade. He would have sensed increased awareness of the relationship between the tax system and fiscal policy as respects tax changes for economic stabilization purposes and for sustained economic growth. The traditional wisdom of the economists became the new economics of the tax policy marketplace, even perhaps as the economists were embarking on an assessment of that traditional wisdom. He would have to note the rise to significant importance of the payroll tax in response to the expansion of Social Security and allied benefits, and set this down as a major development. Alongside this change, was a decline in the importance of excise taxes at the Federal level. Finally, he would not find a marked difference in the legislative process by which we go about achieving changes in tax policy in the United States.

Of course, a lawyer or accountant or tax executive who took such a twenty-five year sabbatical would by no means be in the same position when he returned. All could well be bewilderment and confusion to him, for the pace of change in the operational and technical detail of the Code has been quite marked. The currents of change in these areas do leave the Code more and more complex as they pass by. Hence, tax planning and thus business and estate planning are far more difficult today from the tax standpoint, as well also as from other standpoints.

With this retrospective glance, should we venture to say anything about what the tax system of the United States will look like twenty-five years or even fifteen years in the future. Will the process of change be as slow as in the past or will there be a rapid pace of significant developments that can materially alter the tax landscape. I see no sense in engaging in prophecy along that line. Rather, I prefer to discuss some current—very current—trends that may extend into the future and then consider some possible new developments.

SOME CURRENT TRENDS THAT MAY CONTINUE

Tax equity

We are presently witnessing a concentration in Congressional tax activities on the equity or fairness of the Federal income tax. Such a concentration while long overdue is the culmination of persistent efforts on the part of the Executive Branch, primarily the Treasury Department, in the last eight years to stress the criterion of tax fairness and to call attention to the weaknesses of the present system. Those efforts have been materially assisted by academic economists and lawyers holding the same view, both in their writings and in the advice they have given to the Treasury Department as consultants. Studies in depth in various critical areas, notably those under the auspices of the Brookings Institution, have been a part of this academic activity. These Treasury efforts and academic activities have had an effect upon a small but articulate group of publicists, notably in the Washington press corps. They in turn have done a remarkable job in educating the public about these matters and in heightening the clarity and perception with which the content and course of tax legislation have been reported. A Congressional tax staff more attuned to the realities of current tax problems and having a broader base of knowledge and reference has been a part of this chance in attitude. Also, within the organized legal profession there has been a growing realization of the need for improvement, with a small group of lawyers, many of them "Treasury Department graduates," in the forefront of this trend.

The need for stabilization purposes to increase Federal income taxes through the adoption of the 10% surcharge, and now its extension, have been a significant catalytic agent for tax reform. In this sense, we see once again the working of the view that in periods of war do we find the major movements in tax policy.

The need for stabilization purposes to increase Federal income taxes through the adoption of the 10% surcharge, and now its extension, have been a significant catalytic agent for tax reform. In this sense, we see once again the working of the view that in periods of war do we find the major movements in tax policy.

How deep is this Congressional emphasis on tax fairness and the desire for structural improvement in the tax system? And how sustained will it be—is it for example strong enough to carry the current tax bill to a successful conclusion? Clearly the emphasis in the Ways and Means Committee and in the House was much stronger than many had assumed. Congressmen who had taken little interest in reform proposals a few years back, or had opposed them, were now strongly urging those same proposals. But tax reform is a bitter struggle, and pressures against it are intense and often mutually reinforcing. In this area real success obviously comes more readily with strong Presidential and Treasury Department leadership working with a determined and influential group within the Congress and having—and developing—strong support from public opinion. Only rarely in our tax history do all these factors moving in their various orbits suddenly come into the proper supportive positions relative to each other. We can only hope that the remaining months of 1969 and thereafter will mark such an alignment, and that the factor of Executive Branch leadership will be present to unite with the other factors.

One further word on tax fairness and the current bill. The present struggle for tax reform is essentially a moral one. It is totally immoral for us as a nation to continue the inequities of our Federal income tax. It is immoral to place income tax burdens on those in poverty or close to it. It is immoral to have an efficient withholding system for wages and salaries that inexorably collects the tax liabilities of the little fellow and the moderately well off salaried person and then to tolerate the wholesale escape from their tax liabilities that characterizes our high-income recipients as a class. It is immoral to condone tax rules under which investment counselling houses and tax consultants operate a national supermarket in pre-packaged tax shelters.

I believe that many in the Congress and a large part of public opinion do recognize the profoundly moral implications of the current stress on tax fairness. Let us hope so. In this recognition can lie the strength and continuance of such an attitude. For an enduring principle of tax policy must be a strong, consistent emphasis on tax fairness.

Tax incentives

I believe we are also presently witnessing a widening understanding of the problems of tax incentives—the problems involved in the use of the tax system to provide Governmental financial assistance rather than furnishing that assistance through direct expenditures. Much of the reform in the House Bill involves the cutting back of existing tax incentives, some long in our tax system.

The publication in the Report of Treasury Secretary Fowler for Fiscal Year 1968 of a Tax Expenditure Budget and the updating of that Budget by Secretary Barr in testimony before the Joint Economic Committee in January, 1969—examples of the type of leadership a Treasury Secretary must take if the tax system is to be improved—for the first time enables us to gain some awareness of the magnitude and direction of the assistance that is granted through the tax system. There is much for public finance and expenditure economists to study here, for one suspects a very significant wastage and misallocation of resources. There are about $45 billion of tax expenditures that have scarcely been analyzed. There is also the basic undercutting of the fairness of the tax system that occurs when tax incentives are used, for each tax incentive offered to meet a national problem, real or supposed, means that the progressive income tax has to be set aside pro tanto. Individuals are made wealthy through the tax benefits of those incentives without subjecting the financial assistance so obtained to the moderating influence that a progressive income tax is designed to apply to the financial rewards of risk taking and enterprise in our society.

There is much to be learned and taught regarding tax incentives. Their strong defense by those who benefit from them has an ironic quality which many of those beneficiaries do not recognize. They claim to be stressing the wisdom of giving private enterprise free play without Government influence when in reality they are stressing private enterprise *plus* Government financial assistance. At the same time that some legislators are engaged in difficult struggles to draw back on existing incentives, other legislators—and the Treasury Department—are, at a single, almost casual stroke, adding new incentives. Without any study at all, the Ways and Means Committee commits the Government to an expenditure of nearly a half billion dollars for pollution control facilities installed by industry. Without any study at all, the Treasury Department induces the Committee to commit the Government to an expenditure of over $300 million in the rehabilitation of rental housing. Neither action is taken with any regard to overall priorities in the pollution control and housing areas. There are other examples in this current tax bill—the seven-year amortization for railroad cars in the House Bill and the Treasury proposed exemption of 5% of the gross income of financial institutions from certain loans. There is something wondrous in a process in which efforts are being made to have some of the long-time residents in our tax incentive shelters either move out or change to less luxurious quarters while at the same time new residents are welcomed without any check on their credentials. Once in, of course, the new residents will certainly work to create an imposing credentials to embroider a "Don't Disturb" sign on their quarters—just as the present residents are fashioning urgent national policies and incentive needs to support tax policies originally adopted without any thought at all along such lines but instead for limited technical tax considerations of administrative convenience and the like.

We thus have much more to think about and work on in this tax incentive and tax expenditure area. But here also the thought and work are vitally necessary both to an improved tax system for the future and to a more rational Government expenditure policy. We must find appropriate mechanisms to transfer to direct expenditure programs the funds now involved in the present tax expenditure programs to the extent Government assistance is considered still to be appropriate. We must seek to understand and overcome a legislative psychology that will refuse to vote direct appropriations for carefully structured programs but accept without hesitation tax expenditures in the same area for programs having no structure or study at all.

All of this has major meaning for the future interrelationship of the Federal tax system with our social and urban problems. We must know more than we do about how that system contributes to those problems, for example in its effects or non-effects on the distribution of income in this country. We must know more than we do about all the proposals to involve that system, generally through tax incentives and tax credits, in the solutions to those problems. Whatever heading we apply to classify these matters, be it tax incentives or tax expenditures or the relation of the Federal tax system to urban and social problems, these matters should occupy major attention in the period ahead.

Simplification and complexity

There are aspects of tax simplification in the current tax revision. These are largely found in the proposal to increase the standard deduction and as a by-product of an increase in the minimum standard reduction. Also, here and there a technical structural change, such as in the averaging provision, will work for reduced complexity. But in many a specialized area the revision will presumably produce some added complications or substitute one form of complexity for another. Much of this is inevitable, given the complexity of so much else in our society and the necessarily wide impact of a Federal tax structure. I would go slow indeed in urging that worry about such complexity take precedence over worry about unfairness and lack of equity. For I doubt we have ever seen any group reject a tax benefit on the grounds of its complexity. Rather that argument is reserved for use when a change is proposed to reduce a present benefit.

Further, the basic question is not so much complexity itself as that of the effective management of complexity. Here the task is one of making complexities understandable, of efficiently providing answers to questions that grow out of complexity—provided the questions relate to genuine business activities and not to tax avoidance probings of just how far can some provision be exploited by taxpayers—and of preventing complexities from being improperly exploited by the Government. This is a task that modern tax administration must face and on which it must constantly work to maintain as much coherence and order as possible.

SOME POSSIBLE NEW DEVELOPMENTS

Let me turn now to consider what may be some major new developments in our Federal Tax System.

Negative income tax and the positive tax system

The years ahead are quite likely to see the development of some combination of an extensive Federal welfare expenditure system with our present positive income tax structure. Presumably this linkage of negative and positive tax systems will develop slowly and experimentally. Our public finance and welfare specialists have been working at this and their ideas are gaining an acceptance with a rapidity that is quite marked. The President's proposals in this area are an example. The report of the Heineman Commission on Income Maintenance should considerably advance the discussion. The current emphasis on relieving the very poor—those below the poverty level—from income tax burdens and alleviating the burden on low-income families above that level—is another force shaping the contours of the structure that is developing.

A factor that may make for more expeditious legislative analysis and thought about this subject is that both the welfare component and the positive tax component wall within the jurisdiction of the same Committees of the Congress—the revenue Committees. These Committees will have to deal with the subject of increased welfare payments and because of their jurisdiction will be able to consider both traditional approaches and new approaches such as the negative income tax or its family income variant in the President's plan, or the family or children's allowance payments under other plans.

Social security financing

The development of an integrated "welfare expenditure—positive income tax" system is likely to be accompanied by changes in the payroll tax financing of the Social Security system. Now that the payroll tax has grown to its present significant position, we are beginning to look more critically at the mechanism itself. Recent studies at the Brookings Institution are an illustration. Thus, the imposition of the payroll tax on the first dollar of earnings is in sharp contrast to efforts to relieve those in or close to poverty of their income tax burdens. The confinement of the payroll tax to wages and salaries, the upper limit on its application, and its flat rate are at odds with our emphasis on the progressive rate structure and total income concept of the individual income tax. The incidence of the two taxes is also markedly different. Developments are very difficult to predict, for an entrenched tax has great resistance to change.

It may also be that more attention to this area will lead to a reconsideration of the treatment of the aged under the income tax. A very large amount of financial assistance, about $2½ billion, is channeled to the aged through income tax preferences. No HEW administrator in his right mind would ever devise a program of direct assistance that would parallel the effects of the tax expenditure assistance.

Tax policy—and economic stabilization and growth

There undoubtedly will be significant developments in the relationship of tax policy to economic stabilization and growth. We are gaining experience in both the economics and the politics of using tax policy for stabilization and growth purposes. But obtaining a net gain in experience comes hard, for the politics often intrudes on the economics. Thus the political attitudes surrounding the investment credit, or more significantly its repeal, have made it difficult to think about that device as a useful tool for stabilization and growth purposes. This in turn could lead to thinking about far less efficient and less desirable approaches, such as depreciation policy. Informed, careful study of all such devices is appropriate but we should not put limits on such a study that would automatically exclude the investment credit from its scope. And also we should not resort to tax devices for economic stabilization and growth that are so interwoven with the fabric of the regular tax structure—and hence take on the protective coloration of the terminology and technicality that characterize that structure—so that only the keepers of the temple know which provisions owe their origin to economic stabilization or growth and which to the proper measurement of net income. The investment credit has no such camouflage and hence lends itself to straight-forward consideration of its purposes and effects in different economic climates. On the other hand, one suspects that the use of depreciation policy for stabilization or growth purposes would have a highly effective camouflage cover, and that this aspect in turn heightens its appeal for some.

Alongside our substantive experimentation with tax changes for stabilization policy, we are garnering experiences on the Congressional consideration of the legislation involving those changes. The economics have generally chided—perhaps severely criticized is more accurate—the Congress for its dilatory consideration of this legislation, notably the adoption of the 10% surcharge and now its extension. But this criticism does not give proper weight to the issues that caused the delay. In 1967–1968, the issue was that of expenditure policy, and for many behind that issue was the war itself. In 1969 the issue is that of tax reform. Henry Wallich has criticized those in Congress who link the surcharge extension with tax reform and he seeks "to build a wall between reform and tax rate change." (Newsweek, Aug. 11, 1969, p. 57). But in both instances those pressing these issues lacked confidence in their ever getting a real opportunity to have their basic objectives considered and met.

A Congressman assured of a real legislative and executive effort to achieve tax reforms might be willing to build that wall. But if he suspects, because of prior experience, that the wall is being built to keep tax reform from ever being favorably considered, he can well ask who really is responsible for the delays in considering rate changes.

Hence, the question is not only how to achieve prompt consideration of rate changes for stabilization purposes, but how also to achieve prompt and effective consideration of those matters so closely linked to the rate changes. And, when as in 1967–1968 the Legislature and Executive may hold different views on the accompanying issue, their expenditure policy, the question is how to achieve a rapid resolution of those differences. Tax matters are among the most sensitive in our legislative halls. Economists seeking to achieve legislative processes more suitable to the timetable required for appropriate stabilization policies must in their thinking realistically consider these complex political problems.

Perhaps we can assign to this category of tax policy and economic growth the questions surrounding the introduction of a value added tax in the United States, for this matter has relevance to the proper balance between encouragement to, or burden on if the other side of the coin is preferred, investment compared with consumption. But wherever we assign the matter, apparently the subject of the value added tax will be with us. Unfortunately, we are likely to enter into that subject with a large amount of confusion, rhetoric, and dissembling. Partly this is due to the way the tax developed and spread in Western Europe. There the basic question was what to do about existing high level excise taxes on consumption structured in the unsatisfactory form of turnover taxes. The step to a value added tax was perhaps a natural transition, for it led to a more efficient and economically neutral tax that still had the probably necessary political strength of appearing to tax all the productive and commercial sectors as did the turnover taxes.

The question in the United States is a different one. We have no general Federal tax on consumption. We have, however, in effect a national sales tax of the retail type in the cumulative geographical coverage of the various state taxes. The rate level of this composite tax is approaching 5%. Where do we want to go from here? If we are to have a unitary national tax on consumption, the immediate questions would seem to center around the use of the retail form in view of our state and local experiences. In this light, the questions would be such as: Do we want a Federal tax on consumption; if so, given our state and local experiences with the retail tax, what is the best form and structure of a retail tax; if we have such a Federal tax, how do we coordinate it with state and local taxes to achieve at least the benefits of efficiency in administration and uniformity of rules; do we want a Federal tax of this character even if it raises no revenue for the Federal Government but achieves more uniformity and coordination as respects the existing state and local levels while at the same time allocating the revenues collected to those governmental units.

Such questions do not even raise the issue of a value added tax. (I am assuming we are still a long way from exploring progressive expenditure taxation). It would seem we would come to that issue only if one were to assert and prove that the value added method of imposing a final tax on consumption by non-business consumers is clearly superior to the retail method of achieving that result. In a real sense the Europeans, because of their history, never got to that question. They are beginning to consider it, however, as they recognize that all the steps in the value added tax process lead to that result. They are thus beginning to raise the question of why they need the two-way stream of tax payments by manufacturers and wholesalers to the Government and credits and refunds back if the only end purpose is to build up an accounting or documentary dossier on the retailers.

Consequently, it is to be hoped if we are to explore a national consumption tax in the United States, and especially the value added tax, we do so in a manner that makes the functions and effects of a value added tax much clearer to the business community and the general public than have most of the discussions to date.

Coordination with States and localities

We may see a movement to achieve better coordination of Federal and state, and perhaps city, tax structures where they overlap. There is considerable room for increased efficiency in the administration of the income tax in the United States through in various ways integrating the application of Federal, State and city income taxes. Some states are leading the way through meshing the state tax itself or the state income tax base with the Federal system. In time we may come to "piggy-back" arrangements which would reduce the administrative machinery. We may also make further progress in coordinated auditing and compliance activities under the income tax. In turn, these coordinated enforcement activities could include the administration of taxes that have a linkage to factors involved in the determination of the income tax, such as sales taxes on gross sales.

The developments with respect to proposals for Federal revenue sharing will have an impact in this area. Adoption by the Congress of a direct revenue sharing system or the approach of a credit for state taxes presumably could move the coordination along more rapidly. Certainly the expenditure of Federal funds in this way can be accompanied by urgings for greater coordination. But even if Federal expenditure policy is not to encompass such blanket revenue sharing devices, still we should be developing much closer coordination in administration.

THE PROCESS OF FORMULATING TAX POLICY

The various topics mentioned above are illustrative of some developments that may occur in the Federal tax system. Perhaps they may not occur. But others will. It may be helpful to give some consideration to aspects of the process by which tax policy and changes in policy are formulated. For whatever the particular substantive development involved, that process will apply.

There is a vital need for more analysis and study of the issues of tax policy. Too often problems get pushed to the forefront of the legislative process without an adequate background of study to help shape their resolution. All involved—the Treasury, the Congressional staff, the Committee members—are forced to grapple with the problems without the benefit of prior careful analysis and data gathering. The results often reflect the lack of background. This situation can become especially acute as we pass beyond the present tax stage of tax reform, for in this process we will be using up the stockpile of research that has been accumulating over the previous years. The task is to replenish that stockpile by commencing studies on the subjects that we can anticipate will occupy the legislative stage a few years in the future. At the same time research should proceed in areas of importance that will otherwise lie dormant, neglected without the exposure such research provides.

Fortunately we are at the threshold of a promising period of study in the tax field. The new research tools—computer technology, econometric analysis, cost-benefit analysis and the like—are being used more and more in the analysis of tax policy problems. These techniques should assist us in moving the debates away from the still all too prevalent level of unproven self-serving declarations and cliches that characterize many tax policy discussions today.

Analysis and research by academicians and others is not enough however. There is the problem of communicating the results of that research to policy-makers in the executive and legislative branches. Too often decisions are taken in those places that, largely out of ignorance of its existence, belies the amount of knowledge that available research and study could in fact provide.

Essentially it would seem that the channels of communication must lie in alert and well-informed staffs in both the Treasury and the Congress. These staffs must have far more time and funds to engage in research studies themselves, to commission through contract arrangements studies by outside institutions and individuals and to coordinate those studies with research work originating elsewhere. The funds spent in this country on research in tax policy matters are pitifully small compared with the complexity and importance of the issues involved.

The work of these staffs must be supplemented by a wide-ranging and vigorous use of consultants, themselves familiar with the current state of research and study. It is then the task of these staffs and consultants to keep the policy-makers conversant with the knowledge that is relevant to their policy decisions. This is by no means an easy task to accomplish, be the policy matters in the Executive Branch or the Congress.

Some of our Congressional Committees are performing a useful role in bridging the communications gap. The Joint Economic Committee is an outstanding example. But even here there lies the next step of making the legislative committees really familiar with the information so developed. The Ways and Means Committee has at times successfully used hearings involving panels of consultants chosen to develop a subject matter in a coordinated manner and more should be done along this line.

Careful studies will aid in selecting the issues that should be considered by the Congress. Legislative struggles in the tax field are difficult and time consuming. They should, therefore, be made to serve a purpose and the battlegrounds intelligently chosen so that the time and effort is not wasted on side shows or blind alleys. We should try to formulate a target path for the development of the tax system and then to see that the main legislative efforts stay reasonably within that path.

This is not to say that academic or similar analytical wisdom always provides the appropriate solution. All that goes under the rubric of political considerations broadly applied will necessarily temper the final choice. Indeed, there now is unfolding in Canada in the Government's consideration of the Carter Commission Report an illustration of the nature of the political response that may be made to tax recommendations shaped primarily by rigorous, economic analysis. But the point remains that a prerequisite to wise political decisions is the availability of careful, objective analysis of the issues involved and the communication of that knowledge to the political groups in a form they can utilize and comprehend.

Finally, I would add the task of communicating the knowledge to the general public, and here also in a form and manner that permits adequate comprehension. We need for this processs publicists interested in tax matters who can work with the academicians and others engaged in the basic analysis.

If we can adequately meet these demands of analysis and communication in the years ahead, then whatever the tax policy questions that arise we can be far more confident that the answers will provide us with an equitable tax system responsive to the needs of the times.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

RETIREMENT OF JUSTICES AND JUDGES OF THE UNITED STATES

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1508) to improve judicial machinery by amending provisions of law relating to the retirement of justices and judges of the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I ask unanimous consent that, notwithstanding the relevancy rule, I be allowed to proceed for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT NIXON'S BLUE RIBBON DEFENSE PANEL

Mr. PROXMIRE. Mr. President, the need for a top level review of the procurement and management policies of the Defense Department has long been apparent. Widespread reports of fantastic cost overruns have angered taxpayers throughout the United States. The billion dollar overruns on the C-5A alone are reason enough for a top-to-bottom review. Added to such examples of waste has a pronounced loss of public confidence in the Pentagon, so pronounced that even the Defense Department has publicly viewed it with alarm.

It was this concern that led to the formation of a special blue-ribbon defense panel to study the procurement and management practices of the Pentagon on June 30, 1969. In a joint announcement, President Nixon and Secretary Laird expressed their urgent hope that the panel would "restore public confidence and credibility in the Department of Defense."

Shortly thereafter, Mr. Gilbert W. Fitzhugh, chairman of the board of Metropolitan Life Insurance Co., was selected to head up the panel. As I have already disclosed, Metropolitan Life has outstanding loans to 24 top defense contractors valued at almost $1.4 billion. Despite this fact, Secretary Laird confidently assured the Nation that "under Mr. Fitzhugh's leadership the Panel will view the Department of Defense with a fresh, objective, and uninvolved perspective."

Although Mr. Fitzhugh resigned his positions with Singer Corp. and Consolidated Edison, he chose to remain as chairman of the board of directors of the Metropolitan Life Insurance Co., which of the three, has by far the largest defense interests. Commenting last night on the obvious conflict-of-interest charges, Fitzhugh pleaded that the panel be judged not on its membership, but on its work. Referring to the questionable ability of the panel to turn out an objective report, he stated:

> I honestly think we will come up with something productive and objective. If we don't we deserve to get clobbered.

This is one Senator who will remember those words. We will be waiting for Mr. Fitzhugh's report.

Credibility was what the President and Secretary Laird were seeking to restore. At the time of Mr. Fitzhugh's appointment they were determined that the full membership would reflect this concern for objectivity and detachment from Pentagon influence. What I did not know at that time was that the Pentagon had very different ideas from mine as to who would best serve its objective of restoring credibility to the Defense Department. I thought "uninvolved" which was the term Secretary Laird used, meant independent of Pentagon influence.

The extent of the reversal in attitude reflected in the actual appointments was astonishing. The New York Times reported the announcement by saying:

> Companies that do business with the Pentagon were heavily represented in the group.

It seemed that the selection of Mr. Fitzhugh as chairman had set the pattern for the selection of the other members.

Gilbert W. Fitzhugh, prior to his appointment as chairman, was chairman of the board of the Metropolitan Life Insurance Co. and a member of the board of directors of the Singer Co. and Consolidated Edison. As I disclosed in an earlier statement, Metropolitan Life holds $34,000,783 worth of common stock in 24 of the 100 largest defense contractors. The company also has outstanding loans to 24 of these same top 100 defense contractors totaling $1,325,000,000. Mr. Fitzhugh has resigned his positions with the Singer and Consolidated Edison companies, but continues as chairman of Metropolitan Life Insurance Co.

What has not been disclosed yet is that, of the 15 Panel members selected, eight of the members, representing a majority of the Panel membership, still hold official positions with 12 different companies which have a combined total of over $815 million in defense contracts. Not only this, but a number of these members have held high-ranking military or civilian positions in the Defense Department before joining defense industries.

Heading the list of members with close Pentagon associations is Robert C. Jackson, chairman of the board of Ryan Aeronautical Co., the 23d largest defense contractor with defense business totaling almost 300 million—$293,158,000 Almost 70 percent of Ryan Aeronautical's business is with the Pentagon—68.8 percent. Not only does the company which Jackson heads have very important contracts with the Pentagon, but Jackson himself is a member of several Defense-related organizations. He is a member of the Aerospace Manufacturer's Council, the public relations arm of the Aerospace Industries Association which represents the entire industry before the Government and the public. He is a member of the Defense Orientation Conference Association, a group of top-flight business and professional leaders who receive regular briefings on Pentagon activity. Jackson also holds memberships in the Air Force Association, the Navy League, and the Army Aviation Association—all of which are heavy supporters of Pentagon policies.

The second Panel member is George Champion, an outstanding supporter of Pentagon activity, who is a director of the Traveler's Insurance Co., which has loans and stock interests in defense industries totaling almost $200 million—$199,093,963. Champion is director of the International Paper Co., which holds $665,000 worth of defense contracts and American Smelting and Mining Co. which does $448,000 worth of defense business. In addition, Champion holds positions with the Chase Manhattan Bank of which I understand he was chairman of the board, the Chase International Investment Corp., the Standard Bank, and the Standard Finance and Development Corp.—all companies which undoubtedly rely upon defense holdings for a considerable part of their business.

Following Champion is Lewis Franklin Powell, Jr., whose Richmond law firm, Hunton, Williams, Gay, Powell and Bibson, represents Newport News Shipbuilding and Drydock Co., the 34th largest defense contractor, with $181,309,000 worth of defense contracts. Almost 60 percent of the company's business is with the Pentagon—59.1 percent. Powell is also a director of the Chesapeake and Potomac Telephone Co., which holds over $13 million in defense contracts. Formerly an Air Force intelligence officer, Powell is now a colonel in the Air Force Reserve.

A fourth member is Ruben F. Mettler, who has very close professional and business ties with the Pentagon and the defense industry. He is presently executive vice president and director of TRW Inc., which holds $127,467,000 in defense contracts and ranks 52d on the top 100 list. Mettler is also industry vice chairman of the Defense Industry Advisory Council, a group of representatives from top defense contractors which meets several times a year to discuss procurement problems with Deputy Secretary of Defense David Packard. Mettler left Hughes Aircraft, another giant defense contractor, in 1954 to become a special consultant to the Assistant Secretary of Defense. He then went to TRW in 1955. Between 1958 and 1968 TRW rose from 89th to 52d on the top 100 list of defense contractors. On a separate list of contractors doing research and development for the Government, TRW stood 17th out of the top 100 R. & D. contractors in 1968.

Another member is Wilfred J. McNeil, presently director and advisor of the Fairchild-Hiller Corp., which has $121,259,000 in defense contracts, the 56th largest defense contractor in the Nation. Almost one-half of Fairchild-Hiller's business is with the Pentagon. Before coming to Fairchild-Hiller, McNeil served as a Pentagon employee for 16 years from 1941 to 1957. By the time he left the Pentagon in 1957 he had attained the position of Assistant Secretary of Defense and Comptroller. He is presently a member of the Navy League, a group of retired naval officers, and a member of the Army-Navy Club. In short, McNeil's entire life, both professional and social, revolves largely around Pentagon related organizations.

William Blackie, also a member of the panel, is chairman of the board of the Caterpillar Tractor Co., which holds $42,753,000 in defense contracts. One-fourth of the company's business is with the Defense Department. He is also a director of the Shell Oil Co., which holds another $32,754,000 in defense contracts.

Another member, William P. Clements Jr., is chairman of the board of governors of Southern Methodist University which holds $735,000 in defense contracts. Clements is also director of Fidelity Union Life Insurance Co., which has loans and stock interests in Defense industries totaling $7.6 million. In addition, he is chairman of SEDCO, Inc., which holds another $93,000 in defense contracts. The defense holdings of the

First National Bank of Dallas, of which Clements is a director, are not public.

At the bottom of the list, and rounding out the majority of the panel is John Maurice Fluke, president of John Fluke Manufacturing Co., which holds $1,472,000 worth of defense contracts.

To put these eight men in perspective, a quick profile of their defense-related interests shows that each man through his company associations, on the average, has interests of over $100 million apiece in either defense contracts or defense industry holdings. One man, George Champion, has interests in defense business of over $300 million. Two of these eight members also hold official positions with insurance companies which have loans to defense industries and stock interests in defense industries which total over $200 million. In short, these eight members have a combined total of over $1 billion worth of interests in defense contracts and defense industries—$1,021,902,963.

Even this figure, however, is dwarfed by Chairman Fitzhugh's interests alone in the Metropolitan Life Insurance Co. He is the man appointed by the President to be chairman of this independent panel to make an objective and critical evaluation of the Pentagon. The company holds over $34 million worth of common stock in defense industries, and has outstanding loans to 24 top defense contractors totaling over $1.3 billion. In short, these eight members along with Chairman Fitzhugh have a combined total of over $2.3 billion worth of interests in defense business or holdings.

What is more, four out of the eight are presently or have in the past been members of business and social organizations with close Pentagon ties. One of them, Robert Jackson, holds memberships in three armed services organizations and in the Defense Orientation Conference Association. Another, Ruben Mettler, is a former special consultant to Assistant Secretary of Defense and is now industry vice chairman of the Defense Industry Advisory Council. One reached the position of Assistant Secretary of Defense. Two others, Lewis F. Powell and Wilfred McNeil, presently hold memberships in armed services clubs or are part of the Armed Forces Reserves.

(At this point Mr. HOLLAND took the chair as Presiding Officer.)

Mr. PROXMIRE. Mr. President, in short, these are eight—nine including Fitzhugh—of the 15 Panel members who, according to Secretary Laird, are expected to view the Department of Defense with a fresh objective, and uninvolved perspective. These are the men who are charged by the President with restoring confidence and credibility in the Pentagon. These are the eight men who will be asked to view critically possibly their own companies and recommend changes in procurement policies. In short, these are the eight men remaining open so far as their functions on this panel are concerned who may be faced with recommending changes which may hurt their own interests. Unfortunately, these eight men remain open to serious questions of a direct conflict of interest.

OTHER SEVEN PANEL MEMBERS

Mr. President, but what of the other seven Panel members? Will they be able to bring the "fresh, objective, and uninvolved perspective" to the Panel's work which the Secretary is counting on? Will they be able to balance the eight-man majority, even if they cannot outvote them?

Although the remaining seven Panel members are not plagued by direct personal interests in defense business, a number of them lack the needed knowledge of defense procurement practices to counterbalance the long experience in these matters which the eight-man majority brings to the Panel. Four of the remaining seven members have almost no experience which will prepare them to challenge the interests of the eight defense contractors represented on the Panel.

Hobart Durbin Lewis is president of the Reader's Digest, and a close friend of President Nixon. Martha Elizabeth Peterson is a career personnel dean and presently serves as president of Barnard College. Claude "Buddy" Young—he was a great star at the University of Illinois and played professional football with distinction—is a former professional football halfback and public relations man for beer companies. Leona Pouncey Thurman is a gifted female lawyer from Kansas.

A women's dean, a football player, a female lawyer, and a magazine president—all undoubtedly competent in their respective fields, but do they have the necessary "clout" when it comes to challenging the views on military procurement practices of the eight Panel members who have spent their entire lifetimes, in most cases, in the defense business?

As the end of the list we find only three Panel members who are not plagued by conflicts of interest, and who may be capable of balancing some of the influence of the eight defense contractors. Dr. Marvin L. Goldberger is a competent physicist with extensive experience in test and evaluation work. Dr. George Joseph Stigler is a well-known conservative economist who has extensive experience in budgeting matters. Joseph Lane Kirkland is presently secretary-treasurer of the AFL–CIO. He will bring to the Panel valuable knowledge regarding management practices. But we have a Panel which is really heavily weighted on the side of—if not a whitewash—then a very sympathetic and gentle treatment of Pentagon practices which have shocked the Nation and which call for a strong, vigorous, independent, and critical review.

We do not have men such as John Gardner, Admiral Rickover, former Senator from Illinois, Paul Douglas, or any other men of that kind who would have given this Panel the kind of distinction, independence, objectivity, and broad perspective which a Panel of this kind should have.

(At this point Mr. BURDICK took the chair as Presiding Officer.)

STAFFING OF THE PANEL

Mr. PROXMIRE. Mr. President, unfortunately, membership of the Panel is not the only or even the chief roadblock to an objective review of the Pentagon. Contracting and staffing procedures set up by the Panel have virtually insured that the final report will give present policy a resounding vote of confidence—possibly with minor reservations.

As we all know—especially in this body—staffing is the key to the success of any organization. If the staff is biased toward its work, this bias must be reflected in the final product. Hence, the least that might have been expected of the administration, after its thorough packing job of the Panel with Pentagon supporters, is that they would have chosen an administrative officer capable of objective criticism of the Pentagon.

I am sorry to report that such is not the case. The Panel's top staff man is not an outside critic, but a Pentagon official. He is J. Fred Buzhardt, a graduate of the U.S. Military Academy, who is presently special assistant to Assistant Secretary of Defense Robert Froehlke. In Froehlke's own words, Buzhardt is "my man Friday."

Mr. President, just roll that around on your tongue, "my man Friday." The man who will head the staff, who will be expected to make an independent evaluation, uninvolved, of Pentagon policy, is characterized by Assistant Secretary of Defense Robert Froehlke, who is very close to Secretary of Defense Laird, who has been a very close friend throughout Laird's congressional career, he is Laird's man in the Pentagon, Froehlke says that Buzhardt is "my man Friday." Buzhardt is supposed to be the man to head the staff of this Panel.

Despite this close relationship to a high Pentagon official, Buzhardt is to serve as chief administrative officer for the very Panel which is studying, among other things, the activities of his regular boss. Buzhardt thus, by every definition of his two roles, has a conflicting set of loyalties. I am unwilling to speculate as to whom he owes his first allegiance; his paycheck, however, will continue to come from the Pentagon.

From the Pentagon's point of view, Buzhardt will be, at the very least, a useful source of feedback information as to the planned activities of the Panel. At best, he could quietly "guide" the Panel around those areas where the Pentagon is particularly vulnerable to criticism. In other words, Buzhardt's presence may help to guarantee the Pentagon that only the "right" questions are asked, that only the "right" areas are investigated by the Panel. Unfortunately, this is precisely the kind of advice this Panel does not need.

What is more, the Pentagon, in an effort to be "cooperative," is loaning additional staff to the Panel. These staff members will remain on the Department of Defense payroll during their stint with the Panel. Although the Pentagon staff on loan consists primarily of clerical and security support, it is indicative of the unusual degree of cooperation the Pentagon has been willing to extend to the work of the Panel, which is supposed to critically evaluate the procurement practices of the Pentagon—practices that has shocked and aroused the Nation and that concern Congress very deeply, on which we certainly need and should have independent criticism.

STANFORD RESEARCH INSTITUTE TO PLAY KEY ROLE

The problem of what areas of the Pentagon will be studied is even more serious than staffing, however. The Panel has negotiated a broad research contract with the Stanford Research Institute which calls for the institute to recommend to the Panel study areas and potential research institutions to carry out the studies. Stanford will do some of the research work itself, and also will negotiate the contracts for the Panel with other institutions. This is particularly crucial because the character of the institutions which do studies for the Panel will affect the results. To understand the full significance of this sweeping grant of authority to the Stanford Research Institute, a brief review of the recent activities of the Stanford group is necessary.

For many years the Stanford Research Institute has been very dependent on the Government, particularly the Defense Department, for the vast bulk of its research work. According to an article published in the November 1966 issue of Fortune magazine:

> The proportion of Stanford Research Institute's revenues derived from government contracts (including subcontracts) rose from 50% in 1955 to 75% in 1960.

Last year Stanford Research Institute performed projects for the Government valued at over $27 million dollars. One of its more highly publicized contracts was an almost $2.5 million dollar grant to do research and development on proving the feasibility of the ABM missile system. Even the institute's own staff members have become concerned that the organization "was becoming an appendage of the Government."

But the connection to the Pentagon runs even deeper than sheer economic dependence. Deputy Secretary of Defense, David Packard, served as a member of the institute's executive committee, the steering group for the organization, from 1958 to January of 1969, when he assumed his present position. Exactly what role Packard had, if any, in the decision to employ the Stanford Research Institute as the Panel's chief advisory and contracting agency is unknown. What is known, however, is that a number of the board members of the institute are outstanding supporters of the Pentagon. Two board members are currently serving as directors of the American Ordinance Association, a group of arms manufacturers and military personnel which advises the Pentagon on the industrial and military preparedness of the United States. Other directors of the institute have been supporters and have contributed to such groups as the Americans for Constitutional Action, the Christian Anti-Communist Crusade, for America, and other similar groups. These directors serve as advisors on research efforts, publication, and staff commitments, as well as the hiring and firing of staff members. In view of the institute's advisory role in the work of the Panel, the influence of these directors may be substantial.

The inescapable impression one gets from all of this is that the Panel is caught in the embrace of the very individuals it is supposed to evaluate and constructively criticize. The Pentagon is being so cooperative that the Panel may find it very difficult to criticize those who have been "so helpful." Any objective criticism which comes out of the Panel's work will, in all likelihood, be mere "window dressing"—designed to hide the areas of glaring inefficiency untouched by the Panel in its study.

Once the administration's shining brainchild as the cure for lack of confidence in the Pentagon, the Panel will have only contributed to a further erosion of this confidence. The Panel has become another creature of the Pentagon, a product of the in-house management tactics for which the Defense Department is famous and which have doomed so many previous studies.

I have seen all this happen before. The script has become all too familiar. The final report will be carefully noted and highly publicized a few weeks, only to be relegated to the shelf once its publicity value for the Pentagon has been exhausted. Any minor recommendations for change will be quickly accepted as "very valuable" by Pentagon officials and then promptly forgotten after the initial flurry of activity. The Panel is at best a sham, at worst an indication of how powerful the Pentagon has actually become—so powerful that it is able to control those who would criticize it.

The actual reason for the formation of the Panel should now be clear. Not intended to make a complete investigation of the Pentagon, the Panel was created merely to allay criticism at a time when Pentagon procurement policies were coming under increasingly heavy fire from Congress and the American public. The Panel was intended to become a kind of escape valve for the Pentagon which would absorb criticism and allow a catharsis of emotion on the part of its critics. Having gotten their gripes off their chests, the critics would, according to the Secretary's strategy, be content to let the Pentagon resume "business as usual."

For Congress, however, the Panel should drive home some important lessons. Most importantly, it proves once again that only Congress has the necessary independence to objectively criticize the Defense Department. The Pentagon cannot be relied upon to police itself. Conversely, Congress cannot rely upon those who are dependent on the Pentagon to put the goose which lays the golden eggs on a diet. Congress must undertake its own studies, conduct its own investigations, and establish its own auditing procedures if unbiased results are to be obtained. These are the harsh lessons which the Panel would ultimately provide. Ironically, if these lessons are heeded, the Panel could be successful in a way never anticipated by those who created it.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PANAMA TREATY TALKS

Mr. THURMOND. Mr. President, according to reports in the press of the Republic of Panama, it appears that the United States and the Republic of Panama may be on the verge of reopening treaty talks. I am very distressed to hear these reports, and I am sure that many Members of this body would be disappointed if these reports have substance.

Two years ago, the Johnson administration negotiated three new treaties with the Republic of Panama with regard to the present Panama Canal, a proposed sea-level canal, and our military obligations to Panama. The content of these treaties was so outrageous an uproar was set off both in the House and the Senate since these treaties amounted to a dangerous cession of our lands and rights in the Canal Zone. In the intervening time, the situation in Panama has deteriorated. The constitutional government of Panama has been superseded by the revolutionary junta after a tumultuous election. Although the junta succeeded in restoring order, there is grave doubt as to how long such order may be reasonably expected to persist. Indeed one might question the value of a treaty with any kind of provisional government.

The reopening of the Panama Canal Treaty in the present state of world affairs would be the worst possible thing for both Panama and the United States. And yet that is apparently what is being done. According to the article in the Panama Star & Herald, the U.S. State Department let it be known through indirect sources that it would be receptive to a move by Panama to reactivate the negotiations. Accordingly, last month Panama appointed three advisers to their treaty team. The three advisers are well known in this country, and it is doubtful that they would come up with anything particularly new in the way of treaty proposals.

I have said many times that I believe that our best course in the Canal Zone is to stand upon our unquestioned treaty rights and the sovereignty which we have exercised there over the years. The present canal is perfectly adequate for future needs if we follow the modernization plan which I have introduced in S. 2228. No new treaties are needed and we have ample authority to protect our investment and our obligation to keep the canal open.

What we do in Panama will have a profound effect upon our whole Latin American policy. In recent months, we have shown a pattern of acquiescence to revolutionary trends in Latin America. It is a destructive pattern which feeds upon itself. The more we give in, the more radical elements demand. We must stand our ground in Panama to fulfill our pledge to the world to maintain a Panama Canal for the benefit of all.

If our policy is to succeed, it can do so only by changing U.S. foreign policy from one of weak acquiescence to one of strength.

Everywhere the greatest single deterrent to liberty, Soviet power, has by sheer audacity and nerve increased its dominance in Asia, Africa, South America, and Europe. The Soviets are particularly interested in strategic and military key points, such as the Suez Canal and the Arab crescent of the Mediterranean, the latest example being Libya. The Panama Canal is similarly of key strategic importance.

In the course of these assaults, we have too often tamely submitted to a surrender of our treaty rights and privileges and we have lost the support and friendship of our free nation allies; and weaker nations, in complete disregard of billions of dollars of foreign aid furnished them by the United States, have come into Soviet influence. Moreover, we seem to learn nothing from the tragic experiences of the past, but continue to follow the policies of disaster that have brought the world into a state of crisis of the first magnitude.

Those of us in the Congress who oppose the surrender of our rights, power and authority over the U.S.-owned Canal Zone territory and Panama Canal are in no way motivated by a feeling of hostility to Panama or its people. However, we do know that if and when our authority over the canal is liquidated, Panama would not be benefited thereby.

Mr. President, I ask unanimous consent that the article entitled "Panama Names Treaty Team" published in the Panama Star & Herald of September 9, 1969, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Panama (R.P.) Star & Herald, Sept. 9, 1969]

PANAMA NAMES TREATY TEAM—REINTENSIFICATION OF TALKS LOOMS

The Foreign Ministry announced yesterday the appointment of three advisors "for matters pertaining to the conduct of relations between the Republic of Panama and the United States of America."

The announcement, made by Foreign Minister Nander A. Pitty, was regarded as the first step towards the reintensification of negotiations with the United States on the treaty drafts on the Panama Canal pending since 1967.

The advisors are Drs. Galileo Solis, Ignacio Molino and Hernan Porras. All three are lawyers and the first two are former foreign ministers.

Official sources said Panama has made no direct request for the resumption of negotiations because its position is that negotiations never has been suspended. Nevertheless, the appointments announced yesterday were linked to a statement last Thursday by the U.S. Department of State that it would be "receptive" to any move by Panama to activate the discussion of the pending drafts.

In any case, it is known that the Foreign Ministry for the past several months has been studying the appointment of a negotiating team. Shortly after the present revolutionary government came into power last October, Dr. Roberto Aleman—who was a member of the commission that wrote the pending drafts—was appointed Ambassador in Washington and negotiator.

According to the decree announced yesterday, the new advisors "will have as the immediate task, together with other officials that may be designated by the Minister of Foreign Relations the revaluation of all matters relative to interoceanic waterways affecting the Republic of Panama."

The advisors are well versed in Panama-United States relations. Dr. Solis was Minister of Foreign Relations in 1964 at the time of the clashes between Panamanians and U.S. military forces in the Canal Zone, which were sparked by the issue of the display of the Panamanian flag in the Canal Zone and which paved the way for the negotiations. He was Minister of Foreign Relations when the treaty talks began. A top-notch attorney, he also was Minister of Foreign Relations in the cabinet of ex-President Arnulfo Arias.

Molino has been Foreign Minister and a member of the National Council of Foreign Relations on various occasions. He also is a prominent attorney and heads the law firm with which the incumbent Foreign Minister was associated before being appointed Minister.

Porras, now holding a post with the United Nations' Educational Scientific and Cultural Organization, is a lawyer and economist and has been closely linked also with affairs relating to Panama-United States relations.

Foreign Minister Pitty also announced that Panama has obtained counseling assistance on treaty matters from the UN's Economic Commission for Latin America (CEPAL) and that Engineer Ricardo Arosemena, a Panamanian on the staff of CEPAL for several years, has been designated as advisor.

The pending treaty drafts deal with the present Panama Canal, with a United States option for the construction of a sea-level waterway across Panama, and with the defense of the neutrality of the inter-oceanic waterway.

The treaty drafts, announced in mid-1967 on the eve of Panama's political campaign, set off an intense national debate here with heavy political overtones. The opposition forced the administration of then President Marco A. Robels to shelve the drafts. The approach of the United States' own political campaign, plus strong opposition voices raised by U.S. nationalist elements, also contributed to the shelving of the treaty drafts.

The announcement of the first firm step by Panama towards activating the treaty discussions was interpreted also as a change of policy by the revolutionary government, which in its early months had indicated it would not raise the treaty matter until the national situation became more clearly defined. The fact that it has decided to tackle a matter of such national importance was regarded as an indication that it considers its position as sufficiently strengthened.

Observers noted the difference in the official designation of the negotiators. They are "advisers to the National Executive Branch, assigned to the Ministry of Foreign Relations."

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF JUSTICES AND JUDGES OF THE UNITED STATES

The Senate resumed the consideration of the bill (S. 1508) to improve judicial machinery by amending provisions of law relating to the retirement of Justices and judges of the United States.

Mr. HRUSKA. Mr. President, with regard to the pending business—to wit, S. 1508—I ask unanimous consent that the committee amendment be agreed to and that the bill as thus amended be regarded for purposes of amendment as original text.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and it is so ordered.

Mr. HRUSKA. Mr. President, the chairman of the Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary, the Senator from Maryland (Mr. TYDINGS), is absent on account of official business. He has requested that the consideration and disposition of S. 1508 proceed. He also requested that I make such presentation as he would make normally under these circumstances. I am the ranking minority member of the subcommittee, and I am happy to respond and to comply with the request of Senator TYDINGS.

Mr. President, under present provisions of law, Federal judges may retire from regular active service at age 70 after 10 years of service or at age 65 after 15 years of service. This retirement policy does not give full recognition to the increasing number of judges who are appointed to the Federal bench at a relatively young age. Consequently, many Federal judges will serve more than 20 years before they become eligible, under present law, for full-time retirement and senior judge status.

S. 1508 is designated to improve the present retirement system by enabling judges to go on senior judge status after 20 years of service regardless of age. S. 1508 will thus serve to make the Federal bench more attractive to younger, more vigorous men. Moreover, it will serve also to increase available judicial manpower.

Each time a judge accepts senior judge status and retires, leaving regular active service, a vacancy occurs on his court, a vacancy that can be filled by the appointment of a new regular active service judge. The judge on senior status may continue to perform such judicial duties as he is willing and able to undertake. Almost without exception, those judges who take senior status continue to carry a substantial workload. The "retirement" of a judge thus means a bonus of increased manpower to the retired judge's court, increased manpower that can help alleviate existing backlogs and avoid future ones. Both the retired judge and his newly appointed successor can be employed in the disposing of the business of the court, where before only one could be so employed.

In fact, few aspects of the Federal judicial system have been more beneficial to the country than those which enable judges to retire from active service, and, yet, continue to perform such judicial duties as they are willing and able to undertake. Without the work of the present senior judges, our Federal judicial system would be overwhelmed by its caseload. By providing for retirement after 20 years of service regardless of age, those judges who could take senior judge status under the amendment would be under 65 and fully able to continue to carry a full workload. It is difficult to disagree with the following statement by Albert Branson Maris, himself a great senior judge:

> One of the great benefits of the federal judicial retirement system is that retired senior judges are available for especially assigned judicial duty and can contribute a very large amount of time to judicial work, thus greatly benefiting the system by assisting in those areas where the caseloads are heaviest. As retired judges get older, of course, they become less able to make this contribution, but judges approaching age seventy are more vigorous and able, and to facilitate their retirement will be to add very substantially to judicial manpower in places where it is badly needed.

Mr. President, this briefly describes the background and the reasons for the bill. It is my hope that there will be prompt consideration and approval of the bill by this body.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. WILLIAMS of Delaware. It is my understanding that one of the arguments in support of this bill is that additional judges are needed and that by putting these judges into retirement status they could be called upon to help handle the extra duties of the court. Is my understanding correct?

Mr. HRUSKA. That is one of the features, yes. The need for additional judge manpower has existed for a long time.

Mr. WILLIAMS of Delaware. I wonder why we do not hit that problem affirmatively. If they need judges they should get them by direct action. Does not the Senator agree that one of the big problems with the courts today is that many judges are past the ages of 75 or 80, are too old to serve, and are not doing the job?

I wonder if this proposal should not be accompanied by a mandatory retirement age by which we could eliminate from the courts those judges who obviously cannot perform the duties at this time.

Merely granting an early retirement for the younger men will not solve the problem.

Mr. HRUSKA. The Senator from Delaware does point to a problem which is a real issue and which should be duly considered. We have from time to time considered it in the committee. I do feel, however, that if it is to be considered, it should be on the basis of committee hearings, upon briefs, and upon consideration by the judicial conference. If it would be the desire of the Senator from Delaware to propose such an amendment, I certainly would be very happy to attend to such hearings and to canvass the problem very thoroughly.

Mr. WILLIAMS of Delaware. I certainly shall follow that through, but I wonder whether action on this bill should not be a part of the whole package. Would it not be better to defer this matter and take care of it all at one time?

I am not unmindful of the fact that earlier this year we raised the value of the retirement benefits of the judges by approximately $10,000 to $12,500 per year. As the Senator knows, judges retire at full pay as of the date of their separation. Earlier this year the salary of these judges was raised from $30,000 to $42,500. Under this bill it would mean that they could now retire at age 60 or less than 60 after 20 years of service. I think there would be one or two approximately 58 years of age. I wonder whether it is advisable to retire a member of the court at the age of 58 at a pension of $42,500 when judges close to 80 years of age are serving on the same court. Are we not approaching this matter backward?

Mr. HRUSKA. The Senator started out with the question as to whether it would be well to have a provision included in the bill calling for mandatory retirement at a given age—70 or 75 or before. That proposition, as I suggested earlier, has been before the committee and the subcommittee on various occasions. No one who has had any exposure to this problem and who has studied it and who has considered it again and again has seen fit to add it to this bill. Therefore, the answer to the first part of the Senator's question and his observations is "no." At this time it would not be considered necessary, nor would it be considered desirable, to have it as a part of this bill. If the Senator wants it to be considered, a proposal along that line would be very fine. But again I say that, under those circumstances, inasmuch as it involves a very fundamental proposition in our judicial structure, going back to 1789 and the adoption of the Constitution, we should not consider it on the floor of the Senate superficially and out of hand because a certain objective is desirable.

Mr. WILLIAMS of Delaware. Were hearings held on the bill?

Mr. HRUSKA. Yes; we had hearings on previous occasions. We have not had hearings this year on the bill.

Mr. WILLIAMS of Delaware. That is my understanding.

Mr. HRUSKA. The printed report on the bill is very complete.

Mr. WILLIAMS of Delaware. We are dealing with a bill on which no hearings have been held.

If it is possible to get such an amendment before the Senate would the Senator think kindly toward it? Would the Senator be willing to include a provision providing for a mandatory retirement age for these judges to be effective at some projected time in the future if not effective today? I think this is a major weakness in our court system.

Mr. HRUSKA. It may be a weakness in our court system. The Senator would be entirely within his prerogative to suggest it as an amendment. I would say it would be ill-advised to do so now for the reasons I have already advanced.

It would be a fundamental change in our judicial structure. Because the reasons for such a provision might be advantageous is not enough. It should be explored in depth, including constitutional considerations.

Mr. WILLIAMS of Delaware. Would the Senator go along with a proposal to delay action on this bill until we can get all of it considered together?

Mr. HRUSKA. No. I am not in a position to do that. The entire matter has been considered, and this is the sum total of the recommendations made by the Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary.

Mr. WILLIAMS of Delaware. Would the Senator as a member of the committee be in a position to give us assurances that we could have hearings and perhaps favorable consideration of such a proposal if we bring that matter to the attention of the committee?

Mr. HRUSKA. I certainly would. As far as I might have anything to say about scheduling of such a hearing, I would be happy to see that that occurs. The Committee on the Judiciary would study such a proposal. There would be an explanation of the underlying considerations. I would pledge diligent and expeditious hearings on such a proposal, as the schedule permits.

Mr. WILLIAMS of Delaware. I thank the Senator. I personally question the wisdom of passing the bill at this time, and I shall not support it in its present form, as a separate measure. However, recognizing the facts of life, I expect the best I can achieve at this time is to have the assurances of the Senator that we can get hearings and consideration on the proposal to establish a mandatory retirement age for members of the judiciary.

That action is the only real solution to one of the major problems confronting our courts.

Mr. HRUSKA. The filing of any such proposal and a reference to the committee will certainly receive my sympathetic and active consideration.

Mr. WILLIAMS of Delaware. I thank the Senator.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. AIKEN. How many Federal judges under the age of 65 have held office for 20 years or more? Are the 15 judges who are listed in the report the only ones?

Mr. HRUSKA. As near as we know, and we have gone to the records of the Judicial Conference, the judges named on page 4 of the report are the only ones.

Mr. AIKEN. There would be more that are now Federal judges that would be able to retire earlier. Is that right?

Mr. HRUSKA. Yes, as time goes on. These would disappear and others would be added.

Mr. AIKEN. What would be the increased cost of retirement?

Mr. HRUSKA. There is no way to estimate the increased cost because this bill is permissive. It is enabling. We do not know how many of these judges will take advantage of the bill and retire sooner. We know it is uncertain how many will do so because even under the present system whereby retirement can be achieved with 15 years' service at age 65 or 10 years' service at age 70, not all of those eligible under either of those provisions take advantage of them.

Mr. AIKEN. If after retiring they are called upon to serve, is there any requirement that they respond?

Mr. HRUSKA. There is nothing mandatory about it. They can indicate the extent to which they wish to participate. Only in this way can there be a maximum of retirement in due time so as to make room at the bottom of the seniority ladder for those who are put in their places.

Mr. AIKEN. Any Federal judge who had 19 years' service would be eligible for retirement in 1 year. Is that right?

Mr. HRUSKA. The Senator is correct.

Mr. AIKEN. I thank the Senator.

Mr. YOUNG of Ohio. Mr. President, in my opinion this is a bad bill. In my judgment it should not be enacted into law. I know I am not alone in expressing that view. The distinguished junior Senator from Alabama (Mr. ALLEN), one of the new Members of the Senate who came to the Senate this year, and certainly one of the highly respected Members of this body, informed me yesterday that he regretted very much he would be necessarily absent today from the Senate on public business, but that if he were present he would speak out against the bill and would vote against it. He told me if the bill should come up today I would be free to express his views.

Speaking for myself, Mr. President, it seems to me that I recall the statement made by a very distinguished majority leader of this body, former Senator Scott Lucas of Illinois, who was a lawyer, which he made at one time in a speech in the Senate. He said that there are not 500 lawyers in the United States, regardless of their incomes, who would not be glad to accept appointment to be a U.S. district judge if the position were offered.

I have a feeling of reverence toward the judiciary. Unfortunately, the ambition of my youth and young manhood, to follow my father's footsteps and be a judge, cannot be realized. My father, Judge Stephen M. Young, of Ohio, was a trial judge for many, many years in our court of highest original jurisdiction. I always wanted to be a judge. Instead, I became a chief criminal prosecuting lawyer—in Cuyahoga County. Then, I practiced for many years as a trial lawyer. I have appeared in U.S. district courts on many occasions.

My last appearance in a U.S. district court was recently in Boston when I made the trip from Washington to Boston to testify as a witness to the good character and splendid reputation in my community of Cleveland, Ohio, of Dr. Benjamin Spock, who has been my personal friend through the years. That particular case was tried before a judge who at the present time is 84 years of age. It appeared to me that this particular judge was very stern and tyrannical, which is not, really, a new experience for me in a Federal court.

The pending bill provides for the retirement of U.S. judges following 20 years of service, irrespective of age. I am grateful to the distinguished Senator from Nebraska (Mr. HRUSKA), who is managing the pending bill, for his help in having my candidate for the last United States judge appointed in the northern district of Ohio, processed through his subcommittee and the Judiciary Committee. I owe that debt to my colleague from Nebraska for his approval of Judge Thomas Lambros, who is 38 years of age, just recently appointed on the bench. He will be a fine judge.

Incidentally, I am proud to say, Judge Thomas Lambros is the first judge of direct Greek descent to be appointed to a U.S. court, to my knowledge. He was a judge of the court of common pleas in Ashtabula County in my State, probably receiving a salary of $16,000 at the most when, through the kindness and generosity of the Senator from Nebraska (Mr. HRUSKA) and other members on the Committee on the Judiciary, he was unanimously approved by that committee following his nomination by President Johnson.

This young man, like other U.S. district judges, receives a salary of $40,000 a year. Judges in the U.S. Circuit Courts of Appeals receive salaries of $42,500 each per year. In addition to that, following their retirement at the age of 70, if they have served for 10 years on the Federal bench, or at age 65, if they have served 15 years on the Federal bench, district and circuit court judges retire at full salary as long as they live. This, no matter whether they return to private practice or go into business. As someone said of a judge whose nomination is now pending before the Senate, he might well be qualified to take a high executive position in a brokerage house and enjoy a salary of $100,000 a year following his retirement. He would still receive his entire judicial salary as long as he lived.

Mr. President, as you know, this month and every month thereafter, 8 percent of the salary of every Member of Congress will be deducted for the congressional retirement fund. There are no deductions made whatever from the salaries of any Federal judges.

The bill provides retirement with full pay for life for judges and Supreme Court Justices with 20 years of service, regardless of age. Supposedly, this will serve to make the Federal judiciary more attractive to younger men.

Those of us who have served in the Senate know that there is no necessity for legislation to attract capable lawyers if and when a vacancy occurs in a U.S. judgeship in their respective States. The fact is that it is well known that whenever there is a vacancy on the Federal bench, many, sometimes hundreds, of competent lawyers seek the appointment. There are at most but a few hundred lawyers in our Nation who if offered an appointment to the Federal bench, would not accept.

As a result of the last election, however, that problem will no longer be presented to me. However, it will be a problem for my distinguished colleague, the junior Senator from Ohio (Mr. SAXBE), who is my personal friend and a very fine Senator. I am certain that as long as there is a Republican President in the White House, my colleague, Mr. SAXBE, and other Senators of the Grand Old Party of which I am not a member, whenever they have Federal judicial vacancies in their respective States, will find that there are plenty of capable and outstanding lawyers who will apply.

Thus, there is no necessity to pass this bill just to try to attract capable men to apply for these positions.

Why give a U.S. judge a bonus, or a sort of bribe, to retire from active service, yet allow him to continue to perform such judicial duties as he is willing and able to undertake, merely to place someone else on the judicial payroll?

This is a stopgap measure. It is claimed it will lessen the overload on Federal district and circuit court judges. Well, I am not impressed by that alleged overload or heavy burden on the Federal judges of this country. I suspect that in most States—I know it is the situation in my State—from June until September their courts are on vacation, other than for routine matters, such as sentencing prisoners who plead guilty and other routine matters, while we in Congress are here on the job working month after month and having 8 percent of our salary deducted for retirement benefits. Yet, not 1 cent is being deducted from the salaries of these judges.

It is said that if this bill is enacted into law, it will cost taxpayers at least $1.5 million additional money during the next 2 years.

Mr. President, judges of Federal district courts and circuit courts of appeal, and Justices of the Supreme Court of the United States, all are presently provided with the most liberal retirement plan in the entire world. Under existing law, they may retire at full pay for life at the age of 70 after 10 years of service; at the age of 65, after 15 years of service. Unlike Members of Congress, they will not have paid, while they were on active service as judges, 1 cent toward any retirement fund.

We have increased the salaries of district court judges to $40,000 a year, circuit courts of appeal judges to $42,500 a year, and, Justices of our Supreme Court, from $39,500 a year to $60,000.

Mr. President, as a lawyer and as a citizen who holds in the highest respect and admiration the judges of our courts, I have no fault whatever to find with that salary scale. However, I do say that no one can assert that the Federal judiciary is underpaid.

The pending bill would entitle them to retire after 20 years of service at their full pay, regardless of age. So my personal friend, Judge Tom Lambros, of the northern district of Ohio, should he wish to retire when he attains the age of 58, could retire at that comparatively early age. His judge's salary would be paid him as long as he lives. In addition, he could enjoy his income from the practice of law, should he then desire to return to private practice.

I am not one of those who consider that a man who is 70 years old is necessarily an old man. I know lawyers, and men in all walks of life who are in their fifties who are older in every respect than other men who are 70. Men and women do not grow old simply by living a certain number of years. People grow old by abandoning their enthusiasm, deserting their ideals, giving up their zest for life, and enjoying no more an appetite for adventure. Instead of yearning for retirement, this desire for an active, vigorous life, and the wish and ability to work hard and look forward with hope and not fear, often exists in men and women of 70 or more. Sometimes, it is altogether missing and lacking in men of 30 or 40.

I am one who, at the age of 80, is not

even thinking of retiring from active life. The way of life of many, many people in this country is to work hard. They have worked hard all of their lives, and they know of no other way. That is an excellent thing. That is my way of life.

I think the bill being considered today—and it will probably be passed in the Senate—is just another unfortunate placing of emphasis on youth.

After all, it is a very unfortunate thing for this country, it seems to me—and I have said this recently—that the very first social security system in the entire world, announced in 1889 by Otto von Bismarck, the chancellor of the German Empire, fixed, for the first time, the retirement age at 65. Unfortunately, in 1935, when we in the Congress enacted the social security law—and I must take part of the blame for it for the reason that I was in the other body and I voted for it—we set age 65 as the retirement age, following Bismarck's program. I regard our social security law as the greatest piece of domestic legislation for the welfare of our country ever enacted into law.

Unfortunately, however, in our country, many industries, huge corporations, have followed that precedent and arbitrarily fixed the age of retirement at 65. Yet, the life expectancy of men and women, not only in Germany, but in the United States, has more than doubled from 1889 to this good hour.

Unfortunately, we have adhered to that age. Not only have we adhered to it, but it seems prevalent throughout the country that now, more than ever before, emphasis is placed upon bringing forward young people and perhaps discarding older people.

Instead of yearning for retirement, a great many men and women—and I am sure many of our Federal judges—who are in their sixties want to continue their active, vigorous lives and to continue in the important public positions in which they are knowledgeable and respected.

What I have said in the past, I will repeat here. I am looking at Bill Gold's column in the Washington Post, written back on October 13, 1965, when, he quoted me as saying:

> To be sure, years may wrinkle the skin. But to lose enthusiasm wrinkles the soul and deadens the brain.
>
> Doubt, self-distress, fear, lassitude—these are the long years that bow the head and turn the spirit of hope toward dust.

Of course, one is as young as his faith. As long as we look forward, we hope for better things.

I have been president of two bar associations in my State of Ohio. I seriously doubt if there is one lawyer between the age of 30 and 60 in the entire State of Ohio, which has a population of 10,600,000 persons, who would refuse a nomination to the Federal judiciary under the present retirement plan. He does not require this legislation to encourage him.

Proponents of the pending bill also assert—and there may be some validity to the claim—that it will serve to increase available judiciary manpower by encouraging judges to retire and accept senior judge status, leaving vacancies that can be filled by new regular active service judges.

The fact is that there are Federal judges in practically every State of the Union who have reached retirement age and could have retired years ago who remain active on the bench.

It is not just in Boston that an 84-year-old judge is holding forth and trying case after case, day after day. That is the situation in many States. That is the situation in a trial proceeding in a Federal court in the State of Illinois, where the judge is in his midseventies.

In my own State of Ohio there are U.S. judges who have been on the bench 20 years or longer and who have attained the age of 70. They have not accepted senior status.

Why should these judges be nudged into retiring when they are perfectly satisfied with their present status, and are rendering real and needful public service to the country?

Furthermore, the fact that judge may retire and take senior status does not assure that he will do so. The pending bill offers no further guarantee whatever that in the future these judges would retire and take senior status.

If there is a need for additional United States district judges and judges of the Circuit Courts of Appeals, then let the Committee on the Judiciary hold hearings, and let them present to the Senate, so that we may debate and vote upon it, legislation to provide additional judgeships. Let us not go through the back door in a surreptitious and hurried manner, without public hearings, and without any protracted debate as is the situation at the present time.

What is the hurry? Why are we in such a rush to force our taxpayers to underwrite this additional burden? It is just something else that will cost taxpayers additional money. Senators might say it is only a small amount, perhaps a million dollars, if that is a small amount. I was born and reared in Puckerbrush Township, Huron County, Ohio, and a million dollars means a lot of money to me. This is certainly not a necessary bill. I assert that it will provide a virtual giveaway of taxpayers' money to accomplish a doubtful result.

I believe that citizens generally desire that Federal judges have a retirement program that assures their independence from financial pressures. However, under the present law, they may retire if they have attained the age of 70 and have served 10 years on the Federal bench or the age of 65, after having served 15 years on the bench. They certainly do have a retirement program which should enable them to get along, when they are assured, as long as they live, an income of $40,000 a year, for the district judges and $42,500 for circuit court of appeals judges, with not 1 cent deducted for any retirement program. The retirement program for Congressmen is very modest, as compared to the payment of their full salaries of $40,000 or $42,500 per year for retired Federal judges.

In my opinion, the members of the Judiciary Committee have come forth with an overly generous and, in fact, outrageously liberal retirement proposal in this bill. I think it is an entirely unnecessary bill. It is a bad legislative proposal which should be considered and debated for some hours and days in the Senate, instead of being heard briefly this afternoon.

Having studied the bill and the committee report, and after thorough consideration, I think that at the present time, in this grim period when we are blowing up into smoke $2½ billion every month, month after month, on our involvement in a civil insurrection in Vietnam, this is not the time to overindulge the Federal judiciary of our country. Therefore I must report that in good conscience I cannot and shall not vote in favor of the passage of the pending proposal.

Mr. ELLENDER. Mr. President, I should like to ask the Senator from Nebraska a few questions about the bill.

As I understand it, the only language that is added to this bill is to make it possible for a judge to retire after 20 years of continuous service. Is that correct?

Mr. HRUSKA. Yes; regardless of age.

Mr. ELLENDER. And he receives the same amount of retirement as one who has served 30 years?

Mr. HRUSKA. That is right.

Mr. ELLENDER. Mr. President, I wish to be recorded as voting against this measure, and I hope we will have a rollcall vote on it.

Mr. HRUSKA. Mr. President, just by way of summary, I should like to say that the rationale for retirement of Federal judges is an issue that was decided a long time ago. It was thoroughly considered, thoroughly debated, and adopted. It has been the national policy of this country for a very long time; and it has proved its worth through the years since its adoption.

The instant bill is a refinement, beneficial in nature, of the fundamental principle involved in the present judicial retirement law. I urge that the bill be approved in the form in which it is now before the Senate.

Mr. ELLENDER. Mr. President, has the Senator any idea as to the additional cost to the Treasury should the bill be enacted?

Mr. HRUSKA. It is difficult to compute the cost, Mr. President, for this reason: This is an enabling act. The act is permissive in character. A judge does not have to retire after 20 years of service on the Federal bench. He may do so, and continue service by accepting cases. The immediate impact of his retirement is that it opens a place on the regular bench for another judge, though the majority of those who have been eligible for retirement under the present law stay in service and are called upon for their services. So it is difficult, because of that fact, to compute the cost.

Mr. ELLENDER. Does the Senator feel that the passage of this bill will result in a need for fewer judges?

Mr. HRUSKA. No. As a matter of fact, the need for additional judge power has been repeatedly demonstrated. This will add to the judge power. In addition to the judges who will be appointed to take the places of the retirees, there will be the additional services rendered by the retirees themselves.

Mr. ELLENDER. Mr. President, the enactment of this bill will add further costs to our Treasury. How much no one can tell and I do not believe that it should be enacted without further debate and more information.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the passage of the pending bill occur at 12:15 p.m. tomorrow and that rule XII be waived.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, reads as follows:

Ordered, That the Senate proceed to vote on final passage of the bill S. 1508, to improve judicial machinery, etc., at 12:15 o'clock p.m. on Wednesday, October 29, 1969.

Mr. HOLLAND. Mr. President, during discussion and debate on the pending bill, S. 1508, I have been somewhat disturbed by some of the points made. I think my own disturbance has been pretty well removed by reference to the body of the United States Code, and perhaps this will be true in the case of other Members of the Senate.

I therefore ask unanimous consent to have printed in the RECORD the whole of section 371, chapter 17, title 28 of the United States Code.

There being no objection, section 371, chapter 17 of title 28 of the United States Code was ordered to be printed in the RECORD, as follows:

§ 371. Resignation or retirement for age.

(a) Any justice or judge of the United States appointed to hold office during good behavior who resigns after attaining the age of seventy years and after serving at least ten years continuously or otherwise shall, during the remainder of his lifetime continue to receive the salary which he was receiving when he resigned.

(b) Any justice or judge of the United States appointed to hold office during good behavior may retain his office but retire from regular active service after attaining the age of seventy years and after serving at least ten years continuously or otherwise, or after attaining the age of sixty-five years and after serving at least fifteen years continuously or otherwise. He shall, during the remainder of his lifetime, continue to receive the salary of the office. The President shall appoint, by and with the advice and consent of the Senate, a successor to a justice or judge who retires. (June 25, 1948, ch. 646, 62 Stat. 903; Oct. 31, 1951, ch. 655, § 39, 65 Stat. 724; Feb. 10, 1954, ch. 6, § 4(a), 68 Stat. 12.)

Mr. HOLLAND. Mr. President, careful consideration of that section will show quite clearly that the part which relates to resignation, subsection (a), is not at all affected by the pending bill.

The part of section 371 which is affected by the pending bill is subsection (b), which relates entirely to retirement. It is quite clear, at least to me, that a retired judge, under subsection (b), continues to be a judge and may be called upon for any service for which he is available, and is still a judge who has retained his office.

The words "retained his office" are the key words in that subsection (b) relating to retirement.

I might add that since a retired judge continues to be a judge, he is, of course, subject to the prohibitions of the Federal code relating to Federal judges.

I ask unanimous consent that section 454 of said chapter 17 of title 28 of the United States Code be printed in the RECORD at this point.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

§ 454. Practice of law by justices and judges.

Any justice or judge under the authority of the United States who engages in the practice of law is guilty of a high misdemeanor. (June 25, 1948, ch. 646, 62 Stat. 908.)

LEGISLATIVE HISTORY

Reviser's note.—Based on title 28, U.S.C., § 373 (Mar. 3, 1911, ch. 231, § 258, 36 Stat. 1090).

Changes in phraseology were made.

Clerks to justices not to practice, see rule 7, Appendix to this title.

Mr. HOLLAND. Mr. President, this section makes it clear that any justice or judge appointed under the authority of the United States who engages in the practice of law is guilty of a high misdemeanor—meaning of course, that he may be removed, upon impeachment proceedings, and there may be other penalties, but that he may not engage in the practice of law.

The reason why this became a matter of concern to me, at least, is that it was argued by one Senator in the course of the debate that a district judge retiring at an early age, after 20 years of service—supposing, for instance, he had been appointed at 35 and retired at 55—might reenter the practice of law and at the same time retain his full pay. As I read this section, that is not so at all. If he retired at 55, he would remain as judge, would be subject to the prohibition against the practice of law, and would be available for assignment to such cases as he was able to handle; and in no sense could he return to the active practice of law, though he would have retired at what I now regard to be the early age of 55.

I ask my distinguished friend who is handling this matter, the Senator from Nebraska (Mr. HRUSKA), if he agrees with the conclusion I have reached from reading those two sections of the code.

Mr. HRUSKA. Mr. President, the Senator from Nebraska is grateful for the supplementation and clarification of the debate held this afternoon by the quotation of those parts of the statutes which the Senator from Florida put in the RECORD. We had conferred informally about it and reached an agreement that that is the proper interpretation of the sections put into the RECORD.

Mr. HOLLAND. I thank my distinguished friend.

EULOGIES FOR THE LATE SENATOR DIRKSEN

Mr. MANSFIELD. Mr. President, for the information of the Senate, immediately upon the conclusion of the vote on the pending business tomorrow, the Senate will deliver its tributes and eulogies to our beloved late minority leader, Mr. Dirksen, of Illinois.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

AMENDING SECTION 4 OF THE REVISED ORGANIC ACT OF THE VIRGIN ISLANDS RELATING TO VOTING AGE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate turn to the consideration of Calendar No. 494, S. 2314.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill (S. 2314) to amend section 4 of the Revised Organic Act of the Virgin Islands relating to voting age which had been reported from the Committee on Interior and Insular Affairs, with amendments on page 1, line 9, after the word "Islands" strike out "at an age lower than that prescribed in subsection (a) of this section," and insert "at an age not lower than eighteen years of age,"; and on page 2, line 2, after the word "approve" strike out "a reduction in such voting age"; so as to make the bill read:

S. 2314

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Revised Organic Act of the Virgin Islands (68 Stat. 497) is amended (1) by inserting "(a)" immediately after "SEC. 4."; and (2) by adding at the end thereof the following new subsection:

"(b) The legislature shall have authority to enact legislation establishing the voting age for residents of the Virgin Islands at an age not lower than eighteen years of age, if a majority of the qualified voters in the Virgin Islands approve in a referendum election held for that purpose."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–497), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of S. 2314 is to amend the Revised Organic Act of the Virgin Islands to authorize the legislature of the Virgin Islands to lower the voting age to an age less than 21 years if the majority of the voters in the Virgin Islands approve a reduction in such voting age in a referendum election held for that purpose.

NEED

Section 4 of the Revised Organic Act of the Virgin Islands now prescribes that the franchise shall be vested in residents of the Virgin Islands who are citizens of the United States and who are 21 years of age or over.

Since enactment of the Revised Organic Act of 1954, the legislative power and authority of the Virgin Islands has been vested in a unicameral legislature with authority over "all rightful subjects of legislation" not inconsistent with the laws of the United States made applicable to the Virgin Islands. The legislature of the Virgin Islands has exercised this authority in a proper manner and in the tradition of free legislatures everywhere. By legislation enacted in 1968 (Public Law 90–496), the people of the Virgin Islands will elect their own Governor in November 1970. Enactment of S. 2314 would provide another significant step in the direction of local self-government for the Virgin Islands.

PUBLIC HEALTH CIGARETTE SMOKING ACT OF 1969

Mr. MOSS. Mr. President, last week Health, Education, and Welfare's Secretary Finch banned cyclamates and products using cyclamates. The basis of studies showing that cyclamates can cause cancer in rats and laboratory animals when injected with doses approximating 50 times normal human consumption. Secretary Finch is to be highly commended for moving firmly, and for moving without insisting upon a pile of corpses to prove beyond doubt that cyclamates can cause cancer in humans.

Ironically cyclamates were initially discovered almost by accident as a chemical byproduct of tobacco smoke.

And what a contrast there has been between Secretary Finch's ban on cyclamates and our chronic failure to face up to the hazards of smoking. We know only that cyclamates cause damage to animals in large doses. Yet, there is overwhelming evidence that cigarettes kill hundreds of thousands of people. Cigarette smoke contains several substances which are recognized as carcinogenic to man.

In contrast, too, is the reactions of the industries involved. The cyclamate manufacturers moved not to court nor to Congress to overturn the FDA action, but moved instead to accommodate the judgments of the Government by shifting production to other sweeteners. The cigarette manufacturers by contrast refused to face the facts about smoking and obtained the support of Congress in forestalling any meaningful regulatory action over cigarette advertising.

Did the TV industry protest that the curtailment of cyclamate advertising would work a hardship on them? Of course not. Yet representatives of the broadcasters are insisting upon continuing cigarette advertising for 4 years, even though the cigarette companies themselves are at last willing to terminate broadcast advertising in 1 year.

Nor did the House of Representatives move to stop the FDA from banning cyclamates. Yet, the House has this year acted again to ban the Federal Trade Commission from requiring warnings in cigarette advertisements for 6 years.

I think it is high time we applied the same firm standards of responsibility to cigarettes that we are willing to apply to foods and drugs.

On Thursday the Senate Commerce Committee meets to consider H.R. 6543, the so-called Public Health Cigarette Smoking Act of 1969. I ask unanimous consent that a letter and proposed amendments I have sent to the members of the committee seeking to strengthen the legislation to make it responsive to the facts about smoking and the judgments of the medical community to be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., October 24, 1969.

Hon. Warren G. Magnuson,
U.S. Senate,
Washington, D.C.

Dear Senator: The full Commerce Committee is scheduled to consider H.R. 6543, the House passed "Public Health Cigarette Smoking Act of 1969," on October 30th and, if necessary, October 31st.

The cigarette industry, as you know, has now agreed to withdraw all broadcast advertising of cigarettes by September 1970, upon the condition that it be granted immunity from the antitrust laws for this purpose.

Concerned public health organizations have welcomed the cigarette industry's decision, but they—and the broadcast industry—strenuously object that the public interest will not be served if the cigarette companies are permitted to divert their massive TV and radio advertising budgets into massive, "no holds barred" print advertising.

Yet, the House passed bill would tie the hands of the FTC by prohibiting it from requiring cautionary warnings in advertising if it concludes that future cigarette advertising practices necessitate such warnings.

The Federal Trade Commission testified before our Committee that it would not now attempt to require any warnings in print advertising; instead, it would defer any such action at least until after June 30, 1970, so that it might monitor the withdrawal of cigarette advertising from radio and television and future cigarette advertising practices in non-broadcast media.

So that the cigarette industry can effect its withdrawal from radio and TV by September 1970, and so that the public will be adequately protected against excesses by cigarette advertisers in other media, I will propose the amendments to the House bill which are shown in the attached print. They will accomplish the following objectives.

(1) Grant antitrust exemption, as approved by the Justice Department, (see attached letter from Assistant Attorney General McLaren) to cigarette advertising in any media. This amendment would not only permit the scheduled withdrawal from broadcast advertising, but it would allow the cigarette companies to agree upon an equitable formula to limit the volume of cigarette advertising in print media.

(2) Remove the House passed six year preemption of FTC authority to require warning in cigarette advertising, while preserving without time limitation the House ban on conflicting or nonuniform state or local regulation of cigarette advertising.

The House passed bill continues the requirement for reports by the Department of Health, Education and Welfare with respect to current information on the Health consequences of smoking and by the Federal Trade Commission with respect to the effectiveness of cigarette labeling and current practices and methods of cigarette advertising and promotion.

I will propose that the date of the first FTC report be moved up to July 1, 1970 and that the committee report direct the FTC to include in its survey:

"(1) the effectiveness of cigarette labeling; (2) the implementation of the cigarette industry's pledge to withdraw from cigarette advertising; (3) the volume and effectiveness of public service smoking education campaigns in broadcast and non-broadcast media; (4) the performance of the cigarette industry in avoiding advertisements with particular appeal to young people; (5) the utilization by the cigarette industry of print advertising for the non-deceptive promotion of cigarettes which are low in tar, nicotine, and hazardous gases; (6) an analysis of public opinion polls and other relevant information indicating the extent to which the American public, especially young people, have been made fully aware of the hazards of smoking; (7) a discussion of the action, if any, which the Commission proposes to take to restrict cigarette advertising; and (8) such recommendations for additional legislation as the Commission may deem appropriate."

I very much hope that I shall have your support when the Committee considers these amendments. If you or any member of your staff have any questions relating to them, please call me or contact Mike Pertschuk or Bill Meserve of the Committee staff.

Kindest regards.

Sincerely,

Frank E. Moss,
U.S. Senator.

H.R. 6543

(Stricken matter enclosed in brackets, new matter printed in italic)

An act to extend public health protection with respect to cigarette smoking and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Health Cigarette Smoking Act of 1969."

Sec. 2. Sections 2 through 10 of Public Law 89–92 (15 U.S.C. 1331–1338) are amended to read as follows:

"DECLARATION OF POLICY

"Sec. 2. It is the policy of the Congress, and the purpose of this Act, to establish a comprehensive Federal program to deal with cigarette labeling and advertising with respect to any relationship between smoking and health, whereby—

"(1 the public may be adequately informed that cigarette smoking may be hazardous to health by inclusion of a warning to that effect on each package of cigarettes; and

"(2) commerce and the national economy may be (A) protected to the maximum extent consistent with this declared policy and (B) not impeded by diverse, nonuniform, and confusing cigarette labeling and advertising regulations with respect to any relationship between smoking and health.

"DEFINITIONS

"Sec. 3. As used in this Act—

"(1) The term 'cigarette' means—

"(A) any roll of tobacco wrapped in paper or in any substance not containing tobacco, and

"(B) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subparagraph (A).

"(2) The term 'commerce' means (A) commerce between any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island and any place outside thereof; (B) commerce between points in any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island, but through any place outside thereof; or (C) commerce wholly within the District of Columbia, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island.

"(3) The term 'United States', when used in a geographical sense, includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, and Johnston Island. *The term 'State' includes any political division of any State.*

"(4) The term 'package' means a pack, box, carton, or container of any kind in which cigarettes are offered for sale, sold, or otherwise distributed to consumers.

"(5) The term 'person' means an individual, partnership, corporation, or any other business or legal entity.

"(6) The term 'sale or distribution' includes sampling or any other distribution not for sale.

"LABELING

"Sec. 4. It shall be unlawful for any person to manufacture, import, or package for sale or distribution within the United States any cigarettes the package of which fails to bear the following statement: 'Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous to Your Health and May Cause Lung Cancer or Other Diseases.' Such statement shall be located in a conspicuous place on every cigarette package and shall appear in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the package.

"PREEMPTION

"Sec. 5. (a) No statement relating to smoking and health, other than the statement required by section 4 of this Act, shall be required on any cigarette package.

["(b) No statement relating to smoking and health shall be required in the advertising of any cigarettes the packages of which are labeled in conformity with the provisions of this Act.]

"(*b*) *No other requirement or prohibition based on smoking and health shall be imposed by any State statute or regulation with respect to the advertising or promotion of any cigarettes the packages of which are labeled in conformity with the provisions of this Act.*

["(e) Except as is otherwise provided in subsections (a) and (b), nothing in this Act shall be constructed to limit, restrict, expand, or otherwise affect the authority of the Federal Trade Commission with respect to unfair or deceptive acts or practices in the advertising of cigarettes, nor to affirm or deny the Federal Trade Commission's holding that it has the authority to issue trade regulation rules or to require an affirmative statement in any cigarette advertisement.]

"Antitrust Exemption

"Sec. 6. The antitrust laws of the United States, as defined in section 1 of the Act of October 15, 1914 (38 Stat. 730; 15 U.S.C. 12) and the Federal Trade Commission Act, as amended (38 Stat. 719; 15 U.S.C. 44), and state anti-trust laws, shall not apply to any joint agreement by or among persons engaged in the manufacture or sale of cigarettes to refrain from or to restrict the advertising of cigarettes; provided, however, that any such joint agreement shall apply equally to all persons engaged in the medium of communications to which such agreement is applicable.

"Reports

"'Sec. 7(a) [(d)(1)] The Secretary of Health, Education, and Welfare shall transmit a report to the Congress not later than [eighteen months after the effective date of this Act, and] *January 1, 1971, and* annually thereafter, concerning (A) current information on the health consequences of smoking and (B) such recommendations for legislation as he may deem appropriate.

"[(2)] (*b*) The Federal Trade Commission shall transmit a [report to the Congress not later than eighteen months after the effective date of this Act, and annually thereafter, con-] *report to the Congress not later than July 1, 1970 and annually thereafter, concerning* (A) the effectiveness of cigarette labeling, (B) current practices and methods of cigarette advertising and promotion, and (C) such recommendations for legislation as it may deem appropriate.

"Criminal Penalty

"Sec. [6.] *8*. Any person who violates the provisions of this Act shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not more than $10,000.

"INJUNCTION PROCEEDINGS

"Sec. [7.] [10.] 9. The several district courts of the United States are invested with jurisdiction, for cause shown, to prevent and restrain violations of this Act upon the application of the Attorney General of the United States acting through the several United States attorneys in their several districts.

"CIGARETTES FOR EXPORT

"Sec. [8.] [11.] 10. Packages of cigarettes manufactured, imported, or packaged (1) for export from the United States or (2) for delivery to a vessel or aircraft, as supplies, for consumption beyond the jurisdiction of the internal revenue laws of the United States shall be exempt from the requirements of this Act, but such exemptions shall not apply to cigarettes manufactured, imported, or packaged for sale or distribution to members or units of the Armed Forces of the United States located outside of the United States.

"SEPARABILITY

"Sec. [9.] [12.] 11. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the other provisions of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

[*"Termination of provisions affecting regulation of advertising*

["Sec. 10. The provisions of this Act which affect the regulation of advertising shall terminate on July 1, 1975, but such termination shall not be construed as limiting, expanding, or otherwise affecting the jurisdiction or authority which the Federal Trade Commission or any other Federal agency had prior to the date of enactment of this Act."

[Sec. 3. The amendment made by this Act shall take effect on July 1, 1969.]

Effective date

Sec. 3. Section 5 of the amendment made by this Act shall take effect as of July 1, 1969. All other provisions of the amendment made by this Act shall take effect on January 1, 1970.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3090—INTRODUCTION OF A BILL TO AUTHORIZE ADDITIONAL FUNDS FOR THE MINUTEMAN NATIONAL HISTORICAL PARK

Mr. KENNEDY. Mr. President, I introduce, for appropriate reference, a bill to allow the completion of the land acquisition program for the Minuteman National Historical Park, and for other purposes.

I ask unanimous consent that the bill be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. The Minuteman Historical Park, which preserves the sites of the first battle of the American Revolution, was created by act of Congress in 1959.

It embraces portions of the route traversed by the British at the outset of the Revolutionary War; and it includes sites in Lexington, Lincoln, and Concord, Mass., which were defended by the Minutemen during those opening days of hostility.

The events that took place at that time include the momentous ride of Paul Revere and William Dawes, the proposed arrest of John Hancock and Samuel Adams, the capture of the colonial military stores at Concord, and the routing of the first British military expedition from Boston to Concord.

The significance of this area is familiar to all Americans. It was on Lexington Green and at Concord Bridge that the first shots were fired and the first blood spilled for the cause of American independence, inspiring Ralph Waldo Emerson to write:

By the rude bridge that arched the flood,
  Their flag to April's breeze unfurled,
Here once the embattled farmers stood,
  And fired the shot heard round the world.

No one of us would wish to lose any of this area and, in fact, we in Congress have expressed our intent to preserve these sites for present and future Americans.

The act passed in 1959 authorized the acquisition of 750 acres of land in two units: One a continuous stretch of 4 miles of road and roadside properties in the towns of Lexington, Lincoln, and Concord, containing 557 acres; and the other consisting of about 155 acres encompassing the celebrated North Bridge in Concord and its adjoining area.

In the past 9 years, the National Park Service has acquired all but 125 acres of the approved land. Currently 8 acres in Lexington, 52 in Lincoln, and 65 in Concord remain to be acquired. A recent estimate by the Department of the Interior indicates the cost of acquisition of these lands to be 5.9 millions of dollars.

Mr. President, in 6 years we will celebrate the 200th anniversary of the independence of this Nation.

The war that won that independence began on the site of the Minuteman National Park.

Since 1964, over 2 milion people have visited the park; this number will increase as we approach our bicentennial year. Certainly it would be appropriate to authorize the funds necessary to fulfill the original intent of Congress as soon as possible.

Early authorization will ensure adequate site development by 1976.

The bill I introduce today also gives discretion to the Secretary of the Interior to alter the boundaries of the park in light of the recent relocation of Highway 2 by the Commonwealth of Massachusetts. Such discretion would permit the Secretary to increase the authorized acreage of the park, but only in realining the southern boundary to make it consistent with the highway relocation.

The battle fought at Lexington and Concord on April 19, 1775, and the memory of the Minutemen who defended the Colonies' right to independence, are matters of incalculable import in the history of the Western World.

I ask Congress to give its support to this bill which completes a program authorized by the Congress in 1959 and preserves for all time and for all men a fitting memorial marking a new dawn of freedom and the creation of a nation of free men.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3090) to amend the act of September 21, 1959 (73 Stat. 590) to increase the authorization for the Minuteman National Historical Park, and for other purposes, introduced by Mr. Kennedy, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 3090

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Act entitled "An Act to provide for the establishment of Minute Man Historical Park in Massachusetts, and for other purposes", approved September 21, 1959 (73 Stat. 590; Public Law 86–321) is amended (1) by striking out "$8,000,000" and inserting in lieu thereof "$13,900,000" and (2) by striking out "$5,000,000" and inserting in lieu thereof "$10,900,000."

Sec. 2. Section 1 of the Act entitled "An Act to provide for the establishment of Minute Man Historical Park in Massachusetts, and for other purposes", approved September 21, 1959 (73 Stat. 590; Public Law 86–321) is amended by adding two subsections, as follows:

"(b) Notwithstanding the description set forth in subsection (a) of this section, if the Secretary should determine that the relocation of Highway 2 by the Commonwealth of Massachusetts makes it desirable to establish new boundaries in common with, contiguous or adjacent to the proposed right-of-way for that highway, he is authorized to relocate such boundaries accordingly, and shall give notice thereof by publication of a map or other suitable description in the Federal Register: *Provided,* That any net acreage increase by reason of boundary revision and land exchanges with the Commonwealth shall not be included in calculations of acreage in regard to the limitation set forth in subsection (a) of this section, but shall be in addition thereto.

"(c) Any lands acquired as a result of the relocation of boundaries provided for in subsection (b), shall, upon their acquisition, become a part of Minute Man National Historical Park, and subject to all laws, rules, and regulations applicable thereto."

ORDER OF BUSINESS

The PRESIDING OFFICER. What is the will of the Senate?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Packwood in the chair). Without objection, it is so ordered.

SENATE JOINT RESOLUTION 163—INTRODUCTION OF SENATE JOINT RESOLUTION AUTHORIZING INCREASED FUNDING FOR U.S. OFFICE OF EDUCATION PROGRAMS

Mr. MONTOYA. Mr. President, I introduce on behalf of myself and Mr. Pell, Mr. Randolph, Mr. Javits, Mr. Bayh, Mr. Burdick, Mr. Cannon, Mr. Church, Mr. Cook, Mr. Cranston, Mr. Eagleton, Mr. Goodell, Mr. Gore, Mr. Gravel, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hughes, Mr. Kennedy, Mr. Mathias, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Mondale, Mr. Moss, Mr. Nelson, Mr. Pastore, Mr. Ribicoff, Mr. Schweiker, Mr. Spong, Mr. Williams of New Jersey, Mr. Yarborough, Mr. Allen, Mr. Dodd, and Mr. Tower, a joint resolution which increases permissible funding levels for all programs under the U.S. Office of Education to the level set by H.R. 13111, the fiscal year 1970 appropriation bill for the Department of Labor and the Department of Health, Education, and Welfare, instead of that set by either the much reduced amount in the President's budget request or the fiscal year 1969 appropriations.

Mr. President, I ask unanimous consent to have printed at this point in the Record a tabulation showing a summary of fiscal year 1969 authorizations and appropriations for the Office of Education as well as action thus far on the fiscal year 1970 Office of Education appropriations.

There being no objection, the tabulation was ordered to be printed in the Record, as follows:

SUMMARY OF FISCAL YEAR 1970 HISTORY

	Fiscal year 1969		Fiscal year 1970						
	Authorization [1]	Appropriation [2,3]	Authorization [1]	Estimate to Department	Department estimate to Budget Bureau	Johnson budget	Nixon amendments	House committee allowance	House allowanc
Elementary and secondary education	$3,249,059,274	$1,475,993,000	$3,612,054,470	$1,553,855,000	$1,558,327,000	$1,525,876,000	$1,415,393,000	$1,470,338,000	$1,761,591,000
School assistance in federally affected areas	640,112,000	521,253,000	729,941,000	458,502,000	315,167,000	315,167,000	202,167,000	202,167,000	600,167,000
Education professions development	352,500,000	95,000,000	445,000,000	146,500,000	116,500,000	105,000,000	95,000,000	95,000,000	95,000,000
Teacher corps	46,000,000	20,900,000	56,000,000	31,100,000	31,100,000	31,100,000	31,100,000	21,737,000	21,737,000
Higher education	1,689,428,706	808,203,000	1,981,700,000	1,204,732,000	1,071,188,000	897,259,000	780,839,000	785,839,000	859,633,000
Vocational education	482,100,000	248,216,000	766,650,000	444,570,000	350,216,000	279,216,000	279,216,000	357,216,000	488,716,000
Libraries and community services	275,300,000	147,144,000	425,100,000	179,675,000	168,375,000	155,625,000	107,709,000	126,209,000	135,394,000
Education for the handicapped	243,125,000	79,795,000	321,500,000	111,500,000	100,000,000	85,850,000	85,850,000	84,540,000	100,000,000
Research and training	35,000,000	87,452,000	56,000,000	161,755,000	113,200,000	90,000,000	115,000,000	85,750,000	85,750,000
Education in foreign languages and world affairs	56,050,000	18,165,000	120,000,000	29,500,000	24,000,000	20,000,000	20,000,000	18,000,000	18,000,000
Research and training (special foreign currency)	(4)	1,000,000	(4)	7,500,000	4,000,000	4,000,000	1,000,000	1,000,000	1,000,000
Salaries and expenses	(4)	40,804,512	(4)	58,412,000	46,725,000	43,375,000	43,375,000	47,157,000	47,157,000
Civil rights education	(4)	10,797,000	(4)	16,500,000	13,800,000	13,750,000	20,000,000	12,000,000	12,000,000
College for agriculture and the mechanic arts	2,600,000	2,600,000	2,600,000	2,650,000	2,600,000	2,600,000	2,600,000	2,600,000	2,600,000
Promotion of Vocational Education Act, Feb. 23, 1917	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455
Student loan insurance fund	(4)	0	(4)	10,826,000	10,826,000	10,826,000	10,826,000	10,826,000	10,826,000
Higher education facilities loan fund	400,000,000	104,875,000	400,000,000	154,800,000	54,509,000	4,509,000	4,509,000	4,509,000	4,509,000
Total	7,479,682,435	3,669,358,967	8,923,706,925	4,579,178,455	3,987,694,455	3,591,314,455	3,221,745,455	3,327,049,455	4,246,241,455

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[1] Includes indefinite authorizations.

[2] 1969 appropriation adjusted for comparability with 1970 appropriation structure.

[3] Includes supplementals.

[4] Indefinite.

SUMMARY OF FISCAL YEAR 1970 HISTORY—Continued

[Amounts in dollars]

Appropriation/activity	History of 1970 budget, Office of Education								
	Fiscal year 1969		Fiscal year 1970						
	Authorization	Appropriation	Authorization	Estimate to Department	Department estimate to Budget Bureau	Johnson budget	Nixon amendments	House committee allowance	House allowance
ELEMENTARY AND SECONDARY EDUCATION									
Educationally deprived children (ESEA-I)	2,184,436,274	1,123,127,000	2,359,554,470	[1] 1,171,500,000	1,226,127,000	[1] 1,226,000,000	[1] 1,226,000,000	[1][2] 1,216,175,000	[1][2] 1,396,975,000
Local educational agencies (ESEA-I)	(2,072,075,264)	(1,020,438,980)	(2,238,402,205)	(1,061,414,905)	(1,115,347,932)	(1,115,222,202)	(1,115,222,202)	(1,105,397,202)	(1,284,631,102)
Handicapped children (ESEA-I)	(29,781,258)	(29,781,258)	(32,128,027)	(32,128,027)	(32,128,027)	(32,128,027)	(32,128,027)	(32,128,027)	(32,128,027)
Juvenile delinquents in institutions (ESEA-I)	(12,459,014)	(12,459,014)	(13,518,269)	(13,518,269)	(13,518,269)	(13,518,269)	(13,518,269)	(13,518,269)	(13,518,269)
Dependent and neglected children in institutions (ESEA-I)	(1,487,086)	(1,487,086)	(1,564,245)	(1,564,245)	(1,564,245)	(1,564,245)	(1,564,245)	(1,564,245)	(1,564,245)
Migratory children (ESEA-I)	(45,556,074)	(45,556,074)	(49,214,654)	(49,214,654)	(49,214,654)	(49,214,654)	(49,214,654)	(49,214,654)	(49,214,654)
State administration (ESEA-I)	(23,077,578)	(13,404,588)	(24,727,070)	(13,659,900)	(14,353,873)	(14,352,603)	(14,352,603)	(14,352,603)	(15,918,703)
Dropout prevention (ESEA-VIII)	30,000,000	5,000,000	30,000,000	27,000,000	27,000,000	24,000,000	24,000,000	5,000,000	5,000,000
Bilingual education (ESEA-VII)	30,000,000	7,500,000	40,000,000	15,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000
Supplementary educational centers (ESEA-III)	527,875,000	164,876,000	566,500,000	214,000,000	172,000,000	172,876,000	116,393,000	[3] 200,163,000	[3] 164,876,000
Library resources (ESEA-II)	167,375,000	50,000,000	206,000,000	41,400,000	46,000,000	42,000,000	0		50,000,000
Guidance, counseling, and testing (NDEA V-A)	25,000,000	17,000,000	40,000,000	19,800,000	18,000,000	12,000,000	0		17,000,000
Equipment and minor remodeling (NDEA-III)	204,373,000	78,740,000	290,000,000	16,155,000	17,950,000	0	0		78,740,000
Grants to States	(96,800,000)	(75,740,000)	(105,600,000)	(13,155,000)	0	0	0		(75,740,000)
Loans to nonprofit private schools	(13,200,000)	(1,000,000)	(14,400,000)	(1,000,000)	0	0	0		(1,000,000)
State administration	[4] (10,000,000)	(2,000,000)	[4] (10,000,000)	(2,000,000)	0	0	0		(2,000,000)
Grants to local educational agencies	(84,373,000)	0	(160,000,000)	0	(17,950,000)	0	0	0	0
Strengthening State departments of education (ESEA-V)	80,000,000	29,750,000	80,000,000	35,000,000	32,000,000	29,750,000	29,750,000	29,750,000	29,750,000
Grants to States	(76,000,000)	(28,262,500)	(76,000,000)	(33,250,000)	(30,400,000)	(28,262,500)	(28,262,500)	(28,262,500)	(28,262,500)
Grants for special projects	(4,000,000)	(1,487,500)	(4,000,000)	(1,750,000)	(1,600,000)	(1,487,500)	(1,487,500)	(1,487,500)	(1,487,500)
Planning and evaluation (ESEA amendments of 1967-IV)	(5)	0	(5)	14,000,000	9,250,000	9,250,000	9,250,000	9,250,000	9,250,000
Total	3,249,059,274	1,475,993,000	3,612,054,470	1,553,855,000	1,558,327,000	1,525,876,000	1,415,393,000	1,470,338,000	1,761,591,000
SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS									
Maintenance and operation (Public Law 874)	560,950,000	505,900,000	650,594,000	434,929,000	300,000,000	300,000,000	187,000,000	187,000,000	685,000,000
Payment to local educational agencies	(530,950,000)	(475,900,000)	(618,294,000)	(402,629,000)	(267,700,000)	(267,700,000)	(154,700,000)	(154,700,000)	(552,700,000)
Payments to other Federal agencies	(30,000,000)	(30,000,000)	(32,300,000)	(32,300,000)	(32,300,000)	(32,300,000)	(32,300,000)	(32,300,000)	(32,300,000)
Construction (Public Law 815)	79,162,000	15,153,000	79,347,000	23,573,000	15,167,000	15,167,000	15,167,000	15,167,000	15,167,000
Assistance to local educational agencies	(66,162,000)	(1,107,000)	(68,240,000)	(12,513,000)	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)
Assistance for school construction on Federal properties	(13,000,000)	(13,000,000)	(11,107,000)	(10,000,000)	(11,107,000)	(11,107,000)	(11,107,000)	(11,107,000)	(11,107,000)
Technical services	(6)	(1,046,000)	(6)	(1,060,000)	(1,060,000)	(1,060,000)	(1,060,000)	(1,060,000)	(1,060,000)
Evaluation	(6)	200,000	(6)	0	0	0	0	0	0
Total	640,112,000	521,253,000	729,941,000	458,502,000	315,167,000	315,167,000	202,167,000	202,167,000	600,167,000
EDUCATION PROFESSIONS DEVELOPMENT									
Preschool, elementary, and secondary	350,000,000	95,000,000	440,000,000	145,000,000	115,000,000	104,500,000	95,000,000	95,000,000	95,000,000
Grants to States (EPDA pt. B-2)	(50,000,000)	(15,000,000)	(65,000,000)	(20,000,000)	(20,000,000)	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)
Training programs (EPDA pts. C, D & F)	(300,000,000)	(80,000,000)	(375,000,000)	(125,000,000)	(95,000,000)	(89,500,000)	(80,000,000)	(80,000,000)	(80,000,000)

Footnotes at end of table.

SUMMARY OF FISCAL YEAR 1970 HISTORY—Continued

[Amounts in dollars]

Appropriation/activity	History of 1970 budget, Office of Education								
	Fiscal year 1969		Fiscal year 1970						
	Authorization	Appropriation	Authorization	Estimate to Department	Department estimate to Budget Bureau	Johnson budget	Nixon amendments	House committee allowance	House allowance
EDUCATION PROFESSIONS DEVELOPMENT—Con.									
Encouragement of educational careers (EPDA) (sec. 504)	2, 500, 000	0	5, 000, 000	1, 500, 000	1, 500, 000	500, 000	0	0	0
Total	352, 500, 000	95, 000, 000	445, 000, 000	146, 500, 000	116, 500, 000	105, 000, 000	95, 000, 000	95, 000, 000	95, 000, 000
TEACHER CORPS									
Operations and training (EPDA, pt. B–1)	46, 000, 000	20, 900, 000	56, 000, 000	31, 100, 000	31, 100, 000	31, 100, 000	31, 100, 000	21, 737, 000	21, 737, 000
HIGHER EDUCATION									
Program assistance	69, 541, 706	56, 450, 000	161, 120, 000	70, 772, 000	74, 772, 000	48, 620, 000	42, 120, 000	42, 120, 000	42, 120, 000
Strengthening developing institutions (HEA III)	(35, 000, 000)	(30, 000, 000)	(70, 000, 000)	(35, 000, 000)	(40, 000, 000)	(35, 000, 000)	(30, 000, 000)	(30, 000, 000)	(30, 000, 000)
College of agriculture and mechanic arts (Bankhead-Jones Act)	(12, 120, 000)	(11, 950, 000)	(12, 120, 000)	(12, 272, 000)	(12, 272, 000)	(12, 120, 000)	(12, 120, 000)	(12, 120, 000)	(12, 120, 000)
Proposed supplemental	(7, 241, 706)	0	0	0	0	0	0	0	0
Undergraduate instructional equipment and other resources:									
Television equipment (HEA VI–A)	(1, 500, 000)	(1, 500, 000)	(10, 000, 000)	(1, 500, 000)	(1, 500, 000)	0	0	0	0
Other equipment (HEA VI–A)	(13, 000, 000)	(13, 000, 000)	(60, 000, 000)	(13, 000, 000)	(13, 000, 000)	0	0	0	0
Institutional sharing of resources (HEA VIII)	(340, 000)	0	(4, 000, 000)	(4, 000, 000)	(3, 000, 000)	(750, 000)	0	0	0
Improvement of graduate schools (HEA X)	(340, 000)	0	(5, 000, 000)	(5, 000, 000)	(5, 000, 000)	(750, 000)	0	0	0
Construction	1, 068, 000, 000	106, 753, 000	1, 074, 750, 000	292, 100, 000	240, 816, 000	171, 770, 000	65, 850, 000	65, 850, 000	98, 850, 000
Public community colleges and technical institutes (HEFA I)	(224, 640, 000)	(50, 000, 000)	(224, 640, 000)	(83, 700, 000)	(67, 000, 000)	(43, 000, 000)	(43, 000, 000)	(43, 000, 000)	(43, 000, 000)
Other undergraduate facilities (HEFA I)	(711, 360, 000)	(33, 000, 000)	(711, 360, 000)	(166, 300, 000)	(133, 464, 000)	(87, 000, 000)	0	0	(33, 000, 000)
Graduate facilities (HEFA II)	(120, 000, 000)	(8, 000, 000)	(120, 000, 000)	(30, 000, 000)	(25, 577, 000)	(20, 000, 000)	0	0	0
Interest subsidization (HEFA III)	(5, 000, 000)	0	(11, 750, 000)	0	(2, 675, 000)	(10, 670, 000)	(11, 750, 000)	(11, 750, 000)	(11, 750, 000)
Supplemental		(3, 920, 000)	0	0	0	0	0	0	0
State administration and planning (HEFA I):									
State administration	(7, 000, 000)	(3, 000, 000)	(7, 000, 000)	(3, 000, 000)	(3, 000, 000)	(3, 000, 000)	(3, 000, 000)	(3, 000, 000)	(3, 000, 000)
State planning		(4, 000, 000)		(4, 000, 000)	(4, 000, 000)	(3, 000, 000)	(3, 000, 000)	(3, 000, 000)	(3, 000, 000)
Administration	(5)	(4, 833, 000)	(5)	(5, 100, 000)	(5, 100, 000)	(5, 100, 000)	(5, 100, 000)	(5, 100, 000)	(5, 100, 000)
Student aid	528, 590, 000	568, 100, 000	695, 430, 000	720, 500, 000	662, 600, 000	601, 400, 000	600, 400, 000	610, 706, 000	651, 500, 000
Educational opportunity grants (HEA IV–A)	[6]70, 000, 000	(124, 600, 000)	[6]100, 000, 000	(179, 600, 000)	(175, 600, 000)	(175, 600, 000)	(175, 600, 000)	(159, 600, 000)	(159, 600, 000)
Direct loans (NDEA II):									
Contributions to loan funds	(210, 000, 000)	(190, 000, 000)	(275, 000, 000)	(211, 200, 000)	(194, 000, 000)	(155, 000, 000)	(155, 000, 000)	(181, 306, 000)	(222, 100, 000)
Loans to institutions	(7)	(2, 000, 000)	(7)	(2, 000, 000)	(2, 000, 000)	(2, 000, 000)	(2, 000, 000)	(2, 000, 000)	(2, 000, 000)
Teacher cancellations	(5)	(1, 400, 000)	(5)	(4, 900, 000)	(4, 900, 000)	(4, 900, 000)	(4, 900, 000)	(4, 900, 000)	(4, 900, 000)
Insured loans (HEA IV–B):									
Advances for reserve funds	(12, 500, 000)	(12, 500, 000)	0	0	0	0	0	0	0
Interest payments	(5)	(62, 400, 000)	(5)	(81, 400, 000)	(62, 400, 000)	(62, 400, 000)	(62, 400, 000)	(62, 400, 000)	(62, 400, 000)
Computer services		(1, 500, 000)		(1, 500, 000)	(1, 500, 000)	(1, 500, 000)	(1, 500, 000)	(1, 500, 000)	(1, 500, 000)
Work-study programs (HEA IV–C)	(225, 000, 000)	(139, 900, 000)	(255, 000, 000)	(175, 500, 000)	(165, 000, 000)	(154, 000, 000)	(154, 000, 000)	(154, 000, 000)	(154, 000, 000
Cooperative education (HEA IV–D):									
Program support	(340, 000)	0	(8, 000, 000)	(5, 000, 000)	(5, 000, 000)	(1, 000, 000)	0	0	0
Research and training	(750, 000)	0	(750, 000)	(500, 000)	(500, 000)			0	0
Special programs for disadvantaged students (HEA sec. 408):									
Talent search	(10, 000, 000)	(4, 000, 000) (29, 800, 000)	(56, 680, 000)	(8, 500, 000)	(5, 000, 000)	(5, 000, 000)	(5, 000, 000)	(5, 000, 000)	(5, 000, 000)
Upward bound				(31, 700, 000)	(31, 700, 000)	(30, 000, 000)	(30, 000, 000)	(30, 000, 000)	(30, 000, 000)
Special services in college				(18, 700, 000)	(15, 000, 000)	(10, 000, 000)	(10, 000, 000)	(10, 000, 000)	(10, 000, 000)

Footnotes at end of table.

SUMMARY OF FISCAL YEAR 1970 HISTORY—Continued

[Amounts in dollars]

Appropriation/activity	History of 1970 budget, Office of Education								
	Fiscal year 1969		Fiscal year 1970						
	Authorization	Appropriation	Authorization	Estimate to Department	Department estimate to Budget Bureau	Johnson budget	Nixon amendments	House committee allowance	House allowance
HIGHER EDUCATION—Continued									
Personnel development	22,180,000	76,900,000	48,500,000	120,000,000	92,000,000	74,469,000	71,469,000	66,163,000	66,163,000
College teacher fellowships (NDEA IV)	(5)	(70,000,000)	(5)	(96,600,000)	(75,000,000)	(61,469,000)	(61,469,000)	(56,163,000)	(56,163,000)
Training programs (EPDA, pt. E)	(21,500,000)	(6,900,000)	(36,000,000)	(16,400,000)	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)
Public service education (HEA IX)	(340,000)	0	(5,000,000)	(5,000,000)	(5,000,000)	(3,000,000)	0	0	0
Clinical experience for law students (HEA XI)	(340,000)	0	(7,500,000)	(2,000,000)	(2,000,000)	0	0	0	0
Planning and evaluation	1,117,000	0	1,900,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Total	1,689,428,706	808,203,000	1,981,700,000	1,204,372,000	1,071,188,000	897,259,000	780,839,000	785,839,000	859,633,000
VOCATIONAL EDUCATION									
Basic grants (VE Act of 1963, pt. B)	315,000,000	[8] 234,216,000	504,000,000	321,070,000	228,716,000	230,336,000	230,336,000	300,336,000	357,836,000
Transfer to Department of Labor	5,000,000	0	5,000,000	2,500,000	2,500,000	2,000,000	2,000,000	0	0
State advisory councils	(5)	0	(5)	3,850,000	1,850,000	1,680,000	1,680,000	1,680,000	1,680,000
National advisory council	[9] 100,000	0	150,000	150,000	150,000	200,000	200,000	200,000	200,000
Homemaking education (VE act of 1963 pt. F)	(10)	14,000,000	25,000,000	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000
Programs for students with special needs (VE act of 1963, (pt. B)	40,000,000	0	40,000,000	15,000,000	15,000,000	0	0	0	40,000,000
Work-study (VE act of 1963, pt. H)	35,000,000	0	35,000,000	28,000,000	28,000,000	0	0	10,000,000	10,000,000
Cooperative education (VE act of 1963, pt. G)	20,000,000	0	35,000,000	17,500,000	17,500,000	14,000,000	14,000,000	14,000,000	14,000,000
Innovation (VE act of 1963, pt. D)	15,000,000	0	57,500,000	30,000,000	30,000,000	13,000,000	13,000,000	13,000,000	13,000,000
Curriculum development (VE act of 1963, pt. I)	7,000,000	0	10,000,000	5,000,000	5,000,000	2,000,000	2,000,000	2,000,000	2,000,000
Residential vocational schools (VE act of 1963, pt. E)	45,000,000	0	55,000,000	5,000,000	5,000,000	0	0	0	0
Planning and evaluation	(5)	0	(5)	1,500,000	1,500,000	1,000,000	1,000,000	1,000,000	1,000,000
Research (VE act of 1963, (pt. C)	(11)	(11)	(11)	(11)	(11)	(11)	(11)	(11)	[12] 34,000,000
Total	482,100,000	248,216,000	766,650,000	444,570,000	350,216,000	279,216,000	279,216,000	357,216,000	488,716,000
LIBRARIES AND COMMUNITY SERVICES									
Library services	80,000,000	40,709,000	96,000,000	44,000,000	42,000,000	40,709,000	23,209,000	40,709,000	40,709,000
Grants for public libraries (LSCA I)	(55,000,000)	(35,000,000)	(65,000,000)	(35,000,000)	(35,000,000)	(35,000,000)	(17,500,000	(35,000,000)	(35,000,000)
Interlibrary cooperation (LSCA III)	(10,000,000)	(2,281,000)	(12,500,000)	(3,500,000)	(2,500,000)	(2,281,000	(2,281,000	(2,281,000)	(2,281,000)
State institutional library services (LSCA IV–A)	(10,000,000)	(2,094,000)	(12,500,000)	(3,000,000)	(3,000,000)	(2,094,000)	(2,094,000)	(2,094,000)	(2,094,000)
Library services to physically handicapped (LSCA IV–B)	(5,000,000)	(1,334,000)	(6,000,000)	(2,500,000)	(1,500,000)	(1,334,000)	(1,334,000)	(1,334,000)	(1,334,000)
Construction of public libraries (LSCA II)	60,000,000	9,185,000	70,000,000	15,800,000	15,800,000	9,185,000	0	0	9,185,000
College library resources (HEA II–A)	25,000,000	25,000,000	75,000,000	25,000,000	25,000,000	25,000,000	12,500,000	12,500,000	12,500,000
Acquisition and cataloging by Library of Congress (HEA II–C)	6,000,000	5,500,000	11,100,000	5,500,000	8,500,000	7,356,000	4,500,000	5,500,000	5,000,000
Librarian training (HEA II–B)	[13] 11,800,000	8,250,000	[13] 28,000,000	8,250,000	8,250,000	8,250,000	4,000,000	4,000,000	4,000,000
University community services (HEA I)	10,000,000	9,500,000	50,000,000	14,000,000	10,000,000	9,500,000	9,500,000	9,500,000	9,500,000
Adult basic education	70,000,000	45,000,000	80,000,000	53,500,000	50,200,000	50,000,000	50,000,000	50,000,000	50,000,000
Grants to States (Adult Education Act)		(36,000,000)		(42,800,000)	(40,160,000)	(40,000,000	(40,000,000)	(40,000,000)	(40,000,000)
Special projects (Adult Education Act)		(7,000,000)		(8,200,000)	(8,040,000)	(8,000,000)	(8,000,000)	(8,000,000)	(8,000,000)
Teacher education (Adult Education Act)		(2,000,000)		(2,500,000)	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)

Footnotes at end of table.

SUMMARY OF FISCAL YEAR 1970 HISTORY—Continued

[Amounts in dollars]

Appropriation/activity	History of 1970 budget, Office of Education								
	Fiscal year 1969		Fiscal year 1970						
	Authorization	Appropriation	Authorization	Estimate to Department	Department estimate to Budget Bureau	Johnson budget	Nixon amendments	House committee allowance	House allowance
LIBRARIES AND COMMUNITY SERVICES—Con.									
Educational broadcasting facilities—grants for facilities (title III, Communications Act of 1934)	12,500,000	4,000,000	15,000,000	13,625,000	8,625,000	5,625,000	4,000,000	4,000,000	4,000,000
Total	275,300,000	147,144,000	425,100,000	179,675,000	168,375,000	155,625,000	107,709,000	126,209,000	135,394,000
EDUCATION FOR THE HANDICAPPED									
Preschool and school programs (ESEA VI-A)	167,375,000	29,250,000	206,000,000	34,000,000	34,000,000	29,250,000	29,250,000	[14] 29,190,000	[14] 29,190,000
Early childhood programs (Public Law 90-538)	1,000,000	945,000	10,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	4,000,000
Teacher education and recruitment	40,500,000	30,250,000	59,000,000	41,000,000	36,000,000	30,500,000	30,500,000	30,500,000	36,610,000
Teacher education (Public Law 85-926)	(37,500,000)	(29,700,000)	(55,000,000)	(38,000,000)	(34,000,000)	(29,700,000)	(29,700,000)	(29,700,000)	(35,000,000)
Physical education and recreation (Public Law 88-164)	(2,000,000)	(300,000)	(3,000,000)	52,000,000)	(1,000,000)	(300,000)	(300,000)	(300,000)	(1,000,000)
Recruitment and information (ESEA VI-D)	(1,000,000)	(250,000)	(1,000,000)	(1,000,000)	(1,000,000)	(500,000)	(500,000)	(500,000)	(610,000
Research and innovation	26,250,000	14,600,000	36,500,000	27,500,000	21,500,000	18,350,000	18,350,000	17,100,000	23,700,000
Research and demonstration (Public Law 88-164, sec. 302)	(14,000,000)	(12,800,000)	(18,000,000)	(18,000,000)	(15,000,000)	(14,050,000)	(14,050,000)	(12,800,000)	(16,000,000)
Physical education and recreation (Public Law 88-164)	(1,500,000)	(300,000)	(1,500,000)	(1,500,000)	(1,000,000)	(300,000)	(300,000)	(300,00)	(700,000)
Regional resource centers (ESEA VI-B)	(7,750,000)	(500,000)	(10,000,000)	(4,000,000)	(2,500,000)	(2,000,000)	(2,000,000)	(2,000,000)	(3,000,000)
Innovative programs (deaf-blind centers) (ESEA VI-C)	(3,000,000)	(1,000,000)	(7,000,000)	(4,000,000)	(3,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	(4,000,000)
Media services and captioned films (Public Law 85-905)	8,000,000	4,750,000	10,000,000	6,000,000	5,500,000	4,750,000	4,750,000	4,750,000	6,500,000
Total	243,125,000	79,795,000	321,500,000	111,500,000	100,000,000	85,850,000	85,850,000	84,540,000	100,000,000
RESEARCH AND TRAINING									
Research and development		74,976,000		116,800,000	86,800,000	68,800,000	68,800,000	68,800,000	68,800,000
Educational labaoratories (Co-op. Res. Act)	(9)	(23,600,000)		(37,200,000)	(33,600,000)	(25,750,000)	(25,750,000)	(25,750,000)	(25,750,000)
Research and developments centers (Co-op. Res. Act)	(9)	(10,800,000)		(10,800,000)	(10,800,000)	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)
General education (Co-op. Res. Act)[15]	(9)	(26,951,000)		(45,200,000)	(26,025,000)	(26,950,000)	(26,950,000)	(26,950,000)	(26,950,000)
Vocational education (VE Act of 1963)	35,000,000	(11,375,000)	56,000,000	(16,600,000)	(11,375,000)	(1,100,000)	(1,100,000)	(1,100,000)	(1,100,000)
Evaluations (Co-op. Res. Act)	(9)	(1,250,000)		(5,000,000)	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)
National achievement study (Co-op. Res. Act)	(9)	(1,000,000)		(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)
Major demonstrations (Co-op. Res. Act)	(9)	1,000,000		24,300,000	10,250,000	5,250,000	5,250,000	1,000,000	1,000,000
Experimental schools (Co-op. Res. Act)		0		0	0	0	25,000,000	0	0
Dissemination (Co-op. Res. Act., sec. 1206 HEA and sec. 303 VE amendments)	(9)	4,226,000		7,200,000	7,200,000	7,200,000	7,200,000	7,200,000	7,200,000
Training (Co-op. Res. Act)	(9)	6,750,000		11,000,000	6,750,000	6,750,000	6,750,000	6,750,000	6,750,000
Construction (Co-op. Res. Act)	(10)	0		(10)			0	0	0
Educational statistical surveys (Co-op. Res. Act)	(9)	500,000		2,455,000	2,200,000	2,000,000	2,000,000	2,000,000	2,000,000
Total	35,000,000	87,452,000	56,000,000	161,755,000	113,200,000	90,000,000	115,000,000	85,750,000	85,750,000

Footnotes at end of table.

SUMMARY OF FISCAL YEAR 1970 HISTORY—Continued

[Amounts in dollars]

Appropriation/activity	History of 1970 budget, Office of Education								
	Fiscal year 1969		Fiscal year 1970						
	Authorization	Appropriation	Authorization	Estimate to Department	Department estimate to Budget Bureau	Johnson budget	Nixon amendments	House committee allowance	House allowance
EDUCATION IN FOREIGN LANGUAGES AND WORLD AFFAIRS									
Centers, fellowships, and research (NDEA VI)	16,050,000	15,165,000	30,000,000	21,000,000	15,500,000	15,000,000	15,000,000	15,000,000	15,000,000
Fulbright-Hays training grants (Fulbright-Hays Act)	(5)	3,000,000	(5)	3,500,000	3,500,000	3,000,000	3,000,000	3,000,000	3,000,000
International Education Act	40,000,000	----------------	90,000,000	5,000,000	5,000,000	2,000,000	2,000,000	0	0
Total	56,050,000	18,165,000	120,000,000	29,500,000	24,000,000	20,000,000	20,000,000	18,000,000	18,000,000
RESEARCH AND TRAINING (SPECIAL FOREIGN CURRENCY PROGRAM)									
Institutional development grants for training, research, and study	(5)	800,000	(5)	7,500,000	4,000,000	4,000,000	1,000,000	1,000,000	1,000,000
Research in foreign education	(5)	200,000	(5)	0	0	0	0	0	0
Total	(5)	1,000,000	(5)	7,500,000	4,000,000	4,000,000	1,000,000	1,000,000	1,000,000
SALARIES AND EXPENSES									
Program administration	(5)	40,804,512	(5)	58,412,000	46,725,000	43,375,000	43,375,000	42,157,000	42,157,000
CIVIL RIGHTS EDUCATION									
Training for school personnel and grants to school boards (Civil Rights Act IV)	(5)	9,250,000	(5)	14,533,000	11,833,000	11,900,000	17,150,000	10,500,000	10,500,000
Technical services and administration (Civil Rights Act IV)	(5)	1,547,000	(5)	1,967,000	1,967,000	1,850,000	2,850,000	1,500,000	1,500,000
Total	(5)	10,797,000	(5)	16,500,000	13,800,000	13,750,000	20,000,000	12,000,000	12,000,000
COLLEGES FOR AGRICULTURE AND AND THE MECHANIC ARTS									
Grants to States (2d Morrill Act)	2,600,000	2,600,000	2,600,000	2,650,000	2,600,000	2,600,000	2,600,000	2,600,000	2,600,000
PROMOTION OF VOCATIONAL EDUCATION ACT, FEB. 23, 1917									
Grants to States (Smith-Hughes Act)	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455
STUDENT LOAN INSURANCE FUND									
Higher education and vocational student loans: Loans purchased upon default by student borrowers (HEA IV–B)	(5)	0	(5)	10,826,000	10,826,000	10,826,000	10,826,000	10,826,000	10,826,000
HIGHER EDUCATION FACILITIES LOAN FUND									
Operating costs (HEFA III):									
Commission on sales of participation certificates	(5)	0	(5)	0	0	0	0	0	0
Interest expense on participation certificates	(5)	4,875,000	(5)	4,800,000	4,509,000	4,509,000	4,509,000	4,509,000	4,509,000
Administrative expenses	(5)	0	(5)	0	0	0	0	0	0

Footnotes at end of table.

SUMMARY OF FISCAL YEAR 1970 HISTORY—Continued

[Amounts in dollars]

Appropriation activity	History of 1970 budget, Office of Education								
	Fiscal year 196		Fiscal year 1970						
	Authorization	Appropriation	Authorization	Estimate to Department	Department estimate to Budget Bureau	Johnson budget	Nixon amendments	House committee allowance	House allowance
HIGHER EDUCATION FACILITIES LOAN FUND—Continued									
Loans to higher education institutions (HEFA-III)	400, 000, 000	100, 000, 000	400, 000, 000	150, 000, 000	50, 000, 000	0	0	0	0
Total	400, 000, 000	104, 875, 000	400, 000, 000	154, 800, 000	54, 509, 000	4, 509, 000	4, 509, 000	4, 509, 000	4, 509, 000

SUMMARY OF FISCAL YEAR 1970 HISTORY—FOOTNOTES

[1] Includes advance of $1,010,814,300 appropriated in the 1969 Labor-HEW Appropriation Act.

[2] House did not consider $9,825,000 for Indian children not yet authorized.

[3] House did not consider $230,000 for Indian children not yet authorized.

[4] Includes supervision which is funded under title V, ESEA.

[5] Indefinite.

[6] For new awards plus continuous cost.

[7] $25,000,000 authorized from fiscal year 1959 through duration of act.

[8] Includes $49,991,000 for George Barden and supplemental acts.

[9] Specific authorization represents amounts only for technical assistants to carry out functions of National Advisory Council.

[10] Authorization included under grants to States, pt. B, Vocational Education Act of 1963.

[11] Included under research and training appropriation.

[12] Excludes $1,100,000 which is included under research and training appropriation.

[13] Includes library research which is shown under research and training.

[14] House did not consider $60,000 for Indian children not yet authorized.

[15] General education combines these prior year activities: General education research, demonstration and development, library improvement research, and educational media research.

[16] $100,000,000 authorized over a 5-year period through fiscal year 1970.

Mr. MONTOYA. Mr. President, a glance at the tabulation will show that the amounts in the House-passed H.R. 13111 are $1 billion, $25 million over the budget request and approximately $600,000 over the fiscal year 1969 appropriation. The resolution we are introducing today would permit the Office of Education to expend funds at the greater level in H.R. 13111 until Congress completes action on the appropriation bill.

As you know, Mr. President, Congress has not yet completed action on fiscal year 1970 appropriations for programs in the U.S. Office of Education. As I pointed out on September 10 when I sponsored a joint resolution (S.J. Res. 148) providing similar school aid relief to federally impacted areas, the unavoidable delay in appropriations causes much uncertainty and many difficulties for education agencies which must function for several months not knowing the total amount of funds with which they have to operate. The continuing resolution presently in effect authorizes the Department of Health, Education, and Welfare, among other agencies, to expend funds at last year's rate or the President's fiscal year 1970 budget request, whichever is the lesser. A review of the above tabulation will show that this is simply not adequate.

The House-passed H.R. 13111 provides, as I have stated, for education programs, funds of more than $1 billion over the President's budget request. I feel confident that the Senate will uphold, and even increase, the amounts voted by the House. In light of the nearly assured action of Congress to amend the President's budget request, the present continuing resolution represents the imposition of an unnecessary hardship on federally funded education programs. This interim funding procedure is creating havoc with most school budgets and is particularly harmful to school programs involving vocational education, education for the handicapped, aid for educationally deprived children, aid to federally impacted areas, and direct loans for college students. We in Congress must not penalize the schools for our own unavoidable procedural inefficiencies.

If we do not enact this joint resolution promptly, Mr. President, we will, in fact, be penalizing our schools and our Nation's children. Unless we act now, schools will necessarily be forced to make drastic cuts in services, personnel, equipment, materials, and other vital areas. This will have the resultant effect of a poor quality education. Let us demonstrate our commitment to quality education by enacting this resolution and freeing the necessary funds for all education programs.

The resolution we are proposing is identical with one introduced in the other body, cosponsored by 227 Members of the House. Debate on that will be occurring today. I am hopeful that that measure will be adopted by the House today. By evincing our strong support for the measure now being introduced, we can assure our colleagues in the House of our collective support for meeting the educational needs of our children and schools thus enabling them to avoid any specious argument to the contrary which may be offered by those who have not assessed the depth of our commitment.

I am very pleased to state that the resolution, which has strong bipartisan support, is one which can command the allegiance of all Senators of both parties. I wish to thank my colleague, the Senator from Rhode Island (Mr. PELL), chairman of the Education Subcommittee, and and my colleague, the Senator from West Virginia (Mr. RANDOLPH), senior member of the Committee on Labor and Public Welfare, and my colleague, the Senator from New York (Mr. JAVITS), ranking Republican member of the full committee, for joining with me at this time in presenting this resolution to the Senate on our behalf and on behalf of all those who have joined us in cosponsoring this measure.

Mr. President, this measure affects every State in the Nation and it affects every program administered by the U.S. Office of Education. Some programs would be assisted more than others, some States more than others. But in the final analysis, all States and thus children and scholars throughout the Nation will benefit if this measure is enacted.

Mr. President, a State-by-State breakdown of the various levels of funding involved may be found in the CONGRESSIONAL RECORD of October 21, 1969, at pages 30711–30768. All States will benefit in the end. Quality education will be enhanced.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the text of the joint resolution.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 163) to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education, and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111 which passed the House of Representatives July 31, 1969, and entitled "An Act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes," introduced by Mr. MONTOYA (for himself and other Senators), was received, read twice by its title, referred to the Committee on Appropriations, and ordered to be printed in the RECORD, as follows:

S.J. RES. 163

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 101(b) and section 101(d) of the joint resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1970, and for other purposes," approved June 30, 1969 (83 Stat. 38), in addition to the sums appropriated by such joint resolution, such additional sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the Department of Health, Education, and Welfare for the fiscal year 1970, as may be necessary for carrying out programs and projects and for making payments to State and local educational agencies, institutions of higher education, and other educational agencies and organizations, of the amounts to which they would be entitled for the fiscal year 1970 pursuant to the provisions of those paragraphs captioned "Office of Education" in the bill, H.R. 13111, which passed the House of Representatives on July 31, 1969, entitled "An Act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes."

Mr. PELL. Mr. President, I should like to take this opportunity to commend the junior Senator from New Mexico (Mr. Montoya) for taking the leadership role in seeking to meaningfully fund our current education programs. And I am pleased to join with him as a cosponsor.

It appears to me that both the Senate and the House have spoken most clearly on the subject of support for education. Early in this session, we, by record vote, exempted education programs from the budget limitation. In August we voted to increase the authorization for the Federal higher education student assistance programs. On the House side, concern for education was clearly demonstrated with the passage of H.R. 13111 at a level far in excess of the requested figure.

I hope that the administration and the Appropriations Committee will take note of what I believe to be the mood of the Senate in full support of education programs. Funding of ongoing projects at last year's level only retards the fine work of the local educational agencies not only in the present school year, but also in the next, for intelligent planning cannot be carried on when the funding level is so uncertain.

In today's Washington Post there appears an editorial which speaks of the need to give education a top priority. I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Post, Oct. 28, 1969]

Education—"The Key to Survival"

"Jefferson knew that the destiny of America was inseparable from education—that in the fulfillment of the promise of this new nation education would be the key . . . Education, long the key to opportunity and fulfillment, is today also the key to survival." So said Richard Nixon just a year ago when he was a candidate for the presidency. And he went on to pledge that "my administration will be second to none in its concern for education."

There has been no discernible movement to redeem that pledge. Indeed, in the fierce competition for attention and for federal funds in a period when economy is an administration watchword, education has been treated as a pesky poor relation. The President has come forward with a dramatic new welfare proposal; but he has displayed only indifference to the urgent educational needs set forth by a distinguished urban education task force. He has proposed immense expenditures for a new maritime program designed to "replace the drift and neglect of recent years and restore this country to a proud position in the shipping lanes of the world"; but when the House of Representatives during the summer enlarged by a billion dollars the meager appropriation he requested for federal aid to education, he opposed the increase and threatened not to spend it if the Senate should endorse the House action.

The President and his Secretary of Health, Education and Welfare persuaded one of the ablest and most thoughtful educators in the country, Dr. James E. Allen Jr., to leave the New York State superintendency of education and come to Washington as U.S. Commissioner of Education. But Dr. Allen has been accorded scant influence since he came here, as though the administration desired a symbol of excellence rather than a promoter of it.

This country, a pioneer in mass public education, is now second to many of the countries of Europe in literacy, the most elementary index to educational attainment. Calling last month for a campaign to eradicate illiteracy in America, Commissioner Allen pointed to the shameful fact that in large city school systems in this country up to half of the students read below expectation and that about half of the unemployed youth between the ages of 16 and 21 in this country are functionally illiterate.

"Drift and neglect" have been much more—and much more seriously—the portion of the public schools in this country than of the merchant marine. For nearly half a century on one pretext or another—two world wars, two Asian interventions, a depression, an inflation—the public schools of this country have been allowed to sink further and further in arrears of the demands made upon them. School construction has not kept pace with a growing school population; the number and the caliber of teachers—and of the counselors and equipment required to complement the teachers—have lagged increasingly behind the known needs of school children.

The management of public schools is, and should be, a local responsibility. But the long neglect of the school system can be repaired only through a dramatic program of federal financial aid; the resources are simply not now available at the local level. More important still, the drive and innovation and planning for a revitalization of the public schools must come on a nationwide basis.

With the need for federal aid so urgent and so great, it is a tragedy to hear from within the administration phlegmatic talk about concentrating on research instead of on action. It is true, of course, that intensive study of educational needs and aims must continue constantly. But the schools themselves—and the children whose childhood opportunities for education can never recur—cannot now wait upon research. There are plenty of pressing and indubitably constructive uses for the billion dollars of additional money a concerned Congress wants to apply to public education. There is plenty of knowledge in the U.S. Commissioner's office to put that money effectively to work at once.

Mr. HART. Mr. President, I am pleased to cosponsor the resolution introduced by the Senator from New Mexico (Mr. Montoya) which would authorize Federal aid-to-education programs be funded at the level approved by the House of Representatives when it passed H.R. 13111 on July 31.

To review the situation briefly the House added about $1.042 billion to the administration's budget request for the Office of Education.

The Senate has not yet acted on the bill, and, as I understand the situation, may not do so for several more weeks.

Because the appropriation bill for the Office of Education has not been enacted for this fiscal year, funds for education programs are made available through a continuing resolution.

Under the terms of the existing resolution, which expires October 31, these important education and library programs are funded at the level of the administration's budget request or the level of the appropriation for fiscal year 1969, whichever is lower.

The Senate is then faced with two questions on education appropriations.

When H.R. 13111 comes to the floor, the Senate should at least match the House figure.

However, to cover the interim period before the Senate takes action on the bill, we should approve Senator Montoya's resolution to provide funding at the level of the House-passed bill.

I shall put the case in terms of what is at stake for my State of Michigan.

Michigan's allocation under H.R. 13111 is $105,102,536; under the Nixon budget, $76,521,291.

That is a difference of about $28.5 million, a difference Michigan can ill afford. And I suspect the situation is the same in most other States.

Let me cite just one program, aid to school districts affected by Federal employment—Public Law 874—to pinpoint the effect the Nixon budget has on local school budgets. I chose this program because the Office of Education supplied me with figures listing the cutback in Public Law 874 funds by Michigan congressional districts.

These are the overall figures: $650 million needed to honor full entitlements, and $187 million requested in President Nixon's budget.

Basically, impacted aid goes to schools having three categories of pupils:

First, students whose parents work for the Federal Government and live on Federal property and who go to federally operated schools.

Second, students whose parents work for the Federal Government and live on Federal property, but who go to local public schools.

Third, students whose parents either live on Federal property or work for the Federal Government and who go to local public schools.

It is my understanding the President Nixon's budget eliminates assistance for schools with pupils in the third category.

Mr. President, while many school districts have great need for their full share of this program, this particular cut hits hardest at some of those districts which need the money most—districts in our cities.

The reason is clear. While many city residents may work for the Federal Government, there are few Federal housing reservations within big cities.

For example, under full entitlement Detroit public schools would receive $856,000; under the proposed budget, nothing.

However, let me emphasize the effect of the reduction is not limited to Detroit. The following are the figures by congressional district:

District	Full entitlement	Nixon entitlement
2d	$96,000	$8,000
3d	683,000	105,000
8th	49,000	4,000
9th	67,000	6,000
10th	816,000	500,000
11th	1,946,000	1,200,000
12th	1,115,000	400,000
15th	67,000	0
16th	19,000	10,000

In all fairness, this is not the first administration to seek cutbacks in the Public Law 874 program, and many persons feel that these funds could be spent in a more equitable way.

My point is, however, that as long as the program remains on the books we should expect school districts hard-pressed to find funds to budget for their full entitlement. To deny that full entitlement greatly complicates the task of drawing up realistic and adequate school budgets at the local level.

Further complicating the situation for local school boards is a refusal by administrations to spend what Congress appropriates.

President Nixon already has announced that he will not spend any funds in excess of this request for the Office of Education.

Mr. President, the administration should spend what Congress appropriates. Otherwise the administration will in effect be ignoring the proper role of Congress in setting national spending priorities.

The case for spending what the House approved is stated clearly in the editorial in today's edition of the Washington Post which the Senator from Rhode Island (Mr. Pell) inserted in the Record earlier.

Mr. KENNEDY. Mr. President, as a cosponsor of Senate Joint Resolution 163 I cannot stress enough the importance of this interim measure to assure adequate funding of education programs and to assure that the ultimate will of the Senate is carried out in this regard.

Presently education programs are provided Federal funds only to the level prescribed in the administration's revised budget estimates of April or the 1969 appropriation level, whichever is lower. This provision results in there being no Federal funds available for operating library programs in the elementary, secondary, and higher education areas, the matching grant equipment programs of title III, NDEA; and title VI of the Higher Education Act; guidance counseling, and testing provisions of title V, NDEA, and no payments for category "(b)" pupils under Public Law 874, the impact aid legislation. Grants to local educational agencies under title I of ESEA must operate below the budget estimates level for fiscal year 1970. Cutbacks in vocational education must be made at this time because the 1969 funding level does not permit implementation of the 1968 set-asides simultaneously with the continuation of ongoing programs. Drastic cutbacks are required for many other programs in the field of higher education.

The problem is that back in June, when Congress passed the general continuing resolution for all Federal programs for which appropriations had not then been passed, the House had not yet acted on educational appropriations. Therefore the only specific guide we had for education in fiscal 1970 was the administration's budget request. Subsequently, however, the House passed H.R. 13111, which calls for an increase of more than $1 billion over the administration's budget request. The Senate has not yet acted on H.R. 13111, but there is every indication that the Senate will approve even more than the House-passed figure.

In this situation, it is unrealistic to restrict education expenditures to the outdated figure in the initial budget request. Senate Joint Resolution 163 would correct the situation by directing the Office of Education to spend at the level approved in H.R. 13111, pending final action by Congress on education appropriations.

There is no need to detail the overwhelming need for the resolution. In my own State of Massachusetts, the administration budget estimate was $52,123,484, whereas under the House-passed appropriation bill Massachusetts would receive $78,861,707. The holding back of funds has caused uncertainty, confusion, and serious harm to many successful programs and projects which have developed over the years. If funds are frozen out much longer, the damage will be irreversible. For educators must have a realistic basis for planning. The problem is similar in every State in the Union.

Passage of Senate Joint Resolution 163 will give educational administrators assurance that spending will be at least as high as the House-passed level. It will enable them to plan and conduct programs in the most efficient and effective fashion for the rest of the school year.

The Senate has long shown its commitment to education, and I have no doubt whatsoever that we will continue this commitment when we finally act on H.R. 13111. Earlier this year, the Senate voted to exempt education expenditures from the budget ceiling. In August, we voted increased authorizations for student financial assistance programs. As the sponsor of the student assistance amendment, I feel strongly that we must take steps to assure that our intent is not thwarted by the needless and unresponsive freezing of funds. The House-passed appropriations bill, for example, increases NDEA loans from $193.4 million in the administration's budget request to $229 million. Numerous other programs were increased. But funds have not been released.

H.R. 13111, as passed by the House, is a good base to build on here in the Senate. Adoption of Senate Joint Resolution 163 will show that the Senate is willing and determined to work its will on education programs. It will save many projects from withering from lack of funds—funds which Congress surely desires and intends to appropriate.

I urge swift passage of the resolution.

EDUCATION NEEDS FUNDING, NOT PLATITUDES

Mr. CHURCH. Mr. President, today I am happy to join as a cosponsor with the distinguished Senator from New Mexico (Mr. Montoya) of Senate Joint Resolution 163 which would allow the funding of education programs at the level authorized by the House of Representatives in H.R. 13111, rather than at last year's budget levels or at the level of the President's budget, whichever is lower, as is the present case.

If our resolution is passed, the administration will be given the opportunity to free more than $1 billion for America's education programs. The breakdown of the increases which will be authorized is described on the attached chart which I ask to be inserted at this point in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

	Fiscal year 1969		Fiscal year 1970						
	Authorization [1]	Appropriation [2][3]	Authorization [1]	Estimate to Department	Department estimate to Budget Bureau	Johnson budget	Nixon amendments	House committee allowance	House allowance
Elementary and secondary education	$3,249,059,274	$1,475,993,000	$3,612,054,470	$1,553,855,000	$1,558,327,000	$1,525,876,000	$1,415,393,000	$1,470,338,000	$1,761,591,000
School assistance in federally affected areas	640,112,000	521,253,000	729,941,000	458,502,000	315,167,000	315,167,000	202,167,000	202,167,000	600,167,000
Education professions development	352,500,000	95,000,000	445,000,000	146,500,000	116,500,000	105,000,000	95,000,000	95,000,000	95,000,000
Teacher corps	46,000,000	20,900,000	56,000,000	31,100,000	31,100,000	31,100,000	31,100,000	21,737,000	21,737,000
Higher education	1,689,428,706	808,203,000	1,981,700,000	1,204,732,000	1,071,188,000	897,259,000	780,839,000	785,839,000	859,633,000
Vocational education	482,100,000	248,216,000	766,650,000	444,570,000	350,216,000	279,216,000	279,216,000	357,216,000	488,716,000
Libraries and community services	275,300,000	147,144,000	425,100,000	179,675,000	168,375,000	155,625,000	107,709,000	126,209,000	135,394,000
Education for the handicapped	243,125,000	79,795,000	321,500,000	111,500,000	100,000,000	85,850,000	85,850,000	84,540,000	100,000,000
Research and training	35,000,000	87,452,000	56,000,000	161,755,000	113,200,000	90,000,000	115,000,000	85,750,000	85,750,000
Education in foreign languages and world affairs	56,050,000	18,165,000	120,000,000	29,500,000	24,000,000	20,000,000	20,000,000	18,000,000	18,000,000
Research and training (special foreign currency)	(4)	1,000,000	(4)	7,500,000	4,000,000	4,000,000	1,000,000	1,000,000	1,000,000
Salaries and expenses	(4)	40,804,512	(4)	58,412,000	46,725,000	43,375,000	43,375,000	47,157,000	47,157,000
Civil rights education	(4)	10,797,000	(4)	16,500,000	13,800,000	13,750,000	20,000,000	12,000,000	12,000,000
College for agriculture and the mechanic arts	2,600,000	2,600,000	2,600,000	2,650,000	2,600,000	2,600,000	2,600,000	2,600,000	2,600,000
Promotion of Vocational Education Act, Feb. 23, 1917	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455
Student loan insurance fund	(4)	0	(4)	10,826,000	10,826,000	10,826,000	10,826,000	10,826,000	10,826,000
Higher education facilities loan fund	400,000,000	104,875,000	400,000,000	154,800,000	54,509,000	4,509,000	4,509,000	4,509,000	4,509,000
Total	7,479,682,435	3,669,358,967	8,923,706,925	4,579,178,455	3,987,694,455	3,591,314,455	3,221,745,455	3,327,049,455	4,246,241,455

[1] Includes indefinite authorizations.

[2] 1969 appropriation adjusted for comparability with 1970 appropriation structure.

[3] Includes supplementals.

[4] Indefinite.

Mr. CHURCH. Mr. President, $398 million of the increase is for the federally-impacted areas school program which is of tremendous importance to my State of Idaho, which is over 60 percent federally owned.

The impacted areas program is by no means the only program that will be aided if this proposal is enacted. Education programs across the board will benefit.

In recent years, the people of our country have become increasingly aware of the importance of education to our Nation. Concerned citizens and educators from throughout the United States have joined this year in a nonpartisan effort to achieve full funding for all our Nation's education programs. I welcome their efforts and support their goals.

It does us no good to speak of the right of all Americans to read, or the right of all American children to attend a properly equipped school with properly trained teachers if we do not work to make the visions of the phrasemakers a reality in our classrooms.

I have received numerous telegrams and letters from Idaho urging my support for this resolution. Its effect upon planning and implementing education programs in my State would be significant. I ask unanimous consent that a breakdown of the effect of this resolution, if passed, on my State of Idaho, be included at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

OBLIGATIONS IN THE STATE OF IDAHO

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$3,095,753	$2,945,733	$3,006,605	$3,006,605	$3,488,547
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	360,311	180,728	151,813	0	180,068
Supplementary educational centers and services (ESEA III)	831,000	858,909	887,072	689,438	855,370
Strengthening State departments of education (ESEA V):					
Grants to States	217,211	283,917	278,803	278,803	278,803
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	360,587	358,140		0	356,734
Loans to nonprofit private schools		3,048		0	0
State administration	10,000	13,333		0	13,333
Guidance, counseling, and testing (NDEA V)	94,436	64,750	50,000	0	64,139
Subtotal, elementary and secondary education	5,119,298	4,858,558	4,524,293	4,403,649	5,236,994
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	2,551,000	2,656,000	1,507,000	1,044,000	3,225,000
Construction (Public Law 81-815)		138,100		0	0
Subtotal, SAFA	2,551,000	2,794,100	1,507,000	1,044,000	3,225,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		135,012	152,981	152,981	152,981
Training programs (EPDA, pts. C and D)	142,113			0	0
Subtotal, education professions development	142,113	135,012	152,981	152,981	152,981
Teachers Corps				0	0
Higher education:					
Program assistance:					
Strengthing developing institutions (HEA III)	102,500			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	165,858	162,907	165,865	165,865	165,865
Undergraduate instructional equipment and other resources (HEA VI-A)	62,099	65,468		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	330,390	400,064	206,857	206,857	206,857
Other undergraduate facilities (HEFA I, sec. 104)	854,005	546,443	357,234	0	132,503
Graduate facilities (HEFA II)		800,000		0	0
State administration and planning (HEFA I, sec. 105)	72,046	55,294	55,294	55,294	55,294
Student aid:					
Educational opportunity grants (HEA IV-A)	491,250	64,941	312,549	312,549	230,178
Direct loans (NEDA II)	618,496	809,643	643,087	643,087	921,626
Insured loans:					
Advances for reserve funds		46,098		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	618,851	549,749	575,928	576,046	576,046
Special programs for disadvantaged students: Talent search				0	0
Personnel development:					
College teacher fellowships (NDEA IV)	192,700			0	0
Training programs (EPDA Pt. E)				0	0
Subtotal, higher education	3,508,195	3,500,607	2,316,814	1,959,698	2,288,369
Vocational education:					
Basic grants	1,191,853	1,202,766	1,032,903	1,032,903	1,587,417
Innovation			209,639	209,639	209,639
Work-study	38,980			0	38,960
Cooperative education			213,519	213,519	213,519
Consumer and homemaking education			65,176	65,176	65,176
Subtotal, vocational education	1,230,833	1,202,766	1,521,237	1,521,237	2,114,711
Libraries and community services:					
Grants for public library services (LSCA I)	208,959	208,959	208,959	144,758	208,959
Construction of public libraries (LSCA II)	247,786	131,159	98,141	0	98,141
Interlibrary cooperation (LSCA III)	40,499	40,591	40,591	40,591	40,591
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,051	25,051	25,051	25,051
College library resources (HEA II-A)	88,375			0	0
Librarian training (HEA II-B)	17,392			0	0
University community service programs (HEA I)	116,923	115,079	115,079	115,079	115,079
Adult basic education (Adult Education Act):					
Grants to States	138,479	146,680	153,041	153,041	153,041
Special projects and teacher education				0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	920,163	707,028	680,371	518,029	680,371

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[1] Not available.

OBLIGATIONS IN THE STATE OF IDAHO—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	$100,000	$116,982	$116,892	$116,982	$116,982
Teacher education and recruitment	133,155			0	0
Research and innovation				0	0
Media services and captioned films for the deaf	1,673			0	0
Subtotal, education for the handicapped	234,828	116,982	116,982	116,982	116,982
Research and training:					
Research and development:					
Educational laboratories				0	0
Research and development centers				0	0
General education	9,233			0	0
Vocational education		50,000	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination				0	0
Training				0	0
Statistical surveys				0	0
Construction				0	0
Subtotal, research and training	9,233	50,000	15,000	15,000	15,000
Education in foreign languages and world affairs				0	0
Civil rights education				0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	39,430	39,430			0
Student loan insurance fund				0	0
Higher education facilities loan fund	12,000			0	0
Total, Office of Education	13,817,093	13,454,483	10,884,678	9,781,576	13,880,40

Mr. CHURCH. Mr. President, in the last decade we have experienced a knowledge explosion of overwhelming proportions. Never has the need for capable teachers been so great. Never have the requirements for updated texts, new lab equipment, special audiovisual aids and modern facilities been so demanding.

To meet the demands that our age places on the minds of our children, we must provide them with the best possible education. Quality education does not come by simply paying it lipservice; it can only come with a massive commitment of public will and funds to achieve that goal. I strongly support this resolution and urge my colleagues to do the same.

Beyond urging the Congress to act favorably on this proposal, I strongly urge the President to implement it upon its passage. It will do education in our Nation no good if, upon passage of this authorization, the President refuses to allow the Department of Health, Education, and Welfare to distribute the funds as he has threatened to do. Such an action on the part of the Executive would totally frustrate the expressed will of the Congress in regard to the expenditure of public funds. Not only would such an act be of questionable constitutionality, but it would have long-term effects upon our educational system which would be impossible to assess.

The Congress and the Executive must work together to assure the continued growth of America's public school system. The passage and implementation of this resolution will aid greatly in achieving that goal.

THE CRISIS IN OUR SKIES—AMENDMENT 138 TO S. 2437

Mr. BOGGS. Mr. President, I rise today to address my distinguished colleagues concerning the crisis in our skies and to solicit their support for my proposed amendment, No. 138 to S. 2437, the Aviation Facilities Expansion Act of 1969.

President Richard M. Nixon, in an address on October 3, 1968, pointed to many of the problems in modern aviation—the lack of planning that has resulted in overtaxed facilities, inconvenience and delay for millions of travelers, and enormous costs to commercial aviation.

The President said:

> These problems are not the result of unforeseen developments.
>
> The strains which vibrant economic growth would place on our existing air transport system were pointed out by expert studies years ago.

Rather than allow this long-term problem to continue to grow, we must now seize upon the opportunity to rectify the situation. A nation that possesses the best aviation system in the world should not allow it to stagnate in confusion and inadequate facilities.

S. 2437, sponsored by my distinguished colleagues, Mr. MAGNUSON and Mr. COTTON, provides for a method of expansion of aviation facilities. This fine legislation also requires establishment of a National Airport System plan which would set forth the type and cost of airport development envisioned as necessary over a 10-year period.

I have proposed an amendment that would accomplish not only a survey of the needs of airports, but of the entire aviation industry. This amendment would require the President to establish a broad-based commission, drawing its membership from State and local government, from business, and from professional aviation associations. Its function would be to determine a long-range plan for aviation and make allowance for orderly and progressive expansion. Its recommendations would be for the consideration of the Secretary of Transportation and the Congress.

There can be little doubt that aviation is in need of coordinated long-range planning. Let us review the present status of the industry and how it arrived at this point.

When the President made his policy statement on air transportation, he noted that in the past 7 years the number of passengers carried by our scheduled airlines increased from 58 to 130 million. During the same period, our general aviation fleet increased from 69,000 to 112,000; and with aviation becoming an attractive recreation, more than 600,000 Americans have pilots' licenses now, and the number is increasing daily.

This remarkable increase has not been matched by solutions to the problems it has caused. In the past, emergency and temporary answers have been found. But now is the time for action—action to accommodate the long-term demands on the system.

Perhaps the problem with air transportation that is most evident to the individual American is the delay that often is involved. Many of my distinguished colleagues, I am certain, have encountered delays that have equaled their time in the air.

The Federal Aviation Administration has sought to combat travel delays, and it is pleasing to note that some progress is being made. But we have no guarantees that there will be no resurgence.

Air traffic controllers are well aware of the dilemma in our skies. In order to deliver travelers to their destinations on or near schedule, they frequently have had to bend regulations.

Recently, the crisis climaxed. To demonstrate the magnitude of the problem, controllers decided to operate "according to the book." The result was extreme delays and even flight cancellations. They went one step farther when a walkout was staged, further congesting the terminals and irritating travelers who otherwise might have flown into a congested, and by now, dangerously overtaxed airport.

Local officials are concerned also because of a lack of guidelines for future development of the regional airport concept. Land for airports is becoming scarce and our hopes for expansion of the system may be determined by land availability in 15 or 20 years. We must be prepared to meet these demands—not in 10 or 15 years—but now. Innovation demands preparation.

The amendment would require that initial planning efforts be completed in 1 year. Hopefully, the Senate will pass this bill by the end of this session and the President will appoint a body that will submit its report by January 1, 1971.

Can the objective of obtaining national air system guidelines be achieved through the existing provisions of S. 2437 without establishment of a special commission? I do not believe so for several reasons, and that is the reason I have offered my amendment.

First, as the bill presently states, the Secretary of Transportation is to prepare and continually update a "national airport system plan," and in the process, to consult "to the extent feasible" with other Federal agencies.

I believe, however, the cooperation of the directly concerned agencies can be obtained far better through joint service on a commission than through discretionary consultation by a single department.

Second, air system guidelines must deal not only with airports but with aircraft, air routes, air traffic control and ground access. Here again, the bill directs the Secretary of Transportation to consult "to the extent feasible with air carriers, aircraft manufacturers, and others in the aviation industry."

Any basic air system decisions, however, have vast economic implications for all sectors of the industry. Such decisions should be made with built-in industry participation.

Third, the bill directs the Secretary to consult with State and regional planning agencies and airport operators. Here again, the judgment of area representatives should be carefully incorporated in these decisions.

Fourth, because of the broad impact of air system decisions on the Federal Government, the air industry and the Nation's major communities, decisions should reflect the judgment of key figures from each of these sectors.

Commissions often produce fat reports and thin results. This amendment incorporates the Commission securely into the procedure for national air system planning by its inclusion in a bill that provides funding for the facilities of the future.

With the imminent prospect of sizable Federal airports and airways' support, the uncertainties concerning future aviation markets and the broad community concerns about new and expanded airports and access, the key ingredients for reaching general agreement on the optimum form of the future air system are present now.

Such agreement can best be achieved by a commission—directed to prepare general guidelines for the coordinated development of airports, aircraft, airways, air service, and ground access.

Mr. President, I urge my colleagues on the Committee on Commerce to consider this amendment to S. 2437 very carefully. Its potential benefit to the aviation industry cannot truly be measured. But it is a beginning to a solution of a problem that distresses all Americans.

Mr. President, I ask unanimous consent to have printed in the Record a copy of my amendment No. 138 for the information of Senators.

There being no objection, amendment No. 138 was ordered to be printed in the Record, as follows:

Amendment No. 138

On page 10, lines 21 and 22, strike out "within two years of the date of enactment of this Act" and insert in lieu thereof "prior to January 1, 1971".

On page 10, line 24, after "The plan" insert "shall be prepared and revised with the advice of the Aviation Advisory Commission established pursuant to subsection (d) and".

On page 15, between lines 2 and 3 insert the following:

"AVIATION ADVISORY COMMISSION

"(d) (1) The President, with the advice of the Secretary, shall appoint an Aviation Advisory Commission consisting of members representing the Departments of Transportation, Defense, the Interior, and Housing and Urban Development, the Civil Aeronautics Board, the National Aeronautics and Space Administration, the Air Transport Association of America, the Aerospace Industries Association of America, Airport Operators Council International, the Association of American Railroads, the American Transit Association, the American Automobile Association, the American Trucking Association, the Aircraft Owners and Pilots Association, the Airline Pilots Association, several major metropolitan areas, and the fields of conservation and community development. The President shall also appoint a Chairman for such Commission with the necessary qualifications to lead such Commission in effectively carrying out its functions.

"(2) Such Commission shall—

"(A) advise the Secretary in the preparation and revision of the national air system plan pursuant to subsection (a);

"(B) prepare a long-range national air system plan for at least the year 1980 or the foreseeable needs of the Nation thereafter giving consideration to airport location and size, surrounding land use, terminal arrangements, ground access, airspace use, air traffic control, airline route structure and administrative arrangements, aircraft design, environmental effects, effect on urban areas, and costs of carrying out the plan;

"(C) report an initial such plan to the President and the Congress prior to January 1, 1971, and make any necessary revisions in such plan thereafter and report such revisions to the President and the Congress; and

"(D) make such investigations and studies as are necessary to carry out its functions.

"(3) Members of such Commission who are not regular full-time employees of the United States, shall, while serving on the business of the Commission, be entitled to receive compensation at rates fixed by the Secretary of Transportation, but not exceeding $100 per day, including traveltime; and, while so serving away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

"(4) The Secretary shall engage such technical assistance as may be required to carry out the functions of such Commission, and the Secretary shall, in addition, make available to the Commission such secretarial, clerical, and other assistance and such pertinent data prepared by the Department of Transportation as the Commission may require to carry out its functions.

"(5) In carrying out its functions pursuant to this subsection, such Commission may utilize the services and facilities of any agency of the Federal Government, in accordance with agreements between the Secretary of Transportation and the head of such agency."

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NOMINATION OF CLEMENT F. HAYNSWORTH TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. HRUSKA. Mr. President, yesterday the American Trial Lawyers Association announced the results of a poll regarding the issue of the confirmation of the nomination of Judge Haynsworth. It is to that subject that I should like to address a few remarks.

First of all, to set the general background, I ask unanimous consent to have printed in the Record at the conclusion of my remarks a news account of that poll as published in the Washington Post for October 27, 1969.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Mr. President, the American Trial Lawyers Association is a very fine professional group. It has a membership of some 24,000 lawyers. They are primarily trial lawyers in plaintiffs' cases and personal injury cases, though not exclusively. They can be defendants' attorneys as well. A great many of them are defense counsel in criminal cases, though there are likewise, I understand, some who are prosecutors. The organization serves a good, constructive purpose. It is helpful in providing programs, seminars and meetings at which workshops are conducted, and lectures and demonstrations employed as a means of instruction. The end product, of course, is supposed to be a lawyer who is better equipped to handle his work as a trial lawyer.

As organizations for members of the bar go, they are a relatively young organization, and do not have the same broad scope in their activities or their purposes that the American Bar Association, for example, has. I would presume—though I do not know what the actual facts are regarding the origin of the American Trial Lawyers Association—that it was felt that by forming a special organization of this kind, they could better serve their purpose of improving their capabilities as trial lawyers by forming an organization of their own, rather than attaching themselves to some organization already in existence.

Mr. President, when the announcement was made, some time ago, that the American Trial Lawyers Association was contemplating a poll of its members, it was suggested that such a poll, in order to be of real use and benefit, would have to be what we know as a scientific poll, one which would not be just a popularity contest for a given group, but one qualified by a certain degree of standardization, which could meet certain qualifying tests. This was a general statement, made in a friendly way. The suggestion was made that any poll, to be of scientific value and to merit more than cursory attention, would have to be a true sampling of a cross section of trial lawyers; and, of course, that would take some study, because one could not, at random, pick a list of 1,000 or 1,500 lawyers from a membership of 24,000; it would have to be a demonstrably true sampling.

Second, there should be some assurance that those lawyers from that membership roll who are called upon to participate in that poll would have read and familiarized themselves in more than casual fashion with a reliable record of the case. There is a need to respect the requirement that the best evidence should be used; and of course the best evidence, in this instance, would be the published hearings of the Committee on the Judiciary. It is a document which is quite imposing in size, containing about 750 printed pages.

I do not contend, nor do I suggest, that everyone must have read every page in that book in order to be reasonably familiar with the issues and the evidence in the case of Judge Haynsworth. However, certainly the principal witnesses' statements, the briefs and reports of the various witnesses who submitted statements, and certainly the pertinent exhibits contained in these hearings, should be considered and should be reasonably fresh in the thinking of anyone responding to a poll of this kind.

Then, there is a third requirement. In order to be meaningful and useful, those registering opposition to the confirmation of Judge Haynsworth should spell out whether that opposition is based on questions about his philosophy or his ability, or specific doubts about his ethical standards. Those questioning Judge Haynsworth's honesty or ethical position should make that fact clear and specific.

Those three tests can reasonably be applied to such a poll, and I think we might expect that there would be compliance with those tests. Perhaps there are other requirements also; but, in order for the questionnaire to be more than a mere popularity poll, at least these tests ought to be applied.

What are the facts in regard to the poll that was taken? A letter was sent by Leon L. Wolfstone, president, to some 1,204 members of the American Trial Lawyers Association; 715 of them replied, and, according to the reports made and the accounts in the press, 73.2 percent believed that the nomination should be either withdrawn or rejected by the Senate.

What is the basis of the questionnaire which was sent out and the request that was made by the president of those 1,200-odd members of the association?

This poll was conducted on the basis of a letter dated October 15, 1969, addressed to "Dear ATL member," and signed by Leon L. Wolfstone, president. I ask unanimous consent, Mr. President, that the entire letter, together with the ballot attached to the lower part of the same page, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HRUSKA. One interesting fact is that the letter bears the date October 15. The final paragraph reads—and it is in capital letters:

> Your response must be received in Cambridge, Massachusetts, no later than Wednesday, October 22, 1969. Kindly send it to us via airmail.

Mr. President, assuming that the mailing occurred on October 15, it is reasonable to assume that it was not delivered, in any instance, sooner than October 16, and very likely a little bit later than that, particularly if the poll was conducted on a nationwide basis with some regard for geography.

Mr. President, inasmuch as the hearings of the committee were not generally distributed, and other official material was not readily available, it would be reasonable to expect that, upon receipt of this questionnaire, the careful lawyer, if he wanted to get the best evidence in the case, would direct an inquiry to the Committee on the Judiciary, asking for a copy of the hearings or some summary of them, or that he would direct his attention anywhere else he might obtain reliable information.

If he did that, it would hardly seem that the request for such additional information would arrive at the Washington office of the committee, or at the White House, much before the time that receipt of a reply was necessary pursuant to this questionnaire letter, October 22.

The Judiciary Committee staff reports to me that they received one request for the hearings from a lawyer who identified himself as a member of the American Trial Lawyers Association. About 12 requests were received from other lawyers, and three copies were furnished to the American Trial Lawyers Association directly.

So there would not seem to be any great urgent demand, for the members to equip themselves with copies of the hearings. Nevertheless, 715 of them presumably did respond to the questionnaires, with the results that I have already suggested.

It is interesting to observe that the 15th of October this year was on a Wednesday. Between Wednesday the 15th and Wednesday the 22d, there was a weekend. Normally, most professional activity is suspended or cut back during a weekend.

So I would suggest that even on the face of this questionnaire, it hardly would comply with those tests which were generally discussed already in my remarks and which commonsense would dictate. However, there is something even more significant about this questionnaire, and that is the language contained in the two full paragraphs of the letter. They read:

> Although I stated that I would inform you that the full text of the Senate Judiciary Committee hearings on this appointment will be available through the committee and that the position of the White House is available through its legal counsel, some people have informed me that they have endeavored to obtain this information, but without success.
>
> If you experience such difficulty, I respectfully suggest that you respond to this poll basing your response upon—

And, I should like to emphasize this—

> basing your response upon an objective analysis of the information disseminated through the communications media.

The second to the last paragraph then calls for the response not later than October 22. That is a sad commentary upon the operation of an organization that has concerned itself with the major issue of fair trial and free press. There is concern for the rights of defendants because of the tendency for the press, in the exercise of its freedom, to publish information without the total context or sometimes inaccurately or prematurely. Sometimes the information is prejudicial or without foundation or for some other reason inadmissible. There is the collateral problem that great care must be exercised by prosecutors and judges and other officers of the court in disclosing information that would be harmful to the rights of the defendant.

In other words, the problem is that somehow or another, the bias, the prejudice, the untimeliness, or the unfairness of newspaper accounts, whether deliberate or due to a shortage of space, prevents the entire story being told and all of the details being set out.

Whatever the shortcomings are, here we find an association of lawyers being asked to base their judgment and give a decision in the poll on the basis of an objective analysis of the information disseminated through the communications media.

This Chamber has heard a number of expositions on the inaccuracies in the printed record itself. Presumably, that would be reflected in many of the accounts which have been disseminated through the communications media. Perhaps it is in the nature of things that the media cannot, as I have already suggested, give the full copy and cannot give a full explanation of the background, and that, therefore, it cannot be held to strict accountability in that way.

Yet, many of us believe that there has been distortion and there has been emphasis on erroneous information and conclusions during the course of dissemination through the communications media. That has been documented by Senator COOK, myself and others and it will be further documented as we go along.

It seems to me that the tests that commonsense which must apply to a poll in order for it to be a useful reflection of professional judgment have not been met in this case. And I say this in all kindliness. After all it was notable and even laudable that the association was, concerned enough to try to ascertain the opinion of its members. However, I submit with due respect that it was not done in a way that would lend great value to the end result.

Mr. President, as far as I know, this is the first time that the American Trial Lawyers have attempted to evaluate nominations to the Federal bench, whether district, circuit or Supreme Court.

If they have done it before, it has not come to my attention.

There is a further fact that is, I think, quite significant. No special interest in the nomination of Judge Haynsworth was shown by the American Trial Lawyers Association until after the hearings had been printed. No official of the association requested to appear at the hearings and testify for the record. No witness from the association has submitted himself to questioning as to the foundation for the organization's opinion, or its validity or its reasonableness.

I grant that every citizen has a right to petition. Every member of the Republic, whether he is a voter or not, has a right to write and say, "I have canvassed a certain group, and here is what they think about Haynsworth or the United Nations or the tariff," or whatever it might be.

However, the right to petition is not at issue here. We want to know what value can be attached to a poll of this kind. In this regard, I should like to call attention to the fashion in which the role of the American Bar Association has developed through the decades with reference to processing and making recommendations of nominations for the Federal judiciary. Their experience goes back a long time. The association is one of the most eminent and oldest and largest and is most diversified in its membership.

As I recall there are as many as 200,000 persons admitted to practice law in the United States. And roughly 140,000 of them belong to the American Bar Association. That does not mean that a recommendation of the American Bar Association represents the thinking of 140,000 people. It does not mean that at all.

On the other hand, the association has developed through these years methods and procedures which allow the Committee on the Federal Judiciary of the American Bar Association to produce a report that would be considered commonsense and that would be considered professional in character.

Mr. President, I ask unanimous consent that there be printed in the RECORD at the conclusion of my remarks the testimony before the Judiciary Committee of former Federal judge, former Deputy Attorney General of the United States, Lawrence E. Walsh, an eminent member of the American bar. He is also chairman of the Committee on Federal Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. HRUSKA. Mr. President, this testimony developed in detail what the procedures are of the committee and of the bar association in arriving at its recommendations in regard to the nomination.

I submit that it is a great contrast with the simple taking of a poll without sufficient and assured knowledge on all of the issues at hand.

Again I want to say that I make these remarks with all kindliness toward the American Trial Lawyers Association. I believe that they did make a sincere effort to make some contribution to the dialog. But I also submit, most respectfully, that the effort did not produce anything that will be of great benefit to the evaluation of the issues which are before us. We must examine these issues one by one and evaluate the various witnesses and documents. Some of the most eminent legal authorities in this field have testified during those hearings—scholars and judges, as well as practitioners.

I do believe that is the way to review the evidence, and delineate the issues in a fashion that will allow the Senate to make a final decision in this matter.

Earlier in this statement, reference was made to the trial lawyers demand for documents, such as the hearings or any other documents from the Committee on the Judiciary. I have received information from Mr. Clark Mollenhoff, in the White House, indicating that no copies of his materials were requested by any lawyer identifying himself as a member of the American Trial Lawyers Association. In addition neither the junior Senator from Kentucky nor I received a single request for the memoranda we prepared on the question of Judge Haynsworth's ethics, civil rights, or labor decisions records.

Mr. President, it is hoped that my analysis of the American Trial Lawyers poll, as well-intentioned as the poll might be, will serve aid in its evaluation by my colleagues.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. HRUSKA. I am happy to yield to the distinguished Senator from West Virginia.

Mr. BYRD of West Virginia. Did I correctly understand the able Senator to say that the American Trial Lawyers Association had not conducted such a poll in connection with previous nominees?

Mr. HRUSKA. So far as my recollection goes, I might inform the Senator from West Virginia that I recall no similar interest in such an event. If there is record of one, I would cheerfully acknowledge it. I might say, further, that I have been serving on the Committee on the Judiciary since 1958.

Mr. BYRD of West Virginia. Did I also correctly understand the able Senator to say that the American Trial Lawyers Association had not appeared before the Judiciary Committee during the hearings, as witnesses for or against the nominee?

Mr. HRUSKA. The Senator from West Virginia is correct in his recollection. That is what the Senator from Nebraska stated.

Mr. BYRD of West Virginia. Did I further correctly understand the able Senator to say that, in response to the questionnaire, 715 replies had been received?

Mr. HRUSKA. Out of 1,200 letters sent out, according to news accounts, including one that was placed in the RECORD a short time ago. That is true; that is the report.

Mr. BYRD of West Virginia. I thank the Senator.

EXHIBIT 1

[From the Washington Post, Oct. 27, 1969]

NOMINATION OF HAYNSWORTH OPPOSED BY TRIAL LAWYERS

(By Spencer Rich)

The embattled Supreme Court nomination of Judge Clement F. Haynsworth Jr. received a new blow yesterday when the American Trial Lawyers Association asked that the nomination be withdrawn or disapproved by the Senate.

The action, taken by the group's board of governors after a study of the Senate Judiciary Committee hearing record and White House documents, followed a poll of ATLA members in which 73 per cent of the 715 persons who responded indicated they favored disapproval or withdrawal of the nomination.

Sen. Marlow Cook (R-Ky.), a leading Haynsworth supporter, discounted the poll results, saying, "That's making a popularity contest of a Supreme Court nomination."

ATLA President Leon Wolfstone said in a telephone interview from Boston that the board's decision was not based solely on the poll but was taken by a vote of the executive committee after extensive discussions Saturday night of the whole hearing record of the Senate Judiciary Committee and related documents.

Wolfstone said the 55 board members present voted by at least two-to-one against Haynsworth after examining charges that Haynsworth, a federal appeals judge for the Fourth Circuit, had ruled on cases in which he had links through stockholdings to companies involved in the litigation.

"The Vend-A-Matic case and Judge Haynsworth's purchase of Brunswick Corp. stock while Brunswick litigation was still before him was disturbing to some and probably to many members of the board," said Wolfstone, though he declined to discuss in detail the reasons for the board's "overwhelming" vote against Haynsworth. (Judge Haynsworth participated in a ruling in the Darlington case while Vend-A-Matic, a company in which he owned a substantial interest, had business with a Darlington subsidiary.)

Wolfstone said the board had adopted a resolution ascribing its recommendations—which it is forwarding to the White House and each member of the Senate—to "belief that public uncertainty in the ethical conduct of any nominee to the U.S. Supreme Court affects public confidence in the integrity of our judicial system."

The board said it was "persuaded upon the record of the hearings before the Senate Judiciary Committee that Judge Haynsworth has failed to demonstrate that sensitivity to the high standards of conduct required and expected of nominees of the U.S. Supreme Court."

Senator Cook said he was "shocked that they would consider a poll as a way to select a Justice of the Supreme Court. None of them read the record, most heard only one side and based their responses to the poll on newspaper accounts."

Cook said he suspected the poll was decisive in determining the board's position.

Wolfstone said at least half the 55 board members who voted had read the entire record and that others had read large excerpts.

The ATLA has about 24,000 members, only one-fifth as many as the much larger and much better established American Bar Association. Wolfstone announced that a poll would be taken of ATLA after the ABA's Federal Judiciary Committee, in reaffirming an earlier endorsement of Haynsworth, split 8 to 4 on Oct. 12.

"We felt that a committee of 12 whose views were no longer unanimous was not a fair, adequate representation of a cross-section of the lawyers of America," Wolfstone said.

The poll was sent out to 1204 ATLA members, some former officers and other members chosen at random. Of the 715 responses, only 91 favored approval of Haynsworth, while 524 favored disapproval or withdrawal.

In New York, meanwhile the National Bar Association, consisting of 2400 Negro lawyers, reaffirmed its opposition to Haynsworth.

The Haynsworth nomination is expected to come before the Senate in about two weeks, after Judiciary Committee reports are drafted. The committee approved the nomination by a 10-to-7 vote, but the Senate at present appears evenly split.

President Nixon has said that after consideration of the charges against Haynsworth, he is confident the judge is qualified and suitable. The President has indicated he is determined to press for Senate confirmation.

Opposition to Haynsworth in the Senate is led by Sen. Birch Bayh (D-Ind). Much of the key lobbying against him is being done by labor unions. All the judges of Haynsworth's own court, plus a block of former ABA presidents as well as the ABA Federal Judiciary Committee, have endorsed Haynsworth.

EXHIBIT 2

AMERICAN TRIAL LAWYERS ASSOCIATION,
Cambridge, Mass., October 15, 1969.

DEAR ATL MEMBER: Pursuant to a vote taken in a telephonic conference of the Executive Committee, I sent telegrams to the White House and every member of the United States Senate "firmly cautioning (them) against prematurely approving" the appointment and confirmation of Clement F. Haynsworth, Jr., to the Supreme Court of the United States "until and unless all available information is fully and fairly considered and properly evaluated."

I stated that there may have been approval "by a few individual members of this Bar Association," but that our Bar Association "has not yet evaluated or taken a position upon either his appointment or his confirmation".

I pointed out that the American Trial Lawyers Association lauds and approves without reservation the basic concept "that membership of the Supreme Court should be composed of men of unquestionable scholarly ability, and who also have demonstrated they are unquestionably discreet and sensitive in all matters that might undermine public confidence in the integrity of the Supreme Court and its membership, consistent with the need of an independent judiciary".

I further stated that since our Bar Association consists of a "large segment of the knowledgeable trial lawyers of America . . . representing the interest of the public . . ." that I would poll approximately 1,000 members—such as yourself—to obtain their opinions as to whether:

1. The Nomination should be approved;
2. The Nomination should be disapproved; or
3. The nomination should be withdrawn.

The poll will be unsigned and confidential.

Although I stated that I would inform you that the full text of the Senate Judiciary Hearings on this appointment will be available through that committee and that the position of the White House is available through its legal counsel, some people have informed me that they have endeavored to obtain this information but without success. If you too experience such difficulty, I respectfully suggest that you respond to this poll, basing your response upon an objective analysis of the information disseminated through the communications media.

An immediate reply and prompt return of your opinion is urgent since our poll must be completed and evaluated before the Board meets next week. Hence, *Your response must be received in Cambridge, Massachusetts no later than Wednesday, October 22, 1969.* Kindly send it to us via Air Mail.

Your anticipated prompt consideration of this matter is appreciated.

Sincerely,

LEON L. WOLFSTONE,
President.

Please detach! Mail now to:

President Leon L. Wolfstone, American Trial Lawyers Association, 20 Garden Street, Cambridge, Massachusetts 02138.

Check the box of your choice

1. The Nomination should be approved ☐.
2. The Nomination should be disapproved ☐.
3. The Nomination should be withdrawn ☐.

EXHIBIT 3

Our Committee was established many years ago and for the past 18 years it has at the request of the President of the United States or the Chairman of the Senate Judiciary Committee, reviewed the professional qualifications of persons under consideration for appointment to the United States Judiciary. It consists of twelve members appointed by the President of the Association, one from each circuit, and a Chairman appointed at large.

At the request of Chairman Eastland, we have examined into the professional qualifications of Chief Judge Clement F. Haynsworth. Our investigation has consisted of interviews with his judicial colleagues, interviews with a cross-section of district judges and lawyers practicing in the Fourth Circuit and an interview with Judge Haynsworth himself.

These interviews were conducted by Norman P. Ramsey of Baltimore, the Committee member of the Fourth Circuit and his partner, David R. Owen. I also made certain inquiries of my own. The members of the bar from whom comments were received included lawyers from each state in the Circuit and lawyers having different specialties. For example some customarily represent plaintiffs in personal injury cases. Others represent defendants. Two were deans of law schools. Two represent labor unions. One specializes in admiralty work for shipowners, another represents seamen and longshoremen. Two are outstanding Negro lawyers. Others include a past president of the American Bar Association and three members of the Council of the American Law Institute. A sincere effort was made to get candid reports from a representative sample of the bar.

All of the persons interviewed regarding Judge Haynsworth expressed confidence in his integrity, his intellectual honesty, his judicial temperament and his professional ability. A few regretted the appointment because of differences with Judge Haynsworth's ideological point of view, preferring someone less conservative. None of these gentlemen, however, expressed any doubts as to Judge Haynsworth's intellectual integrity or his capability as a jurist.

A survey of Judge Haynsworth's opinions confirmed the views expressed by those interviewed as to the professional quality of his work. As is its practice, the Committee does not express either agreement or disagreement as to the various points of view contained in Judge Haynsworth's opinions.

On September 5, our Committee met in New York to receive these reports and evaluate Judge Haynsworth's qualifications. The members of the Committee were unanimously of the opinion that Judge Haynsworth was highly acceptable from the viewpoint of professional qualification.

The Committee also considered the suggestion which has been circulated that Judge Haynsworth had, on one occasion, failed to disqualify himself in a case in which he was alleged to have had a conflict of interest. Our examination into that case (*Darlington Manufacturing Company* v. *NLRB*, 325 F. 2d 682) satisfied us that there was no conflict of interest and that Judge Haynsworth acted properly in sitting as a judge participating in its decision.

Briefly stated, Judge Haynsworth held a one-seventh interest in Carolina Vend-A-Matic Company, an automatic vending machine company which had installed machines in a substantial number of industrial plants in South Carolina. Among the plants which it serviced were three of twenty-seven owned in whole or in part by the Deering-Milliken Company which was a party to the proceeding before Judge Haynsworth's court. The annual gross revenues from the sales in the Deering-Milliken plants were less than 3% of the total sales of Carolina Vend-A-Matic. The plant involved in the case before the court was not one serviced by Carolina Vend-A-Matic. Judge Haynsworth had no interest, direct or indirect, in the outcome of the case before his court. There was no basis for any claim of disqualification and it was his duty to sit as a member of his court.

Having found no impropriety in his conduct, and being unanimously of the opinion that Judge Haynsworth is qualified professionally, our Committee has authorized me to express these views in support of his nomination as Associate Justice of the Supreme Court of the United States.

RETIREMENT OF JUSTICES AND JUDGES OF THE UNITED STATES

The Senate resumed the consideration of the bill (S. 1508) to improve Judicial machinery by amending provisions of law relating to the retirement of justices and judges of the United States.

Mr. ELLENDER. Mr. President, will the Senator from Nebraska answer a few questions in respect to S. 1508?

Mr. HRUSKA. Surely.

Mr. ELLENDER. I have just consulted with the clerk of the committee, and I am informed that no specific hearings were held on this bill. A series of bills were filed, to replace S. 1506 which was a comprehensive bill pertaining to various aspects of the judiciary. Is that correct?

Mr. HRUSKA. I cannot verify the number, but I am sure that if the clerk informed the Senator to that effect, that is accurate information.

Mr. ELLENDER. He stated that there were no specific hearings on the pending bill but that there was some testimony on this matter in the overall bill, S. 1506.

Mr. HRUSKA. That is probably the case.

Mr. ELLENDER. Why is not the pending bill considered together with the overall bill? What was the idea of rushing it?

Mr. HRUSKA. I do not know that it was a matter of rushing. After all, the overall bill was much more comprehensive—perhaps more controversial. I do not recall all its provisions.

An aspect of this case was selected because of its impact upon an area that was considered more vital and perhaps more pressing than other phases of the subject. It does have a direct impact upon the greater likelihood of injecting into the Federal judiciary younger, more vigorous judges who would find a career on the bench attractive under the provisions created by this bill, who would not be attracted and who would not go into the Federal judiciary as a career if the bill is not approved. That is the objective and that is the hope of the Judiciary Committee. We believe that we have reasonable basis for thinking that it might have that result.

Mr. ELLENDER. Since the judge is appointed for life and the judicial retirement system is noncontributory——

Mr. HRUSKA. He is appointed to serve during good behavior.

Mr. ELLENDER. Well, for life.

Mr. HRUSKA. In practice, it is for life. The Senator is correct.

Mr. ELLENDER. The Senator from Nebraska has said that the purpose is to attract younger judges. If a young judge is appointed and he retires at age 50, is he still subject to being called to sit on cases, as directed by his superiors?

Mr. HRUSKA. That point was covered in a colloquy earlier today, when the Senator from Florida, who is interested in the same point, had inserted in the RECORD that part of section 371 of title 28 which makes provision for retirement of a judge now after 10 years of service and reaching age 70, or 15 years of service and reaching age 65. In that case, he remains a judge, and he remains qualified to accept assignments from the Judicial Conference or the Administrative Office, as the case may be. That is correct.

Mr. ELLENDER. Under existing law, has the retiree the opportunity to refuse to sit if he so desires?

Mr. HRUSKA. Yes; he has.

Mr. ELLENDER. So that it is possible for a lawyer, let us say, at the age of 25 to be appointed as a Federal district judge and then serve, say, 4, 5, or 6 years on that court, then be appointed to the circuit court of appeals and then the Supreme Court; and so long as he serves continuously for 20 years on the judiciary, irrespective of what court it is, he is entitled to retire with full pay and not be forced to serve unless he desires to do so.

Mr. HRUSKA. That is correct.

On the other hand, in order to complete the record, Mr. President, I think it would be presuming too much upon the good sense, the human nature, the tradition, and the history of the Senate to confirm a man at the age of 25 for such an important post, to serve for virtually a lifetime. It would be unlikely that the Attorney General would report a person of such an age to the President of the United States for nomination to that post. I thought I would mention that in connection with the subject, although I understand what the Senator is driving at. It could be an age of 35 or 40.

Mr. ELLENDER. It is entirely possible for that to happen.

Mr. HRUSKA. It is possible.

Mr. ELLENDER. There is no prohibition.

Mr. HRUSKA. There is no prohibition. It could happen. If he is appointed at 21, I imagine that, under that statute, he could retire at 41.

Mr. ELLENDER. There should be rules and regulations to prevent that. In my own State one cannot be a candidate for judge unless he has served as an attorney for at least 5 years.

Mr. HRUSKA. Yes.

Mr. ELLENDER. That is why I mentioned the age of 25. After that age, he can serve as a district judge. He can be elected, of course, and retire.

But in this case I find it strange that this bill was taken out of the main bill that was introduced and considered and presented to the Senate.

Mr. HRUSKA. There are the hearings on S. 1506. In addition, it should be pointed out that in previous sessions we have considered this matter specifically on this point, as well as the general policy of judicial retirement. That is a policy that has been considered over a long period of time and proven to be something good for the judicial system and the country.

Mr. ELLENDER. Does the Senator mean for young lawyers to retire?

Mr. HRUSKA. No; the general policy of judicial retirement.

Mr. ELLENDER. Yes.

Mr. HRUSKA. The rationale for the system we have is considered to be good and sound for the system and the country. This bill, S. 1503, is a refinement of that general system.

Mr. ELLENDER. Mr. President, I am grateful to the Senator for answering the few questions I have asked. I tried to get the hearings so that I could look into the matter further but I understand the hearings have not been printed and that they are not available. I also learned recently that the Judicial Conference will be meeting on Friday and Saturday and this matter of judicial retirement may be discussed at this meeting. That is why I have asked these questions.

Mr. HRUSKA. I am glad to have been able to respond to the Senator.

PROGRAM FOR TOMORROW

Mr. BYRD of West Virginia. Mr. President, as a reminder to Senators, tomorrow the Senate will vote by rollcall, at 12:15 p.m. on S. 1508, a bill to improve judicial machinery by amending provisions of law relating to the retirement of justices and judges of the United States.

The unanimous consent request by the able majority leader also provided for time to be set aside immediately following that rollcall vote for the delivery of eulogies to the late beloved minority leader, Everett McKinley Dirksen, a Senator from the State of Illinois.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock meridian tomorrow.

The motion was agreed to; and (at 4 o'clock and 12 minutes) the Senate adjourned until tomorrow, Wednesday, October 29, 1969, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate October 28, 1969:

IN THE COAST GUARD

The following-named regular officers of the Coast Guard for promotion to the grade of captain:

Thomas W. Wolfe
Frank E. Parker
Norman P. Ensrud
James T. Clune
Charles B. Hathaway
Leroy Reinburg, Jr.
Walter C. Ochman
Maxwell S. Charleston
Paul W. Tifft, Jr.
Roger F. Erdmann
Donald F. Hall
John S. Lipuscek
Alfred E. Hampton
Christy R. Mathewson
Walter Folger
Frederick W. Folger
John V. Caffrey
John E. Wesler
William R. Fearn
Charles L. Blaha
Sydney M. Shuman
William T. Adams 2d
Arne J. Soreng
William H. Stewart
Charles E. Larkin, Jr.
Henry A. Gretella
William S. Schwob
Anthony F. Fugaro
Benedict L. Stabile

IN THE ARMY

The following-named persons for appointment in the Regular Army of the United States, in the grades specified under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be Major

Brantley, Thomas J., 250–48–1021.
Cobb, James B., 460–22–7118.

To be Captain

Bilberry, Ralph W. E. J., 437–62–6696.
Cook, Rollie D., 235–58–1138.
Conrad, Donald W., Jr., 542–32–9370.
Coulter, Wayne E., 360–20–7338.
Duggan, Lawrence W., 541–42–6922.
Dupont, Robert H., 128–24–5103.
Edmonds, Warren B., 223–44–8860.
Egersdorfer, Rudolph H., 118–30–2554.
Foutz, Vernon E., 235–48–6573.
Geurin, John A., 449–52–7189.
Gregg, William R., 363–40–9118.
Grimes, Paul T., Jr., 246–60–9918.
Harrington, Arnold D., 431–68–7830.
Higginbotham, James L., 258–56–1269.
Hodges, Benjamin F., Jr., 260–50–7539.
Hollwedel, George C., 089–32–9802.
Hopkins, John A., 315–32–7125.
House, Homer C., 577–50–2743.
Hurt, Henley H., Jr., 247–58–3173.
Kimura, David Y., 575–40–6590.
Kimzey, Guy S., 550–42–5375.
Kinne, Theodore L., 480–36–7237.
Lane, Bishop L., 429–62–8786.
Lively, Edmund P., 246–54–5803.
McKenzie, Robert C., 380–32–1745.
Mills, William G., 457–58–6112.
Myers, Lilburn L., 232–52–7874.
Nation, James R., 410–50–8296.
Noyes, Peter M., 034–30–6514.
Pope, Richard L., 259–50–3942.
Pugmire, James H., 519–26–4324.
Ramos, Richard J., Jr., 048–28–1845.
Samuels, Claude C., 517–48–4214.
Schneider, Wyatt L., 520–36–5634.
Shirley, Frank R., 247–48–8371.
Smeltzer, Paul N., 184–28–1311.
Warren, Billy J., 455–56–9482.
Wilson, Richard A., 151–28–7595.
Wolf, Harrison, 212–38–1612.
Woods, Lawrence R., 207–28–8745.
Young, Robert A., 573–50–7113.

To be first lieutenant

Aljets, John W., 498–42–2384.
Angel, Phillip N., 225–52–3207.
Arlauskas, Joseph, 047–32–8702.
Barnes, Brice H., 466–58–3706.
Barthmus, Winfried, 173–32–7472.
Baumgartner, Glenn W., 231–56–1061.
Beaver, John W., 232–70–4211.
Becker, Loren L., 505–40–3747.
Blieberger, Anton G., 508–52–4484.
Bonner, Robert E., 420–54–1610.
Bouault, Louis L., 084–30–9014.
Brauch, Gilbert M. F. J., 243–60–6015.
Bresser, Richard C., 371–36–0047.

Buhmann, William G., Jr., 496-48-3060.
Burke, Gerald W., 549-48-9427.
Burnsteel, Harvey L., 201-30-9684.
Busbee, Walter L., 252-54-7577.
Butler, Eulous S., Jr., 252-54-7757.
Cannon, Robert W., 515-40-8411.
Cembor, William G., 140-32-7007.
Chadderdon, Robert N., 284-34-3529.
Chastain, William M., 461-60-5555.
Chippi, Michael J., 193-28-2814.
Coldren, Lawrence E., 267-54-1591.
Combs, Dudley D., 527-48-0816.
Daly, Thomas H., Jr., 322-32-8652.
Darnell, Richard H., 425-84-1090.
Davenport, David I., II, 264-50-1949.
Dean, William R., Jr.,254-58-2506.
Devens, Robert J., 137-32-2411.
Dewitt, Emmit D., 435-50-2126.
Deutscher, Wayne E., 502-30-9732.
Dodson, Richard M., 493-42-7129.
Dorn, George N., Jr., 251-70-4907.
Dorstewitz,Ellen M., 385-42-2417.
Dougherty, George J., 143-32-3934.
Emerson, Samuel C., 378-42-5474.
English,David T., 538-38-3524.
Evert, Richard H., 506-50-6193.
Farless, Darold W., Jr.,495-46-8324.
Firman,Terrence G., 067-34-8712.
Fleming, Allan F., Jr., 087-32-6246.
Fleming, John W., 452-60-8660.
Foster, Frank C., Jr., 251-64-6779.
Gentle, Howard B., Jr., 497-42-2310.
Glasscock, Charles E., 417-48-2189.
Gramer, Frank E., 189-34-3083.
Gruwell, Joel A., 571-48-8130.
Hallissey, Stephen C., 137-32-7712.
Haralson, John T., 053-32-6555.
Harper, Sidney W., Jr., 260-66-6001.
Hartford, Thomas F., 006-42-2527.
Hattaway, William E., 464-68-7971.
Heffernan, Walter B., 032-28-1399.
Higgins, Charles L., 430-64-4640.
Housley, Robert E., 434-50-9135.
Howell, James L., 443-42-3925.
Ingham, Bruce E., 325-34-5652.
Jantovsky, Anthony J., 261-62-8948.
Johnson, Richard A., 475-38-7024.
Jordan, Charles O., Jr., 515-38-6026.
Kennedy, Ollie D., Jr., 420-54-3403.
Kilcoyne, Robert L., 192-30-0245.
Klein, Warren I., 230-46-2743.
Klippel, Philip B., 091-28-9484.
Knieser, Martial R., 080-34-1541.
Kotch, Michael C., 194-26-8628.
Lawton, John P., 224-52-5959.
Leach, George C., 010-30-9474.
Lesikar, George J., 452-66-5112.
Likens, Wilbur D., 442-40-1788.
Lyles, James H., 008-30-7487.
MacLeod, James F., Jr., 562-54-1593.
Makowski, Eugene F., 344-34-3368.
Martin, Donald L., 440-42-8874.
McGrath, Walter J., 127-30-6733.
Mellick, Paul W., 292-34-6528.
Miszklevitz, Sheridan, 358-34-9123.
Mitchell, Alan S., 007-40-8740.
Mittica, Norman T., 189-30-9404.
Mootz, Eugene D., 391-36-1390.
Moscrip, John Jr., 286-34-0662.
Nichols, John D., 257-62-6677.
Nolte, Juergen, 452-66-4543.
Owens, James E., Jr., 168-34-2196.
Parker, John S., 190-32-5626.
Paterson, Theodore B., 532-38-9983.
Pendleton, William C., 242-62-7958.
Perry, Larry J., 512-40-0511.
Posta, Charles D., 299-38-5579.
Potts, Bruce W., 503-40-5741.
Price, James T., 243-60-1595.
Randall, Herbert E., 440-38-3493.
Retterer, John M., 292-32-3746.
Richtsmeier, Ronald C., 481-40-1624.
Robertson, Michael P., 462-54-6998.
Ross, Edwin S., VI, 079-34-1061.
Schandl, John, 018-30-3229.
Shields, John E., 558-44-9472.
Smith, Henry C., III, 007-40-4330.
Smith, John T., Jr., 424-52-3182.
Smith, Robert H., 457-64-0414.
Smith, William C., 483-48-1814.
Spencer, William A., 529-40-1821.
Sport, William M., 417-50-4089.
Stankovich, Robert J., 561-52-6087.
Steen, David B., 366-34-3319.
Stocker, Ronald W., 464-62-4180.
Strickland, Bryant S., 257-64-9604.
Strunck, William G., 123-30-1667.
Swallow, Gary L., 261-60-0790.
Swisher, Ted A., 223-56-0478.
Tanner, Kenneth P., 262-54-5715.
Tenis, Andrew, 476-40-5548.
Thomason, Jeffrey H., 059-32-6137.
Tidwell, Richard L., 430-66-4323.
Vuaght, John L., 306-38-5607.
Ware, George A., III, 298-36-9578.
White, Richard A., Jr., 223-54-8042.
White, Steven L., 267-60-1215.
Whiteman, James T., Jr., 002-30-6083.
Whitfield, David, 344-36-0576.
Williams, David E., 245-54-2103.
Wilson, Edward B., 243-64-3977.
Wolf, Richard C., 512-42-7706.
Woodall, John B., 461-60-8513.
Wright, Richard H., 252-56-7098.
Zachar, Frank, 232-66-1934.

To be second lieutenant

Adair, Lawrence J., 223-60-6714.
Autz, Remy E., 527-54-7761.
Boudreau, Michael W., 545-66-8653.
Burdick, William L., 049-38-6644.
Clark, Howard W., 461-64-0473.
Cottrell, Walter T., II, 257-64-2851.
Dowdney, Stephen P., 249-70-5701.
Gragg, Larry L., 533-40-6803.
Hawk, Michael E., 580-50-0616.
Huie, Clifford R., 292-38-5302.
Jones, James R., 444-34-9777.
Lennox, Thomas J., III, 151-34-5983.
Lowman, Tommy G., 517-50-7526.
McNulty, John J., III, 017-32-4097.
Michels, George N., 556-56-8137.
Mohasci, Steve G., Jr., 572-52-6274.
Orwin, James P., 391-40-2134.
Peacock, Kenneth W., 266-64-7652.
Peyton, Gaylon A., 483-38-7751.
Piazza, Peter B., 214-36-3836.
Quick, Van B., Jr., 419-50-0282.
Rogers, Jerry A., 530-28-4186.
Siekman, Dwayne K., 507-64-1196.
Skelly, Lawrence E., 413-72-7969.
White, Roland J., 219-44-6265.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 28, 1969:

U.S. ARMY

The Army National Guard of the United States officers named herein for promotion as Reserve commissioned officers of the Army, under provisions of title 10, United States Code, sections 593(a) and 3392:

To be major general

Brig. Gen. Ross Ayers, O378526, General of the line.

To be brigadier general

Col. Jackson Bogle, O461234, Adjutant General's Corps.

HOUSE OF REPRESENTATIVES—*Tuesday, October 28, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

All the paths of the Lord are mercy and truth unto such as keep His covenant and His testimonies.—Psalm 25: 10.

Eternal Spirit, we pause with bowed heads at the opening of another day, lifting our spirits unto Thee, unto whom all hearts are open and all desires known. Teach us so to pray that Thy presence becomes real to us, that we endeavor more earnestly to do Thy will and to walk in Thy paths of peace.

We come disturbed by the problems of this period, burdened by many anxieties, tempted to feel our labor is in vain, and wondering what the future holds for us and for our Nation. We pray for ourselves in these trying times that we may not add to the divisions that divide us by giving way to petty prejudices but by our dedication to Thee and our devotion to our country may increase our unity by an ever-widening spirit of good will.

Give us strength to walk in Thy way, to travel in Thy truth, and to live in Thy light.

We pray in the spirit of Him whose life is the light of men. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 210. An act to declare that certain federally owned lands are held by the United States in trust for the Indians of the Pueblo of Laguna.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1689) entitled "An act to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other purposes."

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the the following title:

H.R. 11959. An act to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance and special training allowance paid to eligible veterans and persons under such chapters.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1. An act to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs; and

S. 11. An act to reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments, and for other purposes.

SALUTE TO THE EMPLOYEES OF WARNER ROBINS AIR FORCE BASE

(Mr. BRINKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRINKLEY. Mr. Speaker, I would like to take this opportunity to honor the employees of Warner Robins Air Materiel Area—WRAMA—located at Warner Robins, Ga., on the fifth anniversary of their zero defects program.

On November 4, 1964, the Air Force zero defects program was introduced to WRAMA. The basic principle of this program was, and still is, to motivate employees to "do their job right the first time." The military and civilian employees, representing all 50 States, accepted the challenge and responded with pride, dedication, skill, and effort. Their response represents a tremendous contribution to the success of our Nation's defense effort.

This pride, dedication, skill, and effort toward the success of our national defense are worthy of recognition by this body and the citizens of this country.

I WANT PEACE

(Mr. JACOBS asked and was given permission to address the House for 1 minute.)

Mr. JACOBS. Mr. Speaker, on yesterday I inserted in the CONGRESSIONAL RECORD a speech made by the father of a Member of the other body, the Honorable Herbert C. Pell. I repeat just a very short personal note that Congressman Pell back in the middle 1940's made in a speech here. He said:

> (I know how easy it is for an ignorant politician to yell "Communist" when he is at a loss for an answer or desirous of covering himself with a smoke screen. That is why I write this personal note. I should be among the first to be destroyed by communism. I am nearly 70 and have never been in business. I have lived all my life on invested property as did my father and mother and my grandparents and most of my great-grandparents before me. Economically I represent everything to which communism is hostile. I am one of the comparatively few Americans every one of whose ancestors became a citizen of the United States on July 4, 1776. I have always loved and enjoyed liberty. Since the day of my first effort in politics I have worked for personal freedom for all. I have lived in totalitarian countries and loath what I saw there. I know that a Communist government will inevitably degenerate into a totalitarian autocracy which is the opposite and the implacable enemy of everything I have enjoyed, of every material policy that has served me, of everything I have respected and of everything I have loved.)
>
> I am for peace. I am for minding our own business. I am particularly opposed to a policy which boils down to an effort to impose American ideas and customs on other nations.

I am for defending my Nation, not wasting American lives and treasure on crusades that do not relate to our security. Opposing this kind of government waste is hardly un-American.

SUPREME COURT TO DEAL WITH THE CONSTITUTIONALITY OF THE 1968 LAW PASSED BY CONGRESS RELATIVE TO THE MAILING OF OBSCENE ADVERTISING TO POSTAL PATRONS

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Alabama. Mr. Speaker, when the Supreme Court reconvenes following its 2-week recess, one of the cases on the docket will deal with the constitutionality of the 1968 law passed by Congress permitting the postal patron to halt the mailing of obscene advertising to his home by simply telling the post office to halt the deliveries.

The large bulk-rate mailers of these pornographic materials are kicking up a fuss under the guise that their freedom of speech and press are being violated. The publishers and mailing-list brokers argue that the law will cripple them financially by making mass mailings too expensive. They also argue that the Post Office officials, already weighted down with massive amounts of work, will be unduly overburdened with the added chore of enforcing this particular law.

Well, Mr. Speaker, after wringing out the crying towel, a few facts come through loud and clear. These villainous purveyors of smut not only seek to take advantage of the Government-subsidized third-class mail rates to market their perverted wares, but they want a constitutional guarantee that they will suffer no inconvenience.

Hopefully the Supreme Court will at least permit the individual to maintain his home as his last bastion of privacy. No one wants their children to be psychologically assaulted by these sexually oriented solicitations that are generally samples of the products they push.

I hope that one of the many bills now in committee designed to further curtail this type of vile behavior will be passed by Congress this year. The Supreme Court under Chief Justice Warren has left little that can be salvaged in this area. I hope that the innocence of little children and the privacy of one's home will not go by the board.

CHICKENS COMING HOME TO ROOST ON DEFENSE CUTS

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, yesterday the Secretary of Defense announced reduction of the missions or closing of the facilities at 307 of the Nation's military bases throughout the country and overseas to some $609 million per year. Secretary Laird said the cutbacks would mean abolishment of some 37,800 military positions and an additional 27,000 civilian jobs.

Monday's announcement was a followup to the August 21 order by the Secretary to slash $3 billion from defense and military spending that would include a reduction of strength in the military services by 220,000 men and women.

Before that first announcement many in both Houses of Congress had been very critical of the Nation's defense costs, and after the order was published, these same Members applauded the move while it was still general and nonspecific. I was glad to see fat pared from the Federal budget, while at the same time noting with concern the Defense Secretary's warning that American defenses would be less prepared for emergencies, something about which we should all be concerned in the months and years ahead.

So, this morning I was surprised to hear and read the reaction by those who have been telling us for some time that we need to cut back military spending and manpower at even higher rates—now that they know the specifics of where some of those cuts in military bases and operations are to be made, particularly when they find the cuts must be made in the geographic areas they represent.

It seems the doves who had been cooing for military spending reductions are squawking like wounded eagles now that their chickens are coming home to roost.

REPORTS OF SECRETARY OF DEFENSE AND SECRETARY OF TRANSPORTATION, RELATING TO AWARDS FOR SUGGESTIONS, INVENTIONS, AND SCIENTIFIC ACHIEVEMENTS—MESSAGE FROM THE PRESIDENT

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, together with accompanying papers, referred to the Committee on Armed Services:

To the Congress of the United States:

Forwarded herewith in accordance with the provisions of 10 U.S.C. 1124 are reports of the Secretary of Defense and the Secretary of Transportation on awards made during the first six months of 1969 to members of the Armed Forces for suggestions, inventions, and scientific achievements.

The last previous report on the military awards program covered the calendar year 1968. Following the present six-month report, future annual reports will be submitted on a fiscal year basis. This will increase efficiency by facilitating the compilation of the report in conjunction with the Incentive Awards Program report which departments and agencies submit annually to the Civil Service Commission.

Participation by military personnel in the cash awards program was authorized by the Congress in September 1965. The success of the program in motivating military personnel to seek and suggest ways of reducing costs and improving efficiency is shown by the steadily increasing participation and the notable growth in measurable first-year benefits from adopted suggestions.

Tangible benefits from suggestions submitted by Department of Defense and Coast Guard military personnel that were adopted during the period from January 1 through June 30, 1969 totalled over $57,000,000. This figure, if projected for the entire year, would substantially exceed the total for calendar year 1968. Tangible first-year benefits derived from the suggestions of military personnel in the relatively short period since the program went into effect have now reached a total of more than $272,000,000.

130,861 suggestions were submitted by military personnel during the reporting period, and 20,757 were adopted. Cash awards totalling $924,742 were paid for these adopted suggestions, based not only on the tangible benefits cited above but also on many additional benefits and improvements of an intangible nature.

A substantial majority of the cash awards paid went to enlisted personnel at Grade E–6 and below. The size of the cash awards varied from the minimum of $15 to several awards in excess of $1,000.

Brief descriptions of some of the more noteworthy contributions made by military personnel through the suggestion program during the first six months of 1969 are contained in the attached reports of the Secretary of Defense and the Secretary of Transportation.

RICHARD NIXON.

THE WHITE HOUSE, *October 28, 1969.*

EULOGIES ON DWIGHT DAVID EISENHOWER

Mr. DENT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 368) providing for the printing of copies of the eulogies on Dwight David Eisenhower, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Page 2, line 3, strike out "and thirty" and insert "three hundred".

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania (Dr. DENT)?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

OPPOSITION TO APPOINTMENT OF JUDGE HAYNSWORTH

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, I noted in the news reports of October 27, 1969, that the American Trial Lawyers Association has announced the result of the poll of 1,200 of their approximately 25,000 members which was announced as placing a majority in opposition to the nomination of Judge Haynsworth for the U.S. Supreme Court.

Being an attorney myself, I am very much aware of this fine organization and of the pleas that cases should not be tried in the newspaper, but that a decision should be reached only after the ascertaining of all facts in an orderly, legal manner.

Yesterday I wrote Mr. Wolfstone, president of ATLA, and asked whether in taking his poll he was guilty of the very procedure which lawyers had criticized for so long; namely, that of forming an opinion only upon newspaper accounts or whether or not a brief, both pro and con, furnished to these distinguished attorneys in order that they could make a decision based on concrete facts and information.

It would seem to me, Mr. Speaker, that the ATLA should be one organization to insist upon complete facts and information before an expression of public opinion is given. I would be interested in Mr. Wolfstone's reply, for I think it would have an obvious bearing on the validity of the poll.

CALL OF THE HOUSE

Mr. DICKINSON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 246]

Ashbrook
Ashley
Baring
Bell, Calif.
Brock
Brown, Calif.
Burton, Utah
Byrne, Pa.
Cahill
Cederberg
Celler
Clark
Clay
Colmer
Culver
Cunningham
Daddario
Davis, Wis.
Dawson
Diggs
Edwards, Calif.
Fallon
Fascell
Gettys
Gilbert
Haley
Halpern
Harsha
Hull
Jarman
King
Kirwan
Kluczynski
Long, La.
McCarthy
McClory
McEwen
Mann
Monagan
Moss
Nix
O'Konski
O'Neill, Mass.
Pepper
Philbin
Pirnie
Powell
Sandman
Symington
Teague, Calif.
Udall
Whalley
Wydler

The SPEAKER. On this rollcall 378 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONTINUING APPROPRIATIONS, 1970

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 966) making further continuing appropriations for the fiscal year 1970, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Ohio (Mr. Bow) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 966), with Mr. MILLS in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resoution was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Texas (Mr. MAHON) will be recognized for 1 hour, and the gentleman from Ohio (Mr. Bow) will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas.

Mr. MAHON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have before us today a continuing resolution in order that as of Friday night the Government of the United States may continue to function, otherwise it would come to a grinding halt because funds would not be available for most departments and agencies. Only the Interior, Treasury, and Post Office Departments and a handful of independent agencies have had their appropriations for fiscal year 1970 finally enacted. The others are dependent on the pending resolution.

In view of time factors in continuing resolutions, it is traditional that they are made as noncontroversial as possible because they have to be passed in a hurry, and they must be acceptable both to this body and to the Senate. So the substance of the resolution which we have before us is simple and to the point, and is in keeping with former resolutions except for this fact: that the last continuing resolution was passed in late June, some 4 months ago, so 4 months having elapsed, we have had to take into account those 4 months, and we provide that the guidelines for the Government for the month of November will be based on the situation as it exists on November 1, not as it existed on July 1.

CRITICISM OF CONGRESS

Mr. Chairman, the guns of opposition and criticism have been leveled at the Congress. Attempts are being made in all quarters and in all corners of the land to downgrade the Congress of the United States. These guns of criticism have to some considerable extent been leveled at the Committee on Appropriations of which, by reason of the indulgence of my people and the rule of seniority, I am the chairman.

I do not want to see the Committee on Appropriations discredited. Like other Members in this House, I do not want to be humiliated, or have the feeling myself, or have others feel, that I have failed to do my job, or that the 51 members of the Committee on Appropriations have failed to do their job.

During this session of the Congress, I would say to the critics, the House of Representatives under the leadership of the Committee on Appropriations has passed 13 appropriation bills and resolutions—13—and that is a reasonably big output. It involves some $54 billion. I will agree that only two of the annual bills for fiscal 1970 have been enacted into law, but several factors were involved.

I think I would be willing to put the record of the Committee on Appropriations alongside of the records of other committees of the Congress.

Now, we could have passed all of the appropriation bills, and I measure my words, we could have passed all the appropriation bills had we been authorized to do so. But we have not been able to pass them because of the lack of authorizations.

For example, the Committee on Foreign Affairs has labored long and hard on the foreign aid bill. But even though we are on the threshold of the 11th month of the calendar year, the committee has not been able to bring a bill to the House for the authorization of foreign aid. As an aside I would say, some hope that they never will. But nevertheless we do have a responsibility in this field. And we cannot within the rules report the foreign aid appropriation bill under the circumstances; we are marking time.

Let us take another bill—the transportation appropriation bill. In connection with that bill, there are some authorizations that are not yet finalized in connection with mass transportation, highway safety, and the airport program. The request of the President—and the President has been late, and understandably, in sending down during his first year of tenure, his recommendations on various bills and his budget estimates.

The Committee on Appropriations received the budget request of the President on the controversial supersonic transport aircraft for $93 million only on October 9. That is also considered in connection with the transportation bill.

But please do not feel that the Committee on Appropriations is derelict in trying to move forward.

Let us take the defense appropriation bill. We will be ridiculed by critics because we have not passed a defense bill. In the area of national defense we have not told the President, Secretary of Defense, and the Joint Chiefs of Staff, and other officials, how much money they can use. But remember, again, the Committee on Appropriations, and I say it in all charity and good will, and I recognize the authorizing committee has worked diligently and effectively, but here we stand on the threshold of the 11th month of the calendar year and we have no final authorization for the key area of defense spending.

But, of course, the members of the Committee on Armed Services have had many problems to wrestle with and much legislative business to attend to—but there again you must understand why we have not been able to pass these appropriations. There again you must understand that when the President writes a letter—and he has written one to me today in which he has said, in effect, "I am working on my new budget and I would like to know what we are going to have for the current fiscal year so I can plan for the next fiscal year."

Mr. Nixon has to take his due share of the blame. The budget came down late, reports to committee have often been slow in being delivered to committees, and, of course, the new President needs some time to get underway. But I would say of the Congress and of the Executive that there is enough blame to go around to all the committees and to the legislative and executive branches.

I mention another appropriation bill—in the field of military construction, we cannot move on that because of the lack of authorization.

The District of Columbia bill is another one that is hanging fire. I believe early action on the revenue bill for the District will enable the committee to bring that appropriation bill in shortly.

But the five regular appropriation bills that remain to be passed remain so because we have not had authorization.

The facts which I recite are not understood by the public. The media has not made the situation clear. It would seem that at least the Washington newspapers would do a better job of reporting the facts. I would like for it to be known that despite some errors and delays that we of the appropriations committee have done about all we reasonably could.

THE PENDING CONTINUING RESOLUTION

What do we do in the proposed resolution? We say that the departments can spend at the level of last year's level or at the level of the House-passed bill, and if the House has not passed the bill, then they could spend at the level of the budget for last year, whichever is lower.

The continuing resolution covers a wide area, and if Members want to understand it better, because I cannot go into every aspect of it, I refer Members to the first insertion in the Extensions of Remarks of the Record of today, which deals with the situation. I call attention to page 31649 of the October 27 Record.

It so develops that while the pending continuing resolution applies to much of the whole government—as it must in the interest of stability and orderly operations—and applies on a consistent and uniform basis in line with well-established concepts, it produces a somewhat unique result in respect to education items in the Department of Health, Education, and Welfare bill. As a result of the fact that the Labor-HEW bill had not been passed by the House on July 1 when the previous resolution took effect, the authorized spending level during the last 4 months has been on the basis of last year's appropriation or the budget, whichever is lower. But the House, especially in the Joelson amendment, considerably increased education programs above the budget and above last year's level. Under the pending resolution, the rate beginning November 1 will be the lower of last year's level or the level of the House for this year in the HEW bill.

The result is to increase the authorized rate for education programs by $600 million beginning November 1, as compared to the authorized rate that has obtained for the last 4 months. This takes care, generally, of the impacted-aid requirement of the various schools which were contained in the so-called Joelson amendment. It takes care of many other items, as you will see if you look at the memorandum which we have at the committee table and in the Extensions of Remarks of yesterday's Record, on page 31649.

I would like to point out that we have tried to keep the continuing resolution simple. We have not made an appropriation bill out of it. Everybody in this House is sufficiently sophisticated to know that a continuing resolution is not an appropriation bill. It merely provides that the Government can run on the lowest applicable figure until action is taken on the regular appropriations. That is all it is supposed to do. That is what the resolution that we have does.

I should also say that on the five bills yet to pass the House, the ground rules remain unchanged from the resolution now in effect—that is, the lower of last year's rate on the budget estimate.

Then on the bills that are pending between the House and the Senate, having passed the House, items have to be settled between the House and the Senate in the regular appropriation bills. And this is the way it ought to be done. The ground rules in those instances are the amount in the bill unless there is a difference between the two Houses, in which event the lower of the two obtains.

It has been found since the beginning of time that a degree of orderliness is necessary for effective action, and we particularly have to have order with regard to this matter in the Congress to have effective action. That is what the pending resolution provides.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Chairman, before the distinguished gentleman gets too far away from the point he has just been making, I think it would be well for the Record right here to show that the appropriation bill for the Departments of Labor and Health, Education, and Welfare cleared the House of Representatives on July 31, 1969. That is nearly 3 months ago.

Mr. MAHON. Yes, but let us be fair in this and point out we had a summer recess for the first time, so actually in working time the other body has had about 2 months. As I say, there is room to share criticism as to the delay.

Mr. JONAS. Mr. Chairman, will the gentleman yield further?

Mr. MAHON. I yield to the gentleman from North Carolina.

Mr. JONAS. I do not think it is necessary to point any fingers at anybody. Just let the Record show the House of Representatives cleared this bill and sent it to the other body on July 31, 1969.

Mr. MAHON. Let the Record show I conferred with committee members of the other body yesterday and was told it is expected the Labor-HEW appropriation bill will be reported out in about 2 weeks. This means the other body will work its will on the House-passed version.

In checking the records this morning I find that with one exception, in each of the last 10 years the other body has raised the total of HEW appropriations as passed by the House. So, if we can go on past history, those interested in the Joelson amendment, I think, could assume that the other body would probably accept the Joelson amendment, and may even possibly add on some additional funds.

The question here arises: Are we in favor of the orderly processes in working between the House and Senate, or are we in favor of different procedures which could lead to chaos and great difficulty? We got into a confrontation between the bodies in 1962, which delayed action for months.

We got into a prolonged confrontation with the other body in 1967 on a continuing resolution, which brought on a great deal of delay. We do not want to hurt the cause of education or injure the image of this Congress or delay action during the last 2 months of this year by getting into an unwise and possibly damaging confrontation with the other body.

If the other body passes a given bill and sends it to this body, and this body takes a long time to act upon it or does not act upon it at all, it is not up to the other body to lecture this body on what we should do about bills sent to us. That is clear, is it not? I do not want any part of that, and I would not accept it, and the Members would not accept it. But by the same token, when we do our duty and pass on bills, good or bad as they may be, and send those bills to the other body, since it is a proud and autonomous body—just as this is a proud and autonomous body—we cannot ram down their throats without change, without the appropriate committees considering those bills, the measures which we have passed.

So it would be the height of arrogance and impropriety for us to try to write an appropriation bill here and say to the other body, "You take it or you leave it, and you have only until Friday midnight to do it." That is not the way to get the big bulk of the business of this session of Congress done, which must be done in the last 2 months of this year. That is not the way to get it done. Do Members not understand that? It is perfectly plain.

Those who wish to serve the cause of education—and the educational lobby is a very excellent lobby, it is in a very good cause, and it is probably among the most potent lobbies in the country—have seemed to believe that if we do not sandbag the other body and make it take the bill which we have already passed and which is before it and which Members are supposed to report in about 2 weeks, something will be lost. If we do sandbag the other body—and we would probably not get away with it—if we tie this Congress up, and if we have payless paydays as we have on occasion had in the past, the whole Congress, the whole country, will have lost.

I would say of my friends in education from my own State, and from the districts of other Members forgive them, for they know not what they do. If they will leave it to their elected Representatives to decide what is the best strategy to get for them what they want, they will come a great deal nearer getting it than by asking us to dance to the tune of those who do not run for election and who are not elected and who do not have a vote in this body and who do not work with these matters every day.

So I am hoping that the House will go along with this continuing resolution as passed by our committee. I conferred with Members of the other body. Our resolution as drawn would go through instantly—almost instantly, in my opinion.

Then I hope we can begin to move on all these other authorization and appropriation bills, moving the appropriation bills in a reasonable time after the authorization bills have been enacted.

We cannot afford to let this Congress go down as a Congress which failed to do its job—as a Congress which dawdled. We have done a lot of productive work thus far in the session, but the proof of the pudding will be what we do during the 11th and 12th months of the year. That is the period of time when we can really wrap this session up and do a great job for the American people. We can then go before the voters next year, Democrats and Republicans, and tell them we have not failed, but in a workmanlike and orderly way we have done our duty for the American people.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the distinguished gentleman from Tennessee.

Mr. EVINS of Tennessee. The gentleman is proposing a continuing resolution to allow the departments and agencies to continue until the action on the appropriation bills is completed. Eight bills for 1970 have passed the House; five are yet to pass the House.

If those who want to authorize more money will try to get the Senate to pass those bills, then in those areas where the House has increased the appropriations the departments will have those funds; is that correct?

Mr. MAHON. I believe the gentleman is right.

It does not behoove the other body to ask us to dance to their tune, and we would not do it. It does not behoove this body to ask the other body to dance to our tune, and they would not do it.

There is a certain degree of orderliness which many, many decades have built into our system. We have to stay with it, and, of course, improve it if we want to be effective.

But we do not want to throw a monkey wrench into the machinery, and produce chaos. We could do that today.

Mr. EVINS of Tennessee. I want to associate myself with the remarks of the gentleman and urge the House to adopt this continuing resolution.

Mr. MAHON. I thank the gentleman.

Mr. Chairman, I would hope that my remarks are clear. I would be glad to respond, if any Member wishes to ask a question of me in regard to the pending resolution. I believe we will be on sound ground with this resolution.

I do not believe we can deny the other body the right to act on its bills, any more than it can deny us the right to act on bills before us.

The gentleman from California (Mr. Cohelan) asked me to yield, and I am glad to yield to him at this time.

Mr. COHELAN. I thank the gentleman for yielding.

I wonder if the gentleman would comment on the question of whether or not we are going to get a bill in 2 weeks' time. Would the gentleman be willing to agree that there is some disagreement as to whether that is going to come to pass?

Is it not true, Mr. Chairman, that there are some very informed people who advise us—at least, who advise me; and I happen to believe what they are telling me—that it is very unlikely, because of the scheduling of witnesses and the programing of action in the other body, that we will get a bill back here until some time in December? I believe we heard one suggestion it would go into January.

Mr. MAHON. Let me answer the question, and then I will yield further.

Mr. COHELAN. Yes.

Mr. MAHON. The question is, can I assure the gentleman what the other body will do? I cannot even assure the gentleman what this body will do. Of course I cannot. The gentleman knows that.

All I can say is I have been told by the highest authorities in the other body, the people who deal most directly with it, that they expect to report the HEW bill in about 2 weeks.

But I am not going to be a party to a sandbagging operation, which might cause a great difficulty in cooperation as we try to close up the work of this session.

Mr. COHELAN. The gentleman is aware, is he not, that there is a very substantial group of Senators who are supporting the principle that will be inherent in the amendment I will offer at the appropriate time?

Mr. MAHON. Let us stop there.

I am not aware that a large part of the other body—and we must be parliamentary—is supporting the unorthodox procedure of sandbagging the Senate through forcing the Members to accept an appropriation of over $900 million which they have not yet considered.

No, I would not; and, if I may have the gentleman's attention, I do not doubt that the other body will approve or probably support the Joelson amendment and increase the funds provided. That is an entirely different matter. If Members there wish to do it, they can do it in the regular bill. But I do not think the other body wants to permit us to call the tune while they dance on this sort of an unorthodox approach to the problem.

Mr. COHELAN. If the gentleman will yield further, I would like to say that I regret very much that I am in the position of having to challenge my chairman, but unfortunately we are in disagreement. I hope that the chairman at this point, before he leaves his basic remarks, will tell the House exactly what is at issue. The gentleman from California does not enjoy the role he is playing. There must be some strong motive for his concern. It so happens that the issue revolves around $733 million plus, and they involve two—at least two and more—very critical categories, as the gentleman will agree, I am sure, involving title I, which is the aid to education for disadvantaged children and vocational education. As I will point out to you in my own remarks, these are critical.

Mr. MAHON. If the gentleman will point that out, I will yield him time, but the gentleman asked me what is at issue.

Mr. COHELAN. Yes.

Mr. MAHON. What is at issue is the principle of good government; a principle of orderly procedure; a principle of comity; a principle of effectiveness in government. That is what is before us. The issue is whether or not we should proceed in an orderly way which has the best opportunity of bringing about a successful end product or whether we shall try to make out of the continuing resolution, which should be enacted into law by Friday, an appropriation bill in order to provide funds for certain educational purposes, which many Members of the House and the Senate—and probably a majority of them—would support when presented to them under the orderly processes of government. So that is what is at issue. It is a principle deeply rooted in the procedures of the House, and I must say that without orderly procedures we cannot effectively legislate.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. The chairman knows that I am for more money for title I in this bill. I think they are shortchanging them in the bill, but, as a matter of fact, that money is not going to be distributed in November, anyway, and whether we made the increase in the appropriations through this continuing resolution or the bill that comes out of the Senate will not make 5 hours of difference in the time that it is distributed to the States. Is that not correct?

Mr. MAHON. The gentleman is eminently correct. For those who understand it, I think you would vote for the continuing resolution without amending it, but if you vote to amend it, why not put in the money and say, "Well, we passed the Joelson amendment, so let us repass it, and let us repass the antipollution provision for $600 million, and let us repass other programs that have been before us, and let us make the other body take them all in one lump regardless of what the situation over there is and what the deadline is." The deadline is Friday night, October 31. This is the height of irresponsibility, in my judgment.

Mr. COHELAN. Mr. Chairman, will the gentleman yield for one further question?

Mr. MAHON. For a question I will yield.

Mr. COHELAN. The chairman is aware, is he not, that there are 227 Members of this body that have in the hopper a resolution calling for the amendment I am offering today? Two hundred and twenty-seven Members.

Mr. MAHON. We are aware that supporters of the proposed amendment have announced from day to day, "We have certain people committed." Well, of course, they are committed. And they have introduced resolutions. This is no problem. They have shown that they are in favor of the higher figure for education which was passed by the House, and this figure they will likely be able to acquire when the other body takes action in the regular way on the Labor-HEW appropriation bill, and, there is nothing inconsistent about the members who introduced resolutions calling for fuller and greater amount which no doubt will be forthcoming within a month or less than that, also supporting the pending resolution.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from North Carolina.

Mr. JONAS. Is it not correct that many of those who put those resolutions in did so under a different set of circumstances?

Mr. MAHON. Of course.

Mr. JONAS. And before the Appropriations Committee came out with this continuing resolution, and that only occurred last Thursday?

Is it not true that about one-half billion dollars of additional money will be available for spending under the resolution than under the previous resolution which will expire on the last day of October?

Mr. MAHON. Yes; we are operating in an entirely different atmosphere and in an entirely different state of facts. And, when Members expressing their desire to hold to the higher figures, if they will look in the Extensions of Remarks of the RECORD at page 31649 of this morning's RECORD, they will find where the money goes. Further, if they are interested in impacted areas they will note that an additional $319 million, will be available not because of any special treatment but because of the resolution which places it above the minimum level in the President's budget, a total of $506 million. You will get more for libraries and more for NDEA and more for most all of these programs which I am sure that a great majority of the Members support.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Let me say, Mr. Chairman, that I wholeheartedly and unequivocally support the position taken by the distinguished gentleman from Texas, the chairman of the Committee on Appropriations.

Now, he has alluded to but not specifically said that because of the problem that might arise between the House and the other body, we might have a roadblock in the completion of affirmative action on the continuing resolution prior to midnight, October 31.

Mr. MAHON. We not only might, I think we would have.

Mr. GERALD R. FORD. I did not want to put words in the mouth of the distinguished chairman of the great Committee on Appropriations, but he has certainly hinted that this might be a probability. I just urge people who want to upset the decision of the Committee on Appropriations, that if they do, they will have the principal blame if there is no continuing resolution approved by the Congress by October 31, which means, of course, there will not be any authority or any pay for most members of the executive branch, civilian or military, or compensation for Members of the legislative branch, nor will there be any funds available for the payment of services to those suppliers of the Federal Government.

I just hope they will take that into consideration.

Mr. MAHON. I thank the gentleman from Michigan.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Chairman, I appreciate the gentleman yielding. The gentleman is of course one of the ablest chairmen of the House, one of our most beloved and distinguished Members. He is making a very eloquent statement in behalf of orderly procedure. The gentleman and I have discussed this many times, this very issue.

Does there ever come a time, may I ask my friend, when the House can assert itself by a continuing resolution, which carries with it much more compulsion than a regular bill, on an issue on which the House has emphatically expressed itself?

In other words, if the other body never passes the HEW bill, does there ever come a time when the House might use this device as a means of trying to get this issue finally resolved?

Mr. MAHON. As I see it, I believe there is enough blame to pass around among the two Houses. I am sure the other body will act, and will act within the next few weeks, so that there is no real problem here. And blackmail is not a very effective procedure.

Mr. ALBERT. Does the gentleman call it blackmail—and I have tried all the way through to support the gentleman—but does the gentleman call it blackmail to insist that a program, the funding of which should be made before September 1, should at least be made before January 1?

Mr. MAHON. No. I would not say that is blackmail. We passed our bill on July 31.

Mr. ALBERT. That is right.

Mr. MAHON. And next year, if I can get the support of this House, and if the authorizations are available, I believe I can see to it that the education bill is passed by April 1, and I will try to persuade the other body to do likewise, and then the schools would know in advance what the situation is. This is highly desirable.

Mr. ALBERT. Would the gentleman have the same viewpoint that he has now 30 days from now if a continuing resolution were again to be presented on this same subject?

Mr. MAHON. If we keep the November 30 date in this resolution there would have to be another continuing resolution in late November, and I would hope that by that time——

Mr. ALBERT. Would the gentleman have the same view with regard to this item? Because there are certain areas that are not well funded in the continuing resolution such as title I, ESEA, NDEA student loans, vocational education, and others—would the gentleman feel that 30 days from now the House would be in a better position to insist by a continuing resolution if no action has been forthcoming by the other body?

Mr. MAHON. I would say the principle is the same, and right is right, but I do not anticipate that issue arising because I believe that the other body will act within the month.

But does my able leader, who is supporting me in this plea to the House, feel that the other body should be able to compel us, for example, to take action on a particular bill, regardless of Committee considerations? I do not think so.

Mr. ALBERT. The gentleman knows that in many instances the other body has gone so far as to put completely irrelevant material on House bills which some Members of the House have considered to be an effrontery. But we have a very important issue at stake here, and that is the House's commitment, long since expressed, by a 2 to 1 vote, for better funding, and more prompt funding of Federal aid to various educational activities.

That as well as orderly procedure is also a principle which demands our attention, as I see it. I want to support the gentleman, the gentleman knows that—but I do not want it said that this Congress is using procedures which many may think are archaic procedures to defeat the cause of education in the United States.

Mr. MAHON. Let me say, if the gentleman will permit me, that there is no effort to defeat the cause of education. That issue is not now before the House. But let me also say this. The school year is well underway. This is almost November. Schools cannot now hire teachers for this semester. They can spend money on some other programs, but they cannot hire teachers for the first semester. They will not want to use them until the next semester begins, and that will be about February.

It was very important to have this money before September first, and it should have been available by July. But now, a couple of weeks does not make the difference it would have made earlier in the year because the time when they could have used certain funds effectively is past.

But they will be able to use all of the funds finally appropriated for impacted aid in the regular Labor-HEW bill. Incidently, last year 50 percent of the money appropriated for assistance to impacted school districts was not actually paid until several months after the end of the fiscal year.

These funds are not generally paid in full at the beginning of the school year. What school districts wants is the assurance that the funds will be made available. They certainly have that assurance because everybody knows that the House is not going to back down in its determination to provide funds under the Joelson amendment, and everybody knows that the other body is in all likelihood going to increase appropriations for education rather than reduce them, if they are not goaded by our actions into doing something otherwise.

So I think we have nothing to fear but fear itself. If we will just stick to our knitting and have Monday, Tuesday, Wednesday, Thursday, and Friday sessions for most of the next 2 months we can come out of this Congress with the colors flying and make a good report to the folks when we go home at Christmastime.

Mr. ALBERT. The gentleman has stated the case with his usual eloquence and force. I am very happy the gentleman has said that he will try to get a bill out before April 1. What disturbs me is the long delay which educator after educator has told me has caused him all kinds of trouble while waiting for the Congress to act. Of course, while November is not a lot later than July, it is a little bit earlier than December and December is a little earlier than January.

I hope the gentleman will help to get this thing over before it is necessary to ask for another continuing appropriation.

Mr. MAHON. I will certainly help in any way that I can.

Mr. ALBERT. I thank the gentleman.

Mr. MAHON. Let me say this. We have had advance funding for some of these programs. But you know what the truth is, we cannot now do this for next year because while the House has passed an authorization bill, it has not been passed by the other body. So we cannot provide advance funding.

While the Committee on Appropriations gets the heat, the legislative committees must realize that if they want a bill early next year on education, if they will give us the authorization, I can guarantee that the Committee on Appropriations—and I have spoken to the members of the committee—will pass it. And if we can get the other body to move, we can give our education people the notice that they deserve.

Mr. LANDRUM. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman.

Mr. LANDRUM. What is the difference, please, between the amount of money in the continuing resolution for education and the appropriation bill which the House passed and sent over to the other body on July 31?

Mr. MAHON. About $700 million.

Mr. LANDRUM. This is $700 million under the appropriation bill?

Mr. MAHON. Yes. The committee resolution is about $310 million above the budget for the entire Office of Education, and is about $600 million above the rate that is presently authorized. These figures are totals, of course. But we have passed the regular annual appropriation bill and sent it to the other body and they will take action on it.

If Members will please turn to the Extensions of Remarks in the RECORD which is on page 31649 of yesterday's RECORD, they will find this information presented in some detail.

Mr. LANDRUM. Mr. Chairman, will the gentleman yield further?

Mr. MAHON. I yield to the gentleman.

Mr. LANDRUM. How much more money is in this continuing resolution for impacted aid than there is in the appropriation bill that the House passed on July 31?

Mr. MAHON. $319 million.

Mr. LANDRUM. There is $319 million more in this resolution?

Mr. MAHON. There is $319 million more in this resolution, bringing the total up to $506 million, which is the appropriation level of last year. There is no doubt that will be increased.

Mr. LANDRUM. Will the gentleman yield further for one question?

Mr. MAHON. I yield to the gentleman.

Mr. LANDRUM. Why is there more money in this continuing resolution for impacted aid at this stage of the game than it was to have in it July 1?

Mr. MAHON. Now let us look at the situation very carefully here. On July 1 the resolution provided that if the bill for fiscal year 1970 had not been passed, the various agencies of government would operate at the level of last year's appropriation or the budget whichever was lower.

In this instance the budget of President Nixon was the lowest figure so we operated on the basis of the budget of President Nixon.

But the House did act on the 31st of July on the Labor-HEW bill. Under the resolution now before us, the program will operate at the level of last year's appropriation or the level provided in the House passed bill—whichever is lower. Last year's level is lower but it is $319 million more than the budget. We no longer take into account the budget figure in determining the operating level.

Mr. LANDRUM. In the event the other body should not act favorably upon the appropriation bill which the House sent over to them, and particularly not act favorably upon the section dealing with title I, on vocational education, would that have an effect on the continuing program under title I of vocational education? Would not vocational education be bankrupted in that situation?

Mr. MAHON. You see, we will go to conference with the other body. The gentleman from Pennsylvania (Mr. FLOOD) is no poor advocate.

Mr. LANDRUM. I agree with the distinguished chairman on that point.

Mr. MAHON. I do not think there is a problem there.

Mr. LANDRUM. My concern, Mr. Chairman, as I am sure it is the concern of many others, is that we do nothing here to retard the growth and development needed in the field of vocational education. What I fear is that the continuing resolution as reported by the distinguished chairman and his able committee is about to do something that would bankrupt the vocational education program.

Mr. MAHON. I do not think there is the slightest doubt about the continuance of the vocational education program. I think this House is strongly in favor of that program, and I expect the other body is, also. We will know in 2 weeks, if we can rely upon the information which we have. So I think the safer course is to follow the rule of reason and a good procedure which has stood the test of time.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from North Carolina.

Mr. JONAS. A point that has not been mentioned which will more or less answer the question of the gentleman from Georgia, and it is that the continuing resolution that is before the House today is not a permanent continuing resolution.

Mr. MAHON. It will last for just 1 month, as we have reported it.

Mr. JONAS. It will have to be reviewed, reconsidered, renewed and new action taken at the end of November. Is that not true?

Mr. MAHON. That is correct.

Mr. JONAS. So how could any program go bankrupt in one month when they are authorized by the committee resolution to continue spending at last year's level?

Mr. MAHON. I conferred with the gentleman from Oklahoma (Mr. ALBERT) the majority leader, and it was upon his recommendation that we made it for the 1 month. We realize that this is a short period of time with Thanksgiving coming; nevertheless, the end of the year is approaching, too. So I would think under all the circumstances you can support with confidence the resolution that is before you.

COMMITTTEE REPORT AND RELATED FACT SHEET ON THE CONTINUING RESOLUTION

Mr. Chairman, under leave granted, and in order that the RECORD will contain in one place a more precise and connected explanation of the proposal of the committee on appropriations, I include pertinent excerpts from the committee report of Thursday last, and a related fact sheet which also appeared in this morning's RECORD.

From the report of the committee.

PURPOSE OF THE RESOLUTION

This resolution is to supply funds to continue, after October 31, 1969, those governmental functions and activities for which the applicable annual appropriation acts for the current fiscal year 1970 are not signed into law by October 31.

The joint resolution, as reported, takes the place of the one under which virtually all of the Government has operated since last July 1, the beginning of the current fiscal year (Public Law 91–33, approved June 30, 1969), and which by its terms expires on October 31.

Only two of the 13 regular annual appropriation bills for fiscal 1970 have been sent to the President. The Treasury-Post Office appropriation bill was signed into law on September 29. The Interior appropriation bill was cleared to the President on October 15. Thus prompt enactment of another resolution is essential to avoid interruption of authority and funds for on-going programs and activities pending final determinations on their budgets.

TIME PERIOD OF THE RESOLUTION

The resolution would become effective the day after the current one expires; namely, on November 1, and continue for not more than 30 days; the terminal date is November 30. By its terms the resolution—and this is standard to continuing resolutions—ceases to apply to programs and activities as and when the applicable regular bills in which they are funded or otherwise disposed of are enacted into law, and in any event expires altogether on November 30. Anything shorter than this would be unrealistic in view of the present unknowns surrounding finalization of legislative action on some of the annual authorization and appropriation bills.

THRUST OF THE RESOLUTION

Consistent with the proposition that continuing resolutions are designed to serve basically as stopgap measures to tide matters over for relatively short periods of time pending finalization of the regular bills for the year, extensions of continuing resolutions in the past have almost always been in the simple form of extending the expiration date, leaving the provisions of the original resolution otherwise unchanged from what they had been from the beginning of the fiscal year. They were not originally intended to serve more or less indefinitely as the basis for operations long after the bills that were pending when the continuing resolution went into effect on July 1 had moved significantly through the legislative process.

The interpretation of the continuing resolution is determined by the legislative status of a particular bill on July 1. The July 1 rate remains in effect until the bill becomes law. The rates used to determine the amounts temporarily appropriated for operations differ, depending upon where a bill is on July 1, and remain applicable to the programs and activities until the particular regular bill becomes law.

A third of the fiscal year has now passed, and since July 1, five more of the annual bills have been voted on by the House—additional to the three the House had passed before July 1. Four of those eight have also cleared the other body, and two of the four have cleared Congress; the other two are pending in conference. The remaining five of the 13 regular annual bills remain in the same position they occupied on July 1—in the House Committee on Appropriations; four of them depend significantly on authorization bills that have not been legislatively finalized.

To accommodate to this significantly changed situation, a modification of the continuing resolution in relation to the practice of previous years is now deemed appropriate. Therefore, the accompanying resolution provides, in substance, that the position of each bill on November 1 would substitute for the position of each such bill on July 1. In many programs and activities this will make no difference in the rate of operations; in others it will, depending on what amount one or both Houses have voted for them.

SPECIFIC FEATURES OF THE RESOLUTION

1. *As to programs and activities in bills not passed by the House by October 31,* the rate for operations is one not in excess of the fiscal 1969 rate or the rate provided in the 1970 budget estimate, whichever is lower, and under the more restrictive authority. *This is identical to the concept under the existing resolution with respect to bills that had not passed the House by last June 30.*

In other words, the same ground rules now in effect would continue to apply to the following bills: Transportation; Defense; District of Columbia; Military Construction; and Foreign Assistance; plus some of the items listed separately in section 101(b) of the existing resolution that have not yet been incorporated in a bill already voted on.

2. *As to programs and activities in bills passed by both Houses but not signed into law by October 31,* the rate for operations with respect to items not in disagreement between the two Houses would be the amount in the bill. *This is identical to the concept under the existing resolution for any bills that may have passed both Houses by June 30.*

For such items not in disagreement in any bills that had passed the House but not the Senate by June 30, the rate for operations switches from the lower of the fiscal 1969 rate or the House rate to the amount in the bill. *The 1969 rate would no longer enter into the picture.*

For such items in both versions of a bill but in differing amounts, the rate for operations would be the lower of the two amounts. *This is identical to the concept under the existing resolution for any bills that may have passed both Houses by June 30.*

For such items in differing amounts in a bill that had passed the House but not the Senate by June 30, the rate for operations switches from the lower of the fiscal 1969 rate or the House rate to the House or Senate rate, whichever is lower. *The 1969 rate would no longer enter into the picture.*

As to items included in only one version of a bill, the fiscal 1969 rate for operations or the one House rate, whichever is lower, would apply. Allowing for a special provision with respect to Senate items traditionally omitted from the legislative bill in the House, *this is identical to the concept under the existing resolution.*

As of today, these provisions would apply to the following bills: Agriculture and Legislative.

3. *As to programs and activities in bills passed by the House but not the Senate by October 31,* the rate for operations would be the fiscal 1969 rate or the House rate, whichever is lower. *This is identical to the concept under the existing resolution for the three bills that had passed the House by June 30.* This would be a switch from the lower of the fiscal 1969 rate or the fiscal 1970 budget estimate rate for operations. *The 1970 budget estimate rate would no longer enter into the picture.*

As of today, this would apply to the following bills: Labor-HEW; Independent Offices-HUD; State-Justice-Commerce-Judiciary; and Public Works-AEC.

PROVISIONS GENERALLY APPLICABLE

The accompanying resolution repeats a number of provisions that have become standardized in continuing resolutions over the years. Specifically:

Section 105 makes it clear that the resolution does not augment the appropriation made for a given item in the regular 1970 bills, as follows:

> Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

Section 102 provides that the resolution ceases to apply to an agency or activity concurrent with approval by the President of an applicable appropriation bill in which provision for such agency or activity is made. Thus the scope of the continuing resolution constricts as each bill is enacted; the resolution will be wholly inoperative after the last bill for 1970 is approved, or November 30, 1969, whichever first occurs.

Section 104 is self-explanatory.

Section 106 forbids the use of funds provided in the joint resolution to initiate any new project or activity or to resume any which was not being conducted in fiscal 1969.

Section 103 also follows the stereotyped form of previous continuing resolutions in waiving the time periods set forth in 31 U.S.C. 665(d)(2) for the submission and approval of papers on the apportionments of funds. This in nowise waives the basic requirement in the law for the apportionment of funds over the year by the Director of the Bureau of the Budget, but merely dispenses with considerable paperwork that as a practical matter cannot be usefully applied to temporary appropriation provisions.

Section 107 repeats section 107 of the existing resolution, authorizing deficiency apportionments for 1970 to the extent necessary to meet statutory pay increases not specifically provided in the individual 1970 budgets or appropriations. This refers generally to the pay raises granted primarily by or pursuant to Public Laws 90-206 and 90-207, generally effective last July 1. The line-item budgets for 1970 did not make specific allowance for these added costs; only a 1-line amount was included in the overall budget totals.

EXPENDITURE CEILING PROVISION

Title IV of the Second Supplemental Appropriation Act, 1969, sets an overall ceiling on budget outlays (expenditures and net lending) for fiscal 1970 at a beginning figure $1 billion below the President's April 15 Budget Review projection. The ceiling is adjustable, depending on congressional actions or inactions on the budget, and to a limited extent depending on overruns in certain so-called uncontrollable items not requiring annual legislative appropriation action.

The accompanying resolution, in section 103, repeats the provision in section 103 of the existing resolution making clear the intent that interim operations under the continuing resolution shall in nowise contravene the provisions of such title IV.

The fact sheet which I prepared and released on the 27th follows:

(NOTE.—*For impacted aid and other education programs, see items 10 and 11.*)

COMMITTEE CONTINUING RESOLUTION—FACT SHEET (H.J. RES. 966)

A. THE PURPOSES OF CONTINUING RESOLUTIONS

1. *Continuing resolutions are not appropriation bills* in the usual sense. They do not make *additional* appropriations. They merely make interim advances that are chargeable against whatever amounts the two Houses of Congress finally appropriate in the regular annual bills.

2. *Continuing resolutions are nothing but interim, stop-gap measures* necessary to keep government functions operating on a rationally minimum basis between July 1 and enactment of the regular authorization and appropriation bills. They are designed to preserve the integrity and options of the regular authorization and appropriations processes in the committees and in both Houses.

3. *Continuing resolutions were never designed and never intended to* "get ahead of the regular order", i.e., to resolve weighty, substantive, legislative or appropriation issues outside the framework of the regular bills. (If they were so used, a Pandora's box of disruptive and disorderly actions could well result.)

4. *Continuing resolutions have always been designed to avoid controversy so as to secure prompt enactment,* else they would jeopardize orderly processes and orderly continuation of essential governmental functions.

5. *Continuing resolutions are thus a growth, born of long—and successful—experience.* They have become standardized in their concepts and specific provisions. They apply universally, and consistently, to all departments and agencies. The basic concept over the years is this:

Legislative status of an appropriation bill when continuing resolution becomes effective:	Continuing resolution funding level is always:
When neither House has acted	The budget estimate or last year's level, whichever is lower.
When passed House but not Senate	Last year's level or House level, whichever is lower.
When passed both House and Senate	The action of the two Houses; or if in disagreement, the lower of the two.

B. THE COMMITTEE RESOLUTION (H.J. RES. 966)

6. *The committee resolution* follows the *basic concepts* of past resolutions. It is a 30-day resolution—for November only.

7. *The committee resolution* makes a change in the *application* of the concept and thus in the *effect* on some operations, by taking account of congressional actions on appropriation bills since *July 1* when the current resolution went into effect.

8. *The Committee resolution* makes no change at all in 6 of the regular bills; they occupy the same position they did on July 1. It will have some limited effect on the Agriculture and Legislative bills which have moved to the conference stage, and on the Labor-HEW, State-Justice-Commerce, and Public Works bills which have moved to the Senate since July 1.

9. *The committee resolution, replacing the existing resolution effective November 1st, will produce* little or no change in authorized rates of interim spending levels for many programs and activities. But it will permit *significant changes in a handful of items in the Department of HEW, especially in Hill-Burton hospital grants (about $100 million more) and in certain education programs (about $600 million more).*

C. EFFECT OF COMMITTEE RESOLUTION ON EDUCATION PROGRAMS

10. *The committee resolution adds about $600 million* to the authorized spending level for education programs, *as shown on the attached table.* $319 million additional is for impacted area school aid (P.L. 874).

11. For schools in Federally impacted areas, the committee resolution would authorize funds at the fiscal 1967 level for both categories "A" and "B"; a total of $506,000,000—some $319,000,000 *above* the currently authorized rate. There would be no special restrictions with regard to "category B".

Payments are made periodically during the fiscal year but the final payments are not usually made until late September or October, i.e., *after* the fiscal year for which they are appropriated. Thus an increase in these funds at this time would have no practical effect different from that of providing them when the regular HEW bill is enacted.

EFFECT OF CONTINUING RESOLUTION ON EDUCATION PROGRAMS

[In millions]

	1969 level	1970 budget	1970 House bill	1970 continuing resolution		
				Present version[1]	Committee version[2]	Increase over present version
Supplementary educational centers (title III, ESEA)[3]	$165	$116	$165	$116	$165	+$49
Library resources (title II, ESEA)[3]	50	0	50	(4)	50	+50
Guidance, counseling, and testing (title V, NDEA)[3]	17	0	17	(4)	17	+17
Equipment and minor remodeling (title III, NDEA)[3]	79	0	79	(4)	79	+79
Impacted area aid (Public Law 874)[3]	506	187	585	187	506	+319
Higher education facilities construction grants, 4-year undergraduate facilities[3]	33	0	33	0	33	+33
NDEA student loans[3]	193	162	229	162	193	+31
Library assistance:						
Services	41	23	41	23	42	+19
Construction	9	0	9	0	9	+9
Title I, ESEA[3]	1,123	1,216	1,397	1,123	1,123	
Vocational education[3]	248	279	489	248	248	
Education for the handicapped	80	86	100	80	80	
Subtotal	2,544	2,069	3,194	1,939	2,545	+606
Other education programs	1,073	1,111	1,029	950	945	−5
Total, Office of Education	3,617	3,180	4,223	2,889	3,490	+601

[1] Effective July 1, Public Law 91-33.

[2] Effective Nov. 1, H.J. Res. 966.

[3] Joelson amendment items.

[4] Sec. 101(d) of the present continuing resolution made special provision for continuing State administrative activities only. Under the committee version, funds for both State administration and program grants would become available effective Nov. 1.

Mr. BOW. Mr. Chairman, I yield myself whatever time I may consume.

The CHAIRMAN. The gentleman from Ohio is recognized.

(Mr. BOW asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BOW. Mr. Chairman, today for the first time in all of my years here and for the first time, I believe, in the history of appropriations continuing resolutions, the House is breaking new ground and innovating for expediency's sake alone.

Instead of following its historical concept of providing for interim operation of the Government at the lowest of several levels until all appropriation bills are enacted, the House is today changing the groundrules so as to make available more than $600 million of obligational authority for education which would not be available otherwise until we have completed action on the Labor-Health, Education, and Welfare appropriation bill.

In all prior continuing resolutions, we have followed a responsible policy and have provided obligational authority at the program level of obligation for the preceding fiscal year, the budget for the current year, the House action on a bill or the Senate action, whichever was lowest. That is precisely what we did last June 30 when Public Law 91-33 was approved. At that time we froze the incurring of obligations based upon the situation existing on last July 1.

Now, the Appropriations Committee proposes to abandon the usual date of July 1 and substitute therefor November 1, even though Congress has completed action on only two of the regular appropriation bills for fiscal 1970. The resolution will be effective through November 30.

This simply means that the committee proposes to ignore both the Johnson budget for fiscal 1970 and President Nixon's revisions thereof. As a consequence, it would make available for immediate obligation most of the funds provided by the so-called Joelson amendment to H.R. 13111, the Labor-HEW appropriation bill which passed the House last July 31.

Since the committee's action is nothing more than a transparent attempt to appease education's professional lobbyists, it is unwarranted and may come back to haunt us in another day.

The responsibility for Congress' delay in sending H.R. 13111 to the President does not rest with the House because the bill has been languishing in the other body for 3 months and, at present, there is no clear indication as to when the other body will act.

So, I say to you we should be considering today a simple continuation of Public Law 91-33, which would place the responsibility for delay squarely on the shoulders of the other body.

Mr. Chairman, I am sure no one here has forgotten that in the second supplemental appropriation bill for 1969, H.R. 11400 which became Public Law 91-47, Congress imposed upon the President an expenditure ceiling for fiscal 1970 of $191.9 billion. That was $1 billion less than the $192.9 billion the President said would be spent in fiscal 1970. But by its action today, the House is proposing additional obligational authority for education of more than $600 million, which if obligated by the administration now, will raise for the time being $300 million the $191.9 billion expenditure ceiling which Congress itself imposed upon the President.

Of course you can argue, and rightfully so, that Congress also provided in Public Law 91-47 that the ceiling was flexible and could rise or fall based upon action or inaction by Congress on the budget for 1970. Nevertheless, I cannot help but wonder, did Congress really mean it when it imposed an expenditure ceiling of $191.9 billion or was it engaging in semantics for politics sake alone. If it were a political gesture, I might say the language in Public Law 91-47 was clever indeed and the language in this joint resolution, House Joint Resolution 966, is no different in that respect. And I, for one, can see no need to be facile for expediency's sake. If we did not mean what we said and did with respect to our own imposed expenditure ceiling, why did we bother to go through the motion?

As recently as last October 17, just 10 days ago, in his speech on the rising cost of living and his efforts to curb the inflationary spiral, President Nixon said:

> Step One was to cut Federal spending, which more than anything else was pushing your prices up. We cut proposed Federal spending by more than seven billion dollars. We have taken it out of defense, we are cutting back on construction projects, we are squeezing it out of many other departmental budgets. We have been selective in these cuts, recognizing urgent national and social needs, but hardly anything has escaped some reduction.

He also issued a call which said in part:

> I call for your support in our policy of holding down Federal spending so that we are able to continue setting an example with a responsible budget for fiscal 1971.

Mr. Chairman, let me detail some of the pending potential congressional increases to fiscal 1970 budget outlays with which the President must deal if and when they become public law:

[In millions]

Description	Increase over request	
	Authority	Outlays
Appropriation bills:		
Agriculture and related agencies, as passed by Senate (July 7, 1969), excluding administration's amended increase of $270,000,000 for food stamps	$405	$313
House bill (May 27, 1969)	(−161)	(+173)
Labor-HEW, as passed by House (July 31, 1969) increase mainly for education	1,078	+539
Public works and AEC, as passed by House (Oct. 8, 1969), increase mainly water pollution grants	301	16
Other legislation:		
H.R. 13000: Raises Federal civilian and military pay effective Oct. 1, 1969 for Post Office and Jan. 1, 1970 for remainder; full year cost in 1971 about $4,300,000,000. Passed by House Oct. 14, 1969; 1970 cost will be	1,550	1,550
Social security benefits:		
Proposal to make effective January 1970 instead of March 1970 as recommended		465
Proposal to raise benefits by 15 percent (instead of 10 percent as recommended) and make effective January 1970; in addition to amount immediately above		580
H.R. 11959: GI bill for veterans education assistance, as passed by House Aug. 4, 1969	400	400
S. 2547: Food stamp amendments, as passed by Senate Sept. 24, 1969	640	600
Other legislation—Continued		
H.R. 11651: School lunch amendments for child nutrition, as passed by House July 21, 1969		$100
H.R. 13194 and S. 2721: Increases authorization for national defense education loans, work-study grants, and educational opportunity grants. Passed by Senate Sept. 16, 1969; passed by House Sept. 15, 1969; in conference	$333	239
H.R. 514 and S. 2218: Expands impacted area education aid for public housing children. Passed by House Apr. 23, 1969; Senate has held hearings	230	115
Potential nonenactment of recommendations to reduce spending:		
Postal rate increase (H.R. 10877): Original proposal for July 1 effective date would save $591,000,000; it is still possible to make a Jan. 1 effective date and save about	300	300
Farmers Home Administration: Proposal to permit certain operating loans and to provide that certain insured loans to public bodies could be sold as taxable instruments; this could save		292
Veterans' Administration (H.R. 11703): Proposal to permit sale of direct loans at more than a 2-percentage point discount could cut outlays by		128
Total, all items above	5,237	5,637

If the President is to abide with his own expenditure ceiling of $192.9 billion, and he has said repeatedly that he will, I hope he will refuse to obligate the additional education funds provided by this joint resolution until such time as all appropriation bills for fiscal 1970 have been approved by both House and Senate. To do otherwise would force the administration to alter its program of priorities to provide for all the needs of our Government and would force some other area of Federal spending to absorb this increase in obligations for education.

Mr. Chairman, I am a realist. I know full well there is no deterring the House from approving this resolution today. As a matter of fact, we will be fortunate indeed if we can hold to what the committee has recommended. There are forces at work here today who would increase the obligational authority for education, not by $600 million but by the $900 million addition provided by the so-called Joelson amendment. Thus, Mr. Chairman, I may reluctantly support the committee's recommendation because the Government must continue to operate, in an orderly fashion I hope, until all fiscal 1970 appropriation bills are approved.

Mr. Chairman, at this time I have no requests for time. If the gentleman from Illinois (Mr. PUCINSKI) would like to have me yield for a question to the chairman, I would be glad to do so. It seems to me that we have had adequate debate on the subject. But if there is some clarification the gentleman would like, I would be glad to yield to him.

Mr. PUCINSKI. I thank the gentleman.

Apropos the question raised by the gentleman from Georgia (Mr. LANDRUM) is it not a fact that in the 1968 Vocational Education Amendment we wrote in a mandatory 15-percent set-aside of State grants for disadvantaged communities, a 10-percent set-aside for handicapped, and a 15-percent set-aside for post secondary education? In other words, 40 percent of State grants now must be set aside for these three specific categories. The question I would like the gentleman from Ohio to answer is as follows——

Mr. BOW. Will the gentleman direct his question to the chairman of the full committee. He is present and will answer the question.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. BOW. Yes; I yield.

Mr. PUCINSKI. I wonder if we could have the attention of the chairman of the committee. The gentleman from Ohio has suggested that I propound my question to the chairman of the committee. He has been kind enough to yield this time for the gentleman to answer. The question I raise is apropos the question raised by the gentleman from Georgia (Mr. LANDRUM) as to how we are affecting vocational education programs in the States. If we do not have additional money right now, they will have to cut back in assisting vocational education programs because of the mandatory set-aside that the Congress wrote into the authorization of 15 percent for disadvantaged, 10 percent for handicapped, and 15 percent for post secondary.

That means 40 percent of the money that was available for ongoing programs in 1968 and 1969 is not available to a State vocational education director in 1970, because we have passed a law here in which we have taken that 40 percent away and earmarked it for a specific use, and unless they get this additional money that we voted in the Joelson amendment, these State vocational education directors will have to cut back existing ongoing programs.

The question asked by the gentleman from Georgia (Mr. LANDRUM) was correct and in order. I wish some member of the committee would explain that to me.

Mr. MAHON. Mr. Chairman, in vocational education, we will proceed under the proposed continuing resolution, on the basis of the lower of either last year's appropriation or the House figure in the 1970 Labor-HEW bill handled by the gentleman from Pennsylvania (Mr. FLOOD). Last year's level was $248 million, and that is the level at which we will proceed, I was told.

The Labor-HEW appropriation bill will probably be handled in 2 or 3 weeks by the other body. There seems to be no appropriate, parliamentary and effective way to determine this issue except in the course of considering the regular Labor-HEW bill, which, as I indicated we have reason to hope will be in the next few weeks.

Mr. PUCINSKI. Mr. Chairman, the gentleman knows I have the highest respect for him. I do not intend here to be disrespectful. But I happen to be the chairman of the subcommittee that handled the vocational education bill last year. I think this House ought to know we wrote into the authorization a provision that is no longer debatable, and that is the law of the land, and that is the State educational directors must as of July 1 of this year take 40 percent of the State grant and set it aside and use it for three categorically earmarked purposes. Unless there is more money put into that State grant, the director must start phasing out existing ongoing vocational programs.

That is why we are supporting the gentleman from California and addressing ourselves to that, so the directors will not have to start phasing out ongoing time-tested programs in the State programs.

Mr. MAHON. Mr. Chairman, the gentleman is talking about certain provisions of the law which were not in the appropriation bills. I would say the other body, which is holding hearings on the educational programs, will act upon the proposals which have been sent over there in our HEW appropriation bill.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield for a question to the chairman, if I may have the chairman's ear?

Mr. BOW. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, we are asked to support the gentleman's continuing appropriation on the ground that this is the most orderly procedure. Yet it strikes me this is the most disorderly kind of procedure, to require the schools to be in a position where they cannot plan. This applies not only to education, but also to R. & D. programs and to health programs.

I wonder if the chairman in the future would support the proposal for a change in the fiscal year to correspond with the calendar year, so each year we will not have these problems when there are uncertainties as to what the educational programs will get, so they will know by July 1 the levels of the programs.

Mr. BOW. Mr. Chairman, I would be glad to respond to that. I happen to be one of those who has asked that there be a complete study of the proposal to change the fiscal year, but I am not yet convinced that changing the fiscal year will change our situation of not having authorizations or appropriation bills back from the other body.

I am much more inclined to believe, as the Chairman said earlier in the debate today, that with respect to appropriations for education, when we commence next year, as soon as we reconvene, we should start to work on the appropriation bill for education and for the schools, so we might have it out by April or sooner, or a few days after that.

That would be a separate item from this whole HEW appropriation bill. In that way we could pass on it here early in April or early in May and send it over to the other body. That would give the schools an opportunity to do their planning.

I am not sure by changing the fiscal year we will be able to do that, because we probably would have the same delays which confront us now.

Further, I would say to the gentleman with respect to the overall picture I am very much opposed to operating this Government under continuing resolutions. I believe it is a great mistake. I point out that right now the Bureau of the Budget is up against a deadline in preparing the budget for next year. Here they are looking at us, with only continuing resolutions, with no idea what the appropriations this year are going to be, and they are now in the process of building next year's budget.

I would say I am in favor perhaps of attempting this—which might be a good idea for the chairman to give consideration to; and I am sure he is—that the Appropriations Committee set up a schedule, bring out all of the appropriation bills by the end of June. If they involve things which are not authorized, we can bring in the bills and let some Member make a point of order against the unauthorized items, and then they will have to wait for authorization.

It seems to me we have gotten ourselves in a very strange position here, with all the unapproved authorizations, to a point that our committee cannot act. Most of our hearings are finished. The Appropriations Committee is ready to report out its bills and to act on them, but they are delayed because of a lack of authorization.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. BOW. I am glad to yield to my chairman.

Mr. MAHON. I should like for the gentleman to consider this: What would happen if, when the chairmen of the legislative committees meet next January and when the Appropriations Committee meets next January the chairman announced, "Well, ladies and gentlemen, we have changed the fiscal year now and you do not have to get your bills out until December 31"?

The Appropriations Committee has processed 13 bills and resolutions this session. Seven of them have been enacted. Had we not been working against a July 1 fiscal year I doubt we would have done as well.

Can one not imagine the consternation and chaos that would come about if we tried to pass many if not all of the authorizing and appropriation bills in the very latter part of the calendar year—perhaps in the last several weeks of the year? It would be chaos on top of chaos.

It would be piling Pelion on the top of Ossa.

It would be utterly absurd and unthinkable.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I am glad to yield to the gentleman from North Carolina.

Mr. JONAS. I should like to add this general comment to the question of the gentleman from New York. He seems to believe that it would help the school systems if we changed over to a calendar year basis.

I do not rule out the possibility of doing that. I have not taken a position on it. If it can be shown it is a good idea to go to a calendar year basis, I certainly have no disposition against it.

I would remind the gentleman, however, if we make that conversion we are not going to help the school systems, because they do not operate on a calendar year basis. They operate on a semester basis, which is closer to a fiscal year basis than a calendar year basis.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Texas.

Mr. MAHON. I believe it might be well to point out that if Congress meets in January and we have a whole year, 12 months, before the new fiscal year begins on the following January 1, I would shudder to think of how many supplementary appropriation bills and other spending measures that might well confront us?

What the Congress needs probably is a change in work habits to the end that we would set an objective and accomplish that objective.

We can do that, and in my opinion we are moving toward the time when we will do that.

Mr. PERKINS. Mr. Chairman, will the gentleman yield to me?

Mr. BOW. I will be delighted to yield to my friend from Kentucky.

Mr. PERKINS. I certainly want to agree with the gentleman from Georgia that if we follow the pattern cut in this resolution, we are going to bankrupt vocational education. Only last year we tripled the authorization for vocational education and yet, this continuing resolution provides the same amount as last year—$248,216,000. Just as the gentleman from Illinois has stated, 40 percent of the funds have already been earmarked by the new legislation, and this will cut back every vocational education program in every local school district in America. For all intents and purposes, it will bankrupt vocational education if it is permitted to stand. In the Joelson amendment we had a balanced package. There is no balance in the committee resolution. There is nothing for the ghetto student or the poor rural student. In fact, because of inflation, title I will be severely handicapped if we fail to provide the additional $278 million.

Mr. BOW. I must decline to yield further to the gentleman from Kentucky, because I must conserve some of my time. But I might say further to the gentleman that as I recall the Johnson level it was $248 million. I notice that the Nixon amount was $279 million. So Mr. Nixon has tried to give you $30 million more for vocational education than you had in the previous Johnson administration.

Mr. FLOOD. Mr. Chairman, will the gentleman yield at that point?

Mr. BOW. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. My beloved and distinguished friend is wrong for the first time since he has been in this House.

It is at the last year's level in this continuing resolution. What he says is completely without foundation.

Mr. PERKINS. I say to the distinguished gentleman from Pennsylvania that I am not wrong in principle.

Mr. BOW. Mr. Chairman, I do not yield further to the gentleman from Kentucky, but I would be delighted to yield to the gentleman from Pennsylvania if he desires to explain the situation.

Mr. FLOOD. I thank the gentleman. I think I will wait to speak under the 5-minute rule. Of course, I will oppose the amendment that I understand is to be introduced, and at that time I will repeat just what I said.

Mr. BOW. I appreciate the gentleman's statement.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman has consumed 16 minutes.

Mr. MAHON. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. COHELAN).

Mr. COHELAN. Mr. Chairman, now I know how David felt.

This matter has become an issue way out of proportion to what I originally intended.

I have already indicated in my colloquy with the chairman that it is my purpose this afternoon to narrow the issue and stick to the point. What we are talking about is very simple. We are talking about a difference between this continuing resolution and what this House did on July 31 in passing an appropriations bill which increased the amount for education by almost $1 billion over the administration request.

When you take a look at House Joint Resolution 966 we can say, with great credit, to our committee, that the Committee on Appropriations has come up with a very interesting continuing resolution. It funds, for example, the impacted aid program at the 1969 level, but significantly it leaves a shortage of $78 million in that impacted aid which has a great deal of appeal in this body; $273 million is cut from title I by House Joint Resolution 966. This is a very substantial amount, and in fact more than is recommended for vocational education.

Mr. Chairman, what I want to do at the appropriate time is merely to amend this continuing resolution so it reflects the funds passed by this House. This amendment would restore the $273 million to title I for example.

Why all of this controversy over the proposed amendment? In my district we are in deep trouble with the educational system. We desperately need titles I and II funds. The administrators and school officials from all over this country—and they are here today—tell a story that is pretty hard to ignore. They have been mortgaging and juggling their funds, and doing everything possible to keep some of these programs alive. This is all because of the lack of funds.

The chairman of the Appropriations Committee has stated that there is plenty of blame to share. I agree but I believe that this House should act in a positive manner on an issue which involves $649 million.

Let me point out this: If you want to find out what it is going to do for all of you, I would like the Members to turn to page 31654 and the following pages where there is an extended tabulation by the Office of Education showing what this amendment is going to do State by State and title by title. You have the 1968 figures, you have the 1969 figures. You have the Johnson budget and you have the Nixon budget, and you have the House appropriated level. By looking at these tables each Member will see programs in his State are vitally affected by the proposed cut.

Unfortunately, our chairman has put this on the basis of comity. This is something I do not agree with. I have my own reasons for believing that there is ample support for this bill in the Senate, and I will even predict that when the Senate finally gets to it they will probably surpass what we did when we expressed our will on July 31.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. COHELAN. I shall be glad to yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. The gentleman from California is a very important member of the Committee on Appropriations. However, the real solution to this problem is to get the Senate to act on the bill; is that not right?

Mr. COHELAN. Why, of course, I agree with that. But I believe there is absolutely no reason why this House cannot express its will, particularly when the matter is so urgent.

Let us talk about the fundamental issue. Let us take vocational education. It was increased above the administration recommendation by our Committee on Appropriations. The administration asked for a mere $279 million—Mr. FLOOD's subcommittee provided $357 million short of the figure approved in Then on this floor we raised it to $488 million.

This continuing resolution will permit vocational education to be funded only at the rate of $248 million, while my amendment will add the $240 million difference. Why did we increase these amounts on the floor? Was there not a demonstrable need them? Is there not the same need now?

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. COHELAN. Mr. Chairman, will the gentleman yield me 2 additional minutes?

Mr. MAHON. Mr. Chairman, I yield 2 additional minutes to the gentleman from California (Mr. COHELAN).

Mr. COHELAN. Mr. Chairman, I thank the gentleman for the extra time.

Getting back to vocational aid, the difference is $240 million. Why did we increase the amount? We all know it was to avoid the disastrous cuts which would result from the authorizing committee language.

Mr. PUCINSKI already has referred to the vocational educational amendments of 1968 which restructured the program, and in so doing made it mandatory for us to increase appropriations if we were to avoid cutting back on some of the programs.

We have already discussed the impacted aid which is in the list I will provide for the RECORD—and it has already been placed in the RECORD by the chairman.

What about title I? In 1969 we appropriated $1.1 billion, and the House's floor action raised it to $1.3, a difference of $273,848,000. I mention the Carey amendment for handicapped children in passing which was increased by $20 million.

And what about NDEA loans and the higher education, the student loans were increased to $229 million from $193 million available in 1969, a difference of $35 million.

Mr. Chairman, this House has expressed itself and we are now asked to go back. Must we submit to the vagaries of what can happen between now and December? I think not.

I most emphatically disagree with the chairman that the Senate will pass the bill in 2 weeks. I pray that he is correct. I would like nothing better if the other body could pass on this bill in a couple of weeks. But the best advice I can get does not support the assertion of the chairman. The Members of the other body advised me that we will be lucky to get this bill out by December, and I have even had one person say it would go to January before we have a final bill.

Mr. PETTIS. Mr. Chairman, I wish to express my complete support of the remarks of my colleague, the gentleman from California (Mr. COHELAN), in respect to the continuing resolution on funding for the Office of Education on a monthly basis until such time as a final appropriation bill is passed. I am deeply concerned, like many fellow members here, that the resolution reported by the Appropriations Committee last week leaves the Office of Education some $649 million plus. That was in committee, the House-passed bill and currently logjammed in the other body.

Most of our colleagues will recall, I am certain, that I was one of the principal advocates for increased educational funds when the bill was before us earlier. And I want to reiterate my support today, particularly for the vitally important provision of aid for federally impacted areas. Any tampering with impact aid would impose an intolerable burden on taxpayers in local communities and the military families who live in them. As the representative of a district which includes five military bases, I know what this program means in California's San Bernardino County. Last year this program provided about $4.5 million to San Bernardino County and I am absolutely certain that the national research firm which is currently studying and evaluating the impact area aid program can attest that the money was needed and used wisely to obtain maximum benefits. There is nothing more important that we can do for our country than to provide a quality education for every American.

Mr. MAHON. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, it may be that the House does not recognize the exact import of the situation which confronts us. The principle of additional support for education has been established, and very definitely so. We are not enacting an appropriation bill. The House has already passed such a bill, and it is over in the Senate. We are not enacting legislation on Federal aid to education; the House has passed these measures also.

The measure before us is nothing more than a continuing resolution, not a vehicle for making additional appropriations. Whatever funding level is voted today is only an interim advance which is chargeable against the amount the two Houses of Congress finally appropriates in the annual funding bill which is now pending in the Senate. What happens here today does not change the appropriation level.

The pending committee resolution is a 30-day resolution for the month of November. It would insure—please note this—it would insure an adequate spending level for educational programs, including impacted area school aid, and these funds would be significantly above the currently authorized rate.

The distinguished gentleman from Texas (Mr. MAHON) has prepared a fact sheet which is on the majority desk, and which tells us very clearly what this discussion is all about If you have not seen it, I urge that you do so. It shows that the continuing resolution adds about $600 million to the authorized spending level for educational programs. $319 million additional is for impacted area school aid.

In schools in federally impacted areas the continuing resolution would authorize funds at the fiscal 1969 level for both categories A and B, a total of $506 million, $319 million above the currently authorized rate.

There would be no special restriction with regard to category B.

Now, to increase the funds in the House at this time, as will be proposed, would have no direct effect different from that of providing such funds from the regular HEW appropriation bill as enacted.

An increase now would not insure a higher level of spending for the fiscal year. But to defeat the committee resolution could produce very considerable confusion between the two bodies of the Congress. We are simply trying, by the regular procedure of a continuing resolution to avoid controversy and to encourage the promptest possible enactment of the pending appropriation bill. We support orderly findings of needed education programs; we should not confuse it by amendments to a continuing resolution.

That is why I take the floor to urge support for the distinguished gentleman from Texas, the chairman of the Committee on Appropriations (Mr. MAHON), in his efforts here today.

I feel that the continuing resolution should be approved and that all amendments should be defeated.

Mr. BOW. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. GIAIMO).

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman.

Mr. BARRETT. Mr. Chairman, I rise in support of the amendment to House Joint Resolution 966, to be offered by the gentleman from California (Mr. COHELAN).

Mr. Chairman, during the last week of July, the House considered and acted upon H.R. 13111, making appropriations for fiscal year 1970, for the Departments of Labor and Health, Education, and Welfare and related agencies. At that time, the House wisely worked its will and added approximately $1 billion in much-needed funds for a number of vital programs of the Office of Education. Since the Senate has not yet completed action on the HEW appropriations, funds are provided by House Joint Resolution 966 on a formula that essentially funds Office of Education programs at 1969 levels. Funding these vital programs at the 1969 levels would not only perpetrate an injustice and do disservice to education in this country, but would serve to confuse and confound the Federal effort to aid education.

Mr. Chairman, the adoption of the amendment is particularly vital at this time. We are nearing the end of October. The 1969–70 school year is well underway. State and local communities must have some idea of what to expect in Federal assistance for education programs. The House acted responsibly in July and the adoption of the amendment will affirm that action and that the House is committed to fully fund the Federal programs in aid of education.

I most strongly urge my colleagues to support this amendment.

Mr. GIAIMO. Mr. Chairman, I take this time to speak in opposition to the proposed amendment of the gentleman from California (Mr. COHELAN).

We have heard a great deal of discussion today about the great needs for our educational budget. I do not think the needs are in question. I do not think they are in doubt. I supported the Joelson amendment which embodied the educational package which increased by $1,200 million the request in the appropriation bill for the Department of Health, Education, and Labor when it was before us in July.

I think it was proper to do so. I think we are in a very real crisis insofar as the needs of our educational institutions are concerned.

We have heard a great deal of discussion today about the fact that we need more money. But I would like to ask one question, why is this proposal being put before us in this body? How many times do we have to act in this area?

We have acted. We have listened to the recommendations of the educational groups and their lobbyists. We did increase the amounts of money. Now we are being asked to do something, which I suggest should not be our function as Members of the Congress. We are being asked at this point to become lobbyists with the other body which forms the Congress, to pressure it into action. I submit this is wrong.

This is not an educational issue at this point. This is a constitutional issue now—whether or not we are bicameral in nature in this country and whether or not we should usurp the prerogatives of the other body to work its will.

Even assuming that this amendment carried—and even assuming that there was a majority for it in the other body—what would we have gained at that point—not 1 red cent in additional money until the orderly process of Government works its will; namely, action by the President of the United States and the Bureau of the Budget.

So I submit that we are playing a game here—or rather we are being asked to play a game—that we are being asked to become a lever against the other body to speed it up.

I would further suggest that all of these lobbyists and all of those who have written to us and have sent telegrams to us, would do better if they would go and put out the fire of delay where the fire exists. That is in the other body—not in this body which has already acted and has already enacted an adequate appropriation in regard to the needs of education.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Illinois.

Is there any question in the gentleman's mind that if the other body should accept the Cohelan amendment, it would be perfectly legal and operable before the 1st of November?

Mr. GIAIMO. There is a very serious question in my mind. Each body should do its work according to orderly process. This means that we do our work. We get out our appropriations. Then let the will of the people pressure or persuade, if you will, the other body to speed up its actions properly so that it gets their bill to the floor and gets the appropriation enacted. But that is not what we are trying to do here.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield further?

Mr. GIAIMO. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Does the gentleman honestly believe that the other body can conclude their hearings on the appropriation bill and take the necessary action, through the committee and through the floor action, before midnight Friday? Does the gentleman really believe that?

Mr. GIAIMO. I have enough work trying to figure out what this body must do, let alone trying to figure out what the schedule of the other body should be. And I would suggest that the gentleman would have the same problem I have.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from California.

Mr. COHELAN. I thank the gentleman for yielding. It is very unusual that we are in an adversary situation.

Mr. GIAIMO. It can happen.

Mr. COHELAN. The gentleman would not seriously argue that the Senate is going to turn this proposal down, is he?

Mr. GIAIMO. I have no way of knowing what the other body will do. But I do think it is not within your function or mine to tell the other body how it should conduct its business.

Mr. COHELAN. I will say to the gentleman, if he will yield further, that I am a legislator, a Congressman of the United State, and as a legislator it is my business to do everything I can to help the legislation get through.

Mr. GIAIMO. Exactly. But within the rules of orderly process.

Mr. COHELAN. If the gentleman would permit me, I would like to announce for his benefit that the distinguished Senator from New Mexico——

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. BOW. I yield the gentleman from Connecticut 3 additional minutes.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from California.

Mr. COHELAN. I thank the gentleman. I just received this message from the Senator from New Mexico (Mr. MONTOYA). He has notified me that there are now 30 senatorial cosponsors of an identical joint resolution, and before 3 o'clock they expect to have 50 Senators as cosponsors.

Mr. GIAIMO. That does not affect the principle. The principle is that this body has acted, and orderly process calls for us to allow the other body to act and work its will.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I would like to ask the gentleman in the well this question. It is my understanding that the House has acted on the education authorization and appropriation. The House has not acted on the war on poverty measure, on the OEO program. We have not even authorized the funds for OEO. It is my understanding that the Senate has authorized OEO funds and has expanded and added certain programs to the measure.

My question is this: if we follow the procedure recommended by the gentleman from California, would it not be possible for the Senate to amend the Cohelan resolution and put in an exact amount for the war on poverty and say, "We have authorized this money for the war on poverty. You have refused even to get the bill out of the committee and we as the Senate body are demanding that you accept our legislation without any chance to debate it in the House or to express your will"?

Mr. GIAIMO. The gentlewoman brings up a very good point. What you say is absolutely so. What we are doing here is beginning a dangerous innovation and a dangerous precedent. Right now it is this body trying to pressure the other one. When you do this, I suggest that you are changing the basic structure of how Congress operates and works. And I see no good reason to change it in that regard.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Illinois.

Mr. YATES. What is the passage of legislation by one House, when it comes up to the other body, but a pressure on the other body to pass that legislation? What happens, for example, when the Senate adds a rider to a tax bill and sends it over to the House? Is it anything but pressure on this House to consider that legislation and see whether or not it ought to be passed? This is not a pressurization of the Senate, apart from any other type of pressure.

Mr. GIAIMO. Of course it is pressure on the Senate.

Mr. YATES. Let me finish. On the contrary, it is one more——

Mr. GIAIMO. Of course it is pressure and nothing else. Why on earth are we discussing this today when we have already passed these dollar amounts Mr. COHELAN wants except for the fact that we want to pressure the other body?

Mr. YATES. Of course, the other side sought to be pressured——

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. BOW. Mr. Chairman, I yield the gentleman an additional minute.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Chairman, the gentleman from Connecticut has made a very fine statement. I associate myself with his remarks. In addition to the very fine points he has made, I think it should be added that we will be engaging in an exercise of futility if we adopt the Cohelan amendment, because it will be out of date when the Senate does act on the regular appropriation bill, because whatever money is spent under this continuing authorization will be charged up to the department against whatever finally is appropriated by both branches of the Congress and signed into law by the President. Is that not true?

Mr. GIAIMO. It is absolutely correct.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, I just want to make certain we do not get confused with authorization and appropriation. With respect to the comments of the gentlewoman from Oregon about the OEO bill, I would point out we passed an appropriation bill for education, and we would like to see the continuing resolution at that level. The Senate has not appropriated any money for OEO. That is an authorization. So this is not analogous.

Mr. GIAIMO. I thank the gentleman for his contribution.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. BOW. Mr. Chairman, I yield 5 minutes to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, in spite of the statement by my friend and colleague from Minnesota, the chairman of the committee does advise me the Senate could amend the Cohelan resolution and put in the amount that they decide the OEO should have regardless of the inaction by the House. I just do not believe either body should use this means to try to impose its will on the other body.

And while we wax eloquent about the inaction in the Senate in appropriating funds for the Office of Education, let us "look inward" also and recognize that the House has neither authorized nor appropriated funds for the Office of Economic Opportunity.

I suggest that the Members of this House would not like it if the Senate uses the Cohelan approach and amends the resolution to use the figure they decide would be appropriate for OEO.

Mr. MAHON. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Texas.

Mr. MAHON. Of course the other body will have to act on this continuing resolution. If the House includes one special item, they could include another. They could handle virtually the whole Government in one continuing resolution.

Mrs. GREEN of Oregon. Mr. Chairman, I want to speak to another point that is of growing concern to me as a Member of this body. First of all, may I say that I think we must have a much larger amount of money for education in this country if we want quality and equality of opportunity. But I am concerned about the educational-industrial complex in the United States that is increasing in size and strength. The military budget has $80 billion in it. In the United States today at the Federal and the State and the local levels we are spending about $60 billion on education. It is true that the defense comes only from Federal funds, and the $60 billion on education comes from Federal and State and local funds. However, more and more private corporations have come into existence to take advantage of lucrative grants and contracts both from OE and OEO. Some of the prime defense contractors are spinning off new companies, new corporations to get OE or OEO contracts. I would invite Members of this House to read an article that is in Hard Times, which is not noted for its conservative outlook, with editors such as Kopkind and Ralph Nader.

In the October 13–20 issue of Hard Times there is an article called "Games That Poor People Play." It is a story of the profitmaking institutions that are looting the war on poverty of the funds that were intended to go to the poor. I will ask unanimous consent to include it at the end of my remarks on this bill, because what is being said about OEO also can be applied to Office of Education contracts. I think this body and the other body both ought to take a look at the industrial-educational complex that is growing up in the United States.

Senator PROXMIRE made a speech which was quoted in this morning's paper:

> Senator William Proxmire charged that blue-ribbon committee appointed to make a top-to-bottom review of Pentagon management policies was a "sham," dominated by defense industry representatives with more than $1 billion in business at stake.
>
> In a Senate speech, Proxmire said eight of the panel's 15 members—a majority—had interests in firms doing a substantial business with the government.

May I suggest that OEO and OE management polices need to be reviewed—the mushroom growth of private corporations with OE contracts, the thousands of consultants being hired. How many of the lobby groups represented in this coalition lobby have a substantial business with the Government and/or are backed by the other private groups that have a very substantial business with the Government.

Just this morning, while discussing another matter with GAO, they told me there are now 9,000 consultants on the list for the Office of Education under the "payroll system" of having consultants, and in addition to that there are 1,172 active contracts that the Office of Education has—in many of these are subcontracts—and in countless numbers, consultants are used at $75 or $100 a day.

Then we have a system where if they have purchase orders of less than $2,500 consultants are hired in another way. Under "payroll purchases" we are purchasing consultants.

I would say, I believe we have literally thousands of people who are receiving all or a substantial part of their income from OE and OEO programs. Many of them haven't seen the inside of a classroom for years.

What do the things I have just said have to do with respect to this debate today?

I want less of the money to go to dust-gathering reports, research, studies, documents—and more to go into the classrooms. I want them to go for teachers salaries. I want them to go to reduce the ratio of students to teachers. And I want them to improve the quality of education.

I do not want to see us enact legislation that allows others who are going to make a profit to siphon off the funds. We will never improve the quality of education in this country if we are going to build up an industrial-education complex and be unwilling to examine the consequences.

May I say this, finally: I believe legislation "by lobby" is not the way we should legislate. I have the greatest respect for many of the organizations that are in this coalition on education, and I supported the Joelson amendment because I believe we ought to have more money for schools, but I am concerned about this latest development.

I have a list of all of the groups in this lobby coalition. May I suggest that at least 26 of the 54—there may be 60—have contracts or grants with the Office of Education or the Office of Economic Opportunity, or both, and that many of them have contracts or grants of well over $100,000. Some pass the million dollar amount. Of course it is to their interest to lobby for more Federal dollars.

We finance the educational labs. We have 15 of them in the country. One of them on this list is completely funded by the Federal Government. The Center for Urban Education in New York—a fully funded educational laboratory under the Federal cooperative research program—is one of the lobby groups lobbying for the Joelson amendment. So are 11 other federally funded educational laboratories. Of course they want more money.

They have a personal stake in the size of the appropriation. Lots of these private non-profit corporations and the profit-making corporations do.

The CHAIRMAN. The time of the gentlewoman from Oregon has expired.

Mr. BOW. Mr. Chairman, I yield the gentlewoman 5 additional minutes.

Mrs. GREEN of Oregon. I thank the gentleman from Ohio.

Mr. Chairman, in 1967 the very dedicated and able representative of the NEA warned about the dangers of this trend in contracting with private profit-making corporations. He told my subcommittee:

> The Commissioner is authorized at several points in this bill to contract with profit-making agencies for carrying out projects ranging from improving the qualifications of persons who are serving or preparing to serve in education programs in the public elementary and secondary schools to hiring public relations firms to recruit persons into the field of education.

Mr. Lumley said:

> Madam Chairman, this constant effort on the part of the Office of Education to secure authority for the Commissioner to bypass the public and private non-profit education agencies and deal with profit-makers is, in our opinion, the most dangerous proposal ever to come before the Congress.

I repeat: he warned this is "the most dangerous proposal ever to come before the Congress."

Mr. Lumley continued:

> Of even more danger, however, is the potentiality for federal control and direction of the entire education effort of this country, in direct violation of the American tradition of state control of public education. If the permission to contract with profit-making agencies is granted, nothing prohibits the Office of Education to hire persons to accomplish objectives, to conduct slanted "research," and to conduct well financed Madison Avenue type promotion campaigns to achieve purposes which the publication education sector, and the ethical private non-profit institutions would never consider becoming involved in. This seems to us not only a totally unnecessary practice, but indeed a frightening one.
>
> This type of activity, that is contracts with profit-making agencies, was first proposed as an amendment to the Cooperative Research Act (Title IV ESEA) in 1966. We objected at that time. HEW spokesmen claimed that the purpose of providing authority in the Cooperative Research Act to contract with private profit-making agencies to train research personnel was necessary because such training was not available from non-profit sources. The emphasis was on need for skilled workers and researchers in the use of computers. Perhaps there is some validity to that argument, although we believed then, as we do now, that direct contracts between the USOE and profit-making agencies are inherently wrong that the objective of increasing the supply of computer experts could be achieved by *subcontracts* between nonprofit agencies receiving federal grants and the computer training agencies. In addition, we questioned the practicality of training such researchers in a situation isolated from the education community.
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> We lost that argument but not our concern.
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> Now, however, in H.R. 6232, the original USOE justification (for training research personnel) has been discarded. Virtually blanket authority is sought for the Commissioner to enter into contracts with profit-making agencies for conducting experimental and pilot projects in continuing education and community services (Sec. 107, page 6); talent search projects (Sec. 403, page 13); attracting qualified persons to the field of education (Sec. 504, page 51); and providing preservice and inservice training for elementary and secondary teachers, including pre-school, adult and vocational teachers, etc. (Sec. 532, page 59). The latter is the most astonishing of all.
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> We find it incredible that the Administration would propose that the Commissioner be granted such authority! May I make it perfectly clear that we are not criticizing the incumbent. Nor are we opposing the involvement of the profit-making sector of our society in the educational enterprise. We believe that situations can arise where it is economical and efficient for public and non-profit educational agencies (school boards or school districts or universities) to contract with industries such as the computer or electronics industry, to provide specialized training or develop machinery for specific parts of a research or demonstration project. Our strenuous objection is to the proposal that the USOE be authorized a contract *directly* with profit-making agencies, with no involvement of the public and non-profit educational sector, in such a manner as to achieve whatever objectives the USOE may unilaterally determine.
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> The provision for advisory councils, which are appointed by the Commissioner, in no way lessens the danger—indeed could enhance it. Carried to extremes, a Commissioner could appoint a council which he knows would advise him to concentrate on contracts with profit making agencies and to use the majority or all of the funds available under the pertinent sections to by-pass completely the public and other nonprofit agencies.
>
> USOE spokesmen compare this requested authority to that in the health and defense fields. Neither area is comparable to edu-

> cation. National defense is exclusively a federal concern and is not carried on by the states. Health research by industry, such as that which resulted in the discovery of antibiotics, was carried on long before the National Institutes of Health was developed. On the other hand, public education has traditionally been provided by the states and nonprofit institutions. There is no federal education operation—and no reason to develop one. The role of the federal government in education must be confined to that of channelling funds to the public and other nonprofit education agencies and institutions to meet the objectives defined by the Congress as representatives of the people.
>
> Research, demonstration projects, inservice education, and information dissemination about worthwhile developments in education should be carried on, not by the Office of Education, but by schools, state education departments and institutions of higher education with funds provided through the Office of Education for the purposes which the grantees identify as most appropriate. Violation of this principle places a Commissioner in a position where he can contract with any person or group of his choice (and he can undoubtedly find a profit-making agency which can be hired, for a price, to do almost anything he may ask) to develop programs which *he* wants the nation to follow. This is federal control of the most objectionable sort; and we urge the Committee to reject this proposal every time it is made, for the sake of placing authority for American education where it belongs—with the state and local governments and nonprofit institutions.

Mr. Chairman, I agreed with Mr. Lumley then; I agree with him now. Congress needs to review this, to have a full discussion about it. In addition, Mr. Chairman, we have a provision on page 118, paragraph 1913, title 18 of the Criminal Code that says:

> No part of the money appropriated by any enactment of Congress shall in the absence of express authorization by Congress be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the requests of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.
>
> Whoever, being an officer or employee of the United States or of any department or agency thereof, violates or attempts to violate this section, shall be fined not more than $500 or imprisoned not more than one year, or both; and after notice and hearing by the superior officer vested with the power of removing him, shall be removed from office or employment. (June 25, 1948, c. 645, 62 Stat. 792.)

Mr. BOW. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Ohio.

Mr. BOW. May I suggest that is in title 18 of the Criminal Code.

Mrs. GREEN of Oregon. The gentleman is correct. I am not making a statement that—dollar for dollar—the actual funds that were given in the contracts and grants to any one of these 54 or 60 lobbying groups, those specific dollars, went for lobbying activities, but I am suggesting that there may be a conflict of interest when they have money from the Federal Government for particular purposes and they spend time and money lobbying for a bill that is of direct interest to their own financial well-being. Which funds were used for what? How much did the federally financed educational labs contribute to the lobby effort?

Some of the lobby groups represented do have as their primary concern—the quality of education for boys and girls. In other instances, corporations with OE and OEO contracts are no different than Defense contractors. They are interested in the size of the contract and the profit to be made. As I see it, there is an inherent danger if we allow decisions to be made in this House—on the educational priorities of this Nation—by the pressures of lobby groups that have a personal financial stake in the outcome.

If we do this, we will not have a carefully thought out national policy that will meet the long-range needs of boys and girls.

So far as I am concerned, I believe we ought to make our judgment on what is good legislation and how we are going to work with the other body in achieving that objective.

I join the distinguished chairman of the committee, the gentleman from Texas (Mr. MAHON), who has expressed concern about the lateness with which we authorize and appropriate funds. I would say to representatives of true educational lobby groups in this Chamber today, I am concerned about it.

For a long time I have wanted advance funding, because if we can let the school boards and the colleges know a year in advance how many dollars they are going to get they will spend those dollars more wisely, and the young people of this country will be the beneficiary and the country will be the beneficiary, because school people will not waste dollars by getting them late in the year and saying, "We have to spend them by such and such a time." But 2 days notice for a 30-day appropriation would not help one bit.

Mr. FLOOD. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I am delighted to yield to the gentleman from Pennsylvania.

Mr. FLOOD. I want to say this, in connection with what the gentlewoman says. I propose next year—it can be done legally and by parliamentary procedure—to bring in as early as possible a separate bill on education, before the regular Labor-HEW bill, a separate bill to avoid all these problems.

Mrs. GREEN of Oregon. I will say to the gentleman that I truly hope this will be done and I commend him for his longtime leadership in trying to make possible good educational opportunities for all of our young people. If I may suggest it, those educational groups who are sincerely interested about the quality of education in this country and the equality of educational opportunity could better spend their time in working for advanced funding for all educational programs in all of the years ahead rather than to spend thousands of dollars bringing people to Washington, paying for CONGRESSIONAL RECORD reprints, and so forth, for a bill that will last for a possible 30 or 60 days. When I see all of the crocodile tears that are being shed today about the sad plight of "the boys and girls in my district" and "the lack of funds for the schools" I wonder if they really believe that a 30-day resolution is going to affect the quality of education by one iota. A stranger to the educational scene might almost be persuaded that the level of funding for these next 30 days would determine the quality of education in each district for the next 30 years. What a mockery of the legislative process. I approve of the increase in appropriations for most of the education bills made by the House and because I believe the Senate will stay true to form and approve even higher amounts.

And so, I feel confident that for this entire fiscal year the level of funding will be much higher than looked possible 6 months ago. This is important but the proponents of this amendment cannot really believe that the continuing 30-day resolution is going to provide any guarantee to school boards or colleges of the level of funding that they can expect for the year. Let us be realistic. Budgets are made, teachers are hired, programs are developed, and other decisions are made by school boards and colleges no later than late summer. Does anybody seriously suggest that the level of funding in a 30-day resolution will persuade school boards or college presidents to hire new teachers for the month of November? Or buy new equipment to be used for the next 30 days? Or to make student financial assistance loans that are to run over a 15-year period? How ridiculous.

However, Mr. Chairman, my deep concern—and this is something which goes beyond today's discussion—my concern, my hope is that the authorizing committees and the appropriating committees really will take a good look at what we are doing in building up a tremendous lobby across the country that has little or nothing to do with the quality of education in any classroom.

As with the lobby for the Pentagon, thousands and thousands of peoples' jobs are at stake, corporation profits are at stake—and hardware is to be manufactured and sold. With hundreds of millions available through OE and OEO—anybody who has a bright idea or even a half of a bright idea can come down here and get funded. We are building up a lobby in this country that will make it impossible for us to exercise our best judgment as to what ought to be done in terms of quality education. If we allow special interest groups to prevail, we may someday wake up to find a dislocated and disjointed policy that represents neither the considered judgment of educational leaders—nor the needs of the country. Dr. John Fisher, President of Teachers' College at Columbia University, put it well when he once said:

> Education for modern world can't be simply a matter of special emphasis at a special time. It must be undertaken and viewed as a comprehensive complex, broad undertaking.

So, today, although I support the level of funding as embodied in the Joelson amendment—or even higher on vocational education—and I think advance funding one of the most important things we can do legislatively, I am supporting the distinguished Committee on Appropriations in the action they have taken for an orderly procedure so that there can be a discussion in the conference committee—free of lobby groups, I hope—of those programs of highest priority and those of least actual benefit to boys and girls not for the next 30 days, but for the next 12 or 24 months or the next 5 years.

Mr. Chariman, I will ask unanimous consent to include the article to which I referred in the October 13 issue of Hard Times. It is called Games Poor People Play:

Games Poor People Play

(By Frances Lang)

Probably the most enduring monument to the War on Poverty is the creation of a poverty industry. There are more than 100 companies in Washington, D.C., alone which specialize in consulting, studying and evaluating the poor and the programs which serve them. They run in size from five- or six-man outfits to large organizations such as the American Institutes for Research or Stanford Research Institute. While these firms are often ridiculed in the newspapers and viewed with disdain by government bureaucrats, the companies flourish.

In many instances the companies are imitative of New Deal institutions. High-minded reformers joined the Kennedy or Johnson administrations determined to wipe out poverty, only to end running companies whose profits are dependent on the existence of the poor. Sometimes the poverty firms are merely holding operations for out-of-office politicians. In a more fundamental sense, however, the emergence of the industry reflects efforts made over the past decade to construct a sort of poverty technology, a way or ways for manipulating human behavior. In this instance the governing idea has always been to boost the ghetto poor up into jobs and hence into the "middle class." So far these efforts haven't come to much. The lines of poverty in the United States have deepened and hardened, if anything. But still the search for the technology, financed by the government, continues.

While the poverty companies are nominally expected to maintain a discreet distance from the federal agencies with which they do business, the personnel are drawn together by professional bonds, and in the end, interests of the companies and the government seem nearly identical. The transition from poverty program to poverty company seems natural. When Bertrand Harding left his post as acting OEO director earlier this year, he simply moved down the street to Fry Consultants, a poverty combine. As deputy director of VISTA, Leo Kramer was charged with recruiting and selecting VISTA workers. Now, as head of Leo Kramer, Inc., he receives VISTA funds to run his own VISTA program for Mexican-Americans. Earlier this year, Leveo Sanchez resigned his job as OEO director for the mid-Atlantic region and now heads a consulting company with OEO contracts in the mid-Atlantic region. As manpower administrator in the Labor Department, Stanley Ruttenberg gave Phoenix, Arizona $3.5 million in job training funds two years ago. The city fathers of Phoenix recently hired Stanley Ruttenberg Associates, headed by the former administrator, to evaluate the project. Ruttenberg also acts in an advisory capacity to the Watts Labor Action Committee. As manpower administrator, he awarded the Watts group $2 million for a youth program earlier in January.

Last spring there was a flurry of protest within OEO when RAND, the Air Force think tank, sought a remedial education contract from the OEO's research office. OEO employees were bitter over what they believed to be favored treatment given RAND. OEO's research office was established in 1964, and the first director, Joseph Kershaw, came from RAND. His successor, Robert Levine, also was a RAND man. While he ran the research office, Levine handed out two contracts worth $600,000 to RAND. They were "sole source" contracts which meant other companies could not bid for the work. One OEO official who didn't want RAND to get the contracts remembers protesting to Levine. Levine pointed out RAND's superior technical prowess then arranged a meeting between the disgruntled official and RAND experts. Both the contracts vent through under Levine, but the remedial education project was squashed.

Black poverty companies are not numerous, and black capitalists bitterly assail discriminatory policies at OEO which prevent them from breaking into the market. Even so there are exceptions to the rule. Mark Battle left the National Urban League to become head of the Bureau of Work Training Programs in the Labor Department under LBJ. There he shoveled $9 million in job projects back to the Urban League. Battle quit Labor along with the other Democrats this year, and then surfaced as head of Mark Battle Associates, a consulting company which advises the Urban League on economic development.

Sometimes the studies undertaken by poverty companies are baffling. For instance, the Transcentury Foundation, a branch of Transcentury Corp., (begun by ex-Peace Corps deputy director Warren Wiggins) is in the midst of an evaluation of different sorts of youth programs for the Justice Department. Eventually Transcentury plans to create a "typology" of such programs. The foundation believes a typology will be helpful to future groups of youths who want to start their own uplift projects. Transcentury divides youth programs according to a number of categories: evolutionary vs. revolutionary; rational vs. irrational; incremental vs. simultaneous, and pro- or anti-confrontation.

Last summer Transcentury made another survey of youth programs for OEO. The survey was called "Not Our Thing." To do the job, Transcentury hired black people to interview the ghetto residents, while the company personnel asked for opinions from the establishment. In general the black youngsters who were queried said they thought the youth programs were con jobs, aimed at averting riots and they seemed more militant than ever before. Transcentury never sought to come to grips with the basic problems which the study revealed. Rather, the company suggested programmatic changes which had the effect of helping the government oppress more effectively.

On some occasions it almost seems as if poverty programs have been set up so that the poverty companies can loot them. Take the case of the Peoples Involvement Corporation (PIC), a Washington, D.C., develvelopment corporation, financed with OEO money. PIC is one of fourteen development corporations sponsored by OEO. The original idea was to encourage ghetto residents to form a company in which they would hold stock. The company could then enter into various business operations which would employ the ghetto residents—such things as running restaurants, cleaning establishments and construction companies. PIC someday plans to operate a printing press. At the moment, however, PIC has a small staff and operates one neighborhood center where people come and then are routinely referred to other governmental agencies. Although PIC is not of any real value to poor people living in Washington, it has been immensely profitable to some of the poverty companies. When it was funded by the government, OEO also paid OSTI (The Organization for Social and Technical Innovation) of Cambridge, Mass., to advise Peoples Involvement Corp., along with four other new development corporations. OSTI was given a contract to help the new enterprises devise future plans, set up elections and generally organize themselves into effective units. But OSTI's consultants rarely showed up at PIC and they inevitably had to fly out of town to make their next appointment just as the discussion was getting down to brass tacks. Finally, OSTI sent a long tape recording of its ideas to OEO. The Peoples Involvement Corporation never received the tape. If PIC didn't get much help from OSTI, it got no help at all from Heliodyne, a firm which had a $125,000 OEO contract to assist neighborhood groups find out about the people coming to the service centers, that is, find out who the people were, where they came from, and what they wanted.

Heliodyne didn't show up at PIC until one month before its contract expired. It then suggested using special application forms, and asking people questions such as where do you come from, do you want medical help, and so on. In the end Heliodyne asked PIC to help write conclusions to the report and they were sent along to OEO. After OSTI and Heliodyne finished with PIC, Harbridge House, another Cambridge firm, entered the picture. Harbridge House specializes in Navy procurement problems. It gained fame during the Korean war for figuring out ways to help the Navy purchase more efficiently. Having set up a system for the Navy, Harbridge House then turned around and hired out to the shipping companies which were selling to the Navy. Recently Harbridge House decided to diversify and plunged into poverty. It is supposed to be helping PIC set up a printing plant. So far, however, nobody has called at PIC's office.

The consultants usually shuttle back and forth between business and government with some regularity, playing off contacts in one place against those in another. One grows giddy trying to follow the deals. For instance, Robert Freeman worked at the State Department in the 1950s, then quit and began insurance companies in Africa. He soon tired of this, and sold the companies to the Nigerian and Ghanaian governments. Back in the US, Freeman joined with Robert Cole, a former AID official, in setting up a consulting business. Utilizing Freeman's knowledge of the insurance business and Cole's AID contacts, the company prospered on an AID contract which called for them to make insurance surveys in Africa with an eye to persuading Americans to invest in the business there. At that point, Freeman and Cole branched into the poverty business. They were employed by CBS, the Ford Foundation and Mobil Oil to scout likely looking blacks who could be hired as executives. Last years Freeman quit the company, and Cole picked up Leveo Sanchez, OEO's mid-Atlantic regional director, as a replacement. Sanchez, who had also worked in AID, brought some Latin American business, along with poverty contracts. But Cole and Sanchez didn't get on, and not long ago, the two split up. Cole now runs his own consulting company, and Sanchez directs two poverty firms.

J. Sterling Livingston, a Harvard business professor, is among the sharpest and most successful operators in the poverty business. Livingston's speciality is purchasing ramshackle companies and building them up. Since the Second World War the professor has owned half a dozen such firms and his activities range all the way from helping the Navy buy ship parts to the manufacture of industrial diamonds. Lately, Livingston has been intrigued with the possibilities in education and poverty, and he tacked together Sterling Institute, a mini-conglomerate with offices in Boston, New York, and Washington. The institute consists of various centers; they operate pretty much on their own, making films, advising banks how to train tellers, etc. Some of the centers were begun from scratch, while others are rebuilt shells of companies. One of the shells Livingston picked up was that of a moribund firm called Human Resources Development Co., begun by David D. McClelland, the Harvard psychologist and motivation expert. This was a clever move, for Livingston was in effect buying McClelland, his graduate students, and proteges in the university community. The company was renamed the Behavioral Science Center. Its work ranges from developing motivational leadership courses for fraternity boys to helping the Navy chaplain "make the transition from his role as pastor to a manager and supervisor." The Center developed the motivational comic book which the Labor Department distributed among poor blacks. The leading character in the comics, a chocolate sport, is invariably pictured standing in the street, surrounded by shattered glass and overflowing garbage cans and yelling at his freaky pals nodding in the doorways. "Power is green, Baby," he implores. On the back side of the comic is an employment application form made in the shape of a dollar bill.

Last year Sterling Institute won a $200,000 contract to train poverty workers in the Delmarva Peninsula, a stretch of backward country in Delaware, Maryland and Virginia. Livingston wanted to do research in the area, but OEO officials said that would not look proper, and if he wanted to do research, it must be done under the "guise" of training. Since Sterling didn't know anything about Delmarva, and was scarcely in a position to train people to do anything, the company decided to give the prospective poverty workers a dose of McClelland's motivational stuff. First, Sterling showed the poverty workers how to sensitize themselves. They tossed rings onto stakes from different distances in an effort to discover whether or not they set unrealistic goals for themselves. Then, they played the popular disarmament game where the workers choose up sides and sit in different rooms and simulate attacking one another. Eventually the teams "disarm" as they come to understand that this is the only way they can win. The game is meant to recreate the bargaining situation that exists between poor people and the local government, where each side has something the other wants. Or, as a Sterling employee puts it, "The power structure may be willing to give something to avoid having the city burned."

After a go at the games the poverty workers learned what might be made to happen in their territory by feeding information into a computer simulation called "Charlie." The training program is just now coming to a conclusion, and while it is unclear what, if anything, will happen to the poor in Delmarva, Sterling is doing well indeed, having already secured contracts to repeat the training in North Carolina, Kentucky and West Virginia. Sterling also has a contract in Pennsylvania where it will move into communities giving people psychological tests, and in this way, having spotted the leaders, instruct them how to motivate the masses to follow them out of poverty.

"Sensitivity training," as this sort of instruction is often called, has been adopted by other companies as well. The Human Development Institute, a subsidiary of Bell and Howell, devised a training kit for the National Alliance of Businessmen, and is now also trying to peddle it to poverty groups. The kit contains material to help managers deal with poor black people in a more understanding way. For example, there are black and white masks. In one skit a black masked man plays he is coming to work late. He is confronted by his supervisor who is wearing a white mask. In this way, white employees get to feel what it is like to be a black man. In another exercise foremen pair off. One foreman closes his eyes and he is led around by the other foreman for 10 minutes, enough time for him to see how entirely dependent a new employee must feel. Jerome Berlin, who heads the Institute, explained why the kit was made this way: "All of us were hurting with the racial problem. We felt we needed to get at it in some way, that it was tearing the fabric of our culture. . . . I don't think social consciousness has to conflict with making a profit—The two parallel each other. . . . In fact, I believe any real contribution to our social environment has a right to profit." Bell and Howell's chairman, Peter G. Peterson, goes further: "I not only see nothing wrong with industry's profiting from social ills, but I think it's the best way to cure them. It puts a strong incentive, the profit motive, behind the cure."

Not everyone is so enthusiastic about McClelland's motivational methods, and those who shy away from this blunt method may prefer the "operant psychology" pioneered by B. F. Skinner and his followers. Motivation Training Specialists, of Baltimore, is attempting to condition slum youngsters in this manner with OEO funds. The idea is that the consequences of a person's actions determine whether or not these actions are repeated. The poor behave in certain "nonadaptive" ways because they have learned to expect certain rewards for such behavior. So to upgrade the lives of the poor, it is important to teach them new behavior patterns. Motivation Training Specialists will soon begin a 21-day training scheme for high school dropouts. The teenagers will be isolated in a "Utopian community" for three weeks. There they will receive points for suitable behavior, such as completing a lesson, and on collecting enough points, they qualify for a reward: a movie, cigarettes or candy. Last winter Motivation Training Specialists ran a residential training session for 24 members of the West Central West Virginia Community Action Agency. The members, many of them poor, began by playing games as they arrived at the campsite. One group was required to negotiate to obtain mattresses to put on the beds. Another group was separated and the members were asked to negotiate a reunion. And a third group was dumped onto the roadway before reaching the campsite. They had to negotiate entrance to the camp. Jerome Breslaw, of the Motivation Training staff later explained the purpose of the games: "In order to emerge from a state of physical deprivation—analogous to that experienced by the poor—the training team members had to organize themselves into units which could effect changes in their environment through negotiations with each other and with management." While it may have seemed to the untrained observer that poor people were being asked to simulate being poor people, Breslaw maintained that was not the case. "No simulation situations were provided," he said. "In fact, simulation and role playing were excluded from the training design . . . that which arose, arose naturally."

Mr. BOW. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. Scherle).

Mr. SCHERLE. Mr. Chairman, I thank the gentleman from Ohio (Mr. Bow) for yielding this time to me.

The gentlewoman from Oregon (Mrs. Green) raised a point that interests all Members of Congress. This question concerns the appropriate hearings before the Committee on Poverty. If my distinguished chairman of the Committee on Education and Labor, the gentleman from Kentucky (Mr. Perkins) would answer a question, I would like to pose one at this time.

Mr. PERKINS. Go ahead.

Mr. SCHERLE. My question concerns the appropriate hearings before the Committee on Education and Labor. Since this continuing resolution will be passed today our Committee on Poverty will have 30 days before we have to mark up this bill. Would it be possible to have hearings and bring in the chief executives of our States, a State attorney general, and State auditors who have written and requested that they be given an opportunity to be heard in the full committee?

Mr. PERKINS. I hope that the gentleman will give me 1 minute to respond. It is the intention of the chairman of the committee and the membership, to proceed diligently with the markup. Because of the mine safety bill and the interest of the committee members in the Cohelan amendment, we will not be able to reconvene the committee until next Wednesday, which is a week from tomorrow, for the purpose of completing the markup of the Economic Opportunity Act extension.

Mr. SCHERLE. Does this mean that the chairman refuses to have hearings——

Mr. PERKINS. We have held the most comprehensive hearings on the Economic Opportunity Act that have ever been held.

Mr. SCHERLE. Mr. Chairman, I decline to yield any further.

Mr. Chairman, there have been hearings but they were primarily on the Job Corps. All testimony has been presented by administrative officials of the OEO who have talked about the OEO period. Naturally all testimony was favorable. There was not one single witness invited to testify against OEO or anyone outside the "establishment."

Mr. PERKINS. Mr. Chairman, will the gentleman let me answer his question?

Mr. SCHERLE. We have only heard one side of the coin and I think we should hear both sides.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. BOW. Mr. Chairman, I yield to the gentleman 1 additional minute.

Mr. SCHERLE. Mr. Chairman, my question has been answered. The chairman has refused to hold hearings. The chairman has decided that next week the bill will be marked up without any additional hearings. It is reprehensible for this committee to mark up a bill that will cost the taxpayers of this country over $2 billion a year and not give the chief executives, the State attorneys general, and the poor people who want to discuss this program and make recommendations and suggestions an opportunity to be heard. Restricting the right of duly authorized people to testify before a committee on legislation that they will administer and enforce is a denial of basic American principles.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. PERKINS. Mr. Chairman, will the gentleman from Ohio yield to me 1 minute?

Mr. PRICE of Illinois. Mr. Chairman, I strongly support the amendment adding $649,094,000 to the figure approved by the House Appropriations Committee for Office of Education programs. If the amendment is adopted to the pending continuing resolution and the Senate concurs in our action, the Office of Education and more importantly our schools at all levels will benefit immediately by the over $1 billion we added to the Department of Health, Education, and Welfare appropriations bill on July 31.

Congressional intent is clear in this case. We evidenced our concern then about the Nixon administration's education budget and adopted the Joelson amendment adding the $1.042 billion to the various education programs facing severe crippling by the administration's recommendations. As a cosponsor of the resolution providing for the immediate release of the additional money we voted in approving the Joelson amendment, I earnestly recommend approval of the pending amendment.

The impact of our action today can be measured in part by the following comparative breakdown of funds the State of Illinois would receive for education and library programs during the current fiscal year under the Nixon budget as contained in the committee recommendation and under the earlier House-passed appropriations bill as contained in the pending amendment. As you will note, the State of Illinois would receive an additional $14 million for elementary and secondary education activities if we adopt this amendment; otherwise, the State would receive $54 million for the current fiscal year which is $7 million below what was available last fiscal year and $14 million below fiscal year 1968.

In terms of all education programs, the State of Illinois would receive $36 million less under the Nixon administration; under the House-passed bill, provided we adopt the pending amendment, the State of Illinois would receive $131,126,164 for its programs.

OBLIGATIONS IN THE STATE OF ILLINOIS

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House-passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$47,565,775	$44,407,826	$46,788,843	$46,788,843	$54,513,049
State administrative expenses	474,998	444,130	467,888	467,888	0
Grants to States for school library materials (ESEA II)	5,337,276	2,681,475	2,252,460	0	2,672,463
Supplementary educational centers and services (ESEA III)	9,382,000	8,223,590	8,648,036	5,650,541	8,251,199
Strengthening State departments of education (ESEA V):					
Grants to States	1,013,556	1,056,099	1,130,757	1,130,757	1,130,757
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	3,056,642	3,085,357		0	3,157,687
Loans to nonprofit private schools		181,753		0	0
State administration	102,071	99,990		0	100,742
Guidance, counseling, and testing (NDEA V)	1,283,562	894,406	622,243	0	901,171
Subtotal, elementary and secondary education	68,215,880	61,074,626	59,910,227	54,038,029	68,727,068
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	12,220,000	12,724,000	7,217,000	4,280,000	14,805,000
Construction (Public Law 81-815)	97,094	934,000		0	0
Subtotal, SAFA	12,317,094	13,658,000	7,217,000	4,280,000	14,805,000
Education professions development:					
Preschool elementary, and secondary:					
Grants to States (EPDA B-2)		619,473	886,082	886,082	886,082
Training programs (EPDA, pts. C and D)	3,468,409			0	0
Subtotal, education professions development	3,468,409	619,473	886,082	886,082	886,082
Teacher Corps	1,109,679	1,067,674		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	1,068,000			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	389,618	385,726	389,721	389,721	389,721
Undergraduate instructional equipment and other resources (HEA VI-A)	641,295	627,907		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	2,776,977	3,299,943	1,706,263	1,706,263	1,706,263
Other undergraduate facilities (HEFA I, sec. 104)	10,439,144	6,640,145	4,430,960	0	1,688,339
Graduate facilities (HEFA II)	1,500,000			0	0
State administration and planning (HEFA I, sec. 105)	244,312	215,020	215,020	215,020	215,020
Student aid:					
Educational opportunity grants (HEA IV-A)	6,429,725	770,306	3,707,326	3,707,326	2,730,279
Direct loans (NDEA II)	9,192,661	9,603,647	7,628,040	7,628,040	10,931,945
Insured loans:					
Advances for reserve funds	92,355	642,626		0	0
Interest payments	(1)			0	0
Work-study programs (HEA IV-C)	5,129,105	6,321,681	6,622,714	6,624,079	6,624,079
Special programs for disadvantaged students: Talent search	255,380			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	4,692,300			0	0
Training programs (EPDA, pt. E)	148,000			0	0
Subtotal, higher education	42,998,872	28,507,001	24,010,044	20,270,449	24,285,646
Vocational education:					
Basic grants	10,397,146	10,300,874	9,830,472	9,380,472	15,169,414
Innovation			324,227	0	0
Work-study	503,371			0	503,114
Cooperative education			374,227	374,227	374,227
Consumer and homemaking education			622,822	622,866	622,822
Subtotal, vocational education	10,900,517	10,300,874	11,151,748	10,377,565	16,669,577
Libraries and community services:					
Grants for public library services (LSCA I)	1,746,355	1,746,355	1,746,355	776,280	1,746,355
Construction of public libraries (LSCA II)	656,395	1,653,747	354,115	0	354,115
Interlibrary cooperation (LSCA III)	47,539	48,925	48,925	48,925	48,925
State institutional library services (LSCA IV-A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	23,750	25,776	25,776	25,776	25,776
College library resources (HEA II-A)	1,532,824			0	0
Librarian training (HEA II-B)	666,077			0	0
University community service programs (HEA I)	359,848	333,347	333,346	333,346	333,346
Adult basic education (Adult Education Act):					
Grants to States	1,221,492	1,460,494	1,633,780	1,663,780	1,633,780
Special projects and teacher education	483,000			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	6,775,280	5,308,153	4,181,806	2,857,616	4,181,806

OBLIGATIONS IN THE STATE OF ILLINOIS—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House-passed appropriation bill
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	$687,167	$1,488,885	$1,488,885	$1,488,885	$1,488,885
Teacher education and recruitment	1,211,167			0	0
Research and innovation	796,468	446,411		0	0
Media services and captioned films for the deaf	77,590	49,465		0	0
Subtotal, education for the handicapped	2,772,392	1,984,761	1,488,885	1,488,885	1,488,885
Research and training:					
Research and development:					
Educational laboratories	600,000	270,000		0	0
Research and development centers	1,465,500			0	0
General education	1,554,377	137,690		0	0
Vocational education	1,022,991	363,581	32,100	32,100	32,100
Evaluations				0	0
National achievement study				0	0
Dissemination	64,312			0	0
Training	314,657			0	0
Statistical surveys	23,400			0	0
Construction	22,000			0	0
Subtotal, research and training	5,067,237	771,271	32,100	32,100	32,100
Education in foreign languages and world affairs	1,305,133			0	0
Civil rights education	264,413			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	360,319	360,319			
Student loan insurance fund				0	0
Higher education facilities loan fund	6,875,000			0	0
Total, Office of Education	162,480,225	123,702,152	109,527,392	94,280,726	131,126,164

I think the answer is evident as to what is the proper course of action We must adopt the pending amendment; otherwise, we are deluding ourselves and temporizing with a vitally important sector of our national well-being. This amendment is not inflationary because we will receive untold benefits in terms of national output in years to come. We are not funding a short-lived proposition; rather we are underwriting vitally essential education programs.

Mr. Chairman, I strongly favor the approval of the amendment.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague the gentleman from California (Mr. COHELAN). I do so in the same spirit and with the same urgency with which I supported the Joelson amendment, which I was also pleased to cosponsor.

The education programs which we have passed and developed are some of the most crucial and fortunately successful programs we have undertaken. They have immensely increased the gross education product of this Nation.

In the first year of operation, title I of ESEA provided $987 million in benefits for 8.3 million children. The Higher Education Facilities Act, which went into operation in 1963 has helped more than 1,300 colleges and universities construct and renovate classrooms, libraries, laboratories, and administrative buildings.

By the end of this past year, a quarter of a million undergradute students were working part time on Government-connected programs to help meet their college expenses. Since 1958, NDEA and the Higher Education Act of 1965 have provided more than $1¼ billion worth of loans to aid more than 2 million college students. Since the fall of 1963, more than 200,000 student borrowers have applied for partial cancellation of their loans under a provision allowing debt-forgiveness for those who became teachers.

There are other impressive statistics: For every 100 pupils in the fifth grade in January 1960, 72 graduated from high school in 1967. This 72-percent graduation rate compares with 62 percent in 1967; 51 percent in 1950; 46 percent in 1940. Thus, within a single generation—1940–67—the proportion of fifth-grade pupils who continue their education through high school has risen by more than one-half. Carrying the same analysis on to college, we know that of every 100 pupils in fifth grade in January of 1960, 40 entered college in fall of 1967, and 20 are likely to receive their college degrees in 1971. The 40 entering freshmen contrast favorably, if that word is strong enough, with only 16 just prior to World War II and the 20 probable college graduates contrast favorably with the number of seven who graduated during the early 1940's.

What these figures tell us is that the average American boy in the fifth grade 10 years ago had nearly twice the chance his father had to graduate from high school—and 2½ times the chance to enter college, with three times the chance to earn a college degree.

Some of my colleagues today favor "holding back a little." They argue that we have spent so much money on education over the past 15 years that we can afford to "relax" a little and coast on the record. If not specious, this argument is certainly dangerous. If anything was proven by the Sputnik scare, and the spending that followed it, it was the danger of letting educational programs slip behind current discoveries and innovations in the sciences and the arts.

We have come a long way and we have dramatically increased our mutual investment in our common tomorrow. If we have to "hold back a little" now, we will be risking great harm. We will be starting a movement that will keep rolling, despite our later efforts. We shall create a snowball effect that will do great and lasting harm to America's single most vital resource—the stock of educated and productive people.

Many of my colleagues are often too anxious to vote for defense spending at the expense of education requirements. I would remind them that, without an educated people, no country is capable of defending itself. A nation whose children grow up incapable of learning to use—as well as not use—nuclear weapons, intercontinental ballistic missiles or orbiting intelligence satellites, is not capable of defending itself. There can be no relaxation in providing for education—not even for a month—if we are to maximize the progress and defense of this country. And it is that task which we are supposed to be about.

In my home State of New Jersey, the difference between the 1969 level of spending and the amount provided in H.R. 13111 is $9,286,472. For the month of November, I am told, if we fail to continue appropriations on the basis of H.R. 13111, the loss to New Jersey will be $774,000.

This House has made certain promises upon which the States and local educational agencies relied and acted. Our failure to act in accord with those promises is a breach of faith not only with the States, but more important, with the children who depend on an education and our support.

Mr. HICKS. Mr. Chairman, it appears that the struggle to secure adequate funding for education this fiscal year is far from over. I take this opportunity to acknowledge the support being voiced from my district for the Cohelan amendment to House Joint Resolution 966. Both by telegram and letter educational leaders in Washington State are expressing to me how urgently necessary this measure is. Programs funded through House passage of H.R. 13111 earlier this year are considered vital to continued educational development in my State and district. Furthermore, grave concern is expressed over the great loss of education funds should House Joint Resolution 966 pass unamended.

It is my understanding that the committee's resolution falls markedly short of the funding provided in the House-passed bill and that critical programs may be left underfunded. Three areas that would be particularly affected in my State are assistance to federally impacted areas, grants to States for library construction and supplies, and vocational education. It appears that only through passage of the Cohelan amendment will these and other vital educational programs be rescued from severe malnutrition that conceivably could result in possible permanent crippling of one or more of them.

Passage of the Cohelan amendment will have tremendous immediate impact on education in my State. It will mean that the House-passed funds will be immediately available to the Office of Education. This means an increase of approximately $2.5 million over the committee's funding level for Washington State which is a whopping $19 million above the level requested by President Nixon. The table below extracted from figures compiled by the Emergency Committee for Full Funding of Educational Programs which were published in the Congressional Record on October 21 by Senator Hart, is an example of the significant impact of the Cohelan amendment on my State of Washington. Only those programs in which there is a significant difference in the funding level proposed are listed—the figures for the 1969 estimate are approximately equal to the committee resolution:

OBLIGATIONS IN THE STATE OF WASHINGTON

	Estimate, 1969	Nixon budget, 1970	House-passed appropriations bill
1. Elementary and secondary education	$16, 923, 454	$14, 229, 543	$18, 961, 408
2. School assistance in federally affected areas	15, 446, 500	5, 277, 000	15, 522, 000
3. Direct student loans (NDEA II)	4, 056, 316	3, 221, 874	4, 617, 352
4. Vocational education	3, 610, 797	4, 236, 278	6, 286, 899
5. Libraries and community services	1, 468, 317	897, 558	1, 329, 694

Mr. ADDABBO. Mr. Chairman, I rise in support of the Cohelan amendment which I cosponsored. The point has been made many times that education is a vital and continuing need which must be fulfilled if a society is to remain at the forefront with its achievements in science, art, industry and other fields.

The House of Representatives has realized that educational needs must be met today. The children in grade school now will not benefit from an educational appropriation to library resources or to guidance and counseling made 5 years from now.

With the passage of H.R. 13111 in July of this year, the House made clear its intention that education should share more equally with other departments in the funding of its programs. The House bill added over $1 billion to the Nixon budget request for 1970 in the field of education.

Until the Senate takes up the Labor-HEW appropriations bill for fiscal 1970, funds have to be released for the continuing programs administered by local educational agencies, State departments of education, institutions of higher education, and special vocational, adult, and other educational organizations. These programs are helping to meet some of the critical needs facing education today. At this time, however, many of these programs are operating with the funds provided by the administration's 1970 budget or at the 1969 appropriations level, whichever is lower.

Administrators are finding that some very useful and needed programs have to operate on a drastically reduced budget. This problem exists for such vitally important programs as aid for educationally deprived children, special assistance to federally affected areas, the Teachers Corps, funds for higher education facilities and several student aid programs, as well as funds for libraries and community services, education for the handicapped, and vocational education programs.

Mr. Chairman, today we hope to pass a continuing resolution amended with the increased funds for programs and projects urgently required by the academic community.

Mr. FRASER. Mr. Chairman, I rise to support the Cohelan amendment to House Joint Resolution 966.

Last summer we recognized the need for increased education funding by adding a billion dollars for education to the HEW appropriations bill. But 3 months have gone by and none of that extra billion has reached our schools, colleges, and libraries.

Because the HEW appropriation for fiscal 1970 is still pending, schools are in the awkward position of not knowing how much Federal support they will receive for programs already in operation. Under the continuing resolution now in effect, funding for some programs has been temporarily suspended while funding for other programs has been reduced considerably below last year's level. In my district, the Minneapolis Board of Education is now receiving only $146 in Federal aid for each eligible title I child, as compared to last year's level of $162 per child. The board of education hopes to receive additional title I aid but the board is not sure if and when this additional aid will be available.

Unless the Minneapolis Board of Education receives its share of the extra billion very soon, these extra funds would not be of much use during the current school year. New programs have been designed and are waiting to be implemented once the increased allocations are available. Prompt approval by Congress and by the President of an amended continuing resolution means that new funds could be allocated to local school systems during the first quarter of 1970. But if we postpone allocation of additional funds until after the fiscal 1970 HEW bill has been approved, the school year will have passed us by.

Mr. VANIK. Mr. Chairman, as one of the signers of the House joint resolution to fund the programs of the Office of Education at levels passed by the House this last July 31, I rise in strong support of the amendment to House Joint Resolution 966, calling for continuing funding of Office of Education programs at $2,810,858,000—the appropriation level approved by the House this summer.

The continuing resolution presently before the House, would continue Office of Education funds at their 1969 levels, nearly $650 million below the amount approved by the House earlier this year.

This extra amount of money is desperately needed by America's school systems and college students. Yet it is nearly the beginning of November—the third month of the 9-month school year. America's schools and colleges must start to utilize these extra funds as soon as possible if they are to use them to best advantage. The need for increased, definite allocations is particularly acute on the college level, as schools across the country begin to make decisions on second semester or second quarter student assistance.

Earlier this fall, I polled all the colleges and universities in my home State of Ohio and found that most of them had received only half the student aid assistance they requested and needed. Many of the college administrators noted that students, even seniors, had been forced to drop out of school because of lack of financing.

At too many schools, all financial aid money had been exhausted to meet first semester needs and none was available for the coming semester. Without the increased allocations provided by the amendment to this continuing resolution, thousands and thousands of students will soon be notified that there is no aid available to them. Thousands will be forced to drop out.

There is not a school district in Ohio that is not directly and dramatically affected by this legislation. Our Nation has no greater priority than an investment of this dimension in the young of our country.

I strongly support the amendment and urge its passage.

Mr. WYMAN. Mr. Chairman, it is important that today's action on the so-called Cohelan amendment be understood for what it is—a square rejection of the concept of the continuing resolution. In this case the House passed the Joelson amendment some time ago, increasing the funds appropriated for education by nearly a billion dollars above the amount recommended by the House Appropriations Committee as well as both the Johnson and Nixon administrations. This bill went over to the Senate where it now languishes.

In the meantime the Department of Health, Education, and Welfare must have funds with which to operate, as must other departments and agencies of the Federal Government that have not yet had their appropriations enacted. The idea of a continuing resolution is to continue these Departments and Agencies at the spending level of the 1969 fiscal year or that recommended by the Bureau of the Budget, whichever is lower.

For the House to send a continuing resolution to the Senate with spending for a particular Department—in this instance HEW—earmarked at the level the House passed is patently objectionable to the other body. They have not yet acted. They may or may not fund HEW at this level. It is for them, in their discretion, to decide.

There is no question but that should the Senate raise HEW appropriations to this level there will be no problem, but this may not be the case. In the meantime we must wait and see, and spending ought not to be authorized as an interim measure at a level that has not yet been agreed upon between the two legislative branches of the Government. This is so regardless of how politically expedient it may be to present oneself as being an advocate for higher appropriations for education.

Mr. BRINKLEY. Mr. Chairman, the orderliness of House Journal Resolution 966 seems to me to be subject to the same objections raised to the Cohelan amendment. Did not fiscal 1970 begin on July 1, 1969, and is not this very resolution a device employed to correct a deficiency?

Recriminations are out of order.

Mr. PHILBIN. Mr. Chairman, some time ago I cosponsored a joint resolution funding education at levels approved by the House. Since the Appropriations Committee has not reported a bill to appropriate funds in this resolution I will strongly support the amendment I sponsored now offered by my valued friend from California, Mr. JEFFERY COHELAN, to include the funds that are so urgently needed at this time to assist funding of programs for educationally deprived children, impact aids, student aid grants, vocational education, basic grants, and funds for the handicapped and other needed programs. I believe that these funds are necessary now.

I realize that the Appropriations Committee is extremely busy at this time, but I feel that this matter is of such importance to the educational structure of my State and the entire country that I must continue to support and urge this amendment, as I have done so vigorously since it was proposed.

I hope and believe that it will pass and thus make available substantial funds in the amount of about $649 million that are badly needed to shore up the shaky financial foundation of our American educational structure, particularly in its highly merited compassionate efforts for those who cannot always help themselves, but need special training.

An overwhelming number of House Members are determined to see to it that all necessary educational authorizations are adequately and promptly funded by the House and, I trust, by the other body as well, and soon be signed by the President.

I intend to strive as hard as I can to realize these ends, and am confident that the House will do its part in this instance to help our children, who so urgently need the benefits these funds will provide.

Mr. MAHON. Mr. Chairman, I have no further requests for time.

Mr. BOW. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.J. RES. 966

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1970, namely:

SEC. 101. (a) Such amounts as may be necessary for continuing projects or activities which were conducted in the fiscal year 1969 and are listed in this subsection at a rate for operations not in excess of the fiscal year 1969 rate or the rate provided for in the budget estimate, whichever is lower, and under the more restrictive authority—

activities for which provision was made in the Department of Defense Appropriation Act, 1969;

activities for which provision was made in the District of Columbia Appropriation Act, 1969;

activities for which provision was made in the Foreign Assistance and Related Agencies Appropriation Act, 1969;

activities for which provision was made in the Military Construction Appropriation Act, 1969;

activities for which provision was made in the Department of Transportation Appropriation Act, 1969;

activities (except for the National Council on Indian Opportunity) for which provision was made under section 307 of the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1969;

activities of the Civil Aeronautics Board;

activities of the Interstate Commerce Commission;

activities under the Foreign Military Credit Sales Act; and

activities of the Office of Economic Opportunity and "Development of Programs for the Aging" for which provision was made in the Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1969.

(b) (1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1969 and for which appropriations, funds, or other authority would be available in the following Appropriation Acts for the fiscal year 1970:

Department of Agriculture and Related Agencies Appropriation Act;

Independent Offices and Department of Housing and Urban Development Appropriation Act;

Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act;

Legislative Branch Appropriation Act;

Public Works for Water, Pollution Control, and Power Development and Atomic Energy Commission Appropriation Act; and

Departments of Labor, and Health, Education, and Welfare Appropriation Act; *Provided:* That not to exceed $8,100,000 shall be available from the appropriation for the fiscal year 1970, granted under the heading "Elementary and secondary educational activities" in the Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1969, for use by the Department of the Interior under section 103(a)(1)(A) of the Elementary and Secondary Education Act of 1965, as amended.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House is different from that which would be available or granted under such Act as passed by the Senate, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority.

(4) Whenever an Act listed in this subsection has been passed by only one House or where an item is included in only one version of an Act as passed by both Houses, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the fiscal year 1969 rate or the rate permitted by the action of the one House, whichever is lower: *Provided*, That projects or activities for which disbursements are made by the Secretary of the Senate, and Senate items under the Architect of the Capitol, shall continue at the rate, to the extent, and in the manner permitted by the action of the one House: *Provided further,* That no provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable Appropriation Act for 1969, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and Senate.

AMENDMENT OFFERED BY MR. COHELAN

Mr. COHELAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COHELAN: Page 4, line 22, after "lower:"", insert the following:

"*Provided,* That in the case of activities for which appropriations would be available to the Office of Education under the Act making appropriations for the Departments of Labor, and Health, Education and Welfare for the fiscal year 1970, as passed by the House, the amount available for each such activity shall be the amount provided therefor by the House action."

Mr. MAHON. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Texas reserves a point of order.

Mr. BOW. Mr. Chairman, I reserve a point of order also.

The CHAIRMAN. The gentleman from Ohio reserves a point of order.

Mr. COHELAN. Mr. Chairman, we have pretty well exhausted the discussion. My amendment, I believe, is well known to this body at this point. It is very simple. It merely adds $733 million to the pending joint resolution—House Joint Resolution 966—and instead of eliminating title I and vocational education and handicapped children, and a couple of other categories, it allows the Office of Education to operate the funding level which passed the House by an overwhelming majority last July.

Moreover, this amendment will make effective the joint resolution cosponsored by 227 Members which is now pending in this House. This amendment will again give the House of Representatives an opportunity to show to the country that we feel education is at least as important as another $1 billion of unbudgeted funds in the defense budget.

Mr. BOW. Mr. Chairman, will the gentleman yield for just one question?

Mr. COHELAN. I will be glad to yield to the gentleman from Ohio.

Mr. BOW. Mr. Chairman, I would ask the gentleman if there is a possibility of getting a copy of the amnedment offered by the gentleman from California? There has been none given to anybody, and I would like very much to see the amendment.

Mr. COHELAN. Yes. The gentleman from Illinois has some on the table. He will see that the gentleman receives one.

Mr. BOW. I thank the gentleman.

Mr. COHELAN. I want to say, Mr. Chairman, that in spite of any implication by the gentlewoman from Oregon about the distinguished schoolmen who are in the city of Washington now, on the basis of my own understanding and my own beliefs and on the basis of the actual situation in my own district we, in terms of quality education and in terms of the end product, have absolutely nothing to quarrel about. If there are improprieties or abuses in other programs, indeed they should be examined, but let us keep our eye on the ball here.

All that this amendment does, in spite of the conversation, is permit us to operate at the funding levels of the House on title I. That is the real issue here. Even those who have spoken in opposition, on some other substantive basis, or on some procedural basis, have supported this resolution and apparently support the purpose of this funding.

Lest any of you feel our action may offend the other body—I can assert from the floor of this House that about 3 o'clock this afternoon there will be a resolution filed in the other body which I am led to understand by the Senator from New Mexico will include about 50 Senators.

The filing of such a resolution is a clear indication by the Senate that our actions today will in no way be offensive to that body.

When we return to the House, I will ask to insert a table which will in summary form show the actual dollar difference.

I think we have pretty well exhausted that discussion. I do not think there is any real argument about the actual amounts allocated in the various categories.

As I indicated, if you will look at page 31654 and look up your own State, you will find out exactly what is going to happen in terms of title I, vocational education, aid to the handicapped, and all of the other categories.

Mr. Chairman, this has been a very unhappy exercise for me. But it seems to me it is a desperately needed action. On the basis of what we have been telling the country about the needs of education, it seems to me we can, with great persuasion and authority, adopt the amendment that we are talking of to insure that the deprived and the disadvantaged children in this country are adequately educated. We have talked of the industrial complex and now we have a new hyphenated organization—the educational complex. Indeed there may be one and I hope we will investigate it. But good glory, we are talking about kids. In my own district we are in desperate circumstances.

If you wonder what I am doing this for, it is because I am desperately concerned about education in my district. As I told the members of my own Committee on Appropriations, in my district in Oakland, Calif., 60 percent of the schoolchildren in that school district are black. There are enormous internal problems and indeed we need that money.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. OTTINGER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. COHELAN. I yield to the gentleman from Illinois.

Mr. YATES. Much has been made of the fact that the gentleman's amendment contravenes so-called orderly procedure. Is it not true that the so-called orderly procedures to which the various speakers have alluded have resulted in very chaotic procedures so far as the States and school districts are concerned?

The States and school districts have to make up their budgets. They have their commitments, they have to take financial positions ahead of time. The failure of the Congress to act on this year's bill has made their decisions most difficult. Will the Senate accept the Joelson amendment with its increased funds? At what levels shall they budget their programs? Talk about orderly procedure. What about the school districts and the States which may be reduced to a chaotic because of the failure of the Congress to act in time.

Mr. COHELAN. The gentleman is quite correct. This again is one of the reasons. Why do we go through this exercise? Why are these highly responsible school officials pushing for this legislation and the particular items and as has been indicated by the distinguished gentlewoman from Oregon. They have budget problems and many of their school districts are in hock in relation to their budgets. They have their budgets mortgaged against the idea that these funds are going to be forthcoming.

It is incumbent upon us to reinforce this belief and assure that these funds will be available for the work that must be done in the great urban areas.

Mrs. CHISHOLM. Mr. Chairman, will the gentleman yield?

Mr. COHELAN. I yield to the gentlewoman.

Mrs. CHISHOLM. Mr. Chairman, I rise in support of the amendment.

We have heard a good deal this afternoon about all kinds of complexes. But I do think we have to recognize the fact whether we want to face it or not, that government is carried on through the pressures of all kinds of lobbying groups in our Nation at the local, State, and Federal level.

But let us not stick our heads like ostriches in the sand. The important thing is to recognize the situation here in July when this body appropriated a certain amount of money to help certain groups in this society to move out in the midstream of American society. But we stand here this afternoon trying to do a job while waiting for the expression of the will of the other body.

There is just one observation I want to make and that is this: In terms of the other body, there is a sense of urgency that moves in this House, I feel, that does not operate in the other body, because of the fact that one-third of the membership of that body is elected every 6 years, and perhaps it is not as important to move as quickly. We have to assume our responsibility in this House and do that which is necessary to make sure that these funds are not cut back. Remember one thing. Whether we accept it or not, government is moved by the pressures that are put upon it by lobbying groups. Some of us want to ignore this basic fact in American government and not recognize these facts that exist. The one thing that is regrettable is that there is no citizens' or peoples' lobby.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. COHELAN I yield to the gentleman from New York.

Mr. SCHEUER. Mr. Chairman, at this point I think that it is absolutely essential that we understand that. Education agencies across the Nation, whether they be colleges and universities or whether they be elementary and secondary schools or preschool programs, must program the entire academic year activities now at the level of funding provided for at this time.

This means that if we fail to approve the Cohelan amendment we will be requiring school districts to conduct activities at an annual rate of the full impact of the difference between the House-passed appropriations bill and the 1969 funding level. In the case of elementary and secondary education benefiting from title I, this amounts to 20 percent of the entire program. It represents 50 percent of the entire program in the case of vocational education and 20 percent of the National Defense Education Act students loan support for students.

Every day that we delay providing educational agencies with the funds that the House has already considered necessary in the passage of the regular Labor-HEW appropriations bill, we are shutting the classroom door to students in one fashion or another. In the case of the vocational education student it means that many will remain on the waiting lists who are now seeking admission into area vocational and technical schools.

It means that many students in preschool programs under title I will not be able to be enrolled because there simply will not be funds enough to provide the space and the instructors for them.

It means that many of our elementary school pupils will not have the instructional materials and the teaching specialists they need right now to overcome deficiencies in their reading skills.

Mr. Chairman, schools must operate on a plan-ahead basis and we cannot open that closed special classroom and we cannot provide now the vocational training that is needed by many students until this Congress acts in the fashion proposed in the House-passed appropriation bill or the Cohelan amendment to the continuing resolution.

Is not the urgency motivating us this afternoon the desire to enable our school officials to plan ahead for the Nation's special education needs?

Mr. COHELAN. The gentleman is quite

correct. In some school districts it is worse than in others. Unfortunately, in my own school district we have reached a crisis in education, and it is no credit to my community that we have been unable to pass a bond issue. Still one of the most important instruments in support of the system in my district is title I, and title I would operate as we intend if we were to include the funds available in the continuing resolution until we get action by the Senate.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. COHELAN. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. This points up the title I problem. May I say to the gentleman that I have very serious reservations about the efficacy of the Cohelan amendment. First, we provided for forward funding of programs under the Elementary and Secondary Education Act. Last year the Appropriations Committee provided 90 percent of the funds for fiscal year 1970 that we provided in fiscal year 1969.

Second, the joint resolution itself provides for an identical level of funding.

Third, let us not confuse the issue. Title I of ESEA is not helpful to those school districts looking for extra money from the Federal Government. It is specifically categorical grant program money aimed at the disadvantaged. It does not pay for teachers' salaries. It will not build buildings. It seems to me it will not help the school districts that you are concerned with.

The CHAIRMAN. The Chair notes that a point of order is pending.

Mr. MAHON. Mr. Chairman, I have now had an opportunity to read the gentleman's amendment, and I withdraw my point of order.

Mr. BOW. Mr. Chairman, I renew the point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BOW. The amendment provides for activities for which appropriations would be available for the Office of Education under the act making appropriations for the Departments of Labor, and Health, Education, and Welfare for fiscal 1970, as passed by the House. Now, there is no act making appropriations for the Departments of Labor, and Health, Education, and Welfare. Since there is no act, this becomes an action of this House in making an appropriation to the Department when no act has been passed by the Congress.

The CHAIRMAN. Does the gentleman from California desire to be heard on the point of order?

Mr. COHELAN. Mr. Chairman, I submit that the amendment was carefully drafted, and to the very best of my knowledge, it is a proper amendment. I urge that it be so recognized.

The CHAIRMAN. The Chair is ready to rule. The gentleman from California offered an amendment to page 4, line 22, of the bill, to which the gentleman from Ohio made a point of order. The gentleman from Ohio in making his point of order has not pointed out to the Chair any rule of the House that the amendment violates. The point raised by the gentleman from Ohio is not one for the Chair to pass on, but presumably is one for the committee itself to pass on. The Chair does not sustain the point of order.

Mr. JONAS. Mr. Chairman, I move to strike the last three words.

Mr. Chairman, let me, if I can, with all due respect to my friend the gentleman from California, and those who support his amendment, bring this issue back into its proper perspective. The gentleman from California made a very fine argument in support of an appropriation bill. But we have already crossed that bridge. We crossed it last July 31. The gentleman's argument does not apply to this continuing resolution.

Mr. Chairman, the continuing resolution lasts only 1 month. How much can we do for education in 1 month? The resolution has to be superseded by something else at the end of November. They cannot even crank up downtown in 1 month. There have to be Budget Bureau allocations, and departmental plans to make. The month will have expired before they can move effectively onto this.

Whatever we do in the continuing resolution, it is intended to be only a stopgap interim proposition and not an appropriation bill. Whatever action we take on this continuing resolution today will be superseded and made out of date and completely worthless whenever the other body completes action on the appropriation bill that we have already passed and when it clears conference and is signed into law.

I think we ought to discuss this continuing resolution for what it is. It is not an appropriation bill. Yet, when we are debating it, it is as if we were debating the cause of education. That has nothing to do with it. We take care of that aspect of this problem properly in an appropriation bill, not in a continuing resolution.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from California.

Mr. COHELAN. Mr. Chairman, of course, I must respectfully disagree with my distinguished colleague from North Carolina. In the first place, I am most pleased with the committee resolution in some respects—for example, on impacted aid. Impacted aid under the former continuing resolution was zero funded, and by the very excellent action of our Appropriations Committee, we have changed that, and that is most salutary in my judgment.

Mr. JONAS. Mr. Chairman, if the gentleman will allow me to break in, I thought the gentleman was going to ask me a question. The gentleman from California has had his 5 minutes, and he made some very excellent arguments in favor of education. I concur in his view. The gentleman has told us repeatedly that he is distressed with conditions in his district, and yet, with all respect, the gentleman then tells us his people will not even vote for a bond issue to support their own schools.

I am concerned about education, too, but that condition ought to be remedied in an appropriation bill and not in a stopgap resolution intended merely to tide the Government over, to keep it operating for 30 days, after which we will have to do it all over again.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Chairman, the gentleman makes an issue about the 30 days. I think the point ought to be made in connection with the sine die adjournment, that to the chairman's credit, he cast the deciding vote for 30 days, which to me indicates the good faith of the chairman when he says he is putting all due pressure on the other body to get them to act.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Ohio.

Mr. BOW. Mr. Chairman, in view of what the gentleman has said, the motion to recommit will be the amendment I offered in committee to extend the date to the 5 days subsequent to sine die adjournment.

Mr. MAHON. I should like to confirm what has been said. At the request of the distinguished majority leader, the gentleman from Oklahoma (Mr. ALBERT), with whom I conferred extensively, it was decided it would be more acceptable to the House to make the date November 30. In support of the position of the gentleman, I did that, trying to work with the leadership of the House in doing an orderly job.

Mr. JONAS. The gentleman would agree with me that what we are talking about here today is a 30-day stopgap continuing resolution to keep the Government from closing down.

Mr. MAHON. Yes; to keep most of the Government from being in a position where funds could not be obligated. I refer to the Veterans' Administration, NASA, the Labor Department, HEW, the public works programs, housing, and many, many others.

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendment.

I believe everybody will be delighted to know I hope I will not take the 5 minutes. I believe we have almost exhausted this subject. Part of what I was going to say is just about what my friend the gentleman from North Carolina (Mr. JONAS) said.

I happen to be the chairman of the Appropriations Subcommittee for Health, Education, and Welfare. The chief reason why I say this now is: Do you know who is going to preside at the conference with the Senate on the appropriation bill for HEW? It will be the gentleman from Pennsylvania with the mustache and he voted for the Joelson amendment.

I do not like going to a conference with the Senate, to chair that conference and to be confronted by Senators sitting across that table with this amendment of the gentleman from California, which many of them will consider an affront.

My friend's heart bleeds for his school kids. Well, now, so does mine; for his kids as well as my own. But what is going to happen in 30 days? As the gentlewoman from Oregon indicated and as the gentleman from North Carolina (Mr. JONAS) said, they will not get 5 cents more in the next 30 days, even if we did this with mirrors. Not 5 cents more will his kids get under his amendment.

Mr. Chairman, this amendment simply asks us to vote a second time on the Joelson amendment. Why? The Joelson amendment is still very definitely a part of the Labor-HEW appropriation bill.

On July 31 I voted for the Joelson amendment to the Labor-HEW appropriation bill. I was for it then and I am for it now. Furthermore, if I were a betting man I would wager that at least as much as provided in the Joelson amendment will be provided in the final Labor-HEW Appropriation Act. But, Mr. Chairman, we have a responsibility to legislate in a responsible manner and it seems to me that one of our responsibilities is to treat the Senate as the coequal legislative body that it is. I do not like the fact that the Labor-HEW appropriation bill has not been passed yet. There are many things that are or are not done by the other body that irritate me. But, Mr. Chairman, we live in a glass house and I for one am not in favor of any stone throwing. If it is right that we try to force the other body to take our figures for education why is it not just as right for us to try to force them to take our figures for public health, the Departments of Housing and Urban Development, State, Justice, Commerce, and all of the agencies for which appropriation bills have passed the House but not the Senate? Why the timidity? If we are going to dictate to the other body let us do it in the grand manner. If this were a conference—sure, I would insist on the House position to the extent possible. But this is a continuing resolution, a holding action to keep the Government in operation for the next 30 days—just 30 days. And we, at this point, insist on the House position on the appropriations for fiscal year 1970? I never heard of such a thing before and, Mr. Chairman, with all due respect, you never did either.

Now let us get practical about this. Mr. Chairman, what have your Members been interested in most—what has really been bothering them about the continuing resolution that expires October 31? You know, and I know, and they know, and their constituents know—aid to schools in federally impacted areas. Here are the simple facts on that: Last year, fiscal year 1969, the appropriation was $506 million with no restrictions on category "B". Category "B" had its claim on these funds on a par with category "A." The budget cut out category "B" and included $187 million for category "A," and the current continuing resolution—the one that expires October 31—provides for funding on that basis. The committee's recommended resolution for November would provide $506 million, exactly the same amount of funds under exactly the same ground rules as for 1969.

Now here is something that is very important. It is true that the amendment that has been offered would authorize expenditures at the rate of the House-passed bill, or $585 million—$79 million more than the resolution reported out by the Committee on Appropriations. For practical purposes, what does this mean? All of us, Mr. Chairman, who know how this program operates—and most of us, from necessity, do—know that this money is not paid out in a lump sum early in the fiscal year. It is parceled out during the year as the reports come in from the schools and are verified by the Department. The final payments are not made until well after the end of the school year and after the end of the fiscal year—usually September or October. So what is the practical difference, Mr. Chairman, whether the Department gets another $79 million of spending authority now, or in December, or in January, or in February—and even such an abject pessimist as I, will predict that the Labor-HEW bill will clear Congress by then.

Mr. Chairman, this amendment is devoid of merit and certainly should be defeated.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, for the benefit of all Members, but particularly for the benefit of the Members on our side of the aisle, I believe it is appropriate to indicate that the President of the United States supports the action of the House Committee on Appropriations.

I might add that the Secretary of Health, Education, and Walfare is likewise in favor of the action of the Committee on Appropriations.

I believe this decision on the part of the President coincides with his overall decision that the Federal Government in fiscal year 1970 should not spend more than $192.9 billion.

I think this support by the President for this action of the Committee on Appropriations coincides with a decision not to make any allocation over a budgeted amount on budgeted items until every appropriation bill has been passed by the Congress and signed into law. So may I say in support of the comments made by my dear friend from Pennsylvania that the approval of this resolution is an act of total futility, if you add on the Cohelan amendment. You will not get one more penny for all of those schoolchildren in the city of Oakland, Calif. Your speech here, my dear friend from California, may look good in the newspapers, but it will not help one school child in the city of Oakland, Calif.

Now let me make one other observation. I have in my hand here the legislation which the Congress passed earlier this year including in title IV a limitation on fiscal year 1970 budget outlays. If I can read the figures correctly, this Congress in that legislation, approved by the President on July 22, 1969, limited expenditures to $191.9 billion. Now, how ridiculous can we look on the one hand putting a limitation of $1 billion less than what the President recommended and telling him on the other hand through a series of other actions to increase expenditures.

Let me make one other observation. I was shocked to hear the figures and the facts recited by the distinguished gentlewoman from Oregon. I have been sitting here listening to some of my dear friends lambaste and criticize the military-industrial complex. It has gotten almost asinine. Be that as it may, I did not know we had a built-in federally subsidized professional education lobby. According to the distinguished gentlewoman from Oregon, it exists now.

Now, what do I think ought to be done? I hope that the Committee on Education and Labor undertakes a thorough investigation to see how many of these organizations—50 of them or whatever number it is—are being paid by the Federal Government and how much they are being paid. If the Committee on Education and Labor under the distinguished gentleman from Kentucky will not do it, then I hope that the Committee on Appropriations will undertake such an investigation. If the Congress will not do it, then I think the Secretary of Health, Education, and Welfare ought to undertake such an investigation. I think this lobby ought to be exposed for what it is.

The charges made by the distinguished gentlewoman from Oregon are astounding. They are shocking. I believe we are going through an exercise in futility—an absolute exercise in futility here. If you think for one minute that the responsible people in the other body are going to bow down and kowtow to a decision made by this body forcing them to accept the figures that we put in, why, how ridiculous can you be. The net result is there is going to be a slowdown in the progress of this continuing resolution, and it may not even get to the floor of the other body. However, if it does—if it does—I cannot imagine for 1 minute that the President of the United States will sign this into law. And what is the impact of this irresponsible action which I think we may be about to undertake? I do not think that the President of the United State will sign this continuing resolution, and then what will be the consequence? The consequence is that after midnight October 31 there will not be a penny available for the compensation of 3 million-plus civilian employees or the compensation of 3,600,000 military personnel, and, incidentally, for the operation of the Congress.

And, there will not be one penny available to pay thousands of suppliers of the numerous departments and agencies of the Federal Government.

If you want to be faced with that situation, then act irresponsibly and support the Cohelan amendment.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. PERKINS. Mr. Chairman, I move to strike the requisite number of words.

First, Mr. Chairman, I wish to respond to the gentleman from Iowa (Mr. SCHERLE). As long as I have been chairman of the Committee on Education and Labor there has never been a member of the committee denied the opportunity to bring any witness before the committee in any hearing that I have conducted.

Mr. Chairman, the hearings on legislation to extend the Economic Opportunity Act were concluded on June 9. After we mark up the extension bill—which I hope will be completed next week—the distinguished gentleman from Iowa can bring in as many Governors and attorneys general before the committee as he likes. If they have constructive suggestions, then the bill may be amended when it comes to the floor.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. Let me proceed.

Mr. Chairman, the debate here today is so reminiscent of our debate earlier this year on the Labor-HEW appropriations bill, the Joelson amendment, and the various substitutes for it. At that time, we met head on the issue of whether we were going to provide increases only for certain programs or whether we were going to have a balanced approach and also provide increases to assist in the education of poor urban children and those in the rural areas.

Mr. Chairman, we resolve that debate, through adoption of the Joelson amendment, which said that we would have a balanced approach, and that we would do something to meet all the pressing needs in education whether for the ghetto schoolchildren and the schoolchildren in the poor rural areas of this country, or for others. Let us resolve the same issue today in the same manner by approving the amendment of the gentleman from California.

The continuous resolution, in its present form, does not provide for a balanced approach. No benefits accrue to title I or vocational education.

Without the gentleman's amendment, title I of ESEA will be funded at a level which is $273,848,000 less than what we approved on July 31. That is, Mr. Chairman, 20 percent less than what we have said should be expended for the education of disadvantaged young boys and girls.

Under the continuing resolution, title I would be funded at a level which is less than provided for the program in 1968, less than the amount provided in the original committee bill, and less than both the Johnson and Nixon budgets for fiscal year 1970.

I ask you then, Mr. Chairman, under this continuing resolution, who reaps the benefits from our action on the Joelson amendment. Clearly it is not those children in urban ghettos and in isolated rural areas. They receive not 1 cent above what was appropriated last year—a woefully inadequate amount even then.

Let us not forget the rationale for our action then. For title I, in fiscal year 1968 we had an appropriation of $1,191,000,000. It is suggested, under the continuing resolution, that we continue the operation of the program at a level less than that. Yet at the same time, we know that since 1968, we have had more than 10 percent inflation, and that we have added groups of migrant children and handicapped children that must be supported fully. Today, Mr. Chairman, school districts are getting partially paid for 7,200,000 children, while they are serving more than 9,000,000. Mr. Chairman, the children who need our help more than any other group are the very children this continuing resolution fails to recognize.

Failure to allow funding of vocational education at the level of H.R. 13111 will fall hardest also on the disadvantaged. The Joelson amendment provided $40,000,000 for vocational education programs for persons who have academic, socioeconomic or other handicaps which prevent them from succeeding in the regular vocational education programs. H.R. 13111 provides that this program be funded at the full authorization, whereas the continuing resolution before us now fails to provide for the implementation of the program. Equally disturbing is that the resolution before us fails to carry out even the intent of the original committee appropriations bill which provided a $100,000,000 increase over the 1968 level in recognition that increased funds were necessary to maintain programs at even last year's level.

As we approach the third month of the academic year, Mr. Chairman, we cannot tolerate a continuing curtailment in traditional vocational education programs, which this resolution recommends.

Is it the impact aid students who benefit from the committee resolution? No, Mr. Chairman, they receive $78,941,000 less than this House voted to provide them when we passed H.R. 13111, making appropriations for the current fiscal year.

What are the implications of the continuing resolution for college students who are in desperate need of NDEA loans to meet spiraling tuition charges?

Mr. Chairman, our action here today will be of critical importance to the NDEA loan program. It is in November and early December that student aid officers allocate funds for loans to be used in financing the second semester. But at this critical time, the continuing resolution suggests that institutions operate their program at last year's level. May I remind my colleagues that even last year, the appropriation amounted to only 77 percent of the panel-approved requests of colleges and universities. This year, because institutional requests reflect sharp increases in tuition, and increases in enrollment, the $190 million level represents less than 70 percent of the panel-approved requests.

Mr. Chairman, it is imperative, as I have said, that institutions be advised at this time of what will be available for the student loan program. To wait until final passage of the Labor-HEW appropriations bill to allow the program to operate at a level which is still far below what institutions need—actually less than 60 percent of their total requests—may, in my judgment, be the critical ingredient for thousands of students who will be making decisions on whether to continue in college through the second semester. Over 50,000 students will be affected by our decision here today—since the difference between the continuing resolution and the amendment of the gentleman from California is the difference between 50,000 additional students obtaining loans or being refused. Some 16,000 of these students are students in business and technical schools who cannot participate in the loan program unless appropriations exceed $190,000,000.

Mr. Chairman, it is said that the continuing resolution before us represents an increase for education programs. Perhaps it does, but it offers very little for those who are in greatest need—the title I student—the disadvantaged youngster who needs special vocational education training—and the young girl studying to be a secretary whose chances for a second semester depend on an NDEA loan.

Mr. Chairman, we did what was proper in July when we approved a proposal which provided for a balanced increase in Federal support of education. We said then that we did not want education programs to get along on as little as possible. Let us not today, through approval of the continuing resolution without amendment, retreat from the bold plan we launched several months ago through passage of the Joelson amendment.

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. Yes, I yield to the gentleman from Washington.

Mr. MEEDS. Mr. Chairman, I appreciate the distinguished chairman of the Committee on Education yielding to me at this time and what he has said with reference to vocational education.

Mr. Chairman, when the distinguished minority leader spoke and said that this would not mean a cent to the school across this Nation, if the gentleman will permit, I have been on the telephone talking with the president of one of the community colleges located in my district. I have asked him what this resolution means to him in hard dollars and cents. It means $27,400 in hard dollars and cents. It means a program in police science, a program in aircraft technology, and the apprenticeship program in every community college. That is what it means to the students throughout the Nation.

Mr. PERKINS. The gentleman is correct. The same thing holds true in every school system throughout America.

The Cohelan amendment increases vocational education from $248 million to $488 million, and that is what we agreed to on July 31.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to our distinguished majority leader.

Mr. ALBERT. Mr. Chairman, I appreciate the gentleman yielding. I know that most of the educators of the country want this amendment passed. I know that we ought to fund this matter as soon as possible. I have talked to the distinguished chairman of this committee time and time again about this matter. Reluctantly he did promise and did make a commitment that he would try to make this a 1-month matter, and he would try to lift the education appropriation for fiscal 1971 to the House before April 1, 1970.

In view of that fact, so far as I am concerned, I am going to support the committee now even though I am for the principle of the amendment and I am for implementing the Joelson-Cohelan amendment as soon as possible. But I would like to add one other thing while I have the floor: I am not persuaded by any number of lobbyists coming here on any issue, although I respect the right of distinguished educators to come here and talk to their constituents. Much less am I persuaded by a threat of the minority leader or anybody else, that the President will not sign this bill.

Mr. PERKINS. I want to say that I concur in that latter statement.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished Chairman.

Mr. MAHON. Another thing I think we should bear in mind appears on page 6 of the pending committee resolution. The matter that will fix the amount available will be the final HEW appropriation bill, as shown by section 105:

> SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

It is the appropriation bill which ultimately sets the amount of funds available, not the continuing resolution. This continuing resolution is a temporary matter, merely making advances against the appropriations in the regular appropriation bills.

The CHAIRMAN pro tempore (Mr. ULLMAN). The time of the gentleman from Kentucky has expired.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. CONTE. Mr. Chairman, I joined with 265 of my colleagues in an important resolution; the resolution calling for the funding of educational programs at the level that this body had approved—I repeat—at the level we had approved after long and serious debate here in the House.

We are talking about the backbone of this great Nation, our system of public education, a system which has contributed so greatly in making us what we are, and which should not and must not be shortchanged—but that is just what seems to be happening today.

Under the bill that we approved earlier this year we called for $2.8 billion for the Office of Education. The distinguished Committee on Appropriations, on which I sit, called for $2.1 billion. The difference between those two figures and the actual amount of loss to our public education system is $650 million.

Now, President Nixon—and a lot has been said about what he might do—has called education the key to survival. And yet this country is now second to many of the countries of Europe in literacy. Moreover, Commissioner of Education James Allen has noted that about half the unemployed youth between the ages of 16 and 21 in this country are functionally illiterate. We must not allow this trend to continue.

This great body has recognized the need for action once before this year, and I see no reason why we should not act again in the name of education and for the future of our country.

Therefore, Mr. Chairman, I join my distinguished colleague, the gentleman from California (Mr. COHELAN), in his amendment to House Joint Resolution 966. This amendment would bring the funding for the Office of Education up to $2.8 billion, the level set already by this body. I urge my colleagues to vote yes on this amendment.

I would like to clear the air on some of the arguments made by my distinguished Chairman, the gentleman from Texas (Mr. MAHON). He made a very stirring speech, and I really regret that I must oppose him on the issue. But in his speech for orderly procedure, he said this did not amount to anything more than blackmailing the Senate. Well, if this amounts to putting a little bit of a fire under the feet of the other body, I am all for it.

I would like to remind the gentleman from Texas that last year when this House adopted my amendment providing for a $20,000 limitation on farm subsidies, by a vote of 230 to 160, and it went over to the other body, they struck out that limitation. Then that bill went to conference, and they took the papers from the conference in a most unorderly procedure, and brought the papers over to the Senate so we could not get a crack at it here in the House of Representatives. I did not hear a word from the gentleman from Texas. What was that? If that was not blackmail, I do not know what it was.

They took out my amendment so that we never had an opportunity to look it over again.

Now we are supposed to plead and to cry and to weep for the other body. If I can get the other body to move on the HEW appropriation bill today, I am going to do it.

Then they talk about blackmail. My minority leader, a man whom I have supported and will continue to support, and who is one of the greatest men in this body, says if this bill goes down to the President with the Cohelan amendment, it could be vetoed—and what happens to the rest of the continuing resolution? Is that blackmail?

I hope my colleagues will see the wisdom of supporting the Cohelan amendment.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman briefly.

Mr. PUCINSKI. Is it not a fact that we had the same kind of straitjacket placed on us with reference to the consideration of the surtax, which came to this House hours before it expired. It came from the Senate and we had to vote on it in the same way. Where was the consideration for orderly procedure then and where were the rights of the House Members then?

Mr. CONTE. That is exactly right.

I just want to make one more observation. I was disappointed in the majority leader. He made a very telling case here today in his colloquy with the chairman of the Committee on Appropriations. He had me convinced that we were on the right track, but later he backed down. I was very disappointed that he did this.

Mr. YATES. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I would like to address myself to my distinguished friend, the minority leader, whose remarks surprised me. I am shocked that he considers this amendment an exercise in futility. I am shocked that he would characterize this administration as an antieducation administration. He said that if the Congress passed this bill, it will be vetoed by the President of the United States.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. YEATS. I yield to the gentleman.

Mr. GERALD R. FORD. I implied I would urge a veto and that I could not imagine him approving the proposal with the Cohelan amendment.

Mr. YATES. According to the press he has announced that if Congress passed a bill containing the funds itemized in the Joelson amendment, he would not spend those funds. He has already made that clear in the press. I do not know how the gentleman from Michigan can characterize it except as an antieducation position.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. YATES. Let me finish my one point just as the gentleman asked me to wait until he had finished his point.

I was visited, Mr. Chairman, yesterday, by 30 students of Northwestern University Medical School. They cannot get any loans. There is no money available. Only $15 million was made available in the budget.

The President's budget for the year 1968 contained $26 million for the Health Professions Development Act. There were in that year 217 medical schools and 64,000 students.

The President's budget for the year 1969 contains $26 million for the Health Professions Development Act. In that year there were 231 medical schools and 69,000 students.

This year there are 243 medical schools and 75,000 students and the administration has cut the budget to $15 million. This Nation needs many more doctors. There are more students in the schools and yet the budget is cut. The students cannot get loans from the banks at reasonable rates of interest. Where can they turn for help? This administration and not the Congress cut almost 50 percent of the amount that was available last year.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman.

Mr. STEIGER of Wisconsin. Is it not correct that the continuing resolution, as it is before us today, sets forth the amount authorized to be spent is $20,000,000? Let us not go into a sleight-of-hand operation on the figures.

But the amount available in this continuing resolution—and I was visited by the same students—ends up to be $20 million. The budget request and the carryover results in a final figure of $20 million.

Mr. YATES. Which is still $6 million below what the budget was last year, and it does not negate what I said about what the budget recommended.

Mr. STEIGER of Wisconsin. It is $5 million above what you just got through saying, I say to the gentleman from Illinois.

Mr. YATES. Let us look at the record. I said that the Bureau of the Budget had recommended $15 million this year. That is a fact. You have only to take a look at the budget, and you will see I am correct. And I say this indicates an anti-education position on the part of the administration.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Ohio.

Mr. HAYS. I would like to comment on the minority leader's statement about the President vetoing this, or that he might veto it. I do not think he would dare, because there are those who have said it would close the Government down, and what if he closed the Government down and the people found out they could get along without it?

Mr. YATES. I thank the gentleman for his statement.

Mr. CAREY. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from New York.

Mr. CAREY. I asked the gentleman to yield because he has put his finger on a point that I think is the same argument that can be made in terms of conditions in our medical schools. The New York medical schools, and many other medical schools in New York State and in all States, are in desperate shape. They face a serious shortage of funds. They face a severe shortage of funds. They do not know what they are going to do about the intake of more students.

Mr. Chairman, I sat in this Chamber and listened while the distinguished gentleman from South Carolina (Mr. Rivers) told us again and again that the Russians had a manned bomber and that we needed another manned bomber, and that we need a new generation of the SCRAM, the CRAP, or whatever they have, we have to have one, too.

Let me remind the House at this time that the Russians this year will educate 36,000 doctors in their medical schools, and we hope to achieve a maximum level of 8,000. If we do not put the money in this bill, we will fall below that figure. I urge that if we are going to follow the Russians in anything, that we follow them in our education of future doctors.

Mr. YATES. I thank the gentleman. I suggest the minority leader is completely wrong when he says that the amendment offered by the gentleman from California is a futile gesture. On the contrary, I think it is meaningful. It is tangible. It is significant. It will demonstrate clearly that the House of Representatives is determined that funds will be made available to the children of this country to enable them to get a decent education. Approval of the Cohelan resolution today will be a victory for the cause of education in this country.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on the joint resolution and all amendments thereto close in 15 minutes.

The CHAIRMAN. The Chair advises the gentleman that we have not yet read the remaining section of the resolution.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and any amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. BRADEMAS. Mr. Chairman, I object.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto to section 101 close in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. BRADEMAS. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Indiana objects.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto conclude in 25 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. Landrum).

(By unanimous consent, Mr. Giaimo and Mr. Mahon yielded their time to Mr. Landrum.)

Mr. LANDRUM. Mr. Chairman, I take this time to ask two or perhaps three questions of the chairman of the committee.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. LANDRUM. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Chairman, as the gentleman from Georgia knows, I am not a damned Yankee I am just a Yankee. I think all of us on both sides ought to keep in mind that there are many complex and difficult problems that we may well have to grapple with in the conference with the other body on the regular HEW appropriation bill, not the least of which could be the Whitten amendment. Members who are favorably disposed to vote for the Cohelan amendment ought to consider whether they might be poisoning the water and increasing the difficulties of the House conferees.

Mr. LANDRUM. Mr. Chairman, I ask the distinguished chairman of the Committee on Appropriations these questions. Is it true, Mr. Chairman, that the bill which the House sent to the Senate on July 31 contained an appropriation of $489 million for vocational education?

Mr. MAHON. The gentleman from Georgia is correct.

Mr. LANDRUM. Is it true the level of operation for vocational education for the last four months has been at the level of $248 million?

Mr. MAHON. The gentleman is correct. The guidelines of the continuing resolution in effect during that period set funding for vocational education at last year's level, which was $248 million.

Mr. LANDRUM. When the Senate passes the appropriation bill which the House sent there on July 31, and if the Senate accepts the House figure we will have the $489 million?

Mr. MAHON. If the Senate approves that figure, yes.

Mr. LANDRUM. If the Cohelan amendment should be adopted, and if the Senate should accept it, then we would still just have the $489 million? Is that correct, that we would have that amount for vocational education?

Mr. MAHON. The gentleman is correct.

Mr. LANDRUM. Mr. Chairman, I do not have to apologize or to explain to anyone my support for vocational education. I said to the gentleman from California (Mr. Cohelan) previously that I would support his amendment, but I believe, after listening to all the arguments and hearing all sides, vocational education and this Nation and this House of Representatives will be better served if we go ahead and support the chairman of the committee, particularly in view of the fact that these figures will be the same, and more particularly in view of the fact the chairman has said to us he is going to try to hold this continuing resolution to 30 days. There is nothing to be gained by taking the risks involved here. Vocational education has nothing to gain here on such a 30-day operation. The solution is for the Senate to pass the appropriation bill we sent over there last July 31.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. O'Hara).

Mr. O'HARA. Mr. Chairman, I would like to ask the Chairman of the Committee if there is some mistake. Did the gentleman say the level of funding for vocational education would be $489 million whether or not the Cohelan amendment were agreed to, and does the gentleman wish to reconsider that answer?

Mr. MAHON. Mr. Chairman, I think there must have been a failure to understand. I understood the question to be, if the other body approved the Labor-HEW bill we sent to it, which does provide $489 million, would that be the figure? I said yes, it would be $489 million for the year.

Then the question was asked, if we adopt the Cohelan amendment, would that increase the $489 million by any amount, and I said no, it would not.

Mr. O'HARA. But in terms of the continuing resolution, the Cohelan amendment provides an additional $241 million for vocational education. Is that not correct?

Mr. MAHON. The Cohelan amendment is merely a restatement of the Joelson amendment.

Mr. O'HARA. Exactly, and in terms of dollars, it is $241 million more than the continuing resolution.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Pucinski).

(By unanimous consent, Mr. Scheuer yielded his time to Mr. Pucinski.)

Mr. PUCINSKI. Mr. Chairman, I rise in support of the Cohelan amendment. There are less than 81 hours between now and midnight Friday. If both Chambers do not act by midnight Friday, everything will come to a standstill in education in America.

Our distinguished minority leader has his crisis reversed. It is only if we fail to adopt the Cohelan amendment, which we have every reason to believe will be accepted by the other body, because the other body cannot possibly conclude its hearings and go the normal route by Friday midnight, that we will face the crisis he speaks of. If we fail to approve the Cohelan amendment today we are going to see a crisis in education throughout the Nation. Vocational education courses will be phased out beginning Monday, and many other programs will have to be dropped. Remember, you have restructured the entire vocational program last year and unless the additional funds provided on the Cohelan amendment are approved, these schools are now going in their fifth month under a continuing resolution. They are in the fifth month of the new fiscal year. They have been living on borrowed time. They have been borrowing money. They have been stretching money. But they cannot go any further.

So I am telling this House, you gentlemen can take the responsibility for failing to provide the money that was overwhelmingly approved in this House when the appropriation was before this body. You are going to see a crisis in American education, because every one of these school districts is now way into the fiscal year.

The Senate has had more than ample time to work on this matter. They have been dragging their feet on public hearings. They have not completed their public hearings.

I will tell you this: You go along with the Cohelan amendment and we will have a good bill here by midnight Friday. We have every reason to believe the Senate will take this amendment as is and our school systems can proceed in an orderly manner to fulfill their obligation.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. Brademas).

(By unanimous consent, Messrs. William D. Ford, Howard, Eckhardt, and Cohelan yielded their time to Mr. Brademas.)

Mr. BRADEMAS. Mr. Chairman, I want to make two or three points about the matter before us.

First of all, I want respectfully to suggest that the distinguished minority leader may not be correct when he suggests that President Nixon would veto this bill. In saying this, I want to remind the Members of this House that on the 23d of October 1938, just 1 year ago, Mr. Nixon, then a candidate for the Presidency, said:

> When we talk about cutting the expense of Government—either Federal, State, or local—the one area we cannot shortchange is education. . . .

I have absolutely no doubt, Mr. Chairman, that if we send the Cohelan amendment over to the other body, the other body will take it and send it to the President, and that the President will respect the fact that the overwhelming majority of both Republicans and Democrats in this House, the more popularly elected body of our National Legislature, have gone on record as saying that "We think education is important."

We have heard a good deal today about the integrity of the appropriations process. I believe in that integrity, but I also believe in the integrity of the elected Members of the U.S. House of Representatives.

I must say, Mr. Chairman, I am getting a little resentful of the attitude taken by some Members of this body. They in effect say to those of us who do not sit in the Appropriations Committee, "Who do you think you are? You are just an elected Member of the House, that is all. Who do you think you are?"

I want to remind Members that in July of this year, by a vote of 293 to 120, the Members of the U.S. House of Representatives went on record as saying, "Mr. President, we think education is very important."

I am somewhat distressed, therefore, that the great Committee on Appropriations and its distinguished chairman did not apparently indicate they had any respect for the integrity that other Members of the House bring to the U.S. House of Representatives.

I can count; 293 to 120 tells me something.

Look at the press gallery here. They have been writing articles about the fact that there is something new going on this year in the Congress of the United States. For Congress is at long last becoming responsive to the concerns and priorities of the American people. And the American people are telling us, their elected Representatives in Congress, "We think education is important."

Mr. Chairman, I hope that we can respond to their concerns and their priorities. I hope we can say "yes" to the American people. I hope that having voted 2 to 1 in July for education, we are not going to hide behind a little parliamentary maneuvering that the public does not really understand and turn our backs on that commitment.

And I do not believe, Mr. Chairman, that we are going to turn our backs on that commitment.

I was proud of the vote for the Joelson amendment last summer and of the fact that it was a bipartisan vote.

I was proud that a majority of my colleagues on the minority side voted with the majority of us on the majority side, for education.

I was proud that a majority of the Members of the House delegation of the distinguished minority leader's party from his own State voted in support of the Joelson amendment.

I was proud that on a key teller vote, the distinguished chairman of the Republican National Committee, the gentleman from Maryland (Mr. Morton) for whom I have very great regard, although he did not stay with us on the rollcall vote, walked through the aisle to vote for the Joelson amendment and we saw him. I take my hat off to him, although I understand some of his problems.

Mr. Chairman, I think that the vote on the Joelson amendment last summer is a commitment and is a solid commitment that we gave in this House—a commitment to better education for our country.

Mr. Chairman, there are going to be a lot of people watching us today. It is not just money for education which is involved here but, much more important, it is the integrity of this body that is at stake. The issue today is in large measure whether or not we have any respect for ourselves and any respect for our own consciences and for the integrity of this House.

For the House is saying, Mr. Chairman, I reiterate, that education is important, and I must say that I believe, and I predict to you, that if we send this bill to the President of the United States, he will sign it.

Mr. Chairman, I want to say one final word to my friend, the distinguished minority leader. He said, I believe, that if we pass the Cohelan amendment, we in Congress will not get our paychecks. Well, let me tell you something. If we do not pass the Cohelan amendment, we do not deserve to have our paychecks.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Michel).

(By unanimous consent, Mr. Steiger of Wisconsin yielded his time to Mr. Michel.)

Mr. MICHEL. Mr. Chairman, I think we are all aware when the House acted on our regular appropriation bill there was a decided feeling that some of our figures should have been raised for some very popular education and library programs: Supplementary education centers, library resources, guidance, counseling, and testing, equipment and minor remodeling, and so forth. In the current continuing resolution these programs are hurt whereas under the provisions of this new resolution, the one we are considering today, the problem is alleviated somewhat. As a matter of fact, to the extent that it would be altered by the Cohelan amendment.

For example, in supplementary education there is $165 million in the new continuing resolution as against $116 million in the current resolution. We have $50 million for library resources—Title II, ESEA—as against nothing in the current resolution.

These are the same spending levels as called for in the so-called Joelson amendment. There is an increase of $17 million for guidance, counseling, and testing in title V of the NDEA, and for equipment and minor remodeling in title III of NDEA we have an increase of $79 million. This is provided for in the new continuing resolution.

In higher education facilities construction grants item that go to undergraduate facilities there is $33 million in the Cohelan amendment, and we provide the same in the resolution. The same thing applies with respect to library assistance: $41 million in services and $9 million for construction. Mr. Chairman, the terms of this new resolution are different than the one under which we are operating and does provide some relief.

And while the gentleman from Illinois (Mr. Yates) is on his feet, may I correct what he said relative to medical students and health manpower under the Nixon budget, there was a budget request and there were funds appropriated for 1,000 new additional medical students this year over that which the prior administration requested. This is in addition to the normal increase of 600 provided in the last Johnson budget.

So far as total health manpower is concerned the record will show the 1969 figures at $172,086,000 as against the Nixon budget request of $218,021,000 which incidentally our committee provided for in our regular bill.

Mr. Chairman, I had intended earlier to make several observations with respect to why we do find ourselves in this kind of situation today and it is all a matter of timing.

Reference has been made earlier to the problem of the authorizing committees failing to get their work done in time for our Appropriations Committee to act, but I would say that the more critical problem is getting the House and Senate working together on appropriations.

Whether we are here or not in the next Congress, the work of this body will go on and the country will go on.

Whether an administration swings from extreme right to extreme left or vice versa there is actually no more difference than 5 percent up or down in what must be appropriated to keep the Government going. In other words, we know essentially what we have to do and the most productive legislative Congress in history would not make, as I said before, a 5-percent difference up or down in what needs to be appropriated.

Now, we in the House Appropriations Committee have done our work. Our HEW Subcommittee held hearings from February through May—a period of 4 months and of course our bill passed the House 1 month into the new fiscal year.

I have said it before and I will say it again: I see no excuse whatever, for the other body going better than 3 months into the new fiscal year before even scheduling hearings on our bill. I do not happen to think that it is necessary for the House to complete action before the other body begins consideration of similar legislation, and our Constitution only requires that this be done in the case of tax bills which must originate in the House.

I submit, Mr. Chairman, that we do a very thorough job in our House hearings and to say the least, it is rather discouraging to have the other body fold under pressure time and time again and follow the path of least resistance when appropriating for these admittedly very popular programs. Only one-third of the other body comes up for election every 2 years, and it is much easier for 33 Members to try outdoing one another for public favor but it is much more impractical for the same kind of situation to prevail in a House with 435 Members.

Mr. Chairman, notwithstanding my having said this, I respect the tradition of comity between the Houses and would like to see the other body act on our bill in a normal, routine, businesslike manner and there is surely some argument that adoption of the Cohelan amendment would for all practical purposes alter this relationship. I do support the resolution with a reservation with respect to vocational rehabilitation, for there is no question but that this item is the weakest point in our continuing resolution. As a matter of fact, our subcommittee raised the budget figure by over $100 million to $357 million, for that is what would be required to keep all our ongoing programs operating without a cutback and still comply with the amendments written into the law in 1968.

Thirty days more, however, is not going to mean death for the program, and reluctantly I will go along with our chairman and ranking Members' position with the understanding that I be permitted to alter my support for any further continuing resolution if conditions have not improved in this 30-day period.

The CHAIRMAN. The Chair recognizes the gentleman from Rhode Island (Mr. ST GERMAIN).

Mr. ST GERMAIN. Mr. Chairman, I associate myself with the remarks of the gentleman from Indiana and the other gentlemen who are proponents of the Cohelan amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. HANNA).

(By unanimous consent, Mr. SISK yielded his time to Mr. HANNA.)

Mr. HANNA. Mr. Chairman, I would like to say that I support this amendment. In my own mind this amendment represents a small leaf in a very important book. This book records the continuing commitment we have made to education.

The administration and the Members of this House have to go on record to the effect that they are for protecting the quality of education as strongly as they are for protecting the security of America. For if our energies and treasure are expended in an endless quest for absolute military security we will undoubtedly find that we have sacrificed those precise qualities which we sought to preserve. The history of man is rife with examples of civilizations unsuccessfully sacrificing all for military security while they crumbled and decayed from within.

Mr. Chairman, I think the people who send us to this Congress expect that we, the Members of this House, will be concerned about the internal strength and character of this country. That strength is based upon the quality of America, and certainly one of the important components of our quality is education. Unfortunately it is these qualities of domestic strength that this House has not been as strongly committed to as it has the defense and security of the country. It is these qualities of inner strength and conviction that demonstrate the ultimate worth of a culture, and not fortunately, its military complex.

I might suggest, Mr. Chairman, that it is time for us to reevaluate our basis for action and remember that every country has had to face up to the fact that if it has not kept up the inner quality and strength of its people that in the final analysis it cannot protect itself from the outside.

The President, during his campaign, declared:

> Jefferson knew that the destiny of America was inseparable from education—that in the fulfillment of the promise of this new nation education would be the key . . . education, long the key to opportunity and fulfillment, is today also the key to survival.

So, Mr. Chairman, I support the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. PATTEN).

Mr. PATTEN. Mr. Chairman, on July 31, this body took a dramatic step forward in terms of our legislative responsibilities in the field of education. On that date, the full House worked its will, debating and substantially amending the education appropriations measure on the floor of the House. On that date, we took a step toward putting up the funds required to keep the promises we had made in our authorizing legislation.

What we did last July was to vote our convictions, putting aside considerations of loyalty to party, committee, or State delegation. This bipartisan effort resulted in restoring more than $1 billion of educational funds which had been cut by the Johnson and Nixon budgetmakers last winter.

In sum, Mr. Chairman, we overwhelmingly passed H.R. 13111. And in so doing, we told our friends and constituents in education, our teachers, our students and their parents, that we supported them and their programs. We told them that we believed that the American dream of a relevant and meaningful education for every citizen is so fundamental a national goal and priority that we would pay it more than mere lipservice.

But today, Mr. Chairman, our schools are almost midway into the first semester of the academic year, and they have not seen a penny of the increased funds we voted to appropriate last July. And if we approve the formula for continuing appropriations for the U.S. Office of Education contained in the committee resolution now before us, our schools will not see a penny of these funds at all this semester.

To avoid such an eventuality, more than a majority of the House has sponsored resolutions which would keep continuing appropriations for education to the dollar amounts contained in H.R. 13111. I am sure the whole House recognizes, as these 230 sponsors have, that the issues which moved the House to pass H.R. 13111 have not faded; and, in fact, the budgetary problems of the schools are heightened by the uncertainties of funding once the school year has begun.

Accordingly, Mr. Chairman, I see no justification whatever for this body to retreat for a month or two from the funding levels it agreed to in H.R. 13111. I shall, therefore, support the principles incorporated into the resolutions which I and other Members have cosponsored, and vote for the Cohelan amendment offered by the gentleman from California (Mr. COHELAN).

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. PATTEN. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, I want to express my support for the amendment offered by Congressman COHELAN—the amendment seeking to maintain fiscal 1970 spending within the Office of Education at the level established by the House in the appropriations bill passed a few months ago. The spending level sought in House Joint Resolution 966, a level essentially the same as that for fiscal 1969, would be woefully inadequate for the Nation's school systems. Such a meager—indeed, niggardly—spending level would virtually halt Office of Education programs within the field of vocational education and within several fields of academic education as well.

It is plain, Mr. Chairman, that amply funded education programs are among the most pressing needs of American society. Indeed, the very future of the United States hinges on the quality of educational programs within our schools. To jeopardize those schools in the name of "economy"—false economy of the most errant kind—would be senseless.

Let me cite just a few examples of the gaps between fiscal 1969 spending levels and those authorized by the House in H.R. 13111. Vocational education programs—the programs that hold out hope to the Nation's disadvantaged children—would suffer budget cuts totaling almost 50 percent under the formula sought in House Joint Resolution 966. The program offering financial aid to "federally impacted" school systems would lose nearly $80 million—a sum that school administrators throughout the United States consider critical to the program's success in fiscal 1970. And programs of student aid, as just one further example, face a budget cut of more than $113 million.

The Senate, when it eventually acts on the fiscal 1970 appropriations bill for HEW, is expected to fund Office of Education programs even more liberally than the House did in enacting H.R. 13111. I know many of my colleagues join me in the hope that this expectation bears fruit. In the meantime, however, we in the House must at least live up to the commitment we made this summer in our own action on HEW appropriations.

I strongly urge the passage of Mr. COHELAN's proposed amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Chairman, I want to congratulate my friend from California, Mr. COHELAN, for his ingenuity in devising this method for obtaining vitally needed money for our Nation's schools. I think his amendment is splendid and deserves our full support.

Opponents have said it will not be effective. I strongly disagree. If the amendment is passed in the other body and signed by the President, the schools will be able to receive moneys at the rate of $1.2 billion more than they may receive at present. This will be a tremendous boon to them.

I do not believe for a minute that the Senate or President will fail to act on this measure. The Senate, already contemplating an even higher appropriation, but unable to arrange for its consideration for several months, is very likely to act favorably; at the very least, it will expedite consideration of its own measure. If the President receives the bill representing such overwhelming sentiment in the Congress and the country, I doubt very much that he will veto it—and, if he does, I believe his veto will be overridden.

To those who derogate the effectiveness of the Cohelan amendment I would ask how they would devise a more effective measure for getting the educational funds so badly needed into the schools before too much of the school year goes by to use it effectively. As I see it, this is the sole means available to expedite these funds.

The distinguished minority leader has said in opposition that passing this amendment would destroy the $192.5 billion expenditure limitation we passed earlier this year. I would remind my colleagues, however, that we passed the ceiling subject to any increases or decreases in appropriations we might subsequently pass.

If we succeed in passing this amendment today, it will be an unprecedented victory. It will have great significance in opening a new avenue for expression of the will of this body over its Appropriations Committee. And it will have great significance in showing our determination to reorder our national priorities.

At long last, this body is exerting itself to change our national priorities. The increase we mandated in education through the Joelson amendment, the effectuation of that change through the Cohelan amendment today, the $600 million appropriation we mandated in the water pollution appropriation—each of these actions demonstrated our determination to spend a greater proportion of our resources in areas of high national importance.

The consequence of these increases in vital areas is that the President, if he is determined—as I think he should be—to hold the line on overall governmental expenditures, will have to make cuts in less vital areas. That this message is getting through to the administration is best illustrated, I think, by the recent announcement by our Secretary of Defense that he is going to redefine our national security requirements for maintenance of military forces necessary to fight 1½ wars at any one time instead of 2½ wars as has been our previous policy. This will permit a tremendous reduction in marginal military expenditures, accomplishing exactly the kind of priorities readjustment that I and many of my colleagues feel is so important to our future.

I hope the President will go further to reexamine his ABM, SST, agricultural subsidies, and other similar decisions to spend vast sums in areas of marginal utility or, in my opinion, adverse consequence.

The lessons of today's actions should be extended even further, however, to the many other Government programs that are held in a state of suspended uncertainty because of our failure to act upon authorizations and appropriations before June 30, the end of our fiscal year.

In recent years, it has become the rule rather than the exception to fail to pass most appropriations by July 1. Our business is simply too complex to permit our meeting this early deadline.

As a result, many departments of Government, private agencies that depend on Government programs, businesses that produce for the Government, school officials, Governors of States and mayors of cities, foreign agencies administering AID projects, all have the gravest difficulties planning their activities.

I am sure it costs the Government millions of dollars to pay for the slowdown and start-up costs of the many agencies that have to readjust their programs to fit our fiscal philandering.

For the future, I strongly recommend we consider changing our fiscal year to 12 months rather than 6 months in which to pass all our authorization and appropriation bills, a much more realistic time in view of the current complexity of our business.

The chairman of the Appropriations Committee asks us to defeat the Cohelan amendment in the name of preserving the orderly processes of this body. Is it, indeed, orderly process to fail to pass educational appropriations more than 2 months after schools dependent upon them have been in session? Is it orderly to pass continuing resolutions requiring school systems throughout the Nation to fire teachers and curtail programs when the House has already passed an appropriation permitting a substantial increase? I submit that this is the height of disorderly process—that we will reflect far more credit on the processes of this body if we give the schools the funds we have committed to them rather than to further disrupt their planning and operations.

I strongly urge adoption of the Cohelan amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Chairman, the equities of the matter have been adequately discussed. However, I was rather distressed with reference to two arguments. I thought I heard the ultimate when the minority leader indicated that if I voted for the Cohelan amendment I might not receive my October paycheck. I am sure that that would displease my creditors more than it would me. But, then when I heard that the greatly sanctified "Whitten amendment" might be at issue here, I thought we had reached an awfully low point in this committee.

When it is suggested further that this Nation is threatened by an "industrial-education" complex—a complex composed of those who have the interests of children at heart, then we have reached an even lower point in this debate.

I would remind my colleagues on the floor today that the complex of interests which urgently sought our support for the Cohelan amendment, and who now hope for its passage, did so on behalf of the multitudes of young people who have every right to be dissatisfied with decaying school systems, overcrowded colleges and underfunded research.

Mr. Chairman, I support the Cohelan amendment.

Mr. GILBERT. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from New York.

Mr. GILBERT. Mr. Chairman, I rise in support of the Cohelan amendment to the continuing appropriations resolution for fiscal 1970. I am one of the cosponsors of the Cohelan amendment to fund the Office of Education at the $2.8 billion level approved by the House of Representatives last July.

Mr. Chairman, this is a critical time of financial need for the improvement of educational opportunity and the quality of education, not only in my State of New York, but throughout the country. Our highest priority should be given to the support of education. I strongly urge my colleagues to join me in support of the Cohelan amendment so that important and critical programs will not be left unfunded.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Chairman, I rise in support of the Cohelan amendment. I wish to commend and congratulate our colleague for carrying on the fight so successfully waged by our former colleague, Charles Joelson.

This House not long ago voted to add to the appropriations for education approximately $1 billion over the amount proposed by the Appropriations Committee. As a result of the fact that the Senate has not acted on the bill, schools now entering their third month will be faced with a situation where they will have to cut back existing school programs unless the continuing resolution permits the expenditures not at last year's rate or the modest increase recommended by the Appropriations Committee but at the rate which this House endorsed on July 30 when the Joelson amendment to the Labor-HEW appropriations bill was passed by a vote of 293 to 120.

I hope that we in this House will not be intimidated by the threat voiced by the distinguished minority leader to the effect that President Nixon may veto this bill. These threats have been made before and this House should never submit to them.

Some of those who are opposing the Cohelan amendment on grounds of economy did not hesitate to add more than a billion dollars to the defense budget and oppose any reduction of wasteful projects in that budget. Day after day, we in this House witness the twisted priorities of the Nixon administration begin given effect. At least in this most important area of education. Let the voice of this House state loud and clear that ours is a solid commitment to better education for the children of our country.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, it is a real temptation to support the committee's resolution because it provides $79 million less for impacted aid than does the Cohelan amendment. I see that the committee resolution increases many of the titles of the act that had been cut down by the budget. Titles III and V–A of NDEA and titles II and III of ESEA will be funded at the same level as the Cohelan amendment. But even with that, and the arguments that have been made, I am still going to vote for the Cohelan amendment.

The reason is that vocational education was seriously hurt by this continuing resolution; it was under Public Law 91–33, and it would be under this resolution.

I see this continuing resolution provides $248 million for vocational education. The administration asked for $279 million. But a $100 million increase is necessary just for vocational education to put basic grants at the level they were last year, because of the amendments approved in the 1968 act.

Vocational education needs this additional money now.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

The Chair recognizes the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, I support the Cohelan amendment because along with many other Members of this body I was a cosponsor of a continuing resolution which called for ratification of the Joelson amendment.

Today we seem to be in about the same place we were the latter part of July, when the Joelson amendment was made a part of H.R. 13111.

Arguments have been advanced today that if we want to do the orderly thing, we will support the Appropriations Committee and try to defeat this amendment whose purpose is to restore sorely needed funds for education. We are told, moreover, what we do here today may not be concurred in by the other body. Finally, we listened to the minority leader who seemed to indicate that the President would not be happy with us if we passed the Cohelan amendment, and could be so unhappy that if the funds were appropriated they might not be used.

Well, Mr. Chairman, the House of Representatives should act, rather than react. We should not chart our course in anticipation of what the other body might do or react to what may be indicated they intend to do or not do. The truth is they have done nothing on this subject since we passed H.R. 13111 in July. Their inaction should not be an example for us to follow. Similarly, whatever the Chief Executive does is his choice and option. The House of Representatives should not react to guesses or surmises what the President might do.

About 1 year ago, during the campaign, Mr. Nixon said repeatedly that funds for education deserve the highest priority. It would be unfair to charge that there is a difference between candidate Nixon and President Nixon. I have every reason to believe that he will expend the moneys appropriated for education, and I will continue to believe that until his actions prove otherwise.

Essentially we are right back where we were before the adoption of the Joelson amendment, that is whether each of us is willing to stand up to be counted as for the proposition that money spent for education is the very best investment that can be made in the future of America. At the time of the Joelson amendment we said an authorization bill amounted to a commitment, and that to fail to appropriate sufficiently meant we were reneging on a promise we had made and shattering an image we had created.

Mr. Chairman, the issue is even clearer today because when we acted in July we redeemed ourselves of the commitment. We provided funds for education. True, as of now, no appropriation bill has been enacted into law. We must have a continuing resolution because we are without an appropriation bill. But today if we become inconsistent and do a right-about-face on the Cohelan amendment which is the October edition of the Joelson amendment, then we do worse than renege. We raise doubts about the integrity of this body.

All we are talking about today is the same thing we were discussing the latter part of July, and that is the fact that there is nothing in the entire field of human endeavor more important than education when all is said and done, we are spending for the education of our youth, which is our most important resource.

If I may make reference once again to our President, when he was a candidate just a year ago he said:

> Jefferson knew that the destiny of America was inseparable from education—that in the fulfillment of the promise of this new nation education would be the key . . . Education, long the key to opportunity and fulfillment, is today also the key to survival.

According to today's edition of the morning paper published in Washington, those were the words Mr. Nixon used a year ago when he was a candidate. According to that same source, he went on to pledge that—

> My administration will be second to none in its concern for education.

I just cannot believe that those who quote the President that he will not spend the money if appropriated are right. I believe he will redeem the pledge that he made 1 year ago. Once again, let me repeat that this House should not react to what the President may do or not react to what the other body may do. We should be consistent, keep faith with what we did in July, and demonstrate the integrity of this body by passing the Cohelan amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. BURLISON).

Mr. BURLISON of Missouri. Mr. Chairman, I have heard the debate, all of it, and I have felt that there is one important point that has not been mentioned, and I arise at this time in order to raise that point. I do so by asking the rhetorical question of what would happen if the Cohelan amendment became law, and then the Senate failed to adopt the Joelson amendment?

I say that would produce utter chaos for the educators in this country.

I further want to say, Mr. Chairman, that I voted for the Joelson amendment to H.R. 13111. I am voting against the Cohelan amendment. I think my vote for the Joelson amendment was the more responsible one at that time, and that my vote against the Cohelan amendment is the more responsible one now.

The CHAIRMAN. The Chair recognizes the gentleman from Montana (Mr. MELCHER).

CONGRESS IS TARDY TO SCHOOL

Mr. MELCHER. Mr. Chairman, two groups are not impressed by Congress' orderly process when it results in slowness, delay, and dilly-dallying in getting bills processed and finally passed. One of those groups are the taxpayers when failure to act promptly and effectively ups the costs for local taxpayers. The other group that is not impressed is the schoolchildren and the schools. The school bells rang in late August and early September, and from that time right up until now, Congress has been marked "tardy."

Mr. Chairman, much of the "taxpayers revolt" which we know to be simmering and brewing in this Nation today is a consequence of rapidly increasing local property taxes.

Education, which is now largely dependent on local taxes, is almost always the first to be diminished and deprived when local taxes become excessive. This leads to the loss of elections to authorize essential bond issues and special levies for the schools.

When the Federal Government refuses to pay its share of education costs—and this is the cruel reality right now—the rising costs of education have to be made up at the local and State levels, or our children's education suffers accordingly.

In the State of Montana, the Federal Government paid $15.5 million of our educational costs last year. This year, it was proposed to cut even this inadequate Federal share by $3 million instead of increasing it at least enough to cover growth requirements to say nothing of putting it up to what the Federal partner ought to be paying.

It was proposed that the greatest tax collector of them all, Uncle Sam, cheat on his already inadequate disbursals to the schools for the children of the Nation.

I am proud of the fact that the House of Representatives voted to help more on the cost of education in all the States when it approved the Joelson amendment to the education bill. It is apparent the Senate will accept this, and possibly add even more. But we are continuing to let Uncle Sam cheat the schools by disbursing funds on the basis of a repudiated budget proposal.

We have the opportunity here today to make sure that the old 3-way partnership basis of educational support—Federal, State, and local—is quickly restored back toward its former basis and Uncle Sam again starts paying a somewhat fairer share.

The distress of high tax burdens—especially at the local levels which must make up whatever costs the other partners do not bear—can only be lessened and fairly distributed by spreading school costs equitably among all types of taxpayers and levels of government.

We have a long way to go to spread those costs equitably among all the partners, but approval of the amendment offered to the continuing resolution will at least start us in the right direction.

The CHAIRMAN. The Chair recognizes the gentlewoman from Oregon (Mrs. GREEN.)

Mrs. GREEN of Oregon. Mr. Chairman, the debate today has been based on the contention that what we do on the 30-day continuing resolution is going to affect the quality of education in every school in the United States for the entire year and for all the years to come. This just is not making sense. We cannot do in 30 days what needs to be done in education.

The question is the orderly procedure. Certainly a vote to support the committee is not a rejection of the appropriation bill level of spending with the Joelson amendment, because the Committee on Appropriations of the House will go to conference with the committee from the other body on appropriations, and if my observations are correct the Senate is going to appropriate a larger sum than the House has. They have always done so. So that the minimum that we would have on a continuing basis over 12 months, or over 2 years, the minimum would be the House figure.

So I am urging support of the committee.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Chairman, most of the talk this afternoon has been directed at trying to prove what nobody has denied, and that is that education needs money.

There has also been an attempt to assume that adopting the Cohelan amendment will get them that money, and that just simply is not so. For example, the Oakland school today does not get a check each week from the Federal Government for title I or any of these other programs; they may get two or three checks a year and the department is not going to make a final allocation based upon a continuing resolution.

Oakland will not receive an additional check just because we pass the Cohelan amendment. It simply does not work that way. They are not going to get 10 cents additional. Besides, the difference between the amount in the regular continuing resolution and the Cohelan amendment is less than 1 percent of the local district's school budget and could not be as meaningful as alleged to have it 30 days sooner.

We prefunded 90 percent of the money last year and the principal attention should now be on getting the Senate to enact the bill we passed last July so we will know how much we are going to go above the administration's budget request.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. JONAS).

Mr. JONAS. Mr. Chairman, neither school districts nor educational institutions are going to get any money under the Cohelan amendment. The only possible way that they will get any money over and above what they had last year is if the bill the House passed on July 31 is enacted into law.

The gentleman from California says that he has about 50 Members of the other body signed up to support the Cohelan approach.

Let me respectfully suggest to him that if they will turn their guns on their colleagues in the other body and get that body to act on the appropriation bill that has been sitting over there since the first of August—that would be the best way to get additional funds for education. We are just engaging in an exercise in futility if we adopt the Cohelan amendment to the committee action. This should be obvious when I remind you that the continuing resolution, whether it remains in its original form or is modified by the Cohelan amendment, will expire on November 30, 1969. It will not be effective after that date, whereas if all of you who support the Cohelan amendment, in this House and also in the other body, would spend your energy trying to persuade the other body to expedite action on the House-passed bill, much more could be accomplished for the cause of education.

Mr. PRICE of Texas. Mr. Chairman, I commend the gentleman from California (Mr. COHELAN) on his introduction of a joint resolution to fund the Office of Education at 1970 levels, and to make the funds available immediately. I, along with 265 other House Members cosponsored this resolution originally, and I urge the rest of my colleagues to support the proposal.

I believe, and I know that the other sponsors of this nonpartisan effort feel likewise, that the educational needs of our Nation cannot be deferred pending full congressional approval of the HEW appropriations bill for fiscal year 1970. As you will recall, in the latter part of last July, the House passed the HEW appropriations bill. Regrettably, the Senate has not completed action on the measure. As a consequence, the continuing appropriations resolution being considered today funds the Office of Education at 1969 levels, rather than at the higher level approved by the House last July.

In my view, the extra money called for the gentleman's amendment is desperately needed to enable our national educational system to keep pace with the social and technological changes in society. In school districts throughout the Nation, students do not partake of the increases in the accumulated knowledge of our times; neither do they benefit from technological advancements in the art of teaching.

Our Nation's young need the type of quality education that can enable them to successfully compete in a world that in this past year has witnessed Americans set foot on the moon, and heard reports of the activities of three Russian spacecraft locked together in orbit far above the earth. Our youth must also successfully compete in a world that will grow significantly smaller with the advent of the supersonic transport, for international air travel will become the reality for millions of people that it has been in the past for only a privileged few.

It is fundamental that the ability of our youth to succeed in today's fast-paced world depends, in substantial measure, on the quality of education they receive. Attainment of this quality can only be approached if students have access to well-stocked adequate library facilities, and can benefit from new technical teaching aids such as overhead slide projectors and other modern school equipment.

Books and equipment cost money, money that at the present time simply is not available for education purposes.

This is why the passage of this amendment is so vitally needed.

In perspective, Mr. Chairman, not only does the gentleman's amendment provide much needed funds for our educational system, it also affirms the sense of the Congress that the education of our young is truly one of our highest national priorities. In my opinion, this affirmation is one that Congress needs to make at this time.

Mr. MINSHALL. Mr. Chairman, I strongly favor the Cohelan amendment to assure our Nation's educators and schoolchildren that the pledge we made in July when we restored more than $1 billion in educational funds was not an empty gesture.

The Cohelan amendment would bring funds in the continuing resolution to that amount by adding $649 million.

Our school systems are on the edge of chaos because of the unprecedented delay by this Congress in approving appropriation bills. We have a commitment to the schools of this country which we must honor if they are to fulfill their academic obligations. If the amendment is not adopted vocational education and several other areas of education will grind to a halt.

The House must take the initiative in adding these badly needed funds to the resolution before us. Amply funded education programs are among the most urgent requirements in America today. We must not jeopardize them because of a legislative logjam on Capitol Hill. On July 29, 293 of us—and I was one who responded with an emphatic "aye"—voted for the Joelson amendment. Let us abide by that decision, let us reaffirm our determination to do all that we can to bring about a standard of excellence in our school systems, by supporting the Cohelan amendment today.

The CHAIRMAN. All time for debate on the amendment and all amendments thereto has expired.

The question is on the amendment offered by the gentleman from California (Mr. COHELAN).

Mr. COHELAN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. COHELAN and Mr. MAHON.

The Committee divided, and the tellers reported that there were—ayes 177, noes 124.

So the amendment was agreed to.

Mr. MINISH. Mr. Chairman, as a cosponsor of House Joint Resolution 924, I am pleased to note the passage of the Cohelan amendment to House Joint Resolution 966. Both my resolution and Mr. COHELAN's amendment provide that the U.S. Office of Education be permitted to spend during fiscal year 1970 at the level of the House-passed HEW appropriation bill.

In his budget for the current fiscal year, the President proposed a $400 million cut in education funds below last year's appropriation. Wisely, the House on July 31 increased education money by approximately $1 billion over the administration's paltry request. The Senate has yet to consider the House measure and is unlikely to act for a number of weeks. In the meantime, we are already almost 2 months into the current academic year and school systems and school children the country over are experiencing great difficulty in maintaining many worthwhile programs at adequate levels.

Among the important programs which will benefit if the spending level contained in the House-passed education bill prevails are library assistance, guidance and counseling services, vocational education, school equipment, higher education construction, NDEA student loan programs, and title I of the Elementary and Secondary Education Act. In my own State of New Jersey passage of the Cohelan amendment will result in an increase of almost $10 million in education funds over the committee resolution, and an increase of more than $25 million over the administration's request.

Mr. Chairman, the President has indicated his intention not to spend any education funds appropriated by Congress above his budget request. This disregard for the will of the Congress and the welfare of American children must not go unanswered. In order to meet our critical educational needs, it is essential that the progressive education stance of the House as expressed on July 31, and as reiterated today, be promptly confirmed by the Senate.

The Federal Government has committed itself to the development of excellence in education. Lack of leadership on the part of the present administration is no reason to abandon this vital commitment. The Congress must continue to assert itself in support of education.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) November 30, 1969, whichever first occurs.

Mr. BOW. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I may have the attention of the Members, I would like to explain what the motion to recommit will be. The motion to recommit is one which was in the committee, and was defeated by a tie vote. It will be to recommit with instructions to report the bill back to the House changing the date from "November 30, 1969" and inserting therefor "5 days subsequent to the sine die adjournment of the first session of the 91st Congress".

Mr. Chairman, we have gone through a long session here today, on this continuing resolution, with a great deal of debate and controversy, but everyone admits we will probably have to come back with another resolution if we make it November 30.

Under this amendment, whatever we vote out here today will continue until the sine die adjournment. The reason I have used the "5 days subsequent to sine die adjournment" is to give the President the opportunity to sign bills before this continuing resolution expires.

Mr. Chairman, we have had these continuing resolutions time and time again, and we have had to come in and debate them. I believe many of us will be saying Merry Christmas to each other here before we adjourn, and I would hope the committee would support this motion so we can take care of other necessary business. We have set aside some very important business today, and we have taken almost the whole day to debate this continuing resolution. If we make this a resolution to continue to sine die adjournment, it will not be necessary for us to come in and interrupt other important legislation. We ought to be working here day and night and Saturdays and finish this session of Congress. I just cannot see any reason why we should continue to have to bring in continuing resolutions when we know the one we are passing today will not be sufficient, and we will have to bring in another.

Mr. Chairman, I urge the House to adopt this motion to recommit, so the continuing resolution will go until 5 days subsequent to the sine die adjournment.

Mr. MAHON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I feel committed to oppose the change in the date for the expiration of the continuing resolution. I believe we ought to stay by the November 30 date. This would tend to give the House and the other body a continuous awareness of the necessity of moving as rapidly as possible, on the various authorization and appropriation bills. Congress has a very considerable backlog of necessary work to attend to.

Moreover, Mr. Chairman, the other body has not acted on this continuing resolution, and the other body may very well accept the continuing resolution as proposed by the Committee on Appropriations.

While there are few who appreciate the agony of a controversy on a continuing resolution on which continued operation of much of the Government depends, it is a healthy exercise, in that we discuss the status of the fiscal affairs of the Government and the necessity for dispatching the important business of the Government.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to my friend, the distinguished majority leader.

Mr. ALBERT. Mr. Chairman, I urge that the House not adopt the motion to recommit.

Here are my reasons: We have no assurance, if this matter goes to conference and comes back, that it will not come back without the Cohelan amendment stricken out but with a time limitation that will carry us on past adjournment.

What we want is to get, as soon as possible—what all of those of you who voted for the Cohelan amendment wanted—is implementation of the Joelson amendment, which is identical to the Cohelan amendment.

But if the other body were to insist or agree to go with the House on an extension beyond 30 days but at the same time refuse to go with the House on the Cohelan amendment, those Members who supported the Cohelan amendment would be defeating the very purposes of their action.

I trust that the motion to recommit will be defeated.

Mr. MAHON. Mr. Chairman, I hope that when the motion comes on recommital we will not change the date. I realize there are good arguments for tieing the expiration of the resolution to the sine die adjournment date, or 5 days thereafter. But this question of the amendment just adopted is not over. We do not know what the other body may do. The House has worked its will and shown its preference for the reenactment of the so-called Joelson amendment. For the time being, we have to abide with this position. It will be up to the other body to work its will as we have worked ours.

Mr. SISK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, without getting into the merits or demerits of the action the House has just taken, I believe we have had a demonstration this afternoon of the chaos we are gradually getting ourselves into under present procedures.

As chairman of the Legislative Reorganization Committee I merely wish to say that we hope to have for the Members a copy of our proposed legislation within the next few days. We are proposing some changes in connection with the fiscal year.

I recognize this is somewhat controversial, but we have already held the hearings in which we have heard from the Administration, the Bureau of the Budget, in which they have come out very strongly in support of a change to a calendar year.

I recognize that there are some Members of this House who have other ideas. I am merely taking a few months of time to invite any who have strong feelings on this matter to make those views known to our committee.

I know the distinguished gentleman from Texas (Mr. MAHON) will be appearing, I assume shortly, before our committee to express certain views.

I should like to say in fairness to the Appropriations Committee, the distinguished chairman, the gentleman from Texas (Mr. MAHON) and the distinguished ranking minority member, the gentleman from Ohio (Mr. BOW), and all members of that great committee, that inherent in what we are proposing is no criticism of the Appropriations Committee per se. We recognize in many instances the great problem has been that authorizations have simply not proceeded in line with the needs in order for the Appropriations Committee to know exactly what would be authorized.

I might say that the committee has under consideration some language changes in the rule which would set some deadline at some point at which legislative committees would have to have completed their work in connection with the authorizing legislation or automatically set into motion a procedure whereby the Appropriations Committee could proceed without being subject to a point of order to appropriate for ongoing programs.

These are all matters that I think are terribly necessary if we are going to improve the procedures which are so essential if we are to do our work. I simply felt that it was timely to call this to the House's attention because of the demonstration this afternoon of the difficulty which we run into primarily because of the procedures, which are geting worse and worse as time goes on.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, I generally concur in the idea of going to appropriations on a calendar year basis, but would it not be a little awkward in this field, I ask the gentleman from California, insofar as appropriations for school purposes are concerned, in that the schools generally start in September and go until June?

Mr. SISK. Let me say to my good friend from Missouri we recognize this cannot be done overnight. In fact, the proposal outlined by the Bureau of the Budget representing the administration position would call for about a 4-year period of changeover. Of course, we recognize a good many of the States today are on a fiscal year which is different from that of the Federal Government. In others there are some that are still on a calendar year basis. Of course, the point is that they would have to gear their operations and get them in line as far as Federal grants and Federal programs are concerned. For example, it was suggested that if the State goes on a fiscal year basis, the funds made available to the States on a variety of programs, education or otherwise, might be used within their fiscal year and would give them an additional 6 months leadtime. As I say, we are simply considering various approaches. As I said, my point at this moment is that we have seen a demonstration today where we need to do something in this area. Maybe this is not the answer, but our committee would welcome the advice of any Member on the subject.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I wish to congratulate the gentleman. We have seen time and time again over a good many years that it was difficult to get the authorizations and appropriations completed by the end of the fiscal year. In this particular example that we have here dealing with education, this is only one of a great many where the Government and the agencies that had to deal with these programs cannot plan specifically.

Mr. SISK. I thank the gentleman.

Mr. QUIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I heard the colloquy in opposition to the gentleman from Ohio's explanation of his motion to recommit. It is beyond me why anybody who supported the Cohelan amendment would be opposed to the motion to recommit. Since the Cohelan amendment carried on the teller vote, I guess that there is not any question but that it would carry on a record vote. That means we have put this behind us now and we might as well have the continuing resolution until after we adjourn. If the other body influences our conferees so they do not accept the Cohelan amendment or sometiing close to it, all we have to do is reject the conference report and they will go back again. I want to indicate my support of the motion to recommit as explained by the gentleman from Ohio. If the Cohelan amendment had not been adopted, I would have taken a different point of view, but now it is to our advantage to extend the continuing resolution till 5 days after adjournment.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from California.

Mr. COHELAN. I thank the gentleman for yielding.

Mr. Chairman, I would like to say to the Committee of the Whole House on the State of the Union that when this matter came up in the Appropriations Committee—the full committee—I voted to sustain the 30-day item contained in the bill. I think there have been some very good arguments advanced here this afternoon on both sides of the question, but I still hold to the idea that we should stick to the 30 day item, I believe on the basis of the arguments I advanced, that this will encourage the other body to act expeditiously.

Mr. QUIE. I can understand a member of the Appropriations Committee wanting to get along as best he can with the chairman of that committee.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. I, personally, am persuaded that the logic of your argument should prevail and that the sensible procedure that we should follow at this point is to vote for the motion to recommit with the instructions by the gentleman from Ohio, whom I am glad is sitting down because I would not want him to fall down otherwise. I am persuaded and before I talk myself out of it, I thank the gentleman for yielding.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

The Clerk will read.

The Clerk read as follows:

SEC. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apporionments set forth in subsection (d)(2) of section 3679 of the Revised Statutes, as amended, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds or to permit the use, including the expenditure, of appropriations, funds, or authority in any manner which would contravene the provisions of title IV of the Second Supplemental Appropriation Act, 1969.

SEC. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 106. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity which was not being conducted during the fiscal year 1969.

Sec. 107. Any appropriation for the fiscal year 1970 required to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, may be apportioned on a basis indicating the need (to the extent any such increases cannot be absorbed within available appropriations) for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of pay increases granted pursuant to law to civilian officers and employees and to active and retired military personnel. Each such appropriation shall otherwise be subject to the requirements of section 3679, Revised Statutes, as amended.

Sec. 108. This joint resolution shall take effect November 1, 1969.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise and report the joint resolution back to the House with an amendment, with the recommendation that the amendment be agreed to and that the joint resolution as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair (Mr. MILLS), Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 966) making further continuing appropriations for the fiscal year 1970, and for other purposes, had directed him to report the joint resolution back to the House with an amendment, with the recommendation that the amendment be agreed to and that the joint resolution as amended do pass.

Mr. MAHON. Mr. Speaker, I move the previous question on the joint resolution and the amendment thereto to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. KYL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. KYL. Mr. Speaker, I demand tellers.

Tellers were refused.

So the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BOW

Mr. BOW. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. BOW. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Bow moves to recommit H.J. Res. 966 to the Committee on Appropriations with instructions to report the same back to the House forthwith, with the following amendment: On page 5, line 16, strike out "November 30, 1969" and insert in lieu thereof "five days subsequent to the sine-die adjournment of the first session of the 91st Congress."

Mr. MAHON. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. Bow), there were—ayes 137, noes 116.

So the motion to recommit was agreed to.

Mr. MAHON. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report back the joint resolution (H.J. Res. 966) with an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 5, line 16, strike out "November 30, 1969" and insert in lieu thereof "five days subsequent to the sine-die adjournment of the first session of the 91st Congress".

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members of the House may have 5 legislative days in which to revise and extend their remarks in the body of the RECORD in connection with the consideration of the House Joint Resolution 966.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 13950) to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 13950, with Mr. STEED in the chair.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read through section 1, ending on page 1, line 4. If there are no amendments to that section, the Clerk will read.

The Clerk read as follows:

DECLARATION OF PURPOSE

Sec. 2. Congress declares that—

(a) the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner;

(b) the occupationally caused death, illness, or injury of a miner causes grief and suffering, and is a serious impediment to the future growth of this industry;

(c) there is an urgent need to provide more effective means and measures for improving the working conditions and practices in the Nation's coal mines in order to prevent death and serious physical harm, and in order to control the cause of occupational diseases originating in such mines;

(d) the existence of unsafe and unhealthful conditions and practices in such mines cannot be tolerated;

(e) the operators of such mines with the assistance of the miners have the primary responsibility to prevent the existence of such conditions and practices in such mines;

(f) the disruption of production and the loss of income to operators and miners as a result of a coal mine accident or occupationally caused disease unduly impedes and burdens commerce; and

(g) it is the purpose of this Act to provide for the establishment of mandatory health and safety standards and to require that the operators and the miners comply with such standards in carrying out their responsibilities.

DEFINITIONS

Sec. 3. For the purpose of this Act, the term—

(a) "Secretary" means the Secretary of the Interior;

(b) "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a place in a State and any place outside thereof, or within the District of Columbia or a possession of the United States, or between points in the same State but through a point outside thereof;

(c) "State" includes a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

(d) "operator" means any owner, lessee, or other person who operates, controls, or supervises a coal mine;

(e) "agent" means any person charged with responsibility for the operation of all or part of a coal mine or the supervision of the employees in a coal mine;

(f) "person" means any individual, partnership, association, corporation, firm, subsidiary of a corporation, or other organization;

(g) "miner" means any individual working in a coal mine;

(h) "coal mine" means an area of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed upon, under, or above the surface of such land by any person, used or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities;

(i) "work of preparing the coal" means the breaking, crushing, sizing, cleaning, washing, drying, mixing, storing, and loading of bituminous coal, lignite, or anthracite, and such other work of preparing such coal as is usually done by the operator of the coal mine;

(j) "imminent danger" means the existence of any condition or practice in a coal mine which could reasonably be expected to cause death or serious physical harm before such condition or practice can be abated;

(k) "accident" includes a mine explosion, mine ignition, mine fire, or mine inundation, or injury to, or death of any person;

(l) "inspection" means the period beginning when an authorized representative of the Secretary first enters a coal mine and ending when he leaves the coal mine during or after the coal-producing shift in which he entered; and

(m) "Board" means the Federal Coal Mine Health and Safety Board of Review established by this Act.

MINES SUBJECT TO ACT

Sec. 4. Each coal mine, the products of which enter commerce, or the operations or products of which affect commerce, shall be subject to this Act, and each operator of such mine and every person working in such mine shall comply with the provisions of this Act and the applicable regulations of the Secretary promulgated under this Act.

TITLE I—GENERAL

HEALTH AND SAFETY STANDARDS; REVIEW

Sec. 101. (a) The Secretary shall, in accordance with the procedures set forth in this section, develop, promulgate, and revise, as may be appropriate, mandatory safety standards for the protection of life and the prevention of injuries in a coal mine, and shall, in accordance with the procedures set forth in this section, promulgate the mandatory health standards transmitted to him by the Secretary of Health, Education, and Welfare. No mandatory health or safety standard promulgated under this title shall reduce the protection afforded miners below that afforded by the standards contained in titles II and III of this Act.

(b) In the development of such mandatory safety standards, the Secretary shall consult with the Board, other interested Federal agencies, representatives of States, appropriate representatives of the coal mine operators and miners, other interested persons and organizations, and such advisory committees as he may appoint. In addition to the attainment of the highest degree of safety protection for the miner, other considerations shall be the latest available scientific data in the field, the technical feasibility of the standards, and experience gained under this and other safety statutes.

(c) The Secretary of Health, Education, and Welfare shall, in accordance with the procedures set forth in this section, develop and revise, as may be appropriate, mandatory health standards for the protection of life and the prevention of occupational diseases of coal miners. Such development and revision shall be based upon research, demonstrations, experiments, and such other information as may be appropriate. In the development of mandatory health standards, the Secretary of Health, Education, and Welfare may consult with appropriate representatives of the operators and miners, other interested persons, the States, advisory committees, and, where appropriate, foreign countries. Mandatory health standards which the Secretary of Health, Education, and Welfare develops or revises shall be transmitted to the Secretary, and shall thereupon be published by the Secretary as proposed mandatory health standards.

(d) The Secretary shall publish proposed mandatory health and safety standards in the Federal Register and shall afford interested persons a period of not less than thirty days after publication to submit written data or comments. In the case of mandatory safety standards, except as provided in subsection (e) of this section, the Secretary may, upon the expiration of such period and after consideration of all relevant matter presented, promulgate such standards with such modifications as he may deem appropriate. In the case of mandatory health standards, except as provided in subsection (e) of this section, the Secretary of Health, Education, and Welfare may, upon the expiration of such period and after consideration of all relevant matter presented to the Secretary and transmitted to the Secretary of Health, Education, and Welfare, direct the Secretary to promulgate such standards with such modifications as the Secretary of Health, Education, and Welfare may deem appropriate and the Secretary shall thereupon promulgate such standards.

(e) On or before the last day of any period fixed for the submission of written data or comments under subsection (d) of this section, any interested person may file with the Secretary written objections to a proposed standard, stating the grounds therefore and requesting a public hearing by the Board on such objections. As soon as practicable after the period for filing such objections has expired, the Secretary shall publish in the Federal Register a notice specifying the proposed standards to which objections have been filed and a hearing requested, and shall refer such standards and objections to the Board for review in accordance with subsection (f) of this section.

(f) Promptly after any matter is referred to the Board by the Secretary under subsection (e) of this section, the Board shall issue notice of and hold a public hearing for the purpose of receiving relevant evidence. Within sixty days after completion of the hearing, the Board shall issue a report to the Secretary setting forth findings of fact on such matter and appropriate recommendations thereon and shall make such report public. Upon receipt of such report, in the case of mandatory safety standards, the Secretary may, upon consideration of the Board's findings of fact and recommendations, promulgate the mandatory safety standards with such modifications as he deems appropriate. Upon receipt of such report, in the case of mandatory health standards, the Secretary shall transmit such report to the Secretary of Health, Education, and Welfare who may, upon consideration of the Board's findings of fact and recommendations, direct the Secretary to promulgate the mandatory health standards with such modifications as the Secretary of Health, Education, and Welfare deems appropriate and the Secretary shall thereupon promulgate the mandatory health standards. In any instance in which either Secretary does not adopt the Board's recommendations, he shall publish his reasons therefor.

(g) Any mandatory standard promulgated under this section shall be effective upon publication in the Federal Register unless the Secretary specifies a later date.

(h) Proposed mandatory safety standards for surface coal mines shall be developed and published by the Secretary not later than twelve months after the enactment of this Act.

ADVISORY COMMITTEES

Sec. 102. (a) The Secretary may appoint one or more advisory committees to advise him in carrying out the provisions of this Act. The Secretary shall designate the chairman of each such committee.

(b) Advisory committee members, other than employees of Federal, State, or local governments, shall be, for each day (including travel time) during which they are performing committee business, entitled to receive compensation at rates fixed by the Secretary but not in excess of the maximum rate of pay for grade GS–18 as provided in the General Schedule under section 5332 of title 5 of the United States Code, and shall, notwithstanding the limitations of sections 5703 and 5704 of title 5 of the United States Code, be fully reimbursed for travel, subsistence, and related expenses.

INSPECTIONS AND INVESTIGATIONS

Sec. 103. (a) Authorized representatives of the Secretary shall make frequent inspections and investigations in coal mines each year for the purposes of (1) obtaining, utilizing, and disseminating information relating to health and safety conditions, the causes of accidents, and the causes of diseases and physical impairments originating in such mines, (2) gathering information with respect to health and safety standards, (3) determining whether an imminent danger exists in a coal mine, and (4) determining whether or not there is compliance with the mandatory health and safety standards or with any notice or order issued under this tile. In carrying out the requirements of clauses (3) and (4) of this subsection, no advance notice of an inspection shall be provided the operator of a mine. In carrying out the requirements of clauses (3) and (4) of this subsection in each underground coal mine, such representatives shall make inspections of the entire mine at least four times a year.

(b) (1) For the purpose of making any inspection or investigation under this Act, the Secretary or any authorized representative of the Secretary shall have a right of entry to, upon, or through any coal mine.

(2) The provisions of this Act relating to inspections, investigations, and records shall be available to the Secretary of Health, Education, and Welfare to enable him to carry out his functions and responsibilities under this Act.

(c) For the purpose of carrying out his responsibilities under this Act, including the enforcement thereof, the Secretary may by agreement utilize with or without reimbursement the services, personnel, and facilities of any Federal agency.

(d) For the purpose of making any investigation of any accident or other occurrence relating to health or safety in a coal mine, the Secretary may, after notice, hold public hearings, and may sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this section, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(e) In the event of any accident occurring in a coal mine, the operator shall notify the Secretary thereof and shall take appropriate measures to prevent, to the greatest extent possible, the destruction of any evidence which would assist in investigating the cause or causes thereof. In the event of any accident occurring in a coal mine where rescue and recovery work is necessary, the Secretary or an authorized representative of the Secretary shall take whatever action he deems appropriate to protect the life of any person, and he may, if he deems it appropriate, supervise and direct the rescue and recovery activity in such mine.

(f) In the event of any accident occurring in a coal mine, an authorized representative of the Secretary, when present, may issue such orders as he deems appropriate to insure the safety of any person in the coal mine, and the operator of such mine shall obtain the approval of such representative, in consultation with appropriate State representatives, when feasible, of any plan to recover any person in the mine or to recover the mine or to return affected areas of the mine to normal.

(g) If a miner or an authorized representative, if any, of the miners believes that a violation of a mandatory health or safety standard exists, or an imminent danger exists, in a mine, he may notify the Secretary or his authorized representative of such violation or danger. Upon receipt of such notification the Secretary or his authorized representative may make a special investigation to determine if such violation or danger exists.

(h) At the commencement of any inspection of a coal mine by an authorized representative of the Secretary, the authorized representative, if any, of the miners at the mine at the time of such inspection shall be given an opportunity to accompany the authorized representative of the Secretary on such inspection.

FINDINGS, NOTICES, AND ORDERS

SEC. 104. (a) If, upon any inspection of a coal mine, an authorized representative of the Secretary finds that an imminent danger exists, such representative shall determine the area throughout which such danger exists, and thereupon shall issue forthwith an order requiring the operator of the mine or his agent to cause immediately all persons, except those referred to in subsection (d) of this section, to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that such imminent danger no longer exists.

(b) If, upon any inspection of a coal mine, an authorized representative of the Secretary finds that there has been a violation of any mandatory health or safety standard but the violation has not created an imminent danger, he shall issue a notice fixing a reasonable time for the abatement of the violation. If, upon the expiration of the period of time as originally fixed or subsequently extended, an authorized representative of the Secretary finds that the violation has not been totally abated, and if he also finds that the period of time should not be further extended, he shall find the extent of the area affected by the violation and shall promptly issue an order requiring the operator of such mine or his agent to cause immediately all persons, except those referred to in subsection (d) of this section, to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that the violation has been abated.

(c)(1) If, upon the inspection of a coal mine, an authorized representative of the Secretary finds that any mandatory health or safety standard is being violated, and if he also finds that, while the conditions created by such violation do not cause imminent danger, such violation is of such nature as could significantly and substantially constribute to the cause or effect of a mine accident, and if he finds such violation to be caused by an unwarrantable failure of such operator to comply with such mandatory health and safety standards, he shall include such finding in the notice given to the operator under subsection (b) of this section. Within ninety days of the time such notice was given to such operator, the Secretary shall cause such mine to be reinspected to determine if any similar such violation exists in such mine. Such reinspection shall be in addition to any special inspection required under subsection (b) of this section, or section 105. If, during any special inspection relating to such violation or during such reinspection, a representative of the Secretary finds such similar violation does exist, and if he finds such violation to be caused by an unwarrantable failure of such operator to comply with the provisions of the mandatory health or safety standards, he shall forthwith issue an order requiring the operator to cause all persons in the area affected by such violation, except those persons referred to in subsection (d) of this section, to be withdrawn from, and to be debarred from entering, such area until an authorized representative of the Secretary determines that such violation has been abated.

(2) If a withdrawal order with respect to any area in a mine has been issued pursuant to paragraph (1) of this subsection, thereafter a withdrawal order shall promptly be issued by a duly authorized representative of the Secretary who finds upon any following inspection the existence in such mine of violations similar to those that resulted in the issuance of the withdrawal order under paragraph (1) of this subsection until such time as an inspection of such mine discloses no similar violations. Following an inspection of such mine which discloses no similar violations, the provisions of paragraph (1) of this subsection shall again be applicable to that mine.

(d) The following persons shall not be required to be withdrawn from, or prohibited from entering, any area of the coal mine subject to an order issued under this section;

(1) any person whose presence in such area is necessary, in the judgment of the operator, to eliminate the condition described in the order;

(2) any public official whose official duties require him to enter such area;

(3) any representative of the employees of such mine who is, in the judgment of the operator, qualified to make coal mine examinations or who is accompanied by such a person and whose presence in such area is necessary for the investigation of the conditions described in the order; and

(4) any consultant to any of the foregoing.

(e) Notices and orders issued pursuant to this section shall contain a detailed description of the conditions or practices which cause and constitute an imminent danger or a violation of any mandatory health or safety standard and, where appropriate, a description of the area of the coal mine from which persons must be withdrawn and prohibited from entering.

(f) Each notice or order issued under this section shall be given promptly to the operator of the coal mine or his agent by an authorized representative of the Secretary issuing such notice or order, and all such notices and orders shall be in writing and shall be signed by such representative.

(g) A notice or order issued pursuant to this section may be modified or terminated by an authorized representative of the Secretary.

(h)(1) If, upon any inspection of a coal mine, an authorized representative of the Secretary finds (A) that conditions exist therein which have not yet resulted in an imminent danger, (B) that such conditions cannot be effectively abated through the use of existing technology, and (C) that reasonable assurance cannot be provided that the continuance of mining operations under such conditions will not result in an imminent danger, he shall determine the area throughout which such conditions exist, and thereupon issue a notice to the operator of the mine or his agent of such conditions, and shall file a copy thereof, incorporating his findings therein, with the Secretary and with the representative of the miners of such mine, if any. Upon receipt of such copy, the Secretary shall cause such further investigation to be made as he deems appropriate, including an opportunity for the operator or a representative of the miners, if any, to present information relating to such notice.

(2) Upon the conclusion of such investigation and an opportunity for a hearing upon request by any interested party, the Secretary shall make findings of fact, and shall require that either the notice issued under this subsection be canceled, or that an order be issued by such authorized representative of the Secretary requiring the operator to cause all persons in the area affected, except those persons referred to in subsection (d) of this section, to be withdrawn from, and be prohibited from entering, such area until the Secretary, after a hearing affording all interested persons an opportunity to present their views, determines that such conditions have been abated.

(i) If, based upon samples taken and analyzed and recorded pursuant to section 202 (a) of this Act, the applicable health standard established under section 202(b) of this Act is exceeded and thereby violated, the Secretary or his authorized representative shall find a reasonable period of time within which to take corrective action to reduce the average concentration of respirable dust to the miners in the area of the mine in which such standard was exceeded, and shall issue a notice fixing a reasonable time for the abatement of the violation. During such time, the operator of such mine shall cause samples described in section 202 (a) of this Act to be taken of the affected area during each production shift. If, upon the expiration of the period of time as originally fixed or subsequently extended, the Secretary or his authorized representative finds, based upon such samples or upon an inspection, that the violation has not been totally abated, he shall issue a new notice of violation if he finds that such period of time should be further extended. If he finds that such period of time should not be further extended, he shall find the extent of the area affected by the violation and shall promptly issue an order requiring the operator of such mine or his agent to cause immediately all persons, except those referred to in subsection (d) of this section, to be withdrawn from, and to be prohibited from entering, such area until the Secretary or his authorized representative determines through such test procedures conducted in such area as he may require, including production and sampling, that the violation has been abated.

REVIEW BY THE SECRETARY

SEC. 105. (a) An operator notified of an order issued pursuant to section 104 of this title, or any representative of miners in any mine affected by such order or any modification or termination of such order pursuant to section 104(g), may apply to the Secretary for review of the order within thirty days of receipt thereof or within thirty days of its modification or termination. The operator shall send a copy of such application to the representative, if any, of persons working in the affected mine. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a hearing, at the request of the applicant or a representative of persons working in such mine, to enable the applicant and the representatives of persons working in such mine to present information relating to the issuance and continuance of such order.

(b) Upon receiving the report of such investigation, the Secretary shall make findings of fact, and (1), in the case of an order issued under subsection (a) of section 104 of this title, he shall find whether or not the imminent danger as set out in the order existed at the time of issuance of the order and whether or not the imminent danger existed at the time of the investigation, and (2), in the case of an order issued under subsection (b), (c), or (i) of section 104 of this title, he shall find whether or not there was a violation of any mandatory health or safety standard as described in the order and whether or not such violation had been abated at the time of such investigation, and upon making such findings he shall issue a written decision vacating, affirming, modifying, or terminating the order complained of and incorporate his findings therein.

(c) In view of the urgent need for prompt decision of matters submitted to the Secretary under this section, all actions which the Secretary takes under this section shall be taken as promptly as practicable, consistent with the adequate consideration of the issues involved.

(d) Pending completion of the investigation required by this section, the applicant may file with the Secretary a written request that the Secretary grant temporary relief from any other issued under section 104 of this title, together with a detailed statement giving reasons for granting such relief. The Secretary may issue a decision granting such relief, under such conditions as he may prescribe, only after a hearing in which all parties are given an opportunity to be heard.

FEDERAL COAL MINE HEALTH AND SAFETY BOARD OF REVIEW

SEC. 106. (a) The Federal Coal Mine Health and Safety Board of Review is hereby established. For the purpose of carrying out its functions under sections 107 and 111 of this title, the Board shall be composed of five members, hereafter referred to as "regular members", who shall be appointed by the President, by and with the advice and consent ofthe Senate.

(b) For the sole purpose of carrying out the review functions set forth in section 101, and for carrying out the provisions of sections 401 and 412 of this Act and matters related thereto, there shall be included on the Board three additional members, hereafter referred to as "additional members", appointed by the President by and with the advice and consent of the Senate, at least one of whom shall have a public health background and the others of whom shall have a background, either by reason of previous training, education, or experience, in coal-mining technology. All additional members shall not have had any interest in, or connections with, the coal-mining industry for at least one year prior to their appointment.

(c) The terms of office of all members of the Board shall be five years, except that (1) the members of the Federal Coal Mine Safety Board of Review established under the Federal Coal Mine Safety Act, as amended, who are in office on the effective date of this Act, shall be regular members of the Board established by this title and their terms shall expire on the dates originally fixed for their expiration, and (2) a vacancy caused by the death, resignation, or removal of such a member prior to the expiration of the term for which he was appointed shall be filled only for the remainder of such unexpired term. A member of the Board may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(d) Members of the Board shall be, for each day (including traveltime) during which they are engaged in the business of the Board, entitled to receive compensation at the maximum rate of pay for grade GS-18 as provided in the General Schedule under section 5332 of title 5 of the United States Code, and shall, notwithstanding the limitations of section 5703 and 5704 of title 5 of the United States Code, be fully reimbursed for travel, subsistence, and related expenses.

(e) The regular members of the Board shall consist of one person who by reason of previous training and experience may reasonably be said to represent the viewpoint of operators employing fourteen or fewer employees, one person who by reason of previous training and experience may reasonably be said to represent the viewpoint of operators employing fifteen or more employees, one person who by reason of previous training and experience may reasonably be said to represent the viewpoint of miners in mines employing fourteen or fewer employees, one person who by reason of previous training and experience may reasonably be said to represent the viewpoint of miners in mines employing fifteen or more employees, and one person drawn from the public generally, who shall be Chairman of the Board. The Chairman shall not, within five years from his appointment as a member of the Board, have had a pecuniary interest in, or have been regularly employed or engaged in, the mining of coal, or have regularly represented either coal mine operators or coal mine workers, or have been an officer or employee of the Department of the Interior. Similarly, while he is Chairman of the Board, he shall not have a pecuniary interest in, or be employed or engaged in, the mining of coal, or represent either coal mine operators or coal mine workers, or be an officer or employee of the Department of the Interior.

(f) The principal office of the Board shall be in the District of Columbia. Whenever the Board deems that the convenience of the public or of the parties may be promoted, or delay or expense may be minimized, it may hold hearings or conduct other proceedings at any other place. At the request of the operator of a mine involved in a hearing or proceeding before the Board, or of a representative of miners employed in such a mine, the Board may hold such hearings or conduct such proceedings on an application filed under section 107 of this title at the county seat of the county in which such mine is located or at any place mutually agreed to by the Chairman of the Board and such operator or representative. The Board shall have an official seal which shall be judicially noticed and which shall be preserved in the custody of the Secretary of the Board.

(g) The Board shall, without regard to the civil service laws, appoint and prescribe the duties of the Secretary of the Board and such legal counsel as it deems necessary. Subject to the civil service laws, the Board shall appoint such other employees as it deems necessary in exercising its powers and duties. The compensation of all employees appointed by the Board shall be fixed in accordance with chapter 53 of title 5, United States Code.

(h) For the purpose of carrying out its functions under sections 107 and 111 of this title, official action can be taken only on the affirmative vote of at least three regular members, except that, in any official action involving mines in which no more than fourteen individuals are regularly employed underground, the participation of the small mine operators' representative and small mine workers' representative shall be required, and in any official action involving mines in which more than fourteen individuals are regularly employed underground the participation of the large mine operators' representative and large mine workers' representative shall be required; but a special panel composed of one or more regular members, upon order of the Board, shall conduct any hearing provided for in sections 107 and 111 of this title and submit the transcript of such hearing to the entire Board for its action thereon. Such transcript shall be made available to the parties prior to any final action of the Board. An opportunity to appear before the Board or such panel shall be afforded the parties prior to any final action and the Board may afford the parties an opportunity to submit additional evidence as may be required for a full and true disclosure of the facts.

(i) Every official act of the Board shall be entered of record, and its hearings and records thereof shall be open to the public. The Board shall not make or cause to be made any inspection of a coal mine for the purpose of determining any pending application.

(j) The Board is authorized to make such rules as are necessary for the orderly transaction of its proceedings, which shall provide for adequate notice of hearings to all parties. The existing rules of the Federal Coal Mine Safety Board of Review shall constitute the rules of the Board until superseded or modified by the Board. For purposes of carrying out its functions under sections 107 and 111 of this title, three regular members of the Board shall constitute a quorum, and for carrying out its other functions, five members of the Board shall constitute a quorum.

(k) Any member of the Board may sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(l) The Board may order testimony to be taken by deposition in any proceeding pending before it at any stage of such proceeding. Reasonable notice must first be given in writing by the party or his attorney of record, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce books, papers or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Board, as provided in subsection (k) of this section. Witnesses whose depositions are taken under this subsection, and the persons taking such depositions, shall be entitled to the same fees as are paid for like services in the courts of the United States.

(m) In the case of contumacy by, or refusal to obey a subpena served upon, any person under this subsection, the Federal district court for any district in which such person is found or resides or transacts business, upon application by the United States, and after notice to such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Board or to appear and produce domuments before the Board, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

REVIEW BY BOARD

SEC. 107. (a) Within thirty days after receipt of an order made pursuant to subsection (a), (b), (c), (h), or (i) of section 104, an operator may apply to the Board for annulment or revision of such order without seeking its annulment or revision under section 105 of this title. Within thirty days after the receipt of a decision made by the Secretary pursuant to section 105 of this title, an operator may apply to the Board for a review of the decision.

(b) The operator shall be designated as the applicant in such proceeding, and the application filed by him shall recite the order or decision complained of and other facts sufficent to advise the Board and the Secretary of the nature of the proceeding. The Secretary shall be the respondent in such proceeding, and the applicant shall send a copy of such application by registered or certified mail to the respondent and to the representative, if any, of the persons working in the affected mine. Immediately upon the filing of such an application, the Board shall fix the time for a prompt hearing thereof. The Board shall permit any interested person to intervene in such proceedings.

(c)(1) If the application is made to the Board directly from an order issued under section 104 of this title, the Board shall not be bound by any previous findings of fact by any representative of the Secretary, the burden of proof shall be upon the respondent, and evidence relating to the making of the order complained of and other pertinent matters may be offered by the parties to the proceeding.

(2) If the application is made to the Board from a decision issued under section 105 of this title, the record and the decision of the Secretary shall be received in evidence and the findings of the Secretary included in the decision shall constitute a prima facie case for the issuance of the decision complained of and the burden of rebutting such prima facie case shall be upon the applicant, but either party may adduce additional evidence.

(d) Upon conclusion of the hearing, the Board shall find, with respect to the order or decision, whether or not the alleged imminent danger, violation of a mandatory health or safety standard, or the condition described in section 104(h)(1) existed at the time of issuance of such order and whether or not such danger or such violation existed at the time of filing the application, and shall issue a written decision incorporating such finding therein and affirming, vacating, modifying, or terminating the order or decision issued under section 104 or 105 of this title.

(e) Each decision made by the Board shall show the date on which it is made, and shall bear the signatures of the members of the Board who concur therein. Upon issuance of a decision under this section, the Board shall cause a true copy thereof to be sent by registered or certified mail to all parties and their attorneys of record. The Board shall cause each decision to be entered on its official record, together with any written opinion prepared by any members in support of, or dissenting from, any such decision.

(f) Pending the hearing required by this section for review of an order or decision issued under section 104 or 105 of this title, the applicant before the Board may file with the Board a written request that the Board grant temporary relief from the order or decision, together with a detailed statement giving reasons for granting such relief. The Board may issue a decision granting such relief, under such conditions as it may prescribe, only after a hearing in which all parties are given an opportunity to be heard.

(g) In view of the urgent need for prompt decision of matters submitted to the Board under this section, all actions which the Board takes under this section shall be taken as promptly as practicable, consistent with adequate consideration of the issues involved.

JUDICIAL REVIEW

SEC. 108. (a) Any decision issued by the Board under section 107 of this title shall be subject to judicial review by the United States court of appeals for the circuit in which the affected mine is located, upon the filing in such court within thirty days from the date of such decision of a petition by the Secretary or by the operator aggrieved by the decision praying that the action of the Board be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the other party and to the Board, and thereupon the Board shall certify and file in such court the record upon which the decision complained of was issued, as provided in section 2112, title 28, United States Code.

(b) The court shall hear such appeal on the record made before the Board. The findings of the Board, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or modify any decision or may remand the proceedings to the Board for such further action as it directs.

(c) Upon such conditions as may be required and to the extent necessary to prevent irreparable injury, the court may, after due notice to, and hearing of, the parties to the appeal, issue all necessary and appropriate process grant such other relief as may be appropriate pending final determination of the appeal.

(d) The judgment of the court shall be subject only to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(e) The commencement of a proceeding under this section shall not, unless specifically ordered by the court, operate as a stay of the Board's decision.

POSTING OF NOTICES AND ORDERS

SEC. 109 (a) At each coal mine there shall be maintained an office with a conspicuous sign designating it as the office of the mine and a bulletin board at such office or at some conspicuous place near an entrance of the mine, in such manner that notices required by law or regulation to be posted on the mine bulletin board may be posted thereon, be easily visible to all persons desiring to read them, and be protected against damage by weather and against unauthorized removal. A copy of any notice or order required by this title to be given to an operator shall be delivered to the office of the affected mine, and a copy shall be immediately posted on the bulletin board of such mine by the operator or his agent.

(b) The Secretary shall cause a copy of any notice or order required by this title to be given to an operator to be mailed immediately to a duly designated representative of persons working in the affected mine, and to the public official or agency of the State charged with administering State laws, if any, relating to health or safety in such mine. Such notice or order shall be available for public inspection.

(c) In order to insure prompt compliance with any notice or order issued under section 104 of this title, the authorized representative of the Secretary may deliver such notice or order to an agent of the operator and such agent shall immediately take appropriate measures to insure compliance with such notice or order.

(d) Each operator of a coal mine shall file with the Secretary the name and address of such mine and the name and address of the person who controls or operates the mine. Any revisions in such names or addresses shall be promptly filed with the Secretary. Each operator of a coal mine shall designate a responsible official at such mine as the principal officer in charge of health and safety at such mine and such official shall receive a copy of any notice, order, or decision issued under this Act affecting such mine. In any case, where the coal mine is subject to the control of any person not directly involved in the daily operations of the coal mine, there shall be filed with the Secretary the name and address of such person and the name and address of a principal official of such person who shall have overall responsibility for the conduct of an effective health and safety program at any coal mine subject to the control of such person and such official shall receive a copy of any notice, order, or decision issued affecting any such mine. The mere designation of a health or safety official under this subsection shall not be construed as making such official subject to any penalty under this Act.

INJUNCTIONS

SEC. 110. The Secretary may request the Attorney General to institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order, in the district court of the United States for the district in which a coal mine is located or in which the operator of such mine has his principal office, whenever such operator or his agent (a) violates or fails or refuses to comply with any order issued under section 104 of this title or decision issued under this title, or (b) interferes with, hinders, or delays the Secretary or his authorized representative in carrying out the provisions of this Act, or (c) refuses to admit such representative to the mine, or (d) refuses to permit the inspection of the mine, or an accident, injury, or occupational disease occurring in, or connected with, such mine, or (e) refuses to furnish any information or report requested by the Secretary, or (f) refuses to permit access to, and copying of, records. Each court shall have jurisdiction to provide such relief as may be appropriate: *Provided,* That no temporary restraining order shall be issued without notice unless the petition therefor alleges that substantial and irreparable injury to the miners in such mine will be unavoidable and such temporary restraining order shall be effective for no longer than seven days and will become void at the expiration of such period: *Provided further,* That any order issued under this section to enforce an order issued under section 104, unless set aside or modified prior thereto by the district court granting such injunctive relief, shall not be in effect after the completion or final termination of all proceedings for review of such order as provided in this title if such is determined on such review that such order was invalid.

PENALTIES

SEC. 111. (a) The operator of a coal mine in which a violation occurs of a mandatory health or safety standard or who violates any provision of this Act shall by order be assessed a civil penalty by the Secretary which penalty shall not be more than $10,000 for each such violation. Each occurrence of a violation of a mandatory health or safety standard may constitute a separate offense. In determining the amount of the penalty, the Secretary shall consider the operator's history of previous violations, the appropriateness of such penalty to the size of the business of the operator charged, the effect on the operator's ability to continue in business, the gravity of the violation, and the demonstrated good faith of the operator charged in attempting to achieve rapid compliance after notification of a violation. No penalty shall be assessed under this subsection pending the final termination, expiration, or completion of all proceedings, administrative or judicial, for review of an order or decision under this title.

(b) Upon written request made by an operator within thirty days after receipt of an order assessing a penalty under this section, the Board shall afford such operator an opportunity for a hearing and, in accordance with the request determine by decision whether or not a violation did occur or whether the amount of the penalty is warranted or should be compromised.

(c) Upon any failure of an operator to pay a penalty assessed under this section, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found or resides or transacts business to collect the penalty, and such court shall have jurisdiction to hear and decide any such action.

(d) Whoever knowingly violates or fails or refuses to comply with any order issued under section 104(a) of this title or any final decision on any other order issued under this title shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both, except that if the conviction is for a violation committed after the first conviction of such person, punishment shall be by a fine of not more than $20,000 or by imprisonment of not more than one year, or by both.

(e) Whenever a corporate operator violates a mandatory health or safety standard of this Act, or violates any provision of this Act, any director, officer, or agent of such corporation who authorized, ordered, or carried out such violation shall be subject to the provisions of subsection (a). Whenever a corporate operator knowingly violates or fails or refuses to comply with any order issued under section 104(a) of this title or any final decision or any other order issued under this title, any director, officer, or agent of such corporation who authorized, ordered, or carried out such violation, failure, or refusal shall be subject to the provisions of subsection (d).

(f) Whoever knowingly makes any false statements or representations in any application, records, reports, plans, or other documents filed or required to be maintained in accordance with this Act or any mandatory health or safety standard of this Act or any order issued under this Act shall upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or both.

ENTITLEMENT OF MINERS

SEC. 112. (a) If a mine or portion of a mine is closed by an order issued under section 104, all miners working during the shift when such order was issued who are idled by such order shall be entitled to full compensation by the operator at their regular rates of pay for the period they are idled, but for not more than the balance of such shift. If such order is not terminated prior to the next working shift, all miners on that shift who are idled by such order shall be entitled to full compensation by the operator at their regular rates of pay for the period they are idled, but for not more than four hours of such shift. Whenever an operator violates or fails or refuses to comply with an order issued under section 104, all miners employed at the affected mine who would be withdrawn or prevented from entering such mine or portion thereof as a result of such order shall be entitled to full compensation by the operator at their regular rates of pay, in addition to pay received for work performed after such order was issued, for the period beginning when such order was issued and ending when such order is complied with, vacated, or terminated.

(b) (1) Compensation shall be paid under this subsection in respect of total disability of an individual from complicated pneumoconiosis which arose out of or in the course of his employment in a coal mine, and in respect of the death of any individual who, at the time of his death, was suffering from complicated pneumoconiosis which so arose. For purposes of this subsection, if an individual who is suffering or suffered from complicated pneumoconiosis was employed for ten years or more in a coal mine there shall be a rebuttable presumption that his complicated pneumoconiosis arose out of or in the course of such employment, but this sentence shall not be deemed to affect the applicability of the first sentence of this paragraph in the case of claims under this subsection on account of death or total disability of an individual when such individual has not worked for as much as ten years in a coal mine. For purposes of this subsection, any individual who suffers from complicated pneumoconiosis shall be deemed to be totally disabled.

(2) (A) Subject to the provisions of subparagraph (B), compensation shall be paid under this subsection as follows:

(i) In the case of total disability, the disabled individual shall be paid compensation during the disability at a rate equal to 50 per centum of the minimum monthly payment to which a Federal employee in grade GS-2, who is totally disabled is entitled at the time of payment under the provisions of Federal law relating to Federal employees' compensation (section 8112, title 5, United States Code).

(ii) In the case of death, compensation shall be paid to the widow at the rate the deceased individual would receive such compensation if he were totally disabled.

(iii) In the case of an individual entitled to compensation under clause (i) or (ii) of this subparagraph who has one or more dependents, his compensation shall be increased at the rate of 50 per centum of the compensation to which he is so entitled under clause (i) or (ii) of this subparagraph if such individual has one dependent, 75 per centum if such individual has two dependents, and 100 per centum if such individual has three dependents.

(B) Notwithstanding subparagraph (A), compensation under this paragraph shall be reduced by an amount equal to any payment which the payee receives under the workmen's compensation, unemployment compensation, or disability insurance laws of his State, and the amount by which such payment would be reduced on account of excess earnings under section 203 (b) through (l) of the Social Security Act if the amount paid were a benefit payable under section 202 of such Act.

(3) (A) The Secretary of Labor shall enter into agreements with the Governors of the States under which the State will receive and adjudicate claims under this subsection from any resident of the State and under which compensation will be paid as provided by this subsection from grants made to pay compensation under this subsection. Such Governor shall implement the agreement in such manner as he shall determine will best effectuate the provisions of this subsection. The Governor shall make such reports to the Secretary of Labor, subject to such verification, as may be necessary to assure that Federal grants under this subsection are used for their intended purpose.

(B) The Secretary of Labor shall make grants under this subsection to States with which he has an agreement under subparagraph (A) in the amount necessary to enable them to pay the compensation required by this subsection.

(4) If the Secretary of Labor is unable to enter into an agreement under paragraph (3), or if the Governor of the State requests him to do so, he shall make payments of compensation directly to residents of such State as required by this subsection. The administrative provisions for carrying out the Federal employees' compensation programs which are contained in sections 8121, 8122(b), and 8123 through 8135, title 5, United States Code, shall apply with respect to claims under this paragraph.

(5) No claim under this subsection shall be considered unless it is filed (1) within one year after the date an employed miner received the results of his first chest roentgenogram provided under section 203 of this Act, or, if he did not receive such a chest roentgenogram, the date he was first afforded an opportunity to do so under such section, or (2) in the case of any other claimant, within three years from the date of enactment of this Act, or, in the case of a claimant who is a widow, within one year after the death of her husband or within three years from the date of enactment of this Act, whichever is the later. Payment of compensation under this subsection shall commence with the date the claim is filed.

(6) No compensation shall be paid under this subsection to the residents of any State which, after the date of enactment of this Act, reduces the benefits payable to persons eligible to receive compensation under this subsection, under its State laws which are applicable to its general work force with regard to workmen's compensation, unemployment compensation, or disability insurance.

(7) For purposes of this subsection—

(A) The term "coal mine" includes only underground coal mines.

(B) The term "complicated pneumoconiosis" means an advanced stage of a chronic coal dust disease of the lung which (i) when diagnosed by chest roentgenogram, yields one or more large opacities (greater than one centimeter in diameter) and would be classified in category A, B, or C in the International Classification of Radiographs of the Pneumoconioses by the International Labor Organization, (ii) when diagnosed by biopsy or autopsy, yields massive lesions in the lung, (iii) when diagnosis is made by other means, would be a condition which could reasonably be expected to yield results described in clause (i) or (ii) if diagnosis had been made in a manner described in clause (i) or (ii).

(C) The term "dependent" means a wife or child who is a dependent as that term is defined for purposes of section 8110, title 5, United States Code.

(D) The term "widow" means the wife living with or dependent for support on the decedent at the time of his death, or living apart for reasonable cause or because of his desertion, who has not remarried.

REPORTS

SEC. 113. (a) All accidents, including unintentional roof falls (except in any abandoned panels or in areas which are inaccessible or unsafe for inspections), shall be investigated by the operator or his agent to determine the cause and the means of preventing a recurrence. Records of such accidents, roof falls, and investigations shall be kept and the information shall be made available to the Secretary or his authorized representative and the appropriate State agency. Such records shall be open for inspection by interested persons. Such records shall include man-hours worked and shall be reported for periods determined by the Secretary, but at least annually.

(b) Every operator of a coal mine and his agent shall (1) establish and maintain, in addition to such records as are specifically required by this Act, such records, and (2) make such reports and provide such information, as the Secretary may reasonably require from time to time to enable him to perform his functions under this Act. The Secretary is authorized to compile, analyze, and publish, either in summary or detailed form, such reports or information so obtained. Except to the extent otherwise specifically provided by this Act, all records information, reports, findings, notices, orders, or decisions required or issued pursuant to or under this Act may be published from time to time and released to any interested person, and shall be made available for public inspection.

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the RECORD, and open to amendment at any point. That is to line 12, page 44.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

AMENDMENTS OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. PERKINS: On page 5, strike out lines 5 and 6, and insert the following:

"(m) 'Panel' means the Interim Compliance Panel established by this Act."

On page 5, after line 13, insert the following:

"INTERIM COMPLIANCE PANEL

"SEC. 5. (a) There is hereby established the Interim Compliance Panel, which shall be composed of five members as follows:

"(1) Assistant Secretary of Labor for Labor Standards, Department of Labor, or his delegate;

"(2) Director of the Bureau of Standards, Department of Commerce, or his delegate;

"(3) Administrator of Consumer Protection and Environmental Health Service, Department of Health, Education, and Welfare, or his delegate;

"(4) Director of the Bureau of Mines, Department of the Interior, or his delegate; and

"(5) Director of the National Science Foundation, or his delegate.

"(b) Members of the Panel shall serve without compensation in addition to that received in their regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of duties vested in the Panel.

"(c) Notwithstanding any other provision of law, the Secretary of Health, Education, and Welfare, Secretary of Commerce, the Secretary of Labor, and the Secretary of the Interior shall, upon request of the Panel, provide the Panel such personnel and other assistance as the Panel determines necessary to enable it to carry out its functions under this Act.

"(d) Three members of the Panel shall constitute a quorum for doing business. All decisions of the Panel shall be by majority vote. The chairman of the Panel shall be selected by the members from among the membership thereof.

"(e) The Panel is authorized to appoint as many hearing examiners as are necessary for proceedings required to be conducted in accordance with the provisions of this Act. The provisions applicable to hearing examiners appointed under section 3105 of title 5 of the United States Code shall be applicable to hearing examiners appointed pursuant to this subsection.

"(f)(1) It shall be the function of the Panel to carry out the duties imposed on it pursuant to sections 202 and 305 of this Act and to provide an opportunity for a hearing, after notice, at the request of an operator of the affected mine or the representative of the miners of such mine. Any operator or representative of miners aggrieved by a final decision of the Panel under this subsection may file a petition for review of such decision under section 106 of this Act. The provisions of this section shall terminate upon completion of the Panel's functions as set forth under sections 202 and 305 of this Act. Any hearing held pursuant to this subsection shall be of record and the Panel shall make findings of fact and shall issue a written decision incorporating its findings therein in accordance with section 554 of title 5 of the United States Code.

"(2) The Panel shall make an annual report, in writing, to the Secretary for transmittal by him to the Congress concerning the achievement of its purposes, and any other relevant information (including any recommendations) which it deems appropriate."

On page 6, line 4, strike "the Board, other".

On page 8, line 3, strike "by the Board".

On page 8, line 7, change the comma to a period and strike out all thereafter through the period on line 9.

On page 8, line 10, strike all through page 9, line 6, and substitute the following:

"(f) Promptly after any such notice is published in the Federal Register by the Secretary under subsection (e) of this section, the Secretary, in the case of mandatory safety standards, or the Secretary of Health, Education, and Welfare, in the case of mandatory health standards, shall issue notice of, and hold a public hearing for the purpose of receiving relevant evidence. Within sixty days after completion of the hearings, the Secretary who held the hearing shall make findings of fact which shall be public. In the case of mandatory safety standards, the Secretary may promulgate such standards with such modifications as he deems appropriate. In the case of mandatory health standards, the Secretary of Health, Education, and Welfare may direct the Secretary to promulgate the mandatory health standards with such modifications as the Secretary of Health, Education, and Welfare deems appropriate and the Secretary shall thereupon promulgate the mandatory health standards. In the event the Secretary or the Secretary of Health, Education, and Welfare determines that a proposed mandatory standard should not be promulgated or should be modified, he shall within a reasonable time publish his reasons for his determination."

On page 19, line 20, insert "(1)" after "(a)".

On page 20, after line 10, insert the following:

"(2) The operator and the representative of the miners shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code."

Beginning with line 15 on page 21, strike out everything down through line 24 on page 27.

And remember the sections which follow accordingly.

Beginning with line 1 on page 28, strike out everything down through line 19 on page 30.

And remember the sections which follow accordingly.

Beginning with page 30, line 21, strike all through page 31, line 14, and substitute the following:

"Sec. 108. (a) Any decision issued by the Panel under section 5 or the Secretary under section 105 of this Act shall be subject to judicial review by the United States court of appeals for the circuit in which the affected mine is located, upon the filing in such court within thirty days from the date of such decision of a petition by the operator or a representative of the miners aggrieved by the decision praying that the decision be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the other party and to the Secretary or the Panel as appropriate, and thereupon the Secretary or the Panel, as appropriate, shall certify and file in such court the record upon which the decision complained of was issued, as provided in section 2112, title 28, United States Code.

"(b) The Court shall hear such petition on the record made before the Secretary or the Panel, as appropriate. The findings of the Secretary or the Panel, as appropriate, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or modify any such decision or may remand the proceedings to the Secretary or the Panel, as appropriate, for such further action as it may direct."

On page 31, line 18, after "appeal" insert the following: "from a decision of the Secretary or the Panel, as appropriate, except a decision from an order issued under section 104(a) of this title,".

On page 32, line 2, strike out "Board's" and insert "Secretary's or Panel's".

On page 36, line 3, strike out "Board" and insert "Secretary".

On page 44, line 25, strike out "sections 105, 107, and 108 of".

On page 46, in lines 13 and 16, strike out "Secretary" and insert "Panel".

On page 47, in lines 5 and 8, strike out "Secretary" and insert "Panel".

On page 48, in lines 10 and 14, strike out "Board" and insert "Secretary of Health, Education, and Welfare".

On page 49, line 9, strike out ", the Board,".

On page 51, lines 22 and 23, strike "sections 105, 107, and 108 of".

On page 72, line 15, strike out "Secretary" and insert "Panel".

On page 72, lines 16 and 19, strike out "he" and insert "it".

On page 73, lines 8, 11, and 23, strike out "Secretary" and insert "Panel".

On page 73, lines 10 and 13, strike out "he" and insert "it".

On page 106, line 5, strike all through line 7, and substitute the following:

"Sec. 401. (a) The Secretary and the Secretary of Health, Education, and Welfare, as appropriate, shall conduct such studies, research, experiments, and demonstrations as may be appropriate."

On page 108, strike out lines 2, 3, 4, and 5 and insert the following: "tion (a), the Secretary shall distribute funds available to him under this section as equally as practicable between himself and the Secretary of Health, Education, and Welfare. Activities under this sec-".

On page 108, beginning in line 13, strike out "Such Secretaries shall consult and cooperate with the Board on specific projects and programs."

On page 108, line 24, strike out "Board" and insert "Secretary".

On page 109, in line 1, strike out "Board" and insert "Secretary", and strike out "it" and insert "him".

On page 109, line 2, after "sufficient" insert "for the Secretary of Health, Education, and Welfare".

On page 109, line 4, strike out "it" and insert "he".

On page 109, line 5, strike out "it" and insert "he".

On page 109, in line 7, strike out "Board" and insert "Secretary", and strike out "it" and insert "him".

On page 109, line 11, strike out "Board" and insert "Secretary".

On page 109, line 16, strike out "Board" and insert "Secretary".

On page 109, line 18, strike out "it" and insert "him and the Secretary of Health, Education, and Welfare".

On Page 109, line 20, strike out "Board" and insert "Secretary", and strike out "it" and insert "him and the Secretary of Health, Education, and Welfare".

On page 109, line 22, strike out "Board" and insert "Secretary".

On page 114, line 22, strike out "The" and insert "Except as otherwise provided in this Act, the".

On page 117, line 8, strike out "Board" and insert "Secretary".

On page 117, line 15, strike out "Board" and insert "Secretary".

On page 117, line 16, strike "its" and insert "his".

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendments be dispensed with, that they be considered as read and printed in the Record, and that the amendments be considered en bloc, they are conforming amendments that run into other titles of the bill.

Mr. HALL. Mr. Chairman, I will be constrained to object to that unless there is some explanation about what at least the first amendment is and at least the constitution of the panel as read by the Clerk.

Mr. PERKINS. Mr. Chairman, I withdraw my unanimous-consent request. Let the Clerk read the amendments.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the amendments.

Mr. ERLENBORN (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendments be dispensed with and that the amendments be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. HALL. Mr. Chairman, reserving the right to object, I have had the chance now to see this particular amendment and I understand that it has been previously agreed to.

However, Mr. Chairman, I want to state that this damages the representative process when in this body we do as we did last week and have six amendments that are considered read and printed in the Record and accepted and passed without time for the individual Member to know the substance and with utterly no discussion.

In this case I believe it is all right, but I should like to serve notice that we cannot legislate and provide evidence of the House working its will under such tactics, so in the future I shall object unless there is either an explanation or the amendment is read.

Mr. Chairman, I withdraw my reservation.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. KYL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Sixty-eight Members are present, not a quorum. The Clerk will call the roll.

Mr. PERKINS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. STEED, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 13950) to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes, had come to no resolution thereon.

PERMISSION FOR COMMITTEE ON THE JUDICIARY OR ANY SUBCOMMITTEE THEREOF TO SIT DURING GENERAL DEBATE TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary or any subcommittee thereof, may sit during general debate tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, and I do not intend to object, it is my understanding that this has been cleared with the ranking minority member and that two subcommittees will be considering legislation involving bail reform on the one hand and the judgeship bill on the other hand.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

A VIETNAM WIDOW WRITES ABOUT THE MORATORIUM

(Mr. RIVERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RIVERS. Mr. Speaker, I think the Members of this House will be interested to know how one Vietnam war widow feels about the so-called "Day of Moratorium" which was conducted on October 15 and the "March of the Dead" on November 13 and 14. I am, therefore, including as part of my remarks a letter I received from Mrs. David P. Gibson. The letter speaks for itself and requires no further comment from me.

I sincerely urge all Members of the House to read this noble woman's letter:

LAMBERTVILLE, MICH.,
October 10, 1969.

HON. L. MENDEL RIVERS,
Washington, D.C.

DEAR MR. RIVERS: I am writing to ask a favor. I understand that in the forthcoming anti-war October 15th "Day of Moratorium" and the November 13th–14th "March of the Dead" (to be held in Washington) that "these people," these pacifiers, these malcontents, these groups, and, yes, even some members of our Congress are going to carry on placards, are going to publicize, are going to have read into the Congressional Record the names of our soldiers killed in Vietnam. They are going to use these precious names to justify and support their position on Vietnam which ranges from rightful conscientious objection, to pacifism, to cowardice, to Communism, to treason, and even to support the Hanoi regime.

Well, I know an Infantryman who fought and died in Vietnam; he didn't fight because he was a warmonger or a hired assassin; he was fighting, and, yes, killing for the South Vietnamese people—he was fighting to protect them. He was killed a little over two years ago—and our soldiers are still desperately needed there. Only last week AP had a news photo of a Vietnamese family having to evacuate an area because our Marines were pulling out. No, the South Vietnamese are not yet ready to handle the war—maybe to really make them strong we might just have to win it for them.

This infantryman (one of the 40,000+ Vietnam war casualties), myself (his widow), and his six children feel a great love and sorrow for the families of South Vietnam. How could we leave the South Vietnamese people—if we would, *that* would be the tragedy of the Vietnam war.

I feel it is a terrible injustice to my husband and the cause he fought for (as a soldier, as an American, as a gentleman) that "these people" will carry his name, publicize his name, and have it read into the Congressional Record for purposes so contradictory to what he sincerely felt himself.

If there is a way that his name can be rescinded from "their" lists, I would appreciate your kind assistance. If not, may I say thank you for your magnanimous support of the United States soldier, his dependents, and his survivors.

With great admiration and kindest regards,

Sincerely,

MRS. DAVID P. GIBSON.
CATHERINE (8 years).
DAVID II (7 years).
ELIZABETH (7 years).
JOHN (6 years).
PETER (4 years).
JENNIFER (2 years).

On behalf of Capt. David P. Gibson. U.S. Infantry, April 8, 1967, An Lao, South Vietnam.

Read that letter. You may want to think about it.

RELEASE OF A "SUPPRESSED" REPORT

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, one of the real difficulties which advocates of stronger coal mine health and safety protection always confront is that the monopoly of facts is in the hands of a small, select group of people. In a colloquy yesterday, I pointed out that the Bureau of Mines down through the years has been production oriented in its approach to coal mine health and safety, rather than employee oriented. All of us—every Member of this body—is concerned with coal mine safety. Yet our effectiveness is limited by the monopoly on facts. I believe these facts should be made available.

This is why I was very concerned that a study recently completed by the Bureau of Mines on how to reduce the amount of coal dust at the face of a mine was being kept from congressional and public view. I think it is unconscionable while legislation to limit coal dust is being debated that factual information should be withheld. Accordingly, I sent a telegram to the President late yesterday afternoon respectfully requesting that the Bureau of Mines study be released for consideration by this House when it debates the coal mine health and safety bill. I am gratified to report that I received a telephone call from Bryce Harlow's office indicating the report would indeed be released.

What this report demonstrates is that by the use of high-speed power exhaust fans at the face of a coal mine, it is indeed possible to reduce sharply and dramatically the amount of coal dust. I believe this report proves that if anything the coal dust standards and goals, and the timetable for achieving them, is very modest. So I hope there will be no tears shed over technological possibility or economic feasibility and we get our eye back on the main ball of how to protect the health and safety of the individual worker as a top priority. Finally, I trust that we have no more cases of suppressing information needed directly by Congress in making its legislative decisions.

The report follows:

THE EFFECT OF VENTILATION ON RESPIRABLE COAL MINE DUST

Recent experiments by the Bureau of Mines have indicated that increasing the ventilation rate and controlling the air flow pattern across the face would result in lower concentrations of respirable dust. This concept was also in accordance with the theory of small dust particle behavior and air motion.

To demonstrate the effectiveness of control ventilation, high pressure axial flow fans have been used in three mines, the Pittsburgh, Sewickley, and Pocohontas Seams. By maintaining air velocities between 70 and 100 feet per minute across the coal face, it was demonstrated that significant reductions in the concentration of respirable dust could be attained. In the mine in the Pittsburgh Seam, the average dust concentration was reduced from 5.72 to 2.56 mg/m^3 or a reduction of 65 percent. In the Sewickley Seam the mine had existing dust control procedures somewhat better than that normally encountered in coal mines. Here it was possible to reduce the dust concentration from 3.0 to 0.66 mg/m^3 or a reduction of 78 percent. In the latter case, however, there had been some reduction in production between the baseline experiment and the control experiment. However, when a correction for production deficiencies is made, the dust concentration would still be less than 1 mg/m^3.

In the Pocohontas Seam a dramatic reduction was not attained. This particular seam is very friable and dust control is known to be a difficult task. Additionally, the incoming air was badly contaminated. However, under these adverse circumstances, it was possible to reduce the average dust concentration from 5.6 mg/m^3 to 3.5 mg/m^3.

Further studies are being planned and executed in other coal mines and the Bureau of Mines is purchasing an additional axial flow fan for experimental purposes.

Based on these limited studies, it would appear that it should be possible after further experience in mines using controlled ventilation, to reduce the respirable dust concentration to a value of 3 mg/m^3 and, in time, in certain mines to an even lower value. These calculations were based on the production rate of the mines. In the case of the Pittsburgh Seam experiment, production was approximately 500 tons per shift. In the other two seams, the production rate was approximately 200 tons per shift. It has not been possible as yet to study the effect of increased production on dust concentrations while maintaining the desired air flow across the face.

It is evident that before the results summarized herein can be generally applied, it will be necessary to develop equipment not now available to the industry, permit industry time to set up production facilities to manufacture this equipment, and to assure its distribution throughout the industry. More important, time is required to develop skills on the part of operators of mining machines and similar equipment which they do not now possess. We have found that one of the most sensitive factors in attaining low dust levels is the skill and attitude of the machine operator. In short, the best known technology is not a match for a poorly operated machine.

AMERICAN WOMEN MADE HOSTAGE

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, last week the Communist Premier of North Vietnam sent a telegram to his "Dear American Friends" wishing them success in their fall offensive against the American people.

Today we learn from one of his "dear American friends," New York attorney William Kuntzler, that the wives, mothers, and relatives of prisoners of war must deal through known Communists and subversives here at home as intermediaries with the enemy to even learn whether or not their men are held captive in North Vietnam.

The wives, mothers, and relatives of those missing men have already been told by the Communist negotiators in Paris that they must compromise their loyalty by participating in demonstrations in order to be given any consideration.

It is preposterous to believe that the American people are going to sit back in silence and tolerate the women of our fighting men placed in so cruel a dilemma. In order to aid the men to whom they are devoted, these desperate women would be compelled to ransom them by becoming unwilling tools of enemy propaganda.

Not only are our men held by Hanoi as hostages, but because we have shamefully abandoned them there, we also find their wives and mothers made hostage to Hanoi's Fifth Column in our own country.

When treason prospers traitors become heroes.

How long, America, how long?

I ask that my speech include local news releases and the Washington Report prepared by the American Security Council which identifies, by name, known Communists and other subversives aiding Hanoi in the United States.

[From the Washington Post, Oct. 28, 1969]

Hanoi Said To Promise POW Data

(By A. D. Horne)

North Vietnam has promised to give an American antiwar group the names of all U.S. prisoners it holds, the chief defense counsel at the Chicago riot conspiracy trial announced yesterday.

Attorney William M. Kunstler of New York said the New Mobilization Committee to End the War in Vietnam would begin to receive the names and "possibly other pertinent information" about the prisoners as soon as it had set up an office and staff to pass them on to the prisoners' relatives.

Kunstler, who flew to Paris over the weekend for a meeting with a North Vietnamese delegate to the peace talks, said at a Chicago news conference that he also was promised "a regular flow of mail" from the prisoners.

This mail, Kunstler said in a telephone interview, would be routed to addresses by the Mobilization office. The handling of relatives' mail to the prisoners was not discussed in his 2-hour meeting with Xuan Oanh, he said.

Oanh, a middle-rank member of the Hanoi delegation, has handled many of its public contacts, including meetings this fall with more than 20 wives of U.S. prisoners. The wives were seeking word on whether their husbands were alive.

Kunstler said the North Vietnamese were insistent that anyone who did not want to get prisoners' names and other information publicly could get it privately.

The attorney said the Mobilization Committee would meet next week in Chicago to decide on the staffing and location of the new office, and that one of its leaders would then go to Paris "to start the flow" of information.

All names will be provided, Kunstler said Canh told him, "but maybe not at once."

David T. Dellinger, one of the Chicago defendants, said details of the new operation would be announced at a peace rally here on Nov. 15. Oanh had asked to see Dellinger and co-defendant Rennie Davis, but U.S. District Judge Julius J. Hoffman denied both men permission to leave the country and Kunstler went instead.

Dellinger called the North Vietnamese promise "a major friendly act," "a peace feeler" and "an attempt . . . to establish better relations with Washington."

The State Department reserved comment. Earlier in the day, the Defense Department had issued a statement calling it "indefensible" for North Vietnam to delay release of the prisoners' names.

The Pentagon lists 413 identified prisoners in North Vietnam; 918 others are carried as missing in Southeast Asia. About half the missing men are estimated to be prisoners in North Vietnam, making a total of 800 to 900 held there.

Both the State and Defense Departments repeatedly have urged Hanoi to make public a full list of men held, and to comply with the 1949 Geneva conventions to permit free flow of mail and inspections of prison camps by the International Committee of the Red Cross.

U.S. officials estimate that over the past five years letters have been received from only 110 of the prisoners, at a rate of two or three per year from those 110.

North Vietnamese spokesmen have denied any restrictions on the mail flow. However, Kunstler said the prisoners had been allowed to write only "on certain specified holidays," and that Oanh had promised a "much more regular flow of mail."

Kunstler said the information to be given the Mobilization might cover the prisoners' health.

U.S. officials noted that Oanh also had promised the prisoners' wives information about their husbands, but that no family had reported receiving any.

In Paris, where Ambassador Henry Cabot Lodge has raised the prisoner issue at several sessions of the peace talks, the U.S. delegation has been told that wives can write the North Vietnamese delegation for information.

The officials suggested that this new promise, made through the U.S. peace movement, was evidence that Hanoi was "feeling the heat" on the prisoner issue. But they indicated the administration would welcome any information on the prisoners, and would make no move to interfere.

Sen. ———, meanwhile said Congress should make clear to Hanoi that continued mistreatment of American prisoners can only produce "a stiffened U.S. attitude toward possible negotiations or withdrawals" from Vietnam. He urged Congress to endorse an International Red Cross resolution calling on all nations to abide by the Geneva Convention on the treatment of prisoners of war.

[From the Washington Report, Oct. 21, 1969]

Mobilization for Surrender

(By William K. Lambie, Jr., administrative director)

As protests against the war in Vietnam rise across the country, Americans should become aware of the origins of these protests.

During the late Spring of 1969, a group of approximately 30 radical leaders of anti-war organizations issued a Call to a National Anti-War Conference to be held in Cleveland, Ohio, July 4–5, 1969. The Call was initiated for the most part by individuals associated with the National Mobilization Committee to End the War in Vietnam (MOBE), an organization which has functioned as a coalition for numerous anti-war groups operating throughout the country. Included among those persons who endorsed the Conference Call were such MOBE leaders as David Dellinger, Robert Greenblatt, Donald Kalish, Sidney Lens, Sidney Peck and Maxwell Primack.

Functioning as the lineal descendant of A. J. Muste's November 8 Mobilization Committee for Peace in Vietnam, MOBE has a three-year history involving violence and civil disobedience. MOBE sponsored the October 21–22, 1967 demonstrations in Washington, D.C., during which time repeated attempts were made to close down the Pentagon. It also jointly planned and executed the disruption of the 1968 Democratic Party National Convention held in Chicago, and sponsored the demonstrations in the Nation's Capital on January 18–20, 1969 in protest over the inauguration of President Nixon.

In a determined effort to revive and strengthen agitational protest activities against U.S. military involvement in Vietnam, MOBE-oriented initiators of the Cleveland Conference believed that a more extensive formation of MOBE was required in order to establish an effective anti-war program. According to the published Call, the purpose of the Conference was to "broaden and unify the anti-war forces in this country and to plan co-ordinated national anti-war actions for the fall." The Conference was hosted by a MOBE-affiliated organization called the Cleveland Area Peace Action Council (CAPAC), a coordinating body of several dozen anti-war groups in Cleveland, in cooperation with the University Circle Teach-In Committee at Case Western Reserve University. The meetings were held during the entire two-day period at the University's Strosacker Auditorium. Publicity for the Conference was arranged by several organizations including the Student Mobilization Committee to End the War in Vietnam, a group dominated by the Trotskyist Socialist Workers Party.

The Conference was attended by approximately 900 persons, many of whom were delegates from anti-war groups comprising individuals identified in sworn testimony as Communists, well-known Communist sympathizers and radical pacifists in their leadership. Among the more notorious organizations represented at the Conference, in addition to MOBE and CAPAC, were the Communist Party, U.S.A., W.E.B. DuBois Clubs of America, National Lawyers Guild, Chicago Peace Council, Southern California Peace Action Council, Veterans for Peace in Vietnam, Socialist Workers Party, Young Socialist Alliance, Student Mobilization Committee to End the war in Vietnam, Youth Against War and Fascism, Fifth Avenue Vietnam Peace Parade Committee, Women's Strike for Peace, and the Students for a Democratic Society. There were also in attendance persons representing so-called "GI underground newspapers" which are devoted to disseminating anti-war propaganda and to discrediting the U.S. Armed Forces.

A Steering Committee of about 20 to 30 members formed the ruling clique at the Conference. In effect, the Steering Committee was a self-appointed group composed mostly of Communists and radical pacifists with pro-Communist leanings who have participated in MOBE action projects in varying degrees. Members of the Steering Committee with Communist backgrounds included the following: Arnold Johnson, Public Relations Director and legislative representative of the Communist Party, U.S.A. (CPUSA); Irving Sarnoff, who has served as a member of the District Council, Southern California CPUSA; Sidney M. Peck, a former State Committeeman, Wisconsin CPUSA; Dorothy Hayes of the Chicago Branch, Women's International League For Peace and Freedom, who has been identified in sworn testimony in 1965 as a Communist Party member; Sidney Lens (Sidney Okun), leader of the now defunct Revolutionary Workers League; and Fred Halstead, 1968 presidential candidate of the Socialist Workers Party. Moreover, Steering Committee member David Dellinger, MOBE Chairman, declared in a May 1963 speech: "I am a commnuist, but I am not the Soviet-type communist."

The first day of activity was mainly devoted to speeches by MOBE officials and representatives of various groups. Among those who participated in the deliberations on July 4, 1969, were Jerry Gordon, Chairman, Cleveland Area Peace Action Council; Sidney Peck, MOBE Co-Chairman; Irving Sarnoff, Dellinger, LeRoy Wolins, leader of the Chicago branch, Veterans for Peace in Vietnam; Stewart Meacham, Peace Secretary, American Friends Service Committee; Mark W. Rudd, National Secretary, Students for a Democratic Society (SDS); Bill Ayers, SDS Education Secretary; Arnold Johnson, of the CPUSA; Jack Spiegel, once a Communist Party candidate for Congress in Illinois; David Hawk, Co-Coordinator, Vietnam Moratorium Committee; Douglas Dowd, New University Conference; and several persons representing Trotskyist organizations. In addition to Peck, Sarnoff, and Johnson, Wolins and Spiegel have been identified as members of the Communist Party.

There were a number of other individuals attending the Conference, in addition to those previously identified, who have been closely linked with activities of the Communist Party, U.S.A. or its front apparatuses. Some of these persons were Phil Bart, newly appointed Chairman, Ohio CPUSA; Jay Schaffner, W.E.B. DuBois Clubs of America; Charles Wilson of Chicago; Ishmael Flory, Afro-American Heritage Association; Gene Tournour, National Secretary, W.E.B. DuBois Clubs of America; and Sylvia Kushner, leader of the Chicago Peace Council.

The Conference was well represented by a number of functionaries of the Socialist Workers Party (SWP) and its youth arm, Young Socialist Alliance (YSA). It is noteworthy that the Conference itself was marked by periods of dissension. At the outset of the Conference, it became apparent that the majority of those in attendance were affiliated with numerous anti-war groups operating under the domination of the Trotskyist SWP or YSA.

There were two principal issues at the Conference which were vigorously debated with respect to the nature of Fall anti-war demonstrations. First, the SWP essentially held that a Fall anti-war action should comprise only a massive, legal as well as peaceful march on Washington, with the sole demand of immediate withdrawal of the U.S. Armed Forces from Vietnam. This proposal brought about a split in the Steering Committee; however, it was defeated. David Dellinger and Douglas Dowd presented the majority proposal which called for the Steering Committee's support of a "Washington action" project together with the endorsement of the scheduled "Chicago action" originally planned by SDS for September 27, 1969. Interestingly, the SDS project extended the "Washington action" demand beyond troop withdrawals and advocated civil disobedience as a necessary part of the demonstrations.

Secondly, the other main source of disagreement which occurred at the Conference involved a proposal by SDS National Secretary Mark Rudd to plan the Fall anti-war actions to center around the Marxist-Leninist theme of an "anti-imperialist struggle." The SDS proposal was disapproved by the majority of the delegates who took the position that the Fall demonstrations should concern only the issue of the Vietnam War.

During part of the second and final day of the Conference, the delegates and observers attended workshop sessions which were devoted to the following topics in connection with proposed demonstration tactics: "November Washington Action," "September Chicago Action," "September Washington Action," "August 17 Summer White House Action," "October 15th Vietnam Moratorium," "GI's and Vets," and "Third World."

The plenary session reconvened during the afternoon of July 5, 1969 at which time the Steering Committee introduced a "majority-minority" resolution for approval. The Communist-oriented Guardian of July 12, 1969 stated that the resolution was "vague" and gave "support" to "all factions and covered up all political differences. The resolution said next to nothing about the Chicago demonstration except that negotiations would be held. The unity resolution was accepted with little discussion." The Conference resolution agreed to endorse or assist in organizing a series of anti-Vietnam war action projects commencing during the month of August and terminating with the November 15, 1969 demonstration in Washington, D.C.

The Conference resolution specifically adopted the following actions:

(1) Support a mass march on President Nixon's Summer White House at San Clemente, California on August 17, 1969.

(2) Endorse an enlarged "reading of the war dead" demonstration in Washington, D.C. in early September 1969.

(3) Support plans of the Vietnam Moratorium Committee for a "moratorium on campuses" on October 15, 1969.

(4) Support the September 27, 1969 demonstration in Chicago sponsored by SDS in opposition to the Vietnam War and to protest the trial of "The Conspiracy" scheduled to commence on that day.

(5) Support a "broad mass legal" demonstration around the White House in Washington, D.C. on November 15, 1969 which will include a march and rally in other areas of the city. An associated demonstration will be planned for the same date on the West Coast.

The Conference agreed to form a bicameral organization to effectively launch the Chicago and Washington actions. Two Co-Chairmen and two project directors were designated to be responsible for the Chicago demonstration slated for September 27, 1969. They were: Sidney Lens and Douglas Dowd, Co-Chairmen; and Renard (Rennie) C. Davis and Sylvia Kushner, Project Directors. With respect to the Washington action scheduled for November 15, 1969, the Conference selected Sidney Peck and Stewart Meacham to administer that project: Fay Knopp and Abe Bloom were to be Project Directors. In an effort to develop both the Chicago and Washington actions in a related manner, David Dellinger was selected by the Cleveland Conference to be a liaison coordinator between both proposed demonstrations.

The Conference claimed that it selected a "new, broadly-based" National Steering Committee of approximately 30 individuals to "implement the program of action." Prior to the adjourning, the Steering Committee adopted a new name for the organization which was to be responsible for planning and directing the Fall demonstrations. It was designated the New Mobilization Committee To End the War in Vietnam. However, in actuality, the MOBE-oriented Steering Committee composed of key MOBE officials, simply decided to drop the name National Mobilization Committee and substitute a new but similar title. Therefore, the New MOBE succeeded the "old" National MOBE with the leadership of the latter remaining virtually intact. The New MOBE has characterized itself as a "new anti-war coalition" which will "carry forward the work of the old National Mobilization Committee" to "affect the inclusion of a wider social base among GI's, high school students, labor, clergy and third world communities." It simply added overt support from the Communist Party and Socialist Workers Party to create a "united front" approach.

Since the staging of the National Anti-War Conference in Cleveland in July 1969, New MOBE has increased the size of its Steering Committee. It has also instituted a number of organizational changes in planning for the Fall demonstrations. One such change brought about the withdrawal of New MOBE support for the SDS-sponsored Chicago action which was re-scheduled from September 27 to October 11, 1969. New MOBE re-scheduled its Chicago action to October 25, 1969. The reason for this change was the fact that New MOBE leadership felt apprehension over the SDS project which they deemed foolhardy and destined for a collision course with the Chicago Police Department. In effect, New MOBE viewed that its participation in such an "adventurous" project of outright confrontation would be detrimental to both New MOBE and the entire anti-war movement at this time.

An evaluation of the Conference by the Socialist Workers Party provided a revealing insight into the effectiveness of the Conference from a Communist viewpoint. The SWP declared: "The attendance at the conference, the serious political debate, the program mapped out and the spirited note on which the sessions ended offer every promise that the anti-war movement is on the road to one of the biggest things this country has ever seen."

The distinguished Senators and Congressmen, TV commentators, newsmen, columnists, professors and others who have described the Vietnam Moratorium as "responsible dissent" have, in fact, lent Moratorium whatever "responsibility" it has. In most cases, they have acted from the laudable desire for peace but without first checking the facts. They have failed to ask the key question, "What kind of peace?"

North Vietnam's Prime Minister, Pham Van Dong, has no illusions. He knew precisely what he was saying when he addressed his letter in support of the Moratorium to his "Dear American Friends."

STUDENT MOBILIZATION COMMITTEE TO END THE WAR IN VIETNAM

(Mr. ICHORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ICHORD. Mr. Speaker, one of the most active organizations in behalf of the fall offensive which included the Vietnam moratorium, the November marches and strikes, and other demonstrations and disruptions which are planned has been the Student Mobilization Committee—SMC. SMC is the student counterpart of the New Mobilization Committee Against the War in Vietnam—MOBE. The New Mobilization Committee has substantially the same membership as the old mobilization committee which was headed by Dellinger, Hayden, and Davis. As would be expected, SMC is represented on the steering committee of MOBE in at least two instances. And it has apparently begun to fill the political vacuum on college and high school campuses this year left by the factional breakup of the Students for a Democratic Society.

An article entitled "Student Group Backs All War Protests" which appeared on page A-8 of the "Washington Post" of October 21, 1969, contained comments of SMC Executive Secretary Carol Lipman who estimated that more than 1,500 SMC chapters have already been established on campuses in all 50 States. According to this article, Lynn Glixon, SMC regional organizer, stated that SMC chapters are active on most of the major college campuses and at 45 high schools and junior high schools in the Washington, D.C. area. She further stated that organization has begun even in elementary schools and specifically mentioned that a SMC chapter is in the process of being formed at the Ben W. Church Elementary School in the District of Columbia.

The SMC has called for a "national student strike" on November 14, 1969, to "show there is massive student solidarity against the war." This action is planned as a buildup to a major antiwar demonstration planned for November 15, 1969, in Washington, D.C. Local colleges, universities, and high schools are being subjected to organizing campaigns and some school administrators have even provided time and space for meetings. These campaigns are centered on "freedom of speech and expression" and sold as an extension of the "public discontent" with the policies of the present administration toward the war in Vietnam.

Many students and their parents question the activities and motives of the SMC but find it difficult to combat the glib assertions of the organizers. Perhaps a look at the background of some of the principal SMC activists appearing locally would prove helpful. Carol Lipman and Danny Rosenshine from New York City and Don Gurewitz from Cleveland are presently in the Washington, D.C., area specifically to organize SMC activities.

Carol Lipman is national executive secretary of the SMC, which has its national headquarters in New York City. Local offices are maintained at 1029 Vermont Avenue NW. During 1968 she served as editor of Young Socialist, a monthly publication of the Young Socialist Alliance—YSA. The YSA is the youth affiliate of the Socialist Workers Party, a Trotskyist Communist splinter group which has been cited by the Attorney General as subversive. She has worked for YSA in Boston, Chicago, Detroit, and New York City before coming to Washington, D.C. Having held national officer positions with YSA, she would also be a member of the parent Socialist Workers Party—SWP. She is also a member of the steering committee of MOBE.

Danny Rosenshine has likewise been active for several years with YSA in Detroit, Cleveland, and New York City before coming to Washington, D.C. He presently serves on a full-time basis as YSA national organizer, having previously been national field secretary. He traveled to Cuba in 1960 with a group sponsored by the Fair Play for Cuba Committee. In 1962 he attended the Soviet-dominated eighth World Youth Festival in Helsinki, Finland, and subsequently toured the Soviet Union. In early 1969 he returned from spending several weeks in Cuba. The Militant, published by SWP, issue of March 21, 1969, carried an article captioned "Forty Campus Dates Set for Speaker on Cuba," listing speaking engagements arranged for Rosenshine. His speeches predictably praised the Cuban brand of communism as practiced under Fidel Castro and at the same time condemned the U.S. Government. In late 1968 he was on a speaking tour of New Jersey, New York, and Connecticut, also advertised in The Militant. His topic at that time was "From Student Revolt to Socialist Revolution."

Don Burewitz grew up in the Washington, D.C., area but has been residing in the Cleveland area attending school in recent years. He has been active in the antiwar movement, served as leader of the SMC in Cleveland, and also participated in the affairs of the YSA and SWP. In addition to serving as a national organizer for the SMC in its recruiting campaign in the Washington area, Gurewitz is also serving on the Washington Action Committee of the New Mobilization Committee To End the War in Vietnam, which is coordinating the demonstration scheduled for November 15, 1969, in Washington, D.C.

All prominent SMC leaders have a similar background of activities and membership in the YSA and SWP.

Lipman, Rosenshine, and Gurewitz have all written articles for The Militant and Young Socialist. Both Rosenshine and Lipman have served on the editorial board of Young Socialist. The September 1969 issue of "Young Socialist" contains a lengthy article entitled "YSA Program for the Campus Revolt," proclaimed a statement of the National Executive Committee of YSA. A poster-type counterfold contains a likeness of "Che" Guevarra and the slogan "Smash Capital Now." Other articles include "Where Is America Going?" by Ernest Mandel, a leading European Trotskyist revolutionary who spoke at dozens of U.S. college campuses on a tour last fall.

The June 27, 1969, issue of "The Militant" contains an article by Charles Bolduc, national chairman, YSA, entitled "Why Revolutionaries Belong in YSA." This article makes the point that YSA supports the Cuban revolution; the struggle for socialist democracy in Eastern Europe; the antiwar movement; the black liberation struggle and the revolutionary nature of revolution for socialism in the United States and other advanced capitalist countries.

The Militant regularly carries recruiting ads for YSA under such headings as "Fan the Flames of Discontent—Join YSA."

Consideration of the foregoing development raises several questions. Is SMC promoting political dissent and protest, or revolution? Is the action proposed and organized by SMC an affirmation of the political system of this Nation, or designed to further the aims and objectives of those who would destroy this Nation? Should the activities be condoned as legitimate expression of the attitudes of the youth of this country, or condemned as the workings of a disciplined cadre of revolutionaries seeking to deceive American youth? Is SMC, controlled as it obviously is by YSA, seeking merely to exercise freedom of political expression, or is SMC actually seeking to destroy the political system?

Students, parents, and faculty at our local schools should answer for themselves the above questions before endorsing or countenancing the activities of SMC.

SECRETARY OF DEFENSE FINDS TIME TO CONCERN HIMSELF WITH HEALTH CARE PROBLEMS

(Mr. MICHEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MICHEL. Mr. Speaker, all of us in the Congress are well aware of the tremendous contributions to the concept of improved health care made by Secretary of Defense Laird while he served as the ranking Republican member of the Subcommittee on Appropriations for the Department of Health, Education, and Welfare.

While he has handled the awesome burdens of the Office of Secretary of Defense with the quality of excellence that characterized his service in the Congress, he still somehow finds time to concern himself with health care problems, as evidenced by his remarks on Sunday, October 26, at the Marshfield Clinic in Marshfield, Wis., and on Monday, October 27, at the dedication of the Marathon County Workshop for the Handicapped at Wausau, Wis.

In his address Secretary Laird pointed out that the Department of Defense is formulating a plan for opening up serv-

ice hospitals to maximize the opportunities to utilize in civilian life the valuable medcal skills possessed by many servcemen. He further states that the Department of Defense is cooperating with other agencies to make the helicopter a flying ambulance here in the United States as it is in Vietnam.

Mr. Speaker, the texts of Secretary Laird's remarks on these two occasions follow:

Remarks of Hon. Melvin R. Laird, Secretary of Defense, at Marshfield Clinic, Marshfield, Wis., October 26, 1969

We who look on Marshfield as home are proud of this Clinic. Its development to its present size and scope gives eloquent testimony to the devotion and skill of the many people who have labored to make this clinic a medical facility that ranks with the best in the nation.

Because the Marshfield Clinic and St. Joseph's Hospital are so impressive, I was particularly eager to bring the nation's top health officer, Bob Finch, the Secretary of Health, Education, and Welfare, here today so that he might get a first-hand look at these facilities and hear the success story directly from those responsible for its operation. I wanted him to see that what I've been telling him about the Clinic is not an inflated claim of a hometown booster.

Bob Finch and I are here because we feel deeply the urgency of the problem of improving health care throughout the nation. Despite the miraculous advances that have been made in conquering disease, despite the fact that Americans enjoy a higher standard of medical care than the people of any other nation in the world, the nation faces serious problems in the field of health—particularly in the delivery of health services to people.

One of the greatest bottlenecks is the shortage of skilled personnel. There are not enough doctors, nurses, and other trained personnel to take care of today's needs, and the outlook for tomorrow is grimmer.

I feel the Defense Department can make an important contribution toward easing this problem. Some 30–35,000 military personnel who are qualified medical technicians or technologists—trained and experienced during their period of military services—re-enter civilian life each year. They include a vast galaxy of talent in 40 different skill categories as varied as a radio-isotope technician to a renal dialysis technician. By bringing together in some way these trained men and the jobs in civilian life in the field of health services for which they are qualified, I believe we can help to improve health care and avoid a waste of skill and training.

Consequently, I have directed the Assistant Secretary of Defense for Manpower, Roger Kelley, to develop a plan that will maximize the opportunities to utilize in civilian life the valuable medical skills possessed by many servicemen. I can assure you that we will move promptly to devise and implement this plan.

This is but one of several steps which the Defense Department is taking to make more widely available the special know-how that it possesses in the field of health care. We have a study under way called the New Generation of Military Hospitals which is designed to improve service and reduce cost in the operation of such institutions. The results of this study will, I believe, have an important impact on hospitals of the future, civilian as well as military, leading to better health facilities in the future for the entire nation.

We also plan to draw upon our battlefield experience in the use of helicopters for the speedy evacuation of the wounded to places where care is available. By use of the helicopter we have saved many from death and from disability in Vietnam. The same means of swift transfer of accident victims from the scene of the accident to medical facilities can reduce the accident toll here at home.

If present trends continue, more than 56,000 Americans are expected to be killed and two million to be injured on our highways this year. In remote and rural areas, the death rate is four times greater than in urban areas because of delay in administering emergency medical treatment and transporting victims to medical facilities. According to one authority, at least 25 per cent of the 170,000 Americans who will suffer permanent disability this year in highway accidents could escape disability if they had proper care shortly after their accidents.

In order to reduce the frightful toll of death and disability on the highway, we in the Department of Defense have joined with Bob Finch's Department of Health, Education, and Welfare and other Federal agencies to form a committee that is now studying means of making the helicopter a flying ambulance here at home as it is in Vietnam. We have great hopes for the potential benefits we can obtain from applying what we have learned in Vietnam to the medical emergency we face here at home.

Speaking of home, it is good to be back in Marshfield again. I congratulate all associated with the Marshfield Clinic and St. Joseph's Hospital for what you have accomplished. I shall continue to watch—and encourage—your progress in the important work you are doing.

Remarks of Secretary of Defense Melvin R. Laird Before the Dedication of the Marathon County Workshop for the Handicapped, Wausau, Wis.

Those of us who have watched the growth of the Marathon County Workshop for the Handicapped since its beginnings five years ago have reason for special pride and satisfaction today.

Five years ago the only home the Workshop had from which to operate was a station wagon. Today we dedicate a building of 16,000 square feet as the new home in which the greatly expanded activities of the Workshop are to be carried on.

The Marathon County Workshop for the Handicapped has indeed come of age.

Physical facilities that men use for their activities take on a symbolic character. They become symbols of the qualities of mind and heart evidenced in the activities which take place within their walls.

This building which we dedicate will be a symbol of compassion, generosity, love, hope, and determination. For these are the qualities that will fill this structure as it is used as a place to learn and to work.

This building also symbolizes a great American tradition—the tradition of voluntary private action at the local level to help our neighbors. There is Federal money in these facilities—and I was happy to have been able to play some part as a member of Congress in securing the Federal funds that were made available to provide this new home for the Workshop. But what particularly pleases me is that today's dedication is one of the many concrete results of an amendment I was able to attach to an Appropriations bill back in 1964 which permitted private donations to be mingled with State funds in making up the State's share of the program. Two-thirds of the money that made this building possible was privately subscribed. That is a gratifying statistic to me because many people back in 1964 felt that the Laird Amendment would not produce the kind of results that I am proud today to see embodied in the Marathon County Workshop for the Handicapped. This Workshop was conceived, developed, and is being operated by private individuals, supported voluntarily by the people of this County acting in the American spirit of neighborliness.

One of the things that President Nixon is trying to encourage and expand is problem-solving by voluntary action at the local level. The Workshop is an example of this type of activity. We did not wait for Washington to get around to providing this facility for us. We did not leave the planning or its execution to an agency of the Federal Government. We who live in this section of Wisconsin saw some of our neighbors in need of help, and we acted to provide this help.

The great social and economic problems which plague our Nation will not be solved by Government alone. They will be solved only if the kind of privately-initiated and privately-directed cooperative effort on the local level, represented by the Marathon County Workshop for the Handicapped, is duplicated, magnified, and intensified from one end of the Nation to the other.

I want to pay tribute to Peter DeSantis and to all others who have made the Workshop the success it has become. I need not recount this success story in detail, but let me mention a fact that gives one measure of the Workshop's accomplishments. This Workshop has been the entrance chamber to productive lives for 160 people so far. The earning power of these people has increased from zero to $500,000. There is no adequate measure of the gain in confidence, satisfaction, and self-respect that this transformation has brought to these individuals.

The past accomplishments of the Workshop are, I am sure, going to be exceeded year after year. As we dedicate this building, we wish for all who deserve credit for bringing the Workshop from infancy to maturity long years of fruitful service in the future.

EUROPEANS VIEW SALT TALKS

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINDLEY. Mr. Speaker, our allies in Western Europe are not the least bit nervous over the strategic arms limitations talks scheduled to begin November 17 in Helsinki. They seem to be thoroughly confident their interests will be protected fully by U.S. negotiators.

The relaxed attitude was very evident during the just concluded sessions in Brussels of the North Atlantic Assembly, and it was in marked contrast with concern I had noted in sessions in earlier years.

For the first time German, Italian, and French parliamentarians seemed to be completely at ease discussing privately the forthcoming talks. In earlier years they had shown anxiety about the course of bilateral talks between the super powers. This was especially evident in the comments of German delegates who said they felt their government had not been treated with proper consideration during the negotiations by the Johnson administration leading to the Nuclear Nonproliferation Treaty. Italian, French, and British delegates had expressed similar concern.

In the North Atlantic Assembly just concluded a new confidence was clearly present. In my view this restoration of European confidence in U.S. negotiators stands as a significant achievement of the Nixon administration. It results from two main factors:

First. A series of NATO-wide private consultations held earlier this year in Brussels in preparation for the SALT talks. Our allies were impressed with the thoroughness and candor of the three-part series of day-long discussions which were spaced over a period of several weeks.

This was a marked change from the SALT talk consultation plans made by the Johnson administration. I learned in Brussels that only a single 3-hour discussion had been tentatively scheduled.

Second. The caution with which the Nixon administration has discussed both publicly and privately the prospect of SALT talks. The rhetoric has been restrained with notes of optimism carefully balanced with caution.

These factors give substance the pledge President Nixon made during his February trip to Europe, during which he promised close consultation with our NATO allies on all matters vital to European security.

OCTOBER 28 DESIGNATED AS OFFICIAL "DAY OF BREAD"

(Mr. SEBELIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SEBELIUS. Mr. Speaker, President Nixon has declared today, October 28, 1969, as an official "Day of Bread" and asked that all Americans join with other nations of the world in observing this occasion.

As the representative from the Nation's leading wheat-producing area, the "Big First" District of Kansas, I am pleased and honored to take part in these international ceremonies.

This important day is part of an international observance of Harvest Festival Week, a worldwide promotion of greater international cooperation and understanding with the Christian philosophy of breaking bread together as the underlying theme.

Wheat and wheat products, most commonly bread, are man's oldest crop and cultivated food. Wheat provides more nourishment for the peoples of the world than any other food; it is a basic staple for almost a billion people. Today, we express man's gratitude for this bounty and the annual harvest of farm and field. Americans have good reason to be thankful for this bounty—an abundance that has made possible a standard of living unrivaled in the history of the world.

However, I think it is even more significant that we observe this international theme of "breaking bread together" at this particular time because, as a nation, we are also seeking to achieve peace. Perhaps our greatest tool for peace is our willingness to share our abundance with those who are less fortunate.

The history of mankind has one main theme of concern—man's search for the "staff of life" and personal freedom. As we take part in these international activities today, let us do so with the knowledge that the bounty of the American wheat farmer not only provides the people of America with bread, but also is helping to fight the war against worldwide hunger. Let us hope these efforts might be continued and expanded. In satisfying man's search for the "staff of life," it may well be we can also end the search for world peace.

TIMES ATTACK ON SENATOR LONG UNINFORMED AND UNWARRANTED

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAGGONNER. Mr. Speaker, the New York Times has as its motto, "all the news that's fit to print." But if an editorial blast in the October 24 issue at Louisiana Senator RUSSELL LONG is any example of their reason or logic, that slogan should be amended to read, "all the news that fits our point of view."

They sniped at Senator LONG for having worked to restore the 7½ percent cut the House unwisely made in the oil depletion allowance. The fact that the Senator's Finance Committee only restored part of the cut is referred to as "Senator LONG's defeat."

The Times, lacking any honor itself, refuses to believe anyone else can have any. To the writer of this editorial, it is inconceivable that Senator LONG has fought to restore the depletion allowance cut simply because his years of representing an oil-producing State have convinced him that the depletion allowance of 27½ percent is not a tax loophole but a legitimate deduction rightly due the oil industry.

The thought processes of the Times are as confused in this instance as they were when it tried to convince their readers that Fidel Castro was not a Communist, but a simple agrarian reformer.

Senator LONG represents Louisiana and he represents commonsense when he defends the oil depletion allowance. With these two as his constituents, he cannot go wrong.

ROGERS ASKS HOUSE ARMED FORCES COMMITTEE TO INVESTIGATE DEFENSE OF SOUTHEAST UNITED STATES

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, I have been informed today that 12 EC-121 picket planes used to patrol the straits between Florida and Cuba are being deactivated.

Bluntly put, this means that south Florida and the southeastern part of the United States has no proper and effective defense against enemy invasion by air.

Not 1 month ago a Cuban Mig penetrated our defense system and landed at a military base. Two reasons were given: The plane flew so low that our radar did not pick it up except briefly, and then it was not identified; and second, because we had no picket plane in the air to act as visual support to the inadequate radar.

I wrote the chairman of the House Armed Services Committee and asked for an investigation into this obvious and serious breach in our national security. His reply was that he was aware of the situation and that the Armed Forces were aware of the situation.

Judging from the announcement from the Defense Department, concerning the cutbacks, the Pentagon does not fully understand the situation. Without picket planes in the air to supplement the radar system, Florida and the southeastern section of the United States are subject to penetration by low-flying aircraft almost at will.

I am concerned that the Armed Services Committee is willing to let the Cuban Mig incident pass by without an investigation. The incident is obvious proof that Florida and the southeast, although situated geographically only 90 miles from an unfriendly power, represents the weakest link in our national defense system.

I am again requesting the Armed Services Committee to investigate this situation.

The Defense Department is well aware that planes can fly under our radar into Florida. I cannot comprehend the apparent elimination of picket planes for Florida.

I have stated previously that industry has developed radar that is capable of tracking a Mig or a Mig-sized rocket at takeoff from Havana. The cost of installation of this radar would be approximately $3 million.

Unless this advanced radar is installed to replace the picket planes, I intend to personally appeal to the President. For without air surveillance supplementing our radar, or without an advanced radar system, the United States is not properly prepared to defend against an air invasion from the Caribbean or the Gulf of Mexico.

THE DESTRUCTION OF "AMERICA THE BEAUTIFUL"

(Mr. TIERNAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, the November 4, 1969, issue of Look magazine has several articles dealing with the destruction of "America the Beautiful."

One of the most poignant essays is entitled "Why Must They Die?" and was written by a 9-year-old girl, Lillie Leonard. Lillie tells of the senseless slaughter of baby seals in Canada and Alaska, the possible extinction of the bald eagle as a result of DDT, the hunting of polar bears from airplanes, the poaching of alligators, the poisoning of the kit fox, and again the result of DDT on brown pelicans.

Mr. Speaker, those of us in responsible positions have known that these things have been going on for years. But sometimes it takes the honesty and perception of a child's eye to truly see the horror and danger involved.

I urge all of my colleagues not only to read this article but to think about it. It is not a very pretty thought.

The article follows:

A LITTLE GIRL ASKS "WHY MUST THEY DIE?"

(By Lillie Leonard)

Every spring this happens in Canada and in Alaska also, when the seals are first born and the mothers are nursing them on the ice. One of the hunters has just killed a baby and the mother has come after him, and he's pulled out a knife. Then he starts running. On the right, it's a picture of the baby seal that's just been killed and skinned and the mother is looking at it. At a museum, I saw some seal skins on the wall. But it sure is horrible to see the real baby killed and just lying on the ice. It would be good if the baby seals could swim because then they could get away and not many would be caught. This way is much too unfair. I know the mother feels sad, because what if a man came along and killed your baby and skinned it also and left it there for you to look at? When I first saw this picture, I thought it was the worst thing I had ever seen. I started to cry also, and my friend Becky cried too.

We talked about it should be illegal, and wished that the mothers would catch the hunters and bite them hard. But that is cruel, too, and there's enough of that in the world. Another bad thing about the world is that many, many animals are becoming extinct, and here are five of those animals on this page. [Photos not printed in RECORD.]

The bald eagle is becoming extinct mostly because of DDT. It lives near seas and bays and eats a lot of fish. Well, the DDT is used for spraying mosquitos and little bugs. It gets into the water and what happens is it gets into the plankton and the copepods eat the plankton and the small fish eat the copepods and the large fish eat the small fish and the eagle eats the large fish and, each time, the DDT is multiplied by 20. My friend Seth's father [ecologist Sterling Bunnell] explained this to me—how the bald eagle gets so much DDT. Once he gets it, the eagle is in for it. He may even go into convulsions. But the main problem is that the eggs break or won't hatch or the babies don't survive. I love that bird. It's my favorite one. Now, the polar bear is being wiped out because it has no place to hide when hunters come in airplanes. It's just another way of being unfair to animals.

I saw a stuffed polar bear at a car dealer's, and I don't think the man who shot it is anything brave—just another talk-a-lot car dealer. The alligator is my favorite animal, and it's becoming extinct because of poachers. I've seen on TV men poaching them, and it's a lot like the seals. Alligator skin is a fine thing for bags and shoes and purses. I want to tell everybody to stop buying alligator skin so the poaching will stop. The problem with the kit fox is that people put out poison mostly for rodents and also for coyotes, and the kit fox eats it because he is not a suspicious animal. He is a graceful, cute little fox who is very, very useful and who eats rodents. The poison is bad, and the animal may have to suffer 20 days before he dies. The brown pelican has mainly the same problem as the bald eagle, because its eggs are getting too thin and won't hatch. They aren't spraying DDT where the pelican lives but Seth's father says the whole ocean is getting polluted with DDT that comes from the farms on the rivers.

This is a warning to all life because it means the DDT will be soon killing many fish and birds and animals and people too. I wish somehow all this could stop, but I don't really think it will.

THE PRESIDENT'S NOVEMBER 3 ADDRESS

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FULTON of Tennessee. Mr. Speaker, it is noted in this morning's Washington Post that President Nixon will, today and tomorrow, remove his coat as the Nation's leader and temporarily replace it with the mantle of leader of the Republican Party.

The President is to speak this evening in Virginia and again tomorrow in New Jersey in behalf of Republican gubernatorial candidates.

This activity on the part of the President is not only proper but desirable. The issues and problems which face the country should be discussed at appropriate times in constructive political terms before the people. These elections are an appropriate time and there is no better spokesman for his party and its candidates than President Nixon.

However, there should be no confusion as to when President Nixon or any President is speaking as a spokesman for a partisan point of view and when he speaks to the people as a Nation and as their President.

While no such confusion exists in connection with the President's political schedule over the next 2 days, there is a growing concern over the potential political implications of his upcoming November 3 address to the Nation on Vietnam.

As I stated on this floor last week, it seems to me that the timing of the President's talk is particularly inappropriate in view of the fact that the following day general elections are to be held in several States and Vietnam is an issue to a degree in almost every one of them.

This is no hastily announced address by the President caused by some late development of national importance such as the address to the Nation given by the late President Kennedy during the Cuban missile crisis.

Nor is it to outline some legislative program which had been earlier promised, such as the President's message on welfare reform.

The announcement of the November 3 talk came quickly upon the heels of the Vietnam moratorium which had such an impact on the Nation. This was more than 2 weeks ago.

It seems curious that November 3 was chosen at that time. Certainly, if the President feels he must report to the people or if he has information justifying the talk, then he had it when the date was chosen, and he could have well delivered his remarks by now.

When I first commented on the timing of the address last week, it was my expressed view that the choice of November 3 and the political implications which could be drawn from it were simply an oversight by the President's advisers.

If the talk is not rescheduled in the light of the political haze which now surrounds it, then whatever the President has to say is going to be measured, at least in part, by the political yardstick.

This, it seems to me, is most unfortunate. Partisanship is no substitute for statesmanship in the conduct of foreign affairs, and it would be tragic if the President's remarks are delivered in an atmosphere tainted with the suspicion of partisanship.

It is still not too late to reschedule the address, and I hope that the President will do so. The President has asked for nonpartisan support for his policy for bringing peace to Vietnam. I believe, therefore, that the people have a right to expect that in carrying out these policies the President would make every effort to avoid any possible hint of making the war an issue or instrument for political gain.

MERCHANT MARINE SPEECH

(Mr. SCHADEBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHADEBERG. Mr. Speaker, the President's program for revitalizing our merchant marine must not be lost in a fog of indecision or delay. Our merchant fleet has already dropped from first place on the high seas at the close of World War II down to sixth place.

It has become the American way—to let our merchant fleet go to pot with hulks rotting away, some mothballed and some just abandoned. No replacements worth mentioning have been made in years.

We need our merchant marine in time of peace, for shipping is an important part of a nation's total prosperity.

We need a strong merchant marine even more, for national defense security. Surely we have not forgotten what happened at the start of World War II, when we did not have a merchant fleet worthy of the name.

In case some of our younger colleagues do not know, we were so hard up for ships to move men and supplies we resorted to using old, wornout excursion ships as troop carriers and fishing trawlers and private yachts as escort vessels. We even sent our men out in these buckets on that sea-hell of a run to Murmansk and back.

Many didn't make it—not because they were sunk by U-boats, but because they were too old and slow—some were so top-heavy they just capsized.

Hog Island freighters of a sea-generation further back than World War II were pressed into service. Some of our ships at that time were so unseaworthy that the standing joke was:

> We'll get there just as long as the worms or teredos in her bottom keep on holding hands so she'll stay together.

Thanks to the Liberty and Victory ships we built a merchant fleet in record time. But these vessels were never meant to last for years. They were only stopgap ships but they did their job, heroically and well—just like the men who made up the crews.

But they have long become obsolete. The United States again, following history's cycle, fell back so far as a merchant marine power is concerned. We now trail Great Britain, Japan, Russia, Liberia, and Norway—a sad sixth.

The cry has always been that cargoes can be shipped cheaper when not in vessels under the American flag. Cheaper, at the time, perhaps, but not in the long run. It is false economy to think that we can use foreign bottoms to ship our goods because in doing so we are sacrificing our merchant ships and merchant mariners.

And if the time comes again when we need a merchant fleet in a hurry, if we have another full scale war—and God help us if we do—we will not have the time to build a new merchant fleet again.

The Germans stopped at Dunkirk—and the Japanese did not follow up their first strike at Pearl Harbor. That gave us time, then. Precious little time it was, but it was time enough to build that remarkable fleet of Liberties, Victories, and the others—fast bottoms for fast work. With them we kept our freedom.

Now, the President has proposed that we take a gradual and sensible course in rebuilding our Merchant Marine. As he put it, to "replace the drift and neglect of recent years and restore this country to a proud position in the shipping lanes of the world."

Three-fourths of our merchant vessels are at least 20 years old and if things continue the way they are going, much of our present fleet will have to be scrapped.

Both Government and industry share the blame for this lag in shipping and both must now make an effort to correct it or we will all go down the drain, as far as shipping is concerned.

President Nixon's new program is a long-range one, to build 300 vessels in 10 years.

One of the first steps to cut down building costs, as suggested, would be to standardize design. That was done in earlier wars—as witness the Hog Islanders and the Liberties.

Another proposal is to pay subsidies to shipbuilders, rather than ship operators, as at present. That direct payment should encourage building by improving designs and in other ways minimizing costs.

In the matter of insurance the Federal Government would insure shipping policies in much the manner that GI loans are guaranteed.

The problem of wages for merchant marines can be met with a proposal suggested by the President.

The new approach is not to have the taxpayers pay the difference between what American sailors get and foreign merchant mariners get, but the Government would compare foreign wages with prevailing wage levels in several sectors of the American economy. Then a subsidy policy would be tied to this level and it is hoped this would reduce subsidy costs and promote further efficiencies.

Another important part of the program would eliminate the programs in which shipowners pay back the Government for shipbuilding subsidies. The new plan would end that. This money would go back into the Government coffers in the form of corporate taxes.

The administration has called on everyone involved, from labor leaders, minority groups, secretaries of chambers of commerce, shipbuilders, and ship operators—everyone concerned—to get to work and stop the scuttling of our merchant marine. Let Congress join them in a new area in maritime history; let us join them and the President of the United States in taking our rightful place on the ocean shipping lanes of the world; not in sixth place, but at the lead, in first place. We were there once.

The early wealth of this Nation was founded on sea commerce.

Our merchant fleet is now down to 950 ships and most of them are ready, or nearly ready for retirement. In strength, as I noted, we are sixth in the world—a notch under the Soviet Union and Russia has already embarked on a massive program to enlarge its merchant fleet.

American ships carried nearly 60 percent of this country's foreign trade right after World War II and now we have dropped to about 6 percent.

The leader of the Shipbuilders Council of America, Edwin Hood has been quoted as saying that—

> Precious time has been lost by previous Administrations to contend with the ever-accelerating obsolescence of the American Merchant Marine.

He said the shipbuilders would have little trouble meeting a schedule of building the programed 30 ships a year. That industry turned out 5,000 ships in a crash program during World War II, in 4 years.

Thus far there has been no objection from the major parties involved. Maritime leaders, naturally, are reported to be enthusiastic about the new program.

Union leaders are reported to have expressed pleasure about the desire to do something about the merchant marine situation.

I strongly urge our favorable action. The Congress already has evidenced a desire to help our merchant marine—shipbuilders and operators—and the unions are for it—the Lord knows we need it, so, as the old shipmaster used to say:

> Let's set the jib and get underway.

Let us follow President Nixon's leadership on the high seas without delay. Our security demands it, our commonsense knows it.

SPACE HOAX REVEALED—EUREKA STUDENT EXPOSES RUSSIANS

(Mr. DON H. CLAUSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DON H. CLAUSEN. Mr. Speaker, a 17-year-old student, Ronald Titus of Eureka, Calif., has discovered that a news photo issued by the Soviet Union to explain their triple-spaceship mission earlier this month is actually from an American space company's 1962 magazine advertisement.

To tell the story of this young man's studied observations and ultimate discovery, I am inserting in the RECORD at this point, a front-page story which appeared in the October 23 edition of the Eureka, Calif., Times-Standard.

Certainly, this young space enthusiast has proven once again that it is great to live in a country which has the courage and honesty to visually portray its space efforts on live television, regardless of the consequences, for the entire world to see.

The article follows:

[From the Times-Standard, Oct. 23, 1969]

EUREKA STUDENT EXPOSES RUSSIANS: SPACE HOAX REVEALED—ORBIT PHOTO FROM U.S. AD

There are going to be some red faces in the Russian space laboratories today, all because of 17-year-old Ronald Titus of Eureka.

Titus has exposed what must be the strangest event of all time in the Russian-U.S. space race.

The Eureka High School senior discovered that the drawing used by the Soviet Union to explain its three-spaceship orbit of last week is exactly the same drawing which appeared in a 1962 advertisement by a U.S. company, published in Scientific American magazine.

There is no question about it. The drawings are nearly identical, even to the shading. The Russians added some labels on the various components of the space spectacular, and for some reason eliminated part of the picture showing a scientist walking through a door inside their "space platform."

Other than that, the pictures are the same: perspective, shading, detail—everything.

IN SPACE AD

The original picture appeared on page 91 of the February, 1962 edition of Scientific American, a decidedly non-Communist publication. The advertisement is for the Sperry Co. of Great Neck, N.Y., and promotes the firm's Orbital Launch Operations.

Titus, who is interested in space happenings and saves all his newspapers dealing with them, spent noon hour of Oct. 21 glancing at this particular copy of Scientific American. He stopped at the Sperry ad, and thought it looked familiar, so he took the magazine home and compared it to page 1 of the Oct. 13 Times-Standard. Acting on the advice of teacher Ellis Williamson, he brought the evidence of his strange find into the newspaper office.

"I thought it was funny that the Russians would use a picture from an American company," Titus said. "I don't know how they got it, though, I doubt that they have special spies to get pictures from magazines."

PICTURE FROM TASS

The Russian photo was carried on the United Press International Unifax photo network when the Russians announced their triple-orbit event. It was supplied by Tass, the Russian news agency, according to UPI.

The Sperry ad in Scientific American was almost a preview of the mission. It said, in part, "Orbital Launch Operations will call for the highest system capabilities the nation can muster, in virtually every technology known.

"A space station must be orbited, piece by piece, with crews and their subsistence complex to assemble and man it—followed by a scientific laboratory that will become the launch facility in orbit, where the parts of the orbital launch vehicle then will be assembled."

According to Associated Press on Oct. 13, "The Yugoslav news agency Tanjug, known for its reliable informants in Moscow, reported a total of seven cosmonauts will construct a space platform that will be used as an orbiting laboratory and possibly as a launching pad for deep space probes . . . The informants also have hinted that a permanent platform in orbit would be visited periodically to check scientific instruments or to station a crew aboard for a time."

SOME QUESTIONS

Many questions could be asked about Titus' discovery. How did the Scientific American drawing make its way into Russian space files, to be pulled out seven years later? Why was the drawing used at all, unless the Russians believed the "coincidence" would go unnoticed? Does the Sperry Company have any inside knowledge?

Perhaps the most interesting question, however, is on the entire truth of the Russian space reports.

Were they really up there at all?

CONVERSION OF POST OFFICE DEPARTMENT INTO GOVERNMENT-OWNED CORPORATION

The SPEAKER. Under previous order of the House, the gentleman from Iowa (Mr. GROSS) is recognized for 10 minutes.

Mr. GROSS. Mr. Speaker, in my remarks on Monday, I warned that Members could expect a massive, well-financed propaganda campaign in support of conversion of the Post Office Department into a Government-owned corporation.

That campaign is now underway, led by the Citizens Committee for Postal Reform, Inc., with a bankroll of more than $180,000. Apparently the committee feels that with money and pressure, the decision of the House Post Office and Civil Service Committee rejecting the corporation idea can be reversed.

Sponsors of this lobbying group, of course, have every right to their opinion, but I am one member of the Post Office and Civil Service Committee who deeply resents the tactics they are using. Let me quote briefly from the committee's newsletter of October 23, 1969:

> The enemies of true postal reorganization have begun to trot out their piecemeal and inadequate Post Office Department bills under the banner of "total reform."

I challenge the author of that statement to step forward and accuse me to my face of being an "enemy of true postal reorganization" and interested only in "piecemeal and inadequate" reforms in the Post Office Department.

At another point in the committee's newsletter, certain remarks are attributed to the committee's cochairmen, former Postmaster General Lawrence F. O'Brien and former Senator Thruston B. Morton; remarks which represent a scurrilous attack against the gentleman from New York (Mr. Dulski), the chairman of the House Post Office and Civil Service Committee. I quote from the newsletter:

> They (O'Brien and Morton) criticized a half-hearted measure (H.R. 4) sponsored by Congressman Thaddeus J. Dulski as "an example of pseudo-reform masquerading under the name of the genuine article."

This is completely inaccurate and uncalled for. Having participated in virtually every session of our committee in the consideration of postal reform legislation, starting in April, I can say without hesitation that no person in or out of Congress is more interested in postal reform than the gentleman from New York.

Both Mr. Dulski and I seek meaningful postal reform, and I am pleased to report that our committee is making progress toward that goal, despite the vicious propaganda campaign being waged by the so-called citizens committee.

Moreover, the question immediately arises as to why former Postmaster General O'Brien did not seek postal reform legislation when he was Postmaster General. The record shows that he appointed a "task force" to study the subject in 1966. This "task force" reported to him early in 1967 and he immediately stamped a "confidential" label on the report.

Perhaps one of the reasons was that the report held that a basic reform should be to get the Post Office Department out of politics. Although he had ample time to put a meaningful reform bill before Congress, O'Brien, as Postmaster General, was apparently too busy giving political advice to President Johnson and immersing the Department in politics.

Now, with the greatest of ease, he has the effrontery to castigate those who are attempting to do what he left undone.

Reading on in the citizens committee's newsletter, we find this:

> It (H.R. 4) doesn't take the post office out of partisan politics.

In its present form, I can report that H.R. 4 does take the postal service out of partisan politics by reason of an amendment offered by me which the committee adopted.

Despite an unspent nest egg of $182,816.89 available to the citizens committee on October 1, the newsletter has the unmitigated gall to seek even more money from an unsuspecting public in an appeal under the heading "Dollars for Progress."

I urge citizens to reject this appeal, for dollars to a high-powered lobbying outfit will not buy good postal reform legislation. I also urge my colleagues to reject the pressures which will be applied as the result of the citizens committee's unfair propaganda tactics.

Then let us get on with the job of writing meaningful postal reform legislation.

CRIME: THE PROBLEM AND THE RESPONSE OF GOVERNMENT

The SPEAKER pro tempore (Mr. Matsunaga). Under a previous order of the House the gentleman from Alabama (Mr. Edwards) is recognized for 30 minutes.

(Mr. EDWARDS of Alabama asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, the various governmental bodies—Federal, State, and local—are entrusted with one of the most basic responsibilities of government: to provide for the safety of the citizens. In recent years, due to various problems, and a lack of commitment on the part of the former administration, crime is rampant. In many areas the average citizen no longer feels safe to walk the streets, leave his property unattended, or even, at times, go to sleep. A vast array of safeguards and a constant vigilance must be maintained to feel at least moderately secure. Yet this is no guarantee that the individual will be free from harm or loss.

The crime problem has outstripped the resources available to the various governments to fight it. What is now needed is a national commitment to fight crime. On the national level a strong effort to curtail and eventually eliminate the growing menace of organized crime can only be initiated by forceful Federal action. On the State and local level, the very personal threat to the safety and security of every citizen and his property must be met by increased effectiveness of the local law enforcement officer and of the tools which he has available to fight crime. In many cases, assistance from the Federal Government in developing programs, establishing new procedures and tools, and correcting deficiencies in Federal law is urgently needed.

In 1967, I criticized the Johnson administration for failure to meet the crime problem head on. At that time I listed five areas in which the Government was remiss. They were:

First, the reduction of the activities of the Justice Department's Organized Crime and Racketeering Section;

Second, failure of the administration to reveal vital information regarding the activities of organized crime;

Third, Supreme Court decisions that made law enforcement more difficult, and failure of the Johnson administration to be concerned about this situation;

Fourth, failure of the Johnson administration to act on the National Crime Commission recommendations; and

Fifth, the attitude of the Johnson administration to sweep the whole problem under the rug in hopes that it might go away.

At the same time I made several recommendations that I felt would be major steps toward solving the crime problem. They were:

First, intensified operations of the Organized Crime and Racketeering Section of the Justice Department;

Second, improved collection and greater use of criminal intelligence by law enforcement offices around the country;

Third, establishment of a permanent joint congressional committee on organized crime to provide continuing congressional action in this area; the committee also would be charged with making recommendations to update and make uniform the Criminal Code;

Fourth, greater interest on the part of the Justice Department in actually enforcing the law; and

Fifth, use of wiretapping to the greatest advantage under existing guidelines and proper and strict controls.

Perhaps it would be useful to evaluate the actions of the Nixon administration to date in the light of my criticisms and recommendations as just outlined.

First, the Nixon administration has stepped up the activity of the Justice Department's Organized Crime and Racketeering Section in accordance with my recommendations in 1967, thus reversing the Johnson administration policy. But the Nixon administration has gone a step further. A special Federal-State racket squad was established in New York City, where five of the 23 Cosa Nostra families operate. In this highly-concentrated organized crime area, cooperation among Federal, State, and local officials is the only hope for overcoming the syndicate operations. In addition, the President has authorized the establishment of 20 Federal racketeering field offices across the Nation. This is the kind of national commitment needed to meet the vast threat of the organized crime syndicate on a nationwide basis.

Second, the Attorney General's office has begun a program through which State and local law enforcement personnel can exchange information on the most effective tactics for fighting organized crime on the local level. In addition, a computerized organized crime intelligence system is being developed to house detailed information on the personalities and activities of organized crime nationally. It is hoped that this system will serve as a model for similar State intelligence banks.

Third, Attorney General Mitchell has said on numerous occasions that his Department will definitely enforce the law of the land. To cite just a few examples, Operation Intercept has been most successful in curtailing the inflow of dangerous drugs into the country, and the recent Federal, State, and local cooperative effort in the Washington area which resulted in the arrest of some 40 persons on narcotics charges is a hopeful sign of similar future results.

Fourth, the President has authorized the Attorney General to use wiretapping with proper safeguards to monitor the activities of organized racketeers. This will be an important tool in catching the higher-ups of the criminal world.

Of my five recommendations in 1967, four were within the realm of the Executive and President Nixon has acted favorably on these. He has shown a keen understanding of the crime problem and is putting this knowledge into action.

He has called crime the major domestic crisis and has indicated his every intention of doing something about it. But better than just a lot of words, he has taken what action he could under existing legislation and made substantial proposals to Congress to take even greater action against crime.

Now Congress must enact these proposals and provide the funds necessary to implement them in the fight against crime. At last we have had sound legislation proposed so that the spiraling crime rate can be stopped. Let us not let these important tools in the battle against crime go unused. Congress must act now and stop delaying this much needed legislation.

These efforts are primarily national in scope and directed against the nationally organized crime syndicates. What is being done and must be done about the so-called street crimes—the crimes that touch everybody in a personal way? To answer this, one must examine the root causes of such street crimes and the catalysts for continued growth and expansion of crime in this category. And it is here that the interrelation of organized crime and street crime can be seen.

Gambling and narcotics are the chief sources of income for the racketeers, and gambling and narcotics are the chief reasons for much of the current street crimes. Much of the serious crime—which is concentrated in the inner city and slum areas—is directly related to the criminal's desire and outright need for money. This may be the result of insufficient income to meet a family's needs or, as is more often the case, may be the result of a need for money to purchase drugs or pay gambling debts. Much of the money poured into welfare programs is funneled right out of the pockets of the poor and into the coffers of the underworld syndicates through numbers rackets, gambling houses, bookkeeping operations, narcotic sales, and loan sharking. The poor are the greatest victims of the organized crime racketeers and in turn have the highest incidence of criminal activity among their groups.

Thus in combination with our efforts to curtail and eliminate organized crime, this Nation must have a solid commitment to choke off the sources of income of the racketeer. And in so doing much of the street crime will also decrease.

Narcotics is perhaps the chief factor in the rise in robbery and theft. These crimes against property are frequently accompanied by crimes against the person such as assault and battery and rape. Once hooked on hard drugs such as heroin a drug addict must come up with $100 to $200 or $300 a day to feed his habit. Since the underworld fence will pay only about one-tenth to one-third of the value of the stolen goods, the drug addict must steal thousands of dollars worth of goods to buy his drug from the underworld narcotic salesman. On either end the crime syndicate bosses come out on top. And in any case, the loser is always the taxpayer who must pay the costs in increased law-enforcement activity and judicial proceedings, the insurance purchaser who faces rising rates, and the business operator who suffers declining profits.

Efforts in this area of street crime must be on a national level in some instances, but the greatest thrust must come from the State and local law enforcement agencies. On the national level the President has taken numerous steps to curtail the flow of drugs into the United States. The Departments of Justice and Health, Education, and Welfare have offered assistance to State and local law enforcement agencies and public and private organizations working on social improvement projects in hopes of eliminating the root causes of drug addiction and discontent on the part of the urban poor. Many State and local agencies are actively pursuing programs to aid the drug addict to kick his habit and eliminate the incidence of criminal repeaters.

On the national scene, the Nixon administration has put forth many legislative proposals to aid the local law-enforcement officer to perform his duties more effectively. Among them is furnishing technical assistance and financial help in training programs, Federal aid for State and local public information programs to alert the average citizen to ways he can aid the law enforcement officer, and fostering cooperation and coordination between States and between communities to avoid costly duplication of effort and expense.

This massive effort on the part of Federal, State, and local authorities is a step in the right direction and a start toward curtailing and eventually eliminating the crime problem. But this is not something that can be accomplished in 1 year or in one administration lifespan. It must be a national goal over many years on a level of magnitude equal or exceeding that given the space program. There can be no greater threat to a democracy than the lack of internal safety. And there can be no surer means of destroying our country than by failing to give a solid national commitment to the curtailing and eradication of crime in all forms.

Whether this national commitment is put into effect and whether it is successful depends on the Congress. Under the Democratic administration of recent years, the Congress, dominated by the same party, was loathe to get moving on the crime issue. Now the Republican administration has made sound proposals to put the brakes on the spiraling crime rate.

In the spirit of President Nixon's recent message to Congress, I would hope that Congress will go even further in the fight against crime. Not only should this Congress give prompt consideration to the many proposals to fight crime put forth by the Nixon administration, but Congress should also strengthen the law and fill the gaps created by various Supreme Court decisions that have tied the hands of the law-enforcement officer. Only Congress can act effectively and provide the long-range answers.

While we still may need a Joint Committee on Organized Crime, the Pepper committee is in fact filling some of the needs which prompted my original call of the joint committee. The Pepper committee is performing a useful service. But in the final analysis, we must untie the hand of the policeman so that he can apprehend the criminal. Our judicial system has made it rather tough on the policeman to do his job. The result is that criminals go free because of minor technicalities in procedure, or, often they are released on bail only to commit numerous crimes before ever coming to trial.

If there is to be improvement in our judicial criminal procedures, legislation must be enacted to speed up the time it takes to bring a criminal to trial. This may call for action on the Federal and State level to revamp outmoded criminal court procedures and to increase the number of judges trying cases. Much legislation has been introduced to bring about these reforms. But Congress must take action on these bills. They do not serve any purpose sitting in the file drawer of the committee.

The rise in crime can be stopped. The criminal can be eliminated. But the responsibility for such tasks is not one man's alone. Rather it calls for a concerted action on the part of the President, the Congress, the State, and local legislative bodies and every citizen interested in making the streets safe for his children. We must once again be able to feel secure in our homes and communities. These tasks are not insurmountable, but they require a national commitment on the part of each and every American. I urge the Congress to act now.

PERSONAL EXPLANATION

(Mr. LOWENSTEIN asked and was given permission to address the House for 1 minute.)

Mr. LOWENSTEIN. Mr. Speaker, on September 29 and for several hours on October 9, I was detained on official business and unable to be present on the floor. I would like the RECORD to show that had I been present at those times I would have voted in favor of House Resolution 556, extending authority to set interest rates on mortgages to veterans; House Resolution 555, creating joint labor-management trust funds for scholarships and child care centers; and H.R. 7737, the Educational Television and Radio Amendments of 1969; and against the recommittal of H.R. 7737.

A TRIBUTE TO BOB HOPE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HOSMER) is recognized for 20 minutes.

Mr. HOSMER. Mr. Speaker, America's most durable and beloved comedian, Bob Hope, will depart soon for his annual Christmas tour of American military bases around the world. This year, his journey will take him first to Europe and then to South Vietnam and the Far East.

But before he leaves, the people of the city of Long Beach and the State of California will pay tribute to this great American with a huge testimonial dinner on Thursday, November 13.

At the dinner, Bob will be presented with the "DELBA" Award, presented annually by the Downtown Long Beach Associates, one of the city's outstanding business organizations. The city itself, the State, and other national and local leaders will join in this tribute to California's favorite adopted son.

In the past, the DELBA award has gone to Danny Thomas, Jimmy Durante, John Wayne, and others—21 in all—who have made outstanding contributions through their talents to our way of life. When Bob Hope's name is added to the rolls of the winners, the DELBA award certainly will take on added significance.

The testimonial also will include keys to the city of Long Beach, which will be presented to Bob by Mayor Edwin Wade; a citation from the State legislature; and another, most unique tribute. The first suite in the new Queen Mary Hotel being constructed aboard that famous ship now permanently located in Long Beach Harbor will be named the "Bob Hope Suite." Subsequent suites will be named for Sir Winston Churchill, King Edward VIII, and others.

It is particularly fitting for Long Beach to repay some of the kindness which Bob has so generously showered on the city for so many years. Only three times since 1948 has Bob not gone overseas at Christmas time to entertain American servicemen. On those occasions—Christmas Day 1951, 1952, and 1953—he entertained patients at the Long Beach Veterans Hospital.

Bob certainly has reached the pinnacle of success in his profession. He now claims he only does the things he enjoys doing. Judging from that, I would say there apparently is nothing he doesn't like.

In addition to his annual Christmas trips, he is still shooting movies and television shows, doing benefits and college shows, sponsoring his famous Desert Charity Golf Classic and a variety of other pastimes. Perhaps a few clues to the tireless energy of this remarkable man can be found in the colorful history of his career.

He was born Leslie Townes Hope in Eltham, England, May 29, 1903, the fifth of a stonemason's seven sons. When he was four, his father, William Henry Hope, brought his family to Cleveland, Ohio. On December 20, 1920, by virtue of his father's naturalization, Bob—the name by which the world would later know him—and his six brothers also became U.S. citizens.

In Cleveland, Hope attended Fairmount Grammar and Junior High Schools and, later, during his years at East High, he worked as a delivery boy, a soda fountain clerk, a shoe salesman, and when he left high school he went to work for a motor car company. The following year he had earned enough money to take dancing lessons from a couple of local instructors and even took over the classes for one of his teachers in 1922.

Hope also tried amateur boxing under the name of Packy East and worked briefly as a newspaper reporter. His first professional stage appearance was in a Fatty Arbuckle show with George Byrne. It was a hastily put together dancing act just for Arbuckle's Cleveland appearance. But the famed Hollywood comedian liked it and was instrumental in getting them booked into a tabloid show, "Hurley's Jolly Follies." They danced, did comedy bits and Hope sang in the show's quartet and doubled on the saxophone.

After their second season with Hurley, Bob and Byrne broke in vaudeville in Detroit. Months later they were auditioned before an unusual panel of "judges" consisting of Eddie Dowling, Kate Smith, Ruby Keeler, Smith and Dale, and other established stars. They were so successful that they were signed for the show, "The Sidewalks of New York."

After "Sidewalks" closed, Hope and Byrne opened a new act in Newcastle, Ind. Opening night, Hope was asked to announce to the audience that a certain group would appear at the theater the following week. His introduction was so funny that when he had finished, he had a new act worked out. Shortly afterward, he and his partner split up, and Bob was a "single."

Through a friend he was booked into the Stratford Theater in Chicago for 3 days—and he stayed 6 months. Then followed more vaudeville until 1932 when he finally hit Broadway in "Ballyhoo." After that there was a succession of New York hits: "Roberta" in 1933, "Say When" in 1934, "Ziegfeld Follies" in 1935, and "Red, Hot, and Blue" in 1936.

Hope's radio career was launched when he was a guest on Rudy Vallee's Thursday night program, and in 1938 he became the star of his own radio show. Throughout the next 18 years, Hope performed in 1,145 radio programs for a variety of sponsors at NBC studios, at military bases around the country, and did many special broadcasts for the Armed Forces radio network.

On June 8, 1950, he signed a long-term television contract with NBC and made his TV debut Easter Sunday of that year. He has since starred in more than 225 television programs, in his own series of comedy specials, and as guest star on other variety shows.

During Bob's appearances in "Roberta" on Broadway, a friend introduced him to singer Dolores Reade, and soon after they were married. They have four adopted children: Linda, born in July 1939; Anthony—Tony—born in July 1940; Honorah—Nora—born in August 1946; and William Kelly Francis—Kelly—born in July 1946.

He did his first radio show for servicemen in March 1941, at March Field—Air Force Base—Calif. After that, with the exception of two shows he did at the NBC studios in Hollywood—when he could not leave home because of illness—he did his regular Pepsodent radio show at Army, Navy, and Marine bases until June 1948. Throughout the war and the Korean conflict, he traveled more than a million miles entertaining more than 10 million troops in every corner of the globe. He appeared at almost every military base in the United States and overseas, and at many he became an annual visitor.

Hope began what was to become a Christmas custom for the comedian in 1948 when he went to Berlin at the request of then Air Force Secretary STUART SYMINGTON to put on several shows for the GI's involved in the airlift. The following year Hope and a troop of Hollywood performers entertained GI's in Alaska. In successive years, he took entertainment troops to the Pacific in 1950, to England in 1954, to England and Iceland in 1955, back to Alaska in 1956, the Orient in 1957, Europe in 1958, Alaska again in 1959, the Caribbean, including Cuba's Guantanamo Base, in 1960, Newfoundland and Greenland in 1961, the Far East again in 1962, Europe and North Africa in 1963, and for the past five Christmases he and his troops have performed in war-torn South Vietnam, as well as Thailand, Guam and the Philippines.

He has received nearly 800 awards and citations for his humanitarian and professional efforts. Last year he became the first honorary member of Harvard's Hasty Pudding theatricals. He has also received the Herbert Hoover Memorial Award from the Boys Club of America and the B'nai B'rith "Man of the Year" award.

His awards also include the USO Gold Medal from President Johnson; the Congressional Gold Medal from the late President Kennedy; the Medal of Merit, presented in behalf of the U.S. Government by President Eisenhower; the Peabody Award; a special Oscar, an Emmy; Philadelphia's Poor Richard Award; innumerable plaques for war bond service from the Treasury Department; the top civilian awards given by all three services, Army, Navy and Air Force; and the Murray-Green AFL–CIO Award. He also received the highest honors the broadcasting industry's International Radio and Television Society and National Association of Broadcasters can bestow.

He has given four command performances for Britain's royal family, in December 1948, 1954; October 1962; and November 1967. He has been presented with nine honorary university degrees:

LL.D. from the University of Wyoming; doctor of humane letters from Georgetown University, Washington, D.C.; LL.D. from Quincy, Ill.; L.H.D. from Monmouth College, N.J.; L.H.D. from Whittier College, Calif.; L.H.D. from Pennsylvania Military College; LL.D. from Northwestern University, Evanston, Ill.; L.H.D. from Southern Methodist University, Texas; D.F.A. from Brown University, Providence, R.I.; and a L.H.D. from Ohio Dominican College, Columbus, Ohio.

Hope has written six books—"They've Got Me Covered," "I Never Left Home," "So This is Peace," "Have Tux, Will Travel," "I Owe Russia $1,200," and the most recent about his entertainment tours in Vietnam—"Five Women I Love."

Mr. Speaker, it is a personal pleasure for me to join with the many citizens of Long Beach, the State of California, and the Nation in paying tribute to Bob Hope for all he has done for our country and for each of us individually.

RIDDING THE NATION OF GOB PILES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Saylor) is recognized for 15 minutes.

Mr. SAYLOR. Mr. Speaker, I am introducing today a bill, cosponsored by 24 of our colleagues, calling for an investigation and study into methods of utilizing wastes known as "gob" and "culm" resulting from the mining and processing of bituminous and anthracite coal.

Gob piles are common in every coal mining region of the United States and although there has been considerable study in my own State, it is in reality a national problem and deserves attention by the Federal agency created expressly to handle such coal related problems—the Office of Coal Research in the Department of the Interior.

These waste piles are made up largely of refuse coal; that is the residue after the cleaning process; rock; impurities such as slate, sulfur, pyrite; and debris common in the mining industry such as broken machinery, and just plain junk. It has been estimated that in the anthracite area alone more than 900,000 cubic yards of gob is piled over 12,000 acres of land. One bituminous State is known to have over 500 such piles with one giant mass that is 2 miles long, 5 stories high, and 100 feet wide.

It is obvious that as the demand rises for higher quality and cleaner coals, the refuse piles will grow proportionately. Something must be done now to prevent the environment surrounding our coal mining areas from being further polluted by this industrial waste.

The piles will not disappear without some study having been conducted as to the uses of their material content. Suggestions have been made already concerning potential uses as a fuel; however, taking advantage of this suggestion is limited by the availability of a market, by increasingly restrictive pollution regulations and by transportation charges which limit their movement. It has also been suggested that the material be utilized in the manufacture of brick and cinderblock; as cinder for winter snow and ice control; as a roadbuilding substance; as a chemical raw material; and for filling abandoned strip pits.

One source close to the mining industry has told me that as of now, there is no intrinsic value in the piles which would justify a commercial venture. I am not willing to give up quite so easily and for that reason, my colleagues and I are asking the Office of Coal Research to put its considerable talents into the problem to perhaps find a solution. Gob piles are a health, safety, and esthetic hazard. We believe that given proper attention we can begin to eliminate the blight from the surface of our land.

Mr. Speaker, those members from both sides of the aisle who have joined me in a drive to find ways to eliminate gob piles—include: Frank M. Clark, Robert J. Corbett, John H. Dent, Daniel J. Flood, James G. Fulton, Joseph M. Gaydos, Kenneth J. Gray, Albert W. Johnson, James Kee, Joseph M. McDade, Robert H. Mollohan, William S. Moorhead, Thomas E. Morgan, Arnold Olsen, Carl D. Perkins, Melvin Price, Fred B. Rooney, George E. Shipley, John M. Slack, Harley O. Staggers, Frank A. Stubblefield, William C. Wampler, J. Irving Whalley, and Gus Yatron.

The sponsors would naturally welcome additional support and we therefore urge other Members to join us. I have been in touch with top UMWA officials and industry spokesmen and they are behind this effort; and my conservationist friends sense a genuine need for this legislation. I feel that additional support will come from other segments as the need for action comes into focus and is increasingly evident.

SPIRO SPEAKS

(Mr. HALL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HALL. Mr. Speaker, I for one would like to "stand up and be counted," along with many other Americans, who wish to place themselves "four square" in the corner of the Vice President of the United States, Spiro T. Agnew.

This honorable man, who believes in "telling it like it is," has found, as have many others, that what he says, and how he is quoted, do not always "jibe," due perhaps to an individual hearing deficiency, or a deliberate attempt to raise doubts.

I think it is fair to ask, if the reference by the Vice President to the leaders of the so-called "moratorium" as "impudent snobs," was any more offensive than those same leaders' printed comments calling the President of the United States a "pig" and a "fascist"? I think not.

Those of us who have come to know Vice President Agnew well, can attest to his integrity, his basic selflessness, his devotion to his country, and his unstinting desire to maintain in this Nation, every man's right to responsible freedom of speech, himself included.

In the current edition of Newsweek magazine, Stewart Alsop, sets down a most revealing and thought provoking interview with the Vice President. I recommend its reading to all.

The article follows:

[From Newsweek magazine, Nov. 3, 1969]

Spiro Speaks

(By Stewart Alsop)

Washington.—What follows was excerpted from six double-spaced pages of notes on a talk last week with Vice President Spiro T. Agnew. It is an attempt to catch the flavor of the Vice President's manner of talking and thinking. The flavor seems worth trying to catch, and not only because Mr. Agnew is again in the news, with his famous speech about those "impudent snobs." There is another reason—the fact that Spiro T. Agnew could, quite conceivably, be President one day. There is a third reason, too.

Office in Old State, huge fireplace, gilded mirror, eagles on doorknobs, the works. Vice President reading blue-covered booklet with stars and seal, marked The President's Daily Briefing—the CIA intelligence summary. Face pink, healthy-looking, hand carefully manicured, French cuffs with gold cuff links, small, controlled smile. Talks easily with air of candor. Looks as though he'd been dieting. Rather Presidential-looking—a casting director would instantly choose Agnew over Nixon for role of Modern President.

He himself instantly brings up the subject of the "impudent snobs" speech:

"You know, there's a certain humor in the situation. They land on me for a few words out of context, but the other side can attack, and no matter what language they use, there's no criticism . . .

"Yes, I wrote the speech myself. I never submit my speeches to anyone. I did that speech on a Saturday, and there were not many people around . . . the trouble was, nobody paid any attention to what I really said . . .

"You have Ed Muskie asking why we won't stop testing MIRV's and Ed Brooke saying we're responsible for the strategic arms race. I was trying to answer that sort of thing . . . We've built no ICBM's since 1967, no nuclear submarines since 1965 . . . The Russians have 64 ABM's already, more than we'll have in 1974. They're building 100 ICBM's this year alone, and they're building nuclear submarines just as fast as they can. Yet you have these statesmen blaming *us* for the strategic-arms race. That's what I meant by masochism . . . I've seen dozens of editorials about my speech, and *not one line* about this subject.

"I suppose if you want to get a point across, you say it in exciting language, and then bland out everything else . . . Of course, if you use punchy language, you're automatically attacked for intemperance. But that risk is counterbalanced by the attention you get for what you say. If you can get your thought through to people, it can be worth the risk . . . If I had it to do again, I'd still deliver the speech just as I wrote it."

Agnew on the young:

"There is a fascination among young people with demonstrations as a means of communication. I have a theory about that. There is a direct relationship between the popularity of confrontation with young people, and the fact that they were brought up on television, not books. They're conditioned to action and emotion, not words. This is a perfectly natural thing—every day, they see action, violence, confrontation on television, and they are naturally more conditioned to action than logic. But there is a danger there.

"Young people who become involved, often for very salutary reasons, in a demonstration or confrontation, tend to become caught up in the event itself, emotionally, tend to be carried away by mob psychology . . . that is the danger . . ."

Agnew on his own generation gap:

"My 14-year-old daughter, Kim wanted to wear a black arm band to school, to demonstrate against the war. I told her I had no objections if she really understood the facts. So I took a lot of time to tell her how we got involved in Vietnam, and the situation there, and so on. She said, 'I understand what you're saying, but I don't agree.' So I explained the whole situation again, about the 1954 accord, and the 1962 accord, and she said, 'All right, but why not just get all of them out of there?' So I said, 'Kim, I have given you the arguments for not just getting out, and you just haven't given me a logical argument against it. So [here voice rises in parental authority] *there will be no black arm band and no participation in a demonstration.'*

"Well, there was the usual crisis, and I guess some mutual trauma, but after that, I think, I was nicer than usual to her, and she was nicer to me . . . I think kids keep pushing these days, to find authority, that they need authority at some point, and when they don't get it they're unhappy . . ."

Agnew on politics, George Wallace, and the South:

"I hope I'm still a politician, though some people might dispute it [small smile]. I've just come back from the South, and I'm sure now most of the people in the South don't want George Wallace. They didn't really want George Wallace in 1968, but they felt they had no alternative. They didn't really know who Nixon was—all they knew was that he was a professional politician who'd been around the track before. Now they've seen the President in action. I'm sure they feel more confidence with Nixon than with Wallace.

"I made a speech the other day in Jackson, Mississippi—2,400 people at a hundred a plate, the biggest political gathering in the state's history . . . In the South, the politicians have been caught in a cross fire, between George Wallace on the right, and Ed Muskie or George McGovern on the left. In 1968, they felt they had no place else to go but Wallace. But that's no longer true. Most people in the South, as elsewhere, want to be somewhere near the middle of the spectrum . . .

"We've made it clear that we will not support a racist policy . . . But there have been steps taken which the South understands and appreciates. Revenue sharing, for example . . . And we recognize the Supreme Court decision against artificial segregation, but we also recognize that the decision does *not* mean artificial integration . . . Wallace can't get off the ground now . . . I think the President can retain his support in the South, and I think he can retain his general support in the rest of the country . . ."

More talk about Vietnam, politics, and daughter Kim (who must be a strong character) which the Vice President puts off the record, and talk ends.

The third reason it is worth trying to understand the way Spiro T. Agnew talks and thinks is that he is a more formidable political figure than those who laugh at him realize. What he says may not be particularly original or profound. But he is formidable, all the same, because his style of speech and thought precisely mirrors the style of the "Middle Americans" who make up the great majority of the American electorate, and who will therefore elect the next President. After all, a lot of them have their Kims to worry about, too.

GEN. WILLIAM C. WESTMORELAND'S SUPERB ADDRESS: "STAND UP FOR FREEDOM"

(Mr. DORN asked and was given permission to extend his remarks at this point in the RECORD and to include an address by Gen. William C. Westmoreland.)

Mr. DORN. Mr. Speaker, Gen. William C. Westmoreland delivered an outstanding address in my hometown of Greenwood to the annual Kiwanis ladies' night banquet on Tuesday, October 21, on the Kiwanis International theme, "Stand Up for Freedom."

I commend to my colleagues in the Congress and to every citizen in our country General Westmoreland's timely and superb address on this occasion:

REMARKS BY GEN. W. C. WESTMORELAND

Ladies and Gentlemen, I am happy to be back among fellow Carolinians.

To me, you are home folks, and this is home. I want you to know that what I learned here as a boy in my home, school, church, and boy scout troop has helped me wherever I have been and in whatever I have done since I left the Citadel to enter the Military Academy.

There is something fundamental about this place and its people that has been good for most of us. I want to return to this thought in a moment.

I am also pleased to be among Kiwanians tonight. I remember how proud my late father was to be a member of the Spartanburg Kiwanis Club. As for myself, I remember well my first speech in public. I was fifteen, and I spoke to the Kiwanis Club of Spartanburg. It must have been a mighty poor speech, for it has taken 40 years for a Piedmont Kiwanis Club to invite me back.

My father and mother, my school, church, and scout troop tried to teach me to be constructive, to be positive rather than negative, to build rather than tear down. Your club motto is "We Build". So I guess I have tried to be a Kiwanian in spirit during my life.

I would like to share with you tonight some thoughts brought to mind by your motto. I'd like to begin by saying that this spirit of building is vtial to the preservation of freedom in America and elsewhere in the world.

Our nation did not grow. It was built by people dedicated to building a new life in a new land. Always the goal has been self-determination and the right to be free.

The building blocks in our history are well known to us. It is significant in our consideration of them that, in large part, the builders of our country and protectors of our freedom have been young people.

Just the other day I was re-reading the story of the Declaration of Independence and the United States Constitution. As I read, the more interested I became. I suddenly remembered how young many of the signers of the Declaration of Independence were, particularly the South Carolinians. Both Lynch and Rutledge were in their late twenties. Heyward and Middleton were in their thirties.

I think it is good to pause and reflect on the words of the Declaration of Independence from time to time. In fact, all Americans should reread those eternal thoughts to rekindle their patriotic spirit. Time has not tarnished, instead has brightened those ideas, ideas that the rights of man, bestowed upon him by God, are supreme, that the government exists solely to secure those rights, and only through the consent of the governed.

The Declaration of Independence clearly implies that Freedom requires an obligation. Truly, freedom is not free. It requires individual effort and positive action. In addition, the Declaration of Independence does not guarantee happiness for all men. Nor does it say that man is guaranteed the right to happiness, but rather, he is guaranteed the right to pursue happiness. Happiness is not a gift. Instead, it is something to be sought by each individual. Through individual effort, collective progress occurs.

While reading further, I rediscovered that the most eager supporters of the Constitution were also young men, men such as Madison, McHenry, and Morris, all of whom were close to thirty-five. King and Hamilton were thirty-two and another well-known South Carolinian, Charles Pinckney, was only twenty-nine. Even though Pinckney lived later to disclaim the Constitution, he was initially one of its most staunch supporters.

They were responsible for framing a document unique in history—

A document which ends forever the need for revolution . . .

A living document which capitalizes on man's intellect and reasoning ability . . .

A document which provides orderly and peaceful means for national growth and progress . . .

A document which calls for political evolution, not revolution.

The men who wrote the Declaration of Independence and who drafted the Constitution have worthy successors today. Many of them have worn the uniform of our country.

We now have a new type of hero, our astronauts. We are proud of them and the many scientists, engineers and workers who have brought honor to our country by their spectacular exploits in space. Many in our space team are young men.

I think I know the youth of America as well as anyone, for I have served with so many of them. It may come as a surprise to some who have been following the reported exploits of young people the past few months to hear me stand up strongly for our young people, that is for most of them.

The ones I know best, of course, are the hundreds of thousands who have served and are now serving in Vietnam. These men have joined the people of the Republic of Vietnam to fight a war and at the same time build a nation where—as in our own—people may exercise the right to determine their own destiny. There they face an enemy with no respect for life or liberty, an enemy which will insure only one unalienable right—the right to pursue communism.

It is important to emphasize here that in Vietnam we are not tearing a country apart. We are building a nation. The way we go about it is easy to understand. As progress is made on the battlefield, there will be less for Americans to do on the battlefield. As the South Vietnamese grow stronger, we diminish our involvement in proportion. We call this "Vietnamization". We look forward to the day when Vietnamization will be total, but we dare not say now when that will be.

In my view, Vietnamization is well on its way. Already it has proved to be a sound and viable policy which deserves the support of the American people.

I am personally concerned by the continual protest against those who accept the responsibilities of leadership and who are doing their utmost to bring about an honorable peace. Just the other day, during the moratorium, I heard a young soldier in Vietnam being interviewed. When asked what he thought about it, he replied, "Well, I don't know . . . all of us out here from the general down to me are against war as such, but it seems to me that this thing helps the enemy more than it helps me."

Outbursts and derision should not be against our national policies, arrived at through constitutional means. In my opinion, if the demonstration of last Wednesday had been in support of our President, peace would be nearer at hand.

No one despises war more than the vast majority of moral military men who have seen it firsthand, who know its real tragedy and horror, who—like you—wish with all their hearts that war could be forever banned from the face of the earth. And yet, throughout recorded history, after every war, the soldier has been attacked. I recall so well Kipling's words:

"It's Tommy this, an' Tommy that, an'
'Chuck 'im out, the brute!'
But it's 'Savior of 'is country,' when
the guns begin to shoot."

Today it would seem that the words "patriotism", "the Defense Establishment", "law and order", "draft", "obedience", "responsibility" have become odious. Indeed, in the Free World, many misguided people advocate smashing our shields, calling in our lookouts, destroying our swords and quenching our watch fires. They advocate this while outside the bear and the tiger watch and wait.

Just recently I returned from Europe when I visited the United Kingdom. I spoke with some community leaders there who were puzzled, perplexed and confounded by the havoc and bloodshed in Ireland. They questioned, "Where did we go wrong? What have we done that citizens of the same country and of the same race, differing only in religion, should fight and destroy property and one another?" Had it not been for the forces of law and order—the British military and local police—Belfast may well have burned to the ground.

The Irish, whose love of joy, freedom and independence are known throughout the world, allowed hatred to cloud their reason. Yet this is a country where respect for individual liberty preceded by four centuries one of England's greatest contributions to mankind, the Magna Carta, out of which grew the individual's right to legal protection, to trial by jury and the right not to be deprived of liberty except by the law of the land.

Could this happen in the United States of America? I believe that it can. We have seen something like it in the smoke and fire of the long hot summer of 1968. Yes, the enemy got into the outskirts of Saigon, but in Washington our own citizens tried to destroy our capital city.

One of our leading periodicals said a couple of weeks ago that "These are revolutionary times" . . . that profound changes in existing institutions and customs are demanded. Now, not all revolutions are undesirable; not all revolutionaries are wicked. But it is up to us to sift out that which would threaten our way of life and deal with it according to the law of the land. No one can undertake this sifting-out process better than people like you—people dedicated to building rather than destroying, people who will not forget the first building blocks of our American democracy, the Declaration of Independence and the Constitution.

At the time of the last meeting of the Constitutional convention, Ben Franklin said that he consented to the Constitution because—and I quote—"I expect no better, and because I am not sure that it is not the best."

Time has not proven Franklin wrong. Alfred North Whitehead, the great English philosopher, more recently observed that there are only three times in the history of the Western world when statesmen consciously took hold of historic destinies: Periclean Athens, Rome under Augustus and the founding of the American Republic.

The American experiment must continue as the greatest moving force in the world. It must continue to be the example for the world of what freedom really means.

Ladies and gentlemen, if America is going to survive the ravages of time better than Athens and Rome, we as a people must look back to the foundations of Western heritage: the Judaeo-Christian ethic, the Magna Carta, the Declaration of Independence, our Constitution. We must not only reaffirm our beliefs, we must put them into practice.

According to General MacArthur, "religion and patriotism have always gone hand in hand, while atheism has invariably been accompanied by radicalism, communism, bolshevism and other enemies of free government." MacArthur's words ring as true today as they did 25 years ago.

When our forefathers put the Constitution together as a dynamic instrument, they were well aware that change is the vehicle to progress. But they also knew that change must be brought about in an orderly manner through reason and that it must be controlled and guided, guided largely by ethical and moral standards and fundamental principles. Without such guidelines change goes out of control and often results in retrogression rather than progression.

Today we are changing at such an accelerated rate that in many cases our pace has outrun our reason. We as a people experience difficulty in relating to the fundamentals of our way of life. Consequently, we face great problems, both as people among people and a nation among nations. Our biggest problems appear to involve young people who, as the pace quickens, are actually further away from America's traditional values than we were in our youth when the pace was slower.

And yet, as I visited Fort Gordon today and saw our fine young men under training, when I heard these young ladies from Lander College sing tonight and when I saw the boys and girls from your Key Club, I knew that they were like most of our youth, youth represented by young servicemen and women I have seen around the world, young Americans who know that freedom is not free, young Americans who know that freedom requires individual responsibility.

The problems which face us—young and old, both as individuals and collectively—must be met head-on.

Drugs and narcotics.
Permissiveness.
Glorification of Dissent.
Degradation of Patriotism.
Racial Problems.
Disregard for Law and Order.
Indifference.

And, those who choose to influence by intimidation or temptation.

If our standards of decency and morality are abandoned, then we will be in trouble. If the search for honesty, truth and justice ever becomes supplanted by material goals, our nation will be doomed.

Our form of government, with its checks and balances, permitted us to survive crises in the past. I am certain that we are resilient enough to survive this one.

However, we must conquer our problems by turning back to those fundamental principles guaranteeing life, liberty and the pursuit of happiness, those principles which Sophocles declared over twenty-four centuries ago as being "unchangeable, unwritten laws of heaven."

We as citizens, young and old, must exercise a collective sense of responsibility and consideration for others as well as self.

We must stand up and sound off for decency, patriotism, democracy and freedom. In short, we must put into practice the motto of Kiwanis—Stand up for Freedom.

INTERNATIONAL BANKERS—THE MONEY-CHANGERS MOLD HISTORY

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, the American people are becoming more and more concerned over the condition of their money.

Unfortunately, the U.S. currency left the control of the Congress many years ago to become but another pawn in the international control mechanism of the United Nations Organization. See U.N. Monetary and Financial Conference, Bretton Woods, N.H., 1944, which can be found in "International Conciliation," published by Carnegie Endowment for International Peace.

It is tragic that citizens of other countries have more control over the buying power of the U.S. dollar than the American citizens' elected officials to whom the Constitution entrusted this power. In fact, the international bankers are aware that they can influence national elections in any country by manipulations in the value of currency.

An interesting series of columns on money has appeared in the local Washington newspaper which I include as part of my remarks:

[From the Washington (D.C.) Evening Star, Oct. 20, 1969]

Money—A New Epoch: Central Bankers Hope To Find a Way To Manage Politicians

(By J. A. Livingston)

Late July and early August in Paris were sultry—enervating.

Americans longed for air conditioning.

Frenchmen who didn't have to cater to tourists, operate factories, take care of international trade, or run the government fled to the mountains or the seashore for their precious holidays.

Suspense, nervousness prevailed—especially among businessmen and bankers.

What would happen to the franc? Would its price be lowered?

Julien-Pierre Koscul, senior vice president for Europe of the First National City Bank of New York and a former official of the Bank of France, offered a unique theory.

Yes, he thought, the price of the franc would have to be lowered. "You know," he said, "if the franc is to be devalued, the ideal time is August when labor leaders are on vacation, when everybody influential is away, and no one expects it."

LEADING QUESTION

That gave me my leading question—to bankers, businessmen, government officials. "If devaluation were to come, would it be in August?"

Invariably, the answer was, "No, not till after the German elections. It takes time to prepare for devaluation."

On Friday, Aug. 8, President Georges Pompidou of France stumped the prophets. After the markets were closed, he announced an 11.1 percent devaluation of the franc.

He did not wait for Germany. He did not delay, hoping for a deal—franc down, mark up.

Pompidou wanted to call his own shots. He was versed in banking, economics and the guiles of speculators and businessmen. He had been an executive at the powerful banking house of Rothschild.

French monetary reserves—gold, foreign currencies and drawing power on the International Monetary Fund—were falling day by day. Hastily devised exchange controls couldn't stop normal business precautions.

French importers speeded up payments abroad. If the franc were reduced in price, they would have to pony up more francs to obtain the necessary marks, guilders, or dollars to meet their bills. In the case of German invoices, French purchasers stood to lose doubly, if the mark were raised in price.

On the opposite side of transactions, foreign purchasers of goods from France delayed paying. They waited for devaluation of the franc. Then they would make a foreign exchange profit.

Pompidou could not undo the rise in wages, costs and prices which had followed the May–June, 1968, riots and strikes in Paris. He could not make French industry more efficient and competitive overnight. But at least he could stop the bleeding of French reserves.

He could make the price of the franc look "right"—tenable—to foreigners. He could improve sales of French goods abroad by devaluing the franc, thereby making it possible for French exporters to quote lower prices.

The decision, though a surprise, was an anticlimax. Therefore, it went off smoothly. Speculators, bankers, and business men had expected it. They merely mistimed it.

With equal suddenness, Chancellor Kurt Kiesinger of Germany, decided that the 25-cent mark, four to the dollar, was not "immer und ewig"—always and eternal.

UNCERTAINTY RECALLED

As finance ministers and governors of central banks met in Washington on Monday, Sept. 29, for the annual meeting of the International Monetary Fund, they were deeply concerned about the German elections: Who would come out on top—Kiesinger or Foreign Minister Willy Brandt?

If Brandt won, they had no doubt: That mark would be revalued. That is what they wanted.

But if Kiesinger won . . .

Foreign exchange markets decided the issue. Money flooded into Frankfurt. The Bundesbank was swamped with dollars it didn't want, couldn't handle.

Kiesinger reacted.

But instead of revaluing the mark—setting a definite price, as the French had done with the franc—he tore it loose from the dollar. The mark became a floating currency. This violated IMF rules. It annoyed the French. But it was accepted as an interim expedient.

"King Canute" economics had failed again. Politicians can delay doing what has to be done but they can not roll back economic tides forever.

The outstanding King Canute failure in postwar money management occurred in the United States. A date to remember is Dec. 5, 1965—a Sunday.

President Johnson was recovering from a gall bladder operation in Texas. That evening the Federal Reserve Board summoned reporters to announce that the discount rate had been raised to 4½ percent from 4 percent. The vote was four to three.

JOHNSON REGRETFUL

The next day Johnson said: "I regret, as do most Americans, any action that raises the cost of credit, particularly for homes, schools, hospitals and factories."

For months thereafter, Secretary of the Treasury Henry H. Fowler evinced displeasure. Why couldn't FRB chairman William McChesney Martin and the board, have waited until the President had sent his State-of-the-Union and budget message to Congress?

Martin had been chafing. Vietnam was absorbing more and more materials and manpower. The budget deficit was increasing. Inflationary forces were gathering momentum.

He long had urged a tax increase. But to no avail. A request to Congress to raise taxes would have invited full-scale debate on the Vietnam war. And higher taxes might slow economic growth—cause some unemployment. The President didn't want that.

In 1966, as the Federal Reserve kept credit tight, interest rates rose. Mortgage money dried up. Housing collapsed. The term mini-recession popped into the economic lingo.

But Martin had made his last stand. He and the Federal Reserve Board were prisoners of Vietnam escalation. Johnson did not ask Congress for a tax increase until the summer of 1967. Congress did not act until 1968.

DOLLAR CHEAPENED

Meanwhile, the Reserve Board became the cheapener of the dollar instead of its guardian. It provided the credit—the lending power—to finance enlarging budgetary deficits. No central bank can refuse to finance its government. And when it does, it adds to the money supply, extends purchasing power, and becomes an "engine of inflation."

The U.S. boom had undesirable side effects. U.S. imports rose much more sharply than exports. The U.S. balance-of-payments deteriorated. The richest nation in the world was compelled to pay its bills with dollar IOUs—deficit dollars.

Johnson could no longer say that the dollar is "as good as gold." Nor could Chairman Martin.

This brings us to an irony. Triumphantly, the members of the International Monetary Fund have created "paper gold"—Special Drawing Rights—as a substitute for and supplement to gold bullion. The SDRs are designed to buy time for and to perpetuate the Bretton Woods system. Yet, at the instant of triumph, central bankers are debating among themselves: Must the system be changed to be saved?

Three principles governed Bretton Woods.

First: The dollar would always be exchangeable for gold at $35 an ounce. Today, this is adhered to in theory, but not in practice. The unmortgaged U.S. gold stock is only about $10 billion.

Consequently central bankers hesitate to exchange dollars for gold. Were they to knock too often on the gold window of the Federal Reserve Bank of New York they would find it closed. They would have to accept the dollar.

A U.S. embargo on gold would topple the international monetary system. It would derange world trade. No responsible central banker or finance minister wants that. Paradox: Fear of disrupting the system keeps the system going!

Second: Prices of currencies would be fixed relative to the dollar and hence to one another. These firm relationships were the heart of the Bretton Woods system. If the prices of currencies bob up and down, so would prices of groceries and automobiles. Consumers wouldn't accept this. Businessmen wouldn't like it. Politicians couldn't survive the economic uncertainties such fluctuations would create.

Third: Though the parities, the prices of currencies were fixed, they were not immutable. If a country's competitive position changed for the worse, if it suffered a prolonged balance-of-payments deficit, the Bretton Woods articles proposed lowering the price of the currency. Conversely, if a country has a prolonged balance-of-payments surplus, an increase in the price of the currency was contemplated.

But such adjustments are a politician's nightmare.

The Government that devalues a currency confesses failure.

The government that raises the price of its currency cannot expect hometown hurrahs. Revaluation hurts exporters. It is likely to cause some unemployment.

Some central bankers have concluded that they must find a way to manage politicians. In that way, maybe they will be able to manage money.

By manipulating changes in exchange rates, they hope to lead presidents and prime ministers and legislators into economic policies which will achieve the best mix among four hard-to-reconcile objectives:

1. Economic growth; 2. Price stability; 3. High employment; 4. Balance-of-payment equilibrium.

STRUGGLE FOR POWER BY CENTRAL BANKERS

(By J. A. Livingston)

Have you ever observed that when people are troubled—at their wit's end—they want to talk?

This was impressed on me during my three-month tour of financial capitals this summer. The men who manage the world's money are not satisfied with the system. They are groping to change it. But they are not sure how.

Many government and central bank officials openly expressed misgivings. And for quotation! Something they had never done before!

They were anxious to let officials of other nations—and particularly of the United States—know that all has not worked as dreamed at Bretton Woods, N.H., 25 years ago.

Why the United States?

DOLLAR IS THE KEY

Erik Hoffmeyer, a former professor of economics who now heads the Danish National Bank, put it in three sentences: "Your country is the strongest in the world industrially. The dollar is the key currency. The United States must take the lead in any basic modification of the monetary system."

Hoffmeyer and two other central bankers already have declared that the Bretton Woods system is too rigid: Greater flexibility would foster world prosperity, enhance international trade, and reduce speculative assaults against weak currencies.

Hoffmeyer's associates in "modification" are Wolfgang Schmitz, president of the Austrian National Bank, and Guido Carli, governor of the Bank of Italy. They propose the "crawling peg," which can be defined as "flexiblity in small doses."

They reached their conclusions separately—independently. When I told Schmitz in Vienna and Carli in Rome that Hoffmeyer was of their mind, each seemed surprised. I had seen Hoffmeyer previously in Copenhagen.

Under the Bretton Woods formula, a central bank keeps the price of its currency stable. It limits deviations from parity to one per cent up or down. The range of a currency with a 50 cent parity would be 49½ cents to 50½ cents. Usually, central bankers confine fluctuations to less than that.

The crawling peg would add leeway—scope. The usual proposal is to let a currency's price rise or fall as much as 2 percent a year. A currency with a 50 cent parity could crawl up to 51 cents and down to 49 cents.

CONTEST OF POWER

The crawling peg, sometimes called the "dynamic peg," is more than a foreign exchange mechanism. It is a strategy in a contest of power—money managers versus politicians. Fluctuations in currencies, if wide enough, will cause fluctuations in prices in grocery stores. They'll change the level of employment in some industries.

Consequently, presidents, prime ministers, and parliaments cannot be indifferent to movements in the price of money.

By subtle changes in the price of money, central bankers hope to prod politicians into making "correct" budgetary decisions.

But all is not rah-rah for the "crawling peg."

At the American Bankers Association monetary conference in Copenhagen in June, an official of the International Monetary Fund described the "crawling peg" as a "can of worms. All other currencies will be crawling up and down on the dollar and you will never know which one will come out on top of the mess."

This official is not alone. But he may have to eat his unappetizing metaphor.

He reports to the 113 members and 20 executive directors of the IMF. He can influence their decisions. But he must find a consensus. And too often, the consensus is the United States! It has put up the most money—24 percent—and wields 21.6 percent of the votes.

Until this year, the U.S. "consensus" was Bretton Woods—nought else. Then, at the IMF annual meeting, Secretary of the Treasury David M. Kennedy said the United States would consider new techniques to eliminate "unnecessary rigidities."

EVENTS RESHAPE TRENDS

Events—the fundamental weakness of the dollar—have reshaped the U.S. attitude. The dollar ties the Bretton Woods monetary system together. The prices of other currencies—their parities—are linked to the dollar.

When the mark was worth 25 cents and the franc 20 cents, their respective exchange rates were four and five to the dollar and 1 to 1¼ to one another.

When the franc was devalued to 18 cents or 5.6 to the dollar, and the mark remained at four to the dollar, the new mark-franc "rate" became 1 to 1.37.

After the German elections the mark was cut loose from any parity. Its exchange rate fluctuated vis-a-vis the dollar and other currencies. This breached the Bretton Woods principle of fixed parities. But it was accepted by IMF members as a necessary expedient.

Relative to the French franc, the Italian lira, the British pound, the dollar has been—and is—strong. But its strength is based on district. Frenchmen, Britons, Italians constantly fret: Will their currencies be devalued? The dollar is their refuge from fear.

When the Soviet army invaded Czechoslovakia, the dollar advanced in price. Europeans, nervous about war, rushed to dollars for sanctuary. Even Germans, notwithstanding preeminent strength of the mark at that time.

DOLLAR IOU'S USED

But the dollar has not been consistently strong relative to the Swiss franc, German mark, Netherland guilder. The United States has been meeting its debts with dollar IOUs. It has been running a chronic balance-of-payments deficit—an "intractable deficit," says Milton Gilbert, economist for the Bank for International Settlements.

Year after year U.S. foreign purchases of goods and services and capital expenditures have exceeded sales and income from abroad. The United States may be lean and thin in cartoonists' eyes, but to economists he resembles more and more John Bull. He is the rich man who consumes more than he can pay for.

The shocker is the U.S. trade balance. In 1964, U.S. exports exceeded imports by about $7 billion. This surplus has shrunk to about $1 billion. Edwin Stopper, head of the Swiss National Bank, thinks the shrinkage is due to "structural change."

In the postwar period, American companies built branch factories inside the Common Market's tariff wall. Initially, these subsidiaries imported machinery and supplies from the U.S. This boomed American exports.

But soon, the subsidiaries were obtaining supplies in Europe. Oops, a double reverse! American subsidiaries, which were importers of goods made in the U.S.A., began competing with American companies by selling goods to the U.S.A.

Exported American technology and know-how also contributed to the deterioration in the U.S. trade balance. Foreign companies—with modernized machinery and management techniques—have been able to undersell or outstyle U.S. companies. Witness the foreign car invasion, led by Volkswagen.

CHANGE NOTED

A decade ago, imports of manufactured goods by the U.S. came to about half of U.S. exports of manufactured goods. Today, manufactured imports have climbed to about 80 percent of U.S. manufactured exports. The U.S. industrial lead—its supremacy in manufacturing—is far from what it used to be.

Arthur F. Burns, counselor to President Nixon, is aware of this. The President, Secretary of the Treasury David M. Kennedy, and members of the Council of Economic Advisers are concerned with the implications: Perhaps the dollar is an overvalued currency. Perhaps, its parity—vis a vis—European currencies and the Japanese yen—is too high.

No one can know for sure. But the persistent deficit in the U.S. balance-of-payments—accentuated by the drop in the export surplus—leads to such an inference, if not conclusion.

And so the dollar—once the international strong boy—has become a question mark and source of worry.

Normally, if a currency is overvalued, if its price is too high, the remedy is specific: Reduce the price, lower its parity. But the medicine for the franc or the pound is not the medicine for the dollar. The dollar is unique.

In Frankfurt, Otmar Emminger, a director of the German Bundesbank, told me: "When a person says that the parity of the dollar must be changed, he really means that the parity of other currencies must be changed. The dollar doesn't move relative to other currencies. Other currencies move relative to it.

"A change in the price of gold to alter the parity of the dollar would only create more difficulties, more anxiety. If the U.S. Treasury boosted the price of gold by 5 percent, to reduce the parity of the dollar, people would begin to wonder: Will the gold price be increased again? That would renew speculation in gold. It would create instability."

Besides: An increase in the price of gold would lower the price of dollar in theory. But would it actually?

If other countries kept their currencies tied to the dollar, there'd be no dollar devaluation. This would merely reinforce the commonly accepted notion that the world is on a dollar standard, doesn't like it, and doesn't know what to do about it.

IS U.S. DOLLAR OVERPRICED AND HOW CAN IT BE LOWERED?

(By J. A. Livingston)

Guido Carli, governor of the Bank of Italy, makes no bones about what might undo the international monetary structure: The dollar.

For far too long the United States has been administering charity on the cuff. Carli puts this carefully, diplomatically. Economists will grasp his meaning. But to most persons, his phraseology will seem bureaucratic:

"We should inquire whether in time, the U.S.A. will be able to acquire, on the basis of the present exchange parity of the dollar surpluses of good and services of a size corresponding to the volume of its capital exports and unilateral transfers."

That translates into: Will the U.S. continue to pay its bills with deficit dollars—dollars the world already has in overabundance?

Carli recognizes that the United States has worldwide responsibilities—military, social, economic. These commitments result in large outflows of dollars—some by direct grants, some as loans.

Nations customarily pay for such outflows with goods and services—with surplus exports. But the United States has not been able to do so in recent years.

PROBLEMS OUTLINED

Hence Carli's misgivings: Is the dollar overpriced–

If so the problem is: How can its price be lowered?

Carli would use the "crawling peg."

But, as noted in yesterday's article, critics of the crawling peg fear the "can-of-worms effect." One currency, like the German mark, will crawl up. That tends to lower the dollar's price vis-a-vis the mark. It will improve the United States export position in trade with Germany.

But other currencies, the franc and the pound, for example, crawl down—in the scramble for exports. This impairs the U.S. balance of payments. And this has been the prevalent postwar tendency.

This downcrawl endangers the monetary system. It threatens the dollar, which is both the linchpin and the marriage broker in international trade.

The price of the dollar determines the price at which a German or French importer can afford to buy U.S. goods. Likewise, it fixes the price at which a German or French exporter can afford to lay down goods in the United States.

Economies drift apart—like people. The wage, price, and cost structures of nations rarely develop similarly.

Technical advances — improvements in plant and equipment—enable some nations to achieve big gains in efficiency.

COSTS OUT OF LINE

In some countries unions push up wages faster than in other countries. Costs get out of line.

And political preferences vary. Some governments foster expansion with budgetary deficits—inflation. Politicians let costs rise rather than boost taxes.

This happened in the United States from 1965 through 1968. In contrast, in Germany, government officials are inflation wary. Seared deep in the German ethos are the two mark wipe-out after World Wars I and II.

If a nation piles up balance-of-payments deficits—if it fails to meet its bills and losses gold or other reserves—then internal policies must be adjusted.

Consumption must be slowed down. Exports must be increased relative to imports. Prices must be prevented from rising as rapidly as prices in other countries.

Conversely, if a nation consistently runs a balance-of-payments surplus, as Germany, then it should pursue expansionist policies to increase its imports. If it doesn't, if it adds to its reserves year after year, it "gives away" manhours and materials. It swaps resources (goods and services) for gold and dollars IOUs. It deprives consumers of the fruits of their labor.

Consistent balance-of-payments surpluses are not necessarily an index of good management, good husbanding of resources. On the contrary!

President Charles de Gaulle followed such an austerity course to build up French gold resources. This deprivation, this holding back of income from the French people, sowed some of the discontent which led to the General's downfall.

When all else fails, when internal adjustments are too difficult, international marriage counselors advise: Change the price of the currency!

A country that has been losing reserves, cuts the price.

A country that has been gaining reserves, raises the price.

Let's go through the arithmetic of why.

Let's take France as an example, using round numbers. The French franc was devalued from about 20 cents to 18 cents. A French manufacturer who formerly sold an item in the U.S. for $1 (or five francs) now can sell it for 90 cents and still earn the same number of francs. Therefore French exports ought to increase.

And French imports will be likely to decrease. An American manufacturer who formerly charged $1 or 5 francs for an item laid down in Paris would now have to get 5.6 francs for it to earn a dollar. So the price would rise in France.

Revaluation reverses this process. It tends to boost export prices, hence decreases sales abroad. Simultaneously, it makes it possible for foreigners to sell goods at lower prices.

The founders of the Bretton Woods agreements foresaw that currencies might have to be revalued or devalued. But they did not reckon with political psychology.

Far too often and for far too long, government officials are likely to procrastinate—put off hard-to-made financial decisions. Out of line economic distortions widen. Finally, a crisis change in the price of a currency is dictated—by the speculative rush of funds from money center to money center.

Therefore, some central bankers are leaning toward flexibility in small doses.

Jelle Zijlstra, president of the Netherlands Bank, and Otmar Emminger, of the German Bundesbank, have come out for a one-way crawling peg—up only. Let the IMF grant central banks authority to make minor revaluations.

Erick Hoffmeyer, chairman of the Danish National Bank, Wolfgang Schmitz, president of the Austrian National Bank, and Carli advocates a two-way movement. They know that heads of government will never give them authority to make big changes—5 percent or 10 percent. But minute changes—say 2 percent a year, or one-half of one percent per quarter—might be conceded.

FREE RATES FAVORED

Many economists, particularly those of the laissez-faire, free-market University of Chicago school, think this is tiddledy-winks. They advocate freely floating exchange rates. Let supply and demand determine the price of currencies.

The ebb and flow of imports and exports, the movement of tourists to and from a country, and the availability of income from capital will fix the price of nation's currency day to day. Such changes in price will, in turn, interact on trade, tourism, and capital flows. Market forces—not decisions of government officials—will raise and lower purchases and sales abroad.

But central bankers reject "let the market decide."

Hoffmeyer says "As a professor, I explored such a system. But could it work? Would government officials let it? Government officials consistently intervene in their own bond markets to influence the level of interest rates. "Is it likely they will give up control over the price of their currencies, which for big trading nations, determines the cost of living?"

Sir Maurice Parsons, deputy governor of the Bank of England, is convinced that floating exchange rates would have an adverse effect on world trade.

Businessmen with foreign bills to pay buy insurance against a change in the price of currency. This is called "forward cover." Thus, importers can know in advance what they will have to pay for the goods they buy and therefore the prices at which they can afford to sell.

This insurance—in periods of stability when there are no devaluation or revaluation scares—is usually slight. The central bank maintains the price of a currency—the fluctuation—within a 1 percent band. Therefore, the risk of loss is minimal.

"In a floating rate system," says Sir Maurice, "the cost of forward cover would rise significantly and might become intolerably high."

SPECULATORS FEARED

Why? Because there'd be no established bottom or top price for a currency—no 1 percent band. Sellers of insurance would increase their rates.

Advocates of floating rates argue, "No, this is banker talk."

Speculators would intervene on both sides of the market. And there are always buyers and sellers of currencies—businessmen who need marks or dollars and businessmen who have marks or dollars to sell.

Consequently, if economic conditions are stable, floating exchange rates will be stable. If economic conditions are unstable, then no exchange rates—fixed or unfixed—are stable. The free marketeers offer this clincher: Floating rates speed the process of adjustment, of regaining intermarital stability.

To Harold Lever, newly-named Minister of State in the Ministry of Technology and former financial secretary of the British Treasury, "This is seminar economics—fine in the classroom but not for the real world." And that's likely to be the case in any studies made in the IMF.

Modification of the Bretton Woods system will be a tortuous process. The men who "manage the world's" money are groping and divided.

They are not certain that greater exchange flexibility will give them influence over government decisions. Nor are they satisfied that the crawling peg will help to "price the dollar right" if it's overvalued.

Neither consensus, conviction, nor compromise is immediately probable.

But they do want and they are anxious to find some way to control the whiplash of money from nation to nation, as doubts and distrust surround currencies—sometimes the franc, sometimes the lira, sometimes the pound and even at times, the dollar.

The Eurodollar Lies Outside Authority of Central Banks

(By J. A. Livingston)

It's not in Webster's Third New International (1961 edition) but you'll find it in the big Random House (1966) dictionary.

"When I'm asked about it, my eyes glaze over," says Herbert Stein, a member of President Nixon's Council of Economic Advisers and an expert on fiscal and monetary affairs.

The Soviet Union and the Eastern European satellites can claim credit for its origin.

British monetary restrictions gave it a great push forward.

In about a dozen years, it has swelled into an undirected force which whips across national boundaries beyond the administrative powers of the men designated by their governments to manage the world's money, men of the stature of William McChesney Martin Jr., chairman of the Federal Reserve Board; Karl Blessing, head of the German Bundesbank, which often has been in the center of its vortex; Guido Carli, ingenious and innovative governor of the Bank of Italy.

"VULNERABLE, VALUABLE"

Dr. Edwin Stopper, president of the Swiss National Bank, refers to it simultaneously as a "vulnerable sector of the monetary front," and a valuable source of liquidity on the "doorstep of central banks."

And Pierre Andre, chief of the foreign department of the National Bank of Belgium, spoke feelingly when he observed: "It has compromised the autonomy of central banks."

What is it? It's the Eurodollar.

It developed perchance. All nations which engage in international commerce maintain accounts in U.S. banks. And, as trade expands, their need for dollars increases. Why?

Because the dollar is the work money of the world. It pays bills in England, India, France, South America, Hong Kong, and even behind the Iron Curtain, where it is welcomed.

REDS SUSPICIOUS

But Iron Curtain officials are cautious and suspicious. Though they need dollars in case of emergency, they like to keep dollar balances in American banks at a minimum. In a diplomatic crisis, the United States government could stop payment of the funds.

Soviet officials found a circumvention. Instead of keeping large sums on deposit in U.S. banks, they maintained dollar deposits in British, French, or Swiss banks. A new twist! They didn't convert their dollars into British pounds or French francs or Swiss francs.

Thus were Eurodollars born.

Let's trace how this might come about. Suppose an American buys $1 million worth of pelts at the Leningrad auction. He pays by check on the Chase Manhattan Bank in New York. The Russian fur enterprise deposits the check in a dollar account, say, in Barclay's Bank, London. This increases the Barclay's balance at the Chase and it also puts the Soviet's million beyond American reach.

BECOMES A SCREEN

Barclay's becomes a screen between the United States and the Soviet government. The United States might block a Soviet deposit at the Chase or some other U.S. bank. But how could the Treasury or the Chase smell out Soviet funds among Barclay's deposits? Didn't the Roman Emperor Vespasian prove to his protesting son that "Money has no odor?"

To understand what the Eurodollar is, it's well to know what it isn't. If a Frenchman in Paris or the Volkswagen Co. in Germany has a deposit with the Morgan Guaranty Trust Co., of New York, these are not Euro-dollars. They are ordinary deposits in a U.S. bank, on which the Frenchman or Volkswagen can draw checks even as you and I draw checks against our deposits.

But suppose Volkswagen withdraws its dollar balance in Morgan and puts it in a dollar account at the Commerzbank of Germany. That creates a Euro-deposit. Volkswagen exchanges its right to draw on Morgan for a right to draw dollars on Commerzbank. Commerzbank, in turn, gains a deposit at Morgan which it can retain there or transfer to some other American bank.

NEVER LEAVE UNITED STATES

Now we come to what is wondrously complex, so complex that many bankers don't realize it: The dollars which create Eurodeposits, never leave the United States. They always remain as deposits here and even can belong to Americans. But a foreign bank is always the intermediary between the real owner of the deposit and the U.S. bank.

Moreover, as a Eurodeposit finances trade, investment, or speculation around the world, it moves from one foreign bank to another or from a foreign bank to a commercial borrower. On this "money-go-round," it can also shift from one U.S. bank to another. Thus, Eurodollars never leave the United States. They function in international limbo.

British necessity gave Eurodollars purpose. In late 1957 and early 1958, the Bank of England restricted the use of sterling by British banks in financing non-British export-import transactions. London bankers squirmed. Horrors! This was traditional business they couldn't afford to lose. Then, serendipity! British banks used Eurodollars to finance this trade!

ADVANTAGES FOUND

Eurodollars would have evolved without the Russians. Sometimes, foreign companies found it more advantageous to borrow dollars from banks than their own currencies—especially when interest rates in the United States were lower than in Europe. So they sought dollars.

European bankers soon discovered that, by taking Eurodollar deposits, they could lend such dollars at a profit. And wealthy Italians, Frenchmen, oil-rich Middle East sheiks, and others, including Americans, have kept dollar nest-eggs outside their own counrties. When banks in Zurich, Paris, or London bid for such deposits, they got them!

Money is money in all languages and nations. Soon Eurodeposits were made in currencies other than the dollar, notably the German mark (Euromark) and the Swiss franc (Eurofranc), and "Eurocurrency" and "Euromoney" joined Eurodollar in modern banking terminology. But dollars comprise 85 percent of Euromoney, hence the colloquial term "Eurodollar" to describe the entire market.

SHARE SHOOTS UP

In recent years, the dollar share has shot up like this:

Year:	*Size of Eurodollar Market** (*billions*)
1964	$9.0
1965	11.5
1966	14.5
1967	17.5
1968	25.0
1969**	30.0

* Estimates for 1964 through 1968—Bank for International Settlements.

** Guesstimate as of August 31.

Okay! So how big is $30 billion? What is this $30 billion?

Think of an international poker game. The major players—the United States, Japan, West Germany, Great Britain, the Netherlands, Belgium, France, Italy and other nations—have stacks of chips in front of them. These are their monetary reserves—gold, foreign currencies including dollars, and drawing power on the international Monetary Fund.

The chips today amount to about $75 billion. The American stack is $16 billion, Germany's $10 billion, Japan's $3 billion, industrial Europe's about $30 billion.

The Eurodollar pool equals the chips of all the major countries in Europe! And any player can call on Eurodollar chips if he loses too many international pots.

IMPACT IS NOTED

If a nation has a balance-of-payments deficit, and its reserves run down, its interest rates are apt to rise. In contrast, interest rates in a country "in the chips" are apt to fall.

And since money, unlike water, flows up instead of down, Eurodollars are apt to flow from banks in "surplus" countries to banks in "deficit" countries. In this way the Eurodollar market is an economic equilibrator.

But it also can be a destabilizer. Instance: Belgium. During 1967 and 1968, the National Bank of Belgium made credit plentiful and cheap to stimulate domestic economic expansion. But President Nixon pursued a tight-money, high-interest rate policy in the United States.

Nixons object: To curb inflation.

American commercial banks were squeezed. They borrowed Eurodollars to meet demands of customers. Eurodollar interest rates climbed from 7 pecent to 10 percent and momentarily touched 13 percent. Whoosh! exit Belgium's control over its economic destiny.

"RENTED" THESE DOLLARS

Belgian bankers, businessmen and speculators converted Belgian francs into dollars outside Belgium in the Euromarket. Belgian banks even borrowed from the National Bank, converted the Belgian francs into dollars, and then "rented" these dollars in the Euromarket.

In a year, the foreign exchange holdings of Belgium shrank from $792 million to $358 million. Belgium had to draw on its reserves at the international Monetary Fund. Thus were chips drained from the main poker game in the Eurodollar pool.

Nor was Belgium alone in fighting New York's massive pull. Italian banks used capital, which might have stimulated Italian industry and trade, in the Euromarket. The governor of the Bank of Italy ordered Italian banks to withdraw $800 million from the Eurodollar market.

This isn't new, the coursing of capital from low- to high-interest centers. What is new is the mass involved, the ease with which the money moves, and the problems it visits on central bankers.

FORMERLY SUBJECT TO RULES

Prior to the Eurodollar market, if a Belgian wanted to put money in London, he converted Belgian francs into pounds; or if he wanted to put money in Paris, he converted Belgian francs into French francs.

His deposit was in the currency of the country in which it lodged, hence subject to the rules, regulations and decisions of that country. Moreover, the Belgian's ability to get pounds or francs initially was subject to the regulations of the National Bank of Belgium.

But Euromoney lies. outside the compass of central bank authority, including that of the Federal Reserve System.

Fred H. Klopstock, manager of the international research department of the Federal Reserve Bank of New York, points out that central banks have "gone to great lengths to prevent banks and corporations" from using Eurodollars contrary to domestic monetary objectives.

MULTINATIONAL FIRMS

But: "The international economy is dominated by multinational corporations financed by banks whose networks of branches and affiliates stretch over several countries."

Consequently, controls are ineffective unless all nations have mutually reinforcing regulations which they apply with equal rigidity. And they don't.

Therefore, some central bankers don't think it's useful to try to impose controls. They realize that resourceful corporate treasurers and bankers will find escape routes.

Major American banks perfected Eurodollar artistry during the 1966–67 credit crunch. U.S. banks encouraged their foreign branches in London and elsewhere to bid for Eurodollars. Then the branches lent those dollars back to parent banks.

Some U.S. banks, lacking foreign branches, borrowed directly from European commercial banks. Total borrowings shot up from $1.7 billion in January 1966 to more than $4 billion by the end of the year.

EURODOLLAR MARKET HANDLES CHIPS IN WORLD POKER GAME

(By J. A. Livingston)

Jacques J. Polak, economic counselor to the International Monetary Fund told me: "There are no Eurodollar experts."

No wonder Jane Sneddon Little wrote in the May–June economic review of the Federal Reserve Bank of Boston that "the operations and impact of the Eurodollar market here and abroad are just beginning to be understood."

In London, the nerve center of the Euromarket—about 75 percent of the Eurodollar deposits are lodged there—I made it a point to visit branches of American banks.

At the larger, long-established institutions, such as Bankers Trust, Morgan Guaranty, and Chase Manhattan, the men in charge talked briskly, easily about the ins, outs and origins of the Euromarket.

But among smaller and newer American branch banks, a trading, buy-sell psychology prevails. Understanding is so limited that "Euromoney," a new magazine published in London, has invented "Herbie." He writes to "Dear Mom" in America that his boss is upset. The bank sent him to London to produce Eurodollars. Now the bank wants to know "Where are they?"

Then he asks Mom: "Why come to London to look for dollars? You might as well go to the U.S. to look for tea and muffins."

EURODOLLAR BACKGROUND

Not many bankers, Europeans or American, are aware that American Good Samaritanism helped to structure the Eurodollar market.

At the end of World War II, the United States had most of the international poker chips. In 1947, United States gold was at an all-time high—$24.7 billion. The rest of the western world had only $10 billion and was in desperate need of machinery and material to rehabilitate after the war.

The United States filled the buying power gap, the so-called "dollar gap," with Marshall aid, loans, and economic "outwardism." Americans were encouraged to travel and invest abroad and buy foreign goods. The U.S. government welcomed balance-of-payments deficits—the loss of chips—for about a dozen postwar years.

Good Samaritanism became an insidious habit.

U.S. losses in the international poker game persisted long after the dollar shortage ended. The U.S. pile of good chips slipped below $20 billion in 1959, below $15 billion in 1965 and then to $10 billion, excluding $1 billion transferrable to the International Monetary Fund under a repurchase agreement. The gold holdings of other nations rose to about $28 billion, reversing the relationship of 1947.

Result: The world had too many, instead of too few, dollars. Further result: European central bankers hesitated to swap surplus dollars for gold. This would displease the U.S. Treasury.

INGENUITY IS SAVIOR

Ingenuity came to the rescue! Central bankers "recycled" their winnings. They made it attractive for their commercial bankers to use surplus dollars in the Eurodollar market. This was done by offering protection against foreign exchange loss at low cost. This enabled the banks to lend the dollars to customers or other banks at a profit.

At times, the dollar holdings of the Bundesbank and the Bank of Italy approached or exceeded their gold holdings. Politicians might criticize: Why dollars—why not gold? By pumping dollars into commercial banks, the central banks did not expose their full dollar commitments.

At first, recycling supplied cheap dollars. During most of the Kennedy-Johnson years, a German of Italian or Dutch enterprise could borrow Eurodollars at rates below those at home and then convert the dollars into pounds or marks or lire—whatever currency was required.

Soon, the world grew accustomed to these dollars, couldn't get on without them, bid for more and more of them. The Euromarket thus became entrenched as a source of credit. Marius W. Holtrop, former head of the Netherlands Bank, complained: "The U.S. exports inflation."

The vagaries of the Eurodollar market—first it exports inflation to Europe then it exports high interest rates—causes central bankers to think and rethink: What risk, what danger, does this $30-billion-dollar pool of free-flowing funds entail?

The first fear was "multiple expansion" of loans. Banks might treat Eurodollar deposits as normal deposits and, as a group, create say, $5 in loans for every $1 deposited. This is considered safe in normal banking.

For example, if an American bank makes a loan, it writes up—creates—a deposit. The customer spends the deposit by writing checks. These checks are deposited by the recipients in banks. Some might even be redeposited in the customer's own bank. The money, the deposit, stays in the banking system. This permits banks to pyramid loans against deposits, because loans create deposits.

HOW IT WORKS

Euroloans don't obey these domestic rules. A Eurodeposit lent in London might be converted in marks in Frankfurt, guilders in Amsterdam, lire in Milan, or used as dollars in New York.

Moreover, if Eurodollars were used to purchase American securities from Americans who in turn deposited the proceeds in an American bank, the Eurodollars would disappear. The deposit would belong to an American resident and be lodged with an American bank.

Banks have been cautious in expanding Eurodeposits into loans. This doesn't mean, however, that double, triple and quadruple lending may not take place.

A London bank might lend to a German bank. The German bank might lend to an

Italian bank, which lends in turn to a London branch of an American bank. But these are not true loans—merely transfers of the same deposit from one bank to another at a higher rate of interest at each stage.

There is a second risk. In Amsterdam, the head of the foreign department of a major commercial bank said: "Europeans are very happy, but it is short-term happiness. Order books are full. Profits are high. But the fuel is short-term Eurodollar credits. I can't escape the feeling that we're on top of a volcano."

He was afraid that Eurodollar deposits, which are usually of one-, three-, or six-month duration, might be put to long-term use. Indeed, banking groups in London have used Eurodollar deposits to make five-, seven-, and ten-year loans.

At first, these term loans were made at a fixed interest rate—say 8½ percent. At the time, bankers might have been paying 7 percent for Eurodeposits. If interest rates turned down, as the bankers expected, profit margins would widen. Instead, interest rates rose! Today the income accounts of bankers who bet heavily on lower Eurorates don't make good reading.

Five- and seven-year term loans are still being made. But interest rates now are ratcheted. Every six months the interest charge will rise or fall with the going rate on the Euromarket.

Bankers, however, are still taking a risk. They have to be able to renew their deposits (reborrow Eurodollars) every three or six months. This worried the Amsterdam banker. Supply might change. The Eurodollar pool might contract. Then bankers depending on a continuing supply of Eurodeposits might be in trouble.

CATASTROPHE UNLIKELY

But such a catastrophe is unlikely. To be sure, a series of genuine U.S. balance-of-payments surpluses might draw funds out of the Eurodollar market. Also, Eurodollar holders might make massive investments in U.S. stocks or bonds. Then Eurodollar deposits would disappear.

But the flow of dollars to the U.S.—in such circumstances—would eliminate the need for U.S. government restrictions on corporate investing and bank lending abroad. Funds would be easier here. So U.S. banks would be able to put funds back into the Euromarket. At a profit, of course!

And, if money still were tight in the United States, the Bank for International Settlements, the Federal Reserve Bank, and other central banks could unite to supply the much-needed dollars. They've done this in the past.

There is a third danger. Some big Eurodollar user may be unable to meet obligations when due. Then confidence might congeal.

Holders of Eurodollars might run into U.S. Treasuries or other gilt-edged U.S. securities. The Euromarket, which today is so mobile that funds can be transferred hourly from bank to bank and place to place by cable or Telex with a confirmation by memorandum, would be frozen.

But the Euromarket would not be the cause. From ancient times, there have been weak links in the banker-borrower chain. Walter Bagehot observes in his great work, "Lombard Street," that the first instinct of bankers during a panic is to hoard. That is as counterproductive as crowding the aisles in a theater fire.

If Eurocredit reach panic tightness, central bankers would have only one choice: To loosen the Euromarket by putting funds back into it.

And what if the opposite happened? Suppose the flight from the dollar occurred. Suppose the Euromarket was inundated with dollars. In that case, declares Stopper, central banks would have to restore confidence by purchasing "large amounts of dollars."

BANKERS HOLD REINS

In Eurofinance as in domestic finance, the same basic rule applies: Central bankers are the ultimate reservoir of confidence—the last-resort buyers and sellers, users and lenders, of money.

There's an old saying: "Seven per cent Bank Rate will draw gold from the world, 10 per cent from the Moon." When the World was on the gold standard and London was the world's monetary center, the Bank of England could bring funds to London by making money tight and raising interest rates.

New York now pulls the money strings. By making money tight, the Federal Reserve sucks funds out of European central and commercial banks into the United States. And volatile Eurodollars expedite—speed—the process. But it is the same process.

However, there is this difference. The Eurodollar market is not directly subject to the regulatory power of the Bank of England, Federal Reserve System or other central banks. It is a market over which central bankers feel unsure of their mastery. That's why Stopper calls it a "vulnerable sector on the monetary front."

This drawback is also a virtue. The Eurodollar market is the international Lombard Street—the broadest free market for money in the world. It is a competitive, efficient market, in which money changes hands at tiny differentials in interest rate—sometimes as low as one-sixteenth of a per cent.

Day by day and month by month, the demand for Eurodollars registers the hopes and fears, the confidence and doubt, and the expansionary and recessive decisions of corporations, investors, speculators and bankers.

The Eurodollar market does this through the services it performs—not only in establishing interest rates, not only in putting chips in and taking chips out of the international poker game, but also in communicating to presidents, prime ministers, finance ministers and parliaments what money "thinks" about governments, economies, paper currencies, and particularly the dollar.

RISKING RECESSION VIEWED AS KEY TO STABLE CURRENCY

(By J. A. Livingston)

"To you, foreign trade is the icing on the cake. To us, it's bread and butter. You're insensitive to it. We pulsate with it."

The speaker, an official in a highly industrialized nation in Europe, asked not to be identified. Yet he spoke for every European finance minister and central banker.

He is worried, like the others, about the persistent failure of the United States to pay its foreign bills. Paradoxically, he is worried because the U.S. trade surplus, which reached a high of $7 billions in 1964, has fallen to about $1 billion annually.

U.S. imports have soared faster than U.S. exports. This has kept the European boom going.

But European central banks, notably the Bundesbank and the Bank of Italy, got stuffed with deficit dollars they have been forced to "play make-believe with." That's the phrase of Milton Gilbert, economist for the Bank for International Settlements.

Central bankers are practical men. They know they can't demand gold at $35 an ounce from the United States. The United States hasn't enough gold to pay up. No one wants an embargo—an "out to lunch" sign on the gold window at the Federal Reserve Bank of New York.

That would unhinge the Bretton Woods monetary system, the system which has muddled through the Berlin Airlift, the Korean war, major government and social shifts in Europe, and now Vietnam.

It is the system that has fostered a threefold increase in world trade in 20 years. It can't be all bad.

To sustain the system, members of the International Monetary Fund voluntarily refrain from asking for U.S. gold. This preserves the fiction that the dollar is convertible into gold. And the members of the IMF have reinforced the fiction by creating $9.5 billions of paper gold over a three-year period. This will give the United States time to correct its balance-of-payments deficit.

But paper gold can be misused. The United States can overwhelm nations with paper gold even as with deficit dollars.

Participants in the plan are not obliged to accept more than twice their own allocations and the prospective U.S. allocation dwarfs that of other nations.

Alone, the U.S. can exhaust the combined obligation of Belgium, France, and Germany to accept SDRs. It can sop up 68 percent of the entire Common Market obligation.

Yes, the paper-gold obligation is reciprocal. The United States is required to accept other nation's paper gold up to twice its own allocation. But if the United States runs a trade balance deficit, it will be paying out, not taking in, paper gold.

Besides, nations can withdraw from the plan. And they will, if a French official's characterization is accurate. "It's a scheme to avoid the real problem—the dollar deficit."

UNITED STATES HOLDS REINS

Then he added: "Only Americans can tackle the problem. We can't discipline you. We tried. All Europe can't discipline you. We don't have the muscle."

What does that mean? Simply this: The U.S. accounts for 16 percent of world trade—far more than any other nation. If U.S. imports slump, the world feels it. The saying, "If the U.S. sneezes then Europe catches pneumonia!" isn't obsolete. Europeans tremble at the thought of a U.S. recession.

Yet, foreign commerce accounts for only 4 percent of the U.S. Gross National Product.

In contrast, in most industrialized countries, jobs depend on foreign commerce. Foreign trade accounts for 17 percent of the Gross National Product in Germany and the United Kingdom, 35 percent in Holland, 25 percent in Switzerland, 10 percent in Japan, and so on.

A bland sentence in the 1969 annual report of the Bank for International Settlements is aimed at the U.S. "No international monetary system will work properly unless countries are prepared to follow domestic policies that are compatible with the maintenance of external equilibrium."

Between the lines that means: If the U.S. balance of payments is in persistent disorder, the international monetary system will be in disorder. That's because the dollar is the world's work money and standard of value. It holds the system together.

And if the U.S. balance of payments is in equilibrium, almost any international monetary system will work. The United States then will have the economic and financial strength to extend credit to nations in deficit. Or it can deny credit.

POWER PLAY

The U.S. is powerful enough financially to discipline other nations. Other nations can discipline the U.S. only by converting dollars into gold. That they dare not do.

The dollar is still the world's most acceptable money. Especially in a social or political crisis.

When World War II ended, only the United States could supply war-ravaged nations with food, machinery, and materials to keep going and rebuild.

When Soviet troops marched into Czechoslovakia in August 1968, holders of French francs, British pounds, Italian lire, Dutch guilders, yes, even German marks, scurried into the dollar for political sanctuary. When disorders arise anywhere in Europe, the dollar is the haven.

Experience warrants this. Only the dollar and the Swiss franc have not been devalued since Hitler marched into Poland. The French franc has depreciated more than 95 percent. The Hitler mark was virtually wiped out.

VERY GREAT WEALTH

The United States is very rich. Public and private U.S. investments abroad exceed $135 billion. They bring in gross annual income from profits, dividends and interest of $8 billion a year. Foreign investments in the U.S. of $81 billion earn about $3 billion. So the annual flowback to the U.S. is close to $5 billion annually. It has doubled since 1960.

Undoubtedly, earnings of American subsidiaries will increase. The rise in income will offset the devastating decline in the U.S. trade surplus. Over the years it will help to right the U.S. balance of payments. This is what the men who manage the world's money—both here and abroad are hoping for.

In the final analysis, money is as money does. And any holder of dollar knows that even if he can't turn in dollars for gold, he can get merchandise—plenty of it.

But money in the U.S. has been doing badly.

And if the dollar buys less and less year by year, it becomes a depreciating asset. The Bank for International Settlements alludes to this: "It seems likely that the monetary system will continue to operate under somewhat uncertain and unstable conditions. And one waits to see by experience if Gresham's Law will operate, and, if so, what bad money will drive out good—gold, dollars, or SDRs."

The inference is that gold will be the preferred asset. Central bankers will hold on to the metal. Does it not sell for $40 an ounce in the free market as against the $35 monetary price? They will be wary of dollars and U.S. paper gold. They will think of Vissering.

President Nixon not only must stop inflation, but he must roll back expectations of inflation. Jelle Zijlstra, president of the Netherlands Bank and a former prime minister, said to me: "The worst characteristic of prolonged inflation is that it tends to perpetuate itself. It becomes part of the industrial and social environment and thus governs people's behavior.

"Consequently, breaking the back of inflation is the major economic problem today—not only in the U.S. but in the world. My concern is that nations, because no one wants a deep recession as a cure for inflation, will start reflating before the expectation of inflation gets out of people's minds."

A high official in the Johnson administration, now a partner in a Wall street investment firm, surprised me by saying: "The Nixon administration isn't doing badly. It's doing what it has to do. There'll be an economic lull—a plateau. Maybe a year. Maybe two years. But no decline.

"That's how we're investing our own money. That's how we're advising our companies, our clients. We're not worried about the intervening plain. We see the green hill beyond."

He could have added "and the world."

Walter Bagehot's most quoted dictum is: "Money won't manage itself." Men have to manage money. To do so, they have to manage themselves.

Unless the United States stops the inflation spiral, nations will erect barriers—controls—against the dollar.

The world, which has prospered on liberalized trade and convertibles currencies will retrogress. Economic nationalism will revive high tariffs, import quotas, export subsidies, and monetary restrictions.

Central bankers don't want that. They will take more dollars if they have to. They will accept U.S. paper gold too. If only they can spy progress . . .

"We are a monetary community," says Edwin Stopper, president of the Swiss National Bank. "We can always find intermediate solutions in order to gain time for permanent solution."

And what is the permanent solution?

To use a hackneyed phrase, it's a "sound dollar"—a dollar that doesn't lose value in the shops month by month and year by year—a dollar which, when put in a U.S. savings bond, will be worth more after a year instead of less—a dollar which reflects a high national morality, which people can rely on and central bankers are willing to accept because they consider it as good as "paper gold" and gold bullion.

If inflation isn't stopped, bad money will drive out good. Central bankers will queue up for U.S. gold. Bretton Woods will break down. And paper gold will be paper.

Nixon has no choice: He has to find a "permanent solution" to "unstable and uncertain" monetary conditions. He has to make the dollar what it once was—as good as gold. He has to risk—a recession.

[From the Washington (D.C.) Post, Oct. 25, 1969]

Bonn's Top Trade Partners View Revaluation With Relief

(By Jonathan C. Randal)

Paris, October 24.—The revaluation of the mark was greeted with relief today by Germany's major trading partners.

Particularly cheered were the United States, Britain and France, whose deficit economies had counted on an upward revaluation of the mark to increase the competitiveness of their own products.

But in the arch-conservative world of international finance, such every day commercial interests were overshadowed by relief that a major world currency had abandoned the potentially contagious experiment with a floating exchange rate.

SMALL COUNTRIES DISSENT

The only dissent came in muffled form from such countries as Switzerland, Austria and the Netherlands, a sizable share of whose foreign trade is with Germany. All three issued statements denying they intended to follow Germany's lead and revalue their own currencies.

But observers suggested that these countries were prime targets for the hot money which has been bottled up in Germany pending revaluation and may seek new opportunities with the opening of trading Monday.

The lesson of the long D-mark crisis seemed to be that politicians cannot fool the marketplace forever.

Both former French President de Gaulle and former German Chancellor Kiesinger opposed changes in the parties of their respective currencies for political reasons. Both failed.

In the process, they weakened the economies of their countries—in France by playing out foreign reserves to defend the franc, in Germany, by allowing potentially inflationary conditions to grow.

BREATHING SPACE

On a more immediate level, the mark revaluation provided needed breathing space for the franc, the pound and, indirectly for the dollar.

France devalued the franc 12.5 per cent in August with a hope of revaluation of the mark in mind. Added to the French devaluation, the German devaluation of 8.5 percent gives France a theoretical trade advantage of 21 per cent on the German market.

As for Britain, which has achieved a trade balance surplus for the last two months, the mark revaluation should further encourage the trend by making British exports more competitive on third markets.

U.S. pleasure was conditioned by the relief provided the pound, which in recent years has tended to be the first line of defense for the dollar itself.

Monetary reformers were heartened by the triumph of common sense inherent in the revaluation and the lack of crisis which had accompanied the nearly month-long period when the mark's value was allowed to float.

Without claiming victory for the partisans of tinkering with traditional monetary policy, the experiment did represent a victory of innovation over conventional wisdom.

From other sources there were these reactions:

The U.S. Treasury issued this statement welcoming Bonn's decision: "Today's action by the German government should resolve in a constructive manner the principle cause of uncertainty that has existed in the exchange market."

The International Monetary Fund said: "The government of Germany has proposed and the IMF has concurred in a change in the par value of the Deutschmark to be effective Oct. 26, 1969, at 6 p.m. Washington time."

Revaluation of the mark is expected to boost the price of German cars and other products on the U.S. market. A spokesman for Volkswagen of America, Inc., told Dow Jones news service the revaluation "necessitates a review of our pricing and may mean an increase in the suggested retail list prices of our vehicles here."

In Japan, official sources expressed fears that the German action might force pressures for revaluation of the yen, currently 337 to the dollar.

Germany Revalues Currency: Brandt Cabinet Boosts Mark by 8.5 Percent

(By Dan Morgan)

Bonn, October 24.—The new Bonn government ended an 11-month guessing game tonight by ordering an 8.5 per cent revaluation upward of the German mark.

The rate, somewhat higher than expected either by economists or speculators, was described by Economics Minister Karl Schiller as "courageous but not adventurous", a "golden mean" intended to serve as the cornerstone for a stability program.

As of Sunday midnight, a dollar will buy 3.66 marks, instead of four. Looking at it another way, it will take 27.3224 cents instead of a quarter to buy a mark. Figured that way the parity change amounts to 9.28 per cent.

Those hardest hit by the revaluation are German farmers and certain export branches, but Schiller announced that discussions would begin Monday in the Common Market on compensating farmers, and the government would keep close tabs on industries which are unable to make the grade because of the move.

Its general effect is to make German export goods relatively more expensive on the world market and to reduce the incomes of farmers.

The announcement from Schiller ended months of frustration during which he and his fellow Social Democrats tried unsuccessfully to get the conservative Christian Democrats, just ousted from government, to accept revaluation.

In announcing the cabinet's decision tonight, Schiller threw the words of former Finance Minister Franz Josef Strauss back in his face. Strauss had opposed the action.

"Stability hurts," he said. "Stability demands sacrifices."

The other side of revaluation is its contribution toward breaking the runaway boom and insurgent inflation which caused economists and the Central Bank in Frankfurt to advocate the step for months.

The new rate was greater than that expected by speculators, who had been bidding around 3.70 at noon today. Since Sept. 29, when the mark was allowed to float freely without intervention by the Central Bank, the currency had gone from four to one to about 3.725 on an average—which Schiller said was a "de facto revaluation of about 7.5 per cent."

The novel experiment of floating the currency—dreaded and condemned by many orthodox bankers and economists—actually worked quite well.

BANK'S INFLUENCE

The credit for this was given to the discreet action of the Central Bank, which moved in to buy marks, or to offer to buy them, at indicated prices. This exerted a stabilizing effect on the markets, without returning to the rigid support system. However, the Bundesbank stands to lose money on the deal since the dollars in its reserves will be worth 8.5 per cent less.

The measures announced today left both Bonn and the Bundesbank in Frankfurt free to impose further measures as they feel necessary, but Schiller emphasized that this was essentially a welcome turn towards a "market economy," which was aimed at getting away from monetary tinkering.

The type of measures to help farmers was also left open today by the cabinet, which met with Chancellor Willy Brandt at the helm and Bundesbank president Karl Blessing attending.

The priority for the cabinet today, other than fixing the new parity, was selling the measures to the Common Market Commission and making peace with that group after the recent row over farm prices.

The commission is angry because Bonn imposed tariffs on farm imports earlier in the month in clear violation of the Market's common agricultural pricing policy.

In the Common Market Monetary committee's acceptance is the problem of support for the German farmer. Conceivably the government could continue to impose the tariffs against Common Market wishes. But most informed observers thought that direct subsidies would be chosen.

Economics Ministry sources said each per cent of revaluation would mean a $50-million-a-year loss for farmers. Bonn has been hopeful that the European commission will aid in a three-year formula for offsetting the losses.

"GREEN DOLLAR" PROBLEM

The heart of the problem is the "green dollar"—the Common Market unit equal to a dollar with which European farmers are reimbursed. With revaluation, German farmers will receive less money for their products.

The debate within Germany is whether the revaluation is coming too late to stop inflation.

One respected economic council of elders in Bonn said this week that it definitely would not unless vigorous expansion policies were ordered, including an end to the Central Bank's restrictive money policies, which have pushed up interest rates.

One fear was that too steep a parity change would have repercussions on the Swiss franc and Dutch guilder, which could be the new targets of some of the $2.8 billion in speculative funds estimated to be invested in Germany at the moment.

With the mark rate settled, speculators might be tempted to bet on the revaluation of those solid members of the world currency family.

Foreign governments are hopeful that the mark change will reduce West Germany's mammoth trade surplus. However, other expert observers noted that by tradition German businessmen, always fearful of domestic recessions, hold on to their export markets at all costs—even at temporary sacrifices. Thus the foreign trade boom has not been even dented by the 4 per cent export tax applied last November as a temporary measure to curb the surplus.

French Minister Predicts Easing

Paris, October 24.—Post devaluation austerity measures in France could be eased in the next few months, according to Finance Minister Valery Giscard d'Estaing.

He denounced speculation of a second French devaluation as "an outrage to intelligence" at a bankers' dinner here last night.

Yugoslavia Welcomes Capital From Western Countries: Socialist Nation Makes Unprecedented Move for Free World Funds

(By Jan Nugent)

Western capital, famous for following trade routes to unlikely places, will soon be financing projects in a Communist country in the hope of turning a neat profit.

The free world funds will be combined with Yugoslavian money to finance joint ventures in that country. The project will be the first official merger between private, foreign funds and Communist-owned capital in a Socialist state.

The vehicle for this unique experiment between East and West is a new investment company called International Investment Corporation for Yugoslavia.

Capital in the new company will be provided by 12 Yugoslav banks, a group of 38 European, American and Japanese financial institutions, and the World Bank's International Finance Corporation.

Although the banks plan to contribute a relatively modest total of $12 million, the project is precedent-setting in several respects.

For one thing, its acknowledged purpose is to solicit foreign private capital for investment in a Communist country.

For another, the resulting enterprises will be jointly managed by Yugoslavian and foreign officials. There will be a true equity partnership between foreign and Yugoslav interests, with both sharing any profits produced.

SOCIALIST MARKET ECONOMY

Although several of the Communist nations have mused aloud about such an experiment, Yugoslavia, the Socialist nation which has made the most liberal economic reform, made the first move.

The Yugoslavs call theirs a "Socialist market economy." Their companies compete and are owned by the employees—both laborers and management—who direct operations through a worker's council. Business enterprises needing money must borrow from banks, since the state no longer supplies funds for that purpose.

Anthony M. Solomon, former U.S. assistant secretary of State for economic affairs, will head the IICY. Zoran Zagar, a leading Yugoslav banker, will serve as executive vice president.

INVESTS OWN CAPITAL

The new company will develop potential joint ventures in Yugoslavia to interest foreign private enterprise, and also help Western companies wanting to share in a business concern there.

Solomon said IICY will identify and select projects, bring partners together, and assist in financial planning and arrangements.

It will also invest its own capital and borrow funds to extend loans to clients, underwrite capital requirements, issue stand-bys and provide guarantees.

The national groupings of banks sponsoring the new corporation were selected to ensure that no country wields disproportionate size or influence.

U.S. shareholders in IICY are: Chase Manhattan International Investment Corp., Girard International Investment Corp., Marine Midland International Corp., and Philadelphia International Investment Corp.

They have agreed in principle to supply a total of $1.5 million. The sponsoring Yugoslav banks will supply $3 million, United Kingdom financial institutions $1 million, Continental Europe $4 million and Japan $500,000. IFC has agreed to supply up to $2 million.

All projects assisted by IICY are to be of economic priority to Yugoslavia and profitable to shareholders, the IFC said.

"We Perhaps Have 10 Years Left," Thant Says

United Nations—U.N. Secretary General U Thant, a self-proclaimed optimist, delivered yesterday the most pessimistic assessment of the state of mankind he has uttered in 7½ years as a world figure.

"I do not wish to seem overdramatic," he said in his calm Burmese singsong, "but I can only conclude from information available to me as secretary general that the members of the United Nations have perhaps 10 years left in which to subordinate their ancient quarrels and launch a global partnership to curb the arms race, to improve the human environment, to defuse the population explosion, and to supply the required momentum to world development efforts."

"If such a global partnership is not formed within the next decade," he continued somberly, "then I very much fear the problems I have mentioned will have reached such staggering proportions that they will be beyond our capacity to control."

The setting for this jeremiad was in strong contrast to its content. Thant faced a semicircle of establishment figures—including John D. Rockefeller III, and assorted bankers, diplomats and professors—in a mellow, oak-paneled conference room in the U.N. basement.

He was talking to an unofficial conference on the second U.N development decade—an effort to raise the pace of investment, of the world during the 1970s.

Thant's basic theme was that mankind is posturing and wasting time while the world smolders rather than burns.

Candid as usual, Thant admitted that the U.N.'s first development decade, now nearing an end, had fallen short of providing living standards "compatible with minimum human dignity" in poor nations.

Economic specialists here believe the technical goal of the first decade, a 5 per cent rate of growth, may be achieved in the have-not lands. But they point out that its effect had been badly diluted by population growth, uneven distribution of capital and income, and retrenchment of investment policies in Moscow and Washington.

Thant in his speech blamed rich and poor countries alike for the shortcomings of the first development decade.

He accused the wealthy industrialized lands of the West—and of the Soviet bloc—of "faltering political will . . . in the field of international aid."

URBAN RENEWAL BUILDING NEW SLUMS

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, last week the House of Representatives completed action on the far-reaching housing and urban development bill. The Congress, with little direction from the administration, wrote its own $4.9 billion housing bill. It took cooperation on both sides of the aisle and I believe that we have written a bill which goes a long way in providing the needed programs and funds to aid our cities.

Unfortunately, there is a provision in this housing bill which will provide nothing but trouble for our cities which are attempting to renew their poor areas and provide the needed housing for low- and moderate-income families. The so-called Weicker amendment would require that all urban renewal projects include as many low- and moderate-income family housing units as the area had before the renewal plan was begun.

As the distinguished gentleman from Ohio (Mr. ASHLEY) stated on the floor last week, this amendment will ruin and end the ambitious urban renewal programs as we know them. Mr. ASHLEY further stated that there are some 2,600 urban renewal projects in existence today and that not one-tenth of 1 percent of these projects would go forward if the Weicker amendment is put into effect. One of the important aspects of the urban renewal program in seeking to renew our cities is to reduce the high population density and provide recreational space and new park space. It is necessary to demolish some units and not replace them on a one-for-one basis.

At the present time we have on the statutes a provision which states that in an urban renewal plan at least 50 percent of the plan must provide housing for low- and moderate-income families. This amendment would insist upon a one-for-one replacement taking away the opportunity of lowering the densities of our poorer cities and providing no means of providing our inner city people with housing outside of the inner city. The sole intent of Mr. WEICKER's amendment is to lock into the cities those people who are already living there, thus stifling attempts to ease the density and the despair that breed the troubles we are witnessing today. There is no human element in this amendment.

If this amendment stands, business will be excluded from urban renewal projects, there will be fewer parks, fewer recreational facilities, and no diverse economic or social mix. This amendment is shortsighted and vindictive.

I include an editorial that appeared in the Chicago Sun-Times yesterday on this matter following my remarks:

DON'T BUILD NEW SLUMS

> It is true that urban renewal across the nation too often has meant "urban removal" for poor people. Although the law requires relocation assistance for families displaced by urban renewal, there seldom is enough housing to go around.
>
> Still, we would advise Congress to view carefully a proposal which sailed through the House Thursday.
>
> The proposal, an amendment to a $4.9 billion housing bill, would require that all urban renewal projects include as many low and moderate income housing units as the area had before renewal.
>
> It is an attractive concept. But there is a danger. Such one-for-one rebuilding could mean substitution of a new high-density neighborhood for an old high-density neighborhood. The plumbing might be better, but the slum problems would largely remain.
>
> Urban renewal, when it works right, is supposed to create a better balanced, more livable city for everyone, rich and poor alike. This means more revenue-producing business properties certainly, but it also means more parks, fewer homes per neighborhood, and a more diverse human mix. This goal should not be set aside in the interest of a short-range solution to the housing shortage.
>
> There are other routes. For example, if Congress would just fund the Housing Act passed last year, private builders would have an incentive for putting up more low and middle income homes in both city and suburbs.
>
> In fact, Rep. Lowell Weicker, Jr. (R.-Conn.), who sponsored the questionable amendment, said later he wouldn't object to spreading the housing around, just so it was built someplace. We believe Congress should work in that direction rather than try to replace old slums with new ones.

THE MARITIME PROGRAM

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, I am most happy to associate myself with Chairman GARMATZ' remarks regarding the new maritime program submitted to us for consideration. It is long overdue and I am hopeful that it will bring a solution to at least some of our more pressing problems.

The essential ingredient, of course, is money, but I am pleased to see that the administration is looking toward a reduction in both construction and operating differential subsidies. With respect to the latter, the experience of Sealand in operating across the Atlantic successfully without subsidy gives hope that this burden can be substantially reduced in the future in other areas, thus freeing funds for the construction of more ships.

The prospective reduction in the construction differential subsidy places a substantial responsibility on the shipyards to upgrade their facilities so that they may compete more successfully with foreign builders. I am confident that American experience in evolving production techniques will prove equally applicable here and that the prospect of continuing business will induce the yards to make the necessary large expenditures to reduce building costs.

The provision in the program for extension of tax deferment privileges to all ship operators is necessary to see that sufficient amounts of private funds are made available for shipbuilding to match Government expenditures. This particular privilege has all too long been limited to the subsidized lines, and the small unsubsidized companies that probably need it most have not been able to avail themselves of this assistance in accumulating funds for new ship construction, with the result that very few ships have been contructed by this group. I am confident that this provision alone will be most productive and in fact testimony before the committee at previous hearings has indicated that it will generate very substantial new funds, which in turn will be reflected in numbers of new vessels.

The emphasis on development of nuclear ships is most encourgaging, particularly in view of the fact that new types of container and barge ships demand very high horsepower engines which can be evolved more efficiently through the use of nuclear power. I feel that renewed emphasis on this particular type of propulsion will enable us to maintain our lead in the development of new types of ships. I should note, however, that the necessary legislation to achieve these ends has not as yet been submitted to the Congress and that it is too early to give unqualified endorsement to the program. I am confident however, that the administration will prepare the necessary legislation promptly and that the committee under Chairman GARMATZ will proceed immediately to its consideration.

MORRIS KAPLAN—EDITOR AND COMMUNITY LEADER

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, it is with a great deal of pleasure and delight that I rise today on the floor of the House of Representatives to pay tribute to Morris Kaplan, the outstanding editor and publisher of the Lawndale News and the West Side Times. These excellent weekly newspapers are produced at Mr. Kaplan's offices located at 3453 West 26th Street in the Seventh Congressional District of Illinois which I have the honor to represent.

Morris Kaplan has just completed 30 years of service as a publisher and editor of community newspapers in my community. The Lawndale News, and its sister newspaper the West Side Times circulate in the heart of Chicago and the Pilsen neighborhood which are both located in my congressional district.

Mr. Kaplan has been a highly regarded leader in our city of Chicago and in my community for over 30 years. During this span of service, through the medium of his newspapers, Morris Kaplan has impressed upon the people some of the civic responsibilities they must face in order to build a better community in which to rear and educate their children. He has been a fighter and a champion in seeking solutions to alleviate many of the problems that have confronted the people of my area.

At the annual meeting held recently in Chicago of the Lawndale-Crawford Historical Association, Mr. Kaplan was the principal speaker, and was honored for his many years of service to the community.

I want to call to the attention of my colleagues the speech he made on that occasion wherein he discussed his philosophy of community newspapers; the early history of community newspapers in towns and villages throughout America before the advent of the large city newspaper; the tremendous part played and the contribution made by these newspapers in the social, economic, and political life of the communities they serve; the many challenges these community newspapers faced; and the great pressures that exist which a community newspaper must meet in order to survive and to continue in operation.

Morris Kaplan has met all of these challenges, he continues to meet these challenges, and he is continuing to serve his community with dedication and devotion to the cause of the people.

I take this opportunity to congratulate him and to extend to him my best wishes for abundant good health and continued service to the people of our community.

Mr. Speaker, I would like to include at this point in the CONGRESSIONAL RECORD the text of Morris Kaplan's speech, which follows:

I think it is conceded now by thoughtful people that there is a place in the community for a neighborhood newspaper, but it remains for each publisher, each editor, to establish to the satisfaction of the community in which he publishes, that his paper deserves that place.

Some weeks after choosing as the title for my talk tonight, "The Place of the Neighborhood Newspaper in the Community," I sat down to think about what I was going to say. I searched back in my memory through the almost three decades of publishing a newspaper for the Lawndale community and remembered many a day when I had doubts about whether there was a place in this community for my neighborhood newspaper.

Those doubts, I am happy to say, have long since vanished. The response to the editorial and advertising policies which I introduced and maintained despite many kinds of pressure has been gratifying.

Neighborhood newspapers are a phenomenon of the 20th century. Previously there had been papers for small areas, generally villages or towns that were apart from a large city. They had their own governments, their own business districts, their own social life. All these were catered to by the weekly paper of old.

Then came the growth of metropolitan cities with their large daily newspapers. These papers paid little or no attention to what went on in the neighborhoods that made up the city, except when a major crime or fire attracted the city editor's attention. The metropolitan daily's impersonality was vastly different from the warm, human attention to the details of daily living in the community that characterized the village weekly. As the city grew it annexed areas that had been independent municipalities, and with the annexations came the village papers being published in them. These were actually the first neighborhood papers.

It was not until some years after the annexations that the first true neighborhood newspapers were founded in Chicago. Usually they started as shoppers financed by a group of stores in a small outlying shopping area. The merchants felt they could not afford to pay the high advertising rates of a daily paper that covered the entire city and suburbs. The shopping papers were composed almost completely of advertising. Occasionally there were small spaces left open because some merchant did not have his copy ready or decided he did not wish to cooperate in the venture. These open spaces were filled with household hints or recipes. In every instance, however, it was not long before the merchants publishing shopping papers found it an onerous task to handle all the details that go with the job—such as the rivalry for position in the paper, the difficulty in collecting for ads, the complaints about poor delivery. After a while the one or two merchants who had taken it upon themselves to manage the operation decided they were devoting too much time without compensation and without the gratitude of their fellow merchants—to an activity which took them away from their own businesses.

As failure of the project appeared imminent, some advertising man or small merchant who saw a greater chance for profit in operating the shopper than in continuing his own marginal business would step into the breach and take over the shopper. These were in most cases the first publishers of what eventually became neighborhood newspapers. They were not newspapermen, they had had no training in writing for or editing newspapers. Their interest was solely in selling advertising. But as these new publishers continued printing and delivering their ads—with a few recipes and household hints interspersed—they were asked by sewing circles and church groups to run little notices of meetings and activities. This led to a report on a wedding or birth, a vacation trip or a party—and before long the little items brought to the publisher by readers of his shopper started to crowd out the recipes.

The new publisher saw that this interest in what was going on in the neighborhood provided greater readership for his advertisers, better results, and the opportunity to sell more advertising. It was then he decided to employ a girl or boy fresh out of high school, who had perhaps worked on the high school newspaper, to handle these news items.

Thus was born today's newspaper.

As Morris Janowitz in his book, "The Community Press in an Urban Setting," says, "The community newspaper arose out of predominantly commercial requirements connected with the decentralization of the central business district, but which in turn have led the community newspaper to serve a wider range of unanticipated social, political and affectual needs."

Today there are still many neighborhood newspaper publishers whose sole interest is the advertising department, their training has been as salesmen or advertising copy writers. But there are a great many more publishers who came into the field as editors, with schooling in journalism schools or in the editorial departments of larger papers preceding their ventures into community journalism. And it is these latter men who have been responsible for transforming the onetime shopper into a newspaper comparable on its own level to any metropolitan journal.

I am happy to say that the Lawndale News, which circulates in Lawndale-Crawford, and its sister paper, the West Side Times, which circulates in the Heart of Chicago and Pilsen neighborhoods directly east, are of the newer breed—they are papers operated by a person whose principal interest has been the quality of the news content, because he was trained first as an editor.

After 43 years of editing and publishing neighborhood newspapers in Chicago and suburbs—and there are few others around today with a comparable record of longevity in the field—I take as great interest in and get as much satisfaction today from producing a good, readable newspaper as at any time in the past.

R. E. Park, in his book, "The Immigrant Press and Its Control," said "Very few publishers of the foreign-language press have learned to take the detached and impersonal attitude of the American newspaper man toward the contents of the paper they print. They do not quite accept the philosophy of the editor who said he was "willing to print anything that God would let happen."

Commenting on this statement, Janowitz says, "Park makes a remarkable observation on the attitude of the publisher toward his paper, an observation which suggests application to the community press."

However, this deep concern for the editorial columns has created its own problems that deserve a little discussion. I know of no newspaper or periodical which has been successful for any length of time without advertising. Those papers which have attempted to operate with circulation income as the sole source of revenue—thus hoping to eliminate the ever-present pressure of advertising dollars on editorial policy—have invariably failed. Some have given up quickly, others after a long struggle. Therefore, there is no question that advertising is the lifeblood of publishing. But to the publisher whose *only* interest has been the volume of advertising he could sell, the news columns are a necessary evil. He does not concern himself much with the professional competence of his editorial help, nor with the quality of their work as it appears in the columns of his paper.

Of one thing I have always been convinced: it is not necessary to write down to people to make oneself understood. There is no secret about the fact that the average educational level of this community's residents—as in any working class community—is considerably below the level of let's say Oak Park or Evanston, Beverly Hills or West Rogers Park. But this has never led me to use language in our news columns any different from that which I used when editing a paper in Berwyn, South Shore or Rogers Park. It is my belief people, without their realizing it, can be brought *up* to the level we establish, rather than our coming *down* to their level.

We take great pains to assure the accuracy of our news stories. I have made as many as half a dozen phone calls only to get a name spelled correctly or a correct address. In fact, only this morning I made four calls to establish the right address for a story. This does not mean we don't make mistakes, of course. We simply spend much time and effort in attempting to avoid them, even thought, in many instances, practically nobody would have known the difference.

Nearly everything we receive in our office is rewritten, most often to improve the writing and make it more concise and exact. We check many of the facts contained in this kind of material before using it. A common complaint made by persons sending in material for publication is that we have shortened it greatly and taken out all the little personal touches which they had put in. They don't seem to understand that much of what they put in the story is of no interest to anybody except their small circle of relatives and friends. We try to keep the paper interesting to *everybody* who reads it. Publishing what will appeal to only a few people is no way of doing that.

During my years as a publisher there have been many occasions when I have been forced to make a choice between catering to advertising pressure or following a course which I knew was in the best interests of my readers. I remember once some years ago that I was called in by one of my best advertisers and warned that if I persisted in publishing photographs picturing Negroes—who lived in an area about three blocks from this businessman's location—he would discontinue his advertising. At that time the area to which he referred was a so-called changing neighborhood, with Negroes and whites split about 50–50. Our paper circulated to every home—regardless of color or race. I tried to convince this man that we were reporting on the activities of our readers—from whom our advertisers expected to get business—and that it was in the advertisers' best interest for the paper's content to appeal to all its readers. He was adamant. It was his theory that publishing news about Negroes was tantamount to inviting them into the neighborhood, which he naturally opposed. Finally, I left after assuring him that I had no intention of changing my editorial policy, although I would regret very much losing his advertising as a result.

Several weeks later I received a phone call from the business man. Without referring to our last conversation, he asked whether I would come over to pick up an ad for the following week's paper. When I got to his offices, he greeted me with some colorful language I cannot repeat here, but he handed me the ad. Never again did he bring up the subject of editorial content, and he continued to advertise regularly in the paper until his death some years afterward. As an aside, now, many years later, the Negroes in that area still live three blocks away from that business—no closer.

This was an example of direct pressure by an advertiser who threatens to cancel his own advertising. Sometimes they go further and threaten to talk to other advertisers and convince them not to use the paper also, I am happy to say that most of this is just talk. The publisher who will not knuckle under easily finds that these threats are not made effective.

There is another, somewhat more subtle kind of pressure, intended to change the publisher's thinking about a controversial subject. Some of those here may recall a few years ago when Negro children for the first time were transferred into one of the previously all-white elementary schools in South Lawndale. Several neighborhood groups, led by a man now dead, began a noisy campaign to get the order of the Board of Education rescinded, mounting a march on the Board's offices, holding inflammatory mass meetings—in short, doing all the things that groups of this kind criticize the Black militants for doing now.

Some of the people engaged in this campaign were advertisers and civic leaders who could be influential in swaying prospective advertisers to disassociate themselves from The Lawndale News. However, it was my belief that they were making a mistake in their tactics. The columns of The Lawndale News reflected this belief. I went to one of the mass meetings called for the purpose of organizing the march downtown on City Hall and the Board of Education. The district superintendent of schools had also been invited to this meeting. When he attempted to explain the problems confronting the Board of Education—overcrowding in some schools and underuse of facilities in other nearby schools—he was hooted down by the angry crowd that filled the hall. Speaker after speaker then followed, arousing the audience by emotional appeals to their passions, rather than their minds. The chairman asked me to come forward to the microphone, although I had not come with any intention of speaking. I wished only to observe, so that I could report accurately on the meeting.

My suggestion that the organizations sponsoring the mass meeting attempt to meet with representatives of the Board of Education to discuss in a quiet, rational manner the subject at issue and means for its solution, met with boos and catcalls, whistles and shouts of "go home". I was called a "nigger lover" and worse. The next day there began a whispering campaign among merchants on 26th street that I was a Communist and therefore my paper was sympathetic to the "communists and niggers" who were invading our schools. There were not very subtle references in the columns of the other paper in the neighborhood to my opposition to the "holy crusade" for which that paper was the voice.

The march on city hall took place. It had no effect. Finally, representatives of the protesting organizations sat down and talked to schools' officials and an agreement was made that was satisfactory to the community leaders. For awhile afterwards, representatives of The Lawndale News were kept from attending meetings of civic groups as punishment for our unwillingness to yield to the pressures by hot-headed partisans. Eventually this eased, although even today, years later, there is bias by some elements of the business community against The Lawndale News and its publisher.

The late Leo Lerner, a North Side Neighborhood newspaper publisher with whom I was once associated for a good many years, liked to tell a story which may have some relevance:

"An Austrian officer," Lerner said, "was talking with a captured Serbian peasant. The officer said, 'Why do you fight us . . . peaceful people?' 'We fight for bread,' replied the peasant. 'Why do you fight us?' 'We fight for honor,' said the officer. 'It is odd,' said the peasant, 'that each of us fights for that which he does not have.' "

There is a little history I would like to relate. For a great many years I wrote a signed editorial column headed "To the Point" that appeared in the left hand column on page one. In it I expressed my opinions on many subjects, some of local import, others having to do with national and international affairs. Because I am a person with strong convictions, some of these opinions were very controversial. I would get hot reactions from people with equally strong convictions who did not agree with me. Sometimes they would take the form of comments scrawled on the margin of the page torn out of the paper. Usually this type was unsigned, because it was scurrilous and even threatening, stooping to anti-Semitic and obscene vituperation. When we changed to the tabloid format and then started to publish twice weekly, the time that I could devote to the research and thought required in preparing and writing these columns became very limited. So I stopped writing the column. I could have taken other people's opinions and put my name on them—a practice indulged in by some editors—but I could see no point in this kind of dishonesty. You should know, by the way, that there are all kinds of organizations with their own axes to grind, from the National Manufacturers assn. to the National Red Cross, and from the privately owned Public Utilities concerns to the Republican or Democratic party, which send out editorials to the press, all ready to print, if the publisher is so inclined. Of course, he is not expected to reveal that the thoughts are not his own.

Some people have questioned why we do not endorse candidates for public office. I have a simple answer—it is because we do not know enough to make an honest choice. The large metropolitan newspapers, with their political editors who devote full time to people in office and those aspiring to office, have the facilities to learn the backgrounds of candidates and know a great deal about the records of those who have held office. They have myriads of reporters to run down the truth of adverse information. All this, when collated, can be used in determining endorsements prior to election day. I wish it were not so, but must admit that we do not have the same ability to gather information that would underpin an honest endorsement. There are neighborhood newspapers which have made a practice of endorsing candidates who buy large ads before elections. Or else they endorse cronies of the publisher. And there are neighborhood newspapers which, like the Chicago Tribune does, will endorse any candidate of the political party they favor. And there are also a very small handful of neighborhood newspapers in some other parts of Chicago with staffs large enough to get the information required to make an honest choice.

There's one function of the local paper that most people forget about until they decide to make use of it themselves. It's a sort of universal information agency. People call us at all hours of the day or night, Saturdays, Sundays and holidays, to ask us the answers to an amazing variety of questions. The reason I know they call us at night, on weekends and holidays is because I frequently am in our office at those hours and answer the phone. Because a paper like the Tribune or Sun-Times that publishes seven days a week and has people on hand in its offices at all hours is available on the phone whenever one thinks of it, people expect us to do the same.

Who is our state senator? What hours is the Field Museum open? Who should I call at City Hall to complain about garbage not being picked up? Can I get a copy of your paper from August 1951? It had a story about my son in it. Who was mayor of Chicago in 1912? These are a very small sample of the kinds of questions people expect us to answer on a moment's notice.

They come to us for auto license applications, to let friends know that a relative has died, for extra copies of the paper that reports on the birth of a new grandchild, so they can be sent to family friends all over the country. There is an almost never-ending stream of people coming into the office or calling on the phone to ask for aid of one or another kind. Sometimes we can offer advice on where to get the aid, or else we use the paper's columns as a means of getting the aid for them.

I would like to return to the question of the place of the neighborhood newspaper in the community.

1. The paper serves as a medium for the merchant, the man offering services, the person seeking to sell real or personal property, the firm seeking employees, or anyone with a commercial message of some kind—to reach within his trading area those who are the potential users of his goods or services. How well the paper performs that function is dependent on a number of factors. Is it well printed in legible type with attractive illustrations? Does it print and circulate in an efficient manner the maximum number of copies for the area served. Does it charge for that service a reasonable price, sufficient however to allow for funds with which to operate a good editorial department?

2. The paper serves also as a medium for civic, political, fraternal, religious, social, educational, athletic groups to reach the people in the community with news of their activities, and with requests that others join them in these activities.

3. The paper serves as a medium for readers to express their opinions on a multitude of subjects, including their reactions to what is being printed in the paper.

4. The paper also brings to the community more greatly detailed reports of events which may get a couple of lines or a paragraph in the metropolitan daily. It covers political news of local candidates or office holders, prints news of crime, fires and other events occurring within the paper's circulation area. Or else in which people lving in the area are involved.

5. The paper reports on the ongoing need for the community to maintain itself against the onslaughts of sloth, deterioration, carelessness and neglect that are common to inner city communities. It tells what is being done to meet that need. We have to help our readers to get the willpower to fight. We have to inspire our readers to deeds that require unusual efforts and sacrifice.

6. And finally, the neighborhood newspaper is a medium for the publisher and his editor—occasionally they are not one and the same—to express their opinions on any and every subject that interests them. And it must not be forgotten that opinions are not necessarily only what is printed as an editorial. The choice of news stories, their length and the prominence of the position in which they are placed are as much an opinion as is an editorial labeled as such.

May I say in closing that the place of the neighborhood newspaper in the community is that of a warm personal friend to the reader, a knowledgeable adviser to the politician and advertiser, and a source of livelihood and immense personal satisfaction to the publisher.

There will always be freedom of the press, so long as we publish a newspaper so fair and so good that our freedom will be automatically guaranteed by the local community of appreciative readers.

HELPING TO CLOSE THE GENERATION GAP

(Mr. **GERALD R. FORD** asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. **GERALD R. FORD**. Mr. Speaker,

as an example of what the Nixon administration is doing to help close the so-called generation gap and to listen to the sincere views of concerned young Americans I am pleased to place in the RECORD the text of an address given at Wisconsin State University yesterday by our friend and former colleague, Secretary of Defense Melvin R. Laird.

ADDRESS BY HON. MELVIN R. LAIRD, SECRETARY OF DEFENSE

GOOD MORNING, FELLOW STUDENTS: It is a pleasure and privilege for me as Secretary of Defense to have this opportunity to visit with you today. I am particularly pleased that the Secretary of Health, Education, and Welfare, Bob Finch, will be here to keynote the day's activities at our luncheon meeting.

I am even more pleased that Secretary Finch will join me in our General Session at 11:10 this morning when all of you will have an opportunity to exchange ideas through a question and answer period on the great issues of the day.

As you know, this is the third Youth Leadership Workshop that I have been privileged to co-sponsor with the Wisconsin State University at Stevens Point. As a Congressman, I had a deep and abiding interest in maintaining strong communication lines with the young people in my Congressional District. I found these conferences very beneficial to me in carrying out my responsibilities in Washington, because they gave me an insight into what young people were thinking, what was bothering them and what they thought we in Government might do about it. This Youth Leadership Workshop was only one of several activities that I engaged in as a Congressman to keep the communication lines open but I always considered it the highlight of my Congressional activities.

Now as Secretary of Defense I am even more interested, if that is possible, in keeping the lines of communication open and flowing. I do not believe that there is any reason for a communication gap or a generation gap between public officials and the young people of America. Since becoming Secretary of Defense I have had several opportunities to meet with young people in Washington and especially with the interns who were assigned to my own Department of Defense and to other parts of the Executive Branch. One of these meetings in particular involved a televised discussion with a group of approximately 40 students from throughout the Government last summer. I can tell you that their questions were some of the toughest I have faced as Secretary of Defense although I might revise my thinking after today's visit with you. The pleasures of the Secretary of Defense may be few and far between, but I can say categorically that today's activities in which I will have an opportunity to visit with all of you and to exchange ideas is one of the major highlights of my first year in this new job.

We hear a lot these days about dissent and much less about discussion. The free and open discussion that will mark our get-together today and the Workshop sessions that you will have with outstanding leaders from several walks of life constitute a reaffirmation of my belief that we do not have to have a communication gap or a generation gap in this country.

The President set the tone in his Inaugural Address when he said that "We cannot learn from one another until we stop shouting at one another—until we speak quietly enough so that our words can be heard as well as our voices."

What I want to do most of all today is to listen and to learn from your ideas and your comments. I also hope that in the dialogue we will have today that I will be able to contribute to a better understanding on your part of some of the policies we are pursuing in the Nixon Administration.

As the father of two sons and a daughter I am not without the benefit of some counsel on a continuing and sometimes persistent basis about the viewpoints of our young people on the critical issues that face all of us—the need for peace, the need for building a better America in our cities, in our suburbs and in our rural areas, the need to improve our environment and, in general, the need for finding and applying better ways to do things in America in the areas of health, education and welfare. Bob Finch will be talking to you, in his keynote address at lunch, about some of the approaches to solving our domestic problems that we hope the Nixon Administration will be able to implement both through favorable Congressional action and through Executive action. For now, let me simply say that several of the most pressing issues that face our country will be the subject of your workshop sessions this morning and this afternoon with the outstanding authorities who have come here to participate in this Youth Leadership Workshop. I would like to introduce them to you now:

Congressman Clement J. Zablocki (D. Wis.).

Mrs. Ruby G. Martin, Washington Research Project of the Southern Center for Studies in Public Policy.

Dr. William H. Meckling, Executive Director of the President's Commission on an all volunteer armed force.

Justice Bruce S. Beifuss of the Wisconsin Supreme Court.

Roland Evans, columnist.

Dr. Miller Upton, President of Beloit College.

As I turn the meeting over to the President of Wisconsin State University here at Stevens Point, Lee Dreyfus, let me leave you with a final thought. Two years ago at the Youth Leadership Workshop I told your predecessors that we in the older generation are not necessarily satisfied with what is going on in America. I said that we must give young people in the United States the same kind of opportunity that we who are in positions of responsibility have—that we must give young people an opportunity to be heard and to discuss the basic issues that are causing so much concern not only with one another but with the leaders of our country. That is what the Laird Youth Leadership Workshop was all about when I was your Congressman and that is what it is all about today. I hope that each of us will look upon this opportunity as a challenge to take a forward step together toward the achievement of a better understanding that can only come through better communication. That is the only viable way to a better America.

PROPOSED MORATORIUM ON TESTING OF THE MIRV MISSILE SYSTEM

(Mr. COHELAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. COHELAN. Mr. Speaker, on July 2 of this year Congressman ANDERSON and myself introduced a resolution urging a moratorium on testing of the MIRV missile system. This resolution was introduced with 108 bipartisan cosponsors.

The advent of multiple warheads could open a whole new and potentially devastating phase in the arms race. A large number of Members in both Houses of Congress recognized this fact.

The ultimate key to U.S. disinvolvement with MIRV is, of course, an agreement with the Soviet Union on arms limitation. The resolution I introduced contemplated such limitations and called for prompt negotiations with the U.S.S.R. to reach agreement on limiting both offensive and defensive strategic weapons. In the interim, the resolution called for a halt in testing of MIRV so long as the Soviets do so.

I am extremely relieved to learn that a definite date has been agreed upon for strategic arms limitation. I am mindful that these negotiations could continue for a long time, and that the November 17 meeting in Helsinki is but the first tentative step toward fixing the breadth and subject matter of the SALT program.

Now that the talks are a reality MIRV testing must be halted. It may be months or even years before final agreement is reached on the disposition of the multitude of weapons systems in the United States and Soviet arsenals. During this time it is incumbent upon us to refrain from any actions inconsistent with the spirit of the arms limitation negotiations.

A resumption or continuation of MIRV flight tests would, during the pendency of the SALT negotiations, be a severe detriment to successful agreement.

Now more than ever it is vitally important that the MIRV moratorium resolution be heeded and observed.

The door to deescalation of the arms race has been opened. The United States must not, by any precipitous action, be the one to close it.

I enclose an editorial from the Washington Post of October 27, 1969:

THE SALT TALKS: A BEGINNING

It is good news that the United States and the Soviet Union have at long last agreed on a time and a place for the opening of the talks on limiting offensive and defensive strategic weapons. There was good news of another kind, as well, in Secretary Rogers' press conference remarks on the subject. For in an international negotiation of this kind, there is much ongoing internal negotiation to be accomplished too—negotiation *within* each government and among its separate competitive parts, each of which tries, quite naturally, to assert its particular interest and make that interest controlling in the government position as a whole. We surely have much to learn, in the prolonged and extremely difficult talks ahead, as to how the weight falls within the Administration's specially designated negotiating team and how that reflects the larger reality within the Administration itself. But for the moment there is much reassurance to be had from the fact that Secretary Rogers not only appeared as the President's spokesman on this question, but that he spoke with eminent good sense.

Mr. Rogers' remarks were low-key, easygoing, uncontentious, and above all practical. Unlike those who have conveniently forgotten the Administration's own six-month postponement of the talks in their eagerness to tax the Soviet Union with unconscionable delay, Secretary Rogers affably observed, "I'm not sure that it would help any to speculate on the reason for the delay since June. They probably wonder why we delayed from the time our Administration came into office until June—and we did it because we wanted to review the situation carefully. I think that they probably have problems of one kind or another and they have now decided to have the talks." He bashed no drums and clanged no cymbals concerning either the hopes or the fears that must necessarily attend such an exercise, pointing out that "we should not confuse the beginning of talks with success," and stressing that what we sought was a "limitation agreement [that is] mutually advantageous." His rationale for seeking such an agreement cut through a lot of misleading rhetoric on the alleged interconnection or "linkage" of this problem with all other outstanding issues between the U.S. and the Soviet Union:

"We are not talking about detente, or anything else. We are talking about whether it makes sense for the two of us to continue to spend immense amounts of money for the next five, or ten, or fifteen years on strategic weapons and end up at the end of that time in the same relative position—or whether it would be wiser to use the money for some other purpose. . . . I think they are serious about it. You can always be wrong but at the moment I would say that their attitude is serious and that they intend to approach it in the same attitude we do."

Tone apart, two particular points of substance deserve comment. One is that the decision to hold a preliminary conference to set things in motion, while remaining flexible about its form and content, probably was wise; it would be good if whatever mutual procedural wrangling and wrestling might develop could be separated in some degree from the substantive talks that follow. The other is that, while declining to disclose any moves the U.S. might be expected to make in Helsinski, Secretary Rogers showed himself not inhospitable to the idea of working out a bilateral freeze or moratorium on MIRV tests in these preliminary sessions. Such an arrangement may or may not come to pass, but gaining control over the rapid development of these destabilizing weapons should surely rank high on the Administration's agenda. They are the weapons on which the clock is ticking.

EDUCATION—THE KEY TO SURVIVAL

(Mr. COHELAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. COHELAN. Mr. Speaker, today this House will have the opportunity to vote on a continuing resolution for the Office of Education. I will offer an amendment to allow the Office of Education to expend funds at the previously House-passed levels. The urgency and necessity of the full funding for education programs is widely recognized both in this Chamber and the Nation at large. I was gratified to see that the Washington Post again took a strong editorial position favoring the full funding for education. The editorial points out that education has been treated as a pesky poor relation in the striving for limited resources.

It is interesting to note that the Nation which prides itself as being the most powerful and well endowed is now taking second place to many of the nations of Europe in education. The present administration is not unaware of the need for more expenditures in education. Indeed, a task force commissioned by the President himself recommended enormous increases in education. It seems to me that each Member should support the House-passed level as a modest but necessary contribution to a balanced and quality education.

[From the Washington Post, Oct. 28, 1969]

EDUCATION—"THE KEY TO SURVIVAL"

"Jefferson knew that the destiny of America was inseparable from education—that in the fulfillment of the promise of this new nation education would be the key . . . Education, long the key to opportunity and fulfillment, is today also the key to survival." So said Richard Nixon just a year ago when he was a candidate for the presidency. And he went on to pledge that "my administration will be second to none in its concern for education."

There has been no discernible movement to redeem that pledge. Indeed, in the fierce competition for attention and for federal funds in a period when economy is an administration watchword, education has been treated as a pesky poor relation. The President has come forward with a dramatic new welfare proposal; but he has displayed only indifference to the urgent educational needs set forth by a distinguished urban education task force. He has proposed immense expenditures for a new maritime program designed to "replace the drift and neglect of recent years and restore this country to a proud position in the shipping lanes of the world"; but when the House of Representatives during the summer enlarged by a billion dollars the meager appropriation he requested for federal aid to education, he opposed the increase and threatened not to spend it if the Senate should endorse the House action.

The President and his Secretary of Health, Education and Welfare persuaded one of the ablest and most thoughtful educators in the country, Dr. James E. Allen Jr., to leave the New York State superintendency of education and come to Washington as U.S. Commissioner of Education. But Dr. Allen has been accorded scant influence since he came here, as though the administration desired a symbol of excellence rather than a promoter of it.

This country, a pioneer in mass public education, is now second to many of the countries of Europe in literacy, the most elementary index to educational attainment. Calling last month for a campaign to eradicate illiteracy in America, Commissioner Allen pointed to the shameful fact that in large city school systems in this country up to half of the students read below expectation and that about half of the unemployed youth between the ages of 16 and 21 in this country are functionally illiterate.

"Drift and neglect" have been much more—and much more seriously—the portion of the public schools in this country than of the merchant marine. For nearly half a century on one pretext or another—two world wars, two Asian interventions, a depression, an inflation—the public schools of this country have been allowed to sink further and further in arrears of the demands made upon them. School construction has not kept pace with a growing school population; the number and the caliber of teachers—and of the counselors and equipment required to complement the teachers—have lagged increasingly behind the known needs of school children.

The management of public schools is, and should be, a local responsibility. But the long neglect of the school system can be repaired only through a dramatic program of federal financial aid; the resources are simply not now available at the local level. More important still, the drive and innovation and planning for a revitalization of the public schools must come on a nationwide basis.

With the need for federal aid so urgent and so great. It is a tragedy to hear from within the administration phlegmatic talk about concentrating on research instead of on action. It is true, of course, that intensive study of educational needs and aims must continue constantly. But the schools themselves—and the children whose childhood opportunities for education can never recur—cannot now wait upon research. There are plenty of pressing and indubitably constructive uses for the billion dollars of additional money a concerned Congress wants to apply to public education. There is plenty of knowledge in the U.S. Commissioner's office to put that money effectively to work at once.

AMERICA'S COAT OF ARMS—AN OIL DERRICK RAMPANT ON A FIELD OF CASH

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, our hopes for tax reform of a substantial nature lie dead, done in by the Senate Finance Committee, acting at the behest of America's oil and gas industry. The House had cut both foreign and domestic depletion allowances from 27½ percent to 20 percent, the absolute minimum of reform. Many in this House, myself among them, grudgingly accepted such partial tax relief. We hoped to at least make a start in eroding accumulated oil industry tax privileges, simultaneously affording some aid to the average taxpayer. Now the Senate Finance Committee has voted to restore much of what the House cut, leaving both foreign and domestic depletion allowances at 23 percent. Such an act is unacceptable. I consider it a legislative miscarriage, boldly offered and blatantly delivered. Our attempts at tax reform have been treated as a joke. Now they are turned into a knife aimed at enlarging oil industry preference at public expense.

The Senate Finance Committee maintained depletion allowances for more than 100 other minerals intact, after the House cut most of them by a quarter. House depletion changes would have raised an added $400 million annually in taxes from extractive industries—mostly oil and gas. This has now been scaled down to $155 million, a cut of nearly two-thirds. Again all Americans will be forced to subsidize oil profits abroad and at home. This winter we shall all be made to pay double the going world price for every oil product. It can only be compared to picking the pocket of a person who has just been run over by a truck.

This, however, was still not enough. The depletion allowance permits oil and gas companies to deduct 27½ percent of gross income from earnings before computing taxes. They cannot, however, deduct more than 50 percent of pre-tax earnings. This provision was softened by permitting firms or individuals with gross oil or gas revenues of less than $3 million to use the depletion allowance for up to 65 percent of their earnings. This is public sanction of increased tax evasion by the rich with a vengeance.

Almost all so-called independent producers, who are not a part of worldwide integrated oil companies, will slide neatly under this new $3 million limitation. Compared to a major oil company, the individual who grosses up to $3 million annually from oil or gas is small potatoes. But compare him to the average taxpayer, and he is massive privilege, indeed, this, then, is the added privileged group aided by the Senate Finance Committee. These operators, many of whom are already millionaries, do everything from extracting oil from the ground to marketing it at retail prices. In effect, the public has been told to shut up or else worse will follow. It makes as much sense as Mrs. Mao Tse Tung applying for D.A.R. membership.

The Senate even raised a similar 50 percent limitation to 70 percent for gold, silver and copper producers, who now receive a 15 percent depletion allowance. Under it poverty-stricken copper giants like Anaconda, Kennecott, Phelps-Dodge and American Smelting and Refining will save $10 to $25 million annually in taxes.

Here then we have the spectacle of a group of Senators, mainly from oil States, ignoring the outspoken will of the mass of our citizens. Our tax system is a masterpiece of inequities. The country has demanded reform, which the House attempted to give it, in part. Now the Senate Finance Committee has blatantly attempted to stifle and suppress what we have painfully managed to accomplish. I believe we are witnessing a deliberate attempt to destroy the entire tax reform bill.

The only historical comparison that can be drawn with this emerging abortion of a measure is the Hawley-Smoot Tariff. When need was greatest for swift tariff reductions, a privilege-oriented Congress produced the highest tariff schedules in American history up to that time. In this instance, demand for tax relief and erosion of accumulated oil tax privilege has been answered by a legislative nose-thumbing unmatched in modern times. The measure is becoming as festooned with amendments as a Christmas tree is with ornaments. A meaningful House-Senate conference will be impossible, almost guaranteeing no bill at all. To call this tax justice or relief is to try and pass off the Manhattan Telephone Directory as the Revised Statutes.

Soon now, this legislative abortion will be wrapped in shiny tinsel, passed by the Senate and sent back to the House with somber ceremony and howls of self-congratulation. It will be accompanied by a 2-minute ovation and 50 empty speeches, then sent to the House for decent burial. Mr. Speaker, a hard-hitting grocery advertisement would make more sense than this deliberate warping of the legislative process. This Congress, if it affixes its seal of approval to such a measure, will dissipate its diminishing share of national faith at an unprecedented rate. I shall vote against any compromise such as that already emerging from the Senate Finance Committee. I hope the majority of my colleagues will do the same. Yet this, of course, will accomplish the goals for which the oil and gas industry has been so ardently and expensively lobbying.

Nonetheless, in the moment of victory, they have sown the seeds of their eventual defeat. A time of complete reform and total reckoning with this industry cannot be much longer delayed, even by their massed billions. The public has at last been enlightened as to the extent and depth of how much the oil and gas industry has been getting away with at the expense of us all. No industry in the land has abused its power more or shown such corporate blindness. They can best be compared to steel moguls of the last century, or coal barons of Theodore Roosevelt's day.

During the Pullman strike, Mark Hanna was supposed to have said to George Pullman:

> Pullman, any man who won't meet his workers at least part of the way is a damn fool.

Any industry which enjoys as much power and profits as the oil and gas industry does should have yielded to the commonsense call for at least some reform. This the oil industry, in its collective nonwisdom, has refused to do.

Mr. Speaker, dire fates are promised looters, dissenters, radicals, and effete intellectuals. Those who laugh at and ridicule legitimate requests of the people are presumably safe, and will be rendered testimonial dinners by the oil and gas industry.

THE NEWLY-CREATED GENERAL SERVICES PUBLIC ADVISORY COUNCIL

(Mr. BLACKBURN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BLACKBURN. Mr. Speaker, the newly-created General Services Public Advisory Council met for the first time late last week. This national Panel was created by Administrator Robert L. Kunzig to more fully involve the public in the affairs of the General Services Administration, the multibillion dollar agency that acts as the business manager of the Federal Government.

It pleases me greatly to note that one of the 16 members of the council is from Georgia. He is Mr. John T. Wiley of Decatur. He is the assistant vice president of Southern Bell Telephone & Telegraph Co.

Mr. Wiley is to be highly commended for donating his valuable time to the cause of good government. Of course, public service is nothing new for this gentleman. He is a member of the Atlanta Chamber of Commerce and has served as a director of Junior Achievement of Greater Atlanta, the United Fund, March of Dimes, and the American Heart Association. He is currently a director of the Georgia Agribusiness Council and is vice chairman of Governmental Department of the Georgia State Chamber of Commerce. Wiley is a member of the Atlanta Athletic Club, the Commerce Club, and the Gridiron Secret Society.

Mr. Wiley's vast experience will contribute much to the Council.

Mr. Speaker, it should also be noted that the creation of the General Services Public Advisory Council is another step in President Nixon's drive to make the Federal Government more responsive to the American people.

SALT TALKS AND MIRV

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. ANDERSON of Illinois. Mr. Speaker, I am greatly encouraged by the announcement that the Soviet Union has finally accepted the American invitation to begin talks on the limitation of strategic weapons. It was announced this past weekend that preliminary talks will begin in Helsinski, Finland, on November 17, 1969.

This is especially good news to those of us in the Congress who have expressed grave concern over the delay in strategic arms limitation talks—SALT—and the growing possibility of a new escalation in the arms race. The fact is that today we and the Russians are roughly at parity in terms of nuclear weapons and that we are both capable of destroying each other several times over. It would be sheer folly for either country to devote huge sums to the production of new and more horrible weapons when these resources could instead be devoted to peaceful purposes. There is a real need in this country today to divert these funds into domestic programs—programs designed to meet the crises of our cities, schools, and environment. And I understand that the Soviet Union is faced with a very similar problem.

As one of the principal sponsors of a House resolution proposing a mutual moratorium on multiple warhead missile testing, I am hopeful that a mutual MIRV test freeze will be one of the first items of agreement at the preliminary discussions. Secretary Rogers has pointed out that the SALT talks could last for several years. Unfortunately, we do not have that kind of time if we are truly interested in halting the deployment of MIRV since our own test series will be completed by mid-1970. And once MIRV is deployable it will be virtually impossible to control by agreement due to the complex problems of inspection that would be involved. We would thus be off to the races again as we both embarked on a costly and dangerous new arms buildup. It has been variously estimated that MIRVing our own land- and sea-based missiles will cost between $10 and $20 billion.

But I think people are deceiving themselves if they look on MIRV as only an unnecessary expenditure that will ultimately leave us where we now are—at a plateau of relative balance and stability. Two factors are being overlooked in such an assessment. First, during the buildup there are bound to be asymmetrical moments when the balance of power will be upset and the risks of a nuclear exchange will, therefore, be greatly increased. And second, when both sides have MIRVed their missile force will still not have the stability which we enjoy today because there will be a distinct incentive for a nation to strike first with its MIRV force: since each MIRVed missile will in theory be capable of knocking out several missile silos, in time of crisis the edge will obviously be with the side which attacks first. While I realize that our own MIRV is not intended as a counterforce weapon, the fact remains that, with increased accuracy and yield, it has such a potential. And the Russians will be basing their judgments not on our intentions, but on our capabilities.

For these reasons, I think it would be mutually advantageous for both us and the Russians to call a halt to MIRV development while there is still time. A mutual MIRV test freeze, based on national means of verification, should be agreed to at the earliest possible date, and a formal agreement involving other means of inspection should be placed at the top of the SALT agenda. This proposal has the support of one-fourth of the House membership and nearly half of the Senate membership. It has been termed by President Nixon as "a very constructive proposal."

I think President Nixon has been wise in rejecting calls for a unilateral American halt in MIRV testing. Not only would this have been dangerous, but it would have encouraged the Russians to delay even further the commencement of SALT talks while they continued to develop their own MIRV system. The subject of arms limitation must be approached in a spirit of mutuality. Unilateral actions based on blind faith and trust would only generate distrust, fear and suspicion in the longrun and jeopardize the chances for a meaningful and mutual arms control agreement.

I am sure I am joined by many of my colleagues in this body in hoping that the administration will seek to halt the development of MIRV by proposing to the Russians that we both discontinue our testing immediately and work for an agreement to stop the "mad momentum" of the arms race.

At this point in the Record I include an editorial appearing in yesterday morning's Washington Post, entitled, "The SALT Talks: A Beginning." I am also including the transcript of the press conference with Secretary of State Rogers on the subject of SALT talks.

The materials follow:

[From the Washington Post, Oct. 27, 1969]

THE SALT TALKS: A BEGINNING

It is good news that the United States and the Soviet Union have at long last agreed on a time and a place for the opening of the talks on limiting offensive and defensive strategic weapons. There was good news of another kind, as well, in Secretary Rogers' press conference remarks on the subject. For in an international negotiation of this kind, there is much ongoing internal negotiation to be accomplished too—negotiation *within* each government and among its separate competitive parts, each of which tries, quite naturally, to assert its particular interest and make that interest controlling in the government position as a whole. We surely have much to learn, in the prolonged and extremely difficult talks ahead, as to how the weight falls within the Administration's specially designated negotiating team and how that reflects the larger reality within the Administration itself. But for the moment there is much reassurance to be had from the fact that Secretary Rogers not only appeared as the President's spokesman on this question, but that he spoke with eminent good sense.

Mr. Rogers' remarks were low-key, easygoing, uncontentious, and above all practical. Unlike those who have conveniently forgotten the Administration's own six-month postponement of the talks in their eagerness to tax the Soviet Union with unconscionable delay, Secretary Rogers affably observed, "I'm not sure that it would help any to speculate on the reason for the delay since June. They probably wonder why we delayed from the time our Administration came into office until June—and we did it because we wanted to review the situation carefully. I think that they probably have problems of one kind or another and they have now decided to have the talks." He bashed no drums and clanged no cymbals concerning either the hopes or the fears that must necessarily attend such an exercise, pointing out the "we should not confuse the beginning of talks with success," and stressing that what we sought was a "limitation agreement [that is] mutually advantageous." His rationale for seeking such an agreement cut through a lot of misleading rhetoric on the alleged interconnecting or "linkage" of this problem with all other outstanding issues between the U.S. and the Soviet Union:

"We are not talking about detente, or anything else. We are talking about whether it makes sense for the two of us to continue to spend immense amounts of money for the next five, or ten, or fifteen years on strategic weapons and end up at the end of that time in the same relative position—or whether it would be wiser to use the money for some other purpose. . . . I think they are serious about it. You can always be wrong but at the moment I would say that their attitude is serious and that they intend to approach it in the same attitude we do."

Tone apart, two particular points of substance deserve comment. One is that the decision to hold a preliminary conference to set things in motion, while remaining flexible about its form and content, probably was wise; it would be good if whatever mutual procedural wrangling and wrestling might develop could be separated in some degree from the substantive talks that follow. The other is that, while declining to disclose any moves the U.S. might be expected to make in Helsinki, Secretary Rogers showed himself not inhospitable to the idea of working out a bilateral freeze or moratorium on MIRV tests in these preliminary sessions. Such an arrangement may or may not come to pass but gaining control over the rapid development of these destabilizing weapons should surely rank high on the Administration's agenda. They are the weapons on which the clock is ticking.

SECRETARY ROGERS' NEWS CONFERENCE OF OCTOBER 25, 1969

Following is the State Department's release of Secretary of State William P. Rogers' News Conference, which is authorized for direct quotation:

Secretary Rogers. Ladies and gentlemen, I thought that it might be helpful to get together with you in view of the announcement that was made in the White House at 11:00 o'clock, because I thought you might have some questions on this subject. I will do my best to give you the information that you would like to have.

Q. Mr. Secretary, could you amplify a little bit on what will be treated at the preliminary discussions?

And secondly, will you tell us if there's a possibility that President Nixon and the Soviet Premier, Mr. Kosygin, might formally open the second phase of serious negotiations on the substantive issues?

A. On the second part of the question, I think the answer is no, there is no present intention of any procedure of that kind, and I don't believe that it will happen.

As far as the preliminary talks themselves are concerned, we expect that they will be exploratory in nature. The purpose of the preliminary talks is to have a free discussion about how the negotiations can be conducted.

Now, we are approaching these talks very seriously. Certainly, it's as serious a matter as we have in our nation today, and I think that the Soviet Union's attitude is the same. Certainly they say that they are very serious about these talks.

So we want to discuss how we can best approach the talks in a serious, businesslike way that will be produtive.

Q. Mr. Secretary.

A. Yes.

Q. These talks have been put off time and time again. What do you think is different now about this time? Why did the Russians agree now?

A. Well, I don't know—and I'm not sure that it would help any to speculate on the reason for the delay since June. They probably wonder why we delayed from the time our Administration came into office until June—and we did it because we wanted to review the situation carefully.

I think that they probably have problems of one kind or another and they have now decided to have the talks.

Q. Mr. Secretary, on the question of MIRV, is it the intention of this Government to propose a freeze, a moratorium, or some other device to halt MIRV testing at the beginning of this conference so that substantive issues can be dealt with through a moratorium or a freeze?

A. Well, as President Nixon said in June, we are obviously considering the whole question of MIRV tests and possible moratorium on the tests; and that will be one of the subjects that will be considered when we start these talks.

I think that it's a complex situation. Now that the talks are scheduled to start on the 17th, why we will consider how we approach that subject.

We certainly don't intend to have any public discussion as we go along on each one of these issues. It's too serious a business. We're going to try as much as possible to conduct these negotiations in private.

Now, obviously, we'll keep our NATO Allies informed of the progress, and we'll keep Congress informed. But as much as possible, we want to do this in private and the Soviet Union indicates that that's their intention too.

Q. Mr. Secretary, I don't understand what you mean by saying you don't intend to have a public discussion because the issues are too serious.

A. Well, I mean, at each step of the negotiation, obviously, we will have a discussion. Eventually the public will know. But while we are talking we think it's better to do it in a private session; and we would hope that with some exceptions they will be private sessions.

Do I make myself clear?

Q. Yes.

But could I ask one more follow-up question?

A. But let me say on that point, Mr. Hightower, that as I said, we will keep Congress advised, and we will keep the appropriate committees fully advised of the general approach that our Government is taking. And we'll keep our allies advised.

But we don't want to have each one of these negotiating sessions a public session, because it's a very complex subject, and we think it's so serious that it should be conducted in a businesslike atmosphere. And when it's appropriate to advise the public, we will.

Q. So you expect some public information to come out from time to time. But the negotiations, as such, are to be private.

A. That's correct.

Q. Yes

At what level do you plan to open the talks?

A. Well, we have our delegation, that we have already announced, that is prepared to go to Helsinki on the 17th. The Chairman of that is Ambassador Gerard Smith, the Alternate Chairman is Philip Farley, there's Paul Nitze, and General Allison, Llewellyn Thompson, and Dr. Harold Brown.

Q. Mr. Secretary, I'm not quite clear on whether there's going to be one meeting in Helsinki, or a series of meetings in Helsinki, that are ended by the ending of the preliminary talks—and then the beginning of the actual talks somewhere else? Or is it all going to run together?

A. Well, we can't predict it for certain. But I think it will run something like this:

We would expect that preliminary discussions in Helsinki will run for several days, maybe a few weeks, and at that time a decision will be made about a permanent site. And also, decisions will be made about how best to conduct the permanent negotiations—how many should attend, how many should be private, and whether there should be an agenda or not have an agenda—those things.

In other words, the purpose of the preliminary talks is to work it out so that we are not arguing about details and we get right down to the business of serious negotiations when we get to the permanent talks.

Q. Mr. Secretary, is there any thought on our part of proposing some sort of limitation on anti-ballistic missiles? Or does it appear that the decision of both governments to proceed with limited deployment precludes this?

A. Mr. Scali, we are not going to discuss in advance, and hopefully not while the negotiations are being conducted, specific proposals that we are going to make.

I think I should say that the negotiations will include both offensive and defensive strategic weapons. And as you know, under NPT Treaty, we have an obligation to do that, and we are going to fulfill that obligation.

Chalmers?

Q. Could I clarify something—some of the answers you have given?

You are going to Helsinki to have a preliminary meeting of a few days to a few weeks. Now that is essentially to work out the techniques of how you have a longer range, more permanent meeting.

Does that mean that in the preliminary meeting there will be no possibility of discussing a substantive question such as the freeze of MIRV while we're having the permanent meeting?

A. No.

Q. That could happen at the Preliminary Meeting?

A. Yes, yes.

We are not going to exclude any subject from discussion at the preliminary meetings, and I don't want to be in any rigid position about how long these preliminary talks are going to last, or how we're going to discuss it. Our attitude is quite flexible.

And I think the Soviet Union's attitude is the same.

We're serious about this, and we want to conduct the negotiations in a businesslike manner, and we hope that we can avoid long arguments about the agenda, and which item will come first, and whether there's a limitation on what we can talk about, and so forth.

If we can have a more reasonable, flexible approach to negotiations, and if we can talk back and forth, and dot it with a serious intention in mind—then it's possible that these talks can be productive.

Q. Mr. Secretary, can you give us an idea —at least what you anticipate what the general course of things is apt to be—whether you want to—whether you prefer to start with existing weapons systems and then proceed to——

A. No. I don't want to get involved in how we're going to do it—which we're going to take up first, and so forth.

Q. Mr. Secretary, I don't think that Helsinki was our original preference, as far as the site is concerned. Do you have another preference for the permanent site of the talks?

A. Well, I'm glad you raised that question, because there has been some misunderstanding about it. And let me tell you exactly how it developed:

In my discussions with Ambassador Dobrynin in June, I think it was June 11th, I said that we were ready to have talks, and that we would be prepared to have talks within a month. And I listed these places as possible sites for the talks: Geneva, Vienna, and Helsinki.

Now we did suggest Helsinki, and when Ambassador Dobrynin responded the other day, he selected Helsinki, and that was one of the places that we had suggested.

We have left open the question of the final site, and he was willing to do that, because there are some problems of communication and availability of space and other things. It's possible that some other site would be better.

We look with favor on Vienna, for example, but we are not excluding the possibility of Helsinki as the final site.

But the reason I mentioned it that fully is we didn't have any argument about the site. Helsinki was a site that we proposed. Later on, we indicated we thought maybe Vienna would be better for the reasons I mentioned, but we had no dispute about the site.

Q. Mr. Secretary, can you give us a more clear definition of the term "strategic arms?" Does this include, for example, land based intermediate ballistic missiles?

A. No, I think I'll leave that to the negotiators. That's a subject that they will have to discuss when they get there.

Q. How does China's growing strategic power fit in, long range, with these negotiations with the Soviet Union? And the threat, presumably, to both countries?

A. Well I don't think, at the moment, they are relevant. They haven't progressed far enough, and I think if we can work out something that is constructive from the standpoint of the two superpowers that we can deal with China's problem later on.

Keep in mind that the word that was used was "curbing" in this release—"Limitation" or "curbing"—and even if we are successful at working out an agreement, both the Soviet Union and the United States are going to be way ahead of China for many years to come.

Q. Mr. Secretary, could you, for the benefit of the public, estimate how long you think these talks might take place?

A. No, I wouldn't want to do that.

I try to resist doing that. I noticed the other day in "Meet the Press" I made a mistake and did indicate that I thought that the answer that the Soviets would give us would be within two or three months.

So far, I've been batting pretty well, and I'm not going to make any further predictions.

Q. Mr. Secretary, who do you expect will lead the Soviet Delegation? And have you any indication either from reading the Soviet press, or in any other way, what their attitude is toward things like a MIRV moratorium, or an ABM—

A. We do not know who is going to head their Delegation. At one time it was thought that Mr. Kuznetsov would be the Chairman, but I think that he's in China now, in negotiations there, so we're not sure. And Ambassador Dobrynin did not tell me.

He did say that he thought their delegation probably would be about the same size as ours, five or six.

Q. What mechanism will be used for consulting the NATO Allies? Will they be contacted individually, or collectively?

A. Well, I think it depends, of course, upon what the consultation consists of.

I would think, generally speaking, we'll do it through the NATO organization in Brussels, but not necessarily. I don't want to be confined to that as a possibility.

In our discussions here—notification of our NATO Allies that the talks were going to start—we notified the Ambassadors in Washington.

Q. Mr. Secretary, there is bound to be speculation that the beginning of these talks may have a larger meaning. Do you think that this might be the beginning of an era of negotiations?

A. Well, let me see if I can answer your question: I think this is an important step that is consistent with the President's policy of an era of negotiation, and it could be a very important negotiation. It's possible it's one of the most important negotiations our country has been involved in. And certainly, it could be one of the most important that we ever undertook with the Soviet Union.

On the other hand, we should not confuse the beginning of the talks with success of the talks, necessarily—there is quite a difference.

These talks could be abortive, they could be fruitless, or they could be highly successful in terms of mankind. And those things will be determined by the talks, themselves.

So whereas we are pleased that the Soviet Union has agreed to have these talks—we think it is a good step—we also have to be quite conscious of the fact that the mere start of the talks, themselves, is not what counts. What counts, is how successful they are.

Q. Mr. Secretary, if these talks are successful, could they lead to a form of nuclear parity between the United States and the Soviet Union?

A. Well, words like "parity" I think are apt to be confusing.

What we hope that we can do is negotiate an arms limitation agreement which will keep us in the same relative position that we are now—and which can be verified.

Now in order to accomplish the first part of that formula, we have to be sure that the limitation agreement is mutually advantageous, that neither side gets an advantage because of the agreement.

Secondly, we have to be sure that the agreement can be verified, because if it can't and one side can cheat, then it certainly is not a viable agreement.

Now these things are very difficult matters to handle, and I don't think anybody should be confused about the fact that they are difficult. They are complex, there's mutual suspicion, the subject matter itself is very involved, and so we have to proceed with the hope that we can achieve some success—but with the full realization that it's not going to be easy.

Q. Mr. Secretary, it's almost exactly a year ago today, I believe, that Nixon, then a candidate, gave a speech in which he said he would approach such negotiations only on the grounds that the United States would be negotiating from a position of superiority.

Now, at this point does the Administration feel that it's going into these talks in a position of superiority, or rough equality, or however you want to characterize it—with the Soviet Union?

A. Well I don't, as you know, I think he's used the term "sufficiency" and I think that we feel now that this is an appropriate time to enter these discussions and enter them seriously, with the hope that we can arrive at an agreement that will be mutually advantageous. And I don't want to characterize what we think. We think this is the right time to do it, and I think the Soviet Union does, too.

Q. Will you take a question on Lebanon?

A. I'll take it—[Laughter.] No, I'm sorry, I don't want to get involved in anything else this morning.

Q. By "agreement" as the objective, are you speaking of the treaty that would be submitted to the Senate for ratification?

A. Well, I think that if we have an agreement, a very confidential agreement, we are thinking in terms of the treaty. Yes. And I think that that is the most likely outcome, assuming we reach an agreement.

On the other hand, I wouldn't want to be frozen in that position, because it's possible that we would want to have some kind of an agreement of a limited nature, that would not require a treaty.

But in any event, I want to make it clear that if we did something other than by way of treaty, that we would keep Congress constantly advised, and consult with them, and be sure that it met with their approval, and we would keep our allies advised.

In other words, I think the chances are that the agreement would be in treaty form; but I wouldn't want to necessarily be frozen in that position.

Q. Mr. Secretary, having talked with Ambassador Dobrynin, how do you characterize the Russian attitude? They are willing to talk, but are they enthusiastic, cautious, what can you tell us about that?

A. Well, I had long talks with Mr. Gromyko on this subject, in New York. We talked three times for three or four hours' duration, total; and I would characterize his attitude as serious.

He gave me the impression that the Soviet Union is serious about these talks. He didn't indicate that they were entering the talks, or about to enter the talks for purposes of propaganda, and that their attitude was about the same as ours. It's a realistic attitude.

We are not talking about detente, or anything else. We are talking about whether it makes sense for the two of us to continue to spend immense amounts of money for the next 5, or 10, or 15 years on strategic weapons and end up at the end of that time in the same relative position—or whether it would be wiser to use the money for some other purposes.

Now that's just a matter of hardware.

If we can work out that kind of an agreement so that each of us feel it's to our advantage to enter that kind of an agreement, and we're satisfied that the agreement can be verified so that neither side can cheat—then it makes sense to do it.

So, I think they are serious about it. You always can be wrong but at the moment I would say that their attitude is serious and that they intend to approach it in the same attitude that we do.

Q. Mr. Secretary, do you expect, sir, that the initiation of these talks will, itself, affect the general pattern of East-West relations? As these talks proceed, will they have, in your judgment, a relationship to the conduct of international affairs as a whole—in the Middle East, for——

A. Well, let me say this: They are not conditional in any sense of the word.

We haven't laid down any conditions for these talks.

I suppose that when you're talking with the representatives of the Soviet Union in any field, it does tend to improve the relations somewhat—especially if the talks seem to be succeeding.

Now, we are talking with them on NPT, for example. We hope that they will ratify NPT.

We are talking with them in Geneva about Seabeds Treaty—and those discussions have gone rather well.

We are going to talk with them further about chemical and biological warfare limitations.

So I suppose that all of those things tend to improve the atmosphere between the Soviet Union and the United States.

But I don't think anybody should be misled. The mere fact that those talks seem to be going well doesn't necessarily mean other things are going to go well. We would hope that they will, but I think that the invasion of Czechoslovakia demonstrated that point. Just prior to the invasion of Czechoslovakia, there was a feeling of detente in Europe, that things were going very well between the United States and the Soviet Union—between East and West—and unfortunately, that invasion of Czechoslovakia changed that.

So to summarize, I think that it does tend, slightly to improve the atmosphere, but we shouldn't be euphoric about the fact that we are having talks.

Q. Mr. Secretary, in view of that, the question about Viet-Nam, which may relate to this, has the fact that you have said we are de-escalating in Viet-Nam had an effect on the Soviet attitude toward these talks?

A. Well as I say, I don't know what's had an effect on the Soviet attitude. There's no way of knowing for sure. I can speculate, but I don't think my speculation is worth any more than anyone else's.

Q. Thank you.

Q. You could try, sir. [Laughter.]

A. Well, I would rather read about it. [Laughter.]

Q. Mr. Secretary, do you expect the United States and the Soviet Union to enter these preliminary discussions with formal, substantive proposals on the 17th of November?

A. Well, I wouldn't think that we would start out that way, no. As I say, I think these talks will be exploratory.

I don't rule out, as Mr. Roberts asked, whether we rule out any discussion of substantive matters.

The answer to that is no.

But I wouldn't think that would be the way the discussions would start.

Q. Mr. Secretary, do you have any indication of what the Soviet position will be in terms of willingness, or lack of willingness, to agree to things like a MIRV moratorium, or some agreements on ABM?

A. No.

Q. Thank you, sir.

COAL DUST CAN BE SHARPLY REDUCED

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, it is now possible, feasible, technologically, and economically within reason to make a drastic reduction in the amount of coal dust at the working face of a coal mine. This fact is very dramatically illustrated in the Bureau of Mines Technical Progress Report entitled "Studies on the Control of Respirable Coal Mine Dust by Ventilation," to which I referred earlier today on the floor.

The substance of this report reveals the results of cooperative tests with industry in five bituminous coal mines. In a release dated October 28, the Bureau of Mines states that "improved ventilating methods were used to reduce the concentration of respirable dust, the cause of 'black lung' disease." A high-pressure auxiliary fan in ventilating the working face resulted in a very marked reduction in the coal dust level after careful tests. At an early date, I shall make available the backup statistical data on which this report was based.

I believe this report has great significance in relation to our debate over the proper dust standard to be included in the pending coal mine health and safety legislation. It is highly unfortunate that certain unidentifiable sources within the Nixon administration felt that this report should be suppressed instead of made publicly advailable. Only after I sent a telegram to the President late Monday urging that he direct the Department of Interior to spring loose this report did it see the light of day. I would certainly hope, Mr. Speaker, that the administration would be more active in the future in suppressing coal dust rather than suppressing reports.

The text of this report is so significant that it should be available for the consideration of all Members. It follows:

[Bureau of Mines Mineral Industry Health Program, Technical Progress Report 19, October 1969]

STUDIES ON THE CONTROL OF RESPIRABLE COAL MINE DUST BY VENTILATION

(By D. S. Kingery,[1] H. N. Doyle,[2] E. J. Harris,[3] M. Jacobson,[4] R. G. Peluso,[5] J. B. Shutack,[6] and D. P. Schlick [7])

[Figures and illustrations referred to in text cannot be reproduced in the RECORD]

ABSTRACT

Experiments initiated by the Bureau of Mines on August 26, 1969, and recent work of others, have demonstrated the effectiveness of ventilation for controlling concentrations of respirable coal mine dust. Substantial reductions in dust concentrations have been attained by increasing the volume and rate of air movement across the face and by controlling the airflow pattern.

Ventilation experiments conducted by the Bureau using high-pressure fans as auxiliary ventilation units showed that face-generated dust could be effectively controlled in five mines employing continuous mining machines. Additional data was obtained on industry installations in two mines using similar ventilation systems. By maintaining an airflow approaching 100 fpm across the entry, the experimental system reduced the concentration of respirable dust by factors as great as 6.4. In all mines where the system was used the face-generated dust concentrations were reduced to below 3 mg/m^3. Total respirable dust in two cases was above the 3 mg/m^3 value because of the dust content of the intake air. In some mines, depending upon the type of coal being mined and other dust control factors in use, it was possible to obtain concentrations of less than 2 mg/m^3.

Although the technology for the application of the dust control system investigated is readily available, it is evident that additional engineering studies should be made in each mine where the system is to be applied.

Conditions in some mines may require a modification of the system. On the basis of the Bureau's experience to date, further studies will be made so that the various engineering parameters encountered in underground coal mining can be evaluated.

CONCLUSIONS

The following conclusions can be made from this investigation:

1. Controlled face ventilation employing a high-pressure auxiliary fan together with other components of the system will substantially reduce the concentration of respirable coal dust at the working face of underground coal mines. By maintaining an airflow from 70 to 100 fpm across the entry, results showed in all instances that the average respirable dust concentration at the continuous miner was reduced to less than 3 mg/m^3. Total respirable dust in two cases was above the 3 mg/m^3 value because of the dust content of the intake air. In some instances, however, respirable dust concentrations were reduced to less than 2 mg/m^3.

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2. Through proper engineering design of the auxiliary and main ventilating system of the mine, the hazard due to methane will also be reduced.

3. Because of the effects of concentrations of respirable dust in the incoming air the system investigated, by itself, is not a complete solution to the respirable dust problem. For the system to be totally effective, dust controls must be applied at dust generating points in the incoming air passageways.

INTRODUCTION

Pneumoconiosis, a respiratory disease which is caused by inhaling fine particles of coal mine dust, is recognized as a major occupational health problem in underground bituminous-coal mines. Consequently, the Bureau of Mines has launched a major effort to find ways for controlling respirable coal mine dust. Studies by the Bureau and other mining research agencies have indicated that the efficient use of water and ventilation represent the fundamental approaches to effective dust control. Although water sprays on mining machines have beneficial effect as a suppression measure for total airborne dust, current spray techniques have little effect on dust in the respirable range.

Calculations based on the theory of small particle behavior and air motion indicated to Bureau investigators that an airflow of between 70 and 100 fpm across the entry should result in significantly lower dust concentrations.

After analyzing engineering studies by the Bureau of Mines and the industry, it became apparent that a method for achieving the desired entry velocity was by using a high-pressure auxiliary fan and by maintaining the end of the exhaust tubing about 5 feet from the face. This assertion was supported by the following concepts:

1. Adequate airflow at the face confines coal mine dust generated ahead of the operator and captures dust particles. Dust can then be transported by the system and discharged into the return entry, where it can be treated or collected.

2. Previous studies conducted by the Bureau demonstrated the effectiveness of ventilation for the control of methane released at the working face. Similar techniques could be effective for dust control.

METHOD OF INVESTIGATION

The Bureau's investigation was centered upon the use of an auxiliary high-pressure axial-flow direct-driven fan with variable pitch blades. The original estimated power requirements were from 20 to 40 hp. An approved fan with such requirements was not available and could not be quickly supplied by a manufacturer. Therefore, two fans, operating in parallel, each with horsepower sufficient to produce 5,000 cfm, and a fan with a 10-hp motor capable of producing 9,900 cfm, were used in the first experiment. This series was conducted in a mine where coal was being extracted by a continuous miner, from the Pittsburgh coalbed, averaging about 6 feet in height.

Although favorable results were obtained in this initial study, the fans used could not produce the desired entry velocities originally specified by Bureau engineers. A second study was conducted using a 60-hp auxiliary fan from the Bureau's experimental mine in order to obtain higher entry velocities. Because of the fan's size and power requirement, it could only be used in mines capable of accommodating it. In the second mine studied, coal was extracted with a continuous miner from the Sewickley coalbed averaging 50 to 54 inches in height. Subsequent studies were conducted in mines in the Pocahontas No. 3 and No. 4, and Illinois No. 6 coalbeds.

Dust measurements were made according to standard Bureau procedures. For the purpose of this report, samples collected with an MRE instrument contained in the instrument package mounted on the continuous miner were used as a basis for comparison. It would have been desirable to use a personal sampler on the machine operator as the reference point. However, in some mines studied, the machine operators performed multiple tasks, requiring several different operators for each machine on a given shift. Therefore, the operator's exposure could not be used for obtaining representative data. Baseline studies of respirable dust concentrations were made wherever possible in the Bureau's studies, to establish the effectiveness of the ventilation system being tested.

Figure 1 illustrates the system used throughout this investigation.

VENTILATION THEORY [5,9]

Following the introduction of continuous mining equipment to the bituminous coalfields, increased production rates and rapid face advance led to increased frequency of methane ignitions from improper or poor face ventilation. As a part of a program to reduce this hazard, the Bureau of Mines obtained information relative to airflow patterns developed in the immediate face area by various combinations of ventilation methods and devices. Following these studies basic systems of air control were devised for dilution and removal of methane face emissions without accumulations of high concentrations in the occupied face region. Methane control and dilution was in all cases achieved by planned air circulation.

Although continuing progress has been made in face ventilation techniques, dust loading in the face atmosphere clearly indicates that ventilation systems now used are often inadequate to maintain respirable dust concentrations within acceptable limits.

Settling rates of airborne particulates less than 10 microns in diameter show that dust in the respirable size range may be transported for great distances by air currents. Because respirable dust generated at the face is transported by the air stream, ventilation techniques originally designed to control distribution and accumulation of methane face emissions can be used to confine, capture, and remove airborne dust produced at the face.

The theory for the control of coal mine dust is that dust particles smaller in size than 10 microns tend to behave in the same manner as a gaseous contaminant such as methane. Thus, the control of respirable dust is a function of the volume and velocity of air moving across the coal face. Another requirement is to maintain the zone of contaminated air as close to the face as possible to minimize the exposure of face workers.

Bureau studies on methane control methods have revealed definitive airflow patterns. These patterns are shown in figures 2 and 3. At the start of the investigation, information given on figure 2 was used to determine that exhausting air from the face in sufficient volume to assure a sustained velocity approaching 100 fpm across the entry, would result in minimizing the concentration of respirable dust. Diagrams shown on figure 3 established the need for maintaining the tubing within 5 feet of the coal face.

Experiments performed at the Bureau's experimental coal mine related horsepower requirements to air velocity and air volume under a variety of operating conditions as shown in figure 4.

From the data incorporated in figure 4 it was estimated that for entries having a 56 sq. feet area, a 15-hp, high-pressure, auxiliary fan, used in conjunction with a 20-inch diameter tubing, would be required to minimize the concentration of respirable coal mine dust; for entires of 96 sq. ft., a 30-hp. fan used with 24-inch tubing would be required to achieve the same result. In both cases noncollapsible tubing is specified, due to the effects of high exhaust pressures generated by the system.

Based upon this investigation and past Bureau experience, where conditions of extreme methane liberations override respirable dust control requirements, both dust and gas control objectives can be met by using a machine-mounted diffuser blower and an auxiliary fan system, as illustrated in figure 5.

For the ventilation system investigated in this study to be effective, these criteria must be met:

1. Intake to the exhaust system must be maintained within 5 feet of the face, and the volume of air induced by the system must be adequate in providing a minimum velocity of 70 fpm across the entry.

2. Recirculation of methane and respirable dust must be prevented by insuring that the volume of air being delivered to the crosscut is in excess of the demand of the exhaust system.

3. Coal should not be permitted to accumulate at the tail of a continuous mining machine, thereby restricting airflow, nor should other obstructions be permitted to restrict the airflow.

4. Incoming air should be relatively free of respirable dust.

DUST SAMPLING

Dust sampling instrument packages were placed in strategic areas—one on the continuous mining machine, and another in the intake airway.

To obtain comprehensive data on dust concentrations, these packages contained a variety of sampling equipment, including long-running midget impingers, personal samplers, total airborne dust samplers, and MRE instruments. In addition, personal samplers were placed on the machine operator.

All gravimetric samplers were operated continuously and provided integrated values for the full face shift. To determine interim or cyclic values, long-running midget impingers collected periodic samples. Thus, by relating midget impinger to respirable gravimetric samples, it will be possible to discern mining practices which result in unusually high dust concentrations.

SUMMARY OF FIELD CONDITIONS

Studies were conducted in developing sections of five mines using continuous mining machines in five coalbeds of three different States.

Coalbed height varied from 48 to 72 inches in the Bureau's tests. These tests were conducted in the Pittsburgh, Sewickley, Pocahontas No. 3 and No. 4, and Illinois No. 5 coalbeds. Water applied by sprays at rates varying from 5 to 15 gallons per minute was monitored by Bureau engineers using meters installed in the supply line.

In the tests fan pressure and air quantity ranged from 3.75 inches of water at 5,000 cfm to 15 inches of water at 15,000 cfm. In one instance, fans were employed in parallel systems. The exhaust systems tested produced air face velocities from 35 to more than 100 fpm. At each mine the maximum practical size tubing ranging from 18 to 24 inches was used in order to obtain maximum airflow volumes.

DISCUSSION OF TEST RESULTS

These experiments demonstrate that in the mines studied it is possible to attain a substantial reduction in concentrations of respirable coal mine dust; the respirable-dust-

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[5] Luxner, James V. Face Ventilation in Underground Bituminous Coal Mines—Airflow and methane distribution patterns in immediate face area-line brattice. BuMines Rept. of Inv. 7223, 1969, 16 pp.

[9] Dalzell, R. W. Face Ventilation by Line Brattice and by Auxiliary Fans. Oral presentation at the National Safety Council, Chicago, Illinois, October 27–30, 1969.

concentration-reduction factors range from 1.7 to 6.4. The mines studied represented, in our opinion, difficult dust problems, either due to the type of coal being mined or for other reasons. In all mines studied production rates did not deviate significantly from normal during the survey period as indicated in table 1. The study was limited to mines employing continuous mining machines. The technology of the ventilation system described here should be applicable to all types of underground coal mining.

TABLE 1.—BASIC DATA ON MINES STUDIED

Mine	Coalbed	Bed height (inches)	Production (raw tons)				Shifts surveyed	
			Normal ventilation		Improved ventilation		Number of shifts	
			Average	Range	Average	Range	Normal ventilation	Improved ventilation
A	Pittsburgh	78	536	384-600	540	490-660	4	7
B	Sewickley	54	210	150-225	178	165-204	3	3
C	Pocahontas No. 4	78	190	108-228	160	128-204	6	6
D	Pocahontas No. 3	52	332	144-480	330	252-404	9	5
E	Illinois No. 6	72	370	342-396	460	387-648	2	5

Figure 6 presents Bureau results obtained by measuring the respirable dust concentration on the continuous mining machine at a point near the operator. Mines A through E are studies conducted entirely by the Bureau. In these mines dust studies were made before and after the ventilation system was in operation. Mines F and G are mining industry installations using in general the techniques described in this report with the notable exception that the fans used in the industry installations had less capacity than the one used by the Bureau of Mines. Also, baseline dust data was not available for these two mines.

In all mines studied, the incoming air was contaminated with respirable dust. Based on the assumption that it is possible to minimize this contamination by dust control or suppression at the appropriate dust generation points, the data shown in figure 7 was derived by subtracting the dust load of incoming air from the concentration of the respirable dust measured on the continuous mining machine. By using the adjusted concentrations for respirable dust, all average concentrations—with one exception in which the velocity of incoming air was only 35 fpm because of the small-size fans—were below 2 mg/m^3.

Uncontaminated intake air is necessary for respirable dust control. Actual measurements have shown dust concentrations in intake air ranging from one-half to over 2 milligrams of dust per cubic meter of air. Respirable dust particles will remain a part of the air current until either collected or dissipated by some method. Such coal dust contaminant sources are usually from open coal dumping stations, coal transfer points, uncovered coal trips, belt transportation systems, and roadways. These contaminant sources should be placed on separate air splits if possible or the air velocities passing over such points reduced.

Adequate air volumes at the face for coal dust control may require extensive and expensive modification and improvements in the primary ventilating system. These may be new air shafts and new fan installations, increasing the number of air courses, both intake and return, and other methods to reduce the mine resistance.

Because this report presents only the timely first results of the Bureau's investigations, engineering tables showing all gravimetric and midget impinger concentrations, production rates, water control data, and a detailed description of mine conditions have not been included. A Bureau of Mines information publication containing comprehensive data is being prepared.

AMENDMENT NO. 10

Mr. Speaker, the data contained in this report, which points the way toward a reduction of the dust level, fully justifies a new effort to bring down the coal dust level at a much faster rate than we had heretofore felt possible. We have progressed far beyond the point where we can afford to be satisfied with a dust level of 3.0 milligrams per cubic meter. Not only is the dust level of 3.0 milligrams medically unacceptable, but we now have the means within our power to push for an attainable goal far below that amount—a goal which we must work toward if we really believe that pneumoconiosis can be conquered.

I have an amendment which I plan to offer when the occasion arises, which follows:

AMENDMENT NO. 10—LOWERING THE DUST STANDARD FOR EACH MINER

On page 47, line 10, strike all through the period on line 18, and insert:

"(3) Within 6 months after the operative date of this title, the Secretary of Health, Education and Welfare shall publish a schedule in the *Federal Register* reducing, as technology improves, the level of respirable dust concentrations in the mine atmosphere to which each miner is exposed below the 3.0 milligrams of respirable dust per cubic meter of air established by paragraph (2) of this subsection to such lower level, as he determines to be medically acceptable to prevent new incidences of pneumoconiosis and to prevent any further development of such disease.

JUDICIAL REVIEW AMENDMENT

Mr. Speaker, because the judicial review amendment which I plan to offer was not printed in the RECORD yesterday, I furnish the text of this amendment for the benefit of Members:

AMENDMENT NO. 9—JUDICIAL REMEDY

On page 117, after line 17, insert: Title IV—Judicial Remedy.

"SEC. 501. Any miner in a coal mine subject to this Act who shall suffer personal injury in the course of his employment as a result of the gross negligence of the operator, may, at his election, maintain an action for damages, at law, with the right of trial by jury, against the operator of the coal mine, and in such action all statutes of the United States modifying or extending the common-law right or remedy in cases of personal injury to railway employees shall apply; and, in case of death of any coal miner as a result of any such personal injury, the personal representative of such coal miner may maintain an action for damages at law, with the right of trial by jury, against the operator of the coal mine, and in such action all statutes of the United States conferring or regulating the right of action for death in the case of railway employees shall be applicable. Jurisdiction in such actions shall be under the court of the district in which the operator resides or in which his principal office is located. This section shall not preempt any existing State statutes or other provisions of this Act which provides for compensation for coal miners. Any recovery obtained under this section shall be reduced by any amounts received under such compensation statutes."

PRESIDENT NIXON'S MARITIME PROGRAM

(Mr. PELLY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PELLY. Mr. Speaker, I was happy to hear, at long last, a maritime program announced by the President. It has been a long time coming. In fact, it has been since 1958 when a program to meet the problem of block obsolescence was called for.

It is especially good to witness the careful study that went into the program to revitalize our merchant marine. The President's program closely follows the one he outlined in a speech in my hometown of Seattle last September when he was a candidate for the Presidency.

But, it also reflects the extremely able and intelligent approach to our maritime problems by the new Maritime Administrator Andrew Gibson. I am highly impressed by the capabilities that have been demonstrated by Mr. Gibson. Supported by the Secretary of Commerce in preparing this plan, he overcame strong opposition.

This maritime program is not just a means of constructing 300 new ships; it is a method of reducing subsidies presently paid to keep our merchant ships in competition on the high seas.

The President's plans call for the construction of ships of new, modern design and with a capability of replacing two, three, or as many as five of the present-day World War II-type cargo carriers in our fleet. The new vessels are expected to require a lower construction subsidy and hopefully can greatly reduce the operating subsidy now being paid by our Government. This operating subsidy in 1968 alone totaled $174,834,000.

And, by the President's plan of letting multiship contracts it is hoped the price per ship can be greatly reduced.

Another vital concern is the balance-of-payments effect. The program is anticipated to have the potential of a positive $2 billion effect on our balance of payments over the next 10 years.

The effect this can have on employment throughout the land is immeasurable at this point, but once a labor force is mustered and combined with the technology our shipyards possess, America's flag once again will return to its rightful place on the high seas.

Mr. Speaker, I highly commend the President for his maritime program.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

To Mr. BYRNE of Pennsylvania (at the request of Mr. BARRETT), for Tuesday, October 28, 1969, on account of illness.

To Mr. PUCINSKI, from October 29 through November 6, 1969, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Gross, for 10 minutes, today, and 30 minutes, tomorrow.

Mr. Edwards of Alabama, for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Hunt) and to revise and extend their remarks and include extraneous matter:)

Mr. Wyatt, for 15 minutes, on October 28.

Mr. Hosmer, for 20 minutes, today.

Mr. Saylor, for 15 minutes, today.

(The following Members (at the request of Mr. Alexander); to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Mikva, for 60 minutes, on November 5.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Michel and to include an editorial.

Mr. Philbin in five instances and to include extraneous matter.

Mr. Yates to revise and extend his remarks made on the continuing resolution.

Mr. Pettis to extend his remarks immediately following those of Mr. Cohelan today.

Mr. Mahon to revise and extend remarks made in Committee of the Whole and to include tables and other extraneous material.

Mr. Cohelan to revise and extend remarks made in Committee of the Whole and include extraneous material including tables.

(The following Members (at the request of Mr. Hunt) and to include extraneous matter:)

Mr. Conte.

Mr. Pettis.

Mr. Lukens.

Mr. Hosmer.

Mr. Zwach.

Mr. Bob Wilson in four instances.

Mr. Utt.

Mr. Hansen of Idaho.

Mr. Bush in two instances.

Mr. Schadeberg.

Mr. Talcott.

Mr. Brown of Ohio.

Mr. Gude.

Mr. Broyhill of Virginia in four instances.

Mr. Schwengel.

Mr. Brown of Michigan.

Mr. Pelly.

Mr. Cunningham in five instances.

Mr. Burke of Florida.

Mr. Meskill.

Mr. Fulton of Pennsylvania in five instances.

Mr. Ashbrook.

Mr. Horton.

Mr. Duncan.

Mr. Findley.

(The following Members (at the request of Mr. Alexander) and to include extraneous matter:)

Mr. Eilberg in two instances.

Mr. Biaggi.

Mr. Powell.

Mr. Steed.

Mr. Rarick in two instances.

Mr. Sikes in six instances.

Mr. Waldie in two instances.

Mr. Fraser.

Mr. Kyros.

Mr. Conyers in six instances.

Mr. William D. Ford in two instances.

Mr. Green of Pennsylvania in three instances.

Mr. Charles H. Wilson in two instances.

Mr. Hébert.

Mr. Kastenmeier in two instances.

Mr. Hungate.

Mr. Burke of Massachusetts.

Mr. Anderson of California in two instances.

Mr. Lowenstein in three instances.

Mr. Fascell in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1. An act to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs; to the Committee on Public Works.

S. 11. An act to reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments, and for other purposes; to the Committee on Education and Labor.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Commitee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 5968. An act to amend the act entitled "An act to provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, and for other purposes," approved September 5, 1962;

H.R. 9857. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, to authorize an increase in license fee, and for other purposes;

H.R. 9946. An act to authorize and direct the Secretary of Agriculture to execute a subordination agreement with respect to certain lands in Lee County, S.C.; and

H.R. 11609. An act to amend the act of September 9, 1963, authorizing the construction of an entrance road at Great Smoky Mountains National Park in the State of North Carolina, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 210. An act to declare that certain federally owned lands are held by the United States in trust for the Indians of the Pueblo of Laguna; and

S. 1689. An act to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other purposes.

ADJOURNMENT

Mr. ALEXANDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 9 minutes), the House adjourned until tomorrow, Wednesday, October 29, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1291. A letter from the Secretary, the Foundation of the Federal Bar Association, transmitting the annual audit report of the Foundation for the fiscal year ended September 30, 1968, pursuant to the provisions of Public Law 662, 83d Congress; to the Committee on the District of Columbia.

1292. A letter from the Secretary of the Air Force, transmitting a report on military construction contracts awarded by the Department of the Air Force without formal advertisement for the period January 1 through June 30, 1969, pursuant to the provisions of section 804 of Public Law 90–110; to the Committee on Armed Services.

1293. A letter from the Secretary of the Interior, transmitting the annual report for calendar year 1968 on the Federal Metal and Nonmetallic Mine Safety Act, pursuant to the provisions of section 20 of the act; to the Committee on Education and Labor.

1294. A letter from the Comptroller General of the United States, transmitting a report on medicare payments for services of supervisory and teaching physicians at Cook County Hospital, Chicago, Ill., Social Security Administration, Department of Health, Education, and Welfare; to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEALL of Maryland:

H.R. 14544. A bill to strengthen voluntary agricultural organizations, to provide for the orderly marketing of agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. BENNETT:

H.R. 14545. A bill to make available to veterans of the Vietnam War all benefits available to World War II and Korean conflict veterans; to the Committee on Veterans' Affairs.

By Mr. CONYERS:

H.R. 14546. A bill to provide that Federal assistance to a State or local government or agency for rehabilitation or renovation of housing and for enforcement of local or State housing codes under the urban renewal program, the public housing program, or the model cities program, or under any other program involving the provision by State or local governments of housing or related facilities, shall be made available only on condition that the recipient submit and carry out an effective plan for eliminating the causes of lead-based paint poisoning; to the Committee on Banking and Currency.

H.R. 14547. A bill to provide Federal financial assistance to help cities and communities of the United States develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning; to the Committee on Banking and Currency.

H.R. 14548. A bill to provide Federal financial assistance to help cities and communities of the United States develop and carry out intensive local programs to detect and treat incidents of lead-based paint poisoning; to the Committee on Interstate and Foreign Commerce.

By Mr. DENT:

H.R. 14549. A bill to provide for the protection of children against physical injury caused or threatened by those who are responsible for their care; to the Committee on Ways and Means.

Br Mr. KYROS:

H.R. 14550. A bill to amend title II of the Social Security Act to provide a 15-percent across-the-board increase in the monthly benefits payable thereunder, with a minimum primary benefit of $80, to liberalize the earnings test, and for other purposes; to the Committee on Ways and Means.

By. Mr. STEED:

H.R. 14551. A bill to amend title 5, United States Code, to include as creditable service for civil service retirement purposes service as an enrollee of the Civilian Conservation Corps, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 14552. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. WAGGONNER:

H.R. 14553. A bill to protect the privacy of the American home from the invasion by mail of sexually provocative material, to prohibit the use of the United States mails to disseminate material harmful to minors, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON of Illinois (for himself, Mr. Delaney, Mr. Dorn, and Mr. McKneally):

H.R. 14554. A bill to authorize the disposal of nickel from the national stockpile; to the Committee on Armed Services.

By Mr. BUSH:

H.R. 14555. A bill that section 481(a)(2) of the Internal Revenue Code of 1954 be amended; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 14556. A bill to facilitate the movement of persons and goods in interstate commerce, and to aid in eliminating the burdens on interstate commerce which result from lack of adequately coordinated transportation facilities in many parts of the United States, through a comprehensive program of Federal assistance to States and localities to aid in the provision of such facilities; to the Committee on Ways and Means.

By Mr. SAYLOR (for himself, Mr. Clark, Mr. Corbett, Mr. Dent, Mr. Flood, Mr. Fulton of Pennsylvania, Mr. Gaydos, Mr. Gray, Mr. Johnson of Pennsylvania, Mr. Kee, Mr. McDade, Mr. Mollohan, Mr. Moorhead, Mr. Morgan, Mr. Olsen, Mr. Perkins, Mr. Price of Illinois, Mr. Rooney of Pennsylvania, Mr. Shipley, Mr. Slack, Mr. Stubblefield, Mr. Staggers, Mr. Wampler, Mr. Whalley, and Mr. Yatron):

H.R. 14557. A bill to require an investigation and study, including research, into possible uses of solid wastes resulting from mining and processing coal; to the Committee on Interior and Insular Affairs.

By Mr. DEVINE:

H.J. Res. 975. Joint resolution authorizing the President to proclaim the week of February 8–14 as "National Angel Flight Week"; to the Committee on the Judiciary.

By Mr. DANIEL of Virginia:

H. Res. 600. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HELSTOSKI:

H.R. 14558. A bill for the relief of John and Libera Chimenti; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 14559. A bill for the relief of Angelina do Carmo; to the Committee on the Judiciary.

H.R. 14560. A bill for the relief of Manuel De Freitas and his wife, Raquel De Jesus Ferreira Freitas; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 14561. A bill for the relief of the heirs at law of Jiro Kunisaki and Ellen Kishiyama, his daughter; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

SECRETARY HICKEL SPEAKS ON POLLUTION TO EXECUTIVES

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Tuesday, October 28, 1969

Mr. BOGGS. Mr. President, on October 23 and 24, the Department of the Interior sponsored in Washington the National Executives' Conference on Water Pollution Abatement.

This excellent program attracted several hundred executives from across the Nation, Canada, Europe, and Japan to listen to speeches on the problems and solutions to water pollution. This proved to be one of the most successful conferences of this type ever held, as the speakers included the presidents of such companies as E. I. du Pont de Nemours & Co., International Harvester Co., Ontario Paper Co., Ltd., United States Steel Corp., as well as other top executives both from the United States and Europe.

At an evening session on October 23, the participants listened to remarks by the Secretary of the Interior, the Honorable Walter J. Hickel. I believe that this speech, which I also had the honor to hear, should be read by every American concerned about the need for water pollution abatement. I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the speech was ordered to be printed in the Record, as follows:

REMARKS OF SECRETARY OF THE INTERIOR WALTER J. HICKEL BEFORE THE NATIONAL EXECUTIVES' CONFERENCE ON WATER POLLUTION ABATEMENT, WASHINGTON HILTON HOTEL, WASHINGTON, D.C., OCTOBER 23, 1969

It is a tragedy that business and government must come together—to solve a problem that should not exist.

There is no place for pollution in the United States and in the World.

But there is no place in this World that it does not exist.

President Nixon, in speaking to the United Nations called "protecting our environment" one of the five areas of concern to everyone.

The President said:

"Increasingly, the task of protecting man's environment is a matter of international concern.

"Pollution of air and water, upsetting the balance of nature—these are not only local problems, and not only national problems, but matters that affect the basic relationships of man to his planet."

Here in the United States we have overloaded the water that sustains us with so many wastes nature cannot handle them.

We have seriously upset the balance that sustained our environment for millions of years.

It is time that we—as individuals, business and government helped solve the problems we made for nature.

You have come here to examine the problems and exchange experiences and ideas.

I am here charged with the responsibility of eliminating existing pollution.

And preventing any future pollution.

I have come here charged with the responsibility of insuring that our children will live in an environment free from the destruction that we have done to nature.

I knew—when I accepted the responsibilities of serving as your 38th Secretary of the Interior, that the job would be tough.

But I want to tell everyone of you here tonight that we are condemning our children—and our children's children—if we don't *do* the job before us.

Some of the most blatant sources of pollution in the United States are in our urban areas—the cities and their suburbs.

And today, 140 million Americans—seventy per cent of all our citizens—live on less than two per cent of our land.

By the Year 2000, this urban population probably will grow to 270 million.

Municipal and industrial waste already totals over 18 billion gallons a year.

But we must see these pollution figures diminished—and finally stopped altogether.

But this will not be possible unless we finally start anticipating problems—instead of just reacting to them.

Let me give you a local example:

I think most of you here know that the elimination of air pollution is in the Department of Health, Education and Welfare—not in Interior.

And yet, among the many of you who flew into Washington for this Conference, how many of you know that the jets that flew you here, dump *35 tons* of solid wastes in just one day as they approach and depart Washington's airports? That's a lot of smog... and I'm afraid much of it ends up in our waters.

My point: pollution—of *all* kinds—is related.

All industry, large or small—in fact, all

200 million Americans—produce fantastic quantities of garbage and pollution.

You see, I am afraid man is a "messy animal."

In a way even nature is a "polluter." Nature's purest water—fresh rain water—can also contribute to pollution.

For as that rain water falls on the millions of acres of pavement that cover our cities . . . and as it gradually drains into our streams and rivers—through nature's natural re-cycling—it picks up and carries oil, scum, soot—and every other pollutant we can imagine.

So . . . that "pure" rain water doesn't remain that way very long—by the time it reaches a stream, a river, or the water table.

And the same holds true in rural areas—a fact those of you from the agricultural sector should not forget.

What happens when the pure rain water falls on a freshly plowed field? By the time it reaches a stream, it's probably loaded with fertilizing chemicals of every sort.

So what do we do about all these problems?

Well, those of you who know Wally Hickel, know that I'm a "positive approach" kind of guy.

I believe in taking a problem and turning it around into a benefit.

For example, some of the Interior Department researchers in Athens, Georgia, have discovered that Georgia's red clay actually reduces water pollution by holding pesticides in the soil.

Through absorption, the clay particles "hold onto" the pesticide molecules, rendering them less harmful and less mobile.

The next step is to develop chemical pesticides that will "break down" while they are being held so they are harmless when they finally reach our streams.

Again, my point: When you add up all that urban, industrial, agricultural, and even natural pollution, we have a coast-to-coast picture of environmental breakdown.

But each of us has a choice:

Improve the environment in which we live—or let it continue to deteriorate.

As far as I—and the Interior Department—are concerned, we have made our choice.

And, in all fairness, I know that many of you—too—have chosen the "positive approach" . . . the "let's get it done attitude" instead of the negative position that the problem is unsolvable.

After all, you—as businessmen—are also realists.

And many of you have already realized that pollution costs you "plenty." But this does not *have* to be the case.

Enlightened management, freed from some of the shackles of the past, is rapidly realizing that elimination of pollution not only means more black ink on the profit and loss sheet . . .

It also means dividends in public relations . . . that less definite, but equally vital, ingredient in a successful business.

The sad part is that some businessmen are still like the mayor of a certain eastern city who refused to install a new sewage treatment plant in his community.

It would have cost about $250,000 at the time—just a few years ago.

Later, when the court ordered him to install the facility. He found it now cost $400,000 for the equipment he had once rejected.

When confronted with this situation, he tried to resign. But the court would not let him, and the judge even suggested that the voters might be able to sue the mayor and the city council for the $150,000 difference.

The mandate which I would like to pass on to you today, from the American people is this:

They must act because they have the will to change and improve our environment.

And we must work quickly because the

We must convince everyone of the importance of stopping pollution.

future is closing in on us.

Again, I'm not a "sit back and wait" kind of guy.

We have initiated a tough, common sense policy for water pollution abatement.

And to date, we have moved to stop pollution as quickly and completely as possible within the mechanical, legal, and financial means available to us.

And gentlemen, this is only the beginning.

We have begun the "war against polluters," and we do not intend to lose.

But we need your continuing cooperation.

Much of industry has already spent billions of dollars on water pollution control.

And just as surely, I know that we must spend billions more before the job will be done.

It's tragic, but many people don't mind somebody else's water becoming unusable—it's only their own they care about.

Well, when the beaches are closed because they're covered with filth . . .

When your drinking water has a funny smell—and worse taste . . .

When you don't have enough water to take a bath—or it looks like it just came out of a storm drain, instead of a faucet . . .

When there are no more edible fish left in our rivers and lakes—because the fish themselves cannot stand the polluted water or to eat the smaller fish they would normally subsist on—because they, too, are "disease on the fin" . . .

At that point, ladies and gentlemen, we will have no one to blame but ourselves.

CALIFORNIA GOVERNOR ATTACKS PROGRAMS FOR NATION'S NEEDY

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. MADDEN. Mr. Speaker, I have received several protests from my district against the attempt of Gov. Ronald Reagan to usurp control of the funds for the Office of Economic Opportunity. The Governor has never been enthusiastic for Federal programs which come into his State to help the neglected needy. The following editorial in the Gary, Ind., Post-Tribune of October 22 has created alarm that his program of usurping control might infiltrate into the office of Governors in other States:

[From the Gary (Ind.) Post-Tribune, Oct. 22, 1969]

A POOR PLOT

For once, California Sen. George Murphy is doing a song and dance routine that has a plot. The plot involves clamping a dangerous restriction on the Office of Economic Opportunity's power to help poor people get legal service they can't afford.

The script was apparently written by Gov. Ronald Reagan, another former Hollywood performer.

Murphy's amendment to a money bill, pushed through the Senate, would give governors the right to veto any legal service plan the OEO wants to start in their states.

Reagan hasn't fared well with OEO attorneys in his state, because the legal assistance they have given to migrant workers, especially, has frustrated some of his attempts to maintain the status quo.

The War on Poverty has touched more bases than those involving food, shelter and basic necessities. Protection of the law made available through expert legal help has also been denied poor people generally. They hunger for that too, and they deserve it.

The legal services plan has helped welfare mothers, slum tenants, even steelworkers, whose rights often have been brushed aside for lack of somebody to speak for them. Many landmark cases have hit the courts, a fact that some state and local officials view with varying degrees of irritation.

None has been troubled as much with the tide of progress as Reagan, who frankly doesn't like it.

Giving governors absolute veto over such programs would be a reactionary mistake. The House has a chance to correct the Senate's error, and we hope Northwest Indiana's representatives will get with it.

OEO Director Donald Rumsfeld is lobbying to get the amendment killed. He is enthusiastic about the legal services program. It has great promise, and should be allowed to flourish. Governors should have a say in federally-financed programs within their states, but they ought not have the power to block programs by whim.

California doesn't belong to Ronald Reagan alone, a fact he is finding out, and it irks him. But this case is bigger than California, for as California goes in this one, so goes the nation.

Sargent Shriver, former OEO boss, once said, "Any program which enables the poor to do battle with the forces that oppress them at governmental expense has a high potential for conflict with the officials who make public policy affecting the poor. This is especially true where it is governmental action, often in programs designed to aid the poor, that is found to be oppressive."

What that means is that Murphy and Reagan have produced a bad show.

DISSENT FROM THE DISSENTERS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 28, 1969

Mr. THURMOND. Mr. President, many comments have been made about the public displeasure with the Vietnam war and our commitments there. Much is said about the necessity of dissent and the need to encourage dissenters.

Dr. John E. Huss, of Charleston, S.C., wrote a letter last week to the Charleston News and Courier in which he expressed his dissent from the dissenters. It is a fine letter, one which I think is a perfect expression of the proper attitude toward the American commitments in Vietnam.

Dr. Huss says:

> Along with all true Americans, I want peace; I pray and yearn for it every day. I would like to see every American military man come home now—but not at the price of sellout and disgrace.

These are the sentiments of true Americanism and of our traditional commitments to honor and peace. Dr. Huss goes on to say:

> War is an anachronism; and the days of bloodshed should perish from this earth. America is ready for an honorable peace, but if war goes on, let's put the blame where it belongs—on Hanoi and Moscow!

I put my confidence in the President of the United States and our government. If we would all stand as one there would be movement on the table at Paris.

Mr. President, these are noble feelings beautifully expressed. I ask unanimous consent that Dr. Huss' letter be printed in the Extensions of Remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the News and Courier, Oct. 23, 1969]

DISSENT FROM DISSENT

TO THE NEWS AND COURIER:

I want to take my stand and let it be known that although it is popular in our day to be in dissent with the government of the United States, I am in dissent with the philosophy of the dissenters.

The moratorium of Oct. 15 was something with which I could not find myself in sympathy. I will feel the same way about future moratoriums. If much of the philosophy that pervades our country today had existed in generations of the past we would have no America today.

Along with all true Americans I want peace; I pray and yearn for it every day. I'd like to see every American military man come home NOW—but not at the price of a sellout and disgrace.

One of the great poems of World War I has these lines written by John McCrae:

"If ye break faith with us who die,
We shall not sleep,
Though poppies grow in Flanders fields."

If there are to be day-long readings of the names of the 44,700 who have died in Vietnam, let us read the names motivated with the desire to see that these men have not died in vain. Let us not break faith with them.

War is an anachronism; and the days of bloodshed should perish from this earth. America is ready for an honorable peace, but if war goes on, let's put the blame where it belongs—on Hanoi and Moscow!

I put my confidence in the President of the United States and our government. If we would all stand as one there would be movement on the table at Paris. I repeat, I am in dissent with the philosophy of the dissenters!

JOHN E. HUSS.

VIETNAM—THE SHORTEST ROAD TO PEACE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. RARICK. Mr. Speaker, last week a petition by some 28 retired military officers and a magazine article reflecting the views of another 12, all of whom unanimously agree that the war in Vietnam could be won in 6 to 8 weeks, and the killing ended by use of conventional weapons, if the military leaders were free of political restrictions. See page 31432 CONGRESSIONAL RECORD of October 23, 1969.

News reports have it that Gen. William Westmoreland, former top U.S. commander in Vietnam and now Chief of Staff of the Army, recently commented here in Washington that the war in Vietnam would already be over if U.S. forces had been unleashed.

General Westmoreland's statement reinforces the conclusion of the other distinguished officers that the shortest road to peace in Vietnam—the earliest end to the killing and drain of our resources—would be to adopt a positive policy—that being victory.

An Evans and Novak column of September 11 follows:

PRESIDENT FACES A WIDENING SPLIT BETWEEN GENERALS, AIDES ON WAR

(By Rowland Evans and Robert Novak)

The quiet but rising pressure of the generals for a military instead of political solution to the Vietnam war was dramatically evident in a recent private luncheon on Capitol Hill.

Guest of honor was Gen. William Westmoreland, formerly top U.S. commander in Vietnam and now chief of staff of the Army. His hosts were several congressmen, headed by Rep. Olin (Tiger) Teague of Texas, Democratic chairman of the House Veterans Committee and a hawk.

Westmoreland was careful to say nothing critical of President Nixon and the Nixon plan to withdraw U.S. combat troops as fast as they can be replaced by South Vietnamese. That plan was the brainchild of Westmoreland's boss, Secretary of Defense Melvin R. Laird.

But when the dishes were cleared and the coffee poured, the general's host asked hard questions, specifically whether the war could be won if all restraints were removed from the U.S. military. Westmoreland said that in his opinion the war would be over now if U.S. forces had been unleashed.

More important, Westmoreland—again answering specific questions—raised the horrible specter of hordes of North Vietnamese regulars suddenly descending on the U.S troops remaining after most of the combat troops have been withdrawn.

To the congressmen present, Westmoreland was conjuring up "a giant Dienbienphu"—a reference to the catastrophic French defeat by Ho Chi Minh in 1954.

Westmoreland's grim words could not be described as any veiled signal for a revolt of the generals. But they were tangible evidence of the rearguard action that Laird, Secretary of State William P. Rogers and the President himself are now fighting to carry out the troop-withdrawal policy.

The words are testimony, too, to deepening fears within the White House of right-wing political reaction against the President's plan to "Vietnamize" the war. To the extent that U.S. casualties remain high as the withdrawals proceed, Mr. Nixon is highly vulnerable to political attack.

This partially explains the long delay in the President's announcement of a second troop pullback, following the first withdrawal of 25,000 troops announced on June 8.

Moreover, in making the decision to delay that second announcement, the President was buying time out of political factors having nothing at all to do with Vietnam. The success of the Apollo moon shot, it was decided in the White House, created so much pro-Nixon euphoria that a delay in the announcement promised for August would be politically acceptable. White House strategists also calculated that a troop pullout would have maximum effectiveness in cooling the campuses if it came after the start of the new school year.

In sum, the White House determined that Mr. Nixon could appease the generals by stretching out the process of de-Americanizing the war without triggering an immediate backfire from the doves.

But despite the euphoria of Apollo, the cost of the long delay has been severe. It has damaged Mr. Nixon's credibility and has revealed the fundamental split between his civilian advisers—Laird, Rogers, and Henry Kissinger, his national security adviser—and the generals.

It isn't generally known, for example, that during the polite, public spat between the State and Defense Departments over the level of North Vietnamese infiltration into South Vietnam, some high military officers in the Pentagon secretly lobbied the press. Their message: That the State Department did not know what it was talking about in claiming a major reduction in infiltration. This lobbying undoubtedly was done without Laird's knowledge.

Furthermore, the delay was deeply resented at working levels of the State Department (it came only four days after Rogers' careful press conference pledge that the U.S. would take major risks for peace).

This is the backdrop to the President's summit meeting Friday. With every major civilian and military official involved in the war present, Mr. Nixon will have to adjudicate growing differences between his generals, more convinced than ever that the enemy is now on the brink of military defeat, and his civilian advisers, who will insist on following the announced plan of withdrawals.

Whichever way Mr. Nixon chooses, the generals, emboldened by their success last month, are not about to give up their flanking attacks on the policy of pulling U.S. troops out of the war. That is the real cost of the President's delay.

MEALS ON WHEELS

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 28, 1969

Mr. SCOTT. Mr. President, when the Senate passed the Food Stamp Amendments of 1969 (S. 2547) on September 24, it contained my proposal to permit the elderly and the incapacitated homebound to exchange food stamps for cooked meals prepared by nonprofit organizations. S. 2547 is now under consideration by the House of Representatives and I urge that body to duplicate the forward-looking action taken by the Senate in approving my plan.

My bill was inspired by the meals on wheels programs being conducted in 27 States across America by more than 75 charitable organizations. My proposal was designed to encourage and make possible the expansion of the meals on wheels and similar programs throughout the Nation where the need exists. It is a fact that there are many elderly incapacitated persons who are homebound and very often among the most isolated, lonely, hungry, and malnourished in the communities and who cannot shop, prepare meals, or cook for themselves.

I am deeply concerned about the local legal restraints which could dangerously thwart this growing movement to bring nutritious meals to needy families. William Raspberry's article published in last Wednesday's Washington Post is an all-too-graphic example of the kinds of difficulties good Federal Government programs must overcome. The burden is upon the localities to do whatever is necessary to cooperate with the Federal and State governments, as well as private or religious groups, which can and are willing to alleviate some of the human suffering which unfortunately exists in our country.

I strongly urge the Zoning Commission in the District of Columbia to take remedial action to correct the unjust situation described in Mr. Raspberry's column.

Mr. President, I ask unanimous consent that William Raspberry's column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

CITY BLOCKS "MEALS ON WHEELS" FOR AGED

(By William Raspberry)

St. James Lutheran Church had this great idea: They would prepare meals for elderly, blind, shut-in and otherwise handicapped people who cannot do their own marketing and cooking. The meals would be delivered, twice daily, for the actual cost of the food.

Volunteers would do most of the work, with perhaps a paid cook. It was to be a nonprofit operation.

But St. James is located at 16th Street and Eastern Avenue NW, an area zoned as residential.

The District's zoning administrator held that the church's proposed "Meals on Wheels" operation was at least technically a commercial catering operation and, therefore, could not be considered a normal church activity.

The ruling was upheld by the board of zoning adjustment, and that's pretty much how it is right now. But that's not how the Rev. John A. Scherzer intends for it to remain.

Dr. Scherzer, a retired minister who until recently was acting director of Lutheran Social Services, thinks the ruling doesn't make much sense.

How, he wants to know, can it be right to permit "healthy and active people to enjoy the consumption of food on church premises"—or for that matter to allow churches to hold bingo parties and rummage sales—"while the preparation of meals, packaging and delivering them in compliance with public health standards to hungry, undernourished, helpless neighbors is illegal?"

St. James proposes to supply a hot noon meal and a cold supper five days a week for $10 a week to some 30 residents of the 16th and Eastern area. Eventually, Lutheran Social Services had hoped to supply the meals to some 3,000 shut-ins, operating from churches all over the city.

Dr. Scherzer said volunteers would handle the marketing, packaging and delivery of meals. As the program has worked in other cities, he said, only the cooks and in some cases, cooks' assistants are paid.

Zoning officials, in rejecting the plan, contended that the requirement that participants pay for their meals makes it a commercial catering operation, a contention Dr. Scherzer won't buy.

"No commercial catering establishment is in operation purely for the purpose of meeting the needs of clients without any concern for profit," he said.

He said he personally canvassed a sampling of catering establishments listed in the Yellow Pages and found that the lowest quotation he could get was for $3.75 per person a day plus packaging and delivery charges.

This, he said, demonstrates that "Meals on Wheels" is a commercial enterprise in only the most limited sense. Zoning officials have, in effect, made "illegal and impossible the practice of love and compassion," he said.

There is no denying that point, although Dr. Scherzer may be a little harsh on the zoning officials.

It is not a question of whether the proposed service is a needed one; it unquestionably is. At issue is whether it can be permitted under the zoning laws.

Sterling Tucker, the D.C. Council vice chairman whose assistance has been sought by Lutheran Social Services, said he has looked at the ordinances and finds that the board of zoning adjustment is "technically correct."

"If you charge any money at all, you technically are operating a commercial establishment," Tucker said. "I don't think you can criticize the board on that score. They could have interpreted the law differently, but they might have been outside their jurisdiction."

But Tucker, a member of the zoning commission, the next step in the appeal ladder, said he will propose that the commission "provide a broader interpretation" that will exclude nonprofit operations from the "commercial" definition.

If Tucker can sell his point of view, the old folks and the handicapped might get their meals after all.

PEACE

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. KEITH. Mr. Speaker, our former colleague, Larry Curtis, of Boston, has brought to my attention an editorial which recently appeared in the Christian Science Monitor. Written by Editor-in-Chief Erwin Canham, this article succinctly states the central dilemma of our efforts to extricate American forces from South Vietnam:

> The nub of the Vietnam problem, of course, is not that there should be American disengagement but how to bring it about and what to do to prevent future tragedies . . . There should not be a total upsetting of the balance of Southeast Asia so that more nations fall to aggression. The United States cannot shake off its responsibilities as a world citizen.

Editor Canham's credentials are well known. He is a 1925 graduate of Bates College and was a Rhodes Scholar at Oxford. His expertise in the field of international relations derives in part from his experience as a former alternate U.S. delegate to the U.N. General Assembly. He has served with distinction as editor of the internationally known Christian Science Monitor for many years.

His editorial is thoughtful and deserving of wide attention. Accordingly, I insert it at this point in the RECORD under unanimous consent:

PEACE

(By Erwin D. Canham)

The yearning for peace runs deep in the human heart.

It is not confined to those who march for peace. Yet the sight and sound of some 100,000 persons gathered in a traditional public meeting place such as Boston Common, striving to express their yearning, is a tremendous experience.

We must not assume that such expressions of public will and emotion can do anything like all that is needed to assure peace. There were similar outpourings between the two world wars. In Britain, particularly, deep yearnings for peace were expressed in the so-called Peace Ballot, signed by some 12 million people.

Those British expressions were widely misinterpreted and on balance they did harm. Part of the Peace Ballot was support of collective security through armaments to enforce peace against aggression. Winston Churhill himself actively supported the movement. Yet in public thought, and governmental action, the Peace Ballot was interpreted as merely pacifism. It inhibited Britain's badly needed rearmament against Nazi aggression.

ISSUE COMPLICATED

The present sentiment for peace in the United States can also be badly misinterpreted. There is within it, of course, a profound rejection of all war. But this sentiment is almost totally conditioned by the Vietnam war. How would sentiments run if the proposal was to conduct operations against some racist nation which was seeking to suppress the freedom of others? Or if it were action to enforce some United Nations decision?

The issue is also confused with the unfinished business of American society, both domestic and international. Certainly much needs to be done to reduce the evils of racial injustice, poverty, and pollution. The international role of the United States must not be one of imperialism or domination, but of cooperation so that lesser-developed nations may make better progress at meeting their own needs.

The nub of the Vietnam problem, of course, is not that there should be American disengagement, but how to bring it about and what to do to prevent future tragedies. There must not be a Dunkirk. There must not be a slaughter of the South Vietnamese. There should not be a total upsetting of the balance in Southeast Asia so that more nations fall to aggression. The United States cannot shake off its responsibilities as a world citizen.

NEGOTIATIONS HARMED?

It would be wonderful if the American Government could put to use the idealism and fervor which demands an end to the Vietnam war. Perhaps somehow it can. The demonstrations appear to hurt the government in its efforts to negotiate a peace, by encouraging Hanoi to hang on until the plum drops in its lap. But the negotiations might never have reached formal agreement anyway. There has been no real sign of success. Instead, the war is likely to deescalate, to simmer down, and to become essentially merely a civil struggle between the Vietnamese which someday they can settle on their own terms.

Thus, it may be possible for the United States to increase its troop pullouts, to strengthen pressures on the Saigon government to take larger responsibilities, and above all to persuade it to strengthen the terms of that government so it can expect wider public support in South Vietnam.

UNILATERAL DANGER

American public opinion needs more credible evidence that progress is being made toward ending the war. Presumably President Nixon revealed such evidence to former Vice-President Hubert H. Humphrey on his recent White House visit. This would explain Mr. Humphrey's supporting statement. American public opinion needs to feel that the commitment to disengage major U.S. participation in Vietnam is irrevocable.

An American program for peace cannot be based on unilateral disarmament. That would be the surest road to war, as it was in the

1930's. Agreed reduction of armaments is something else again. The United States can also clean up its own defense scandals now coming to light. It can press on diligently with rigorous scrutiny of its defense system and expenditures. It can look harder at the political influence of defense industry.

But in the world of the 1970's, the preservation of peace still requires deterrent military power. It requires international police power against aggression. The arms race could be contained, but this can only be done through secure international agreement. That way lies the present, transitional road toward peace.

MORATORIUM AGAINST COMMUNISM

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 28, 1969

Mr. THURMOND. Mr. President, we have heard a lot about moratoriums lately. The people who favor this sort of demonstration have gotten a lot of publicity and are doing damage to the efforts of the President to bring the war to an honorable conclusion.

However, there is one moratorium that I favor, and that is the moratorium which was organized last Sunday in Buffalo, N.Y. This was the "Moratorium Against Communism," arranged by the American Hungarians of the Niagara Frontier. The Hungarians understand the nature of communism and have learned the hard way. This is the 13th anniversary of the Hungarian uprising. The Reverend Paul Kanton, one of the organizers of the Moratorium Against Communism, said he wanted to "ask freedom-loving Americans to proclaim a moratorium against the Communist dictators in Moscow."

I ask unanimous consent that an article entitled "Hungarian Group Sets Sunday Rally Outside City Hall," published in the Buffalo News of Wednesday, October 22, 1969, be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Buffalo Evening News, Oct. 22, 1969]

HUNGARIAN GROUP SETS SUNDAY RALLY OUTSIDE CITY HALL

A "Moratorium Against Communism" has been scheduled for Sunday at 3 PM in the Council chambers of City Hall by the American Hungarian of the Niagara Frontier.

Commemorating the 13th anniversary of the Hungarian uprising, the program will include a speech by Walter Chopyk, a member of the Captive Nations Committee, and an English poetry reading by Hungarian poets.

In honor of the occasion, Mayor Sedita has proclaimed Oct. 26, Hungarian Freedom Day. The Hungarian Boy Scouts also will participate.

The Rev. Paul Kantor of the West Side Hungarian Reformed Church organized the commemoration to "ask freedom-loving Americans to proclaim a moratorium against the Communist dictators in Moscow."

Mr. Kantor also said that Communist dictators "make it their business to send agents to the U. S. A. to misguide our young people" and that Students for a Democratic Society (SDS) ought to be renamed "students for Destroying Society."

BLINDNESS GIVES REPORTER INSIGHT

HON. RALPH TYLER SMITH

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Tuesday, October 28, 1969

Mr. SMITH of Illinois. Mr. President, in a recent issue of the Chicago Tribune there was featured a story entitled "Blindness Gives Reporter Insight." This is a real human interest story in which Donna Gill sets forth her unusual experience. I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"BLINDNESS" GIVES REPORTER INSIGHT

(By Donna Gill)

The click of heels echoed on the hard surface below. Voices to the left. Luggage scraping. Muted laughter. Sounds, everywhere sounds.

I was blind.

It had only been moments since Norman Dahl of the Illinois Lions clubs blind activities committee, had taped the gauze over my eyes and applied the wide blindfold, but already I was getting an idea of what it was like in the world of the sightless—what it was like to be blind.

ARRIVED AT O'HARE

We had arrived at O'Hare International airport early that crisp morning to board a flight to Detroit, there to transfer to a car for the trip 25 miles north to Rochester, Mich., and the Leader Dogs for the Blind school. For the rest of the day—flying, eating, traveling, walking, and just living—I would be blind.

I held Dahl's arm and he led me away from the ticket counter and down the corridors of the airport. It was hard to concentrate. It was a mixed jumble, as if hearing everything in the world all at once and for the first time.

As people walked by, I remembered listening to stereo demonstration records—the ones where the train comes at you and fades in the distance while you try to imagine what it looks like.

It was a world of electronic blackness with dots and flashes of white streaming across the insides of your eyes like when you first close your eyes to go to sleep in a darkened room. At this point, the noises were a turmoil of conflicting signals.

"Now we're approaching some steps and . . ."

My heart dropped into my toes. I was scared. A step? Mt. Everest. But I told myself my fear was unfounded. I stepped. There. That wasn't so bad.

Then we boarded the plane. Temperature changed. Voices echoed. The situation had changed and the body and brain were busy compensating for a handicap. The brain worked for me, selectively plucking meaningful noises out of a topsy-turvy for reference and discarding other sounds.

HANDS BEGIN TO SEE

My ears heard what they should, my feet investigated the material beneath me, and my hands began to see as I groped for the seat belt.

I love to fly. There is an exhilaration that comes from watching ground disappear and breaking thru billowing clouds into a beckoning sky. It would be missing this time. Depression loomed with its unseeing eyes and black stare.

But the mood didn't last long. There was too much going on.

Take-off might be terrifying for a sightless person not used to flying. You are immersed in a kaleidoscope of noise and sensation as if you are being launched in a jet-propelled cage that doesn't extend beyond the seat and voice next to you.

BACK INTO PERSPECTIVE

However, after the climb, voices of passengers in other parts of the plane and echoing air noises of a large plane in flight end the closed feeling and bring spaces back into perspective.

I felt a wave of air sickness due to motion exaggerated when one can't see, and then breakfast came. I could hardly wait to dig in. It was more than hunger; it was a test. Could I feed myself? Could I be independent?

Dahl told me where the food was according to the clock. Fruit, 11. Roll, 8. Milk, 10; Omelet and bacon, 6.

LEARNS TO EAT

I fumbled, but soon found that weight, temperatures, pressures, and textures help you find food and tell you if it is secure on the fork. It may have been sloppy and uncoordinated, but eating that meal truly gave me a sense of accomplishment.

The next battle was regaining balance after leaving the plane and on the way to the waiting car. Then the world of voices began again as we started the trip.

I felt totally blind, not blindfolded. I couldn't wait to get to the school, meet my dog, and take off on my own, without having to wait for someone to offer me an arm.

FACED CAR SICKNESS

I keep my mind off being car sick—something that doesn't happen to me when I can see—I tried to figure out where we were by the noises. Traffic sounds, echoes in underpasses, the length between stops, and the odors all combined to give me clues.

But the sighted world was far away from mine, and I dropped into a feeling of invisibility, much as the ostrich imagines he can't be seen if he can't see.

The feeling was temporary, however. As time passed I got used to the blindness and ignored it. I began not to even notice the blackness before my eyes.

IMAGINATION TAKES OVER

Imagination took over and I visualized things or just saw nothing. It is not quite a feeling of staring into space. It is more of a beige world that has no form or color. It is a nothing.

But when it becomes a nothing, you become a something. Blindness has been accepted, concentration becomes acute, and you learn. I had gone thru curiosity, depression, sickness, defeat, and victory in only a few hours and I felt more alive than I ever had.

Dahl told me of the program at the Leader school. Dogs of many breeds are trained for 12 weeks. The trainers themselves have been blindfolded for 30 days so they will understand what the blind person is going thru when he arrives for the following four-week course.

COST IS $2,500

The cost—about $2,500 for a team—is underwritten so that the service is free to the blind. Lions clubs in many states finance 70 to 80 per cent of the work of the 30-year-old non-profit school.

In Illinois, Lions clubs raise money annually thru Candy Day for the blind, to be held next Friday.

We were there. The car door opened, and

a friendly voice announced, "Hi. Welcome. I'm Poc." He was Harold Pocklington, director, but "here we use only first names. This is family."

VOICES SOUND FRIENDLY

I felt trusting, almost too much so. Any voice sounds friendly when you have been in the darkness. I wondered if blind persons get over this feeling with time and independence.

I took a blind person's tour of the facilities there, saw a porcelain lion statue with my hands, and then left for downtown for training with a Leader Dog.

Poc and the others at the school give no special favors to blind persons. And it is welcomed by the blind, because no one wants to think he is pitied or catered to.

"There's nothing more maddening, if you're blind, than to go to a restaurant with a friend, only to have the waiter ask the other guy what you want to order as if you lost your mind as well as your sight," Poc said.

Downtown I met Dan McDonald, one of the trainers. We began without a dog. At the start of training, you walk behind a harness held by the trainer.

He teaches you hand and voice signals, the proper way to find a curb, how to turn corners, how to keep in step. The trainer studies you. Are you hesitant? Afraid? A slow or fast walker? What do you do in emergencies? Are you outgoing or introverted? What is your voice tone?

MATCHED WITH DOG

The trainer uses this information to match you with a dog. The goal is a coordinated unit, a dog and human that act and move as one. It was time to bring out the dog.

I was excited. This was it. I could hardly wait. There was Queenie, a white German Shepherd.

I clasped the harness handle in my left hand with the leash resting across the handle and under my thumb.

"Queenie, forward! Good dog!"

WALKS QUITE FAST

Away we went, four miles per hour, faster than most pedestrians walk. It is a strange feeling at first to go almost running off into the darkness. The more we walked, the better we got. But soon, the darkness remains I wasn't scared. I believed in the dog.

OWN JOB EASY

I imagined the white dog detouring, around obstacles and pedestrians, watching for traffic, and looking out for low-hanging awnings. My job was so easy in comparison—just walk along and praise the dog.

I was not afraid of bumping into things, but I did run into the edge of a building. It was my own fault—I was walking too far away from Queenie. I laughed at myself and we continued.

It was a good feeling to be normal, even tho blind. The walking was coming naturally, and I began to think about where we were. We started in an area that I thought must be older homes on a side street because grass grew in the cracks of a broken sidewalk and traffic was almost nonexistent.

CROSSES SOME STREETS

We crossed a few streets, turned a few corners, and it was time to head for the business district. We got to a corner. Queenie stopped to give me time to find the curb, and then I signaled her to go forward.

I started to step off the curb, but she wouldn't let me.

She stepped around in front of me and blocked my move. I was dumbfounded about her actions until a car came whipping around the corner. That time the "good dog" and dozens of pats were truly heart felt. When it was clear, Queenie and I crossed the street, stopping before the up-curb, and continuing the walk.

MINOR VICTORIES ACHIEVED

I could tell more now. I knew when we were approaching an intersection before Queenie stopped because of traffic sounds. I knew we were in a busy section now because of the people passing by, the noises, and the condition of the sidewalk. Curbs and minor obstacles taken for granted by the sighted became minor victories to us.

Dan said many blind persons fear turning themselves over to a dog and pull back, trying to stop the dog instead of going with it. That wasn't my problem, but direction was. I had trouble trying to find the correct store in a block of stores.

But dogs learn your routine and often know where you want to go and take you right there, sometimes even putting their noses on the doorknob to help you find it.

STORY OF AMPUTEE

Dan told me about one dog whose owner was not only blind but also a double amputee who collapsed while walking. Whenever the man would wobble, the Leader Dog would throw itself against the man's legs to prop him up until he regained his balance. Dogs also walk slower for persons who have trouble with mobility. They seem to know instinctively that something is wrong.

The lesson was over—and Queenie was gone. I missed her. I could see how attached a dog and person could become in a short time.

Experts vary on their preferences for travel aids for the blind—some prefer dogs, others a cane or other mechanical device. No one method is correct for every blind person. But I could see how companionship would be a strong argument for a dog.

RETURNS TO SCHOOL

It was time to go back to the school grounds, have a late lunch, listen to a movie about the school, and talk to some of the students about their accomplishments—they bowled, cooked, worked, went to college, played golf, and enjoyed fairly normal lives.

By then I was exhausted.

Reactions to blindness vary with the individual, but I had gone over stages that many blind persons go thru a longer period of time; curiosity, depression, changing attitudes and habits, resignation, learning, and return to normalcy.

It had been a mental and physical strain, but when the blindfold was finally removed, it was like being reborn. I couldn't look at things fast enough.

The day was over. The other students would stay there. Their blindness would not end.

For me, it was over, but one thing would never be the same. From then on, I would be seeing things thru appreciative eyes—eyes that had to be blind before they could really see.

ART LINKLETTER'S MISSION

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. PUCINSKI. Mr. Speaker, the following editorial, which I believe is self-explanatory, appeared in the Chicago Tribune on October 23:

Art Linkletter's Mission

Fortunately, Art Linkletter is a man to whom personal tragedy can give the strength and desire to help protect others from the same tragedy.

Mr. Linkletter blames the recent death of his 20-year-old daughter, Diane, on LSD—"a tiger in her bloodstream." Her death has determined him to do all he can to warn others of the danger of drugs that warp the mind. He has agreed to testify before a Congressional committee, and he has made a recording telling of his daughter's drift into the shadowy world of drugs and of her family's efforts to dissuade her. Few who have heard it will be able to forget it.

Too few people recognize or are willing to admit the danger that these drugs pose to so many of the young. Too little has been said about the deaths and insanity that have already resulted from their use. The tendency, as Mr. Linkletter says, is for families to hush these things up "as a terrible secret."

There are many ways of fighting this danger; laws and border patrols; the punishment of drug peddlers and promoters who are willing to sabotage a generation in the name of "love" in order to make a fast buck; and the solemn warnings of elders who, all too often, talk about drugs with about as much authority as they talk about Santa Claus or the balance of payments.

But all of us were young once and most of us can remember the tendency to discount the solemn advice of our elders and to want to find out for ourselves. Today's youth is especially restless. To more of them than ever, an experience is something to be experienced, just as to a mountain climber a mountain is something to be climbed. If a young person is restless or disturbed or foolish enough, he will find himself imprisoned in a psychedelic chamber of unreality from which he may not be able to escape for years if ever.

Sometimes the lure of independence or experience does not yield to reason. It takes an unusually vivid and personal lesson to get the message across—something like the anti-smoking warnings delivered on television by the late William Talman of the Perry Mason show while he was dying of cancer. This is what the experience of the Linkletters can now provide for others.

It has taken some courage for Mr. Linkletter to talk publicly about the events and family discussions leading up to his daughter's plunge from a sixth floor window. He deserves the admiration and sympathy of his contemporaries and the life-long gratitude of every young man or woman who hears of his family's tragedy and decides, "That's not for me."

HANOI'S MYOPIA

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the San Diego Union, Oct. 18, 1969]

Hanoi's Myopia

Certainly one of the most unsettling aspects of the so-called Moratorium Day of protest against our involvement in the Vietnam War is in the new confidence it has given the enemy.

Even before the day began, Hanoi was blatantly intruding into our domestic affairs, attempting to prescribe the behavior of American citizens. The thrust of Hanoi's propaganda was simple; the price of "peace" is surrender.

The day after the protest, North Vietnam was saying that a nation that could send men to the moon should be able to manage a precipitate retreat from South Vietnam. Xuan Thuy, Hanoi's chief negotiator at Paris, added that President Nixon showed his contempt for American public opinion by failing to heed the protestors.

And, as an act of consummate brutality, Hanoi lost no opportunity before or after Moratorium Day to exploit the anxieties and fears of the wives of American prisoners of war. The wives were turned back by the North Vietnamese in Paris, and told to join the protest against our national policy. The implication was "or else."

In all these matters the facts are clear.

First, there can be no genuine peace through surrender. There never has been. Our landing of men on the moon and the rate of withdrawal of American troops from Vietnam are not remotely related. The savagery toward prisoners and exploitation of the raw emotions of distraught wives speaks for itself.

And, of course, President Nixon is showing respect for American public opinion.

The latest polls show 57 per cent of the Americans favor his leadership. By contrast the protestors in Moratorium Day did not represent 10 per cent of the nation's college students or .0025 per cent of the population.

Hanoi, in seeking to manage the affairs of the United States of America, is suffering from acute myopia.

GENOCIDE IN TIBET IGNORED BY UNO

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. RARICK. Mr. Speaker, the Dalai Lama of Tibet laments that his people are in eminent danger of extinction as a race, religion, ethnic group, and ancient and honorable culture.

The Red Chinese acts he describes are immediately recognized as the internationally abhorred practice of genocide—deportation, sterilization, promoted intermarriage, destruction of monks and all vestiges of their religion and culture.

The destruction of the Tibetans right before our eyes should remind all that there are more subtle methods of committing genocide than liquidating people at the wall.

But throughout the Communist occupation and rape of Tibet—to where they are today almost a nonexistent race—there has been no voice of wrath or censure from that great debating society, the UNO, which last week-end spent its energies and time recounting its imaginary accomplishments, and seeking more appropriations. Nor has there been any action taken by the 67 nations of the world which have ratified the Genocide Convention. If the convention has any meaning at all, why have not these nations interceded and shaken the conscience of the world at these unprecedented atrocities

Apparently the only concern in the UNO is to condemn the deliberate, peaceful separate development, and preservation of racial and cultural identities—the antithesis of genocide—in South Africa; to censure the civilized self-government of Rhodesia; to deplore the Portuguese administration of its African provinces and to perpetuate itself at the expense of American taxpayers.

In fact, in the absence of even calling for international economic sanctions against Red China for the genocidal acts against the Tibetans, the United Nations Organization demonstrates that it condones genocide while condemning the antithesis.

Pertinent and related news clippings showing the true state of affairs follow:

[From the Washington Post, Oct. 25, 1969]

DALAI LAMA SAYS RACE FACES EXTINCTION

NEW DELHI.—"The Tibetan race is in danger of extinction," the Dalai Lama, exiled god king of Tibet, said recently of conditions in the homeland he has not seen for 10 years.

"The Chinese have deported Tibetans. They practice sterilization in some areas. They encourage intermarriage," he said in an interview, gesturing occasionally with both hands.

Wrapped in a maroon-colored monk's robe, the Dalai Lama, 34, spoke of the changes in his country since the Chinese Communists occupied it in 1950 and forced him to flee for his life nine years later.

He said there is "not a single monk" left in Tibet, a land of about 3 million people where 10 per cent of the population was once made up of Buddhist monks.

"They have destroyed practically all documents and temples," he said. The documents—books and scriptures some of them hundreds of years old—held the secrets of centuries of Tibetan history and culture isolated from the outside world by the forbidding peaks of the Himalayan Mountains.

Speaking through an interpreter, a Buddhist monk, on the more difficult questions, the Dalai Lama said ambushes by Tibetan guerrillas have become so common that "Chinese must travel in large groups for protection."

Last month Indian Foreign Ministry sources reported the Chinese were moving nuclear installations out of their troubled Singkiang Province bordering the Soviet Union to safer positions in Tibet.

"The information about these rumors seems to be true, but we have no detailed information," the Dalai Lama said.

"It's disheartening the situation can only deteriorate in Tibet and become a greater loss for the Tibetan people," he added.

[From the Washington Post, October 1969]

U.N. AID

UNITED NATIONS.—Ninety-eight countries pledged a total of $131.6 million to the UN development program. Fifteen other countries, including the United States, are expected to pledge $106 million more, bringing the total to $238 million.

This compares with $195 million pledged for 1969. Forty-five countries increased the sums promised for 1970. President Nixon has asked Congress for $100 million as the American contribution compared to about $75 million last year, but Congress has not yet acted.

South Africa was expelled from the Tokyo Congress of the Universal Postal Union because of its segregationist policies, but a motion to expel it from the organization altogether was defeated by a tie vote of 57–57. Expulsion from the meeting passed by 63 to 53.

U.S. ENVOY SUGGESTS PRACTICAL GOALS FOR U.N. IN 25TH ANNIVERSARY YEAR

(By Robert H. Estabrook)

UNITED NATIONS, October 23.—The United States told the General Assembly today that the United Nations ought to avoid self-congratulations on its 25th anniversary in 1970 and concentrate on realizable objectives.

Among these Ambassador Charles W. Yost pointed out an agreement on guidelines for UN peacekeeping operations. The United States firmly believes, he said, "that this goal can be achieved during the coming year."

This optimism is based on negotiations with the Soviet Union and other countries here. Yost stressed that any agreement recognizing the "primary role" of the Security Council also must take account of the residual responsibilities of the assembly and the authority of the secretary general.

Extra support for the peacekeeping function was supplied by Cyrus Vance, former deputy secretary of defense, Vietnam negotiator and President Johnson's special envoy in the Cyprus dispute, which involves a current UN peacekeeping operation.

Vance told a United Nations Day audience in Des Moines, Iowa, that a standby UN peacekeeping force of 25,000 men should be established to be drawn largely from the middle powers, with a reserve of 15,000. He also proposed that the United States take the lead in settling the UN financial dispute and establishing a $60-million peacekeeping fund.

Ghanaian Ambassador Richard Akwei presented a report of the preparatory committee on the 25th anniversary. But introduction of a resolution sponsored by 20 nations, including the United States, to set up an anniversary session of the assembly next October was delayed by objections.

Algeria objected on behalf of a group of nonaligned countries in an effort to broaden the resolution with more references to the second UN development decade, friendly relations among states and decolonization.

In a related move, the Lusaka manifesto on Southern Africa was placed on the assembly agenda at the request of 39 African countries. Drawn up by East African leaders in Zambia, it distinguishes between racism in South Africa and Rhodesia and the lack of self-determination in Portuguese territories such as Angola and Mozambique.

Yost paid tribute to the Lusaka manifesto. His speech also emphasized disarmament efforts and more reference to the World Court and similar bodies in peaceful settlement of disputes. Yost further supported the objective of an end to colonialism and alien domination.

[From the Rhodesia Herald, July 30, 1969]

BASIC CHINESE OBJECTIVE IS ZAMBEZI BELT, WHERE WHITE AND BLACK AFRICAS MEET

"What is the *quid pro quo* for China? When does Chairman Mao present his IOU?" This is the Chinese puzzle in Africa today.

These are the two questions one constantly encounters in Addis, Nairobi, Dar, Lusaka and the other capitals where the full impact of China's "forward policy" is now being felt.

It is a circular puzzle with no obvious answer. It rattles about in the subconscious mind as one travels the bush roads of Zambia and Tanzania, in the terrain where the prospective Zamtan Railway is to be built. £115m., 1,042 miles of steel, operational by 1975.

"The Chinese think long: finish the railway five years from now: finish the guerilla war in 20."

The speaker had been a Western diplomat who gave me lunch in Dar es Salaam; one of the many China watchers among the men who staff 47 diplomatic missions in the Tanzanian capital.

His words came back to me as I slowed the car to glance at a neat, inconspicuous signboard where there was a break in the elephant grass and two tyre tracks led away under the thorn trees.

Beneath the Chinese characters were a few words in English stating that this was the Zambia-Tanzania rail survey, People's Republic of China.

Thirty yards away, jutting above the tall grass, was a cluster of bamboo poles topped with bulging plastic lanterns looking like red pumpkins. The same bright mandarin red they use for the book jackets for the Thoughts of Chairman Mao.

I was far inland from the Indian Ocean, on the route that runs up and over the spine of Africa at Mbeva at 5,600 ft.—higher than the main pass on the Canadian Pacific in the Rockies, and often as cool if not cooler.

All told, more than 1,000 miles of track to be laid through baking scrubland, the Mikumi flood plain, the fortress wall of the Rift Valley and on through the malarial zone that killed David Livingstone, to Zambia's railhead and the Copperbelt.

The equivalent stretch on the CPR took the Canadians 10 years; the Chinese propose to drive their last spike in five. The comparison may be unfair; China will have modern equipment, road access, and a work force of 4,000 men who are unlikely to complain.

But no one who has seen the enormous Friendship Textile Mill near Dar es Salaam doubts that the railway can be built on schedule on simple, rugged lines suited to African conditions.

SMILES FADED

Western visitors strove to conceal polite smiles for two reasons when the Friendship Mill was opened for inspection after the dedication ceremony.

First, the machinery—obviously new—looked as if it had been ordered from some sepia catalogue of the 1920s. Secondly, wherever you would expect to find a tabulator or cash register the Chinese had installed a simple abacus.

A year later the smirks are forgotten.

Harassed African managers, used to the holdups when a machine from the West breaks down and you queue up for a technician, find to their relief that almost any handyman can keep the Chinese machines in good order. As for the abacus, it proves to be both speedy and unbreakable.

I thought of the diplomat's words again—"the Chinese think long"—when I encountered a British engineer who knows the Mtwara zone like the back of his hand, though our conversation took place a thousand miles inland from there.

IGNORANCE

"Drive through here today," he said—"if you can get a permit, which I doubt—and the Chinese instructors will pick you up on their walkie-talkie network and track you all the way: round through Newala, up to Masasi and Nachingwea, and back across to the Lindi junction. It's good practice for their pupils."

What strikes the traveller like myself most forcibly of all, on returning to Europe, is the bland insouciance—one could almost describe it as willful ignorance—about what China's aims are in Africa and how effectively she is pursuing these goals under the new diplomatic policy that began in 1966

The Zamtan Railway is the textbook example.

The myth that obstinately persists in London and the other capitals in the West goes like this: the Chinese are heavy-handed; they are extracting absolute allegiance to the Peking line as the pre-condition to any aid they actually give; they are not serious about Zamtan, which remains pie-in-the-sky and is useful simply to keep the African Governments in a client role and for fending off the Russians.

The facts are the opposite.

Quite simply the explanation seems to be that the Chinese burnt their fingers in the affair of the Algiers Summit in 1965, learned their lesson about the ultra-sensitivity of Africans, and made a diplomatic volte-face soon afterwards.

The Algiers affair was the proposed "Second Bandung" that never came off. But so insistent was Premier Chou about China's friends agreeing to take their places at the table—part of the policy for out-flanking the Russians—that Chinese diplomats were made to crack the whip with clumsy urgency that failed to work.

LOST FACE

Ultimately, in a shake-out that ruffled the OAU and drove Algeria and Egypt into the Moscow camp, the Algiers summit collapsed. Peking lost face badly; and after a minor demarche in November the Chinese pulled back and reconsidered their whole Africa policy.

Other events forced the process on. Nkrumah fell while actually visiting Peking in February, 1966. In Ghana, the legendary "Chinese training camp" at Obinimasi, in the bush north of Accra, proved to be a reality and Col. Yen Leng and his instructing staff were asked to leave.

Later when Formosa's deputy Foreign Minister, Mr. Yang, was passing through Accra Airport and members of the Red China mission went out as a team to heckle and boo him, the Ghana Government asked Peking to withdraw its mission.

This reduced mainland China to 13 missions in Africa against 19 for Chiang Kai-shek's Nationalists.

The Chinese rethink appears to have ended in a decision in 1966 to concentrate on the part of Africa where offers of economic and military aid would inevitably be received with gratitude rather than suspicion.

In retrospect, it is obvious enough: Peking would move in on the Zambezi belt where the black-white confrontation had sharpened with Ian Smith's UDI.

A Russian gaffe strengthened the Chinese position as the true friends of black Africa.

Portugal invited two members of the editorial board of Pravada to visit Mozambique for a tour of the "terrorist zones" and this was accepted in principle.

(An unofficial Soviet mission was in Portugal in February this year, supposedly paving the way for the embassy that Dr. Caetano has invited them to open in Lisbon.)

Britain's failure to respond effectively to UDI provided another opening.

When Tanzania broke with Britain over the failure to bring down Smith, Dr. Nyerere sacrificed £7m. of new aid money still in the pipeline from Britain. Mr. Wilson suspended (and later cancelled) the loan.

Peking after a short interval announced a new interest-free loan to help bridge the gap bringing Chinese total aid to £16m.

When, a year after UDI, President Nyerere spoke the first words at the opening of a 100-kilowatt transmitter, the most powerful in Eastern Africa, which is now the main voice of black Africa in the propaganda war with Salisbury and Pretoria, Mr. Ho and Mr. Chou were guests of honour.

For China as they remind you in Dar es Salaam, had built and equipped the transmitter and paid the bill.

GUERILLA CAMP

Four Chinese experts were reported to have arrived in Tanzania last month to start the surveys for a new cement works and a brick factory.

These projects were merely the latest in an endless list of state farms, rice projects, a sports stadium, a shoe factory and so on.

There is the army barracks at Nachingwea, the new training course at Moshi for police field force units, the unchronicled list of guerilla camps, and the tanks—sufficient for two squadrons, with reserves—which can be glimpsed as one passes the main army barracks at Calito.

Both in Tanzania and Zambia there are extensive teams of Chinese doctors, orderlies and medical technicians who may be connected with the guerilla programme, but also carry out an impressive "meet-the-people" campaign in the villages.

President Nyerere has a sharp retort for those from the West who offer unsolicited advice about China. He says, simply:

"We will never allow our friends to choose our enemies for us. Our independence is not for sale to the East any more than the West."

On the South Africa-Rhodesia problem President Nyerere said in May, at the opening of the new textile mill at Mwanza, built with French aid:

"Only the Western world can help solve the problem of Southern Africa with the minimum of violence. We still appeal for that. It can be seen in the recent Lusaka Manifesto.

"If all this fails we shall be compelled to take arms from the East, and we shall be accused of being Communists.

"To us China is a friend in need. Take, for example, the railway between Tanzania and Zambia. We tried very hard to get it built by the Western world. But we failed. The Chinese are ready to build it for us. But the West, now, does not want China to build it. So, should we go without a railway?"

As for this project being a lot of airy politics, the thing that emerges from talks at Ministries in Dar and Lusaka is the hard, specific nature of the agreements.

These began with Presidents Nyerere and Kaunda making separate visits to Peking, continued with the setting up of a corporate body to manage the project—the Zambia-Tanzania Railway Authority—and continued with talks in Peking, where the signing ceremony, on Septmber 5, 1967, was attended by Chou En-lia.

Apparently oblivious of these facts, the director of the AID office in Washington, Peter Straus, said in September, 1967:

"We are now engaged in a survey of Middle Africa transportation. The study obviously will include the proposed Zambia railroad."

The American agency carrying this report quoted "Washington sources" on the Zamtan project: "Non-Communist countries do not take the Chinese offer very seriously."

On September 10 the leader of the Zambian team, Mr. Soko, arrived home from Peking, and said: "I am fully satisfied the railway will now go ahead."

On December 26 that year eight Chinese experts arrived quietly in Dar, led by a Mr. Liu Chi-fu. They had talks in Lusaka on December 30.

The moment when the die was finally cast came on April 1 last year with ministerial talks between the three Governments at Dar. This resulted in the "Tripartite Agreement" of April 8.

The formal signing ceremony followed on April 28, 1968.

WELL AHEAD

I gather the agreement provides for the survey and design stage that is now running well ahead of schedule, on a route of 1,042 miles between existing railheads at Kidatu in Tanzania and Katanino in Zambia.

And although there has yet to be a final summit session on the long-term finance, the 1968 document sets out the general terms of the interest-free loan to the value of 200m. Zambian Kwachas, which is roughly £115m. (sterling).

On April 12, 1968, amid hoots of sirens, the 20,000-ton liner MV Yao Hua slid into Dar harbour with the advance party of 154 surveyors lining the rails. Each clasped his little red book, and the banner above their heads proclaimed: "Long Live the Invincible Thoughts of Mao Tse-tung."

The West may continue to scoff, but I am sure Mr. Vorster in Pretoria takes China very seriously indeed.

DOD'S "CHRISTMAS BONUS"

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. WALDIE. Mr. Speaker, Government service can sometimes be an experience rife with disappointment and frustration. Dependent upon the whims of a political bureaucracy, many Government employees expensively trained for particular skills, are leaving the Government rather than be subjected to the economic and professional harassment leveled at them in the wake of so-called economy efforts.

One such employee, a constituent of mine, is leaving Government service for the reasons stated above.

I have chosen not to include her name so as to protect her from zealous supervisors who fear criticism of the system.

Mr. Speaker, I am of the opinion that this once dedicated public servant has justifiable reasons for criticizing this system and I think it is in the interest of the Members of the Congress to judge for themselves if this brand of economy is the best way to run a business.

The letter follows:

The Honorable Jerome Waldie,
House Office Building,
Washington, D.C.

Dear Congressman Waldie: Today I received an early Christmas bonus from the Department of the Navy (my employer of the past twenty-two years) advising me that I would be reduced in salary $1400.00 per year effective 24 November due to budget limitations. I find myself in the position, which is not unique to career government employees, of being removed from a position for which I have been especially trained at great government expense, of having financial commitments which I will be unable to meet and with every prospect of having my future retirement plans shattered. As a crowning indignity. there will be no "Saved Pay" to cushion the blow for the next two years.

Sir, I am tired of working at a job which offers me so little in the way of job security, so little in the way of fringe benefits and *nothing* in the way of concern for people. I am *more* tired of having my job become a political football with every change of political administration. I am tired of the pay raises which are given so late, so grudgingly and so publicly and which are taken away so *quietly* by the simple expedient of denying funds to meet the increased payroll. I am tired of being gagged by the Hatch Act to the extent that I cannot tell my voting friends and neighbors how it really is in the career federal service. I am tired of administrations which decry unemployment publicly and create it privately. I am tired of being expected to smile bravely when the ship springs a leak and charge forward at three-fourths pay for the greater glory of the economy and the Secretary of Defense. I am tired of being patted on the head by the Admirals whose jobs are never put in jeopardy by a reduction in force. I am tired of being expected to give loyalty and dedication to an employer who offers me nothing in return. I am tired of being dehumanized in the effort to survive economically. Most of all, I am tired of the Republicans who have made all of these things possible.

Since I am eligible to option for severance pay in lieu of demotion, I am leaving the career service on the effective date of my adverse personnel action; it is ironic that I will be able to earn more money in the next twelve months by not working than by accepting the offer of alternate employment. Perhaps, the overall savings realized from current methods of reduction in force will not be nearly as effective as the budget-choppers hoped.

THE FARM YOUTH

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. ZWACH. Mr. Speaker, the problem of the declining economic status of our countryside is a serious consideration of all of our people in the Minnesota Sixth Congressional District.

One of our newspaper editors who is particularly vocal in this respect is O. B. Augustson of the West Central Daily Tribune of Willmar. He has spent a fruitful lifetime in the countryside. He writes with the authority of firsthand experience.

Recently, he attended a 4–H banquet held in his hometown of Willmar. There are some thoughts in the editorial he wrote following that banquet that I would like to share with my colleagues by reprinting them herewith in the Congressional Record:

The Farm Youth

(By O. B. Auguston)

Tuesday evening, as a member of the local Kiwanis Club, a sponsor, we attended the annual 4–H banquet held at our high school. What a fine occasion this is and has been down through the years. And what a sight to look over the assembly of so many hundreds of boys and girls from the country, who, as members, comprise the many 4–H clubs of our country. When you look at all these youngsters you get an idea of the size of this movement in our midst.

These boys and girls of the country try to personify certain beliefs and principles. At this time, during national 4–H Week, they are stressing that "Head, Heart, Hands, and Health" together are the creative forces that develop love for fellowmen, encourage leadership, and teach responsibility while molding character. Those are high principles and we believe we need a lot of them in our time, even more, if we are at all conscious of certain conditions in our country.

The crowd of farm youth at the banquet is still very large. But we imagine that what has happened in the country as far as agriculture is concerned could have some effect on the number of youths in various clubs, unless there are more clubs and more members recruited.

One hears at times of urban youth in the movement. As to this, one would prefer country youth exclusively as they do have everything in common. Blending often leads to complications and a basic identity may be lost that has great value, something like the thought incorporated in the saying, "this is our very own."

Our constant regret, however, is any decline in the number of farm boys and girls who may be left if the trend continues for less and less family farms, for such are the backbone of the 4-H movement. Not that it can't exist with less, but there is always something intrinsic in larger numbers all interested in the same goals and purposes.

If the cities are to grow, why think in terms of the countryside growing less? Also, it seems to us, that some of the finest of human traits and qualities have come from the countryside, from rural America.

Perhaps what good things are found in the present interurbia may be traced to the kind of rural area folks who went to those big cities in the yesterdays and laid some worthy foundations. For it goes without saying and backed by facts that in practically all areas of the things desirable, the percentages in rural America are the highest. And in reverse, the percentage of the things undesirable are the lowest in rural America.

So one would say, "Let us still strive to retain our family farms, retain our farm youth on the land and to achieve these things, still strive for an economy which will attain both of these."

OPEN LETTER TO PRESIDENT NIXON FROM DUMITRU DANIELOPOL

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. UTT. Mr. Speaker, I am including an open letter to President Nixon from Dumitru Danielopol, who is a special correspondent for the Copley Press. The following letter appeared in the Joliet Herald-News, Joliet, Ill. on October 14, 1969:

[From the Joliet Herald-News, Oct. 14, 1969]

Dumitru Danielopol: To Our President

President Richard M. Nixon,
The White House,
Washington, D.C.,

Dear Mr. President: Don't feel lonesome on Wednesday—Vietnam Moratorium day—when anti-war demonstrators attack you and try to force you to do something you know is wrong.

There are hundreds of millions of people here in the United States and around the world who know that you are right. They know that freedom is indivisible, that it cannot accommodate tyranny in one corner of the world and survive in another.

People like myself whose birthplaces are now behind the Iron Curtain are wholeheartedly with you. We have learned about communism at first hand. Poles, Czechs, Hungarians, Bulgarians, Albanians, Romanians, Lithuanians, Latvians, Estonians, Yugoslavs, Ukranians, Cubans, Chinese, Jews, Christians, Mohammedans—no matter what color, race or creed—we have suffered indiscriminately at the hands of the Communists. We know their ruthlessness and their perfidy.

The tens of millions who have taken refuge from communism in free lands stand by you.

We don't want to see what happened to us happen to the people of Vietnam, if it can be prevented.

And you know, and we know, that it can be prevented.

The great majority of native-born Americans back you, too, Mr. President, especially those sent overseas to fight the Nazis and the Fascists because governments in democratic countries in Europe in the 1930s failed to understand totalitarianism and failed to do what America is doing right now—stopping aggression while there is still time.

Every major national veterans organization in this country is on record in support of U.S. involvement in Vietnam.

No one wants to prevent free discussion, free opinion and even dissent—but on the condition that our rights are respected, too.

It seems incredible that so many people in high places advocate appeasement and the abandonment of a country fighting for its inalienable right to self determination.

Never in history have the aims of the Communists coincided with those of free people. Never have they voiced any policies that did not try to destroy freedom somewhere in the world. Yet today they seem to have so many articulate allies.

We know, Mr. President, that should the Americans abandon Vietnam—as the dissenters insist—America will cease to be the greatest country in the world.

There are times in the history of great countries and of great men when they have to stand up—even if alone—for what is right.

I witnessed some of those moments in the House of Commons when Winston Churchill tore his government and his party to shreds for the shameful Munich agreement of 1938. He was powerless, but he knew he was right.

From London, I heard Col. Charles de Gaulle, an unknown, call on his fellow Frenchmen, who had been shamefully defeated, to rally against overwhelming odds in the summer of 1940. He, too, was powerless, but he knew he was right.

Mr. President, you are in a much more favorable position than those leaders. You have the power, you have the time, for you are our President and our Commander in Chief, and you have an arsenal that can bring an honorable conclusion in Vietnam.

And, Mr. President, you have us on our side. We don't march or demonstrate, but that doesn't mean we aren't ready to help you.

Sincerely,

DUMITRU DANIELOPOL.

Washington, D.C.

ZAMBIAN INDEPENDENCE DAY—OCTOBER 24, 1969

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. POWELL. Mr. Speaker, Zambia is one of the new sovereign states in southern Africa. With an area of about 290,000 square miles and a population of about 4,000,000, it is a land-locked country, bounded on the east by Tanzania, on the southeast by Mozambique, on the south by Rhodesia, and on the west by Angola. It is a high plateau country, rich in valuable minerals, though 85 percent of the people earn their living by agricultural occupation.

The country became a British protectorate in the 1890's, and later was known as Northern Rhodesia. In 1924 a legislative council was instituted, and since 1945 this council was dominated by native representatives. Gradually they pressed for national independence, and attained their goal on October 24, 1964. The new state is the Republic of Zambia. It is a member of the British Commonwealth, and has been a member of the United Nations for more than 4 years. Zambia possesses one of the largest known copper mine deposits, which is a great boon to its economy. Its agricultural products are peanuts, tobacco, cotton, and grain.

On the fifth anniversary of Zambia's Independence Day we wish peace and prosperity to the people of Zambia.

HORTON OFFERS COMPREHENSIVE TRANSPORTATION PLAN

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. HORTON. Mr. Speaker, honking horns, cars darting in and out of lanes, massive traffic jams, have become the normal routine of everyday commuting.

We have turned our highways leading to airports and railroad and ports into giant parking lots. Or we have gone the other direction, and built airports in the midst of nowhere, highways that do not connect with rail terminals, bridges that do not relate to roads, and the list goes on.

In the next 6 years there will be 30 million more people, 20 million more automobiles, and four times the traffic at airports. We have spent millions to create mazes leading to nothing.

Mr. Speaker, the answer is not another railroad, another airport, another highway. The answer is to coordinate our existing facilities—patch up the quilt.

In my own area the Rochester-Genesee Regional Transportation Authority has been created to coordinate transportation plans for the Greater Rochester, N.Y., community. This includes a major metropolitan center, suburbs, small villages and rural towns.

Today, I am cosponsoring legislation originally offered by my able colleague, Hon. LOWELL P. WEICKER, JR., of Connecticut, which will help alleviate this growing transportation jam. It will encourage coordinated planning on an interstate, State, and local level.

This bill, called the Federal Transportation Act of 1969 provides that no Federal money can be spent for any transportation project unless it is clearly shown to be part of an overall transportation plan for the State.

In addition, it sets up a transportation trust fund made up of all Federal money earmarked for transportation facilities. This money will be allocated to the States in a ratio based on 20 percent land area, 40 percent total population, and 40 percent large population centers.

The Secretary of Transportation will be responsible for administering this act through the new Office of Planning and Coordination to be established in the Department.

The key to unsnarling traffic in the next 20 years is service. It must be adequate, coordinated, and useful. Mr. Speaker, our biggest mistake would be to aimlessly spend millions on proliferating our disordered system.

The Federal Transportation Act will, I believe, create a turning point in our meandering. It will provide for the development of orderly financing and coordinate thousands of rambling transportation systems.

Mr. Speaker, I urge my colleagues to consider the alternatives, and to fully support this measure.

RAIL PLAN ASKS 2½-HOUR RUN, BOSTON TO NEW YORK

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. BURKE of Massachusetts. Mr. Speaker, may I take this opportunity to bring to the attention of the Members of the U.S. Congress an article that appeared in the Sunday edition of the Boston Globe, written by Globe staff member A. S. Plotkin, one of the Nation's top experts on the problems of railroad transportation.

This column reveals the results of a consultants' report by the New England Regional Commission indicating that it is possible to provide railroad passenger service to and from Boston and New York on a scheduled 2½-hour run.

The Department of Transportation should take a good hard look at this report.

The entire Northeast corridor needs railroad beds.

Faster passenger and freight service is needed.

The news article follows:

RAIL PLAN ASK 2½-HOUR RUN, BOSTON TO NEW YORK

(By A. S. Plotkin)

A consultants' report claiming that 2½-hour Boston-New York rail service is needed and feasible was released yesterday by the New England Regional Commission.

A key element in the $600 million proposal would be the laying of 90 miles of straight new track between Providence and New Haven. This would cut out much of the curvy Shore Line route now used, it was contended, and new electrically-powered trains could use their potential speed of 160 m.p.h.

The basic report was completed earlier this year and was described in an exclusive Boston Globe story June 15. The commission, a state-Federal agency, is responsible for planning and carrying out economic and social development in the region.

A spokesman denied release of the report was delayed until now because Gov. John Dempsey of Connecticut was unhappy with the proposal.

Penn Central now runs eight conventional slow trains daily between the two cities. It also operates one daily round trip with the jet-powered Turbotrain, under contract with the U.S. Dept. of Transportation.

This small experimental train, a product of United Aircraft, takes three hours, 39 minutes. There is no prospect soon of appreciably faster—or more—trips with two available Turbotrains even if grade crossings on the Shore Line route are made safer.

The report was prepared by Systems Analysis and Research Corp. of Cambridge and Thomas K. Dyer Inc. of Lexington.

The consultants claim that by heading west out of Providence, and via Willimantic, Ct., about 20 miles can be saved over the Shore Line route. It is mostly open, unpopulated country.

They say the improved line would draw many riders, and save billions otherwise needed for new roads and airports, reduce air pollution and stimulate economic development.

Financing, it is contended should be mostly from Federal sources, possibly including a new public-private venture like COMSAT, the satellite agency.

D.O.T., with limited money for high speed ground experiments, is loath to put all of it in rail ventures, and will soon try air-cushion and other unorthodox systems. It has set aside only about $9.5 million for Turbotrain, and about $13 million for Metroliner—although United Aircraft and Penn Central each has invested millions of its own.

A dissent to part of the consultants' report was appended by the commission. It came from United Aircraft, which claimed that use of its Turbotrains, instead, of electrically-powered trains, would do away with the need of making such huge new capital outlays for new railbeds.

The Turbotrain maker claims its equipment could make the Boston-New York runs in under three hours with an investment of $100 million.

SPEAK NOT FOR DEAD SON, FATHER TELLS PROTESTERS

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. HÉBERT. Mr. Speaker, Mr. Howard C. Harrison, who resides in my congressional district in New Orleans, has called to my attention an article which appeared in the Times-Picayune of October 17, 1969.

It concerns a father's remarks about his son who died in Vietnam. After reading the article, I agree with Mr. Harrison that all should read what this patriotic American had to say.

I insert the article at this point in the RECORD:

SPEAK NOT FOR DEAD SON, FATHER TELLS PROTESTERS—"LET THEM REMEMBER HE DID NOT SURRENDER"

LAS VEGAS, NEV.—"When they read my son's name to advocate peace at any price—the price being defeat, let them remember that he whose name they read did not surrender," wrote an anguished Malcolm Thompson.

"When they read the name of Gregory M. Thompson, let them realize that they are proving before the world the truth of the oft-repeated Communist claim that many Americans have become soft, decadent and yielding to any determined force which opposes them . . .

"When those hypocrites read the list of dead who defended South Vietnam, let them know that they have reached the ultimate low in the world record of human infamy, in that they willingly and cunningly utter a dead man's name to achieve the defeat of the cause for which he died."

Thompson's son, Gregory, was an 18-year-old Army PFC who was killed in combat in Vietnam May 17, 1969. The father's words, in a letter sent the Las Vegas Review-Journal the day after Moratorium Day, mirrored the other side of America's continuing Vietnam debate.

"It is the ones who saw his body returned in a flag-draped coffin who should be heard—not the protesters," Thompson wrote.

"These transparent propagandists were not there to see my son buried, nor do they accompany me on my trips to lay flowers on his grave . . .

"It is we the parents who said goodbye to him when he went away to fight—not the peace agitators.

"It is we the parents who wrote long, anxious letters to him during his three months of almost continuous combat—not the agitators . . .

"My son was killed while fighting for his country.

"America cannot be permitted to perpetually persuade its citizens to instill in their sons a sense of patriotism, loyalty and a determination to defend the oppressed, and then, after the sons have died, suddenly change her mind and yield to those who killed him."

WE CAN RUN, BUT WE CAN'T HIDE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. MICHEL. Mr. Speaker, Mr. C. L. Dancey, editor of the Peoria Journal Star, Peoria, Ill., appeared in a debate on our involvement in Vietnam before a college audience at Bradley University recently and his editorial of October 20, 1969, sets forth some interesting observations regarding the attitudes and the mood of those young people. I include the editorial entitled "We Can Run—But We Can't Hide," in the RECORD at this point:

[From the Peoria Journal Star, Oct. 20, 1969]

WE CAN RUN—BUT WE CAN'T HIDE

(By C. L. Dancey)

I looked out on 1,500 or 2,000 youthful faces at Bradley last week and watched them as they heard me and others speak about the war—in different ways.

I was impressed by these young people. In their varied reactions to different appeals and moods, there was something new.

They have a real problem, smacking them straight in the face, just as they are walking onto the adult stage.

And they seem to sense that it is only the first such real problem, and that more decisions on how to survive in a contentious world of many nations and terrible weapons will face them from this day on.

There is more to it than the immediate threat over their heads posed by Vietnam and they seem to recognize this.

Many of them are clearly genuinely concerned to acquire some real understanding of this problem and some real preparation for dealing with future ones.

It's true that many want to believe Vietnam is just one gigantic American mistake which we can correct and then live happily ever after. They are relieved and enjoy hearing that our whole policy is and has been "Rubbish!" and all we have to do is change it.

But it is a different reaction than I've seen in previous college audiences. It is limited. There is a sense that they are feeling, now, something of the reality into which they have been born.

Joe Louis said it about a prize fighter many, many years ago.

He said: "He can run but he can't hide!"

It seemed to me these young people have an uneasy feeling, now. They have a vague awareness that this is the situation in which America finds itself in this world.

We can run—but we can't hide.

And they are concerned to know and understand more about these matters—more than just therapy and reassurance.

I had a feeling most of them came for something more than what was actually provided.

I think we should have taken them, and their problem, more seriously.

And I think they sense and realize that the "Rubbish!" approach might just as well have been "Oskywowow!" and "Yea, Team!" That this was the approach of a pep rally—rather than a responsible inquiry.

One of the professors said that this great outpouring of young people to hear what was supposed to be a responsible and serious discussion of truth, the whole truth, revealed that "At last, Bradley was something more than a basketball school!"

The attitude of the students, indeed, suggested that.

But the language of a political pep rally is not a great step up the ladder, after all, from that of a basketball pep rally—and if the role of cheerleader is going to be played, it is more seemingly in girls with short skirts than in professors.

These young people deserve something more than two sets of opposing "absolutes" thrown at them, when they know full well that claims of "total virtue" and of "total evil" are equally absurd.

Clearly, in their faces, these "absolute!" approaches are the balance of truth and understanding unassisted. Seeking knowledge. Seeking genuine understanding, instead of Razzmatazz.

Because a great truth remains that they will live with new crises and new messes and new frustrations from this day forward and they need to be equipped to deal wtih them as realistically and shrewdly as possible.

Nor is there any simple magical ideological formula for it.

There is this great trust they clearly sense, about the U.S. and themselves, which makes answers, understanding, and the equipment for facing problems absolutely essential: In the world of 1969 and forward.

We can run—but we can't hide.

HOUSING BILL APPROVAL

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. PETTIS. Mr. Speaker, the press of congressional duties in my home district this past weekend prevented me, regrettably, from staying for the final vote Thursday on the housing bill, though I was fortunately able to delay my departure until it was obvious that this important piece of legislation would receive an overwhelming vote of approval. However, for the record, I would like to state that had I been able to remain for the final rollcall on passage, I would have joined those 339 colleagues who cast a yea vote because I believe that housing for low- and middle-income families is certainly one of the high-priority items on our legislative calendar.

With the trend toward higher and higher costs for the working people of this country and the downward trend in new starts, it has become increasingly more apparent that the Nation is facing a housing crisis of growing magnitude. I have become particularly alarmed at the continually rising costs and interest rates which have put decent, adequate housing virtually out of reach for great numbers of Americans.

The units lost through natural disasters and urban renewal programs have obviously added to the housing shortage and the pinch perhaps is felt no more keener than in my own 33d California District. The vacancy rate in San Bernardino County is the lowest in the State and I have no doubt that many of our colleagues have districts no less affected.

The goal of H.R. 13827 is not only more homes but a suitable, safe, and sanitary home with a livable environment for every American family and it is my sincere hope that we can now proceed without delay toward achieving the necessary objective of 20 million new housing units in the next 10 years.

THE MAINE TIMES

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. KYROS. Mr. Speaker, it might seem surprising that Time magazine would devote several columns of attention to a weekly newspaper in my State, the Maine Times, which has a subscriber list which, while growing, is still less than 10,000 and an estimated readership of less than 50,000. It might seem even more surprising that this article would appear in Time's environment section, rather than the press section. But to those who have come to appreciate what the Maine Times is really all about, it is not surprising at all. This recognition is but one of the many tributes which the Maine Times is receiving after its initial year of publication.

The Maine Times is already a success as a newspaper, or "magapaper," as it calls itself. Its readership includes not only the more influential and concerned citizens of Maine, but many persons who will some day move to our State, in order to appreciate the unique natural beauty which is Maine's most precious commodity. But the Maine Times goes beyond success as a publication; it is a triumph for our State, for its people, and ultimately for all of us.

I am inserting in the RECORD for the benefit of my colleagues the article which appeared in the October 31, 1969, edition of Time:

RESOURCES: TRYING TO SAVE MAINE

Not long ago, industrial developers asked the 236 voters of Trenton, Maine, to approve the construction of an aluminum refinery and a nuclear power plant on the pristine shores of Union River Bay. A yes vote might have been expected. After all, countless U.S. towns beg for new industry to pay taxes and provide jobs. But the Trenton vote was a resounding no. A key factor was the Maine *Times*, a plucky weekly newspaper that lambasted the developers and explained precisely how their plans could pollute Trenton's air, land and water.

One year old this month, the *Times* is a unique statewide paper that tirelessly harasses would-be wreckers of Maine's environment. The attack is mounted by two Yale graduates, Editor John N. Cole, 46, and Publisher Peter W. Cox, 32, who raised $100,000 to pay for offset printing, two full-time reporters and a rented building in the hamlet of Topsham. Cole quit an incipient gray-flannel career in Manhattan to become a commercial fisherman, later edited several Maine newspapers. Cox is the son of Oscar Cox, a noted international lawyer. By no means opposed to all industry, they have warmly praised a few lumber and paper companies for enlightened use of Maine land. What they do oppose is destruction of the unspoiled Maine coast by high-risk industries like oil and aluminum. As Editor Cole puts it: "There is no such thing as a little rape."

PROTESTS AND PAYOFFS

With punchy headlines and a tabloid format, the paper unflaggingly alerts its 10,000 readers to each week's environmental toll—an oil spill off Casco Bay, a fish kill at Mystery Lake, a historic barn razed at the University of Maine. Much vitriol is aimed at the paper industry, a major source of water pollution in the state. The *Times* recently flayed a new wave of fly-by-night operators who reopen abandoned paper mills for "short-term profit and long-term pollution."

Happily, the muckraking pays off. Largely because of the *Times*, for example, one of those reopened mills closed last week. One article detailed how paper mills in the Pacific Northwest took the smell out of making brown paper, with the implication that Maine's mills should do the same. Another story started a cleanup of the Saco River by pinpointing 39 specific sources of pollution along its 125-mile length. In recent weeks, the paper single-handedly fought to ban snowmobiles from the virgin wilderness of Baxter State Park—successfully.

NAKED STATE

Maine is the last state on the upper Eastern seaboard that has not been industrialized. Now its vast forests and ore deposits make it a tempting target for mindless exploitation. As Cole tells it, even the Mafia has joined various land grabs in Maine.

The big worry is the oil industry. Maine still has no laws regulating oil spills, offshore drilling and the like. Yet oilmen are now surveying the state's harbors, the only ports in the East deep enough to berth the industry's ever larger supertankers. The key trouble spot is Machiasport, where three companies plan major refineries despite thick fogs and tricky currents that pose serious risks of tankers mishaps and oil spillage. Devoid of controls, says Cole, "the state is standing stark naked to the oilmen."

Nonetheless, Cole has "no doubt" that the oil industry will gain entrée to Maine's ports. But he and others are fighting hard for legal safeguards. And despite the pressures, he is optimistic. "Maine is still relatively clean," he says. "If enough people are concerned about the state, we can do something with it." By rousing such concern, the *Times* may ease the pain in Maine.

MEANING OF PEACE IS THE ISSUE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the San Diego Union, Oct. 16, 1969]

MORATORIUM SHOWS CONFUSION: MEANING OF PEACE IS THE ISSUE

Several important truths were underscored yesterday as the people of the United States of America dramatized our involvement in the Vietnam War.

One is that all responsible Americans are for "peace" whatever their political persuasions.

But another is that it is impossible to use the word "peace" today and be fully understood.

To the idealists and the naive peace is simply "non-war."

They cry, "Get out of Vietnam this instant and everything will be miraculously peaceful forever," failing to realize that weakness cannot beget tranquility.

To the Communists—here, in Hanoi and in Cuba—"peace" translates into victory for them, and still more aggression.

The Communist brand of peace simply means subjugating to their will anyone and everyone who stands in their way.

The late Syngman Rhee of South Korea described peace, Communist style, in these words: "If survival alone is your idea of peace, you have no problem. Just surrender. The Communists do not kill their slaves."

This is the consequence of the instant, transitory peace advocated by the Moratorium Day leaders yesterday.

And if people listened closely to the Moratorium Day dialogue they could also have heard some of the consequences of such capitulation by the United States.

The unreasoned retreat would inevitably mean more crosses, row upon row, with an American under each.

It would mean abandonment of 16 million South Vietnamese to the savagery of a vicious aggressor.

It would prolong the worldwide confrontation between Communists and free men, assuring future wars and bloodshed.

It would mean a worldwide realignment of alliances that would presage the decline of the United States of America from its world eminence.

It would mean that the affairs of the government of the Unted States itself would be influenced more and more by whoever could mobilize the largest mob.

But overshadowing all of these sober reflections, it was evident yesterday from the reaction of the usually silent majority in the United States that the mood of the nation is for a genuine peace.

The quiet Americans were saying that they want a genuine peace in the world—one that assures man personal security, the right to aspire and an equal opportunity to reach his aspirations.

Unless this kind of peace is our object in Southeast Asia, even the simple absence of war will become only a dream.

A PRIEST SHOULD GO TO THE BEACH EVERY NOW AND THEN

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. WALDIE. Mr. Speaker, I have long been acquainted with Msgr. Joseph Skillin, vice chancellor and secretary of the Diocese of Oakland, Calif., and have been one of his most ardent admirers. He is a rare man. He is truly a man of great faith and compassion.

I am so impressed with Monsignor Skillin's dissertation on "A Priest Should Go to the Beach Every Now and Then," that I should like to incorporate it in the CONGRESSIONAL RECORD so that it may be shared by all. It follows:

A PRIEST SHOULD GO TO THE BEACH EVERY NOW AND THEN

(By Msgr. Joseph Skillin)

Feel the wind play on your face.
The sun tightens your skin to a tanner tough.
The salt leaps out of the sea to season your lips.
Watch the water move a million grains of sand;
watch the sand swallow a million frothy bubbles of the sea.
Know that the rock is slowly molded by powerful salt chisels.

Yet the jutting rock demands the onrushing wave to step aside.
And all the while the sun, or the fog, or the stars
paint the entire scene a rotating collage of color.
Yet it is always the same place—
A place of life
And death
And turmoil
And exchange.
But these are the very things that make that beach a vision of Power and Glory.
To be aloof, unrelated, untouched
Unchanged, or unchanging
Is to be dead.
Pray for the beachboys.

OUR NATIONAL PARKS' FUTURE?

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. ANDERSON of California. Mr. Speaker, is the future of our national parks in danger? It appears that our parks are in danger because of inaction by the administration which threatens to not only cut off funds for the purchase of new sites, but to also render other parks defenseless against encroaching commercial development. Everglades National Park falls into the latter category, as Christian Science Monitor staff writer Robert Cahn points out in an October 22 article. Because of the timeliness of the article, I submit it for the RECORD and commend it to the attention of my colleagues.

The article follows:

EVERGLADES OPTIMISM PETERS OUT

(By Robert Cahn)

The aura of optimism surrounding the Sept. 10 "summit" meeting on protecting the Everglades National Park has faded in both Washington and southern Florida.

At a press conference after the meeting of Secretary of Transportation John A. Volpe, Secretary of the Interior Walter J. Hickel, and Florida Gov. Claude R. Kirk Jr., the principals sounded as if the "enemy" was well on the run.

The mammoth international jetport planned for the site six miles north of the park boundary would be stopped; an alternate jetport site would be found; environmental safeguards would be adopted before a jet-training airport was allowed to become operational; and land-use studies would be made to protect the park from future developments.

AIRPORT TO OPERATE

Since Sept. 10, however, virtually nothing has been done. Meanwhile, threats to the park are mounting.

The Dade County Port Authority's training airport is preparing to start operations Nov. 15 even though environmental safeguards have not been set.

The joint task force of the Interior and Transportation Departments which Secretary Volpe said on Sept. 10 would complete a report on Everglades-airport problems "within 30 to 60 days, if not less," has not held a single meeting since Sept. 10.

A new danger has emerged even closer to the park, in the possibility of a commercial subdivision on 33,000 acres of Big Cypress Swamp. The proposed land-development project borders the northwest sector of the park and could drastically affect the water supply for a large section of the park.

The National Audubon Society has filed with the Federal Aviation Administration (FAA) a formal memo of opposition to operation of the training airport and is having an informal hearing with FAA officials this week in Miami.

POSTPONEMENT URGED

On Oct. 17, four United States senators urged Secretary Volpe to order a postponement of the Nov. 15 date for commencement of training operations at the single-runway airport just completed.

"It is extremely unlikely that this timetable will leave room for adequate consideration and adoption of the necessary plans to protect the park" the senators said in a letter. Signing the letter were Sens. Clifford P. Case (R) of New Jersey, Philip A. Hart (D) of Michigan, Henry M. Jackson (D) of Washington, and Gaylord Nelson (D) of Wisconsin.

But officials of the FAA, which is a part of the Department of Transportation, have not had a mandate from Secretary Volpe to consider environmental hazards before beginning operations. The FAA already has published the required notice in the Federal Register setting aside airspace within an 8.5-mile radius of the training airport.

The recently released "Leopold" report of the Interior Department recommended consideration of environmental factors such as air pollution from engine exhausts, excessive noise levels, and the hazard of having planes strike birds in flight.

The report, which said that the proposed international jetport and its attendant facilities would destroy the national park, was prepared by an Interior Department team under the leadership of Dr. Luna B. Leopold of the U.S. Geological Survey.

Interior Department officials in Washington are considering environmental safeguards such as a 5,000-food minimum flight level over the National Park, no use of hard pesticides in certain areas, and no burning of solid rubbish on the training airport site.

But neither Interior nor Transportation has taken the initiative in calling a task-force meeting to work on environmental safeguards.

At the Sept. 10 press conference, Secretary Volpe said that he and Secretary Hickel and Governor Kirk agreed that a training airport can "with proper safeguards and effort, be utilized without having an adverse environmental impact on the ecology of the Everglades." The joint task force was being instructed to make positive recommendations as to how the park could be protected, he added.

JETPORT LINKED

The new threat, even closer to the park, is directly connected with the proposed jetport. A land developer has filed a petition for a drainage district of 33,000 acres in a Monroe County watershed area which serves the headwaters for a large section of the park. The district would actually include several parcels of private land within park boundaries.

A spokesman for the developers says the immediate purpose of putting in a canal system for drainage would be for agriculture. "Eventually this land can be developed in relation to the jetport," the spokesman told a Miami newspaperman.

A hearing on the drainage-district application will be held Nov. 17 in Key West. The National Park Service is expected to oppose granting the application because of hazards to the park. The National Audubon Society also will oppose the application, says Joe B. Browder, Southeastern representative of the society.

DRAINAGE FORESEEN

Says Mr. Browder, "The proposal to drain land between the park and the jetport ought to be proof enough for anyone, including Secretaries Hickel and Volpe, that development of even the training facility will result in the drainage of Big Cypress Swamp and that part of the national park that depends on it for water.

"Leaving the Dade County Port Authority with a right to develop any facility is going to continue to generate constructive commercial development," Mr. Browder adds.

Both the Leopold report and a special report on the Everglades by a panel of the National Academy of Sciences and the National Academy of Engineering have advocated that protections be found to prevent development of the Big Cypress Swamp, even if the international jetport is moved from its present site.

The study by the academies suggested that a natural-water conservation district be formed for the entire Big Cypress Swamp area. The Department of the Interior is known to be planning a large-scale study of the area, aimed at finding ways of protecting the water supply for the park.

Florida sources also report no progress on the proposal by Governor Kirk to find an alternate site for the jetport. Officials say that no alternate sites have been referred for consideration either to the Federal Aviation Administration or to the Interior Department.

DREAMING, WISHFUL THINKING ARE NOT GOING TO END THIS WAR

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. CUNNINGHAM. Mr. Speaker, for a number of years I have had the pleasure to read the material of Gould Lincoln, a respected elder statesman of the Fourth Estate.

In the Saturday, October 25, issue of the Washington Star, Mr. Lincoln had some very sage advice:

> It's time we who talk of dreams wake up and come down to earth, realize we have a war on our hands and the duty we owe to the American people and the country—and to the people who are seeking to be free and looking to us for help. Dreaming and wishful thinking are not going to end this war or solve the many problems which confront us.

Mr. Speaker, I commend the following column by Mr. Lincoln to my colleagues:

I HAD A DREAM—MOSTLY POLITICAL

(By Gould Lincoln)

In this day of division in the Republican party and among the Democrats, of division over the Vietnam war, of division between white and black, and among the whites and blacks, it is forgotten that divisions have run always deep during time of war. They have arisen, indeed, in every war, beginning with the War of the Revolution, down to the war in Vietnam. And America and its people have always survived. It undoubtedly will survive again.

In every war we have had peaceniks. We had the Tories during our fight for freedom from Britain. We had our peaceniks during the Civil War which freed the Blacks. We had huge numbers of peaceniks before we entered the first World War—with people of German extraction, Republican and Democrat alike, leading the way. Before World War 2 the isolationists—peaceniks to the end—divided party and country.

For example as late as Aug. 7, 1941, a bill to extend the military draft survived in the House of Representatives by a single vote and it passed the Senate by a vote of 44 to 28. Here too the division was largely along political party lines though the parties had their own divisions, as they do today over the Vietnam war. At that time there was a Democrat in the White House.

Today there is a Republican. The opponents of the draft in the Senate were 14 Democrats, 13 Republicans and 1 Independent. In the House the vote for passage of the draft bill was 203 to 202. Think of that, at a time only months before Pearl Harbor.

The House rollcall showed 182 Democrats voting for the draft, joined by only 21 Republicans, under the leadership of James W. Wadsworth of New York, who was given credit for influencing some Democrats to line up for the bill, too. Voting against the draft were 65 Democrats and 133 Republicans.

The war in Korea, waged to preserve the freedom of the people of South Korea and sanctioned by the United Nations, was bitterly denounced later as "Truman's War," just as the peaceniks today denounce the Vietnam war as "Johnson's war" and more recently as "Nixon's war." And by the same caliber of peaceniks.

During all those wars, for the freedom of people attacked by totalitarian powers, men of importance "had a dream"—Wilson, who fought World War I and Henry Ford who opposed it and Roosevelt who got us into World War 2.

"I have a dream" has been the cry of men seeking peace and unity in this country. I had a dream, so vivid as to appear fact. I dreamed that in this day of Democrat against Democrat and Republican against Republican and white against black and vice versa, Franklin Delano Roosevelt had offered himself as a candidate for President to unite the battle-torn Democratic party.

Dwight D. Eisenhower had come forward as a candidate for president on the Republican party ticket to unite the warring factions of the GOP. Each also looked forward to uniting the American people, black and white. Roosevelt who got this country into a great war, and Eisenhower who fought that war to victory.

So certain was I that my dream was reality and so certain was I that each man could unite his party and lead it, I was preparing to write the story.

Then I woke up.

And it's time that others who talk of dreams wake up too and come down to earth, realize that we have a war on our hands and the duty we owe to the American people and the country—and to the people who are seeking to be free and looking to us for help. Dreaming and wishful thinking are not going to end this war or solve the many problems which confront us.

Vice President Spiro Agnew is speaking out for reality, for the cause of peace in which he believes—as does his superior, President Nixon. He is denounced and criticized as a name caller. He is entitled to his day and his say, although the dreamers say "No."

THE PRINCETON UNDERGRADUATES FOR A STABLE AMERICA

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. LUKENS. Mr. Speaker, recently a letter was brought to my attention that I think my colleagues would benefit from hearing.

The letter, written by Pvt. Tim Jorgensen presently serving in Vietnam, is in response to the formation of the Princeton Undergraduates for a Stable America—USA—by a young constituent of mine, Harding Jones of Middletown, Ohio. Harding, who is a sophomore at Princeton University, has received overwhelmingly favorable response to his organization, and this letter is one of the most stirring.

Private Jorgensen's comments should be read to all those who demonstrated against the war in Vietnam. His comments clearly reveal the damaging effect that such public antiwar criticisms have on the morale of our troops in Vietnam.

Mr. Speaker, the letter follows:

October 15, 1969.

To Harding Jones: This is to be a short note in appreciation of what myself and many G.I.'s here in Viet Nam feel is the best move by our fellow undergraduates.

I personally commend you and your experts in forming the undergraduates for a stable America—

Viet Nam is a rare experience and enables those who serve here to see and judge things in a completely different scope—

Being here some 6 months I have formed many thoughts concerning my country. And when the G.I. reads of all the violence in his hometown he gets very depressed—

I was this way, depressed, until I read this article in the "Stars & Stripes"—you brought new hope for myself and many G.I.'s.

I wish to convey all my support to your organization and would very much like to attend a meeting and talk with you all—

Good luck and all my support.

Sp.4. Tim M. Jorgensen.

566–76–2999,
110 Trans Co,
APO S.F.

CONGRESS NEGLECTING PROBLEMS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the Record, I include the following:

[From the San Diego Union, Oct. 17, 1969]

President Asks Action—Congress Problems

During his inaugural address nine months ago President Nixon urged people of the United States of America to lower their voices so they could hear each other better.

Showing remarkable restraint more recently, the President followed his own advice when he asked Congress to accelerate action on executive legislative proposals.

It would have been easy for the President to pursue the same formula that was employed by President Truman—who won reelection in 1948 partially by campaigning against a "do-nothing" Congress.

But President Nixon chose not to follow this path. Instead he appealed to Congress with candor and calmness. In doing so, the President showed that his primary concern is for the welfare of the nation rather than the narrow matter of the 1970 congressional elections.

As President Nixon aptly noted, the majority of the people of the United States are more interested in positive accomplishments than in political posturing.

At the same time he would have been remiss not to note that this Congress has really little to show for nine months of session.

Only one of the major appropriations measures has been passed. And Congress has increased its own salaries substantially.

But the people of the United States have far deeper concerns.

A raging inflation has yet to be quenched. The crime rate is rising, pornography is flooding the mails, the post office is inefficient, selective service hangs over the heads of young men for half a decade, welfare costs are almost out of sight and schools are wondering where their next dollar is coming from.

The lethargy of Congress has failed to speak to these problems. It also has created new problems for all three branches of government.

At the Supreme Court the calendar has been adjusted to slow the pace because Congress has yet to confirm the court's ninth member.

The chief executive can hardly be charged with inaction when he does not know how much money he will have, what the congressional limitations will be on his programs, or even what he can plan on in the way of foreign aid. He is trying to run a government household without the assurance of a paycheck.

And because so much time has already been wasted, Congress will now either face a logjam as it approaches adjournment, or it will have to establish a set of rigid priorities to meet the obvious needs. To assure cogent legislation we recommend the latter.

For the welfare of the nation, Congress should accept the President's challenge for mutual action. That is the best kind of politics.

PODELL SOCIAL SECURITY BILL DEMANDS 50-PERCENT INCREASE IN ELDERLY BENEFITS

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. PODELL. Mr. Speaker, the greatest shame of our Nation today is the plight of 20 million senior citizens, whose fixed incomes are being rapidly destroyed by inflation. While the Government talks, inflation continues to eat away at their limited resources. So far, only one proposal has emanated from the Nixon administration which is aimed at the increasing difficulties of the older American and it has fallen far short of the mark. A mere 10-percent increase in social security is too little, too late for them. They say nice things about social security, but just do not have their hearts in it. It therefore remains for the Democratic Party to put forward a meaningful reform in the area of increasing social security.

Major corporation profits are going up

along with prices, and the elderly pay. They must have drugs, which are constantly going up in price. In order to have such necessities, which curb pain, they often do without other necessities, especially in the way of food, clothing, and those few little extras which make the difference in the quality of their lives.

These people bought their retirement with valuable dollars which are now being turned into too few cheap dollars. None of them were poor when they retired, but they are becoming poor now. None of them want to become public charges. All they ask is that society be fair to them, allowing them to live in dignity, without a shadow of fear hanging over their heads. We have a vehicle for this justice immediately at hand in the form of the social security system, which is not being utilized to its fullest extent on behalf of older citizens of our Nation. They spent year after year of prime work contributing to society, and now they sit helplessly while it doles out a pittance to them. This is especially unjust in light of the fact that what they ask for has been given by other countries to their elderly for years. Bismarck did it a century ago. Many European countries, destroyed in World War II, treat their older citizens better than we do now. We can and must make the social security system operate with more justice, and we can do so almost immediately. The money is there, and I have introduced a measure in cooperation with Mr. JACOB GILBERT of New York, which is aimed at accomplishing just this set of goals.

There has been enough in the way of empty promises. Let the President and the Congress take action as Franklin Roosevelt, Harry Truman, and Jack Kennedy did when they were in office and could do something for the elderly. My bill is very basic and comprehensive, commanding support from the National Council of Senior Citizens and the AFL–CIO.

The bill recognizes for the first time that our elderly have a right to live their retirement years in dignity and reasonable comfort. Current social security benefits, some as little as $44 monthly, do not provide that assurance.

My bill will increase overall benefits by at least 50 percent, also providing a monthly minimum of $90 beginning in January and $120 beginning in 1972. Hearings are now underway in the House. The Podell bill boosts benefits for our older citizens in 10 different ways. The 10 major points, each an improvement over the present program, are as follows:

First, an increase in retirement benefits from a minimum of $120 to a maximum of $378;

Second, computation of benefits on the basis of a retiree's highest earnings;

Third, at age 65, 100 percent widow's benefits;

Fourth, improved benefits for those retiring prior to age 65;

Fifth, increase in permissible earnings for retirees, without loss of benefits;

Sixth, increase in death benefit to $500;

Seventh, liberalization of disability benefits;

Eighth, improvement of widow's benefits;

Ninth, extension of medicare to the disabled; and

Tenth, extension of medicare to include prescription drugs.

A new principle is further introduced in tandem with my measure. The Federal Government is included as a partner in the social security system. All Americans have a share in that social security system. Decent retirement benefits can come only from adequate Federal financing.

Here then, is my entire package. All the Congress has to do is act, instead of promise, as in the past. Inflation and the elderly's needs will not wait another minute.

The attached charts compare existing programs with what the elderly would receive under my proposal:

MONTHLY CASH SOCIAL SECURITY BENEFITS UNDER PRESENT LAW AND UNDER THE GILBERT BILL FOR A RETIRED COUPLE (MAN AND WIFE) AT AGE 65

	Benefit amounts		
		Gilbert bill	
Average monthly earnings	Present law	Effective January 1970	Effective January 1972
Minimum benefit	$82.50	$135.00	$180.00
$150	132.60	159.20	191.10
$250	172.50	207.00	248.40
$350	210.60	252.80	303.30
$450	247.50	297.00	356.40
$550	284.90	341.90	410.30
$650	323.00	392.40	471.00
$750		438.00	525.60

MONTHLY CASH SOCIAL SECURITY BENEFITS UNDER PRESENT LAW AND UNDER THE GILBERT BILL FOR A WIDOW AT AGE 62—Continued

	Benefit amounts		
		Gilbert bill	
Average monthly earnings	Present law	Effective January 1970	Effective January 1972
Minimum benefit	$55.00	$90.00	$120.00
$150	88.40	106.10	127.40
$250	115.00	138.00	165.60
$350	140.40	168.50	202.20
$450	165.00	198.00	237.60
$550	189.90	227.90	273.50
$650	218.00	261.60	314.00
$750		292.00	350.40

MONTHLY CASH SOCIAL SECURITY BENEFITS UNDER PRESENT LAW AND UNDER THE GILBERT BILL FOR A RETIRED WORKER OR WIDOW AT AGE 65

	Benefit amounts		
		Gilbert bill	
Average monthly earnings	Present law	Effective January 1970	Effective January 1972
Minimum benefit	$55.00	$90.00	$120.00
$150	73.00	90.00	120.00
$250	94.90	113.90	136.70
$350	115.90	139.10	166.90
$450	136.20	163.40	196.10
$550	156.70	188.10	225.70
$650	179.90	215.90	259.10
$750		240.90	289.10

ANALYSIS OF SOCIAL SECURITY (OASDHI) BILL INTRODUCED BY REPRESENTATIVE JACOB H. GILBERT

<table>
<tr><th>Item</th><th>Existing law</th><th>Bill</th></tr>
<tr><td>1. Benefit amounts:</td><td></td><td></td></tr>
<tr><td>(a) Basic amounts</td><td>Benefits for a worker beginning at age 65, or when disabled before age 65, range from $55 to $218. Benefits for dependents and survivors are based on these amounts.</td><td>Benefit amounts for the worker would be increased in 2 steps: Beginning and range: January 1970, $90 to $293; January 1972, $120 to $537.
Benefits for dependents and survivors would be increased proportionately.</td></tr>
<tr><td>(b) Automatic adjustment</td><td>No provision</td><td>Benefit amounts would be automatically adjusted annually for at least a 3-percent increase in the cost of living.</td></tr>
<tr><td>(c) Actuarial reduction</td><td>Benefits for workers, and their wives or husbands, who start getting benefits before age 65 are payable at reduced rates. The benefits are reduced to an amount that will on the average give the same total lifetime benefits that would have been paid if the benefits had not begun until age 65. A worker's benefit at age 62 is 80 percent of the benefit he would have gotten at age 65; a wife's or dependent husband's benefit is 75 percent of the amount payable at age 65.</td><td>Smaller reductions would be made. A worker's benefit at age 62 would be 85 percent of the unreduced amount; a wife's or husband's, 82½ percent.</td></tr>
<tr><td>(d) Widow's and widower's</td><td>Benefits beginning at or after age 62 are equal to 82½ percent of the benefit amount that would be payable to the deceased spouse.</td><td>The amount payable where benefits begin at or after age 65 would be equal to 100 percent of the benefit amount that would be payable to the deceased spouse.
Benefits beginning before age 65 would be reduced; where benefits begin at age 62 the benefit amount would be equal to 82½ percent of the benefit of the deceased spouse.</td></tr>
<tr><td></td><td>Disabled widows and widowers can get benefits at or after age 50. Where benefits begin before age 62, the benefit amounts are reduced.</td><td>Benefits would be payable to a disabled widow or widower at any age. No reduction would be made in benefits that begin before age 62; the benefit amount would be 82½ percent of the deceased spouse's benefit, the amount payable under present law and under the bill to a widow who begins getting her benefits at age 62.</td></tr>
<tr><td>(e) Special age-72 payments</td><td>Certain people who reach age 72 before 1972 and who have not worked under social security long enough to get regular benefits can get special payments of $40 for an individual, $60 for a couple.</td><td>The special payments would be increased in 2 steps:
<table>
<tr><th>Beginning</th><th>Individual</th><th>Couple</th></tr>
<tr><td>January 1970</td><td>$48</td><td>$72</td></tr>
<tr><td>January 1972</td><td>58</td><td>87</td></tr>
</table>
</td></tr>
<tr><td>(f) Lump-sum death</td><td>Equal to 3 times the worker's benefit amount but not more than $255. Range: $165 to $255.</td><td>The $255 limit would be increased to $500.</td></tr>
</table>

ANALYSIS OF SOCIAL SECURITY (OASDHI) BILL INTRODUCED BY REPRESENTATIVE JACOB H. GILBERT—Continued

<table>
<tr><th>Item</th><th>Existing law</th><th>Bill</th></tr>
<tr><td>2. Benefit computations</td><td>All social security benefit amounts are based on the insured worker's average monthly earnings. Nearly all benefits are now based on average monthly earnings after 1950—figured over 5 less than the number of years after 1950 and up to the year the worker reaches age 65 (62 for women), becomes disabled, or dies.</td><td>The number of years used in figuring the worker's average monthly earnings would be reduced by ⅓ beginning in December 1970, and to this best 10 years out of any 15-consecutive years beginning in December 1972. The average monthly earnings figured over the shortened periods would be adjusted to take account of the length of time the person worked under social security.
The ending point of the period that is used to determine insured status for a man, and the number of years over which a man's average monthly earnings are calculated, will be the beginning of the year in which he reaches age 62 instead of age 65. The ending point for men will be the the same as it is for women under present law.</td></tr>
<tr><td>3. Earnings test</td><td>No benefits are withheld on annual earnings of $1,680 or less. For earnings up to $1,200 above $1,680 (i.e. $2,880), $1 is withheld for each $2 of earnings, and for additional earnings $1 is withheld for each $1 of earnings, except that no benefits are withheld any month in which a person does not earn more than $140 in wages nor render substantial services in self-employment.</td><td>No benefits will be withheld on earnings of $1,800 or less. For earnings up to $1,200 above $1,800 (i.e., $3,000), $1 would be withheld for each $2 of earnings, and for additional earnings $3 would be withheld for each $4 of earnings, except that no benefits would be withheld for any month in which a person does not earn more than $150 in wages nor render substantial services in self-employment.</td></tr>
<tr><td></td><td>No provision for automatic increases</td><td>Beginning in 1973, the $1,800 and $150 amounts specified above would be automatically increased as average earnings levels rise.</td></tr>
<tr><td>4. Parent's benefits</td><td>Benefits for aged dependent parents of deceased workers only are equal to 82½ percent of the worker's primary insurance amount (or 75 percent of that amount if more than 1 parent is entitled to benefits).</td><td>Benefits would be provided for aged dependent parents of retired and disabled workers. The benefit amounts for the parent of a living worker would be equal to 50 percent of the worker' primary insurance amount; actuarially reduced if taken at age 62-65. The benefit amount for parents of deceased workers would continue to be 82½ percent.</td></tr>
<tr><td>5. Noncontributory wage credits for military service.</td><td>Noncontributory wage credits of $100 are provided for each month of military service after 1967.</td><td>Would extend noncontributory wage credits of $100 a month retroactively to 1957.</td></tr>
<tr><td>6. Disability provisions:</td><td></td><td></td></tr>
<tr><td>(a) Definition of disability</td><td>Benefits cannot be paid until after a 6-month waiting period, and are payable only if the disability is expected to last for at least 12 months or to result in death.</td><td>The waiting period would be reduced from 6 to 3 months, and the requirement that the disability must be expected to last 12 months or to result in death would be eliminated.</td></tr>
<tr><td>(b) Alternative definition for older workers.</td><td>Workers must be unable to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment.</td><td>Workers aged 55–64 could qualify if unable to engage in substantial gainful activity (by reason of a medically determinable physical or mental impairment) in their regular work or in any other work in which they have engaged with some regularity in the recent past.</td></tr>
<tr><td>(c) Childhood disability benefits</td><td>Benefits are payable (if the insured parent dies, becomes disabled, or retires) to an adult son or daughter who becomes totally disabled before he reaches age 18.</td><td>Benefits would be payable if such adult son or daughter becomes totally disabled before he reaches age 22.</td></tr>
<tr><td>7. Medicare:</td><td></td><td></td></tr>
<tr><td>(a) Financing both hospital insurance and supplementary medical insurance on the basis of payroll contributions and general revenues.</td><td>Hospital insurance is financed by contributions from employers, employees, and the self-employed. Supplementary medical insurance is financed by monthly premiums paid by enrollees and matched by the Federal Government. Moneys are deposited in, and benefits and administrative expenses are paid from, 2 separate trust funds. Eligibility for hospital insurance is based on eligibility for cash benefits (except for a special transitional provision) while medical insurance is available to virtually all those over 65.</td><td>Would eliminate supplementary medical insurance premiums and provide for financing both hospital and medical insurance programs through contributions of employers, employees, and the self-employed, and a matching contribution by the Federal Government. All moneys would go into a combined trust fund, which would pay the benefits and administrative expenses of both programs. Eligibility requirements for both hospital and medical insurance would be identical to that required under existing law for hospital insurance.</td></tr>
<tr><td>(b) Medicare for the disabled</td><td>Medicare is available only to people age 65 and over (without regard to disability).</td><td>Would extend medicare, under the combined financing approach described above, to people under age 65 entitled to monthly cash disability benefits. Benefits would begin with the 1st month for which the individual is eligible for cash benefits and end 12 months after cash benefits cease.</td></tr>
<tr><td>9. Contribution rate schedule</td><td>Employer-employee, each (percent):
<table>
<tr><th>Year</th><th>OASDI</th><th>HI</th><th>Total</th></tr>
<tr><td>1970</td><td>4.20</td><td>0.60</td><td>4.80</td></tr>
<tr><td>1971 to 72</td><td>4.60</td><td>.60</td><td>5.20</td></tr>
<tr><td>1973 to 75</td><td>5.00</td><td>.65</td><td>5.65</td></tr>
<tr><td>1976 to 79</td><td>5.00</td><td>.70</td><td>5.70</td></tr>
<tr><td>1980 to 86</td><td>5.00</td><td>.80</td><td>5.80</td></tr>
<tr><td>1987 and after</td><td>5.00</td><td>.90</td><td>5.90</td></tr>
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Self-employed (percent):
<table>
<tr><th>Year</th><th>OASDI</th><th>HI</th><th>Total</th></tr>
<tr><td>1970</td><td>6.30</td><td>0.60</td><td>6.90</td></tr>
<tr><td>1971 to 72</td><td>6.90</td><td>.60</td><td>7.50</td></tr>
<tr><td>1973 to 75</td><td>7.00</td><td>.65</td><td>7.65</td></tr>
<tr><td>1976 to 79</td><td>7.00</td><td>.70</td><td>7.70</td></tr>
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<tr><td>1971 to 72</td><td>4.80</td><td>.65</td><td>5.45</td></tr>
<tr><td>1973 and after</td><td>5.10</td><td>.90</td><td>6.00</td></tr>
</table>
Self-employed (percent):
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<tr><th>Year</th><th>OASDI</th><th>HI</th><th>Total</th></tr>
<tr><td>1970</td><td>6.30</td><td>0.60</td><td>6.90</td></tr>
<tr><td>1971 to 72</td><td>6.90</td><td>.65</td><td>7.55</td></tr>
<tr><td>1973 and after</td><td>7.10</td><td>.90</td><td>8.00</td></tr>
</table></td></tr>
<tr><td>10. Federal contributions</td><td>No provision</td><td>General revenue contributions gradually increasing over a 10-year period to an amount equal to approximately ⅓ the total cost of the program.</td></tr>
</table>

SENATOR CHURCH ON VIETNAM

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. CONYERS. Mr. Speaker, on October 8, the distinguished Senator from Idaho, the Honorable FRANK CHURCH, introduced into the other body a resolution he cosponsored with his able colleague, Senator MARK HATFIELD, urging an accelerated withdrawal of American troops from Vietnam.

Senator CHURCH's well-reasoned arguments have often granted to his colleagues effective answers to even the most difficult questions on this subject. Earlier this year I inserted in the RECORD his speech, "U.S.-U.S.S.R.: Twin Sentinels of the Status Quo." I would like to commend him again today for the edification his speeches so regularly provide, and insert into the RECORD the speech he made in support of his Vietnam resolution for the consideration of all the Members of this body.

The text of the speech follows:

VIETNAM: DISENGAGEMENT NOW—THE CASE FOR A SENSE-OF-THE-SENATE RESOLUTION

(By Senator FRANK CHURCH, Democrat, of Idaho, member of the U.S. Senate Foreign Relations Committee)

In the second year of the American Revolution the great William Pitt rose in the House of Lords and spoke words which, in a less civilized nation, might have been taken for treason. "My lords," he declared, "you cannot conquer America. . . . You may swell every expense and every effort still more extravagantly; pile and accumulate every assistance you can buy or borrow; traffic and barter with every little pitiful German prince that sells and sends his subjects to the shambles . . . your efforts are forever vain and impotent, doubly so from this mercenary aid on which you rely, for it irritates, to an incurable resentment, the minds of your enemies. . . . If I were an American, as I am an Englishman, while a foreign troop was landed in my country, I never would lay down my arms—never—never—never!"[1]

The England to which Pitt counseled was not a decrepit naton but a rising empire still

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Footnotes at end of article.

approaching the peak of its power. The inglorious end of the American war, from the British point of view, was not followed by a worldwide loss of confidence in Britain's word or Britain's power. Yorktown was followed by Waterloo and in the nineteenth century Great Britain acquired vast new domains, becoming the vital center of world commerce and industry. The real loser of the American Revolutionary War was America's ally, France, whose prodigal waste of resources—all for the sake of humbling England—almost certainly helped bring about the French Revolution of 1789. To compound the irony, when the British Empire finally did disintegrate, it was not in the wake of defeat but of British "victories" in the two World Wars.

The paradox turns back upon us full circle. The victory denied George III by ragtag American rebels fighting to end foreign rule, has now, nearly two centuries later, been denied to us in distant Vietnam by stubborn, native guerrilla fighters equally determined to drive the foreigner from their land.

Faced with their implacable resolve, what kind of "victory" can be won? The "victory" of holding a proud people hostage? The "victory" of inflicting a "favorable kill ratio" upon an enemy who will not quit? The "victory" of maintaining a puppet government in Saigon propped up by the money we lavish on it, and sustained in the field by the troops we send—and others we hire—to fight for it? No, there is no "victory" we can win in Vietnam worthy of the name. President Nixon himself concedes as much when he says: "We have ruled out attempting to impose a purely military solution on the battlefield."

In fact, our favored euphemism regarding Vietnam is not victory at all but an "honorable settlement," a term allowing of almost unlimited possibilities of interpretation. In the present circumstances, however, its meaning seems clear enough. On the one hand, we have been unable to suppress the rebellion; on the other hand, we do not wish to acknowledge that fact. We do not wish to acknowledge it to the communists, for fear their appetite for conquest will be whetted. We do not wish to acknowledge it to our allies, for fear their confidence in our power will be diminished. And most of all, we do not wish to acknowledge it ourselves, for fear that our own, surprisingly fragile confidence in ourselves will be undermined. And so we seek an "honorable settlement," an agreement under which no one will say what everyone knows: that the United States of America has made a bad mistake and finds it necessary to liquidate that mistake.

The time has come for the pretense to end; for the prideful nonsense to stop about securing an "honorable settlement" and avoiding a "disguised defeat." The truth is that as long as our troops stay in South Vietnam, we shall occupy a hostile country. There is no way that the United States, as a foreign power and a Western one at that, can win a civil war among the Vietnamese. Even now, five years after we entered the conflict, it remains a struggle between rival factions of Vietnamese for control of the government in Saigon. The outcome rests, now as before, on the Vietnamese themselves.

If we can find the resolution to end our protracted involvement in this war, we shall suffer no lasting injury to our power or prestige. I do not think that the liquidation of our intervention in Vietnam will mean the loss of our global greatness, any more than the loss of the American colonies cost England her greatness in the eighteenth century, or any more than the loss of Algeria and Indochina cost France her national stature. On the contrary, the end of empire was not a defeat for France but a liberation, in the wake of which a demoralized nation recovered its good name in the world and its own self-esteem. The termination of our war in Vietnam would represent a similar liberation for America, and even a victory of sorts—a victory of principle over pride and of intelligent self-interest over messianic delusion.

I. THE NATIONAL INTEREST

The United States Government is not a charity-dispensing institution; its primary obligation is not to the Saigon generals, or to some portion of the Vietnamese people, but to the American people, to their security and well-being. When all is said and done about our "honor" and "commitment," the fact remains that our presence in Vietnam can be justified—if it can be justified—in terms of American interests, correctly defined as the freedom and safety of the American people.

Before anyone can prescribe an American course-of-action for Vietnam, it is necessary to be absolutely explicit about what our interests are in that benighted country and what they are not. I do not agree with President Nixon that, having crossed the bridge of intervention, it is useless to belabor the original issue [2]—as if the presence of half a million American troops and the loss of nearly 40,000 American lives represented an investment that had to be redeemed by sacrificing still more lives, regardless of the wisdom of our continued presence there. It is quite essential that we reexamine the decisions of preceding Administrations, not for the sake of political retribution, or even for the sake of history, but for the express purpose of identifying our interests. Why we intervened in Vietnam in the first place has everything to do with whether and how we should get out.

"A great nation," the President says, "cannot renege on its pledges." [3] What pledges, indeed, have we failed to keep? The amount of money, weapons, ammunition, food, equipment and supplies we have funneled into South Vietnam is beyond belief, vastly exceeding the outside help given North Vietnam and the Vietcong by all the communist governments combined. To fight for the South, we have sent an American expeditionary force of half a million men; no Russians or Chinese have been imported to fight for the North. Hanoi and the Vietcong do their own fighting. I say that Saigon—with larger and better-armed forces in the field than any arrayed against it—must stop relying on us to fight its war. We have kept our pledges, and done far more besides. We didn't undertake to make South Vietnam the 51st American State; we didn't promise to stand guard over the 17th parallel as though it were an American frontier.

But, the President argues, if we were to allow the Vietcong and the North Vietnamese to prevail, "the cause of peace might not survive the damage that would be done to other nations' confidence in our reliability." Here Mr. Nixon espouses Mr. Rusk's concept of an exemplary war, which presumably demonstrates to other countries that the United States stands willing to intervene wherever necessary, in order to put down threats of internal communist subversion as well as external communist aggression. Yet the President himself has now announced to the world that the United States has a new policy: in the future, Asian governments must defend themselves against subversion from within, and not look our way again. The motto, "No more Vietnams" cannot be reconciled with the fiction that we are still fighting an exemplary war in that country.

Withdrawing from Vietnam, according to President Nixon, "would bring peace now but it would enormously increase the danger of a bigger war later." [4] The assertion that by fighting in Vietnam we prevent other wars is pure speculation, rooted not in evidence but in analogy, the analogy of the thirties when appeasement whetted Nazi Germany's appetite for aggression.

No good historian will buy that analogy. History unfolds more in paradoxes than in parallels. Mark Twain once observed that "We should be careful to get out of an experience only the wisdom that is in it—and stop there; lest we be like the cat that sits down on a hot stove-lid. She will never sit down on a hot stove-lid again—and that is well, but also she will never sit down on a cold one anymore." [5] In the case of Vietnam we would do well to settle for the unwisdom that is in it and stop the sacrifice of *real* American lives for the sake of saving hypothetical ones in some conjectural war in an unforecastable future.

We dare not, says the President, abandon the South Vietnamese to "a massacre that would shock and dismay everyone in the world who values human life." Here again we are dealing with something that might happen; in the meantime does no one who values human life feel "shock and dismay" by the senseless sacrifice of American lives in endless assaults on useless hilltops and by death tolls of hundreds of GI's every week? Surely there is another way to protect those South Vietnamese who may feel the need for sanctuary, if it comes to that. Better that we open our own gates to them, than keep on sending Americans to die for them in their own land. As for the Saigon generals, there should be ample facilities for them on the French Riviera.

What indeed does Vietnam have to do with the vital interests of the United States, which is to say, with the *freedom* and *safety* of the American people? I attempted to define those interests four years ago shortly after our full-scale intervention in Vietnam began. As to *freedom*, I said:

"Freedom, as a matter of fact, is not really at issue in South Vietnam, unless we so degrade freedom as to confuse it with the mere absence of communism. Two dictatorial regimes, one sitting in Hanoi, the other in Saigon, struggle for control of the country. Whichever prevails the outcome is not going to settle the fate of communism in the world at large, nor the problem of guerrilla wars. They did not begin in Vietnam and will not end there. They will continue to erupt in scattered, farflung places around the globe, wherever adverse conditions within a country permit Communist subversion to take root."

And as to the safety of the American people, I added:

"Nor can it be soundly contended that the security of the United States requires a military decision in South Vietnam. Our presence in the Far East is not anchored there. Saigon does not stand guard over Seattle. We conquered the Pacific Ocean in the Second World War. It is our moat, the broadest on earth, from the Golden Gate to the very shores of China. There is no way for the landlocked forces of Asia to drive us from the Pacific, there is no need for us to retain a military base on the mainland of Asia." [6]

After four years of futile warfare, I see no reason to alter that evaluation of American interests. The plain fact is that we did not then, and do not now, have a vital interest in the preservation of the Thieu-Ky government, or even in the preservation of a noncommunist government, in South Vietnam. Nor do we have a vital interest in whether the two Vietnams are united or divided. We have

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preferences, to be sure, and our pride is at stake after committing ourselves so deeply, but preference and pride are sentiments not interests. From the standpoint of our interests, we have been fighting an unnecessary war for five long years, making it possibly the most disastrous mistake in the history of American foreign policy. It can never be vindicated; it can only be liquidated.

II. AN UNSUCCESSFUL WAR

The war in Vietnam has been more than unnecessary; it has been unsuccessful as well, and that, in the hard world of politics, is usually the greater crime. The Dominican intervention was unnecessary, illegal, and destructive of our relations with Latin America, but it achieved its immediate objective, the suppression of a revolution, with the result that the issue has not remained to plague and divide us. Had Mr. Rostow and his colleagues been right in 1965 in their supposition that the war in Vietnam could be won with "surgical" air strikes and a few months of ground warfare, the question of the war's necessity would not be the lacerating issue that it is today. But the Vietnam strategists were neither wise or prescient nor lucky. With disastrous insensitivity to the thought processes of an alien culture, and with contemptuous disregard of the warnings offered by some of us in the Senate, they applied their "scientific" theories of warfare in the apparent belief that the Vietnamese would respond to "graduated" degrees of punishment as they themselves would have responded—by weighing immediate costs against prospective gains. But the Vietnamese turned out not to be scientists. They reacted irrationally and unaccountably by refusing to give up. Their calculations of cost and gain turned out to be different from ours; their willingness to endure punishment turned out to be greater than we had thought possible.

Our strategy in Vietnam has failed but neither the Johnson Administration nor—thus far—the Nixon Administration has been willing to acknowledge that failure. In lieu of the tortured rationalizations of the previous Administration, President Nixon experiments with a cautious troop withdrawal tied to the tenuous hope of a growing South Vietnamese military capacity. In their Midway communique Mr. Nixon and Mr. Thieu rejoiced in hamlet elections, in "the failure of the other side to achieve its objectives," and in the new-found strength of the Saigon army, while Mr. Thieu himself recited appropriate lines about the "constant duty" of the Saigon forces "to assume a greater share of the burden in South Vietnam."

Perhaps this time, for the *first* time, the optimistic prognosis will be borne out, so studiously does it ignore hard issues and well-known facts, that one strongly suspects that what we are confronted with today is not a new strategy but a new "image" for the discredited old strategy, a new device for postponing difficult decisions, a new expedient for holding off the critics of the war. It would appear that President Nixon, like President Johnson, is becoming preoccupied with politics to the neglect of policy.

This, in turn, leads to the frustration which gives rise to a search for scapegoats. In much the same way that the German General Staff—which had actually initiated Germany's surrender in World War I—later perpetuated the myth of defeat by betrayal on the home front, the men who led us into the Vietnam quagmire have sought to place the blame for the catastrophe on their domestic critics, on those of us who said that we never should have entered the quagmire in the first place and who now insist that we ought to get out. The "real battlefield," according to this self-serving doctrine of the architects of failure, is not in Vietnam but in America, where, if only the critics would be silent, the will of the enemy would supposedly be broken. In its crude form as a spurious, jingoist "patriotism," the argument runs that the war critics are near-traitors, provisioners of "aid and comfort to the enemy." In the scarcely more august language of our last two Presidents, the critics are "nervous nellies" and "neoisolationists"—deriders of patriotism, as Mr. Nixon put it, a "backward fetish." [7]

The critics are also credited with the failure to make progress in over a year of negotiations at Paris. With a cold eye fixed on the agitated state of American opinion, so the argument runs, the enemy is emboldened to resist our "reasonable" proposals. "It's awfully hard to play chess with twenty kibitzers at your elbow," Mr. Kissinger complains, "all of them demanding explanations of the purpose of every move while your opponent listens." [8]

The "kibitzers" who are such an inconvenience to Mr. Kissinger are the very dissenters whose protest finally persuaded President Johnson to stop the escalation of the war and go to the conference table. Had these critics remained silent as the war makers would have had them do, the limited war in Vietnam might by now have escalated into a full-scale war with China. Whatever hope of peace there now is, it is the "kibitzers'" gift to the architects of failure. Long may they "kibitz," acting, let it be remembered, on their own concept of patriotism—which is not the patriotism of silent acquiescence in a policy they detest, but the patriotism of Camus, who would have us love our country for what it ought to be, and of Carl Schurz, that "mugwump" dissenter from McKinley imperialism, who proclaimed: "Our country, right or wrong. When right, to be kept right; when wrong, to be put right."

For all the misjudgment of generals and policy makers—and for all the allegedly disruptive dissent at home—the root cause of failures lies not with ourselves but with our Vietnamese allies. Had an honest and patriotic government ruled in Saigon, it would probably have beaten the Vietcong long ago, with no more than material support from the United States. The Vietnamese people are not lacking in military courage and resourcefulness; the Vietcong have demonstrated that. What is lacking is the ability of the Saigon government to inspire either the confidence of its people or the fighting spirit of its army. There is little mystery as to why this ability is lacking. An American study team made up primarily of prominent churchmen recently reported, after a trip to Vietnam, that the Thieu government ruled by terror, using torture and brutality to suppress political opposition, and that the regime relied "more upon police state tactics and American support to stay in power than upon true representation and popular support." [9]

Of all the misrepresentations which have been perpetrated about Vietnam none has been more insulting to the intelligence and offensive to the moral sensibility of young Americans than the portrayal of the Saigon regime as an upholder of freedom and democracy.

Mr. Clark Clifford, our last Secretary of Defense, who found the courage to tell President Johnson the truth about Vietnam, had this to say of the Saigon generals:

"There is complete callousness about the cost of the war to us. They have no concern over the loss of our men or treasure. They see us as a big, rich country, well able to afford it. They are going one way and we are going another. I see no likelihood of our goals getting closer together. But they have become very adroit at saying what the American public wants to hear . . . They are sweet talking us."

What's more, I would add, they are exercising a veto over American policy in Vietnam. At his latest press conference, President Nixon reiterated that we were willing to negotiate on anything, except "the right of the people of South Vietnam to choose their own leaders." Then, calling for "internationally supervised elections," Nixon said, "we will accept the result of those elections and the South Vietnamese will as well, even if it is a Communist government. . . ."

Mr. Nixon may think so, but not Mr. Thieu. His immediate rebuttal was plain enough. The Saigon Government, he said, had no intention of accepting a "coalition with the Communists" or "domination by the Communists" under any circumstances whatever. This is hardly surprising, since Mr. Thieu has consistently defied American policy. No sooner had he returned to Saigon from his love-feast with President Nixon at Midway last June, than he proclaimed: "I solemnly declare that there will be no coalition government, no peace cabinet, no transitional government, not even reconciliatory government." [10]

In neither instance, did any disavowal issue from the White House. President Nixon, like his predecessors before him, appears to be manacled to the Saigon generals. Lyndon Johnson flew five times to Mid-Pacific rendezvous with these same men. Now President Nixon has followed in that beaten path and emerged, like Mr. Johnson, with the same pretensions of harmony. Lacking either the willingness to depend on their own army or the support of their own people, the Saigon generals have held an ace-in-the-hole which has kept them in power and in command of events: their influence amounting to a veto over America's war policy. Had they anything like the same influence in Vietnam that they have had in Washington, Thieu and Ky would have overpowered the Vietcong long ago.

Well, we have an ace-in-the-hole too: the fact that this war is not now and never was essential to our interests, which is to say, to the freedom and safety of the American people. Pride has cheated us of the power deriving from our own interests, because, in order to gain access to that power, we would have to admit error. That same pride has been Saigon's lever over America's war policy: they survive on it, while Americans die for it.

III. THE STRATEGY OF PEACE

Sooner or later, Vietnam will revert to the control of the Vietnamese. Whether on the basis of a negotiated peace or an unnegotiated withdrawal, American forces will eventually have to be removed from Vietnam. When that happens, if not before, the Vietnamese civil war will be settled—as it should and would have been settled long ago but for American intervention—by the interplay of indigenous forces within Vietnam. If a formal settlement comports with the indigenous balance of forces, whatever it may be, the settlement will be a lasting one. If it does not, it will be overthrown.

There are—as we have learned and should have known without this trial by fire—limits to the ability of an alien power to work its will in a hostile environment. Our own Civil War provides an example: after four years of savage warfare and eleven years of military occupation, the Union finally withdrew its forces from the South, allowing that region to revert to the political domination of the same people who had dominated the secessionist Confederacy. Another example is provided by the Boer War, Britain's turn-of-the-century "Vietnam." After more than two years of frustrating warfare against

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a guerrilla force of provincial rebels—in the course of which the mighty British Empire became an object of universal scorn and detestation—the British finally beat the Boers, organized the Union of South Africa and then, perforce, turned the political control of the country back to the defeated Boers, who have dominated South Africa ever since.

The common factor in the American Civil War, the Boer War and the Vietnam War is that each confronted a dominant alien power with an intolerable dilemma: it could impose its will only by the sustained application of overwhelming force; the alternative was to withdraw that force, leaving the indigenous factions to strike their own natural balance more or less as they would have if the alien power had not intervened in the first place. In the one instance "victory" becomes insupportable, in the other meaningless.

Weighing this dilemma along with the other main considerations I have set forth—that this war is a failure and was never in our interests to begin with—what is to be inferred for a strategy of peace?

The point of departure is the clear, candid acknowledgment of our own lack of vital interest in the internal regimes of the two Vietnams. This means that we must break through the pride barrier which has thus far deterred us from admitting that, from the standpoint of our own interests, this war is and always has been a mistake. The purpose of this admission is not flagellation but freedom—the freedom of action which will only be ours when we end our thralldom to the Saigon generals and begin to act in our own interests and no longer on the basis of theirs.

In recent weeks, there has been increasing talk of changing the military mix in Vietnam by replacing American ground troops with Vietnamese, while retaining American supply and support troops in their combat role. This is not a formula for extricating the United States from Vietnam; it is, rather, a formula for keeping up to 300,000 American troops engaged in Vietnam indefinitely. Its purpose is not to get out, but to stay in.

The imperative is that we get out. This does not mean, of course, that the South Vietnamese Government would have to follow suit, or that it would be helpless in the face of its enemies. It would still have 1,500,000 men under arms as against 135,000 Vietcong and 90,000 North Vietnamese soldiers now in South Vietnam. If the ARVN could be inspired to defend the Saigon government, it would survive; if it could not be so inspired, then the government does not deserve to survive. In any case, we have done enough. We have fought their war for five long years and sacrificed almost 40,000 American lives. It is enough.

The process of disengagement need not be a long, protracted one. We can initiate it immediately by starting to withdraw forces on a significant scale—not the token scale initiated by the Nixon Administration. At the present rate of withdrawal, American troops will be engaged in Vietnam for the next 8 to 10 years!

Nearly everyone now recognizes that our intervention in Vietnam was in error. Two years ago, our political skies were still filled with hawks; today, scarcely a hawk can be seen on the wing. President Nixon himself, once a ferocious hawk, may not openly admit, but he implicitly acknowledges, that this country has no vital interest at stake in Vietnam. Otherwise, we couldn't possibly leave the outcome for others to decide, even in a free election.

But we have our own hang-ups: twenty years of obsession with communism—deeply ingrained in the wormwood of our politics. Mr. Nixon keeps searching for a settlement that will be popular, or at least welcome, here at home. He keeps pushing for an American-style election in Vietnam, presided over by a special electoral commission composed of all factions, and internationally supervised, and then wonders aloud why so "generous" a proposal should fall on such deaf ears. For an answer, we might ask ourselves how, during our own Civil War, the Union Government would have responded to a British or French proposal for an internationally supervised plebiscite on Southern secession!

A policy wrong from the start can't be made to come out right. Our country is accustomed to imposing unconditional surrender on its enemies: there can be no compromise settlement of the war in Vietnam which will be applauded by the American people. Nor can there be any settlement worthy of reliance, regardless of its terms, for once we have left, no force remains to keep it.

Still, Mr. Nixon stalls for time, trying to pry loose a settlement with modest troop withdrawals. He talks of bringing pressure on Hanoi. But you cannot bring pressure on an enemy by starting to leave! His real purpose is to bring pressure on Saigon to dignify our exit by accepting a transitional arrangement that will make it seem to the American people that the war has not been entirely pointless, that all the sacrifice has not been in vain.

So we wait, month after month, for some miracle to occur in Saigon or Hanoi that will bring the moribund peace talks back to life. We hint to Hanoi that progress at the conference table, or a wind-down of the war, will mean faster withdrawal of American troops, while we tell Saigon that the pace will depend on the demonstrated ability of their forces to replace our own. In the resultant muddle, all we have succeeded in doing is to place the time-table out of our hands into theirs. I say American policy must wait no longer upon the pleasure of either Saigon or Hanoi. It is time to come home!

For our own part, we have neither the need nor the *right* to sacrifice a single American life for any objective exceeding our own vital interest, which is the preservation of the freedom and safety of the American people. If this be thought ungenerous or unaltruistic, I put it to you that no nation has the moral right to be generous or altruistic with the lives of its own citizens. Perhaps a totalitarian nation, conceiving itself a spirtual entity transcending its individual citizens, may claim that right. A democratic nation cannot: its very existence is for the purpose of protecting and serving its citizens.

That is why it has become so necessary to disengage from Vietnam, leaving it to the indigenous forces in that tortured land to vote, negotiate or fight their civil war through to the conclusion which, but for our intervention, would long ago have been reached.

IV. WHY WE MUST GET OUT

We must get out of Vietnam because a process of deterioration has begun in our society which cannot be arrested, much less reversed, until we do get out. Dividing the American people as no issue since the Civil War has divided them, the war in Vietnam has been the cause and catalyst of great domestic ferment in the United States. The crisis it has directly caused is a moral one; the deep offense done to so many Americans by the blatant incompatibility of this war with the traditional values of our society. At the same time, by diverting financial and political resources, and by dividing and demoralizing the American people, the war has incapacitated us for effective action in respect to the worsening crises of race and poverty, crime and urban deterioration, pollution and ecological decay.

None of this has to do with simple war-weariness, or, as President Nixon seems to think, with weariness "of the weight of free world leadership that fell upon us in the wake of World War II."[11] Something more fundamental than fatigue is involved. Twenty-five years ago the American people were simultaneously fighting two great wars on a vastly greater scale and at an even larger cost than the war in Vietnam, and their spirit never flagged. It is not just the burden of leadership or the exertions of warfare that outrage so many of our citizens, but *this* war, with its blood-soaked strategy of attrition, its unsavory alliance, and its objectives both irrelevant to our interests and offensive to our principles. Nor is "weariness" in any way descriptive of what the war critics are experiencing; they are not tired but angry—angry about the needless killing and the stubborn pride which has kept us from putting a stop to it.

I recently received a letter from a young man who is deeply troubled by these matters. With your indulgence I will read a portion of my reply:

"The deep disillusionment of young people in their country has its roots in the Vietnam war. When the power of the state is used to force young men to fight a war they believe to be wrongful, under penalty of imprisonment if they refuse, the seeds of sedition are sown. We now reap the bitter harvest, manifested in angry uprisings on campuses from coast to coast . . .

"Whenever the limb is shaken, all the leaves tremble. Once the moral authority of the government is rejected, on an issue so fundamental as a wrongful war, every lesser institution of authority is placed in jeopardy. Every sacred principle, every traditional value, every settled policy becomes a target for ridicule or repudiation. Cauldrons of anarchy soon begin to bubble and boil.

"So it has happened that our country is coming unstuck. The ferment distorts every issue; perspective is lost . . .

"I am convinced we must end the war—or at least our participation in it—before we can begin to stick this country back together again. Then we must have the help of men like you, men who haven't abandoned all faith, and who regard the job as worth doing."

Even now there is one thing in which we can take hope, and that is the great force of our American moral traditions. Out of all the dissent and disruption we have learned something about ourselves—that we still believe in our own values, that Jefferson's idea of liberty and Lincoln's idea of equality and Woodrow Wilson's idea of a world community of law are still capable of moving us and guiding our behavior. We have learned, to be sure, that we are capable of violating our traditional values, but we have also learned that we are not capable of violating them easily, or permanently, or indeed without setting in motion the regenerative forces of protest and moral reassertion.

There will be time enough, when peace is restored, to contemplate the "lessons of Vietnam." Perhaps, if peace comes in the way that I believe it must come, some of our recent and present leaders will take it as the war's "lesson" that America has shown itself unworthy of world leadership. Others will conclude that we must develop more sophisticated techniques of intervention, or that we must improve our "social science," or substitute political and economic for military means of intervention. Still others, at the opposite extreme, will probably judge that we must never again involve ourselves in war on a distant continent. All of these propositions, and variations upon them, will undoubtedly be put forth as the "lessons" of Vietnam, but my own hunch is that none of these will stand as a definitive "lesson" or as a reliable guideline for the future.

It may be that there is no lesson in Vietnam other than the modest one suggested by Jim Thomson of Harvard: "never again to take on the job of trying to defeat a nationalist anticolonial movement under indigenous communist control in former French Indochina."[12] Or the equally modest lesson: that we have got for a time—not necessarily forever—to tend to neglected matters at home. Or perhaps we will have learned nothing more than that we are a people with a moral tradition, a people who discriminate among their wars and who do not easily act against their own traditional values.

FOOTNOTES

[1] November 20, 1777.

[2] Address of May 15, 1969.

[3] Address of May 15, 1969.

[4] Ibid.

[5] Pudd'nhead Wilson: Pudd'nhead Wilson's Calendar, ch. 11.

[6] "The Vietnam Imbroglio," *Congressional Record*, 89th Cong., 1st Sess., Vol. 111, Part 11, Senate, June 24, 1965, p. 14631.

[7] Speech at the Air Force Academy, June 4, 1969.

[8] Quoted by Stewart Alsop in "The Powerful Dr. K.," *Newsweek*, June 16, 1969, p. 108.

[9] *The Washington Post*, June 11, 1969.

[10] *The New York Times*, June 10, 1969.

[11] Air Force Academy Speech, June 5, 1969.

[12] James C. Thomson, Jr., *No More Vietnams? The War and the Future of American Foreign Policy* (Richard M. Pfeffer, ed., New York: Harper & Row, Publishers, 1968), p. 258.

QUESTIONS GROW ON SUPERSONIC-PLANE PLANS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. HUNGATE. Mr. Speaker, the enclosed article on sonic booms is inserted for the benefit of those who have received agency or Defense Department or other engineering replies advising them that sonic booms do not cause damage, and declining payment. The article indicates the precise amount paid in such tests to specific cities in specific years.

The article follows:

[From the Christian Science Monitor, Sept. 19, 1969]

BOOM QUESTIONS GROW WITH SUPERSONIC-PLANE PLANS

(By Richard W. McManus, staff writer of the Christian Science Monitor)

As President Nixon nears a decision on whether to ask Congress for funds to continue development of a 1,800 m.p.h. supersonic transport (SST) debate swirls around the controversial aircraft.

Both proponents and those totally opposed to the aircraft—financed 90 percent with federal funds—push their views vigorously.

"It's inevitable," says one side.

"There is simply no practical way for supersonic travel," says the other.

In the middle stand the governors of the 50 states and a United States congressman. Because they are concerned about the aircraft's jolting sonic boom, they want to have a hand in deciding where the plane—if produced—would fly.

Without a favorable nod from the President, the program would probably collapse through lack of development money after next April, when currently appropriated government funds will have been used up.

PRESTIGE AND LEADERSHIP

But long before then, Mr. Nixon will doubtless have reached his decision. Involved in his present pondering must be the questions of this nation's prestige, its continued world aviation leadership, and its balance of payments. These issues have to be weighed against other priorities nagging for federal attention.

Giving dramatic emphasis to the President's answer may well be the first supersonic flight of the British-French Concorde. The French prototype of this aircraft (another prototype exists in England) is expected to get its first crack at the sound barrier in tests this month.

When this happens, the SST debate in the United States is bound to sharpen. Airlines in this country already have put their names in for Concordes, which are expected to make commercial flights in 1972 or 1973.

Thus long before the SST's inaugural flight could occur in 1978, the American public will have to confront the boom question, say officials of the Federal Aviation Administration. The FAA, a government regulatory agency, is responsible along with private industry for American SST development.

Although the Concorde, carrying up to 132 persons, will be lighter and slower (1,450 m.p.h.) than the 280-passenger SST, it will fly at a lower altitude, so the booms will be comparable. These booms, caused by the aircraft tearing through the atmosphere faster than the air can get out of the way, are measured in pounds per square foot (p.s.f.) of overpressure. Overpressure is pressure in excess of normal atmospheric pressure. Boom severity will range from 1 to 2.5 p.s.f.

A 1966 report by the Aerospace Industries Association of America (a view from the technologist's angle) describes the boom problem this way:

RESTRICTIONS OVER LAND?

"Although modern-day community noises are generally taken for granted, the introduction of a new disturbance such as that of the sonic boom will require some human adjustment. It is also true that we will not know, with finality, the degree of public acceptance of the sonic boom until the supersonic transport has been fully tested."

But according to the FAA's top scientific adviser outside of government on the SST project, Prof. Raymond L. Bisplinghoff of the Massachusetts Institute of Technology, the aircraft's development has always proceeded with the assumption that commercial supersonic flights over land would not be allowed.

The FAA is not so definite. According to its brochure The United States Supersonic Transport Program, the agency's position is this: "Because sonic boom annoys people, the SST may be restricted to supersonic flight over the oceans and other unpopulated areas."

Thus, with the start of the supersonic jet age perhaps little more than two years away, those who want to help determine where these sleek sound breakers' will fly are asking to be heard.

ADVANTAGES WEIGHED

Early this month all 50 state governors at the National Governors' Conference in Colorado Springs, Colo., took their stand on the issue. The governors unanimously adopted a resolution that "no routine commercial supersonic flights should be permitted over the various states and territories without prior consultation by the federal government with the governors of the states concerned."

"It has not been convincingly shown," said the resolution, "that the advantages to be gained in the operation of supersonic transport would counterbalance the possible adverse environmental noise effects to which the citizens of the various states would be subjected."

Expressing similar concern from the "people" side of the boom debate, Sen. Clifford P. Case (R) of New Jersey submitted a bill to Congress in February asking for a two-year study of the boom question. During this study all nonmilitary supersonic flights would be banned. Based on the study's results, the ban might continue. But it could be lifted only by congressional action.

According to a spokesman for the Senator, a decision on this question, which will involve the welfare or at least have a bearing on the peace and quiet of so many Americans, should not be left to a regulatory agency. He says this is particularly true since the FAA, which is overseeing the plane's development, will want to insure its economic success.

COST SET AT $1.4 BILLION

It is the contention of some SST detractors that economic pressures of flying this costly aircraft eventually will lead to overland routes.

The costs already are building. The two SST prototypes, which if federal appropriations continue will be ready in 1972, would cost $1.4 billion. The government, with more than $600 million already in the project, is paying most of the development costs. The two principal contractors, Boeing Aircraft and General Electric, with some aid from the airlines, are making up the balance.

The FAA estimates that at least 500 SSTs will be sold between the time the plane goes into commercial service in 1978 and 1990. The agency says this predicted market is based on the assumption that the aircraft may be limited to transoceanic operations because of the boom.

Once the two prototypes are completed and have achieved 100 hours of flight testing, the government then expects to pull out of the enterprise.

At this point, says Professor Bisplinghoff, another $4 billion to $5 billion will have to be raised from the private sector to put the plane into production.

Private industry will spend this kind of money only if the plane is a success, he says. The government, Boeing, and General Electric will lose if it is not.

And I'm willing to say it's going to be a success, he adds.

ONLY CONTACT THROUGH BOOM

How this success might come about is what worries the plane's opponents. Still, one of the outspoken critics of the SST, Prof. William A. Shurcliff of Harvard who is director of the Citizens League Against the Sonic Boom, contends his and other groups' opposition to the project is going to be successful and the SST will be shelved.

"We're being helped," he says, "by the economic pinch, and because of this the government is becoming leery of putting money into this ill-advised project."

"Practically every person you know won't be flying an SST," he adds. "Your only contact will be through hearing the boom. And when it [the SST] hits you with the boom, the plane is already about 30 miles away."

This means, he says, that it would be difficult for a person wishing to make a damage claim to identify the plane that was responsible.

Sonic boom tests that have been carried out over American cities have resulted in these damage payments:

St. Louis (1961–62), $58,648; Oklahoma City (1964), $100,000; Chicago (1965), $114,763.

In the Oklahoma City test a poll showed that 27 percent of the people felt they "could never learn to live with the boom."

Still, B. J. Vierling, the FAA's deputy director for SST development, asks why the majority view shouldn't prevail. He says it still has not been determined, though, what level of public disturbance due to the boom will be acceptable.

LAWSUITS AND ILL WILL

But, he says, the airlines wouldn't want to involve themselves "from a practical point of view" in sonic-boom damage lawsuits or cause public ill will.

What is not disputed by anyone is that supersonic flight will shrink travel time considerably. The Concorde is to chop flight time between London and Sydney, Australia, from 27 to 12 hours. The American SST would bring these two cities even closer.

"Where it will pay off will be in the vast reaches of the Pacific," says Prof. Bisplinghoff.

When it crosses this ocean, however, it would have to make one or two stops for fuel. Its range would thus be under that of the Boeing 747, the jumbo subsonic jet, which will go into service early next year.

But says Prof. Bisplinghoff: "We'll get that up. It'll take a while." He says the 707 initially didn't have its present range.

So goes the debate. Neither side concedes much to the other.

Some observers, meanwhile, view the coming boom—whether SST or other—as part of an even larger question. They feel the problem is that man may eventually overwhelm himself with his technological advances if these are uncontrolled.

According to a report by a panel of academicians to the House Committee on Science and Astronautics: "The challenge is to discipline technological progress. Nor can this opportunity be forgone without incurring a considerable risk to mankind."

SOVIET SCENE '69: TRIP UNVEILS U.S.S.R. TODAY

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. STEED. Mr. Speaker, a group of 10 American editors has returned from a visit to the Soviet Union in which they traveled 8,000 miles inside that country in an intensive 16-day tour.

All are members of the American Society of Newspaper Editors, invited to the U.S.S.R. by the Soviet Union of Journalists.

Charles L. Bennett, managing editor of Oklahoma's largest newspaper, the Daily Oklahoman, described his visit in a series of articles entitled "Soviet Scene, '69."

He states his aim as follows:

> Readers should be aware that the series is based on physical observation of several parts of the Soviet Union, plus many conversations with Soviet newsmen, officials and citizens. Nearly all of the conversations were carried on through interpreters and in group interviews. The aim of the series is simply to present a fresh, first-hand glimpse of a vast country of immense importance to the future of the world in which we live. As far as possible, the writer attempts to present the idea of the Soviet citizens in their own words and from their point of view, not his.

At a time when it is so vital to understand the Soviet Union and its present policies and attitude, I believe this series will be of interest to many Members. I will enter today the first two articles, to be followed by the continuing series:

Trip Unveils U.S.S.R. Today

(By Charles L. Bennett)

An unusual opportunity to see six widely separated areas of the Soviet Union, and to talk with Soviet citizens, newsmen and officials leaves a visitor with an unusually difficult problem: How to sum up his impressions? The answer is that he shouldn't if he wants to avoid over-simplification or the kind of generalities that can be punctured by numberless exceptions.

But a visitor can piece together a mosaic of thousands of brief glimpses of people and things. Passing bits of conversation can be laced into detailed quizzes of high officials. Official statements can be balanced against what the visitor knew, or thought he knew—before he went—about a complicated, puzzling and surprising nation. Or he might recall matching wits with hardnosed, sophisticated Soviet journalists, always trying to extract the one different answer that will shed new light.

I was privileged to be one of ten U.S. editors who, accompanied by an American photographer, ventured into the Soviet for a 16-day expedition.

Our trip had its roots in negotiations, begun several years ago, which ripened into a proposal by the Soviet Union of Journalists for an exchange of visits. They suggested that ten editors designated by the American Society of Newspaper Editors would visit the U.S.S.R. and an equal number of Soviet journalists would come to the United States.

It wasn't that simple, of course. Months of negotiations between the U.S. State Department and the Soviet foreign ministry preceded the trip. Even so, as we flew into Moscow, we did not know what cities we would visit, to whom we would be able to talk, or what we could see.

Now, after 8,000 miles of travel in the U.S.S.R., after hours of talking with all kinds of Soviet citizens and seeing cities, countryside, stores, factories, homes, new and the old, admirable things and distasteful things; after all this, many questions remain. But then, too, thousands of bits of the mosaic fall into place and make memorable, meaningful pictures.

Solemn-faced people file past dramatic reminders of a war that killed 20 million of their countrymen. Vasily Isayev, vice-mayor of Moscow, reminds us that "Sixty-two thousand cities and villages were absolutely wiped off the face of the earth. People lived in earthen huts and they had to completely rebuild their cities."

Asked if, in another generation, Soviet young people might not forget the lessons of World War II a radio journalist comments, "No. This is hammered into them every day."

Accompaniment to the compelling reminders of the war, which are everywhere, is the drumbeat refrain of a theme repeated over and over, in a dozen different ways. The theme is: "No one must ever do this to us again."

One of our companions debates a mathematical term with one of the top scientists at "Science City," the huge educational and research center on the plains of Siberia. It is just outside Novosibirsk, 3300 miles east of Moscow and 1250 miles from the Chinese border.

The mathematical debate rages on, with Joe Adamov, our Moscow radioman interpreter, bridging the language gap as fast as he can talk in Russian and English. Suddenly he pauses for breath, looks up and says with a bemused smile, "You know, I don't understand what I'm saying in either language!"

One of our group says he would like to be able to see and talk with some of the "dissident intellectuals" in the U.S.S.R., mentioning the names of jailed Yuli Daniel and Andrei Sinyavsky, among others.

Our host replies with a smile: "If you break one of our laws, you may have a chance to see them!"

"I don't want to see them for that long," our editor decides.

A journalist in Minsk, during a five-hour dinner table talkfest, is irritated by some of our questions. He retaliates with a deadly serious accusation: "Your FBI briefs everyone who wants to come to the U.S.S.R. and threatens them to keep them from coming. Many have told us that, if they do come, they will not be guaranteed their same job when they go back."

We ask the manager of the huge Belaz truck factory in Byelorussia what the reaction was to the Apollo moon landing. Brisk, youthful Ivan Sidorovich says: "Very positive. We were all happy. We are all one world. We were thrilled that man, regardless of nationality, had accomplished this, overcome such difficulties. I am sure that American workers, were just as happy when Yuri Gagarin opened up this space era. There are no boundaries."

We plead with our journalist hosts, for perhaps the tenth time, to arrange for us to go to the Chinese border, to see for ourselves what is going on there. We are in Alma Ata, a lovely city in Kazakhstan and only 250 miles or so from the boundary with Communist China.

"You can't," they reply. "You never know when or where something is going to happen and you might see nothing. There are no accommodations there for you. Besides, it's not safe."

In this city we see a wonderful variety of faces . . . Uzbeks with sun and wind-darkened skin and short-cropped hair under their embroidered skull caps. Russians with smooth, rounded Slavic faces. Blond Ukrainians. The Asiatic faces of Uighurs and Kazakhs and mixtures that show traces of the Mongols, the Golden Horde whose raiders once swept across these steppes on missions of plunder and destruction.

Suddenly, with these faces in front of us, we understand what we've been told in nearly every city—that the U.S.S.R. is made up of at least 20 distinct nationalities, and as many as 170 different ethnic groups.

Atina Zhaketova, the well-rounded and bright-eyed Kazakh editor of a major women's magazine tell us there are 14 major nationalities in this republic alone, including her own people, Russians, Byelorussians, Ukrainians, Koreans and Uzbeks and Germans and several others. We ask whether there ever were any tensions between the Kazakhs and Russians, or among any of the others.

"We have had no friction at all," she replies. And then we wonder about how that could possibly have happened, and we try to recall the details of recent disturbances in the Crimean region when native nationalists suggested a Russian administrator go home "because you can't even say 'Good Morning' to us in our own language."

We also, suddenly, understand a rather strange letter many of us received when our Soviet trip was announced. An American of Ukrainian extraction had written to each of us. "I wish to point out a common mistake often made by American newsmen," he wrote. "That is calling 'Russian' the non-Russian nationalities like Armenian, Azebanijan, Byelorussian, Estonian, Georgian, Kazakh, Korghiz, Latvian, Lithuanian, Moldavian, Tadjik, Turkmen, Ukrainian, Uzbek and many other autonomous Republics . . . The Soviet Union is not Russia, not a monolithic Russian nation, but an empire comprising many nationalities with their separate cultural, historical, religious and linguistic distinctions."

(All of this explains, as you may have guessed, why we will write in this series of the U.S.S.R. and the Soviet Union . . . but of Russia and Russians only when we really mean just that part of the Soviet, or just those particular Soviet citizens.)

Another scene shifts into memory and we are at the famed Kirov ballet in Leningrad, that historical museum city which is a must-see for every traveler to the Soviet Union.

Leningrad has pride from its survival of the 900-day siege. It left 600,000 of its citizens dead but frustrated Hitler's vow that he would celebrate Christmas of 1941 in the Hotel Astoria, where our group stayed. Germans finally did enter Leningrad by the thousands, as prisoners of the Red Army when its counter-offensive swept the invaders back to the Baltic.

But today's pride of Leningraders is in this ballet troupe we are watching. To them, the Bolshoi ballet, so familiar to many Americans because of its tours, is just "the Moscow ballet;" first place in the ballet world, they say, belongs to "the Kirov."

They are performing in a different theater while their own is being repaired. The ballet is "Don Quixote" and the Spanish grandee provides only the thinnest of story lines to support the action on the stage. But the story doesn't matter, because the staging, the costumes, the sets and, particularly, the dancing are phenomenal. Exciting, elegant, competitive and beyond anything we ever expected to feel from watching ballet, it is an experience. We join the wildly cheering audience and reluctantly stoll away savoring the thought that here, at least, we have seen true excellence in the Soviet Union.

We see competition and excitement of a far different kind one morning in Novosibirsk. Crowds of people are hurrying to work. An already-jammed bus stops. Ten or fifteen people move toward the bus and it's a silent but grim struggle. No quarter is given or asked, even by or for the women. Finally, somehow, they all squeeze into the bus with the last man in hanging onto the doorstep with toes and a firm grip on the handrail.

Some of us are surprised to learn that 72 per cent of all the doctors in the U.S.S.R. are women, as are 60 per cent of the economists, 27 per cent of the construction workers, 43 per cent of the workers on state farms.

When we discover that women in the Soviet Union, unlike the men, have a choice as to whether they will work or not, someone comments: "That seems like discrimination."

A Soviet women's leader explains: "That's because men have a deficiency. They can't have babies and nurse them. We feel that this maternal function is very important to society."

Travel in the Soviet Union is a guessing game. The crack "Red Arrow" train leaves the Moscow station exactly on time, gives a smooth overnight ride and arrives in Leningrad exactly on time.

One airplane trip leaves exactly on time, proves to be a comfortable and pleasant flight and gets us to our destination on the dot. Another time, we spend 18 hours in the Moscow air terminal—shaving, talking, eating and fitfully sleeping on the benches. We are told not to leave because the plane might be able to go any time; the weather at the other end might clear up. Finally, we are told it will leave at 11:30, board the plane at 12:30 and at 2:05 the plane takes off.

For the Soviet citizens, there still are the notorious queues for many kinds of consumer goods. Usually, now, it appears these are mainly for the scarce items, rather than for run-of-the-mill staples.

Prices on many items seem fairly normal to an American as he translates them into dollars. A television set may cost from 200 to 500 rubles, a man's suit 150, or a pair of women's shoes 25. But then we remember the average wage of Soviet workers is 120 rubles a month.

Many times, we are asked by the Soviets why we are in Vietnam and what is being done about a settlement there. They know as well as we do what is going on; they just want to hear our answers and, sometimes, to insert a verbal needle about "U.S. aggression." One of our hosts gives the essence of the usual Soviet comment in a few words: "If you came from a smart country, you'd let it peter out."

In Sochi, the resort area along 90 miles of glittering coast of the Black Sea, we try the menthol inhalers at the famous Matsesta baths, dine delightfully in an open-air restaurant atop a mountain that overlooks the former vacation hideway of Joseph Stalin.

Then we visit a palatial rest home for miners. Perched on a hillside, it looks like a palace and its public rooms are furnished accordingly. As we tour the institution and see that the bedrooms look more like standard Soviet hotel rooms, we hear an explanation of the U.S.S.R. health system. It's given by Dr. Nikolai Stukalov, who lost one leg while serving as an Army surgeon during World War II. He tells about the 26-day leaves, with pay, that are granted to Soviet workers needing the rest-vacation-treatment that the center provides.

He also takes us down the funicular railway to the pebble-covered beach. Bikini-clad miners' wives are there and the miners, engineers and mining executives who make up the clientele of this particular rest center. Many of them appear as portly as the most caricatured capitalist, in barely adequate bathing trunks. They greet the American visitors warmly and, in a matter of minutes, we are surrounded by 25 or so—deep in good-humored debate about Vietnam, their government and ours, and the China situation.

Everywhere we go—city, farm or beach—we ask about China.

Everywhere we ask, we hear almost the same answer. This time it is from Valentin Rogoznikov, a miner from Siberia. We find him sunning with a copy of Pravda covering his face. He arouses himself quickly when we ask what he thinks of the Chinese situation at the border.

"I think our government decided properly to give them a crushing rebuff," he says, "so they won't try to intrude on our peaceful life." He goes on to say that it is a "provocation of the Chinese government. We hope it will be a temporary situation. They are doing it to cover up the deficiencies in their system. We do not blame the Chinese people, but their leaders. We have helped them a great deal in the past. We do not think it will lead to war. Sooner or later they will come to their senses."

It is a familiar response. We hear it every time we ask the question, almost in the same words each time and almost in the same words it has appeared in Pravda and Izvestia.

We ask: "How do you know the reports you hear are true?"

He replies: "I happen to live in the place from which most of the border guards come. Some of them have returned. I have heard them speak on television and tell what happened."

"Do you have any feeling of not getting full information on the subject?"

"No. We get full information on everything. We believe our press and have had confirmation from friends."

Another piece of mosaic. We believe he really does believe his press.

Everywhere we go, our journalist hosts tell us the aim of their newspapers—as well as radio, television and magazines—is "to serve the interests of the country, the Communist party and the people." Alma Ata editor Feodor Mikhailov asks: "Our press and government and people all agree . . . so why would we come out for something against government policy?"

This is how it was. All the time we debated with the Soviets, we were debating with ourselves. Our questions were: "What is the purpose of our being here? What can we learn? What can we believe? What can we make them believe?"

We put the question of why we were invited to Vyacheslav Chernyshev, the energetic and "get it done" secretary of the Soviet Union of Journalists, our official hosts:

"We want a good business relationship with journalists of the U.S.," he said. "We are doing this to get better acquainted and to be better able to inform the people of our countries. This is not a simple thing, but when we have personal contact it helps us to have better knowledge and insight."

"We have a proverb," he added. "It is better to see a thing once than to hear it 1,000 times."

An old Moscow hand and knowledgeable server of the U.S.S.R. scene was asked his idea of why the Soviet journalists had invited us.

"It's part of their trying to project a better image. It's the first anniversary of the Czechoslovakian thing. They want to be viewed as friendly. If they tell you a motive, you can be pretty sure it's not the real one. They want to project the image of stability, happiness, peaceful construction—the idea that they want complete total disarmament, peace . . . to get the U.S. to be peaceful. They feel everyone is against them."

In later parts of this series, the pieces of mosaic will be looked at more closely—the role of women, the major questions of war and peace, housing, agriculture, industry, government, the social scene, health and education, and Soviet citizens as we met and talked with them.

(Second of a Series)

"MAYOR" WHO ISN'T A MAYOR RUNS SHOW IN SOVIET CITIES

(By Charles L. Bennett)

If you have the only show in town, it had better be a good one.

That's the situation faced by the "mayor" of any city in the Soviet Union—because his really IS the only show in town.

The "show" he heads includes every business and industry in the city—all the restaurants, theaters, stores and factories, public transportation, hospitals, hotels, gasoline stations. He's responsible for seeing that there's a job for every man in the city—and most women. He has to see that they have homes, operates their schools and colleges, provides recreation and health care, wedding ceremonies, clubs for the children and dry cleaning.

On top of all this, he furnishes all the usual governmental services of any American city—streets, sewers, water supply, police and fire protection, zoning and city planning and all the rest.

In Moscow or any other Soviet city, the man in charge of the city government isn't a "mayor" at all. He's a man like Vladimir Fedorovich Promyslov and his title is Chairman of the Executive Committee of the Supreme Soviet of the City of Moscow.

Promyslov and his counterparts in all the other cities are executive officers for the Supreme Soviet of the city, an elected body responsible for fixing the broad goals and policies under which the city operates.

Moscow's 6,600,000 people elect the city's Supreme Soviet, made up of 1,140 deputies serving two-year terms on the basis of one deputy for every 6,000 citizens. The deputies work on study commissions and meet once every quarter to discuss major problems.

After those discussions, and in accordance with the long-range plans of the city, the republic in which it's situated, and the national government, it's all up to Promyslov and his staff of 230 full-time workers. Under them are the 29 administrative districts of the city, each headed by a district counselor with 200 to 400 deputies. Altogether, there are about 8,000 deputies in the city.

For heading this all-encompassing organization, the urbane and genial Promyslov receives 550 rubles a month. At the official exchange rate, that is about $605 a month or $7,260 a year. Of course, he points out, with such additions as the Soviet's free education and health care, his "real pay" is somewhat higher than the dollar figure would indicate.

Our touring group of editors asked Moscow's mayor what his chief concerns were these days.

"Housing still is the number one problem," he said. We learned as we went on to Leningrad, Minsk, Novosibirsk and Alma Ata that every mayor listed housing as the top problem. War damage and population growth, plus the movement of rural people to the cties, have created housing shortages of monumental proportions in most Soviet cities. (The massive efforts to close the housing gap will be detailed in a later story in this series.)

"After that," Promyslov said, "transportation and traffic planning are the second most important." Despite the lack of anything like the number of automobiles seen on American streets, the first faint signs of traffic jams are beginning to appear in Moscow. Trucks appear to equal or surpass the number of passenger cars right now, but those in our group who had visited Moscow before said the increase in the number of cars was one of the things they noticed most.

Soviet Citizens have had to outwait long lines even to apply for a car—and sometimes even the signups have been cut off—and then had to wait up to two years for their automobile. But they're expecting better things now. Soviet factories plan to increase auto production sharply and city officials like Promyslov expect their traffic problems to grow accordingly.

With 1875 miles of major thoroughfares within the city now, Moscow plans to build 800 miles more of major highways to help accommodate the expected traffic increase.

"We are working on a system of centralized, television-operated traffic control for the whole city." Promyslov said. "We have been studying Paris, Munich, London and other cities as part of our preparation." He picked those cities because he saw some of their plans for similar systems at various international exhibits.

Promyslov has been in the United States, too, so he has some first-hand knowledge of what heavy traffic means.

Moscow's arterial highway pattern had an interesting beginning with the circular walls built around the original city, founded on the site of the present Kremlin hill 822 years ago. The tops of the earthen walls were found to be good wagon roads and the circle pattern has been repeated at varying distances from the city's center. Like spokes of a wheel, other highways radiate straight out from the central area, crossing the circular highways.

The outer circular highway is the official boundary of the city, enclosing about 3,420 square miles (about five times the area of Oklahoma City).

Beyond this outer highway and completely surrounding the city is a green belt of more than 400,000 acres. "This provides a zone of pure air around the city," Promyslov said, "and no building can be done there without permission from the city. Generally, it is not permitted.

"Each district of the city has its own rest area within the greenbelt, with sports fields, marine sports and other recreation. Each enterprise, such as a factory of business takes its people to one of the rest areas assigned to it."

Even inside the city, Promyslov said, 25 percent of the total area is in green space and parks "and the plan is that these green areas will remain as they are."

Vasily Isayev, vice chairman of the city Soviet's executive committee, picked up the conversational ball as Promyslov left to catch a plane. "There are now about 80,000 privately owned passenger cars in Moscow." he said. "But most transportation in the city still is public."

The public transportation includes electric trolley busses, taxis and an extensive subway system.

"The public system transports 12 million passengers a day now," Isayev said, "and we are going to have to expand it rapidly."

One-third of that daily load is carried on Moscow's justly famous subway. Clean, well-lighted, tile-walled stations are decorated with statues and murals. The trains look like new and operate on split-second timing.

Isayev stepped to a huge, lighted wall map at one side of the paneled chamber we were in and pointed out the subway lines.

"We now have about 80 miles of parallel, double-tunnel subway lines," he said, "and we plan 120 miles more." He said the average cost of building a kilometer of subway was between 7 million and 8 million rubles. That figures out, for the total additional mileage to more than $1.65 billion at current exchange rates.

"But the transportation system pays a profit," Isayev assured us. Its income over costs is only one of many revenue sources the city plows back into further improvements.

"Income is always above our expenditures," the city official said. "We normally have 50 million to 100 million rubles profit to use on whatever projects we want to. Housing rent is low and doesn't cover the cost of maintaining the apartments. But the whole transportation system produces profit, along with the industries and other enterprises run by the city, like the hotels, restaurants and movie houses. We have profit from trade, too, and a small tax on trade turnover. There are no other taxes.

"We provide the music, opera and ballet, too, but we don't make any profit on them; we're happy if they even break even."

Total operating income for the city in 1969, he added, will be about 1.5 billion rubles.

What about air and water pollution, we asked.

"On the whole Moscow is a very clean city. We are trying to build large, central heating stations rather than to have numerous small ones around the city. Also, we are using high quality gas that causes less fumes. In the old days, Moscow burned wood, then coal and later fuel oil. The smog was very bad. We also stopped the use of diesel buses to cut down the air pollution.

"Water pollution is a problem. The Moscow River doesn't really satisfy us because it is dirtyish, but much better than it once was and people can still fish and swim in it. To control industrial and business pollution of the river" he said, "we had to make a real Draconian decision.

"We simply ordered the industries to put on the necessary filters for industrial waste, by set dates, or shut down. Our sanitary department has almost unlimited powers to shut down a factory, fine the factory itself, or to fine the manager personally for violation of the pollution rules.

"We have the authority, but much remains to be done. We haven't been able to channel all the surface water of the city and waste into one central system yet. There are some local sewer systems and we still get some illegal dumping of waste. In one recent case we have pinpointed the general area it's coming from, but we haven't found the exact factory yet. We will, though."

(Another source told us later that Soviet officials are considering making industrial water pollution a criminal, as well as civil, offense. The trouble, this source said, is that some factory managers, trying to make profit records for their plants, have decided it was cheaper to pay the civil fines than to install the necessary filters. That kind of capitalist thinking, this source said, is not likely to be permitted for very long in the Soviet.)

Moscow has no problem with pure drinking water Isayev said. In fact, they are able to provide the same pure water both to industry and for personal use. A canal from the Volga river into the Moscow river and storage reservoirs along the way, have made this possible.

"Our water reserves look okay to the year 2000, but after that we will have to find new sources," Isayev said.

No population explosion is going to trap Soviet city officials in the same kind of urban growth problems American cities face. They project their plans for natural increases but immigration to the cities is strictly controlled. Some plants and other enterprises have been moved out of Moscow simply to prevent overcrowding. No new plants can be built, nor can a factory or other business bring additional people in for its work force without permission from the city Soviet and no Soviet citizen moves from city to city unless he's approved for a job change by the government.

Minsk's chief planner, Victor Chernishov, struggles with most of the same problems we heard about in Moscow. One of his current projects is planning a new surface drainage system for the city. A cloudburst we were caught in at the nearby Belaz truck plant showed us ample evidence of the need.

"It's hard to say what it will cost," Chernishov said, "because it will be built in stages. We know the first stage will cost us 36 million rubles (nearly $40 million at current exchange rates).

The slow-flowing Svisloch river also was giving him pollution problems but, at the same time, providing the setting for an elaborate plan of parks, recreation areas connected by monorail, and green space through the heart of the city.

In Alma Ata, a city surrounded by snow-capped mountains, city officials are combatting a different kind of river problem. A mountain stream, placid and harmless most of the year, produces a roaring flood in springtime—flushing automobile-sized boulders down upon the city. Huge concrete and steel fences have been erected in the stream valley to halt the boulders but that hasn't solved the problem.

Now a 330-foot high earthen dam is being built far back up in the mountains as a "holding pool" for the rocks and debris, with a sluiceway under the dam to let the water through.

"We used 5,000 tons of dynamite to blow off the sides of two mountains, all at once, and drop them into the mouth of the valley," the vice-mayor said. "This dam will last for a thousand years."

Novosibirsk's Gorda Skoblikov, chief architect for this Siberian city of more than a million people, already is talking about the creation of "satellite" communities for industry, to avoid overcrowding of the central city. One satellite already has been created, but this is the famous "Science City"—a modern complex of college, university and research institute centers.

Founded only in 1893, Novosibirsk took just 62 years to grow to a million population. Its growth stemmed, mainly, from purposeful decisions by the Soviet government to move educational, research and industrial enterprises out of Moscow and other cities and to reestablish them on the Siberian plains.

In contrast to the other city offices we visited, Novosibirsk's planner would not permit us to photograph the model of his new city plan; it includes provisions for new bridges across the river that flows through the city.

COMPARISON OF CURRENT FOOD STAMP PROPOSALS

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. GREEN of Pennsylvania. Mr. Speaker, few of us would argue that there are Americans who are deprived of a substantially nutritious diet because of low income. But finding an answer to the problem is rather difficult. Fully five different food stamp proposals have been introduced in Congress. On September 24, the McGovern-Javits bill passed the Senate and the House Agriculture Committee is currently holding hearings on food stamps.

I thought it would be helpful to my colleagues to be able to compare the existing law, the Food Stamp Act of 1964, with the proposed legislation—the Senate passed bill, S. 2547; the Nixon administration proposal, introduced by Representative CATHERINE MAY on June 17 as H.R. 12222; the bill I coauthored with Representative TOM FOLEY on August 11, H.R. 13423, and the Poage bill or the Food and Agriculture Act of 1969, introduced by Representative W. R. POAGE on June 25 as H.R. 12430.

The following is a comparison of these proposals:

Item	Present act	Senate substitute (S. 2547)	Nixon-May bill (H.R. 12222)	Foley-Green bill (H.R. 13423)	Poage bill (H.R. 12430)
1. Policy of program	Raise levels of nutrition among low-income households.	Permit low-income households to receive a share of food abundance sufficient to provide them with adequate levels of food consumption and nutrition.	Permit low-income households to purchase a nutritionally adequate diet.	Provide adequate levels of food consumption and nutrition among low-income households by permitting them to purchase a nutritionally adequate diet.	No change.
2. Method and level of funding.	Authorization of appropriations: Fiscal 1970, $340,000,000; fiscal 1971 (1st 6 months only, through Dec. 31, 1970), $170,000,000.	Authorization of appropriations: Fiscal 1970, $1,250,000,000; fiscal 1971, $2,000,000,000; fiscal 1972, $2,500,000,000.	Authorization of appropriations: Fiscal 1970, $610,000,000; fiscal 1971-72, such sums as Congress may appropriate.	Food stamps to be a Commodity Credit Corporation-run program with CCC empowered to use up to $19,500,000,000 in borrowing authority to fund this and various farm programs, followed by appropriations to reimburse CCC for previous year's expenditures.	Authorization of appropriations: Such sums as may be necessary.
3. Carryover of unexpended funds.	None—Unspent funds automatically revert to the Treasury.	Unspent funds continue to remain available until expended.	Unspent funds continue to remain available until expended.	No problem with CCC financing	No change.
4. Terms of program	Ends Dec. 31, 1970	Ends June 30, 1972	Ends June 30, 1973	Ends June 30, 1974	Open ended.
5. Territorial coverage	50 States only and District of Columbia.	50 States, District of Columbia, Puerto Rico, Virgin Islands, Guam, Trust Territories of Pacific.	No change	50 States, District of Columbia, Puerto Rico, Virgin Islands, Guam, and American Samoa.	No change.
6. Individual coverage	Group of related or nonrelated individuals living as 1 economic unit sharing cooking facilities and for whom food is customarily purchased in common. Not residents of institutions or boarding houses.	As in Foley-Green bill	do	Includes persons residing in private nonprofit institutions or in boarding houses (except for persons in fraternities, sororities, or social clubs) as well as persons 65 years or over.	Do.
7. Product coverage	Any food or food product except alcoholic beverages, tobacco, imported packaged foods, and imported meats or meat products.	Includes items necessary for personal cleanliness, hygiene, and home sanitation.	do	Includes imported food or food products where Secretary determines that comparable domestic items are not reasonably available; nonfood products which Secretary determines to be essential for personal cleanliness, hygiene, and home sanitation; meals to residents of private nonprofit institutions or boarding houses and to persons over 65 by private nonprofit organizations or schools.	Do.
8. Store coverage	Establishment or house-to-house trade route that sells food to households for home consumption.	As in Foley-Green bill	do	Same as in present program plus private nonprofit institutions or boarding houses and private nonprofit organizations or schools which provide meals to persons 65 years or over and DOD commissaries for households otherwise eligible to utilize them.	Do.
9. Income eligibility level	State agency to determine consistent with income standards used in federally aided public assistance programs.	Secretary to set minimum income eligibility level for purchasing adequate diet at no less than $4,000 for household of 4 or the equivalent as well as maximum income level for participation, with possible regional variations.	Secretary to establish uniform national standards of eligibility in consultation with Secretary of HEW (emergency eligibility standards to help disaster victims on a temporary basis).	Secretary to set eligibility standards with maximum disposable income criteria to be equal to 4 times the cost of the low-cost food plan as varied for household size, composition, 4 regions, and rural-nonrural areas.	Do.
Example: Family of 4 with 2 schoolchildren.	$1,800 (Virginia) to $4,140 (Alaska, New York).	$4,000	$3,600	New York City, $6,530; rural Vermont, $4,550; Cleveland, $6,030; rural Iowa, $4,220; Atlanta, $5,450; rural Mississippi, $3,810; Los Angeles, $6,160; rural Utah, $4,310.	Do.
10. Resource limitation on eligibility.	State agency to determine	State agency to fix subject to Secretary's approval, but no inclusion of income realized through liquidation of resources.	Secretary to establish as part of uniform national eligibility standards.	Secretary to determine maximum value for personal or real property owned by eligible household.	Do.
11. Method of certification	Determined by State welfare agency (forms and investigation).	Certification solely by execution of affidavit prescribed by Secretary.	No change	Certification solely on execution of affidavit prescribed by Secretary.	Do.
12. Challenge to certification.	No provision	No change	State agency to grant fair hearing and prompt determination to any aggrieved household affected in participation.	Operating agency to have right to challenge information included in affidavit before panel of 3 appointed by Secretary with challenged household to participate on basis of affidavit information during pendency of challenge.	Do.

Item	Present act	Senate substitute (S. 2547)	Nixon-May bill (H.R. 12222)	Foley-Green bill (H.R. 13423)	Poage bill (H.R. 12430)
13. Penalties	Criminal offense to knowingly acquire coupons in unauthorized manner.	No prosecution on basis of any information or statements contained in affidavit, except for fraud.	No change	Additional criminal offense for knowingly making a false affidavit; enforcement by special unit within Office of Inspector General known as the Food Stamp Squad.	Do.
14 Interjurisdictional certification.	No provision	As in Foley-Green bill	do	Certification valid for 60 days if household moves to another political subdivision in which program is operating.	Do.
15. Place of coupon issuance.	Purchase at banks, credit unions, welfare agency offices, poverty agencies, local businesses.	Purchase through post offices, participating retail food stores or other participation insuring convenient manner, including banks, and credit unions.	do	Purchase through operating agency or, if operating agency delegates responsibility, from post offices, banks, credit union, community action agencies, and other public or private nonprofit agencies.	Do.
16. Frequency of coupon issuance.	At least monthly	At least weekly	No change from present program.	At least weekly	No change.
17. Method of coupon purchase.	Transfer for cash	Cash or deduction of charge by State from federally aided public assistance payments when household so elects plus permission to purchase portion of full coupon allotment with proportionate reduction in charge.	Cash or deduction of charge by State from federally aided public assistance payments when household so authorizes and Secretaries of USDA and HEW approve.	Cash or deduction of charge by State from federally aided public assistance payments or from Federal old-age, survivors, and disability insurance benefits by Federal Government when household so authorizes.	Do.
18. Price of coupons	Amount equivalent to household's normal expenditures for food.	No more than 25 percent of household income to be charged any eligible household (test of reasonable investment).	No more than 30 percent of household income to be charged any eligible household.	If income is between ⅓ and ⅔ of low-cost food plan ($40 to $80 a month for average family of 4)—no more than 5 percent of disposable income. If income is between ⅔ and 1⅓ of plan ($80 to $160 a month)—no more than 10 percent of disposable income. If income is between 1⅓ and 2 times plan ($160 to $240 a month)—no more than 15 percent disposable income. If income is between 2 and 3 times plan ($240 to $360 a month)—no more than 25 percent of disposable income.	Do.
19. Free coupons	None, except in 2 counties in South Carolina for families of 3 or less with less than $20 of income a month and families of 4 or more with less than $30 of income a month.	To households with income less than ½ the cost of a nutritionally adequate diet (now $767 or ½ of $1,534 June 1969 cost of low-cost food plan—approximately $64 a a month.	To households with little or no incomes or other financial resources under standards prescribed by Secretary (less than $30 a month for family of 4).	If household's disposable income is less than 33⅓ percent of low-cost food plan applicable to household ($40 a month for average family of 4).	None, except that properly supervised employment, service, or public work equivalent in value to cost may be substituted therefor.
20. Total value of coupons	Such amount as will provide household with an opportunity more nearly to obtain a low-cost nutritionally adequate diet with a range of from $58 a month (southern family of 4 with income under $30 a month) to $100 (northern family of 4 with income of $325 a month).	Low-cost food plan or $127-plus a month for a family of 4 to be equivalent to nutritionally adequate diet, with annual revision.	Economy food plan or $100 a month for a family of 4 to be equivalent to nutritionally adequate diet.	Low-cost food plan defined as nutritionally adequate, taking into account regional and rural—nonrural food price differentials—(between $108.80 a month in rural Mississippi and $135 a month in New York City for a family of 4).	No change
21. Federal administrative responsibility.	Food Stamp Division of Consumer and Marketing Service.	No change	Food Stamp Division transferred to new Food and Nutrition Service.	Commodity Credit Corporation with 7-man Board of Directors (Secretary, Under Secretary, and 5 Assistant Secretaries of Agriculture) to oversee with daily operations by Food Stamp Division in new Food and Nutrition Service.	Do.
22. State and local administrative responsibility.	State agency must request program and set plan of priorities among counties which desire to participate. Possible program revocation by Secretary if State agency fails to comply substantially with act, regulations, or State plan of operation and State fails to correct such failure within reasonable time of notification thereof by Secretary.	Authority for Secretary to operate programs directly or to use other local public or private nonprofit organizations to administer State program if State fails after reasonable period to comply with the law or if Secretary determines that there is a need for the unrequested program or if no program is being operated after Jan. 1, 1971, or if Secretary determines that the ratio of participants to the poor is inadequate to effectuate act's purposes.	State agency must provide for operation of food stamp or commodity distribution program in each of its political subdivisions by June 30, 1970 (or 1971 if Secretary is willing because Governor notifies him of need for State legislative action), or else State cannot continue to participate in either program; State must provide for commodity distribution program until areas can be approved by Secretary for food stamps.	Secretary must directly administer program or administer it through private nonprofit agency when State agency has not submitted plan of operation for program in all of its political subdivisions, but only in nondesignated area. Secretary may so administer program if number of persons participating in an area is less than 50 percent of the OEO-classified number of poor persons in the area for 3 consecutive months after July 1, 1970. If Secretary fails to exercise discretion so to administer, he must report annually to the Congress his reasons for failing to do so and the reasons for the low level of program participation.	Do.
23. Payment of administrative costs.	Federal Government finances cost of bonus coupons and their printing and 62.5 percent of travel and salaries of State personnel engaged in certifying nonassistance households.	Secretary shall pay all issuance costs.	Same as in present program plus 62.5 percent of cost of hearing officials and outreach personnel.	Secratary permitted to pay State agencies 50 percent of their administrative costs including all certification and issuance costs, and up to 100 percent of administrative costs to private nonprofit agencies operating the program or a simultaneous commodity program.	Do.

Item	Present act	Senate substitute (S. 2547)	Nixon-May bill (H.R. 12222)	Foley-Green bill (H.R. 13423)	Poage bill (H.R. 12430)
24. Simultaneous commodity distribution and food stamp issuance.	Not unless emergency situation caused by a national or other disaster as determined by Secretary—interpreted to exclude long-term, nonnatural disasters.	Permitted during temporary emergency; in any county during the transition period from commodity distribution to stamps until food stamp participants exceeds average of commodity participants in 3 most recent prestamp months; and at request of State agency if State agrees to pay distribution costs of program.	Secretary may authorize for whatever period he determines necessary upon State agency request to effect orderly program transition (3 months?) with continued limited Federal payment of administrative costs of both programs or upon State agency request if State agrees to finance all of commodity distribution costs.	Permitted during temporary emergencies; at State agency request in program transition period; at State agency request at any time if State agrees to pay distribution program costs (other than food); and at request of private nonprofit agency which wishes to run distribution program.	Do.
25. Program outreach	No provision	As in Foley-Green bill plus requirement that State make every possible effort to insure that all eligible households are certified.	State agency must undertake effective action to inform poor of program's availability and benefits and insure their participation including use of services of other federally funded organizations.	Potentially eligible households must be informed of program's existence and given aid in making application.	Do.
26. Education	No provision other than administrators should take steps, including the coordination of other bodies' informational and educational efforts, to insure that participants obtain needed staple foods, particularly those in abundant or surplus supply.	Participants to be afforded nutrition counseling and home economics services through voluntary cooperation of Federal, State, local, or private agencies.	No change	As in Senate substitute	No change.

DRAFTING OF 19 YEAR OLDS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. TEAGUE of Texas. Mr. Speaker, with the consideration of H.R. 14001, the Selective Service Amendment Act of 1969, coming before the membership tomorrow, I feel it is imperative we place in the RECORD and consider the statistics of U.S. casualties in South Vietnam by age and military service as of July 1969. Time and again, I have asked myself, Is 19 years of age the most optimal at which to draft and send our men into combat? Should 18,116 of our country's best 18-, 19-, and 20-year-old men have been sent into combat, most of whom never having had the opportunity to vote for the men who sent them off to war. I hope my colleagues will give much consideration to the issue of whether we should draft 19-year-olds first.

The tabulation follows:

U.S. CASUALTIES IN SOUTHEAST ASIA BY AGE AND MILITARY SERVICE

Attained age	Military service					
	USA	USN	USCG	USMC	USAF	Total
Hostile deaths through July 1969:						
17	7	0	0	2	0	9
18	859	8	0	1,432	0	2,299
19	2,823	93	0	3,096	7	6,019
20	6,345	238	0	3,197	18	9,798
21	4,323	215	0	1,625	24	6,187
22	2,164	137	0	765	28	3,094
23	1,696	92	0	472	24	2,284
24	1,236	72	0	310	37	1,715
25	961	65	0	203	46	1,275
26	660	46	0	128	30	864
27	367	23	0	83	41	514
28	276	24	0	70	47	417
29	270	14	0	63	43	390
30	208	22	0	42	38	310
31	229	18	0	50	34	331
32	183	21	0	59	33	296
33	165	11	0	43	39	258
34	179	5	1	35	35	255
35	158	20	0	28	32	238
36	160	14	0	34	26	234
37	138	8	1	39	32	218
38	111	10	0	11	21	153
39	76	11	0	14	17	118
40	61	10	0	7	10	88
41	38	3	0	7	12	60
42	25	4	0	8	4	41
43	25	1	0	5	3	34
44	18	1	0	1	5	25
45	9	1	0	2	4	16
46	3	0	0	1	4	8
47	8	1	0	3	5	17
48	7	0	0	3	2	12
49	2	0	0	0	0	2
50	3	0	0	1	1	5
51 and over	4	1	0	1	2	8
Unknown	0	0	0	0	0	0
Total, all ages	23,857	1,189	2	11,840	704	37,592

Attained age	Military service					
	USA	USN	USCG	USMC	USAF	Total
Nonhostile deaths through July 1969:						
17	0	1	0	0	0	1
18	153	12	0	141	0	306
19	417	55	0	292	7	771
20	785	79	0	365	21	1,250
21	683	87	0	194	32	996
22	370	54	0	71	15	510
23	269	42	0	49	14	374
24	198	33	0	45	16	292
25	150	36	1	32	16	235
26	98	25	0	26	17	166
27	74	18	1	12	10	115
28	66	15	0	13	15	109
29	58	14	0	8	14	94
30	66	14	0	10	18	108
31	48	12	0	6	8	74
32	58	14	0	5	21	98
33	48	12	0	7	16	83
34	51	11	0	5	21	88
35	47	10	0	8	20	85
36	51	4	0	4	15	74
37	54	14	0	9	18	95
38	33	14	0	4	15	66
39	46	7	0	6	7	66
40	22	9	0	3	7	41
41	19	1	0	3	6	29
42	21	7	0	3	4	35
43	13	3	0	3	10	29
44	19	0	0	1	4	24
45	10	0	0	3	5	18
46	16	2	0	1	3	22
47	3	2	0	1	5	11
48	9	0	0	1	4	14
49	10	2	0	2	2	16
50	7	0	0	0	2	9
51 and over	13	2	0	2	5	22
Unknown	0	0	0	0	0	0
Total, all ages	3,985	611	2	1,335	393	6,326

THE $20,000 FARM PAYMENTS LIMITATION

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. FINDLEY. Mr. Speaker, the Agriculture appropriations bill for 1970 is now being considered by a Senate-House conference. One of the most important decisions to be made by the conferees is whether to retain the $20,000 limitation on payments to individual farmers which the House included in the bill. Because of the misinformation which exists on this question, I am including the text of my letter of today to Secretary of Agriculture Clifford M. Hardin. As my letter indicates, it would be beneficial to both the American farmer and the taxpayer to retain the payments limitation in the final bill.

Text of letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
October 29, 1969.

Hon. CLIFFORD M. HARDIN,
Secretary of Agriculture.

DEAR MR. SECRETARY: In the interest of better income for cotton farmers as well as the broader interests of all taxpayers I urge that you take the unusual but thoroughly justified step of rescinding your decisions of October 15 and October 17 calling for an increase of one million acres planted to cotton for the 1970 crop.

In this letter and the tabulation attached I will set forth the reasons for this recommendation. In summary, it would appear indefensible for the Department of Agriculture to call for increased cotton production in 1970 just a few weeks after you had warned the Congress of a costly buildup of unneeded cotton inventory if the $20,000 payment limitation feature is retained in the appropriation bill for agriculture, now in conference.

A further reason to drop plans for increased acreage arises from the administrative cost of going through the adjustment and notification procedure. This procedure, which has not been gone through for years because the allotment has remained unchanged, will add needless expense to the operation of the ASCS offices. Because the procedure is necessarily involved and requires time to carry out, I feel confident that the cancellation of plans for the larger allotment can still be accomplished.

I therefore urge that the Department of Agriculture maintain the 1970 acreage allotment for cotton at the present level of 16.2 million acres, as was originally set, rather than lifting it to 17.15 million acres. This would permit the Senate and House conferees on the 1970 Agriculture Appropriations bill to retain the $20,000 payments limitation amendment voted by the House and at the same time, according to the Department's own figures, save taxpayers $63 million over projected expenditures for 1970 and increase income to cotton farmers by $172 million compared with 1969.

The only reason to increase the acreage allotment for cotton is "to assure the maintenance of adequate stocks in the United States to provide a continuous and stable supply of the different qualities of cotton needed in the U.S. and in foreign cotton-consuming countries." (USDA Bulletin 3215-69.) When you testified before the Subcommittee of the Senate Appropriations Committee on June 4, 1969, you asserted that the "snapback provision" of the cotton program which would be activated by the payments limitation would result in additional cotton production which would have to be purchased by the government to the extent that it would cost the taxpayer an additional $160 million over the cost of the projected program.

However, events since then have proved that the assumptions upon which your staff based this calculation were grossly inaccurate. The chief miscalculation was the prediction that under snapback the 1970 cotton crop would yield 550 pounds per acre. This yield was based upon the then projected 1969 cotton crop yield of 520 pounds per acre. In fact, the actual yield for this year is now estimated at only 450 pounds per acre—a downward adjustment of 70 pounds per acre or 777 million pounds for the 1969 cotton crop. In fact, this adjustment was given as the reason for the call for increased production of cotton next year.

This substantial change in forecasting cotton production prompted me to request the Department to revise its forecast for next year's cotton crop, upon which you based your conclusion that snapback would cost an additional $160 million.

I have just received the revised figures from the Department. After reviewing them, one must conclude that, rather than increasing the acreage allotment to assure an adequate supply of cotton, the Department should maintain it at the original 1970 level and accept the snapback provision and the $20,000 payments limitation.

If this were done, according to the Department's own figures, under snapback cotton production would only slightly exceed the revised 1970 level of production forecast if 17.15 million acres are planted. This would assure the maintenance of adequate stocks of cotton, while at the same time, again according to the Department's own figures, save the American taxpayer approximately $63 million over what the Department now proposes to spend for the cotton program next year. This savings would result because the total expenditure for inventory buildup, storage, payments, and loans under snapback would amount to only $987 million, while the Department now anticipates a cost of $1,050 million with an acreage allotment of over 17 million acres.

In addition, it should be pointed out, that the largest item making up this expenditure—$590 million for CCC cotton inventory—cannot truly be considered a "cost", as you have maintained. Based on long experience, this inventory would be resold at an average price of $120 per bale, thereby even further reducing the cost of the cotton program under snapback.

What is significant, however, is that if the Department of Agriculture maintains the acreage allotment at the originally announced 1970 level of 16.2 million acres, according to the Departments own figures it will actually cost less under a $20,000 payments limitation—not more—than the cotton program the Department is presently planning.

Sincerely yours,

PAUL FINDLEY,
Representative in Congress.

TABLE 5.—UPLAND COTTON: ESTIMATES OF BASIC DATA FOR 1968 THROUGH 1970 CROPS (BASED ON PRESENT PROGRAM) AND 1970 UNDER THE SNAPBACK PROVISION

Item	1968 crop (1)	1979 crop (2)	Revised 1969 crop [1] (3)	1970 crop, present program (4)	Revised 1970 crop, present program [1] (5)	1970 crop, snapback (6)	Revised 1970 crop snapback [1] (7)
Acreage (thousands):							
Allotted	16.2	16.2	16.2	16.2	17.15	16.2	17.15
CAP, CR, adjustment, etc	1.0	.9	.9	.9	1.0	.9	1.0
Diverted for payment	3.2					2.4	2.5
Planted	10.9	11.9	11.9	11.9	12.5	12.7	13.4
Harvested	10.1	11.1	11.1	11.2	11.6	12.1	12.7
Field: Pound per acre harvested	515	520	450	530	500	550	520
Supply and utilization (1,000 bales):							
Production (including imports and city crop)	10.9	12.1	10.5	12.5	12.2	14.0	13.8
Beginning stocks (including preseason ginnings)	6.3	6.6	6.4	7.2	6.1	7.2	6.1
Domestic disappearance	8.1	8.3	8.1	8.4	8.3	8.4	8.3
Exports	2.5	3.2	2.7	3.5	3.5	3.5	3.5
Ending stocks	6.6	7.2	6.1	7.8	6.5	9.3	8.1
CCC stocks, July 31	3.0	3.6	3.1	4.2	3.5	6.3	5.1
Support price per pound (middling 1 in.) (cents)	20.25	20.25	20.25	20.25	20.25	32.0	32.0
Support price per pound (average of crop) (cents)	19.69	19.71	19.71	19.71	19.90	31.25	31.25
Price support payment rate (cents)	12.24	14.73	14.73	17.31	17.19		
Diversion payment rate (cents)	(2)					[3] 10	[3] 10
Producer payments	784	826	826	966	922	156	156
Farm value of production (million dollars)	1,192	1,290	1,139	1,302	1,240	2,172	2,141
Total (million dollars)	1,976	2,116	1,965	2,268	2,162	2,328	2,297
Major receipts or expenditures (million dollars)							
Net change in stocks at loan rate	−230	−60	−30	−60	−40	−432	−313
Storage, handling, and loan settlement	−3	−18	−18	−20	−18	−30	−27
Producer payments	[4] −742	−826	−826	−966	−922	−156	−156
Snapback loss on sales or loan repayments						−595	−590
Subtotal, price support expenditures	−975	−904	−874	−1,046	−980	−1,213	−1,086
Public Law 480	−82	−70	−70	−70	−70	−70	−70
Estimated major expenditures	−1,057	−974	−944	−1,116	−1,050	−1,283	−1,156
Change in CCC stocks (million bales from June 30 of prior year)	+2.2	+.6	+.3	+.6	.4	+2.7	2.0

[1] Revised by USDA, October 24, to reflect 17,150,000-acre allotment, reduced yield, and current outlook.

[2] 10.76 plus 6 cents.

[3] Volume.

[4] Fiscal year.

THE 1970 UPLAND COTTON QUOTA AND ALLOTMENT INCREASED AND ADDITIONAL DETAILS OF THE 1970 UPLAND COTTON PROGRAM ANNOUNCED

The U.S. Department of Agriculture today announced a revised national marketing quota of 16,008,333 bales (standard bales of 500 pounds, gross weight) and a revised national acreage allotment of 17 million acres for the 1970 crop of upland cotton. This represents an increase of 941,666 bales in the quota and an increase of one million acres in the allotment from that announced on October 1, 1969 (USDA 3046-69).

The increase is brought about by the declining 1969 crop prospects caused primarily by abnormal weather conditions throughout much of the Cotton Belt. The September 8

Crop Report, on which the original determinations were made, indicated a 1969 crop of 10,984,000 bales. The current report indicates production of 10,428,000 bales. The increase in the quota and allotment is necessary in order to assure the maintenance of adequate stocks in the United States to provide a continuous and stable supply of the different qualities of cotton needed in the U.S. and in foreign cotton-consuming countries.

Revised State allotments for the 1970 crop will be announced within a few days.

Also announced today were the following additional provisions of the 1970-crop program for upland cotton.

DOMESTIC ACREAGE ALLOTMENT

For the 1970 crop, the farm domestic acreage allotment has been set at 65 percent of the farm acreage allotment, the minimum authorized by law. Farmers who sign up to participate in the program and who plant at least 90 percent of their farm's domestic acreage allotment, but not in excess of the permitted acreage for the farm, will be eligible for price-support loans and, for price-support payments on the farm domestic allotment.

SKIP-ROW RULES

The skip-row rules which were in effect for the 1969 crop will be applicable to the 1970 crop. In general, under these rules, only the land actually planted to cotton is counted as cotton land in determining compliance with the program provisions.

LEASE AND SALE OF ALLOTMENTS

The final date for filing applications for the transfer of cotton allotments is December 31, 1969. Producers in 381 cotton-producing counties in the U.S. have approved for 1970 the transfer of allotments to farms outside the county. Allotments, however, cannot be transferred from one State to another.

PROJECTED YIELDS

A projected national yield of 500 pounds per acre has been established for the 1970 crop, a reduction of 45 pounds per acre from that set for the last three crop years.

The reduction announced today reflects the failure of cotton yields to realize the levels expected on the basis of trends a few years ago. The projected yield for 1967-68-69 crops was established at 545 pounds because of previous upward trend. During the past four years, yields have been leveling off and have trended down since 1965. The 1970 national projected yield is based on 1964-68 harvested yields (497 pounds average per acre), adjusted for abnormal weather, for trends, and for changes in production practices.

Projected State yields will be announced within a few days.

USDA ANNOUNCES STATE PROJECTED YIELDS, REVISED ALLOTMENTS FOR 1970 UPLAND COTTON

The U.S. Department of Agriculture today announced revised State acreage allotments for the 1970 crop of upland cotton. Also announced were State projected yields.

The new State acreage allotments result from the USDA announcement Oct. 15 (Press Release USDA 3215-69) that the national acreage allotment for 1970 upland cotton had been increased from the 16 million acres set earlier to the new allotment of 17 million acres. The increase was brought about by declining 1969-crop prospects.

Figures on the State projected yields, released today, average out to the 500 pound-per-acre national yield announced on Oct. 15. The State yields are apportioned among cotton-growing counties and are used in calculating price-support payments under the cotton program.

The national projected yield is down 45 pounds per acre from last year and reflects the failure of cotton yields to realize levels expected on the basis of trends a few years ago.

Other details of the 1970 upland cotton program—such as price-support loan and payment levels—will be announced later.

Following are State acreage allotments and projected yields:

State	1970 State's share of national allotment (acres)	1970 State's share of national reserve (acres)	1970 total allotment available for States (acres)	1969 total allotment available for States (acres)
Alabama	1, 002, 040	21, 260	1, 023, 300	971, 351
Arizona	352, 807	417	353, 224	332, 659
Arkansas	1, 411, 605	3, 759	1, 415, 364	1, 331, 705
California	785, 097	1, 525	786, 622	741, 085
Florida	33, 116	2, 405	35, 521	34, 543
Georgia	860, 703	16, 666	877, 369	833, 157
Illinois	2, 946	16	2, 962	2, 990
Kansas	13	2	15	15
Kentucky	7, 266	186	7, 452	7, 104
Louisiana	592, 079	6, 866	598, 945	566, 333
Mississippi	1, 626, 299	15, 918	1, 642, 217	1, 549, 884
Missouri	379, 796	1, 328	381, 124	358, 735
Nevada	2, 690	1, 000	3, 690	3, 533
New Mexico	183, 042	428	183, 470	172, 682
North Carolina	462, 493	17, 149	479, 642	458, 253
Oklahoma	790, 253	7, 754	798, 007	754, 266
South Carolina	705, 975	13, 491	719, 466	682, 669
Tennessee	564, 828	11, 664	576, 492	546, 807
Texas	7, 220, 502	26, 986	7, 247, 488	6, 835, 134
Virginia	16, 450	1, 180	17, 630	17, 095
U.S. total	17, 000, 000	150, 000	17, 150, 000	16, 200, 000

1970 PROJECTED YIELDS

State	Amount
Alabama	465
Arizona	1, 104
Arkansas	517
California	1, 045
Florida	340
Georgia	447
Illinois	434
Kansas	216
Kentucky	577
Louisiana	614
Mississippi	689
Missouri	529
Nevada	835
New Mexico	691
North Carolina	354
Oklahoma	285
South Carolina	467
Tennessee	552
Texas	395
Virginia	320

THE MIRACLE METS

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. RYAN. Mr. Speaker, on October 16, the New York Mets defied the sportswriters, the oddsmakers, and the Baltimore Orioles to become baseball's world champions.

Their victory sent the city of New York into a state of euphoria. All New Yorkers share the feelings of immense pride and joy in the Mets' victory and in the realization of their impossible dream.

I salute and congratulate the amazing Mets on their tremendous victory.

I am inserting in the RECORD the following editorial which was broadcast over WINS radio in New York on October 17 and October 18:

THE MIRACLE METS

(By Peter E. Schruth)

Rarely has New York City seen the kind of wild eyed enthusiasm and joy that swept through this normally reserved town the moment the Mets clinched the World Series. Strangers greeted each other and danced in the streets. Tons of ticker tape and any other form of paper that was dispensable and near at hand came pouring out of office windows. It was like Christmas, New Year's and the Fourth of July all rolled up into one.

What caused this tremendous outpouring? We suspect that millions of New Yorkers have been waiting for this moment ever since the Dodgers and Giants followed the gold rush trail to California. It was eminently right that when the Mets reached the pinnacle of glory that had so long seemed beyond their grasp, they should be led by former Dodger Gil Hodges.

The rags-to-riches story of the Mets is the American dream translated into real life. To those who hope for a better life, a better world, a better day tomorrow, the Mets are proof positive that such things are possible. If there is one thing everyone can learn from the Mets and their legions of loyal fans, it is that faith and perseverance still pay off.

WINS joins millions of Mets fans in saluting our local baseball heroes who are now Baseball Champions of the World. They've given New Yorkers something that we can all get together and cheer about—a gift for which all of us are deeply grateful.

THE MORATORIUM—ITS QUESTIONABLE RESULTS

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. BURKE of Florida. Mr. Speaker, the critics of the Vietnam war have removed their gloves and have come out swinging.

As questions pro and con build, we must pause and reflect rather than jump to conclusions as to the honest result of the recent moratorium. It is true that many of those who supported the movement are Americans who sincerely believe that the United States should withdraw its forces from a war which they feel it cannot or is not trying to win.

I am sure, however, that all people in this country, whether they supported the moratorium or not, favor peace and do not advocate war; but by the same token, we must remember that Rennie Davis, one of the eight revolutionaries on trial in Chicago for inciting riots during the Democratic Convention last year, told a rally in Grant Park at that time that North Vietnam has a "secret weapon," which secret weapon is a "revolutionary people." He said that there would be no peace, therefore, in this country until every soldier is brought out of Vietnam and that our system, which he called "the imperialist system," must be destroyed.

He and the other anarchists in this country, who unfortunately are being supported by many well-meaning Americans, argue that a Communist takeover in South Vietnam, either through the imposition of a transition coalition regime or by a military victory, would at least be a Vietnamese settlement and that this type of settlement would preclude our interfering further in Vietnam.

It is strange that these people, who view our part in the war as utterly immoral, forget the mass graves of the civilians in Hue, the ancient capital after its temporary occupation by the Communists, or the blood bath that will follow a complete American pullout.

Certainly, no matter how many marched in the moratorium, they cannot honestly fault President Nixon with regard to his efforts to end the war in Vietnam. He has taken significant steps to end our American involvement. He has reduced the number of American troops there and has promised to reduce them still further.

As a nation, we have always been a peace-loving and freedom-loving country and have never been satisfied with one unless we had the other—not only for ourselves but for the other peoples of the world, who share our love for peace and freedom.

Less than a year ago, the American people went to the polls, as our system of government provides, and in an orderly process, elected a new President. The American people spoke and changes in our position in Vietnam are being made. And, while perhaps there has not been as much progress as many, myself included, would have liked, in my opinion, there has been progress made and more will be made.

The real question, however, is how or in what manner shall we close our involvement in Vietnam?

Those who supported the moratorium in the House of Representatives, one after another, debated their position long into the night the evening before the moratorium. I, as one listener, came to the conclusion that although they spoke in opposition to the war, yet they really had no better answer to solve the problem than the course which the administration is trying to follow; namely, for gradual, meaningful withdrawal of our troops and orderly disengagement from the conflict, without complete surrender.

When the speeches which were made and the results of the moratorium itself have been analyzed, I can but come to the conclusion that the debate has come, after full cycle, back to the only conclusion—that is, the constitutional responsibility for bringing the conflict to an end rests with the President of the United States.

The President has stated that a negotiated settlement must include withdrawal of North Vietnamese forces from Cambodia and Laos. A unilateral withdrawal by the United States would leave Communist forces undisturbed, and the North Vietnamese have at least 50,000 troops in Laos, even though they pledged to respect neutrality and territorial integrity, under the 1960 Geneva accord.

No matter what our feeling is about the war, let us not forget that the real truth is that without American assistance, Laos would fall to the Communists.

There are those opponents of the war who argue that the United States has no vital interest in Southeast Asia. Although I do not agree with this contention, we should remember that even if it were true, we have committed ourselves to an obligation and we must ask ourselves what will happen to the credibility of our military prowess and our will to defend if we allow ourselves to withdraw unilaterally from Southeast Asia.

We would be considered a weak sister and such a mistaken view could be an open invitation to more serious agitation all over the world, and which could result in world war III.

If we honestly analyze this question, then we must admit that all hope of stability and peace would vanish from the earth. Certainly, an American defeat in Vietnam would also give the revolutionaries in this country a tremendous purpose to redouble their efforts to destroy our American system of government.

The point that I am driving at is that we cannot be successful in having a secured peace unless we indicate our strength of purpose to preserve freedom in the world, if we are to preserve our own. Impatience can be the word that may well lead us to destruction, for certainly it must be apparent that the Communist influence in the past was halted only when we have proudly, as a nation, said to them "We have had enough."

Surely, we must recognize that the preservation of freedom will not come by our capitulation to communism, nor will peace come unless the Communists themselves are sincerely interested in a movement for world peace.

The answer then as to what the results of the moratorium are still remains unanswered. Certainly, it did not constitute an ultimatum that we surrender. To me, if it was an ultimatum at all, it was one for our political leaders to work for peace—but still for a peace with honor and without surrender. We must guarantee to the American people that our Nation will remain strong, free, and with the hope, for ourselves and our children and their children, that peace will ultimately be a reality throughout the world.

I cannot, however, take the same position that some do in our country—that we are the bad guys, nor can I put blinkers on my eyes and presume that our Nation does not have enemies without as well as within.

I feel strongly that the road to peace is a bumpy one and that it can be achieved, but only if those nations which have instigated trouble throughout the world, namely, the Communist nations, accept a dual responsibility with us as peacemakers.

Those that took part in the moratorium have a right to oppose war. I want peace in the United States. We all want peace, but that has always been our Nation's goal.

So, why not ask the Communists what their goal is. Yes, you know that their goal is world communism, but we should remember that only the United States and its allies stand in the way.

SWEDEN CUTS AUTO REPAIR COSTS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. MIKVA. Mr. Speaker, the spiraling costs of automobile repairs coupled with the shortage of qualified mechanics have become an ever increasing problem in the United States. But we do not fret by ourselves. Among other countries, Sweden has studied this matter thoroughly.

The Swedes have the highest number of automobiles per person in Europe. Thus, they have had a real stake in reducing repair costs. As a matter of fact, they have done just that. In testimony before the Senate Subcommittee on Antitrust and Monopoly, Mr. Dag Wedmalm, second vice president of the Folksam Insurance Group, stated that Sweden has reduced auto repair costs by as much as 15 percent.

What made this possible? Apparently one reason was that insurance company schedules prompted auto manufacturers to produce cars that could be insured at lower rates. The schedules themselves were not devised in a vacuum either. The Folksam Group itself operates a repair shop and thus learns firsthand how simplified design can lead to fewer, simpler repairs and greater traffic safety. It also finds out what rates are appropriate for given cars.

Though Sweden has a somewhat different economic structure from the United States, perhaps our auto manufacturers, insurance companies, repair companies, and consumers alike could profit from a study of Mr. Wedmalm's testimony.

The text of his remarks follow:

STATEMENT OF DAG WEDMALM

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE: My name is Dag Wedmalm. I am the second vice president in charge of automobile insurance of The Folksam Group in Sweden.

Folksam is a cooperative insurance company which operates entirely without private profit objectives. The democratic administration of Folksam is a guarantee of the company's efforts to serve the policy holders. In automobile insurance we have grown rapidly to become the leading firm in Sweden in this branch. Close to 30 per cent of motor vehicles in Sweden are insured by Folksam.

We consider that this development is largely a result of our active premium policy and our efforts in the interests of motorists. Incidentally, every second Swede has an insurance of some kind with Folksam.

Sweden has had a very rapid development of motoring during the 1950s. In 1950 there was 1 car to every 20 persons, in 1960 1 to every 5.5 and, we estimate, in 1970 there will be 1 car to every 3 inhabitants. At present Sweden has the highest percentage of automobiles in Europe.

This rapid evolution created problems, in that highways and streets for example, were not improved at a corresponding rate. These problems were felt by the Swedish insurance companies—not only through the rapidly increasing numbers of claims but also because costs for automobile repairs rose more steeply than the cost of other goods and services. As a measure of this, I can note that between 1955 and 1964 the index for car repairs rose from 100 to 232, while the general consumer price index rose only to 136. These figures must be considered clear evidence that the automobile trade was out of step with the general pattern of development.

The unfavorable pattern of auto repair prices was the main reason why Folksam started its own repair business, in 1964. Another reason was the desire to gain insight into traffic safety as affected by repairs and design aspects.

In our desire to study the way in which other countries tackle automobile repairing it was natural that we should look to the U.S.—the home of motoring. A study group—of which I was a member—visited the U.S. in 1964 and studied the methods which American insurance companies and auto repair shops applied to the problems which we were facing. This trip inspired many important cost cutting initiatives in the field of damage repairs.

Our experience of shop work and what we saw in the U.S. soon told us that efficiency was not sufficiently high in the Swedish automobile repair trade. The question was, how should we attack the problem in order to achieve greater efficiency and thereby reduce costs. After an examination of statistics, especially the frequency of various types of repair, we gave priority to those cost cutting measures which would give a speedy result.

Discussion with Folksam brought forward the viewpoint that Folksam, despite its size as an automobile insurance company, could not alone influence the trade to a desirable degree. When Folksam put out the first feelers towards cooperation in 1965 this resulted in the formation of the Insurance Companies' Automobile Damage Repair Committee. The fact that insurance companies cooperated in matters of common interest, in this case the high cost of damage repairs, was not considered to affect their ability or will to compete in the premium sector. Events have proved the correctness of this assumption.

The work of The Automobile Damage Repair Committee towards cost cutting measures in the automobile repair field led to the thought that motorists ought to pay premiums based on different grounds to those adopted earlier. This train of thought suggested a tariff which took into account cost of repairs to a given make of car and also other significant factors, such as the frequency of claims. Such a system would give fairer premiums and also give the automobile manufacturer an interest in cost reduction measures, since a lower premium class should make a car easier to sell.

It was against this background that the insurance companies formed an Automobile Classification Committee in 1965, with the job of preparing a classification system that all companies would adopt. In Sweden we have basically three types of coverage: *third party liability insurance* which is compulsory, *comprehensive* which includes collision, fire, glass breakage and theft and *partial coverage* including only fire, glass breakage and theft.

In 1965 there were statistics giving average claims and claim frequency, related to the compulsory third party insurance, but these were not differentiated in a way that permitted the distinctions of different makes and models.

The first job, therefore, was to design a pattern for the classification of standard cars which took account of the factors that affect claim frequency. For the basic classification, engine power and the weight of the car were selected. The product of these two figures determined the placing of the car in one of nine premium classes. The jump in premium between each class was 15% of the basic premium.

Sports cars and tuned standard cars were given a penalty of 1 to 4 classes in view of their character and the increased risks. Each model of car was allocated a special code to facilitate the checking and statistical follow-up of the basic classification.

As regards collision insurance the basic classification was made mainly according to cost of repairs. Underlying this was knowledge of those parts on a car which are most susceptible to frequent damage. Information on this aspect was obtained from claim assessments by the insurance company assessors. After data processing, this material indicated which components on the car were responsible for the major portion of damage repair costs due to their frequency of damage and/or high repair costs. These components were selected for the calculation of the relative cost of repairs to each car model. The pattern, or "standard claim" that was thus built up was used to allocate each car to its appropriate collision insurance claim class. It was decided that there should be 26 such classes. The jump in premium between each class was to be 10% of the basic premium.

A standard model—the Volkswagen 1300—was chosen and this was given class code 10. The standard claim cost for each of the other models was then compared with that for the Volkswagen and class allocation was then made according to the predetermined increments in premium. This meant that, if a car carried a standard claim cost that was 10% above that for the Volkswagen then it would be placed in class 11, if the cost increase was 20% it would go in class 12, and so on. In the basic classification we also took account of the likelihood of a car being more frequently involved in claims than the average car. This might then result in it being placed in a higher class.

Partial coverage—that is fire, glass breakage and theft—was classified in the same way as collision. According to our experience, there exists close correlation between the relative costs of these types of coverages.

A computer program was designed, for common statistical processing, to provide a check on the correctness of the basic classification.

Given the very extensive and highly reliable statistcal data, it is possible to alter the classification for such cars which may have been incorrectly placed. Furthermore it gives us an opportunity to modify the pattern for basic classification. This is a very important part of the work, since a dependable basic classification which requires correction only in exceptional cases is essential if the policyholders are to have full confidence in the system. At present, the classification is undergoing review on the basis of 1968 figures.

When the classification system and the classification of all models had been completed, the automobile manufacturers and their main distributors were informed as to the construction of the system and the factors which influence classification. Those companies which found that their models had lost in consumer attraction compared with other models regarding insurance costs at once showed interest in the ways whereby they could reduce the classification of their products. The ensuing negotiations with the Automobile Classification Committee gave good results. As an example, General Motors cut their parts prices by 25%, Renault by 28%, Mercedes by 10–25% and Peugeot by 10%.

In order to further reduce repair costs a number of auto companies made efforts to increase the efficiency of the repair work. Manufacturers have also carried out design modifications in order to secure a lower premium class. On the Opel Kadett, for example, the front fender has been altered from welded to bolted design.

The effects of these measures on the premiums could be directly estimated as the Automobile Classification Committee knew the distribution of the cost of repairs and the frequency of damages on various parts of the car.

The system of classification of cars has meant that all the Swedish insurance companies now have a common system, whereby the relation between premiums for different cars is the same for all insurance companies. Cooperation in this sector has not prevented or restricted the ability or will to compete on premiums. Within the framework of the system, there is wide scope for competition between the insurance companies. For the companies, the system has offered a chance to effectively influence those costs which are most significant in premium fixing, i.e. damage repair costs, the tendency of a given car to result in personal injury claims, and the claims frequency for a given car. The costcutting efforts are, of course, of benefit to the consumer in that he pays lower insurance premiums.

At the Folksam repair shop we have consistently tried to reduce the cost of repairs. Efficient work methods, the right tools, careful planning of workplaces and materials handling—these are all important factors in the efficient operation of a repair business. We have carried out extensive experiments and trials, to some extent in cooperation with leading makers of tools. For a summary of the results, I would refer to the written reports of your hearings in December 1968.

We have found that running a repair business of our own has been beneficial in ways which include the following:

1. We have gained insight into the trade, which is particularly valuable in our central negotiations on pricing and in other ways.

2. We have the knowledge regarding which efficiency measures are necessary and feasible. By pointing to our own achievements we are able to influence the repair trade.

3. We are able to study repair techniques and methods from the traffic safety aspect. By passing on our observations to the trade we can prevent claims resulting from incorrectly performed repair work.

4. We can keep a check on the standard of repairs by regular dealers, by carrying out random inspections.

The proposals for efficiency measures and cost reductions that have emanated from the Folksam shop have been very well received by the trade. It may be appropriate to note that we have enjoyed particularly good cooperation with the Opel Division of General Motors.

In the field of traffic safety the Folksam repair shop has from April 1 this year commenced investigations of the internal safety of cars. As an insurance company, and through our workshop, we have access both to the damaged car and to details of any personal injuries that may have occurred. To secure correct medical assessments, we have started cooperation with appropriate experts.

I would here express the hope that we can establish cooperation with experts in your country in the traffic safety sector. The exchange of experiences in this field would perhaps reduce the unfortunate consequences of driving.

In Sweden, certain makes of cars are covered by a 5-year collision warranty that includes the repair of damage to the car. As a rule, these warranties are re-insured with the Swedish insurance companies, who also undertake claim adjustment. Thus the insurance companies are able to guard the interests of the consumer as regards both premiums and quality.

The common classification system, the efforts of Folksan. and the work of the Automobile Damage Repair Committee towards greater efficiency and lower costs have resulted in the annual reduction of damage repair costs by about SKr 70 million (about 14 million dollars) for the Swedish insurance companies. This corresponds to some 15% of the annual claims costs for car repairs.

Cooperation on these matters is of the greatest significance. The Automobile Damage Repair Committee currently cooperates with similar committees in all the other Scandinavian countries and in several other European countries. These committees were formed after contacts with the Swedish committee. The problems in this field are international, and a common voice is more likely to win the ear of the auto manufacturers—e.g. in respect to design modifications which would lead to simplified repair methods and greater traffic safety.

FAMILY PLANNING SERVICES

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. BUSH. Mr. Speaker, the OEO family planning projects have been some of their most successful and I am pleased that this administration is giving them additional financial muscle by increasing their funds 50 percent—from $15 million to $22 million. There is no question that these services are badly needed.

This increased effort by Director Rumsfeld is part of this administration's goal to reach in the next 5 years the 5 million women in need of these services. The Republican Task Force on Earth Resources and Population, of which I am chairman, has been studying this problem of administering family planning services to these 5 million women who want but cannot afford them or do not even know how or where to get them. The task force commends Director Rumsfeld for his recognition of this sorry situation and his rapid action to overcome the problem.

One needs only to look quickly at the report prepared by the Planned Parenthood-World Population Research Department to see how ineffective Federal, State, and local governments have been in providing such necessary services. There is certainly nothing new about the fact that unwanted pregnancies of our poor and near-poor women keep the incidence of infant mortality and mental retardation in America at one of the highest levels of all the developed countries.

President Nixon in his population message to the Congress in July stressed the need for action in this area. It seems to me that this fast response on the part of OEO and the fast action taken by Secretary Finch in establishing a new unit on family planning within the Health Services and Mental Health Administration is indicative of an intrinsic interest in our poor and near-poor citizens, and not just mere rhetoric.

NIAGARA FRONTIER GROWERS CO-OPERATIVE MARKET SERVES THE BUFFALO AREA WELL

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. DULSKI. Mr. Speaker, the farmers markets of a few years ago are passing from the scene in our cities and towns. They provide produce right from the fields—no cellophane wrapping.

For many years, we in Buffalo, N.Y., had the Broadway Market. Now that is gone.

We are fortunate, however, in still having the Niagara Growers Co-Operative Market, located at Bailey Avenue and Clinton Street.

Here, the farmers from the surrounding area bring their wares in the early morning and make them available for sale to our people. Some 550 farmers participate in this market.

When they arrive in the wee hours—lights starts going on about 3 o'clock in the morning—the farmers have a choice: They can sell their produce directly to the home consumers, or they can sell to a middleman who in turn resells to the consumers.

The Niagara Growers is headed by Henry Marquart of Orchard Park, N.Y. The Buffalo Produce Exchange is the credit, billing and standard-setting agency for the Niagara Frontier Food Terminal of which Edward A. Waters is executive secretary.

Mr. Speaker, the Buffalo Evening News has captured the drama and the human relations of the Niagara Growers market in Buffalo in an excellent story in its October 18 edition, as follows:

FRUITS OF THE HARVEST POUR FROM FARMLAND TO MARKET

A day at the Niagara Frontier Growers Co-Operative Market starts when the stars are out.

On the fertile farms of Western New York, farmers like Floyd Salisbury of Wilson, load trucks with the fruits and vegetables of their acres and head toward Buffalo.

The sky—is still caped in black when Mr. Salisbury arrives at his stall.

All winter long, he and his wife, Hazel, have pruned the trees in their orchards.

"It's like a perfume factory when they blossom," he'll tell you, smiling at the heady May memory.

Now, at the market, as he arranges baskets of golden pears and ruddy apples with a large tender hand, is the climax:

The triumph over poor weather, insects, blight and perhaps, most threatening of all, the temptation of the small farmer to abandon the land for city work.

But the day's battle for Floyd—"These fellows are rugged individualists," says Carlton S. Raines, market manager—is not won yet.

Upon his arrival at the 10-acre market place, Farmer Salisbury has two choices: to sell his produce himself, or to dispose of it through a middleman, who in turn, will resell it at a marked-up price.

Hucksters or "street curb brokers," as farmers who both raise and sell their crops call the middleman, with a faint curl of the lip, today compose about half of the stall operators on "Farmer's Walk": The teeming fruit, vegetable, flower, honey and cider-lined thoroughfare where about 550 farmers sell the harvest of their hearts and hands.

But the middleman does give the farmer some advantage; he enables him to dispose of his produce and return to the farm by sunup. In a day when farm labor is scarce, this helps.

Floyd Salisbury, however, a plaid beret on his head, and his face like an old portrait, stands his ground, as his father, Harry, and his grandfather, Guy, did before him. Only Guy ploughed his fields with oxen.

Around him, as the sky lightens in the east, the fruit of plant and vine shine and glow in exultant color. The "20-ounce" apples, the saffron squash, the lacey broccoli, the glossy peppers and the crimson tomatoes.

The mist of basil, the transparency of onions and the majestic purple grapes.

Against the backdrop, the drama of America's free enterprise system unfolds for Western New York farmers who each year bring about 30,000 loads of produce to the market.

Barter is the essence of the market, which does a $3 million annual basis. Each man can demand his own price, based on the quality of his harvest and his own wits, guided of course, by State Department of Agriculture & Markets reports he has read or heard over the radio, which give the latest "going" rate.

Over-all, however, hovers both a catalyst and a threat: Produce is perishable, and must be sold while it's fresh.

As the sun streams down on the stalls, Farmer Salisbury pits his love of the land against reality.

Cross the street to the Niagara Frontier Food Terminal and see the wholesale side of the market business.

The long, low yellow brick buildings with their green, red, and pink and blue sheds have a carnival air.

Day starts with the greetings of locomotive whistles, bringing freight cars from across the country onto the terminal's dozen tracks.

About 3 AM the lights begin to go on in the 40 stalls of the "commission men," the wholesale dealers who roll up a $30 million annual business.

The damp air becomes saturated with the scent of produce from around the world as stalls are readied for chain store and independent supermarket buyers, and individual grocers.

When local crops are in harvest, the wholesalers also buy from Western New York farmers who come trekking in with their loads. A farmer may split his load, selling half at the terminal and half at the farmers' market.

Many of the wholesale men are of the second and even third generation in the business.

Grandfather or father started off simply, sometimes with a pushcart. It was a steep climb up, but now they're at the top:

The patriarch of the market, Louis J. DiCarlo, 56 years in the business, and his son, Jack, a UB graduate.

The father and son team of Joseph and Joseph Jr., Scandurra, another college lad.

Biggest of all—Bronstein & Rovner, a three-generation corporation.

James Desiderio and his namesake offering fancy imports such as kiwi fruit, Italian figs and chestnuts from Italy and more recently "soul" food such as sugar cane, okra and purple hull peas.

M. & T. Chirico Inc., whose name is synonymous with celery.

The third or fourth generation is inclined to leave the market.

"My grandfather and father were in it," says William Bernhard of Bronstein & Rovner. "I went to UB, and decided to stay here. It's an exciting business, and it gets in your blood. But my son, now he's a premedical student at Harvard."

It is an exciting business, in which the odds are supply and demand; weather conditions; railroad schedules; and always perishableness. A day can be a race or wrestle with any or all.

But underneath these mercurial and fluctuating factors of a highly competitive enterprise, whose modus operandi is bargaining, the cornerstone is the simple word "trust."

"It's people who make a market," says genial Jay H. Wattles, terminal president, who with his brother J. B. runs their family's butter and egg business. "It's one's personality, and how sharp one is in dealing with the growers that makes or breaks a person here.

"You see, no money is exchanged when an order is placed. A dealer telephones a grower in California—'Send me a carload of oranges, Joe.' And Joe sends it on trust.

"The whole thing is a matter of confidence in people who know you, and people you know. It's been that way since this business began. Your word is really your bond."

Before daybreak, these far flung orders—based on trust—start rolling in to the terminal by train or truck; 4000 carloads or their equivalent in truck tonnage arrive annually at the terminal from out of the state.

Aluminum trucks, some 40-feet long, hitched three in a row; red trucks, orange trucks, stakes (slat-sided vehicles) and vans fill the terminal in the morning light.

The place is filled with them, dwarfing the smaller conveyors—the electric fork lifts, the pallets, skate-wheel conveyors and wheeled handtrucks which haul the produce up or down to the bartering level.

Generally speaking, on both sides of the road, the bargaining is done quietly.

Mingling among the farmers and merchants, representatives of the Department of Agriculture gather the results.

By noon, the great central parking lot of the food terminal is deserted with only a food handler or two lounging against a stall post—a ghost town until tomorrow.

And Farmer Floyd Salisbury boards his empty truck and drives back to Wilson, thanking God he lives in the country.

TRIBUTE TO THE LATE HONORABLE EDWARD H. REES

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. EVINS of Tennessee. Mr. Speaker, I want to join with the congressional delegation from Kansas and other colleagues in paying a brief but sincere tribute to the late Representative Edward H. Rees who retired from the House in 1960 after 24 years of outstanding service. Ed Rees was chairman of the Committee on Post Office and Civil Service where he rendered a great service and was also the sponsor of legislation changing Armistice Day to Veterans Day thereby honoring veterans of all wars in which American servicemen participated.

Ed Rees was well known as one of the outstanding Members of the House during his time of service, and on one occasion received an award as Outstanding Congressman of the Year.

He will be greatly missed by his friends, and I take this means of extending this expression of my deepest and most sincere sympathy to Mrs. Rees and other members of the Rees family.

PRESIDENT'S MESSAGE ON MERCHANT MARINE

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 23, 1969

Mr. MAILLIARD. Mr. Speaker, campaign promises have a way of being forgotten the day after a successful election. Those of us in Congress who have worked to maintain a strong merchant marine have grown accustomed to campaign oratory that is never implemented.

On September 25, 1968, President Nixon delivered a careful analysis of the impending demise of our merchant marine. He concluded his remarks with the following words:

> The old ways have failed, to the detriment of the seaman, the businessman, the balance of payments and the national defense. The time has come for new departures, new solutions and new vitality for American ships and American crews on the high seas of the world.

On October 23, 1969, President Nixon fulfilled the pledge which he made a year ago in Seattle. His message to the Congress does, in fact, offer new departures and new solutions which will indeed challenge the American shipbuilding industry, ship operators, and labor. After years of being treated as a stepchild of the economy, the leaders of maritime industry and labor now have been called upon to demonstrate that the President's confidence is well-founded.

All major programs are the result of the work of many people, and the President's maritime recommendations are no exception. President Nixon is fortunate in having such a capable team within the Department of Commerce. Recognition of the efforts of the Secretary of Commerce Maurice Stans, the Under Secretary Rocco Siciliano, and the Maritime Administrator Andrew Gibson is certainly due. Their dedicated efforts will not be forgotten by the American merchant marine.

Congress must now fashion the legislative framework for the President's maritime program. I am sure our responsibility will be carried out promptly.

AIR POLLUTION CONTROL

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. GREEN of Pennsylvania. Mr. Speaker, the demand for air pollution control in this country can be measured by the growth of public opposition to the Justice Department's decision to drop the antitrust charges brought in Federal court in Los Angeles against automobile manufacturers. The suits allege that car makers have conspired to prevent the development of smog control devices.

The case has national significance. And because of this, it is receiving broad support across the Nation.

I was proud to see that two outstanding mayors from my home State, Pennsylvania, have filed briefs urging public access to the important information gathered in this case and vigorous enforcement of antitrust laws.

I am inserting in the RECORD the comments filed by Mayors Thomas J. Monaghan of Lancaster, and Louis J. Tullio of Erie:

[U.S. District Court, Central District of California]

UNITED STATES OF AMERICA, PLAINTIFF V. AUTOMOBILE MANUFACTURERS ASSOCIATION, INC., ET AL., DEFENDANTS—CIVIL ACTION NO. 69–75–JWC

MOTION FOR LEAVE TO FILE COMMENTS

Mayor Thomas J. Monaghan of Lancaster, Pennsylvania and Mayor Louis J. Tullio of Erie, Pennsylvania (hereinafter "Movants") by their attorneys, hereby respectfully request this Honorable Court for leave to file the attached Comments opposing the entry of the Consent Decree proposed by the parties in the above-captioned case. In support of this request, Movants allege as follows:

1. The Cities of Lancaster, Pennsylvania, and Erie, Pennsylvania, have a direct interest in the resolution of this vital litigation. The Cities of Lancaster and Erie are the focal points of large and expanding metropolitan regions, with combined in-city populations of approximately 200,000, and a combined metropolitan regional population of approximately 549,000. Both Cities, in addition, experience significant problems of air pollution. As is the case with all large cities, the major portion of these problems in the Cities of Lancaster and Erie may be traced directly to the operation of motor vehicles. The allegations of the Complaint filed by the United States in this case, if proved, would establish that the Defendants have been responsible over a period of at least 15 years for preventing development of effective air pollution controls for such motor vehicles. As such, a full public trial in this case would serve the public interest by establishing the responsibility, both moral and legal, of the Defendants for the damages resulting to the citizens of Lancaster and Erie, Pennsylvania, from automobile air pollution.

2. Movants first learned of this Honorable Court's Order of September 17 upon receipt in the mail on October 3 of the September 30 daily edition of the *Congressional Record*, in which Representative Brown of California reprinted the said Order on Page E7979. Promptly thereafter, Movants prepared the attached Comments, and are presently sub-

mitting them to this Honorable Court for consideration.

3. No prejudice will result either to the parties to this litigation or to the Honorable Court if Movants are permitted leave to file the attached Comments. Movants will not oppose an extension of time until October 23 for any Defendant who might wish to file a Response to the attached Comments. Such an extension would neither inconvenience nor require the postponement of the Hearing presently set for October 28 on the proposed Consent Decree, and all Comments and Responses would be thus filed with this Honorable Court well in advance of that date.

Wherefore, Movants respectfully request that this Honorable Court enter an Order granting them leave to file the attached Comments of Mayor Thomas J. Monaghan of Lancaster, Pennsylvania, and Mayor Louis J. Tullio of Erie, Pennsylvania.

Respectfully submitted,
JOHN M. ELLIOTT,
EDWARD F. MANNINO,
Attorneys for Movants: Thomas J. Monaghan, Mayor of Lancaster, Pa., and Louis J. Tullio, Mayor of Erie, Pa.

[U.S. District Court, Central District of California]

UNITED STATES OF AMERICA, PLAINTIFF v. AUTOMOBILE MANUFACTURERS ASSOCIATION, INC., ET AL., DEFENDANTS—CIVIL ACTION NO. 69-75-JWC

(Comments of Mayor Thomas J. Monaghan, of Lancaster, Pa., and Mayor Louis J. Tullio, of Erie, Pa.)

Pursuant to this Honorable Court's Order of September 17, 1969, inviting submission of "the views of all interested persons and public bodies," Mayor Thomas J. Monaghan of Lancaster, Pennsylvania, and Mayor Louis J. Tullio of Erie, Pennsylvania, hereby submit, through their attorneys, the following Comments in opposition to the Consent Decree proposed by the parties in this case on September 11, 1969:

1. These Comments are filed on behalf of Mayor Thomas J. Monaghan of Lancaster, Pennsylvania, and Mayor Louis J. Tullio of Erie, Pennsylvania. The Cities of Lancaster and Erie are the focal points of large and expanding metropolitan regions in Pennsylvania, with combined in-city population of approximately 200,000, and a combined metropolitan regional population of approximately 549,000. Both Cities experience significant problems of air pollution. As with all metropolitan areas, the major portion of these problems in Lancaster and Erie may be traced directly to the operation of motor vehicles. Indeed, the gravity of the automobile air pollution problem in Pennsylvania has recently been affirmed by the Joint State Government Commission of the General Assembly of the Commonwealth of Pennsylvania, which, after study, has concluded that "At the present time [1967], the air pollution originating with the motor vehicle is virtually uncontrolled in Pennsylvania." *Supplemental Report on Automotive Air Pollution,* pg. 12.

2. The substantial dangers to health posed by automobile air pollution have repeatedly been documented by state and federal agencies vested with the responsibility of safeguarding the public health and welfare. Thus, in his First Report to the United States Congress pursuant to the Air Quality Act of 1967, the Secretary of Health, Education, and Welfare reported (S. Doc. No. 92, 90th Cong., 2d Sess. (1968), at pp. 15–17):

"In terms of the total quantity of pollutants, the automobile represents the most important single source of air pollution in the United States today. The nationwide contribution of the motor vehicle to five major air contaminants is shown in figure 4. It is the prime source of two of these pollutants, carbon monoxide and hydrocarbons, and it produces nearly half the total nitrogen oxides released. Carbon monoxide, which impairs the oxygen-carrying ability of the blood, can reduce visual acuity and motor ability in small concentrations and is fatal in large doses. Many of the hydrocarbons react with nitrogen oxides in the presence of sunlight to form secondary products which irritate the eyes and throat and can alter physical function and enhance respiratory disease." (Footnote and Figure omitted.)

3. The potential catastrophic impact of unchecked automobile air pollution is illustrated by numerous and increasingly recurring air pollution crises in metropolitan areas. In Donora, Pennsylvania, in 1948, for example, 20 people died and 6,000 were rendered seriously ill by air pollution, while in November 1966, a large portion of Southeastern Pennsylvania was victimized by a severe photochemical inversion. At this same time, the deaths of 100 citizens of New York City were directly related to air pollution.

4. Damage to property from air pollution is also of great magnitude. For example, cash crop losses related to air pollution are estimated to be on the order of $6 to $10 million annually in California alone, with $13 billion annual property damage from corrosive pollutants. *The Automobile and Air Pollution: A Program for Progress, Report of the Panel on Electrically Powered Vehicles to the United States Department of Commerce* (October 1967), at pp. 13, 15.

5. The allegations of the Complaint in this action, if proved, would establish that the Defendants had exhibited a callous and cynical disregard for human life and property rights by unlawfully conspiring to prevent development of effective air pollution controls for the motor vehicles they manufactured over the past 15 years. As such, this is not an ordinary antitrust case, and an informed decision by this Honorable Court on whether to approve the proposed Consent Decree cannot be made without regard to the uniquely special context of this case.

6. Movants respectfully submit that approval of the proposed Consent Decree would run contrary to sharply defined and vital policies underlying state and federal air pollution legislation, discussed below, and also would violate settled federal policies, also discussed in detail below, in favor of vigorous enforcement of the federal antitrust laws.

7. The proposed Consent Decree is fatally defective in three major areas: (a) it fails to make available to potential public and private litigants the evidence gathered against the Defendants in the two-year investigation by the United States in the present case; (b) it deprives potential public and private antitrust treble-damage Plaintiffs of the collateral estoppel effect of a potential judgment in favor of the United States in this action; and (c) it imposes no adequate penalties upon Defendants commensurate with the allegations of the Complaint.

8. The vital interest in safeguarding the right of the public to clean air and a generally safe environment is manifested by the state and federal legislation set out in the following paragraphs.

9. It is clear that the United States is suing here not merely in its capacity as guardian of the public interest under the antitrust laws, but also to vindicate the important federal rights of all citizens of the United States to clean air, and to a generally safe environment. Thus, in the Air Quality Act of 1967, 42 U.S.C. § 1857(a) (2), Congress specifically found: "that the growth in the amount of complexity of air pollution brought about by urbanization, industrial development, and the increasing use of motor vehicles, has resulted in mounting dangers to the public health and welfare, including injury to agricultural crops and livestock, damage to and the deterioration of property, and hazards to air and ground transportation."

Moreover, Subchapter 2 of the Air Quality Act, 42 U.S.C. § 1857f-1-7, in recognition of the substantial acceleration of the air pollution hazard by the operation of motor vehicles, provides for motor vehicle emission standards, vesting the authority to prescribe such standards in the Secretary of Health, Education and Welfare.

10. A parallel policy determination has likewise been made by the legislature of the Commonwealth of Pennsylvania in a series of acts, *inter alia:*

(a) The Air Pollution Control Act of 1960, as amended, 35 Purdon's Pa. Stat. Annot. § 4001, *et seq.*, § 4002 of which broadens the definition of vehicular and other air pollution to include the discharge of any matter which *may* be inimical to the public health, safety, or welfare.

(b) The Metropolitan Transportation Authorities Act of 1963, as amended, 66 P.S. 2001, *et seq.*, clearly recognizes that potentially lethal air pollution is the by-product of traffic congestion and serious mass transportation problems, harmful to the economic and social well-being of the community. The Legislature mandated the sound replanning of metropolitan transportation systems and specifically manifested its concern that said replanning to the "maximum extent possible avoid vehicular air pollution." [See 66 Purdon's § 2004(28).]

(c) The Pennsylvania Urban Mass Transportation Assistance Law of 1967 [Act #8, 1968] found a further intensification of the traffic congestion, and attendant conditions against which the 1963 Act was directed—*inter alia,* automobile air pollution—and accordingly, for the first time funded mass transportation programs in the Commonwealth.

11. Even if the proposed Consent Decree is to be tested under ordinary principles of antitrust law, it is clear that it is inadequate to discharge the responsibilities of the United States in its capacity as trustee for potential private and public treble-damage Plaintiffs. The government has thus far expended two years and substantial sums of money in the investigation of this case. Yet the proposed Consent Decree is wasteful and ineffective in that it does not make any evidence thus gathered available to public or private bodies in subsequent litigation. In addition, said Decree would deprive such bodies of the collateral estoppel effect of a possible government judgment under Section 5(a) of the Clayton Act, 15 U.S.C. § 16(a).

12. The significant federal interest in encouraging the enforcement of the antitrust laws by Plaintiffs' treble-damage actions has long been recognized by both Congress and the Courts. It is this interest which underlies the very treble-damage provision itself, which has been an integral part of the antitrust laws since 1890 (Section 7 of the original Sherman Act, 26 Stat. 210) and is presently codified in Section 4 of the Clayton Act, 15 U.S.C. § 15. The legislative determination in 1955 to vest the United States with the right to receive actual damages plus the costs of suit from antitrust violators for harm sustained as a result of such violations further testifies to the importance of permitting effective enforcement of the antitrust laws by actions for damages. (Section 4 (A) of the Clayton Act, 15 U.S.C. § 15a.)

13. In addition to these clear Congressional mandates, vigorous enforcement of the antitrust laws by private and public treble-damage litigation has repeatedly been sanc-

tioned by the Supreme Court as an effective deterrent to violations. See, *e.g., Minnesota Mining & Mfg. Co. v. New Jersey Wood Finishing Co.*, 381 U.S. 311, 318–19 (1965); *Radovich v. National Football League*, 352 U.S. 445, 453–54 (1957); *Emich Motors Corp. v. General Motors Corp.*, 340 U.S. 558, 567–68 (1951); *Bruce's Juices, Inc. v. American Can Co.*, 330 U.S. 743, 751–52 (1947).

14. The importance for potential private and public treble-damage litigants of a prior judgment after full trial by the United States against antitrust violators stems from the fact that Section 5(a) of the Clayton Act, 15 U.S.C. § 16(a), makes such judgments *prima facie* evidence of all matters covered therein in a subsequent treble-damage action, and this obviates the necessity for time-consuming and costly discovery procedures. Recognizing this policy of lightening the burden for the private litigant, the Courts have repeatedly articulated an expansive view of the collateral estoppel effect accorded such judgments. Thus, in *Emich Motors Corp. v. General Motors Corp.*, 340 U.S. 558, 568–569 (1951), a criminal judgment was held available to subsequent private litigants as *prima facie* evidence of "all matters of fact and law necessarily decided by the conviction and the verdict, "since Section 5(a) of the Clayton Act was viewed as articulating a legislative policy "to confer, subject only to a defendant's enjoyment of his day in court against a new party, as large an advantage as the estoppel doctrine had the Government brought suit". In addition, in the recent *Hanover Shoe* litigation, the Supreme Court declared that the prior government decree was available to establish not merely the precise points enumerated in the decree, but could be used also as proof of any issue "actually adjudicated" in an antitrust suit brought by the Government, provided that such issue could be shown to have been adjudicated "by reference to the findings, opinion, and decree," *Hanover Shoe, Inc. v. United Shoe Machinery Corp.*, 392 U.S. 481, 485 (1968).

15. The possibility in a complicated case such as the present one of a successful private prosecution under the antitrust laws, absent a government decree entitled to collateral estoppel effect under Section 5(a) of the Clayton Act, is extremely unlikely. In *Hanover Shoe*, for example, the private and public treble-damage Plaintiff eventually recovered $4,239,609 in damages, plus $650,000 in counsel fees. In that litigation, Hanover relied upon the government decree in the prior *United Shoe* case to establish the violations of the antitrust laws. *Hanover Shoe, Inc. v. United Shoe Machinery Corp.*, 392 U.S. 481 (1968). The complexity of the government case suggesting the virtual impossibility of a private party establishing liability absent a government decree, is suggested by the trial judge's opinion in the government action against *United Shoe*:

"[T]he hearings took 121 days and covered 14,194 pages of transcript and included the offer of 5512 exhibits totalling 26,474 pages (in addition to approximately 150,000 pages of OMR's [records concerning machines in shoe factories as of a certain date] and over 6,000 soft copies of patents) and 47 depositions covering 2122 pages. At the close of the evidence, the Court asked for briefs and requested findings of fact and conclusions of law. The Government offered briefs totalling 653 pages and requests totalling 66 pages. United submitted briefs totalling 1240 pages, and requests totalling 499 pages." *United States v. United Shoe Machinery Corp.*, 110 F. Supp. 295, 299 (D. Mass. 1953), *aff'd*, 347 U.S. 521 (1954).

In order to properly implement the significant federal interest in vigorous private enforcement of the antitrust laws, your Movants respectfully submit that this Honorable Court should refuse to approve the Consent Decree proposed in this case and order the United States to proceed to trial, since such decree as presently formulated (a) would not be entitled to collateral estoppel effect under Section 5(a) of the Clayton Act, and (b) would prevent access by potential private and public treble-damage Plaintiffs to the extensive evidence thus far gathered by the United States in the two years it has spent on the present case.

In the alternative, if the Consent Decree is approved, your Movants respectfully submit that this Honorable Court should either order that all evidence gathered by the United States be made available to any private or public treble-damage litigant, once such litigant has withstood a Motion to Dismiss its Complaint on the merits, and has established a class, thus demonstrating its intent to vindicate the rights of the public in this vital litigation, or incorporate in the Consent Decree a provision declaring that Defendants have unlawfully conspired for 15 years to retard the development of effective air pollution controls for automobiles, and making such adjudication *prima facie* evidence of an antitrust violation for any subsequent treble-damage suits. See, *e.g., United States* v. *Lake Asphalt & Petroleum Co.*, 1960 Trade Cases ¶69,835 (D. Mass. 1960); *United States* v. *Bituminous Concrete Ass'n, Inc.*, 1960 Trade Cases ¶69,878 (D. Mass. 1960); *United States* v. *Allied Chemical Corp.*, 1961 Trade Cases ¶69.923 (D. Mass. 1960).

Respectfully submitted,
JOHN M. ELLIOTT,
EDWARD F. MANNINO,
Attorneys for Movants: Thomas J. Monaghan, Mayor of Lancaster, Pennsylvania, and Louis J. Tullio, Mayor of Erie, Pennsylvania.

OUR DAY OF SHAME

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. SIKES. Mr. Speaker, from the Panama City Herald of Tuesday, October 21, I submit an impressive editorial, which I feel carries a very significant message for every Member of Congress and every reader of the CONGRESSIONAL RECORD. It follows:

OUR DAY OF SHAME

Last Wednesday's so-called Vietnam Moratorium caused the vast majority of Americans to hang their heads in shame, but most of them kept their thoughts to themselves.

The tragic event was a great victory for world communism and probably killed any hope of America achieving an honorable peace in Vietnam.

The communists have been unable to win on the field of battle and their only hope for victory lies in the weakness of the American people. It now appears that they will win, thanks to the internal assistance being rendered in this country.

The same elements that spawned the Moratorium have many more such demonstrations planned in coming months, according to informed sources.

This latest national debacle is another example of a strong, militant, vocal minority speaking for the entire nation. Considerably less than five per cent of the population was involved in the Moratorium, according to one estimate, yet it appeared to the rest of the word that the entire country was participating in the demonstrations.

National news media is mainly responsible for creating this erroneous impression. The wire services, Associated Press and United Press, and the national television networks played the Moratorium up like it was one of the great news events of the century. This went on for days.

The silent majority, as usual, pretty much kept mum and was largely ignored. It's the troublemakers that inspire news copy.

The truth of the matter is that a handful of hippies, beatniks, draft dodgers, communists and other such trash conceived the idea. They received assistance from liberal politicians, but it was the wire services and networks that really put the show over for the agitators.

We're opposed to the Vietnam war, but not to the extent of selling out our country to the communists or betraying our boys now engaged in the Asian conflict. The communists will never listen to any realistic peace proposals so long as they think they have the American people on their side.

While it is a foregone conclusion that our involvement in Vietnam was a great mistake, we have too much at stake and the price we've paid is too high to give in completely to the communists. Too many American boys have died for this to happen.

In the meantime, every anti-war demonstration is a blow for the communist enemy. Their strategy always has been to divide and conquer and the demonstrators are doing a nice job of making it come true.

Regardless of the motivation behind the Moratorium, to us it meant desecrating the memory of some 40,000 American boys who have paid the supreme sacrifice for their country in a remote corner of the world known as Vietnam.

Yes, Wednesday truly was a day of shame for America.

HANSON RAY SISK—EMISSARY WITHOUT PORTFOLIO

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. UDALL. Mr. Speaker, those of us in Washington all too often imagine that the foreign relations of this country are totally a product of the decisions made here by the President, the State Department, and the Congress. Of course, this is not true. The standing of this country in the eyes of other countries is a product of many forces, including the actions of American businessmen in their dealings with businessmen abroad, the actions of American tourists, the friendliness of our citizens to visitors from abroad, and the conduct of Americans who live along our borders and deal every day with our neighbors from across the line.

One such American who helped shape our foreign relations with Mexico for many years was Hanson Ray Sisk, the respected editor and publisher of the Nogales Herald in Nogales, Ariz. Mr. Sisk died last Thursday at the age of 77, having published his daily newspaper since 1918. In recent years his son, Alvin, served as editor and manager of the newspaper, but Mr. Sisk continued to write a column and help put out the paper until just a few weeks ago. Thus his career ended as it began in a newsroom getting out the day's news.

Through the years Mr. Sisk's influence was felt on both sides of the border, in Sonora as well as in Arizona. And I would say he was a very good emissary for our country in the way he conducted himself as a responsible editor dealing with many issues, large and small, affecting our relations with the people of Mexico and their government—Federal, state, and local.

Hanson Ray Sisk was a responsible, perceptive, and very independent sort of journalist who made a real contribution to the international community in which he lived. He was a warm, sensible, and delightful person to know. It was my privilege to know him as a friend.

Last Friday the Arizona Republic reviewed some of the highlights of his life, including Mr. Sisk's work as an Associated Press reporter "chasing revolutionaries" like Pancho Villa in the days just before America's entry into World War I. It is an interesting account which I commend to my colleagues. The Republic article of October 24 follows:

NOGALES HERALD PUBLISHER SISK DIES

(By Alma Ready)

NOGALES.—Hanson Ray Sisk, one of the most colorful newspapermen in Arizona and editor-publisher of the Nogales Herald since 1918, died yesterday.

Sisk, 77, suffered a heart attack Wednesday while he was reading a morning newspaper. He died yesterday at St. Joseph's Hospital here.

Sisk was the recipient of the first annual Master Editor-Publisher Award in 1963 presented by the Arizona Newspapers Association. He operated his paper continuously for more years than any other present publisher in Arizona. He had been a member of the Associated Press for more than 50 years and had been chairman of the AP in Arizona.

He had been in the newspaper business since he left his home in Madisonville, Ky., to join the staff of an Indianapolis newspaper at the age of 17.

In 1914, he joined the Associated Press. He then joined the El Paso Herald and was assigned to Mexico at a time when the sympathies of that country's populace were divided between President Carranza and the rebel leader Pancho Villa.

Sisk spent most of a year in the states of Chihuahua and Durango "chasing revolutionaries."

Later he liked to recall those exciting days. He remembered sitting at a desk in the Herald building behind a window that commanded a view of the hilltop in Nogales, Sonora, and watching two nations in action.

That was after the United States had become involved in protecting Americans from bullets that occasionally strayed across the border.

Camp Stephen D. Little had been established near Nogales and, after an American soldier was accidentally shot, Gen. John Pershing was sent here to take charge of the situation.

Sisk also became personally acquainted with Villa and later with the Mexican general Alvaro Obregon, who eventually overthrew Carranza.

When Obregon, who had married a Nogales girl, visited here in 1924, Sisk had two copies of his newspaper of the day of the visit printed on silk. He presented one to the general.

Sisk had become business manager of the Herald at the conclusion of his Mexican jaunt. He purchased the paper two years later from R. L. O'Neal, who later became a local justice of the peace.

Sisk married Dorothy Poole, a Nogales girl. The couple built a modest home here, which they still occupied at the time of his death.

For the past several years, Sisk's son, Alvin, has been editor and manager of the newspaper. The elder Sisk continued to put in a day at the office until just a few weeks ago when he and his wife spent a vacation in California and Nevada. He suffered a mild heart attack during the trip, but insisted it was nothing and continued to visit the office to write his daily front page editorial.

He maintained his interest in community affairs and recently attended a meeting of local businessmen called to discuss the effect of Operation Intercept on the local economy.

He also continued to attend special meetings of the school board and the city board of aldermen, although he complained occasionally to friends that he didn't know "some of these new people."

Sisk knew all the older people in town, however, and the stories of their ancestors.

He had been a member of the Pimeria Alta Historical Society for many years and was considered by many to be an authority on the history of the area.

Occasionally, in his daily column, "Views and Interviews," he retold some of the historical highlights.

Sisk had served two terms as president of the chamber of commerce, was a life member of the Elks Club and had held a state office in the Knights of Pythias. For many years, he was active in affairs of the Republican Party.

According to Craig Pottinger, editor-publisher of Nogales International, the area weekly newspaper, at the time of his death, Sisk had been a publisher in Arizona longer than any man living.

Pottinger himself began his Nogales career by working for Sisk.

He was visiting Nogales with a friend from Phoenix, Pottinger recalled, when they met Sisk on the street.

When he learned that Pottinger was also "in the business," Sisk offered him a job.

Pottinger stayed with the Herald for 1½ years before leaving to run a printing business "for a bunch of Democrats." In 1925, he began publishing the International.

Another of Sisk's early employes was Robert Berrellez, prize-winning Associated Press international correspondent who started with the Herald as a newsboy and worked up to an editorial desk job before joining the AP.

Survivors include his wife, Dorothy; his son, Alvin; two daughters, Mrs. William Graham Bell, Tucson, and Mrs. Rush Watkins Dozier, Madisonville, Ky.; a brother and two sisters out of state; three grandsons and two great-grandchildren.

Memorial services will be at 7:30 p.m. today at the United Fellowship Church. Private burial will be tomorrow in Nogales City Cemetery. Carroon Mortuary is in charge of arrangements.

THE INAUGURATION OF DR. THEODORE POWELL

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. MIKVA. Mr. Speaker, there are few more demanding or more challenging offices, especially today, than that of a college or university president. Thus, I believe that when a man rises to accept such a challenge he deserves our enthusiastic support. I would therefore like to extend my best wishes to Dr. Theodore Powell as he assumes the presidency of the Southeast and Fenger campuses of the Chicago City College.

In his inaugural address on October 11, 1969, Dr. Powell showed that he understands the needs of our time. His remarks revealed a desire to implement constructive changes in educational institutions. In rejecting both the instigation of violence and the suppression of dissent, he has charted a proper course. Dr. Powell's vision of a community based on harmony, understanding, and love should be the goal of all Americans.

I insert Dr. Powell's timely and instructive remarks at this point in the RECORD for the benefit of my colleagues.

The remarks referred to follow:

THE AGE OF AQUARIUS

On this day nine years ago, at the corner of Lenox Avenue and One Hundred Twenty-Fifth Street in New York City, I listened to the quick, insistent, challenging speech of Senator John F. Kennedy. This Catholic, who was striving to overcome the traditional bias of the American voter in presidential elections, spoke to his Harlem audience of the need for long-overdue action against another kind of bias that afflicted the American community.

That day, like this one, was most thrilling for me and will live in my memory. Yet, on that day, as on this one, I was in a city that was suffering from our inability to see and understand each other as human beings. Our urban communities, like our college communities, have been torn by dissension and violence. We have learned since, if we did not know it then, that in any community where the people have indulged themselves in the immorality of racial or religious bigotry, the wages of such sin will be paid by all of us—yea, even unto the third and fourth generation.

Now, since we have not heeded and acted upon the words of men of good will of earlier years, since we have failed to fulfill adequately the promise of a society with liberty and opportunity for all, this generation, in confusion, faces an era of violence. The exciting promises of nine years ago, although no less appealing today, now seem to be a very distant dream.

For my own education, and to remind myself that I was once involved with important matters like ideas and scholarship, before my spirit was benumbed and my mind dulled by an endless daily diet of memos, budgets, and committee meetings, to remind myself of those earlier days, and also to become better acquainted with the history of my newly-adopted city, I have been reading the classic sociological study, Harvey Zorbaugh's *The Gold Coast and the Slum*. Forty years ago Chicago was described as "a place of unusual interest" but lacking the unity and charm of a place in which "the common view is set forth in laws, customs and all the arts of life." The laws were not a communal product, and there was no organized public opinion which supported and contributed to their enforcement.

This was our City in the 1920's: a metropolis—but not a community. This is our City today: an even greater metropolis—and even farther from being a community. This is the City in which we must try to build our college.

In many respects, Chicago is still as Sandburg saw it:

"Hog-butcher for the world,
Tool-maker, stacker of wheat,
Player with railroads and the nation's freight-handler,
Stormy, husky, brawling
City of the big shoulders."

It is still very much a vigorous city and a toddlin' town. Physically, it is changed from the city described in *The Gold Coast and the Slum*. There are now the broad expressways stretching out like long fingers from the huge maw of the central city. It is served by the busiest airport in the world. And it presents in splendid variety some of the nation's best—and worst—architecture. The newcomer is quickly enraptured by the beauty of Lake Shore Drive and the twilight or the midnight magic of the lights along the shore; or in the hot summer days, the placid beauty of the little white triangles of sails scattered across the blue waters (well, almost-blue waters) of Lake Michigan. He is also impressed by the extent and the seeming success of urban renewal as he views the display of clean, shining, new apartments gleaming in the sunlight.

Despite all of this exciting appeal, the newcomer quickly learns that it cannot be said of this revitalized "alabaster" city that it is undimmed by human tears. Behind the glittering new apartments still lie the rat-infested houses of the slums. Beyond the thousands of people busily and profitably engaged in the commercial activities of the Loop, or in the industrial production of our own south side, are thousands of others, isolated from the major employment opportunities of the City. Outside of the much-admired and proudly publicized Circle Campus of the University of Illinois, and outside of the gothic spires and ivied walls of this splendid institution, the University of Chicago, there are more than thirty thousand less fortunate students, striving for their higher education in the makeshift arrangements provided at the several campuses of Chicago City College.

With such great disparity between what our City offers to some of its citizens, and in what it offers to others, it should be no surprise and no puzzle that Chicago maintains its reputation as a city of violence.

What can we expect as the product of economic deprivation? What can we expect as the result of educational disadvantage? What can we expect as the product of bigotry? These crimes of earlier generations have given us this heritage of seemingly meaningless violence that bloodies the pages of every daily newspaper. The guerrilla war now carried on in our streets is almost inevitable in a dynamic metropolis which is not supported by a sense of community. How can there be order, if the laws by which the system really operates are not a communal product? How can there be order, if there is no common view of laws and customs, and no public opinion which supports and contributes to their observance?

We are all too painfully aware that a real sense of community does not exist in our City. I am most keenly aware that it does not, unfortunately, exist in our College.

In the months ahead, we shall be planning to merge Southeast and Fenger into a single college. We shall be busily engaged in planning for construction of the temporary facilities that will provide us a much-needed home of our own. We shall also be concerned with review and improvement of the educational programs we offer our students. We must develop new programs to provide greater variety of opportunities to meet the different needs and interests of all who seek our services. We must also give attention to the question of what services the College might provide to our region of the City.

Each of these tasks is important to the development of a real community college. Their success will require contributions by faculty, staff, students, and residents of the region. The greatest task we face, however, is that of creating the environment which will make our institution not merely a college, but also a community. What kind of community shall our college be?

Sometimes I feel our students know better than they realize the kind of institution they desire. I do not mean their fervent denunciations of the machine, or the administration, or the establishment. Those unrestrained, sophomoric repetitions of the dogmas they acquired from diligent but undiscriminating studies of such scholarly publications as the *Village Voice*, the *Berkeley Barb*, and *Ramparts Magazine*, are good fun, exciting and stimulating, if not always illuminating. But—what kind of a college, what kind of a community, what kind of a world, do our students really want?

My best insights are obtained not from their recitations of the overheated paragraphs that seem to be products of some else's mind, but from their soulful chants of those songs which impress me as a faithful expression of their own hearts. What do you hear them sing that is relevant for the kind of college we might be?

"I've gotta be me. I've gotta be me."

"What the world needs now is love, sweet love."

"This is the dawning of the Age of the Age of Aquarius . . . Harmony and understanding. Harmony and understanding."

"Come on, people now, Smile on your brother. Everybody get together. Try to love one another, Right now, right now, right now."

I know full well from recent experience that student demands can be stated with rhetoric that is excessive, or in language that is offensive, but we need not let that close our ears to this other, more important, message which comes from their hearts.

Their denunciations of the establishment should not be ignored, of course. The administration of any institution, or of any community, needs occasional stirring up if it is not to become stagnant. I know of no way to operate a college or a community without some administrative machinery. And I know of no sure way to escape completely those ills of bureaucracy which afflict any administration. They can be minimized or remedied, however, by an alert constituency and judicious criticism.

My own preference is that such criticism, as far possible, should be kindly, constructive and private—at least, in the first attempt. I am not yet willing to accept the view that all policy decisions must be made on the basis of public confrontation, to the accompaniment of certain succinct Anglo-Saxon nouns and adjectives which raise questions about one's ancestry and private habits. It seems to me unproductive and unrealistic to assume that the fellows on the other side all have dishonorable motivations, and are agents of the devil. If that be the case, how could we ever hope to resolve our differences? I prefer it to be assumed that the other fellow is a man of integrity and good will, and that he might be influenced by listening to my side of the problem.

Perhaps these assumptions and principles are outmoded; this style of administration may be old-fashioned. Yet I shall keep trying to persuade our students that these can be effective methods for seeking change. If I succeed with the students, it may give me enough courage to try to persuade the rest of the college community. If we are to be, in fact, a college community, there must be a sense of sharing, some agreement on basic values, and a disposition toward true communication. We must strive to talk honestly with one another.

This was a key problem reported by the sociologist who looked at our city forty years ago. The inner city was afflicted not merely by size, not merely by numbers of population, but by the handicap of social distances: the isolation of one population group from another the superficiality of their contacts. "Over large areas of the city," wrote Dr. Zorbaugh, " 'community' is little more than a geographical expression."

This is, of course, still true, perhaps even more true in our own day. The violence that we now know is really the most emphatic means a man can use when he believes he is not being heard; or, if he is heard, his voice is ignored. This era of violence was predicted for us by James Baldwin in his moving, powerful, and portentous essay, *The Fire Next Time*.

One must acknowledge—indeed, how could one ignore?—that decades of injustice, whose cold cruelty has been more deeply refrigerated by icebergs of public indifference, have given overpowering impulse to reach for the torch of fire as the ultimate remedy. While acknowledging the cause of violence (I will not say justification), it must still be asked of those who seek solution through violence, what heritage will you leave for your children and grandchildren? Will you ask them to pay for *your* sins, as we are required to pay for the sins of our grandfathers?

There was a leader who tried to teach us that if we rely upon the rightness of our cause, we shall overcome injustice with love. But that young Moses did not lead us to the promised land quickly enough; so we were ready to abandon him even before the foul, hidden assassin cut him down. Dr. King has been dead only a little more than one year; we can still remember his voice; but we have forgotten his teachings and his dream.

There are some, I know, who contend that the dream has lost its utility and should be forgotten. They suggest, instead, that one turn only to those, like himself, whose voices and views are familiar, who share the experiences and values of the same clan.

The idea of a clan, in or out of costume, has never appealed to me; and my knowledge of American history gives me no reason to believe that such cultural isolation will reduce violence or advance social progress. Rather, I believe, that all of us in this city, and in other urban centers of the nation, must approach with candor, and tackle with energy, the central problem of our day, the lack of a sense of community among ourselves.

The urban community college offers an excellent means for achieving that sense of community in the various regions of the city. A college that is large enough to draw from a diversity of neighborhoods, yet small enough so that students and faculty may know one another—such a college can provide democratic experiences that will promote understanding and communication among the various population groups of the city. Availability of college facilities for community activities and cultural events open to area residents, can also contribute to that sense of community through shared experiences. The very existence and operation of the college as an institution open to all, where students from every neighborhood and family background may attend to improve their skills, develop their talents, and expand their knowledge, will be a symbolic representation of the best values of our society.

When we merge Southeast and Fenger, the combined enrollment will be approximately five thousand. It is especially intriguing to me that the size of the ideal city-state, according to Plato, was five thousand forty households. Shall our college, then, be close to the perfect size for the ideal community? It is worth noting, surely, that Plato's student, Aristotle, disagreed with him (additional evidence that there is nothing new about student dissention). A more general definition of the size of the city-state prescribed that it should not be so large that the individual could not be known. Certainly, this must be a guiding principle in our planning—that there be room and a chance for recognition of each individual.

Still another definition of the ideal size of the city-state is buried in the depths of my memory and, despite the vast resources of scholarship available to a college president, its source remains unknown. Yet, I clearly recall having read that someone once said that the size of a city-state should not exceed the number of persons who could be assembled within range of a man's voice. I am not certain of the practical validity of this definition, but I believe more deeply in its symbolic truth. We must have a college in which we can hear each other's voice. If ever we cannot, or will not, listen to one another, the life of our college, the very meaning of academic community, will be in very serious danger.

If our college is to be worthy of recognition as an academic community, it is crucial that we hold on to those principles which ought to govern rational inquiry and civil discussion.

In the halls and classrooms of our college, can we not create an environment where each one feels he is heard by others; is free to declare his own ideas and sentiments, and where he hears voices that convey different accents, rhythms, and ideas? In hearing these voices, he will learn more about his neighbors; in learning more about his neighbors, he will learn more about himself.

From such knowledge will come understanding; and from mutual understanding, multiplied five thousand times and more, there may be developed an ability for true communication among us, a sense of community that will prevent destruction by the vast glaciers of indifference for one another or by the furious fires of frustration and hate.

Those inequities of which John Kennedy spoke still exist; and Dr. King's dream is still far from realization. We still carry our terrible inherited burden of all kinds of bigotry. How can we be a community? Bigotry is the antithesis of community. How can we have communication across a barrier of prejudice—if one rejects another because of his name, or his face, or his skin? The poet, Stephen Benet, told us, years ago:

> Remember that when you say—
>
> "I will have none of this exile and this stranger
> For his face is not like my face and his speech is strange"
>
> You have denied America with that word.

It is my deep conviction that the dream of one society open to all, is not dead; and that our college, as well as our City, must be based on that principle, and committed to that dream. For this is essential if we are to have not merely a great metropolis, but a good community.

This is the appeal I make both to those who would resort to violent means, and those who seek to suppress it. You cannot govern or control merely by physical force, because a community is not merely a physical entity. It is something more than a unit of government.

A community, a real community, is an atmosphere, an environment. Community, in truth, is spiritual. It is a psychic relation among men. It is a reaching out of mind and heart. It is the reception and comprehension of the beliefs, the joys, the sorrows, and aspirations of the mind and heart of your neighbor. Community, in short, is the product of communion among men.

To the establishment of such a college, I hereby pledge myself. This is the task for which I solicit your help, the mission to which I ask your commitment of mind and heart, let us create among ourselves, and among those we serve, a true community based on harmony, understanding, and love.

"PROGRESS THROUGH PEOPLE"—COOPERATIVE MONTH, 1969

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. HANSEN of Idaho. Mr. Speaker, nearly a third of the families in this Nation belong to a cooperative of one kind or another. Some families—especially those in rural areas—belong to several. "Progress Through People," the theme as they observe Co-op Month during October, is well chosen to describe the aims and the achievements of these customer-owned businesses.

During this month it is appropriate, therefore, that we call the attention of all Americans to the significant contribution that cooperatives have made to the building of our Nation, particularly our rural economy. Cooperatives can play an even more important part in the future, not only in revitalizing rural America but in eliminating some of the root causes of urban problems.

In proclaiming October as Cooperative Month, 1969, President Nixon said:

> Because I have seen the progress people have made by acting together I have pledged assistance to cooperative programs for farm and rural people. I believe cooperative self-help effort is a vital element in improving the economic position of farm families and expanding opportunity throughout rural America.

Many millions of people have put in money and energy to buy, sell, and obtain services through cooperatives. They have done this for good and valid economic reasons: to try to get better markets, credit, housing, and insurance as well as to improve purchasing opportunities and electrical, telephone, and health services.

The farmer of today finds himself engulfed in a world of big business and big labor. He finds himself with an ever-increasing need to band together with his neighbors to try to achieve equal footing in the marketplace. They still have a long way to go, but each year they get millions of dollars more for their products through these cooperatives, both through better prices and by sharing each year's net business margins.

Cooperatives remain the best bet to anchor the drifting economy of Small Town U.S.A. They are truly home owned. Owned by the customers themselves. Co-ops provide jobs for hometown people and keep money circulating in the community. Co-op refunds ring cash registers up and down Main Street. In many a rural community it is the cooperative that stands as a pillar of strength in the local economy. Yes, and very often you will find the cooperative is the community's biggest taxpayer.

Congress has enacted several laws over the years to assist people who wanted to help themselves through cooperatives. I hope we will continue to pursue this policy of encouraging self-help type of enterprises.

In this regard, farmers and other co-op members are rightfully disturbed over a section of the Tax Reform Act of 1969 which the House approved in August. The section relating to cooperatives is grossly unfair, unnecessary and unwise. It would permit the Federal Government to regulate the manner in which co-op members elect to distribute their earnings each year. This runs contrary to the very basic principles of private enterprise. The Senate Finance Committee used good judgment in deleting this section from the bill. I hope that this action will be upheld by the House-Senate conference committee.

One of the greatest unmet needs of this country today is to help people rediscover rural America. We must bring them out of the sagging cities, help them find homes, jobs, and the comforts of life in the countryside.

It has been said that cooperatives "offer the high adventure of business to ordinary citizens." Maybe it was that high adventure that they were seeking when they left rural America in the first place. If so, we must help them build bigger and better facilities that will offer the same satisfactions in the smaller towns and rural areas.

Cooperatives can and should lead the way. Rural electrics provide the light and power. Farm credit institutions serve a wide range of farmer borrowing needs. Marketing co-ops handle about one-fourth of our food and fiber. Purchasing co-ops furnish about one-fifth of the farmer's production supplies. Credit unions, housing, insurance, and health cooperatives serve not just farmers but anyone with a need.

Idaho is among the States observing Cooperative Month. Agriculture is, and in the foreseeable future will continue to be, Idaho's No. 1 industry. Cooperatives have played an important part in the growth and development of the State's agricultural economy.

Having grown up on a farm in Idaho and worked closely with cooperatives for many years, I know firsthand the benefits that come to farmers from membership in the cooperatives. Cooperatives have provided the tools of self-help, enabling farmers to process and market their products, and to obtain the services and supplies. Cooperatives provide the farmer's best hope to gain sufficient bargaining strength in the marketplace to obtain a fair price for his product. They are the most effective instruments to improve the American farmer's economic condition by helping him to earn a fair share of the national income. Public policy should, therefore, encourage cooperative enterprise.

Cooperatives are an important part of American capitalistic private enterprise system. Cooperatives are owned by their individual members who seek through their membership a better living by increasing their income or getting better service.

Mr. Speaker, I include as part of my remarks a letter from Cecil L. Griggs, secretary of the Idaho Cooperative Council, an article by J. Phil Campbell, Under Secretary of Agriculture, reprinted from the October News for Farmer Cooperatives, and an article by David W. Angevine, administrator, Farmer Cooperatives Service, USDA, entitled "Cooperatives: Progress Through People":

OCTOBER 8, 1969.

DEAR CONGRESSMAN HANSEN: "Progress Through People" is the slogan for Cooperative Month—October 1969 presently being recognized throughout the Nation. We approach a new decade aware that we are confronted by some exceedingly baffling circumstances:

That there is hunger in a land which produces food in such abundance as there is in the U.S.

That a technological revolution in food production has crowded millions of people off American farms and away from rural communities, to create stresses in urban centers already plagued with the problems of the ghettos, urban renewal, decentralization of industry, crowded schools and environmental pollution.

That the packages in which food is sold, the cost of distributing food to the consumer, the advertising needed to attract consumers' attention to brand names, the cost of processing food in unique forms—each of these, item by item, in many cases account for a larger share of the housewives' food dollar than the farmer receives.

That industrial firms and affluent individuals are attracted to agricultural production as a tax shelter and a hedge against inflation at a time when the "family farms" are diminishing in number, thus compounding the economic and social problems of rural America.

That cooperative self-help enterprises, designed to process and market agricultural products and obtain services and supplies, initiated, financed and operated by rural people, are so often the target of restraint-of-trade prosecution, attacks on rural educational services, and covert attempts to undermine the financial stability of cooperatives as exemplified in Section 531 of the Tax Reform Act of 1969 now before Congress.

And also, that an industry of the magnitude of Agriculture with a record of such a magnificent response in producing abundant food and fiber in times of war and peace must depend on government subsidies and grants-in-aid to keep body and soul together.

We are mindful and appreciative of your statement at our annual meeting in 1968, Mr. Congressman, when you said, "Our goal should be a strong rural America. We are confronted with a paradox; agricultural producers are fewer, the need for leadership is growing greater. The solution does not rely on the supply-vs-demand ratio, nor will population growth be the answer; it will take economic muscle."

We are likewise indebted to our own Governor, the Hon. Don Samuelson, who recognized publicly that agriculture is the basis for a great share of Idaho's economic activity, providing income from crops exported from the state, raw materials for numerous processing plants likewise engaged in exporting food products, employment of labor on farms and in handling and processing materials and products, and providing abundant food for its population. Further, that every citizen of Idaho benefits from the production of its farms by either sharing in the economic activity directly or indirectly or as a consumer of products. He commended Idaho citizens for forming their own strong, efficient cooperative business organizations and further emphasized that cooperatives not only contribute mightily to economic progress but play a role as community builders through their typically democratic form of organization.

During Cooperative Month—October 1969 it is timely to review the progress of U.S. Cooperation to date. For example, five out of six farmers use farmer marketing supply or service cooperatives to market about a fourth of the food and fiber raised, and obtain a fifth of farm supplies used. The U.S.D.A. Farmers Cooperative Service states that 5,560 co-ops market $13.3 billion worth of produce; 6,340 co-ops obtain supplies worth $3.5 billion yearly.

Farmers now completely own the cooperative farm credit system which supplies one million farmers $12 billion in capital annually through 3000 land banks and production credit associations and loans to cooperative association. Rural electric cooperatives provide light and power service through 900 associations serving six million users, and 230 telephone co-ops have 650,000 subscribers supplying service to more than 2 million people.

Bargaining cooperatives act as farmers' agents to negotiate market prices and terms of sale, with 300 associations bargaining for $2 billion worth of crops produced by 200,000 growers annually. A variety of cooperative-type services such as farm labor housing, rural water and sewer systems, recreational facilities and grazing associations get credit and grants from the Farmers Home Administration. Mutual irrigation companies, 7,700 of them, provide water for nine million acres on 150,000 farms—about a fourth of all irrigated land.

Cooperation is not limited to agriculture. Credit unions make loans to both rural and urban people, accounting for $11.9 billion in loans made from $12.8 billion savings accumulated by 20.8 million members. Co-op oriented insurance companies have 12 million members who get more than $776 million worth of insurance, and 1,350 farmers' mutual fire insurance companies provide service to three million members.

In the field of group health care, 7 million U.S. citizens are said to be enrolled in 180 plans with gross annual income of $200 million. Consumer goods societies surveyed by Farmers Cooperative Service produce $480 million worth of food and home supplies through 500 centers to 400,000 members annually. One hundred fishery cooperatives are reported to have 10,000 fisherman-members who operate 7,500 vessels.

We know that you, like other people in Idaho who are descended from the pioneers who reclaimed its rich agricultural lands as the frontiers moved westward, are deeply concerned about the problems of agriculture as well as those of our people in general. We do, indeed, wish to share the abundance produced from our natural and human resources. The principles and techniques of Cooperation have proved their worth within the structure of our capitalistic economy. We commend them to you as a Member of Congress, trusting that they will receive sympathetic attention as you and your fellow legislators seek "Progress Through People."

Sincerely,

CECIL L. GRIGGS,
Secretary, Idaho Cooperative Council.

MOVE FORWARD TOGETHER THROUGH COOPERATIVES

(By J. Phil Campbell, Under Secretary, U.S. Department of Agriculture and Steering Committee Chairman for Co-op Month, 1969)

Like yesterday's farmer, today's farmer is in a weak bargaining position. Unlike yesterday's farmer, today's farmer must make huge and increasing capital investments in his farm, and he is no longer a captive of the land.

These three factors—one old, the others new—have brought the family farm operator to a crossroads. Unless he can find ways to finance his operation and unless he gets enough voice in the market to assure himself parity of income, he may decide to let huge, absentee-owned, stock-selling corporations take over farming.

If he does, his decision will have the gravest consequences for the nation's consumers, for our natural environment and resources, for rural America, for the cities, and indeed for the world.

Therefore, we have some responsibility to help farmers find ways to finance their operations and to strengthen their bargaining position in the marketplace. The cooperative technique, which has served farmers so well, can help, as we pursue both objectives.

Credit Choices Confronting Farmers.—For example, in the field of financing, I'm sure many farmers will continue to depend on their credit cooperatives—the Federal land bank associations and production credit associations—to get the loans that they need and that they will repay with interest.

This is the traditional pattern of farm financing. Each farmer strives to build up his capital investment over a period of years, accumulating equity as he repays his loan. Yet I'm not sure it will suffice, as farm investment needs quadruple or, perhaps, increase ten-fold.

More farmers probably will lease land, as a means of dampening the total capital that's involved in a farm operation. Others may turn to joint ownership of farm machinery through small, 3-, 4-, or 5-member cooperatives. Still others may lease or rent machinery—perhaps that they and their neighbors own cooperatively.

And still others will turn increasingly to their cooperatives for custom services such as plowing, cultivating, spraying, and harvesting their crops.

Some farmers may decide to incorporate and sell shares in their corporations. Yet unless a farmer is willing to pass ownership and management of his farm into other hands, this is risky business. The American farmer has worked too long and too hard to climb the economic ladder of ownership to go back to being a corporate hired hand. For him, this is—in the parlance of the day—non-negotiable.

Another alternative—and one that has great possibilities—is an arrangement under which farm people pay interest throughout their lives to some continuing outside source of permanent credit, both for real estate and for operating capital. The farm operator would have title to the land and the property, but he would finance it by hiring capital, much as he hires labor.

He would not repay the loan, for the loan would never come due. It would be permanent credit.

Let's face it. This is a system of perpetual debt. Yet some of our biggest corporations are using it successfully. I'm wondering if farmers' credit cooperatives—as well as other financial organizations—can devise ways to provide this permanent credit and, at the same time, to leave the farmer's ownership and management of his farm relatively unimpaired.

Problems In The Market Place.—When farmers enter the market as individuals, they are in a weak position. On the one hand, they are so numerous and their individual output so small that no one of them can have much effect on total output or average price. On the other hand, the food industry, which buys their products, is concentrated in the hands of a relatively few firms.

In the manufacture of breakfast cereals, for example, the top four firms have 85 percent of the business. In food retailing, the four largest retailers in a city typically have 50 percent of the business. Twenty firms account for more than half the output of the canning industry. Twenty firms account for more than two-thirds of the output of the frozen food industry.

To strengthen their bargaining position, farmers are turning instinctively to their cooperatives.

The Capper-Volstead Act of 1922 authorizes farmers to "act together in associations" to market their crops and livestock products. Congress prescribed no limits, save only that, if this cooperative action "unduly enhances" the price of any farm product, the Secretary of Agriculture may enter a complaint, hold a public hearing, and order the cooperative to cease such action.

In the ensuing years, farmers have used this authority to market, process, merchandise, and distribute the products of agriculture. Their cooperatives have proved themselves an effective instrument in enabling farmers to speak with greater authority in the marketplace.

Farmers haven't made full use of the authority Congress granted them nearly a half-century ago. One farm leader recently estimated that farmers are getting only one-fourth of the potential benefit of the Capper-Volstead Act. That may well be an overestimate.

Yet farmers today are moving. Lane Palmer, editor of *Farm Journal,* said recently, "Progress toward more effective marketing of farm products . . . (is) led by the cooperatives. Not in my lifetime have I been more encouraged by the trend of events."

What Is Needed.—If farmers are to use their cooperatives so as to be heard in the marketplace, they will need leadership, willingness to pay for the most expert management, sound planning, adequate financing, and determination. The Department of Agriculture can help, and we are eager to do so.

Co-op Month is an opportunity to look back over the past 12 months, to measure our "progress through people", and to stake out new objectives for the ensuing year.

The technology of agriculture is changing rapidly, is dynamic. Yet we hope to maintain the structure of agriculture, which is predominantly the family farm. Cooperatives have much to contribute, both to advanced technology and to structural stability. Let us move forward together.

COOPERATIVES: PROGRESS THROUGH PEOPLE

(By David W. Angevine, Administrator, Farmer Cooperative Service, USDA, and Executive Director, Co-op Month, 1969)

As the Nation observes Co-op Month 1969 this October, cooperatives take on a special meaning, one this year's theme describes—"Cooperatives: Progress through People."

Cooperatives give people a chance to do things for themselves—a chance to be more, to have more, to advance.

By owning their cooperative businesses, people progress in four areas—in the business world, in better communities, in personal growth, in international understanding.

Accomplishments in any one of these areas often carry over into the others.

All kinds of people use all kinds of cooperatives to progress—rural people with marketing, farm supply, electric, telephone, farm credit, and irrigation associations; urban people with housing, consumer goods, and health associations; and both rural and urban people with mutual insurance companies, buying clubs, and credit unions.

I. PROGRESS IN THE BUSINESS WORLD

Cooperatives are first of all businesses. Persons who use them own them and control them.

Cooperatives are a basic form of business in our free enterprise system. Through them more than a third of the families in this country have an individual, financial interest in enterprises handling billions of dollars worth of goods and services each year. Through them these families add to their incomes, secure needed services, and have a voice in the conduct of American business.

Cooperatives offer the high adventure of business to ordinary citizens.

Farmers use marketing cooperatives to establish their right of way in the marketplace where food and fiber they produce is sold, processed, packaged, and moved on to consumers. Each year they get millions of dollars more for their products through these cooperatives, both through better prices and by sharing each year's net business margins.

People have organized nearly 23,000 credit unions so they can borrow when they need to from savings they and others have accumulated.

As the result of years of credit union effort, last July the Federal truth-in-lending law became effective. Now every borrower and every credit user knows the true annual rate of interest before he enters into a business transaction.

Cooperatives, also have another foot in the business world, handling food, drugs, petroleum, furniture, and a long line of services from preschooling to funerals.

Rural electric co-ops, in addition to bringing light and power to rural Americans, have created a billion-dollar-a-year rural market for electric appliances and equipment. This means jobs for workers and dividends for stockholders of businesses that manufacture these. Co-op refunds ring cash registers up and down Main Street.

One upper Midwest farm supply cooperative recently exhibited the 23,000 items of merchandise it handles for its farmer-members. Besides items it manufactures itself, these came from 300 different suppliers.

II. PROGRESS IN BETTER COMMUNITIES

What's good for the people in them is good for the communities where they live and work. Housing cooperatives help families acquire ownership and a stake in the community, put down roots, and stabilize their lives.

Thousands of cooperatives hire many thousands of workers—managers, bookkeepers, skilled agriculturists, marketing and purchasing experts, distribution and transportation specialists, architects and builders, economists and writers. They add to the business drive of the community. Often the co-op is the leading business in town. One farmers' co-op, for example, is the largest industrial corporation headquartered in a city of half a million.

Co-op businesses pay local, State, and Federal taxes of all kinds, push community campaigns, and encourage members to shoulder their full responsibilities as citizens in a democracy.

Farmer Cooperative Service surveys show that marketing and farm supply co-ops have invested $306 million in major plants and facilities over the past 18 months. These mean jobs—jobs to build the plants, jobs to make the equipment, jobs to operate them, jobs to supply and maintain these plants, jobs to serve the plants' employees.

III. PROGRESS IN PERSONAL GROWTH

Over and above their business and economic contributions, cooperatives give people a chance to grow, to develop, to learn, to use untapped talents and knowledge, to "be somebody."

Members learn to think, to speak, to analyze their cooperative businesses at regular meetings. They learn to merge their interests in a common interest. They gain faith in themselves, faith in their neighborhoods, competence to take on other community responsibilities. They learn to conduct meetings, to convey ideas, to deal with others. They become leaders.

Many of those who accept greater leadership become directors of these cooperatives, and their opportunities to make meaningful decisions expand tremendous. On their judgments may hang jobs, the community's welfare, the quality of the environment, and the satisfactions of men and women who live there.

IV. PROGRESS IN INTERNATIONAL UNDERSTANDING

Visitors from overseas are often surprised to see people here use cooperatives and use them in such infinite variety. They tell us that cooperatives are a link in the chain of friendly relations among peoples.

U.S. cooperative specialists who work overseas help others better understand who Americans really are, and we learn a great deal from them.

These cooperative specialists have helped organize rural electric co-ops, credit unions, housing co-ops, farmers' marketing, purchasing, and credit co-ops. They have helped overseas governments establish agencies to develop cooperatives, write co-op laws, found co-op training centers, and organize banks for cooperatives.

As they return to the U.S., they often bring with them new techniques for developing cooperatives here, new insights into cooperatives' internal functioning, and keener appreciation of members' needs.

CZECHOSLOVAK INDEPENDENCE DAY

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. CUNNINGHAM. Mr. Speaker, though they are suffering under an implacable and unrelenting totalitarianism in their homeland, the Czechoslovak people today mark the 51st anniversary of their independence.

It was on October 28, 1918, that the Czechoslovak National Council in Prague proclaimed the independence of the Czechs and Slovaks and establishment of the Republic of Czechoslovakia.

This was the culmination of the centuries-old struggle which these sturdy and stout-hearted people carried on against the overlords of their historic homeland.

Czechoslovaks enjoyed their hard-won freedom for only two decades, for the catastrophic events beginning in 1938 proved disastrous. First, their country was dismembered. They then were robbed of their freedom and, with the beginning of World War II, their fate was in the hands of the Nazis.

We all know what has been their lot since the end of World War II, especially since 1948, when they were forced to submit to Communist totalitarianism.

And in August 1968, the Soviet juggernaut rolled over defenseless Czechoslovakia, snuffing out its "liberalization movement."

Just last month, the Soviets purged reformer Alexander Dubcek and many of his followers to further tighten their grip. It is my hope that one day Czechoslovakia will again enjoy independence.

Mr. Speaker, I call to the attention of my colleagues the following editorial which appeared in the July-August issue of Assembly of Captive European Nations—ACEN—News:

Czechoslovakia: 1 Year Later

A year ago this August, the Soviet juggernaut rolled over the hopes and aspirations of defenseless Czechoslovakia. During the ensuing months, the fresh air of the "Czechoslovak Spring" was gradually but systematically polluted by the suffocating, noxious fumes of neo-Stalinism. The uncertain flicker of freedom sought in vain a harbor from the gusts of repression emanating from the Kremlin; the once daring and imaginative press, radio and television were reconverted into droning instruments of the regime; dissent was muzzled; and the Czechs and the Slovaks were seemingly once more condemned to a drab, monotonous existence.

Yet the dark post-August 1968 days have also brought to the surface a number of built-in weaknesses of totalitarian rule. The USSR had believed that the invasion and occupation of Czechoslovakia would nip all heretical tendencies in the bud. A closer look at today's Czechoslovakia belies such unqualified "optimism."

True, the new regime in Czechoslovakia appears to be firmly in control, and there are ominous indications of new, far-reaching purges of "liberals" and "reformers." The country, however, is not nearly as docile as the Soviets had hoped.

There are no free elections, but the workers are "voting" with slowdowns. In many plants, they have stopped paying union dues. Party cards are being returned or torn up. According to regime spokesmen, the drop in productivity has reached alarming proportions. Discussions in factory canteens focus on personal problems and outside interests; a conversation on "building Socialism" is considered in bad taste and a waste of time. In brief, the worker is serving notice on the regime that he is prepared to use all the tools at his disposal to prevent a return to the conditions existing before January 1968 when the Dubcek regime assumed power.

The voices of the students and writers may have been temporarily muted by censorship and intimidation, but, the flame of dissent has not been extinguished. As one observer puts it, you cannot show a man a ray of hope and later tell him it was a mirage. The Soviets and hard-line Communists in general indulge in the wishful thinking that they can always turn back the clock, that the memories of a greater measure of freedom will wane with time. Repressive policies may at times arrest the revolution of rising expectations that has been sweeping the world. History attests, however, that any attemp to reestablish a *status quo ante* ends in failure. Time is rarely on the side of tyranny, and empires—even one as closely policed as that of the Soviet Union's—are subject to centrifugal forces that weaken their outer core and hasten their disintegration.

The proponents of neo-Stalinism are also underestimating the human element. Dominik Tatarka, one of the leading Slovak writers, wrote in the January 1969 issue of *Reporter*—then one of the most outspoken voices of dissent:

"To be human is not a calculated end; man cannot be used as building material for the construction of history . . . It is quite possible for whole armies, armed to the teeth, suddenly to disintegrate, as if they had been destroyed from inside by white ants. Even in the biggest tanks, under the strongest armor, in every uniform, there are human beings. Sooner or later they must behave like human beings . . ."

The men and women of East and Central Europe have lived in an age of darkness for over two decades. They, and their children—now grown to manhood—look at the past and shudder. Where are the promises of yesteryear? What has become of the earthly paradise the advent of Communist rule was to bring into existence? Why is captive Europe merely plodding along while the rest of the world is making significant strides in so many areas of human endeavor? And what has become of man's right to free choice, personal dignity, and the pursuit of happiness?

Are the Communist leaders serious in believing that they can make people forget the sorry record of their misrule and guide them back into yet another era of Big Brotherism, with no regard as to the individual's dreams and legitimate aspirations? The neo-Stalinists should have their ear closer to the ground. Young people in their twenties and thirties view communism as the most reactionary of ideologies. They have had first-hand experience with applied Marxism-Leninism, as "updated" by Stalin and his successors. They have found it obsolete, retrogressive, and unresponsive to man's fundamental needs and desires. To this younger generation, communism is no wave of the future; it is only a symbol of a wasted past.

Thus orthodox Communists and the sundry opportunists who have latched onto their coattails are little more than relics of the past. They still cling to their monopoly of power; they still can cow or terrorize the vast majority into outward submission. But they are the dinosaurs of today; the body has grown to gigantic proportions, but the head has not adapted to change. They may possess the means for protecting their vested interests, but once again—as in Stalin's time—they must spend their nights wondering about their future. Surely, in the rigid society they are trying to reinstall, someone will inevitably appear who will "out-orthodox" their orthodoxy and claim their place.

August 1968 was indeed a crushing blow for all who had hoped the "Czechoslovak Spring" would usher in a new era, not only for the Czechs and the Slovaks, but eventually for the other captive peoples of East and Central Europe as well. The forces of retrogression, however, may have won a Pyrrhic victory. They have tightened their hold on power, but they have alienated further the people over whom they rule. Their cycle, as that of the dinosaur, is bound to come to an end. They have lived on borrowed time long enough.

BOB CROMIE—NEW COLUMNIST FOR THE CHICAGO TRIBUNE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. PUCINSKI. Mr. Speaker, the Chicago Tribune welcomed a new columnist to its pages this week—Bob Cromie, a longtime newsman and observer of the world and local scene.

As the Tribune commented in an editorial, Mr. Cromie has pretty definite views about a lot of things, and he intends to discuss them in print.

We in Chicago welcome him as well to the ranks of professional scriveners who enliven our city and provoke us to think a little more deeply—about everything.

Mr. Speaker, Mr. Cromie's first column for the Tribune follows:

Where I Stand

(By Bob Cromie)

Because this is a first column it seems only sporting to warn you what to expect in this space in the future.

I am middle-aged somewhat overweight, admittedly prejudiced. I do not care for French cooking, curling, the John Birch society, or most modern poetry.

I am very fond of children, dogs, sunsets, koala bears, books, some mothers, and apple pie if tart. Also of the writings of Saki, James Thurber, Peter Beagle, and Charles Lamb, of baked beans, old shoes, loafing in the sun, watching someone else work, any golf course, of pretending not to hear the telephone ring and of Dick Cavett.

I believe that an integrated society is the only hope for this country, that dignity and a chance for gainful employment are everyone's inherent right and that the Edsel wasn't any more of a mistake than the Spiro. I like Ernie Banks, Pete Seeger, the poems of Kenneth Fearing, Wrigley field, Studs Terkel, Jim Conway, the view of the skyline from the Planetarium, Ellington's "Sophisticated Lady," Vincent Starett, and a bowling ball nosing into the 1–3 pocket.

I do not care for extremists of the right or left, Texas millionaires who lavish money on un-American causes, bugging, wire tapping, people who hit other people, loud mouths, bigots, bores, cottage cheese, wide neckties, bullfighting, big-game hunting, "Silas Marner," censorship, the color pink, mud, dust, rain on Fridays, formal wear, coral snakes (except at a distance) or bread with calcium propionate added to retard spoilage.

I favor the dissemination of birth control information, the fluoridation of water, sex education in the schools, and equal rights for everyone, without exception and without delay. I do not consider any of these things part of a communist conspiracy.

I believed in M-Day and was very impressed with the quietly effective way it was observed on the campus of the University of North Carolina in Chapel Hill—at least those portions of the demonstration which I saw. I was not impressed by Mr. Agnew's reaction to this nation-wide observance, even tho his statement, plus those of Atty. Gen. Mitchell in another context, led to one of my favorite remarks:

"Never," a friend of mine said last week, "have I seen so many bulls in the same china shop."

I am tired of hearing about the bridge at Chappaquiddick, tho unhappy about the murk which still appears to conceal the truth about that tragedy, and equally weary of talk about Judge Haynsworth, George Wallace, the St. Louis Browns Fan club, Sen. Eastland, and kids who consider violence a substitute for intelligent action. This is not to be construed as an attack on long hair or hippies. Everyone should be allowed to dress as he pleases and wear his hair at any length he likes.

Finally, and I admit this summary of my likes and dislikes is sketchy and incomplete, I am sick of listening to people who judge their fellows by color instead of content, of reading about the Mets, and those who want to know what's wrong with the Bears. There's nothing wrong with the Bears. They're just having a bad season.

See you around.

THE TAX REFORM ACT OF 1969

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. BUSH. Mr. Speaker, the statement on the Tax Reform Act of 1969—H.R. 13270—presented to the Senate Finance Committee by Raymond J. Saulnier, professor of economics, Bernard College, Columbia University, made quite an impression on me.

I agree with Professor Saulnier's view that "there is a danger of it being en-

acted without an adequate evaluation of its potential overall effects." So that all may be aware of some of the problems this legislation presents, I have requested that this statement be printed in the RECORD at this time. It follows:

MEMORANDUM ON H.R. 13270: THE TAX REFORM ACT OF 1969

(Prepared by Raymond J. Saulnier)

This proposed legislation is so long (368 pages), so complex (26 major sections with 63 subsections) and so deeply affected by loophole emotionalism that there is a danger of it being enacted without an adequate evaluation of its potential overall effects. Yet it should be clear even to a casual reader of press summaries that, as it is found in H.R. 13270, the Tax Reform Act of 1969 would be seriously counter productive.

The object of H.R. 13270 is to correct certain inequities in the federal tax code but, whatever it would do in that connection, it would have seriously adverse side effects on two other matters that must be coordinate in importance with equity in the design of our tax laws, namely the nation's capability for achieving vigorous economic growth and the balance between private and public effort in our society.

Specifically, the bill would impair the nation's capability for achieving vigorous economic growth by a number of provisions that would reduce incentives to save and invest, including the proposed treatment of capital gains and the reduction of incentives to invest in real estate and in minerals resources. It would further inhibit growth by reducing—in some cases eliminating altogether—ways in which business concerns reward management achievement under present tax law. And the balance of its revenue effect, which would become increasingly negative between 1970 and 1972, would favor consumption at the expense of investment, thereby weakening government efforts to overcome inflation as well as impeding economic growth. The Treasury estimates that, under the bill as it stands, the net long-term shift in the tax burden would be to raise taxes on corporations by $4.9 billion while lowering taxes on individuals by $7.3 billion.

In addition, H.R. 13270 would have a number of unfortunate effects on the structure of American institutions. It would impair the ability of state and local governments to finance public facilities independently and, in so doing, weaken their position in our present governmental structure. It would seriously impair the ability of private nonprofit institutions—colleges and universities, museums, hospitals, *etc.*—to obtain the private gifts on which they rely heavily, in some case entirely, for the extension and improvement of their activities. And as this memorandum will show, it would weaken the enterprise system—the means through which this country has achieved a standard of living unparalleled elsewhere in the world and through which America, from its beginnings, has offered opportunity for personal development and improvement unmatched anywhere.

In doing all this, and more, some of the bill's major provisions offend one's sensibility by—

Being in a number of instance seriously, unnecessarily and punitively retroactive;

Violating the long-respected distinction between capital and income in their treatment by the tax laws;

Deviating from the established principle of taxing income when it is actually received; and

Deleting a whole series of still valid and justifiable incentives on the ground, apparently, that yesterday's incentive is today's loophole.

The justification for this wholesale rewriting of the tax code is that a small group of individuals in the $200,000-and-over income bracket—154 in number—had no federal tax liability in 1966. Whatever the merits of the case against these individuals, it must be recognized that they represent only one percent of the taxpayers in this income class. Yet in order to reach 154 individuals, H.R. 13270 would adversely affect the tax status of hundreds of thousands of taxpayers, corporate as well as individual, would affect every citizen through higher prices and rents, would imperil every nonprofit, gift-supported institution in the country. It is hard to imagine a bill from which the fallout threat would be greater.

As for the 154, how much federal tax they paid in other years is typically overlooked, as is the taxes they paid over the years to state and local governments. Typically, no account is taken of the income these individuals chose to forego in achieving tax exemption, nor the amount of capital or income they gave away, *etc., etc.* Nor is there an adequate evaluation in the public dialogue on these questions of what it will cost the nation in the impairment of its productive institutions to correct such genuine inequities as exist under present tax law by the methods proposed. There surely must be a better and fairer way to do it. One is impressed again and again that what we have here is a massive example of throwing the baby out with the bathwater—in this case a whole family of babies, with a few cups of bathwater.

Although H.R. 13270 has been described as a milestone in tax legislation by the Secretary of the Treasury, there are valid objectives of tax reform—long recognized inside and outside of government—that it does nothing to achieve. Notable among these are simplification of the tax code and revisions to promote growth. Value-added taxation, a major subject of tax discussion these past few years, is nowhere in this bill. Nor is fiscal responsibility a part of it. The fact that the bill would burden the finances of the federal government—in amounts estimated as high as $4.1 billion in 1972—by tax cuts that more than offset the increased revenue involved in tax reform and in repeal of the investment tax credit, has already been commented on. In short, H.R. 13270 deserves not a mere patching-up but a thorough overhaul. One thing is certain: if it is passed, even with the changes proposed by the Secretary of the Treasury (many of which go in the right direction but others, in the opinion of this writer, do not), no true tax reformer need fear he has been done out of a job. Actually, the tax reform problem would be rendered more difficult.

It would be impossible for any one individual—and certainly not in one brief memorandum—to present a full critique of this lengthy and complex bill. The fact that many provisions are not commented on here is not to be construed as meaning anything, one way or the other, *pro* or *con*, with respect to their specific merits. Limitations of space, time and energy have required concentration on only a few of the bill's major provisions. It is hoped, however, that the selection is of those most in need of critical comment.

Let us begin with certain of the bill's provisions that affect capital investment and thus the nation's potential for economic growth.

1. PERMANENT REPEAL OF THE INVESTMENT TAX CREDIT

Permanent repeal of the investment tax credit, as H.R. 13270 proposes, would remove an incentive to capital expansion and improvement that from its inception has been a constructive provision of the tax code. There may be abuses here and, if so, they should be corrected, but not by the wildest stretch of the imagination can the investment credit be regarded as a loophole in any meaningful sense. Its permanent repeal would have to be regarded as a blow at the ordinary, everyday business of improving the nation's productive plant. Certainly, if this provision is enacted the Congress should find some means—presumably through depreciation liberalization—to make the volume of investible funds generated internally by businesses more nearly consistent with what is required for capital investment. Otherwise, the productivity and international competitiveness of American industry will suffer a damaging setback.

Finally, although an on-again off-again handling of the investment credit deserves, in my opinion, no place in stabilization policy—planning for capital expansion and improvement needs and deserves a more stable framework of taxation—the anti-inflation purpose (for which there is a reasonable argument) would be better served by suspension than by permanent repeal, if that has to be the choice.

2. LIMITATION OF ACCELERATED DEPRECIATION PRIVILEGES IN REAL ESTATE INVESTMENT

Despite the well-known tendency for investment in new construction (notably, new residential construction) to lag behind other types of investment, and despite the widely-recognized and increasingly critical shortage of residential facilities, H.R. 13270 would reduce certain incentives which Congress on earlier occasions deliberately incorporated into the tax law to encourage construction and rehabilitation of real property. Under the House bill:

(a) accelerated depreciation—previously allowed on all new construction on the 200% declining balance and sum-of-the-years digits methods—would henceforth be restricted to the recovery of capital invested in new residential building;

(b) despite the fact that the incentive to invest in new construction depends heavily on an active market for used structures, straight line depreciation would be required on the latter (residential and nonresidential) in place of the 150% declining balance method presently allowed;

(c) although new nonresidential construction is crucial to the creation of a satisfactory total environment, it would be allowed a slower (150% declining balance) depreciation in place of the accelerated rate presently allowed;

(d) the excess of accelerated over straight-line depreciation would be recaptured as ordinary income on the sale of real property of any type, with no amelioration of this effect (as provided in present law) depending on how long the property was held, thus aborting the initial effect of fast writeoff; and

(e) the right to depreciate rehabilitation expenditures on a straightline basis over 20 months would be restricted to projects where additions or improvements have a useful life of 5 years or more, where they constitute low cost housing for nontransient use (declared eligible for such treatment by HUD) and where rehabilitation cost per unit is not less than $3,000 or more than $15,000.

These proposals—which treat accelerated depreciation as if it were a device for nonpayment of taxes rather than a deliberate, congressionally-designed arrangement for the deferral of taxes—are almost certainly destined to result in (i) a smaller increase in total housing supply than would be produced by wider availability of faster depreciation; (ii) a reduced availability of housing for low- and middle-income families; (iii) inadequate nonresidential facilities needed for a balanced total neighborhood environment; (iv) less rehabilitation of existing housing, further limiting total supply; and (v) increased rents. There must be a way to prevent the tax-shelter uses of real estate—by what must be a very limited number of individuals—without these adverse and untimely effects on the whole construction and real estate industry.

3. HEAVIER TAXATION OF CAPITAL GAINS

It is a long established feature of tax law everywhere to tax capital gains less heavily than current income. In so doing, legislators have had in mind that if there is a gain from capital in terms of appreciation of principal value, it is (i) a gain from investment of income already taxed to the individual before it could be saved and invested; (ii) that it often reflects in whole or in part, the plowback of undistributed profits already taxed to the corporation; (iii) that the income from capital is also fully taxed as received; (iv) that capital gains are built up over time—frequently over a long time—and, with tax rates typically rising, an equitable and proper averaging process should put the capital gains tax at a lower level than the tax on current income; and (v) that a capital gains tax is levied, in any case, against an increase in principal value which, the world being what it is, is typically a result largely of inflation. No tax code can deal severely with investment gains without discouraging the investment process itself, either by lowering potential return or limiting liquidity, or both—and to discourage investment is to inhibit growth and everything that growth means for the creation of jobs and the enhancement of well-being for everyone. Yet H.R. 13270 would make present taxation of capital gains more severe by:

(a) extending the holding period required to distinguish between capital gain and income from ordinary transactions from six months to one year;

(b) eliminating the alternative tax rate for longterm capital gains, thus raising the upper limit of the effective tax on such gains for taxpayers with a marginal tax rate above 50% from the present 27½ (including surtax) to 38½ or by 40%;

(c) raising the alternative rate for corporate taxpayers to 33% (including surtax) from the present 27½; and

(d) permitting only 50% of an individual's net longterm capital losses to be offset against ordinary income, up to the $1,000 limitation, in place of the full deductibility presently allowed.

In addition to making invested funds more illiquid and discouraging both saving and investment, H.R. 13270's proposed treatment of capital gains would be clearly retroactive in effect, constituting an unanticipated capital levy not just on the 154 but on many thousands of unsuspecting Americans.

4. REDUCTION OF DEPLETION ALLOWANCE AND OTHER PROPOSALS AFFECTING MINERALS INDUSTRIES

One of the most capital-intensive and risk-affected industries in the United States—oil, gas and other mineral resources—would be dealt with especially severely by H.R. 13270. Apart from the adverse effect on these industries from repeal of the investment tax credit and the heavier taxation of capital gains, the proposed legislation—in the case of oil and gas—would (i) reduce percentage depletion allowances from 27½ to 20% on domestic properties; (ii) eliminate depletion allowances altogether on overseas properties; and (iii) treat production payments as loans.

Among the likely effects of these proposals are the following:

(a) the cost to U.S. companies of oil development would be increased substantially and, if there is anything at all to the shifting of taxes (and there must be in this case, since the profitability of oil companies in 1968 was only about the same as that of manufacturing concerns generally), the cost of gasoline at the local gas pump would be increased;

(b) the cost to US companies of oil development conducted overseas would be increased: (i) in all probability without increasing US tax revenues; (ii) with predictably adverse effects on the strategical position of the United States in world affairs; and (iii) with adverse effects, certainly in any longterm perspective, on the US balance of international payments; and

(c) with a lower after-tax cash flow, oil producing companies would need to depend more heavily on external financing for oil development, a necessity that would be felt most severely by individual developers and small companies.

5. REDUCED OPPORTUNITIES TO REWARD MANAGEMENT ACHIEVEMENT

The opportunity to reward a business executive for making a success of a company's affairs cannot possibly be anything but constructive in promoting economic growth. In this respect, the proposed 50% upper limit on taxation of earned income moves in the right direction; on the other hand, those provisions of H.R. 13270 that would limit opportunities to provide rewards other than by current income would be an obstacle to growth. Specifically, this criticism applies to:

(a) the bill's treatment of deferred compensation payments, a type of forward income-averaging which, under these proposals, would be taxed not at the rate applicable to the taxpayer in the year the income was actually receved but at a rate calculated, *ex post*, as what would have been applicable in the years in which the income was earned;

(b) allowing the deduction of interest only to the extent of investment income and long-term capital gain (plus $25,000) for the acquisition of stock (for example) under a stock option program, even though the interest is a cost incurred to make an investment, the income and capital gain from which (if there is any) will be taxable in due course;

(c) taxing as compensation the value of stock received in lieu of salary under restricted stock plans (except where the employee's interest is subject to substantial risk of forfeiture) despite the fact that in many instances the stock continues under restriction which prevents its sale to raise funds to pay the tax.

6. REDUCING TAX EXEMPTION OF INTEREST ON STATE AND LOCAL (MUNICIPAL) BONDS

H.R. 13270 would reduce the tax exemption accorded interest paid on state and local government securities (municipals), an exemption going back to the introduction in 1913 of the federal income tax and grounded in constitutional considerations, by:

(a) allowing an individual to count as tax preference income (in the limited tax preference—LTP—rule) an amount not to exceed 50% of total income (adjusted gross income plus tax preference income) regardless of the actual proportion of taxable to nontaxable income, thus treating some tax-exempt income as taxable;

(b) requiring that deductions be allocated to nontaxable income (in the allocation of deductions—ADR—rule) in the proportion of nontaxable income to total income, thus making some part of the deductions ineffective in the role for which they were originally granted.

Also, the bill would further restrict the availability and raise the cost of municipal debt financing by:

(c) making capital gains on debt securities held by financial institutions taxable at the income tax rate rather than (as now) at the capital gains rate.

Having thus taken away with one hand at least part of the tax exemption explicitly offered with the other, and having reduced the incentive for financial institutions to continue investing in municipals (commercial banks hold nearly 40% of the outstanding supply), the bill then says that if a state or local government chooses to finance on a taxable basis the federal treasury will provide a subsidy calculated to offset the higher cost of borrowing without benefit of tax exemption.

Quite apart from the constitutional questions raised by these proposals—which have to do with reciprocal tax immunity as a principle essential to desirable federal-state-local relations—there are a variety of important economic questions involved. Thus:

(a) again if there is anything at all to the shifting of taxes, this proposed erosion of tax exemption will raise the cost of financing to state and local governments and require an increase in tax rates at the state and local level; a measure of this effect can be judged from the fact that in recent markets tax-exempt securities sold at yields as much as 2 percentage points below those obtainable on taxable securities;

(b) to the extent that an erosion of the tax-exemption privilege induces state and local governments to elect the alternative of issuing taxable securities, the proposed legislation will require the federal government to undertake a new and conceivably large and growing function in administering interest rate subventions;

(c) the market for municipal securities is bound to be dislocated, indeed is already seriously dislocated, at a time when (most would agree) capital improvement programs at the local level are needed more urgently than ever before; already, the yield spread between taxable and nontaxable securities has narrowed by close to ⅓ of a percentage point.

Again, all this is done apparently to cut back on the use of tax-exempt municipal bond income to avoid tax liability, when the evidence indicates that this type of income is of major consequence to only a small minority of all high-income individuals.

7. TREATMENT OF CHARITABLE CONTRIBUTIONS

Finally, there are the provisions of H.R. 13270 that would significantly alter the balance of private *v.* government effort in various sectors of our society. It would do this by hampering the gift-raising capability of private nonprofit institutions on which every community in the nation, in one way or another, depends heavily for educational, cultural, medical and other facilities. It is especially serious that this would be done at a time when these institutions, with few exceptions, are operating under increasingly serious financial difficulties and when demands on them by the community are heavier than ever before.

The proposed increase from 30 to 50% in the general limitation on an individual's charitable contribution deduction would be a constructive and important change, but in a number of other provisions H.R. 13270 would be so technically complicated and so severe in its treatment of acts of charity and philanthropy that prospective donors would likely withdraw in bafflement if not in anguish as fund-raising personnel attempt to explain the tax implications of prospective gifts. Features of the proposed legislation that would make life more difficult for gift-supported institutions include:

(a) eliminating the unlimited charitable contribution deduction now available to donors, thus making it more difficult to obtain the large gifts that frequently are the events that make a success of ambitious fund-raising programs;

(b) treating as taxable the appreciation (unrealized, at that) of charitable contributions of appreciated property;

(c) placing what appear to be severe limitations on the deduction available to donors in charitable remainder trusts, and charitable income trusts the remainder of which goes to a beneficiary other than a charity;

(d) requiring that in so-called bargain-sales to charitable organizations costs be allocated between the portion sold and the portion given, rather than allowed in full as a charitable contribution deduction;

(e) eliminating the rule that made possible the so-called two-year charitable trust;

(f) eliminating the presently unlimited set-aside deduction available to nonexempt trusts and estates; and

(g) disallowing charitable deductions for gifts less than the donor's full interest in the property involved.

CONCLUSION

Without attempting to evaluate all the possible effects of H.R. 13270, the conclusion must be that, as it stands, it would—

Impair the nation's capability for achieving economic growth and improvement;

Reduce in particular the incentive to invest in new construction, in all probability doing little if anything to promote investment in new low-income housing;

Raise rents;

Raise the price of gasoline and mineral products generally;

Raise local taxes;

Create the need for a new federal program to help state and local governments finance public facilities;

Create the need for new federal programs to aid private gift-supported institutions; and

Hamper the fight against inflation.

THE TREASURY'S SEPTEMBER 4, 1969, PROPOSALS

The maleffects of H.R. 13270 would be ameliorated in part but not entirely by proposals made September 4, 1969, by the Secretary of the Treasury, in particular by his proposals for:

Cutting the estimated 1979 revenue shortfall from $2.4 to $1.3 billion;

Reducing the corporate tax rate by one percentage point in 1971 and an additional point in 1972;

Retaining the six-month holding period for capital gains and, with some exceptions, retaining the maximum 25% rate on such gains;

Excluding charitable donations of appreciated property from LTP and ADR:

Reducing the proposed tax on foundations from 7½ to 2% of income;

Excluding tax-exempt municipal bond interest from LTP;

Eliminating that section of H.R. 13270 that puts a limit on the deductibility of interest on indebtedness incurred to purchase or carry investment assets; and

Deleting that provision of the bill (Section 331) relating to deferred compensation.

However, the Secretary's proposals would leave unchanged or make even more severe certain sections of the proposed bill which, in the judgment of this writer, would have a counterproductive economic effect. Specifically, the Treasury's proposals would, among other things—

Leave the treatment of real estate investment as in the House bill except for the suggestion that commercial banks, mutual savings banks and savings and loan associations be allowed a special tax deduction of 5% against gross income from loans to finance residential construction (also for guaranteed loans to college students and loans guaranteed by the Small Business Administration);

Accept the reduction of percentage depletion for the minerals industries (though not a part of the administration's initial recommendations) and the inclusion of both depletion and intangible drilling costs in ADR (as initially suggested to the House) but would go beyond H.R. 13270 by proposing (as the administration did initially, but as the House did not) that both depletion and intangible drilling costs be included in LTP, though the latter not for taxpayers deriving 60% or more of their income from oil and gas operations;

Continue the limitation (as originally proposed by the administration) on restricted stock plans;

Accept the House proposals regarding charitable contributions, except the inclusion of donations of appreciated property in LTP and ADR;

Include tax-exempt interest in ADR (as does the House bill) but—with potentially damaging effect—without the ten-year phase-in which the bill provides;

Apparently employ an arrangement (to be disclosed later) such as an urban development bank in lieu of interest subsidies to state and local governments that elect to issue taxable securities; and

Retain the retroactivity of any change in the taxation of capital gains.

Clearly, there is a great deal still to be done to make H.R. 13270 consistent with *all* the goals of constructive tax reform.

Nothing said above is meant to disparge in the least the importance of efforts to check genuine abuses of the present tax code. No one can make a case for retreating from that task. The point is we must be sure that in the cleaning-up process it is bathwater and not babies that is thrown out, and that there is no exchange of new inequities for old ones. We need a tax code that is fair and equitable. But we also need a code that bolsters incentive to work, to save, to invest, to take risks (and heavy risks at that) and a code that will have the kind of effect on the institutional structure of our country—the place of private enterprise in the production process, the balance of state and local *v.* federal power, and the role of private nonprofit, gift-supported institutions—that will strengthen not weaken the democratic qualities in American life.

THE LATE HONORABLE EDWARD H. REES

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 27, 1969

Mr. ROONEY of New York. Mr. Speaker, I was indeed saddened to learn of the passing of the Honorable Edward H. Rees who for 24 years represented Kansas' Fourth Congressional District here in the House of Representatives. Ed Rees and I became very good friends and I, like so many of my colleagues here, feel his loss deeply. He was a wonderfully warm and gentle man, yet a man with firm convictions. Some of these I did not personally agree with but had to admire his devotion to them. I recall with pleasure some of the exchange of ideas we had; Ed was never at a loss for words. During his years in the House of Representatives Ed Rees served 16 of them on the Post Office and Civil Service Committee and twice was the chairman of that distinguished committee. He was devoted to economy but worked hard and long to improve the lot of Federal employees for whom he had high regard. He was also the sponsor of legislation which made November 11 Veterans Day—an annual observance dedicated to the veterans of all of our country's wars. Ed's life of public service was a long one starting back in 1912 in his home State and ending with his retirement from the House of Representatives in 1960. Throughout that long span he was known and loved by all who came in contact with him. To his lovely wife, Agnes, his son and family I extend our deepest sympathy at this sad time.

JOHN STEINBECK WRITES TO FRIENDS OF THE NATIONAL LIBERATION FRONT

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. TALCOTT. Mr. Speaker, the war in Vietnam still drags on. Thank goodness, the level of casualties is mercifully down.

The objectives and the tactics of the Communists have not changed—only the tempo is different. The objective is still domination of South Vietnam; the tactics are still terroristic. Terrorist atrocities continue daily. This type of guerrilla war is the most difficult of all known warfare with which to cope. It is the most difficult for those removed from the scene to understand.

The famous author, John Steinbeck, was born and buried in my hometown of Salinas, Calif. The liberal press has always given Mr. Steinbeck high marks for his reportorial skill and his descriptive writing.

He toured South Vietnam in 1967 and wrote a letter from Saigon, which I ask unanimous consent to include in the body of the RECORD.

He made several points which deserve to be remembered as we try again to negotiate with the North Vietnamese Communists and their Vietcong collaborators. One is significant in respect to some current attitudes toward the South Vietnamese Government. No refugees are moving to the north or to Vietcong centers to avoid brutality, terror, or deprivation of liberty. Hopefully, any peace agreement or settlement will protect the South Vietnamese from the terrorism and deprivation of liberties now so flagrant in North Vietnam and among the Vietcong.

I urge the re-reading of John Steinbeck's poignant letter:

> SAIGON.—Do you remember my telling you that any mistakes might be beauties but they would be my own? Well, I've only been two weeks in Vietnam but of that time I have spent 10 days out of 14 in the field from base camp to forward position, to patrol, to assault operation. I've covered a lot of country and have seen many things ugly and/or beautiful with my own eyes. I haven't been to the Delta yet.
>
> Anyway I'm cocked and set to make some generalities which the home guard com-

mandos can shoot down if they wish. In New York, in other places and in those full-page advertisements in the New York Times as well as in political speeches aimed at U.S. foreign policy, I have heard and read that we are interfering with the internal affairs of a foreign country—that this is essentially a civil war and that the Vietnamese people should be allowed to settle it for themselves, that the V.C. is an organized army of Boy Scouts, selling their lives to free people from the intolerable pressure of a ruling class backed up by the brutal and imperialist soldiery which delights to kill and maim women and children.

My first generality item is that this is pure horse manure, and I base this on what I myself have seen.

The V.C. has much the same selfless impulse, the same gentle democratic direction and uses the same methods for gaining his ends as the Mafia does in Sicily. The parallel is very close. Terror and torture are his weapons. He bleeds the people he is saving of everything movable, kidnaps whole villages for forced labor, recruits the young men and holds the parents hostage. He murders any opposition noisily or secretly. He impales living bodies on sharpened stakes, slashes stomachs so that a man drags his intestines on the ground before he dies. He tosses grenades in markets where poor people gather to buy food.

If a village refuses to pay his tax (the Mafia or Cosa Nostra would call it protection) he burns the houses. And lately he has a refinement. A man suspected of communicating, only suspected, is taken to a village center. His neighbors are forced to look on while he is taken apart little by little, starting with fingers and toes but carefully so that bleeding will not give him quick release, and when they have finished, he is a ghastly mound of butcher's meat. You don't believe it? I could show you photographs but no American paper would dare print them for fear of disturbing the comfortable self-satisfaction of its readers.

I wish I could take the people who have written me hate-letters calling me murderer, through some of the sweet and tender activities of the National Liberation Front which is what Charley calls himself. But I suspect their stomachs couldn't stand it.

I would like them to see the refugee camps we help to build and help to maintain. These people did not run from us. They ran to us. Doesn't it make any impression that there are no reverse refugees. Nobody runs north to escape the brutality of the South Vietnamese and the brutal Americans. Why is that?

Of course this is a most complicated situation. The new party-line word in so many of my hate letters is simplistic. Well if this is simplistic, comrades, make the most of it. Charley is a pure SOB. His purpose is domination of the land and the minds of poor people and he will stop at no horror, no lie, no trick to achieve it.

This is a simplistic generalization. I can go into its complicative opposite if you wish, but meanwhile, if you hear someone celebrating the misunderstood and mistreated V.C., just punch him in the nose for me, will you?

But this is not a pretty war and Charley sets the pace. Our kids are learning to fight back. But how I would like to run a protest parade down a V.C. trail. Charley puts paddy peasants over a suspected path before he goes in. Maybe the Peace Marchers might like to serve in this capacity. Sorry to be so vehement but I've seen a boy with punji wounds.

Yours,

JOHN.

DAVID LAWRENCE ON NARCOTICS PARLEY

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, on October 27 in the Washington Evening Star, Columnist David Lawrence discusses the recent conference held by President Nixon and congressional leaders of both parties. The narcotics addiction and drug abuse problem according to the President is "just as important as the defense of our country." Mr. Lawrence presents an informative summary of the conference and the significant points made at it.

For my colleagues who may have missed the column, I am here including the text of it into the RECORD. Since I am sure many of you are as concerned as I am about this terrible problem, Mr. Lawrence's article should prove informative and worth reading. The column follows:

DOPE PARLEY MADE TELLING POINTS

(By David Lawrence)

What was the piece of news most important to the American people in the last few days?

It was the two-hour conference between President Nixon, leaders of both parties in Congress and the officials of our government who are dealing with the "dope" problem in the world today. The President said the subject is "just as important as the defense of our country."

More than 20,000 words were released to the press covering the two conferences. The first was a discussion between the President, the secretary of Health, Education and Welfare, the director of the Bureau of Narcotics, members of Congress and Art Linkletter, the TV star, whose daughter committed suicide two weeks ago after struggling with a problem created by drugs. Subsequently a separate meeting was held with the newsmen at which the head of the narcotics bureau and Mr. Art Linkletter spoke at length.

The presentation of this subject at the White House conferences might well have been on the television and radio. Here is a summary of the most significant points made, as revealed in the official transcript:

1. The President first emphasized that the subject was "completely above partisan consideration." He said that the country has too little information on the subject and that "there is too much ignorance" of its scope.

2. The director of the narcotic bureau, John E. Ingersoll, revealed that "Operation Intercept" on the Mexican border was very successful and that a system of cooperation between the United States and Mexico to prevent the smuggling of drugs has begun to function effectively. But he added that the principal sources of drugs brought into the United States were Turkey and France.

3. Mr. Ingersoll told of an important meeting just held by the International Organization of Criminal Police (Interpol) which has recommended that member countries make drugs available on prescriptions only, that governments supervise all transactions from production to retail distribution that all producers be licensed, that trade be limited to authorized persons, and, finally, that nonauthorized possession for distribution purposes be prohibited.

4. It was suggested that a distinction be made between mere users of narcotics and those persons involved in the illicit trade. New laws are being drafted for Congress to pass and for the states to enact. Tighter controls are urged not only on international traffic but over sales inside the United States.

5. It was disclosed also that some of the government's own agents become involved in the drug traffic. Mr. Ingersoll said he had the unhappy job of separating from the service more than 50 persons, indicting about 14 or 15 agents and former agents for federal offenses, including traffic in narcotics. He said the investigative workers are confronted with "the most fantastic temptations" because of the terrific profit in the drug trade.

6. Considerable discussion was devoted to the length of prison penalties. The argument was made that the professionals engaged in the drug business should receive longer prison terms than the users, and the the latter should be given light sentence and more treatment of the rehabilitation kind.

7. The director of the narcotics bureau spoke of drug traffic within the armed forces, and said "the principal problem lies in Vietnam" He mentioned that one agent flying in a helicopter had discovered many areas there where marijuana is grown.

8. President Nixon emphasized the need for law enforcent on the drug question at the federal, state and local levels in America. He remarked:

"We tend to blame it all on the kids and the others that are drawn into this field. It has been made available to them. The sale has been made. The government hasn't done its job. . . .

"On the education side, I was talking to Art Linkletter about this last night, I said, "Don't they start in high school?' He said, 'No, in junior high school.' This, apparently, is the problem."

9. Secretary Finch pointed out that in some school districts in Virginia the superintendents say more than half their students are using marjuana or other drugs.

10. Much of the discussion concerned marijuana, and the question was raised as to whether it is on a par with alcohol. Senator Jacob Javits of New York put it this way:

"The main point in marijuana is you can't take one drink. Once you have it, you have had it."

11. President Nixon made a final suggestion that, instead of "a dull educational program" on television about the evils of marijuana, heroin, LSD and other drugs, it would seem "that some exciting programs on this could have an enormous educational impact on the country.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorials for today are from the St. Paul Dispatch, and the St. Paul Pioneer Press, St. Paul, Minn. The editorials follow:

[From the St. Paul (Minn.) Dispatch, July 17, 1969]

TRUCKERS, AGAIN, WANT MORE

The annual push is on for the use of longer, wider and heavier trucks and buses on federal interstate highways. The House Public Works subcommittee is hearing testimony on a bill to permit bigger trucks and buses and an advertising campaign has begun in public print.

Last year, you'll recall, the trucking lobby almost had hauled such a bill quietly through Congress before the public got wind of it. Worried taxpayers and another powerful lobbying group, the American Automobile Association, managed to put the brakes on the truckers.

But they are back again, claiming that their proposed increases are "modest" and that the bigger trucks will be safer than the rigs which now rock our cars as they go rumbling by. Testimony at last year's congressional hearings showed that large trucks are involved in a significant percentage of the nation's fatal accidents. Federal Highway Commissioner Lowell K. Bridwell said that the 1968 bill failed to include adequate safety provisions and would "speed the deterioration" of the roads.

George Kachlein Jr., executive vice president of the American Automobile Association, addressed himself to the problem of road deterioration at the current subcommittee hearings, estimating that the larger trucks would create a $1.6 billion road repair bill over a 10-year period. He stated further that the AAA believes that such damage would occur each 10 years. Even if the monster trucks were to be taxed heavily enough to pay for such damage (which apparently they would not be under the present bill), the question remains as to what will happen to the speed and safety of interstate highway traffic if these roads are constantly being torn up and repaired. Speed and safety were the prime reasons for building the interstate system, if memory serves correctly.

In an apparent attempt to influence the motoring public, a major supplier of truck parts has taken a full-page magazine advertisement to argue for bigger and heavier trucks. At the top of the ad is a picture of a tree-lined, two-lane road and at the bottom is a photo of one of those typically arid, sunbaked treeless stretches of multi-lane interstate highway. Nearly everything has changed, says the ad.

In truth, there are still a lot of those two-lane roads remaining and many are located where those proposed monster trucks will have to use them to get to their destinations after they leave the interstate highways. At the subcommittee session Tuesday, Joseph Coupal, Iowa director of highways, pointed out that a substantial percentage of that state's road system could not stand the gaff of heavier truck traffic. Highway department heads of most other states would make the same statement.

The trucking industry may be correct when it says that the larger and heavier trucks would be more efficient and would allow the industry to keep shipping costs down. But, for the present, it appears as if what's good for the trucking industry is not good for the country.

[From the St. Paul (Minn.) Pioneer Press, Sept. 8, 1969]

TRUCKS AND SAFETY

Seldom has any government agency shown as callous a disregard for the public as has the Transportation Department in its statement of support for a bill to permit longer, heavier trucks on interstate highways.

The department has offered to support to the bill, if certain changes are made, even though the agency does not know how the bigger tractor-trailer rigs would affect highway safety. It seems incredible that the department would offer any support, however qualified, until it had complied and evaluated sufficient safety data.

Federal Highway Administrator Francis C. Turner admitted to a House Public Works subcommittee that federal highway officials do not have enough data to reach a "definitive conclusion" as to whether bigger trucks would pose an unacceptable safety hazard. Yet he proposed that Congress enact the bill because the department believes it would benefit the nation's economy.

Turner tossed a crumb to the safety-conscious members of the subcommittee by proposing that Congress postpone the effective date of the bill three years to allow time for setting safety standards. But what happens if it is learned during those three years that the bigger trucks will pose an unacceptable safety hazard? Will the bill be repealed? Not likely.

So, before such a bill is considered for passage, it is imperative that the facts be known and the safety standards set. There should be an effort made to determine what effect such trucks will have on the mental and emotional attitudes of auto drivers, how much nervous strain the presence of such trucks will cause, how much the "whoosh" of air from them will rock a passenger car, how much dirty slush they will throw onto an auto's windshield when they pass, how long it will take one to pull across a highway in front of a line of fast-moving cars, what hazards will be caused by the highway repair crews that will be out more frequently to repair damage caused by these monsters and what dangers await motorists along the routes these trucks will use between terminals and interstate highways.

Big trucks are dangerous. When they collide with a car, the car always comes out second best. Semi-trailers can jack-knife and tip over. At least three have toppled this summer on Interstate I–84 in and near St. Paul. It was only by chance that none of them hit cars. Congressional passage of a bill permitting the operation of even larger trucks without an evaluation of their effect on highway safety would be an abdication of responsibility.

The Transportation Department's proposal does not square with President Nixon's campaign statement that the safety of the traveling public must be protected. The department's position puts economics above human lives. That's a strange priority.

VFW POST NO. 5718 STAGES "SALUTE TO YOUTH"

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. FASCELL. Mr. Speaker, after President Nixon proclaimed September 28 through October 4 of this year as "National Adult-Youth Communications Week," the Veterans of Foreign Wars—No. 5718—of Coral Gables, Fla. and its ladies auxiliary took the initiative to follow up this proclamation. Their program "Salute to Youth" was held on Sunday, September 28. Students and adults gathered to hear speakers on the role of today's youth.

Mrs. Anne M. Genesse, VFW Americanism chairman, said:

> The theme was "Accentuate the Positive" and the purpose was to stress the positive and constructive side of the majority of today's youth; as opposed to the negative and destructive activities of the noisy minority . . . Our idea is to give recognition to the young people who are truly worthy of it and to present a positive approach to youth; we have all heard enough of the negative view point.

At the program, over 140 high school and college students from Coral Gables, South Miami, Miami Beach, Hialeah, and North Dade were honored by the VFW with citations for their outstanding community service. Individuals and groups received awards; included were: American Red Cross Youth Activities Volunteers, the Junior Venetian Aquatic Club, the Nursing Volunteers from Doctors' Hospital, representatives from the Decency Rally and from the University of Miami and Miami-Dade Junior College.

I wholeheartedly commend the Veterans of Foreign Wars and the Ladies Auxiliary of Coral Gables for their outstanding work in promoting understanding and for their efforts toward closing the "generation gap."

PAY FOR POSTAL WORKERS IS OUT OF LINE AND VETO THREAT ONLY AGGRAVATES SITUATION

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. DULSKI. Mr. Speaker, the House recently passed H.R. 13000, the Federal Salary Comparability Act of 1969, by a vote of 311 to 51.

This is vital legislation designed to accomplish two things: First, to set up a permanent system of adjusting pay for Federal employees; and second, to correct the present inequity which requires a postal worker to work 21 years to reach maximum pay.

The House acted despite the advance threat from the other end of Pennsylvania Avenue of a Presidential veto.

I think that it is regrettable that the Chief Executive chose to speak out so negatively on this matter before it had been acted upon by the Congress. Unfortunately, his action has only aggravated an already sensitive situation with regard to our postal workers.

As an example, I call the attention of Members to an article which appeared in a downstate newspaper the other day, as follows:

[From the Long Island (N.Y.) Press, Oct. 22, 1969]

LONG ISLAND POSTMEN MAY SEEK WELFARE; MOVEMENT SNOWBALLS AMONG LOW-PAID CARRIERS

(By Jeff Forgoston)

It looks like the two Manhattan letter carriers who applied for welfare benefits last week started something, because dozens of Long Island postmen now are contemplating the same action.

Carriers working in all sections of Queens, their number apparently growing each day, except to apply for relief en masse, probably at both the Jamaica and Long Island City welfare centers, sometime next week.

This display of the postmen's plight—less than $85 a week take-home pay for younger carriers—will have followed the expected appearance this afternoon of 20 Brooklyn letter carriers in their uniforms at the Department of Social Services' office at 330 Jay Street.

The snowballing welfare movement among postal workers was prompted by President Nixon's threat to veto a pending pay increase bill for federal employes, passed last week by the House of Representatives by a wide margin.

Postal union leaders are in complete agreement with the men.

"Does a guy who works for the U.S. government have to apply for welfare to support his family?" asked Albert Manzi, president of the Flushing Letter Carriers Association. "Is this fair? Is this justice?" Manzi, who works as a carrier out of the Middle Village station, said he has received about 60 calls from young postmen asking for help.

Thomas J. Spillett, head of the Long Island City Letter Carriers Association, has received only about 20 calls—but he sympathized with the postmen's economic hardships just as much as Manzi. "The entrance salary is so low, this is the problem," he said. "Good responsible men are coming into the postal service, but with this salary they can't stay."

Anthony Perrota, the president of the 1,000-member Jamaica Letter Carriers Association, said many men leave for better-paying jobs in the city's civil service. He has received about 50 calls.

In Freeport, about one-third of the 130-member Freeport Letter Carriers Association has inquired about seeking welfare benefits, said Aaron Trachtenberg, president of the local unit and vice president of the association's Long Island district. He said sentiment in this direction was growing throughout Nassau.

The annual starting wage for a letter carrier is $6,167. After five years, it is just over $7,100. The top salary is $8,400 for 25 years of service.

Manzi, whose Flushing association has 1,000 members pointed out that city policemen and firemen reach the top of the wage scale after only three years. A postal job, he added, "is for the birds. I'm in my 21st year and I'm still not at top salary." He said he grosses $8,200. The starting salary for a policeman is $9,499.

"It's pitiful," Manzi said. "You see men who have to work at two jobs who never see their kids." He estimated that 25 per cent of his group might be eligible for relief subsistence. Most are men under 30 years of age, some with several children.

Why haven't they sought welfare benefits prior to now?

Spillett, who works out of the Sunnyside station and lives in Flushing, had a theory. "Carriers," he said, "are just becoming aware that their salaries are so low that they are eligible for welfare."

Each case, however, will have to be judged on its own merit. A spokesman for the Department of Social Services said yesterday that decisions had not been reached yet on the two Manhattan postal workers who applied last week.

Spillett, who also holds the post of executive vice president of the state Letter Carriers Association, had another thought. He said some men may not submit a welfare application because of "a sense of shame. They're a little timid." But he added that he was trying to allay their fears, pointing out that their financial status was not their fault.

Another postal union leader agreed.

"The country doesn't seem to worry very much about our letter carriers," said Gustave J. Johnson of East Meadow, national field director of the National Association of Letter Carriers.

NATIONAL GALLERY OF ART CALENDAR OF EVENTS—NOVEMBER 1969

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure for me to place in the CONGRESSIONAL RECORD the calendar of events for the month of November of the National Gallery of Art.

The National Gallery of Art is to be congratulated on its excellent, high-level presentations, and the events scheduled for November are a fine example of the programs offered.

I am happy to call this calendar of events to the attention of my colleagues and the American people, and urge that they take the time to visit the National Gallery of Art.

The calendar of events follows:

NATIONAL GALLERY OF ART—CALENDAR OF EVENTS, NOVEMBER 1969

Old master drawings from Chatsworth: Opening November 2 in the Central Gallery for exhibition through the month are 131 master drawings from one of the foremost private collections. Lent by Britain's Duke of Devonshire and circulated by the International Exhibitions Foundation for first showing in the United States, the exhibition includes superb examples by Dürer, Rembrandt, van Dyck, Raphael, two pages from Vasari's celebrated *Libro di Disegni*, and a section of six drawings by Parmigianino. Fully illustrated catalogue with introduction by James Byam Shaw, 10″ x 7½″, 160 pages, $3.00 postpaid.

Wright of Derby: November 22 is the opening date for an exhibition of 19 paintings and one drawing by an early Romantic artist who has only recently come to the forefront of scholarly attention, Joseph Wright of Derby. This is the third in a series of exhibitions of the work of individual British artists as represented in the private collection of Mr. and Mrs. Paul Mellon. Fully illustrated catalogue with introduction and notes by Ross Watson, 10″ x 7½″, 40 pages, 21 black-and-white illustrations, $2.25 postpaid.

Special film series: *Civilisation*, written and narrated by Kenneth Clark for B.B.C. television, will be shown on Sundays from 5:30 to 7:30 p.m. through December 14. Consisting of thirteen 50-minute programs in color, the series has not been previously seen in the United States. The former Director of the National Gallery, London, charts a course through ideas and events that led Western civilization from the collapse of Rome to our century. No seats reserved. See weekly listings.

Sunday lectures: The five Sunday afternoon lectures this month are all related to the drawings from Chatsworth. Besides a talk on the exhibition, and one on other important collections of drawings, there are three lectures on artists whose work is shown in the Chatsworth exhibition.

Recent publication: Paintings from the Samuel H. Kress Collection: Italian Schools XV–XVI Century, by Fern Rusk Shapley, published by Phaidon Press. Second in a series of three volumes, the book catalogues over 430 Italian paintings of the High Renaissance period. 459 pages, 445 illustrations including 13 color plates. $25.00 postpaid.

Christmas cards: The 1969 catalogue of National Gallery Christmas cards may be requested from the Publications Office by mail or by telephoning (202) 737–4215, ext. 285. The Christmas card sales desk is now open.

Gallery hours: Weekdays 10 a.m. to 5 p.m. Sundays 12 noon to 10 p.m. Admission free to building and scheduled programs.

Cafeteria hours: Weekdays, 10 a.m. to 4 p.m., luncheon service 11 a.m. to 2:30 p.m. Sundays, dinner service 2 p.m. to 7 p.m.

MONDAY, OCTOBER 27, THROUGH SUNDAY, NOVEMBER 2

Painting of the week: Canaletto. "The Square of Saint Mark's" (Gift of Mrs. Barbara Hutton) West Stair Hall-Main Floor. Tuesday through Saturday 12 and 2; Sunday 3:30 and 6.

Tour of the week: Art collectors of the past. Rotunda. Tuesday through Saturday 1; Sunday 2:30.

Tour: Introduction to the collection. Rotunda. Monday through Saturday 11 and 3; Sunday 5.

Sunday lecture: "Old Master Drawings from Chatsworth." Guest speaker: James Byam Shaw, lecturer, Christ Church, Oxford, England. Lecture Hall 4.

Sunday film: Civilisation, program No. 1 "The Skin of our Teeth." Lecture hall 5:30.

Sunday concert: Kathleen Joyce, contralto; Neil Tilkens, Pianist; East Garden Court 8.

MONDAY, NOVEMBER 3 THROUGH SUNDAY, NOVEMBER 9

Painting of the week: Vermeer. "Young Girl with a Flute" (Widener Collection), gallery 44. Tuesday through Saturday, 12 and 2; Sunday, 3:30 and 6.

Tour of the week: Paintings related to the old master drawings from Chatsworth. Rotunda. Tuesday through Saturday, 1; Sunday, 2:30.

Tour: Introduction to the collection. Rotunda. Monday through Saturday, 11 and 3; Sunday, 5.

Sunday lecture: "Master of Maniera: The Art of Francesco Parmigianino." Guest speaker: Sydney J. Freedberg, professor of fine arts, Harvard University, Cambridge. Lecture Hall, 4.

Sunday film: Civilisation, programs Nos. 2 and 3. "The Great Thaw & Romance and Reality." Lecture Hall, 5:30.

Sunday concert: National Gallery Orchestra: Richard Bales, conductor; Evelyne Scheyer, harpsichordist. East Garden Court, 8.

MONDAY, NOVEMBER 10, THROUGH SUNDAY, NOVEMBER 16

Painting of the week: Jasper Francis Cropsey. "Autumn—On the Hudson" (Gift of the Avalon Foundation) gallery 67. Wednesday through Saturday, 12 and 2; Sunday 3:30 and 6.

Tour of the week: Old master drawings from Chatsworth. Central Gallery. Wednesday through Saturday 1; Sunday 2:30.

Tour: Introduction to the collection. Rotunda Monday through Saturday 11 and 3; Tuesday (Veterans Day) 1; Sunday 5.

Sunday lecture: "The Carraccis' Conservative Rebellion: 1585–1605." Guest speaker: Robert Enggass, professor of art history, Pennsylvania State University, University Park. Lecture Hall 4.

Sunday film: Civilisation, programs Nos. 4 and 5: "Man, the Measure of all Things and The Hero as Artist." Lecture Hall 5:30.

Sunday concert: Daniel Comegys, lyric baritone; Igor Chichagov, pianist. East Garden Court 8.

MONDAY, NOVEMBER 17, THROUGH SUNDAY, NOVEMBER 23

Painting of the week: Lotto. "*Allegory*" (Samuel H. Kress Collection) gallery 27. Tuesday through Saturday 12 and 2; Sunday 3:30 and 6.

Tour of the week: *Early techniques of painting*. Rotunda. Tuesday through Saturday 1; Sunday 2:30.

Tour: *Introduction to the collection*. Rotunda. Monday through Saturday 11 and 3; Sunday 5.

Sunday lecture: *"Fact and Fancy: The Graphic Works of Jacques Callot." Speaker:* H. Diane Russell, Department of Graphic Arts, National Gallery of Art. Lecture Hall 4.

Sunday film: *Civilisation*, programs Nos. 6 and 7: *"Protest and Communication and Grandeur and Obedience."* Lecture Hall 5:30.

Sunday concert: Edmond Rosenfeld, *pianist*. East Garden Court 8.

MONDAY, NOVEMBER 24, THROUGH SUNDAY, NOVEMBER 30

Painting of the Week: Hobbema. "A Wooded Landscape" (Andrew Mellon Collection), gallery 47, Tuesday, Wednesday, Friday, and Saturday 12 and 2; Sunday 3:30 and 6.

Tour of the Week: Late techniques of painting. Rotunda. Tuesday, Wednesday, Friday, and Saturday 1; Sunday 2:30.

Tour: Introduction to the collection. Rotunda. Monday through Saturday 11 and 3; Thursday (Thanksgiving Day) 1; Sunday 5.

Sunday lecture: "Great Collections and Great Collectors of Drawings." Guest Speaker: Jacob Bean, curator of drawings, the Metropolitan Museum of Art, New York. Lecture Hall 4.

Sunday film: Civilisation, programs Nos. 8 and 9: "The Light of Experience and The Pursuit of Happiness." Lecture Hall 5:30.

Sunday concert: Vladimir Weisman, violinist; Mario Miranda, pianist. East Garden Court 8.

ONE STANDARD

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. EILBERG. Mr. Speaker, the Senate is engaged in a great debate on the nomination of Judge Clement F. Haynsworth to the U.S. Supreme Court. While it is the constitutional responsibility of that body to approve Presidential nominations, it is certainly the responsibility of Members of this body to speak out when such a nomination is clearly not compatible with the best interests of this Nation.

Such is the case in Judge Haynsworth's nomination. I and my Philadelphia colleagues already have urged the President to withdraw the nomination. We were politely but curtly informed by the White House that:

> The President remains convinced of Judge Haynsworth's integrity and believes that he will make an outstanding Associate Justice.

We urged the minority leader of the Senate to vote against the nomination in the Senate Judiciary Committee. He did not. Now we must urge that he vote against the nomination on the floor of the Senate.

Among the many issues raised by the nomination is the issue of double standards. Under unanimous consent, I insert in the RECORD a column from the Philadelphia Evening Bulletin of October 14, by my friend Michael von Moschzisker, who himself was a distinguished lawyer before turning to the world of letters and journalism:

FORTAS AND HAYNSWORTH: DIFFERENT STANDARDS?

(By Michael von Moschzisker)

On Saturday, the American Bar Association's judiciary committee reaffirmed its endorsement of Judge Clement F. Haynsworth for a seat on the United States Supreme Court. The committee then adjourned without explaining the reasons for its action and without stating how individual members voted.

In Washington just a few days before, the Senate Judiciary Committee took up President Nixon's nomination of Haynsworth and approved it by a 10 to 7 vote. Members emerged somber-faced from the meeting and did their best to avoid newspapermen. Pennsylvania's senior senator, Hugh Scott—who supported Haynsworth—went out a back door and walked down two flights of stairs before boarding an elevator.

Perhaps Hugh Scott wasn't feeling well, but how about the other Senators and the members of the bar association committee? Is something embarrassing them?

The answer may lie in an ugly whisper that is abroad, and that ought to be dragged out into the open. It is that the charges against Judge Haynsworth are being treated differently than those against Abe Fortas were treated last spring, and that this must be because Haynsworth, unlike Fortas, is neither a Jew nor a liberal.

Of course, this story rests on the assumption that the two men's cases are similar. As to that, let's look at the record . . .

Fortas was close to President Johnson, and it was conjectured that he might have lied about the extent to which he let down the standards of an independent judiciary by acting as counsel to the President while serving on the Supreme Court. Abe Fortas was friendly with convicted businessman Louis E. Wolfson too. There was suspicion that Fortas used his prestige as a Justice to try to help Wolfson escape punishment.

Judge Haynsworth is charged with nothing like that. To this extent the case against him is weaker than that against Abe Fortas.

The charge that Fortas counselled President Johnson in a way ill fitting a high court justice and that he assisted Wolfson improperly, were matters of conjecture, however. They were never proved to be true or false.

In the final analysis, the solid case against Abe Fortas came down to another matter. He was driven from the bench after he admitted receiving money from a Wolfson family foundation while serving as a Supreme Court Justice. There was no charge connecting this to any case Fortas sat on.

Now consider Judge Haynsworth. I think the suggestion that he should be refused confirmation because he is a southerner is unworthy. Men and women from every section are entitled to sit on the Court.

There is more to the charges against Judge Haynsworth than this, however. Senator Birch Bayh states that a firm called Carolina Vend-a-Matic paid thousands of dollars in directors fees to Haynsworth while he served on the United States Court of Appeals for the Fourth Circuit.

That resembles the charges against Fortas in connection with the money the foundation paid him. This isn't all, however. Judge Haynsworth joined in deciding cases involving companies whose business formed a substantial proportion of Vend-a-Matic's revenues. That is more than was proved against Fortas.

This does not mean Judge Haynsworth is venal. There is an appearance of evil, however, and in Abe Fortas' case men who now support Haynsworth said that was enough to disqualify him.

We will have to wait and see whether Senate debate on the Haynsworth nomination clears the air of the suspicion that he and former Justice Fortas have been judged by different standards.

MORATORIUM DAY AND THE UNIVERSITY—SHOULD NOT UNIVERSITY STUDENTS AND FACULTY RUN THE COUNTRY?

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. BROWN of Ohio. Mr. Speaker, much was said during Moratorium Day and about Moratorium Day. Unfortunately, but not surprisingly, little that was said was new. Most repeated old slogans, rehashing the warmed-over rhetoric which has begun to characterize much of the Vietnam "debate." Politicians and participants often as not reacted without reflecting and generally only paused to reinforce their own viewpoints.

Dr. Brage Golding, president of Wright State University, was a most welcome exception. His speech to the Moratorium Day activities on the campus constitutes a beacon light—not only in the Vietnam debate, but in the broader debate over the role of education—particularly higher education—in America.

In one sense, it is unfortunate that Dr. Golding's address was made on Moratorium Day. There, despite its insight and its illuminating view, it did not receive the attention it deserved due to the sheer volume of words uttered that day and the splashier publicity value of some of the more stellar participants.

The lasting applicability of this address far exceeds that of most of the moratorium observances, though the speech also speaks directly to that transitory issue. The speech initiates what I think is a more significant discussion in the long run—a discussion which relates directly to the ultimate success or failure of our political system. Dr. Golding has put a calm intellectual hand on a brewing and troubling problem in America—the relationship between the university and its liberally "educated" student bodies and faculties, and the Government.

Serious consideration should be given to the issues raised by this speech. It should be widely read and its message even more widely discussed. I am inserting it in the RECORD today in an effort to encourage such consideration:

VIETNAM WAR MORATORIUM—OCTOBER 15, 1969

(By Dr. Brage Golding, president,
Wright State University)

I am pleased to have been invited to participate. I have given much thought to the role of the university in modern society—it is part of my job to do so and especially during the last year or so on the impact of the Vietnam war on universities, particularly our own.

I am opposed to the war in Vietnam.

War represents failure of diplomacy, of mutual trust, of common understanding.

War represents death and suffering.

War represents needless sacrifice.

War represents the total waste of our resources.

Limited war is even worse—if that is possible—since it means a commitment to all that a full war represents without even the possibly redeeming feature of a solution, right or wrong, through decisive victory.

And last, I am opposed because the possibly desirable objectives this country had, several generations of presidents ago when the war began, now seem incapable of attainment, regardless of the outcome.

However, intellectual honesty requires that this moratorium be put in its proper perspective. Further, you have made it clear that this moratorium was to be an educational experience and I am taking this assertion at its face value.

I am aware that speakers before and after me have and will be expressing views that most of you want to hear. The organizers of the moratorium have planned the events and speakers of the day, not primarily to provoke debate but to provide a justification for anti-war protest. In other words, this day will be spent mainly as a reinforcing session for most of you rather than as an educational experience. I hope that what I have to say will, in some small measure, prove to be an educational experience for many of you.

There are two possible attitudes that a university can adopt toward the war in Vietnam. It can officially adopt a partisan attitude, as an institution, or it can remain officially neutral while allowing its personnel as private individuals to follow the dictates of their consciences. I remind you of the position I stated in my inaugural address just one year ago. I believed then and continue to believe that "while all members of the academic community should feel free to speak out on subjects of interest or concern, the university itself must not be partisan. It must not become a monolithic, ideological, vested interest. A partisan institution is hospitable only to those who support its tenets—it cannot be pluralistic—it cannot be a community—and it will not long be a residence for scholars."

In spite of the brilliance of these observations, many continue to believe in a direct relationship between higher education and public policy. What is the genesis of this belief? Why do so many students assume that political activity and educational activity are directly related?

Their assumption is based on a democratic ideal of education which we all share. We feel that the strength of our democratic republic (democratic with a small "d") depends upon a well-informed and politically aware citizenry capable of independent thinking and critical judgment. Everyone should be well-educated! With this ideal as a basis, the country has created the largest public educational system in the world.

As a consequence, most students today believe and, in fact, have been encouraged to believe by their teachers that a college education—and a liberal education in particular—automatically endows them with the capacity for and the responsibility to make wise political judgments and expound publicly their convictions on every aspect of public policy. This is nonsense! The capacity for good judgment comes with long experience. Any type of education should be dedicated to inculcating a healthy respect for the difficulties of arriving at simple answers to complex questions. Moreover the responsibility of an educated man is to recognize the limits of his knowledge and understand the difference between a judgment arrived at rationally and one reached emotionally.

It is an unfortunate fact that many of you have been led to believe that you bear an unlimited responsibility for the ills of the world and, concomitantly, an unlimited obligation to correct them. You do not and cannot carry these burdens alone! Your militant faith is the result of an overreaction by your teachers of an earlier generation who believed—and still believe—that all the evils of the world are simply corrected by further formal education.

Because an urban university such as ours interests itself in more and more of the entire community, the temptation arises to identify the part with the whole. The university is a microcosm of our society, we sometimes think. It is not too big a jump from this thought to the conclusion that society as a whole should follow the university's lead. If the majority of the people who constitute the university think that the Vietnam war should end tomorrow, we are told, the majority of the people who constitute society ought to hold the same opinion. Indeed, we are told the university as an institution is obligated to take a public stand on pressing public issues.

This line of thinking is extremely attractive to young faculty and to students who have grown up since the second World War. They have been overexposed to the idea that higher education should be socially and politically relevant and to the idea that their social and political responsibilities are unlimited. This overexposure, as I pointed out earlier, has in part been the work of the preceding generation. That generation went to the defense of liberal education and of democratic government and confused the two. A liberal education has to do with culture—a democratic government with politics. Although it is argued that the two are closely related, there is no justification for reducing culture to a mere appendage of politics. There is little wisdom in expecting or hoping that a formal education, even a liberal education, will produce citizens demonstrably superior in political wisdom. Political awareness—perhaps, but political wisdom—no! There is a school where it can be learned, but that school is not included in our multiversities. Political wisdom can only be learned, if it is to be learned at all, within the institutions of government, this term being understood in its broadest sense. Those who would commit the university to an institutional position on the Vietnam war would make the university one of those institutions of government. As such it would cease being a university, for it cannot be both at the same time.

The university exists for the pursuit of truth. Scholars and students must not tolerate compromise in their research or discussions. They are free to reconsider questions and to change their minds. Their faith in that truth is best served by constant criticism of presuppositions, evidence, and argument. University administrators are dedicated to maintaining the official responsibilities of both faculty and students within limits which will preclude the possibility that any faculty member or student will ever be called upon to compromise himself in the course of his academic work.

Government, on the other hand, exists for the pursuit of compromise! It is the official responsibility of the politician. If he cannot reconcile the opposing views of his constituents, the community may well be endangered. His lot is to be misunderstood and often damned. If he changes his mind, he is a hero to one side and a traitor to the other. Searching criticism of his work may destroy the good he has done. I have been fond of saying that "politics is the art of the possible." John Kenneth Galbraith disagrees—he says "Politics is not the art of the possible. It consists in choosing between the disastrous and the unpalatable."

During the past two decades these roles have been greatly confused. Convinced that they are both qualified and obligated to engage energetically in political activity (eagerly and incautiously applying the hypotheses of the social sciences to contemporary problems), many students and faculty members have figured prominently in sitdown strikes, marches, demonstrations, and campaigns. Many have survived, fortunately, with their powers of discrimination intact and their lives enriched.

Others, however, have corrupted both roles by mixing the two. Expecting politicians to display the freedom of scholars, they have demanded an instant end to long-standing policies and instant implementation of new ones, occasionally in the face of considerable opposition. Since the principle of rule by the majority does *not* apply in scholarly pursuits, they have discounted this rule in politics. Faculties polarize and do battle over the Vietnam war. Students demand courses relevant to particular contemporary problems, although they may never have learned how to discriminate between what is relevant and what is not or may never have considered adequately the question "relevant to what?" Faculty and students take on additional responsibilities which color their scholarship and their studies, not because they are incapable of doing two things at once, but because they make no effort to differentiate the two.

The policy of this University toward the Vietnam Moratorium is aimed at avoiding such confusion. You meet today as citizens who happen to be part of the Wright State community. You are probably more aware politically than your contemporaries who have not received an equivalent education. Please remember your education does not of itself confer political wisdom, even though obtained at Wright State.

ARE WE ASKING THE RIGHT QUESTIONS?

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. FRASER. Mr. Speaker, Mr. Paul C. Warnke, former Assistant Secretary of Defense for International Security Affairs, has asked in the October 1969 issue of the Washington Monthly, "National Security: Are We Asking the Right Questions?"

Mr. Warnke points out that:

> In the area of conventional forces, we waste the time and the talents of our military leaders when we leave them to prepare their budget requests on the basis of assumptions devoid of political validity. Our military planners, in fact, are major victims of our defective interrogatory technique. The problem is not that their advice is too often ignored. It is that their answers frequently don't matter because we've asked them the wrong questions. It's neither fair nor fruitful to ask them to develop a military machine that will help achieve a set of foreign policy objectives which haven't been articulated—and which, when developed, can prove impervious to military solution.

Or, as he says elsewhere in his statement:

> In making decisions on defense planning we're constantly in danger of putting the hardware before the horse sense.

Mr. Warnke's article should be read by all of us who will debate and vote upon the military appropriations bill.

The article follows:

NATIONAL SECURITY: ARE WE ASKING THE RIGHT QUESTIONS?

(By Paul C. Warnke)

In the area of national security, it is probably a good deal easier to raise questions than to supply answers. Anyone who has ever tried the latter can only hope that his successors will be better at it. But he may also find himself hoping that he, and the American public generally, can begin to do a better job of asking the right questions. Until we do, there is little purpose and even less justice in railing about the size of our defense budget. The military-industrial complex, with the soaring cost of its care and feeding and its dire consequences for the quality of American life, is the inevitable answer to the questions we have asked and the demands we have made in the name of national security. Our military-industrial complex exists because we have asked for it.

We can never cut it back to size and free up a fair share of our budget dollars for competing and compelling causes until we begin asking the right questions—about how our defense effort squares with the real world and with our genuine national security. Without the right questions directed to the right people we can never get answers that will permit us to design, or even to recognize, a defense budget commensurate with our over-all interests and objectives.

In not too oversimplified terms, the concept of security we evolved after World War II was to make sure that non-Communist countries stayed that way. During the years when "Who lost China?" was the popular security question, nobody in the national-security business, at least, craved identification as one who had "lost" some other strayed member of the non-Communist community.

The Eisenhower Administration pursued the concept of security by adhering to the doctrine of "massive retaliation." As the answer to the question of how we could prevent Communist take-overs, we could point to our nuclear striking force. But this answer became less and less plausible as our monopoly in intercontinental missiles dissipated. Neither we nor our potential adversaries could continue to believe that the United States would react to any and every Communist provocation by initiating a nuclear exchange in which our own society would be devastated.

Nor could we accept an "all-or-nothing" doctrine of defense that would leave us bereft of any ability to respond with conventional force to conventional attacks on friendly nations. So "massive retaliation" gave way to the more common-sense notion of a "flexible response" adequate to counter, and hopefully to deter, instances of aggression for which we would be unwilling to risk a nuclear holocaust.

But the cost of the capability to respond flexibly can be immense if an American military response must be contemplated whenever an international development disfavors our national interests. And this expense can be infinite if the adequacy of that capability must be measured in terms of a clear superiority in every aspect of armed might.

In a world in which we are not the single "great power," any such total military versatility and invincibility is clearly unprocurable—at any price. Until we begin to refine our questions and direct them toward realistic and realizable security goals, we will continue to ask the impossible and get answers that are unacceptable.

In the broadest sense, we now ask our government: make us safe from any attack by any foe. The answer is a defense budget in the neighborhood of $80 billion a year. It is an answer that is increasingly unsatisfactory. It certainly does not satisfy the Joint Cheifs of Staff, who recognize that this amount is inadequate to buy the American people anything like full protection. The Armed Services Committees of Congress can prove that a lower budget means less over-all military strength and less capacity to do things by military force, for a defense budget of $80 billion obviously provides the capability to meet contingencies that a budget of $50 billion must ignore. But before concluding that the $50 billion budget will leave us weaker and in greater danger, we need political judgments as to what unmet contingencies are apt to occur and—if they do occur and if they are unmet—what vital national interests may be adversely affected. We need the further political judgment of whether the $30 billion thus freed can be spent on problems of greater risk to our national security and in areas of greater benefit to the over-all quality of American life. We need the answers that will put in perspective any incremental gain in physical security.

In the age of intercontinental ballistic missiles, we cannot now, with any amount of money, buy physical safety from a Soviet attack of indescribable devastation. But the real pressures for a ballistic-missile defense—and perhaps even its lulling designation as the "Safeguard" system—derive from our unwillingness to accept emotionally what we have every factual reason to comprehend.

Nor can we curb the infinite expansion of the military-industrial complex by continuing a demand margins of superiority over our potential adversaries all across the spectrum of military armament. We should ask instead which leads are meaningful in terms of security or political advantage, and which are not. "Superiority" in nuclear missiles, for example, is too expensive if all it gives us is a status symbol. And "inferiority" is no cause for alarm or even embarrassment if what we have is enough to deter any Soviet effort at a pre-emptive strike.

We should keep in mind that what the Soviets themselves are doing may not always provide a useful measure of the appropriateness of our own defense expenditures. We sometimes seem to proceed on the assumption that we are not doing enough unless we more than match what the Soviets spend in every area of armed might. We rarely inquire whether the Soviets are spending to much. Instead, when there is criticism of our ABM deployment, we accept as valid the answer that, after all, the Soviets have already deployed an ABM of their own. Maybe we should ask whether theirs is a poor investment. While vaunting our superior sophistication in other things, both economic and social, we at times come perilously close to adopting Soviet answers when it comes to the allocation of our defense dollars on strategic weapons systems.

In the area of conventional forces, we waste the time and the talents of our military leaders when we leave them to prepare their budget requests on the basis of assumptions devoid of political validity. Our military planners, in fact, are major victims of our defective interrogatory technique. The problem is not that their advice is too often ignored. It is that their answers frequently don't matter because we've asked them the wrong questions. It's neither fair nor fruitful to ask them to develop a military machine that will help achieve a set of foreign-policy objectives which haven't been articulated—and which, when developed, can prove impervious to military solution.

In order to obtain the proper weapons systems—in the proper quantities and supporting the proper number of military personnel—we need a much clearer idea of the circumstances under which we will be willing to use them. The Systems-Analysis group within the Office of the Secretary of Defense serves an essential function in developing the most effective means of performing the various military missions. These civilian experts constantly discuss issues of relative cost effectiveness with the different Armed Services. But neither the civilian nor the military personnel of the Pentagon should be asked to speculate on the nature and number of instances in which they'll be asked to provide military force in furtherance of national objectives. Our current force posture—designed to fight two wars while handling another contingency somewhere else in the world—is the product of such speculation.

This "two-and-a-half war" concept did not arise from an informed prediction of international developments. It derived, during the last decade, from what Pentagon planners saw as the need to buttress conventional military forces neglected during our years of reliance on a nuclear strategy of "massive retaliation." But we lacked then, as we lack now, an accepted perception of our national-security interests; we had no measure for the adequacy of our conventional military capability. As a consequence, our forces are not shaped to fit a policy—and the risk always exists that the policy itself may be influenced by the military forces on hand. We need not conclude that our analyses of force requirements in the early '60's were wrong. But we do need to ask if, in today's world, our national scale of priorities justifies the expense of preparing to fight the Soviets in Europe, while we simultaneously fend off Chinese aggression in Asia and deal elsewhere with some lesser adversary.

It may be that I unduly discount the risk that Russia and China may resolve their differences to the point where they could even consider concurrently engaging us in large-scale conventional warfare. But it is difficult to imagine that either nation would deem the nuclear threshold sufficiently high to block an early resort to strategic forces. Before we commit ourselves to further funding against such an eventuality we should ask the National Security Council to consider the likelihood of this kind of dispersed Armageddon, and to shun a policy that might make it thinkable.

A bumper sticker of the recent past read: "Support Mental Health or I'll Kill You." Sanity in foreign policy compels the recognition that we can't use military means to make the world behave the way we'd like it to behave. We can't use it to compel a country to be free and democratic. And we're aware, at least tacitly, that however we may deplore aggression and strife anywhere in the world, most of it cannot affect our national security and most of it does not call for an American military response. But I don't think we've told those who originate our defense planning enough to permit their reasoned response to our basic questions about how national security can best be assured.

When we ask them to define the necessary dimensions of our military forces, referring them to our existing treaty commitments is not enough. No treaty negates our right to determine the character of our reaction on the basis of our perception of the national interest. Our one absolute commitment is to the preservation of our own independence. And we might fairly ask whether that independence does, in fact, turn on the viability of every international basket case with anti-Communist credentials.

To accept the facts of modern life, we need not adopt the extreme position that no defense effort is availing and that no measure of security can be obtained through expenditures for weapons systems. What is required is that debate about the level of defense expenditures—and about the kinds or quantities of armaments that we can prudently purchase—focus on the real risks and on the means realistically available to meet them. In national defense, as in our personal finances, we can afford to carry just so much insurance—particularly against the rarer tropical diseases. Our present preoccupation with physical security may be anachronistic when only two nations in the world can pose a physical threat and when neither could carry it out except at the cost of its own existence as a modern society.

In posing new questions about our national security, we need not repudiate the expert witnesses on whom we have relied in the past. Granted, the results achieved have not been uniformly satisfactory. But we should resist the temptation to blame our Vietnam troubles, for example, on the advice of our military men. In my view, we've consistently been asking them the wrong questions about Vietnam. Such issues as measuring the pace and permanence of pacification involve political judgments that only an objective Vietnamese politician could make, if one could be found. Our commanders are probably right in thinking that a virtual U.S. military occupation is the best way to control an insurgency, but it does little to advance our announced political goal of self-determination for the South Vietnamese.

It has been suggested—by Candidate Goldwater in 1964 and by Senators on both sides of the aisle in years since—that victory in Vietnam requires only that we tell our military leaders that we have decided to win and then leave the war to them. This ignores, I think, our lack of an agreed definition of victory and our unwillingness to go all-out to achieve military conquest. Indeed, no satisfactory answer can be given to the question why we are in Vietnam, because we never asked the question in time. In late 1967, Secretary Rusk explained our presence as necessary to contain a projected one billion Chinese armed with nuclear weapons. But if the original purpose of American participation in Vietnam was to contain China, we never asked whether adoption of an attrition route to victory was consistent with that purpose. Certainly there are more promising avenues to the close-in control of China than by killing off the nationalistic North Vietnamese.

Much of the failure to examine the underlying political rationale stems from a fear of poaching on military preserves. But, in the absence of all-out war, our military means surely must be kept consistent with our political objectives. They can't be and they won't be unless we insist that our policymakers articulate these objectives.

Perhaps the first step toward useful answers in the realm of national security would be to abandon the partisan prose. "Missile gap" allegations from the 1960 campaign, like the outlandish charge of a "security gap" in 1968, have only made it more difficult for incoming administrations to pose the relevant questions. What should worry us is a "question gap" that leaves us without meaningful answers, both on national-security policy and on how it should be translated into military capability. In making decisions on defense planning we're constantly in danger of putting the hardware before the horse sense.

There are growing signs of a healthy willingness to question some of the items in the defense budget. But the absence of an overall policy from which these individual items derive makes the debate revolve largely around tangential issues.

For example, in examining the request for additional attack carriers, it is sensible to ask whether one nuclear-powered carrier is preferable to the two that could be built with conventional power for the same price. It's important to note the age of some carriers in our fleet and the alternative possibility of land-based aircraft. But the real questions remain unanswered. They concern the relationship between our tactical air power and our security interests. Fifteen nuclear attack carriers will indeed permit the flexible application of that power anywhere in the world. But where in the world, and against whom, will we want to apply it, and what should we pay for this capacity?

Without an updated justification for our carrier fleet, we can make no value judgments on the need for new fleet defense aircraft. The mission intended for the F-111B (the Navy version of the TFX) was to stand well off from the fleet for hours with a highly sophisticated missile capable of shooting down hordes of enemy bombers at great range. But debate about the F-111B focused on its weight, its expense, and whether Boeing might have done it better. The Navy succeeded in substituting the F-14A, which on paper provides a superior dog-fighter but continues with the basic mission of fleet defense. The case for continuing this multibillion-dollar program should not rest on the merits of the airplane. The question we should ask is: what are the chances that our fleet will be sent to sea when there is a real risk of the kind of mass air attack that only the Soviets could mount? Perhaps we should be persuaded that this is plausible, but I think those responsible for our foreign policy should be asked to convince us.

The Senate, by almost a two-to-one margin, recently approved going ahead with the Advanced Manned Strategic Aircraft (AMSA). Supporters of a new nuclear bomber, while granting its redundancy, refer to the risk that our intercontinental ballistic missiles may work imperfectly. But no new bomber can provide the ability to destroy the Soviet missile forces and thus prevent nuclear retaliation. Nor, we are told, do we aim at any such "first-strike" capability. Our strategic forces are intended to deter and thus, in an age of sophisticated air defense, strategic missiles must remain our primary deterrent. How, we might ask, is that deterrent affected by a decision to proceed with a new manned aircraft on the premise that it is needed because the nuclear missiles may not work? Moreover, our continued expenditures for anti-bomber defense are rationalized as serving to discourage the Soviet Union from developing a new supersonic bomber. Do we expect our bomber to be that much better, the Soviet air defense that much poorer, or the Soviets that much smarter in deciding that manned bombers are obsolete?

Sound defense decisions outside the procurement area are equally impossible until we acquire a better sense of policy direction. In the military assistance field, continuation of our military advisors in Latin America obviously preserves a degree of United States influence. But shouldn't we ask, on a country-by-country basis, whom we are influencing, toward what ends, and how this serves our national interest?

As a military matter, reversion of Okinawa to Japanese administrative control primarily involves the question of our unrestricted freedom to use it as a military base. But politically we should ask whether there may ever be circumstances in which we will want to use Okinawa for military operations which the Japanese are unwilling to support. In situations where the Japanese conclude that such use is not in their security interests, can it be essential to ours?

British withdrawal from East of Suez will leave a "great-power" vacuum in the Indian Ocean. Do we need bases and boats to fill it or can we count on nature's abhorrence, and the people of the area, to do that job? The considerations that led to British colonialism in the Nineteenth Century, when empire was profitable, can't justify an American military presence in this century if it means little more than a bigger defense bill. The White House and State Department assert that we will not replace the British. But unless we tell our military planners to forget it, we may find ourselves continuing to pay for that possibility.

The asserted unavailablity of a "peace and growth dividend" will be a self-fulfilling prophecy if we use the peace to catch up on every item of our defense arsenal stinted by Vietnam priority needs. Before we can fit our defense program to our national interest, we must decide when and where we may seek to advance those interests by the application of military force. If our national security in fact demands a kind of Western Hemisphere "Brezhnev doctrine," we need the means to enforce a non-Communist orthodoxy. If we plan to support regimes in Southeast Asia against overthrow by their internal political rivals, we have to face up to the budgetary consequences. And if we must conclude that our security requires us to resist and repel external aggression wherever it appears in the world, then our present defense budget is indeed too little and too late.

But I doubt that these are the premises on which our foreign policy will proceed in practice. And I think that the theory underlying our defense budget should be consistent with what we plan in practice to do. This violates, I recognize, the principle of ambiguity in the conduct of foreign policy. There are admitted disadvantages in tipping off a hostile power as to the circumstances under which we may go to war. A degree of uncertainty is undeniably a valuable factor in deterring aggression. But the gray area should not be so large as to delude those who, if under attack, would have our best wishes but might expect our armed support. A coherent defense program can never be constructed if we continue to leave the architects confused about the purposes we want it to serve.

ONE-BANK HOLDING COMPANY LEGISLATION

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. BROWN of Michigan. Mr. Speaker, due to the tremendous amount of interest in and quite some misunderstanding about, the one-bank holding company legislation (H.R. 6778) reported by the Banking and Currency Committee, I have prepared an in-depth statement in explanation of what the bill does, and does not, do and provide which may be of interest to my colleagues. The text of my statement follows:

Bank holding company legislation was first enacted in 1956 to regulate and limit the "noncongeneric"—not of a related nature—activities of holding companies which had two or more banks as subsidiary or affiliated companies. It should be remembered that a "holding company" is so named because its only reason for existence is to provide an organizational structure or nucleus for the financial and/or commercial corporate activities it "holds." I have emphasized "corporate" because as written in 1956 and as the law reads today, natural persons or combinations of natural persons—partnerships, et cetera—are not covered by the act; apparently because the drafters of the law recognized the impropriety under our free enterprise system of restricting or limiting the business activities in which an individual may engage absent violation of antitrust, anticompetitive, or restraint of trade laws.

When the 1956 bank holding company legislation was passed, holding companies having only one bank as a subsidiary or affiliate were excepted from the purview of the law because these "one-bank holding companies" were generally speaking, small, local, agrarian oriented operations, the noncongeneric activities of which were recognized to be in the community or public interest. In other words, these small one-bank holding companies posed no threat of an excessive concentration of power through the combination "under one roof" of finance and commerce.

It was not until recent years that large banks and large commercial enterprises recognized—or in any case, decided to make use of—the structural benefits of resorting to the one-bank holding company exception in the 1956 act; and, since no size limitation had been incorporated in the law, they were free to use this so-called loophole.

Once big banks decided to avail themselves of this "one-bank" exception to the Holding Company Act, it became obvious that whatever threat multibank holding companies offered, huge asset one-bank holding companies could be as ominous. As a result, legislation was first introduced on February 17 of this year by Chairman PATMAN which would subject one-bank holding companies to the rules, regulations, and restrictions formerly only applicable to multibank holding companies.

Both the Patman bill and the bill introduced on behalf of the Nixon administration went beyond a closing of the "loophole" exemption of one-bank holding companies from the Holding Company Act of 1956. Both bills amended the Holding Company Act of 1956 to bring one-bank holding companies under its purview, but in addition one or both bills: changed the regulatory agency—under the 1956 act, the regulatory agency was the Federal Reserve Board; eliminated the partnership exemption; established a "laundry list" of either permitted or prohibited activities in which the holding company or any of its affiliates could engage; changed the general definition or description of the activities which would be permissible as properly congeneric or bank-related; established new guidelines with respect to unlawful interlocking directorates of corporations; and contained miscellaneous other provisions quite unrelated to holding company legislation.

After weeks of hearings during which all aspects of the issue were explored, including presentations made by the insurance, travel agency, and data processing industries, and representatives of the profession of accountants, the committee reported out the bill, still numbered H.R. 6778, which will soon be before the House of Representatives for its consideration.

The primary purpose of the bill reported by the committee is to bring one-bank holding companies under the jurisdiction and purview of the Holding Company Act of 1956 thereby subjecting one-bank holding companies to the same rules, regulations, and restrictions as are applicable to multibank holding companies. In addition, the bill continues the Federal Reserve Board as the regulatory agency, but changes the definition or description of permitted nonbanking activities of affiliates of a bank holding company to those which are "functionally related to banking." This latter language was suggested by Chairman Martin of the Federal Reserve Board during his testimony before the committee.

The committee did not deem it advisable to specify permitted and prohibited activities of affiliates of a holding company which owns a bank or banks except with respect to two activities. The bill specifically prohibits the Federal Reserve Board from approving the acquisition or retention by a bank holding company of shares of stock in any affiliate company which:

First, performs the function of an insurance agent, except where the insurance provided is limited to insuring the life of a debtor pursuant to or in connection with a specific credit transaction, or providing indemnity payments becoming due on a specific loan or other credit transaction while the debtor is disabled—under this provision of the bill, the bank holding company itself is restricted the same as an affiliate would be; or

Second, engages in the underwriting, public sale, or distribution of mutual funds.

Finally, the bill as reported establishes February 17, 1969 as the retroactive date from which the provisions of the amendatory legislation will be effective. The effect of this "grandfather clause" is to authorize the continuance of activities by bank holding companies if they were engaged in such activities prior to February 17, 1969, even though such activities may not meet the tests and requirements of the new legislation. However, any affiliate a bank holding company acquired, or proposes to acquire, subsequent to February 17, 1969, must meet the test of permissible activity as such activity is described and defined in the bill.

In many quarters, there is a gross misconception of the purpose of the bill. Many persons who are travel agents, data processors, accountants, or members of the insurance industry have been misled or have misconstrued the real purpose and impact of this legislation. This legislation does not pertain to the regulation or restriction of activities which may be carried on by a bank. In fact, this legislation has no real relevance to banks that are not affiliated with, or owned by, holding companies. The regulatory provisions of this legislation only govern and restrict the kinds of corporations or other business entities with which banks may be associated in a holding company. The regulation of the activities in which a bank may engage, is provided for in other laws which establish the Federal Deposit Insurance Corporation as the regulatory agency for State-chartered insured banks; the Comptroller of the Currency as the regulatory agency for national banks; and the Federal Reserve Board as the regulatory agency for banks which are members of the Federal Reserve System.

These latter agencies determine what activities are permissible for banks under their jurisdiction, and they will continue to do so, regardless of the passage or defeat of H.R. 6778. I cannot emphasize too much the fact that the legislation in question is more holding company legislation than bank legislation.

The foregoing describes what the bill does, and does not, do and provide, but what are the critics saying about the bill?

Criticism of the bill by and large is voiced by those industries or activities which to a greater or lesser degree feel banks have unfairly and improperly encroached upon their area of interest. Primarily these include the insurance industry, travel agents, the data processing industry and professional accountants. Needless to say, the Committee could have approved language in the bill which would have prohibited affiliates of a holding company which owns a bank from engaging in any insurance activity, travel agency function, data processing service, or activity which might be considered to be the practice of the profession of accountancy. It is equally obvious that the Committee in its judgment did not deem it necessary and/or advisable to specifically prohibit activities of an affiliated company other than the insurance and mutual funds prohibitions recited above. It is fair to state that a majority of the Committee recognized the need for flexibility in the regulatory agency regarding these other activities and that varying conditions and circumstances might dictate a total prohibition in one case whereas the public interest would be served by approving of the affiliation of a company engaged in one of these activities in other cases. This flexibility is incorporated in the language of section 4(c)(8) which reads in part:

> ". . . (8) shares [may be] retained or acquired with the approval of the Board in any company performing any activity that the Board has determined, after notice and opportunity for hearing, *is functionally related to banking in such a way that its performance by an affiliate of a bank holding company can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.*"

Although representatives of the industries or professions, whose activities were not specifically denied affiliation with a holding company owning a bank, have been critical of the legislation because they felt a much tighter, more restrictive bill should have been reported by the Committee, the most vociferous of all have been the members and representatives of the insurance industry. A discussion of their objections is pertinent and relevant to the criticism voiced by others to the bill. Therefore, these objections should be more thoroughly examined.

The two main objections voiced by the insurance industry are: First, opposition to banks being in any way involved in the insurance or insurance-writing business; and, second, opposition to the "grandfather clause" of February 17, 1969—the date of January 1, 1965 having been suggested by the insurance industry, its contention being that it was after this latter date that the big banks started using the one-bank holding company "loophole" to engage in general insurance agency operations.

In discussing these objections, it should be said at the outset that probably no member of the Banking and Currency Committee is totally satisfied with the bill as reported. It would be almost impossible to satisfy everyone in view of the totally different public welfare considerations which are involved in attempting to apply the provisions of a piece of legislation to the circumstances of small communities where financial conglomeration is almost essential to the public good as contrasted with the application of such legislation to our more populous urban centers where financial conglomeration can become an abuse and detrimental to the public welfare. A strong argument can be, and was, made that with respect to the smaller one-bank holding company operations, legislation is neither necessary nor desirable. Yet, the idea of setting size limitations and having different rules apply to the small and the large one-bank holding companies was almost unanimously rejected.

In examining the first objection of the insurance industry, it should be pointed out that some involvement by banks in what the insurance industry claims as its sole province has been lawful ever since the Bank Holding Company Act of 1956 was passed, and, as discussed earlier, what banks may do in this area is technically not a matter to be resolved by this legislation since H.R. 6778 is not intended to dispose of the question of what is a proper banking activity but rather it directs itself to the question of what kinds of activities companies may engage in which are affiliated with a holding company which has as one of its affiliates or subsidiaries a bank. It should be further pointed out that any insurance activity not prohibited by the specific language of the bill, may not be carried on by a company affiliated with a bank holding company unless it satisfies the test of section 4(c)(8) set forth above. The insurance industry or anyone else feeling aggrieved by a proposed affiliation will have an opportunity under this section of the law to point out why such affiliation should not be approved by the Board.

The second objection voiced by the insurance industry and others is a usual complaint. Any time legislation is enacted which makes unlawful the continuation of a previously lawful practice or activity, objections are heard from both sides of the issue. Those who are engaged in the lawful practice or activity feel that they should not be required to divest themselves of such activity and that any "cutoff" date should be coincident with, or subsequent to, the enactment of the legislation. Others, who object to the carrying on of such lawful activity, always advocate that the legislation be totally retroactive and that the continuation of any activity or association which is made unlawful by the legislation be prohibited and divestiture required. Since equity and fairness usually dictate a middle road, a "grandfather clause" results.

From the foregoing it is obvious that the date to which any grandfather clause relates will be considered arbitrary and capricious by many if not most, and irrespective of whether or not they favor or oppose such a clause. The reason the February 17, 1969, date was selected by a majority of the Banking and Currency Committee for the cutoff date is because that is the date Chairman Patman introduced his bill to regulate one-bank holding companies. This bill was the first legislation offered and with its introduction affected parties were given notice that legislation would be formally considered. Although the insurance industry has reached some consensus on the January 1, 1965, date, it is obvious that date is as arbitrary and capricious as is the February 17, 1969, date. Holding companies required to divest themselves of an activity perfectly lawful when entered into between the January 1, 1965, date and the date any legislation is enacted, could claim such requirement to be as much or more unjust as the injustice claimed to result by those who object to the later February 17, 1969, date.

Before concluding, it would be advisable for me to comment briefly upon the somewhat different and more particular concerns of the industries, other than the insurance industry, which feel they would be adversely affected by this legislation.

Travel agents and travel agencies would like to have language incorporated in this bill which would prohibit holding companies having a bank or banks from owning as an affiliate a company operating a travel agency business. Although most of the correspondence received from this industry requests a prohibition against banks engaging in the travel agency business, as previously indicated, this correspondence and these requests can only have relevance to this legislation to the extent such activity is carried on by a company affiliated with a bank in the same holding company. Disregarding this misconception, there was substantial testimony received by the Committee which supported the contention that the travel agency business originated with banks; that banks were the first to assist their traveler's check patrons and customers with reservations assistance and similar services now performed by travel agents; and, that there are many localities where it is not economically feasible for a travel agency to exist and that in those situations banks perform a real service to the community by providing travel agency services. It, therefore, was the committee's determination that the permitting or prohibiting of a travel agency affiliation with a bank holding company should be decided on an individual basis under the general test that the benefits of such an affiliation to the public must outweigh the possible adverse effects for such an affiliation to be approved.

The data processing industry admits that banks should be permitted to perform certain data processing services for their customers, but that such services should be strictly limited to the banking services rendered to or for the bank's customer. In other words, the data processing industry does not feel that banks should be permitted to use their data processing equipment for the performance of data processing services which are totally unrelated to the banking services they offer, nor should banks be able to provide data processing services for a nonpatron of the bank. Here again, it was the committee's determination that it would be difficult to draw the fine line by general rule which the data processing industry sought and that it would be advisable to let the circumstances and conditions of each individual case determine the question of the propriety of an affiliation; the public benefit versus adverse effects rule being the test of such propriety.

Professional accountants have objected to the legislation contending that it is inadequate since it does not specifically prohibit banks from engaging in any form of professional accounting services. Again, it would be somewhat difficult to particularize in legislation that which is considered to be a professional accounting service as distinguished from the acceptable bookkeeping activities performed by banks for their customers. And, probably the criticism is much more directed to the day-to-day operations of banks than it is to bank affiliations. The writing of such a prohibition by the committee would have had to be done in general language, that is, a prohibition against banks performing the services of professional accountants, but such language for reasons previously stated, is not appropriate in this legislation and is more a matter of day-to-day enforcement than a legislating of policy.

The abuses these industries cite by and large fall into a few basic categories: First, tie-in sales, that is, requiring a customer of the bank to use the services of an affiliate company; second, preferential loan or credit treatment of affiliates; third, anticompetitive affiliation with associated companies; and fourth, restraint of trade. In the hearings of the committee, it was quite well established that recent decisions of the U.S. Supreme Court interpreting existing antitrust and related laws would seem to make unnecessary further specific legislation in these areas. There is every indication that the enforcement agencies and the courts are going to scrutinize much more carefully and enforce more strictly activities and laws relative to companies which are associated under one umbrella so as to make sure that the convenient family structure does not result in improper self dealing, preferential treatment, restraint of trade, or anticompetitive dealings or transactions.

Although there are several aspects of the bill which do not meet with my total satisfaction, probably more could have been done with the section dealing with authorized or unauthorized "bank-related" activities of affiliates. Rather than merely expressing in the legislation our disapproval of companies conducting insurance activities other than credit life and credit health and accident, and transactions in mutual funds, I believe it might have been appropriate to legislatively state certain other policy presumptions. For example, it might have been appropriate for us to state that it shall be presumed that the Federal Reserve Board shall not approve of the acquisition of companies by a one-bank holding company which companies' activities are those of public accountants, data processors, or travel agents—or any other activity determined by the Congress to be an inappropriate activity for a bank holding company. In this way, the extraordinary circumstances which would justify a bank-holding company engaging, through an affiliate, in an otherwise inappropriate activity, would be sufficient to overcome such presumption and justify the approval of such acquisition by the Federal Reserve Board. In turn, absent such extraordinary circumstances the presumption would be sufficient to deny to the Board the authority to approve such acquisitions.

The Holding Company Act of 1956 covering multibank holding companies apparently has worked satisfactorily through the years since its enactment. With the passage of H.R. 6778, one-bank holding companies will be subjected to the same registration and regulation as multibank holding companies under the 1956 Act. Therefore, despite the many differences of opinion regarding this legislation, it should be passed to accomplish its primary purpose, that being the bringing of one-bank holding companies under the provisions of the 1956 Holding Company Act.

AFL–CIO BACKS O'HARA SAFETY BILL

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, my colleague from Michigan (Mr. O'HARA) is the principal sponsor of H.R. 3809, an occupational safety and health bill which is now the focus of hearings by the Select Subcommittee on Labor of the Education and Labor Committee. The administration has also introduced a bill in the same area, which falls far short of the O'Hara bill in most of the meaningful issues.

Recently, Mr. Andrew J. Biemiller, head of the legislative department, AFL–CIO, testified before the committee, urging the adoption of the O'Hara bill approach, and specifically pointing out many of the flaws of the administration proposal.

The Detroit Building Tradesman, published by the Detroit Building Trades Council, reported Mr. Biemiller's testimony on the O'Hara bill in a story which I include at this point in the RECORD:

LABOR DEMANDS END TO JOB SLAUGHTER—AFL–CIO BACKS O'HARA SAFETY BILL—BIEMILLER TELLS HOUSE UNIT OF ENORMOUS TOLL

WASHINGTON.—Labor has called on Congress to act quickly "to stop the killing in the workplace, the crippling injuries and the disease-induced illnesses that plague workers in the United States."

AFL–CIO Legislative Director Andrew J. Biemiller and President I. W. Abel, of the federation's Industrial Union Department, called for passage of a strong occupational safety and health bill, based on legislation introduced by Rep. James G. O'Hara (D., Mich.).

Biemiller told a House Labor subcommittee that more than 14,000 workers have died on the job since the AFL–CIO testified for similar legislation last year

"Another 2.2 million have been injured," he said. "Billions of dollars in wages and production have been lost; worst of all there has been innumerable hours of human suffering caused by the pain of slow death from the effects of asbestos, beryllium, carbon monoxide, coal dust, cotton dust, cancer-causing chemicals, pesticides, radiation and other occupational hazards."

And, he warned, the rate of occupational injuries is on the rise because "private industry has not taken the necessary steps to make the workplace safe and healthy."

Biemiller said the substitute bill the administration is supporting, however well-intentioned, is weaker and would be less effective than the O'Hara bill.

Abel said the substitute "would set up paper standards that employers and workers would rely upon at their peril."

Stressing the need for Federal action, Abel told the subcommittee that national safety and health codes are essential.

"The life and health of workers are equally precious in every state," he said. "Safety and health rules should be applied with equal force without regard to state boundary lines."

Biemiller presented to the subcommittee the resolution unanimously passed at the AFL–CIO's convention this month supporting the O'Hara bill as "the first decisive step" towards the objective of "a safe and healthy place of employment for every American working man and woman."

He praised President Nixon's message to Congress, stressing the need for Federal legislation, and said that the issue "is not longer whether or not there should be any Federal occupational safety and health legislation, but what kind of legislation should be enacted."

Explaining why the AFL–CIO supports the O'Hara bill in preference to the administration bill sponsored by Rep. William H. Ayres (R., O.), Biemiller cited these key differences:

The O'Hara bill directs the secretary of labor to issue on-the-job safety and health standards, and to enforce the law with power to shut down an unsafe operation in an emergency. Health standards would be based on recommendations developed by the Department of Health, Education and Welfare.

"The administration bill would establish a new five-member national occupational safety and health board, appointed by the President. Instead of providing a single focus for attacking the safety and health problems of the American workplace," Biemiller said, "it would constitute another layer of bureaucracy."

The bill, he added, "mixes up responsibilities like a mess of spaghetti" between the proposed board, the Labor Department and HEW.

Furthermore, Biemiller noted, the administration bill in practical effect would rely on private standard-setting organization such as the National Standards Institute and the National Fire Protection Association to develop the Federal codes.

Such groups have made "important contributions," Biemiller said, and the AFL–CIO has co-operated with them. But they tend to be dominated by management and various standard-setting committees "move with glacial slowness" in trying to reach a consensus.

NOISE POLLUTION

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, in this week's edition of Life magazine, William Zinsser comments on a growing problem found within the United States. According to the Life "Comment," authorities say that excess noise is a growing cause of, among other things, rapid heartbeat, mental illness, family strife, suicide, and murder. In my opinion, it is also responsible for inferior educational opportunities for students attending schools located near sources of excess noise.

My congressional district encompasses part of Los Angeles International Airport and consequently I have been quite concerned with the problems caused by jet created decibels. Consequently, I have joined with several other Members of Congress in a bipartisan effort to focus attention on the problem. Recently the city of Inglewood, Calif., an area within my district, and the community of Hempstead, Long Island, N.Y., jointly sponsored a conference on jet noise here in Washington. It was my privilege to address delegates sent to the meeting representing concerned cities throughout the United States. As a result of the conference a national organization is being formed to coordinate municipal, State, and Federal efforts to combat noise pollution.

I have personally introduced bills to soundproof classrooms affected by jet noise—H.R. 3850—to provide compensation to individuals whose property has suffered damage due to sonic booms—H.R. 8206—and to amend President Nixon's airport and airways development proposal to establish a noise abatement trust fund—H.R. 12824. I am presently conducting research to determine, city by city, the effects that noise is having upon the educational process of schools and school districts in close proximity to sources of excess airplane noise. I intend to eventually expand my research activities to include other sources of disturbances such as freeways, construction sites, railroad lines and other potential causes.

In our technologically advanced society it would seem to be a minor chore to reduce the present noise producers to acceptable levels. Must it take years of research to come up with startling discoveries that we are definitely subject to hearing loss and psychological disturbances due to the increasing din of our environment? Can we not act preventatively instead of after the fact? While I and many scientists and concerned citizens are aware of the dangers caused by noise pollution, must we be like voices shouting in the wilderness, not being heard by our colleagues and neighbors and possibly being drowned out by a combination of the noise about us and the apathy within the hearts of our fellow citizens? I hope not, but in any event, I shall continue in my efforts to bring relief to those presently suffering and protection to those who will be vulnerable in the future.

The article follows:

ARE WE HOOKED ON NOISE?—THE ESCALATION OF "ENVIRONMENTAL DIN"

(By William Zinsser)

A group of scientists met in Chicago earlier this year to hold a symposium on noise pollution and, presumably keeping their voices low, agreed that "environmental din" is doubling with every decade and will have us all on the ropes by 1975.

"It might be a good thing if people's ears would bleed," one environmental psychologist told the meeting, which was held by the American Medical Association. "Then people might get aroused. It may take a disaster like the Santa Barbara oil slick to dramatize the situation. Otherwise, noise pollution could be the last straw, on top of air pollution and all the other pollutions, that might bring our society crashing down."

Well, I've never seen a bleeding ear and never hope to see one. Still, the man has a point, and it may be that America is entering a new phase of the democratic process—government by mishap. Santa Barbara proved that the country won't stop polluting its seas and beaches until it befouls an entire region beyond the tolerance of man, bird and fish.

Therefore what the nation really needs is a Secretary of Disaster, whose job would be to turn blunder into victory. He would repair all the erosions of everyday life that Washington is too inert to cure. The first person with ear-bleed, for instance, would go to see him, or the first person driven mad by air compressors or jackhammers in the street, or by jets in the air, or by noisy plumbing in the next apartment. The Secretary would hustle them over to a joint session of Congress and get the necessary legislation started.

What makes modern noise so insidious, the symposium experts said, is that we're getting hooked on the stuff, as dependent as an addict for our daily level of din. "A vacuum cleaner that was nearly silent, while technically feasible, would not be likely to sell very well," suggested Ray Donley, an acoustical engineer, "because today's housewife wants to hear the sound of power."

Far be it from me to doubt the word of an acoustical engineer, but in this case I'll make an exception. The wail of a vacuum cleaner is one acoustical treat that I think our wives can live without. Are we to believe that Mrs. America actually revels in the decibel count of her machine as it sucks old scraps of dirt and food from under the sofa? She endures the vacuum cleaner's roar out of gratitude for its labor, and simply assumes that science hasn't yet found a way to shut it up.

But science has found a way—Mr. Donley let the cat out of the bag. Hey, everybody! A silent vacuum cleaner is technically feasible! Pass it on! The only catch, he says, is that no woman will buy it. Want to bet?

After all, it's not as if a silent vacuum cleaner will plunge the neighborhood into deathly stillness, the sort of place where you can hear a pin drop. Dropped pins just aren't being heard in America today. Background noise in the average community has risen so sharply that it exceeds the standards accepted by industry. So don't be surprised, ladies, if your husband starts leaving home early and returning late. He just wants to get some quiet down at the plant.

And don't try to tell him that a vacation in the country is any answer. It isn't—power tools have seen to that. A vacationer who wakes with delight at 8 to the singing of birds will be enraged at 9 by the whine of a power saw a quarter-mile away. The notion that one man with one saw should not be allowed to destroy the sanity of several hundred people evidently doesn't trouble our lawmakers; otherwise they would write some silencing laws into the manufacturing laws. Nor is going to the lake any better—Thoreau's broad margin of life has been whittled away by water-skiers. The outboard motor that pulls the water-skier through his swoops and turns is one of the most strident creatures now loose in nature, and winter brings no relief. Then the 700,000 snowmobiles come out to play.

I'm not against water-skiing, or sawing, or any of these noise-making pastimes. I'm only against the noise that they make, which could be reduced if anybody cared enough. So what if the product would cost more? Anyone with enough money for power tools or an outboard motor is not hurting for dough. What's hurting is the central nervous system of whole communities. Authorities say that excess noise is a growing cause of, among other things, rapid heartbeat, mental illness, family strife, suicide and murder.

As for whether it's technologically possible to hush these machines, I'm assuming that it is. Any country that can achieve what its President calls "the greatest week in the history of the world since The Creation" should be able to manage such minor jobs of creativity—mere third-day stuff—as toning down the gadgets that are driving its citizens crazy.

I know this is the tritest thought now in the public domain: that if we can put a man on the moon, we should at least be able to redeem our cities, educate our children, elevate our minorities, feed our hungry, and clean our environment. Still, it's no less true for being a cliche, and I refuse to be shamed out of repeating it—anything to keep us from forgetting that our priorities are here on earth and our commitments to the quality of life.

Noise is now one of life's cruelest enemies. Yet the Department of Health, Education and Welfare didn't request in its last legislative package that Congress do anything about it. All hope, however, need not be lost. As one spokesman said, "HEW is undergoing a lot of reprogramming, and I think noise is going to get a very good looking at."

That may be the trouble right there. Washington is going to take a good look at noise. But is anybody going to listen?

SUPERSONIC TRANSPORT

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. MESKILL. Mr. Speaker, one of the most controversial technical-economic issues of this decade is the question of whether or not we should commit the Nation and its resources to the development and operation of a commercial supersonic transport—SST.

It is a difficult issue. Proponents and opponents have both made good arguments supporting their positions. The principal issues in the decision of whether to build or not to build can be separated into four main categories: economics, sonic boom disturbance, unanticipated technical difficulties, and Government funding policy and national priorities.

Having carefully considered the pro and con arguments in each of these areas, I am forced to conclude that development and operation of the SST should not be assigned the high priority it has been tagged with by the administration. It is with reluctance that I oppose the administration in its attempt to secure funds for continued development of the supersonic transport. There are still many questions involving technical problems that remain unanswered. The sonic boom is a difficult problem that has not been adequately resolved, even by the announcement of the Secretary of Transportation banning supersonic flights of SST's over land until the boom is controlled or eliminated.

In addition, there is disagreement among economists on the economic feasibility of the aircraft's development and operation; there is disagreement over the effect of the aircraft on America's balance-of-payments situation; and the effect of foreign competition and the higher supersonic air fares compared to lower subsonic fares is unknown. This adds up to a large number of unknowns.

At a time when we are trying to gain control of an overinflated economy, should we risk making a massive investment in a program whose outcome is so doubtful? I think we have too many more pressing problems which should receive national attention first. The SST is one area where we can trim the budget.

Let me take a moment to explain my opposition to the SST. First of all, I think we must ask ourselves if we think the SST is a sound investment for the Nation. We must remember that this investment is not a minor commitment, but a commitment that will accompany us for several years. It is a budgetary commitment that we will have to meet over a period of time.

Even expert economists and analysts acknowledge that the economic picture of the SST is highly sensitive. Widely varying estimates and predictions have been made about the economic outlook of the SST. Studies undertaken by Boeing—the contractor—and the Federal Aviation Administration predict a rosy future for the SST, but other studies have not been so favorable.

A study conducted under the auspices of the Commerce Department by Booz-Allen Applied Research, Inc.—BAAR INC—indicates higher cost estimates than those submitted by the contractors. This is understandable since most contractors tend to be optimistic about development whereas BARRINC based its estimates on past examples where program changes have upped costs. See appendix A. A plane that is designed to revolutionize commercial air travel is bound to require such program changes to meet new and unanticipated technical problems.

Many have touted the SST as "good business" for Uncle Sam—a boost for the aircraft industry, potentially—through sales on the world market—a big help to our sagging balance-of-payments situation. But let us look at the entire picture. First, we are already a year behind schedule in our development program of the SST. The Soviets are far ahead at this point in the development of a supersonic transport, having flight tested their plane on December 31, 1968.

Although in the past the Soviets have not been conspicuously successful in selling their commercial airliners outside the Soviet bloc, it is anticipated that they will be making a concerted effort to sell their supersonic transport to world airlines.

The French have also test flown the Concorde, their version of the SST, and are anticipating operating the plane for commercial use in the early 1970's.

While the American plane will be faster and larger than its competitors, can we be sure that the airlines of the world will be willing to put off procurement of a supersonic commercial plane until its development is completed? Undoubtedly, the SST faces formidable competition which cannot help but cut into potential sales. Even development of the American jumbo jet, the 747, will have an effect.

Furthermore, a study by the Institute for Defense Analyses—IDA—concludes that under certain conditions, introduction of the U.S. SST would have a negative effect on U.S. balance of payments. The study argues that SST sales may to some extent supplant U.S. subsonic aircraft sales abroad, and that, if Americans comprise more than 50 percent of the marginal SST passengers, the travelers' foreign expenditures will tend to offset the SST's foreign sales contribution to the balance of payments.

In making decisions about the economic feasibility of the SST, the sonic boom which the plane will produce cannot be ignored. Obviously, sales will be influenced by restrictions imposed to control the effects of the sonic boom. The sonic boom is probably the single most objectionable aspect of the program. The possibility does exist that the boom can cause physical damage, and there have been reports that under certain conditions sonic booms can cause landslides and rock falls. If the physical situation is highly unstable, there is a good possibility that a sonic boom or repeated sonic booms could cause such an occurrence. This presents a threat to irreplaceable natural and artificial structures of historic and cultural significance. Even though a single boom may not cause the damage, the cumulative effect of a large number of sonic booms would be more likely to cause harmful damage.

In addition, while preliminary tests have been made, we do not really know the extent of the adverse psychological and physiological effects of the sonic boom on people. Preliminary tests indicate that a good portion of the population would find it intolerable to live with the resulting sonic boom at certain levels.

Secretary Volpe's announcement that the SST would be prohibited from flying over land until the sonic boom problem was worked out takes cognizance of the problem, but it is no answer in itself. First of all, the alternative of not flying the SST at supersonic speed over land undercuts much of the rationale for having such an aircraft. And second, once the plane has been developed and put into commercial operation will the Secretary of Transportation be able to resist the public pressure to permit overland flights at supersonic speeds?

There are other technical problems in the plane's development and operation which remain unanswered or unresolved. An issue of major concern, also related to noise, is that of engine noise during warmups and takeoffs. The engines on the SST, more powerful than conventional subsonic engines, are far noisier in the airport than are subsonic planes. With public resistance to aircraft noise around airports already a problem, this noise factor, combined with the sonic boom, definitely raises the question of public acceptability of the aircraft. This is a problem that has not been given the proper kind of consideration.

One of the difficulties with the SST is that, of course, we have no assurances that satisfactory solutions to the difficulties in technological development can be found. Furthermore, other technological problems may be uncovered as development proceeds that could even cause abandonment of the entire program.

In addition, we are currently suffering badly from overly congested airspace and inadequate development of facilities and equipment and manpower to handle the heavy air traffic. This is a very dangerous situation. Can we afford to risk midair collisions between airplanes traveling at supersonic speeds? Do we have the necessary equipment and manpower to get these supersonic vehicles into the air and down again safely?

I believe safety should be a paramount consideration, and anyone following the complaints of the air traffic controllers knows that our facilities leave much to be desired in the way of safety. I would rather we upgrade our airport facilities and safety standards before we embark on a course that will put super-high-speed aircraft into the skies. Only disaster can follow if we have not provided the facilities to handle them.

And finally, we must ask ourselves whether the objective of maintaining leadership in air transportation is important enough to divert scarce resources into such a risky venture when we are faced with a national housing shortage, when our ground transportation system is in bad shape, and when our cities are crying for help?

I am afraid we simply have too many other more pressing domestic problems, not to mention foreign commitments. At a time when we are fighting a war in Southeast Asia it is foolish to be spending money on a skeptical plane whose potential cannot be known and whose effect on the economy and population are uncertain.

This is a particularly bad time to be proceeding with such a large spending program. It comes at a time when we are suffering from a serious case of inflation—at a time when we are trying to trim the budget and reduce expenditures—at a time when the President has cut back on Federal construction projects and has asked business to use unusual restraint in investment ventures.

I ask, How can we justify this expense when we look at our economic landscape? How can we justify the expenditure of $662 million of tax funds for a plane of doubtful worth and acceptability when at the same time, the President admits the need for improving education, but complains that the economic picture forces him to make some drastic cuts in the education budget? I do not think we can.

If the venture is truly "good business," then business should be willing to take the risk to finance development. Since when has our Government taken the position that it ought to subsidize a monopolistic business enterprise with taxpayers' dollars? As the President said, "the supersonic transport is going to be built." But maybe we ought to let others build it while we rebuild our cities and restore the quality of our education. I do not think we have to be first in everything. We do not have the resources to do it. Let us be first in what counts most. Let us set our priorities. If we do not, we will do nothing well.

APPENDIX A

COMPARISON OF BAARINC ESTIMATES WITH CONTRACTORS' ESTIMATES

[In millions of dollars]

Contractors	Boeing/ General Electric	Lockheed/ Pratt & Whitney
Airframe	$27.388	$25.111
Engines	6.253	7.074
Avionics	.800	.800
Total	34.441	32.985
BAARINC:		
Airframe	42.967	39.806
Engine	8.733	8.319
Avionics	.800	.800
Total	52.501	48.925

Source: From "SST Development and Production Cost Analysis," Booz-Allen Applied Research, Inc.

CBW TRAINING FOR FOREIGN MILITARY PERSONNEL

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. KASTENMEIER. Mr. Speaker, a recent newspaper report to the effect that the Army has been offering courses dealing with chemical and biological warfare to military personnel from over 30 different countries has prompted me to ask for a full explanation of these activities from the Department of the Army.

I frankly am disturbed over the possibility that by our actions we may be contributing to the acceptability of chemical and biological weapons and that, during hostilities, the expertise gained by military officers of foreign nations will some day be used in waging offensive operations against other countries. According to one account, the knowledge gained by Egyptian officers several years ago from courses offered at Fort McClellan, Ala., was in fact utilized in poison gas attacks carried out by United Arab Republic forces in Yemen against civilian targets.

Mr. Speaker, I think it is of little significance whether these courses are labeled as being "defensive" or "offensive" since it is plain that in order to perfect defensive techniques against CBW, offensive strategy and methods must first be understood. The dissemination of CBW information to nations whose political complexions may change overnight is to my mind not in the interests of preventing the use of germs and poison gas as a substitute for other more sophisticated and costly arms. Our training policy also weakens the credibility of our own unofficial reassurances that the United States will never use these terrible weapons first.

I am looking forward to the Army's

full response to the questions I have raised concerning these courses, and I hope that this issue is being included in the review of our Nation's CBW policies that is supposedly going on at the present time.

A copy of my letter to Secretary of the Army Stanley Resor is printed below:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 27, 1969.
Hon. STANLEY R. RESOR,
Secretary of the Army,
The Pentagon,
Washington, D.C.

DEAR MR. SECRETARY: I am writing to express my concern over a recent report in the press that the Army has been training foreign military personnel from more than thirty countries in the use of chemical and biological warfare agents.

I would hope that the desirability of this particular facet of our extensive CBW program is being studied in the review of our nation's CBW activities. I am concerned over the very real possibility that the indiscriminate dissemination of CBW expertise might lead to situations where CBW operations might be attempted by some of these nations using the knowledge acquired here. According to the newspaper story, the skills acquired by Egyptian Army personnel in these courses were actually used in poison gas attacks on civilians in Yemen.

I also wonder whether we are not encouraging some of the poorer nations to develop CBW weapons as a substitute for more costly sophisticated armaments and for use as a threat against potential enemies. The many coups in recent years have demonstrated the instability of many regimes and the irrational behavior of governments in conflict situations, making the propriety of such training even more doubtful.

In order to clear up questions as to the value of these training activities, I would appreciate your furnishing me with a listing of the numbers, ranks and nationalities of foreign military personnel who have taken or are now taking these courses, and a description of the contents of each of the courses. In addition, I would appreciate answers to the following questions:

Could the course contents aid in any significant way in the development of an offensive chemical or biological capability by any of the participating states? Or, to put it another way, what guarantees do we have that so-called "defensive" techniques are not adaptable to offensive use at the discretion of the user?

At what level, if any, in the State Department were clearances sought for the enrollment of foreign nationals in these courses and was due consideration given to our overall foreign policy objectives as opposed to our bilateral relations with a particular country?

What were the extent and sources of the funds used to provide this training?

To what extent have we solicited foreign participation in these courses?

Is any training provided overseas by U.S. military personnel and are any materials provided?

What are the present plans within your Department for the continuation of these courses?

An airing of the issues raised is needed to dispel justifiable fears that in offering these courses to a large number of foreign military personnel, we are increasing the likelihood that CBW might be used. I also believe we are not strengthening our public posture, which always needs reinforcement, that we will not be the first to use CBW.

It is difficult to square this dissemination function with our nation's overall arms control efforts and fear of the continued proliferation of nuclear weapons. As you are aware, it is particularly difficult to verify research and stockpiling of chemical and biological agents.

If, on the other hand, it turns out that these courses have been offered routinely because they are considered of little strategic importance, then there is a danger that we are promoting the acceptability of CBW by treating it as just another form of warfare.

I am looking forward to your full and frank response to the points raised in this letter.

Sincerely,
ROBERT W. KASTENMEIER,
Member of Congress.

A NEW PLAN TO FIGHT PORNOGRAPHY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. ASHBROOK. Mr. Speaker, the November issue of the Reader's Digest, the issue now available on the newsstands, carries an important article by the late Senator Everett McKinley Dirksen entitled "A New Plan To Fight Pornography." The editors of the Digest prefaced the article with these remarks:

> Senator Dirksen completed work on this article barely a week before he died on September 7. We are convinced that the objective it espouses—that only juries of local citizens should make the final determination of what is obscene—is not only valid but attainable. The passing of the Dirksen anti-obscenity bill (S. 1077) would, in our opinion, constitute an appropriate memorial to this distinguished lawmaker.

The late Senator's concern over this issue was well founded. In the article he stated:

> The business of pornography has reached such immense proportions that 200 companies are producing hard-core filth, with sales reaching over $500 million a year. Postal authorities are swamped with complaints from citizens objecting to the pornographer's lurid sex ads. In fiscal 1969 alone, 234,692 such protests were registered. A recent Gallup poll showed that 76 percent of the American people insist that tougher laws are needed to keep obscene publications off newsstands.

On February 19 of this year Senator Dirksen introduced S. 1077 while, on the same day I introduced an identical bill, H.R. 7201, in the House. The same legislation had been introduced by Senators Dirksen and MANSFIELD on September 18, 1968, but unfortunately died at the close of the 90th Congress for want of action. This year on the House side I have asked the Judiciary Committee for a report from the appropriate Federal agencies as to their position of this particular legislation. I am hopeful that the report will soon be forthcoming as committee action is desirable as soon as possible. The text of S. 1077 and H.R. 7201 reads as follows:

A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 71, title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1466. Determinations of fact

"In every criminal action arising under this chapter or under any other statute of the United States determination of the question whether any article, matter, thing, device, or substance is in fact obscene, lewd, lascivious, indecent, vile, or filthy shall be made by the jury without comment by the court upon the weight of the evidence relevant to that question, unless the defendant has waived trial by jury."

(b) The section analysis of that chapter is amended by inserting at the end thereof the following new item:

"1466. Determinations of fact.".

SEC. 2. (a) Title 28, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 176.—ACTIONS INVOLVING OBSCENITY

"Sec.
"3001. Judicial review.

"§ 3001. Judicial review

"(a) In any criminal action arising under any statute of the United States for the prosecution of any person for the possession, sale, dissemination, or use of any obscene, lewd, lascivious, indecent, vile, or filthy article, matter, thing, device or substance, no court of the United States or of the District of Columbia shall have jurisdiction to review, reverse, or set aside a determination made by a jury on the question whether such article, matter, thing, device, or substance is in fact obscene, lewd, lascivious, indecent, vile, or filthy.

"(b) In any criminal action arising under any statute of any State or under any law of any political subdivision of any State for the prosecution of any person for the possession, sale, dissemination, or use of any obscene, lewd, lascivious, indecent, vile, or filthy article, matter, thing, device, or substance no court of the United States shall have jurisdiction to review, reverse, or set aside a determination made by a court of such State on the question whether such article, matter, thing, device, or substance is in fact obscene, lewd, lascivious, indecent, vile, or filthy."

(b) The analysis of title 28, United States Code, preceding part I thereof is amended by adding at the end thereof the following new item:

"176. Actions involving obscenity.... 3001".

(c) The chapter analysis of part VI, title 28, United States Code, is amended by adding at the end thereof the following new item:

"176. Actions involving obscenity.... 3001"

As Senator Dirksen pointed out in his article, this legislation would free juries of local citizens to make the final determination as to whether a book, magazine, or movie is obscene. He stated:

> In prosecutions under state or federal obscenity laws, the verdicts of juries as to the question of obscenity would not be subject to review by federal courts. The Supreme Court could, as always, review the *legal correctness* of any such prosecution, but it would no longer be allowed to look behind the lower court's findings of fact. (My bill would affect appeals to federal courts only, but I urge state legislatures to adopt similar rules for their appellate courts.)

Why this drastic step regarding the Federal courts, and in particular the Supreme Court?

The key role played by the Supreme Court in the deplorable smut glut now enraging American citizens was brought to public attention by the monumental efforts of the Citizens for Decent Literature—CDL—whose founder Attorney Charles H. Keating and attorney for the executive board of CDL, James J. Clancy, testified on July 22, 1968, before the Senate Judiciary Committee on the proposed appointment of Justice Abe Fortas as Chief Justice of the U.S. Supreme Court. Referring to cases handed down in May and June 1967, by the highest court, the CDL representatives pointed out that the Court reversed 23 of the 26 State and Federal obscenity determinations. The community standards of 13 States were upset. Eight findings of fact by juries were reversed. The lengthy and thorough CDL testimony then proceeded to list the pertinent cases with their summaries and legal citations. This testimony, which I inserted in the RECORD on September 4, 1968, along with a CDL film showing some of the literature and films approved by the Court, brought into proper perspective the part played by the U.S. Supreme Court in the present hardcore pornographic deluge.

The presence of Senator Everett Dirksen will certainly be missed on the Senate floor, but his resolve and counsel, as expressed in the closing paragraph of the Digest article, should be both emulated and heeded:

> For my part, I intend to use every means at my disposal to see that my bill is enacted. But I need the backing of an aroused citizenry. Every one of you can help, individually and through civic groups and local organizations, by writing your Congressman and both of your Senators expressing your outrage at the filth engulfing our land and urging their support of S. 1077. If all of us pull together, *we can win this fight!*

I insert the article, "A New Plan To Fight Pornography," by the late Senator Everett McKinley Dirksen, appearing in the November 1969, issue of the Reader's Digest, in the RECORD at this point:

A NEW PLAN TO FIGHT PORNOGRAPHY

(By Senator Everett McKinley Dirksen)

(NOTE.—Senator Dirksen completed work on this article barely a week before he died on September 7. We are convinced that the objective it espouses—that only juries of local citizens should make the final determination of what is obscene—is not only valid but attainable. The passing of the Dirksen anti-obscenity bill (S. 1077) would, in our opinion, constitute an appropriate memorial to this distingushed lawmaker.)

The United States is overwhelmed with smut. Like some medieval plague, the mounting flow of obscene books, films and magazines surrounds us, threatening our national health. Consider just a few of the symptoms accompanying this plague:

A multimillion-dollar printing factory in Phoenix, Ariz., keeps its presses rolling 24 hours a day, five days a week, turning out 35,000 lewd books each day. A Los Angeles, Calif., smut publisher who went into business just three years ago with $25,000 capital now grosses over a million dollars annually. A jury recently found two of his books to be hard-core pornography, and by his own admission he is in the business primarily to make money.

In recent years, the rapidly proliferating sleazy bookstores in cities throughout the nation have added a new attraction: filmed peep shows. For 25 cents, the customer can peer through a slot and watch naked men and women gyrate for a few moments. New York City alone now has some 400 peep-show machines scattered about.

Books, magazines and sometimes movies now show full genital exposure. Sexual intercourse has been shown in commercially exhibited films which are raking in millions of dollars across the country. Tabloid newspapers with such names as *Screw, Pleasure* and the *New York Review of Sex*—with pictures to match—are sold over hundreds of newsstands.

These are far from isolated cases. The business of pornography has reached such immense proportions that 200 companies are producing hard-core filth, .with sales reaching over $500 million a year. Postal authorities are swamped with complaints from citizens objecting to the pornographer's lurid sex ads. In fiscal 1969 alone, 234,692 such protests were registered. A recent Gallup poll showed that 76 percent of the American people insist that tougher laws are needed to keep obscene publications off newsstands.

How did we reach such a state?

For some 12 years, the U.S. Supreme Court has labored to define what may be banned as obscene. In June 1957, the Court handed down a landmark decision in the case of *Roth v. United States*. Declaring that the First Amendment guarantees of free speech have never applied to obscene material, the Court held that "obscenity is not within the area of constitutionally protected speech or press."

The test of obscenity, as spelled out in this and later cases, is: Whether to the average person, applying contemporary community standards, the "dominant theme of the material taken as a whole appeals to prurient interest" and is "utterly without redeeming social importance." A key point in the declaration: a book or film must be judged in its entirety, not on the basis of isolated passages.

This legal definition, admittedly not perfect, is at least workable. Unfortunately, the courts—and, too often, the Supreme Court itself—have not permitted it to work. Time after time, juries have sought to apply the Supreme Court's guidelines to a book or movie, only to have their decision on the facts summarily overturned.

Here is a sampling fo the most important recent cases:

A Redwood City, Calif., nudie-film merchant named Sam Ratner exhibited an 8-millimeter strip-film entitled *Honey Bee*. It showed a well-endowed model, clad only in garter belt and stockings, undulating on a couch, moving her hands, torso, lips and pelvis to suggest sexual intercourse. A jury found the film to be pornography, without artistic significance or even a modicum of redeeming social importance. The appellate department of the superior court of California upheld this finding. Yet, incredibly, the U.S. Supreme Court overturned Ratner's jury conviction. Thus, the film was, in effect, declared *not* obscene, and was therefore protected by the First and Fourteenth Amendments.

In Rochester, N.Y., David E. Keney ran a bookstore featuring what he told customers were called "spicy hot" books. Three of his paperback books carried the titles *Lust School, Lust Web* and *Sin Servant*. Their message: detailed descriptions of sexual aberrations of all kinds. A jury found the books obscene. An appellate court agreed with the jury's decision, and New York State's highest court turned down the appeal. Nevertheless, this case was among a group of 26 obscenity-conviction appeals considered by the U.S. Supreme Court during its October 1966 term.

As in the Ratner case, the Supreme Court reversed Keney's conviction. In neither instance was the Court ruling on the legal correctness of the case, but rather was making its own value judgment that the materials involved were *not* obscene. By these declarations, it switched from being a conservator of legal tradition to being a censor of individual books and films—a most unfortunate switch.

In all, the Court reversed the obscenity determinations in 22 of the 26 October-term cases involving material ranging from homosexuality to sadism. With its decisions, the Court overturned the obscenity finding of eight juries and wiped out the attempts of 13 separate states to control the distribution of salacious material.

In Portland, Ore., newsstand operator Harold G. Childs was arrested for selling a book entitled *Lesbian Roommate*. A Portland jury found the book obscene and convicted Childs. On appeal, the supreme court of Oregon upheld the jury decision, describing *Lesbian Roommate* as a "series of sexual descriptions, tending to and produced solely for the arousal of exotic sexual fantasies."

The U.S. Supreme Court turned down a petition to consider the Childs case. But, just three months later, on June 23, 1969, a federal district judge made a remarkable intervention, granting a writ of habeas corpus to free Childs on the ground that *Lesbian Roommate* was *not* obscene. In his opinion, the book did not appeal to prurient interests, nor did it offend contemporary community standards. By this ruling, a federal judge overruled the judgment of a community jury and of the state supreme court, and made a shambles of that state's efforts to curb smut.

What can be done about this court-approved filth?

The Constitution of the United States provides us with an answer. Article IIII specifically empowers Congress to make "exceptions and regulations" to the Supreme Court's appellate jurisdiction. Thus, explained *The Federalist*—that historic group of essays written by early supporters of the Constitution—the Legislative Branch "would certainly have full power to provide that in appeals to the Supreme Court there should be no re-examination of facts where they had been tried by juries."

The pornography problem is so grave that Congressional action along such lines is desperately needed. Accordingly, I have introduced a bill (S. 1077) which would if passed, free juries of local citizens to make the final determination as to whether a book, magazine or movie is obscene. In prosecutions under state or federal obscenity laws, the verdicts of juries as to the question of obscenity would not be subject to review by federal courts. The Supreme Court could, as always, review the legal correctness of any such prosecution, but it would no longer be allowed to look behind the lower court's findings of fact. (My bill would affect appeals to federal courts only, but I urge state legislatures to adopt similar rules for their appellate courts.)

Thus, the people of our communities would decide what they think the moral standards under which their youngsters are to be reared should be. This procedure would avoid the dread hand of unreasonable censorship and would be in keeping with the best of American legal tradition. As Judge Learned Hand, one of our greatest jurists, once pointed out: "In this country the jury must determine, under instructions, whether a book is obscene. The court's only power is to decide whether the book is so clearly innocent that the jury should not pass on it at all."

Enactment of my proposal would not foreclose other steps urgently needed to win the fight against pornography. Local prosecutors, police and citizens must redouble their efforts to keep the filth peddlers at bay. The Administration's tough new program to crack down on the smut advertising now being mailed into the nation's homes must be passed. However, laws cannot do the job without the goad of public opinion. In the words of President Nixon: "When indecent books no longer find a market, when pornographic films can no longer draw an audience, when obscene plays open to empty houses, then the tide will turn."

For my part, I intend to use every means at my disposal to see that my bill is enacted. But I need the backing of an aroused citizenry. Every one of you can help, individually and through civic groups and local organizations, by writing your Congressman and both of your Senators expressing your outrage at the filth now engulfing our land and urging their support of S. 1077. If all of us pull together, we can win this fight!

REDS' NEGRO PUPPET CLAIMS SANCTUARY IN DETROIT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. RARICK. Mr. Speaker, it seems we are about to be treated to one of the propaganda displays of our times in the case of a small-time hoodlum who has been built up by international communism to the point that he takes himself seriously.

Robert Williams was too loudmouthed for the NAACP in his native North Carolina. He fled the State when indicted for kidnaping, which is a crime in that State. Fleeing in interstate commerce to avoid prosecution for a felony is a Federal crime, so the FBI is also interested in him.

He has been in Cuba, Red China, Tanzania, mouthing constant seditious hogwash against the United States. He has openly counseled and encouraged such parlor games as murder, arson, and revolution. He even thinks he is a president.

Surprisingly, some of our officials seem to have fallen for the same song, treating him with kid gloves, delivering him new passports, dropping charges, granting him privileges which are totally unheard of in dealing with common criminals of this type. In the end, he has served his Red masters well.

For the information of this House, I insert pertinent news clippings and articles at this point in my remarks:

[From the Detroit (Mich.) News]

RETURN TO NORTH CAROLINA MEANS DEATH, RNA LEADER TELLS COURT

LANSING.—Robert Williams, leader of the black separatist Republic of New Africa (RNA), faces possible death if Michigan sends him back to North Carolina on a kidnaping charge, he says.

"If you send me to North Carolina, I'll just assume it will be a suicidal mission for me," Williams told an extradition hearing officer yesterday.

Williams' attorney, Milton Henry, of Pontiac, said Union County, N.C.—where the kidnaping allegedly took place—is "Klan country." "Law (there) . . . is conducted on a racist basis," he said.

North Carolina's "purpose is to get him back to perhaps harass and even kill him," said Henry, vice-president of the RNA. "They wouldn't want to try this case at 12th and Clairmont (in a black area of Detroit). We don't want to try it in North Carolina."

Williams, who appeared at the hearing with his wife, Mabel, and three other attorneys, said "American justice is on trial—not Robert Williams."

Joseph Thibodeau, assistant legal adviser to Gov. Milliken, set Nov. 10 for a second hearing after Henry said he could produce evidence to provide the indictments forwarded by North Carolina are forgeries.

After that hearing, Milliken will decide whether to return Williams to North Carolina to face the charges stemming from a 1961 "Freedom rider" demonstration.

Williams and four others were accused of kidnaping a white couple, Mr. and Mrs. G. Bruce Segall. The Segalls were held briefly, then released unharmed.

Henry said indictments sent to Milliken were dated 1965.

Indictments were handed down in 1961 and later voided by the North Carolina Supreme Court, he said. Indictments were brought again in 1967.

But those issued in 1965, Henry said, were against four persons—"but not Robert Williams. Your attorney general should go down to North Carolina and see what these people have done."

Henry argued also that the North Carolina law under which Williams was charged did not until 1962 define the term "kidnaping."

"This is unenforceable by virtue of vagueness," he said. "You can't be a fugitive unless there's a crime."

Henry noted the "political" nature of the situation in 1961—"it was slavery versus freedom," he said—and maintained that extradition involving a political charge is not allowed under statute.

He argued also that the Segalls are "not interested in prosecuting" the case. "It's the police and the Ku Klux Klan," he said.

Williams, suspended as head of the Union County chapter of the NAACP in 1959 for publicly disclaiming the group's nonviolent position, fled the United States after the first indictments were brought.

He asked for political asylum in Cuba, then journeyed to Communist China in 1966. He returned to this country only last month.

"We selected Michigan," Henry said. "We can get what the law says we are supposed to get—justice. We believe that Michigan, of all the 50 states, will give us the fairest hearing."

[From Tactics, June 20, 1969]

REDS HOPE FOR YENAN ON U.S. SOIL—ROBERT WILLIAMS COULD BE ITS FIGUREHEAD

Indulge in a little revolutionary fantasy, and then ask if it is so fanciful after all. The unmentionable and the unbelievable is that international communism would be so bold as to announce that a "People's Government of the U.S.A." has been set up in the New World. Crazy, man, crazy, even to suggest that the reds would be so bold and even mad as to declare that a revolutionary government of the United States existed in exile anywhere in the Northern or Southern Hemispheres, or in hiding anywhere on U.S. soil.

Yenan for years was the proclaimed capital of a self-proclaimed, communist government in China. Could there be a Yenan, U.S.A.?

Actually, all this needs, "in exile," or "in hiding," is the political permissiveness and the anti-anticommunism we are now pursuing, and the moral and legal permissiveness that now characterizes our society. All the reds need to do is to disguise the communist instigation and form of the destructive, subversive movement to full us. We have heard so much of the red salami tactic, of cutting off one slice at a time, that we haven't given any thought to the political consequences. We are not dealing with a salami, of course, but with our political system. The slicing is being done by the hungry, red apparatus.

Let us go to specifics. The tactics being used are to exploit one issue after the other, each time approaching more and more to the grand finale of final conquest, if they can get away with it. The civil rights movement was transformed cynically into an anti-Viet Nam war movement. Simultaneously, a college reform and free speech movement was focussed upon weakening the military structure generally, from research to the draft.

REPUBLIC OF NEW AFRICA

When will we learn that communists never abandon an objective, but bend over to force and power, their concept of co-existence? We laughed at Stalin's plan for a "black republic" on U.S. soil.

But the reds knew that law was not being enforced against conspiracy and treason. So a "declaration of independence" for a "Republic of New Africa" on U.S. soil was glibly announced at the end of Mar. 1968, and its revolutionary activities and even violence have been given the most respectable publicity by our news syndicates and such newspapers as the N.Y. Times. Indeed, this organ of the Establishment and Fabian socialism sounded the clarion call with editorials and purported "news" articles on the possibility of "two successor states—one black and one white"—developing out of the United States. The insidious but prestige-robed N.Y. Times magazine section of Sunday, Aug. 11, 1968 soberly gave over two complete pages and part of five other pages to a soberly written study, "The Case for Two Americas—One Black, One White," written, of course, by a professor. Respectable treatment of this kind given to this most vicious conspiracy is a cruel hoax played on the black citizenry of our land, and in effect, incitement to such suicidal treason.

Whether the editors who plot such pages are simply sick mischief-makers or masochists is academic.

The proclaimed "president" of this "black republic," that has no backing, but only the opposition of practically the entire colored and white population together, is the criminal fugitive, Robert F. Williams, who has been sending instructions on guerrilla warfare and murderous sabotage into the United States from such places as Havana and Peking. He has been encouraged to believe he can re-enter the United States, and take advantage of our permissive and ineffectual legal system to conduct a glamored publicity campaign for national destruction right inside the United States.

Communists, of course, take him seriously only as a front for them. If it can be arranged, he will appear somewhere in North or South America for such insurrectionary activity, or even concealed inside the U.S.

ELDRIDGE CLEAVER, AS "MINISTER OF INFORMATION"

The so-called Black Panther Party has its communist links through such centers as Alexandria, in Egypt. He was enabled to flee from the United States so he could avoid serving out a prison sentence, and is working against our country from Havana. A four-page leaflet signed by him as "minister of information" includes such names as Stokely Carmichael as "prime minister" and Bobby Seale as "chairman." Its "proposals" refer to "the racist pig gestapo police who occupy our colony as foreign troops occupying conquered territory."

Of course, behind the white and black parallel revolutionary movements are the communist psychological warfare planners operating from Moscow and Peking, with Havana as satellite headquarters.

None of this would warrant even mention, for none of it would have been able to blow up even a small shop with impunity except for the anti-anticommunist propaganda climate created by professionals. This has snared politicians and millionaires alike—sometimes in the same person. What has been required was the softening up of the American people, and the depriving of anti-communists of outlets by which the public could be given the benefit of their wisdom and experience. After all, they have been proven consistently right, whereas the Walter Lippmanns, on the written record, have been shown by events to be consistently wrong.

Washington, as the national capital, provides a horrible example of this one-sidedness in communications. A slick magazine, richly subsidized, has been in existence for several years now. It is fake "liberal," but fat with advertising. Its name is the Washingtonian. A few months ago, a competitor appeared, as slick but with practically no advertising. It is called the Washington Monthly. The sort of so-called intellectual appeal of these magazines is shown by their cost, 60 cents for the former and a full dollar for the latter. Washington Monthly is as extremist as one can get in propagandizing for the weakening of our country in all its defenses. Frankly, except for the few still red labor unions, American workers would see through this subversion at once. Of course, we find the name of Murray Kempton on the "advisory board," with Richard Rovere as the chairman. Included, too, is Pete Lisagor, of the Chicago Daily News, one of those who has been undermining Otto F. Otepka, whose skills lie in the field of national security. His paper obviously runs Drew Pearson.

Who subsidizes Washington Monthly? No communist, De Tocqueville understood the phenomenon. The angel is said to be none other than John D. Rockefeller the Fourth! Ah, yes, a Democrat, he won a seat in West Virginia's legislature. His eyes, too, you see, are on the White House. This takes an organization, that has to be built up, and all sorts of organization men, such as writers, who have to be kept busy between campaigns.

[From the Washington Star, Sept. 12, 1969]

WILLIAMS ARRESTED ON RETURN TO UNITED STATES

(By Lyle Denniston)

Black revolutionary Robert F. Williams returned to the United States today after eight years in exile. He was promptly arrested by the FBI.

Williams, who fled the United States to avoid kidnaping charges in North Carolina, was arrested as his special Trans World Airlines flight landed in Detroit. He was wanted on a federal charge of unlawful flight to avoid persecution.

Williams, 44, returned amid confusion about who in the U.S. government wanted him back and who doesn't.

The Justice Department's Internal Security Division and the Federal Bureau of Investigation both disclaimed responsibility for any official pressure to return Williams.

Williams flew back on a special Trans World Airlines flight—a 130-seat airliner carrying only him, his lawyer, an airline security guard and the plane's crew of eight.

The flight left London 80 minutes early and the Associated Press quoted TWA officials as saying they were advised "from America" to move the time forward, presumably because someone feared a demonstration when the jet arrived in Detroit this afternoon.

Earlier, TWA had refused to carry Williams.

DOUBTS ON ROLE

Williams is a Negro, and some officials in the government apparently fear that he could emerge as a new militant leader among the nation's blacks.

The FBI and its Justice Department colleagues in the Internal Security Division apparently agree at least that Williams could become what one source described as "an aggravation" among Negroes.

Beyond that, however, there is no agreement between the department's two branches over the considerations which went into the final decision to return Williams to this country.

EMBASSY REQUEST CITED

A TWA spokesman here said Williams was brought back "at the request of the U.S. Embassy in London."

An official request of that kind was one of the three conditions the airline had imposed, according to the spokesman. The other conditions—also met—were that a "sufficient escort" be provided, and that TWA itself have control over the time and place of Williams' return.

The FBI had never indicated to the airline that it opposed Williams' return, according to the spokesman.

On the other hand, he added, the FBI had not pressed TWA directly to get Williams back, TWA's formal discussions over the return, it was reported, were entirely with the State Department in Washington or the U.S. Embassy in London.

TWA's unusual expense—reportedly $20,000—in making today's flight was undertaken at the initiative of the airline alone, the spokesman said, to avoid the risk of having Williams on a regular flight with other passengers—"which conceivably could have led to a disturbance."

State Department officials were not immediately available for comment on their part in the situation.

The state of North Carolina had only a limited role in the discussions over Williams, Deputy Atty. Gen. Ralph Moody said in a telephone interview today.

Since Williams still faces a kidnapping charge in that state, law enforcement authorities there were interested, Moody said. However, they had not directly pressed the federal government to seek Williams' return, he said.

Williams had been held in London, imprisoned as an "undesirable alien," during the days of uncertainty about whether he could get back to America by air, as he wanted. The British tried to send him back to Egypt, but he refused. He also declined to come to the United States by ship.

The FBI, sources suggested, has not been intimately involved in the U.S. government's handling of the question of William's return. That has been the responsibility of the Internal Security Division, bureau sources said.

However, the division in turn has insisted that its position was one of "ambivalence," and that it was the FBI which had really been in charge.

While the security division did seem somewhat concerned about Williams' impact on his return home, sources indicated the division made no attempt to bar his entry, partly because of an understanding it had that both the FBI and North Carolina wanted him in this country.

Since leaving the country, Williams had visited Cuba, Red China and Tanzania.

[From Battle Line, October 1969]

BLACK REVOLUTIONIST LEADER DECLARES DETROIT AS THEIR "SAFEST" AMERICAN CITY

It will be to Jerome P. Cavanagh's everlasting shame that he presided as Mayor of the American city that was chosen by this nation's enemies as the "safest" in the country for return of their leader, Republic of New Africa President Robert Williams, in order that he might now direct the revolution from within our own shores.

His arrival in Detroit was delayed a number of days when T.W.A. refused to carry him aboard their trans-Atlantic flight. Many people ridiculed the Republic of New Africa officials when they threatened the airlines. But T.W.A. wasn't laughing as they quickly changed their decision after the Communist Party called for massive demonstrations before T.W.A. offices; cancellations and harassment of Airline schedules, along with threats of sabotage by the black militants. In fact, T.W.A. flew a special flight with Williams as their only passenger in what could honestly be called their "blackmail run."

Let us take a closer look at this "beast" that has entered our city, a revolutionist that Breakthrough, led by Don Lobsinger, warned Detroiters about more than 4 years ago. Williams has outlined his concept of guerrilla warfare in his publication, the Crusader, printed in Red China. His views are similar to Mao-Tse-Tung's with whom he shared the same rostrum at a May Day rally in Peking recently. His book, "Negroes With Guns," has become the official guerrilla manual of several black extremist groups. He calls for a new concept of guerrilla warfare, one in which the revolutionists huddle as close to the "enemy" as possible so as to neutralize his modern and fierce weapons. He goes on to say, "any Afro-American revolt would constitute a unique form of urban warfare. The match and gasoline would be his most effective weapon."

Recently, another RNA official, Milton Henry made the statement, "The U.S. Army can't win in Vietnam and they can't win in the United States. We can fight from within. How are they going to get us out of here? Where would they make the guns to shoot us—in the United States? Do you think we are just going to let them keep on making guns? How will they transport their guns and soldiers—on railroad trains? The United States can be destroyed by sabotage and guerrilla warfare."

This then is the poison that our government allows to flow into the bloodstream of our country. Is it any wonder that the "impossible" is happening before our very eyes? The probability of a military takeover to save this country from a communist victory appears more likely every day.

COMMUNIST PRESS ACCUSES BREAKTHROUGH OF CAUSING RACIAL STRIFE AT LOCAL HIGH SCHOOLS

The ability of the communists to twist the truth is almost too much to comprehend. A number of Detroit high schools have witnessed black militant students, led by outside agitators, going on a rampage, attacking students and teachers alike, burning the American flag, replacing it with the flag of the Republic of New Africa and causing the schools to close down. Then the next day you read in the communist paper, the "Daily World," and also headlines in the Negro newspaper, that Breakthrough members were driving around with truckloads of their "goons," riling up the blacks just so the police could then step in and beat on their heads. It is a known fact that Breakthrough is opposed to having their members ride around in trucks.

[From Combat, Oct. 15, 1969]

"KILL BABY KILL"—THE ROBERT F. WILLIAMS STORY

(By Henry P. Durkin)

Less than a month ago one of the major promoters of a black-white civil war in the United States returned to this country after eight years of self-imposed exile to avoid criminal prosecution.

Robert F. Williams' trip to Detroit in September contains elements similar to Vladimir Lenin's historic return to Petrograd some 52 years ago. Both men waged propaganda war against the homeland from a safe haven overseas. Both men stand among the foremost advocates of terrorism as politics. Both reject reform as too gradual. And both came home treated as, in Churchill's phrase, the plague bacillus; Lenin and his entourage in the famous sealed railway car, Williams and his attorney encapsulated in a giant airliner, its only passengers.

Lenin ultimately triumphed in his October Revolution and destroyed the only representative government Russia has ever had. He did it to "free the workers." Williams promises that his revolution, pitting black against white in a racial civil war, will lead ultimately to Negro Americans being free of "oppression."

Williams has gone far in eight years.

During those years, Williams' home had been Cuba, Red China, and Tanzania. Almost uniformly the press touted Williams merely as a "black militant" who wanted to return to clear himself of kidnaping charges in Monroe, North Carolina. And just as uniformly the press ignored his strange and fascinating activities over the years.

Williams, an ex-Marine, was born in Monroe, North Carolina, in 1925. In 1956 he joined the local chapter of the NAACP and soon became its president. At that time, the NAACP's demands followed the "separate but equal" philosophy of the national office, which predominated in the mid-50's. But Williams decided this was not enough and began to organize self-defense units in the Negro community. On one occasion, by the use of foxholes, sandbags, and a well-prepared strategy, his units succeeded in repulsing with gunfire a motorized Ku Klux Klan "invasion."

In 1959, just after an all-white jury in Union County had acquitted a white man of beating up a Negro, Williams, shaking with anger, told a reporter that Negroes must defend themselves even if it meant "meeting violence with violence if that is to be the only way we can obtain justice." Negroes, he said, should be "willing to die" or "even to kill if necessary" to protect themselves. "If it is necessary to stop lynching with lynching, then we must be willing to resort to that method." Remarks such as these prompted Roy Wilkins, NAACP national director, to suspend Williams for six months.

In 1960 Williams traveled illegally to Cuba a number of times and reported favorably about Castroland. Then, on April 21, 1961, Williams sent a telegram from Monroe to Cuba's foreign minister, Raul Roa, at the UN during the General Assembly debate on the Bay of Pigs invasion. Roa read the telegram to the delegates, as U.S. Ambassador Adlai Stevenson sat in silence: "Now that the United States has proclaimed military support for people willing to rebel against oppression, oppressed Negroes in the South urgently request tanks, artillery, arms, money, use of American airfields and white mercenaries to crush the racist tyrants who have betrayed the American Revolution and the Civil War. We also request prayers for this noble undertaking."

Four months later, in August 1961, North Carolina indicted Williams on a kidnaping charge. A white couple driving through the Negro section during one of Williams' bouts against the local police were dragged from their car and held prisoner in Williams' home. Eventually they were released and Williams fled to Cuba (via New York, Canada, and Mexico). While in hiding "somewhere in New York City" on his way to Cuba, Williams sent a long letter to the *Guardian* (*nee National Guardian*) presenting his side of the Monroe troubles. Williams admitted that a white couple was "captured, disarmed and placed under citizens' arrest by a group of Negroes," that the couple was brought to his yard, where he asked the "colored group to let them go; they did." And, Williams said, he told the white couple they could go, but that "they would have to leave through the angry crowd" which had gathered. Williams said he turned back to his house and the couple followed; when he looked for them a short time later they "had disappeared." Williams claims he fled because Monroe Police Chief A. A. Manney told him that "state troopers were coming and that in 30 minutes I would be hanging in the Courthouse square." He escaped with the help of some Negroes on their way to Greensboro, N.C., from where he and his family caught a bus for New York, arriving there August 28, 1961.

While he was living in Monroe, Williams had begun issuing a newsletter called *The Crusader* (first issue: June 26, 1958). He continued to publish it in Cuba, and also started making anti-American broadcasts over "Radio Free Dixie," courtesy of Castro's shortwave transmitters. In both he urged the Negroes in the United States to revolt.

Cuba was a good choice for Williams' first exile. His 1960 trips there had convinced him that Castro's "workers paradise" was ideal. At least one of Williams' trips was under the auspices of Fidel's American front, the Fair Play for Cuba Committee. In November 1960 Williams was one of the featured speakers at an FPCC rally in front of the U.N., protesting U.S. patrolling the coasts of Guatemala and Nicaragua against Cuban attempts at infiltration. Williams signed several of the FPCC advertisements in American newspapers. One of these, in the April 22, 1961 issue of the Baltimore, Maryland, *Afro-American*, was a "Declaration of Conscience by Afro-Americans": "Afro-Americans, don't be fooled—the enemies of the Cubans are our enemies, the Jim Crow bosses of this land where we are still denied our rights. The Cubans are our friends, the enemies of our enemies." Another ad in the New York *Post* three days later carried almost the same text.

Assorted left-wingers and Communists quickly jumped to Williams' aid, via an organization called the *Monroe Defense Committee*. Communists (identified in testimony as old-time or current; Moscow, Peking or Trotsky-oriented) were listed as supporters: William Albertson, Herbert Aptheker, William Epton, Carl Marzani, Jesse Gray, Cyril Phillips, Victor Perlo, and others. Liberals and leftists who also lent their prestige included James Baldwin, Ossie Davis, Ruby Dee, Nat Hentoff, A. J. Muste, and Lyle Stuart. And Clark H. Foreman, Executive Secretary of the Emergency Civil Liberties Committee (now renamed National Emergency Civil Liberties Committee) commented that Williams "represents the most practical approach for the Negro who considers himself entitled to be a full-fledged American."

In April 1962 the pro-Williams campaign had reached such proportions that Detroit Local #600 of the United Auto Workers passed a resolution calling on President Kennedy to give executive clemency to Williams!

But in *The Crusader* Williams was proclaiming "The slick John Kennedy gang is operating one of the greatest sham governments in the entire world," and that America was "a jungle filled with wild beasts and savages presided over by an impotent witch doctor, Slick John Kennedy." While continuing his attacks on Kennedy, Williams asked that money to keep the newsletter going be sent to Mrs. Anne Olson in Toronto, Canada—at the headquarters of Canadian Fair Play for Cuba Committee—and announced that his attorney, Conrad Lynn, was hard at work on the legal machinery to clear his name of the kidnaping charges.

"Radio Free Dixie," Williams' jazz music show mixed with political commentary, began to be heard every Friday from 11 p.m. to midnight, Eastern Standard Time. In one broadcast in late summer 1962, he said: "Communism is not lynching black people! Communism offers equality. If it were not for Russia, the oppressors of the Negro would have already conquered the world, and we can rest assured that it would be a racist world. If it were not for the power of the Soviet Union, all oppressed peoples everywhere would have very little hope of ever acquiring the means of freeing themselves. If it were not for the Soviet Union, the racists of the USA would already feel free to wage a campaign of total extermination against the Afro-American." Early in 1963, "Radio Free Dixie" began broadcasting three days a week. Stepped up, too, were the tirades against Kennedy, who became "Herr John" (the new Hitler): "he thinks he's God" and a "great benefactor to white supremacy and the southern racist enemies of the 14th Amendment to the US Constitution."

September 1963 saw a new development in Williams' political education. He turned up in Red China, telling Pekings' New China News Agency that he had wanted to come to China since the "triumph of the Chinese revolution" in 1949. While in China he sent President Kennedy a message protesting what he called "the savage persecution of American Negreos by U.S. racists." Williams warned "Let me remind you that these heathen racist crimes against black humanity shall be avenged!" (About two months later, a one-time member of the New Orleans Fair Play for Cuba Committee, Lee Harvey Oswald, assassinated Kennedy.)

The next issue of *The Crusader* appeared in February 1964 and made no further references to President Kennedy. Instead, that issue and subsequent ones carried detailed instructions for sabotage and terrorism. Example: "The weapons of defense employed by Afro-American freedom fighters must consist of a poor man's arsenal. Gasoline fire bombs (Molotov cocktails), lye or acid bombs (made by injecting lye or acid in the metal end of light bulbs) can be used extensively. During the night hours such weapons, thrown from the roof tops, will make the streets impossible for racist cops to patrol. Hand grenades, bazookas, light mortars, rocket launchers, machine guns and ammunition can be bought clandestinely from servicemen anxious to make a fast dollar. Freedom fighters in military camps can be contacted to give instruction on usage.

"Extensive sabotage is possible. Gas tanks on public vehicles can be chocked up with sand. Sugar is also highly effective in gasoline lines. Long nails driven through boards and tacks with large heads are effective to slow the movement of traffic on congested roads at night. This can cause havoc on turnpikes. Derailing of trains causes panic. Explosive booby traps on police telephone boxes can be employed. High-powered sniper rifles are readily available. Armor-piercing bullets will penetrate oil storage tanks from a distance. Phosphorous matches (kitchen matches) placed in air conditing systems will cause delayed explosions which will destroy expensive buildings. Flame throwers can be manufactured at home. Combat experienced exservicemen can easily solve that problem." (*The Crusader*, May-June 1964).

Copies of this issue were circulated in New York City before the now-famous Harlem riots of 1964. Williams had predicted such violence on page seven of the same issue: "This year, 1964, is going to be a violent one, the storm will reach hurricane proportions by 1965 and the eye of the hurricane will hover over America by 1966. America is a house on fire—Freedom Now!—or let it burn, let it burn. Praise the Lord and pass the ammunition!!!"

From November 25 to 30, 1964, Williams was in Hanoi attending the International Conference for Solidarity with Vietnam. He told the delegates "I feel much freer here than I ever felt in the U.S.A. . . . I believe this is the beginning of a new relationship between our two peoples, the people of Vietnam, the Afro-American people and our white allies in the U.S.A." Also, while in Hanoi, Williams broadcast to U.S. troops in South Vietnam to lay down their arms.

Prior to coming to Hanoi, Williams stopped off again in Peking, publishing the October 1964 edition of *The Crusader* there and having a personal meeting with Mao Tse-tung. Said Williams: "It was a great feeling for me, an exiled former NAACP official, to be in China when their first Atomic bomb was exploded . . . This bomb is not just a Chinese bomb, it is a freedom bomb for all the oppressed people of the world."

Returning to Cuba, Williams announced that *The Crusader* now had a U.S. address: P. O. Box 359, New York, N.Y. 10025, which turned out to be the same address as the Revolutionary Action Movement (RAM), of which Williams was then Chairman-in-Exile. RAM's theoretical journal, *Black America* (Summer-Fall 1965) set the tone for its activities: "As the struggle becomes more intense, a Mau-Mau of a political form will probably have political ambitions which the house niggers (Uncle Toms) and the public racists will be unable to fulfill. It will probably assassinate racist leaders and house niggers who don't follow its line. The cry of the black community will be 'Liberation or Death!' "

Let's pause a moment and see what RAM members have been doing in the United States to carry out the movement's orders:

February 1965: RAM members were arrested in a plot to blow up the Statue of Liberty, the Liberty Bell, and the Washington Monument. The RAM group used the name of Black Liberation Front, led by Robert Steele Collier, Walter A. Bowe (a signer of the Fair Play for Cuba Committee ads referred to above), and Khaleel S. Sayyed. Attorney for Collier was Conrad Lynn, also Williams' lawyer, while Mark Lane (famous for his posthumous defense of Lee Harvey Oswald) defended Sayyed. All three plotters were found guilty and sentenced to between 18 months and 5 years in jail. Collier was released after 2 years and turned up as a $5,700-a-year New York City Parks Department employee in charge of recreational activities at the Tompkins Square Community Center, supervising local children and adults using the swimming pool. As soon as news of this leaked out, Collier was fired from the job and dropped out of sight until April 1969. At that time he was arrested as part of a Black Panther plot to bomb several New York department stores. Twenty-one Panthers in all were arrested. Coming to their defense were long time leftist attorneys William Kunstler and Arthur Turco.

June 1967: Sixteen RAM members were arrested in a plot to assassinate "moderate" civil rights leaders, including Roy Wilkins and Whitney Young, Jr. Leader of the plot, according to District Attorney Thomas Mackell, was Herman Ferguson, at that time an assistant principal in New York City's school system. Ferguson is East Coast Vice President of RAM and Minister of Education. Also named in the indictment was RAM's Special Ambassador Max Stanford, who was arrested in Philadelphia. At the trial, the prosecution declared that Senator Robert F. Kennedy was also on the RAM kill list. Ferguson was convicted and is now free on bail pending his appeal. Last November he was a candidate for the U.S. Senate on the Freedom and Peace Party ticket, a front set up by the Communist Party USA.

September 1967: Four RAM members were arrested in Philadelphia in a plot to poison hundreds of policemen and some of the city's top officials in the event of a riot. The Trotskyite-oriented Youth Against War and Fascism, headed by Mark Lane's former secretary, Deirdre Griswold, sponsored a protest rally in Philadelphia in October 1967. Among the scheduled speakers were Mae Mallory, one of Robert Williams' co-defendants from Monroe, N.C., and Conrad Lynn, Williams' and RAM's attorney.

During June 1966, Williams ceased his "Radio Free Dixie" broadcasts from Havana and went to China, claiming dissatisfaction with the Cuban regime because it barred him from opening an information office for his movement and because phonograph records and other material sent to him from outside Cuba for his broadcasts were stolen from the Cuban post office and even from Cuban Foreign Ministry diplomatic pouches. In addition, one issue of *The Crusader* was forged and contained anti-Chinese statements; also, $1,550 he sent to sympathizers in New York never reached them. Further, the Cuban government barred his accepting a speaking invitation in Sweden. Williams' other charges were that he was forced to use "only the progressively weaker long-wave facilities of Radio Progresso" instead of the shortwave Havana Radio; that a promise of $200 a month to buy records and publications for his broadcasts was not kept; that his wife was not allowed to go to Canada, and that the Cuban authorities had refused to investigate his charges. But the biggest reason for transferring his base of operations, said Williams (in the August 12, 1966 issue of *Peking Review*) was Cuba's anti-Negro racism: "We Afro-American revolutionaries have discovered that some so-called socialists, we thought to be our comrades and class brothers, have joined the international Ku Klux Klan fraternity for white supremacy world domination. To our consternation, we have discovered that the bourgeois-oriented power structure of some socialist states, even one with a black and white population, would prefer to preserve the white reactionary anti-communist power structure in racist America, their natural enemy, than to see a just, democratic fraternal socialist state brought about by the revolutionary action of oppressed blacks that would serve the best interests of all people of all races."

From then on, Williams' newsletter appeared at regular intervals with the imprimatur "Printed in China as a Personal Journal." One of his first new slogans from Peking was the following: "The most noble cry to come out of racist America since the Boston Tea Party is the cry: Burn Baby Burn. It is a good starter for more than just fires. It is a point of origin for a mighty revolutionary process . . . Yes, Burn Baby Burn, like the Boston Tea Party, is a good point of origin but in the final analysis the brutal oppressor must go and the cry Kill Baby Kill must prevail." Williams even offered one of his own recipes: "Try the new sensational, Black Power Cocktail. Mix the Best! Gasoline, a little burnt thick motor oil and a dash of petroleum jelly. Catches on like napalm. Shake well before serving."

The nation's press again took notice of Williams in March 1968, when Milton Henry (then chairman of the Malcolm X Society) announced the formation of the Republic of New Africa (see *Combat*, Sept. 1, 1968; April 15, 1969). Williams was elected President of RNA at this founding convention of the National Black Government Conference.

With this announcement, serious work began to arrange for Williams' return to the U.S. In June 1968, Williams took the first step on his trip back: he visited Dar Es Salaam, Tanzania, where he met with Milton Henry and his brother, Imari, and Mae Mallory, who had flown to Tanzania. In addition to political meetings, Williams found time for a ten-day, 1500-mile motorcycle tour down to Zambia. He said he undertook the trip to test his stamina, to inspire black youth to a greater sense of exploration and to see seldom-visited villages of Africa. (Williams had traveled to Tanzania with his wife, Mabel, on Chinese alien travel documents, having been without a U.S. passport since his flight from America in 1961.) In October 1968 Williams wound up his visit and returned to Peking. Curiously, before Williams boarded a ship in Dar Es Salaam for the return to Red China, an official of the U.S. Embassy presented him with a new American passport.

Back in China, Williams began publishing *The Crusader* again and started to include some of his revolutionary poetry. In one issue (May 1968) he gave his own lyrics to the "Star Spangled Banner": "Burn baby we must, insurrection is just,/And this be our cry: 'In Guns is our trust.'/And our glorious new flag in triumph shall wave/O'er a Black people free, never more to be slave!"

The official announcement of Williams' return came from Milton Henry on August 23, 1969 in Washington, D.C., at a four-day "legislative conference" of the Republic of New Africa. But Williams' return was delayed just a bit: arriving in London via Cairo on September 6, Williams was stopped by British immigration authorities and taken to Pentonville Prison, because Trans World Airlines refused him passage, saying that the airline had "concluded that his presence aboard our aircraft both in the air and upon his arrival at a United States destination would be inimical to the best interests of T.W.A. and its passengers."

Five days later, TWA announced it would transport Williams back to the United States via a special flight (only passengers: Williams and his attorney, Milton Henry).

Williams arrived in Detroit on September 12 and the New York *Times* reported the historic event on page 1 and devoted an entire "Man in the News" column to him, never once mentioning his philosophy of terrorism; to the *Times*, he was just a "Pioneer Black Militant." As soon as he stepped off the plane, Williams was arrested by Federal authorities on a fugitive warrant issued by North Carolina and then released on $1,000 bail. Local officials in Detroit took him into custody and Williams appeared in the Common Pleas Court where the warrant was reviewed and he was released on a $10,000 personal recognizance bond.

"War" to Robert Franklin Williams means, in the words of RAM's underground newspaper, *Afro World*, that "We must vow to meet violence with violence, 'an eye for an eye and a tooth for a tooth,' filling the Mighty White American cities with White American blood; leaving not a building standing in their pure, white, Christian land 'till we can walk in dignity with our black brothers and sisters of the earth.' "

The Crusader carries specific instructions for causing havoc and destruction. One of the most detailed plans appeared in the September–October 1967, issue:

"A united, well organized, armed and trained Black America is a potential force to be reckoned with in its own right. . . . A precision-type guerrilla warfare is the prerequisite for the black man's survival and liberation in racist America. Such a campaign must be well organized and coordinated. There must be a vast network of communication and central planning. No matter how primitive, black freedom fighters must establish their own coded and clandestine communications system. There must be central planning and a national supreme command. Afro-American revolutionary forces must create a top-notch agency. This agency must be responsible for the establishment of an efficient and extensive intelligence network. It must infiltrate the armed forces, the National Guard, the police, the FBI, the CIA, public utility services and all political groups, right, center and left. The power structure's facilities must be utilized to advance the cause of Afro-American liberation. . . . The most aggressive and irrepressible arm of the over-all organization would be the fire teams. . . . The mission of these thousands of active teams would be setting strategic fires. They could render America's cities and countryside impotent. They could travel from city to city placing lighted candles covered with large paper bags, allowing enough air at the bottom to allow the flame to burn until it burned to dry leaves and grass, thus devastating the forests. . . . The fire teams roving in automobiles would find unguarded rural objectives even more accessible. A few teams could start miles and miles of fires from one city to another. The psychological impact would be tremendous. By day the billowing smoke would be seen for miles. By night the entire sky would reflect the holocaust and emit a feeling of impending doom. . . ."

THE NEW LEFT—HEIRS OF THE GUILLOTINE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. RARICK. Mr. Speaker, in a thought provoking address delivered at King's College, New York, last week, Mr. Jeffrey St. John, a prominent member of the Conservative Party, seems to have put his finger squarely on the New Left and its role in history.

Students of history have long understood the relative roles of the American Revolution and the bloody French Revolution which followed within a few years. Mr. St. John accurately sums up the difference—the founders of our Nation were capable of building, and did build, while the French Revolution was capable only of destruction, destroying finally its revolution.

The New Left offers nothing but destruction. It is totally incapable of anything constructive, has no ideas but nihilism and anarchy, and from this bankruptcy can produce only violence. It, too, will consume itself, but only after innocent blood has been shed in more cities than Chicago.

I commend Mr. St. John's address to the careful attention of all members of this House, and include it in my remarks:

Finishing the Work of the Founders—A Freedom Manifesto for Our Troubled Times

(Speech by Jeffrey St. John based on his book, "Countdown to Chaos: Chicago 1968," published by Nash Publishing Corp., Los Angeles, given on October 21, 1969, King's College, Briarcliff Manor, N.Y.)

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"Historians will differ," wrote former New York Times correspondent and author Arthur Krock, "on whether the political philosophy and the military economic direction of any nation has changed more fundamentally than those of the United States in a comparable period of time, 1933–1967. But as an eye witness to governmental and other public action throughout these years, I have formed the opinion that the United States merits the distinction of having discarded its past and meaning in one of the briefest spans of modern history."

Can a nation, having discarded its past and its meaning, escape the consequences of such an act? The violence, lawlessness, and social disruption that has engulfed the nation in recent years suggest it cannot. When a country cuts itself off from its historical experience and the principles that allowed it to flourish, it is like a giant ocean liner on a dark fog-bound sea without a philosophical rudder or radar to guide it. And almost no one today denies that somehow two hundred years after the signing of the Declaration of Independence we have lost our sense of direction and bold daring as a nation.

We began, as most of us know, with a profound sense of direction, provided by perhaps the most remarkable group of men to ever come together in one given period of history. What would our Founding Fathers say of those individuals and groups today who initiate violence for political ends and ignore the principles upon which our laws and our Constitution are based?

First, the Founders might compare today's New Left radicals not with themselves but with the radicals of the late eighteenth century who precipitated the French Revolution. The Founders might point out that while they supported the aim of the revolution in France, it failed in its promise of freedom because French radicals—like today's New Left—knew only how to destroy, not how to build.

America's revolutionaries of 1776 constructed a system that was responsible for one of the most remarkable social, political, and economic revolutions in the history of mankind. This is the legacy left to America by a small band of brilliant men. The French radicals left their people a Napoleonic dictatorship. Many scholars see France's constant turmoil in the nineteenth and twentieth centuries as directly traceable to the failure of the French Revolution.

Second, the Founders might conclude with horror and disappointment that the actions of the New Left, given its premises and philosophy, could, if unopposed, destroy the free political, social, and economic system that the American Revolution had made possible.

But why is it that our nation now finds its institutions under violent attack and its streets and college campuses virtual battlegrounds after so brilliant a beginning?

THE INTERRUPTED REVOLUTION

The American Revolution of 1776 is an interrupted revolution. After 150 years of living close to the Founders' philosophy we gradually drifted from the main tributary of our beginning and traditions.

The social and political system inherent in the Declaration of Independence and the United States Constitution provided the freedom for every man to be the founder of his own fortune. And this system created the geographical unity for trade and cooperation among the states of the union. Such freedom and unity developed the climate necessary for the unprecedented burst of creative energies that culminated in the countless mechanical inventions and industries of nineteenth-century America, which formed the foundation for today's Technological Revolution with its resulting material abundance and affluence. Thus, our material wealth today is the direct result of the events of the nineteenth century which were made possible by the freedom won in the revolution of 1776.

In a profound, affirmative way, the Founders studied the past and all the lessons it offered, and constructed an original, uniquely American, free social and political system. The Founders also looked deeply into the nature of human beings and sought to harmonize their thinking with the natural state of men and women. The Founders came to the conclusion that the natural state of man was to be free and that he had within him the potential to act responsibly if offered a set of principles and a philosophy.

What is staggering about this achievement is that such a benevolent outlook toward man had never before been professed, let alone expressed in a workable, concrete social system. Men like Thomas Jefferson fought hard to extend this principle to all men, meaning the abolition of slavery. But in a mood of compromise the Founders defaulted on the issue of slavery, which would only be corrected with the great Civil War of 1860. This lethal compromise illustrates that the deeds of the dead often have a hold on the living, and to compromise on basic principles is to invite disaster at a later date.

In the same year that the Declaration of Independence was signed, Adam Smith first published his work on free economics, *The Wealth of Nations*. Like the Founders, Smith drew on centuries of historical experience in arriving at certain theoretical principles concerning free economics. His work had a profound influence on the Founders. Later, in 1789, the framers of the U.S. Constitution drew major inspiration from Smith—Thomas Jefferson praised *The Wealth of Nations* for its "sheer genius." In the same decade, the 1770's, another momentous event occurred: the invention by Watt of the first workable and salable steam engine.

Thus, in one decade, the Founders laid the political and social foundation for the Industrial Revolution of the nineteenth century; Smith's *The Wealth of Nations* laid the theoretical economic foundation, that is, the practical principles to guide men of productive genius; and James Watt's invention of the steam engine laid the physical foundation, for steam engines later became locomotives, which made possible the railroads of the world—uniting people, nations, and even continents.

Yet in the midst of all these unprecedented and breathtaking material and intellectual achievements, in the nineteenth century, there began to rise just prior to the U.S. Civil War, a group of intellectuals in America who felt left out and unrewarded by the then newly emerging industrial era. Holding a philosophy that stood for collectivism and state control of the lives of the American people and the means of economic production, such men and women stood as a counter-revolutionary force to those principles of the Founders that set forth a belief in individualism and limiting the power of the state. These intellectuals, many of them Marxists and Socialists, sought to smear and distort the achievements of the Founding Fathers and the industrial and inventive geniuses of the nineteenth century.

Eventually, the attempt to interrupt and subvert the achievements of the revolutions of the eighteenth and nineteenth centuries in America climaxed in the election of the Franklin D. Roosevelt New Deal in 1933. Just as the influences the Founders set into motion in 1776 did not find their greatest fulfillment until decades later, so the efforts of America's counter-revolutionaries begun in the nineteenth century did not come into concrete political form until 1933.

ROOSEVELT'S COUNTER-REVOLUTION

The New Deal was said to have been a necessary response to the Great Depression—which was allegedly caused by the collapse of the free economic system.

However, the Great Depression of the 1930's was the direct result of attempts by government to control freedom. Between 1865 and 1933 intellectuals influenced certain political leaders to correct abuses and "monopolies" caused by Big Business and the private economic system. But those monopolies arose because city, state, and federal governments used their power to *close out competition* for the advantage of politically influential businessmen. Each government-imposed "correction" of abuses undercut the natural working of free economics, making the situation much worse until by the late 1920's the private economic sector collapsed in a monetary crisis under the burden of government controls.

Instead of removing these life-bleeding controls and restraints on freedom, the Roosevelt New Deal added still more government controls. When spending schemes did not cure the Great Depression, but only drugged it, Roosevelt turned to the oldest solution known to men and nations: he began gearing American industry for war. In doing so he committed a former free economy, which profited more from peace than from war, to a warfare and welfare state economy.

In no small measure, the distortion of our economic and political life that began under FDR made possible the violence and upheavals of the 1960's. The machinery of government, built over the decades since the Thirties, is breaking down under its own deficiencies and gargantuan size. Professor Peter Drucker of New York University has observed:

"Modern government has become ungovernable. There is no government today that can claim control of its bureaucracy and of its various agencies. . . . This is a threat to the basic capacity of government to give direction and leadership."

Since FDR's counter-revolution against the principles of 1776 and 1789, our nation has tried to straddle the principles of both revolutions: the 1776 Revolution's principles of rights and limited government, and the 1933 revolution's principles of growing government that often leads to the violation of individual rights. Neither an individual nor a nation can serve two masters, as Abraham Lincoln stated (in a different context) in his House Divided speech of June 16, 1858:

"A house divided against itself cannot stand. I do not expect the house to fall but I do expect it will cease to be divided. It will become all one thing or all another."

So it is with the United States: divided between the force of government and the struggle for individual freedom, it will become all one thing, or all the other. The violence, anarchy, and social discord of the 1960's exemplify the inability of the American Republic to remain divided—and, equally, the incapacity of the government to properly give direction and leadership.

In the cities of our nation this breakdown has made possible the rise of radical political elements who seize upon the government's inability to provide promised social services and firm leadership to assault violently the entire social and political system and the principles of the Founders.

Criticism that government is a danger, heard in the past only from more conservative circles, now transcends political party lines. Therefore, given the admission by many that the principles and programs of the New Deal are unworkable or have collapsed, what choices are left open to Americans in the second half of this century?

There are three choices. One: We can submit to the forces of the New Left who have made it clear that their solutions to our mounting problems are not less government, but more—going beyond Franklin Roosevelt's program in the vain hope of curing the very problems government helped create.

Two: We can seek to bring government under control and make it more manageable—streamlining government agencies, cutting waste and duplication, and keeping a tight check on spending schemes.

The third choice is that we can turn toward a truly free enterprise system through an "Era of Reform and Repeal," step by step ridding ourselves of those programs, policies, and ideas that have ended in impoverishing the poor and prosperous alike. We can appeal those programs instituted by government and the counter-revolutionaries that contribute to the violation of individual rights and deny the spirit and letter of the U.S. Constitution and Declaration of Independence. It is because we have broken with these moral and philosophical covenants that we are paying a heavy price in mounting chaos.

For those Americans who cherish freedom, the third course of action is the only avenue left open. An "Era of Reform and Repeal" would mean removing the restraints that force freedom into a series of retreats, that progressively creates dependency, and limits the choice of the individual. And individual choice is what *you* and other college students across the nation are seeking, and what adults are accused of frustrating.

1976—FOCAL POINT FOR A FREE FUTURE

The distinguished author John Dos Passos observed that the problem "is whether we can improvise a workable program fast enough to reverse the trends toward disintegration and anarchy. The time for generalities is past," he stated. "Someone must present a practical chart for the future which will restore to the American people a sense of direction."

In 1976 we will celebrate the two-hundredth anniversary of the signing of the Declaration of Independence. The bicentennial year honors the achievements of a handful of brilliant minds that gave a new nation a sense of dynamic direction and purpose. It was a beginning that laid the foundation for the most remarkable social, political, and material revolution in mankind's history. This two-hundred-year period may rightfully be called "The Era of the Triple Revolutions"—the American Revolution, the Industrial Revolution, and today's Technological Revolution.

As we near 1976, radical political forces in our society would take us further away from those founding principles by offering more of the extreme political philosophy of government force. The New Left programs have already demonstrated their weaknesses, including a propensity to multiply rather than solve our nation's problems. As Dos Passos also observed, our current crisis indicates that "we suffer from an essential shoddiness of much of the philosophy which underlay the New Deal . . . the Liberal approach to human problems has reached a dead end."

You on our college campuses and the young in our cities who are opposed to the violence of the New Left are without a rallying point and, most important, without the ammunition with which to answer the attacks on the American system. The New Left can only inflict further damage on our democratic republic if they continue to be unopposed because you who cherish the American tradition do not have a more clearly held alternative.

It is one thing to suppress violence by law. It is more difficult to remove the deeper causes from which anarchy, violence, and disruption flow.

Therefore you must arm yourselves with the philosophical and historical roots of the American system. By this, I mean the philosophical and political programs of the Founders must be clearly understood. This is your ammunition against the forces of the New Left which seek to destroy the very foundations of the Republic. It is your battle cry, it is a great American anthem that largely goes unsung because it is not understood. You cannot learn to play an instrument if you do not first know how to read music, and so it is true historically. To finish what the Founders began we must know what are their principles that form the foundation for the most original, the most unique, the truly most revolutionary program in the entire history of Western man. These are your tools with which to fight the totalitarians of modern times.

As I pointed out at the beginning of my talk, we are like a large, magnificent ocean-liner without a philosophical or moral rudder. And because of the renunciation of our nation's founding principles and its constructive past we are now engulfed in the irrationality and lawlessness all around us.

THE REAL REVOLUTIONARIES

Americans who recoil in righteousness and rightful anger at force, violence, and flight from freedom such actions portend, must not sit back and either lament such actions or give lip service to documents like the U.S. Constitution and the Declaration of Independence. As great as they are in enunciating the principles of freedom, they are only as strong as the honesty and integrity of the men and women who use them, interpret them, and defend them. When a nation's citizens lose sight of a document's meaning, it loses all its moral or actual power, and force fills the place where once freedom stood supreme.

America needs a Freedom Manifesto in these troubled times, and a new and dynamic leadership that will help thoughtful and concerned Americans rediscover the ideals, philosophy, and political program of the Founding Fathers. This does not mean "going back," for the philosophy of the Founders is a philosophy for all ages and for all seasons—born of struggle, tempered by time's experience, and tested in the laboratory of life. The universality of the Founders' philosophy is richly reflected in its influence not only on Americans and on our nation, but on the very outposts of the civilized world.

The Founders of America were the only real revolutionaries of the last two hundred years; all other revolutionaries were pretenders because what they sought was power over people. Understanding the evils that even well-meaning men in power could inflict on their fellow countrymen, the Founders sought not power over people but the unleashing of the power within the individual.

We shall overcome our troubled times if we but have the will and the intelligence to shape a realistic manifesto that reflects the principles, the hopes, and the highest expectations of our Founding Fathers—finishing what they so nobly began.

As young Americans this is your task. The philosophical and political program of the Founders remains unfinished because many adults have discarded it. Pick up this noble fallen standard of liberty, law, and the philosophy of reason. It is your intellectual arsenal, it is your inheritance, and it is your true revolutionary role for the future.

RETARDED SCOUTS HELPED BY BOYS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. EILBERG. Mr. Speaker, we have frequently heard of the benefits of the Boy Scout movement. I think that most people do not realize that scouting is innovating all the time.

A remarkable new experiment in the country is taking place in my own district in the largest mental hospital in the State.

About 1 year ago, as chairman of the Frontier District, Philadelphia Boy Scouts of America, and as Congressman of the district, I presented a charter to the director of the hospital, Dr. Daniel Blain. Dr. Blain is without a doubt one of the foremost men in his field in America today. It is a tribute to him that he would encourage scouting among his patients in the hospital.

I think it of great interest to provide a report on what has been happening as reported in the Philadelphia Evening Bulletin, Thursday, October 23, 1969, as follows:

[From the Evening Bulletin, Oct. 23, 1969]

Retarded Scouts Helped by Boys

(By Ben McElveen)

Boys serve as "sort of Big Brothers" to retarded adult males in an experimental Boy Scout Troop at Philadelphia State Hospital at Byberry, where a weekend work camp starts Friday.

Mrs. Dorothy Zuckerkandel, a hospital staff member, explained yesterday "it's the first scout troop for mentally retarded adult males at a state hospital in Pennsylvania."

The members of Boy Scout Troop 760 are retarded men from 30 to 60. Several other regular Boy Scout Troops serve as "helpmates" for the adult scouts.

But, Mrs. Zuckerkandel said, "these men were originally being undersold and no one anticipated as much response as they are getting.

"Nobody really knew how much they could do over a year ago when the troop was formed," she said. "But we've found they are a great deal more receptive and capable of doing far more in such a project that they really enjoy."

MEET WEEKLY

The adult scouts meet weekly in three separate patrols at the hospital, located on Roosevelt blvd. at Southampton road.

The men learn regular scouting skills such as rope tieing, outdoor activities and arts and crafts. "They have their own uniforms and are really thrilled about that," Mrs. Zuckerkandel said.

The troop was formed in February, 1968, when a charter for the new troop was presented by U.S. Rep. Joshua Eilberg (D-Pa) to Dr. Daniel Blain, director of the hospital.

"When they were first chartered," Mrs. Zuckerkandel said, "each of the new men scouts recited a different portion of the scout oath. It gave them all a chance to participate."

TROOP HAS FLAG

She said there are currently about 15 retarded adult males in the troop. Richard Delaney is scoutmaster and William Spencer and Brad Storey are both assistant scoutmasters.

"The troop now has its own flag for Troop 760," she added.

The troop has participated in various parades, taken part in good deed projects and served to help paint-up and fix-up the hospital.

Meanwhile, some 100 Boy Scouts and their leaders are expected to join with this troop during the third weekend work camp of "good turn" projects this weekend.

The scouts will join in recreation programs, display scouting skills and take part in campfire activities at the hospital.

CAMPFIRE PLANNED

A highlight of the Saturday campfire will be the investiture of Byberry's own Troop 760 of male retardates, who will receive merit badges in a court of honor.

Serving as "buddies" will be Troop 341 of Pennypack District, whose scoutmaster is Leonard Picar of Brighton st.

Patients and staff from the hospital's North and East units will work with the scouts. Among the "good turn" projects will be the development of a fish pond, bulb planting and bench repairs.

Other troops participating in the scouting workshop and their scoutmasters are Troop 240, Pennypack District, Charles Pirring, E. Steinbest st.; Troop 33, Edge Hill and Valley Forge, Donald Kelley, Laverock rd., Glenside; Troop 394, Frontier District, Alfred Clark, Emerson st.; Troop 117, Pennsbury, Bob Paff, Levittown, and Troop 254, Pennypack, Lou Flade, Welsh rd.

PROFESSOR WARNS OF PARENTAL ANGER ON SEX EDUCATION

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. CUNNINGHAM. Mr. Speaker, I recently introduced a bill which would prohibit the use of Federal funds in sex education programs unless there was approval by the local school board.

Dr. Rhoda L. Lorand, an adjunct associate professor at Long Island University, was in Washington last week and voiced her concern over the way sex education is being handled in the United States.

In an article in the Sunday Washington Star, Dr. Lorand said she feels many of the advanced sex education programs are simply "too much too soon." She told Star reporter David Braaten:

> We've got to put a stop to it before the bitterness and suspicion of the parents brings a reaction that will sweep away all sex education.

Mr. Speaker, there is merit in what Dr. Lorand has to say and before we allow Federal funds to be spent in such a manner, let us take a very close look at the programs involved. Better still, let us pass the bill I have introduced and have those at the local level decide what type of program they should have.

I urge each of my colleagues to spend a few minutes in reading Dr. Lorand's observations.

The article follows:

Professor Warns of Parental Anger on Sex Education

(By David Braaten)

Parental outrage at the way sex education is being handled may sweep the entire subject out of the public schools, a child psychologist warned yesterday.

Dr. Rhoda L. Lorand, an adjunct associate professor at Long Island University, voiced her concern in an interview during a visit to Washington.

The parents' revolt is a grass-roots movement, Dr. Lorand said. The fact that critics of the sex education programs include some political right-wingers is used to intimidate liberals, she said, and allows proponents to avoid arguing the case on its merits.

Things are fast reaching the point where some parents won't trust the schools to teach anything, so angry are they at the sex-education programs. The attitude of some school administrators, who shrug off honest criticism and ridicule all critics, doesn't help the situation, Dr. Lorand said.

WOULD HAVE MORATORIUM

Her suggested solution is a complete moratorium on sex education, for as long as is necessary to determine exactly what kind of program parents are willing to accept. It wouldn't do children any harm to go without sex education for a year while the issue is thrashed out, she said.

Dr. Lorand makes no secret of her position. She thinks many of the advanced sex-education programs are simply "too much too soon."

Teaching third- and fourth-graders the details of sexual intercourse, complete with diagrams and colored slides, can do serious harm to children, she believes.

"But even assuming it's a good program, you can't help a 7- or 8-year-old child with information that the parents aren't ready for them to have," said Dr. Lorand. "We've got to put a stop to it, before the bitterness and suspicion of the parents brings a reaction that will sweep away all sex education."

MIXED CLASSES OBJECTED TO

A particular target of Dr. Lorand's criticism of modern programs is the use of mixed classes for sex lectures. Little girls, she said, are especially shy and sensitive about the changes that puberty brings, and the last thing they need is to have them discussed in front of boys.

Dr. Lorand believes in a certain amount of sex education—in the fifth or sixth grade, and with separate classes for boys and girls—but deplores the explicit, detailed information on intercourse that is being given in some of the more ambitious programs.

Part of the trouble, Dr. Lorand feels, is that sex education has become a multi-million-dollar industry, involving lucrative publishing contracts, consultant fees, audio-visual aids and government and foundation grants. The advocates of sex education often have a vested interest in entrenching and expanding the programs, she feels.

Dr. Lorand has written a book herself, "Love, Sex and the Teen-Ager," but she disapproves of its use in classroom discussion. Almost any sex question that troubles a school-age child could be answered by having the right kind of books available for library use, plus a guidance counselor to explain whatever remains unclear, she said.

Summing up her critique of the leading champion of more sex education, the official-sounding but private organization called Sex Information and Education Council of the United States, Dr. Lorand said: "Their trouble is, they don't understand sex, they don't understand children and they don't understand the parent-child relationship."

OPERATIONAL INTERCEPT SUCCESSFUL

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1969

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the San Diego Union, Oct. 19, 1969]

Mexico Cooperation Pledged: Operation Intercept Successful

A cautious assessment of the results of Operation Intercept shows the dramatic effort to stem the flow of illicit drugs and narcotics into the United States is on the road to success.

Its success is not to be measured only in kilograms of contraband seized at the border nor in the number of arrests of would-be smugglers during three weeks of intensive surveillance at ports of entry.

Nor should the appraisal be affected by the unpleasant but inevitable side-effects of the operation—the toll in depressed business activity on both sides of the border, and the strain on tempers of those subjected to long delays and searches.

The real measure of the effectiveness of Operation Intercept, which now is included in the new Operation Cooperation program, is what it accomplished in the broad framework of America's serious drug problem.

A direct and conspicuous accomplishment is that the United States and Mexico now stand on a higher plateau of understanding and cooperation in facing those aspects of the drug problem which affect both nations.

The decision to scale down the intensity of surveillance at our border stations rests on Mexico's pledge to intensify its own law enforcement efforts against production and transportation of drugs. The Mexican government already had announced a program of health checks at the border to discourage entry of narcotics users.

Within hours after the new policy was announced, it was reported that Mexican troops had raided an illicit plantation inland from Acapulco and put the torch to $40 million worth of marijuana. It has agreed to roadblocks to stop narcotics on highways 5 and 15.

This is marijuana that will never become contraband at any border station, that will never find its way into the locker of a high school student, that will never lose its effect on innocent lives.

Operation Cooperation also recognizes the responsibility of the United States in helping Mexican authorities weed out an illicit industry supported largely by demand from our country. U.S. foreign aid funds have been earmarked for Mexico to help finance a stepped-up enforcement program below the border.

And implicit in the new policy is that the United States recognizes a need for more strict control over the legal traffic of manufactured drugs from the U.S. suppliers into Mexico, drugs which too easily find their way back into this country as contraband.

What first emerged as a strain on friendly relations with the United States and Mexico has led to a greater acceptance of mutual responsibilitiy in maintaining the basis for that friendship.

Operation Intercept created an atmosphere of emergency along our common boundary. Operation Cooperation emphasizes that the drug problem still is an emergency whose solution requires full-throttle effort.